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FEDERAL REGISTER

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Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Economic Opportunity Office
Farm Credit Administration
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
General Services Administration
Indian Affairs Bureau
Interior Department
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
National Bureau of Standards
Packers and Stockyards Administration
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Small Business Administration
Social and Rehabilitation Service
United States Information Agency

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1969 Issuances

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-SO-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 17, 1968, F.R. Doc. 68-12609 was published in the FEDERAL REGISTER (33 F.R. 15412), amending Part 71 of the Federal Aviation Regulations by designating the Alma, Ga., part-time control zone and transition area.

In the amendment, the effective period of the Alma, Ga., part-time transition area was published as "0600 to 2000 hours, local time daily." The effective period should have been "0600 to 2200 hours, local time daily." It is necessary to amend the FEDERAL REGISTER Document accordingly.

Since this amendment will impose no necessary and action is taken herein additional burden on the public and is required for reasons of safety, notice and public procedure hereon are unto amend the FEDERAL REGISTER Document accordingly.

In consideration of the foregoing, effective immediately, F.R. Doc. 68-12609 is amended as follows:

In line five of the Alma, Ga., part-time transition area description "* * * 0600 to 2000 hours, local time daily * * *" is deleted and "* * * 0600 to 2200 hours, local time daily * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 14, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-2515; Filed, Feb. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Colorado Springs, Colo., control zone.

The Peterson, Colo., VOR is scheduled for decommissioning on May 29, 1969. Since a portion of the Colorado Springs, Colo., control zone is described on the 075°M (087°T) radial of the VOR an editorial change is necessary to eliminate reference to the VOR. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.171 (34 F.R. 4557) the Colorado Springs, Colo., control zone is amended by deleting all after "* * * 6-mile radius zone to the VORTAC."

Effective date. This amendment shall be effective 0901 G.m.t., May 29, 1969.

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-2516; Filed, Feb. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airways

On December 4, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18047) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate the U.S. portion of a segment of VOR Federal airway No. 337 between Windsor, Ontario, Canada, and Saginaw, Mich., and extend VOR Federal airway No. 450 from Muskegon, Mich., to Pompeii, Mich.

Interested people were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

a. V-337 is amended by deleting "12 AGL Windsor" and substituting "12 AGL Windsor; 12 AGL INT Windsor 335° and Saginaw, Mich., 131° radials; 12 AGL Saginaw." therefor.

b. V-450 is amended by deleting "From Muskegon, Mich.," and substituting "From INT Muskegon, Mich., 088° and Lansing, Mich., 358° radials; 12 AGL Muskegon;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; and sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 18, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-2517; Filed, Feb. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68-SO-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 263), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Kosciusko, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 33°05'20" N., long. 89°32'25" W.) for Kosciusko-Attala County Airport was obtained from Coast and Geodetic Survey. Accordingly, it is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

KOSCIUSKO, MISS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kosciusko-Attala County Airport (lat. 33°05'20" N., long. 89°32'25" W.); within 2 miles each side of the 142° and 310° bearings from the Kosciusko RBN (lat. 33°-05'29" N., long. 89°32'25" W.), extending from the 5-mile radius area to 8 miles southeast and northwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 142° and 310° bearings from the Kosciusko RBN, extending from the RBN to 12 miles southeast and northwest; within 5 miles each side of a direct course from the Greenwood, Miss., VORTAC to the Kosciusko RBN, excluding the portion that coincides with V–245 and V–9E.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 18, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69–2518; Filed, Feb. 28, 1969; 8:49 a.m.]

[Airspace Docket No. 69–WA–12]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a new restricted area at Albemarle Sound, N.C., superjacent to restricted area, R–5301B.

The Department of the Navy has requested, as a matter of urgent military necessity, that the ceiling of Restricted Area R–5301B be increased from 5,000 feet MSL to 15,000 feet MSL for the period March 1, 1969, through May 31, 1969, to permit the initiation, pursuance and completion of a classified defense project involving surface-to-air ordnance. The Navy stated that the classification and nature of the activity generating this requirement dictate use of this area only.

Since the Navy has stated that an urgent military need exists to accomplish a classified defense project, the Administrator finds that notice and public procedure are impractical and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended as hereinafter set forth.

Section 73.53 (34 F.R. 4841) is amended by adding the following:

R–5301C, ALBEMARLE SOUND, N.C.

Boundaries: A circular area within a 1½-nautical mile radius centered at lat. 36°05'25" N., long. 76°18'30" W.

Designated altitude. From 5,000 feet MSL to 15,000 feet MSL.

Time of designation. 0800 to 1700 local time, Monday through Friday, March 1, 1969, through May 31, 1969:

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

This amendment becomes effective March 1, 1969, and is adopted under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 26, 1969.

FERRIS J. HOWLAND,
Acting Director,
Air Traffic Service.

[F.R. Doc. 69–2575; Filed, Feb. 28, 1969; 8:52 a.m.]

SUBCHAPTER I—AIRPORTS

[Docket No. 9441; Amdts. 151–30; 153–4]

PART 151—FEDERAL AID TO AIRPORTS

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Exclusive Rights at Airports

The purpose of these amendments is to clarify the policy of the Federal Aviation Administration relating to exclusive rights at airports, as set forth in Parts 151 and 153 of the Federal Aviation Regulations.

On August 31, 1966, the FAA issued Amendment 151–14 to conform § 151.121 with the current policy on exclusive rights, at airports on which sponsors desired assistance under the Federal-aid Airport Program, that were contrary to section 308(a) of the Federal Aviation Act (49 U.S.C. 1349(a)) and the Policy on Exclusive Rights at Airports issued October 25, 1965 (30 F.R. 13661). Later, on April 28, 1967, the FAA issued Amendments 151–18 and 153–2 whose purpose was to further clarify and fully state the intent of the exclusive rights policy by specifically barring exclusive rights at airports thereafter controlled by the sponsor, and requiring termination of exclusive rights at airports thereafter owned or controlled by the sponsor.

However, §§ 151.121 and 153.13(d) still do not accurately reflect the exclusive rights policy. These provisions presently require the termination of existing exclusive rights at the earliest renewal, cancellation, or expiration date applicable to the agreements that established such exclusive rights. The FAA distinguishes between exclusive rights that were contrary to the policy at the time they were granted, and those that were not, by requiring termination at different times. The latter must be terminated at the earliest renewal, cancellation, or expiration date applicable to the agreement that established them, whereas the former must be terminated before any grant offer under the Federal-aid Airport Program, or upon any conveyance affected by Part 153. Therefore, the covenants in §§ 151.121 and 153.13(d) are amended to accurately make the distinction. In view of the changes made by this amendment, the sponsor's certification that there is no exclusive right not subject to termination is unnecessary, and it is deleted.

Since these amendments relate to public grants and benefits, notice and public procedure thereon are not required and they may be made effective upon publication.

In consideration of the foregoing, effective March 1, 1969, Parts 151 and 153 of the Federal Aviation Regulations are amended as follows:

1. By amending § 151.121 to read as follows:

§ 151.121 Procedures: offer; sponsor assurances.

Each sponsor must adopt the following covenant implementing the exclusive rights provisions of section 308(a) of the Federal Aviation Act of 1958, that is incorporated by reference into Part I of the Advance Planning Agreement:

The sponsor—

(a) Will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)) at the airport, or at any other airport now or hereafter owned or controlled by it;

(b) Agrees that, in furtherance of the policy of the FAA under this covenant, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(c) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right; and

(d) Agrees that it will terminate any other exclusive right now existing at such an airport before the grant of any assistance under the Federal Airport Act.

2. By amending paragraph (d) of § 153.13 to read as follows:

§ 153.13 Covenants and reverter clauses in conveyances.

* * * * *

(d) That in furtherance of the policy of the FAA under this covenant the grantee—

(1) Agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(2) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right; and

(3) Agrees that it will terminate forthwith any other exclusive right now or hereafter existing at such an airport;

* * * * *

(Secs. 308(a), 313, Federal Aviation Act of 1958 (49 U.S.C. 1349(a), 1354); Federal Airport Act (49 U.S.C. 1101–1119); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b)(2), regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on February 25, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69–2519; Filed, Feb. 28, 1969; 8:49 a.m.]

SUBCHAPTER O—AIRCRAFT LOAN GUARANTEE PROGRAM

[Docket No. 9442]

PART 199—AIRCRAFT LOAN GUARANTEE PROGRAM

On May 15, 1968, the Secretary of Transportation delegated to the Federal Aviation Administrator, effective June 13, 1968, all functions, powers, and duties of the Secretary under the Act of September 7, 1957, as amended (49 U.S.C. 1324 note), relating to the Government guarantee of private loans to air carriers for the purchase of aircraft and equipment (33 F.R. 8341).

Subsequent to this delegation, a new Part 199 of the Federal Aviation Regulations was adopted by the Administrator dealing with the deviation from the terms of Government guarantee of private loan to air carriers for the purchase of aircraft and equipment. This was the only function left in force under the Act of September 7, 1957, since the authority to guarantee loans under that Act had expired on September 7, 1967.

The most recent development occurred when Public Law 90–568 (82 Stat. 1003), which was approved on October 12, 1968, extended the authority to guarantee loans for an additional 5-year period to end on September 7, 1972.

This revision of Part 199, accordingly, provides procedures for the administration of the aircraft loan guarantee program extended by Public Law 90–568. It also designates the General Counsel of the FAA as the official responsible for administration of the program on behalf of the Administrator. The information submitted under this part shall become available to or shall be withheld from the public in accordance with Part 7 of the Department of Transportation Regulations, particularly § 7.59.

Since this revision relates to Departmental management, procedures, and practices, notice and public procedure thereon are not required, and it may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 199 of the Federal Aviation Regulations is revised, effective March 1, 1969, as hereinafter set forth:

Sec.
199.1 Applicability.
199.3 Applications for Government guarantees.
199.5 Contents of applications.
199.7 Action taken on applications.
199.9 Deviations from the terms of agreements.
199.11 Authority of FAA General Counsel.

AUTHORITY: The provisions of this Part 199 issued under the Act of Sept. 7, 1957, as amended (49 U.S.C. 1324 note; 82 Stat. 1003), secs. 6(a)(3)(A) and 9 of the Department of Transportation Act (49 U.S.C. 1655(a)(3)(A) and 1657), and § 1.4(b)(4) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.4(b)(4)).

§ 199.1 Applicability.

This part applies to applications for aircraft loan guarantees as provided by the Act of September 7, 1957 (49 U.S.C. 1324 note), and as extended by Public Law 90–568 (82 Stat. 1003), and to requests for approval of deviations from the terms of guarantee and loan agreements concluded after September 7, 1957.

§ 199.3 Applications for Government guarantees.

The lender shall make application for an aircraft loan guarantee under this part by filing with the General Counsel of the FAA an original and five copies of Form FAA 2950–1 and Form FAA 2950–2 prepared by the lender and air carrier, respectively, together with an original and five copies of any supporting documents. These forms may be obtained from the General Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590.

§ 199.5 Contents of applications.

Each application for an aircraft loan guarantee under this part must contain the following information:

(a) *Form FAA 2950–1, Application for aircraft loan guarantee to be submitted by the lender.* (1) Name and address of lender.

(2) Name and address of air carrier.

(3) Amount of loan, maturity date, interest rate, purchase price, term of loan (years), and guarantee requested.

(4) Disbursement schedule.

(5) Repayment schedule.

(6) Collateral.

(7) Indication whether lender would grant this loan, or a comparable loan, without Government guarantee.

(8) The lender's name, authorized signature, title, and date.

(b) *Form FAA 2950–2, Statement of carrier in support of application for aircraft loan guarantee.* (1) A list of all banks (or other sources) from which the air carrier has attempted to negotiate a loan during the past year.

(2) Indication whether the air carrier has attempted to obtain equity capital during the past year.

(3) The type, quantity, and cost of equipment to be purchased with the proceeds of this loan.

(4) Name and address of seller(s) of aircraft and major groups of spare parts.

(5) The purchase plan.

(6) Use to be made of new equipment.

(7) Expected financial effect of new equipment on air carrier.

(8) Names of common stockholders controlling, directly or indirectly, more than 5 percent of the stock of both the lender and the air carrier; and

(9) The air carrier's name and authorized signature, title, and date.

§ 199.7 Action taken on applications.

(a) Upon receipt of the application and supporting materials, the Administrator may communicate with the Civil Aeronautics Board and the lenders and air carriers, where necessary, in order to obtain additional or clarifying information before approving or disapproving the application.

(b) The Administrator may approve an application for an aircraft loan guarantee in accordance with the provisions of the Act of September 7, 1957, as amended.

§ 199.9 Deviation from the terms of agreements.

No deviation from the terms of any guarantee and loan agreements made after September 7, 1957, may be made without the prior approval by the Administrator. An original and four copies of requests for such approval, and an original and four copies of any supporting documents, shall be filed with the General Counsel of the FAA.

§ 199.11 Authority of FAA General Counsel.

The functions of the Administrator under §§ 199.7 and 199.9 are exercised by the General Counsel of the FAA.

Issued in Washington, D.C., on February 25, 1969.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69–2520; Filed, Feb. 28, 1969; 8:49 a.m.]

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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1490]

PART 13—PROHIBITED TRADE PRACTICES

Sanitary Carpet and Rug Cleaning Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act; § 13.155 *Prices:* 13.155.40 Exaggerated as regular and customary; 13.155–70 Percentage savings. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Sanitary Carpet and Rug Cleaning Co., Inc., trading as Carpetland et al., Rockville, Md., Docket C-1490, Feb. 3, 1969]

In the Matter of Sanitary Carpet and Rug Cleaning Co., Inc., a Corporation, Trading and Doing Business as Carpetland, and Aram Sakayan and Edward Turmanian, Individually and as Officers of Said Corporation, and George Sakayan, Individually and as General Manager of Said Corporation

Consent order requiring a Rockville, Md., seller of rugs and carpets to cease misbranding, falsely advertising, and deceptively pricing its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sanitary Carpet and Rug Cleaning Co., Inc., a corporation, trading and doing business as Carpetland, or under any other name, and its officers, and Aram Sakayan and Edward Turmanian, individually and as officers of said corporation, and George Sakayan, individually and as general manager of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling, or padding, when such is the case.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile, or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents Sanitary Carpet and Rug Cleaning Co., Inc., a corporation, trading and doing business as Carpetland, or under any other name, and its officers, and Aram Sakayan and Edward Turmanian, individually and as officers of said corporation, and George Sakayan, individually and as general manager of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting, rugs, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Reg." or any other word or words of similar import or meaning, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business, or otherwise misrepresenting the price at which such merchandise has been sold or offered for sale by respondents.

2. Using the word "Save", or any other word or words of similar import or meaning, in conjunction with a stated percentage, fraction, dollar, or other amount of savings: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the stated amount of savings actually represents the difference between the offering price and the actual bona fide price at which such merchandise has been sold or offered for sale on a regular basis to the public by respondents for a reasonably substantial period of time in the recent, regular course of their business.

3. Using the words "Warehouse Sale," "Sale price," or any other term or words of similar import or meaning, in conjunction with any stated price or prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that their prices for the merchandise so advertised have been substantially reduced below respondents' usual selling prices, or the prices at which such merchandise has been offered for sale in good faith by respondents during the recent, regular course of their business.

4. Using the words "Special Purchase Sale" or any other term or words of similar import or meaning, either alone or in conjunction with an offering price: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the offering price during said sale is a substantial reduction from the price usually and customarily paid by respondents for the same merchandise, and purchasers are thereby afforded bona fide savings from respondents' usual and customary retail prices for such merchandise.

5. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise, or misrepresenting in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

6. Representing, through advertisements or in any other manner, that sponge rubber padding will be installed with respondents' rugs or carpeting unless such padding is, in fact, installed in every instance as represented, or misrepresenting, in any manner the nature or type of padding sold or installed by respondents.

7. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 3, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2486; Filed, Feb. 28, 1969; 8:46 a.m.]

[Docket No. C-1491]

PART 13—PROHIBITED TRADE PRACTICES

Zwerdling-Gold, Inc., et al.

Subpart: Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Zwerdling-Gold, Inc., et al., New York, N.Y., Docket C-1491, Feb. 5, 1969]

In the Matter of Zwerdling-Gold, Inc., a Corporation, and Leo Zwerdling and Harry Gold, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Zwerdling-Gold, Inc., a corporation, and its officers and Leo Zwerdling and Harry Gold, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Zwerdling-Gold, Inc., a corporation, and its officers, and Leo Zwerdling and Harry Gold, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 5, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2487; Filed, Feb. 28, 1969; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 501—APPOINTMENT OF FOREIGN SERVICE INFORMATION OFFICERS

Chapter V of Title 22 CFR is amended by adding a new part as follows:

Sec.
501.1 Policy.
501.2 Eligibility for appointment as FSIO.
501.3 Appointment of FSIO as chief of mission.
501.4 Noncompetitive interchange between Civil Service and Foreign Service.
501.5 Appointment to Class 7 or 8.
501.6 Written examination.
501.7 Oral examination.
501.8 Medical examination.
501.9 Certification for appointment.
501.10 Leave-without-pay appointments.
501.11 Termination of eligibility.
501.12 Travel expenses of candidates.
501.13 Lateral entry appointment of Foreign Service information officers to Classes 1 through 6.

AUTHORITY: The provisions of this Part 501 issued under 22 U.S.C. 1221 et seq.; Public Law 90-494 of Aug. 20, 1968; E.O. 11434 of Nov. 8, 1968 (33 F.R. 16485).

§ 501.1 Policy.

It is the policy of the U.S. Information Agency that Foreign Service information officers occupy positions in which there is a need and reasonable opportunity for interchangeability of personnel between the Agency and posts abroad, and which are concerned with (a) the conduct, observation, or analysis of information and cultural activities, or (b) the executive management of, or administrative responsibility for, the overseas operations of the Agency's program.

§ 501.2 Eligibility for appointment as FSIO.

(a) Pursuant to Public Law 90-494 and section 511 of the Foreign Service Act of 1946, as amended, all Foreign Service information officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service information officer unless he has demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution, and unless he has been a citizen of the United States for at least 10 years and, if married, is married to a citizen of the United States. The religion, race, sex, and political affiliations of a candidate will not be considered in designations, examinations, or certifications.

(b) Notwithstanding the provisions of 5 U.S.C. 3320 the fact that any applicant is a veteran or disabled veteran, as defined in 5 U.S.C. 2108 (1) or (2) will be taken into consideration as an affirmative factor in the selection of applicants for initial appointment as Foreign Service information officers.

§ 501.3 Appointment of FSIO as chief of mission.

(a) *Appointment by President.* Chiefs of mission are appointed by the President, by and with the advice and consent of the Senate. They may be career members of the Foreign Service or they may be appointed from outside the Service.

(b) *Recommendation of Foreign Service information officers.* On the basis of recommendations made by the Board of the Foreign Service and the Director of USIA, the Secretary of State from time to time furnishes the President with the names of Foreign Service information officers qualified for appointment as chiefs of mission. The names of these officers, together with pertinent information concerning them, are given to the President to assist him in selecting qualified candidates for appointment as chiefs of mission.

(c) *Status of Foreign Service information officers appointed as chiefs of mission.* Foreign Service information officers who are appointed as chiefs of mission retain their status as Foreign Service information officers.

§ 501.4 Noncompetitive interchange between Civil Service and Foreign Service.

(a) An agreement between the Civil Service Commission and the Agency under the provisions of Executive Order 11219 (3 CFR 1964–65 Comp. p. 303) provides for the noncompetitive appointment of present or former career or career-conditional Civil Service employees in the Foreign Service.

(b) Under this agreement former career personnel of the Agency's Foreign Service (FSCR, FSIO, or FSS), and such present personnel desiring to transfer, are eligible, under certain conditions, for noncompetitive career or career-conditional appointment in any Federal agency that desires to appoint them. The President has authorized the Civil Service Commission by Executive order to waive the requirement for competitive examination and appointment for such Agency career Foreign Service personnel.

(c) In order to provide a comparable basis for the appointment of career or career-conditional Civil Service employees in the Foreign Service, the Agency has agreed to waive written test requirements under certain conditions for career or unlimited appointment to the Foreign Service Staff Corps and to credit service under a Civil Service career type appointment toward the probationary period in the Staff Corps.

(d) In addition, the agreement recognizes the current provisions of the Foreign Service Act as a basis for the lateral entry appointment of present or former Civil Service personnel as Foreign Service information officers.

§ 501.5 Appointment to Class 7 or 8.

Appointment as a Foreign Service information officer of class 8, or of class 7, is governed by §§ 501.6—501.12.

§ 501.6 Written examination.

(a) *When and where given.* The written examination will usually be given annually in designated cities in the United States and at Foreign Service posts abroad on dates established by the Board of Examiners for the Foreign Service. Applicants must indicate in their applications whether they are applying for appointment as an FSO with the Department of State or for appointment as an FSIO with the United States Information Agency.

(b) *Designation to take the written examination.* No person will be permitted to take a written examination for appointment as Foreign Service information officer who has not been specifically designated by the Board of Examiners to take that particular examination. Prior to each written examination the Board will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the examination who has not as of that closing date filed an application with the Board. To be designated for the written examination a candidate, as of the date of the examination, shall have been a citizen of the United States for at least 7½ years and shall be at least 21 but under 31 years of age, except that an applicant who has been awarded a bachelor's degree by a college or university, or has completed successfully his junior year at a college or university, may qualify as to age if at least 20 but under 31 years of age.

(c) *Content.* The written examination is designed to permit the Board to test the candidate's intelligence and the breadth and quality of his knowledge and understanding. It will consist of four parts: (1) A general ability test, (2) an English expression test, (3) a general background test, and (4) three special optional tests: Option A—History, Government, Social Sciences, and Public Affairs; Option B—Administration; Option C—Economics and Commerce; one of which must be selected by the candidate except that candidates for the United States Information Agency will take Option A only.

(d) *Grading.* The several parts of the written examination are weighted in accordance with the rules laid down by the Board of Examiners.

§ 501.7 Oral examination.

The Board of Examiners for the Foreign Service has established the following rules regarding the oral examination:

(a) *When and where given.* The oral examination will be given throughout the year at Washington and periodically in selected cities in the United States and at selected Foreign Service posts abroad.

(b) *Eligibility.* If a candidate's weighted average on the four parts of the written examination is 70 or higher, he will be eligible to take the oral examination. Candidates eligible for the oral examination will be given an opportunity and will be required to take the oral examination within 9 months after the date of the written examination. If a candidate fails to present himself for the oral examination on an agreed date within the 9-month period, his candidacy will automatically terminate except that time spent outside the United States and its territories for reasons acceptable to the Board of Examiners will not be counted against the 9-month period.

(c) *Examining process.* The oral examination will be given by a panel of deputy examiners selected by the Board of Examiners from a roster of Foreign Service officers, Foreign Service information officers, officers from the Department of State, the U.S. Information Agency and other Government agencies, and qualified private citizens who by prior service as members of selection boards or through other appropriate activities have demonstrated special qualifications for this work. The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine his competence to perform the work of a Foreign Service information officer at home and abroad, his potential for growth in the Service, and his suitability to serve as a representative of the United States abroad. Panels examining candidates for the Department of State will be chaired by a Foreign Service officer with the Department. Panels examining candidates for the United States Information Agency will be chaired by an officer from the Agency's Foreign Service. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

(d) *Grading.* Candidates appearing for the oral examination will be graded "recommended for class 8," "recommended for class 7," or "not recommended." If recommended, the panel will assign a grade which will determine the candidate's numerical standing on the rank-order register of eligibles.

§ 501.8 Medical examination.

The Board of Examiners for the Foreign Service has established the following rules regarding the medical examination of candidates. (Regulations regarding medical examination of dependents are contained in the Foreign Affairs Manual available at the Department of State and U.S. Information Agency.)

(a) *Eligibility.* A candidate graded "recommended" on the oral examination will be eligible for the physical examination.

(b) *Purpose.* The medical examination is designed to determine the candidate's physical fitness to perform the duties of a Foreign Service information officer on a worldwide basis and to determine the presence of any physical, nervous, or mental disease or defect of such a nature as to make it unlikely that he would become a satisfactory officer. The Executive Director of the Board of Examiners for the Foreign Service, with the concurrence of the Director, Medical Division, may make such exceptions to these physical requirements as are in the interest of the Service. All such exceptions shall be reported to the Board of Examiners for the Foreign Service at its next meeting.

(c) *Conduct of examination.* The medical examination will be conducted either by medical officers of the Armed Forces, the Public Health Service, the Department, accredited colleges and universities, or, with the approval of the Board of Examiners, by private physicians.

(d) *Determination.* The Board of Examiners will determine on the basis of the report of the physician(s) who conducted the medical examination whether the candidate has met the standards set forth in paragraph (b) in this section.

§ 501.9 Certification for appointment.

(a) No person will be certified as eligible for appointment as a Foreign Service information officer of class 8 unless he is at least 21 years of age, has been a citizen of the United States for at least 10 years, and, if married, is married to a citizen of the United States. A person shall be certified as eligible for direct appointment to class 7 if in addition to meeting these specifications he is at least 23 years old and has a record of 2 years of graduate training, employment, military service, or Peace Corps service which clearly demonstrates ability and special skills for which there is a need in the Foreign Service. Recommended candidates who meet these requirements, who pass their medical examinations, and who, on the basis of investigation, are found to be loyal to the Government of the United States and personally suitable to represent it abroad, will have their names placed on the rank-order register for class 8 appointments or, if deemed appropriate by the Board of Examiners in the light of their age and education or employment record, on the rank-order register for class 7 appointments, and they will be certified for appointment, in accordance with the needs of the Service, in the order of their standing on their respective registers.

(b) Separate registers for the Department of State candidates will be maintained according to the optional portions of the examination. Successful candidates for the U.S. Information Agency will have their names placed on a separate rank-order register and appointments will be made according to the needs of the Agency. Postponement of entrance on duty for required active military service, civilian Government service abroad, or Peace Corps volunteer service will be authorized. A candidate may be certified for appointment to class 7 or 8 without first having passed an examination in a foreign language, but his appointment will be subject to the condition that he may not receive more than one promotion unless, within a specified period of time, he achieves adequate proficiency in a foreign language.

§ 501.10 Leave-without-pay appointments.

In certain specified cases, leave-without-pay offers of appointment as Foreign Service Reserve officers may be made to candidates who have established their eligibility when such appointments will insure that well-qualified candidates will not be lost to the Service because they wish to continue advanced graduate studies that will improve their qualifications as future Foreign Service information officers. When they become available for duty they will be nominated for regular Foreign Service information officer appointments.

§ 501.11 Termination of eligibility.

(a) Candidates who have qualified but have not been appointed because of lack of vacancies will be dropped from the rank-order register 30 months after the date of the written examination: *Provided, however,* That reasonable time spent in civilian Government service abroad, including service as a Peace Corps volunteer or in required active military service subsequent to establishing eligibility for appointment will not be counted in the 30-month period.

(b) The Chairman of the Board of Examiners may extend the eligibility period when such extension is in his judgment justified in the interests of the Service. He shall report to the Board of Examiners the extensions he has approved.

§ 501.12 Travel expenses of candidates.

The travel and other personal expenses of candidates incurred in connection with the written and oral examination will not be borne by the Government, except that the Agency may issue round trip invitational travel orders to bring candidates for FSIO appointment to Washington at Government expense when it is determined that it is necessary in ascertaining a candidate's qualifications and adaptability for appointment.

§ 501.13 Lateral entry appointment of Foreign Service information officers to Classes 1 through 6.

Appointments of Foreign Service information officers, under the provisions of Public Law 90–494 and section 517 of the Foreign Service Act of 1946, as amended, are governed by this section.

(a) The lateral entry program is a means by which the intake of Foreign Service information officers through the junior Foreign Service information officer examination can be supplemented to meet total requirements for Foreign Service information officers. Lateral entry appointments are made only to Classes 1 through 6, insuring retention of the career principle of entry primarily at Classes 7 and 8 through competitive examination. Additional officers will be added to the Foreign Service Information Officer Corps through lateral entry on the basis of established service need for each class by functional specialty or general manpower requirements.

(b) The great majority of lateral entrants will be drawn from officers of the U.S. Information Agency of proven ability who possess high potential for advancement, or similar personnel of other foreign affairs agencies who may be appointed based on agreements between the Agency and those agencies.

(c) The need for other lateral entrants in Classes 1 through 6 is met by appointing applicants who are officers or former officers of other Federal Government agencies. Principally, these will be persons possessing skills and abilities in short supply in the Agency's Foreign Service appointed to meet rapidly changing requirements. On a limited and highly selective basis, however, other persons may be appointed who have demonstrated outstanding qualities of leadership and who possess capabilities, insights, techniques, experiences, and differences of outlook which would serve to enrich and stimulate the Agency's Foreign Service and enable them to perform effectively in assignments both abroad and in the Agency.

HEWSON A. RYAN,
Acting Director.

[F.R. Doc. 69–2531; Filed, Feb. 28, 1969; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7008]

FILING OF RETURNS AND OTHER DOCUMENTS WITH SERVICE CENTERS

On December 24, 1968, a notice of proposed rule making to amend 26 CFR Parts 170, 179, 194, 196, 197, 201, 240, 245, 296, and 301, with respect to filing returns and other documents with service centers, was published in the FEDERAL REGISTER (33 F.R. 19182). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

PARAGRAPH 1. Paragraph A is changed to recognize the amendments of § 170.91 made since publication of the notice of proposed rule making (33 F.R. 19182).

PAR. 2. Paragraph B13 is amended by striking "§ 179.180 reads" in the second sentence of the introductory paragraph and inserting in lieu thereof "§§ 179.180 and 179.181 read".

PAR. 3. Paragraph D1 is amended to change the number of the proposed new section from "§ 196.8a" to "§ 196.8b".

PAR. 4. Paragraph E7 is amended by inserting the word "tax" following "special (occupational)" in § 197.29d.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

Approved: February 25, 1969.

WILLIAM F. HELLMUTH, JR.,
Acting Assistant Secretary of the Treasury.

In order to (1) conform 26 CFR Parts 179, 194, 196, 197, 201, 240, and 245 to the amendments made by section 1 of the Act of November 2, 1966 (Public Law 89–713, 80 Stat. 1107), concerning the filing of returns and other documents with service centers; (2) conform 26 CFR Parts 170, 179, 194, 201, and 296 to existing rules in 26 CFR 301.6402–2(a)(2) and 301.6404–1(c) respecting the filing of claims; (3) implement an administrative decision respecting the adjudication by the assistant regional commissioner, alcohol and tobacco tax, of claims for refund or abatement of special tax; (4) simplify procedures for the amendment of special tax stamps by caterers who have multiple changes in location within a 30-day period; (5) provide for the filing of returns and other documents by hand carrying; and (6) conform 26 CFR 301.6402–2 and 301.6404–1, respecting the filing of claims, to existing rules in regulations administered by the Alcohol and Tobacco Tax Division, the regulations in 26 CFR Parts 170, 179, 194, 196, 197, 201, 240, 245, 296, and 301 are amended as follows:

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PARAGRAPH A. 26 CFR Part 170 is amended as follows:

Section 170.91 is amended to provide that claims on Form 843 be filed with the assistant regional commissioner rather than with the district director and to provide for filing claims by hand carrying. As amended, § 170.91 reads as follows:

§ 170.91 Execution and filing of claim.

Claims to which this subpart is applicable shall be executed on Form 843 in accordance with instructions on the form and shall (except as hereinafter provided) be filed with the assistant regional commissioner for the region in which the tax was paid. (For provisions relating to hand-carried documents see § 301.6091–1(b) of this chapter.) Claims for credit or refund of taxes collected by directors of customs, to which the provisions of section 6423, I.R.C., are applicable and which Customs regulations (19 CFR Part 24) require to be filed with the assistant regional commissioner of the region in which the claimant is located, shall be executed and filed in accordance with applicable Customs regulations and this subpart. The claim shall set forth each ground upon which the claim is made in sufficient detail to apprise the assistant regional commissioner of the exact basis therefor. Allegations pertaining to the bearing of the ultimate burden relate to additional conditions which must be established for a claim to be allowed and are not in themselves legal grounds for allowance of a claim. There shall also be attached to the form and made a part of the claim the supporting data required by § 170.92. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim.

PART 179—MACHINE GUNS AND CERTAIN OTHER FIREARMS

PAR. B. 26 CFR Part 179 is amended as follows:

1. A new section, § 179.16a, is added, immediately following § 179.16, to define director of the service center. As added, § 179.16a reads as follows:

§ 179.16a Director of the Service Center.

"Director of the Service Center" shall mean the Director, Internal Revenue Service Center, in each of the internal revenue regions.

2. Section 179.52 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide, and to make minor editorial changes. As amended, § 179.52 reads as follows:

§ 179.52 Registration, return, and payment of special (occupational) taxes.

Every person, prior to commencing any business taxable under section 5801, I.R.C., shall, for each place of business operated by such person, register, file a return (Form 11) with, and pay the proper tax to, the District Director of the internal revenue district in which each such place of business is located, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the Director of the Service Center serving the internal revenue district in which the place of business is located. Thereafter, such person shall, for each place of business, register, file a return (Form 11), and pay the proper tax on or before the 1st day of July each year during which he continues such business. If a person has paid special (occupational) taxes for a taxable year he will be furnished a return (Form 11), which shall be filled out and executed under penalty of perjury, for registration and tax payment for the succeeding taxable year if that person intends to continue in business. Properly completing, executing, and timely filing of a return (Form 11) will constitute compliance with section 5802, I.R.C. A person doing business under a style or trade name shall give his own name, followed by his style or trade name. In the case of a partnership, unincorporated association, firm, or company, other than a corporation, its style or trade name shall be given, also the name of each member and his place of residence. The class of business, as described in § 179.51, and the period for which special (occupational) tax is due, shall also be stated.

§ 179.52a [Amended]

3. Section 179.52a is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

4. Section 179.52b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 179.52b reads as follows:

§ 179.52b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the Director of the Service Center or from any District Director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

5. Section 179.52c is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 179.52c reads as follows:

§ 179.52c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the District Director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the Director of the Service Center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

6. A new section, § 179.52d, is added, immediately following § 179.52c, to provide for filing hand-carried returns with the district director. As added, § 179.52d reads as follows:

§ 179.52d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the Director of the Service Center and which are filed by hand carrying shall be filed with the District Director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

7. Section 179.53 is amended to delete the reference to the issuance of special tax stamps by the district director. As amended, § 179.53 reads as follows:

§ 179.53 The special tax stamp, receipt for special (occupational) taxes.

Upon filing a properly completed and executed return (Form 11) accompanied by remittance of the full amount due, the taxpayer will be issued a special tax stamp as evidence of payment of the special (occupational) tax.

8. Section 179.55 is amended to provide for the issuance of a certificate in lieu of a lost or destroyed special tax stamp by the director of the service center. As amended, § 179.55 reads as follows:

§ 179.55 Certificates in lieu of stamps lost or destroyed.

When a special tax stamp has been lost or destroyed, such fact should be reported immediately to the Director of the Service Center who issued the stamp for the purpose of obtaining from him a certificate of payment in lieu of the lost or destroyed special tax stamp. Such certificate shall be posted in place of the stamp; otherwise liability will be incurred for failure to post the stamp.

9. Section 179.56 is amended to provide that changes of location be registered with the director of the service center. As amended, § 179.56 reads as follows:

§ 179.56 Engaging in business at more than one location.

A person shall pay the special (occupational) tax for each location where he engages in any business taxable under section 5801, I.R.C. However, a person paying a special (occupational) tax covering his principal place of business may utilize other locations solely for storage of firearms without incurring special (occupational) tax liability at such locations. A manufacturer, upon the single payment of the appropriate special (occupational) tax, may sell firearms of the type(s) covered by such tax, if such firearms are of his own manufacture, at the place of manufacture and at his principal office or place of business if no such firearms, except samples, are kept at such office or place of business. When a person changes the location of a business for which he has paid the special (occupational) tax, he will be liable for another such tax unless the change is properly registered with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued, as provided in § 179.64.

10. Section 179.60 is amended to provide that a successor to a business file Form 11 with the director of the service center. As amended, § 179.60 reads as follows:

§ 179.60 Changes through death of owner.

Whenever any person who has paid special (occupational) tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continues the business, such person shall, within 30 days after the date on which the successor begins to carry on the business, file a new return, Form 11, with the Director of the Service Center serving the internal revenue district in which the business is located. The return thus executed shall show the name of the original taxpayer, together with the basis of the succession. (As to liability in case of failure to register, see § 179.66.)

11. Section 179.61 is amended to provide that changes through bankruptcy of a taxpayer be registered with the director of the service center. As amended, § 179.61 reads as follows:

§ 179.61 Changes through bankruptcy of owner.

A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special (occupational) tax liability. In such cases, the change shall be registered with the Director of the Service Center serving the internal revenue district in which the business is located in a manner similar to that required by § 179.60.

12. Section 179.64 is amended to provide that amended returns on Forms 11 showing a change in location be filed with the director of the service center. As amended, § 179.64 reads as follows:

§ 179.64 Notice by taxpayer.

Whenever a taxpayer removes his business to a location other than specified in his last special (occupational) tax return (see § 179.52), he shall, within 30 days after the date of removal, file another return (Form 11) with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued. Such return shall be designated as "removal registry," set forth the time of removal, and the address of the new location. The taxpayer's special tax stamp shall accompany the return for notation by the Director of the Service Center of the change of location. As to liability in case of failure to register a change of location within 30 days, see § 179.66.

13. Sections 179.180 and 179.181 are amended to provide that claims on Form 843 filed after April 14, 1968, be filed with the director of the service center and to provide for filing claims by hand carrying. As amended, §§ 179.180 and 179.181 read as follows:

§ 179.180 Redemption of or allowance for stamps.

Where a "National Firearms Act" stamp is destroyed, mutilated or rendered useless after purchase, and before liability has been incurred, such stamp may be redeemed by giving another stamp in lieu thereof or by refunding the amount or value thereof. Claim for redemption of the stamp should be filed on Form 843. Such claim shall be accompanied by the stamp or by a satisfactory explanation of the reason why the stamp cannot be returned, and shall be filed within 3 years after the purchase of the stamp. Claims filed prior to April 15, 1968, shall be filed with the District Director to whom the tax was paid. Claims filed after April 14, 1968, shall be filed with the Director of the Service Center serving the internal revenue district in which the tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.)

(68A Stat. 830; 26 U.S.C. 6805)

§ 179.181 Refunds.

As indicated in this part, the transfer tax or tax on the making of a firearm is ordinarily paid by the purchase and affixing of stamps, while special tax stamps are issued in payment of special (occupational) taxes. However, in exceptional cases, transfer tax, tax on the making of firearms, and/or special (occupational) tax may be paid pursuant to assessment. Claims for refund of such taxes, whether assessed or voluntarily paid, shall be filed on Form 843 within 3 years next after payment of the taxes. Claims filed prior to April 15, 1968, shall be filed with the District Director to whom the tax was paid or who assessed the tax. Claims filed after April 14, 1968, shall be filed with the Director of the Service Center serving the internal revenue district in which the tax was paid or assessed. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.)

(68A Stat. 808, 830; 26 U.S.C. 6511, 6805)

PART 194—LIQUOR DEALERS

PAR. C. 26 CFR Part 194 is amended as follows:

1. Section 194.11 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 194.11 reads as follows:

§ 194.11 Meaning of terms.

* * * * * *

Director of the service center. A director of an internal revenue service center.

* * * * * *

2. Section 194.27 is amended to provide for the filing of Form 11 with the

director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 194.27 reads as follows:

§ 194.27 Limited retail dealer; persons eligible.

Each person desiring to sell beer or wine, or both, to members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or similar outings, and any fraternal, civic, church, labor, charitable, benevolent, or ex-servicemen's organization desiring to sell beer or wine, or both, on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, shall obtain, for each calendar month in which sales are to be made, a special tax stamp as a limited retail dealer in liquors: *Provided*, That no person or organization otherwise engaged in business as a dealer shall procure such limited special tax stamp. Application on Form 11 and payment of special tax at the rate specified in § 194.-101 shall be submitted to the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the sales are to be made, before any sales are made. If requested on Form 11, the director of the service center may issue the special tax stamp under the designation of (a) limited retail dealer in wine, if wine only is to be sold, or (b) limited retail dealer in beer, if beer only is to be sold.

(72 Stat. 1344, 1346; 26 U.S.C. 5122, 5142)

3. Section 194.55 is amended by adding a new paragraph (b) prescribing conditions under which additional liability to special (occupational) tax is incurred by caterers, and by making minor editorial changes. As amended, § 194.55 reads as follows:

§ 194.55 Caterers.

(a) *General.* Where a contract to furnish liquors is made by a caterer at his place of business where he holds a special tax stamp, no liability to special tax is incurred by the serving of the liquors at a different location.

(b) *Additional liability.* Where the contract of a caterer provides for the sale of liquors by the drink at a place, or simultaneously at different places, other than his place of business where he holds a special tax stamp, a separate liability to special tax is incurred at each such place.

(72 Stat. 1347; 26 U.S.C. 5143)

§§ 194.94, 194.152 [Amended]

4. Sections 194.94 and 194.152 are amended by changing "district director", wherever such term appears, to read "director of the service center who issued the stamp".

5. Paragraph (a) of § 194.104 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 194.-104(a) reads as follows:

§ 194.104 Filing return and payment of special tax.

(a) *Time for filing return.* Every person who intends to engage in a business subject to special tax under the provisions of this part shall, on or before the date such business is commenced, render a special tax return, Form 11, with remittance of tax to the district director of the internal revenue district in which the business is to be carried on, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located. The Form 11 and remittance of a dealer continuing business into a new fiscal year shall be rendered on or before July 1 of the new fiscal year.

* * * * *

(68A Stat. 732, 749, 72 Stat. 1346; 26 U.S.C. 6011, 6071, 5142)

6. Section 194.106 is amended to provide that Form 11 may be obtained from the director of the service center or from any district director. As amended, § 194.-106 reads as follows:

§ 194.106 Data required.

Special tax returns shall be made on Form 11, which may be procured from the director of the service center or from any district director. The dealer shall disclose in the spaces provided on the return—

(a) Where the dealer is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) Where a trade name is used, the exact trade name under which the business is conducted, in addition to information required in paragraphs (a) or (b) of this section;

(d) The employer identification number (see §§ 194.106a–194.106c);

(e) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address;

(f) The kind of liquor business carried on, as classified in §§ 194.23–194.27;

(g) All other information provided for on the form.

(68A Stat. 732, 846, 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)

§ 194.106a [Amended]

7. Section 194.106a is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

8. Section 194.106b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 194.106b reads as follows:

§ 194.106b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

9. Section 194.106c is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 194.106c reads as follows:

§ 194.106c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

10. A new section, § 194.106d, is added, immediately following § 194.106c, to provide for filing hand-carried returns with the district director. As added, § 194.106d reads as follows:

§ 194.106d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

11. Section 194.107 is amended to provide that powers of attorney be filed with the internal revenue officer with whom Form 11 is required to be filed. As amended, § 194.107 reads as follows:

§ 194.107 Execution of Form 11.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by a duly authorized officer thereof: *Provided*, That any individual, partnership, or corporation may appoint an agent to sign in his behalf. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," "agent," "attorney-in-fact" or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a dealer by reason of death, insolvency, or other circumstances, shall indicate the fiduciary capacity in which they act. Returns signed by persons, as agents or attorneys-in-fact, will not be accepted unless, in each instance, the principal named on the return has executed a power of attorney authorizing such person to sign the return, and such power of attorney is filed with the internal revenue officer with whom the Form 11 is required to be filed. Form 11 shall be verified by a written declaration that the return has been executed under the penalties of perjury.

(68A Stat. 748, 749; 26 U.S.C. 6061, 6065)

12. Section 194.108 is amended to provide that applications for extension of time for filing Forms 11 be filed with the internal revenue officer with whom Form 11 is required to be filed. As amended, § 194.108 reads as follows:

§ 194.108 Extensions of time for filing returns.

The district director or the director of the service center may, before the tax is due and payable, grant such reasonable extension of time for the filing of Form 11 as he deems proper. Application for extension of time shall be made in writing to the internal revenue officer with whom Form 11 is required to be filed and shall contain a full recital of the causes of delay. Except in the case of taxpayers who are abroad, no such extension shall be more than 6 months.

(68A Stat. 751; 26 U.S.C. 6081)

13. Section 194.111 is amended to provide that statements requesting that a delinquency penalty be waived may be filed with the director of the service center. As amended, § 194.111 reads as follows:

§ 194.111 Delinquency penalty.

In every case where a special tax return is not filed at the time prescribed in § 194.104, or within any extension of time granted under § 194.108, the delinquency penalty specified in § 194.109 will be asserted and collected unless a reasonable cause for delay in filing the return is clearly established. A dealer who believes the circumstances which delayed his filing of the return are reasonable, and who desires to have the delinquency penalty waived, shall submit with his return a written statement under the penalties of perjury, affirmatively showing all of the circumstances alleged as reasonable causes for delay. If such return and statement are submitted to the district director or the director of the service center, the respective director shall determine whether the delay in filing was due to reasonable cause; if delivered to an internal revenue officer working under supervision of the assistant regional commissioner, the assistant regional commissioner shall make the determination. Any reason which appeals to a man of ordinary prudence and intelligence as a reasonable cause for the delay and which clearly shows no willful intent to avoid the provisions of the taxing statutes, or gross negligence, will be accepted as reasonable. Mere ignorance of the law will not be considered a reasonable cause.

(68A Stat. 821; 26 U.S.C. 6651)

14. Section 194.121 is amended to delete the reference to the issuance of stamps by the district director. As amended, § 194.121 reads as follows:

§ 194.121 Issuance of stamps.

Upon filing a return properly executed on Form 11, together with a remittance in the full amount due, the taxpayer will be issued an appropriately designated stamp. Special tax stamps will not be issued until the tax is fully paid.

(72 Stat. 1348; 26 U.S.C. 5144)

§§ 194.123, 194.130 [Amended]

15. Sections 194.123 and 194.130 are amended by changing "District directors", wherever such term appears, to read "Directors of service centers".

§ 194.124 [Amended]

16. Section 194.124 is amended (1) by changing "a district director" to read "the Internal Revenue Service", and (2) by deleting the phrase ", and on which posted" at the end of the last sentence to conform with section 204 of Public Law 90–618.

17. Section 194.126 is amended to make minor editorial changes. As amended, § 194.126 reads as follows:

§ 194.126 Stamps for supply boats or vessels.

Special tax stamps may be issued to persons carrying on the business of a retail dealer in liquor or a retail dealer in beer on supply boats or vessels operated by them, when such persons operate from a fixed address in a port or harbor and supply exclusively boats or other vessels, or persons thereon, at such port or harbor. Any person desiring to obtain a special tax stamp for such business shall specify on the Form 11, or on an attachment thereto, (a) that the business will consist of supplying exclusively boats, vessels, or persons thereon, (b) the name of the port or harbor at which the business is to be carried on, and (c) the fixed address from which operations are to be conducted. Where such sales are to be made from two or more supply boats or vessels, the dealer shall pay special tax and obtain a special tax stamp for each boat or vessel on which he will make such sales simultaneously; however, the dealer may transfer any such stamp from any boat or vessel on which he discontinues such sales to any other boat or vessel on which he proposes to conduct such business, without registering the transfer with the Internal Revenue Service. Special tax stamps issued for such retailing of liquors shall bear, in addition to the dealer's occupational classification, the phrase "on supply boats," and in the lower margin the notation, "Covers supplying exclusively of boats or vessels, or persons thereon, at the Port (or Harbor) of ----------"

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

§§ 194.127, 194.133, 194.137 [Amended]

18. Sections 194.127, 194.133, and 194.137 are amended by changing "district director", wherever such term appears, to read "director of the service center".

§ 194.129 [Amended]

19. Section 194.129 is amended by changing "district directors" to read "directors of service centers".

20. Section 194.132 is amended to provide for the issuance of a certificate in lieu of a lost or destroyed special tax stamp by the director of the service center and to delete the reference to posting special (occupational) tax stamps and certificates in lieu of lost or destroyed stamps, to conform to section 204 of Public Law 90–618. As amended, § 194.132 reads as follows:

§ 194.132 Lost or destroyed.

If a special tax stamp has been lost or destroyed, the dealer shall immediately notify the director of the service center who issued the stamp. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the dealer who submits an affidavit showing to the satisfaction of the director of the service center that the stamp was lost or destroyed.

21. Section 194.134 is amended to provide that directors of service centers correct errors on special tax stamps. As amended, § 194.134 reads as follows:

§ 194.134 Errors disclosed by taxpayers.

On receipt of a special tax stamp, the dealer will examine it to insure that the name and address are correctly stated; if not, the taxpayer will return the stamp to the director of the service center who issued the stamp with a statement showing the nature of the error and the correct name or address. The director of the service center, on receipt of such stamp and statement, will compare the data on the stamp with that of the Form 11 in his files, correct the error if made in his office, and return the stamp to the taxpayer. However, if the error was in the taxpayer's preparation of the Form 11, the director of the service center will require such taxpayer to file a new Form 11, designated "Amended Return," setting forth the taxpayer's correct name and

address, and a statement explaining the error on the original Form 11. On receipt of the amended Form 11, and at satisfactory explanation of the error, the director of the service center will make the proper correction on the stamp and return it to the taxpayer.

22. Section 194.136 is amended to provide for the filing of amended returns on Form 11 with the director of the service center. As amended, § 194.136 reads as follows:

§ 194.136 General.

Where a dealer through error has filed a return and paid special tax for an incorrect period of liability or incorrect class of business, he shall prepare a correct Form 11 for each taxable year involved, designating it as an "Amended Return," and submit the amended return, or returns, with remittance for the total tax and additions to the tax (delinquency penalties and interest) incurred, to the district director or the director of the service center with whom the original Form 11 was filed or, if the error is discovered by an internal revenue officer, to such officer: *Provided*, That, subject to the limitations imposed by section 6511, I.R.C., the tax (including additions thereto) paid for the incorrect period of liability or incorrect class of business may be allowed as a credit against the correct tax (including any additions thereto) as provided in § 194.137 or § 194.139 on surrender of the incorrect stamp or stamps with the amended return or returns noted to show that credit is requested. Tax (including additions thereto) paid for a stamp for an incorrect period of liability or incorrect class of business which is not credited as provided in § 194.137 or §194.139, including any creditable tax and additions thereto in excess of the correct tax (including additions thereto), may be refunded pursuant to the provisions of Subpart M of this part where the dealer has filed a correct return on Form 11 with remittance for the correct amount of tax (including any additions thereto). A new stamp will be issued only in respect of a current period of liability.

(68A Stat. 732; 26 U.S.C. 6011)

23. The heading and text of §194.139 are amended to provide that the director of the service center credit the tax for an incorrect special tax stamp. As amended, the heading and text of § 194.139 read as follows:

§ 194.139 Credit for incorrect stamp.

The director of the service center may credit the tax (including additions thereto) paid for an incorrect stamp if the taxpayer has filed an amended return on Form 11, as provided in § 194.136, and has, with his amended return, surrendered the incorrect stamp for credit and submitted a remittance for the difference between the incorrect tax and the correct tax. Where the tax (and additions thereto) paid for the incorrect stamp surrendered exceeds the amount due, the director of the service center shall advise the dealer to file claim for refund of such excess on Form 843. The applicable provisions of Subpart M of this part shall govern claims for refund.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

24. Section 194.151 is amended (a) by changing "district director", wherever the term appears, to read "director of the service center", (b) by simplifying procedures for amending caterers' special tax stamps to register multiple changes in location, and (c) by making minor editorial changes. As amended, § 194.151 reads as follows:

§ 194.151 Amended return, Form 11; endorsement on stamp.

(a) *General.* A dealer who, during the taxable period for which special tax was paid, removes his business to a place other than that specified on his original special tax return on Form 11, and stated on his special tax stamp, shall, within 30 days from the date he begins to carry on such business at the new location, register the change with the director of the service center who issued the stamp, by filing a new return on Form 11, designated "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special tax stamp to the director of the service center for endorsement of the change in location: *Provided*, That the dealer may deliver the amended return and the stamp at any internal revenue office, or to any internal revenue officer inspecting the business, in lieu of submitting them directly to the director of the service center. The director of the service center or the internal revenue officer receiving such return and stamp shall, if the return is submitted to him within the 30-day period, enter the proper endorsement on the stamp and return it to the taxpayer.

(b) *Caterers.* Notwithstanding the provisions of paragraph (a) of this section, a caterer who has paid special tax for a location other than his place of business for which he holds a special tax stamp and who, during the period for which special tax for the other location was paid (as set out in § 194.55(b)) sells liquor by the drink at locations other than the address specified on his special tax stamp, shall, within 30 days of the date of the first such sale, register all changes in location during that period. Such registration shall be accomplished by filing with the director of the service center who issued the stamp a new return on Form 11, designated "Caterer-Amended Return," accompanied by Form 4440, in duplicate, showing the name and address of each place catered and the date and hour liquor sales were conducted at each address. A new registration on Form 4440 with a new amended return on Form 11 shall be filed within 30 days succeeding any sales not previously registered. However, if a caterer sells liquors by the drink simultaneously at two or more different locations, only one such location may be listed on Form 4440; and a special tax stamp must be purchased to cover each of the other locations at which liquors were sold simultaneously. On receipt of the Form 11 and attached Form 4440, the director of the service center shall, if the return was submitted within the 30-day period, endorse both copies of Form 4440 and return the duplicate copy to the taxpayer, who shall attach it to the applicable special tax stamp.

25. Section 194.169 is amended to change "district director", wherever the term appears, to read "director of the service center" and to make minor editorial changes. As amended, § 194.169 reads as follows:

§ 194.169 Change of control, persons having right of succession.

Certain persons other than the special-tax payer may, without paying additional special tax, secure the right to carry on the same business at the same address for the remainder of the taxable period for which the special tax was paid. Such persons are—

(a) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased dealer;

(b) A husband or wife succeeding to the business of his or her living spouse;

(c) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors; and

(d) The partner or partners remaining after death or withdrawal of a member of a partnership.

In order to secure such right, the person or persons continuing the business shall file with the director of the service center who issued the stamp, within 30 days from the date on which the successor begins to carry on the business, an amended special tax return on Form 11, showing the basis of the succession, and shall surrender the unexpired special tax stamp for endorsement of the change in control: *Provided*, That the person succeeding to the business may deliver the amended return and stamp at any internal revenue office, or to any internal revenue officer inspecting the business, in lieu of submitting them to the director of the service center. If the applicant has the right of succession and the return and stamp are submitted on time, the director of the service center or other internal revenue officer receiving them will enter the proper endorsement on the stamp and return it to the successor.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

26. Section 194.201 is amended (a) to remove specific references to adjudication of claims by assistant regional commissioners, (b) to provide that claims on Form 843 filed after April 14, 1968, be filed with the director of the service center, and (c) to provide for filing claims by hand carrying. As amended, § 194.201 reads as follows:

§ 194.201 Claims.

Claims for abatement of assessment of special tax (including penalties and interest), or for refund of an overpayment of special tax (including interest and penalties), shall be filed on Form 843. Claims filed prior to April 15, 1968, shall be filed with the district director to whom the special tax was paid or who assessed the tax. Claims filed after April 14, 1968, shall be filed with the director of the service center serving the internal revenue district in which the special tax was paid or assessed. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b), 301.6402–2(a), and 301.6404–1(c) of this chapter.) Each claim shall set forth in detail each ground on which it is made and shall contain facts sufficient to apprise the Internal Revenue Service of the exact basis thereof. If the claim is for refund of special tax for which a stamp was issued, such stamp shall be attached to and made a part of the claim, or the claimant shall include in his claim evidence satisfactory to the Internal Revenue Service that the stamp cannot be submitted.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

PART 196—STILLS

PAR. D. 26 CFR Part 196 is amended as follows:

1. A new section, § 196.8b, is added, immediately following § 196.8a to define director of the service center. As added, § 196.8b reads as follows:

§ 196.8b Director of the service center.

"Director of the service center" shall mean the Director, Internal Revenue Service Center, in each of the internal revenue regions.

2. Section 196.32 is amended to make minor conforming changes. As amended, § 196.32 reads as follows:

§ 196.32 Action by assistant regional commissioner.

The assistant regional commissioner will determine in each instance whether changes, repairs, or alterations of any still or condenser constitute the manufacture of a new still or condenser, and will in each case notify the manufacturer of his decision. In any instance where tax liability has been incurred, the assistant regional commissioner will promptly notify the appropriate district director or director of the service center of such tax liability. The district director or director of the service center will thereupon take appropriate action to collect the required special taxes. Such investigations and inspections in connection therewith will be made as the assistant regional commissioner deems necessary. In the event of doubt whether the changes, repairs, or alterations of any still or condenser are of such nature or extent as to incur tax, the assistant regional commissioner will refer the case, together with all the evidence available, including a sketch of the apparatus showing the extent of new materials and replacements, to the Director, Alcohol and Tobacco Tax Division, for a ruling.

(72 Stat. 1339; 26 U.S.C. 5102)

3. Section 196.34 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 196.34 reads as follows:

§ 196.34 Special tax return.

Special (occupational) taxes imposed on manufacturers of stills or condensers and the special (commodity) taxes on such articles will be paid by the manufacturer pursuant to the filing of a special tax return, Form 11, showing the information required by the headings on the form and the instructions thereon or issued in respect thereto. Special tax returns on Form 11 shall be filed with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the place of manufacture is located.

§ 196.34a [Amended]

4. Section 196.34a is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

5. Section 196.34b is amended to make minor editorial and conforming changes, to delete paragraph (b) and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 196.34b reads as follows:

§ 196.34b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

6. Section 196.34c is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 196.34c reads as follows:

§ 196.34c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business or manufactures a commodity subject to special tax under this part, except that where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

7. A new section, § 196.34d is added, immediately following § 196.34c, to provide for filing hand-carried returns with the district director. As added, § 196.34d reads as follows:

§ 196.34d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

8. Section 196.35 is amended to provide that powers of attorney be filed with the internal revenue officer with whom Form 11 is required to be filed. As amended, § 196.35 reads as follows:

§ 196.35 Execution of Form 11.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by an authorized member of the firm; and the return of a corporation shall be signed by an authorized officer thereof. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney-in-fact, his signature should be preceded by the name of the principal followed by his title. Returns signed by persons as agents will not be accepted unless they file with the internal revenue officer with whom the Form 11 is required to be filed a power of attorney, authorizing them so to act. Form 11 must contain or be verified by a written declaration that it has been executed under the penalties of perjury.

(68A Stat. 749, 846; 26 U.S.C. 6065, 7011)

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

PAR. E. 26 CFR Part 197 is amended as follows:

1. A new section, § 197.8a, is added, immediately following § 197.8, to define director of the service center. As added, § 197.8a reads as follows:

§ 197.8a Director of the service center.

"Director of the service center" shall mean the Director, Internal Revenue Service Center, in each of the internal revenue regions.

2. Section 197.28 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 197.28 reads as follows:

§ 197.28 Filing of return and payment of special tax.

Returns shall be executed on Form 11, and shall be filed, with remittances, with the district director for the district in which the place of manufacture is located, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the place of manufacture is located.

3. Section 197.29 is amended to provide that Form 11 may be obtained from the director of the service center or from any district director. As amended, § 197.29 reads as follows:

§ 197.29 General.

Special-tax returns, Form 11, may be procured from the director of the service center or from any district director and shall disclose, in the spaces provided, the following:

(a) The true name of the taxpayer, which may be followed by the words "trading as" and any trade name under which the business is conducted.

(b) The employer identification number (see §§ 197.29a–197.29c);

(c) The exact location of the place of business, as by name and number of building or street, and where these do not exist, by some particularization in addition to the post office address.

(d) The kind of business carried on.

(e) Except in the case of a corporation, the true names of all persons having a proprietary interest in the business. While it is not necessary that the names of all persons having a proprietary interest in the business appear on the special-tax stamp, the names must be disclosed on the return, Form 11.

§ 197.29a [Amended]

4. Section 197.29a is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

5. Section 197.29b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 197.29b reads as follows:

§ 197.29b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(76 Stat. 828; 26 U.S.C. 6109)

6. Section 197.29c is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 197.29c reads as follows:

§ 197.29c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(76 Stat. 828; 26 U.S.C. 6109)

7. A new section, § 197.29d, is added, immediately following § 197.29c, to provide for filing hand-carried returns with the district director. As added, § 197.29d reads as follows:

§ 197.29d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

8. Section 197.30 is amended to provide that powers of attorney be filed with the internal revenue officer with whom Form 11 is required to be filed. As amended, § 197.30 reads as follows:

§ 197.30 Signature.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by an officer thereof. In each case, the person signing the return shall designate his capacity, as "individual owner," "member or firm," or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. Returns executed by persons as agents will not be accepted unless they file with the internal revenue officer with whom Form 11 is required to be filed a power of attorney authorizing them so to act.

9. Section 197.40 is amended to make editorial and conforming changes. As amended, § 197.40 reads as follows:

§ 197.40 Issuance of stamps.

Each manufacturer of nonbeverage products, upon filing a properly executed return on Form 11, together with the proper remittance in the full amount due, will be issued a special-tax stamp designated "Manufacturer of Nonbeverage Products." Such special-tax stamp may not be sold or otherwise transferred to another person.

10. The heading and text of § 197.41 are amended to provide for the issuance of a certificate in lieu of a lost or destroyed special tax stamp by the director of the service center and to delete the reference to posting special (occupational) tax stamps, to conform to section 204 of Public Law 90–618. As amended, the heading and text of § 197.41 read as follows:

§ 197.41 Lost or destroyed stamps.

If a special tax stamp is lost or accidentally destroyed, the taxpayer should immediately notify the director of the service center who issued the stamp, who will issue to the taxpayer a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp."

11. Section 197.42 is amended to provide that directors of service centers correct errors on special tax stamps. As amended, § 197.42 reads as follows:

§ 197.42 Corrections of errors on stamps.

On receipt of a special-tax stamp, the taxpayer will examine it to insure that the name and address are correctly stated thereon. If an error has been made the stamp should be returned to the director of the service center who issued the stamp, with a statement showing the nature of the error and setting forth the proper name or address. The director of the service center, on receipt of such stamp and statement, will compare the data with that on Form 11, and if an error on the part of the director of the service center has been made, he will make the necessary correction and return the stamp to the taxpayer. If the Form 11 agrees with the data on the stamp, the director of the service center will require the taxpayer to file a new Form 11, designated "Amended Return," disclosing the proper name and address, and, on receipt of the amended Form 11, will make the proper correction on the stamp, and return it to the taxpayer.

12. Section 197.43 is amended to provide that changes of location be registered with the director of the service center and to make a minor technical change. As amended, § 197.43 reads as follows:

§ 197.43 General.

A special-tax payer who, during the fiscal year for which special tax was paid, removes his place of manufacture to a place other than that specified in his special-tax stamp, shall register the change with the director of the service center who issued the stamp within 90 days after he moves into the new premises, by executing a new return on Form 11, designated as "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special-tax stamp to the director of the service center who issued the stamp for endorsement of the change in location.

(72 Stat. 1374; 26 U.S.C. 5143)

§§ 197.46, 197.50 [Amended]

13. Sections 197.46 and 197.50 are amended by changing "district director", wherever such term appears, to read "director of the service center", and by changing "must", wherever such term appears, to read "shall".

14. Section 197.48 is amended to provide that a successor to a business file Form 11 with the director of the service center. As amended, § 197.48 reads as follows:

§ 197.48 General.

Certain persons other than the special-tax payer may, without paying additional special tax, be eligible to the same privileges granted by law to the taxpayer during the remainder of the fiscal year for which the special tax was paid. To secure such right, such person or persons shall file with the director of the service center who issued the stamp, within 90 days after the date on which the successor or successors assume control, a return on Form 11, showing the basis of the succession.

15. Sections 197.55 and 197.58 are amended to provide that claims on Form 843 filed after April 14, 1968, be filed with the director of the service center and to provide for filing claims by hand carrying. As amended, §§ 197.55 and 197.58 read as follows:

§ 197.55 Change to higher rate.

A manufacturer of nonbeverage products who pays a special tax of $25 per annum and has filed or intends to file a claim or claims for drawback covering distilled spirits in excess of 25 proof gallons used during the year for which the special tax was paid shall pay special tax of $50 or $100, as the case may be, and obtain a stamp therefor. On payment of the special tax at the higher rate, the manufacturer may surrender the special tax stamp showing payment of $25, with a claim on Form 843 for refund. Claims filed prior to April 15, 1968, shall be filed with the district director to whom the special tax was paid. Claims filed after April 14, 1968, shall be filed with the director of the service center serving the internal revenue district in which the special tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.) Similar procedure will govern in the case of a manufacturer of nonbeverage products who pays special tax of $50 and has filed or intends to file claim for drawback covering distilled spirits used in excess of 50 proof gallons.

(68A Stat. 791; 26 U.S.C. 6402)

§ 197.58 Filing of claims.

Claim for refund of special tax shall be filed on Form 843. Claims filed prior to April 15, 1968, shall be filed with the district director to whom the special tax was paid. Claims filed after April 14, 1968, shall be filed with the director of the service center serving the internal revenue district in which the special tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.) The claim shall set forth in detail and state each ground upon which it is made, and facts sufficient to apprise the assistant regional commissioner of the exact basis thereof. The special tax stamp shall be attached to the claim.

(68A Stat. 791; 26 U.S.C. 6402)

16. Section 197.111 is amended to make minor editorial and conforming changes. As amended, § 197.111 reads as follows:

§ 197.111 Identification of special tax stamp.

If special tax has been paid, the claim shall be accompanied by a statement identifying the special tax stamp by serial number, denomination, and fiscal year for which issued, and the internal revenue office from which issued.

PART 201—DISTILLED SPIRITS PLANTS

PAR. F. 26 CFR Part 201 is amended as follows:

1. Section 201.11 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 201.11 reads as follows:

§ 201.11 Meaning of terms.

* * * * *

Director of the service center. A director of an internal revenue service center.

* * * * *

2. Section 201.31 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide and to delete the reference to posting special (occupational) tax stamps, to conform to section 204 of Public Law 90–618. As amended, § 201.31 reads as follows:

§ 201.31 Rectifier's special tax.

Every person engaging in business as a rectifier, within the meaning of the term as defined in Subpart B of this part, shall file Form 11 with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay special tax at the applicable rate prescribed in section 5081, I.R.C. The tax is imposed as of the first day of July in each year, or on commencing such business. In the former case the tax is reckoned for 1 year and in the latter case it is reckoned proportionately from the first day of the month in which the liability to special tax commenced and to and including the 30th day of June following. Section 5142, I.R.C., provides that no person shall engage in or carry on the business of a rectifier until he has paid the special tax therefor.

(68A Stat. 846, 72 Stat. 1338, 1346, 1347; 26 U.S.C. 7011, 5081, 5082, 5142, 5143)

3. Section 201.32 is amended to provide that claims on Form 843 filed after April 14, 1968, be filed with the director of the service center and to provide for filing claims by hand carrying. As amended, § 201.32 reads as follows:

§ 201.32 Change to higher or lower rate.

A rectifier who has paid the special tax as a rectifier of less than 20,000 proof gallons and who exceeds that quantity shall immediately file with the district director an amended Form 11, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay the special tax as a rectifier of 20,000 proof gallons or more. The rectifier may submit the stamp representing the special tax paid at the lower rate with a claim on Form 843 for refund of such tax. A rectifier who has paid special tax at the higher rate, but actually rectifies less than 20,000 proof gallons of spirits or wines during the year, may file an amended Form 11 as provided in this section, and pay the special tax as a rectifier of less than 20,000 proof gallons. The rectifier may submit the stamp representing the special tax paid at the higher rate with a claim on Form 843 for refund of such tax. Claims filed prior to April 15, 1968, shall be filed with the district director to whom the special tax was paid. Claims filed after April 14, 1968, shall be filed with the director of the service center serving the internal revenue district in which the special tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.)

(68A Stat. 791, 830, 72 Stat. 1338; 26 U.S.C. 6402, 6805, 5081)

4. Section 201.32b is amended to provide that powers of attorney be filed with the internal revenue officer with whom Form 11 is required to be filed and to

make a minor technical change. As amended, § 201.32b reads as follows:

§ 201.32b Execution of Form 11.

The return on Form 11 of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by a duly authorized officer thereof: *Provided*, That any individual, partnership, or corporation may appoint an agent to sign in his behalf. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," "agent," "attorney-in-fact" or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a rectifier by reason of death, insolvency, or other circumstances, shall indicate the fiduciary capacity in which they act. Returns signed by persons, as agents or attorneys-in-fact, will not be accepted unless, in each instance, the principal named on the return has executed a power of attorney authorizing such person to sign the return, and such power of attorney is filed with the internal revenue officer with whom Form 11 is required to be filed. Form 11 shall be verified by a written declaration that the return has been executed under the penalties of perjury.

(68A Stat. 748, 749; 26 U.S.C. 6061, 6065)

§ 201.32c [Amended]

5. Section 201.32c is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

6. Section 201.32d is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 201.32d reads as follows:

§ 201.32d Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11 but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

7. Section 201.32e is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 201.32e reads as follows:

§ 201.32e Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

8. A new section, § 201.32f, is added, immediately following § 201.32e, to provide for filing hand-carried returns with the district director. As added, § 201.32f reads as follows:

§ 201.32f Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§§ 201.380a, 201.451a [Amended]

9. Sections 201.380a and 201.451a are amended by deleting the phrase "on or after October 1, 1962" at the end of the first sentence.

10. Section 201.380b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 201.380b reads as follows:

§ 201.380b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 2521 or Form 2522, but who prior to the filing of his first return on Form 2521 or Form 2522 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2521 or Form 2522 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

11. Sections 201.380c and 201.451c are amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, §§ 201.380c and 201.451c read as follows:

§ 201.380c Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 201.32e. Form SS–4 shall be filed with the district director of any internal revenue district in which the applicant is required to file returns on Forms 2521 or 2522, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district.

(75 Stat. 828; 26 U.S.C. 6109)

§ 201.451c Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 201.32e. Form SS–4 shall be filed with the district director of any internal revenue district in which the applicant is required to file returns on Forms 2523 or 2527, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district.

(75 Stat. 828; 26 U.S.C. 6109)

PART 240—WINE

PAR. G. 26 CFR Part 240 is amended as follows:

1. Section 240.19a is redesignated at § 240.19b, and a new § 240.19a is added to define director of the service center. As added, § 240.19a reads as follows:

§ 240.19a Director of the service center.

"Director of the service center" shall mean the Director, Internal Revenue Service Center, in each of the internal revenue regions.

2. Section 240.343 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 240.343 reads as follows:

§ 240.343 Annual special tax.

The special tax year commences on July 1 and ends on June 30 of the next year. All persons liable for special tax shall file Form 11 with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay the special tax to him on or before July 1 of each year. If the Form 11, with remittance, is not actually delivered to the district director or the director of the service center on or before July 1, the date of the postmark stamped on the cover in which such return is mailed, if made by a U.S. post office, shall be deemed to be the date of filing.

(68A Stat. 846, 895, 72 Stat. 1346, 1347; 26 U.S.C. 7011, 7502, 5142, 5143)

3. Section 240.344 is amended to make a conforming change. As amended, § 240.344 reads as follows:

§ 240.344 Business commenced after July.

Where business is commenced after July, the tax will be prorated from the first day of the month in which business was commenced to June 30 following. In such case, if the Form 11, with remittance, is not actually delivered to the district director or the director of the service center before the day on which the business was commenced, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(72 Stat. 1346, 1347; 26 U.S.C. 5141, 5143)

4. A new section, § 240.345, is added, immediately following § 240.344, to provide for filing hand-carried returns with the district director. As added, § 240.345 reads as follows:

§ 240.345 Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special ((occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§ 240.594a [Amended]

5. Section 240.594a is amended by deleting the phrase "on or after October 1, 1962" at the end of the first sentence.

6. Section 240.594b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 240.594b reads as follows:

§ 240.594b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 2050 or Form 2052, but who prior to the filing of his first return on Form 2050 or Form 2052 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2050 or Form 2052 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

7. Section 240.594c is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 240.594c reads as follows:

§ 240.594c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the applicant is required to file returns on Forms 2050 or 2052, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

PART 245—BEER

PAR. H. 26 CFR Part 245 is amended as follows:

1. Section 245.5 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 245.5 reads as follows:

§ 245.5 Meaning of terms.

* * * * *

Director of the service center. "Director of the service center" shall mean the director of the internal revenue service center in each of the internal revenue regions.

* * * * *

2. Section 245.76 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 245.76 reads as follows:

§ 245.76 Special tax return.

Every person liable to special tax shall render his return on Form 11 with remittance to the district director of the district in which the business is carried on, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 245.76b [Amended]

3. Section 245.76b is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

4. Section 245.76c is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 245.76c reads as follows:

§ 245.76c Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

5. Section 245.76d is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 245.76d reads as follows:

§ 245.76d Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

6. A new section, § 245.76e, is added, to provide for filing hand-carried returns with the district director. As added, § 245.76e reads as follows:

§ 245.76e Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

7. Section 245.77 is amended to provide that powers of attorney be filed with the internal revenue officer with whom Form 11 is required to be filed. As amended, § 245.77 reads as follows:

§ 245.77 Execution of Form 11.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by any one of the partners; the return of a corporation shall be signed by any officer. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney in fact, his signature should be preceded by the name of the principal and be followed by his title. A return signed by a person as agent will not be accepted unless there is filed with the internal revenue officer with whom Form 11 is required to be filed a power of attorney authorizing the agent to perform such act. Form 11 must contain or be verified by a written declaration that it has been executed under penalties of perjury.

(68A Stat. 748, 749, 757, 846; 26 U.S.C. 6061, 6065, 6151, 7011)

8. Section 245.97 is amended to provide that amended returns on Form 11 showing a change in name be filed with the director of the service center. As amended, § 245.97 reads as follows:

§ 245.97 Change in name; amended Form 11.

Where there is a change in the corporate name or firm name, or in the trade name, or names, the brewer shall, within 30 days after such change is made, file with the director of the service center who issued the stamp an additional return on Form 11, covering the new corporate name, firm name, or trade name or names, as the case may be. The special tax stamp, or stamps, shall be forwarded to the director of the service center who issued the stamp for appropriate notation with respect to such change.

(68A Stat. 846; 26 U.S.C. 7011)

9. Section 245.98 is amended to provide that a successor to a business file Form 11 with the director of the service center, and to make a minor technical change. As amended, § 245.98 reads as follows:

§ 245.98 Liability; change in proprietorship.

Where there is a change in proprietorship of the brewery, the successor shall procure the required special tax stamps: *Provided*, That persons having right of succession as provided in § 245.99, may carry on the business for the remainder of the period for which the special tax was paid, if, within 30 days after the date on which such successor begins to carry on the business, a return on Form 11 showing the basis of the succession is filed with the director of the service center who issued the stamp. The person so succeeding to a business for which special tax has been paid and who fails to register such succession as provided in this subpart is liable for special tax computed from the first day of the calendar month in which he began to carry on such business.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

10. Section 245.100 is amended to provide that amended returns on Form 11 showing a change in location be filed with the director of the service center, and to make a minor technical change. As amended, § 245.100 reads as follows:

§ 245.100 Liability; change in location.

Where there is a change in location, the brewer shall, within 30 days after such change is made, file with the director of the service center who issued the stamp an amended return on Form 11 covering the new location of the brewery; otherwise, new special tax stamps shall be purchased. The special tax stamp, or stamps, shall be forwarded to the director of the service center for endorsement of the change in location.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

§ 245.117d [Amended]

11. Section 245.117d is amended by deleting the phrase "on or after October 1, 1962" at the end of the first sentence.

12. Section 245.117e is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 245.117e reads as follows:

§ 245.117e Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 2034, but who prior to the filing of his first return on Form 2034 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2034 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

13. Section 245.117f is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 245.117f reads as follows:

§ 245.117f Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 245.76d. Form SS–4 shall be filed with the district director of any internal revenue district in which the applicant is required to file returns on Forms 2034, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district.

(75 Stat. 828; 26 U.S.C. 6109)

PART 296—MISCELLANEOUS REGULATIONS RELATING TO CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

PAR. I. 26 CFR Part 296 is amended as follows:

Section 296.7 is amended to provide that claims on Form 843 be filed with the assistant regional commissioner rather than with the district director and to provide for filing claims by hand carrying. As amended, § 296.7 reads as follows:

§ 296.7 Execution and filing of claim.

Claims to which this subpart is applicable shall be executed on Form 843 in accordance with instructions on the form and shall be filed with the assistant regional commissioner for the region in which the tax was paid. (For provisions relating to hand-carried documents see § 301.6091–1(b) of this chapter.) The claim shall set forth each ground upon which the claim is made in sufficient detail to apprise the assistant regional commissioner of the exact basis therefor. Allegations pertaining to the bearing of the ultimate burden relate to additional conditions which must be established for a claim to be allowed and are not in themselves legal grounds for allowance of a claim. There shall also be attached to the form and made a part of the claim the supporting data required by § 296.8. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim.

SUBCHAPTER F—PROCEDURES AND ADMINISTRATION

PART 301—PROCEDURES AND ADMINISTRATION

PAR. J. 26 CFR Part 301 is amended as follows:

1. Section 301.6091–1(b) is amended to provide that a document required to be filed with the office of the assistant regional commissioner (alcohol and tobacco tax) may be hand carried to that office. As amended, § 301.6091–1(b) reads as follows:

§ 301.6091–1 Place for filing returns and other documents.

* * * * *

(b) *Exception for hand-carried documents other than returns.* Notwithstanding any other provisions of this chapter—

(1) *Persons other than corporations.* If a document, other than a return, of a person (other than a corporation) is hand carried, and if the document is otherwise required to be filed with a service center, such document may be filed with the district director for the internal revenue district in which is located the legal residence or principal place of business of such person. A document may also be filed by hand carrying such document to the appropriate service center, or, in the case of a document required to be filed (i) with the Office of International Operations, by hand carrying to such Office, or (ii) with the office of the assistant regional commissioner (alcohol and tobacco tax), by hand carrying to such office.

(2) *Corporations.* If a document, other than a return, of a corporation is hand carried, and if the document is otherwise required to be filed with a service center, such document may be filed with the district director for the internal revenue district in which is located the principal place of business or principal office or agency of the corporation. A document may also be filed by hand carrying such document to the appropriate service center, or, in the case of a document required to be filed (i) with the Office of International Operations, by hand carrying to such Office, or (ii) with the office of the assistant regional commissioner (alcohol and tobacco tax), by hand carrying to such office.

2. Sections 301.6402–2(a) and 301.6404–1(c) are amended to provide for the filing of certain claims with the assistant regional commissioner (alcohol and tobacco tax). As amended, §§ 301.6402–2(a) and 301.6404–1(c) read as follows:

§ 301.6402–2 Claims for credit or refund.

(a) *Requirement that claim be filed.* * * *

(2) In the case of a claim filed prior to April 15, 1968, the claim together with appropriate supporting evidence shall be filed in the office of the internal revenue officer to whom the tax was paid or with the assistant regional commissioner (alcohol and tobacco tax) where the regulations respecting the particular tax to which the claim relates specifically require the claim to be filed with that officer. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents), in the case of a claim filed after April 14, 1968, the claim, together with appropriate supporting evidence, shall be filed (i) with the Director of International Operations if the tax was paid to him or (ii) with the assistant regional commissioner (alcohol and tobacco tax) where the regulations respecting the particular tax to which the claim relates specifically require the claim to be filed with that officer; otherwise, the claim with appropriate supporting evidence must be filed with the service center serving the internal revenue district in which the tax was paid. As to interest in the case of credits or refunds, see section 6611. See section 7502 for provisions treating timely mailing as timely filing and section 7503 for time for filing claim when the last day falls on Saturday, Sunday, or legal holiday.

§ 301.6404–1 Abatements.

* * * * *

(c) Except in case of income, estate, or gift tax, if more than the correct amount of tax, interest, additional amount, addition to the tax, or assessable penalty is assessed but not paid to the district director, the person against whom the assessment is made may file a claim for abatement of such overassessment. Each claim for abatement under this section shall be made on Form 843. In the case of a claim filed prior to April 15, 1968, the claim shall be filed in the office of the internal revenue officer by whom the tax was assessed or with the assistant regional commissioner (alcohol and tobacco tax) where the regulations respecting the particular tax to which the claim relates specifically require the claim to be filed with that officer. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents), in the case of a claim filed after April 14, 1968, the claim shall be filed (1) with the Director of International Operations if the tax was assessed by him, or (2) with the assistant regional commissioner (alcohol and tobacco tax) where the regulations respecting the particular tax to which the claim relates specifically require the claim to be filed with that officer; otherwise, the claim shall be filed with the service center serving the internal revenue district in which the tax was assessed. Form 843 shall be made in accordance with the instructions relating to such form.

[F.R. Doc. 69–2555; Filed, Feb. 28, 1969; 8:51 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7007]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Filing of Special Tax Returns With Service Centers

On December 24, 1968, a notice of proposed rule making to amend 26 CFR Parts 250 and 251, with respect to the filing of returns on Forms 11 for special (occupational) tax with service centers, was published in the FEDERAL REGISTER (33 F.R. 19196). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

LESTER D. JOHNSON,
Commissioner of Customs.

Approved: February 25, 1969.

WILLIAM F. HELLMUTH, Jr.,
Acting Assistant Secretary of the Treasury.

In order to provide, in certain instances, for the filing of returns on Forms 11 for special (occupational) tax with service centers to conform with the amendments made by section 1 of the Act of November 2, 1966 (Public Law 89–713, 80 Stat. 1107), the regulations in 26 CFR Parts 250 and 251 are amended as follows:

PARAGRAPH A. Title 26 CFR Part 250 is amended as follows:

1. Section 250.11 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 250.11 reads as follows:

§ 250.11 Meaning of terms.

* * * * *

Director of the service center. A director of an internal revenue service center.

* * * * *

2. Sections 250.44 and 250.210 are amended to provide for the filing of Forms 11 with the director of the service center where the instructions on or relating to Form 11 so provide. As amended, §§ 250.44 and 250.210 read as follows:

§ 250.44 Liquor dealer's special taxes.

Every person bringing liquors into the United States from Puerto Rico, who sells, or offers for sale, such liquors shall file Form 11 with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay special (occupational) tax as a wholesale dealer in liquor or as a retail dealer in liquor in accordance with the law and regulations governing the payment of such special taxes (Part 194 of this chapter).

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5111, 5112, 5121, 5122)

§ 250.210 Liquor dealer's special taxes.

Every person bringing liquors into the United States from the Virgin Islands, who sells, or offers for sale, such liquors shall file Form 11 with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay special (occupational) tax as a wholesale dealer in liquor or as a retail dealer in liquor, in accordance with the law and regulations governing the payment of such special taxes (Part 194 of this chapter).

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5111, 5112, 5121, 5122)

PAR. B. Title 26 CFR Part 251 is amended as follows:

1. Section 251.11 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 251.11 reads as follows:

§ 251.11 Meaning of terms.

* * * * *

Director of the service center. A director of an internal revenue service center.

* * * * *

2. Section 251.30 is amended to provide for the filing of Forms 11 with the director of the service center where the instructions on or relating to Form 11 so provide. As amended, § 251.30 reads as follows:

§ 251.30 Special (occupational) tax.

Importers engaged in the business of selling, or offering for sale, distilled spirits, wines, or beer are subject to the provisions of Part 194 of this chapter relating to special (occupational) taxes, which part requires that the special tax return, Form 11, with remittance of the tax, shall be filed with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, on or before July 1 of each year, or before commencing business.

(72 Stat. 1340, 1343, 1346; 26 U.S.C. 5111, 5121, 5142)

[F.R. Doc. 69-2554; Filed, Feb. 28, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 363]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.663 Lemon Regulation 363.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 2, 1969, through March 8, 1969, are hereby fixed as follows:

(i) District 1: 9,300 cartons;
(ii) District 2: 195,300 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 27, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2577; Filed, Feb. 28, 1969; 8:52 a.m.]

[Grapefruit Reg. 55]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.355 Grapefruit Regulation 55.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 3, 1969, through March 9, 1969, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2627; Filed, Feb. 28, 1969; 11:18 a.m.]

[Grapefruit Reg. 23]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.323 Grapefruit Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 3, 1969, through March 9, 1969, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2628; Filed, Feb. 28, 1969; 11:18 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages for 1968–69 Crop Year

Pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, the salable and reserve percentages previously established (§ 993.204; 33 F.R. 12033) and modified (33 F.R. 17311) for California dried prunes for the 1968–69 crop year are hereby further modified to 85 percent and 15 percent, respectively. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act". The further modification of the salable and reserve percentages was unanimously recommended by the Prune Administrative Committee.

The salable and reserve percentages originally established for the 1968–69 crop year, and as subsequently modified, were based on estimates that the 1968 California dried prune crop would be 160,000 tons. The Committee has now estimated that such production will be about 153,000 tons. Those percentages were also based on the Committee's marketing policy objective to provide as near as possible 130,194 tons, natural condition weight, of salable prunes from that crop. There is no change in this objective. Consistent with the Committee's marketing policy considerations and its current estimate of the 1968 crop, the salable and reserve percentages should be further modified to 85 percent and 15 percent, respectively.

After consideration of all relevant information, including the information and recommendation submitted by the Committee, and other available information, it is hereby found that to further modify the salable and reserve percentages for dried prunes for the 1968–69 crop year as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the previously modified salable and reserve percentages for the 1968–69 crop year of 80 percent and 20 percent as set forth in the first sentence of § 993.204 *Salable and reserve percentages for prunes and handler reserve obligation for the 1968–69 crop year* (33 F.R. 12033; 17311) are hereby modified to read "85 percent" and "15 percent", respectively.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice of this action and engage in public rule making procedure, and that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all dried prunes received during the crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); (2) the current crop year began on August 1, 1968, and the further modified percentages will apply automatically to such dried prunes beginning with that date; and (3) this action relieves restrictions on the handling of dried prunes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 25, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2535; Filed, Feb. 28, 1969; 8:50 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 130]

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Tex., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued January 8, 1969, and the decision of the Under Secretary containing all amendment provisions of this order, was issued February 7, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1969, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Corpus Christi, Tex., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

DEFINITIONS

Sec.
1130.1 Act.
1130.2 Secretary.
1130.3 Department.
1130.4 Person.
1130.5 Cooperative association.
1130.6 Corpus Christi, Tex., marketing area
1130.7 Plant.
1130.8 Distributing plant.
1130.9 Supply plant.
1130.10 Pool plant.
1130.11 Nonpool plant.
1130.12 Handler.
1130.13 Producer.
1130.14 Producer milk.
1130.15 Producer-handler.
1130.16 Fluid milk products.
1130.17 Other source milk.
1130.18 Route disposition.
1130.19 Butter price.

MARKET ADMINISTRATOR

1130.20 Designation.
1130.21 Powers.
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REPORTS, RECORDS, AND FACILITIES

1130.30 Reports of receipts and utilization.
1130.31 Payroll reports.
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1130.33 Records and facilities.
1130.34 Retention of records.

CLASSIFICATION

1130.40 Basis of classification.
1130.41 Classes of utilization.
1130.42 Assignment of shrinkage.
1130.43 Responsibility of handlers and reclassification of milk.
1130.44 Transfers.
1130.45 Computation of the skim milk and butterfat in each class.
1130.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1130.51 Class prices.
1130.52 Butterfat differentials to handlers.
1130.53 Location differentials to handlers.
1130.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

1130.60 Plants subject to other Federal orders.
1130.61 Obligation of handler operating a partially regulated distributing plant.
1130.62 Producer-handler.

DETERMINATION OF UNIFORM PRICE

1130.70 Computation of the net pool obligation of each pool handler.
1130.71 Computation of aggregate value used to determine uniform price.
1130.72 Computation of uniform price.

PAYMENTS

1130.80 Time and method of payment.
1130.81 Butterfat differentials to producers.
1130.82 Location adjustments to producers.
1130.83 Producer-settlement fund.
1130.84 Payments to the producer-settlement fund.
1130.85 Payments out of the producer-settlement fund.
1130.86 Adjustment of accounts.
1130.87 Marketing services.
1130.88 Expense of administration.
1130.89 Termination of obligation.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1130.90 Effective time.
1130.91 Suspension or termination.
1130.92 Actions after suspension or termination.
1130.93 Liquidation.

MISCELLANEOUS PROVISIONS

1130.100 Agents.
1130.101 Separability of provisions.

AUTHORITY: The provisions of this Part 1130 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1130.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1130.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1130.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1130.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1130.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1130.6 Corpus Christi, Tex., marketing area.

"Corpus Christi, Tex., marketing area", called the "marketing area" in this part, means all the territory within the following counties, all in the State of Texas:

Brooks.
Cameron.
Duval.
Hidalgo.
Jim Wells.
Kleberg.
Live Oak.
Nueces.
San Patricio.

§ 1130.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed or packaged. Separate facilities without storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

§ 1130.8 Distributing plant.

"Distributing plant" means a plant from which Grade A fluid milk products are disposed of during the month on a route(s) in the marketing area.

§ 1130.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which milk is moved to a distributing plant.

§ 1130.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products within the marketing area on routes is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1130.12(d) at such plant is moved as fluid milk products to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

(c) Any plant located in the marketing area and operated by a cooperative association approved by any duly constituted State or municipal health authority, and at which milk is received from dairy farmers holding permits or authorizations from such health authority, if 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from a plant of the cooperative association.

§ 1130.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are disposed of on routes in the marketing area during the month.

§ 1130.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant of another handler to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association;

(e) Any person in his capacity as the operator of an other order plant from which route disposition of fluid milk products is made in the marketing area; or

(f) A producer-handler.

§ 1130.13 Producer.

(a) "Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1130.14.

(b) "Producer" shall not include:

(1) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class III classification (or comparable classification) of such milk in the reports of receipts and utilization filed with their respective market administrators; and

(2) Any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

§ 1130.14 Producer milk.

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a cooperative association handler pursuant to § 1130.12(d); and

(3) Diverted by the operator of such pool plant to a nonpool plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant for the account of such cooperative association, subject to the conditions of paragraph (c) of this section; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1130.12(d) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler; and

(3) For the purposes of location adjustments pursuant to §§ 1130.53 and 1130.82, diverted milk shall be priced at the location of the nonpool plant to which diverted.

(4) For purposes of determining qualification of pool plants pursuant to § 1130.10 (a) and (b), milk diverted pursuant to paragraph (a)(3) of this section shall be considered receipts of Grade A milk at the plant from which diverted.

§ 1130.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk as Class I milk except:

(1) That represented by nonfat solids used in the fortification of fluid milk products; or

(2) Yogurt in packaged form and cream in prepackaged tetrapaks (one-half fluid ounce capacity) if such products are made from milk classified and priced under any Federal order;

(d) Receives during the month from pool plants milk or fluid milk products in a total quantity of not more than 10,000 pounds, or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1130.16 Fluid milk products.

"Fluid milk products" means all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1130.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts at a pool plant during the month of fluid milk products except (1) fluid milk products received from other pool plants, (2) producer milk; and

(b) Products other than fluid milk products, from any source (including those processed at the plant), which are reprocessed or converted to another product in the plant during the month or for which other utilization or disposition is not established.

§ 1130.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery to a milk plant.

§ 1130.19 Butter price.

"Butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 1130.20 Designation.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1130.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments to this part.

§ 1130.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1130.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1130.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts has not made reports pursuant to §§ 1130.30 to 1130.32, has not maintained adequate records and facilities pursuant to § 1130.33, or made payments

pursuant to §§ 1130.80, 1130.84, 1130.86, and 1130.88;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the fifth day of each month, the minimum price for Class I milk computed pursuant to § 1130.51(a), and the Class I milk butterfat differential computed pursuant to § 1130.52(a) both for the current month, and the minimum price for Class II and Class III milk computed pursuant to § 1130.51 (b) and (c) and the butterfat differential for Class II and Class III milk computed pursuant to § 1130.52 (b) and (c), all for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1130.72; and the butterfat differential computed pursuant to § 1130.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

(l) On or before the 12th day after the end of each month report to each cooperative association, upon request by such association, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classifications to which such receipts are allocated pursuant to § 1130.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler who operates a pool plant (including a cooperative association in its capacity as a handler pursuant to § 1130.12(c)) and who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

(o) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class, during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

REPORTS, RECORDS, AND FACILITIES

§ 1130.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator as follows in the detail and on forms prescribed by the market administrator:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) Receipts of skim milk and butterfat in or represented by:

(i) Producer milk, showing separately receipts from producers and from each cooperative association bulk tank handler;

(ii) Receipts of fluid milk products from other pool plants; and

(iii) Other source milk, with the identity of each source.

(2) Inventories of fluid milk products at the beginning and end of the month:

(i) In packaged form; and

(ii) In bulk form.

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversions to nonpool plants.

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1130.12 (c) or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all such milk not delivered to a pool plant; and

(4) Such other information as the market administrator may require.

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes.

§ 1130.31 Payroll reports.

On or before the 20th day of each month, each handler operating a pool plant(s), each cooperative association which is a handler pursuant to § 1130.12 (c) or (d), and each handler operating a partially regulated distributing plant and making payments pursuant to § 1130.61 (a), shall submit to the market administrator his producer payroll (or in the latter case, his payroll for dairy farmers delivering Grade A milk) for deliveries made in the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1130.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition to the market administrator on or before the seventh day after the end of the month.

(c) Each handler who causes milk to be delivered for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 1130.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted.

§ 1130.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years

to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice the handler shall retain such books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1130.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1130.30 shall be classified by the market administrator, subject to the provisions of §§ 1130.41 through 1130.45, inclusive. If any of the water contained in the milk from which a product is made has been removed, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1130.41 Classes of utilization.

Subject to the conditions set forth in §§ 1130.43 and 1130.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except those fluid milk products classified pursuant to subparagraphs (2), (3), and (4) of paragraph (c) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk or as Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat in fluid milk products used to produce or added to cottage cheese or cottage cheese curd, except as classified pursuant to subparagraphs (2) and (3) of paragraph (c) of this section; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or cottage cheese;

(2) In fluid milk products or cottage cheese (in excess of that classified pursuant to subparagraph (10) of this paragraph) disposed of for livestock feed;

(3) In fluid milk products or cottage cheese (in excess of that classified pursuant to subparagraph (10) of this paragraph) dumped after notification to and opportunity for verification as may be requested by the market administrator;

(4) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Contained in any fluid milk product which has been fortified with additional milk solids not fat which is in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1) of this section;

(6) In inventory of bulk fluid milk products on hand at the end of the month;

(7) In actual shrinkage at each plant but not in excess of the following limitations:

(i) 2 percent of receipts directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1130.12(d), except that if the handler operating the pool plant files notice with market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of bulk fluid milk products (except cream) received from other pool plants; plus

(iv) 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class III utilization was requested by the handlers; plus

(v) 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights and tests, the applicable percentage shall be 2 percent.

(8) In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1130.42(b);

(9) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1130.12 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of the quantity received from producers, exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered; and

(10) In nonfluid products used to produce cottage cheese or cottage cheese curd.

§ 1130.42 Assignment of shrinkage.

The market administrator shall prorate the total shrinkage of skim milk and butterfat, respectively, computed at each pool plant between the following:

(a) Skim milk and butterfat in amounts, respectively, equal to 50 times the maximum quantities that may be computed pursuant to § 1130.41(c)(7); and

(b) The skim milk and butterfat, respectively, in other source milk received as bulk fluid milk products, exclusive of the other source milk specified in § 1130.41(c)(7).

§ 1130.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1130.12(d), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1130.14(a)(2);

(b) Milk received by a handler pursuant to § 1130.12(d) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1130.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

§ 1130.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of fluid milk products from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1130.46(a)(4) and the corresponding step of § 1130.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I (then Class II) utilization to such other source milk; and

(3) If the handler transferring to the pool plant of another handler received during the month other source milk to be allocated pursuant to § 1130.46(a)(8) or (9) and the corresponding steps of § 1130.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I (or Class II) milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred in the form of fluid milk products from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonpool plant that is not an other order plant or a plant of

a producer-handler, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1130.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I milk utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class III milk to the extent of such uses at the plant and then as Class II milk;

(d) On the basis of the conditions and the allocation procedure described in paragraph (c) of this section at a second nonpool plant, that is neither an other order plant, nor a producer-handler plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which all receipts of milk or skim milk are moved in bulk to such second nonpool plant for further processing;

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order which provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and milk allocated to another class shall be classified as Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1130.41.

§ 1130.45 Computation of the skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1130.30 for each pool plant of each handler, and compute the pounds of skim milk and butterfat in each class for such plant;

(b) If no fluid milk products to be assigned pursuant to § 1130.46(a)(8) or (9) were received at any of his pool plants, allocations pursuant to § 1130.46 and computation of obligations pursuant to § 1130.70 shall be made separately for each pool plant of a handler with two or more pool plants;

(c) Unless the conditions specified in paragraph (b) of this section apply, the market administrator shall combine the receipts and utilization (exclusive of utilization based upon movements between such plants) at all pool plants of such handler for purposes of allocation pursuant to § 1130.46 and computation of obligation pursuant to § 1130.70; and

(d) The market administrator shall determine the classification, allocation and pool obligation with respect to producer milk for which a cooperative association is accountable pursuant to § 1130.12 (c) and (d) separately from the operations of any pool plant operated by such cooperative association. The pounds of skim milk and butterfat so determined in each class shall be used for computation pursuant to § 1130.46(c).

§ 1130.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1130.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order.

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(ii) For which the handler requests Class II or Class III milk utilization; or

(iii) Which are in excess of the pounds of skim milk determined by multiplying

the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II or Class III milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph:

(i) In series beginning with Class III milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1130.22(o) or the percentage that Class II and Class III milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1130.44(a); and

(11) If the pounds of skim milk remaining in each class exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraph (a) and (b) of this section and § 1130.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1130.51 Class prices.

Subject to the provisions of §§ 1130.52 and 1130.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I price.* The Class I milk price shall be the price for Class I milk established under Part 1126 (North Texas) of this chapter plus 75 cents.

(b) *Class II price.* The Class II milk price shall be the Class III milk price for the month plus 25 cents.

(c) *Class III price.* The Class III milk price shall be the price computed pursuant to subparagraph (1) of this paragraph except that for the months of March, April, May, and June, 12 cents shall be deducted from such price:

(1) The sum of the plus values of subdivisions (i) and (ii) of this subparagraph, less five times the butterfat differential computed pursuant to § 1130.52 (c):

(i) Subtract three cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture deduct 5.5 cents and multiply by 8.16.

§ 1130.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1130.46 is more or less than 3.5 percent, there shall be added to the respective class price, computed pursuant to § 1130.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent an amount equal to the butterfat differential computed by multiplying the butter price for the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply the butter price for the preceding month by 0.120; and

(b) *Class II milk.* Multiply the butter price for the current month by 0.110; and

(c) *Class III milk.* Multiply the butter price for the current month by 0.110.

§ 1130.53 Location differential to handlers.

(a) For milk which is received from producers or a cooperative association at a pool plant located more than 80 miles, but not more than 150 miles from the city hall in Mercedes, Tex., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1130.51(a) shall be reduced 9 cents per hundredweight and for milk which is received from producers or a cooperative association at a pool plant located more than 150 miles from the city hall in Mercedes, Tex., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1130.51(a) shall be reduced 1-cent per hundredweight for each 10 miles distance or fraction thereof that such plant is from the city hall in Mercedes, Tex.

(b) For purposes of calculating such location adjustment, transfers between pool plants shall be assigned Class I location credit as follows:

(1) If in packaged form without limit; and

(2) If in bulk form, to the extent that Class I disposition at the transferee plant exceeds the sum of (i) 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1130.12(d), (ii) the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and (iii) assignments pursuant to subparagraph (1) of this paragraph, such assignment to be made first to transferor plants having the same Class I price, then in sequence to plants having a lower Class I price, beginning with the plant at which the highest Class I price would apply.

§ 1130.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1130.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part

until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1130.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months January through August, if such plant retains automatic pooling status under this part.

§ 1130.61 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1130.30 and 1130.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1130.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II (or Class III) milk if allocated to such classes at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1130.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1130.30 and 1130.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1130.9, with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1130.62 Producer-handler.

Sections 1130.40 through 1130.46, 1130.51 through 1130.54, 1130.70 through 1130.72, and 1130.80 through 1130.89 shall not apply to a producer-handler.

Determination of Uniform Price

§ 1130.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1130.46(c), by the applicable class prices (adjusted pursuant to §§ 1130.52 and 1130.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1130.46(a)(11) and the corresponding step of § 1130.46(b) by the applicable class prices (adjusted pursuant to §§ 1130.52 and 1130.53);

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(8) and the corresponding step of § 1130.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1130.46(a)(4) and the corresponding step of § 1130.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(8) and the corresponding step of § 1130.46(b);

(f) Add the amount obtained from multiplying the difference between the Class III milk price for the preceding month and the Class II milk price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class II milk pursuant to § 1130.46(a)(6) and the corresponding step of § 1130.46(b) for the current month; or

(2) The hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(b) for the preceding month, less the hundredweight used in computations pursuant to paragraph (c) of this section; and

(g) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(3) and the corresponding step of § 1130.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

§ 1130.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1130.70 for all handlers who made the reports prescribed in § 1130.30 and who made the payments pursuant to § 1130.80 for the preceding months;

(b) Add not less than one-fourth of the unobligated cash balance on hand in the producer-settlement fund;

(c) Subtract, if the average butterfat content of the milk specified in § 1130.72 (a) is greater than 3.5 percent or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1130.81 and multiplying the resulting

figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the minus location differentials pursuant to § 1130.82.

§ 1130.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight applicable for milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1130.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1130.70(e); and

(b) Subtract not less than 4 cents nor more than 5 cents.

PAYMENTS

§ 1130.80 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(1) On or before the 25th day of each month, to each producer who has not discontinued delivery of milk to such handler, a partial payment for milk received from such producer during the first 15 days of such month at not less than the Class III milk price for the preceding month;

(2) On or before the 15th day after the end of each month, for milk received during such month, an amount not less than the uniform price computed pursuant to § 1130.72, subject to the butterfat differential computed pursuant to § 1130.81 and the location differential computed pursuant to § 1130.82, plus or minus adjustments for errors made in previous payments to such producers, and less:

(i) Payments made pursuant to subparagraph (1) of this paragraph;

(ii) Marketing service deductions pursuant to § 1130.87; and

(iii) Proper deductions authorized by such producer;

(3) If by the date for payment pursuant to subparagraph (2) of this paragraph, a handler has not received full payment for such month pursuant to § 1130.85, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association, which the market administrator determines is authorized by its members to collect payment for their milk, and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 23d and 14th days of each month in lieu of payments pursuant to paragraph (a) (1) and (2), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association;

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) In making the payments pursuant to paragraphs (a)(2) and (b) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount of the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producers.

(d) As follows, to each cooperative association for milk for which it is the handler, pursuant to § 1130.12(d):

(1) On or before the 23d day of the month, a partial payment for milk received during the first 15 days of such month, at not less than the amount specified in paragraph (b) of this section; and

(2) On or before the 14th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 14th day after the end of the month, for milk received from the pool plant of a cooperative association, to such cooperative association not less than the value of such milk at the applicable price(s) for the class(es) at which transferred pursuant to § 1130.44(a).

§ 1130.81 Butterfat differentials to producers.

In making payments to producers pursuant to § 1130.80, the uniform price shall be increased or decreased for each one-tenth of 1 percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 1130.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 1130.82 Location adjustments to producers.

In making payments pursuant to § 1130.80, the uniform price computed pursuant to § 1130.72 to be paid for such milk received at a pool plant at which a location differential pursuant to § 1130.53 applies may be reduced by the amount of such location adjustments.

§ 1130.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1130.61, 1130.84, and 1130.86, and out of which he shall make all payments to handlers pursuant to §§ 1130.85 and 1130.86.

§ 1130.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1130.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price computed pursuant to § 1130.72, and

(2) The value at the uniform price applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1130.70(e).

§ 1130.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1130.84(b) exceeds the amount computed pursuant to

§ 1130.84(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler, pursuant to §§ 1130.84, 1130.86, 1130.87, or 1130.88.

§ 1130.86 Adjustment of accounts.

(a) *Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; of

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler, of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler pursuant to §§ 1130.84, 1130.87, 1130.88, or paragraph (a)(1) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1130.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1130.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator, on or before the 13th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk from producers who are not receiving such service from a cooperative association; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1130.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that purusant to § 1130.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1130.46(a)(4) and (8) and the corresponding steps of § 1130.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1130.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligations exists, was received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1130.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1130.91.

§ 1130.91 Suspension or termination.

The Secretary may suspend or terminate this subpart or any provision of this part whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1130.92 Actions after suspension or termination.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1130.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to

contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1130.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1130.101 Separability of provisions.

If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Effective date: March 1, 1969.

Signed at Washington, D.C., on February 25, 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2447; Filed, Feb. 28, 1969; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER I—LEASING AND PERMITTING

PART 131—LEASING AND PERMITTING

Hualapai, Swinomish, and Spokane Reservations, and Pueblos of Cochiti, Pojoaque, Tesuque, and Zuni

FEBRUARY 20, 1969.

On page 757 of the FEDERAL REGISTER of January 17, 1969, there was published a notice of intention to amend 25 CFR Part 131 by the revision of § 131.8(a).

The purpose of the change is to implement long-term leasing authorities contained in the Acts of June 20, 1968 (82 Stat. 342), October 12, 1968 (82 Stat. 1003), section 6 of the Act of September 28, 1968 (82 Stat. 884), and section (f) of the Act of June 10, 1968 (82 Stat. 174).

Interested persons were given an opportunity to submit their comments, suggestions or objections with respect to the proposed amendment within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30-day period, no comments, suggestions, or objections were received. Accordingly, the proposed amendment is hereby adopted without change, as set forth below, and is effective upon publication in the FEDERAL REGISTER.

T. W. TAYLOR,
Deputy Commissioner.

§ 131.8 Duration of leases.

* * * * *

(a) Leases for public, religious, educational, recreational, residential, or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed 25 years, except such leases of land on the Hollywood (formerly Dania) Reservation, Fla.; the Navajo Reservation, Ariz., N. Mex., and Utah; the Palm Springs Reservation, Calif.; the Southern Ute Reservation, Colo.; the Fort Mohave Reservation, Calif., Ariz., and Nev.; the Pyramid Lake Reservation, Nev.; the Gila River Reservation, Ariz.; the San Carlos Apache Reservation, Ariz.; the Spokane Reservation, Wash.; the Hualapai Reservation, Ariz.; the Swinomish Reservation, Wash.; the Pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, N. Mex.; and land on the Colorado River Reservation, Ariz., and Calif., as stated in § 131.18; which leases may be made for terms of not to exceed 99 years.

* * * * *

[F.R. Doc. 69-2492; Filed, Feb. 28, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Chapter X of Title 45 of the Code of Federal Regulations is amended by adding a new Part 1061, reading as set forth above, and a new subpart, reading as follows:

Subpart—Guidelines for Youth Programs

Sec.
1061.1-1 Program duration.
1061.1-2 Eligible population to be served.
1061.1-3 Program content.
1061.1-4 Training.
1061.1-5 Self-evaluation.
1061.1-6 Neighborhood youth advisory committees or councils.
1061.1-7 Function of neighborhood youth advisory committee or council.
1061.1-8 Delegate agencies.
1061.1-9 Maintenance of effort.
1061.1-10 Relationship to Mayor's Assistant for Youth Activities.

AUTHORITY: The provisions of this Part 1061 issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart—Guidelines for Youth Programs

§ 1061.1-1 Program duration.

Youth programs are to be funded on a year-round basis with provisions for the activities to peak during the summer months.

§ 1061.1-2 Eligible population to be served.

Youth programs should be designated to meet the needs of young people up to 25 years of age, who are eligible according to the latest OEO poverty guidelines. It is recommended that priority in programs be given to those youths who:

(a) Have dropped out of school,

(b) Are in school but potential dropouts,

(c) Have no immediate source of income,

(d) Have no positive contacts with social service agencies or institutions,

(e) Have no consistent work history or marketable skills.

§ 1061.1-3 Program content.

(a) The purpose of youth programs is to give youth experiences which provide the development of leadership, increased skills and self-direction. There are no predetermined priorities regarding the subject matter of the programs; that is, whether the emphasis will be on education, economic development, or employment. This should be determined locally by the youth committee. It is the responsibility of the CAA to establish, before submitting applications, that the local groups have had opportunity to consider all program alternatives, and that the priorities determined by the youth committee are adhered to.

(b) It is required that whatever the subject matter of the program, it should include in its plan the opportunity to provide experiences for youth through which they may increase or acquire new educational or employment oriented skills that might lead to an eventual career choice, or will increase their leadership capability.

(c) We have found in 1968 that all too many programs were single-purpose; i.e. either education or recreation or employment. Evaluation report recommendations state: "Programs should include a broad spectrum of activities, each functionally related to each other and integrated in a total developmental, learning experience." A smooth running program works simultaneously with a constantly growing and evolving organization. Both aspects must be taken into consideration when making program decisions.

§ 1061.1-4 Training.

(a) Training must be provided for all staff prior to, as well as throughout, the program, and should be considered an on-going process. The staff of each youth program should be clear, in advance, about its purposes, the program's potential values to the individual participants, and the program implications to the community.

(b) If the CAA has a training officer, and a program account that provides for training needs for any program funded by the CAA, the youth program training needs should be incorporated into that program. If, on the other hand, it is determined that the youth program require full-time training attention, the budget should reflect the necessary staff and finances required for this. Specific programs may be such that trainnng may be considered the part-time responsibility of one staff member. Whatever system is decided to be most reasonable, the work plan should indicate how training is adequately accounted for within each program.

§ 1061.1-5 Self-evaluation.

(a) The evaluation efforts for each program should be clearly spelled out so there is hard evidence for periodic review by staff and participants which support the soundness of the program or the redirection it should take.

(b) Some of the questions to be addressed include:

(1) Explain the role of youth in the planning of the program.

(2) Were the youth represented typical of the target area?

(3) What ideas put forth by the youth were incorporated into the program?

(4) What ideas were not incorporated? Why?

(5) Describe the functions assumed by youth in the operation of the program.

(6) Did the youth assume the responsibility of these functions adequately to insure smooth operations?

(7) Which programs were successful in accordance with program goals? Why?

(8) Which programs were unsuccessful? Why?

(9) What was learned from this experience that will be useful for planning and implementing future programs?

(10) Were any measurable changes observed in local community attitudes? In the neighborhoods? In responsiveness from agencies? In the participants?

§ 1061.1-6 Neighborhood youth advisory committees or councils.

(a) The CAA is responsible for developing effective involvement of the poor youth in all youth programs it administers or delegates to other agencies. This involvement may be in the form of:

(1) Creating a new youth advisory committee, democratically selected, at least 51 percent of whom shall be youth up to the age of 25 residing in the target area, or

(2) Utilizing existing neighborhood or target area youth organizations made up predominately of poor youth up to the age of 25.

(b) The councils or advisory committees, or designated youth organizations may operate under whatever appropriate CAA structure presently exists.

(c) Any adult members of the neighborhood youth council or neighborhood youth advisory committee must be mutually acceptable to the CAA and a majority of the youth representatives.

(d) If a single neighborhood youth organization does not exist that is presently representative of the target area youth, then those processes outlined in the OEO pamphlet, "Organizing Communities for Action,[1]" are suggested as methods of securing a democratic selection of committee members. These include:

(1) Nominations and elections, whether within neighborhoods, or within the community as a whole.

(2) Selection at a meeting or conference to which all neighborhood youth of target area are invited.

(e) Whatever structure the CAA chooses to establish, that structure must carry out the functions stated below.

§ 1061.1-7 Function of neighborhood youth advisory committee or council.

(a) The function of the Council is to address itself to all areas of programing for youth, including planning, hiring, and evaluation. Since these functions carry with them an on-going responsibility, the Youth Council should be considered a permanent structure. For this reason, there should be a specification of funds for operating expenses, as well as for training of Council members in the function and responsibility of the Council.

(b) These Youth Advisory Committees or Neighborhood Youth Councils shall be given an opportunity to carry out the following functions:

(1) *Program priorities.* Advise the CAA in setting annual priorities for youth programs based upon top needs of the neighborhood or target area youth.

(2) *CAA grant application.* Participate in the development of the pertinent parts of the Community Action grant process that relates to youth programs; particularly in the development of CAP Form 81, "Community Action Agency Plans and Priorities" (applying for CAP Grant-OEO Instruction 6710-1, pp. III 9-14)[1] where this is pertinent to youth programs, and CAP Form 7, "Program Account Work Program" (OEO Instruction 6710-1, pp. III 13-25),[1] bearing on the program operating in their neighborhood or in the program area for which the Advisory Committee or Youth Council is responsible. Such a committee or council shall add a written approval or dissent from the CAA's Plans and Priorities CAP Form 81, when it is submitted to OEO by the CAA. Participate in the prereview meetings with the Regional Office field representative prior to submission of the funding request.

(3) *Review of programs and policies.* Review and comment on any existing or proposed CAA projects, policy, and plans regarding youth programs sent to the CAA for comment.

(4) *OEO publication.* Receive from the CAA copies of OEO publications, instructions, program guidance, and operating handbooks.

(5) *Evaluations.* Participate in the evaluation of the entire youth program operated, or delegated, by the CAA, and present their findings to the CAA Board for its consideration.

(6) *Selection of personnel.* Have an influential voice in the hiring of program staff working in their geographical area and have an influential voice in developing personnel policies and standards for the selection of staff for youth programs. It is required that youth must be selected to fill staff positions for all youth programs as much as reasonably is possible. These jobs are to be considered a training experience.

(7) *Involvement in other CAA activities.* Work towards an effective role in the planning, coordination, conduct, and evaluation of all related poverty programs operating within their area, whenever this is feasible.

§ 1061.1-8 Delegate agencies.

When youth programs and funds are delegated by the CAA to agencies whose prime responsibilities are for programs not sponsored by the CAA (such as school boards), the delegate agency must work with the established Youth Advisory Committee or Youth Council which will assist in the planning, conduct, and evaluation of the program that delegate agency will operate. The agency will also be required to hire youth for staff positions as much as is reasonably possible and to provide the training necessary for staff development. In other words, delegate agencies are required to live up to the spirit and intent inherent within this subpart. Delegate agencies should, in part, be selected on their willingness to comply with this spirit.

§ 1061.1-9 Maintenance of effort.

It is required that those programs funded by the special youth money (Program Account No. 59) be over and above any youth or youth-related programs presently funded by the CAA under other accounts.

§ 1061.1-10 Relationship to Mayor's Assistant for Youth Activities.

The role of the Youth Coordinator (now referred to as the Mayor's Assistant for Youth Activities) has been redefined this year and his duties have been more clearly stated. His role is as an advocate for youth and their programs. He is to assist in coordinating the total effort made by both public and private agencies operating youth programs; to be a clearinghouse for information, and to identify available resources. His role is not a planning one or an operational one. It should be remembered that final responsibility regarding funding levels and types of programs sponsored by the CAA, or its delegate agencies, remain the responsibility of the CAA board. The CAA is to cooperate with the Mayor's Assistant and other local groups in coordinating local youth programs.

Effective date. This subpart shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69-2547; Filed, Feb. 28, 1969; 8:51 a.m.]

[1] Not filed with Office of the Federal Register.

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 20; Notice 5]

PART 369—REGROOVED TIRES

Extension of Effective Date

On January 24, 1969, the Federal Highway Administrator published in the FEDERAL REGISTER (34 F.R. 1149) a regulation setting forth the conditions under which regrooved tires would be allowed to be sold, offered for sale, introduced for sale, or delivered for introduction into interstate commerce. As published the

regulation had an effective date of February 28, 1969.

Several petitions have been received requesting reconsideration of the regrooved tire regulation. The Administrator finds that the petitions do not raise either substantial arguments that have not been carefully considered in issuing the regulation or matters that would require a change in the regulation, and therefore, the petitions are denied.

Several petitioners have requested that the effective date of the regulation be postponed. Upon consideration of these requests, I find that good cause exists for postponing the effective date of the regrooved tire regulation, 49 CFR Part 369, from February 28, 1969, to April 1, 1969.

Issued on February 28, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 69-2632; Filed, Feb. 28, 1969; 12:03 p.m.]

[Docket No. 23; Notice 2]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS [1]

Motor Vehicle Safety Standard No. 205; Glazing Materials

Motor Vehicle Safety Standard No. 205 specifies requirements for glazing materials for use in passenger cars, multipurpose passenger vehicles, motorcycles, trucks, and buses.

As a result of inquiries seeking clarification of the applicability of the Federal motor vehicle safety standards to campers, a ruling was published in the FEDERAL REGISTER on March 26, 1968 (33 F.R. 5020), which specified that the glazing standard (No. 205) is applicable to slide-in campers because they are items of motor vehicle equipment for use in motor vehicles.

[1] Formally contained in 23 CFR Part 255.

Standard No. 205 requires, among other things, that glazing materials "conform to the United States of America Standards Institute 'American Standard Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways,' ASA Standard Z26.1—1966" (hereafter Z26.1–1966).

By order published in the FEDERAL REGISTER on September 19, 1968 (33 F.R. 14162), section S3.2 of the Standard was amended to allow the use of AS2 or AS3 laminated glass in forward facing windows of campers provided such glass met the requirements of Test 26 of Z26.1—1966. On the assumption that Z26.1—1966, as incorporated in Standard No. 205, required the use of AS1 type laminated glass in forward facing windows of campers, the Administrator found that this amendment relieved restrictions, provided alternative means of compliance and created no additional burdens. Accordingly, the amendment was made effective immediately.

Thereafter, petitions for reconsideration were filed on the grounds, among others, that properly interpreted Z26.1—1966 permitted the use of AS1, AS2, AS3, AS4, and AS5 glazing material in forward facing camper windows and that, therefore, the September amendment did not relax an existing requirement but in fact imposed additional restrictions upon manufacturers by limiting the types of glazing materials allowable for use in such windows. Consequently, it is urged that notice of that amendment should have been given and interested parties afforded an opportunity to comment.

The Administrator recognizes that, prior to the issuance of the September amendment, Standard No. 205 as initially promulgated could have been reasonably interpreted as allowing the use of AS1, AS2, AS3, AS4, and AS5 glazing materials in the forward facing windows of campers, that many manufacturers could have reasonably acted in reliance upon such a reading, that a great deal of confusion concerning the requirements has and continues to exist and that, in fact, comments focusing directly upon the proper glazing materials required in forward facing windows of campers have not been specifically solicited by the Administration. In light of all of these circumstances it is considered appropriate to revoke section S3.2—"Materials for use in forward facing windows of campers" of Federal Motor Vehicle Safety Standard No. 205, as amended (33 F.R. 14162), as well as any interpretation that would have required the use of AS1 glass only in forward facing camper windows. The net effect of this action is to permit, subject to further rulemaking action,[2] the use of glazing materials that petitioners represent are presently being used, i.e., AS1, AS2, AS3, AS4, and AS5 glazing materials referred to in Z26.1—1966.

Since this amendment relieves restrictions and creates no additional burden the Administrator finds good cause is shown that an effective date earlier than 180 days after issuance is in the public interest and the amendment is made effective upon date of issuance.

In consideration of the foregoing, § 371.21 of Part 371, Federal Motor Vehicle Safety Standard No. 205 as amended (33 F.R. 14162) is amended by revoking S3.2—"Materials for use in forward facing windows of campers".

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)))

Issued: February 27, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 69-2615; Filed, Feb. 28, 1969; 9:24 a.m.]

[2] See notice of proposed rule making published at 34 F.R. 3699, which proposes glazing requirements for forward facing windows of campers.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 54]

GRANTS FOR CONSTRUCTION OF FACILITIES FOR THE MENTALLY RETARDED

Notice of Proposed Rule Making

CROSS REFERENCE: For a document regarding proposed redesignation of Subpart B, Part 54, Chapter I, Title 42, as Part 416, Chapter IV, Title 45, see F.R. Doc. 69-2576, Department of Health, Education, and Welfare, Social and Rehabilitation Service (45 CFR Part 416), *infra*.

Social and Rehabilitation Service

[45 CFR Part 416]

GRANTS FOR CONSTRUCTION AND INITIAL STAFFING OF COMMUNITY MENTAL RETARDATION FACILITIES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations redesignate Subpart B, Part 54, Chapter I, Title 42 of the Code of Federal Regulations as Part 416, Chapter IV, Title 45, of the Code; make certain amendments, and incorporate the program of grants for staffing of community mental retardation facilities. Subpart B, Part 54, Chapter I, Title 42 of the Code is being vacated.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions, or objections thereto which are submitted to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sec. 133, 77 Stat. 287, 42 U.S.C. 2673; sec. 144, 81 Stat. 529, 42 U.S.C. 2678c. Interpret and apply secs. 131–137, 77 Stat. 268–290, 42 U.S.C. 2671–2677; secs. 141–145, 81 Stat. 528–530, 42 U.S.C. 2678–2678d; secs. 401–407, and 408, 77 Stat. 296–299, 79 Stat. 429, 42 U.S.C. 2691–2697.

Dated: January 18, 1969.

JOSEPH H. MEYERS,
Acting Administrator, Social and Rehabilitation Service.

Approved: January 18, 1969.

WILBUR J. COHEN,
Secretary.

Chapter IV of Title 45 of the Code of Federal Regulations is amended by adding a new Part 416, as follows:

The regulations pertaining to construction grants were previously codified in Subpart B, Part 54, Chapter I, Title 42 of the Code of Federal Regulations. In redesignating such regulations in Title 45, they have been revised to include changes relating to requirements of the State plan for construction of community mental retardation facilities to reflect current program activities and emphases. Subpart C of new Part 416 provides regulations for grants for meeting a portion of the cost of compensation of professional and technical personnel for the initial operation of new facilities for the mentally retarded or for new services in existing facilities for the mentally retarded. The regulations in this Part 416 provide for programs authorized by Title I, Parts C and D, and Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (Public Law 88–164).

Federal financial assistance extended under this chapter is subject to the regulations in 45 CFR Part 80 issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

PART 416—GRANTS FOR CONSTRUCTION AND INITIAL STAFFING OF COMMUNITY MENTAL RETARDATION FACILITIES

Subpart A—General

§ 416.1 Terms.

Unless otherwise indicated in the regulations in this part, the terms below are defined as follows:

(a) "Act" means the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963;

(b) "Administrator" means Administrator of Social and Rehabilitation Service;

(c) "Community" means a contiguous and homogenous geographic territory from which the mentally retarded come or might be expected to come to existing or proposed facilities, the delineation of which is based on such factors as population distribution, economic, social and cultural characteristics, natural geographic boundaries, and transportation accessibility. Nothing in the regulations in this part shall preclude the formation of an interstate area with the mutual agreement of the States concerned;

(d) "Community service" means that the services furnished by the facility will be available primarily to the general public of the community or communities served;

(e) "Comprehensive services" means a complete range of services in sufficient quantity to meet the needs of the mentally retarded within the community or communities served and includes: (1) Diagnostic services; (2) treatment services; (3) educational services; (4) training services; (5) personal care; and (6) sheltered workshop services. These services are defined as follows: (i) "Diagnostic services" means coordinated medical, psychological, and social services, supplemented where appropriate by nursing, educational or vocational services and carried out under the supervision of qualified personnel and which includes: (*a*) Diagnosis, appraisal and evaluation of mental retardation and associated disabilities, and the strengths, skills, abilities, and potentials for improvement of the individual; (*b*) determination of the needs of the individual and his family; (*c*) development of recommendations for a specific plan of services to be provided with necessary counseling to carry out recommendations; and (*d*) where indicated, periodical reassessment of progress of the individual; (ii) "treatment services" means services under medical direction and supervision providing specialized medical, psychiatric, neurological, or surgical treatment, including dental therapy, physical therapy, occupational therapy, speech and hearing therapy, or other related therapies which provide for improvement in the effective physical, psychological or social functioning of the individual; (iii) "educational services" means services, under the direction and supervision of teachers qualified in special education, which provide a curriculum of instruction for preschool children, for school age children unable to participate in public schools, and for the mentally retarded beyond statutory school age; (iv) "training services" means services, carried out under the supervision of qualified personnel, which provide: (*a*) Training in self-help and motor skills; (*b*) training in activities of daily living; (*c*) vocational training; (*d*) opportunities for personality development; and (*e*) experiences conducive to social development; (v) "custodial services" means personal care which includes, where needed, health

services supervised by qualified medical or nursing personnel; and (vi) "sheltered workshop services" means services in a facility, under the supervision of personnel qualified to direct such activities, which provides or will provide comprehensive services involving a program of paid work which includes: (a) work evaluation; (b) work adjustment training; (c) occupational training; and (d) transitional or extended employment;

(f) "Equipment" means those items which are necessary for the functioning of the facility, but does not include items of current operating expense such as food, fuel, drugs, paper, printed forms and soap;

(g) "Facility for the mentally retarded" means a specially designed facility for the diagnosis, treatment, education, training, or personal care of the mentally retarded, including sheltered workshops which are part of facilities which provide or will provide comprehensive services for the mentally retarded, and which principally serves the needs of the particular community or communities in or near which the facility is located. These facilities include: (1) "Diagnostic and Evaluation Clinic" which provides diagnostic and evaluation services only; (2) "day facility" which provides on less than a 24-hour-a-day basis, treatment services, educational services, training services, personal care, or sheltered workshop services or any combination thereof, and may include diagnostic and evaluation services; (3) "residential facility" which provides on a 24-hour-a-day basis, treatment services, educational services, training services, personal care, or sheltered workshop services or any combination thereof, and may include diagnostic and evaluation services;

(h) "Nonprofit facility for the mentally retarded" means a facility for the mentally retarded which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(i) "Population" means the latest figures of total population residing in the States as certified by the Federal Department of Commerce;

(j) "State" includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

§ 416.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for which payment is made under another part of this chapter, or other authority.

§ 416.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular fulltime Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the Act, or which conflict with his duties in such other positions.

Subpart B—Grants for Construction of Community Mental Retardation Facilities

§ 416.10 Allotments; transfer of allotments.

(a) *Allotments to States.* The allotments to the several States under Part C, Title I, of the Act shall be computed as follows:

(1) One-third on the basis of a facility need factor expressed by the relationship of the total population under 21 in each State to the total population under 21 in the United States;

(2) Two-thirds on the basis of total population weighted by financial need. "Financial need" as applied to any State means the relative per capita income as shown by data supplied by the Federal Department of Commerce for the three most recent consecutive years for which satisfactory data are available.

(b) *Transfer of allotment to another State.* A State may submit a request in writing to the Administrator that its allotment or a specified portion thereof be added to the allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility for the mentally retarded in such other State. In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, will assist in carrying out the purposes of Part C of Title I of the Act, the Administrator shall consider the accessibility of the facility, and the extent to which services will be made available to the residents of the State making the request.

(c) *Transfer of allotment to the allotment for community mental health facilities.* A State may submit a request in writing to the Administrator that a specified portion of its allotment be added to the allotment to such State under Title II of the Act for the construction of community mental health centers. The Administrator shall adjust the allotments of such State upon either:

(1) Certification by the State agency that it has afforded a reasonable period of time, not less than 6 months, during which application could be made for the portion so specified and that no approvable applications for such funds were received during that period of time; or

(2) A demonstration satisfactory to the Administrator that the need for community mental health centers is substantially greater than for facilities for the mentally retarded, such demonstration to include the concurrence or other views of the State advisory council designated under section 134(a)(3) of Title I, Part C of the Act.

§ 416.11 State plan: submission; modification; publicizing; accessibility.

(a) Submission of State plan: Each State wishing to participate in the program shall submit to the Administrator a State plan which conforms to the Act, the regulations of this subpart, and procedures prescribed by the Administrator.

(b) Modification of the State plan: The State agency shall from time-to-time as necessary review its overall State plan. Annually, the State agency shall submit to the Administrator a report which contains such revision of the construction program as the State agency deems necessary to administer the annual construction allotment. A complete revision of the State plan, including the construction program, is to be submitted biennially. Amendments to the State plan may be submitted whenever necessary.

(c) Publicizing the State plan: At least 30 days prior to the submission of the State plan or revised construction program to the Administrator, the State agency shall submit evidence that there was published or caused to be published in newspapers and other news media having general circulation throughout the State a general description of the plan and the construction program, and notice that the State plan shall be available for examination and comment by interested persons prior to submission to the Administrator.

(d) Construction schedule: After approval of the State plan and the construction program, the State agency shall establish an annual construction schedule listing projects to be approved in order of relative need insofar as funds are available for construction and for maintenance and operation, on forms prescribed by the Administrator.

(e) The State plan shall provide that the Comptroller General of the United States or his duly authorized representatives will have access for purposes of audit and examination to such records of the State agency as are required to be maintained by the Administrator.

§ 416.12 Adequate services and facilities.

(a) *Adequate services.* The State plan shall provide for diagnostic, treatment, educational, training, personal care and sheltered workshop services which are necessary to provide adequate services for the mentally retarded.

(b) *Adequate facilities.* (1) The State plan shall provide for adequate facilities for furnishing community services for the mentally retarded for persons residing in the State and for furnishing needed services for persons unable to pay therefor, taking into account the caseload necessary for maintenance and operation of efficient facilities.

(2) Diagnostic and evaluation clinics shall be planned to provide services for an annual caseload of not less than 150 or more than 300 retardates.

(3) Day facilities shall be planned to provide services for not less than 40 or more than 200 retardates.

(4) Residential facilities shall be planned for not less than 40 or more than 500 retardates.

(5) The Administrator may at the request of the State agency modify the caseload requirements in subparagraphs (2), (3), and (4) of this paragraph if he finds that such modificatfons conform with acceptable program standards.

(6) Facilities shall be so planned to serve the needs of the particular community or communities in or near which the facility is located.

§ 416.13 Priority.

(a) *Areas.* The State plan shall set forth a division of the State into contiguous and homogeneous areas. The basic population, economic, social and cultural characteristics of each area shall be set forth and described.

(b) *Relative need.* The relative need of each delineated area shall be determined according to the following criteria and the State plan shall indicate the relative weight assigned to each of these criteria in ranking the areas of the State:

(1) Need for additional services for the mentally retarded;

(2) Existence of low income families, low per capita income, chronic unemployment and substandard housing;

(3) Mean years of schooling completed;

(4) Rate of infant mortality;

(5) Special needs of certain mentally retarded groups within the area especially those with associated handicaps and those beyond school age; and

(6) Present availability of public and private community resources for the retarded (including personnel, services and facilities) and the utilization of those resources.

The criteria listed in subparagraphs (5) and (6) of this paragraph may not be weighted more than 1 each without prior approval of the Administrator.

(c) *Approval of projects.* Projects shall be considered in accordance with the priority ranking of areas. If more than one project is submitted from the same area the projects shall be considered in order of importance as given below:

(1) Facilities which alone or in conjunction with other existing facilities provide comprehensive services for the retarded in the particular community or communities.

(2) Facilities which alone or in conjunction with other existing facilities provide multiple but less than comprehensive services for the retarded in the particular community or communities.

(3) Facilities which provide a single service for the retarded in the particular community or communities.

§ 416.14 General standards of construction and equipment.

The State agency shall adopt general standards of construction and equipment for facilities for the mentally retarded assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Administrator and set forth in § 416.27, Appendix A—General standards of construction and equipment.

§ 416.15 Construction program.

The State program for the construction of facilities for the mentally retarded shall be developed in the following manner:

(a) The State agency shall determine the need for facilities and services in accordance with the principles set forth in § 416.12 taking into account existing facilities and services.

(b) The State agency shall determine, through field investigation and otherwise, the approximate locations in which facilities should be constructed.

(c) After having determined the need for facilities and services, the State agency shall develop an overall construction program. The program shall set forth all such needs in accordance with the standards specified in § 416.12 and shall, insofar as funds are available, provide for construction in the order of relative need determined in accordance with § 416.13.

§ 416.16 Minimum standards of maintenance and operation.

The State plan shall provide minimum standards for the maintenance and operation of facilities receiving aid under Part C, Title I of the Act, and effective not later than July 1, 1969, shall provide for enforcement of such standards.

§ 416.17 Personnel administration.

(a) A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(1) Impartial administration of the merit system;

(2) Operation on the basis of published rules or regulations;

(3) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(4) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(5) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(6) Advancement on the basis of capacity and meritorious service; and

(7) Tenure of permanent employees.

Substantial compliance with the Standards for a Merit System of Personnel Administration, issued by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense on January 23, 1963, 28 F.R. 734, including any subsequent amendments thereof, will be deemed to meet the requirements of the regulations in this part.

(b) Conflict of interest: No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs, shall receive funds from the applicant directly or indirectly, in payment for services provided in connection with the planning, design, construction, or equipping of the project.

§ 416.18 Fair hearings.

The State plan shall provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with any action of the State agency regarding its application.

§ 416.19 Application; submittal; amendment; processing.

(a) *Submittal of application.* Construction applications, including both a detailed narrative description and a detailed estimate of the cost of the project, shall be submitted to the Administrator through the State agency on forms prescribed by the Administrator. In the case of proposed acquisition of a building, the application shall include (1) such documentation submitted by the applicant as the Administrator may prescribe (including the reports of such real estate appraisers as the Administrator may approve), (2) a statement as to the extent of the costs in which Federal participation is requested are not excessive for providing mental retardation services, and (3) a statement that the architecture, structural, fire safety, and other pertinent features of the building, including electrical and mechanical systems, as modified by any proposed expansion, remodeling, or alteration will be suitable for the provision of mental retardation services.

(b) *Amendment to application.* An amendment to any application approved by the Administrator shall be processed in the same manner as an original application, except that the original application's conformity with the priority regulations shall suffice for an amendment which does not modify the factors on which the priority was granted.

(c) *Processing of application.* The State agency shall approve, recommend, and forward applications received in the order of priority, except that the State agency may approve, recommend, and forward to the Administrator applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority, and

(2) The State agency certifies to the Administrator that financial resources for the construction, maintenance and operation of projects of higher priority are not then available.

The priority of a project under the State plan shall not be affected by the fact that other projects of lower priority have been approved and recommended by the State agency.

§ 416.20 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant shall be subject to the condition that

the applicant will furnish and comply with the following assurances. The Administrator may, at any time, approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That applicant (or other public or nonprofit agency which is to operate the facility) has or will have a fee simple or such other estate or interest in the site including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Administrator's approval of the final working drawings and specifications, which conform to the general standards of construction and equipment, will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the State agency and the Administrator, upon written justification by the applicant, to be required by the needs of the program;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Administrator;

(e) That applicant will submit to the Administrator for prior approval changes that substantially alter the scope of work, function, utilities, or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time;

(h) That applicant will furnish progress reports and such other information as the Administrator may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276a—276a–5) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or forty hours in the workweek (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) Applicable labor provisions of the Copeland Act (Anti-Kickback) and the Contract Work Hours Standards Act except in the case of contracts in the amount of $2,000 or less;

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance;

(iii) Representatives of the Administrator and State agency will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(m) That the facility will be operated and maintained in accordance with the minimum standards prescribed by the appropriate State regulatory agency for the maintenance and operation of such facilities;

(n) That the applicant will incorporate, or cause to be incorporated, into construction contracts paid for in whole or in part with funds obtained from the Federal Government under this subpart, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and that the grantee will otherwise comply with requirements prescribed by and pursuant to such order;

(o) That applicant will comply with the provisions of Executive Order No. 11296, relating to flood plain elevation and necessary controls;

(p) That applicant will incorporate into the bid document and construction contracts the standards for the design, construction and alteration of buildings issued by the Administrator of the General Services Administration pursuant to the Act approved August 12, 1969 (Public Law 90–480). Prior to the issuance of such standards the applicant will incorporate into such bid document and construction contracts the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified from time-to-time.

(q) That the applicant will conform to all the applicable requirements of the State plan and the regulations of this subpart.

§ 416.21 Community service; services for persons unable to pay; nondiscrimination.

(a) Community service; services for persons unable to pay; nondiscrimination on account of creed. Before an application for the construction of a facility for the mentally retarded is recommended by a State agency for approval, the State agency shall obtain assurances from the applicant that:

(1) The facility will furnish a community service;

(2) The facility will furnish a reasonable volume of services to persons unable to pay therefor. As used in this paragraph, "persons unable to pay therefor" includes persons who are otherwise self-supporting but are unable to pay the full cost of needed services. Such services may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as Community Chest or may be contributed at the expense of the facility itself. In determining what constitutes a reasonable volume of services to persons unable to pay therefor, there shall be considered conditions in the area to be served by the applicant, including the amount of such services that may be available otherwise than through the applicant. The requirements of assurances from the applicant may be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Administrator, that to furnish such services is not feasible financially;

(3) All portions and services of the entire facility for the construction of which, or in connection with which, aid under the Federal Act is sought, will be made available without discrimination on account of creed; and no professionally qualified person will be discriminated against on account of creed with respect to the privilege of professional practice in the facility.

§ 416.22 Certification to the Administrator.

After the State agency has approved a construction application, it shall recommend it to the Administrator for approval and shall certify:

(a) That the application contains reasonable assurance as to the availability of funds for the cost of construction and the entire cost of maintenance and operation when completed;

(1) Availability of funds for the non-Federal share of construction costs shall mean (i) funds immediately available, placed in escrow, or acceptably pledged, or (ii) funds or fund sources specifically earmarked in a sum sufficient for that purpose, or (iii) other assurances acceptable to the Administrator;

(2) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget for the 2-year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet the difference between proposed expenditures and anticipated income for the operation of the constructed addition for the 2-year period immediately following its completion. Except that any applicant which is concurrently applying for a staffing grant shall so state and the documentation meeting the requirements of § 416.93(b) shall be acceptable unless and until the applicant is notified to the contrary.

§ 416.23 Request for construction payments.

Payments will be made on the basis of the certification from the State agency as to amounts due the applicant for the cost of work performed and materials and equipment furnished. Such certification shall be based on adequate inspections by the State agency to determine that work has been performed upon a project or purchases have been made in accordance with the approved plans and specification. Payments will be made at periodic intervals consistent with the construction progress of the project. Final payment will not be made until after the project is completed and final inspection is made by appropriate representatives of the Administrator.

§ 416.24 Fiscal and accounting requirements.

(a) *Construction allotments.* (1) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(2) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(b) *Construction payments.* (1) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local or other funds used for matching purposes.

(2) The State agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(3) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Administrator for approved construction projects.

§ 416.25 Notice of change of status of facility.

The State agency shall promptly notify the Administrator in writing, if at any time within 20 years after the completion of construction, any facility which received funds under Part C of Title I of the Act is transferred to any person, agency, or organization not qualified to file an application under Part C, Title I of the Act or not approved as a transferee by the State agency; or ceases to be a public or nonprofit facility for the mentally retarded as defined in the Act.

§ 416.26 Good cause for other use of facility.

If within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be a public or nonprofit facility for the mentally retarded, the Administrator in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to use for another public purpose which will promote the purpose of the Act; or

(b) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for the care of the mentally retarded will be so utilized and are substantially equivalent in nature and extent for such purposes.

§ 416.27 Appendix A—General standards of construction and equipment.

(a) *Introduction.* The standards set forth in this subpart have been established by the Administrator as required by the Act. These standards constitute minimum requirements for construction and equipment, and shall apply to all projects for which Federal assistance is requested under the Act. The Administrator may approve plans and specifications which contain deviations from the requirements prescribed if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to zoning and construction. In jurisdictions without such codes, it shall be the responsibility of the applicant to consult one of the national building codes generally used in the area for all components of the building type which are not specifically covered by the minimum standards set forth herein provided the requirements of the code are not inconsistent with the minimum standards herein.

(b) *Architectural.* (1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program. The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates;

(2) The submission of programs, drawings, outline specifications, and estimates shall be in three stages as follows:

(i) First stage.
(*a*) Program.[1]
(*b*) Schematic plans.[1]
(*c*) Outline specifications.
(*d*) Site survey.
(*e*) Estimated construction costs.
(ii) Second stage.
(*a*) Preliminary plans.
(*b*) Outline specifications.
(*c*) Revised cost estimates.
(iii) Third stage.
(*a*) Working drawings.
(*b*) Specifications.
(*c*) Final cost estimates.

(c) *Construction.* (1) One-story buildings shall be of not less than 1-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms used for the storage of combustible materials shall be of 2-hour fire-resistive noncombustible construction;

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating;

(iii) Subject to prior approval by the Administrator these requirements may be varied for free-standing facilities containing only educational, recreational, or workshop functions utilized by ambulant groups of mild or moderate levels of mentally retarded.

(2) Buildings more than one story in height shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

	Hours
Columns, girders, trusses	1½
Floor construction including beams	1½
Roof construction including beams	1
Beams supporting masonry; individually protected	2
Bearing walls	2
Corridor partitions	1
Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and rooms used for storage of combustible materials	2

(3) Interior finish of walls and ceilings of all exit ways, storage rooms, and areas of unusual fire hazard shall have

[1] A narrative program and schematic plans in sufficient detail to permit a comprehensive evaluation of the projects are to be submitted with the initial part of the application.

a flamespread rating of 25 or less. Interior finish of other areas shall have a flamespread rating of less than 75 except that 10 percent of the aggregate wall and ceiling areas of any space may have a flamespread rating up to 200. Flamespread ratings shall be on the basis of tests conducted in accordance with American Society for Testing Materials, Publication No. E84.

(4) Exit facilities: Exit facilities shall comply with the requirements of the Building Exits Code, National Fire Protection Association Bulletin No. 101.

(d) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, and plumbing systems shall comply with the requirements of the following National Codes:

(1) National Board of Fire Underwriters Standards: National Board of Fire Underwriters, 85 John Street, New York, N.Y. 10038.

(2) National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110.

(3) United States of American Standards Institute (Formerly American Standards Association), 10 East 40th Street, New York, N.Y. 10010.

(4) American Gas Association, 1725 Eye Street NW., Washington, D.C. 20006.

(5) National Plumbing Code: Published by American Society of Mechanical Engineers, 29 West 39th Street, New York, N.Y. 10018.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E. codes relating to pressure vessels), and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electric Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Building Exits Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55, Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts.

Handbook 73, Protection Against Radiations From Sealed Gamma Sources.

Handbook 76, Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Building Exits Code.

(f) *Elevators, dumbwaiters, escalators.* (1) Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17.1–1960.

(2) Any multistory mental retardation facility with services, other than for staff, located on one or more floors above the first shall have at least one electric or electrohydraulic elevator except that elevators may not be required in two story buildings of residential occupancy, only, if all physically handicapped occupants are located on the first floor. The minimum inside dimension of the elevator cab shall be five (5) feet.

Subpart C—Grants for Initial Cost of Professional and Technical Personnel of Community Mental Retardation Facilities

§ 416.90 Purpose.

Staffing grants authorized in section 141 of the Act shall be made for the purpose of paying part of the costs of compensation of professional and technical personnel for the initial operation of: (a) New public or other nonprofit facilities; or (b) new services in existing facilities for the mentally retarded.

§ 416.91 Professional and technical staff.

Professional and technical staff for the purpose of this section shall include such staff as physicians, psychologists, social workers, nurses, physical therapists, occupational therapists, special educators, nutritionists, vocational counselors, vocational evaluators, recreational specialists, speech and hearing pathologists, dentists, administrators, aides in professional and technical fields and staff in such other positions as the Administrator may approve.

§ 416.92 Eligible applicants.

(a) To be eligible for a grant an applicant must be a public or nonprofit agency or organization which owns or operates a facility for the mentally retarded; and (1) a grant was made under Title I, Part C of the Act to assist in the construction of the facility, or (2) a new type of service will be provided in an existing facility;

(b) The facility must provide one or more of the comprehensive services for the mentally retarded and be principally designed to serve the needs of the particular community in or near which the facility is or will be located;

(c) In the case of (1) a diagnostic and evaluation clinic, services shall be provided for an annual caseload of not less than 150 or more than 300 retardates; (2) a day facility, services shall be provided for not less than 40 or more than 200 retardates; and (3) a residential facility, services shall be provided for not less than 40 or more than 500 retardates. However, the Administrator may, at any time, modify the caseload requirements of these facilities if he finds that such modifications conform with acceptable program standards;

(d) If the requirements for a grant are met in each instance, there shall be no maximum number of initial staffing grants for which a facility may be eligible;

(e) The type of services will not be regarded as having been previously provided by the facility if it is a component of service: (1) Which during the 2 years immediately preceding an initial grant period has not been provided by the applicant or any predecessor of the applicant in any form, or (2) which the applicant proposes to provide in accordance with methods of treatment or delivery of services not used by the applicant or predecessor of the applicant during such 2-year period, or (3) which the applicant proposes to provide in a way designed to meet the needs of a specific group not served by such a specific program during such 2-year period, or (4) which represents the portion of an expanded component of service attributable to the needs of persons residing in an area where such component was not provided during such 2-year period, or (5) which has been provided by the applicant or predecessor of the applicant only on a pilot or developmental basis for a period of 9 months or less;

(f) The State mental retardation construction agency shall be requested to submit to the Administrator an evaluation of the application as to the feasibility and effectiveness of the proposal in achieving new and adequate services for the mentally retarded in the community; a statement indicating the relationship of the application to the purposes and priorities of the State construction plan for the mentally retarded; and, such information as the Administrator may require in order to make a finding that Federal funds applied for will be supplemental and that non-Federal funds have not declined or will not decline in the State during the year of the project.

§ 416.93 Applications.

Each application shall be submitted to the appropriate Regional Commissioner, Social and Rehabilitation Service. Such applications shall be in the form and detail required by the Administrator including the following:

(a) Information on the:

(1) Extent of the need in the community for the mental retardation services to be provided;

(2) Ages and level of the mentally retarded to be served and the services to be provided;

(3) Socioeconomic and population characteristics of the community served or to be served;

(4) Accessibility to the facility, including availability of public and private transportation and the number of hours per day and days per week the facility is open;

(5) Type, number, and qualifications of professional and technical personnel proposed, and plans for their recruitment and compensation;

(6) Existing and proposed arrangements with other public and private agencies concerned with the mentally retarded in the community; and

(7) Extent to which services contemplated by the proposal have been and are being provided by the applicant or its predecessor with financial assistance under Federal, State, and local programs other than under this subpart.

(b) Budget information which includes:

(1) A statement for each of the two 12-month periods preceding the period for which an initial grant is requested, and an estimate for each period for which a grant is requested, of costs incurred or to be incurred and income received or to be received by the applicant and predecessor of the applicant with respect to all services included in the program set forth under paragraph (a) of this section;

(2) Identification of all actual or contemplated staff positions, and the compensation for such positions; and

(3) Identification of those costs for which Federal assistance is requested and the amount thereof.

(c) Concurrent construction and staffing applications. Any applicant which is concurrently applying for a construction grant shall so state and the documentation meeting the requirements of paragraph (b) of this section shall be acceptable in lieu of the similar information required for construction grant under Title I, Part C of the Act (§ 416.22(a)(2)) unless and until the applicant is notified to the contrary.

(d) Such other information as the Administrator may require.

§ 416.94 Assurances.

In addition to any other requirements imposed by law each staffing grant shall be subject to the condition that the applicant will furnish and comply with the following assurances:

(a) That the services to be provided by the applicant will be made available principally to persons residing in the particular community or communities in or near which such facility is to be situated;

(b) That the facility will furnish a reasonable volume of services to persons unable to pay therefor (if this is not financially feasible; submit justification for such conclusion);

(c) That the services of the facility will not be denied to any person within the community served solely on the ground that such person does not meet a minimum period of residence in such community (if unable to give this assurance, submit supporting information);

(d) That in the selection, compensation, or other employment practices of the facility with respect to its technical or professional personnel referred to in this subpart there shall be no discrimination because of race, creed, sex, or national origin;

(e) That the facility will be maintained and operated in accordance with minimum standards prescribed by the appropriate State authority for the maintenance and operation of such facilities;

(f) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time; and

(g) That it will comply with all the regulations of this subpart.

§ 416.95 Allocations; priorities.

(a) The total amount of grants that may be awarded in any State in any fiscal year may not exceed the share of that State of any funds appropriated for such year which has been calculated as an allotment to that State in accordance with section 132(a) of the Act, except that the Administrator may, in particular circumstances, modify this requirement if he finds that grants in one or more other States will be less than required.

(b) In determining priority for projects the Administrator shall rank applications in order of the relative effectiveness of the proposed programs giving due weight to comprehensiveness and adequacy of the services to be provided and to the evaluation of the application by the State mental retardation construction authority.

§ 416.96 Federal financial participation.

(a) The Administrator may approve an application for Federal participation up to 75 percentum of eligible compensation costs for the period ending with the close of the 15th month of the initial grant, 60 percentum of such costs for the first year thereafter, 45 percentum of such costs for the second year thereafter, and 30 percentum of such costs for the third year thereafter.

(b) For purposes of this subpart, "compensation" may include remuneration for services, including vacation, holiday and severance pay, sick leave, workmen's compensation, and employee insurance, social security taxes and retirement plans cost, and such other benefits in return for services performed as the Administrator finds reasonably necessary to secure the services of qualified personnel in the area.

§ 416.97 Payments.

Payment of the Federal share of the costs of the initial staffing project may be made quarterly, or for such other period as the Administrator may determine, as an advance for estimated costs or as reimbursement to the grantee. The initial payment shall be made shortly after the application has been approved.

§ 416.98 Records, audits, and reports.

The applicant shall keep such records as the Administrator shall prescribe, and shall make any books, documents, papers, and records of the applicant that are pertinent available for audit and examination by representatives of the Administrator and the Comptroller General of the United States. The applicant shall also submit such reports or other information as the Administrator may require.

§ 416.99 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Administrator in writing giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

[F.R. Doc. 69–2576; Filed, Feb. 28, 1969; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 43, 65, 91, 145]

[Docket No. 7847; Reference Notice 66–45]

MAINTENANCE REQUIREMENTS FOR CERTAIN LARGE AIRPLANES AND SMALL TURBINE-POWERED AIRPLANES

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw notice 66–45 (32 F.R. 91) in which the FAA solicited comments on proposed amendment of Parts 21, 43, 65, 91, and 145 of the Federal Aviation Regulations that would require all large airplanes and small turbine-powered airplanes not maintained under Parts 121 and 127 of the Federal Aviation Regulations to be maintained under a continuous maintenance program. The proposal would have also allowed owners and operators of other general aviation aircraft the choice of having their aircraft maintained under such a program. Finally, the notice proposed to eliminate the progressive inspection.

While among the over 100 letters received in response to notice 66–45 there were several concurrences, the greater majority were opposed to the entire proposal or to significant parts of the proposed amendments.

The principal objection was based upon the belief that the proposed regulation would remove the flexible operating feature of the existing "annual inspection" requirements. As many of the aircraft which would be affected by the proposed regulation are business aircraft, which are not maintained nor operated in accordance with a schedule, the commentators were of the opinion that under a continuous maintenance program the aircraft would not be available when needed.

Some of the commentators also criticized the notice on the basis that the FAA had not been specific enough, and that no procedures and standards had been set forth in the regulations to enable them to determine what would be acceptable for a "continuous airworthiness program".

Since the issuance of notice 66–45, the FAA has adopted regulations (New Part 123, effective Oct. 14, 1968) which require air travel clubs using large airplanes to establish a continuous inspection program similar to that required of Part 121 operators. The FAA under notice 68–16 (33 F.R. 10587, July 25, 1968) is also proposing to require that large aircraft operated by air taxi operators be maintained in accordance with a continuous airworthiness program as required for Part 121 certificate holders. Therefore, as notice 66–45 is concerned in part with the safety of large aircraft used by air travel clubs and air taxi operators, the coverage of the notice has been considerably diminished. As a result, the continuous maintenance requirements proposed in notice No. 66–45 are being directed primarily toward business aircraft. The FAA considers that the imposition of these maintenance requirements solely on large and turbine powered business aircraft would not be warranted at this time.

By reason of the foregoing, the FAA has determined that rule-making action on the proposed amendments is not appropriate at the present time, and that notice 66–45 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (32 F.R. 91) on January 6, 1967 and circulated as notice No. 66–45, entitled "Maintenance Requirements for Large Airplanes and Small Turbine-Powered Airplanes Not Maintained under Parts 121 and 127 of the Federal Aviation Regulations", is hereby withdrawn.

This withdrawal is issued under the authority of sections 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 20, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–2530; Filed, Feb. 26, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–CE–112]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 177 from Stevens Point, Wis., 1,200 feet AGL Wausau, Wis., 32 miles, 1,200 feet AGL, 99 miles, 5,500 feet MSL, 1,200 feet AGL, Duluth, Minn.

This segment of V–177 is designated from Stevens Point direct to Duluth. Aircraft operating in a nonradar environment, transitioning to and from Wausau on V–26 and transitioning to and from Stevens Point on V–177, generates a traffic control problem just west of Wausau where the two airways cross each other. The action proposed herein would relocate the intersection of these airways at the Wausau VORTAC and thus provide a more precise means of identifying and separating crossing traffic.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 19, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–2521; Filed, Feb. 26, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charlotte, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Charlotte transition area described in § 71.181 (33 F.R. 2137 and 14861) would be altered by deleting "• • • within 2 miles each side of the Charlotte 171° radial, extending from the 8-mile radius area to 14 miles south of the VORTAC • • •" and substituting "• • • within 2 miles each side of the Charlotte VORTAC 171° radial, extending from the 8-mile radius area to 14 miles south of the VORTAC; within 8 miles northwest and 5 miles southeast of the Charlotte ILS localizer southwest course, extending from the LOM to 12 miles southwest of the LOM • • •" therefor.

A review of controlled airspace requirements in the Charlotte terminal area disclosed that the designated controlled airspace was insufficient to provide the required protection for IFR aircraft executing AL–78–ILS RWY 5 and AL–78–NDB (ADF) RWY 5 instrument approaches. The proposed additional extension predicated on the ILS localizer southwest course will provide this protection.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 14, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–2522; Filed, Feb. 26, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–12]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Santa Ana, Calif. (Orange County Airport), control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Orange County control tower and effective time of the control zone are currently 0600 to 2300 hours local time daily. It is expected however that seasonal changes in the hours of operation of the control tower will be necessary in the future due to traffic volume and frequent changes in airline schedules. The use of the NOTAM is proposed to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 2123) the Santa Ana, Calif. (Orange County Airport), control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–2523; Filed, Feb. 26, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Baker and Pendleton, Oreg., transition areas.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This is one of four related proposals to alter descriptions of the Baker and Pendleton, Oreg., Walla Walla and Moses Lake, Wash., transition areas to provide controlled airspace for aircraft operating direct between Baker, Oreg., and Ephrata, Wash., via Walla Walla, Wash. The combined proposals would allow for more efficient use of available airspace, provide continuity of charting and aeronautical chart legibility. No apparent degradation to Visual Flight Rule operations would be incurred.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.181 (33 F.R. 2146) the Baker, Oreg., transition area is amended to read as follows:

BAKER, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baker Municipal Airport (latitude 44°50'-25" N., longitude 117°48'35" W.). That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138 and 317° radials, extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of V–298.

In § 71.181 (33 F.R. 2235) the description of the Pendleton, Oreg., transition area is amended as follows:

1. In the third line of the text delete "• • • 39 • • •" and substitute "• • • 50 • • •" therefor.

2. Delete all after "• • • 35-mile-radius circle centered on the Pendleton VORTAC • • •" and substitute therefor "that airspace within the arc of a 32-mile-radius circle centered on the Pendleton VORTAC extending clockwise from the southeast edge of V–112E to the northeast edge of V–298."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–2524; Filed, Feb. 26, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Walla Walla, Wash., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This is one of four related proposals to alter descriptions of the Baker and Pendleton, Oreg., Walla Walla and Moses Lake, Wash., transition areas to provide controlled airspace for aircraft operating direct between Baker, Oreg., and Ephrata, Wash., via Walla Walla, Wash. The combined proposals would allow for more efficient use of available airspace, provide continuity of charting and aeronautical chart legibility. No apparent degradation to Visual Flight Rule operations would be incurred.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (33 F.R. 2268) amend the description of the Walla Walla, Wash., transition area by deleting "• • •, excluding the portion within the Pendleton, Oreg., transition area." and substitute therefor ", • • • within 5 miles east and 10 miles west of the Walla Walla 168° radial, extending from the 19-mile

radius area to the northeast edge of V–298 and within 5 miles each side of the Walla Walla 329° radial extending from the northwest edge of V–112 to the southeast edge of V–112W, excluding the portion within the Pendleton, Oreg., transition area.".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–2525; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Moses Lake, Wash., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This is one of four related proposals to alter descriptions of the Baker and Pendleton, Oreg., Walla Walla and Moses Lake, Wash., transition areas to provide controlled airspace for aircraft operating direct between Baker, Oreg., and Ephrata, Wash., via Walla Walla, Wash. The combined proposals would allow for more efficient use of available airspace, provide continuity of charting and aeronautical chart legibility. No apparent degradation to Visual Flight Rule operations would be incurred.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (33 F.R. 2224) the description of the Moses Lake, Wash., transition area as amended by (34 F.R. 1893) is further amended by inserting "• • •, within 5 miles each side of the Moses Lake VOR 144° radial extending from 26 miles southeast of the VOR to the northwest edge of V–112W, • • •" beginning in the 10th line of the text between "• • • 12 miles northwest of the VOR TAC, • • •" and ", within 15 miles east • • •".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–2526; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–12]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Louisville, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Louisville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Louisville-Winston County Airport; within 2 miles each side of the 177° and 342° bearings from the Louisville RBN (lat. 33°–08'59" N., long. 89°03'55" W.), extending from the 5-mile radius area to 8 miles south and 8 miles north of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles east and 5 miles west of the 177° bearing from the Louisville RBN, extending from the RBN to 12 miles south; and within 8 miles west and 5 miles east of the 342° bearing from the Louisville RBN, extending from the RBN to 12 miles north.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent to 1,000 feet above the surface, and for aircraft conducting procedure turns while executing NDB RWY 34 and NDB RWY 16 instrument approach procedures, which are proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 18, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69–2527; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–13]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Monroe County, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Monroe County transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Monroe County Airport, excluding the portion that coincides with the Columbus, Miss., transition area.

The proposed transition area is required for the protection of IFR operations during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to this airport, utilizing the Tupelo, Miss., VOR, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 19, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69–2528; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–14]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Gallatin, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Gallatin transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gallatin Municipal Airport, excluding the portion that coincides with the Nashville, Tenn., transition area.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent to 1,000 feet above the surface. A prescribed instrument approach procedure to the Gallatin Municipal Airport, utilizing the Nashville VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 19, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69–2529; Filed, Feb. 28, 1969; 8:49 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69–5; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 205; Glazing Materials

Motor Vehicle Safety Standard No. 205 specifies requirements for glazing materials for use in passenger cars, multipurpose passenger vehicles, motorcycles, trucks, and buses.

As a result of inquiries seeking clarification of the applicablity of the Federal motor vehicle safety standards to campers, a ruling was published in the FEDERAL REGISTER on March 26, 1968 (33 F.R. 5020), which specified that the glazing standard (No. 205) is applicable to slide-in campers because they are items of motor vehicle equipment for use in motor vehicles.

Standard No. 205 requires, among other things, that glazing materials "conform to the United States of America Standards Institute 'American Standard Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways,' ASA Standard Z26.1—1966" (hereafter Z26.1—1966).

By order published in the FEDERAL REGISTER on September 19, 1968 (33 F.R. 14162), section S3.2 of the Standard was amended to allow the use of AS2 or AS3 laminated glass in forward facing windows of campers provided such glass met the requirements of Test 26 of Z26.1—1966. On the assumption that Z26.1—1966, as incorporated in Standard No. 205, required the use of AS1 type laminated glass in forward facing windows of campers, the Administrator found that this amendment relieved restrictions, provided alternative means of compliance and created no additional burdens. Accordingly, the amendment was made effective immediately.

Thereafter, petitions for reconsideration were filed on the grounds, among others, that properly interpreted Z26.1—1966 permitted the use of AS1, AS2, AS3, AS4, and AS5 glazing material in forward facing camper windows and that, therefore, the September amendment did not relax an existing requirement but in fact imposed additional restrictions upon manufacturers by limiting the types of glazing materials allowable for use in such windows. Consequently, it is urged that notice of that amendment should have been given and interested parties afforded an opportunity to comment.

As a result of these petitions, the Standard has been amended this day (see 34 F.R. 3688) rescinding amended section S3.2 "Materials for use in forward facing windows of campers." The net effect of this action is to permit the use of glazing materials that petitioners represent are presently being used, i.e., AS1, AS2, AS3, AS4, and AS5 glazing material referred to in Z26.1—1966.

The Administrator is considering amending Standard No. 205 by adding a new section S3.2 which will require forward facing windows in campers be made of AS1 type laminated safety glass; or AS2 type laminated safety glass that meets Test 26 of Z26.1—1966; or AS3 type laminated safety glass that meets the requirements of Test 26 of Z26.1—1966. The latter two glazing materials will be identified by the characters AS2–26 and AS3–26 respectively. Additionally, pickup caps, pickup covers, and pickup canopies which have been interpreted to be in the same category as campers, with respect to forward facing window requirements, are specifically listed in the proposed amendment and the same glazing requirements are made applicable. It is anticipated that the proposed amendment will become effective July 1, 1969.

Interested persons are invited to submit data, information, views and arguments on this matter, identifying the docket and notice number (Docket No. 69–5; Notice No. 1), pursuant to the requirements of 49 CFR 353.11 et seq. (formerly 23 CFR 216.11 et seq.), in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591, on or before March 31, 1969.

In consideration of the foregoing, it is proposed that Standard No. 205 of § 371.21 of Part 371, be amended by adding a new paragraph S3.2 to read as follows:

S3.2 *Materials for use in forward facing windows of campers, pickup caps, pickup covers and pickup canopies.* Glazing materials used in forward facing windows of campers, pickup caps, pickup covers, and pickup canopies, shall conform to AS1 type laminated safety glass specifications established by Z26.1—1966; or AS2 type laminated safety glass meeting the specifications established by Z26.1—1966 plus the Penetration Resistance Test No. 26, set forth in Z26.1—1966; or AS3 type laminated safety glass meeting the specifications established in Z26.1—1966 plus the Penetration Resistance Test No. 26, set forth in Z26.1—1966. The latter two glazing materials shall be identified by the characters AS2–26 and AS3–26, respectively.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the

delegation of authority contained in § 1.4 (c) of Part I of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued: February 27, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 69-2614; Filed, Feb. 28, 1969; 9:34 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Determination of Income Effectively Connected With United States Business of Nonresident Aliens or Foreign Corporations; Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 864 of the Internal Revenue Code of 1954, relating to determination of income effectively connected with U.S. business of nonresident aliens or foreign corporations, was published in the FEDERAL REGISTER of January 23, 1969.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Wednesday, March 12, 1969, at 10 a.m., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 10, 1969. Notification of intention to attend or comment at the hearing may be given by telephone, 202-964-3935.

[SEAL] Richard M. Hahn,
Acting Chief Counsel.

By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 69-2631; Filed, Feb. 28, 1969; 11:24 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PINE RIDGE RESERVATION, S. DAK.

Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

FEBRUARY 24, 1969.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Pine Ridge Indian Reservation, S. Dak., was adopted on November 19, 1968, by the Oglala Sioux Tribal Council, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas, the Oglala Sioux Tribal Council is empowered to provide for the maintenance of law and order on the Pine Ridge Reservation under article IV, section 1(k), of the Constitution and Bylaws of the Oglala Sioux Tribe and to charter organizations for economic purposes under article IV, section 1 (o), of the Constitution and Bylaws of the Oglala Sioux Tribe, and

Whereas, Public Law 277 of the 83d Congress provides that the Federal Indian Liquor Laws shall be inapplicable to any act or transaction within the Indian country if such act or transaction is in conformity with the laws of the State in which the act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER,

Now, therefore, be it ordained:

1. The introduction, possession, and transportation of any alcoholic beverage (as such term is defined in title 5, South Dakota Code) shall be lawful within the exterior boundaries of the Pine Ridge Reservation, and the sale of any alcoholic beverage shall be lawful within the following districts of the Pine Ridge Reservation: Pine Ridge and Medicine Root, providing that such introduction, possession, transportation, and sale are in conformity with the laws of the State of South Dakota and the provisions of this Ordinance.

2. *Oglala Sioux Tribal Beverage Enterprise.* There is hereby authorized to be chartered a public corporation to be known as the Oglala Sioux Tribal Beverage Enterprise (hereinafter the "Enterprise") exclusively to engage in the wholesale distribution and retail package sale (for consumption off the premises of the seller) of intoxicating liquor (as such term is defined in title 5, South Dakota Code) on the Pine Ridge Indian Reservation. No other person shall engage in the wholesale distribution or the retail package sale of any intoxicating liquor within the exterior boundaries of the Pine Ridge Indian Reservation (including both trust and patented land). The Enterprise is hereby authorized to engage in the wholesale distribution and the retail package sale of such intoxicating liquor all in accordance with the provisions of this Ordinance and the charter of the Enterprise. In the wholesale distribution of intoxicating liquor, the Enterprise shall distribute only to its own retail package outlets of which these shall not be more than one for each district of the Reservation and to retail "on-sale" dealers within the exterior boundaries of the Pine Ridge Indian Reservation duly licensed by the Tribe and, if subject to its jurisdiction, the State of South Dakota. As an off-sale retail package dealer, the Enterprise shall comply with all provisions of title 5, South Dakota Code, relating to place and manner of sale, deliveries, age, and other restrictions as to buyers and persons allowed on the premises where sales are made and the condition of and activities prohibited on such premises. The Enterprise shall not permit the consumption of an alcoholic beverage on any premises under its control.

3. *Licenses.* The sale of any alcoholic beverage for consumption on the premises of the seller shall be unlawful on the Pine Ridge Reservation unless the seller, if subject to the jurisdiction of the State of South Dakota, shall be duly licensed under and in compliance with the laws of the State of South Dakota and shall be duly licensed under and in compliance with this Ordinance. Tribe "on-sale" alcoholic beverage licenses and licenses for the sale of nonintoxicating beer or nonintoxicating wine (as defined in title 5, South Dakota Code) shall be issued by the Oglala Sioux Tribal Executive Committee as provided in section 4: *Provided,* That not more than two "on-sale" licenses may be issued for any one district of the Reservation.

4. *License Applications.* License applications shall be filed with the Executive Committee and approved thereby. No license shall be issued by the Executive Committee except:

(1) Upon the receipt of an application containing all the information called for on application forms prescribed by the Executive Committee;

(2) Upon a showing, in the case of applicants subject to the jurisdiction of the State of South Dakota, that they have been or are likely to be licensed by the State of South Dakota;

(3) If the applicant is of good moral character, financially responsible, and is not an officer or employee of the Oglala Sioux Tribe;

(4) If the applicant is either a member of the Oglala Sioux Tribe, or a stock corporation, a majority of whose stock is owned by members of the Oglala Sioux Tribe or an association or membership corporation, a majority of whose members are members of the Oglala Sioux Tribe;

(5) Upon receipt by the Executive Committee of a license fee which shall be 50 percent of the fee payable to the State of South Dakota for a license of the class applicable to the applicant.

5. *Revocation of Licenses.* The Committee shall revoke any license issued hereunder for any violation by the licensee of this Ordinance or of any provision of title 5, South Dakota Code, after a hearing, upon reasonable notice, at which the licensee shall be entitled to be present and present evidence. Any person shall be entitled to file with the Committee a duly verified affidavit as to why any such license should be revoked. Upon the revocation or suspension of a South Dakota license held by a tribal licensee, the licensee's tribal license shall be revoked automatically.

6. *Operations of Licensees.* All licensees hereunder shall comply with all applicable provisions of title 5, South Dakota Code, and with the conditions set forth in the tribal license.

7. *Refund of License Fee.* The fee paid by any tribal licensee for a license hereunder shall be refunded (less 5 percent thereof) upon presentation to the Committee of satisfactory evidence that the licensee's application for an appropriate South Dakota license has been denied. The Committee shall cancel the tribal license upon the repayment of the fee.

8. *Expiration and Renewal of Tribal License.* Any tribal licenses issued hereunder to a person subject to the jurisdiction of the State of South Dakota shall expire on the date on which the licensee's South Dakota license expires. All other licenses shall be issued for 1 year. Applications for renewal shall be filed and approved as provided in section 4.

9. *No Transfers of Licenses.* A tribal license may not be transferred.

10. *Effective Date.* This Ordinance shall take effect on the date of its publication in the FEDERAL REGISTER.

ROBERT L. BENNETT,
Commissioner of Indian Affairs.

[F.R. Doc. 69-2550; Filed, Feb. 28, 1969; 8:51 a.m.]

Bureau of Land Management

[Group 456]

ARIZONA

Notice of Filing of Plat

FEBRUARY 24, 1969.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., at 10 a.m., March 31, 1969.

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 10 E.,
Sec. 27 and 28;
Sec. 31;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 36.

2. All of the above-described land is embraced in the Tonto National Forest by Proclamation of October 3, 1905.

3. The land varies from gently rolling over most of the area to rolling in the northeast portion. The soil is sandy loam. Grass is found throughout the township and the timber consists of juniper, pine, oak, and scattered cedars.

4. Since the land is withdrawn for the Tonto National Forest the described land is not subject to disposition under the General Public Land Laws by reason of the official filing of the plat.

GLENDON E. COLLINS,
Manager.

[F.R. Doc. 69-2532; Filed, Feb. 28, 1969; 8:50 a.m.]

IDAHO

Notice of Filing of Plats of Survey

FEBRUARY 24, 1969.

1. Plats of survey of the lands described below will be officially filed at the Land Office, Boise, Idaho, effective at 10 a.m., on March 31, 1969.

BOISE MERIDIAN, IDAHO

T. 6 S., R. 12 E.,
Sec. 12, lot 11.
Containing 4.96 acres.
T. 5 N., R. 17 E (unsurveyed),
Tract 37.
Containing 0.59 acres.

2. The land in T. 6 S., R. 12 E., is an island in the Snake River located approximately 1 mile south of Bliss, Idaho. The land in T. 5 N., R. 17 E., is located in Blaine County approximately 7 miles north of Ketchum, Idaho.

3. Subject to valid existing rights, the provisions of existing withdrawal, and the requirements of applicable law, the land in T. 6 S., R. 12 E., is hereby open to application, petition, location and selection. All valid applications received at or prior to 10 a.m., on March 31, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The land in T. 5 N., R. 17 E., is embraced in the Sawtooth National Forest by Proclamation dated November 6, 1906. The land shall be open to such forms of disposition as may by law be made of national forest lands as of 10 a.m., on March 31, 1969.

5. Inquiries concerning these lands should be addressed to the Manager, Land Office, 550 West Fort Street, Boise, Idaho 83702.

CURTIS R. TAYLOR,
Acting Manager,
Land Office, Boise, Idaho.

[F.R. Doc. 69-2493; Filed, Feb. 28, 1969; 8:47 a.m.]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 5, 1969.

JOHN S. ANDERSON.

[F.R. Doc. 69-2494; Filed, Feb. 28, 1969; 8:47 a.m.]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

CHARLES A. CAMPBELL.

[F.R. Doc. 69-2495; Filed, Feb. 28, 1969; 8:47 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

HUBBELL CARPENTER.

[F.R. Doc. 69-2496; Filed, Feb. 28, 1969; 8:47 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Air West Airlines, Pacific Power & Light Co., Utah Power & Light Co., Portland GE Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co.
(3) None.
(4) None.

This statement is made as of February 1, 1969.

Dated: February 1, 1969.

GLENN J. HALL.

[F.R. Doc. 69-2497; Filed, Feb. 28, 1969; 8:47 a.m.]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 31, 1969.

Dated: February 3, 1969.

DAVID G. JETER.

[F.R. Doc. 69-2498; Filed, Feb. 28, 1969; 8:47 a.m.]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

J. W. KEPNER.

[F.R. Doc. 69-2499; Filed, Feb. 28, 1969; 8:47 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Bought: Signal Oil Industries; Scudder Special Fund; Occidental Petroleum; American Research & Development. Sold: Tenneco; Armco Steel; Squibbs.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

LEWIS W. LENGNICK.

[F.R. Doc. 69-2500; Filed, Feb. 28, 1969; 8:47 a.m.]

OWEN T. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 17, 1969.

Dated: February 17, 1969.

OWEN T. LENTZ.

[F.R. Doc. 69-2501; Filed, Feb. 28, 1969; 8:47 a.m.]

C. R. MACHEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Mohawk Airlines—Addition; Tenneco—Deletion; American Tobacco—Deletion.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

C. R. MACHEN.

[F.R. Doc. 69-2502; Filed, Feb. 28, 1969; 8:47 a.m.]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 13, 1969.

Dated: February 17, 1969.

R. R. McLAGAN.

[F.R. Doc. 69-2503; Filed, Feb. 28, 1969; 8:47 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 10, 1969.

Dated: February 10, 1969.

C. S. McNEER.

[F.R. Doc. 69-2504; Filed, Feb. 28, 1969; 8:47 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February, 1969.

Dated: February 4, 1969.

JULIO A. NEGRONI.

[F.R. Doc. 69-2505; Filed, Feb. 28, 1969; 8:48 a.m.]

RAFAEL RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

Dated: February 11, 1969.

RAFAEL RAMIREZ.

[F.R. Doc. 69-2506; Filed, Feb. 28, 1969; 8:48 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

L. J. SCHULTZ.

[F.R. Doc. 69-2507; Filed, Feb. 28, 1969; 8:48 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

C. W. WATSON.

[F.R. Doc. 69-2508; Filed, Feb. 28, 1969; 8:48 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 31, 1969.

Dated: February 4, 1969.

CARL H. WILLIAMS.

[F.R. Doc. 69-2509; Filed, Feb. 28, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

LIVESTOCK FEED PROGRAM

Notice of Designation of Emergency Areas

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1472, 63 Stat. 1055), and the Act of September 21, 1959, as amended (sections 1–4, 73 Stat. 574), the Secretary of Agriculture has designated the counties specified in this notice as emergency areas for purposes of the Livestock Feed Program (7 CFR, Part 1475, as amended). Feed grains will be made available for sale to livestock owners in such counties in accordance with the terms and conditions in the regulations for such program. The designated counties are as follows:

OREGON

Grant.

UTAH

Garfield. Wayne.
Piute.

Signed at Washington, D.C., on February 19, 1969.

WILLIAM E. GALBRAITH,
Vice President of the Commodity Credit Corporation.

[F.R. Doc. 69-2556; Filed, Feb. 28, 1969; 8:51 a.m.]

Consumer and Marketing Service

NATIONAL SCHOOL LUNCH, AND CHILD NUTRITION ACT PROGRAMS

Prototype Agreements for Use by School Districts in Contracting With Food Service Management Companies for School Feeding Programs

Section 210.8(c)(3) of the National School Lunch Program regulations (7 CFR Part 210), § 215.7(c)(4) of the Special Milk Program regulations (7 CFR Part 215), and § 220.7(d) of the School Breakfast Program regulations (7 CFR Part 220) as these sections were amended January 18, 1969 (34 F.R. 807), permit any school participating in any of these Programs to operate under the Program during any period through fiscal year 1970 under a contract with a food service management company on a pilot, experimental basis, provided that: (1) Such action extends food service to needy children not previously benefiting from the Program; (2) the contract with the food service management company is one which is substantially in conformity with the applicable prototype agreement published below; and (3) the agreement is approved by the State Agency, or CFPDO where applicable, and the U.S. Department of Agriculture in advance of the beginning of the food service.

Notwithstanding the fact that the school has contracted with the company for the operation of the food service, the school remains responsible for carrying out all the requirements of the National School Lunch Program or other Program in which it participates and will be reimbursed from the funds appropriated for the applicable Program. For the purpose of enabling the school to carry out this responsibility, the prototype agreements set forth below provide that the school will supply or approve menus; will determine that meals conform with the meal type requirements of the National School Lunch or other Program; will fix all prices for the meals and other food served; will designate the children who are to receive free or reduced price meals and assure that the identity of such children is protected; and will determine the acceptability of personnel employed on the school premises. The school will be represented in overall management of the food service operations by its own Food Service Director who is responsible for seeing that the contract provisions are carried out, and, under the Program requirements, will claim reimbursement from the State Agency, or CFPDO where applicable, for the meals served to the children.

Under all of the prototype agreements set forth below, the food service management company will purchase the food used in the meals for the account of the school with invoices sent directly to the school, for payment by the school; will cooperate with the school in maintaining controls on the cost of food it purchases for the school; to the maximum extent possible, will utilize in the preparation of the meals, foods donated by the U.S. Department of Agriculture; in purchasing food for the school, will purchase in as large quantities as may be effectively used, foods designated as plentiful by the U.S. Department of Agriculture; will maintain, in the storage, preparation, and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations; and will maintain proper storage and food inventory control records of the purchased foods and of the Government donated foods.

For all services, including the management fee, the school will pay the food service management company a fixed price per plate or other unit of food served or delivered.

The prototype agreements set forth below encompass the above responsibilities of the school and the company. Inclusion of these responsibilities is mandatory and not open to negotiation between the school and the company. All other provisions of the prototype agreements are open to negotiation between the school and the company, subject to State and local laws on sanitation, health, insurance, etc.

The following are the texts of the prototype agreements:

AGREEMENT (A). BETWEEN SCHOOL DISTRICT AND FOOD SERVICE MANAGEMENT COMPANY FOR ON-SCHOOL-SITE FEEDING OPERATIONS

This Agreement is made this ------ day of ----------, 19--, by and between the ---------- School District, having its office at ----------, City of ----------, hereinafter designated as the "School", and ----------, a corporation organized and existing under the laws of the State of ----------, with principal offices at ----------, City of ----------, hereinafter designated as the "Company."

In consideration of the mutual promises and covenants contained herein, the Company and the School agree as follows:

1. The Company shall manage the food service operations of the School in the following attendance (school) units:

a. ---------- address.
b. ---------- address.
c. ---------- address.

Other attendance units may be added to or any of the attendance units listed may be eliminated from this agreement, as agreed upon by the Company and the School.

2. The School shall be represented in the overall management of said food service operations by the School's own employee, a Food Service Director, who shall have the right and authority:

a. To develop and supply to the Company, prior to the beginning of operations under this Agreement, specifications for the food to be purchaesd by the Company for the School's food service operations.

b. To inspect the purchased food to determine compliance with the purchase specifications and to reject food not meeting such specifications.

c. To have access to the Company's purchase records bearing upon the food purchased for the School, for review and audit, as necessary.

d. To supply or approve the menus and recipes for meals and other food to be served so as to insure compliance with U.S. Department of Agriculture meal type requirements, to inspect the meals served to determine compliance with U.S. Department of Agriculture meal type requirements, and to withhold payment for meals not meeting prescribed requirements.

e. To require that the Company's employees be of the ability, appearance, behavior, and physical condition that is in conformity with the School's and the local Health Department's requirements for food service personnel, attached hereto.

f. To require that the Company's employees be of the number agreed upon by the Company and the School, as set out in paragraph 5.

g. To inspect at any time the food preparation, storage, and service areas to determine the adequacy of the Company's cleaning and sanitation practices.

h. To determine the adequacy of the Company's storage practices and recordkeeping so as to insure the safekeeping of all food, including that donated for the use of the School by the U.S. Department of Agriculture, and in connection therewith to have ready access to the related food inventory control records of the Company.

3. The Company shall use such space, equipment, fixtures, china, glass, tableware, kitchen utensils, and utilities provided by the School as may be reasonably necessary for the efficient management of the food service operation in each of the designated attendance units. All equipment, supply, and utensil items shall remain the sole property of the School and the Company shall restore such property to the School in the same condition as when originally made available to the Company, reasonable wear and tear and loss or damage due to vandalism or civil disturbance excepted. Representatives of the Company and the School shall jointly inventory the equipment, glassware, tableware, utensil, food and supply items at the beginning of operations under this Agreement. The Company shall, at its expense, repair any

of such property of the School which becomes damaged, except when the damage is due to vandalism or civil disturbance, and shall replace any of such property which becomes lost with items of equal quality. Copies of the inventory shall be attached to the copies of this contract for reference. Any additional equipment furnished by the Company shall remain the property of the Company, which shall have the right to remove it at any time. The Company shall, at its expense, maintain the School's equipment in good working order. The Company shall be responsible for the regular care and cleaning of all equipment and the food preparation, storage, and serving areas, including serving counters, ovens, hoods and ducts, light fixtures, floors, walls and windows, and for the clearing of tables and the cleaning of the dining area, tables, chairs, and benches following meal service. The cleaning of the dining area and the alternative uses of the area shall be in accordance with a time schedule agreed upon by the Company and the School. The Company shall arrange and pay for exterminating service and for laundry of employee uniforms, towels, and linens. The Company shall procure and pay for cleaning supplies. The Company shall be responsible for the sanitary handling of garbage and trash, shall use the receptacles provided therefor by the School, and shall move refuse to the area designated by the School. The School shall be responsible for removal of garbage and trash from the school building site.

4. The Company shall comply with all Federal, State, and local laws and regulations governing the preparing, handling, and serving of food, and shall procure and keep in effect all licenses, permits, and food handler's cards as are required by law, and shall post such permits, notices, and cards in a prominent place within the food service areas, as required. The Company shall comply with all applicable Federal, State, and local laws and regulations pertaining to wages and hours of employment.

5. The Company shall employ not less than ------ persons to provide the food service under this Agreement. The Company shall hire and dismiss all its employees in accordance with State and local standards and regulations for the employment of food service personnel. Employees hired by the Company must be acceptable to the School. Such employees shall be paid by the Company. In any labor negotiations involving such employees, the School, as a concerned party, shall be represented by the same official that represents the School in similar negotiations involving personnel employed for other supportive services performed for the School.

6. The Company shall serve to children, on such days, at such times, and at such prices as the School shall prescribe, (a) meals which follow the menus and recipes supplied or approved by the School, and which meet the meal-type requirements prescribed by the U.S. Department of Agriculture (and any additional requirements as may be established by the State of ----------) which are set out in detail in Exhibit ------, attached hereto and made a part of this Agreement, and (b) such other food as may be agreed upon by the Company and the School. School employees and teachers may be permitted to purchase meals and other food at the option and direction of the School at prices set by the School. The Company shall not sell on the premises of any attendance unit listed in this Agreement, any food or beverage items other than the prescribed meals and other food, except those which may be expressly authorized by the School, and then only at times and places designated by the School. The Company shall not use the School's facilities for the preparation of food to be served in any location other than the listed attendance units. The Company shall serve milk to children under the Special Milk Program at times and at prices set by the School, and shall keep the records needed to file claims for reimbursement under that program. The Company shall cooperate with the School in promoting the nutritional education aspects of the School's food service program and in the efforts of the School to coordinate these aspects with classroom instruction, e.g., by making the food preparation and storage areas available for visits of the school children at reasonable times. The kitchen and the food preparation and service facilities shall be available for after-school-hours social events as agreed upon by the Company and the School.

7. The Company shall purchase, for the account of the School, the food required for the meals and other food served under this Agreement. Invoices shall be sent to the School for payment by the School. The cost of food used for meals, including the estimated local wholesale value of the food donated by the U.S. Department of Agriculture, shall not exceed an amount, per plate of food served, agreed upon by the Company and the School prior to the beginning of operations under this Agreement. For the purpose of controlling per plate cost, the value of all food used will be reviewed at times agreed upon by the Company and the School, but not less often than every 3 months. The Company shall purchase in as large quantities as may be efficiently utilized in the School's food service, food which the School advises it is designated as plentiful by the U.S. Department of Agriculture. Food purchased for service other than in meals shall be of the quality specified by the School. The Company shall purchase all food for the School at the lowest prices possible consistent with maintaining the quality standards prescribed by the School, which are attached hereto as Exhibit ------, and made a part hereof.

8. To the maximum extent possible, the Company shall use in the preparation of the meals and other food served to the children, food donated for the use of the School by the U.S. Department of Agriculture. The Company shall maintain adequate storage practices, inventory and control of such foods to insure that its use is in conformance with the School's agreement with the State Distributing Agency, attached hereto as Exhibit ------. The Company shall give the School's Food Service Director ready access to the food storage area and to the inventory control records on the purchased food and the Government-donated food for such inspection and review as, in the opinion of the School's Food Service Director, is necessary.

9. The Company shall serve free or reduced-price meals to children designated by the School and protect the anonymity of such children; keep an accurate daily record of the number of all meals and other food served to children and, separately, all meals and other food served to adults, and shall transmit the record daily to the School's Food Service Director. The Company shall collect cash, tokens, or meal tickets from all persons served and transmit such collections daily to the School's Food Service Director or his designee, unless the School directs the Company to deposit the cash collections to the credit of the School's bank account each school day and to give the School a daily record of such deposits. In the event the food service operation in any attendance unit is large enough to warrant the use of a cash register, it shall be supplied by the School with the reset keys therefor to remain in the custody of the School.

10. The School shall be liable for labor and any other direct expenses incurred by the Company because of the School's failure to notify the Company before ------ a.m. of any day for which food services are canceled.

11. The Company shall indemnify the School against any loss or damage (including attorney's fees and other costs of litigation) caused by the Company's negligent acts or omissions, theft by the Company's employees, or negligent acts or omissions of the Company's agents or employees. The Company shall defend any suit against the School alleging personal injury, sickness or disease arising out of the consumption of the food served.

The school shall promptly notify the Company in writing of any claims against the Company or the School, and in the event of a suit being filed, shall promptly forward to the Company all papers in connection therewith. The School shall not incur any expense or make any settlement without the Company's consent. However, if the Company refuses or neglects to defend any such suit, the School may defend, adjust, or settle any such claim, and the costs of such defense, adjustment, or settlement, including reasonable attorney's fees, shall be charged to the Company.

12. The Company shall:

a. Procure and maintain workmen's compensation insurance as prescribed by the laws of the State in which the School is located.

b. Procure and maintain comprehensive bodily injury and property damage liability insurance, including bodily injury and property damage caused by automotive vehicles used in the School's food service operations, with limits of $300,000 for injury or death of one person in any one accident; $500,000 for injury or death of two or more persons in any one accident; and $100,000 for property damage in any one accident.

c. Furnish the School certificates of insurance to demonstrate that it has procured the required insurance.

d. Procure and maintain a surety bond conditioned on the Company's faithful performance of this Agreement. (Omit this subparagraph if no bond will be required.)

13. All records of the Company bearing upon food service operations in any attendance unit shall be maintained at such attendance unit or at the Company's local office within the State, and shall be made available to the School upon request. The Company shall maintain any additional records the School may request to meet the requirements of the National School Lunch Program, or any other Government program. All such records shall be kept on file for 3 years after the end of the Federal fiscal year to which they pertain. The School's Food Service Director or other School representative, State educational agency representatives, and the auditors of the U.S. Department of Agriculture and the U.S. General Accounting Office, upon request, shall have access to all such records for audit or review at a reasonable time and place. Authorized representatives of the School, the State educational agency, and the U.S. Department of Agriculture shall have the right to conduct on-site administrative reviews of the food service operation.

14. The School shall pay the Company based on the following schedule:

FOR LUNCHES

For under 200 daily participation ------ cents per plate of food served.
For 200–500 daily participation ------ cents per plate of food served.
For 500 and up daily participation ------ cents per plate of food served.

FOR BREAKFASTS

For under 200 daily participation ------ cents per plate of food served.

For 200–500 daily participation _____ cents per plate of food served.
For 500 and up daily participation _____ cents per plate of food served.

FOR OTHER FOOD

_____	_____
_____	_____
_____	_____

15. The School shall make such payment to the Company monthly, on or before the _____ day of the month following the calendar month for which payment is made.

16. This Agreement constitutes the entire Agreement between the Company and the School with respect to the subject matter hereof and there are no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the School and the Company. No assignment or transfer of this Agreement may be made, in whole or in part, without the written consent of the School being first obtained.

17. This Agreement shall be effective as of _____, and shall be in force with respect to meals served during the period commencing on the effective date and ending _____, and during such additional period or periods as the Company and the School may agree upon. However, either party may at any time during the life of this Agreement or any extension thereof terminate this Agreement, with respect to the serving of meals, by giving sixty (60) days' notice in writing to the other party of its intention to do so, and the School may terminate this Agreement, with respect to the serving of meals, if the terms and conditions thereof are not fully complied with by the Company, by giving ten (19) days' notice in writing of its intention to do so. All notices to the School shall be addressed to it at _____ and all notices to the Company shall be addressed to the Company at _____.

In witness whereof, the parties hereto have caused this agreement to be signed by their duly authorized officers the day and year first above written.

FOR THE SCHOOL	FOR THE COMPANY
_____	_____
_____	_____
_____	_____

APPROVED BY THE STATE EDUCATION AGENCY

_____

_____

AGREEMENT (B) BETWEEN SCHOOL DISTRICT AND FOOD SERVICE MANAGEMENT COMPANY FOR ON-SCHOOL-SITE FEEDING OPERATIONS PLUS TRANSPORTATION OF FOOD TO OTHER UNITS

This Agreement is made this _____ day of _____, 19__, by and between the _____ School District, having its office at _____, City of _____, hereinafter designated as the "School", and _____, a corporation organized and existing under the laws of the State of _____, with principal offices at _____, City of _____, hereinafter designated as the "Company."

In consideration of the mutual promises and covenants contained herein, the Company and the School agree as follows:

1. The Company shall manage the food service operations of the School in the following attendance (school) units:

a. _____ address.
b. _____ address.
c. _____ address.

In addition, the Company shall prepare meals in any of such attendance units and deliver them to the following attendance units which do not have food preparation facilities:

d. _____ address.
e. _____ address.
f. _____ address.

Other attendance units may be added to or any of the attendance units listed may be eliminated from this Agreement, as agreed upon by the Company and the School.

2. The School shall be represented in the overall management of said food service operations by the School's own employee, a Food Service Director, who shall have the right and authority:

a. To develop and supply to the Company, prior to the beginning of operations under this Agreement, specifications for the food to be purchased by the Company for the School's food service operations.

b. To inspect the purchased food to determine compliance with the purchase specifications and to reject food not meeting such specifications.

c. To have access to the Company's purchase records bearing upon the food purchased for the School, for review and audit, as necessary.

d. To supply or approve the menus and recipes for meals and other food to be served, so as to insure compliance with U.S. Department of Agriculture meal-type requirements, to inspect the meals served to determine compliance with U.S. Department of Agriculture meal-type requirements, and to withhold payment for meals not meeting prescribed requirements.

e. To require that the Company's employees be of the ability, appearance, behavior, and physical condition that is in conformity with the School's and the local Health Department's requirements for food service personnel, attached hereto.

f. To require that the Company's employees be of the number agreed upon by the Company and the School, as set out in paragraph 5.

g. To inspect at any time the food preparation, storage, and service areas and the food containers and automotive vehicles used in transporting the prepared meals and other food to the School, to determine the adequacy of the Company's cleaning and sanitation practices.

h. To determine the adequacy of the Company's storage practices and recordkeeping so as to insure the safekeeping of all food, including that donated for the use of the School by the U.S. Department of Agriculture, and in connection therewith to have ready access to the related food inventory control records of the Company.

3. The Company shall use such space, equipment, fixtures, china, glass, tableware, kitchen utensils, and utilities provided by the School as may be reasonably necessary for the efficient mangement of the food service operation in each of the designated attendance units. All equipment, supply, and utensil items shall remain the sole property of the School and the Company shall restore such property to the School in the same condition as when originally made available to the Company, reasonable wear and tear and loss or damage due to vandalism or civil disturbance excepted. Representatives of the Company and the School shall jointly inventory the equipment, glassware, tableware, utensil, food and supply items at the beginning of operations under this Agreement and the Company shall, at its expense, repair any of such property of the School which becomes damaged, except when the damage is due to vandalism or civil disturbance, and shall replace any of such property which becomes lost with items of equal quality. Copies of the inventory shall be attached to the copies of this Agreement for reference. Any additional equipment furnished by the Company shall remain the property of the Company, which shall have the right to remove it at any time. The Company shall, at its expense, maintain the School's equipment in good working order. The Company shall be responsible for the regular care and cleaning of all the equipment and the food preparation, storage, and serving areas, including serving counters, ovens, hoods and ducts, light fixtures, floors, walls and windows, and for the clearing of tables and the cleaning of the dining area, tables, chairs, and benches following meal service. The cleaning of the dining area and the alternative uses of the area shall be in accordance with a time schedule mutually agreeable to the Company and the School. The Company shall arrange and pay for exterminating service and for laundry of employee uniforms, towels, and linens. The Company shall procure and pay for cleaning supplies. The Company shall be responsible for the sanitary handling of garbage and trash, shall use the receptacles provided therefore by the School, and shall move refuse to the area designated by the School. The School shall be responsible for removal of garbage and trash from the school building site.

The Company shall supply automotive vehicles and insulated containers for hot and cold food for the transportation of meals and other food to the attendance units without food preparation facilities, and shall be responsible for the sanitary handling of the transported food and the maintenance of the temperatures for the hot and the cold food, as prescribed by the School. If this Agreement is not renewed at the end of any period during which it is in effect, the School shall have the option to purchase from the Company any of the Company's automotive vehicles and insulated containers used to transport the meals and other food, as provided for in this Agreement, for an amount representing the residual value of such equipment.

4. The Company shall comply with all Federal, State, and local laws and regulations governing the preparing, handling, transporting, and serving of food, shall procure and keep in effect all licenses, permits, and food handler's cards, as are required by law, and shall post such permits, notices, and cards in a prominent place within the food service areas, as required. The Company shall comply with all applicable Federal, State, and local laws and regulations pertaining to wages and hours of employment.

5. The Company shall employ not less than _____ persons to provide food service under this Agreement. The Company shall hire and dismiss all its employees in accordance with State and local standards and regulations for the employment of food service personnel. Employees hired by the Company must be acceptable to the School. Such employees shall be paid by the Company. In any labor negotiations involving such employees, the School, as a concerned party, shall be represented by the same official that represents the School in similar negotiations involving personnel employed for other supportive services performed for the School.

6. The Company shall serve to children, in all attendance units, on such days, at such times, and at such prices as the School shall prescribe, (a) meals which follow the menus and recipes supplied or approved by the School, and which meet the meal-type requirements prescribed by the U.S. Department of Agriculture (and any additional requirements as may be established by the State of _____) which are set out in detail in Exhibit _____, attached hereto and made a part of this Agreement, and (b) such other food as may be agreed upon by the Company and the School. School employees and teachers may be permitted to purchase meals and other food at the option and direction of the School at prices set by the School. The Company shall not sell on the premises of any attendance unit listed in this Agreement, any food or beverage items other than the prescribed meals or other food, except those which may be expressly authorized by the School, and then only at times and places designated by the School. The Company shall not use the School's facilities for the preparation of food to be served in any location other than the listed attendance units. The Company shall serve milk to children under the Special Milk Program at times and at prices set by the School, and shall keep the records needed to file claims for reimbursement under the Program. The Company shall cooperate with the School in promoting the nutritional educational aspects of the School's food service program and in the efforts of the School to coordinate these aspects with classroom instruction, e.g., by making the food preparation and storage areas available for visits of the school children at reasonable times. The kitchen and the food preparation and service facilities shall be available for after-school-hours social events as agreed upon by the Company and the School.

7. The Company shall purchase, for the account of the School, the food required for the meals and other food served under this Agreement. Invoices shall be sent to the School for payment by the School. The cost of food used for meals, including the estimated local wholesale value of the food donated by the U.S. Department of Agriculture, shall not exceed an amount, per plate of food served, agreed upon by the Company and the School prior to the beginning of operations under this Agreement. For the purpose of controlling per plate cost, the value of all food used will be reviewed at times agreed upon by the Company and the School, but not less often than every 3 months. The Company shall purchase in as large quantities as may be efficiently utilized in the School's food service, food which the School advises it is designated as plentiful by the U.S. Department of Agriculture. Food purchased for service other than in meals shall be of the quality specified by the School. The Company shall purchase all food for the School at the lowest prices possible consistent with maintaining the quality standards prescribed by the School, which are attached hereto as Exhibit _____, and made a part hereof.

8. To the maximum extent possible, the Company shall use in the preparation of the meals and other food served to the children, food donated for the use of the School by the U.S. Department of Agriculture. The Company shall maintain adequate storage practices, inventory, and control of such food to insure that its use is in conformance with the School's agreement with the State Distributing Agency, attached hereto as Exhibit _____. The Company shall give the School's Food Service Director ready access to the food storage area and to the inventory control records on the purchased food and the Government-donated food for such inspection and review as, in the opinion of the School's Food Service Director, is necessary.

9. The Company shall serve free or reduced-price meals to children designated by the School and protect the anonymity of such children; keep an accurate daily record of the number of all meals and other food served to children and separately, all meals and other food served to adults, and shall transmit the record daily to the School's Food Service Director. The Company shall collect cash, tokens, or meal tickets from all persons served and transmit such collections daily to the School's Food Service Director or his designee, unless the School directs the Company to deposit the cash collections to the credit of the School's bank account each school day, and give to the School a daily record of such deposits. In the event the food service operation in any attendance unit is large enough to warrant the use of a cash register, it shall be supplied by the School with the reset keys therefor to remain in the custody of the School.

10. The School shall be liable for labor and any other direct expenses incurred by the Company because of the School's failure to notify the Company before _____ a.m. of any day for which food services are canceled.

11. The Company shall indemnify the School against any loss or damage (including attorney's fees and other costs of litigation) caused by the Company's negligent acts or omissions, theft by the Company's employees, or negligent acts or omissions of the Company's agents or employees. The Company shall defend any suit against the School alleging personal injury, sickness or disease arising out of the consumption of the food served and any suit against the School alleging property damage or personal injury arising out of the transportation of food to attendance units without food preparation facilities.

The School shall promptly notify the Company in writing of any claims against the Company or the School, and in the event of a suit being filed, shall promptly forward to the Company all papers in connection therewith. The School shall not incur any expense or make any settlement without the Company's consent. However, if the Company refuses or neglects to defend any such suit, the School may defend, adjust, or settle any such claim, and the costs of such defense, adjustment, or settlement, including reasonable attorney's fees, shall be charged to the Company.

12. The Company shall:

a. Procure and maintain workmen's compensation insurance as prescribed by the laws of the State in which the School is located.

b. Procure and maintain comprehensive bodily injury and property damage liability insurance, including bodily injury and property damage caused by automotive vehicles used in the School's food service operations, with limits of $300,000 for injury or death of one person in any one accident; $500,000 for injury or death of two or more persons in any one accident; and $100,000 for property damage in any one accident.

c. Furnish the School certificates of insurance to demonstrate that it has procured the required insurance.

d. Procure and maintain a surety bond conditioned on the Company's faithful performance of this Agreement. (Omit this subparagraph if no bond will be required.)

13. All records of the Company bearing upon food service operations in any attendance unit shall be maintained at such attendance unit or at the Company's local office within the State, and shall be made available to the School upon request. The Company shall maintain any additional records the School may request to meet the requirements of the National School Lunch Program, or any other government program. All such records shall be kept on file for three years after the end of the Federal fiscal year to which they pertain. The School's Food Service Director or other School representative, State educational agency representatives, and the auditors of the U.S. Department of Agriculture and the U.S. General Accounting Office, upon request, shall have access to all such records for audit or review at a reasonable time and place. Authorized representatives of the School, the State educational agency, and the U.S. Department of Agriculture shall have the right to conduct on-site administrative reviews of the food service operations.

14. The School shall pay the Company based on the following schedule:

FOR LUNCHES

For under 200 daily participation _____ cents per plate of food served.
For 200–500 daily participation _____ cents per plate of food served.
For 500 and up daily participation _____ cents per plate of food served.

FOR BREAKFASTS

For under 200 daily participation _____ cents per plate of food served.
For 200–500 daily participation _____ cents per plate of food served.
For 500 and up daily participation _____ cents per plate of food served.

FOR OTHER FOOD

_____	_____
_____	_____
_____	_____

15. The School shall make such payment to the Company monthly, on or before the _____ day of the month following the calendar month of operation for which payment is made.

16. This Agreement constitutes the entire Agreement between the Company and the School with respect to the subject matter hereof and there are no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the School and the Company. No assignment or transfer of this Agreement may be made, in whole or in part, without the written consent of the School being first obtained.

17. This Agreement shall be effective as of _____, and shall be in force with respect to meals served during the period commencing on the effective date and ending _____, and during such additional period or periods as the parties hereto may agree upon. However, either party may at any time during the life of this Agreement or any extension thereof terminate this Agreement, with respect to the serving of meals, by giving sixty (60) days' notice in writing to the other party of its intention to do so, and the School may terminate this Agreement, with respect to the serving of meals, if the terms and conditions thereof are not fully complied with by the Company, by giving ten (10) days' notice in writing of its intention to do so. All notices to the School shall be addressed to it at _____ and all notices to the Company shall be addressed to the Company at _____.

In witness whereof, the parties hereto have caused this Agreement to be signed by their duly authorized officers the day and year first above written.

FOR THE SCHOOL	FOR THE COMPANY
_____	_____
_____	_____
_____	_____

APPROVED BY THE STATE EDUCATION AGENCY

_____

_____

AGREEMENT (C) BETWEEN SCHOOL DISTRICTS AND FOOD SERVICE MANAGEMENT COMPANIES FOR OFF-SCHOOL-SITE MEAL PREPARATION OPERATIONS

This Agreement is made this _____ day of _____, 19--, by and between the _____ School District, having its office at _____, City of _____, hereinafter designated as the "School" and the _____, a corporation organized and existing under the laws of the State of _____, with principal offices at _____, City of _____, hereinafter designated as the "Company."

In consideration of the mutual promises and covenants contained herein, the Company and the School agree as follows:

1. The Company shall prepare meals and other food and deliver them to the following attendance units of the School:

a. _____ address.
b. _____ address.
c. _____ address.

Other attendance units may be added to or any of the attendance units listed may be eliminated from this Agreement, as agreed upon by the Company and the School.

2. The School shall be represented in its overall food service operations by the School's own employee, a Food Service Director, who shall have the right and authority:

a. To develop and supply to the Company, prior to the beginning of operations under this Agreement, specifications for the food which the Company is to use in the meals and other food prepared for the School.

b. To inspect such food to determine compliance with the specifications and to reject food not meeting such specifications.

c. To have access to the Company's purchase records bearing upon the food purchased for the School, for review and audit, as necessary.

d. To supply or approve the menus and recipes for meals and other food to be delivered so as to insure compliance with U.S. Department of Agriculture meal-type requirements, to inspect the meals delivered to determine compliance with U.S. Department of Agriculture meal-type requirements, and to withhold payment for meals not meeting prescribed requirements.

e. To inspect at any time the Company's food preparation, packaging and storage areas and the food containers and automotive vehicles used in transporting prepared meals and other food to the School to determine the adequacy of the Company's cleaning, sanitation, and maintenance practices.

f. To determine the adequacy of the Company's storage and recordkeeping practices, so as to insure the safekeeping of all food, including the food donated for the use of the School by the U.S. Department of Agriculture, and in connection therewith to have ready access to the related food inventory control records of the Company.

3. The Company shall comply with all Federal, State, and local laws and regulations governing the preparing, handling, and transporting of food; shall procure and keep in effect all necessary licenses, permits, and food handler's cards as are required by law, and shall post such licenses, permits and cards in a prominent place within the meal preparation areas, as required. The Company shall comply with all applicable Federal, State, and local laws and regulations pertaining to wages and hours of employment.

4. The Company shall supply automotive vehicles and insulated containers for hot and cold food for the transportation of meals and other food to the designated attendance units. If this Agreement is not renewed at the end of any period during which it is in effect, the School shall have the option to purchase from the Company any of the Company's automotive vehicles and insulated containers used to transport the meals and other food, as provided for in this Agreement, for an amount representing the residual value of such equipment.

The Company shall deliver the meals and other food to the attendance units of the School in accordance with the attached delivery schedule (Exhibit _____) in such quantities as may be agreed upon from time to time by the Company and the School; shall maintain proper temperatures for the hot and the cold food and shall maintain adequate sanitary practices in handling the food in transit.

In the event that the Company fails to deliver any meal or meals or other food to the School, as agreed upon, the School may procure a meal or meals or other food elsewhere, and charge to the Company the cost of such replacement meal or meals or other food, plus any expenses incurred by the School in procuring such replacement meal or meals or other food.

5. The Company shall purchase, for the account of the School, the food required for the meals and other food to be delivered to the School under this Agreement. Invoices shall be sent to the School for payment by the School. The cost of food used for meals, including the estimated wholesale value of the food donated by the U.S. Department of Agriculture, shall not exceed an amount, per plate of food served, agreed upon by the Company and the School prior to the beginning of operations under this Agreement. For the purpose of controlling per plate cost, the value of all food used will be reviewed at times agreed upon by the Company and the School, but not less often than every 3 months. The Company shall purchase in as large quantities as may be efficiently utilized in the School's food service, food which the School advises it is designated as plentiful by the U.S. Department of Agriculture. The Company shall purchase all food for the School at the lowest prices possible consistent with maintaining the quality standards prescribed by the School, which are attached hereto as Exhibit _____, and made a part hereof.

6. To the maximum extent possible, the Company shall use, in the meals and other food delivered to the School, food donated for the use of the School by the U.S. Department of Agriculture. The Company shall maintain adequate storage practices, inventory and control of such food to insure that their use is in conformance with the School's agreement with the State Distributing Agency, attached hereto as Exhibit _____. The Company shall give the School's Food Service Director ready access to the food storage area and to the inventory control records on the purchased food and the Government-donated food for such inspection and review as, in the opinion of the School's Food Service Director, is necessary.

7. The Company shall indemnify the School against any loss or damage (including attorney's fees and other costs of litigation) caused by the Company's negligent act or omission, theft by the Company's employees, or the negligent acts or omissions of the Company's agents or employees. The Company shall defend any suit against the School alleging personal injury or property damage arising out of the transportation of meals or other food to the attendance units of the School, and any suit alleging personal injury, sickness or disease arising out of the consumption of the meals or other food delivered to the School.

The School shall promptly notify the Company in writing of any claims against the Company or the School, and in the event of a suit being filed, shall promptly forward to the Company all papers in connection therewith. The School shall not incur any expense or make any settlement without the Company's consent. However, if the Company refuses or neglects to defend any such suit, the School may defend, adjust, or settle any such claim, and the costs of such defense, adjustment, or settlement, including reasonable attorney's fees, shall be charged to the Company.

8. All records of the Company bearing upon food purchases, storage, food preparation and transportation, directly related to the meals and other food delivered under this Agreement, including the records on receipt, storage, and use of Government-donated commodities, shall be made available to the School upon request. The School's Food Service Director or other School representative, State educational agency and the State Distributing Agency representatives, and the auditors of the U.S. Department of Agriculture and the U.S. General Accounting Office, upon request, shall have access to all such records for audit or review at a reasonable time and place.

9. The School shall pay the Company for the meals prepared and delivered on the basis of the following schedule:

FOR LUNCHES

Elementary—Secondary

For under 200 daily lunch delivered. -------¢—-------¢ per
For 200 to 500 daily lunch delivered. -------¢—-------¢ per
For 500 and up daily lunch delivered. -------¢—-------¢ per

FOR BREAKFASTS

Elementary—Secondary

For under 200 daily breakfast delivered. -------¢—-------¢ per
For 200 to 500 daily breakfast delivered. -------¢—-------¢ per
For 500 and up daily breakfast delivered. -------¢—-------¢ per

FOR OTHER FOOD

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---------- ----------
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10. The School shall make such payment to the Company monthly on or before the _____ day of the month following the calendar month for which payment is made, except that the School shall not be obligated to receive or pay for any meal or other food if, by notice to the Company before _____ a.m., the School requested that such meal or other food not be delivered, and the School shall not be obligated to pay for any meal or other food which does not meet the prescribed requirements.

11. This Agreement constitutes the entire Agreement between the Company and the School with respect to the subject matter hereof and there are no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the School and the Company. No assignment or transfer of this Agreement may be made, in whole or in part, without the written consent of the School being first obtained.

12. This Agreement shall be effective as of _____, and shall be in force with respect to meals delivered during the period commencing on the effective date and ending _____, and during such additional period or periods as the Company and the School may agree upon. However, either party may at any time during the life of this Agreement or any extension thereof terminate this Agreement with respect to the delivery of meals by giving sixty (60) days' notice in writing to the other party of its intention to do so, and the School may terminate this Agreement with respect to the delivery of meals, if the terms and conditions hereof are not fully complied with by the Company, by giving ten (10) days' notice in writing of its intention to do so. All notices to the school shall be addressed to it at _____ and all notices to the Company shall be addressed to the Company at _____.

In witness whereof, the parties hereto have caused this Agreement to be signed by their duly authorized officers the day and year first above written.

FOR THE SCHOOL	FOR THE COMPANY
_____	_____
_____	_____
_____	_____
APPROVED BY THE STATE EDUCATIONAL AGENCY	APPROVED BY THE STATE DISTRIBUTING AGENCY
_____	_____
_____	_____

Effective date. This notice shall be effective on date of publication.

Dated: February 25, 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2448; Filed, Feb. 28, 1969; 8:45 a.m.]

Packers and Stockyards Administration

VALLEY LIVESTOCK COMMISSION CO., INC. ET AL.

Notice of Changes in Names of Posted Stockyards

Correction

In F.R. Doc. 69-2328 appearing at page 2617 of the issue for Wednesday, February 26, 1969, the first entry for "Texas" under the column headed *"Current name of stockyard and date of change in name"* should read as follows:

Blanco Livestock Commission Company, Sept. 1, 1968.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CARNEGIE-MELLON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00230-33-54600. Applicant: Carnegie-Mellon University, Mellon Institute, 4400 Fifth Avenue, Pittsburgh, Pa. 15213. Article:

1. Lipson optical diffractometer with 2¼" standard lens.
2. Pantograph punch.

Manufacturer: The Rank Organisation, Rank Pullin Controls, United Kingdom. Intended use of article: This set of articles will be used almost exclusively for analysis of biological structures such as muscle and nerve tissues. The optical diffractometer will be used in analysis of electron microscope plates and X-ray diffraction structures, and the pantograph punch to produce a model pattern of trial structures. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is to be used to assist in the solution of X-ray diffraction problems. This is accomplished by first punching a mask of holes in a black card in such a way that each hole corresponds to an atomic position and then observing the optical diffraction pattern produced by this mask. Without the foreign article the deduction of the exact arrangement of atoms in a solid, from the way in which X-rays are diffracted as they pass through, is accomplished by trial and error. That is, a structure is postulated and its diffraction pattern is calculated and compared to that observed. If the two patterns agree, the structure is assumed to be correct. The calculations are long and tedious and many trials are necessary before agreement is reached. With the foreign article a trial structure can be tested in a few minutes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 30, 1969, that HEW knows of no scientifically equivalent domestic instrument.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2474; Filed, Feb. 28, 1969; 8:45 a.m.]

CULVER CITY UNIFIED SCHOOL DISTRICT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00210-98-2600. Applicant: Culver City Unified School District, 4034 Irving Place, Culver City, Calif. 90230. Article: Dr. Clemenz standard construction device for the theory of electricity. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used for teaching the basic theory of electricity. It teaches the student to construct electrical articles by actual practice and gives him a basic understanding of the theory underlying the experiments. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a set of units that are to be assembled by the student as an objective demonstration of the principles underlying alternating current and direct current generators, three-phase motors, and other electrical apparatus.

The Department of Commerce knows of no comparable apparatus being manufactured in the United States, which is capable of fulfilling the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration

[F.R. Doc. 69-2475; Filed, Feb. 28, 1969; 8:45 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00248-00-66700. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Spare parts for Prevost projector. Manufacturer: Prevost, Italy. Intended use of article: The article will be used as spare parts for an existing projector. Comments: N-

comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which such articles are intended to be used, is being manufactured in the United States. Reasons: The application relates to a set of spare parts for a Prevost projector already in the possession of the applicant.

The Department of Commerce knows of no similar parts being manufactured in the United States, which are interchangeable with, or are adaptable to the instrument in which the foreign articles are intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2476; Filed, Feb. 28, 1969; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00217-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for research in the following areas:

1. Analysis of the fine structure of the protein synthetic apparatus of the cell. The ribosome has been studied in all of its natural and artificially produced manifestations, from its subunits to large polyribosomal aggregates. In the course of study a new cytoplasmic structure has been discovered and characterized.

2. Study of the fine structure of lymphocytes and macrophages. The fine structure of normal lymphocytes and macrophages is being characterized as a baseline for studies on the uptake and processing of antigen in a macrophage-lymphocyte system.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 19, 1968). Reasons: (1) The foreign article has a guaranteed resolving power of 3.5 angstroms. The only known comparable domestic instrument which was available prior to July 1, 1968 was the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 has a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2477; Filed, Feb. 28, 1969; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00214-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in a variety of studies on the morphology of oncogenic and other viruses and their components. In these studies thin sectioning and negative staining will be used in connection with morphologic studies. In addition, ultrastructural cytochemistry will be used as well as radioautography when necessary. The studies range from quantitative analysis of viral content of fluids and tissues as related to potency, to radioactive tracer studies to determine the movement of viral protein and nucleic acid within infected cells. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 19, 1968). Reasons: (1) The foreign article has a guaranteed resolving power of 3.5 angstroms. The only known comparable domestic instrument which was available prior to July 1, 1968, was the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 has a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2478; Filed, Feb. 28, 1969; 8:45 a.m.]

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00228-33-79400. Applicant: Sloan-Kettering Institute for Cancer Research, 410 68th Street, New York, N.Y. 10021. Article: Two glass syringes for an Automatic "Tar" Applicator. Manufacturer: Degussa, West Germany. Intended use of article: The article will be utilized as an accessory to an existing tar applicator used for biological experiments with tobacco tar. Coments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an existing Dosimat automatic "tar" applicator which is now in possession of the applicant. We know of no similiar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adapted to the instrument with which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2479; Filed, Feb. 28, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00239-01-14200. Applicant: University of California, Lawrence Radiation Laboratory, 7000 East Avenue, Livermore, Calif. 94550. Article: Image analyzing computer, Model QTM 29-000. Manufacturer: Metals Research, Ltd., United Kingdom. Intended use of article: The article will be used for quantitatively analyzing photographs, negatives and bulk specimens, providing instantaneous readout of features being studied in an unlimited variety of substances, revealing specific percentage areas of inclusion, grains and particles with size, shape, and distribution definition. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of automatically providing microscopic measuring of inclusions, pores, volume fractions, grain size, size distribution, and form factor in a variety of materials peculiar to the research of the applicant. Without the foreign article such measurements must be determined manually. This is a tedious, time consuming, or impossible task which can result in unwarranted delay of research and produces results that are subject to human error because of excessive eye fatigue. Therefore the automatic measuring capability of the foreign article is pertinent.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, for the purposes for which the foreign article is intended to be used, which has this pertinent capability.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2480; Filed, Feb. 28, 1969; 8:46 a.m.]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00202-00-46040. Applicant: The University of Chicago, 5801 South Ellis Avenue, Chicago, Ill., 60637. Article: Pole piece (lens) for an existing Model HU-200E electron microscope. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as an accessory to an existing electron microscope for high resolution electron microscopy of biological specimens and extraterrestrial particles connected with space programs. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope of foreign manufacture, already in the possession of the applicant.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or adaptable to the instrument with which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2481; Filed, Feb. 28, 1969; 8:46 a.m.]

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00246-00-46040. Applicant: University of Virginia, Purchasing Department, Charlottesville, Va. 22901. Article: Specimen airlock with electromagnetic beam alignment. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for high resolution dark field electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope manufactured by the supplier

of the article to which the application relates, which is now in the possession of the applicant.

The Department of Commerce knows of no similar accessory which is interchangeable with the foreign article, or can be adapted for use with the electron microscope with which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2482; Filed, Feb. 28, 1969; 8:46 a.m.]

National Bureau of Standards

NBS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

FEBRUARY 19, 1969.

In accordance with National Bureau of Standards policy of giving monthly notice regarding changes in phases of seconds pulses, notice is hereby given that there will be an adjustment on April 1, 1969, in the phase of coordinate seconds pulses emitted from the low frequency radio stations WWVB, Fort Collins, Colo. At 0000 hours Greenwich Mean Time (GMT) the clock at the station will be retarded 200 milliseconds. The carrier frequency of WWVB is 60 kHz and is broadcast without offset with respect to standard coordinate frequency. These emissions are made following the Stepped Atomic Time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no adjustment in the phases of time pulses emitted from the high frequency radio stations WWVB, Fort Collins, Colo., and WWVH, Maui, Hawaii, on April 1, 1969. These pulses at present occur at intervals which are longer than one coordinate second by 300 parts in 10^{10}, and will occur at these intervals throughout 1969. This is due to the offset maintained in the carrier frequencies of these stations following the Coordinated Universal Time (UTC) system as coordinated by the BIH.

Phase adjustments, when needed, insure that the emitted pulses from all stations will remain within about 100 milliseconds of the Universal Time, UT2 scale, a nonuniform scale associated with the rotation of the earth. NBS obtains daily UT2 information from forecasts of extrapolated UT2 clock readings provided weekly by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

LAWRENCE M. KUSHNER,
Acting Director.

[F.R. Doc. 69-2543; Filed, Feb. 28, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SODIUM ARSANILATE TABLETS FOR WATER MEDICATION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Dr. Mayfield Hog Tablets; each tablet contains 18.4 grains of sodium arsanilate; marketed by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616.

2. Beebe Arsonil; each tablet contains 9.13 grains of sodium arsanilate; marketed by Beebe Laboratories, 2035 Larpenteur Avenue, St. Paul, Minn. 55109.

3. M & M Noctol 600; each tablet contains 9.2 grains of sodium arsanilate; marketed by M & M Livestock Products Co., Eagle Grove, Iowa 50533.

The Academy concludes that these products are effective as an aid in the treatment and control of swine dysentery (hemorrhagic enteritis or bloody scours), but that more information is needed to support the claim for growth stimulation, when the tablets are used in water as specified, and the claim for coccidiosis. The Food and Drug Administration concurs with the conclusions of the Academy.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS FOR USE AND DOSAGE

For oral administration in drinking water for swine as an aid in treatment and control of swine dysentery (hemorrhagic enteritis or bloody scours).

1. Aid in treatment: 0.02 percent (9-11 grains per gallon) of sodium arsanilate for not more than 5-6 days.

2. Aid in control: 0.005 percent (2.9 grains per gallon) of sodium arsanilate when administered continuously.

Caution: Use as the sole source of organic arsenic. If no improvement in 2-3 days consult veterinarian.

Warning: Discontinue use at least 5 days before slaughtering animals for food. Keep out of the reach of children. Do not administer to ruminants, ducks, geese, dogs, and cats. Do not medicate swine that have been without water.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the new-drug applications for the drugs listed above have been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to those drugs or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 24, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-2489; Filed, Feb. 28, 1969; 8:46 a.m.]

[Docket No. FDC-D-121; NDA No. 7-875]

MEDICAL DRUG CORP.

Nurobloc Injection; Notice of Opportunity for Hearing

Notice is hereby given to the Medical Drug Corp., 848 Broadway, New York, N.Y. 10003, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of new-drug application No. 7-875 and all amendments and supplements thereto held by the Medical Drug Corp. for the drug Nurobloc Injection on the grounds that:

1. New information before the Commissioner with respect to such drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling in that the data available indicate virtually no evidence of effectiveness as a curative in neuritis and rheumatic disorders and under the other conditions for which the product is recommended.

2. The applicant has repeatedly or deliberately failed to make required reports under section 505(j) of the Act (21 U.S.C. 355(j)) and §§ 130.13 and 130.35 (a) and (b) of the new-drug regulations (21 CFR 130.13, 130.35 (a) and (b)).

The Commissioner also proposes under the provisions of section 505(d) of the Act (21 U.S.C. 355(d)) to refuse to approve all supplements pending on new-drug application No. 7-875 for Nurobloc Injection on the grounds that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 7-875 should not be withdrawn and approval of all pending supplements to the new-drug application should not be refused.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application and all amendments and supplements thereto and refusing to approve all pending supplements. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 19, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-2490; Filed, Feb. 28, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18388]

FLYING TIGER ADDITIONAL POINTS

Notice of Hearing; Correction

F.R. Doc. 69-2262, published at page 2569 in the issue dated Tuesday, February 25, 1969, is corrected by changing the date of the hearing from "May 5, 1969" to "May 6, 1969" in the first paragraph.

Dated at Washington, D.C., February 26, 1969.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 69-2552; Filed, Feb. 28, 1969; 8:51 a.m.]

[Docket No. 20755; Order 69-2-111]

REEVE ALEUTIAN AIRWAYS, INC.

Order of Investigation and Suspension Regarding Increased Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1969.

By tariff revisions[1] filed January 22, 1969, and marked to become effective February 24, 1969, Reeve Aleutian Airways, Inc. (Reeve), proposes to increase a number of its specific commodity rates (mainly foodstuffs) between selected points in Alaska and to reduce certain other such rates. Certain increases are to be accomplished by canceling current specific commodity rates, leaving the current general commodity rates in effect.

Reeve asserts that certain of its proposed increases are justified because the industries affected have developed to the point where they can afford to bear a larger proportion of the actual transportation costs. The carrier bases the cancelation of a number of other specific commodity rates upon a purported elimination of the need for such rates.

Upon consideration of all relevant matters, the Board finds that the proposals, to the extent that they involve increased rates, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Reeve's proposal involves rate increases ranging between 67 and 250 percent, but the carrier does not present any factual basis for such sharp increases. The justification presented by the carrier—that shippers can now afford higher rates or that the need for special rates has been eliminated—does not appear to us adequate to warrant the significant rises in shipper costs proposed on commodities many of which comprise the necessities of life.

The carrier does not claim any financial need for the proposed increases. In fact, the carrier has generally earned satisfactory profits in recent years.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto,[2] and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto[2] are suspended and their use deferred to and including May 24, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Reeve Aleutian Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2553; Filed, Feb. 28, 1969; 8:51 a.m.]

[1] Revisions to Reeve Aleutian Airways, Inc.'s, Tariff CAB No. 14.

[2] Filed as part of the original document.

FARM CREDIT ADMINISTRATION

CERTAIN DEPUTY GOVERNORS

Notice of Basic Compensation

As provided in section 5(d) of the Farm Credit Act of 1953, as amended (sec. 302 (a), 75 Stat. 793; 12 U.S.C. 636d(d)), the Federal Farm Credit Board has fixed the per annum salary of the Deputy Governors of the Farm Credit Administration who are also Service Directors, viz.,

Deputy Governor and Director of Cooperative Bank Service, Deputy Governor and Director of Production Credit Service, and Deputy Governor and Director of Land Bank Service, effective February 23, 1969, at $30,239. Such action supersedes a prior action of the Board, effective July 3, 1966, which was published in the FEDERAL REGISTER of June 10, 1966 (31 F.R. 8478). Notice of this is published pursuant to the provisions of 5 U.S.C. 5364.

HAROLD T. MASON,
Secretary,
Federal Farm Credit Board.

[F.R. Doc. 69-2549; Filed, Feb. 28, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18198, 18199; FCC 69R-97]

COMMUNITY BROADCASTING COMPANY OF HARTSVILLE AND EASTERN CAROLINA BROADCASTERS, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Harold Bledsoe and Edmond F. Baddour, doing business as Community Broadcasting Company of Hartsville, Hartsville, S.C., Docket No. 18198, File No. BP-16995; Eastern Carolina Broadcasters, Inc., Florence, S.C., Docket No. 18199; File No. BP-17083; for construction permits.

1. This proceeding involves the mutually exclusive applications of Community Broadcasting Company of Hartsville (Community) and Eastern Carolina Broadcasters, Inc. (Eastern), for authorizations to construct new standard broadcast stations in Hartsville and Florence, S.C., respectively. It was designated for hearing by order, FCC 68-564, released July 22, 1968, under issues, including, interalia, an issue to determine whether two of Eastern's stock subscribers can meet their commitments. The hearing was held before Hearing Examiner Basil P. Cooper on January 6 and 7, 1969. Presently before the Review Board is a petition to enlarge issues, filed January 17, 1969, by Community,[1] requesting staffing, financial and § 1.65 issues relating to Eastern's qualifications.[2]

2. Petitioner first requests staffing issues, alleging that Eastern's proposed staff is inadequate to effectuate its proposed operation. Community points out that although Eastern proposed a staff of eight persons in its application, at the hearing session held on January 7, 1969, it offered an exhibit showing a staff of only five persons.[3] Petitioner argues that a staff of five is inadequate to operate the station for the proposed 18½ hours per day, 129½ hours per week, especially given the fact that Eastern proposes many local live programs, including some live remote broadcasts. The Broadcast Bureau, in its opposition to the petition, argues that Community has failed to plead facts sufficient to warrant the addition of a staffing issue. It points out that two of the five proposed employees are principals who can be expected to devote more than 40 hours a week to the station and that a third principal, not included in the staffing proposal, will work on the station during his free time.

3. Petitioner's allegations regarding Eastern's staffing proposal (as set out in its hearing exhibits) to employ a staff of five raises a substantial question of the adequacy of that staff, which is compounded by the vagueness of the proposal. There is no explicit indication in the record as to what duties would be assigned to each staff member or as to whether they would be full-time or part-time employees. Eastern proposes a schedule of 129½ hours per week, including local live programs of news, weather, sports, devotion, announcements, etc. Even with modern equipment and techniques and the possible participation of some nonstation personnel (e.g., clergymen on devotional programs) this doubt is not dispelled. Cf. John N. Traxler and Alvera M. Traxler, FCC 65R-191, 5 RR 2d 738. The fact that the two active principals can be expected to dedicate more than an average work week to the station's affairs and that a third principal, not included in the staffing proposal, has stated that he will devote some leisure hours to the station, hardly constitutes a satisfactory demonstration that Eastern's inexplicit plan is adequate, particularly since there is no indication of the basis of Eastern's staffing plans. Moreover, the reduction of the proposed staff of eight persons in Eastern's application to the five persons mentioned in its exhibits is unexplained. The request for a staffing issue will be granted.

Financial issue. 4. Community requests an expansion of the financial issue, to encompass an inquiry into Eastern's estimated costs of operations because Eastern (1) has allocated only $23,000 for payroll and (2) has failed to allocate funds in its operating budget for unemployment compensation tax, State corporation tax, and city business license fees. The Broadcast Bureau, in its opposition, contends, that Community has failed to allege facts sufficient to establish that Eastern's estimated payroll would be inadequate since the testimony of the president of Eastern indicates that he and Eastern's treasurer would not receive full salaries. The Bureau also argues that Eastern's available cash provides a substantial financial cushion and that Community does not assert what the various tax rates are or to what extent the additional costs will erode the cushion.

5. Petitioner has failed to establish by affidavits of persons familiar with the prevailing rates of compensation or by other means that Eastern could not hire the proposed staff for $23,000. Moreover, if Eastern meets its burden under the existing financial issue, it will have a substantial financial cushion to look to should additional sums be needed for salaries.[4] As to the taxes for which Eastern has failed to provide, Community has not stated the rates of the South Carolina unemployment tax or the city license fee nor demonstrated that Eastern's monetary reserve would be insufficient to absorb them. Finally, as pointed out by the Bureau, the State corporation tax is based upon gross receipts and, therefore, Eastern will only have to pay the tax if it has revenues. Since Eastern is not relying on revenues to finance its proposal expenditures which are a direct result of revenues need not be included in its estimates. See Brown Broadcasting Company, Incorporated, FCC 68-751, 14 FCC 2d 143. The request for expansion of the financial issue will be denied.

Section 1.65 issue. 6. The petitioner requests the addition of a § 1.65 issue based upon Eastern's failure to amend its application to conform it to the staffing proposal contained in its hearing exhibits. Eastern has apparently not kept its application up to date and, therefore, has technically not met the requirements of § 1.65 of the rules, but we agree with the Broadcast Bureau that there is no indication that Eastern has been guilty of intentionally concealing information or of undue delay in informing the Commission or the parties of changes in its proposal. Moreover, no prejudice has resulted from its failure to actually amend its application. The purpose of § 1.65, i.e., to inform the Commission and interested parties of material changes in an application, has been met.[5] The requested § 1.65 issue will be denied.

7. *Accordingly, it is ordered,* That the petition to enlarge issues, filed January 17, 1969, by Community Broadcasting Company of Hartsville, is granted to the extent indicated below and is denied in all other respects; and

8. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the staff actually proposed by Eastern Carolina Broadcasters, Inc., is adequate to effectuate its proposed operation; and

9. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein will be on Eastern Carolina Broadcasters, Inc.

Adopted: February 24, 1969.

Released: February 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2544; Filed, Feb. 28, 1969; 8:50 a.m.]

[Docket Nos. 18343, 19344; FCC 69R-98]

NORTH AMERICA BROADCASTING CO. AND NORMAN BROADCASTING

Memorandum Opinion and Order Enlarging Issues

In re applications of North America Broadcasting Co., Ogden, Utah, Docket No. 18343, File No. BR-1768, for renewal of license of station KSVN, Ogden, Utah; George I. Norman, Jr., and Phillip B. Rosenthal, Joint Venturers doing business as Norman Broadcasting, Golden, Colo., Docket No. 18344, File No. BR-3443, for renewal of license of station KICM, Golden, Colo.

1. This proceeding involves the application of North America Broadcasting Co. for renewal of its license for standard broadcast station KSVN, Ogden, Utah, and the application of Norman Broadcasting for renewal of its license for standard broadcast station KICM, Golden, Colo. The applications were designated for hearing by order, released October 9, 1968 (FCC 68-989). Presently before the Review Board is a petition to enlarge issues, filed by the Broadcast Bureau on January 15, 1969,[1] seeking additional issues in this proceeding as follows:

(1) To determine the facts and circumstances surrounding the issuance of KICM Broadcasting, Inc., 8 percent mortgage bond due September 15, 1967.

(2) To determine whether in the September 30, 1962, balance sheet of KICM Broadcasting, Inc., filed with the Commission as part of an amendment of BAL-4122, the applicant herein, George I. Norman, Jr., acting as president of KICM Broadcasting, Inc., misrepresented to the Commission or concealed facts from the Commission regarding the issuance or intent to issue KICM Broadcasting, Inc., 8 percent mortgage bond.

2. The first requested issue is predicated on an affidavit of Mr. Harold Wardell, of Rangely, Colo., dated January 7, 1969, filed with the Bureau's petition. According to Mr. Wardell's affidavit, he was sold an 8 percent mortgage bond of KICM Broadcasting, Inc., signed by George I. Norman, Jr., owner of 50 percent of the stock of KICM and 52 percent of the stock of KSVN. Copies of the contract of purchase and sale and the bond are also attached to the petition. Mr. Wardell alleges that he was told at the time of purchase (in September of 1962) that KICM Broadcasting, Inc., was the owner of KICM in Golden, Colo. The Bureau points out that on January 10, 1961, George Norman, Jr., filed an application (BAL-4122) for assignment of the license of KICM from George I. Norman, Jr., and Phillip B. Rosenthal, Joint Venturers doing business as Norman Broadcasting to Norman Downbeat Broadcasting, Inc., and that on October 23, 1962, an amendment to BAL-4122 was filed changing the name of Norman Downbeat Broadcasting, Inc., to KICM Broadcasting, Inc. Thus the Bureau alleges that at the time of Mr. Wardell's purchase, KICM Broadcasting, Inc., was not even a proposed assignee of KICM, much less the station's owner.[2] It is this alleged misrepresentation in the sale of the bond which is the basis for the Bureau's first requested issues.

3. The Bureau asserts, as the basis for its second requested issues, that a balance sheet dated September 30, 1962, and filed with the amendment to BAL-4122 of October 23, 1962, shows no listing of a bond issue among the liabilities of KICM Broadcasting, Inc., although the bond in question was allegedly sold to Mr. Wardell on September 12, 1962, and is dated September 15, 1962.

4. The unopposed allegations of the Broadcast Bureau, based upon Mr. Wardell's affidavit, raise very serious questions concerning the character of George I. Norman, Jr., and the possibility that, acting as president of KICM Broadcasting, Inc., he concealed material facts from the Commission. The Broadcast Bureau's request for issues will be granted.[3]

5. *Accordingly, it is ordered,* That the petition to enlarge issues, filed January 15, 1969, by the Broadcast Bureau, is granted; and

6. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine the facts and circumstances surrounding the issuance of KICM Broadcasting, Inc., 8 percent mortgage bond due September 15, 1967.

(2) To determine whether in the September 30, 1962, balance sheet of KICM Broadcasting, Inc., filed with the Commission as part of an amendment of BAL-4122, the applicant herein, George I. Norman, Jr., acting as president of KICM Broadcasting, Inc., misrepresented to the Commission or concealed facts from the Commission regarding the issuance or intent to issue KICM Broadcasting, Inc., 8 percent mortgage bond.

7. *It is further ordered,* That the burden of proceeding with the introduction of evidence will be on the Broadcast Bureau and that the burden of proof will be on North America Broadcasting Co. and Norman Broadcasting.

Adopted: February 24, 1969.

Released: February 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2545; Filed, Feb. 28, 1969; 8:50 a.m.]

[Docket No. 18450; FCC 69-127]

WHUT BROADCASTING CO., INC., AND EASTERN BROADCASTING CORP.

Order Designating Application for Hearing on Stated Issues

In re application of WHUT Broadcasting Co., Inc. (Assignor) and Eastern Broadcasting Corp. (Assignee) for assignment of license of station WHUT, Anderson, Ind.; Docket No. 18450, File No. BAL-6411.

1. The Commission has before it the above-referenced application for consent to the voluntary assignment of the license of Station WHUT, Anderson, Ind., from WHUT Broadcasting Co., Inc., to Eastern Broadcasting Corp. On December 18, 1968, the Commission informed the applicants that their application could not be granted without a hearing to resolve issues of whether it would be in the public interest to permit Eastern Broadcasting Corp. to acquire additional broadcast interests, in view of its status as a short-term licensee of Station WCVS, Springfield, Ill., and whether Eastern Broadcasting Corp. is engaged in trafficking in broadcast authorizations.

2. The applicants have informed the Commission that they desire to prosecute the application for assignment of the WHUT license through the hearing process.

3. It further appears assignee proposes a normal maximum of 20 minutes of commercial matter in any 60-minute segment, and that this 20-minute maximum will be raised to stated circumstances to permit 22 minutes of commercial matter in any 60-minute segment, not to exceed 10 percent of the broadcast week. We have concluded a further issue is necessary to determine the basis on which Eastern Broadcasting Corp. has concluded that its proposed commercial practices will be consonant with the needs and interests of the Anderson, Ind., community, and whether assignee's proposed commercial practices will serve the public interest, convenience, and necessity.

Accordingly, it is ordered, That the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether, in view of the short-term renewal of Eastern Broadcasting Corp.'s license for Station WCVS, Springfield, Ill., the public interest would be served by permitting Eastern Broadcasting Corp., to acquire additional broadcast authorizations while it

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[1] Also before the Review Board are: (a) opposition to petition, filed January 30, 1969, by the Broadcast Bureau and (b) reply to Broadcast Bureau's opposition, filed February 4, 1969, by Community.

[2] Although the petition was not timely filed, it is predicated on information which first became known at the January 7 hearing session. The Board therefore finds that good cause for the late filing exists.

[3] This exhibit was subsequently rejected by the Examiner.

[4] Eastern's application reflects that it will require a total of $44,380 in order to construct the proposed station and operate for 1 year, and that it will have available $50,000 without reliance on revenues.

[5] Petitioner's contention that a § 1.65 issue is necessary in order to determine what the actual staffing plans are cannot be accepted since Eastern will be required to detail its plans and establish that these plans are feasible under the adequacy of staff issue added herein.

[1] A search of the Commission's files fails to reveal the filing of any pleading in response to the Bureau's petition.

[2] On Feb. 7, 1964, the Commission dismissed the application for assignment to KICM Broadcasting, Inc.

[3] Although the instant petition was not filed within the time limitations set forth in § 1.229 of the rules, the Bureau has presented reasons for the delay which established good cause for the late filing.

remains a short-term licensee of Station WCVS; and

2. To determine whether, in view of past acquisitions and sales of broadcast stations, and the pending proposals to acquire Station WHUT and Stations WBOW AM and FM (Terre Haute, Ind.), Eastern Broadcasting is engaged in trafficking in broadcast licenses; and

3. To determine the basis on which Eastern Broadcasting Corp., has concluded that its proposed commercial practices will be consonant with the needs and interests of the Anderson, Ind., community, and whether assignee's proposed commercial practices will serve the public interest, convenience, and necessity.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That such hearing shall be expedited by the Hearing Examiner and by the Review Board if exceptions are taken to the Initial Decision.

It is further ordered, That the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 12, 1969.

Released: February 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-2546; Filed, Feb. 28, 1969; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

ISLAND STATE BANK

Order Approving Merger of Banks

In the matter of the application of Island State Bank for approval of merger with First National Bank of Bay Shore.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Island State Bank, Patchogue, N.Y., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with First National Bank of Bay Shore, Bay Shore, N.Y., under the charter and title of Island State Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 20th day of February 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-2485; Filed, Feb. 28, 1969; 8:46 a.m.]

[1] Commissioner Bartley absent.

FEDERAL MARITIME COMMISSION

[Docket No. 1153]

TRUCK AND LIGHTER LOADING AND UNLOADING PRACTICES AT NEW YORK HARBOR

Order Regarding Truck Detention Rule

This proceeding was instituted by order to show cause issued September 27, 1968, by the Federal Maritime Commission. The New York Terminal Conference was ordered to show cause why a truck detention rule set forth in the Commission order should not be prescribed pursuant to section 17 of the Shipping Act, 1916. The show cause order was issued because of the Conference's failure to comply with a portion of the Commission's previous order in this docket in which the Conference's failure to adopt a reasonable detention rule was adjudged to be an unreasonable practice under section 17 of the Act. The Conference's response to the order to show cause and comments of all other interested parties have been considered. The Commission has on February 25, 1969 issued its report in this proceeding, which is hereby incorporated herein by reference, in which it determined that the Conference has failed to show cause why the truck detention rule should not be prescribed.

Therefore, it is ordered, Pursuant to section 17 of the Shipping Act, 1916, that the New York Terminal Conference include in its Truck Loading and Unloading Tariff No. 7, FMC-T No. 8, a Truck Detention Rules reading as follows:

VEHICLE DETENTION RULES

SECTION 1. *General provisions.* Motor vehicles loading or unloading waterborne freight at piers or marine terminals of members of the New York Terminal Conference shall be entitled to receive detention charges[1] for delays occasioned at piers beyond the time set forth in section 4. Detention charges shall accrue in instances where the delays result through no disability, fault, or negligence on the part of the motor vehicle.

No detention will be allowed for delays or shut-outs resulting from strikes or work stoppages. In such cases, it is expected that the terminal operator will attempt to inform all potential users of the pier by telephone or advertisement. Formal notification shall be made to the Federal Maritime Commission of all strikes or work stoppages resulting in delays or shut-outs.

No detention will be allowed for delays resulting from severe or unusual weather conditions. A board of arbitration will resolve disputes concerning whether conditions on a particular day will or will not excuse detention. The board of arbitration shall consist of a representative of the terminal conference, a representative of the truckers, and either a representative of the New York Waterfront Commission or a third party to be selected by the above-mentioned parties.

Work slow downs due to insufficient labor shall not excuse the responsibility of the terminal operator under this rule.

SEC. 2. *Documentation.* Detention time does not begin to run until shipping documents[2] required by the terminal operator for release or delivery of cargo are found to be complete. The terminal operator will time stamp an appropriate document (once documentation is completed) which will begin the running of time for detention purposes. Each terminal operator shall specify the documentation necessary to receive or discharge cargo. The terminal operator shall determine whether documentation is adequate and may refuse to handle motor vehicles without full and proper documentation. The terminal operator may in its discretion waive the full documentation requirements, in which case, time shall commence upon granting such waiver.

SEC. 3. *Computation of time.* Time for detention purposes shall commence when the vehicle has completed documentation as provided in section 2.

Terminal operators shall establish an appropriate procedure for recording the time the vehicle has completed loading or unloading.

Detention will accrue during the regular business hours of the terminal, or additional hours if established by the terminal operator or steamship operator, provided the vehicle obtains a pass and has completed documentation as required by section 2 prior to 3 p.m.

The lunch period as set forth in the labor contract, but not exceeding 1 hour, shall not be included in calculating time or detention.

SEC. 4. *Time.* (a) When vehicles are loaded or unloaded within the time periods set forth below, there will be no detention charges paid. Vehicles designated will be entitled to detention charges if not completely serviced within the designated time periods on the following basis.

(1) *Nonappointment Trucks*	
2,000 pounds or less	Not applicable.[3]
2,001 to 5,000 pounds	165 minutes.
5,001 to 10,000 pounds	195 minutes.
10,001 to 15,000 pounds	225 minutes.
15,001 to 20,000 pounds	255 minutes.
20,001 to 25,000 pounds	285 minutes.
25,001 to 30,000 pounds	300 minutes.
30,001 to 35,000 pounds	330 minutes.
35,001 to 40,000 pounds	360 minutes.
Over 40,000 pounds	390 minutes.
(2) *Appointment Trucks*	
2,000 pounds or less	120 minutes.
2,001 to 5,000 pounds	135 minutes.
5,001 to 10,000 pounds	165 minutes.
10,001 to 15,000 pounds	195 minutes.
15,001 to 20,000 pounds	225 minutes.
20,001 to 25,000 pounds	255 minutes.
25,001 to 30,000 pounds	270 minutes.
30,001 to 35,000 pounds	300 minutes.
35,001 to 40,000 pounds	330 minutes.
Over 40,000 pounds	360 minutes.

[3] Not appointment vehicles with shipments of 2,000 pounds or less shall not be entitled to detention charges.

(b) Containers handled as a single unit will be allowed 120 minutes, regardless of weight, before detention charges accrue.

(c) Motor vehicles unloaded by the operator of such vehicles will be entitled to detention charges if not spotted at a place convenient for unloading within 120 minutes after proper documentation. No dentention will be allowed once such vehicles are spotted convenient for unloading.

(d) No detention will be paid when sorting or selection is requested or required by the motor carrier. The terminal operator is not absolved from liability under this rule when sorting or selection is done for his convenience.

SEC. 5. *Charges.* When the loading or unloading of freight is delayed beyond the time allowed in section 4, the vehicle shall apply to the terminal operator for detention charges and shall be entitled to $3 for each 15-minute period beyond the time designated in section 4.

It is further ordered, That this order become effective March 31, 1969.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-2541; Filed, Feb. 28, 1969; 8:50 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

[1] Detention charge as used in this rule means compensation to be paid by marine terminal operators to motor truck companies for delays of motor vehicles at marine terminal facilities.

[2] Shipping documents as used in this rule generally include, but are not necessarily limited to, the carriers release, dock delivery order, dock receipt, weighing receipt, carrier certificate, container survey form, and other documents and/or notations required by Government authority, port customs, or trade association.

CITIZENS AND SOUTHERN NATIONAL BANK

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-56.

Whereas, the Citizens and Southern National Bank, 35 Broad Street, Atlanta, Ga. 30303, does not now intend to charter any passenger vessel subject to section 3 of Public Law 89-777, and

Whereas, the Citizens and Southern National Bank has returned Certificate (Performance) No. P-56 to the Commission for revocation:

It is ordered, That Certificate (Performance) No. P-56 be and is hereby revoked effective February 25, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the Citizens and Southern National Bank.

By the Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-2542; Filed, Feb. 28, 1969; 8:50 a.m.]

FEDERAL TRADE COMMISSION

DIRECTOR AND ASSISTANT DIRECTOR, BUREAU OF TEXTILES AND FURS

Delegation of Functions

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 F.R. 6191), the Federal Trade Commission on February 4, 1969, made the following delegation of authority:

In re: Petitions for relief from payment of liquidated damages submitted by the Bureau of Customs. The Commission, subject to the right to revoke, hereby delegates to the Director and Assistant Director, Bureau of Textiles and Furs, severally and without power of redelegation, the authority to make recommendations to the Bureau of Customs, upon that Bureau's request, on petitions filed with the Bureau of Customs for relief from payment of liquidated damages occasioned by violations of the Wool Products Labeling Act of 1939 (15 U.S.C. 68), the Fur Products Labeling Act (15 U.S.C. 69), the Textile Fiber Products Identification Act (15 U.S.C. 70), and the Flammable Fabrics Act (15 U.S.C. 1191): *Provided*, That such delegation does not apply to a matter which appears to raise any questions of Commission policy, in which case a report with recommendation will be made to the Commission.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

FEBRUARY 24, 1969.

[F.R. Doc. 69-2557; Filed, Feb. 28, 1969; 8:51 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-42]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d)(40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Louisiana Public Service Commission in a rate proceeding involving

telecommunications rates of South Central Bell Telephone Co. (Louisiana PSC Docket No. 10,382).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 24, 1969.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 69-2488; Filed, Feb. 28, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2228]

AMERICAN UNITED LIFE POOLED EQUITY FUND B AND AMERICAN UNITED LIFE INSURANCE CO.

Notice of Amended Application for Exemptions

FEBRUARY 25, 1969.

The Commission on January 2, 1969, issued a notice (Investment Company Act Release No. 5568) upon application by American United Life Insurance Co. ("Insurance Company"), 30 West Fall Creek Parkway, Indianapolis, Ind., and American United Life Pooled Equity Fund B ("Separate Account") (hereinafter "Applicants"), for an order pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), exempting Separate Account, a registered, open-end management company, from provisions of sections 17(f), 22(d), 22(e), 27(a)(3), 27(a)(4), 27(c)(1), and 27(c)(2) of the Act and Rule 17f-2 thereunder. On January 23, 1969, the Commission issued an order (Investment Company Act Release No. 5584) granting such exemptions.

Notice is hereby given that Applicants have now amended their application to request additional exemptions which are summarized below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein.

Section 14(a)(1) provides, in pertinent part, that no registered investment company shall make a public offering of securities of which such company is the issuer, unless such company has a net worth of at least $100,000. Applicants state that the variable annuity contracts issued by Separate Account must be qualified under section 403(b) of the Internal Revenue Code or used to fund employee pension plans qualified under section 401 of the Code. Applicants declare that Separate Account will only hold assets attributable to such tax-deferred contracts. Applicants also allege that an investment by Insurance Company of $100,000 is inadvisable due to the accounting problems involved since the tax treatment afforded any such assets in Separate Account would differ from the tax treatment afforded assets attributable to tax-deferred contracts. It is further alleged that problems concerning investment objectives might occur if Separate Account held assets other than those attributable to the tax-deferred contracts.

Sections 15(a), 16(a), and 32(a)(2), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders and shareholder ratification of the selection of independent public accountants, respectively. Since there will be no holders of voting securities until after the registration statement under the Securities Act of 1933 becomes effective (if Applicants' request for an exemptions pursuant to section 14(a) is granted), the requirements of the aforesaid sections cannot be complied with. Applicants request a temporary exemption from the requirements of sections 15(a), 16(a), and 32(a)(2) to allow Separate Account to operate until the first annual meeting of participants of Separate Account is held, at which time all such matters shall be submitted for a vote and the requirements of those sections will be met. Applicants represent that such meeting will take place within 1 year after the effective date of the registration statement for the variable annuity contracts under the Securities Act of 1933.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 14, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally, or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2510; Filed, Feb. 28, 1969; 8:48 a.m.]

[70-4716]

CENTRAL & SOUTH WEST CORP.

Notice of Filing of Declaration Regarding Proposal To Transfer Certain Amount From Paid-in Surplus to Capital Stock

FEBRUARY 25, 1969.

Notice is hereby given that Central & South West Corp. ("Central"), 902 Market Street, Wilmington, Del. 19899, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to amend its Certificate of Incorporation (as heretofore amended) and to increase the par value of each of its 24 million shares of common stock, both issued and unissued, from $2.50 per share to $7 per share. Central also proposes, in connection with the increase in the par value of its common stock, to transfer from paid-in surplus to its common stock capital account the sum of $4.50 in respect of each issued and outstanding share of its common stock as of the effective date of said amendment. This would have resulted in the transfer of $95,967,985 of paid-in surplus to the common stock capital account as of December 31, 1968. The declaration states that such transfer will have the effect of creating a better balance in the capital accounts of Central and should make its balance sheets more meaningful to stockholders. In addition the proposed transfer will afford Central greater flexibility in arranging short-term financing through the issue and sale of notes to banks. The sale of such notes, in excess of 5 percent of the principal amount and par value of the other outstanding securities must be authorized pursuant to the requirements of the Act. The proposed increase in par value of the common stock will enable Central to issue an additional $4,800,000 of such notes without Commission approval.

As of December 31, 1968 the total common stock equity of Central amounted to $194,908,602 and consisted of $53,315,548 of common stock capital, $98,533,977 of paid-in surplus and $43,059,077 of retained earnings. Such paid-in surplus represents the excess of value assigned to the net assets of Central, at January 31, 1947, over the par value of the shares of Central's common stock issued in exchange for such assets and the excess of the aggregate consideration received by Central for shares issued and sold by it since 1947, over the aggregate par value of such shares.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses in connection with the proposed transactions are estimated at $3,000 including legal fees of $1,500.

Notice is further given that any interested person may, not later than March 10, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law by certificate) should be filed with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective, as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2511; Filed, Feb. 28, 1969; 8:48 a.m.]

[70-4717]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Amendment of Certificate of Incorporation To Increase Authorized Preferred Stock and Solicitation of Proxies

FEBRUARY 25, 1969.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva, by vote of its preferred and common stockholders at the annual meeting of stockholders to be held on April 15, 1969, proposes to amend its Certificate of Incorporation to increase the authorized number of shares of preferred stock, par value $100 per share, from 500,000 to 750,000. Delmarva states that at the present time the company is authorized by its Certificate of Incorporation to issue 500,000 shares of preferred stock, of which 320,000 shares have been issued, leaving 180,000 shares unissued and available for sale. Delmarva estimates that its construction program will require expenditures of approximately $113 million during the next 2 years. The company considers that in order to achieve maximum flexibility so that financing can be carried out on the most advantageous basis possible the proposed increase in the number of authorized shares of preferred stock is necessary.

The proposed amendment of the Certificate of Incorporation requires the affirmative vote of the holders of the majority of the preferred stock and of the common stock voting separately as classes. Delmarva proposes to solicit proxies from such security holders.

The declaration states that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions and that no fees or commissions are to be paid in connection therewith.

Notice is further given that any interested person may, not later than March 12, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2512; Filed, Feb. 28, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 699]

WASHINGTON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of January and February 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Spokane, Wash.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, suffered damage or destruction resulting from heavy snow storms occurring on January 27, through February 5, 1969.

OFFICE

Small Business Administration Regional Office, 651 U.S. Courthouse, Spokane, Wash. 99210.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1969.

Dated: February 20, 1969.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69-2513; Filed, Feb. 28, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 787]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 26, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2280 (Sub-No. 1 TA), filed February 20, 1969. Applicant: SMITH'S TRANSFER AND STORAGE COMPANY, INCORPORATED, 1313 York Street NW., Washington, D.C. 20009. Applicant's representative: Alan P. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the District of Columbia, the cities of Baltimore, Md., and Alexandria, Va.; the counties of Baltimore, Charles, Montgomery, Howard, Prince Georges, Anne Arundel, St. Marys, and Calvert, Md.; and the counties of Arlington, Fairfax, Prince William, Loudoun, Stafford, and Fauquier, Va.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423. Supporting shipper: Astron Forwarding Company, Post Office Box 161, Oakland, Calif. 94604.

No. MC 35320 (Sub-No. 106 TA) (Correction), filed February 10, 1969, published FEDERAL REGISTER, issue of February 15, 1969, and republished as corrected this issue. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Lubbock, Tex. 79408. Applicant's representative: Frank M. Garrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives and/or component parts*, between Memphis, Tenn., and Nashville, Tenn., serving the intermediate point of Milan Army Ammunition Depot, from Memphis over U.S. Highway 70, Alternate 70 and 70 to Nashville, and return over the same route, for 150 days. NOTE: Applicant intends to tack to MC–35320 and subs thereunder. The purpose of this republication is to show that the commodities will move over regular routes, in lieu of irregular routes as previously published, in error. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 66562 (Sub-No. 2334 TA), filed February 20, 1969. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, between Hobbs, N. Mex., and Lubbock, Tex., serving the intermediate points of Lamesa, Brownfield, and Levelland, Tex., from Hobbs, over U.S. Highway 180 to Lamesa, Tex., thence over Texas Highway 137 to Brownfield, Tex., thence over U.S. Highway 385 to Levelland, Tex., thence over Texas Highway 116 to Lubbock, and return over same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 150 days. Supporting Shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Takakjian, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 107496 (Sub-No. 706 TA), filed February 20, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar pitch emulsion*, in bulk, from the Jennison-Wright Corp. facilities at Granite City, Ill., to points in Texas, Kentucky, Missouri, Georgia, Kansas, Colorado, Oklahoma, Tennessee and Minnesota, for 150 days. Supporting shipper: Maintenance Inc., Wooster, Ohio 44691. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 110420 (Sub-No. 579 TA), filed February 20, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and corn syrup blended with other products*, from Lincoln, Nebr., to Denver, Colo., for 180 days. Supporting shipper: American Maize-Products Co., 113th Street and Indianapolis Boulevard, Roby, Ind. 46326 (A. C. Sikora, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 114211 (Sub-No. 120 TA), filed February 20, 1969. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, 50701, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Robert J. Molinaro (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels); (b) *industrial and construction machinery and equipment*; (c) *attachments for the commodities described above*; and (d) *parts of the commodities described above* when moving in mixed loads with such commodities, from the plant and warehouse sites of Deere & Co. in Black Hawk and Dubuque Counties, Iowa, to points in Indiana, Kentucky, the Lower Peninsula of Michigan, Mississippi, Ohio, and Tennessee, for 180 days. Supporting shipper: Deere & Co., Moline, Ill. 61265. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 119489 (Sub-No. 21 TA) (Correction) filed January 29, 1969, published FEDERAL REGISTER, issue of February 13, 1969, and republished as corrected this issue. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 596, 2500 North 13th Street, Norfolk, Nebr. 68701. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; (b) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; (d) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Restriction: Restricted to traffic originating at the named origin points and destined to the named destination States. NOTE: The purpose of this republication is to add the destination States to (a) above. Supporting shipper: Cominco American Inc., A. E. MacDonald, Manager, Distribution and Traffic, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124111 (Sub-No. 20 TA) (Correction), published FEDERAL REGISTER, issues of February 6, 1969, and February 21, 1969, and republished as corrected this issue. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins, Post Office Box 2297, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. NOTE: The purpose of this partial republication is to show the correct spelling of Branford, Conn., inadvertently shown in publication of February 6 as Bramford, Conn. The rest of the application remains as previously published.

No. MC 126625 (Sub-No. 7 TA), filed February 20, 1969. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Blue Grass Field, Lexington, Ky. 40505. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between points in Boone County, Ky., on the one hand, and Weir Cook Airport, Indianapolis, Ind., on the other; and (2) between Weir Cook Airport, Indianapolis, Ind., on the one hand, and James Cox Municipal Airport, Vandalia, Ohio, on the other, for 180 days. Supporting shippers: Trans World Airlines, Weir Cook Airport, Indianapolis, Ind.; Robert E. Langford, Distribution, Center Manager, Levi Strauss & Co., 795 U.S. Highway 25, Florence, Boone County, Ky. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 127049 (Sub-No. 3 TA), filed February 20, 1969. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, Wis. 53024. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankington Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wool tops*, from South Barre and Holyoke, Mass., to Grafton, Wis.; (2) *semi-processed yarn*, between Grafton and Hustisford, Wis., on the one hand, and, on the other, points in the United States, except Wisconsin, Alaska, and Hawaii, for the account of Badger Mills, Grafton, Wis., for 180 days. Supporting shipper: Badger Mills, 3900 North Claremont Avenue, Chicago, Ill. 60618 (Edward Cowell, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127487 (Sub-No. 6 TA), filed February 20, 1969. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. 08030. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), having a prior or subsequent movement by water in interstate or foreign commerce, between the piers and facilities of Trans-American Trailer Transport, Inc., at Staten Island, New York, N.Y., on the one hand, and, on the other, points in New Jersey south of the northern boundaries of Mercer and Monmouth Counties, N.J., and those in Delaware, Maryland, Pennsylvania, and the District of Columbia. Restriction: The authority granted shall not be joined or tacked with applicant's existing operating rights, for 180 days. Supporting shipper: Trans-American Trailer Transport, Inc., 358 St. Marks Place, Staten Island, N.Y. 10301. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 127832 (Sub-No. 7 TA), filed February 20, 1969. Applicant: C & S TRANSFER, INC., Post Office Box 5249, 708 11th Street, Macon, Ga. 31208. Applicant's representative: William Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slate*, cut to size, in boxes or crates (imported), from Savannah, Ga., and Jacksonville, Fla., to Macon, Ga., for 180 days. Supporting shipper: Macon Billiard Supply Co., 510 11th Street, Post Office Box 533, Macon, Ga. 31202. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 129387 (Sub-No. 5 TA), filed February 20, 1969. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Post Office Box 1271, Huron, S. Dak. 57350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, sections A and C, from packinghouse plantsites or warehouse facilities at or near (within 10 miles) Huron, S. Dak., to Chicago, Ill.; Austin, Minneapolis, and St. Paul, Minn.; Fargo, N. Dak.; Kenosha and Milwaukee, Wis.; for 180 days. Supporting shippers: Geo. A. Hormel & Co., Huron, S. Dak. 57350, and Flanery's Meats, Inc., Box 1378, Huron, S. Dak. 57350. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133492 TA, filed February 20, 1969. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31906. Applicant's representative: William Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and wine*, and *empty containers*, between points in Alabama, Florida, Georgia, Illinois, Maryland, New Jersey, Wisconsin, and Virginia, for 150 days. Supporting shippers: Coastal Beverage Co., 731 Wheaton Street, Savannah, Ga.; M & N Distributing Co., 1820 Seventh Street, Macon, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–2538; Filed, Feb. 28, 1969; 8:50 a.m.]

[Notice 303]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 26, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71095. By order of February 18, 1969, the Motor Carrier Board approved the transfer to Max Z. Shapiro, Kauneonga Lake, N.Y., of certificate No. MC–42138, issued May 29, 1941, to Albert Barber, doing business as Sullivan County Express, White Lake, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between White Lake, N.Y., and New York, N.Y., over specified highways, and return, with service authorized to and from all intermediate points; and the off-route points in Newark, N.J., and those in Sullivan County, N.Y.; coal,

from Scranton, Honesdale, and Carbondale, Pa., to points in Sullivan County, N.Y.; and household goods, between New York, N.Y., and points and places in Bergen, Hudson, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, points and places in Sullivan County, N.Y. Leo Glass, 248 Broadway, Monticello, N.Y. 12701, attorney for applicants.

No. MC–FC–71100. By order of February 18, 1969, the Motor Carrier Board approved the transfer to B. & L. Trucking Co., Inc., of Albemarle, N.C., Albemarle, N.C., of certificate No. MC–115517 (Sub-No. 3), issued January 3, 1962, to A. R. Lowder, doing business as B. & L. Trucking Co., Albemarle, N.C., authorizing the transportation of: Lumber (except plywood and veneer) from Portsmouth, Va., and other specified points in Virginia and West Virginia, to Albemarle, N.C.; from points in Stanly County, N.C., to points in specified counties in Florida; bricks and cement blocks from Albemarle, N.C., to points in specified counties in South Carolina; and oyster shells, from Jacksonville, Fla., to points in Stanly County, N.C. Richard Lane Brown III, Brown & Brown, Box 818, Albemarle, N.C., 28001, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–2539; Filed, Feb. 26, 1969; 8:50 a.m.]

[Notice 303A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 26, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–71192. By application filed February 24, 1969, MONK'S EXPRESS, INC., Phelps Street, Binghamton, N.Y. 13901, seeks temporary authority to lease the operating rights of LESLIE F. HICKS, doing business as L. F. HICKS TRUCKING CO., 180 Tompkins Street, Cortland, N.Y. 13045, under section 210a (b). The transfer to MONK'S EXPRESS, INC., of the operating rights of LESLIE F. HICKS, doing business as L. F. HICKS TRUCKING CO., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–2540; Filed, Feb. 28, 1969; 8:50 a.m.]

[Notice 302]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70510. By order of February 18, 1969, the Motor Carrier Board approved the transfer to Sidney Christian, doing business as Ace Transfer & Storage, Yuma, Ariz., of certificate of registration No. MC–99682 (Sub-No. 1) issued May 21, 1964, and evidencing a right to engage in transportation in interstate or foreign commerce within the State of Arizona, and transferred by the carrier pursuant to MC–FC–68476 to Maxie Bowman, et al., doing business as Arizona California Trucking, Yuma, Ariz., and retransferred herein back to Sidney Christian, by Arizona Transfer & Storage, Inc., the successor in interest to Maxie Bowman, et al. Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003, attorney for applicants.

No. MC–FC–70913. By order of February 24, 1969, the Motor Carrier Board approved the transfer to Taylor's Express, Inc., Pennsauken, N.J., of certificate in No. MC–128062 (Sub-No. 1), issued August 11, 1967, to Pacific & Atlantic Trucking Co., Inc., Providence, N.J., authorizing the transportation of: Paper, paper products, wool waste, empty cans, rubber and rubber products, from, to, or between specified points in New York, New Jersey, and Pennsylvania. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representing applicants.

No MC–FC–70965. By order of February 18, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Ward Bus Service, Inc., Topeka, Kans., of the operating rights in certificate No. MC–115758 issued August 31, 1956, to Orville Rice, doing business as Rice Bus Service, Melvern, Kans., authorizing the transportation of passengers and their baggage, in round-trip charter operations, beginning and ending at Melvern, Kans., and points within 20 miles thereof, and extending to all points in the United States. Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603, attorney for applicants.

No. MC–FC–71082. By order of February 14, 1969, the Motor Carrier Board approved the transfer to Dixie Truck Line, Inc., Rosenberg, Tex., of certificate No. MC–29971 and certificate of registration No. MC–29971 (Sub-No. 3), issued June 5, 1958, and April 24, 1964, respectively, to Lillie Becker, doing business as Dixie Truck Line, Rosenberg, Tex., authorizing the transportation of: General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Houston and Rosenberg, Tex., over alternate U.S. Highway 90, serving all intermediate points; and general commodities pursuant to Certificate of Convenience and Necessity No. 2409, dated March 12, 1957, issued by the Railroad Commission of Texas. John T. Nicholson, 5176 Avenue H, Box 592, Rosenberg, Tex. 77471, attorney for applicants.

No. MC–FC–71094. By order of February 13, 1969, the Motor Carrier Board approved the transfer to Bayless & Roberts, Inc., Copper Center, Alaska, of the certificate in No. MC–118448 (Sub-No. 2), issued May 20, 1964, to Howard Bayless, Alice Bayless, Richard Roberts, Robert Roberts, and Ellis Roberts, a partnership, doing business as Bayless & Roberts, Copper Center, Alaska, authorizing the transportation of general commodities, with exceptions, between points in Alaska, except points in the Alaska Panhandle south of Haines, Alaska. George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–2455; Filed, Feb. 27, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69–564 etc.]

HORIZON OIL & GAS COMPANY OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 20, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

[1] Does not consolidate for hearing or dispose of the several matters herein.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 7, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–564	Horizon Oil & Gas Co. of Texas (Operator) et al., 1216 Hartford Bldg., Dallas, Tex. 75201.	11	2	Northern Natural Gas Co. (Dude Wilson and Ellis Ranch Fields, Ochiltree County, Tex.) (RR. District No. 10).	$4,000	1–23–69	[2] 2–23–69	7–23–69	[3] 17.5	[4] [5] 18.5	RI63–476.
	do	12	11	Northern Natural Gas Co. (Barlow, Dude Wilson, Ellis Ranch, Hansford, Perryton, and Spoony Fields, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	5,000	1–23–69	[2] 2–23–69	7–23–69	[3] 17.5	[4] [5] 18.5	RI63–470.
	do	13	5	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	850	1–23–69	[2] 2–23–69	7–23–69	[3] 16.5	[4] [5] 17.5	RI62–303.
	do	14	5	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	250	1–23–69	[2] 3–21–69	8–21–69	[3] 17.4	[4] [5] 18.4	RI63–375.
	do	15	4	do	2,800	1–23–69	[2] 3–21–69	8–21–69	[3] 17.4	[4] [5] 18.4	RI63–375.
RI69–565	Horizon Oil & Gas Co. of Texas.	20	5	Panhandle Eastern Pipe Line Co., (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	4,200	1–23–69	[2] 2–23–69	7–23–69	17.0	[4] [5] 18.0	RI62–408.
	do	21	4	do	700	1–23–69	[2] 2–23–69	7–23–69	17.0	[4] [5] 18.0	
	do	18	3	El Paso Natural Gas Co. (Hansford Field, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	1,400	1–23–69	[2] 2–23–69	7–23–69	17.0	[6] [7] 19.0	
	do	19	3	Northern Natural Gas Co. (Hansford Field, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	5,900	1–23–69	[2] 2–23–69	7–23–69	[3] 17.0	[4] [5] 18.0	
	do	10	5	Northern Natural Gas Co. (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	1,000	1–23–69	[2] 2–23–69	7–23–69	[3] 17.5	[4] [5] 18.5	RI62–402.
RI69–566	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	232	11	Transwestern Pipeline Co. (Ellis County Area, Ellis County, Okla.) (Panhandle Area).	4,671	1–23–69	[2] 2–23–69	7–23–69	[3] 17.093	[4] [5] 17.606	
	do	240	10	Transwestern Pipeline Co. (West Shattuck Field, Ellis County, Okla.) (Panhandle Area).	1,094	1–23–69	[2] 2–23–69	7–23–69	[3] 17.093	[4] [5] [10] 17.606	
RI69–567	Mobil Oil Corp.	244	5	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	184	1–23–69	[2] 2–23–69	7–23–69	[3] 16.892	[4] [5] [11] 17.606	
RI69–568	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	38	4	Northern Natural Gas Co. (Harper Ranch, Clark County, Kans.).	1,800	1–27–69	[2] 2–27–69	7–27–69	[3] 16.0	[4] [5] 17.0	RI62–235.
	do	27	3	Panhandle Eastern Pipe Line Co. (Richfield Field, Morton County, Kans.).	720	1–29–69	[2] 3– 1–69	8– 1–69	17.0	[4] [5] 18.0	RI62–375.
	do	36	5	Northern Natural Gas Co. (McKinney Field, Meade County, Kans.).	900	1–30–69	[2] 3– 2–69	8– 2–69	[3] 15.0	[4] [5] 16.0	RI62–375.
RI69–569	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	195	6	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Texas County, Okla.) (Panhandle Area).	56	1–27–69	[2] 3–21–69	8–21–69	[3] [12] 16.6	[4] [5] [12] 17.5	
	do	198	6	Natural Gas Pipeline Co. of America (Southeast Camrick Area, Beaver County, Okla.) (Panhandle Area).	1,254	1–27–69	[2] 3–21–69	8–21–69	[3] [12] 16.6	[4] [5] [12] 17.5	
RI69–570	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	215	10	Natural Gas Pipeline Co. of America (Southeast Camrick Gas Pool, Beaver County, Okla.) (Panhandle Area).	136	1–27–69	[2] 3–21–69	8–21–69	[3] 17.0	[4] [5] [13] [14] [15] 18.615	RI68–2.
	do	220	12	do	52	1–27–69	[2] 3–21–69	8–21–69	[3] 17.0	[4] [5] [13] [14] [15] 18.615	RI68–2.
	do	227	10	do	271	1–27–69	[2] 3–21–69	8–21–69	[3] 17.0	[4] [5] [13] [14] [15] 18.615	RI68–2.
	do	242	11	do	1,375	1–27–69	[2] 3–21–69	8–21–69	[3] 17.0	[4] [5] [13] [14] [15] 18.615	RI68–2.
	do	253	8	do	936	1–27–69	[2] 3–21–69	8–21–69	[3] 17.0	[4] [5] [13] [14] [15] 18.615	RI68–2.
	do	202	17	Panhandle Eastern Pipe Line Co. (Enns Area, Texas County, Okla.) (Panhandle Area).	44,462	1–27–69	[2] 3–22–69	8–22–69	17.0	[4] [5] [13] [14] [15] 18.415	RI68–2.
	do	213	11	Natural Gas Pipeline Co. of America (Trimmel Unit, Southeast Camrick Gas Pool, Beaver County, Okla.) (Panhandle Area).	20	1–27–69	[2] 3–21–69	8–21–69	[3] 17.0	[4] [5] [13] [14] [15] 18.615	RI68–2.
RI69–571	Humble Oil & Refining Co. (Operator) et al.	101	23	Natural Gas Pipeline Co. of America (Southeast Camrick Gas Pool, Texas County, Okla.) (Panhandle Area).	40,672	1–27–69	[2] 3–21–0	8–21–69	[3] 17.0	[4] [5] [14] 18.615	
	do	205	7	Natural Gas Pipeline Co. of America (Northwest Dower Gas Pool, Beaver County, Okla.) (Panhandle Area).	933	1–27–69	[2] 3–21–69	8–21–69	[3] [17] 17.0	[4] [5] [14] 18.615	
RI69–572	Yucca Petroleum Co., First National Bank Bldg., Amarillo, Tex. 79101.	4	3	Northern Natural Gas Co. (Powers No. 1 Well, Ochiltree County, Tex.) (RR. District No. 10).	3,200	1–31–69	[16] 3– 3–69	8– 3–69	[3] 17.0	[4] [5] 18.0	RI62–444.
RI69–573	Alinda Hunt Hill Trust, 1401 Elm St., Dallas, Tex. 75202.	1	1	Northern Natural Gas Co. (Horizon Field, Hansford County, Tex.) (RR. District No. 10).	720	1–31–69	[16] 3– 3–69	8– 3–69	[3] 16.5	[4] [5] [12] 18.5	
RI69–574	Jake L. Hamon, Post Office Box 663, Dallas, Tex. 75221.	51	3	Arkansas Louisiana Gas Co. (Kinta Field, Sequoyah County, Okla.) (Oklahoma "Other" Area).	1,930	1–31–69	[2] 4– 1–69	9– 1–69	14.5	[4] [5] 15.5	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-575..	Sun Oil Co. (DX Division), 901 South Detroit Ave., Tulsa, Okla. 74120.	114	8	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	969	1-29-69	[3] 3-21-69	8- 3-69	[5] 18.4	[3] [6] 18.615	RI66-424.
	....do....	135	12	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	20	1-29-69	[3] 3-21-69	8-21-69	[5] [13] 18.415	[3] [6] [13] 18.615	RI66-444.
	....do....	162	11	....do....	[20]	1-29-69	[3] 3-21-69	8-21-69	[5] [13] 18.415	[3] [6] [13] 18.615	RI66-444.
	....do....	165	10	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	110	1-29-69	[3] 3-22-69	8-22-69	18.2	[6] 18.415	RI66-424.
	....do....	244	3	Natural Gas Pipeline Co. of America (Thomas Field, Carter and Dewey Counties, Okla.) (Oklahoma "Other" Area).	61	1-29-69	[3] 3- 3-69	8- 3-69	[5] 15.0	[3] [6] 16.015	
	....do....	275	6	Natural Gas Pipeline Co. of America (Hobble-McCarter Field, Beaver County, Okla.) (Panhandle Area).	80	1-29-69	[2] 3-21-69	8-21-69	[5] [13] 18.415	[3] [6] [13] 18.615	RI66-424.
RI69-576..	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001.	319	4	Arkansas Louisiana Gas Co. (Kinta Field (Moffett Area) Sequoyah County, Okla.) (Oklahoma "Other" Area).	3,240	1-29-69	[3] 3- 1-69	8- 1-69	14.5	[3] 15.5	
RI69-577..	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102.	262	3	Natural Gas Pipeline Co. of America (Thomas Gas Plant, Putman Field, Dewey County, Okla.) (Oklahoma "Other" Area).	15,876	1-28-69	[3] 4- 1-69	9- 1-69	[5] 15.0	[3] [6] 16.0	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Five-step periodic increase.
[7] "Fractured" rate increase. Filing from initial certificated rate. Contractly due 23 cents per Mcf.
[8] "Fractured" rate increase. Respondent contractually due 23.156 cents. Filing from initial certificated rate.
[9] Pressure base is 14.73 p.s.i.a.
[10] "Fractured" rate increase. Respondent contractually due 19.606 cents per Mcf.
[11] "Fractured" rate increase. Respondent contractually due 18.5 cents per Mcf.
[12] "Fractured" rate increase. Respondent contractually due 18.6 cents per Mcf.
[13] Settlement rate as approved by Commission order issued Dec. 30, 1963, in Docket Nos. G-8969 et al. Moratorium on filing increased rates expired Mar. 1, 1966.
[14] Eight-step periodic increase plus 0.015-cent tax reimbursement.
[15] Includes 0.015-cent tax reimbursement.
[16] Seven-step period increase plus 0.015-cent tax reimbursement.
[17] Settlement rate as approved by Commission order issued July 8, 1964, in Docket Nos. G-9287 et al. Moratorium on filing increased rates expired June 1, 1967.
[18] The stated effective date is the first day after the expiration of the statutory notice.
[19] Two-step periodic increase.
[20] No production.
[21] The stated effective date is the contractually provided effective date (Mar. 21, 1969).

Yucca Petroleum Co. (Yucca) requests waiver of the statutory notice and a retroactive effective date of July 1, 1968, for its proposed rate increase. Alinda Hunt Hill Trust requests an effective date of March 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. and Humble Oil & Refining Co. (Operator) et al. (both referred to herein as Humble), request that should the Commission suspend their proposed rate increases that the suspension periods with respect thereto be shortened to 1 day, or as short a period as possible. Yucca also requests a 1 day suspension period for its rate filing. Good cause has not been shown for granting Humble and Yucca's requests for limiting to 1 day the suspension period with respect to their rate filings and such requests are denied.

Sun Oil Co. (DX Division) (Sun) requests that Supplement No. 6 to its FPC Gas Rate Schedule No. 275 be permitted to become effective on March 20, 1969. Since the contractual effective date under Sun's aforementioned rate schedule is March 21, 1969, we conclude that a March 21, 1969, effective date for the instant rate filing is appropriate.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-2422; Filed, Feb. 28, 1969; 8:45 a.m.]

[Docket No. RI69-544 etc.]

LAMAR HUNT ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 19, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 9, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date Suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-544..	Lamar Hunt, 1401 Elm St., Dallas, Tex. 75202, Attention: Donald K. Young, Esq.	1	11	El Paso Natural Gas. Co. (Tubb Field, Lea County, N. Mex.).	$457	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3] [6] 16.8156	
	....do....	5	7	El Paso Natural Gas. Co. (Blinebry Field, Lea County, N. Mex.).	457	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3] [6] 16.8156	
RI69-545..	Hunt Industries	4	8	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	772	1-23-69	[2] 2-23-69	7-23-69	[5] 14.10	[3] [6] 15.2025	
	....do....	3	10	....do....	27	1-23-69	[2] 2-23-69	7-23-69	[7] [8] 12.51	[3] [6] [7] 15.2025	
					433				[8] [9] 15.64	[3] [6] [9] 16.7228	
RI69-546..	H. L. Hunt	6	11	El Paso Natural Gas Co. (Pecos Valley Devonian Field, Pecos County, Tex.) (RR. District No. 8).	[10]	1-23-69	[2] 2-23-69	7-23-69	[5] 14.63	[3] [6] 16.7228	
	....do....	15	10	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	81	1-23-69	[2] 2-23-69	7-23-69	[8] [11] 12.51	[3] [6] [11] 15.2025	
					541				[8] [9] 15.64	[3] [6] 16.7228	
	....do....	16	10	....do....	505	1-23-69	[2] 2-23-69	7-23-69	[5] 14.10	[3] [6] 15.2025	
	....do....	22	7	....do....	54	1-23-69	[2] 2-23-69	7-23-69	[8] [11] 12.51	[3] [6] [11] 15.2025	
	....do....	27	10	....do....	98	1-23-69	[2] 2-23-69	7-23-69	[5] 15.64	[3] [6] 16.7228	
	....do....	28	9	....do....	1,654	1-23-69	[2] 2-23-69	7-23-69	[5] 14.10	[3] [6] 15.2025	
RI69-547..	H. L. Hunt et al.	21	6	El Paso Natural Gas Co. (Pecos Devonian Field, Pecos County, Tex.) (RR. District No. 8).	2,766	1-23-69	[2] 2-23-69	7-23-69	[5] 14.24	[3] [6] 16.2160	
RI69-548..	W. H. Hunt	1	11	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.).	913	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3] [6] 16.8156	
	....do....	5	7	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.).	913	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3] [6] 16.8156	
RI69-549	(Hunt Oil Co. (Operator) et al.	34	16	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, N. Mex.) (RR. District No. 7-C).	4,961	1-21-69	[2] 2-21-69	7-21-69	[5] 14.16	[3] [6] 15.2025	
	....do....	33	18	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	134	1-21-69	[2] 2-21-69	7-21-69	[8] [11] 12.51	[3] [6] [11] 15.2025	
					2,166				[8] [9] 15.64	[3] [6] 16.7228	
RI69-550..	N. B. Hunt	1	11	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.).	457	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3] [6] 16.8156	
	....do....		7	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.).	457	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3] [6] 16.8156	
RI69-551..	Hunt Petroleum Corp.	2	3	El Paso Natural Gas Co. (Lancaster Hill Field, Crockett County, Tex.) (RR. District No. 7-C).	728	1-23-69	[2] 2-23-69	7-23-69	[5] 16.43	[3] [6] 16.72275	
RI69-552..	Hassie Hunt Trust (Operator) et al.	30	4	El Paso Natural Gas Co. (North Ellenberger-Hokit Field, Pecos County, Tex.) (RR. District No. 8).	26,145	1-23-69	[2] 2-23-69	7-23-69	[5] 16.50	[3] [6] 18.243	
RI69-553..	Caroline Hunt Sands et al.	15	1	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	39	1-23-69	[2] 2-23-69	7-23-69	[12] 14.10	[3] [6] 15.2025	
RI69-554..	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	32	[2] 4	Transwestern Pipeline Co. (Wolfcamp Formation, West Rajo Cabaho Field, Pecos and Reeves County, Tex.) (RR. District No. 8).	3,474	1-28-69	[12] 2-28-69	7-28-69	[12] [13] 16.5	[6] [14] [15] 17.5	
RI69-555..	Caroline Hunt Trust Estate.	2	6	El Paso Natural Gas Co. (Buckhorn Field, Schleicher County, Tex.) (RR. District No. 7-C).	1,816	1-23-69	[2] 2-23-69	7-23-69	[5] 14.40	[3] [6] 16.216	
RI69-556..	Secure Trusts	3	10	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	27	1-23-69	[2] 2-23-69	7-23-69	[8] [11] 12.51	[3] [6] [11] 15.2025	
					433				[8] [9] 15.64	[3] [6] [9] 16.7228	
	....do....	4	10	....do....	551	1-23-69	[2] 2-23-69	7-23-69	[5] 14.10	[3] [6] 15.2025	
RI69-557..	Hunt Oil Co.	7	17	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (RR. District No. 8).	748	1-21-69	[2] 2-21-69	7-21-69	[5] 14.50	[3] [6] 18.243	
RI69-558..	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	120	14	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	4,776	1-21-69	[12] 2-21-69	7-21-69	12.84	[6] [16] [17] 13.76	
					549					[6] [16] [18] 13.26	
RI69-559..	The Superior Oil Co., Post Office Box 1521, Houston, Tex.	116	5	El Paso Natural Gas Co. (Cinta Rojo Field, Lea County, N. Mex.).	3,976	1-22-69	[12] 2-22-69	7-22-69	[5] 16.53	[3] [6] 18.0	
	....do....	136	1	Natural Gas Pipeline Co. of America (Crittendon Field, Winkler County, Tex.) (RR. District No. 8).	17,155	1-22-69	[12] 2-22-69	7-22-69	[12] 16.5	[6] [14] 17.5	
RI69-560..	Rocanville Corp. (Operator) et al., 1126 Mercantile Securities Bldg., Dallas, Tex. 75201, Attention: J. B. Avant, Vice President.	1	6	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).		2- 3-67	[12] 3- 6-69	8- 6-69	[12] 14.0	[19] [21] 14.0	RI64-658.
RI69-561..	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052, Attention: Mr. R. E. Wright.	38	16	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	122	2- 3-69	[12] 3- 6-69	8- 6-69	[5] [22] 14.2501	[5] [22] [23] 14.2693	RI66-16.
	....do....	210	3	El Paso Natural Gas Co. (Bisti (Lower Gallup) Field, San Juan County, N. Mex.) (San Juan Basin Area).	203	2- 3-69	[12] 3- 6-69	8- 6-69	14.2677	[5] [22] [24] 15.2869	RI66-329.
	....do....	174	5	Mountain Fuel Supply Co. (Hiawatha Field, Moffat County, Colo.).	10,700	1-27-69	[2] 2-14-69	8-14-69	13.0	[21] [24] 14.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-562..	Depco, Inc., et al., 1026 Petroleum Club Bldg., Denver, Colo. 80202, Attention: Mr. C. D. Crump.	1	6	El Paso Natural Gas Co. (Aztec and South Blanco Field, Pictured Cliff Formation; Blanco Field Mesa Verde Formation, and Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	$2,990	1-22-69	[3] 2-22-69	7-22-69	[26] [28] 12.0495 [28] [27] 14.0	[14] [21] [26] [28] 13.0536 [14] [21] [23] [27] 15.0	RI64-588. RI64-588.
RI69-563..	Depco Inc. (Operator) et al.	4	11	El Paso Natural Gas Co. (Blanco Field, Mesa Verde Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	14	1-22-69	[3] 2-22-69	7-22-69	[28] 14.0	[14] [21] [23] [28] 15.0578	RI64-634.
	do	5	10	El Paso Natural Gas Co. (South Blanco Field, Pictured Cliff Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,396	1-22-69	[3] 2-22-69	7-22-69	[28] 12.0495	[14] [21] [28] 13.0536	
	do	6	12	El Paso Natural Gas Co. (Blanco Field, Mesa Verde Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	[29]	1-22-69	[3] 2-22-69	7-22-69	[28] 14.0	[14] [21] [23] [28] 15.0578	RI64-634.
	do	7	11	El Paso Natural Gas Co. (Pictured Cliff Formation, South Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	980	1-22-69	[3] 2-22-69	7-22-69	[28] 12.0495	[14] [21] [28] 13.0536	

[3] The stated effective date is the first day after expiration of the statutory notice.
[5] Increase from applicable area ceiling to contract rate.
[6] Pressure base is 14.65 p.s.i.a.
[8] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[9] Previous rate reduced to applicable area ceiling rate by order implementing Opinions Nos. 468 and 468–A issued Aug. 9, 1968.
[10] Applicable to residue gas not derived from new gas-well gas.
[11] Previous rate reduced to applicable area ceiling rate by order implementing Opinions Nos. 468 and 468–A.
[12] Applicable to old gas-well gas.
[13] No deliveries being made at present.
[14] Applicable to residue gas not derived from new gas-well gas.
[15] Initial rate.
[16] The stated effective date is the effective date requested by Respondent.
[17] Periodic rate increase.
[18] Subject to upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.'s.
[19] Renegotiated rate increase.
[21] High pressure gas.
[23] Low pressure gas—includes 0.5 cent per Mcf compression charge by buyer.
[26] Initial rate—subject to quality adjustment pursuant to Opinion No. 468.
[28] No actual change in rate occurring because present effective rate is inclusive of 1 cent per Mcf liquid guarantee whereas the proposed rate excludes liquid payment.
[29] Pressure base is 15.025 p.s.i.a.
[32] Includes 1 cent per Mcf minimum guarantee for liquids.
[33] Represents increase in tax reimbursement only because present effective rate is inclusive of 1 cent per Mcf liquid guarantee whereas proposed rate excludes liquid payment.
[34] Favored-nation rate increase.
[35] For gas produced from the Pictured Cliff Formation.
[36] Includes partial reimbursement for 0.55 percent New Mexico Emergency School Tax.
[37] For gas produced from the Mesa Verde and Dakota Formation.
[38] No present production.
[39] Applicable only to the Wolfcamp Formation.

Lamar Hunt, Hunt Industries, H. L. Hunt et al., H. L. Hunt, W. H. Hunt, Hunt Oil Co. (Operator) et al., N. B. Hunt, Hunt Petroleum Corp., Hassie Hunt Trust (Operator) et al., Caroline Hunt Sands et al., Caroline Hunt Trust Estate, Hunt Oil Co., and Secure Trusts request that their proposed rate increases be permitted to become effective on February 20, 1969. The Superior Oil Co. requests an effective date of February 1, 1969, for its proposed rate increases. Rocanville Corp. (Operator) et al. (Rocanville); Texaco Inc. (Texaco) (Supplement Nos. 16 and 3 to Texaco's FPC Gas Rate Schedule Nos. 26 and 210, respectively); Depco Inc., et al. and Depco Inc. (Operator), et al., request that their proposed rate increases be permitted to become effective as of January 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

The basic contracts related to the proposed rate increases filed by Rocanville and Texaco (Supplement Nos. 16 and 3 to Texaco's FPC Gas Rate Schedule Nos. 26 and 210, respectively) contain a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed rate. Rocanville and Texaco are advised that a notice of change in rate will be required if they intend to collect the 1 cent per Mcf minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator) et al.

Eight of the proposed rate increases herein reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[F.R. Doc. 69–2421; Filed, Feb. 28, 1969; 8:45 a.m.]

[Docket No. RI69–578, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 19, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 7, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided by order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the Commission.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-578..	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003.	[9] 399	2	Panhandle Eastern Pipe Line Co. (Sneed Plant, Panhandle Field, Moore County, Tex.) (RR. District No. 10).	$182,500	1-24-69	[4] 3-1-69	[5] 8-2-69	14.5	[6] [7] 15.5	
RI69-579..	T. L. Roach et al., d.b.a. T. L. Roach & Son, Post Office Box 1571, Amarillo, Tex. 79105.	1	3	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.) (RR. District No. 10).[8]	705	1-30-69	[4] 3-4-69	[5] 8-5-69	[9] 11.0	[6] [7] 12.0	RI66-45.
RI69-580..	Texaco, Inc. (Operator), et al., Post Office Box 430, Bellaire, Tex. 77401.	299	6	Lone Star Gas Co. (West Chapel Hill, Smith County, Tex.) (RR. District No. 6).	2,380	1-30-69	[10] 3-2-69	[5] 8-3-69	17.0	[11] 17.595	RI66-609.
RI69-581..	Texaco, Inc.	300	5	Lone Star Gas Co., (Manziel Field, Wood County, Tex.) (RR. District No. 6).	119	1-30-69	[10] 3-2-69	[5] 8-3-69	17.0	[11] 17.595	RI66-607.
RI69-582..	A. R. Dillard (Operator) et al., 1000 10th St., Wichita Falls, Tex. 76301.	[12] 3	1	Panhandle Eastern Pipe Line Co. (Hansford Lower Missouri Field, Hansford County, Tex.) (RR. District No. 10).	400	1-29-69	[4] 3-1-69	[5] 8-2-69	12.0	[6] [7] 13.0	
RI69-583..	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	[13] 75	3	Kansas Nebraska Natural Gas Co. Inc. (Bradshaw Field, Hamilton County, Kans.).	622	2-3-69	[10] 3-6-69	[5] 8-7-69	[14] 12.5	[6] [7] [14] 13.5	
RI69-584..	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102.	146	3	Phillips Petroleum Co. (West Panhandle Field, Hutchinson County, Tex.) (RR. District No. 10).[15]	304	2-3-69	[4] 3-6-69	[5] 8-7-69	[15] 13.0	[6] [7] [15] 14.0	

[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Phillips resells the gas, after processing in its Sherman Plant, to Michigan-Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents plus applicable tax reimbursement, subject to refund in Docket No. RI66-526.
[9] Subject to a deduction of 0.4466 cent for sour gas.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] Tax reimbursement increase.
[12] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61–1 and proposed rate does not exceed the area initial rate ceiling of 17 cents per Mcf.
[13] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61–1 and proposed rate does not exceed the area initial rate ceiling of 16 cents per Mcf.
[14] Subject to downward B.t.u. adjustment from 950 B.t.u.'s per cubic foot. Present B.t.u. content is 870 B.t.u.'s.
[15] It can not be determined under which of Phillips' plants the acreage is dedicated. The gas is processed in Phillips' Dumas (Rate Schedule No. 32), or Sneed Plant (Rate Schedule No. 5 and 399). Phillips' rates under its Rate Schedule Nos. 32 and 5 are in effect subject to refund. A proposed rate under Phillips' FPC Gas Rate Schedule No. 399 is suspended herein.
[16] Sweet gas rate, subject to a deduction of 0.4466 cent for sour gas.

Texaco Inc. (Operator), et al., and Texaco Inc. (both referred to herein as Texaco) request that their proposed rate increases be permitted to become effective as of January 30, 1969. Anadarko Production Co. (Anadarko) requests a retroactive effective date of December 1, 1968, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco and Anadarko's rate filings and such requests are denied.

The contracts related to the rate filings proposed by Phillips Petroleum Co. (Operator) (Phillips), A. R. Dillard (Operator) et al. (Dillard), and Anadarko were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, the aforementioned producers' proposed rate filings should be suspended for 1 day from March 1, 1969 (Phillips and Dillard), the proposed effective date, and March 6, 1969 (Anadarko), the expiration date of the statutory notice.

The tax reimbursement increases submitted by Texaco exceed the applicable area rate ceiling for Texas Railroad District No. 6 by such tax reimbursement only. Consistent with previous Commission action taken on similar tax filings, Texaco's proposed rate increases should be suspended for 1 day from March 2, 1969, the expiration date of the statutory notice.

T. L. Roach et al., doing business as T. L. Roach & Son (Roach), and Sohio Petroleum Co. (Sohio) proposed rate increases from 11 cents to 12 cents and 13 cents to 14 cents per Mcf, respectively, for wellhead sales of gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas and resells the gas to interstate pipeline companies at rates which are in effect subject to refund. Roach and Sohio's proposed rates exceed the area increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61–1, as amended. Since Phillips' resale rates are in effect subject to refund, we conclude that Roach and Sohio's rate increases should be suspended for 1 day from March 4, 1969 (Roach), and March 6, 1969 (Sohio), the requested effective dates.

[F.R. Doc. 69–2425; Filed, Feb. 28, 1969; 8:45 a.m.]

[Docket No. RI69–434]

TEXAS PACIFIC OIL CO.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

FEBRUARY 20, 1969.

On December 5, 1968, Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co. (Seagram) filed with the Commission a proposed change in rate from 14.0536 cents to 14.2678 cents per Mcf, designated as Supplement No. 9 to Seagram's FPC Gas Rate Schedule No. 22, which pertains to Seagram's jurisdictional sales of natural gas from

the Basin Dakota and Blanco Mesa Verde Fields, San Juan County, N. Mex. (San Juan Basin Area) to El Paso Natural Gas Co. The Commission by order issued December 31, 1968, in Docket No. RI69–434, suspended for 5 months Seagram's rate filing until June 5, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act. The proposed 14.2678 cents rate increase has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On January 21, 1969, Seagram submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 9 to Seagram's FPC Gas Rate Schedule No. 22, amending the supplement to the aforementioned rate schedule to provide for a rate increase to 15.2869 cents instead of the 14.2678 cents per Mcf rate filed on December 5, 1968. Seagram did not include as part of its previously filed 14.2678-cent rate the 1 cent per Mcf minimum guarantee for liquids contained in the contract. Seagram was thus advised that if it wanted to collect under the minimum guarantee provision it could do so provided it filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket No. RI64–491, et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator) et al. The proposed substitute rate filing is set forth in Appendix A hereof.

Seagram's proposed 15.2869 cents per Mcf rate exceeds the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61–1, as amended, as did the previously suspended rate in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Seagram's revised notice of change in rate subject to the suspension proceeding in Docket No. RI69–434, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (June 5, 1969) of the original rate filing in said docket.

The Commission orders:

(A) The suspension order issued December 31, 1968, in Docket No. RI69–434, is amended only so far as to permit the 15.2869 cents per Mcf rate provided in Supplement No. 1 to Supplement No. 9 to Seagram's FPC Gas Rate Schedule No. 22 to be filed to supersede the 14.2678 cents per Mcf rate contained in Supplement No. 9 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69–434. The suspension period for such substitute filing shall terminate concurrently with the suspension period (June 5, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on December 31, 1968, in Docket No. RI69–434, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–434	Joseph E Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221, Attention: Mr. Frank Martin.	22	[1] to 9	El Paso Natural Gas Co. (Basin Dakota and Blanco Mesa Verde Fields, San Juan County, N. Mex.) (San Juan Basin Area).	$1,055	1–21–69	[2] 2–21–69	[3] 6–5–69	[4] 14.2678	[4] [5] 15.2869	

[1] Revised notice of change to reflect inclusion of 1-cent minimum guarantee for liquids and related increase in tax reimbursement.
[2] The stated effective date is the effective date requested by Respondent.
[3] End of the suspension period for the previously filed 14.2678-cent rate in Docket No. RI69–434.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1 cent per Mcf minimum guarantee for liquids.
[6] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

[F.R. Doc. 69–2426; Filed, Feb. 28, 1969; 8:45 a.m.]

[Docket No. CP65–33]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

FEBRUARY 24, 1969.

Take notice that on February 17, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Petitioner), Tennessee Building, Houston, Tex. 77002, filed in Docket No. CP65–33, a petition to amend the order issued by the Commission October 19, 1964, to authorize the sale and delivery of additional firm and interruptible gas to American Potash and Chemical Corp. (American Potash), as hereinafter described, and as more fully described in the petition to amend herein, which is on file with the Commission and open to public inspection.

By the said order, Petitioner was authorized to construct and operate facilities and to sell and deliver up to 3,000 Mcf of natural gas per day, on a firm basis, to American Potash.

By its petition to amend, Petitioner seeks authority to sell and deliver to American Potash, at the existing delivery point in Lowndes County, Miss., an additional 500 Mcf per day on a firm basis and up to 1,000 Mcf per day interruptible. No new facilities are proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 21, 1969.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–2483; Filed, Feb. 28, 1969; 8:46 a.m.]

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Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENT

[Amdt. 8]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

Correction

In F.R. Doc. 69-2112 appearing at page 2351 in the issue of Wednesday, February 19, 1969, the third figure in the first line of the third column should read "7564".

[Amdt. 2]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

CLOSING DATE: RELEASE OF FARM ALLOTMENTS

Basis and purpose. The amendment herein to the regulations published in 33 F.R. 14520 and 17764 is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of this amendment is to change the closing date for the release of farm rice allotments in Arkansas and Mississippi effective for 1969 and subsequent crop years.

Since rice farmers are planning rice farming operations for the 1969 crop year, and will need to know the provisions of this amendment, it is important that this amendment be issued and made effective as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective as provided herein.

Subparagraph (a)(4) of § 730.84 is amended by deleting "May 1" for Arkansas and Mississippi in the listing of closing dates for release of farm rice allotments and inserting "March 21" for Arkansas and "March 31" for Mississippi.

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1353, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 26, 1969.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-2611; Filed, Mar. 3, 1969; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices for 1968–69 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in San Juan, P.R., on October 31, 1968, the following determination is hereby issued:

Sec.
877.21 General requirements.
877.22 Definitions.
877.23 Payment for sugarcane.
877.24 Payment for molasses.
877.25 Determination of net sugarcane.
877.26 Services and allowances to producers.
877.27 Reporting requirements.
877.28 Applicability.
877.29 Procedures for checking compliance.
877.30 Subterfuge.

AUTHORITY: Secs. 877.21 to 877.30 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 877.21 General requirements.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane, to which this part applies as provided in § 877.28 of this part (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1968–69 crop grown by other producers and processed by him, in accordance with the following requirements.

§ 877.22 Definitions.

For the purpose of this part, the term:

(a) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 10 domestic contract (bulk sugar) for the period January 1, 1969, through December 31, 1969, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(b) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(c) "Raw sugar" means raw sugar, 96° basis.

(d) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formulae set forth in Schedule A attached hereto and made a part hereof.

(e) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213, and Coimbatore 281 varieties).

(f) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(g) "Trash" means green or dried leaves, sugarcane tops above the last formed joint, soil, stones, and all other extraneous material.

(h) "Area office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, Post Office Box 8037, Fernandez Juncos Station, San Juan, P.R. 00910.

§ 877.23 Payment for sugarcane.

(a) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(b) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the producer's share of raw sugar shall be not less than the

quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(c) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the producer's share of raw sugar shall be not less than the quantity determined by subtracting 3⅓ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(d) If settlement with the producer is made in sugar, delivery shall be made, loaded in the producer's vehicle, at the mill where the sugar is produced, unless the producer and processor agree in writing to delivery at another mill: *Provided*, That the processor shall bear any increase in marketing costs resulting from such agreement.

(e) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B, attached hereto and made a part hereof.

§ 877.24 Payment for molasses.

For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1968–69 crop processed at each mill or shall pay to the producer the money value of such quantity of molasses, whichever method is agreed upon between the producer and the processor. If settlement with the producer is made in cash such settlement shall be based upon the average gross proceeds from the sales of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C attached hereto and made a part hereof. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. If a processor has not sold 1968–69 crop molasses by the time he is required to submit to the Area office a statement as required by § 877.27(b), he shall have made a provisional molasses payment to producers based upon not less than 85 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1968–69 crop molasses, as determined by the Director of the Area office. Final settlement with producers shall be made promptly after the 1968–69 crop molasses has been sold, based upon the average net proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by § 877.27(b). In the event a processor has transferred all its 1968–69 production of molasses to an affiliate and no sales price for such molasses is available, the average net proceeds per gallon as determined by the Director of the Area office for all processors who sold the 1968–69 crop of molasses shall be used in computing molasses payments to growers. Processor is required to make a provisional molasses payment not later than June 1, 1970, based upon not less than 85 percent of the estimated average of net proceeds per gallon realized by all other processors in Puerto Rico, as determined by the Director of the Area office from reports submitted under provisions of § 877.27(b). Processor is further required to make a final molasses payment in the amount necessary to base the total molasses payment upon the average net proceeds per gallon for all processors who sold the 1968–69 crop of molasses after the Area office has determined such net proceeds and notified the processor.

§ 877.25 Determination of net sugarcane.

(a) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over 5 percent, and the same adjustment as determined above shall be applied to the gross weight of all other deliveries delivered by that producer during the same day, or in the case of sugarcane handled in bulk during the same sugar yield period, which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken. The determination of net sugarcane shall not be made where a core sampler is used.

(b) With respect to the sample taken as provided in paragraph (a) of this section, the processor shall make a separate determination of the weight of soil and stones contained in such sample and may charge the producer 5 cents per ton of net sugarcane delivered which is represented by the sample for each 1 percent, fractions in proportion, by which the weight of soil and stones is in excess of 1 percent of the gross weight of the sample.

(c) The processor may charge the producer 66 percent of the actual cost, but not to exceed $2.64, for each sample taken for trash including soil and stones to cover the cost of sampling and measuring the actual quantity of trash.

§ 877.26 Services and allowances to producers.

(a) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1969, and shall bear the costs thereof.

(b) Allowances made to producers by the processor for the 1967–68 crop shall be made for the 1968–69 crop at the rates which were effective under comparable conditions in 1967–68; the costs of services which were borne by the processor for the 1967–68 crop shall be borne for the 1968–69 crop: *Provided*, That the processor shall not be required to bear the cost of ocean transportation of sugarcane; and *Provided further*, That nothing in this paragraph shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change results in allowances which are fair and reasonable.

§ 877.27 Reporting requirements.

(a) The processor shall submit to the Area office a statement as to whether settlement with producers are made in sugar or in cash, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(b) If the processor makes settlement in cash he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1970, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

§ 877.28 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in § 893.1 of this chapter); and to sugarcane purchased by a cooperative processor from nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 877.29 Procedures for checking compliance.

The procedures to be followed by the ASCS Caribbean Area office in checking compliance with the requirements of this part are set forth under the heading Part 8—"Fair Price Determination" in Handbook 5–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbook 5–SU may be inspected and copies obtained from the ASCS Caribbean Area Office, Post Office Box 8037, Fernandez Juncos Station, San Juan, P.R. 00910.

§ 877.30 Subterfuge.

The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1968–69 crop grown by other producers.

Requirements of the act. Section 301 (c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

1968–69 price determination. This determination continues the provisions of the prior determination except that a method is provided for determining a net sales price for molasses in those instances where all 1968–69 crop molasses was transferred to an affiliate or subsidiary company. Also, a change is made in the method for calculating that portion of selling and delivery expenses for raw sugar expended for inland transportation in those instances where a processor delivers less than 33 percent of 1968–69 crop raw sugar to the mainland.

A public hearing was held in San Juan, P.R., on October 31, 1968, at which time interested persons were afforded the opportunity to present testimony and make recommendations with respect to fair and reasonable prices for the 1968–69 crop of sugarcane. A representative of the Association of Sugar Producers of Puerto Rico recommended that the 1967–68 crop price determination provisions concerning admissible deductions for selling and delivery expenses on raw sugar be continued except that (1) allowable inland transportation for raws sold locally by any mill be determined on the basis of estimated costs from mill to appropriate shipping terminals, or on the basis of the costs for any portion, if any, that was actually shipped by that mill, (2) the distinctions in the methods of calculating allowable shipping expenses for mills that sell 67 percent or more of their sugar locally and those who sell locally less than 67 percent, be done away with except that (3) when both local and mainland sales are made, allowable expenses for a mill should reflect the weighted average of the allowable expenses for each type of sale made by that mill, except that when a mill sells locally or ships to the mainland 95 or more percent of the sugar processed during any one crop, all such sugar (100 perecnt) shall be considered as sold locally or shipped to the mainland, as the case may be. The witness testified that the island average with respect to inland transportation costs is no longer representative of actual conditions. The witness also stated that sugar production in Puerto Rico has reached its lowest point and that new varieties of cane and improved mechanical harvesting methods together with continued financial support from the Commonwealth Government should serve to return sugar output to normal levels.

A representative of the Puerto Rico Farm Bureau pointed out that among the problems facing the Puerto Rican sugar industry are (1) increasing percentages of trash resulting from mechanical harvesting; (2) long delays resulting from vehicles waiting to be unloaded at the mill, and (3) the very high cost to both producer and processor involved in converting to bulk cane handling and hauling equipment.

A representative of the Sugar Board of Puerto Rico recommended that the Department accept the Board's determination of selling and delivery expenses in those cases where there are differences between the Sugar Board and the Department so that settlement with growers can be expedited.

The General Manager of the Plata Sugar Co. discussed the program at his company to modernize the cane handling and hauling equipment. He stated that previously all cane was delivered to the mill in bundles of 2 or 3 tons each, and that each truck waited in line for as much as 4 hours to unload. The witness stated that conversion to bulk cane handling equipment cost $300,000, of which the Commonwealth Government contributed $45,000; and that the company advanced to growers about $600 per truck to enable them to convert to bulk handling of sugarcane. He testified that conversion had saved the growers time and money and had reduced the number of trucks required.

A representative of the Agricultural Experiment Station also presented testimony on bulk handling and hauling of sugarcane. The witness stated that as more and more cane is harvested mechanically, the amount of trash will increase, making a quick and inexpensive method of sugarcane sampling and testing for trash and sucrose content more important than ever. He recommended the experimental use of a portable core sampler for on-the-spot tests at the time of delivery.

A witness representing Central Mercedita, Inc., recommended that the method for determining selling and delivery expenses for those mills which sell more than two-thirds of their sugar locally be changed so as to take into account the actual cost of inland transportation and terminal cost rather than the average of such costs for all processors in Puerto Rico; and that other shipping expenses incurred after the sugar leaves the terminal could continue to be applied by using the island average for such costs. The witness stated that the use of the island average for all the selling and delivery expense items has caused some inequities in that allowable costs based on the average do not cover the actual expense.

A representative of the Puerto Rico Department of Agriculture reviewed the progress of the Demonstration Farm Program which was set up by the Commonwealth Government for the purpose of increasing the efficiency of the Puerto Rican sugarcane industry.

Consideration has been given to the recommendations made at the public hearing; to data on the returns, costs and profits of producing and processing sugarcane obtained by field survey for recent crops and recast in terms of price and production conditions likely to prevail for the 1968–69 crop; and to other pertinent information. Analysis of these data indicates that neither producers nor processors are expected to make a profit, on average. Sugarcane production has declined steadily in recent years due mainly to a long and persistent drouth throughout the area. However, the drouth now appears to be ended and the 1968–69 crop is expected to show some recovery; estimated yields for the coming crop are up almost 10 percent over the prior year. Evidence available to the Department indicates that productivity in the Puerto Rican sugarcane industry has been lagging, especially in the handling and hauling phases of the harvest operations, although testimony at the public hearing indicates that some mills have made recent progress with the installation of bulk sugarcane handling and hauling equipment. That the Commonwealth Government is acting to en-

courage modernization of the industry also was brought out in the testimony.

This determination adopts the recommendations made at the public hearing that those processors who market less than 33 percent of their 1968–69 crop raw sugar on the mainland be allowed to modify the present method of determining admissible selling and delivery expenses with respect to the inland transportation component of such expenses. Those processors will be allowed inland transportation costs computed by adjusting the average of all such expenses to reflect the lowest estimated inland transportation costs had the processor delivered all 1968–69 crop sugar to the mainland.

This determination also provides that in those instances wherein a processor transfers all 1968–69 crop molasses to an affiliate company, the net proceeds upon which settlements with producers are based will be the average net proceeds per gallon as determined by the Area office for all 1968–69 crop molasses sold by processors in Puerto Rico. A provisional payment based on average net proceeds not less than 85 percent of the estimated final average is provided for.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER, and is applicable to the 1968–69 crop of Puerto Rican sugarcane.

Signed at Washington, D.C., on February 26, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

SCHEDULE A

FORMULAE FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

(A) Where a continuous sample of the crusher juice of the deliveries of sugarcane by a producer is used, the formula for determining the yield of raw sugar shall be.

$$R = TI\,(S - 0.3B)F$$

Where:

R = Yield of raw sugar, 96° basis;

S = Polarization of the crusher juice obtained from the sugarcane of each producer;

B = Brix of the crusher juice obtained from the sugarcane of each producer;

T = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.76075 for sugarcane which contains an amount of trash in excess of 20 percent; *Provided*, That where sugarcane has been subjected to a washing process prior to milling, the amount of trash that is soil shall be excluded in determining the correction factor.

I = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P (where $P = 100\ S \div B$), of the crusher juice of sugarcane is equal to 75 or more, the factor $I = 0.9$; or

(b) When the purity, P (where $P = 100\ S \div B$), of the crusher juice of such sugarcane is less than 75, the factor, $I = 0.9 - 0.02\ (75 - P)$;

F = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar," 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula $(S - 0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

If part of the sugarcane delivered by producers is subjected to a washing process prior to milling, the polarization and brix of the resulting dilute crusher juice of such sugarcane shall be converted to an undiluted crusher juice basis by application of dilution compensation factors (DCF) computed as follows:

$$\text{Brix } DCF = \frac{\text{Brix of undiluted crusher juice sample}}{\text{Brix of diluted crusher juice sample}}$$

$$\text{Pol } DCF = \frac{\text{Pol of undiluted crusher juice sample}}{\text{Pol of diluted crusher juice sample}}$$

A written description of procedures and the frequency of sampling sugarcane to be used in determining DCF factors shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(B) Where the "Core Sampler" method of sampling sugarcane delivered by producers is used the formula for determining the yield of raw sugar shall be:

$$R = F[S - 0.3\,(B + 0.1 f_c)]$$

Where:

R = 96° Yield % cane.

S = Pol % cane.

B = Brix % cane.

f_c = Fiber % cane.

F = Factor calculated using the values obtained during the liquidation period, weighted on the basis of the net weight of cane and substituted at the right side of the following equation:

$$F = \frac{R}{S - 0.3\,(B + 0.1 f_c)}$$

Whenever the core sampler is used jointly with any system of cane washing, during any settlement period, the mill is required to wash all the cane ground during such settlement period, and whenever the core sampler is used no determinations for extraneous matter nor adjustments in the cane weight and yield shall be made.

A written description of core sampling procedures to be used shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(C) Where the sugarcane delivered by producers is sampled by hand or machine and the juice is extracted by a laboratory hand mill, the yield of raw sugar may be determined in accordance with the formula provided under either (A) or (B) above. A written description of the sampling procedure to be used shall be submitted by the by the processor to the Area office and shall be subject to approval of that office.

(D) Where sugarcane is handled in bulk, the procedures for sampling the deliveries of sugarcane by a producer shall be representative of all the deliveries of sugarcane of such producer. A written description of the sampling procedure shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(E) The sugar yield of sugarcane which is commingled while being loaded or transported from the Island of Vieques to the processor's mill shall be the total sugar produced from the barge load of sugarcane, determined by applying either formula (A) or (B) prescribed by this Schedule A to the sugarcane of each barge load without segregating the cane of each producer; and the producer's share of such sugar shall be apportioned on the basis of the ratio of the net weight of each producer's sugarcane to the total weight of the barge load of sugarcane. The sugarcane of each grower shall be weighed at scales on the Island of Vieques to determine gross weight. The net weight of commingled cane from the barge load shall be determined at the mill in accordance with the applicable provisions of this determination, and the differences in gross and net weights shall be distributed among the growers who supplied the barge load of cane in proportion to the tonnage delivered by each grower.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses in connection with the payment for sugarcane provided in section 877.23 of the 1968–69 price determination are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;

(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper; and

(6) An allowance of 7.0 cents per hundredweight of 96° raw sugar, in lieu of the following expenses:

(i) Reclaiming, weighing, and loading at mill or where stored;

(ii) Shore risk, marine and war risk insurance;

(iii) Brokerage or commission and exchange;

(iv) Weighing, testing, and sampling at destination;

(v) All other expenses not itemized herein.

When any of the necessary services included in items (1), (3), (4), or (5) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;

(4) Direct supplies; and

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

(1) If the processor delivers 33 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

(2) If the processor delivers less than 33 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be an amount equal to the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1968–69 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners; except that such average of all selling and delivery expenses shall be increased (or reduced as appropriate) by an amount representing the difference between the estimated inland transportation costs which would have been incurred by the processor had all such 1968–69 crop raw sugar been delivered to the bulk sugar terminal to which the Area office determines the sugar could have been transported at the lowest inland transportation costs, and the average of all admissible inland transportation costs for all 1968–69 crop raw sugar that was delivered to the mainland. The average of the admissible selling and delivery expenses shall, as provided above, be increased when the estimated inland transportation costs are greater than such average, and be reduced when the estimated inland transportation costs are less than such average.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that as a result of the audit performed on the books of Central ---------- as of ----------, the deductions as set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1968–69 crop of Puerto Rican sugarcane.

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in section 877.24 of the 1968–69 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a waterfront tank facility, or to local buyers when such molasses is sold on a delivered price basis;

(3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage, including charges arising from utilization of waterfront facilities such as pipelines (including fees paid for right of way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment; and (b) to deliver such molasses within the hold of the ship;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that, as the result of the audit performed on the books of Central ---------- as of ----------, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1968–69 crop of Puerto Rican sugarcane.

[F.R. Doc. 69-2579; Filed, Mar. 3, 1969; 8:46 a.m.]

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

[891.2, Amdt. 3]

PART 891—DOMESTIC BEET SUGAR AREA

Designation of Crop of Sugar Beets by Year

Pursuant to the provisions of the Sugar Act of 1948, as amended, § 891.2 (32 F.R. 7837, 33 F.R. 2503, 34 F.R. 809) is amended by amending the first sentence to read as follows:

§ 891.2 Designation of crop of sugar beets by year.

In Southern California (including the counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains) and in any other State, a crop of sugar beets shall be designated by year to correspond with the calendar year in which the beets are planted: *Provided*, That in Orange and Riverside Counties, sugar beets that were planted during the calendar year 1966 and during the period January 1 through January 31, 1967, shall be designated as 1966-crop sugar beets, sugar beets that were planted during the months of February through December 1967, and during the period January 1 through January 31, 1968, shall be designated as 1967-crop sugar beets and sugar beets that were planted during the months of February through December 1968, and during the period January 1 through February 28, 1969, shall be designated as 1968-crop sugar beets.

* * * * * *

STATEMENT OF BASES AND CONSIDERATIONS

An amendment published in the FEDERAL REGISTER of January 18, 1968 (34 F.R. 809), established the planting period for 1968-crop sugar beets in Orange and Riverside Counties, Calif. The period extended from February 1968, through January 1969.

Generally, most of the beets are planted in November and December. Unusually cool weather during those months delayed some planting and poor germination necessitated some replanting.

Heavy rains in the area prevented sugar beet planting in January. In view thereof and to protect the interests of the growers, the planting period for the 1968-crop year in the two counties is extended through February 28, 1969.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended, 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on February 26, 1969.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-2578; Filed, Mar. 3, 1969; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 170, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 907.470 (Navel Orange Regulation 170, 34 F.R. 2415) are hereby amended to read as follows:

§ 907.470 Navel Orange Regulation 170.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 836,000 cartons;

(ii) District 2: 264,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 27, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–2612; Filed, Mar. 3, 1969; 8:49 a.m.]

[Lemon Reg. 362, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 910.662 (Lemon Regulation 362, 34 F.R. 2504) are hereby amended to read as follows:

§ 910.662 Lemon Regulation 362.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 20,460 cartons;

(ii) District 2: 188,790 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 27, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–2613; Filed, Mar. 3, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–EA–14, Amdt. 39–725]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 67–6–4, applicable to the Hartzell type propellers.

Since the publication of AD 67–6–4, service experience has demonstrated that the repetitive inspection every 200 hours may be increased to 600 hours without a depreciation in air safety. There have been no reported cracked propellers since the issuance of the Airworthiness Directive in February of 1967.

Since this amendment is relaxatory in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 67–6–4.

1. Delete the figure "200" wherever it appears and insert in lieu thereof the figure "600".

This amendment is effective March 4, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a); 1421; 1423; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 17, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F. R. Doc. 69–2586; Filed, March 3, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9440, Amdt. 95–177]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective April 3, 1969 as follows:

1. By amending Subpart C as follows:

From, To, and MEA

Section 95.48 *Green Federal airway 8* is amended by adding:

Shemya, Alaska, LF/RBN; Anvil INT, Alaska; 2,000.
Anvil INT, Alaska; Adak, Alaska, LF/RBN; 6,400.
Adak, Alaska, LF/RBN; Nikolski, Alaska, LF/RBN; 7,200.
Nikolski, Alaska, LF/RBN; Driftwood Bay, Alaska, LF/RBN; 8,900.

From, To, and MEA

Driftwood Bay, Alaska, LF/RBN; Mordvinoff INT, Alaska; 8,700.
Mordvinoff INT, Alaska; *Cold Bay, Alaska, LFR; 6,000. *5,300—MCA Cold Bay LFR, southwestbound.
Cold Bay, Alaska, LFR; Marlin INT, Alaska; 4,500.
Marlin INT, Alaska; King Salmon, Alaska, LFR; 2,000.

Section 95.49 *Green Federal airway 9* is amended to read in part:

Sparrevohn, Alaska, LF/RBN; *Spurr INT, Alaska; **11,000. *8,500—MCA Spurr INT, westbound. **10,100—MOCA.
Delta Island INT, Alaska; Anchorage, Alaska, LFR; *2,000. *1,600—MOCA.

Section 95.51 *Green Federal airway 11* is added to read:

Shemya, Alaska, LF/RBN; Amchitka, Alaska, LF/RBN; 4,200.
Amchitka, Alaska, LF/RBN; Adak, Alaska, LF/RBN; 7,400.
Adak, Alaska, LF/RBN; Nikolski, Alaska, LF/RBN; 7,200.
Nikolski, Alaska, LF/RBN; Driftwood Bay, Alaska, LF/RBN; 8,900.
Driftwood Bay, Alaska, LF/RBN; Mordvinoff INT, Alaska; 8,700.
Mordvinoff INT, Alaska; *Cold Bay, Alaska, LFR; 6,000. *5,300—MCA Cold Bay LFR, southwestbound.
Cold Bay, Alaska, LFR; Marlin INT, Alaska; 4,500.
Marlin INT, Alaska; Port Heiden, Alaska, LF/RBN; *2,000. *1,900—MOCA.
Port Heiden, Alaska, LF/RBN; Wide Bay INT, Alaska; 9,000.
Wide Bay INT, Alaska; Kodiak, Alaska, LFR; *7,000. *5,900—MOCA.

Section 95.627 *Blue Federal airway 27* is amended by adding:

Kodiak, Alaska, LFR; King Salmon, Alaska, LFR; *10,000. *9,700—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Harpoon INT, Hawaii; *Pele INT, Hawaii; **10,000. *10,000—MRA. **8,800—MOCA.
Lake Hughes, Calif., VOR; Verde INT, Calif.; 8,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Appalachicola, Fla., LF/RBN; Marianna, Fla., VOR; *2,000. *1,400—MOCA.
Appalachicola, Fla., LF/RBN; Panama City, Fla., VOR; *2,000. *1,400—MOCA.
Appalachicola, Fla., LF/RBN; Tallahassee, Fla., VOR; *2,000. *1,900—MOCA.
Fairmont INT, Calif.; Saugus INT, Calif.; *7,000. *6,600—MOCA.
Int, 096° M rad, Fillmore VOR and 305° M rad, Seal Beach VOR; Stadium INT, Calif.; 5,000.
Int, 305° M rad, Seal Beach VOR and 323° M rad, Los Angeles VOR; Int, 096° M rad, Fillmore VOR and 305° M rad, Seal Beach VOR; 6,000.
Int, 349° M rad, Seal Beach VOR and 096° M rad, Van Nuys VOR; Seal Beach, Calif., VOR; 3,200.
Point Tuna, P.R., NDB; Roosevelt Roads, P.R., NDB; 3,200.
*Ponce, P.R., VOR; **Vega INT, P.R.; 5,000. *3,500—MCA Ponce VOR, northeastbound. **5,000—MCA Vega INT, southwestbound.
Seal Beach, Calif., VOR (via SLI 340° M rad); El Monte INT, Calif.; 4,000.
Seal Beach, Calif., VOR; Manta INT, Calif.; 2,500.
Pacific INT, Calif.; Seal Beach, Calif., VOR; *3,000. *2,400—MOCA.

From, To, and MEA

*Vega INT, P.R.; San Juan, P.R., VORTAC; 2,500. *5,000—MCA Vega INT, southwestbound.
Verde INT, Calif.; *Warm Springs INT, Calif.; **6,000. *6,600—MCA Warm Springs INT, northbound. **4,500—MOCA.
Victory INT, Calif.; Warm Springs INT, Calif.; *7,000. *6,600—MOCA.
*Warm Springs INT, Calif.; Lake Hughes, Calif., VOR; 8,000. *6,600—MCA Warm Springs INT, northbound.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Puerto Rico Routes

Route 2:

St. Thomas, V.I., VOR; Cruzan INT, V.I.; 2,600.
Cruzan INT, V.I., VOR; St. Croix, V.I., VOR; 2,200.

Route 2:

Midway INT, P.R.; Point Tuna INT, P.R.; *8,700. *5,000—MOCA.
Point Tuna INT, P.R.; Snapper INT, V.I.; 2,600.
Snapper INT, V.I.; St. Croix, V.I., VOR; 2,200.

Route 9:

*Ponce, P.R., VOR; Midway INT, P.R.; 4,500. *2,700—MCA Ponce VOR, northeastbound.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Smyrna INT, Fla.; Daytona Beach, Fla., VOR; *2,000. *1,500—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Alma, Ga., VOR; Dublin, Ga., VOR; *2,000. *1,700—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Seal Beach, Calif., VOR; Anaheim INT, Calif.; 2,500.
Seal Beach, Calif., VOR via N alter.; Pomona, Calif., VOR via N alter.; *4,000. *3,500—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Rankin INT, Miss.; Jackson, Miss., VOR; *2,000. *1,200—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to delete:

Zuni, N. Mex., VOR; Grants, N. Mex., VOR; 11,000.
Zuni, N. Mex., VORTAC via S alter.; Lava INT, N. Mex., via S alter.; eastbound, 11,000; westbound, 10,000.
*Lava INT, N. Mex., via S alter.; Grants, N. Mex., VOR via S alter.; **12,000. *12,000—MRA. **10,700—MOCA.
Grants, N. Mex., VOR; Albuquerque, N. Mex., VOR; 10,000.

Section 95.6012 *VOR Federal airway 12* is amended by adding:

Zuni, N. Mex., VOR; Laguna INT, N. Mex.; *11,000. *10,700—MOCA.
Laguna INT, N. Mex.; Albuquerque, N. Mex., VOR; 9,000.
Zuni, N. Mex., VOR via S alter.; Suwanee INT, N. Mex., via S alter.; *11,500. *10,800—MOCA.
Suwanee INT, N. Mex., via S alter.; Albuquerque, N. Mex., VOR via S alter.; 8,300.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Damascus INT, Va.; Sugar Grove INT, Va.; 7,700. Blackford, Va., VOR via N alter.; Pulaski, Va., VOR via N alter.; 6,600.

From, To, and MEA

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Jackson, Miss., VOR via S alter.; Meridian, Miss., VOR via S alter.; *3,000. *1,900—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Seal Beach, Calif., VOR; Anaheim INT, Calif.; 2,500.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Albacore INT, Calif., via E alter.; Seal Beach, Calif., VOR via E alter.; 2,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Alma, Ga., VOR; Dublin, Ga., VOR; *2,000. *1,700—MOCA.
Smyrna INT, Fla.; Daytona Beach, Fla, VOR; *2,000. *1,500—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Porter, INT, Ark.; Memphis, Tenn., VOR; *1,800. *1,600—MOCA.

Section 95.6057 *VOR Federal airway 57* is amended to read in part:

Falmouth, Ky., VOR; Hamilton INT, Ohio; 2,700.

Section 95.6064 *VOR Federal airway 64* is amended to read in part:

Seal Beach, Calif., VOR; *Tustin INT, Calif.; eastbound, **3,000; westbound, 2,200. *4,500—MCA Tustin INT, eastbound. **2,200—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Fort Mill, S.C. VOR; Midland INT, N.C.; *2,200. *1,700—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to delete:

Winona INT, Minn.; Int. 309° M rad, Nodine VOR and SE crs Minneapolis ILS lcsr.; *2,900. *2,800—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended by adding:

Winona INT, Minn.; Prescott INT, Minn.; *2,900. *2,800—MOCA.
Prescott INT, Minn.; Minneapolis, Minn., VOR; 2,600.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Americus INT, Ga.; *Junction City INT, Ga.; **3,500. *4,000—MRA. **2,100—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Bigelow INT, Iowa; *Gruver INT, Iowa; **6,000. *5,000—MRA. **2,900—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Avalon INT, N.J.; Harbor INT, N.J.; *3,000. *2,000—MOCA.
Harbor INT, N.J.; Manta INT, N.J.; *5,000. *2,000—MOCA.
Manta INT, N.J.; Dutch INT, N.Y.; *6,000. *2,000—MOCA.
Dutch INT, N.Y.; Int. 124° M rad, Kennedy VOR and 236° Hampton VOR; *6,000. *3,000—MOCA.
INT, 124° M rad, Kennedy VOR and 236 Hampton VOR; Beach INT, N.Y.; *5,000. *3,000—MOCA.

From, To, and MEA

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Smyrna INT, Fla., via S alter.; Daytona Beach, Fla., VOR via S alter.; *2,000. *1,500—MOCA.

Section 95.6190 *VOR Federal airway 190* is amended to delete:

St. Johns, Ariz., VOR via N alter.; *Lava INT, N. Mex., via N alter.; **11,000. *12,000—MRA. **9,500—MOCA.
Lava INT, N. Mex., via N alter.; Grants, N. Mex., VOR via N alter.; *12,000. *10,700—MOCA.
Grants, N. Mex., VOR via N alter.; Albuquerque, N. Mex., VOR via N alter.; 10,000.

Section 95.6190 *VOR Federal airway 190* is amended by adding:

St. Johns, Ariz., VOR via S alter.; Garcia INT, N. Mex., via S alter.; *12,000. *11,000—MOCA.
Garcia INT, N. Mex., via S alter.; Albuquerque, N. Mex., VOR via S alter.; 8,900.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

Suwanee INT, N. Mex.; *Albuquerque, N. Mex., VOR; 8,300. *11,500—MCA Albuquerque VOR, northeastbound. Albuquerque, N. Mex., VOR; Rencona INT, N. Mex.; *13,000. *12,900—MOCA.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

McComb, Miss., VOR; *Rose Hill INT, Miss. **3,000. *3,000—MRA. **2,000—MOCA.
Rose Hill INT, Miss.; Meridian, Miss., VOR; *2,000. *1,500—MOCA.

Section 95.6195 *VOR Federal airway 195* is amended to read in part:

Cordelia INT, Calif.; *Rag INT, Calif.; **6,500. *6,500—MRA. **4,800—MOCA.
Rag INT, Calif.; *Berryessa INT, Calif.; **6,500. *6,500—MCA Berryessa INT, southbound. **5,000—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Cabins INT, Ga., via W alter.; Waycross, Ga., VOR via W alter.; 2,200.

Section 95.6252 *VOR Federal airway 252* is amended to read in part:

Binghamton, N.Y., VOR; Thompson INT, Pa.; 4,000.
Thompson INT, Pa.; Rowlands INT, N.Y.; 4,400.
Rowlands INT, N.Y.; Huguenot, N.Y., VOR; 4,000.

Section 95.6291 *VOR Federal airway 291* is amended to delete:

Grants, N. Mex., VOR.; Gallup, N. Mex., VOR; 11,000.

Section 95.6291 *VOR Federal airway 291* is amended by adding:

Albuquerque, N. Mex., VOR; Arroyo INT, N. Mex.; 8,300.
Arroyo INT, N. Mex.; *Taylor INT, N. Mex.; 9,500. *12,400—MCA Taylor INT, westbound.
Taylor INT, N. Mex.; Bluewater INT, N. Mex.; 13,300.
Bluewater INT, N. Mex.; Gallup, N. Mex., VOR; 10,600.
Albuquerque, N. Mex., VOR via N alter.; *Cuba INT, N. Mex., via N alter.; 8,600. *9,000—MRA. *10,000—MCA Cuba INT, westbound.

From, To, and MEA

Cuba INT, N. Mex., via N alter.; Gallup, N. Mex., VOR via N alter.; 11,200.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Avalon INT, N.Y.; Harbor INT, N.J.; *3,000. *2,000—MOCA.
Harbor INT, N.J.; Manta INT, N.J.; *5,000. *2,000—MOCA.
Manta INT, N.J.; Dutch INT, N.Y.; *6,000. *2,000—MOCA.
Dutch INT, N.Y.; Int, 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; *6,000. *3,000—MOCA.
Int, 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; Beach INT, N.Y.; *5,000. *3,000—MOCA.

Section 95.6322 *VOR Federal airway 322* is amended to read in part:

Berlen, N.H., VOR; Sherbrooke, Canada, VOR; #5,300. #For that portion over U.S. Territory.

Section 95.6448 *VOR Federal airway 448* is amended to read in part:

Appleton INT, Wash.; Simcoe INT, Wash.; southwestbound, *14,500; northeastbound, *8,000. *7,500—MOCA.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

Hattiesburg, Miss., VOR via W alter.; *Rose Hill INT, Miss., via W alter.; **3,000. *3,000—MRA. **1,800—MOCA.
Rose Hill INT, Miss., via W alter.; Meridian, Miss., VOR via W alter.; *2,000. *1,500—MOCA.

Section 95.6456 *VOR Federal airway 456* is amended by adding:

Cold Bay, Alaska, VOR; King Salmon, Alaska, VOR; *14,000. *3,300—MOCA.

Section 95.6459 *VOR Federal airway 459* is amended to read in part:

Seal Beach, Calif., VOR; *Berry INT, Calif.; 5,000. *8,000—MCA Berry INT, northwestbound.
Berry INT, Calif.; *Saugus INT, Calif.; 8,000. *6,600—MCA Saugus INT, northwestbound.

Section 95.6475 *VOR Federal airway 475* is amended to read in part:

Deer Park, N.Y., VOR; Inlet INT, N.Y.; 2,000.
Inlet INT, N.Y.; Jefferson INT, N.Y.; 1,900.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

Honolulu, Hawaii, VOR; Kahala INT, Hawaii; 4,000.
Kahala INT, Hawaii; Penguin INT, Hawaii; 2,000.
Penguin INT, Hawaii; *Lanai, Hawaii, VOR; 4,000. *4400—MCA Lanai VOR, eastbound.
Ono INT, Hawaii, via S alter.; Sampan INT, Hawaii, via S alter.; 2,000.
Lanai, Hawaii, VOR; Keiki INT, Hawaii; 5,000.
Keiki INT, Hawaii; Mango INT, Hawaii; 3,000.

Section 95.6406 *Hawaii VOR Federal airway 6* is amended to read in part:

Marlin INT, Hawaii; *Pumice INT, Hawaii; 4,000. *10,000—MRA.
Pumice INT, Hawaii; *Arbor INT, Hawaii; 4,000.

Section 95.6408 *Hawaii VOR Federal airway 8* is amended to delete:

Southgate INT, Hawaii; Palmtree INT, Hawaii; 2,000.

From, To, and MEA

Section 95.6408 *Hawaii VOR Federal airway 8* is amended by adding:

Makai INT, Hawaii; Palmtree INT, Hawaii; 2,000.

Section 95.6411 *Hawaii VOR Federal airway 11* is amended by adding:

Sweet Pea INT, Hawaii; Maui, Hawaii, VOR; 5,000.
Maui, Hawaii, VOR; Snapper INT, Hawaii; 5,000.
Snapper INT, Hawaii; Molokai, Hawaii, VOR; 7,000.
Molokai, Hawaii, VOR; Palmtree INT, Hawaii; 3,000.
Palmtree INT, Hawaii; Makai INT, Hawaii; 2,000.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

Marlin INT, Hawaii; *Pumice INT, Hawaii; 4,000. *10,000—MRA.
Pumice INT, Hawaii; *Arbor INT, Hawaii; 4,000.
South Kauai, Hawaii, VOR; Honolulu, Hawaii, VOR; 5,000.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

Pineapple INT, Hawaii; Makai INT, Hawaii; *2,000. *1,000—MOCA.
Makai INT, Hawaii; Sampan INT, Hawaii; 2,000.

Section 95.6421 *Hawaii VOR Federal airway 21* is added to read:

Hibiscus INT, Hawaii; *Pumice INT, Hawaii; 14,000. *10,000—MRA.
Pumice INT, Hawaii; *Harpoon INT, Hawaii; 10,000. *7,000—MCA Harpoon INT, eastbound.
Harpoon INT, Hawaii; Mango INT, Hawaii; 6,000.
Mango INT, Hawaii; Keiki INT, Hawaii; 3,000.
Keiki INT, Hawaii; *Lanai, Hawaii, VOR; 5,000. *4,400—MCA Lanai VOR, eastbound.
Lanai, Hawaii, VOR; Sampan INT, Hawaii; 4,000.
Sampan INT, Hawaii; Makai INT, Hawaii; 2,000.

Section 95.6422 *Hawaii VOR Federal airway 22* is added to read:

Maui, Hawaii, VOR; *Barracuda INT, Hawaii; 7,000. *11,000—MCA Barracuda INT, southbound.
Barracuda INT, Hawaii; Bonita INT, Hawaii; 11,000.
Bonita INT, Hawaii; Hilo, Hawaii, VOR; 6,000.

Section 95.6506 *VOR Federal airway 506* is amended to read in part:

*Kodiak, Alaska, VOR; Brooks DME Fix, Alaska; **13,000. *4,000—MCA Kodiak VOR, westbound. **9,700—MOCA.
*Brooks DME Fix, Alaska; King Salmon, Alaska, VOR; **5,000. *7,000—MCA Brooks DME Fix, eastbound. **4,500—MOCA.

Section 95.7040 *Jet Route No. 40 is* amended to read in part:

From, to, MEA, and MAA

Richmond, Va., VORTAC; Int, 015° M rad, Richmond VORTAC and 065° M rad, Gordonsville VORTAC; 18,000; 45,000.

Section 95.7048 *Jet Route No. 48 is* amended by adding:

Westminster, Md., VORTAC; Putnam, Conn., VORTAC; 18,000; 45,000. Putnam, Conn., VORTAC; Boston, Mass., VORTAC; 18,000; 45,000.

From, to, MEA, and MAA

Section 95.7070 *Jet Route No. 70* is amended to read in part:

Pullman, Mich., VORTAC; Int, 091° M rad, Pullman VORTAC and 010° M rad, Rosewood VORTAC; 18,000; 45,000.
Int, 091° M rad, Pullman VORTAC and 010° M rad, Rosewood VORTAC; United States-Canadian border; 22,000; 45,000.

Section 95.7115 *Jet Route No. 115* is amended by adding:

Shemya, Alaska, NDB; Adak, Alaska, NDB; 18,000; 45,000.
Adak, Alaska, NDB; Nikolski, Alaska, NDB; 18,000; 45,000.
Nikolski, Alaska, NDB; Cold Bay, Alaska, VORTAC; 18,000; 45,000.
Cold Bay, Alaska, VORTAC; King Salmon, Alaska, VORTAC; 18,000; 45,000.

Section 95.7152 *Jet Route No. 152* is amended to read in part:

Capital, Ill., VORTAC; Int, 264° M rad, Rosewood VORTAC and 087° M rad, Capital VORTAC; 18,000; 45,000.
Int, 264° M rad, Rosewood VORTAC and 087° M rad, Capital VORTAC; Rosewood, Ohio, VORTAC; 23,000; 45,000.

Section 95.7547 *Jet Route No. 547* is amended by adding:

United States-Canadian border; Buffalo, N.Y., VORTAC; 18,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment; from; to—Changeover point: distance; from

V–12 is amended to delete:
Zuni, N. Mex., VOR; Grants, N. Mex. VOR; 38; Zuni.
Grants, N. Mex., VOR; Albuquerque, N. Mex., VOR; 26; Grants.
V–291 is amended by adding:
Albuquerque, N. Mex., VOR; Gallup, N. Mex., VOR; 60; Gallup.
V–506 is amended by adding:
Kodiak, Alaska, VOR; King Salmon, Alaska, VORTAC; 45; Kodiak.

Hawaii

V–15 is amended by adding:
South Kauai, Hawaii, VOR; Honolulu, Hawaii, VOR; 40; Honolulu.

Section 95.8005 *Jet routes changeover points:*

J–32 is amended to delete:
Reno Nev., VOR; Elko, Nev., VORTAC; 44; Reno.
J–80 is amended to read in part:
Grand Junction, Colo., VORTAC; Denver, Colo., VORTAC; 115; Grand Junction.
J–88 is amended to delete:
Ukiah, Calif., VORTAC; Medford, Oreg., VORTAC; 121; Ukiah.
J–94 is amended to delete:
Reno, Nev., VOR; Elko, Nev., VORTAC; 44; Reno.
J–502 is amended by adding:
Ukiah, Calif., VORTAC; Medford, Oreg., VORTAC; 121; Ukiah.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on February 20, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–2514; Filed, Mar. 3, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–563, Amdt. 2]

PART 240—INSPECTION OF ACCOUNTS AND PROPERTY

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1969.

Section 240.1(b) of Part 240 construes the terms "special agent" and "auditor" in section 407(e) of the Act as including, inter alia, "any employee of the Bureau of Safety", a staff component no longer in existence. Section 240.1(b) will therefore be amended to delete this reference and also to reflect the current designation of certain other staff components.

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50–385.54).

Accordingly, the Board hereby amends Part 240 of the economic regulations (14 CFR Part 240) effective March 24, 1969, as follows:

1. Amend § 240.1(b) to read:

§ 240.1 Interpretation.

* * * * *

(b) The terms "special agent" and "auditor" are respectively construed to mean (1) any employee of the Bureau of Enforcement, and any other employee of the Board specifically designated by it or by the Director, Office of Facilities and Operations; and (2) any employee of the Field Audits Division, Bureau of Accounts and Statistics.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

[F.R. Doc. 69–2603; Filed, Mar. 3, 1969; 8:49 a.m.]

[Reg. ER–562, Amdt. 22]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Deletion of Filing of Monthly Interim Financial Reports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1969.

The Board has determined to delete from the uniform system of accounts and reports the requirement for filing monthly balance sheets and income statements by the route and supplemental air carriers. Because of the interim nature of these statements, and the fact that it has not been practicable to establish detailed reporting requirements governing their form and content, these statements are often subject to substantial adjustment in the more definitive quarterly reports. Accordingly, the reports have proved of only limited value to the Board, and little use is now made of them. In general, the Board's needs for maintaining surveillance of current carrier conditions will be adequately met by the monthly traffic statistics report, as well as the monthly report of current and long-term receivables and payables filed by supplemental carriers. These reports will be retained.

The Board, of course, has power to require special reports from any carrier if regulatory needs warrant. In light of our special responsibility for supplemental carriers, we are contemporaneously delegating to the Director, Bureau of Accounts and Statistics, authority to require interim reports under certain circumstances.

Since this amendment relieves a restriction, the Board finds that notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 241 of its economic regulations (14 CFR Part 241), effective February 26, 1969, as follows:

1. By amending paragraph (a) in section 22—*General Reporting Instructions* as follows:

A. By revising the paragraph to read:

(a) The CAB Form 41 report is comprised of schedules to be filed at the frequency indicated below. Four copies of each schedule shall be filed with the Civil Aeronautics Board and shall be received, or postmarked, on or before expiration of the indicated interval subsequent to the period for which the report is being made.

B. By deleting from the table of schedules the following lines:

Interim Balance Sheet—Monthly—30.
Interim Income Statement—Monthly—30.

2. By deleting from section 23—*Certification and Balance Sheet Elements* the subheading "Interim Balance Sheet" and the paragraph directly thereunder.

3. By deleting from section 24—*Profit and Loss Elements* the subheading "Interim Income Statement" and paragraphs (a) and (b) directly thereunder.

4. By amending paragraph (a) in Section 32—*General Reporting Instructions* as follows:

A. By revising the paragraph to read:

(a) The CAB Form 41 report is comprised of schedules to be filed at the frequency indicated below. Four copies of each schedule shall be filed with the Civil Aeronautics Board and shall be received, or postmarked, on or before expiration of the indicated interval subsequent to the period for which the report is being made.

B. By deleting from the table of schedules the following lines:

Interim Balance Sheet—Monthly—30.
Interim Income Statement—Monthly—30.

5. By deleting from section 33—*Certification and Balance Sheet Elements* the subheading "Interim Balance Sheet" and the paragraph directly thereunder.

6. By deleting from section 34—*Profit and Loss Elements* the subheading "Interim Income Statement" and paragraphs (a) and (b) directly thereunder.

(Secs. 204(a), 407(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-2604; Filed, Mar. 3, 1969; 8:49 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR-34, Amdt. 9]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation of Authority To Require Monthly Financial Reports From Supplemental Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of February 1969.

In Regulation ER-562 issued concurrently herewith, the Board has amended Part 241 to delete the requirement of filing monthly interim financial reports by route and supplemental air carriers. The Board, however, has the duty of maintaining surveillance of the continuing fitness of supplemental air carriers under section 401(n)(4) of the Act, and our proper performance of this duty may require interim reporting by particular carriers. Accordingly, the Board is hereby delegating to the Director, Bureau of Accounts and Statistics, authority to require such reports of any supplemental carrier where he finds it necessary for determining the continuing fitness of such carrier pursuant to section 401(n)(4) of the Act.

Since this amendment is a matter relating to agency management, notice and public procedure hereon are not required and the rule may be made effective immediately.

Part 385 of the Organization Regulations is hereby amended by adding new paragraph (j) to § 385.17 (14 CFR 385.17), effective February 26, 1969, to read as follows:

§ 385.17 Delegation to the Director, Bureau of Accounts and Statistics.

* * * * *

(j) Require monthly balance sheets and income statements of any supplemental air carrier, where he finds that such reports are necessary for the purpose of determining whether such carrier meets the standards of continuing fitness required by section 401(n)(4) of the Act.

(Sec. 204(a), 401(n)(4), and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143), 766; 49 U.S.C. 1324, 1371, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-2605; Filed, Mar. 3, 1969; 8:49 a.m.]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-38, Amdt. 17]

PART 399—STATEMENTS OF GENERAL POLICY

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1969.

Section 399.70 and the title to Subpart F of Part 399 pertain to policies relating to aircraft accident investigations, a function which has been transferred to the National Transportation Safety Board by section 5 of the Department of Transportation Act of 1966 (80 Stat. 1935). Accordingly, the section will be deleted as obsolete.

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50-385.54).

For the above reason, the Board hereby amends Part 399 (14 CFR Part 399), effective March 24, 1969, as follows:

1. Delete references to former § 399.26 and present § 399.70 in the Table of Cross References. (Policy Statement 21, 29 F.R. 1446, Jan. 29, 1964)

2. Revise the table of contents to read, in part:

* * * * *

Subpart F—[Reserved]

Subpart G—Policies Relating to Enforcement

* * * * *

3. Delete § 399.70 and reserve Subpart F, as follows:

Subpart F—[Reserved]

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN, *General Counsel.*

[F.R. Doc. 69-2602; Filed, Mar. 3, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure Not Required of Origin of Imported Upper Material Used in Shoes

§ 15.327 Disclosure not required of origin of imported upper material used in shoes.

(a) The Commission rendered an advisory opinion to a manufacturer of athletic shoes stating that it would not be necessary to disclose the country of origin of the imported upper material.

(b) The imported upper material will represent approximately one-third of total material costs, and the remaining two-thirds will be composed of material made either in the United States or Puerto Rico. Concluding that a disclosure of the imported upper material would not be required, the Commission said: "In the absence of any affirmative misrepresentation as to origin, the Commission is of the opinion that, under the facts as presented, it will not be necessary to disclose the country of origin of the imported upper material."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: March 3, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2558; Filed, Mar. 3, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Organization of Warehouse Distribution Center for a Jobber Buying Group

§ 15.328 Organization of warehouse distribution center for a jobber buying group.

(a) The Commission issued an advisory opinion warning of probable violations of law in the proposed organization by an automotive replacement parts manufacturers' representative of a warehouse distribution center buying group of jobbers.

(b) According to the information submitted, the applicant is now, and intends to continue to be, a sales agent for several automotive parts manufacturers. He proposes to organize and operate a warehouse distribution center for automotive parts, obtaining quantity discounts on purchases from suppliers and then reselling at a 5 percent to 7 percent markup to "member" jobbers. The quantities will be the result of pooled orders from the jobbers. Jobbers will be "members" only in the sense that they will contribute $1,000 each to the applicant in return for the privilege of sharing some of the quantity discounts on purchases from suppliers. The applicant and his wife will be the sole owners, operators, and employees of the warehouse distribution center. Drop shipments will be used when orders are large enough to obtain quantity discounts for the particular orders. The applicant intends to organize only one jobber in each of the smaller towns and perhaps two or more in larger towns "where they would not be competing for the same customers." The center will place orders with manufacturers, receive goods not otherwise drop-shipped and distribute them, bill jobber-customers (i.e., "members"), and slowly accumulate an inventory in its warehouse.

(c) The Commission is of the opinion that the applicant would probably violate section 2(c) of the amended Clayton Act if he receives commissions from manufacturers whom he represents as a sales agent on purchases for his own account for resale to jobbers.

(d) The Commission also pointed out that, while buying groups of jobbers are not illegal per se, they may function in ways to violate section 2(f) of the amended Clayton Act if they refuse membership to jobbers who compete with each other and thereafter obtain unjustified price discriminations.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: March 3, 1969.

By direction of the Commission.

Commissioner Elman did not concur in the foregoing action.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2559; Filed, Mar. 3, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter II—Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare

PART 205—RESEARCH PROJECTS RELATING TO MATERNAL AND CHILD HEALTH SERVICES AND CRIPPLED CHILDREN'S SERVICES, AND RESEARCH OR DEMONSTRATION PROJECTS RELATING TO CHILD WELFARE SERVICES

This part provides regulations for the program of research grants for projects in the field of maternal and child health and crippled children's services authorized by section 512 of the Social Security Act, as amended (42 U.S.C. 712), and for the program of research or demonstration grants for projects in the field of child welfare authorized by section 426 of the Social Security Act, as amended (42 U.S.C. 626).

Federal financial assistance extended under this part is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Sec.

205.1 Nature and purpose of grants.
205.2 Definitions.
205.3 Eligibility for grants.
205.4 Application.
205.5 Grant awards.
205.6 Use of funds.
205.7 Cost sharing.
205.8 Payment.
205.9 Rebudgeting.
205.10 Records and reports.
205.11 Patent policy.
205.12 Publication and copyright policy.
205.13 Accounting for equipment.
205.14 Termination of grant award.
205.15 Final accounting and settlement.
205.16 Interest and project income.
205.17 Confidentiality.

AUTHORITY: The provisions of this Part 205 issued under sec. 1102, 49 Stat. 647, as amended, 42 U.S.C. 1302; sec. 240(c), 301, 81 Stat. 915, 927, 42 U.S.C. 626, 706, 712.

§ 205.1 Nature and purpose of grants.

(a) The Chief of the Children's Bureau is authorized to make grants:

(1) As authorized in section 426 of the Social Security Act for:

(i) Special research or demonstration projects in the field of child welfare which are of regional or national significance;

(ii) Special projects for the demonstration of new methods or facilities which show promise of substantial contribution to the advancement of child welfare;

(iii) Projects for the demonstration of the utilization of research (including findings resulting therefrom) in the field of child welfare in order to encourage experimental and special types of welfare services; and

(2) As authorized in section 512 of the Social Security Act, for research projects relating to maternal and child health services or crippled children's services which show promise of substantial contribution to the advancement thereof. Within this program, special emphasis will be accorded to projects which will help in studying the need for, and the feasibility, costs, and effectiveness of, comprehensive health care programs in which maximum use is made of health personnel with varying levels of training and in studying methods of training for such programs.

(b) Grants and contracts are authorized for these purposes. This part is applicable to grants.

§ 205.2 Definitions.

As used in this part, unless the context otherwise requires:

(a) "Applicant" means any institution, agency, or organization which files an application for a grant of Federal funds under this part.

(b) "Bureau" means the Children's Bureau in the Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C. 20201, on such forms and containing such information as the Bureau may prescribe.

(c) "Chief" means the Chief of the Bureau.

(d) "Project" means an undertaking to conduct research or a demonstration in the fields specified in § 205.1 with funds granted under this part.

(e) "Project period" means the approved period of time reasonably required to carry out a project with Federal support.

§ 205.3 Eligibility for grants.

(a) Grants for projects specified in § 205.1(a)(1)(i) and (ii) may be made to public or other nonprofit institutions of higher learning, and to public or other nonprofit agencies and organizations engaged in research or child welfare activities.

(b) Grants for projects specified in § 205.1(a)(1)(iii) may be made to state or local public agencies responsible for administering, or supervising the administration of, the child welfare services plan under title IV, Part B, of the Social Security Act.

(c) Grants for projects specified in § 205.1(a)(2) may be made to public or other nonprofit institutions of higher learning, and public or nonprofit private agencies and organizations engaged in research or in maternal and child health or crippled children's programs.

§ 205.4 Application.

(a) Any applicant for a grant under this part may file application therefor at any time with the Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C. 20201, on such forms and containing such information as the Bureau may prescribe.

(b) The application shall be executed by an individual authorized to act for the applicant, and to assume for the applicant the obligations imposed by the terms and conditions of any grant, including these regulations. The principal professional personnel contributing to the drafting of the proposal, including the writer of the narrative portion, must be identified by name and by title and status with respect to the applicant (e.g., staff, consultant, contractor).

(c) Each application shall set forth:

(1) A description of the project in sufficient detail to indicate the nature, duration, purpose, cost, and proposed method of conduct of the project;

(2) Provisions for qualified and adequate staff, including a project director, and for adequate supervision to accomplish the purpose of the project;

(3) Plans for continuation of the project activity, if appropriate, including anticipated sources of funding, after expiration of the project period;

(4) Methods for communicating and disseminating the findings of the project; and

(5) Any other information required by the Bureau.

(d) After a project is approved, the grantee shall submit in writing to the Bureau, for prior approval, information

as to any substantial alteration in the scope, purpose, operation, or administration of a project, any change in project director, and any change which increases or decreases the total cost of the project.

§ 205.5 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purposes on the date of the award. The initial grant award shall also specify the total project period for which support is contemplated. The Chief may, from time to time within the project period, upon application by the grantee, make additional grant awards as support is needed, if the project is being carried out satisfactorily and Federal funds are available.

§ 205.6 Use of funds.

(a) Grants under this part will be available for the following types of expenditures for approved projects:

(1) Salaries and related expenses of project personnel;

(2) Domestic travel necessary for the conduct of the project;

(3) Costs of necessary supplies and equipment, and related expenses;

(4) Purchase or provision of services to individuals served by the project;

(5) Costs of administration and indirect costs of the project, at rates set by or agreed to by the Department of Health, Education, and Welfare;

(6) Costs of training health personnel for work in research projects specified in § 205.1(a)(2) relating to comprehensive health care programs in which maximum use is made of health personnel with varying levels of training;

(7) Such other items as are included in the project plan and budget as approved.

(b) Grant funds may not be used for the following types of expenditures:

(1) Construction of buildings;

(2) Bonus payments;

(3) Consultant fees to Federal employees, regardless of pay status;

(4) Consultant fees to persons in the grantee institution, agency, or organization, whether on full-time, part-time, or courtesy appointments, or on a different geographic campus;

(5) Contingency funds;

(6) Entertainment expenses;

(7) Rental charges for equipment, property, or space owned by the grantee;

(8) Foreign travel;

(9) Any other costs not in the project plan and budget as approved.

§ 205.7 Cost sharing.

Grantees are required to share in the costs of projects. The contribution may be in any or all of the budget categories. The cost sharing must be an actual cash outlay by the grantee, or a deduction from the indirect costs category.

§ 205.8 Payment.

(a) Payments for an approved project shall be made periodically, either in advance or by way of reimbursement, as the Bureau may determine, based on the estimated requirements or actual expenditures, respectively, for each period.

(b) Supplemental payment in any period may be made upon submission of an application therefor, accompanied by justification satisfactory to and accepted by the Bureau.

(c) No payment shall be made so long as the grantee fails to comply substantially, as determined by the Chief, with any conditions imposed by or pursuant to these regulations, unless the grantee specifically undertakes to comply with such conditions.

§ 205.9 Rebudgeting.

(a) Expenditures are to be made in accordance with cost estimates in the budget of the approved application. If necessary, grantees may transfer funds from one category to another without approval from the Bureau, except in the following cases, where prior approval must be obtained:

(1) When the transfer would result in a cumulative increase of 25 per centum or more in any single category of expense;

(2) When the transfer would result in an expenditure in a category for which no funds were budgeted in the approved application;

(3) When a transfer, regardless of amount, would result in a significant change in the project;

(4) When the transfer would increase the amount budgeted for travel to conferences or professional meetings, for purchase or rental of equipment, for alterations or renovations, or for consultant fees.

(b) If funds are transferred to salaries and wages by a grantee which uses a salaries and wages base for computing indirect costs, additional funds are not available to make up the proportionate increase in indirect costs. The grantee may transfer funds from other categories to indirect costs in an amount sufficient to maintain the grantee's indirect cost rate allowed in the approved budget.

§ 205.10 Records and reports.

(a) The grantee shall establish and follow such accounting, budgetary, and other fiscal procedures as are necessary for the proper and efficient administration of the project, and shall maintain fiscal records. Such records shall show for each grant period the amount and disposition by the grantee of Federal and cost sharing funds, the total cost for the grant period and such other records as will facilitate an effective audit. All such records, and any other books, documents, or papers of the grantee pertinent to the grant shall be accessible for purpose of audit by Federal officials, and shall be maintained for 5 years after the termination of the project, or until audit, whichever occurs first.

(b) The grantee shall retain all basic data, cards, tapes, print-outs, tables, charts, and data analysis until notified in writing that the final audit has been completed, or for 5 years after termination of the project, whichever occurs first.

(c) The grantee shall provide a progress report with each submission of an application for continuation support. A final project report shall be submitted on or before the termination date of the project period. Failure to submit a final report when due will be indicative of noncompletion of the project. The final report shall include:

(1) A comprehensive summary of progress toward the achievement of the originally stated aims;

(2) A list of significant positive and/or negative results;

(3) A list of and copies of publications resulting from the project;

(4) An evaluation of the accomplishments of the project;

(5) Acknowledgment of the support received from the Bureau;

(6) Identification of the project director, grant number, institution, and title of the project.

(d) The grantee shall maintain such other records and make such other reports, in such form and containing such information as the Bureau may require.

(e) The grantee shall account for all expenditures of Federal and non-Federal funds by presenting or otherwise making available vouchers or other evidence, satisfactory to the Bureau, of such expenditures.

§ 205.11 Patent policy.

Any invention arising out of activities assisted by a grant under this part shall be promptly and fully reported to the Bureau. The ownership and manner of disposition of all rights in and to such invention shall be subject to determination by the Department of Health, Education, and Welfare, in accordance with Department patent regulations (45 CFR Part 8).

§ 205.12 Publication and copyright policy.

Grantees may publish the results of any project supported by the Bureau without prior review by the Bureau. Such publication must show acknowledgment of the support received under the grant. Copies must be furnished to the Bureau. Where a grant results in a book or other copyrightable material, the grantee is free to copyright the work, but the Bureau reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant supported activity.

§ 205.13 Accounting for equipment.

Any equipment on hand at the termination of the project shall be accounted for as the Bureau may determine, under one or more of the following procedures:

(a) If the grantee is a nonprofit institution of higher education or a nonprofit organization whose primary purpose is the conduct of scientific research, the obligation to account for the value of any equipment may be waived by the Bureau under the terms of the Act of September 6, 1958 (42 U.S.C. § 1892).

(b) Equipment may, without adjustment of accounts, be retained and used by the grantee for the purposes for which the grant was made, and no other accounting is required. No charge for depreciation, amortization or for any other use of the equipment shall be made against any other Federal grant or contract. If within the period of its useful life such equipment is transferred by sale or otherwise outside the grant purposes, the proportion of the fair market value at the time of transfer equal to the proportion of Federal participation in its cost shall be payable to the Bureau.

(c) In the case of certain equipment, designated by the Bureau at the termination of the project, the proportion of its fair market value at the termination of the project equal to the proportion of Federal participation in its cost shall be payable to the Bureau. Equipment so accounted for may be sold or used or disposed of in any way by the grantee.

§ 205.14 Termination of grant award.

(a) Any grant award may be terminated by the Chief in whole or in part at any time within the project period whenever the Chief finds that the grantee has failed in a substantial way to comply with the conditions of the grant, or the requirements of this part, or both. The grantee shall be promptly notified of such finding in writing and given the reasons therefor.

(b) Upon termination pursuant to paragraph (a), the grantee shall render a final accounting and settlement as provided in §§ 205.10 and 205.15.

§ 205.15 Final accounting and settlement.

(a) In addition to such other accounting as the Bureau may require, the grantee shall render with respect to each approved project a full account as provided herein, as of the termination date which shall be either (1) the end of the project period, or (2) the date of any termination of grant support under § 205.14, whichever occurs first.

(b) There shall be payable to the United States as final settlement with respect to each approved project the total sum of any amount not accounted for under § 205.10(e) and of any amount payable to the United States under § 205.13. In the case of grants terminated by the Chief under § 205.14, all grant funds not expended or obligated prior to the receipt of notice of termination shall be payable to the United States.

§ 205.16 Interest and project income.

(a) Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

(b) All grantees must return to the Bureau a part of any other project income proportionate to the grant contribution to the support of the project.

§ 205.17 Confidentiality.

All personal information concerning individuals served or studied under the project is confidential and such information may not be disclosed by the grantee, except for purposes directly connected with the conduct of the project, or to the individual involved, or with his consent.

Effective date. The regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 18, 1969.

JOSEPH H. MEYERS,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 19, 1969.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-2598; Filed, Mar. 3, 1969; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Subpart A—General Administration

UTILIZATION REVIEW OF CARE AND SERVICES

Interim Policy Statement No. 5 setting forth regulations to implement the provisions of section 1902(a)(30) of the Social Security Act as amended, with respect to utilization review of services provided under title XIX of the Act, was published in the FEDERAL REGISTER on July 17, 1968 (33 F.R. 10232).

Suggestions made in response to that publication were (1) utilization review should be restricted to institutions, (2) existing peer review mechanisms should be used, (3) committee organization might not be feasible in small institutions, (4) both encouragement and opposition to delegation of hospital and skilled nursing home utilization review activities to title XVIII agencies. The Department's responses to the suggestions are, respectively, (1) utilization review is required by law for all services, (2) agreement that existing peer review mechanisms should be used to the extent possible, (3) committee size and composition is not fixed, so use of committees is considered feasible, (4) the Federal Government cannot demand, in a State-administered program, that delegation be made, but delegation is encouraged to avoid duplication of effort and expense and to achieve Departmental uniformity. Changes to reflect items (2) and (4), and to provide a statement on Federal financial participation, have been made.

Accordingly, such regulations as so amended are hereby codified as Part 250—Subpart A, § 250.20 of Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 250.20 Utilization review of care and services.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide that a process(es) of utilization review is established for each item of care or service listed in section 1905(a) of the Act that is included in the State's medical assistance program.

(i) The agency(ies) which monitors utilization review activities on inpatient hospital and extended care services under title XVIII of the Act may be designated by the single State agency to monitor those activities similarly for inpatient hospital and skilled nursing home services under title XIX. Such delegation may incorporate the monitoring of utilization review activities in provider institutions not participating under the XVIII. If such an arrangement is secured, the single State agency and the agency(ies) to which delegation is made should work closely together (in addition to any formal written agreement) in order to accommodate their mutual utilization review requirements. Such delegation is encouraged to avoid duplication of effort and expense and to achieve uniformity of utilization review requirements and methods. Such common effort is a means of striving for efficiency and economy in administration.

(ii) For all items of care or service for which utilization review is not delegated under subdivision (i) of this subparagraph, the medical assistance unit of the single State agency will perform utilization reviews itself and/or monitor those utilization reviews which may be performed by agents for the State government, or by agencies of local governments, or by individual provider organizations or institutions as in subparagraph (2)(i). Review of professional services through existing peer review mechanism is encouraged to the fullest extent possible.

(iii) Utilization review requirements for providers of inpatient hospital and extended care services under title XVIII will be considered to meet the utilization review requirements for providers of inpatient hospital and skilled nursing home services under title XIX, except as in subparagraph (2)(i)(b).

(2) Provide that the medical assistance unit of the single State agency is responsible for all utilization review plans and activities under the medical assistance program. If utilization review is not delegated as in subparagraph (1)(i) of this section, the following will be met in each utilization review plan:

(i) The activities of utilization review will be performed by a utilization review committee with representation appropriate to the medical care or service to be reviewed. Determination of committee

composition and selection of committee membership will be made at the point where utilization review will be performed.

(a) A professional practitioner, e.g., physician, dentist, optometrist, etc., may not review cases in which he is the attending practitioner or in which he has (or has had) significant professional responsibility.

(b) The committee may include no member who has an ownership interest in the facility under review, except in the case of committees which conduct review on both title XVIII and XIX patients.

(ii) Utilization review will be based on a statistically significant sample or other reasonable basis of pertinent data as determined appropriate to the medical care or service under scrutiny; for example, admissions, duration of stays, number of visits, number and kind of prescriptions, relation of tests or medications to diagnosis, etc. While some services may lend themselves to review both concurrently with and subsequent to the rendering of care (e.g. institutional care), other services may be best reviewed only subsequently. Since, for many provider services, the measurements will apply to patterns of care rather than to individual episodes of care and because of the difficulties inherent in evaluating medical necessity, a postaudit procedure will be employed. Utilization review will be made within the context of medical necessity (including overutilization and underutilization and appropriateness of care rendered) and availability of facilities and services.

(iii) The utilization review process will not be limited to isolated cases, but will be considered in the context of overall utilization within an institution, or in a service area, or in a provider's total title XIX workload, etc., as appropriate to the medical care or service under scrutiny.

(iv) A utilization review plan will be developed by the agency, organization, or institution which determines the committee composition as in subparagraph (2) (i). Each plan developed by an agent, organization, or institution other than the single State agency will be submitted to the medical assistance unit of the single State agency for approval. In all cases a utilization review plan will describe:

(a) Objectives.

(b) Authority, responsibility, accountability.

(c) Organization.

(1) Composition of committee and subgroups, if any.

(2) Frequency of meetings.

(3) Format and/or description of records and minutes.

(d) Definitions.

(e) Data.

(1) Methods of case selection.

(2) Relationship of utilization review to title XIX claims administration and medical assistance unit of the single State agency.

(f) Arrangements for committee reports, recommendations, and followup.

(g) Responsibilities of related administrative staff in support of utilization review.

(v) A utilization review committee will maintain appropriate records and prepare regular reports of its activities and findings. The State Medical Advisory Committee will advise the responsible medical assistance unit of any recommendations or requirements on utilization review, consolidated reporting, etc. The medical assistance unit of the single State agency will maintain surveillance of the committees' activities and provide appropriate consultation to committees in order to insure adequate functioning.

(b) *Federal financial participation.* Federal financial participation is available for the costs of utilization review, in accordance with the conditions, and at the rates, applicable under title XIX.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. The regulations in this section are effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 17, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: January 18, 1969.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-2599; Filed, Mar. 3, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1021]

PART 1033—CAR SERVICE

Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Tracks of Fort Worth and Denver Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of February 1969.

It appearing that because the condition of track and roadbed between Whitesboro, Tex., and Wichita Falls, Tex., on the Henrietta Branch of the Missouri-Kansas-Texas Railroad Co. prevents the safe handling of certain traffic; that the Missouri-Kansas-Texas Railroad Co., in Finance Docket No. 25542, has filed an application with the Commission to operate over trackage of the Fort Worth and Denver Railway Co., between points of connection between these companies at Fort Worth and Denver Railway Co. Milepost 0.01 at Fort Worth, Tex., and its Milepost 113.617 at Wichita Falls, Tex., a distance of approximately 114 miles; that the Commission is of the opinion that operation by the Missouri-Kansas-Texas Railroad Co. over this trackage of the Fort Worth and Denver Railway Co. is necessary to enable the Missouri-Kansas-Texas Railroad Co. to handle this traffic, in the interest of the public and the commerce of the people pending final disposition of the application of the Missouri-Kansas-Texas Railroad Co. in Finance Docket No. 25542; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1021 Service Order No. 1021.

(a) *Missouri-Kansas-Texas Railroad Co. authorized to operate over Fort Worth and Denver Railway Co.* The Missouri-Kansas-Texas Railroad Co. be, and it is hereby, authorized to operate over tracks of the Fort Worth and Denver Railway Co. between points of connection between these companies at Fort Worth and Denver Railway Co. Milepost 0.01 at Fort Worth, Tex., and its Milepost 113.617 at Wichita Falls, Tex., a distance of approximately 114 miles.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Missouri-Kansas-Texas Railroad Co. over tracks of the Fort Worth and Denver Railway Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Missouri-Kansas-Texas Railroad over tracks of the Fort Worth and Denver Railway shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2580; Filed, Mar. 3, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; Arrowwood National Wildlife Refuge.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from May 3, 1969, to September 15, 1969, daylight hours only.

(2) The use of boats with motors is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1969.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

FEBRUARY 20, 1969.

[F.R. Doc. 69-2561; Filed, Mar. 3, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Part 604]

EMPLOYABILITY DEVELOPMENT SERVICES

Pursuant to the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and Reorganization Plan No. 2 of 1949 (3 CFR 1949–53 Comp., p. 998), I hereby propose to amend Part 604 of Chapter V of Title 20 of the Code of Federal Regulations by establishing a new 604.21 to read as set forth below.

Interested persons may within 15 days after publication of this proposal in the FEDERAL REGISTER, mail written statements of data, views, or argument concerning it to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210.

The new 20 CFR 604.21 would read as follows:

§ 604.21 Employability development services.

(a) It is the policy of the United States Employment Service to be responsible for the provision of employability development services which shall include at least the following: reaching out to, and orientation of, individuals who are chronically unemployed or underemployed or have poor employment prospects; assessment of their capabilities through interviewing, counseling, and testing techniques adapted to their special needs, arrangements for and referrals to other agencies for related supportive services such as health and welfare; selection and referral to employment and training; and followup to training and placement to assist such individuals in finding and keeping suitable jobs.

(b) In connection with the provision of employability development services, it is the policy of the U.S. Employment Service:

(1) To be responsible for the provision of the services authorized by this part tailored to the needs of individuals who are unable to obtain or retain suitable employment to enable them to become fully functioning participants in the labor force;

(2) To insure that methods designed to directly contact and inform individuals of services available to them and to encourage them to make use of such services are utilized (often known as programs of "Outreach");

(3) To receive and interview applicants, to help them to assess their employability development needs, and to establish their eligibility for relevant programs;

(4) To refer applicants to appropriate services, to employment, or to programs such as those provided under the Manpower Development and Training Act, the Vocational Education Act and the Economic Opportunity Act;

(5) To refer or arrange for applicants to utilize community resources which provide medical, legal, welfare, daycare, family counseling or other appropriate employability or employment related supportive services;

(6) To follow up those referred to training or jobs to assure that the individuals' employability development and employment needs are being met;

(7) To provide orientation to job and training requirements through such services as exploration of vocational interests and aptitudes and furnishing information about community services;

(8) To provide coaching and individual support to help in solving training and job-related problems throughout the employability development process;

(9) To provide maximum feasible opportunities for employment and other forms of participation by representatives of the groups served in the planning, conduct, and evaluation of comprehensive work and training programs under title I–B of the Economic Opportunity Act of 1964, as amended, and specifically as such programs relate to employability development services;

(10) To negotiate contracts or other appropriate agreements with sponsors of comprehensive work and training programs under which it becomes responsible for supplying employability development, placement, and related services to participants in such programs.

(48 Stat. 117, as amended; 29 U.S.C. 49k)

Signed at Washington, D.C., this 26th day of February 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–2570; Filed, Mar. 3, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Proposal Regarding Food Starch-Modified

Section 121.1031 *Food starch-modified* provides for a number of modifications of food starch by treatment with propylene oxide but does not uniformly include a tolerance for propylene chlorohydrin as an impurity in such food starch.

The Commissioner of Food and Drugs has evaluated information confirming the possibility of propylene chlorohydrin formation in the production of food starch treated with propylene oxide and concludes that a tolerance is necessary to limit propylene chlorohydrin as an impurity. Available data indicate that a safe residual level of no more than 5 parts per million can be reasonably achieved in such production of food starch-modified consistent with good manufacturing practice.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 121.1031 be amended by revising the items "Propylene oxide * * *" in paragraph (e) and "Phosphorus oxychloride * * *" in paragraph (f) and by revising paragraph (g), as follows:

§ 121.1031 Food starch-modified.

* * * * * *

(e) * * *

	Limitation
* * *	* * *
Propylene oxide, not to exceed 25 percent.	Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.

(f) * * *

	Limitation
* * *	* * *
Phosphorus oxychloride, not to exceed 0.1 percent, and propylene oxide, not to exceed 10 percent.	Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.

(g) Food starch may be modified by treatment with one of the following:

	Limitation
Chlorine, as sodium hypochlorite, not to exceed 0.055 pound of chlorine per pound of dry starch; 0.45 percent of active oxygen obtained from hydrogen peroxide; and propylene oxide, not to exceed 25 percent.	Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.
Sodium hydroxide, not to exceed 25 percent.	

* * * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 26, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–2560; Filed, Mar. 3, 1969; 8:45 a.m.]

Social and Rehabilitation Service

[42 CFR Part 209]

SPECIAL PROJECT GRANTS FOR HEALTH OF SCHOOL AND PRESCHOOL CHILDREN

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to the program of special project grants for health of school and preschool children authorized by section 509 of the Social Security Act, 42 U.S.C. 706, 709.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in section 1102, 49 Stat. 647, 42 U.S.C. 1302; section 301, 81 Stat. 921, 42 U.S.C. 706, 709.

Dated: January 18, 1969.

JOSEPH H. MEYERS,
Acting Administrator, Social and Rehabilitation Service.

Approved: January 19, 1969.

WILBUR J. COHEN,
Secretary.

Chapter II of Title 42 of the Code of Federal Regulations is amended by deleting Part 203—Special Project Grants for Health of School and Preschool Children, which was published in the FEDERAL REGISTER on January 7, 1966 (31 F.R. 203), and by adding a new Part 209, as follows:

This part is added to provide regulations for the program of special project grants for health of school and preschool children authorized by section 509 of the Social Security Act, 42 U.S.C. 706, 709 (as amended by section 301 of the Social Security Amendments of 1967 (Public Law 90–248)).

Federal financial assistance extended under this part is subject to the Regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

PART 209—SPECIAL PROJECT GRANTS FOR HEALTH OF SCHOOL AND PRESCHOOL CHILDREN

§ 209.1 Purpose.

In order to promote the health of children and youth of school or preschool age, particularly in areas with concentrations of low-income families, the Children's Bureau is authorized to make grants for projects of a comprehensive nature for health care and services for children and youth of school age or for preschool children (to help them prepare to start school).

§ 209.2 Definitions.

Unless the context otherwise requires, the following terms, as used in this part, have the following meanings:

(a) "State" means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(b) "Health" means a state of physical and mental well-being, not merely the absence of disease or infirmity.

(c) "Health care and services" means services by physicians and the allied services of dentists, nurses, medical social workers, nutritionists, optometrists, physical therapists, speech pathologists, audiologists, occupational therapists, and other related personnel whose services are needed, hospital care, convalescent or foster home care, appliances, and related care.

(d) "Department" means the U.S. Department of Health, Education, and Welfare.

(e) "Bureau" means the Children's Bureau of the Social and Rehabilitation Service.

(f) "Teaching hospital affiliated with a school of medicine" is a hospital which conducts a recognized program for teaching medical students, interns, and residents under an affiliation with a school of medicine or college of osteopathy. The affiliation may be by formal agreement or by an informal understanding established by precedent.

§ 209.3 Eligibility for grants.

The Bureau is authorized to make grants under this part:

(a) To the State health agency of any State;

(b) With the consent of such agency, to the health agency of any political subdivision of the State;

(c) To the State crippled children's agency;

(d) To any school of medicine (with appropriate participation by a school of dentistry); and

(e) To any teaching hospital affiliated with a school of medicine.

§ 209.4 Application.

(a) Any applicant for a grant under this part may file application therefor with the Regional Commissioner of the Social and Rehabilitation Service, for the region of the Department in which the project is to be conducted, on such forms and containing such information as the Bureau may prescribe. The application shall contain a budget and a narrative plan of the way the applicant intends to conduct the project and carry out the requirements of this part. A revision of the budget and project plan is required whenever there is to be a significant change in the scope of project activities.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the grant, including this part and the policies and procedures for these grants.

(c) The applicant will be notified of action taken on his application. If a grant is made, the initial award will specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application annually.

§ 209.5 Matching requirements.

(a) Federal funds will be granted on the basis of the approved project applications and will not exceed 75 per centum of the cost of the project. The non-Federal participation may be derived from a variety of sources including:

(1) New State or local appropriations, or other new grantee funds;

(2) Existing funds and time of personnel used for the ongoing activities of the grantee agency which are made a part of the project;

(3) Funds, time of personnel, or space made available by other agencies;

(4) Similar items or gifts from other sources.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

§ 209.6 Personnel and facilities standards.

The application shall describe the standards required for personnel and facilities utilized in the provision of services under the program. These standards for personnel and facilities must be those which (a) are found, upon investigation by the grantee, to be best adapted for the attainment of the specific purpose, (b) will assure a reasonably high standard of care, and (c) are in substantial accordance with national standards as accepted by the Social and Rehabilitation Service or standards prescribed by the Social and Rehabilitation Service. However, if a project is planned for an area in which it is not possible to meet such standards, the best available resources must be used, and steps must be taken to improve the care. The application must include a description of such steps.

§ 209.7 Project director.

Each project shall be under the control of a project director who will be a Doctor of Medicine or a Doctor of Osteopathy and a full-time employee of the grantee. The Administrator of the Social and Rehabilitation Service may

waive the requirement of full-time employment if the grantee presents satisfactory evidence justifying such action.

§ 209.8 Comprehensiveness in projects for preschool children.

(a) Projects for preschool children must be comprehensive, and the provisions of § 209.9 will be considered in determining whether such a project is of a comprehensive nature, except that projects which do not include screening may be approved if screening is not feasible.

§ 209.9 Comprehensiveness in projects for children and youth of school age.

(a) Projects for children and youth of school age must be comprehensive, and the following standards will be considered in determining whether such a project is of a comprehensive nature:

(1) The project includes screening, diagnosis, preventive services, treatment, correction of defects, and aftercare.

(2) The program elements specified in paragraph (a) (1) of this section are provided with respect to dental and medical needs. For this purpose, medical needs include emotional as well as physical conditions.

(3) The health care and services furnished meet high quality standards for the attainment of the objectives of the program.

(4) The scope and content of the services provided with respect to each of the program elements specified in paragraph (a) (1) of this section are in accordance with recognized standards, e.g., preventive services include accepted immunization practices; diagnosis includes thorough examination, indicated laboratory tests and evaluations by indicated specialists; treatment includes services of medical practitioners and medically related personnel providing various therapies, inpatient and outpatient hospital services, and such other care and services as are medically indicated.

(5) Health care and services are provided promptly. There are procedures to insure coordination and continuity of care and services, including active followup of cases.

(6) Within the geographic area of the project, screening, diagnosis and preventive services are made available to all children and youth of school age. Active efforts are made to reach the children, through such methods as publicity, and the furnishing of screening services in schools, community centers and other places where there are groups of children.

(7) Treatment, correction of defects, or aftercare are available only to children who would not otherwise receive them because they are from low-income families or for other reasons beyond their control. However, where specific income standards are used, they are to be applied flexibly, with due regard for the medical needs of the child and total family needs in the particular case.

(8) No otherwise eligible child is excluded from the project because of a requirement unrelated to medical need, e.g., a durational residence requirement.

(9) The project provides for the coordination of health care and services provided under it with, and utilization (to the extent feasible) of, other State or local health, welfare, and education programs for the children. However, reliance is not placed upon other programs where the care and services are of lesser quality than if directly provided under the project or where there is a significant delay in the furnishing of care and services.

(10) To the extent that funds are otherwise inadequate for the project to be of a comprehensive nature, the project is curtailed in terms of area served or similar factors, and not in terms of the comprehensiveness of the care and services furnished to children included in the project, or in terms of the financial eligibility requirements.

(b) The determination of whether the project is of a comprehensive nature will be made through evaluation of the overall conformity of the project with the foregoing standards in the light of the purpose of section 509 of the Social Security Act and this part.

§ 209.10 Limitations of provision of services.

Hospital, convalescent or foster home care, or appliances provided to individuals under the project will be made available only to individuals who are receiving services provided or arranged by the project in accordance with its standards and policies.

§ 209.11 Confidentiality of information.

All information as to personal facts and circumstances obtained by the project staff shall constitute privileged communications, shall be held confidential, and shall not be divulged without the individual's consent except as may be necessary to provide services to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 209.12 Records and reports.

(a) The grantee shall maintain such records, including medical, fiscal, and other health records, and make such reports, as the Bureau may prescribe.

(b) All fiscal transactions by a grantee relating to grants under this part are subject to audit by the Department to determine whether expenditures have been made in accordance with this part, policies and procedures governing the project, and the project plan and budget as approved.

§ 209.13 Project expenditures.

(a) Project funds (Federal and matching) are available for the direct costs of operating and maintaining the project approved in the plan and budget.

(b) Funds may not be used for the following:

(1) Construction of buildings;

(2) Depreciation of existing buildings or equipment;

(3) Dues to societies, organizations, or federations;

(4) Entertainment costs;

(5) General agency overhead;

(6) Food, except for demonstrations by project staff and special dietary products for the treatment of inborn errors of metabolism;

(7) Consultants or other personnel paid from other Federal grant funds;

(8) Any other costs not in the approved plan and budget.

§ 209.14 Rates of remuneration for hospital care.

The project shall pay the reasonable cost of inpatient hospital care provided under the project. This shall be determined in accordance with standards approved by the Administrator of the Social and Rehabilitation Service.

§ 209.15 Payment for services for medical care, appliances, and convalescent and foster home care.

(a) Project plans shall set forth the methods utilized by the grantee in establishing the rates of payment for medical care, appliances, and convalescent and aftercare, and in substantiating that the rates are reasonable and necessary to maintain the standards relating to the provision of services established pursuant to § 209.6. Grantees will maintain a schedule of rates for such services.

(b) All services purchased for project patients must be authorized by the project director or his designee on the project staff.

(c) No charge shall be made to any person or family for services under the project, except for inpatient hospital care and physicians' services rendered in hospitals, and then only to the extent that payment will be made by a third party (including a Government agency) which is authorized or is under legal liability to pay such charges.

§ 209.16 Equipment.

Items of equipment purchased with project funds are to be used for the purposes of the project, and the grantee shall maintain complete equipment inventory and adequate property controls.

§ 209.17 Control of project funds and services.

Funds or services made available to the project for project purposes, whether or not utilized to meet the grantee's share of the costs, shall be under the control of the grantee and expended and utilized in accordance with this part, policies and procedures governing the project, and the project plan and budget as approved.

§ 209.18 Determination of eligibility.

Determination of eligibility for services under the project shall be made by the project director or someone on the project staff designated by him, and shall be made in accordance with this part, policies and procedures governing the project, and the project plan and budget as approved.

§ 209.19 Copyright.

The Government of the United States reserves a royalty free, nonexclusive license to use and authorize others to use all copyrightable or copyrighted material resulting from a project.

§ 209.20 Effect of State or local law.

Except as otherwise authorized, where the grantee is a public agency, administrative provisions of State or local law applicable to the moneys appropriated to the public agency shall apply to the project funds.

§ 209.21 Effect of payment.

Neither the approval of a project plan nor any certification of funds or payment to a grantee pursuant thereto shall be deemed to waive the obligation of the grantee to observe before or after such action any Federal requirements, or to waive the right or duty of the Administrator of the Social and Rehabilitation Service to withhold funds for noncompliance with Federal requirements.

§ 209.22 Interest and other income.

(a) Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

(b) All grantees must return to the Social and Rehabilitation Service a part of any other project income proportionate to the grant contribution to the support of the project.

§ 209.23 Termination.

A grant may be terminated in whole or in part at any time at the discretion of the Administrator of the Social and Rehabilitation Service. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[F.R. Doc. 69–2600; Filed, Mar. 3, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 9443; Notice 69–5]

MEGAPHONE LOCATION REQUIREMENTS

Deviation

The Federal Aviation Administration is considering amending § 121.309(f) (1) of the Federal Aviation Regulations to provide for grants of deviation from the megaphone location requirements in cases where the Administrator finds that a different location would be more advantageous for purposes of emergency evacuation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Office of the General Counsel, Federal Aviation Administration, Department of Transportation, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before May 5, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 121.309(f)(1) now requires that on airplanes with a seating capacity of more than 60 and less than 100 passengers the megaphone be located at the most rearward location in the passenger cabin where it would be readily accessible to a normal flight attendant seat.

The FAA has received a petition from an airline requesting an exemption from § 121.309(f)(1) to permit it to relocate the megaphone on its Boeing 727–023 and BAC 1–11 401A/K aircraft to the forward area of the passenger cabin as the main evacuation route in these aircraft is forward and there are flight attendant seats located in the forward cabin area as well as in the rear. A petition has also been received from the Air Transport Association to amend this section to provide for a deviation from the location requirement if the Administrator finds that a different location would be more advantageous from an emergency evacuation standpoint.

The FAA is aware that some airplanes with a seating capacity of more than 60 and less than 100 passengers have more emergency exits in the forward portion of the airplane than in the rear. Therefore, in such aircraft, the main evacuation route is the forward portion of the airplane with the evacuating passengers using the over-the-wing exits, the forward entrance door, and the galley door as emergency exits.

In the circumstances, deviations from § 121.309(f)(1) should be granted for these aircraft.

In consideration of the foregoing, it is proposed to amend § 121.309(f)(1) by adding the following new sentence at the end thereof:

However, the Administrator may grant a deviation from the requirements of this subparagraph if he finds that a different location would be more useful for evacuation of persons during an emergency.

This amendment is proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 26, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–2567; Filed, Mar. 3, 1969; 8:45 a.m.]

[14 CFR Part 147]

[Docket No. 9444; Notice 69–6]

CERTIFICATED MECHANIC SCHOOLS

Name, Operations, and Curriculums

The Federal Aviation Administration is considering amending Part 147 of the Federal Aviation Regulations to change the name of mechanic schools certificated under that part to "aviation maintenance technician schools"; provide more specific guidelines for the certification and operations of these schools; and provide new minimum curriculum requirements reflecting technological advancements of the aviation industry.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 4, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The aviation industry of today, with its phenomenal technological and engineering advances, requires changes in the performance of maintenance inspection and servicing of aircraft that were not contemplated by the present provisions of Part 147. These changes have made the current rules for certificated mechanic schools insufficiently definitive to provide standards reflecting the present intricacy and complexity of aircraft maintenance, and this directly affects the training requirements for mechanics.

During the last 3 years a planned effort has been made to formulate rules to modernize training programs required of certificated mechanic schools. The chief objective has been to determine means of producing mechanic school graduates capable of meeting the demands of today's technology. As the result of this effort, it is proposed to amend Part 147 in the following respects:

(1) A number of certificated schools have urged that the term "mechanic school", as it now appears in the title of and throughout Part 147, as well as in the certificates issued thereunder, is no longer aptly descriptive of them. They have asserted that with the great technological and engineering advances in the aviation industry, wide expansion has occurred in the substance and complexities of subjects taught to prepare mechanics to maintain and service modern aircraft, for instance, in the fields of electrical and electronic systems. In this situation, it appears that a new name for these schools for regulatory and certification purposes may properly be adopted that would be more descriptive of the level of skill attainment sought than "mechanic school". Conformably with the general tenor of requests that have been made, it is proposed now to adopt the name "aviation maintenance technician school". This would, of course, be a change of name only, without substantive impact upon the requirements for certification or operations.

(2) In order to make the new minimum curriculum requirements applicable to schools already holding certificates (as well as to those applying after the rule change becomes effective), under a new paragraph (c) in § 147.7 these schools would be allowed to apply for approval of amended curriculums conforming with the new minimum requirements. If the school does not sooner apply, its certificate would expire at the end of 2 years. It is believed that the 2-year period provided for this purpose is sufficiently long for a school to determine whether it desires to retain certification and to make arrangements for whatever changes are necessary to prepare new curriculums.

(3) Section 147.15 would be amended in several respects:

(a) Paragraph (a) would now require an "enclosed classroom, separate from other space and facilities, suitable for teaching theory classes". This would insure that a classroom is available that provides suitable accommodations and is free from shop noise.

(b) A separate classroom is no longer considered necessary to teach drafting, therefore paragraph (b) of § 147.15 would be eliminated.

(c) The present requirement of paragraph (c) for a stockroom would be eliminated, and "suitable facilities" required instead. This would permit (in redesignated paragraph (b)) schools to have tool and supply cabinets in each major training area, or in a central location, as they desire.

(d) Curriculum requirements for "doping and paint spraying" training have decreased to the point where the only requirement is for separate space. A "permanent or temporary structure with proper temperature control" is no longer needed. Present paragraph (d) would be changed accordingly (as a redesignated paragraph (c)).

(e) The requirement for test clubs for running-in engines would be eliminated from paragraph (f) and the remainder of this paragraph redesignated as paragraph (e). Current engine manufacturers' overhaul procedures do not require the use of test clubs for running-engine after overhaul.

(f) Present paragraphs (g), (h), and (i) of § 147.15 would remain unchanged in substance but redesignated paragraphs (f), (g), and (h).

(4) Section 147.17 would be amended to require items of instructional equipment of a quantity and type suitable to complete the practical projects required by proposed new § 147.21(d)(1), instead of listing specific items. It is now considered impracticable to attempt to list all of the instructional equipment required by the new curriculum.

(5) Section 147.21(b) would be changed, first, to require more hours of instruction now considered necessary to adequately train personnel in the complexities of today's technology. The minimum hours of instruction required for airframe rating would be increased from 960 to 1,150 (400 general plus 750 airframe); those for powerplant rating would be increased from 960 to 1,150 (400 general plus 750 powerplant); and those for combined airframe and powerplant rating would be increased from 1,650 to 1,900.

Second, the current curriculum requirements, presently listed in § 147.21 (c) and (d), would be replaced by more detailed and comprehensive ones, to be provided by new Appendices A, B, C, and D. Comprehensive studies have been made of the tasks performed by certificated airframe and powerplant mechanics, the frequency of performance, and the technical knowledge needed to perform the tasks, in developing these curriculum requirements.

Third, a 10-percent reduction in the minimum curriculum time spent in shop and laboratory instruction would be effected. This is because the increasing complexity of today's technology requires more basic knowledge before the mechanic can be taught to maintain or service modern aircraft. The reduction in the required shop and laboratory instruction would leave more time for allocation to instruction in basic subjects.

(6) Section 147.31 would be amended in several respects:

(a) Paragraph (a) would be amended to prohibit a school from allowing, as well as requiring, any student to attend classes of instruction for more than the specified time.

(b) It would provide in paragraph (c) that a school may not credit a student with training received at that school prior to its certification. This would tend to encourage schools to seek certification without delay.

(c) Paragraph (c) also would prohibit a school from graduating a student unless he has completed all of the appropriate curriculum requirements. However, under paragraph (c) a school could allow a student to be credited with previous experience to the extent that the experience is comparable to the required curriculum subjects. This would allow students with considerable practical experience to receive credit for it.

(d) A new paragraph (e) would be added to require schools to establish and maintain a system acceptable to the FAA for determining final course grades, and for recording and controlling student attendance. At present these requirements are lacking, but they would be desirable for the sake of uniformity.

(7) Section 147.33(a)(1) would be amended to require current records of each school to specifically show grades for each test required by this Part, whether theoretical or practical.

(8) Sections 147.33(b) and 147.35 would be amended to delete references to "phases" and "courses", terms that would no longer be meaningful with respect to the new minimum curriculum requirements.

(9) Section 147.35 would be amended to provide for a certificate of completion, as well as for a certificate of graduation. This would allow schools in a State that allows its schools to issue only one graduation certificate, to also issue a certificate of completion for the appropriate mechanic's rating. Some tax-supported technician training programs exist at high schools, junior colleges, colleges or universities and the only graduation certificate that they are allowed to issue is the one indicating that the student graduated from the school. This proposed rule change would allow these schools to issue a certificate of completion concurrent with a certificate of graduation, if appropriate, without conflicting with State laws. In addition, paragraph (b) of this section would be amended to delete the present requirement that the certificate issued should show the student's average grade.

(10) Provisions would be added, in new §§ 147.36 and 147.38 to require certificated schools to continue to provide the requisite number of certificated instructors, and to maintain and adhere to their approved curriculums. In § 147.36 (as well as in § 147.23), a requirement would be added that the school shall provide, and continue to provide, at least one certificated instructor for each 25 students in each shop or laboratory class.

(11) A new § 147.38a would be added to provide for control of the quality of the school's instruction, by requiring a named proportion of its graduates who apply within 60 days after graduation, to pass the FAA written tests during a specified period of time. The proportion would vary according to the number of students graduated. This addition to the rules is considered necessary as an effective means of evaluating the overall quality of instruction received at a school. Comparison would be made with a "national passing norm" computed as follows: the number representing the percentage of all graduates (of a curriculum for a particular rating) of all certificated schools who apply for a mechanic certificate or additional rating within 60 days after they are graduated and pass the applicable FAA written test on their first attempt during the period of 24 calendar months described in this section.

(12) An Appendix A would be added to describe the level of proficiency at which the items of subjects in each curriculum must be taught, as set forth in new Appendices B, C, and D, and to define the terms used in those Appendices.

The levels of proficiency were arrived at after considerable consultation with both educators and technical specialists. They reflect the tasks normally performed by mechanics at particular levels of skill in given time, as well as the level of training required by industry for the task.

(13) Finally, new minimum required curriculums are proposed. New Appendices B, C, and D would cover general curriculum subjects, airframe curriculum subjects, and powerplant curriculum subjects, respectively. These curriculums were prepared after extensive consultations with a broad segment of the aviation community.

A national study of the aviation mechanics occupations was used as the basis for developing these curriculums. Approximately 507 tasks commonly performed by mechanics were analyzed along with the results of a survey. The information collected showed the proportion of over 18,000 certificated mechanics who performed each task, the frequency with which the task was performed, and the degree of industry training involved. A National Advisory Committee, consisting of 15 members representing a broad segment of the aviation community, assisted in determining the tasks to be performed and the level of proficiency required of a student at a certificated school.

In consideration of the foregoing, it is proposed to amend Part 147 of the Federal Aviation Regulations as follows:

1. By amending the title to read "Part 147—Aviation Maintenance Technician Schools".

2. By striking out the words "mechanic school" wherever they appeared in the part before [effective date of amendment], and inserting the words "aviation maintenance technician school" in place thereof.

3. By amending § 147.3 as follows:

a. By inserting the paragraph designation "(a)" before the first sentence.

b. By inserting a new paragraph (b) to read as follows:

§ 147.3 Certificate required.

* * * * *

(b) After [day before effective date of amendment] each person holding a valid mechanic school certificate shall be considered to hold an aviation maintenance technician school certificate.

4. By inserting the following new paragraph (c) in § 147.7:

§ 147.7 Duration of certificates.

* * * * *

(c) Each holder of an aviation maintenance technician school certificate issued before [effective date of amendment] may, before [2 years after effective date of amendment], change its approved curriculum to conform with § 147.21 and have it approved. If the holder does not sooner apply for approval, his certificate expires on the latter date.

5. By amending paragraphs (a) through (h) of § 147.15 to read as follows:

§ 147.15 Space requirements.

* * * * *

(a) An enclosed classroom, separate from other space and facilities, suitable for teaching theory classes.

(b) Suitable facilities, either central or located in training areas, arranged to assure proper separation from the working space for the segregation and protection of parts, tools, materials, and similar articles.

(c) Suitable separate space for doping and paint spraying.

(d) Suitable separate space equipped with washtank and degreasing equipment with air pressure, or other adequate cleaning equipment.

(e) Suitable separate space with permanent, portable, or mobile test stands for running-in engines.

(f) Suitable separate space, with adequate equipment, including benches, tables, and instruments, to disassemble, repair, assemble, test, service, and inspect—

(1) Ignition, electrical equipment, and appliances;

(2) Carburetors and fuel systems; and

(3) Hydraulic and vacuum systems for aircraft, aircraft engines, and their appliances.

(g) Suitable space, with adequate equipment including tables, benches, horses, stands, and jacks, for disassembling, inspecting, assembling, and rigging aircraft.

(h) Suitable space, with adequate equipment, for disassembling, inspecting, overhauling, assembling, troubleshooting, and timing engines.

6. By amending subparagraph (a)(1) of § 147.17 to read as follows:

§ 147.17 Instructional equipment requirements.

* * * * *

(1) Various kinds of airframe structures, airframe systems and components, powerplants, and powerplant systems and components (including propellers), of a quantity and type suitable to complete the practical projects required by its approved curriculums.

* * * * *

7. By amending paragraphs (b), (c), (d), and (e) of § 147.21 to read as follows:

§ 147.21 General curriculum requirements.

* * * * *

(b) The curriculum must offer at least the following number of hours of instruction for the rating shown:

(1) Airframe—1150 hours (400 general plus 750 airframe).

(2) Powerplant—1150 hours (400 general plus 750 powerplant).

(3) Combined airframe and powerplant—1900 hours (400 general plus 750 airframe and 750 powerplant).

(c) The curriculum must cover the subjects and items prescribed in Appendix B, and in Appendix C or D as applicable. Each item must be taught at the indicated level of proficiency, as defined in Appendix A.

(d) The curriculum must show—

(1) The required practical projects to be completed;

(2) For each subject, the proportions of theory and other instruction to be given; and

(3) A schedule of the required school tests to be given.

(e) The curriculum must be so designed that at least 50 percent of the total curriculum time is spent in shop and laboratory instruction.

8. By amending § 147.23 to read as follows:

§ 147.23 Instructor requirements.

An applicant for an aviation maintenance technician school certificate and rating, or for an additional rating, must provide the number of instructors holding appropriate mechanic certificates and ratings that the Administrator determines necessary to provide adequate instruction and supervision of the students, including at least one such instructor for each 25 students in each shop or laboratory class. However, the applicant may provide specialized instructors, who are not certificated mechanics, to teach only mathematics, physics, drawing, and similar subjects.

9. By amending § 147.31 to read as follows:

§ 147.31 Attendance and enrollment, tests, and credit for prior instruction or experience.

(a) A certificated aviation maintenance technician school may not require or allow any student to attend classes of instruction more than 8 hours in any day or more than 6 days or 40 hours in any 7-day period.

(b) Each school shall give an appropriate test to each student who completes a subject at that school.

(c) A school may not graduate a student unless he has completed all of the appropriate curriculum requirements. However, the school may credit a student with instruction or previous experience as follows:

(1) A school may credit a student with instruction he has satisfactorily completed at an accredited college, State-owned vocational or trade school, or military technical specialty school, or at an aviation maintenance technician school other than the crediting school before the latter was certificated. It may determine the amount of credit to be allowed by giving the applicant an entrance test equal to the one given to students who complete a comparable required curriculum subject at the school, or by an authenticated transcript of his grades from his former school, showing the curriculum in which he was enrolled, the hours of attendance, and his grades in each subject. However, in the case of an applicant with military technical specialty training, it may determine the amount

of credit only on the basis of an entrance test.

(2) A school may credit a student with previous mechanic experience comparable to required curriculum subjects. It must determine the amount of credit to be allowed by documents verifying that experience, and by giving the student a test equal to the one given to students who complete the comparable required curriculum subject at the school.

(d) A school may not have more students enrolled than the number stated in its application for a certificate, unless it amends its application and has it approved.

(e) A school shall use an approved system for determining final course grades, and for recording and controlling student attendance. The system must show hours of absence allowed, and makeup provisions for classes missed.

§ 147.33 [Amended]

10. By amending subparagraph (a)(1) of § 147.33 to read as follows: "(1) His attendance, tests, and grades received on the subjects required by this part;"

11. By amending paragraph (b) of § 147.33 by striking out the words "phase of his course", and inserting the word "subject" in place thereof.

§ 147.35 [Amended]

12. By amending § 147.35 as follows:

a. By striking out the words "and courses" wherever they appear in the third sentence of paragraph (a).

b. By amending paragraph (b) to read as follows:

(b) Each school shall give a graduation certificate or certificate of completion to each student that it graduates. An official of the school shall authenticate the certificate. The certificate must show the date of graduation and the approved curriculum title and reflect his standard of performance during the entire curriculum.

13. By inserting the following new § 147.36:

§ 147.36 Maintenance of instructor requirements.

Each certificated aviation maintenance technician school shall, after certification or addition of a rating, continue to provide the number of instructors holding appropriate mechanic certificates and ratings that the Administrator determines necessary to provide adequate instruction and supervision of the students, including at least one such instructor for each 25 students in each shop or laboratory class. The school may continue to provide specialized instructors, who are not certificated mechanics, to teach only mathematics, physics, drawing, and similar subjects.

14. By inserting the following new §§ 147.38 and 147.38a:

§ 147.38 Maintenance of curriculum requirements.

(a) Each certificated aviation maintenance technician school shall adhere to its approved curriculum.

(b) A school may not change its approved curriculum unless the change is approved in advance.

§ 147.38a Quality of instruction.

Each certificated aviation maintenance technician school shall provide instruction of such quality that, of its graduates of a curriculum for each rating who apply for a mechanic certificate or additional rating within 60 days after they are graduated, the percentage of those passing the applicable FAA written test on their first attempt during any period of 24 calendar months is at least the percentage figured as follows:

(a) For a school graduating fewer than 51 students during that period—the national passing norm minus the number 20.

(b) For a school graduating at least 51, but fewer than 201, students during that period—the national passing norm minus the number 15.

(c) For a school graduating more than 200 students during that period—the national passing norm minus the number 10.

As used in this section, "national passing norm" is the number representing the percentage of all graduates (of a curriculum for a particular rating) of all certificated aviation maintenance technician schools who apply for a mechanic certificate or additional rating within 60 days after they are graduated and pass the applicable FAA written test on their first attempt during the period of 24 calendar months described in this section.

15. By inserting new Appendices A, B, C, and D after § 147.45, to read as follows:

APPENDIX A

CURRICULUM REQUIREMENTS

This appendix defines terms used in Appendices B, C, and D of this part, and describes the levels of proficiency at which items under each subject in each curriculum must be taught, as outlined in Appendices B, C, and D.

(a) *Definitions.* As used in Appendices B, C, and D:

(1) "Inspect" means to examine by sight and touch.

(2) "Check" means to verify proper operation.

(3) "Troubleshoot" means to analyze and identify malfunctions.

(4) "Service" means to perform functions that assure continued operation.

(5) "Repair" means to correct a defective condition. Repair of an airframe or powerplant system includes component replacement and adjustment, but not component repair.

(6) "Overhaul" means to disassemble, inspect, repair as necessary, and check.

(b) *Teaching levels.*

(1) Level 1 requires:

(i) Knowledge of general principles, but no practical application.

(ii) No development of manipulative skill.

(iii) Instruction by lecture, demonstration, and discussion.

(2) Level 2 requires:

(i) Knowledge of general principles, and limited practical application.

(ii) Development of sufficient manipulative skill to perform basic operations.

(iii) Instruction by lecture, demonstration, discussion, and limited practical application.

(3) Level 3 requires:

(i) Knowledge of general principles, and performance of a high degree of practical application.

(ii) Development of sufficient manipulative skill to accomplish return to service.

(iii) Instruction by lecture, demonstration, discussion, and a high degree of practical application.

APPENDIX B

GENERAL CURRICULUM SUBJECTS

This appendix lists the subjects required in at least 400 hours in general curriculum subjects.

The number in parentheses before each item listed under each subject heading indicates the level of proficiency at which that item must be taught.

A. Basic Electricity

Teaching level

(1) 1. Measure capacitance and inductance.
(2) 2. Calculate and measure conductivity and electrical power.
(3) 3. Measure voltage, current, resistance, continuity, and leakage.
(3) 4. Determine the relationship of voltage, current, and resistance in electrical circuits.
(3) 5. Read and interpret electrical circuit diagrams.
(3) 6. Inspect and service batteries.

B. Aircraft Drawings

(2) 7. Use drawings, symbols, and schematic diagrams.
(3) 8. Draw sketches of repairs and alterations.
(3) 9. Use blueprint information.
(3) 10. Use graphs and charts.

C. Weight and Balance

(2) 11. Weigh aircraft.
(3) 12. Perform complete weight-and-balance check and record data.

D. Fluid Lines and Fittings

(3) 13. Fabricate and install rigid and flexible fluid lines and fittings.

E. Materials and Processes

(1) 14. Identify and select appropriate nondestructive testing methods.
(2) 15. Perform penetrant, chemical etching, and magnetic particle inspections.
(2) 16. Perform basic heat-treating processes.
(3) 17. Identify and select aircraft hardware and materials.
(3) 18. Inspect and check welds.
(3) 19. Perform precision measurements.

F. Ground Operation and Servicing

(2) 20. Start, ground operate, move, service, and secure aircraft.
(2) 21. Identify and select fuels.

G. Cleaning and Corrosion Control

(3) 22. Identify and select cleaning materials.
(3) 23. Perform aircraft cleaning and corrosion control.

H. Mathematics

(1) 24. Extract roots and raise numbers to a given power.
(2) 25. Determine areas and volumes of various geometrical shapes.
(3) 26. Solve ratio, proportion, and percentage problems.
(3) 27. Perform algebraic operations involving addition, subtraction, multiplication, and division of positive and negative numbers.

I. Maintenance Forms and Records

Teaching level

(3) 28. Write descriptions of aircraft condition and work performed.
(3) 29. Complete required maintenance forms, records, and inspection reports.

J. Basic Physics

(2) 30. Use the principles of simple machines; sound, fluid, and heat dynamics.

K. Maintenance Publications

(3) 31. Select and use FAA and manufacturer's aircraft maintenance specifications, data sheets, manuals, and publications, and related Federal Aviation Regulations.
(3) 32. Read technical data.

L. Mechanic Privileges and Limitations

(3) 33. Exercise mechanic privileges within the limitations prescribed by FAR 65.

APPENDIX C

AIRFRAME CURRICULUM SUBJECTS

This appendix lists the subjects required in at least 750 hours of each airframe curriculum, in addition to at least 400 hours in general curriculum subjects.

The number in parentheses before each item listed under each subject heading indicates the level of proficiency at which that item must be taught.

I. AIRFRAME STRUCTURES

Teaching level

A. Wood Structures

(1) 1. Service and repair wood structures.
(2) 2. Identify wood defects.
(2) 3. Inspect wood structures.

B. Aircraft Covering

(1) 4. Select and apply fabric and fiberglass covering materials.
(3) 5. Inspect, test, and repair fabric and fiberglass.

C. Aircraft Finishes

(1) 6. Apply trim, letters, and touchup paint.
(2) 7. Identify and select aircraft finishing materials.
(2) 8. Apply paint and dope.
(2) 9. Inspect finishes and identify defects.

D. Sheet Metal Structures

(2) 10. Install special rivets and fasteners.
(2) 11. Inspect bonded structures.
(2) 12. Inspect and repair plastics, honeycomb, and laminated structures.
(2) 13. Inspect, check, service, and repair windows, doors, and interior furnishings.
(3) 14. Inspect and repair sheet-metal structures.
(3) 15. Install conventional rivets.
(3) 16. Hand form, lay out, and bend sheet metal.

E. Welding

(1) 17. Weld magnesium and titanium.
(1) 18. Solder stainless steel.
(1) 19. Fabricate tubular structures.
(2) 20. Solder, braze, gas-weld, and arc-weld steel.
(2) 21. Weld aluminum and stainless steel.

F. Assembly and Rigging

Teaching level

(1) 22. Rig rotary-wing aircraft.
(2) 23. Rig fixed-wing aircraft.
(2) 24. Check alignment of structures.
(3) 25. Assemble aircraft.
(3) 26. Balance and rig movable surfaces.
(3) 27. Jack aircraft.

G. Airframe Inspection

(3) 28. Perform airframe conformity and airworthiness inspections.

II. AIRFRAME SYSTEMS AND COMPONENTS

A. Aircraft Landing Gear Systems

(3) 29. Inspect, check, service, and repair landing gear, retraction systems, shock struts, brakes, wheels, tires, and steering systems.

B. Hydraulic and Pneumatic Power Systems

(2) 30. Repair hydraulic and pneumatic power systems components.
(3) 31. Identify and select hydraulic fluids.
(3) 32. Inspect, check, service, troubleshoot, and repair hydraulic and pneumatic power systems.

C. Cabin Atmosphere Control Systems

(1) 33. Repair heating, cooling, air-conditioning, pressurization, and oxygen system components.
(1) 34. Inspect, check, troubleshoot, service, and repair heating, cooling, air-conditioning, and pressurization systems.
(2) 35. Inspect, check, troubleshoot, service and repair oxygen systems.

D. Aircraft Instrument Systems

(1) 36. Install instruments.
(1) 37. Inspect, check, service, troubleshoot and repair heading, speed, altitude, time, attitude, temperature, pressure and position indicating systems.

E. Communication and Navigation Systems

(1) 38. Inspect, check, and service autopilot and approach control systems.
(1) 39. Inspect, check, and service aircraft electronic communication and navigation systems.
(2) 40. Inspect and repair antenna and electronic equipment installations.

F. Aircraft Fuel Systems

(1) 41. Check and service fuel dump systems.
(1) 42. Perform fuel management, transfer, and defueling.
(1) 43. Inspect, check, and repair pressure fueling systems.
(2) 44. Repair aircraft fuel system components.
(2) 45. Inspect and repair fluid quantity indicating systems.
(2) 46. Troubleshoot, service, and repair fluid pressure and temperature warning systems.
(3) 47. Inspect, check, service, troubleshoot, and repair aircraft fuel systems.

G. Aircraft Electrical Systems

(2) 48. Repair aircraft electrical system components.
(3) 49. Install, check, and service airframe electrical wiring, controls, switches, indicators, and protective devices.
(3) 50. Inspect, check, troubleshoot, service, and repair alternating current and direct current electrical systems.

H. Position and Warning Systems

Teaching level

(1) 51. Inspect, check, and service speed- and takeoff-warning systems, electrical brake controls, and antiskid systems.
(3) 52. Inspect, check, troubleshoot, service, and repair landing gear position indicating and warning systems.

I. Ice and Rain Control Systems

(2) 53. Inspect, check, troubleshoot, service, and repair airframe ice and rain control systems.

J. Fire Protection Systems

(1) 54. Inspect, check, and service smoke and carbon monoxide detection systems.
(3) 55. Inspect, check, service, troubleshoot, and repair aircraft fire detection and extinguishing systems.

APPENDIX D

POWERPLANT CURRICULUM SUBJECTS

This appendix lists the subjects required in at least 750 hours of each powerplant curriculum, in addition to at least 400 hours in general curriculum subjects.

The number in parentheses before each item listed under each subject heading indicates the level of proficiency at which that item must be taught.

I. POWERPLANT THEORY AND MAINTENANCE

Teaching level

A. Reciprocating Engines

(2) 1. Inspect and repair 14-cylinder or larger radial engine.
(2) 2. Overhaul reciprocating engine.
(3) 3. Inspect, check, service, and repair opposed and radial engines and reciprocating engine installations.
(3) 4. Install, troubleshoot, and remove reciprocating engines.

B. Turbine Engines

(2) 5. Overhaul turbine engine.
(2) 6. Inspect, check, service, and repair turbine engines and turbine engine installations.
(2) 7. Install, troubleshoot, and remove turbine engines.

C. Engine Inspection

(3) 8. Perform powerplant conformity and airworthiness inspections.

II. POWERPLANT SYSTEMS AND COMPONENTS

A. Engine Instrument Systems

(2) 9. Troubleshoot, service, and repair fluid rate-of-flow indicating systems.
(3) 10. Inspect, check, service, troubleshoot, and repair engine temperature, pressure, and r.p.m. indicating systems.

B. Engine Fire Protection Systems

(3) 11. Inspect, check, service, troubleshoot, and repair engine fire detection and extinguishing systems.

C. Engine Electrical Systems

(2) 12. Repair engine electrical system components.
(3) 13. Install, check, and service engine electrical wiring, controls, switches, indicators, and protective devices.

D. Lubrication Systems

(2) 14. Identify and select lubricants.
(2) 15. Repair engine lubrication system components.

than "mechanic school". Conformably with the general tenor of requests that have been made, it is proposed now to adopt the name "aviation maintenance technician school". This would, of course, be a change of name only, without substantive impact upon the requirements for certification or operations.

(2) In order to make the new minimum curriculum requirements applicable to schools already holding certificates (as well as to those applying after the rule change becomes effective), under a new [illegible] would be allowed to apply for approval of amended curriculums conforming with the new minimum requirements. If the school does not choose to apply its certificate would expire at the end of 3 years. It is believed that the 3-year period provided for this purpose is sufficiently long for a school to determine whether it desires to retain certification and to make arrangements for whatever changes are necessary to prepare new curriculums.

(3) Section 147.15 would be amended to extend requests:

(a) Paragraph (a) would now require an enclosed classroom separate from other space and facilities suitable for teaching theory classes. This would insure that a classroom is available that provides suitable accommodations and is free from shop noise.

(b) A separate classroom is no longer considered necessary to teach drafting, therefore paragraph (b) of § 147.15 would be eliminated.

(c) The present requirement of paragraph (c) for a stockroom would be eliminated, and "suitable facilities" required instead. This would permit (in redesignated paragraph (b)) schools to have tool and supply cabinets in each major training area, or in a central location, as they desire.

(d) Curriculum requirements for "doping and paint spraying" training have decreased to the point where the only requirement is for separate space. A "permanent or temporary structure with proper temperature control" is no longer needed. Present paragraph (d) would be changed accordingly (as a redesignated paragraph (c)).

(e) The requirement for test clubs for running-in engines would be eliminated from paragraph (f) and the remainder of this paragraph redesignated as para-

instruction now considered necessary to adequately train personnel in the complexities of today's technology. The minimum hours of instruction required for airframe rating would be increased from 960 to 1,150 (400 general plus 750 airframe); those for powerplant rating would be increased from 960 to 1,150 (400 general plus 750 powerplant); and those for combined airframe and powerplant rating would be increased from 1,650 to 1,900.

Second, the current curriculum requirements, presently listed in § 147.21 (c) and (d), would be replaced by more detailed and comprehensive ones to be provided by new Appendices A, B, C and D. Comprehensive studies have been made of the tasks performed by certificated airframe and powerplant mechanics, the frequency of performance and the technical knowledge needed to perform the tasks in developing these curriculum requirements.

Third, a 10-percent reduction in the minimum curriculum time spent in shop and laboratory instruction, would be effected. This is because the increasing complexity of today's technology requires more basic knowledge before the mechanic can be taught to maintain or service modern aircraft. The reduction in the required shop and laboratory instruction would leave more time for allocation to instruction in basic subjects.

(8) Section 147.31 would be amended in several respects:

(a) Paragraph (a) would be amended to prohibit a school from allowing, as well as requiring, any student to attend classes of instruction for more than the specified time.

(b) It would provide in paragraph (c) that a school may not credit a student with training received at that school prior to its certification. This would tend to encourage schools to seek certification without delay.

(c) Paragraph (c) also would prohibit a school from graduating a student unless he has completed all of the appropriate curriculum requirements. However, under paragraph (c) a school could allow a student to be credited with previous experience to the extent that the experience is comparable to the required curriculum subjects. This would allow students with considerable practical experience to receive credit for it.

requirements.

(9) Section 147.35 would be amended to provide for a certificate of completion, as well as for a certificate of graduation. This would allow schools in a State that allows its schools to issue only one graduation certificate, to also issue a certificate of completion for the appropriate mechanic's rating. Some tax-supported technician training programs exist at high schools, junior colleges, colleges or universities and the only graduation certificate that they are allowed to issue is the one indicating that the student graduated from the school. This proposed rule change would allow these schools to issue a certificate of completion concurrent with a certificate of graduation if appropriate without conflicting with State laws. In addition paragraph (b) of this section would be amended to delete the present requirement that the certificate issued should show the student's average grade.

(10) Provisions would be added in new §§ 147.36 and 147.38 to require certificated schools to continue to provide the requisite number of certificated instructors and to maintain and adhere to their approved curriculums. In § 147.36 (as well as in § 147.23), a requirement would be added that the school shall provide and continue to provide at least one certificated instructor for each 25 students in each shop or laboratory class.

(11) A new § 147.38a would be added to provide for control of the quality of the school's instruction, by requiring a named proportion of its graduates who apply within 60 days after graduation, to pass the FAA written tests during a specified period of time. The proportion would vary according to the number of students graduated. This addition to the rules is considered necessary as an effective means of evaluating the overall quality of instruction received at a school. Comparison would be made with a "national passing norm" computed as follows: the number representing the percentage of all graduates (of a curriculum for a particular rating) of all certificated schools who apply for a mechanic certificate or additional rating within 60 days after they are graduated and pass the applicable FAA written test on their first attempt during the period of 24 calendar months described in this section.

curriculum subjects, airframe curriculum subjects, and powerplant curriculum subjects, respectively. These curriculums were prepared after extensive consultations with a broad segment of the aviation community.

A national study of the aviation mechanics occupations was used as the basis for developing these curriculums. Approximately 507 tasks commonly performed by mechanics were analyzed along with the results of a survey. The information collected showed the proportion of over 18,000 certificated mechanics who performed each task, the frequency with which the task was performed and the degree of industry training involved. A National Advisory Committee consisting of 15 members representing a broad segment of the aviation community assisted in determining the tasks to be performed and the level of proficiency required of a student at a certificated school.

In consideration of the foregoing it is proposed to amend Part 147 of the Federal Aviation Regulations as follows:

1. By amending the title to read "Part 147—Aviation Maintenance Technician Schools".

2. By striking out the words "mechanic school" wherever they appeared in the part before [effective date of amendment], and inserting the words "aviation maintenance technician school" in place thereof.

3. By amending § 147.3 as follows:

a. By inserting the paragraph designation "(a)" before the first sentence.

b. By inserting a new paragraph (b) to read as follows:

§ 147.3 Certificate required.

* * * * *

(b) After [day before effective date of amendment] each person holding a valid mechanic school certificate shall be considered to hold an aviation maintenance technician school certificate.

4. By inserting the following new paragraph (c) in § 147.7:

§ 147.7 Duration of certificates.

* * * * *

(c) Each holder of an aviation maintenance technician school certificate issued before [effective date of amendment] may, before [2 years after effective date of amendment], change its approved curriculum to conform with

(c) Suitable separate space for doping and paint spraying.

(d) Suitable separate space equipped with washtank and degreasing equipment with air pressure, or other adequate cleaning equipment.

(e) Suitable separate space with permanent, portable, or mobile test stands for running-in engines.

(f) Suitable separate space, with adequate equipment, including benches, tables, and instruments, to disassemble, repair, assemble, test, service, and inspect:

(1) Ignition, electrical equipment, and appliances.

(2) Carburetors and fuel systems and

(3) Hydraulic and vacuum systems for aircraft, aircraft engines, and their appliances.

(g) Suitable space with adequate equipment including tables, benches, horses, stands and jacks for disassembling, inspecting, assembling, and rigging aircraft.

(h) Suitable space with adequate equipment for disassembling, inspecting, overhauling, assembling, troubleshooting and timing engines.

6. By amending subparagraph (a)(1) of § 147.17 to read as follows:

§ 147.17 Instructional equipment requirements.

* * * * *

(1) Various kinds of airframe structures, airframe systems and components, powerplants, and powerplant systems and components (including propellers), of a quantity and type suitable to complete the practical projects required by its approved curriculums.

* * * * *

7. By amending paragraphs (b), (c), (d), and (e) of § 147.21 to read as follows:

§ 147.21 General curriculum requirements.

* * * * *

(b) The curriculum must offer at least the following number of hours of instruction for the rating shown:

(1) Airframe—1150 hours (400 general plus 750 airframe).

(2) Powerplant—1150 hours (400 general plus 750 powerplant).

(3) Combined airframe and powerplant—1900 hours (400 general plus 750 airframe and 750 powerplant).

8. By amending § 147.23 to read as follows:

§ 147.23 Instructor requirements.

An applicant for an aviation maintenance technician school certificate and rating, or for an additional rating, must provide the number of instructors holding appropriate mechanic certificates and ratings that the Administrator determines necessary to provide adequate instruction and supervision of the students, including at least one such instructor for each 25 students in each shop or laboratory class. However, the applicant may provide specialized instructors, who are not certificated mechanics to teach only mathematics, physics, drawing, and similar subjects.

9. By amending § 147.31 to read as follows:

§ 147.31 Attendance and enrollment; hours, and credit for prior instruction or experience.

(a) A certificated aviation maintenance technician school may not require or allow any student to attend classes of instruction more than 8 hours in any day or more than 6 days or 40 hours in any 7-day period.

(b) Each school shall give an appropriate test to each student who completes a subject at that school.

(c) A school may not graduate a student unless he has completed all of the appropriate curriculum requirements. However, the school may credit a student with instruction or previous experience as follows:

(1) A school may credit a student with instruction he has satisfactorily completed at an accredited college, State-owned vocational or trade school, or military technical specialty school, or at an aviation maintenance technician school other than the crediting school before the latter was certificated. It may determine the amount of credit to be allowed by giving the applicant an entrance test equal to the one given to students who complete a comparable required curriculum subject at the school, or by an authenticated transcript of his grades from his former school, showing the curriculum in which he was enrolled, the hours of attendance, and his grades in each subject. However, in the case of an applicant with military technical specialty training, it may determine the amount

of credit only on the basis of an entrance test.

(2) A school may credit a student with previous mechanic experience comparable to required curriculum subjects. It must determine the amount of credit to be allowed by documents verifying that experience, and by giving the student a test equal to the one given to students who complete the comparable required curriculum subject at the school.

(d) A school may not have more students enrolled than the number stated in its application for a certificate, unless it amends its application and has it approved.

(e) A school shall use an approved system for determining final course grades, and for recording and controlling student attendance. The system must show hours of absence allowed, and makeup provisions for classes missed.

§ 147.33 [Amended]

10. By amending subparagraph (a) (1) of § 147.33 to read as follows: "(1) His attendance, tests, and grades received on the subjects required by this part;"

11. By amending paragraph (b) of § 147.33 by striking out the words "phase of his course", and inserting the word "subject" in place thereof.

§ 147.35 [Amended]

12. By amending § 147.35 as follows:

a. By striking out the words "and courses" wherever they appear in the third sentence of paragraph (a).

b. By amending paragraph (b) to read as follows:

(b) Each school shall give a graduation certificate or certificate of completion to each student that it graduates. An official of the school shall authenticate the certificate. The certificate must show the date of graduation and the approved curriculum title, and reflect his standard of performance during the entire curriculum.

13. By inserting the following new § 147.36:

§ 147.36 Maintenance of instructor requirements.

Each certificated aviation maintenance technician school shall, after certification or addition of a rating, continue to provide the number of instructors holding appropriate mechanic certificates and ratings that the Administrator determines necessary to provide adequate instruction and supervision of the students, including at least one such instructor for each 25 students in each shop or laboratory class. The school may continue to provide specialized instructors, who are not certificated mechanics, to teach only mathematics, physics, drawing, and similar subjects.

14. By inserting the following new §§ 147.38 and 147.38a:

§ 147.38 Maintenance of curriculum requirements.

(a) Each certificated aviation maintenance technician school shall adhere to its approved curriculum.

(b) A school may not change its approved curriculum unless the change is approved in advance.

§ 147.38a Quality of instruction.

Each certificated aviation maintenance technician school shall provide instruction of such quality that, of its graduates of a curriculum for each rating who apply for a mechanic certificate or additional rating within 60 days after they are graduated, the percentage of those passing the applicable FAA written test on their first attempt during any period of 24 calendar months is at least the percentage figured as follows:

(a) For a school graduating fewer than 51 students during that period—the national passing norm minus the number 20.

(b) For a school graduating at least 51, but fewer than 201, students during that period—the national passing norm minus the number 15.

(c) For a school graduating more than 200 students during that period—the national passing norm minus the number 10.

As used in this section, "national passing norm" is the number representing the percentage of all graduates (of a curriculum for a particular rating) of all certificated aviation maintenance technician schools who apply for a mechanic certificate or additional rating within 60 days after they are graduated and pass the applicable FAA written test on their first attempt during the period of 24 calendar months described in this section.

15. By inserting new Appendices A, B, C, and D after § 147.45, to read as follows:

APPENDIX A

CURRICULUM REQUIREMENTS

This appendix defines terms used in Appendices B, C, and D of this part, and describes the levels of proficiency at which items under each subject in each curriculum must be taught, as outlined in Appendices B, C, and D.

(a) *Definitions.* As used in Appendices B, C, and D:

(1) "Inspect" means to examine by sight and touch.

(2) "Check" means to verify proper operation.

(3) "Troubleshoot" means to analyze and identify malfunctions.

(4) "Service" means to perform functions that assure continued operation.

(5) "Repair" means to correct a defective condition. Repair of an airframe or powerplant system includes component replacement and adjustment, but not component repair.

(6) "Overhaul" means to disassemble, inspect, repair as necessary, and check.

(b) *Teaching levels.*

(1) Level 1 requires:

(i) Knowledge of general principles, but no practical application.

(ii) No development of manipulative skill.

(iii) Instruction by lecture, demonstration, and discussion.

(2) Level 2 requires:

(i) Knowledge of general principles, and limited practical application.

(ii) Development of sufficient manipulative skill to perform basic operations.

(iii) Instruction by lecture, demonstration, discussion, and limited practical application.

(3) Level 3 requires:

(i) Knowledge of general principles, and performance of a high degree of practical application.

(ii) Development of sufficient manipulative skill to accomplish return to service.

(iii) Instruction by lecture, demonstration, discussion, and a high degree of practical application.

APPENDIX B

GENERAL CURRICULUM SUBJECTS

This appendix lists the subjects required in at least 400 hours in general curriculum subjects.

The number in parentheses before each item listed under each subject heading indicates the level of proficiency at which that item must be taught.

A. *Basic Electricity*

Teaching level	
(1)	1. Measure capacitance and inductance.
(2)	2. Calculate and measure conductivity and electrical power.
(3)	3. Measure voltage, current, resistance, continuity, and leakage.
(3)	4. Determine the relationship of voltage, current, and resistance in electrical circuits.
(3)	5. Read and interpret electrical circuit diagrams.
(3)	6. Inspect and service batteries.

B. *Aircraft Drawings*

(2)	7. Use drawings, symbols, and schematic diagrams.
(3)	8. Draw sketches of repairs and alterations.
(3)	9. Use blueprint information.
(3)	10. Use graphs and charts.

C. *Weight and Balance*

(2)	11. Weigh aircraft.
(3)	12. Perform complete weight-and-balance check and record data.

D. *Fluid Lines and Fittings*

(3)	13. Fabricate and install rigid and flexible fluid lines and fittings.

E. *Materials and Processes*

(1)	14. Identify and select appropriate nondestructive testing methods.
(2)	15. Perform penetrant, chemical etching, and magnetic particle inspections.
(2)	16. Perform basic heat-treating processes.
(3)	17. Identify and select aircraft hardware and materials.
(3)	18. Inspect and check welds.
(3)	19. Perform precision measurements.

F. *Ground Operation and Servicing*

(2)	20. Start, ground operate, move, service, and secure aircraft.
(2)	21. Identify and select fuels.

G. *Cleaning and Corrosion Control*

(3)	22. Identify and select cleaning materials.
(3)	23. Perform aircraft cleaning and corrosion control.

H. *Mathematics*

(1)	24. Extract roots and raise numbers to a given power.
(2)	25. Determine areas and volumes of various geometrical shapes.
(3)	26. Solve ratio, proportion, and percentage problems.
(3)	27. Perform algebraic operations involving addition, subtraction, multiplication, and division of positive and negative numbers.

I. *Maintenance Forms and Records*

Teaching level	
(3)	28. Write descriptions of aircraft condition and work performed.
(3)	29. Complete required maintenance forms, records, and inspection reports.

J. *Basic Physics*

(2)	30. Use the principles of simple machines; sound, fluid, and heat dynamics.

K. *Maintenance Publications*

(3)	31. Select and use FAA and manufacturer's aircraft maintenance specifications, data sheets, manuals, and publications, and related Federal Aviation Regulations.
(3)	32. Read technical data.

L. *Mechanic Privileges and Limitations*

(3)	33. Exercise mechanic privileges within the limitations prescribed by FAR 65.

APPENDIX C

AIRFRAME CURRICULUM SUBJECTS

This appendix lists the subjects required in at least 750 hours of each airframe curriculum, in addition to at least 400 hours in general curriculum subjects.

The number in parentheses before each item listed under each subject heading indicates the level of proficiency at which that item must be taught.

I. AIRFRAME STRUCTURES

Teaching level	
	A. *Wood Structures*
(1)	1. Service and repair wood structures.
(2)	2. Identify wood defects.
(2)	3. Inspect wood structures.
	B. *Aircraft Covering*
(1)	4. Select and apply fabric and fiberglass covering materials.
(3)	5. Inspect, test, and repair fabric and fiberglass.
	C. *Aircraft Finishes*
(1)	6. Apply trim, letters, and touchup paint.
(2)	7. Identify and select aircraft finishing materials.
(2)	8. Apply paint and dope.
(2)	9. Inspect finishes and identify defects.
	D. *Sheet Metal Structures*
(2)	10. Install special rivets and fasteners.
(2)	11. Inspect bonded structures.
(2)	12. Inspect and repair plastics, honeycomb, and laminated structures.
(2)	13. Inspect, check, service, and repair windows, doors, and interior furnishings.
(3)	14. Inspect and repair sheet-metal structures.
(3)	15. Install conventional rivets.
(3)	16. Hand form, lay out, and bend sheet metal.
	E. *Welding*
(1)	17. Weld magnesium and titanium.
(1)	18. Solder stainless steel.
(1)	19. Fabricate tubular structures.
(2)	20. Solder, braze, gas-weld, and arc-weld steel.
(2)	21. Weld aluminum and stainless steel.
	F. *Assembly and Rigging*
(1)	22. Rig rotary-wing aircraft.
(2)	23. Rig fixed-wing aircraft.
(2)	24. Check alignment of structures.
(3)	25. Assemble aircraft.
(3)	26. Balance and rig movable surfaces.
(3)	27. Jack aircraft.
	G. *Airframe Inspection*
(3)	28. Perform airframe conformity and airworthiness inspections.

II. AIRFRAME SYSTEMS AND COMPONENTS

	A. *Aircraft Landing Gear Systems*
(3)	29. Inspect, check, service, and repair landing gear, retraction systems, shock struts, brakes, wheels, tires, and steering systems.
	B. *Hydraulic and Pneumatic Power Systems*
(2)	30. Repair hydraulic and pneumatic power systems components.
(3)	31. Identify and select hydraulic fluids.
(3)	32. Inspect, check, service, troubleshoot, and repair hydraulic and pneumatic power systems.
	C. *Cabin Atmosphere Control Systems*
(1)	33. Repair heating, cooling, air-conditioning, pressurization, and oxygen system components.
(1)	34. Inspect, check, troubleshoot, service, and repair heating, cooling, air-conditioning, and pressurization systems.
(2)	35. Inspect, check, troubleshoot, service and repair oxygen systems.
	D. *Aircraft Instrument Systems*
(1)	36. Install instruments.
(1)	37. Inspect, check, service, troubleshoot and repair heading, speed, altitude, time, attitude, temperature, pressure and position indicating systems.
	E. *Communication and Navigation Systems*
(1)	38. Inspect, check, and service autopilot and approach control systems.
(1)	39. Inspect, check, and service aircraft electronic communication and navigation systems.
(2)	40. Inspect and repair antenna and electronic equipment installations.
	F. *Aircraft Fuel Systems*
(1)	41. Check and service fuel dump systems.
(1)	42. Perform fuel management, transfer, and defueling.
(1)	43. Inspect, check, and repair pressure fueling systems.
(2)	44. Repair aircraft fuel system components.
(2)	45. Inspect and repair fluid quantity indicating systems.
(2)	46. Troubleshoot, service, and repair fluid pressure and temperature warning systems.
(3)	47. Inspect, check, service, troubleshoot, and repair aircraft fuel systems.
	G. *Aircraft Electrical Systems*
(2)	48. Repair aircraft electrical system components.
(3)	49. Install, check, and service airframe electrical wiring, controls, switches, indicators, and protective devices.
(3)	50. Inspect, check, troubleshoot, service, and repair alternating current and direct current electrical systems.
	H. *Position and Warning Systems*
(1)	51. Inspect, check, and service speed- and takeoff-warning systems, electrical brake controls, and antiskid systems.
(3)	52. Inspect, check, troubleshoot, service, and repair landing gear position indicating and warning systems.
	I. *Ice and Rain Control Systems*
(2)	53. Inspect, check, troubleshoot, service, and repair airframe ice and rain control systems.
	J. *Fire Protection Systems*
(1)	54. Inspect, check, and service smoke and carbon monoxide detection systems.
(3)	55. Inspect, check, service, troubleshoot, and repair aircraft fire detection and extinguishing systems.

APPENDIX D

POWERPLANT CURRICULUM SUBJECTS

This appendix lists the subjects required in at least 750 hours of each powerplant curriculum, in addition to at least 400 hours in general curriculum subjects.

The number in parentheses before each item listed under each subject heading indicates the level of proficiency at which that item must be taught.

I. POWERPLANT THEORY AND MAINTENANCE

Teaching level	
	A. *Reciprocating Engines*
(2)	1. Inspect and repair 14-cylinder or larger radial engine.
(2)	2. Overhaul reciprocating engine.
(3)	3. Inspect, check, service, and repair opposed and radial engines and reciprocating engine installations.
(3)	4. Install, troubleshoot, and remove reciprocating engines.
	B. *Turbine Engines*
(2)	5. Overhaul turbine engine.
(2)	6. Inspect, check, service, and repair turbine engines and turbine engine installations.
(2)	7. Install, troubleshoot, and remove turbine engines.
	C. *Engine Inspection*
(3)	8. Perform powerplant conformity and airworthiness inspections.

II. POWERPLANT SYSTEMS AND COMPONENTS

	A. *Engine Instrument Systems*
(2)	9. Troubleshoot, service, and repair fluid rate-of-flow indicating systems.
(3)	10. Inspect, check, service, troubleshoot, and repair engine temperature, pressure, and r.p.m. indicating systems.
	B. *Engine Fire Protection Systems*
(3)	11. Inspect, check, service, troubleshoot, and repair engine fire detection and extinguishing systems.
	C. *Engine Electrical Systems*
(2)	12. Repair engine electrical system components.
(3)	13. Install, check, and service engine electrical wiring, controls, switches, indicators, and protective devices.
	D. *Lubrication Systems*
(2)	14. Identify and select lubricants.
(2)	15. Repair engine lubrication system components.

D. *Lubrication Systems*—Continued

Teaching level	
(3)	16. Inspect, check, service, troubleshoot, and repair engine lubrication systems.

E. *Ignition Systems*

(2)	17. Overhaul magneto and ignition harness.
(2)	18. Repair engine ignition system components.
(3)	19. Inspect, check, service, troubleshoot, and repair reciprocating and turbine engine ignition systems.

F. *Fuel Metering Systems*

(1)	20. Inspect, check, and service water injection systems.
(2)	21. Overhaul carburetor.
(2)	22. Repair engine fuel metering system components.
(3)	23. Inspect, check, service, troubleshoot, and repair reciprocating and turbine engine fuel metering systems.

G. *Engine Fuel Systems*

(2)	24. Repair engine fuel system components.
(3)	25. Inspect, check, service, troubleshoot, and repair engine fuel systems.

H. *Induction Systems*

(2)	26. Inspect, check, troubleshoot, service, and repair engine ice and rain control systems.
(2)	27. Inspect, check, service, and repair heat exchangers and superchargers.
(3)	28. Inspect, check, service, and repair carburetor air intake and induction manifolds.

I. *Engine Cooling Systems*

(2)	29. Repair engine cooling system components.
(3)	30. Inspect, check, troubleshoot, service, and repair engine cooling systems.

J. *Engine Exhaust Systems*

(2)	31. Repair engine exhaust system components.
(3)	32. Inspect, check, troubleshoot, service, and repair engine exhaust systems.

K. *Propellers*

Teaching level	
(1)	33. Inspect, check, service, and repair propeller synchronizing and ice control systems.
(2)	34. Identify and select propeller lubricants.
(2)	35. Balance propellers.
(2)	36. Repair propeller control system components.
(3)	37. Inspect, check, service, and repair fixed-pitch, constant-speed, and feathering propellers, and propeller governing systems.
(3)	38. Install, troubleshoot, and remove propellers.

These amendments are proposed under the authority of sections 313(a), 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1427), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 26, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-2568; Filed, Mar. 3, 1969; 8:45 a.m.]

[14 CFR Part 157]

[Docket No. 9322; Reference Notice No. 68-36]

AIRPORTS

Notice of Construction, Alteration, Activation and Deactivation

The Federal Aviation Administration has had under consideration a proposal to amend Part 157 of the Federal Aviation Regulations to (1) separate the reporting standards for heliport proposals from proposals relating to fixed wing aircraft; (2) consider noise nuisance factors in aeronautical studies associated with proposed airport projects; (3) consider the airport or heliport proposals with regard to the effect of existing or proposed man-made objects and natural objects; and (4) require notification to the FAA upon completion of an airport project.

The proposal was published in the FEDERAL REGISTER (34 F.R. 16, dated Jan. 1, 1969), and circulated to the public as notice 68-36. Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments.

After publication of the notice, several additional factors have been brought to the attention of the Federal Aviation Administration. This new information warrants further study prior to the adoption of any amendment to Part 157 of the Federal Aviation Regulations. Therefore, it has been determined that notice 68-36 should not be adopted at this time.

Withdrawal of a notice of proposed rule making constitutes only such action, and does not preclude the FAA from issuing another notice in the future, nor commit the FAA to any course of action in the future.

In consideration of the foregoing, notice No. 68-36 entitled "Notice of Construction, Alteration, Activation and Deactivation of Airports" is hereby withdrawn.

This withdrawal shall become effective upon publication in the FEDERAL REGISTER.

This withdrawal is issued under the authority of sections 309 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1350 and 1354) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 26, 1969.

FERRIS J. HOWLAND,
Acting Director,
Air Traffic Service, AT-1.

[F.R. Doc. 69-2607; Filed, Mar. 3, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

ELECTRONIC RECEIVING TUBES FROM JAPAN

Notice of Tentative Negative Determination

FEBRUARY 24, 1969.

Information was received on July 21, 1967, that electronic receiving tubes (except television picture tubes) from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.), (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of October 10, 1967, on page 14067.

I hereby make a tentative determination that electronic receiving tubes (except television picture tubes; such tubes are not involved in this proceeding) from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Based on the available information it was determined that for fair value purposes purchase price should be compared with the applicable adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b. or c.i.f. price for exportation to the United States the included freight charges, packing, and commission, as applicable.

Adjusted home market price was computed on the basis of either the delivered price or the weighted average of delivered prices as appropriate. From such prices were deducted, as applicable, inland freight charges, warranties, differences in credit terms, and packing. Where appropriate, a deduction was made for branding charges and a commission.

Comparsion of purchase price with adjusted home market price revealed that adjusted home market price was not higher than purchase price except in a few instances. The amounts involved in these sales were minimal. The exporters upon being advised of these sales at less than adjusted home market price provided assurances that they would make no future sales at less than fair value regardless of the disposition of the investigation.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-2601; Filed, Mar. 3, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2784]

IDAHO

Order Providing for Opening of Public Lands

FEBRUARY 25, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 34 E.,
Sec. 14, W½SW¼, SE¼SW¼;
Sec. 15, E½SE¼, SW¼SE¼;
Sec. 17, S½S½;
Sec. 20, N½NE¼, E½NW¼;
Sec. 21, NW¼, S½SW¼, NE¼SW¼;
Sec. 22, NW¼NE¼;
Sec. 23, NE¼NW¼;
Sec. 28, NW¼NW¼.

The area described aggregates 960 acres.

2. The lands are located in Bingham County, approximately 25 miles northwest of Blackfoot, Idaho, via State Highway No. 27 for 17 miles, then 8 miles of ungraded dirt roads. The lands are inaccessible during late winter and early spring months. Elevation is about 4,800 feet above sea level. Topography is flat to rolling, with scattered lava outcrops. Soils are volcanic ash. Vegetation is sagebrush, Western bunchgrass, rabbitbrush, and snake weed. There is no water supply available.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition, location, and selection including location under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on April 1, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 550 West Fort Street, Boise, Idaho 83702.

CURTIS R. TAYLOR,
Acting Manager, Land Office.

[F.R. Doc. 69-2560; Filed, Mar. 3, 1969; 8:45 a.m.]

[Montana 10466]

MONTANA

Order Providing for Opening of Public Lands

FEBRUARY 24, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 5 S., R. 60 E.,
Sec. 15, NE¼ and NE¼SE¼;
Sec. 22, S½NE¼ and SE¼;
Sec. 27, N½NE¼.

The areas described aggregate 520 acres.

2. These lands are rolling prairie with grass cover. The soils are clay to clay loam and parts of the land could be cultivated. These lands adjoin other public land and are presently licensed for grazing.

3. Subject to valid existing rights, the provisions of existing withdrawals, the provisions of the multiple-use classification of January 16, 1969, and the requirements of applicable law, the lands are hereby restored to the public domain status and open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m. on March 31, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Billings, Mont. 59101.

ROLAND F. LEE,
Acting Land Office Manager.

[F.R. Doc. 69-2565; Filed, Mar. 3, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-487]

CECIL E. BROWN AND HENRY NESETH

Notice of Loan Application

FEBRUARY 24, 1969.

Cecil E. Brown and Henry Neseth, Post Office Box 236, Kodiak, Alaska 99615, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 41.5-foot length overall wood vessel to engage in the fishery for salmon and crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-2562; Filed, Mar. 3, 1969; 8:45 a.m.]

[Docket No. A-486]

FRANK J. AND BETTY J. KOCH

Notice of Loan Application

FEBRUARY 24, 1969.

Frank J. Koch and Betty J. Koch, Post Office Box 74, Auke Bay, Alaska 99821, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 41.5-foot registered length wood vessel to engage in the fishery for salmon and tuna.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-2563; Filed, Mar. 3, 1969; 8:45 a.m.]

[Docket No. G-421]

LOUIS EDWARD WILLIAMS

Notice of Loan Application

FEBRUARY 25, 1969.

Louis Edward Williams, 1507 Kathryn Street, Mount Pleasant, S.C. 29464, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 80-foot length overall wood vessel to engage in the fishery for shrimp, crabs, and flounders.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-2564; Filed, Mar. 3, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 94]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through February 20, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (177 ships)	1,263,181
British (48 ships)	285,706
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	6,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Hemisphere	8,718
Ho Fung	7,121
Huntsland	9,353
Huntsville	9,486
Inchstuart	7,043
**Jeb Lee (trip to Cuba under ex-name Garthdale—British)	7,542
Jollity	8,819
**Kali Elpis (trips to Cuba under ex-name Ardmore—British)	4,664
**Kelso trip to Cuba under ex-name Ardgem—British)	6,981
Kinross	5,388
Magister	2,239
**Meadow Court (trip to Cuba under ex-name Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba under ex-name Arktara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trips to Cuba under ex-name Vercharmian—British)	7,265
Southgate (previous trips to Cuba under ex-name Arlington Court—British)	9,662
**Tetrarch (trips to Cuba under ex-name Ardrowan—British)	7,300
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Cypriot (38 ships)	285,888
Acme	7,173
Aegis Hope (previous trips to Cuba under ex-name Huntsmore—British)	5,678
Aiolos II (previous trips to Cuba—Lebanese)	7,256
Akmeon (tanker)	11,105
Alda	7,292
Alice (previous trips to Cuba—Greek)	7,189
Amfithea (previous trip to Cuba under ex-name Antonis—Greek)	5,171
Angeliki	8,482
Anka	7,314

See footnotes at end of document.

FLAG OF REGISTRY AND NAME OF SHIP	Gross Tonnage
Cypriot—Continued	
Antonia II (previous trip to Cuba under ex-name Stylianos N. Vlassopulos—Greek)	7,281
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
Captain Papalios (tanker)	11,676
Claire (previous trips to Cuba—Lebanese)	5,411
Degedo	9,000
Dolphin	3,550
Dorine Papalios (previous trips to Cuba under ex-name Formentor—British)	8,424
E. D. Papalios	9,431
El Toro	5,949
Free Navigator (previous trips to Cuba under ex-name Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Huntsfield (previous trips to Cuba—British)	9,483
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
**Kounistra (trips to Cuba under ex-names Nicolaos Frangistas and Nicolaos F.—Greek	7,199
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Newmoor (previous trips to Cuba—British)	7,168
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
Suerte	7,267
Sunrise (previous trips to Cuba under ex-name Anatoli—Greek)	7,216
Tina (previous trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
*Venturer	9,000
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Lebedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czlads	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Lebanese (13 ships)	85,753
Antonis	6,259
Astir	5,324
Atticos	7,257
Giannis	5,270
Giorgos Tsakiroglou	7,240
Ilena	5,925

See footnotes at end of document.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Lebanese—Continued	
Marichristina	7,134
Mousse	9,307
Noelle	7,251
**Tania (trip to Cuba under ex-name Al Fares—Lebanese—now Cuban—will be deleted from future reports)	1,143
Tony	7,176
Toula	6,426
Yanxilas	10,051
Greek (11-ships)	73,531
Agios Therapon	7,205
**Aliartos (trip to Cuba under ex-name Loradore—British)	8,076
Andromachi (previous trips to Cuba under ex-name Penelope—Greek)	6,712
**Anna Maria (trips to Cuba under ex-name Heika—British)	2,111
Barbarino	7,084
Eftyhia	9,844
**Gold Land (trip to Cuba under ex-name Amfred—Swedish)	2,838
Irena	7,232
**Lambros M. Patsis (trips to Cuba under ex-name La Hortensia—British)	9,486
Redestos	5,911
Sophia	7,030
Yugoslav (7 ships)	46,150
Agrum	2,449
Bar	8,776
Kolasin	7,217
Piva	7,519
Piod	3,657
Subicevac	9,033
Tara	7,499
Panamanian (7 ships)	45,065
**Ampuria (trips to Cuba under ex-name Roula Maria—Greek)	10,608
**Avranchoise (trips to Cuba under ex-name Avranches—French)	7,199
**Chung Thai (trip to Cuba under ex-name Somalia—Italian)	3,352
**Renown Trader (trips to Cuba under ex-name Suva Breeze—British)	4,996
**Robertina (trips to Cuba under ex-name Anacreon—Greek)	6,935
**Tynlee (trip to Cuba under ex-name Ardenode—British)	7,036
**Yu Lee (trips to Cuba under ex-name Dairen—British)	4,939
French (6 ships)	19,316
**Atlanta (trip to Cuba under ex-name Enee—French)	1,232
Circe	2,874
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777
Italian (4 ships)	33,275
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Finnish (3 ships)	20,966
Augusta Paulin	7,096
Ragni Paulin	6,823
Verna Paulin	7,047

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Maltese (3 ships)	19,293
Ispahan	7,169
Socivve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Somali (6 ships)	37,746
Aragon	7,248
Aria	5,059
**Atlas (trip to Cuba—Finish)	3,916
Erato (previous trips to Cuba under ex-name Eretria—Greek)	7,199
Stevo (previous trips to Cuba—Lebanese)	7,066
Thios Costas	7,258
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba under ex-name Neve—French)	852
Japanese (1 ship)	8,627
Chokyu Maru	8,627
Pakistani (1 ship)	8,708
**Maulabaksh (trip to Cuba under ex-name Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	6,854
**Glaisdale (trip to Cuba—British)	6,854

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
Italian (1 ship)	1,595
Graziella Zeta	1,595

b. Previous reports:

Flag of registry (total)	Number of ships 123
British	44
Cypriot	9
Danish	1
Finnish	4
French	1
German (West)	1
Greek	30
Israeli	1
Italian	15
Japanese	1
Kuwaiti	1
Lebanese	6
Liberian	1
Norwegian	5
Somali	1
Spanish	2
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, etc.

a. since last report:

	Gross tonnage
Shienfoon (British)	7,127
Yungfutary (British)	5,388

	Gross tonnage
Agenor (Cypriot)	7,139
Gloria (Cypriot)	7,277
Laurel (Cypriot)	7,297
Jytte Paulin (Finnish)	7,010
Mantric (Lebanese)	7,255
San Spyridon (Lebanese)	7,260
Amalia (Maltese)	7,304
Mojkovac (Yugoslav)	7,142

b. Previous reports:

Flag of registry:	Broken up, sunk or wrecked
British	13
Cypriot	14
Finnish	1
French	1
Greek	13
Italian	4
Lebanese	29
Maltese	1
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	2
South African	2
Swedish	1
Yugoslav	5
Total	90

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 20, 1969.

Flag of registry	Number of trips 1963	1964	1965	1966	1967	1968 Jan. thru Aug.	1968 Sept.	1968 Oct.	1968 Nov.	1968 Dec.	1969 Jan.	Total
British	123	180	126	101	78	41	4	8	3	3	2	670
Lebanese	64	91	59	25	16	12	1		1	2		270
Greek	99	27	23	27	29	4		2		1		212
Cypriot		1	17	27	42	41	7	9	4	7	5	160
Italian	16	20	24	11	11	5	1	2		1	1	92
Yugoslav	12	11	15	10	14	5	1	1	1	1		71
French	8	9	9	10	20	3			1		1	51
Finnish	1	4	5	11	22	5	1		2			41
Spanish	8	17										25
Norwegian	14	10										24
Moroccan	9	12	1									22
Maltese		2	6	1	4	6	1			1		21
Somali					2	6		1	1	2	1	14
Netherlands		4	2									6
Swedish	3	3										6
Kuwaiti		3	1									4
Israeli			2									2
Japanese	1					1						2
Danish	1											1
German (West)	1											1
Haitian			1									1
Monaco				1								1
Subtotal	370	394	290	224	213	129	16	24	13	18	10	1,706
Polish	18	16	12	10	11	6	1					74
Grand total	388	410	302	234	224	135	17	24	13	18	10	1,780

NOTE.—Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Rept. 93, appearing in the FEDERAL REGISTER issue of January 8, 1969.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: February 26, 1969.

By order of the Acting Maritime Administrator.

JOHN M. O'CONNELL,
Acting Secretary.

[F.R. Doc. 69-2625; Filed, Mar. 3, 1969; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HUD OFFICERS AND EMPLOYEES

Revocation of Temporary Suspension of Certain Delegations and Redelegations of Authority To Approve Grants, Contracts, Other Subsidies, Loans, Commitments, or Reservations

The notice published at 34 F.R. 1740, February 5, 1969, relating to the temporary suspension of certain delegations and redelegations of authority to HUD officers and employees to approve, execute, or increase the amount of any grant, contract, subsidy, loan, commitment, or reservation is hereby revoked except with respect to all programs listed under the following heading:

E—Director, Office of Urban Technology and Research.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date: This revocation shall be effective as of February 27, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-2633; Filed, Mar. 3, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69-2-123]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of February 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted at the Cannes Worldwide Passenger Fares Conference in September and October 1968, has been assigned the above-designated CAB agreement number.

The agreement, which we are herein approving, encompasses fares to apply within the Western Hemisphere for a limited duration of 6 months, beginning April 1, 1969. Essentially, the agreement would maintain the status quo in fares with a limited number of adjustments in isolated markets, including some markets to and from the United States.

Normal fare adjustments proposed in air transportation generally relate to United States-Bahamas and Mexico fares. For example, certain fares between the United States and the Bahamas would be increased, although some reductions are proposed in other Bahamas markets. With respect to Mexico fares, the carriers propose to eliminate the round-trip discounts in the relatively few markets between U.S. points and Mexico City where they have not previously been eliminated. The resulting increases in round-trip fares would apply primarily to first-class service and conform the pattern of round-trip fares to that now generally applicable.

Excursion fare adjustments include the cancellation of those now offered between the United States and Acapulco, except those to/from Houston. However, reduced excursion fares would still be available at many interior points by combination of domestic reduced excursion fares and Houston-Acapulco excursion fares. Another adjustment would increase Buffalo/Syracuse-Bermuda fares so as to conform with the revised pattern of excursion fares between United States Northeast Coast points and Bermuda which the Board has recently approved.

We are also herein approving a number of collateral type fare resolutions, including a revalidation for a 6-month period of construction rules within the Western Hemisphere. This resolution has been amended to require a charge for side trips in conformity with the rules that the Board has approved for application in the Pacific. Additionally, the agreement would extend the existing baggage rules for a 1-year period in all areas except the North Atlantic. Current provisions governing the extension of ticket validity would be amended so as to permit, in the event of illness attested to by a medical certificate, the extension of travel under special fares, which is now precluded.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find that the following resolutions, incorporated in Agreement CAB 20691,[1] affect air transportation within the meaning of the Act:

[1] R-1 through R-23, R-25 through R-54, R-56 and R-57, R-60 through R-62, R-68 and R-69, and R-94 through R-96.

Agreement CAB 20691	IATA No.	Title	Application
R-1	001b	TC1-Special Effectiveness Resolution (New)	1.
R-2	001d	South Atlantic—Special Effectiveness Resolution (Tie in)	1/2 (South Atlantic).
R-3	001j	South Atlantic Escape (New)	1/2 (South Atlantic).
R-4	001k	Special Effectiveness Resolution (New)	1.
R-5	001m	Special Effectiveness Resolution (New)	1.
R-6	001n	Special Effectiveness Resolution-Instruction of Agents (New)	1.
R-7	001q	South Atlantic Escape (New)	1/2 (South Atlantic).
R-8	002	Standard Revalidation Resolution	1.
R-9	002	Standard Revalidation Resolution, (excluding that portion relating to the resolutions listed in finding paragraph 1 above).	2.
R-10	002	Standard Revalidation Resolution (excluding that portion relating to the resolutions listed in finding paragraph 1 above).	3.
R-11	002	Standard Revalidation Resolution—South Atlantic	1/2 (South Atlantic).
R-12	002	Standard Revalidating Resolution (excluding that portion relating to the resolutions listed in finding paragraph 1 and (New).	1/2; 2/3; 3/1; 1/2/3.
R-13	002d	Revalidation for Indefinite Expiry (Revalidating and Amending)	Worldwide. (Except 2/3.)
R-14	003	Standard Reclasion Resolution	1.
R-15	005	Changes to Fares and Conditions Within Scandinavia (Revalidating and Amending)	2.
R-16	011a	Mileage Manual—Non-IATA Sectors (New)	Worldwide.
R-17	014a	Commuting Rule for Passenger Fares—Revalidating and Amending	1.
R-18	014a	Construction Rule for Passenger Fares—South Atlantic—Revalidating and Amending	1/2 (South Atlantic).
R-19	014e	Computer Constructed Fares Revalidating and Amending	Worldwide.
R-20	020	Means of Payment (Amending)	1; 2; 3.
R-21	021b	Rates of Exchange (Revalidating and Amending)	1; 2; 3.
R-22	021f	Special Conversion Rates (Revalidating and Amending)	1; 2; 3.
R-23	049b	Changes in Fares—Brazil (Revalidating and Amending)	1.
R-24	049c	Changes in Fares—Colombia (New)	1.
R-25	049e	Changes in Fares—Argentina (New)	1.
R-26	049g	Changes in Fares—Chile (New)	1.
R-27	049h	Changes in Fares—Paraguay (New)	1.
R-28	049i	Changes in Fares—Uruguay (New)	1.
R-29	049k	Changes in Fares—Peru (New)	1.
R-30	049m	First Class Conditions of Service (Revalidating and Amending)	1; 1/2-(South Atlantic); Worldwide.
R-31	050	First Class Conditions of Service (Revalidating and Amending)	1.
R-32	051	TC1 First Class Fares (New)	1.
R-33	052	Economy Class Conditions of Service (Revalidating and Amending)	1.
R-34	054c	South Atlantic Normal First Class Fares (New)	1/2 (South Atlantic).
R-35	054c	South Atlantic Economy Class Fares (New)	1/2 (South Atlantic).
R-36	060	Construction Rule for Passenger Fares—Round-Trip Excursion Fares—Revalidating and Amending	1.
R-37	061	Economy Class Conditions of Service (Revalidating and Amending)	1.
R-38	070 (060)	TC1 Economy Class Fares (New)	1.
R-39	072 (064)	TC1 Creative Fares—Revalidating and Amending	1.
R-40	070d (060j)	Period of Ticket Validity	2.
R-55	270	Charges for Angling Equipment—United Kingdom-Ireland (New)	2.
R-63	311g	TC2 Fly/Drive Package, United Kingdom-Republic of Ireland (New)	2.
R-66	072h	Standard Revalidation Resolution—Insofar as applicable to the following resolutions: 004g—Restrictions of Applicability—Congo (Kinshasa) (Kingdom of Burundi—Republic of Rwanda. 014d—Special Construction Rule Directional Fares. 110c—Meeting Non-IATA Competition in the Middle East, Passenger Rates and Practices—Non-IATA Carriers (Passenger). 115a—Meeting Non-IATA Competition in Certain Areas (Passenger). 200d—Transportation of Human Eyes and Dehydrated Corneas. 211e—Charges for Specific Baggage Items. 215—Air Ferry Rates for Vehicles.	2.
R-67	070 (060)	Economy Class Fares (New)	1.
R-68	070 (060)	TC1 Economy Fares—Revalidating and Amending	1.
R-69	072 (064)	TC1 Creative Fares—Revalidating and Amending	1.
R-94	003	Standard Revalidation Resolution—Insofar as applicable to the following resolutions: 004g—Restrictions of Applicability—Congo (Kinshasa) (Kingdom of Burundi—Republic of Rwanda. 014d—Special Construction Rule Directional Fares. 110c—Meeting Non-IATA Competition in the Middle East, Passenger Rates and Practices—Non-IATA Carriers (Passenger). 115a—Meeting Non-IATA Competition in Certain Areas (Passenger). 200d—Transportation of Human Eyes and Dehydrated Corneas. 211e—Charges for Specific Baggage Items. 215—Air Ferry Rates for Vehicles.	2.
R-95	003	Standard Revalidation Resolution—insofar as applicable to the following resolutions: 004d—Restrictions of Applicability—New Guinea. 200c—Transportation of Human Eyes and Dehydrated Corneas.	3. 4.
R-96	002	Standard Revalidation Resolution—insofar as applicable to the following resolutions: 110c—Meeting Non-IATA Competition in Certain Areas (Passenger). 115a—Meeting Non-IATA Competition in Certain Areas (Passenger). 200c—Transportation of Human Eyes.	2/3.
R-41	(070y) (060y)	South Atlantic Economy Class Excursion Fare-Readopting and Amending.	1/2 (South Atlantic). 1.
R-44	(006d) (072g)	"B" Fares—South American Revalidating and Amending	1.

2. The Board does not find that the following resolutions, incorporated in Agreement CAB 20691 and which do not directly affect air transportation as defined by the Act, to be adverse to the public interest or in violation of the Act:

Agreement CAB 20691	IATA No.	Title	Application
R-1	001b	TC1-Special Effectiveness Resolution (New)	1.
R-2	001d	South Atlantic—Special Effectiveness Resolution (Tie in)	1/2 (South Atlantic).
R-3	001j	South Atlantic Escape (New)	1/2 (South Atlantic).
R-4	001k	Special Effectiveness Resolution (New)	1.
R-5	001m	Special Effectiveness Resolution (New)	1.
R-6	001n	Special Effectiveness Resolution-Instruction of Agents (New)	1.
R-7	001q	South Atlantic Escape (New)	1/2 (South Atlantic).
R-8	002	Standard Revalidation Resolution	1.
R-9	002	Standard Revalidation Resolution, (excluding that portion relating to the resolutions listed in finding paragraph 1 above).	2.
R-10	002	Standard Revalidation Resolution (excluding that portion relating to the resolutions listed in finding paragraph 1 above).	3.
R-11	002	Standard Revalidation Resolution—South Atlantic	1/2 (South Atlantic).
R-12	002	Standard Revalidating Resolution (excluding that portion relating to the resolutions listed in finding paragraph 1 and (New).	1/2; 2/3; 3/1; 1/2/3.
R-13	002d	Revalidation for Indefinite Expiry (Revalidating and Amending)	Worldwide. (Except 2/3.)
R-14	003	Standard Reclasion Resolution.	1.
R-15	005	Changes to Fares and Conditions Within Scandinavia (Revalidating and Amending)	2.
R-16	011a	Mileage Manual—Non-IATA Sectors (New)	Worldwide.
R-17	014a	Commuting Rule for Passenger Fares—Revalidating and Amending	1.
R-18	014a	Construction Rule for Passenger Fares—South Atlantic—Revalidating and Amending	1/2 (South Atlantic).
R-19	014e	Computer Constructed Fares Revalidating and Amending	Worldwide.
R-20	020	Means of Payment (Amending)	1; 2; 3.
R-21	021b	Rates of Exchange (Revalidating and Amending)	1; 2; 3.
R-22	021f	Special Conversion Rates (Revalidating and Amending)	1; 2; 3.
R-23	049b	Changes in Fares—Brazil (Revalidating and Amending)	1.
R-24	049c	Changes in Fares—Colombia (New)	1.
R-25	049e	Changes in Fares—Argentina (New)	1.
R-26	049g	Changes in Fares—Chile (New)	1.
R-27	049h	Changes in Fares—Paraguay (New)	1.
R-28	049i	Changes in Fares—Uruguay (New)	1.
R-29	049k	Changes in Fares—Peru (New)	1.
R-30	049m	First Class Conditions of Service (Revalidating and Amending)	1; 1/2-(South Atlantic); Worldwide.
R-31	050	First Class Conditions of Service (Revalidating and Amending)	1.
R-32	051	TC1 First Class Fares (New)	1.
R-33	052	Economy Class Conditions of Service (Revalidating and Amending)	1.
R-34	054c	South Atlantic Normal First Class Fares (New)	1/2 (South Atlantic).
R-35	054c	South Atlantic Economy Class Fares (New)	1/2 (South Atlantic).
R-36	060	Construction Rule for Passenger Fares—South Atlantic—Revalidating and Amending	1.
R-37	061	Economy Class Conditions of Service (Revalidating and Amending)	1.
R-38	070 (060)	TC1 Economy Fares—Revalidating and Amending	1.
R-39	072 (064)	TC1 Creative Fares—Revalidating and Amending	1.
R-40	070d (060j)	Period of Ticket Validity	2.
R-55	270	Charges for Angling Equipment—United Kingdom-Ireland (New)	2.
R-63	311g	TC2 Fly/Drive Package, United Kingdom-Republic of Ireland (New).	2.
R-66	072h	Standard Revalidation Resolution—Insofar as applicable to the following resolutions: 004g—Restrictions of Applicability—Congo (Kinshasa) (Kingdom of Burundi—Republic of Rwanda. 014d—Special Construction Rule Directional Fares. 110c—Meeting Non-IATA Competition in the Middle East, Passenger Rates and Practices—Non-IATA Carriers (Passenger). 115a—Meeting Non-IATA Competition in Certain Areas (Passenger). 200d—Transportation of Human Eyes and Dehydrated Corneas. 211e—Charges for Specific Baggage Items. 215—Air Ferry Rates for Vehicles.	2.
R-67	070 (060)	Economy Class Fares (New)	1.
R-68	070 (060)	TC1 Economy Fares—Revalidating and Amending	1.
R-69	072 (064)	TC1 Creative Fares—Revalidating and Amending	1.
R-94	003	Standard Revalidation Resolution—Insofar as applicable to the following resolutions: 004g—Restrictions of Applicability—Congo (Kinshasa) (Kingdom of Burundi—Republic of Rwanda. 014d—Special Construction Rule Directional Fares. 110c—Meeting Non-IATA Competition in the Middle East, Passenger Rates and Practices—Non-IATA Carriers (Passenger). 115a—Meeting Non-IATA Competition in Certain Areas (Passenger). 200d—Transportation of Human Eyes and Dehydrated Corneas. 211e—Charges for Specific Baggage Items. 215—Air Ferry Rates for Vehicles.	2.
R-95	003	Standard Revalidation Resolution—insofar as applicable to the following resolutions: 004d—Restrictions of Applicability—New Guinea. 200c—Transportation of Human Eyes and Dehydrated Corneas.	3. 4.
R-96	002	Standard Revalidation Resolution—insofar as applicable to the following resolutions: 110c—Meeting Non-IATA Competition in Certain Areas (Passenger). 115a—Meeting Non-IATA Competition in Certain Areas (Passenger). 200c—Transportation of Human Eyes.	2/3.
R-41	(070y) (060y)	South Atlantic Economy Class Excursion Fare-Readopting and Amending.	1/2 (South Atlantic). 1.
R-44	(006d) (072g)	"B" Fares—South American Revalidating and Amending	1.

3. The Board does not find the following resolutions incorporated in Agreement CAB 20691, to be adverse to the public interest or in violation of the Act:

Agreement CAB 20691	IATA No.	Title	Application
R-9	002	Standard Revalidation Resolution—insofar as applicable to the following resolutions: 004g—Restrictions of Applicability—Congo (Kinshasa) (Kingdom of Burundi—Republic of Rwanda. 014d—Special Construction Rule Directional Fares. 110c—Meeting Non-IATA Competition in the Middle East, Passenger Rates and Practices—Non-IATA Carriers (Passenger). 115a—Meeting Non-IATA Competition in Certain Areas (Passenger). 200d—Transportation of Human Eyes and Dehydrated Corneas. 211e—Charges for Specific Baggage Items. 215—Air Ferry Rates for Vehicles.	2.
R-10	002	Standard Revalidation Resolution—insofar as applicable to the following resolutions: 004d—Restrictions of Applicability—New Guinea. 200c—Transportation of Human Eyes and Dehydrated Corneas.	3. 4.
R-12	002	Standard Revalidation Resolution—insofar as applicable to the following resolutions: 110c—Meeting Non-IATA Competition in Certain Areas (Passenger). 115a—Meeting Non-IATA Competition in Certain Areas (Passenger). 200c—Transportation of Human Eyes.	2/3.
R-41	(070y) (060y)	South Atlantic Economy Class Excursion Fare-Readopting and Amending.	1/2 (South Atlantic). 1.
R-44	(006d) (072g)	"B" Fares—South American Revalidating and Amending	1.

Agreement CAB 20691	IATA No.	Title	Application
R-43	092	Student Fares—Revalidating and Amending	Worldwide (Except North Atlantic).
R-45	100	Conditions of Service—In Flight Entertainment (Revalidating and Amending).	Worldwide.
R-46	102	Passenger Expenses En Route (Revalidating and Amending)	Worldwide.
R-47	115	TC1 Meeting Rates and Practices (Revalidating and Amending).	1.
R-48	150	Definition of Round-Trip (Amending)	1; 2; 3.
R-49	200	Free and Reduced Fare or Rate Transportation (Revalidating and Amending).	1.
R-50	200f	Effect of Government Orders (Revalidating and Amending)	Worldwide.
R-51	201	TC1 Children's Fares (New)	1.
R-52	203	Reduced Fares for Passenger Agents—U.S.A. (Amending)	Worldwide.
R-53	203	Reduced Fares for Passenger Agents (Except U.S.A.) (Amending).	Worldwide.
R-54	250	Sleeper Surcharge (New)	1; 2; 3; 2/3; 3/1; 1/2/3; 1/2 (South Atlantic).
R-56	064c	South Atlantic Economy Class Fares (New)	1.
R-57	277	Extension of Ticket Validity (Revalidating and Amending)	Worldwide.
R-60	810	Free Baggage Allowance (Revalidating and Amending)	Worldwide (Except North Atlantic).
R-61	311	Baggage Excess Weight Charges	Worldwide (Except North Atlantic).
R-68	810e	Inclusive Tours Initiated by Tour Operators (Revalidating and Amending).	1.
R-69	810e	Inclusive Tours Initiated by Tour Operators (Revalidating and Amending).	1.
R-84	1008	Glossary of Air Traffic Terms Commonly Used	1; 2; 3.
R-85	084e(087b)	Long Haul-South American Group Inclusive Tour Basing Fares—Revalidating and Amending.	1.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 20691 as set forth in finding paragraph 1; and

2. Those portions of Agreement CAB 20691 described in finding paragraphs 2 and 3 be approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-2551; Filed, Mar. 3, 1969; 8:45 a.m.]

[Docket No. 18586]

SERVICE TO ALBUQUERQUE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on March 26, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., February 27, 1969.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 2606; Filed, Mar. 3, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 707]

AIRBORNE FREIGHT CORP.

Revocation of License

By letter dated January 15, 1969, Airborne Freight Corp., Colman Building, Seattle, Wash. 98104, has voluntarily requested the cancellation of its independent ocean freight forwarder license No. 707 effective that date.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03.

It is ordered, That the independent ocean freight forwarder license No. 707 of Airborne Freight Corp. be and is hereby revoked effective January 15, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 69-2597; Filed, Mar. 3, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3784 etc.]

SOHIO PETROLEUM CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 24, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 14, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-105 E 1-30-69	Western Oil & Minerals Corp. (successor to Intermountain Petroleum Corp.), Post Office Box 191, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., South Blanco Pictured Cliffs, Rio Arriba County, N. Mex.	13.0	15.025
CI69-650 1-24-69	Texas Oil & Gas Corp. (Operator) et al., 1000 Mercantile Dallas Bldg., Houston, Tex. 77002.	Cities Service Gas Co., Mocane Laverne Area, Beaver County, Okla.	[11] 17.0	14.65
CI69-1243 B 4-25-66	Burk Royalty Co.	Lone Star Gas Co., Sherman North Field, Grayson County, Tex.	(9)	-------
CI69-228 C 2-3-69	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., North Driver Field, Hansford County, Tex.	[10] 18.05	14.65
CI69-573 A 12-16-68	Union Producing Co.	Natural Gas Pipeline Co. of America, Cavasso Creek Field, Aransas County, Tex.	[17] 17.8	14.65
CI69-638 A 1-13-69	Mobil Oil Corp.[12]	Transwestern Pipeline Co., Rock Tank (Morrow) Field, Eddy County, N. Mex.	16.07602	14.65
CI69-639 (CI61-341) F 1-10-69	Cabot Corp. (SW) (successor to Panhandle Eastern Pipe Line Co.), Post Office Box 1101, Pampa, Tex. 79065.	El Paso Natural Gas Co., Gomez (Ellenburger) Field, Pecos County, Tex.	17.5	14.65
CI69-694 A 1-27-69	Offshore Exploration Corp., 202 Pere Marquette Bldg., New Orleans, La. 70112.	United Gas Pipe Line Co., Romeoke Field, Jefferson Davis Parish, La.	[11] 16.0	14.65
CI69-695 A 1-29-69	Robert E. Kiedaisch et al., d.b.a. R. E. Lease Service, Post Office Box 74, Plains, Kans. 67869.	Panhandle Eastern Pipe Line Co., acreage in Seward and Meade Counties, Kans.	14.403	15.025
CI69-696 F 1-27-69	Phillips Petroleum Co. (successor to Humble Oil & Refining Co.), Bartlesville, Okla. 74003.	Arkansas Louisiana Gas Co., Ivan Field, Bossier and Webster Parish, La.	15.75	15.025
CI69-697 (G-10230) F 1-27-69	do.	Louisiana Nevada Transit Co., Red Rock and East Red Rock Fields, Webster Parish, La.	15.25	15.025
CI69-698 (G-19286) F 1-27-69	do.	Texas Gas Transmission Corp., Red Rock, North Shongaloo and Carterville Fields, Webster and Claiborne Parishes, La.	[11] 17.25	15.025
CI69-699 (G-18290) F 1-27-69	do.[1]	Texas Gas Transmission Corp., Texas Rock, North Shongaloo Fields, Webster Parish, La.	13.75	15.025
CI69-700 (G-18291) F 1-27-69	do.	do.	13.75	15.025
CI69-701 (G-11878) F 1-27-69	do.	Arkansas Louisiana Gas Co., Ada Field, Webster Parish, La.	13.003	15.025
CI69-702 A 1-21-69	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Red Lion Area, Sedgwick County, Colo.	14.0	14.65
CI69-703 A 1-21-69	Petroleum, Inc., Operator (successor to Cities Service Oil Co.), 300 West Douglas, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., South Guymon Field, Texas County, Okla.	[11] 17.0	14.65
CI69-704 (CI64-1506) C 1-15-69	Farmers Royalty Pool and Robert L. Bayless (successor to Tenneco Oil Co. et al.),	Lone Star Gas Co., Katie Field, Garvin County, Okla.	10.25	14.65
CI69-705 B 1-27-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Southern Natural Gas Co., Loisel Field, St. Mary and Iberia Parishes, La.	Depleted	-------
CI69-706 A 1-21-69	Eastern Exploration and Development.	Consolidated Gas Supply Corp., Big Run District, Braxton County, W. Va.	25.0	15.325
CI69-707 B 1-30-69	Federal Oil & Gas Co., Marshall Wyant No. 1, 1715 Grant Bldg., Pittsburgh, Pa. 15219.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Uneconomical	-------
CI69-708 A 1-30-69	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Texas Eastern Transmission Corp., Block 280 Field, West Cameron Area, Offshore Louisiana.	21.25	15.025
CI69-709 B 1-29-69	Commonwealth Gas Corp., Post Office Box 1483, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Depleted	-------
CI69-710 B 1-28-69	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Placedo Field, Victoria County, Tex.	Depleted	-------
CI69-711 A 1-30-69	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	Natural Gas Pipeline Co. of America, acreage in Woodward County, Okla.	[8] 15.241	14.65

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3784 (G-8409) 1-24-69 [1]	Sohio Petroleum Co. (Operator) et al. (successor to Standard Oil Co.), 714 Petroleum Bldg., Oklahoma City, Okla. 73102.	Transcontinental Gas Pipe Line Corp., Corpus Christi Field, Refugio County, Tex.	[2] 11.0 [3] 12.0 [4] 13.0	14.65
G-6931 (G-3913) C 1-30-69 [5]	Star Gas Co. (successor to United Carbon Co.), 809 Kanawha Valley Bldg., Charleston, W. Va. 25301.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	18.0	15.325
G-7072 E 1-21-69	Eastern Exploration & Development (successor to Kewanee Oil Co.), 1112 Main St., Lancaster, Ohio 43130.	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	20.0	15.325
G-10938 D 1-31-69	Magna Oil Corp., 1000 Mercantile Continental Bldg., Dallas, Tex. 75201 (partial abandonment).	Southern Natural Gas Co., East Happystown Field, Iberville Parish, La.	Depleted	-------
CI60-172 E 1-13-69	Roy O. Davison & Freeda M. Davison (successor to Lawrence Vadis, W. Va. 29445.	Equitable Gas Co., acreage in Lewis County, W. Va.	25.0	15.325
CI60-467 E 2-3-69 [6]	John L. Harlan, Trustee (Operator) et al. (successor to American Petrofina Co. of Texas (Operator) et al.), c/o Henry W. Sinnott, attorney-in-fact, 8th Floor, Main Bank Bldg., Fort Worth, Tex. 76102.	Tennessee Gas Pipelines Co., a division of Tenneco Inc., Southeast Tomball Field, Harris County, Tex.	[7] 13.5	14.65
CI61-1024 D 1-24-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	Assigned	-------
CI61-1285 C 2-5-69	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	Southern Union Gathering Co., acreage in San Juan County, N. Mex.	13.0	15.025
CI62-1104 (CI66-260) C 1-21-69 [6]	Union Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., South Downsville Field, Union and Lincoln Parishes, La.	13.75	15.025
CI62-1335 E 1-31-69	J. Gregory Merrion & Robert L. Bayless (successor to Fred W. Pool (Operator) et al. d.b.a. Durango Syndicate), Box 1541, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	[9] 13.0	15.025
CI63-234 D 1-24-69	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer et al. Counties, Okla.	Assigned	-------
CI63-1000 D 2—69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Lacey Area, Kingfisher County, Okla.	Assigned	-------
CI64-175 C 1-16-67 [6]	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
CI64-998 D 2-3-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Assigned	-------
CI64-1506 C 1-15-69 [6]	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Gallup Field, McKinley County, N. Mex.	13.0	15.025
CI66-917 E 1-30-69	Herbert H. Champlin et al. (successor to Joe N. Champlin, Trustee), 700 First National Bank Bldg., Enid, Okla. 73701.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	[11] 16.0	14.65
CI67-286 C 2-5-69 [13]	Monsanto Co., 1300 Main St., Houston, Tex. 77002.	Southern Natural Gas Co., Loisel Field, St. Mary and Iberia Parishes, La.	16.0	15.025
CI67-1224 E 1-29-69	Herbert H. Champlin et al. (successor to Joe N. Champlin).	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	[11] 17.0	14.65
CI67-1736 C 1-27-69	Southwest Oil Industries, Inc., 801 First National Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	16.0	14.65
CI68-93 E 1-29-69	Herbert H. Champlin et al. (successor to Joe N. Champlin, Trustee).	Northern Natural Gas Co., Finehamn Field, Meade County, Kans.	16.0	14.65
		Oklahoma Natural Gas Gathering Corp.,[14] Ringwood Field, Major County, Okla.	[11] 12.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-712 (G-14628) F 1-28-69	Nielson Enterprises, Inc. (successor to Sinclair Oil Corp.), Post Office Box 370, Cody, Wyo. 82414.	Northern Natural Gas Co., Mocane Field, Harper County, Okla.	[2] 15.0	14.65
CI69-713 B 1-31-69	Amerada Petroleum Corp. (Operation) et al., Post Office Box 2040, Tulsa, Okla. 74102.	Florida Gas Transmission Co., Port Allen Field, West Baton Rouge Parish, La.	Depleted	
CI69-714 A 1-31-69	C. L. Kingsbury et al., 2 Kingsbury Dr., Huntington, W. Va. 25701.	United Fuel Gas Co., acreage in Gilmer County, W. Va.	25.0	15.325
CI69-715 A 1-31-69	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	[3] 13.4001 [3] 13.1477	14.65
CI69-716 (G-12259) (G-13308) (G-16579) (CI60-785) (CI61-1642) (G-13269) (G-18916) F 1-29-69 1-30-69	Southwest Oil Industries, Inc. (successor to Trans-Viking Petroleum, Inc.,[3] Shell Oil Co.; Riddell Petroleum Corp.; Thomas E. Berry; Continental Oil Co.; Sinclair Oil Corp.; Ashland Oil & Refining Co.).	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Harper County, Okla.	17.0	14.65
CI69-717 (CI64-672) F 1-27-69	Southwest Oil Industries, Inc. (successor to Cities Service Oil Co. (Operator) et al.).	Northern Natural Gas Co., Fincham Field, Meade County, Kans.	16.0	14.65
CI69-718 (CI61-1024) F 1-27-69	Southwest Oil Industries, Inc. (successor to Mobil Oil Corp.).	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	19.0	14.65
CI69-720 (CI60-138) 1-30-69	Signal Oil & Gas Co., 3600 Wilshire Blvd., Los Angeles, Calif. 90017.	Lone Star Gas Co., West Marlow Field, Stephens County, Okla.	12.0	14.65
CI69-721 A 2-3-69	Sohio Petroleum Co., 970 First National Bank Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Northwest Camrick Pool, Texas County, Okla.	[2] 18.75	14.65
CI69-722 A 2-3-69	Hassie Hunt Trust, 1401 Elm St., Dallas, Tex. 75202.	Texas Eastern Transmission Corp., Northeast Lisbon (Deep) Field, Claiborne Parish, La.	[10] 0	15.025
CI69-723 B 2-3-69	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	West Lake Natural Gasoline Co., West Lake Trammel Pool, Nolan County, Tex.	Depleted	
CI69-724 A 1-30-69	J. M. Huber Corp.	Sea Robin Pipeline Co., Ship Shoal Area, Offshore Louisiana.	21.25	15.025
CI69-725 A 2-4-69	Cecil Meadows Enterprises et al., 122 Janis Rae Pl., San Antonio, Tex. 78201.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI69-726 A 2-4-69	Talkington-Brady et al., c/o Troy A. Brady, Jr., agent, Box 371, Buckhannon, W. Va. 26201.	Consolidated Gas Supply Corp., Meade District, Upshur County, W. Va.	25.0	15.325
CI69-727 A 2-3-69	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	Trunkline Gas Co., South Timbalier Blocks 179 and 187, Offshore Louisiana.	21.25	15.025
CI69-728 A 2-5-69	Belle Bower Producing Co., Inc., 1014 Lane Bldg., Shreveport, La. 71102.	Texas Eastern Transmission Corp., Grand Cane Area, De Soto Parish, La.	17.0	15.025
CI69-730 B 2-3-69	Amerada Petroleum Corp.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Depleted	
CI69-731 A 2-5-69	Russell V. Johnson, Jr., 925 Cravens Bldg., Oklahoma City, Okla. 73102.	Natural Gas Pipeline Co., of America, South Sayre Area, Beckham County, Okla.	[11] 15.0	14.65

[1] Sohio proposes in Docket No. G-3764 to continue pursuant to its FPC Gas Rate Schedule No. 133 the sale of natural gas heretofore authorized in Docket No. G-8469 to be made pursuant to Blanco Oil Co.'s FPC Gas Rate Schedule No. 2. Sohio states that its rate schedule presently provides for the subject service. Applicant requests that the certificate in Docket No. G-8469 be terminated.
[2] For gas that does not require compression.
[3] For gas compressed by purchaser if seller elects to take over operation and maintenance of compressors installed by buyer.
[4] For gas requiring compression if seller installs and operates the necessary compression facilities.
[5] Adds acreage acquired from United Carbon Co., Docket No. G-3013.
[6] Amendment to certificate to reflect change in Operator.
[7] Rate in effect subject to refund in Docket No. RI64-426.
[8] Adds acreage acquired from Franks Petroleum (Operator) et al., Docket No. CI66-290.
[9] Plus 1 cent per Mcf minimum guarantee for liquids.
[10] Application previously noticed Jan. 24, 1969, in Dockets Nos. G-3072 et al. at a total initial rate of 13 cents per Mcf. By letter filed Feb. 6, 1969, Applicant amended its application to reflect a total initial rate of 15 cents per Mcf in lieu of 14 cents.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Amendment is also to include interest of nonoperators.
[13] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[14] Rate in effect subject to refund in Docket No. [illegible].
[15] Pressure is insufficient to enter Buyer's pipeline.
[16] Includes 1.95 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustnemt.
[17] Contract provides for rate of 17.8 cents per Mcf; however, by letter filed Jan. 10, 1969, Applicant agreed to accept certificate conditioned to 16 cents per Mcf.
[18] Applicant has agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[19] Rate in effect subject to refund in Docket No. RI68-297.
[20] Includes 1.241 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[21] For sweet gas.
[22] For sour gas. Subject to 0.25 cent per Mcf downward adjustment for treating sour gas.
[23] Coowner under Sinclair Oil Corp.'s contract.
[24] Applicant is filing for certificate to cover its own interest previously covered by certificate issued to Irl A. Nichol in Docket No. CI60-138.
[25] Includes 1.75 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 69-2484; Filed, Mar. 3, 1969; 8:45 a.m.]

[Docket No. CP69-221]

CITIES SERVICE GAS CO.

Notice of Application

FEBRUARY 26, 1969.

Take notice that on February 17, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP69-221 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities in Haskell, Gray, and Ford Counties, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to sell and deliver gas to Peoples Natural Gas Division of Northern Natural Gas Co. for resale in the communities of Montezuma, Ensign, Cimarron, and Dodge City, Kans.; to tap its existing 12-inch Farmland line in Ford County, and to construct and operate approximately 0.3 mile of 12-inch pipeline in Ford County, and to there construct and operate measuring and regulating facilities; to tap its existing Kansas-Hugoton 26-inch pipeline system in Gray County, and to there construct and operate measuring and regulating facilities; and to construct approximately 1 mile of 26-inch loop pipeline in Haskell County, Kans.

Applicant states it entered into a contract with Peoples Natural Gas for the natural gas required for Montezuma, Ensign, Cimarron, and Dodge City. Applicant further states it contracted on December 24, 1968, to supply annually up to 2,486,424 Mcf (at 14.73 p.s.i.a.) to Central Telephone & Utilities Corp. for the gas and fuel requirements of its Fort Dodge steam electric generating station.

Applicant estimates the cost of the facilities at approximately $171,150.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 26, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2608; Filed, Mar. 3, 1969; 8:48 a.m.]

[Docket No. CP69-222]

TENNESSEE GAS PIPELINE CO.

Notice of Application

FEBRUARY 26, 1969.

Take notice that on February 18, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Tennessee Building, Houston, Tex. 77002, filed in Docket No. CP69-222 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to sell and deliver additional volumes of natural gas to meet the increased requirements of existing customers entirely dependent upon Applicant for their natural gas supply, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 9.6 miles of 30-inch main line loop; 11,065 additional compressor horsepower at three existing compressor stations; 10,500 additional compressor horsepower at two new compressor stations; and to relocate 3,000 compressor horsepower.

Applicant states that construction of the proposed facilities will not increase its presently authorized system design day capacity, but will provide sufficient increased capacity cost of its underground storage fields to enable it to render the proposed service.

Applicant also seeks authorization to render additional long-term service to existing General Service customers requesting an additional supply of gas commencing with the 1969-70 winter heating season. The proposed additional maximum contract quantity is 60,223 Mcf per day. Applicant is also seeking authority to render interim service under its IG-6 Rate Schedule to 21 existing customers in its New England Rate Zone for the period beginning November 1, 1969, and extending to November 1, 1970. The proposed interim service will total 63,834 Mcf per day.

Applicant states the total estimated cost of the proposed facilities to be $11,153,700, which Applicant states it will finance initially from funds generated through operations of Applicant and from interim financing such as revolving credit. Applicant states that the amount drawn from revolving credit will be retired in the future through permanent financing or from the general funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 517.10) on or before March 26, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2609; Filed, Mar. 3, 1969; 8:49 a.m.]

[Docket No. E-7427]

WISCONSIN ELECTRIC POWER CO.

Notice of Application

FEBRUARY 26, 1969.

Take notice that by order issued August 13, 1965, the Federal Power Commission issued an order pursuant to section 204 of the Federal Power Act authorizing Wisconsin Electric Power Co. to issue short-term promissory notes not to exceed an aggregate of $40 million principal amount outstanding at any one time. The notes were to be issued on or before December 31, 1969, with a final maturity of not later than December 31, 1970.

On February 19, 1969, Wisconsin Electric Power Co. (Applicant) filed a supplemental application requesting that the Commission's order of August 13, 1968, be modified to the extent that Applicant be authorized to issue short-term promissory notes on or before December 13, 1969, in the aggregate principal amount of $50 million outstanding at any one time instead of the aggregate of $40 million as presently authorized, all other terms and conditions of the Commission's order to remain the same.

The proceeds from the notes will be used to provide current funds to finance in part expenditures to be made in 1969 in connection with Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2610; Filed, Mar. 3, 1969; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF HONDURAS

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 27, 1969.

On October 31, 1968, the U.S. Government requested the Government of the Republic of Honduras to enter into consultations concerning exports to the United States of cotton textile products in Category 61 produced or manufactured in Honduras. In that request, the U.S. Government indicated a specific level at which it considered that exports in this category from Honduras should be restrained for the 12-month period, beginning October 31, 1968, and extending through October 30, 1969. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level indicated in that request. This restraint does not apply to cotton textile products in Category 61, produced or manufactured in Honduras and exported to the United States prior to the beginning of the applicable 12-month period designated above.

There is published below a letter of February 27, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 61, produced or manufactured in Honduras which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 31, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

FEBRUARY 27, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning October 31, 1968, and extending through October 30, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 61, produced or manufactured in the Republic of Honduras, in excess of a level of restraint for the period of 30,000 dozen.[1]

In carrying out this directive, entries of cotton textile products in Category 61, produced or manufactured in Honduras and which have been exported to the United States from Honduras prior to October 31, 1968, shall not be subject to this directive. In addition, cotton textile products in Category 61, which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 61 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Honduras and with respect to imports of cotton textiles and cotton textile products from Honduras have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–2635; Filed, Mar. 3, 1969; 8:49 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 27, 1969.

On March 15, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral agreement with the Government of the Polish People's Republic concerning exports of cotton textiles from Poland to the United States over a 3-year period. Under this agreement the Polish People's Republic has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement are those applying specific export limitations to Categories 19, 26 (including a sublimit on duck fabric), 28, 42, 43, 46, 53, 60, and 62, for the third agreement year beginning March 1, 1969.

There is published below a letter of February 27, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning on March 1, 1969, and extending through February 28, 1970, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

FEBRUARY 27, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 1, 1969, and for the 12-month period extending through February 28, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products produced or manufactured in Poland in excess of the following 12-month levels of restraint:

Category	Twelve-Month Level of Restraint
19	square yards... 992,250
26	do[1]... 551,250
28	pieces... 220,500
42	dozen... 27,562
43	do... 49,613
46	do... 11,025
53	do... 12,128
60	do... 14,884
61	pounds... 162,062

[1] Of this amount, not more than 165,375 square yards may be in duck, T.S.U.S.A. Nos.:
320.01 through 04, 06, 08
321.01 through 04, 06, 08
322.01 through 04, 06, 08
326.01 through 04, 06, 08
327.01 through 04, 06, 08
328.01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland and which have been exported to the United States from Poland prior to March 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period March 1, 1968, through February 28, 1969. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 15, 1967, between the Governments of the United States and Poland which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–2636; Filed, Mar. 3, 1969; 8:49 a.m.]

[1] This level has not been adjusted to reflect any entries made on or after Oct. 31, 1968.

SECURITIES AND EXCHANGE COMMISSION

[37–66, 70–4668]

CENTRAL AND SOUTH WEST CORP. ET AL.

Notice of Proposed Organization and Conduct of Business of Subsidiary Service Company in Registered Holding Company System and Related Transactions

FEBRUARY 26, 1969.

Notice is hereby given that Central and South West Corp. ("Central"), 902 Market Street, Wilmington, Del. 19899, a registered holding company, and its four public utility subsidiary companies, Central Power and Light Co. ("CPL"), 120 North Chaparral Street, Corpus Christi, Tex. 78403, Public Service Company of Oklahoma ("Oklahoma"), 600 South Main Street, Tulsa, Okla. 74102, Southwestern Electric Power Co. ("Southwestern"), 428 Travis Street, Shreveport, La. 71102, and West Texas Utilities Co. ("West Texas"), 1062 North Third Street, Abilene, Tex. 79604, have filed with this Commission a joint application-declaration and amendments thereto, designating sections 6, 12(f), and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 40(b), 43(b)(3), and 87 to 93, inclusive, promulgated thereunder as being applicable to the proposed transactions. All interested persons are referred to the said amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to organize a new wholly owned subsidiary company, CSR Services, Inc. ("CSR"), to perform services for all companies in the Central holding-company system. The public utility subsidiary companies of Central provide electric service in the States of Louisiana, Oklahoma and Texas, and for the 12 months ended June 30, 1968, Central and its subsidiaries reported consolidated gross operating revenues of $275,147,822.

CSR was incorporated under the laws of the State of Texas, and its principal office will be in Dallas, Tex. The company will have authorized capital of 10,000 shares of common stock with par value of $10 per share, and it will issue and sell to Central, and Central will acquire 5,000 shares of such stock for $50,000 cash. Approximately $25,000 of these funds will be used to purchase necessary office furniture, furnishings, and equipment, and the balance will be utilized for working capital and organization expense. Any additional capital required by CSR will be obtained by the issuance and sale of authorized but unissued shares of the company's common stock to Central.

The initial staff of CSR will consist of six officers, four of whom will also be officers of Central, and a stenographer. The President of CSR and of Central will divide his time about equally between the two companies, but all of his salary will continue to be paid by Central. Two officers of CSR, who also will be officers of Central, will devote approximately 80 percent of their time to CSR and 20 percent to Central, and their aggregate salaries will be divided between the two companies in the same ratio. Another officer of both CSR and Central will devote all of his time to Central and be compensated solely by such company. The compensation of all other personnel of CSR will be paid by that company, and its total salary expenses in the first year of operation will aggregate approximately $71,300.

The services to be performed by CSR for associate companies will embrace management and administration services, including development of employee benefit plans, and advisory and supervisory services relative to accounting and tax matters of such companies. It is estimated that CSR's total charges to associate companies for services rendered in the first year of operation will amount to $151,500, and that such charges will be billed 40 percent to Central, 20 percent to CPL, 17 percent to Oklahoma, 15 percent to Southwestern, and 8 percent to West Texas. Such allocation percentages represent management's considered estimate of the amounts of time of CSR's personnel to be spent on the affairs of each associate company, and these percentages will be reviewed from time to time for accuracy and appropriate changes.

The tax and accounting services which CSR proposes to perform for system companies formerly were rendered to such companies by Middle West Service Co. ("Middle West"), a former associate service company. See The Middle West Corporation, 30 S.E.C. 433 (1949). The application-declaration states that CSR will be able to perform such services more promptly and at a savings to associate companies of not less than $50,000 per annum. Middle West performs certain budgeting, engineering, economics, data processing, finance, rate, employee and public relations, and sales and marketing services for system operating companies, and it billed such companies $227,665 in 1967 and $249,388 in 1966 for services rendered. Two other former associate service companies perform stock transfer services and safety and insurance administration and coordination services at cost for one or more system companies, and the charges for such services totalled $852,025 in 1967 and $816,089 in 1966.

Central undertakes to cause CSR to take over as many of the services now performed by outside suppliers as is feasible, with the ultimate objective of making the system companies self-sufficient and independent to the extent and as soon as practicable. Central also undertakes to assure that any future commitments for service, sales, or construction contracts by the system companies with outside suppliers will be entered into under competitive conditions to the extent practicable.

It is estimated that legal fees of $1,000 and incidental expenses of $500 will be incurred by the applicants-declarants and CSR in connection with the proposed transactions.

It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the proposed transactions.

The applicants-declarants request that the said joint application-declaration, as amended, be granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act, and to the following additional terms and conditions to which the applicants-declarants have expressly consented:

1. No change in the organization of CSR, the type and character of the companies to be serviced, the method of allocating costs among the system companies, or in the scope or character of services to be rendered, shall be made unless and until CSR shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify CSR that a question exists as to whether the aforesaid proposed change is consistent with the provisions of section 13 of the Act, or of any rule, regulation or order thereunder, the proposed change shall not become effective unless and until CSR shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall have permitted such declaration to become effective.

2. In the event the operation of the cost allocation plan of CSR does not result in a fair and equitable allocation of its costs among the system companies, the Commission reserves the right to require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustment of such cost allocations.

3. Jurisdiction is reserved by the Commission to take such further action as may be necessary or appropriate to carry out the provisions of section 13 of the Act and the rules, regulations, and orders thereunder.

Notice is further given that any interested person may, not later than March 14, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the said joint application declaration, as filed and amended, or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2571; Filed, Mar. 3, 1969; 8:46 a.m.]

CRESTLINE URANIUM & MINING CO.

Order Suspending Trading

FEBRUARY 25, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Crestline Uranium & Mining Co., Denver, Colo., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 26, 1969, through March 7, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2572; Filed, Mar. 3, 1969; 8:46 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

FEBRUARY 25, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 26, 1969, through March 7, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2573; Filed, Mar. 3, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 36]

CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Chicago, Rock Island, and Pacific Railroad Co. shall deliver to the Northern Pacific Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-2581; Filed, Mar. 3, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction No. 32]

ERIE-LACKAWANNA RAILWAY CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Erie-Lackawanna Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Chicago, Burlington & Quincy Railroad Co. shall deliver to the Great Northern Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulation suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-2582; Filed, Mar. 3, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction No. 27; Amdt. 2]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 27 (Florida East Coast Railway Co.; Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 27 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This Direction shall expire at 11:59 p.m., March 15, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 1, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 27, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-2583; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 28; Amdt. 2]

LOUISVILLE AND NASHVILLE RAILROAD CO., AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 28 (Louisville and Nashville Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 28 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 15, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 1, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 27, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-2584; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 33]

NORFOLK AND WESTERN RAILWAY CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Norfolk and Western Railway Co. shall deliver to the Chicago, Rock Island and Pacific Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Chicago, Rock Island and Pacific Railroad Co. shall deliver to the Minneapolis, Northfield and Southern Railway a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(c) The Minneapolis, Northfield and Southern Railway shall deliver to the Great Northern Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(d) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(e) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the director, Office of the Federal Register.

Issued at Washington, D.C., February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-2585; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 34]

PENN CENTRAL CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Penn Central Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 245 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Chicago, Burlington & Quincy Railroad Co. shall deliver to the Great Northern Railway Co. a weekly total of 245 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-2586; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 36]

PENN CENTRAL CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Penn Central Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 245 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Chicago, Burlington & Quincy Railroad Co. shall deliver to the Northern Pacific Railway Co. a weekly total of 245 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movements slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-2587; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 35]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The St. Louis-San Francisco Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Chicago, Burlington & Quincy Railroad Co. shall deliver to the Great Northern Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-2588; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 30; Amdt. 1]

SEABOARD COAST LINE RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 30 (Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 30 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This Direction shall expire at 11:59 p.m., March 15, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 1, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 27, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-2589; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 37]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the Norfolk and Western Railway Co. a weekly total of 350 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Norfolk and Western Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 350 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(c) The Chicago, Burlington & Quincy Railroad Co. shall deliver to the Northern Pacific Railway Co. a weekly total of 350 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(d) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(e) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-2590; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 39]

SOUTHERN RAILWAY CO. AND CHICAGO & EASTERN ILLINOIS RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Southern Railway Co. shall deliver to the Chicago & Eastern Illinois Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C. February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-2591; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 29, Amdt. 1]

SOUTHERN RAILWAY CO. AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 29 (Southern Railway Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 29 be, and it is hereby amendment by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This Direction shall expire at 11:59 p.m., March 15, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 1, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 27, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-2592; Filed, Mar. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 26; Amdt. 2]

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 26 (Terminal Railroad Association of St. Louis; Illinois Central Railroad Co.), and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 26 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This Direction shall expire at 11:59 p.m., March 15, 1969, unless otherwise modified changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 1, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 27, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-2593; Filed, Mar. 3, 1969; 8:47 a.m.]

[No. MC-128254 (Sub-No. 2) etc.]

THEODORE SAVAGE CONTRACT CARRIER APPLICATION, HUNTINGTON BEACH, CALIF.

Notice of Extension of Period for Filing Petitions

FEBRUARY 18, 1969.

At the request of interested persons, the time for filing petitions to reopen or for other appropriate relief with respect to the report and order of the Commission in the above-entitled proceedings, 108 M.C.C. 205 (decided Nov. 18, 1968), is extended to March 26, 1969.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2594; Filed, Mar. 3, 1969; 8:47 a.m.]

[Notice 304]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 27, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70856. By order of February 19, 1969, the Motor Carrier Board approved the transfer to C-Line Express, a corporation, Napa, Calif., of the certificate of registration in No. MC-121346 (Sub-No. 1) issued February 27, 1964, to Stapel Truck Lines, Inc., Concord, Calif., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of California, corresponding in scope to the service authorized by certificate of public convenience and necessity granted in decision No. 63091, dated January 9, 1962, and transferred to transferor in decision No. 63693, dated May 14, 1962, as amended, by the Public Utilities Commission of the State of California. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-70923. By order of February 20, 1969, the Motor Carrier Board approved the transfer to Gene Flaugher, Butler, Ky., of certificate Nos. MC-125932 and MC-125932 (Sub-No. 2), issued January 7, 1965 and December 2, 1965, respectively, to Kenzie Biddle and Gene Flaugher, a partnership, doing business as Biddle & Flaugher, Foster, Ky., authorizing the transportation of: Milk products, milk byproducts, and fruit juices, fruit drinks, and fruit segments, in containers, except such products when unfrozen and in hermetically sealed containers, from the Sealtest Foods Division of National Dairy Products Corp., at Cincinnati, Ohio, to points as specified in Kentucky; and from the plantsite of French Bauer, Division of the CoOperative Pure Milk Association, located at Cincinnati, Ohio, to points as specified in Kentucky. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-70961. By order of February 20, 1969, the Motor Carrier Board approved the transfer to Martin Trailer Service, Inc., 177 Middlesex Turnpike, Billerica, Mass. 01821 of certificate No. MC-113769 (Sub-No. 4), issued May 13, 1959, to Joseph W. Martin, Jr., doing business as The Martin Service, Billerica, Mass. 01821, authorizing the transportation of: House trailers designed to be drawn by passenger automobiles, in secondary movements, between points in that part of Massachusetts in and east of Middlesex, Norfolk, and Bristol Counties, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Rhode Island, Connecticut, and Maine.

No. MC-FC-71026. By order of February 19, 1969, the Motor Carrier Board approved the transfer to Del Mar New England Express, Inc., Laurel, Del., of that portion of the operating rights in certificate No. MC-21006 issued February 7, 1950, to Joseph S. Triglia, 705 East State Street, Delmar, Del., 19940, authorizing the transportation of canned goods, from points in Worcester, Somerset, Wicomico, Dorchester, Caroline, Talbot, and Queen Anne Counties, Md., and those in Sussex and Kent Counties, Del., to Wilmington, Del., Philadelphia, Chester, Allentown, Delta, Easton, Greencastle, Harrisburg, New Freedom, Norristown, and Scranton, Pa.; Bordentown, Bridgeton, Atlantic City, Asbury Park, Camden, Hightstown, Hoboken, Jersey City, Newark, New Brunswick, and other specified points in New Jersey; New York, N.Y., and other points in New York; Bridgeport, Hartford, and New Haven, Conn.; Providence, R.I.; and Boston, Fall River, Holyoke, Springfield, and Worcester, Mass. Russell B. Curnett, Registered Practitioner, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905, representative for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2595; Filed, Mar. 3, 1969; 8:48 a.m.]

[Notice 304A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 27, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-70938. By application filed February 26, 1969, R. D. LEWIS BANANA CO., INC., Post Office Box 387, Fowler, Colo. 81039, seeks temporary authority to lease the operating rights of H. L. HERRIN, JR., Post Office Box 23839, New Orleans, La. 70123, under section 210a(b). The transfer to R. D. LEWIS BANANA CO., INC., of the operating rights of H. L. HERRIN, JR., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2596; Filed, Mar. 3, 1969; 8:48 a.m.]

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PART II

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Gear Certification



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Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1505—GEAR CERTIFICATION

On August 6, 1968, a proposal was published at 33 F.R. 11138 to amend 29 CFR Part 1505 with regard to certification of vessels' cargo handling gear and of shore-based material handling devices. Interested persons were given opportunity to participate in the rule making through submission of written comments. After consideration of all relevant matter submitted and pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) 29 CFR Part 1505 is hereby revised as set forth below, effective 30 days following the publication of this document in the FEDERAL REGISTER:

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AUTHORITY: The provisions of this Part 1505 issued under sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941.

Subpart A—General Provisions

§ 1505.1 Purpose and scope.

(a) The regulations in this part implement §§ 1504.12 (c) and (d)(3) and 1504.13 of this chapter. They provide procedures and standards governing accreditation of persons by the Bureau of Labor Standards, U.S. Department of Labor, for the purpose of certificating vessels' cargo gear and shore-based material handling devices, and the manner in which such certification shall be performed.

(b) Accreditation is not required, and the regulations of this part are not applicable, under the following circumstances:

(1) When cargo gear certification is performed for vessels inspected and certificated under the authority of the U.S. Coast Guard,[1] or for foreign vessels certificated under the requirements of a foreign nation or by persons acceptable for certification purposes by a foreign nation.

(2) When cargo gear certification is performed for shore-based material handling devices under standards established and enforced by the States wherein the devices are located, or by political subdivisions delegated this responsibility by the States, provided such standards meet the requirements of § 1504.13 (b)(2) of this chapter.

(c) Persons not required to be accredited for gear certification purposes, as set forth in paragraph (b) of this section, may, nevertheless, apply for and receive accreditation by the Bureau. The appropriate subparts of this part shall apply to persons accredited pursuant to this paragraph except insofar as exemptions may be granted.

§ 1505.2 Definition of terms.

(a) "Vessel" means every description of watercraft or other artificial contrivance used or capable of being used, as a means of transportation on water, including special-purpose floating structures not primarily designed for or used as a means of transportation on water.

(b) Except as otherwise noted, "cargo gear", as used in Subparts B through E of this part, includes that gear forming a part of a vessel's equipment which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ships' stores, handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(c) With reference to equipment covered by this part—

(1) "Derrick" means—

(i) When applied to vessels' cargo handling gear, a mechanical device for lifting, including a boom which is suspended at its head by a topping lift from a mast, king post, or similar structure, controlled in the horizontal plane by vangs, and used either singly or in pairs with married falls;

(ii) When applied to shore-based material handling devices, a mechanical device intended for lifting, with or without a boom supported at its head by a topping lift from a mast, fixed A frame, or similar structure. The mast or equivalent member may or may not be supported by guys or braces. The boom, where fitted, may or may not be controlled in the horizontal plane by guys (vangs). The term includes shear legs.

(2) "Crane" means a mechanical device intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(3) "Bulk cargo spout" means a spout, which may or may not be telescopic and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a "thrower" or "trimming machine". A grain loading spout is an example of those covered by this definition.

[1] Jurisdiction of the U.S. Coast Guard extends to matters within the scope of title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim); to matters within the regulatory authority of the U.S. Coast Guard under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the U.S. Coast Guard under section 4(e) of the Outer Continental Shelf Lands Act of Aug. 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

(4) "Bulk cargo sucker" means a pneumatic conveyor which utilizes a spoutlike device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the "grain sucker" used to discharge grain from barges.

(d) "Director" means the Director of the Bureau of Labor Standards, U.S. Department of Labor, or his authorized representative.

(e) "Bureau" means the Bureau of Labor Standards, U.S. Department of Labor.

(f) "Person" includes any individual, partnership, corporation, agency, association, or organization.

(g) "Competent person" means:

(1) An individual qualified to perform gear certification functions with respect to vessels' cargo handling gear, as specifically set forth in § 1505.37.

(2) An individual qualified under the provisions of Subparts F and G of this part to perform gear certification functions with respect to shore-based material handling devices.

(h) "Ton" means a ton of 2,240 pounds when applied to vessels' cargo handling gear, and a ton of 2,000 pounds when applied to shore-based material handling devices or to shore-type cranes permanently mounted aboard barges or other vessels employed in domestic trade and designed on the basis of the 2,000-pound ton. Capacity ratings may be stated in pounds.

(i) "Nondestructive" examination means examination of structure or parts by electronic, ultrasonic, or other nondestructive examination suitable for the purpose.

Subpart B—Procedure Governing Accreditation

§ 1505.3 Application for accreditation.

(a) *Application.* Any person seeking accreditation shall file an original and duplicate copy of an application for accreditation with the Director of the Bureau of Labor Standards, United States Department of Labor, Washington, D.C. 20210, on a form provided by the Bureau for this purpose. Each application shall be signed and certified by the applicant and, if the applicant is an agency or organization, by a responsible officer of such agency or organization.

(b) *Contents of application.* The application form shall include the following information:

(1) A statement detailing the applicable types of work performed by the applicant in the past, noting the amount and extent of such work performed within the previous three years, listing representative vessels involved, and including representative job orders if available, or equivalent evidence;

(2) Descriptive details concerning any testing instruments and heat treatment furnaces which are to be used in conducting required tests or heat treatments. Test reports indicating that instruments meet the accuracy standards set forth in this part shall be included;

(3) A list setting forth the ports in which applicant currently conducts his business as well as those in which he proposes to conduct gear certification activities;

(4) A list of the applicant's responsible qualified personnel, both supervisory and managerial and including any surveyors, with resumes of their individual experience in the testing, examination, inspection and heat treatment of cargo gear. Such list shall include any branch office personnel or surveyors appointed to act in the applicant's behalf in any of the ports of the United States: *Provided, however,* That where the submission of individual resumes would be unduly burdensome because of the large number of persons engaged in the applicant's behalf, the applicant, after stating this fact, need only submit a list of its personnel together with a detailed statement of the qualifications upon which the appointment of surveyors is based;

(5) A detailed schedule of the fees proposed to be charged for the various gear certification services;

(6) Evidence of financial stability;

(7) Names of at least three business references who will furnish information regarding work performed by applicant;

(8) Any additional information the applicant deems to be pertinent.

§ 1505.4 Action upon application.

(a) Upon receipt of an application for accreditation, the Director shall approve or deny the application. The Director may conduct an investigation, which may include a hearing, prior to approving or denying an application. To the extent he deems appropriate, the Director may provide an opportunity to other interested persons to present data and views on the application prior to approval or denial.

(b) Any application which fails to present the information required by the prescribed form may be returned to the applicant with a notation of deficiencies and without prejudice to submission of a new or revised application.

(c) If the application is approved, notice of approval shall be mailed to the applicant. If the application is denied, notice of such denial shall be mailed to the applicant and such denial shall be without prejudice to any subsequent application except where such action is deemed to be in the public interest. In the event an application is denied with prejudice, the provisions of § 1505.9 shall be applicable.

(d) A copy of the notice of accreditation shall be kept on file by applicant at the applicant's place of business.

§ 1505.5 Duration and renewal of accreditation.

The period of accreditation shall not exceed three years. Applications for renewal of accreditation shall be made on the same form as described in § 1505.3. No accreditation shall expire until action on an application for renewal shall have been finally determined, provided that such application has been properly executed in accordance with § 1505.3 and filed with and received by the Director not less than 15 nor more than 60 days prior to the expiration date. A final determination means either the approval or initial denial of the application for renewal. The procedure specified in § 1505.4 shall be applicable to all applications for renewal.

§ 1505.6 Criteria governing accreditation to certificate vessels' cargo gear.

(a)(1) A person applying for accreditation to issue registers and pertinent certificates, to maintain registers and appropriate records, and to conduct initial, annual and quadrennial surveys, shall not be accredited unless he is engaged in one or more of the following activities:

(i) Classification of vessels;

(ii) Certification of vessels' cargo gear;

(iii) Shipbuilding or ship repairing, or both insofar as related to work on vessels' cargo handling gear;

(iv) Unit and loose gear testing of vessels' cargo handling gear.

(2) Applicants for accreditation under paragraph (a)(1) of this section for operations in coastal or Great Lakes ports who come within subdivisions (ii) or (iv) shall not be accredited unless they conduct at least 1,500 hours of cargo gear certification work per year.

(b) A person applying for accreditation to carry out tests of loose gear or wire rope, or both, or to carry out heat treatments, and to issue the related certificates, shall be engaged in one or both of the following activities:

(1) Testing of loose gear or wire rope, or both;

(2) Heat treatment of chains and loose cargo gear.

(c)(1) A person applying for accreditation shall be staffed by individuals technically qualified to conduct the inspections and examinations and to conduct or supervise tests and heat treatments prescribed in this part. Any representatives, agents or surveyors acting on behalf of a person applying for accreditation in ports in which such operations are conducted shall be similarly qualified.

(2) Accreditation to conduct such nondestructive examination as may be a part of any certification activity may be granted to applicants found competent and equipped to carry out this activity.

(d) Except as noted in § 1505.1(c), and unless exemptions are granted under § 1505.10(h), a person applying for accreditation as specified in paragraph (a) of this section shall be prepared to carry out all of the requirements of Subparts C, D, and E, of this part except that loose gear and wire rope tests and heat treatments may be carried out by the manufacturer of the gear concerned or by another person accredited specifically for this purpose.

(e) A person applying for accreditation shall have a satisfactory record of performance, and shall be in sound financial condition.

[28 F.R. 3062, Mar. 29, 1963, as amended at 31 F.R. 4786, Mar. 22, 1966]

§ 1505.7 Voluntary amendment or termination of accreditation.

The accreditation of any person may be voluntarily amended or terminated upon written request filed with the Director.

§ 1505.8 Suspension or revocation of accreditation.

The Director may suspend or revoke an accreditation of any person for cause. Except in cases of willfulness or cases in which the public interest requires otherwise, before any accreditation is suspended or revoked, facts or conduct which may warrant such action shall be called to the attention of the person involved in writing and that person shall be afforded an opportunity to achieve or demonstrate appropriate compliance.

§ 1505.9 Reconsideration and review.

(a) Any person aggrieved by the action of the Director or his authorized representative in denying, granting, suspending or revoking an accreditation under this part may within 15 days after such action, (1) file a written request for reconsideration thereof by the Director or the authorized representative of the Director who made the decision in the first instance, or (2) file a written request for review of the decision by the Director or an authorized representative of the Director, who has taken no part in the action which is the subject for review.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings.

(c) Any person aggrieved by the action of the Director or authorized representative of the Director in denying a request for reconsideration may, within 15 days after the denial of such request, file with the Director or his authorized representative a written request for review.

(d) Any person aggrieved by the reconsidered determination of the Director or authorized representative of the Director, may within 15 days after such determination, file with the Director a written request for review.

(e) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(f) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

(g) No cargo gear certification function shall be performed by any person seeking reconsideration or review under this section pending the final decision with respect to such reconsideration or review.

Subpart C—Duties of Persons Accredited to Certificate Vessels' Cargo Gear

§ 1505.10 General duties; exemptions.

(a) Except as noted in § 1505.1 and in paragraph (h) of this section, the requirements set forth in Subparts D and E of this part shall be strictly adhered to in all testing, examinations, inspections and heat treatments.

(b) Supervision of all testing, examinations, inspections, and heat treatments shall be carried out only by such persons as are listed in the application for accreditation or subsequent supplements thereto, submitted pursuant to this part.

(c) The certificates issued by an accredited person shall be signed and all register entries made only by an authorized agent of such accredited person. No certification shall be issued until any deficiencies considered by the accredited person to constitute a currently unsatisfactory condition have been corrected. Replacement parts shall be of equal or better quality as original equipment and suitable for the purpose. In the event deficiencies remain uncorrected and no certification may therefore be issued, the accredited person shall inform the nearest District Office of the Bureau of the circumstances.

(d) Dynamometers or other recording test equipment owned by an accredited person shall have been tested for accuracy within the six months next preceding application for accreditation or renewal of same. Such test shall be performed with calibrating equipment which has been checked in turn so that indications are traceable to the U.S. Bureau of Standards. A copy of test reports shall accompany the application. Where test equipment is not the property of the accredited person, that person shall not issue any certificate based upon the use of such equipment unless its owner has made available a certificate of accuracy based on the requirements of this paragraph, obtained within 1 year prior to such use, and stating the errors of the equipment. Reasonable standards of accuracy shall be met and proof loads adjusted as necessary.

(e) An accredited person shall, upon request, provide the nearest local office of the Bureau with advance information as to scheduled testing or of such other functions as are performed and facilitate the Bureau's observation of any such activities as it may desire to witness: *Provided, however,* That tests need not be delayed, except when specifically requested by the Bureau under unusual circumstances.

(f) All cargo gear registers or certificates issued by an accredited person shall be made on forms prescribed or approved by the Bureau.

(g) Unless otherwise instructed by the Director in specific instances, any person accredited under § 1505.6(a) shall accept certificates relating to loose gear or wire rope tests or to heat treatments which are issued by the manufacturer of the gear concerned, by another person accredited specifically by the Director for this purpose, or by any other person whose certificates are acceptable to the Bureau. Such certificates shall either be attached as a part of the vessel's certification or shall be used as the basis for the issuance of the accredited person's own loose gear, wire rope, or heat treatment certificates. In the latter case, the original certificates shall be kept on file by the accredited person as part of the permanent record of the vessel concerned.

(h) In case of practical difficulties or unnecessary hardships, the Director in his discretion may grant exemptions from any provision of Subparts C, D, and E of this part.

§ 1505.11 Recordkeeping and related procedures concerning records in custody of accredited persons.

(a) An accredited person shall maintain records of all work performed under Subparts D and E of this part.

(b) An accredited person shall maintain a continuous record of the status of the certification of each vessel issued a register by such person.

(c) The records required in paragraphs (a) and (b) of this section shall be available for examination by the Director.

(d) When annual or quadrennial tests, inspections, examinations, or heat treatments are performed by an accredited person, other than the person who originally issued the vessel's register, such accredited person shall furnish copies of any certificates issued and information as to register entries to the person originally issuing the register.

(e) An accredited person shall inform the nearest local office of the Bureau whenever a vessel is initially certificated under these regulations and a register in the prescribed form has been issued.

(f) A copy of each certificate relating to unit tests or thorough examinations, except those issued by the manufacturer and those issued by accredited persons outside of the United States, shall be sent to the nearest local office of the Bureau within 10 days after issuance. Such records shall form a part of the Bureau's file on the accredited person.

(g) An accredited person shall promptly notify the nearest local office of the Bureau with respect to any changes in technical personnel, in fee schedules in geographical areas in which operations are conducted, or other pertinent substantial changes in its organization or operations.

§ 1505.12 Recordkeeping and related procedures concerning records in custody of the vessel.

(a) A fully completed and up-to-date register shall be kept in the form prescribed or approved by the Bureau, giving the particulars required with respect to:

(1) The inspections and thorough examinations required by § 1505.15(a) and (b).

(2) The thorough examinations required by § 1505.15(c).

(3) The thorough examinations required by § 1505.17.

(4) The heat treatment required by § 1505.16 (a) and (b), and § 1505.19.

(b) Certificates in the form prescribed or approved by the Bureau shall be kept up-to-date, be attached to the register, and shall contain the particulars required with respect to:

(1) The testing and examinations required by §§ 1505.14, 1505.15(a), and 1505.19.

(2) The heat treatment required by §§ 1505.16 and 1505.19.

(c) The certificates and entries in the register shall be signed by a person qualified under § 1505.37.

(d) Adequate means shall be provided to enable persons examining the register, or any certificate attached thereto, to identify items of cargo gear referred to therein. Small items of gear, such as shackles, shall bear a mark to indicate that they have been initially tested.

(e) Records shall be kept aboard vessels identifying wire rope or articles of loose gear obtained from time to time and required to be certificated under the regulations of this part.

(f) An accredited person shall instruct the vessel's officers or the vessel's operator if the vessel is unmanned, that the vessel's register and certificates shall be preserved for at least 4 years after the date of the latest entry except in the case of nonrecurring test certificates concerning gear which is kept in use for a longer period, in which event the pertinent certificates shall be retained so long as that gear is continued in use.

(g) In cases where derricks, spouts, suckers, or cranes are mounted permanently aboard barges which remain in domestic inland waters service, the certification documentation shall comply with the provisions of § 1505.90 of this part.

Subpart D—Certification of Vessels' Cargo Gear

§ 1505.13 General.

(a) Except as noted in § 1505.1 and as provided in exemptions under § 1505.10 (h), certification performed by accredited persons shall conform to the requirements contained in this subpart.

(b) Safe working loads assigned to assembled units of gear shall be based on applicable design criteria acceptable to the accredited person. Where no design data on which to base a rating is obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any such safe working load assignment.

§ 1505.14 Initial tests of cargo gear and tests after alterations, renewals or repairs.

(a) (1) Before being taken into use, hoisting machines, fixed gear aboard vessels accessory thereto, and loose gear and wire rope used in connection therewith, shall be tested and examined and the safe working load thereof certified in the manner set forth in Subpart E of this part.

(2) Replacement or additional loose gear and wire rope obtained from time to time shall also be tested and examined in the manner set forth in subparagraph (1) of this paragraph. However, the replacement of a component part of an article of loose gear, such as a sheave, pin, or bushing does not require a new test certificate so long as the new component at least equals in all particulars the part replaced.

(b) In the case of untested gear which has been in use, an initial test in conformance with paragraph (a) (1) of this section shall be carried out: *Provided, however,* That existing standing rigging and wire rope will not be required to be tested but shall be thoroughly examined to ascertain its fitness for continued use in conformance with the requirements of §§ 1505.24 and 1505.25.

(c) In the case of important alterations or renewals of the machinery and gear and also after repairs due to failure of or damage to other than loose components, a test as required in paragraph (a) (1) of this section shall be carried out.

(d) If the operation in which cargo gear is engaged never utilizes more than a fraction of the safe working load rating, the owner may, at his option, have said gear certificated for, and limited in operation to, a lesser maximum safe working load: *Provided, however,* That the gear concerned is physically capable of operation at the original load rating and the load reduction is not for the purpose of avoiding correction of any deficiency.

(e) In no case shall safe working loads be increased beyond the original design limitations unless such increase is based on engineering calculations by or acceptable to the accredited certification agency, and all necessary structural changes are carried out.

§ 1505.15 Periodic tests, examinations and inspections.

After being taken into use, every hoisting machine, all fixed gear aboard vessels accessory thereto and loose gear used in connection therewith, shall be tested, thoroughly examined or inspected as follows:

(a) Derricks with their winches and accessory gear, including the attachments, as a unit; and cranes and other hoisting machines with their accessory gear, as a unit, shall be tested and thoroughly examined every four years in the manner set forth in Subpart E of this part.

(b) Derricks, their permanent attachments and any other fixed gear the dismantling of which is especially difficult shall be visually inspected every twelve months. In order to facilitate such inspection all derricks shall be lowered.

(c) All hoisting machines (e.g., cranes, winches), blocks, shackles, and all other accessory gear not included in paragraph (b) of this section, shall be thoroughly examined every twelve months by means of a visual examination, supplemented as necessary by other means, such as a hammer test or with electronic, ultrasonic, or other non-destructive methods, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined. Particular attention shall be paid to the suitability for continued use of all swivels and the pins and bushings of blocks. If necessary, parts of the machines or gear shall be dismantled. If blocks are disassembled, all shell bolt nuts shall be securely locked upon reassembly.

(d) Where a derrick or crane is mounted on a barge hull and ballast tanks within the hull are used to facilitate use of the derrick or crane, or uncontrolled free surface may be a factor, each annual inspection or examination, as required, shall include such inspection as is necessary for the purpose of determining the integrity of any internals contributing to stability under conditions of use. The owner shall provide the accredited person with necessary information on any ballasting arrangements required.

(e) Annual inspection or examination, as required, shall include, among other things, examination of the following:

(1) Derrick heel attachment points. Heel pins may, if possible, be examined by nondestructive examination.

(2) Shrouds and stays necessary in the use of the gear, together with attachment points.

(3) Deck fittings for the securing of vangs, topping lifts, and/or preventers.

(4) Means of attachment to the hull of "A" frame or other fixed derrick or crane structure and of mobile types of equipment permanently placed aboard the barge or vessel.

(5) Clamshell buckets or other similar equipment, such as magnets, etc., used in conjunction with a derrick or crane mounted aboard a vessel, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests he may deem appropriate.

(6) Winch and other operating drums for excessive wear or defect.

§ 1505.16 Heat treatment.

(a) All chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles, and swivels made of wrought iron, which are used in hoisting or lowering, shall be annealed in accordance with § 1505.36 at the following intervals:

(1) Half inch and smaller chains, rings, hooks, shackles, and swivels in general use, at least once every six months; and

(2) All other chains, rings, hooks, shackles, and swivels in general use, at least once every twelve months.

(3) In the case of gear used solely on lifting machinery worked by hand, twelve months shall be substituted for six months in subparagraph (1) of this paragraph and two years for twelve months in subparagraph (2) of this paragraph.

(4) When used in this paragraph, the term "in general use" means used on fifty-two or more days in a year. In any case, however, the period between annealings shall not exceed two years.

(b) Chains, rings, hooks, shackles, and swivels made of material other than wrought iron or steel shall be heat treated when necessary in accordance with § 1505.36(b).

§ 1505.17 Exemptions from heat treatment.

Gear made of steel, or gear which contains (as in ball bearing swivels), or is permanently attached to (as with blocks), equipment made of materials which cannot be subjected to heat treatment, shall be exempt from the requirements of § 1505.16. Such gear, however, shall be thoroughly examined in the manner described in § 1505.15(c).

§ 1508.18 Grace periods.

Grace periods allowed in connection with the requirements of this subpart are as follows:

(a) Annual or six-month requirements—by the end of the voyage during which they become due;

(b) Quadrennial requirements—within six months after the date when due;

(c) Grace periods shall not be deemed to extend subsequent due dates.

§ 1505.19 Gear requiring welding.

Chains or other gear which have been lengthened, altered or repaired by welding, shall be properly heat treated where necessary, and, before again being put into use, shall be tested and reexamined in the manner set forth in Subpart E of this part.

§ 1505.20 Damaged components.

(a) Pursuant to § 1504.51(b) of this chapter, any derrick or associated permanent fitting which is deformed in service between surveys shall be subjected to proof test to determine its suitability for continued service. If a proof test indicates that the derrick or associated permanent fitting may be continued in service without repair, a note of the existing deformity shall be made on the test certificate. When, in the opinion of the accredited person, it is unsafe to conduct a proof test with an existing deformity, the derrick or associated permanent fitting shall be replaced or repaired and then subjected to proof test in accordance with Subpart E of this part.

(b) Any loose gear components which are injured or deformed by a proof load shall be replaced before a certificate is issued.

(c) Any derrick, other fixed installation, or associated permanent fitting, which is injured or deformed by a proof load shall be replaced or repaired and another proof load test shall be conducted without damage before a certificate is issued.

§ 1505.21 Marking and posting of safe working loads.

(a) The safe working load of the assembled gear and the minimum angle to the horizontal at which this load may be applied shall be plainly marked at the heels of all booms along with the date of the test. Where gear is certificated for use in union purchase, the union purchase safe working load shall also be plainly marked. Any limitations shall be noted in the vessel's papers.

(b) The safe working load shall be marked on all blocks used in hoisting or lowering.

(c) When the capacity of the boom of a crane or derrick has been or will be rated in accordance with the variance of its radius, the maximum safe working loads for the various working angles of the boom and the maximum and minimum radius at which the boom may be safely used, shall be conspicuously posted near the controls and visible to the crane operator. Ratings may be stated in pounds. When they are stated in tons of 2,000 pounds, this fact shall be indicated.

§ 1505.22 Requirements governing braking devices and power sources.

All types of winches and cranes shall be provided with means to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated. Electric winches, electrohydraulic winches fittted with electromagnetic or hydraulic brakes at the winch, or electric cranes, shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator. Current for operation of electric winches and cranes during the tests shall be taken from the vessel's circuits. Shore current may be used if it passes through the vessel's main switchboard.

§ 1505.23 Means of derrick attachment.

Appropriate measures shall be taken to prevent the foot of a derrick from being accidently lifted from its socket or support during the test.

§ 1505.24 Limitations on use of wire rope.

(a) An eye splice made in any wire rope shall have at least three tucks with a whole strand of rope and two tucks with one-half of the wires cut out of each strand. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not prohibited by Part 1504 of this chapter.

(b) Except for eye splices in the ends of wires, each wire rope used in hoisting or lowering, in guying derricks, or as a topping lift, preventer or pendant, shall consist of one continuous piece without knot or splice.

(c) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(d) The ends of falls shall be secured to the winch drums by clamps, U-bolts, shackles or some other equally strong method. Fiber rope fastenings shall not be used.

(e) Wire rope shall not be used for the vessel's cargo gear if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention shall be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

§ 1505.25 Limitations on use of chains.

Chains forming a part of vessel's cargo gear shall not be used when, due to stretch, the increase of length of a measured section exceeds five percent, when a link is damaged, or when other external defects are evident. Chains shall not be shortened by bolting, wiring, or knotting.

Subpart E—Certification of Vessels: Tests and Proof Loads; Heat Treatment; Competent Persons

§ 1505.26 Visual inspection before tests.

Before any test under this Subpart E is carried out, a visual inspection of the gear involved shall be conducted and any visibly defective gear shall be replaced or repaired. The provisions of § 1505.15(d) shall be adhered to.

§ 1505.27 Unit proof tests—winches, derricks and gear accessory thereto.

(a) Winches, with the whole of the gear accessory thereto (including derricks, goosenecks, eye plates, eye bolts, or other attachments), shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load:	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load shall be lifted with the vessel's normal tackle with the derrick at an angle not more than 15 degrees to the horizontal, or, at the designed minimum angle when this is greater, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made shall be stated in the certificate of test. After the proof load has been lifted, it shall be swung as far as possible in both directions. In applying the proof load, the design factors of the gear concerned will determine whether the load is applied with a single part fall or with a puchase and the certificate of test shall state the means used. Where winches are fitted with mechanical brakes for manual operation they shall be demonstrated to be in satisfactory operating condition.

(c) In the case of heavy lift derrick barges, proof loads shall be applied, except as limited by design and stability considerations, at the maximum and minimum radius for which designed, as well as at any intermediate radius which the surveyor may deem necessary, and shall be swung as far as possible in both directions. Data with respect to each proof load applied shall be entered in the test certificate.

(d) No items of cargo gear furnished by outside sources shall be used as a part of the vessel's gear for the purpose of accomplishing the proof test.

(e) All tests prescribed by this section should in general be carried out by dead load, except that in the case of quadrennial tests, replacements, or renewals, spring or hydraulic balances may be used where dead loads are not reasonably available. However, no exception shall be allowed in the case of gear on new vessels.

(f) The test shall not be regarded as satisfactory unless the indicator remains constant under the proof load for a period of at least 5 minutes.

(g) (1) The safe working load, determined pursuant to the requirements of this section, shall be applicable only to a swinging derrick. When using two fixed derricks in "union purchase" rigs, the safe working load should generally be reduced. It is recommended that owners obtain union purchase safe working load certification based upon design study and analysis by, or acceptable to, a qualified technical office of an accredited gear certification agency, with the recognition that such determinations are valid only for the conditions contemplated in the analysis.

(2) Where both guys and preventers are fitted, union purchase certification shall state whether the guy or the preventer is the working strength member, when the guy is for slewing only, and when the guy and preventor should share working loads as far as practicable.

(h) When necessary in the proof testing of heavy derricks, the appropriate shrouds and stays shall be rigged.

§ 1505.28 Unit proof tests—cranes and gear accessory thereto.

(a) Except as noted in paragraph (e) of this section, cranes and other hoisting machines, together with gear accessory thereto, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load:	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load shall be lifted and swung as far as possible in both directions. If the jib or boom of the crane has a variable radius, it shall be tested with proof loads, as specified in paragraph (a) of this section, at the maximum and minimum radius. In the case of hydraulic cranes, when owing to the limitation of pressure it is impossible to lift a load 25 percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

(c) Initial proof tests of new cranes shall be made only with a dead load as specified in paragraph (b) of this section.

(d) Initial tests of cranes which have been in service, quadrennial tests, or tests associated with replacements or renewals, may be made with spring or hydraulic balances where dead loads are not reasonably available, under the following conditions:

(1) Tests shall be conducted at maximum, minimum, and intermediate radius points, as well as such points in the arc of rotation as meet with the approval of the accredited person.

(2) An additional test shall be conducted with partial load and shall include all functions and movements contemplated in the use of the crane.

(e) In cases where shore-type cranes are mounted permanently aboard barges, the requirements of this Subpart E with respect to unit proof tests and examinations shall not apply and the applicable requirements of Subpart H of this part shall be adhered to with respect to unit proof tests and examinations.

§ 1505.29 Limitations on safe working loads and proof loads.

The proof loads specified by §§ 1505.27 and 1505.28 shall be adjusted as necessary to meet any pertinent limitations based on stability and/or on structural competence at particular radii. Safe working loads shall be reduced accordingly.

§ 1505.30 Examinations subsequent to unit tests.

(a) After satisfactory completion of the unit proof load tests required by §§ 1505.27 and 1505.28, the cargo gear and all component parts thereof shall be given a thorough visual examination, supplemented as necessary by other means, such as a hammer test or with electronic, ultrasonic, or other nondestructive methods, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use.

(b) When the test of gear referred to in paragraph (a) of this section is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there is evidence of deformation or failure.

(c) For subsequent tests such parts of the gear shall be dismantled or disassembled after the test as necessary to determine their suitability for continued service.

(d) When blocks are disassembled all shell bolt nuts shall be securely locked upon reassembly.

(e) In carrying out the requirements of this section, replacement shall be required of:

(1) Any swivel found to have excessive tolerance as a result of wear on any bearing surface.

(2) Pins of blocks found to be shouldered, notched, or grooved from wear, in which case, in addition to replacing the pin, sheave bushings shall be examined for suitability for continued use.

§ 1505.31 Proof tests—loose gear.

(a) Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load equal to that shown against the article in the following table:

Article of gear	*Proof load*
Chain, ring, hook, shackle or swivel	100 percent in excess of the safe working load.
Blocks:	
Single sheave block	300 percent in excess of the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.	100 percent in excess of the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block with safe working load over 40 tons.	50 percent in excess of the safe working load.
Pitched chains used with hand-operated blocks and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.
Hand-operated blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin of the block when lifting the nominal safe working load defined in (i) below. The proof load is, therefore, equal to four times the safe working load as defined in (i) below or twice the safe working load as defined in (ii) below.

(i) The nominal safe working load of a single-sheave block should be the maximum load which can be safely lifted by the block when the load is attached to a rope which passes around the sheave of the block.

(ii) In the case of a single-sheave block where the load is attached directly to the block instead of to a rope passing around the sheave, it is permissible to lift a load equal to twice the nominal safe working load of the block as defined in (i) above.

(iii) In the case of a lead block so situated that an acute angle cannot be formed by the two parts of the rope passing over it (i.e., the angle is always 90° or more), the block need not have a greater nominal safe working load than one-half the maximum resultant load which can be placed upon it.

(b) In cases where persons accredited to carry out loose gear tests may be retained to conduct tests of special stevedoring gear as described in § 1504.61(b) of this chapter, which does not form part of a vessel's equipment, such tests shall adhere to the requirements set forth in § 1504.61(b) (1), (2), and (3) of this chapter.

(c) After being tested as required by paragraph (a) of this section, and before being taken into use, all chains, rings, hooks, shackles, blocks or other loose gear, except as noted in § 1505.32, shall be thoroughly examined, the sheaves and pins of the blocks being removed for this purpose, to determine whether any part has been injured or permanently deformed by the test. Shell bolt nuts shall be securely locked upon reassembly. Defective loose gear components shall be replaced before the certificate is issued.

(d) Any certificate relating to shackles, swivels or strength members of single-sheave blocks which have been restored to original dimensions by welding shall state this fact.

§ 1505.32 Specially designed blocks and components.

(a) Blocks and connecting components of an unusual nature which are specially designed and constructed as an integral part of a particular lifting unit and are either permanently affixed or of such design that two or more components must be tested together need not be considered as loose gear for purposes of § 1505.31.

(b) In lieu of the loose gear proof test required by § 1505.31(a), design data shall be submitted to an accredited certification agency indicating design and material specifications and analysis whereby the designed strength of such gear may be determined.

(c) Subsequent to the test of the lifting unit as a whole, a thorough visual examination shall be made of disassembled parts and an electronic, ultrasonic, or other equally efficient non-destructive examination shall be made of those parts not dismantled to ensure the safe condition of such parts.

§ 1505.33 Proof tests—wire rope.

Wire rope, except as provided in § 1505.14(b), shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes, unless otherwise acceptable to the Bureau on the basis of design, shall not exceed one-fifth of the breaking load of the sample tested. In the case of running ropes used in gear with a safe working load exceeding 10 tons, the safe working load shall not exceed one-fourth of the breaking load of the sample tested.

§ 1505.34 Proof tests after repairs or alterations.

When proof loads are applied after repairs or alterations, all parts of the assembled gear shall be examined as required in §§ 1505.30, 1505.31(c), or 1505.32(c), whichever is applicable.

§ 1505.35 Order of tests.

When both unit and loose gear proof load tests are required, the loose gear test may be carried out after completion of the unit test.

§ 1505.36 Heat treatment.

(a) The annealing of wrought iron gear required by this part shall be accomplished at a temperature between 1100° and 1200° F. and the exposure shall be of between thirty and sixty minutes duration. After being annealed, the gear shall be allowed to cool slowly and shall then be carefully inspected. All annealing shall be carried out in a closed furnace.

(b) When heat treatment of loose gear made of other than wrought iron or steel is recommended by the manufacturer, it shall be carried out in accordance with the specifications of the manufacturer.

§ 1505.37 Competent persons.

All gear certification functions shall be performed by competent persons as set forth in the following table:

Functions	*Competent person*
Any testing, examination, inspection, or heat treatment required in United States ports.	Responsible individual, surveyor or other authorized agent of a person accredited by the Bureau under the regulations contained in this part.
Any testing, examination, inspection, or heat treatment required to be performed while the vessel is in other than United States ports.	Responsible individual, surveyor or other authorized agent of persons recognized by the Commandant of the United States Coast Guard or by a foreign nation whose certification is accepted by the Bureau as being in substantial accordance with § 1504.12(a) of this subtitle.
Testing, examination and inspection of loose gear or wire rope; heat treatment of loose gear.	Employees or authorized agents of persons accredited specifically by the Bureau for this purpose under the regulations contained in this part, or the manufacturer of the gear concerned unless disapproved by the Director.

Subpart F—Accreditation To Certificate Shore-Based Equipment

§ 1505.50 Eligibility for accreditation to certificate shore-based material handling devices covered by § 1504.13 of the safety and health regulations for longshoring.

(a) A person applying for accreditation to carry out certification activities and to issue and maintain the requisite records must be:

(1) A manufacturer of cranes or derricks or of specialized equipment of the type for which accreditation application is made, or a person or organization representing such a manufacturer in a technical capacity; or

(2) Technically experienced and qualified to carry out examinations and/or testing, as applicable, of vessels or shore-based equipment or gear of the type for which accreditation application is made.

(b) The owner of shore-based equipment affected may designate a member of his organization to carry out certification functions respecting the owner's equipment, on the following conditions:

(1) The designee is technically experienced and qualified in the inspection and maintenance or design of the type of equipment involved, aside from employment as an operator only.

(2) The designee has applied to an accredited, nationally operating certification agency and has been granted appointment or equivalent recognition by that agency as a surveyor for the purpose intended.

(3) Certification activities carried out by the designee are cleared through the offices, and are subject to the approval, of the accredited certificating agency. When equipment is found satisfactory for use upon any survey, said equipment may be used pending receipt of notification of such approval or any disapproval.

(4) In cases where equipment is certificated by a person designated by the equipment owner, the cognizant accredited certification agency retains the right to inspect such equipment as desired and convenient, in order to ascertain the adequacy of the certification activity performed.

(c) Accreditation to conduct such nondestructive examination as may be a part of any certification activity may be granted to applicants found competent and equipped to carry out this activity.

(d) Unless exemptions are granted at the discretion of the Director in cases of practical difficulties or unnecessary hardship, applicants for accreditation as specified in this section shall be prepared to carry out all necessary functions, except that any requisite wire rope tests, nondestructive examinations, and heat treatments may be carried out by the manufacturer of the gear concerned or by another person accredited specifically for these purposes.

(e) A person applying for accreditation shall have a satisfactory record of relevant experience and performance, and shall be in sound financial condition.

§ 1505.51 Provisions respecting application for accreditation, action upon the application, and related matters.

The provisions of §§ 1505.3, 1505.4, 1505.5, 1505.7, 1505.8, and 1505.9 shall govern accreditation to certificate shore-based material handling devices, to the extent applicable.

Subpart G—Duties of Persons Accredited to Certificate Shore-Based Material Handling Devices

§ 1505.60 General duties, exemptions.

(a) The requirements of Subpart H of this part shall be strictly observed: *Provided, however,* That in cases of practical difficulties or unnecessary hardship, the Director in his discretion may grant exemptions or variations from any provision in that subpart.

(b) Except as otherwise noted in this part, all functions required by Subpart H of this part shall be carried out by or under the supervision of a person accredited for the purpose or by his authorized representative.

(c) All required unit proof load tests shall be carried out by the use of weights as a dead load. Only where this is not possible may dynamometers or other recording test equipment be used. Any such recording test equipment owned by an accredited person shall have been tested for accuracy within the 6 months next preceding application for accreditation or renewal thereof. Such test shall be performed with calibrating equipment which has been checked in turn so that indications are traceable to the U.S. Bureau of Standards. A copy of test reports shall accompany the accreditation application. Where test equipment is not

the property of the accredited person, that person shall not issue any certificate based upon the use of such equipment unless its owner has made available a certificate of accuracy based on the requirements of this paragraph, obtained within the year prior to such use, and stating the errors of the equipment. In any event reasonable standards of accuracy shall be met and proof loads adjusted as necessary.

(d) The qualifications of any person appointed or recognized by any accredited person for the purpose of carrying out certification functions shall meet with the approval of the Director.

(e) Sections 1505.10 (e) and (g) and 1505.11 shall govern, to the extent applicable, persons accredited under Subpart F of this part.

Subpart H—Certification of Shore-Based Material Handling Devices

§ 1505.70 General provisions.

(a) Certification of shore-based material handling devices shall conform to the requirements contained in this subpart, except in cases for which exemptions or variations have been granted by the Director as provided in §§ 1505.50(d) and 1505.60(a).

(b) Any replacements or repairs deemed necessary by the accredited person shall be carried out before application of a proof test.

(c) "Ton" in this subpart means a ton of 2,000 pounds.

(d) When applied to shore-based material handling devices, ratings may be stated in pounds rather than tons. When stated in tons of 2,000 pounds, this fact shall be indicated.

§ 1505.71 Unit proof test and examination of cranes.

(a) Unit proof tests of cranes shall be carried out at the following times:

(1) In the cases of new cranes, before initial use and every 4 years thereafter.

(2) In the cases of uncertificated cranes which have been in use, at the time of initial certification and every 4 years thereafter.

(3) After important alterations and renewals, and after repairs due to failure of, or damage to, major components.

(b) Unit proof load tests of cranes shall be carried out where applicable with the boom in the least stable direction relative to the mounting, based on the manufacturer's specifications.

(c) Unit proof load tests shall be based on the manufacturer's load ratings for the conditions of use and shall, except in the case of bridge type cranes utilizing a trolley, consist of application of a proof load of 10 percent in excess of the load ratings at maximum and minimum radius, and at such intermediate radii as the certificating authority may deem necessary in the circumstances.[1] Trolley equipped cranes shall be subject to a proof load of 25 percent in excess of the manufacturer's load rating. In cases of foreign manufacture, the manufacturer's specifications shall be subject to approval by the certificating authority as being equivalent to U.S. practice. The weight of all auxiliary handling devices such as, but not limited to, magnets, hooks, slings, and clamshell buckets shall be considered part of the load.

(d) An examination shall be carried out in conjunction with each unit proof load test. The accredited person, or his authorized representative, shall make a determination as to correction of deficiencies found. The examination shall cover the following points as applicable:

(1) All functional operating mechanisms shall be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examination shall include operation with partial load, in which all functions and movements, including, where applicable, maximum possible rotation in both directions, are performed.

(2) All safety devices shall be examined for malfunction.

(3) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems shall be examined for deterioration or leakage.

(4) Loose gear components, such as hooks, including wire rope and wire rope terminals and connections, shall be checked with particular attention to sections of wire rope exposed to abnormal wear and to sections not normally exposed for examination. The provisions of § 1505.24 shall apply in wire rope examinations. Cracked or deformed hooks shall be discarded and not reused on any equipment subject to the provisions of Part 1504 of this chapter and this Part 1505.

(5) Rope reeving shall comply with manufacturer's recommendations.

(6) Deformed, cracked, or excessively corroded members in crane structure and boom shall be repaired or replaced as necessary.

(7) Loose bolts, rivets, or other connections shall be corrected.

(8) Worn, cracked, or distorted parts affecting safe operation shall be corrected.

(9) Brake and clutch system parts, linings, pawls, and ratchets shall be examined for excessive wear and free operation.

(10) Load, boom angle, or other indicators shall be checked over their full range for any significant inaccuracy. A boom angle or radius indicator shall be fitted.

(11) It shall be ascertained that there is a durable rating chart visible to the operator, covering the complete range of the manufacturer's capacity ratings at all operating radii, for all permissible boom lengths and jib lengths, with alternate ratings for optional equipment affecting such ratings. Necessary precautions or warnings shall be included. Operating controls shall be marked or an explanation of controls shall be posted at the operator's position to indicate function.

(12) Where used, clamshell buckets or other similar equipment such as magnets, etc., shall be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests as may be appropriate.

(13) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts.

(14) It shall be ascertained that no counterweights in excess of the manufacturer's specifications are fitted.

(15) Such other examination or supplemental functional tests shall be made as may be deemed necessary by the accredited person under the circumstances.

§ 1505.72 Annual examination of cranes.

(a) In any year in which no quadrennial unit proof test is required, an examination shall be carried out by an accredited person or his authorized representative. Such examination shall be made not later than the anniversary date of the quadrennial certification and shall conform with the requirements of § 1505.71(d).

§ 1505.73 Unit proof test and examination of derricks.

(a) Unit proof tests of derricks shall be carried out at the same times as are specified in § 1505.71(a) for cranes.

(b) Unit proof load tests and safe working load ratings shall be based on the design load ratings at the ranges of boom angles or operating radii. Unit proof loads shall exceed the safe working load as follows:

SWL	*Proof Load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

Proof loads shall be applied at the designed maximum and minimum boom angles or radii, or, if this is impracticable, as close to these as practicable. The angles or radii of test shall be stated in the certificate of test. Proof loads shall be swung as far as possible in both directions. The weight of all auxiliary handling devices shall be considered a part of the load.

(c) After satisfactory completion of a unit proof load test the derrick and all component parts thereof shall be carefully examined in accordance with the requirements of § 1505.71(d), as far as applicable.

§ 1505.74 Annual examination of derricks.

(a) In any year in which no quadrennial unit proof test is required, an examination shall be carried out by an accredited person or his authorized representative. Such annual examination

[1] The manufacturer's load ratings are usually based upon percentage of tipping loads under some conditions and upon limitations of structural competence at others, as well as on other criteria such as type of crane mounting, whether or not outriggers are used, etc. Some cranes utilizing a trolley may have only one load rating assigned and applicable at any outreach. It is important that the manufacturer's ratings be used.

shall be made not later than the anniversary date of the quadrennial certification and shall conform in all applicable respects with § 1505.71(d).

§ 1505.75 Determination of crane or derrick safe working loads and limitations in absence of manufacturer's data.

(a) In the event neither manufacturer's data nor design data on safe working loads (including any applicable limitations) are obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any such safe working load assignment.

§ 1505.76 Safe working load reduction.

(a) If the operation in which equipment is engaged never utilizes more than a fraction of the safe working load rating, the owner of such equipment may, at his option, have the crane or derrick certificated for and operated at a lesser maximum safe working load in keeping with the use and based on radius and other pertinent factors: *Provided, however,* That the equipment concerned is physically capable of operation at the original load rating and the load reduction is not for the purpose of avoiding correction of any deficiency.

§ 1505.77 Safe working load increase.

(a) In no case shall safe working loads be increased beyond the manufacturer's ratings or original design limitations unless such increase meets with the manufacturer's approval. Where the manufacturer's services are not available, or where the equipment is of foreign manufacture, engineering design analysis by, or acceptable to, the accredited certification agency is required. All necessary structural changes shall be carried out.

§ 1505.78 Nondestructive examinations.

(a) Wherever it is considered necessary by the accredited person or his authorized representative and wherever it is practical and advisable to avoid disassembly of equipment, removal of pins, etc., examination of structure or parts by electronic ultrasonic or other nondestructive methods may be carried out, provided that the procedure followed is acceptable to the Director and the person carrying out such examination is accredited or acceptable to the Director for the purpose.

§ 1505.79 Wire rope.

(a) Wire rope and replacement wire rope shall be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or the wire rope manufacturer due to actual working condition requirements. In the absence of specific requirements as noted, wire rope shall be of a size and construction suitable for the purpose, and a safety factor of 4 shall be adhered to, and verified by wire rope test certificate.

(b) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment shall not be required to be tested but shall be subject to thorough examination at the time of initial certification of the equipment.

§ 1505.80 Heat treatment.

(a) Wherever heat treatment of any loose gear is recommended by the manufacturer, it shall be carried out in accordance with the specifications of the manufacturer.

§ 1505.81 Examination of bulk cargo loading or discharging spouts or suckers.

(a) Those portions of bulk cargo loading or discharging spouts or suckers which extend over vessels, together with any portable extensions, rigging components, outriggers, and attachment points, supporting them or any of their components vertically, shall be examined annually. The examination shall be carried out with particular attention to the condition of wire rope and accessories. The equipment shall not be considered satisfactory unless, in the opinion of the accredited person or his authorized representative, it is deemed fit to serve its intended function.

§ 1505.90 Documentation.

(a) Documents issued respecting a certification function by an accredited person shall be on forms approved for such use by the Director of the Bureau of Labor Standards and shall so state.

(b) Such documents shall be issued by the accredited person to the owners of affected equipment, attesting to satisfactory compliance with applicable requirements. The forms used shall contain the following information:

(1) Unit proof tests where required—

(i) Identification of crane or derrick including manufacturer, model number, serial number, and ownership.

(ii) Basis for assignment of safe working load ratings, with the ratings assigned (i.e., whether based on manufacturer's ratings, whether for any specific service, etc.).

(iii) Proof test details noting radii and proof loads, how applied, and, where applicable, direction relative to mounting.

(iv) A statement that the test and associated examination were conducted and all applicable requirements of this subpart are met.

(v) Any necessary remarks or supplementary data, including limitations imposed and the reason therefor.

(vi) Name of accredited person and identification of authorized representative actually conducting test and/or examination.

(vii) Authorized signature of accredited person, date and place of test and/or examination.

(2) Annual examination of cranes or derricks—

(i) Information specified in subparagraph (1) (i), (v), (vi), and (vii) of this paragraph.

(ii) A statement that the required examination has been carried out and that, in the opinion of the accredited person or his authorized representative, the equipment has been found in compliance in all applicable respects with the requirements of this subpart.

(3) Annual examination of bulk cargo loading or discharging spouts or suckers—

(i) Specific identification of equipment.

(ii) A statement that examination has been completed and that, in the opinion of the accredited person or his authorized representative, the equipment meets the criteria of § 1505.52(a).

(iii) Information specified in subparagraph (1) (v), (vi), and (vii) of this paragraph.

(c) Certificates relating to wire rope, whether tested by or under the supervision of the accredited person or by its manufacturer and whether or not issued on the basis of the manufacturer's certificates, shall follow the general format of a wire rope test form approved by the Bureau of Labor Standards.

(d) Accredited persons shall advise owners of affected equipment of the necessity for maintaining required documentation or acceptable copies thereof available for inspection at or near the worksite of the equipment involved.

(1) Where initial and periodic tests as well as annual examinations are required, documentation available for inspection shall include the latest unit test certificate and any subsequent annual examination certificates, together with wire rope test certificates relating to any replacements since the last unit test or annual examination.

(2) Where only annual examination is required, documentation available for inspection shall include the latest annual examination certificate and wire rope test certificates relating to any wire replaced since the last annual examination.

(3) In the event that heat treatment of any loose gear is recommended by its manufacturer, the latest heat treatment certificate, attesting to compliance with the manufacturer's specifications, shall be part of the available documentation.

(e) No certification shall be issued until any deficiencies considered by the accredited person to constitute a currently unsatisfactory condition have been corrected. Replacement parts shall be of equal or better quality as original equipment and suitable for the purpose. In the event deficiencies remain uncorrected and no certification therefore is issued, the accredited person shall inform of the circumstances the nearest district office of the Bureau.

Signed at Washington, D.C., this 25th day of February 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

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The President
Agricultural Stabilization and Conservation Service
Civil Aeronautics Board
Consumer and Marketing Service
Education Office
Federal Aviation Administration
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
Foreign Assets Control Office
Housing and Urban Development Department
Interstate Commerce Commission
Land Management Bureau
Post Office Department
Transportation Department
Treasury Department

Detailed list of Contents appears inside.



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Title 3—THE PRESIDENT

Proclamation 3896

NATIONAL SAFE BOATING WEEK 1969

By the President of the United States of America

A Proclamation

In a time of unprecedented opportunity for leisure-time activities, more and more Americans are discovering the benefits of boating. The ever-increasing traffic on the waterways has made it imperative that all boatmen observe the basic rules of boating safety.

Common sense and courtesy are the two foundations of boating safety. An overloaded boat, failure to heed weather warnings or the taking of other unnecessary risks can, and too often do, lead to boating tragedy. If each boatman takes simple precautions, understands the capabilities of his craft, and exercises ordinary good judgment, tragic losses can be avoided.

Recognizing the need for emphasis on boating safety, the Congress, by a joint resolution approved June 4, 1958 (72 Stat. 179) has requested that the President proclaim annually the week which includes July 4 as National Safe Boating Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning June 29, 1969, as National Safe Boating Week.

I urge the public to take advantage of educational courses in boating safety, and all those who use our waterways for boating to exercise courtesy and apply safe boating practices.

I also invite the Governors of the states and the Commonwealth of Puerto Rico and appropriate officials of all other areas under the United States flag to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of March, in the year of our Lord, nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-2718; Filed, Mar. 3, 1969; 4:23 p.m.]

Proclamation 3897

NATIONAL FARM SAFETY WEEK, 1969

By the President of the United States of America

A Proclamation

American agriculture has advanced more in the past 50 years than in all our prior history. A third as many farmers are feeding twice as many Americans today as in 1920. In addition, America is the world's largest exporter of agricultural products, and our abundance is a powerful force for world peace.

Fundamental to this unparalleled achievement in food and fiber production have been the strong hands and management skills of our farm people. While their accomplishments have dramatically increased production, our farm people have suffered a tragic toll of accidents.

Agriculture continues to rank third among our industries in accidental death rate. Thousands of farm residents are fatally injured every year and hundreds of thousands disabled. The dollar cost to the nation approaches $2 billion, but the cost in pain, grief, and suffering cannot be measured.

This terrible waste demands our urgent attention. It can be sharply reduced if everyone working in agriculture makes safety an integral part of management planning, a part of every job and every activity, both on and off the farm.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call on the people of the nation to observe the week of July 20, 1969, as National Farm Safety Week. I urge all farm families, and those persons and groups serving or allied with agriculture, to use all possible means for minimizing accident losses at work, in homes, at recreation, and on public roads.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of March, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-2785; Filed, Mar. 4, 1969; 11:22 a.m.]

Executive Order 11457

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954, as amended (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1947 to 1970, inclusive, shall, during the Ninety-first Congress, be open to inspection by the Committee on Government Operations, House of Representatives, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

Richard Nixon

THE WHITE HOUSE,
March 4, 1969.

[F.R. Doc. 69-2786; Filed, Mar. 4, 1969; 11:22 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 14]

PART 775—FEED GRAINS

Subpart—1966 Through 1969 Feed Grain Program Regulations

COUNTY PROJECTED YIELDS AND COUNTY RATES

Correction

In F.R. Doc. 69-1566 appearing at page 2022 in the issue of Wednesday, February 12, 1969, the following corrections should be made in § 775.427(d):

1. Under the center heading "Alabama" the figure in the last column opposite the entry "Jackson" county should read "1.20" instead of ".20".

2. Under the center heading "Arkansas"—

a. The figure in the last column opposite the entry "Crittenden" county should read "1.29" instead of "1.25".

b. The figures in the last column opposite the entries for "Hempstead" through "Lincoln" counties should read "1.13, 1.16, 1.13, 1.22, 1.16, 1.25, 1.25, 1.13, 1.13, 1.26, 1.29, 1.24", respectively.

3. Under the center heading "Kentucky"—

a. The figure in the second column opposite "Harrison" county should read "1.48" instead of "1.49".

b. The figure in the third column opposite "Russell" county should read "38.8" instead of "35.6".

4. Under the center heading "South Carolina" the figure in the last column opposite the entry "Allendale" county should read "1.23".

5. Under the center heading "Tennessee" the figure in the first column opposite the entry "Polk" county should read "64.2" instead of "64.0".

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1969

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (33 F.R. 19245) is to rescind the second quarter limitations on imports from foreign countries pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act."

Marketing limitations pertaining to the second quarter are no longer necessary to obtain an orderly flow of sugar, and limitations on total raw sugar imports from foreign countries during the second quarter of 1969 are rescinded. All obligations under approved set-aside agreements to import sugar during the first and second quarter respectively, within the time limitations prescribed pursuant to Sugar Regulation 817 will continue in effect.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending paragraph (d)(1) of § 811.73 to read as follows:

§ 811.73 Quotas for foreign countries.

* * * * *

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, the quantity which may be authorized for entry during the first quarter shall not exceed: (i) The quantity of raw sugar imported in late 1968 under bond for refining and storage and charged to such quotas on January 1, 1969, and (ii) 850,000 short tons, raw value, of sugar authorized for importation and charged to such 1969 quotas during the first quarter of the year.

* * * * *

(Secs. 201, 202, 207, 403; 61 Stat. 923 as amended, 924 as amended, 927 as amended, 932 as amended; 7 U.S.C. 1111, 1112, 1117, 1153)

Effective date. This action rescinds the limitation on second quarter imports from foreign countries. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be able as soon as possible to make plans based on changes in the marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on February 28, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-2661; Filed, Mar. 4, 1969; 8:48 a.m.]

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[842.2, Supp. 11, Amdt. 1]

PART 842—BEET SUGAR AREA

Approved Local Areas for 1967 Crop

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, paragraph (j) of § 842.13 (33 F.R. 19827) is amended to read as follows:

§ 842.13 Approved local areas for the 1967 crop.

* * * * *

(j) *Montana.*

ENTIRE COUNTIES

Blaine.	Havalli.
Prairie.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTY AND AREAS
Big Horn: T. 2 S., R. 33 E.; T. 2 N., R. 33 E.
Carbon: Area 3; T. 9 S., R. 22 E.
Dawson: Area 2.
Rosebud: Area 2; Area 3.
Yellowstone: Area 1; Area 2; T. 2 N., R. 27 E.; T. 2 S., R. 23 E.; T. 1 S., R. 24 E.; T. 2 S., R. 24 E.

* * * * *

Statement of bases and considerations. One of the conditions of eligibility of a sugar beet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugar beet crop.

Section 842.13, which appeared in the FEDERAL REGISTER of December 27, 1968 (33 F.R. 19827), listed the counties of Carbon and Yellowstone, Mont., as having met the qualifications with respect to the 1967 crop of sugar beets. However, a subsequent review of the records for the two counties shows that only certain local producing areas within such counties have met the qualifications.

This amendment gives notice of the qualifying local producing areas in Carbon and Yellowstone Counties, Mont.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on February 27, 1969.

WILLIAM E. GALBRAITH,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 69-2660; Filed, Mar. 4, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 22,598]

PART 584—REGULATED ACTIVITIES

Annual Reports and Registration Reports by Savings and Loan Holding Companies

FEBRUARY 18, 1969.

Whereas, notice of a resolution proposing to amend paragraphs (a) of § 584.1 and (a) of § 584.10 to prescribe and require filing of an Annual Report, H–(b)11, by savings and loan holding companies and inviting interested persons to submit written data, views, and arguments was published in the FEDERAL REGISTER (33 F.R. 17698) on November 27, 1968; and

Whereas, materials presented and otherwise available relevant to the proposed amendments have been considered; and

Whereas, it is also desired to eliminate Registration Statements H–(b)1 and H–(b)2 and incorporate their provisions in a consolidated form, "Registration Statement H–(b)10," and to prescribe filing requirements for Registration Statement H–(b)10;

Now, therefore, it is hereby resolved, that the Federal Home Loan Bank Board hereby amends Part 584 of Subchapter F of Chapter V of Title 12 of the Code of Federal Regulations as set forth below, effective April 4, 1969:

1. Paragraph (a) of § 584.1 is revised to read as follows:

§ 584.1 Registration, examination and reports.

(a) *Filing of registration statement and annual reports*—(1) *Filing of registration statement.* Not later than 90 days after becoming a savings and loan holding company, each savings and loan holding company shall register with the Corporation by filing the appropriate registration statement specified in paragraph (a) of § 584.10.

(2) *Filing of annual report.* (i) Each registered savings and loan holding company, including subsidiary savings and loan holding companies, shall file an annual report on Form H–(b)11, except that such report need not be filed by a savings and loan holding company that has filed a registration statement on Form H–(b)3 or H–(b)4, or by a savings and loan holding company which is a trust (other than a business trust). For fiscal years which ended in 1968, the report shall be filed by June 30, 1969. For fiscal years ending during the period January 1, 1969, through June 30, 1969, the report shall be filed within 180 days of the close of such fiscal year. For all fiscal years ending after June 30, 1969, annual reports shall be filed not later than 120 days after the close of the fiscal year.

(ii) Registration statements and annual reports are filed with the Corporation by transmitting the original and two copies thereof to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, and two copies to the Supervisory Agent. Copies of forms to be used in submitting registration statements and annual reports may be obtained from any Supervisory Agent.

* * * * *

2. Paragraph (a) of § 584.10 is amended to read as follows:

§ 584.10 Statements, reports, and notices to be filed.

(a) *Registration statements and annual reports for savings and loan holding companies under § 584.1*—(1) *Registration statements*—(i) *H–(b)10.* This statement shall be used for registration by every savings and loan holding company, including subsidiary savings and loan holding companies, except trusts (other than business trusts) and savings and loan holding companies which file H–(b)3 and H–(b)4 Registration Statements.

(ii) *H–(b)3; Bank as trustee of a trust.* This statement (rather than H–(b)10) may be used for registration by any bank which is a savings and loan holding company only by virtue of its control, in a trustee capacity, of an insured institution.

(iii) *H–(b)4; Creditor as savings and loan holding company.* This statement (rather than H–(b)10) may be used for registration by any company which is a creditor and is a savings and loan holding company only by virtue of the acquisition of control of an insured institution or another savings and loan holding company pursuant to a pledge or hypothecation to secure a loan, or in connection with the liquidation of a loan, made in the ordinary course of business.

(2) *Annual report; H–(b)11.* This report shall be used by every registered savings and loan holding company, including subsidiary savings and loan holding companies, except trusts (other than business trusts) and savings and loan holding companies filing H–(b)3 and H–(b)4 registration statements.

* * * * *

(Sec. 408, National Housing Act, as amended by Public Law 90–255; 12 U.S.C. 1730a)

Be it further resolved, that since notice and formal rule making procedures have been provided in connection with amending Part 584 to require filing of an annual report and since the above amendment otherwise affects only a consolidation and redesignation of existing forms and filing requirements and does not impose any additional requirements, the Board finds that additional formal public rule making procedure is not necessary.

NOTE: These reporting requirements have been approved by the Bureau of the Budget.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–2666; Filed, Mar. 4, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Regulations, Department of Transportation

[Airspace Docket No. 68–SO–101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Areas

On January 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cochran, Ga., transition area and alter the Augusta, Dublin, Eastman, and Macon, Ga., transition areas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinates (lat. 32°38′30″ N., long. 83°35′30″ W.) for Robins AFB (lat. 32°41′35″ N., long. 83°38′50″ W.) for Lewis B. Wilson Airport, and (lat. 32°23′49″ N., long. 83°16′31″ W.) for Cochran Municipal Airport were obtained from Coast and Geodetic Survey. It is necessary to alter the descriptions herein by inserting the geographic coordinates for the airports.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

COCHRAN, GA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cochran Municipal Airport (lat. 32°23′49″ N., long. 83°16′31″ W.); within 2 miles each side of the Vienna VORTAC 046° radial, extending from the 5-mile radius area to 12 miles northeast of the VORTAC.

In § 71.181 (34 F.R. 4637), the Augusta, Ga., transition area is amended as follows: "* * * and that airspace extending upward from 3,000 feet MSL bounded on the north by a line extending from Lat. 33°03′40″ N., Long. 82°30′00″ W. to lat. 33°03′30″ N., long. 82°02′20″ W., on the east by a line 8 miles west of and parallel to the Augusta VORTAC 157° radial, on the south by the north boundary of V–70, and on the west by long. 82°30′00″ W. * * *" is deleted.

In § 71.181 (34 F.R. 4637), the Dublin, Ga., transition area is amended as follows: "* * * that airspace extending upward from 1,200 feet above the surface within a 16-mile radius of Dublin Municipal Airport, excluding the portion that coincides with the Macon and Vidalia, Ga., transition areas; and that airspace extending upward from 2,700 feet MSL north of Dublin, beginning at the intersection of the arc of a 35-mile radius circle centered on the Macon VORTAC and the south boundary of V–56, thence northeast along the south boundary of V–56 to long. 82°50′00″ W., thence south to lat. 33°03′50″ N., long. 82°50′00″ W., thence east to lat. 33°03′30″ N., long. 82°02′20″ W., thence south along a line 8 miles west of and parallel to the Augusta VORTAC 157° radial to the north boundary of V–70, thence southwest along the north boundary of V–70, to and counterclockwise along the arc of a 16-mile radius circle centered at Dublin Municipal Airport, to and counterclockwise along the arc of a 35-mile radius circle centered on the Macon VORTAC to point of beginning * * *" is added to the description.

In § 71.181 (34 F.R. 4637), the Eastman, Ga., transition area is amended as follows: "* * * and that airspace extending upward from 1,200 feet above the surface bounded on the northwest by V–70, on the northeast by V–5, on the southwest and west by V–243E * * *" is added to the description.

In § 71.181 (34 F.R. 4637), the Macon, Ga., transition area is amended to read:

MACON, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Herbert Smart Airport (lat. 32°49′20″ N., long. 83°33′50″ W.); within a 10-mile radius of Robins AFB (lat 32°38′30″ N., long. 83°35′30″ W.); within a 10-mile radius of Lewis B. Wilson Airport (lat. 32°41′35″ N., long. 83°38′50″ W.); within 8 miles southeast and 5 miles northwest of the Macon ILS localizer southwest course, extending from the Lewis B. Wilson Airport 10-mile radius area to 12 miles southwest of the OM; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Macon VORTAC; that airspace north of Macon bounded on the north by V–188, on the east by V–35, and on the southwest by V–267; and that airspace northeast of Macon extending upward from 2,700 feet MSL, extending from the 35-mile radius circle, bounded on the north by V–188, on the east by long. 82°50′00″ W., on the southeast by V–56, and on the west by V–35, excluding the portion that coincides with the Atlanta, Ga., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 20, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69–2642; Filed, Mar. 4, 1969; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 171—MONEY ORDERS

International Money Orders, Conversion Rates

In § 171.2 *International money orders,* paragraph (b) is amended to show new rates for issuing international money orders payable in Canada, Great Britain, and Northern Ireland, Guyana, Ireland, Norway, and Republic of South Africa.

Accordingly, the following numbered tables are substituted for their present versions, as set out in § 171.2(b):

TABLE No. 1

(Rate: 1 United States dollar=1.07 dollars, Canadian money)

FROM 1 CENT TO 100 DOLLARS

United States money	Canadian money	United States money	Canadian money	United States money	Canadian money	United States money	Canadian money	United States money	Canadian money
Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Dollars*	*Dollars*	*Dollars*	*Dollars*
1	1	40	42	79	84	18.00	19.26	57.00	60.99
2	2	41	43	80	85	19.00	20.33	58.00	62.06
3	3	42	44	81	86	20.00	21.40	59.00	63.13
4	4	43	46	82	87	21.00	22.47	60.00	64.20
5	5	44	47	83	88	22.00	23.54	61.00	65.27
6	6	45	48	84	90	23.00	24.61	62.00	66.34
7	7	46	49	85	91	24.00	25.68	63.00	67.41
8	8	47	50	86	92	25.00	26.75	64.00	68.48
9	9	48	51	87	93	26.00	27.82	65.00	69.55
10	10	49	52	88	94	27.00	28.89	66.00	70.62
11	11	50	53	89	95	28.00	29.96	67.00	71.69
12	12	51	54	90	96	29.00	31.03	68.00	72.76
13	13	52	55	91	97	30.00	32.10	69.00	73.83
14	14	53	56	92	98	31.00	33.17	70.00	74.90
15	16	54	57	93	99	32.00	34.24	71.00	75.97
16	17	55	58	94	$1.00	33.00	35.31	72.00	77.04
17	18	56	59	95	1.01	34.00	36.38	73.00	78.11
18	19	57	60	96	1.02	35.00	37.45	74.00	79.18
19	20	58	62	97	1.03	36.00	38.52	75.00	80.25
20	21	59	63	98	1.04	37.00	39.59	76.00	81.32
21	22	60	64	99	1.05	38.00	40.66	77.00	82.39
22	23	61	65	$1.00	1.07	39.00	41.73	78.00	83.46
23	24	62	66	1.00	1.07	40.00	42.80	79.00	84.53
24	25	63	67	2.00	2.14	41.00	43.87	80.00	85.60
25	26	64	68	3.00	3.21	42.00	44.94	81.00	86.67
26	27	65	69	4.00	4.28	43.00	46.01	82.00	87.74
27	28	66	70	5.00	5.35	44.00	47.08	83.00	88.81
28	29	67	71	6.00	6.42	45.00	48.15	84.00	89.88
29	31	68	72	7.00	7.49	46.00	49.22	85.00	90.95
30	32	69	73	8.00	8.56	47.00	50.29	86.00	92.02
31	33	70	74	9.00	9.63	48.00	51.36	87.00	93.09
32	34	71	75	10.00	10.70	49.00	52.43	88.00	94.16
33	35	72	77	11.00	11.77	50.00	53.50	89.00	95.23
34	36	73	78	12.00	12.84	51.00	54.57	90.00	96.30
35	37	74	79	13.00	13.91	52.00	55.64	91.00	97.37
36	38	75	80	14.00	14.98	53.00	56.71	92.00	98.44
37	39	76	81	15.00	16.05	54.00	57.78	93.00	99.51
38	40	77	82	16.00	17.12	55.00	58.85		
39	41	78	83	17.00	18.19	56.00	59.92		

NOTE.—The maximum amount for which a money order payable in Canada may be drawn is $93.46 U.S. money.

TABLE No. 2

(Rate, £1=$2.40)

FROM 1 POUND TO 41 POUNDS

Pounds	Dollars	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars
1	2.40	10	24.00	19	45.60	28	67.20	37	88.80
2	4.80	11	26.40	20	48.00	29	69.60	38	91.20
3	7.20	12	28.80	21	50.40	30	72.00	39	93.60
4	9.60	13	31.20	22	52.80	31	74.40	40	96.00
5	12.00	14	33.60	23	55.20	32	76.80	41	98.40
6	14.40	15	36.00	24	57.60	33	79.20		
7	16.80	16	38.40	25	60.00	34	81.60		
8	19.20	17	40.80	26	62.40	35	84.00		
9	21.60	18	43.20	27	64.80	36	86.40		

FROM 1 PENNY TO 20 SHILLINGS

s.	d.	Dollars	s.	d.	Dollars	s.	d.	Dollars	s.	d.	Dollars	s.	d.	Dollars
	1	0.01	4	1	0.49	8	1	0.97	12	1	1.45	16	1	1.93
	2	.02	4	2	.50	8	2	.98	12	2	1.46	16	2	1.94
	3	.03	4	3	.51	8	3	.99	12	3	1.47	16	3	1.95
	4	.04	4	4	.52	8	4	$1.00	12	4	1.48	16	4	1.96
	5	.05	4	5	.53	8	5	1.01	12	5	1.49	16	5	1.97
	6	.06	4	6	.54	8	6	1.02	12	6	1.50	16	6	1.98
	7	.07	4	7	.55	8	7	1.03	12	7	1.51	16	7	1.99
	8	.08	4	8	.56	8	8	1.04	12	8	1.52	16	8	2.00
	9	.09	4	9	.57	8	9	1.05	12	9	1.53	16	9	2.01
	10	.10	4	10	.58	8	10	1.06	12	10	1.54	16	10	2.02
	11	.11	4	11	.59	8	11	1.07	12	11	1.55	16	11	2.03
1	0	.12	5	0	.60	9	0	1.08	13	0	1.56	17	0	2.04
1	1	.13	5	1	.61	9	1	1.09	13	1	1.57	17	1	2.05
1	2	.14	5	2	.62	9	2	1.10	13	2	1.58	17	2	2.06
1	3	.15	5	3	.63	9	3	1.11	13	3	1.59	17	3	2.07
1	4	.16	5	4	.64	9	4	1.12	13	4	1.60	17	4	2.08
1	5	.17	5	5	.65	9	5	1.13	13	5	1.61	17	5	2.09
1	6	.18	5	6	.66	9	6	1.14	13	6	1.62	17	6	2.10
1	7	.19	5	7	.67	9	7	1.15	13	7	1.63	17	7	2.11
1	8	.20	5	8	.68	9	8	1.16	13	8	1.64	17	8	2.12
1	9	.21	5	9	.69	9	9	1.17	13	9	1.65	17	9	2.13
1	10	.22	5	10	.70	9	10	1.18	13	10	1.66	17	10	2.14
1	11	.23	5	11	.71	9	11	1.19	13	11	1.67	17	11	2.15
2	0	.24	6	0	.72	10	0	1.20	14	0	1.68	18	0	2.16
2	1	.25	6	1	.73	10	1	1.21	14	1	1.69	18	1	2.17
2	2	.26	6	2	.74	10	2	1.22	14	2	1.70	18	2	2.18
2	3	.27	6	3	.75	10	3	1.23	14	3	1.71	18	3	2.19
2	4	.28	6	4	.76	10	4	1.24	14	4	1.72	18	4	2.20
2	5	.29	6	5	.77	10	5	1.25	14	5	1.73	18	5	2.21
2	6	.30	6	6	.78	10	6	1.26	14	6	1.74	18	6	2.22
2	7	.31	6	7	.79	10	7	1.27	14	7	1.75	18	7	2.23
2	8	.32	6	8	.80	10	8	1.28	14	8	1.76	18	8	2.24
2	9	.33	6	9	.81	10	9	1.29	14	9	1.77	18	9	2.25
2	10	.34	6	10	.82	10	10	1.30	14	10	1.78	18	10	2.26
2	11	.35	6	11	.83	10	11	1.31	14	11	1.79	18	11	2.27
3	0	.36	7	0	.84	11	0	1.32	15	0	1.80	19	0	2.28
3	1	.37	7	1	.85	11	1	1.33	15	1	1.81	19	1	2.29
3	2	.38	7	2	.86	11	2	1.34	15	2	1.82	19	2	2.30
3	3	.39	7	3	.87	11	3	1.35	15	3	1.83	19	3	2.31
3	4	.40	7	4	.88	11	4	1.36	15	4	1.84	19	4	2.32
3	5	.41	7	5	.89	11	5	1.37	15	5	1.85	19	5	2.33
3	6	.42	7	6	.90	11	6	1.38	15	6	1.86	19	6	2.34
3	7	.43	7	7	.91	11	7	1.39	15	7	1.87	19	7	2.35
3	8	.44	7	8	.92	11	8	1.40	15	8	1.88	19	8	2.36
3	9	.45	7	9	.93	11	9	1.41	15	9	1.89	19	9	2.37
3	10	.46	7	10	.94	11	10	1.42	15	10	1.90	19	10	2.38
3	11	.47	7	11	.95	11	11	1.43	15	11	1.91	19	11	2.39
4	0	.48	8	0	.96	12	0	1.44	16	0	1.92	20	0	2.40

TABLE No. 3

(Rate: 1 franc (or other unit of foreign currency)=2-2/100 cents)

FROM 1 CENT TO 100 DOLLARS

Cents	Francs	Cents	Francs	Cents	Francs	Dollars	Francs	Dollars	Francs
1	0.50	41	20.30	81	40.10	$22.00	1,089.11	$62.00	3,069.31
2	.99	42	20.79	82	40.59	23.00	1,138.61	63.00	3,118.81
3	1.49	43	21.29	83	41.09	24.00	1,188.12	64.00	3,168.32
4	1.98	44	21.78	84	41.58	25.00	1,237.62	65.00	3,217.82
5	2.48	45	22.28	85	42.08	26.00	1,287.13	66.00	3,267.33
6	2.97	46	22.77	86	42.57	27.00	1,336.63	67.00	3,316.83
7	3.47	47	23.27	87	43.07	28.00	1,386.14	68.00	3,366.34
8	3.96	48	23.76	88	43.56	29.00	1,435.64	69.00	3,415.84
9	4.46	49	24.26	89	44.06	30.00	1,485.15	70.00	3,465.35
10	4.95	50	24.75	90	44.55	31.00	1,534.65	71.00	3,514.85
11	5.45	51	25.25	91	45.05	32.00	1,584.16	72.00	3,564.36
12	5.94	52	25.74	92	45.54	33.00	1,633.66	73.00	3,613.86
13	6.44	53	26.24	93	46.04	34.00	1,683.17	74.00	3,663.37
14	6.93	54	26.73	94	46.53	35.00	1,732.67	75.00	3,712.87
15	7.43	55	27.23	95	47.03	36.00	1,782.18	76.00	3,762.38
16	7.92	56	27.72	96	47.52	37.00	1,831.68	77.00	3,811.88
17	8.42	57	28.22	97	48.02	38.00	1,881.19	78.00	3,861.39
18	8.91	58	28.71	98	48.51	39.00	1,930.69	79.00	3,910.89
19	9.41	59	29.21	99	49.01	40.00	1,980.20	80.00	3,960.40
20	9.90	60	29.70	$1.00	49.50	41.00	2,029.70	81.00	4,009.90
21	10.40	61	30.20	2.00	99.01	42.00	2,079.21	82.00	4,059.41
22	10.89	62	30.69	3.00	148.51	43.00	2,128.71	83.00	4,108.91
23	11.39	63	31.19	4.00	198.02	44.00	2,178.22	84.00	4,158.42
24	11.88	64	31.68	5.00	247.52	45.00	2,227.72	85.00	4,207.92
25	12.38	65	32.18	6.00	297.03	46.00	2,277.23	86.00	4,257.43
26	12.87	66	32.67	7.00	346.53	47.00	2,326.73	87.00	4,306.93
27	13.37	67	33.17	8.00	396.04	48.00	2,376.24	88.00	4,356.44
28	13.86	68	33.66	9.00	445.54	49.00	2,425.74	89.00	4,405.94
29	14.36	69	34.16	10.00	495.05	50.00	2,475.25	90.00	4,455.45
30	14.85	70	34.65	11.00	544.55	51.00	2,524.75	91.00	4,504.95
31	15.35	71	35.15	12.00	594.06	52.00	2,574.26	92.00	4,554.46
32	15.84	72	35.64	13.00	643.56	53.00	2,623.76	93.00	4,603.96
33	16.34	73	36.14	14.00	693.07	54.00	2,673.27	94.00	4,653.47
34	16.83	74	36.63	15.00	742.57	55.00	2,722.77	95.00	4,702.97
35	17.33	75	37.13	16.00	792.08	56.00	2,772.28	96.00	4,752.48
36	17.82	76	37.62	17.00	841.58	57.00	2,821.78	97.00	4,801.98
37	18.32	77	38.12	18.00	891.09	58.00	2,871.29	98.00	4,851.49
38	18.81	78	38.61	19.00	940.59	59.00	2,920.79	99.00	4,900.99
39	19.31	79	39.11	20.00	990.10	60.00	2,970.30	100.00	4,950.50
40	19.80	80	39.60	21.00	1,039.60	61.00	3,019.80		

TABLE No. 4

(Rate: 1 krone (or other unit of foreign currency)=14.1 cents)

FROM 1 CENT TO 100 DOLLARS

Cents	Kroner	Cents	Kroner	Cents	Kroner	Dollars	Kroner	Dollars	Kroner
1	0.07	41	2.91	81	5.74	$22.00	155.68	$62.00	439.71
2	.14	42	2.98	82	5.82	23.00	163.12	63.00	446.80
3	.21	43	3.05	83	5.89	24.00	170.21	64.00	453.89
4	.28	44	3.12	84	5.96	25.00	177.30	65.00	460.99
5	.35	45	3.19	85	6.03	26.00	184.39	66.00	468.08
6	.43	46	3.26	86	6.10	27.00	191.49	67.00	475.17
7	.50	47	3.33	87	6.17	28.00	198.58	68.00	482.26
8	.57	48	3.40	88	6.24	29.00	205.67	69.00	489.35
9	.64	49	3.48	89	6.31	30.00	212.76	70.00	496.45
10	.71	50	3.55	90	6.38	31.00	219.86	71.00	503.54
11	.78	51	3.62	91	6.45	32.00	226.95	72.00	510.63
12	.85	52	3.69	92	6.52	33.00	234.04	73.00	517.72
13	.92	53	3.76	93	6.60	34.00	241.13	74.00	524.82
14	.99	54	3.83	94	6.67	35.00	248.22	75.00	531.91
15	1.06	55	3.90	95	6.74	36.00	255.32	76.00	539.00
16	1.13	56	3.97	96	6.81	37.00	262.41	77.00	546.09
17	1.21	57	4.04	97	6.88	38.00	269.50	78.00	553.18
18	1.28	58	4.11	98	6.95	39.00	276.59	79.00	560.28
19	1.35	59	4.18	99	7.02	40.00	283.68	80.00	567.37
20	1.42	60	4.26	$1.00	7.09	41.00	290.78	81.00	574.46
21	1.49	61	4.33	2.00	14.18	42.00	297.87	82.00	581.56
22	1.56	62	4.40	3.00	21.28	43.00	304.96	83.00	588.64
23	1.63	63	4.47	4.00	28.37	44.00	312.05	84.00	595.74
24	1.70	64	4.54	5.00	35.46	45.00	319.14	85.00	602.83
25	1.77	65	4.61	6.00	42.55	46.00	326.24	86.00	609.92
26	1.84	66	4.68	7.00	49.64	47.00	333.33	87.00	617.01
27	1.91	67	4.75	8.00	56.74	48.00	340.42	88.00	624.10
28	1.99	68	4.82	9.00	63.83	49.00	347.51	89.00	631.20
29	2.06	69	4.89	10.00	70.92	50.00	354.61	90.00	638.29
30	2.13	70	4.96	11.00	78.01	51.00	361.70	91.00	645.38
31	2.20	71	5.04	12.00	85.11	52.00	368.79	92.00	652.47
32	2.27	72	5.11	13.00	92.20	53.00	375.88	93.00	659.57
33	2.34	73	5.18	14.00	99.29	54.00	382.97	94.00	666.66
34	2.41	74	5.25	15.00	106.38	55.00	390.07	95.00	673.75
35	2.48	75	5.32	16.00	113.47	56.00	397.16	96.00	680.84
36	2.55	76	5.39	17.00	120.57	57.00	404.25	97.00	687.93
37	2.62	77	5.46	18.00	127.66	58.00	411.34	98.00	695.03
38	2.69	78	5.53	19.00	134.75	59.00	418.43	99.00	702.12
39	2.77	79	5.60	20.00	141.84	60.00	425.53	100.00	709.21
40	2.84	80	5.67	21.00	148.93	61.00	432.62		

TABLE No. 5

(Rate: 1 krona (or other unit of foreign currency) = 13½ cents)

FROM 1 CENT TO 100 DOLLARS

Cents	Kroner	Cents	Kroner	Cents	Kroner	Dollars	Kroner	Dollars	Kroner
1	0.07	41	3.04	81	6.00	22.00	162.96	62.00	459.26
2	.15	42	3.11	82	6.07	23.00	170.37	63.00	466.67
3	.22	43	3.19	83	6.15	24.00	177.78	64.00	474.07
4	.30	44	3.26	84	6.22	25.00	185.19	65.00	481.48
5	.37	45	3.33	85	6.30	26.00	192.59	66.00	488.89
6	.44	46	3.41	86	6.37	27.00	200.00	67.00	496.30
7	.52	47	3.48	87	6.44	28.00	207.41	68.00	503.70
8	.59	48	3.56	88	6.52	29.00	214.81	69.00	511.11
9	.67	49	3.63	89	6.59	30.00	222.22	70.00	518.52
10	.74	50	3.70	90	6.67	31.00	229.63	71.00	525.93
11	.81	51	3.78	91	6.74	32.00	237.04	72.00	533.33
12	.89	52	3.85	92	6.81	33.00	244.44	73.00	540.74
13	.96	53	3.93	93	6.89	34.00	251.85	74.00	548.15
14	1.04	54	4.00	94	6.96	35.00	259.26	75.00	555.56
15	1.11	55	4.07	95	7.04	36.00	266.67	76.00	562.96
16	1.19	56	4.15	96	7.11	37.00	274.07	77.00	570.37
17	1.26	57	4.22	97	7.19	38.00	281.48	78.00	577.78
18	1.33	58	4.30	98	7.26	39.00	288.89	79.00	585.19
19	1.41	59	4.37	99	7.33	40.00	296.30	80.00	592.59
20	1.48	60	4.44	$1.00	7.41	41.00	303.70	81.00	600.00
21	1.56	61	4.52	2.00	14.81	42.00	311.11	82.00	607.41
22	1.63	62	4.59	3.00	22.22	43.00	318.52	83.00	614.81
23	1.70	63	4.67	4.00	29.63	44.00	325.93	84.00	622.22
24	1.78	64	4.74	5.00	37.04	45.00	333.33	85.00	629.63
25	1.85	65	4.81	6.00	44.44	46.00	340.74	86.00	637.04
26	1.93	66	4.89	7.00	51.85	47.00	348.15	87.00	644.44
27	2.00	67	4.96	8.00	59.26	48.00	355.56	88.00	651.85
28	2.07	68	5.04	9.00	66.67	49.00	362.96	89.00	659.26
29	2.15	69	5.11	10.00	74.07	50.00	370.37	90.00	666.67
30	2.22	70	5.19	11.00	81.48	51.00	377.78	91.00	674.07
31	2.30	71	5.26	12.00	88.89	52.00	385.19	92.00	681.48
32	2.37	72	5.33	13.00	96.30	53.00	392.59	93.00	688.89
33	2.44	73	5.41	14.00	103.70	54.00	400.00	94.00	696.30
34	2.52	74	5.48	15.00	111.11	55.00	407.41	95.00	703.70
35	2.59	75	5.56	16.00	118.52	56.00	414.81	96.00	711.11
36	2.67	76	5.63	17.00	125.93	57.00	422.22	97.00	718.52
37	2.74	77	5.70	18.00	133.33	58.00	429.63	98.00	725.93
38	2.81	78	5.78	19.00	140.74	59.00	437.04	99.00	733.33
39	2.89	79	5.85	20.00	148.15	60.00	444.44	100.00	740.74
40	2.96	80	5.93	21.00	155.56	61.00	451.85		

TABLE No. 10

(Rate: 1 florin (or other unit of foreign currency) = 54 cents)

FROM 1 CENT TO 100 DOLLARS

Cents	Florins	Cents	Florins	Cents	Florins	Dollars	Florins	Dollars	Florins
1	0.02	41	.76	81	1.50	22.00	40.74	62.00	114.81
2	.04	42	.78	82	1.52	23.00	42.59	63.00	116.67
3	.06	43	.80	83	1.54	24.00	44.44	64.00	118.52
4	.07	44	.81	84	1.56	25.00	46.30	65.00	120.37
5	.09	45	.83	85	1.57	26.00	48.15	66.00	122.22
6	.11	46	.85	86	1.59	27.00	50.00	67.00	124.07
7	.13	47	.87	87	1.61	28.00	51.85	68.00	125.93
8	.15	48	.89	88	1.63	29.00	53.70	69.00	127.78
9	.17	49	.91	89	1.65	30.00	55.56	70.00	129.63
10	.19	50	.93	90	1.67	31.00	57.41	71.00	131.48
11	.20	51	.94	91	1.69	32.00	59.26	72.00	133.33
12	.22	52	.96	92	1.70	33.00	61.11	73.00	135.19
13	.24	53	.98	93	1.72	34.00	62.96	74.00	137.04
14	.26	54	1.00	94	1.74	35.00	64.81	75.00	138.89
15	.28	55	1.02	95	1.76	36.00	66.67	76.00	140.74
16	.30	56	1.04	96	1.78	37.00	68.52	77.00	142.59
17	.31	57	1.06	97	1.80	38.00	70.37	78.00	144.44
18	.33	58	1.07	98	1.81	39.00	72.22	79.00	146.30
19	.35	59	1.09	99	1.83	40.00	74.07	80.00	148.15
20	.37	60	1.11	$1.00	1.85	41.00	75.93	81.00	150.00
21	.39	61	1.13	2.00	3.70	42.00	77.78	82.00	151.85
22	.41	62	1.15	3.00	5.56	43.00	79.63	83.00	153.70
23	.43	63	1.17	4.00	7.41	44.00	81.48	84.00	155.56
24	.44	64	1.19	5.00	9.26	45.00	83.33	85.00	157.41
25	.46	65	1.20	6.00	11.11	46.00	85.19	86.00	159.21
26	.48	66	1.22	7.00	12.96	47.00	87.04	87.00	161.11
27	.50	67	1.24	8.00	14.81	48.00	88.89	88.00	162.96
28	.52	68	1.26	9.00	16.67	49.00	90.74	89.00	164.81
29	.54	69	1.28	10.00	18.52	50.00	92.59	90.00	166.67
30	.56	70	1.30	11.00	20.37	51.00	94.44	91.00	168.52
31	.57	71	1.31	12.00	22.22	52.00	96.30	92.00	170.37
32	.59	72	1.33	13.00	24.07	53.00	98.15	93.00	172.22
33	.61	73	1.35	14.00	25.93	54.00	100.00	94.00	174.07
34	.63	74	1.37	15.00	27.78	55.00	101.85	95.00	175.93
35	.65	75	1.39	16.00	29.63	56.00	103.70	96.00	177.78
36	.67	76	1.41	17.00	31.48	57.00	105.56	97.00	179.63
37	.69	77	1.43	18.00	33.33	58.00	107.41	98.00	181.48
38	.70	78	1.44	19.00	35.19	59.00	109.26	99.00	183.33
39	.72	79	1.46	20.00	37.04	60.00	111.11	100.00	185.19
40	.74	80	1.48	21.00	38.89	61.00	112.96		

TABLE No. 11

(Rate: 1 rand (or other unit of foreign currency) = $1.40)

FROM 1 CENT TO 100 DOLLARS

South African cents	United States cents	South African cents	United States cents	South African cents	United States cents	South African rand	United States dollars	South African rand	United States dollars
1	1	35	49	69	97	4.00	5.60	28.00	39.20
2	3	36	50	70	98	5.00	7.00	29.00	40.60
3	4	37	52	71	99	6.00	8.40	30.00	42.00
4	6	38	53	72	$1.01	7.00	9.80	31.00	43.40
5	7	39	55	73	1.02	8.00	11.20	32.00	44.80
6	8	40	56	74	1.04	9.00	12.60	33.00	46.20
7	10	41	57	75	1.05	10.00	14.00	34.00	47.60
8	11	42	59	76	1.06	11.00	15.40	35.00	49.00
9	13	43	60	77	1.08	12.00	16.80	36.00	50.40
10	14	44	62	78	1.09	13.00	18.20	37.00	51.80
11	15	45	63	79	1.11	14.00	19.60	38.00	53.20
12	17	46	64	80	1.12	15.00	21.00	39.00	54.60
13	18	47	66	81	1.13	16.00	22.40	40.00	56.00
14	20	48	67	82	1.15	17.00	23.80	41.00	57.40
15	21	49	69	83	1.16	18.00	25.20	42.00	58.80
16	22	50	70	84	1.18	19.00	26.60	43.00	60.20
17	24	51	71	85	1.19	20.00	28.00	44.00	61.60
18	25	52	73	86	1.20	21.00	29.40	45.00	63.00
19	27	53	74	87	1.22	22.00	30.80	46.00	64.40
20	28	54	76	88	1.23	23.00	32.20	47.00	65.80
21	29	55	77	89	1.25	24.00	33.60	48.00	67.20
22	31	56	78	90	1.26	25.00	35.00	49.00	68.60
23	32	57	80	91	1.27	26.00	36.40	50.00	70.00
24	34	58	81	92	1.29	27.00	37.80	51.00	71.40
25	35	59	83	93	1.30	28.00	39.20	52.00	72.80
26	36	60	84	94	1.32	29.00	40.60	53.00	74.20
27	38	61	85	95	1.33	30.00	42.00	54.00	75.60
28	39	62	87	96	1.34	31.00	43.40	55.00	77.00
29	41	63	88	97	1.36	32.00	44.80	56.00	78.40
30	42	64	90	98	1.37	33.00	46.20	57.00	79.80
31	43	65	91	99	1.39	34.00	47.60	58.00	81.20
32	45	66	92	1.00	1.40	35.00	49.00	59.00	82.60
33	46	67	94	2.00	2.80	36.00	50.40	60.00	84.00
34	48	68	95	3.00	4.20	37.00	51.80	61.00	85.40

(5 U.S.C. 301, 39 U.S.C. 501, 505)

DAVID A. NELSON,
General Counsel.

FEBRUARY 25, 1969.

[F.R. Doc. 69-2537; Filed, Mar. 4, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 145—NATIONAL DEFENSE GRADUATE FELLOWSHIP PROGRAM

Payments of Stipends

Chapter I of Title 45, § 145.7(f) of the Code of Federal Regulations is hereby revised so as to permit a person awarded a fellowship pursuant to this part to simultaneously receive veterans' and war orphans' educational benefits and to make other changes of a technical nature. The section as so revised reads as follows:

§ 145.7 Payments of stipends.

* * * * * * *

(f) *Other Federal educational benefits.* Except for veterans' and war orphans' educational assistance benefits provided under chapters 34 and 35 of title 38 of the United States code, a person receiving any other direct Federal educational benefits may not, concurrently, receive a stipend under this part.

* * * * * * *

(Secs. 401-405, 1001, 72 Stat. 1590-1591, 1602; 20 U.S.C. 461-465, 581)

Effective date: 30 days after publication in the FEDERAL REGISTER.

Dated: February 17, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: February 26, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-2664; Filed, Mar. 4, 1969; 8:48 a.m.]

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Federal Payments To Reduce Student Interest Costs on Direct State Loans

Section 177.14(a)(1) dealing with the maximum rate of interest that may be charged on the unpaid principal balance of loans made under a direct student loan program of a State is hereby amended to provide for an increase in such maximum rate from 6 percent per year to 7 percent per year. As so amended § 177.14(a)(1) reads as follows:

§ 177.14 Federal payments to reduce student interest costs on direct State loans.

(a) * * *

(1) Interest charges may not exceed 7 percentum per annum of the unpaid principal balance of the loan.

* * * * * * *

Effective date. This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Sec. 428(a)(1)(B), 79 Stat. 1240; 20 U.S.C. 1078)

Dated: February 17, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: February 26, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-2663; Filed, Mar. 4, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-157]

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

Antennas and Antenna Structures

In the matter of amendment of Part 5 of the Commission's rules to delete requirements relating to antenna matters from these rule parts, maintain such requirements in Part 17 only, and to delete certain outdated material.

1. In order to preclude the possibility that Part 5 rules relating to antennas and antenna structures may not fully or correctly reflect the provisions of Part 17, it has been determined that these rules should be deleted from Part 5, and contained in Part 17 only.

2. Since FCC Form 401-A has become generally obsolete, and inasmuch as the present application form (440) contains sufficient material for obtaining antenna clearance, it has been determined that the requirements for use of this form should also be deleted.

3. The amendments are set forth below.

4. Authority for these amendments is contained in sections 4(i) and 303 (q) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303 (q) and (r).

5. The deletion of antenna structure provisions is editorial in nature. The elimination of Form 401-A is a procedural matters and will lessen the burden of Experimental Licensees. Notice and public procedure are unnecessary and would be contrary to the public interest. The procedural and effective date pro-

visions of section 4 of the Administrative Procedure Act are therefore inapplicable.

6. In view of the foregoing: *It is ordered*, Effective March 7, 1969, that Part 5 of the Commission's rules are amended as hereinbefore noted.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 5.52, paragraphs (b) and (c) are revised to read as follows:

§ 5.52 Procedure for obtaining a radio station license.

* * * * *

(b) In the case of complete transmitters which are to be used without modification and the installation of which requires only the interconnection of the transmitter units, the application for license may be submitted simultaneously with the application for construction permit.

(c) When the design and construction of the transmitting equipment is an integral part of the experimental program, the application for license may be filed simultaneously with the application for construction permit.

2. In § 5.55, paragraph (a) is revised and paragraph (b) is deleted and reserved, to read as follows:

§ 5.55 Forms to be used.

(a) *Application for construction permit for land stations and fixed stations.* A separate application for construction permit shall be submitted on Form 440 for each base station and each fixed station. Such applications, with respect to proposed antenna structures, must comply with the requirements of Part 17 of this chapter.

(b) [Deleted]

* * * * *

3. Section 5.56(b)(12) is revised to read as follows:

§ 5.56 Procedure for obtaining a special temporary authorization.

* * * * *

(b) * * *

(12) Overall height of antenna structure above ground.

* * * * *

4. Section 5.161 is revised to read as follows:

§ 5.161 Inspection and maintenance of tower marking and lighting and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspections and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements of §§ 17.43 through 17.57 of this chapter.

4. Section 5.163(c) is revised to read as follows:

§ 5.163 Content of station records.

* * * * *

(c) For stations whose antenna structure is required to be illuminated, a record in accordance with the requirements of § 17.49 of this chapter.

[F.R. Doc. 69-2645; Filed, Mar. 4, 1969; 8:46 a.m.]

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

[Docket No. 18281; FCC 69-183]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments, Glendive, Mont.

Report and order. In the matter of amendment of § 73.606 *Table of assignments*, Television Broadcast Stations (Glendive, Mont.), Docket No. 18281, RM-1291.

1. The Commission here considers the rule making to amend the Table of Television Assignments (§ 73.606(b) of the Commission's rules) by assigning Channel 9 to Glendive, Mont., as a second commercial channel.[1] This proceeding was begun by notice of proposed rule making, adopted July 3, 1968 (FCC 68-798), in response to the petition of Meyer Broadcasting Co. (Meyer), the licensee of television stations at Bismarck, Minot, and Williston, N. Dak. Meyer proposes to use the channel at Glendive for a 100-watt translator (§ 74.702(g) of the rules) to rebroadcast its Station KUMV-TV, Williston, which operates largely as a satellite of its Station KFYR-TV, Bismarck.[2] The petition was opposed by Glendive Broadcasting Co. (KXGN), licensee of KXGN(AM) and KXGN-TV, Glendive, and these two parties continued the controversy in comments and reply comments filed in response to the notice.[3]

2. The following background is pertinent. Glendive and its county (Dawson), with 1960 Census populations of 7,058 and 12,314 respectively, is one of the smallest TV markets in the nation having a regular station. KXGN cites Television Factbook (1967) as crediting KXGN-TV with 8,000 households served. KXGN-TV provides the only direct off-air signal of Grade B or higher intensity received in the county, except for a small portion of it which is also within the Grade B contour of the Williston station, some 90 miles from Glendive. A CATV system in Glendive is said to serve between 800 and 900 subscribers, carrying KXGN-TV and KUMV-TV as well as Billings and Salt Lake City stations. The system is owned half by the owner of KXGN and KXGN-TV and half by a CATV group owner (Community TV, Inc.) which also owns Western Microwave; a common carrier supplying programs from Billings and Salt Lake City to both KXGN-TV and the CATV system. KXGN-TV, which went on the air in 1957, operates principally as a CBS affiliate but also carries some 54½ hours a week of ABC (40) and NBC (14½) programing. Meyer's stations, including KUMV-TV, are NBC and ABC affiliates; it appears that the proposed Glendive translator would present some 21 hours a week of the same ABC and NBC programs now carried by KXGN-TV.[4] This is an important element in KXGN's claim of economic impact. The only radio stations in Dawson County are KXGN (a fulltime Class IV station) and a daytime-only station at Glendive.

The arguments generally. 3. Meyer's arguments in favor of the proposed assignment are chiefly the provision of additional service, including more ABC and NBC programing, providing a second "free" service to Glendive and surrounding area, to those persons who do not choose to or (located beyond the reach of the system in rural areas) cannot avail themselves of CATV service. It is asserted that smaller communities in Montana (e.g., Circle) have a choice of free service, and Glendive should also. KXGN makes three general lines of arguments against the proposal: (1) Making a new VHF asignment for high-power translator use alone—since Glendive cannot possibly support a second regular station—is inappropriate; (2) this is especially true since the assignment would preclude a more needed channel assignment elsewhere, contrary to the mandate of section 307(b) of the Act; and (3) use of the channel by a 100-watt translator rebroadcasting KUMV-TV would be unfair competition and have a very serious economic impact on KXGN-TV and the public, in return for only a very small public benefit.[5]

[1] Glendive is assigned Channel 5 and Channel *16, reserved for education. The latter is unoccupied and unapplied for.

[2] KUMV-TV is listed in Television Factbook (1968-69 edition) as a satellite of KFYR-TV, sold in combination with that station. However, its renewal application and 1967 financial report show local programing and local time sales. Meyer operates another satellite station at Minot, N. Dak.

[3] Also filing comments was the National TV Translator Association. This pleading takes no position on the present proposal but urges actions in the translator area of more general scope, such as requiring nonduplication for a period longer than 24 hours, rules to prevent "leap-frogging", and more liberalized rules as to maximum power and origination of local material. These comments are noted but not discussed further herein.

[4] Meyer claims the amount of duplicated programing would be 17 hours per week.

[5] KXGN also asserts that Meyer has not advanced a specific proposal as to the location and facilities of the proposed translator, and therefore its proposal cannot be adequately evaluated and should be rejected. As Meyer points out in reply, this is an allocation rule-making proceeding and a specific proposal is not necessary. We assume that, if Meyer becomes the grantee on the channel, in its own interest it would locate so as to serve as much of the population of Glendive and surrounding area as possible.

Discussion of non-economic arguments. 4. We do not find the KXGN arguments referred to as (1) and (2), above, persuasive. As pointed out in the notice herein, we ruled on and rejected, the 1966 decision concerning Dickinson, N. Dak., the contention that new VHF channels should not be assigned for translator use.[6] KXGN would distinguish this holding because of Dickinson's larger population and the allegedly less specific claim of economic impact by the opponent there; but, while these factors may be relevant in connection with KXGN's economic-injury argument, and are so treated below, they do not affect the basic principle. Making a new VHF assignment even if in all probability it will only be used by a 100-watt translator is appropriate if it would be in the public interest from other standpoints and is consistent with applicable rules.

5. As to other possible assignments which would be precluded by this one, this argument also is without substantial merit. Glendive is not a large city, but in relation to other places in the general area it is very substantial. Within a distance of more than 100 miles from Glendive there are only three cities with larger 1960 Census populations—Miles City, Mont. (9,665), and Dickinson (9,971) and Williston (11,866), N. Dak.—all with two VHF commercial channels assigned. Assuming that all other channel assignments in the table (in use and unoccupied) remain the same, if not used at Glendive, Channel 9 could be assigned in a fairly sizable area in eastern Montana and western North Dakota; but, aside from Dickinson and Glendive, there are no communities in this area with 1960 Census populations as large as 1,500 persons.[7] Thus, the only "preclusion" involved, as a practical matter, is on a possible high-power translator assignment to another community. In view of the availability of UHF channels for 100-watt translator use, the general availability of regular (nonassignment) VHF translators which can now operate with 10 watts transmitter power, and the absence of any demand, we do not consider this "preclusion" effect a significant matter. The proposed assignment, even if used only by a high-power translator, would be consistent with section 307(b).

Discussion of economic-injury arguments. 6. In opposing Meyer's rule-making petition, KXGN advanced the same lines of argument which it later elaborated in comments and reply comments. As to these, the notice stated that the Commission, necessarily hesitant to prevent developing competition, did not regard the showing made concerning detriment to the public as sufficient to warrant denial of the Meyer petition. However, we also stated that we are aware of the controlling importance of demonstrable impact from the proposed translator on service available to the public, and would be attentive to meaningful indicia submitted as to the probable effects of the proposed operation on enhancement or curtailment of broadcast service in the area.

7. In its opposition and later comments and reply comments, KXGN calls attention to its position in a very small market and to the only marginally profitable character of the TV and combined TV-AM operations.[8] It is asserted that the impact from the proposed Meyer translator would impede, and, in fact, reverse the slow and painful growth process which KXGN-TV has experienced since 1957 (expansion from a 6-to-10 p.m. operation to 120 hours a week, etc.), and necessitate reduction in operating hours and, likely, less local programing.[9] The impact, it is said, would take two forms: (1) Competition for local advertising, which Meyer does not deny that it would seek, and any loss of which would turn the KXGN operation into a losing one; (2) loss of NBC and ABC programing, which (since KXGN cannot afford nonnetwork programing to "fill-in" and has available only the limited amount of CBS programing carried on KOOK-TV, Billings); would mean shorter hours of operation, as well as loss of revenue.

8. In the first connection, it is claimed that the Meyer translator, even though not originating any programing, would "fractionate" the audience and be a powerful competitor for local advertising, and an unfair one in that it would not have any operating costs in the market. It is asserted that this is true despite the limited coverage of such a translator, since 70 percent of the KXGN-TV local advertising is from Glendive itself, which would be served. Any loss would eliminate the station's profitability and have the adverse impact mentioned; raising local rates to compensate is said to be out of the question in view of complaints that the present local rate structure ($11.45 to $15.95 per minute in prime time, $6 to $12 in other time) is too high. As to network programs, it is said that Meyer, as a large multiple owner affiliated with NBC and ABC, would be in a position to influence these networks not to provide programs to KXGN-TV; and, in any event, why should they "buy" the station when they can get the market for nothing via translator? This is said to be particularly true of NBC, since Meyer presents much more NBC programing than does KXGN. Loss of this programing is said to be a certainty. Additional CBS programing is said not to be available because KOOK-TV, Billings, from which these programs are fed to KXGN-TV, does not present a full CBS lineup. It is also asserted that a switch in affiliations at Billings in the future is a possibility, in which case this source of CBS material would not be available; KXGN-TV could not afford the additional cost of obtaining programs from that direction from another source and might not be able to find an alternate route at reasonable cost. If that should occur, in the absence of a translator KXGN-TV would be in a good position to increase its ABC and NBC programing; with it this would be impossible. Two other points are urged: (1) Aside from program duplication, broadcasting by KUMV-TV in the Glendive market would adversely affect KXGN-TV in news presentation, because KUMV-TV and its parent station are in the Central zone and can present such material an hour earlier than KXGN-TV, which is in, and gets its programs from, the Mountain zone; (2) the "same day non-duplication" requirement—which has been imposed in some translator situations and which Meyer appears to agree would be appropriate here in connection with its translator and KXGN-TV—is of relatively little value here, since both KXGN-TV and the Williston station present much of their network programing on a delayed basis and therefore time of presentation is of less importance.

9. It is urged that the injury thus resulting would be caused for little benefit. Since the translator would originate no programing and the programing of the Williston station, in another State, is allegedly of little significance to the Glendive area, no local needs would be met. It is said that the audience within KXGN-TV's area already has available, from it, an excellent variety of programing, from three networks; the translator would merely add some NBC and ABC programing to the small portion of the audience which lies beyond the reach of the CATV system and within the limited coverage area which the translator would serve.[10] This would be at the cost of total loss of ABC and NBC programing now carried by KXGN-TV to audiences further out, served by it but not by the

[6] Channel Assignment at Dickinson, N. Dak., 8 R.R. 2d 1501; 4 FCC 2d 885 (1966).

[7] Aside from the two communities mentioned, no community in the "preclusion" area has a local radio station. There is no "preclusion" effect on use of Channels 8 and 10, since use thereof in any area affected by a Glendive Channel 9 assignment is already precluded by assignments at Miles City and Williston.

[8] According to KXGN, for the 10 months from October 1967 through July 1968 the combined TV-AM operations showed a profit of $3,137. TV income before national commissions was some $105,200 ($39,700 local, $27,800 national spot, $37,700 network of which some $17,300 was from ABC and NBC); radio income was about $41,000, and the total income before commissions about $146,200. Combined TV-radio expenses, said to be impossible to segregate, were about $138,900. Meyer states that profits from the CATV system (not shown) should also be included in evaluating the picture.

[9] At various places in its reply comments KXGN describes the curtailment of local programing as "highly probable" or "possible." KXGN-TV's local programing is shown as roughly 7½ hours per week—about 4½ hours of news, a daily (M-F) 15-minute cartoon program with a local personality, a 30-minute interview program two afternoons, and an average of one-half hour per week of "specials."

[10] A 100-watt (transmitter output) translator, with a high-gain antenna, can attain an effective radiated power in the order of 2 kw. With this E.R.P. and a high antenna, its Grade B contour would lie about 20 miles from the station, compared to an average distance to the KXGN-TV Grade B contour of 45 to 50 miles. In both cases, this of course does not necessarily represent the limit of useable service, in this area where signals of stronger intensity are scarce.

translator, and other losses to the station's service and operation mentioned above.

10. Meyer's reply to these contentions largely emphasizes what is claimed to be the de minimis nature of the impact, stressing the translator's limited coverage and absence of local programing competition. Describing KXGN's assertions as "wholly conjectural", Meyer states that it is far-fetch to speculate that a Glendive translator could provide competition which would influence any of the networks to discontinue programing over KXGN–TV. The impact, it is stated, would be mostly in the CATV system. It is asserted that it is KXGN–TV which has "fractionated" the audience by providing diversity of service—at a cost—through the CATV system which it partially owns. It is also stated that KXGN–TV can receive, and continue to receive, CBS programs from Billings regardless of which station there presents them, via the Western Microwave facilities which serve it and the CATV.

Conclusions as to economic impact. 11. When there is under consideration a proposed action which would permit the rendition of an additional broadcast service to a community and area—particularly here, where as far as free television is concerned a choice of service would thus be available for the first time—we believe that there must necessarily be a presumption that the action should be taken. Otherwise we run the risk of thwarting the mandate of section 303(g) of the Communications Act which adjures the Commission to further the larger and more effective use of radio. This presumption is of course subject to rebuttal; but it is nonetheless a substantial one. In the context of applications, the U.S. Court of Appeals has stated that an existing station has a heavy burden in opposing the advent of another station on this ground (Carroll Broadcasting Co. v. FCC, 258 F. 2d 440, 17 R.R. 2066 (C.A.D.C., 1958)). As we stated in the Dickinson, N. Dak. decision supra, we should be slow to act in a manner which would thwart the development of competition.

12. After careful consideration of the KXGN allegations set forth at length above, we conclude that the presumption in favor of the additional assignment has not been rebutted. We cannot find that the likelihood of substantial injury to the public through impact on the service of KXGN–TV is sufficiently well established to warrant such a restrictive decision in the present rule-making proceeding. In this connection we make the following observations: (1) The use of the new channel proposed by Meyer does not appear to pose any threat to KXGN–TV's affiliation with CBS, which is the source of more than half of its network programs and network revenues; the allegations concerning possible loss of CBS programing in the future are obviously much too speculative to form the basis for restrictive action here; (2) as to ABC and NBC programing, while we do not agree with Meyer that loss of this material is "far-fetched", we also cannot regard the total loss of it as a certainty or near certainty, in view of the facts that less than half of the ABC–NBC programing now presented by KXGN–TV is also presented by KUMV (some 21 out of 54½ hours), that most of this programing is from ABC whereas Meyer (according to its 1968 renewal applications) is primarily an NBC affiliate, the limited coverage which a 100-watt translator would have, and the possibility of minimizing such losses through imposition of a "24-hour non-duplication" condition if KXGN requests it and it appears appropriate; (3) as to loss of local advertising, we do not know from the information here (or other information) to what extent local Glendive advertisers would choose to reach their audiences through a station 90 miles away in another State, presenting (according to KXGN) no material of special significance to the Glendive area, rebroadcasting to the Glendive area through a translator of limited coverage as compared to KXGN–TV.[11] In the absence of such information, we must conclude that the probability that losses will occur, to a degree impairing the ability of KXGN–TV to operate in the public interest, is not established sufficiently to warrant a restrictive action. We note the station's position in a very small market, its efforts to expand its service in the face of obstacles and its present position of only slight profitability; but we cannot find that likelihood of harm to the public interest which would justify a negative action, particularly in view of the station's position under common ownership with the local CATV, and thus reinforced economically.

13. Therefore, we conclude that the assignment should be made, in view of the obvious benefits it will bring (used as proposed or otherwise)—a choice of free, off-air service to the area around Glendive which would be within reach of a 100-watt translator but beyond the reach of the cable system, and to the approximately half of that city not subscribing to the CATV.

14. Moreover, it must be borne in mind that this is a rule making proceeding, concerning the assignment of an additional TV channel to Glendive. We have reached the foregoing conclusions on the assumption that the channel would be used as Meyer proposes; but, since any qualified applicant may seek the new assignment, this is not necessarily the case. The use specifically proposed in an application may be different, involving different considerations. Evaluation of contentions of the sort urged by Meyer can be better done in connection with an application presenting a specific proposal in light of which they may be more fully considered. For present rule making purposes, we conclude that a showing has not been made sufficient to justify withholding the service benefits which would flow from the additional channel assignment, used as Meyer proposes or otherwise. Our decision goes no further, and KXGN may make the same or other arguments in connection with an application for use of the channel if one is filed.

15. In view of the foregoing, we conclude that the public interest would be served by the assignment of Channel 9 at Glendive, Mont. Accordingly, pursuant to authority contained in sections (4) (i) and (j), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective April 7, 1969, § 73.606(b) of the Commission's rules, Table of Assignments, Television Broadcast Stations, is amended, with respect to the community named, to read as follows:

City	*Channel No.*
Glendive, Mont	5, 9, *16

16. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–2646; Filed, Mar. 4, 1969; 8:47 a.m.]

[11] This is perhaps even more true since KUMV–TV itself operates only partly as a local Williston station, much of its nonnetwork programing originating at KFYR–TV, Bismarck.

[12] Commissioners Robert E. Lee and H. Rex Lee absent; Commissioner Cox dissenting.

[Docket No. 18258; FCC 69–172]

PART 73—RADIO BROADCAST SERVICES

Indicating Ranges of Aural Frequency Monitor for Television Broadcast Stations

Report and order. In the matter of amendment of § 73.693 of the Commission's rules and regulations respecting the indicating ranges of the aural frequency monitor for television broadcast stations, Docket No. 18258, RM–1250.

1. On July 17, 1968, the Commission adopted a notice of proposed rule making looking toward the possible amendment of § 73.693 of its rules and regulations, which sets forth the requirements for type approval of frequency monitors for television broadcast stations. This notice was issued in response to a petition filed by Collins Radio Co. (Collins), which requested that § 73.693(a)(2) be amended to reduce the required range for the indicating device for the aural monitor from ±3000 to ±2000 c/s.[1]

[1] Section 73.693(a)(2) now reads as follows: "The range of the indicating device for the aural monitor shall be at least 3000 cycles below to 3000 cycles above the assigned center frequency. Alternatively, the aural monitor may use an indicating device with a similar scale to indicate the difference-frequency between the aural and visual carriers. The range of the indicating device for the visual monitor shall be at least 1500 cycles below to 1500 cycles above the assigned carrier frequency."

2. Collins noted that the change which it proposed would make the required indicating range equal to the maximum permissible departure of the aural carrier from its assigned frequency, an equivalence which would be consistent with indicating range requirements for type accepted frequency monitors for standard and FM broadcast stations.

3. Collins further stated that a reduction in the required indicating range would make possible the design of television and aural frequency monitors with digital indicating devices which would be less costly and complicated than digital instruments with a wider indicating range.

4. The rule making notice expressed the Commission's opinion that a reduction in the range of the indicator in the frequency monitor to the operating tolerance would be undesirable, as a maximum reading of the indicator could leave an observer uncertain as to whether the transmitter was operating at the tolerance limit or was off-frequency. However, we indicated that a lesser reduction might be acceptable if supporting information as to the economies in monitor design made possible by such a reduction were to be submitted. While we conceded that type approval requirements for AM and FM monitors specify indicating ranges no greater than the operating tolerances in these services, we noted that greater ranges are provided in most or all types of monitors which have been approved by the Commission for the AM and FM services.

5. Timely comments were filed in this proceeding by Collins, the National Association of Broadcasters (NAB), the Broadcast Equipment Section of Electronic Industries Association (EIA), Capitol Broadcasting Co., Inc., licensee of WRAL–TV, Raleigh, N.C. (Capitol) and McMartin Industries, Inc. (McMartin). No reply comments were filed.

6. In its comments, Collins holds that the concern expressed by the Commission as to the ambiguities in indication which may be encountered if the maximum indicating range of the monitor is equal to the maximum allowable frequency error is not a valid consideration in this proceeding. The monitor which it has designed would give quantitative indications up to the maximum frequency tolerance of the aural carrier, and there would be a blank indication for off-frequency conditions. Moreover, the digital readout which is incorporated would minimize various ambiguities and the likelihood of errors attendant to the reading of analog type meters, such as used in presently type-approved frequency meters. Collins suggests that the reason AM and FM frequency meters usually have indicating ranges greater than the applicable frequency tolerances is because experience has demonstrated that reading errors of analog type meters are fewer when indications are less than full scale.

7. In response to the Commission's request for information on the relationship of the indicating range of digital monitors to their cost and complexity, Collins states that with respect to its own monitor design, a reduction in indicating range from 3000 to 2000 c/s makes possible a reduction of 30 percent in the number of logic gates in the binary to decimal decoder, with 7 rather than 8 circuit boards. This represents a saving to the customer of approximately $200.

8. In the event that the Commission adheres to its view as to the desirability of requiring monitor indicating ranges in excess of applicable tolerances, Collins has included in its comments an alternative proposal whose implementation, it claims, meets its objectives without violation of this requirement. This proposal will be outlined and considered herein after we have reviewed the comments of other parties and have disposed of Collins original proposal.

9. Capitol agrees with Collins that a reduction in the required minimum indicating range of the TV aural frequency monitor can be expected to result in less complex and costly monitors with improved reliability and accuracy. However, it suggests that the range of the aural indicating device be ±1500 c/s—the same as the range of the indicating device for the visual monitor. If the range were thus limited, it would accommodate the permissible variation of the aural with respect to the visual carrier with a 50 percent margin. However, we would here note that the range proposed by Capitol would be insufficient even to encompass the full permissible range of variation in the absolute value of the aural carrier.

10. Both NAB and EIA oppose the rule change espoused by Collins. Each party shares the views of the Commission as to the adverse effect of the proposed indicating range restriction. Both cite the advantages to station operators in being able to make an unambiguous determination as to whether a transmitter is operating at or beyond frequency tolerance, and, in the latter case, of the actual amount the tolerance is exceeded. McMartin indicated that it concurs in EIA's comments. It further states that, in its opinion as a manufacturer of type approved broadcast monitors, the proposed range restriction would not result in the design of a simpler and less expensive frequency monitor with digital readout. However, it does not give its reasons for holding this view.

11. In summary, Collins' position appears to be that even if there are disadvantages in the restriction of the minimum indicating range proposed, which it does not concede, they are, in any event, outweighed by the advantages gained by the use of a digital indicating device. Moreover, despite the range restriction, the monitor which it has designed does provide an indication of out-of-tolerance conditions (by presenting no reading at all).

12. In taking this approach, Collins appears to ignore the actual nature of the relief it has requested, which would permit a restriction in the indicating range necessary for all new type approved aural frequency monitors in the TV service, not just the Collins monitor. We fully share Collins appreciation of the advantages of digital over analog indicating devices. While it appears likely that any new monitor designs submitted for type approval will be of the digital type, the proposed rule would not require the indicator to be of this type. Economies similar to those cited by Collins may be realized in restricting the indicating range of digital monitors, although one of the parties commenting is of a contrary opinion. Other monitors might or might not provide for an out-of-tolerance indication such as the Collins monitor provides. There is nothing in the rule, if amended as proposed by Collins which would require it. In any event, this type of out-of-tolerance indication does not meet the NAB and EIA stipulation that the degree as well as the fact of out-of-tolerance operation be indicated.

13. The action taken on the Collins petition will not control whether or not aural monitors with digital readout will be employed, but may affect the cost of such instruments. While we fully encourage the efforts of Collins and other manufacturers to modernize broadcast equipment, and to reduce the cost of such equipment, we believe that the cost differential here involved—cited by Collins as $200—while substantial, is not of such magnitude as to justify limiting the advantages which would accrue through maintenance of a minimum indicating range sufficient to provide a quantitative indication of out-of-tolerance conditions.

14. Accordingly, the proposal of Collins which initiated this proceeding will not be adopted.

15. As mentioned above, Collins has submitted in its comments as alternative proposal, which it asks be considered if the instant proposal is denied. Specifically, it would amend § 73.693(a)(2) as follows:

The range of the indicating device for the aural monitor shall be at least 3000 cycles below to 3000 cycles above the assigned frequency. Alternately, the aural monitor may use an indicating device with a range at least 2000 cycles below to 2000 cycles above the difference-frequency between the aural and visual carriers. The range of the indicating device for the visual monitor shall be at least 1500 cycles below to 1500 cycles above the assigned center frequency.

16. The present rule requires an indicating range of ±3000 cycles/sec for a device indicating either the absolute frequency of the aural carrier, or the frequency difference between the aural and visual carriers, but does not require that a type approved monitor have the capability for indicating both of these values, either one being sufficient. Since the permissible variation of the visual/aural difference frequency is only ±1000 c/s, the ±3000 c/s indicating range required by the present rule is clearly greater than is necessary. Under the rule proposed above, a monitor providing a difference/frequency indication with a device having a range of ±2000 c/s would, if otherwise acceptable be eligible for type approval. On the other hand, should a mon-

itor have facilities only for indicating the aural center frequency, a range of ±3000 c/s would be required. Such an amendment of the rule, urges Collins, would meet the concern of the Commission and other parties commenting in this proceeding that the range of the device indicating a specific parameter exceed the permissible variation for that parameter, and still make possible the type approval of an aural monitor with the indicating range and having the advantages proposed by Collins.

17. This proposal appears to meet the objections raised to Collins' original proposal. To the extent that analog meters may be used in future monitor designs, the specification of a smaller minimum for the range for the difference-frequency indicating device would allow somewhat better reading accuracy for this parameter. We believe, however, that if the scale range requirements for the aural center and difference-frequency indicators are to be separated, that the minimum range for the difference-frequency indicator should be specified as ±1500 c/s. An excess of 50 percent over the permissible frequency variation would be accommodated, which we deem to be sufficient, and the lesser range requirement would facilitate the use of a single indicating device for the visual and aural monitors, should a designer wish to combine these functions in a single unit. The provision of a greater indicating range for the aural monitor such as the ±2000 c/s range proposed by Collins, of course would not be precluded.

18. The amended Collins proposal differs from the one on which this proceeding is based, and from a strictly technical standpoint should be the subject of a further notice of proposed rule making. However, the amended proposal was contained in Collins' comments, and none of the other parties to this proceeding indicated any objection thereto in reply comments, although they had an opportunity to do so. As noted above, the amended proposal appears to meet the objections of all parties, as would the amended proposal as modified by the Commission.

19. Therefore, we believe that it would be feasible and conducive to the expeditious discharge of the Commission's functions to conclude this matter without further proceedings.

20. We, therefore, will adopt the rule amendment set forth in the following paragraph. While we believe that the intent of the amended rule is clear, we would seek to forestall any possible question as to its interpretation by now stating that if an aural monitor provides an indication of the difference frequency with a device having a range of at least ±1500 c/s, and meets the other requirements of § 73.693, it is eligible for type approval. It may also provide an indication of the aural center frequency, but in such a case, no minimum range requirement for the indication of this parameter need be met. On the other hand, if a monitor provides solely an indication of the aural center frequency, it is eligible for type approval only if the indicating device has a range of at least ±3000 c/s.

21. *Accordingly, it is ordered,* Effective April 7, 1969, that Part 73 of the rules and regulations is amended by revising paragraph (a)(2) of § 73.693 to read as follows:

§ 73.693 Requirements for type approval of frequency monitors.

(a) * * *

(2) The aural monitor shall indicate departures from the assigned aural center frequency with an indicating device having a minimum range extending from 3000 c/s below to 3000 c/s above the assigned frequency. Alternatively, the aural monitor shall indicate departures from the difference-frequency between the assigned aural center and visual carrier frequencies with an indicating device having a minimum range extending from 1500 c/s below to 1500 c/s above the difference-frequency. The visual monitor shall indicate departures from the assigned carrier frequency with an indicating device having a minimum range extending from 1500 c/s below to 1500 c/s above such frequency.

* * * * * *

22. Authority for the rule amendments adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

23. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2647; Filed, Mar. 4, 1969; 8:47 a.m.]

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

[FCC 69-150]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Order. In the matter of amendment of Parts 81, 87, 89, 91, 93, and 95 of the Commission's rules to permit the posting of photocopies of station authorizations in lieu of the original.

1. The Commission's rules governing the Safety and Special Radio Services require the posting of the current station authorizations at the principal control points of base and fixed stations. These rules have been interpreted over the years to require posting of the original document. Several licensees have indicated that it would be administratively convenient to keep the original authorizations in their files for proper safekeeping and control of their licensing requirements, and to post photocopies at the control points. We believe that this would be reasonable and proper and therefore the appropriate rules governing the Safety and Special Radio Services will be amended accordingly.

2. The rule changes ordered herein are minor in nature and are permissive and, therefore, we find that compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is not necessary.

3. *Accordingly, it is ordered,* Pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that §§ 81.102, 87.95(a), 89.167(b), 91.156(b), 93.156(b), and 95.101(a) of the Commission's rules are amended effective March 7, 1969, as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

PART 81—STATIONS ON LAND IN MARITIME SERVICES

1. In § 81.102, Subpart D, paragraphs (a), (b), and the introductory material of paragraph (d) are amended to read as follows:

§ 81.102 Posting station licenses and transmitter identification cards or plates.

(a) The current authorization or a clearly legible photocopy thereof, for each station (other than a marine-utility station) at a permanent location, or at a single temporary location, shall be posted in a conspicuous place at the principal control point of the station, and a photocopy of such authorization shall be posted at all other control points listed on the authorization. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter of such stations when it is not in view of, or is not readily accessible to, the operator at the principal control point.

(b) The current station authorization or a clearly legible photocopy thereof, for a single marine-utility station and for each single station of any other class subject to this part, which is of portable nature and is authorized for use and operation at two or more temporary locations, shall be posted either at the control point of the station, in a conspicuous place or shall be affixed, readily visible for inspection, to the transmitting apparatus or, if the transmitting apparatus is contained in a cabinet or other structure, affixed, readily visible for inspection, to such cabinet or structure. If a photocopy of the authorization is posted, the location of the original shall be stated on the photocopy.

* * * * *

(d) A current land station license authorizing one or more shipyard mobile stations, pursuant to § 81.22(e), or a clearly legible photocopy thereof, shall be posted in a conspicuous place at the principal control point of the land station; and a photocopy of such license shall be posted at all other control points listed on the license. If a photocopy of the license is posted at the principal control point, the location of the original shall be stated on that photocopy. In addition, a photocopy of such license, an executed Transmitter Identification Card (FCC Form 452-C), or a plate of metal or other durable substance shall be available on each shipyard land mobile unit in which a shipyard mobile station is installed, as follows:

* * * * *

PART 87—AVIATION SERVICES

2. In § 87.95, paragraph (a) is amended to read as follows:

§ 87.95 Posting station license and transmitter identification cards or plates.

(a) The current authorization, or a clearly legible photocopy thereof, for each station at a fixed location shall be prominently displayed at the principal control point of the transmitter or transmitters: *Provided, however,* That with respect to radionavigation land test stations, the procedures set forth in paragraph (c) of this section may be followed. If a photocopy of the authorization is posted, the location of the original shall be stated on that photocopy.

* * * * *

PART 89—PUBLIC SAFETY RADIO SERVICES

3. In § 89.167, the first sentence of paragraph (b) is amended to read as follows:

§ 89.167 Posting station license and transmitter identification cards or plates.

* * * * *

(b) The current authorization, or a clearly legible photocopy thereof, for each base or fixed station at a fixed location shall be posted at the principal control point of the station, and a photocopy of such authorization shall also be posted at all other control points listed on the authorization. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. * * *

PART 91—INDUSTRIAL RADIO SERVICES

4. In § 91.156, the first sentence of paragraph (b) is amended to read as follows:

§ 91.156 Posting station license and transmitter identification cards or plates.

* * * * *

(b) The current authorization, or a clearly legible photocopy thereof, for each base or fixed station at a fixed location shall be posted at the principal control point of the station, and a photocopy of such authorizations shall also be posted at all other control points listed on the authorization. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. * * *

PART 93—LAND TRANSPORTATION RADIO SERVICES

5. In § 93.156, the first sentence of paragraph (b) is amended to read as follows:

§ 93.156 Posting station license and transmitter identification cards or plates.

* * * * *

(b) The current authorization, or a clearly legible photocopy thereof, for each base or fixed station at a fixed location shall be posted at the principal control point of the station, and a photocopy of such authorization shall also be posted at all other control points listed on the authorization. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. * * *

PART 95—CITIZENS RADIO SERVICE

6. In § 95.101, the first sentence of paragraph (a) is amended to read as follows:

§ 95.101 Posting station license and transmitter identification cards or plates.

(a) The current authorization, or a clearly legible photocopy thereof, for each station (including units of a Class B, Class C, or Class D station) operated at a fixed location shall be posted at a conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall also be posted at all other fixed locations from which the station is controlled. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. * * *

[F.R. Doc. 69-2648; Filed, Mar. 4, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1061]

[Docket No. AO–367]

MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rochester, Minnesota, on July 9–12, 1968, pursuant to notice thereof issued on June 14, 1968 (33 F.R. 9026), upon a proposed marketing agreement and order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on December 3, 1968 (33 F.R. 18158; F.R. Doc. 68–14609) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 18158; F.R. Doc. 68–14609) are hereby approved, adopted, and are set forth in full herein subject to the following modifications:

1. Under the subheading "1. Character of the commerce.", a change is made in the second paragraph.

2. Under the subheading "2. Need for an order.", a paragraph is added immediately following the 15th paragraph.

3. Under the subheading "Marketing area.", a paragraph is added immediately following the 38th paragraph.

4. Under the subheading "Pool distributing plant.", the first and fifth paragraphs are changed and a paragraph is added immediately following the fifth paragraph.

5. Under the subheading "Pool supply plants.", the first and fifth paragraphs are changed and a paragraph is added immediately following each of the fifth and ninth paragraphs.

6. Under the subheading "Producer and producer milk.", a change is made in the ninth and 12th paragraphs.

7. Under the subheading "Class I prices.", the first, second, and fourth paragraphs are changed and two new paragraphs are added immediately following the 16th paragraph.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

This decision deals with all issues considered at the hearing except the classification and pricing of skim milk and butterfat in "filled milk" and "imitation milk." This issue is reserved for a later decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, designated as the "Southeastern Minnesota-Northern Iowa (Dairyland) marketing area," includes all the territory within 20 counties in the State of Minnesota and six counties in the State of Iowa. The specific counties are listed in the marketing area discussion. Principal places within this marketing area include Rochester, Winona, Austin, Mankato, Albert Lea, and Faribault, Minn.; Decorah and Algona, Iowa.

Within the proposed marketing area there is interstate movement of milk from farms to processing plants, of bulk and packaged fluid milk products from plant to plant, and of packaged fluid milk products from plants to consumers. Cooperative associations in Minnesota ship bulk milk to several other States. Minnesota plants supply manufactured milk products to consumers in many other States.

Milk moves from farms located in Iowa and Wisconsin to plants located in Minnesota which would be regulated under this proposed order. The Rochester Milk Producers Association has member dairy farmers producing Grade A milk who are located in northern Iowa, western Wisconsin, and southeastern Minnesota. Milk from these farms is delivered to plants located in Rochester, Minn.

Minnesota plants which would be regulated under this proposed order receive bulk milk from Rochester Dairy Cooperative's plant at Alma, Wis. Packaged fluid milk products move from a plant at Rochester, Minn., which would be regulated, to Wisconsin plants in La Crosse and Eau Claire.

Packaged fluid milk moves from Minnesota plants which would be regulated to consumers in Iowa and Wisconsin. At least two of the Minnesota handlers (Marigold Foods and Golden Dairy) who would be regulated under the terms of the order as recommended herein have sales beyond the boundaries of the state in which the plant is located. Marigold Foods, Inc., with plants located in Austin, Mankato, and Rochester, Minn., distributes fluid milk products to consumers in Iowa and Wisconsin. Golden Dairy, located at Austin, Minn., distributes milk in several Iowa counties.

Several of the cooperative associations who petitioned for a Federal order supply milk to plants in other States. Preston Cooperative Creamery ships bulk fluid milk from a Minnesota reload point to plants in Illinois. During the past year, Rice County Cooperative, located in Minnesota, has sold bulk fluid milk to plants in Iowa, Illinois, Missouri, and Arkansas. Spring Valley Cooperative of Minnesota, which operates a supply plant regulated under the Southern Illinois order, ships bulk milk to Illinois milk plants.

Butter manufactured at plants located in the proposed marketing area is sold primarily on the New York wholesale market for distribution throughout the United States. Manufactured milk products made at Rochester Dairy Cooperative's main plant at Rochester, Minn., are moved into other States for distribution. This plant manufactures butter, nonfat dry milk, dry whole milk, dried whey, blends of powder for the bakery and ice cream trade, dried buttermilk, ice cream mix, and condensed milk. The general manager of the plant indicated that these manufactured products were distributed throughout most of the United States.

(2) *Need for an order.* Marketing conditions in the Southeastern Minnesota-Northern Iowa marketing area are such that the issuance of a marketing agreement or order to regulate the handling of milk will tend to effectuate the declared policy of the Act.

Thirty cooperative associations representing dairy farmers petitioned the Department of Agriculture for a public hearing to consider a proposed order. The petitioners represent about 80 percent of the producers who supply plants which would be regulated by this order. These producers are members of 22 cooperative associations.

The other eight cooperative associations had no producers supplying this market. Some of these associations have a small number of Grade A producers who are delivering their milk to manufacturing plants. Other petitioners have a large number of Grade A producers who are participating in a "standby pool." The "standby pool" is a voluntary marketing arrangement between plants in Minnesota and Wisconsin which have a supply of Grade A milk available and distributing plants in other areas which may need this milk on some occasions. Although these eight associations do not have producers now supplying handlers who would be regulated by this order, they support the order because it would provide a stable alternative market if they should find it impossible or undesirable to retain their present market.

An order would establish and maintain orderly marketing conditions through the institution of a classified pricing plan applied uniformly throughout the area. In the absence of such a plan many producers are threatened with either a loss of some or all of their Class I market or accepting lower prices to hold such sales.

This market is in a region of heavy milk production and relatively few Class I sales. In this supply situation handlers find it possible to acquire milk for Class I sales at little more than the price paid for manufacturing grade milk.

The limited market for Class I sales in the Southeastern Minnesota-Northern Iowa area is because the area is largely rural and population centers are relatively small. There are about 672,000 consumers in the marketing area who probably buy about 300 pounds of milk in fluid form per person each year. This provides a market for about 200 million pounds of Class I milk annually. About 15 percent of these Class I sales is supplied by handlers under other orders. Dairy farmers who would be producers under this order supply the remaining Class I sales—about 170 million pounds annually.

This area is a part of the most intensive milk production region of the country. During 1967 farmers located in the counties proposed for this marketing area sold off farms 3.4 billion pounds of milk. Of this total, less than one-half billion pounds was sold to plants which supply the local fluid market. Some of the remaining 3 billion pounds was moved as Grade A milk to outside fluid markets, but the majority of it was delivered to manufacturing plants within the area as ungraded milk for use in manufactured dairy products.

Probably about 1,000 dairy farmers would be producers under the order as proposed herein. This number may be as few as 900 or as many as 1,100 producers, depending upon whether the blend price paid under the order attracts milk now associated with other outlets. If the number of producers associated with the market is about 1,000, total deliveries of their milk to be pooled under the order would be about 440 million pounds annually. At that rate, about 35 to 40 percent of producer milk would be used for Class I sales in this marketing area.

Because dairy farmers in the area do not have a supervised system of classified pricing, even this relatively small portion of their milk which is sold in fluid products is not returning a Class I price. In most Federal order markets, 60 percent or more of producer deliveries are used in the higher-priced Class I use.

Prices paid farmers for Grade A milk generally follow blend prices paid under the Minneapolis-St. Paul order. The prices paid by most plants in the marketing area have no relation to the utilization made of the milk by the individual plants. Milk plants with nearly 100 percent Class I utilization pay little more for their milk than other plants which manufacture nearly all their Grade A milk. If milk plants, cooperative or proprietary, attempt to pay farmers for milk on the basis of the value of the classified uses for such milk, they find themselves at a disadvantage in competing with handlers whose plants have a high Class I utilization but whose producers receive a flat price for all their milk.

Handlers who opposed the order in toto or insofar as it might apply to them provided evidence of their competitive advantage in buying milk at a flat price.

Testimony in opposition to including certain counties in the marketing area was presented on behalf of the following dairies: Golden Dairy, Austin, Minn.; Oak Grove Dairy, Norwood, Minn.; Sanitary Dairy, Sleepy Eye, Minn.; Voegel Dairy, Faribault, Minn.; and Schwan's Dairy, Marshall, Minn. Some of these opponents of regulation did not want this Federal milk order while others objected only to the inclusion of certain counties as part of the marketing area. The objector in each instance wished to avoid having his plant brought under full regulation.

The president of Golden Dairy was opposed to having his plant regulated under a Federal milk order. Golden Dairy has over 90 percent Class I utilization. During June 1968, the dairy paid its producers $4.56 per hundredweight for milk of 3.5 percent butterfat content. This price was for all milk received from producers regardless of its use. If we assume that the 10 percent of such receipts which was not used in Class I was worth $4.18 (the Class II price in surrounding Federal order markets), the 90 percent of receipts used in Class I would have to carry a $4.60 price to yield the $4.56 blend price. Thus, in terms of a classified price plan, Golden Dairy's Class I milk price was $4.60.

The general manager of Oak Grove Dairy objected to including in the marketing area any Minnesota counties in which that dairy had any Class I sales. The dairy does not manufacture any of the milk it receives but sells about 25 percent of its butterfat receipts as cream to butter-making plants. All of the skim milk received is utilized for Class I purposes.

Oak Grove Dairy paid its producers $4.80 per hundredweight for milk in June 1968. Assuming the surplus cream was worth only the Class II price of $4.18, the dairy's price for Class I milk was about $4.86 per hundredweight in June 1968.

Oak Grove Dairy would become regulated by the Minneapolis-St. Paul order under a proposed amended order contained in a final decision with respect to that order which is issued concurrently with this decision.

The handler operating Sanitary Dairy did not want the Minnesota counties of Brown, Cottonwood, Redwood, and Watonwan included in the marketing area. He stated his plant's utilization was 100 percent Class I and he paid the cooperative association supplying his plant $4.91 per hundredweight during June 1968.

Voegel Dairy's representative was opposed to having Voegel's Grade A plant brought under regulation. The dairy obtains two-thirds of its Grade A milk from one cooperative association and the remainder is obtained from two other cooperatives. During the first half of 1968, the dairy paid its principal supplier, a cooperative which supplied the plant 7 days a week, $4.73 per hundredweight for Grade A milk containing 3.5 percent butterfat. Two cooperatives which supplied the dairy 3 days per week received $4.83 per hundredweight. The average price paid based on two-thirds at $4.73 and one-third at $4.83 was $4.76. Since 95 percent of the milk received from these three cooperatives was used in the bottling operation, this handler's Class I milk price during the first half of 1968 was about $4.79.

The operator of Schwan's Dairy, which is located in Lyon County, Minn., objected to the inclusion of Brown, Cottonwood, Redwood, and Watonwan Counties in the marketing area. Mr. Schwan stated that the dairy bottles milk 5 days per week. The Grade A milk received on weekends and milk in excess of fluid needs during the week is used in the manufacture of ice cream. The dairy purchases manufacturing grade milk for the ice cream business. In 1968 through May, Schwan's Dairy paid its Grade A producers $4.65 to $4.75 and its Grade B producers $4.45. Since this handler pays a premium for his Grade B milk and we do not know how much of his Grade A milk is used in ice cream, it is not possible to estimate his cost of Class I milk on a classified price basis.

Marigold Dairies buys on a classified price basis at its unregulated plant located at Rochester. The Class I price is the North Central Iowa Class I price at the Rochester location. In June 1968, the North Central Iowa Class I price at this location was $5.18.

The cost of Class I milk purchased by these unregulated handlers thus varied in June 1968 from about $4.60 to $5.18. This wide range in handlers' costs of milk threatens to disrupt the market and force prices to farmers still lower. The handler whose Class I milk costs only $4.60 has an advantage in his cost of milk which he can use to lower his sales price and attract customers of other handlers. Producers supplying handlers who now pay Class I prices at the high end of this range are in danger of either having

their buyers lose Class I sales to handlers paying lower prices or of being forced to accept lower prices from them.

Handlers regulated under other orders selling fluid milk in the proposed marketing area have been paying more for milk used as Class I than most unregulated dairies selling in the area.

During June 1968, Marigold Food's plant at Austin, Minn., which is regulated under the North Central Iowa order, paid $5.24 per hundredweight at the Austin location for Class I milk. Handlers regulated under the Minneapolis-St. Paul order have substantial sales in this proposed marketing area. The Class I price under the Minneapolis-St. Paul order during June 1968 was $5.15.

The preceding examples of prices paid producers by unregulated dairies which have Class I sales in this marketing area indicate that a classified price system is necessary to obtain for producers the full value of their milk sold as Class I. Under an order, each handler will be required to account for milk in accordance with its classified use. The minimum prices established for each class, subject to adjustment for butterfat content, will be uniform to all handlers as a means of insuring equity among handlers relative to their raw product costs.

Certain handlers in the market with high proportions of their total utilization as Class I purchase supplemental milk supplies from other handlers who have substantially lower utilization. One handler purchasing supplemental supplies of milk from a cooperative association during June 1968 bought less than 1 percent of the milk from the 12 producers regularly assigned to deliver milk to the plant. During May this handler purchased only 6 percent of the milk from such producers. The remaining milk of these producers was disposed of for manufacturing.

The marketwide pooling of milk proposed herein assures that all producers will share equally in the higher-priced Class I uses to the extent that there is a market for Class I milk. They will also share equally in the lower-priced Class II milk.

An order which establishes a system of uniform prices, publicly announced and verified on an impartial basis will tend to effectuate the declared policy of the Act; namely by providing:

1. A regular and dependable procedure through public hearings for determining prices to producers at levels contemplated by the Act;

2. The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

3. An impartial audit of handlers' records to verify the payment of required prices;

4. A system for verifying the accuracy of the weight and butterfat content of milk purchased;

5. Uniform returns to producers supplying the market, based upon an equitable sharing among all producers of the lower returns for the sale of milk which cannot be marketed in the Class I category; and

6. Marketwide information on receipts, sales, prices, and other data relating to milk marketing conditions in the area.

(3) *Order provisions.*—(a) *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This is accomplished by providing specified definitions to describe the marketing area involved and to describe the category of persons, plants, and milk products to which the applicable provisions of the order relate.

Marketing area. The Southeastern Minnesota-Northern Iowa (Dairyland) marketing area should include all of the territory within the boundaries of Blue Earth, Brown, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Le Sueur, Martin, Mower, Nicollet, Olmsted, Redwood, Rice, Steele, Wabasha, Waseca, Watonwan, and Winona Counties, Minn.; and Howard, Kossuth, Mitchell (except the city of Osage), Winnebago, Winneshiek, and Worth Counties, Iowa.

The 1960 population of the recommended marketing area was approximately 672,000. This marketing area includes Rochester, Austin, Mankato, Winona, Albert Lea, and Faribault, Minn., and Decorah and Algona, Iowa.

A significant portion of the sales of fluid milk by handlers who would be regulated is in relatively rural communities. In 16 of the 26 counties of the marketing area less than 50 percent of the total population is classified as urban.

The sanitary requirements relative to the production, processing and sale of milk for fluid consumption are substantially the same throughout the area. Health regulations administered by State and local health authorities are similar and based upon the Grade A Pasteurized Milk Ordinance recommended by the U.S. Public Health Service.

Thirty cooperative associations proposed that the marketing area should include the 26-county marketing area recommended herein, plus Jackson and Houston Counties in Minnesota, and Allamakee and Emmet Counties in Iowa. Spokesmen for the association indicated that 90 percent of the sales by handlers who would be regulated would be within this 30-county area. They estimated that 15 percent of the total Class I sales in this marketing area would be from plants outside the marketing area, mostly from plants regulated by other orders.

The marketing area should include those counties comprising the major sales area of handlers who are supplied by the proponents of this Federal milk order. By defining the marketing area in this manner, dairy farmers requesting the order will have the assurance that the handlers whom they supply will be fully regulated. Full regulation of these handlers will accomplish one of the primary objectives of these dairy farmers, the establishment of uniform prices to handlers according to a classified price plan based upon the utilization made of the milk.

Dairy farmers belonging to cooperative associations supporting the establishment of a Federal milk order for the Southeastern Minnesota-Northern Iowa area supply five major distributors of milk in such area. These five distributors are Marigold Foods, Inc., Voegel Dairy, Sanitary Dairy, New Ulm Dairy, and Preston Creamery Association.

Marigold Foods, Inc., is the largest distributor of fluid milk products within the marketing area. It distributes milk in each of the 26 counties herein proposed for the marketing area. Although this corporation is not a proponent of the proposed order, it cooperated with proponents in developing data on all handlers' sales within the general sales area of Marigold's three plants.

Marigold Foods, Inc., operates three milk processing plants from which bottled milk is distributed in the marketing area. These plants are located at Austin in Mower County, Mankato in Blue Earth County, and Rochester in Olmsted County, Minn. Each of these plants of Marigold Foods has sufficient sales within the marketing area to qualify as a pool plant under the order recommended herein. At the time of the hearing Marigold's plant at Austin was qualified as a pool plant under the North Central Iowa order. If the sales pattern of the Austin plant remains unchanged from that presented at the hearing, when the plant disposed of over 60 percent of its Class I sales in the Southeastern Minnesota-Northern Iowa marketing area, it would be regulated under this order.

The Austin plant of Marigold receives over 95 percent of its supply from three of the proponent cooperative associations, Red Oak Grove Cooperative, Rice County Cooperative, and Albert Lea Cooperative Creamery Association.

The Mankato plant of Marigold receives milk from two of the cooperative associations requesting an order, New Prague Dairy Producers, Inc., and Albert Lea Cooperative Creamery Association. The plant receives milk from two other suppliers who are member creameries of Rochester Dairy Cooperative, one of the proponents of an order.

The Rochester plant of Marigold receives milk from Rochester Dairy Cooperative, Adams Cooperative Creamery Association, Utica Cooperative Creamery, Elba Cooperative Creamery, Mazeppa Cooperative Creamery, Racine Cooperative Creamery, Stewartville Cooperative Creamery, Rushford Cooperative Creamery, Wilson Cooperative Creamery, and Pratt Cooperative Creamery. These 10 cooperative associations are proponents of the Federal milk order.

Voegel Dairy, from its plant at Faribault, Minn., distributes Class I milk within the marketing area in the following Minnesota counties: Rice, Steele, Waseca, Le Sueur, Nicollet, Blue Earth, Brown, Dodge, Freeborn, Goodhue, and Mower. The dairy receives two-thirds of its milk supply from Webster Cooperative Association and the remainder from Rice County Cooperative Dairy and Southern Dairies Cooperative. These three cooperatives are proponents of a Federal milk order.

Sanitary Dairy, Sleepy Eye, Minn., and New Ulm Dairy (Dannheim's), New Ulm, Minn., are supplied by Five Star Dairy, a cooperative with a plant at New Ulm, Minn. There are 44 producers who deliver milk directly to Sanitary Dairy and New Ulm Dairy. Any milk which is not needed by these dairies for fluid use is diverted to Five Star Dairy's manufacturing plant at New Ulm. Occasionally, milk is transferred from Five Star Dairy's Grade A facility at New Ulm to the two bottling plants.

Sanitary Dairy bottles milk which is distributed in the following Minnesota counties: Blue Earth, Brown, Cottonwood, Nicollet, Redwood, and Watonwan.

New Ulm Dairy, according to its competitors, has sales in the Minnesota counties of Blue Earth, Brown, Nicollet, and Watonwan. No representative of this handler testified at the hearing.

Five Star Dairy, the supplier of Sanitary Dairy and New Ulm Dairy, is one of the petitioners of this Federal milk order. Its spokesman stated, however, that Five Star Dairy would oppose the order in the event Oak Grove Dairy was not brought under full regulation by expansion of the Minneapolis-St. Paul order or by this order. Since it is recommended in a concurrent decision that Oak Grove Dairy be regulated under the Minneapolis-St. Paul order, Five Star Dairy is considered as a proponent of this order.

Preston Cooperative Creamery operates a Grade A bottling facility which is supplied by 24 producers. In 1967 the dairy bottled 1,677,000 pounds of milk. Since the average delivery per producer in this area is over 1,000 pounds per day, the bottled sales represent about 15 percent of annual producer deliveries. Also, in April 1968 the plant's Class I utilization was 15 percent of receipts. Seventy-five percent of its Class I sales is in Fillmore County. The remainder of its Class I sales is in the counties of Olmsted, Wabasha, and Winona.

The general manager of Preston Cooperative Creamery was a member of a study committee which recommended that a Federal order be established in this marketing area. He also testified in favor of the order and the provisions proposed by the committee.

Golden Dairy of Austin, Minn., is only partially supplied by proponents of an order. The dairy receives its supply of milk from 39 independent producers and from Spring Valley Cooperative Creamery, one of the proponents. The president of Golden Dairy estimated that about 15 percent of the dairy's Grade A needs on an annual basis are procured from the cooperative association.

Golden Dairy is one of the principal distributors of milk in Southeastern Minnesota. It has Class I sales in 13 Minnesota counties and three Iowa counties of the 26-county marketing area. This dairy competes for Class I sales with three handlers who purchase milk from the proponent cooperatives. These three handlers are Marigold Foods, Voegel Dairy, and Preston Cooperative Creamery. Because Golden Dairy's sales area overlaps the sales areas of these other handlers, it is essential that Golden Dairy be fully regulated by this order.

In addition to the six handlers fully or partially supplied by proponents of this order, there are 11 other distributors of milk in the marketing area who are fully regulated under other orders. The Twin Cities Milk Producers, Superior Dairy Fresh, Fairmont Foods, Inc., Clover Leaf Dairy, and Hastings Cooperative Creamery are regulated under the Minneapolis-St. Paul order. The Dolly Madison Dairy and Borden Milk Co. have plants fully regulated by the Chicago Regional order which distribute milk in the marketing area recommended herein. Wells Blue Bunny, regulated under the Nebraska-Western Iowa order, Terrace Park Dairy, regulated under the Eastern South Dakota order, Humphrey Dairy and a plant of the Carnation Milk Co. regulated under the North Central Iowa order, also have Class I sales in the 26-county marketing area.

There are two other plants not fully regulated by any order which have a substantial volume of Class I sales in the marketing area. These plants are the Oak Grove Dairy at Norwood, Minn., and the Land O'Lakes plant at St. Michael, Minn.

Oak Grove Dairy has extensive sales in the marketing area of this order and in the Minneapolis-St. Paul marketing area as proposed to be expanded at a hearing held in Minneapolis, June 25–28, 1968. Oak Grove has sufficient sales in each of the proposed areas to be a fully regulated handler under either of the proposed orders.

Land O'Lakes Creameries, Inc., is listed as having sales in eleven southeastern Minnesota counties. The record evidence indicates that these sales are made from two of Land O'Lakes' plants. One is located at St. Michael, Minn., and the other at Whitehall, Wis. The St. Michael's plant has sales in eight counties proposed for this area: Blue Earth, Brown, Freeborn, Nicollet, Redwood, Rice, Waseca, and Watonwan.

The Whitehall plant has sales in Houston County and possibly in Winona. It is concluded elsewhere in this decision that Houston County, Minn., should not be included in the marketing area. Thus, only the St. Michael plant would have substantial sales within the marketing area.

A decision on expanding the Minneapolis-St. Paul marketing area is being issued concurrently with this decision. The findings of that decision state that Oak Grove Dairy and the Land O'Lakes' plant at St. Michael, Minn., would be fully regulated plants under the Minneapolis-St. Paul order if its marketing area is expanded as recommended in such decision.

Accordingly, for the purposes of this decision, it is presumed that Oak Grove Dairy and the St. Michael plant of Land O'Lakes will be fully regulated under the Minneapolis-St. Paul order.

In addition to the six handlers partially or fully supplied by proponents, the 11 handlers fully regulated by other orders, the two handlers to be regulated as the result of the expansion of the Minneapolis-St. Paul marketing area, there are 12 other plants which distribute bottled milk in the proposed marketing area. These 12 plants are Sheedy Brothers and Streverling Guernsey Dairy, both located in Austin, Minn.; Little Dutch Mill, Rochester, Minn.; Schwan Dairy, Marshall, Minn.; Florien Dairy, Wabasha, Minn.; Springdale Dairy, Winona, Minn.; Smith Dairy, St. Charles, Minn.; Wettergreen Dairy, St. Peter, Minn.; Land O'Lakes, Whitehall, Wis.; Lake Mills Cooperative Creamery, Lake Mills, Iowa; Forest City Cooperative Creamery, Forest City, Iowa; and Farmers Cooperative Creamery, Cresco, Iowa.

Testimony at the hearing indicated that Smith Dairy might qualify as a producer-handler under the order proposed herein.

The Land O'Lakes' plant located at Whitehall, Wis., may have Class I sales in Winona County. Since the plant is located in Wisconsin and is some distance from this marketing area, it is not likely that the plant would have sufficient Class I sales within this one county of the marketing area to be a fully regulated plant. If the plant has any sales in this marketing area, it would be a partially regulated distributing plant under this order.

Schwan's Dairy is located outside the marketing area in Lyon County which adjoins the marketing area. Since this dairy has sales in only five counties of which four are located in the marketing area of this order, it is anticipated that Schwan's Dairy would be a fully regulated plant under this order.

The remaining nine handlers operate plants which are located within the marketing area. It appears that Sheedy Brothers, Streverling Guernsey, Little Dutch Mill, Florien Dairy, Lake Mills Cooperative Creamery, and Farmers Cooperative Creamery (Cresco) each have Class I sales only in the county in which the respective plant is located. Springdale Dairy, Wettergreen Dairy, and Forest City Cooperative Creamery each also have their major sales in the county in which the respective plant is located and only minor sales in one additional county. Since most of the Class I sales of these nine plants are in the marketing area, these plants would probably be regulated as pool distributing plants.

Handlers who would be fully regulated under this order (including the Austin plant of Marigold Foods) have more than one-half of the Class I sales in the following 21 counties of the marketing area: Blue Earth, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Martin, Mower, Nicollet, Olmsted, Rice, Steele, Wabasha, Waseca, and Winona, all in the State of Minnesota; and Howard, Kossuth, Mitchell, Winnebago, Winneshiek, and Worth, all in the State of Iowa.

In the Minnesota counties of Brown, Cottonwood, Le Sueur, Redwood, and Watonwan, Oak Grove Dairy claimed to have more than one-half of the Class I sales. Others with sales in these five counties estimated that handlers who would be regulated by this order have

more than one-half of the Class I sales in the counties of Brown and Le Sueur. They indicated that in Redwood and Watonwan counties, such Class I sales were 48 and 47 percent, respectively. In Cottonwood County, proponents of the order estimated that sales by handlers regulated under this order would amount to 30 percent and that all the remaining sales are made by plants regulated under other orders or by Oak Grove. Since this decision is made assuming Oak Grove Dairy will be regulated by the Minneapolis-St. Paul order, the addition of these five counties to the marketing area will not affect the regulated status of Oak Grove Dairy. Accordingly, Brown, Cottonwood, Le Sueur, Redwood, and Watonwan should be included as part of the marketing area of this order.

One city and four counties proposed for the marketing area should not be included. The city to be excluded is Osage, Iowa. The counties to be excluded are Jackson and Houston in Minnesota; and Allamakee and Emmet in Iowa.

All of the territory within the boundaries of the city of Osage in Mitchell County, Iowa, should be excluded from the marketing area. Osage, Iowa, is presently a part of the North Central Iowa marketing area. Accordingly, the city of Osage should be excluded from the Southeastern Minnesota-Northern Iowa marketing area.

The order proponents indicated that the percentage of total Class I sales made by handlers who would be fully regulated was 5 percent in Allamakee County, 22 percent in Houston County, 31 percent in Jackson County, and 35 percent in Emmet County. However, testimony by a representative of Marigold Foods indicated that such handlers may have no sales in Jackson and Emmet counties. Since handlers who would be fully regulated under the order do not have substantial Class I sales in these four counties, these counties should not be added to the marketing area.

Exceptions were filed to the failure to include these four counties in the marketing area. Exceptions pointed out that changes in marketing since the hearing and additional facts about conditions existing at the time of the hearing would support a finding that handlers who would be regulated now have the majority of sales in these counties. If this is the case, the addition of these counties may be considered as a proposed amendment at another hearing. There is no basis in this record to include them.

Territory within the boundaries of the designated marketing area which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments should be considered as within the marketing area.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing, and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order, he would not be subject to effective price regulation. The absence of effective classification, pricing, and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area.

The operator of the partially regulated plant is afforded the options of (1) paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

Milk to be priced and pooled. It is necessary to designate clearly what milk and which persons would be subject to the order. This is accomplished by providing definitions to describe the various categories of persons, plants, and milk products to which the applicable provisions of the proposed Southeastern Minnesota-Northern Iowa order relate.

The minimum class prices of the order should apply to that milk eligible for fluid disposition as Grade A milk which is received from dairy farmers at plants engaged to a substantial extent in supplying fluid milk products for sale in the marketing area on retail and wholesale routes. In view of the similarity of health regulations and the free movement of milk in the area, any dairy farmer whose milk is produced in compliance with the Grade A requirements of any duly constituted health authority should share in the marketwide pool if his milk is received at a plant sufficiently associated with the market to qualify as a pool plant.

Any plant, regardless of its location, should have equal opportunity to comply with the standards of regulation and and have its producers share in the available Class I sales. Whether the plants and producers choose to supply the Southeastern Minnesota-Northern Iowa market will depend upon the economic circumstances with which they are confronted such as prices, transportation costs, and alternative outlets.

The specific standards of performance to be used to determine which plants and what milk constitute the regular sources of supply and, therefore, should be fully subject to regulation, may be identified by definitions of route, distributing plant, supply plant, pool plant, nonpool plant, handler, producer-handler, producer, producer milk, fluid milk products, and other source milk.

Route disposition. To assist in identifying the plants whose milk receipts would be regulated, a definition of route disposition is provided.

Route disposition should be defined as a delivery (including delivery from a retail plant store) of any fluid milk product classified as Class I to a retail or wholesale outlet, except a milk plant. A delivery through a vendor or a distributing point should be considered route disposition from the plant at which the vendor took delivery or from which delivery was made to the distribution point. Such delivery, however, should be considered route disposition at the location of the wholesale or retail outlet to which the vendor makes delivery or to which delivery is made from the distribution facility in determining in-area and out-of-area sales.

Distributing plant. A distributing plant should be one approved by any duly constituted health authority from which any Grade A fluid milk product that is packaged in such plant is disposed of as Class I milk during the month in the marketing area on routes. A facility serving only as a distribution point for storing fluid milk products in transit for route disposition should not be considered a distributing plant.

Supply plant. A supply plant should be any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which Grade A milk is moved to a distributing plant. A facility used only for transferring bulk milk from one tank truck to another would not be considered a plant or a part of a plant. Such truck transfers should be regarded as in transit from the farm

to the plant at which stationary handling facilities such as holding tanks are maintained.

Pool plant. It is essential to the operation of the order to distinguish between pool plants and other plants. Pool plants are those which serve the market to such a degree that they should be included in the marketwide utilization pool which is the means of paying uniform returns for milk to all producers for the market. A pool plant must either distribute milk in the market or ship milk to the market. Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards are provided.

In applying the pool plant provisions, the portion of a plant which does not have Grade A approval for the receiving processing, or packaging of fluid milk and which is operated separately from the Grade A portion should not be considered a part of a pool plant. A number of plants in this area receive both Grade A and ungraded milk from dairy farmers. Only the Grade A milk would be regarded as received from producers under an order.

In order to obtain Grade A approval from a health authority on a portion of a plant which has a Grade A and an ungraded milk operation, a handler must keep the ungraded milk from being commingled with Grade A milk. Such separation of operations permits a handler to account for the Grade A milk received only in the Grade A portion of the plant. Accordingly, there is no need to include the separate manufacturing operation as a part of the pool plant in such instance.

Also in applying the pool plant provisions, separate Grade A handling facilities operated by different persons on the same premises shall be considered separate plants if the receipts and utilization of skim milk and butterfat at each facility are separately identified.

There is at least one milk handling operation in this area where handling operations are carried out by two separate business units. The functions performed by each unit can be separately identified, and the transfers of milk between units is by truck and is therefore readily accountable.

On the property of the Rochester Dairy Cooperative, there is a building leased to Marigold Foods, Inc., at which Marigold processes and packages Grade A fluid milk products and cottage cheese. This facility uses power, water, electricity, and sewage facilities in common with Rochester Dairy Cooperative under the lease arrangement. However, the milk handling functions are entirely separate.

Rochester Dairy Cooperative receives milk from farmers at adjacent facilities where the cooperative operates a reload point, a supply plant, and a manufacturing plant.

All milk moved to the Marigold Foods plant is received by truck. There are no pipeline connections for moving milk between the Marigold and Rochester Dairy facilities. Hence, the milk moved from one plant to another would be accounted for as an interplant transfer.

There is a pipeline used to transfer whey from the Marigold cottage cheese operation to the Rochester Dairy manufacturing plant. Since this pipeline is used only for transferring a Class II product, its use does not affect the separate fluid milk handling functions performed in the separate plants.

Pool distributing plant. A distributing plant should be pooled if 10 percent of specified types of its Grade A receipts is disposed of as Class I milk to retail and wholesale outlets in the marketing area or is moved in the form of packaged fluid milk products to other plants from which an equivalent quantity of packaged fluid milk products is disposed of in the marketing area as route disposition. In addition, 15 percent of such Grade A receipts must be disposed of during the month (20 percent September through January) as Class I milk either as route disposition or be moved in the form of packaged fluid milk products to other plants. However, a plant which meets the above requirements but has greater sales in another Federal order area and is a pool plant under the other order should not also be a pool plant under this order.

The Grade A receipts to which these percentages should apply are the total Grade A fluid milk products received during the month at the plant, including allowable diversions to nonpool plants, but excluding (1) receipts of packaged fluid milk products from other pool distributing plants, and (2) receipts from other order plants and unregulated supply plants for which Class II utilization was requested.

A distributing plant in this area of heavy milk production may also carry on extensive manufacturing operations. Thus, the total Grade A milk at such a plant normally exceeds the quantity needed for fluid sales alone. The distributing plant of Preston Cooperative Creamery had Class I route disposition in April 1968 of slightly more than 15 percent of the plant's Grade A receipts.

Other distributing plants had much higher percentages of their receipts used in Class I. But this is because such plants customarily receive only milk required for their Class I sales. Some also receive small quantities for making cottage cheese or ice cream. The cooperative proponents handle the reserve supply for such distributing plants by diverting it to their own manufacturing facilities or by curtailing shipments from supply plants.

In order to assure that distributing plants now serving the market may qualify as pool plants, the percentages for performance cannot exceed those set forth herein.

The period in which the higher performance, 20 percent, applies should be September through January rather than July through December as proposed in the recommended decision. Exceptions pointed out that some plants might not meet the 20 percent requirement in July and August when Class I sales tend to be low. An examination of the seasonal pattern of Class I sales in relation to receipts in the Minneapolis-St. Paul markets indicates the months in which the higher performance is applicable should be September through January.

The in-area percentage requirement as proposed herein would require such disposition to be at least equal to 10 percent of the plant's Grade A receipts. Proponents recommended that the in-area disposition requirement be 15 percent of the plant's total Class I disposition. However, since such plants may qualify on the basis of as little as 15 percent of the plant's receipts being disposed of in Class I, an in-area disposition equivalent to 15 percent of such a plant's Class I disposition could be a very small association with the fluid market. The requirement that 10 percent of the plant's Grade A receipts be disposed of in the marketing area will provide assurance that a substantial part of such plant's business is in this market.

Packaged fluid milk products which are transferred between pool distributing plants should be excluded from disposition as well as from receipts at the second plant in determining pool plant status. Such packaged products are considered Class I disposition of the first pool distributing plant in qualifying for pooling status. Unless packaged fluid milk products are excluded in computing the Class I disposition at the second pool plant and succeeding pool plants, such receipts might be used to qualify an unlimited amount of milk used in manufacturing by moving the packaged fluid milk products from plant to plant.

Receipts from other order plants and unregulated supply plants for which Class II utilization is requested should also be excluded from the base receipts of a distributing plant in determining whether the plant qualifies as a pool plant. Such transfers are made for manufacturing purposes and receive a Class II classification at the distributing pool plant. These receipts are not acquired to supply the plant's fluid milk product sales. Accordingly, these receipts should be excluded from the base receipts at the pool distributing plant to accommodate the use of such milk in manufacturing uses.

Pool supply plants. A supply plant should be eligible for pooling in any month in which it ships to pool distributing plants a quantity of fluid milk products at least equal to 15 percent of its Grade A milk receipts from dairy farmers. Also, a plant which qualified as a pool supply plant during each of the months September, October, and November, should be permitted to retain pool status during the next following December–August period regardless of shipments.

The performance standards for pool supply plants recognize the dual marketing function of supply plants in this area which is to ship milk to distributing plants when it is needed and manufacture the excess when it is not needed by distributing plants. Dairy farmers in this area have been shifting from Grade B to Grade A milk production, and continue to do so. This trend provides an expanding Grade A milk supply which

supply plants try to market through distributors of Grade A fluid milk products.

Local outlets for Grade A milk have not expanded in proportion to the increased Grade A milk supply. At times the excess Grade A supply can be shipped to other markets where it is needed for fluid sales. When local and out-of-market sales do not absorb the excess, it must be manufactured.

The relatively low shipments required for pool status will make it possible for supply plants to be pooled if they engage to a significant degree in supplying this fluid market. But plants specializing in manufacturing dairy products who make only token shipments of fluid milk to distributing pool plants will be excluded from pooling.

Supply plant milk is most likely to be needed in the months September, October, and November. Hence, all supply plants should make the required shipments in such months. After qualifying for these 3 months a plant should be permitted to retain pool status through the following December–August regardless of shipments. If the plant operator does not wish to be pooled and the plant does not meet the performance standard, he may request that the plant be a nonpool plant during the automatic qualification period. However, if the plant is declared a nonpool plant in any of the months December through August, it may not again be a pool plant until it fulfills the shipping requirements.

The 3 months in which a supply plant should make shipments of at least 15 percent of its Grade A receipts from dairy farmers should be September, October, and November rather than August, September, and October as proposed in the recommended decision. It appears that November is a month in which supply plant milk is more likely to be needed than is August.

The cooperative proponents of the order proposed that a supply plant should be required to ship to distributing plants at least 20 percent of its Grade A milk receipts from dairy farmers to become a pool plant. However, up to one-half of such qualifying shipments could be met through shipments to pool plants under other orders. That part of the proposal which would permit shipments to other order plants to count toward qualifying supply plants under this order should not be adopted.

Such shipments of milk for fluid use to other order markets should not be included in determining a supply plant's qualifying shipments under this order. Essential to the operation of a market-wide pool is the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the fluid needs of the respective order market and those plants which do not serve that market in a way, or to a degree, that warrants their sharing (by being included in the market pool) in the market average utilization of Class I milk.

However, in view of the substantial quantities of milk available in this marketing area in relation to Class I sales and the relatively low pooling requirements for distributing plants, a relatively low shipping requirement for supply plants is appropriate. The requirement that a supply plant ship 15 percent of receipts to pool distributing plants as proposed herein, rather than 10 percent to pool distributing plants and 10 percent to other order plants, appears appropriate under existing marketing conditions.

Several cooperatives in the area operate supply plants and also have member milk delivered directly to distributing plants. The direct shipment often avoids extra handling. In determining the status of a supply plant operated by a cooperative, the delivery of such cooperative's member milk to distributing pool plants directly from the farm should be regarded as a shipment from the cooperative's supply plant.

Special provisions should be adopted for qualifying a supply plant as a pool plant during the initial months of operation. From the effective date of the order through August 1969, a supply plant that ships 10 percent of its Grade A receipts during the month to a pool distributing plant should be a pool plant. Also, a supply plant which shipped 10 percent of its Grade A receipts to a plant which would have met the pool distributing plant requirements during the month of November 1968 should be eligible for automatic pool status from the effective date of the order through August 1969.

The percentage of total Grade A receipts which supply plants must ship to the market during the initial operation of the order should be somewhat less than is required for later periods. Operators of supply plants will have little advance notice of shipping percentages necessary to pool their plants. Accordingly, such persons should be given an opportunity to participate in the pool during the initial period of operation if their association with the market is demonstrated by the shipment of at least 10 percent of Grade A receipts.

Plants qualified for pooling under another order. Plants which qualify as pool distributing plants or pool supply plants under this order may qualify also as pool plants under another order. It is not necessary to apply dual regulation to such plants.

A plant which qualifies for pooling under two orders should be pooled under the order regulating the area where such plant makes the greater disposition of fluid milk products either directly on routes or through shipments to plants. This is the usual basis followed in the Federal order system.

Proponents of this Southeastern Minnesota-Northern Iowa order proposed that in the case of a plant qualified under this order and also qualified under the North Central Iowa order (where pooling is on an individual handler basis) the plant be pooled under this order even though its disposition in the North Central Iowa area exceeded its disposition in this area.

There is no such plant which, based on its sales pattern at the time of the hearing, has more sales in the North Central Iowa area than in the proposed Southeastern Minnesota-Northern Iowa area. Hence, the proposal would have no application currently.

Nonpool plant. The definition of "nonpool plant" is provided to facilitate construction of the various provisions of the order as they apply to such a plant. A nonpool plant means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing or processing plant. This definition is the same as comparable definitions in presently effective orders. Specific categories of nonpool plants would be defined as follows:

"Other order plant" is a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act. Such plants would not be regulated under this order except for the filing of reports described elsewhere with respect to any route disposition in the Southeastern Minnesota-Northern Iowa marketing area.

"Producer-handler plant" means a plant operated by a producer-handler as defined in any order including this part issued pursuant to the Act.

"Partially regulated distributing plant" means a nonpool plant that is a distributing plant but is not an other order plant, a producer-handler plant, or an exempt governmental plant.

"Unregulated supply plant" is a nonpool plant that is a supply plant but is not an other order plant, a producer-handler plant, or an exempt governmental plant.

"Exempt governmental plant" means a distributing or supply plant operated by a governmental agency.

Producer and producer milk. Since the essential feature of a milk order is the requirement that handlers pay minimum prices for milk to producers, it is necessary to define a producer, the person to be paid, and producer milk, the milk for which payment is made. The term "producer" should include dairy farmers who regularly provide Grade A milk to pool plants which handle such milk for fluid consumption. Thus, the definition of "producer" should distinguish between those dairy farmers who produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority and those dairy farmers whose milk is other than Grade A. Likewise, "producer milk" should include all milk produced by producers which is received at pool plants including milk diverted from pool plants under appropriate limitations.

The identification of a dairy farmer as a "producer" should be established primarily on the basis of receipt of his Grade A milk at a plant which is supplying milk to the market in quantities sufficient to be designated a "pool plant."

Since producer milk is handled in several different ways, it is necessary that the definition be in terms of these several methods of handling, including: (1) Milk received at a pool plant from producers or cooperatives as handlers; (2) bulk tank milk received by a cooperative association as a handler from dairy farmers, and not delivered to pool plants but lost as shrinkage; (3) milk diverted from pool plants to nonpool plants not regulated by any order; and (4) milk diverted from a pool plant to a plant regulated by another order.

Milk of producers received at a pool plant from producers' farms would be producer milk including milk so received for which a cooperative acts as a handler. (See handler definition.) In the latter case, the cooperative association is the first receiver of the milk and is accountable to the pool for such producer milk to the extent that there is any difference between the quantity of milk picked up at farms and that delivered to the pool plant. The plant operator, as the second receiver of such producer milk, would account for the quantity received at such plant. Some of the milk picked up at the farm by the cooperative association as a bulk tank handler is lost in handling and not delivered to the plant. This loss or shrinkage is accounted for by the association as producer milk.

Producer milk diverted from a pool plant to a nonpool plant not fully regulated by any order would be producer milk subject to certain limitations. Such diversion of producer milk may be either by the plant operator, or by a cooperative association not as a plant operator, diverting the milk of its members.

Milk diverted from a pool plant under this order to a plant regulated by another order for manufacturing purposes should be considered producer milk in the diverting market unless such milk is defined as producer milk under the order regulating the handling of milk at the plant to which it is diverted.

Only milk of dairy farmers whose status as producers was established in the previous month or whose milk is received at least 1 day during the current month at pool plants should be considered as producer milk when it is diverted. This delivery to a pool plant is necessary to establish that such dairy farmer is associated with the market and thus is a qualified producer.

The cooperatives proposed that during July through February only the milk of dairy farmers who delivered 3 days per month be eligible for producer status when it was diverted. However, they proposed also that the volume of diverted milk in these months be limited to an aggregate quantity not more than the quantity of milk delivered to pool plants by such eligible producers. The volume limit on diverted milk is adequate to prevent abuse of this provision. A further requirement that each producer's milk must be received three times (6 days' production) each month at a pool plant would hamper the attainment of efficiency in hauling which might otherwise be achieved.

Diverted milk claimed as producer milk when delivered to a nonpool plant should not exceed the quantity of milk delivered to pool plants during each of the months September through January. These months correspond to the months in which distributing plants would be required to dispose of 20 percent of their Grade A receipts as Class I to attain pool status.

If producer milk status is claimed by a handler on a greater quantity than is allowable, such handler should designate which lots of milk are to be considered overdiverted and thus do not qualify as producer milk. In the event he does not designate such overdiversions, no milk diverted by such handler shall be considered producer milk for that month.

In the case of diversions by a pool plant operator such diverted milk should be included in the receipts for computing the performance requirements for pooling. Thus the plant's performance will be based on the plants' total producer milk supply regardless of whether the milk is physically received at the plant.

Diversions by a cooperative may not be identifiable as a supply for a particular plant. To be eligible for diversion cooperative members' milk must be first established as producer milk by delivery to a pool plant. During the months September through January, the quantity of milk which may be claimed as producer milk by a cooperative should not exceed the quantity of member milk delivered by such cooperative to pool distributing plants. The cooperative in diverting member milk from distributing plants performs a balancing function similar to the supply plant which ships milk to distributing plants as needed and retains the milk for manufacturing when it is not needed.

These limits on diversion should permit the orderly marketing of producer milk and, at the same time, give assurance that diverted milk will be from only those dairy farmers who have a reasonable association with the market.

Handler. A handler definition is necessary to identify those individuals who handle the milk which is subject to regulation. Such persons thereby incur certain responsibilities to submit to the market administrator reports of receipts of milk and its utilization. Also, if they receive producer milk they are responsible for payment for such milk in accordance with its classified use value.

As herein provided the definition includes the following:

(1) Any person in his capacity as the operator of one or more pool plants;

(2) Any person in his capacity as the operator of a partially regulated distributing plant;

(3) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant;

(4) Any cooperative association with respect to milk of its producers which is received at the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(5) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; and

(6) A producer-handler.

The provisions listed above are common to most Federal orders. The specified responsibility of each type of handler is described in the applicable order provisions.

The handler who receives milk from producers at a pool plant should be responsible for reporting in detail the quantities of skim milk and butterfat received from each producer and each other source. He also should be responsible for reporting the utilization of such milk. He must make payment to producers and to the producer-settlement fund in accordance with terms of the order.

Cooperative associations should be handlers under the orders with respect to milk of producers which they divert to nonpool plants. In this function the cooperative association is responsible for reporting the identity of each producer whose milk is diverted, the quantity of milk and butterfat for each producer, and the disposition of such milk.

In performing the function of diversion under the rules described in the order, the cooperative association will be balancing supplies according to individual handler's needs, and disposing of market reserves. In this capacity the cooperative association should be considered to be the handler paying into or receiving money from the producer-settlement fund so that diverted producers may receive the uniform price. The association should be responsible for the administrative expense on this milk.

Cooperative associations often take responsibility also for delivery of milk from producers' farms to regulated plants. Cooperative associations in these markets are able to, and do, provide such delivery in tank trucks. Each truckload of milk would ordinarily contain the production of several producers.

When milk is picked up by tank trucks under the control of the cooperative association and milk of several farmers is commingled in one load, the cooperative association is in control of the information as to the quantities of milk from each individual dairy farmer. The cooperative association should be required, therefore, to report to the market administrator the quantity of milk received from each dairy farmer. The association should also be responsible for obtaining samples at the farm for the purpose of butterfat testing, and for the testing of such samples.

If the association is assuming responsibility for collection of dairy farmers' milk in tank trucks and delivering such milk from the farm to pool plants, it should be defined as the handler on such milk for the purpose of reporting the farm weights and tests of milk received from dairy farmers and the quantities delivered to pool plants. In addition, the association should be accountable to the producer-settlement fund for any differences in the quantities of milk received from producers, based on farm measurements, and the quantities of milk which purchasing handlers claim as received at their plants from the association. This is necessary to assure that cooperative handlers, like other handlers, account for all milk received from producers. The association would account to the producer-settlement fund and pay the administrative expense assessment on the quantity

of milk involved in any difference between milk received from farms and that delivered to pool plants.

The pool plant handler would be responsible to the producer-settlement fund and for administrative assessment on milk he received from the cooperative. Also, the pool plant handler would pay the cooperative association handler the minimum uniform price for such milk received from the cooperative that was the handler of the bulk tank milk. Since only the cooperative association is in control of the information as to the quantities of milk received from individual dairy farmers and since it may deliver partial loads of milk to different handlers, only the cooperative is in a position to make payments to the individual producers involved. Consequently, it is necessary under such circumstances for the cooperative to settle with the individual producers according to the quantity received from each of them as determined by the weight and tests made by the cooperative.

Another category of handler is the operator of a partially regulated distributing plant. Such plants either do not distribute sufficient milk in the regulated area to qualify as fully regulated plants or are not engaged in fluid milk distribution to a substantial extent. Such plant operators must submit reports to the market administrator, however, so that he may ascertain (1) the plant's status under the order, and (2) the money obligation, if any, of such handler.

A plant which is regulated under another order may, nevertheless, dispose of some milk in the marketing area. The operator of such plant should be defined as a handler under this order, although this plant may continue to be regulated under the other order. This will authorize the market administrator to obtain reports from such plant to determine its status under the particular order.

Producer-handler should be defined as any person who:

(1) Operates a distributing plant, processes milk of his own farm production, and distributes all or a portion of such milk on routes in the marketing area; and

(2) Receives no milk from other dairy farmers, fluid milk products from nonpool plants, or nonfluid milk products from any source for use in reconstituted fluid milk products.

Producer-handlers are exempt from the pricing and pooling provisions. They should be required, however, to make reports to the market administrator in order that he may determine whether the operator continues to meet the producer-handler definition.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. To be a producer-handler, the maintenance, care, and management of the dairy animals and all other resources used to produce the milk as well as the resources required for the distribution of the milk should be the personal enterprise and the personal risk of the person who claims producer-handler status.

Producer-handlers normally distribute only milk of their own production. They handle their own reserve supply or dispose of it to manufacturing plants. If they dispose of reserve milk to pool plants, it should be allocated to the pool plant's Class II use.

Occasionally a producer-handler may supplement his own production with special fluid milk products or an emergency supply from pool plants. If he supplements his supply by purchases from pool plants, such fluid milk products should be classified as Class I milk at the pool plant.

Proponents of the order asked that the producer-handler exemption not apply if he purchased more than 5,000 pounds of milk per month from a pool handler. They did not demonstrate the need for this limitation. Producer-handlers are not an important factor in the area. Proponents indicate there is one person with such a business.

A producer-handler should lose his exemption if he purchases milk from unregulated sources. If a producer-handler were permitted to obtain milk, including milk products for reconstituting, from unregulated sources, this would allow him an undue advantage compared to regulated handlers. Other handlers incur obligations to the pool on unregulated milk used in Class I disposition, but producer-handlers are exempt from pooling. Further, such use of unregulated milk by producer-handlers would be inequitable to producers. It would permit use in the fluid market of unregulated milk including reconstituted milk, without such milk being subject to the order's allocation and payment provisions, which provide proper apportionment to producers of returns from Class I dispositions.

Fluid milk product. A definition of "fluid milk product" is provided in the order to implement the drafting of the classification provisions. The term is intended to include those products which, when disposed of by handlers, are included in Class I milk.

Under the proposed definition herein provided, a fluid milk product includes milk, cream, skim milk, buttermilk, unsterilized concentrated milk or skim milk, eggnog and eggnog flavored milk, and mixtures combining milk, skim milk, and/or cream including all such products sweetened, soured, cultured, or acidified and all such products reconstituted from milk products or fortified with additional milk products. The term includes the aforesaid products to which flavors, sweeteners, stabilizers, emulsifiers, vitamins, minerals, and similar ingredients have been added. The term does not include products which are sterilized and disposed of in hermetically sealed metal or glass containers.

The above definition is quite similar to the fluid milk product definitions in most Federal orders. It includes the fluid products covered by the Grade "A" pasteurized milk ordinance recommended by the U.S. Public Health Service.

The ordinances of the States of Minnesota and Iowa and the cities in the marketing area conform to this recommended ordinance except that the State of Minnesota defines eggnog and eggnog flavored milk as fluid milk products.

Producers proposed that filled milk also be a fluid milk product. This issue is reserved for a later decision.

Official notice is taken of the fact that a hearing held at Memphis, Tenn., in February, April, and May 1968 (33 F.R. 2785) dealt with the disposition or potential disposition in all Federal order markets of filled milk and certain other products containing milk or milk derivatives which are disposed of in fluid form. Evidence was received as to the need for a coordinated program of regulation of such products in all Federal order markets. No decision based on the Memphis hearing has been issued.

The treatment of filled milk under the Southeastern Minnesota-Northern Iowa order should be coordinated with the results of the Memphis hearing. Since the outcome of that hearing has not yet been determined, no action is taken herein on the filled milk issue.

Other source milk. A definition of "other source milk" is necessary to designate one of the several categories of milk receipts at a regulated plant.

Other source milk includes all skim milk and butterfat contained in or represented by: (1) All fluid milk products received by the handler during the month other than producer milk, fluid milk products from pool plants, and inventory of fluid milk products on hand at the beginning of the month; and (2) products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into another product during the month.

Since a regulated plant may receive milk other than producer milk and all types of receipts may be commingled in the plant, it is necessary that all receipts of milk and dairy products be reconciled with the disposition records of the plant. The total disposition is then assigned to the various categories of receipts (producer milk, other source milk, and milk from other pool plants). This is necessary to arrive at the classification of producer milk.

Miscellaneous definitions. Additional definitions such as "Act," "Secretary," "Department," "person," and "cooperative association" should be included in the order for brevity and clarity in describing the operation of various order provisions. They are self-explanatory and are similar to comparable provisions in presently effective orders.

(b) *Classification of milk.* Producer milk received by handlers should be classified in two classes, according to use. Class I milk should include those forms of disposition intended for the fluid market. The quality requirements for Grade A milk to be used for fluid consumption, as compared to milk for manufacturing use, are specified in sanitary regulations of State and local governmental authorities. The extra cost of producing such higher quality milk and delivering it to market requires that the price for milk used in Class I be considerably above the manufacturing milk price. The definition of Class I use of milk in the manner described, therefore, provides the means of returning to producers the higher price according to the quantity of milk so used.

Class II milk, on the other hand, is that milk which is in excess of Class I needs. It must be disposed of outside the fluid market, primarily in the form of manufactured dairy products. In such uses milk from producers competes with ungraded milk from other sources and has only a manufacturing milk value. Therefore, to assure its orderly disposition outside the fluid market, such milk must be classified and priced competitively with ungraded milk used in manufacturing.

In conformance with these objectives, milk and milk products received by handlers should be classified on the basis of the form in which, or the purpose for which it is used or disposed of by the handlers. The skim milk and butterfat received in milk and milk products should be classified separately since the proportion of skim milk and butterfat in products disposed of varies.

Furthermore, milk is received by handlers from various sources, including dairy farmers, other regulated handlers, and unregulated sources. In many instances milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to have a plan for allocating the uses of milk to each of the various sources of supply in order to establish the classification of producer milk and to apply the classified pricing plan.

Class I milk. The milk product dispositions included in Class I milk are those in the form of fluid milk products as previously defined, with limited exceptions which are discussed under the heading "Class II milk."

The measurement of the quantity of Class I disposition of a particular milk product is normally the actual weight of the product as it leaves the handler's plant.

Fortified fluid milk products are an instance in which the weight disposed of is not precisely the quantity of Class I disposition to be accounted for. Fortified fluid milk products are prepared by the addition of nonfat solids to milk or skim milk to yield a finished product of higher than normal nonfat solids.

To maintain proper accounting for fortified fluid milk products the nonfat milk solids added to such items should be converted to their skim milk equivalent. This is necessary to insure uniformity of application of the accounting system. It is not necessary, however, to price as Class I all the water originally associated with the added solids. The addition of the solids used in fortification cannot be considered as displacing producer milk in Class I except to the extent that the volume of product is increased. The addition of solids to make a more desirable product may, in fact, increase the sales of producer milk, and in any event would not displace producer milk in Class I beyond the minor increase in volume which results.

In the case of fortified fluid milk products the skim milk to be classified as Class I milk should be only that contained in an equal volume of unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. For reasons set forth in the above paragraph, the skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

It is necessary that the handler submit reports sufficient to reconcile all of his receipts of milk and dairy products with the disposition from his plant(s). If receipts and disposition cannot be reconciled from such reports, it is necessary that the handler be made responsible for any unaccounted for receipts or disposition. If disposition is less than receipts, the question arises as to whether there are dispositions not disclosed on reports. In order to insure responsible reporting and recordkeeping and equity among handlers, such discrepancy where disposition is less than receipts should be classified as a Class I quantity, except for allowable shrinkage as explained in later findings.

Class II milk. Class II milk would include all skim milk and butterfat used to produce any product other than a fluid milk product. It thus would include milk used in manufactured products such as butter; butteroil, anhydrous milkfat; plain or sweetened condensed milk or skim milk, and condensed buttermilk; nonfat dry milk; dry whole milk; dried buttermilk; dried whey; and blends of dried milk products including dry ice cream mix; cheese and cheese foods; ice cream, ice milk and frozen desserts including mixes for freezing; and sterile products in hermetically sealed metal or glass containers.

Butterfat and skim milk used to produce Class II products should be considered disposed of when so used. Handlers will need to maintain production records of such products to establish use in Class II.

Besides use in manufactured dairy products, which compose the bulk of Class II use, it would also include shrinkage within certain limits, disposal in fluid form for livestock feed, disposal in bulk form to commercial food establishments for use in manufacture of food products prepared for consumption off the premises, fluid milk products dumped, and fluid milk products in bulk form in inventory at the end of the month.

Shrinkage. In the course of receiving, processing, and packaging fluid milk products, some loss of skim milk and butterfat is experienced and is referred to as "shrinkage." In order to assure complete accounting, the handler must establish the quantity of actual loss of skim milk and butterfat. Since shrinkage represents disappearance of milk for which no return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each plant should be 2 percent of milk from producers plus 1.5 percent of milk received in bulk tank lots from other plants or from a cooperative association which is a handler on such milk. However, if the handler operating the pool plant which received the milk from the cooperative association as a handler files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage should be 2 percent.

The lower shrinkage allowance of 1.5 percent of milk received in bulk tank lots from other plants recognizes that part of the handling in which shrinkage occurs has taken place prior to receipt at the plant of ultimate disposition. Milk collected at the farm in bulk tank trucks is measured at the farm. Some loss would normally occur during the transfer operation between the farm and the plant. If a cooperative association is the handler when such loss occurs and the plant handler is not purchasing the milk on the basis of farm weights and tests, the cooperative would be the handler responsible for paying into or receiving money from the producer-settlement fund on such lost milk.

Experience has shown that 2 percent shrinkage allowance for the entire receiving and processing operation is reasonable under normal circumstances. The division of the total allowance into 1.5 percent for processing and one-half of 1 percent for receiving is in accordance with experience and is used in other Federal orders. It is recognized that the greater share of the shrinkage occurs in the processing operation.

To provide equitable application of shrinkage provisions to all handlers who may have various types of operations and various kinds of milk receipts, the rate of 1.5 percent shrinkage allowance should apply to all receipts of bulk fluid milk products, whether from other pool plants, unregulated plants or a cooperative association acting as a bulk tank handler. The only exceptions to this would be in the case of receipts of other source milk for which Class II utilization is requested. In the latter case, since the entire receipt is for Class II use, there is no need to establish a limit of shrinkage that may be classified as Class II.

In computing a handler's total shrinkage allowance, 1.5 percent of bulk fluid milk products disposed of to other plants should be deducted. The transferee plant would be allowed, as stated previously, 1.5 percent on the milk so transferred.

To assure an equitable assignment of total shrinkage, it should be prorated to (1) those categories of receipts on which the above described limits apply, and (2) other receipts in fluid form to which specific Class II shrinkage limits do not apply.

Inventories. Handlers maintain inventory of milk and milk products which must be considered in accounting for receipts and utilization. The accounting procedure will be facilitated by providing for Class II classification on only that

portion of ending inventory of fluid milk products which is in bulk storage in the plant. All fluid milk products on hand in packaged form in the plant should be classified as Class I.

The classification as Class I of all packaged fluid milk products will result in such products which are on hand at the end of the month, either in the plant, on loaded trucks, or in distribution points, being classified uniformly as Class I regardless of whether they are considered as being in inventory or as being already disposed of.

Packaged fluid milk products on hand on the effective date of the order, however, should be classified as Class II, since these items were not classified and priced as Class I in the prior month.

To insure that all handlers pay the current month's Class I price for producer milk disposed of during the month, it is provided that if the Class I price increases, the handler will be charged the difference between the Class I price for the current month and the Class I price for the preceding month on the quantity of ending inventory assigned to Class I in the preceding month. Likewise, if the Class I price decreases, the handler will receive a corresponding credit.

The allocation section should provide that inventory of packaged fluid milk products on hand at the beginning of the month be subtracted from Class I utilization before making the other assignments therein provided.

Inventory of fluid milk products in bulk form will be subtracted under the allocation procedure, from any available Class II disposition in the following month prior to the allocation of current fluid milk receipts. The higher use value of a bulk fluid milk product in inventory, which is allocated to Class I milk in the following month, should be reflected in returns to producers. This is accomplished by a reclassification charge on such milk at the difference between the Class II price of the preceding month and the Class I price of the current month.

Inasmuch as a handler may receive milk from other order plants and unregulated supply plants as well as producer milk or milk from other pool plants, any of these sources may contribute to his inventory situation at the end of the month. The assignment provisions herein adopted insure that milk from nonpool sources assigned to the surplus class in the prior month (and thus available for reclassification under the inventory allocation procedure this month) will either have been so assigned pro rata with producer milk or is milk which by its very nature is surplus. Furthermore, any other order milk so assigned will have been priced at the comparable surplus class in the order of origin. In either case, therefore, the reclassification charge is appropriate.

Other Class II disposition. In addition to the previously described Class II milk dispositions, certain other dispositions in the form of fluid milk products would also be included in Class II milk. These are products specifically accounted for as dumped or disposed of for animal feed, and fluid milk products disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises.

Class II classification of dumpage and animal feed recognizes that such disposition of fluid milk products represents a value considerably less than normal fluid milk disposition on routes to retail and wholesale outlets.

It would not be practicable to permit in an unlimited manner the dumping of skim milk and buttermilk by pool plant handlers. Neither would it be appropriate to classify such skim milk and butterfat, for which no better outlet is available, in other than Class II. Accordingly, Class II classification for skim milk and butterfat dumped must be specifically accounted for. Normally this would require that the market administrator be notified in advance and afforded the opportunity to verify the dumping.

Fluid milk products disposed of for animal feed would be primarily nonsalvageable route returns. In some instances, however, there may be small quantities of skim milk and butterfat in fluid milk products which during processing becomes nonsalable for human consumption. It is reasonable that these quantities also be classified as Class II if disposed of for livestock feed. A plant operator should maintain sufficient records to establish in every instance the quantities of skim milk and butterfat involved, and show a written receipt for every disposition as livestock feed.

Fluid milk products disposed of to commercial food processing establishments for use in preparation of food products which are consumed off the premises also should be Class II milk. A Class II classification of such fluid milk products will price them competitively with alternative supplies, such as nonfat dry milk and condensed milk, which are also used for the manufacture of such food products.

Proof of class use. Except for the quantities of Class II shrinkage provided for in the order, all skim milk and butterfat for which a handler cannot establish utilization must be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records. The burden of proof should be on the handler to establish the utilization of any milk as being other than Class I milk.

Transfers and diversions. Milk transferred from a pool plant to another plant should be classified in accordance with specific rules.

The rules of classification herein provided would apply to transfers to other pool plants or to nonpool plants, and to milk diverted from the farm to nonpool plants.

Fluid milk products transferred from a pool plant to the pool plant of another handler should be classified by agreement of such handlers within certain limitations. If they fail to agree, such transfers should be classified as Class I milk. Also, if Class II milk is claimed by both handlers on reports submitted for the month to the market administrator, sufficient Class II utilization must be available at the transferee plant for such assignment to Class II after allocation of receipts of unregulated milk, other order milk, bulk milk in inventory, and shrinkage.

Fluid milk products transferred or diverted in bulk to a nonpool plant (not an other order plant, producer-handler plant, or an exempt governmental plant) should be classified as Class I milk unless the handler claims Class II classification and specified conditions are met.

The operator of the nonpool plant should maintain adequate books and records showing utilization of all skim milk and butterfat received at the plant. Further, if requested the operator should make these books and records available to the market administrator for purposes of verifying such receipts and utilization. This verification by the market administrator is necessary to insure proper application of the classification procedures of the order.

If the above conditions are met, classification of the transferred or diverted milk would be made in accordance with the following procedure.

Receipts of packaged fluid milk products at the nonpool plant from pool plants or other order plants would be first assigned to Class I in the nonpool plant. Also, if the nonpool plant makes any Class I disposition on routes in the marketing area, this Class I should be assigned first to fluid milk products transferred from pool plants, then pro rata to receipts from other order plants, and finally to receipts from dairy farmers who the market administrator determines constitute the regular source of Grade A milk for the nonpool plant. If the nonpool plant makes any Class I disposition on routes in the marketing area of another Federal order, this should be assigned first to fluid milk products transferred or diverted from plants fully regulated by that order, then pro rata to fluid milk products received from plants regulated by all other Federal orders including this order, and thereafter to the nonpool plant's regular Grade A dairy farmer supply as determined by the market administrator. Any Class I utilization remaining in the nonpool plant after the above assignment should be assigned first to the plant's regular Grade A dairy farmer supply and then pro rata to unassigned receipts from pool plants and other order plants.

After the preceding assignments are made at the nonpool plant, any remaining receipts of bulk fluid milk products from pool plants should be classified as Class II milk.

This method for classifying transfers and diversions of milk to nonpool plants provides equitable treatment for milk pooled under this order as well as that regulated by another order. Further, it gives priority to dairy farmers directly supplying a nonpool plant with respect to Class I sales outside regulated areas. The proposed method of classification at the same time allows orderly disposition of milk moved to such plants primarily to be used in manufactured products.

The proponents requested that all transfers to nonpool plants located outside the States of Minnesota, Iowa, and Wisconsin be classified as Class I milk. They indicated that there are sufficient manufacturing plants within these three States to process any milk not needed for Class I use. Thus, they alleged that milk need not be transported beyond these three States for manufacturing use. Proponents indicated that shipments to nonpool plants located at any greater distance could be presumed to be for Class I needs. They argued that a Class I classification on transfers beyond these three States would reduce the accounting and auditing expense of administering the order.

Since the Federal order program extends to most major milk markets in the country, there are market administrators' offices located in several cities. It is not necessary that the market administrator of this order audit transfers to nonpool plants located in the marketing area of another order. Such auditing could be accomplished by the market administrator whose auditor is located nearest to the nonpool plant receiving the transfer. Accordingly, the expense of auditing such transfers would be little different from the cost of auditing nearby plants. Thus, bulk fluid milk products transferred to nonpool plants should be classified on the basis of the receiving plant's use of such products.

Fluid milk products transferred in packaged form to a nonpool plant that is not an other order plant should be classified as Class I milk. Most movements of packaged fluid milk products represent purchases of such milk specifically for route sales. The packaged Class I products often represent specialty items not processed in the receiving plant or milk in special packages which the receiving plant is not equipped to handle for processing and, thus, are specifically for Class I utilization.

Transfers of fluid milk products either bulk or packaged to a producer-handler should be Class I. The producer-handler is not required to share the burden of the pool reserve as are other producers. But he should not be permitted to allocate his own milk to Class I and acquire pool milk for Class II uses. Also, transfers to an exempt governmental plant should be Class I whether transferred in bulk or packaged form.

The order also provides for transfers of fluid milk products to other order plants. The classification of such milk is covered in the findings with respect to allocation.

Allocation. The value of producer milk is established on the basis of its classification and the class prices. Since handlers may receive milk from several sources besides producers, the order must provide a method of assignment of receipts from all sources during the month to Class I and Class II.

The system of allocating handlers' receipts to the two classes should be similar to that adopted in the Assistant Secretary's June 19, 1964, decision for 76 milk orders for integrating into the regulatory plan of each of the orders milk which is not subject to classified pricing under any order and receipts at a pool plant from other order plants. Official notice is taken of that decision (29 F.R. 9109). That decision provides a procedure for allocating over a handler's total utilization his receipts from all nonpool sources and for making payment into the producer-settlement fund on unregulated milk allocated to Class I.

Proponents testified that the method adopted as a result of the June 19, 1964, decision is appropriate in this area and will coordinate these regulations with respect to the treatment of unregulated milk and other order milk with comparable regulations under other Federal orders. Consequently, they adopted the findings and conclusions contained in that decision as their own justification for incorporating these provisions. There was no opposition and no proposal to alter the provisions in any way.

The aforesaid decision sets forth the standards for dealing with unregulated milk under Federal orders generally and the system of allocation to be included in all orders. It describes the appropriate treatment of other order milk received at pool plants so as to coordinate the applicable regulations on all movements of milk between Federal order markets. This record indicates that the findings and conclusions of the aforesaid decision are equally applicable under current conditions in the proposed marketing area and, accordingly, are adopted in their entirety as if set forth in full herein.

(c) *Class prices.* Minimum class prices should be established in the proposed order at a level which will effectuate the purposes of the Act, assure the maintenance of an adequate supply of quality milk for the local fluid market and provide for the orderly disposition of milk not needed for fluid sales.

Class I prices. The price for Class I milk should be at the same level as the Class I price established under the Minneapolis-St. Paul order for the base zone. The Minneapolis-St. Paul Class I price formula provides for adding $0.86 to the basic formula price for the preceding month and adding an additional 20 cents.

The factor which adds 20 cents to the Class I price should apply in the Southeastern Minnesota-Northern Iowa order, as it does in the Minneapolis-St. Paul order. The differential of $0.86 should be effective for the first 18 months the order is effective. Prior to the expiration of the 18-month period, the Class I price level should be reconsidered in the light of the more complete information regarding milk supplies and sales which will be available with the operation of the order.

The basic formula price should be the average price paid for manufacturing grade milk in Minnesota and Wisconsin for the preceding month as reported by the Department. This price series is now in general use in Federal order markets and its use in the Southeastern Minnesota-Northern Iowa market will facilitate alignment of prices in this market with prices in the Minneapolis-St. Paul and other order markets.

Presently, the Minneapolis-St. Paul and other order markets which use the Minnesota-Wisconsin price series in determining the basic formula price have a floor established under the basic formula, insofar as Class I prices are concerned, of $4.33. The marketing conditions which warranted the fixing of such a minimum in provisions of other Federal orders exist similarly in the proposed Southeastern Minnesota-Northern Iowa marketing area. Hence, this proposed order should provide a floor of $4.33 under the basic formula used in computing the Class I price.

A differential over the manufacturing milk prices is necessary to cover the extra cost of meeting quality requirements in the production of milk for the fluid market. The differential thus provides a necessary incentive for dairy farmers to produce an adequate supply of pure and wholesome milk to meet consumer demands.

Since this marketing area, as well as the Minneapolis-St. Paul marketing area, is located in a region of heavy milk production in relation to population, there is considerably more milk manufactured in the area than is disposed of for Class I uses. In order to compensate producers for producing milk of Grade A quality which is needed for Class I sales, the Class I milk price must be somewhat higher than the price received by producers of manufacturing grade milk. However, if the Class I price more than compensates producers for the extra cost of Grade A milk production, dairy farmers are encouraged unnecessarily to shift from manufacturing grade milk production to the production of Grade A milk. If additional Grade A milk supplies cannot be disposed of in Class I outlets, such milk must be utilized in manufactured dairy products at a price competitive with dairy products made from manufacturing grade milk. Hence, in establishing a Class I price, particularly for this area where large quantities of Grade A milk in excess of those needed for Class I sales already exist, it is essential that the Class I price be maintained at a level which will not unduly encourage greater supplies of Grade A milk to be produced.

Handlers who would be regulated under this order compete for fluid milk sales with Minneapolis-St. Paul handlers, both within this marketing area and within the proposed expanded Minneapolis-St. Paul marketing area. The Minneapolis-St. Paul market is much the larger of the two markets. Its Class I sales are four times the Class I sales in this area. Because of its size, the Minneapolis-St. Paul market's Class I price virtually dictates the Class I price for this area.

Any higher price for this area might cause Minneapolis-St. Paul Class I milk to be substituted for local milk supplies. Even with a Class I price equal to the Minneapolis-St. Paul Class I price it is estimated that Class I use in this area will absorb only about 35 to 40 percent of the Grade A supply.

The Class I price herein proposed is the same as the Minneapolis-St. Paul Class I price in the base zone. But that order provides location differentials for plants lo-

cated outside the base zone. The plants of two handlers who distribute milk in this marketing area and whose plants are located outside the base zone will become regulated under the Minneapolis-St. Paul order if that order's marketing area is expanded as proposed in a concurrent decision. One handler, located in Norwood, Minn., distributes milk in nine counties in this proposed marketing area and the other handler located in St. Michaels, Minn., distributes in eight counties. As recommended in the Minneapolis-St. Paul decision, these plants would have a 9-cent and a 6-cent location adjustment under that order, respectively.

The Norwood plant, where the 9-cent differential applies, is the nearer of these plants to the Southeastern Minnesota-Northern Iowa marketing area. The highway mileage from Norwood to the nearest population center in the Southeastern Minnesota-Northern Iowa marketing area is the 50 miles from Norwood to New Ulm, Minn. The most common factor used in Federal milk orders to adjust prices for location is 1.5 cents per hundredweight for each 10 miles. (Official notice is taken of "Summary of Major Provisions in Federal Milk Marketing Orders, January 1, 1968" issued by Consumer and Marketing Service, USDA.) This factor represents the cost of transporting milk. Thus, the Class I price for the Norwood handler under the Minneapolis-St. Paul order plus the cost of transporting the milk to New Ulm (1.5 cents per 10 miles×50 miles=7.5 cents) yields approximately the same cost as the price under this order at the plant located in New Ulm.

One handler, who has several distributing plants that would be regulated under this order, presently has his Austin, Minn., plant regulated under the North Central Iowa order. Waterloo, the principal city in the North Central Iowa marketing area, is about 100–110 miles from Austin. The North Central Iowa Class I price at Waterloo as of July 1, 1968, was $5.58 per hundredweight. The Class I price at Austin under the Southeastern Minnesota-Northern Iowa order, as proposed herein, would have been $5.39. Using the same transportation charge of 1.5 cents per 10 miles, it would cost about 16 cents to haul the milk from Austin to Waterloo. Thus, the Austin handler's cost of his milk f.o.b. Waterloo would be about $5.55 ($5.39 plus $0.16). This cost is within 3 cents of the North Central Iowa Class I price at Waterloo.

There are some sales of milk in the proposed marketing area by handlers located in the Chicago Regional order. The Chicago order Class I price at La Crosse, Wis., which is adjacent to this area, was $5.27 in July 1968, 12 cents less than the Class I price proposed herein. Since La Crosse is about 75 miles from Rochester, milk moved to Rochester from La Crosse would incur about a 12-cent transportation cost.

The above comparisons indicate that the proposed Southeastern Minnesota-Nortern Iowa Class I price provisions will yield Class I prices which are reasonably aligned with prices in the adjacent Federal order markets of Minneapolis-St. Paul, North Central Iowa, and the Chicago Regional area.

A representative of producers who supply the Eastern South Dakota market testified to the need for maintaining Class I price alignment with that market. This witness asked that the Class I price in this proposed order be the Minneapolis-St. Paul Class I price but he also supported a higher Class I price for both the Minneapolis-St. Paul area and this area.

The Minneapolis-St. Paul and Eastern South Dakota Class I prices were both increased on July 1, 1968, but the Minneapolis-St. Paul price was raised 24 cents whereas the Eastern South Dakota price was raised 13½ cents. This narrowed the price difference by 10½ cents bringing it nearer to the cost of transporting milk from Minnesota plants to Eastern South Dakota.

There was very little milk moved from plants in this proposed area, where prices have been established in relation to the Minneapolis-St. Paul price, into the Eastern South Dakota area under the wider price difference which existed prior to July 1, 1968. Hence, with the smaller price spread existing since that time, it is not expected that substantial quantities of milk would be moved from this area into the Eastern South Dakota area.

In the recommended decision, it was noted that the Minneapolis-St. Paul and other order markets provided, through April 1969, for a minimum basic formula price of $4.33 for computing Class I prices and a 20-cent increase in the Class I price differential. It was found in the recommended decision that the marketing conditions which warranted the temporary price increases in these other markets existed similarly in the Southeastern Minnesota-Northern Iowa market. Accordingly, the temporary price provisions were incorporated in the proposed order contained in the recommended decision.

Official notice is taken of the fact that effective January 1, 1969, the April 1969 expiration date for the temporary price increase was terminated in all orders. This has the effect of continuing indefinitely the minimum basic formula price of $4.33 and the 20-cent increase in the Class I price differential. To assure the continued alignment of the Southeastern Minnesota-Northern Iowa Class I price with Class I prices in other orders after April 1969, the April 1969 expiration date is deleted from the Class I price provisions that were proposed in the recommended decision.

It is proposed herein that the Southeastern Minnesota-Northern Iowa Class I price be effective only for the first 18 months in which the order is fully effective. It is appropriate that the Class I price structure be reexamined at a public hearing after the accumulation of a year's data relative to milk supplies and sales. At that time, sufficient experience under the order would be available to determine whether the Class I pricing basis should be adjusted.

Location adjustments should not be included in the proposed Southeastern Minnesota-Northern Iowa milk order. Most Federal orders provide for location adjustments on milk received at plants located more than certain distances from a designated basing point within the marketing area.

This marketing area and contiguous areas in Minnesota and Wisconsin represent the heaviest milk producing region in the nation. Extending out from this region in all directions the price of milk increases approximately by the cost of transportation. Within this market there are no major population centers and competing handlers' plants are scattered throughout the marketing area. Furthermore, the only practical alternative sources of milk supply for this market are the farmers located within this region who presently are producing non-Grade A milk. Under these circumstances there is no basis for providing location adjustments in this order and, accordingly, such provisions are not included.

Class II price. The Class II price should be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test.

The order proponents proposed that the Class II price be established 4 cents per hundredweight below the level of the Minnesota-Wisconsin manufacturing grade milk price, adjusted to a 3.5 percent butterfat test. They said a 4-cent lower Class II price is needed to offset the administrative assessment which order handlers would be required to pay on Class II producer milk.

Large quantities of milk not needed for the fluid market sales are utilized in this area in the manufacture of butter and nonfat dry milk. These operations generally are confined to plants which do not distribute milk on routes in the marketing area. Producer milk not needed for fluid uses is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk. Also, a number of plants which would be pool plants under the order maintain manufacturing operations.

The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market while at the same time encouraging the orderly marketing of such milk. A Class II price based on the average Minnesota-Wisconsin manufacturing milk price should adequately meet these pricing objectives. The desirability of using a competitive pay price is based on the premise that in the highly competitive dairy industry, average prices which are paid in the areas where there is substantial competition for manufacturing milk provide as good a measure of its value as can be obtained. The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half of the manufacturing grade milk sold in the United States. There are many plants in these states which are competing for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of manufactured dairy products within a highly coordinated marketing system which is national in scale.

The Minnesota-Wisconsin price adjusted to a 3.5 percent butterfat content should not be reduced 4 cents per hundredweight in computing the Class II price. Proponents of the 4-cent lower Class II price indicated concern that payment of the 4-cent administrative assessment would make Grade A milk used in Class II cost more than the average price paid non-Grade A dairy farmers as reflected in the Minnesota-Wisconsin price series.

Handlers regulated under the Minneapolis-St. Paul order and many other nearby Federal orders are required to pay the full Minnesota-Wisconsin pay price for Class II milk plus the administrative assessment. If the Class II price in this order were lower than the Minnesota-Wisconsin price series, it would give handlers under this order a competitive advantage insofar as their Class II milk is concerned in relation to handlers under nearby orders.

Prices paid for varying time periods up to three years at certain plants in this area to producers of manufacturing grade milk were introduced as an exhibit by proponents. Although prices paid at these plants have occasionally been a few cents below the Minnesota-Wisconsin series for a few months, the average prices paid for a year or more were higher than the average Minnesota-Wisconsin price for the same period. Prices for 4 plants were provided for the entire year 1967. The average prices for the year at these plants were 6 to 9 cents higher than the average Minnesota-Wisconsin price. Thus, even with the 4-cent administrative assessment the Class II price plus the assessment would not exceed the prices paid producers for manufacturing grade milk at nearby plants.

For the reasons set forth above, it would not be appropriate to reduce the Minnesota-Wisconsin price series 4 cents per hundredweight in determining the Class II price under this order and, accordingly, that proposal is denied.

Butterfat differentials. The class prices heretofore discussed are established for milk containing 3.5 percent butterfat. Combinations of skim milk and butterfat utilized in each class may contain different percentages of butterfat. Therefore the class prices should be adjusted by appropriate butterfat differentials to reflect the butterfat content.

Under this order the Class I and Class II butterfat differential adjustments for each variation of one-tenth percent of butterfat content from the basic 3.5 percent prices should be the amounts computed as follows: Class I, multiply the Chicago (92-score) butter price for the preceding month by 0.12; Class II, multiply the New York (93-score) butter price for the month by 0.115.

Proponents of this order proposed that the Class I, Class II, and producer butterfat differentials be an amount computed by multiplying the average price of 93-score butter at New York City by 0.115.

The factor of 0.115 for the Class I butterfat differential represents a proposed reduction from butterfat differentials which have been in effect in this marketing area. Such differentials have been about the same as those in the Minneapolis-St. Paul market. The Minneapolis-St. Paul Class I differential is now determined by a factor of 0.12. Proponents said the lower butterfat differential would make butterfat in Class I products more competitive with vegetable oils. By using the Chicago butter price rather than the New York Market quotation, the Class I butterfat differential is reduced slightly.

Use of the Chicago butter price as a basis for establishing butterfat differentials will permit better coordination of butterfat differentials among orders. The factor 0.12 is used in many other Federal orders in computing the Class I butterfat differential and is representative of the value of butterfat when disposed of in the fluid items included in Class I milk. In 1967 this proposed Class I differential would have yielded an average differential of $0.08. Nearly every witness testifying on behalf of handlers who maintained a high Class I utilization stated that the actual butterfat differential they paid was $0.08. Thus, the actual butterfat differential paid by these handlers and the Class I butterfat differential proposed herein are comparable.

The New York quotation was supported for use in computing the Class II butterfat differential because most of the butter made in southern Minnesota and northern Iowa is sold on the New York market.

The New York (93-score) butter price and a factor of 0.115 should be used to determine the Class II butterfat differential in order that this differential be identical to the one established under the Minneapolis-St. Paul order. Such pricing will assure competing handlers in these adjoining markets that their cost of skim milk and butterfat in Class II uses are identical. In addition, such identical pricing will facilitate any interchange of Class II milk between handlers of these two orders.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the average value of their butterfat in the two classes provided in this order. The producer butterfat differential does not affect a handler's obligation and its sole purpose is to prorate returns among producers to the extent their milk differs from the basic 3.5 percent butterfat test.

Use of equivalent prices. If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price quotation or price factor determined by the Secretary to be equivalent to that required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any pricing factors which are customarily used and thereby will prevent any unnecessary interruption in the operation of the order.

(d) *Distribution of proceeds to producers.* The order should contain provisions which describe the means whereby payments made by handlers for milk at class prices are converted to uniform prices to be paid to producers. The provisions should specify also the terms under which such payments must be made.

The order should provide for marketwide pooling of the value of producer milk used by all handlers. Under a marketwide pool, the total money obligation of all handlers in the market is combined to compute a uniform price applicable to all producer milk.

To accomplish this purpose it is necessary that there be an exchange of money among handlers in the market such that each handler is enabled to pay the marketwide uniform price. The transfer of money would be made through a producer-settlement fund, as hereinafter discussed, established by the market administrator. Each handler would pay into the producer-settlement fund any plus difference of the value of his producer milk at class prices over its value at the market uniform price. A handler whose producer milk has a lesser value at the class prices than at the market uniform price would receive payment of the difference from the producer-settlement fund. This arrangement enables each handler to pay the uniform price to producers.

The producer cooperatives proposed marketwide pooling to insure that each producer supplying the market would receive his pro rata share of returns for the Class I and Class II utilization.

Under marketwide pooling, each producer will receive a uniform price for his milk which will reflect the average utilization of all pool plants in the market. Each handler, however, will pay for milk in accordance with his own use at the applicable class prices.

The Southeastern Minnesota-Northern Iowa marketing area is a region of heavy milk production. In several counties of this area over 11,000 pounds of Grade A and non-Grade A milk per capita are sold off farms annually. Since per capita consumption of fluid milk is only about 300 pounds per year, less than 3 percent of the milk in such counties is needed for local fluid sales. Hence, much of the milk in this area must be used for manufacturing purposes.

Because of the limited market for bulk fluid milk in this marketing area, there is intensive competition among milk plants seeking such Class I sales. The compensation received from these Class I sales has not been distributed to the mutual benefit of all producers supplying this market. Under marketwide pooling all producers supplying this market would share in any Class I sales made

by any pool plant regulated by this order.

Producers in a marketwide pool are paid the same uniform price whether they ship to a high or a low Class I utilization handler. Thus, there is less incentive for producers to shift from one handler to another. Accordingly, marketwide pooling will tend to stabilize the number of producers delivering to each plant. This will accommodate the orderly and efficient utilization of milk.

Some handlers have manufacturing facilities and others carry very little reserve milk. A large part of the milk supply for handlers in this market is furnished by cooperative associations. In arranging for delivery of member milk to handlers' plants in quantities the handlers desire, it is necessary also for a cooperative association to arrange for handling the reserve milk either in its own plants or by diverting it to nonpool plants for manufacturing. This handling of reserve milk is a necessary service to this market in insuring an orderly supply at all times. Without marketwide pooling, therefore, the burden of the Class II returns could fall primarily upon members of cooperative associations.

A marketwide pool thus will result in equitable distribution among all producers of the lower returns from reserve milk rather than placing the burden of such milk on individual groups of producers. A marketwide pool will thereby contribute to market stability.

Producer-settlement fund. Inasmuch as all producers will receive payment at the marketwide uniform price each month and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, a method of balancing these differences is necessary. For this purpose the market administrator shall establish and maintain a producer-settlement fund. A handler whose obligation at class prices according to his utilization is more than he is required to pay his producers, shall pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund.

For efficient functioning of the producer-settlement fund a reasonable reserve should be set aside each month to cover such contingencies as the failure of a handler to pay his current month billing promptly or to cover additional payments which may be due a handler by reason of audit adjustments. The reserve would be operated as a revolving fund and be adjusted each month by withholding from the pool computation an amount equal to not less than 4 cents nor more than 5 cents per hundredweight of producer milk. One-half of the reserve so accumulated would be added each month to the pool in computing the uniform price.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator should uniformly reduce payments per hundredweight to such handlers. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments. Producers in turn should receive full payment from handlers. In order to assure that the balance in the producer-settlement fund is sufficient to cover the payment due handlers, milk received by any handler who has failed to make the required payments for the preceding month would not be included in the computation of the uniform price.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby distributed to all producers on the market.

Payments to producers and cooperative associations. Each handler should pay each producer for milk received from him and for which payment is not made to a cooperative association not less than the uniform price computed under the order adjusted by the butterfat differential. Provision also should be made for a partial payment for milk received during the first half of the month.

Producers in the Southeastern Minnesota-Northern Iowa area historically have received two payments per month. The proposed partial payment adopted herein was supported by producers and handlers voiced no opposition. Payment for producer receipts during the first 15 days of the month would be made on or before the fifth day of the following month at not less than the Class II price for the month preceding the month in which the milk was received.

The date specified in an order on which producers receive final payment is dependent upon four other specified dates. These are: (1) The date on which handlers are required to file their monthly reports; (2) the date on which the uniform price is announced; (3) the date payments are made into the producer-settlement fund; and (4) the date payments are made from the fund. It is found elsewhere in this decision that handlers should file their monthly reports of receipts and utilization by the eighth day of the following month.

Experience has shown that a minimum of 4 days is needed after the filing date for receipt of such reports and for the market administrator to compute the uniform price. Then, 4 additional days are necessary to make payments into and out of the producer-settlement fund. Handlers receiving payments from the producer-settlement fund thus would receive such payments about the 17th or 18th day of the month.

Therefore, the date for handlers to make final payment to cooperatives and producers should be not later than the 18th in the case of cooperatives and the 20th in the case of individual producers. Payments to a cooperative association should be made at least 2 days prior to the date individual producers are paid in order that the cooperative may be able to pay its producer members on the same day other producers are paid. Such payment should be at the uniform price for the month of delivery, less the partial payment and authorized deductions.

Provisions should be made for a cooperative association, if it so desires, to receive payment for member producer milk which is received by a pool plant. Providing for a cooperative to collect for its individual producer members will permit the cooperative association to reblend the proceeds from the sale of such milk, will facilitate the transfer of milk among handlers and aid in the orderly movement of reserve milk to other plants either by transfer or diversion for manufacturing use. Thus, a cooperative association will be assisted in discharging its responsibilities to its members and the market.

The Act provides for the payment by handlers to cooperative associations for milk delivered by their members and permits the reblending of all proceeds from the sale of member milk. Cooperative associations serving this market have contracts with their members which allow the associations to collect payment for member milk. Therefore, each handler, if so requested, should pay cooperative associations the full amount due for producers' milk in lieu of payments to individual producers. The associations, however, should provide for reimbursement of any loss incurred because of an improper claim.

Where a cooperative is the handler for producer member milk delivered from the farm to another handler's plant, such payment should be made at not less than the uniform price adjusted by the butterfat differential. The cooperative in this case is the handler with responsibility only until the milk reaches a pool plant. For other milk which a cooperative may deliver from its pool plant to another handler's plant, payment should be at the class prices according to the classification of milk transferred.

At the time final settlement is made for milk received from producers the handlers should be required to furnish to each producer (or his cooperative association) a supporting statement. This statement should show the pounds and butterfat tests of milk received from such producers, the rate of payment for such milk, and the description of any deduction claimed by the handler.

Interest payments on overdue accounts. Provision is made for the payment of interest at a monthly rate of four-tenths of 1 percent on amounts due to the producer-settlement fund for each month or portion thereof that such obligation is overdue.

Prompt payment of amounts due to the producer-settlement fund is essential to the operation of order provisions. Interest charges should encourage payment of amounts due the producer-settlement fund on or before the specified date. The rate provided herein is reasonable and is the same as that contained in the Minneapolis-St. Paul order.

(e) *Administrative provisions.* Certain other provisions should be included to describe the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of regulation, certain other terms and definitions are desirable for the purpose of brevity and to assure that each usage of the term implies the same meaning. Such terms as defined in the attached order are common to many other Federal orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and should set forth powers and duties of the market administrator. The powers and duties essential to the proper functioning of the market administrator's office should also be defined.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrator.

In describing payments to producers and cooperative associations it was set forth that the date on which producers are paid is dependent upon four other specified dates. Included among these was the date on which handlers are required to file their monthly reports. In order to make producer payments according to the proposed schedule, handlers' reports should be submitted to the market administrator not later than the eighth day of each month.

The market administrator should announce the uniform price for the previous month's milk on or before the 12th day of each month. The market administrator should also notify handlers of the amount due on milk handled during the month on or before the 12th day after the end of the month to permit sufficient time for handlers to submit payments due to the producer-settlement fund on or before the 14th day of the month. The payroll report of each handler should be submitted to the market administrator on or before the 25th day of the immediately succeeding month. It should include such information as weights, butterfat tests, payments for milk, and authorized deductions.

Handlers should maintain and make available to the market administrator all records and accounts of their operations which are necessary to determine the accuracy of the information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

It is necessary that handlers retain records to prove the utilization of the milk received and that proper payments were made therefor. Since the books of all handlers cannot be audited immediately, it is necessary that such records be kept for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order should terminate. The obligations of any handler under the order shall terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless the handler fails or refuses to make available all required books and records or a handler's obligation involves fraud or willful concealment of a fact. The provisions made in this order are identical in principle to those adopted for all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). Official notice of such decision was taken on the record. The reasons for such provisions as are set forth in that decision are similarly applicable to the situation in this market and the provisions should be adopted in this order.

Expense of administration. The Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler operating a pool plant should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 4 cents, or such lesser amount as the Secretary may prescribe, on all receipts within the month of milk from producers including milk of such handler's own production, any other source milk allocated to Class I (except milk so assessed under another Federal order), and producer milk received from a cooperative association in its capacity as a handler on farm bulk tank milk. Each cooperative association handler pursuant to § 1061.13 (b) and (c) should pay the administrative assessment on producer milk described in § 1061.16 (c) and (d) for which it is the handler.

The 4-cent rate is necessary to assure that the market administrator will have sufficient funds to enable him to administer the order. Any lesser rate at this time might not give this assurance. Provision is made, however, so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced if experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

The order specifies minimum performance standards which must be met to obtain regulated status. With certain specified exceptions, operators of plants not meeting such standards would, under the provisions proposed in this decision, be required to either make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk, or otherwise pay into such fund and/or dairy farmers, an amount not less than the full classified use value of receipts (computed as though such plant were a fully regulated plant).

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as prescribed) of such distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated handler; i.e., the privilege of participation in the market pool and assurance of uniform price payments to his dairy farmers. If the nonpool route distributor elects to make a payment on his in-area sales at the difference between the Class I price and the uniform price for the market, the expenses incurred by the market administrator in administering the terms of the order on such handler are nominal and payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the situation where such a distributor for any reason actually pays his dairy farmers the full use value for their milk (computed at order prices), such a distributor's operations are more comparable to those of a fully regulated handler. There is reason to believe, however, that in some instances such an assessment might make possible a financial obligation under the order in excess of his total obligation through the alternative of electing to make a payment into the producer-settlement fund. From the financial standpoint such a situation provides little practical alternative to such handler but to pay the required pool payment. In order to give more meaningful effect to the choice of an alternative, the pro rata share of the administrative expense of each order should be the regular assessment rate applied to such milk as is actually disposed of as Class I in the regulated area that exceeds Class I milk received from other regulated plants or other order plants, irrespective of whether the option to pay into the producer-settlement fund is elected by the unregulated distributor.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk as well as on all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded, therefore, that the regulated handler should be responsible for payment of the administrative assessment with respect to such unregulated milk.

The order is designed to share the cost of administration equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication an assessment should not be made on other source milk on which an assessment was made under another Federal order.

(5) *Marketing service.* Provision should be made in the order for providing mar-

keting services to producers, such as the verification of tests and weights of producer milk, and furnishing them with market information. The services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. A qualified cooperative association, approved for such activity by the Secretary, may perform such services for its member producers in lieu of such services by the market administrator.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producers' deliveries as reported by the handler are proved to be accurate.

An additional phase of this market service program is to furnish producers with current market information. Efficiency in the production, utilization, and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. This is the same rate as was proposed at the hearing by producers. Such 6 cents per hundredweight deduction should provide the market administrator with sufficient funds to enable him to operate his marketing service program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made in the order whereby the Secretary may adjust the rate downward without the necessity of a hearing. In the event a qualified cooperative association has been determined to be performing such marketing services for its members, handlers would be required to pay to the cooperative associations such deductions as are authorized by its producer members.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Oak Grove Dairy requested the opportunity to have oral argument of their exceptions filed. All interested parties, including this petitioner, were provided full opportunity to be heard on any and all matters relating to the issues before the hearing. Following the issuance of the decision of the Deputy Administrator, Regulatory Programs, on December 3, 1968 (33 F.R. 18158) on the matters before the hearing, interested persons were allowed a period until December 26, 1968, to file exceptions. This date for filing was extended to January 20, 1969, at the request of the Oak Grove Dairy. Thus, reasonable opportunity has been afforded this and other interested persons to make known their views with respect to these proceedings. The request for oral argument is, therefore, denied.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern Minnesota-Northern Iowa (Dairyland) Marketing Area", and "Order Regulating the Handling of Milk in the Southeastern Minnesota-Northern Iowa (Dairyland) Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of November 1968 is hereby determined to be the representative period for the conduct of such referendum.

Edward T. Coughlin is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (30 F.R. 15412).

Such referendum is to be completed on or before the 20th day after the results have been announced of the referendum to determine whether the order, as proposed to be amended, to regulate the handling of milk in the Minneapolis-St. Paul marketing area has been approved by the producers who were engaged in the production of milk for sale within the aforesaid marketing area. This will permit dairy farmers who deliver to a plant that would be regulated under the terms and provisions of the expanded Minneapolis-St. Paul order to vote in the referendum on that order. Should dairy farmers fail to approve the Minneapolis-St. Paul order in the referendum, the plant referred to above would meet the pooling requirements of this order and would be regulated under this order if it is approved by dairy farmers. In such circumstances, the dairy farmers delivering to this plant should be afforded an opportunity to vote in this referendum.

Signed at Washington, D.C., on February 27, 1969.

J. PHIL CAMPBELL,
Under Secretary.

Order[1] Regulating the Handling of Milk in the Southeastern Minnesota-Northern Iowa (Dairyland) Marketing Area

Definitions

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1061.1 Act.
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1061.3 Department.
1061.4 Person.
1061.5 Cooperative association.
1061.6 Southeastern Minnesota-Northern Iowa (Dairyland) marketing area.
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1061.13 Handler.
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1061.16 Producer milk.
1061.17 Diverted milk.
1061.18 Other source milk.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

Market Administrator

Sec.
1061.20 Designation.
1061.21 Powers.
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Reports, Records and Facilities

1061.30 Monthly reports of receipts and utilization.
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Classification of Milk

1061.40 Skim milk and butterfat to be classified.
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Miscellaneous

1061.90 Expense of administration.
1061.91 Marketing services.
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1061.93 Termination of obligations.
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Effective Time, Suspension or Termination

1061.100 Effective time.
1061.101 Suspension or termination.
1061.102 Continuing power and duty of the market administrator.
1061.103 Liquidation after suspension or termination.

AUTHORITY: The provisions of this Part 1061 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Findings and Determinations

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial of commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1061.46 (a) (4) and (8) and the corresponding steps of § 1061.46 (b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

The provisions of §§ 1061.1 to 1061.103, both inclusive, of the proposed order contained in the recommended decision issued by the Deputy Administrator on December 3, 1968 (33 F.R. 18158; F.R. Doc. 68-14609) shall be and are the terms and conditions of this order and are set forth in full herein subject to the following revisions:

Changes are made in §§ 1061.6, 1061.11, 1061.17, 1061.50, and 1061.51.

Definitions

§ 1061.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1061.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1061.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1061.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1061.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1061.6 Southeastern Minnesota-Northern Iowa (Dairyland) marketing area.

"Southeastern Minnesota-Northern Iowa (Dairyland) marketing area", hereinafter called the "marketing area" means all the territory within the boundaries of the counties listed below, including all territory within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

Minnesota Counties	
Blue Earth.	Mower.
Brown.	Nicollet.
Cottonwood.	Olmsted.
Dodge.	Redwood.
Faribault.	Rice.
Fillmore.	Steele.
Freeborn.	Wabasha.
Goodhue.	Waseca.
Le Sueur.	Watonwan.
Martin.	Winona.

Iowa Counties	
Howard.	Winnebago.
Kossuth.	Winneshiek.
Mitchell (except city of Osage).	Worth.

§ 1061.7 Fluid milk product.

"Fluid milk product" means milk, cream, skim milk, buttermilk, unsterilized concentrated milk or skim milk, eggnog and eggnog flavored milk, and mixtures combining milk, skim milk, and/or cream, including the aforesaid products sweet, sour, cultured, or acidified and such products reconstituted from or fortified with milk products. The term includes the aforesaid products to which flavors, sweeteners, stabilizers, emulsifiers, vitamins, minerals, and sim-

ilar ingredients have been added. The term does not include products which are sterilized and disposed of in hermetically sealed metal or glass containers.

§ 1061.8 Route disposition.

"Route disposition" means a delivery from a plant (including delivery from a retail store at such plant and delivery through vendors or distribution points) of any fluid milk product classified as Class I under § 1061.41(a) to a retail or wholesale outlet other than a milk plant. A delivery through a vendor or through a distribution point shall be considered a route disposition of the plant at the location of the wholesale or retail outlet to which delivery is made.

§ 1061.9 Distributing plant.

"Distributing plant" means a plant from which a Grade A fluid milk product that is packaged in such plant is disposed of during the month in the marketing area on routes, either directly or through another plant.

§ 1061.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to another plant.

§ 1061.11 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section, except an exempt distributing plant, the plant of a handler exempted pursuant to § 1061.60 or the plant of a producer-handler: *Provided*, That if a portion of a plant is operated separately from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section: *And provided further*, That facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be part of a pool plant pursuant to this section.

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in subparagraphs (1) and (2) of this paragraph of the total Grade A fluid milk products received during the month at such plant, including producer milk diverted under § 1061.17(b), but excluding receipts of packaged fluid milk products from other pool distributing plants and receipts from unregulated supply plants and other order plants which are assigned pursuant to § 1061.46(a)(5)(i)(a) and (ii) and the corresponding step of § 1061.46(b):

(1) Not less than 10 percent of such receipts is disposed of from such plant as Class I milk in the marketing area either on routes or moved as packaged fluid milk products to other plants from which it is disposed of in the marketing area on routes. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants; and

(2) Not less than 15 percent during the months February–August and 20 percent during the months September–January such receipts is disposed of as Class I milk either on routes or moved in the form of packaged fluid milk products to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant from which not less than 15 percent of its total Grade A milk receipts from dairy farmers during the month is delivered as fluid milk products to pool plants pursuant to paragraph (a) of this section subject to subparagraphs (1), (2) and (3) of this paragraph:

(1) Any plant which qualified pursuant to this paragraph in each of the immediately preceding months of September through November shall be a pool plant for the months of December through August unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant;

(2) In determining the pool plant qualifications of a cooperative association's plant, member producer milk of such association which is delivered directly to plants described in paragraph (a) of this section may be considered for purposes of this paragraph as having been first received at the cooperative's plant; and

(3) During the period from the effective date of this part through August 1969, the monthly percentage shall be not less than 10 percent, except that a plant which would have qualified on the basis of 10 percent shipments to a plant which would have qualffied under paragraph (a) of this section during the month of November 1968 shall be a pool plant unless nonpool status is requested in accordance with subparagraph (1) of this paragraph.

§ 1061.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant and from which a Grade A fluid milk product is shipped during the month to a pool plant.

(e) "Exempt governmental plant" means a distributing or supply plant operated by a governmental agency.

§ 1061.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s);

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool plant of another handler to a nonpool plant;

(c) Any cooperative association with respect to milk of its producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person in his capacity as the operator of an other order plant from which during the month fluid milk products are either distributed on routes in the marketing area or shipped to a pool plant; or

(f) A producer-handler.

§ 1061.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant from which Class I milk of his own production is distributed on routes in the marketing area, and who receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts by plant transfer from pool plants and who receives no nonfluid milk products from any source for use in reconstituted fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk and milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are wholly the personal enterprise and risk of such person.

§ 1061.15 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received as producer milk at a pool plant, or diverted pursuant to § 1061.17 from a pool plant to a nonpool plant.

§ 1061.16 Producer milk.

"Producer milk" means the skim milk and butterfat in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, except that milk received by diversion from other order plants which is assigned pursuant to § 1061.46(a)(5)(ii) and the corresponding step of § 1061.46(b);

(b) Received at a pool plant from a cooperative association handler pursuant to § 1061.13(c);

(c) Received by a cooperative association handler pursuant to § 1061.13(c) from producers in excess of the quantity delivered to pool plants; and

(d) Subject to the provisions of § 1061.17, diverted from a pool plant to a nonpool plant that is not an other order plant, or to a nonpool plant that is an other order plant if diverted as Class II milk and such milk is not producer milk under such other order.

§ 1061.17 Diverted milk.

"Diverted milk" means, for any month, milk produced by a dairy farmer which a pool plant handler or a handler pursuant to §1061.13(b) caused to be moved from the farm to a nonpool plant (subject to the conditions set forth in § 1061.16(d)) if such milk is claimed as producer milk and the conditions of paragraphs (a) or (b) and (c) of this section have been met.

(a) During the months of February through August a cooperative association handler pursuant to § 1061.13(b) may divert for its account, without limit on the remaining days, the milk of any member who was a producer during the previous month or whose milk is delivered to a pool plant on at least 1 day during the current month. During the months of September through January such handler may divert as producer milk the milk of any member producer whose milk is delivered to a pool plant described in § 1061.11(a) on at least 1 day during the month except that the aggregate quantity of producer milk diverted by such handler shall not exceed the quantity of milk delivered during that month by all its member producers to pool plants described in § 1061.11(a).

(b) During February through August a handler in his capacity as the operator of a pool plant may divert for his account without limit on the remaining days the milk of any dairy farmer who was a producer during the previous month or whose milk is received at his pool plant on at least 1 day during the current month. During the months of September through January such handler may divert as producer milk the milk of any producer whose milk is received at his pool plant on at least 1 day during the month except that the aggregate quantity of producer milk diverted by such handler shall not exceed the quantity of milk received during the month at his pool plant from all producers except the member producers of a cooperative which diverted milk during the month pursuant to paragraph (a) of this section.

(c) If milk receipts from dairy farmers are diverted in excess of the quantities allowed pursuant to paragraphs (a) and (b) of this section the diverting handler shall specify the dairy farmers whose milk was overdiverted. If the diverting handler does not specify the dairy farmers whose milk was overdiverted, only the milk of dairy farmers which is received at a pool plant during the month shall be producer milk for such month.

§ 1061.18 Other source milk.

"Other source milk" means all skim milk and butterfat in:

(a) Fluid milk products from any source other than:

(1) Producer milk;

(2) Fluid milk products received from pool plants; or

(3) Fluid milk products in inventory on hand at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month.

MARKET ADMINISTRATOR

§ 1061.20 Designation.

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1061.21 Powers.

The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 1061.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 1061.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 1061.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1061.30 and 1061.31 or has not made payments pursuant to §§ 1061.80, 1061.83, and 1061.85;

(f) Verify each handler's reports and payments by inspection of such handler's records and the records of any person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(g) Prepare and disseminate to the public such statistics and information concerning the operations under this order as he deems advisable and as do not reveal confidential information;

(h) On or before the fifth day of each month, mail to all handlers and make public announcement of the Class I price computed pursuant to § 1061.51(a), and the butterfat differential computed pursuant to § 1061.52(a) for the current month, and the Class II price computed pursuant to § 1061.51(b) and the butterfat differential computed pursuant to § 1061.52(b) for the preceding month;

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and notify each handler of his obligations to the producer-settlement fund;

(j) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1061.46(a)(9) and the corresponding step of § 1061.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(k) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1061.46 pursuant to such report and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(l) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler and as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1061.30 Monthly reports of receipts and utilization.

On or before the eighth day after the end of each month each handler who operates a pool plant shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his pool plants as follows:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Milk received from producers including milk received from farms and diverted pursuant to § 1061.17 for such handler's account;

(2) Producer milk received from handlers pursuant to § 1061.13(c);

(3) Fluid milk products received from other pool plants;

(4) Other source milk; and

(5) Inventories of fluid milk products at the beginning and end of the month, showing separately the quantities in bulk and in packages;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk inside and outside the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1061.31 Other reports.

(a) Each producer-handler and each handler who operates an other order plant shall report the receipts and disposition of skim milk and butterfat at such plant at such time and in such manner as the market administrator may require.

(b) Each handler pursuant to § 1061.13 (b) and (c) shall report to the market administrator on or before the eighth day after the end of the month in detail and on forms prescribed by the market administrator, the total quantity of skim milk and butterfat in milk received by such handler from all producer member farms for which it is the handler pursuant to § 1061.13 (b) and (c); and

(1) For milk for which it is the handler pursuant to § 1061.13(b), report the quantities of skim milk and butterfat in milk diverted for its account during the month from each pool plant and the utilization of such skim milk and butterfat; and

(2) For milk for which it is the handler pursuant to § 1061.13 (c), report the quantities of skim milk and butterfat in milk delivered to each pool plant during the month.

(c) Each handler operating a partially regulated distributing plant shall report for each such plant the information required of pool plant operators pursuant to § 1061.30 substituting receipts from dairy farmers for producer milk.

(d) Each handler receiving milk from producers' farms shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment together with the price paid and the amount and nature of any deductions.

§ 1061.32 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary to enable the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and tests for butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month;

(d) Payments to dairy farmers and cooperative associations, including the nature of any deductions and the disbursement of money so deducted; and

(e) Whether or not a person claiming producer-handler status meets the criteria set forth in § 1061.14.

§ 1061.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8(c)(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1061.40 Skim milk and butterfat to be classified.

(a) The skim milk and butterfat which are required to be reported pursuant to §§ 1061.30 and 1061.31 shall be classified each month by the market administrator pursuant to the provisions of §§ 1061.41 through 1061.46; and

(b) If any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk utilized or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1061.41 Classes of utilization.

Subject to the conditions set forth in §§ 1061.42 through 1061.46, inclusive, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product except as provided in subparagraphs (2), (3), and (4) of paragraph (b);

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce butter, butteroil, anhydrous milkfat, plain or sweetened condensed milk or skim milk, and condensed buttermilk; nonfat dry milk, dry whole milk, dried buttermilk, dried whey, and blends of dried milk products including dry ice cream mix; cheese and cheese foods; ice cream, ice milk and frozen desserts including mixes for freezing; sterile products in hermetically sealed metal or glass containers;

(2) Represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(3) Disposed of in bulk in the form of a fluid milk product to any commercial food processing establishment where food products are prepared only for consumption off the premises;

(4) Dumped or disposed of for animal feed;

(5) In inventory of bulk fluid milk products on hand at the end of the month;

(6) In shrinkage of the skim milk and butterfat, respectively, assigned pursuant to § 1061.42(a) but not in excess of:

(i) Two percent of producer milk described in § 1061.16(a) and producer milk diverted pursuant to § 1061.17(b) by a pool plant operator;

(ii) Plus 1.5 percent of milk received in bulk tank lots from other pool plants;

(iii) Plus 1.5 percent of producer milk described in § 1061.16(b) except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent;

(iv) Plus 1.5 percent of milk received in bulk tank lots from other order plants exclusive of the quantity for which Class II use was requested by the operators of both plants;

(v) Plus 1.5 percent of milk in bulk tank lots from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler;

(vi) Less 1.5 percent of milk in bulk tank lots transferred from pool plants to other plants; and

(vii) Less 1.5 percent of producer milk diverted pursuant to § 1061.17(b) except that if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent;

(7) In shrinkage of skim milk and butterfat allocated pursuant to § 1061.42 (b); and

(8) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which the cooperative association is the handler pursuant to § 1061.13 (b) and (c) not being delivered to nonpool plants and pool plants, but not in excess of one-half percent of the quantity received by the cooperative association from producers as determined by farm weights exclusive of the quantity for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1061.42 Shrinkage.

The market administrator shall prorate shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk at each pool plant between the following:

(a) The net quantity of producer milk and other fluid products specified in § 1061.41(b)(6); and

(b) Other source milk exclusive of that specified in § 1061.41(b)(6).

§ 1061.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise, however as to milk delivered to a pool plant by a cooperative association handler pursuant to § 1061.13(c), said pool plant operator shall have the burden of proving the classification of such skim milk and butterfat defined in § 1061.16 (b) and the cooperative association handler shall have the burden of proving the classification of the skim milk and butterfat defined in § 1061.16(c).

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1061.13 (c), shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1061.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1061.44 Transfers.

Skim milk or butterfat transferred in the form of a fluid milk product from a pool plant to another plant or diverted in such form to a nonpool plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1061.46(a)(9) and the corresponding step of (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1061.46(a)(4) and the corresponding step of (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1061.46(a) (8) or (9) and the corresponding steps of § 1061.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk if transferred from a pool plant in packaged form to a nonpool plant that is not an other order plant;

(d) As Class I milk if transferred or diverted in bulk to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1061.30 or § 1061.31;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid products received from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivision (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk;

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If both the transferor and transferee handlers so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1061.41; and

(f) As Class I milk, if transferred or diverted to an exempt governmental plant.

§ 1061.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the reports submitted pursuant to §§ 1061.30 and 1061.31 by each handler and compute the total pounds of skim milk and butterfat in each class for each handler as follows:

(a) The market administrator shall combine the receipts and utilization in each of the respective classes at all pool plants of a handler including diversions from such pool plants by the handler and shall allocate such combined utilization pursuant to § 1061.46 and shall compute the obligation of such handler pursuant to § 1061.70 based on the combined utilization; and

(b) The market administrator shall allocate pursuant to § 1061.46 and compute the obligation pursuant to § 1061.70 of a cooperative association on producer milk pursuant to § 1061.16 (c) and (d) for which it is the handler pursuant to § 1061.13 (b) and (c) separately from the operations of any pool plant operated by such cooperative association.

§ 1061.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1061.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1061.41(b)(6);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from an exempt governmental plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(*a*) For which the handler requests Class II utilization; or

(*b*) The pounds of skim milk in receipts which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts of fluid milk products from pool plants of other handlers, and receipts of fluid milk products in bulk from other order plants; and

(ii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the transferee handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month this order is effective, in packaged fluid milk products) on hand at the beginning of the month:

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph:

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1061.22(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1061.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1061.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices, the basic formula price shall be not less than $4.33.

§ 1061.51 Class prices.

Subject to the provisions of § 1061.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $0.86 for the first 18 months from the effective date of this order, and plus an additional 20 cents.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1061.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1061.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the preceding month by 0.12.

(b) *Class II price.* Multiply the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the U.S. Department of Agriculture for the month by 0.115.

§ 1061.53 Equivalent prices.

If for any reason a price quotation or other pricing factor required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price quotation or price factor determined by the Secretary to be equivalent to that required.

Application of Provisions

§ 1061.60 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to the plant of a handler that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1061.11 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

§ 1061.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1061.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1061.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1061.70(f) and a credit in the amount specified in § 1061.83(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1061.31(c) a similar report with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1061.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and,

(4) From the value of such milk at the Class I price, subtract its value at the uniform price pursuant to § 1061.71.

Determination of Uniform Prices to Producers

§ 1061.70 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1061.13(a) and of each cooperative association handler with respect to its producer milk pursuant to § 1061.16 (c) and (d), shall be a sum of money computed for each month by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1061.46(c) by the respective class prices;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1061.46(a)(11) and the corresponding step of § 1061.46(b) by the respective class prices;

(c) Add an amount equal to the difference between the value at the Class II price for the preceding month and the value at the Class I price for the current month with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(6) and the corresponding step of § 1061.46(b);

(d) Add (or subtract, pursuant to the proviso of this paragraph) an amount equal to the difference between the value at the Class I price of the preceding month and the value at the Class I price of the current month with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(3) and the corresponding step of § 1061.46(b): *Provided*, That if the value at the Class I price for the current month is less than the value at the Class I price for the preceding month, the result shall be a minus amount;

(e) Add an amount equal to the difference between the value at the Class I price and the value at the Class II price, with respect to skim milk and butterfat from other source milk subtracted from Class I pursuant to § 1061.46(a)(4) and the corresponding step of § 1061.46(b); and

(f) Add an amount equal to the value at the Class I price with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b).

§ 1061.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1061.70 for all handlers who filed reports pursuant to §§ 1061.30 and 1061.31(b) for the month and who made the payments pursuant to §§ 1061.80 and 1061.83 for the preceding month;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (d) of this section is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1061.81 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1061.70(f); and

(e) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

Payments for Milk

§ 1061.80 Time and method of payment.

Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To each producer for whom payment is not made pursuant to paragraph (b) and (c) of this section:

(1) On or before the 20th day of the following month not less than the uniform price, adjusted by the butterfat differential computed pursuant to § 1061.81 and less the following amounts:

(i) The payments made pursuant to subparagraph (2) of this paragraph;

(ii) Marketing service deductions pursuant to § 1061.91; and

(iii) Any proper deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1061.84 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of

the balance due from the market administrator;

(2) A partial payment on or before the fifth day of the following month to each producer who had not discontinued shipping milk to such handler at not less than the Class II price for the preceding month for producer milk received during the first 15 days of the month (without deduction for hauling);

(b) Payments required in paragraph (a) of this section shall be made on or before the second day prior to the dates set forth in paragraph (a) of this section to a cooperative association (except as specified in paragraph (c) of this section) qualified under § 1061.5, or its duly authorized agent, if the cooperative association so requests and the market administrator determines it is authorized by its members to collect payments for their milk. Payments to the cooperative association under this paragraph shall be made subject to the condition that the association has provided the handler with a promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association; and

(c) On or before the 11th day after the end of the month, each handler shall pay a cooperative association which is a handler with respect to all skim milk and butterfat received by him from a pool plant operated by such cooperative association not less than the applicable class prices.

§ 1061.81 Butterfat differential to producers.

The uniform price pursuant to § 1061.71 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I milk and Class II milk pursuant to § 1061.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1061.82 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1061.61, 1061.83, and 1061.85 and out of which he shall make all payments due handlers pursuant to §§ 1061.84 and 1061.85: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1061.83 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1061.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1061.80; and

(2) The value of such handler's receipts of other source milk for which a value is computed pursuant to § 1061.70 (f) at the uniform price.

§ 1061.84 Payments out of the producer-settlement fund.

On or before the 16th day after the end of each month, the market administrator shall pay, subject to the proviso of § 1061.82, to each handler the amount, if any, by which the amount computed pursuant to § 1061.83(b) exceeds the amount computed pursuant to § 1061.83 (a).

§ 1061.85 Adjustment of accounts.

When verification by the market administrator of reports or payment of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1061.86 Statement to producer.

In making payment to individual producers as required by § 1061.80, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month involved, and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk received from the producer;

(c) The minimum rate at which payment to the producer is required pursuant to § 1061.80;

(d) The rate used in making the payment if such rate is other than the applicable minimum;

(e) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1061.91, together with a description of the respective deductions;

(f) The net amount of the payment to the producer.

MISCELLANEOUS

§ 1061.90 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b), other source milk allocated to Class I pursuant to § 1061.46(a) (4) and (8) and the corresponding steps of § 1061.46(b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1061.91 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1061.80 shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such monies shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of member producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions as are authorized by such producers and, on or before the 18th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1061.92 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to § 1061.83 shall be increased four-tenths of 1 percent for each month or portion thereof that such payment is overdue.

§ 1061.93 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notified a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1061.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1061.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1061.100 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1061.101.

§ 1061.101 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1061.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such persons, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1061.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

[F.R. Doc. 69-2629; Filed, Mar. 4, 1969; 8:45 a.m.]

[7 CFR Part 1068]

[Docket No. AO-178-A23]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minn., on June 25-28, 1968, pursuant to notice thereof issued on June 5, 1968 (33 F.R. 8462).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on December 3, 1968 (33 F.R. 18181; F.R. Doc. 68-14608) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 18181; F.R. Doc. 68-14608) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

Index of changes:

1. Under issue 1 Marketing area extension (a) need for expansion, the list of counties and townships thereunder is modified with respect to Wisconsin counties.

2. Following the list of counties and townships, the seventh paragraph thereafter is revised; the text of the 37th, 38th, and 39th paragraphs is revised, reorganized, and together with additional text, are incorporated into 11 paragraphs, thereat.

3. Under issue 2 Class I prices (b) Level of Class I price differential, a phrase is revised in the second paragraph and deleted in the fourth paragraph. The sixth paragraph under this subheading is revised, and the footnote 2 referred to in this paragraph is revised. Immediately preceding the subheading 3 Location differentials, a new paragraph is added.

4. Under issue 3 Location differentials, four new paragraphs are added immediately following the 12th paragraph thereunder.

5. Under item 8 Miscellaneous changes, five new paragraphs are added immediately following the last paragraph.

The material issues on the record of the hearing relate to:

1. Marketing area extension:
(a) The need for expansion; and
(b) The territory to be incorporated.
2. Class I prices:
(a) Elimination of supply-demand adjustor; and
(b) Level of Class I price differential.
3. Location differentials;
4. Class I butterfat differential;
5. Pool plant requirements for a cooperative association supply plant;
6. "Classification" provisions with respect to the assignment of shrinkage between receiving and processing plants;
7. Producer-handler definition; and
8. Miscellaneous changes.

Separate consideration was given in an earlier decision issued on July 24, 1968, by the Under Secretary, to Issue No. 2a "Elimination of the supply-demand adjustor". This issue was considered at a joint hearing held for 11 midwestern markets (including Order 68) in Minneapolis, Minn., on June 25, 1968. On the

basis of the joint hearing and the July 24, 1968, decision, the Class I price provisions of Order 68 were amended (effective Aug. 1, 1968) to eliminate the supply-demand adjustor mechanism.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area extension.*—(a) *The need for expansion.* Expansion of the marketing area as proposed is necessary to insure orderly marketing of milk in the area proposed to be regulated.

During recent years, there has been a very substantial increase in the population of formerly rural areas extending outward from the cities of Minneapolis and St. Paul. Regulated handlers have expanded their sales into the outlying areas to follow this population shift. During the period 1960–67, total sales of packaged fluid milk items by regulated handlers increased 13.6 percent. During the same period, the sales of packaged fluid milk products outside the boundaries of the presently defined marketing area increased by 29.2 percent. At the present time, well in excess of 20 percent of the Class I disposition of regulated handlers is made outside the marketing area. As the urbanization of these once rural areas surrounding the Twin Cities continues, the proportion of handlers' Class I sales outside the boundaries of the present marketing area will continue to increase.

The territory proposed to be added to the present marketing area is a region of extremely heavy milk production relative to population. It encompasses much of the milkshed of the present marketing area. Less than half of the Grade A milk produced in the milkshed is used for Class I on an annual average. Thus, in an area still largely rural in nature, the outlets available to producers for the sale of their milk are limited. This situation has resulted in disorderly marketing conditions as producers have sought to obtain a greater share of the higher priced Class I market.

As a result, in their sales in the area adjacent to the present marketing area, regulated handlers are in competition with unregulated handlers whose cost of Class I milk is substantially below that of regulated handlers. The milk with which they are in competition in the proposed expanded area is not under a classified price plan which insures uniform pricing for persons similarly situated. Prices paid to dairy farmers for unregulated Grade A milk in most cases reflects the particular bargaining position of the individual producers or groups of producers and the persons to whom they sell. The unregulated handlers distributing milk therein generally pay their farmers prices which are slightly higher than the uniform prices computed under the Minneapolis-St. Paul order. These prices are not related to the uses of the milk by these handlers since a high proportion of the milk of these unregulated handlers is utilized in Class I. Thus, the actual cost of Class I milk of these handlers is substantially below the Class I price paid by regulated handlers with whom they compete.

Of the two largest unregulated handlers who distribute milk generally throughout the proposed area, one stated that for May 1968 he paid his producers $4.69 per hundredweight. A producer supplying the other handler in the market stated that he paid $4.70 per hundredweight for his May milk and $4.60 for his April milk.

The uniform price computed under the order was $4.66 for May and $4.54 for April. The order Class I price was $5.15 for May and $4.87 for April. In May, 39 percent of the producer milk priced under the order was utilized in Class I. In April, it was 40 percent. Both of the largest unregulated handlers use most of their milk in Class I. One stated that he found it necessary to purchase substantial quantities of supplemental milk in 4 months of the year and smaller amounts in other months. The other testified that he found it necessary to purchase supplemental milk at times during the fall.

One of the smaller unregulated handlers testified that he had paid his producers $4.56 for their milk. He likewise stated that he used most of his milk in Class I and at certain times purchased supplemental milk to meet his fluid requirements.

When these unregulated handlers purchase supplemental milk during the months of low production, they obtain these supplies from other handlers who use a substantially lower proportion of their milk for Class I bottling purposes. In some cases the prices paid producers at the higher uses are only slightly above those paid at the plants where supplemental supplies are obtained. The burden of carrying the market reserve supplies for these unregulated handlers, therefore, is borne by the suppliers of supplemental milk and the dairy farmers from whom they receive the milk.

The uniform price plan applicable to all handlers buying milk for sale in the expanded area will stabilize and improve marketing conditions in the area. Such a price plan can be made effective in this area by bringing it within the boundaries of the marketing area regulated by Order 68 regulating the handling of milk in the Minneapolis-St. Paul marketing area.

The order establishes a system of uniform pricing publicly announced and verified on an impartial basis and this will eliminate the uncertainties about pricing which have contributed to disorderly marketing conditions in the area. The order will contribute substantially to many of the conditions complained of and tend to effectuate the declared policy of the Act by providing:

(1) The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(2) An impartial audit of handlers' records to verify the payments of required prices;

(3) A system for verifying the accuracy of weights and butterfat content of the milk purchased; and

(4) Uniform returns to producers supplying the market based upon an equitable sharing among all producers supplying the expanded market of the lower returns for the sale of reserve milk which cannot be marketed as Class I milk.

The handling of milk throughout this entire area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and milk products.

Milk moves freely between the Minnesota and Wisconsin portions of this expanded area, both from the farm and in processed form.

The milk supply area for the Minneapolis-St. Paul milk order has been expanding over the years. In 1950, the market supplies were assembled from only 17 counties, including three in Wisconsin. As of December 1967, the supply area for this market included 41 counties, 25 in Minnesota and 16 in Wisconsin. Of the 4,255 producers supplying the market, 1,486 were located in Minnesota and the remaining 2,768 were located in Wisconsin.

Milk of these Wisconsin producers is regularly received at bottling plants in the Twin Cities metropolitan area where it is intermingled with the milk of Minnesota producers and distributed throughout the entire marketing area.

(b) *The territory to be incorporated.* The marketing area for the Minneapolis-St. Paul, Minn., milk order should be expanded to include all territory geographically within the 21 Minnesota counties and those portions of the two Wisconsin counties listed below:

Minnesota Counties	
Anoka.	Mille Lacs.
Benton.	Pine.
Carver.	Ramsey.
Chisago.	Renville.
Dakota.	Scott.
Hennepin.	Sherburne.
Isanti.	Sibley.
Kanabec.	Stearns.
Kandiyohi.	Washington.
McLeod.	Wright.
Meeker.	

Wisconsin Counties

In Pierce County, the townships of:

Clifton.	River Falls.

In St. Croix County, the townships of:

Hudson.	Stanton.
Kinnickinnic.	Star Prairie.
Richmond.	Troy.
St. Joseph.	Warren.
Somerset.	

The enlarged marketing area should include all territory that is occupied by a Government (municipal, State, or Federal) reservation, installation, institution, or other establishment.

The principal cities in the expanded marketing area are the cities of Minneapolis and St. Paul, Minn. The only other population center of any substantial size is the St. Cloud, Minn., metropolitan complex.

The present Minneapolis-St. Paul marketing area consists of cities of Minneapolis and St. Paul and contiguous suburban communities, villages and townships located in Hennepin, Anoka, Ramsey, Dakota, and Washington Counties; all in the State of Minnesota.

The area adopted herein encompasses the distribution areas of handlers regulated under the present Minneapolis-St. Paul order and major unregulated distributors who are in substantial competition with them.

The marketing area defined herein together with certain other adjacent counties which are located generally to the south and east of such area now constitute the production area of the 4,255 Grade A milk producers who were supplying the market as of December 1967. The Grade A milk supplies for the market are received from the farm at regulated supply plants and receiving stations scattered throughout this general area and moved to the more centrally located regulated distributing plants which serve the fluid milk market.

Both Minnesota and Wisconsin have adopted State standards patterned after the USPHS recommended standards and furnish State inspection of plants and farms. The sanitary codes of these two States are substantially the same, and the codes of the various municipalities conform to the State codes. Thus, milk may move freely throughout the entire area.

The principal dairy farmer cooperatives and milk dealers on the market proposed amending the marketing area definition to include in their entirety the 23 counties wholly or partially encompassed by the marketing area defined herein plus the five Wisconsin counties of Barron, Chippewa, Dunn, Polk, and Eau Claire.

As noted above, there has been, during the past decade, a progressive urbanization of the formerly rural area extending outward from the present perimeters of the marketing area.

The character of this change has been officially recognized by the Minnesota State Legislature in the definition of the Twin Cities metropolitan area subject to the jurisdiction of the Metropolitan Planning Commission. The "metropolitan area" is defined by statute to include the seven Minnesota counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. This statutory definition recognizes that the area is a single homogeneous urban complex with the cities of Minneapolis and St. Paul serving as its nexus.

The Twin Cities metropolitan area contains 83 percent of the estimated population for the entire marketing area proposed herewith for adoption. Well over one-half (on the average) of the total disposition of fluid milk products in such area originates at plants of handlers who are fully regulated under the order.

Estimates (on the average) of the proportion of total fluid milk sold by Order 68 handlers in the counties of Ramsey, Hennepin, Washington, Anoka, and Dakota are 100, 96, 88, 57, and 57, respectively. In the remaining two counties of the metropolitan area such estimates ranged from 43 to 68 percent for Carver County and from 26 to 48 percent for Scott County.

On the record, the proponent cooperative handlers generally supported the inclusion of the entire 28-county area as noticed.

The 11-proponent proprietary milk dealers also named in the notice of hearing as proponents of the 28-county area (hereinafter referred to as the "proponent proprietary handlers"), actively supported the inclusion in the amended marketing area of only the seven-county Twin Cities Metropolitan Area (discussed in more detail later in these findings) of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and the adjacent counties of Chisago, Isanti, McLeod, Meeker, Renville, Sherburne, Stearns, and Wright, all in Minnesota, and the western portions of St. Croix, Polk, and Pierce counties in Wisconsin.

They did not actively support the inclusion of the Minnesota counties of Benton, Kanabec, Kandiyohi, Mille Lacs, Pine, and Sibley, and the Wisconsin counties of Barron, Chippewa, Dunn, Eau Claire, and the eastern portions of Pierce, Polk, and St. Croix counties.

Principal opposition to the annexation of certain of the Minnesota counties came from representatives of two unregulated distributing plants doing a substantial business therein.

One of these, the Purity Milk Co., operates an unregulated bottling plant located at St. Cloud (which lies astride the eastern part of Stearns and the western part of Sherburne and Benton Counties), Minn., and a distribution (nonprocessing) facility at East St. Cloud in Benton County.

St. Cloud is the eighth largest city in the State with a population in the Greater St. Cloud metropolitan area of over 50,000 encompassing parts of Stearns, Benton, and Sherburne counties. It is a secondary market for the area's supply of Grade A fluid milk.

The Purity Milk Co. receives its Grade A milk from about 50 producers and distributes fluid milk and milk products from its two distribution centers outward into the surrounding Minnesota counties; including the area proposed for annexation.

This company is in competition for fluid milk sales with distributors presently regulated under Order 68 and with a number of unregulated distributors, including the proponent Land O'Lakes' plant at St. Michael. It also has some route distribution in the Douglas County area of the Order 60 market (Minnesota-North Dakota) and is partially regulated thereunder.

The other principal objector to regulation of certain Minnesota counties was the operator of the Oak Grove Dairy, an unregulated bottling plant located at Norwood, Minn., in Carver County. This distributor purchases milk from 136 producers and competes substantially with regulated handlers for Class I business in a number of the Minnesota counties proposed to be annexed. This distributor also sells Class I milk in certain other counties in western, southwestern, and central Minnesota. This handler also is currently partially regulated under the Minnesota-North Dakota marketing order because of its route distribution in parts of that marketing area.

The proponent Land O'Lakes Creameries, Inc., a principal supplier of Grade A milk for the market, testified in support of regulating the 21-county Minnesota segment as noticed. This association of producers operates an unregulated Grade A bottling plant and a supply pool plant which is fully regulated under the Minneapolis-St. Paul milk order. Both plants are located at St. Michael, Wright County, Minn.

The St. Michael bottling plant receives its Grade A supply of milk from a member association plant located at Litchfield (Meeker County), Minn. The latter plant, in addition to supplying the Grade A needs of the St. Michael plant, also bottles milk which is distributed locally.

From the Land O'Lakes bottling plant at St. Michael, fluid milk products are distributed in 10 of the 20 Minnesota counties (or portions thereof) proposed to be annexed. A substantial proportion of this distribution is made in the unregulated portion of Hennepin County and in Anoka, Sherburne, and Wright Counties which are immediately adjacent to Hennepin County. It is virtually certain, therefore, that any expansion of the present marketing area to include these counties would bring the St. Michael plant under full regulation.

The Class I distribution from the proponent's St. Michael plant together with that of currently regulated plants under Order 68 amounts to over half of the total volume of fluid milk sold in the counties of Sherburne, Wright, Meeker, Mille Lacs, and Chisago. These distributors, in turn, compete with a number of unregulated plants throughout this area. Two of these unregulated plants, the one located at St. Cloud and the other at Norwood, as has already been noted, compete among themselves for sales in a number of these counties and both have substantial route sales in 15 of the 20 Minnesota counties (or portions thereof) proposed for annexation.

In addition to the St. Michael pool supply plant, there is a distribution plant located at Delano in Wright County presently fully regulated under Order 68.

The southeastern boundary of Wright County is contiguous with Carver and Hennepin Counties. The communities of Delano and St. Michael in Wright County both are located about 30 miles from Minneapolis and are an integral part of the Twin Cities fluid milk market. Regulated distributors together with the St. Michael bottling handler are estimated to share in about 60 percent of the total fluid milk sales in Wright County.

The predominance of Class I sales by Order 68 distributors in the Twin Cities Metropolitan Area and in contiguous Minnesota counties, as discussed in these findings, together with the intertwining of route distribution of these handlers and unregulated distributors located at St. Cloud, St. Michael (Wright County), and Norwood (Carver County), Minn., evidences the primary association these unregulated distributors have with the

Twin Cities fluid milk market. It is necessary, therefore, that in defining the limits of the marketing area to be regulated, that certain counties where these unregulated distributors are shown to have substantial business, also be regulated.

The operators of the distributing plants at Norwood and St. Cloud both objected to the annexation of Benton, Kandiyohi, Meeker, McLeod, Sherburne, Stearns, and Wright Counties. The Norwood distributor also opposed the inclusion of Carver, Renville, Scott, and Sibley Counties.

The gist of their argument was that they do not sell milk in the present marketing area and that the fact that regulated handlers now have extensive sales in the areas surrounding the present marketing area is not sufficient basis for bringing their plants under regulation.

The Norwood plant has substantial distribution in Carver, Scott, Sherburne, Wright, McLeod, and Sibley Counties. Regulated handlers compete extensively with the Norwood plant in the first four counties mentioned and to a lesser degree in McLeod and Sibley Counties. The Norwood plant also competes with regulated handlers in Kandiyohi, Mille Lacs, Meeker, Stearns, and Renville Counties.

The St. Cloud plant has substantial distribution in Stearns, Wright, Sherburne, Meeker, Benton, and Kandiyohi Counties. Regulated handlers and the St. Michael plant of Land O'Lakes also have very substantial sales in the first four counties listed, and a lesser percentage in Benton and Kandiyohi Counties. The St. Cloud plant also competes with regulated handlers in Isanti Kanabec, Mille Lacs, and Pine Counties.

In Chisago County, presently regulated handlers distribute approximately half of the milk sold therein. An additional 8 to 10 percent of the milk sold there is distributed from the St. Michael plant of Land O'Lakes.

A representative of a bottling plant operation located at Willmar in Kandiyohi County objected to the annexation of Kandiyohi and Meeker Counties to the defined marketing area. Another bottling distributor whose plant is located in Lindstrom (Chisago County), in a brief objected to the inclusion of Chisago County in the expanded marketing area. This objector did not testify at the hearing. The Class I distribution from both of these plants is primarily local in character.

It is concluded that the marketing area should be expanded to include all of the 21 counties in Minnesota proposed for inclusion therein.

From the record evidence it is clear that there is substantial overlapping of the distribution routes of regulated and unregulated handlers throughout the area generally. In those counties closest to the present marketing area, regulated handlers have a very substantial portion of the Class I business. The distribution of the two largest unregulated handlers in these nearby counties is such that they would in all likelihood become subject to full regulation if the order were expanded to include such area.

To encompass the major distribution areas of these presently unregulated handlers, the order should be expanded as proposed. Otherwise, these handlers would find themselves subject to full regulation, but with a major portion of their sales area outside the marketing area.

Annexation of the proposed seven-county area in Wisconsin (i.e., Barron, Chippewa, Dunn, Eau Claire, Pierce, Polk, and St. Croix) was opposed by a group of eight fluid milk distributors doing a substantial volume of business therein.

These distributors, whose operations are located in the eastern segment of the seven-county area, contended that there was little or no homogeneity in the market structure of the seven-county area with that of the Twin Cities market except perhaps for a group of communities located in the extreme western portions of Pierce, Polk, and St. Croix Counties. None of the eight handlers is regulated under Order 68.

A witness testifying on behalf of the 11 proponent proprietary milk dealers (all presently regulated under Order 68) testified to the need for regulation of only that portion of St. Croix and Polk Counties contiguous to the Twin Cities Metropolitan Area within which the sales of milk by Order 68 regulated handlers are significant. Sales of regulated handlers are generally confined to a group of communities in the western portion of Polk and St. Croix Counties and the city of River Falls in Pierce County. Sales of regulated handlers in the remainder of these counties and in Barron, Chippewa, Dunn, and Eau Claire Counties are negligible.

In Barron County, the estimates of regulated sales ranged from 2 to 8 percent; in Chippewa County from 2 to 3 percent; in Dunn County from 3 to 6 percent; and in Eau Claire County from 3 to 15 percent. Except for one or two small bottling plants with local distribution, very little unregulated milk is distributed in the western portions of Polk and St. Croix Counties or in River Falls in Pierce County.

To include the area where regulated handlers have a substantial portion of the sales, the marketing area should include the following townships in the two Wisconsin counties: In Pierce County—Clifton and River Falls; and in St. Croix County—Hudson, Kinnickinnic, Richmond, St. Joseph, Somerset, Stanton, Star Prairie, Troy, and Warren.

In the decision issued December 3, 1968 (33 F.R. 18181) it was proposed to include in the marketing area also 12 townships comprising generally the western portion of Polk County, Wis. This proposal was excepted to by the Land O'Lakes Creameries, Inc., one of the cooperative association proponents for expansion of the Twin Cities marketing area. They were supported on this exception by the Twin City Milk Producers Association, the largest supplier of milk to the market.

Approximately 30 percent of the total Class I disposition of Land O'Lakes' Whitehall plant is made in Polk County. In view of the testimony of other handlers both regulated and unregulated that sales of unregulated handlers were confined to the eastern portion of the county, the boundaries of the marketing area, as drawn in Polk County, were intended to exclude from regulation the Whitehall plant as well as the other unregulated plants whose primary area of competition was outside the proposed marketing area.

Polk County is the only portion of the proposed marketing area where the Whitehall plant competes to any degree with handlers who are now regulated under the order or who would become subject to regulation because of the expansion of the area. Well in excess of 70 percent of the distribution of this plant is in other areas where its competition is entirely with unregulated plants. Polk County is predominantly rural, Amery the largest town in the county having a population of less than 2,000 persons. The distribution of regulated handlers in the county is insignificant when compared to their total Class I disposition.

Therefore, it is concluded that all of Polk County, Wis., should be excluded from the marketing area.

Adoption of the market area recommended herein will encompass the major sales areas of all regulated handlers and of the handlers with whom they are in substantial competition outside the present marketing area. It will not bring under regulation any handlers whose principal sales areas are outside the territory adopted herein.

Although some of the route disposition of handlers to be regulated will extend beyond the area here adopted for regulation, it is neither practical nor reasonable to include in the regulated area all areas where a handler has or might develop some route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein adopted is a practical one in that it will encompass the great bulk of the fluid milk sales of handlers to be regulated.

All producer milk received at regulated plants must be made subject to classified pricing under the order, however, regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing, and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing, and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

So that there will be no doubt as to the meaning or the intent of the application of the marketing area definition in the proposed order, it should be clear that the marketing area encompasses all territory within the boundaries of the designated marketing area which is occupied by a Government (municipal, State or Federal) reservation, installation, institution, or other establishment. If any part of such a Government establishment is within the designated geographical limits of the marketing area, the entire area encompassed by such establishment, as it presently exists and as it may be modified in the future, shall be a part of the marketing area.

2. *Class I price.* The seven cooperative proponents of an expanded order proposed the elimination of the supply-demand adjustor from the Class I pricing provisions. Further, they proposed that the stated Class I differential be increased to $1.20.

(a) *Supply-demand adjustor.* Effective August 1, 1968, and based upon a July 24, 1968, decision of the Under Secretary (official notice of which is taken herewith), the supply-demand provisions of 11 midwestern milk orders (including Order 68) were deleted.[1] The findings and conclusions of the July 24 decision were made upon the basis of evidence introduced at a joint hearing held for the 11 markets in Minneapolis, Minn., on June 25, 1968 (Hearing Docket No. AO–178–A24). The record evidence of the June 25 hearing as it relates to the Order 68 Class I price supply-demand adjustor was incorporated into the record of the hearing held to consider area expansion of the Order 68 market (Docket No. AO–178–A23).

It is equally applicable to the expanded marketing area.

(b) *Level of Class I price differential.* There remains the question on Class I pricing as to whether revision of the stated Class I differential also is appropriate at this time.

The monthly Class I price under the Minneapolis-St. Paul order is computed by adding $0.86 to a basic formula price and, for an indefinite period, plus an additional 20 cents.

The cooperatives pointed out that the production area for the Chicago Regional market and the Order 68 market overlap and that there are some plants which have in the past been pooled on the Chicago market, which are currently pooled under Order 68. It is the contention of the cooperative associations that a stated Class I price differential of $1.20 per hundredweight for the Order 68 market is essential to remove inducements to shift milk between the two markets.

The 11 proprietary pool plant handler proponents of area expansion opposed any increase in the Class I differential above the current $0.86 per hundredweight, plus the 20-cent addition.

They pointed out that the proposed increase in Class I differential from $1.06 to $1.20 together with the elimination of the supply-demand adjustor would have the combined effect of increasing the Class I price by 38 cents per hundredweight. This increase, they contend, is not warranted in view of the supply of Grade A milk which is currently available to the market.

The stated Class I price differential should be retained at the present $0.86 level plus the increase of 20 cents per hundredweight which has been made effective for an indefinite period. With the exception of Chicago Regional, which has a stated Class I differential 20 cents higher than that provided for under the prior Chicago order, the increase of 20 cents applies under all other Federal orders. It, therefore, does not have an influence on intermarket price relationships.[2]

The basic formula prices in all Federal orders in this region are identical. Because of this and in view of the elimination of the supply-demand adjustors in the aforementioned market orders, Class I price differences among such markets are limited to differences caused by variations in stated Class I price differentials. Such differentials for orders in this region are generally reflective of the respective transportation costs for moving supplies to these markets from the major alternative milk production areas in Minnesota and Wisconsin.

The Class I price structure (including Class I location differentials) under the now effective Chicago Regional order, as it was noted earlier, was designed to bring about a closer alignment of such prices with surrounding markets.

That this was accomplished with respect to the Twin Cities market may be illustrated by a comparison of the two markets' stated Class I price differentials adjusted by the respective markets' location differentials for a plant located at Eau Claire (Eau Claire County), Wis. The city of Eau Claire is located in the middle of the geographic area where Grade A milk supplies may move readily to either of the two markets. Under the old Chicago milk order (terminated May 1966) the Chicago Class I stated differential at Eau Claire was about 16 cents less than the Twin City Class I differential at the same location. The Class I pricing terms of the new Chicago Regional order, however, result in a Class I price at Eau Claire which is virtually identical to that now provided under the Minneapolis-St. Paul order at that location.

This adjustment in the alignment of Class I prices between the two markets substantially reduced the price incentive for Grade A milk to shift between the two markets.

The retention of the present Class I differentials now provided for under Order 68, the elimination of the supply-demand adjustor, together with the slight modifications made to the Class I location differential as adopted herein, will continue this close alignment of Class I prices between this market and the Chicago Regional market.

The cooperatives, in a joint exception to the decision issued December 3, 1968, reasserted the need for a differential of $1.20 over the basic formula price if a proper Class I price relationship is to be maintained with the Chicago Regional market. Also, a handler regulated under the Eastern South Dakota order (Order 76) excepted to the proposed differential. This handler contended that a differential less than $1.20 would tend to promote disorderly marketing conditions in the Western Minnesota and Eastern South Dakota area. This handler did not testify or offer evidence in support of his views at the hearings. These exceptions are overruled for the reasons already discussed under this subheading and elsewhere in this decision.

3. *Location differentials.* The location differential rates applicable to the Class I and the uniform prices at plants located 15 miles or more from the Minnesota transfer viaduct over University Avenue in St. Paul, Minn. (the present basing point) should be revised.

Under the present terms of the order, an 8-cent adjustment applies at a handler's plant located 15 but less than 20 miles from the market center. For each additional 10 miles the adjustment is increased at the rate of 1.5 cents, up to 50 miles, and at the rate of 1 cent thereafter.

The notice of hearing contained a proposal by Twin City Milk Producers Association to eliminate location differentials at plants located within 40 miles of the basing point, and to reduce the present rate at plants beyond 40 miles. The proponent cooperative, however, abandoned its proposal at the hearing and offered no testimony with respect to it.

A witness for some of the regulated proprietary handlers, however, urged adoption of the proposal to eliminate the location differential at plants within 40 miles of the basing point. He pointed out the availability of milk within a 40-

[1] Prior to this, the Order 68 adjustor was suspended for the month of July 1968 (suspension order issued June 28, 1968, 33 F.R. 9648).

[2] It should be noted that at the time of the issuance of the recommended decision on the issues set forth herein (issued Dec. 3, 1968, 33 F.R. 18181), the 20-cent increase which applies to this and the other Federal orders was then effective only through April 1969. Likewise, a temporary "floor" to the basic formula price (Minnesota-Wisconsin price) of $4.33 under this and other orders was effective for the same period through April 1969. A termination order issued by the Under Secretary of Agriculture on Dec. 26, 1968 (33 F.R. 20008) continues for an indefinite period these Class I pricing provisions which otherwise were due to expire Apr. 30, 1969.

mile radius of the center of the marketing area and the extent of direct-shipped milk moving to bottling plants located therein. Further, handlers' bottling plants so located have extensive overlapping distribution. These considerations, he indicated, would tend to result in comparable costs among these bottling handlers in the procurement and sale of fluid milk. It was his contention, therefore, that the area encompassed within the seven-county "Twin Cities Metropolitan Area" constitutes, essentially, a single base zone of the proposed expanded marketing area where no location adjustment for plant location should apply.

Land O'Lakes Creameries vigorously opposed the elimination of location adjustments inside the 40-mile zone. They did suggest a modification of the present rates which would result in slightly lower rates, particularly at plants within the 40-mile zone. Specifically, they proposed rates of 3, 6, 9, and 12 cents, respectively in the present 15–20-, 20–30-, 30–40-, and 40–50-mile zones.

Basically, the purpose of location adjustments is to encourage the movement of milk to the central market from distant pool plants when it is needed for Class I use. The Minneapolis-St. Paul market is almost unique in having supply plants located at a relatively short distance from the major population center.

Very substantial quantities of milk are produced within 40 miles of the Minnesota viaduct. There are still several supply plants located between 15 and 40 miles from this basing point which continue to receive a substantial volume of this milk for shipment to city plants. Some of these supply plants are operated in conjunction with manufacturing facilities for the handling of supplies in excess of the fluid needs of the market.

It was the position of Land O'Lakes that location differentials are necessary if these supply plants which perform a necessary service for the market are to continue to operate. Elimination of location differentials at the nearby plants would result in substantial operating losses which would outweigh the increase in returns to member producers that might result from higher uniform prices due to the elimination of the location differential.

While maintaining that the present schedule of location differentials approximates very closely the actual costs of transporting milk from country points, Land O'Lakes, nevertheless, proposed and supported a reduction in the present rates to the levels set forth above. Hastings Cooperative Creamery supported this proposal of Land O'Lakes.

Although Twin City Milk Producers Association abandoned its proposal with respect to location differentials and presented no testimony on the record with respect to location differentials, in its posthearing brief it indicated it had no objections to adoption of Land O'Lakes proposal if it would result in better alignment of prices with those in the proposed order for southern Minnesota.

In view of the general opinion expressed by the major parties that location differentials should be reduced (and the testimony of some of them that they should be eliminated within the 40-mile zone) it is concluded that the revised schedule of rates proposed by Land O'Lakes should be adopted. No one opposed these rates or advanced alternatives. Accordingly, the location differential should be 3 cents at plants 15–20 miles from the Minnesota viaduct, 6 cents at plants in the 20–30-mile zone, 9 cents at plants in the 30–40-mile zone, and 12 cents at plants in the 40–50-mile zone; at plants beyond the 50-mile radius 12 cents plus an additional 1 cent for each 10 miles or fraction thereof that such plant is more than 50 miles from the Minnesota viaduct.

This will result in a reduction in the present rate of 5 cents at plants in the 15–20-mile zone, 3.5 cents in the 20–30-mile zone, 2 cents in the 30–40-mile zone and 0.5 cents at all other plants.

The aforementioned regulated proprietary handlers who, on the record, favored the elimination of adjustments for plants located within 40 miles of the market basing point reiterated their position of this matter in exceptions filed jointly to the December 3, 1968, decision.

An exception to the location adjustment schedule adopted with the December 3 decision also was filed on behalf of 31 milk handlers whose Class I business is principally associated with another nearby market. These 31 handlers were proponents of a Federal milk order tentatively designated as the Southeastern Minnesota-Northern Iowa marketing area pursuant to a decision issued by the Deputy Administrator, Regulatory Programs, December 3, 1968 (Docket No. AO–367), (33 F.R. 18158) of which official notice is taken herewith.

They opposed the application of any location adjustment with respect to plants located in Carver County, Minn., or located within the area tentatively designated as the Southeastern Minnesota-Northern Iowa marketing area.

These exceptions relating to location adjustments are overruled for reasons set forth herein.

Changes in the rate of the location differentials have been discussed above generally in terms of supply plants. As under the present order, however, it is necessary that they be equally applicable to distributing plants located in the newly described zones. Otherwise, the objectives of the location differentials would be defeated and dislocations of supply would occur.

The location differentials should continue to be based upon the distance in airline (statute) miles that the plant where milk is received from producers is from the Minnesota transfer viaduct over University Avenue in St. Paul, Minn.

The following schedule illustrates the adopted revisions to the location adjustment rates under discussion:

Location of plant (miles)	Amount of deduction (cents)	
	Presently	Revised
Less than 15	0	0
15 but less than 20	5	3
20 but less than 30	3.5	6
30 but less than 40	11	9
40 but less than 50	12.5	12
Distances 50 miles and beyond, an additional 1 cent for each 10 miles or fraction thereof.		

Uniform prices to be paid producers supplying plants at which handler location differentials are applicable should be adjusted on the same basis to reflect the value of the milk at the plant where received from the farm.

4. *Butterfat differentials.* The butterfat differential adjustment for each variation of one-tenth percent of butterfat content of milk from the basic 3.5 percent Class I price should be the amount computed as follows: Multiply the Chicago butter price for the preceding month by 0.12. The Chicago butter price used in this computation shall be the simple average of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U.S. Department of Agriculture.

The Order 68 Class I butterfat differential currently is the product of multiplying the New York Grade AA (93-score) butter price for the preceding month by 0.12.

Although the Class II butterfat differential is not at issue, it is computed by multiplying the New York (93-score) butter price for the month by 0.115.

The butterfat differential to producers is calculated at the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class during the month.

A witness testifying on behalf of eight cooperative associations on the market proposed that the Class I butterfat differential be an amount computed by multiplying the New York (93-score) butter price for the preceding month by 0.115. The effect of this change would be to reduce the Class I butterfat differential to the same level as the butterfat differential for Class II milk. This would place less value on the butterfat portion of milk and more value on the skim portion.

The witness for the proponent cooperative associations pointed out that the average butterfat test of Class I products in the market in recent years has been on the decline; much of this trend being due to the increase in the market consumption of skim milk and low-fat milk and in the decrease in the consumption of cream. It was his contention that lowering the butterfat differential for Class I milk would reduce the trend in the consumption of low-fat products and would have the effect of moving more butterfat into Class I products. Further, it was the position of proponents that under conditions of increased sales of low-fat fluid milk products, a higher value should be allocated to the skim component in fluid milk products in Class I.

The proprietary handler proponents of order expansion opposed any reduction in the Class I butterfat differentials. A witness testifying on their behalf contended that a decrease in the butterfat value of Class I milk to the value of butterfat in the Class II (manufacturing milk class) would be contrary to the historical pattern that has been followed and maintained in order markets generally, and particularly in the surrounding orders throughout the Midwest. The 0.12 factor currently used in computing the Order 68 Class I butterfat differential is identical to that used in surrounding order markets; moreover they pointed out that the 92-score Chicago butter pricing factor is used as the basis of such differential computations in most other Federal milk orders.

It is concluded that the Class I butterfat differential should be revised only to the extent of substituting the Chicago butter price in lieu of the New York butter price now employed. While the demand for low-fat fluid milk products is increasing relative to other fluid milk products in this market, there is some question that reduction in the butterfat differential as proposed would result in increased use of butterfat in fluid milk products.

There is economic justification in pricing butterfat used in fluid milk products at a somewhat higher level than butterfat used in manufacturing dairy products. Prices for milk used in Grade A fluid milk products are customarily higher than prices for manufacturing grade milk in recognition of the additional cost of producing milk of higher quality standards. If the Class I butterfat differential were placed at the same level as the butterfat differential in Class II, the skim component of fluid milk would bear the entire added value attached to Class I milk above the manufacturing grade milk value. The value of butterfat used in Class I would be the same as the value of butterfat used in manufactured products.

The Chicago 92-score butter price together with the factor 0.12 is used in many other Federal orders in computing the Class I butterfat differential and is representative of the value of butterfat when disposed of in fluid items included in Class I milk. Identical Class I butterfat differential formulas are used in such nearby markets as the Chicago Regional, Minnesota-North Dakota, North Central Iowa, and Eastern South Dakota markets.

In 1967, the present Class I butterfat differential yielded an average differential of $0.081. Basing the calculation on the Chicago 92-score butter price, as adopted herein, the 1967 differential would have averaged $0.08. Substitution of the Chicago butter price in lieu of the New York butter price, while retaining the 0.12 factor, will thus result in some reapportionment of the Class I milk price between the butterfat and skim milk values as suggested by the proponent cooperatives. Moreover, this action will bring about better alignment of Class I butterfat values among all markets in the region. As noted above, the differential adopted herein is identical to that used in most surrounding markets.

The increase in the value of skim milk in Class I, resulting from this action, will have little effect on returns to producers at this time.

The Class II butterfat differential (not an issue before the hearing) will continue to be based on the New York butter quotation. This is appropriate since the New York quotation bears a direct relationship to the Minneapolis-St. Paul Class II (surplus Grade A) market by virtue of the substantial volume of butter made in southern Minnesota and sold on the New York market.

5. *Pool plant requirements for a cooperative association supply plant.* The standards required to qualify a cooperative association supply plant for pool status should be revised so as to permit all the milk of producer members of a cooperative association which is shipped directly from the farm to pool distributing plants to be assigned to supply plants operated by such association to facilitate such plants meeting the shipping requirements of pool supply plants during the months of August, September, and October.

The order presently provides that, in determining the pool plant qualifications of supply plants operated by a cooperative association, the milk of member producers which is shipped directly from the farms of producers to pool distributing plants may be assigned to supply plants for the purpose of qualifying such plants in the months of August, September, and October. This provision is limited, however, to the extent that such assignment may be made only if at least 30 percent of the milk of member producers is shipped to pool distributing plants which are located within the city limits of Minneapolis and St. Paul.[3]

The Twin City Milk Producers Association is the only supply cooperative on the market presently affected by the "30 percent" direct-ship factor of the cooperative supply plant pooling provisions.

A witness, testifying on behalf of this and seven other cooperatives on the market, pointed out that marketing conditions have changed significantly since the 30 percent direct-ship provision relating to the pooling of cooperative country supply plants was established in the order 7 years ago. A continuing shift of sales during recent years from home delivery to stores has caused a change in the day-to-day demand for milk supplies by distributing plants. High volume purchases are now made by milk dealers on only about 3 days of the week, making it necessary for the association plants to carry additional reserves to meet peak demands. Further, the move of a receiver of association direct-shipped milk to a location outside the city of St. Paul has eliminated one outlet for such milk.

Such market changes have made it increasingly more difficult for the Twin City Milk Producers Association to qualify their country pool supply plants without their having to resort to uneconomic back-hauling to country plants for reloading of a portion of their milk ordinarily delivered to city plants of other distributors. Such extra handling results in substantial additional cost to their producers.

The Twin City Milk Producers Association is the major supplier of milk to the market; handling about 70 percent of the market total. Provision should be made for their continued ability to supply the needs of the bottling plants in the most efficient and economical manner possible.

It is concluded therefore that the 30 percent direct-delivery factor be eliminated and that all of the milk of association members which is shipped directly from the farm to pool distributing plants to be assigned to country plants operated by such association for the purpose of qualifying such plants as pool plants during the months of August, September, and October. This provision for the handling of reserve milk not needed by plants located at the market center serves a purpose similar to that of diversion. There was no opposition to this proposed change by producers or handlers.

The cooperative supply plant pooling standards as amended and adopted herein will provide additional flexibility in the marketing by a cooperative of Grade A milk of its producers who are associated with the Grade A fluid milk market. It will have the immediate effect of permitting continued pooling under the order of the Twin City Milk Producers Association's country supply plants without jeopardizing the efficient handling and marketing of milk thereby.

In view of the expansion of the marketing area, the order should be amended to permit the milk of cooperative association members direct-shipped to any pool distributing plant, whether inside or outside the city limits of Minneapolis and St. Paul, to be applicable towards meeting the pooling requirements of the country supply plants of the cooperative associations.

6. *Assignment of shrinkage.* The classification provisions of the order should be revised so as to permit a maximum of 2 percent of loss in shrinkage be priced as Class II. Further, such maximum shrinkage allowance should be apportioned between the plant of first receipt and the plant where such milk is processed.

In the course of normal receipt, processing and packaging of fluid milk products, some loss of skim milk and butter-

[3] The 30 percent factor was suspended temporarily by a suspension order issued by the Under Secretary on July 15, 1968, and published in the July 18, 1968, issue of the FEDERAL REGISTER (33 F.R. 10278). It was found in such order that good cause existed for the suspension action until an amended order could be issued based upon the record of the June 1968 hearing. This suspension action continued the effect of a prior suspension order issued for the same period of 1967. The same conditions that prompted the previous suspension order continue to prevail in the market warranting the action taken therewith.

fat is experienced and is referred to as "shrinkage". In order to assure complete accounting, the handler must establish the quantity of actual loss of skim milk and butterfat.

Since shrinkage represents disappearance of milk for which no return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

A proposal to adopt shrinkage provisions as set forth above was submitted and supported on the record by the proprietary handler proponents of an expanded marketing area.

Under the present order, shrinkage in producer milk and in milk received from certain regulated or unregulated sources is assigned to Class I. An exception to this is in the case of receipts for which Class II utilization was requested by the handler.

There was no opposition to a Class II allowance for shrinkage or to the division of the maximum shrinkage allowance between receiving and processing operations as here adopted.

It was the position of the cooperative proponents of an expanded market, however, that a 2 percent maximum shrinkage allowance in Class II is excessive. Witness for these associations suggested a 1 percent maximum shrinkage allowance and pointed out that the average product pound shrinkage in all plants on the market in 1965, 1966, and 1967 was less than 1 percent.

The 2 percent maximum shrinkage allowance should be adopted, in lieu of a lower percentage factor as suggested by the producer associations.

Shrinkage of butterfat runs substantially higher than shrinkage on the volume of product received and in recent years, has averaged about 1.5 percent in the Twin Cities market. Some allowance, above the market average, also should be made for handlers who will become fully regulated under the order by virtue of the order amendments adopted herewith. Such handlers may experience a somewhat higher loss by shrinkage than the market average, as evidenced on the record. Also, the percent of shrinkage shown to be the average for this market, both in product pounds and in butterfat necessarily reflects some variation above and below the market norms by the individual plants involved.

The provision of 2 percent shrinkage allowance for the entire receiving and processing operation is considered reasonable under normal circumstances.

The 2 percent maximum Class II shrinkage allowance on producer milk, other order milk and bulk milk from unregulated supply plants should be apportioned between the plant of first receipt and the plant where such milk is processed. This division of the total allowance into 1.5 percent for processing and one-half of 1 percent for receiving is in accordance with experience and is used in other Federal orders. It is recognized that the greater share of the shrinkage occurs in the processing operation. One-half of 1 percent has been found adequate in normal experience in the transfer of milk from farms to plants in tank trucks.

The maximum shrinkage allowance in Class II at each plant should be 2 percent of milk from producers (except that moved to a nonpool plant pursuant to the conditions of § 1068.44(c) of the order), plus 1.5 percent of milk received in bulk tank lots from other plants or from a cooperative association which is a handler for such milk. However, if the handler operating the pool plant which receives the milk from the cooperative association as a handler files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage should be 2 percent.

The rate of 1.5 percent shrinkage allowance should apply to all milk received in bulk tank lots, whether from other pool plants, unregulated plants, other order plants or a cooperative association acting as a bulk tank handler. The only exception to this would be in the case of receipts of other source milk for which Class II utilization is requested. In the latter case, since the entire receipt is for Class II use, there is no need to establish a limit of shrinkage that may be classified as Class II.

In computing the handler's total shrinkage allowance, 1.5 percent of whole milk disposed of in bulk tank lots to plants of other handlers by transfer should be deducted. This is necessary to carry out the principal of allowing one-half of 1 percent for the receiving operation. The second plant should be allowed, as stated previously, 1.5 percent on the transfer of milk. Such deduction at the transferor plant would not apply to a processed product such as skim milk.

The order requires reporting by handlers on an individual plant basis, showing the receipts and utilization at each plant. Shrinkage should be accounted for in each plant separately so that handlers having more than one plant cannot offset shrinkage in one plant with overage in another plant. If such handler transfers fluid milk products between his two plants, the amount of shrinkage or percentage would be affected by the accuracy in accounting for the quantity of skim milk and butterfat transferred. The same care should be exercised as to the accuracy of accounting of milk transferred between the plants of the same handler, as in the case of transfers between plants of different handlers.

The procedures, as set forth herewith, will provide equitable application of shrinkage provisions to all handlers who may have various types of operations and various kinds of milk receipts.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is necessary to encourage maintenance of adequate records and efficient handling of milk.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class II as shrinkage since these types of receipts are allocated pro rata to class uses along with the quantities received from pool plants and producers. Under the allocation system provided, such other source milk will share with producer milk in any shrinkage allocated to Class I when the specified Class II shrinkage limitations are exceeded.

No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated first to Class II uses, since the allocation procedures insures assignment of such milk to Class II in an amount at least equal to the shrinkage that may be associated therewith.

To assure an equitable assignment of total shrinkage, it should be prorated to (1) those categories of receipts on which the above prescribed rates apply, and (2) to the receipts in fluid form to which specific shrinkage rates do not apply.

7. *Producer-handler.* The producer-handler definition should be revised: (1) to permit a producer-handler to purchase supplementary Grade A milk from pool plants, within the volume limit now prescribed in the order for purchases through cooperative handlers; and (2) to disallow producer-handler status to a person otherwise qualified but who receives nonfluid milk products from any source for use in reconstituted fluid milk products.

Currently a producer-handler is permitted to supplement his own farm production of Grade A milk each month, if necessary, with purchases from cooperative association handlers of a limited quantity of milk (50,000 pounds of the milk equivalent of 3.5 percent butterfat).

This allowance of 50,000 pounds is intended to provide a producer-handler flexibility in his operations by recognizing the possibility of unforeseen occurrences beyond his control which might cause an interruption to his production facilities and thus not meet his Class I needs during the month.

The 50,000-pound factor has been a part of the producer-handler terms of this order for many years. Since there was no evidence on the record to warrant its reconsideration, it is continued in the provisions for the expanded market.

Under the present order, cooperative association handlers provided a readily accessible and efficient means whereby a producer-handler could supplement his Grade A fluid milk supply, if necessary.

With the expansion of the defined marketing area as here adopted, however, a producer-distributor may be so located that the nearest and most efficient supply source of supplementary Grade A milk may be a proprietary pool plant. Provision is made in the attached order, therefore, whereby a producer-handler may supplement his Grade A milk supplies, within the established 50,000-pound maximum, from any pool plant.

Currently, any fluid milk products transferred to a producer-handler by a cooperative association acting in its capacity as a handler of a pool plant would be classified as Class I. This classification of transfers will continue under the expanded order and will be applicable to transfers from pool plants of proprietary or cooperative association handlers. Thus, the cost to a producer-handler for supplemental supplies so obtained approximates regulated handlers' cost for Class I milk. He would not, therefore, have a significant competitive advantage over regulated handlers in obtaining his supplementary fluid milk needs, if any.

On the other hand, nonfluid milk products are ordinarily derived from unpriced milk or milk which has been priced as surplus milk under a Federal order. An economic incentive exists, therefore, for any milk dealer including a producer-distributor, to substitute, where possible, reconstituted fluid milk products for fluid milk products, processed from current receipts of farm Grade A milk, thereby displacing an equivalent amount of producer milk in Class I.

Under the present terms of the order, a fully regulated handler would gain no advantage in the sale of reconstituted fluid milk products. The order should provide similar safeguards to prevent such an advantage accruing to a producer-handler.

Thus, it should be provided in the definition that a producer-handler will lose his exemption if he receives nonfluid milk for use in reconstituting fluid milk products. This will remove the inequity inherent in the current producer-handler provisions. Such change was not opposed on the record.

These changes are made to continue under the expanded order provisions which provide a producer-handler flexibility in the balancing of his milk supply to meet his Class I demand and at the same time to eliminate the incentive inherent in the present provisions for a producer-handler to supplement his bottled milk sales with fluid milk reconstituted from nonfluid milk products. The producer-handler provisions adopted herein will continue to provide the necessary assurance that a producer-handler is primarily dependent upon his own capacity to produce milk to fulfill his fluid milk requirements and necessary reserves, if he is to earn, through his status as a producer-handler, an exemption from pricing and pooling.

Producer-handlers are not at this time an important factor in this market. It is not expected that this change will have any immediate effect on the status of any producer-handler operation under the expanded milk order.

8. *Miscellaneous.* Except for the amendments to provisions of the order discussed in these findings, and updating of language for clarity and consistency, the terms of the order as here adopted otherwise are generally the same as have applied for many years under the Minneapolis-St. Paul order. The term "Chicago butter price", presently described in the pricing provisions, has been separately defined. The "cooperative association" definition has been revised somewhat to conform it to that being used in other Federal orders.

There are no unregulated supply plants (as described in § 1068.10(d)) associated with the Minneapolis-St. Paul market. With the expansion of the area as here adopted, however, there may be such a plant(s) so qualifying, in which case reports to the market administrator for verification of such status should be required of the plant operator(s). The handler definition and reporting requirements of the expanded order are modified accordingly.

In a brief filed on behalf of certain proprietary handlers, it was suggested that non-Grade A milk be subject to accountability and regulation under the order. Further consideration of this matter is not warranted at this time, however, since there was no basis on the record for doing so.

The Minneapolis-St. Paul order now provides (in § 1068.62) that any pool distributing plant which is fully subject to the pricing and payment provisions of another order and from which the quantity of milk in fluid form disposed of on routes or through plants regulated under the other order exceeds such disposition in the marketing area shall be exempt from all but the reporting provisions of this order.

A suspension action, effective for the month of August 1968 and for an indefinite period thereafter, extended to supply plants these provisions of Order 68, providing a determination as to which order a plant shall be fully regulated under when it meets the pooling standards of more than one order.

The suspension action, issued by the Acting Secretary on September 6, 1968 (33 F.R. 12820), and officially noticed herewith, was requested by Land O'Lakes Creameries, Inc., which represents a substantial number of producers on the Minneapolis-St. Paul and the Minnesota-North Dakota markets. The volumes of disposition of fluid milk into both markets from two of the Land O'Lakes supply plants (normally associated and qualified under Order 68) were such that it was entirely possible to meet the qualifications of a fully regulated supply plant under both orders during a particular month.

The conditions which warranted the suspension action are equally applicable at this time. It is concluded, therefore, that the provisions for determining which market a plant has a greater association should apply to both distributing plants and supply plants under the expanded Minneapolis-St. Paul order.

A representative of the Purity Milk Co., St. Cloud, Minn., and a Grade A dairy farmer patron of this plant jointly excepted to any expansion of the Order 68 marketing area. Similarly, the operator of the Willmar, Minn., fluid milk plant, in an exception filed, expressed his opposition to any extension of the present marketing area. Discussions concerning the St. Cloud and Willmar operations are set forth elsewhere in these findings.

An exception filed by a handler located at Mora (Kanabec County), Minn., on the other hand, registered approval of the proposed amended order which was included with the December 3 decision. This handler stated that any reduction of the marketing area as adopted in such decision, particularly with respect to Stearns County, Minn., together with the city of St. Cloud (which encompasses parts of Stearns, Benton, and Sherburne Counties) would severely disadvantage him in his operations.

The Oak Grove Dairy of Norwood, Minn., filed exceptions to the December 3 decision. It is the position of this firm that the defined Order 68 marketing area should not be extended beyond the Minnesota counties of Hennepin, Anoka, Ramsey, Washington, and Dakota and the adjacent Wisconsin townships as specified in the December 3 decision and that the proposed location differentials should be modified accordingly.

This firm requested the opportunity to have oral argument of their exceptions filed. All interested parties, including this petitioner, were provided full opportunity to be heard on any and all matters relating to the issues before the hearing. Following the issuance of the decision of the Deputy Administrator, Regulatory Programs, on December 3, 1968 (33 F.R. 18181) on the matters before the hearing, interested persons were allowed a period until December 21, 1968, to file exceptions. This date for filing was extended to January 20, 1969, at the request of the Oak Grove Dairy. Thus, reasonable opportunity has been afforded this and other interested persons to make known their views with respect to these proceedings. The request for oral argument is, therefore, denied.

The foregoing exceptions relating to marketing area and location differentials also are overruled for reasons set forth herein.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereafter set forth are supplmentary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and

conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

REFERENDUM ORDER; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENT

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of November 1968 is hereby determined to be the representative period for the conduct of such referendum. Sanford A. Balgaard is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on February 27, 1969.

J. PHIL CAMPBELL,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Subpart—Order Regulating Handling

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AUTHORITY: The provisions of this Part 1068 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1068.46(a) (3) and (6) and the corresponding steps of § 1068.46(b) and (iii) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on December 3, 1968, and published in the FEDERAL REGISTER on December 6, 1968 (33 F.R. 18181; F.R. Doc. 68–14608), shall be and are the terms and provisions of this order, and are set forth in full herein subject to certain modifications in §§ 1068.4, 1068.51, and 1068.53.

DEFINITIONS

§ 1068.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1068.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1068.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1068.4 Minneapolis-St. Paul, Minn., marketing area.

"Minneapolis-St. Paul, Minn., marketing area" (referred to in this part as the "marketing area") means all the territory within the boundaries of the townships and counties listed below. The marketing area shall include all territory that is now, or in the future, occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishment if any part of such territory is within the designated geographical limits of the marketing area.

MINNESOTA COUNTIES

Anoka.
Benton.
Carver.
Chisago.
Dakota.
Hennepin.
Isanti.
Kanabec.
Kandiyohi.
McLeod.
Meeker.
Mille Lacs.
Pine.
Ramsey.
Renville.
Scott.
Sherburne.
Sibley.
Stearns.
Washington.
Wright.

WISCONSIN COUNTIES

In Pierce County, the townships of:
Clifton.
River Falls.

In St. Croix County, the townships of:
Hudson.
Kinnickinnic.
Richmond.
St. Joseph.
Somerset.
Stanton.
Star Prairie.
Troy.
Warren.

§ 1068.5 Market administrator.

"Market administrator" means the person designated pursuant to § 1068.20 as the agency for the administration of this part.

§ 1068.6 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1068.7 Route.

"Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop, including any governmentally operated institution, but excluding any disposition of skim milk or butterfat not eligible for sale in fluid form as Grade A milk or cream in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 1068.8 Plant.

"Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. Under this definition any separate portion of a premises or facilities qualified under § 1068.9(b) used to receive, process, or otherwise handle milk shall be deemed to be a separate plant. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

§ 1068.9 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraphs (a) or (b) of this section, but not any plant withdrawn pursuant to paragraph (c) of this section, any plant exempt pursuant to § 1068.62, or the plant of a producer-handler.

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area, is equal to 30 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or to 50 percent or more of such total receipts in any of the months of July through December; or

(b) Any plant from which during any month 40 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of August, September, and October 40 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the follow-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ing July: *And provided further,* That any deliveries of milk by a cooperative association during the months of August, September, and October directly from a farm(s) of its producer member(s) to a plant(s) described in paragraph (a) of this section may be considered, for purposes of this paragraph, as having been received first at a plant of such cooperative association.

(c) Upon notice by the handler in writing received by the market administrator, or postmarked, on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month: *Provided however,* That any such plant withdrawn from pool plant status may not regain status prior to the next August 1 and then only by meeting the requirements set forth prior to the first proviso in paragraph (b) of this section in the manner of a plant qualifying for pool plant status for the first time.

§ 1068.10 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a Grade A fluid milk product is shipped during the month to a pool plant.

§ 1068.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Received from the farm at a pool plant; or

(b) Moved in accordance with the conditions of § 1068.44(c) but allotted to a pool plant by listing on the payroll report of such plant pursuant to § 1068.32, which milk shall be deemed to be received at such pool plant.

§ 1068.12 Producer milk.

"Producer milk" or "milk received from producers" means milk produced by one or more producers (as defined in § 1068.11).

§ 1068.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s): *Provided,* That any cooperative association qualifying as a handler pursuant to this paragraph shall be, for the purposes of making payments pursuant to § 1068.84, the handler also with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s);

(b) Any person in his capacity as the operator of a partially regulated distributing plant. This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities;

(c) Any person in his capacity as the operator of an other order plant from which during the month fluid milk products are either distributed on routes in the marketing area or shipped to a pool plant; or

(d) A producer-handler.

(e) Any person in his capacity as the operator of an unregulated supply plant.

§ 1068.14 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1068.15 Producer-handler.

Producer-handler means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distribution plant at which Grade A milk of his own production is processed and packaged, and disposed of as Class I milk on routes in the marketing area;

(b) Receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts of not more than 50,000 pounds of milk (3.5 percent milk equivalent of butterfat) during the month by transfer from pool plants of other handlers;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products;

(d) Has route disposition consisting only of skim milk and butterfat obtained from his own farm production except that received pursuant the exception set forth in paragraph (b) of this section; and

(e) The maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging, or distribution of such milk are the personal enterprise, and the personal risk, of such person.

§ 1068.16 Other source milk.

"Other source milk" means all skim milk and butterfat:

(a) Other than that contained in producer milk or received from a pool plant(s); and

(b) Contained in products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month.

§ 1068.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

§ 1068.19 Fluid milk product.

"Fluid milk product" means milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk, cream or milk drinks in metal containers hermetically sealed), cream (sweet or sour, including "Smetana" and similar sour cream products and mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream): *Provided,* That when nonfat milk solids are added for "fortification" the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

MARKET ADMINISTRATOR

§ 1068.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1068.21 Powers.

The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 1068.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 1068.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 1068.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 1068.30 or (2) made payments pursuant to §§ 1068.80, 1068.84, and 1068.86; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's reports and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this order as he deems advisable and as do not reveal confidential information;

(g) On or before the fifth working day of each month, mail to all handlers and make public announcement of the Class I price computed pursuant to § 1068.53, and the butterfat differential computed pursuant to § 1068.56(a) for the then current month, and the Class II price computed pursuant to § 1068.54 and the butterfat differential computed pursuant to § 1068.56(b) for the preceding month; and

(h) On or before the 15th day after the end of each month, mail to all handlers and make public announcement of the uniform price computed pursuant to § 1068.71;

(i) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1068.46(a)(7) and the corresponding step of § 1068.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(j) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1068.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(k) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1068.30 Monthly reports of receipts and utilization.

(a) On or before the 10th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 1068.13(a) shall report, separately for each pool plant, to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handler's and other pool plants.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including on a skim milk equivalent basis any nonfat milk solids used to fortify (or as an additive to) any milk product as described in § 1068.45, and including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) [Reserved]

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Each handler specified in § 1068.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk;

(c) Each handler specified in § 1068.13 (e) who operates an unregulated supply plant shall report as required in paragraph (a) of this section, except that the receipts in Grade A milk shall be reported in lieu of those in producer milk.

§ 1068.31 Reports of producer-handlers.

Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

§ 1068.32 Reports as to producers and cooperative associations of producers.

On or before the last day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

§ 1068.33 Records and facilities.

Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other contents, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 1068.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1068.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received by each handler during each month which is required to be reported pursuant to § 1068.30 (a) and (b) shall be classi-

fied by the market administrator pursuant to the provisions of §§ 1068.41 through 1068.46.

§ 1068.41 Classes of utilization.

Subject to the conditions set forth in §§ 1068.42 through 1068.46, inclusive, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) (3) and (4) of this section.

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section;

(2) Skim milk and butterfat stored in a public cold storage warehouse as frozen cream;

(3) Skim milk and butterfat contained in any item included under paragraph (a) of this section disposed of as animal feed;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition; and

(5) In shrinkage assigned pursuant to § 1068.42(b) (1) of skim milk and butterfat, respectively, but not in excess of:

(i) Two percent of producer milk; plus

(ii) 1.5 percent of milk received in bulk tank lots from other pool plants; plus

(iii) 1.5 percent of milk received in bulk from a cooperative association which is a handler by virtue of the delivery of producer milk for its account from the farms of producers directly to the pool plant, except that if the handler operating the pool plant files notice with the market administrator, prior to the first day of the month, that the purchase of such milk is on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable maximum percentage shall be 2 percent; plus

(iv) 1.5 percent of milk received in bulk tank lots from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operators of both plants; plus

(v) 1.5 percent of milk in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of milk in bulk tank lots transferred to other plants; (if the receipt of milk is on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage shall be 2 percent); less

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1068.42(b) (2).

§ 1068.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other milk specified in § 1068.41(b) (5); and

(2) Other source milk exclusive of that specified in § 1068.41(b) (5).

§ 1068.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1068.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1068.46(a) (7) and the corresponding step of § 1068.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1068.46(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1068.46(a) (6) or (7) and the corresponding steps of § 1068.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk if moved to a nonpool plant by a cooperative association directly from the farm of the producer and the nonpool plant is one from which milk is disposed of in fluid form on routes;

(d) As Class I milk, if transferred to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located beyond a 150-mile radius from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., except that cream so transferred in bulk form shall be Class II if no fluid milk products are distributed on routes from the receiving plant;

(e) As Class I milk, if transferred in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is within a radius of 150 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1068.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(f) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for puposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk products is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1068.41.

§ 1068.45 Computation of milk in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (b) for disposition by a handler in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

§ 1068.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1068.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1068.41(b) (5);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association as a handler pursuant to the proviso of § 1068.13(a), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3) (i) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4) (ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1068.22(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1068.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1068.50 Class prices.

Each handler shall pay, at the time and in the manner set forth in §§ 1068.80 through 1068.84, not less than the prices set forth in §§ 1068.53 and 1068.54 for all milk received during each month from producers and cooperative associations: *Provided,* That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 1068.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

§ 1068.52 [Reserved]

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month plus $0.86, and plus 20 cents.

§ 1068.54 Class II price.

The price per hundredweight for Class II milk shall be the basic formula price.

§ 1068.55 Location differential to handlers.

The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant located a radius of 15 miles and beyond the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., shall be reduced by the amount indicated below. Such deduction shall be based on the mileage as computed by the market administrator:

Location of plant (miles)	*Amount of deduction (cents)*
Less than 15	0
15 but less than 20	3
20 but less than 30	6
30 but less than 40	9
40 but less than 50	12

Distances 50 miles and beyond, an additional 1 cent for each 10 miles or fraction thereof.

§ 1068.56 Butterfat differentials to handlers.

If the average butterfat content of the Class I milk or Class II milk, computed pursuant to § 1068.46(c), for any handler for the month is more or less than 3.5 percent, there shall be added to, or subtracted from as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120 and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply by 0.115, the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department for the month.

§ 1068.57 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

APPLICATION OF PROVISIONS

§ 1068.60 Application to producer-handlers.

Sections 1068.40 through 1068.46, 1068.50 through 1068.56, 1068.62 through 1068.64, 1068.70 through 1068.73, 1068.80 through 1068.87, and 1068.90 through 1068.93 shall not apply to the handling of milk by producer-handlers.

§ 1068.61 Producer-handlers.

Any handler claiming producer-handler status shall furnish to the market administrator, for verification, evidence of his qualifications as a producer-handler pursuant to § 1068.15 and shall furnish evidence of subsequent changes made in the manner of producing, securing, or distributing milk that affect such qualifications as a producer-handler; such verification by the market administrator shall be made within 15 days of receipt of the evidence and shall be effective as of the first day of the month during which verification is made.

§ 1068.62 Milk under more than one Federal order.

Milk received at a plant qualified as a pool plant under § 1068.9 shall be exempt from the provisions of this order if the conditions of paragraphs (a) and (b) of this section are met: *Provided*, That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 1068.33:

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on routes or through plants regulated by such other marketing agreement or order than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or through other pool plants; and

(b) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

§ 1068.63 Butterfat in fluid skim milk.

For classification purposes, pursuant to §§ 1068.40 through 1068.46, butterfat in skim milk either disposed of to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.065 percent, unless the handler has adequate records of the actual butterfat content of such skim milk.

§ 1068.64 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1068.30(b) and the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1068.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant for an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1068.70(d) and a credit in the amount specified in § 1068.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1068.30(b) a similar report with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1068.9(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler of Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1068.71 at the same location or at the Class II price, whichever is higher.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1068.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association), as computed pursuant to § 1068.46(c), by the applicable class prices:

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1068.46(a)(9) and the corresponding step of § 1068.46(b) by the applicable class prices;

(c) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1068.46(a)(3) and the corresponding step of § 1068.46(b); and

(d) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1068.46(a)(6) and the corresponding step of § 1068.46(b).

§ 1068.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1068.70 for all handlers who filed reports pursuant to § 1068.30 for the month and who made the payments pursuant to §§ 1068.80 and 1068.84 for the preceding month;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (c) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1068.81 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1068.82;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1068.70(d); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1068.72 [Reserved]

§ 1068.73 Notification of handlers.

On or before the 15th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class computed pursuant to §§ 1068.46 and 1068.70, and the totals of such amounts and values;

(b) The uniform price (§ 1068.71);

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The amounts to be paid by each handler pursuant to §§ 1068.80, 1068.84, 1068.86, 1068.90, 1068.91, and 1068.92.

PAYMENTS FOR MILK

§ 1068.80 Time and method of payment.

Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) On or before the 11th day after the end of the month in which the skim milk or butterfat was received, to a cooperative association which is a handler, at not less than the applicable class prices for all skim milk and butterfat received from a pool plant(s) operated by such cooperative association or caused by it to be delivered to such handler from producers' farms, less the amount of payment made pursuant to paragraph (c) of this section.

(b) On or before the 21st day after the end of the month during which the milk was received, to each producer for milk not caused to be delivered to such handler by a cooperative association which is a handler, as follows: *Provided*, That such payment shall be made, upon request, to a cooperative association which is not a handler, or to its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 20th day after the end of such month.

(1) At not less than the uniform price computed pursuant to § 1068.71, subject to the butterfat and location differentials set forth in §§ 1068.81 and 1068.82, and less the amount of payment made pursuant to paragraph (c) of this section; and

(c) Handlers (other than cooperative associations) shall make partial payments to producers and cooperative associations pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That in the event any producer discontinues shipping to such handler during the month, such partial payment shall not be made and full payment for all milk received from such producer during such month shall be made pursuant to paragraphs (a) and (b) of this section.

(1) On or before the 25th day of each month, each handler shall make payment, except as set forth in subparagraph (2) of this paragraph, to each producer, at not less than the applicable uniform price computed pursuant to § 1068.71(f) for the preceding month, for the milk of such producer received by such handler during the first 15 days of the current month;

(2) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is not a handler for milk of producers from whom such association has received written authorization to collect payment, at not less than such uniform price for the preceding month, for all such milk received by such handler during the first 15 days of the current month; and

(3) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is a handler, at not less than the applicable Class I price for the current month pursuant to § 1068.53, for all skim and butterfat received from a pool plant(s) operated by such cooperative association, or caused by such association to be delivered from the producers' farms to such handler, during the first 15 days of the current month.

(4) All payments made pursuant to this paragraph shall be subject to the butterfat and location differentials pursuant to §§ 1068.81 and 1068.82.

§ 1068.81 Butterfat differential to producers.

The uniform price pursuant to § 1068.71 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1068.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1068.82 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1068.80 (b) and (c) for milk received at a pool plant located a radius of 15 miles and beyond the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., each handler shall deduct from the applicable price payable to such producers the amount indicated below. Such deduction shall be based on the mileage as computed by the market administrator:

Location of plant (miles)	*Amount of deduction (cents)*
Less than 15	0
15 but less than 20	3
20 but less than 30	6
30 but less than 40	9
40 but less than 50	12

Distances 50 miles and beyond, an additional 1 cent for each 10 miles or fraction thereof.

(b) For the purpose of computations pursuant to §§ 1068.84 and 1068.85, the uniform price shall be adjusted at the rates set forth in paragraph (a) of this section applicable at the location of the nonpool plant from which the milk was received.

§ 1068.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1068.64, 1068.84, and 1068.86 and out of which he shall make all payments due handlers pursuant to §§ 1068.85 and 1068.86: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1068.84 Payments to the producer-settlement fund.

On or before the 18th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That payment made by a cooperative association as a handler pursuant to this paragraph with respect to milk transferred to another handler from the pool plant of such cooperative association or caused to be delivered to such handler from the farms of producers for the account of such cooperative association shall not relieve the transferee handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 1068.80 through 1068.92, inclusive:

(a) The net pool obligation computed pursuant to § 1068.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1068.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1068.70(d).

§ 1068.85 Payments out of the producer-settlement fund.

On or before the 19th day after the end of each month, the market administrator shall pay, subject to the proviso of § 1068.83, to each handler the amount, if any, by which the amount computed pursuant to § 1068.84(b) exceeds the amount computed pursuant to § 1068.84(a).

§ 1068.86 Adjustments to payments.

(a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 1068.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payment to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 1068.80, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 1068.87 Statement to producers.

In making payment to individual producers as required by § 1068.80, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month involved, and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk received from the producer;

(c) The minimum rate at which payment to the producer is required pursuant to § 1068.80;

(d) The rate used in making the payment if such rate is other than the applicable minimum;

(e) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1068.91, together with a description of the respective deductions; and

(f) The net amount of the payment to the producer.

MISCELLANEOUS

§ 1068.90 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1068.46(a) (3) and (6) and the corresponding steps of § 1068.46 (b) and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1068.91 Marketing services.

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1068.80, shall make a deduction of 6 cents per hundredweight, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 18th day after the end of such month. Such monies shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 1068.92 Adjustment of overdue accounts.

Any balance of payment due from a handler pursuant to §§ 1068.80 (a) and (b), 1068.84, 1068.86, and this section for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased four-tenths of 1 percent, and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid.

§ 1068.93 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose except an obligation involved in an action instituted before August 1, 1949, under section 8c(15)(A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, by the handler against whom the obligation is sought to be imposed; and

(d) Any obligation of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

§ 1068.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1068.100 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1068.101.

§ 1068.101 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1068.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such persons pursuant thereto.

§ 1068.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

[F.R. Doc. 69-2630; Filed, Mar. 4, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-18]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Raleigh transition area described in § 71.181 (34 F.R. 4637) would be altered by deleting "* * * Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.) * * *" and substituting "* * * Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within a 5-mile radius of Durham Skypark * * *" therefor.

The proposed additional 5-mile radius of Durham Skypark is required to provide controlled airspace protection for IFR aircraft during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Durham Skypark, utilizing the Raleigh VORTAC, is proposed in conjunction with the alteration of the Raleigh transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 24, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-2643; Filed, Mar. 4, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-93]

FEDERAL AIRWAY AND LOW ALTITUDE REPORTING POINT

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 246 from Nodine, Wis., 1,200 feet AGL via INT Nodine 055° T (051° M) and Stevens Point, Wis., 255° T (253° M) radials; 1,200 feet AGL to Stevens Point and that would designate Millston INT (INT Eau Claire 134° T (130° M) and Nodine 055° T (051° M) radials as a low altitude reporting point.

Designation of the proposed airway would improve flight planning and facilitate air traffic control by providing a numbered airway from Nodine to Stevens Point for instrument flight rule operations between Nodine and Wausau via Stevens Point. Designation of Millston INT as a low altitude reporting point would assist air traffic control in more precisely identifying aircraft en route along the proposed airway.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the

Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 25, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-2644; Filed, Mar. 4, 1969; 8:46 a.m.]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 5; Notice 69-3]

CENTRAL-MOUNTAIN STANDARD TIME ZONE BOUNDARY IN STATE OF NEBRASKA

Proposed Relocation

The Department of Transportation has received a petition from certain citizens of Cherry County, Nebr., to amend Title 49, § 71.5(c) of the Code of Federal Regulations so as to include a part of the eastern part of Cherry County within the central standard time zone. At the present time all of Cherry County is in the mountain time zone and the eastern boundary of Cherry County forms a part of the boundary between the central and mountain time zones. The proposal, if adopted, would thereby result in moving the boundary westward and would include that part of Cherry County involved in the central time zone.

The petition states that pursuant to an election held on April 6, 1948, most of County Commissioner District No. 1 of Cherry County had historically followed central standard time and that the general public and business and social activities were oriented to central standard time. The petition further states that the placement of this area in the mountain time zone by the Department in 1967 caused a disruption of business and social activities to the disadvantage of the general public. On November 9, 1968, a group of residents of County Commissioner District No. 1 formed a "Committee for Central Standard Time". On November 9, 1968, the Committee informally submitted to the qualified electors of that District the time zone question for an indication of opinion. There were 910 votes cast in favor of central time and 303 votes cast in favor of mountain time. The petition is supported by letters from the mayor of Valentine, the mayor of Wood Lake, the Valentine Chamber of Commerce, the Superintendent of Public Instruction of Cherry County, the superintendent of the Valentine city schools, and Valentine Motor Lines.

The petition, as filed with the Department, covered the precincts of Crookston, German, Table, Valentine, Cleveland, Wood Lake, Kewanee, and Sparks. However, the Department has had an indication that other precincts in the eastern part of the county might also wish to be included in the central time zone. For this reason, the notice also covers the precincts of Loup, Goose Creek, Pleasant Hill, and Elsmere. It is therefore proposed that the boundary line between the central standard time zone and the mountain standard time zone, as it applies to Cherry County, Nebr., be relocated to include these 12 precincts within the central standard time zone. A determination will be made by the Department as to which of the 12 precincts covered by this notice should be included in the central time zone.

While it has been the policy of the Department to establish time zone boundaries along State or county lines, so far as possible, it should be noted that Cherry County presents a unique problem because of its extreme size and the major population concentration in the northeast corner.

Under the time zone act originally enacted in 1918 (15 U.S.C. 261), as amended by the Uniform Time Act of 1966 (15 U.S.C. 260a et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard for "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce". Before taking final action to adopt, deny, or modify the proposed boundary which the petition sets forth, the Secretary will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to the: Docket Clerk, Office of the General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590.

Communications received on or before April 15, 1969, will be considered before final action is taken on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from the last Sunday in April to the last Sunday in October, but permits any State to exempt itself, by law, from observing advanced time within that State. The Department has no administrative authority with respect to this requirement.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and Appendix 1 to Part 5 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 5).

Issued in Washington, D.C., on February 26, 1969.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 69-2634; Filed, Mar. 4, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 21, 43]

[Docket No. 18473; FCC 69-161]

DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Promulgation of Annual Report Form Applicable to Licensees Who Are Miscellaneous Common Carriers

In the matter of promulgation of an annual report form applicable to licensees in the Domestic Public Point-to-Point Microwave Radio Service who are Miscellaneous Common Carriers, and related amendments of Part 1—Practice and Procedure, Part 21—Domestic Public Radio Services (Other Than Maritime Mobile), and Part 43—Reports of Communication Common Carriers and Certain Affiliates, of the Commission's Rules; Docket No. 18473.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Part 21, Domestic Public Radio Services (other than Maritime Mobile), of the Commission's rules sets forth, among other things, the conditions under which licenses are issued for radio stations in the Point-to-Point Microwave Radio Service. Section 21.304 thereof states that Part 1 of the Commission's rules, beginning with § 1.771, contains a summary of certain material and reports, including, but not limited to, schedules of charges and accounting and financial reports, which must be filed with or submitted to the Commission. Section 43.21(a) of the Commission's rules includes requirements that annual reports be filed by various carriers on forms prescribed by § 1.785.[1] However, these provisions only require that annual financial reports be filed by common carrier licensees in the Domestic Public Point-to-Point Microwave Service who have operating revenue in excess of $1 million annually.[2] Recent years have shown a rapid growth in the operations of Miscellaneous (i.e., nontelephone, nontelegraph) Point-to-Point Common Carriers engaged primarily in serving CATV systems, and, more recently, in providing network relay and educational TV relay services. Certain miscellaneous carriers are now proposing to provide other new services such as data transmission and other special business services. Since most of these services involve interstate communications, the Commission is obliged to regulate them pursuant to title II of the Communications Act. However, we have only the limited amount of information contained in the applications for radio facilities and in the tariff filings for these licensees, and such filings are not made on a regular basis, but depend on the needs of the carriers. Certain additional data and information from these licensees are required on an annual basis to permit the Commission to properly perform its regulatory functions.

3. The adoption of an annual report form for these licensees, will require amendment of Part 21 to require the licensees to maintain data for microwave systems separate from data with respect to other operations of the licensees in order for them to have available the information requested by the report form.

4. The Commission recognizes that many microwave carriers engaged in general telephone services will still not have to file this or any other annual report with the Commission. However, most of these carriers who would not be required to file any annual report are intrastate carriers and therefore subject to general regulation by the State Commissions.

5. It is proposed to prescribe an annual report form, to be designated as FCC Form P, Annual Report of Licensees in the Domestic Public Point-to-Point Microwave Radio Service who are Miscellaneous Common Carriers as defined in § 21.1 of the Commission's rules and regulations.[4] The form would be required to be filed by March 31 of each year. It is anticipated that the first report would be for the calendar year 1969 and will be filed by March 31, 1970.

6. The proposed rule changes in Parts 1, 21, and 43 necessary to implement Form P are set forth below as Parts A, B, and C. Information to be requested in the proposed annual report is included in Part D.[4]

7. This notice of proposed rule making is issued under authority of sections 4(i), 219, 303(j), and 303(r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 22, 1969, and reply comments on or before May 8, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Part 1—Practice and Procedure, Part 21—Domestic Public Radio Services (Other Than Maritime Mobile), and Part 43—Reports of Communication Common Carriers and Certain Affiliates, of the Commission's rules as set forth in paragraphs A, B, and C:

A. Paragraph (a) of § 1.785 of Part 1 is amended by adding the following subparagraph (6):

§ 1.785 Annual financial reports.

(a) * * *

(6) Form P (licensees in domestic public point-to-point microwave radio service who are miscellaneous common carriers as defined in § 21.1 of this chapter.)

* * * * *

B. Section 21.300 is amended to read as follows:

§ 21.300 Business records.

Each licensee of radio facilities authorized under the rules of this part and required to file either FCC Form L or FCC Form P (see § 1.785 of this chapter) shall keep complete records of all phases of operations covered by such reports distinctly separate and apart from any other business or activity conducted by the licensee.

C. In § 43.21 of Part 43, the first sentence in paragraph (a) is amended to read as follows:

§ 43.21 Annual reports of carriers and certain affiliates.

(a) Communication common carriers having annual operating revenues in excess of $1 million, licensees in the Domestic Public Land Mobile Radio Service, Licensees in the Domestic Public Point-to-Point Microwave Radio Service who are miscellaneous common carriers as defined by § 21.1 of this chapter, communication common carriers operating to overseas points or in the Maritime radio services and having annual operating revenues in excess of $50,000, and certain companies (as indicated in paragraph (c) of this section) directly or indirectly controlling such carriers shall file with the Commission annual reports as provided in this section. * * *

* * * * *

[F.R. Doc. 69-2654; Filed, Mar. 4, 1969; 8:47 a.m.]

[1] Section 43.21(a) in part lists: "Licensees in the Domestic Public Land Mobile Radio Services, communications common carriers having annual operating revenues in excess of $1,000,000, communications common carriers operating to overseas points or in the Maritime radio services and having annual operating revenues in excess of $50,000, and certain companies * * * directly or indirectly controlling such carriers."

[2] Aside from Miscellaneous Common Carriers there is no substantial group of carriers, subject to Commission Title II jurisdiction, which do not file annual reports.

[3] Section 21.1 defines Miscellaneous Common Carriers as communications common carriers which are not engaged in the business of providing either a public landline message telephone service or public message telegraph service.

[4] Form P filed as part of original document.

[5] Commissioners Robert E. Lee and H. Rex Lee absent.

[47 CFR Part 73]

[Docket No. 11279; FCC 69-188]

RADIO BROADCAST SERVICES

Subscription Television Service; Order Extending Time for Filing Comments and Reply Comments

1. On February 17, 1969, the National Cable Television Association, Inc. (NCTA), filed a "Motion for Extension of Time" which requested additional time for filing comments in Docket No. 18397 which deals with CATV matters.

2. On February 24, 1969, the National Association of Broadcasters (NAB) filed a "Statement in Support of Motion for Extension of Time" in Docket No. 18397 in support of the NCTA motion. In its pleading, NAB additionally requests that the dates for filing comments and reply comments in response to the "Third Further Notice of Proposed Rule Making" in Docket No. 11279, the instant proceeding, be extended concurrently and commensurately with any extension granted in Docket No. 18397. As grounds therefor, it refers to the last extension of time granted in Docket No. 11279 (FCC 69-81) in which the Commission mentioned that because of the possible interrelation of CATV and STV technical matters meaningful comments in the two dockets could be filed at the same time.

3. In an order adopted today, the time for filing comments in Docket No. 18397 (FCC 69-187) has been extended. We are of the opinion that it is the broad policy questions concerning carriage of subscription signals by CATV systems, and not technical matters, that are the primary problems raised by the third further notice of proposed rule making in Docket No. 11279 and should be resolved expeditiously. For this reason, although we grant an extension in the instant proceeding, it is not commensurate with that granted in the CATV matter. Since one extension of time has already been granted, we believe that an additional 10 days is ample for the filing of comments herein.

4. In view of the foregoing: *It is ordered*, That the request of the National Association of Broadcasters made in the pleading mentioned in paragraph 2 above, is granted in part, and that the time for filing comments in this proceeding is extended from March 3, 1969, to and including March 13, 1969, and the time for filing reply comments is ex-

tended from April 3, 1969, to and including April 14, 1969.

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2649; Filed, Mar. 4, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18455; FCC 69-173]

STANDARD BROADCAST STATIONS

Remote Indicating Phase Monitors and Inspection Requirements for Remotely Controlled Directional Stations

In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to use of remote indicating phase monitors and the inspection requirements for remotely controlled directional stations; Docket No. 18455, RM-1098.

1. In a petition filed January 20, 1967, the National Association of Broadcasters (NAB) request the institution of a proceeding looking toward amendments of § 73.67 of the Commission's rules concerning remote control operation of standard broadcast stations which would:

(1) Permit phase monitor indications of the phases and relative amplitudes of the currents in the towers of a directional antenna array to be logged at the remote control point.

(2) Give station licensees with facilities for remote observation of phase monitor indications a measure of relief from the present requirement of the rules that phase monitor indications, common point current and base currents be read and logged at the transmitter each day within 2 hours of commencement of operation with each directional radiation pattern.

NAB points out that when the rules were amended on September 19, 1957, to permit the operation by remote control of stations using directional antennas, phase monitors capable of providing accurate indications at a remote point were not available, and, accordingly, provision could not be made for the logging of the relative phases of the tower currents at the remote control point, and there was nobody of experience with respect to the operation of stations with directional antennas by remote control. This being the case, there was justification for requiring the observation and logging of operating parameters at the transmitter soon after commencement of each period of directional operation.

2. NAB urges that accurate and reliable remote reading phase monitors have been developed, and it is now feasible to provide accurate indications of the phase monitor at the remote control point. Furthermore, NAB contends that extensive experience now indicates that remotely controlled directional operations are extremely stable.

3. With remote phase indications provided, states NAB, all indications with respect to directional operation available at the transmitter would be accurately and reliably reproduced at the remote control point, and a visit to the transmitter solely to substantiate that the directional antenna was operating properly would be unnecessary.

4. It concedes that a daily check of the meter readings at the transmitter is desirable, but suggests this can be done more conveniently in conjunction with the daily inspection now required under § 73.93(e) of the rules. Finally, it notes that even when more than one directional pattern is utilized, only a single check in 24 hours should be necessary, operation with each of the patterns being checked on successive days.

5. An engineering exhibit is attached to the Petition in support of the proposition that phase monitor indications can be satisfactorily reproduced at the remote control point. This exhibit is a report of the results of a 1 week test conducted at Station KQV, Pittsburgh, Pa., in which phase monitor readings at half-hourly intervals at the transmitter are compared to automatically logged monitor readings at the remote control point in the KQV studio.

6. In the light of the above, NAB proposes an amendment of § 73.67, as indicated below.

The engineering firm of Kear and Kennedy filed comments on March 16, 1967, in support of the NAB petition. It urges that the tests at Station KQV, described in the NAB petition, demonstrate the feasibility of phase observations at the remote control point, that the rules be amended to permit such remote monitoring, and stations with such facilities be relieved of the requirement for transmitter meter observations.

7. We have examined the engineering showing of the petitioner. We find it satisfactorily demonstrates that it is possible to provide indications of relative phases and loop currents at a remote control point which duplicate corresponding phase monitor indications with a degree of accuracy and reliability which is adequate for the great majority of directional operations. The maximum difference between a remotely logged loop current indication and the corresponding value read at the transmitter did not exceed 3 percent; the average difference was considerably smaller than this. The maximum difference in phase indications was 1.5°, the usual difference a degree or less. Differences of up to 0.5° could be attributed to the resolution limit of the logger, which indicates no increment smaller than a degree. However, the differences observed are not necessarily attributable to errors in the remote monitoring system. In general, the resolution of the digital logger at the remote control point considerably exceeded the reading accuracy of the conventional meters installed at the transmitter, and small changes in parameters may have been more accurately recorded at the remote control point. The circuits and apparatus used in the KQV system are no more complicated or sophisticated than those frequently employed in remote control operation, and the phase monitor is of a type readily available.

8. Section 73.67(a)(5) of the rules now requires that indications of remote base current meters for a directional antenna be read and logged each half hour at the remote control point. If phase monitor readings are made available at the remote control point, this paragraph, amended as proposed by NAB, would require half-hourly logging at this point of indications of phase relationships and of both base currents and phase monitor sample loop currents. If this is done, we agree with NAB that a single daily observation and logging of readings at the transmitter should be adequate to ensure proper operation, even when the station employs more than one directional pattern. In such instances, NAB suggests, readings at the transmitter during operation with each directional mode could be made on successive daily visits to the transmitter. However, the amendment of § 73.67(a)(6) proposed by the petitioner does not require this to be done. Therefore, in the proposals set forth below for amendment of this rule, we have added the following: "In such instances, no more than 48 hours shall elapse between successive readings at the transmitter for a given mode of directional operation."

9. The NAB proposal would require the logging of both remote base currents and phase monitor sample loop currents at the remote control point. However, it would appear that the test conducted by Station KQV for NAB, base current indications were not logged, and there seems to have been no provision for bringing these indications to the remote control point. Although this may have been the case only during the limited period of the test, such an omission in daily operation would be contrary, of course, to the requirements of § 73.67(a)(5), either as presently written or amended as proposed by NAB. It may be argued that if a station licensee permits an operator at the transmitter to log phase monitor sample loop currents in lieu of base currents, the same latitude should be afforded the station at the remote control point. We invite comments on this point. It is pertinent to note, however, that where a station is authorized by its license to make hourly log entries of either remote base currents or phase monitor sample loop currents, instead of base currents, it usually is required to log base currents once each day for each directional pattern. Unless the amended rule relaxes this requirement the operator of a station with more than one directional pattern still bears the burden of multiple daily transmitter visits, which NAB seeks to lighten with its proposed rule.

10. We are reluctant to espouse the NAB proposal on the basis of the technical showing above discussed because of our present inability to ensure that, if the present rules with respect to monitoring phases are amended substantially as NAB proposes, other licensees engineering their systems to provide phase indications at a remote control point will employ facilities comparable to those used by KQV. Thus, the KQV test has demonstrated only that the indications of the monitor installed at its transmitter can be reproduced at its remote control point with a satisfactory degree of accuracy. Presumably, if some other type of monitor were to be used to provide remote phase indications, it would have to be modified. There would be no assurance that any such modification would be satisfactory for the intended purpose, or that it did not result in impairment of the phase monitor's basic accuracy. Accordingly, we are unwilling to propose rules which would automatically permit any licensee to log phase monitor indications at a remote control point by whatever means he finds expedient.

11. We have considered this problem at some length, and believe that its only satisfactory permanent solution is to establish a type approval procedure for phase monitors, which would include specific approval of their suitability for use in providing remote indications, and to require that an approved phase monitor be used for this purpose.

12. While the instant proceeding offers a reason for such action at this time, the promulgation of rules regarding the maintenance and monitoring of the phases of the tower currents in a directional array is needed and is long overdue. Therefore, the Commission is today, by a separate action, instituting a proceeding looking toward amendment of the rules to:

(1) Provide for type approval of phase monitors.

(2) Require that a type approved phase monitor be installed at the transmitter of each station operating with a directional antenna.

(3) Specify maximum permissible phase deviations.

13. With such amendments to the rules in prospect, we have formulated the rules proposed in the instant proceeding so as to permit the reading and logging of phases at a remote control point only in instances where monitors are employed which have been type approved for the remote provision of phase indications.

14. There are individual instances where directional antennas must be maintained in very close adjustment. The licenses of stations employing such antennas specify the maximum permissible variations of tower phases and currents. The installation and use of highly precise phase monitors may also be specified. We do not contemplate that stations subject to such special conditions would be permitted to take advantage of the proposed amendments, absent a satisfactory showing that a remote telemetering system is used capable of transmitting information with an accuracy sufficient to insure compliance with license requirements.

15. If § 73.67 is amended as proposed, it will also be necessary to simultaneously amend § 73.113(a)(4)(ii), which deals with operating log entries for remotely operated directional stations, to reflect the substance of the changes of § 73.67.

16. An alternative course we are presently considering is to transfer all material in paragraph (a)(5) and (6) of § 73.67 to § 73.113, as we believe that this material will be more appropriately situated in the latter section, than at its present location in the rules. An editorial change of this nature may be made in the final order in this proceeding. We do not indicate the specific mechanics of such a change now, as we do not wish to direct attention from the substance of the rule amendments which are here under consideration.

17. We invite comments and reply comments on the amendment of § 73.67 as proposed below, and on the points we have discussed.

18. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 7, 1969, and reply comments on or before April 17, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

20. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Amend § 73.67(a)(5) and (6) to read as follows:

§ 73.67 Remote control operation.

(a) • • •

(5) The indications at the remote control point of the antenna current meter, or, for directional antennas, the common point meter and the remote base current meters shall be read and entered in the operating log each half hour. If a station employs a phase monitor providing phase and loop current indications at the remote control point, these indications shall also be read and entered in the operating log each half hour: *Provided, however,* That the phase monitor employed is of a type approved by the Commission for providing such remote indications.

(6) The indications at the transmitter, if the station employs a directional antenna, of the common point current, base currents, phase monitor sample loop currents and phase indications shall be read and entered in the operating log once each day for such pattern. Those readings must be made within 2 hours after the commencement of operation for each pattern: *Provided, however,* That stations reading and logging phase monitor indications at the remote control point need only make readings and entries of indication at the transmitter once each day for any directional pattern, regardless of any condition on the license which may require more frequent readings. In such instances, no more than 48 hours shall elapse between successive readings at the transmitter for a given mode of directional operation.

• • • • •

[F.R. Doc. 69-2650; Filed, Mar. 4, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18471; FCC 69-185]

STANDARD BROADCAST STATIONS

Maintenance and Monitoring of Relative Phases of Currents in Elements of Directional Antennas

In the matter of amendment of Part 73 of the Commission's rules and regulations, with respect to the maintenance and monitoring of the relative phases of currents in the elements of directional antennas and to provide for type approval of phase monitors used by standard broadcast stations; Docket No. 18471.

1. This proceeding looks toward rule amendments which would (1) specify the permissible deviation of the relative phases of currents in the elements of a directional antenna system (2) require the installation and operation of a type approved phase monitor at the transmitter of a station utilizing a directional antenna and (3) establish specifications for type approval of phase monitors.

2. The maintenance of the radiation pattern of a directional antenna used by a standard broadcast station requires that the amplitudes and phases of the currents in the elements of the directional system be held closely to their established relationships. The license of such a station specifies the phase and magnitude of the base current in each tower, and § 73.57(c) of the rules requires that the ratios of the currents be maintained within 5 percent of those specified in the license. Section 73.39 gives the specifications for meters required to read these currents.

3. However, the rules do not specify the accuracy within which the phases of the currents shall be maintained, nor require that a suitable meter be installed for the purpose of measuring phase relationships. In the usual case, the license, or other instrument of authorization, requires the installation of a phase monitor,

[1] Commissioners Robert E. Lee and H. Rex Lee absent; Commissioner Wadsworth abstaining from voting.

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

but that is all. Only in an instance where there are unusually rigid requirements for the protection of other stations does the station license specify the limits within which phase relationships are to be maintained and establish accuracy requirements for the phase monitor.

4. Concerning most of the other aspects of station operation, where deviations from licensed requirements could have adverse effects (antenna current, modulation, frequency, etc.), the Commission's rules are quite detailed, not only with respect to the accuracy of maintenance of particular parameters, but as to the characteristics of the instruments to be used in their measurement.

5. The need for correction of this anomalous situation is pointed up by the recent petition of the National Association of Broadcasters (NAB) for the amendment of § 73.67 of the rules concerning remote control to permit, for the first time, the logging of phase monitor indications at a remote control point. This would be coupled with a relaxation of rule requirements for meter readings at the transmitter. In support of its petition, NAB supplied an engineering exhibit which demonstrated that, with the particular phase monitor used in the test, which was designed for use with a remote control system, satisfactory monitoring of phases could be maintained at the remote control point. While this showing offers a basis for considering the NAB petition favorably, we are faced with the knowledge that other monitors are not designed for remote monitoring, and, in the absence of any rule requiring a phase monitor, let alone type approval for such an instrument, there is no assurance that adoption of the NAB proposals will result in the installation of adequate remote phase monitoring systems.

6. If rules were promulgated which required the installation and use of type approved phase monitors this problem would be resolved, since a particular type of monitor could be approved, among other things, for its suitability for providing phase indications at a remote point. The authority to log phases at a remote control point could then be restricted to licensees employing a phase monitor approved for this purpose. While this is the problem of immediate concern, the lack of rules concerning phases and phase measurement is a deficiency that should, in any event, be corrected. We are therefore proposing rules which:

(1) Require the installation and use of approved phase monitors by stations using directional antennas.

(2) Specify the accuracy within which the relative phases of the tower currents are to be maintained.

(3) Establish specifications for type approval of phase monitors.

7. We do not believe that the proposed rules are highly controversial. The proposed requirement that a phase monitor be employed (§ 73.69) is no more nor less than is presently imposed in the great majority of all licenses of stations using directional antennas, and the few stations not having such a license requirement undoubtedly have installed such monitors.

8. The proposed requirement of § 73.57 (c) that the phases of the currents in the directional elements be maintained within ±2° we believe should be met readily by a stable directional system. Phase monitors meeting the specifications of § 73.57(b) would be approved for use in stations using directional antennas whose licenses impose no greater accuracy requirements than those set forth in § 73.57(b) and proposed § 73.57(c).

9. Most phase monitors provide means for determining the ratios of the currents in the towers of the directional array. While this is not an essential function of a phase monitor (the same information can be derived from readings of the antenna base meters or remote base meters), the Commission, on request, permits a licensee to read and log the loop current ratios indicated by the phase monitor, in lieu of the indications of the station's base or remote base current meters.

10. For this reason, although we will not require that an approved phase monitor incorporate facilities for indicating current ratios, we have specified a minimum accuracy for such indications, if they are provided.

11. In an instance where a station license requires the maintenance of phase and current ratios within closer tolerances than those specified in § 73.57(b) and proposed § 73.57(c) its license will usually require the installation and use of a special phase monitor and current ratio meter with prescribed accuracy considerably in excess of that obtainable with conventional monitors and current meters. The cases in which special phase meters and current ratio meters have been required are quite few in number. We do not expect many new cases to occur. The meters are to a degree, custom built. Accordingly, we do not propose to establish uniform specifications for type approval of such meters, but would specifically authorize their use in the individual instances where they are required.

12. While many of the conventional phase monitors presently in use are types of current or recent manufacture, which are expected to meet the proposed specifications for type approval, there are undoubtedly a number of older monitors still providing satisfactory service, which would be subject to replacement if type approved monitors were to be required for all stations. Accordingly, considerations of equity may require the "grandfathering" of monitors in present use. We request comments on this matter, noting, however, that such action would not be feasible with respect to monitors intended for use in providing phase indications at a remote control point.

13. We invite comments and reply comments on the proposed rule amendments set forth below, and on all other matters discussed herein.

14. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 7, 1969, and reply comments on or before April 17, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the rules an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. A new § 73.53 is added to read as follows:

§ 73.53 Requirements for approval of phase monitors.

(a) Any manufacturer intending to manufacture two or more identical units, and desiring to submit a monitor for type approval shall supply the Commission will full details of the instrument (two sworn copies) based on the specifications set forth in paragraph (b) of this section. If this information appears to meet the requirements of the rules, shipping instructions will be issued to the manufacturer. The shipping charges to and from the Laboratory at Laurel, Md., shall be paid by the manufacturer. Approval of a monitor will only be given on the basis of the data obtained from the sample monitor submitted to the Commission for testing.

(1) In approving a monitor upon the basis of the tests conducted by the Laboratory, the Commission recognizes only that the type of monitor has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated.

(2) Additional rules with respect to withdrawal of type approval, modification of type approval equipment and limitations on the findings upon which type approval is based are set forth in Part 2, Subpart F of this chapter.

(b) The following specifications shall be met by phase monitors approved by the Commission for use by stations with directional antennas which are required to maintain the relative phases and amplitudes of the currents in the antenna elements within the tolerances set forth in § 73.57 (b) and (c).

(1) The accuracy of reading of phase differences between voltages applied at any two RF input points shall be at least ±1°.

(2) Means shall be provided to determine the sense of phase differences.

(3) Means shall be provided to adjust the RF input level to within the range where proper operation of the instrument is assured.

(4) If means are provided for indicating the relative amplitudes of the loop currents, the accuracy of reading of the meter or meters must be at least ±2 percent of the full scale reading(s).

(5) The required accuracy shall be met when the carrier is either modulated or unmodulated.

(6) If the instrument is designed to provide readings at an external point, these indications shall have the same accuracy as specified for internal metering, and loading by external metering circuitry shall not affect the monitor's indications.

(7) The general design, construction and operation shall be in accordance with good engineering practice.

2. In § 73.57, paragraph (c) is added to read as follows:

§ 73.57 Operating power, maintenance of.

* * * * *

(c) Stations employing directional antenna systems must maintain the relative phase angles of the antenna currents in the elements of the system within 2° of the values specified in the license or other instrument of authorization.

3. A new § 73.69 is added to read as follows:

§ 73.69 Phase monitor.

(a) Each station utilizing a directional antenna shall have in operation at the transmitter a phase monitor which must be of a type approved by the Commission; unless the individual station license requires the use of a particular monitor of specified accuracy. If the station is operated by remote control, and phase indications, or phase and sample loop current indications are read and logged at the remote control point, the phase monitor must be of a type approved for providing such remote indications.

(b) In the event the phase monitor becomes defective, the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority from the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) If the license of the station permits the reading and logging at hourly intervals of phase monitor loop sample currents in lieu of base currents, during the period the phase monitor is out of service, base currents or remote base currents shall be read and logged once each hour.

(4) If the station is operated by remote control and phase indications are read and logged at the remote control point, during the period the phase monitor is out of service, indicating instruments at the transmitter shall be read and logged at the time specified in § 73.67(a)(6) for remotely controlled stations not utilizing remote reading phase monitors.

(5) If the defective monitor is replaced by another monitor, a skeleton proof of performance, consisting of measurements of three or four consecutive points on each radial used in the original application, shall be submitted to the Commission within 60 days of the date the replacement monitor is placed in service.

(6) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within a period of 60 days, an informal request in accordance with § 1.549 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs or effect replacement of the defective instrument.

[F.R. Doc. 69-2651; Filed, Mar. 4, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18472; FCC 69-164]

TELEVISION BROADCAST STATIONS

Table of Assignments; Marion and Muncie, Ind.

In the matter of amendment of § 73.606(b) of the Commission's rules, table of assignments, television broadcast stations (Marion and Muncie, Ind.); Docket No. 18472, RM-1344.

1. On August 30, 1968, Geneco Broadcasting, Inc., licensee of UHF commercial television broadcast station WTAF-TV, Marion, Ind., filed a petition for rule making (RM-1344) requesting that Channel 17 be substituted for its Channel 31 at Marion, Ind.

2. In support thereof, the petitioner states that Station WTAF-TV has been operating for nearly 6 years with an effective radiated power of 21.6 kilowatts from an antenna having a height above average terrain of 250 feet; that the station is the lowest powered, most limited coverage television broadcast station now in operation in the entire United States, one of a handful of stations outside major metropolitan areas operating without network affiliation, one of the few stations with a high percentage of local, live programing, and one of a small number of stations depending almost entirely upon local and nearby regional advertising to survive. The petitioner further states that WTAF-TV has managed to survive by only the narrowest of margins and that unless the transmitting facilities are improved, the signal strength in and close to Marion increased, and the service area expanded, the station may have to suspend operation. The petitioner claims that an increase in power and antenna height would eliminate the area of poor signal in the edges of the city as well as provide a much higher grade of signal to the areas north and west of Marion, which do not now receive any Grade A television signals. It is contended that there is no practical way to improve the transmitting facilities on Channel 31, because local zoning restrictions will not permit any increase in tower height at the present location. Informal discussions with FAA representatives indicated that a tall tower to the north and west of Marion might be approved. Channel 29 at Kokomo, Ind., and Channel 16 at South Bend, Ind., prevent operation of WTAF-TV on Channel 31 at a transmitter site to the north of Marion. The petitioner therefore claims that the only solution is to add or substitute a new channel.

3. Studies by petitioner show that Channel 17 could be assigned to Marion and used at a transmitter site in the area northwest of that city where WTAF-TV wishes to locate. However, the Commission has under consideration possible reallocation, to some extent, of the lowest seven UHF channels, 14 through 20, to the land mobile services, particularly for use in major metropolitan areas where there appears to be a shortage of frequencies for land mobile use in view of growing needs. (Docket 18261.) One of these areas is Chicago, and it appears that assignment of Channel 17 at Marion could have a restrictive effect on possible land mobile use in that area of the frequency band occupied by this channel. This is particularly true since Channel 17 is already assigned and in use at Rockford, Ill., to the west of Chicago, and therefore any use which can be made of these frequencies would have to be to the east of Chicago itself, the direction toward Marion. Under these circumstances it would be undesirable to consider this particular channel as a replacement for Channel 31, at least where there is another approach to the problem.

4. However, it appears that another channel is available which could be used at the site contemplated by petitioner if one present unoccupied assignment on it were deleted. This is Channel 23, now assigned at Muncie, Ind., some miles from Marion, as a second commercial channel. There are no applications for it. It appears that use of this channel as proposed would meet all of the minimum mileage separations specified in the rules with respect to the same and technically related channels. The separation with respect to the cochannel assignment at East Lansing, Mich., which is also unoccupied and unapplied for, would be fairly close to the minimum 155-mile cochannel spacing required by the rules, but it meets the requirement. This assignment would have no land mobile impact.

5. Petitioner requests the issuance of a "show-cause" order contemplating its

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

shift to the new channel. Since the licensee is the one seeking the change, no show-cause order is necessary. If it is decided to make the channel change, the authorization of Station WTAF-TV will be modified at that time, and the proposal is advanced on this basis.

6. In view of the foregoing, the petitioner appears to have sufficient merit to warrant the institution of rule making. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.606(b) of the Commission's rules, insofar as the communities named are concerned, to read as follows:

City (Indiana)	*Channel*
Marion	23
Muncie	49, *61

Under this amendment, Channel 23 would be shifted from Muncie to Marion and Channel 31 at Marion would be deleted.

7. Pursuant to the applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before March 28, 1969, and reply comments on or before April 4, 1969. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2652; Filed, Mar. 4, 1969; 8:47 a.m.]

[47 CFR Part 74]

[Docket No. 18397; FCC 69-167]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Development of Communications Technology and Services; Memorandum Opinion and Order Extending Comments Dates

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397.

1. The Commission has before it for consideration a motion, filed by the National Cable Television Association, Inc. (NCTA), on February 17, 1969, for extension of the time for filing comments on Parts III and IV of the notice of proposed rule making and notice of inquiry herein, issued on December 13, 1968 (15 FCC 2d 417). Requests for an extension of time have also been received from the American Civil Liberties Union, the National Association of Broadcasters, the American Broadcasting Co., and the law firm of Cole, Zylstra and Raywid.[1]

2. In support of its motion NCTA states that the proposals in Parts III and IV are inextricably related to copyright and communications matters being considered by the Congress, that considerable time will be required to gather information and formulate recommendations on the numerous, important and complex issues, and that the oral presentations heard on February 3-4, 1969, have exposed areas to be more fully developed in written comments. According to NCTA, other interested parties are also finding it impossible to meet the present time schedule. Comments and reply comments on Parts III and IV are now due to be filed on or before March 3, and April 3, 1969, respectively. NCTA seeks an additional 60 days for each.

3. The Commission stated in the notice (paragraph 40) that no action would be taken on the rule making proposals in Part IV until an appropriate period is afforded to determine whether there will be a Congressional resolution of the issue of unfair competition, that is a copyright revision reflecting also pertinent communications considerations, which would constitute the Congressional guidance the Commission has long sought in these related fields. In the circumstances and in order to obtain full information and carefully considered recommendations that may assist the Congress and the Commission, we believe that the public interest would be served by granting the requested additional 60 days for filing comments and reply comments on Part IV.

4. In paragraph 65 of the notice, the Commission stated: "In view of the importance of a prompt resolution of various aspects of the rulemaking proposals in Part III, the Commission expects to adhere to the filing times for comments on Part III, absent a compelling showing of unusual circumstances." Giving due weight to NCTA's statements about the complexity of some of the issues, we nevertheless cannot conclude that an extension of similar length is warranted with respect to all of the proposals in Part III. In an effort to accommodate NCTA, the Commission will grant a 60-day extension for comment on the matters discussed in paragraphs 21-23 and 26-30 of Part III, relating to "areas for local concern," "common carrier operations," "reporting requirement" and "technical standards." However, the matters discussed in paragraphs 11-20 and 23-25 of Part III, relating to "program origination" and "diversification," are of immediate concern and appear to require prompt rule making decisions by the Commission. It may be that, in light of the comments, the Commission will conclude that a further notice or some other additional procedure is warranted on some of these questions. After consideration of the comments, the Commission will be in a better position to determine whether further information or comment is needed and, if so, to furnish guidance as to the areas in which this might be helpful. We have therefore decided to allow only an additional 30 days for the filing of comments and reply comments on these aspects of Part III. No further extension of the time for filing comments on paragraphs 11-20 and 23-25 of Part III will be granted.

5. *Accordingly, it is ordered,* That the times for filing comments and reply comments on paragraphs 11-20 and 23-25 of Part III of the rulemaking are extended to April 3 and May 2, 1969, respectively.

6. *It is further ordered,* That the times for filing comments and reply comments on paragraphs 21-22 and 26-30 of Part III and on Part IV are extended to May 2 and July 2, 1969, respectively.

Adopted: February 26, 1969.

Released: February 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2653; Filed, Mar. 4, 1969; 8:47 a.m.]

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

[1] ABC also requests that the Commission, on its own motion, invite comments on ABC's alternative proposals for regulation of the CATV industry in a memorandum filed with the Commission on Nov. 1, 1968. The request is denied without prejudice to being renewed at a later stage in this proceeding.

[2] Commissioners Robert E. Lee and H. Rex Lee absent; Commissioner Wadsworth abstaining from voting.

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

SOYBEAN CURD

Importation Directly From Japan; Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of International Trade and Industry of the Government of Japan under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Japan of the following additional commodity:

Soybean curd.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-2641; Filed, Mar. 4, 1969; 8:46 a.m.]

Office of the Secretary

[T.D. 69-69; Treasury Dept. Order 165-22]

CUSTOMS OFFICERS AND EMPLOYEES IN VIRGIN ISLANDS

Rates Fixed for Reimbursable Services

FEBRUARY 26, 1969.

Under authority vested in the Secretary of the Treasury by section 36 of the Act of June 22, 1936, 49 Stat. 1816 (48 U.S.C. 1406i), to fix the compensation of officers and employees appointed for the administration of the customs laws in the Virgin Islands of the United States and pursuant to authorization provided by Treasury Department Order No. 190, Revision 5 (33 F.R. 5811), it is hereby ordered that:

1. The rates of extra compensation fixed under section 5 of the Act of February 13, 1911, 36 Stat. 901, as amended (19 U.S.C. 267), for services for which extra compensation would be payable under the Act or under section 451 of the Tariff Act of 1930, as amended (19 U.S.C. 1451), and the regulations thereunder for services performed in connection with the administration of the customs laws of the United States shall apply to customs officers and employees appointed for the administration of the customs laws in the Virgin Islands of the United States.

2. Payment to customs officers and employees in the Virgin Islands for extra compensation shall be made from the Virgin Islands Trust Fund. Collections from parties in interest for extra compensation will be made by the Government of the Virgin Islands under authority of its local laws.

3. The application of the rates fixed under 19 U.S.C. 267 to the Virgin Islands customs officers and employees will be subject to the regulations, decisions, directions for assignment and control of personnel, and the accounting procedures that are applicable to customs officers other than those in the Virgin Islands.

4. This order shall become effective on April 6, 1969, and shall apply to reimbursable services performed on and after that date.

Notices that the action taken by this order as proposed were published in the FEDERAL REGISTER of July 20, 1967 (32 F.R. 10670), and December 31, 1968 (33 F.R. 20056).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-2701; Filed, Mar. 4, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 8754]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

FEBRUARY 24, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) it is proposed to classify the public lands described below for transfer out of Federal ownership under one or more of the following statutes: section 8 of the Taylor Grazing Act (43 U.S.C. 315g) and public sale under section 2455 of Revised Statutes (43 U.S.C. 1171).

2. This proposal has been discussed with range users and interested parties. A public meeting was held in Lordsburg, N. Mex., on December 4, 1968. A public hearing will be held at 3 p.m. in the courtroom of the Lordsburg Courthouse on March 26, 1969, Lordsburg, N. Mex.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which it is proposed to classify the lands. However publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

4. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the Las Cruces District Office, 1705 North Seventh Street, Post Office Box 1420, Las Cruces, N. Mex. 88001, and in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Post Office Box 1449, Santa Fe, N. Mex. 87501. The lands are located in Hidalgo County and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

HIDALGO TYPE IV PLANNING UNIT (3.72)

T. 21 S., R. 17 W.,
Sec. 3, lot 1 and N½S½;
Sec. 9, SW¼NW¼, NW¼SW¼, and SE¼SW¼;
Sec. 11, S½SE¼;
Sec. 21, N½N½.
T. 23 S., R. 17 W.,
Sec. 30, lot 4;
Sec. 31, lots 1, 2, 3, 4, SE¼NW¼, E½SW¼, and SE¼.
T. 24 S., R. 17 W.,
Sec. 1, lots 3, 4, and S½NW¼.
T. 29 S., R. 17 W.,
Sec. 29.
T. 31 S., R. 17 W.,
Sec. 3;
Sec. 33, W½.
T. 32 S., R. 17 W.,
Sec. 18, SE¼SW¼, and SE¼SE¼;
Sec. 19, SE¼NE¼, and SE¼SE¼.
T. 21 S., R. 18 W.,
Sec. 11, NW¼, and NW¼SW¼.
T. 23 S., R. 18 W.,
Sec. 3, S½NE¼, and SE¼;
Sec. 23, S½NE¼;
Sec. 24, W½SW¼, SE¼SW¼;
Sec. 25, SE¼SW¼, and S½SE¼.
T. 29 S., R. 18 W.,
Sec. 20, SE¼NE¼, and SW¼SW¼;
Sec. 21, S½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 22, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 23, NW¼SW¼;
Sec. 28, S½NW¼, and E½SW¼;
Sec. 29, NE¼NE¼, and N½NW¼;
Sec. 33, NE¼NW¼.
T. 32 S., R. 18 W.,
Sec. 12, NW¼, and N½SW¼;
Sec. 13, NW¼NW¼, S½N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 14, E½, and NW¼;
Sec. 15, SW¼;
Sec. 21;
Sec. 22, N½;
Sec. 23, NE¼;
Sec. 24, W½, and W½SE¼;
Sec. 26, S½NW¼, SW¼, and NW¼SE¼;
Sec. 28, E½, E½W½, NW¼NW¼, and W½SW¼;
Sec. 35, lots 3 and 4.
T. 22 S., R. 19 W.,
Sec. 19;
Sec. 22, NW¼, and S½;
Sec. 27, NW¼;
Sec. 29, NW¼.
T. 23 S., R. 19 W.,
Sec. 19, NE¼SW¼.
T. 24 S., R. 19 W.,
Sec. 13, NE¼NW¼;
Sec. 19, SE¼NW¼;
Sec. 20, E½NE¼, and NW¼NE¼;
Sec. 21, NW¼.
T. 26 S., R. 19 W.,
Sec. 29, SE¼SW¼;
Sec. 30, SE¼NE¼, and NE¼SE¼;
Sec. 31, SE¼NE¼, and NE¼SE¼.

T. 27 S., R. 19 W.,
Sec. 4, S½NW¼, and SW¼SE¼.
T. 28 S., R. 19 W.,
Sec. 8, SW¼SW¼;
Sec. 17, SE¼;
Sec. 20, NE¼NE¼, W½NE¼, and W½SW¼;
Sec. 21, W½NW¼, SW¼, and SW¼SE¼;
Sec. 28, NW¼NE¼, NW¼, and N½SW¼;
Sec. 29, SE¼NE¼, and E½SE¼;
Sec. 30, SW¼NE¼;
Sec. 31.
T. 29 S., R. 19 W.,
Sec. 5, N½SE¼, and SW¼SE¼;
Sec. 6, lots 3, 4, 5, 6, SE¼NW¼, and NE¼SW¼;
Sec. 7, lots 1, 2, 3, 4, NE¼, and E½NW¼;
Sec. 17, NW¼NW¼;
Sec. 18, lots 1 and 2.
T. 30 S., R. 19 W.,
Secs. 29, 30, and 31.
T. 31 S., R. 19 W.,
Sec. 6;
Sec. 7, lots 1, 2, 3, 4, E½, NE¼NW¼, and E½SW¼.
T. 22 S., R. 20 W.,
Sec. 24, E½;
Sec. 25, E½.
T. 23 S., R. 20 W.,
Sec. 1, SE¼SE¼;
Sec. 12, N½NE¼;
Sec. 25, SE¼SW¼, and SW¼SE¼.
T. 26 S., R. 20 W.,
Sec. 14, SE¼SE¼;
Sec. 24, SE¼;
Sec. 25, NE¼NE¼.
T. 27 S., R. 20 W.,
Sec. 13, SW¼NW¼;
Sec. 14, NE¼NE¼, and NE¼SE¼;
Sec. 31, lots 3, 4, 5, 6, NE¼SW¼, and NW¼SE¼;
Sec. 32, lots 5, 9, 10, and 11.
T. 28 S., R. 20 W.,
Sec. 5, lots 3 and 4;
Sec. 6, lots 1, 2, 3, and SE¼NW¼;
Sec. 7, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, NE¼NE¼, S½N½, and S½;
Sec. 15, NW¼, and W½SW¼;
Sec. 17, SW¼NE¼, E½SW¼, and W½SE¼;
Sec. 18, lot 1, SE¼SW¼, and W½SE¼;
Sec. 19, W½NE¼, E½NW¼, and NE¼SW¼;
Sec. 20, S½SE¼;
Sec. 21, N½N½, and S½S½;
Sec. 22, W½NW¼, and SE¼SE¼;
Sec. 23, SW¼SW¼;
Sec. 24;
Sec. 26, SW¼NE¼, W½NW¼, and SE¼NW¼;
Sec. 27, E½NE¼;
Sec. 31, E½NE¼, and NE¼SE¼.
T. 29 S., R. 20 W.,
Sec. 6, lots 1, 2, 3, 4, 5, S½NE¼, SE¼NW¼, and SE¼;
Sec. 7, lot 3;
Sec. 8, W½NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 11, N½NE¼, and NE¼NW¼;
Sec. 12, E½, and E½W½;
Sec. 13, W½NE¼, W½, and NW¼SE¼;
Sec. 14;
Sec. 17, E½, and N½NW¼;
Sec. 19, lot 4;
Sec. 23;
Sec. 26, NW¼;
Sec. 27, N½, NW¼SW¼, and SE¼;
Sec. 28, NE¼, E½W½, and N½SE¼;
Sec. 29, W½NW¼, SW¼, and W½SE¼;
Sec. 30, lots 1, 2, 3, 4, E½NE¼, SE¼NW¼, W½SW¼, and SE¼;
Sec. 31, lots 2, 3, 4, SE¼NE¼, and E½SE¼;
Sec. 33, W½NE¼, and E½NW¼.
T. 30 S., R. 20 W.,
Sec. 4, S½SW¼;
Sec. 5, lot 4 and NW¼SW¼;
Sec. 6, lots 1, 4, 5, 6, and NE¼SW¼;
Sec. 7, lot 3;
Sec. 8, W½NE¼, and NW¼SE¼;
Sec. 9, NE¼, W½, and N½SE¼;
Sec. 13, NW¼SE¼;
Sec. 17, NE¼NE¼, and SE¼SE¼;
Sec. 20, S½;
Sec. 21, W½SW¼, and SE¼;
Sec. 22, SW¼;
Sec. 25, SE¼SE¼;
Sec. 27, SE¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 28, W½NW¼;
Sec. 29, NE¼;
Sec. 31.
T. 31 S., R. 20 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, SW¼, W½SE¼, and NE¼SE¼;
Sec. 12.
T. 32 S., R. 20 W.,
Sec. 6, NW¼SE¼.
T. 33 S., R. 20 W.,
Sec. 18, NE¼SE¼.
T. 27 S., R. 21 W.,
Sec. 6, lot 5;
Sec. 7, lots 1, 2, 3, 4, NW¼NE¼, and NE¼NW¼;
Sec. 18, lot 1;
Sec. 20, SE¼NE¼, and W½SE¼;
Sec. 28, E½, S½NW¼, N½SW¼, and SE¼SW¼;
Sec. 29, SE¼NE¼, and NE¼SE¼;
Sec. 34, SE¼SW¼.
T. 28 S., R. 21 W.,
Sec. 3, SE¼NW¼;
Sec. 4, NW¼SE¼, and E½SW¼;
Sec. 10, SE¼;
Sec. 11, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 12, E½, and E½W½;
Sec. 13, N½N½, SW¼NW¼, and W½SW¼;
Sec. 14;
Sec. 15, N½, and E½SE¼;
Sec. 21, S½SE¼;
Sec. 22, E½, NE¼SW¼, and S½SW¼;
Sec. 23, N½NE¼, SW¼NE¼, W½, and W½SE¼;
Sec. 24, NW¼NW¼;
Sec. 26, S½SW¼, and SW¼SE¼;
Sec. 27, N½, and S½SE¼;
Sec. 28, N½;
Sec. 34.
T. 29 S., R. 21 W.,
Sec. 1, lots 4, 6, 7, and NW¼SE¼;
Sec. 3, lots 3, 4, SW¼NE¼, S½NW¼, SW¼, and S½SE¼;
Sec. 4;
Sec. 5, lots 3 to 14, inclusive;
Sec. 8, lots 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, NW¼, and S½SW¼;
Sec. 9;
Sec. 10, N½, and W½SW¼;
Sec. 11, NE¼NE¼, and S½NE¼;
Sec. 13, SW¼SW¼;
Sec. 14, NE¼NW¼, and S½S½;
Sec. 17, lots 1, 2, 5, 6, 7, 12, and N½SW¼;
Sec. 20, lots 1 and 6;
Sec. 21, N½, and N½S½;
Sec. 23, N½;
Sec. 24, W½NW¼, W½SE¼, and SE¼SE¼;
Sec. 25, E½SE¼;
Sec. 26, E½SW¼;
Sec. 27, N½SW¼, and S½SE¼;
Sec. 29, S½SW¼;
Sec. 31, lots 1, 3, 4, N½NE¼, SW¼NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 33, N½NW¼, and W½SW¼;
Sec. 34, NE¼;
Sec. 35, SE¼NE¼, NW¼NW¼, E½SW¼, and SE¼.
T. 30 S., R. 21 W.,
Sec. 1, lots 2, 3, 4, SW¼NE¼, S½NW¼, and NW¼SW¼;
Sec. 3, S½;
Sec. 4, lot 4 and SW¼SW¼;
Sec. 7, lot 4, SE¼SW¼, and NW¼SE¼;
Sec. 8, N½N½, and SE¼NE¼;
Sec. 9, S½NE¼, NW¼, and S½;
Sec. 10;
Sec. 11, W½NE¼, W½, and SE¼;
Sec. 12, lots 2, 3, 4, W½NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 13, lots 1, 2, W½NE¼, and NW¼;
Sec. 14, N½;
Sec. 15, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 17, NE¼, E½NW¼, SW¼NW¼, S½S½, and NE¼SE¼;
Sec. 18, lot 2, S½NE¼, SE¼SW¼, and S½SE¼;
Secs. 21 and 22;
Sec. 23, SW¼NE¼, N½S½, and SE¼SE¼;
Sec. 28, NE¼, and NE¼SE¼.
T. 31 S., R. 21 W.,
Sec. 23, SW¼SW¼;
Sec. 24, SW¼NW¼, and W½SW¼;
Sec. 26, S½NE¼, W½NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 27, N½, and N½S½.
Sec. 12, lots 2, 3, 4, S½NE¼, and SE¼;
Sec. 13, NE¼NE¼.
T. 30 S., R. 22 W.,
Sec. 1, lots 1, 2, 3, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 11, lots 1, 2, 3, and 4;
Sec. 14, lots 1, 2, 3, and 4.
T. 31 S., R. 22 W.,
Sec. 1, lots 1, 8, and SE¼NE¼;
Sec. 2, SE¼;
Sec. 11, lots 1, 2, 3, and 4;
Sec. 12.

The lands described aggregate 54,187.66 acres more or less.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box 1420, Las Cruces, N. Mex. 88001.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-2623; Filed, Mar. 4, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. C-297]

EDWARD JAMES STETSON

Notice of Loan Application

Edward James Stetson, 1026 North Butte Street, Willows, Calif. 95988, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 54-foot length overall ferro-cement vessel to engage in the fishery for salmon, albacore, Dungeness crab, and sablefish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-2626; Filed, Mar. 4, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

EQUI-THESIN, GENERAL ANESTHETIC

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Equi-Thesin; contains 21.3 grams of chloral hydrate, 4.8 grams of pentobarbital, and 10.6 grams of magnesium sulfate per 500.0 cubic centimeters; marketed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 520 West 21st Street, Kansas City, Mo. 64141.

The Academy concludes that:

1. This drug is probably effective as a general anesthetic in cattle and horses.

2. More information is needed on preanesthetic medication, potential dangers, contraindications, and use of the anesthetic preparation.

3. This combination has been a successful anesthetic agent in cattle and horses since 1946; therefore, if the label is modified as suggested, an evaluation of "effective" would be considered.

The Food and Drug Administration concurs with the conclusions of the Academy.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For general anesthesia in cattle and horses.

DOSAGE AND ADMINISTRATION

Intravenous use only.

Dosage: 20 to 50 cubic centimeters per 100 pounds of body weight; administer until desired effect is produced. Cattle usually require less on a weight basis. As a sedative-relaxant, administer one-fourth to one-half the anesthetic dose.

PRECAUTIONS AND CONTRAINDICATIONS

Avoid perivascular leakage as this may result in severe irritation of the surrounding tissues.

Horses anesthetized with this drug may exhibit a violent recovery (delirium); therefore, the animal should be maintained in a recumbent position until it has regained sufficient control to rise quietly.

Adjunctive use of intravenous glucose may inadvertently prolong anesthesia.

Oxygen or sustained artificial respiration facilities should be available when this drug is employed in conjunction with tranquilizers or muscle relaxants.

When preanesthetic medicaments are indicated, tranquilizers should not be used in horses experiencing shock or intestinal disorders or in animals forcibly restrained or overexcited.

Intracarotid injection may result in cerebrovascular endothelial injury with consequent edema and ischemic necrosis in the brain, especially in the horse.

Anesthetic risks are greater in aged, toxic, or debilitated animals.

Additional care should be employed when anesthetizing anemic or hypovolemic animals with cardiac or respiratory problems.

Recovery period may be prolonged by liver or renal pathology electrolyte imbalances, hypothermia, malnutrition, and prior sedation and following continuous use or prolonged surgical procedures.

Excessive chilling of this product will cause precipitation of the active ingredients; if such precipitation occurs, warm bottle in a pan of hot water and shake to redissolve.

CAUTION: Federal law restricts this drug to sale by or on the order of a licensed veterinarian.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 26, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-2622; Filed, Mar. 4, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPUTY UNDER SECRETARY FOR POLICY ANALYSIS AND PROGRAM EVALUATION

Delegation of Authority; Acting Assistant Secretary for Mortgage Credit and Federal Housing Commissioner

SECTION A. *Delegation of authority.* William B. Ross, Deputy Under Secretary for Policy Analysis and Program Evaluation, is hereby authorized to exercise the authority vested in, or delegated or assigned to, the Deputy Assistant Secretary for Mortgage Credit and Federal Housing Commissioner (herein referred to as "Deputy Assistant Secretary") during the period of Mr. Ross's detail to the position of Deputy Assistant Secretary.

SEC. B. *Acting Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* During the present vacancy in the office of Assistant Secretary for Mortgage Credit and Federal Housing Commissioner (herein referred to as "Assistant Secretary") William B. Ross, as the first assistant to the Assistant Secretary, shall exercise the authority and perform the duties of the Assistant Secretary, with the title of "Acting Assistant Secretary for Mortgage Credit and Federal Housing Commissioner," pursuant to 5 U.S.C. 3346, but not beyond March 25, 1969.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This document shall be effective as of March 1, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-2704; Filed, Mar. 4, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20773; Order 69-2-148]

EASTERN AIR LINES, INC., ET AL.

Order of Investigation and Suspension Regarding Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of February 1969.

Fare increases between major east coast terminals and Puerto Rico and the Virgin Islands proposed by Eastern Air Lines, Inc., Pan American World Air-

ways, Inc., and Trans Caribbean Airways, Inc.

By tariff revisions[1] marked to become effective March 1, 1969, Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American), and Trans Caribbean Airways, Inc. (Trans Caribbean), propose to increase most of their fares between major east coast terminals and Puerto Rico and the Virgin Islands. In essence, the carriers propose to increase second and third class one-way fares by $6 and eliminate the present first-class round-trip discount. The carriers also propose to increase promotional and excursion type fares in proportion to the proposed increases in regular fares.

As justification for their proposals, Pan American and Trans Caribbean submit that they have experienced substantial losses in providing mainland-Puerto Rico/Virgin Islands services at the present fare levels and that a fare increase is necessary to avoid further deterioration of their financial position. Eastern asserts that while their operations are currently yielding a rate of return of 5.8 percent, such return is well below the level deemed fair and reasonable. In addition, all carriers note the spiraling cost of operations today and the fact that the existing regular fares in this market are very low in relation to fares in other markets of similar distance.

The Commonwealth of Puerto Rico (Puerto Rico) has filed a complaint against the proposals of Eastern, Pan American, and Trans Caribbean to increase fares between mainland United States and Puerto Rico. In its complaint, Puerto Rico asserts that the proposed increases will be a deterrent to tourist travel to Puerto Rico with a concomitant adverse effect on the Puerto Rican economy and also could cause a fall-off in nontourist travel by low income individuals. Puerto Rico further alleges that the carriers have not provided adequate justification for the proposed increases citing among other things what they consider to be deficiencies in the carriers' revenue and cost allocations to mainland-Puerto Rico services. Finally, Puerto Rico alleges that this market, its characteristics, including its fare structure, are the result of specific Board design to meet a specific need and fares should be set at the low end of the zone of reasonableness, therefore concluding the instant fare proposals are contrary to the Board's intent of maintaining special low fare service.

Eastern, Pan American, and Trans Caribbean have filed answers to Puerto Rico's complaint. The carriers cite that because of the mix of thrift class (both day and night) traffic the present average thrift fare is over $2 lower than the $60.75 thrift fare level found by the Board to be just and reasonable 6 years ago in the Puerto Rico Passenger Fare Investigation.[2] They further assert that Puerto Rico's implications of carrier inefficiency are without merit when viewed in light of industry experience and the higher costs of operating in overwater markets. The carriers point out that the proposed fares, particularly the thrift or third-class fares will continue to be among the lowest in the world. Finally, the carriers assert that the complaintant has failed to demonstrate any error in the showing by the carriers of their need for additional revenues for their mainland-Puerto Rico services.

Upon consideration of the complaint and other relevant matters, the Board finds that except for the Boston-San Juan fares the complaint does not set forth sufficient facts to warrant suspension and investigation of the proposed fare increases.

We believe that the carriers operating in the mainland-San Juan/Virgin Islands market have adequately demonstrated their need for additional revenues. The financial data furnished by the carriers appear to represent fairly the results of operations in this area both currently and for the reasonably forseeable future under economical and efficient operations. Despite comparatively high load factors, carrier earnings have declined and there is no basis to conclude an improvement would ensue without a fare increase. The carriers operating in this market must have the opportunity to realize reasonable profits over an extended period to insure that adequate service is maintained. Further, the proposed fares are generally low relative to fares in other markets of comparable distances.

With regard to the Boston-San Juan fares, we note that these fares per mile are from 9 to 17.3 percent higher than the New York fares for the corresponding type of service. We do not believe that, in this market, New England passengers should be charged this higher level of fares. Consequently, we will suspend the proposed increases of Boston's fares pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[3] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[3] are suspended and their use deferred to and including May 29, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. Except as granted herein, the complaint of the Commonwealth of Puerto Rico, in Docket 20697, is dismissed;

5. To the extent granted herein, the complaint of the Commonwealth of Puerto Rico, in Docket 20697, is consolidated in this docket; and

6. A copy of this order be filed with the aforesaid tariffs and be served upon the Commonwealth of Puerto Rico, Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2639; Filed, Mar. 4, 1969; 8:46 a.m.]

[1] Revisions to Eastern Air Lines, Inc., Tariff CAB No. 232; International Air Traffic Tariffs Corp., Agent, Tariffs CAB Nos. 258 and 334; Trans Caribbean Airways, Inc., Tariffs CAB Nos. 5 and 26.

[2] 39 C.A.B. 238 and 39 C.A.B. 244.

[3] Appendix A filed as part of original document.

[Docket No. 20305]

NORTH CENTRAL AIRLINES, INC.

Notice of Hearing

North Central Airlines, Inc., Subpart M.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on March 14, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

Dated at Washington, D.C., February 27, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2638; Filed, Mar. 4, 1969; 8:46 a.m.]

[Docket No. 20723; Order 69-2-139]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on February 27, 1969.

The Postmaster General filed a notice of intent February 12, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 39.52 cents per great circle aircraft mile for the transportation of mail by aircraft between Kansas City, Mo., and Oklahoma City, Okla., via Tulsa, Okla.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Model 18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 39.52 cents per great circle aircraft mile between Kansas City, Mo., and Oklahoma City via Tulsa, Okla.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR Part 385.14(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Trans World Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Trans World Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2640; Filed, Mar. 4, 1969; 8:46 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 18104 etc.]

ADDITIONAL SERVICE TO SAN DIEGO CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 18, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenue NW., Washington, D.C., before the undersigned hearing examiner.

Dated at Washington, D.C., February 27, 1969.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[F.R. Doc. 69-2637; Filed, Mar. 4, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-7; Agreement 5200-26]

PACIFIC COAST EUROPEAN CONFERENCE

Order of Investigation

The Pacific Coast European Conference operates under Agreement No. 5200, as amended, which was originally approved on May 26, 1937, in the trades from ports in Alaska, Washington, Oregon, and California to ports in the United Kingdom of Great Britain and Northern Ireland, Ireland, the Scandinavian Peninsula, Continental Europe including ports on and in the Baltic and Mediterranean Seas, French Morocco, the Azores, Madeira, Canary, and Cape Verde Islands, and by transshipment at the aforementioned ports to ports in Iceland and West, South, and East Africa.

The Pacific Coast European Conference has filed Agreement No. 5200-26 to amend Article 15 of the basic agreement to provide as follows:

The procedures contained in this article conform to the decision in States Marine Lines, Inc. v. F.M.C., 376 F. 2d 230 (D.C. Cir. 1967). The amendment of this article to so conform shall affect self-regulatory procedure only, and shall effect no substantive change in the parties' rights or obligations under this agreement. The amended procedures shall apply to, and the Conference shall be authorized to investigate and prosecute pursuant to these provisions, any alleged breaches brought to its attention at any time after Mar. 8, 1967.

Subsequent to the publication in the FEDERAL REGISTER of notice of the filing of Agreement No. 5200-26, States Marine Lines, Inc., a former Conference member, protested its approval on the grounds that it is discriminatory and unfair as between carriers, operates to the detriment of the commerce of the United States, is contrary to the public interest and is in violation of the Shipping Act, 1916. In its reply to this protest, the Conference requests an evidentiary hearing on factual issues raised by the protest which the Conference disputes.

On the basis of this protest and reply the Commission is of the opinion that the alleged disputed factual issues are neither relevant nor material to a determination of the legal issues presented by Agreement No. 5200-26, and that an evidentiary hearing would serve no useful purpose.

However, should any of the parties to this proceeding nevertheless consider that there are genuine and material issues of fact, such facts shall be specified with particularity in affidavits accompanied by a legal memorandum showing their relevance to the issue in question. Should any other parties dispute these facts by a similar affidavit, the disputed issues of fact, if relevant, will be set down for an evidentiary hearing.

Now therefore, it is ordered, Pursuant to sections 15 and 22 of the Shipping Act, 1916, that an investigation, limited to the filing of briefs, affidavits and oral argument, be instituted to determine whether Agreement No. 5200-26 should be approved, disapproved or modified,

It is further ordered, That the briefs, affidavits, and the oral argument should be limited to the following legal issues: Whether section 15 approval should be given to Agreement No. 5200-26 which contains (1) legal conclusions, and (2) a provision which would give retroactive effect to a recently approved self-policing procedure; and

It is further ordered, That the Pacific Coast European Conference and the member lines thereof, and States Marine Lines, Inc., listed in Appendix A hereto, be made respondents in this proceeding; and

It is further ordered, That all parties will file opening briefs and affidavits by March 19, 1969. Reply briefs and affidavits will be filed by April 3, 1969. Oral argument will be scheduled; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents who desire to become a party to this proceeding and par-

ticipate therein, shall file a petition to intervene in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

States Marine Lines, Inc.,
90 Broad Street,
New York, N.Y. 10004.

Pacific Coast European Conference,
417 Montgomery Street,
San Francisco, Calif. 94104.

Anglo Canadian Shipping Co., Ltd./
Anglo Canadian Shipping (Westship) Ltd.,
c/o Interoisen Agencies, Inc.,
351 California Street,
San Francisco, Calif. 94104.

Blue Star Line,
400 Montgomery Street,
San Francisco, Calif. 94104.

D'Amico Mediterranean Pacific Line,
c/o J. H. Winchester & Co., Inc.,
351 California Street,
San Francisco, Calif. 94104.

East Asiatic Co., Ltd.,
650 California Street,
San Francisco, Calif. 94108.

French Line,
400 California Street,
San Francisco, Calif. 94104.

Furness, Withy & Co., Ltd.,
310 Sansome Street,
San Francisco, Calif. 94104.

Hamburg American Line,
c/o Balfour, Guthrie & Co., Ltd.,
255 California Street,
San Francisco, Calif. 94044.

Hanseatic-Vaasa Line,
c/o Williams, Dimond & Co.,
215 Market Street,
San Francisco, Calif. 94105.

Holland Amerika Line, 324 Sansome Street, San Francisco, Calif. 94104.

Italpacific Line, c/o Transmarine Navigation Corp., 351 California Street, San Francisco, Calif. 94104.

Johnson Line, 2 Pine Street, San Francisco, Calif. 94111.

North German Lloyd, c/o Balfour, Guthrie & Co., Ltd., 255 California Street, San Francisco, Calif. 94044.

Fred Olsen Line, c/o Interoisen Agencies, Inc., 160 Sansome Street, San Francisco, Calif. 94104.

Royal Mail Lines, Ltd., c/o Holland America Line, 324 Sansome Street, San Francisco, Calif. 94104.

United Yugoslav Lines, c/o Monitor Steamship Agency, Inc., 2 Pine Street, San Francisco, Calif. 94111.

Westfal-Larsen & Co., A/S, 310 Sansome Street, San Francisco, Calif. 94104.

Weyerhauser Line, 141 Battery Street, San Francisco, Calif. 94111.

Zim Israel Navigation Co., Ltd., c/o William, Dimond & Co., 215 Market Street, San Francisco, Calif. 94105.

[F.R. Doc. 69-2710; Filed, Mar. 4, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-120]

COLUMBIA GULF TRANSMISSION CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Amendment to Application

FEBRUARY 27, 1969.

Take notice that on February 19, 1969, Columbia Gulf Transmission Co. (Columbia Gulf), 3805 West Alabama Avenue, Houston, Tex. 77001, and Texas Gas Transmission Corp. (Texas Gas) 3800 Frederica Street, Owensboro, Ky. 42301 filed in Docket No. CP69-120 an amendment to the pending joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the amended application on file with the Commission and open to public inspection.

In their original application filed in this proceeding, Applicants requested authority to construct facilities necessary to connect natural gas reserves in the Vermilion Block 255 Field, and the Eugene Island Block 272, and Block 292 Fields, Offshore Louisiana, to the Offshore header of the Blue Water Project of Columbia Offshore Pipeline Co. and Tennessee Gas Pipeline Co., a certificate for which was applied for in Dockets Nos. CP68-231, CP69-50, and CP69-53. Applicants now state they have made other arrangements, with Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), to transport gas from two of the above three fields, Eugene Island Block 272 and Block 292 Fields.

Specifically, Applicants seek by the amendment authority to construct and operate the following natural gas facilities: approximately 18.1 miles of 26-inch O.D. pipeline; approximately 1.5 miles of 18-inch O.D. pipeline; and three measuring stations to be installed on producer platforms to connect the reserves in the Eugene Island Block 272 and Block 292.

Applicants estimate the total cost of the facilities proposed in the amendment to be $9,171,600.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 27, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-2616; Filed, Mar. 4, 1969; 8:45 a.m.]

[Project No. 2668]

DUKE POWER CO.

Notice of Application for Withdrawal of Application for License for Constructed Project

FEBRUARY 27, 1969.

Public notice is hereby given that application has been filed under the rules of practice and procedure of the Federal Power Commission by Duke Power Co. (correspondence to: Carl Horn, Jr., Vice President Finance and General Counsel, Duke Power Co., Post Office Box 2178, Charlotte, N.C. 28201) for withdrawal of its application for license for constructed Project No. 2668, known as the Tumbling Shoals Station, located on Reedy River in the vicinity of the town of Laurens, in Laurens County, N.C.

According to the application, Applicant intends to abandon the Tumbling Shoals Station, breach the dam, remove the rubble, and open the stream.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-2617; Filed, Mar. 4, 1969; 8:45 a.m.]

[Project No. 2686]

NANTAHALA POWER AND LIGHT CO.

Notice of Application for License for Constructed Project

FEBRUARY 27, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Nantahala Power and Light Co. (correspondence to: John M. Archer, Jr., President, Nantahala Power and Light Co., Post Office Box 260, Franklin, N.C. 28734) for constructed Project No. 2686, known as The West Fork Project, located on West Fork of Tuckasegee River in Jackson Country, N.C.

The existing project consists of the: Thorpe Development—(1) an earth and rock fill dam 900 feet long with a maximum height of 150 feet and having a 12 x 12-foot bypass tunnel in the east abutment controlled by two motor operated sluice gates in tandem; (2) an earth and rock fill saddle dam 410 feet long having a maximum height of 122 feet; (3) a spillway having two 25 x 12-foot Tainter gates and six "fuse plug" dams of compacted earth and sandy material; (4) a reservoir at elevation 3491.75 feet (U.S.C. and GS datum) with a surface area of 1,462 acres having useful storage of 67,100 acre feet at 76.75 feet maximum drawdown; (5) a pressure conduit including three tunnels, two sections of steel pipe and a steel penstock which bifurcates at the powerhouse; (6) a powerhouse containing one generator rated at 21,600 kw; (7) recreational development consisting of two boat launching sites in areas readily available from North Carolina Highway No. 107 and areas near the west end of the Thorpe saddle dam reserved for a future boat launching facility and for parking, picnic and toilet facilities; and (8) appurtenant facilities; and the Tuckasegee Development—(1) a concrete arch dam 254 feet long with a maximum height of 61 feet having a spillway forming the crest of the dam at elevation 2,275.75 feet (U.S.C. and GS datum) topped by 3-foot-high flashboards; (2) a reservoir with surface area of 7.9 acres at maximum normal elevation 2,278.75 feet (U.S.C. and GS datum) (top of flashboards) with useful storage of 35 acre feet at 4-foot drawdown; (3) a pressure tunnel partly lined and unlined leading to a surge tank 15 feet in diameter; (4) a powerhouse containing one generator rated at 3,000 kw; (5) public recreational use limited to bank fishing (and since reservoir is so small, no additional recreational facilities are planned at this time); and (6) appurtenant facilities. According to the application, there are no anadromous fish in the area and no necessity for special fishway facilities; there is very little use of the project waters by water fowl; and the project area supports very little hunting.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-2618; Filed, Mar. 4, 1969; 8:45 a.m.]

[Project No. 2689]

SCOTT PAPER CO.

Notice of Application for License for Constructed Project

FEBRUARY 27, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Scott Paper Co. (correspondence to: D. J. Dughie, Scott Paper Co., Oconto Falls, Wis. 54154) for constructed Project No. 2689, known as the Oconto Falls Project, located on the Oconto River in the Village of Oconto Falls, in the County of Oconto, Wis.

The existing project consists of: A rubble masonry dam with concrete abutments about 425 feet overall, having an overflow section of timber, earth and rock fill 186 feet long, creating a pool with normal water surface elevation of 701.6 feet; concrete and steel penstocks leading to 3 powerhouses containing 4 generating units with a total capacity of 853 kw; and appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-2619; Filed, Mar. 4, 1969; 8:45 a.m.]

[Docket No. G-8733 etc.]

SINCLAIR OIL CORP. ET AL.

Findings and Order; Correction

FEBRUARY 13, 1969.

Sinclair Oil Corp. (Operator) et al. and other Applicants listed herein, Docket No. G-8733 et al.; Whitestone Petroleum Corp. (successor to Whitehall Oil Co., Inc.), Dockets Nos. CI63-152 and RI65-291; Getty Oil Co. (Operator) et al., Docket No. CI66-1310.

In the findings and order after statutory hearing issuing certificate of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successor co-respondent, redesignating proceeding, accepting agreement and undertaking, and accepting related rate schedules and supplements for filing, issued January 30, 1969 and published in the FEDERAL REGISTER, February 11, 1969 (34 F.R. 1964), on page 4, paragraph (11), 3d line: Change "Whitestone" to read "Whitehall". On page 7, paragraph (O), fourth line: Change "Whitehall" to read "Whitestone." On page 7, paragraph (P), first line and footnote 2: Change "Whitehall" to read "Whitestone." On page 11, first column: Change the filing date to read "11-18-68" in lieu of "11-8-66" relating to Docket No. CI66-1310.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-2620; Filed, Mar. 4, 1969; 8:45 a.m.]

[Docket No. CP69-52]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Amendment to Application

FEBRUARY 27, 1969.

Take notice that on February 18, 1969, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed an amendment to the application in Docket No. CP69-52 originally filed September 3, 1968,[1] by requesting an increase in the size of the proposed Offshore Louisiana pipeline and limiting the number of smaller pipelines extending from the main pipeline, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

By the original application, Applicant sought to construct and operate an Offshore Louisiana pipeline system of 24-inches in diameter of about 142 miles in length. There were also to be constructed and operated various shorter length pipelines of various diameters extending from the 24-inch pipeline.

Applicant now proposes to construct and operate a 30-inch pipe and to construct and operate only those smaller pipelines extending from the main pipeline to lease blocks where Applicant has entered into gas purchase contracts or expects to execute such contracts in the near future. The amended proposal will traverse the same general westerly portion of Offshore Louisiana as proposed in the original application.

The original proposal was estimated to cost approximately $58,202,000; the amended proposal is estimated to cost approximately $57,500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 27, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the

[1] Notice of application was published in the FEDERAL REGISTER on Sept. 18, 1968 (33 F.R. 14138).

public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2621; Filed, Mar. 4, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 28, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41569—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 623), for interested rail carriers. Rates on slag, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 86 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 41571—*Livestock from and to points in western trunkline territory.* Filed by Southwestern Freight Bureau, agent (No. B-10), for interested rail carriers. Rates on livestock, ordinary, in carloads, as described in the application, between points in southwestern territory, also between points in southwestern territory, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 30 to Southwestern Freight Bureau, agent, tariff ICC 4734.

FSA No. 41572—*Fish meal from points in Canada to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2567), for interested rail carriers. Rates on fish meal, in carloads, from points in provinces of New Brunswick, Nova Scotia, Edward Island, and Quebec, Canada, to points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Canadian Freight Association tariff ICC 303.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41570—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 624), for interested rail carriers. Rates on caustic soda, motor vehicles, and slag, as described in the application, in carloads, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 86 to Texas-Louisiana Freight Bureau, agent, tariff ICC 990.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2656; Filed, Mar. 4, 1969; 8:47 a.m.]

[Notice No. 540]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 28, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59583 (Deviation No. 28), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, Tenn. 37662, filed February 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Va.-Tenn., over Interstate Highway 81 to Wytheville, Va., thence over Interstate Highway 77 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Bristol, Va.-Tenn., over U.S. Highway 11W to Bean Station, Tenn., thence over U.S. Highway 25E to Corbin, Ky., thence over U.S. Highway 25 to Cincinnati, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 21, thence over U.S. Highway 21 to Cleveland, Ohio, and return over the same route.

No. MC 66562 (Deviation No. 21), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017, filed February 19, 1969. Carrier's representative: William H. Marx, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route as follows: From Pittsburgh, Pa., over Interstate Highway 79 to junction Interstate Highway 70, thence over Interstate Highway 70 to Wheeling, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to Wheeling, W. Va., and (2) from Pittsburgh, Pa., over Pennsylvania Highway 88 to Finleyville, Pa., thence over unnumbered highways to junction U.S. Highway 19, thence over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to Wheeling, W. Va., and return over the same routes.

No. MC 110325 (Deviation No. 19), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. 90015, filed February 17, 1969. Carrier's representative: Jerome Biniasz, Box 54005, Terminal Annex, Los Angeles, Calif. 90054. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cincinnati, Ohio, and Indianapolis, Ind., over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Indianapolis, Ind., and Cincinnati, Ohio, over U.S. Highway 52.

No. MC 110325 (Deviation No. 20), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. 90015, filed February 17, 1969. Carrier's representative: Jerome Biniasz, Box 54005, Terminal Annex, Los Angeles, Calif. 90054. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Columbus, Ohio, and Cleveland, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Marion, Ohio, over U.S. Highway 23 to Columbus, Ohio, thence over U.S. Highway 40 to Lafayette, Ohio, (2) from Cleveland, Ohio, over U.S. Highway 42 to junction unnumbered highway near Ashland, Ohio, thence over unnumbered highway via Ashland to junction U.S. Highway 42, thence over U.S. Highway 42 via Bellepoint, Ohio, to junction U.S. Highway 40 at or near Lafayette, Ohio, thence over U.S. Highway 40 to junction unnumbered highway near Summerford, Ohio, thence over unnumbered highway via Summerford to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway near South Vienna, Ohio, thence over unnumbered highway via South Vienna to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Ohio Highway 440 (formerly portion U.S. Highway 40), thence over Ohio Highway 440 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same routes.

No. MC 110325 (Deviation No. 21), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. 90015, filed February 17, 1969. Carrier's representative: Jerome Biniasz, Box 54005, Terminal Annex, Los Angeles, Calif. 90054. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80 west of Youngstown, Ohio, thence over Interstate Highway 80 to junction Interstate Highway 95 near Hackensack, N.J., thence over Interstate Highway 95 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Youngstown, Ohio, over U.S. Highway 62 to Canton, Ohio, thence over Ohio Highway 8 to Akron, Ohio (also from Youngstown over Ohio Highway 18 to Akron), thence over Ohio Highway 18 to Norwalk, Ohio, thence over U.S. Highway 250 to Sandusky, Ohio, (2) from Youngstown, Ohio, over U.S. Highway 422 to Ebensburg, Pa., (3) from Pittsburgh, Pa., over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa. (also from Harrisburg over U.S. Highway 422 to Philadelphia), thence over U.S. Highway 30 to Atlantic City, N.J., (4) from Elizabeth, N.J., over U.S. Highway 22 via Somerville, N.J., to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Lebanon, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 via Clinton, N.J., to junction Alternate U.S. Highway 22 (formerly portion U.S. Highway 22), thence over Alternate U.S. Highway 22 to Phillipsburg, N.J. also from Elizabeth over New Jersey Highway 24 to junction New Jersey Highway 82 (formerly New Jersey Highway S24), thence over New Jersey Highway 82 to junction New Jersey Highway 24, thence over New Jersey Highway 24 to Phillipsburg, thence over U.S. Highway 22 to Harrisburg, Pa., and (5) from Trenton, N.J., over U.S. Highway 206 to junction U.S. Highway 22, thence over U.S. Highway 22 via Elizabeth, N.J., to New York, N.Y., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 509) (Cancels Deviations Nos. 306 and 408), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed February 19, 1969. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From El Cajon, Calif., over Interstate Highway 8 to junction unnumbered highway (Harbison Canyon Junction), (2) from junction unnumbered highway and Interstate Highway 8 (West Alpine Junction), over Interstate Highway 8 to junction unnumbered highway (East Alpine Junction), (3) from junction unnumbered highway and Interstate Highway 8 (Manzanita Junction), over Interstate Highway 8 to junction unnumbered highway (Jacumba Junction), and (4) from junction unnumbered highway and Interstate Highway 8 (Coyote Wells Junction), over Interstate Highway 8 to El Centro, Calif., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From San Diego, Calif., over California Highway 94 to junction California Highway 125 (Spring Valley Junction), thence over California Highway 125 to junction Interstate Highway 8 (Grossmont Junction), thence over Interstate Highway 8 to junction unnumbered highway (El Cajon), thence over unnumbered highway to junction Interstate Highway 8 (Harbison Canyon Junction), thence over Interstate Highway 8 to junction unnumbered highway (West Alpine Junction), thence over unnumbered highway to junction U.S. Highway 80 (East Alpine Junction), thence over U.S. Highway 80 to junction unnumbered highway (Manzanita Junction), thence over unnumbered highway to junction Interstate Highway 8 (Jacumba Junction), thence over Interstate Highway 8 to junction unnumbered highway (Coyote Wells Junction), thence over unnumbered highway to El Centro, Calif., and return over the same route.

No. MC 1940 (Deviation No. 16) TRAILWAYS OF NEW ENGLAND, INC., 4000 Trailway Building, 1200 I Street NW., Washington, D.C. 20005, filed February 20, 1969. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Springfield, Mass., and Northampton, Mass., over Interstate Highway 91, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Springfield, Mass., and Northampton, Mass., over U.S. Highway 5.

No. MC 61016 (Deviation No. 5), PETER PAN BUS LINES, INC., Main Street, Springfield, Mass. 01103, filed February 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between South Hadley, Mass., and Holyoke, Mass., over U.S. Highway 202, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Amherst, Mass., and Holyoke, Mass., over Massachusetts Highway 116.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2657; Filed, Mar. 4, 1969; 8:48 a.m.]

[Notice 1273]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 28, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

REPUBLICATIONS

Nos. MC 4964 (Sub-No. 35), MC 13250 (Sub-No. 88), MC 19227 (Sub-No. 116), MC 31321 (Sub-No. 8), MC 63792 (Sub-No. 12), MC 74321 (Sub-No. 30), MC 83539 (Sub-No. 204), MC 83835 (Sub-No. 54), MC 85715 (Sub-No. 5), MC 85811 (Sub-No. 2), MC 97068 (Sub-No. 6), MC 106497 (Sub-No. 36), MC 107678 (Sub-No. 39), MC 107993 (Sub-No. 14), MC 109064 (Sub-No. 16), MC 113459 (Sub-No. 40), and MC 120316 (Sub-No. 2), (Republications).

By their separate applications filed and published in the FEDERAL REGISTER on the dates indicated, each of the below-listed applicants seek a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as common carriers by motor vehicle, over irregular routes, as briefly stated herein, to transport (a) a wide variety of iron and steel articles, in bales or bundles weighing 2,000 pounds or more, from a number of Texas origins

to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and (b) certain iron and steel articles weighing 2,000 pounds or more, which require the use of special equipment, from the same Texas origins to points in Texas. The origins are the same for each applicant, but the destination territory varies from one applicant to the other. A Report and Order of the Commission, Division 1, decided January 28, 1969, and served February 18, 1969, in MC 4964 (Sub-No. 35), and embracing all the below-listed applications, finds that the present and future public convenience and necessity require operation by each applicant respectively, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *iron and steel articles*, from and to the respective points listed below:

(1) No. MC 4964 (Sub-No. 35), filed February 27, 1967, published FEDERAL REGISTER issues of March 16, 1967, and May 26, 1967. Applicant: ROY L. JONES, INC., 915 McCarthy Avenue, Post Office Box 24128, Houston, Tex. 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. From Corpus Christi, Galveston, and Houston, Tex., to points in New Mexico, Oklahoma, and Texas.

(2) No. MC 13250 (Sub-No. 88), filed February 27, 1967, published FEDERAL REGISTER issues of March 16, 1967, and May 24, 1967. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. From Corpus Christi, Galveston, and Houston, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(3) No. MC 19227 (Sub-No. 116), filed February 27, 1967, published FEDERAL REGISTER issues of March 23, 1967, and May 24, 1967. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Post Office Box 52-602, Biscayne Annex, Miami, Fla. 33152. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. From Corpus Christi, Galveston, and Houston, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(4) No. MC 31321 (Sub-No. 8), filed March 20, 1967, published FEDERAL REGISTER issues of April 6, 1967, and May 24, 1967. Applicant: SOUTHWESTERN TRANSFER COMPANY, INC., 1730 Bassett Avenue, Post Office Box 1611, El Paso, Tex. 79948. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. From Corpus Christi, Galveston, and Houston, Tex., to points in New Mexico and Texas.

(5) No. MC 63792 (Sub-No. 12), filed February 27, 1967, published FEDERAL REGISTER issues of March 23, 1967, and May 24, 1967. Applicant: TOM HICKS TRANSFER COMPANY, INC., Post Office Box 283, Harvey, La. 70058. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. From Houston, Tex., to points in Arkansas, Louisiana, and Texas.

(6) No. MC 74321 (Sub-No. 30), filed February 27, 1967, published FEDERAL REGISTER issues of March 23, 1967, and May 24, 1967. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. From Corpus Christi, Galveston, and Houston, Tex., to points in Louisiana, New Mexico, Oklahoma, and Texas.

(7) No. MC 83539 (Sub-No. 204), filed February 6, 1967, and published in FEDERAL REGISTER issues of February 24, 1967, April 20, 1967, and May 24, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma, Okla. 73102. From Corpus Christi, Galveston, and Houston, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(8) No. MC 83835 (Sub-No. 54), filed February 27, 1967, published FEDERAL REGISTER issues of March 23, 1967, and May 24, 1967. Applicant: WALES TRUCKING COMPANY, a corporation, Post Office Box 6186, Dallas, Tex. 75222 also 905 Myers Road, Grand Prairie, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. From Corpus Christi, Galveston, and Houston, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(9) No. MC 85715 (Sub-No. 5), filed February 27, 1967, published FEDERAL REGISTER issues of March 16, 1967, and May 24, 1967. Applicant: J. V. HARRISON TRUCK LINES, INC., Post Office Box 15057, Houston, Tex. 77020. Applicant's representative: Don Felts, The 904 Lavaca Building, Austin, Tex. 78701. From Corpus Christi, Galveston, and Houston, Tex., to points in Texas.

(10) No. MC 85811 (Sub-No. 2), filed March 20, 1967, published FEDERAL REGISTER issues of April 6, 1967, and May 24, 1967. Applicant: AMSCO TRANSPORTATION, INC., 10560 Mykawa Road, Houston, Tex. 77048, also Post Office Box 14147, Houston, Tex. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. From Corpus Christi, Galveston, and Houston, Tex., to points in Texas.

(11) No. MC 97068 (Sub-No. 6), filed February 27, 1967, published FEDERAL REGISTER issues of March 23, 1967, and May 24, 1967. Applicant: H. S. ANDERSON TRUCKING COMPANY, a corporation, Highway 69, Post Office Box 3656, Port Arthur, Tex. 77640. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. From Corpus Christi, Galveston, and Houston, Tex., to points in Louisiana and Texas.

(12) No. MC 106497 (Sub-No. 36), filed April 13, 1967, published FEDERAL REGISTER issues April 27, 1967, and May 24, 1967. Applicant: PARKHILL TRUCK COMPANY, a corporation, 4219 South Memorial, Tulsa, Okla. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. From Corpus Christi, Galveston, and Houston, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(13) No. MC 107678 (Sub-No. 39), filed March 20, 1967, published FEDERAL REGISTER issues of March 30, 1967, and May 24, 1967. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane, Post Office Box 9698, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. From Houston, Tex., to points in Louisiana and Oklahoma.

(14) No. MC 107993 (Sub-No. 14), filed February 27, 1967, published in FEDERAL REGISTER issues of March 16, 1967, and May 24, 1967. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, Post Office Box 2112, Odessa, Tex. 79760. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. From Corpus Christi, Galveston, and Houston, Tex., to points in New Mexico and Texas.

(15) No. MC 109064 (Sub-No. 16), filed February 27, 1967, published FEDERAL REGISTER issues of March 23, 1967, and May 24, 1967. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., Post Office Box 8367, 3301 Southeast Loop 820, Fort Worth, Tex. 76112. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. From Corpus Christi, Galveston, and Houston, Tex., to points in Texas.

(16) No. MC 113459 (Sub-No. 40), filed February 27, 1967, published FEDERAL REGISTER issues of March 23, 1967, and May 24, 1967. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Drawer 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. From Corpus Christi, Galveston, and Houston, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(17) No. MC 120316 (Sub-No. 2), filed February 27, 1967, published FEDERAL REGISTER issues of March 16, 1967, and May 24, 1967. Applicant: WALTON TRANSPORTATION COMPANY, INC., 13020 Sarah's Lane, Post Office Box 9787, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. From Houston, Tex., to points in Texas; that each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail

the precise manner in which it has been so prejudiced.

No. MC 52523 (Sub-No. 3) (Republication), filed July 11, 1968, published in the FEDERAL REGISTER issue of August 1, 1968. Applicant: LEONARD SCHERTZER, doing business as SCHERTZER TRUCKING CO., 94 Sycamore Street, Carteret, N.J. 07008. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. By application filed July 11, 1968, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of carbonated beverages and empty carbonated beverage containers, between Brooklyn, N.Y., on the one hand, and, on the other, points in that part of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania within 150 miles of Brooklyn, under contract with Myer 1890 Beverages. A report of the Commission, Review Board Number 1, decided February 17, 1969, and served February 24, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, (1) of *carbonated beverages*, from Brooklyn, N.Y., to points in Connecticut, Delaware, New Jersey, and those in Harford, Cecil, Kent, Queen Annes, and Caroline Counties, Md.; Berkshire, Franklin, Hampden, Hampshire, and Worcester Counties, Mass.; Albany, Broome, Columbia, Delaware, Dutchess, Greene, Otsego, Orange, Putnam, Rensselaer, Rockland, Schoharie, Sullivan, Ulster, and Westchester Counties, N.Y.; and Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, Wyoming, and York Counties, Pa., and

(2) Of *empty beverage containers*, from points in New Jersey and those in the counties of New York set forth in (1) above, to Brooklyn, N.Y., under a continuing contract or contracts with Myer 1890 Beverages, Division of New York American Beverage Corp., Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 69316 (Sub-No. 5) (Republication), filed June 26, 1968, published FEDERAL REGISTER issue of August 8, 1968, and republished this issue. Applicant: GEORGE T. DONNER, doing business as CHECKER MOVING, Post Office Box 136, Mount Holly, N.J. Applicant's representative: A. Davis Milliner, 744 Broad Street, Newark, N.J. 07102. By application filed June 26, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household goods as defined by the Commission, between points in Kent and New Castle Counties, Del.; Baltimore, Harford, and Kent Counties, Md.; Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Somerset, Union, and Warren Counties, N.J.; and Berks, Bucks, Carbon, Chester, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Philadelphia, and Schuylkill Counties, Pa. A report of the Commission, Review Board Number 1, dated February 12, 1969, and served February 18, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, between points in New Castle County, Del., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Warren Counties, N.J., and Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 76467 (Sub-No. 1) (Republication), filed July 26, 1968, published FEDERAL REGISTER issue of August 15, 1968, and republished this issue. Applicant: SHARKIE'S TRUCKING SERVICE, INC., 829 Newark Avenue, Elizabeth, N.J. 07208. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. By application filed July 26, 1968, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of aluminum foil, paper backed, over 30 pounds, between New York, N.Y., on the one hand, and, on the other, Englishtown, Monmouth County, N.J. An order of the Commission, Operating Rights Board, dated January 29, 1969, and served February 12, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of paper-backed aluminum foil, between New York, N.Y., on the one hand, and, on the other, Englishtown, Monmouth County, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116280 (Sub-No. 7) (Republication), filed July 17, 1968, published in the FEDERAL REGISTER issue of August 8, 1968, and republished this issue. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. By application filed July 17, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of clothing, between the Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Duncanville, Pa., restricted to transportation having prior or subsequent movement by air. By order of the Commission, dated September 20, 1968, and served September 25, 1968, it was ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board Number 4, decided February 11, 1969, and served February 24, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *wearing apparel*, between the Philadelphia International Airport,

Philadelphia, Pa., on the one hand, and, on the other, Duncansville, Pa., and (2) *yarn*, from Philadelphia International Airport, Philadelphia, Pa., to Duncansville, Pa., restricted in both (1) and (2) to the transportation of traffic having a prior or subsequent movement by air; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129760 (Sub-No. 1) (Republication), filed August 26, 1968, published FEDERAL REGISTER issue of September 19, 1968, and republished this issue. Applicant: ROBERT KANE, doing business as MARKAN DELIVERY SERVICE, 118 West 34th Street, Wilmington, Del. 19802. Applicant's representative: Robert Kane (same address as applicant). By application filed August 26, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) new furniture, new household furnishings and appliances and new carpets, from points in Delaware, to points in Cecil, Harford, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, Md.; Delaware and Chester Counties, Pa.; Gloucester, Salem, and Cumberland Counties, N.J., and (2) exchange or returned shipments from the above destination points, to Delaware, under contract with Colonial Television & Appliance Co., Inc. An order of the Commission, dated January 29, 1969, and served February 12, 1969, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of new furniture, new household furnishings and appliances, and new carpets, from Dover and Wilmington, Del., to points in Cecil, Harford, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, Md.; Delaware and Chester Counties, Pa.; and Gloucester, Salem, and Cumberland Counties, N.J.; under a continuing contract with Colonial Television & Appliance Co., Inc., and Kell's, both of Wilmington, Del., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133129 (Republication), filed August 28, 1968, published FEDERAL REGISTER issue of September 26, 1968, and republished this issue. Applicant: CANANDAIGUA EXPRESS, INC., West Main Street, Shortsville, N.Y. 14548. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. By application filed August 28, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicles, over irregular routes, transporting (1) General commodities, as defined by the Commission, between points in Ontario County, on the one hand, and, on the other, points in Monroe, Ontario, Wayne, and Yates Counties, N.Y., and (2) household goods, as defined by the Commission, (a) between points in Ontario County, on the one hand, and, on the other, points in Albany, Broome, Cayuga, Chautauqua, Chemung, Franklin, Erie, Livingston, Monroe, Onondaga, Ontario, Rensselaer, Seneca, Schuyler, Steuben, Ulster, Wayne, and Yates Counties, N.Y., (b) between points in Cayuga County, on the one hand, and, on the other, points in Monroe County, N.Y., (c) between points in Steuben County, on the one hand, and, on the other, points in Cayuga, Livingston, Monroe, Seneca, and Yates Counties, N.Y. An order of the Commission, Operating Rights Board, dated January 29, 1969, and served February 12, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicles, over irregular routes, transporting (1) *General commodities* except classes A and B explosives and blasting supplies, (A) between points in Ontario County, N.Y., on the one hand, and, on the other, points in Monroe, Ontario, Wayne, and Yates Counties, N.Y., and (B) between points in Monroe County, N.Y., on the one hand, and, on the other, points in Wayne and Yates Counties, N.Y., and (2) *household goods*, as defined by the Commission, (a) between points in Ontario County, N.Y., and on the one hand, and, on the other, points in Albany, Broome, Cayuga, Chautauqua, Chemung, Franklin, Erie, Livingston, Onondaga, Rensselaer, Seneca, Schuyler, Steuben, and Ulster Counties, N.Y., (b) between points in Cayuga County, N.Y., on the one hand, and, on the other, points in Monroe County, N.Y., (c) between points in Steuben County, N.Y., on the one hand, and, on the other, points in Cayuga, Livingston, Monroe, Seneca, and Yates Counties, N.Y., that applicant is fit, willing and able properly to perform the operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133171 (Republication), filed September 9, 1968, published FEDERAL REGISTER issue of October 10, 1968, and republished this issue. Applicant: POTASH MINES TRANSPORTATION COMPANY, INC., 302 South Canyon, Carlsbad, N. Mex. Applicant's representative: Dick A. Blenden, 110½ North Canyon, Carlsbad, N. Mex. 88220. By application filed September 9, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers, and express not to exceed 100 pounds in the same vehicle with passengers, between Carlsbad, N. Mex., and and Duval Sulphur and Potash Co. minesite in Culberson County, Tex., from Carlsbad over U.S. Highway 285 approximately 45 miles to Orla, Tex., thence over unnumbered roads approximately 18 miles to Duval Sulphur and Potash Co. minesite in Culberson County, Tex., and return over the same route, serving the intermediate points of Loving and Malaga, N. Mex., and Orla, Tex. An order of the Commission, Operating Rights Board, dated February 10, 1969, and served February 18, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, *passengers, and express* in the same vehicle with passengers, between Carlsbad, N. Mex., and the facilities of the Duval Sulphur and Potash Co. in Culberson County, Tex., from Carlsbad over U.S. Highway 285 to Orla, Tex., thence over unnumbered roads to the facilities of the Duval Sulphur and Potash Co. in Culberson County, Tex., and return over the same route, serving the intermediate points of Loving and Malaga, N. Mex., and Orla, Tex., restricted to the transportation of passengers originating at or destined to the said facilities of the Duval Sulphur and Potash Co., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 35628 (Notice of Filing of Petition for Clarification of Certificate), filed January 27, 1969. Petitioner: INTERSTATE MOTOR FREIGHT SYSTEM, Grand Rapids, Mich. Petitioner's representative: Leonard D. Verdier, Jr. (same address as above). Petitioner is a common carrier of property by motor vehicle, operating under certificates issued by this Commission in Docket No. MC 35628 and various sub numbers. By the instant petition, petitioner makes the following statements and requests the following changes in connection with MC 35628, issued on October 29, 1962:

1. In paragraph 1 on Sheet 7, petitioner is authorized to operate: "Between Chicago, Ill., and St. Louis, Mo., serving the intermediate point of Peoria, Ill."

2. In paragraph 11 on Sheet 24, petitioner is authorized to operate between Bureau Junction, Ill., and Rockford, Ill., serving Bureau Junction for purposes of joinder only.

3. Petitioner has operated on the assumption that Bureau Junction, Ill., may be served for purposes of joinder only, on the route set forth in paragraph 2 on Sheet 7, because any other interpretation would render meaningless the authority set forth in paragraph 11 on Sheet 24.

4. In order to clarify its authority, petitioner believes that paragraph 1 on Sheet 7 should be changed to read: "Between Chicago, Ill., and St. Louis, Mo., serving the intermediate point of Peoria, Ill., and serving Bureau Junction, Ill., for purposes of joinder only."

5. In paragraph 3 on Sheet 7, petitioner is authorized to operate: "Between Chicago, Ill., and St. Louis, Mo., serving the intermediate point of Springfield, Ill."

6. In paragraph 5 on Sheet 7, petitioner is authorized to operate between the junction of U.S. Highways 45 and 66 and the junction of U.S. Highway 66 and Illinois Highway 48.

7. Petitioner has operated on the assumption that the junctions set forth in Item 8 above may be served for purposes of joinder only, on the route set forth in paragraph 4 on Sheet 7, because any other interpretation would render meaningless the authority set forth in paragraph 5 on Sheet 7.

8. In paragraph 5 on Sheet 24, petitioner is authorized to operate between Peoria, Ill., and Lincoln, Ill., serving Lincoln for purposes of joinder only.

9. Petitioner has operated on the assumption that Lincoln, Ill., may be served for purposes of joinder only, on the route set forth in paragraph 4 on Sheet 7, because any other interpretation would render meaningless the authority set forth in paragraph 5 on Sheet 24.

10. In order to clarify its authority, petitioner believes that paragraph 3 on Sheet 7 should be changed to read: "Between Chicago, Ill., and St. Louis, Mo., serving the intermediate point of Springfield, Ill., and serving Lincoln, Ill., junction of U.S. Highways 45 and 66, and junction of U.S. Highway 66 and Illinois Highway 48, for purposes of joinder only."

11. In paragraph 3 on Sheet 8, petitioner is authorized to operate: "Between Grand Rapids, Mich., and Cadillac, Mich., serving the intermediate point of Reed City, Mich."

12. In paragraph 15 on Sheet 9, petitioner is authorized to operate between the junction of U.S. Highway 131 and Michigan Highway 46, and Saginaw, Mich.

13. Petitioner has operated on the assumption that the junction set forth in Item 14 above may be served for purposes of joinder only, on the route set forth in paragraph 4 on Sheet 8, because any other interpretation would render meaningless the authority to operate to and from said junction set forth in paragraph 15 on Sheet 9.

14. In paragraph 5 on Corrected Sheet 18, petitioner is authorized to operate between the junction of U.S. Highway 131 and Michigan Highway 44, and the junction of Michigan Highways 44 and 66.

15. Petitioner has operated on the assumption that the junction of U.S. Highway 131 and Michigan Highway 44 may be served for purposes of joinder only, on the route set forth in paragraph 4 on Sheet 8, because any other interpretation would render meaningless the authority set forth in paragraph 5 on Corrected Sheet 18.

16. In certificate MC-35628 Sub 4, petitioner is authorized to operate between Sheridan, Mich., and the junction of U.S. Highway 131 and Michigan Highway 57.

17. Petitioner has operated on the assumption that the junction of U.S. Highway 131 and Michigan Highway 57 may be served for purposes of joinder only, on the route set forth in paragraph 4 on Sheet 8, because any other interpretation would render meaningless the authority to operate between said junction and Sheridan, Mich., set forth in certificate MC-35628, Sub 4.

18. In order to clarify its authority, petitioner believes that paragraph 3 on Sheet 8 should be changed to read: "Between Grand Rapids, Mich., and Cadillac, Mich., serving the intermediate point of Reed City, Mich., and serving junction of U.S. Highway 131 and Michigan Highway 46, junction of U.S. Highway 131 and Michigan Highway 44, and junction of U.S. Highway 131 and Michigan Highway 57, for purposes of joinder only."

19. In paragraph 7 on Sheet 9, petitioner is authorized to operate: "Between Sturgis, Mich., and New Buffalo, Mich., serving the intermediate point of Niles, Mich."

20. In paragraph 1 on Sheet 8, petitioner is authorized to operate between the junction of U.S. Highways 12 and 131 and Kalamazoo, Mich.

21. Petitioner has operated on the assumption that the junction set forth in Item 22 above may be served for purposes of joinder only, on the route set forth in paragraph 8 on Sheet 9, because any other interpretation would render meaningless the authority set forth in paragraph 1 on Sheet 8.

22. In order to clarify its authority, petitioner believes that paragraph 7 on Sheet 9 should be changed to read: "Between Sturgis, Mich., and New Buffalo, Mich., serving the intermediate point of Niles, Mich., and serving junction of U.S. Highways 12 and 131 for purposes of joinder only."

23. In paragraph 9 on Sheet 9, petitioner is authorized to operate: "Between Benton Harbor, Mich., and Kalamazoo, Mich., serving no intermediate points."

24. In paragraph 3 on Corrected Sheet 18, petitioner is authorized to operate between Niles, Mich., and the junction of Interstate Highway 94 and Michigan Highway 40.

25. Petitioner has operated on the assumption that the junction set forth in Item 26 may be served for purposes of joinder only, on the route set forth in paragraph 10 on Sheet 9, because any other interpretation would render meaningless the authority set forth in paragraph 3 on Corrected Sheet 18.

26. In order to clarify its authority, petitioner believes that paragraph 9 on Sheet 9 should be changed to read: "Between Benton Harbor, Mich., and Kalamazoo, Mich., serving junction of Interstate Highway 94 and Michigan Highway 40 for purposes of joinder only.

27. In paragraph 5 on Sheet 10, petitioner is authorized to operate: "Between Evansville, Ind., and Chicago, Ill., serving the intermediate points of Vincennes and Terre Haute, Ind."

28. In paragraph 1 on Sheet 12, petitioner is authorized to operate between Cincinnati, Ohio and the junction of U.S. Highways 41 and 52.

29. Petitioner has operated on the assumption that the junction set forth in Item 30 may be served for purposes of joinder only, on the route set forth in paragraph 6 on Sheet 10, because any other interpretation would render meaningless the authority to operate to and from said junction set forth in paragraph 1 on Sheet 12.

30. In paragraph 7 on Sheet 12, petitioner is authorized to operate between the junction of U.S. Highways 41 and 6, and the Indiana-Ohio State line.

31. Petitioner has operated on the assumption that the junction set forth in Item 32 may be served for purposes of joinder only, on the route set forth in

paragraph 6 on Sheet 10, because any other interpretation would render meaningless the authority to operate to and from said junction set forth in paragraph 7 on Sheet 12.

32. In paragraph 1 on Corrected Sheet 17, petitioner is authorized to operate between the junction of U.S. Highways 41 and 30, and Fort Wayne, Ind.; and in paragraph 6 on Corrected Sheet 17, petitioner is authorized to operate between said junction and Aurora, Ill.

33. Petitioner has operated on the assumption that the junction set forth in Item 34 may be served for purposes of joinder only, on the route set forth in paragraph 6 on Sheet 10, because any other interpretation would render meaningless the authority to operate to and from said junction set forth in paragraphs 1 and 6 on Corrected Sheet 17.

34. In order to clarify its authority, petitioner believes that paragraph 5 on Sheet 10 should be changed to read: "Between Evansville, Ind., and Chicago, Ill., serving the intermediate points of Vincennes and Terre Haute, Ind., and serving junction of U.S. Highways 41 and 52, junction of U.S. Highways 41 and 6, and junction of U.S. Highways 41 and 30, for purposes of joinder only."

35. In paragraph 11 on Sheet 11, petitioner is authorized to operate: "Between Terre Haute, Ind., and the Indiana-Ohio State line, serving the intermediate points of Belleville, Plainfield, Indianapolis, Greenfield, Dunreith, Cambridge City, and Richmond, Ind."

36. In paragraph 7 on Sheet 10, petitioner is authorized to operate between Michigan City, Ind., and the junction of U.S. Highway 40 and Indiana Highway 43.

37. Petitioner has operated on the assumption that the junction set forth in Item 38 above may be served for purposes of joinder only, on the route set forth in paragraph 12 on Sheet 11, because any other interpretation would render meaningless the authority to operate to and from said junction set forth in paragraph 7 on Sheet 10.

38. In order to clarify its authority, petitioner believes that paragraph 11 on Sheet 11 should be changed to read: "Between Terre Haute, Ind., and the Indiana-Ohio State line, serving the intermediate points of Belleville, Plainfield, Indianapolis, Greenfield, Dunreith, Cambridge City, and Richmond, Ind., and serving the junction of U.S. Highway 40 and Indiana Highway 43 for purposes of joinder only."

39. In paragraph 1 on Sheet 12, petitioner is authorized to operate: "Between Cincinnati, Ohio, and junction U.S. Highways 41 and 52 serving the intermediate points of Brookville, Rushville, Indianapolis, Lebanon, and Lafayette, Ind."

40. In paragraph 3 on Sheet 12, petitioner is authorized to operate between the junction of U.S. Highway 52 and Indiana Highway 28, and Union City, Ohio.

41. Petitioner has operated on the assumption that the junction set forth in Item 42 above may be served for purposes of joinder only, on the route set forth in paragraph 2 on Sheet 12, because any other interpretation would render meaningless the authority to operate to and from said junction set forth in paragraph 3 on Sheet 12.

42. In order to clarify its authority, petitioner believes that paragraph 1 on Sheet 12 should be changed to read: "Between Cincinnati, Ohio, and junction U.S. Highways 41 and 52, serving the intermediate points of Brookville, Rushville, Indianapolis, Lebanon and Lafayette, Ind., and serving junction of U.S. Highway 52 and Indiana Highway 28 for purposes of joinder only."

43. In paragraph 9 on Sheet 13, petitioner is authorized to operate: "Between Wheeling, W. Va., and Ashtabula, Ohio, serving the intermediate points of Steubenville, East Liverpool, Youngstown, and Warren, Ohio."

44. In paragraph 1 on Sheet 19, petitioner is authorized to operate between Warren, Ohio, and Girard, Ohio, with no service at Girard.

45. Girard, Ohio, is located at the junction of U.S. Highway 422 and Ohio Highway 169.

46. Petitioner has operated on the assumption that Girard, Ohio, may be served for purposes of joinder only, on the route set forth in paragraph 10 on Sheet 13, because any other interpretation would render meaningless the authority set forth in paragraph 1 on Sheet 19.

47. In order to clarify its authority, petitioner believes that paragraph 9 on Sheet 13 should be changed to read: "Between Wheeling, W. Va., and Ashtabula, Ohio, serving the intermediate points of Steubenville, East Liverpool, Youngstown, and Warren, Ohio, and serving Girard, Ohio, for purposes of joinder only."

48. In paragraph 3 on Sheet 14, petitioner is authorized to operate: "Between the Indiana-Ohio State line, and Wheeling, W. Va., serving the intermediate points of Springfield and Columbus, Ohio."

49. In paragraph 13 on Sheet 14, petitioner is authorized to operate between Cambridge, Ohio, and Steubenville, Ohio, with no service at Cambridge.

50. Cambridge, Ohio, is located at the junction of U.S. Highways 40 and 22.

51. Petitioner has operated on the assumption that Cambridge, Ohio, may be served for purposes of joinder only, on the route set forth in paragraph 4 on Sheet 14, because any other interpretation would render meaningless the authority set forth in paragraph 13 on Sheet 14.

52. In order to clarify its authority, petitioner believes that paragraph 3 on Sheet 14 should be changed to read: "Between the Indiana-Ohio State line, and Wheeling, W. Va., serving the intermediate points of Springfield and Columbus, Ohio, and serving Cambridge, Ohio, for purposes of joinder only."

53. In conjunction with the clarification suggested in Item 52, petitioner believes that paragraph 13 on Sheet 14, which reads: "Between Cambridge, Ohio, and Steubenville, Ohio, with no service at Cambridge, Ohio, and serving no intermediate points," should be changed to read: "Between Cambridge, Ohio, and Steubenville, Ohio, serving Cambridge, Ohio, for purposes of joinder only."

54. In paragraph 15 on Sheet 14, petitioner is authorized to operate: "Between Wheeling, W. Va., and Baltimore, Md., serving the intermediate point of Pittsburgh, Pa., and the off-route point of McKeesport, Pa."

55. In paragraph 17 on Sheet 14, petitioner is authorized to operate between Breezewood, Pa., and Philadelphia, Pa.

56. Breezewood, Pa., is located at the junction of U.S. Highway 30 and Pennsylvania Highway 126.

57. Petitioner has operated on the assumption that Breezewood, Pa., may be served for purposes of joinder only, on the route set forth in paragraph 16 on Sheet 14, because any other interpretation would render meaningless the authority set forth in paragraph 17 on Sheet 14.

58. In paragraph 5 on Sheet 19, petitioner is authorized to operate between Armagh, Pa., and Bedford, Pa.

59. Bedford, Pa., is located at the junction of U.S. Highways 30 and 220.

60. Petitioner has operated on the assumption that Bedford, Pa., may be served for purposes of joinder only, on the route set forth in paragraph 16 on Sheet 14, because any other interpretation would render meaningless the authority set forth in paragraph 5 of Sheet 19.

61. In paragraph 3 on Sheet 24, petitioner is authorized to operate between Frederick, Md., and Washington, D.C., over U.S. Highway 240.

62. Frederick, Md., is located at the junction of U.S. Highways 40 and 240.

63. Petitioner has operated on the assumption that Frederick, Md., may be served for purposes of joinder only, on the route set forth in paragraph 16 on Sheet 14, because any other interpretation would render meaningless the authority set forth in paragraph 3 on Sheet 24.

64. In certificate MC-35628 Sub 13, petitioner is authorized to operate between Middlesex, Pa., and the junction of U.S. Highway 30 and the Pennsylvania Turnpike, over the Pennsylvania Turnpike.

65. Petitioner has operated on the assumption that the junction set forth in Item 66 above may be served for purposes of joinder only, on the route set forth in paragraph 16 on Sheet 14, because any other interpretation would render meaningless the authority set forth in certificate MC-35628 Sub 13.

66. In order to clarify its authority, petitioner believes that paragraph 15 on Sheet 14 should be changed to read: "Between Wheeling, W. Va., and Baltimore, Md., serving the intermediate point of Pittsburgh, Pa., and the off-route point of McKeesport, Pa., and serving Breezewood, Pa., Bedford, Pa., Frederick, Md., and junction of Pennsylvania Turnpike and U.S. Highway 30, for purposes of joinder only."

67. In paragraph 17 on Sheet 14, petitioner is authorized to operate: "Between Breezewood, Pa., and Philadelphia, Pa., with no service at Breezewood, Pa., and serving the intermediate point of Lancaster, Pa."

68. Petitioner has operated on the assumption that Breezewood, Pa., may be served for purposes of joinder only, on the route set forth in paragraph 18 on Sheet 14, because any other interpretation would render meaningless the authority therein set forth.

69. In paragraph 13 on Sheet 16, petitioner is authorized to operate between Chambersburg, Pa., and Harrisburg, Pa.

70. Chambersburg is located at the junction of U.S. Highways 30 and 11.

71. Petitioner has operated on the assumption that Chambersburg, Pa., may be served for purposes of joinder only, on the route set forth in paragraph 18 on Sheet 14, because any other interpretation would render meaningless the authority to operate to and from Chambersburg set forth in paragraph 13 on Sheet 16.

72. In order to clarify its authority, petitioner believes that paragraph 17 on Sheet 14 should be changed to read: "Between Breezewood, Pa., and Philadelphia, Pa., serving the intermediate point of Lancaster, Pa., and serving Breezewood, Pa., and Chambersburg, Pa., for purposes of joinder only."

73. In paragraph 1 on Revised Sheet 15, petitioner is authorized to operate: "Between Youngstown, Ohio, and Harrisburg, Pa., serving the intermediate points of New Castle and Butler, Pa."

74. In paragraph 7 on Sheet 20, petitioner is authorized to operate between Pittsburgh, Pa., and Ebensburg, Pa., over U.S. Highway 22.

75. Petitioner has operated on the assumption that Ebensburg, Pa., may be served for purposes of joinder only, on the route set forth in paragraph 2 on Revised Sheet 15, because any other interpretation would render meaningless the authority set forth in paragraph 7 on Sheet 20.

76. In order to clarify its authority, petitioner believes that paragraph 1 on Revised Sheet 15 should be changed to read: "Between Youngstown, Ohio, and Harrisburg, Pa., serving the intermediate points of New Castle and Butler, Pa., and serving Ebensburg, Pa., for purposes of joinder only."

77. In paragraph 9 on Revised Sheet 15, petitioner is authorized to operate: "Between Buffalo, N.Y., and Vernon, N.Y., serving the intermediate points of Batavia and Rochester, N.Y."

78. In paragraph 9 on Sheet 19, petitioner is authorized to operate between the junction of New York Highways 365 and 5, and the junction of New York Highways 365 and 31.

79. Petitioner has operated on the assumption that the junction of New York Highways 365 and 31 may be served for purposes of joinder only, on the route set forth in paragraph 10 on Revised Sheet 15, because any other interpretation would render meaningless the authority to serve said junction set forth in paragraph 9 on Sheet 19.

80. In order to clarify its authority, petitioner believes that paragraph 9 on Revised Sheet 15 should be changed to read: "Between Buffalo, N.Y., and Vernon, N.Y., serving the intermediate points of Batavia and Rochester, N.Y., and serving the junction of New York Highways 365 and 31 for purposes of joinder only."

81. In paragraph 11 on Revised Sheet 15, petitioner is authorized to operate: "Between Auburn, N.Y., and Utica, N.Y., serving the intermediate points of Syracuse and Vernon, N.Y."

82. In paragraph 9 on Sheet 19, petitioner is authorized to operate between the junction of New York Highways 365 and 5, and the junction of New York Highways 365 and 31.

83. Petitioner has operated on the assumption that the junction of New York Highways 365 and 5 may be served for purposes of joinder only, on the route set forth in paragraph 12 on Revised Sheet 15, because any other interpretation would render meaningless the authority to serve said junction set forth in pargraph 9 on Sheet 19.

84. In order to clarify its authority, petitioner believes that paragraph 11 on Revised Sheet 15 should be changed to read: "Between Auburn, N.Y., and Utica, N.Y., serving the intermediate points of Syracuse and Vernon, N.Y., and serving the junction of New York Highways 365 and 5, for purposes of joinder only."

85. In paragraph 15 on Sheet 16, petitioner is authorized to operate: "Between Washington, D.C., and New York, N.Y., serving the intermediate points of Baltimore, Md., Philadelphia, Pa., Trenton and Newark, N.J., and the intermediate and off-route points in the New York, N.Y., commercial zone, as defined by the Commission."

86. In paragraph 9 on Sheet 24, petitioner is authorized to operate between Lancaster, Pa., and the junction of U.S. Highways 222 and 1.

87. Petitioner has operated on the assumption that the junction of U.S. Highways 222 and 1 may be served for purposes of joinder only, on the route set forth in paragraph 16 on Sheet 16, because any other interpretation would render meaningless the authority to serve said junction set forth in paragraph 9 on Sheet 24.

88. In order to clarify its authority, petitioner believes that paragraph 15 on Sheet 16 should be changed to read: "Between Washington, D.C., and New York, N.Y., serving the intermediate points of Baltimore, Md., Philadelphia, Pa., Trenton and Newark, N.J., and the intermediate and off-route points in the New York, N.Y., commercial zone, as defined by the Commission, and serving the junction of U.S. Highways 222 and 1 for the purposes of joinder only."

89. In paragraph 13 on Sheet 16, petitioner is authorized to operate: "Between Chambersburg, Pa., and Harrisburg, Pa., with no service at Chambersburg, Pa., but serving the intermediate point of Carlisle, Pa."

90. Petitioner has operated on the assumption that Chambersburg, Pa., may be served for purposes of joinder only, because any other interpretation would render meaningless the authority set forth in paragraph 13 on Sheet 16.

91. In order to clarify its authority, petitioner believes that paragraph 13 on Sheet 16 should be changed to read: "Between Chambersburg, Pa., and Harrisburg, Pa., serving the intermediate point of Carlisle, Pa., and serving Chambersburg, Pa., for purposes of joinder only."

92. In paragraph 5 on Sheet 19, petitioner is authorized to operate: "Between Armagh, Pa., and Bedford, Pa., with no service authorized at Armagh or Bedford, Pa., but serving the intermediate point of Johnstown, Pa."

93. Petitioner has operated on the assumption that Armagh and Bedford, Pa., may be served for purposes of joinder only, because any other interpretation would render meaningless the authority set forth in paragraph 5 on Sheet 19.

94. In order to clarify its authority, petitioner believes that paragraph 5 on Sheet 19 should be changed to read: "Between Armagh, Pa., and Bedford, Pa., serving the intermediate point of Johnstown, Pa., and serving Armagh, Pa., and Bedford, Pa., for purpose of joinder only."

95. In paragraph 1 on Sheet 19, petitioner is authorized to operate: "Between Warren, Ohio, and Girard, Ohio, with no service authorized at Girard, Ohio, but serving the intermediate point of Niles, Ohio."

96. Petitioner has operated on the assumption that Girard, Ohio, may be served for purposes of joinder only, because any other interpretation would render meaningless the authority set forth in paragraph 1 on Sheet 19.

97. In order to clarify its authority, petitioner believes that paragraph 1 on Sheet 19 should be changed to read: "Between Warren, Ohio, and Girard, Ohio, serving the intermediate point of Niles, Ohio, and serving Girard, Ohio, for purposes of joinder only."

98. In paragraph 7 on Sheet 20, petitioner is authorized to operate: "Between Pittsburgh, Pa., and Ebensburg, Pa., for operating convenience only, in connection with carrier's presently authorized regular-route operations, with no service at Ebensburg, Pa., and serving no intermediate points."

99. Petitioner has operated on the assumption that Ebensburg, Pa., may be served for purposes of joinder only, because any other interpretation would render meaningless the authority set forth in paragraph 7 on Sheet 20.

100. Under established interpretations of certificates, no service to intermediate points on any route is authorized unless so stated, and therefore the phrase "serving no intermediate points" appears to be unnecessary.

101. In order to clarify its authority, petitioner believes that paragraph 7 on Sheet 20 should be changed to read: "Between Pittsburgh, Pa., and Ebensburg, Pa., for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving Ebensburg, Pa., for purposes of joinder only.

102. In certificate No. MC–35628 Sub 4, petitioner is authorized to operate: "Between Sheridan, Mich., and the junction of U.S. Highway 16 and Michigan Highway 14. From Sheridan over Michigan Highway 14 to junction U.S. Highway 16, and return over the same route. Between Sheridan, Mich., and the junction of Michigan Highway 57 and U.S. Highway 131. From Sheridan over Michigan Highway 14 to junction Michigan Highway 57, and thence over Michigan Highway 57 to junction U.S. Highway 131, and return over the same route."

103. The highway described as U.S. Highway 16 in Item 102 above is now an unnumbered highway, and the highway described as Michigan Highway 14 in said item has been renumbered Michigan Highway 66.

104. In order to clarify its authority, petitioner believes that certificate No. MC–35628 Sub 4 should be changed to read: "Between Sheridan, Mich., and the junction of unnumbered highway (formerly U.S. Highway 16) and Michigan Highway 66 (formerly Michigan Highway 14). From Sheridan over Michigan Highway 66 (formerly Michigan Highway 14) to junction unnumbered highway (formerly U.S. Highway 16), and return over the same route. Between Sheridan, Mich., and the junction of Michigan Highway 57 and U.S. Highway 131. From Sheridan over Michigan Highway 66 (formerly Michigan Highway 14) to junction Michigan Highway 57, and thence over Michigan Highway 57 to junction U.S. Highway 131, and return over the same route."

105. The last paragraph on Sheet 5 sets forth a restriction as to points named therein to transportation in truckloads only.

106. In view of the Commission's order in Ex Parte No. MC–68, such truckload restriction is no longer of any force and effect, and petitioner believes its certificate should be clarified by deletion of the last paragraph on Sheet 5.

Petitioner prays that certificate MC–35628 and MC–35628 Sub 4 be reissued, with the clarifications detailed above, after such notice and further proceeding as the Commission may deem necessary. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 38383 (Notice of Filing of Petion To Modify Certificate), filed February 9, 1969. Petitioner: THE GLENN CARTAGE COMPANY, a corporation, Girard, Ohio. Petitioner's representative: John P. McMahon, Columbus Center 100 East Broad Street, Columbus, Ohio 43215. Petitioner states that it holds a certificate in No. MC 38383, dated February 17, 1956, which authorizes, in part the transportation of: "Building material, from Bessemer, Pa., Steubenville, Osborne, and Sandusky, Ohio, and Detroit and Monroe, Mich., to the above-specified destination points, with no transportation for compensation on return except as otherwise authorized." The above-specified destination points in this instance refers to: "points in Michigan, Ohio, Pennsylvania, New York, West Virginia, and points in Kentucky within 5 miles of the Ohio River." The purpose of the instant petition is to request that the above certificate be modified to delete the origin of "Osborn" and to substitute in its place "Fairborn". Effective December 31, 1949, the village of Osborn, Ohio, annexed the village of Fairfield, Ohio, into the village of Osborn and changed the name of Osborn to Fairborn. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 59680 (Sub-No. 141) (Notice of Filing of Petition for Correction of Certificate To Show Correct Physical Location of Its Terminal Site), filed February 11, 1969. Petitioner: STRICKLAND TRANSPORTATION CO., INC., Dallas, Tex. Petitioner's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Petitioner states it holds authority in its certificate No. MC 59680 (Sub-No. 141), dated April 1, 1966, to serve the terminal site near Cleveland, Ohio, as an off-route point in connection with its regular-route operations to and from Cleveland, restricted as therein stated, said certificate reciting that the site of the terminal of Strickland Transportation Co., Inc., is: "* * * located at the intersection of Frush Road and Massillon Road, approximately 1 mile north of Richfield, Ohio * * *". By the instant petition, petitioner prays that that portion of its terminal near Cleveland, Ohio, be corrected so as to show the correct physical location of said terminal site as follows: "Serving the site of the terminal of the Strickland Transportation Co., Inc., located on Cleveland-Massillon Road, in the village of Richfield, Ohio, approximately 1½ miles south of the intersection of State Route 176 and Cleveland-Massillon Road, as an off-route point in connection with carrier's regular route operations to and from Cleveland, Ohio, restricted to interchange with other carriers or further movement to other authorized points." Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114989 (Sub-No. 4) (Notice of Filing of Petition To Add Shipper), filed February 7, 1969. Petitioner: BRACEY & MARTIN, INC., Hopkinsville, Ky. Petitioner's representative: James C. Havron, 513 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Petitioner states that it holds a permit in No. MC 114989 (Sub-No. 4), to transport malt beverages, from (among other places), Belleville, Ill., to Clarksville, Tenn., and empty cases, from Clarksville, Tenn., to, among other places, Belleville, Ill., for two shippers, namely Frank M. Case, doing business as Case Distributing Co., and John and William Higgins, doing business as Hopkinsville Beverage Co. By the instant petition, petitioner seeks to add the name of Fred Dettwiller, doing business as Cardett Distributing Co., as a contracting shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10395. (Correction) (ATWOOD's TRANSPORT LINES, INC.—Purchase (Portion)—GREYHOUND LINES, INC.), published in the February 19, 1969, issue of the FEDERAL REGISTER, on page 2386. This correction to show Application has not been filed for temporary authority under section 210a(b), in lieu of Application has been filed for temporary authority under section 210a(b).

No. MC–F–10403. Authority sought for control and merger by BREMAN'S EXPRESS COMPANY, 300 Canal Street, Leechburg, Pa. 15656, of the operating rights and property of BREMAN'S TRANSFER COMPANY, 300 Canal Street, Leechburg, Pa. 15656, and for acquisition by THEODORE BREMAN, No. 9 Morgan Drive, Leechburg, Pa. 15656, of control of such rights and property through the transaction. Applicants' attorney: Edward Goldberg, 1408 Law and Finance Building, Pittsburgh, Pa. 15219. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Pittsburgh, Pa., and Apollo, Pa., serving certain intermediate and off-route points; *feed*, over irregular routes, from Buffalo, N.Y., to Leechburg, Pa.; *lime*, from Youngstown, Ohio, to Leechburg, Pa., and points within 5 miles of Leechburg; *iron and steel articles*, from certain specified points in Pennsylvania, to points in Ohio east of U.S. Highway 21 and north of U.S. Highway 30, and those in that part of New York west of U.S. Highway 62, including points on the specified portions of the highways specified; *household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Leechburg, Pa., and points in Pennsylvania within 10 miles of Leechburg, on the one hand, and, on the other, points in Ohio, New York, and West Virginia; and *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Leechburg, Pa., on the one hand, and, on the other, points in Pennsylvania within 15 miles of Leechburg. BREMAN'S EXPRESS COMPANY is authorized to operate as a *common carrier* in Pennsylvania, West Virginia, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10405. Authority sought for control and merger by HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, Mass. 02740, of the operating rights and property of THE NEW DIXIE LINES, INCORPORATED, Brook Road and Norwood Avenue, Richmond, Va., 23222, and for acquisition by PHILIP HEMINGWAY, PHILIP L. HEMINGWAY, and BERNADETTE HEMINGWAY, all also of Bedford, Mass. 02740, of control of such rights and property through the transaction. Hemingway's attorney: David G. Macdonald, Suite 502, 1000 16th Street NW., Washington, D.C. 20036. New Dixie's attorneys: James E. Wilson and E. G. Villalon, 1735 K Street NW., Washington, D.C. 20036. Operating rights sought to be controlled and merged: (A) *General commodities*, except those of unusual value or size, explosives, inflammables, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Richmond, Va., and Weldon, N.C., serving Petersburg, Va., for purposes of joinder only; from Richmond over U.S. Highway 301 to Weldon, and return over the same route, between Petersburg, Va., and Henderson, N.C., serving Petersburg, Va., for purposes of joinder only; from Petersburg over U.S. Highway 1 to Henderson, and return over the same route, between junction U.S. Highways 1 and 58 and Reidsville, N.C., serving junction U.S. Highways 1 and 58, South Boston and Danville, Va., for purposes of joinder only; from junction U.S. Highways 1 and 58 over U.S. Highway 58 to Danville, Va., thence over U.S. Highway 29 to Reidsville, and return over the same route, between Richmond, Va., and Danville, Va., serving Danville, Va., and junction U.S. Highway 360 and Virginia Highway 304 for purposes of joinder only; between junction U.S. Highway 360 and Virginia Highway 304 and South Boston, Va., serving junction U.S. Highway 360 and Virginia Highway 304 and Danville, Va., for purposes of joinder only, between Richmond, Va., and Norfolk, Va., between junction U.S. Highway 60 and Virginia Highway 168 and Norfolk, Va.;

(B) *General commodities*, excepting among others household goods, commodities in bulk, between Charlotte, N.C., and Alexandria, Va., serving Greensboro and High Point, N.C., for purposes of joinder only, between Greensboro, N.C., and Alexandria, Va., serving certain points in North Carolina, for purposes of joinder only, between Charlotte, N.C., and Henderson, N.C., serving certain specified points in North Carolina, for purposes of joinder only, between Danville, Va., and Richmond, Va., between Danville, Va., and junction U.S. Highways 1 and 58, between South Boston, Va., and junction U.S. Highway 360 and Virginia Highway 304, between Greensboro, N.C., and Winchester, Va., serving Greensboro, N.C., and junction U.S. Highway 220 and North Carolina Highway 68 serving High Point, N.C., and junction North Carolina Highway 68 and U.S. Highway 220 for purposes of joinder only, between Roanoke, Va., and Lynchburg, Va., between Charlottesville, Va., and Fredericksburg, Va., between Charlottesville, Va., and Richmond, Va., between Charlotte N.C., and Independence, Va., serving junction U.S. Highways 21 and 421 for purposes of joinder only, between Greensboro, N.C., and junction U.S. Highways 21 and 421; serving Greensboro, N.C., and junction U.S. Highways 21 and 421 for purposes of joinder only, serving certain intermediate and off-route points in with restriction;

(C) *General commodities*, except those of unusual value, classes A and B explosives, gasoline, livestock, household goods as defined by the Commission, and commodities requiring special equipment, between Waynesville, N.C., and Wilmington, N.C., between Lumberton, N.C., and Bolton, N.C., between Asheville, N.C., and Beaufort, N.C., between Statesville, N.C., and Greensboro, N.C., between Charlotte, N.C., and Washington, N.C., between Charlotte, N.C., and junction North Carolina Highway 55 and U.S. Highway 70, between Reidsville, N.C., and junction North Carolina Highway 87 and U.S. Highway 74, between Greensboro, N.C., and Wilmington, N.C., between Fayetteville, N.C., and Greenville, N.C., between junction U.S. Highways 64 and 264 and Washington, N.C., between junction U.S. Highway 64 and North Carolina Highway 97 and Greenville, N.C., between Rocky Mount, N.C., and Williamston, N.C., between junction U.S. Highways 64 and 13 and Williamston, N.C., between Hickory, N.C., and Statesville, N.C., between Raleigh, N.C., and Carrboro, N.C., between junction U.S. Highway 70 and unnumbered highway (approximately 11 miles northwest of Raleigh, N.C.—Airport Road) and Nelson, N.C., between Henderson, N.C., and Newton Grove, N.C., between Weldon, N.C., and Wilmington, N.C., between Wilson, N.C., and Morehead City, N.C., between Asheville, N.C., and Burnsville, N.C., between Raleigh, N.C., and Elizabethtown, N.C., between Greensboro, N.C., and Stoneville, N.C., between Reidsville, N.C., and Stoneville, N.C., between Reidsville, N.C., and Stoneville, N.C.;

Between Reidsville, N.C., and Leaksville-Spray, N.C., between Winston-Salem, N.C., and Asheboro, N.C., between Winston-Salem, N.C., and Lexington, N.C., between Westminster, S.C., and Wilmington, N.C., between Asheville, N.C., and North Augusta, S.C., between Hendersonville, N.C., and Charleston, S.C., between Riedsville, N.C., and Anderson, S.C., between Winston-Salem, N.C., and junction U.S. Highway 25 and South Carolina Highway 121; between Statesville, N.C., and junction U.S. Highway 21 and North Carolina Highway 150 between Rock Hill, S.C., and Hardeeville, S.C., between Columbia, S.C., and Hardeeville, S.C., between junction U.S. to junction U.S. Highway 70 and North Carolina Highway 16 and Charlotte, N.C., between Monroe, N.C., and Charleston, S.C., between junction U.S. Highways 70 and 321 and Charlotte, N.C., between Pineville, N.C., and junction U.S. Highways 15 and 176, between Greensboro, N.C., and junction U.S. Highways 220 and 74, between junction U.S. Highways 1 and 74 and Darlington, S.C., between junction U.S. Highways 1 and 74 and Darlington, S.C., between junction U.S. Highways 52 and 301 and junction U.S. Highways 17A and 17, between Weldon, N.C., and North Augusta, S.C., between Raleigh, N.C., and Sumter, S.C., between junction U.S. Highway 401, and North Carolina Highway 210 and Fayetteville, N.C., between junction U.S. Highways 301 and 117 and junction U.S. Highways 301 and 76, between junction U.S. Highways 301 and 15 and Allendale, S.C., between junction U.S. Highway 158 and North Carolina Highway 48 and Rocky Mount, N.C., between Norlina, N.C., and junction North Carolina Highway 39 and U.S. Highway 301, between junction U.S. Highways 301 and 701 and Georgetown, S.C., between Norlina, N.C., and junction North Carolina Highway 39 and U.S. Highway 401, between Edenton, N.C., and Hardeeville, S.C., between Georgetown, S.C., and junction U.S. Highways 17 and 17A, between Durham, N.C., and junction U.S. Highways 301 and 501;

Between junction U.S. Highways 301 and 501 and Myrtle Beach, S.C., between Columbia, S.C., and Lincolnton, N.C., between North Augusta, S.C., and Charleston, S.C., between McCormick, S.C., and Conway, S.C., between Abbeville, S.C., and Nichols, S.C., between North Augusta, S.C., and Yemassee, S.C., between Greenville, S.C., and Clemson, S.C., between Easley, S.C., and Clemson, S.C., between Darlington, S.C., and Camden, S.C., between Spartanburg, S.C., and Camden, S.C., between Mocksville, N.C., and Cheraw, S.C., between Greer, S.C., and Laurens, S.C., between Darlington, S.C., and Society Hill, S.C., between Hardeeville, S.C., and Gardens Corners, S.C., between Fair Play, S.C., and Anderson, S.C., serving all points in North Carolina and South Carolina as intermediate and off-route points in connection with the routes described above in Part (C), between Atlanta, Ga., and Westminster, S.C., between Atlanta, Ga., and Anderson, S.C., between junction U.S. Highway 29 and Georgia Highway 72 and Abbeville, S.C., between Atlanta, Ga., and McCormick, S.C., between Atlanta, Ga., and junction U.S. Highways 78 and 378 between junction U.S. Highway 278 and Georgia Highway 44 and North Augusta, S.C., between Atlanta, Ga., and Hardeeville, S.C., between Warrenton, Ga., and Savannah, Ga., serving certain intermediate and off-route points in Georgia and South Carolina in connection with the eight

routes described in Part (C) with restrictions, *general commodities*, except articles of unusual size or value, explosives, inflammables, livestock, household goods as defined by the Commission, and commodities in bulk other than fertilizer over irregular routes, between Richmond, Va., on the one hand, and, on the other, points in South Carolina, Norfolk, Va., and points in North Carolina.

General commodities, excepting among others household goods, commodities in bulk, between Richmond, Va., and Amphill, and Richmond Deep Water Terminal, Va.; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Bellbluff, Va., on the one hand, and, on the other, certain intermediate and off-route points in South Carolina and points in North Carolina; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Clover, S.C., and points in North Carolina and South Carolina within 35 miles of Clover, on the one hand, and, on the other, points in Virginia (with exception), *nonalcoholic beverages; fresh, preserved, and frozen foods*, between Richmond, Va., on the one hand, and, on the other, points in Maryland and the District of Columbia; Restriction: The irregular-route authority granted above is subject to the condition that no through service may be performed between Clover, S.C., and points in North Carolina and South Carolina within 35 miles of Clover, and Norfolk, Va., via certain intermediate and off-route in Virginia, as gateways;

General commodities, except those of unusual value, classes A and B explosives, gasoline, livestock, household goods as defined by the Commission, and commodities requiring special equipment, between points in North Carolina, and South Carolina, between points in North Carolina and South Carolina, on the one hand, and, on the other Augusta and Savannah, Ga., between Atlanta, Ga., on the one hand, and, on the other, points within 15 miles of Atlanta, between Atlanta, Ga., and points within 15 miles thereof, on the one hand, and on the other, Augusta and Savannah, Ga., and points in North Carolina and South Carolina; Restriction: Carrier shall not, pursuant to the irregular route authority contained herein, transport shipments moving between any points authorized hereinabove under Parts (A), (B), and (C) to be served by it in regular route operations. HEMINGWAY TRANSPORT INC. is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, Connecticut, New Hampshire, Maine, Vermont, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, North Carolina, Tennessee, and Kentucky. Application has been filed for temporary authority under section 210a(b).

NOTE: FD–25557 is a matter simultaneously filed.

No. MC–F–10406. Authority sought for purchase by WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky., of the operating rights of GLENDYL W. STONE, doing business as STONE TRUCKING CO., Rural Route No. 3, Dale, Ind. Applicants' attorney: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *Clay products*, as a *common carrier*, over irregular routes, from Cannelton, Ind., to points in Illinois, from Cannelton, Ind., to points in Alabama (except Mobile and Birmingham, Ala., and points within 65 miles of Birmingham), and Texas; *clay products and jointing materials*, from Owensboro, Ky., to points in Indiana, Illinois, Tennessee, Georgia, Mississippi, Louisiana, and Missouri, from Owensboro, Ky., to points in Florida, from Cannelton, Ind., and Owensboro, Ky., to points in Wisconsin; *sandstone*, from points in Dubois County, Ind., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Tennessee, Ohio, and the Lower Peninsula of Michigan; *such merchandise* as is dealt in by wholesale food business houses and, in connection therewith, *euipment, materials and supplies* used in the conduct of such business, when moving from, to, or between wholesale food business houses outlets, warehouses, or other facilities of such establishments, between Dale, Ind., on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, between Dale and Evansville, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Georgia, Illinois, Louisiana, Mississippi, and Tennessee, between Evansville, Ind., and points in Ohio, between Dale, Ind., on the one hand, and on the other, points in the Lower Peninsula of Michigan, and points in Ohio (except Cincinnati); *fertilizer*, from Cincinnati, Ohio, to points in Spencer County, Ind.; *canned tomatoes, canned tomato juice, canned corn, and canned pumpkin*, from Flat Rock and Fairland, Ind., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Ohio (except from Flat Rock to Cincinnati), Tennessee, Illinois, Mississippi, and Missouri; *granite*, from points in Georgia, to Dale, Ind., from points in Iron County, Mo., to Dale, Ind.; *brick*, from Huntingburg, Ind., to St. Louis, Mo., and points in Illinois, Kentucky, Ohio, and the Lower Peninsula of Michigan; with restriction; and *clay products*, and, when moving in connection therewith, *plastic pipe*, from points in Perry County, Ind., to points in Kentucky, Tennessee, Georgia, Mississippi, Louisiana, Florida, and Missouri. Vendee is authorized to operate as a *common carrier* in Kentucky, Indiana, Illinois, Tennessee, Missouri, Alabama, Arkansas, Georgia, Iowa, Michigan, Mississippi, Ohio, Wisconsin, Pennsylvania, West Virginia, and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10402. Authority sought for control by MAX F. COWAN, Court and Endicott Streets (Terminal Building), Batavia, N.Y. 14020, of LAKE FRONT LINES, INC., 315 East Main Street, Painesville, Ohio 44077. Applicant's attorney: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Cleveland, Ohio, and Ashtabula, Ohio, between Cleveland, Ohio, and Geneva, Ohio, between Willowick, Ohio, and Willoughby, Ohio, between junction Ohio Highway 84 and Narrows Road, and Perry, Ohio, between Cleveland, Ohio, and Euclid, Ohio, between Euclid, Ohio, and Painesville, Ohio, serving all intermediate points. MAX F. COWAN, holds no authority from this Commission. However, he controls WESTERN NEW YORK MOTOR LINES, INC., Terminal Building, Court and Endicott Streets, Batavia, N.Y., which is authorized to operate as a *common carrier* in New York, and the District of Columbia; and as a *broker* between points in the United States (broker is authorized to engage in the above-specified operations at Batavia, Buffalo, Le Roy, and Rochester, N.Y.); and WIRTH BUS SERVICE, INC., 45 Center Street, Batavia, N.Y., which is authorized to operate as a *common carrier* in New York, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10404. Authority sought for control by UNION STREET RAILWAY COMPANY, 935 Purchase Street, New Bedford, Mass. 02741, of LAKE SHORE MOTOR COACH LINES, INC., 602 East Fifth South, Post Office Box 2609, Salt Lake City, Utah 84110, and for acquisition by UNION STREET, INCORPORATED, 117 St. John Street, Portland, Maine 04104, of control of LAKE SHORE MOTOR COACH LINES, INC., through the acquisition by UNION STREET RAILWAY COMPANY. Applicants' attorney: Neal Holland, 225 Franklin Street, Boston, Mass. 02110. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Salt Lake City, Utah, and Ogden, Utah, serving all intermediate points; and passengers and their baggage, in round-trip all-expense tours, in special and charter operations, as a *broker*, beginning and ending at points in Davis, Weber, Box Elder, and Cache Counties, Utah, and extending to points in the United States, except points in Hawaii. Broker is authorized to engage in the above-specified operations at Salt Lake City, Utah. UNION STREET RAILWAY COMPANY is authorized to operate as a *common carrier* in New York, Pennsylvania, Massachusetts, New Jersey, Connecticut, Delaware, New Hampshire, Maine, Maryland, Rhode Island, Vermont, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–FC–71186 is a matter concurrently filed. Petition to dismiss the application also included.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–2658; Filed, Mar. 4, 1969; 8:48 a.m.]

[Notice 305]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 28, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70946. By order of February 24, 1969, the Motor Carrier Board approved the transfer to Brader Hauling Service, Inc., Zillah, Wash., of certificate No. MC–11722 and permit No. MC–124658 (Sub-No. 2), issued April 9, 1964, and March 11, 1966, respectively, to Fred E. Brader, doing business as Brader Hauling Service, Zillah, Wash., authorizing the transportation of specified commodities from, to and between named points and areas in Washington, Oregon, Idaho, and California.

No. MC–FC–70962. By order of February 24, 1969, the Motor Carrier Board approved the transfer to Ramsey Truck Line, Inc., Post Office Box 9631, Houston, Tex. 77015, of the certificate of registration in No. MC–115186 (Sub-No. 5) issued May 12, 1964, to Ray E. Ramsey, doing business as Ramsey Trucking Co., 8500 Clinton Drive, Houston, Tex. 77015, evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to Specialized Motor Carrier Certificate No. 8930 dated August 29, 1958, issued by the Railroad Commission of Texas, which involves the transportation of oilfield equipment and pipe, when moving as oilfield equipment; pipe, when used in the construction and maintenance of pipe lines of any character or use other than oilfield equipment; and various kinds of heavy machinery either weighing at least 4,000 pounds or requiring the use of special devices, facilities or equipment for loading or unloading, between all points in Texas.

No. MC–FC–70963. By order of February 20, 1969, the Motor Carrier Board approved the transfer to George Bigsby and Floyd Bigsby, a partnership, doing business as Bigsby Moving & Storage, Niles, Mich., of certificate No. MC–93647, issued November 21, 1951, to Mirto Bigsby, Anna Bigsby, George Bigsby, and Floyd Bigsby, a partnership, doing business as Bigsby Moving & Storage, Niles, Mich., authorizing the transportation of: Household goods, as defined by Practices of Motor Common Carrier of Household Goods, 17 M.C.C. 467, between Niles, Mich., on the one hand, and points in Ohio on the other; and fruit, during the season extending from the 15th day of August to the 15th day of October, inclusive, from Niles, Mich., and points in Michigan within 20 miles of Niles, to points in Illinois, Indiana, and Ohio. William L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614, ICC practitioner.

No. MC–FC–71039. By order of February 20, 1969, the Motor Carrier Board approved the transfer to Stover Bros. Trucking Co., a corporation, Elburn, Ill., of the operating rights in certificate No. MC–129096 (Sub-No. 2) issued July 12, 1968, to Duane Stover and Eugene Stover, a partnership, doing business as Stover Bros. Trucking Co., Elburn, Ill., authorizing the transportation of salted and unsalted green animal hides, from Elburn, Hebron, and North Aurora, Ill., to Cudahy, Wis. Paul J. Maguire, 111 West Washington Street, Chicago, Ill. 60602, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–2659; Filed, Mar. 4, 1969; 8:48 a.m.]

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PART II

Section 1

(Section 2 begins on page 4693)

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

OF MICHIGAN
MAR 1969
REFERENCE



14 CFR Parts 71, 73, 75
Compilation of Regulations

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WA-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES

Compilation of Regulations

The purpose of this compilation is to combine all amendments and pending amendments to Parts 71, 73, and 75 of the Federal Aviation Regulations which have been published by the Administrator of the Federal Aviation Administration in the FEDERAL REGISTER prior to February 7, 1969. Pending amendments are listed below the appropriate sections and include the effective dates and FEDERAL REGISTER citations.

Minor editorial corrections have been included to clarify existing airspace descriptions, however, no substantive changes or revision of airspace designations have been effected thereby. Therefore, compliance with the notice and public procedure requirements of 5 U.S.C. 553 is unnecessary and for that reason this docket may be made effective immediately.

In consideration thereof, this action is effective, 0901 G.m.t., February 7, 1969.

(Secs. 307, 313, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 6, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-2251; Filed, Mar. 4, 1969; 8:45 a.m.]

TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION ADMINISTRATION

SUBCHAPTER E - AIRSPACE

PART 71

DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

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SUBPART A - GENERAL

§ 71.1 Applicability.

(a) The airspace assignments described in Subparts B and C are designated as Federal airways.

(b) The airspace assignments described in Subparts B through I are designated as control areas, the continental control area, control zones, transition areas, positive control areas, and reporting points, as described in the appropriate subpart.

§ 71.3 Classification of Federal Airways.

Federal airways are classified as follows:

(a) Colored Federal airways:

(1) Green Federal airways.

(2) Amber Federal airways.

(3) Red Federal airways.

(4) Blue Federal airways.

(b) VOR Federal airways.

§ 71.5 Extent of Federal airways.

(a) Each Federal airway is based on a centerline that extends from one navigational aid or intersection to another navigational aid (or through several navigational aids or intersections) specified for that airway.

(b) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes the airspace within parallel boundary lines 4 miles each side of the centerline. Where an airway changes direction, it includes that airspace enclosed by extending the boundary lines of the airway segments until they meet.

(2) Where the changeover point for an airway segment is more than 51 miles from either of the navigational aids defining that segment, and -

(i) The changeover point is midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at each navigational aid and extending until they intersect opposite the changeover point; or

(ii) The changeover point is not midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at the navigational aid more distant from the changeover point, and extending until they intersect with the bisector of the angle of the centerlines at the changeover point; and between lines connecting these points of intersection and the navigational aid nearer to the changeover point.

(3) Where an airway terminates at a point or intersection more than 51 miles from the closest associated navigational aid it includes the additional airspace within lines diverging at angles of 4.5° from the centerline extending from the associated navigational aid to a line perpendicular to the centerline at the termination point.

(4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigational aid or intersection having a diameter equal to the airway width at that point. However, an airway does not extend beyond the domestic/oceanic control area boundary.

(c) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes that airspace extending upward from 700 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that Federal airways for Hawaii have no upper limits. Variations of the lower limits of an airway are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the segment of an airway between adjoining navigational aids or intersections; and

(2) The airspace of a Federal airway within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

(d) One or more alternate airways may be designated between specified navigational aids or intersections along each VOR Federal airway described in Subpart C. Unless otherwise specified, the centerline of an alternate VOR Federal airway and the centerline of the corresponding segment of the main VOR Federal airway are separated by 15°.

(e) A Federal airway does not include the airspace of a prohibited area.

§ 71.7 Control areas.

Control areas consist of the airspace designated in Subparts B, C, and E, but do not include the continental control area. Unless otherwise designated, control areas include the airspace between a segment of a main VOR Federal Airway and its associated alternate segments with the vertical extent of the area corresponding to the vertical extent of the related segment of the main airway.

§ 71.9 Continental Control Area.

The continental control area consists of the airspace of the 48 contiguous states, the District of Columbia, and Alaska south of latitude 68°00'00" N., excluding the Alaska peninsula west of longitude 160°00'00" W., at and above 14,500 feet MSL, but does not include --

(a) The airspace less than 1,500 feet above the surface of the earth; or

(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart D of this part.

§71.11 Control Zones

The control zones listed in Subpart F of this part consist of controlled airspace which extends upward from the surface of the earth and terminates at the base of the continental control area. Control zones that do not underlie the continental control area have no upper limit. A control zone may include one or more airports and is normally a circular area with a radius of 5 miles and any extensions necessary to include instrument approach and departure paths.

AMENDMENTS 7/27/68 33 F. R. 9464 (Rewritten)

§ 71.13 Transition Areas.

The transition areas listed in Subpart G consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise specified, transition areas terminate at the base of the overlying controlled airspace.

§ 71.15 Positive Control Areas.

The positive control areas listed in Subpart H consist of controlled airspace within which there is positive control of aircraft.

§ 71.17 Reporting Points.

(a) The reporting points listed in Subpart I consist of geographic locations, in relation to which the position of an aircraft must be reported in accordance with §91.125.

(b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographic location is designated as a reporting point for less than all airways passing through that point, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographical location.

(c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.19 Bearings: Radials: Miles.

(a) All bearings and radials in this Part are true, and are applied from point of origin.

(b) Except as otherwise specified and except that mileages for Federal airways are stated as nautical miles, all mileages in this Part are stated as statute miles.

SUBPART B - COLORED FEDERAL AIRWAYS

§ 71.101 Designation.

The airspace assignments described in this subpart are designated as Colored Federal Airways.

§71.103 Green Federal Airways.

G-1 From the Sherbrooke, Quebec, Canada, RBN, 82 miles 52 MSL, 12 AGL Millinocket, Maine, RBN; 12 AGL Forest City, New Brunswick, Canada, RBN; to the Fredericton, New Brunswick, Canada, RR, excluding the portions within Canada.

G-7 From Nome, Alaska, RR, 12 AGL Moses Point, Alaska, RR; 12 AGL INT east course Moses Point RR and north course Unalakleet Alaska, RR; 11 miles, 12 AGL, 57 miles, 55 MSL, 12 AGL Galena, Alaska, RBN; 12 AGL INT Galena RBN 089° bearing and west course Fairbanks, Alaska, RR; 12 AGL Fairbanks RR.

AMENDMENTS 7/25/68 33 F. R. 7719 (Changed); 1/9/69 33 F. R. 17103 (Rewritten)

G-8 From King Salmon, Alaska, RR, 12 AGL Big Mountain, Alaska, RBN; 12 AGL Homer, Alaska, RR; 12 AGL Kenai, Alaska, RR; 12 AGL INT northeast course Kenai and a bearing of 266° from Anchorage, Alaska, RR; 12 AGL Anchorage RR; 12 AGL INT northeast course Anchorage RR and southeast course Skwentna, Alaska, RR; 12 AGL Gulkana, Alaska, RR; 12 AGL INT northeast course Gulkana RR and southwest course Northway, Alaska, RR; 12 AGL Northway RR.

AMENDMENTS 1/9/69 33 F.R. 17103 (Rewritten)

G-9 From Bethel, Alaska, RBN (BET) 35 miles, 12 AGL, 125 miles, 55 MSL, 12 AGL Sparrevohn, Alaska, RBN; 24 miles, 12 AGL 29 miles, 53 MSL, 105 MSL INT Sparrevohn RBN 093° and Anchorage, Alaska, RR 266° bearings; 12 AGL Anchorage.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

AMBER FEDERAL AIRWAYS

§71.105 Amber Federal Airways.

A-1 From Sandspit, British Columbia, Canada, RR, INT northwest course Sandspit RR and southwest course Annette Island, Alaska, RR; 117 miles, 35 MSL, 12 AGL Sitka, RR; 31 miles 12 AGL, 50 miles, 48 MSL, 112 miles, 20 MSL, 12 AGL Yakutat, Alaska, RR; 12 AGL INT northwest course Yakutat RR and southeast course Hinchinbrook, Alaska, RR; 12 AGL Hinchinbrook, RR; 12 AGL Whittier, Alaska, RBN; 12 AGL Anchorage, Alaska, RR; 12 AGL INT northwest course Anchorage and southeast course Skwentna, Alaska, RR; 12 AGL Skwentna RR; 12 AGL Puntilla Lake, Alaska, RBN; 12 AGL Farewell, Alaska, RR; 12 AGL McGrath, Alaska, RR; 24 miles, 12 AGL, 53 miles, 55 MSL, 46 miles, 40 MSL, 12 AGL Unalakleet, Alaska, RR; 52 miles, 12 AGL, 51 miles, 25 MSL, 12 AGL Nome, Alaska, RR. The airspace within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

A-2 From Burwash, Yukon Territory, Canada, RR, 88 miles; 40 miles, 12 AGL Northway, Alaska, RR; 12 AGL Big Delta, Alaska, RR; 12 AGL INT northwest course Big Delta RR and east course Fairbanks, Alaska, RR; 12 AGL Fairbanks RR; 12 AGL Bettles, Alaska, RBN. The airspace within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

A-10 From the Pennfield Ridge, New Brunswick, Canada, RBN to the Forest City, New Brunswick, Canada, RBN, excluding the portion within Canada.

A-15 From Ethelda, British Columbia, Canada, RBN 112 miles; 26 miles, 12 AGL, Annette Island, Alaska, RR; 42 miles, 12 AGL, 52 MSL Petersburg, Alaska, RR; 12 AGL Coghlan Island, Alaska, RBN; 12 AGL Haines, Alaska, RBN; 12 AGL Burwash, Yukon Territory, Canada, RR; 12 AGL Northway, Alaska, RR; 12 AGL Big Delta, Alaska, RR; 12 AGL INT northwest course Big Delta RR and east course of Fairbanks, Alaska, RR; 12 AGL Fairbanks, RR. The airspace within Canada is excluded. (Joins Canadian high level airway No. 502.)

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

RED FEDERAL AIRWAYS

§71.107 Red Federal Airways.

R-1 From Sitka, Alaska, RR 12 AGL INT southeast course Sitka RR and southwest course Petersburg, Alaska, RR; 55 MSL Cape Decision, Alaska, RBN; 55 MSL Guard Island, Alaska, RBN; 12 AGL Annette Island, Alaska, RR.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

R-27 From INT northwest course Nenana, Alaska, RR and west course Fairbanks, Alaska, RR; 12 AGL Nenana RR; 12 AGL INT southeast course Nenana RR and southwest course Fairbanks RR.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

R-39 From Bethel, Alaska, RBN (BET) 12 AGL Aniak, Alaska, RBN; 25 miles, 12 AGL, 89 miles, 55 MSL, 12 AGL McGrath, Alaska, RR; 28 miles, 12 AGL, 55 miles, 45 MSL, 12 AGL Minchumina, Alaska, RR; 12 AGL Nenana, Alaska, RR; 12 AGL Fairbanks, Alaska, RR.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

R-40 From Kodiak, Alaska, RR; 27 miles, 12 AGL, 24 miles, 35 MSL, 29 miles, 55 MSL, 12 AGL Homer, Alaska, RR; 12 AGL INT east course Kenai, Alaska, RR and southwest course Anchorage, Alaska, RR; 12 AGL Anchorage, RR.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

R-41 From INT northwest course Sitka, Alaska, RR and southwest course Gustavus, Alaska, RR 12 AGL Gustavus RR; 12 AGL Sisters Island, Alaska, RBN.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

R-50 From INT Galena, Alaska, RBN 089° bearing and southwest course Tanana, Alaska, RR, 12 AGL Tanana RR; 12 AGL INT southeast course Tanana RR and west course Fairbanks, Alaska, RR.

AMENDMENTS 7/25/68 33 F. R. 7719 (Changed); 1/9/69 33 F. R. 17103 (Rewritten)

R-64 From INT Southwest course Annette Island, Alaska, RR and the United States/Canadian border, 12 AGL Annette Island RR.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

R-75 From Vancouver, British Columbia, Canada, RR via White Rock, British Columbia, Canada, RBN; Abbotsford, British Columbia, Canada, RR; Cultus Lake, British Columbia, Canada, RBN; to Princeton, British Columbia, Canada, RR, excluding the portion within Canada.

R-82 From Skwentna, Alaska, RR, 12 AGL INT southeast course Skwentna RR and northeast course Anchorage, Alaska, RR.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

R-99 From Big Mountain, Alaska, RBN 12 AGL Iliamna, Alaska, RBN; 12 AGL INT Iliamna RBN 145° and Big Mountain RBN 080° bearings.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

R-103 From Anchorage, Alaska, RR, 12 AGL INT Anchorage RR 266° bearing and northeast course Kenai, Alaska, RR; 12 AGL Kenai RR; 12 AGL INT southeast course Kenai RR and southwest course Anchorage, RR; 49 miles, 12 AGL, 58 miles, 85 MSL, 12 AGL Middleton Island, Alaska, RBN.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

BLUE FEDERAL AIRWAYS

§71.109 Blue Federal Airways.

B-2 From Sitka, Alaska, RR, 12 AGL Sisters Island, Alaska RBN.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

B-12 From McGrath, Alaska, RR, 24 miles, 12 AGL, 54 miles, 55 MSL, 12 AGL Galena, Alaska, RBN; 68 miles, 12 AGL, 88 miles, 55 MSL, 12 AGL Kotzebue, Alaska, RBN.

AMENDMENTS 7/25/68 33 F. R. 7719 (Changed); 1/9/69 33 F. R. 17103 (Rewritten)

B-19 From Key West, Fla. RBN 12 AGL INT Key West RBN 037° and Perrine, Fla., RBN 232° bearings; 12 AGL Perrine RBN.

B-25 From INT southwest course Hinchinbrook, Alaska, RR and Middleton Island, Alaska, RBN 296° bearing; 12 AGL Hinchinbrook RR; 11 miles, 12 AGL, 21 miles 55 MSL, 28 miles, 90 MSL, INT northeast course Hinchinbrook RR and south course Gulkana, Alaska, RR; 12 AGL Gulkana, RR; 12 AGL Big Delta, Alaska, RR.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

B-26 From Anchorage, Alaska. RR, 12 AGL Talkeetna, Alaska, RBN; 12 AGL Summit, Alaska, RR; 12 AGL INT north course Summit RR and southwest course Fairbanks, Alaska, RR; 12 AGL Fairbanks RR; 46 miles, 12 AGL, 31 miles, 65 MSL, 12 AGL Fort Yukon, Alaska, RBN; 77 mile, 12 AGL, 84 mile, 115 MSL, 12 AGL Barter Island, Alaska, RBN.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten); Corr: 33 F. R. 18135
AMENDMENTS 12/12/68 33 F. R. 15860 (Changed); Eff. date Changed 1/9/69 33 F. R. 18135
Eff. date changed 1/20/69 34 F. R. 250

B-27 From Kodiak, Alaska, RR 48 miles, 12 AGL, 85 MSL INT Kodiak RR 270° bearing and southeast course King Salmon, Alaska, RR; 24 miles, 85 MSL, 12 AGL King Salmon RR; 43 miles, 12 AGL, 94 miles, 70 MSL, 12 AGL Bethel, Alaska, (BET) RBN; 46 miles, 12 AGL, 173 miles, 30 MSL, 12 AGL Nome, Alaska, RR; 35 miles, 12 AGL 89 miles, 55 MSL, 12 AGL Kotzebue, Alaska, RBN.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

B-38 From Five Finger, Alaska, USCG RBN, 12 AGL Sisters Island, Alaska, RBN; 12 AGL Gustavus, Alaska, RR; 12 AGL Haines, Alaska, RBN; 12 AGL Whitehorse, Yukon Territory, Canada, RR. The airspace within Canada is excluded.

AMENDMENTS 5/23/68 33 F. R. 5213 (Changed); 1/9/69 33 F. R. 17103 (Rewritten)

B-43 From INT north course Summit, Alaska, RR and southwest course Fairbanks, Alaska, RR, 12 AGL INT north course Summit RR and southeast course Nenana, Alaska, RR; 12 AGL Nenana RR; 12 AGL Fairbanks RR.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

B-48 From INT Bimini, Bahamas, RBN 216° and Portland, Fla., RBN 145° bearings; 12 AGL Portland RBN.

AMENDMENTS 9/19/68 33 F. R. 14220 (Rewritten)

B-79 From Sandspit, British Columbia, Canada, RR 89 miles; 23 miles, 12 AGL Annette Island, Alaska, RR; 42 miles, 12 AGL, 52 MSL Petersburg, Alaska, RR; 12 AGL Coghlan Island, Alaska, RBN; 12 AGL Haines, Alaska, RBN; 12 AGL Burwash, Yukon Territory, Canada, RR; 12 AGL Northway, Alaska, RR. The airspace within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

B-80 From INT northwest course Unalakleet, Alaska, RR and south course Moses Point, Alaska, RR; 12 AGL Moses Point RR.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

SUBPART C - VOR FEDERAL AIRWAYS

§ 71.121 Designation
The airspace assignments described in this subpart are designated as VOR Federal airways. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC navigational facilities identified by those names.

§71.123 Domestic VOR Federal Airways.

V-1 From Jacksonville, Fla., 12 AGL Charleston, S. C.; 12 AGL Myrtle Beach, S. C.; 12 AGL Wilmington, N.C.; 12 AGL Kinston, N. C., including a 12 AGL W alternate via INT Wilmington 352° and Kinston 214° radials; 12 AGL Cofield, N. C.; 12 AGL Norfolk, Va.; 12 AGL Cape Charles, Va.; 12 AGL INT Cape Charles 006° and Salisbury, Md., 206° radials; 12 AGL Salisbury; 12 AGL Waterloo, Del.; 12 AGL INT Waterloo 023° and Atlantic City, N. J., 238° radials; 12 AGL Atlantic City; 12 AGL INT Atlantic City 048° and Riverhead, N. Y., 215° radials. The airspace below 2,000 feet MSL outside the United States between Starfish INT and Charleston and north of Atlantic City are excluded. The airspace within R-5002 more than 3 nautical miles west of the airway centerline above 9,000 feet MSL is excluded.

AMENDMENTS 2/1/68 32 F. R. 17574 (Changed)

V-2 From Seattle, Wash., 12 AGL Ellensburg, Wash., including a 12 AGL south alternate via INT Seattle 123° and Ellensburg 274° radials; 12 AGL Moses Lake, Wash.; 12 AGL Spokane, Wash., including a 12 AGL north alternate from Seattle to Spokane via Wenatchee, Wash., and Ephrata, Wash.; 12 AGL Mullan Pass, Idaho, including a north alternate 12 AGL via INT Spokane 073° and Mullan Pass
291° radials, and also a south alternate, 12 AGL via INT Spokane 109° and Mullan Pass 260° radials; 5 miles, 12 AGL, 53 miles, 91 MSL, 12 AGL Missoula, Mont.; 6 miles, 12 AGL 84 MSL, Drummond, Mont.; 11 miles, 84 MSL, 12 AGL Helena, Mont.; 12 AGL INT Helena 119° and Bozeman, Mont., 338° radials; 12 AGL Bozeman; 12 AGL INT Bozeman 128° and Livingston, Mont., 261° radials; 12 AGL Livingston; 11 miles, 12 AGL, 25 miles, 85 MSL, 12 AGL Billings, Mont., including an N alternate from Helena, 21 miles 12 AGL, 10 miles 105 MSL, 115 MSL INT Helena 089° and Billings 301° radials, 35 miles 100 MSL, 12 AGL to Billings, excluding the airspace between the main and this N alternate; 19 miles, 12 AGL, 79 miles, 49 MSL, 12 AGL Miles City, Mont., including an N alternate from Billings, 19 miles, 12 AGL, 49 MSL INT Billings 057° and Miles City 269° radials, 42 miles, 49 MSL, 12 AGL to Miles City; 24 miles, 12 AGL, 90 miles, 55 MSL, 12 AGL Dickinson, N. Dak.; 10 miles, 12 AGL, 60 miles, 38 MSL, 12 AGL Bismarck, N. Dak., including an N alternate from Dickinson, 10 miles, 12 AGL, 38 MSL INT Dickinson 078° and Bismarck 290° radials, 28 miles, 38 MSL, 12 AGL to Bismarck; 14 miles, 12 AGL, 62 miles, 34 MSL, 12 AGL
Jamestown, N. Dak., including an N alternate from Bismarck 14 miles, 12 AGL, 65 miles, 34 MSL, 12 AGL Jamestown; 7 miles, 12 AGL, 43 miles, 28 MSL, 12 AGL Fargo, N. Dak., including an N alternate from Jamestown 7 miles, 12 AGL, 46 miles, 28 MSL, 12 AGL Fargo; 25 miles, 12 AGL, 50 miles, 30 MSL, 12 AGL Alexandria, Minn., including an N alternate from Fargo, 25 miles, 12 AGL, 52 miles, 30 MSL, 12 AGL Alexandria; 5 miles, 12 AGL, 70 miles, 25 MSL, 12 AGL Minneapolis, Minn.; 12 AGL Nodine, Minn., including a 12 AGL N alternate; 12 AGL Lone Rock, Wis.; 12 AGL INT Lone Rock 104° and Milwaukee, Wis.,
272° radiasl; 12 AGL Milwaukee; 12 AGL Muskegon, Mich., including a 12 AGL S alternate via INT Milwaukee 102° and Muskegon 252° radials; 12 AGL Lansing, Mich., including a 12 AGL S alternate from Muskegon to Lansing via INT Muskegon 154° and Grand Rapids, Mich., 284° radials and Grand Rapids (7 miles wide, 3 miles north and 4 miles south of centerline Grand Rapids to Lansing; 12 AGL Salem, Mich., including a 12
AGL N alternate via INT Lansing 091° and Salem 308° radials; 12 AGL INT Salem 083° and Aylmer, Ont., Canada 260° radials; Aylmer; 12 AGL INT Aylmer 087° and Buffalo, N. Y., 259° radials; 12 AGL Buffalo;
12 AGL Rochester, N. Y.; 12 AGL Syracuse, N. Y., including a 12 AGL N alternate via INT Rochester 064° and Syracuse 283° radials; 12 AGL Utica, N. Y.; 12 AGL Albany, N. Y.; 12 AGL INT Albany 094° and Gardner, Mass., 284° radials; 12 AGL Gardner; 12 AGL Boston, Mass. The airspace within Canada is excluded.

AMENDMENTS 5/23/68 33 F. R. 5142 (Changed); 8/22/68 33 F. R. 8773 (Changed)
AMENDMENTS 1/9/69 33 F. R. 16556 (Changed); 2/6/69 33 F. R. 19164 (Changed)

V-3 From Key West, Fla., 12 AGL INT Key West 086° and Miami, Fla., 205° radials; 12 AGL INT Miami 205° and Biscayne Bay, Fla., 262° radials; 12 AGL Biscayne Bay; 12 AGL Palm Beach, Fla., including a 12 AGL E alternate via INT Biscayne Bay 021° and Palm Beach 166° radials; 12 AGL Vero Beach, Fla., including a 12 AGL E alternate via INT Palm Beach 358° and Vero Beach 143° radials; 12 AGL Daytona Beach, Fla.; 12 AGL INT Daytona Beach 334° and
Jacksonville, Fla., 159° radials; 12 AGL Jacksonville, including a 12 AGL E alternate via INT Daytona Beach 360° and Jacksonville 144° radials; 12 AGL Brunswick, Ga.; 12 AGL Savannah, Ga., including a 12 AGL E alternate from Jacksonville to
Savannah via INT Jacksonville 028° and Savannah 180° radials; 12 AGL Vance, S. C.; 12 AGL Florence, S. C.; 12 AGL Pinehurst, N. C.; 12 AGL Raleigh, N. C., including a 12 AGL E alternate from Florence to Raleigh via Fayetteville, N. C., excluding the airspace between the main and this alternate airway; 12 AGL INT Raleigh 016° and Flat Rock, Va., 214° radials; 12 AGL
Flat Rock; 12 AGL Brooke, Va.; 6-mile wide, 12 AGL INT Brooke 014° and Westminster, Md., 195° radials; 6-mile wide, 12 AGL Westminster; 12 AGL INT Westminster 065° and Modena, Pa., 250° radials; 12 AGL Modena
12 AGL Solberg, N. J.; 12 AGL
Carmel, N. Y.; 12 AGL Hartford, Conn.; 12 AGL INT Hartford 044° and Boston, Mass., 256° radials; 12 AGL Boston; 12 AGL Kennebunk, Maine; 12 AGL Augusta, Maine; 12 AGL Bangor, Maine; 12 AGL INT Bangor 039° and Houlton, Maine, 203° radials; 12 AGL Houlton; 12 AGL Presque Isle, Maine. The portion outside the United States has no upper limit except that the portion of the E alternate between Jacksonville and Savannah extends up to but does not include 18,000 feet MSL. The airspace within R-2902A and R-2902B is excluded.
AMENDMENTS 5/23/68 33 F. R. 5214 (Changed)

V-4 From Neah Bay, Wash., RBN, 12 AGL Port Angeles, Wash.; 12 AGL INT Port Angeles 090° and Seattle, Wash., 329° radials; 12 AGL Seattle; 12 AGL Yakima, Wash., including a 12 AGL south alternate from Seattle to Yakima via INT Seattle 163° and Olympia, Wash., 084° radials and INT Olympia 084° and Yakima 305° radials, excluding the airspace between the main and this alternate airway; 12 AGL Pendleton, Oreg.; 12 AGL Baker, Oreg.; 12 AGL Boise, Idaho,
including a 12 AGL south alternate; 12 AGL INT Boise 130° and Burley 290° radials; 5 mi. 12 AGL, 18 mi. 75 MSL, 12 AGL Burley, including an north alternate from Boise, 25 miles, 12 AGL, 25 miles, 90 MSL, 95 MSL INT Boise 104° and Burley 344° radials, 12 AGL Burley, excluding the airspace between the main and this alternate airway; 12 AGL Malad City, Idaho; 35 miles, 12 AGL, 58 miles, 115 MSL, 12 AGL Rock Springs, Wyo., including an S alternate from Malad City, 20 mi. 12 AGL, 68 mi, 115 MSL, 12 AGL, via Fort Bridger,
Wyo., 12 AGL to Rock Springs, excluding the airspace between the main and this S alternate; 20 mi. 12 AGL, 39 mi. 95 MSL, 12 AGL Cherokee, Wyo.; 30 mi. 12 AGL, 40 mi. 123 MSL, 12 AGL Laramie, Wyo.; 12 AGL Denver, Colo., including a 12 AGL north alternate from Laramie to Denver via Gill, Colo.; 12 AGL INT Denver 103° and Thurman, Colo., 275° radials; 12 AGL Thurman, Colo.; 50 miles, 65 MSL, 12 AGL Goodland, Kans.; 12 AGL Hill City, Kans.; 12 AGL Russell, Kans.; 12 AGL
Salina, Kans.; 12 AGL Topeka, Kans.
including a 12 AGL S alternate via INT Salina 095° and Topeka 236° radials; 12 AGL Kansas City, Mo.,
including a 12 AGL N alternate and also a 12 AGL S alternate via INT Topeka 099° and Kansas City 231° radials; 12 AGL Hallsville, Mo.; 12 AGL St. Louis, Mo., including a 12 AGL N alternate;
12 AGL Troy, Ill.; 12 AGL Centralia, Ill.; 12 AGL Evansville, Ind., including a 12 AGL S alternate;
12 AGL Louisville, Ky., including a 12 AGL N alternate via INT Evansville 068° and Louisville 280° radials;
12 AGL Lexington, Ky., including a 12 AGL N alternate via INT Louisville 081° and Lexington 303° radials and also a 12 AGL S alternate via INT Louisville 114° and Lexington 251° radials; 12 AGL Newcombe, Ky.; 12 AGL Charleston, W. Va.; 12 AGL Elkins, W. Va., including a 12 AGL S alternate via INT Charleston 083° and Elkins 228° radials; 12 AGL Kessel, W. Va.; 12 AGL Front Royal, Va.; 12 AGL Herndon, Va. The airspace within R-6705 is excluded.

AMENDMENTS 2/1/68 32 F. R. 1751? (Changed); 2/29/68 32 F. R. 20630 (Changed)
PENDING AMENDMENT
In V-4 "12 AGL Russell, Kans.; 12 AGL Salina, Kans.;" is deleted and "12 AGL INT Hill City 097° and Salina, Kans., 284° radials; 12 AGL Salina, including a 12 AGL S alternate via Hays, Kans.;" is substituted therefor.
AMENDMENTS 5/29/69 34 F. R. 1721 (Changed)

V-5 From Jacksonville, Fla.; 12 AGL INT Jacksonville 319° and Alma, Ga., 148° radials; 12 AGL Alma; 12 AGL Dublin, Ga., 12 AGL Rex, Ga., including a 12 AGL W alternate via Macon, Ga., and INT Macon 335° and Rex 140° radials; 12 AGL INT Rex 345° and Chattanooga, Tenn., 118° radials; 12 AGL Chattanooga, including a 12 AGL W alternate from Rex to Chattanooga via INT Rex 268° and Atlanta, Ga., 347° radials and INT Atlanta 347° and Chattanooga 152° radials; 12 AGL Nashville, Tenn., including a 12 AGL E alternate via INT Chattanooga 332° and Nashville
117° radials; 12 AGL Bowling Green, Ky.; 12 AGL New Hope, Ky., including a 12 AGL E alternate from Nashville to New Hope via INT Nashville 02?° and New Hope 202° radials; 12 AGL Louisville, Ky.; 12 AGL Cincinnati, Ohio; 12 AGL Appleton, Ohio, including a 12 AGL E alternate; 12 AGL Mansfield, Ohio, 12 AGL Cleveland, Ohio; 12 AGL London, Ont., Canada. The airspace within Canada is excluded.

V-6 From INT Oakland, Calif., 221° and Point Reyes, Calif., 161° radials, 12 AGL Oakland; 12 AGL INT Oakland 039° and Sacramento, Calif., 212° radials; 12 AGL Sacramento, including a 12 AGL S alternate via INT Oakland 077° and Sacramento 192° radials; 12 AGL Lake Tahoe, Calif.; 12 AGL Reno, Nev., including a 12 AGL N alternate from Sacramento to Reno via INT Sacramento 038° and Reno 257° radials; 12 AGL Lovelock, Nev., including a south alternate 12 AGL
from Reno to Lovelock via Hazen, Nev.; 12 AGL Battle Mountain, Nev., including a 12 AGL north alternate; 12 AGL INT Battle Mountain 062° and Wells, Nev., 256° radials; 12 AGL Wells; 5 miles, 12 AGL, 40 miles, 98 MSL, 85 MSL Lucin, Utah; 43 miles, 85 MSL, 12 AGL Ogden, Utah; 11 miles, 12 AGL, 50 miles, 105 MSL, 12 AGL Fort Bridger, Wyo.; 12 AGL Rock Springs, Wyo.; 20 mi. 12 AGL, 39 mi. 95 MSL, 12 AGL Cherokee, Wyo.;
39 mi. 12 AGL, 27 mi. 95 MSL, 12 AGL Medicine Bow, Wyo.; 12 AGL INT Medicine Bow 106° and Sidney, Nebr., 291° radials; 12 AGL Sidney; 13 miles 12 AGL, 26 miles, 57 MSL, 12 AGL North Platte, Nebr.; 12 AGL Grand Island, Nebr.; 12 AGL Omaha, Nebr.; 12 AGL
Des Moines, Iowa, including a 12 AGL S alternate; 12 AGL Iowa City, Iowa, including a 12 AGL S alternate via INT Des Moines 112° and Iowa City 252° radials; 12 AGL Cordova, Ill.; 12 AGL Naperville, Ill.; 12 AGL South Bend, Ind.; 12 AGL INT South Bend 092° and Waterville, Ohio, 288° radials; 12 AGL Waterville; 12 AGL Cleveland, Ohio; 12 AGL Youngstown, Ohio; 12 AGL Clarion, Pa., 12 AGL Philipsburg, Pa.; 12 AGL Selinsgrove, Pa.; 12 AGL INT Selinsgrove 087° and Allentown, Pa., 283° radials; 12 AGL Allentown; 12 AGL Solberg, N. J.; 12 AGL INT Solberg 094° and Kennedy, N. Y., 258° radials. The airspace within R-4803 and R-4813 is excluded.

AMENDMENTS 5/23/68 33 F. R. 5036 (Changed)

V-7 From Miami, Fla., 12 AGL Fort Myers, Fla.; 12 AGL Lakeland, Fla.; 12 AGL Cross City, Fla.; 12 AGL Greenville, Fla.; 12 AGL Dothan, Ala., including a 12 AGL W
alternate from Cross City to Dothan via INT Cross City 287° and Marianna, Fla., 141° radials and Marianna; 12 AGL INT Dothan 333° and Montgomery, Ala.,
129° radials; 12 AGL Montgomery; 12 AGL INT Montgomery 308° and Birmingham, Ala., 180° radials; 7 miles wide (4 miles on E, 3 miles on W and within 4.5° of the centerline) 12 AGL Birmingham;
12 AGL Muscle Shoals, Ala., including a 12 AGL E alternate via INT of Birmingham 358° and Muscle Shoals 122° radials and also a 12 AGL W alternate via INT Birmingham 313° and Muscle Shoals 178° radials; 12 AGL Graham, Tenn.; 12 AGL Nashville, Tenn.; 12 AGL Central City, Ky.; including a 12 AGL east alternate; 12 AGL Evansville, Ind.; 12 AGL Lewis, Ind.; 12 AGL Terre Haute, Ind., including a 12 AGL
W alternate from Evansville to Terre Haute via INT Evansville 001° and Terre Haute 215° radials; 12 AGL Westpoint, Ind.; 12 AGL Lafayette, Ind.; 12 AGL Chicago Heights, Ill.; 12 AGL INT Chicago Heights 358° and Milwaukee, Wis., 137° radials; 12 AGL Milwaukee, including a 12 AGL E alternate via INT Chicago Heights 013° and Milwaukee 137° radials; 12 AGL Green Bay, Wis.; 12 AGL Menominee, Mich.; 12 AGL Escanaba, Mich. The airspace below 2,000 feet MSL outside the United States is ex-
cluded. The portion outside the United States has no upper limit.

AMENDMENTS 11/14/68 33 F. R. 13003 (Changed)

V-8 From INT Seal Beach, Calif., 266° and Los Angeles, Calif., 236° radials; 12 AGL Seal Beach; 12 AGL Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) 12 AGL Hector, Calif.; 12 AGL Goffs, Calif.; 12 AGL INT Goffs 033° and Morman Mesa, Nev., 196° radials; 12 AGL Morman Mesa, including a 12 AGL N alternate from Seal Beach to Morman Mesa via Pomona, Calif., Daggett, Calif., and Las Vegas, Nev.;
39 miles, 12 AGL, 16 miles, 105 MSL, 33 miles, 120 MSL, 12 AGL Bryce Canyon, Utah, including an N alternate from INT Morman Mesa 059° and Cedar City, Utah, 197° radials, 19 miles, 115 MSL, 12 AGL via Cedar City, 12 AGL INT Cedar City 004° and Bryce Canyon 292° radials, 12 AGL Bryce Canyon, excluding the airspace between the main and this N alternate; 12 AGL Hanksville, Utah, including a 12 AGL south alternate;
12 AGL Grand Junction, Colo., including a 12 AGL south alternate via INT of Hanksville 087° and Grand Junction 232° radials and also a 12 AGL north alternate from Bryce
Canyon to Grand Junction via INT Bryce Canyon 048° and Grand Junction 259° radials; 33 miles, 12 AGL, 130 MSL Kremmling, Colo., including a south alternate from Grand Junction 33 miles, 12 AGL, 21 miles, 127 MSL 130 MSL INT Grand Junction 074° and Kremmling 228° radials, 28 miles, 120 MSL, 130 MSL to Kremmling; 12 AGL Denver, Colo.; 12 AGL
Akron, Colo.; including a 12 AGL south alternate via Denver 103° and Akron 242° radials; 12 AGL Hayes Center, Nebr., including a 12 AGL north alternate via INT Akron 063° and Hayes Center 276° radials and also a 12 AGL south alternate via INT Akron 094° and Hayes Center 246° radials; 12 AGL Grand Island, Nebr., including a 12 AGL N alternate via INT Hayes Center 059° and Grand Island 273° radials, and
also a 12 AGL S alternate; 12 AGL Omaha, Nebr.; 12 AGL Des Moines, Iowa, including a 12 AGL S alternate;
12 AGL Iowa City, Iowa, including a 12 AGL S alternate via INT Des Moines 112° and Iowa City 252° radials;
12 AGL Cordova, Ill.; 12 AGL INT Cordova 088° and Joliet, Ill., 316° radials; 12 AGL Joliet; 12 AGL Chicago Heights, Ill.; 12 AGL Goshen, Ind.; 12 AGL Findlay, Ohio; 12 AGL Briggs, Ohio; 12 AGL INT Briggs 126° and Allegheny, Pa., 286° radials; 12 AGL Allegheny; 12 AGL Indian Head, Pa.; 12 AGL Martinsburg, W. Va.; 12 AGL INT Herndon, V?., 048°
and Washington, D. C., 324° radials; 12 AGL Washington, including a 12 AGL N alternate from INT Martinsburg 297° and Grantsville, Md., 086° radials to INT Washington 324° and Herndon 048° radials via Hagerstown, Md. The portion outside the United States has no upper limit.

AMENDMENTS 6/20/68 33 F. R. 6708 (Changed); 8/22/68 33 F. R. 9334 (Changed); Corr: 33 F. R. 11001
AMENDMENTS 12/12/68 33 F. R. 15544 (Changed)

V-9 From Grand Isle, La., 12 AGL via INT Grand Isle, 333° and New Orleans, La., 181° radials; 12 AGL New Orleans; 12 AGL McComb, Miss., including a 12 AGL E alternate from New Orleans to McComb via Picayune, Miss.; 12 AGL Jackson, Miss., including a 12 AGL E alternate and also a 12 AGL W alternate via INT McComb 348° and Jackson 199° radials; 12 AGL Greenwood, Miss., including a 12 AGL E alternate and also a 12 AGL W alternate;
12 AGL Memphis, Tenn., including a 12 AGL E alternate and also a 12 AGL W alternate; 12 AGL Malden, Mo., including a 12 AGL W alternate; 12 AGL Farmington,
Mo.; 12 AGL St. Louis, Mo., including a 12 AGL W alternate; 12 AGL Capital, Ill., including a 12 AGL W alternate; 12 AGL Pontiac, Ill.; 12 AGL Joliet, Ill.; 12 AGL Naperville, Ill.; 12 AGL INT Naperville 317° and Milwaukee, Wis., 198° radials; 12 AGL Milwaukee; 12 AGL Oshkosh, Wis.; 12 AGL Green Bay, Wis.; 12 AGL Iron Mountain, Mich., including a 12 AGL east alternate from Green Bay to Iron Mountain via Menominee, Mich.;
12 AGL Houghton, Mich.; including a 12 AGL E alternate via Marquette, Mich.

AMENDMENTS 3/28/68 33 F. R. 2440 (Changed)

V-10 From Pueblo, Colo., 18 miles, 12 AGL, 48 miles, 60 MSL, 12 AGL Lamar, Colo.; 12 AGL Garden City, Kans.;
12 AGL Dodge City, Kans.; 12 AGL
Hutchinson, Kans., including a 12 AGL N alternate via INT Dodge City 060° and Hutchinson 296° radials excluding the airspace between the main and alternate airway; 12 AGL Emporia, Kans.; 12 AGL Kansas City, Mo., including a 12 AGL N alternate Emporia to Kansas City via Topeka, Kans.; 12 AGL Kirksville, Mo.; 12 AGL Burlington, Iowa; 12 AGL Bradford, Ill.; 12 AGL INT Bradford 050° and Naperville, Ill., 254° radials; 12 AGL Naperville; 12 AGL South Bend, Ind., including a 12 AGL N alternate via INT Naperville 075° and South Bend 290° radials; 12 AGL Litchfield, Mich.; 12 AGL Carleton, Mich.; 12 AGL INT Jefferson, Ohio, 279° and Youngstown, Ohio, 320° radials; 12 AGL Youngstown. The airspace within Canada is excluded.

V-11 From Mobile, Ala., 12 AGL Green County, Miss.; 12 AGL Laurel, Miss.; 12 AGL Jackson, Miss. From Memphis, Tenn., 12 AGL Dyersburg, Tenn., including a 12 AGL W alternate via INT Memphis 001° and Dyersburg 235° radials, and a 12 AGL E alternate via the INT Memphis 045° and Dyersburg 182° radials; 12 AGL Paducah, Ky., including a 12 AGL E alternate; 12 AGL Evansville, Ind.; 12 AGL Scotland, Ind., including an E alternate 12 AGL via INT Evansville 049° and Scotland 188° radials; 12 AGL
Indianapolis, Ind., including an E alternate 12 AGL via INT Scotland 047° and Indianapolis 185° radials, and also a W alternate 12 AGL via INT Scotland 010° and Indianapolis 230° radials; 12 AGL Fort Wayne, Ind., including 12 AGL E alternate via INT Indianapolis 060° and Shelbyville, Ind., 006° radials, and INT Shelbyville 006° and Fort Wayne 218° radials; 12 AGL Salem, Mich.; 6-miles wide 12 AGL to INT Salem 052° and Windsor, Ont., Canada 335° radials.

V-12 From Santa Barbara, Calif., 12 AGL INT Santa Barbara 091° and Fillmore, Calif., 310° radials; 12 AGL Fillmore; 12 AGL Palmdale, Calif.; 38 miles, 6 miles wide, 12 AGL Hector, Calif.; 12 miles, 12 AGL, 38 miles, 85 MSL, 14 miles, 75 MSL, 12 AGL Needles, Calif.; 45 miles, 12 AGL, 34 miles, 95 MSL, 12 AGL Prescott, Ariz.; 12 AGL Winslow, Ariz.; 30 mi. 12 AGL, 85 MSL Zuni, N. Mex.; 12 AGL Grants, N. Mex., including a 12 AGL S alternate via INT Zuni 105° and Grants 252° radials; 12 AGL Albuquerque, N. Mex.; 12 AGL Otto, N. Mex.; 12 AGL Anton Chico, N. Mex., including a 12 AGL S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° radials; 12 AGL Tucumcari, N. Mex.; 12 AGL Amarillo, Tex., including a 12 AGL N alternate and also a 12 AGL S alternate; 12 AGL Gage, Okla., including a 12 AGL N alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials; 12 AGL Anthony, Kans.; 12 AGL Wichita, Kans., including a 12 AGL N alternate from Gage to Wichita via INT Gage 043° and Wichita 250° radials and also a 12 AGL S alternate via Anthony 060° and Wichita 190° radials; 12 AGL Emporia, Kans., including a 12 AGL N alternate via INT Wichita 037° and Emporia 250° radials; 12 AGL INT Emporia 050° and Topeka, Kans., 099° radials; 12 AGL INT Topeka 099° and Blue Springs, Mo., 268° radials; 12 AGL Blue Springs; 12 AGL Columbia, Mo.; 12 AGL Maryland Heights, Mo., including a 12 AGL S alternate from INT Macon, Mo., 202° and Columbia 273° radials to INT Hallsville, Mo., 134° and Columbia 102° radials via Jefferson City, Mo.; 12 AGL Troy, Ill.; 12 AGL Bible Grove, Ill.; 12 AGL Lewis, Ind.; 12 AGL Shelbyville, Ind.; 12 AGL Richmond, Ind.; 12 AGL Dayton, Ohio; 12 AGL Appleton, Ohio, including a 12 AGL N alternate from Dayton to Appleton via INT Dayton 068° and Rosewood, Ohio, 083° radials; 12 AGL Newcomerstown, Ohio; 12 AGL Wheeling, W. Va.; 12 AGL Allegheny, Pa.; 12 AGL Johnstown, Pa.; 12 AGL Harrisburg, Pa., including a 12 AGL S alternate from Johnstown to Harrisburg via St. Thomas, Pa.

PENDING AMENDMENT

In V-12 all between "85 MSL Zuni, N. Mex.;" and "12 AGL Otto, N. Mex.;" is deleted and "12 AGL Albuquerque, N. Mex., including a 12 AGL south alternate via INT Zuni 104° and Albuquerque 253° radials;" is substituted therefor.

AMENDMENTS 3/6/69 34 F. R. 1011 (Changed)

V-13 From Houston, Tex., 12 AGL Lufkin, Tex., including a 12 AGL E alternate via Daisetta, Tex., and also a 12 AGL W alternate via INT Houston 354° and Lufkin 218° radials; 12 AGL Shreveport, La., including a 12 AGL E alternate; 12 AGL Texarkana, Ark., including a 12 AGL W alternate via INT Shreveport 275° and Texarkana 184° radials; 12 AGL Page, Okla.; 12 AGL Fort Smith, Ark.; 12 AGL INT Fort Smith 006° and Fayetteville, Ark., 190° radials; 12 AGL Fayetteville, including a 12 AGL W alternate
from Page to Fayetteville via INT Page 006° and Fayetteville 205° radials; 12 AGL Neosho, Mo.; 12 AGL Butler, Mo.; 12 AGL Kansas City, Mo., including a 12 AGL E alternate via INT Butler 013° and Kansas City 157° radials; 12 AGL Lamoni, Iowa;
12 AGL Des Moines, Iowa, including a 12 AGL W alternate; 12 AGL Mason City, Iowa, including a 12 AGL E alternate and also a 12 AGL W alternate from Des Moines to Mason City via Fort Dodge, Iowa, excluding the airspace between the main and this W alternate; 12 AGL Farmington, Minn.; 12 AGL Grantsburg, Wis., including a 12 AGL W alternate from Mason City to Grantsburg via INT Mason City 349° and Minneapolis, Minn., 188° radials and Minneapolis, excluding the airspace between the main and W alternate; 12 AGL Duluth, Minn., including a 12 AGL E alternate; 36 miles, 12 AGL, 35 MSL Lakehead, Ontario, Canada. The airspace outside the United States is excluded.

AMENDMENTS 4/25/68 33 F. R. 3267 (Changed)

V-14 From Roswell, N. Mex., 12 AGL via Lubbock, Tex.; 12 AGL Childress, Tex., including a 12 AGL S alternate via INT Lubbock 086° and Childress 229° radials; 12 AGL Hobart, Okla.; 12 AGL Oklahoma City, Okla., including a 12 AGL S alternate via INT Hobart 076° and Oklahoma City 202° radials; 12 AGL Tulsa, Okla., including a 12 AGL N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a 12 AGL S alternate via INT Oklahoma City 107° and Tulsa 228° radials; 12 AGL Neosho, Mo., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Tulsa 087° and Neosho 223° radials; 12 AGL Springfield, Mo., including a 12 AGL S alternate via INT Neosho 074° and Springfield 210° radials; 12 AGL Vichy, Mo., including a 12 AGL N alternate; 12 AGL St. Louis, Mo., including a 12 AGL N alternate
and also a 12 AGL S alternate via INT of Vichy 069° and St. Louis 219° radials; 12 AGL Vandalia, Ill., including a 12 AGL N alternate via INT of St. Louis 062° and Vandalia 273° radials; 12 AGL Terre Haute, Ind.; 12 AGL Indianapolis, Ind., including a 12 AGL S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; 12 AGL Muncie, Ind.; 12 AGL Findlay, Ohio; 12 AGL Attica, Ohio; 12 AGL Cleveland, Ohio; 12 AGL Jefferson, Ohio; 12 AGL Erie, Pa., including a 12 AGL N alternate from Cleveland to Erie via INT Cleveland 049° and Jefferson 279° radials; 12 AGL Dunkirk, N. Y.; 12 AGL Buffalo, N. Y., including a 12 AGL N alternate from Erie to Buffalo via INT Erie 043° and Buffalo 242° radials; 12 AGL Geneseo, N. Y.; 12 AGL Georgetown, N. Y.; 12 AGL INT Georgetown 093° and Albany, N. Y., 270° radials; 12 AGL Albany; 12 AGL INT Albany 094° and Gardner, Mass., 284° radials; 12 AGL Gardner; 12 AGL INT Gardner 132° and Boston, Mass., 256° radials; 12 AGL Boston. The airspace within R-5207 is excluded.

V-15 From Galveston, Tex., 12 AGL via Houston, Tex.; 12 AGL College Station, Tex., including a 12 AGL W alternate via INT Houston 287° and College Station 149° radials; 12 AGL Waco, Tex., including a 12 AGL W alternate via INT College Station 307° and Waco 173° radials; 12 AGL Dallas, Tex., including a 12 AGL E alternate and also a 12 AGL W alternate from Waco to INT Britton, Tex., 091° and Dallas, Tex., 202° radials via INT Waco 353° and Britton 264° radials, and Britton; 12 AGL Ardmore, Okla., including a 12 AGL W alternate via INT Dallas 299° and Ardmore 178° radials; 12 AGL Okmulgee, Okla., including a 12 AGL E alternate and also a 12 AGL W alternate via INT Ardmore 006° and Okmulgee 245° radials; 12 AGL INT Okmulgee 048° and Neosho, Mo., 223° radials; 12 AGL Neosho. From Kansas City, Mo., 12 AGL St. Joseph, Mo.; 12 AGL INT St. Joseph 343° and Neola, Iowa, 157° radials; 12 AGL Neola; 12 AGL INT Neola 322° and Sioux City, Iowa, 159° radials; 12 AGL Sioux City; 12 AGL INT Sioux City 340° and Sioux Falls, S. Dak., 169° radials; 12 AGL Sioux Falls, including a 12 AGL E alternate; 12 AGL Huron, S. Dak., including a 12 AGL west alternate from Sioux Falls to Huron via Mitchell, S. Dak.; 12 AGL Aberdeen, S. Dak., including a 12 AGL W alternate; 18 miles, 12 AGL, 80 miles, 42 MSL, 12 AGL Bismarck, N. Dak.; 12 AGL Minot, N. Dak.

AMENDMENTS 4/25/68 33 F. R. 3506 (Changed)

V-16 From Los Angeles, Calif., 12 AGL Ontario, Calif.; 12 AGL Palm Springs, Calif.; 12 AGL Blythe, Calif.; 21 miles, 12 AGL, 60 miles, 55 MSL, 12 AGL Buckeye, Ariz.; 12 AGL Phoenix, Ariz.; 12 AGL INT Phoenix 161° and Casa Grande, Ariz., 105° radials; 12 AGL Tucson, Ariz., including a 12 AGL south alternate from INT Phoenix 161° and Casa Grande 105° radials, to Tucson via INT Phoenix 161° and Tucson 298° radials; 12 AGL Cochise, Ariz., including a 12 AGL S
alternate via INT Tucson 122° and Cochise 257° radials;
12 AGL Columbus, N. Mex.; 12 AGL El Paso, Tex., including a 12 AGL N alternate via INT Columbus 075° and El Paso 286° radial; 12 AGL Salt Flat, Tex.; 12 AGL Wink, Tex.; 12 AGL Wink 066° and Big Spring, Tex., 260° radials; 12 AGL Big Spring, including a 12 AGL S alternate from Wink to Big Spring via Midland, Tex.; 12 AGL Abilene, Tex.; 12 AGL Mineral Wells, Tex.; 12 AGL INT Mineral Wells 078° and Dallas, Tex., 252° radials; 12 AGL Dallas, including a 12 AGL S alternate via INT Mineral Wells 094° and Dallas 229° radials; 12 AGL Sulphur Springs, Tex.; 12 AGL Texarkana, Ark., including a 12 AGL N alternate via INT Sulphur Springs 060° and Texarkana 272° radials, and also a 12 AGL S alternate via INT Sulphur Springs 090° and Texarkana 240° radials; 12 AGL Pine Bluff, Ark.; 12 AGL Memphis, Tenn., including a 12 AGL S alternate; 12 AGL Jacks Creek, Tenn., including a 12 AGL N alternate via INT Memphis 045° and Jacks Creek 260° radials; 12
AGL Graham, Tenn., including a 12 AGL S alternate from Memphis to Graham via INT Memphis 078° and Graham 238° radial; 12 AGL Nashville, Tenn., including a 12 AGL N alternate from Jacks Creek to Nashville via INT Jacks Creek 044° and Nashville 284° radials; 12 AGL Crossville, Tenn., including a 12 AGL S alternate and also a 12 AGL N alternate via INT Nashville 081° and Crossville 301° radials; 12 AGL Knoxville, Tenn., including a 12 AGL S alternate via INT Crossville 100° and Knoxville 247° radials; 12 AGL Holston Mountain, Tenn., including a 12 AGL S alternate from Knoxville to Holston Mountain via Snowbird, Tenn.; 12 AGL Pulaski, Va., including a 12 AGL N alternate from Knoxville to Pulaski via INT Knoxville 050° and Blackford, Va., 246° radials and Blackford; 12 AGL Roanoke, Va.; 12 AGL Gordonsville, Va., including a 12 AGL north alternate from Roanoke to Gordonsville via INT Roanoke 035° and Montebello, Va., 250° radials and Montebello, and also a 12 AGL south alternate from Pulaski to Gordonsville via INT Pulaski 094° and Lynchburg, Va., 253° radials and Lynchburg; 12 AGL Nottingham, Md.; 6-mile wide, 12 AGL Kenton, Del.; 12 AGL Millville,
N. J.; 12 AGL Coyle, N. J.; 12 AGL INT Coyle 078° and Atlantic City, N. J., 048° radials; 12 AGL INT Atlantic City 048° and Riverhead, N. Y., 215° radials; 12 AGL Riverhead; 12 AGL Norwich, Conn.; 12 AGL Boston, Mass. The
airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded.

V-17 From McAllen, Tex., 29 miles, 12 AGL, 34 miles, 25 MSL, 12 AGL Laredo, Tex.; 12 AGL Cotulla, Tex.; 12 AGL INT Cotulla 041° and San Antonio, Tex., 202° radials; 12 AGL San Antonio, including a 12 AGL east alternate via INT Cotulla 041° and San Antonio 183° radials; 12 AGL Austin, Tex., including a 12 AGL W alternate via INT San Antonio 002°
and Austin 237° radials and also a 12 AGL E alternate via INT San Antonio 057° and Austin 198° radials; 12 AGL Waco, Tex., including a 12 AGL E alternate via INT Austin 046° and Waco 173° radials; 12 AGL INT Waco 315° and Mineral Wells, Tex., 197° radials; 12 AGL Mineral Wells; 12 AGL Bridgeport, Tex.; 12 AGL Duncan, Okla.; 12 AGL INT Duncan 011° and Oklahoma City, Okla., 180° radials; 12 AGL Oklahoma City; 12 AGL Gage, Okla., including a 12 AGL W alternate via INT Oklahoma City 282° and Gage 133° radials; 12 AGL Garden City, Kans., including a 12 AGL W alternate from Gage to Garden City via Liberal, Kans.; 12 AGL Goodland, Kans. The airspace above 9,000 feet MSL is excluded between McAllen and Laredo.

AMENDMENTS 2/6/69 33 F. R. 18478 (Changed)

V-18 From Dallas, Tex., 12 AGL via Quitman, Tex.; 12 AGL Shreveport, La., including a 12 AGL S alternate via INT Quitman 109° and Shreveport 246° radials; 12 AGL Monroe, La., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Shreveport 117° and Monroe 268° radials; 12 AGL Jackson, Miss., including a 12 AGL N alternate and also a 12 AGL S alternate;
12 AGL Meridian, Miss., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Jackson 134° and Meridian 262° radials; 12 AGL Tuscaloosa, Ala.; 12 AGL Birmingham, Ala.; 12 AGL Anniston, Ala.; 12 AGL Rex, Ga.; 12 AGL INT Rex 090° and Augusta, Ga., 278° radials; 12 AGL Augusta, including a 12 AGL S alternate from Birmingham to Augusta via INT Birmingham 114° and Brookwood, Ala., 083° radials, Atlanta, Ga., and INT Atlanta 098° and Augusta 263° radials;
12 AGL INT Augusta 097° and Charleston, S. C., 300° radials; 12 AGL Charleston, including a 12 AGL S alternate from Augusta to Charleston via INT Augusta 157° and Allendale, S. C., 262° radials and Allendale, excluding the airspace within R-6004.

PENDING AMENDMENT

In V-18 "and also a 12 AGL south alternate via INT Jackson 134° and Meridian 262° radials;" is deleted and "and also a 12 AGL south alternate;" is substituted therefor

AMENDMENTS 4/3/69 34 F. R. 1370 (Changed)

V-19 From Newman, Tex., 12 AGL via INT Newman 287° and Truth or Consequences, N. Mex., 159° radials; 12 AGL Truth or Consequences; 12 AGL INT Truth or Consequences 028° and Socorro, N. Mex., 189° radials; 12 AGL Socorro; 12 AGL Albuquerque, N. Mex., including a 12 AGL W alternate via INT Socorro 343° and Albuquerque 199° radials, and also a 12 AGL E alternate via INT Socorro 015° and Albuquerque 160° radials; 12 AGL Sante Fe, N. Mex., including a 12 AGL W alternate via INT Albuquerque 026° and Santa Fe 253° radials; 12 AGL Las Vegas, N. Mex.; 12 AGL Cimarron, N. Mex.; 12 AGL Pueblo, Colo., including a 12 AGL E alternate via INT Cimarron 053° and Pueblo 176° radials; 12 AGL Kiowa, Colo., including a 12 AGL east alternate; 12 AGL Denver; 12 AGL Cheyenne, Wyo.; 12 AGL Casper, Wyo., including a 12 AGL E alternate
from Cheyenne to Casper via INT Cheyenne 002° and Douglas, Wyo., 152° radials and Douglas; 5 miles 12 AGL, 45 miles 71 MSL, 12 AGL Crazy Woman, Wyo.; 12 AGL Sheridan, Wyo., including a 12 AGL E alternate; 21 miles 12 AGL, 35 miles 75 MSL, 12 AGL Billings, Mont., including an E alternate from Sheridan 21 miles, 12 AGL, 38 miles, 75 MSL, 12 AGL to Billings; 38 miles, 12 AGL, 72 MSL INT Billings 347° and Lewistown, Mont., 104° radials; 12 AGL Lewistown; 12 AGL Great Falls, Mont., including a 12 AGL W alternate via INT Lewistown 274° and Great Falls 122° radials.

V-20 From Corpus Christi, Tex., 12 AGL via INT Corpus Christi
054° and Palacious, Tex., 226° radials; 12 AGL Palacious, including a 12 AGL N alternate via INT Corpus Christi 039° and Palacios 241° radials; 12 AGL Houston, Tex., including a 12 AGL N alternate via INT Palacios 031° and Houston 256° radials, and a 12 AGL S alternate via INT Palacios 064° and Houston 201° radials; 12 AGL Beaumont, Tex., including a 12 AGL north alternate via INT Houston 045° and Beaumont 272° radials; 12 AGL Lake Charles, La., including a 12 AGL north alternate via INT Beaumont 056° and Lake Charles 272° radials, and also a 12 AGL south alternate from Houston to Lake Charles via INT Houston 090° and Sabine Pass, Tex., 265° radials and Sabine Pass; 12 AGL Lafayette, La., including a 12 AGL N alternate
via INT Lake Charles 064° and Lafayette 285° radials; 12 AGL New Orleans, La., including a 12 AGL S alternate from Lafayette to New Orleans via Tibby, La.; 12 AGL INT New Orleans 070° and Gulfport, Miss., 247° radials; 12 AGL Gulfport; 12 AGL Mobile, Ala., including a 12 AGL N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this N alternate; 12 AGL INT Mobile 048° and Monroeville, Ala., 231° radials; 12 AGL Monroeville, including a 6-mile wide 12 AGL S alternate via INT Mobile 063° and Monroeville 216° radials; 12 AGL Montgomery,
Ala.; 12 AGL La Grange, Ga., 12 AGL Atlanta, Ga., including a 12 AGL N alternate from Montgomery to Atlanta via INT Montgomery 033° and Atlanta 248° radials; 12 AGL Rex, Ga.; 12 AGL Anderson, S C.; 12 AGL Spartanburg, S. C., including a 12 AGL N alternate from Atlanta to Spartanburg via Norcross, Ga., and INT Norcross 055° and Spartanburg 244° radials; 12 AGL Greensboro, N. C; 12 AGL South Boston, Va.; INT of Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including 12 AGL Richmond, Va.; 12 AGL INT Richmond 039° and Brooke, Va., 132° radials; 12 AGL INT Patuxent, Md., 228° and Nottingham, Md., 174° radials; 12 AGL Nottingham.

AMENDMENTS 8/22/68 33 F. R. 9934 (Changed)

V-21 From INT Seal Beach, Calif., 250° and Los Angeles, Calif., 207° radials; 12 AGL Seal Beach; 12 AGL Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline), 12 AGL Hector, Calif.; 12 AGL Boulder City, Nev., including a 12 AGL W alternate from INT Hector 226° and Daggett, Calif., 187° radials to INT Daggett 062° and Hector 047° radials via Daggett; 12 AGL Morman Mesa, Nev.; 30 miles, 12 AGL, 52 miles, 95 MSL, 12 AGL Milford, Utah, including an E alternate from Morman Mesa, 39 miles, 12 AGL, 105 MSL INT Morman Mesa 059° and Cedar City, Utah, 197° radials, 19 miles, 115 MSL, 12 AGL Cedar City, 12 AGL to Milford, excluding the airspace between the main and this E alternate airway; 12 AGL Delta, Utah; 12 AGL Provo, Utah; 12 AGL Salt Lake City, Utah; 12 AGL Ogden, Utah; 12 AGL Malad City, Idaho; 12 AGL Pocatello, Idaho; 12 AGL, Idaho Falls, Idaho;
12 AGL INT of Idaho Falls 030° and DuBois, Idaho, 155° radials; 12 AGL DuBois; 12 AGL Dillon, Mont.; 12 AGL Whitehall, Mont.; 12 AGL Helena, Mont.; 12 AGL INT Helena 352° and Great Falls, Mont., 222° radials; 12 AGL Great Falls; 12 AGL Cut Bank, Mont., including a 12 AGL W alternate Helena direct Cut Bank; 12 AGL INT Cut Bank 348° radial and the United States/Canadian border.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed); 12/12/68 33 F. R. 15544 (Changed)

V-22 From Houston, Tex., 12 AGL via INT Houston 090° and Sabine Pass, Tex., 265° radials; 12 AGL Sabine Pass; 12 AGL White Lake, La.; 12 AGL Tibby, La.; 12 AGL Harvey, La., 12 AGL INT Harvey 073° and Brookley, Ala., 240° radials; 12 AGL Brookley; 6 miles wide 12 AGL Navy Saufley, Fla.; 6 miles wide 12 AGL INT Navy Saufley 047° and Crestview, Fla., 251° radials; 6 miles wide 12 AGL Crestview; 12 AGL Marianna, Fla.; 12 AGL Tallahassee, Fla.; 12 AGL Greenville, Fla.; 18 miles, 6 miles wide, 12 AGL Taylor, Fla.; 12 AGL Jacksonville, Fla.
AMENDMENTS 7/25/68 33 F. R. 9988 (Changed)

V-23 From San Diego, Calif., 12 AGL Oceanside, Calif.; 24 miles, 12 AGL; 6 miles wide, 12 AGL Seal Beach, Calif.; 6 miles wide, 12 AGL INT Seal Beach 287° and Los Angeles, Calif., 138° radials; 12 AGL Los Angeles; 12 AGL Gorman, Calif.; 12 AGL Bakersfield, Calif.; 12 AGL Fresno, Calif.; 53 miles, 12 AGL; 6 mi. wide, 12 AGL Linden, Calif.; 12 AGL Sacramento, Calif., including a 12 AGL W alternate from Fresno to Sacramento via Los Banos, Calif., and Stockton, Calif.; 12 AGL INT Sacramento 346° and Red Bluff, Calif., 158° radials; 12 AGL Red Bluff; 58 miles, 12 AGL, 95 MSL Fort Jones, Calif.; 12 AGL
Medford, Oreg., including a 12 AGL east alternate via INT Fort Jones 042° and Medford 157° radials and also a 12 AGL west alternate via INT Fort Jones 340° and Medford 235° radials, excluding the airspace between the main and these alternate airways; 12 AGL Eugene, Oreg., including a 12 AGL west alternate from Medford to Eugene via Roseburg, Oreg., and INT Roseburg 003° and Eugene 187° radials; 12 AGL Portland, Oreg., including a 12 AGL east alternate and also a 12 AGL west alternate from Eugene to Portland via Corvallis, Oreg., INT Corvallis 352° and Newberg, Oreg., 204° radials and Newberg; 20 miles, 12 AGL, 45 MSL INT Portland 350° and Seattle, Wash., 197° radials; 21 miles, 45 MSL, 12 AGL Seattle; 12 AGL Paine, Wash.; 12 AGL Bellingham, Wash.; 12 AGL via INT Bellingham 290° radial to the United States/Canadian border.
AMENDMENTS 12/12/68 33 F. R. 15544 (Changed)

V-24 From Aberdeen, S. Dak., 12 AGL Watertown, S. Dak., including a 12 AGL N alternate; 15 miles, 12 AGL, 64 miles, 33 MSL, 12 AGL Redwood Falls, Minn.; 12 AGL Rochester, Minn.; 12 AGL Lone Rock, Wis., including a 12 AGL S alternate from Rochester to Lone Rock via Waukon, Iowa.

V-25 From San Diego, Calif., 12 AGL Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Seal Beach, Calif., 186° radials, 12 AGL via Seal Beach, 6 miles wide, 12 AGL to INT Seal Beach 287° and Los Angeles 138° radials; 12 AGL INT Los Angeles 261° and Ventura, Calif., 144° radials; 6 miles wide, 12 AGL Ventura; 6 miles wide, 12 AGL INT Ventura 331° and Santa Barbara, Calif., 109° radials; 12 AGL Santa Barbara; 12 AGL Paso Robles, Calif., including a 12 AGL W alternate from Santa Barbara to Paso Robles via Gaviota, Calif., and San Luis Obispo, Calif.; 12 AGL Salinas, Calif., including a 12 AGL E alternate via INT Paso Robles 342° and Salinas 131° radials; 12 AGL INT Salinas 310° and
Woodside, Calif., 158° radials; 12 AGL Woodside; 12 AGL San Francisco, Calif.; 12 AGL INT San Francisco 304° and Point Reyes, Calif., 161° radials; 12 AGL Point Reyes; 12 AGL INT Point Reyes 352° and Ukiah, Calif., 147° radials; 28 miles, 12 AGL, 24 miles, 85 MSL, 18 miles, 75 MSL, 12 AGL Red Bluff, Calif.; 53 miles, 12 AGL, 95 MSL INT Red Bluff 015° and Klamath Falls, Oreg., 181° radials; 19 miles, 95 MSL, 12 AGL Klamath Falls; 21 miles, 12 AGL, 77 miles, 90 MSL, 12 AGL Redmond, Oreg.; 12 AGL The Dalles, Oreg.; 12 AGL Yakima, Wash., including a 12 AGL east alternate via INT The Dalles 051° and Yakima 183° radials; 12 AGL INT Yakima 305° and Ellensburg, Wash., 191° radials. 12 AGL Ellensburg;
Wenatchee, Wash. The airspace below 2,000 feet MSL outside the United States and the airspace more than 3 miles NE of the airway centerline between Long Beach and INT of Long Beach 287° and Los Angeles 138° radials is excluded. The airspace within R-2511, R-2520, R-6714 and W-289 is excluded. The airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 12/12/68 33 F. R. 15544 (Changed)

V-26 From Myton, Utah, 79 MSL, via Vernal, Utah 19 miles 12 AGL, 105 MSL Cherokee, Wyo.; 11 miles 12 AGL, 52 miles 111 MSL, 12 AGL Casper, Wyo.; 14 miles 12 AGL, 25 miles 75 MSL, 92 miles 90 MSL, 12 AGL Rapid City, S. Dak.; 43 miles, 12 AGL, 35 MSL Philip, S. Dak.; 56 miles, 35 MSL, 12 AGL Pierre, S. Dak.; 26 miles, 12 AGL, 41 miles, 35 MSL, 12 AGL Huron, S. Dak.; 12 AGL Redwood Falls, Minn., including a 12 AGL S alternate; 12 AGL Flying Cloud, Minn.; 12 AGL INT Flying Cloud 081° and Eau Claire, Wis., 271° radials; 12 AGL Eau Claire, including a 12 AGL south alternate from Redwood Falls to Eau Claire via Farmington, Minn.; 12 AGL Wausau, Wis.; 12 AGL Freen Bay, Wis.; 12 AGL
INT Green Bay 116° and White Cloud, Mich., 302° radials; 12 AGL White Cloud; 12 AGL Lansing, Mich.; 12 AGL Salem, Mich.; 12 AGL INT Salem 138° and
Cleveland, Ohio, 311° radials; 12 AGL Cleveland. The airspace within Canada is excluded.

V-27 From San Diego, Calif., 12 AGL INT San Diego 319° and Santa Catalina, Calif., 099° radials; 12 AGL Santa Catalina; 6 miles wide, 12 AGL Ventura, Calif.; 6 miles wide, 12 AGL INT Ventura 331° and Fillmore, Calif., 268° radials; 12 AGL INT Fillmore 268° and Gaviota, Calif., 143° radials; 12 AGL Gaviota; 12 AGL San Luis Obispo, Calif.; 12 AGL INT San Luis Obispo 308° and Big Sur, Calif., 157° radials; 12 AGL Big Sur; 12 AGL INT Big Sur 325° and Point Reyes, Calif., 161° radials; 12 AGL Point Reyes; 12 AGL INT Point Reyes 352° and Ukian, Calif., 147° radials; 12 AGL Ukiah; 12 AGL Fortuna, Calif.; 12 AGL Crescent City, Calif.; 31 miles, 12 AGL, 32 miles, 59 MSL, 12 AGL North Bend, Oreg.; 12 AGL Newport, Oreg.; 39 miles, 12 AGL, 30 miles, 45 MSL, 12 AGL Astoria, Oreg.; including a 12 AGL east alternate via INT of Newport 016° and Astoria 157° radials; 12 AGL Hoquiam, Wash., including a 12 AGL west alternate via INT Astoria 309° and Hoquiam 162° radials; 12 AGL Seattle, Wash., including a 12 AGL east alternate from Astoria to Seattle via Olympia, Wash., and INT Olympia 010° and Seattle 249° radials.
The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R-2516, R-2520 and W-289, the airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL. is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 12/12/68 33 F. R. 15245 (Changed)

V-28 From Oakland, Calif., 12 AGL INT Oakland 077° and Linden, Calif., 246° radials; 12 AGL Linden; 12 AGL INT Linden 046° and Reno, Nev., 208° radials; 12 AGL Reno.

V-29 From Snow Hill, Md., 12 AGL Salisbury, Md.; 12 AGL INT Salisbury 340° and Kenton, Del., 217° radials; 12 AGL Kenton; 12 AGL New Castle, Del.; 12 AGL Modena, Pa.; 12 AGL Pottstown, Pa.; 12 AGL Allentown, Pa.; 12 AGL Lake Henry, Pa.;
12 AGL Binghampton, N. Y.; 12 AGL Syracuse, N. Y.; 12 AGL Watertown, N. Y.; 12 AGL INT Watertown 033° and Massena, N. Y., 241° radials; 12 AGL Massena. The airspace within R-4006 is excluded.

AMENDMENTS 5/23/68 33 F. R. 5214 (Changed)

V-30 From Milwaukee, Wis., 12 AGL INT Milwaukee 102° and Pullman, Mich., 303° radials; 12 AGL Pullman, including a 12 AGL S alternate via INT Milwaukee 121° and Pullman 282° radials; 12 AGL Litchfield, Mich.; 12 AGL Waterville, Ohio; 12 AGL Attica, Ohio; 12 AGL Akron, Ohio; 12 AGL INT Akron 092° and Clarion, Pa., 265° radials; 12 AGL Clarion; 12 AGL Philipsburg, Pa.; 12 AGL Selinsgrove, Pa.;
12 AGL East Texas, Pa.; 12 AGL Colts Neck, N. J.

V-31 From INT Patuxent River, Md., 036° and Nottingham, Md., 128° radials; 12 AGL Nottingham. From Baltimore, Md.; 12 AGL Harrisburg, Pa.; 12 AGL Selinsgrove, Pa.; 12 AGL Williamsport, Pa.; 12 AGL Elmira, N. Y.; 12 AGL INT Elmira 357° and Rochester, N. Y., 125° radials; 12 AGL Rochester.

V-32 From Battle Mountain, Nev.; 12 AGL Elko, Nev.; 12 AGL Bonneville, Utah, including a 12 AGL north alternate from Elko to Bonneville via Wells, Nev.; 37 miles, 85 MSL, 12 AGL Salt Lake City, Utah; 17 miles, 12 AGL, 45 miles, 105 MSL, 12 AGL Fort Bridger, Wyo.

V-33 From Cofield, N. C.; 12 AGL INT Cofield 007° and Harcum, Va., 187° radials; 12 AGL Harcum; 12 AGL INT Harcum 003° and Nottingham, Md., 174° radials; 12 AGL Nottingham. From Baltimore, Md., 12 AGL Harrisburg, Pa.; 12 AGL Philipsburg, Pa.; 12 AGL Keating, Pa.; 12 AGL Bradford, Pa.; 12 AGL Buffalo, N. Y.

V-34 From Kleinburg, Ont., 12 AGL INT Kleinburg 113° and Rochester, N. Y., 309° radials; 12 AGL Rochester, including a 12 AGL south alternate via INT of Kleinburg 133° and Rochester 289° radials; 12 AGL Ithaca, N. Y.; 12 AGL Hancock, N. Y.; 12 AGL Carmel, N. Y.; 12 AGL Riverhead, N. Y. The airspace within Canada and R-5207 is excluded.

AMENDMENTS 11/14/68 33 F. R. 14404 (Changed)

V-35 From Key West, Fla., 12 AGL INT Key West 086° and Bimini, Bahamas, 215° radials; 12 AGL INT Bimini 215° and Miami, Fla., 147° radials; 12 AGL Miami; 12 AGL INT Miami 269° and Fory Myers, Fla., 137° radials, including a 12 AGL W alternate from INT Miami 147° radial and Miami International Airport Runway 9 left ILS localizer W course to INT Miami 269° and Fort Myers 137° radials via INT Miami International Airport Runway 9 left ILS localizer W course and Fort Myers 137° radial; 12 AGL Fort Myers; 12 AGL St. Petersburg, Fla., including a 12 AGL W alternate; 12 AGL INT St. Petersburg 350° and Cross City, Fla., 168° radials; 12 AGL Cross City, including a 12 AGL E alternate via Gainesville, Fla., and also a 12 AGL W alternate via INT St. Petersburg 316° and Cross City 185° radials; 12 AGL Greenville, Fla.; 12 AGL Albany, Ga., including a 12 AGL west alternate from Cross City to Albany via Tallahassee, Fla.; 12 AGL Macon, Ga., including a 12 AGL west alternate via INT Albany 013° and Macon 227° radials; 12 AGL Athens, Ga.; 12 AGL Anderson, 12 AGL Asheville, N. C.; 12 AGL Holston Mountain, Tenn., via INT Asheville 301° and Holston Mountain 203° radials; 12 AGL Blackford, Va.; 12 AGL Charleston, W. Va., including a 12 AGL E alternate via Bluefield, W. Va.; 12 AGL INT Charleston 051° and Elkins, W. Va., 264° radials; 12 AGL Clarksburg, W. Va.; 12 AGL Morgantown, W. Va.; 12 AGL Indian Head, Pa.; 12 AGL Johnstown, Pa.; 12 AGL Tyrone, Pa.; 12 AGL Philipsburg, Pa.; 12 AGL Stonyfork, Pa.; 12 AGL Elmira, N. Y.; 12 AGL Syracuse, N. Y. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

V-36 From Toronto, Ont., via INT Toronto 141° and Buffalo, N. Y., 312° radials; 12 AGL Buffalo, including a 12 AGL S alternate via INT Toronto 172° and Buffalo 294° radials, excluding the airspace between the main and this S alternate; 12 AGL Elmira, N. Y.; 12 AGL Lake Henry, Pa.; 12 AGL Sparta, N. J. The airspace within Canada is excluded.

V-37 From Savannah, Ga., 12 AGL Allendale, S. C.; 12 AGL Columbia, S. C.; 12 AGL Fort Mill, S. C., including a 12 AGL W alternate via INT Columbia 294° and Fort Mill 201° radials; 12 AGL Pulaski, Va., 12 AGL Elkins, W. Va.; 12 AGL Morgantown, W. Va.; 12 AGL Allegheny, Pa.; 12 AGL INT Allegheny 325° and Ellwood City, Pa., 183° radials; 12 AGL Ellwood City; 12 AGL Erie, Pa.; 12 AGL Toronto, Ont., Canada. The airspace within Canada is excluded.

V-38 From Iowa City, Iowa, 12 AGL Moline, Ill.; 12 AGL Joliet, Ill.; 12 AGL Peotone, Ill.; 12 AGL Fort Wayne, Ind.; 12 AGL Findlay, Ohio; 12 AGL INT Findlay 131° and Appleton, Ohio, 312° radials; 12 AGL Appleton; 12 AGL Zanesville, Ohio; 12 AGL Parkersburg, W. Va.; 12 AGL Elkins, W. Va.; 12 AGL Gordonsville, Va.; 12 AGL Richmond, Va.; 12 AGL Harcum, Va.; 12 AGL Cape Charles, Va.

AMENDMENTS 2/29/68 33 F. R. 451 (Changed)

V-39 From Myrtle Beach, S. C., 27 MSL Fayetteville, N. C., excluding the airspace at and above 5,000 feet MSL. From Pinehurst, N. C., 12 AGL South Boston, Va.; 12 AGL Grodonsville, Va.; 12 AGL INT Gordonsville, 019° and Casanova, Va., 201° radials; 12 AGL Casanova; 12 AGL Herndon, Va., including a 12 AGL E alternate from Gordonsville to Herndon via INT Herndon 202° and Brooke, Va., 300° radials; 12 AGL Westminster, Md.; 12 AGL Lancaster, Pa.; 12 AGL East Texas, Pa.; 12 AGL Allentown, Pa.; 12 AGL Huguenot, N. Y.; 12 AGL INT Huguenot 032° and Pawling, N. Y., 259° radials; 12 AGL Pawling; 12 AGL Westfield, Mass.; 12 AGL Gardner, Mass.; 12 AGL Concord, N. H.; 12 AGL Kennebunk, Maine; 12 AGL Augusta, Maine; 12 AGL Bangor, Maine; 12 AGL Millinocket, Maine; 12 AGL Presque Isle, Maine; 12 AGL Mont Joli, Quebec, Canada, excluding the portion within Canada.

V-40 From Cleveland, Ohio, 12 AGL Briggs, Ohio; 12 AGL Imperial, Pa.

V-41 From Imperial, Pa., 12 AGL INT Imperial 326° and Youngstown, Ohio, 177° radials; 12 AGL Youngstown.

V-42 From Flint, Mich.; 12 AGL via INT Flint 133° and Windsor, Ont., 320° radials; 12 AGL Windsor, including an E alternate 12 AGL INT Flint 118° and Windsor 335° radials, 7 mi. wide (3 mi. E and 4 mi. W of centerline), 12 AGL Cleveland, Ohio; 12 AGL Akron, Ohio, including a 12 AGL E alternate from Windsor, Ont., Canada, to INT Strongville, Ohio 162° and Akron 289° radials via INT Windsor 134° and Strongville 342° radials and Strongville. The airspace within Canada is excluded.

V-43 From Appleton, Ohio, 12 AGL Tiverton, Ohio; 12 AGL Briggs, Ohio; 12 AGL Youngstown, Ohio; 12 AGL Erie, Pa.

V-44 From Maryland Heights, Mo.; 12 AGL Centralia, Ill.; 12 AGL Samsville, Ill.; 12 AGL Nabb, Ind.; 12 AGL Falmouth, Ky.; 12 AGL York, Ky.; 12 AGL Parkersburg, W. Va.; 12 AGL Morgantown, W. Va.; 12 AGL Martinsburg, W. Va.; 12 AGL Baltimore, Md.; 12 AGL INT Baltimore 094° and Kenton, Del., 262° radials; 12 AGL Kenton; 12 AGL INT Kenton 086° and Atlantic City, N. J. 238° radials; 12 AGL Atlantic City; 12 AGL INT of Atlantic City 048° and Riverhead, N. Y., 215° radials, 12 AGL Riverhead. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within R-5002 more than 3 nmi W of the airway centerline above 9,000 feet MSL is excluded.

V-45 From New Bern, N. C., 12 AGL Kinston, N. C.; 12 AGL Raleigh-Durham, N. C.; 12 AGL Greensboro, N. C.; 12 AGL INT Greensboro 334° and Hickory, N. C., 049° radials; 12 AGL Pulaski, Va.; 12 AGL Bluefield, W. Va.; 12 AGL Charleston, W. Va. From Waterville, Ohio, 12 AGL Jackson, Mich.; 12 AGL Lansing, Mich.; 12 AGL Saginaw, Mich.; 12 AGL Alpena, Mich., including a 12 AGL west alternate via INT Saginaw 353° and Alpena 232° radials; 12 AGL Pellston, Mich.

V-46 From Deer Park, N. Y., 12 AGL INT Deer Park 095° and Hampton, N. Y., 223° radials (Beach INT) including a 12 AGL N alternate from Deer Park to Beach INT via Riverhead, N. Y., 12 AGL Hampton; 12 AGL INT Hampton 083° and Nantucket Mass., 255° radials; 12 AGL Nantucket. The airspace below 2,000 feet MSL outside the United States is excluded.

V-47 From Evansville, Ind., 12 AGL Nabb, Ind.; 12 AGL Cincinnati, Ohio; 12 AGL Rosewood, Ohio, including a 12 AGL W alternate from Cincinnati to INT Dayton, Ohio, Municipal Airport ILS localizer SW course and Rosewood 202° radial, via INT Cincinnati 006° and Dayton Municipal Airport ILS localizer SW course; 12 AGL Findlay, Ohio, including a 12 AGL W alternate via INT Rosewood 309° and Findlay, Ohio, 218° radials; 12 AGL Waterville, Ohio; 12 AGL INT Waterville 353° and Salem, Mich., 197° radials; 12 AGL Salem; 12 AGL INT Salem 027° and Flint, Mich., 118° radials.

V-48 From Ottumwa, Iowa, 12 AGL Burlington, Iowa; 12 AGL Peoria, Ill.; 12 AGL Pontiac, Ill.

AMENDMENTS 5/23/68 33 F. R. 5349 (Changed)

V-49 From Bowling Green, Ky., 12 AGL Mystic, Ky.; 12 AGL Nabb Ind.

V-50 From Pawnee City, Nebr., 12 AGL St. Joseph, Mo.; 12 AGL Kirksville, Mo.; 12 AGL Quincy, Ill.; 12 AGL Capital, Ill.; 12 AGL Decatur, Ill.; 12 AGL Terre Haute, Ind.; 12 AGL Indianapolis, Ind.; 12 AGL Dayton, Ohio, including a 12 AGL N alternate from Indianapolis to Dayton via Muncie, Ind.

V-51 From Key West, Fla., 12 AGL INT Miami, Fla., 222° and Biscayne Bay, Fla. 262° radials; 12 AGL Biscayne Bay; 12 AGL Miami; 12 AGL Pahokee, Fla.; 12 AGL INT Pahokee 009° and Vero Beach, Fla., 193° radials; 12 AGL Vero Beach, including a 12 AGL east alternate from Biscayne Bay to Vero Beach via INT Biscayne Bay 348° and Vero Beach 178° radials; 12 AGL Daytona Beach, Fla.; 12 AGL INT Daytona Beach 344° and Jacksonville, Fla., 159° radials; 12 AGL Jacksonville; 12 AGL INT Jacksonville 319° and Alma, Ga., 148° radials; 12 AGL Alma, including a 12 AGL E alternate; 12 AGL Dublin, Ga.; 12 AGL Rex, Ga.; 12 AGL Crossville, Tenn.; including a 12 AGL W alternate from INT Rex 345° and Chattanooga, Tenn., 118° radials to Crossville via Chattanooga; 12 AGL Livingston, Tenn.; 12 AGL Louisville, Ky., including a 12 AGL E alternate and also a 12 AGL W alternate from Livingston to Louisville via INT Livingston 333° and New Hope, Ky., 165° radials and New Hope; 12 AGL Nabb, Ind.; 12 AGL Shelbyville, Ind.; 12 AGL INT Shelbyville 313° and Lafayette, Ind., 136° radials; 12 AGL Lafayette; 12 AGL Chicago Heights, Ill. The airspace within R-2902A and R-2902B is excluded.

AMENDMENTS 2/6/69 33 F. R. 18009 (Changed)

V-52 From Des Moines, Iowa; 12 AGL Ottumwa, Iowa; 12 AGL Quincy, Ill.; 12 AGL St. Louis, Mo., including a 12 AGL N alternate; 12 AGL Troy, Ill.; 12 AGL INT Troy 099° and Evansville, Ind., 311° radials; 12 AGL Evansville, Ind.

AMENDMENTS 6/20/68 33 F. R. 6287 (Changed)

V-53 From Charleston, S. C., 12 AGL INT Charleston 300° and Columbia, S. C., 151° radials; 12 AGL Columbia; 12 AGL Spartanburg, S. C.; 12 AGL Asheville, N. C.; 12 AGL Holston Mountain, Tenn.; 12 AGL Whitesburg, Ky.; 12 AGL Lexington, Ky.; 12 AGL Louisville, Ky.; 12 AGL INT Louisville 333° and Indianapolis, Ind., 170° radials; 12 AGL Indianapolis; 12 AGL Westpoint, Ind.; 12 AGL INT Westpoint 326° and Peotone, Ill., 153° radials; 12 AGL Peotone; 12 AGL INT Peotone 003° and Chicago-O'Hare, Ill., 153° radials; 12 AGL Chicago-O'Hare.

V-54 From Waco, Tex., 12 AGL via INT Waco 037° and Quitman, Tex., 243° radials; 12 AGL Quitman; 12 AGL Texarkana, Ark.; 12 AGL INT Texarkana 052° and Little Rock, Ark., 235° True radials; 12 AGL Little Rock, including a 12 AGL N alternate via INT Texarkana 037° and Hot Springs, Ark., 223° radials and Hot Springs; 12 AGL Memphis, Tenn., including a 12 AGL N alternate; 12 AGL Muscle Shoals, Ala., including a 12 AGL N alternate via INT Memphis 078° and Muscle Shoals 293° radials and also a 12 AGL S alternate via Holly Springs, Miss., and INT Holly Springs 090° and Muscle Shoals 255° radials; 12 AGL Huntsville, Ala., including a 12 AGL N alternate via INT Muscle Shoals 067° and Huntsville 282° radials; 12 AGL Chattanooga, Tenn., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Huntsville 097° and Chattanooga 229° radials; 12 AGL Harris, Ga.; 12 AGL Spartanburg, S. C.; 12 AGL Fort Mill, S. C.; 12 AGL Pinehurst, N. C.

V-55 From Dayton, Ohio, 12 AGL Fort Wayne, Ind., including a 12 AGL E alternate via INT Dayton 347° and Fort Wayne 128° radials; 12 AGL Goshen, Ind.; 12 AGL South Bend, Ind.; 12 AGL Keeler, Mich.; 12 AGL Pullman, Mich.; 12 AGL Muskegon, Mich.; 12 AGL INT Muskegon 327° and Green Bay, Wis., 116° radials; 12 AGL Green Bay; 12 AGL Stevens Point, Wis.; 12 AGL INT Stevens Point 281° and Eau Claire, Wis., 107° radials; 12 AGL Eau Claire; 9 miles, 12 AGL, 55 miles, 25 MSL, 12 AGL Grantsburg, Wis.; 9 miles, 12 AGL, 45 miles, 26 MSL, 12 AGL Brainerd, Minn.; 13 miles, 12 AGL, 29 miles, 27 MSL, 12 AGL Park Rapids, Minn.; 7 miles, 12 AGL, 58 miles, 30 MSL, 31 miles, 28 MSL, 12 AGL Grand Forks, N. Dak.

V-56 From Meridian, Miss., 12 AGL Kewanee, Miss.; 12 AGL Craig, Ala.; 12 AGL Montgomery, Ala.; 12 AGL Tuskegee, Ala.; 12 AGL INT Tuskegee 078° and Columbus, Ga. 255° radials; 12 AGL Columbus, including a 12 AGL south alternate from Montgomery to Columbus via INT Montgomery 090° and Columbus 219° radials; 12 AGL Macon, Ga.; 12 AGL Augusta, Ga.; 12 AGL Columbia, S. C.; 12 AGL INT Columbia 079° and Florence, S. C., 243° radials; 12 AGL Florence; 12 AGL Fayetteville, N. C., 41 miles 15 MSL, 12 AGL INT Fayetteville 098° and New Bern, N. C., 256° radials; 12 AGL New Bern. The airspace at and above 5,000 feet MSL is excluded from Fayetteville to Wallace INT; and the airspace at and above 9,000 feet MSL is excluded from Wallace INT to New Bern.

AMENDMENTS 2/29/68 33 F. R. 130 (Changed)

V-57 From Birmingham, Ala., 12 AGL Decatur, Ala., including a 12 AGL E alternate via INT Birmingham 013° and Decatur 130° radials; and a 12 AGL west alternate via INT Birmingham 335° and Decatur 205° radials; 12 AGL Graham, Tenn.; 12 AGL Bowling Green, Ky. From Lexington, Ky., 12 AGL Falmouth, Ky.; 12 AGL INT Richmond, Ind., 142° and Cincinnati, Ohio, 022° radials.

AMENDMENTS 4/25/68 33 F. R. 3207 (Changed)

V-58 From Revloc, Pa.; 12 AGL Tyrone, Pa.; 12 AGL Philipsburg, Pa.; 12 AGL Williamsport, Pa.; 12 AGL INT Williamsport 079° and Lake Henry, Pa., 265° radials; 12 AGL Lake Henry; 12 AGL Pawling, N. Y.; 12 AGL Hartford, Conn.; 12 AGL INT Hartford 130° and Providence, R. I., 212° radials.

AMENDMENTS 11/14/68 33 F. R. 14403 (Changed)

V-59 From Pulaski, Va., 12 AGL Beckley, W. Va.; 12 AGL Parkersburg, W. Va.; 12 AGL Newcomerstown, Ohio.

V-60 From Albuquerque, N. Mex., 12 AGL via Otto, N. Mex., including a 12 AGL S alternate via INT Albuquerque 103° and Otto 253° radials; 12 AGL Las Vegas, N. Mex.

V-61 From Bridgeport, Tex., 12 AGL via INT Brideport 315° and Wichita Falls, Tex., 139° True radials; 12 AGL Wichita Falls; 12 AGL Lawton, Okla.

V-62 From INT Albuquerque, N. Mex., 329° and Santa Fe, N. Mex., 268° radials, 12 AGL via Santa Fe; 12 AGL Anton Chico, N. Mex.; 12 AGL Texico, N. Mex.; 12 AGL Plainview, Tex.; 12 AGL Lubbock, Tex., including a 12 AGL S alternate from Texico direct Lubbock; 12 AGL Abilene, Tex.; 12 AGL INT Abilene 096° and Britton, Tex., 264° radials; 12 AGL Britton.

V-63 From McAlester, Okla., 12 AGL via Fayetteville, Ark.; 12 AGL Springfield, Mo.; 12 AGL Hallsville, Mo.; 12 AGL Quincy, Ill.; 12 AGL Burlington, Iowa; 12 AGL Moline, Ill.; 12 AGL Cordova, Ill.; 12 AGL Rockford, Ill.; 12 AGL Janesville, Wis.; 12 AGL Milwaukee, Wis.

V-64 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) 12 AGL INT Los Angeles 185° and Seal Beach, Calif., 266° radials; 12 AGL Seal Beach; 12 AGL Thermal, Calif.; 12 AGL Blythe, Calif. The portion outside the United States has no upper limit.

AMENDMENTS 12/12/68 33 F. R. 15544 (Changed)

V-65 From INT Kansas City, Mo., 231° and St. Joseph, Mo., 178° radials; 12 AGL St. Joseph; 12 AGL Lamoni, Iowa.

V-66 From San Diego, Calif., 12 AGL Imperial, Calif.; 13 miles, 12 AGL, 24 miles, 25 MSL, 12 AGL Yuma, Ariz.; 12 miles, 12 AGL, 35 MSL INT Yuma 087° and Gila Bend, Ariz., 262° radials; 46 miles, 35 MSL, 12 AGL Gila Bend; 12 AGL Tucson, Ariz.; 12 AGL Douglas, Ariz.; 12 AGL INT Douglas 065° and Columbus, N. Mex., 277° radials; 12 AGL Columbus; 12 AGL El Paso, Tex., including a 12 AGL N alternate via INT Columbus 075° and El Paso 286° radials; 6 mi. wide, 12 AGL INT El Paso 112° and Hudspeth, Tex., 281° radials; 6 mi. wide, 12 AGL Hudspeth; 12 AGL Pecos, Tex.; 12 AGL Midland, Tex.; 12 AGL Hyman, Tex.; 12 AGL INT Hyman 085° and Abilene, Tex., 251° radials; 12 AGL Abilene; 12 AGL INT Abilene 066° and Bridgeport, Tex., 248° radials; 12 AGL Bridgeport; 12 AGL INT Bridgeport 087° and Sulphur Springs, Tex., 275° radials; 12 AGL Sulphur Springs. From Tuscaloosa, Ala., 12 AGL Brookwood, Ala.; 15 miles, 7 miles wide (4 miles N and 3 miles S of centerline) 12 AGL Atlanta, Ga.; 12 AGL Rex, Ga.; 12 AGL INT Rex 090° and Athens, Ga., 238° radials; 12 AGL Athens; 12 AGL Fort Mill, S. C.; 12 AGL Raleigh-Durham, N. C.; 12 AGL Franklin, Va.; 12 AGL INT Franklin 087° and Norfolk, Va., 226° radials; 12 AGL Norfolk.

V-67 From Cedar Rapids, Iowa; 12 AGL Waterloo, Iowa; 12 AGL Mason City, Iowa; 12 AGL Rochester, Minn., including a 12 AGL W alternate via INT Mason City 023° and Rochester 243° radials.

V-68 From Albuquerque, N. Mex., 12 AGL via INT Albuquerque 120° and Corona, N. Mex., 311° radials; 12 AGL Corona, including a 12 AGL N alternate via INT Albuquerque 103° and Corona 328° radials and also a 12 AGL S alternate via INT Albuquerque 160° and Corona 269° radials; 41 mi. 85 MSL, 12 AGL Roswell, N. Mex., including an N alternate 85 MSL INT Corona 124° and Roswell 335° radials, 12 AGL Roswell; 12 AGL Hobbs, N. Mex., including a 12 AGL S alternate; 12 AGL INT Hobbs 120° and Midland, Tex., 312° radials; 12 AGL Midland, including a 12 AGL S alternate via INT Hobbs 136° and Midland 283° radials; 12 AGL San Angelo, Tex., including a 12 AGL S alternate via INT Midland 128° and San Angelo 278° radials; 12 AGL Junction, Tex., including a 12 AGL S alternate via INT San Angelo 181° and Junction 310° radials; 12 AGL San Antonio, Tex.; 12 AGL INT San Antonio 167° and Corpus Christi, Tex., 296° radials; 12 AGL Corpus Christi; 12 AGL INT Corpus Christi 181° and McAllen, Tex., 039° radials; 12 AGL McAllen, including a 12 AGL south alternate from INT Corpus Christi 181° and McAllen 039° radials to McAllen via Harlingen, Tex. The airspace on the main airway above 14,000 feet MSL from 49 miles northeast of McAllen to McAllen and the airspace within Mexico is excluded.

V-69 From Shreveport, La., 12 AGL via INT Shreveport 087° and El Dorado, Ark., 218° radials; 12 AGL El Dorado, including a 12 AGL W alternate via INT Shreveport 087° and El Dorado 233° radials; 12 AGL Pine Bluff, Ark.; 12 AGL INT Pine Bluff 040° and Walnut Ridge, Ark., 187° radials; 12 AGL Walnut Ridge; 12 AGL Farmington, Mo.;
12 AGL INT Farmington 351° and Troy, Ill., 233° radials; 12 AGL Troy; 12 AGL Capital, Ill.; 12 AGL Pontiac, Ill.; 12 AGL Joliet, Ill.; 12 AGL Kedzie, Ill., RBN.

AMENDMENTS 4/25/68 33 F. R. 4404 (Changed)

V-70 From Corpus Christi, Tex., 12 AGL via INT Corpus Christi 054° and Palacious, Tex., 226° radials; 12 AGL Palacious; 12 AGL Galveston, Tex.; 12 AGL Sabine Pass, Tex.; 12 AGL Lake Charles, La.; 12 AGL Lafayette, La.; 12 AGL Baton Rouge, La., including a 12 AGL N alternate via INT Lafayette 012° and Baton Rouge 264° radials; 12 AGL Picayune, Miss.; 95 MSL Greene County, Miss.;
12 AGL Monroeville, Ala.; 12 AGL INT Monroeville 073° and Eufaula, Ala., 258° radials; 12 AGL Eufaula; 12 AGL Vienna, Ga.; 12 AGL Allendale, S. C.

V-71 From Baton Rouge, La., 12 AGL via Natchez, Miss.; 12 AGL Monroe, La.; 12 AGL El Dorado, Ark.; 12 AGL Hot Springs, Ark.; 12 AGL INT Hot Springs 358° and Harrison, Ark., 176° radials; 12 AGL Harrison; 12 AGL Springfield, Mo., including a 12 AGL W alternate from Hot Springs to Springfield via Fayetteville, Ark., excluding the airspace between the main and this W alternate; 12 AGL Butler, Mo.; 12 AGL Kansas City, Mo.; 12 AGL INT Kansas City 310° and Pawnee City, Nebr., 122° radials; 12 AGL Pawnee City; 12 AGL INT Pawnee City 334° and Lincoln, Nebr. 146° radials; 12 AGL Lincoln; 12 AGL Columbus, Nebr.

PENDING AMENDMENT

In V-71 "12 AGL Natchez, Miss.;" is deleted and "12 AGL Natchez, Miss., including a 12 AGL E alternate via INT Baton Rouge 026° and Natchez 156° radials:' is substituted therefor.

AMENDMENTS 3/6/69 34 F. R. 248 (Changed)

V-72 From Fayetteville, Ark., 12 AGL Dogwood, Mo.; 12 AGL Maples, Mo.; 12 AGL Troy, Ill. From Rosewood, Ohio, 12 AGL Mansfield, Ohio; 12 AGL INT Cleveland, Ohio, 138° and Tiverton, Ohio, 017° radials; 12 AGL Akron, Ohio; 12 AGL Youngstown, Ohio; 12 AGL Tidioute, Pa.; 12 AGL Bradford, Pa.; 12 AGL INT Bradford 078° and Elmira, N. Y., 252° radials; 12 AGL Elmira; 12 AGL Binghamton, N. Y., 12 AGL Rockdale, N. Y.; 12 AGL Albany, N. Y.; 12 AGL Cambridge, N. Y.; 12 AGL INT Cambridge 063° and Keene, N. H., 336° radials.

AMENDMENTS 4/25/68 33 F. R. 4404 (Changed); 10/17/68 33 F. R. 10443 (Changed)

V-73 From Wichita, Kans., 12 AGL Hutchinson, Kans.; 12 AGL INT Hutchinson 025° and Salina, Kans., 184° radials; 12 AGL Salina.

V-74 From Garden City, Kans.; 12 AGL Dodge City, Kans.; 12 AGL Anthony, Kans.; 12 AGL Ponca City, Okla.; 12 AGL Tulsa,
Okla., including a 12 AGL N alternate via INT Ponca City 094° and Tulsa 319° radials; 12 AGL Fort Smith, Ark., including a 12 AGL N alternate via INT Tulsa 087° and Fort Smith 318° radials and a 12 AGL S alternate from Ponca City to Fort Smith via Okmulgee, Okla.; 12 AGL Little Rock, Ark., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Fort Smith 133° and Little Rock 278° radials; 12 AGL Pine Bluff, Ark., including a 12 AGL N alternate via INT Little Rock 137° and Pine Bluff 006° radials.

V-75 From Morgantown, W. Va., 12 AGL INT Morgantown 319° and Wheeling, W. Va., 149° radials; 12 AGL Wheeling; 12 AGL Briggs, Ohio; 12 AGL Cleveland, Ohio.

V-76 From Lubbock, Tex., 12 AGL via INT Lubbock 188° and Big Spring, Tex., 286° radials; 12 AGL Big Spring, including a 12 AGL N alternate from Lubbock direct to Big Spring, excluding the airspace between the main and this N alternate; 12 AGL Hyman, Tex.; 12 AGL San Angelo, Tex.; 12 AGL Llano, Tex.; 12 AGL Austin, Tex., including a 12 AGL S alternate via INT Llano 120° and Austin 257° radials; 12 AGL Industry, Tex.; 12 AGL INT Industry 104° and Houston, Tex., 287° radials; 12 AGL Houston, including a 12 AGL S alternate from Industry to Houston via Eagle Lake, Tex.; 12 AGL Galveston, Tex. The airspace within R-6310 is excluded.

V-77 From San Angelo, Tex., 12 AGL via Abilene, Tex.; 12 AGL Wichita Falls, Tex., including a 12 AGL E alternate; 12 AGL INT Wichita Falls 028° and Oklahoma City, Okla., 202° radials; 12 AGL Oklahoma City, including a 12 AGL E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; 12 AGL Ponca City, Okla., including a 12 AGL E alternate via INT Oklahoma City 037° and Ponca City 186° radials; 12 AGL INT Ponca City 327° and Wichita, Kans., 225° radials; 12 AGL Wichita; 12 AGL INT Wichita 037° and Topeka, Kans., 236° radials; 12 AGL Topeka; 12 AGL St. Joseph, Mo.; 12 AGL Lamoni, Iowa; to Des Moines, Iowa. The airspace within R-5601 is excluded.

V-78 From Huron, S. Dak., 12 AGL Watertown, S. Dak., including a 12 AGL S alternate; 12 AGL Darwin, Minn.; 12 AGL Minneapolis, Minn.; 12 AGL Eau Claire, Wis.

V-79 From Hobbs, N. Mex., 12 AGL via INT Hobbs 073° and Lubbock, Tex., 188° radials; 12 AGL Lubbock.

V-80 From Akron, Colo., 12 AGL North Platte, Nebr.

V-81 From Midland, Tex., 12 AGL via Lubbock, Tex.; 12 AGL Plainview, Tex.; 12 AGL Amarillo, Tex., including a 12 AGL E alternate; 12 AGL Dalhart, Tex.; 12 AGL Tobe, Colo.; 12 AGL Pueblo, Colo.; 12 AGL Colorado Springs, Colo.; 12 AGL Denver, Colo.

V-82 From Baudette, Minn., 12 AGL Bemidji, Minn.; 20 miles, 12 AGL, 51 miles, 29 MSL, 12 AGL Brainerd, Minn.; 11 miles, 12 AGL, 52 miles, 25 MSL, 12
AGL Minneapolis, Minn.; 12 AGL Farmington, Minn.; 12 AGL Rochester, Minn.; 12 AGL Nodine, Minn.; 12 AGL Dells, Wis.; 12 AGL INT Dells 097° and Timmerman, Wis., 322° radials; 6 mi. wide 12 AGL Timmerman.

V-83 From Carlsbad, N. Mex., 12 AGL via Roswell, N. Mex.; 40 mi. 12 AGL, 85 MSL Corona, N. Mex., including an E alternate 12 AGL INT Roswell 335° and Corona 124° radials, 85 MSL Corona; 12 AGL Otto, N. Mex., 12 AGL Santa Fe, N. Mex.; 12 AGL Taos, N. Mex.; 12 AGL Alamosa, Colo.; 12 AGL INT Alamosa 075° and Pueblo, Colo., 203° radials; 12 AGL Pueblo; 12 AGL Colorado Springs, Colo.; 12 AGL Kiowa, Colo.

V-84 From Bradford, Ill.; 12 AGL INT Bradford 033° and Chicago-O'Hare, Ill., 269° radials; 12 AGL Chicago-O'Hare. From Northbrook, Ill., 12 AGL Pullman, Mich.; 12 AGL Lansing, Mich.; 12 AGL Flint, Mich.; 12 AGL Peck, Mich.; 12 AGL London, Ont., Canada;
12 AGL Buffalo, N. Y.; 12 AGL Geneseo, N. Y.; 12 AGL INT Geneseo 091° and Syracuse, N. Y., 242° radials; 12 AGL Syracuse. The airspace within Canada is excluded.

V-85 From Medicine Bow, Wyo., 12 AGL via Casper, Wyo., including a 12 AGL west alternate via INT Medicine Bow 336° and Casper 216° radials; 29 miles 12 AGL, 48 miles 77 MSL, 12 AGL to Riverton, Wyo.

V-86 From Butte, Mont., 12 AGL Whitehall, Mont.; 12 AGL Bozeman, Mont.; 12 AGL INT Bozeman 128° and Livingston, Mont., 281° radials; 12 AGL Livingston; 11 miles, 12 AGL, 25 miles, 85 MSL, 12 AGL Billings, Mont.; 32 miles, 12 AGL, 35 miles, 75 MSL, 12 AGL Sheridan, Wyo.; 20 miles, 12 AGL, 45 miles, 70 MSL, 63 miles, 80 MSL, 12 AGL Rapid City, S. Dak.

V-87 From San Francisco, Calif., 12 AGL INT San Francisco 359° and Napa, Calif., 182° radials; 12 AGL Napa; 12 AGL INT Napa 004° and Maxwell, Calif., 188° radials; 12 AGL Maxwell; 12 AGL Red Bluff, Calif.

V-88 From Tulsa, Okla., 12 AGL via INT Tulsa 044° and Springfield, Mo., 261° radials; 12 AGL Springfield; 12 AGL Vichy, Mo.; 12 AGL to INT of Vichy 084° and St. Louis, Mo.; 171° radials.

AMENDMENTS 4/25/68 33 F. R. 4404 (Changed)

V-89 From INT Denver, Colo., 207° and Kiowa, Colo., 246° radials; 12 AGL Denver; 12 AGL Cheyenne, Wyo., including a 12 AGL east alternate from Denver to Cheyenne via Gill, Colo., and INT Gill 003° and Cheyenne 131° radials; 12 AGL
Chadron, including a 12 AGL E alternate from Cheyenne to Chadron via Scottsbluff, Nebr.

V-90 From Litchfield, Mich., 12 AGL via INT Litchfield 081° and Windsor, Ont., Canada, 265° radials; 12 AGL Windsor;
12 AGL via INT Windsor 083° and Dunkirk, N. Y., 266° radials; 12 AGL Dunkirk, including a 12 AGL N alternate from INT Windsor 083° and Dunkirk 266° radials to Dunkirk via Aylmer, Ont. The airspace within Canada is excluded.

V-91 From Riverhead, N. Y., 12 AGL Pawling, N. Y.; 12 AGL INT Pawling 342° and Albany, N. Y., 181° radials; 12 AGL Albany; 12 AGL Glens Falls, N. Y.; 12 AGL INT Glens Falls 032° and Burlington, Vt., 187° radials; 12 AGL Burlington; 12 AGL Plattsburgh, N. Y.; 12 AGL St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-92 From Joliet, Ill., 12 AGL Chicago Heights, Ill.; 12 AGL Goshen, Ind.; 12 AGL Waterville, Ohio; 12 AGL Attica, Ohio; 12 AGL Mansfield, Ohio; 12 AGL Briggs, Ohio; 12 AGL Wheeling, W. Va.; 12 AGL Grantsville, Md.; 12 AGL Front Royal, Va.

V-93 From Patuxent River, Md., 12 AGL INT Patuxent 013° and Baltimore, Md., 122° radials; 12 AGL Baltimore; 12 AGL Lancaster, Pa.; 12 AGL East Texas, Pa.; 12 AGL Allentown, Pa. From Pawling, N. Y., 12 AGL Chester, Mass.; 12 AGL Keene, N. H.; 12 AGL Concord, N. H.; 12 AGL INT
Concord 041° and Augusta, Maine, 239° radials; 12 AGL Augusta; 12 AGL Bangor, Maine; 12 AGL Princeton, Maine; 12 AGL INT Princeton 057° radial and the United States/Canadian border.

AMENDMENTS 2/6/69 33 F. R. 18930 (Changed)

V-94 From Gila Bend, Ariz., 12 AGL Casa Grande, Ariz.; 55 miles, 12 AGL 74 miles, 95 MSL, 12 AGL San Simon, Ariz.; 12 AGL Deming, N. Mex.; 12 AGL Newman,
Tex., including a 12 AGL S alternate via INT Deming 121° and Newman 271° radials; 12 AGL Salt Flat, Tex., including a 12 AGL north alternate via INT Newman 091° and Salt Flat 312° radials; 12 AGL Wink, Tex.; 12 AGL Midland, Tex.; 12 AGL Hyman, Tex.; 12 AGL Tuscola, Tex.; 12 AGL INT Tuscola, 084° and Britton, Tex., 264° radials; 12 AGL Britton; 12 AGL Gregg County,
Tex.; 12 AGL Barksdale AFB, La.; 12 AGL Monroe, La. The airspace within R-5103A is excluded.

AMENDMENTS 2/1/68 32 F. R. 17517 (Changed); 3/26/68 33 F. R. 5215 (Changed)

V-95 From Gila Bend, Ariz., 12 AGL INT Gila Bend 096° and Phoenix, Ariz., 204° radials; 12 AGL Phoenix; 49 miles, 12 AGL, 40 miles, 95 MSL, 12 AGL Winslow, Ariz., including a W alternate from Phoenix, 12 AGL INT Phoenix 004° and Winslow 224° radials; 52 miles, 95 MSL, 12 AGL Winslow; 66 mi. 12 AGL, 39 mi. 125 MSL, 12 AGL Farmington, N. Mex. From Gunnison, Colo., 15 miles, 125 MSL, 12 miles, 145 MSL, 22 miles, 157 MSL, 23 miles, 135 MSL, 9 miles, 128 MSL, 12 AGL Kiowa, Colo.

V-96 From Indianapolis, Ind., 12 AGL Kokomo, Ind.; 12 AGL Fort Wayne, Ind.; 12 AGL Waterville, Ohio.

V-97 From Miami, Fla., 12 AGL La Belle, Fla.; 12 AGL St. Petersburg, Fla.; 12 AGL Tallahassee, Fla., including a 12 AGL east alternate from INT LaBelle 313° and Lakeland, Fla., 175° radials to INT St. Petersburg 331° and Lakeland 307° radials via Lakeland and from INT of St. Petersburg 331° and Cross City, Fla., 201° radials to Tallahassee, via Cross City and also a 12 AGL west alternate from St. Petersburg to INT St. Petersburg 331° and Cross City 201° radials via INT St. Petersburg 316° and Cross City 201° radials; 12 AGL Albany, Ga.; 12 AGL Atlanta, Ga., including a 12 AGL east alternate via INT Albany 013° and Rex, Ga., 174° radials and the INT of Rex 174° and Atlanta 147° radials; 12 AGL INT Atlanta 007° and Knoxville, Tenn., 198° radials; 12 AGL Knoxville, including a 12 AGL E alternate from Atlanta to Knoxville via Norcross, Ga., and Harris, Ga.; 12 AGL London, Ky., including a 12 AGL E alternate via INT Knoxville 013° and London 141° radials; 12 AGL Lexington, Ky.; 12 AGL Cincinnati, Ohio, including a 12 AGL W alternate via INT Lexington 327° and Cincinnati 192° radials, and also a 12 AGL E alternate from London to Cincinnati via INT London 004° and Lexington 107° radials and Falmouth, Ky.; 12 AGL Shelbyville, Ind., 12 AGL INT Shelbyville 313° and Lafayette, Ind., 136° radials; 12 AGL Lafayette, including a 12 AGL W alternate from Shelbyville to Lafayette via Indianapolis, Ind., and INT Indianapolis 344° and Shelbyville 313° radials and INT Shelbyville 313° and Lafayette 136° radials; 12 AGL Chicago Heights, Ill. From INT Northbrook, Ill., 273° and Naperville, Ill., 340° radials; 12 AGL INT Naperville 340° and Janesville, Wis., 111° radials; 12 AGL Janesville; 12 AGL INT Janesville 294° and Lone Rock, Wis., 147° radials; 12 AGL Lone Rock; 12 AGL Nodine, Minn.; 12 AGL Minneapolis, Minn. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 12/12/68 33 F. R. 15644 (Changed); 2/6/69 34 F. R. 550 (Changed)

V-98 From INT Litchfield, Mich., 126° and Carleton, Mich., 249° radials; 12 AGL Carleton; 12 AGL Windsor, Ont., Canada; London, Ontario, Canada; Toronto, Ontario, Canada; Stirling, Ontario, Canada; 12 AGL Massena, N. Y.; 12 AGL St. Jean, Quebec, Canada. The airspace within Canada is excluded.

V-100 From Medicine Bow, Wyo., 59 miles 12 AGL, 49 miles 85 MSL, 12 AGL Chadron, Nebr.; 41 miles, 12 AGL, 119 miles, 95 MSL, 12 AGL O'Neill, Nebr.; 12 AGL Sioux City, Iowa; 12 AGL Fort Dodge, Iowa; 12 AGL Waterloo, Iowa; 12 AGL Dubuque, Iowa; 12 AGL Rockford, Ill.; 12 AGL Northbrook, Ill.; 12 AGL INT Northbrook 093° and Keeler, Mich., 271° radials; 12 AGL Keeler; 12 AGL Litchfield, Mich.; 12 AGL Carleton, Mich.

V-101 From Vernal, Utah, 22 miles 12 AGL, 50 miles 145 MSL, 20 miles 125 MSL, 12 AGL Salt Lake City, Utah; 12 AGL Ogden, Utah; 61 miles, 12 AGL, 26 miles, 109 MSL, 12 AGL Burley, Idaho.

AMENDMENTS 8/22/68 33 F. R. 9465 (Changed)

V-102 From Salt Flat, Tex., 12 AGL via Carlsbad, N. Mex.; 12 AGL Hobbs, N. Mex.; 12 AGL Lubbock, Tex.; 12 AGL Guthrie, Tex.; 12 AGL Wichita Falls, Tex., including a 12 AGL S alternate via INT Guthrie 103° and Wichita Falls 247° radials.

V-103 From Greensboro, N. C., 12 AGL Roanoke, Va.; 12 AGL Elkins, W. Va.; 12 AGL Clarksburg, W. Va.; 12 AGL INT Clarksburg 354° and Imperial, Pa., 193° radials; 12 AGL Imperial; 12 AGL Akron, Ohio; 12 AGL INT Akron 312° and Windsor, Ontario, Canada 134° radials; 12 AGL INT Windsor 134° and Salem, Mich., 117° radials; 12 AGL Salem. The airspace within Canada is excluded.

V-104 From Ottawa, Ontario, Canada, INT Ottawa 095° and Massena, N. Y., 330° radials; 12 AGL Massena; 12 AGL Plattsburgh, N. Y. The airspace within Canada is excluded.

V-105 From Tucson, Ariz., 12 AGL INT Tucson 273° and Casa Grande, Ariz., 158° radials; 12 AGL Casa Grande; 12 AGL Phoenix, Ariz.; 12 AGL Prescott, Ariz.; 25 miles, 12 AGL 22 miles, 85 MSL, 12 AGL Boulder City, Nev.; 12 AGL Las Vegas, Nev., including an E alternate from Prescott, 25 miles, 12 AGL, 85 MSL INT Prescott 319° and Peach Springs, Ariz., 134° radials, 8 miles, 85 MSL, 12 AGL Peach Springs, 12 AGL INT Peach Springs 305° and Las Vegas 081° radials, 12 AGL to Las Vegas; 12 AGL INT Las Vegas 266° and Beatty, Nev., 142° radials; 17 miles, 12 AGL, 105 MSL Beatty; 105 MSL Coaldale, Nev.; 82 miles 110 MSL, 12 AGL to Reno, Nev., including an east alternate from Coaldale, 110 MSL via Mina, Nev., 110 MSL INT Mina 300° and Reno 135° radials, 12 AGL Reno.

AMENDMENTS 6/18/68 33 F. R. 9338 (Changed)

V-106 From Johnstown, Pa.; 12 AGL INT Johnstown 068° and Selinsgrove, Pa., 259° radials; 12 AGL Selinsgrove; 12 AGL INT Selinsgrove 067° and Wilkes-Barre, Pa., 237° radials; 12 AGL Wilkes-Barre; 12 AGL Lake Henry, Pa.; 12 AGL Pawling, N. Y.; 12 AGL Westfield, Mass.; 12 AGL Gardner, Mass.; 12 AGL Manchester, N. H.; 12 AGL Kennebunk, Maine.

AMENDMENTS 10/17/68 33 F. R. 11450 (Changed)

V-107 From Los Angeles, Calif., 12 AGL INT Los Angeles 061° and Santa Monica, Calif., 093° radials; 12 AGL Santa Monica; 12 AGL INT Santa Monica 276° and Fillmore, Calif., 163° radials; 12 AGL Fillmore, including a 12 AGL W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° radials, and Ventura, Calif.; 12 AGL Avenal, Calif.; 12 AGL Los Banos, Calif.; 12 AGL Oakland, Calif.; 12 AGL Point Reyes, Calif.; 12 AGL INT Point Reyes 306° and Ukiah, Calif., 172° radials. The airspace within R-2519 more than 3 statute miles W of Ventura 155° and 331° radials, the airspace within R-2519 below 5,000 feet MSL, and the airspace within R-2520 is excluded. The portion outside the United States has no upper limit.

V-108 From San Francisco, Calif., 12 AGL INT San Francisco 304° and Sausalito, Calif., 232° radials; 12 AGL Sausalito; 12 AGL INT Sausalito 052° and Linden, Calif., 269° radials; 12 AGL Linden. From Colorado Springs, Colo.; 12 AGL Hugo, Colo., including a 12 AGL south alternate via INT Colorado Springs 153° and Hugo 250° radials; 74 miles, 65 MSL, 12 AGL Goodland, Kans.; 12 AGL Hill City, Kans.

V-109 From Los Banos, Calif., 12 AGL Stockton, Calif.; 12 AGL INT Stockton 268° and Oakland, Calif., 077° radials; 12 AGL Oakland.

V-110 From Deming, N. Mex., 12 AGL Truth or Consequences, N. Mex.

V-111 From Big Sur, Calif., 12 AGL Salinas, Calif.; 12 AGL INT Salinas 026° and Los Banos, Calif., 312° radials.

V-112 From Astoria, Oreg., 44 miles, 12 AGL; 15 miles, 6-mile wide, 12 AGL Portland, Oreg.; 12 AGL The Dalles, Oreg.; 12 AGL INT of The Dalles 101° and Pendleton, Oreg., 254° radials; 12 AGL Pendleton; 53 miles, 12 AGL, 28 miles, 45 MSL, 12 AGL Spokane, Wash., including a W alternate from Pendleton 12 AGL via Pasco, Wash., 35 miles 12 AGL, 35 MSL INT Pasco 035° and Spokane 221° radials; 6 miles 35 MSL, 12 AGL to Spokane, and an east alternate from Pendleton 12 AGL via INT Pendleton 090° and Walla Walla, Wash., 215° radials, 12 AGL Walla Walla, 22 miles, 12 AGL, 48 miles, 45 MSL, 12 AGL to Spokane, excluding the airspace between the main and west and east alternates; 47 miles 12 AGL, 105 MSL Kimberley, British Columbia, Canada, excluding the portion within Canada.

AMENDMENTS 8/22/68 33 F. R. 9068 (Changed)

V-113 From San Luis Obispo, Calif., 12 AGL Paso Robles, Calif.; 12 AGL Priest, Calif.; 12 AGL Los Banos, Calif.; 12 AGL Stockton, Calif.; 12 AGL Linden, Calif.; 12 AGL INT Linden 046° and Reno, Nev.; 208 radials; 12 AGL Reno; 42 miles, 12 AGL, 24 miles, 115 MSL, 95 MSL Sod House, Nev.; 67 miles, 95 MSL, 85 MSL Rome, Oreg.; 61 miles, 85 MSL, 12 AGL to Boise, Idaho.

V-114 From Amarillo, Tex., 12 AGL via Childress, Tex., including a 12 AGL S alternate; 12 AGL Wichita Falls, Tex., including a 12 AGL S alternate via INT Childress 120° and Wichita Falls 262° radials; 12 AGL INT Wichita Falls 122° and Dallas, Tex., 299° radials; 12 AGL Dallas; 12 AGL INT Dallas 113° and Gregg County, Tex., 290° radials; 12 AGL Gregg County, including a 12 AGL N alternate from Dallas to Gregg County via Quitman, Tex., and also a 12 AGL S alternate via INT Dallas 130° and Gregg County 273° radials; 12 AGL INT Gregg County 123° and Alexandria, La., 300° radials; 12 AGL Alexandria, including a 12 AGL N alternate from Gregg County to Alexandria via Shreveport, La., and INT Shreveport 176° and Alexandria 300° radials; 12 AGL Baton Rouge, La.; 12 AGL New Orleans, La., including a 12 AGL N alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials.

V-115 From Crestview, Fla., 12 AGL INT Crestview 001° and Montgomery, Ala., 204° radials; 12 AGL Montgomery; 12 AGL INT Montgomery 308° and Birmingham, Ala., 180° radials; 7 miles wide (4 miles E and 3 miles W and within 4.5° of centerline) 12 AGL Birmingham; 12 AGL Chattanooga, Tenn., including a 12 AGL E alternate via INT Birmingham 097° and Gadsden, Ala., 233° radials, Gadsden and INT Gadsden 042° and Chattanooga 214° radials; 12 AGL INT Chattanooga 037° and Knoxville, Tenn., 247° radials; 12 AGL Knoxville; 12 AGL Whitesburg, Ky.; 12 AGL Charleston, W. Va.; 12 AGL Parkersburg, W. Va.; 12 AGL INT Parkersburg 067° and Allegheny, Pa., 215° radials; 12 AGL Allegheny. From Ellwood City, Pa.; 12 AGL Tidioute, Pa.; 12 AGL Jamestown, N. Y.; 12 AGL Buffalo, N. Y.

AMENDMENTS 2/29/68 33 F. R. 530 (Changed)

V-116 From Kansas City, Mo., 12 AGL Macon, Mo.; 12 AGL Quincy, Ill.; 12 AGL Peoria, Ill.; 12 AGL Joliet, Ill.; 12 AGL Naperville, Ill.; 12 AGL Keeler, Mich., including a 12 AGL south alternate via INT Naperville 089° and Keeler 234° radials; 12 AGL Jackson, Mich.; 12 AGL INT Jackson 084° and Salem, Mich., 254° radials; 12 AGL Salem; 12 AGL Windsor, Ontario, Canada; 12 AGL INT Windsor 100° and Erie, Pa., 275° radials; 12 AGL Erie; 12 AGL Bradford, Pa.; 12 AGL Stonyfork, Pa.; 12 AGL Lake Henry, Pa.; 12 AGL Sparta, N. J.; 12 AGL INT Sparta 108° and La Guardia, N. Y., 338° radials; 12 AGL La Guardia. The airspace within Canada is excluded.

V-118 From Medicine Bow, Wyo., 23 miles 85 MSL, 12 AGL Laramie, Wyo.; 12 AGL Cheyenne, Wyo.

V-119 From Newcombe, Ky., 12 AGL Henderson, W. Va.; 12 AGL Parkersburg, W. Va.; 12 AGL Bellaire, Ohio; 12 AGL Wheeling, W. Va.; 12 AGL Imperial, Pa.; 12 AGL Clarion, Pa.; 12 AGL Bradford, Pa.; 12 AGL Wellsville, N. Y.; 12 AGL Geneseo, N. Y.; 12 AGL Rochester, N. Y.

V-120 From Mullan Pass, Idaho, 6 miles, 12 AGL, 55 miles, 95 MSL, 43 miles, 125 MSL, 12 AGL Great Falls, Mont., 12 AGL Lewistown, Mont., including a 12 AGL N alternate INT Great Falls 074° and Lewistown 308° radials; 41 miles, 12 AGL, 72 miles, 85 MSL, 12 AGL Miles City, Mont., 48 miles, 12 AGL, 109 miles, 90 MSL, 38 MSL Dupree, S. Dak.; 60 miles, 38 MSL, 12 AGL Pierre, S. Dak.; 12 AGL Mitchell, S. Dak.; 12 AGL Sioux Falls, S. Dak.; 12 AGL Mason City, Iowa

V-121 From Medford, Oreg., 12 AGL INT Medford 352° and Roseburg, Oreg., 127° radials; 12 AGL Roseburg; 12 AGL North Bend, Oreg.; 12 AGL Eugene, Oreg.; 12 AGL INT Eugene 070° and Redmond, Oreg., 281° radials; 12 AGL Redmond.

AMENDMENTS 8/22/68 33 F. R. 8773 (Changed)

V-122 From Crescent City, Calif., 12 AGL Medford, Oreg.; 22 miles, 12 AGL, 75 MSL INT Medford 117° and Klamath Falls, Oreg., 282° True radials; 6 miles, 75 MSL, 12 AGL Klamath Falls; 21 miles, 12 AGL, 90 MSL Lakeview, Oreg.

V-123 From Washington, D. C., 12 AGL INT Baltimore, Md., 223° and Kenton, Del., 262° radials; 12 AGL INT Kenton 262° and Woodstown, N. J., 230° radials; 12 AGL Woodstown; 12 AGL INT Woodstown 043° and Robbinsville, N. J., 239° radials; 12 AGL Robbinsville; 12 AGL INT Robbinsville 052° and La Guardia, N. Y., 208° radials; 12 AGL La Guardia; 12 AGL INT La Guardia 034° and Carmel, N. Y., 188° radials; 12 AGL Carmel.

AMENDMENTS 1/9/69 33 F. R. 16556 (Changed)

V-124 From Dallas, Tex., 12 AGL Paris, Tex.; 12 AGL Greeson Lake, Ark.; 12 AGL Hot Springs, Ark.; 12 AGL Little Rock, Ark.; 12 AGL Memphis, Tenn.

AMENDMENTS 1/9/69 33 F. R. 16556 (Added)

V-125 From Anthony, Kans., 12 AGL Hutchinson, Kans.

V-126 From Chicago Heights, Ill., 12 AGL Goshen, Ind.; 12 AGL Waterville, Ohio; 12 AGL Cleveland, Ohio; 12 AGL Jefferson, Ohio; 12 AGL Erie, Pa.; 12 AGL Bradford, Pa.; 12 AGL Stonyfork, Pa.; 12 AGL Lake Henry, Pa.; 12 AGL Huguenot, N. Y.; 12 AGL INT Huguenot 102° and Carmel, N. Y., 274° radials; 12 AGL Carmel; 12 AGL INT Carmel 093° and Norwich, Conn., 227° radials.

V-127 From Bradford, Ill., 12 AGL Polo, Ill.; 12 AGL Rockford, Ill.

V-128 From Chicago-O'Hare, Ill., 12 AGL INT Chicago-O'Hare 153° and Peotone, Ill., 003° radials; 12 AGL Peotone; 12 AGL INT Peotone 153° and Westpoint, Ind., 326° radials; 12 AGL Westpoint; 12 AGL Indianapolis, Ind.; 12 AGL INT Indianapolis 137° and Cincinnati, Ohio, 290° radials; 12 AGL Cincinnati; 12 AGL York, Ky., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Cincinnati 120° and York 271° radials; 12 AGL Charleston, W. Va.; 12 AGL Casanova, Va.

V-129 From Capital, Ill., 12 AGL Peoria, Ill.; 12 AGL Cordova, Ill.; 12 AGL Dubuque, Iowa; 12 AGL Waukon, Iowa; 12 AGL Nodine, Minn.; 12 AGL Eau Claire, Wis.; 15 miles, 12 AGL, 73 miles, 35 MSL, 12 AGL Duluth, Minn.; 12 AGL Hibbing, Minn., including a 12 AGL E alternate; 24 miles, 12 AGL, 47 miles, 30 MSL, 12 AGL International Falls, Minn., including a W alternate from Hibbing, 24 miles, 12 AGL, 30 MSL INT Hibbing 325° and International Falls 182° radials, 25 miles, 30 MSL, 12 AGL to International Falls; 12 AGL INT International Falls 336° radial and the United States/Canadian border.

AMENDMENTS 2/1/68 32 F. R. 17516 (Changed)

V-130 From Albany, N. Y., 12 AGL Hartford, Conn.; 12 AGL Norwich, Conn.; 12 AGL INT Norwich 090° radial and Providence, R. I., ILS localizer S course.

V-131 From McAlester, Okla., 12 AGL via Okmulgee, Okla.; 12 AGL Tulsa, Okla.; 12 AGL Chanute, Kans.; 12 AGL Topeka, Kans.

V-132 From Cheyenne, Wyo., 12 AGL Akron, Colo.; 17 miles, 12 AGL, 49 miles, 50 MSL, 12 AGL Goodland, Kans.; 50 miles 12 AGL, 97 miles 92 MSL, 12 AGL Hutchinson, Kans.; 12 AGL INT Hutchinson 078° and Chanute, Kans., 294° radials; 12 AGL Chanute; 12 AGL INT Chanute 100° and Springfield, Mo., 276° radials; 12 AGL Springfield.

V-133 From Fort Mill, S. C., 12 AGL Hickory, N. C.; 12 AGL Charleston, W. Va.; 12 AGL Zanesville, Ohio; 12 AGL Tiverton, Ohio; 12 AGL Mansfield, Ohio; 12 AGL Sandusky, Ohio; 12 AGL INT Sandusky 342° and Salem, Mich., 138° radials; 12 AGL Salem; 12 AGL Flint, Mich.; 12 AGL Saginaw, Mich.; 12 AGL Traverse City, Mich., 12 AGL Escanaba, Mich.; 12 AGL Marquette, Mich.; 12 AGL Houghton, Mich.; 10 miles, 12 AGL, 26 MSL Lakehead, Ontario, Canada. The airspace within Canada is excluded.

V-135 From Yuma, Ariz., 12 AGL Blythe, Calif.; 12 AGL Parker, Calif.; 5 miles, 12 AGL, 24 miles, 55 MSL, 12 AGL Needles, Calif.; 12 AGL Goffs, Calif.; 84 miles, 12 AGL, 105 MSL Beatty, Nev.; 105 MSL INT Beatty 326° and Tonopah, Nev., 198° radials; 12 AGL to Tonopah. The airspace within R-4807 is excluded.

V-136 From Pulaski, Va., 12 AGL INT Pulaski 094° and South Boston, Va., 295° radials; 12 AGL South Boston; 12 AGL Raleigh-Durham, N. C.

V-137 From Imperial, Calif., 12 AGL INT Imperial 350° and Thermal, Calif., 122° radials; 12 AGL Thermal; 12 AGL Palm Springs, Calif.; 12 AGL Palmdale, Calif.; 12 AGL Gorman, Calif.; 12 AGL Avenal, Calif.; 12 AGL Priest, Calif.; 12 AGL Salinas, Calif. The airspace within R-2521 is excluded.

AMENDMENTS 8/22/68 33 F. R. 8592 (Changed)

V-138 From Riverton, Wyo., 35 mi. 12 AGL, 80 mi. 107 MSL, 16 mi. 85 MSL, via Medicine Bow; 12 AGL Cheyenne, Wyo., including a 12 AGL N alternate via INT Medicine Bow 106° and Cheyenne 330° radials; 12 AGL Sidney, Nebr. From Grand Island, Nebr., 1200 feet AGL INT of Grand Island 099° and Lincoln, Nebr., 267° true radials; 1,200 feet AGL Lincoln; 1,200 feet AGL INT of Lincoln 040° and Neola, Iowa, 253° true radials; Neola to Fort Dodge, Iowa.

V-139 From Wilmington, N. C., 12 AGL INT Wilmington 036° and New Bern, N. C., 231° radials; 12 AGL New Bern; 12 AGL Cofield, N. C.; 12 AGL INT Cofield 084° and Norfolk, Va., 209° radials; 12 AGL Norfolk; 12 AGL Cape Charles, Va.; 12 AGL Snow Hill, Md.; 12 AGL Sea Isle, N. J.; 12 AGL INT Sea Isle 050° and Hampton, N. Y., 223° radials; 12 AGL Hampton; 12 AGL INT Hampton 059° and Providence, R. I., 212° radials; 12 AGL Providence; 6 miles wide, 12 AGL Whitman, Mass., including a 12 AGL E alternate; 12 AGL INT Whitman 041° and Manchester, N. H., 130° radials; 12 AGL INT Manchester 130° and Boston, Mass., 015° radials; 12 AGL INT Manchester 117° and Boston 015° radials. The airspace below 2,000 feet MSL outside the United States, the airspace below 3,000 feet MSL between the Kennedy, N. Y., 087° and 141° radials, and the airspace within R-6604 are excluded.

V-140 From Amarillo, Tex., 12 AGL via Sayre, Okla., including a 12 AGL N alternate via INT Amarillo 072° and Sayre 288° radials; 12 AGL Kingfisher, Okla.; 12 AGL INT Kingfisher 072° and Tulsa, Okla., 261° radials; 12 AGL Tulsa; 12 AGL Fayetteville, Ark., including a 12 AGL N alternate via INT Tulsa 059° and Fayetteville 284° radials; 12 AGL Harrison, Ark., 12 AGL Walnut Ridge, Ark.; 12 AGL Dyersburg, Tenn.; 12 AGL Nashville, Tenn., 12 AGL Livingston, Tenn., including a 12 AGL S alternate; 12 AGL London, Ky., including a 12 AGL N alternate from Nashville to London via INT Nashville 044° and London 258° radials; 12 AGL Whitesburg, Ky.; 12 AGL Bluefield, W. Va.; 12 AGL INT of Bluefield 071° and Montebello, Va., 250° radials; 12 AGL Montebello; 12 AGL Casanova, Va.; 12 AGL Herndon, Va.; 12 AGL INT Herndon 061° and Modena, Pa., 234° radials; 12 AGL Modena.

AMENDMENTS 5/23/68 33 F. R. 5214 (Changed)

V-141 From Nantucket, Mass., 12 AGL Hyannis, Mass.; 12 AGL Boston, Mass.; 12 AGL INT Boston 015° and Manchester, N. H., 117° radials; 12 AGL Manchester; 12 AGL Concord, N. H.; 12 AGL Lebanon, N. H., including a 12 AGL east alternate via INT Concord 022° and Lebanon 103° radials; 12 AGL Burlington, Vt.; 12 AGL Massena, N. Y.

AMENDMENTS 12/12/68 33 F. R. 15989 (Changed); 2/6/69 33 F. R. 17624 (Changed)

V-142 From Buffalo, N. Y., 12 AGL INT Buffalo 034° and Rochester, N. Y., 289° radials; 12 AGL Rochester.

V-143 From Fort Mill, S. C., 12 AGL Greensboro, N. C.; 12 AGL Lynchburg, Va.; 12 AGL Montebello, Va.; 12 AGL Front Royal, Va.; 12 AGL Martinsburg, W. Va.; 12 AGL Lancaster, Pa.; 12 AGL Pottstown, Pa.; 12 AGL Yardley, Pa.

V-144 From Chicago-O'Hare, Ill., 12 AGL INT Chicago-O'Hare 153° and Peotone, Ill., 003° radials; 12 AGL Peotone; 12 AGL Fort Wayne, Ind.; 12 AGL Findlay, Ohio; 12 AGL INT Findlay 131° and Appleton, Ohio, 312° radials; 12 AGL Appleton; 12 AGL Zanesville, Ohio; 12 AGL Mongantown, W. Va.; 12 AGL Kessel, W. Va.; 12 AGL Linden, Va.; 12 AGL INT Linden 104° and Herndon, Va., 185° radials.

AMENDMENTS 2/29/68 33 F. R. 451 (Changed)

V-145 From Utica, N.Y., 12 AGL INT Utica 303° and Watertown, N.Y., 171° radials; 12 AGL Watertown; 12 AGL INT Watertown 358° radial and the United States/Canadian border.

V-146 From Pawling, N. Y., 12 AGL Putman, Conn.; 12 AGL Providence, R. I.; 12 AGL Martha's Vineyard, Mass., 12 AGL Nantucket, Mass.

V-147 From INT New Castle, Del., 058° and Pottstown, Pa., 143° radials; 12 AGL Pottstown; 12 AGL Allentown, Pa., 12 AGL Wilkes-Barre, Pa.; 12 AGL Elmira, N. Y.; 12 AGL Geneseo, N. Y.; 12 AGL Rochester, N. Y.

AMENDMENTS 10/17/68 33 F. R. 11450 (Changed); 11/14/68 33 F. R. 12890 (Changed)

V-148 From Denver, Colo., 12 AGL INT Denver 174° and Kiowa, Colo., 268° radials; 12 AGL Kiowa; 12 AGL Thurman, Colo.; 65 MSL INT Thurman 067° and Hayes Center, Nebr., 246° radials; 12 AGL Hayes Center, Nebr.; 12 AGL North Platte, Nebr.;
21 miles, 12 AGL, 84 miles 49 MSL, 12 AGL O'Neill, Nebr.; 10 miles, 12 AGL, 62 miles, 35 MSL, 12 AGL Sioux Falls, S. Dak.; 29 miles, 12 AGL, 46 miles, 31 MSL, 12 AGL Redwood Falls, Minn., including a south alternate from Sioux Falls 29 miles, 12 AGL, 49 miles, 31 MSL, 12 AGL Redwood Falls; 12 AGL Minneapolis, Minn.

V-149 From INT Allentown, Pa., 151° and Yardley, Pa., 284° radials; 12 AGL Allentown; 12 AGL Wilkes-Barre, Pa.; 12 AGL Binghamton, N. Y.; 12 AGL Georgetown, N. Y.; 12 AGL INT Georgetown 036° and Utica, N. Y., 280° radials; 12 AGL Utica.

AMENDMENTS 10/17/68 33 F. R. 11450 (Changed)

V-150 From San Francisco, Calif., 12 AGL INT San Francisco 304° and Sausalito, Calif., 232° radials; 12 AGL Sausalito; 12 AGL Sacramento, Calif.

V-151 From Providence, R. I., 12 AGL Gardner, Mass.; 12 AGL Keene, N. H.; 12 AGL Lebanon, N. H., including a 12 AGL W alternate via INT Keene 336° and Lebanon 214° radials; 12 AGL Montpelier, Vt.; 12 AGL Burlington, Vt.

AMENDMENTS 10/17/68 33 F. R. 10443 (Changed)

V-152 From St. Petersburg, Fla., 12 AGL Orlando, Fla., including a 12 AGL N alternate via INT St. Petersburg 040° and Orlando 258° radials, and also a 12 AGL S alternate via Lakeland, Fla.; 12 AGL Daytona Beach, Fla., including a 12 AGL S alternate via INT Orlando 049° and Daytona Beach 161° radials.

V-153 From INT Sparta, N. J., 194° and Stillwater, N. J., 110° radials; 12 AGL Stillwater; 12 AGL Lake Henry, Pa.; 12 AGL Georgetown, N. Y.; 12 AGL Syracuse, N. Y.

V-154 From Macon, Ga.; 12 AGL Dublin, Ga.; 12 AGL Savannah, Ga.

V-155 From Augusta, Ga., 12 AGL Chesterfield, S. C.; 12 AGL Pinehurst, N. C.; 12 AGL Raleigh-Durham, N. C.; 12 AGL Lawrenceville, Va.;
12 AGL INT Lawrenceville 034° and Flat Rock, Va.; 171° radials; 12 AGL Flat Rock; 12 AGL Gordonsville, Va.; 12 AGL Linden, Va.; 12 AGL Front Royal, Va. The airspace within R-6602 is excluded.

V-157 From Key West, Fla., 12 AGL Miami, Fla.; 12 AGL La Belle, Fla., including a 12 AGL W alternate from INT Miami 222° and Fort Myers, Fla., 137° radials to La Belle via INT Fort Myers 137° and La Belle 162° radials; 12 AGL Lakeland, Fla.; 12 AGL Ocala, Fla.; 12 AGL Gainesville, Fla.; 12 AGL Taylor, Fla.; 12 AGL Waycross, Ga.; 12 AGL Alma,
Ga.; 12 AGL Allendale, S. C.; 12 AGL Vance, S. C.; 12 AGL Florence, S. C. From Kinston, N. C., 12 AGL Rocky Mount, N. C.; 12 AGL Lawrenceville, Va.;
12 AGL Richmond, Va.; 12 AGL INT Brooke, Va., 132° and Washington, D. C., 189° radials; 6-mile wide, 12 AGL Washington; 12 AGL Baltimore, Md.; 12 AGL INT Baltimore 038° and New Castle, Del., 261° radials; 12 AGL New Castle; 12 AGL Robbinsville, N. J.; 12 AGL Colts Neck, N. J. The airspace within R-4001, R-6602, R-6612 is excluded.

V-158 From Waterloo, Iowa, 12 AGL Dubuque, Iowa; 12 AGL Polo, Ill. The airspace within R-3302 is excluded.

V-159 From Miami, Fla., 12 AGL INT Miami 346° and Palm Beach, Fla., 222° radial; 12 AGL Palm Beach; 12 AGL INT Palm Beach 321° and Vero Beach, Fla., 178° radials; 12 AGL Vero Beach; 12 AGL Orlando, Fla., including a 12 AGL E alternate via INT Vero Beach 341°
and Orlando 123° radials; 12 AGL Ocala, Fla., including a 12 AGL W alternate via INT Orlando 283° and Ocala 156° radials; 12 AGL Gainesville, Fla.; 12 AGL Greenville, Fla., including a 12 AGL W alternate from Ocala to Greenville via Cross City, Fla.; 12 AGL Albany, Ga.; 12 AGL Eufaula, Ala.; 12 AGL Tuskegee, Ala.; 12 AGL Birmingham, Ala.; 12 AGL INT Birmingham 298° and Hamilton, Ala., 122° radials; 12 AGL Hamilton; 12 AGL Holly Springs, Miss., including a 12 AGL north alternate from Birmingham to Holly Springs via INT Birmingham 313° and Holly Springs 099° radials; 12 AGL Memphis, Tenn.,
including a 12 AGL south alternate from Hamilton to Memphis via INT Hamilton 273° and Memphis 136° radials; 12 AGL Walnut Ridge, Ark.; 12 AGL Dogwood, Mo.; 12 AGL Springfield, Mo.; 12 AGL Blue Springs, Mo.; 12 AGL Kansas City, Mo.; 12 AGL St. Joseph, Mo.; 12 AGL INT St. Joseph 343° and Neola, Iowa, 157° radials; 12 AGL INT Neola 157° and Omaha, Nebr., 112° radials; 12 AGL Omaha; 12 AGL Sioux City, Iowa, including a 12 AGL west alternate via INT Omaha 320° and Sioux City 174° radials; 12 AGL Yankton, S. Dak.; 12 AGL Mitchell, S. Dak.

AMENDMENTS 3/28/68 33 F. R. 849 (Changed); 6/20/68 33 F. R. 6084 (Changed)
AMENDMENTS 12/12/68 33 F. R. 15544 (Changed); 2/6/69 33 F. R. 18009 (Changed)

V-160 From Denver, Colo.; 12 AGL INT Denver 045° and Sidney, Nebr., 230° radials; 12 AGL Sidney.

AMENDMENTS 5/23/68 33 F. R. 5036 (Rewritten)

V-161 From Greater Southwest, Tex., 12 AGL via INT Greater Southwest 318° and Ardmore, Okla., 192° radials; 12 AGL Ardmore; 12 AGL Okmulgee, Okla.; 12 AGL Tulsa, Okla.; 12 AGL Oswego, Kans.; 12 AGL Butler, Mo.; 12 AGL Blue Springs, Mo.; 12 AGL INT Blue Springs 016° and Lamoni, Iowa, 174° radials; 12 AGL Lamoni; 12 AGL Des Moines, Iowa; 12 AGL Newton, Iowa; 12 AGL Waterloo, Iowa, including a 12 AGL W alternate from Des Moines to Waterloo via INT Des Moines 023° and Waterloo 241° radials; 12 AGL Rochester, Minn.; 12 AGL INT Rochester 365° and Minneapolis, Minn., 116° radials; 12 AGL Minneapolis; 14 miles, 12 AGL, 52 miles, 25 MSL, 12 AGL Brainerd, Minn.; 12 AGL Grand Rapids, Minn.; 15 miles, 12 AGL, 59 miles 30 MSL, 12 AGL International Falls.

V-162 From INT Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials; 12 AGL Clarksburg. From Harrisburg, Pa., 12 AGL East Texas, Pa., including a 12 AGL S alternate via INT Harrisburg 087° and East Texas 225° radials; 12 AGL Allentown, Pa. The airspace within R-5802 is excluded.

V-163 From Brownsville, Tex., 12 AGL INT Brownsville 356° and Corpus Christi 181° radials; 12 AGL Corpus Christi, including a 12 AGL west alternate from Brownsville to INT Brownsville 356° and Corpus Christi 181° radials via Harlingen, Tex.; 12 AGL INT Corpus Christi 313° and San Antonio, Tex., 183° radials; 12 AGL San Antonio; 12 AGL INT San Antonio 002° and Lometa, Tex., 173° radials; 12 AGL Lometa, including a 12 AGL W alternate from San Antonio to Lometa via INT San Antonio 334° and Llano, Tex., 180° radials and Llano; 12 AGL Mineral Wells, Tex.; 12 AGL Bridgeport, Tex.; 12 AGL Ardmore, Okla.; 12 AGL INT Ardmore 342° and Oklahoma City, Okla., 154° radials; 12 AGL Oklahoma City, including a 12 AGL W alternate via INT Ardmore 327° and Oklahoma City 180° radials and also a 12 AGL E alternate via INT Ardmore 006° and Oklahoma City 107° radials. The airspace within Mexico is excluded.

V-164 From Buffalo, N. Y., 12 AGL Wellsville, N. Y.; 12 AGL Stonyfork, Pa.; 12 AGL Williamsport, Pa.; 12 AGL INT Williamsport 129° and East Texas, Pa., 315° radials; 12 AGL East Texas.

V-165 From San Diego, Calif., 12 AGL INT San Diego 270° and Oceanside, Calif., 177° radials; 12 AGL Oceanside; 24 miles, 12 AGL; 6 miles wide, 12 AGL Seal Beach, Calif.; 6 miles wide, 12 AGL INT Seal Beach 287° and Los Angeles, Calif., 138° radials; 12 AGL Los Angeles; 12 AGL INT Los Angeles 357° and Lake Hughes, Calif., 154° radials; 12 AGL Lake Hughes; 12 AGL INT Lake Hughes 344° and Bakersfield, Calif., 137° radials; 12 AGL Bakersfield; 12 AGL Porterville, Calif.; 12 AGL INT Porterville 339° and Fresno, Calif., 140° radials; 12 AGL Fresno; 68 miles, 12 AGL, 50 miles, 131 MSL, 12 AGL Reno, Nev.; 40 miles, 12 AGL, 7 miles, 115 MSL, 87 miles, 135 MSL, 12 AGL Lakeview, Oreg.; 5 miles, 12 AGL 72 miles, 90 MSL, 12 AGL Redmond, Oreg.; 16 miles, 12 AGL, 19 miles, 95 MSL, 24 miles, 75 MSL, 12 miles, 65 MSL, 12 AGL Newberg, Oreg.; 32 miles, 12 AGL, 45 MSL INT Newberg 355° and Olympia, Wash., 195° radials; 12 AGL Olympia; 12 AGL INT Olympia 010° and Seattle, Wash., 249° radials; 12 AGL Seattle.

AMENDMENTS 12/12/68 33 F. R. 15544 (Changed)

V-166 From Parkersburg, W. Va., 12 AGL Clarksburg, W. Va.; 12 AGL Kessel, W. Va.; 12 AGL Martinsburg, W. Va.; 12 AGL Westminster, Md.; 12 AGL New Castle, Del.; 12 AGL Woodstown, N. J.; 12 AGL Sea Isle, N. J.

V-167 From Coyle, N. J.; 12 AGL INT Coyle 050° and Kennedy, N. Y., 178° radials; 12 AGL Kennedy; 12 AGL Hartford, Conn.; 12 AGL INT Hartford 076° and Providence, R. I., 270° radials; 12 AGL Providence; 12 AGL INT Providence 101° and Hyannis, Mass., 224° radials; 12 AGL Hyannis. The airspace below 2,000 feet MSL outside the United States is excluded.

V-168 From Scottsbluff, Nebr., 12 AGL O'Neill, Nebr.

V-169 From Tobe, Colo., 69 MSL Hugo, Colo.; 38 miles, 67 MSL, 12 AGL Thurman, Colo.; 12 AGL Akron, Colo.; 12 AGL Sidney, Nebr.; 12 AGL Scottsbluff, Nebr.; 12 AGL Chadron, Nebr.; 12 AGL Rapid City, S. Dak.; 12 AGL Dupree, S. Dak.; 12 AGL Bismarck, N. Dak. The airspace within R-4701 is excluded.

V-170 From Aberdeen, S. Dak., 12 AGL Sioux Falls, S. Dak.; 12 AGL Worthington, Minn.; 12 AGL Fairmont, Minn.; 12 AGL Mankato, Minn.; 12 AGL Farmington, Minn. From Nodine, Minn., 12 AGL Dells, Wis.; 12 AGL INT Dells 097° and Milwaukee, Wis., 307° radials; 12 AGL Milwaukee; 12 AGL INT Milwaukee 102° and Pullman, Mich., 303° radials; 12 AGL Pullman; 12 AGL Salem, Mich. From Erie, Pa., 12 AGL Bradford, Pa.; 12 AGL Slate Run, Pa.; 12 AGL Selinsgrove, Pa.; 12 AGL Ravine, Pa.; 12 AGL INT Ravine 125° and Modena, Pa., 318° radials; 12 AGL Modena. The airspace within R-5802 is excluded.

AMENDMENTS 5/23/68 33 F. R. 5214 (Changed); 9/19/68 33 F. R. 10800 (Changed)

V-171 From Louisville, Ky., via Scotland, Ind.; 12 AGL Lewis, Ind.; 12 AGL Danville, Ill.; 12 AGL Peotone, Ill.; 12 AGL Joliet, Ill.; 12 AGL Rockford, Ill.; 12 AGL Lone Rock, Wis.; 12 AGL Nodine, Minn.; 12 AGL INT Nodine 298° and Farmington, Minn., 124° radials; 12 AGL Farmington; 12 AGL Darwin, Minn.; 6 miles, 12 AGL, 51 miles, 27 MSL, 12 AGL Alexandria, Minn.

V-172 From Denver, Colo., 12 AGL INT Denver 061° and Hayes Center, Nebr., 276° radials; 12 AGL INT Hayes Center 276° and North Platte, Nebr., 245° radials; 12 AGL North Platte; 12 AGL INT North Platte 073° and Wolbach, Nebr., 266° radials; 12 AGL Wolbach; 12 AGL Neola, Iowa; 12 AGL Newton, Iowa; 12 AGL Cedar Rapids, Iowa; 12 AGL Polo, Ill.; 12 AGL Chicago-O'Hare, Ill.; 12 AGL INT Chicago-O'Hare 091° and South Bend, Ind., 290° radials; 12 AGL South Bend.

AMENDMENTS 10/17/68 33 F. R. 11537 (Changed)

V-173 From Capital, Ill., 12 AGL Roberts, Ill.; 12 AGL INT Roberts 008° and Joliet, Ill., 067° radials; 12 AGL Kedizie, Ill., RBN.

V-174 From York, Ky., 12 AGL Henderson, W. Va.; 12 AGL Elkins, W. Va.; 12 AGL Linden, Va.; 12 AGL INT Linden 104° and Herndon, Va., 188° radials.

V-175 From Vichy, Mo., 12 AGL via INT Vichy 321° and Hallsville, Mo., 209° radials; 12 AGL Hallsville; 12 AGL Macon, Mo.; 12 AGL Kirksville, Mo.; 12 AGL Des Moines, Iowa; 12 AGL Sioux City, Iowa.

AMENDMENTS 4/25/68 33 F. R. 3508 (Changed)

V-177 From Fort Wayne, Ind., 12 AGL INT Peotone, Ill., 098° and Chicago Heights, Ill., 140° radials; 12 AGL Chicago Heights. From Naperville, Ill., 12 AGL Janesville, Wis.; 12 AGL Madison, Wis.; 12 AGL Stevens Point, Wis., including a 12 AGL west alternate via Dells, Wis.; 31 miles 12 AGL, 115 miles 55 MSL, 12 AGL Duluth, Minn.

AMENDMENTS 2/29/68 33 F. R. 451 (Changed); 4/25/68 33 F. R. 3267 (Changed)
AMENDMENTS 8/22/68 33 F. R. 9465 (Changed); 10/17/68 33 F. R. 11593 (Changed)

V-178 From Farmington, Mo., 12 AGL Paducah, Ky., including a 12 AGL S alternate; 12 AGL Central City, Ky.; 12 AGL New Hope, Ky.; 12 AGL Lexington, Ky.; 12 AGL Bluefield, W. Va.

AMENDMENTS 4/25/68 33 F. R. 3508 (Changed)

V-179 From Paducah, Ky., 12 AGL Marion, Ill.; 12 AGL Centralia, Ill.

V-180 From San Antonio, Tex., 12 AGL via Eagle Lake, Tex.; 12 AGL Galveston, Tex.

V-181 From Kirksville, Mo., 12 AGL Lamoni, Iowa; 12 AGL Omaha, Nebr.; 12 AGL Norfolk, Nebr.; 12 AGL Yankton, S. Dak.; 12 AGL Sioux Falls, S. Dak., including a 12 AGL W alternate via INT Yankton 016° and Sioux Falls 230° radials; 12 AGL Watertown, S. Dak., including a 12 AGL east alternate; 34 miles, 12 AGL, 24 miles, 34 MSL, 12 AGL Fargo, N. Dak.; 12 AGL Grand Forks, N. Dak., including a 12 AGL E alternate; 12 AGL Pembina, N. Dak.; 12 AGL INT Pembina 356° radial and the United States/ Canadian border.

AMENDMENTS 6/20/68 33 F. R. 8084 (Changed)

V-182 From Portland, Oreg., 12 AGL The Dalles, Oreg.; 12 AGL Baker, Oreg.

V-183 From Santa Barbara, Calif., 12 AGL Bakersfield, Calif.

V-184 From Erie, Pa., 12 AGL Tidioute, Pa.; 12 AGL INT Tidioute 154° and Philipsburg, Pa., 296° radials; 12 AGL Philipsburg; 12 AGL Harrisburg, Pa.; 12 AGL INT Harrisburg 132° and Modena, Pa., 274° radials; 12 AGL Modena; 12 AGL INT Modena 120° radial and Philadelphia, Pa., International Airport ILS localizer 256° course; 12 AGL Woodstown, N. J.; 12 AGL Millville, N. J.; 12 AGL Atlantic City, N. J.

AMENDMENTS 5/23/68 33 F. R. 5214 (Changed)

V-185 From Savannah, Ga., 12 AGL INT Savannah 321° and Augusta, Ga., 157° radials; 12 AGL Augusta; 12 AGL Greenwood, S. C.; 12 AGL Asheville, N. C.; 12 AGL Snowbird, Tenn.; 12 AGL INT Snowbird 301° and Knoxville, Tenn. 069° radials; 12 AGL Knoxville, including a 12 AGL E alternate from Asheville to Knoxville via INT Asheville 329° and Knoxville 069° radials.

V-186 From Fillmore, Calif., 12 AGL Van Nuys, Calif.; 12 AGL Ontario, Calif.

V-187 From Albuquerque, N. Mex., 12 AGL via Farmington, N. Mex.; 50 miles 12 AGL, 62 miles 115 MSL, 12 AGL Grand Junction, Colo., including a west alternate from Farmington 12 AGL Cortez, Colo., 12 AGL Dove Creek, Colo., 17 miles 12 AGL, 28 miles 115 MSL, 12 AGL to Grand Junction, excluding the airspace between the main and west alternate; 75 miles, 12 AGL, 50 miles, 112 MSL, 12 AGL Rock Springs, Wyo., including a west alternate from Grand Junction 45 miles 103 MSL, 14 miles 85 MSL, 12 AGL Vernal, Utah, 15 miles, 12 AGL, 110 MSL, Rock Springs, excluding the airspace between the main and this west alternate; 20 miles 12 AGL, 37 miles 95 MSL, INT Rock Springs 026° and Riverton, Wyo., 180° radials; 12 AGL Riverton; 12 AGL Boysen Reservoir, Wyo.; 9 miles, 12 AGL, 78 miles, 105 MSL, 12 AGL Billings, Mont., including a west alternate from Boysen Reservoir, 9 miles, 12 AGL, 56 miles, 91 MSL, 12 AGL via Cody, Wyo., 12 AGL Billings, excluding the airspace between the main and this west alternate; 40 miles, 12 AGL, 75 MSL INT Billings 317° and Great Falls, Mont., 122° radials; 12 AGL Great Falls; 12 AGL Missoula, Mont.

AMENDMENTS 2/1/68 32 F. R. 17517 (Changed); 5/23/68 33 F. R. 5350 (Changed)
AMENDMENTS 8/22/68 33 F. R. 9067 (Changed)

V-188 From Carleton, Mich., 12 AGL Jefferson, Ohio; 12 AGL Tidioute, Pa.; 12 AGL Slate Run, Pa.; 12 AGL Williamsport, Pa.; 12 AGL Wilkes-Barre, Pa.; 12 AGL Tannersville, Pa. The airspace within Canada is excluded.

AMENDMENTS 10/17/68 33 F. R. 11450 (Changed)

V-189 From Rocky Mount, N. C., 12 AGL Franklin, Va.; 12 AGL Hopewell, Va.

V-190 From Phoenix, Ariz., 54 miles, 12 AGL, 19 miles, 95 MSL, 59 miles, 115 MSL, 12 AGL St. Johns, Ariz.; 12 AGL Albuquerque, N. Mex., including a 12 AGL N alternate from St. Johns to Albuquerque via INT St. Johns 053° and Grants, N. Mex., 252° radials and Grants; 12 AGL Las Vegas, N. Mex.; 19 mi. 12 AGL, 72 mi. 90 MSL, 12 AGL Dalhart, Tex.; 14 mi. 12 AGL, 36 mi. 60 MSL, 12 AGL Gage, Okla.; 12 AGL INT Gage 059° and Ponca City, Okla., 280° radials; 12 AGL Ponca City; 12 AGL INT Ponca City 094° and Bartlesville, Okla., 256° radials; 12 AGL Bartlesville; 12 AGL INT Bartlesville 075° and Oswego, Kans., 233° radials; 12 AGL Oswego; 12 AGL INT Oswego 085° and Springfield, Mo., 261° radials; 12 AGL Springfield; 12 AGL Maples, Mo.; 12 AGL Farmington, Mo., 12 AGL Marion, Ill.; 12 AGL Evansville, Ind.

PENDING AMENDMENT

In V-190 all between "12 AGL Albuquerque, N. Mex.;" and "12 AGL Las Vegas, N. Mex.;" is deleted and "including a 12 AGL south alternate via INT St. Johns 092° and Albuquerque 238° radials;" is substituted therefor.

AMENDMENTS 3/6/69 34 F. R. 1011 (Changed)

V-191 From Troy, Ill.; 12 AGL Decatur, Ill.; 12 AGL Roberts, Ill., including a 12 AGL east alternate from Decatur to Roberts via Champaign, Ill.; 12 AGL INT of Roberts 008° and Joliet, Ill., direct radial to Kedzie, Ill., RBN; 12 AGL Northbrook, Ill.; 12 AGL INT of Northbrook 078° and Chicago, Ill., 019° radials; 12 AGL INT of Chicago 019° and Milwaukee, Wis., 121° radials; 12 AGL Milwaukee; 12 AGL Oshkosh, Wis.; 12 AGL Stevens Point, Wis.; 12 AGL Wausau, Wis.; 12 AGL Rhinelander, Wis., including a 12 AGL E alternate from Oshkosh direct to Rhinelander; 12 AGL Ironwood, Mich.; 12 AGL Duluth, Minn.

AMENDMENTS 6/20/68 33 F. R. 8950 (Changed); 6/20/68 33 F. R. 8287 (Changed)

V-193 From INT Pullman, Mich., 243° and South Bend, Ind., 310° radials; 12 AGL Pullman; 12 AGL INT Pullman 029° and White Cloud, Mich., 168° radials; 12 AGL White Cloud; 12 AGL Traverse City, Mich., including a 12 AGL W alternate via INT White Cloud 329° and Traverse City 235° radials; 12 AGL Pellston, Mich.; 12 AGL INT Pellston 003° and Sault Ste. Marie, Mich., 214° radials; 12 AGL Sault Ste. Marie.

V-194 From Lafayette, La., 12 AGL via Baton Rouge, La.; 12 AGL McComb, Miss.; 12 AGL Meridian, Miss. From Norcross, Ga., 12 AGL INT Norcross 055° and Anderson, S. C., 267° radials; 12 AGL Anderson; 12 AGL INT Anderson 065° and Charlotte, N. C., 240° radials; 12 AGL Charlotte; 12 AGL Liberty, N. C.; 12 AGL Raleigh-Durham, N. C.; 12 AGL Rocky Mount, N. C.; 12 AGL Cofield, N. C.; 12 AGL Norfolk, Va. 12 AGL INT Norfolk 001° and Harcum, Va., 075° radials; 12 AGL INT Harcum 075° and Snow Hill 211° radials.

AMENDMENTS 2/1/68 32 F. R. 1757 (Changed)
PENDING AMENDMENT
In V-194 "12 AGL Meridian, Miss." is deleted and "12 AGL INT McComb 055° and Meridian, Miss., 221° radials; 12 AGL Meridian." is substituted therefor.
AMENDMENTS 4/3/69 34 F. R. 1370 (Changed)

V-195 From Oakland, Calif., 12 AGL INT Oakland 004° and Williams, Calif., 191° radials; 12 AGL Williams; 12 AGL INT Williams 002° and Red Bluff, Calif., 158° radials; 12 AGL Red Bluff; 12 AGL Fortuna, Calif.

V-196 From Utica, N. Y., 12 AGL Saranac Lake, N. Y.; 12 AGL Plattsburgh, N. Y.

V-197 From Ontario, Calif., 12 AGL Pomona, Calif.; 12 AGL Palmdale, Calif.

V-198 From San Simon, Ariz., 12 AGL Columbus, N. Mex.; 12 AGL El Paso, Tex., 6 mi. wide, 12 AGL INT El Paso 112° and Hudspeth, Tex., 281° radials; 6 mi. wide, 12 AGL Hudspeth; 29 mi. 12 AGL, 38 mi. 82 MSL, INT Hudspeth 108° and Fort Stockton, Tex., 284° radials; 18 mi. 82 MSL, 12 AGL Fort Stockton; 20 mi. 12 AGL, 116 mi. 55 MSL, 12 AGL Junction, Tex.; 12 AGL San Antonio, Tex.; 12 AGL Eagle Lake, Tex.; 12 AGL Houston, Tex.

V-199 From San Francisco, Calif. 12 AGL INT San Francisco 304° and Ukiah, Calif., 172° radials; 12 AGL Ukiah; 17 miles 12 AGL, 23 miles 85 MSL, 18 miles 75 MSL, 12 AGL Red Bluff, Calif. The portion outside the United States has no upper limit.

V-200 From Ukiah, Calif., 12 AGL Williams, Calif.; 12 AGL Reno, Nev. From Provo, Utah, 10 miles, 12 AGL, 35 miles, 125 MSL, 12 AGL Myton, Utah; 30 miles 79 MSL, 31 miles, 12 AGL, 98 MSL Meeker, Colo.; 37 miles, 12 AGL, 26 miles, 140 MSL, 130 MSL, Kremmling, Colo.; 9 miles, 130 MSL, 29 miles, 144 MSL, 11 miles, 127 MSL, 12 AGL Denver, Colo.

V-201 From INT Los Angeles, Calif., 207° and Long Beach, Calif., 250° radials; 12 AGL Los Angeles; 12 AGL Palmdale, Calif. The portion outside the United States has no upper limit.

V-202 From Cochise, Ariz., 12 AGL via San Simon, Ariz.; 12 AGL Silver City, N. Mex.; 12 AGL Truth or Consequences, N. Mex.

V-203 From Norwich, Conn., 12 AGL Chester, Mass.; 12 AGL INT Chester 293° and Albany, N. Y., 139° radials; 12 AGL Albany; 12 AGL Saranac Lake N.Y.; 12 AGL Massena, N. Y.; 12 AGL St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-204 From Hoquiam, Wash., 12 AGL Olympia, Wash.; 12 AGL INT Olympia 114° and Yakima, Wash., 271° radials; 12 AGL Yakima.

AMENDMENTS 6/20/68 33 F. R. 6084 (Changed)

V-206 From Blue Springs, Mo., 12 AGL INT Blue Springs 056° and Kirksville, Mo., 225° radials; 12 AGL Kirksville.

V-207 From Denver, Colo., 12 AGL Gill, Colo.; 12 AGL Scottsbluff, Nebr.

V-208 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) 12 AGL INT Los Angeles 185° and Santa Catalina, Calif., 355° radials; 7 miles wide (3 miles E and 4 miles W of centerline) 12 AGL Santa Catalina; 12 AGL Oceanside, Calif.; 12 AGL Julian, Calif.; 12 AGL Thermal, Calif.; 12 AGL Twentynine Palms, Calif.; 20 miles 12 AGL, 34 miles 73 MSL, 12 AGL Needles, Calif.; 12 AGL Peach Springs, Ariz. The airspace within R-2503 and the airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

V-209 From Mobile, Ala., 12 AGL INT Mobile 356° and Hattiesburg, Miss., 080° radials; 10 mi. 12 AGL; 6 mi. wide 12 AGL Kewanee, Miss.; 7 mi. wide (4 mi. on N, 3 mi. on S and within 4.5° of centerline) 12 AGL Brookwood, Ala.; 12 AGL Birmingham, Ala.

V-210 From Los Angeles, Calif., 12 AGL INT Los Angeles 083° and Pomona, Calif., 240° radials; 12 AGL Pomona; 12 AGL INT Daggett, Calif., 229° and Hector, Calif., 263° radials; 12 AGL Hector; 12 AGL Goffs, Calif.; 13 miles 12 AGL, 23 miles 71 MSL, 85 MSL, Peach Springs, Ariz.; 12 AGL Grand Canyon, Ariz.; 12 AGL Tuba City, Ariz.; 10 mi. 90 MSL, 91 mi. 105 MSL, 12 AGL Farmington, N. Mex.; 12 AGL Alamosa, Colo., including a 12 AGL south alternate via INT Farmington 086° and Alamosa 232° radials; 12 AGL INT Alamosa 075° and Lamar, Colo., 250° radials; 40 miles, 12 AGL, 51 miles, 65 MSL, 12 AGL Lamar. From Indianapolis, Ind., 12 AGL Muncie, Ind.; 12 AGL Rosewood, Ohio; 12 AGL Tiverton, Ohio; 12 AGL Imperial, Pa.; 12 AGL INT Imperial 074° and Revloc, Pa., 276° radials; 12 AGL Revloc; 12 AGL INT Revloc 096° and Harrisburg, Pa., 289° radials; 12 AGL Harrisburg; 12 AGL Lancaster, Pa.; 12 AGL INT Lancaster 095° and Pottstown, Pa., 143° radials.

AMENDMENTS 11/14/68 33 F. R. 14403 (Changed)

V-211 From INT Alamosa, Colo., 232° and Durango, Colo., 110° radials via Durango; INT of Durango 286° and Cortez, Colo., 115° radials; Cortez, Colo., excluding the airspace below 1,200 feet above the surface.

V-212 From San Antonio, Tex., 12 AGL via INT San Antonio 089° and Industry, Tex., 233° radials; 12 AGL Industry; 12 AGL Navasota, Tex.; 12 AGL Lufkin, Tex.; 12 AGL Alexandria, La.; 12 AGL McComb, Miss.

V-213 From Myrtle Beach, S. C., 12 AGL INT Myrtle Beach 031° and Rocky Mount, N. C., 191° radials; 12 AGL Rocky Mount; 12 AGL Hopewell, Va.; 12 AGL INT Hopewell 019° and Brooke, Va., 132° radials; 12 AGL Patuxent River, Md.; 12 AGL Kenton, Del.; 12 AGL Woodstown, N. J.; 12 AGL INT Woodstown 043° and Robbinsville, N. J., 239° radials; 12 AGL Robbinsville; 12 AGL Kennedy, N. Y.

V-214 From Richmond, Ind., 12 AGL INT Richmond 090° and Rosewood, Ohio, 202° radials. From Columbus, Ohio, Port Columbus Airport ILS localizer, 12 AGL Zanesville, Ohio; 12 AGL Bellaire, Ohio; 12 AGL Allegheny, Pa.

V-215 From INT Muskegon, Mich., 208° and Fullman, Mich., 259° radials; 12 AGL Muskegon; 12 AGL White Cloud, Mich.

V-216 From Lamar, Colo., 12 AGL Hill City, Kans.; 12 AGL Mankato, Kans.; 12 AGL Pawnee City, Nebr.; 12 AGL Lamoni, Iowa; 12 AGL Ottumwa, Iowa; 12 AGL Iowa City, Iowa. From INT of Polo, Ill., 268° and Janesville, Wis., 238° radials, 12 AGL Janesville; 12 AGL INT Janesville 076° and Muskegon, Mich., 252° radials; 12 AGL Muskegon; 12 AGL Saginaw, Mich.; 12 AGL Peck, Mich.; 12 AGL Kleinburg, Ont., Canada. The airspace within Canada is excluded.

V-217 From Chicago-O'Hare, Ill., 12 AGL INT Chicago-O'Hare 019° and Milwaukee, Wis., 137° radials; 12 AGL INT Milwaukee 137° radial and Milwaukee (General Mitchell Field) ILS front course; 12 AGL Milwaukee (General Mitchell Field) ILS localizer; 12 AGL INT Milwaukee (General Mitchell Field) ILS localizer back course and Green Bay, Wis., 165° radial; 12 AGL Green Bay; 32 miles, 12 AGL, 39 miles, 31 MSL, 12 AGL Rhinelander, Wis.; 24 miles, 12 AGL, 80 miles, 55 MSL, 12 AGL Duluth, Minn.

V-218 From Fairmont, Minn., 12 AGL Rochester, Minn.; 12 AGL Waukon, Iowa; 12 AGL Rockford, Ill.; 12 AGL INT Rockford 136° and Naperville, Ill., 290° radials; 12 AGL Naperville; 12 AGL Keeler, Mich.; 12 AGL Lansing, Mich.; 12 AGL Pontiac, Mich.; 12 AGL to INT Pontiac 112° and Windsor, Ont., Canada, 320° radials.

AMENDMENTS 8/22/68 33 F. R. 9333 (Changed)

V-219 From Hayes Center, Nebr., 12 AGL INT Hayes Center 059° and Wolbach, Nebr., 251° radials; 12 AGL Wolbach; 12 AGL Norfolk, Nebr.; 12 AGL Sioux City, Iowa; 12 AGL Fairmont, Minn.; 12 AGL Mankato, Minn.; 12 AGL Farmington, Minn.

V-220 From Kremmling, Colo., 12 miles, 130 MSL, 32 miles, 147 MSL, 8 miles, 115 MSL, 12 AGL INT Kremmling 081° and Denver, Colo., 334° radials; 12 AGL Akron, Colo., 12 AGL INT Akron 094° and McCook, Nebr., 264° radials; 12 AGL McCook; 12 AGL INT McCook 072° and Grand Island, Nebr., 241° radials; 12 AGL Kearney, Nebr.; 12 AGL Hastings, Nebr.; 12 AGL Columbus, Nebr.

V-221 From Fort Wayne, Ind., 12 AGL via Litchfield, Mich.; 12 AGL Jackson, Mich.; 12 AGL INT Jackson 084° and Salem, Mich 254° radials; 12 AGL Salem; 12 AGL INT Salem 083° and Erie, Pa., 290° radials; 12 AGL Erie. The airspace within Canada is excluded.

V-222 From El Paso, Tex., 12 AGL via Salt Flat, Tex.; 12 AGL Fort Stockton, Tex.; 20 mi. 12 AGL, 116 mi. 55 MSL, 12 AGL Junction, Tex.; 12 AGL INT Junction 112° and San Antonio, Tex., 334° radials; 12 AGL San Antonio; 12 AGL INT San Antonio 074° and Industry, Tex., 264° radials; 12 AGL Industry; 12 AGL INT Industry 104° and Houston, Tex., 287° radials; 12 AGL Houston; 12 AGL Beaumont, Tex.; 12 AGL Lake Charles, La., including a 12 AGL north alternate from Houston to Lake Charles via Daisetta, Tex.; 12 AGL McComb, Miss.; 12 AGL Hattiesburg, Miss.; 12 AGL Monroeville, Ala. From Norcross, Ga., 12 AGL INT Norcross 010° and Toccoa, Ga., 230° radials; 12 AGL Toccoa; 12 AGL Asheville, N. C.; 12 AGL Hickory, N. C.; 12 AGL Lynchburg, Va.; 12 AGL INT Lynchburg 058° and Brooke, Va., 230° radials; 12 AGL Brooke; 12 AGL INT Brooke 045° and Richmond, Va., 009° radials.

AMENDMENTS 8/22/68 33 F. R. 9334 (Changed); Corr: 33 F. R. 11001

V-223 From Flat Rock, Va., 12 AGL INT Brooke, Va., 300° and Herndon, Va., 202° radials; 12 AGL Herndon; 12 AGL Harrisburg, Pa.

V-224 From Carleton, Mich., 12 AGL INT Carleton 082° and Windsor, Ont., Canada, 100° radials. The airspace within Canada is excluded.

V-225 From Key West, Fla., 30 miles, 12 AGL, 72 miles, 17 AGL, 12 AGL, Fort Myers, Fla., including an E alternate from Key West, 30 miles 12 AGL, 77 miles 17 AGL 12 AGL to Fort Myers; 12 AGL La Belle, Fla.; 12 AGL Vero Beach, Fla. The portion of V-225 E alternate outside the United States has no upper limit.

V-226 From Ellwood City, Pa., 12 AGL Clarion, Pa.; 12 AGL Keating, Pa.; 12 AGL Williamsport, Pa., 12 AGL Wilkes-Barre, Pa.; 12 AGL Stillwater, N. J.; 12 AGL INT Stillwater 110° and Sparta, N. J., 194° radials.

AMENDMENTS 10/17/68 33 F. R. 11450 (Changed)

V-227 From Indianapolis, Ind., 12 AGL INT Indianapolis 312° and Lafayette, Ind., 159° radials; 12 AGL Lafayette; 12 AGL Roberts, Ill.; 12 AGL Pontiac, Ill.; 12 AGL INT Pontiac 338° and Rockford, Ill., 172° radials; 12 AGL Rockford.

AMENDMENTS 9/19/68 33 F. R. 11002 (Changed)

V-228 From Northbrook, Ill., 12 AGL South Bend, Ind., including a 12 AGL N alternate via INT Northbrook 093° and South Bend 310° radials.

AMENDMENTS 10/17/68 33 F. R. 11537 (Rewritten)

V-230 From INT Big Sur, Calif., 325° and Salinas, Calif., 281° radials; 12 AGL Salinas; 12 AGL Los Banos, Calif.; 12 AGL Fresno, Calif.; 12 AGL Friant, Calif. The portion outside the United States has no upper limit.

V-231 From Missoula, Mont., 12 AGL INT Missoula 354° and Kalispell, Mont., 180° radials; 12 AGL Kalispell.

V-232 From INT of Waterville, Ohio, 013° and Sandusky, Ohio, 296° radials, 12 AGL Sandusky; 12 AGL INT Sandusky 061° and Chardon, Ohio, 281° radials; 12 AGL Chardon; 12 AGL Franklin, Pa.; 12 AGL Keating, Pa.; 12 AGL Milton, Pa.; 12 AGL Tannersville, Pa.; 12 AGL INT Tannersville 114° and Solberg, N. J., 051° radials.

AMENDMENTS 2/1/68 32 F. R. 17517 (Changed)

V-234 From Anton Chico, N. Mex., 12 AGL via INT Anton Chico 087° and Dalhart, Tex., 243° radials; 12 AGL Dalhart; 12 AGL Liberal, Kans.; 32 miles 12 AGL, 74 miles 75 MSL, 12 AGL Hutchinson, Kans.

V-235 From Provo, Utah, 10 miles, 12 AGL, 15 miles, 135 MSL, 46 miles, 125 MSL, 12 AGL Fort Bridger. From Rock Springs, Wyo., 20 miles, 12 AGL, 41 miles, 95 MSL, 37 miles, 107 MSL, 12 AGL to Casper, Wyo.

AMENDMENTS 2/1/68 32 F. R. 17517 (Changed)

V-236 From INT Bonneville, Utah, 084° and Ogden, Utah, 235° radials; 12 AGL Ogden.

V-237 From Needles, Calif., 25 miles 12 AGL, 24 miles 71 MSL, 12 AGL Boulder City, Nev.; 12 AGL INT Boulder City 347° and Las Vegas, Nev., 081° radials; 12 AGL Las Vegas.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed)

V-240 From New Orleans, La., 12 AGL via INT New Orleans 085° and Mobile, Ala., 224° radials; 12 AGL Mobile.

V-241 From Crestview, Fla., 12 AGL INT Crestview 076° and Dothan, Ala., 232° radials; 12 AGL Dothan; 12 AGL Eufaula, Ala.; 12 AGL Columbus, Ga., including a 12 AGL W alternate from Dothan to Columbus via INT Dothan 002° and Columbus 219° radials; 12 AGL INT Columbus 086° and Atlanta, Ga., 198° radials; 12 AGL Atlanta, including a 12 AGL W alternate via INT Columbus 019° and Atlanta 233° radials, and also a 12 AGL E alternate via INT Columbus 086° and Atlanta 198° radials, INT of Columbus 041° and Atlanta 198° radials and INT of Columbus 041° and Atlanta 175° radials.

V-242 From Mobile, Ala., 12 AGL Brookley, Ala.

V-243 From Jacksonville, Fla., 12 AGL INT Jacksonville 319° and Waycross, Ga., 126° radials; 12 AGL Waycross, including a 12 AGL W alternate via INT Jacksonville 304° and Waycross 149° radials; 12 AGL Vienna, Ga., including a 12 AGL E alternate via Alma, Ga., and INT Alma 320° and Vienna 104° radials; 12 AGL Atlanta, Ga., including a 12 AGL E alternate from INT Vienna 328° and Macon, Ga., 208° radials, to INT Vienna 328° and Macon 297° radials via Macon; 12 AGL INT Atlanta 347° and Chattanooga, Tenn., 152° radials; 12 AGL Chattanooga; 12 AGL Bowling Green, Ky.; 12 AGL Scotland, Ind.

V-244 From Oakland, Calif., 12 AGL INT Oakland 077° and Stockton, Calif., 268° radials; 12 AGL Stockton, including a 12 AGL S alternate INT Oakland 110° and Stockton 246° radials; 76 miles 12 AGL, 51 miles 145 MSL, 12 AGL Coaldale, Nev.; 12 AGL Tonopah, Nev.; 40 miles 12 AGL 115 MSL Wilson Creek, Nev.; 28 miles 115 MSL, 12 AGL Milford, Utah, 12 AGL Hanksville, Utah; 63 miles 12 AGL, 13 miles 140 MSL, 36 miles 115 MSL, 12 AGL Montrose, Colo.; 12 AGL Gunnison, Colo.; 33 miles, 122 MSL, 27 miles, 155 MSL, 12 AGL Pueblo, Colo.; 18 miles, 12 AGL, 48 miles, 60 MSL, 12 AGL Lamar, Colo.; 20 miles, 12 AGL, 57 miles, 65 MSL, 61 miles, 95 MSL, 24 miles, 50 MSL, 12 AGL Russell, Kansas. The airspace within R-2531 is excluded.

AMENDMENTS 8/22/68 33 F. R. 9334 (Changed)
PENDING AMENDMENT
In V-244 all after "12 AGL Lamar, Colo.;" is deleted and "20 miles 12 AGL, 56 miles 65 MSL, 60 miles 85 MSL, 12 AGL Hays, Kans.; 12 AGL Salina, Kans. The airspace within R-2531 is excluded." is substituted therefor.
AMENDMENTS 5/29/69 34 F. R. 1721 (Changed)

V-245 From Alexandria, La., 12 AGL via Natchez, Miss.; 12 AGL Jackson, Miss.; 12 AGL Columbus, Miss., excluding the airspace at and above 8,000 feet MSL from Jackson to Columbus.

V-247 From Douglas, Wyo., 90 miles 75 MSL, 12 AGL, to Crazy Woman, Wyo.

V-248 From Paso Robles, Calif., 12 AGL Avenal, Calif.; 12 AGL Bakersfield, Calif.

V-249 From Sparta, N. J. 12 AGL Huguenot, N. Y.; 12 AGL DeLancey, N. Y.; 12 AGL Utica, N. Y.

V-252 From Buffalo, N. Y., 12 AGL Geneseo, N. Y.; 12 AGL Binghamton, N. Y.; 12 AGL Huguenot, N. Y.; 12 AGL Sparta, N. J.; 12 AGL INT Sparta 144° and Solberg, N. J., 051° radials.

V-253 From Provo, Utah, 12 AGL INT Provo 326° and Salt Lake City, 265° radials; 24 miles, 12 AGL, 85 MSL Bonneville; 5 miles, 85 MSL, 90 MSL Lucin, Utah; 14 miles, 90 MSL 19 miles, 105 MSL, 12 AGL Twin Falls, Idaho; 12 AGL Boise, Idaho; 42 miles, 12 AGL, 99 MSL McCall, Idaho; 11 miles 99 MSL, 33 miles 115 MSL, 12 AGL Lewiston, Idaho; 12 AGL Pullman, Wash.; 12 AGL Spokane, Wash.

AMENDMENTS 2/29/68 32 F. R. 20630 (Changed)

V-254 From INT Pottstown, Pa., 278° and East Texas, Pa., 225° radials; 12 AGL Pottstown; 12 AGL INT Pottstown 104° and Robinsville, N. J., 239° radials.

V-257 From Phoenix, Ariz., 12 AGL Prescott, Ariz.; 12 AGL INT Prescott 003° and Grand Canyon, Ariz., 211° radials; 12 AGL Grand Canyon; 7 miles 12 AGL, 71 miles 125 MSL, 12 AGL Bryce Canyon, Utah; 12 AGL INT Bryce Canyon 338° and Delta, Utah, 186° radials, 12 AGL Delta; 39 miles, 12 AGL 105 MSL INT Delta 004° and Malad City, Idaho, 179° radials; 20 miles, 118 MSL, 12 AGL Malad City; 12 AGL Pocatello, Idaho; 12 AGL DuBois, Idaho; 12 AGL Dillon, Mont.; 12 AGL Butte, Mont.; 22 miles, 12 AGL, 85 MSL INT Butte 002° and Helena, Mont., 272° radials; 12 AGL INT Helena 272° and Great Falls, Mont., 222° radials; 12 AGL Great Falls; 73 miles, 56 MSL, 12 AGL Havre, Mont. The airspace within R-6401 and R-6403 is excluded.

AMENDMENTS 10/17/68 33 F. R. 12086 (Changed)

V-258 From Charlestown, W. Va., 12 AGL Beckley, W. Va.; 12 AGL INT Beckley 125° and Roanoke, Va., 288° radials; 12 AGL Roanoke; 12 AGL INT Roanoke 145° and Danville, Va., 320° radials; 12 AGL Danville.

V-259 From Fort Mill, S. C., 12 AGL Holston Mountain, Tenn.

V-260 From Charleston, W. Va., 12 AGL Rainelle, W. Va.; 12 AGL Roanoke, Va., 12 AGL Lynchburg, Va.; 12 AGL Flat Rock, Va.; 12 AGL Richmond, Va.; 12 AGL Hopewell, Va.;
12 AGL INT Hopewell 128° and Norfolk, Va., 298° radials; 12 AGL Norfolk.

V-262 Fort Peoria, Ill., 12 AGL Bradford, Ill.; 12 AGL Joliet, Ill.; 12 AGL Kedzie, Ill., RBN.

V-263 From Cimarron, N. Mex., 12 AGL Tobe, Colo., 54 miles, 69 MSL, 12 AGL Lamar, Colo.; 17 miles, 12 AGL, 63 MSL Hugo, Colo.; 12 AGL INT Hugo 327° and Gill, Colo., 157° radials; 12 AGL Gill. From Pierre, S. Dak., 12 AGL Aberdeen, S. Dak.

AMENDMENTS 2/29/68 33 F. R. 452 (Changed)

V-264 From Los Angeles, Calif., 12 AGL INT Los Angeles 061° and Pomona, Calif., 269° radials; 6 miles wide, 12 AGL Pomona; 12 AGL Twentynine Palms, Calif., including a 12 AGL S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., and Palm Springs, Calif.; 17 miles 12 AGL, 28 miles 55 MSL, 12 AGL Parker, Calif.; 35 miles 12 AGL, 60 miles 95 MSL, 12 AGL Prescott, Ariz.; 50 miles 12 AGL, 98 miles 115 MSL, 12 AGL St. Johns, Ariz.; 29 miles 12 AGL, 51 miles 115 MSL, 12 AGL Socorro, N. Mex.; 12 AGL Corona,
N. Mex.; 15 miles 12 AGL, 35 miles 105 MSL, 12 AGL Tucumcari, N. Mex.

PENDING AMENDMENT
In V-264 all between "12 AGL St. Johns, Ariz.;" and "12 AGL Corona, N. Mex.;" is deleted and "55 miles, 12 AGL, 25 miles, 115 MSL, 12 AGL Socorro, N. Mex.;" is substituted therefor.
AMENDMENTS 3/6/69 34 F. R. 1011 (Changed)

V-265 From INT Nottingham, Md., 271° and Westminster, Md., 179° radials; 12 AGL Westminster; 12 AGL INT Westminster 346° and Harrisburg, Pa., 196° radials; 12 AGL Harrisburg; 12 AGL Phillipsburg, Pa.; 12 AGL Keating, N. Y.;
12 AGL Bradford, Pa.; 12 AGL Jamestown, N. Y.; 12 AGL Dunkirk, N. Y.

V-266 From Hickory, N. C., 12 AGL South Boston, Va.; 12 AGL Lawrenceville, Va.; 12 AGL Franklin, Va.; 12 AGL INT Franklin 087° and Norfolk, Va., 226° radials; 12 AGL Norfolk.

V-267 From Biscayne Bay, Fla., 12 AGL Miami, Fla.; 12 AGL Pahokee, Fla.; 12 AGL Orlando, Fla.; including a 12 AGL east alternate from Miami to Orlando via Palm Beach, Fla., and INT Palm Beach 321° and Orlando 162° radials; 12 AGL
Jacksonville, Fla., including a 12 AGL E alternate from Orlando to INT Daytona Beach, Fla., 308° and Jacksonville 174° radials via Daytona Beach; 12 AGL INT Jacksonville 334° and Dublin, Ga., 137° radials; 12 AGL Dublin; 12 AGL Norcross, Ga.; 12 AGL Harris, Ga.; 12 AGL Knoxville, Tenn.

AMENDMENTS 2/6/69 33 F. R. 1800 (Changed)

V-268 From INT Grantsville, Md., 086° and Martinsburg, W. Va., 297° radials; 12 AGL Hagerstown, Md.; 12 AGL Westminster, Md.; 12 AGL Baltimore, Md.; 12 AGL INT Baltimore 094° and Kenton, Del., 262° radials; 12 AGL Kenton; 12 AGL Kenton 086° and Sea Isle, N. J., 050 radials. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded.

V-269 From Ely, Nev., 125 MSL to INT Ely 007° and Bonneville, Utah, 272° radials. From Wells, Nev., 12 AGL Twin Falls, Idaho; 12 AGL Burley, Idaho; 12 AGL Pocatello, Idaho.

V-270 From Erie, Pa., 12 AGL Jamestown, N. Y.; 12 AGL Wellsville N. Y.; 12 AGL Elmira, N. Y.; 12 AGL Binghamton, N. Y.; 12 AGL DeLancey, N. Y.; 12 AGL Chester, Mass.

V-272 From Dalhart, Tex., 12 AGL via Borger, Tex.; 12 AGL Sayre, Okla.; 12 AGL Oklahoma City, Okla., including a 12 AGL N alternate via INT Sayre 070° and Oklahoma City 282° radials and also a 12 AGL S alternate via INT Sayre 101° and Oklahoma City 242° radials; 12 AGL INT Oklahoma City 107° and McAlester, Okla., 292° radials; 12 AGL McAlester.

V-273 From INT Sparta, N. J., 191° and Stillwater, N. J., 110° radials; 12 AGL Stillwater; 12 AGL Hancock, N. Y.; 12 AGL Georgetown, N. Y.; 6 mi. wide, 12 AGL Syracuse, N. Y.

V-274 From Pullman, Mich., 12 AGL Grand Rapids, Mich.; 12 AGL Saginaw, Mich.

V-275 From Cincinnati, Ohio, 12 AGL INT Cincinnati 006° and Dayton, Ohio, 207° radials; 12 AGL Dayton, including a 12 AGL W alternate from Cincinnati to Dayton via INT Cincinnati 336° and Richmond, Ind., 190° radials, and Richmond; 12 AGL INT Dayton 011° and Salem, Mich., 197° radials; 12 AGL Salem.

V-276 From Briggs, Ohio, 12 AGL Ellwood City, Pa.; 12 AGL Tyrone, Pa.; 12 AGL INT Tyrone 096° and Ravine, Pa., 279°
radials; 12 AGL Ravine; 12 AGL Yardley, Pa.; 12 AGL Robbinsville, N. J.; 12 AGL INT Hampton, N. Y., 223° and Kennedy, N. Y., 159° radials. The airspace below 2,000 feet MSL outside the United States is excluded.

V-277 From Rosewood, Ohio, 12 AGL Fort Wayne, Ind.; 12 AGL Keeler, Mich.

V-278 From Texico, N. Mex., 12 AGL via Plainview, Tex.; 12 AGL Guthrie, Tex.; 12 AGL Bridgeport, Tex.; 12 AGL Dallas, Tex.; 12 AGL Paris, Tex.; 12 AGL Texarkana, Ark.; 12 AGL Monticello, Ark.; 12 AGL Greenwood, Miss.; 12 AGL Columbus, Miss.; 12 AGL Birmingham, Ala., including a 12 AGL S alternate from Columbus to Birmingham via INT Columbus 082° and Tuscaloosa, Ala., 304° radials, and Tuscaloosa, excluding the airspace between the main and this alternate airway.

V-279 From the Columbus, Ohio, RBN 12 AGL Findlay, Ohio.

V-280 From El Paso, Texas, 12 AGL INT El Paso 069° and Pinon, N. Mex., 219° radials; 12 AGL Pinon; 12 AGL Roswell, N. Mex.; 12 AGL INT Roswell 063° and Texico, N. Mex., 216° radials; 12 AGL Texico, including a 12 AGL south alternate via INT Roswell 080° and Texico 216° radials; 12 AGL INT Texico 021° and Amarillo, Tex., 252° radials; 12 AGL Amarillo; 12 AGL Gage, Okla.; 12 AGL Hutchinson, Kans.; 12 AGL INT Hutchinson 062° and Topeka, Kans., 236° radials; 12 AGL Topeka; 12 AGL INT Topeka 064° and Kansas City, Mo., 274° radials; 12 AGL Kansas City.

V-282 From Saranac Lake, N. Y., 12 AGL St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-285 From Indianapolis, Ind., 12 AGL Kokomo, Ind.; 12 AGL Goshen, Ind. From South Bend, Ind., 12 AGL Kalamazoo, Mich.; 12 AGL INT Kalamazoo 014° and Grand Rapids, Mich., 167° radials; 12 AGL Grand Rapids; 12 AGL White Cloud, Mich.

V-286 From Linden, Va., 12 AGL Casanova, Va.; 12 AGL INT Herndon, Va., 202° and Brooke, Va., 300° radials; 12 AGL Brooke; 12 AGL Cape Charles, Va.

V-287 From Medford, Oreg., 12 AGL North Bend, Oreg.; 12 AGL Newberg, Oreg., including a 12 AGL west alternate from North Bend to
Newberg via Newport, Oreg.; excluding the airspace between the main and this west alternate; 12 AGL Portland, Oreg., including a 12 AGL east alternate via INT Newberg 069° and Portland 196° radials; 20 miles, 12 AGL, 51 miles, 45 MSL, 12 AGL Olympia, Wash.; 12 AGL INT Olympia 010° and Seattle, Wash., 329° radials; 12 AGL INT Seattle 329° and Port Angeles, Wash., 090° radials; 12 AGL Port Angeles, 12 AGL Neah Bay, Wash., RBN. The airspace within Canada is excluded.

AMENDMENTS 9/19/68 33 F. R. 9875 (Changed)

V-288 From Lucin, Utah, 50 miles, 85 MSL, 12 AGL INT Lucin 080° and Fort Bridger, Wyo., 278° radials; 17 miles, 12 AGL, 50 miles, 105 MSL, 12 AGL Fort Bridger.

V-289 From Beaumont, Tex., 12 AGL via INT Beaumont 323° and Lufkin, Tex., 161° radials; 12 AGL Lufkin, including a 12 AGL E alternate; 12 AGL INT Lufkin 355° and Gregg County, Tex., 181° radials; 12 AGL Gregg County; 12 AGL Texarkana, Ark.; 12 AGL Fort Smith, Ark.; 12 AGL Harrison, Mo.; 12 AGL Dogwood, Mo.; 12 AGL INT Dogwood 026° and Vichy, Mo., 239° radials; 12 AGL to Vichy.

AMENDMENTS 4/25/68 33 F. R. 3508 (Changed)

V-290 From Rainelle, W. Va., 12 AGL Montebello, Va.; 12 AGL Flat Rock, Va. From Franklin, Va., 12 AGL Elizabety City, N. C.

V-291 From Grants, N. Mex., 12 AGL via Gallup, N. Mex.; 12 AGL Winslow, Ariz.; 12 AGL Flagstaff, Ariz., including a 12 AGL N alternate from Winslow to Flagstaff via INT Winslow 292° and Flagstaff 063° radials.

PENDING AMENDMENT
In V-291 all before "12 AGL Winslow, Ariz.;" is deleted and "From Albuquerque, N. Mex.; 12 AGL Gallup, N. Mex., including a 12 AGL north alternate via INT Albuquerque 303° and Gallup 089° radials;" is substituted therefor.
AMENDMENTS 3/6/69 34 F. R. 1011 (Changed)

V-292 From INT Sparta, N. J., 194° and Stillwater, N. J., 110° radials; 12 AGL Sparta; 12 AGL INT Sparta 082° and Carmel, N. Y., 232° radials; 12 AGL Carmel; 12 AGL Hartford, Conn.; 12 AGL Putnam, Conn.; 12 AGL INT Putnam 043° and Boston, Mass., 256° radials; 12 AGL Boston.

V-293 From Mormon Mesa, Nev., 30 miles, 12 AGL, 95 MSL INT Cedar City, Utah, 294° and Milford, Utah 213° radials; 8 miles, 95 MSL, 108 MSL Wilson Creek, Nev.; 5 miles, 108 MSL, 37 miles, 115 MSL, 12 AGL Ely, Nev.; 125 MSL Elko, Nev.; 28 miles, 12 AGL, 57 miles, 99 MSL, 12 AGL Twin Falls, Idaho; 37 miles, 12 AGL, 33 miles, 87 MSL, 76 miles, 113 MSL, 99 MSL McCall, Idaho.

V-294 From Des Moines, Iowa, 12 AGL INT Des Moines 086° and Cedar Rapids, Iowa, 238° radials; 12 AGL Cedar Rapids; 12 AGL Cordova, Ill.

V-295 From Biscayne Bay, Fla., 12 AGL INT Biscayne Bay 021° and Vero Beach, Fla., 143° radials; 12 AGL Vero Beach, 12 AGL INT Vero Beach, 296° and Orlando, Fla., 162° radials; 12 AGL Orlando; 12 AGL INT Orlando 283° and Cross City, Fla., 150° radials; 12 AGL Cross City. The portion outside the United States has no upper limit.

AMENDMENTS 2/6/69 33 F. R. 1809 (Changed)

V-296 From Asheville, N. C., 12 AGL Fort Mill, S. C.
PENDING AMENDMENT
V-296 From Asheville, N. C. 12 AGL Fort Mill, S. C.; 27 MSL INT Fort Mill 093° and Fayetteville, N. C. 267° radials; 27 MSL Fayetteville.

AMENDMENTS 3/6/69 33 F. R. 1892 (Rewritten)

V-297 From Johnstown, Pa., 12 AGL Ellwood City, Pa.; 12 AGL Akron, Ohio; 12 AGL Strongsville, Ohio; 12 AGL INT Strongsville 304° and Carleton, Mich., 116° radials; 12 AGL Carleton; 12 AGL INT Carleton 327° and Saginaw, Mich., 182° radials; 12 AGL Saginaw; 12 AGL INT Saginaw 353° and Pellston, Mich., 164° radials; 12 AGL Pellston. The airspace within Canada is excluded.

V-298 From Yakima, Wash., 12 AGL INT Yakima 129° and Pasco, Wash.; 276° radials; 12 AGL Pasco; 12 AGL Pendleton, Oreg., 74 miles 12 AGL, 43 miles 115 MSL, 99 MSL via McCall, Idaho; 41 mi. 99 MSL, 89 mi. 145 MSL, 12 AGL Dubois, Idaho; 68 mi. 12 AGL, 130 MSL Dunoir, Wyo.; 62 miles 135 MSL, 12 AGL Boysen Reservoir, Wyo.; 9 miles 12 AGL, 34 miles 105 MSL, 12 AGL Casper, Wyo., including a south alternate from Dunoir 43 miles 130 MSL, 15 miles 110 MSL, 12 AGL via Riverton, Wyo., 19 miles 12 AGL, 48 miles 77 MSL, 12 AGL to Casper, excluding the airspace between the main and this south alternate. The airspace within R-6715 is excluded.

V-299 From Los Angeles, Calif., 12 AGL INT Los Angeles 291° and Fillmore, Calif., 163° radials; 12 AGL Fillmore; 12 AGL Gorman, Calif. The portion outside the United States has no upper limit.

V-300 From Victoria, British Columbia, Canada, RR to Vancouver, British Columbia, Canada. From Lakehead, Ontario, Canada, 12 AGL Sault Ste, Marie, Mich.; 12 AGL
Wiarton, Ontario, Canada, including a 12 AGL N alternate.
From Sherbrooke, Quebec, Canada, 86 miles 52 MSL, 12 AGL Millinocket, Maine; 12 AGL Fredericton, New Brunswick, Canada. The airspace within Canada is excluded.

AMENDMENTS 8/22/68 33 F. R. 9333 (Changed)

V-301 From Point Reyes, Calif., 12 AGL Santa Rosa, Calif.; 12 AGL Williams, Calif.

V-302 From Augusta, Maine, 12 AGL INT Augusta 123° and Bangor, Maine, 192° radials.

V-303 From Hot Springs, Ark., 12 AGL Fort Smith, Ark.

V-304 From Amarillo, Tex., 12 AGL via Borger, Tex.; 12 AGL Liberal, Kans. including a 12 AGL W alternate via INT Borger 354° and Liberal 234° radials; 15 miles 12 AGL, 79 miles 55 MSL, 12 AGL Lamar, Colo.

AMENDMENTS 6/20/68 33 F. R. 8684 (Changed)

V-305 From El Dorado, Ark., 12 AGL Little Rock, Ark.

V-306 From Austin, Tex., 12 AGL via Navasota, Tex.; 12 AGL Daisetta, Tex.; 12 AGL Lake Charles, La., including a 12 AGL south alternate from Daisetta to Lake Charles via Beaumont.

V-307 From Chanute, Kans., 12 AGL Emporia, Kans., 12 AGL INT of Emporia 336° and Pawnee City, Nebr., 193° radials; 35 MSL Pawnee City.

V-308 From INT Linden, Va., 273° and Casanova, Va., 284° radials, 12 AGL Casanva; 12 AGL INT Casanova 076° and Nottingham, Md., 271° radials; 12 AGL Nottingham; 12 AGL Sea Isle, N. J.; 12 AGL INT Sea Isle 050° and Hampton, N. Y. 223° radials; 12 AGL Hampton;
12 AGL INT Hampton 059° and Norwich, Conn., 177° radials; 12 AGL Norwich; 12 AGL Putnam, Conn.; 12 AGL INT Putnam 043° and Boston, Mass., 256° radials; 12 AGL Boston. The airspace
below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N. Y., 087° and 141° radials is excluded.

AMENDMENTS 9/19/68 33 F. R. 11001 (Changed)

V-309 From Charleston, W. Va., to Allegheny, Pa.

V-310 From Louisville, Ky., 12 AGL London, Ky.; 12 AGL Holston Mountain, Tenn.; 12 AGL INT Holston Mountain 104° and Greensboro, N. C., 280° radials; 12 AGL Greensboro; 12 AGL Raleigh-Durham, N. C.; 12 AGL Rocky Mount, N. C.; 12 AGL Elizabeth City, N. C.

V-311 From Norcross, Ga., 12 AGL INT Norcross 055° and Anderson, S. C., 267° radials; 12 AGL Anderson; 12 AGL Greenwood, S. C.; 12 AGL Columbia, S. C.

V-312 From Coyle, N. J., 12 AGL INT Hampton, N. Y., 223° and Kennedy, N. Y., 159° radials. The airspace below 2,000 feet MSL outside the United States is excluded.

V-313 From Malden, Mo., 12 AGL Cape Girardeau, Mo.; 12 AGL Centralia, Ill.; 12 AGL Decatur, Ill.; 12 AGL Pontiac, Ill.

AMENDMENTS 6/20/68 33 F. R. 6287 (Changed)

V-314 From Quebec, Province of Quebec, Canada, 99 miles 65 MSL, 12 AGL Millinocket, Maine; 12 AGL Princeton, Maine; 12 AGL St. John, New Brunswick, Canada. The airspace within Canada is excluded.

V-315 From Paris, Tex., 12 AGL Page, Okla.

V-316 From Lakehead, Ontario, Canada; 65 miles 26 MSL, 12 AGL Houghton, Mich.; 12 AGL Marquette, Mich.; 15 miles 12 AGL, 100 miles 40 MSL, 12 AGL Sault Ste. Marie, Mich.; 12 AGL Sudbury, Ontario, Canada. The airspace within Canada is excluded.

AMENDMENTS 8/22/68 33 F. R. 9333 (Changed); Corr: 33 F. R. 10443

V-318 From Quebec, Province of Quebec, Canada, 81 miles 65 MSL, 26 miles 85 MSL, 12 AGL Houlton, Maine. The airspace within Canada is excluded.

V-319 From Boysen Reservoir, Wyo., 12 AGL Worland, Wyo.; 12 AGL Cody, Wyo.

V-320 From Peck, Mich., 12 AGL Toronto, Ont., Canada. The airspace within Canada is excluded.

V-321 From Atlanta, Ga., 12 AGL INT Atlanta 264° and Gadsden, Ala., 130° radials; 12 AGL Gadsden; 12 AGL INT Gadsden 333° and Huntsville, Ala., 149° radials; 12 AGL Huntsville.

V-322 From Concord, N. H., 12 AGL INT Concord, 022° and Berlin, N. H., 161° radials; 12 AGL Berlin, N. H.; 12 AGL Sherbrooke, Quebec, Canada. The airspace within Canada is excluded.

AMENDMENTS 12/12/68 33 F. R. 15089 (Rewritten)

V-325 From Gadsden, Ala., 12 AGL Muscle Shoals, Ala., including a 12 AGL E alternate via INT Gadsden 318° and Decatur, Ala., 130° radials, and Decatur.

V-326 From Fillmore, Calif., 12 AGL INT Fillmore 163° and Van Nuys, Calif., 270° radials; 12 AGL Van Nuys.

V-327 From Phoenix, Ariz., 12 AGL via INT of Phoenix 004° and Flagstaff, Ariz., 187° radials; 12 AGL Flagstaff.

V-328 From Dubois, Idaho, 12 AGL Jackson, Wyo.; 12 AGL Big Piney, Wyo.; 53 miles 95 MSL, 12 AGL Rock Springs, Wyo.

AMENDMENTS 8/22/68 33 F. R. 9465 (Rewritten)

V-329 From INT Crestview, Fla., 091° and Eglin, Fla., 003° radials, 12 AGL INT Eglin 003° and Montgomery, Ala., 188° radials; 12 AGL Montgomery.

AMENDMENTS 2/29/68 33 F. R. 330 (Added)

V-330 From Jackson, Wyo., 12 AGL, Idaho Falls, Idaho.

V-331 From Whitesburg, Ky., 12 AGL Newcombe, Ky.

AMENDMENTS 3/28/68 33 F. R. 1070 (Added)

V-332 From Moline, Ill., 12 AGL Bradford, Ill.; 12 AGL Peotone, Ill.; 12 AGL Knox, Ind.; 12 AGL South Bend, Ind. From Lansing, Mich., 12 AGL Mount Pleasant, Mich.; 12 AGL Traverse City, Mich.

V-333 From Crossville, Tenn., 12 AGL Lexington, Ky.

AMENDMENTS 6/20/68 33 F. R. 8580 (Added)

V-334 From San Jose, Calif., 12 AGL INT San Jose 025° and Sacramento, Calif., 192° radials; 12 AGL Sacramento.

AMENDMENTS 6/20/68 33 F. R. 8084 (Added)

V-335 From Maryland Heights, Mo., 12 AGL Marion, Ill.

V-336 From Ellensburg, Wash., 12 AGL to Ephrata, Wash.

AMENDMENTS 5/23/68 33 F. R. 7442 (Added)

V-337 From Akron, Ohio, 12 AGL INT Akron 328° and Windsor, Ontario, Canada, 116° radials; 12 AGL Windsor, excluding the portion within Canada.

AMENDMENTS 6/20/68 33 F. R. 8859 (Added)

V-339 From Whitesburg, Ky., 12 AGL Falmouth, Ky.

AMENDMENTS 4/25/68 33 F. R. 3267 (Added)

V-341 From Dubuque, Iowa, 12 AGL Madison, Wis.; 12 AGL INT Madison 042° and Oshkosh, Wis., 208° radials; 12 AGL to Oshkosh.

AMENDMENTS 6/20/68 33 F. R. 8950 (Added); 10/17/68 33 F. R. 11593 (Changed)

V-343 From Dubois. Idaho. 12 AGL Bozeman. Mont.. 51 miles. 12 AGL. 34 miles. 103 MSL. 84 MSL Drummond. Mont.

AMENDMENTS 5/23/68 33 F. R. 7662 (Added)

V-345 From Dell, Wis., 12 AGL INT Dells 321° and Eau Claire, Wis., 134° radials; 12 AGL to Eau Claire.

AMENDMENTS 4/25/68 33 F. R. 3110 (Added)

V-420 From Green Bay, Wis., 12 AGL Traverse City, Mich.

AMENDMENTS 2/29/68 33 F. R. 4662 (Added)

V-421 From Zuni, N. Mex., 12 AGL via Gallup, N. Mex.; 12 AGL Farmington, N. Mex.; 12 AGL Durango, Colo.; 12 AGL Gunnison, Colo.

V-422 From Chicago Heights, Ill., 12 AGL INT Chicago Heights 117° and Knox, Ind., 276° radials; 12 AGL Knox; 12 AGL Wolflake, Ind.; 12 AGL INT Wolflake 096° and Findlay, Ohio, 289° radials; 12 AGL Findlay.

V-423 From Williamsport, Pa., 12 AGL Binghamton, N. Y.; 12 AGL Ithaca, N. Y.; 12 AGL INT Ithaca 357° and Syracuse, N. Y., 210° radials; 12 AGL Syracuse.

V-424 From Blue Springs, Mo., 12 AGL INT Blue Springs 078° and Macon, Mo., 236° radials; 12 AGL Macon.

V-425 From Brookley, Ala., 12 AGL INT Boookley 357° and Mobile, Ala., 048° radials.

V-426 From St. Louis, Mo., 12 AGL to INT of St. Louis 062° radial and Troy, Ill., direct radial to Decatur, Ill.

AMENDMENTS 4/25/68 33 F. R. 4404 (Changed)

V-427 From Newcomerstown, Ohio, 12 AGL Briggs, Ohio.

V-428 From Elmira, N. Y., 12 AGL Ithaca, N. Y.; 12 AGL Georgetown, N. Y.; 12 AGL Utica, N. Y.

V-429 From Cape Girardeau, Mo., 12 AGL Marion, Ill.; 12 AGL INT Marion 011° and Bible Grove, Ill., 207° radials; 12 AGL Bible Grove; 12 AGL Mattoon, Ill.; 12 AGL Champaign, Ill.; 12 AGL Roberts, Ill.; 12 AGL Joliet, Ill.; 12 AGL INT Joliet
008° and Naperville, Ill., 340° radials; 12 AGL INT Naperville 340° and Milwaukee, Wis., 198° radials; 12 AGL Milwaukee.

AMENDMENTS 6/20/68 33 F. R. 8287 (Changed)

V-430 From Cut Bank, Mont., 10 miles 12 AGL, 74 miles 55 MSL, 12 AGL Havre, Mont.; 14 miles 12 AGL, 103 miles 50 MSL, 12 AGL Glasgow, Mont.; 13 miles 12 AGL, 79 miles 50 MSL, 12 AGL Williston, N. Dak., including a south alternate 12 AGL INT Glasgow 117° and Williston 263° radials, 22 miles 12 AGL, 33 miles 55 MSL, 12 AGL Williston; 12 AGL Minot, N. Dak.; 35 miles, 7 miles wide (3 miles N and 4 miles S of center-line) 12 AGL INT Minot 097° and Devils Lake, N. Dak., 273° radials; 12 AGL Devils Lake; 12 AGL Grand Forks, N. Dak.; 12 AGL Bemidji, Minn., including a 12 AGL north alternate via Thief River Falls, Minn.; 12 AGL Grand Rapids, Minn.; 12 AGL Duluth, Minn., including a 12 AGL N alternate from Grand Rapids, to Duluth via Hibbing, Minn., excluding the airspace between the main and this N alternate airway; 12 AGL Ironwood, Mich.; 12 AGL Iron Mountain, Mich.; 12 AGL Escanaba, Mich. From Traverse City, Mich.; 12 AGL Gaylord, Mich.; 12 AGL Alpena, Mich.

AMENDMENTS 12/12/68 33 F. R. 15109 (Changed)

V-431 From Boston, Mass., 12 AGL INT Boston 015° and Gardner, Mass., 097° radials; 12 AGL Gardner; 12 AGL Keene, N. H., 12 AGL Glens Falls, N. Y.; 12 AGL INT Glens Falls 286° and Albany, N.Y., 350° radials.

AMENDMENTS 9/19/68 33 F. R. 9876 (Changed)

V-432 From Thermal, Calif., 12 AGL Parker, Calif.

V-433 From Washington, D. C., 12 AGL INT Baltimore, Md., 223° and Kenton, Del., 262° radials; 12 AGL INT Kenton 262° and New Castle, Del., 222° radials; 12 AGL New Castle; 12 AGL Yardley, Pa.; 12 AGL INT Yardley 059° and
La Guardia, N. Y., 231° radials; 12 AGL La Guardia; 12 AGL INT La Guardia 059° and Carmel, N. Y., 127° radials; 12 AGL Bridgeport, Conn.; 12 AGL INT Bridgeport 005° and Hartford, Conn., 280 radials.

V-434 From Ottumwa, Iowa, 12 AGL Moline, Ill.; 12 AGL Peoria, Ill.

V-435 From Rosewood, Ohio, 12 AGL Attica, Ohio.

V-437 From Daytona Beach, Fla., 37 miles 12 AGL, 76 miles 75 MSL, 12 AGL Savannah, Ga.; 12 AGL Charleston, S.C.; 12 AGL Florence, S. C., including a 12 AGL E alternate via INT Charleston 029° and Florence 178° radials.

V-439 From Dickinson, N. Dak., 13 miles, 12 AGL, 62 miles, 40 MSL, 12 AGL Williston, N. Dak.

V-441 From St. Petersburg, Fla., 12 AGL INT St. Petersburg 010° and Ocala, Fla., 213° radials; 12 AGL Ocala, including a 12 AGL E alternate via INT St. Petersburg 040° and Ocala 171° radials.

V-442 From Hector, Calif., 12 miles 12 AGL, 38 miles 85 MSL, 14 miles 75 MSL, 12 AGL INT Needles, Calif., 272° and Goffs, Calif., 163° radials; 12 AGL INT Goffs 163° and Parker, Calif., 333° radials; 12 AGL Parker.

V-443 From Bellaire, Ohio, 12 AGL Newcomerstown, Ohio, 12 AGL Tiverton, Ohio; 12 AGL Cleveland, Ohio, including a 12 AGL E alternate via INT Tiverton 017° and Cleveland 138° radials; 12 AGL INT Cleveland 049° and Aylmer, Ont., Canada, 205° radials; 12 AGL Aylmer. This airspace within Canada is excluded.

V-445 From La Guardia, N. Y., 12 AGL INT La Guardia 034° and Hartford, Conn., 245° radials.

V-446 From Troy, Ill., 12 AGL INT Troy 099° and Centralia, Ill., 056° radials; 12 AGL Samsville, Ill.

V-447 From Montpelier, Vt., 12 AGL INT Montpelier 020° and Sherbrooke, Quebec, Canada, 217° radials; 12 AGL Sherbrooke. The airspace within Canada is excluded.

V-448 From Portland, Oreg., 12 AGL Yakima, Wash., including a 12 AGL south alternate; 12 AGL Moses Lake, Wash.; 12 AGL Spokane, Wash., 45 miles 12 AGL, 21 miles 75 MSL, 20 miles 80 MSL, 12 AGL Kalispell, Mont.

AMENDMENTS 5/23/68 33 F. R. 5142 (Changed); 8/22/68 33 F. R. 8773 (Changed)

V-449 From DeLancey, N. Y., 12 AGL Rockdale, N. Y.; 12 AGL INT Rockdale 348° and Utica, N. Y., 280 radials.

V-450 From Muskegon, Mich., 12 AGL Green Bay, Wis.

V-451 From INT Whitman, Mass., 177° and Providence, R.I., 118° radials, 12 AGL Whitman; 12 AGL Boston, Mass.

V-454 From Monroeville, Ala., 12 AGL INT Monroeville 073° and Eufaula, Ala., 258° radials; 12 AGL INT Eufaula 258° and Columbus, Ga., 219° radials; 12 AGL Columbus; 12 AGL INT Columbus 019° and Atlanta, Ga., 233° radials; 12 AGL Atlanta; 12 AGL Rex, Ga.; 12 AGL INT Rex 090° and Greenwood, S. C., 240° radials; 12 AGL Greenwood; 12 AGL INT Greenwood 060° and Fort Mill, S. C. 227° radials; 12 AGL Fort Mill; 12 AGL Liberty, N. C.; 12 AGL Lawrenceville, Va.; 12 AGL Hopewell, Va.

V-455 From New Orleans, La., 12 AGL via Picayune, Miss.; 12 AGL Hattiesburg, Miss., including a 12 AGL E alternate from New Orleans to Hattiesburg via INT New Orleans 070° and Gulfport, Miss., 247° radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° radials, and also a 12 AGL W alternate from New Orleans to Hattiesburg via INT New Orleans 257° and Hattiesburg 221° radials; 6 mi. wide, 12 AGL Meridian, including a 12 AGL W alternate via INT Hattiesburg 010° and Meridian 230° radials.

PENDING AMENDMENT

In V-455 "and Meridian 230° radials." is deleted and "and Meridian 221° radials." is substituted therefor.

AMENDMENTS 4/3/69 34 F. R. 1370 (Changed)

V-457 From Norwich, Conn., 12 AGL Providence, R. I.; 12 AGL INT Providence 013° and Boston, Mass., 223° radials; 12 AGL Boston.

V-458 From Julian, Calif., 12 AGL INT Julian 130° and Imperial, Calif., 272° radials; 12 AGL Imperial.

V-459 From Seal Beach, Calif., 12 AGL Lake Hughes, Calif.; 12 AGL Porterville, Calif., 12 AGL Friant, Calif.; 12 AGL INT Friant 319° and Linden, Calif., 124° radials; 12 AGL Linden.

AMENDMENTS 12/12/68 33 F. R. 18544 (Changed)

V-460 From Julian, Calif., 12 AGL INT Julian 055° and Blythe, Calif., 272° radials; 12 AGL Blythe.

V-461 From Gila Bend, Ariz., 12 AGL Buckeye, Ariz.

V-464 From Dunkirk, N. Y., 12 AGL Geneseo, N. Y.

V-465 From Elko, Nev., 12 AGL Wells, Nev.; 12 miles; 12 AGL, 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, 12 AGL Malad City, Idaho; 39 miles 12 AGL, 53 miles 124 MSL, 12 AGL Jackson, Wyo.; 12 AGL Dunoir, Wyo.;
14 miles, 12 AGL, 45 miles, 137 MSL, 12 AGL Billings, Mont. From Miles City, Mont., 12 AGL Williston, N. Dak., including a 12 AGL E alternate.

V-467 From La Guardia, N. Y., 12 AGL Madison, Conn.

V-469 From Danville, Va., 12 AGL Lynchburg, Va.

V-471 From INT Princeton, Maine, 208° and Bangor, Maine, 132° radials; 12 AGL Bangor; 12 AGL Millinocket, Maine; 12 AGL Houlton, Maine; 12 AGL INT Houlton 085° and the United States/ Canadian border.

V-472 From Elizabeth City, N. C., 12 AGL via INT Elizabeth City 243° and Kinston, N. C., 029° radials; 12 AGL Kinston.

V-474 From Bellaire, Ohio, 12 AGL Indian Head, Pa.; 12 AGL St. Thomas, Pa.; 12 AGL INT St. Thomas 088° and Modena, Pa., 274° radials; 12 AGL Modena; 12 AGL INT Modena 095° and Woodstown, N. J., 043° radials.

AMENDMENTS 5/23/68 33 F. R. 5214 (Changed)

V-475 From Deer Park, N. Y., 12 AGL Madison, Conn.; 12 AGL Putnam, Conn., including a 12 AGL E alternate via Norwich, Conn.

V-476 From Washington, D. C., 12 AGL Baltimore, Md.; 12 AGL Millville, N. J.

V-477 From Houston, Tex., 12 AGL via Leona, Tex., including a 12 AGL E alternate via INT Houston 354° and Leona 143° radials and also a 12 AGL W alternate via INT Houston 314° and Leona 173° radials; 12 AGL INT Leona 338° and Dallas, Tex., 170° radials; 12 AGL Dallas, including a 12 AGL E alternate.

V-478 From Falmouth, Ky., 12 AGL Newcombe, Ky.; 12 AGL Beckley, W. Va.

V-479 From Northbrook, Ill., 12 AGL INT Northbrook 347° and Milwaukee, Wis., 161° radials; 12 AGL Milwaukee.

V-483 From Sparta, N. J., 12 AGL Huguenot, N. Y.; 12 AGL DeLancey, N. Y.; 12 AGL Rockdale, N. Y.; 12 AGL INT Rockdale 325° and Syracuse, N. Y., 100° radials; 12 AGL Syracuse.

V-484 From Twin Falls, Idaho, 49 miles 12 AGL, 34 miles 114 MSL, 12 AGL Salt Lake City, Utah; 25 miles, 12 AGL, 31 miles, 125 MSL, 12 AGL Myton, Utah;
14 miles, 79 MSL, 33 miles, 100 MSL, 12 AGL Grand Junction, Colo.; 12 AGL Gunnison, Colo., including a 12 AGL south alternate from Grand Junction to Gunnison via Montrose, Colo.; 13 miles, 112 MSL, 131 MSL INT Gunnison 110° and Alamosa, Colo., 339° radials; 12 AGL Alamosa.

AMENDMENTS 8/22/68 33 F. R. 9334 (Changed)

V-485 From Ventura, Calif., 6 miles wide, 12 AGL INT Ventura 331° and Fellows, Calif., 142° radials; 12 AGL Fellows; 12 AGL Priest, Calif.; 12 AGL INT of Priest 325° and San Jose, Calif., 137° radials; 12 AGL San Jose. The airspace within W-289
and R-2520, the airspace within R-2519 more than 3 statute miles W of the airway centerline and the airspace within R-2519 below 5,000 feet MSL is excluded.

V-487 From INT LaGuardia, N. Y., 034° and Carmel, N. Y., 188° radials; 12 AGL Carmel; 12 AGL Pawling, N. Y.; 12 AGL Cambridge, N. Y.; 12 AGL INT Cambridge 002° and Glens Falls, N. Y., 032° radials; 12 AGL Burlington, Vt.; 12 AGL INT Burlington 359° and St. Jean, Quebec, Canada, 158° radials; 12 AGL St. Jean. The airspace within Canada is excluded.

V-489 From INT Sparta, N. J., 194° and Stillwater, N. J., 110° radials; 12 AGL Sparta; 12 AGL Kingston, N. Y.; 12 AGL Albany, N. Y.; 12 AGL Glens Falls, N. Y.; 12 AGL Plattsburgh, N. Y.

V-490 From Utica, N. Y., 12 AGL Cambridge, N. Y.; 12 AGL Manchester, N. H.; 12 AGL INT Manchester 117° and Boston, Mass., 015° radials.

V-491 From Lafayette, Ind., 12 AGL INT Lafayette 313° and Peotone, Ill., 153° radials; 12 AGL Peotone.

V-492 From St. Petersburg, Fla., 12 AGL La Belle, Fla.; 12 AGL Pahokee, Fla.; 12 AGL Palm Beach, Fla., including a 12 AGL S alternate from La Belle to Palm Beach via INT La Belle 112° and Palm Beach 252° radials, and also a 12 AGL N alternate from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 314° radials.

V-493 From Livingston, Tenn., 12 AGL Lexington, Ky.; 12 AGL York, Ky.; 12 AGL Appleton, Ohio; 12 AGL Waterville,
Ohio; 12 AGL Carleton, Mich.; 12 AGL INT Carleton 327° and Flint, Mich., 202° radials; 12 AGL Flint.

V-494 From Ukiah, Calif., 12 AGL INT Ukiah 147° and Santa Rosa, Calif., 325° radials; 12 AGL Santa Rosa; 12 AGL Sacramento, Calif.; 12 AGL INT Sacramento 038° and Lake Tahoe, Calif., 249° radials; 12 AGL Lake Tahoe; 12 AGL INT Lake Tahoe 078° and Hazen, Nev., 244° radials; 12 AGL Hazen.

V-496 From Utica, N. Y., 12 AGL Glens Falls, N. Y.

V-497 From John Day, Oreg., 49 miles, 65 MSL, 12 AGL The Dalles, Oreg.

V-500 From Portland, Oreg., 12 AGL Newberg, Oreg.; 41 miles, 12 AGL, 70 MSL John Day, Oreg.; 30 miles, 12 AGL, 71 miles, 105 MSL, 12 AGL Boise, Idaho; 25 miles, 12 AGL, 25 miles, 90 MSL, 48 miles, 95 MSL, 25 miles, 75 MSL, 12 AGL Pocatello, Idaho.

AMENDMENTS 2/29/68 32 F. R. 20630 (Changed)

V-501 From Martinsburg, W. Va., 12 AGL St. Thomas, Pa.; 12 AGL Philipsburg, Pa. From Wellsville, N.Y.; 12 AGL INT Elmira, N. Y., 357° and Geneseo, N.Y., 091° radials.

V-502 From Louisville, Ky., 12 AGL Falmouth, Ky.

V-516 From Liberal, Kans., 12 AGL Anthony, Kans.; 12 AGL Ponca City, Okla.; 12 AGL Oswego, Kans.

V-518 From Fillmore, Calif., 12 AGL INT Fillmore 102° and Ventura, Calif., 061° radials; 12 AGL INT Ventura 061° and Palmdale, Calif., 233° radials; 12 AGL Palmdale,

V-520 From Portland, Oreg., via The Dalles, Oreg.; Pasco, Wash.; 12 AGL Walla Walla, Wash.; 12 AGL to Lewiston, Idaho.

V-524 From Laramie, Wyo., 12 AGL INT Laramie 069° and Scottsbluff, Nebr., 254° radials; 12 AGL Scottsbluff; 18 miles, 12 AGL, 93 miles, 54 MSL, 12 AGL North Platte, Nebr.

V-530 From Texico, N. Mex., 12 AGL Childress, Tex.

V-536 From Corvallis, Oreg., 12 AGL Redmond, Oreg., 32 miles, 12 AGL, 58 miles, 71 MSL, 12 AGL Pendleton, Oreg.; 12 AGL
Walla Walla, Wash.; 12 AGL Pullman, Wash.; 27 mi. 12 AGL, 85 MSL Mullan Pass, Idaho; 5 miles,
12 AGL, 34 miles, 95 MSL, 12 AGL Kalispell, Mont.; 20 miles, 12 AGL, 41 miles, 115 MSL, 12 AGL Great Falls, Mont.

AMENDMENTS 8/22/68 33 F. R. 8773 (Changed)

V-538 From Twentynine Palms, Calif., 12 AGL INT Twentynine Palms 043° and Goffs, Calif., 200° radials; 23 miles 95 MSL, 21 miles 75 MSL, 12 AGL Goffs; 12 AGL Las Vegas, N. Nev. The airspace within R-2501 is excluded.

§71.125 Alaskan VOR Federal Airways.

V-307 From Sandspit, British Columbia, Canada, 12 AGL Annette Island, Alaska; 42 miles, 12 AGL, 99 miles, 55 MSL, 12 AGL, Biorka Island, Alaska; 12 AGL Sisters Island, Alaska. The airspace within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-317 From Ethelda Bay, British Columbia, Canada, RBN 12 AGL Annette Island, Alaska, including a 12 AGL west alternate via INT Sandspit, British Columbia, Canada, 039° and Annette Island 167° radials; 42 miles, 12 AGL, 52 MSL Level Island, Alaska; 12 AGL Sisters Island, Alaska; 12 AGL INT Sisters Island 272° and Yakutat, Alaska, 139° radials; 86 miles, 20 MSL, 12 AGL Yakutat; 12 AGL Johnstone Point, Alaska; 12 AGL INT Johnstone Point 286° and Anchorage, Alaska 117° radials; 12 AGL Anchorage, including a 12 AGL south alternate via INT Johnstone Point 275° and Anchorage 130° radials. The airspace within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-436 From King Salmon, Alaska, 12 AGL INT King Salmon 068° and Kenai, Alaska, 217° radials; 12 AGL Kenai, including a 12 AGL east alternate from King Salmon to Kenai via INT King Salmon 068° and Kenai 217° radials, and Homer, Alaska; 12 AGL Anchorage, Alaska.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-438 From Kodiak, Alaska, 27 miles, 12 AGL, 24 miles, 35 MSL, 29 miles, 55 MSL, 12 AGL Homer, Alaska, including a west alternate from Kodiak 27 miles, 12 AGL, 24 miles, 35 MSL, 33 miles, 55 MSL, 12 AGL to Homer; 12 AGL INT Homer 027° and Anchorage, Alaska, 198° radials; 12 AGL Anchorage; 12 AGL Big Lake, Alaska; 12 AGL Fairbanks, Alaska; 54 miles, 12 AGL, 31 miles, 65 MSL, 12 AGL Fort Yukon, Alaska, including an east alternate from Fairbanks 54 miles, 12 AGL, 34 miles, 65 MSL, 12 AGL to Fort Yukon.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-440 From Seattle, Wash., 12 AGL Victoria, British Columbia, Canada. From Sandspit, British Columbia; 83 miles; 115 miles, 35 MSL, 12 AGL Biorka Island, Alaska; 31 miles, 12 AGL, 50 miles, 48 MSL, 108 miles, 20 MSL, 12 AGL Yakutat, Alaska; 50 miles, 12 AGL, 105 miles, 75 MSL, 12 AGL Middleton Island, Alaska; 56 miles, 12 AGL, 48 miles, 80 MSL, 12 AGL Anchorage, Alaska, including a south alternate from Middleton Island, 56 miles, 12 AGL, 85 MSL INT Middleton Island 298° and Anchorage 163° radials; 12 AGL to Anchorage, excluding the airspace between the main and this south alternate; 12 AGL McGrath, Alaska; 23 miles, 12 AGL, 54 miles, 55 MSL, 46 miles, 40 MSL, 12 AGL Unalakleet, Alaska; 52 miles, 12 AGL, 51 miles, 25 MSL, 12 AGL Nome, Alaska. The airspace within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-444 From Bettles, Alaska, 12 AGL Fairbanks, Alaska, including a 12 AGL south alternate via INT Bettles 155° and Fairbanks 307° radials; 12 AGL Big Delta, Alaska; 12 AGL Northway, Alaska; 12 AGL Burwash, Yukon Territory, Canada. The airspace within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-452 From Nome, Alaska, 12 AGL Moses Point, Alaska, including a 12 AGL north alternate; 47 miles, 12 AGL, 57 miles, 55 MSL, 12 AGL Galena, Alaska; 12 AGL Nenana, Alaska.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-453 From King Salmon, Alaska, 12 AGL Dillingham, Alaska, including a 12 AGL south alternate; 38 miles, 12 AGL, 60 MSL INT Dillingham 308° and Bethel, Alaska, 143° radials; 50 miles, 60 MSL, 12 AGL Bethel.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-456 From King Salmon, Alaska, 93 miles, 12 AGL, 61 miles, 125 MSL, 15 miles, 105 MSL, 12 AGL Anchorage, Alaska; 12 AGL Big Lake, Alaska; 12 AGL Gulkana, Alaska; 12 AGL Northway, Alaska.

AMENDMENTS 4/25/68 33 F. R. 4368 (Rewritten); 1/9/69 33 F. R. 17103 (Rewritten)

V-463 From Anchorage, Alaska, 12 AGL INT Anchorage 330° and Big Lake, Alaska, 294° radials.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-480 From Bethel, Alaska, 105 miles, 12 AGL, 89 miles, 55 MSL, 12 AGL McGrath, Alaska, 28 miles, 12 AGL, 55 miles, 45 MSL, 12 AGL Nenana, Alaska; 12 AGL Fairbanks, Alaska.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-488 From Galena, Alaska, 12 AGL INT Galena 074° and Tanana, Alaska, 260° radials; 12 AGL Tanana, including a 12 AGL south alternate; 12 AGL Fairbanks, Alaska.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-498 From McGrath, Alaska, 24 miles, 12 AGL, 54 miles, 55 MSL, 12 AGL Galena, Alaska; 68 miles, 12 AGL, 88 miles, 55 MSL, 12 AGL Kotzebue, Alaska.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-504 From Nenana, Alaska, 12 AGL Bettles, Alaska.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-506 From INT Kodiak, Alaska, 107° radial and northwest boundary Anchorage Oceanic Control Area at lat. 57° 28" N., long. 150° 32" W.; 37 miles, 20 MSL, 12 AGL Kodiak; 27 miles, 12 AGL, 40 MSL INT Kodiak 332° and King Salmon, Alaska, 097° radials; 50 miles, 95 MSL, 12 AGL King Salmon; 41 miles 12 AGL, 94 miles, 70 MSL, 12 AGL Bethel, Alaska; 47 miles, 12 AGL, 173 miles, 30 MSL, 12 AGL Nome, Alaska; 35 miles, 12 AGL, 90 miles, 55 MSL, 12 AGL Kotzebue, Alaska.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-508 From Middleton Island, Alaska, 56 miles, 12 AGL, 58 miles, 85 MSL, 12 AGL, Kenai, Alaska.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

V-510 From McGrath, Alaska, 12 AGL INT McGrath 123° and Big Lake, Alaska, 294° radials; 12 AGL Big Lake.

AMENDMENTS 1/9/69 33 F. R. 17103 (Rewritten)

§71.127 Hawaiian VOR Federal Airways.

V-1 HAWAII From INT Upolu Point, Hawaii, 093° and Hilo, Hawaii 334° radials, 12 AGL INT Upolu Point 093° and Hilo 013° radials; 12 AGL Hilo.

AMENDMENTS 2/29/68 33 F. R. 2765 (Rewritten)

V-2 HAWAII From South Kauai, Hawaii, 12 AGL Lihue, Hawaii, 12 AGL INT Lihue 130° and Honolulu, Hawaii, 269° radials; 12 AGL Honolulu; 12 AGL INT Honolulu 113° and Lanai, Hawaii, 304° radials; 12 AGL Lanai, including a 12 AGL south alternate; 12 AGL INT Lanai 107° and Upolu Point, Hawaii, 305° radials; 12 AGL Upolu Point; 12 AGL INT Upolu Point 093° and Hilo, Hawaii, 334° radials; 12 AGL Hilo; 12 AGL INT Hilo 091° and the 022° bearing from Pahoa, Hawaii, RBN. The airspace within R-3104 is excluded.

V-3 HAWAII From INT Kamuela, Hawaii, 245° and Upolu Point, Hawaii, 211° radials, 12 AGL Kamuela; 12 AGL INT Kamuela 067° and Hilo, Hawaii, 334° radials.

V-4 HAWAII From INT Lihue, Hawaii, 186° and Koko Head, Hawaii, 254° radials, 54 miles, 35 MSL, 12 AGL Koko Head; 15 miles, 12 AGL, 25 MSL INT Koko Head 065° and Upolu Point, Hawaii, 002° radials.

V-5 HAWAII From Kona, Hawaii, 12 AGL INT Kona 338° and Maui, Hawaii, 179° radials, including a 12 AGL west alternate via INT Kona 323° and Maui 179° radials.

V-6 HAWAII From INT Molokai, Hawaii, 067° and Maui, Hawaii 331° radials, 12 AGL Maui; 12 AGL INT Maui 060° and Hilo, Hawaii, 334° radials; 12 AGL Hilo.

V-7 HAWAII From Lanai, Hawaii, 12 AGL Molokai, Hawaii.

V-8 HAWAII From INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 268° radials, 12 AGL Molokai; 30 miles 12 AGL, 25 MSL INT Molokai 067° and Upolu Point, Hawaii, 010° radials.

V-9 HAWAII From INT Lanai, Hawaii, 224° and Honolulu, Hawaii, 179° radials, 12 AGL Honolulu. The airspace above FL-300 within W-321 (Area C) is excluded.

V-10 HAWAII From Hilo, Hawaii, 12 AGL to INT Hilo 057° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 2/29/68 33 F. R. 2765 (Rewritten)

V-11 HAWAII From INT Kona, Hawaii, 323° and Upolu Point, Hawaii 211° radials; 12 AGL Upolu Point; 12 AGL INT Upolu Point 349° and Maui, Hawaii, 080° radials.

V-12 HAWAII From INT Lihue, Hawaii, 195° and Honolulu, Hawaii, 269° radials, 38 miles, 35 MSL, 12 AGL Honolulu; 12 AGL Koko Head, Hawaii; 14 miles 12 AGL, 25 MSL INT Koko Head 050° and Maui, Hawaii, 012° radials.

V-13 HAWAII From Lihue, Hawaii, 12 AGL INT Lihue 145° and Honolulu, Hawaii, 269° radials; 12 AGL INT South Kauai, Hawaii, 133° and Koko Head, Hawaii 254° radials; 12 AGL Koko Head.

V-14 HAWAII From INT South Kauai, Hawaii, 271° radial and longitude 161°20'00" W.; 50 MSL longitude 159°42'00" W.; 12 AGL South Kauai; 12 AGL INT South Kauai 133° and Koko Head, Hawaii, 254° radials; 12 AGL Koko Head.

V-15 HAWAII From INT South Kauai, Hawaii, 288° radial and longitude 161°15'00" W.; 50 MSL longitude 159°42'00" W.; 12 AGL South Kauai; 12 AGL INT South Kauai, 108° and Lihue, Hawaii, 130° radials; 12 AGL INT Lihue 130° and Honolulu, Hawaii, 269° radials; 12 AGL Honolulu, 12 AGL Koko Head, Hawaii; 12 AGL Molokai, Hawaii, 12 AGL Maui, Hawaii; 12 AGL INT Maui 095° and Hilo, Hawaii, 334° radials; 12 AGL Hilo.

V-16 HAWAII From Honolulu, Hawaii, 12 AGL INT Honolulu 179° and Lanai, Hawaii, 289° radials; 12 AGL Lanai; 12 AGL Upolu Point, Hawaii; 12 AGL INT Upolu Point 108° and Hilo, Hawaii 013° radials; 12 AGL Hilo.

AMENDMENTS 2/29/68 33 F. R. 2765 (Changed)

V-17 HAWAII From INT Lanai, Hawaii, 118° and Maui, Hawaii, 201° radials; 12 AGL Maui.

V-18 HAWAII From Upolu Point, Hawaii, 12 AGL to INT Upolu Point 076° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 2/29/68 33 F. R. 2765 (Added)

V-19 HAWAII From Hilo, Hawaii, 12 AGL to the INT Hilo 013° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 2/29/68 33 F. R. 2765 (Added)

SUBPART D - CONTINENTAL CONTROL AREA

§ 71.151 Restricted areas included.

The airspace of the following restricted areas at or above 14,500 feet MSL and 1500 feet or more above the surface of the earth is continental control area:

R-2102	Fort McClellan, Ala.	
R-2104A	Huntsville, Ala.	
R-2202A	Big Delta, Alaska	
R-2203A	Eagle River, Alaska	
R-2203B	Eagle River, Alaska	
R-2205	Yukon, Alaska	
R-2301	Ajo, Arizona.	
R-2303A	Fort Huachuca, Arizona.	
R-2303B	Fort Huachuca, Arizona.	
R-2304	Gila Bend, Arizona.	
R-2305	Gila Bend, Arizona.	
R-2306A	Yuma West, Ariz.	
R-2306B	Yuma West, Ariz.	
R-2306C	Yuma West, Ariz.	3/28/68 33 F. R. 2991 (Added)
R-2307	Yuma, Arizona	
R-2308A	Yuma East, Ariz.	
R-2308B	Yuma East, Ariz.	
R-2402	Fort Chaffee, Ark.	
R-2501	Bullion Mountains, Calif.	
R-2502	Fort Irwin, Calif.	
R-2503	Camp Pendleton, Calif.	
R-2505	China Lake, Calif.	
R-2507	Chocolate Mountains, Calif.	
R-2508	California Complex.	
R-2509	Cuddeback Dry Lake, Calif.	
R-2510	El Centro, Calif.	
R-2512	Holtville, Calif.	
R-2513	Hunter-Liggett, Calif.	
R-2515	Muroc Lake, Calif.	
R-2519	Point Mugu, California	
R-2521	Salton Sea, Calif.	
R-2524	Trona, Calif.	
R-2525	Vernalis, Calif.	
R-2532	Blythe, Calif.	
R-2601	Fort Carson, Colo.	
R-2602	Fort Carson, Colo.	
R-2901C	Avon Park West, Fla.	
R-2902A	Cape Kennedy, Fla.	
R-2902B	Cape Kennedy, Fla.	
R-2903B	Stevens Lake, Fla.	
R-2907	Lake George, Fla.	
R-2910	Pinecastle, Fla.	
R-2914	Valparaiso, Fla.	
R-2915A	Eglin AFB, Fla.	
R-2915B	Eglin AFB, Fla.	
R-3002B	Fort Benning, Ga.	
R-3004	Fort Gordon, Ga.	
R-3005A	Fort Stewart, Ga.	
R-3005B	Fort Stewart, Ga.	
R-3202	Sailor Creek, Idaho.	10/17/68 33 F. R. 12891 (Added)
R-3401	Camp Atterbury, Ind.	
R-3403	Jefferson Proving Ground, Ind.	
R-3601	Brookville, Kansas	
R-3602	Manhattan, Kans.	
R-3702	Fort Campbell, Ky.	
R-3703	Fort Campbell, Ky.	
R-3704	Fort Knox, Ky.	
R-3801	Camp Claiborne, La.	
R-3803	Fort Polk, La.	
R-3804A	Fort Polk, La.	
R-3804C	Fort Polk, La.	
R-4001	Aberdeen, Md.	
R-4005	Patuxent River, Md.	
R-4006	Patuxent River, Md.	
R-4105	No Man's Land Island, Mass.	
R-4201	Camp Grayling, Mich.	
R-4207	Upper Lake Huron, Mich.	
R-4301	Camp Ripley, Minn.	
R-4305	Lake Superior, Minn.	
R-4401	Camp Shelby, Miss.	
R-4803	Fallon, Nev.	
R-4804	Twin Peaks, Nev.	

R-4806	Las Vegas, Nev.	
R-4810	Desert Mountains, Nevada	
R-4812	Sand Springs, Nev.	
R-4813	Carson Sink, Nev.	
R-4814A	Tonopah, Nev.	
R-4814B	Tonopah, Nev.	
R-4902	Nashua, N. H. (Temporary)	
R-5103A	McGregor, N. Mex.	
R-5103B	McGregor, N. Mex.	
R-5104	Melrose, N. Mex.	
R-5106	Orogrande, N. Mex.	
R-5107A	White Sands Proving Grounds, N. Mex.	
R-5107C	White Sands Proving Grounds, N. Mex.	
R-5107D	White Sands Proving Grounds, N. Mex.	
R-5109A	White Sands, N. Mex.	
R-5109B	White Sands, N. Mex.	
R-5111A	Elephant Butte, N. Mex. (East)	
R-5111B	Elephant Butte, N. Mex. (West)	
R-5112	Magdalena, N. Mexico	
R-5114	Fort Wingate, N. Mex.	
R-5116A	White Sands Proving Grounds, N. Mex.	6/1/68 33 F. R. 6085 (Added)
R-5116B	White Sands Proving Grounds, N. Mex.	6/20/68 33 F. R. 7719 (Added)
R-5314	Dare County, N. C.	
R-5502	La Carne, Ohio	
R-5503	Wilmington, Ohio	
R-5504	Wilmington, Ohio	
R-5601B	Fort Sill, Okla.	
R-5601C	Fort Sill, Okla.	
R-5701	Boardman, Oreg.	
R-6001	Fort Jackson, S. C.	
R-6302A	Fort Hood, Texas	
R-6302B	Fort Hood, Texas	
R-6302C	Fort Hood, Texas	
R-6303	Matagorda Island, Tex.	
R-6312	Cotulla, Texas	
R-6404A	Hill AFB Rangs South, Utah	
R-6404B	Hill AFB Range North, Utah	
R-6405	Wendover, Utah	
R-6406A	Wendover North, Utah	
R-6406B	Wendover South, Utah	
R-6407	Dugway West, Utah	
R-6408	Indian Creek, Utah	
R-6409	Green River, Utah	
R-6410	Blanding Utah	
R-6411	Hanksville, Utah	
R-6604	Chincoteague Inlet, Va.	
R-6609	Tangier Island, Va.	4/25/68 33 F. R. 3508 (Added)
R-6611	Dahlgren Complex, Va.	
R-6613	Dahlgren Complex, Va.	
R-6714	Yakima, Wash.	
R-6903	Sheboygan, Wis.	
R-6904	Volk Field, Wis.	
R-7001	Guernsey, Wyo.	

SUBPART E - CONTROL AREAS AND CONTROL AREA EXTENSIONS

§ 71.161 Designation of control areas associated with jet routes outside the continental control area.

Unless otherwise specified, the airspace centered on each of the following jet route segments has a vertical extent identical to that of a Jet Route and a lateral extent identical to that of a Federal airway and is designated as a control area. Unless otherwise specified, the place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

J-41 From Key West, Fla., to Tallahassee, Fla.

J-43 From St. Petersburg, Fla., to Tallahassee, Fla.

Jet Route No. 53 from Key West, Fla., to Miami, Fla.

Jet Route No. 55 from Sea Isle, N. J., to Putnam, Conn.
AMENDMENTS 10/17/68 33 F. R. 15150 (Added)

Jet Route No. 63 From Kennedy, N. Y., to Tuna INT.
AMENDMENTS 7/25/68 33 F. R. 8435 (Added)

Jet Route No. 77 from Jacksonville, Fla., to Charleston, S. C.

Jet Route No. 79 from Daytona Beach, Fla., to Charleston, S. C.

Jet Route No. 86 from Houston, Tex., to Sarasota, Fla.

Jet Route No. 103 from Daytona Beach, Fla., to Savannah, Ga.

Jet Route No. 111, from Nome, Alaska, to McGrath, Alaska.

Jet Route No. 120, from Fort Yukon, Alaska, to Barter Island, Alaska, RBN.
AMENDMENTS 12/12/68 33 F. R. 18060 (Added); Eff. date Changed 1/9/69 33 F. R. 18135
Eff: date changed 1/20/69 34 F. R. 250

Jet Route No. 121: Norfolk, Va., to Hampton, N. Y.; Providence, R. I., to INT of Providence 045° and Boston, Mass., 067° radials.

Jet Route No. 122, from Galena, Alaska, to Nome, Alaska.

Jet Route No. 123, From INT of Kodiak, Alaska, 107° radial and the NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W., via Kodiak to King Salmon, Alaska.

Jet Route No. 125, From Kodiak, Alaska, to Anchorage, Alaska.

Jet Route No. 133, From Annette Island, Alaska, to Anchorage, Alaska.
AMENDMENTS 2/6/69 33 F. R. 18010 (Changed)

Jet Route No. 150, from Hampton, N. Y., via Hyannis, Mass., to Striper INT.
AMENDMENTS 6/20/68 33 F. R. 8287 (Added)

Jet Route No. 153 From Sea Isle, N. J., to Shad INT.
AMENDMENTS 7/25/68 33 F. R. 8434 (Added)

Jet Route No. 174, from Hampton, N. Y., via Hyannis, Mass., to Herring INT.
AMENDMENTS 6/20/68 33 F. R. 8287 (Added)

Jet Route No. 501, from the United Staes/Canadian border, via Yakutat, Alaska, to Anchorage, Alaska.

Jet Route No: 502 from Tofino, British Columbia, Canada, RBN via Neah Bay, Wash., RBN; Hoquiam, Wash.; to Medford, Oreg.; from Ukiah, Calif., to Oakland, Calif. excluding the portion within Canada.
AMENDMENTS 6/20/68 33 F. R. 8917 (Added)

§ 71.163 Designation of additional control areas.

Unless otherwise specified, each control area designated below has a lateral extent identical to that of a Federal airway and extends upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth, except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

Control 1141

That airspace within tangent lines from the circumference of a 5-mile radius circle centered at latitude 42°23'23" N., longitude 70°59'10" W., to a 15 mile radius circle centered on the midway point of a direct line between latitude 42°23'23" N., longitude 70°59'10" W., and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the Yarmouth RBN and that airspace from 18,000 feet MSL to flight level 260 bounded by a line from: Latitude 42°43'20" N., longitude 70°22'00" W.; thence to latitude 42°52'00" N., longitude 70°16'00" W.; thence to latitude 43°01'30" N., longitude 69°52'00" W.; thence to latitude 43°01'30" N., longitude 69°36'00" W.; thence to the point of beginning; and that airspace from 18,000 feet MSL to flight level 260 inclusive bounded by a line from: Latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°42'30" N., longitude 69°30'00" W.; thence to latitude 42°39'00" N., longitude 69°30'00" W.; thence to latitude 42°28'00" N., longitude 70°03'45" W.; thence to point of beginning; and that airspace extending upward from 2,000 feet MSL bounded by a line from; Latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°23'45" N., longitude 70°03'45" W.; latitude 42°25'15" N., longitude 70°30'00" W.; latitude 42°26'15" N., longitude 70°30'00" W.; thence to the point of beginning; excluding the portion under the jurisdiction of Canada, the portion within the confines of Federal airways and the Boston, Mass., transition area, the portion below 2,000 feet MSL W of the 69°30'00" W meridian of longitude and the portion below 5,500 feet MSL E of the 69°30'00" W meridian of longitude.

AMENDMENTS 7/30/68 33 F. R. 10799 (Changed)

Control 1142

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at latitude 42°21'30" N., longitude 70°41'25" W., to a 15-mile radius circle centered at latitude 42°02'00" N., longitude 68°00'00" W., and that airspace within lines drawn from latitude 42°16'00" N., longitude 68°00'00" W., thence to latitude 42°14'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to latitude 42°16'00" N., longitude 68°00'00" W., excluding the portion within the Boston Transition area, the airspace below 5,500 feet MSL E of longitude 68°00'00" W., and the airspace below 2,000 feet MSL W of longitude 68°00'00" W., except that airspace within the confines of Federal airways.

Control 1143

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered at the midway point on a direct line between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the Yarmouth RBN excluding that portion below 2,000 feet except that airspace within the confines of Federal airways.

Control 1144

That airspace vicinity of Nantucket, Mass., within an area bounded by a line beginning at latitude 41°06'00" N., longitude 70°09'10" W., to latitude 41°25'35" N., longitude 70°09'35" W., to latitude 41°26'00" N., longitude 69°15'00" W., to latitude 41°46'00" N., longitude 68°00'00" W., to latitude 41°06'00" N., longitude 68°00'00" W., to the point of beginning, excluding the portion below 2,000 feet MSL except that airspace which lies within the confines of Federal airways.

Control 1145

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered on the INT of a rhumb line between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) and the Kindley AFB, Bermuda RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airway.

Control 1146

That airspace within a 5 NM radius circle centered on the Nantucket, Mass., Consolan and that airspace bounded by a line drawn from the tangent of the 5 NM radius circle centered on Nantucket Consolan to latitude 42°05'20" N., longitude 68°00'00" W., thence to latitude 42°19'00" N., longitude 68°00'00" W., thence to latitude 43°00'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to the tangent of the 5 NM radius circle centered on the Nantucket Consolan, excluding that airspace outside the United States below 2,000 feet MSL W of longitude 68°00'00" W., and below 5,500 feet MSL E of longitude 68°00'00" W.

Control 1147
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at Lat. 40°18'30" N, Long. 73°45'00" W, to the circumference of a 15-mile radius circle centered at the INT of the 137° bearing from the Newark, N. J., RBN and the W boundary of the New York Oceanic Control Area, and that airspace bounded by a line beginning at latitude 40°02'15" N., longitude 73°13'45" W.; to latitude 40°05'45" N., longitude 73°09'15" W.; to latitude 39°26'35" N., longitude 72°24'25" W.; to the point of beginning. That airspace below 2,000 feet outside the confines of Federal airways is excluded.

AMENDMENTS 7/25/68 33 F. R. 8434 (Changed)

Control 1148
That airspace within tangent lines drawn from the circumference of 5-mile radius circles centered on the Millville, N. J., RBN and at the INT of Millville RBN 135° bearing and the Atlantic Ocean-U.S. Coastline to a 15-mile radius circle centered on the INT of Millville RBN 135° bearing and the west boundary of the New York Oceanic Control area at latitude 37°43'00" N., longitude 73°00'00" W., and that airspace which is within 5 miles southwest of and parallel to the Sea Isle, N. J., VORTAC 134° radial, extending from Sea Isle to a point 40 miles southeast of Sea Isle. That airspace below 2,000 feet outside the United States is excluded.

AMENDMENTS 7/25/68 33 F. R. 8434 (Changed)

Control 1149
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial at Long. 75° 32' 00" W. to the circumference of a 15-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial on the west boundary of the New York Oceanic Control Area at Lat. 36° 57' 30" N., Long. 73° 00' 00" W., excluding the portion below 2,000 feet MSL outside the United States.

AMENDMENTS 2/6/69 33 F. R. 17766 (Added)

Control 1150
That airspace within a 5-nmi radius of the Carolina Beach, N. C., RBN (Lat. 34°06'22" N, Long. 77°57'42" W), within a 5-nmi radius of the Bimini, Bahamas, RBN (Lat. 25°42'32" N. Long. 79°16'33" W), within a 23-nmi radius of Lat. 29°53'15" N. Long. 78°39'15" W, within tangent lines drawn from the E and W sides of the Carolina Beach and Bimini 5-nmi radius area to the E and W sides of the 23-nmi radius area centered at Lat. 29°53'15" N. Long. 78°39'15" W. excluding that portion below 2,000 feet MSL outside the United States and that portion below 7,000 feet MSL within the Nassau, Bahamas, control area. The airspace above FL 430 south of latitude 30°36'50" N., and north of a line from latitude 29°06'30" N., longitude 79°09'10" W.; to latitude 29°20'00" N., longitude 78°20'20" W. is excluded.

Control 1151
That airspace N of Lat. 27°00'00" N. within tangent lines drawn from the circumference of a 25-mile radius circle centered at a point midway on a direct line between the Carolina Beach, N. C., RBN and the Nassau, British West Indies, RBN and circles 5 miles in radius centered on the Carolina Beach RBN and the Nassau RBN, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1152
That airspace east of Charleston, S. C., bounded by a line beginning at:
Latitude 33°02'00" N., longitude 80°03'35" W., thence to latitude 32°54'35" N., longitude 79°40'00" W., thence to latitude 32°50'35" N., longitude 79°23'00" W., thence to latitude 32°36'15" N., longitude 78°26'35" W., thence to latitude 32°13'25" N., longitude 77°00'00" W., thence to latitude 31°43'15" N., longitude 77°00'00" W., thence to latitude 32°35'55" N., longitude 79°16'45" W., thence to latitude 32°49'40" N., longitude 80°03'50" W., thence to latitude 32°52'25" N., longitude 80°03'45" W., thence to latitude 32°53'45" N., longitude 80°07'15" W., thence to the point of beginning, excluding the portion below 2,000 feet MSL outside the United States.

Control 1153
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Jacksonville, Fla., RBN to an 18-mile radius circle centered at the INT of the 090° bearing from the Jacksonville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet MSL outside the United States.

Control 1169
That airspace within 5 miles either side of a line extending from the Kennedy, N. Y., VORTAC via the INT of the Kennedy VORTAC 080° and the Nantucket, Mass., VORTAC 255° radials, to the Nantucket VORTAC and within lines diverging from the Kennedy VORTAC to points of tangency to a 9.5-mile radius circle centered at the INT of the Kennedy VORTAC 080° and the Nantucket VORTAC 255° radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VORTAC, excluding the airspace below 2,000 feet MSL outside the United States.

AMENDMENTS 10/24/68 33 F. R. 16109 (Changed)

Control 1173
That airspace W of San Francisco, Calif., bounded by a line extending from latitude 37°40'00" N., longitude 125°23'30" W., to latitude 37°50'00" N., longitude 124°24'30" W., to latitude 38°00'00" N., longitude 123°23'00" W., to latitude 38°03'25" N., longitude 123°11'45" W., thence via the W edge of V-199 and V-27 to latitude 37°09'20" N., longitude 122°34'50" W., to latitude 36°16'00" N., longitude 124°26'00" W., to the point of beginning, excluding the portion below 2,500 feet MSL. The portion within W-513 is excluded between the hours of 0800 and 2000 p.s.t., Monday through Friday, and below 3,000 feet MSL within W-513 between the hours of 2000 and 0800 p.s.t., Monday through Friday.

Control 1176
That airspace extending upward from 2,000 feet MSL, within lines 5 miles each side of the Santa Barbara, Calif., VORTAC 247° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the east boundary of the Oakland Oceanic Control Area, excluding the portion east of longitude 120°30'00" W.

AMENDMENTS 2/29/68 33 F. R. 531 (Rewritten)

Control 1177
That airspace SW of Los Angeles, Calif., bounded by a line beginning at Lat. 33°25'50" N, Long. 118°28'50" W. thence to Lat. 33°19'00" N. Long. 118°21'45" W. thence to Lat. 32°44'30" N. Long. 119°07'00" W. thence to Lat. 31°41'00" N. Long. 120°15'00" W. thence to Lat. 31°18'40" N. Long. 121°11'30" W. thence to Lat. 31°54'00" N. Long. 121°34'30" W. thence to Lat. 32°10'45" N. Long. 120°16'15" W. thence to Lat. 32° 52'15" N. Long. 119°12'30" W. thence to point of beginning excluding the airspace below 5,000 feet MSL.

Control 1181
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Weeksville, N.C., RBN to a 10-mile radius circle centered on the INT of the 133° bearing from the Weeksville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which extends outside the United States.

Control 1215
That airspace SE of Galveston, Tex., bounded by a line beginning at latitude 29° 02' 10" N., longitude 95° 05' 00" W., extending NE 3 nmi from and parallel to the United States coastline to latitude 29° 19' 00" N., longitude 94° 40' 30" W., to latitude 28° 15' 00" N., longitude 92° 07' 00" W., to latitude 28° 15' 00" N., longitude 94° 00 00" W., to latitude 28° 07' 45" N., longitude 94° 12' 00" W., to latitude 28° 10' 00" N., longitude 94° 14' 00" W., to latitude 28° 10' 00" N., longitude 94° 58' 00" W., to latitude 27° 37' 45" N., longitude 94° 59' 45" W., to latitude 27° 32' 00" N., longitude 95° 09' 00" W., to latitude 26° 50' 20" N., longitude 95° 30' 00" W., to latitude 27° 00' 00" N., longitude 95° 30' 00" W., to point of beginning; excluding the portion below 2,500 feet MSL.

Control 1216
That airspace extending upward from 2,000 feet MSL bounded on the N by a direct line from the Navy New Orleans, La., RBN to Lat. 29°25'00" N, Long. 87°00'00" W, on the SE by a line extending from Lat. 29°25' 00" N, Long. 87°00'00" W to Lat. 28°50'00" N, Long. 88°00'00" W, thence S along Long. 88°00'00" W to the N boundary of the Houston Oceanic Control Area, on the S by the Houston Oceanic Control Area, on the W by Long. 90°15'00" W., and on the NW by the New Orleans transition area.

Control 1217
That airspace within tangent lines drawn from the circumference of a 5 mile-radius circle centered on the Kodiak, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 107° bearing from the Kodiak RR with the NW boundary of the Anchorage Oceanic Control Area. The airspace below 2,000 feet MSL outside the United States is excluded.

Control 1218
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Homer, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 118° bearing from the Homer RR with the NW boundary of the Anchorage Oceanic Control Area.

Control 1226
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Galveston, Tex., RBN extending to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Galveston RBN and the Grand Isle, La., RBN, thence to the circumference of a 5-mile radius circle centered on the Grand Isle RBN, thence to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Grand Isle RBN and the Egmont Key, Fla., RBN, thence to the circumference of a 5-mile radius circle centered on the Egmont Key RBN, excluding the portion below 5,000 feet MSL from the Galveston RBN to the Grand Isle RBN, and the portion below 2,000 feet MSL from the Grand Isle RBN to the Egmont Key RBN.

Control 1230
That airspace extending from the Portland, Fla., RBN to the INT of the Portland RBN 275° bearing and the eastern
boundary of the Miami Oceanic control area, excluding the airspace below 2,000 feet MSL outside the United States, and the airspace within W-168.

AMENDMENTS 9/19/68 33 F. R. 14220 (Changed)

Control 1232
That airspace bounded on the north by a line 5 miles south and parallel to the Orlando, Fla., VOR 071° radial; on the east by a line extending from latitude 29°08'35" N., longitude 79°00'00" W. via latitude 24°40'00" N., longitude 79°00'00" W. to latitude 24°00'00" N., longitude 78°00'00" W.; on the south by latitude 24°00'00" N.; on the west by longitude 80°25'00" W. and V-3; excluding the airspace below 1,000 feet MSL within 5 miles each side of the Palm Beach, Fla., RBN, 090° bearing, outside the United States, and the airspace below 2,000 feet MSL elsewhere outside the United States. The airspace within the Nassau control area is excluded.

Control 1233
That airspace bounded on the N by the Key West, Fla., transition area and V-35, on the E by a line 5 miles E of and parallel to the 187° bearing from the Marathon, Fla., RBN, on the S by latitude 24°00'00" N., and on the W by a line 5 miles W of and parallel to the 205° bearing from the Key West RBN, excluding the portion below 2,000 feet MSL and excluding the portion within W-465.
PENDING AMENDMENT
Control 1233
That airspace extending upward from 2,000 feet MSL bounded on the north by V-35; on the east by a line 5 miles east of and parallel to the 187° bearing from the Marathon, Fla., RBN; on the south by latitude 24°00'00" N.; on the west by a line extending from the intersection of latitude 24°00'00" N., and a line 5 miles west of and parallel to the 187° bearing from the Marathon RBN, thence via this parallel line to its intersection with latitude 24°25'00" N., thence west via latitude 24°25'00" N., to the arc of a 35-mile radius circle centered at the Key West, Fla., VORTAC, thence northward via this arc to V-35, excluding the portion within W-465.
AMENDMENTS 3/6/69 34 F. R. 429 (Rewritten)

Control 1234
That airspace extending upward from 2,000 feet above the surface within an area bounded by a line beginning at: latitude 58°07'00" N., longitude 160°00'00" W.; to latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 51°24'00" N., longitude 167°49'00" W.; to latitude 50°08'00" N., longitude 176°34'00" W.; to latitude 51°05'00" N., longitude 173°44'00" E.; to latitude 51°30'00" N., longitude 170°00'00" E.; to latitude 54°40'40" N., longitude 170°00'00" E.; to latitude 54°49'00" N., longitude 170°12'30" E.; to latitude 54°23'00" N., longitude 174°30'00" E.; to latitude 53°36'00" N., longitude 176°47'00" W.; to latitude 54°33'00" N., longitude 169°58'00" W.; to latitude 56°39'00" N., longitude 164°25'00" W.; to latitude 57°46'00" N., longitude 161°46'00" W.; thence to point of beginning.

AMENDMENTS 12/7/67 32 F. R. 14061 (Added); Corr: 32 F. R. 14757; Eff. date changed 2/29/68 32 F.R. 16482

Control 1235
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 56°00'00" N., longitude 153°00'00" W.; to latitude 59°09'00" N., longitude 147°18'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the Anchorage, Alaska, VORTAC to latitude 58°50'00" N., longitude 151°58'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the King Salmon, Alaska, VORTAC to longitude 160°00'00" W.; thence to point of beginning, excluding the portion that lies within the Continental Control Area, Control 1217, Control 1218, Control 1484, Federal airways and the Kodiak, Alaska, transition area.
AMENDMENTS 12/7/67 32 F. R. 14061 (Added); Eff. date changed 2/29/68 32 F. R. 16482

Control 1236
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at: latitude 60°00'00" N., longitude 170°00'00" W.; to latitude 61°00'00" N., longitude 165°00'00" W.; to latitude 60°00'00" N., longitude 164°00'00" W.; to latitude 60°00'00" N., longitude 160°00'00" W.; to latitude 57°00'00" N., longitude 160°00'00" W.; to latitude 60°00'00" N., longitude 168°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1234, Control 1483 and Control 1400.

AMENDMENTS 12/7/67 32 F. R. 14061 (Added); Eff. date changed 2/29/68 32 F. R. 16482

Control 1310
That airspace within 4 nautical miles each side of a direct line extending from the Anchorage, Alaska, VOR to the Middleton Island, Alaska, VOR, including the additional airspace between lines diverging at 4.5° angles from the centerline, extending SE from the Anchorage VOR and NW from the Middleton Island VOR and which terminate at the intersecting points midway between Anchorage and Middleton Island; thence within 16 miles each side of a line extending from the Middleton Island VOR to the Sandspit, B.C., Canada, RR; including that airspace between lines diverging at 5° angles from the centerline, extending SE from the Middleton Island VOR and NW from the Sandspit RR, and which terminate at the intersecting points midway between Middleton Island and Sandspit, excluding the portion within Canada and W-533. The airspace below 2,000 feet MSL outside the United States is excluded.

Control 1316
That airspace within 5 miles each side of the Los Angeles, Calif., VOR 251° radial extending from the VOR to the Oakland Oceanic Control Area boundary and between lines diverging at an angle of 5° from the 251° radial extending from the Los Angeles VOR to the Oakland Oceanic Control Area boundary, excluding the airspace below 5,000 feet MSL within W-289.

Control 1386
That airspace within 5 miles either side of the Orlando, Fla., VOR 071° radial, extending from the VOR to Control 1150 and between lines diverging at an angle of 4.5° from the centerline at the Orlando VOR excluding the airspace below 14,000 feet MSL and above FL 430 between the E boundary of R-2902B and the W boundary of control 1150.

Control 1400
That airspace within 5 miles either side of the 263° bearing from the King Salmon, Alaska, RR extending from the RR to the Anchorage Oceanic Control Area, and between lines diverging at an angle of 5° from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2.000 feet MSL outside the United States.

Control 1401
That airspace within 5 miles either side of the 248° bearing from the King Salmon, Alaska, RR extending from the RR to longitude 160°00'00" W, and between lines diverging at an angle of 5° from the King Salmon 248° bearing extending from the RR to longitude 160°00'00" W, excluding the airspace below 2,000 feet MSL outside the United States.

AMENDMENTS 12/7/67 32 F. R. 14061 (Changed); Eff. date changed 2/29/68 32 F. R. 16482

Control 1415
That airspace within parallel boundary lines 4 nmi each side of the Fortuna, Calif., VOR 270° radial including the additional airspace within lines diverging at angles of 4.5° from the centerline extending to the E boundary of the Oakland Oceanic Control Area, excluding the portion below 5,000 feet MSL W of longitude 124°30'00" W.

Control 1418
That airspace extending upward from 2,000 feet MSL centered on the Hoquiam, Wash., VORTAC 232° radial, 10 nmi in width at the VORTAC with each edge diverging at an angle of 5° with the centerline, extending from the VORTAC to the E boundary of the Oakland Oceanic Control Area and excluding the portion within W-460.

Control 1419
That airspace extending upward from 2,000 feet MSL within lines 5 miles each side of the Newport, Oreg., VORTAC 237° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the E boundary of the Oakland Oceanic control area, excluding the portion within the Newport, Oreg., transition area.

Control 1445
That airspace S of the United States-Canadian border and the Vancouver Flight Information Region within lines tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., RBN and the circumference of a 15-mile radius circle centered at Lat. 48°40'00" N, Long. 125°17'30" W, excluding the portion below 5,000 feet MSL. The portion within W-601 is excluded.

Control 1447
That airspace southwest of New Orleans, La., bounded by a line beginning at latitude 29° 22' 30" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 92° 21' 45" W., to point of beginning, excluding the portion below 2,500 feet MSL.

Control 1483
That airspace within 5 miles each side of the 237° bearing from the Bethel, Alaska, RBN, extending from the RBN to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5° angle from the 237° bearing extending from the Bethel RBN to the E boundary of the Anchorage Oceanic Control area and excluding the airspace below 2.000 feet MSL outside the United States.

Control 1484
That airspace within 5 miles either side of the 227° bearing from the King Salmon, Alaska, RR extending from the RR to longitude 160°00'00" W, and between lines diverging at a 5° angle from the King Salmon 227° bearing extending from the King Salmon RR to longitude 160°00'00" W, excluding the airspace below 2,000 feet MSL outside the United States.

AMENDMENTS 12/7/67 32 F. R. 14061 (Changed); Eff. date changed 2/29/67 32 F. R. 16482

Control 1485
That airspace extending upward from FL-230 bounded by a line beginning at latitude 68°00'00" N., longitude 169°00'00" W., to latitude 72°00'00" N., longitude 158°00'00" W.; to latitude 72°00'00" N., longitude 141°00'00" W.; to latitude 68°00'00" N., longitude 141°00'00" W.; to the point of beginning.

AMENDMENTS 2/6/69 33 F. R. 18928 (Rewritten)

Control 1486
That airspace within 5 miles each side of the Ukiah, Calif., VOR 300° radial and the additional area between lines diverging at angles of 5° either side of the 300° radial extending from the VOR to the eastern boundary of the Seattle Oceanic Control Area; excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

Control 1487
That airspace extending upward from 14,500 feet MSL; to FL 450, within the area bounded by a line beginning at latitude 59°08'30" N., longitude 147°16'00" W., counterclockwise via the arc of a 172-mile radius centered on the Anchorage VOR to latitude 60°14'10" N., longitude 145°29'30" W., thence southeastward 3 nmi from and parallel to the U. S. coastline to latitude 54°40'00" N., longitude 132°56'00" W., thence to latitude 54°14'00" N., longitude 134°57'00" W., thence along the eastern boundary of the Anchorage Oceanic control area to the point of beginning. The portion within Control 1310 and the portion within Canada is excluded.

Control 1488
That airspace extending upward from 5,500 feet MSL to flight level 410 within 4 nautical miles each side of the Key West, Fla., VOR 244° radial and within 5 statute miles each side of the Key West radio beacon 245° bearing including the additional airspace between lines diverging at 4.5° from the centerline at the VOR and 5° at the RBN, extending from the VOR/RBN to the Miami Oceanic Area boundary and latitude 24°00'00" N.

Avon Park, Fla.
That airspace extending upward from 1,200 feet above the surface bounded on the east by V-267, on the southeast by V-225, on the southwest by V-157 and on the north by latitude 27°45'00" N.

AMENDMENTS 11/14/68 33 F. R. 12891 (Added)

Bettles, Alaska
That airspace within 5 nautical miles each side of a direct line extending from the Bettles, Alaska, RBN to the Point Barrow, Alaska, RBN (PBA) including the additional airspace between lines diverging at 5° angles from the centerline extending northwest from the Bettles RBN and southeast from the Point Barrow RBN (PBA) and which terminate at the intersecting points midway between Bettles and Point Barrow, excluding the airspace within the continental control area, and the airspace above FL-450 north of latitude 68°00'00" N., and excluding the airspace below 3,000 feet MSL from Bettles to 48 nautical miles northwest of Bettles; and below 9,500 feet MSL from 48 nautical miles northwest of Bettles to 176 nautical miles northwest of Bettles, and below 1,500 feet MSL from 176 nautical miles northwest of Bettles to Point Barrow. This additional control area is effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Alaska Airman's Guide and Chart Supplement.

AMENDMENTS 6/20/68 33 F. R. 9035 (Added)

Bettles/Prudhoe Bay, Alaska
From the Bettles, Alaska RBN, 59 nautical miles 12 AGL, 76 nautical miles 95 MSL, 12 AGL Prudhoe Bay, Alaska, RBN (latitude 70°14'55" N., longitude 148°23'28" W.).

AMENDMENTS 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135; Corr: 33 F. R. 18930
Eff. date changed 1/20/69 34 F. R. 250

Bettles/Umiat, Alaska
From the Bettles, Alaska, RBN, 59 nautical miles 12 AGL, 31 nautical miles 95 MSL, 12 AGL Umiat, Alaska, RBN (latitude 69°23'15" N., longitude 152°11'10" W.).

AMENDMENTS 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135
Eff. date changed 1/20/69 34 F. R. 250

Corona, N. Mex.
That airspace extending upwards from 11,500 feet MSL, within 4 nautical miles each side of a direct line from the Holloman, N. Mex., VOR to the Corona, N. Mex., VOR extending from the arc of a 35-mile radius circle centered at latitude 32°51'04" N., longitude 106°06'05" W., to the Corona VOR, excluding the airspace within R-5107B and the Corona, N. Mex., transition area.

AMENDMENTS 3/28/68 33 F. R. 1070 (Added)

Coyote, N. Mex.
That airspace extending upward from 11,000 feet MSL bounded on the north by V-264, on the west by longitude 106°04'00" W., on the southeast by the Corona, N. Mex., additional control area.

AMENDMENTS 9/19/68 33 F. R. 11002 (Added)

Fairbanks/Oliktok, Alaska
From the Fairbanks, Alaska, LF RR, 48 nautical miles , 12 AGL, 65 MSL Chandalar, Alaska, RBN (latitude 67°30'44" N., longitude 148°29'28" W.) 90 nautical miles, 95 MSL, 12 AGL Sagwon, Alaska, RBN (latitude 69°22'18" N., longitude 148°41'57" W.) 12 AGL Prudhoe Bay, Alaska, RBN (latitude 70°14'55" N., longitude 148°23'28" W.) 12 AGL Oliktok, Alaska, RBN.

AMENDMENTS 12/12/68 33 F. R. 15860 (Added); Eff. date Changed 1/9/69 33 F. R. 18135; Corr: 33 F. R. 18930 ;
Eff. date changed 1/20/69 34 F. R. 250

Gage, Okla.
From Gage, Okla., VORTAC 12 AGL to Woodring, Okla., VOR.

AMENDMENTS 2/29/68 33 F. R. 530 (Added); Corr: 33 F. R. 2991

Greenville, Miss.
That airspace extending from the Greenville, Miss., VOR, 25 MSL INT Greenville VOR 036° and Memphis, Tenn., VORTAC 205° radials.

AMENDMENTS 6/20/68 33 F. R. 6859 (Added)

Kirksville, Mo.
From Kirksville, Mo., VORTAC 12 AGL to Moline, Ill., VORTAC, and from Kirksville VORTAC 45 MSL to St. Louis, Mo., VORTAC.
AMENDMENTS 5/23/68 33 F. R. 4510 (Added); 6/20/68 33 F. R. 5050 (Rewritten)

Langston, Ala.
That airspace extending upward from 3,000 feet MSL bounded on the north by V-548, on the southeast by V-115, on the southwest by V-321 and on the northwest by the arc of a 31-mile radius circle centered at latitude 34°46'30" N., longitude 86°36'30" W.

AMENDMENTS 8/22/68 33 F. R. 9333 (Added)

Macon, Mo.
From Macon, Mo., VOR 12 AGL to Columbia, Mo., VOR.

AMENDMENTS 5/23/68 33 F. R. 5035 (Added)

Menominee, Mich.
From the Menominee, Mich., VORTAC, 12 AGL Marquette, Mich., VORTAC.

AMENDMENTS 10/17/68 33 F. R. 11537 (Added)

Omak, Wash.
That airspace extending upward from 5,500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata, Wash., VOR.

AMENDMENT 9/14/67 32 F. R. 10644 (Added)

Ottumwa, Iowa
From the Ottumwa, Iowa, VORTAC 12 AGL 26 miles, 50 MSL to Kansas City, Mo., VORTAC.

AMENDMENTS 5/23/68 33 F. R. 5035 (Added)

Piedmont, Ala.
That airspace extending upward from 3,000 feet MSL beginning at latitude 34°36'00" N., longitude 85°21'00" W., thence south to latitude 33°59'00" N., longitude 85°21'00" W., thence east via latitude 33°59'00" N., to the arc of a 50-mile circle centered on the Atlanta, Ga., Airport (latitude 33°38'42" N., longitude 84°25'37" W.), thence counterclockwise along this arc to a line 12 miles north of and parallel to the Atlanta, Ga., Airport Runway 9L ILS localizer west course, thence west along this line to longitude 85°33'00" W., thence south via longitude 85°33'00" W., to the northeast boundary of V-321, thence northwest along the northeast boundary of V-321 to the southeast boundary of V-115E, thence northeast along the southeast boundary of V-115E to the point of beginning.
AMENDMENTS 8/22/68 33 F. R. 9333 (Added)

Quincy, Ill.
That airspace extending from Quincy, Ill., VORTAC 12 AGL INT Quincy 247° and Macon, Mo., 172° radials.

AMENDMENTS 9/19/68 33 F. R. 11002 (Added)

PENDING AMENDMENT
Rattlesnake, Wyo.
That airspace extending upward from 8,500 feet MSL bounded on the north by V-298S, on the east by Casper, Wyo., 1,200-foot transition area, on the south and southwest by a line 4 NM south and southwest and parallel to the Casper ILS west course and Riverton, Wyo., VOR 099° radial and on the west by the Riverton, Wyo., 1,200-foot transition area.

AMENDMENTS 4/3/69 34 F. R. 1010 (Added)

Sagwon/Flaxman Island, Alaska
From the Sagwon, Alaska, RBN (latitude 69°22'18" N., longitude 148°41'57" W.) 12 AGL Flaxman Island, Alaska, RBN.

AMENDMENTS 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135
Eff. date changed 1/20/69 34 F. R. 250

St. Louis, Mo.
From St. Louis, Mo., VORTAC 60 MSL to Moline, Ill., VORTAC.

AMENDMENTS 4/25/68 33 F. R. 3507 (Added)

Sault Ste. Marie, Mich.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from the Lakehead, Ontario, Canada, RBN to the Sault Ste. Marie, Mich., RBN, including the additional airspace between lines diverging at 4.5° from the centerline at the Lakehead and Sault Ste. Marie RBNs and extending until the meet. The airspace within Canada is excluded.

AMENDMENTS 2/1/68 32 F. R. 17516 (Added)

Sidney, Mont.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from latitude 47°41'00" N., longitude 104°06'15" W., to latitude 48°06'45" N., longitude 105°36'00" W.

AMENDMENTS 9/19/68 33 F. R. 10799 (Added)

Umiat/Point Barrow, Alaska
From the Umiat, Alaska, RBN (latitude 69°23'15" N., longitude 152°11'10" W.) 21 nautical miles 12 AGL, 112 nautical miles 25 MSL, 12 AGL Point Barrow, Alaska, RBN. This additional control area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will be continuously published in the Alaska Airman's Guide and Chart Supplement.

AMENDMENTS 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135
Eff. date changed 1/20/69 34 F. R. 250

Umiat/Prudhoe Bay, Alaska
From the Umiat, Alaska, RBN (latitude 69°23'15" N., longitude 152°11'10" W.) 12 AGL Prudhoe Bay, Alaska, RBN (latitude 70°14'55" N., longitude 148°23'28" W.).

AMENDMENTS 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135; Corr: 33 F. R. 18930
Eff. date changed 1/20/69 34 F. R. 250

PENDING AMENDMENT
Zuni, N. Mex.
From the Zuni, N. Mex., VORTAC 12,500 feet MSL to INT of Zuni VORTAC 226° and St. Johns, Ariz., VORTAC 247° radials.

AMENDMENTS 3/6/69 34 F. R. 393 (Added)

§ 71.165 **Designation of control area extensions.**
Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area.

Eniwetok Island
That airspace extending upward from 700 feet above the surface within a 50-nmi radius of the Eniwetok RBN (Lat. 11°21'00" N, Long. 162°20'00" E).

Kotzebue, Alaska
Within 10 miles NW and 9 miles SE of the 048° and 228° bearings from the Kotzebue RBN, extending from 10 miles SW to 25 miles NE of the RBN.

Middleton Island, Alaska
Within 8 miles either side of the Middleton Island VOR 037° and 217° radials extending from 29 miles NE to 8 miles SW of the VOR.

Minchumina, Alaska
Within 6 miles SW and 8 miles NE of the 332° bearing from the Minchumina RR extending from the RR to 7 miles NW, including the airspace SE of R-39 within a 25-mile radius of the Minchumina RR.

Sherman, Tex.
Within a 70-mile radius of Perrin AFB, Sherman, Tex., (Lat. 33°42'48" N, Long. 96°40'29" W), bounded on the S by V-16, and on the W and NW by V-15; the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace NE of Sulphur Springs, Tex., bonded on the N by V-278, on the SE by V-16 N, and on the W by the Perrin 70-mile radius area; including the airspace NE of Sherman bounded on the E by a line 5 miles E of and parallel to a straight line from the Sulphur Springs VOR to the McAlester, Okla., VORTAC and on the NW by the Tulsa, Okla., control area extension.

SUBPART F - CONTROL ZONES

§ 71.171 **Designation.**
The parts of airspace described below are designated as control zones.

Abbotsford, British Columbia, Canada
Within a 5-mile radius of Abbotsford Airport (latitude 49°01'00" N., longitude 122°22'00" W.), excluding the portion outside the United States.

Aberdeen, Md.
Within a 5-mile radius of the center, 39°28'18" N., 76°10'13" W. of Phillips AAF and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 5-mile radius zone to 6 miles NE of the RBN.

Aberdeen, S. Dak.
Within a 5-mile radius of Aberdeen Municipal Airport (latitude 45° 27' 10" N., longitude 98° 25' 35" W.), within 2 miles each side of the Aberdeen VOR 131° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR.

Abilene, Tex. (Municipal Airport)
That airspace within a 5-mile radius of Abilene Municipal Airport (latitude 32°25'10" N., longitude 99°41'20" W,); within 2 miles each side of the Abilene ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Abilene VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion within the Abilene, Tex. (Dyess AFB), control zone.

Abilene, Tex. (Dyess AFB)
That airspace within a 5-mile radius of Dyess AFB (latitude 32°25'10" N., longitude 99°51'15" W.); within 2 miles each side of the Dyess ILS localizer S course, extending from the 5-mile radius zone to 7.5 miles S of the OM; within 2 miles each side of the Tuscola VOR 350° radial, extending from the 5-mile radius zone to 2 miles N of the VOR; within 2 miles each side of the Dyess TACAN 353° radial, extending from the 5-mile radius zone to 7.5 miles N of the TACAN; within 2 miles each side of the Dyess TACAN 165° radial, extending from the 5-mile radius zone to 6 miles S of the TACAN; and within 2 miles each side of the Abilene VORTAC 353° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC.

AMENDMENTS 3/20/68 33 F. R. 5213 (Changed)

Adak, Alaska
Within a 5-mile radius of the NS Adak Airport (latitude 51°52'50" N., longitude 176°38'54" W.); within 2 miles each side of the 054° bearing from the Adak RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN, and within 2 miles each side of the Navy Adak TACAN 067° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN.

AMENDMENTS 7/25/68 33 F. R. 7669 (Rewritten)

Aguadilla, P. R.
Within a 6-mile radius of Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); within 2 miles each side of the 253° bearing from the Ramey RBN, extending from the 6-mile radius zone to 12 miles west of the RBN; within 2 miles each side of the ILS localizer west course, extending from the 6-mile radius zone to 11 miles west of the Airport; within 2 miles each side of the Ramey VORTAC 256° radial, extending from the 6-mile radius zone to 8 miles west of the airport.

AMENDMENTS 8/22/68 33 F. R. 9599 (Rewritten)

Akron, Colo.
Within a 4-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.).

Akron, Ohio (Akron-Canton Airport)
Within a 5-mile radius of the center, 40°55'05" N., 81°26'30" W., of Akron-Canton Airport, Akron, Ohio, and within 2 miles each side of the Akron VORTAC 223° radial extending from the 5-mile radius zone to 12.5 miles southwest of the VORTAC, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Akron, Ohio (Akron Municipal Airport) control zone.

AMENDMENTS 5/23/68 33 F. R. 5460 (Added)

Akron, Ohio (Akron Municipal Airport)
Within a 5-mile radius of the center 41°02'15" N., 81°28'05" W., of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the point of INT of the 5-mile radius zone with the Akron, Ohio (Akron-Canton Airport), control zone.

AMENDMENTS 5/23/68 33 F. R. 5460 (Added)

Alameda, Calif.
Within a 5-mile radius of NAS Alameda (Lat. 37°47'10" N, Long. 122°19'00" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the Oakland, Calif., control zone.

Alamogordo, N. Mex.
Within a 5-mile radius of the Holloman Air Force Base Airport (latitude 32°51'04" N., longitude 106°06'05" W.); within 2 miles each side of the Holloman VOR 015° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the extended centerline of Runway 3 extending from the 5-mile radius zone to 4.5 miles northeast of the northeast end of Runway 3; within 2 miles each side of the extended centerline of Runway 15 extending from the 5-mile radius zone to 4.5 miles south of the south end of Runway 15; within 2 miles each side of the extended centerline of Runway 21 extending from the 5-mile radius zone to 4.5 miles southwest of the southwest end of Runway 21; within 2 miles each side of the Holloman TACAN 349° radial extending from the 5-mile radius zone to 17.5 miles north of the TACAN; and within 2 miles each side of the VOR 350° radial extending from the 5-mile radius zone to 8 miles north of the VOR; excluding that portion within a 2-mile radius of the Alamogordo Municipal Airport (latitude 32°50'27" N., longitude 105°59'17" W.) and within a 2-mile radius of the Midway Airport (latitude 32°52'04" N., longitude 105°59'26" W.). The portion of this control zone within R-5107D extends upward to 22,000 feet MSL.

AMENDMENTS 2/29/68 33 F. R. 66 (Added)

Albany, Ga. (Municipal Airport)
Within a 5-mile radius of the Albany Municipal Airport (latitude 31°32'08" N., longitude 84°11'34" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 5-mile radius zone to 1 mile SE of the VORTAC.

NAS Albany, Ga.
Within a 5-mile radius of NAS Albany (latitude 31°35'50" N., longitude 84°05'05" W.); within 2 miles each side of the Albany VORTAC 110° radial, extending from the 5-mile radius zone to 1.5 miles E of the VORTAC; within 2 miles each side of the NAS Albany TACAN 038° radial, extending from the 5-mile radius zone to 7.5 miles NE of the TACAN; within 2 miles each side of the 031° bearing from the NAS Albany LF RBN (latitude 31°35'52" N., longitude 84°05'42" W.), extending from the 5-mile radius zone to 8 miles NE of the RBN; within 2 miles each side of the 031° bearing from the NAS Albany UHF RBN (latitude 31°35'58" N., longitude 84°05'56" W.), extending from the 5-mile radius zone to 12 miles NE of the RBN; excluding the airspace which coincides with the Albany, Ga. (Municipal Airport), control zone.

AMENDMENTS 10/17/68 33 F. R. 11332 (Rewritten)

Albany, N. Y.
Within a 5-mile radius of the center, 42°44'48" N., 73°48'19" W. of Albany County Airport, Albany, N. Y. and within 2 miles each side of the Albany VOR 354° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the Albany ILS localizer south course extending from the 5-mile radius zone to 5 miles south of the localizer and within 2 miles each side of the Albany VOR 182° radial extending from the 5-mile radius zone to 5.5 miles south of the VOR.

AMENDMENTS 7/25/68 33 F. R. 8591 (Changed)

Albuquerque, N. Mex.
Within a 5-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended centerline of Runway 35, extending from the 5-mile radius zone to 7 miles north of the north end of Runway 35; within 2 miles each side of the extended centerline of Runway 17, extending from the 5-mile radius zone to 5 miles south of the south end of Runway 17; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

Alexandria, La. (England AFB)
That airspace within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 318° bearing from the Alexandria RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Alexandria VORTAC 151° and 331° radials, extending from the 5-mile radius zone to 1.5 miles southeast of the VORTAC; within 2 miles each side of the Alexandria VORTAC 327° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 6 miles northwest of the airport; within 2 miles each side of the extended centerline of Runway 18, extending from the 5-mile radius zone to 5.5 miles north of the airport; and within 2 miles each side of the extended centerline of Runway 36, extending from the 5-mile radius zone to 6.5 miles south of the airport.

Alexandria, La. (Esler Field)
Within a 5-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.); within 2 miles each side of the Esler VOR 338° radial, extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Esler VOR 358° radial, extending from the 5-mile radius zone to 6 miles north of the VOR, and within 2 miles each side of the 347° bearing from latitude 31°23'42" N., longitude 92°17'45" W., extending from the 5-mile radius zone to 14 miles north of latitude 31°23'42" N., longitude 92°17'45" W.

Alexandria, Minn.
Within a 5-mile radius of Alexandria Municipal Airport (latitude 45°52'02" N., longitude 95°23'39" W.), and within 2 miles either side of the Alexandria VOR 231° radial extending from the 5-mile radius zone to the VOR.

Alice, Tex.
That airspace within a 5-mile radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Alice VOR 270° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; and within 2 miles each side of the 134° bearing from latitude 27°44'20" N., longitude 98°01'46" W., extending from the 5-mile radius zone to 8 miles southeast of latitude 27°44'20" N., longitude 98°01'46" W.

AMENDMENTS 2/29/68 33 F. R. 66 (Rewritten)

Allentown, Pa.
Within a 5-mile radius of the center, 40°39'10" N., 75°26'20" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., within 2 miles each side of a line bearing 050° from a point at 40°42'00" N., 75°26'06" W., extended from the 5-mile radius area to 6 miles northeast of said point, within 2 miles each side of the Allentown ILS localizer northeast course, extending from the 5-mile radius zone to 10 miles northeast of the localizer, and within 2 miles each side of the Allentown VORTAC 347° radial extending from the 5-mile radius zone to 7 miles north of the VORTAC.

Alliance, Nebr.
Within a 5-mile radius of Alliance Municipal Airport (latitude 42°03'04" N., longitude 102°48'21" W.) and within 2 miles each side of the 146° and 300° bearings from the Alliance Airport extending from the 5-mile radius zone to 12 miles SE and 8 miles NW of the Alliance Airport. This control zone shall be effective during specific times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Alma, Ga.
Within a 3-mile radius of Bacon County Airport (latitude 31°32'20" N., longitude 82°30'30" W.); within 2 miles each side of the Alma VORTAC 146° and 334° radials, extending from the 3-mile radius zone to 8 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 12/12/68 33 F. R. 15412 (Added)

Alpena, Mich.
That airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°05'00" N., longitude 83°33'00" W.); within 2 miles each side of the Alpena VORTAC 346° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC; within 2 miles each side of the Alpena VORTAC 186° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; within 2 miles each side of the Alpena VORTAC 306° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; and within 2 miles each side of the 180° bearing from the Alpena RBN, extending from the 5-mile radius zone to the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alton, Ill.
Within a 5-mile radius of the Civic Memorial Airport (latitude 38°53'28" N., longitude 90°03'02" W.), and within 2 miles each side of the 009° bearing from the Civic Memorial Airport extending from the 5-mile radius zone to 7 miles N of the airport, and within 2 miles each side of the 103° bearing from the Civic Memorial Airport extending from the 5-mile radius zone to 8 miles east of the airport from 0700 to 2300 hours, local time, daily.

Altus, Okla.
Within a 5-mile radius of the Altus AFB (latitude 34°39'40" N., longitude 99°16'30" W.); within 2 miles each side of the Altus AFB ILS localizer S course, extending from the 5-mile radius zone to 1.5 miles S of the OM; and within 2 miles each side of the Altus AFB TACAN 185° radial, extending from the 5-mile radius zone to 9 miles S of the TACAN, excluding that airspace within a 1½ mile radius of the Altus, Okla., Municipal Airport, (latitude 34°41'57" N., longitude 99°20'21" W.).

Amarillo, Tex.
That airspace within a 5-mile radius of the Amarillo Municipal Airport (latitude 35°13'10" N., longitude 101°42'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the extended centerline of the Amarillo AFB/Municipal Airport Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

AMENDMENTS 4/29/68 33 F. R. 7020 (Changed)

Amchitka, Alaska
Within a 5-mile radius of the Amchitka, Alaska Airport (latitude 51°22'45" N., longitude 179°15'42" E.); within 2 miles each side of runway 7-25 centerlines extending from the 5-mile radius zone to 5.5 miles east and 5.5 miles west of the Amchitka Airport; within 2 miles each side of the 082° bearing from the Amchitka RBN extending from the RBN to 8 miles east; and within 2 miles each side of the 247° bearing from the Amchitka RBN, extending from the RBN to 8 miles southwest. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

AMENDMENTS 6/20/68 33 F. R. 9067 (Changed)

Anaheim, Calif. (Disneyland Heliport)
Within a 3-mile radius of Disneyland Heliport (latitude 33° 48' 40" N., longitude 117° 55' 30" W.), excluding that airspace within the Fullerton and Long Beach, Calif., airport control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 1/9/69 33 F. R. 17767 (Added)

Anchorage, Alaska (Anchorage International Airport)
Within a 5-mile radius of Anchorage International Airport (latitude 61°10' N., longitude 149°58' W.); within 2 miles each side of the Anchorage RR SW course extending from the 5-mile radius zone to 8 miles SW of the RR; within 2 miles each side of the Anchorage VOR 079° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Anchorage ILS localizer W course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) control zone.

Anchorage, Alaska (Bryant AAF)
Within a 3-mile radius of Bryant AAF (latitude 61°16'N., longitude 149°40' W.), excluding the portion west of longitude 149°43' W. This control zone is effective from 0700 to 2100 hours, local time, daily.

Anchorage, Alaska (Merrill Field/Elmendorf AFB)
Within a 3-mile radius of Merrill Field (latitude 61°13' N., longitude 149°51' W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15' N., longitude 149°49"W.); within 2 miles each side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Anchorage (Bryant AAF) Control Zone.

Anderson, S. C.
Within a 5-mile radius of Anderson Airport (latitude 34°29'40" N., longitude 82°42'30" W.) and within 2 miles each side of the Anderson VORTAC 039° radial extending from the 5-mile radius zone to the VORTAC.

Aniak, Alaska
Within a 5-mile radius of the Aniak Airport (latitude 61°35' N., longitude 159°32' W.); and within 2 miles each side of the 230° and 140° bearings from the Aniak RBN, extending from the 5-mile radius zone to 14 miles SW and 8 miles SE of the RBN, from 0545 to 2145 hours, local time, daily.

Annette Island, Alaska
Within a 5-mile radius of the Annette Island Airport (latitude 55°02'34" N., longitude 131°34'14" W.); within 3 miles each side of the Annette Island VOR 170° radial, extending from the 5-mile radius zone to 12 miles south of the VOR, and within 2 miles each side of the Annette Island VOR 311° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR.

AMENDMENTS 5/23/68 33 F. R. 5214 (Rewritten)

Anniston, Ala.
Within a 5-mile radius of the Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within a 1.5-mile radius of Lee Brothers Airport (latitude 33°37'30" N., longitude 85°47'20" W.).

Appleton, Wis.
That airspace within a 5-mile radius of Outagamie County Airport (latitude 44°15'40" N., longitude 88°31'10" W.); within 2 miles each side of the 135° bearing from Outagamie County Airport, extending from the 5-mile radius zone to 7 miles southeast of the airport; and within 2 miles each side of the 285° bearing from Outagamie County Airport, extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Arcata, Calif.
Within a 5-mile radius of Arcata Airport (latitude 40°58'45" N., longitude 124°06'25" W.); and within 2 miles each side of the 219° bearing from the Arcata RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN.

Ardmore, Okla.
Within a 5-mile radius of Ardmore Municipal Airport (Lat. 34°18'00" N, Long. 97°00'50" W), within 2 miles either side of the Ardmore VOR 053° radial extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the 085° bearing from the Ardmore RBN extending from the 5-mile radius zone to the RBN.

Asheville, N. C.
Within a 5-mile radius of Asheville Airport (latitude 35°26'00" N., longitude 82°32'25" W.); within 2 miles each side of a 340° bearing from the Broad River RBN extending from the 5-mile radius zone to 9 miles S of the airport; within 2 miles each side of a 159° bearing from the Biltmore RBN extending from the 5-mile radius zone to 5.5 miles N of the airport; and within 2 miles each side of a 129° bearing from the Asheville Airport extending from the 5-mile radius zone to 7.5 miles SE of the airport.

AMENDMENTS 9/19/68 33 F. R. 10799 (Changed)

Astoria, Oreg.
Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46° 09' 25" N., longitude 123° 52' 40" W.), and within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

Athens, Ga.
Within a 5-mile radius of Athens Municipal Airport (latitude 33°56'54" N., longitude 83°19'37" W.); within 2 miles each side of the Athens VORTAC 078° radial, extending from the 5-mile radius zone to 8 miles east of the VORTAC; and within 2 miles each side of the Athens VORTAC 192° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

AMENDMENTS 2/2/68 33 F. R. 2991 (Rewritten)

Atlanta, Ga. (Fulton County Airport)
Within a 5-mile radius of Fulton County Airport (latitude 33°46'47" N., longitude 84°31'20" W.) and within 2 miles each side of the Fulton County VOR 276° radial extending from the 5-mile radius zone to 7 miles W of the VOR excluding the portion within the Dobbins AFB/NAS Atlanta control zone.

Atlanta, Ga.
Within a 5-mile radius of Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.); within 2 miles each side of the Atlanta ILS Runway 9L localizer W course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer SE course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS Runway 9L localizer E course, extending from the 5-mile radius zone to 8.5 miles E of the airport reference point; within 2 miles each side of the ILS Runway 9R localizer W course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Rex, Ga., VORTAC 271° radial, extending from the 5-mile radius zone to 8.5 miles E of the Atlanta Airport and within a 3-mile radius of Morris AAF (latitude 33°37'20" N., longitude 84°20'30" W.).

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Atlanta, Ga. (Dobbins AFB/NAS Atlanta).
Within a 5-mile radius of the Dobbins AFB/NAS Atlanta (latitude 33°55'00" N., longitude 84°31'00" W.); within 2 miles each side of the 105° bearing from the Lost Mountain, Ga., RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the 301° radial of the NAS Atlanta TACAN extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Atlantic City, N. J.
Within a 12-mile radius of the Atlantic City NAFEC Airport (Lat. 39°27'25" N, Long. 74°34'45" W), and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3-nmi offshore, on the SE by a line 3-nmi offshore, and on the NE by the Atlantic City VORTAC 112° radial, excluding the portion within a 2-mile radius of the Ocean City Airport (Lat. 39°16'00" N, Long. 74°36'15" W).

Augusta, Ga.
Within a 5-mile radius of Bush Field, Augusta, Ga. (latitude 33°22'10" N., longitude 81°57'55" W.); within 2 miles each side of the Augusta VORTAC 141° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; within
2 miles each side of the 166° bearing from the Emory RBN, extending from the 5-mile radius zone to 1 mile S of the RBN; and within a 2-mile radius of Daniel Field, Augusta, Ga. (latitude 33°27'55" N., longitude 82°02'25" W.).

AMENDMENTS 8/22/68 33 F. R. 12178 (Changed); 10/17/68 33 F. R. 11449 (Changed)
AMENDMENTS 1/16/69 33 F. R. 19899 (Changed)

Augusta, Maine
Within a 5-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine; within 2 miles each side of the Augusta VOR 327° radial extending from the 5-mile radius zone to 6 miles northwest of the VOR; and within 2 miles each side of the Capital City, Maine, RBN (44°20'18" N., 69°48'42" W.) 333° bearing extending from the 5-mile radius zone to 6 miles northwest of the RBN.

Austin, Tex. (Robert Mueller Municipal Airport)
Within a 5-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 2 miles each side of the Austin ILS localizer NW course, extending from the 5-mile radius zone to 1 mile SE of the INT of the ILS localizer NW course and the Austin VORTAC 269° radial; and within 2 miles each side of the Austin VORTAC 184° radial, extending from the 5-mile radius zone to the VORTAC.

Austin, Tex. (Bergstrom AFB).
Within a 5-mile radius of Bergstrom AFB (latitude 30°11'45" N., longitude 97°40'35" W.); within
2 miles each side of the Bergstrom ILS localizer S course, extending from the 5-mile radius zone to the LOM, excluding that portion within the Austin, Tex. (Robert Mueller Municipal Airport) control zone.

AMENDMENTS 6/17/68 33 F. R. 9254 (Changed)

Baker, Oreg.
Within a 3-mile radius of Baker Municiapl Airport (Lat. 44°50'25" N, Long. 117°48'35" W).

Bakersfield, Calif.
Within a 5-mile radius of Meadows Field, Bakersfield, Calif. (latitude 35° 25' 40" N., longitude 119° 03' 05" W.), and within 2 miles W and 8 miles E of the Bakersfield VORTAC 338° radial, extending from the 5-mile radius zone to 7 miles NW of the VORTAC.

Baltimore, Md.
Within a 5-mile radius of the center, 39°10'25" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; and within 2 miles each side of the Baltimore ILS west course extending from the 5-mile radius zone to 10 miles west of the OM.

Bangor, Maine
Within a 5 mile radius of the center (44°48'20" N., 68°49'32" W.) of Bangor International Airport, Bangor, Maine excluding the
portion within a 1-mile radius of the center (44°49'15" N., 68°43'00" W.) of the Down East Seaplane Base, Brewer, Maine; within 2 miles each side of the Bangor VORTAC 318° radial, extending from the 5-mile radius zone to 7 miles NW of the VORTAC; within 2 miles each side of the extended centerline of Runway 33 extending from the 5-mile radius zone to 4.5 miles NW of the lift-off end of the runway; within 2 miles each side of the Bangor VORTAC 135° radial, extending from the 5-mile radius zone to 12 miles SE of the VORTAC; within 2 miles each side of the Bangor ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the OM.

AMENDMENTS 11/14/68 33 F. R. 14587 (Changed); 11/16/68 33 F. R. 17102 (Changed)

Bartlesville, Okla.
Within a 5-mile radius of the Phillips Airport (latitude 36°45'45" N., longitude 96°00'30" W.), and within 2 miles each side of the Bartlesville VOR 355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR, excluding the area N of latitude 36°46'00" N and E of longitude 95°58'30" W. This control zone shall be effective during the times established by a notice to Airmen and continuously published in the Airman's Information Manual.

Baton Rouge, La.
That airspace within a 5-mile radius of Ryan Airport, Baton Rouge, La. (latitude 30°31'55" N., longitude 91°09'00" W.); within a 2-mile radius of Downtown Airport, Baton Rouge, La. (latitude 30°26'45" N., longitude 91°06'25" W.); within 2 miles each side of the Baton Rouge ILS localizer SE course extending from the 5-mile radius zone to 6.5 miles SE of Ryan Airport, and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 5-mile radius zone to 1 mile E of the VORTAC.

Battle Creek, Mich.
Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials, extending from the 5-mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4.

Beaufort, S. C.
Within a 5-mile radius of MCAS Beaufort (latitude 32°28'40" N., longitude 80°43'20" W.); within 2 miles each side of the 042° bearing from the MCAS Beaufort RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the MCAS Beaufort TACAN 037° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN.

AMENDMENTS 1/30/68 33 F. R. 2764 (Rewritten)

Beaumont, Tex.
Within a 5-mile radius of Jefferson County Airport, Beaumont, Tex. (latitude 29°57'05" N., longitude 94°01'10" W.), within 2 miles each side of the Beaumont ILS localizer northwest course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Beaumont ILS localizer southeast course extending from the 5-mile radius zone to 5.5 miles southeast, within 2 miles each side of the Beaumont VOR 076° radial extending from the 5-mile radius zone to 7 miles east of the VOR, within 2 miles each side of the Beaumont VOR 255° radial extending from the 5-mile radius zone to 7 miles west of the VOR, and within 2 miles each side of the Beaumont VOR 307° radial extending from the 5-mile radius zone to 6 miles northwest of the VOR.

AMENDMENTS 4/25/68 33 F. R. 4093 (Changed); 7/25/68 33 F. R. 7718 (Rewritten)

Bedford, Mass.
Within a 5-mile radius of Hanscom Airport (latitude 42°28'04" N., longitude 71°17'23" W.);
within 2 miles each side of the Bedford ILS localizer W course extending from the 5-mile radius zone to 8 miles W of the LOM; within 2 miles each side of the extended centerline of Runway 23 extending from the 5-mile radius zone to 6 miles SW of the lift-off end of the runway; within 2 miles each side of the extended centerline of Runway 5 extending from the 5-mile radius zone to 6 miles NE of the lift-off end of the runway; and within a 1-mile radius of Erickson Airport (latitude 42°27'50" N., longitude 71°31'00" W.).

Beeville, Tex.
That airspace within a 5-mile radius of NAAS Chase Field, Beeville, Tex. (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN.

Belleville, Ill.
Within a 5-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 5-mile radius zone to 5.5 miles SE of the SE end of Scott AFB Runway 31.

Bellingham, Wash.
Within a 5-mile radius of Bellingham Municipal Airport (latitude 48°47'40" N., longitude 122°32'10" W.); within 2 miles each side of the Bellingham VOR 169° radial, extending from the 5-mile radius zone to 1 mile S of the VOR.

Bemidji, Minn.
Within a 5-mile radius of the Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.), within 2 miles each side of the Bemidji VOR 136° radial, extending from the 5-mile radius zone to the VOR and within 2 miles each side of the 262° bearing from the Bemidji Municipal Airport, extending from the 5-mile radius zone to 8 miles W of the airport, excluding the portion 9 miles SE of and parallel to the Bemidji VOR 024° and 204° radials. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airmen's Information Manual.

Benton Harbor, Mich.
Within a 5-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/1/68 32 F. R. 1523 (Rewritten)

Bethel, Alaska
Within a 5-mile radius of the Bethel Municipal Airport (latitude 60°47'01" N., longitude 161°49'59" W.); within 3 miles each side of the BEA RBN 014° bearing extending from the 5-mile radius zone to 8 miles N of the RBN; within 2 miles each side of the BET RBN 293° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles each side of the Bethel VORTAC 213° radial extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

Bettles, Alaska
Within a 5-mile radius of the Bettles Municipal Airport (latitude 66°55'00" N., longitude 151°31'00" W.); within 2 miles southeast and 3 miles northwest of the 210° bearing from the Bettles RBN extending from the 5-mile radius zone to 8 miles southwest of the RBN.

AMENDMENTS 2/1/68 32 F. R. 1483 (Rewritten)

Big Delta, Alaska
Within a 5-mile radius of the Big Delta AAF, Fort Greely, Alaska (latitude 64°00' N., longitude 145°43' W.), and within 2 miles each side of the Big Delta RR NE and NW courses, extending from the 5-mile radius zone to 8 miles NE and 9½ miles NW of the RR; within 2 miles each side of the Big Delta VOR 040° and 315° radials, extending from the 5-mile radius zone to 8 miles NE and 10 miles NW of the VOR.

Big Spring, Tex.
That airspace within a 5-mile radius of Webb AFB, Big Spring, Tex. (latitude 32°12'50" N., longitude 101°31'25" W.), within a 5-mile radius of Howard County Airport, Big Spring, Tex. (latitude 32°18'05" N., longitude 101°26'20" W.), within 2 miles each side of the Big Spring VOR 191° radial, extending from the 5-mile radius zone to 1 mile S of the VOR, within 2 miles each side of the Big Spring VOR 155° radial, extending from the 5-mile radius zone to the VOR, within 2 miles each side of the Webb TACAN 355° radial, extending from the 5-mile radius zone to 7.5 miles north of the TACAN, and within 2 miles each side of the Webb TACAN 190° radial extending from the 5-mile radius zone to 7.5 miles south of the TACAN.

Billings, Mont.
Within a 5-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within 2 miles each side of the Billings ILS west and east courses, extending from the 5-mile radius zone to 8 miles west of the OM on the west and to the RBN on the east; and within 2 miles each side of the Billings VORTAC 095° and 267° radials, extending from the 5-mile radius zone to 8 miles west and 12 miles east of the VORTAC.

Biloxi, Miss.
Within a 5-mile radius of Keesler AFB (latitude 30°24'39.2" N., longitude 88°55'25.9" W.); within 2 miles each side of the 036° bearing from the Keesler RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the Keesler TACAN 041° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2 miles each side of the Keesler TACAN 208° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN, excluding the portion west of longitude 89°00'00" W.; effective from 0600 to 2200 hours, local time daily.

AMENDMENTS 8/22/68 33 F. R. 9699 (Rewritten)

Binghamton, N.Y.
Within a 5-mile radius of the center of Broome County Airport, Binghamton, N.Y., 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the airport ILS localizer SE course extending from the 5-mile radius zone to 2 miles SE of the OM.

Birmingham, Ala.
Within a 5-mile radius of the Birmingham Municipal Airport (latitude 33°33'50" N., longitude 86°45'30" W.); within 2 miles each side of the Birmingham localizer SW course extending from the 5-mile radius zone to 5.5 miles SW of the airport; within 2 miles each side of the 055° and 235° bearings from the Roebuck RBN extending from the 5-mile radius zone to 8 miles NE of the RBN.

Bismarck, N. Dak.
Within a 5-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.), and within 2 miles each side of the Bismarck ILS localizer SE course, extending from the 5-mile radius zone to the OM.

Blackstone, Va.
Within a 4-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.), excluding the portion within R-6602. This control zone is effective from 0600 to 2200 hours local time.

AMENDMENTS 11/14/68 33 F. R. 14587 (Changed)

Bloomington, Ill.
Within a 5-mile radius of Bloomington Normal Airport (latitude 40°28'55" N., longitude 88°55'40" W.); and within 2 miles each side of the Bloomington VOR 043°, 105°, and 319° radials, extending from the 5-mile radius zone to 8 miles northeast, east, and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/25/68 33 F. R. 1070 (Rewritten)

Bloomington, Ind.
Within a 5-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.) and within 2 miles each side of the Bloomington, Ind., VOR 072°, 181°, 236° and 341° radials extending from the 5-mile radius zone to 8 miles east, south, southwest, and north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/29/68 33 F. R. 451 (Rewritten)

Bluefield, W. Va.
Within a 5-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37° 17' 45" N., longitude 81° 12' 30" W.), with 2 miles each side of the Bluefield VOR 047° radial, extending from the 5-mile radius zone to 4.5 miles NE of the VOR, and within 2 miles each side of the Bluefield VOR 267° radial, extending from the 5-mile radius zone to 15 miles W of the VOR.

Blythe, Calif.
Within a 5-mile radius of Blythe Airport (Lat. 33°37'15" N, Long. 114°43'00" W).

Blytheville, Ark.
That airspace within a 5-mile radius of the Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.); within 2 miles each side of the Blytheville ILS localizer N course extending from the 5-mile radius zone to 0.5 mile S of the OM, within 2 miles each side of the Blytheville VOR 357° and 185° radials extending from the 5-mile radius zone to 7 miles N and 7 miles S of the VOR, within 2 miles each side of the extended centerline of Runway 17 extending from the 5-mile radius zone to 6 miles S of the airport, and within 2 miles each side of the Blytheville TACAN 357° and 185° radials extending from the 5-mile radius zone to 7 miles N and 6 miles S of the TACAN.

Boise, Idaho
Within a 5-mile radius of Boise Air Terminal (latitude 43°33'55" N., longitude 116°13'35" W.); within 2 miles each side of the Boise VORTAC 302° radial, extending from the 5-mile radius zone to 12 miles NW of the VORTAC and within 2 miles each side of the Boise VORTAC 130° radial, extending from the 5-mile radius zone to 12 miles SE of the VORTAC.

Borger, Tex.
That airspace within a 5-mile radius of Hutchinson County Airport, Borger, Tex., (latitude 35°41'55" N., longitude 101°23'40" W.); and within 2 miles each side of the Borger VOR 185° radial extending from the 5-mile radius zone to the VOR.
This control zone is effective during the dates and times published in the Airman's information Manual.

Boston, Mass.
Within an 8-mile radius of the Logan International Airport (latitude 42°21'55" N., longitude 71°00'05" W.); and within 2 miles E and 3 miles W of the 020° bearing from the Logan International Airport runway 4R ILS LMM extending from the 8-mile radius zone to 10 miles N of the LMM.

Bowling Green, Ky.
Within a 4-mile radius of the center 36°57'55" N., 86°25'10" W. of Bowling Green-Warren County Airport, Bowling Green, Ky.; and within 2 miles each side of the Bowling Green VOR 206° radial extending from the 4-mile radius zone to 6.5 miles SW of the VOR.

Bozeman, Mont.
Within a 5-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); within 2 miles each side of the Bozeman VOR 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; and within 2 miles each side of the 308° bearing from the Bozeman RBN, extending from the 5-mile radius zone to 8 miles northwest of the RBN.

AMENDMENTS 9/19/68 33 F. R. 10563 (Rewritten)

Bradford, Pa.
Within a 5-mile radius of the Bradford Regional Airport (latitude 41°48'10" N., longitude 78°38'20" W.); within 2 miles each side of the Bradford VOR 139° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR; within 2 miles each side of the Bradford VOR 316° radial extending from the 5-mile radius zone to 7 miles NW of the VOR; and within 2 miles each side of the Bradford RBN 135° bearing, extending from the 5-mile radius zone to 7 miles SE of the RBN.

AMENDMENTS 3/21/68 33 F. R. 4795 (Changed)

Brainerd, Minn.
Within a 5-mile radius of Brainerd-Crow Wing County Airport (latitude 46°23'25" N., longitude 94°08'20" W.); within 2 miles each side of the Brainerd VOR 300° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 313° bearing from Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 7 miles NW of the airport; and within 2 miles each side of the 043° bearing from Brainerd-Crow Wing County Airport, extending from the 5-mile radius zone to 7 miles NE of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual

Bremerton, Wash.
Within a 5-mile radius of the Kitsap County Airport (latitude 47°29'35" N., longitude 122°45'35" W.), and within 2 miles each side of the 209° bearing from the Kitsap RBN (latitude 47°29'48" N., longitude 122°45'36" W.), extending from the 5-mile radius zone to 8 miles SW of the RBN. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Bridgeport, Conn.
Within a 5-mile radius of the center 41°09'41" N., 73°07'35" W., of Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 036° and 229° radials, extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

Broomfield, Colo.
That airspace within a 5-mile radius of Jeffco Airport (latitude 39°54'30" N., longitude 105°06'50" W.). This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Brownsville, Tex.
That airspace overlying the United States within a 5-mile radius of Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°25'25" W.), within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC, and within 2 miles each side of the Brownsville ILS localizer northwest course extending from the 5-mile radius zone to the OM.

AMENDMENTS 11/14/68 33 F. R. 12775 (Rewritten)

Brunswick, Ga. (Malcolm-McKinnon Airport)
Within a 5-mile radius of the Malcolm-McKinnon Airport (latitude 31°09'05" N., longitude 81°23'20" W.), and within 2 miles each side of the Brunswick VORTAC 023° radial, extending from the 5-mile radius zone to the VORTAC,
excluding the portion within the Brunswick, Ga. (NAS Glynco), control zone and the portion within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.).

AMENDMENTS 7/15/68 33 F. R. 10563 (Changed); 8/22/68 33 F. R. 12178 (Changed)

Brunswick, Ga. (NAS Glynco)
Within a 5-mile radius of NAS Glynco (latitude 31°15'30" N., longitude 81°28'00" W.); within 2 miles each side of the Glynco TACAN 055° radial, extending from the 5-mile radius zone to 7 miles NE of the TACAN; within 2 miles each side of the Glynco TACAN 250° radial, extending from the 5-mile radius zone to 8 miles W of the TACAN; within 2 miles each side of the 268° bearing from the Glynco RBN, extending from the 5-mile radius zone to 8 miles W of the RBN; excluding the portion south of a line 3.5 miles south of and parallel to the NAS Glynco Runway 7 centerline extended and the portion within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.)
AMENDMENTS 7/15/68 33 F. R. 10563 (Changed)

Brunswick, Maine
Within a 5-mile radius of NAS Brunswick (latitude 43°53'35" N., longitude 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; within 2 miles each side of the 166° bearing of the Navy Brunswick UHF RBN (latitude 43°53'42" N., longitude 69°56'49" W.), extending from the 5-mile radius zone to 8 miles S of the RBN; within 2 miles each side of a line bearing 353° from latitude 43°48'53" N., longitude 69°55'30" W., extending from the 5-mile radius zone to latitude 43°48'53" N., longitude 69°55'30" W.; within 2 miles each side of the Navy Brunswick TACAN 008° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN, excluding that airspace within a 1-mile radius of Topsham Airport; Topsham, Maine (latitude 43°56'55" N., longitude 69°59'50" W.).

Buffalo, N. Y.
Within a 5-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport, Buffalo, N. Y.; within 2 miles each side of the Greater Buffalo International Airport northeast localizer course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC excluding the portion within a 1-mile radius of Buffalo Airpark, 42°51'45" N., 78°43'00" W.

Burbank, Calif.
Within a 5-mile radius of Hollywood-Burbank Airport, Calif. (latitude 34°12'15" N., longitude 118°21'30" W.), and within 2 miles each side of the Van Nuys, Calif., VOR 111° radial extending from the 5-mile radius zone to 17.5 miles SE of the VOR, excluding the portion W of a line from latitude 34°16'00" N., longitude 118°25'55" W., to latitude 34°09'25" N., longitude 118°25'40" W., and the portion within a 1-mile radius of Whiteman Airpark, Pacoima, Calif., latitude 34°15'35" N., longitude 118°24'45" W.

Burley, Idaho
Within a 5-mile radius of Burley Municipal Airport (latitude 42°32'30" N., longitude 113°46'20" W.); within 2 miles each side of the Burley VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC.

Burlington, Iowa
Within a 5-mile radius of Burlington Municipal Airport (Lat. 40°47'06" N, Long. 91°07'27" W), and within 2 miles either side of the Burlington VOR 293° radial extending from the 5-mile radius zone to the VOR.

Burlington, Vt.
Within a 5-mile radius of the center, 44°28'15" N., 73°09'10" W., of the Burlington Municipal Airport, Burlington, Vt.;
within 2 miles each side of the Burlington ILS localizer northwest course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Burlington VOR 021° radial extending from the 5-mile radius zone to the VOR.
AMENDMENTS 5/23/68 33 F. R. 5950 (Changed)

Butte, Mont.
Within a 5-mile radius of Silver Bow County Airport, Butte, Mont. (latitude 45°57'15" N., longitude 112° 29'50" W.).

Calverton, N. Y.
Within a 5-mile radius of Peconic River Airport (latitude 40°54'55" N., longitude 72°47'35" W.), and within 2 miles each side of the Riverhead VORTAC 079° radial extending from the 5-mile radius zone to 12.5 miles E of the VORTAC, excluding the portion within the Suffolk County AFB control zone, Westhampton Beach, N. Y. This control zone is effective 0700-2330 hours, local time, Monday through Saturday and 0800 to 1630 hours, local time, Sunday.

Camp Douglas, Wis.
Within a 5-mile radius of Volk Field, Camp Douglas, Wis. (latitude43°56'25" N., longitude 90°15'20" W.). and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC. This control zone shall be effective during the specific dates and/or time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Camp Springs, Md.
Within a 5-mile radius of Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.), within 2 miles E of the extended centerline of the Andrews AFB Runway 19-L and 2 miles W of the Andrews AFB ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Andrews AFB ILS localizer N course, extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of Hyde Field, Clinton, Md. (latitude 38°45'00" N., longitude 76°56'00" W.), and excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D. C., control zone.

Cape Girardeau, Mo.
Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 2 miles each side of the Cape Girardeau VOR 036° radial extending from the 5-mile radius zone to 10½ miles northeast of the VOR; within 2 miles each side of the Cape Girardeau VOR 196° radial extending from the 5-mile radius zone to 8 miles south of the VOR; and within 2 miles each side of the Cape Girardeau VOR 279° radial, extending from the 5-mile radius zone to 8 miles west of the VOR.

AMENDMENTS 7/25/68 33 F. R. 7231 (Rewritten)

Carlsbad, N. Mex.
Within a 5-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 2 miles each side of the Carlsbad VOR 337° radial, extending from the 5-mile radius zone to the VOR.

Casper, Wyo.
Within a 5-mile radius of Casper Air Terminal (latitude 42°54'25" N., longituue 106°27'50" W.); within 2 miles each side of the Casper VORTAC 218° radial, extending from the 5-mile radius zone to 26 miles SW of the VORTAC; within 2 miles each side of the Casper ILS localizer W course, extending from the 5-mile radius zone to 5 miles W of the OM; within 2 miles each side of the 270° bearing from the Casper RBN, extending from the 5-mile radius zone to the RBN and within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to the VORTAC.

Cedar City, Utah
Within a 5-mile radius of Cedar City Municipal Airport (latitude 37°42'05" N.. longitude 113°05'52" W.) and within 2 miles on each side of the Cedar City VOR 195° radial extending from the 5-mile radius zone to the VOR.

Cedar Rapids, Iowa
That airspace within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'45" W.), within 2 miles each side of the Cedar Rapids ILS localizer west course extending from the 5-mile radius zone to 8 miles west of the OM, within 2 miles each side of the Cedar Rapids, Iowa, VORTAC 264° radial extending from the 5-mile radius zone to 8 miles west of the VORTAC, and within 2 miles each side of the Cedar Rapids VORTAC 092° radial extending from the 5-mile radius zone to 9.5 miles east of the VORTAC.

Chadron, Nebr.
Within a 5-mile radius of Chadron Municipal Airport (latitude 42°50'00" N.. longitude 103°05'50" W.) and within 2 miles each side of the 010° bearing from the Chadron Municipal Airport, extending from the 5-mile radius zone to 8 miles N of the airport.

Chamblee, Ga.
Within a 3-mile radius of De Kalb-Peachtree Airport, Chamblee, Ga., (Lat. 33°52'30" N, Long. 84°18'10" W) and within 2 miles either side of the Norcross, Ga., VORTAC 242° radial extending from the 3-mile radius zone to the VORTAC from 0700 to 2300 hours, local time, daily.

Champaign, Ill.
Within a 5-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within 2 miles each side of the Champaign VORTAC 030°, 123°, 237°, 328° radials, extending from the 5-mile radius zone to 12 miles northeast, southeast, southwest, and northwest of the VORTAC; and within 2 miles each side of the University of Illinois-Willard Airport ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 9/19/68 33 F. R. 10563 (Rewritten)

Chandler, Ariz.
Within a 5-mile radius of Williams AFB (latitude 33°18'30" N., longitude 111°39'27" W.); within 2 miles each side of the Chandler VOR 290° radial extending from the 5-mile radius zone to the VOR, within 2 miles northeast and 3 miles southwest of the Chandler TACAN 130° radial extending from the 5-mile radius zone to 9 miles southeast of the TACAN, and within 2 miles each side of the Chandler TACAN 319° radial extending from the 5-mile radius zone to 9 miles northwest of the TACAN. This control zone is effective from 0630 to 2200 hours local time Monday through Friday, 0800 to 1600 hours local time Saturday, and 1000 to 1600 hours local time Sunday, excluding Federal legal holidays.

AMENDMENTS 4/25/68 33 F. R. 4171 (Rewritten); 6/20/68 33 F. R. 6237 (Rewritten)
AMENDMENTS 2/6/69 33 F. R. 18477 (Rewritten); Corr: 34 F. R. 131

Chantilly, Va.
Within a 5-mile radius of Dulles International Airport, Chantilly, Va., (Lat. 38°56'40" N, Long. 77°27'24" W); within 2 miles either side of the Dulles runway 1-R ILS localizer S course extending from the 5-mile radius zone to the runway 1-R ILS OM; within 2 miles either side of the Dulles runway 19-R ILS localizer N course extending from the 5-mile radius zone to 2 miles N of the runway 19-R ILS OM; within 2 miles either side of the Herndon, Va., VORTAC 161° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the extended centerline of runway 30 extending from the 5-mile radius zone to 4 miles NW of the lift-off end of runway 30.

Chanute, Kans.
Within a 5-mile radius of the Martin Johnson Airport, Chanute, Kans. (latitude 37°40'05" N., longitude 95°29'00" W.) and within 2 miles each side of the Chanute VOR 064° radial, extending from the 5-mile radius zone to the VOR.

Charleston, S. C.
Within a 5-mile radius of Charleston AFB/Municipal Airport (latitude 32°53'55" N., longitude 80°02'20" W.); within 2 miles each side of the Charleston VORTAC 018° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC, within 2 miles each side of Charleston VORTAC 135° radial, extending from the 5-mile radius zone to 5.5 miles southeast of the VORTAC; within 2 miles each side of the Charleston VORTAC 211° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC; within 2 miles each side of the Charleston ILS localizer northwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Charleston VORTAC 332° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

AMENDMENTS 2/29/68 33 F. R. 67 (Changed); 2/6/69 33 F. R. 18478 (Changed)

Charleston, W. Va.
Within a 5-mile radius of the center, 38°22'21" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within 2 miles each side of the ILS localizer NE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Charleston, VORTAC 081° radial extending from the 5-mile radius zone to 2 miles E of the VORTAC.

Charlotte, N. C.
Within a 5-mile radius of Douglas Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 2 miles each side of the Charlotte ILS localizer SW course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Charlotte VORTAC 223° radial, extending from the 5-mile radius zone to 6 miles SW of the VORTAC; within 2 miles each side of the Charlotte VORTAC 058° radial, extending from the 5-mile radius zone to 5.5 miles NE of the VORTAC.

AMENDMENTS 2/1/68 32 F. R. 17575 (Changed); 8/15/68 33 F. R. 12085 (Changed)

Charlotte Amalie, Saint Thomas, V. I. (Harry S. Truman Airport)
Within a 5-mile radius of the Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.). This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International Notams.

Charlottesville, Va.
Within a 4-mile radius of the Charlottesville-Albemarle Airport (latitude 38°08'25" N., longitude 78°27'10" W.) and within 2 miles each side of the Charlottesville-Albemarle ILS localizer south course extending from the 4-mile radius zone to 4.5 miles south of the Charlottesville RBN.
AMENDMENTS 7/25/68 33 F. R. 8732 (Changed)

Chattanooga, Tenn.
Within a 5-mile radius of Lovell Field, Chattanooga, Tenn. (latitude 35° 02' 05" N., longitude 85° 12' 10" W.) within 2 miles each side of the Chattanooga VORTAC 333° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Chattanooga ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the airport; and within 2 miles each side of the Chattanooga ILS SW course, extending from the 5-mile radius zone to the INT of the ILS SW course and the 263° radial of the Chattanooga VORTAC.

Chesterfield (Spirit of St. Louis), Mo.
Within a 5-mile radius of the Spirit of St. Louis Airport, Chesterfield, Mo. (latitude 38° 39' 35" N., longitude 90° 38' 45" W.); within 2 miles each side of the Maryland Heights 243° radial extending from the 5-mile radius zone to 7 miles SW of the VORTAC; and within 2 miles each side of the Maryland Heights 310° radial extending from the 5-mile radius zone to 8 miles NW of the VORTAC. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Cheyenne, Wyo.
Within a 5-mile radius of Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.) and within 2 miles each side of the Cheyenne ILS localizer E course, extending from the 5-mile radius zone to the OM.

Chicago, Ill. (Midway Airport)
Within a 5-mile radius of Chicago Midway Airport (latitude 41°47'04" N., longitude 87°45'12" W.); and within 2 miles each side of the Chicago Midway ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the Kedzie RBN; and within 2 miles each side of the Chicago Midway ILS localizer NW course extending from the 5-mile radius zone to the OM.

Chicago, Ill. (O'Hare International Airport)
Within a 5-mile radius of Chicago O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'28" W.); within 2 miles each side of the Chicago O'Hare Runway 14R and 14L ILS localizer NW courses, extending from the 5-mile radius zone to 7 miles NW of the airport, and within 2 miles each side of the Chicago O'Hare Runway 32R and 32L ILS localizer SE courses, extending from the 5-mile radius zone to 7 miles SE of the airport excluding the portion NE of a line between the INT's of the 5-mile radius zone and the 5-mile radius zone of Glenview, Ill., control zone.

Chicago, Ill. (Meigs Airport)
Within a 3-mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°36'30" W.) from 0600 to 2400 hours, local time, daily.

Chico, Calif.
Within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, excluding the portion within a 1-mile radius of Ranchaero Airport, Chico, Calif. (latitude 39°43'10" N., longitude 121°52'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/25/68 33 F. R. 6216 (Rewritten)

Childress, Tex.
Within a 5-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) and within 2 miles each side of the Childress VOR 182° radial, extending from the 5-mile radius zone to 8 miles S of the VOR.

China Lake, Calif.
Within a 5-mile radius of NAF China Lake (latitude 35°41'15" N., longitude 117°41'35" W.) and within 2 miles each side of the NAF China Lake TACAN 350° and 148° radials extending from the 5-mile radius zone to 8 miles N and SE of the TACAN.

Chincoteague, Va.
Within a 5-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.) and within 2 miles each side of the Snow Hill, Md., VOR 181° radial, extending from the 5-mile radius zone to 2.5 miles south of the VOR. This control zone is effective from 0800 to 1700 hours, local time, Monday through Friday, excluding Federal legal holidays.

Christiansted, St. Croix, V. I.
Within a 5-mile radius of the Alexander Hamilton Airport (latitude 17°42'15" N., longitude 64°47'55" W.); within 2 miles each side of the St. Croix VOR 249° and 069° radials, extending from the 5-mile radius zone to 8 miles east of the VOR; within 2 miles each side of the 207° bearing from the St. Croix RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International Notams.

Cincinnati, Ohio
Within a 5-mile radius of the center, 39°06'14" N., 84°25'18" W., of Cincinnati Municipal (Lunken Field) Airport, Cincinnati, Ohio; within 2 miles each side of the Cincinnati Municipal ILS localizer north course extending from the 5-mile radius zone to the Madeira, Ohio, RBN and within 2 miles each side of a 227° bearing from the Lunken RBN extending from the 5-mile radius zone to the RBN.

Clarksburg, W. Va.
With a 5-mile radius of the center of Benedum Airport, Clarksburg, W. Va., 39°17'40" N., 80°13'40" W. and within 2 miles each side of the centerline of Runway 3 extended northeasterly for 5 miles from the end of the runway effective 0530 to 2130 hours local time daily and 0600 to 2000 hours on Saturday.

Cleveland, Ohio (Burke-Lakefront Airport)
Within a 4-mile radius of the center, 41°31'00" N., 81°41'00" W., of Burke-Lakefront Airport, Cleveland, Ohio, and within 2 miles each side of the Burke-Lakefront ILS localizer NE course extending from the 4-mile radius zone to the OM. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

Cleveland, Ohio (Cleveland-Hopkins International Airport)
Within a 5-mile radius of the Cleveland-Hopkins International Airport (latitude 41°24'30" N., longitude 81°51'00" W.);
within 2 miles each side of the Runway 23-L-ILS localizer NE course, extending from the 5-mile radius zone to 6 miles NE of the NE end of the runway; within 2 miles each side of the Runway 27-R-ILS OM; within 2 miles each side of the Strongsville, Ohio, VOR 012° radial, extending from the 5-mile radius zone to the VOR; and within a 1-mile radius of the Strongsville Airpark (latitude 41°19'25" N., longitude 81°51'50" W.).

Clinton, Okla.
Within a 5-mile radius of the Clinton-Sherman AFB (latitude 35°20'25" N., longitude 99°12'00" W.); within 2 miles each side of the Burns Flat VOR 003° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Clinton-Sherman AFB TACAN 174° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; and within 2 miles each side of the Clinton-Sherman AFB TACAN 006° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

Clovis, N. Mex.
Within a 6-mile radius of Cannon AFB, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the Cannon AFB TACAN 040° radial extending from the 6-mile radius zone to 9.5 miles northeast of the TACAN; within 2 miles each side of a 045° bearing from latitude 34°18'48" N., longitude 103°25'12" W., extending from the 6-mile radius zone to latitude 34°18'48" N., longitude 103°25'12" W.; within 2 miles each side of the Cannon AFB TACAN 230° radial extending from the 6-mile radius zone to 9.5 miles southwest of the TACAN, and within 2 miles each side of the Cannon AFB TACAN 232° radial extending from the 6-mile radius zone to 7 miles southwest of the TACAN.

AMENDMENTS 5/23/68 33 F. R. 8142 (Rewritten)

Cocoa (Patrick AFB), Fla.
Within a 5-mile radius of Patrick AFB (latitude 28°14'05" N., longitude 80°36'35" W.); within 2 miles each side of the Patrick AFB TACAN 025° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN; and within 2 miles each side of the Melbourne, Fla., VOR 007° radial, extending from the 5-mile radius zone to 4 miles northeast of the VOR.

Cody, Wyo.
That airspace within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.). This control zone is effective from 0600 until 1700 hours, local time, daily.

Cold Bay, Alaska
Within a 5-mile radius of Cold Bay Airport (latitude 55°12'22" N., longitude 162°43'22" W.); within 2 miles each side
of the Cold Bay VOR 335° radial and 2 miles each side of the Cold Bay ILS localizer N course, extending from the 5-mile radius zone to 12 miles N of the Cold Bay RR.

AMENDMENTS 1/5/67 31 F. R. 14260 (Rewritten); Eff. date changed (To be announced later) 31 F. R. 16127; Eff: 12/7/67 32 F. R. 14891 Eff: date changed 2/29/68 32 F. R. 16482

College Station, Tex.
Within a 5-mile radius of Easterwood Field, College Station, Tex. (latitude 30°35'00" N., longitude 96°22'00" W.), within 2 miles each side of the College Station VOR 287° radial extending from the 5-mile radius zone to 8 miles west of the VOR, within 2 miles each side of the College Station VOR 307° radial extending from the 5-mile radius zone to 9 miles northwest of the VOR, and within 2 miles each side of the College Station VOR 107° radial extending from the 5-mile radius zone to 10 miles east of the VOR.
AMENDMENTS 1/9/69 33 F. R. 15990 (Rewritten)

Colorado Springs, Colo.
Within a 6-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'30" W.); within a 1-mile radius of Pikes Peak Airport, Fountain, Colo. (latitude 38°43'40" N., longitude 104°42'05" W.); within 2 miles each side of the Colorado Springs ILS localizer north course, extending from the 6-mile radius zone to 7 miles north of the localizer, within 2 miles each side of the Colorado Springs VORTAC 205° radial extending from the 6-mile radius zone to the VORTAC and within 2 miles each side of the Peterson VOR 087° radial, extending from the 6-mile radius zone to 9 miles east of the VOR.

Columbia, Mo.
Within a 5-mile radius of the Columbia Municipal Airport (latitude 38°58'25" N., longitude 92°21'50" W.); and within 2 miles each side of the Columbia VOR 003° radial, extending from the 5-mile radius zone to 8 miles N of the VOR.

Columbia, S. C.
Within a 5-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.); within 2 miles each side of the Columbia VORTAC 327° radial extending from the 5-mile radius zone to one mile NW of the VORTAC and within 2 miles each side of the Columbia ILS localizer W course extending from the 5-mile radius zone to one-half mile east of the OM.

Columbus, Ga. (Lawson AAF)
Within a 5-mile radius of Lawson AAF (latitude 32°20'20" N., longitude 84°59'35" W.); within 2 miles each side of the Lawson AAF VOR 021° radial extending from the 5-mile radius zone to 5.5 miles N of the airport; within 2 miles each side of the Lawson AAF VOR 209° radial extending from the 5-mile radius zone to 5.5 miles SW of the Lawson RBN; within 2 miles each side of the Lawson AAF VOR 341° radial, extending from the 5-mile radius zone to 6 miles N of the airport; within 2 miles each side of the 214° bearing from the Lawson RBN, extending from the 5-mile radius zone to 5.5 miles SW of the RBN, excluding that portion within R-3002A.

Columbus, Ga. (Muscogee County Airport)
Within a 5-mile radius of Muscogee County Airport (Lat. 32°30'55" N, Long. 84°56'25" W); within 2 miles either side of the Columbus VORTAC 149° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the 054° bearing from the Columbus LOM extending from the 5-mile radius zone to the LOM excluding the portion within R-3002A.

AMENDMENTS 8/15/68 33 F. R. 11085 (Changed)

Columbus, Ind.
Within a 5-mile radius of Bakalar AFB, Columbus, Ind. (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 044° bearing from the Bakalar AFB, extending from the 5-mile radius zone to 12 miles NE of the AFB, from 0730 to 2330 hours, local time, daily.

Columbus, Miss.
Within a 5-mile radius of Columbus, Miss. (latitude 33°38'38" N., longitude 88°26'39" W.); within 2 miles each side of the Colubus AFB localizer northwest course, extending from the 5-mile radius zone to 2 miles southeast of the LOM.

AMENDMENTS 11/20/68 33 F. R. 17102 (Rewritten)

Columbus, Nebr.
Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'25" W.), and within 2 miles each side of the Columbus VOR 340° and 141° radials, extending from the 5-mile radius zone to 8 miles N and SE of the VOR, and within 2 miles each side of the 330° bearing from the Columbus RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Columbus, Ohio
Within a 5-mile radius of the center, 39°59'30" N., 82°53'20" W., of Columbus Municipal Airport, Columbus, Ohio; within a 5-mile radius of the center, 39°48'50" N., 82°55'40" W., of Lockbourne AFB, Columbus, Ohio; within 2 miles each side of the Columbus runway 10L ILS localizer extending from the 5-mile radius zone to the runway 10L OM; within 2 miles each side of the Columbus runway 10R ILS localizer course extending from the 5-mile radius zone to 6.5 miles W of the runway 10R localizer; within 2 miles each side of the Colubmus runway 28L ILS localizer course extending from the 5-mile radius zone to the runway 28L OM; within 2 miles either side of a direct line extending from the Columbus RBN to the Lockbourne AFB within 2 miles each side of the Lockbourne TACAN 229° radial extending from the Lockboune AFB 5-mile radius area to 8 miles southwest of the TACAN; within 2 miles each side of the Lockbourne AFB northeast localizer course extending from the Lockbourne AFB 5-mile radius area to the Lockbourne OM including that airspace within
a 1-mile radius of the center, 40°53'10" N., 82°57'55" W., of South Columbus Airport, Columbus, Ohio and a ½-mile radius of the center, 39°54'20" N., 82°51'20" W., of Esselburne Airport.

Columbus, Ohio (Ohio State University Airport)
Within a 5-mile radius of the center 40°04'45" N., 83°04'20" W., of Ohio State University Airport, Columbus, Ohio, and within 2 miles each side of the Ohio State University RBN (40°04'47" N., 83°04'54" W.) 273° bearing extending from the Ohio State University 5-mile radius zone to 7 miles west of the RBN, excluding that portion within the control zone designated as Columbus, Ohio, control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily,

Concord, Calif.
Within a 3-mile radius of Buchanan Field, Concord, Calif. (latitude 37°59'20" N., longitude 122°03'20" W.). within 2 miles each side of the Concord VOR 188° radial extending from the 3-mile radius zone to the VOR, effective from 0700 to 2300 hours, local time daily.

Concord, N. H.
Within a 5-mile radius of the center, 43°12'10" N., 71°30'10" W. of Concord Municipal Airport, Concord, N. H.; within 2 miles each side of the Concord VOR 284° radial extending from the 5-mile radius zone to 7 miles W of the VOR; within 2 miles each side of the 133° bearing from the Pembroke RBN (43°10'57" N., 71°28'18" W.), extending from the 5-mile radius zone to 7 miles SE of the radio beacon; within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius zone to 6 miles N of the end of the runway.

Cordova, Alaska
Within a 5-mile radius of Cordova (Mile 13) Airport (Lat. 60°29'25" N, Long. 145°29'00" W); within 2 miles either side of the Cordova RR SE course extending from the 5-mile radius zone to the INT of the Cordova RR SE course and the Hinchinbrook, Alaska, RR E course, and within 2 miles either side of the Cordova RR SW course extending from the 5-mile radius zone to the INT of the Cordova RR SW course and the Hinchinbrook RR E course.

Corpus Christi, Tex.
Within a 5-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within 2 miles each side of the Corpus Christi VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the 5-mile radius zone to the OM.

Corpus Christi NAS, Tex.
Within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within 2 miles each side of the Navy Corpus VOR 010° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Navy Corpus RBN 315° bearing extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the 5-mile radius zone to 6 miles SE of the TACAN;
and within 2 miles each side of the Navy Corpus TACAN 313° radial, extending from the 5-mile radius zone to 6 miles NW of the TACAN.

AMENDMENTS 6/20/68 33 F. R. 6532 (Changed)

Cortez, Colo.
Within a 5-mile radius of Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.). This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Corvallis, Oreg.
Within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.). This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Cotulla, Tex.
That airspace within a 3-mile radius of Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 2 miles each side of the Cotulla VOR 265° radial extending from the 3-mile radius zone to the VOR.

Covington, Ky.
Within a 5-mile radius of the center of Greater Cincinnati Airport 39°02'50" N., 84°40'00" W. and within 2 miles each side of the Cincinnati, Ohio, VORTAC 223° radial extending southwestward from the 5-mile radius zone for 5 miles and within 2 miles each side of the Greater Cincinnati Airport ILS localizer south course, extending from the 5-mile radius zone to the Runway 36 OM.

AMENDMENTS 8/22/68 33 F. R. 9876 (Changed)

Crescent City, Calif.
Within a 5-mile radius of Jack McNamara Field Crescent City (latitude 41°46'50" N., longitude 124°14'00" W.), within 2 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 2 miles each side of the Crescent City VORTAC 180° radial extending from the 5-mile radius zone to 7 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Crestview, Fla.
Within a 5-mile radius of Bob Sikes Airport (lat. 30° 46' 45" N., long. 86° 31' 10" W.); within 2 miles each side of the Crestview VORTAC 109° radial, extending from the 5-mile radius zone to 0.5 mile east of the VORTAC.
AMENDMENTS 2/6/69 33 F. R. 17625 (Rewritten)

Crossville, Tenn.
Within a 5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.) and within 2 miles each side of the Crossville VORTAC 334° radial extending from the 5-mile radius zone to the VORTAC.

Crows Landing, Calif.
Within a 5-mile radius of ALF Crows Landing (latitude 37°24'35" N., longitude 121°06'40" W.), excluding the portion within a 1-mile radius of Patterson Field, Patterson, Calif. (latitude 37°28'05" N., longitude 121°10'06" W.). This control zone will be effective from 0800 to 1630 hours, local time daily, Monday through Friday and times established in advnace by a notice to airmen and continuously published in the Airman's Information Manual.

Cut Bank, Mont.
Within a 5-mile radius of the Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 2 miles each side of the Cut Bank VOR 151° radial, extending from the 5-mile radius zone to 12 miles SE of the VOR.

Dalhart, Tex.
That airspace within a 5-mile radius of Dalhart Municipal Airport latitude 36°01'10" N., longitude 102°33'10" W.).

Dallas, Tex. (Addison Airport)
That airspace within a 5-mile radius of Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.); and within 2 miles each side of the Addison VOR 334° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR; excluding the portion S of a line from latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., to latitude 32°54'00" N., longitude 96°46'30" W.; and excluding the portion within a 1-mile radius of Highland Park Airport (latitude 32°55'15" N., longitude 96°46'17" W.). This control zone is effective from 0600 to 2200 hours, local time, daily.

Dallas, Tex. (Love Field)
That airspace bounded by a line beginning at latitude 32°53'15" N., longitude 96°59'35" W.; thence northeast to latitude 32°56'30" N.; thence clockwise along the arc of a 5-mile radius circle centered at Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.) to latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., and continuing southeast along a line to latitude 32°54'00" N., longitude 96°46'30" W. until interception of the arc of a 5-mile radius circle centered at Addison Airport, southeast of Addison Airport; then clockwise along the arc of the 5-mile radius centered at Addison Airport to interception with and then clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to longitude 96°49'30" W., southeast of Love Field; thence south along longitude 96°49'30" W. to and counterclockwise along the arc of a 5-mile radius circle centered at Redbird Airport (latitude 32°40'50" N.; longitude 96°52'00" W.) until interception with and then northeast along a line drawn between latitude 32°39'35" N. longitude 96°54'15" W., and longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field, southwest of Love Field; thence clockwise along the arc of a 5-mile radius circle centered at Love Field to latitude 32°49'40" N., west of Love Field, to point of beginning; and within 2 miles each side of the Love Field No. 2 ILS localizer southeast course, extending from the arc of a 5-mile radius circle centered at Love Field to the Runway 31L OM (latitude 32°46'39" N., longitude 96°46'28" W.).
AMENDMENTS 4/30/68 33 F. R. 6342 (Rewritten)

Dallas, Tex. (NAS Dallas)
That airspace bounded on the N by the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field) control zone, on the E by the Dallas, Tex. (Love Field) and (Redbird Airport) control zones; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial; extending from 6 to 9.5 miles of the VORTAC; thence E via latitude 32°41'20" N., extending from a line 2 miles E of and parallel to the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, to the arc of a 5-mile radius circle centered on Dallas NAS (latitude 32°44'00" N., longitude 96°58'05" W.), SW of Dallas NAS; thence counterclockwise along this arc to longitude 97°00'15" W., SW of Dallas NAS; thence S via longitude 97°00'15" W., to latitude 32°39'19" N.; thence E via latitude 32°39'19" N. to the intersection of a 5-mile radius circle centered on Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.), SW of Redbird Airport, thence counterclockwise along the arc of the 5-mile radius circle centered on Redbird Airport to its intersection with the arc of an 8-mile radius circle centered at Dallas NAS, SW of Redbird Airport.

Dallas, Tex. (Redbird Airport)
That airspace within a 5-mile radius of Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.); and within 2 miles each side of the 159° bearing from the Duncanville RBN, extending from the 5-mile radius zone to 8 miles S of the RBN; excluding the portion W of a line from the intersection of the Redbird Airport 5-mile radius zone and the arc of an 8-mile radius circle centered at NAS Dallas (latitude 32°44'00" N., longitude 96°58'05" W.), SW of Redbird Airport, through latitude 32°39'35" N., longitude 96°54'15" W., to longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.), SW of Love Field. This control zone is effective from 0600 to 2200 hours, local time, daily.

Danville, Va.
Within a 5-mile radius of the center 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; and within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

Davenport, Iowa
Within a 5-mile radius of the Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.), and within 2 miles each side of the 224° bearing from the Davenport RBN extending from the 5-mile radius zone to 8 miles southwest of the RBN. This control zone shall be effective during the specific dates and/or times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Dayton, Ohio (James M. Cox-Dayton Municipal)
Within a 5-mile radius of the center, 39°53'57" N., 84°12'45" W. of James M. Cox-Dayton Municipal Airport, Dayton, Ohio, excluding that airspace within a 1-mile radius of the center, 39°54'52" N., 84°18'45" W. of Studebaker Farms Airport, Union, Ohio.

Dayton, Ohio (Wright-Patterson AFB)
Within a 5-mile radius of the center, 39°49'25" N., 84°02'55" W. of Patterson AFB, Dayton, Ohio; within 2 miles each side of the Patterson VOR 039° radial extending from the 5-mile radius zone to 10 miles northeast of the VOR; within 2 miles each side of the Patterson TACAN 054° radial extending from the 5-mile radius zone to 8 miles northeast of the TACAN; within a 5-mile radius of the center, 39°46'35" N., 84°06'35" W. of Wright AFB, Dayton, Ohio; within a 5-mile radius of the center, 39°50'20" N., 83°50'25" W. of Springfield Municipal Airport Springfield, Ohio; and within 2 miles each side of the Springfield RBN 054° bearing extending from the Springfield 5-mile radius zone to 6 miles northeast of the RBN.

AMENDMENTS 6/28/68 33 F. R. 9465 (Changed)

Daytona Beach, Fla.
Within a 5-mile radius of the Daytona Beach Municipal Airport (latitude 29°11'05" N., longitude 81°03'20" W.; within a 3-mile radius of the Ormond Beach Municipal Airport (latitude 29°18'00" N., longitude 81°06'49" W.); within 2 miles each side of the Daytona Beach VORTAC 156° radial, extending from the 3-mile radius zone to the 5-mile radius zone; within 2 miles each side of the Daytona Beach VORTAC 256° radial, extending from the 3-mile radius zone to 8 miles west of the VORTAC; and within 2 miles each side of the 065° bearing from the Daytona Beach LOM, extending from the 5-mile radius zone to the LOM.

AMENDMENTS 3/26/68 33 F. R. 5215 (Changed)

Decatur, Ill.
Within a 5-mile radius of the Decatur Municipal Airport (latitude 39°50'03" N., longitude 88°52'10" W.) and within 2 miles each side of the Decatur VOR 351° radial extending from the 5-mile radius zone south to the VOR from 0700 to 2300 hours local time daily.

Del Rio, Tex.
That airspace within a 5-mile radius of Laughlin AFB, Del Rio, Tex. (latitude 29°21'35" N., longitude 100° 46'35" W.); within 2 miles each side of the Laughlin VOR 300° radial extending from the 5-mile radius zone to 8 miles NW of the VOR within 2 miles each side of the Laughlin TACAN 305° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN, within 2 miles each side of the Laughlin ILS NW course extending from the 5-mile radius zone to 8 miles NW of the airport, and within 2 miles each side of the Laughlin TACAN 149° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN. This control zone is effective during the dates and times established in advance by the publication of Special Notices in the Airman's Information Manual.
AMENDMENTS 5/23/68 33 F. R. 4509 (Changed)
PENDING AMENDMENT
Del Rio, Tex.
Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.), within 2 miles each side of the Laughlin ILS NW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Laughlin TACAN 305° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN, within 2 miles each side of the Laughlin TACAN 149° radial extending from the 5-mile radius zone to 8 miles southeast of the TACAN, within 2 miles each side of the Laughlin VOR 148° radial extending from the 5-mile radius zone to 12 miles southeast of the VOR, within 2 miles each side of the Laughlin VOR 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Laughlin VOR 295° radial extending from the 5-mile radius zone to 12 miles northwest of the VOR.
AMENDMENTS 3/6/69 34 F. R. 131 (Rewritten)

Deming, N. Mex.
Within a 5-mile radius of Deming Municipal Airport (latitude 32°15'25" N., longitude 107°43'00" W.); within 2 miles either side of the Deming VOR 270° radial extending from the 5-mile radius zone to 5.5 miles W of the airport and within 2 miles either side of the Deming VOR 264° radial extending from the 5-mile radius zone to 5.5 miles E of the airport.

Denver, Colo.
Within a 9-mile radius of Stapleton Municipal Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 2 miles each side of the 151° bearing from Buckley ANGB, extending from the 9-mile radius zone to 15 miles southeast of Buckley ANGB, excluding the portion within a 1-mile radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

Des Moines, Iowa
Within a 5-mile radius of the Des Moines Municipal Airport, (latitude 41°32'10" N., longitude 93°39'28" W.); and within 2 miles each side of the Des Moines VORTAC 356° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Des Moines ILS localizer SE and NW courses extending from the 5-mile radius zone SE to the LOM and NW to 6 miles NW of the NW end of the Des Moines Municipal Airport Runway 12.

Detroit, Mich. (Metropolitan Wayne County Airport)
Within a 5-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.); within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer northeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS east course, extending from the 5-mile radius zone to the OM, excluding the portion west of a line between the points of intersection of the 5-mile radius zone and the Detroit, Mich. (Willow Run) control zone.

AMENDMENTS 4/25/68 33 F. R. 2991 (Rewritten)

Detroit, Mich. (Willow Run Airport)
Within a 5-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Willow Run VOR 237° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, within 2 miles each side of the Willow Run Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Metropolitan Wayne County Airport) control zone.

Detroit, Mich.
Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15; and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

Devils Lake, N. Dak.
Within a 5-mile radius of Devils Lake Municipal Airport (latitude 48°06'50" N., longitude 98°54'30" W.); within 2 miles each side of the Devils Lake VOR 134° radial, extending from the 5-mile radius zone to 10½ miles southeast of the VOR; within 2 miles each side of the Devils Lake VOR 324° radial, extending from the 5-mile radius zone to 10½ miles northwest of the VOR; and within 2 miles each side of the 026° bearing from Devils Lake Municipal Airport, extending from the 5-mile radius zone to 8 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 9/19/68 33 F. R. 10563 (Rewritten)

Dickinson, N. Dak.
Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.).

Dillingham, Alaska
Within a 5-mile radius of the Dillingham Municipal Airport (latitude 59°02'36" N., longitude 158°30'20" W.); within 2 miles each side of the Dillingham VOR 025° radial extending from the 5-mile radius zone to 14 miles northeast of the VOR; within 2 miles each side of the Dillingham VOR 205° radial extending from the 5-mile radius zone to 8 miles southwest of the VOR; and within 2 miles each side of the 053° bearing from the Northern Consolidated Airlines RBN (latitude 59°04'12" N., longitude 158°26'30" W.) extending from the 5-mile radius zone to 8 miles northeast of the RBN. This control zone would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time would thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

AMENDMENTS 4/25/68 33 F. R. 3507 (Added)

Dodge City, Kans.
Within a 5-mile radius of Dodge City Municipal Airport (Lat. 37°45'45" N, Long. 99°58'00" W), and within 2 miles either side of the Dodge City VOR 161° radial, extending from the 5-mile radius zone to the VOR.

Dothan, Ala.
Within a 5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); within 2 miles each side of the Dothan VORTAC 156° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and within a 1.5-mile radius of the Baker's Skytel Airport (latitude 31°11'55" N., longitude 85°20'55" W.).

Douglas, Ariz.
Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31°28'00" N., longitude 109°36'10" W.); within 2 miles each side of the Douglas VORTAC 332° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC, and within 2 miles each side of the Douglas VORTAC 347° radial, extending from the 5-mile radius zone to 6 miles north of the VORTAC.

Dover, Del.
Within a 5-mile radius of the center, 39°07'45" N., 75°27'50" W. of Dover AFB, Dover, Del., excluding a 1-mile radius of the center 39°11'15" N., 75°32'00" W. of Dover Airpark, Dover, Del., and within 2 miles each side of the Dover TACAN 176° radial extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Dover TACAN 130° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the Dover TACAN 008° radial extending from the 5-mile radius zone to 7 miles N of the TACAN.

DuBois, Pa.
Within a 5-mile radius of the DuBois-Jefferson County Airport (latitude 41°10'45" N., longitude 78°53'45" W.), excluding the portion within a 1-mile radius of Bywater Airport, Falls Creek, Pa. (latitude 41°09'55" N., longitude 78°48'15" W.).

Dubuque, Iowa
Within a 5-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., Longitude 90°42'32" W.); within 2 miles each side of the Dubuque VORTAC 126° and 321° radials, extending from the 5-mile radius zone to 8 miles SE and NW of the VORTAC, effective 0600 to 2100 hours, local time, daily.

Duluth, Minn.
Within a 5-mile radius of Duluth, Minn., International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within 2 miles each side of the Duluth ILS west course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Duluth ILS east course, extending from the 5-mile radius zone to 8 miles east of the intersection of the Duluth ILS east course and the Duluth VORTAC 062° radial; within 2 miles each side of the Duluth VORTAC 197° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; and within 2 miles each side of the Duluth VORTAC 023° radial, extending from the 5-mile radius zone to 9 miles northeast of the VORTAC.

Durango, Colo.
That airspace within a 5-mile radius of La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.), and within 2 miles each side of the Durango 225° radial extending from the 5-mile radius zone to 7 miles SW of the VOR, effective from 0600 to 2200 hours, l.t. daily.

Dyersburg, Tenn.
Within a 5-mile radius of the Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 2 miles each side of the Dyersburg VORTAC 258° radial, extending from the 5-mile radius zone to the VORTAC, effective from 0600 to 2200 hours local time daily.

East Hartford, Conn.
Within a 5-mile radius of the center 41°45'10" N., 72°37'25" W. of Rentschler Field, East Hartford, Conn.; within 2 miles each side of the Hartford VOR 334° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of a 182° bearing from the Hartford RBN extending from the 5-mile radius zone to 7 miles S of the RBN and within 2 miles each side of the Hartford VOR 327° radial extending from the 5-mile radius zone to the VOR. This control zone is effective from 0700 to 2300 hours local time daily.

AMENDMENTS 4/25/68 33 F. R. 4367 (Changed)

Eastover, S. C.
Within a 5-mile radius of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.) and within 2 miles each side of the McEntire VOR 138° radial extending from the 5-mile radius zone to 10.5 miles SE of the VOR.

Eau Claire, Wis.
That airspace within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'47" N., longitude 91°29'13" W.), and within 2 miles each side of the 274° bearing from Eau Claire Municipal Airport, extending from the 5-mile radius zone to 8 miles W. of the airport.

Edwards AFB, Calif.
Within an 8-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'55" W.).

Eglin AFB, Fla.
Within a 5-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'55" W.); within 2 miles either side of the 011° bearing from the Destin (Eglin AFB) RBN extending from the 5-mile radius zone to the RBN, and within 2 miles either side of the extended centerline of the Eglin AFB Runway 30, extending from the 5-mile radius zone to 6 miles southeast of the Eglin AFB ILS middle marker.

El Centro, Calif.
Within a 5-mile radius of NAF El Centro (latitude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, El Centro, Calif. (latitude 32°50'10" N., longitude 115°34'30" W.); within 2 miles each side of the Imperial VORTAC 297° radial, extending from the NAF El Centro 5-mile radius zone to the VORTAC, and within 2 miles each side of the Imperial VORTAC 327° radial, extending from the Imperial County 5-mile radius zone to the VORTAC.

El Dorado, Ark.
That airspace within a 5-mile radius of Goodwin Airport, El Dorado, Ark. (latitude 33°13'05" N., longitude 92°48'45" W.).

Elizabeth City, N. C.
Within a 5-mile radius of CGAS Elizabeth City (latitude 36°15'50" N., longitude 76°10'40" W.); within 2 miles each side of the Elizabeth City VOR 194° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; and within 2 miles each side of the Elizabeth City VOR 350° and 357° radials, extending from the 5-mile radius zone to 8 miles N of the VOR.

PENDING AMENDMENT
Elizabeth City, N. C.
Within a 5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 2 miles each side of the Elizabeth City VOR 195° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8 miles north of the VOR.

AMENDMENTS 3/6/69 34 F. R. 248 (Rewritten)

Elkins, W. Va.
Within a 5-mile radius of the center 38°53'25" N., 79°51'25" W. of Elkins-Randolph County Airport, Elkins, W. Va.; and within 2 miles each side of a line bearing 037° from the Randolph County Radio Range extending from the 5-mile radius zone to 8 miles NE of the range, effective sunrise to sunset.

AMENDMENTS 8/22/68 33 F. R. 9810 (Changed)

Elko, Nev.
Within a 5-mile radius of Elko Municipal Airport (Lat. 40°49'35" N, Long. 115°47'20" W).

Elmira, N.Y.
Within a 5-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°09'37" N., 76°53'35" W.; within 2 miles each side of the Elmira VOR 057° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the centerline of Runway 1 extended northerly from the 5-mile radius zone for 3 miles; within 2 miles each side of the centerline of Runway 10 extended easterly from the 5-mile radius zone for 1 mile; within 2 miles each side of the centerline of Runway 19 extended southerly from the 5-mile radius zone for 2 miles and within 2 miles each side of the centerline of Runway 28 extended westerly from the 5-mile radius zone for 4 miles.

El Paso, Tex.
That airspace bounded by a line beginning at latitude 31°45'15" N., longitude 106°26'30" W.; thence clockwise along the arc of a 5-mile radius circle centered at the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) to latitude 31°52'10" N., longitude 106°26'00" W.; to latitude 31°56'20" N., longitude 106°26'00" W.; thence clockwise along the arc of a 7-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°47'30" N., longitude 106°16'45" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport; to latitude 31°43'15" N., longitude 106°22'20" W.; thence via the United States/Mexican Border to point of beginning.

El Toro, Calif.
Within a 5-mile radius of MCAS El Toro (latitude 33°40'34" N., longitude 117°43'50" W.); within 2 miles W and 3 miles E of the El Toro VOR 175° radial extending from the 5-mile radius zone to 12 miles S of the VOR, and within 2 miles each side of the El Toro VOR 225° radial extending from the 5-mile radius zone to 8 miles SW of the VOR, excluding the portion within the Orange County, Calif., and Santa Ana, Calif., control zones.

Emporia, Kans.
Within a 5-mile radius of the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.).

Enid, Okla.
That airspace within a 5-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 2 miles W and 5 miles E of the Vance AFB ILS localizer S course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Vance AFB TACAN 185° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the Vance AFB TACAN 348° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN; and within 2 miles W and 3 miles E of the Vance AFB 17R-35L runway centerline, extending from the 5-mile radius zone to 6 miles N of Vance AFB; and within a 5-mile radius of Enid Woodring Municipal Airport (latitude 36°22'45" N., longitude 97°47'30" W.); and within 2 miles each side of the Woodring VOR 355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Woodring VOR 185° radial, extending from the 5-mile radius zone to 8 miles S of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

AMENDMENTS 4/29/68 33 F. R. 7019 (Changed); 9/19/68 33 F. R. 14534 (Changed)

Ephrata, Wash.
Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'27" N., longitude 119°30'38" W.), and within 2 miles each side of the Ephrata VORTAC 223° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 4/11/68 33 F. R. 5615 (Changed)

Erie, Pa.
Within a 5-mile radius of Erie International Airport (latitude 42°04'56" N, longitude 80°10'44" W), within 2 miles either side of the Erie VORTAC 054° radial extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 3/21/68 33 F. R. 4795 (Changed)

Escanaba, Mich.
Within a 5-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 2 miles each side of the Escanaba VORTAC 007°, 101°, and 266° radials, extending from the 5-mile radius zone to 8 miles north, east, and west of the VORTAC; and within 2 miles each side of the 349° bearing from Escanaba Municipal Airport, extending from the 5-mile radius zone to 11 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/29/68 33 F. R. 451 (Rewritten)

Eugene, Oreg.
Within a 5-mile radius of Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.); within 2 miles each side of the Eugene VORTAC 007° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC, and within 2 miles each side of the Eugene VORTAC 172° radial, extending from the 5-mile radius zone to 8.5 miles south of the VORTAC.

Evansville, Ind.
Within a 5-mile radius of Dress Memorial Airport, Evansville, Ind., (38°02'13" N., 87°31'58" W.).

PENDING AMENDMENT
Evansville, Ind.
Within a 5-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°32'00" W.); and within 2 miles each side of the Evansville ILS localizer northeast course, extending from the 5-mile radius zone to 1 mile southwest of the OM.

AMENDMENTS 3/6/69 34 F. R. 1369 (Rewritten)

Everett, Wash.
Within a 5-mile radius of the Snohomish County Airport (Paine Field), Wash. (latitude 47°54'40" N., longitude 122°16'50" W.), and within 2 miles each side of the Paine VOR 356° radial, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 9/20/68 33 F. R. 12543 (Changed); 2/6/69 33 F. R. 18477 (Rewritten)

Fairbanks, Alaska (Eielson AFB).
Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.); within 2 miles each side of the Eielson VOR 159° and 339° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the Runway 31 extended centerline, extending from the 5-mile radius zone to 5 miles NW of the NW end of Runway 31.

Fairbanks, Alaska (Fairbanks International-Wainwright AAF).
Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N., longitude 147°51'14" W.); within a 5-mile radius of Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 8 miles SW of the airport; and within 2 miles each side of the Fairbanks RR E course, extending from the Wainwright 5-mile radius zone to 7 miles E of the RR.

Fairfield, Calif.
Within a 5-mile radius of Travis AFB, Fairfield, Calif. (latitude 38°15'45" N., longitude 121°55'35" W.), and within 2 miles each side of the Travis VOR 229° radial, extending from the 5-mile radius zone NE to the VOR and 18 miles SW of the VOR.

Fairmont, Minn.
Within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'45" N., longitude 94°25'15" W.); within 2 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 5-mile radius zone to 8 miles SE of the airport; and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fallon, Nev.
Within a 5-mile radius of NAAS Fallon (latitude 39°25'10" N., longitude 118°42'00" W.); within 2 miles each side of the NAAS Fallon TACAN 130° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 5-mile radius zone to 5.5 miles NW of the TACAN.

Falmouth, Mass.
Within a 5-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within 2 miles each side of the extended centerline of Runway 5, extending from the 5-mile radius zone to 6 miles NE of the end of Runway 5; within 2 miles each side of the Otis TACAN 030° radial, extending from the 5-mile radius zone to 8 miles NE of the TACAN; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 5 miles SE of the end of Runway 14; within 2 miles each side of the Otis TACAN 139° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the extended centerline of Runway 23, extending from the 5-mile radius zone to 5 miles SW of the end of Runway 23; within 2 miles each side of the Otis TACAN 224° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN; within 2 miles each side of the extended centerline of Runway 32, extending from the 5-mile radius zone to 5 miles NW of the end of Runway 32; within 2 miles each side of the Otis TACAN 299° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Farewell, Alaska
Within a 5-mile radius of Farewell Airport (lat. 62°30'25" N, Long. 153°53'25" W, from 0745 to 1545 hours, local time, daily.

Fargo, N. Dak.
Within a 5-mile radius of Hector Field (latitude 46°55'04" N., longitude 96°48'58" W.), within 2 miles each side of the Fargo ILS localizer N and S courses, extending from the RBN to LOM, and within 2 miles on each side of the Fargo VORTAC 009° radial, extending from the 5-mile radius zone to the VORTAC.

Farmingdale, N. Y.
Within a 5-mile radius of the center, 40°43'45" N., 73°24'45" W., of Republic Airport, Farmingdale, N. Y.; within 2 miles each side of the Babylon, N. Y., RBN 158° bearing extending from the 5-mile radius zone to 7 miles south of the RBN and within 1.5-mile radius of the center, 40°44'45" N., 73°29'35" W., of Grumman-Bethpage Airport. This control zone shall be in effect from 0700 to 2400 hours, local time, daily.

AMENDMENTS 12/12/68 33 F. R. 15990 (Added)

Farmington, N. Mex.
Within a 5-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.); and within 2 miles each side of the Farmington VORTAC 268° radial, extending from the 5-mile radius zone to the VORTAC.

Fayetteville, Ark.
Within a 5-mile radius of Fayetteville Municipal Airport-Drake Field (latitude 36°00'15" N., longitude 94°10'05" W.); within 2 miles each side of the Drake VOR 328° radial extending from the 5-mile radius zone to 8 miles NW of the VOR.

Fayetteville, N. C.
Within a 5-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'25" N., longitude 78°52'50" W.); within 2 miles each side of the Fayetteville VOR 233° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Fayetteville ILS localizer SW course, extending from the 5-mile radius zone to the LOM.

AMENDMENTS 1/26/68 33 F. R. 2627 (Changed)

PENDING AMENDMENT
The Fayetteville, N. C., control zone is amended as follows: "within 2 miles each side of the Fayetteville ILS localizer southwest course, extending from the 5-mile radius zone to the LOM" is deleted.
AMENDMENTS 4/3/69 34 F. R. 1522 (Changed)

Findlay, Ohio
Within a 5-mile radius of the center, 41°00'55" N., 83°40'15" W. of Findlay Airport, Findlay, Ohio, excluding the portion within a 1-mile radius of the center, 40°57'40" N., 83°35'45" W. of Lutz Airport, Findlay, Ohio; within 2 miles each side of the Findlay VOR 046° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Findlay RBN 178° bearing extending from the 5-mile radius zone to 8 miles S of the RBN; and within 2 miles each side of the Findlay RBN 248° bearing extending from the 5-mile radius zone to 8 miles SW of the RBN.

Flagstaff, Airz. (Pulliam Airport)
That airspace within a 5-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.), within 2 miles each side of the Flagstaff VOR 084° radial, extending from the 5-mile radius zone to 11.5 miles E of the VOR, within 2 miles each side of the Flagstaff VOR 096° radial extending from the 5-mile radius zone to 7.5 miles E of the VOR, and within 2 miles each side of the Flagstaff VOR 189° radial extending from the 5-mile radius zone to 7.5 miles S of the VOR.

Flint, Mich.
Within a 5-mile radius of Flint, Mich., Bishop Airport (latitude 42°57'55" N., longitude 83°44'30" W.), and within 2 miles each side of the Flint VORTAC 052° 075°, 187°, 219°, 280° and 351° radials extending from the 5-mile radius zone to 8 miles NE, E, S, SW, W, and N of the VORTAC.

Florence, S. C.
Within a 5-mile radius of the Florence, S. C., Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.); within 2 miles each side of the Florence VORTAC 052° and 232° radials extending from the 5-mile radius zone to 8 miles NE of the VORTAC.

Fort Belvoir, Va.
Within a 3-mile radius of the center, 38°42'55" N., 77°10'50" W., of the Davison AAF, Fort Belvoir, Va.; within 2 miles each side of the centerline of Runway 32 extended from the 3-mile radius zone to 5 miles northwest of the end of the runway; within 2 miles each side of the centerline of Runway 14 extended from the 3-mile radius zone to 5 miles southeast of the end of the runway.

Fort Bragg, N. C.
Within a 5-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.), excluding the portion within R-5311 and that area SE of a line extending from latitude 35°11'15" N., longitude 78°56'05" W. to latitude 35°05'55" N., longitude 79°00'50" W.; within 2 miles each side of the 042° bearing from the Pope RBN, extending from the 5-mile radius zone to 6 miles NE of the RBN; within 2 miles each side of the Pope VOR 227° radial, extending from the 5-mile radius zone to 1 mile SW of the VOR; within 2 miles each side of the Pope TACAN 037° radial, extending from the 5-mile radius zone to 7 miles NE of the TACAN.

PENDING AMENDMENT
Fort Bragg, N. C.
Within a 5-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.), excluding the portion within R-5311 and the portion southeast of a line extending from latitude 35°11'15" N., longitude 78°56'05" W., to latitude 35°05'55" N., longitude 79°00'50" W.

AMENDMENTS 4/3/69 34 F. R. 1522 (Rewritten)

Fort Dodge, Iowa
Within a 5-mile radius of the Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'21" W.). This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Fort Eustis, Va.
Within a 3-mile radius of Felker AAF, Fort Eustis, Va., (latitude 37°07'55" N., longitude 76°36'30" W.), within 2 miles each side of the 320° bearing from the Felker AAF RBN (latitude 37°08'28" N., longitude 76°37'07" W.), extending from the 3-mile radius zone to 5 miles NW of the RBN, and within 2 miles each side of the Felker AAF Runway 13 extended centerline, extending from the 3-mile radius zone to 4 miles NW of the NW end of the Runway 13, excluding the portion within the Newport News, Va., control zone.

Fort Huachuca, Ariz.
Within a 5-mile radius of Libby AAF, Fort Huachuca, Ariz. (latitude 31°35'00" N., longitude 110°20'30" W.), within 2 miles each side of the 114° bearing from the Libby AAF RBN, extending from the 5-mile radius zone to 15 miles SE of the RBN, and within 2 miles each side of the Libby AAF VOR 121° radial, extending from the 5-mile radius zone to 15 miles SE of the VOR. This control zone shall be effective from 0600 to 2000 hours, local time, Monday through Friday, and from 0600 to 1800 hours, local time, Saturday and Sunday, excluding Federal legal holidays.

Fort Knox, Ky.
Within a 5-mile radius of the center, 37°54'25" N., 85°58'15" W. of Godman AAF, Fort Knox, Ky., within 2 miles each side of the 354° bearing from the Fort Knox RBN extending from the 5-mile radius zone to 7 miles N of the RBN; within 2 miles each side of the Fort Knox VOR 326° radial extending from the 5-mile radius zone to 7 miles NW of the VOR; within 2 miles each side of the Fort Knox VOR 005° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the Fort Knox VOR 167° radial extending from the 5-mile radius zone to 7 miles S of the VOR.

Fort Lauderdale, Fla.
Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'15" N., longitude 80°09'15" W.); within 2 miles each side of the Fort Lauderdale VOR 084° radial, extending from the 5-mile radius zone to 10 miles east of the VOR; within 2 miles each side of the Fort Lauderdale VOR 278° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Fort Lauderdale VOR 306° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the 135° bearing from the Fort Lauderdale RBN, extending from the 5-mile radius zone to the RBN.

AMENDMENTS 6/7/68 33 F. R. 7717 (Changed); 8/22/68 33 F. R. 9333 (Rewritten)

Fort Leonard Wood, Mo.
That airspace within a 4-mile radius of the Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.), within 2 miles each side of the Forney AAF VOR 152° and 323° radials extending from the 4-mile radius zone to 8 miles southeast and northwest of the VOR, and within 2 miles each side of the 146° bearing from the Forney AAF RBN extending from the 4-mile radius zone to 8 miles southeast of the RBN.

Fort Lewis, Wash.
Within a 5-mile radius of Gray AAF Fort Lewis, Wash. (latitude 47°04'55" N., longitude 122°34'55" W.), excluding the portions within the Tacoma, Wash. (McChord AFB), control zone and the portion east of a line 2 miles west of and parallel to the McChord AFB VOR, 182° radial. This control zone is effective from 0600 to 2200 hours local time daily.

AMENDMENTS 10/5/68 33 F. R. 12543 (Rewritten)

Fort Myers, Fla.
Within a 5-mile radius of Page Field, Fort Myers, Fla. (latitude 26°35'10" N., longitude 81°51'50" W.); within 2 miles each side of the Fort Myers VORTAC 215° radial, extending from the 5-mile radius zone to 4.4 nautical miles SW of the VORTAC; and within 2 miles each side of the 042° bearing from the Fort Myers RBN, extending from the 5-mile radius zone to the RBN.

Fort Ord, Calif.
Within a 5-mile radius of the Fritzsche AAF (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion SW of a chord drawn between the points of INT of 5-mile radius circles centered on the Monterey Peninsula Airport and Fritzsche AAF, and the portion E of a chord drawn between the points of INT of 5-mile radius circles centered on the Salinas Municipal Airport and Fritzsche AAF. This control zone is effective from 0600 to 2400 hours, local time, daily.

Fort Polk, La.
That airspace within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 9 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 7 miles NW of the north fan marker. This control zone is effective during the dates and times established in advance by publication of Special Notices in the Airman's Information Manual.

Fort Riley, Kans.
Within a 5-mile radius of Marshall AAF, Fort Riley, Kans. (latitude 39°03'15" N., longitude 96°45'50" W.); within 2 miles each side of the Fort Riley VOR 042° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 216° bearing from the Fort Riley RBN extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within R-3602 and the portion bounded on the NE by the 318° bearing from the Fort Riley RBN and on the SE by a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial.

Fort Rucker, Ala.
Within a 7-mile radius of latitude 31°18'30" N., longitude 85°42'20" W.; within 2 miles each side of the Cairns, Ala., VOR 233° radial, extending from the 7-mile radius zone to 8 miles southwest of the VOR; within 2 miles each side of the Lowe, Ala., RBN 242° bearing, extending from the 7-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the Hanchey, Ala., VOR 358° radial, extending from the 7-mile radius zone to 8 miles north of the VOR; and within a 2-mile radius of Blackwell Field, Ozark, Ala. (latitude 31°25'50" N., longitude 85°37'10" W.); within a 2-mile radius of Hooper, Ala., Army Stage Field (latitude 31°24'25" N., longitude 85°41'20" W.); and within a 2-mile radius of the Allen, Ala., Army Stage Field (latitude 31°13'50" N., longitude 85°38'40" W.); excluding that portion within R-2103.

AMENDMENTS 1/26/68 33 F. R. 2627 (Changed)

Fort Smith, Ark.
That airspace within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.); within 2 miles each side of the Fort Smith VORTAC 233° radial, extending from the 5-mile radius zone to 0.5 mile SW of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer E course extending from the 5-mile radius zone to 1 mile W of the OM.

Fort Stewart, Ga.
Within a 5-mile radius of Lyle H. Wright AAF (latitude 31°53'20" N., longitude 81°33'45" W.); within a 1.5 mile radius of Liberty County Airport (latitude 31°47'22" N., longitude 81°38'15" W.); within 2 miles each side of the 231° bearing from the Liberty RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the 049° bearing from the Allenhurst RBN, extending from the 5-mile radius zone to 2 miles northeast of the RBN; within 2 miles each side of the Liberty TVOR 242° radial, extending from the 5-mile radius zone to 8 miles southwest of the TVOR.

AMENDMENTS 2/1/68 32 F. R. 17653 (Rewritten); 7/10/68 33 F. R. 10281 (Changed)

Fort Wayne, Ind.
Within a 5-mile radius of Baer Field (latitude 40°58'50" N., longitude 85°11'25" W.) within 2 miles each side of the Fort Wayne VORTAC 038° radial extending from the 5-mile radius zone to 7 miles NE of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 228° radial extending from the 5-mile radius zone to 12 miles SW of the VORTAC, within 2 miles each side of the Fort Wayne VORTAC 265° radial extending from the 5-mile radius zone to 8 miles W of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 320° radial extending from the 5-mile radius zone to 8 miles NW of the VORTAC.

Fort Worth, Tex. (Carswell AFB)
That airspace within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); within 2 miles each side of the Eagle Mountain Lake VOR 180° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Carswell AFB TACAN 358° radial extending from the TACAN to 12 miles north; within 2 miles each side of the Benbrook VOR 360° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Carswell AFB TACAN 194° radial extending from the TACAN to 11.5 miles south; excluding the portion east of longitude 97°24'00" W.

Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field)
That airspace within an area bounded by a line beginning at latitude 32°48'00" N., longitude 96°59'00" W.; thence E along latitude 32°48'00" N. to and clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to latitude 32°49'40" N., W of Love Field; thence NW to latitude 32°53'15" N., longitude 96°59'35" W.; thence W along latitude 32°53'15" N. to and counterclockwise along the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field (latitude 32°49'35" N., longitude 97°02'45" W.); to longitude 96°59'00" W., SE of Greater Southwest International Dallas-Fort Worth Field; thence N along longitude 96°59'00" W. to point of beginning; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field ILS localizer NW course, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 1-mile NW of the OM, within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 6 miles S of the VORTAC, and within 2 miles each side of Greater Southwest International Dallas-Fort Worth Field VORTAC 322° radial, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 7 miles NW of the VORTAC.

Fort Worth, Tex. (Meacham Field)
That airspace within a 5-mile radius of Meacham Field (latitude 32°49'00" N., longitude 97°21'35" W.); within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); and within 2 miles each side of the Meacham Field ILS localizer S course, extending from Meacham Field to 6 miles S; excluding the portion W of longitude 97°24'00" W.

Fort Yukon, Alaska
Within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'15" N. longitude 145°15'10" W.) and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius zone to 8 miles NE of the RBN, from 0745 to 1645 hours, local time Monday through Saturday.

AMENDMENTS 3/28/68 33 F. R. 3055 (Changed)

Fresno, Calif. (Chandler Municipal Airport)
Within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Chandler RBN extending from the 5-mile radius zone to 8 miles SW of the RBN and within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius zone to 1.5 miles S of the VORTAC, excluding the portion within the Fresno (Fresno Air Terminal) control zone. This control zone will be effective from 0700 to 2300 hours, local time daily.

AMENDMENTS 12/12/68 33 F. R. 17233 (Changed)

Fresno, Calif. (Fresno Air Terminal),
Within a 5-mile radius of Fresno Air Terminal (latitude 36° 46' 25" N., longitude 119° 42' 35" W.), within 2 miles each side of the Fresno VORTAC 143° radial, extending from the 5-mile radius zone to 15 miles SE of the VORTAC, and within 2 miles each side of the Fresno VORTAC 150° radial, extending from the 5-mile radius zone to the VORTAC.

Fullerton, Calif.
Within a 3-mile radius of Fullerton Municipal Airport (latitude 33°52'20" N., longitude 117°58'45" W.) excluding the portion within the Long Beach, Calif., control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

Gage, Okla.
Within a 5-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.), and within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC.

Gainesville, Fla.
Within a 5-mile radius of Gainesville Municipal Airport (latitude 29°41'22" N., longitude 82°16'28" W.) and within 2 miles each side of the Gainesville VORTAC 033° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 6/20/68 33 F. R. 8342 (Rewritten); Corr: 33 F. R. 7299

Galena, Alaska
Within a 5-mile radius of the Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.); within 2 miles each side of the Galena VORTAC 089° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC; and within 2 miles each side of the Galena VORTAC 269° radial extending from the 5-mile radius zone to 14 miles W of the VORTAC.

Galesburg, Ill.
Within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 2 miles each side of the Galesburg VOR 019° radial extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Galesburg VOR 214° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Gallup, N. Mex.
That airspace within a 5-mile radius of the Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.), within 2 miles each side of the Gallup VORTAC 232° and 062° radials, extending from the 5-mile radius zone to 6.5 miles SW of the VORTAC. This control zone is effective during the dates and times published in the Airman's Information Manual.

Galveston, Tex.
Within a 5-mile radius of Scholes Field, Galveston, Tex., (Lat. 29°15'55" N, Long. 94°51'35" W); within 2 miles either side of the 131° bearing from the Galveston RBN extending from the 5-mile radius zone to the RBN and within 2 miles either side of the Galveston VOR 119° radial extending from the 5-mile radius zone to the VOR.

Garden City, Kans.
Within a 5-mile radius of the Garden City Airport (latitude 37°56'09" N., longitude 100°43'47" W.), and within 2 miles each side of the 144° bearing from the Garden City RBN, extending from the 5-mile radius zone NW to the RBN, and within 2 miles each side of the Garden City VORTAC 004° and 171° radials, extending from the 5-mile radius zone to 8 miles N and S of the VORTAC.

Glasgow, Mont.
Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); within 2 miles each side of the 079° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 8 miles east of the airport; and within 2 miles each side of the 290° bearing from Glasgow International Airport; extending from the 5-mile radius zone to 8 miles west of the airport.

AMENDMENTS 12/12/68 33 F. R. 15108 (Added)

Glens Falls, N. Y.
Within a 5-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W., of Warren County Airport, Glens Falls,
N. Y.; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 11 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 12 miles north of the end of the runway; and within 2 miles each side of the Glens Falls VOR 005° radial extending from the 5-mile radius zone to 12 miles north of the VOR.

Glenview, Ill.
Within a 5-mile radius of NAS Glenview (latitude 42°05'21" N., longitude 87°49'07" W.); and within 2 miles each side of the Northbrook, Ill., VORTAC 128° and 159° radials extending from the Glenview 5-mile and the Chicago-O'Hare, Ill., 5-mile radius zones to 1 mile SE and SW of the VORTAC; and within 2 miles either side of the Northbrook VORTAC 071° radial extending from 1 mile E of the VORTAC to 6 miles E of the VORTAC; and within 2 miles each side of the 002° bearing from the Glenview RBN extending from the 5-mile radius zone to 12 miles N of the RBN.

Goldsboro, N.C.
Within a 5-mile radius of the Seymour Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of the ILS localizer W course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of the 256° radial of the Seymour Johnson VOR, extending from the 5-mile radius zone to 8 miles W of the VOR.
PENDING AMENDMENT
The Goldsboro, N. C., control zone is amended as follows: "within 2 miles each side of the 256° radial of the Seymour Johnson VOR, extending from the 5-mile radius zone to 8 miles west of the VOR" is deleted from the present description.
AMENDMENTS 4/3/69 34 F. R. 1586 (Changed)

Goodland, Kans.
Within a 5-mile radius of Renner Field (latitude 39°21'45" N., longitude 101°42'00" W.), and within 2 miles each side of the Goodland VORTAC 352° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC.

Grand Forks, N. Dak. (International Airport)
Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), and within 2 miles each side of the Grand Forks VOR 006° and 173° radials extending from the 5-mile radius zone to 8 miles north and south of the VOR.

Grand Forks, N. Dak. (Grand Forks Air Force Base)
Within a 5-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.), within 2 miles each side of the Red River VOR 360° radial extending from the 5-mile radius zone to 1 mile NE of the VOR, and within 2 miles each side of the Red River TACAN 004° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

Grand Island, Nebr.
Within a 5-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'20" W.); within 2 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2 miles each side of the Grand Island VORTAC 304° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

AMENDMENTS 4/25/68 33 F. R. 3055 (Rewritten); 8/22/68 33 F. R. 10203 (Rewritten)

Grand Junction, Colo.
Within a 5-mile radius of Walker Field, Grand Junction, Colo. (lat. 39°07'05" N. Long. 108°31'10" W). and within 2 miles either side of the Grand Junction ILS localizer NW course extending from the 5-mile radius zone to 10 miles NW of the localizer.

Grand Rapids, Mich.
Within a 5-mile radius of Kent County Airport, Grand Rapids, Mich. (latitude 42°53'00" N., longitude 85° 31'35" W.), and within 2 miles each side of the Grand Rapids ILS localizer E course, extending from the 5-mile radius zone to the OM.

Grandview, Mo.
Within a 5-mile radius of Richards-Gebaur AFB, Grandview, Mo. (latitude 38°50'50" N., longitude 94°33'20" W.); and within 2 miles each side of the Richards-Gebaur AFB TACAN 195° radial extending from the 5-mile radius zone to 8 miles south of the TACAN, excluding the portion north of latitude 38°52'30" N., and west of longitude 94°35'50" W.

AMENDMENTS 6/20/68 33 F. R. 6237 (Rewritten)

Grant County, Wash.
Within a 5-mile radius of Grant County Airport, Moses Lake, Wash. (latitude 47°12'35" N., longitude 119°18'50" W.); within 2 miles each side of the Ephrata VOR 156° radial, extending from the 5-mile radius zone to 4 miles SE of the VOR, and within 2 miles W and 2.5 miles E of the Moses Lake ILS localizer S course, extending from the 5-mile radius zone to the Moses Lake RBN (latitude 47°06'57" N., longitude 119°16'23" W.), excluding the portion within the Ephrata Wash., control zone. This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Great Falls, Montana (International Airport)
Within a 5-mile radius of Great Falls International Airport (latitude 47°29'00" N., longitude 111°22'00" W.); within 2 miles each side of the Great Falls ILS localizer south course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Great Falls VOR 222° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; and within 2 miles each side of the Malmstrom AFB TACAN 230° radial, extending from the arc of a 5-mile radius circle centered on Malmstrom AFB (latitude 47°30'25" N., longitude 111°11'05" W.), to 10 miles southwest of the Malmstrom AFB TACAN, excluding the portion which overlies the Great Falls (Malmstrom AFB), control zone.

Great Falls, Montana (Malmstrom Air Force Base)
Within a 5-mile radius of Malmstrom AFB (latitude 47°30'25" N., longitude 111°11'05" W.); within 2 miles each side of the Malmstrom AFB VOR 036° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the Malmstrom AFB TACAN 039° radial, extending from the 5-mile radius zone to 10 miles northeast of the TACAN; and within 2 miles each side of the Malmstrom AFB ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion southwest of a line between the INTs of the 5-mile radius zone and the 5-mile radius of Great Falls (International Airport), control zone.

Green Bay, Wis.
Within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.); within 2 miles each side of the Green Bay VORTAC 146° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Green Bay ILS localizer SW course extending from the 5-mile radius zone to the OM.

Greensboro, N. C.
Within a 5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N., longitude 79°56'34" W.);
within 2 miles each side of the Greensboro ILS localizer NW course, extending from the 5-mile radius zone to the LOM.

AMENDMENTS 1/26/68 33 F. R. 2627 (Changed)

Greenville, Miss.
Within a 5-mile radius of the Greenville Municipal Airport (latitude 33°29'05" N., longitude 90°59'06" W.); within 2 miles each side of the Greenville VOR 358° radial extending from the 5-mile radius zone to 8.5 miles N of the VOR, effective from 0700 to 2000 hours, local time, daily.

Greenville, S. C.
Within a 5-mile radius of Greenville Downtown Airport (latitude 34°50'52" N., longitude 82°21'04" W.); within a 5-mile radius of Donaldson Center Airport (latitude 34°45'30" N., longitude 82°22'35" W.); within 2 miles each side of the Runway 4 extended centerline, extending from the Donaldson Center Airport 5-mile radius zone to 5.5 miles northeast of the airport; excluding the portion within a 5-mile radius of Greenville-Spartanburg Airport (latitude 34°53'45" N., longitude 82°13'04" W.), effective from 0700 to 2300 hours, local time, daily.

Greenwood, S. C.
Within a 5-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.); within 2 miles each side of the Greenwood VORTAC 099° and 259° radials, extending from the 5-mile radius zone to 8 miles East and West of the VORTAC, effective 0700 to 2300 local time, Monday through Friday, 0700 to 1730 local time Saturday, and 1045 to 2230 local time, Sunday.

AMENDMENTS 11/14/68 33 F. R. 14285 (Added); Corr: 33 F. R. 17625

Greer, S. C. (Greenville-Spartanburg Airport)
Within a 5-mile radius of Greenville-Spartanburg Airport (latitude 34°53'45" N., longitude 82°13'04" W.); within a 5-mile radius of Greenville Downtown Airport (latitude 34°50'52" N., longitude 82°21'04" W.); within a 5-mile radius of Donaldson Center Airport (latitude 34°45'30" N., longitude 82°22'35" W.); within 2 miles each side of the Greenville-Spartanburg ILS localizer northeast course, extending from the 5-mile radius zone to 6.5 miles northeast of the airport; within 2 miles each side of the Runway 4 extended centerline, extending from the Donaldson Center Airport 5-mile radius zone to 5.5 miles northeast of the airport, excluding the portion within the Greenville, S. C., control zone.

Grosse Ile, Mich.
Within a 5-mile radius of NAS Grosse Ile (latitude 42°05'55" N., longitude 83°09'40" W), excluding the portion outside the United States.

Groton, Conn.
Within a 4-mile radius of the center 41°19'50" N., 72°02'50" W. of Trumbull Airport, Groton, Conn.; within 2 miles each side of the Groton VOR 047° radial extending from the 4-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the Groton VOR 202° radial extending from the 4-mile radius zone to 6.5 miles S of the VOR and within 2 miles each side of the 216° and 244° bearings from the Groton RBN extending from the 4-mile radius zone to 6.5 miles SW of the RBN. This control zone is effective from 0530 to 2200 hours Monday through Saturday and 0900 to 2200 hours Sunday, local time, and during specific dates and times established in advance by a Notice to Airmen.

Guam Island (Anderson AFB)
Within a 5-mile radius of Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.); within 2 miles each side of the Anderson TACAN 066° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN, and within 2 miles NW and 4 miles SE of the Anderson VOR 064° radial, extending from the 5-mile radius zone to the Guam Island (NAS Agana) 5-mile radius zone.

Guam Island (NAS Agana)
Within a 5-mile radius of NAS Agana (latitude 13°29'00" N., longitude 144°47'00" E.); within 4 miles NW and 2 miles SE of the Agana VOR 244° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, and within 2 miles each side of the Guam RBN 026° bearing, extending from the 5-mile radius zone to 3 miles NE of the RBN.

Gulfport, Miss.
Within a 5-mile radius of Gulfport Municipal Airport (latitude 30°24'27.5" N., longitude 89°04'05" W.); within 2 miles each side of the Gulfport VORTAC 050° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC; within 2 miles each side of the Gulfport VORTAC 129° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; within 2 miles each side of the Gulfport VORTAC 213° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC; within 2 miles each side of the Gulfport VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC, excluding the portion that coincides with the Biloxi, Miss., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 8/22/68 33 F. R. 9599 (Rewritten)

Gulkana, Alaska
Within a 5-mile radius of the Gulkana Airport (latitude 62°09'20" N., longitude 145°27'15" W.); within 3 miles each side of the Gulkana VOR 349° radial extending from the 5-mile radius zone to 13.5 miles north of the VOR; and within 2 miles each side of the Gulkana VOR 182° radial extending from the 5-mile radius zone to 8 miles south of the VOR.

AMENDMENTS 4/25/68 33 F. R. 4171 (Rewritten)

Hagerstown, Md.
Within a 5-mile radius of the center, 39°42'30" N., 77°43'45" W., of Hagerstown Airport, Hagerstown, Md.; and within 2 miles each side of the Hagerstown VOR 084° and 239° radials extending from the 5-mile radius zone to 5.5 miles SW of the VOR. This control zone is effective from 0600 to 2100 hours local time, daily.

AMENDMENTS 12/12/68 33 F. R. 15859 (Changed)

Hampton Roads, Va.
Within a 5-mile radius of Langley AFB, Hampton Roads, Va., (latitude 37°05'05" N., longitude 76°21'25" W.), within 2.5 miles NW and 2 miles SE of the 066° bearing from the Morrison RBN, extending from the 5-mile radius zone to the RBN, within 2 miles each side of the Langley AFB TACAN 078° radial, extending from the 5-mile radius zone to 6 miles E of the TACAN.

Harrisburg, Pa.
Within a 5-mile radius of the center, 40°12'59" N., 76°51'03" W. of Harrisburg-York State Airport, Harrisburg, Pa., and within a 5-mile radius of the center, 40°11'35" N., 76°45'47" W. of Olmsted State Airport; Middletown, Pa.; within 2 miles each side of the Harrisburg VOR 100° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Harrisburg-York State Airport ILS localizer west course extending from the 5-mile radius zone to 2 miles east of the OM; and within 2 miles each side of the centerline of Olmsted State Airport Runway 13 extended from the Olmsted State Airport 5-mile radius zone to 5 miles southeast of the end of the runway.

AMENDMENTS 2/1/68 33 F. R. 10202 (Changed)

Harrison, Ark.
Within a 5-mile radius of the Boone County Airport (latitude 36°15'55" N., longitude 93°09'20" W.) and within 2 miles each side of the Harrison VOR 140° radial extending from the 5-mile radius zone to the VOR.

AMENDMENTS 1/9/69 33 F. R. 16556 (Rewritten)

Hastings, Nebr.
Within a 5-mile radius of Hastings, Nebr., Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport. The control zone shall be effective during the time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Havre, Mont.
Within a 5-mile radius of City-County Airport (latitude 48°32'45" N., longitude 109°45'40" W.); within 2 miles each side of the 287° bearing from City-County Airport, extending from the 5-mile radius zone to 8 miles west of the airport; within 2 miles each side of the 080° bearing from City-County Airport, extending from the 5-mile radius zone to 8 miles east of the airport, and within 2 miles each side of the 261° bearing from City-County Airport, extending from the 5-mile radius zone to 8 miles west of the airport.

AMENDMENTS 10/17/68 33 F. R. 12137 (Added)

Hayward, Calif.
Within a 5-mile radius of Hayward Air Terminal (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Oakland, Calif., control zone. This control zone is effective from 0600 to 0000 hours, local time, daily.

Hazleton, Pa.
Within a 5-mile radius of the center, 40°59'05" N., 75°59'40" W. of Hazleton Airport, Hazleton, Pa.; within 2 miles each side of the Hazleton VOR 263° and 083° radials extending from the 5-mile radius zone to 6 miles W of the VOR and within 2 miles each side of the 076° and 276° bearings from the Hazleton RBN extending from the 5-mile radius zone to 6 miles E of the RBN. This control zone is effective from 0700-2000 hours Monday thru Friday, 0700-1700 hours Saturday and 0900-2000 hours Sunday, local time, or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Helena, Mont.
Within a 5-mile radius of Helena County - City Airport (Lat. 46°36'24" N, Long. 111°59'19" W).

Hibbing, Minn.
Within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'20" N., longitude 92°50'25" W.); within 2 miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 210° bearing from Chisholm-Hibbing Airport, extending from the 5-mile radius zone to 8 miles SW of the airport.

Hickory, N. C.
Within a 5-mile radius of the Hickory Municipal Airport (latitude 35°44'25" N., longitude 81°23'28" W.) and within 2 miles each side of the Hickory VOR 223° radial, extending from the 5-mile radius zone to the VOR.

Hillsboro, Oreg.
Within a 5-mile radius of Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles each side of the Newberg, Oreg., VORTAC 007° radial, extending from the 5-mile radius zone to 8 miles S of the airport. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Hilo, Hawaii
Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19° 43' 20" N., longitude 155° 03' 20" W.) and within 3 miles N and 2 miles S of the Hilo VOR 091° radial, extending from the 5-mile radius zone to 12 miles E of the VOR.

Hobart, Okla.
Within a 5-mile radius of the Hobart Municipal Airport (latitude 34° 59' 20" N., longitude 99° 02' 55" W.) and within 2 miles each side of the Hobart VOR 003° radial, extending from the 5-mile radius zone to the VOR.

Hobbs, N. Mex.
That airspace within a 5-mile radius of Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.); and within 2 miles each side of the Hobbs VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding the portion within a 1.5 mile radius of Hobbs Municipal Airport (latitude 32°46'05" N., longitude 103°12'50" W.).

Hollywood, Fla.
Within a 3-mile radius of the North Perry Airport (latitude 26°00'06" N., longitude 80°14'24" W.); excluding the portion which coincides with the Fort Lauderdale and Miami, Fla., control zones. This control zone is effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 6/7/68 33 F. R. 8717 (Added)

Homer, Alaska
Within a 5-mile radius of Homer Airport (Lat. 59°38'35" N, Long. 151°28'55" W).
This control zone is effective from 0600 Mondays through 2145 Saturdays and from 0600 through 2145 Sundays, local time, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

AMENDMENTS 4/25/68 33 F. R. 4093 (Changed)

Homestead, Fla.
Within a 5-mile radius of the Homestead AFB (latitude 25°29'15" N., longitude 80°23'10" W.); within 2 miles each side of the Homestead VOR 046° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Homestead ILS localizer SW course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Homestead TACAN 232° radial, extending from the 5-mile radius zone to 7.5 miles SW of the TACAN; and within 2 miles each side of the Homestead ILS localizer NE course, extending from the 5-mile radius zone to 6 miles NE of Homestead AFB.

Honolulu, Hawaii.
Within a 5-mile radius of Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'40" W.); within a 5-mile radius of NAS Barber's Point (latitude 21°18'35" N., longitude 158°04'30" W.); within a 3-mile radius of ALF Ford Island (latitude 21°21'55" N., longitude 157°57'55" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu International Airport, and within 2 miles NW and 4 miles SE of the Honolulu VORTAC 242° radial, extending from NAS Barber's Point 5-mile radius zone to 13 miles SW of the Honolulu VORTAC.

Honolulu, Hawaii (Wheeler AFB)
Within a 3-mile radius of Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.), excluding the portion within R-3109. This control zone is effective from 0600 to 2200 hours, local time, daily.

Hopkinsville, Ky.
Within a 5-mile radius of the center, 36°40'25" N., 87°29'30" W. of Campbell Army Airfield, excluding the area within a 1.5-mile radius of the center, 36°37'15" N., 87°24'55" W. of Outlaw Field, Clarksville, Tenn.; within 2 miles each side of the 224° bearing from the Campbell RBN extending from the 5-mile radius zone to the RBN and within 2 miles each side of the Campbell TACAN 053° radial extending from the 5-mile radius zone to 6 miles northeast of the TACAN.

AMENDMENTS 11/14/68 33 F. R. 12543 (Rewritten)

Hoquiam, Wash.
Within a 5-mile radius of Bowerman Field, Hoquiam, Wash. (latitude 46°58'15" N., longitude 123°56'05" W.), within 2 miles each side of the Hoquiam VORTAC 081° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Hoquiam VORTAC 080° radial, extending from the 5-mile radius zone to 20.5 miles east of the VORTAC

Hot Springs, Ark.
That airspace within a 5-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.); and within 2 miles each side of the Hot Springs VOR 247° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone is effective from 0700 to 2300 hours, local time, daily.
AMENDMENTS 12/8/68 33 F. R. 18134 (Changed)

Houghton, Mich.
Within a 5-mile radius of the Houghton County Memorial Airport (latitude 47°10'00" N., longitude 88°29'20" W.); within 2 miles each side of the Houghton VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; within 2 miles each side of the Houghton VOR 060° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the Houghton VOR 135° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, and within 2 miles each side of the 020° bearing from the Houghton RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN; excluding that airspace within a 1-mile radius of Houghton Sands Airport (latitude 47°06'40" N., longitude 88°31'20" W.).

Houlton, Maine
Within a 4-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine, and within 2 miles each side of the Houlton VOR 016° radial extending from the 4-mile radius zone to 2 miles north of the VOR, excluding the airspace within Canada.

AMENDMENTS 11/14/68 33 F. R. 12544 (Changed)

Houston, Tex. (Ellington AFB)
That airspace within a 5-mile radius of Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.); within 2 miles each side of the Ellington VOR 209° radial extending from the 5-mile radius zone to 7 miles SW of the VOR, within 2 miles each side of the Ellington TACAN 213° radial extending from the 5-mile radius zone to 7 miles SW of the TACAN, within 2 miles each side of the Houston VORTAC 142° radial extending from the William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.) 5-mile radius zone to 11.5 miles SE of the VORTAC, excluding the portion within the William P. Hobby control zone.

Houston, Tex. (William P. Hobby)
That airspace within a 5-mile radius of William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.); within 2 miles each side of the Houston ILS localizer SW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Houston ILS localizer NE course extending from the 5-mile radius zone to the Pasadena RBN, within 2 miles each side of the Houston VORTAC 306° radial extending from the 5-mile radius zone to 6 miles NW of the VORTAC, within 2 miles each side of the Houston VORTAC 025° radial extending from the 5-mile radius zone to 6 miles NE of the VORTAC, within 2 miles each side of the Houston VORTAC 239° radial extending from the 5-mile radius zone to 6 miles SW of the VORTAC, within 2 miles each side of the Houston VORTAC 142° radial extending from the 5-mile radius zone to 11.5 miles SE of the VORTAC, and within 2 miles each side of a 223° bearing from the Houston DF station (latitude 29°38'48" N., longitude 95°16'42" W.) extending from the 5-mile radius zone to 8 miles SW of the DF station, excluding the portion E of a line from the intersecting point of 5-mile radius circles centered on William P. Hobby Airport and Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.) NE of William P. Hobby Airport, through the intersecting point of such 5-mile radius circles SE of William P. Hobby Airport, to latitude 29°32'00" N., longitude 95°15'00" W.

Huntington, W. Va.
Within a 5-mile radius of the center, 38°22'00" N., 82°33'25" W., of Tri-State Airport (Walker-Long Field), Huntington, W. Va., including a 1-mile radius of the center, 38°25'10" N., 82°29'45" W., of Huntington-Downtown Airport, Chesapeake, Ohio; within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 5-mile radius zone to 13 miles east of the Shoals, W. Va., FM and within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 5-mile radius zone to the OM.

Huntsville, Ala.
Within a 5-mile radius of the Huntsville-Madison County Airport (latitude 34°38'19" N., longitude 86°46'25" W.); within 2 miles each side of the Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of the Capshaw RBN; within 2 miles each side of the Huntsville VOR 217° radial, extending from the 5-mile radius zone to 5 miles southwest of the VOR; within 2 miles each side of the Huntsville VOR 220° radial, extending from the 5-mile radius zone to 7 miles southwest of the VOR; within 2 miles each side of the Huntsville ILS localizer south course, extending from the 5-mile radius zone to 5 miles south of the south end of runway 36L; within 2 miles each side of the Decatur VOR 093° radial, extending from the 5-mile radius zone to 3 miles east of the VOR; within a 5-mile radius of the Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 2 miles each side of the 356° bearing from the Restone RBN, extending from the 5-mile radius zone to 3 miles north of the RBN; within 2 miles each side of the 352° bearing from the Whitesburg RBN, extending from the 5-mile radius zone to 1 mile north of the RBN.
AMENDMENTS 1/26/68 33 F. R. 2627 (Changed); 3/28/68 33 F. R. 4094 (Changed)

Huron, S. Dak.
Within a 5-mile radius of Howes Airport, Huron, S. Dak. (latitude 44°23'03" N., longitude 98°13'39" W.); and within 2 miles each side of the Huron VOR 134° radial, extending from the 5-mile radius zone to the VOR.

Hutchinson, Kans.
Within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°03'55" N., longitude 97°51'35" W.); and within 2 miles each side of the Hutchinson VORTAC 042° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 2/29/68 33 F. R. 450 (Rewritten)

Hyannis, Mass.
Within a 4-mile radius of Barnstable Airport, Hyannis, Mass. (latitude 41°40'10" N., longitude 79°16'45" W.); within 2 miles each side of the Hyannis ILS localizer NE course, extending from the 4-mile radius zone to the OM; and within 2 miles each side of the Hyannis VOR 046° and 226° radials, extending from the 4-mile radius zone to 8 miles NE of the VOR, excluding that portion of the extension based on the Hyannis VOR 046° radial which extends beyond the shoreline. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airmen's Information Manual.

Idaho Falls, Idaho
Within a 5-mile radius of the Fanning Field, Idaho Falls, Idaho, (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 2 miles each side of the Idaho Falls-VOR 223° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 11 miles NE of the VOR; and within 2 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN.

Iliamna, Alaska
Within a 5-mile radius of the Iliamna Airport (latitude 59°45'08" N., longitude 154°54'38" W.) and within 2 miles each side of a bearing 196° from the Iliamna RBN, extending from the 5-mile radius zone to a point 12 miles S of the RBN, from 0745 to 1545 hours, local time, daily.

Imperial Beach, Calif.
Within a 3-mile radius of NAS Imperial Beach (latitude 32°34'00" N., longitude 117°06'50" W.); that airspace W of NAS Imperial Beach within the arc of a 6-mile radius circle centered in the Imperial Beach TACAN, extending counterclockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 288° radial to the United States/Mexican Flight Information Region Boundary, excluding the portion under the jurisdiction of Mexico; and that airspace east of a NAS Imperial Beach within the arc of a 6-mile radius circle centered on the Imperial Beach TACAN, extending clockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 065° radial to the United States/Mexican Border.

AMENDMENTS 4/5/68 33 F. R. 5401 (Rewritten)

Indianapolis, Ind.
Within a 5-mile radius of the Weir-Cook Municipal Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within 2 miles each side of the Runway 4 ILS localizer NE and SW courses, extending from the 5-mile radius zone to 7 miles NE and 6 miles SW of the airport; and within 2 miles each side of the Runway 31 ILS localizer SE course, extending from the 5-mile radius zone to 6-miles SE of the airport; and within 2 miles each side of the Indianapolis VORTAC 143° radial, extending from the 5-mile radius zone to the VORTAC.

International Falls, Minn.
Within a 5-mile radius of Falls International Airport, International Falls, Minn., (latitude 48°33'58" N., longitude 93°24'07" W.); and within 2 miles each side of the International Falls VOR 129° radial extending from the 5-mile radius zone to 8 miles SE of the VOR; and within 2 miles each side of the International Falls VOR 320° radial extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the 325° bearing from radio station CFOB extending from the 5-mile radius zone to 8 miles NW of the radio station excluding the portion outside of the United States.

Iron Mountain, Mich.
Within a 5-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°48'55" N., longitude 88°07'00" W.) and within 2 miles each side of the Iron Mountain VOR 141° and 193° radials extending from the 5-mile radius zone to 8 miles SE and S of the VOR; and within 2 miles each side of the 182° and 276° bearings from Ford Airport extending from the 5-mile radius zone to 8 miles S and W of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Ironwood, Mich.
Within a 5-mile radius of Gogebic County Airport, Ironwood, Mich. (latitude 46°31'30" N., longitude 90°08'00" W.); within 2 miles each side of the Ironwood VOR 077° radial, extending from the 5-mile radius zone to 8 miles east of the VOR; and within 2 miles each side of the Ironwood VOR 257° radial, extending from the 5-mile radius zone to 12 miles west of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Islip, N. Y.
Within a 5-mile radius of the center, 40°47'50" N., 73°06'00" W., of Long Island-MacArthur Airport, Islip, N. Y.; within 2 miles each side of the Long Island-MacArthur Airport ILS localizer SW course extending from the 5-mile radius area to 1 mile NE of the OM; and within 2 miles each side of Long Island-MacArthur Airport ILS localizer NE course extending from the 5-mile radius zone to 6 miles NE of the localizer.

Ithaca, N.Y.
Within a 4-mile radius of the center 42°29'25" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N. Y., within 2 miles each side of the Ithaca VOR 305° radial extending from the 4-mile radius zone to 9 miles NW of the VOR; within 2 miles each side of the Ithaca VOR 144° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR; within 2 miles each side of the Ithaca VOR 117° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR and within 2 miles each side of the Ithaca VOR 058° radial extending NE from the 4-mile radius zone to 7.5 miles NE of the VOR. This control zone is effective Monday through Friday, 0600-2300; Saturday 0600-2100; Sunday, 0900-2300 local time.

Jackson, Mich.
Within a 5-mile radius of Reynolds Airport, Jackson, Mich. (latitude 42°15'30" N., longitude 84°27'40" W.), within 2 miles each side of the Jackson VOR 044° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR, within 2 miles each side of the Jackson VOR 238° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Jackson VOR 306° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Jackson VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR.

Jackson, Miss.
Within a 5-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within a 5-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within a 3-mile radius of of Bruce Campbell Field, Madison, Miss. (latitude 32°26'15" N., longitude 90°06'05" W.); within 2 miles each side of the Jackson VORTAC 105° radial extending from the Hawkins Field 5-mile radius zone to 1 mile S of the VORTAC; within 2 miles each side of the Jackson VORTAC 157° and 160° radials extending from 1 mile SE to 20 miles SE of the VORTAC; within 2 miles each side of the Jackson VORTAC 142° radial extending from the Bruce Campbell Field 3-mile radius zone to 1.5 miles SE of the VORTAC and to 10 miles SE of the VORTAC.

Jackson, Tenn.
Within a 5-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); within 2 miles each side of the McKellar VOR (latitude 35°36'12.5" N., longitude 88°54'37.4" W.) 208° radial extending from the 5-mile radius zone to 8.5 miles SW of the VOR.

Jacksonville, Fla. (International Airport)
Within a 5-mile radius of Jacksonville International Airport (latitude 30°29'16" N., longitude 81°41'20" W.); within 2 miles each side of the Jacksonville VORTAC 284° radial, extending from the 5-mile radius zone to 2 miles west of the VORTAC.

AMENDMENTS 10/6/68 33 F. R. 11977 (Added); Eff: date changed 10/27/68 33 F. R. 14862

Jacksonville, Fla. (NAS Jacksonville)
Within a 5-mile radius of NAS Jacksonville (latitude 30°14'10" N., longitude 81°40'40" W.); within 2 miles each side of the 085° bearing from the Navy Cecil RBN (latitude 30°13'15" N., longitude 81°52'12" W.), extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Navy Cecil VOR 084° radial, extending from the 5-mile radius zone to the VOR. The portion within a 5-mile radius of NAS Cecil Field (latitude 30°13'05" N., longitude 81°52'45" W.) is excluded.

AMENDMENTS 7/25/68 33 F. R. 6913 (Rewritten)

Jacksonville, Fla. (NAS Cecil Field)
Within a 5-mile radius of the NAS Cecil Field (latitude 30°13'05" N., longitude 81°52'45" W.); within 2 miles each side of the Navy Cecil VOR 180° radial, extending from the 5-mile radius zone to 12 miles south of the VOR; within 2 miles each side of the 180° bearing from the Navy Cecil RBN (latitude 30°13'15" N., longitude 81°52'12" W.), extending from the 5-mile radius zone to 12 miles south of the RBN; and within 2 miles each side of the Navy Cecil TACAN 355° radial, extending from the 5-mile radius zone to 7 miles north of the TACAN.

AMENDMENTS 7/25/68 33 F. R. 6913 (Rewritten)

Jacksonville, N. C.
Within a 5-mile radius of the New River MCAF (latitude 34°42'25" N., longitude 77°26'35" W.); within 2 miles each side of a 046° bearing from the New River radio beacon, extending from the 5-mile radius zone to 8 miles NE of the radio beacon; within 2 miles each side of a 226° bearing from the New River radio beacon, extending from the 5-mile radius zone to 8 miles SW of the radio beacon; excluding that portion which coincides with R-5306C.

Jamestown, N. Y.
Within a 5-mile radius of the center, 42°09'10"N., 79°15'30" W., of Jamestown Municipal Airport, Jamestown, N. Y.; within 2 miles each side of the Jamestown, N. Y., VOR 071° and 251° radials extending from the 5-mile radius zone to the VOR and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 5-mile radius zone to 7 miles northeast of the RBN. This control zone shall be in effect 0700 to 2200 hours Monday through Friday, 0700 to 1700 hours Saturdays and 0900 to 2200 hours Sundays, local time.

Jamestown, N. Dak.
Within a 5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); within 2 miles each side of the Jamestown VORTAC 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC; and within 2 miles each side of the Jamestown VORTAC 140° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC.

Janesville, Wis.
Within a 5-mile radius of Rock County Airport, Janesville, Wis. (latitude 42°37'12" N., longitude 89°02'25" W.), and within 2 miles each side of the Janesville VOR 038° radial, extending from the VOR to a point 11.5 miles NE of the VOR, see Airman's Information Manual for hours of designation.

Jefferson City, Mo.
Within a 5-mile radius of Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, and within 2 miles each side of the Jefferson City VOR 119° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Johnston Island, Johnston Atoll
Within a 5-mile radius of the Johnston Island AFB, Johnston Atoll (latitude 16°44'19" N., longitude 169°31'12" W.); within 2 miles each side of the extended centerline of runway 05, extending from the 5-mile radius zone to 6.5 miles NE of the Johnston Island RBN, and within 2 miles each side of the 241° bearing from the Johnston Island RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN.

Johnstown, Pa.
Within a 5-mile radius of the center, 40°18'55" N., 78°50'00" W., of Johnstown-Cambria County Airport, Johnstown, Pa.; within 2 miles each side of the Johnstown VOR 044° radial extending from the 5-mile radius zone to 7 miles NE of the Johnstown VOR; within 2 miles each side of the Johnstown VOR 215° radial extending from the 5-mile radius zone to 7 miles SW of the Johnstown VOR; within 2 miles each side of the Johnstown VOR 320° radial extending from the 5-mile radius zone to 6 miles NW of the Johnstown VOR effective from 0800 to 2200 hours Sunday through Friday and 0800 to 1700 hours Saturday, all times local and during specific dates and times established in advance by a Notice to Airmen.

Joliet, Ill.
Within a 5-mile radius of Joliet Municipal Airport (latitude 41°31'05" N., longitude 88°10'30" W.) and within 2 miles each side of the Joliet VORTAC 104° radial, extending from the 5-mile radius zone to the Joliet VORTAC.

Joplin, Mo.
Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.) and within 2 miles each side of the Joplin ILS localizer SE course, extending from the 5-mile radius zone to 7 miles SE of the airport.

Juneau, Alaska
Within a 5-mile radius of Juneau Municipal Airport (latitude 58°21'30" N., longitude 134°35'00" W.), and within 2 miles each side of the Juneau localizer W course, extending from the 5-mile radius zone to 2 miles W of the Coghlan Island, Alaska, RBN.

Kahului, Hawaii
Within a 5-mile radius of Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.); within 2 miles each side of the Maui VOR 038° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR; within 2 miles each side of the Maui VOR 201° radial, extending from the 5-mile radius zone to 9 miles S of the VOR; and within 2 miles each side of the extended centerline of Runway 2, extending from the 5-mile radius zone to 10 miles SW of the SW end of Runway 2.

Kailua, Kona, Hawaii
Within a 5-mile radius of the Kona Airport (latitude 19°38'49" N., longitude 156°00'45" W.), and within 2 miles each side of the Kona VORTAC 323° radial, extending from the 5-mile radius zone to the INT of the Kona VORTAC 323° and Upolu Point VOR 207° radials. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 10/1/68 33 F. R. 14219 (Changed)

Kalamazoo, Mich.
Within a 5-mile radius of Kalamazoo Municipal Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.), within 2 miles each side of the Kalamazoo VOR 001°, 167° and 229° radials, extending from the 5-mile radius zone to 7 miles N, S and SW of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer S course, extending from the 5-mile radius zone to the OM. This control zone is effective from 0700 to 2300 hours, local time, daily.

Kalispell, Mont.
Within a 5-mile radius of Flathead County Airport, Kalispell, Mont. (latitude 48°18'49" N., longitude 114°15'16" W.).

Kaneohe, Hawaii
Within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.).

Kansas City, Mo.
Within a 7.5-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.) and within 2 miles each side of the Kansas City VORTAC 185° and 179° radials, extending from the 7.5-mile radius zone to the VORTAC.

Kansas City, Mo. (International Airport)
Within a 5-mile radius of Kansas City International Airport (latitude 39°18'20" N., longitude 94°43'30" W.); and within 2 miles each side of the Kansas City VORTAC 276° radial, extending from the VORTAC to 14 miles west of the VORTAC, excluding that portion which coincides with the Kansas City, Mo., and Leavenworth, Kans., control zone.

AMENDMENTS 3/28/68 33 F. R. 2504 (Rewritten)

Kearney, Nebr.
Within a 5-mile radius of the Kearney Municipal Airport (latitude 40°43'36" N., longitude 99°00'31" W.), and within 2 miles each side of the Kearney VOR 192° radial extending from the 5-mile radius zone to a point 8 miles S of the VOR, and within 2 miles each side of the Kearney VOR 343° radial extending from the 5-mile radius zone to a point 8 miles NW of the VOR, and within 2 miles each side of the Kearney VOR 360° radial extending from the 5-mile radius zone to a point 14 miles N of the VOR. The control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Kenai, Alaska
Within a 5-mile radius of the Kenai Municipal Airport (latitude 60°34'11" N., longitude 151°14'56" W.); within 2 miles northwest and 3 miles southeast of the Kenai VOR 031° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR.

AMENDMENTS 2/1/68 32 F. R. 16482 (Rewritten)
AMENDMENTS 7/18/68 33 F. R. 7874 (Rewritten); Eff: date changed 7/25/68 33 F. R. 8592

Key West, Fla.
Within a 5-mile radius of the Key West International Airport (latitude 24°33'20" N., longitude 81°45'35" W.); within a 5-mile radius of the NAS, Key West (Boca Chica) (latitude 24°34'26" N., longitude 81°41'18" W.); within 2 miles each side of the 268° bearing from the Key West RBN, extending from the International Airport 5-mile radius zone to 8 miles west of the RBN; and within 2 miles each side of the Key West VORTAC 309° radial, extending from the International Airport 5-mile radius zone to 8 miles northwest of the VORTAC.

Killeen, Tex. (Fort Hood AAF)
Within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), within 2 miles each side of the Hood VOR 352° radial extending from the 5-mile radius zone to the VOR, within a 3-mile radius of Killeen Municipal Airport (latitude 31°05'10" N., longitude 97°41'05" W.), and within 2 miles each side of the Hood VOR 219° radial extending from the 3-mile radius zone to 8 miles SW of the VOR.

Killeen, Tex. (Robert Gray AAF)
Within a 5-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.), within 2 miles each side of the 341° bearing from the Gray RBN extending from the 5-mile radius zone to 8 miles N of the RBN, and within 2 miles each side of the Hood VOR 271° radial extending from the 5-mile radius zone to the VOR, excluding the portion within the Killeen, Tex. (Fort Hood AAF) control zone, This control zone is effective during the dates and times published in the Airman's Information Manual.

King Salmon, Alaska
Within a 5-mile radius of the King Salmon Airport (latitude 58°40'40" N., longitude 156°38'55" W.); within 2 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile radius zone to 9.5 miles NW of the VORTAC.

Kingsville, Tex.
Within a 5-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'25" W.); within 2 miles each side of the Kingsville TACAN 321° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° bearing, extending from the 5-mile radius zone to 8 miles NW of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Kingsville UHF RBN 187° bearing, extending from the 5-mile radius zone to 7 miles S of the UHF RBN.

Kinston, N. C.
Within a 5-mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°37'05" W.), effective from 0600 to 0030 hours, local time, daily.

Kirksville, Mo.
Within a 5-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.).

AMENDMENTS 10/17/68 33 F. R. 11147 (Rewritten)

Klamath Falls, Oreg.
Within a 5-mile radius of Kingsley Field (latitude 42°09'29" N., longitude 121°43'57" W.), within 3 miles east and 2 miles west of the Klamath Falls VORTAC 171° radial extending from the 5-mile radius zone to 8 miles south of the VORTAC and within 2 miles each side of the Klamath Falls VORTAC 332° radial extending from the 5-mile radius zone to 11 miles northwest of the VORTAC.

Knoxville, Tenn.
Within a 5-mile radius of the McGhee-Tyson Airport, Knoxville, Tenn. (latitude 35°48'40" N., longitude 83°59'35" W.), within 2 miles each side of the Knoxville ILS localizer SW course, extending from the 5-mile radius zone to 6 miles SW of the airport, within 2 miles each side of the Knoxville VORTAC 220° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the 045° bearing from the Singleton RBN, extending from the 5-mile radius zone to 6 miles NE of the RBN.

AMENDMENTS 11/14/68 33 F. R. 12179 (Changed)

Kodiak, Alaska
Within a 5-mile radius of Navy Station Kodiak Airport (latitude 57°44'50" N., longitude 152°29'40" W.); within 2 miles each side of the Kodiak TACAN 094° radial, extending from the 5-mile radius zone to 7 miles E of the TACAN; and within 2 miles S and 2.5 miles N of the Kodiak RR E and W courses, extending from the 5-mile radius zone to 8 miles E of the RR.

Kotzebue, Alaska
Within a 5-mile radius of Wien Memorial Airport, Kotzebue, Alaska, (Lat. 66°53'02" N, Long. 162°37'33" W), and within 2 miles either side of the 048° bearing from the Kotzebue RBN, extending from the 5-mile radius zone to 12 miles NE of the RBN.

Kwajalein Island, Marshall Islands
Within a 5-mile radius of the Kwajalein Island AAF (latitude 08°43' N., longitude 167°44' E.); within 2 miles each side of the Kwajalein TACAN 248° radial, extending from the 5-mile radius zone to 6 miles W of the TACAN; within 2 miles each side of the 008° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 12 miles N of the RBN; and within 2 miles each side of the 078° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 8 miles E of the RBN.

La Crosse, Wis.
Within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.), and within 2 miles each side of the 305° and 142° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN.

Lafayette, Ind.
Within a 5-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'10" W.); within 2 miles each side of the Lafayette, Ind., VOR 144° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the Purdue University ILS localizer west course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 1/6/69 33 F. R. 17101 (Rewritten)

Lafayette, La.
That airspace within a 5-mile radius of Lafayette, La., Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles each side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM, and within 2 miles each side of the Lafayette VORTAC 172° radial extending from the 5-mile radius zone to 7 miles S of the VORTAC.

AMENDMENTS 5/23/68 33 F. R. 5142 (Changed)

Lake Charles, La.
That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.), within 2 miles each side of the Lake Charles VORTAC 259° radial extending from the VORTAC to 13 miles W of the VORTAC, within 2 miles each side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 7.5 miles SE of the airport.

Lakehurst, N. J.
Within a 5-mile radius of the center, 40°02'05" N., 74°21'05" W., of NAS Lakehurst (West Field), Lakehurst, N.J.; within 2 miles each side of the Navy Lakehurst UHF RBN 050° bearing extending from the 5-mile radius zone to 6.5 miles northeast of the RBN; and within 2 miles each side of the Navy Lakehurst TACAN 058° radial extending from the 5-mile radius zone to 6 miles northeast of the TACAN.

Lake Tahoe, Calif.
Within a 5-mile radius of Lake Tahoe Airport (latitude 38°53'30" N., longitude 119°59'50" W.), effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 12/2/68 33 F. R. 16109 (Changed)

Lanai, Hawaii
Within a 5-mile radius of Lanai Airport (Lat. 20°47'30" N, Long. 156°57'00" W), from 1430 to 1815 hours local standard time, daily.

Lancaster, Pa.
Within a 5-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 2 miles each side of the Lancaster VOR 128° radial extending from the 5-mile radius zone to 7 miles SE of the VOR and within 2 miles each side of the Lancaster VOR 260° radial extending from the 5-mile radius zone to 8 miles W of the VOR from 0700 to 2300 hours, local time, daily.

Lansing, Mich.
Within a 5-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.).

Laramie, Wyo.
Within a 5-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.): within 2 miles each side of the Laramie VOR 332° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR.

Laredo, Tex.
Within a 5-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within 2 miles each side of the Laredo VORTAC 326° radial extending from the 5-mile radius zone to 16 miles northwest of the VORTAC, within 2 miles each side of the Laredo VORTAC 149° and 329° radials, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC, within 2 miles each side of the Border TACAN 185° radial extending from the 5-mile radius zone to 12 miles south of the TACAN, within 2 miles each side of the Border TACAN 337° radial extending from the 5-mile radius zone to 12 miles northwest of the TACAN, within 2 miles each side of the Border TACAN 348° radial extending from the 5-mile radius zone to 12 miles north of the TACAN, and within 2 miles each side of the Border TACAN 360° radial extending from the 5-mile radius zone to 6.5 miles north of the TACAN, excluding those portions outside the United States.

AMENDMENTS 11/14/68 33 F. R. 14402 (Rewritten)

Las Vegas, N. Mex.
Within a 5-mile radius of the Las Vegas Municipal Airport (latitude 35°39'25" N., longitude 105°08'35" W.) and within 2 miles each side of the Las Vegas VORTAC 215° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC, and within 2 miles each side of the Las Vegas VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC.

Las Vegas, Nev. (McCarran Field)
Within a 5-mile radius of McCarran Field (latitude 36°05'05" N., longitude 115°09'00" W.); within 2 miles southeast and 3 miles northwest of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles northwest and 3 miles southeast of the Las Vegas VORTAC 214° radial extending from the 5-mile radius zone to 6 miles southwest of the VORTAC; and within 2 miles each side of the Las Vegas VORTAC 268° radial extending from the 5-mile radius zone to 6.5 miles west of the VORTAC.

Las Vegas, Nev. (Nellis AFB)
Within a 5-mile radius of Nellis AFB (Lat. 36°14'10" N, Long. 115°02'00" W), and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.4 miles SW of the airport.

LaVerne, Calif.
Within a 3-mile radius of Brackett Field (latitude 34°05'30" N., longitude 117°47'00" W.), within 2 miles each side of the Pomona VOR 179° radial, extending from the 3-mile radius zone to 3 miles S of the VOR. This control zone is effective from 0700 to 2300 hours, local time, daily.

PENDING AMENDMENT

LaVerne, Calif.
Within a 3-mile radius of Brackett Field (latitude 34°05'30" N., longitude 117°47'00" W.), within 2 miles each side of the Pomona VOR 179° radial, extending from the 3-mile radius zone to 3 miles south of the VOR. This control zone shall be effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/3/69 34 F. R. 1010 (Rewritten)

Lawton, Okla.
Within a 5-mile radius of Lawton Municipal Airport (latitude 34° 34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A.

Leavenworth, Kans.
Within a 5-mile radius of Sherman AAF, Leavenworth, Kans. (latitude 39°22'05" N., longitude 94°54'45" W.).

Lebanon, N. H.
Within a 5-mile radius of the center, 43°37'35" N., 72°18'10" W., of Lebanon Regional Airport, Lebanon, N.H.; within 2 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 2 miles northeast of the VOR; within 2 miles each side of the Lebanon VOR 104° radial extending from the VOR to 3.5 miles east of the VOR and within 2 miles each side of the Lebanon VOR 134° radial extending from the VOR to 4 miles southeast of the VOR; within 2 miles either side of the centerline of runway 18 extended 5.5 miles from the end of the runway.

Lemoore, Calif.
Within a 6-mile radius of NAS Lemoore (latitude 36° 20' 00" N., longitude 119° 57' 04" W.); within 2 miles each side of the Lemoore TACAN 336° and 356° radials, extending from the 6-mile radius zone to 8 miles NW and N of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° radial, extending from the 6-mile radius zone to 8 miles SE of the TACAN.

Lewiston, Idaho
Within a 5-mile radius of Lewiston Nez-Perce Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2 miles each side of the Lewiston VOR 266° radial, extending from the 5-mile radius zone to the VOR.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lewistown, Mont.
Within a 5-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 2 miles either side of the Lewistown VOR 090° radial, extending from the 5-mile radius zone to the VOR.

Lexington, Ky.
Within a 5-mile radius of the center, 38°02'10" N., 84°36'15" W. of Blue Grass Field, Lexington, Ky., and within 2 miles each side of the Lexington VORTAC 304° radial extending from the 5-mile radius zone to 1 mile NW of the VORTAC and within 2 miles each side of the Lexington Blue Grass ILS localizer NE course extending from the 5-mile radius zone to 5 miles NE of the localizer.

Liberal, Kansas
Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); within 2 miles each side of the Liberal VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC; and within 2 miles each side of the Liberal VORTAC 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lihue, Hawaii
Within a 5-mile radius of Lihue Airport (latitude 21° 59' 00" N., longitude 159° 21' 00" W.); within 2 miles each side of the Lihue VOR 041° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Lihue VOR 130° radial, extending from the 5-mile radius zone to 9 miles SE of the VOR.

Limestone, Maine
Within a 5-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine, excluding the portion outside of the United States; within 2 miles each side of the Loring TACAN 168° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN; and within 2 miles each side of the Loring TACAN 348° radial extending from the 5-mile radius zone to 7 miles north of the TACAN.

Lincoln, Nebr.
Within a 6-mile radius of Lincoln Airport (latitude 40°50'45" N., longitude 96°45'20" W.); and within 2 miles each side of the Lincoln ILS localizer N course extending from the 6-mile radius to 14 miles N of the Lincoln Airport and within 2 miles either side of the Lincoln VORTAC 015° radial extending from the 6-mile radius to 8 miles N of the Lincoln VORTAC; and within 2 miles each side of the Lincoln VORTAC 187° radial extending from the 6-mile radius to 13 miles S of the Lincoln VORTAC, excluding the airspace within a 1-mile radius of Arrow airport (latitude 40°52'00" N., longitude 96°39'15" W.).

Little Rock, Ark. (Adams Field)
That airspace within a 5-mile radius of Adams Field (latitude 34°43'45" N., longitude 92°13'45" W.); within 2 miles each side of the Adams Field ILS localizer SW course, extending from the 5-mile radius zone to 0.5 of a mile NE of the OM, and within 2 miles each side of the Adams Field ILS localizer NE course, extending from the 5-mile radius zone to 10.5 miles NE of the airport, excluding the portion within the Little Rock AFB control zone.

Little Rock, Ark. (Little Rock AFB)
That airspace within a 5-mile radius of Little Rock AFB (latitude 34°55'05" N., longitude 92°08'45" W.); within 2 miles each side of the Cabot VOR 251° radial, extending from the 5-mile radius zone to 1 mile SW of the VOR, within 2 miles each side of the Little Rock AFB ILS localizer NE course, extending from the 5-mile radius zone to 1 mile SW of the OM, within 2 miles each side of the Jacksonville TACAN 077° radial, extending from the 5-mile radius zone to 7 miles E of the TACAN, and within 2 miles each side of the Jacksonville TACAN 242° radial, extending from the 5-mile radius zone to 7.5 miles SW of the TACAN.

London, Ky.
Within a 5-mile radius of the center 37°05'20" N., 84°04'27" W. of Corbin-London Memorial Airport, London, Ky., and within 2 miles each side of the London VOR 205° radial extending SW from the 5-mile radius zone for 5 miles.

Long Beach, Calif.
Within a 5-mile radius of Long Beach Municipal Airport (latitude 33°49'07" N., longitude 118°09'04" W.) within a 5-mile radius of NAS Los Alamitos, Calif. (latitude 33°47'30" N., longitude 118°02'50" W.); within 2 miles each side of the Long Beach ILS localizer NW course, extending from the Long Beach 5-mile radius zone to 5 miles NW of the localizer, excluding the portion within a 1-mile radius of Sunset Beach, Calif. Airport (latitude 33°43'08" N., longitude 118°02'13" W.).

Longview, Tex.
That airspace within a 5-mile radius of Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 5-mile radius zone to 7 miles NW of the VORTAC, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 5-mile radius zone to 9 miles southeast of the VORTAC, within 2 miles each side of the Gregg County ILS localizer NW course extending from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each side of the Gregg County ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

AMENDMENTS 1/9/69 33 F. R. 1710[illegible] (Changed)

Los Angeles, Calif. (Hawthorne Municipal Airport)
Within a 3-mile radius of the Hawthorne Municipal Airport (latitude 33°55'20" N., longitude 118°20'05" W.), and within 2 miles on each side of the Los Angeles VOR 096° radial extending from the 3-mile radius zone to 4 miles E. of the lift-off end of Runway 7, excluding the portion N. of latitude 33°55'30" N. and W. of longitude 118°21'40" W., effective from 0700 to 2300 hours, local time, daily.

Los Angeles, Calif. (Los Angeles International Airport)
Within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'25" N., longitude 118°24'10" W.); within a 3-mile radius of the Hawthorne Municipal Airport, Los Angeles, Calif. (latitude 33°55'20" N., longitude 118°20'05" W.); within 2 miles each side of the Los Angeles Runway 25L ILS localizer east course, extending from the 5-mile radius zone to the Lima OM; within 2 miles each side of the Los Angeles VOR 096° radial, extending from the Hawthorne 3-mile radius zone to 4 miles E of the lift-off end of Hawthorne Municipal Airport Runway 7, excluding the portion N of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W., and excluding the portion within the Hawthorne Municipal Airport control zone.

AMENDMENTS 5/30/68 33 F. R. 7874 (Changed)

Louisville, Ky.
Within a 5-mile radius of Standiford Field, Louisville, Ky., (Lat. 38°10'33" N, Long. 85°44'12" W); within a 5-mile radius of Bowman Field, Louisville, Ky., (Lat. 38°13'40" N, Long. 85°39'45" W); within 2 miles either side of the Standiford Field ILS localizer NE course, extending from the Standiford 5-mile radius zone to the INT of the localizer NE course and the Louisville VORTAC 328° radial; within 2 miles either side of the Standiford Field ILS localizer SW course, extending from the Standiford 5-mile radius zone to the OM; within 2 miles either side of the Louisville VORTAC 301° radial, extending from the Standiford 5-mile radius zone to the VORTAC, and within 2 miles either side of the Louisville VORTAC 331° radial, extending from the Bowman Field 5-mile radius zone to the VORTAC.

Lubbock, Tex. (West Texas Air Terminal of Lubbock)
That airspace within a 5-mile radius of West Texas Air Terminal of Lubbock (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 123° radial, extending from the Lubbock 5-mile radius zone to the VORTAC; within 2 miles each side of the Lubbock VORTAC 124° and 116° radials, extending from the Lubbock 5-mile radius zone to 11.5 miles southeast of the VORTAC; and within 2 miles each side of the Lubbock ILS localizer north course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 10/21/68 33 F. R. 15989 (Changed)

Lubbock, Tex. (Reese AFB)
That airspace within a 5-mile radius of Reese AFB, Tex. (latitude 33°35'56" N., longitude 102°02'36" W.); within 2 miles each side of the Lubbock VORTAC 227° radial extending from the Reese AFB 5-mile radius zone to the VORTAC, within 2 miles each side of the Reese AFB TACAN 016° radial extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, within 2 miles each side of the Reese AFB ILS localizer north course extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, and within 2 miles each side of the Reese AFB TACAN 167° radial extending from the 5-mile radius zone to 9.5 miles south of the TACAN, excluding that portion which lies within the West Texas Air Terminal of Lubbock control zone. This control zone is effective during the dates and times published in the Airman's Information Manual.

AMENDMENTS 4/25/68 33 F. R. 3266 (Rewritten); 10/21/68 33 F. R. 15989 (Changed)

Lufkin, Tex.
That airspace within a 5-mile radius of Angelina County Airport (latitude 31°14'05" N., longitude 94°45'00" W.), within 2 miles each side of the Lufkin VOR 337° radial extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the 153° bearing from the Lufkin DF station (latitude 31°13'57" N., longitude 94°45'15" W.) extending from the 5-mile radius zone to 8 miles SE of the DF station.

Lynchburg, Va.
Within a 5-mile radius of the center 37°19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport, Lynchburg, Va., excluding the airspace within 1-mile radius of the center 37°22'00" N., 79°07'00" W. of Falwell Airport, Lynchburg, Va., and within 2 miles each side of the ILS localizer SW course extending SW from the 5-mile radius zone for 1 mile. This control zone is effective from 0700 to 2400 hours, local time, daily.

MacDill AFB, Fla.
Within a 5-mile radius of MacDill AFB (latitude 27°51'00" N., longitude 82°30'25" W.); within a 3-mile radius of Peter O. Knight Airport (latitude 27°54'55" N., longitude 82°27'05" W.); within 2 miles each side of the MacDill TACAN, 216° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN, excluding the portion within the Tampa (International Airport) control zone.

AMENDMENTS 2/6/69 33 F. R. 18477 (Rewritten)

Macon, Ga.
Within a 5-mile radius of Lewis B. Wilson Airport, Macon, Ga. (latitude 32°41'35" N., longitude 83°38'50" W.); within a 5-mile radius of the Robins AFB, Macon, Ga. (latitude 32°38'30" N., longitude 83°35'35" W.); within 2 miles each side of the Macon VORTAC 316° radial extending from the Lewis B. Wilson airport 5-mile radius zone to 8 miles NW of the VORTAC; within 2 miles each side of the Macon VORTAC 325° radial extending from the Lewis B. Wilson airport 5-mile radius zone to 8 miles NW of the VORTAC; within 2 miles each side of the Macon VORTAC 140° radial, extending from the Robins AFB 5-mile radius zone to 13 miles SE of the VORTAC; and within 2 miles each side of the Robins AFB ILS localizer SE course, extending from the Robins AFB 5-mile radius zone to 7 miles SE of the airport.

AMENDMENTS 7/15/68 33 F. R. 10280 (Changed); 1/9/69 33 F. R. 19077 (Changed)

Madison, Wis.
Within a 5-mile radius of Truax Field (latitude 43°08'15" N., longitude 89°20'10" W.); within 2 miles each side of the Madison ILS localizer south course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Madison VOR 134° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Madison VOR 320° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR; and within 2 miles each side of the Madison VOR 359° radial, extending from the 5-mile radius zone to 7 miles north of the VOR.

AMENDMENTS 10/17/68 33 F. R. 12136 (Rewritten)

Manchester, N. H.
Within a 5-mile radius of the center, 42°55'55" N., 71°26'20" W. of Grenier Field, Manchester, N. H.; within 2 miles each side of the 157° bearing from the Manchester RBN (42°52'12" N., 71°23'52" W.); extending from the 5-mile radius zone to 8 miles south of the RBN; within 2 miles each side of the Manchester VOR 141° and 321° radials extending from the 5 mile radius zone to 8 miles SE of the VOR; within 2 miles each side of the Manchester VOR 325° radial extending from the 5-mile radius zone to 13 miles NW of the VOR.

Manhattan, Kans.
Within a 5-mile radius of the Manhattan, Kans., Municipal Airport (latitude 39°08'35" N., longitude 96°40'05" W.), and within 2 miles each side of the Manhattan VOR 046° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Manhattan VOR 147° radial, extending from the 5-mile radius zone to 11 miles SE of the VOR, and within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN, excluding the Fort Riley, Kans., control zone and the portion within R-3602. The control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Manitowoc, Wis.
Within a 5-mile radius of Manitowoc, Wis., Municipal Airport (latitude 44°07'30" N., longitude 87°40'45" W.), within 2 miles each side of the Manitowoc VOR 343° radial extending from the 5-mile radius zone to 8 miles north of the VOR, and within 2 miles each side of the Manitowoc VOR 176° radial extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

Mankato, Minn.
Within a 5-mile radius of the Mankato Municipal Airport (latitude 44°08'44" N., longitude 93°59'04" W.) and within 2 miles each side of the Mankato VOR 149° radial extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone shall be effective during the specific dates and/or times established in advance by a notice to airmen and continuously published in the Airman's Information Manual.

Mansfield, Ohio
Within a 5-mile radius of the Mansfield Lahm Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.).

AMENDMENTS 3/22/68 33 F. R. 4872 (Changed)

Marion, Ill.
Within a 5-mile radius of the Williamson County Airport (latitude 37°45'15" N., longitude 89°00'40" W.), within 2 miles each side of the Marion VOR 014° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles each side of the Marion VOR 209° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Marion, Ind.
Within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155° and 211° radials extending from the 5-mile radius zone to 8 miles northeast, southeast, and southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.
AMENDMENTS 2/1/68 32 F. R. 17426 (Rewritten)

Marquette, Mich. (K. I. Sawyer AFB)
Within a 5-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer S course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the K. I. Sawyer TACAN 015° radial extending from the 5-mile radius zone to 8 miles N of the TACAN.

Marquette, Mich. (Marquette County Airport)
Within a 5-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 2 miles each side of the Marquette VOR 084° and 250° radials, extending from the 5-mile radius zone to 8 miles E and W of the VOR.

Martha's Vineyard, Mass.
Within a 4-mile radius of Martha's Vineyard Airport (latitude 41°23'35" N., longitude 70°36'50" W.); within 2 miles each side of the Martha's Vineyard VOR 055° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the 040° bearing from the Martha's Vineyard RBN, extending from the 4-mile radius zone to 8 miles NE of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Martinsburg, Pa.
Within a 5-mile radius of the center, 40°17'45" N., 78°19'10" W., of Blair County Airport, Martinsburg, Pa., within 2 miles each side of the centerline of runway 2 extended from the 5-mile radius zone to 6.5 miles north of the end of the runway; and within 2 miles each side of the centerline of runway 20 extended from the 5-mile radius zone to 9 miles south of the end of the runway.

Martinsburg, W. Va.
Within a 5-mile radius of the center, 39°24'05" N., 77°59'00" W., of Martinsburg Airport, Martinsburg, W. Va.

Marysville, Calif. (Beale AFB)
Within a 5-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.), within 2 miles each side of the Beale VOR 162° radial, extending from the 5-mile radius zone to 4 miles south of the VOR, and within 2 miles each side of the Beale TACAN 347° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN.

Marysville, Calif. (Yuba County Airport)
Within a 5-mile radius of Yuba County Airport (latitude 39°05'50" N., longitude 121°34'00" W.); within 2 miles each side of the Marysville VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR and within 2 miles each side of the Marysville VOR 343° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, excluding the portion within the Beale AFB control zone.

Mason City, Iowa
Within a 5-mile radius of Mason City, Iowa, Municipal Airport (latitude 43°09'31" N., longitude 93°19'39" W.); and within 2 miles each side of the Mason City VOR 002° radial extending from the 5-mile radius zone to 10 miles N of the VOR.

Massena, N. Y.
Within a 5-mile radius of the center, 44°56'10" N., 74°50'50" W., of Richards Field, Massena, N. Y.; within 2 miles each side of the Massena VOR 284° radial extending from the 5-mile radius zone to the VOR excluding the airspace within Canada.

Mattoon, Ill.
Within a 5-mile radius of Coles County Memorial Airport (latitude 39°28'45" N., longitude 88°17'05" W.); within 2 miles each side of the Mattoon VOR 060° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the Mattoon VOR 229° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; and 2 miles each side of the 128° bearing from Coles County Memorial Airport, extending from the 5-mile radius zone to 8 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual

AMENDMENTS 4/25/68 33 F. R. 3508 (Rewritten)

Mayport, Fla. (NS Mayport)
Within a 5-mile radius of NS Mayport (latitude 30°23'30" N., longitude 81°25'25" W.); within 2 miles each side of the Navy Mayport TACAN 041° radial, extending from the 5-mile radius zone to 6 miles northeast of the TACAN; and within 2 miles each side of the 057° bearing from the Navy Mayport RBN (latitude 30°23'36" N., longitude 81°25'34" W.), extending from the 5-mile radius zone to 8 miles northeast of the RBN.

AMENDMENTS 7/25/68 33 F. R. 6913 (Rewritten)

McAlester, Okla.
Within a 5-mile radius of McAlester Municipal Airport (Lat. 34°53'05" N, Long. 95°46'55" W).

McAllen, Tex.
That airspace within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.), within 2 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 8 miles E of the VOR, within 2 miles each side of the McAllen VOR 322° and 324° radials extending from the 5-mile radius zone to 8 miles NW of the VOR, within 2 miles each side of the 320° bearing from latitude 26°12'29" N., longitude 98°16'15" W., extending from the 5-mile radius zone to 8 miles NW of latitude 26°12'29" N., longitude 98°16'15" W., and within 2 miles each side of the 309° bearing from latitude 26°10'41" N., longitude 98°14'05" W., extending from the 5-mile radius zone to 8 miles NW of latitude 26°10'41" N., longitude 98°14'05" W., excluding the portion outside of the United States.

AMENDMENTS 9/19/68 33 F. R. 12178 (Changed)

McComb, Miss.
Within a 3-mile radius of the McComb-Pike County Airport (latitude 31°15'15" N., longitude 90°28'15" W.) and within 2 miles each side of the McComb VORTAC 254° radial, extending from the 3-mile radius zone to the VORTAC.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

McCook, Nebr.
That airspace within a 5-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 2 miles each side of the 120° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles southeast of the airport; and within 2 miles each side of the 324° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

McGrath, Alaska
Within a 5-mile radius of McGrath Airport (latitude 62°57'05" N., longitude 115°36'10" W.); within 2 miles W of the McGrath VORTAC 003° radial to within 2 miles E of the McGrath VORTAC 008° radial extending from the 5-mile radius zone along the McGrath VORTAC 005° radial to 13 miles N of the VORTAC; and within 3 miles SW and 2 miles NE of the McGrath RR SE course extending from the 5-mile radius zone to 8 miles SE of the RR.

Medford, Oreg.
That airspace within a 5-mile radius of the Medford-Jackson County Airport (latitude 42°22'15" N., longitude 122°52'20" W.), and within 2 miles W and 3 miles E of the Medford ILS localizer N course, extending from the 5-mile radius zone to 3 miles N of the OM.

Melbourne, Fla.
Within a 5-mile radius of Cape Kennedy Regional Airport (latitude 28°06'05" N., longitude 80°38'40" W.); within 2 miles each side of the 267° bearing from the Melbourne RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 2 miles each side of the Melbourne VOR 100° radial, extending from the 5-mile radius zone to 8 miles east of the VOR; within 2 miles each side of the Melbourne VOR 262° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; excluding that portion which coincides with the Cocoa, Fla. (Patrick AFB), control zone.

AMENDMENTS 5/23/68 33 F. R. 7351 (Changed)

Memphis, Tenn. (Metropolitan Airport)
Within a 5-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the extended centerline of Runway 3, extending from the 5-mile radius zone to 5.5 miles northeast of the airport; within 2 miles each side of the Runway 9 ILS localizer east course, extending from the 5-mile radius zone to 6 miles east of the airport; within 2 miles each side of the Runway 35 ILS localizer south course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Memphis VORTAC 349° radial, extending from the 5-mile radius zone to the VORTAC; excluding the portion within a 1-mile radius of the Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

Memphis, Tenn. (NAS)
Within a 5-mile radius of NAS Memphis (latitude 35°21'15" N., longitude 89°52'10" W.); within 2 miles each side of the NAS Memphis TACAN 035° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the NAS.

Menominee, Mich.
Within a 5-mile radius of Menominee County Airport (latitude 45°07'25" N., longitude 87°38'20" W.) within 2 miles each side of the Menominee VOR 351° radial, extending from the 5-mile radius zone to 8 miles N of the VOR and within 2 miles each side of the 320° bearing from the Menominee County Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Merced, Calif.
Within a 5-mile radius of Castle Air Force Base, Merced, Calif. (latitude 37°22'45" N., longitude 120°34'00" W.); within a 5-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.); and within 2 miles each side of the Castle TACAN 310° radial, extending from the Castle 5-mile radius circle to 6 miles NW of the TACAN.

Meridian, Miss. (Key Field)
Within a 5-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 2 miles each side of the Meridian ILS localizer south course, extending from the 5-mile radius zone to the Meridian RBN; within 2 miles each side of the Meridian VORTAC 135° radial, extending from the 5-mile radius zone to 13 miles southeast of the VORTAC; within 2 miles each side of the Meridian VORTAC 155° radial, extending from the 5-mile radius zone to 13.5 miles southeast of the VORTAC; within 2 miles each side of the Meridian VORTAC 310° radial, extending from the 5-mile radius zone to 6 miles northwest of the airport.

AMENDMENTS 2/29/68 33 F. R. 67 (Rewritten)

Meridian, Miss. (NAAS Meridian)
Within a 5-mile radius of NAAS Meridian (latitude 32°33'27" N., longitude 88°33'33" W.); within 2 miles each side of Navy McCain TACAN 360° radial extending from the 5-mile radius zone to 7 miles N of the TACAN; within 2 miles each side of the Navy McCain TACAN 069° radial extending from the 5-mile radius zone to 7 miles E of the TACAN; within 2 miles each side of Runway 18L centerline extending from the 5-mile radius zone to 6 miles N of the airport; within 2 miles each side of Runway 27 centerline extending from the 5-mile radius zone to 6 miles E of the airport; within 2 miles E and 1 mile W of Runway 36L centerline extending from the 5-mile radius zone to 6 miles S of the airport.

Miami, Fla. (International Airport)
Within a 5-mile radius of Miami International Airport (latitude 25°47'35" N., longitude 80°17'10" W.); within 2 miles each side of the Miami VORTAC 139° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 2 miles each side of the Miami Runway 9L ILS localizer west course, extending from the 5-mile radius zone to the Runway 9L LOM; and within 2 miles each side of the Miami Runway 27L ILS localizer west course, extending from the 5-mile radius zone to the intersection of the runway 27L ILS localizer west course and the Miami VORTAC 161° radial.

AMENDMENTS 3/15/68 33 F. R. 4367 (Changed); 7/25/68 33 F. R. 9706 (Rewritten)

Miami, Fla. (Opa Locka Airport)
Within a 5-mile radius of Opa Locka Airport (latitude 25°54'25" N., longitude 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 5-mile radius zone to 5.5 miles east of the VORTAC; excluding the portion which coincides with the Miami (International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter by continuously published in the Airman's Information Manual.

AMENDMENTS 7/25/68 33 F. R. 9706 (Added)

Miami, Fla. (Tamiami Airport)
Within a 5-mile radius of the Tamiami Airport, Fla. (latitude 25°38'49" N., longitude 80°25'59" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/15/68 33 F. R. 4367 (Changed)

Midland, Tex.
Within a 5-mile radius of Midland-Odessa Ragional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), and within 2 miles each side of the Midland ILS localizer NW course, extending from the 5-mile radius zone to 7 miles NW of the airport.

Midway Island
Within a 5-mile radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); within 2 miles each side of the Midway RBN 244° bearing, extending from the 5-mile radius zone to 11 miles SW of the RBN; within 2 miles each side of the Midway TACAN 232° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN, and within 2 miles each side of the Midway TACAN 168° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN.

Miles City, Mont.
Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 2 miles each side of the 252° bearing from the Miles City RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 2 miles each side of the Miles City VORTAC 225° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC; and within 2 miles each side of the Miles City VORTAC 057° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC.

Millinocket, Maine.
Within a 5-mile radius of the center 45°38'50" N., 68°41'10" W. of Millinocket Airport; within 2 miles each side of a 094° bearing from the Millinocket Radio Beacon extending from the 5-mile radius zone to 7 miles E. of the radio beacon; and within 2 miles each side of the Millinocket VOR 298° radial extending from the 5-mile radius zone to the VOR.

Millville, N. J.
Within a 5-mile radius of the center, 39°22'00" N., 75°04'45" W. of Millville Municipal Airport, Millville, N. J.

AMENDMENTS 2/29/68 33 F. R. 688 (Changed)

Milton, Fla.
Within a 5-mile radius of NAAS Whiting (North), Milton, Fla. (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the Whiting VOR 140° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the Whiting TACAN 309° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Milwaukee, Wis. (General Mitchell Field)
Within a 5-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.) and within 2 miles each side of the Milwaukee ILS localizer S course, extending from the 5-mile radius to the OM; and within 2 miles each side of the Milwaukee No. 2 ILS localizer W course, extending from the 5-mile radius zone to the OM.

Milwaukee, Wis. (Timmerman Airport)
Within a 5-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.); within 2 miles each side of the Timmerman VOR 336° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR; and within 2 miles each side of the Timmerman VOR 214° radial, extending from the 5-mile zone to 6 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Minchumina, Alaska
Within a 5-mile radius of the Minchumina Airport (Lat. 63°52'55" N, Long. 152°18'39" W) and within 2 miles either side of the Minchumina RR SE course, extending from the 5-mile radius zone to 12 miles SE of the RR, from 0745 to 1545 hours, local time, daily.

Mineral Wells, Tex.
That airspace within a 5-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°03'35" W.) S of latitude 32°48'00" N.; within a 3-mile radius of Mineral Wells Airport N of latitude 32°48'00" N.; within 2 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 5-mile radius zone to 7 miles SE of the RBN; within 2 miles each side of the Mineral Wells VORTAC 137° and 317° radials, extending from the 5-mile radius zone to 7 miles SE of the VORTAC, and within 2 miles each side of the extended centerline of Runways 13-31 extending from the airport to 3.5 miles NW.

Minneapolis, Minn.
Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front and back courses, extending from the 5-mile radius zone to the MS-OM and to 16 miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front and back courses, extending from the 5-mile radius zone to the AP-OM and to 12 miles northeast of the AP-OM; within 2 miles each side of the 301° bearing from the MS-OM, extending from the 5-mile radius zone to the MS-OM; and within 2 miles each side of the 304° bearing from the MS-OM, extending from the 5-mile radius zone to 14 miles northwest of the MS-OM.

AMENDMENTS 2/6/69 33 F. R. 17890 (Rewritten); Corr: 33 F. R. 18982

Minneapolis, Minn. (Crystal Airport)
Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'20" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Minneapolis, Minn. (Flying Cloud Airport)
That airspace within a 5-mile radius of Flying Cloud Airport latitude 44°49'30" N., longitude 93°27'45" W.); and within 2 miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7 miles west of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Minot, N. Dak. (International Airport)
Within a 5-mile radius of Minot International Airport (latitude 48° 15' 45" N., longitude 101° 16' 50" W.), within 2 miles each side of the Minot VORTAC 097° radial, extending from the 5-mile radius zone to 8 miles E of the VORTAC, within 2 miles each side of the Minot VORTAC 129° radial extending from the 5-mile radius zone to 12 miles SE of the VORTAC, and within 2 miles each side of the Minot VORTAC 260° radial extending from the 5-mile radius zone to 8 miles W of the VORTAC.

Minot, N. Dak. (Minot AFB)
Within a 5-mile radius of Minot AFB (latitude 48° 24' 56" N., longitude 101° 21' 26" W.), within 2 miles each side of the Minot AFB ILS localizer SE course extending from the 5-mile radius zone to the LOM, within 2 miles each side of the Minot AFB TACAN 119° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles each side of the Minot AFB TACAN 307° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN.

Miramar, Calif.
Within a 5-mile radius of NAS Miramar (Lat. 32°52'30" N, Long. 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the area S of Lat. 32°49'30" N.

Missoula, Mont.
Within a 5-mile radius of Johnson-Bell Airport (latitude 46°55'00" N., longitude 114°05'15" W.).

AMENDMENTS 9/9/68 33 F. R. 14587 (Rewritten)

Mitchell, S. Dak.
Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'30" N., longitude 98°02'25" W.); within 2 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 2 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR. This control zone is effective during the specific times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Mobile, Ala. (Bates Field)
Within a 5-mile radius of Bates Field (latitude 30° 41' 17.7" N., longitude 88° 14' 26.6" W.); within 2 miles each side of the Mobile VORTAC 113° radial extending from the 5-mile radius zone to 2 miles SE of the VORTAC.

Mobile, Ala. (Brookley AFB)
Within a 5-mile radius of Brookley AFB (latitude 30°37'08.5" N., longitude 88°03'57.2" W.); within 2 miles each side of the Brookley VORTAC 149° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC, effective from 0800 to 2400 hours, local time, daily.

AMENDMENTS 2/29/68 33 F. R. 138 (Changed); 1/9/69 33 F. R. 17101 (Rewritten)

Modesto, Calif.
Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif. (latitude 37°37'35" N., longitude 120°57'15" W.); within 2 miles each side of the Modesto VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Modesto VOR 119° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective from 0600 to 2200 hours local time daily.
AMENDMENTS 10/5/68 33 F. R. 12543 (Rewritten); Corr: 33 F. R. 14161

Moline, Ill.
Within a 5-mile radius of the Quad City Airport (latitude 41° 26' 55" N., longitude 90° 30' 30" W.), within 2 miles each side of the Quad City ILS localizer W course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Quad City ILS localizer E course, extending from the 5-mile radius zone to the INT of the Quad City ILS localizer E course and the Cordova, Ill., 199° radial.

Molokai, Hawaii
Within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius zone to 3½ miles west of the VORTAC, from 0700 to 1200 hours and from 1400 to 1800 hours local time daily.

Monroe, La.
That airspace within a 5-mile radius of Selman Field, Monroe, La. (latitude 32°30'30" N., longitude 92°02'20" W.).

Montague, Calif.
Within a 5-mile radius of Siskiyou County Airport (latitude 41°46'55" N., longitude 122°28'00" W.); within 2 miles each side of the Siskiyou TACAN 194° radial, extending from the 5-mile radius zone to 7 miles south of the TACAN; and within 2 miles each side of the Siskiyou TACAN 014° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN, excluding the airspace within a 1-mile radius of Montague-Yreka Airport (latitude 41°43'50" N., longitude 122°32'45" W.).

Monterey, Calif.
Within a 5-mile radius of the Monterey Peninsula Airport (latitude 36°35'20" N., longitude 121°51'00" W.), and within 2 miles each side of the 317° bearing from the Monterey ILS LMM, extending from the 5-mile radius zone to 7 miles NW of the LMM, excluding the portion within the Fort Ord, Calif., control zone.

Montgomery, Ala.
Within a 5-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within a 5-mile radius of Maxwell AFB (latitude 32°22'48" N., longitude 86°21'55" W.); within 2 miles each side of the Dannelly Field ILS localizer W course extending from the Dannelly Field 5-mile radius zone to 1 mile E of the OM; within 2 miles each side of the Montgomery VORTAC 321° radial extending from the Dannelly Field 5-mile radius zone to 1 mile NW of the VORTAC; within 2 miles each side of the Montgomery VORTAC 311° radial, extending from the Dannelly Field 5-mile radius zone to 14.5 miles northwest of the VORTAC; within 2 miles each side of the Maxwell AFB VOR 148° radial extending from the Maxwell AFB 5-mile radius zone to 7 miles NW of Maxwell AFB; within 2 miles each side of the Maxwell AFB TACAN 333° radial extending from the Maxwell AFB 5-mile radius zone to 6.5 miles NW of the TACAN; within 2 miles each side of the Montgomery VORTAC 345° radial extending from the Maxwell AFB 5-mile radius zone to 10 miles S of Maxwell AFB.

AMENDMENTS 6/20/68 33 F. R. 6532 (Changed)

Montpelier, Vt.
Within a 5-mile radius of the center, 44°12'15" N., 72°33'45" W., of Barre-Montpelier Airport, Montpelier, Vt.; within 2 miles each side of the Montpelier VOR 160° radial extending from the 5-mile radius zone to 8 miles south of the VOR within 2 miles each side of the centerline of Runway 23 extended from the 5-mile radius zone to 8 miles southwest of the end of Runway 23.

Montrose, Colo.
That airspace within a 5-mile radius of the Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.), and within 2 miles each side of the Montrose, Colo., VOR 313° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/22/68 33 F. R. 8732 (Added)

Morgantown, W. Va.
Within a 5-mile radius of the center of Morgantown Airport, Morgantown, W. Va.; 39°38'28" N., 79°54'59" W. and within 2 miles each side of the Morgantown VOR 332° radial extending southerly from the 5-mile radius to the VOR; within 2 miles each side of the 168° bearing from the Morgantown RBN extending northerly from the 5-mile radius zone to the RBN; within 2 miles each side of the centerline of Runway 18 extended south for 8.5 miles from the end of the runway.

Morristown, N. J.
Within a 5-mile radius of Morristown Airport (latitude 40°47'50" N., longitude 74°25'05" W.) excluding that portion within a 1-mile radius of Hanover Airport, Hanover, N. J. (latitude 40°50'20" N., longitude 74°20'45" W.); and within 2 miles each side of the 204° bearing from the Chatham, N. J. RBN, extending from the 5-mile radius zone to 7 miles SW of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

Moultrie, Ga.
Within a 5-mile radius of Moultrie-Thomasville Airport (latitude 31°04'58" N., longitude 83°48'15" W.); within 2 miles each side of the Moultrie VOR 230° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; within 2 miles each side of the Moultrie VOR 199° radial, extending from the 5-mile radius zone to 11.5 miles south of the VOR; within a 5-mile radius of Spence AF Auxiliary Field (latitude 31°08'26" N., longitude 83°42'24" W.), effective from 0700 to 2245, local time, daily.

AMENDMENTS 6/20/68 33 F. R. 8533 (Added)

Mountain Home, Idaho
Within a 5-mile radius of Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.); within 2 miles each side of the extended centerline of Runway 12, extending from the 5-mile radius zone to 7.5 miles SE of the SE end of Runway 12; within 2 miles each side of the extended centerline of Runway 30, extending from the 5-mile radius zone to 7.5 miles NW of the NW end of Runway 30; within 2 miles each side of the Mountain Home TACAN 129° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN, and within 2 miles each side of the Mountain Home TACAN 321° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Mountain View, Calif., (Moffett Field NAS)
Within a 5-mile radius of Moffett Field NAS (latitude 37°24'55" N., longitude 122°02'50" W.), within a 1-mile radius of San Mateo County Airport of Palo Alto, Calif. (latitude 37°27'40" N., longitude 122°06'50" W.), within 2.5 miles SW and 2 miles NE of the Moffett TACAN 157° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles each side of the San Jose VOR 325° radial, extending from the VOR to 8 miles NW of the VOR excluding the portion SE of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

Mt. Clemens, Mich.
Within a 5-mile radius of Selfridge AFB, Mt. Clemens, Mich.) (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 2 miles each side of the Selfridge AFB ILS localizer N and S courses, extending from the 5-mile radius zone to 8 miles N and 8 miles S of Selfridge AFB, and within 2 miles each side of the Selfridge AFB TACAN 353° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN.

Muncie, Ind.
Within a 5-mile radius of Delaware County Airport, Muncie, Ind. (latitude 40°14'26" N., longitude 85°23'43" W.); and within 2 miles each side of the Muncie VOR 125° and 320° radials extending from the 5-mile radius zone to 8 miles SE and NW of the VOR from 0700 to 2300 hours local time daily.

Muscle Shoals, Ala.
Within a 5-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

Muskegon, Mich.
Within a 5-mile radius of Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.); within 2 miles each side of the Muskegon ILS localizer northwest course, extending from the 5-mile radius zone to 11 miles northwest of the OM; and within 2 miles each side of the Muskegon VORTAC 271° radial extending from the 5-mile radius zone to the VORTAC.

Myrtle Beach, S. C.
Within a 5-mile radius of Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within 2 miles each side of the Myrtle Beach VORTAC 054° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC; within 2 miles each side of the Myrtle Beach VORTAC 220° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC. This control zone is effective during specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Myrtle Beach AFB, S. C.
Within a 5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.); within 2 miles each side of the Conway TACAN 160° and 355° radials, extending from the 5-mile radius zone to 8 miles S and 8 miles N of the TACAN; within 2 miles each side of the 167° bearing from the Conway RBN, extending from the 5-mile radius zone to the RBN.

Nantucket, Mass.
Within a 4-mile radius of Nantucket Memorial Airport, Nantucket, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.), and within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR.

Napa, Calif.
Within a 3-mile radius of Napa County Airport (latitude 38°12'55" N., longitude 122°16'45" W.), from 0700 to 2300 hours, local time, daily.

Nashville, Tenn.
Within a 5-mile radius of the Nashville Metropolitan Airport (latitude 36°07'36" N., longitude 86°40'58" W.); within 2 miles each side of the Nashville ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Nashville VORTAC 315° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Nashville ILS localizer north course, extending from the 5-mile radius zone to 8 miles north of the Nashville VORTAC 333° radial, excluding that airspace within a 1-mile radius of Cornelia Fort Airpark Airport (latitude 36°11'28" N., longitude 86°41'53" W.) that is west of a line 2 miles west of and parallel to the Nashville ILS north course Monday through Friday, except Federal legal holidays.

Needles, Calif.
Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.), and within 2 miles each side of the Needles VORTAC 272° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.

Nenana, Alaska
Within a 5-mile radius of the Nenana Airport (latitude 64°32'50" N., longitude 149°04'35" W.); and within 2 miles each side of the Nenana RR SE course extending from the 5-mile radius zone to 8 miles SE of the RR. This control zone is effective from 0600 Sunday through 2200 Friday and from 0600 through 2200 Saturday, local time, or during the specific days and times established in advance by Notice to Airman. The effective times will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

AMENDMENTS 5/23/68 33 F. R. 6913 (Changed)

Newark, N. J.
Within a 5-mile radius of Newark Airport (latitude 40°41'35" N., longitude 74°10'15" W.); within 2.5 miles W and 2 miles E of the Newark localizer SW course, extending from the 5-mile radius zone to 1.5 miles SW of the OM; within 2 miles each side of the Newark localizer NE course, extending from the 5-mile radius zone to the Teterboro Airport (latitude 40°51'05" N., longtiude 74°03'40" W.) 5-mile radius zone; and within 2 miles each side of the 254° bearing from the lift-off end of Runway 29, extending from the 5-mile radius zone to 5 miles SW of the runway.

New Bedford, Mass.
Within a 5-mile radius of the New Bedford Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.). This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a NOtice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

New Bern, N. C.
Within a 5-mile radius of the Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); within 2 miles each side of the New Bern VOR 221° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR.

PENDING AMENDMENT
The New Bern, N. C., control zone is amended as follows: "longitude 77°02'35" W." is deleted and "longitude 77°02'38" W." is substituted therefor.
AMENDMENTS 4/3/69 34 F. R. 1010 (Changed)

Newburgh, N. Y.
Within a 5-mile radius of the center, 41°30'34" N., 74°05'44" W. of Stewart AFB, Newburgh, N. Y., and within 2 miles south of the Stewart TACAN 253° radial clockwise to 2 miles N of the Stewart TACAN 283° radial extending from the 5-mile radius zone to 7 miles W of the TACAN and within 2 miles each side of the Stewart TACAN 088° radial extending from the 5-mile radius zone to 9 miles E of the TACAN.

New Haven, Conn.
Within a 4-mile radius of the center, 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 2 miles each side of the centerline of Runway 2 extended from the 4-mile radius zone to 4 miles north of the end of the runway; and within 2 miles each side of the New Haven VOR 192° radial extending from the 4-mile radius zone to 7 miles south of the VOR. This control zone is effective from 0700 to 1700 hours, local time, daily and during specific dates and times established in advance by a Notice to Airmen.

AMENDMENTS 3/9/68 33 F. R. 4366 (Changed)

New Orleans, La. (New Orleans Airport)
Within a 5-mile radius of New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.). excluding the portion W of longitude 90°04'03" W.

New Orleans, La. (New Orleans International Airport-Moisant Field).
Within a 5-mile radius of New Orleans International Airport (latitude 29°59'25" N., longitude 90°15'15" W.); within 2 miles each side of the New Orleans ILS localizer W course extending from the 5-mile radius zone to 2 miles E of the LOM; within 2 miles each side of the New Orleans VORTAC 085° radial extending from the VORTAC to 7 miles E; within 2 miles each side of the New Orleans VORTAC 243° and 063° radials extending from the 5-mile radius zone to 1 mile NE of the VORTAC, excluding that portion E of longitude 90°04'03" W.

New Orleans, La. (NAS New Orleans-Alvin Callender Field)
That airspace within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); within 2 miles each side of the 241° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN, within 2 miles each side of the 131° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles each side of the Harvey VOR 053° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

Newport News, Va.
Within a 5-mile radius of Patrick Henry Airport, Newport News, Va., (latitude 37°07'47" N., longitude 76°29'46" W.), and within 2 miles each side of the Patrick Henry Airport ILS localizer SW course, extending from the 5-mile radius zone to 7 miles SW of the OM, excluding the portion within the Hampton Roads, Va., control zone.

New York, N. Y. (La Guardia Airport)
Within a 5-mile radius of La Guardia Airport (latitude 40°46'30" N., longitude 73°52'20" W.); and within 2 miles each side of the La Guardia VOR 034° radial, extending from the 5-mile radius zone to 5.5 miles NE of the VOR, excluding the portion within the John F. Kennedy International Airport control zone.

New York, N. Y. (John F. Kennedy International Airport)
Within a 5.5-mile radius of the John F. Kennedy International Airport (latitude 40°38'20" N., longitude 73°47'10" W.); within a 5-mile radius of NAS New York, N. Y. (latitude 40°35'40" N., longitude 73°53'30" W.); within 2 miles each side of the John F. Kennedy International Airport NE localizer course, extending from the 5.5-mile radius zone to the NE OM; within 2 miles each side of the Kennedy VORTAC 037° radial, extending from the 5.5-mile radius zone to 8 miles NE of the VORTAC; within 2 miles each side of the Kennedy VORTAC 129° radial, extending from the 5.5-mile radius zone to 6 miles SE of the VORTAC; within a 9-mile radius of the John F. Kennedy International Airport, extending clockwise from a line 2 miles E of and parallel to the Kennedy VORTAC 141° radial to a line 2 miles W of and parallel to the Kennedy VORTAC 242° radial; within 2 miles each side of the John F. Kennedy International Airport SW localizer course, extending from the 5.5-mile radius zone to 8 miles SW of the OM-RBN; within 2 miles each side of the Canarsie VOR 030° radial, extending from the VOR to 4.5 miles NE of the VOR; and within 2 miles each side of the 182° bearing from the Navy N. Y. RBN, extending from the NAS N. Y. 5-mile radius zone to 8 miles S of the RBN.

Niagara Falls, N. Y.
Within a 5-mile radius of Niagara Falls International Airport (latitude 43°06'20" N., longitude 78°56'55" W.), and within 2 miles each side of Niagara Falls ILS localizer E course, extending from the 5-mile radius zone to the OM, excluding the portion outside the United States.

Nome, Alaska
Within a 5-mile radius of Nome FAA Airport (latitude 64°31' N., longitude 165°27' W.); within 2 miles each side of the Nome RR E course, extending from the 5-mile radius zone to 10 miles E of the RR; within 2 miles each side of the Nome VOR 107° and 287° radials, extending from the 5-mile radius zone to 8 miles E of the VOR.

Norfolk, Nebr.
Within a 5-mile radius of Karl Stefan Memorial Airport (latitude 41°59'05" N., longitude 97°26'10" W.); and within 2 miles each side of the Norfolk VOR 022°, 144°, 195° and 318° radials, extending from the 5-mile radius zone to 8 miles southeast, south, northwest and northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/28/68 33 F. R. 849 (Rewritten)

Norfolk, Va. (Norfolk Municipal)
Within a 5-mile radius of the center, 36°53'45" N., 76°12'15" W., of Norfolk Municipal Airport, Norfolk, Va., excluding the northwest portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (NAS Norfolk), control zone.

AMENDMENTS 12/12/68 33 F. R. 15989 (Rewritten)

Norfolk, Va. (NAS Norfolk)
Within a 5-mile radius of the center, 36°56'15" N., 76°17'15" W. of NAS Norfolk, Norfolk, Va., excluding the southeastern portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (Norfolk Municipal), control zone.

AMENDMENTS 12/12/68 33 F. R. 15989 (Rewritten)

North, S. C.
Within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

North Bend, Oreg.
Within a 5-mile radius of North Bend Municipal Airport (latitude 43°25'00" N., longitude 124°14'45" W.); within 2 miles each side of the North Bend VORTAC 044° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the 5-mile radius zone to 4.5 miles east of the VORTAC, and within 2 miles each side of a 337° bearing from the North Bend RBN extending from the 5-mile radius zone to 8 miles northwest of the RBN.

AMENDMENTS 8/22/68 33 F. R. 9466 (Rewritten)

North Philadelphia, Pa.
Within a 5-mile radius of North Philadelphia Airport (latitude 40° 04' 45" N., longitude 75° 00' 35" W.); within 2 miles each side of the North Philadelphia VOR 234° radial, extending from the 5-mile radius zone to 6 miles SW of the VOR; within 2 miles each side of the 048° bearing from the North Philadelphia RBN, extending from the 5-mile radius zone to 6 miles NE of the RBN, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Willow Grove, Pa., control zone.

North Platte, Nebr.
Within a 5-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); within 2 miles each side of the North Platte VOR 029° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 186° bearing from North Platte RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; and within 2 miles each side of the 131° bearing from Lee Bird Field, extending from the 5-mile radius zone to 10 miles southeast of the airport.

Northway, Alaska
Within a 5-mile radius of Northway Airport (latitude 62° 57' N., longitude 141° 55' W.), and within 2 miles each side of Northway RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR.

Oakland, Calif.
Within a 5-mile radius of Metropolitan Oakland International Airport (latitude 37°43'15" N., longitude 122°13'20" W.) excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the NAS Alameda, Calif., control zone; within a 5-mile radius of Hayward Air Terminal, Hayward, Calif. (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Hayward control zone when it is effective.

Oceana, Va.
Within a 5-mile radius of NAS Oceana, Va., (latitude 36°49'30" N., longitude 76°01'50" W.), within 2 miles each side of the 034° bearing from the Navy Fentress RBN, extending from the 5-mile radius zone to the RBN. within 2 miles each side of the NAS Oceana TACAN 225° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN, and within a 3-mile radius of ALF Fentress (latitude 36°41'45" N., longitude 76°08'05" W.), excluding the portion within R-6606.

AMENDMENTS 2/9/68 33 F. R. 2764 (Changed)

Ogden, Utah (Hill AFB)
Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion within the Ogden (Ogden Municipal Airport) control zone when it is effective.

Ogden, Utah (Ogden Municipal Airport)
Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion S of a line extending from latitude 41°08'10" N., longitude 112°04'00" W., to latitude 41°11'00" N., longitude 111°55'00" W., from 0600 to 2200 hours, local time, daily.

Oklahoma City, Okla. (Tinker AFB)
That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 357° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Tinker AFB TACAN 001° radial extending from the 5-mile radius zone to 9.5 miles north of the TACAN; within 2 miles each side of the Tinker AFB ILS south course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Tinker AFB VOR 187° radial extending from the 5-mile radius zone to 8 miles south of the VOR; and within 2 miles each side of the Tinker AFB TACAN 187° radial extending from the 5-mile radius zone to 6 miles south of the TACAN.

Oklahoma City, Okla. (Wiley Post Airport)
Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97° 38'40" W.), and within 2 miles each side of the Oklahoma City VORTAC 050° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion S of a line extending through latitude 35°26'33" N., longitude 97°46'21" W., and latitude 35°28'00" N., longitude 97°36'05" W.

Oklahoma City, Okla. (Will Rogers World Airport)
Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.), within 2 miles each side of the Oklahoma City ILS localizer N course, extending from the 5-mile radius zone to the Tulakes, Okla. RBN, within 2 miles SW and 3.5 miles NE of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Oklahoma City ILS localizer S course, extending from the 5-mile radius zone to the OM, excluding that portion which coincides with the Oklahoma City (Wiley Post Airport) control zone.

Olathe, Kans.
Within a 5-mile radius of NAS Olathe (latitude 38°50'00" N., longitude 94°53'30" W.), and within 2 miles each side of the 180° bearing from the Olathe RBN extending from the 5-mile radius zone to a point 12 miles S of the RBN.

Old Town, Maine.
Within a 3-mile radius of Old Town Municipal Airport (latitude 44°57'10" N., longitude 68°40'15" W.); within 2 miles each side of the Bangor VORTAC
052° radial extending from the VORTAC to the 3-mile radius zone; within 2 miles each side of the Bangor VORTAC 050° radial extending from the 3-mile radius zone to 23 miles northeast of the VORTAC; and within 2 miles each side of a 028° bearing and a 208° bearing from the Old Town, Maine, RBN, 45°00'24" N., 68°38'02" W., extending from the 3-mile radius zone to 7 miles northeast of the RBN, excluding that portion which coincides with the Bangor, Maine, control zone.

AMENDMENTS 11/14/68 33 F. R. 14587 (Changed)

Olympia, Wash.
Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'15" N., longitude 122°54'00" W.); within 2 miles each side of the Olympia VORTAC 195° radial, extending from the 5-mile radius zone to 5.5 miles S of the VORTAC, and within 2 miles each side of the Olympia VORTAC 007° radial, extending from the 5-mile radius zone to 5.5 miles N of the VORTAC.

Omaha, Nebr. (Eppley Field)
Within a 5-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); and within 2 miles each side of the Eppley Field ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the OM; and within 2 miles each side of the Eppley Field ILS localizer SE course extending from the 5-mile radius zone to 7 miles SE of the airport; and within 2 miles each side of the Omaha VORTAC 318° radial extending from the 5-mile radius zone to a point 7 miles SE of the airport.

Omaha, Nebr. (Offutt AFB)
Within a 5-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; within 2 miles each side of the Offutt AFB VOR 310° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; and within 2 miles each side of the Offutt AFB ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

Ontario, Calif.
Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer E course, extending from the 5-mile radius zone to 3 miles E of the OM, excluding the portion within a 1-mile radius of Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).

Orlando, Fla. (Herndon Municipal Airport)
Within a 5-mile radius of Orlando (Herndon) Municipal Airport (latitude 28°32'40" N., longitude 81°19'55" W.), excluding that portion S of a line connecting the two points of intersection with a 5-mile radius circle centered on McCoy AFB (latitude 28°25'55" N., longitude 81°19'15" W.); within 2 miles each side of the Orlando VORTAC 125° radial extending from the 5-mile radius zone to 7 miles SE of the VORTAC; within 2 miles each side of the Orlando
ILS localizer W course extending from the 5-mile radius zone to the Orlando LOM; within 2 miles each side of the Orlando VORTAC 317° radial extending from the 5-mile radius zone to 7 miles NW of the VORTAC; and within 2 miles each
side of the Orlando ILS localizer E course extending from the 5-mile radius zone to 7 miles E of the localizer antenna.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Orlando, Fla. (McCoy AFB)
Within a 5-mile radius of McCoy AFB, Orlando, Fla. (latitude 28°25'55" N., longitude 81°19'15" W.); within 2 miles each side of the McCoy ILS localizer S course extending from the 5-mile radius zone to the McCoy LOM; and within 2 miles each side of the McCoy TACAN 184° radial extending from the 5-mile radius zone to 7 miles S of the TACAN; excluding that portion which coincides with the Orlando, Fla. (Herndon Municipal Airport) control zone.

Oscoda, Mich.
Within a 5-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB VOR 240° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Wurtsmith AFB VOR 056° radial extending from the 5-mile radius zone to 12 miles NE of the VOR; within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN.

Oshkosh, Wis.
Within a 5-mile radius of Winnebago County Airport (latitude 43°59'20" N., longitude 88°33'15" W.); within 2 miles each side of the Oshkosh VOR 182° radial, extending from the 5-mile radius zone to 7 miles south of the VOR; within 2 miles each side of the Oshkosh VOR 275° radial, extending from the 5-mile radius zone to 7 miles west of the VOR; and within 2 miles each side of the Oshkosh ILS localizer west course, extending from the 5-mile radius zone to 5.5 miles west of the west end of runway 9. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 9/19/68 33 F. R. 12891 (Rewritten)

Ottumwa, Iowa
Within a 5-mile radius of Ottumwa Municipal Airport (Lat. 41°06'25" N, Long. 92°26'50" W) and within 2 miles either side of the Ottumwa VORTAC 309° radial extending from the 5-mile radius zone to the VORTAC.

Owensboro, Ky.
Within a 5-mile radius of the center of Owensboro-Daviess County Airport, Owensboro, Ky., 37°44'32" N., 87°09'57" W. and within 2 miles each side of the Owensboro VOR 184° radial extending southerly from the 5-mile radius zone for 8 miles from the VOR; within 2 miles each side of the Owensboro VOR 222° radial extending southwesterly from the 5-mile radius zone for 8 miles, from the VOR, said control zone effective 0600 to 2200 local time daily.

Oxnard, Calif. (Oxnard AFB)
Within a 5-mile radius of Oxnard AFB (latitude 34°12'50" N., longitude 119°05'15" W.); within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.), excluding the portion within the Oxnard, Calif. (Ventura County Airport), control zone when it is effective.

Oxnard, Calif. (Ventura County Airport)
Within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.), excluding the portion E of a line extending from latitude 34°15'35" N., longitude 119°09'15"-W., to latitude 34°09'10" N., longitude 119°08'05" W. This control zone is effective from 0600 to 2200 hours, local time, daily.

Paducah, Ky.
Within a 4-mile radius of the center 37°03'40" N., 88°46'20" W. of Barkley Field, Paducah, Ky.; and within 2 miles each side of the Paducah VOR 225° and 045° radials extending from the 4-mile radius zone to 3 miles SW of the VOR.

Palacios, Tex.
That airspace within a 5-mile radius of Palacios Municipal Airport (latitude 28°43'35" N., longitude 96°15'15" W.) and within 2 miles each side of the 323° bearing from the Palacios DF station (latitude 28°43'22" N, longitude 96°15'07" W.) extending from the 5-mile radius zone to 8 miles northwest of the DF station.

Palm Beach, Fla.
Within a 5-mile radius of Palm Beach International Airport (latitude 26°41'05" N., longitude 80°05'35" W.); within 2 miles each side of the Palm Beach VORTAC 275° radial extending from the 5-mile radius zone to 8 miles W of the VORTAC; excluding that airspace within a 1.5-mile radius of the Palm Beach County Park (Lantana) Airport (latitude 26°35'35" N., longitude 80°05'10" W.).

AMENDMENTS 2/6/69 33 F. R. 1813[illegible] (Changed)

Palmdale, Calif.
Within a 5-mile radius of AF Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118°04'54" W.), within 2 miles each side of the Palmdale VORTAC 045° radial, extending from the 5-mile radius zone to 9 miles NE of the VORTAC, and within 2 miles each side of the Palmdale VORTAC 079° radial, extending from the 5-mile radius zone to 6.5 miles E of the VORTAC, from 0600 to 2200 hours, local time, daily.

Palm Springs, Calif.
Within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), and within 2 miles each side of the Palm Springs VOR 120° and 300° radials, extending from 3.5 miles SE to 3 miles NW of the VOR. This control zone will be effective from 0600 to 2300 hours, local time, daily.

AMENDMENTS 12/12/68 33 F. R. 17233 (Change)

Panama City, Fla.
Within a 5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.), and within 2 miles each side of the Panama City VOR 310° and 059° radials, extending from the 5-mile radius zone to 8 miles northwest and northeast of the VOR. The portion within the Tyndall AFB control zone is excluded. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Paris, Tex.
That airspace within a 5-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius zone to 1 mile N of the VOR, from 1000 to 1700 hours, local time, daily.

PENDING AMENDMENT
Paris, Tex.
That airspace within a 5-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius to the VOR. The control zone shall be effective during the times established by a Notice to Airmen and published continuously thereafter in the Airman's Information Manual.

AMENDMENTS 3/6/69 34 F. R. 130 (Rewritten)

Parkersburg, W. Va.
Within a 4-mile radius of the center, 39°21'00" N., 81°26'15" W., of Wood County Airport, Parkersburg, W. Va.; and within 2 miles each side of the Parkersburg VOR 208° radial extending from the 4-mile radius zone to the VOR.

Pasco, Wash.
That airspace within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 119°06'53" W.), within 2 miles each side of the Pasco VOR 036° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles SW and 2.5 miles NE of the Pasco VOR 132° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, excluding that portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/11/68 33 F. R. 5615 (Changed)

Paso Robles, Calif.
Within a 5-mile radius of Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.).

Patuxent River, Md.
Within a 5-mile radius of the center, 38°17'15" N., 76°24'30" W., of NAS Patuxent River Airport, Patuxent River, Md.; within 2 miles each side of the Patuxent River VORTAC 043° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; within 2 miles each side of the Patuxent River VORTAC 234° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VORTAC; within 2 miles each side of the Patuxent River LF RBN 233° bearing extending from the 5-mile radius zone to 7 miles southwest of the RBN; within 2 miles each side of the Patuxent River VORTAC 139° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within 2 miles each side of the Patuxent River UHF RBN 139° bearing extending from the 5-mile radius zone to 12 miles southeast of the RBN; within a ½-mile radius of the center, 38°13'30" N., 76°26'30" W., of Park Hall, Md., Airport; and within a ½-mile radius of the center, 38°21'40" N., 76°24'15" W., of Chesapeake Ranch Airpark.

AMENDMENTS 2/1/68 32 F. R. 20704 (Rewritten)

Pellston, Mich.
Within a 5-mile radius of Pellston, Mich., Emmet County Airport (latitude 45°34'40" N., longitude 84°47'40" W.) within 2 miles each side of the Pellston VORTAC 240° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 8 miles SE of the airport.

Pendleton, Oreg.
Within a 5-mile radius of Pendleton Airport (latitude 45°41'42" N., longitude 118°50'25" W.), and within 2 miles each side of the Pendleton VORTAC 273° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.
AMENDMENTS 4/11/68 33 F. R. 5615 (Changed)

Pensacola, Fla. (Pensacola Municipal)
Within a 5-mile radius of the Pensacola Municipal Airport (latitude 30°28'30" N., longitude 87°11'20" W.); within a 4-mile radius of Navy Ellyson, Fla. (latitude 30°31'30" N., longitude 87°11'45" W.); within 2 miles each side of the 167° bearing from the Pensacola RBN, extending from the 5-mile radius zone to 8 miles S of the RBN; and within 2 miles each side of the 314° bearing from the Pensacola OM, extending from the 4-mile radius zone to 8 miles NW of the OM.

Pensacola, Fla. (NAAS Saufley Field)
Within a 5-mile radius of NAAS Saufley Field (latitude 30°28'15" N., longitude 87°20'30" W.); within 2 miles each side of the 219° bearing from the Navy Saufley RBN, extending from the 5-mile radius zone to 10 miles SW of the RBN; and within 2 miles each side of the Navy Saufley VOR 219° radial, extending from the 5-mile radius zone to 10 miles SW of the VOR, excluding the portions within the Pensacola (Pensacola Municipal) control zone and the NAS Pensacola (Forrest Sherman Field) control zone.

Pensacola, Fla. (NAS Pensacola - Forrest Sherman Field)
Within a 5-mile radius of NAS Pensacola (Forrest Sherman Field) (latitude 30°21'15" N., longitude 87°19'00" W.); within 2 miles each side of the 229° bearing from the Navy Pensacola RBN, extending from the 5-mile radius zone to 11.5 miles SW of the RBN; within 2 miles each side of the Navy Pensacola TACAN 239° radial, extending from the 5-mile radius zone to 7 miles SW of the TACAN; and within 2 miles each side of the Navy Pensacola TACAN 193° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN.

Peoria, Ill.
Within a 5-mile radius of the Greater Peoria Airport (latitude 40° 39' 45" N., longitude 89° 41' 35" W.); within 2 miles each side of the Peoria VORTAC 099° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Greater Peoria Airport ILS localizer SE course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the ILS localizer NW course extending from the 5-mile radius zone to 11 miles NW of the airport.

Peru, Ind.
Within a 5-mile radius of Bunker Hill AFB, Peru, Ind., (latitude 40°39'38" N., longitude 86°08'31" W.); within 2 miles each side of the Bunker Hill AFB VOR 042° and 231° radials extending from the 5-mile radius zone to 8 miles NE and SW of the VOR; within 2 miles each side of the Bunker Hill AFB TACAN 053° and 220° radials extending from the 5-mile radius zone to 8 miles NE and SW of the TACAN; within a 5-mile radius of Kokomo, Ind., Municipal Airport (latitude 40°31'43" N., longitude 86°03'33" W.); within 2 miles each side of the Kokomo VORTAC 040° and 131° radials extending from the 5-mile radius zone to 8 miles NE and SE of the VORTAC.

Philadelphia, Pa.
Within a 5-mile radius of Philadelphia International Airport (Lat. 39°52'31" N, Long. 75°14'20" W), and within 2 miles either side of the Philadelphia ILS localizer W course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Philadelphia ILS localizer E course extending from the 5-mile radius zone to 5 miles east of the localizer.

Philipsburg, Pa.
Within a 5-mile radius of the center 40°53'05" N., 78°05'15" W. of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 247° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 162° bearing from the Philipsburg RBN extending from the 5-mile radius zone to the RBN and within 2 miles each side of the 333° bearing from the Philipsburg VHF/DF station extending from the 5-mile radius zone to 6 miles NW of the station.

Phoenix, Ariz. (Luke AFB)
Within a 5-mile radius of Luke AFB (latitude 33°32'05"N., longitude 112°22'55" W.); within 2 miles each side of the 178° bearing from the Luke RBN, extending from the 5-mile radius zone to 2 miles S of the RBN; and within 2 miles each side of the Luke TACAN 056° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN.

Phoenix, Ariz. (Sky Harbor Airport)
Within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); and within 2 miles each side of the Phoenix VORTAC 090° and 270° radials, extending from the 5-mile radius zone to 2 miles E and 13 miles W of the VORTAC.

Pierre, S. Dak.
Within a 5-mile radius of Pierre Municipal Airport (latitude 44°22'50" N, longitude 100°17'15" W.); and within 2 miles each side of the Pierre VOR 266° radial, extending from the 5-mile radius zone to the VOR.

Pine Bluff, Ark.
That airspace within a 5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), and within 2 miles each side of the Pine Bluff VORTAC 185° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC.

Pittsburgh, Pa. (Allegheny County)
Within a 5-mile radius of Allegheny County Airport (latitude 40°21'15" N., longitude 79°55'40" W.); within 2 miles each side of the 257° bearing from the Allegheny RBN, extending from the 5-mile radius zone to 6 miles W of the RBN, and within 2 miles each side of the Allegheny VORTAC 047° radial, extending from the 5-mile radius zone to the VORTAC.

Pittsburgh, Pa. (Greater Pittsburgh)
Within a 6-mile radius of Greater Pittsburgh Airport (latitude 40° 29' 35" N., longitude 80° 14' 25" W.); within 2 miles each side of the Runway 10-L-ILS localizer W course, extending from the 6-mile radius zone to Creek, Pa., RBN, and within 2 miles S and 3 miles N of the Runway 28-L-ILS localizer E course, extending from the 6-mile radius zone to the OM.

Plainview, Tex.
Within a 3-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.) and within 2 miles each side of the Plainview VOR 034° radial, extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours local time, daily.

Plattsburgh, N. Y.
Within a 5-mile radius of the Plattsburgh AFB (Lat. 44°39'05" N, Long. 73°28'10" W); within a 5-mile radius of the Clinton County Airport (lat. 44°41'10" N, long. 73°31'10" W.); within 2 miles either side of the Valcour, New York TACAN 338° radial extending from the Clinton County Airport 5-mile radius zone to 12 miles N of the TACAN, and within 2 miles either side of the Plattsburgh VOR 213° radial extending from the Clinton County Airport 5-mile radius zone to the VOR.

AMENDMENTS 6/28/68 33 F. R. 9465 (Changed)

Pocatello, Idaho
Within a 5-mile radius of Pocatello Municipal Airport (latitude 42°54'35" N., longitude 112°35'25" W.), and within 2 miles each side of the Pocatello VOR 252° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

Point Barrow, Alaska
Within a 5-mile radius of the Point Barrow AFS Airport, Point Barrow, Alaska (latitude 71°20'18" N., longitude 156°38'00" W.); within an 8-mile radius of the Point Barrow RBN (PBA), extending clockwise from a line 2 miles northwest of and parallel to the 028° bearing from the RBN to a line 2 miles southeast of and parallel to the 041° bearing from the RBN; within a 5-mile radius of the Wiley Post-Will Rogers Memorial Airport, Barrow, Alaska (latitude 71°17'05" N., longitude 156°46'05" W.); within 2 miles each side of the 226° bearing from the Barrow, Alaska RBN (BRW), extending from the 5-mile radius zone to 8 miles southwest of the RBN; and within 2 miles each side of the 266° bearing from the Barrow RBN (BRW), extending from the 5-mile radius zone to 8 miles west of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

Ponca City, Okla.
Within a 5-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.); within 2 miles each side of the 225° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the 359° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 12 miles N of the RBN.

Ponce, P. R.
Within a 5-mile radius of the Mercedita Airport, Ponce, P. R., (latitude 18°00'40" N., longitude 66°33'50" W.); within 2 miles each side of the Ponce VOR 111° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International Notams.

Pontiac, Mich.
Within a 5-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.), within 2 miles each side of the Pontiac VOR 116° and 271° radials, extending from the 5-mile radius zone to 8 miles west of the VOR, effective from 0700 to 2300 hours, local time, daily.

Port Angeles, Wash.
Within a 5-mile radius of CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.), within 2 miles each side of the Port Angeles VOR 093° radial, extending from the 5-mile radius zone to 8 miles E of the VOR, and within 2 miles each side of the 089° bearing from the Ediz Hook, Wash., RBN, extending from the 5-mile radius zone to 8 miles E of the RBN. This control zone is effective 0400 to 2200 hours, local time, daily.

Portland, Maine
Within a 5-mile radius of Portland Municipal Airport (latitude 43°38'50" N., longitude 70°18'30" W.); within 2 miles each side of the Portland ILS localizer W course, extending from the 5-mile radius zone to the OM, excluding that airspace within a 1-mile radius of Oak Knoll Airport, Scarboro, Maine (latitude 43°35'21" N., longitude 70°22'03" W.).

Portland, Oreg.
Within a 5-mile radius of Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.); within 2 miles each side of the Portland VORTAC 180° radial, extending from the 5-mile radius zone to 5 miles S of the VORTAC; within 2 miles SW and 2.5 miles NE of the Portland Runway 10R ILS localizer NW course, extending from the 5-mile radius zone to 1 mile NW of the OM, and within 2 miles NE and 2.5 miles SW of the Portland Runway 28R ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM, excluding the portion within the Troutdale, Oreg., control zone.

Portsmouth, N. H.
Within a 5-mile radius of Pease AFB, Protsmouth, N. H. (latitude 43°04'40" N., longitude 70°49'25" W.); within 2 miles each side of the centerline of Runway 16 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the Pease AFB TACAN 142° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN; within 2 miles each side of the Pease AFB TACAN 332° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN.

Poughkeepsie, N. Y.
Within a 5-mile radius of the center, 41°37'40" N., 73°53'00" W. of Dutchess County Airport, Poughkeepsie, N. Y., and within 2 miles each side of the Kingston VOR 025° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

Prescott, Ariz.
Within a 5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.).

Presque Isle, Maine
Within a 5-mile radius of the center, 46°41'30" N., 68°02'30" W., of Presque Isle Airport, Presque Isle, Maine; within 2 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Sprague ville RBN 167° bearing extending from the 5-mile radius zone to 7 miles south of the RBN; and within 2 miles each side of the Presque Isle VORTAC 160° radial extending from the 5-mile radius zone to 14 miles south of the VORTAC. This control zone is effective from 0800 to 2000 hours local time, Sunday through Friday; 0800 to 1730 hours, local time Saturday; and during specific times established in the Notices to Airmen.

AMENDMENTS 2/29/68 33 F. R. 688 (Changed)

Providence, R. I.
Within a 5-mile radius of Theodore Francis Green State Airport, Providence, R. I., (Lat. 41°43'30" N, Long. 71°25'48" W), and within 2 miles either side of the Providence ILS localizer SW course extending from the 5-mile radius zone to the OM.

AMENDMENTS 2/9/68 33 F. R. 2765 (Changed)

Prudhoe Bay, Alaska
Within a 5-mile radius of Prudhoe Bay Airport (latitude 70°14'55" N., longitude 148°23'28" W.).

AMENDMENTS 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135; Corr: 33 F. R. 18930 Eff. date changed 1/20/69 34 F. R. 250

Pueblo, Colo.
Within a 5-mile radius of Pueblo Memorial Airport (latitude 38°17'30" N., longitude 104°30'00" W.); within 2 miles each side of the Pueblo VORTAC 080° radial, extending from the 5-mile radius zone to 8 miles E of the VORTAC; within 2 miles each side of the Pueblo ILS localizer E course, extending from the 5-mile radius zone to 11 miles E of the localizer and within 2 miles each side of the Pueblo ILS localizer W course, extending from the 5-mile radius zone to 1 mile E of the ILS-LOM.

Pullman, Wash.
Within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR 049° radial, extending from the 5-mile zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Quantico, Va.
Within a 5-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va., and within 2 miles each side of the Brooke, Va., VOR 013° radial extending from the 5-mile radius zone to 2 miles north of the VOR.

Quincy, Ill.
That airspace within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Quincy VORTAC 035° radial extending from the 5-mile radius zone to 12 miles northeast of the airport.

AMENDMENTS 2/1/68 32 F. R. 16483 (Rewritten)

Quonset Point, R. I.
Within a 5-mile radius of NAS Quonset Point (latitude 41°35'55" N., longitude 71°24'50 W.), within 2 miles each side of the NAS Quonset Point TACAN 151° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN, within 2 miles each side of the NAS Quonset Point VOR 141° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, within 2 miles each side of the 145° bearing from the NAS Quonset Point RBN, extending from the 5-mile radius zone to 9 miles SE of the RBN, and within a 1-mile radius of Newport Airpark, Newport, R. I. (latitude 41°31'50" N., longitude 71°17'00" W.), excluding that portion within the Providence, R. I., control zone.

Raleigh, N.C.
Within a 5-mile radius of the Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W.); within 2 miles each side of the Raleigh-Durham ILS localizer SW course, extending from the 5-mile radius zone to 1 mile NE of the LOM; within 2 miles each side of the Raleigh-Durham VORTAC 231° radial, extending from the 5-mile radius zone to 7 miles SW of the VORTAC; within 2 miles each side of the Raleigh-Durham VORTAC 034° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC.

AMENDMENTS 6/20/68 33 F. R. 6532 (Changed)

Rantoul, Ill.
Within a 5-mile radius of Chanute AFB, Rantoul, Ill. (latitude 40°17'40" N., longitude 88°08'20" W), and within 2 miles each side of the Chanute VOR 270° radial, extending from the 5-mile radius zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Rapid City, S. Dak. (Ellsworth AFB)
Within a 5-mile radius of Ellsworth AFB, Rapid City, S. Dak. (latitude 44°08'42" N., longitude 103°06'11" W.); and within 2 miles each side of the Ellsworth AFB TACAN 322° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN excluding the portion within the Rapid City, S. Dak. (Municipal Airport), control zone.

Rapid City, S. Dak. (Municipal Airport)
Within a 5-mile radius of the Rapid City, S. Dak., Municipal Airport (latitude 44°02'32" N., longitude 103°03'21" W.); and within 2 miles each side of the Ellsworth AFB VOR 316° radial, extending from a 5-mile radius circle centered on Ellsworth AFB (latitude 44°08'42" N., longitude 103°06'11" W.) to the VOR; and within 2 miles each side of the Rapid City VORTAC 155° radial extending from the 5-mile radius zone to 8 miles southeast of the VORTAC, excluding the portion north of a line between the INT's of the 5-mile radius zone and the 5-mile radius zone of the Rapid City (Ellsworth AFB) control zone.

Rawlins, Wyo.
Within a 5-mile radius of Rawlins Municipal Airport (latitude 41° 48' 15" N., longitude 107° 12' 05" W.).

Reading, Pa.
Within a 5-mile radius of the center, 40°22'39" N., 75°57'57" W. of General Spaatz Field, Reading, Pa., and within 2 miles each side of the airport ILS localizer S course extending from the 5-mile radius zone to 8 miles S of the OM and within 2 miles each side of the Reading VHF/DF (40°22'42" N., 75°57'30" W.) 201° bearing extending from the 5-mile radius zone to 8 miles S of the VHF/DF site.

Red Bluff, Calif.
Within a 5-mile radius of Bidwell Airport, Red Bluff, Calif. (latitude 40°09'15" N., longitude 122°14'50" W.), and within 2 miles each side of the Red Bluff VORTAC 167° radial, extending from the 5-mile radius zone to 8 miles S of the VORTAC.

Redding, Calif.
Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius zone to 8 miles south of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 7/25/68 33 F. R. 7299 (Rewritten)

Redmond, Oreg.
Within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), and within 2 miles each side of the Redmond VORTAC 269° and 089° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC.

AMENDMENTS 11/14/68 33 F. R. 13002 (Rewritten)

Redwood Falls, Minn.
Within a 3-mile radius of Redwood Falls Municipal Airport (latitude 44° 32' 45" N., longitude 95° 04' 50" W.) and within 2 miles each side of the Redwood Falls VOR 023° radial, extending from the 3-mile radius zone to the VOR.

Reno, Nev. (Reno Municipal Airport)
Within a 5-mile radius of the Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.), and within 2 miles each side of the Reno ILS localizer N course, extending from the 5-mile radius zone to the Sparks, Nev., RBN, and within 2 miles each side of the Reno localizer S course, extending from the 5-mile radius zone to 11 miles S of the airport.

Renton, Wash.
That airsapce bounded by a line beginning at latitude 47°32'10" N., longitude 122°12'40" W., thence clockwise along an arc of a 3-mile radius circle centered on the Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'00" N., longitude 122°11'50" W., thence to latittude 47°28'09" N., longitude 122°13'33" W., thence to latitude 47°31'27" N., longitude 122°13'33" W., thence to point of beginning. The control zone is effective from 0700 to 2300 hours local time, daily.

Rhinelander, Wis.
Within a 5-mile radius of Oneida County Airport, Rhinelander, Wis. (latitude 45°37'50" N., longitude 89°27'40" W.); within 2 miles each side of the Rhinelander VOR 229° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; and within 2 miles each side of the Rhinelander VOR 322° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR. This control zone shall be effective during the specific dates and/or times established in advance by a Notice of Airmen and continuously published in the Airman's Information Manual.

Richmond, Va.
Within a 5-mile radius of Byrd Field (latitude 37°30'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 134° radial, extending from the 5-mile radius zone to 6 miles SE of the VOR; within 2 miles each side of the Richmond VOR 359° radial, extending from the 5-mile radius zone to 6 miles N of the VOR; and within 2 miles each side of the Richmond VOR 341 radial, extending from the 5-mile radius zone to 7 miles north of the VOR.

AMENDMENTS 12/12/68 33 F. R. 15859 (Changed)

Riverside, Calif. (March AFB)
Within a 5-mile radius of March AFB (latitude 33°52'50" N., longitude 117°15'30" W.); within 2 miles each side of the March AFB VOR [illegible] and 149° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the March AFB TACAN 325° radial, extending from the 5-mile radius zone to 5 miles NW of the TACAN.

Riverside, Calif. (Municipal Airport)
Within a 3-mile radius of the Riverside Municipal Airport (latitude 33°57'05" N., longitude 117°26'30" W.), within 2 miles each side of the Riverside VOR 292° radial, extending from the 3-mile radius zone to 4.5 miles W of the VOR; within 2 miles each side of the Riverside VOR 103° radial, extending from the 3-mile radius zone to 7 miles E of the VOR; and within 2 miles each side of the Riverside VOR 108° radial, extending from the 3-mile radius zone to 5 miles E of the VOR, excluding the portion within a 1-mile radius of the Riverside Fla-Bob Airport (latitude 33°59'20" N., longitude 117°24'35" W.), and the portion that coincides with the Riverside, Calif. (March AFB), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/14/68 33 F. R. 14220 (Changed)

Riverton, Wyo.
Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 2 miles each side of the Riverton VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, and within 2 miles each side of the Riverton VOR 119° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR, from 0500 to 2100 hours, local time, daily.

Roanoke, Va.
Within a 5-mile radius of the center, 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to 2.5 miles southeast of the OM.

AMENDMENTS 12/12/68 33 F. R. 15859 (Rewritten)

Rochester, Minn.
Within a 5-mile radius of Rochester Municipal Airport (latitude 43°54'38" N., longitude 92°29'46" W.) and within 2 miles each side of the Rochester VOR 029° radial, extending from the 5-mile radius zone to 15 miles NE of the VOR; and within 2 miles each side of the Rochester ILS localizer SE course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VOR 030° radial, extending from the 5-mile radius zone to the VOR.

Rochester, N. Y.
Within a 5-mile radius of the center, 43°07'10" N., 77°40'15" W., of the Rochester Monroe County Airport, Rochester, N. Y.; within 2 miles each side of the Rochester VOR 168° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Rochester VOR 280° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Rochester VOR 026° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR; within 2 miles each side of the Rochester VOR 214° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR and within 2 miles each side of the Rochester ILS localizer east course extending from the 5-mile radius zone to the OM.

Rockford, Ill.
Within a 5-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 2 miles each side of the Rockford ILS localizer S course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Rockford VORTAC 117° radial, extending from the 5-mile radius zone to the VORTAC.

Rock Springs, Wyo.
Within a 5-mile radius of Rock Springs Municipal Airport (latitude 41°35'45" N., longitude 109°04'00" W.); within 2 miles each side of the Rock Springs ILS localizer E course, extending from the 5-mile radius zone to 6 miles E of the OM, and within 2 miles each side of the Rock Springs VORTAC 097° radial, extending from the 5-mile radius zone to 4 miles E of the VORTAC.

Rocky Mount, N. C.
Within a 5-mile radius of Rocky Mount Municipal Airport (latitude 35°58'01" N., longitude 77°47'33" W.).

AMENDMENTS 11/14/68 33 F. R. 14220 (Rewritten)

Rome, N. Y.
Within a 5-mile radius of the center, 43°14'10" N., 75°24'25" W. of Griffiss AFB, Rome, N. Y., and within 2 miles each side of bearing 135°/315° from the Rome, N. Y., RBN extending from the 5-mile radius to 6 miles SE of the RBN; within 2 miles each side of the Griffiss TACAN 306° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of a bearing 142° from the Rome, N. Y., ILS OM, extending from the OM to 4 miles SE of the OM.

AMENDMENTS 12/12/68 33 F. R. 15860 (Changed)

Roosevelt Roads, Puerto Rico
Within a 5-mile radius of NS Roosevelt Roads (latitude 18°15'05" N., longitude 65°38'35" W.); within 2 miles each side of the Roosevelt Roads TACAN 040° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN; within 2 miles each side of the 052° bearing from the Roosevelt Roads RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the extended centerline of the northeast/southwest runway, extending from the 5-mile radius zone to 6 miles southwest of the airport.

AMENDMENTS 8/22/68 33 F. R. 9599 (Rewritten)

Roswell, N. M.
That airspace within a 6-mile radius of the Roswell Industrial Air Center Airport (latitude 33°17'59" N., longitude 104°31'48" W.); within 2 miles each side of the extended centerline of runway 3 extending from the 6-mile radius zone to the LOM; and within 2 miles each side of the extended centerline of runway 21 extending from the 6-mile radius zone to 6 miles southwest of the lift-off end of runway 21. This control zone is effective during the dates and times published in the Airman's Information Manual.

AMENDMENTS 2/1/68 33 F. R. 2628 (Changed); 8/22/68 33 F. R. 9876 (Rewritten); Corr: 33 F. R. 10799

Russell, Kans.
Within a 3-mile radius of Russell Municipal Airport (latitude 38°52'25" N., longitude 98°48'45" W.), and within 2 miles each side of the Russell VOR 007° radial, extending from the 3-mile radius zone to 8 miles N of the VOR.

Sacramento, Calif. (Sacramento Metropolitan Airport)
That airspace within a 5-mile radius of the Sacramento Metropolitan Airport (latitude 38°41'43" N., longitude 121°36'01" W.), and within 2 miles each side of the Sacramento Metropolitan Airport localizer (latitude 38°40'32" N., longitude 121°36'02" W.) N and S courses, extending from the 5-mile radius zone to 6 miles north and south of the airport; and including that airspace adjoining the McClellan AFB and Sacramento Municipal Airport control zones between latitude 38°41'43" N. and the Sacramento VORTAC 351° T radial.

Sacramento, Calif. (Sacramento Municipal)
Within a 5-mile radius of Sacramento Municipal Airport (latitude 38°30'45" N., longitude 121°29'35" W.), within 2 miles each side of the Sacramento VORTAC 033° radial, extending from the 5-mile radius zone SW to the VORTAC and that airspace NE of the Sacramento Municipal Airport, extending from the Sacramento Municipal 5-mile radius zone to the McClellan AFB and Mather AFB 5-mile radius zones, bounded on the SE by the Sacramento 064° radial and on the NW by a line 2 miles NW of and parallel to the Sacramento 033° radial.

Sacramento, Calif. (Mather AFB)
Within a 5-mile radius of Mather AFB (latitude 38°33'10" N., longitude 121°18'05" W.), within 2 miles each side of the Mather TACAN 048° radial, extending from the 5-mile radius zone to 7 miles NE of the TACAN, and within 2 miles NW and 2.5 miles SE of the 055° bearing from the Mather LOM, extending from the 5-mile radius zone to 5.5 miles NE of the LOM, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB), 5-mile radius zone.

Sacramento, Calif. (McClellan AFB)
Within a 5-mile radius of McClellan AFB (latitude 38°39'45" N., longitude 121°24'10" W.), within 2 miles E and 2.5 miles W of the McClellan TACAN 004° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the McClellan AFB 5-mile radius zone with the Sacramento, Calif. (Mather AFB), 5-mile radius zone.

Saginaw, Mich.
That airspace within a 5-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.) within 2 miles each side of the Saginaw, Mich. VORTAC 030°, 156°, 233°, and 310° radials extending from the 5-mile radius zone to 8 miles northeast, southeast, southwest, and northwest of the VORTAC, and within 2 miles northwest and 3 miles southeast of the Saginaw ILS localizer southwest course extending from the 5-mile radius zone to the OM.

St. Charles, Ill.
Within a 3-mile radius of DuPage County Airport, St. Charles, Ill., (Lat. 41°54'45" N, Long. 88°14' 35" W), and within 2 miles either side of the DuPage VOR 069° radial extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours, local time, daily.

St. Joseph, Mo.
Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2 miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC.

St. Louis, Mo.
Within a 5-mile radius of the Lambert-St. Louis Municipal Airport (latitude 38° 44' 50" N., longitude 90° 21' 55" W.), within 2 miles SE and 3 miles NW of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer SW course extending from the 5-mile radius zone to 12 miles SW of the Lake RBN, within 2 miles each side of the St. Louis VORTAC 142° radial, extending from the 5-mile radius zone to 7 miles NW of the NW end of the Lambert-St. Louis Municipal Airport Runway 12R, within 2 miles each side of the St. Louis Municipal Airport Runway 12R ILS localizer NW course extending from the 5-mile radius zone to the Runway 12R OM and within 2 miles each side of the St. Louis Municipal Airport Runway 12R ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the Runway 12R localizer, excluding that area which overlies the Chesterfield (Spirit of St. Louis) control zone during the hours it is in effect.

St. Paul, Minn.
Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) (latitude 44°56'10" N., longitude 93°03'40" W.), and within 2 miles each side of the St. Paul VOR 295° radial, extending from the 5-mile radius zone to the VOR, excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of Fleming Field (latitude 44°51'25" N., longitude 93°01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

St. Petersburg, Fla. (Albert-Whitted)
Within a 3-mile radius of the Albert-Whitted Airport (latitude 27°45'51" N., longitude 82°37'46" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

St. Petersburg, Fla.
Within a 5-mile radius of St. Petersburg Clearwater International Airport (latitude 27°54'35" N., longitude 82°41'12" W.); within 2 miles each side of the St. Petersburg VORTAC 343° radial, extending from the 5-mile radius zone to 10.5 miles north of the VORTAC.

AMENDMENTS 2/6/69 33 F. R. 18477 (Rewritten)

Salem, Oreg.
Within a 5-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.) and within 2 miles each side of the Salem ILS localizer SE course, extending from the 5-mile radius zone to the LOM.

Salina, Kans.
Within a 5-mile radius of Salina Municipal Airport, latitude 38°47'30" N., longitude 97°38'45" W. (formerly Schilling AFB); within 2 miles each side of the 191° radial of the Salina, Kans., VORTAC, extending from the 5-mile radius to the VORTAC, and within 2 miles each side of the Salina ILS localizer S course extending from the 5-mile radius to the LOM.

Salinas, Calif.
Within a 5-mile radius of the Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'20" W.), and within 2 miles NE and 3 miles SW of the Salinas VORTAC 319° radial, extending from the 5-mile radius zone to 6 miles NW of the VORTAC, excluding the portion within the Fort Ord, Calif., control zone.

Salisbury, Md.
Within a 5-mile radius of the center, 38°20'25" N., 75°30'40" W. of Salisbury-Wicomico Airport, Salisbury, Md., and within 2 miles each side of the Salisbury VOR 207° radial extending from the 5-mile radius zone to 6 miles SW of the VOR; within 2 miles each side of the Salisbury VOR 050° radial extending from the 5-mile radius zone to 6 miles NE of the VOR; within 2 miles each side of the Salisbury VOR 134° radial extending from the 5-mile radius zone to 6 miles SE of the VOR.

Salt Lake City, Utah
Within a 5-mile radius of Salt Lake City International Airport (latitude 40°47'10" N., longitude 111°58'05" W.), and within 2 miles each side of the Slat Lake City VORTAC 347° radial extending from the 5-mile radius zone to 1 mile north of the VORTAC.

AMENDMENTS 9/19/68 33 F. R. 9466 (Rewritten)

San Angelo, Tex.
Within a 5-mile radius of Mathis Field, San Angelo, Tex., (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo VOR 065° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the San Angelo ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the San Angelo VOR 311° radial and within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 5-mile radius zone to 6.5 miles SW of the airport.

San Antonio, Tex. (International Airport)
That airspace within a 5-mile radius of San Antonio International Airport (latitude 29°31'50" N., longitude 98°28'12" W.); within 2 miles each side of the San Antonio VORTAC 184° radial extending from the 5-mile radius zone to 1 mile south of the VORTAC; within 2 miles each side of the San Antonio ILS localizer northwest course extending from the 5-mile radius zone to 1 mile southeast of the OM, within 2 miles each side of the San Antonio ILS localizer northeast course extending from the 5-mile radius zone to 6 miles northeast of the airport, and within 2 miles each side of the San Antonio ILS localizer southeast course extending from the 5-mile radius zone to 7 miles southeast of the localizer, and within 2 miles each side of a 132° bearing from the LOM extending from the 5-mile radius zone to 15.5 miles southeast of the LOM.

AMENDMENTS 3/28/68 33 F. R. 2627 (Rewritten)

San Antonio, Tex. (Kelly AFB)
That airspace within a 5-mile radius of Kelly AFB (latitude 29°22'57" N., longitude 98°34'25" W.); within 2 miles each side of the Kelly AFB ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM, and within 2 miles each side of the Kelly AFB TACAN 341° radial extending from the 5-mile radius zone to the TACAN.

San Antonio, Tex. (Randolph AFB)
That airspace within a 5-mile radius of Randolph AFB (latitude 29°32'09" N., longitude 98°16'57" W.); within 2 miles each side of the LaVernia, Tex., VOR 329° and 338° radials, extending from the 5-mile radius zone to 1 mile northwest of the VOR, within 2 miles each side of the Randolph AFB TACAN 323° radial extending from the TACAN to 8 miles northwest, and within 2 miles each side of the Randolph AFB TACAN 156° radial extending from the TACAN to 8 miles southeast.

AMENDMENTS 3/28/68 33 F. R. 2627 (Rewritten)

San Antonio, Tex. (Stinson Field)
Within a 3-mile radius of Stinson Field (latitude 29° 20' 15" N., longitude 98° 28' 20" W.), and within 2 miles each side of the Stinson VOR 346° radial, extending from the 3-mile radius zone to the VOR, excluding the portion within the Kelly AFB control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

San Bernardino, Calif. (Norton AFB)
Within a 5-mile radius of the Norton AFB (latitude 34°05'45" N., longitude 117°14'05" W.), and within 2 miles N and 2.5 miles S of the ILS localizer SW course extending from the 5-mile radius zone to 2 miles NE of the OM, excluding the portion within a 1-mile radius of the Redland, Calif., Municipal Airport (latitude 34°05'05" N., longitude 117°08'35" W.).

San Diego, Calif. (Lindbergh Field)
Within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32° 43' 58" N., longitude 117° 11' 14" W.); and within 2 miles each side of the Lindbergh ILS localizer E course, extending from the 5-mile radius zone to 7 miles east of the airport, excluding the portion S of a line extending from latitude 32°43'22" N., longitude 117°16'20"
W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32° 41' 02" N., longitude 117° 07' 25" W.; and the portion N of latitude 32° 47' 00" N.

San Diego, Calif. (Montgomery Field)
Within a 3-mile radius of Montgomery Field (latitude 32°49'00" N., longitude 117°08'20" W.), excluding those portions within the NAS Miramar and San Diego (Lindbergh Field) control zones. This control zone is effective from 0700 to 2300 hours, local time daily.

San Diego, Calif. (NAS North Island)
Within a 5-mile radius of NAS North Island (latitude 32° 42' 00" N., longitude 117° 12' 35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN, extending clockwise from a line 2 miles N of and parallel to the TACAN 120° radial to the 162° radial, excluding the portion N of a line from latitude 32° 43' 22" N., longitude 117° 17' 20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32°41'02" N., longitude 117°07'25" W., and the portion within the NAS Imperial Beach, Calif., control zone.

AMENDMENTS 4/5/68 33 F. R. 5401 (Changed)

San Diego, Calif. (San Diego County - Gillespie Field)
Within a 3-mile radius of the San Diego County-Gillespie Field (Lat. 32°49'26" N, Long. 116°58'18" W), from 0700 to 2300 hours local time, daily.

San Francisco, Calif.
Within a 7-mile radius of the San Francisco International Airport (Lat. 37°37'07" N, Long. 122°22'35" W, including the airspace bounded on the SW by the San Francisco 7-mile radius zone and on the N and NE by the Oakland and NAS Alameda control zones, excluding the portion within the Oakland control zone.

San Jose, Calif.
Within a 5-mile radius of San Jose Municipal Airport (latitude 37°21'35" N., longitude 121°55'30" W.), excluding the portion NW of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

San Jose, Calif. (Reid-Hillview Airport)
That airspace within a 3-mile radius of the Reid-Hillview Airport (latitude 37°19'55" N., longitude 121° 49'10" W.), excluding that portion within the San Jose control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Juan, P. R. (International Airport)
Within a 5-mile radius of Puerto Rico International Airport (latitude 18°26'45" N., longitude 66°00'05" W.); within a 3-mile radius of Isla Grande Airport (latitude 18°27'30" N., longitude 66°05'55" W.); within 2 miles each side of the San Juan VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC; within 2 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile radius zone to 11 miles east of the VORTAC; within 2 miles each side of the Isla Grande Airport Runway 9/27 extended centerline, extending from the 3-mile radius zone to 5 miles west of the airport.

AMENDMENTS 8/22/68 33 F. R. 9599 (Rewritten); 1/9/69 33 F. R. 16555 (Rewritten)

San Rafael, Calif.
Within a 5-mile radius of Hamilton AFB, San Rafael, Calif. (latitude 38°03'35" N., longitude 122°30'35" W.), within 2 miles SW and 2.5 miles NE of the Hamilton AFB TACAN 140° radial, extending from the 5-mile radius area to 9 miles SE of the TACAN, and within 2 miles each side of the Hamilton AFB TACAN 305° radial extending from the 5-mile
radius zone to 12 miles NW of the TACAN.

Santa Ana, Calif. (MCAF Santa Ana)
Within a 3-mile radius of MCAF Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.), and within a 5-mile radius of Orange County Airport, Santa Ana, Calif. (latitude 33°40'10" N., longitude 117°52'15" W.), excluding the portion SE of a line from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°41'15" N., longitude 117°48'10" W., the portion S of a line from latitude 33°41'15" N., longitude 117°48'10" W. to latitude 33°42'30" N., longitude 117°56'40" W., and the portion within a 1-mile radius of Mile Square MCOLF, Calif. (latitude 33°43'23" N., longitude 117°56'46" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/14/68 33 F. R. 14219 (Changed)

Santa Ana, Calif. (Orange County Airport)
Within a 5-mile radius of Orange County Airport (latitude 33°40'10" N., longitude 117°52'15" W.), excluding the portion SE of a line from latitude 33°41'15" N., longitude 117°48'10" W. to latitude 33°36'10" N., longitude 117°50'20" W., and the portion N of a line extending from latitude 33°41'15" N., longitude 117°48'10" N., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective from 0600 to 2300 hours, local time, daily.

PENDING AMENDMENT
The description of the Santa Ana (Orange County Airport) control zone is amended by deleting the geographical coordinates "(latitude 33°40'10" N., longitude 117°52'15" W.)" in the first line, and substituting in place thereof, "(latitude 33°40'32" N., longitude 117°52'00" W.)."
AMENDMENTS 3/6/69 34 F. R. 1369 (Changed)

Santa Barbara, Calif.
Within a 5-mile radius of Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.); within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 2/29/68 33 F. R. 531 (Rewritten)

Santa Fe, N. Mex.
Within a 5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.); within 2 miles each side of the extended centerline of runway 20, extending from the 5-mile radius zone to 5 miles SW of the SW end of runway 20; and within 2 miles each side of the Santa Fe VORTAC 007° radial, extending from the 5-mile radius zone to 11 miles N of the VORTAC.

Santa Maria, Calif.
Within a 5-mile radius of Santa Maria Airport (latitude 34°53'55" N., longitude 120°27'20" W.), excluding the portion within R-2516, from 0600 to 2200 hours, local time, daily.

Santa Monica, Calif.
Within a 3-mile radius of Santa Monica Municipal Airport (latitude 34°00'57" N., longitude 118°27'00" W.); within 2 miles each side of the Santa Monica VOR 231° radial, extending from the 3-mile radius zone to 3 miles SW of the VOR; within 2 miles each side of the Santa Monica VOR 056° radial, extending from the 3-mile radius zone to 5 miles NE of the VOR, excluding the portion S of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W. This control zone is effective from 0700 to 2300 hours, local time, daily.

Santa Rosa, Calif.
Within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.), and within a 1-mile radius of Santa Rosa Coddingtown Airport (latitude 38°28'30" N., longitude 122°44'25" W.), effective from 0600 to 2200 hours, local time, daily.

Sarasota, Fla.
Within a 5-mile radius of the Sarasota-Bradenton Airport (latitude 27°23'47" N., longitude 82°33'15" W.); within 2 miles each side of the Sarasota VOR 299° radial extending from the 5-mile radius zone to 7 miles NW of the VOR, effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Sault Ste. Marie, Mich. (Kincheloe AFB)
Within a 5-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 2 miles each side of the Kincheloe AFB TACAN 143° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN; within 2 miles each side of the Kincheloe AFB TACAN 337° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN; and within 2 miles each side of the Kincheloe AFB ILS localizer northwest course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 2/1/68 32 F. R. 18020 (Rewritten)

Sault Ste. Marie, Mich. (Municipal Airport)
Within the United States within a 5-mile radius of Sault Ste. Marie Municipal Airport (latitude 46°28'40" N., longitude 84°21'55" W.), and within 2 miles each side of the 129° bearing from the Sault Ste. Marie RBN extending from the 5-mile radius zone to 8 miles SE of the RBN excluding the portion W of a line between the INTs of the 5-mile radius and the Sault Ste. Marie, Ontario, Canada, control zone.

Sault Ste. Marie, Ontario, Canada
Over the United States within a 5-mile radius of the Sault Ste. Marie Airport (latitude 46°29'00" N., longitude 84°31'00" W.), and within 2 miles each side of the Sault Ste. Marie ILS localizer NW course extending from the 5-mile radius zone to the OM, excluding the portion east of a line between the INTs of the 5-mile radius and the 5-mile radius of the Sault Ste. Marie, Mich., control zone.

Savannah, Ga.
Within a 5-mile radius of Savannah Municipal Airport (latitude 32°07'35" N., longitude 81°12'05" W.); within a 5-mile radius of Hunter AAF (latitude 32°00'35" N., longitude 81°08'45" W.); within 2 miles each side of the Hunter AAF ILS localizer E course, extending from the 5-mile radius zone to 2 miles W of the Hunter AAF OM; within 2 miles each side of the Savannah Municipal Airport ILS localizer W course, extending from the 5-mile radius zone to 1 mile E of the Savannah Municipal Airport ILS OM; within 2 miles each side of the Savannah VORTAC 241° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 7/18/68 33 F. R. 10203 (Changed)

Schenectady, N. Y.
Within a 5-mile radius of the center, 42°51'13" N., 73°55'48" W., of Schenectady County Airport, Schenectady, N. Y.; within 2 miles each side of the Schenectady RBN 037° (42°51'15" N., 73°55'45" W.) bearing extending from the 5-mile radius zone to 7 miles northeast of the RBN; within 2 miles each side of the Schenectady VOR 030° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR; within 2 miles each side of the centerline of Runway 28 extended from the 5-mile radius zone to 9 miles west of the end of the runway; and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding that portion coinciding with the Albany, N. Y., Control Zone. This control zone is effective from 0700 to 2300 hours local time, daily.

AMENDMENTS 7/25/68 33 F. R. 8891 (Changed)

Scottsbluff, Nebr.
Within a 5-mile radius of the Scottsbluff Municipal Airport (latitude 41°52'30" N., longitude 103°35'40" W.), and within 2 miles each side of the Scottsbluff VORTAC 259° radial, extending from the 5-mile radius zone to the VORTAC.

Seattle, Wash. (Boeing Field International)
That airspace bounded by a line beginning at latitude 47°34'10" N., longitude 122°12'40" W., thence to latitude 47°32'10" N., longitude 122°12'40" W., thence to latitude 47°31'27" N., longitude 122°13'33" W., thence to latitude 47°29'20" N., longitude 122°13'33" W., thence to latitude 47°29'20" N., longitude 122°23'10" W., thence clockwise along an arc of a 5-mile radius circle centered on Boeing Field International (latitude 47°31'45" N., longitude 122°18'00" W.) to point of beginning, and within 2 miles each side of the 150° bearing from the Boeing ILS LOM, extending from the 5-mile radius arc to 2 miles SE of the LOM.

Seattle, Wash. (NAS Seattle)
Within a 5-mile radius of NAS Seattle (latitude 47°40'50" N., longitude 122°15'10" W.), excluding the portion W of longitude 122°19'30" W.; within a 1-mile radius of Kenmore Air Harbor, Seattle, Wash. (latitude 47°45'25" N., longitude 122°15'25" W.); within 2 miles each side of the NAS Seattle TACAN 336° radial, extending from the 5-mile radius zone to 6.5 miles N of the TACAN, and within 2 miles each side of the NAS Seattle TACAN 175° radial, extending from the 5-mile radius zone to 5.5 miles S of the TACAN. The portions within the Seattle (Boeing Airport) control zone are excluded.

Seattle, Wash. (Seattle-Tacoma International Airport)
That airspace bounded by a line beginning at latitude 47°29'20" N., longitude 122°13'33" W., thence to latitude 47°28'09" N., longitude 122°13'33" W., thence to latitude 47°27'00" N., longitude 122°11'50" W., thence clockwise along the arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°29'20" N., longitude 122°23'10" W., thence to point of beginning, and within 2 miles each side of the 360° bearing from the Seattle-Tacoma ILS LOM, extending from the 5-mile radius arc to the LOM.

Sedalia, Mo.
Within a 5-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38° 43' 50" N., longitude 93° 33' 00" W.); within 2 miles each side of the Whiteman VOR 010° radial, extending from the 5-mile radius zone to 2 miles N of the VOR, and within 2 miles each side of the Whiteman TACAN 185° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN.

Selma, Ala.
Within a 5-mile radius of Craig AFB (latitude 32°20'31" N., longitude 86°59'22" W.); within 2 miles each side of the Craig VOR 143° radial extending from the 5-mile radius zone to 11 miles SE of the VOR. Within 2 miles each side of the Craig TACAN 153° radial extending from the 5-mile radius zone to 5.5 miles SE of the TACAN; within 2 miles each side of the Craig TACAN 316° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN.

Shemya, Alaska
Within a 5-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); within 2 miles each side of the 104° bearing from the Shemya RBN, extending from the RBN to 12 miles east of the RBN, and within 2 miles each side of the 284° bearing from the Shemya RBN, extending from the RBN to 8 miles west of the RBN. The portion within R-2204 is excluded.

AMENDMENTS 8/22/68 33 F. R. 8592 (Rewritten)

Sheridan, Wyo.
Within a 5-mile radius of Sheridan County Airport (latitude 44° 46' 25" N., longitude 106° 58' 15" W.), and within 2 miles each side of the Sheridan VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC.

Sherman, Tex.
That airspace within a 5-mile radius of Perrin AFB (latitude 33°42'25" N., longitude 96°40'25" W.); within 2 miles each side of the Perrin VOR 170° radial extending from the 5-mile radius zone to 12 miles S of the VOR; within 2 miles each side of the ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM; within 2 miles each side of the Perrin TACAN 016° radial extending from the 5-mile radius zone to 6 miles N of the TACAN; within 2 miles each side of the Perrin VOR 014° radial extending from the 5-mile radius zone to 12 miles N of the VOR; and within 2 miles each side of the Perrin TACAN 171° radial extending from the 5-mile radius zone to 6 miles S of the TACAN.

Shreveport, La. (Barksdale AFB)
That airspace within a 5-mile radius of the Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.); within a 5-mile radius of Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.); within 2 miles each side of the Shreveport Downtown VOR 318° radial extending from the 5-mile radius zone to 5.5 miles NW of the VOR, within 2 miles each side of the Barksdale VOR 330° radial extending from the 5-mile radius zone to 0.5 of a mile NW of the VOR, within 2 miles each side of the Barksdale TACAN 156° radial extending from the 5-mile radius zone to 7.5 miles SE of the TACAN, excluding the portion within the Shreveport, La. (Greater Shreveport Airport) control zone; and excluding the portion within the Shreveport, La. (Downtown Airport), control zone during the hours the Shreveport, La. (Downtown Airport), control zone is effective.

Shreveport, La. (Downtown Airport)
That airspace within a 5-mile radius of Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.), and within 2 miles each side of the Shreveport Downtown VOR 318° radial extending from the 5-mile radius zone to 5.5 miles NW of the VOR, excluding the portion SE of a direct line between the two intersecting points of a 5-mile radius circle centered on Downtown Airport and Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.) and the portion within the Shreveport, La. (Greater Shreveport Airport), control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

Shreveport, La. (Greater Shreveport Airport)
That airspace within a 5-mile radius of the Greater Shreveport Municipal Airport (latitude 32°26'45" N., longitude 93°49'25" W.); and within 2 miles each side of the Greater Shreveport ILS localizer SE course, extending from the 5-mile radius zone to 6 miles SE of the airport.

Sidney, Nebr.
Within a 5-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 2 miles each side of the Sidney VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; and within 2 miles each side of the Sidney VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC.

AMENDMENTS 5/23/68 33 F. R. 8055 (Rewritten)

Silver City, N. Mex.
That airspace within a 5-mile radius of Silver City-Grant County Airport (latitude 32°38'22" N., longitude 108°09'22" W.); within 2 miles each side of the Silver City VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

Simmons Army Air Field, N. C.
Within a 5-mile radius of Simmons AAF (latitude 35°07'55" N., longitude 78°56'05" W.); within 2 miles each side of the Simmons VOR 085° radial, extending from the 5-mile radius zone to 7 miles E of the VOR; excluding that portion which coincides with the Ft. Bragg control zone.

PENDING AMENDMENT
Simmons Army Air Field, N. C.
Within a 5-mile radius of Simmons AAF (latitude 35°07'55" N., longitude 78°56'05" W.); within 2 miles each side of the Simmons VOR 085° radial, extending from the 5-mile radius zone to 8 miles east of the VOR, excluding the portion northwest of a line extending from latitude 35°11'15" N., longitude 78°56'05" W., to latitude 35°05'55" N., longitude 79°00'50" W.

AMENDMENTS 4/3/69 34 F. R. 1522 (Rewritten)

Sioux City, Iowa
Within a 6-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); and within 2 miles each side of the Sioux City VORTAC 140° radial, extending from the 6-mile radius zone to 6 miles SE of the VORTAC; excluding the area within a 1-mile radius of Martin Airport, South Sioux City, Nebr. (latitude 42°27'15" N., longitude 96°28'20" W.).

Sioux Falls, S. Dak.
Within a 5.5-mile radius of Sioux Falls/Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.); and within 2 miles each side of the Sioux Falls ILS localizer SW course extending from the 5.5-mile radius zone to the outer marker.

Sitka, Alaska
Within a 5-mile radius of the Sitka Airport (latitude 57°03'00" N., longitude 135°21'51" W.); within 2 miles each side of the Biorka Island VORTAC 029° and 209° radials, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC; within 2 miles each side of the Sitka RR northeast and southwest courses, extending from the 5-mile radius zone to 2 miles southwest of the RR; and within 2 miles each side of the LDA northwest course, extending from the 5-mile radius zone to 10 miles northwest of the LDA.

AMENDMENTS 5/23/68 33 F. R. 8215 (Rewritten)

Smyrna, Tenn.
Within a 5-mile radius of the Sewart Air Force Base (latitude 36°00'27" N., longitude 86°31'21" W.), and within 2 miles each side of the Sewart TACAN 128° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN.

South Bend, Ind.
Within a 5-mile radius of St. Joseph County Airport, South Bend, Ind. (Lat 41°42'15" N, Long. 86°18' 50" W).

South Weymouth, Mass.
Within a 5-mile radius of South Weymouth NAS (latitude 42°08'55" N., longitude 70°56'25" W.); within 2 miles each side of the 337° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the South Weymouth TACAN 165° radial extending from the 5-mile radius zone to 6 miles S of the TACAN; and within 2 miles each side of the South Weymouth TACAN 073° radial extending from the 5-mile radius zone to 6 miles E of the TACAN.

Spartanburg, S. C.
Within a 5-mile radius of the Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57' 32" W.); within 2 miles each side of a 237° bearing from the Spartanburg RBN extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the Spartanburg VORTAC 196° radial extending from the 5-mile radius zone to the VORTAC. This control zone shall be effective from 0600 to 2200 local time daily.

AMENDMENTS 11/22/68 33 F. R. 18009 (Changed)

Spokane, Wash. (Fairchild AFB).
Within a 5-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.); within 2 miles each side of the Runway 23 extended centerline, extending from the 5-mile radius zone to 4 miles SW of the lift-off end of Runway 23; and within 2 miles each side of the Spokane International Airport Runway 21 extended centerline, extending from the runway to 6 miles SW of the lift-off end of Runway 21, excluding the portion E of a line extending from latitude 47°32'45" N., longitude 117°35'00" W., to latitude 47°40'57" N., longitude 117° 36'00" W.

Spokane, Wash. (Felts Field)
That airspace within a 5-mile radius of Felts Field (latitude 47°41'00" N., longitude 117°19'20" W.).

Spokane, Wash. (International).
Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), and within 2 miles each side of the Runway 21 extended centerline, extending from the 5-mile radius zone to 6 miles SW of the lift-off end of Runway 21, excluding the portion W of a line extending from latitude 47°32'45" N., longitude 117°35'00" W., to latitude 47°40'57" N., longitude 117°36'00" W.

Springfield, Ill.
That airspace within a 5-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the Capital ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Capital VORTAC 040° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of the Capital VORTAC 036° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; and within 2 miles each side of the Capital VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

AMENDMENTS 2/1/68 32 F. R. 16392 (Rewritten)

Springfield, Mo.
Within a 5-mile radius of the Springfield Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.) and within 2 miles W and 2.5 miles E of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.

Stevens Point, Wis.
Within a 5-mile radius of the Stevens Point, Wis., Municipal Airport (latitude 44°32'38" N., longitude 89°31' 50" W.); within 2 miles each side of the Stevens Point, Wis., VOR 024° radial extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the Stevens Point VOR 111° radial extending from the 5-mile radius zone to 8 miles E of the VOR; within 2 miles each side of the Stevens Point VOR 217° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; and within 2 miles each side of the Stevens Point VOR 306° radial extending from the 5-mile radius zone to 8 miles NW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Stockton, Calif.
Within a 5-mile radius of Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.); within 2 miles each side of the Stockton VORTAC 321° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Stockton ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM.

Summit, Alaska
Within a 5-mile radius of Summit Airport (Lat. 63°19'55" N, Long. 149°07'30" W).

Sumter, S. C.
Within a 5-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.); within 2 miles each side of the Shaw AFB TACAN 033° and 213° radials, extending from the 5-mile radius zone to 8 miles northeast and 8 miles southwest of the TACAN.

AMENDMENTS 6/20/68 33 F. R. 8533 (Rewritten)

Syracuse, N. Y.
That airspace within a 5-mile radius of the center, 43°06'50" N., 76°06'35" W. of Clarence E. Hancock Airport, Syracuse, N. Y., excluding that airspace within a 1-mile radius of the center, 43°11'00" N., 76°07'00" W. of Cicero Airpark, Cicero, N. Y.; and within 2 miles each side of the Syracuse VORTAC 120° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of a bearing 089° from the Syracuse RBN extending from the 5-mile radius zone to the RBN.

Tacoma, Wash. (McChord AFB)
Within a 5-mile radius of McChord AFB (latitude 47°08'20" N., longitude 122°28'30" W.), excluding the portion SW of a line extending from latitude 47°09'12" N., longitude 122°35'15" W., to latitude 47°04'15" N., longitude 122°31'15" W.; within 2 miles each side of the McChord AFB VOR 182° radial, extending from the 5-mile radius zone to 7 miles S of the VOR and within 2 miles each side of the McChord AFB ILS localizer S course, extending from the 5-mile radius zone to 1 mile N of the McChord RBN.

Tacoma, Wash.. (Tacoma Industrial Airport)
Within a 5-mile radius of Tacoma Industrial Airport (latitude 47°15'55" N., longitude 122°34'40" W.), excluding the portion E of a line 2 miles E of and parallel to the 009° bearing from the Gray AAF RBN; within 2 miles each side of the 009° bearing from the Gray AAF RBN, extending from the 5-mile radius zone to 1 mile N of the RBN, excluding the portion within the McChord AFB control zone, and within 2 miles each side of the 187° bearing from the Tacoma Industrial RBN, extending from the 5-mile radius zone to 1 mile S of the RBN. The control zone will be effective during the times established in advance by a Notice to Airmen continuously published in the Airman's Information Manual.

Talkeetna, Alaska
Within a 5-mile radius of Talkeetna Airport (Lat. 62°19'20" N, Long. 150°05'20" W), from 0545 to 2145, hours, local time, daily.

Tallahassee, Fla.
Within a 5-mile radius of Tallahassee Municipal Airport (latitude 30°23'50" N., longitude 84°21'22" W.); within 2 miles each side of the Tallahassee VORTAC 175° radial, extending from the 5-mile radius zone to 2 miles south of the VORTAC; within 2 miles each side of the Tallahassee ILS localizer north course, extending from the 5-mile radius zone to 6 miles north of the airport.

AMENDMENTS 7/25/68 33 F. R. 8479 (Rewritten)

Tampa, Fla. (International Airport)
Within a 5-mile radius of Tampa International Airport (latitude 27°58'30" N., longitude 82°31'45" W.); within 2 miles each side of the St. Petersburg VORTAC 064° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC, excluding the portion southeast of a line 2 miles northwest of and parallel to the MacDill AFB ILS localizer northeast course and the portion within the St. Petersburg control zone.

AMENDMENTS 10/17/68 33 F. R. 14403 (Changed); 2/6/69 33 F. R. 18477 (Rewritten)

Tanana, Alaska
That airspace within a 5-mile radius of Tanana Airport (latitude 65°10' N., longitude 152°07' W.); within two miles each side of the Tanana RR SW course, extending from the 5-mile radius zone to 8 miles SW of the RR, and within 2 miles each side of the Tanana VOR 246° radial extending from the 5-mile radius zone to 8 miles SW of the VOR, from 0545 to 2145 hours, local time, daily.

Temple, Tex.
That airspace within a 5-mile radius of the Draughon-Miller Airport, Temple, Tex. (latitude 31°09'10" N., longitude 97°24'25" W.); and within 2 miles each side of the Temple, Tex., VOR 348° radial extending from the 5-mile radius zone to 11.5 miles N of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

Terre Haute, Ind.
Within a 5-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 2 miles each side of the Terre Haute ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Terre Haute VORTAC 051° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; and within 2 miles each side of the Terre Haute VORTAC 230° radial, extending from the 5-mile radius zone to 19 miles southwest of the VORTAC.

AMENDMENTS 2/6/69 33 F. R. 18929 (Rewritten)

Teterboro, N. J.
Within a 5-mile radius of Teterboro Airport (latitude 40°51'05" N., longitude 74°03'40" W.), and within 2 miles each side of the La Guardia VOR 295° radial extending northwest from the Teterboro, N. J., 5-mile radius zone to 17.5 miles northwest of the La Guardia VOR.

AMENDMENTS 9/19/68 33 F. R. 14148 (Changed)

Texarkana, Ark.
That airspace within a 5-mile radius of the Texarkana, Ark., Municipal Airport (latitude 33°27'20" N., longitude 93°59'15" W.); and within 2 miles each side of the 129° radial of the Texarkana VORTAC extending from the 5-mile radius zone to 0.5 mile SE of the VORTAC.

Thief River Falls, Minn.
Within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone will be effective during the times designated by a Notice to Airmen and continuously published in the Airman's Information Manual.

Toledo, Ohio
Within a 5-mile radius of the center of Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to OM; within 2 miles each side of the airport ILS localizer NE course extending NE from the 5-mile radius zone for 7.5 miles from the localizer and within 2 miles each side of the Waterville VOR 318° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR.

Tonopah, Nev.
Within a 5-mile radius of Tonopah Airport (latitude 38°03'30" N., longitude 117°05'00" W.).

Topeka, Kans. (Forbes AFB)
Within a 5-mile radius of Forbes AFB (latitude 38°57'10" N., longitude 95°39'50" W.), within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN, and within 2 miles each side of the Forbes AFB ILS localizer SE course, extending from the 5-mile radius zone to 1 mile SE of the OM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Philip Billard Airport) control zone.

Topeka, Kans. (Philip Billard Airport)
Within a 5-mile radius of Philip Billard Airport (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 219° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Philip Billard Airport ILS localizer SE course, extending from the 5-mile radius zone to 11 miles SE of the SE end of the Philip Billard Airport Runway 31, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Forbes AFB) control zone.

Torrance, Calif.
Within a 3-mile radius of Torrance Municipal Airport (latitude 33°48'10" N., longitude 118°20'20" W.), and within 2 miles each side of the Los Angeles, Calif., VOR 153° radial, extending from the 3-mile radius zone to 7 miles SE of the VOR. This control zone is effective from 0600 to 2200 hours, local time, daily.

Traverse City, Mich.
Within a 5-mile radius of Traverse City Municipal Airport (latitude 44°44'35" N., longitude 85°34'50" W.); within 2 miles either side of the 137° bearing from the Traverse City RBN extending from the 5-mile radius zone to 8 miles SE of the RBN, and within 2 miles either side of the Traverse City VOR 338° and 158° radials extending from the 5-mile radius zone to 8 miles S of the VOR.

Trenton, N. J.
Within a 5-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.); within 2.5 miles N and 2 miles S of the Yardley, Pa., VOR 071° and 065° radials, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1-mile radius of the Morrisville, Pa., Airport (latitude 40° 12' 00" N., longitude 74° 48' 55" W.), and excluding the portion within the Willow Grove, Pa., control zone.

Tri-City, Tenn.
Within a 5-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.); within 2 miles on each side of the Tri-City ILS localizer NE course extending from the 5-mile radius zone to the OM; and within 2 miles on each side of the 043° and 223° bearings from the Boone RBN extending from the 5-mile radius zone to 8 miles SW of the RBN.

Trinidad, Colo.
Within a 5-mile radius of Las Animas County Airport (latitude 37°15'40" N., longitude 104°20'30" W.), and within 2 miles each side of the 352° bearing from the Trinidad, Colo. RBN extending from the 5-mile radius zone to 8 miles north of the RBN.

AMENDMENTS 7/25/68 33 F. R. 8480 (Added)

Troutdale, Oreg.
Within a 3-mile radius of Troutdale Airport (Lat. 45°33'00" N, Long. 122°23'50" W). This control zone shall be effective from 0700 to 2300 hours, local time, daily.

PENDING AMENDMENT
Troy, Ala.
Within a 5-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to the OM. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/3/69 34 F. R. 1522 (Added)

Truth or Consequences, N. Mex.
Within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107° 16'20" W.).

Tucson, Ariz. (Davis-Monthan AFB)
Within a 5-mile radius of Davis-Monthan AFB (latitude 32°10'00" N., longitude 110°53'00" W.) excluding the portion subtended by a chord drawn between the points of INT of the Davis-Monthan 5-mile radius zone and the Tucson International 5-mile radius zone, and within 2 miles SW and 2.5 miles NE of the Davis-Monthan ILS Localizer SE course, extending from the 5-mile radius zone to the OM.

Tucson, Ariz. (Tucson International Airport)
Within a 5-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 2 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile radius zone to 14 miles west of the VORTAC; within 2 miles each side of the extended centerline of Runway 12L extending from the 5-mile radius zone to 5 miles southeast of the lift-off end of Runway 12L; within 2 miles northeast and 2.5 miles southwest of the extended centerline of Runway 30R extending from the 5-mile radius zone to 15.5 miles northwest of the lift-off end of Runway 30R, and within 2 miles southeast and 3 miles northwest of the extended centerline of Runway 21 extending from the 5-mile radius zone to 6.5 miles southwest of the lift-off end of Runway 21, excuding the portion subtended by a chord drawn between the points of INT of the Tucson International Airport 5-mile radius zone with the Davis Monthan-AFB 5-mile radius zone.

AMENDMENTS 4/11/68 33 F. R. 5615 (Changed); 8/22/68 33 F. R. 9149 (Rewritten)

Tucumcari, N. Mex.
Within a 5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.); within 2 miles each side of the Tucumcari VOR 033° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; and within 2 miles each side of the Tucumcari VOR 078° radial, extending from the 5-mile radius zone to 8 miles E of the VOR.

Tulsa, Okla.
That airspace within a 5-mile radius of the Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 2 miles each side of the Tulsa ILS localizer N course, extending from the 5-mile radius zone to 1 mile S of the OM; within 2 miles each side of the Tulsa ILS localizer S course, extending from the 5-mile radius zone to 0.5 mile N of the OM; and within 2 miles each side of the Tulsa VORTAC 268° Radial, extending from the 5-mile radius zone to the VORTAC.

Tulsa, Okla. (Riverside Airport)
That airspace within a 3-mile radius of Riverside Airport, Tulsa, Okla. (latitude 36°02'19" N., longitude 95°59'00" W.). This control zone is effective from 0600 to 2200 hours, local time, daily.

Tuscaloosa, Ala.
Within a 5-mile radius of Van DE Graaff Airport (latitude 33°13'10" N., longitude 87°36'45" W.); within 2 miles each side of the Tuscaloosa VORTAC 061° and 241° radials, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

AMENDMENTS 11/14/68 33 F. R. 14285 (Rewritten); Corr: 33 F. R. 15245

Twin Falls, Idaho
Within a 5-mile radius of the Twin Falls Municipal Airport (latitude 42°29'05" N., longitude 114°29'15" W.), and within 2 miles each side of the Twin Falls VOR 086° radial, extending from the 5-mile radius zone to 8 miles E of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Tyler, Tex.
That airspace within a 5-mile radius of Pounds Field, Tyler, Tex. (latitude 32°21'15" N., longitude 95°23' 55" W.); within 2 miles each side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

Tyndall AFB, Fla.
Within a 5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 2 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6 miles northwest of the TACAN.

Unalakleet, Alaska
Within a 5-mile radius of the Unalakleet Airport (latitude 63°53'10" N., longitude 160°47'40" W.); within 2 miles each side of the Unalakleet RR northwest course, extending from the 5-mile radius zone to 14 miles northwest of the RR; within 2 miles each side of the Unalakleet VOR 225° radial, extending from the 5-mile radius zone to 14 miles southwest of the VOR; and within 2 miles each side of the Unalakleet TACAN 175° radial, extending from the 5-mile radius zone to 10.5 miles south of the TACAN. This control zone is effective from 0545 to 2145 hours, local time, daily.

AMENDMENTS 11/14/68 33 F. R. 12620 (Rewritten)

Utica, N. Y.
Within a 5-mile radius of the center, 43°08'45" N., 75°22'55" W. of Oneida County Airport, Utica, N. Y., within 2 miles each side of the Utica ILS localizer SE course extending from the 5-mile radius zone to the Utica radio beacon; within 2 miles each side of the Utica VOR 306° radial extending from the 5-mile radius zone to 1.5 miles NW of the VOR and excluding the portion within the Rome, N. Y., control zone.

Valdosta, Ga. (Moody AFB)
Within a 5-mile radius of Moody AFB (latitude 30°58'01" N., longitude 83°11'27" W.); within 2 miles each side of the Moody VOR 007° radial, extending from the 5-mile radius zone to 12 miles N of the VOR; within 2 miles each side of the Moody VOR 173° radial, extending from the 5-mile radius zone to 12 miles SE of the VOR; within 2 miles each side of the Valdosta VOR 016° radial, extending from the 5-mile radius zone to the Valdosta Municipal Airport 5-mile radius control zone; within 2 miles each side of the Moody TACAN 360° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN; within 2 miles each side of the Moody TACAN 180° radial, extending from the 5-mile radius zone to the Valdosta Municipal Airport 5-mile radius control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Valdosta, Ga. (Valdosta Municipal Airport)
Within a 5-mile radius of the Valdosta Municipal Airport (latitude 30°46'58" N., longitude 83°16'44" W.); within 2 miles each side of the Valdosta VOR 007° radial, extending from the 5-mile radius zone to the VOR.

Vandalia, Ill.
Within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.) and within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR.

Vandenberg AFB, Calif.
Within a 5-mile radius of Vandenberg AFB, Lompoc, Calif. (latitude 34°43'50" N., longitude 120°34'30" W.); within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from the 5-mile radius zone to 2.5 miles northwest of the OM, and within a 1-mile radius of Lompoc Airport (latitude 34°39'55 N., longitude 120°27'55" W.), excluding that portion within R-2516.

AMENDMENTS 2/29/68 33 F. R. 531 (Added)

Van Nuys, Calif.
Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.) excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W.

Vernal, Utah
Within a 5-mile radius of Vernal Airport (latitude 40°26'30" N., longitude 109°30'50" W.), and within 2 miles each side of the Vernal VOR 159° radial, extending from the 5-mile radius zone to 8 miles S of the VOR. This control zone will be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Vero Beach, Fla.
Within a 5-mile radius of Vero Beach Municipal Airport (latitude 27°39'15" N., longitude 80°24'55" W.).

Victoria, Tex.
Within a 5-mile radius of the Victoria County-Foster Airport (latitude 28° 51' 10" N., longitude 96° 55' 20" W.) and within 2 miles each side of the 320° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from the 5-mile radius zone to 8 miles NW of latitude 28° 51' 30" N., longitude 96° 55' 00" W., effective from 0600 to 2200 hours, local time, daily.

Victorville, Calif.
Within a 5-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.); within 2 miles each side of the George AFB VOR 350° and 005° radials extending from the 5-mile radius zone to 9 miles N of the VOR, and within 1.5 miles NW and 2.5 miles SE of the George AFB VOR 045° radial extending from the 5-mile radius zone to 8.5 miles NE of the VOR.

Visalia, Calif.
Within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 123° radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°19'30" W.), effective from 0800 to 1900 hours, local time, daily.

AMENDMENTS 2/6/69 33 F. R. 10982 (Changed)

Waco, Tex.
That airspace within a 5-mile radius of Waco Municipal Airport (latitude 31°36'40" N., longitude 97°13'40" W.), within 2 miles each side of the Waco VORTAC 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 2 miles each side of the Waco ILS localizer north course extending from the 5-mile radius zone to the OM.

AMENDMENTS 6/14/68 33 F. R. 9254 (Changed); 10/9/68 33 F. R. 15647 (Rewritten)

Wake Island
Within a 5-mile radius of Wake Island Airport (latitude 19°18'00" N. longitude 166°38'00" E); within 2 miles each side of the Wake Island VORTAC 306° radial, extending from the 5-mile radius zone to 17 miles NW of the VORTAC; within 2 miles each side of the Wake Island VORTAC 111° radial, extending from the 5-mile radius zone to 17 miles E of the VORTAC; within 2 miles each side of the 281° bearing from the Wake Island radio beacon (AXX), extending from the 5-mile radius zone to 15 miles W of the radio beacon; and within 2 miles each side of the 101° bearing from the Wake Island radio beacon (AWK), extending from the 5-mile radius zone to 12 miles E of the radio beacon.

Walla Walla, Wash.
Within a 5-mile radius of Walla Walla City County Airport (latitude 46°05'35" N., longitude 118°17'20" W.), within 2 miles each side of the Walla Walla VOR 215° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR and within 2 miles each side of the Walla Walla TACAN 041° radial, extending from the 5-mile radius zone to 9.5 miles NE of the TACAN.

Walnut Ridge, Ark.
Within a 5-mile radius of Walnut Ridge Municipal Airport (latitude 36°07'30" N., longitude 90°55'25" W.) and within 2 miles each side of the Walnut Ridge VORTAC 244° radial extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

AMENDMENTS 6/20/68 33 F. R. 8532 (Rewritten)

Washington, D. C.
Within a 5-mile radius of Washington National Airport (latitude 38°51'05" N., longitude 77°02'20" W.), within 2 miles each side of the Washington National Airport ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the 137° bearing from the Georgetown, D. C., RBN and 2 miles SW of the Washington, D. C., VOR 313° radial, extending from the 5-mile radius zone to the Georgetown RBN, within 2 miles each side of the Washington VOR 324° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR, and within 2 miles each side of the Washington VOR 060° radial, extending from the 5-mile radius zone to 5 miles NE of the VOR, excluding the portion within P-56 and the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Camp Springs, Md., control zone.

Waterloo, Iowa
Within a 5-mile radius of the Waterloo Municipal Airport (latitude 42°33'22" N., longitude 92°23'59" W.), within 2 miles each side of the Waterloo VORTAC 078° and 200° radials extending from the 5-mile radius zone to 8 miles E and 8 miles S of the VORTAC, and within a 1-mile radius of the Leibundguth Airport (latitude 42°28' N., longitude 92°29' W.).

Watertown, N. Y.
That airspace within a 5-mile radius of the center 43°59'20" N., 76°01'20" W. of Watertown Municipal Airport, Watertown, N. Y., and within 2 miles each side of the Watertown VOR 214° radial extending from the 5-mile radius to 6 miles SW of the VOR.

Watertown, S. Dak.
Within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'35" N., longitude 97°09'30" W.); within 2 miles each side of the Watertown VORTAC 185° radial, extending from the 5-mile radius zone to 11 miles south of the VORTAC; within 2 miles each side of the Watertown VORTAC 006° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2 miles each side of the 145° bearing from Watertown Municipal Airport, extending from the 5-mile radius zone to 12 miles southeast of the airport.

AMENDMENTS 11/14/68 33 F. R. 12962 (Rewritten)

Wausau, Wis.
Within a 5-mile radius of Wausau, Wis., Municipal Airport (latitude 44°55'45" N., longitude 89°37'34" W.), and within 2 miles each side of the Wausau, Wis., VOR 341° radial extending from the 5-mile radius zone to the VOR.

Wenatchee, Wash.
Within a 5-mile radius of Pangborn Field, Wenatchee, Wash. (latitude 47°24'00" N., longitude 120°12'30" W.), and within 2 miles each side of the Wenatchee VOR 124° radial, extending from the 5-mile radius zone to 10.5 miles SE of the VOR, excluding the airspace within a 1-mile radius of Fancher Field, Wash. (latitude 47°26'55" N., longitude 120°16'40" W.).

Westfield, Mass.
Within a 5-mile radius of the center, 42°09'25" N., 72°42'50" W., of Barnes Airport, Westfield, Mass.; within 2 miles each side of the 189° bearing from the Westfield RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the centerline of Runway 33 extended 7.5 miles NW from the end of the runway excluding the portion within the Westover, Mass., control zone. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

Westhampton Beach, N. Y.
Within a 5-mile radius of Suffolk County AFB (latitude 40°50'40" N., longitude 72°37'45" W.), and within 2 miles each side of the Suffolk AFB TACAN 039° and 229° radials extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the TACAN.

Westover, Mass.
Within a 5-mile radius of the center, 42°11'40" N., 72°32'15" W., Westover AFB, Chicopee Falls, Mass.; within 2 miles each side of the Westover ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; within 2 miles each side of Chicopee TACAN 028° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN and within 2 miles each side of the Westover AFB TACAN 221° radial extending from the 5-mile radius zone to 6 miles SW of the TACAN.

Wheeling, W. Va.
Within a 5-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 216° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 5-mile radius zone to the OM.

Whidbey Island, Wash.
Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), within 2 miles each side of the Whidbey Island TACAN 351° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN, and within 2 miles each side of the 283° bearing from the Whidbey Island RBN, extending from the 5-mile radius zone to 8 miles west of the RBN.

AMENDMENTS 6/20/68 33 F. R. 5615 (Changed)

White Plains, N. Y.
Within a 5-mile radius of Westchester County Airport (lat. 41°04'05" N, long. 73°42'35" W); and within 2 miles either side of the Westchester County ILS localizer NW course extending from the 5-mile radius zone to the OM.

Wichita, Kans. (McConnell AFB)
Within a 5-mile radius of McConnell AFB (latitude 37° 37' 25" N., longitude 97° 16' 00" W.), within 2 miles W and 4 miles E of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN, within 2 miles each side of the McConnell AFB VOR 008° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles S of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

Wichita, Kans. (Wichita Municipal).
Within a 5-mile radius of the Wichita Municipal Airport (latitude 37°39'10" N., longitude 97°25'46" W.), within 2 miles each side of the Wichita Municipal Airport ILS localizer N course, extending from the 5-mile radius zone to the INT of the Wichita Municipal Airport ILS localizer N course and the Wichita VOR 075° radial, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (McConnell AFB) 5-mile radius control zone.

Wichita Falls, Tex.
That airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex., (latitude 33°58'55" N., longitude 98°29'35" W.); within 2 miles each side of the Wichita Falls VORTAC 092° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Sheppard TACAN 333° radial extending from the 5-mile radius zone to 7.5 miles N of the TACAN, and within 2 miles each side of the Sheppard TACAN 163° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

Wilkes-Barre, Pa.
Within a 5-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., and within 2 miles each side of the airport ILS localizer SW course extending SW from the 5-mile radius zone for 2 miles SW of the OM.

Williamsport, Pa.
Within a 5-mile radius of the center, 41°14'30" N., 76°55'20" W., of Williamsport-Lycoming County Airport, Williamsport, Pa.; within 2 miles each side of the Williamsport ILS localizer E course extending from the 5-mile radius zone to the Picture Rocks RBN; within 2 miles each side of the centerline of Runway 12 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the centerline of Runway 27 extended from the 5-mile radius zone to 10.5 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 7 miles NW of the end of the runway; and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5.5 miles NW of the end of the runway.

Williston, N. Dak.
Within a 5-mile radius of Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 2 miles each side of the Williston VOR 136° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 127° bearing from Sloulin International Airport, extending from the 5-mile radius zone to 12 miles southeast of the airport.

AMENDMENTS 3/28/68 33 F. R. 2505 (Added)

Willow Grove, Pa.
Within a 5-mile radius of Willow Grove NAS (latitude 40° 12' 00" N., longitude 75° 08' 55" W.); within a 5-mile radius of Johnsville NAS (latitude 40° 11' 56" N., longitude 75° 04' 00" W.); within 2 miles each side of the 325° bearing from the Willow Grove RBN, extending from the RBN to 7 miles NW of the RBN; within 2 miles each side of the Johnsville NAS TACAN 274° radial, extending from the TACAN to 9 miles W of the TACAN; within 2 miles each side of the Johnsville NAS TACAN 082° radial, extending from the TACAN to 6.5 miles E of the TACAN; within 2 miles each side of the Yardley, Pa., VOR 245° radial, extending from the VOR to the Willow Grove NAS, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Johnsville NAS with the North Philadelphia, Pa., control zone.

Wilmington, Del.
Within a 5-mile radius of the Greater Wilmington Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.); within 2 miles each side of the Greater Wilmington Airport ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 5-mile radius zone to 7 miles SW of the VORTAC; and within 2 miles each side of the New Castle, Del., VORTAC 278° radial extending from the 5-mile radius zone to 5.5 miles west of the VORTAC.

Wilmington, N. C.
Within a 5-mile radius of the New Hanover County Airport (latitude 34°16'15" N., longitude 77°54'05" W.); within 2 miles each side of the Wilmington VORTAC 197° radial, extending from the 5-mile radius zone to the VORTAC.

Wilmington, Ohio
Within a 5-mile radius of the center, 39°26'00" N., 83°48'00" W., of Clinton County AFB, Wilmington, Ohio; within 2 miles each side of the Clinton County RBN 037° bearing extending from the 5-mile radius zone to 7 miles northeast of the RBN; within 2 miles each side of the 212° bearing from a point 39°25'51" N., 83°48'10" W., extending from the 5-mile radius zone to 7 miles southwest of said point and within 2 miles each side of the centerline of Runway 23 extended from the 5-mile radius zone to 8 miles southwest of the end of the runway, including that airspace within a 1-mile radius of the center, 39°26'20" N., 83°42'20" W. of Hollister Field, Wilmington, Ohio.

Windsor Locks, Conn.
Within a 5-mile radius of the center 41°56'25" N., 72°41'05" W. of Bradley International Airport, Windsor Locks, Conn., and including a 1-mile radius of the center 41°55'00" N., 72°46'35" W. of Simsbury Airport, Simsbury, Conn.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to 6 miles southwest of the OM; within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius zone to 6 miles
S of the end of the runway; within 2 miles each side of the centerline of Runway 15 extended from the 5-mile radius zone to 6 miles SE of the end of the runway within 2 miles each side of the centerline of Runway 6 extended from the 5-mile radius zone to 5 miles from the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 6 miles from the end of the runway.

AMENDMENTS 4/25/68 33 F. R. 4367 (Changed)

Wink, Tex.
Within a 3-mile radius of the Winkler County Airport (latitude 31°46'45" N., longitude 103°12'05" W.); within 2 miles each side of the Wink VOR 161° radial, extending from the VOR to 5 miles south of the airport.

Winona, Minn.
Within a 5-mile radius of Max Conrad Field, Winona, Minn. (latitude 44°04'34" N., longitude 91°42'25" W.), within 2 miles each side of the 107° bearing from Max Conrad Field extending from the 5-mile radius zone to 8 miles E of the Airport, and within 2 miles each side of the 319° bearing from Max Conrad Field extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Winslow, Ariz.
Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.).

Winston-Salem, N. C.
Within a 5-mile radius of Smith Reynolds Airport (latitude 36°08'01.3" N., longitude 80°13'22.1 W.), effective from 0700 to 2300 hours, local time daily.

AMENDMENTS 8/22/68 33 F. R. 9254 (Rewritten)

Worcester, Mass.
Within a 5-mile radius of Worcester Municipal Airport (Lat. 42°16'05" N, Long. 71°52'20" W).

Worland, Wyo.
Within a 5-mile radius of Worland Municipal Airport (latitude 43°58'10" N., longitude 107°56'50" W.), and within 2 miles each side of the Worland VOR 352° radial, extending from the 5-mile radius zone to 8 miles north of the VOR.

Worthington, Minn.
Within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'10" N., longitude 95°34'50" W.); and within 2 miles each side of the Worthington VOR 358° radial, extending from the 5-mile radius zone to 7 miles N of the VOR; and within 2 miles each side of the Worthington VOR 189° radial, extending from the 5-mile radius zone to 7 miles S of the VOR. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Wrightstown, N. J. (McGuire AFB)
Within a 5-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.), within 2 miles each side of the McGuire VOR 350° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the McGuire VOR 051° radial extending from the 5-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the McGuire VOR 180° radial extending from the 5-mile radius zone to 6 miles S of the VOR; and within 2 miles each side of the McGuire AFB ILS localizer SW course extending from the 5-mile radius zone to the OM.

Yakima, Wash.
Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), and within 2 miles each side of the Yakima ILS localizer east course extending from the 5-mile radius zone to 4.5 miles east of the LOM.

AMENDMENTS 2/1/68 32 F. R. 17516 (Rewritten)

Yakutat, Alaska
Within a 5-mile radius of Yakutat Airport (latitude 59°30'10" N., longitude 139°39'40" W.); within 2 miles each side of the Yakutat VORTAC 147° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and that airspace bounded on the northeast by a line 2 miles northeast of and parallel to the 315° bearing from the Yakutat RR, on the east and southeast by the 5-mile radius zone, on the south by a line 3 miles south of and parallel to the 283° bearing from the Yakutat RR, and on the west and northwest by the arc of an 8-mile radius circle centered on the Yakutat RR.

AMENDMENTS 5/23/68 33 F. R. 5214 (Rewritten)

Yankton, S. Dak.
Within a 5-mile radius of Yankton Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); within 2 miles each side of the Yankton VOR 321° and 140° radials, extending from the 5-mile radius zone to 8 miles NW and SE of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Youngstown, Ohio
Within a 5-mile radius of the Youngstown Municipal Airport (latitude 41° 15' 35" N., longitude 80° 40' 40" W.), within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 5-mile radius zone to 5 miles NW of the localizor; and within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 5-mile radius zone to the OM.

Yuma, Ariz.
Within a 5-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within 2 miles each side of the Yuma VORTAC
181° radial extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2 miles each side of the 044° bearing from the MCAS Yuma RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

Zanesville, Ohio
Within a 5-mile radius of the Zanesville Municipal Airport (latitude 39° 56' 40" N., longitude 81° 53' 20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 5-mile radius zone to 7 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville, (latitude 39° 59' 10" N., longitude 81° 59' 00" W.).

SUBPART G - TRANSITION AREAS

§ 71.181 Designation.
The parts of airspace described below are designated as transition areas.

Aberdeen, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°28' 18" N., 76°10'13" W. of Phillips AAF, Aberdeen, Md., and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 7-mile radius area to 8 miles NE of the RBN.

Aberdeen, S. Dak.
That airspace extending upward from 700 feet above the surface within 8 miles NE and 5 miles SW of the Aberdeen VORTAC 131° and 311° radials extending from 13 miles SE to 5 miles NW of the VORTAC, and within 2 miles each side of the Aberdeen VORTAC 312° radial extending from 7 miles NW to 17 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Aberdeen VORTAC extending clockwise from a line 5 miles SE of and parallel to the Aberdeen VORTAC 232° radial to a line 5 miles E of and parallel to the Aberdeen VORTAC 355° radial, within 8 miles SW and 5 miles NE of the Aberdeen VORTAC 312° radial extending from the 21-mile radius area to 21 miles NW of the VORTAC, and within 5 miles E and 8 miles W of the Aberdeen VORTAC 172° radial extending from the VORTAC to 13 miles S of the VORTAC.

Abilene, Tex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°25'10" N., longitude 99°51'15" W.; and within 8 miles E and 5 miles W of the Abilene ILS localizer S course, extending from the OM to 12 miles S; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°13'00" N., longitude 98°38'00" W.; to latitude 31°12'20" N., longitude 99°41'15" W.; to latitude 31°33'40" N., longitude 100°11'45" W.; to latitude 31°53'15" N., longitude 100°05'30" W.; to latitude 31°59'30" N., longitude 100°13'20" W.; to latitude 33°12'00" N., longitude 100°35' 00" W.; to latitude 33°08'30" N., longitude 99°33'00" W.; to latitude 32°52'00" N., longitude 99°14'00" W.; to latitude 32°52'00" N., longitude 99°02'00" W.; to latitude 32°00'00" N., longitude 98°15'00" W.; to point of beginning; and that airspace extending upward from 7,500 feet m.s.l. within the area bounded by a line beginning at latitude 33°12'00" N., longitude 100°35'00" W.; to latitude 33°08'30" N., longitude 99°33'00" W.; to latitude 32°52'00" N., longitude 99°14'00" W.; to latitude 33°31'00" N., longitude 99°14'00" W.; to latitude 33°31'00" N., longitude 99°49'00" W.; to latitude 33°56'00" N., longitude 99°42'30" W.; to point of beginning excluding the portion extending upward from 7,500 feet m.s.l. that lies within Federal airways.

Adak, Alaska
That airspace extending upward from 700 feet above the surface within the arc of a 15-mile radius circle centered on the NS Adak Airport (latitude 51°52'50" N., longitude 176°38'54" W.), extending clockwise from the 033° bearing to the 090° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Navy Adak TACAN 250° radial extending from the TACAN to 12 miles West of the TACAN.

AMENDMENTS 7/25/68 33 F. R. 7669 (Added)

Adrian, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Adrian Municipal Airport (latitude 41°52'10" N., longitude 84°04'30" W.); and within 2 miles each side of the 223° bearing from Adrian Municipal Airport, extending from the 6-mile radius area to 8 miles southwest of the airport.

AMENDMENTS 3/28/68 33 F. R. 2765 (Added)

Aguadilla, P. R.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); within a 9-mile radius of Mayaguez Airfield (latitude 18°15'25" N., longitude 67°09'09" W.); within 2 miles each side of the 263° bearing from the Mayaguez RBN, extending from the 9-mile radius area to 11 miles west of the beacon.

AMENDMENTS 8/22/68 33 F. R. 9599 (Added)

Aiken, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Aiken Municipal Airport (latitude 33°39'10" N., longitude 81°41'25" W.); within 2 miles each side of the 048° bearing from the Aiken RBN (latitude 33°39'06" N., longitude 81°40'38" W.), extending from the 8-mile radius area to 8 miles northeast of the RBN.

AMENDMENTS 2/29/68 32 F. R. 20843 (Added)

Akron, Colo.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.), and within 4 miles NE and 2 miles SW of the Akron VOR 123° radial, extending from 5-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Akron VOR 123° and 303° radials, extending from 20 miles SE to 10 miles NW of the VOR.

Akron, Ohio

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Akron Municipal Airport (latitude 41° 02' 15" N., longitude 81° 28' 05" W.); within 2 miles each side of the Akron RBN 062° bearing, extending from the Akron Municipal Airport 7-mile raidus area to 8 miles NE of the RBN; within 2 miles each side of the Akron VORTAC 255° radial, extending from the Akron Municipal Airport 7-mile radius area to the VORTAC; within a 7-mile radius of the Akron-Canton Airport (latitude 40° 55' 05" N., longitude 81° 26' 30" W.), and within 5 miles W and 8 miles E of the Akron-Canton ILS localizer S course, extending from the Akron-Canton OM to 12 miles S of the OM; within 2 miles each side of the Akron VORTAC 223° radial extending from the Akron-Canton Airport 7-mile radius area to 5 miles southwest of the VORTAC; within a 5-mile radius of the Andrew W. Paton of Kent State University Airport, Kent, Ohio (41°09'05" N., 81°25'05" W.); within 2 miles each side of the Akron VORTAC 285° radial, extending from the Andrew W. Paton of Kent State University Airport 5-mile mile radius area to VORTAC; within 2 miles each side of the Akron RBN 344° and 164° bearings, extending from the Andrew W. Paton of Kent State University Airport 5-mile radius area to 8 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40° 53' 00" N., longitude 81° 43' 00" W.; to latitude 41° 08' 00" N., longitude 81° 36' 00" W.; to latitude 41° 11' 30" N., longitude 81° 39' 20" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport, Cleveland, Ohio (latitude 41° 24' 30" N., longitude 81° 51' 00" W.) to latitude 41° 21' 00" N., longitude 81° 31' 00" W.; to latitude 41° 24' 20" N., longitude 81° 23' 00" W.; thence counterclockwise along the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41° 41' 00" N., longitude 81° 23' 25" W.), to latitude 41° 28' 00" N., longitude 81° 10' 00" W.; to latitude 41° 05' 00" N., longitude 80° 50' 00" W.; to latitude 40° 56' 00" N., longitude 80° 52' 00" W.; to latitude 40° 58' 40" N., longitude 80° 36' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Imperial, Pa., VORTAC to the Imperial VORTAC 249° radial; thence via the 249° radial to 60 miles SW of the VORTAC; thence via a direct line to the Newcomerstown, Ohio, VOR: direct to the Tiverton, Ohio, VOR; to latitude 40° 54' 00" N., longitude 82° 04' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

AMENDMENTS 5/23/68 33 F. R. 5450 (Changed)

Alamogordo, N. Mex.

That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Holloman AFB Airport (latitude 32°5104" N., longitude 106°06'05" W.); within 4 miles east and 6 miles west of the Holloman AFB TACAN 349° radial extending from the 11-mile radius area to 17.5 miles north of the TACAN; within 2 miles east and 6 miles west of the extended centerline of Runway 15 extending from the 11-mile radius area to 12.5 miles south of the south end of Runway 15; that airspace extending upward from 1,200 feet above the surface beginning at the intersection of longitude 106°04'00" W. and the arc of a 35-mile radius circle centered at latitude 32°51'04" N., longitude 106°06'05" W., thence clockwise via the arc of the 35-mile radius circle to latitude 32°43'15" N., to latitude 32°39'30" N., longitude 105°24'30" W., to latitude 32°33'35" N., longitude 105°30'00" W., to latitude 32°36'00" N., longitude 105°30'00" W., to latitude 32°36'00" N., longitude 106°06'00" W., to latitude 32°34'00" N., longitude 106°06'00" W., to latitude 32°34'00" N., longitude 106°15'00" W., to latitude 33°04'00" N., longitude 106°21'00" W., to latitude 33°11'00" N., longitude 106°17'00" W., to latitude 33°11'00" N., longitude 106°04'00" W., thence north along longitude 106°04'00" W., to the point of beginning; and within 5 miles each side of the Holloman TACAN 044° radial extending from the 35-mile radius arc to 41.5 miles northeast of the TACAN; within 5 miles each side of a direct line from the Holloman VOR to the Roswell, N. Mex., VORATC extending from the 35-mile radius arc to longitude 105°09'00" W.; within 5 miles each side of a direct line from the Holloman TACAN to the Roswell, N. Mex., VORTAC extending from the 35-mile radius arc to longitude 105°09'00" W.

AMENDMENTS 2/29/68 33 F. R. 66 (Added)

Alamosa, Colo.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alamosa Municipal Airport (latitude 37°26'15" N., longitude 105°51'40" W.) and within 2 miles each side of the Alamosa VORTAC 127° and 307° radials, extending from the 5-mile radius area to 8 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 7 miles west and 11 miles east of the Alamosa VORTAC 339° radial, extending from the VORTAC to 33 miles north, within 8 miles northeast and 5 miles southwest of the 127° and 307° radials, extending from 3 miles northwest to 12 miles southeast of the VORTAC.

Albany, Ga.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Albany Municipal Airport (latitude 31°32'08" N., longitude 84°11'34" W.); within a 10-mile radius of NAS Albany (latitude 31°35'50" N., longitude 84°05'05" W.); within a 5-mile radius of Sylvester Airport (latitude 31°33'25" N., longitude 83°53'40" W.); within 2 miles each side of the Albany VORTAC 110° radial, extending from the NAS Albany 10-mile radius area to the VORTAC; within 2 miles each side of the Albany VORTAC 145° radial, extending from the 9-mile radius area to the VORTAC; within 2 miles each side of the 194° bearing from the Sylvester RBN (latitude 31°33'27" N., longitude 83°53'34" W.), extending from the 5-mile radius area to 8 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning NE of Albany at the INT of the S boundary of V-70 and the arc of a 40-mile radius circle centered at NAS Albany, thence clockwise along this arc to latitude 31°35'30" N., thence W along this latitude to the arc of a 30-mile radius circle centered at the Albany Municipal Airport, thence clockwise along this arc to a line 5 miles S of and parallel to the direct radials between the Dothan and Albany VORTACs, thence W along this line to a line extending through latitude 31°16'30" N., longitude 84°51'30" W., and latitude 31°37'30" N., longitude 84°46'00" W., thence N along this line to latitude 31°37'30" N., longitude 84°46'00" W., thence to latitude 31°41'20" N., longitude 84°56'55" W., thence to latitude 31°47'20" N., longitude 84°58'20" W., thence W along latitude 31°47'20" N., to the E boundary of V-241, thence N along this boundary to the INT of the S boundary of V-70, thence E along this boundary to point of beginning; and that airspace extending upward from 3,700 feet MSL beginning at the INT of the NE boundary of V-7 and a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°14'35" N., longitude 85°10'45" W.; thence to latitude 31°16'30" N., longitude 84°51'30" W.; thence N along a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°37'30" N., longitude 84°46'00" W., to the intersection of a line 5 miles S of and parallel to the direct radials between the Albany and Dothan VORTACs; thence E along this line to the arc of a 30-mile radius circle centered at the Albany Municipal Airport; thence counterclockwise along this arc to the W boundary of V-97/V-35W; thence S along this boundary to the NE boundary of V-7; thence NW along this boundary to point of beginning.

AMENDMENTS 10/17/68 33 F. R. 11332 (Changed); Corr: 33 F. R. 12035

Albany, N. Y.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 42°44'48" N., 73°48'19" W. of Albany County Airport, Albany, N. Y., and within 5 miles east and 8 miles west of the Albany ILS localizer north course extending from the 9-mile radius area to 12 miles north of the OM; within 2 miles each side of a 019° bearing from the Runway 19 ILS OM extending from the 9-mile radius area to 12 miles north of the OM; within the arc of a 12-mile radius circle centered on the Albany VOR extending from the Albany VOR 021° radial clockwise to the Albany VOR 274° radial; within a 9-mile radius of the center, 42°51'13" N., 73°55'48" W. of Schenectady County Airport, Schenectady, N. Y.; within 2 miles each side of the centerline of Runway 28 of the latter airport extended from the 9-mile radius area to 12 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 33 of the latter airport extended from the 9-mile radius area to 11 miles northwest of the end of the runway.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 44°00'00" N., 73°47'00" W. to 44°00'00" N., 73°16'00" W. to 43°47'00" N., 72°39'00" W., to 43°11'00" N., 72°39'00" W. to 42°02'00" N., 73°16'00" W. to 42°01'00" N., 74°30'00" W. to 43°19'00" N., 74°30'00" W. to the point of beginning.

AMENDMENTS 7/25/68 33 F. R. 8591 (Changed)

Albert Lea, Minn.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Albert Lea Municipal Airport (latitude 43°40'50" N., longitude 93°22'05" W.) and within 2 miles each side of the 345° bearing from Albert Lea Municipal Airport, extending from the 5-mile radius area to 8 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 165° and 345° bearings from Albert Lea Municipal Airport, extending from 6 miles S to 12 miles N of the airport, excluding the portion which overlies the Hope, Minn. transition area.

Albion, N. J.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°46'40" N., 74°56'55" W., of Albion Airstrip, Albion, N. J., and within 2 miles each side of the Millville VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, N. J., transition area. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 6/20/68 33 F. R. 6916 (Added)

Albuquerque, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.), and that airspace extending upward from 1,200 feet above the surface within a 46-mile radius of the Albuquerque VORTAC, excluding the portion within an 8-mile radius of OTTO Airport, Moriarity, N. Mex. (latitude 35°04'35" N., longitude 106°00'10" W.); within 10 miles E and 7 miles W of the Socorro, N. Mex., VORTAC 189° and 009° radials, extending from the 46-mile radius area to 20 miles S of the VORTAC, excluding the portion within R-5107C; within 10 miles S and 7 miles N of the Grants, N. Mex., VOR 267° and 087° radials, extending from the 46-mile radius area to 20 miles W of the VOR; and that airspace extending upward from 11,000 feet MSL within 5 miles each side of the Albuquerque VORTAC 339° radial, extending from the 46-mile radius area to 79 miles N of the VORTAC, and within 5 miles each side of the Albuquerque VORTAC 303° radial, extending from the 46-mile radius area to 79 miles NW of the VORTAC. The portions of this transition area within 5 miles each side of the Albuquerque VORTAC 303° and 339° radials, extending from the 46-mile radius area to 79 miles N and NW are excluded from Federal airways.

PENDING AMENDMENT

The Albuquerque, N. Mex., transition area 1,200-foot portion is amended in part by deleting "excluding the portion within an 8-mile radius of Otto Airport, Moriarity, N. Mex. (latitude 35°04'35" N., longitude 106°00'10" W.)," and substituting "excluding the portion within an 8-mile radius of latitude 35°04'35" N., longitude 106°00'10" W.;" therefor; and by deleting "within 10 miles south and 7 miles north of the Grants, N. Mex., VOR 267° and 087° radials, extending from the 46-mile radius area to 20 miles west of the VOR;

AMENDMENTS 3/6/69 34 F. R. 429 (Changed)

Alexander City, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Thomas C. Russell Field Airport (latitude 32°55'15" N., longitude 85°57'45" W.); within 2 miles each side of the 171° bearing from the Alexander City RBN (latitude 32°53'10" N., longitude 85°57'30" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

Alexandria, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Alexandria Airport (latitude 40°13'25" N., longitude 85°38'15" W.) excluding the portion which overlies the Anderson, Ind., transition area.

AMENDMENTS 7/25/68 33 F. R. 7875 (Added)

Alexandria, La.
That airspace extending upward from 700 feet above the surface within a 16-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within a 7-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.); within 2 miles each side of the 151° bearing from the Alexandria RBN, extending from the England AFB 16-mile radius area to 12 miles southeast of the RBN; within 2 miles each side of the Alexandria VORTAC 151° radial, extending from the England AFB 16-mile radius area to 12 miles southeast of the VORTAC; within 2 miles each side of the Esler VOR 155° radial, extending from the Esler Field 7-mile radius area to 17 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°37'00" N., longitude 92°50'00" W., to latitude 30°15'50" N., longitude 93°57'00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to latitude 30°16'20" N., longitude 94°05'10" W. to latitude 30°35'45" N., longitude 94°14'15" W., to latitude 30°44'00" N., longitude 93°51'00" W., to latitude 31°08'00" N., longitude 94°02'00" W., to latitude 31°42'00" N., longitude 93°56'00" W., to latitude 31°42'00" N., longitude 93°51'00" W., to latitude 31°26'00" N., longitude 93°17'00" W., to latitude 31°49'00" N., longitude 92°51'30" W., to latitude 32°10'00" N., longitude 92°20'00" W., to latitude 32°05'00" N., longitude 91°57'00" W., to latitude 32°05'00" N., longitude 91°28'00" W., to latitude 31°04'00" N., longitude 91°29'20" W., to latitude 30°53'40" N., longitude 91°29'10" W., to latitude 30°46'20" N., longitude 91°50'40" W., to latitude 30°32'00" N., longitude 92°15'00" W., to latitude 30°24'00" N., longitude 92°26'00" W., to point of beginning; excluding the portion within the Natchez, Miss., transition area.

AMENDMENTS 2/1/68 32 F. R. 16202 (Changed)

Alexandria, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Alexandria Airport (latitude 45°52'05" N., longitude 95°23'39" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Alexandria VOR 051° and 231° radials extending from 6 miles SW to 13 miles NE of the VOR.

Alief, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Andrau Airpark (latitude 29°43'20" N., longitude 95°35'05" W.); and within 2 miles each side of the 352° bearing from the Andrau RBN extending from the 5-mile radius area to 8 miles N of the RBN.

Allegan, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Allegan, Mich., Padgham Field (latitude 42°31'55" N., longitude 85°49'30" W.), excluding the portion which coincides with the Battle Creek, Mich., transition area.

Allendale, S. C.
That airspace extending upward from 2,700 feet MSL bounded on the NW by V-70, on the SE by V-157, on the southwest by V-154, excluding Federal airways.

AMENDMENTS 2/6/69 33 F. R. 18478 (Changed)

Allentown, Pa.
That airspace extending upward from 700 feet above the surface within a 21-mile radius of the center, 40°39'10" N., 75°26'20" W., of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from the 205° bearing from the airport to 5 miles northwest of the Allentown, Pa., VORTAC 043° radial; within 5 miles each side of the Allentown VORTAC 043° radial extending from the VORTAC to 18 miles northeast of the VORTAC; within a 12-mile radius of the airport extending clockwise from 5 miles southeast of the Allentown VORTAC 043° radial to the 205° bearing from the airport.

AMENDMENTS 12/12/68 33 F. R. 15704 (Changed)

Alliance, Nebr.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Alliance Municipal Airport, and within 8 miles NE and 5 miles SW of the 146° bearing from the Alliance Airport extending from the airport to 12 miles SE of the airport, and within 8 miles SW and 5 miles NE of the 300° bearing from the Alliance Airport extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 146° bearing from the Alliance Airport extending from 12 miles SE of the airport to 16 miles SE of the airport and within 5 miles each side of the Scottsbluff, Nebraska, VORTAC 073° radial extending from the arc of a 20-mile radius circle centered on the Scottsbluff VORTAC to 33 miles E of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 4 nmi each side of a line extending from the Alliance Municipal Airport (latitude 42°02'50" N., longitude 102°48'30" W.) to the Chadron, Nebr., Municipal Airport (latitude 42°50'10" N., longitude 103°05'50"W.).

Alliance, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°58'56" N., 81°02'22" W., of Miller Airport, Alliance, Ohio, and within 2 miles each side of the Akron VOR 136° radial extending from the 5-mile radius area to the VOR, excluding the portion within the Akron, Ohio, transition area.

Alma, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bacon County Airport (latitude 31°32'20" N., longitude 82°30'30" W). This transition area is effective from 0600 to 2000 hours, local time, daily.

AMENDMENTS 12/12/68 33 F. R. 15412 (Added)

Alma, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Alma, Mich., Municipal Airport (latitude 43°23'25" N., longitude 84°38'25" W.), and within 2 miles each side of the 253° bearing from the Alma Municipal Airport extending from the radius area to 10 miles west of the airport.

Alpena, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°05'00" N., longitude 83°33'00" W.); within 5 miles east and 8 miles west of the 180° and 360° bearings from the Alpena RBN, extending from 2 miles south to 12 miles north of the RBN, within 5 miles west and 8 miles east of the Alpena VORTAC 186° radial, extending from the VORTAC to 12 miles south of the VORTAC, within 5 miles east and 8 miles west of the Alpena VORTAC 346° radial, extending from the VORTAC to 12 miles north of the VORTAC, and within 5 miles northeast and 8 miles southwest of the Alpena VORTAC 306° radial, extending from the VORTAC to 12 miles northwest of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of Phelps-Collins Airport, within the arc of a 29-mile radius circle centered on the Alpena RBN, extending from a line 5 miles west of and parallel to the 360° bearing from the RBN clockwise to a line 5 miles east of and parallel to the 021° bearing from the RBN, within 6 miles southeast and 9 miles northwest of the Alpena VORTAC 232° radial extending from the 21-mile radius area to 48 miles southwest of the VORTAC, and within 6 miles northeast and 9 miles southwest of the Alpena VORTAC 305° radial extending from the 21-mile radius area to 48 miles northwest of the VORTAC, excluding the portion which coincides with the Oscoda, Mich., transition area.

Alva, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alva Municipal Airport (latitude 36°46'00" N., longitude 98°40'00" W.); within 2 miles each side of the 170° bearing from the Alva RBN (latitude 36°46'47" N., longitude 98°40'34" W.), extending from the 5-mile radius area to 8 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 36°50'30" N., longitude 98°50'30" W., to latitude 36°34'40" N., longitude 98°47'00" W., to latitude 36°37'00" N., longitude 98°30'00" W., thence north via longitude 98°30'00" W. to and west via the south boundary of V-190 to the southeast boundary of V-12, thence to point of beginning, excluding the portion within Federal airways.

AMENDMENTS 2/29/68 33 F. R. 12 (Added)

Amarillo, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of the Amarillo Municipal Airport (latitude 35°13'10" N., longitude 101°42'40" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°01'00" N., longitude 101°24'00" W.; to latitude 35°58'00" N., longitude 101°13'00" W.; to latitude 35°43'00" N., longitude 101°13'00" W.; to latitude 35°42'00" N., longitude 100°29'00" W.; to latitude 35°28'00" N., longitude 100°29'00" W.; to latitude 35°23'00" N., longitude 100°50'00" W.; to latitude 35°13'00" N., longitude 100°50'00" W.; to latitude 35°13'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°27'00" W.; to latitude 34°40'00" N., longitude 101°36'00" W.; to latitude 34°40'00" N., longitude 102°18'00" W.; to latitude 35°09'00" N., longitude 102°25'00" W.; to latitude 35°32'00" N., longitude 102°09'00" W.; to latitude 35°44'00" N., longitude 102°23'00" W.; to latitude 35°54'00" N., longitude 102°10'00" W.; to latitude 35°40'00" N., longitude 101°54'00" W.; to latitude 35°43'00" N., longitude 101°44'00" W.; to latitude 35°59'00" N., longitude 101°30'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet m.s.l. within 5 miles each side of the Amarillo VORTAC 297° radial, extending from the 1,200-foot area boundary to 52 miles NW of the VORTAC; excluding the portion of the transition area with a floor of 8,000 feet m.s.l. that lies within federal airways.

AMENDMENTS 4/29/68 33 F. R. 7020 (Changed)

Amchitka, Alaska
That airspace extending upward from 700 feet above the surface within 8 miles north and 5 miles south of the 082° bearing from the Amchitka RBN extending from the RBN to 11.5 miles east; within 8 miles southeast and 5 miles northwest of the 247° bearing from the Amchitka RBN, extending from the RBN to 11.5 miles southwest; and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Amchitka Airport (latitude 51°22'45" N., longitude 179°15'42" E.).

Ames, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'05" W.) and within 5 miles SW and 8 miles NE of the 127° bearing from Ames Municipal Airport, extending from the airport to 12 miles SE.

Anchorage, Alaska
That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Anchorage airport surveillance radar antenna site (latitude 61°16'N., longitude 149°50' W.); within 2 miles each side of the Anchorage RR SW course extending from the 18-mile radius transition area to 10 miles SW of the RR, and within 5 miles north and 8 miles south of the Anchorage VOR 260° Radial, extending from the 18-mile radius transition area to 12 miles west of the Anchorage VOR; that airspace extending upward from 1,200 feet above the surface within a 72-mile radius of the Anchorage VOR extending clockwise from the SW boundary of Victor Airway 440, northwest of Anchorage, to the S boundary of Green Federal airway No. 8, northeast of Anchorage, and within a 55-mile radius of the Anchorage VOR extending clockwise from the S boundary of Green Federal airway No. 8, northeast of Anchorage, to the SW boundary of Victor Airway 440, northwest of Anchorage; and that airspace extending upward from 14,000 feet m.s.l. within a 172-mile radius of the Anchorage VOR, excluding the portions within the United States, Federal airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon, Alaska, transition area, and the Anchorage Oceanic Control Area.

Anderson, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Anderson Municipal Airport, Anderson, Indiana (Lat. 40°08'30" N., Long. 85°36'55" W.); and within 2 miles each side of the 298° bearing from Anderson Municipal Airport extending from the 5-mile radius to 13 miles NW of the airport.

Anderson, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Anderson County Airport (latitude 34°20'40" N., longitude 82°42'30" W.).

Andover, N. J.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°00'30" N., 74°44'20" W. of Aeroflex-Andover Airport, Andover, N. J., and within 5 miles north and 8 miles south of the Stillwater, N. J., VOR 263° radial extending from the VOR to 12 miles west of the VOR within 2 miles each side of the Stillwater, N. J. VOR 083° radial extending from the 7-mile radius area to the VOR effective from sunrise to sunset daily.
That airspace extending upward from 1200 feet above the surface bounded by a line beginning at: 41°19'00" N., 74°33'00" W.; 40°49'00" N., 74°37'00" W.; 40°48'00" N., 75°00'00" W.; 40°56'16" N., 75°11'04" W.; 41°31'00" N., 75°07'00" W. to point of beginning.

Aniak, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the 230° bearing from the Aniak RBN extending from 8 miles SW to 18 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles NE and 8 miles SW of the 140° and 320° bearings from the Aniak RBN extending from 7 miles NW to 18 miles SE of the RBN.

Ann Arbor, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ann Arbor Municipal Airport (latitude 42°13'25" N., longitude 83°44'30" W.); and within a 5-mile radius of Young Field (latitude 42°17'40" N., longitude 83°51'45" W.), excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area.

AMENDMENTS 2/1/68 32 F. R. 17576 (Added)

Annette Island, Alaska
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Annette Island VOR; within 5 miles southwest of the 331° bearing from the Gravina Island RBN, extending from the 14-mile radius area to 8 miles northwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the Annette Island radio range northwest course, extending from the RR to 28 miles northwest of the RR; and within 14 miles northeast and 22 miles southwest of the Annette Island VOR 150° radial, extending from the VOR to 30 miles southeast of the VOR; excluding the portion outside the United States.

AMENDMENTS 5/23/68 33 F. R. 5214 (Rewritten)

Anniston, Ala.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Anniston Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within 2 miles each side of the 235° bearing from the Anniston RBN extending from the 8-mile radius area to 12 miles SW of the airport.

Apalachicola, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Apalachicola Municipal Airport (lat. 29° 43' 45" N., long. 85° 01' 45" W.); within 2 miles each side of the 012° 049°, and 322° bearings from the Apalachicola RBN, extending from the 6-mile radius area to 8 miles North, Northeast and Northwest of the RBN.

AMENDMENTS 1/9/69 33 F. R. 17102 (Added)

Appleton, Wis.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Outagamie County Airport (latitude 44°15'40" N., longitude 88°31'10" W.); within 2 miles each side of the 135° bearing from Outagamie County Airport, extending from the 6-mile radius area to 15 miles southeast of the airport; and within 2 miles each side of the 285° bearing from Outagamie County Airport, extending from the 6-mile radius area to 8 miles west of the airport.

Arcata, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° and 153° bearings from the Arcata RBN, extending from 7.5 miles NW to 15 miles SE of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the W by longitude 124°30'00" W., on the N by latitude 41° 16'00" N., on the E and S by a line 9 miles NE of and parallel to the 333° and 153° bearings from the Arcata RBN to latitude 40°34'00" N., thence to latitude 40°22'00" N., longitude 124°12'00" W., thence to latitude 40°22'00" N., longitude 124°30'00" W.; and within 9 miles each side of the Fortuna, Calif., VOR 110° radial, extending from the VOR to 61 miles E of the VOR.

Ardmore, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°09'30" N., longitude 97°08'00" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles N and 8 miles S of the 265° and 085° bearings from the Ardmore RBN, extending from 3 miles E to 8 miles W of the RBN.

Arkansas City/Winfield, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Strother Field (latitude 37°10'10" N., longitude 97°02'25" W.).

Asheboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Asheboro Municipal Airport (latitude 35°39'18" N., longitude 79°53'41" W.).

Asheville, N. C.
That airspace extending upward from 700 feet above the surface within 2 miles W and 8 miles E of a 340° bearing from the Broad River RBN extending from the RBN to to 7 miles N; within 2 miles E and 6 miles W of a 160° bearing from the Broad River RBN, extending from the RBN to 3 miles S of the RBN; within 2 miles each side of the Asheville VORTAC 244° radial extending from 1 mile SW to 8 miles SW; and within 5 miles W and 6 miles E of the 159° and 339° bearings from the Biltmore RBN extending from 6 miles N to 10 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of a 25-mile arc centered at Asheville Airport (latitude 35°26'00" N., longitude 82°32'25" W.) and a line 10 miles southwest of and parallel to the centerline of V-185, extending clockwise along this arc to a line 7 miles northwest of and parallel to the centerline of V-222, thence northeast along this line to a line 7 miles southwest of and parallel to the centerline of V-259, thence northwest along this line to latitude 35°54'00" N., thence east along latitude 35°54'00" N. to the southwest boundary of V-259, thence southeast along the southwest boundary of V-259 to the northwest boundary of V-20, thence southwest along the northwest boundary of V-20 to the north boundary of V-296, thence west along the north boundary of V-296 to the southeast boundary of V-222, thence southwest along the southeast boundary of V-222 to a line 6 miles west of and parallel to the 160° and 340° bearings from the Broad River RBN, thence north along a line 6 miles west of and parallel to the 160° and 340° bearings from the Broad River RBN to a line 10 miles southwest of and parallel to the centerline of V-185, thence northwest along this line to the point of beginning.

AMENDMENTS 9/19/68 33 F. R. 10799 (Changed)

Ashland, Ky.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°33'15" N., 82°44'20" W., of Ashland-Boyd County Airport, Ashland, Ky.; within 2 miles each side of the Runway 10 centerline extended from the 6-mile radius area to 9 miles east of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 9 miles west of the end of the runway and within 2 miles each side of the York VOR 116° radial extending from the 6-mile radius area to the VOR.

Ashland, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Columbia, Mo. Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); and within 2 miles each side of the Hallsville, Mo. VORTAC 192° radial, extending from the 6-mile radius area to 10 miles south of the VORTAC, excluding the portions which overlie the Columbia, Mo., 700-foot floor transition area.

AMENDMENTS 9/19/68 33 F. R. 10444 (Added); 10/7/68 33 F. R. 15860 (Rewritten)

Ashland, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of John F. Kennedy Memorial Airport (latitude 46°32'55" N., longitude 90°55'00" W.) and within 2 miles each side of the 208° bearing from John F. Kennedy Memorial Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 208° bearing from John F. Kennedy Memorial Airport extending from the airport to 12 miles SW of the airport.

Astoria, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Astoria VOR 309° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'40" W.) to 8 miles NW of the Fort Stevens FM (latitude 46°12'31" N., longitude 123°57'51" W.), and within 2 miles each side of the Astoria VOR 347° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles NE and 5 miles southwest of the Astoria, Oreg., VOR 147° and 327° radials, extending from 7 miles southeast to 13 miles northwest of the VOR; within 9 miles south and 2 miles north of the Astoria VOR 268° radial; extending from the VOR to 13 miles west of the VOR; within 5 miles northeast and 8 miles southwest of the Astoria VOR 309° radial, extending from the Fort Stevens fan marker to 12 miles northwest of the fan marker and within 8 miles northeast and 6 miles southwest of the Astoria VOR 309° radial extending from the Fort Stevens fan marker to 20 miles northwest of the fan marker.

AMENDMENTS 12/12/68 33 F. R. 15245 (Changed)

Athens, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Athens Municipal Airport (latitude 33°56'54" N., longitude 83°19'37" W.).

AMENDMENTS 1/9/69 33 F. R. 16558 (Added)

Athens, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°20'09" N., 82°04'16" W., of Ohio University Airport, Athens, Ohio, and within 2 miles each side of the 089° bearing from the Athens RBN extending from the 6-mile radius area to 8 miles E of the RBN.

Athens, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Glad Oaks Airport, Athens, Tex. (latitude 32°01'15" N., longitude 95°41'45" W.); and within 2 miles each side of the 348° bearing from the Glad Oaks RBN, extending from the 5-mile radius area to 8 miles N of the RBN.

Atlanta, Ga.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.), excluding the airspace within a 1.5 mile-radius of the South Fulton Skyport, Atlanta, Ga. (latitude 33°32'47" N., longitude 84°38'31" W.), and the Gunn Airport, Atlanta, Ga. (latitude 33°43'14" N., longitude 84°09'56" W.); within a 5-mile radius of the DeKalb-Peachtree Airport, Chamblee, Ga. (latitude 33°52'30" N., longitude 84°18'10" W.); within 5 miles SW and 8 miles NE of the Atlanta ILS localizer SE course, extending from the LOM to 12 miles SE of the LOM; within 2 miles each side of the 114° bearing from the Runway 33 LOM, extending from the 15-mile radius area to 17 miles SE of the LOM; that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of the Atlanta Airport; within a 30-mile radius of Lost Mountain, Ga., RBN; that airspace NW of Lost Mountain, Ga., extending from the 30-mile radius area bounded on the W by longitude 85°00'00" W., on the N by latitude 34°30'00" N., and on the E by the W boundary of V-5W, excluding the portion that coincides with the Chattanooga, Tenn., transition area; that airspace N of Atlanta extending from the 50-mile radius area bounded on the W by V-51, on the N by V-54, on the E by V-267; that airspace NE of Atlanta bounded on the N by V-54 on the E by a line 5 miles E of and parallel to the Knoxville VORTAC 166° radial and the Norcross VORTAC 025° radial, on the S by V-222 and on the W by V-267; that airspace NE and E of Atlanta extending from the 50-mile radius area bounded on the NW by V-222, on the E by a line extending from the SE boundary of V-222 west of Greenville, S. C., counterclockwise along the arc of a 30-mile radius circle centered at latitude 34°48'45" N., longitude 82°20'30" W., to its INT with the arc of a 15-mile radius circle centered at the Greenwood VOR, thence counterclockwise along this arc to its INT with the N boundary of V-454, thence via the N boundary of V-454 to longitude 83°00'00" W., thence via longitude 83°00'00" W. to the N boundary of V-18S, and on the S by the N boundary of V-18S; that airspace SW of Atlanta extending from the 50-mile radius area bounded on the N by V-18, on the S by V-20N, on the SW by V-159 and on the W by longitude 86°00'00" W., and that airspace W of Atlanta extending from the 50-mile radius area bounded on the N by a line 12 miles N of and parallel to the Runway 9L ILS localizer W course, on the S by V-18, and on the W by longitude 85°33'00" W., excluding the portion within R-3001.

Atlanta, Ga. (Dobbins AFB/NAS Atlanta).
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°55'00" N., longitude 84°31'00" W.); within 2 miles each side of the NAS Atlanta TACAN 301° radial extending from the 7-mile radius area to 10 miles NW of the TACAN; within 2 miles each side of the Norcross, Ga., VORTAC 265° radial extending from the 7-mile radius area to 9 miles W of the Dobbins AFB/NAS Atlanta Airport Reference Point (latitude 33°55'00" N., longitude 84°31'00" W.); excluding that airspace within a 15-mile radius of the Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.).

Atlantic, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Atlantic Municipal Airport (latitude 41°24'20" N., longitude 95°02'45" W.); and within 5 miles NE and 8 miles SW of the 313° bearing from the Atlantic, Iowa, RBN, extending from the RBN to 12 miles NW.

Atlantic City, N. J.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°27'25" N., 74°34'45" W. of Atlantic City Municipal (Pomona) Airport, Atlantic City, N. J., and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 NM offshore; on the SE by a line 3 NM offshore; and on the NE by the Atlantic City VORTAC 112° radial, within 8 miles SW and 5 miles NE of the Atlantic City ILS localizer NW course extending from the 12-mile radius area to 12 miles NW of the OM.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 39°43'00" N., 74°48'00" W. to 39°37'31" N., 74°20'02" W. to 39°31'45" N., 74°15'55" W. to 39°08'00" N., 74°51'00" W. to 38°57'30" N., 74°59'20" W. to 39°26'20" N., 75°19'58" W. to 39°30'30" N., 75°23'00" W. to 39°37'00" N., 75°10'00" W. to 39°33'00" N., 75°07'00" W. to point of beginning.

Atterbury, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bakalar AFB (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 044° bearing from the AFB, extending from the 6-mile radius zone to 12 miles NE of the AFB; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 39°30'00" N., on the E by longitude 85°39'00" W., on the S by latitude 39°10'00" N., and on the W by longitude 86°06'00" W.

Auburn, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-Opelika Airport (latitude 32°36'55" N., longitude 85°26'10" W.) and within 2 miles each side of the Tuskegee, Ala., VOR 056° radial extending from the 5-mile radius area to the VOR.

Auburn, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Auburn Airport (latitude 41°19'00" N., longitude 85°04'00" W.) and within 2 miles each side of the Fort Wayne, Ind., VORTAC 015° radial extending from the 5-mile radius area to 7 miles S of the Auburn Airport.

Auburn, Maine

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°02'55" N., 70°17'00" W., of Auburn-Lewiston Municipal Airport, Auburn, Maine; within 2 miles each side of the 025° and 205° bearings of the New Gloucester, Maine, RBN extending from the 5-mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the 049° bearing of the New Gloucester RBN extending from the RBN to 12 miles NE of the RBN.

Augusta, Ga.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bush Field, Augusta, Ga. (latitude 33°22'10" N., longitude 81°57'55" W.); within a 5-mile radius of Daniel Field, Augusta, Ga. (latitude 33°27'55" N., longitude 82°02'25" W.); within 8 miles W and 5 miles E of the Augusta LOM 168° bearing, extending from the Bush Field 9-mile radius area to 12 miles S of the LOM; within 2 miles each side of the Augusta VORTAC 141° and 321° radials, extending from the Daniel Field 5-mile radius area to 8 miles NW of the VORTAC; within 2 miles each side of the 346° bearing from the Emory RBN, extending from the Daniel Field 5-mile radius zone to 8 miles N of the RBN; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from the intersection of longitude 82°50'00" W., and a line 10 miles N of and parallel to the Augusta VORTAC 278° radial; thence E via a line 10 miles N of and parallel to the Augusta VORTAC 278° radial; to and clockwise along the arc of a 23-mile radius circle centered at the Augusta VORTAC; to and N along a line 10 miles W of and parallel to the Augusta VORTAC 359° radial; to and counterclockwise along the arc of a 15-mile radius circle centered on the Greenwood, S. C., VORTAC; to and S along a line 8 miles E of and parallel to the Augusta VORTAC 359° radial; to and clockwise along the arc of a 23-mile radius circle centered on the Augusta VORTAC; to and NE along the N boundary of V-155; to longitude 81°41'30" W.; to latitude 33°46'00" N., longitude 81°37'00" W.; to latitude 33°23'25" N., longitude 81°37'00"W.; thence via a line extending through latitude 33°23'25" N., longitude 81°37'00" W., and latitude 33°05'30" N., longitude 81°48'45" W.; to and S along the E boundary of V-185; to and SW along the N boundary of V-70; to and N along a line 8 miles W of and parallel to the Augusta VORTAC 157° radial; to latitude 33°03'30" N., longitude 82°02'20" W.; to latitude 33°03'50" N., longitude 82°50'00" W., thence N via longitude 82°50'00" W., to the point of beginning; and that airspace extending upward from 3,000 feet MSL bounded on the N by a line extending from latitude 33°03'40" N., longitude 82°30'00" W.; to latitude 33°03'30" N., longitude 82°02'20" W., on the E by a line 8 miles W of and parallel to the Augusta VORTAC 157° radial, on the S by the N boundary of V-70, and on the W by longitude 82°30'00" W.; excluding that portion within R-6004.

AMENDMENTS 8/22/68 33 F. R. 12178 (Changed); 10/17/68 33 F. R. 11449 (Changed)
AMENDMENTS 1/16/69 33 F. R. 19899 (Changed)

Augusta, Maine

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine, and within 2 miles each side of the Capital City, Maine, RBN (44°20'18" N., 69°48'42" W.) 333° bearing extending from the 8-mile radius area to 8 miles northwest of the RBN.

Austin, Minn.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Austin Municipal Airport, Austin, Minnesota (latitude 43°40'00" N., longitude 92°55'58" W.), and within 5 miles E and 8 miles W of the 351° bearing from Austin Municipal Airport, extending from the airport to 12 miles N and within 5 miles W and 8 miles E of the 176° bearing from the airport extending from the airport to 12 miles S.

Austin, Tex.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 30°23'25" N., longitude 97°43'35" W.; within a 7-mile radius of Bergstrom AFB; within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 7-mile radius area to 12 miles S of the LOM; and within 2 miles each side of the Austin ILS localizer SE course, extending from the 7-mile radius area to 8 miles SE of the Austin LOM; and that airspace extending upward from 1,200 feet above the surface within an area beginning at latitude 30°33'30" N., longitude 98°31'30" W.; to latitude 30°48'00" N., longitude 98°03'00" W.; to latitude 30°48'00" N., longitude 97°39'00" W.; to latitude 30°57'00" N., longitude 97°36'00" W.; to latitude 30°55'00" N., longitude 97°26'00" W.; to latitude 30°48'00" N., longitude 97°14'00" W.; to latitude 30°48'00" N., longitude 97°05'20" W.; to latitude 29°54'00" N., longitude 96°49'00" W.; to latitude 29°45'30" N., longitude 98°08'00" W.; thence to point of beginning.

AMENDMENTS 3/28/68 33 F. R. 2629 (Changed); 6/17/68 33 F. R. 9254 (Changed)

Babylon, N. Y.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Republic Airport, Farmingdale, N. Y. (latitude 40°43'45" N., longitude 73°24'45" W.); within 2 miles each side of the 158° bearing from the Babylon RBN extending from the Republic Airport 8-mile radius area to 8 miles S of the RBN; within 2 miles each side of the 165° bearing from the Babylon RBN extending from the Republic Airport 8-mile radius area to 8 miles S of the RBN; and within an 8-mile radius of Grumman Bethpage Airport, Bethpage, N. Y. (latitude 40°44'45" N., longitude 73°29'35" W.); within a 5-mile radius of Deer Park Airport, Deer Park, N.Y. (latitude 40°45'31" N., longitude 73°18'35" W.); and within 2 miles each side of the Deer Park VORTAC 007° radial extending from the 5-mile radius area to 8 miles N of the VORTAC, excluding the portion within the Islip, N. Y., and New York, N. Y., transition areas.

AMENDMENTS 12/12/68 33 F. R. 15990 (Changed)

Baker, Oreg.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Baker VORTAC 138° and 317° radials, extending from 14 miles SE to 16 miles NW of the VORTAC.

Bakersfield. Calif.

That airspace extending upward from 700 feet above the surface within 4 miles NE and 5 miles SW of 135° and 315° bearings from the Bakersfield LOM, extending from the arc of a 5-mile radius circle centered on Meadows Field, Bakersfield, Calif. (latitude 35° 25' 40" N., longitude 119° 03' 05" W.), to 10 miles SE of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 118° 45' 00" W., on the S by latitude 35° 05' 00" N., on the W by a line extending from latitude 35° 05' 00" N., longitude 120° 05' 00" W., to latitude 35° 43' 50" N., longitude 120° 05' 00" W., to latitude 35° 43' 50" N., longitude 119° 30' 00" W. to latitude 36° 00' 00" N. longitude 119° 30' 00" W. and on the N by latitude 36° 00' 00" N.

Baltimore, Md.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°10'25" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; within 2 miles each side of the runway 33 centerline extended from the 9-mile radius area to 9 miles northwest of the end of the runway; within 5 miles north and 8 miles south of the Baltimore ILS west course extending from the 9-mile radius area to 12 miles west of the OM; within a 6-mile radius of the center, 39°19'35" N., 76°25'00" W., of Martin Airport, Baltimore, Md.; within 2 miles each side of the runway 14 centerline extended from the 6-mile radius area to 7 miles southeast of the end of the runway; within 2 miles each side of the runway 36 centerline extended from the 6-mile radius area to 9 miles north of the end of the runway; within 2 miles each side of a 132° bearing from the Martin RBN (39°18'15" N., 76°22'45" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN; within 2 miles each side of the Martin TACAN (39°19'18" N., 76°24'42" W.) 317° radial extending from the 6-mile radius area to 15 miles northwest of the TACAN and within a 19-mile radius arc of the Baltimore VORTAC extending clockwise from the Baltimore VORTAC 004° radial to the 035° radial.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 38°47'00" N., 76°16'00" W., to 38°57'00" N., 75°53'00" W. to 39°10'00" N., 75°53'00" W. to 39°18'20" N., 75°36'40" W. to 39°50'00" N., 76°19'40" W. to 39°50'00" N., 77°30'00" W. to 39°16'00" N., 77°30'00" W. to 39°18'00" N., 77°22'00" W. to 39°09'00" N., 77°12'00" W. to 38°57'00" N., 76°22'00" W. to the point of beginning.

Bangor, Maine

That airspace extending upward from 700 feet above the surface within a 7-mile radius arc of the center (44°48'20" N., 68°49'32" W,), of the Bangor International Airport, Bangor, Maine, extending clockwise from 245° to 093°; within a 12-mile radius arc of Bangor International Airport extending clockwise from 093° to 245°; within 2 miles each side of the Bangor VORTAC 318° radial extending from the VORTAC to 12 miles NW of the VORTAC; within 5 miles E and 8 miles W of the Bangor ILS localizer SE course extending from the OM to 12 miles SE of the OM; within a 5-mile radius area of the center (44°57'10" N., 68°40'15" W.), of Old Town Municipal Airport, Old Town, Maine, and within 2 miles each side of the Bangor VORTAC 052° radial extending from the Old Town Municipal Airport 5-mile radius area to the VORTAC; within 2 miles each side of the Bangor VORTAC 050° radial extending from the Old Town Municipal Airport 5- mile radius area to 25 miles northeast of the VORTAC; within 2 miles each side of a 028° bearing from the Old Town, Maine, RBN, 45°00'24" N., 68°38'02" W., extending from the Old Town Municipal Airport 5-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Old Town Municipal Airport Runway 22 centerline extended from the Old Town Municipal Airport 5-mile radius area to 6 miles south of the end of the runway; within 2 miles each side of the Old Town Municipal Airport Runway 33 centerline extended from the Old Town Municipal Airport 5-mile radius area to 6 miles northwest of the end of the runway; within 2 miles each side of the Old Town Municipal Airport Runway 15 centerline extended from the Old Town Municipal Airport 5-mile radius area to 5 miles southeast of the end of the runway; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44° 50' 00" N., longitude 67° 56' 00" W., to latitude 44° 18' 30" N., longitude 67° 56' 00" W., to latitude 43° 52' 00" N., longitude 69° 00' 00" W., to latitude 43° 48' 00" N., longitude 69° 03' 00" W., to latitude 43° 50' 00" N., longitude 69° 18' 00" W. to latitude 43° 50' 00" N., longitude 69° 16' 00" W., to latitude 44° 00' 00" N., longitude 69° 39' 00" W., thence clockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44° 09' 00" N., longitude 69° 57' 00" W., to latitude 44° 03' 00" N., longitude 70° 08' 00" W., to latitude 43° 50' 00" N., longitude 70° 12' 00" W., to latitude 43° 58' 00" N., longitude 70° 28' 00" W., to latitude 44° 05' 00" N., longitude 70° 23' 00" W., to latitude 44° 12' 00" N., longitude 70° 10' 00" W., to latitude 44° 16' 00" N., longitude 70° 14' 00" W., to latitude 44° 39' 00" N., longitude 69° 47' 00" W., to latitude 44° 50' 00" N., longitude 69° 47' 00" W., to latitude 46° 12' 00" N., longitude 69° 23' 00" W., to latitude 45° 24' 00" N., longitude 68° 55' 00" W., to latitude 45° 30' 00" N., longitude 68° 31' 00" W., to latitude 45° 27' 00" N., longitude 68° 20' 00" W., to latitude 45° 33' 00" N., longitude 68° 16' 00" W., to latitude 45° 38' 00" N., longitude 67° 40' 30" W., thence via the United States/Canadian border to latitude 45° 09' 00" N., longitude 67° 23' 00" W., to latitude 45° 07' 00" N., longitude 67° 30' 00" W., to latitude 44°50'00" N., longitude 67°30'00" W., to the point of beginning.

That airspace extending upward from 5,500 feet MSL bounded by a line beginning at 45°24'00" N., 68°55'00" W., to 45°12'00" N., 69°23'00" W., to 45°07'30" N., 69°28'00" W., to 45°23'00" N., 69°48'00" W., to 45°23'00" N., 69°30'00" W., to the point of beginning.

AMENDMENTS 11/14/68 33 F. R. 14587 (Changed); 11/16/68 33 F. R. 17102 (Changed)

Baraboo, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bell Airport, Baraboo, Wis. (latitude 43°31'13" N.; longitude 89°46'09" W.); and within 2 miles each side of the Dells VOR 013° radial, extending from the 5-mile radius to 8 miles N of the VOR.

Bardstown, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°48'50" N., 85°30'00" W. of Samuels Field, Bardstown, Ky.; within 2 miles each side of the Runway 20 centerline extended from the 5-mile radius area to 5 miles south of the end of the runway and within 2 miles each side of a 022° bearing from the Bardstown, Ky. RBN 37°50'52" N., 85°29'00" W. extending from the 5-mile radius area to 8 miles north of the RBN.

AMENDMENTS 12/12/68 33 F. R. 15859 (Added)

Bar Harbor, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bar Harbor Municipal Airport (latitude 44°27'00" N., longitude 68°21'45" W.); within 2 miles each side of the 019° bearing from the Bar Harbor RBN, extending from the 5-mile radius area to 8 miles NE of the RBN; within 2 miles each side of the 331° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles NW of the airport; within 2 miles each side of the 201° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles SW of the airport; and within 2 miles each side of the 271° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles W of the airport.

Bartlesville, Okla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Phillips Airport (latitude 36°45'45" N., longitude 96°00'30" W.), and within 2 miles each side of the Barltesville VORTAC 355° radial extending from the 8-mile radius area to 8 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Bartlesville VORTAC 355° radial extending from the VORTAC to 13 miles north, that airspace bounded on the north by V-516 on the south and southwest by V-190 and on the east by V-131, within 5 miles each side of the Bartlesville VORTAC 184° radial extending from the VORTAC to 18 miles south excluding the portion within the Tulsa, Okla., transition area, and that airspace bounded on the north by V-190 on the southwest by V-74N and on the east by a line 5 miles west of and parallel to the Bartlesville VORTAC 184° radial excluding the portion within the Tulsa, Okla., transition area.

AMENDMENTS 4/25/68 33 F. R. 4094 (Rewritten)

Bastrop, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Morehouse Airport (latitude 32°45'30" N., longitude 91°53'00" W.), and within 2 miles each side of the Monroe VORTAC 030° radial extending from the 5-mile radius area to 19 miles northeast of the VORTAC.

AMENDMENTS 9/19/68 33 F. R. 12179 (Added)

Batavia, N. Y.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Batavia Airport (latitude 43°01'55" N., longitude 78°10'20" W.), and within 2 miles each side of the 192° bearing from the Batavia Airport, extending from the 4-mile radius area to 12 miles S of the airport.

Batesville, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Batesville Municipal Airport (latitude 35°43'50" N., longiiude 91°38'25" W.), and within 2 miles each side of the 106° bearing from the Batesville RBN (latitude 35°43'44" N., longitude 91°38'17" W.), extending from the 5-mile radius area to 8 miles east of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 106° bearing, extending from the Batesville RBN to a point 12 miles east, and that airspace within 5 miles each side of the Walnut Ridge VORTAC 235° radial, extending from the Walnut Ridge transition area to the Batesville RBN.

AMENDMENTS 2/29/68 33 F. R. 4093 (Changed)

Baton Rouge, La.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport, Baton Rouge, La. (latitude 30°31'55" N., longitude 91°09'00" W.); within 2 miles each side of the Baton Rouge ILS localizer SE course extending from the 7-mile radius area to 7.5 miles SE of Ryan Airport, within 5 miles NE and 8 miles SW of the Baton Rouge ILS localizer NW course extending from the OM to 12 miles NW and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°07'40" N., longitude 91°36'45" W.; to latitude 30°46'20" N., longitude 91°50'40" W.; to latitude 30°53'40" N., longitude 91°29'10" W.; to latitude 31°04'00" N., longitude 91°29'20" W.; to latitude 31°04'40" N., longitude 91°14'20" W.; to latitude 30°38'00" N., longitude 90°48'00" W.; to latitude 30°17'00" N., longitude 90°45'00" W.; to latitude 30°13'00" N., longitude 90°57'00" W.; to point of beginning, excluding the portion within the McComb, Miss., transition area.

Battle Creek, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.); within 8 miles W and 5 miles E of the Kalamazoo ILS localizer N course extending from the 13-mile radius area to 17 miles N of the airport; within a 4-mile radius of Haines Field, Three Rivers, Mich. (latitude 41° 57' 30" N., longitude 85° 35' 30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from the 4-mile radius area to 12 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42° 38' 00" N., on the E by longitude 84° 50' 00" W., on the S by latitude 41° 40' 00" N., on the SW by V-277, and on the W by longitude 86° 00' 00" W.

Battle Mountain, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (latitude 40°35'55" N., longitude 116°52'25" W.), and within 8 miles northwest and 5 miles southeast of the Battle Mountain VORTAC 218° radial extending from the VORTAC to 17.5 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line 5 miles north of and parallel to the Battle Mountain VORTAC 264° and 084° radials, on the west and southwest by an arc of a 23-mile radius circle centered on Battle Mountain VORTAC extending counterclockwise from a line 5 miles N of and parallel to the Battle Mountain VORTAC 264° radial to a line 6 miles southeast of and parallel to the Battle Mountain VORTAC 218° radial, on the southeast by a line 6 miles southeast of and parallel to the Battle Mountain VORTAC 218° radial, on the east by longitude 116°50'30" W., and that airspace within 9 miles north and 6 miles south of the Battle Mountain 077° and 257° radials extending from 18.5 miles east to 7 miles west of the VORTAC.

AMENDMENTS 10/17/68 33 F. R. 11449 (Rewritten)

Baudette, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baudette International Airport, Baudette, Minn. (latitude 48°43'25" N., longitude 94°36'24" W.) and within 2 miles each side of the 111° bearing from Baudette International Airport extending from the 5-mile radius area to 8 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 111° and 291° bearings from Baudette International Airport extending from 7 miles W to 13 miles E of the airport, excluding the portion outside of the United States.

Bay City, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the James Clements Municipal Airport (latitude 43°32'45" N., longitude 83°53'40" W.) excluding the portion within the Saginaw, Mich., control zone.

Beatrice, Nebr.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Beatrice Municipal Airport (latitude 40°18'00" N., longitude 96°45'15" W.), and within 8 miles SW and 5 miles NE of the Beatrice VOR 319° radial extending from the VOR to a point 12 miles NW of the VOR.

Beaufort, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of MCAS Beaufort (latitude 32°28'40" N., longitude 80°43'20" W.); within a 1.5-mile radius of Beaufort County Airport (latitude 32°24'40" N., longitude 80°38'05" W.).

Beaumont, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.), within a 5-mile radius of Beaumont Municipal Airport (latitude 30°04'15" N., longitude 94°13'00" W.), within 2 miles each side of the Beaumont ILS localizer southeast course extending from the Jefferson County Airport 5-mile radius area to 13.5 miles southeast of the approach end of Runway 29, within 2 miles each side of the Beaumont ILS localizer northwest course extending from the Beaumont Municipal Airport 5-mile radius area to the OM, and within 2 miles each side of the 308° bearing from the Beaumont ILS LOM, extending from the Beaumont Municipal Airport 5-mile radius area to the LOM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of latitude 29°54'40" N., longitude 94°02'40" W.

AMENDMENTS 4/25/68 33 F. R. 4093 (Rewritten); 7/25/68 33 F. R. 7718 (Rewritten)

Beaver Falls, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°46'21" N., 80°23'37" W. of Beaver County Airport, Beaver Falls, Pa., and within 2 miles each side of the Elwood City, Pa. VOR 248° radial extending easterly from the 6-mile radius area to the VOR.

Beckley, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Raleigh County Memorial Airport, Beckley, W. Va. (latitude 37° 47' 10" N., longitude 81° 07' 25" W.), and within 2 miles each side of the Beckley VOR 130° and 154° radials, extending from the 7-mile radius area to 13 miles SE of the VOR.

Bedford, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Grissom Municipal Airport (latitude 38°50'25" N., longitude 86°26'45" W.); and within 2 miles each side of the Bloomington, Ind., VOR 157° radial extending from the 6-mile radius to 16 miles southeast of the VOR.

AMENDMENTS 5/23/68 33 F. R. 5352 (Added)

Beeville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAAS Chase Field (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 7-mile radius area to 10 miles NW and SE of the TACAN; within 2 miles each side of the 339° bearing from the NAAS Chase RBN extending from the 7-mile radius area to 12 miles N of the RBN; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 29°00'00" N., longitude 97°17'00" W., to latitude 29°08'00" N., longitude 97°00'00" W., to latitude 29°00'00" N., longitude 96°30'00" W., to latitude 28°22'00" N., longitude 96°30'00" W., to latitude 28°14'00" N., longitude 96°46'00" W., to latitude 28°07'00" N., longitude 97°15'00" W., to latitude 28°07'00" N., longitude 98°27'00" W., to latitude 28°27'00" N., longitude 98°14'00" W., to latitude 28°34'00" N., longitude 98°23'00" W., to latitude 28°43'30" N., longitude 98°17'30" W., to latitude 29°00'00" N., longitude 97°43'00" W., to point of beginning.

AMENDMENTS 3/28/68 33 F. R. 2629 (Changed)

Bellaire, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Antrim County Airport, Bellaire, Mich. (latitude 44°59'10" N., longitude 85°11'55" W.), and the airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 198° bearing from the Bellaire RBN extending from the 8-mile radius area to 12 miles S of the RBN.

Belleville, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 7-mile radius area to the RBN.

Bellingham, Wash.
That airspace extending upward from 700 feet above the surface bounded on the E by longitude 122°15'00" W., on the S by latitude 48°52'00" N., and on the W and N by the United Stated/Canadian border.

Bemidji, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.), and within 2 miles each side of the 316° and 136° radials extending from the 6-mile radius area to 8 miles NW of the VOR, within 2 miles each side of the Bemidji VOR 135° radial extending from the 6-mile radius area to 17 miles SE of the VOR, within 5 miles N and 8 miles S of the 262° bearing from the Bemidji Municipal Airport, extending from the airport to 12 miles W of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Bemidji VOR 136° and 316° radials, extending from 4 miles SE to 13 miles NW of the VOR, and within 5 miles SW and 8 miles NE of the Bemidji VOR 135° radial, extending from 7 miles SE of the VOR to 22 miles SE of the VOR.

Bend, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bend Municipal Airport (latitude 44°05'35" N., longitude 121°12'00" W.) and within 2 miles each side of the Redmond VORTAC 334° and 154° radials, extending from the 5-mile radius area to 1 mile northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Redmond VORTAC 334° radial, extending from the VORTAC to 12 miles northwest of the VORTAC.

AMENDMENTS 8/22/68 33 F. R. 9467 (Added)

Benton Harbor, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.), and within 2 miles each side of the ILS back course and Keller, Mich., VORTAC 266° radial extending from the 7-mile radius area to 12 miles west of the airport.

AMENDMENTS 2/1/68 32 F. R. 15523 (Rewritten)

Berlin, N.H.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Berlin Airport, Berlin, N. H. (44°34'35" N., 71°10'40" W.); within 2 miles each side of the Berlin, N. H., RBN (44°34'37" N., 71°10'47" W.) 334° bearing extending from the 7-mile radius area to 8 miles northwest of the RBN; and within 2 miles each side of the Berlin, N. H., VOR (44°38'05" N., 71°11'12" W.) 355° radial extending from the 7-mile radius area to 8 miles north of the VOR;
That airspace extending upward from 1,200 feet above the surface beginning at 44°54'00" N., 71°10'00" W. to 44°50'00" N., 71°07'30" W.; to 44°50'30" N., 71°02'00" W.; to 44°40'00" N., 71°00'30" W. to 44°31'00" N., 70°55'00" W. to 44°29'00" N., 71°03'00" W. to 44°22'00" N., 71°02'00" W. to 44°13'00" N., 71°45'00" W. to 44°25'00" N., 71°52'00" W. to 44°36'00" N., 71°20'00" W. to 44°47'00" N., 71°28'00" W. to point of beginning.

Bethel, Alaska
That airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the Bethel VORTAC.

Bettles, Alaska
That airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Bettles VOR, extending clockwise from the NE boundary of Amber 2 to a line 8 miles NW of and parallel to the Bettles VOR 216° radial, and within an 8-mile radius of Bettles VOR, extending clockwise from a line 8 miles NW of and parallel to the Bettles VOR 216° radial to the NE boundary of Amber 2.

Bible Grove, Ill.
That airspace extending upward from 1,200 feet above the surface within 4 nautical miles each side of the 015° and 207° radials of the Bible Grove VOR, extending from the VOR southwest to V-446 and north to the Mattoon VOR, excluding the Mattoon, Ill., transition area.

Big Delta, Alaska
That airspace extending upward from 1,200 feet above the surface within 20 miles SW and 35 miles NE of the 299° and 119° bearings from the Big Delta RR, extending from the arc of a 55-mile radius circle centered on Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.) to 55 miles SE of the RR, excluding the portion within the Fairbanks, Alaska, transition area.

Big Mountain, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 7.5 miles southeast of the 049° and 229° bearings from the Big Mountain RBN, extending from 7 miles northeast to 13 miles southwest of the RBN.

Big Spring, Tex.
Designate the Big Spring, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°12'55" N., longitude 101°31'06" W.; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 33°11'00" N., longitude 101°07'00" W.; thence to latitude 33°12'00" N., longitude 100°35'00" W.; to latitude 31°59'30" N., longitude 100°13'20" W.; to latitude 31°40'00" N., longitude 100°39'30" W.; to latitude 31°50'00" N., longitude 101°22'00" W.; to latitude 31°39'00" N., longitude 101°27'20" W.; to latitude 31°28'40" N., longitude 100°59'40" W.; to latitude 31°28'40" N., longitude 102°00'00" W.; thence N via longitude 102°00'00" W. to and counterclockwise along the arc of a 30-mile radius circle centered on Midland, Tex., VOR to latitude 31°40'00" N., longitude 101°52'30" W.; thence to latitude 31°36'35" N., longitude 101°47'20" W.; to latitude 31°37'25" N., longitude 101°35'15" W.; to latitude 31°55'00" N., longitude 101°29'40" W.; to latitude 32°36'30" N., longitude 102°07'20" W.; to latitude 32°59'00" N., longitude 102°43'30" W., to point of beginning; and that airspace extending upward from 7,500 feet MSL within the area bounded by a line beginning at latitude 31°28'40" N., longitude 102°00'00" W., to latitude 31°28'40" N., longitude 101°05'00" W., to latitude 30°51'00" N., longitude 101°05'00" W., to latitude 31°02'00" N., longitude 103°16'00" W.; to latitude 31°09'00" N., longitude 103°18'00" W., to latitude 31°09'00" N., longitude 103°16'00" W., to latitude 31°26'25" N., longitude 103°16'00" W., to latitude 31°26'20" N., longitude 103°01'00" W.; to latitude 31°33'40" N., longitude 102°59'10" W., to latitude 31°33'00" N., longitude 102°53'00" W., to latitude 31°40'00" N., longitude 102°39'30" W., to latitude 31°30'00" N., longitude 102°20'00" W., to point of beginning, excluding the portion of the transition area with a floor of 7,500 feet MSL that lies within Federal airways and that portion within the Fort Stockton, Tex., transition area.

AMENDMENTS 9/19/68 33 F. R. 10204 (Changed); 11/14/68 33 F. R. 14404 (Changed)

Billings, Mont.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles southeast of and parallel to the Billings VORTAC 212° radial clockwise to the Billings VORTAC 347° radial; and within 2 miles each side of the Billings ILS localizer east course, extending from the 8-mile radius area to 8 miles east of the Billings RBN; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the south edge of V-2 west of Billings clockwise to the southwest edge of V-19 southeast of Billings; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles northwest of the VORTAC; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles northwest of the VORTAC; within 10 miles west and 7 miles east of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles north of the VORTAC; within 10 miles north and 8 miles south of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles east of the VORTAC; and the area southeast of Billings bounded on the northeast by V-86, on the south by latitude 45°20'00" N., and on the west by V-187; that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial, extending from 38 to 99 miles east of the VORTAC; and the area northwest of Billings bounded on the northeast by V-187, on the southwest by V2-N, and on the northwest by the Lewistown, Mont., VORTAC 195° radial; and that airspace extending upward from 7,000 feet MSL within 7 miles north and 10 miles south of the Billings VORTAC 266° radial, extending from 6 to 43 miles west of the VORTAC.

AMENDMENTS 9/19/68 33 F. R. 10564 (Rewritten)

Binghamton, N.Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Broome County Airport, 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066°-246° radial extending SW from the 7-mile radius area for 8 miles from the VOR; within 2 miles each side of the airport ILS localizer SE course extending from the 7-mile radius area to the Binghamton RBN.

Birmingham, Ala.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36 north of the Birmingham Municipal Airport and the arc of a 17-mile radius circle centered at Birmingham Airport surveillance radar antenna site (latitude 33°34'24" N., longitude 86°45'23" W.); thence clockwise along this arc to the intersection of the 270° bearing from the radar antenna site; thence east along the 270° bearing from the radar antenna site to the intersection of the arc of a 13-mile radius circle centered at the radar antenna site; thence clockwise along this arc to a line 2 miles northeast of and parallel to the Birmingham VORTAC 313° radial; thence southeast along this line to the intersection of the arc of a 10-mile radius circle centered at the radar antenna site; thence clockwise along this arc to the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36; thence north along this line to the point of beginning;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°00'00" N., longitude 87°37'00" W., extending east along latitude 34°00'00" N. to the east boundary of V-57E, thence north along the east boundary of V-57E to the southwest boundary of V-325, thence southeast along the southwest boundary of V-325 to the southwest boundary of V-321, thence southeast along the southwest boundary of V-321 to the south boundary of V-18, thence west along the south boundary of V-18 to longitude 86°00'00" W., thence south along longitude 86°00'00" W. to the south boundary of V-66, thence west along the south boundary of V-66, to a line extending from latitude 33°01'00" N., longitude 87°18'15" W. through latitude 33°11'00" N., longitude 87°06'40" W., thence southwest to latitude 33°01'00" N., longitude 87°18'15" W., thence west along latitude 33°01'00" N. to the southeast boundary of V-209, thence southwest along the southeast boundary of V-209 to longitude 88°00'00" W., thence north along longitude 88°00'00" W. to the northwest boundary of V-18, thence northeast along the northwest boundary of V-18 to a 19-mile radius arc centered on the Tuscaloosa, Ala., VORTAC, thence clockwise along this arc to longitude 87°37'00" W., thence north along longitude 87°37'00" W. to point of beginning, excluding that portion that coincides with R-2101 and the Gadsden, Ala., transition area.

AMENDMENTS 5/23/68 33 F. R. 5351 (Changed)

Bismarck, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.), within 8 miles northeast and 5 miles southwest of the Bismarck ILS localizer southeast course extending from the OM to 12 miles southeast of the OM, and within 8 miles north and 5 miles south of the Bismarck 105° radial extending from the VOR to 12 miles east of the VOR, and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 105° radial of the Bismarck VOR extending from the VOR to 14 miles east of the VOR, within 8 miles northeast and 5 miles southwest of the 129° radial of the Bismarck VOR extending from the VOR to 20 miles southeast of the VOR, and within 8 miles northeast and 5 miles southwest of the Bismarck ILS localizer southeast course extending from 3 miles northwest to 11 miles southeast of the Bismarck OM.

Blacksburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 37°12'25" N., 80°24'30" W., of VPI Airport, Blacksburg, Va.; within 2 miles each side of the Pulaski VORTAC 064° radial extending from the 6-mile radius area to the VORTAC; within 2 miles each side of the Runway 8 centerline extended from the 6-mile radius area to 7 miles east of the end of the runway; and within 2 miles each side of the Runway 30 centerline extended from the 6-mile radius area to 11 miles northwest of the end of the runway, excluding the portion within the Dublin, Va., transition area.
AMENDMENTS 2/29/68 33 F. R. 332 (Added); 6/20/68 33 F. R. 6915 (Changed)

Blackstone, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.) excluding the portion within R-6602.

Blakely, Ga.
That airspace extending upward from 1,200 feet above the surface, bounded by a line beginning at latitude 31°47'20" N., longitude 84°58'20" W.; to latitude 31°41'20" N., longitude 84°56'55" W.; to latitude 31°37'30" N., longitude 84°46'00" W.; to latitude 31°16'30" N., longitude 84°51'30" W.; to latitude 31°14'35" N., longitude 85°10'45"W.; thence counterclockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W., to the E boundary of V-241; thence along the E boundary of V-241 to latitude 31°47'20" N., thence E along the line of latitude 31°47'20" N., to the point of beginning.

PENDING AMENDMENT
Blanding, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Blanding, Utah, Airport (latitude 37°34'52" N., longitude 109°29'00" W.) and within 2 miles each side of the 188° bearing from the Blanding, Utah, RBN (latitude 37°31'03" N., longitude 109°29'31" W.) extending from the 5-mile radius area to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 8 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 13 miles south to 7 miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC excluding that portion within R-6410 during the times that R-6410 is in use.

AMENDMENTS 4/3/69 34 F. R. 1372 (Added)

Block Island, R. I.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Block Island Airport (latitude 41°10'05" N., longitude 71°34'40" W.), and within 2 miles each side of the 264° bearing from the Block Island RBN (latitude 41°10'07" N., longitude 71°36'23" W.), extending from the 4-mile radius area to 10 miles W of the RBN.

Bloomington, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bloomington Normal Airport (latitude 40°28'55" N., longitude 88°55'40" W.); and within 2 miles each side of the Bloomington VOR 043°, 105° and 319° radials, extending from the 5-mile radius area to 8 miles northeast, east, and northwest of the VOR.

AMENDMENTS 4/25/68 33 F. R. 1070 (Rewritten)

Bloomington, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.) and within 2 miles each side of the Bloomington, Ind., VOR 072°, 181°, 236°, and 341° radials extending from the 6-mile radius area to 8 miles east, south, southwest, and north of the VOR.

AMENDMENTS 2/29/68 33 F. R. 451 (Rewritten)

Bluefield, W. Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37° 17' 45" N., longitude 81° 12' 30" W.), within 2 miles each side of the Bluefield VOR 267° radial, extending from the 8-mile radius area to 22 miles west of the VOR.

AMENDMENTS 7/25/68 33 F. R. 8433 (Changed)

Blythe, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Blythe VORTAC 227° radial, extending from the arc of a 5-mile radius circle centered on the Blythe Airport (latitude 33°37' 15" N., longitude 114°43'00" W.) to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 33°43'00" N., on the E by longitude 114°30'00" W., on the S by the arc of an 18-mile radius circle centered on the Blythe Airport, and on the W by longitude 115°00'00" W.

Blytheville, Ark.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.); within 2 miles each side of the Blytheville VOR 357° and 185° radials extending from the 7-mile radius area to 21 miles N and S of the VOR, within 2 miles each side of the Blytheville TACAN 357° and 185° radials extending from the 7-mile radius area to 8 miles N and 7 miles S of the TACAN, and within 2 miles each side of the extended centerline of Runways 17 and 35, extending from the 7-mile radius area to 8 miles N and S of the airport, excluding that portion within a 1-mile radius of Blytheville Municipal Airport (latitude 35°56'15" N., longitude 89°49'45" W.); and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 36°34'00" N., longitude 90°19'00" W.; to latitude 36°20'00" N., longitude 89°59'00" W.; to latitude 36°20'00" N., longitude 89°49'30" W.; to latitude 36°33'30" N., longitude 89°34'00" W.; to latitude 36°28'00" N., longitude 89°19'00" W.; to latitude 36°06'00" N., longitude 89°26'00" W.; thence W to the point of intersection of latitude 36°06'30" N., and the arc of a 21-mile radius circle centered at latitude 35°57'50" N., longitude 89°56'40" W.; thence clockwise along this arc to longitude 89°50'00" W., thence S via longitude 89°50'00" W. to the arc of a 36-mile radius circle centered at latitude 35°03'00" N., longitude 89°58'15" W., thence counterclockwise along the arc of this 36-mile radius circle to the W boundary of V-9 west alternate; thence N via the W boundary of V-9 west alternate to the S boundary of V-140; thence W along the S boundary of V-140 to the E boundary of the Walnut Ridge, Ark., transition area; thence N along the E boundary of the Walnut Ridge, Ark., transition area to latitude 36°22'00" N., thence to point of beginning; and that airspace extending upward from 5,000 feet m.s.l. bounded by a line beginning at latitude 36°33'30" N., longitude 89°34'00" W.; to latitude 37°03'00" N., longitude 89°19'00" W.; to latitude 36°58'30" N., longitude 89°00'00" W.; to latitude 36°28'00" N., longitude 89°19'00" W.; to point of beginning; excluding the portion within the Paducah, Ky., transition area and the portion extending upward from 5,000 feet m.s.l. within federal airways.

Boise, Idaho
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Boise VORTAC; within 2 miles each side of the 295° bearing from the Boise ILS OM, extending from the 8-mile radius area to 12 miles NW of the LOM; within 2 miles each side of the 328° bearing from the ILS OM, extending from the 8-mile radius area to the Eagle FM and within 2 miles each side of the Boise VORTAC 130° radial, extending from 12 miles to 15 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Boise VORTAC, extending clockwise from a line 8 miles NE of and parallel to the Boise VORTAC 319° radial to the Boise VORTAC 204° radial; within a 40-mile radius of the Boise VORTAC extending clockwise from the Boise VORTAC 204° radial to a line 8 miles NE of and parallel to the Boise VORTAC 319° radial; within 8 miles S and 7 miles N of the Boise VORTAC 269° radial, extending from the 40-mile radius area to 57 miles W of the VORTAC; within 8 miles NE and 11 miles SW of the Boise VORTAC 294° radial, extending from the 40-mile radius area to 75 miles NW of the VORTAC; within 8 miles NE and 16 miles SW of the Boise VORTAC 319° radial, extending from the 40-mile radius area to 55 miles NW of the VORTAC; and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253 and on the southwest by a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL bounded on the north by the south edge of V-500 on the east by the west edge of V-293 and on the southwest by the northeast edge of V-4; and that airspace extending upward from 10,500 feet MSL southeast of V-507, within 5 miles each side of the Rome, Oreg., VORTAC 056° radial extending from 46 miles northeast of the VORTAC to the Boise 40-mile radius area.

Bonneville, Utah.
That airspace SE of Bonneville extending upward from 1,200 feet above the surface bounded by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°35'00" N., longitude 113°00'00" W., thence via longitude 113°00'00" W., to the S edge of V-32, thence via the S edge of V-32 to longitude 112°56'30" W., thence via longitude 112°56'30" W., to latitude 40°40'00" N., thence to point of beginning; and that airspace extending upward from 8,500 feet AMSL bounded on the S by latitude 40°35'00" N., on the W by longitude 113°51'00" W., on the N by the S edge of V-32 and on the E by longitude 113°00'00" W.

Boone, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boone Municipal Airport (latitude 42°03'05" N., longitude 93°50'45" W.) and within 2 miles each side of the 338° bearing from Boone Municipal Airport extending from the airport to 8 miles north and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 338° bearing from Boone Municipal Airport extending from the airport to 12 miles north.

AMENDMENTS 2/29/68 32 F. R. 20630 (Added)

Borger, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hutchinson County Airport, Borger, Tex., (latitude 35°41'55" N., longitude 101°23'40" W.), within 2 miles each side of the Borger, Tex., VOR 185° and 005° radials extending from the 7-mile radius area to 8 miles N of the VOR.

Boston, Mass.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at:
Latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°43'00" N., longitude 70°46'00" W. to latitude 42°30'00" N., longitude 70°48'00" W. to latitude 42°14'00" N., longitude 70°38'00" W. to latitude 41°59'00" N., longitude 70°48'00" W. to latitude 41°59'00" N., longitude 70°53'00" W. to latitude 42°03'00" N., longitude 71°10'00" W. to latitude 42°13'00" N., longitude 71°21'00" W. to latitude 42°21'00" N., longitude 71°25'00" W. to latitude 42°22'00" N., longitude 71°47'00" W. to latitude 42°27'00" N., longitude 71°55'00" W. to latitude 42°39'00" N., longitude 71°55'00" W. to latitude 42°41'00" N., longitude 71°42'00" W. to latitude 42°38'00" N., longitude 71°20'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at:
Latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°45'00" N., longitude 70°37'00" W. to latitude 42°44'25" N., longitude 70°37'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°41'20" N., longitude 70°30'00" W. to latitude 42°15'20" N., longitude 70°30'00" W. to latitude 42°13'20" N., longitude 70°18'30" W. to latitude 41°53'30" N., longitude 70°56'30" W. to latitude 42°04'00" N., longitude 71°19'00" W. to latitude 41°56'35" N., longitude 71°26'00" W., thence counterclockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°47'45" N., longitude 71°46'40" W. to latitude 41°55'00" N., longitude 71°59'00" W. to latitude 42°05'00" N., longitude 72°00'00" W. to latitude 42°55'00" N., longitude 72°00'00" W. to latitude 42°43'00" N., longitude 71°40'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning, excluding the portion within the Taunton, Mass., transition area; and that airspace extending upward from FL 200 to FL 300, inclusive, east of Boston bounded by a line beginning at:
Latitude 42°24'30" N., longitude 70°15'30" W. to latitude 42°27'50" N., longitude 70°04'00" W. to latitude 42°25'30" N., longitude 70°04'00" W. to latitude 42°24'30" N., longitude 69°46'00" W. to latitude 42°21'30" N., longitude 69°30'00" W. to the point of beginning.

Bowie, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowie Municipal Airport (latitude 33°36'15" N., longitude 97°46'27" W.), and within 2 miles each side of the Bridgeport VORTAC 359° radial extending from the 5-mile radius area to 31 miles north of the VORTAC.

AMENDMENTS 9/19/68 33 F. R. 10800 (Added)

Bowling Green, Ky.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 36°57'55" N., 86°25'10" W. of the Bowling Green-Warren County Airport, Bowling Green, Ky.; within 2 miles each side of the Bowling Green VOR 208° radial extending from the 6-mile radius area to 8 miles SW of the VOR.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the western boundary of V-7 at 37°01'00" N. to 37°03'15" N., 87°00'00" W. to 37°04'00" N., 86°18'25" W. to 36°45'30" N., 86°18'25" W. to the intersection of 86°36'00" W. and a 36-mile arc centered at Nashville Metropolitan Airport, Nashville, Tenn., thence counterclockwise along the arc to the western boundary of V-7, to the point of beginning.

Bozeman, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 5 miles northeast of the Bozeman VOR 308° radial, extending from the VOR to 13 miles northwest of the VOR.

AMENDMENTS 9/19/68 33 F. R. 10563 (Rewritten)

Bradford, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bradford Regional Airport (latitude 41°48'10" N., longitude 78°38'20" W.); within 2 miles each side of the Bradford RBN 135° bearing, extending from the 7-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Bradford VOR 139° radial, extending from the 7-mile radius area to 8 miles SE of the VOR; within 2 miles each side of the Bradford VOR 316° radial extending from the 7-mile radius area to 15 miles northwest of the VOR.

AMENDMENTS 3/21/68 33 F. R. 4795 (Changed); 12/12/68 33 F. R. 15704 (Changed)

Brainerd, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Brainerd-Crow Wing County Airport (latitude 46°23'25" N., longitude 94°08'20" W.); within 2 miles each side of the 043° bearing from Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 8 miles NE of the airport; within 2 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 7-miles radius area to 12½ miles S of the airport; and within 5 miles NE and 8 miles SW of the 313° bearing from Brainerd-Crow Wing County Airport, extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Brainerd VOR 120° radial, extending from the VOR to 13 miles SE of the VOR; within 5 miles SE and 8 miles NW of the 043° bearing from Brainerd-Crow Wing County Airport, extending from the airport to 12 miles NE of the airport; and within 5 miles W and 8 miles E of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the airport to 16 miles S of the airport.

Bridgeport, Conn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°09'41" N., 73°07'35" W., of the Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 229° radial extending SW from the 7-mile radius area for 1 mile; within a 7-mile radius of the center 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 5 miles W and 8 miles E of the New Haven VOR 192° radial extending from the New Haven VOR for 12 miles; within 5 miles E and 5 miles W of the Hartford, Conn., VOR 223° radial extending NE from the Bridgeport 7-mile radius area for 24 miles; within 5 miles E and 5 miles W of the Poughkeepsie, N.Y., VOR 149° radial extending NW from the Bridgeport 7-mile radius area for 11 miles, within 5 miles N and 5 miles S of the Carmel, N.Y., VOR 065° radial extending from the Carmel VOR to 17 miles NE of the VOR; within 5 miles N and 5 miles S of the Carmel VOR 093° radial extending from the Carmel VOR to 28 miles E of the VOR, excluding those portions that coincide with the White Plains, N.Y., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°31'00" N., 73°30'00" W. to 41°31'00" N., 73°20'00" W. to 41°49'00" N.,73°16'00" W. to 41°31'00" N., 72°46'00" W. to 41°18'00" N., 72°30'30" W. to 41°00'00" N., 72°45'00" W. to 41°00'00" N., 73°33'00" W. to 41°10'00" N., 73°33'00" W. to 41°20'00" N., 73°23'00" W. to 41°25'00" N., 73°30'00" W. to point of beginning.

Bridgeport, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bridgeport Airport (latitude 33°15'42" N., longitude 97°47'48" W.); and within 2 miles each side of the Bridgeport VORTAC 135° radial, extending from the 5-mile radius area to 8 miles SE of the VORTAC.

Brigham City, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brigham City Airport (latitude 41°32'30" N., longitude 112°03'30" W.), and within 2 miles each side of the 212° bearing from the Brigham City RBN (latitude 41°30'58" N., longitude 112°04'38" W.) extending from the 5-mile radius area to latitude 41°27'00" N.

AMENDMENTS 3/28/68 33 F. R. 67 (Added)

Brookings, S. Dak.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96° 48' 40" W.); and within 8 miles NE and 5 miles SW of the 138° bearing from Brookings Municipal Airport extending from the airport to 12 miles SE of the airport; and within 5 miles NE and 8 miles SW of the 298° bearing from Brookings Municipal Airport extending from the airport to 12 miles NW of the airport.

Brownsville, Tex.
That airspace overlying the United States extending upward from 700 feet above the surface within a 7-mile radius of the Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°25'25" W.); and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 26°30'00" N., longitude 98°18'00" W.; to latitude 26°51'00" N., longitude 97°58'30" W.; to latitude 26°50'00" N., longitude 97°51'00" W.; thence NE to a point 3 nautical miles from the shoreline at latitude 27°11'20" N.; thence 3 nautical miles from and parallel to the shoreline south to the United States/Mexican border, thence W via the United States/Mexican border to longitude 98°25'00" W.; thence N via longitude 98°25'00" W. to latitude 26°17'00" N., longitude 98° 25'00" W.; to point of beginning.

AMENDMENTS 11/14/68 33 F. R. 12775 (Changed)

Brownwood, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Brownwood Municipal Airport (latitude 31°47'40" N., longitude 98°57'25" W.); and within 2 miles each side of the Brownwood VOR 360° and 180° radials, extending from the 6-mile radius area to 8 miles N of the VOR.

Brunswick, Ga.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Glynco (latitude 31°15'30" N., longitude 81°28'00" W.); within a 5-mile radius of the Jekyll Island Airport (latitude 31°04'21" N., longitude 81°25'39" W.), and within 2 miles each side of the Brunswick VORTAC 203° radial, extending from the VORTAC to 8 miles southwest of the VORTAC, excluding the portion outside of the continental limits of the United States; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 31°30'00" N., on the E by a line extending from latitude 31°30'00" N., longitude 80°47'30" W., to latitude 31°09'40" N., longitude 81°02'40" W., to latitude 30°53'00" N., longitude 81°12'50" W., on the S by latitude 30°53'00" N., and on the W by the E boundary of V-267, excluding the portion within W-157; and that airspace extending upward from 2,000 feet MSL bounded by a line beginning at latitude 31°11'15" N., longitude 81°01'30" W., thence to latitude 30°53'00" N., longitude 80°59'55" W., to latitude 30°53'00" N., longitude 81°12'50" W., to latitude 31°09'40" N., longitude 81°02'40" W., thence to point of beginning.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Brunswick, Maine
That airspace extending upward from 700 feet above the surface within a 9-mile radius of NAS Brunswick (latitude 43°53'35" N., longitude 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 9-mile radius area to 12 miles S of the VOR; within 2 miles each side of a line bearing 173° from latitude 43°48'53" N., longitude 69°55'30" W., extending from the 9-mile radius area to 12 miles S of latitude 43°48'53" N., longitude 69°55'30" W.

Bryce Canyon, Utah
That airspace extending upward from 11,500 feet MSL within 7 miles NW and 10 miles SE of the Bryce Canyon VORTAC 240° and 060° radials, extending from 20 miles SW to 9 miles NE of the VORTAC.

Buffalo, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport; within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 8-mile radius area to 8 miles east of the VORTAC; within 8 miles northwest and 5 miles southeast of the Greater Buffalo International Airport northeast localizer course extending from the OM to 12 miles northeast of the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 8-mile radius area to 8 miles southwest of the OM; within the arc of a 12-mile radius circle from 052° to 112° clockwise, centered on a point, 42°56'26" N., 78°44'11" W.; within an 8-mile radius of the center, 43°06'20" N., 78°56'55" W., of Niagara Falls International Airport; within 8 miles north and 5 miles south of the Niagara Falls International Airport localizer east course extending from the OM to 12 miles east of the OM; within 2 miles each side of the Niagara Falls International Airport localizer east course extending from the OM to the intersection of the localizer course and the Buffalo, N. Y., VORTAC 034° radial; and within a 5-mile radius of Buffalo Airpark Airport, 42°51'45" N., 78°43'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43° 38' 00" N., longitude 78° 41' 00" W., to latitude 43° 21' 00" N., longitude 78° 00' 00" W., to latitude 43° 06' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 52' 00" W., to latitude 42° 37' 00" N., longitude 79° 15' 00" W., to latitude 42° 41' 00" N., longitude 79° 19' 30" W., thence via the United States/Canadian border to the point of beginning, excluding the portion outside the United States.

Burbank, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34° 14' 00" N., longitude 118° 27' 00" W.; to latitude 34° 14' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 53' 30" W.; to latitude 34° 21' 30" N., longitude 118° 53' 00" W.; to latitude 34° 30' 30" N., longitude 118° 27' 00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 30' 00" N., longitude 118° 50' 00" W.; to latitude 34° 30' 00" N., longitude 118° 45' 00"W.; thence N along longitude 118° 45' 00" W. to the S boundary of V-137, thence along the S boundary of V-137 to longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 50' 00" W.; thence to point of beginning.

AMENDMENTS 2/6/69 33 F. R. 17765 (Changed)

Burley, Idaho
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Burley VORTAC 292° radial, extending from the VORTAC to 10 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 12 miles N and 9 miles S of the Burley VORTAC 075° and 255° radials, extending from 18 miles E of the Burley VORTAC to a 14-mile radius circle centered on the Twin Falls, Idaho, VOR and the 038° radial from the Twin Falls VOR.

Burlington, Iowa
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 185° bearing from the Burlington Municipal Airport latitude 40°46'55" N., longitude 91°07'40" W.), extending from the arc of a 5-mile radius circle centered on Burlington Municipal Airport to 7.5 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°10'00" N., longitude 91°00'00" W.; to latitude 41°10'00" N., longitude 90°00'00" W.; thence south to latitude 40°35'20" N., longitude 90°00'00" W., thence west via latitude 40°35'20" N., to a line 8 miles east of and parallel to the 185° bearing from Burlington Municipal Airport; thence to latitude 40°30'00" N., longitude 91°00'00" W.; thence to latitude 40°31'00" N., longitude 91°15'00" W.; thence to latitude 40°36'00" N., longitude 91°14'30" W., thence clockwise along the arc of a 14-mile radius cirlce centered on the Burlington Municipal Airport to longitude 91°00'00" W., thence to the point of beginning.

AMENDMENTS 9/19/68 33 F. R. 10565 (Rewritten)

Burlington, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°28'15" N., 73°09'10" W., of Burlington Municipal Airport, Burlington, Vt.; within 2 miles each side of the Burlington VOR 201° radial extending from the 10-mile radius to 8 miles south of the Burlington VOR; within 8 miles northeast and 5 miles southwest of the Burlington ILS northwest localizer course extending from the 10-mile radius to 12 miles northwest of the Burlington LOM; excluding that airspace that coincides with the Plattsburgh, N. Y., transition area.

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at: 45°00'30" N., 72°00'00" W. to 44°55'00" N., 72°05'00" W. to 44°25'00" N., 72°20'00" W. to 43°55'00" N., 72°16'00" W. to 43°47'00" N., 72°39'00" W., 44°00'00" N., 73°16'00" W. to 44°00'00" N., 74°35'00" W. to 44°42'00" N., 74°54'00" W. to 44°42'00" N., 75°05'00" W. to 44°56'00" N., 75°05'00" W. thence easterly along the United States-Canadian Border to the point of beginning.

AMENDMENTS 5/23/68 33 F. R. 5950 (Changed)

Butler, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler Memorial Airport (latitude 38°17'20" N., longitude 94°20'25" W.); and within 2 miles each side of the Butler, Mo., VORTAC 079° radial, extending from the 5-mile radius area to the VORTAC.

AMENDMENTS 11/14/68 33 F. R. 14587 (Added)

Butler, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler-Graham Airport (latitude 40° 46' 45" N., longitude 79° 56' 55" W.), and within 2 miles each side of the Butler RBN 180° and 002° bearings, extending from the 5-mile radius area to 8 miles S of the RBN.

Butte, Mont.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Butte, Mont., VOR 115° radial extending from a 5-mile radius circle centered on Silver Bow County Airport, Butte, Mont. (latitude 45°57'15" N., longitude 112°29'50" W.) to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Butte VOR 325° radial extending from the VOR to 12 miles NW of the VOR; within 10 miles E and 7 miles W of the Butte VOR 002° and 182° radials, extending from 20 miles N to 11 miles S of the VOR; and within 10 miles N and 7 miles S of the Whitehall, Mont., VOR 096° and 276° radials, extending from 20 miles E to 19 miles W or the VOR.

Cadillac, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cadillac, Mich., Municipal Airport (latitude 44°16'30" N., longitude 85°25'10" W.); and within 5 miles SE and 8 miles NW of the 238° bearing from Cadillac Airport, extending from the airport to 12 miles SW of the airport, excluding that portion which overlies the Reed City, Mich., transition area.

Calverton, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Peconic Airport (latitude 40°54'55" N., longitude 72°47'35" W.), excluding the portion within the Westhampton Beach, N. Y., transition area.

Cambridge, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (38°32'30" N., 76°01'55" W.), of Cambridge Municipal Airport and within 2 miles each side of a 145° bearing from the Cambridge, Md., RBN (38° 32' 17" N., 76° 01' 56" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

AMENDMENTS 1/9/69 33 F. R. 17103 (Added)

Camden, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrell Airport (latitude 33°37'00" N., longitude 92°45'45" W.), and within 2 miles each side of the 012° bearing from the Camden RBN (latitude 33°37'15" N., longitude 92°45'45" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

AMENDMENTS 10/17/68 33 F. R. 12179 (Added)

Camden, S. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Woodward Field (latitude 34°17'03" N., longitude 80°33'53" W.); within 2 miles each side of the 040° bearing from the Camden RBN (latitude 34°17'02" N., longitude 80°33'42.5" W.), extending from the 7-mile radius area to 8 miles northeast of the RBN.

Campbellsville, Ky.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 37°21'22" N., 85°18'40" W. of Taylor County Airport, Campbellsville, Ky., and within 2 miles each side of the Campbellsville RBN 171° bearing extending from the 4-mile radius area to 8 miles south of the RBN, effective from 0830 to 1900 local time daily.

Camp Douglas, Wis.
That airspace extending upward from 700 feet above the surface, within a 10-mile radius of Volk Field, Camp Douglas, Wis. (latitude 43°56'25" N., longitude 90°15'20" W.), and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 10-mile radius to 12 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface N of V82 and V170, within a 30-mile radius of Volk Field, excluding the portions which coincide with R-6901 and R-6904 or overlie the Madison, Wis., transition area.

Cape Decision, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 278° bearing from the Cape Decision RBN, extending from 6 miles W to 12 miles W of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles S and 5 miles N of the 278° and 098° bearings from the Cape Decision RBN, extending from 7 miles E of the RBN to the W boundary of Federal Airway Amber 1.

Cape Girardeau, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 5 miles east and 8 miles west of the Cape Girardeau VOR 196° radial, extending from the 8-mile radius area to 12 miles south of the VOR; and within 5 miles north and 8 miles south of the Cape Girardeau VOR 279° radial, extending from the 8-mile radius area to 12 miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Cape Girardeau VOR 036° radial, extending from the VOR to 14 miles northeast of the VOR.

AMENDMENTS 7/25/68 33 F. R. 7231 (Rewritten)

Carbondale, Colo.
That airspace extending upward from 10,500 feet MSL within 3 miles northeast and 2 miles southwest of the 138° and 318° bearings from the Carbondale, Colo., RBN (latitude 39°24'42" N., longitude 107°09'32" W.) extending from 12 miles northwest to 3 miles southeast of the RBN; that airspace extending upward from 11,300 feet MSL within 8 miles northeast and 5 miles southwest of the 138° and 318° bearings from the Carbondale, Colo., RBN extending from 13 miles northwest to 7 miles southeast of the RBN, excluding that portion east of west longitude 107°02'00".

AMENDMENTS 5/23/68 33 F. R. 4510 (Added); Corr: 33 F. R. 16386

Carlsbad, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 2 miles each side of the Carlsbad VOR 157° radial, extending from the 7-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Carlsbad VOR 157° and 337° radials, extending from 7 miles northwest to 13 miles southeast of the VOR; within 5 miles southeast and 8 miles northwest of the Carlsbad VOR 064° and 244° radials, extending from 7 miles southwest to 13 miles northeast of the VOR; and within 5 miles each side of the Carlsbad VOR 064° radial, extending from the VOR to 23 miles northeast of the VOR.

Carroll, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Arthur N. Neu Airport (latitude 42°02'50" N., longitude 94°47'02" W.); and within 2 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 12 miles southeast of the airport.

AMENDMENTS 9/19/68 33 F. R. 10566 (Added)

Casper, Wyo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Casper VORTAC 216° radial, extending from 26 miles to 31 miles SW of the VORTAC; within 2 miles each side of the Casper VORTAC 235° radial, extending from 23 miles to 28 miles SW of the VORTAC, and within 2 miles each side of the Casper ILS localizer W course, extending from 5 miles W to 7 miles W of the OM; that airspace extending upward from 1,200 feet above the surface within 12 miles SE and 10 miles NW of the Casper VORTAC 216° and 036° radials, extending from 20 miles NE to 44 miles SW of the VORTAC; within 6 miles S and 13 miles N of the 270° and 090° bearings from the Casper RBN, extending from 33 miles W to 43 miles E of the RBN, and within 5 miles each side of the Casper VORTAC 235° radial, extending from 38 miles to 52 miles SW of the VORTAC; and that airspace extending upward from 9,500 feet MSL within 5 miles each side of the Casper VORTAC 235° radial, extending from 52 miles to 81 miles SW of the VORTAC.

Cecil, Wis.
That airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Green Bay, Wis., VOR 320° radial extending from 17 miles NW to 37 miles NW of the Green Bay VOR.

Cedar City, Utah
That airspace extending upward from 1,200 feet above the surface within 6 miles E and 10 miles W of the Cedar City VOR 184° and 004° radials extending from 8 miles S to 20 miles N of the VOR.

Cedar Rapids, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'45" W.); and within 8 miles north and 6 miles south of the Cedar Rapids VORTAC 089° and 269° radials, extending from 3 miles east to 13 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W.; thence south along longitude 91°00'00" W. to and west along the north edge of V-434; to and northwest along the northeast edge of V-52; to and north along longitude 92°53'00" W.; to and northeast along the southeast edge of V-161; to and east along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC; to and southeast along the southwest edge of V-67; to and east along latitude 42°05'00" N.; to the point of beginning, excluding the area which overlies the Ottumwa, Iowa, transition area.

AMENDMENTS 5/23/68 33 F. R. 4796 (Rewritten)

Cedartown, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cornelius-Moore Field (latitude 34°01'20" N., longitude 85°08'50" W.).

AMENDMENTS 8/2/68 33 F. R. 11537 (Rewritten)

Centralia, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the north boundary of V-446, extending south along longitude 88°35'00" W., to latitude 38°12'00" N.; thence west along latitude 38°12'00" N., to and counterclockwise along the arc of a 40-mile radius circle centered on Scott AFB, Belleville, Ill., (latitude 38°32'30" N., longitude 89°51'05" W.), to and clockwise along the arc of a 13-mile radius circle centered on the Centralia VOR to and counterclockwise along the arc of a 40-mile radius circle centered on Scott AFB to the north boundary of V-446; thence east along the north boundary of V-446 to the point of beginning.

AMENDMENTS 9/19/68 33 F. R. 10443 (Rewritten)

Chadron, Nebr.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.), and within 5 miles each side of the Chadron VOR 030° radial, extending from the 14-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the Chadron VOR 030° and 210° radials, extending from 5 miles NE to 14 miles SW of the VOR.

Chagrin Falls, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 41°25'45" N., 81°19'50" W., of Chagrin Falls Airport, Chagrin Falls, Ohio, and within 2 miles each side of the Chardon, Ohio, VOR 235° radial extending from the 4-mile radius area to the VOR.

Champaign, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC excluding the portion which overlies the Rantoul, Ill., transition area extending upward from 700 feet above the surface.

AMENDMENTS 9/19/68 33 F. R. 10563 (Rewritten)

Chanute, Kans.
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 12 miles NW of the Chanute VOR 244° and 064° radials, extending from 12 miles SW to 15 miles NE of the VOR.

Charles City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Charles City, Iowa, Municipal Airport (latitude 43°04'25" N., longitude 92°36'35" W.) and within 2 miles each side of the 313° bearing from the airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 313° bearing from the airport, extending from the airport to 12 miles northwest of the airport excluding that portion which overlies the Leroy, Iowa, transition area.

Charleston, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Charleston AFB/Municipal Airport (latitude 32°53'55" N., longitude 80°02'20" W.); within 8 miles southwest and 5 miles northeast of the Charleston ILS localizer northwest course, extending from the 8-mile radius area to 12 miles northwest of the LOM; within 8 miles southwest and 5 miles northeast of the Charleston VORTAC 332° radial, extending from the 8-mile radius area to 12 miles northwest of the VORTAC; within 2 miles each side of the Charleston VORTAC 140° radial, extending from the 8-mile radius area to 10.5 miles southeast of the VORTAC; within 2 miles each side of the Charleston VORTAC 135° radial, extending from the 8-mile radius area to 10 miles southeast of the VORTAC; that
airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the INT of the SE boundary of V-3 and latitude 33°30'00" N., thence E to latitude 33°11'55" N., longitude 79°08'00" W., to latitude 32°58'30" N., longitude 79°18'00" W., to latitude 32°50'40" N., longitude 79°23'15" W., thence clockwise along the arc of a 38-mile radius circle centered on the Charleston VORTAC, to an W along a line 5 miles S of and parallel to the Charleston VORTAC 109° radial to a point 3 nmi E of the Shoreline, thence SW along a line 3 nmi from the shoreline to latitude 32°29'30" N., longitude 80°12'00" W., thence to latitude 32°45'50" N., longitude 80°30'30" W., to latitude 32°44'00" N., longitude 80°43'25" W., thence to the INT of the SE boundary of V-3 and latitude 32°44'00" N., thence NE along the SE boundary of V-3 to the point of beginning; and that airspace extending upward from 1,700 feet MSL bounded on the E by V-437 on the S by the 1,200-foot floor portion of the Charleston transition area, and on the NW by the SE boundary of V-3, excluding the portion that coincides with the Florence, S. C., transition area.

AMENDMENTS 2/29/68 33 F. R. 67 (Changed), 2/6/69 33 F. R. 18478 (Changed)

Charleston, W. Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 38°22'21" N, 81°35'35" W, of Kanawha Airport, Charleston, W. Va.; within 8 miles NW and 5 miles SE of the ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the ILS OM.

AMENDMENTS 7/25/68 33 F. R. 8433 (Changed)

PENDING AMENDMENT
Charlotte, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fitch H. Beach Airport (latitude 42°34'30" N., longitude 84°48'45" W.); and within 2 miles each side of the Lansing, Mich., VOR 209° radial, extending from the 6-mile radius area to the VOR, excluding the portion which overlies the Lansing, Mich., 700-foot floor transition area.

AMENDMENTS 3/6/69 34 F. R. 1371 (Added)

Charlotte, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Douglas Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 2 miles each side of the Charlotte VORTAC 003° radial, extending
from the 8-mile radius area to 14 miles north of the VORTAC; within 2 miles each side of the Fort Mill, S. C., VORTAC 005° radial, extending from the 8-mile radius area to 33 miles north of the VORTAC; within 2 miles each side of the Fort Mill VORTAC 011° radial, extending from the 8-mile radius area to the VORTAC; within 2 miles each side of the Charlotte VORTAC 058° radial, extending from the 8-mile radius area to 14 miles northeast of the VORTAC; within 2 miles each side of the Charlotte 171° radial, extending from the 8-mile radius area to 14 miles south of the VORTAC; within 2 miles each side of the Charlotte 223° radial, extending from the 8-mile radius area to 14 miles southwest of the VORTAC; including that airspace extending upward from 1,200 feet above the surface bounded by a line
beginning at the intersection of the E boundary of V-37 north of Charlotte and a 55-mile radius arc centered at the Douglas Airport, thence clockwise along this arc to its intersection with a line extended from the Liberty, N. C., VOR to the Chesterfield, S. C., VOR, thence south along this line to its intersection with the NW boundary of V-155, thence SW along the NW boundary of V-155 to its intersection with a 60-mile radius arc centered at Shaw AFB, Sumter, S. C. (latitude 33°58'15" N., longitude 80°28'19" W.), thence SW to latitude 34°30'00" N., longitude 81°02'00" W., thence SW along a line extending from latitude 34°30'00" N., longitude 81°02'00" W., through the intersection of a line 10 miles SW of and parallel to the centerline of V-53 and latitude 34°15'30" N., to the east boundary of V-53, thence NW along the east boundary of V-53 to its intersection with longitude 81°30'00" W., thence N along longitude 81°30'00" W., to its intersection with the N boundary of V-20, thence NE along the N boundary of V-20 to its intersection with the east boundary of V-37, thence N along the east boundary of V-37 to point of beginning.

AMENDMENTS 2/1/68 32 F. R. 17575 (Changed); 9/27/68 33 F. R. 14861 (Changed)

Charlotte Amalie, St. Thomas, V. I.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Harry S. Truman Airport.

AMENDMENTS 8/22/68 33 F. R. 9899 (Added)

Charlottesville, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Charlottesville-Albemarle Airport (latitude 38°08'25" N., longitude 78°27'10" W.); and within 2 miles each side of the Charlottesville-Albemarle ILS localizer south course extending from the 6-mile radius area to 8 miles south of the Charlottesville RBN; within 2 miles each side of a line bearing 045° from a point 38°08'21" N., 78°27'00" W., extending from the 6-mile radius area to 8 miles northeast of that point; and that airspace extending upward from
1,200 feet above the surface bounded by a line beginning at latitude 38°43'00" N., longitude 78°58'00" W.; to latitude 38°43'00" N., longitude 78°12'00" W.; to latitude 38°51'15" N., longitude 78°12'21" W.; to latitude 38°30'00" N., longitude 77°44'00" W.; to latitude 37°40'00" N., longitude 78°14'30" W.; to latitude 37°40'00" N., longitude 79°30'00" W.; to latitude 38°00'00" N., longitude 79°30'00" W.; to the point of beginning.

AMENDMENTS 7/25/68 33 F. R. 8433 (Changed); 7/25/68 33 F. R. 8732 (Changed)

Chattanooga, Tenn.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Lovell Field, Chattanooga, Tenn. (latitude 35°02'05" N., longitude 85°12'10" W.), extending clockwise from the 020° to the 250° bearings from the airport; within a 20-mile radius of Lovell Field, extending clockwise from the 250° to the 020° bearings from the airport; within 4 miles each side of the Chattanooga VORTAC 263° radial, extending between the arcs of a 14-mile and a 25-mile radius circle each centered at Lovell Field; within 8 miles E and 5 miles W of the Daisy RBN 016° bearing, extending from the RBN to 12 miles N; that airspace
extending upward from 1,200 feet above the surface within a 25-mile radius of Lovell Field; within the area SE of Chattanooga, extending from the 25-mile radius area bounded on the E by the W boundary of V-5W, on the S by a line through latitude 34°26'58" N., longitude 84°55'58" W., and latitude 34°25'30" N., longitude 84°59'30" W., and on the W by a line 9 miles W of and parallel to the Chattanooga VORTAC 152° radial; within the area S, extending from the 25-mile radius area bounded on the E by a line 9 miles W of and parallel to the Chattanooga VORTAC 152° radial, on the S by latitude 34°37'00" N., on the W by the E boundary of V-115E; within the area N, NE, and NW of Chattanooga extending from the 25-mile radius area bounded by a line beginning at the INT of the arc of a 25-mile radius circle centered at Lovell Field and a line 6 miles W of and parallel to the Chattanooga VORTAC 313° radial; thence NW along a line 6 miles W of and parallel to the Chattanooga VORTAC 313° radial, to and clockwise along the arc of a 50-mile radius circle centered on the Chattanooga VORTAC, to the W boundary of V-51W; thence S along the W boundary of V-51W to latitude 35°24'30" N., thence to latitude 35°22'45" N., longitude 84°45'00" W.; to latitude 35°17'30" N., longitude 84°45'10" W.; to latitude 35°08'20" N., longitude 84°45'35" W.; thence via latitude 35°08'20" N., to the arc of a 25-mile radius circle centered at Lovell Field, excluding the portion that coincides with the Rome, Ga., transition area.

AMENDMENTS 8/2[illegible]/68 33 F. R. 9333 (Changed); 11/14/68 33 F. R. 12179 (Changed)

Cheraw, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cheraw Municipal Airport (latitude 34°42'45" N., longitude 79°57'35" W.); within 2 miles each side of the Chesterfield VOR 077° radial extending from the 5-mile radius area to the VOR.

AMENDMENTS 7/25/68 33 F. R. 8389 (Added); Corr: 33 F. R. 11001

Cherokee, Wyo.
That airspace extending upward from 1,200 feet above the surfave within 10 miles S and 7 miles N of the Cherokee VOR 081° and 261° radials, extending from 7 miles E to 7 miles W of the VOR.

Cherry Point, N. C.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 35°45'30" N, Long. 76°39'00" W, thence clockwise along the arc of a 60-mile radius circle centered at Lat. 34°54'30" N, Long. 76°53'00" W, to Lat. 35°05'50" N, Long. 75°51'05" W, thence 3-nmi from and parallel to the shoreline to Lat. 34°37'30" N, Long. 76°56'20" W, to Lat. 34°41'50" N, Long. 76°56'20" W, to Lat. 34° 45' 10" N, Long. 76°40'30" W, to Lat. 34°46'45" N, Long. 76°24'45" W, to Lat. 35°04'30" N, Long. 76°04' 30" W, to Lat. 35°18'15" N, Long. 76°16'40" W, to Lat. 35°23'15" N, Long. 76°34'40" W, to Lat. 35°03' 00" N, Long. 76°57'00" W, to Lat. 35°26'00" N, Long. 76°52'00" W, thence to point of beginning.

Chester, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°23'01" N., 72°30'20" W. of Chester Airport, Chester, Conn., and within 2 miles each side of the Madison VOR 062° radial extending from the 5-mile radius to the VOR.

Chesterfield, Mo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Maryland Heights, Mo. VORTAC 243° radial extending from 7 miles SW of the VORTAC to 10.5 miles SW of the VORTAC.

Cheyenne, Wyo.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 029° radial, extending from the 14-mile radius area to 14 miles northeast of the VORTAC; that airspace extending upward from 1,200
feet above the surface bounded on the NE by V-6, on the SE by V-207, on the SW by V-4N and on the NW by V-524, and that airspace NW of Cheyenne within 7 miles NE and 10 miles SW of the Cheyenne VORTAC 305° radial, extending from the VORTAC to 47 miles NW of the VORTAC, excluding the portions within the Laramie, Wyo. transition area.

Chicago, Ill.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°31'00" N., longitude 87°47'00" W.; to latitude 41°29'00" N., longitude 87°34'00" W.; to latitude 41°29'00" N., longitude 87°19'00" W.; to latitude 41°55'00" N., longitude 87°19'00" W.; to latitude 42°30'00" N., longitude 87°35'00" W.; to latitude 42°38'00" N., longitude 87°52'00" W.; to latitude 42°30'00" N., longitude 87°59'00" W.; to latitude 42°25'00" N., longitude 88°10'00" W.; to latitude 42°15'00" N., longitude 88°10'00" W.; to latitude 42°15'00" N., longitude 88°25'00" W.; to latitude 41°55'00" N., longitude 88°25'00" W.; to latitude 41°53'00" N., longitude 88°31'00" W.; to latitude 41°50'00" N., longitude 88°31'00" W.; thence counterclockwise via the arc of a 5-mile radius circle centered on the Aurora Municipal Airport (latitude 41°46'14" N., longitude 88°28'16" W.) to latitude 41°48'00" N., longitude 88°22'50" W. to latitude 41°50'00" N., longitude 88°12'00" W to point of beginning and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 41°55'00" N.; longitude 89°50'00" W to latitude 41°55'00" N, longitude 88°30'00" W. to latitude 42°30'00" N., longitude 88°30'00" W. to latitude 42°30'00" N., longitude 87°00'00" W. to latitude 41°20'00" N., longitude 87°00'00" W. to latitude 41°20'00" N., longitude 85°50'00" W. to latitude 41°00'00" N., longitude 85°50'00" W. to latitude 41°00'00" N., longitude 86°33'00" W. to latitude 40°45'00" N., longitude 86°33'00" W. to latitude 40°45'00" N., longitude 88°40'00" W. to latitude 41°10'00" N., longitude 88°40'00" W. to latitude 41°10'00" N., longitude 89°50'00" W. thence north to point of beginning.

Chico, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR, excluding the portion within a 1-mile radius of Ranchaero Airport (latitude 39°43'10" N., longitude 121°52'10" W.).

AMENDMENTS 4/25/68 33 F. R. 5213 (Rewritten)

Chicopee Falls, Mass.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°11'40" N., 72°32'15" W., of Westover AFB, Chicopee Falls, Mass.; within 7 miles each side of the Chicopee Falls, Mass., ILS localizer NE course extending from the 12-mile radius area to 13 miles NE of the outer marker and within a 10-mile radius of the center, 42°09'25" N., 72°42'50" N., of Barnes Airport, Westfield, Mass., and within 8 miles west and 5 miles east of the Westfield, Mass., 009° radial extending from the VOR, to 12 miles north of the VOR,
excluding that portion within the Hartford, Conn., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°55'00" N., 72°00'00" W. to 42°05'00" N., 72°00'00" W. to 41°55'00" N., 71°59'00" W. to 42°02'00" N., 72°07'00" W. to 42°02'00" N., 73°16'00" W. to 43°11'00" N., 72°39'00" W. to 43°05'00" N., 72°13'00" W. to point of beginning.

Childress, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Childress Municipal Airport, and within 10 miles SE and 7 miles NW of the Childress VOR 244° radial, extending from the 20-mile radius area to 20 miles SW of the VOR.

China Lake NAF, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the NAF China Lake TACAN 350° radial extending from 8 miles to 12 miles N of the TACAN and within 2 miles each side of the NAF China Lake TACAN 148° radial extending from 8 miles to 11 miles SE of the TACAN.

Chincoteague, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.); and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of NASA Wallops Station Airport, that airspace northwest of the Snow Hill, Md., VORTAC bounded on the northwest by V-1, on the east by V-29 and on the south by the 12-mile radius area; within 8 miles southeast and 5 miles northwest of the Snow Hill, Md. VORTAC 047° radial extending from the VORTAC to 26 miles northeast; within 5 miles each side of the Waterloo, Del., VORTAC 172° radial extending from 18 miles south to 40 miles south of the VORTAC; and the area extending southwest from the 12-mile radius area bounded on the east by a line 3 nautical miles east and parallel to the shoreline, on the south by the Norfolk, Va., transition area, and on the west by the southeast boundary of V-139, excluding the portion outside the United States.

AMENDMENTS 6/20/68 33 F. R. 6916 (Changed)

Christiansted, St. Croix, V. I.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Alexander Hamilton Airport (latitude 17°42'15" N., longitude 64°47'55" W.); that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Alexander Hamilton Airport and that airspace within 8 miles north and 5 miles south of the St. Croix VOR 069 radial extending from the 15-mile radius area to 12 miles east of the VOR.

AMENDMENTS 8/22/68 33 F. R. 9599 (Added)

Cincinnati, Ohio
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center 39°02'50" N., 84°40'00" W. of Greater Cincinnati Airport, Covington, Ky. and within 5 miles west and 8 miles east of the Greater Cincinnati Airport south localizer extending from the 11.5 mile radius area to 15 miles south of the Runway 36 OM; within 8 miles west and 12 miles east of the Greater Cincinnati Airport north localizer course extending from the 11.5-mile radius area to 14 miles north of the Runway 18 OM; within 2 miles each side of a line bearing 270° from the Burlington, Ky. RBN extending from the 11.5-mile radius area to 8 miles west of the RBN and within 2 miles each side of the Cincinnati VORTAC 290° radial extending from the 11.5-mile radius area to 21 miles west of the VORTAC. Within a 9-mile radius of the center, 39°01'14" N., 84°25'18" W., of Cincinnati Municipal (Lunken Field) Airport, Cincinnati, Ohio; within 2 miles each side of a 044° bearing from the Lunken RBN extending from the 9-mile radius area to 8 miles northeast of the RBN and within 2 miles each side of a 040° bearing from the Lunken RBN extending from the 9-mile radius area to 12 miles northeast of the RBN.

That airspace extending upward from 1,200 feet above the surface beginning at: 38°26'00" N., 85°15'00" W. to 39°12'00" N., 85°30'00" W. to 39°40'00" N., 84°25'00" W. to 39°19'00" N., 84°00'00" W. to 38°30'00" N., 83°59'00" W. to 38°20'00" N., 84°30'00" W. to point of beginning.

AMENDMENTS 2/1/68 32 F. R. 2070 (Changed); 8/22/68 33 F. R. 9876 (Changed)

Clare, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Clare, Mich., Municipal Airport (latitude 43°49'55" N., longitude 84°44'35" W.), and within 2 miles each side of the Mount Pleasant, Mich., VOR 359° radial extending from the 6-mile radius area to 8 miles south of the airport.

Clarion, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 41°14'22" N., 79°25'54" W. of Rhea Airport, Clarion, Pa., and within 2 miles each side of the Clarion VOR 016° radial extending from the 5-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 12/12/68 33 F. R. 15704 (Changed)

Clarksburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Benedum Airport, Clarksburg, W. Va., 39°17'40" N., 80°13'40" W. and within 2 miles each side of the Clarksburg, VOR 216° radial extending southwesterly from the 7-mile radius area for 8 miles from the VOR and within 2 miles each side of the centerline of Runway 3 extended northeasterly for 7 miles from the end of the runway.

Cleveland, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cleveland-Hopkins International Airport (latitude 41°24'30" N., longitude 81°51'00" W.); within a 6-mile radius of the center, 41°31'00" N., 81°41'00" W., of Burke-Lakefront Airport, Cleveland, Ohio; within 2 miles each side of the Burke-Lakefront localizer NE course extending from the 6-mile radius area to the OM; within 8 miles NW and 5 miles SE of the Burke-Lakefront localizer NE course extending from the OM to 12 miles NE of the OM; within 2 miles each side of the Cleveland-Hopkins Runway 5-R-ILS localizer SW course, extending from the 8-mile radius area to the Gilbert RBN; within 2 miles each side of the Strongsville VOR 192° radial, extending from the 8-mile radius area to 8 miles S of the VOR; and within 2 miles each side of the Akron, Ohio, VORTAC 319° radial, extending from the Burke-Lakefront 6-mile radius area to 10 miles NW of the airport; within a 5-mile radius of the center, 41°19'25" N., 81°51'50" W., of Strongsville Airpark, Strongsville, Ohio, and within 2-miles each side of the Strongsville VOR 261° radial extending from the Strongsville Airpark 5-mile radius area to 8 miles W of the VOR; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 41°57'00" N., 81°18'00" W., thence clockwise along the arc of a 19-mile radius circle (centered at 41°41'00"N., 81°23'25" W.), to 41°24'20" N., 81°23'00" W., to 41°21'00" N., 81°31'00" W., thence clockwise along the arc of an 18-mile radius circle (centered at 41°24'30" N., 81°51'00" W.) to the 146° bearing from said center, thence southeast along the 146° bearing to 41°08'00" N., 81°36'00" W., to 40°53'00" N., 81°43'00" W., thence clockwise along the arc of a 37-mile radius circle (centered at 41°24'30" N., 81°51'00" W.) to 40°56'30" N., to 82°12'00" W., to 41°08'40" N., 82°32'00" W., thence clockwise along the arc of a 21-mile radius circle (centered at 41°26'00" N., 82°39'05" W.) to 41°14'00" N., 82°57'00" W., to 41°19'10" N., 82°49'20" W., thence clockwise via the arc of a 12-mile radius circle (centered at 41°26'00" N., 82°39'05" W.) to 41°38'30" N., 82°40'00" W., to 41°40'30" N., 82°40'00" W., thence east along the United States-Canada border to 42°02'20" N., 81°37'00" W. to 42°00'00" N., 81°18'00" W. to point of beginning, excluding the portion within the Willoughby, Ohio, transition area.

Clinton, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clinton Municipal Airport (latitude 41° 49' 45" N., longitude 90° 19' 50" W.), within 2 miles each side of the Cordova VOR 338° radial, extending from the 5-mile radius area to the VOR; and within 8 miles SW and 5 miles NE of the 324° bearing from the Clinton Municipal Airport, extending from the airport to 12 miles NW of the airport.

Clintonville, Wis.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'50" W.) and within 2 miles each side of the 145° bearing from Clintonville Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport.

Cloquet, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Carlton County Airport (latitude 46°42'05" N., longitude 92°30'20" W.); and within 2 miles each side of the Duluth, Minn. VOR 244° radial extending from the 5-mile radius area southwest to 22 miles southwest of the VOR.

AMENDMENTS 1/29/69 34 F. R. 1370 (Rewritten)

Clovis, N. Mex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of a line from the Clovis Municipal Airport (latitude 34°25'38" N., longitude 103°04'44" W.) extending from the 23-mile radius area to the Texico, Tex., VORTAC; within 2 miles each side of a 057° bearing from latitude 34°27'30" N., longitude 103°01'30" W., extending from the 23-mile radius area to 8 miles northeast of latitude 34°27'30" N., longitude 103°01'30" W.; within 2 miles each side of a line from latitude 34°27'30" N., longitude 103°01'30" W., extending from the 23-mile radius area to the Texico, Tex., VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 52-mile radius of Cannon AFB.

AMENDMENTS 5/23/68 33 F. R. 5142 (Rewritten)

Coaldale, Nev.
That airspace extending upward from 10,500 feet MSL within 9 miles northeast and 6 miles southwest of the Coaldale VORTAC 146° and 326° radials, extending from 17 miles southeast to 7 miles northwest of the VORTAC.

Coatesville, Pa.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°59'00" N., 75°52'00" W. of Chester County Area Airport, Chester, Pa., and within 2 miles each side of the Coatesville RBN 283° bearing extending from the 4-mile radius area to 8 miles W of the RBN.

Cochise, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cochise VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR.

Cody, Wyo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), within 2 miles each side of the Cody VOR 023° and 203° radials, extending from the 5-mile radius area to 8 miles northeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Cody VOR 023° and 203° radials, extending from 7 miles southwest to 17 miles northeast of the VOR.

Coeur D'Alene, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur D'Alene air terminal (latitude 47°46'30" N., longitude 116°49'05" W.), and within 2 miles each side of the 071° and 251° bearings from the Coeur D'Alene RBN (latitude 47°44'44" N., longitude 116°57'24" W.) extending from the 5-mile radius area to 8 miles west of the RBN.

AMENDMENTS 4/25/68 33 F. R. 6216 (Rewritten)

Coffeyville, Kans.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Coffeyville Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by a line 5 miles southwest of and parallel to the Oswego, Kans., VOR 306° radial, on the south by V-516, and on the west by V-131, excluding the portion which overlies the Independence, Kans., and Parsons, Kans., transition areas.

AMENDMENTS 3/28/68 33 F. R. 6505 (Rewritten)

Cold Bay, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 041° bearing from the Cold Bay RR, extending from the RR to 6 miles NE of the RR, and within 2 miles each side of the 263° bearing from the Cold Bay RR, extending from the RR to 6 miles W of the RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SE of the 041° bearing from the Cold Bay RR, extending from the RR to 18 miles NE of the RR; within 5 miles S of the 263° bearing from the Cold Bay RR, extending from the RR to 18 miles W of the RR; and within the arc of an 18-mile radius circle centered on the Cold Bay RR, extending clockwise from the 263° bearing to the 041° bearing from the RR.

AMENDMENTS 1/5/67 31 F. R. 14260 (Added); Eff. date changed (To be announced later) 31 F. R. 16127; Eff: 12/7/67 32 F. R. 14891; Eff: date changed 2/29/68 32 F. R. 16482

Coldwater, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County, Memorial Airport (latitude 41°56'05" N., longitude 85°02'55" W.), within 2 miles each side of the Litchfield, Mich. VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport.

College Station, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the College Station VOR 107° radial extending from 10 miles east of the VOR to 18 miles east of the VOR.

AMENDMENTS 1/9/69 33 F. R. 15990 (Added)

Colorado Springs, Colo.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.), and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20-mile radius area to 21 miles north of the localizer, excluding the portion west of longitude 104°52'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 38°30'00" N., on the west by longitude 104°52'00" W., on the north by latitude 39°05'00" N., on the east by a line 4 n.m. west of and parallel to the Hugo, Colo., VOR 011° and 185° radials, on the southeast by the southeast boundary of V-106S and longitude 104°00'00" W.; that airspace northwest of Colorado Springs bounded on the north by latitude 39°05'00" N., on the east by longitude 104°52'00" W. and on the southwest by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial; that airspace southwest of Colorado Springs, extending upwards from 10,700 feet MSL, bounded on the west by longitude 105°08'00" W., on the north by latitude 38°36'00" N., on the east by longitude 104°52'00" W., and on the south by the north edge of V-244, excluding the airspace within the Pueblo, Colo., transition area; and that airspace NW of Colorado Springs, extending upwards from 11,700 feet MSL, bounded on the south by latitude 38°55'00" N., on the west by longitude 105°20'00" W., on the N by latitude 39°05'00" N., and on the east by longitude 104°52'00" W., excluding the portion northeast of a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial and that airspace within Federal Airways.

Columbia, Mo.
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 39°09'00" N., on the west by longitude 92°31'00" W., on the south by latitude 38°53'30" N., on the east by longitude 92°14'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence north along longitude 92°31'00" W., to the south edge of V-12, thence east along the south edge of V-12 to a line 5 miles southeast and parallel to the Jefferson City, Mo., VOR 041° radial, thence southwest along a line 5 miles southeast of and parallel to the Jefferson City VOR 041° and 221° radials to latitude 38°27'30" N., longitude 92°11'00" W., thence southwest to latitude 38°19'00" N., longitude 92°34'00" W., thence north to the point of beginning.

AMENDMENTS 4/25/68 33 F. R. 3056 (Rewritten); 2/6/69 33 F. R. 17850 (Rewritten)

Columbia, S. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.) and within 5 miles north and 8 miles south of the Columbia ILS localizer west course extending from the 9-mile radius area to 12 miles west of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the point of intersection of a 60-mile arc centered on Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.) and the west boundary of V-155, extending clockwise along this arc to the west boundary of V-3, thence south along the west boundary of V-3 and west along the north boundary of V-18S to the west boundary of V-37, thence to latitude 33°08'45" N., longitude 81°22'40" W., thence counterclockwise along the boundary of R-6004 to latitude 33°23'25" N., longitude 81°37'00" W., thence north to latitude 33°46'00" N., longitude 81°37'00" W., thence to the intersection of the north boundary of V-155 and longitude 81°41'30" W., thence southwest along the north boundary of V-155 to its intersection with a line 16 miles south and parallel to the Columbia VORTAC 294° radial, thence northwest along this line to latitude 81°59'00" W., thence north to latitude 34°13'00" N., longitude 81°50'30" W., thence to the intersection of a line 10 miles southwest and parallel to the centerline of V-53 and latitude 34°15'30" N., thence northeast to latitude 34°30'00" N., longitude 81°02'00" W., thence northeast to point of beginning.

Columbus, Ga.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Muscogee County Airport (latitude 32°30'55" N., longitude 84°56'25" W.); within a 9-mile radius of the Lawson AAF (latitude 32°20'20" N., longitude 84°59'35" W.); within 8 miles W and 5 miles E of the Columbus VORTAC 329° and 149° radials, extending from the 7-mile and 9-mile radius areas to 12 miles NW of the VORTAC; within 2 miles each side of the 214° bearing from the Lawson RBN, extending from the 9-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the Lawson AAF VOR 209° radial extending from the Lawson 9-mile radius area to 8 miles SW of the Lawson RBN; within 8 miles W and 5 miles E of the Lawson ILS localizer SE course extending from the 9-mile radius area to 10 miles SE of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded on the NE by the arc of a 50-mile radius circle centered at the Atlanta, Ga., Airport (latitude 33°38'42" N., 84°25'37" W.), on the E by V-97, on the S by V-56 and the arc of a 26-mile circle centered at Lawson AAF, and on the NW by V-20; and that airspace W of longitude 84°45'00" W., within a 26-mile radius of Lawson AAF; and that airspace SE bounded on the NE by a line extending from latitude 32°15'00" N., longitude 84°45'00" W., to the intersection of the 26-mile radius arc centered at Lawson AAF and longitude 84°39'00" W., on the SE by the 26-mile radius arc and on the W by longitude 84°45'00" W.; excluding the portions within R-3002A.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Columbus, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbus Municipal Airport (latitude 39°08'09" N., longitude 85°55'29" W.), and within 2 miles each side of the 225° bearing from the Columbus Municipal Airport extending from the 5-mile radius area to 12 miles SW of the airport, excluding that portion which overlies the Atterbury, Ind., 700-foot transition area.

Columbus, Miss.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Columbus AFB, Miss. (latitude 33°38'38" N., longitude 88°26'39" W.); within a 6-mile radius of Columbus-Lowndes County Airport, Miss. (latitude 33°27'52" N., longitude 88°22'50" W.); within a 5-mile radius of Oktibbeha Airport, Miss. (latitude 33°29'45" N., longitude 88°41'00" W.); within 2 miles each side of the Columbus VORTAC 275° radial, extending from the 5-mile radius area to the VORTAC; within 2 miles each side of the Columbus VORTAC 101° radial, extending from the 6-mile radius area to the VORTAC; within 2 miles each side of the 179° bearing from the Columbus radio beacon (latitude 33°27'30" N., longitude 88°23'00" W.), extending from the 6-mile radius area to 8 miles S of the radio beacon; and that
airspace extending upward from 1,200 feet above the surface to the base of the continental control area within a 40-mile radius of Columbus AFB excluding
that portion which coincides with the Tupelo, Miss., transition area; including that airspace SE of the 40-mile radius area bounded on the NE by V-278S, on the E by a 19-mile radius arc centered on the Tuscaloosa, Ala., VOR, on the SE by V-18, and on the W by longitude 88°00'00" W.; including that airspace N of the 40-mile radius area, bounded on the W by the Tupelo, Miss., transition area, on the north by V-159, and on the east by longitude 87°55'00" W.

AMENDMENTS 11/20/68 33 F. R. 17102 (Changed)

Columbus, Nebr.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'25" W.), and within 8 miles NE and 5 miles SW of the Columbus VOR 141° radial extending from the VOR to 12 miles SE, and within 8 miles W and 5 miles E of the Columbus VOR 340° radial extending from the VOR to 12 miles N and within 8 miles SW and 5 miles NE of the 330° and 150° bearings from the Columbus RBN extending from 2 miles SE of the RBN to 12 miles NW of the RBN.

Columbus, N. Mex.
That airspace extending upward from 8,000 feet MSL, bounded on the E by longitude 107°13'00" W, on the S by the United States/Mexican border, on the W by longitude 107°54'00" W, and on the N by latitude 31°59'00" N.

Columbus, Ohio
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°59'30" N., 82°53'20" W., of Columbus Municipal Airport, Columbus, Ohio; within a 14-mile radius of the center, 39°48'50" N., 82°55'40" W., of Lockbourne AFB, Columbus, Ohio; within a 5-mile radius of the center, 39°45'25" N., 82°39'35" W., of Anchor Hocking Airport, Lancaster, Ohio; within a 6-mile radius of the center, (40°04'45" N., 83°04'20" W.), of Ohio State University Airport; within 2 miles each side of the Ohio State University RBN (40°04'47" N., 83°04'54" W.) 278° bearing extending from the Ohio State University 6-mile radius area to 8 miles W of the RBN; within 2 miles each side of the Lockbourne VOR 088° radial extending from the Anchor Hocking Airport 5-mile radius area to 8 miles E of the VOR; that airspace within a line from 39°49'35" N., 82°37'30" W., to 40°00'00" N., 82°32'30" W., to 40°10'00" N., 82°32'30" W. to 40°10'10" W., 82°53'20" W.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 40°27'28" N., 82°07'37" W. to 39°52'25" N., 82°13'00" W. to 39°40'00" N., 82°00'00" W. to 39°40'00" N., 81°47'00" W. to 39°00'00" N., 81°43'40" W. to 39°00'00" N., 83°00'00" W. to 38°45'00" N., 83°30'00" W. to 38°30'00" N., 83°18'15" W. to 38°30'00" N., 83°59'00" W. to 39°19'00" N., 84°00'00" W. to 39°05'00" N., 83°30'00" W., to 40°00'00" N., 83°15'00" W. to 40°30'00" N., 83°50'00" W. to 40°30'00" N., 83°10'00" W. to point of beginning.

Colusa, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles E and 3.5 miles W of the Williams, Calif. VORTAC 015 radial, extending from the VORTAC to 11 miles N of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-23, on the S by the N edge of V-200 and on the W by the W edge of V-19.

Concord, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°22'00" N., 71°23'00" W. to 42°47'00" N., 71°09'00" W. to 42°38'00" N., 71°20'00" W. to 42°40'00" N., 71°35'00" W. to 42°43'00" N., 71°36'00" W. to 42°49'30" N., 71°41'30" W. to 42°51'20" N., 71°47'00" W. to 42°52'15" N., 71°43'45" W. to 42°54'00" N., 71°45'00" W. to 42°57'00" N., 71°40'00" W., to 43°17'00" N., 71°46'00" W. to point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°53'00" N., 71°05'00" W. to 42°43'00" N., 71°15'00" W. to 42°43'00" N., 71°40'00" W. to 42°55'00" N., 72°00'00" W. to 43°35'00" N., 71°55'00" W. to 43°45'00" N., 71°09'00" W. to point of beginning.

Concord, N. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Propst Airport (latitude 35°23'30" N., longitude 80°34'30" W.).

AMENDMENTS 9/27/68 33 F. R. 14861 (Added)

Connersville, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Mettel Airport (latitude 39°41'30" N., longitude 85°07'55" W.), and within 2 miles each side of the 015° bearing from the Mettel Airport extending from the 6-mile radius area to 8 miles north of the airport.

Conroe, Texas
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Montgomery County Airport (latitude 30°21'07" N., longitude 95°24'55" W.), and within 2 miles each side of the 328° bearing from the Conroe RBN (latitude 30°21'50" N., longitude 95°25'20" W.) extending from the 6-mile radius area to 8 miles northwest of the RBN.

AMENDMENTS 3/28/68 33 F. R. 2630 (Added)

Cordele, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Cordele Airport (latitude 31°59'15" N., longitude 83°46'24" W.); within 2 miles each side of the Vienna VORTAC 226° radial extending from the 9-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the N by V-70, on the E by V-243, on the S by latitude 32°00'00" N., and on the W by the arc of a 40-mile radius circle centered at latitude 31°35'50" N., longitude 84°05'05" W.; within the area E of the Vienna VORTAC bounded on the N by the arc of a 35-mile radius circle centered on the Macon VORTAC (latitude 32°-41'27" N., longitude 83°38'50" W.), on the SE by a line 5 miles east of and parallel to the 048° radial of the Vienna VORTAC, on the SW by the 138° radial of the Vienna VORTAC.

Cordova, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Cordova RR SW course, extending from 8 miles SW of the Cordova RR to 13 miles SW of the INT of the SW course of the Cordova RR and the E course of the Hinchinbrook RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Cordova RR SE course, extending from 13 miles SE of the Cordova RR to 13 miles SE of the INT of the SE course of the Cordova RR and the E course of the Hinchinbrook RR; within 8 miles N and 5 miles S of the Hinchinbrook RR E and W courses, extending from 7 miles W to 13 miles E of the Hinchinbrook RR.

Corona, N. Mex.
That airspace extending upward from 8,500 feet MSL, within 10 miles NE and 7 miles SW of the Corona VOR 139° and 319° radials, extending from 20 miles SE to 9 miles NW of the VOR.

Corpus Christi, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within a 9-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within a 4-mile radius of the Sinton Airport (latitude 28°02'25" N., longitude 97°32'34" W.); within 2 miles each side of the Corpus Christi VORTAC 328° radial, extending from the 4-mile radius area to the VORTAC; within 2 miles each side of the Corpus Christi ILS localizer SE course, extending from the 6-mile radius area to 13 miles SE of the airport; within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the International Airport 6-mile radius area to 8 miles NW of the OM; within 2 miles each side of the Navy Corpus RBN 135° bearing, extending from the NAS Corpus Christi 9-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the NAS Corpus Christi 9-mile radius area to 12 miles SE of the TACAN; that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 28°07'00" N., longitude 98°27'00" W., to latitude 28°07'00" N., longitude 97°15'00" W., to latitude 28°14'00" N., longitude 96°46'00" W. thence south along longitude 96°46'00" W. to 3 nautical miles from the shoreline, thence southwest 3 nautical miles from and parallel to the shoreline to latitude 27°49'00" N., to latitude 27°45'30" N., longitude 96°51'00" W. to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 95°55'30" W. to latitude 27°23'00" N., longitude 97°06'00" W. thence southwest to a point 3 nautical miles from the shoreline at latitude 27°11'20" N., to latitude 26°50'00" N., longitude 97°51'00" W., to latitude 26°51'00" N., longitude 97°58'30" W. to latitude 27°24'00" N., longitude 98°15'30" W., to latitude 27°24'00" N., longitude 98°27'00" W. to point of beginning; and that airspace extending upward from 4,500 feet MSL bounded on the E by longitude 98°27'00" W., on the S by latitude 27°24'00" N., on the W by the arc of a 35-mile radius circle centered on latitude 27°35'22" N., longitude 99°29'54" W.; and on the N by a line extending from the intersection of the 35-mile radius arc and latitude 27°39'10" N., to latitude 27°44'00" N., longitude 98°27'00" W.
AMENDMENTS 3/28/68 33 F. R. 2629 (Changed); 6/20/68 33 F. R. 6532 (Changed)
AMENDMENTS 12/12/68 33 F. R. 15412 (Changed)

Cortez, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.), and within 2 miles each side of the Cortez VOR 003° and 183° radials, extending from the 7-mile radius area to 6 miles N of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles E and 8 miles W of the Cortez VOR 003° and 183° radials. extending from 3 miles S to 14 miles N of the VOR.

Corvallis, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.); within 2 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile radius area to 7 miles NE of the Fischer FM and within 2 miles each side of the 044° bearing from latitude 44°33'25" N., longitude 123°16'22" W., extending from the 7-mile radius area to 5 miles NE of latitude 44°33'25" N., longitude 123°16'22" W.; that airspace extending upward from 1,200 feet above the surface within 6 miles NW and 8 miles SE of the Corvallis VOR 029° and 209° radials. extending from 6 miles SW to 17 miles NE of the VOR.

Coshocton, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Universal-Cyclops Airport (latitude 40° 12' 15" N., longitude 81° 52' 55" W.),and within 2 miles each side of the Zanesville VOR 002° radial, extending from the 6-mile radius area to 12 miles N of the VOR.

Cotulla, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 8 miles north and 5 miles south of the Cotulla VOR 085° and 265° radials, extending to 5 miles west and 12 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 28°52'00" N., longitude 99°25'00" W. to latitude 28°54'00" N., longitude 99°05'00" W. to latitude 28°43'30" N., longitude 98°17'30" W. to latitude 28°34'00" N., longitude 98°23'00" W. to latitude 28°27'00" N., longitude 98°14'00" W. to latitude 28°07'00" N., longitude 98°27'00" W. to latitude 28°05'00" N., longitude 98°48'00" W. to latitude 28°06'00" N., longitude 99°08'00" W. to latitude 28°08'20" N., longitude 99°18'20" W. to latitude 28°32'00" N., longitude 99°28'00" W., to point of beginning.
AMENDMENTS 11/14/68 33 F. R. 14402 (Changed)

Crescent City, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 8 miles north to 20 miles south of the VORTAC; within 5 miles each side of the Crescent City VORTAC 234° radial, extending from the VORTAC to 12 miles southwest of the VORTAC; that airspace north of Crescent City bounded on the east by the east edge of V-27; on the north and northwest by the arc of 16.5-mile radius of Crescent City VORTAC, bounded on the southwest by a line 8 miles southwest of and parallel to the Crescent City VORTAC 325° radial and bounded on the south by latitude 41°46'00" N.

Creston, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Creston Municipal Airport (latitude 41°01'05" N., longitude 94°21'35" W.); and within 2 miles each side of the 171° bearing from Creston Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 171° bearing from Creston Municipal Airport, extending from the airport to 12 miles south of the airport; and within 5 miles each side of the 351° bearing from Creston Municipal Airport extending from the airport to V-68.

AMENDMENTS 5/23/68 33 F. R. 7951 (Added)

Crestview, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bob Sikes Airport (lat. 30° 46' 45" N., long. 86° 31' 10" W.), excluding the portion within a 1.5-mile radius of Rockin H Ranch Airport (lat. 30° 54' 25" N., long. 86° 35' 00" W.).

AMENDMENTS 2/6/69 33 F. R. 17625 (Added)

Cross City, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cross City Airport (latitude 29°38'05" N., longitude 83°08'15" W.); and within 2 miles each side of the 121° radial of the Cross City, Fla., VORTAC extending from the 8-mile radius area to 8 miles SE of the VORTAC.

AMENDMENTS 6/15/68 33 F. R. 12085 (Changed)

Crossett, Ark.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Crossett Municipal Airport (latitude 33°10'30" N., longitude 91°52'45" W.); and within 2 miles each side of the 056° bearing from the Crossett RBN (latitude 33°10'30" N., longitude 91°52'45" W.), extending from the 8-mile radius area to 14 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 33°30'00" N., longitude 90°54'00" W., to latitude 32°35'00" N., longitude 91°28'00" W. to latitude 32°49'00" N., longitude 91°50'00" W., to latitude 32°44'00" N., longitude 92°20'00" W., to latitude 33°20'30" N., longitude 92°51'30" W., to latitude 33°22'50" N., longitude 93°02'30" W., to latitude 34°17'00" N., longitude 93°26'00" W., to latitude 33°51'00" N., longitude 91°48'00" W., to latitude 33°33'43" N., longitude 91°42'56" W., to point of beginning.
AMENDMENTS 4/25/68 33 F. R. 6235 (Added)

Crossville, Tenn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.); within 5 miles SW and 8 miles NE of the Crossville VORTAC 154° radial, extending from the VORTAC to 12 miles SE, excluding the area SE of a line 16 miles NW of and parallel to the Chattanooga, Tenn., VORTAC 037° radial; within 8 miles N and 5 miles S of the 083° bearing from the Crossville RBN extending from the 6-mile radius area to 12 miles NE of the RBN.

Crows Landing, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Crows Landing TACAN 359° radial, extending from the arc of a 5-mile radius circle centered on ALF Crows Landing (latitude 37°24'35" N., longitude 121°06'40" W.) to 7 miles N of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 37°38'00" N., on the E by V-109, on the SW by V-107 and on the W by longitude 121°31'00" W. The portions within R-2525 would be used only after obtaining prior approval from appropriate authority.

Cumberland, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°36'56" N., 78°45'51" W. of Cumberland Municipal Airport, Cumberland, Md., and within 6 miles E and 5 miles W of the Cumberland RBN 019° bearing, extending from the 7-mile radius area to 11 miles N of the RBN.

Cut Bank, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); and that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile radius circle centered on the Cut Bank VOR extending from a line 5 miles NE of and parallel to the Cut Bank VOR 151° radial clockwise to a line 5 miles W of and parallel to the Cut Bank VOR 172° radial; and the area between the Cut Bank VOR 151° radial and a line 8 miles NE of and parallel to the 151° radial extending from the VOR to 12 miles SE of the VOR.

Daggett, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Barstow-Daggett Airport (latitude 34°51'20" N., longitude 116°47'10" W.); within 2 miles each side of the 050° bearing from Barstow-Daggett Airport extending from the 3-mile radius area to 6 miles NE of the airport, and within 2 miles each side of the 090° bearing from the Barstow-Daggett Airport extending from the 3-mile radius area to 6.5 miles E of the airport.

Dalhart, Texas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dalhart Municipal Airport (latitude 36°01'10" N., longitude 102°33'10" W.), and within 2 miles each side of the Dalhart VORTAC 002° radial extending from the 9-mile radius area to 12 miles N of the VORTAC; that airspace extending upward from 1200 feet above the surface within a 12-mile radius of the Dalhart VORTAC, within 10 miles SW and 7 miles NE of the Dalhart VORTAC 324° and 144° radials extending from 20 miles NW to 9 miles SE of the VORTAC, within 10 miles W and 7 miles E of the Dalhart VORTAC 002° and 182° radials extending from 20 miles N to 9 miles S of the VORTAC; and within 5 miles each side of the Dalhart VORTAC 182° radial extending from the 12-mile radius area to 23 miles S of the VORTAC.

Dallas-Fort Worth, Tex.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 33°11'00" N., longitude 97°27'00" W.; to latitude 33°11'00" N., longitude 97°19'00" W.; to latitude 33°08'00" N., longitude 97°15'00" W.; to latitude 33°10'30" N., longitude 97°06'00" W.; to latitude 33°19'00" N., longitude 97°06'00" W.; to latitude 33°19'00" N., longitude 96°57'00" W.; to latitude 33°08'30" N., longitude 96°36'00" W.; to latitude 33°08'30" N., longitude 96°25'00" W.; to latitude 32°44'00" N., longitude 96°26'00" W.; to latitude 32°32'00" N., longitude 96°40'00" W.; to latitude 32°25'00" N., longitude 97°29'00" W.; thence N along longitude 97°29'00" W. to and clockwise along the arc of a 23-mile radius circle centered at latitude 32°46'20" N., longitude 97°26'30" W.; to longitude 97°28'00" W.; thence N to point of beginning; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 31°47'00" N., longitude 96°22'00" W.; to latitude 32°12'00" N., longitude 96°50'00" W.; to latitude 32°18'00" N., longitude 97°25'00" W.; to latitude 32°07'00" N., longitude 97°46'00" W.; to latitude 32°00'00" N., longitude 98°15'00" W.; to latitude 32°52'00" N., longitude 99°02'00" W.; to latitude 33°02'00" N., longitude 98°51'00" W.; to latitude 33°16'00" N., longitude 98°51'00" W.; to latitude 33°16'00" N., longitude 98°30'00" W.; to latitude 33°22'00" N., longitude 97°55'00" W.; to latitude 33°34'00" N., longitude 97°44'00" W.; to latitude 33°37'00" N., longitude 96°50'00" W.; to latitude 33°09'00" N., longitude 96°01'00" W.; to latitude 33°09'00" N., longitude 95°54'00" W.; to latitude 33°00'00" N., longitude 95°45'00" W.; to latitude 32°43'00" N., longitude 95°39'00" W.; to latitude 32°30'00" N., longitude 95°53'00" W.; to latitude 31°47'00" N., longitude 95°55'00" W.; to point of beginning.

Danbury, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°22'20" N., 73°29'00" W., of Danbury Airport, Danbury, Conn.; and within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius area to 7 miles N of the end of the runway, excluding that airspace which coincides with the Bridgeport, Conn., and White Plains, N. Y., 700-foot floor transition areas.

Danville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Vermillion County Airport (latitude 40°11'55" N., longitude 87°35'40" W.); within 2 miles each side of the Danville VORTAC 196° radial extending from the 5-mile radius area to the VORTAC; and within 2 miles each side of the Danville VORTAC 198° radial, extending from the south edge of the 5-mile radius area to 18 miles south of the VORTAC.

AMENDMENTS 3/28/68 33 F. R. 1071 (Rewritten)

Danville, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 7-mile radius area to 8 miles NE and 8 miles SW of the VOR.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°00'00" N., 80°25'10" W. to 37°00'00" N., 78°38'00" W. to 36°33'00" N., 78°43'00" W. to 36°18'30" N., 79°27'00" W., thence counterclockwise along a 35-mile radius arc (centered at 36°06'00" N., 80°01'30" W.) to 36°36'20" N., 80°06'30" W. to 36°46'40" N., 80°07'40" W. to the point of beginning.

Darby, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 290° bearing from the Unalakleet, Alaska, RR, extending from 32 miles to 52 miles W of the RR.

Darlington, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Darlington County Airport (latitude 34°26'50" N., longitude 79°53'23" W.).

Darwin, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles S and 6 miles N of the Darwin VOR 088° and 268° radials, extending from 8 miles E to 19 miles W of the VOR.

Dayton, Ohio
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 39°59'00" N., 83°40'00" W. to 39°55'00" N., 83°37'00" W. to 39°45'00" N., 83°43'00" W. to 39°39'00" N., 84°07'00" W. to 39°45'00" N., 84°24'00" W. to 39°49'00" N., 84°27'00" W. to 40°04'00" N., 84°17'00" W. to the point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°19'00" N., 84°00'00" W. to 39°40'00" N., 84°25'00" W. to 40°10'00" N., 85°00'00" W. to 40°30'00" N., 84°49'00" W. to 40°32'00" N., 84°30'00" W. to 40°29'00" N., 84°14'00" W. to 40°30'00" N., 83°50'00" W. to 40°00'00" N., 83°15'00" W. to 39°05'00" N., 83°30'00" W. to the point of beginning.

Dayton, Ohio (Montgomery County)
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°35'20" N., 84°13'20" W., of Montgomery County Airport, Dayton, Ohio; and within 2 miles each side of the Montgomery County VOR 145° radial extending from the 6-mile radius area to 8 miles southeast of the VOR, excluding the portion which lies within the Middletown, Ohio, transition area.

Daytona Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Daytona Beach Municipal Airport (latitude 29°11'05" N., longitude 81°03'20" W.); within 8 miles northwest and 5 miles southeast of the Daytona ILS localizer southwest course, extending from the 8-mile radius area to 12 miles southwest of the LOM; within 2 miles each side of the 236° bearing from the Daytona Beach LOM, extending from the LOM to the intersection of the Daytona Beach VORTAC 219° radial and the Orlando, Fla., VORTAC 354° radial; and within a 5-mile radius of the Ormond Beach Municipal Airport (latitude 29°18'00" N., longitude 81°06'49" W.); excluding the airspace outside of the continental limits of the United States; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 29°33'00" N., on the W by the W edge of V-267, on the S by latitude 28°58'00" N., on the E by the limits of the territorial waters of the United States, and that airspace N of Daytona Beach bounded on the E by V-3, on the S by latitude 29°33'00" N., on the W by V-267.

Decatur, Ark.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Crystal Lake Airport (latitude 36°20'30" N., longitude 94°26'45" W.); within 2 miles each side of the Fayetteville VORTAC 291° radial extending from the 6-mile radius area to 31 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 36°25'00" N., longitude 94°20'45" W., to latitude 36°23'45" N., longitude 94°21'30" W., thence counterclockwise along the arc of a 6-mile radius circle centered at latitude 36°20'30" N., longitude 94°26'45" W., to latitude 36°24'45" N., longitude 94°30'45" W., to latitude 36°30'00" N., longitude 94°37'00" W., to point of beginning.

AMENDMENTS 2/29/68 33 F. R. 4004 (Changed)

Decatur, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Decatur Municipal Airport (latitude 39°50'03" N., longitude 88°52'10" W.), and within 2 miles each side of the Decatur VOR 351° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Decatur VOR and within 10 miles S and 6 miles N of the Decatur VOR 285° radial extending from the 15-mile radius area to the arc of a 26-mile radius circle centered on Springfield, Ill., Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.).

Defiance, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Bryan-Defiance Memorial Airport, Defiance, Ohio, 41°20'30" N., 84°25'30" W. and within 2 miles each side of the Defiance RBN 299° bearing extending NW from the 4-mile radius area for 4 miles.

DeLancey, N. Y.
That airsapce extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 42°40'00" N., 75°30'00" W. to 42°10'00" N., 75°25'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 42°01'00" N., 74°30'00" W. to 43°00'00" N., 74°30'00" W. to point of beginning.

Del Rio, Tex.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 29°23'00" N., longitude 100°50'15" W.; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.); and that airspace extending upward from 4,500 feet MSL bounded by a line beginning at latitude 30°00'00" N., longitude 100°30'00" W., thence south along longitude 100°30'00" W. to and counterclockwise along the arc of a 35-mile radius circle centered at Laughlin AFB to the United States-Mexico border, thence northwest along the United States-Mexico border to the arc of a 60-mile radius circle centered at Laughlin AFB, thence clockwise along this arc to latitude 30°10'40" N. east of longitude 100°30'00" W. thence to point of beginning excluding portions outside of the United States.

AMENDMENTS 11/14/68 33 F. R. 14402 (Rewritten)
PENDING AMENDMENT
Del Rio, Tex.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 29°23'00" N., longitude 100°50'15" W., within 5 miles southwest and 8 miles northeast of the Laughlin VOR 148° radial extending from the 12-mile radius area to 12 miles southeast of the VOR, and within 8 miles northeast of the Laughlin VOR 330° radial extending from the 12-mile radius area to 12 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.); and that airspace extending upward from 4,500 feet MSL bounded by a line beginning at latitude 30°00'00" N., longitude 100°30'00" W. thence south along longitude 100°30'00" W. to and counterclockwise along the arc of a 35-mile radius circle centered at Laughlin AFB to the United States-Mexico border, thence northwest along the United States-Mexico border to the arc of a 60-mile radius circle centered at Laughlin AFB, thence clockwise along this arc to latitude 30°10'40" N. east of longitude 100°30'00" W., thence to point of beginning, excluding the portions outside of the United States.

AMENDMENTS 3/6/69 34 F. R. 131 (Rewritten)

Delta, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39° 23' 00" N., longitude 112° 30' 35" W.), and within 2 miles each side of the Delta VOR 001° and 196° radials, extending from the 5-mile radius area to 6 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 8 miles W of the Delta VOR 016° and 196° radials, extending from 10 miles N to 20 miles S of the VOR.

Deming, N. Mex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Deming VOR 264° radial, extending from the VOR to 3.2 miles W of the Deming VOR, and within 2 miles each side of the Deming VOR 270° radial, extending from 5.5 miles W of the Deming Municipal Airport (latitude 32° 15' 25" N., longitude 107° 43' 00" W.) to 8.5 miles W of the airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31° 47' 00" N., longitude 106° 53' 35" W., thence W along the United States/Mexican border to longitude 107° 13' 00" W., thence N along longitude 107° 13' 00" W., to latitude 31° 59' 00" N., thence W along latitude 31° 59' 00" N., to longitude 107° 54' 00" W., thence N along longitude 107° 54' 00" W., to latitude 32° 19' 15" N., longitude 107° 54' 00" W., thence to latitude 32° 24' 20" N., longitude 107° 36' 00" W., thence to latitude 32° 30' 20" N., longitude 107° 32' 58" W., thence via the arc of a 16-mile circle centered on the Deming VOR to the N boundary of V-94, thence E along the N boundary of V-94 to the W boundary of V-19, thence N along the W boundary of V-19 to latitude 32°36'25" N., thence to latitude 32°30'45" N., longitude 106°42'00" W., thence S along the W boundary of R-5107A and R-5107B to the arc of a 30-mile radius circle centered on the El Paso, Tex., International Airport (latitude 31° 48' 35" N., longitude 106° 22' 55" W.), thence counterclockwise along the 30-mile radius arc to the point of beginning; and that airspace extending upward from 8,500 feet MSL bounded on the W by the E boundary of V-110, on the N by a line extending from the E boundary of V-110 through latitude 32°44'45 N., longitude 107°20'50" W, and latitude 32°41'50" N., longitude 107°06'20" W., to the W boundary of V-19, on the E by V-19, and on the S and SW by V-94 and the arc of a 16-mile radius circle centered on the Deming VOR.

Denison, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Denison, Iowa, Municipal Airport (latitude 41°59'15" N., longitude 95°23'00" W.) and within 2 miles each side of the 115° bearing from Denison Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 115° bearing from Denison Municipal Airport, extending from the airport to 12 miles southeast of the airport.

Denver, Colo.
That airspace extending upward from 700 feet above the surface, within an arc of a 22-mile radius circle centered on Stapleton Airport (latitude 39°46'30" N., longitude 104°52'40" W.) extending clockwise between the 253° and 078° bearings from Stapleton Airport, within an arc of a 37-mile radius circle centered on Stapleton Airport extending clockwise between the 078° and 160° bearings from Stapleton Airport, within an arc of a 30-mile radius circle centered on Stapleton Airport extending clockwise between the 160° and 182° bearings from Stapleton Airport, and within an arc of a 24-mile radius circle centered on Stapleton Airport extending clockwise between the 182° and 253° bearings from the Stapleton Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W., on the south by latitude 39°05'00" N., and on the west by longitude 105°20'00" W.; that airspace northeast of Greeley, Colo., extending upward from 7,500 feet MSL bounded on the northeast by V-132, on the SE by V-160, on the south by latitude 40°30'00" N., and on the northwest by V-207, and that airspace east of Denver bounded on the northwest by V-160, on the northeast by V-132, on the east by V-169, on the south by latitude 39°05'00" N., and on the west by longitude 104°00'00" W. excluding the airspace within Federal airways; that airspace west of Denver extending upward from 11,500 feet MSL, bounded on the north by latitude 40°30'00" N., on the east by longitude 105°20'00" W., on the south by latitude 39°05'00" N., on the west by longitude 105°23'00" W.; that airspace extending upward from 12,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°23'00" W. to latitude 39°20'00" N., thence direct latitude 39°30'00" N., longitude 105°30'00" W., and on the west by longitude 105°30'00" W.; and that airspace extending upward from 13,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°30'00" W. to latitude 39°30'00" N., thence direct to latitude 39°20'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°26'00" W., thence direct latitude 39°44'00" N., longitude 105°33'00" W., thence direct latitude 40°30'00" N., longitude 105°33'00" W.

Des Moines, Iowa
That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'05" W., longitude 93°39'35" W.); that airspace extending upward from 1,200 feet above the surface beginning northeast of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence west along latitude 42°00'00" N. to and south along longitude 94°00'00" W., to and west along the south edge of V-172, to and south along longitude 94°42'00" W., to and east along the north edge of V-6, to longitude 94°25'00" W., thence southwest to latitude 40°56'30" N., longitude 93°54'00" N., thence east to latitude 41°10'00" N., longitude 92°53'00" W., thence north to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 92°57'00" W., and the southwest edge of V-52, thence southeast along V-52 to and southwest along the north edge of V-216, to and north along longitude 95°00'00" W., to and east along the south edge of V-68 to the intersection of the south edge of V-68 and longitude 94°10'15" W., thence southeast to latitude 40°56'30" N., longitude 93°54'00" W., thence northeast to the point of beginning.

AMENDMENTS 5/23/68 33 F. R. 5350 (Rewritten)

Detroit, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), and within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OM, and within 2 miles each side of the Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the intersection of the Willow Run Airport ILS localizer NE course and the Salem, Mich., VOR 140° radial, and within 2 miles each side of the Windsor, Ontario, ILS localizer SW course extending from the Detroit Metropolitan Wayne County Airport 8-mile radius to the United States/Canadian Border, excluding the portion within the Grosse Ile, Mich., control zone; and that airspace extending upward from 1,200 feet above the surface bounded on the W by longitude 84°05'00" W., on the N by latitude 42°46'00" N., on the E by the E boundary of V-42 E alternate and the United States/Canadian Border, and on the S by a line from latitude 41°45'05" N., longitude 84°05'00" W., to latitude 41°45'30" N., longitude 83°19'45" W., to latitude 41°50'39" N., longitude 83°08'47" W., to latitude 41°45'30" N., longitude 83°03'30" W., to the United States/Canadian Border at latitude 41°45'30" N., longitude 82°51'00" W.

Detroit City, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Berz Airport, Birmingham, Mich. (latitude 42°32'40" N., longitude 83°10'25" W.), and within a 23-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), extending from the 303° bearing from the Detroit City Airport clockwise to the 123° bearing from the Detroit City Airport excluding the Pontiac, Mich., and Mount Clemens, Mich., transition areas and the airspace outside the United States.

Devils Lake, N. Dak.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Devils Lake VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Devils Lake VOR, extending from a line 5 miles north of and parallel to the Devils Lake VOR 097° radial clockwise to a line 5 miles northeast of and parallel to the Devils Lake VOR 324° radial.

AMENDMENTS 9/19/68 33 F. R. 10563 (Rewritten)

Dickinson, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.), and within 2 miles each side of the Dickinson VORTAC 013° radial, extending from the 7-mile radius area to 8 miles N of the VORTAC; and that airspace extending from 1,200 feet above the surface within 5 miles E and 8 miles W of the Dickinson VORTAC 013° radial, extending from the VORTAC to 13 miles N of the VORTAC; and within the arc of a 12-mile radius circle centered on the Dickinson VORTAC extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial.

Dillingham, Alaska
That airspace extending upward from 700 feet above the surface, within a 6-mile radius of the Dillingham Airport (latitude 59°02'36" N., longitude 158°30'20" W.); within 5 miles northwest and 8 miles southeast of the Dillingham VOR 025° radial extending from the VOR to 18 miles northeast; within 5 miles northwest and 8 miles southeast of the 053° bearing from the Northern Consolidated Airlines RBN (latitude 59°04'12" N., longitude 158°26'30" W.) extending from the RBN to 12 miles northeast; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Dillingham VOR 205° radial extending from the VOR to 12 miles southwest. This transition area would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

AMENDMENTS 4/25/68 33 F. R. 3507 (Added)

Dixon, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles R. Walgreen Field, Dixon, Ill. (latitude 41°50'03" N., longitude 89°26'37" W.), and within 2 miles each side of the Polo, Ill., VORTAC 155° radial extending from the 5-mile radius area to the VORTAC.

Dodge City, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dodge City Municipal Airport (latitude 37°45'45" N., longitude 99°58'00" W.); and that airspace extending upward from 1,200 feet above the surface within the arc of a 13-mile radius circle centered on the Dodge City VORTAC, extending from the south edge of V-10 west of Dodge City clockwise to the south edge of V-10 E of Dodge City.

AMENDMENTS 7/25/68 33 F. R. 7232 (Rewritten)

Dothan, Ala.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.), excluding the portion which coincides with the Fort Rucker, Ala., transition area, the airspace within a 1.5 mile radius of Headland Municipal Airport (latitude 31°21'45" N., longitude 85°18'30" W.) and the airspace within a 1.5-mile radius of Goldberg AHP (latitude 31°24'57" N., longitude 85°27'47" W.).

Douglas, Ariz.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Douglas VORTAC 347° radial extending from 6 miles to 9 miles north of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the Douglas VORTAC; within a 23-mile radius of the Douglas VORTAC extending from the 9-mile radius area clockwise from the southwest boundary of V-66 to the southeast boundary of V-66 and within 5 miles each side of the Douglas VORTAC 347° radial extending from the 23-mile radius area to the Cochise VORTAC, excluding the portion within the Cochise, Ariz., transition area.

Douglas, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Douglas Airport (latitude 31°29'10" N., longitude 82°51'15" W.), within 2 miles each side of the Alma, Ga., VORTAC 259° radial extending from the Douglas 5-mile radius area to the Alma VORTAC.
PENDING AMENDMENT
The Douglas, Ga. transition area is revoked. 10/17/68 33 F. R. 14535 (Revoked).

Douglas, Wyo.
That airspace extending upward from 8,500 feet MSL, bounded on the north by latitude 42°44'00" N., and the east by V-169, on the southeast by V-89, on the south by V-524, on the west by V-19E and on the southwest by V-19E and V-247.

Dover, Del.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°07'45" N., 75°27'50" W. of Dover AFB, Dover, Del., and within 2 miles each side of the Dover AFB ILS localizer S course extending from the 9-mile radius to 8 miles S of the LOM, and within a 5-mile radius of the center 39°13'05" N., 75°35'55" W., of Dealaware Airpark, Dover-Cheswold, Del.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°26'20" N., 75°19'58" W. to 38°57'30" N., 74°59'20" W. to 38°06'40" N., 75°31'00" W. to 38°10'58" N., 75°42'50" W. to 38°15'20" N., 75°40'05" W. to 38°16'10" N., 75°42'20" W. to 38°23'00" N., 75°38'00" W. to 38°57'00" N., 75°53'00" W. to 39°10'00" N., 75°53'00" W. to point of beginning.

Dowagiac, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cass County Memorial Airport (latitude 41°59'30" N., longitude 86°07'30" W.), and within 2 miles each side of the Keeler, Mich., 181° radial extending from the 5-mile radius area to the Keeler VOR excluding the portion within the Benton, Harbor, Mich., and South Bend, Ind., transition areas.

Dublin, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dublin Municipal Airport (latitude 32°33'55" N., longitude 82°59'10" W.); within 2 miles each side of the Dublin VORTAC 069° radial, extending from the 5-mile radius area to the VORTAC.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Dublin, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (37°08'10" N., 80°40'50" W.) of New River Valley Airport, Dublin, Va.; and within 2 miles each side of Pulaski VOR 208° radial extending from the 7-mile radius area to 8 miles southwest of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°10'00" N., 80°57'00" W., to 37°10'00" N., 80°51'30" W., to 37°19'25" N., 80°49'10" W., thence clockwise along a 15 NMI arc centered on the Pulaski VOR (37°05'16" N., 80°42'43" W.) to 37°00'00" N., 80°25'10" W., to 36°46'40" N., 80°07'40" W., to 36°36'20" N., 80°06'30" W., to 36°30'00" N., 80°57'00" W., to the point of beginning.

Dubois, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dubois Municipal Airport (latitude 44° 09' 45" N., longitude 112° 12' 50" W.), and within 2 miles each side of the Dubois VOR 354° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 7 miles W of the Dubois VOR 170° and 350° radials, extending from 10 miles N to 20 miles S of the VOR.

DuBois, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the DuBois-Jefferson County Airport (latitude 41°10'45" N., longitude 78°53'45" W.), and within 2 miles each side of the DuBois RBN 056° bearing, extending from the 6-mile radius area to 8 miles NE of the RBN.

Dubuque, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'55" W.), within 8 miles SW and 5 miles NE of the Dubuque VORTAC 321° radial, and within 8 miles NE and 5 miles SW of the Dubuque VORTAC 126° radial extending from the VORTAC to 12 miles NW and SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence W along latitude 42°05'00" W., to and N along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC, to and E along the S edge of V-100, to and clockwise along the arc of a 29-mile radius circle centeded on the Dubuque VORTAC, to and SE along the SW edge of V-218, to and S along longitude 89°55'00" W., to and SW along the NW edge of V-216, to and W along the N edge of V-172, to and N along longitude 91°00'00" W., to the point of beginning.

Duluth, Minn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within 2 miles each side of the Duluth VOR 023° radial, extending from the 8-mile radius area to 18 miles northeast of the VOR; and within 2 miles each side of the Duluth ILS localizer west course, extending from the 8-mile radius area to 8 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within a 34-mile radius of the Duluth VOR; and within 8 miles northwest and 5 miles southeast of the Duluth VOR 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VOR; excluding the portion which overlies the Hibbing, Minn., transition area.

Duncan, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Halliburton Field (latitude 34° 28' 30" N., longitude 97° 57' 30" W.), and within 2 miles each side of the Duncan VOR 157° and 337° radials, extending from the 5-mile radius area to 7 miles SE of the VOR.

Dunkirk, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°29'35" N., 79°16'20" W., of Dunkirk Municipal Airport, Dunkirk, N. Y.; within 2 miles northwest and 5 miles southeast of the Dunkirk, N. Y. VOR 046° radial extending from the VOR to 12 miles NE of the VOR; and within 2 miles each side of the Runway 15 centerline extended from the 5-mile radius area to 10 miles southeast of the lift-off end of the runway.

Durango, Colo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.), and within 2 miles SW and 3 miles NE of the Durango VOR 118° radial, extending from the 5-mile radius area to 8 miles SE of the VOR, and within 2 miles each side of the Durango VOR 225° radial, extending from the 5-mile radius area to 9 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9 miles SW and 6 miles NE of the Durango VOR 298° and 118° radials, extending from 7 miles NW to 14 miles SE of the VOR.

Dyersburg, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 2 miles each side of the Dyersburg VORTAC 078° radial, extending from the VORTAC to 8 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Dyersburg VORTAC 078° and 258° radials, extending from 4 miles W of to 12 miles E of the VORTAC; and that area northeast of Dyersburg VORTAC within 5 miles each side of the 16-mile radius arc of the Dyersburg VORTAC, extending from the southeast boundary of V-11E to the north boundary of V-140.

AMENDMENTS 4/25/68 33 F. R. 4095 (Changed)

Eagle, Colo.
That airspace extending upward from 1,200 feet above the surface within 3 miles north and 2 miles south of the 083° and 263° bearings from the Eagle, Colo., RBN (latitude 39°38'37" N., longitude 106°54'38" W.) extending from 12 miles west to 3 miles east of the RBN; that airspace extending upward from 11,700 feet MSL within 5 miles south and 8 miles north of the 083° and 263° bearings from the Eagle, Colo., RBN extending from 7 miles east to 13 miles west of the RBN; that airspace extending upward from 12,200 feet MSL within 5 miles each side of the 083° bearing from the Eagle, Colo., RBN extending from 7 miles east to 16 miles east of the RBN; that airspace extending upward from 13,200 feet MSL within 5 miles each side of the 083° bearing from Eagle, Colo., RBN extending from 16 miles east to 26 miles east of the RBN.

AMENDMENTS 5/23/68 33 F. R. 4510 (Added)

Eagle Lake, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Lake Airport (latitude 29°36'00" N., longitude 96°19'26" W.); within 2 miles each side of the Eagle Lake VOR 007° radial extending from the 5-mile radius area to 8 miles N of the VOR.

East Hampton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of East Hampton Airport (latitude 40°57'36" N., longitude 72°15'05" W.); and within 2 miles each side of the Hampton VOR 231° radial extending from the 6-mile radius area to 8 miles SW of the VOR.

Eastman, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°07'42" W.).

East St. Louis, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bi-State Parks Airport (latitude 38°34'21" N., longitude 90°09'28" W.), and within 8 miles SW and 5 miles NE of the 132° bearing from the Bi-State Parks Airport extending from the airport to 12 miles SE, excluding that portion which overlies the Belleville, Ill., transition area.

Eau Claire, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); and within 2 miles each side of the Eau Claire VORTAC 011° radial, extending from the 9-mile radius area to 8 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 274° bearing from Eau Claire Municipal Airport, extending from the airport to 12 miles west of the airport; within the arc of a 14-mile radius circle centered on the Eau Claire VORTAC, extending from the Eau Claire VORTAC 258° radial clockwise to the Eau Claire VORTAC 091° radial; and that airspace extending upward from 4,000 feet MSL southwest of Eau Claire bounded on the east by V-129, on the southwest by V-2N, and on the north by V-268.

AMENDMENTS 2/29/68 32 F. R. 20769 (Rewritten); 5/23/68 33 F. R. 4796 (Rewritten)

Ebensburg, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°27'40" N., 78°46'25" W., of Ebensburg Airport, Ebensburg, Pa.; within 2 miles each side of the Runway 24 centerline extended from the 6-mile radius area to 6 miles southwest of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of the Revloc, Pa.,VORTAC 014° and 194° radials extending from the 6-mile radius area to 12 miles north of the VORTAC, excluding the portion that coincides with the Johnstown, Pa., transition area.

AMENDMENTS 1/9/69 33 F. R. 16557 (Added)

Edenton, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edenton Municipal Airport (latitude 36°01'30" N., longitude 76°33'30" W.); within 2 miles each side of a line bearing 331° from latitude 36°05'00" N., longitude 76°36'00" W., extending from the 5-mile radius area to 8 miles NW of latitude 36°05'00" N., longitude 76°36'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded on the N by the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W. and a line extending from latitude 36°03'15" N., longitude 76°02'15" W. to latitude 36°13'25" N., longitude 76°47'30" W., on the E by longitude 76°30'00" W. and a line 5 miles S of and parallel to the Elizabeth City VOR 244° radial, on the S by the arc of a 60-mile radius circle centered at latitude 34°54'30" N., longitude 76°53'00" W. and on the W by V-139.

Edwards AFB, Calif.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'55" W.), within 2 miles SE and 8 miles NW of the Edwards AFB TACAN 058° radial extending from the 15-mile radius area to 13.5 miles NE of the TACAN.

Eglin AFB, Fla.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'55" W.) and within a 7-mile radius of Hurlburt AFB, Fla. (latitude 30°25'40" N., longitude 86°41'20" W.); and the airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°22'05" N., longitude 86°56'20" W., thence along a 25-mile radius arc centered at NAAS Saufley Field, Pensacola, Fla. (latitude 30°28'15" N., longitude 87°20'30" W.) to latitude 30°35'35" N., longitude 86°56'40" W; to latitude 30°38'45" N., longitude 86°55'00" W.; to latitude 30°42'45" N., longitude 86°45'45" W.; to latitude 30°45'40" N., longitude 86°39'45" W.; to latitude 30°44'50" N., longitude 86°07'15" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°11'10" N., longitude 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°19'45" N., longitude 86°23'45" W.; to latitude 29°54'00" N., longitude 86°16'00" W.; to latitude 29°54'00" N., longitude 86°45'50" W.; to latitude 30°20'50" N., longitude 86°38'50" W. thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00" W.; to latitude 30°23'20" N., longitude 86°48'00" W.; to the point of beginning.

El Centro, Calif.
That airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Imperial VORTAC 088° and 268° radials, extending from 15 miles E to 15 miles W of the VORTAC, and within 15 miles W and 5 miles E of the Imperial VORTAC 360° radial, extending from the VORTAC to 25 miles N of the VORTAC, excluding the portion under the jurisdiction of Mexico.

El Dorado, Ark.
That airspace extending upward from 700 feet above the surface within 5 miles southeast and 8 miles northwest of the El Dorado VORTAC 059° radial, extending from the VORTAC to 12 miles northeast; within 5 miles each side of the 239° radial, extending from the VORTAC to 5 miles southwest; and within 2 miles each side of the 236° radial, extending from the VORTAC to 18 miles southwest.

AMENDMENTS 3/28/68 33 F. R. 2829 (Rewritten); Corr: 33 F. R. 3506; 4/25/68 33 F. R. 4095 (Changed).

Elizabeth City, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of CGAS Elizabeth City (latitude 36°15'50" N., longitude 76°10'40" W.) and within 2 miles each side of the 127° bearing from the Weeksville RBN, extending from the 7-mile radius area to 8 miles SE of the RBN.

PENDING AMENDMENT
Elizabeth City, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius area of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 2 miles each side of the 127° bearing from Weeksville RBN, extending from the 8-mile radius area to 8 miles southeast of the RBN.
AMENDMENTS 3/6/69 34 F. R. 248 (Rewritten)

Elizabethtown, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°45'10" N., 85°53'10" W., of Elizabethtown-Hardin County Airport, Elizabethtown, Ky., and within 2 miles each side of the New Hope, Ky., VOR 306° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Louisville, Ky., transition area. This transition area shall be in effect from sunrise to sunset, daily.

Elkhart, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elkhart Municipal Airport (latitude 41°43'00" N., longitude 85°59'50" W.); and within 2 miles each side of the South Bend, Ind., VORTAC 101° radial, extending eastward from the 5-mile radius area to 23 miles east of the VORTAC, excluding the portion which overlies the South Bend, Ind., 700-foot floor transition area.

AMENDMENTS 3/28/68 33 F. R. 2505 (Added)

Elkins, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 38°53'25" N., 79°51'25" W. of Elkins-Randolph County Airport, Elkins, W. Va.; within 2 miles each side of the Elkins VOR 098° radial extending from the 7-mile radius area to the VOR; within 5 miles each side of the Elkins VOR 070° radial extending from 11 miles E to 23 miles E of the VOR, effective sunrise to sunset.

AMENDMENTS 7/25/68 33 F. R. 8433 (Changed)

Elko, Nev.
That airspace extending upward from 700 feet above the surface within 5 miles east and 8 miles west of the Elko VORTAC 177° radial, extending from the VORTAC to 12 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Elko VORTAC, that airspace extending from the 12-mile radius area E of Elko bounded on the N by a line 4 n. m. S of and parallel to the Wells, Nev., VOR 256° radial, on the east by longitude 115°29'00" W., and on the south by a line 5 miles south of and parallel to the Elko VORTAC 091° radial, that airspace extending from the 12-mile radius area W of Elko bounded on the N by a line 4 n.m. SE of and parallel to the Battle Mountain, Nev., VOR 062° radial, on the west by longitude 116°20'00" W., and on the south by a line 10 miles south of and parallel to the Elko VORTAC 258° radial and within 5 miles each side of the Elko VORTAC 154° radial, extending from the 12-mile radius area to 25 miles southeast of the VORTAC; that airspace extending upward from 9,500 feet MSL S of Elko, extending from the 12-mile radius area bounded on the E by a line 4 n.m. W of and parallel to the Elko VORTAC 154° radial, on the south by the arc of a 29-mile radius circle centered on the Elko VORTAC, and on the west by a line 5 miles west of and parallel to the Elko VORTAC 177° radial; and that airspace extending upward from 12,500 feet MSL within the area bounded by the arcs of 29 and 34-mile radius circles centered on the Elko VORTAC, bounded on the east by V-293 and on the west by a line 5 miles west of and parallel to the Elko VORTAC 177° radial.

Ellensburg, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ellensburg Municipal Airport (latitude 47°02'10" N., longitude 120°31'50" W.); and that airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the Ellensburg VORTAC 064° and 244° radials extending from 9 miles SW to 20 miles NE of the VORTAC, and within 8 miles NE and 5 miles SW of the Ellensburg VORTAC 131° radial extending from the VORTAC to 12 miles SE of the VORTAC.

Elmira, N.Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center of Chemung County Airport Elmira, N.Y., 42°09'37" N., 76°53'35" W. within 2 miles each side of the Elmira VOR 237° radial extending SW from the 12-mile radius area for 8 miles SW of the VOR; within 5 miles SE and 8 miles NW of the airport ILS NE localizer course extending from the 12-mile radius area to 12 miles NE of the Alpine RBN.

AMENDMENTS 12/12/68 33 F. R. 15704 (Changed)

El Paso, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.), extending clockwise from the 016° to the 196° bearings from the El Paso International Airport; within 2 miles each side of the Newman, Tex., VOR 040° radial, extending from the 15-mile radius area to 12 miles NE of the VOR, excluding the portion outside of the United States; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°47'00" N., longitude 106°53'30" W.; thence clockwise along the arc of a 30 mile radius circle centered at the El Paso International Airport; to latitude 32°12'55" N., longitude 106°34'00" W.; to latitude 32°06'30" N., longitude 106°34'00" W.; to latitude 32°06'30" N., longitude 106°13'40" W.; to latitude 32°19'15" N., longitude 106°01'00" W.; to latitude 32°09'15" N., longitude 105°47'20" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°33'20" N., longitude 105°30'00" W.; to latitude 32°37'20" N., longitude 105°26'10" W.; to latitude 32°50'55" N., longitude 105°14'45" W.; to latitude 32°40'40" N., longitude 104°58'10" W.; to latitude 32°26'30" N., longitude 105°10'00" W.; to latitude 32°19'15" N., longitude 105°17'00" W.; to latitude 32°00'50" N., longitude 105°17'00" W.; to latitude 32°05'45" N., longitude 104°48'00" W.; thence clockwise along the arc of a 95-mile radius circle centered at the El Paso International Airport; to latitude 31°16'30" N., longitude 104°53'40" W.; to latitude 31°25'40" N., longitude 105°14'40" W.; to latitude 31°26'20" N., longitude 105°22'15" W.; to latitude 31°25'40" N., longitude 105°33'30" W.; to latitude 31°30'20" N., longitude 105°42'15" W.; to latitude 31°30'40" N., longitude 106°00'30" W.; thence clockwise along the arc of a 30-mile radius circle centered at the El Paso International Airport; to latitude 31°25'30" N., longitude 106°08'30" W.; thence via the United States/Mexican Border to point of beginning.; and that airspace extending upward from 2,000 feet above the surface bounded by a line beginning at latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°10'30" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°09'15" N., longitude 105°47'20" W.; to latitude 32°19'15" N., longitude 106°01'00" W.; to latitude 32°06'30" N., longitude 106°13'40" W.; to latitude 32°06'30" N., longitude 106°34'00" W.; to point of beginning; within the area bounded by a line beginning at latitude 32°00'50" N., longitude 105°17'00" W.; to latitude 32°19'15" N., longitude 105°17'00" W.; to latitude 32°26'30" N., longitude 105°10'00" W.; to latitude 32°35'30" N., longitude 105°02'35" W.; thence clockwise along the arc of a 95-mile radius circle centered at the El Paso International Airport to latitude 32°05'45" N., longitude 104°48'00" W.; to point of beginning; and within the area bounded by a line beginning at latitude 31°25'30" N., longitude 106°08'30" W.; thence counterclockwise along the arc of a 30-mile radius circle centered at the El Paso International Airport; to latitude 31°30'40" N., longitude 106°00'30" W.; to latitude 31°30'20" N., longitude 105°42'15" W.; to latitude 31°25'40" N., longitude 105°33'30" W.; to latitude 31°26'20" N., longitude 105°22'15" W.; to latitude 31°25'40" N., longitude 105°14'40" W.; to latitude 31°16'30" N., longitude 104°53'40" W.; thence clockwise along the arc of a 95-mile radius circle centered at the El Paso International Airport to latitude 30°48'15" N., longitude 105°16'35" W.; thence via the United States/Mexican Border to point of beginning.

Ely, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely VOR, and within 5 miles NE and 8 miles SW of the Ely VOR 303° radial, extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface within the arc of a 17-mile radius circle centered on the Ely VOR, extending clockwise from a line 5 miles SW of and parallel to the Ely VOR 332° radial to a line 5 miles E of and parallel to the Ely VOR 007° radial, and within 5 miles each side of the Ely VOR 167° radial, extending from the VOR to 21 miles S of the VOR.

Elyria, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 41°19'55" N., 82°06'00" W., of Elyria Airport, Elyria, Ohio, and within 2 miles each side of the Cleveland, Ohio VORTAC 120° and 300° radials extending from the 4-mile radius area to 8 miles northwest of the VORTAC.

Emporia, Kans.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Emporia VORTAC 134° radial extending from the arc of a 5-mile radius circle centered on the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.) to 8 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Emporia VORTAC 134° radial extending from the VORTAC to 12 miles SE of the VORTAC.

Emporia, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 36°41'15" N., 77°29'10" W., of Emporia Municipal Airport, Emporia, Va.; within 2 miles each side of the Runway 27 centerline extended from the 6-mile radius area to 6 miles west of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 6 miles northwest of the end of the runway and within 2 miles each side of the 135° bearing from the Emporia RBN (36°40'58" N., 77°28'57" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN.

AMENDMENTS 6/20/68 33 F. R. 8915 (Added); 8/7/68 33 F. R. 11149 (Changed)
AMENDMENTS 11/14/68 33 F. R. 16557 (Changed)

Endicott, N. Y.
That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°04'45" N., 76°05'50" W., of Tri-Cities Airport, Endicott, N. Y.; within 2 miles each side of the Binghanton, N. Y. VORTAC 340° and 160° radials, extending from the 5-mile radius area to 8 miles north of the VORTAC; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 10 miles west of the end of the runway; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 6 miles east of the end of the runway; within 2 miles each side of the Runway 22 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; and within 2 miles each side of the Runway 4 centerline extended from the 5-mile radius area to 10 miles northeast of the end of the runway, excluding the portion that coincides with the Binghamton, N. Y., transition area. This transition area shall be effective from sunrise to sunset, daily.

AMENDMENTS 9/19/68 33 F. R. 11149 (Added)

Enid, Okla.
That airspace extending upward from 700 feet above the surface within 10 miles E and W of Vance AFB runway 17R-35L, extending to 15 miles N and S of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 5 miles W and 8 miles E of the Woodring VOR 355° radial, extending from 2 miles SE of the VOR to 12 miles N of the VOR, and within 5 miles W and 8 miles E of the Woodring VOR 185° radial, extending from the VOR to 12 miles S; and that airspace extending upward from 1200 feet above the surface beginning SE of Enid at the intersection of the W edge of V-77, and the N edge of V-140, thence W along the N edge of V-140, to and NW along the NE edge of V-17, to and N along longitude 98°30' W., to and W along the S edge of V-190, to and NE along the SE edge of V-12, to and SE along the SW edge of V-74, to and S along the W edge of V-77 to the point of beginning, excluding the Oklahoma City and Ponca City transition areas; and that airspace extending upward from 5,000 feet MSL bounded on the E by longitude 98°30', on the S by the NE edge of V-17, on the N by the SE edge of V-12, and the S edge of V-190, excluding that airspace within 4 nautical miles each side of a line extending from the Gage VOR to the Woodring, Okla., VOR.

AMENDMENTS 2/29/68 33 F. R. 139 (Changed)

Erie, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Erie International Airport (latitude 42°04'56" N., longitude 80°10'44" W.); within 5 miles NW, and 8 miles SE of the Erie ILS localizer SW course, extending from the ILS OM to 12 miles SW of the Erie VORTAC; and within 2 miles each side of the Cascade RBN 054° bearing, extending from the 7-mile radius area to 8 miles northeast of the RBN.

AMENDMENTS 3/21/68 33 F. R. 4795 (Changed); 12/12/68 33 F. R. 15704 (Changed); 12/12/68 33 F.R. 18009 (Changed)

Escanaba, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 8 miles west and 5 miles east of the Escanaba VORTAC 007° radial, within 8 miles north and 5 miles south of the Escanaba VORTAC 101° radial and within 8 miles south and 5 miles north of the Escanaba VORTAC 266 radial, extending from the VORTAC to 12 miles north, east, and west of the VORTAC; and within 8 miles west and 5 miles east of the 349° bearing from Escanaba Municipal Airport, extending from the airport to 15 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Escanaba VORTAC.

AMENDMENTS 2/29/68 33 F. R. 451 (Rewritten)

Estherville, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Estherville, Iowa, Municipal Airport (latitude 43°24'30" N., longitude 94°44'50" W.) and within 2 miles each side of the 175° bearing from Estherville Municipal Airport, extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 175° bearing from Estherville Municipal Airport, extending from the airport to 12 miles S of the airport.

Eufaula, Ala.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Weedon, Ala., Airport (latitude 31°57'05" N., longitude 85°07'45" W.); within 2 miles each side of the Eufaula, Ala., VOR 014° radial extending from the 4-mile radius area to 8 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Eufaula VOR 014° radial extending from the VOR to 12 miles NE, excluding that portion which coincides with the Columbus, Ga., transition area.

Eugene, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles east and 8 miles west of the Eugene VORTAC 007° radial, extending from the VORTAC to 14 miles north of the VORTAC; within 2 miles southeast and 3 miles northwest of the Eugene VORTAC 030° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; within 2 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to 12 miles west of the VORTAC, and that airspace southwest of Eugene bounded on the east by a line 2 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of an 18-mile radius circle centered on the Eugene VORTAC, on the northwest by a line 2 miles northwest of and parallel to the Eugene VORTAC 224° radial, and on the north by an arc of a 5-mile radius circle centered on Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.); that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to V-27; within 16 miles west and 10 miles east of the Eugene VORTAC 015° and 195° radials, extending from 26 miles north to 22 miles south of the VORTAC; within 6 miles east and 9 miles west of the Eugene VORTAC 172° radial, extending from the VORTAC to 39 miles south of the VORTAC, and that airspace southwest of Eugene bounded on the southeast by the northwest edge of V-121, on the northwest by the southeast edge of V-287, and on the north by a line 5 miles south of and parallel to the Eugene VORTAC 272° radial.

Eunice, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eunice Airport (latitude 30°28'00" N., longitude 92°25'30" W.) and within 2 miles each side of the Lafayette VORTAC 310° radial extending from the 5-mile radius area to 6 miles southeast of the approach end of Runway 34.

AMENDMENTS 4/25/68 33 F. R. 3267 (Added)

Evadale, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Evadale Airport (latitude 30°19'30" N., longitude 94°04'24" W.), and within 2 miles each side of the 150° bearing from the Evadale RBN (latitude 30°24'16" N., longitude 94°07'37" W.), extending from the 5-mile radius area to the RBN.

Evansville, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Dress Memorial Airport, Evansville, Ind., 38°02'13" N., 87°31'58" W. and within 2 miles each side of the Evansville VOR 060° radial extending from the 7-mile radius area to the VOR and within 8 miles NW and 5 miles SE of the ILS localizer NE course extending northeasterly from the OM for 12 miles.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 38°57'00" N., 86°30'00" W. to 37°26'00" N., 86°30'00" W. to 37°17'50" N., 87°18'00" W. to 37°12'50" N., 87°39'30" W. to 37°30'00" N., 88°30'00" W. to 38°39'00" N., 88°30'00" W. to 38°39'00" N., 88°00'00" W. to 38°57'00" N., 88°00'00" W. to point of beginning, excluding the portion which coincides with the Harrisburg, Ill., transition area.

PENDING AMENDMENT
Evansville, Ind.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°31'45" W.); and within 2 miles each side of the Evansville VORTAC 060° radial, extending from the 10-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°57'00" N., longitude 86°30'00" W., to latitude 37°26'00" N., longitude 86°30'00" W., to latitude 37°17'50" N., longitude 87°18'00" W., to latitude 37°12'50" N., longitude 87°39'30" W., to latitude 37°30'00" N., longitude 88°30'00" W., to latitude 38°39'00" N., longitude 88°30'00" W., to latitude 38°39'00" N., longitude 88°00'00" W., to latitude 38°57'00" N., longitude 88°00'00" W., to point of beginning excluding the portion which coincides with the Harrisburg, Ill., transition area.

AMENDMENTS 3/6/69 34 F. R. 1369 (Rewritten)

Eveleth, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Eveleth-Virginia Municipal Airport (latitude 47°25'35" N., longitude 92°29'50"W.), and within 5 miles S and 8 miles N of the Eveleth VOR 092° radial, extending from the VOR to 13 miles E of the VOR.

Fairbanks, Alaska.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 64°49'46" N., longitude 147°34'00" W.; within a 7-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.), and within 2 miles each side of the Eielson VOR 122° radial, extending from the 7-mile radius area to 7 miles SE of the VOR; that airspace extending upward from 1,200 feet above the surface within a 55-mile radius of Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.) extending clockwise from the S boundary of G-7, W of Fairbanks, to the 155° bearing from Wainwright AAF, within a 70-mile radius of Wainwright AAF, extending clockwise from the 155° bearing from Wainwright AAF to the S boundary of G-7, W of Fairbanks, and within 20 miles N and 26 miles S of the Nenana, Alaska, VORTAC 285° radial, extending from the VORTAC to 46 miles NW of the VORTAC, excluding the airspace within R-2206.

Fairfield, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 2 miles each side of the 196° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 196° bearing from Fairfield Municipal Airport, extending from the airport to 15 miles south of the airport, excluding the portion which overlies the Ottumwa, Iowa, transition area.

AMENDMENTS 10/17/68 33 F. R. 11537 (Added)

Fairmont, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'45" N., longitude 94°25'15" W.); within 2 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 132° bearing from Fairmont Municipal Airport, extending from the airport to 12 miles SE of the airport; and within 5 miles NE and 8 miles SW of the 139° and 319° bearings from Fairmont Municipal airport, extending from 1 mile SE to 12 miles NW of the airport.

Fallon, Nev.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the NAAS Fallon TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface within 11 miles NW and 7 miles SE of the Hazen, Nev., VOR 061° and 241° radials, extending from 5 miles SW to 30 miles NE of the VOR, excluding the portion W of longitude 119°00'00" W.; within 5 miles each side of the NAAS Fallon TACAN 039° radial, extending from the TACAN to 30 miles NE of the TACAN; within 12 miles SW and 10 miles NE of the Fallon TACAN 139° and 319° radials, extending from 10 miles NW to 23 miles SE of the TACAN; within a 20-mile radius of the Fallon TACAN extending clockwise from the TACAN 050° to the 110° radials; and that airspace extending upward from 9,500 feet MSL within 12 miles SW and 10 miles NE of the NAAS Fallon TACAN 139° radial, extending from 23 miles to 44 miles SE of the TACAN.

Falmouth, Mass.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within a 6-mile radius of Barnstable Airport, Hyannis, Mass., (latitude 41°40'10" N., longitude 70°16'45" W.); within 5 miles NW and 8 miles SE of the Barnstable Airport ILS localizer NE course, extending from the OM to 12 miles NE of the OM; within a 4-mile radius of the Chatham Airport, Chatham, Mass. (latitude 41°41'20" N., longitude 69°59'25" W.); within a 6-mile radius of Martha's Vineyard Airport, Martha's Vineyard, Mass., (latitude 41°23'35" N., longitude 70°36'50" W.), and within 5 miles NW and 8 miles SE of the Martha's Vineyard VOR 055° radial, extending from the VOR to 12 miles NE of the VOR; within 2 miles each side of the 183° bearing from Martha's Vineyard RBN, extending from the 6-mile radius area to 8 miles S of the RBN; and within a 5-mile radius of the Oak Bluffs Airport, Oak Bluffs, Mass. (latitude 41°26'25" N., longitude 70°34'10" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning
at latitude 42°13'20" N., longitude 70°18'30" W., thence to latitude 42°10'50" N., longitude 70°03'00" W., to latitude 41°40'29" N., longitude 69°46'32" W., to latitude 41°38'00" N., longitude 69°45'10" W., to latitude 41°21'00" N., longitude 69°45'10" W., to latitude 41°09'00" N., longitude 70°00'00" W., to latitude 41°10'25" N., longitude 70°12'50" W., to latitude 41°04'00" N., longitude 70°42'30" W., to latitude 41°12'45" N., longitude 70°42'30" W., to latitude 41°21'00" N., longitude 70°48'00" W., to latitude 41°42'00" N., longitude 70°48'00" W., to latitude 41°53'30" N., longitude 70°56'30" W., thence to the point of beginning; and that airspace extending upward from 2,000 feet MSL bounded on the N by Control 1142, on the SE by Control 1143, and on the W by a line extending through latitude 41°40'29" N., longitude 69°46'32" W. and latitude 42°10'50" N., longitude 70°03'00" W., excluding the portion within the Nantucket, Mass., transition area.

Farewell, Alaska
That airspace extending upward from 1,200 feet above the surface within 8 miles S and 8 miles N of the 110° and 290° bearings from the Farewell RR, extending from 13 miles W to 13 miles E of the RR.

Fargo, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hector Field (latitude 46°55'05" N., longitude 96°48'55" W.); within 2 miles each side of the Fargo ILS localizer north course, extending from the 7-mile radius area to 8 miles north of the RBN; within 2 miles each side of the Fargo VORTAC 007° radial, extending from the 7-mile radius area to 24 miles north of the VORTAC; and within 5 miles west and 8 miles east of the Fargo ILS localizer south course, extending from 5 miles north to 12 miles south of the LOM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Fargo VORTAC; within a 36-mile radius of the Fargo VORTAC, extending from a line 9 miles west of and parallel to the Fargo VORTAC 353° radial, clockwise to a line 5 miles east of and parallel to the Fargo VORTAC 034° radial; and within 10 miles east and 7 miles west of the Fargo VORTAC 187° radial, extending from the 35-mile radius area to 56 miles south of the VORTAC.

Faribault-Owatonna, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport extending from the Faribault 5-mile radius area to 9 miles south of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface in the Faribault-Owatonna terminal area bounded on the north by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.), on the east by V-82, on the south by V-24 and on the west by V-170, excluding the portion which overlies the Hope, Minn., and Rochester, Minn., transition areas.

Farmington, N. Mex.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), within 2 miles each side of the Farmington VORTAC 094° radial extending from the 11-mile radius area to 8 miles E of the VORTAC, and within 2 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile radius area to 12 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion within the Durango, Colo., transition area.

Fayetteville, Ark.
That airspace extending upward from 700 feet above the surface within a 8-mile radius of the Fayetteville Municipal Airport-Drake Field (latitude 36°00'15" N., longitude 94°10'05" W.); within 8 miles SW and 5 miles NE of the Drake, Ark., VOR 328° radial extending from the VOR to 12 miles NW; within 5 miles each side of the Drake VOR 186° radial extending from the 8-mile radius area to 19 miles S of the VOR; within 6 miles W and 8 miles E of the Fayetteville, Ark., VORTAC 005° and 185° radials extending from 5 miles N to 12 miles S of the VORTAC; within a 5-mile radius of Rogers Municipal Airport, Rogers, Ark. (latitude 36°22'10" N., longitude 94°06'25" W.); and within 2 miles each side of the Rogers RBN 003° bearing extending from the 5-mile radius area to 8 miles N of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning
at latitude 35°43'00" N., longitude 94°20'00" W., to latitude 36°12'00" N., longitude 94°28'00" W., to latitude 36°38'00" N., longitude 94°14'00" W., to latitude 36°37'30" N., longitude 93°57'00" W., to latitude 36°30'00" N., longitude 93°37'00" W., to latitude 36°22'00" N., longitude 93°38'00" W., to latitude 36°14'30" N., longitude 93°15'00" W., to latitude 35°52'30" N., longitude 93°50'00" W., to latitude 35°42'00" N., longitude 94°09'00" W.. to point of beginning.

AMENDMENTS 5/23/68 33 F. R. 4510 (Changed)

PENDING AMENDMENT
Fayetteville, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'25" N., longitude 78°52'50" W.); within a 10-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.); within 8 miles northwest and 5 miles southeast of the Pope AFB ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the LOM; within 2 miles each side of the 266° bearing from Simmons RBN, extending from the Pope AFB 10-mile radius area to 1 mile west of the Simmons RBN; excluding the portion within R-5311.

AMENDMENTS 4/3/69 34 F. R. 1522 (Added)

Fergus Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Einar Michelson Municipal Airport (latitude 46°17'10" N., longitude 96°09'35" W.), and within 2 miles each side of the 187° bearing from Einar Michelson Municipal Airport, extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 187° and 007° bearings from Einar Michelson Municipal Airport extending from 12 miles S of the airport to the S edge of V-2.

Findlay, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Findlay Airport (latitude 41°00'55" N., longitude 83°40'15" W.); within 2 miles each side of the Findlay VOR 226° radial, extending from the 6-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1200 feet above the surface bounded by a line extending from latitude 40° 51' 00" N., longitude 84° 00' 00" W.; to latitude 41° 18' 00" N., longitude 84° 07' 00" W.; to latitude 41° 11' 00" N., longitude 83° 19' 00" W.; to latitude 40° 50' 00" N., longitude 83° 30' 00" W.; to the point of beginning.

PENDING AMENDMENT
Fire Island, N. Y.
That airspace extending upward from 8,500 feet MSL bounded on the north by Control 1169, on the southeast by a line 10 nautical miles southeast of and parallel to the southeast boundary of V-139, on the southwest by Control 1147 and on the northwest by V-139.

AMENDMENTS 3/6/69 34 F. R. 430 (Added)

Five Finger, Alaska
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Five Finger RBN, and within 2 miles each side of the 349° and 189° bearings from the Five Finger RBN, extending from the RBN to 8 miles N and 6 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 189° and 009° bearings, extending from 7 miles N to 13 miles S of the RBN, and within 8 miles W and 5 miles E of the 349° and 169° bearings, extending from 13 miles N to 7 miles S of the RBN.

Flagstaff, Ariz. (Pulliam Airport)
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.); that airspace extending upward from 1,200 feet above the surface within an arc of a 26-mile radius circle centered on the Flagstaff VOR (latitude 35°08'50" N., longitude 111°40' 24" W.), extending from a line 5 miles NW of and parallel to the Flagstaff VOR 054° radial clockwise to a line 5 miles N of and parallel to the Flagstaff VOR 297° radial, and within 9 miles N and 6 miles S of the Flagstaff VOR 096° radial extending from the 26-mile radius area to 35 miles E of the VOR, excluding that portion within R-2302.

Flint, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the OM; and within a 4-mile radius of Owosso City Airport, Owosso, Mich. (latitude 42°59'30" N., longitude 84°08'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 42°46'00" N., on the east by the east boundary of V-42 east and longitude 83°30'00" W., on the north by latitude 43°16'00" N., and on the west by longitude 84°05'00" W.

Flippin, Ark.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'30" W), within an 8-mile radius of the Twin Lakes Airport (latitude 36°22'00" N., longitude 92°28'00" W.), within 2 miles each side of the Flippin VOR 086° radial extending from the Flippin Municipal Airport 10-mile radius area to 8 miles E of the VOR, and within 2 miles each side of the Flippin VOR 175° radial extending from the Twin Lakes 8-mile radius area to 8 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Flippin VOR 086° radial extending from the VOR to 13 miles E, and within 8 miles E and 5 miles W of the Flippin VOR 175° radial extending from the VOR to 12 miles S.

Florence, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Florence Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.); within 2 miles each side of the Florence VORTAC 052° radial, extending from the 8-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles northwest of the Florence VORTAC 052° radial, extending from the 8-mile radius area to 12 miles northeast of the VORTAC; within 5 miles each side of the Florence VORTAC 068° radial, extending from the 8-mile radius area to 15 miles east of the VORTAC.

AMENDMENTS 8/22/68 33 F. R. 9253 (Rewritten)

Forrest City, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Forrest City Municipal Airport (latitude 34°56'42" N., longitude 90°46'16" W.); and within 2 miles each side of the 180° bearing from the Forrest City RBN (latitude 34°57'00" N., longitude 90°46'20" W.) extending from the 5-mile radius area to 8 miles south of the RBN.

AMENDMENTS 8/22/68 33 F. R. 9467 (Added)

Fort Bragg, N.C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.), excluding the portion within R-5311; within 2 miles each side of the Pope VOR 227° radial extending from the 8-mile radius area to the VOR; within 2 miles each side of the 042° bearing from the Pope RBN, extending from the 8-mile radius area to 12 miles NE of the RBN.
PENDING AMENDMENT
The Fort Bragg, N. C., transition area is revoked. 4/3/69 34 F. R. 1522 (Revoked).

Fort Bridger, Wyo.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Fort Bridger VOR 079° and 259° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

Fort Dodge, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.); that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Fort Dodge VORTAC; and within the arc of a 26-mile radius circle centered on the Fort Dodge VORTAC, extending from a line 5 miles northwest of and parallel to the Fort Dodge VORTAC 055° radial clockwise to a line 5 miles northwest of and parallel to the Fort Dodge VORTAC 222° radial; and that airspace extending upward from 3,500 feet MSL south and southeast of Fort Dodge bounded on the north by V-100, on the east by V-13, on the south by V-172 and on the northwest by V-138.

AMENDMENTS 5/23/68 33 F. R. 4509 (Rewritten)

Fort Huachuca, Ariz.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Libby AAF, Fort Huachuca, Airz. (latitude 31°35'00" N., longitude 110°20'30" W.), within 2 miles each side of the 114° bearing from the Libby AAF RBN, extending from the 6-mile radius area to 15 miles SE of the RBN, and within 2 miles each side of the Libby AAF VOR 121° radial, extending from the 6-mile radius area to 15 miles SE of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the N by the Tucson, Ariz., transition area, on the NE by the SW edge of V-66, on the E by longitude 109°44'00" W., on the S by a line beginning at latitude 31°25'00" N., longitude 109°44'00" W., thence to latitude 31°25'00" N., longitude 110°07'00" W., thence to latitude 31°23'00" N., longitude 110°07'00" W., thence to latitude 31°23'00" N., longitude 110°12'00" W., thence to latitude 31°25'00" N., longitude 110°12'00" W., thence to latitude 31°25'00" N., longitude 110°30'00" W., and on the W by longitude 110°30'00" W.

Fort Jones, Calif.
That airspace extending upward from 9,500 feet MSL bounded on the NE by V-23 and V-23W, on the S by latitude 41°19'00" N., and on the W by longitude 123°01'00" W.

Fort Leonard Wood, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); 8 miles northeast and 5 miles southwest of the Forney AAF VOR 152° and 323° radials, extending from the VOR to 12 miles southeast and northwest of the VOR; and within 8 miles northeast and 5 miles southwest of the 146° bearing from Forney AAF RBN, extending from the RBN to 12 miles southeast of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the following direct radials: Maples, Mo., VORTAC to Forney AAF VOR; Maples VORTAC to Forney AAF RBN; Vichy, Mo., VORTAC to Forney AAF VOR; and Vichy VORTAC to Forney AAF RBN; and within 5 miles each side of the Forney AAF VOR 086° radial and the Forney AAF RBN 080° bearing extending from the VOR and the RBN to V-72, excluding the portions which overlie the Vichy and Maples, Mo., transition areas.

AMENDMENTS 5/23/68 33 F. R. 4873 (Rewritten)

Fort Madison, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.); and within 2 miles each side of the Burlington, Iowa VORTAC 258° radial, extending from the 5-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

AMENDMENTS 9/19/68 33 F. R. 10565 (Added)

Fort Myers, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Page Field, Fort Myers, Fla. (latitude 26°35'10" N., longitude 81°51'50" W.); within 2 miles each side of the Fort Myers VORTAC 215° radial extending from the 8-mile radius area to 8 miles SW of the VORTAC; within 2 miles each side of the 222° bearing from the Fort Myers RBN extending from the 8-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Fort Myers VORTAC; the airspace NE of Fort Myers extending from the 20-mile radius area bounded on the W by V-7, on the NE by V-97, and on the SE by V-225; and that airspace E of Fort Myers extending from the 20-mile radius area bounded on the NW by V-225, on the E by V-157 W, and on the SW by V-7.

Fort Polk, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 10 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 8 miles NW of the north fan marker.

Fort Rucker, Ala.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 31°38'00" N., longitude 86°23'30" W.; thence northeast via V-70 to V-7; thence south via V-7 to V-241; thence southwest via V-241 to and clockwise along the arc of a 5-mile radius circle centered at latitude 31°03'00" N., longitude 86°19'33" W.; to latitude 31°03'00" N., longitude 86°24'30" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at the INT of the east boundary of V-115 and the south boundary of V-70; thence northeast via V-70 to and counterclockwise along the arc of an 11-mile radius circle centered on the Eufaula, Ala., VOR; to and southwest along a line 6 miles east of and parallel to the centerline of V-241; to and clockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W.; to and along the west boundary of V-7W; to and along the north boundary of V-22; to and along the east boundary of V-115 to point of beginning, excluding the portion within R-2103.

AMENDMENTS 2/29/68 33 F. R. 138 (Rewritten)

Fort Smith, Ark.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'04" W.); within 5 miles N and 8 miles S of the Fort Smith VORTAC 053° radial, extending from the 12-mile radius area to 12 miles NE of the VORTAC; and within 8 miles N and 5 miles S of the Fort Smith ILS localizer E course, extending from the 12-mile radius area to 12 miles E of the OM; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 36°12'00" N., longitude 94°28'00" W., to latitude 35°43'00" N., longitude 94°20'00" W., to latitude 35°42'00" N., longitude 94°09'00" W., to latitude 35°52'30" N., longitude 93°50'00" W., to latitude 35°27'30" N., longitude 93°14'30" W., to latitude 35°21'30" N., longitude 93°14'30" W., to latitude 34°25'00" N., longitude 94°00'00" W., to latitude 34°25'00" N., longitude 94°39'30" W., to latitude 35°00'00" N., longitude 95°07'00" W., to latitude 34°33'30" N., longitude 95°37'30" W., to latitude 34°33'30" N., longitude 95°58'30" W., to latitude 35°11'00" N., longitude 95°55'00" W., to latitude 35°46'00" N., longitude 95°30'00" W., to latitude 35°46'00" N., longitude 95°06'30" W., to point of beginning.

AMENDMENTS 5/23/68 33 F. R. 4510 (Changed)

Fort Stewart, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lyle H. Wright AAF (latitude 31°53'20" N., longitude 81°33'45" W.).

AMENDMENTS 7/10/68 33 F. R. 10281 (Changed)

Fort Stockton, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Pecos County Airport, Fort Stockton, Tex. (latitude 30°55'00" N., longitude 102°54'30" W.), and within 5 miles NE and 8 miles SW of the Fort Stockton, Tex., VORTAC 306° and 126° radials, extending from 3 miles SE to 12 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles each side of the Fort Stockton VORTAC 097° and 274° radials, extending from 20 miles E to 20 miles W of the VORTAC.

Fortuna, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Fortuna VOR 327° radial, extending from the VOR to 8 miles NW of the VOR; and within 2 miles NE and 4.5 miles SW of the Fortuna VOR 147° radial, extending from the VOR to 3.5 miles SE of the VOR

Fort Wayne, Ind.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Baer Field (latitude 40°58'50" N., longitude 85°11'25" W.); and that airspace extending upward from 1200 feet above the surface within the area bounded by a line beginning at latitude 41°40'00" N., longitude 85°30'00" W., thence to latitude 41°40'00" N., longitude 84°50'00" W.; to latitude 41°48'10" N., longitude 84°50'00" W.; to latitude 41°48'00" N., longitude 84°46'00" W.; to latitude 41°44'00" N., longitude 84°28'00" W.; to latitude 41°32'00" N., longitude 84°31'00" W.; to latitude 41°21'00" N., longitude 84°40'00" W.; to latitude 40°46'00" N., longitude 84°40'00" W.; to latitude 40°30'00" N., longitude 84°49'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°40'00" N., longitude 85°30'00" W.; to latitude 40°40'00" N., longitude 85°50'00" W.; to latitude 41°20'00" N., longitude 85°50'00" W.; to latitude 41°20'00" N., longitude 85°30'00" W.; thence to point of beginning.

Fort Yukon, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'15" N., longitude 145°15'10" W.), and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius area to 8 miles NE of the RBN; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 8 miles NW of the 062° and 242° bearings from the Fort Yukon RBN extending from 7 miles SW to 13 miles NE of the RBN.

Franklin, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Chess-Lamberton Airport, Franklin, Pa., (latitude 41°22'35" N., longitude 79°51'40" W.); within 2 miles each side of the Franklin VOR 001° radial, extending from the 6-mile radius area to 8 miles N of the VOR; and within 2 miles each side of the Franklin RBN (41°21'51" N., 79°46'10" W.) 102° bearing, extending from the 6-mile radius area to 8 miles E of the RBN.

Franklin, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of John Beverly Rose Field-Franklin Municipal Airport (latitude 36°41'50" N., longitude 76°54'15" W.), within 2 miles each side of the Franklin VOR 101° radial, extending from the 5-mile radius area to the VOR, and within 2 miles each side of the 083° bearing from the John Beverly Rose Field-Franklin Municipal Airport, extending from the 5-mile radius area to 6 miles E of the airport, within 2 miles each side of the Franklin, Va., VOR 096° radial extending from the 5-mile radius to 13 miles east of the VOR.

Frederick, Md.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°25'00" N., 77°22'00" W. of Frederick Airport, Frederick, Md., and within 2 miles each side of the Frederick VOR 032° radial extending from the 6-mile radius area to 8 miles northeast of the VOR.

Fredericksburg, Va.
That airspace upward of 700 feet above the surface within a 5 mile radius of the center of Shannon Airport, Fredericksburg, Virginia (latitude 38°15'40" N., longitude 77°26'20" W.) and within 2 miles either side of the Brooke, Virginia VOR 226° radial extending from the 5 mile radius area to the VOR, excluding the airspace within the Quantico, Va., transition area.

Fremont, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Fremont Airport, Fremont, Michigan (latitude 43°26'30" N., longitude 85°59'30" W.) and within 2 miles each side of the White Cloud, Michigan, VOR 236° radial, extending from the 4-mile radius area to 23 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles NW, and 5 miles SE of the White Cloud VOR 236° radial, extending from 5 miles SW of the VOR to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W) excluding the portion within the White Cloud, Michigan, transition area.

Fremont, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Progress Field, Fremont, Ohio, 41°19'59" N., 83°09'46" W. and within 2 miles each side of the Fremont radio beacon 198° bearing extending from the 4-mile radius area for 4 miles.

Fresno, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Fresno RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius area to the VORTAC, excluding the portion within the arc of a 5-mile radius circle centered on the Fresno Air Terminal, and the portion NE of a line 2 miles SW of and parallel to the Fresno VORTAC 143° radial, extending from the arc of a 5-mile radius circle centered on Fresno Air Terminal to the VORTAC; within 2 miles W and 4 miles E of the Fresno VORTAC 158° radial, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 16 miles SE of the VORTAC, and within 2 miles each side of the Fresno ILS localizer SE course, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 13 miles SE of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°00'00" N., longitude 119°30'00" W., to latitude 36°00'00" N., longitude 118°45'00" W., to latitude 36°56'00" N., longitude 119°20'00" W., to latitude 37°04'30" N., longitude 118°59'00" W., to latitude 37°29'00" N., longitude 119°15'00" W., to latitude 37°02'00" N., longitude 120°18'00" W., to latitude 36°37'00" N., longitude 119°56'00" W., thence E along latitude 36°37'00" N., to the W boundary of V-23; thence along the W boundary of V-23 to longitude 119°30'00" W.; thence S along longitude 119°30'00" W. to the point of beginning.

Fulton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 43°21'05" N., 76°23'20" W., of Fulton Municipal Airport, Fulton, N. Y., excluding the portion that coincides with the Syracuse, N. Y., transition area.

AMENDMENTS 6/20/68 33 F. R. 6916 (Added)

Gadsden, Ala.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Gadsden Municipal Airport (latitude 33°58'30" N., longitude 86°05'20" W.) within 2 miles each side of the Gadsden VORTAC 233° radial, extending from the 8-mile radius area to 11 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Gadsden VORTAC 233° radial, extending from the VORTAC to 12 miles SW; and within 8 miles NW and 5 miles SE of the Gadsden VORTAC 042° radial, extending from the VORTAC to 18 miles NE.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Gage, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°17'45" N. longitude 99°46'30" W.); and that airspace extending upward from 1200 feet above the surface within 8 miles SW and 5 miles NE of the Gage VORTAC 118° and 298° radials, extending from 2 miles SE to 13 miles NW of the VORTAC, and within 12 miles E and 10 miles W of the Gage VORTAC 180° radial, extending from the VORTAC to 11 miles S of the VORTAC.

Gainesville, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gainesville Municipal Airport (latitude 29°41'22" N., longitude 82°16'28" W.); excluding that airspace within a 1-mile radius of Stengel Field Airport (latitude 29°37'30" N., longitude 82°22'35" W.); that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Gainesville Municipal Airport, east and northeast of V-159, and within 5 miles each side of the Gainesville VORTAC 092° radial, extending from the 18-mile radius area to 28 miles east of the VORTAC, excluding the portion which coincides with the Jacksonville, Fla., 1,200-foot transition area.

AMENDMENTS 6/20/68 33 F. R. 6342 (Rewritten)

Gainesville, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gainesville Municipal Airport (latitude 34°16'23" N., longitude 83°49'45" W.); within 2 miles each side of the 216° bearing from the Gainesville, Ga., RBN (latitude 34°16'29.99" N., longitude 83°49'55.58" W.), extending from the 6-mile radius area to 8 miles southwest of the RBN.

Gaithersburg, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°09'54" N., 77°09'39" W. of Montgomery County Airport, Gaithersburg, Md., and within 2 miles each side of the Gaithersburg RBN 008° bearing extending from the 5-mile radius area to 8 miles north of the RBN.

Galena, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena VORTAC 089° radial extending from the control zone extension east boundary to 12 miles E of the VORTAC; within 2 miles S and 5 miles N of the Galena VORTAC 269° radial extending from the control zone boundary to 19 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 28-mile radius of the Galena VORTAC; within a 40-mile radius of the Galena VORTAC extending from the 240° radial clockwise to the 298° radial and extending from the 28-mile radius area to 40 miles W of the VORTAC; and within a 35-mile radius of the Galena VORTAC extending from the 089° radial clockwise to the 119° radial and extending from the 28-mile radius area to 35 miles E of the VORTAC.

Galesburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 5 miles E and 8 miles W of the Galesburg VOR 019° radial extending from the VOR to 12 miles N of the VOR; and within 5 miles NW and 8 miles SE of the Galesburg VOR 214° radial extending from the VOR to 12 miles SW of the VOR.

Galeton, Pa.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 41°39'50" N., 77°49'15" W., of Cherry Springs Airport, Galeton, Pa., and within 2 miles each side of the Slate Run, Pa., VOR 037° radial extending from the 5.5-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset, daily.

Gallup, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.); within 2 miles each side of the Gallup VOR 232° radial, extending from the 8-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 35°47'30" N., longitude 108°34'00" W.; to latitude 35°25'00" N., longitude 108°38'30" W.; to latitude 35°15'00" N., longitude 109°00'00" W.; to latitude 35°25'00" N., longitude 109°07'00" W.; to latitude 35°52'00" N., longitude 108°47'00" W.; to point of beginning.

Galveston, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galveston VOR 299° radial extending from the VOR to 8 miles NW, and within 2 miles each side of the 311° bearing from latitude 29°19'07" N., longitude 94°55'40" W. extending from latitude 29°19'07" N., longitude 95°55'40" W. to 8 miles NW.

Garden City, Kans.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Garden City Airport (latitude 37°56'09" N., longitude 100°43'47" W.), within 5 miles E and 8 miles W of the Garden City VORTAC 004° and 184° radials, extending from 7 miles S to 13 miles N of the VORTAC, and within 2 miles each side of the Garden City VORTAC 171° radial, extending from the 6-mile radius area to 9 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Garden City VORTAC and within 5 miles NE and 8 miles SW of the 324° bearing from the Garden City RBN, extending from the 15-mile radius area to 13 miles NW of the RBN.

Gastonia, N. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gastonia Municipal Airport (latitude 35°12'00" N., longitude 81°09'05" W.), excluding the portion that coincides with the Charlotte transition area.

Gaylord, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Otsego County Airport (latitude 45°00'50" N., longitude 84°41'45" W.); and within 2 miles each side of the 087° bearing from Otsego County Airport extending from the 6-mile radius area to 8 miles east of the airport; that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 087° bearing from Otsego County Airport, extending from the airport to 12 miles east of the airport; and within 5 miles each side of the 304° bearing from Otsego County Airport, extending from the airport to V-193; that airspace extending upward from 5,000 feet MSL within the area east of Gaylord bounded on the northeast by V-45, on the southeast by V-45W and on the west by V-297; and within the area west and north of Gaylord bounded on the east by V-297, on the south by V-430 and on the northwest by V-193.

AMENDMENTS 8/22/68 33 F. R. 9067 (Rewritten)

Geneva, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 41°46'40" N., 80°54'15" W., of Germack Airport, Geneva, Ohio, excluding that airspace that coincides with the Jefferson, Ohio, 700-foot floor transition area.

AMENDMENTS 9/19/68 33 F. R. 11148 (Changed)

Glasgow, Mont.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and within 2 miles each side of the Glasgow VOR 195° and 015° radials extending from the 8-mile radius area to 8 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 290° bearing from Glasgow International Airport, extending from the airport to 12 miles west of the airport; within 8 miles north and 5 miles south of the 079° bearing from Glasgow International Airport, extending from the airport to 12 miles east of the airport and within 8 miles west and 5 miles east of the Glasgow VOR 195° and 015° radials, extending from 12 miles north to 12 miles south of the VOR.

AMENDMENTS 12/12/68 33 F. R. 15108 (Rewritten)

Glendive, Mont.
That airspace extending upward from 700 feet above the surface within a 13½-mile radius of Glendive Airport (latitude 47°07'50" N., longitude 104°41'15" W.).

AMENDMENTS 5/23/68 33 F. R. 5352 (Added)

Glens Falls, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°20'32" N., 73°36'35" W. of Warren County Airport, Glens Falls, N. Y. and within 2 miles each side of the Glens Falls VOR 172° radial extending from the 7-mile radius area to 15 miles south of the VOR; within 2 miles each side of the centerline of Runway 30 extended from the 7-mile radius area to 14 miles west of the end of the runway; and within 2 miles each side of the centerline of Runway 1 extended from the 7-mile radius area to 13.5 miles north of the end of the runway.

Gloucester, Mass.
That airspace east of Gloucester extending upward from 11,000 feet MSL bounded by Contol 1141, Control 1142, and Control 1143. This transition area is effective from 0000 to 0600 and 1801 through 2359 hours, local time, Monday through Friday and continuous on Saturday and Sunday.

AMENDMENTS 10/17/68 33 F. R. 12086 (Added)

Gloucester, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°23'45" N., 76°31'50" W. of the Gloucester Airport, Gloucester, Va.; and within 2 miles each side of the 110° radial of the Harcum, Va., VOR, extending from the 5-mile radius area to the VOR, excluding the portion within the West Point, Va., transition area.

AMENDMENTS 2/1/68 32 F. R. 20705 (Added)

Goldsboro, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Seymour Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of the ILS localizer W course, extending from the 9-mile radius area to 12 miles W of the LOM; within 2 miles each side of the Seymour Johnson TACAN 253° radial, extending from the 9-mile radius area to 14 miles W of the TACAN; within 2 miles each side of the Seymour Johnson VOR 256° radial, extending from the 9-mile radius area to 12 miles W of the VOR; including that airspace extending upward 1,200 feet above the surface to the base of the continental control area bounded on the N by the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W., on the E by a line extending along the W boundary of V-1 until intercepting an arc of a 15-mile radius circle centered at the Kinston VORTAC, thence clockwise along the 15-mile radius circle to the W boundary of V-1W, thence SW along the W boundary of V-1W to latitude 35°11'25" N., thence W along latitude 35°11'25" N. to the W boundary of V-213, thence SW along the W boundary of V-213 to the INT of a line 4 NM S of and parallel to the Fayetteville, N. C., VOR 098° radial, on the S by a line 4 NM S of and parallel to the Fayetteville, N. C., VOR 098° radial, on the W by a line extending along longitude 78°30'00" W., and on the NW by a line extending through latitude 35°30'00" N., longitude 78°30'00" W. and latitude 36°38'15" N., longitude 77°19'15" W.; including that airspace extending upward from 2,700 feet MSL bounded on the N by a line 4 NM S of and parallel to the Fayetteville, N. C., VOR 098° radial, on the E by V-213, on the S by the 1,200-foot portion of the Myrtle Beach, S. C., transition area, on the W by a line extending from latitude 34°18'30" N., longitude 79°00'00" W., to the INT of a line 4 NM S of and parallel to the Fayetteville, N. C., VOR 098° radial and longitude 78°30'00" W.

AMENDMENTS 1/26/68 33 F. R. 2627 (Changed)
PENDING AMENDMENT
The Goldsboro, N.C., transition area is amended as folows: "within 2 miles each side of the Seymour Johnson VOR 256° radial, extending from the 9-mile radius area to 12 miles west of the VOR" is deleted from the present description.
AMENDMENTS 4/3/69 34 F. R. 1586 (Changed)

Goodland, Kans
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Renner Field (latitude 39°21'45" N., longitude 101°42'00" W.); and within 2 miles each side of the Goodland VORTAC 022° radial, extending from the 6-mile radius to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Goodland VORTAC 022° radial extending from the VORTAC to 13 miles N of the VORTAC, and within 5 miles E and 8 miles W of the Goodland VORTAC 352° and 172° radials, extending from 2 miles S of the VORTAC to 12 miles N of the VORTAC.

Gordonsville, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 38°09'20" N., 78°10'15" W., of Gordonsville Municipal Airport, Gordonsville, Va.; within 2 miles each side of the Gordonsville VOR 356° radial extending from the 5-mile radius area to the VOR.

Gorman, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 118°45' 00" W, on the S by Lat. 34°30'00" N, on the W by Long. 119°30'00" W, and on the N by Lat. 35°05'00" N.

Goshen, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43" N., longitude 85°47'48" W.), and within 2 miles each side of the Goshen, Ind., VORTAC 090° radial extending from the 5-mile radius area to the VORTAC.

Grand Canyon, Ariz. (Grand Canyon National Park Airport)
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Grand Canyon National Park Airport (latitude 35°57'16" N., longitude 112°08'37" W.), and within 2 miles each side of the Grand Canyon VOR 211° radial extending from the 3-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°00'00" N., longitude 112°27'00" W., to latitude 36°05'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°27'00" W., thence to point of beginning.

AMENDMENTS 10/17/68 33 F. R. 12034 (Changed)

Grand Forks, N. Dak.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 5 miles W and 8 miles E of the Grand Forks VORTAC 173° radial, extending from the 8-mile radius area to 12 miles S of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.); and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles E of and parallel to the Red River VOR 180° radial to a line 5 miles W of and parallel to the Red River VOR 209° radial.

Grand Island, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'20" W.); within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 9-mile radius area to 12 miles north of the VORTAC; and within 5 miles northeast and 8 miles southwest of the Grand Island VORTAC 304° radial, extending from the 9-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of a 17-mile radius circle centered on the Grand Island VORTAC, extending from the Grand Island VORTAC 273° radial clockwise to the Grand Island VORTAC 084° radial; within the arc of a 27-mile radius circle centered on the Grand Island VORTAC, extending from the Grand Island VORTAC 084° radial clockwise to the Grand Island VORTAC 273° radial; and within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 17-mile radius area to the south edge of V-172, excluding the portion which overlies the Hastings, Nebr., transition area.

AMENDMENTS 4/25/68 33 F. R. 3055 (Rewritten); 8/22/68 33 F. R. 10203 (Rewritten)

Grand Isle, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29° 15' 45" N., longitude 89° 57' 40" W.), and within 2 miles each side of the Grand Isle RBN 052° bearing, extending from the 5-mile radius area to the RBN; within 2 miles each side of the Grand Isle VORTAC 052° radial extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 5-mile radius area to 20 miles northeast of the VORTAC.

Grand Junction, Colo.
That airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Grand Junction VORTAC, within 5 miles each side of the Grand Junction VORTAC 166° radial extending from the 35-mile radius area to 38 miles S of the VORTAC, within 5 miles each side of the Grand Junction ILS localizer NW course extending from the 35-mile radius area to the INT of the localizer NW course and the Grand Junction VORTAC 318° radial.

AMENDMENTS 6/20/68 33 F. R. 6237 (Changed)

Grand Rapids, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Kent County airport, Grand Rapids, Mich. (latitude 42°53'00" N., longitude 85°31'35" W.), within 2 miles each side of the Grand Rapids ILS W course, extending from the 7-mile radius to 16 miles W of the Kent County Airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by a line 6 miles N of and parallel to the centerline of V-216 E of the Muskegon, Mich., VORTAC, and on the W, S and E by the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86° 14'09" W.), and a line beginning at laitude 42°54'35" N., longitude 86°13'00" W., extending to latitude 42°45'25" N., longitude 86°23'40" W.; to latitude 42°35'00" N., longitude 86°17'30" W.; to latitude 42°35'00" N., longitude 86°00'00" W.; to latitude 42°38'00" N., longitude 86°00'00" W.; to latitude 42°38'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°02'00" W.; to latitude 43°27'00" N., longitude 85°02'00" W.

Grand Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'35" W.), and within 2 miles each side of the Grand Rapids VOR 160° radial, extending from the VOR to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles east and 5 miles west of the Grand Rapids VOR 160° radial, extending from the VOR to 12 miles south of the VOR.

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PART II

Section 2

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION



14 CFR Parts 71, 73, 75

Compilation of Regulations

OF MICHIGAN
MAR 1 1969
REFERENCE
THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Grandview, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Richards-Gebaur AFB, Grandview, Mo. (latitude 38°50'50" N., longitude 94°33'20" W.); within 2 miles each side of the Richards-Gebaur AFB ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the LOM; within 2 miles each side of the Richards-Gebaur AFB TACAN 195° radial, extending from the 8-mile radius area to 12 miles south of the TACAN; within 2 miles west and 6 miles east of Richards-Gebaur AFB Runway 36 centerline extended to the north, extending from the 8-mile radius area to 10 miles north of the north end of the runway, excluding the Kansas City, Mo., transition area; and within an 8-mile radius of Olathe NAS, Airport (latitude 38°50'00" N., longitude 94°53'30" W.); and that airspace extending upward from 1,200 feet above the surface within the area bounded on the south by latitude 38°00'00" N., on the west by the east edge of V-12, on the north by the arc of a 10-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.), and on the east by the west edge of V-159, excluding the Emporia, Kans., and Wichita, Kans., transition areas.

AMENDMENTS 6/20/68 33 F. R. 6237 (Rewritten)

Grantsburg, Wis.
That airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Grantsburg VOR 018° and 198° radials, extending from 7 miles S to 13 miles N of the VOR.

Great Barrington, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°11'05" N., 73°24'15" W., of Great Barrington Airport, Great Barrington, Mass.; within 2 miles each side of the Runway 5 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the Runway 11 centerline extended from the 5-mile radius area to 13 miles east of the end of the runway; within 2 miles each side of the Runway 23 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; within 2 miles each side of the Runway 29 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 5 miles east and 8 miles west of the 152° bearing from Great Barrington, Mass., RBN 42°10'58" N., 73°24'17" W., extending from the RBN to 12 miles southeast of the RBN. This transition area shall be effective from sunrise to sunset, daily.

Great Bend, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°51'47" W.); and within 2 miles each side of the 301° bearing from Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles NE and 8 miles SW of the 301° bearing from Great Bend Municipal Airport, extending from the airport to 14 miles NW of the airport.

Great Falls, Montana
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Malmstrom AFB (latitude 47°30'25" N., longitude 111°11'05" W.); and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles north and 8 miles south of the Great Falls VOR 074° radial, extending from the 40-mile radius area to 61 miles east of the VOR; and within 12 miles south and 8 miles north of the Great Falls VOR 272° radial extending from the 40-mile radius area to 56 miles west of the VOR.

Greeley, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Weld County Airport (latitude 40°25'35" N., longitude 104°37'45" W.), and within 2 miles each side of the Gill VOR 038° and 218° radials, extending from the 6-mile radius area to 8 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Gill VOR 038° and 218° radials, extending from 20 miles NE to 13 miles SW of the VOR.

Green Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.); within 2 miles each side of the Green Bay VORTAC 326° radial, extending from the 6-mile radius area to 8 miles northwest of the VORTAC; and within 2 miles each side of the Green Bay ILS localizer southwest and northeast courses, extending from 11 miles southwest to 21 miles northeast of the OM.

Greensboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greensboro-High Point/Winston-Salem Regional Airport (latitude 36°05'36" N., longitude 79°56'34" W.); within 2 miles each side of the Greensboro ILS localizer SE course extending from the 8-mile radius area to 8 miles SE of the Greensboro VORTAC 087° radial; within 2 miles each side of the Greensboro VORTAC 207° radial extending from the 8-mile radius area to 8 miles SW of the VORTAC; within 2 miles each side of the Greensboro VORTAC 034° radial extending from the 8-mile radius area to 16 miles NE of the VORTAC; within 2 miles each side of the extended centerline of Runway 5 extending from the 8-mile radius area to 8 miles NE of the airport reference point; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at the point of intersection of the west boundary of V-103 and the arc of a 35-mile circle centered at latitude 36°06'00" N., longitude 80°01'30" W.; thence clockwise along this arc to the point of intersection with the arc of a 55-mile radius circle centered at the Douglas Airport, Charlotte, N. C., (latitude 35°12'58" N., longitude 80°56'22" W.); thence counterclockwise along this arc to the point of intersection with the east boundary of V-37; thence north along the east boundary of V-37 to the point of intersection of the east boundary of V-37 and a line 7 miles northwest of and parallel to the centerline of V-222; thence northeast along a line 7 miles northwest of and parallel to the centerline of V-222 to the west boundary of V-103; thence south along the west boundary of V-103 to the point of beginning.

AMENDMENTS 1/26/68 33 F. R. 2627 (Changed)

Greenville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Greenville, Ill., Airport (latitude 38°50'10" N., longitude 89°22'40" W.) and within 2 miles each side of the 348° bearing from Greenville Airport, extending from the 5-mile radius area to 8 miles north of the airport.

Greenville, Miss.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greenville Municipal Airport (latitude 33°29'05" N., longitude 90°59'06" W.); within 2 miles each side of the Greenville VOR 358° radial, extending from the 8-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Greenville VOR 178° and 358° radials extending from 12 miles N to 4 miles S of the VOR.

Greenville, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pitt-Greenville Airport (latitude 35°37'55" N., longitude 77°23'05" W.); within 2 miles each side of the 007° and 187° bearings from the Greenville NDB (latitude 35°42'32" N., longitude 77°22'03" W.), extending from the 5-mile radius area to 8 miles north of the NDB.

AMENDMENTS 2/1/68 32 F. R. 16251 (Added); 2/21/68 33 F. R. 4171 (Changed)

Greenville, S. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Greenville-Spartanburg Airport (latitude 34°53'48" N., longitude 82°13'04" W.); within 2 miles each side of the Greenville-Spartanburg localizer north course extending from 6.5 miles north of the airport to 20 miles north; within an 8-mile radius of the Greenville Downtown Airport (latitude 34°50'53" N., longitude 82°21'04" W.); within 5 miles west and 8 miles east of the Greenville Downtown Airport localizer south course extending from the OM to 12 miles south; within a 7-mile radius of the Donaldson Center Airport (latitude 34°45'30" N., longitude 82°22'35" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the southeast boundary of V-222 and the north boundary of V-296 extending southeast along V-296 and south along longitude 81°30'00" W. to the northwest boundary of V-454, thence southwest along V-454 to and counterclockwise along a 15-mile radius arc centered on the Greenwood, S. C., VORTAC to a 30-mile radius arc centered at latitude 34°48'45" N., longitude 82°20'30" W., thence clockwise along this arc to the southeast boundary of V-222, thence northeast along V-222 to point of beginning.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Greenville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Majors Airport (latitude 33°04'00" N., longitude 96°03'45" W.); and within 2 miles each side of the Majors VOR 188° radial, extending from the 7-mile radius area to 8 miles S of the VOR.

Greenwood, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Greenwood-Le Flore Airport (latitude 33°29'20" N., longitude 90°05'00" W.); within 2 miles each side of the Greenwood VORTAC 079° radial, extending from the 10-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the Greenwood VORTAC 259° radial, extending from the VORTAC to 12 miles west.

AMENDMENTS 8/31/68 33 F. R. 12824 (Rewritten)

Greenwood, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.); within 2 miles each side of the Greenwood VORTAC 099° radial, extending from the 8-mile radius area to 8 miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Greenwood VOR bounded on the north by a 30-mile radius arc centered at latitude 34°48'45" N., longitude 82°20'30" W.; within 5 miles each side of the 099° and 259° radials extending from the 15-mile radius area to 17 miles east and west of the VOR, excluding the portion which coincides with the Atlanta, Ga., transition area.

AMENDMENTS 11/14/68 33 F. R. 14285 (Changed)

Griffith, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffith, Ind., Airport (latitude 41°31'10" N., longitude 87°23'55" W.), and within 2 miles each side of the Chicago Heights, Ill., VORTAC 089° radial extending from the 5-mile radius area to the VORTAC, excluding the airspace within the Chicago, Ill., transition area.

Grosse Ile, Mich.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 209° bearing from the Grosse Ile RBN, extending from the RBN to 8 miles SW of the RBN, excluding the portion within the Grosse Ile, Mich., control zone.

Groton, Conn.
That airspace extending upwards from 700 feet above the surface within the area bounded by a line beginning at 41°10'30" N., 72°00'00" W. to 41°12'00" N., 72°10'00" W. to 41°18'00" N., 72°14'00" W. to 41°27'00" N., 72°09'00" W. to 41°25'00" N., 71°42'30" W. to 41°18'00" N., 71°42'00" W. to 41°16'00" N., 71°49'00" W. to 41°13'00" N., 71°48'00" W. to point of beginning.

Guam Island
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 13°46'35" N. longitude 144°51'15" E., thence clockwise along the arc of a 12-nmi radius circle centered on Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.), to latitude 13°23'50" N., longitude 145°01'00" E., thence to latitude 13°08'45" N., longitude 144°29'20" E., thence to latitude 13°29'45" N., longitude 144°18'30" E., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Agana VOR, excluding the portion within R-7201 and W-517.

Guard Island, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the 247° and the 067° bearings from the Guard Island RBN extending from 7 miles northeast to 13 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the 150° and 330° bearings from the Guard Island RBN extending from 8 miles southeast to 19 miles northwest of the RBN.

AMENDMENTS 6/20/68 33 F. R. 6534 (Added)

Gulfport, Miss.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gulfport Municipal Airport (latitude 30°24'27.5" N., longitude 89°04'05" W.); within an 8-mile radius of Keesler AFB (latitude 30°24'39.2" N., longitude 88°55'25.9" W.); within 2 miles each side of the 036° bearing from the Keesler RBN, extending from the 8-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Keesler TACAN 041° radial, extending from the 8-mile radius area to 13 miles northeast of the TACAN; within 2 miles each side of the Keesler TACAN 208° radial, extending from the 8-mile radius area to 13 miles southwest of the TACAN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 29°55'00" N., longitude 89°18'00" W., thence N to latitude 30°41'00" N., longitude 89°18'00" W., thence NW to latitude 30°54'00" N., longitude 89°35'00" W., thence NE to latitude 31°08'00" N., longitude 89°23'00" W., thence counterclockwise along an arc 20 miles in radius centered on the Hattiesburg, Miss., VOR to the southern boundary of V-222, thence E along the southern boundary of V-222 to longitude 88°37'00" W., thence S to latitude 30°32'00" N., longitude 88°37'00" W., thence E to latitude 30°32'00" N., longitude 88°15'00" W., thence SE to latitude 30°14'00" N., longitude 88°01'30" W., thence S to latitude 30°09'15" N., longitude 88°01'30" W., thence three nautical miles from and parallel to the shoreline to latitude 30°11'00" N., longitude 88°41'40" W., thence W to latitude 30°10'00" N., longitude 88°51'00" W., thence S to latitude 29°55'00" N., longitude 88°51'00" W., thence W to point of beginning.

AMENDMENTS 8/22/68 33 F. R. 9599 (Changed)

Gulkana, Alaska
That airspace extending upward from 1,200 feet above the surface within 7 miles east and 10 miles west of the Gulkana TACAN 350° and 170° radials extending from 18 miles north to 25 miles south of the TACAN.

Gunnison, Colo.
That airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 6 miles southeast of the Gunnison VORTAC 051° and 207° radials extending from 13 miles northeast to 20 miles southwest of the VORTAC, and within 10 miles northwest and 6 miles southeast of the Gunnison VORTAC 045° and 225° radials extending from 9 miles northeast to 19 miles southwest of the VORTAC.

AMENDMENTS 2/1/68 32 F. R. 17517 (Rewritten)

Gustavus, Alaska
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sisters Island, Alaska, VOR; and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 19 miles NE of the 145° and 325° bearings from the Gustavus RR, extending from 16 miles NW to 48 miles SE of the RR.

Guthrie, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of latitude 33°38'25" N., longitude 100°20'50" W.; within 5 miles W and 8 miles E of the Guthrie, Texas, VOR 002° radial, extending from the VOR to 12 miles N; and within 2 miles each side of the Guthrie VOR 182° radial extending from the 6-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°05'00" N., longitude 100°17'00" W.; to latitude 33°56'00" N., longitude 99°42'30" W.; to latitude 33°12'00" N., longitude 100°35'00" W.; to latitude 33°43'00" N., longitude 100°49'00" W., to point of beginning.

Guymon, Okla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Guymon Municipal Airport (latitude 36°40'45" N., longitude 101°30'30" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 359° and 179° bearings from the Guymon Municipal Airport, extending from the airport to 12 miles N and S of the airport.

Hagerstown, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°42'30" N., 77°43'45" W., of Hagerstown Airport, Hagerstown, Md.; and within 2 miles each side of the Hagerstown VOR 239° radial extending from the 7-mile radius area to 8 miles SW of the VOR.

Hamilton, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°21'58" N., 84°31'30" W. of Hamilton Airport, Hamilton, Ohio; and within 2 miles north and 5 miles south of a 279° bearing from the Hamilton RBN extending from the 7-mile radius area to 8 miles west of the RBN excluding the portions within the Cincinnati, Ohio and Middletown, Ohio, transition areas.

Hanksville, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Hanksville VORTAC 241° and 061° radials, extending from 9 miles NE to 20 miles SW of the VORTAC, excluding the airspace within Federal airways.

Harlingen, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Municipal Airport (latitude 26°13'36" N., longitude 97°39'10" W.) and within 2 miles each side of a 360° bearing from the Harlingen RBN (latitude 26°18'17.8" N., longitude 97°39'25.3" W.) extending from the RBN to 8 miles north; within 2 miles each side of a 180° bearing extending from the RBN to the airport; and within 2 miles each side of the Harlingen VOR 118° radial extending from the VOR to the airport.
AMENDMENTS 6/20/68 33 F. R. 6709 (Rewritten)

Harrisburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harrisburg-Raleigh Airport (latitude 37°48'50" N., longitude 88°32'56" W.), and within 2 miles each side of the 064° bearing extending from the RBN to a point 8 miles northeast; and that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 5 miles southeast of the 064° and 244° bearing from the RBN, extending from a point 6 miles southwest to 15 miles northeast of the RBN.

Harrisburg, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of a point 40°13'24" N., 76°52'39" W.; within 5 miles south and 8 miles north of the Harrisburg-York State Airport ILS localizer west course extending from the 12-mile radius area to 12 miles west of the OM; within 5 miles north and 8 miles south of the Harrisburg VOR 280° radial extending from the 12-mile radius area to 12 miles west of the VOR; within a 9-mile radius of the center, 40°11'35" N., 76°45'47" W. of Olmsted State Airport, Middletown, Pa.; within 5 miles north and 8 miles south of the Olmsted State Airport ILS localizer northwest course extending from the 12-mile radius area to 12 miles northwest of the OM; and within 2 miles each side of the centerline of Olmsted State Airport Runway 13 extended from the 9-mile radius area to 9 miles southeast of the end of the runway.
AMENDMENTS 2/1/68 32 F.R. 20705 (Changed); 2/1/68 33 F.R. 10202 (Changed); 12/12/68 33 F.R. 15704 (Changed)

Harrison, Ark.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Boone County Airport (latitude 36°15'55" N., longitude 93°09'20" W.), within 2 miles each side of the Harrison VOR 320° radial extending from the 6-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 5 miles southwest of the Harrison VOR 320° and 140° radials extending from 12 miles northwest to 2 miles southeast of the VOR.

AMENDMENTS 1/9/69 33 F. R. 16556 (Rewritten)

Hartford, Conn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°56'25" N., 72°41'05" W., of Bradley International Airport, Windsor Locks, Conn.; within 2 miles each side of the Bradley International Airport ILS localizer southwest course extending from the 9-mile radius area to 12 miles southwest of the OM; within a 9-mile radius of the center, 41°45'10" N., 72°37'25" W., of Rentschler Field, East Hartford, Conn.; within 2 miles each side of a 130° bearing from the Hartford RBN extending from the RBN to 8 miles southeast of the RBN; within 2 miles each side of the centerline of Runway 4 extended 10 miles from the end of the Runway; within 2 miles each side of the centerline of Runway 22 extended 10 miles from the end of the runway; within 2 miles each side of the Hartford VOR 154° radial extending from the 9-mile radius area to 8 miles southeast of the VOR; within 2 miles each side of the Hartford VOR 130° and 310° radials extending from the 9-mile radius area to 6 miles southeast of the VOR; and within 5 miles northwest and 5 miles southeast of the Hartford VOR 223° radial extending from the VOR to a point 15 miles southwest.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°02'00" N., 72°07'00" W. to 41°55'00" N., 71°59'00" W. to 41°40'00" N., 72°08'00" W. to 41°18'00" N., 72°30'30" W. to 41°31'00" N., 72°46'00" W. to 41°49'00" N., 73°16'00" W. to 42°02'00" N., 73°16'00" W. to the point of beginning.

AMENDMENTS 4/25/68 33 F. R. 4367 (Changed)

Hastings, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 323° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles NW of the airport; within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 143° bearing from Hastings Municipal Airport extending from the Hastings Municipal Airport to 14 miles SE, within 5 miles E and 9 miles W of the 338° bearing from the Hastings Municipal Airport extending from the Hastings Municipal Airport to 13 miles N, and within 5 miles each side of the 066° bearing from Hastings Municipal Airport extending from the Hastings Municipal Airport to the S edge of V-138 and the area bounded on the S by a line 5 miles S of and parallel to the 286° bearing from Hastings Municipal Airport on the N by V-8 S and on the E by a line 9 miles W of and parallel to the 338° bearing from Hastings Municipal Airport.

Hattiesburg, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hattiesburg Municipal Airport (latitude 31°16'01" N., longitude 89°15'16" W.); within 2 miles each side of the Hattiesburg VORTAC 155° radial extending from the 7-mile radius area to the VORTAC; within 2 miles each side of the 315° bearing from the Hattiesburg RBN (latitude 31°17'59" N., longitude 89°17'59" W.), extending from the 7-mile radius area to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Hattiesburg VOR; within a 15-mile radius of the Laurel Municipal Airport, Laurel, Miss. (latitude 31°40'10" N., longitude 89°10'20" W.); and within 5 miles each side of the Laurel VOR 150° radial extending from the 15-mile and the 20-mile radius areas to 23 miles SE of the VOR; and that airspace northwest of Hattiesburg, extending from the 20-mile and 15-mile radius areas, bounded on the northeast by V-11, on the northwest by V-194, and on the southwest by a line 5 miles southwest of and parallel to the Hattiesburg VOR 327° radial.

AMENDMENTS 5/23/68 33 F. R. 5350 (Changed)
PENDING AMENDMENT
The Hattiesburg, Miss. 700-foot transition area is amended to read:
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hattiesburg Municipal Airport (latitude 31°16'01" N., longitude 89°15'16" W.); within 2 miles each side of the Hattiesburg VORTAC 156° radial, extending from the 7-mile radius area to the VORTAC; within 2 miles each side of the 330° bearing from Hattiesburg RBN (latitude 31°17'59" N., longitude 89°17'59" W.), extending from the 7-mile radius area to 8 miles northwest of the RBN.
AMENDMENTS 3/6/69 34 F. R. 1010 (Changed)

Haverhill, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°48'05" N., 71°03'45" W., of Haverhill Airport, Haverhill, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass. transition area. This transition area shall be effective from sunrise to sunset, daily.

AMENDMENTS 2/29/68 33 F. R. 688 (Added)

Havre, Mont.
That airspace extending upward from 700 feet above the surface within a 13½ mile radius of City-County Airport (latitude 48°32'45" N., longitude 109°45'40" W.).

AMENDMENTS 10/17/68 33 F. R. 12137 (Added)

Hawaiian Islands.
That airspace extending upward from 14,500 feet MSL within the area bounded by lines beginning at latitude 22°24'N., longitude 161°15' W., to latitude 23°53' N., longitude 159°30' W., to latitude 22°31' N., longitude 156°05' W., to latitude 21°47' N., longitude 155°32' W., to latitude 19°44' N., longitude 153°15' W., to latitude 18°20' N., longitude 153°32° W., to latitude 17°15' N., longitude 155°40' W., to latitude 19°43' N., longitude 158°00' W., to latitude 20°46' N., longitude 159°29' W., to latitude 21°18' N., longitude 159°32' W., to latitude 21°30' N., longitude 159°32' W., to latitude 21°30' N., longitude 161°00' W., to latitude 21°56' 30" N., longitude 161°20' W., to the point of beginning. The airspace within control area extensions, transition areas, Federal airways, warning areas W-318, W-319, W-320, W-321, W-322, W-511, W-512, and the airspace less than 1,500 feet above the terrain is excluded.

Hays, Kans.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Hays Municipal Airport (latitude 38°51'00" N., longitude 99°16'30" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 176° bearing from Hays Municipal Airport, extending from the airport to 18 miles S of the airport.

Hayward and Cable, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hayward, Wis., Municipal Airport (latitude 46°01'25" N., longitude 91°26'35" W.); and within a 5-mile radius of Cable Union Airport, Cable, Wis. (latitude 46°11'35" N., longitude 91°15'00" W.); and within 2 miles each side of the 025° bearing from Hayward Municipal Airport extending from the Hayward Municipal Airport 5-mile radius area to 15 miles NE of the airport; and within 2 miles each side of the 230° bearing from Cable Union airport, extending from the Cable Union Airport 5-mile radius area to 17 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 8 miles NW of the 025° bearing from Hayward Municipal Airport, extending from 7 miles to 19 miles NE of the airport; and within 5 miles NW and 8 miles SE of the 230° bearing from Cable Union Airport, extending from 4 miles to 21 miles SW of the airport; and 5 miles each side of the 029° bearing from Hayward Municipal Airport extending from 6 miles NE of the airport to V-217.

Hazlehurst, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hazlehurst Airport (latitude 31°53'05" N., longitude 82°38'50" W.); within 2 miles each side of the Alma VORTAC 342° radial extending from the 5-mile radius area to 18 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the NE by V-267, on the SE by V-157, and on the SW by V-5/V-51; within the area E of Alma bounded on the NW by V-157, on the NE by V-267, and on the SW by V-51E.

Hazleton, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 40°59'11" N., 75°59'38" W. of Hazleton Airport, Hazleton, Pa., within 2 miles each side of the 076° bearing from the Hazleton RBN extending from the 7-mile radius area to 8 miles E of the RBN and within 2 miles each side of the Hazleton VOR 263° radial extending from the 7-mile radius area to 8 miles W of the VOR.

Heber, Ariz.
That airspace extending upward from 13,500 feet MSL bounded on the north by the south edge of V-264, on the southeast by the northwest edge of V-190, on the south by latitude 33°54'00" N. and on the northwest by the southeast edge of V-95.

AMENDMENTS 7/25/68 33 F. R. 6710 (Added)

Helena, Mont.
That airspace extending upward from 700 feet above the surface within 6 miles N and 8 miles S of the Helena VORTAC 089° and 269° radials extending from 18 miles E to 7 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles S and 9 miles N of the Helena VORTAC 089° and 272° radials extending from 12 miles E to 45 miles W of the VORTAC, within the area bounded on the N by a line 5 miles N of and parallel to the Helena VORTAC 089° radial and on the SW by a line 5 miles SW of and parallel to the Helena VORTAC 119° radial extending from the VORTAC to the arc of an 18-mile radius circle centered on the VORTAC, and the area bounded on the NW by a line 6 miles NW of and parallel to the Great Falls, Mont., VORTAC 222° radial, on the NE by the arc of a 40-mile radius circle centered on Malmstrom AFB (latitude 47°30'35" N., longitude 111° 11'35" W.), on the SE by a line 5 miles SE of and parallel to the Helena VORTAC 023° radial and on the South by a line 9 miles N of and parallel to the Helena VORTAC 089° and 272° radials.

Henderson, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°48'30" N., 87°41'00" W., of Henderson Airport, Henderson, Ky., within 2 miles each side of the Evansville VOR 152° radial extending from the 5-mile radius to the VOR, said area effective sunrise to sunset daily, excluding the portion which coincides with the Evansville 700-foot transition area.

AMENDMENTS 1/8/69 34 F. R. 249 (Changed)

Hershey, Pa.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center (40°17'35" N., 76°39'40" W.) of Hershey Air Park Airport, Hershey, Pa.; and within 2 miles each side of the Runway 8 centerline extended from the 4-mile radius area to 5 miles east of the end of the runway, excluding that portion which coincides with Harrisburg, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

Hibbing, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chisholm-Hibbing Airport (latitude 47°23'20" N., longitude 92°50'25" W.); within 5 miles NW and 8 miles SE of the 210° bearing from Chisholm-Hibbing Airport, extending from the airport to 12 miles SW of the airport; within 2 miles each side of the 060° bearing from Chisholm-Hibbing Airport, extending from the 7-mile radius area to 14 miles NE of the airport; within 2 miles each side of the Hibbing VOR 313° radial, extending from the 7-mile radius area to 8 miles NW of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Hibbing VOR 133° and 313° radials, extending from 8 miles NW to 13 miles SE of the VOR; within 8 miles NW and 5 miles SE of the 060° bearing from Chisholm-Hibbing Airport, extending from the airport to 18 miles NE of the airport; and within 5 miles NE and 8 miles SW of the Hibbing VOR 313° radial, extending from 12 miles NW of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° radials to 8 miles NW of the VOR.

Hickory, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hickory Municipal Airport (latitude 35°44'25" N., longitude 81°23'28" W.); within 2 miles each side of the Hickory VOR 223° and 058° radials, extending from the 8-mile radius area to 8 miles northeast of the VOR; within 2 miles each side of the Hickory VOR 114° radial, extending from the VOR to 14 miles southeast; and that airspace extending upward from 1,200 feet above the surface bounded on the north by V-310, on the east by V-37, on the southeast by V-20 and on the southwest by V-259, excluding the portion that coincides with the Tri-City transition area.

Hillsboro, Oreg.
That airspace extending upward from 700 feet above the surface witnin a 5-mile radius of the Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles of each side of the Newberg, Oreg., VORTAC 007° and 187° radials, extending from the 5-mile radius area to 1 miles S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 15 miles SE and 10 miles NW of the Newberg VORTAC 024° and 204° radials, extending from 12 miles NE to 27 miles SW of the VORTAC.

Hillsdale, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hillsdale, Mich., Airport (latitude 41°55'15" N., longitude 84°35'05" W.), and within 2 miles each side of the Litchfield, Mich., VORTAC 140° radial extending from the 5-mile radius area to 8 miles northwest of the airport.

Hilo, Hawaii
That airspace extending upward from 700 feet above the surface within a 7-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19° 43' 20" N., longitude 155° 03' 20" W.), extending from a line 3 miles SW of and parallel to the Hilo VOR 334° radial clockwise to a line 3 miles SW of and parallel to the Hilo VOR 154° radial; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Hilo VOR extending from the arc of a 7-mile radius circle centered on General Lyman Airport clockwise from a line 5 miles southwest of and parallel to the Hilo 334° radial to a line 5 miles south of and parallel to the Hilo VOR 121° radial, and within a 12-mile radius of the Hilo VOR, extending from the arc of a 5-mile radius circle centered on General Lyman Airport clockwise from the Hilo VOR 121° radial to a line 7 miles southwest of and parallel to the Hilo VOR 149° radial, and within a 55-mile radius of the Hilo VOR, extending from the arc of a 30-mile radius circle centered on the Hilo VOR clockwise from V-10 to a line 5 miles south of and parallel to the Hilo VOR 080° radial, and within the area bounded on the north by V-18, on the northeast by the Honolulu FIR/Oceanic control area, on the southeast by V-10, on the southwest by the arc of a 30-mile radius circle centered on the Hilo VOR, and on the west by V-19, and within the area bounded on the north by V-18, on the east by V-19, on the south by V-1, and on the west by the North Hilo, Hawaii, transition area.

AMENDMENTS 2/29/68 33 F. R. 2765 (Changed)

Hobart, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport: within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Clinton-Sherman AFB; within 5 miles W and 8 miles E of the Burns Flat VOR 360° and 180° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360° and 180° bearings from latitude 34°33'53" N., longitude 99°16'24" W.; extending from 24 miles N to 12 miles S of latitude 34°33'53" N., longitude 99°16'24" W.; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°08'00" N., longitude 99°05'00" W.; to latitude 34°15'00" N., longitude 99°30'00" W.; to latitude 34°40'00" N., longitude 99°59'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to latitude 35°50'00" N., longitude 99°43'00" W.; to latitude 35°44'00" N., longitude 99°03'00" W.; to latitude 34°58'00" N., longitude 98°33'00" W.; to latitude 34°42'00" N., longitude 98°46'00" W.; to latitude 34°21'00" N., longitude 98°46'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet MSL bounded by a line beginning at latitude 34°40'00" N., longitude 99°59'00" W.; thence W via latitude 34°40'00" N., to and counterclockwise along the arc of a 20-mile radius circle centered at the Childress, Tex., Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) to longitude 100°27'00" W.; to latitude 35°00'00" N., longitude 100°32'00" W.; to latitude 35°20'00" N., longitude 100°00'00" W.; to latitude 35°54'00" N., longitude 100°18'00" W.; to latitude 35°50'00" N., longitude 99°43'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to point of beginning. The portion of the transition area extending upward from 8,000 feet MSL is excluded from Federal airways.

Hobbs, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.); and within 2 miles each side of the Hobbs VOR 222° radial, extending from the 9-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 33°09'30" N., longitude 103°01'00" W.; to latitude 32°59'00" N., longitude 102°43'30" W.; to latitude 32°36'30" N., longitude 102°07'20" W.; to latitude 32°19'35" N., longitude 102°55'10" W.; to latitude 32°13'40" N., longitude 102°56'30" W.; to latitude 32°15'35" N., longitude 103°07'00" W.; to latitude 32°33'00" N., longitude 103°29'00" W.; to latitude 33°00'00" N., longitude 103°18'00" W.; to point of beginning.

Holland, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Park Township Airport (latitude 42°47'45" N., longitude 86°09'45" W.); and within 2 miles each side of the 175° bearing from Park Township Airport, extending from the 6-mile radius to 8 miles south of the airport.

AMENDMENTS 8/22/68 33 F. R. 9067 (Rewritten)

Homer, Alaska
That airspace extending upward from 1,200 feet above the surface, within 8 miles S and 5 miles N of the 265° and 085° bearings from the Homer RR, extending from 13 miles W to 7 miles E of the RR; and within 8 miles NW and 5 miles SE of the Homer VOR 224° and 044° radials, extending from 13 miles SW to 7 miles NE of the VOR, and within a 54-mile radius of the Homer VOR extending counterclockwise from the south boundary of V-436E, west of Homer, to the west boundary of V-438W, southwest of Homer.

AMENDMENTS 4/25/68 33 F. R. 4093 (Changed)

Honolulu, Hawaii.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Barber's Point (latitude 21°18'35" N., longitude 158°04'30" W.) and the airspace S and SW of Honolulu beginning at latitude 21°20'35" N., longitude 157°51'05" W., thence S to latitude 21°15'30" N., longitude 157°49'15" W., thence SW to latitude 21°09'50" N., longitude 158°09'50" W., thence NW to latitude 21°11'25" N., longitude 158°10'50" W., thence NE via a line 4 miles SE of and parallel to the Honolulu VORTAC 242° radial to its INT with a 7-mile radius circle centered on NAS Barber's Point, thence counterclockwise via the arc of this 7-mile radius circle to and counterclockwise via the arc of a 5-mile radius circle centered on Honolulu International Airport to the point of beginning; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°09'00" N., longitude 158°24'45" W. to latitude 21°15'00" N., longitude 157°31'45" W., thence W to latitude 21°15'00" N., longitude 157°36'30" W., thence within a 25-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°15'00" N., longitude 157°36'30" W. to latitude 21°10'10" N., longitude 158°20'30" W., thence W to point of beginning; that airspace S of Honolulu within 12 miles E and 8 miles W of the Honolulu VORTAC 180° radial, extending from the 25-mile radius area to 68 miles S of the VORTAC; that airspace W of Honolulu, extending from the 30-mile radius area bounded by a line beginning at latitude 21°24'15" N., longitude 158°26'45" W., thence to latitude 21°42'05" N., longitude 158°54'00" W., thence to latitude 21°13'30" N., longitude 159°04'50" W., thence to latitude 21°07'30" N., longitude 158°31'00" W., thence to latitude 21°09'00" N., longitude 158°24'45" W.; that airspace northwest of Honolulu, extending from the 30-mile radius area bounded on the northeast by W-322D, on the west by the Lihue transition area, and on the southwest by V-2; and that airspace southeast of Honolulu bounded on the northeast by V-16, on the east by longitude 157°17'00" W., on the south by a line extending from latitude 20°47'15" N., longitude 157°17'00" W. to latitude 20°48'00" N., longitude 157°30'00" W. through latitude 20°52'00" N., longitude 157°50'00" W. to a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, and on the west by a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, excluding the portion within W-322D and the portion within the Kaneohe control zone and the Kaneohe transition area.

AMENDMENTS 7/25/68 33 F. R. 7718 (Changed)

Honolulu, Hawaii (Wheeler AFB)
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Honolulu VORTAC 358° radial extending from the arc of a 3-mile radius circle centered on Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.) to the INT of the Honolulu, Hawaii, VORTAC 358° and the Koko Head, Hawaii, VOR 298° radials.

Hope, Ark.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hope Municipal Airport (latitude 33°43'06" N., longitude 93°39'30" W.); and within 2 miles each side of the Texarkana VORTAC 058° radial extending from the 6-mile radius area to 17 miles northeast of the Texarkana VORTAC.

AMENDMENTS 5/23/68 33 F. R. 5143 (Added); 11/14/68 33 F. R. 14403 (Rewritten)
AMENDMENTS 1/23/69 34 F. R. 1587 (Rewritten)

Hope, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Farmington, Minn., VOR 184° radial, extending from 38 miles S to 65 miles S of the VOR.

Hopewell, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°18'20" N., 77°13'10" W. of Hopewell Airport, Hopewell, Va.; and within 2 miles each side of the Hopewell VOR 253° and 073° radials extending from the 5-mile radius area to 8 miles NE of the VOR, excluding the portion that coincides with the Richmond, Va., transition area. This transition area is effective from sunrise to sunset, daily.

Hopkinsville, Ky.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, 36°40'25" N., 87°29'30" W. of Campbell Army Airfield; within 5 miles SE and 8 miles NW of the Campbell RBN 044° bearing extending from the 14-mile radius area to 12 miles NE of the RBN;
That airspace extending upward from 1,200 feet above the surface within the area bounded on the E by V-7, on the SE by V-57, on the S by V-16N and V-140, and by a line commencing at the N edge of V-140 at 87°55'15" W. to 36°28'00" N., 88°19'50" W. to 36°34'45" N., 88°03'00" W. to 36°44'45" N., 88°09'55" W. to 36°53'20" N., 88°07'05" W. to 37°12'50" N., 87°39'30" W. to the W edge of V-7 at latitude 37°17'50" N.
That airspace extending upward from 2,500 feet MSL within 5 miles each side of the Paducah, Ky., VOR 109° radial bounded on the E by the aforementioned 1,200-foot transition area and on the W by a line between 36°54'00" N., 88°42'15" W. and 37°01'30" N., 88°35'00" W.

AMENDMENTS 11/14/68 33 F. R. 12543 (Changed)

Hoquiam, Wash.
That airspace extending upward from 700 feet above the surface east of Bowerman Field, bounded on the north by a line 2 miles north of and parallel to the Hoquiam VORTAC 068° radial, on the south by a line 2 miles south of and parallel to the Hoquiam 080° radial, extending eastward between the arcs of 5- and 13- mile radius circles centered on Bowerman Field (latitude 46°58'15" N., longitude 123°56'05" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the Hoquiam VORTAC 068° and 248° radials, extending from 13.5 miles east to 13 miles west of the VORTAC, and the area south of the Hoquiam VORTAC bounded on the east by the east boundary of V-27W, on the south and west by the arc of a 13-mile radius circle centered on the Hoquiam VORTAC and on the north by a line 5 miles south of and parallel to the Hoquiam VORTAC 068° and 248° radials, excluding the portion that would coincide with W-237.

AMENDMENTS 4/25/68 33 F. R. 3507 (Changed)

Hot Springs, Ark.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.); and within 8 miles S and 5 miles N of the 248° bearing from latitude 34°26'57" N., longitude 93°10'43" W., extending from the 12-mile radius area to 12 miles W of latitude 34°26'57" N., longitude 93°10'43" W.

Hot Springs, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37°57'00" N., 79°49'00 W., of Ingalls Field, Hot Springs, Va., and within 2 miles each side of the Hot Springs RBN 056° bearing extending from the 6-mile radius area to 8 miles NE of the RBN.

Houghton, Mich.
That airspace extending upward from 700 feet above the surface within 5 miles SE and 8 miles NW of the Houghton VOR 060° radial extending from the VOR to 12 miles NE; and that airspace extending upward from 1,200 feet above the surface, within a 12-mile radius of the Houghton VOR; within 5 miles NW and 8 miles SE of the 020° bearing from the Houghton RBN, extending from the 12-mile radius area to 14 miles NE of the RBN; and within 8 miles NE and 5 miles SW of the Houghton VOR 135° radial, extending from the 12-mile radius area to 14 miles SE of the VOR.

Houlton, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine.

That airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection southeast of Presque Isle, Maine, of the United States-Canadian border and a 40-mile radius arc centered at 46°57'05" N., 67°53'10" W. (Loring AFB), thence clockwise along this arc to 46°33'00" N., to 45°56'00" N., 68°36'00" W. to 45°38'00" N., 67°40'30" W. thence along the United States-Canadian border to the point of beginning, excluding the airspace within Canada.

AMENDMENTS 11/14/68 33 F. R. 12544 (Changed)

Houma, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Houma Municipal Airport (latitude 29°34'10" N., longitude 90°39'40" W.), within 2 miles each side of the Tibby VORTAC 123° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Tibby VORTAC 124° radial extending from the 5-mile radius area to 27 miles SE of the VORTAC, and within 2 miles each side of a 360° bearing from the Houma RBN (latitude 29°37'01" N., longitude 90°39'39" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

AMENDMENTS 12/12/68 33 F. R. 14861 (Rewritten)

Houston, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°25'00" N., longitude 95°30'00" W. to latitude 29°30'00" N., longitude 95°32'00" W., to latitude 29°46'00" N., longitude 95°27'00" W., to latitude 29°52'00" N., longitude 95°03'00" W., to latitude 29°40'00" N., longitude 94°57'00" W., to latitude 29°32'00" N., longitude 95°00'00" W., to point of beginning; within a 4-mile radius of Spaceland Airpark (latitude 29°30'30" N., longitude 95°03'01" W.); within 2 miles each side of the 304° bearing from the Spaceland RBN (latitude 29°28'00" N., longitude 94°59'08" W.), extending from the 4-mile radius area to the RBN; within 2 miles each side of the Houston VORTAC 083° radial, extending from the VORTAC to 28 miles east of the VORTAC; within 2 miles each side of the Galveston VORTAC 345° radial, extending from the 4-mile radius area to 6 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°35'00" N., longitude 95°21'00" W., to latitude 30°35'45" N., longitude 94°14'15" W., to latitude 30°16'20" N., longitude 94°05'10" W., thence counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to a point 3 nautical miles from the shoreline at longitude 94°10'00" W., thence southwest 3 nautical miles from and parallel to the shoreline to latitude 28°22'00" N., thence to latitude 28°22'00" N., longitude 96°30'00" W., to latitude 29°00'00" N., longitude 96°30'00" W., to latitude 29°08'00" N., longitude 97°00'00" W., to latitude 29°30'00" N., longitude 96°39'30" W., to latitude 29°54'00" N., longitude 96°49'00" W., to latitude 30°26'00" N., longitude 96°58'30" W., to latitude 30°48'00" N., longitude 97°05'20" W., to latitude 30°51'00" N., longitude 96°56'00" W., to latitude 31°17'00" N., longitude 96°11'00" W., to latitude 31°19'00" N., longitude 95°58'00" W., to point of beginning.

AMENDMENTS 3/28/68 33 F. R. 2629 (Changed)

Howell, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Howell, Mich., Livingston County Airport (latitude 42°37'30" N., longitude 83°58'45" W.), and within 2 miles each side of the Salem, Mich., 308° radial extending from the 6-mile radius area to 7 miles southeast of the airport.

Hugo, Colo.
That airspace south of Hugo, Colo., VOR extending upward from 8,500 feet MSL, bounded on the north by V-108S, on the northeast by V-263, on the south by V-210, and on the west by V-19E and that airspace east of Hugo, extending upward from 8,500 feet MSL, bounded on the north by V-4, on the east by longitude 102°50'00" W., on the southwest by V-263, and on the west by V-169, excluding the airspace within Federal airways and the Pueblo and Colorado Springs, Colo., transition areas.

Huntingburg, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Huntingburg Airport (latitude 38°15'05" N., longitude 86°57'20" W.), and within 2 miles each side of the 247° bearing from the Huntingburg Airport extending from the 6-mile radius area to 8 miles southwest of the airport.

Huntington, W. Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°22'00" N., 82°33'25" W., of the Tri-State Airport (Walker-Long Field), Huntington, W. Va., within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 6-mile radius area to 8 miles west of the OM and within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 6-mile radius area to 13 miles east of the Shoals, W. Va., FM.

Huntsville, Ala.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.), excluding the airspace within a 1.5-mile radius of Epps Air Park (latitude 34°51'50" N., longitude 86°46'15" W.); within 2 miles each side of the 356° bearing from the Restone RBN, extending from the 15-mile radius area to 11 miles north of the RBN; within 2 miles each side of the Huntsville ILS localizer south course, extending from the 15-mile radius area to 14 miles south of the south end of runway 36L; within a 6-mile radius of Pryor Field (latitude 34°39'09.4" N., longitude 86°56'45.1" W.); within 8 miles west and 5 miles east of the Decatur VOR 352° radial, extending from the VOR to 12 miles north; and that airspace extending upward from 1,200 feet above the surface within a 31-mile radius of latitude 34°46'30" N., longitude 86°36'30" W.

AMENDMENTS 1/26/68 33 F. R. 2627 (Changed)

Huron, S. Dak.
That airspace extending upward from 700 feet above the surface within 7 miles NE and 8 miles SW of the Huron ILS localizer NW and SE courses extending from 6 miles SE to 14 miles NW of the outer marker.

Hutchinson, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hutchinson Municipal Airport (latitude 38°03'55" N., longitude 97°51'35" W.); within 8 miles northwest and 5 miles southeast of the Hutchinson VORTAC 042° and 222° radials extending from the 8-mile radius area to 12 miles southwest of the VORTAC; and within 8 miles northeast and 5 miles southwest of the Hutchinson ILS localizer northwest course, extending from the 8-mile radius area to 12 miles northwest of the OM; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Hutchinson VORTAC; within 10 miles west and 6 miles east of the Hutchinson VORTAC 025° radial, extending from the 30-mile radius area to 44 miles north of the VORTAC; within 6 miles southwest and 10 miles northeast of the Hutchinson VORTAC 296° radial, extending from the 30-mile radius area to 44 miles northwest of the VORTAC; within 6 miles north and 10 miles south of the Hutchinson VORTAC 266° radial extending from the 30-mile radius area to 41 miles west of the VORTAC; and the area southwest of Hutchinson bounded on the northeast by the 30-mile radius area, on the south by the north edge of V-12N, and on the northwest by the southeast edge of V-280, excluding the portion which overlies the Wichita and Salina, Kans., transition areas.

AMENDMENTS 2/29/68 33 F. R. 450 (Rewritten)

Ida Grove, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ida Grove Municipal Airport (latitude 42°19'55" N., longitude 95°26'40" W.); and within 2 miles each side of the 117° bearing from Ida Grove Municipal Airport, extending from the 7-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 117° bearing from Ida Grove Municipal Airport, extending from the airport to 12 miles east of the airport; and within 5 miles each side of the 297° bearing from Ida Grove Municipal Airport, extending from the airport to V-100.

AMENDMENTS 11/14/68 33 F. R. 12544 (Added); Corr: 33 F. R. 15109

Idaho Falls, Idaho
That airspace extending upward from 700 feet above the surface within 8 miles NW and 5 miles SE of the Idaho Falls VOR 030° and 223° radials, extending from 12 miles SW to 12 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N and E by the arc of a 23-mile radius circle centered on the Idaho Falls VOR, extending clockwise from the E edge of V-257 to the S edge of V-330, on the S by the S edge of V-330 and latitude 43°27'00" N., on the W by the E edge of V-257; that airspace SW of Idaho Falls bounded on the N by latitude 43°27'00" N. and the S edge of V-330, on the SE by a line 9 miles SE of and parallel to the Idaho Falls VOR 213° radial, on the S by latitude 43°14'30" N., on the W by the E edge of V-257; and that airspace extending upward from 9,700 feet MSL within a 23-mile radius of the Idaho Falls VOR, extending clockwise from the S edge of V-330 to the E edge of V-21.

Iliamna, Alaska
That airspace extending upward from 1,200 feet above the surface within 6 miles W. and 8 miles E. of the 016° and 196° bearings from the Iliamna RBN, extending from 7 miles N. to 13 miles S. of the RBN.

Independence, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 193° bearing from Independence Municipal Airport, extending from the airport to 12 miles south of the airport.

Indiana, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°37'57" N., 79°06'18" W. of Indiana County Jimmy Stewart Airport, Indiana, Pa., and within 2 miles each side of the 091° bearing from the Indiana RBN extending from the 6-mile radius area to 7 miles E of the RBN.

Indianapolis, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within a 5-mile radius of Bob Shank Airport (latitude 39°49'15" N., longitude 86°14'30" W.); within 2 miles each side of the Indianapolis, Ind., VORTAC 082° radial extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40°07'00" N., longitude 87°23'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°00'00" N., longitude 85°30'00" W.; to latitude 39°30'00" N., longitude 85°30'00" W.; to latitude 39°30'00" N., longitude 86°06'00" W.; to latitude 38°57'00" N., longitude 86°06'00" W.; to latitude 38°57'00" N., longitude 88°00'00" W.; north along longitude 88°00'00" W., to the north edge of V-50; thence to the point of beginning.

International Falls, Minn.
That airspace extending upward from 700 feet above the surface within 8 miles NE and 5 miles SW of the International Falls VOR 129° and 309° radials extending from 4 miles NW to 14 miles SE of the VOR; and within 8 miles SW and 5 miles NE of the International Falls VOR 320° radial extending from the VOR to 12 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 325° bearing from radio station CFOB extending from the radio station to 12 miles NW of the radio station excluding the portions outside of the United States.

Ionia, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ionia, Michigan County Airport (latitude 42°56'20" N., longitude 85°04'15" W.), and within 2 miles each side of the Grand Rapids, Mich., VOR 065° radial extending from the 5-mile radius area to 6 miles northeast of the airport.

Iowa City, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41° 38' 25" N., longitude 91° 32' 50" W.), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR.

Iron Mountain, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°48'55" N., longitude 88°07'00" W.); and within 5 miles NE and 8 miles SW of the Iron Mountain VOR 141° radial, within 5 miles W and 8 miles E of the VOR 193° radial extending from the VOR to 12 miles SE and S of the VOR; and within 5 miles W and 8 miles E of the 182° bearing from Ford Airport, within 5 miles N and 8 miles S of the 276° bearing from Ford Airport extending from the airport to 12 miles S and W of the airport.

Ironwood, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gogebic County Airport, Ironwood, Mich. (latitude 46°31'30" N., longitude 90°08'00" W.); within 5 miles north and 8 miles south of the Ironwood VOR 257° radial, extending from the 8-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Ironwood VOR 077° radial, extending from the 8-mile radius area to 12 miles east of the VOR.

Islip, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Long Island-MacArthur Airport (latitude 40°47'50" N., longitude 73°06'00" W.); and within 2 miles each side of the Long Island-MacArthur Airport localizer SW course extending from the 7-mile radius area to 8 miles SW of the OM; and within 2 miles each side of the NE ILS localizer course extending from the 7-mile radius area to 9 miles NE of the localizer.

Ithaca, N.Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 42°29'25" N., 76°27'30" W. of Tompkins County Airport, Ithaca, N.Y., and within 5 miles SW and 8 miles NE of the Ithaca VOR 305° radial extending from the VOR to a point 12 miles NW, excluding that portion which overlies the Elmira, N.Y., transition area.

Jackson, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Jackson VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the west by longitude 84°50'00" W., on the north by latitude 42°30'00" N., on the east by longitude 84°05'00" W., and on the south by a line beginning at latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00 N., longitude 84°46'00" W., to latitude 41°41'00" N., longitude 84°16'00" W., to latitude 41°45'00" N., longitude 84°11' 45" W., to latitude 41°45'05" N., longitude 84°05'00" W.

Jackson, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°39'00" N., longitude 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.

AMENDMENTS 9/19/68 33 F. R. 10565 (Added); Corr: 33 F. R. 12034

Jackson, Miss.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within a 6-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within a 5-mile radius of Bruce Campbell Field, Madison, Miss. (latitude 32°26'15" N., longitude 90°06'05" W.); within 2 miles each side of the Jackson VORTAC 195° radial extending from the VORTAC to 1 mile S; within 2 miles each side of the Jackson VORTAC 142° radial extending from the VORTAC to 1 mile SE; within 2 miles each side of the Allen C. Thompson Field ILS localizer N course extending from the control zone to 8 miles N of the OM; within 2 miles each side of a 008° bearing from the Hawkins RBN extending from the Hawkins Field 6-mile radius area to 8 miles N of the RBN;
and that airspace extending upward from 1,200 feet above the surface to the base of the continental control area within a 35-mile radius circle centered at latitude 32°26'30" N., longitude 90°05'00" W.; and the airspace southeast of Jackson, extending from the 35-mile radius area, bounded on the northeast by V-11, on the southeast by V-194, and on the southwest by a line 5 miles southwest of and parallel to the Jackson VOR 147° radial, excluding the portion that coincides with the Yazoo City, Miss., transition area.

AMENDMENTS 5/23/68 33 F. R. 5350 (Changed); 11/14/68 33 F. R. 12179 (Changed)

Jackson, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the McKellar VOR 208° radial, extending from the VOR to 12 miles SW; and that airspace bounded on the N by V-140, on the E and S by V-16N, and on the W by V-11E.

Jackson, Wyo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on Jackson Hole Airport, Wyo. (latitude 43°36'24" N., longitude 110°44'13" W.); that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9 miles east of the Jackson VOR 200° and 020° radials, extending from 23 miles south to 11 miles north of the VOR, and within 6 miles north and 9 miles south of the Dunoir, Wyo. VOR 282° and 102° radials, extending from 8 miles east to 21 miles west of the VOR, and that airspace within 5 miles each side of the Jackson VOR 107° radial extending from 9 to 15 miles east of the VOR.

AMENDMENTS 12/12/68 33 F. R. 15109 (Rewritten)

Jacksonville, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Jacksonville International Airport (latitude 30°29'16" N., longitude 81°41'20" W.); within an 8-mile radius of NS Mayport (latitude 30°23'30" N., longitude 81°25'25" W.); within 2 miles each side of the Navy Mayport TACAN 041° radial, extending from the NS Mayport 8-mile radius area to 12 miles northeast of the TACAN; within a 5-mile radius of Craig Municipal Airport (latitude 30°20'10" N., longitude 81°30'50" W.); within 2 miles each side of the Jacksonville VORTAC 160° radial, extending from the 5-mile radius area to the VORTAC; within an 8-mile radius of NAS Jacksonville (latitude 30°14'10" N., longitude 81°40'40" W.); within an 8-mile radius of NAS Cecil Field (latitude 30°13'05" N., longitude 81°52'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the SW boundary of V-243W and the E boundary of V-157, thence SE via the SW boundary of V-243W, to and E along latitude 30°53'00" N., to and SW along the SE boundary of V-3E, to and clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and E along latitude 30°17'30" N. to longitude 81°01'30" W., thence to latitude 30°09'00" N., longitude 81°02'15" W., to latitude 29°54'00" N., longitude 81°02'15" W., thence W to latitude 29°58'20" N. and the W boundary of V-267, thence S via the W boundary of V-267 to latitude 29°44'00" N., thence to latitude 29°44'00" N., longitude 82°04'45" W., to latitude 29°48'40" N., longitude 82°01'10" W., to latitude 29°-56'20" N., longitude 82°15'25" W., to latitude 29°49'30" N. longitude 82°20'15" W., thence N via the E boundary of V-157 to the point of beginning; and that airspace extending upward from 2,000 feet above the surface bounded by a line beginning at latitude 30°53'00" N. and the SE boundary of V-3E, thence to latitude 30°53'00" N., longitude 80°59'55" W., to latitude 30°43'50" N., longitude 80°59'00" W., to latitude 30°17'30" N., longitude 81°01'30" W., thence W along latitude 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and NE along the SE boundary of V-3E to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at latitude 29°44'00" N., and the W boundary of V-267, thence S via the W boundary of V-267, to and W along latitude 29°00'00" N., to and NW along the NE boundary of V-159 to latitude 29°29'45" N., longitude 82°-15'25" W., thence to latitude 29°44'00" N., longitude 82°04'45" W., thence to the point of beginning.

AMENDMENTS 7/25/68 33 F. R. 6913 (Changed)
AMENDMENTS 10/6/68 33 F. R. 11977 (Changed); Eff: date changed 10/27/68 33 F. R. 14862

Jacksonville, N. C.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the New River TACAN 236° radial, extending from the 5-mile radius control zone to 8 miles SW of the TACAN.

Jamestown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Jamestown Municipal Airport, Jamestown, N. Y. (42°09'10" N., 79°15'30" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 7-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Jamestown, N. Y., ILS localizer northeast course extending from the 7-mile radius area to 8 miles northeast of the ILS OM.

AMENDMENTS 8/22/68 33 F. R. 9875 (Rewritten)

Jamestown, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Jamestown Municipal Airport.

Janesville, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rock County Airport, Janesville, Wis. (latitude 42°37'12" N., longitude 89°02'25" W.); and within 5 miles SE and 8 miles NW of the Janesville VOR 239° radial, extending from the 8-mile radius area to 12 miles SW of the VOR; and within 2 miles each side of the Janesville VOR 038° radial, extending from the 8-mile radius area to 20 miles NE of the VOR.

Jasper, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 30°53'45" N., longitude 94°01'30" W.) and within 2 miles each side of the 359° bearing from the Jasper RBN extending from the 5-mile radius area to 8 miles north of the RBN.

AMENDMENTS 3/28/68 33 F. R. 2628 (Changed)

Jefferson, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Jackson County Airport (latitude 34°10'31" N., longitude 83°33'38" W).

Jefferson, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Jefferson Municipal Airport (latitude 42°00'30" N., longitude 94°20'30" W.), and within 8 miles NE and 5 miles SW of the 152° bearing from the Jefferson RBN, extending from the RBN to 12 miles SE; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 183° radial of the Fort Dodge, Iowa, VORTAC, extending from the Fort Dodge VORTAC, S to the Jefferson RBN; and within 5 miles each side of the 127° bearing from the Jefferson RBN, extending from the RBN SE to the W edge of V-13W and the N edge of V-172, excluding the Fort Dodge, Iowa, and Des Moines, Iowa, transition areas.

Jefferson, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°45'15" N., 80°46'25" W., of the Ashtabula-Jefferson Airport, Jefferson, Ohio; and within 2 miles each side of the Jefferson, Ohio, VOR 061° radial extending from the 5-mile radius area to 8 miles NE of the VOR.

Jefferson City, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial extending from the 8-mile radius area to 8 miles NW of the VOR; and within 5 miles NE and 8 miles SW of the Jefferson City VOR 119° radial extending from the VOR to 12 miles SE.

Johnson City, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City, Tex., airport (latitude 30°15'20" N., longitude 98°37'15" W.); and within 2 miles each side of the 175° bearing from the Johnson City RBN extending from the 7-mile radius area to 8 miles S of the RBN.

Johnston Island, Johnston Atoll
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Johnston Island RBN.

Johnstown, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°18'55" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 2 miles each side of the Johnstown VOR 320° radial extending from the 7-mile radius area to 8 miles NW of the VOR; within 2 miles each side of the Johnstown VOR 044° radial extending from the 7-mile radius area to 8 miles NE of the VOR; and within 5 miles NW and 8 miles SE of the Johnstown 215° radial extending from the VOR to 12 miles SW of the VOR.

AMENDMENTS 12/12/68 33 F. R. 15704 (Changed)

Jonesboro, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.), and within 2 miles each side of the 056° bearng from the airport, extending from the 5-mile radius area to 8 miles NE of the airport.

Joplin, Missouri
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Joplin ILS localizer NW course, extending from the arc of a 5-mile radius circle centered at the Joplin, Missouri, Municipal Airport (latitude 37°09'00" N., Longitude 94°29'50" W.), to 8 miles NW of the OM, and the airspace extending upward from 1200 feet above the surface within 8 miles NE and 6 miles SW of the Joplin ILS localizer NW and SE courses, extending from 12 miles NW to 31 miles SE of the OM, and within 5 miles each side of the Neosho VOR 345° radial extending north from the Neosho VOR to the Joplin ILS OM.

Junction, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kimble County Airport (latitude 30°30'35" N., longitude 99°45'45" W.), within 5 miles northeast and 8 miles southwest of the Junction VORTAC 150° and 330° radials extending from the VORTAC to 12 miles northwest and 5 miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°47'15" N., longitude 100°22'15" W. to latitude 30°49'45" N., longitude 100°12'45" W. to latitude 31°12'20" N., longitude 99°41'15" W. to latitude 31°13'00" N., longitude 98°38'00" W. to latitude 30°33'30" N., longitude 98°31'30" W. to latitude 30°10'40" N., longitude 99°18'40" W., thence west along latitude 30°10'40" N. to the arc of a 60-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W. to point of beginning.

AMENDMENTS 11/14/68 33 F. R. 14402 (Rewritten)

Juneau, Alaska
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN; that airspace NW of Juneau bounded on the E by B-79, on the NW by B-38, and on the SW by a line 19 miles NE of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RR, and that airspace S of Juneau, extending from the 20-mile radius area, bounded on the NE by B-79, and on the SW by B-38, excluding the portion within the Gustavus, Alaska, transition area.

Juneau, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dodge County Airport (latitude 43°25'35" N., longitude 88°42'00" W.) and within 2 miles each side of the 195° bearing from Dodge County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

Kahului, Hawaii
That airspace extending upward from 700 feet above the surface bounded on the SW by a line 2 miles SW of and parallel to the Maui VOR 331° radial, on the N by a 7-mile radius circle centered on the Kahului Airport (latitude 20° 54' 00" N., longitude 156° 26' 00" W.), on the SE by a line 2 miles SE of and parallel to the Maui VOR 061° radial, and on the S by the arc of a 5-mile radius circle centered on the Kahului Airport; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Kahului Airport, extending clockwise from V-6 northwest of Kahului to V-6 east of Kahului, and that airspace east of the 30-mile radius area bounded on the north by a line 5 miles north of and parallel to the Maui VORTAC 061° radial, on the east by the arc of a 55-mile radius circle centered on the Maui VORTAC, and on the south by V-6.

AMENDMENTS 6/20/68 33 F. R. 6085 (Changed)

Kailua, Kona, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kona Airport (latitude 19°38'49" N., longitude 156°00'45" W.), and within 2 miles each side of the Kona VORTAC 323° radial, extending from the 5-mile radius area to the INT of the Kona VORTAC 323° and Upolu Point VOR 207° radials; and that airspace extending upward from 1,200 feet above the surface bounded on the NE by V-5W and the arc of a 5-mile radius circle centered on the Kona Airport, on the S by a line 5 miles S of and parallel to the Kona VORTAC 281° radial, and on the W by the arc of a 25-mile radius circle centered on the Kona VORTAC.

Kalispell, Mont.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Kalispell VOR 332° radial, extending from the arc of a 5-mile radius circle centered on Flathead County Airport (latitude 48°18'49" N., longitude 114°15'16" W.) to the VOR; and that airspace extending upward from 1200 feet above the surface within 5 miles E and 8 miles W of the Kalispell VOR 166° and 346° radials extending from 14 miles S to 7 miles N of the VOR.

Kamuela, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kamuela Airport (latitude 20°00'17" N, longitude 155°40'16" W.); within 2 miles each side of the Kamuela VOR 245° radial, extending from the 5-mile radius area to 6.5 miles SW of the Kamuela VOR, and within 2 miles each side of the Kamuela VOR 067° radial, extending from the 5-mile radius area to 11.5 miles NE of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by V-16, on the W by V-11, on the S by V-3, and on the E by a line parallel to and 5 miles E of the Upolu Point, Hawaii, VOR 191° radial.

Kaneohe, Hawaii.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 21°23'15" N., longitude 157°46'30" W., thence counterclockwise along the arc of a 5-mile radius circle centered on MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.) to latitude 21°29'25" N., longitude 157°50'45" W., thence to latitude 21°32'45" N., longitude 157°51'20" W., thence clockwise along the arc of an 8-mile radius circle centered on MCAS Kaneohe to latitude 21°23'00" N., longitude 157°41'00" W., thence to point of beginning, and within 2 miles on each side of the MCAS Kaneohe TACAN 351° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 21°32'45" N., longitude 157°51'20" W., thence to latitude 22°00'45" N., longitude 157°55'00" W., thence clockwise via the arc of a 40-mile radius circle centered on the MCAS Kaneohe TACAN to V-12, thence SW along the NW boundary of V-12 to latitude 21°23'00" N., longitude 157°39'50" W.; thence to latitude 21°23'00" N., longitude 157°41'00" W.; thence counterclockwise via the arc of an 8-mile radius circle centered on MCAS Kaneohe to the point of beginning.

Kankakee, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Greater Kankakee Airport (latitude 41°04'17" N., longitude 87°50'56" W.), and within 2 miles each side of the Peotone, Ill., VORTAC 192° radial extending from the 5-mile radius area to the VORTAC; and within 2 miles each side of the 042° and 222° bearings from the Greater Kankakee Airport extending from the 5-mile radius area to 8 miles NE and SW of the airport.

Kansas City, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); within 2 miles each side of the Riverside, Mo., VOR 018° radial and 2 miles west of the Kansas City Municipal Airport ILS localizer north course, extending from the 10-mile radius area to 8 miles north of the OM; within an 8-mile radius of Kansas City International Airport (latitude 39°18'20" N., longitude 94°43'30" W.); and within 2 miles each side of the Kansas City International Airport ILS localizer north and south courses, extending from the 8-mile radius area to 13 miles north of the airport and to 8 miles south of the OM; within a 7-mile radius of Sherman AAF (latitude 39°22'05" N., longitude 94°54'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the southeast by the arc of a 42-mile radius circle centered on Kansas City Municipal Airport, beginning at the west boundary of V-159 and extending counterclockwise to the south boundary of V-12 thence along the south boundary of V-12 to longitude 93°30'00" W., thence north along longitude 93°30'00" W., to the southeast boundary of V-10 thence direct to latitude 39°47'45" N., longitude 93°34'00" W., thence southwest along the northwest boundary of V-10 to the east boundary of V-161, thence west to latitude 39°44'00" N., longitude 94°43'20" W., thence southwest to latitude 39°30'00" N., longitude 94°49'00" W., thence west along latitude 39°30'00" N., to the southwest boundary of V-71, thence northwest along the southwest boundary of V-71 to longitude 95°09'00" W., thence south along longitude 95°09'00" W., to the southeast boundary of V-10, thence northeast along the southeast boundary of V-10 to the arc of a 10-mile radius circle centered on Kansas City Municipal Airport, thence clockwise to the west boundary of V-159, thence south along the west boundary of V-159 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the west by longitude 93°30'00" W., on the south by V-4, on the east by V-424, on the north by V-116 and on the northwest by V-206; and within the area bounded on the west by longitude 93°30'00" W., on the south by V-116, on the east by V-206 and on the north by V-10; and within an area bounded on the west by V-161, on the southeast by V-10 and on the north by V-50.

AMENDMENTS 3/28/68 33 F. R. 2504 (Rewritten)

Kearney, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Kearney Municipal Airport (latitude 40°43'36" N., longitude 99°00'31" W.) and within 5 miles E and 8 miles W of the Kearney VOR 192° radial extending from the VOR to a point 12 miles S, and within 5 miles E and 8 miles W of the Kearney VOR 343° radial extending from the VOR to a point 12 miles N, and within 5 miles E and 8 miles W of the Kearney VOR 360° radial extending from the VOR to a point 18 miles N.

Keene, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 43°01'00" N., 72°27'00" W. to 43°01'00" N., 72°13'00" W. to 42°55'00" N., 72°00'00" W. to 42°51'30" N., 71°54'00" W. to 42°28'00" N., 71°54'00" W. to 42°28'00" N., 72°27'00" W. to the point of beginning excluding that portion within the Boston, Mass., transition area.

Kenai, Alaska
That airspace extending upward from 1,200 feet above the surface within 12 miles each side of the 227° bearing from the Kenai, Alaska, RR extending from the southwest boundary of the Anchorage, Alaska, 1,200-foot transition area to 29 miles SW of the RR.

Kenosha, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kenosha Municipal Airport (latitude 42°35'40" N., longitude 87°55'25" W.) and within 2 miles each side of the 332° bearing from Kenosha Municipal Airport extending from the 5-mile radius area to 8 miles northwest of the airport, excluding the portions designated as Chicago, Ill., and Milwaukee, Wis., transition areas.

Keokuk, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40° 27' 35" N., longitude 91° 25' 50" W.), within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40° 27' 45" N., longitude 91° 26' 00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 311° bearing from the Keokuk RBN, extending from the RBN to 12 miles NW of the RBN, and within 5 miles each side of the 131° bearing from the Keokuk RBN, extending from the RBN to 12 miles SE of the RBN.

Key West, Fla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Key West (Boca Chica) (latitude 24°34'26" N., longitude 81°41'18" W.); within 2 miles each side of the 251° bearing from the Navy Key West UHF RBN, extending from the 7-mile radius area to 23 miles W of the UHF RBN; within 2 miles each side of the Navy Key West TACAN 246° radial, extending from the 7-mile radius area to 16 miles SW of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 25°04'05" N., longitude 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered at the Key West VORTAC to latitude 24°08'80" N., longitude 82°04'35" W., to latitude 24°13'00" N., longitude 82°02'30" W., to latitude 24°13'00" N., longitude 82°21'00" W., to latitude 24°25'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 81°56'50" W., to latitude 24°49'00" N., longitude 81°55'00" W., to the point of beginning, including the airspace NE of Key West bounded on the N by B-19, on the E and S by V-3, and on the SW by the 35-mile radius circle, excluding that portion within W-465.

Killeen, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), within a 7-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.); within 8 miles W and 5 miles E of the Hood VOR 352° and 172° radials extending from 5 miles N to 12 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 30°48'00" N., longitude 97°39'00" W.; to latitude 30°48'00" N., longitude 98°03'00" W.; to latitude 30°33'30" N., longitude 98°31'30" W.; to latitude 31°13'00" N., longitude 98°38'00" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48" N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 30°57'00" N., longitude 97°36'00" W.; to point of beginning.

Kingman, Ariz.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kingman Municipal Airport (latitude 35°15'31" N., longitude 113°56'20" W.); within 2 miles each side of the Kingman VOR 025° radial, extending from the 5-mile radius area to 7 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 9 miles NW of the Kingman VOR 025° and 205° radials, extending from 38 miles NE to 13 miles SW of the VOR.

King Salmon, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the King Salmon VORTAC 132° and 312° radials, extending from 15 miles SE of the VORTAC to 11 miles NW of the VORTAC; within a 9-mile radius of the King Salmon Airport (latitude 58°40'40" N.; longitude 156°38'55" W.) extending from the 226° bearing from the airport clockwise to the 055° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the King Salmon VORTAC; within 7 miles S and 9 miles N of the 068° radial, extending from the King Salmon VORTAC to 34 miles E; within a 37-mile radius of the King Salmon VORTAC, extending from the 105° radial clockwise to the SW boundary of Airway Blue 27; within 7 miles E and 10 miles W of the King Salmon VORTAC 186° radial, extending from the VORTAC to 28 miles S of the VORTAC; and within a 34-mile radius of the King Salmon LFR, extending from 5 miles S of the 281° bearing from the LFR clockwise to 5 miles NE of the 312° bearing from the LFR; and that airspace extending upward from 14,500 feet MSL outside the United States within a 172-mile radius of the King Salmon VORTAC. Federal airways, Control 1217, Control 1234, Control 1400, Control 1401, Control 1484 are excluded from the portion extending upward from 14,500 feet MSL.
AMENDMENTS 12/7/67 32 F. R. 14891 (Changed); Eff: date changed 2/29/68 32 F. R. 16482
AMENDMENTS 2/29/68 33 F. R. 11 (Changed)

Kingsville, Tex.
That airspace extending upwards from 700 feet above the surface within a 15-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'25" W.), excluding that portion which lies within the Alice, Tex., control zone.

AMENDMENTS 6/20/68 33 F. R. 5450 (Rewritten)

PENDING AMENDMENT
Kingsville, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of NAAS Kingsville (north) (latitude 27°30'10" N., longitude 97°48'25" W.), within a 7-mile radius of the Kleberg County Airport (latitude 27°33'01" N., longitude 98°01'39" W.), and within 2 miles each side of a 316° bearing from the Kleberg County RBN (latitude 27°36'20" N., longitude 98°05'22" W.) extending from the 7-mile radius area to 8 miles northwest of the RBN, excluding that portion which lies within the Alice, Tex., control zone.

AMENDMENTS 3/6/69 34 F. R. 429 (Rewritten)

Kinston, N. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°37'05" W.); within 2 miles each side of the Kinston VORTAC 046° radial, extending from the 6-mile radius area to 8 miles northeast of the VORTAC.

AMENDMENTS 1/9/69 33 F. R. 15990 (Rewritten)

Kirksville, Mo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Kirksville, Mo., VORTAC 316° radial, extending from the arc of a 5-mile radius circle centered on the Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.), to 8 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Kirksville VORTAC.

AMENDMENTS 10/17/68 33 F. R. 11147 (Rewritten)

Klamath Falls, Oreg.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls VORTAC and within 5 miles east and 8 miles west of the Klamath Falls ILS localizer south course extending from the 15-mile radius area to 12 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Klamath
Falls VORTAC; that airspace extending upward from 7,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 095° radial to a line 5 miles E of and parallel to the VORTAC 165° radial, and within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 245° to the 295° radials; that airspace extending upward from 9,000 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC extending clockwise from the VORTAC 320° to the 095° radials; that airspace extending upward from 9,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles E of and parallel to the VORTAC 165° radial to the 245° radial, and within the area bounded by the arc of 25-and 28- mile radius
circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials; and that airspace extending upward from 11,000 feet MSL within the area bounded by the arcs of 28- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials.

AMENDMENTS 1/9/69 33 F. R. 15860 (Changed)

Knoxville, Tenn.
That airspace extending upward from 700 feet above the surface within a 21-mile radius of McGhee-Tyson Airport, Knoxville, Tenn. (latitude 35°48'40" N., longitude 83°59'35" W.), within the area NW of Knoxville extending from the 21-mile radius area bounded on the SW by a line 5 miles S of and parallel to the Knoxville VORTAC 290° radial, on the NW by the arc of a 27-mile radius circle centered on the McGhee-Tyson Airport, and on the NE by a line 5 miles SW of and parallel to the Knoxville VORTAC 321° radial; and that airspace extending upward from 1,200 feet above the surface within the area NE of Knoxville bounded on the NW by V-97 E alternate, on the NW by a line extending from the E boundary of V-97E through latitude 36°35'50" N., longitude 83°36'00" W., to latitude 36°33'10" N., longitude 83°28'00" W., to latitude 36°36'10" N., longitude 83°25'25" W., through latitude 36°29'00" N., longitude 83°11'15" W., to the NW boundary of V-16 N alternate, and on the SE by V-16N;
within the area W and SW of Knoxville bounded by a line beginning at latitude 36°10'35"
N., longitude 84°31'40" W., thence clockwise along the arc of a 40-mile radius circle centered on the Knoxville VORTAC to the W boundary of V-97, thence S along V-97 to V-54, thence W along V-54 to V-51, thence N along V-51 to a line
16 miles NW of and parallel to the Chattanooga, Tenn., VORTAC 037° radial, thence NE along this line to a line 8 miles NE of and parallel to the Crossville VORTAC 154° and 334° radials, thence NW along this line to latitude 35°54'35" N., longitude 84°53'30" W., thence to latitude 36°14'00" N., longitude 84°41'40" W., thence to the point of beginning; and that airspace extending upward from 7,500 feet MSL within the area S of Knoxville bounded on the E by V-267, on the S by latitude 35°12'00" N., and on the W by V-97.

Kodiak, Alaska
That airspace extending upward from 1,200 feet above the surface within a 29-mile radius of Navy Station Kodiak Airport latitude 57°44'50" N., longitude 152°29'40" W.), extending clockwise from the 085° bearing to the 040° bearing from the airport; within a 35-mile radius of Navy Station Kodiak Airport, extending clockwise from the 040° bearing to the 085° bearing from the airport; and that airspace extending upward from 14,500 feet MSL within 16 miles S and 25 miles N of the Kodiak TACAN 094° radial; extending from 8 miles E of the TACAN to 58 miles E of the TACAN, excluding the King Salmon, Alaska, transition area.

Kwajalein Island, Marshall Islands
That airspace extending upward from 700 feet above the surface within a 12-nmi radius of the Kwajalein TACAN; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Kwajalein TACAN.

Laconia, N. H.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°34'30" N., 71°25'25" W. of Laconia Airport, Laconia, N. H.; within 2 miles each side of the 251° bearing from the Laconia RBN extending from the 5-mile radius area to 8 miles SW of the RBN.

La Crosse, Wis.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.), and within 2 miles each side of the La Crosse VOR 185° radial extending from the 9-mile radius area to 15 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the La Crosse VOR 185° radial extending from the VOR to 18 miles S of the VOR, within 8 miles SW and 5 miles NE of the La Crosse VOR 322° radial extending from the VOR to 12 miles NW of the VOR, and within 8 miles SW and 5 miles NE of the 305° bearing from the La Crosse RBN extending from the RBN to 12 miles NW of the RBN.

Lafayette, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Purdue University Airport, Lafayette, Ind. (latitude 40°24'45" N., longitude 86°56'10" W.); within 2 miles each side of the Purdue University ILS W course, extending from the 6-mile radius area to 8 miles W of the OM; within a 5-mile radius of Halsmer Airport, Lafayette, Ind. (latitude 40°23'35" N., longitude 86°48'25" W.); within 2 miles each side of the Lafayette VORTAC 129° radial, extending from the 5-mile radius area to 6 miles SE of the Halsmer Airport; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 86°33'00" W., on the S by latitude 40°07'00" N., on the W by longitude 87°23'00" W., and on the N by latitude 40°45'00" N.

Lafayette, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of latitude 30°02'15" N., longitude 91°53'00" W., within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Lafayette ILS localizer north course extending from the OM to 1 mile S, within 2 miles each side of the Lafayette ILS localizer S course extending from the arc of a 5-mile radius circle centered on the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.) to 14 miles S of the airport, and within 2 miles each side of the Lafayette VORTAC 172° radial extending from the VORTAC to 8 miles south, within a 5-mile radius of the Abbeville Municipal Airport (latitude 29°58'19" N., longitude 92°05'06" W.); and within 2 miles each side of the Lafayette VORTAC 207° radial, extending from the VORTAC to the Abbeville Municipal Airport; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°46'20" N., longitude 91°50'40" W., to latitude 30°07'40" N., longitude 91°36'45" W., to latitude 30°13'00" N., longitude 90°57'00" W., to latitude 29°53'00" N., longitude 91°00'00" W., to latitude 29°47'00" N., longitude 91°11'00" W., to latitude 29°36'00" N., longitude 91°11'00" W., thence west via latitude 29°36'00" N., to and clockwise along the arc of a 35-mile radius circle centered at latitude 30°02'15" N., longitude 91°53'00" W., to latitude 29°33'00" N., thence west via latitude 29°33'00" N., to longitude 92°36'00" W., thence north to latitude 30°04'00" N., longitude 92°36'00" W., to latitude 30°24'00" N., longitude 92°26'00" W., to latitude 30°32'00" N., longitude 92°15'00" W., to point of beginning.

AMENDMENTS 6/1/68 32 F. R. 16202 (Changed); 5/23/68 33 F. R. 5142 (Changed)

LaGrange, Ga.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Callaway Airport. LaGrange, Ga. (latitude 33°00'30" N., longitude 85°04'30" W.) and within 2 miles each side of the LaGrange VORTAC 110° radial, extending from the 4-mile radius zone to the VOR.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

La Grange, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rocky Creek Ranch Airport (latitude 29°55'30" N., longitude 96°48'12" W.) and within 2 miles each side of the Industry VOR 262° radial extending from the 5-mile radius area to the VOR.

Lake Charles, La.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of East Lake Charles Airport (latitude 30°13'25" N., longitude 93°08'55" W.), within 2 miles each side of the Lake Charles VORTAC 339° radial extending from the 4-mile radius area to the VORTAC, and within 2 miles each side of the Lake Charles ILS localizer NW course extending from the OM to 8 miles NW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°37'00" N., longitude 92°50'00" W., to latitude 30°24'00" N., longitude 92°26'00" W., to latitude 30°04'00" N., longitude 92°36'00" W., to latitude 29°35'00" N., longitude 92°36'00" W., thence west via latitude 29°35'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to longitude 93°57'00" W., thence to point of beginning.

AMENDMENTS 2/1/68 32 F. R. 16202 (Changed)

Lake City, Mich.
That airspace extending upward from 1,200 feet above the surface within 6 miles SW and 10 miles NE of the Traverse City, Mich., VOR 136° radial, extending from 8 miles NW to 19 miles SE of the INT of the Traverse City VOR 136° radial and the White Cloud, Mich., VOR 033° radial.

Lake Jackson, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brazoria County Airport
(latitude 29°02'15" N., longitude 95°27'20" W.); within 2 miles each side of the Lake Jackson VOR 343° radial extending from the 5-mile radius area to 8 miles NW of the VOR, and within 2 miles each side of the Lake Jackson VOR 158° radial extending from the 5-mile radius area to 8 miles SE of the VOR.

Lakeland, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Lakeland Municipal Airport (latitude 27°59'19" N., longitude 82°00'53" W.); and within 2 miles each side of the Lakeland VORTAC 233° radial, extending from the 8-mile radius area to 8 miles southwest of the VORTAC.

AMENDMENTS 6/20/68 33 F. R. 6533 (Rewritten)

Lakeview, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake County-Lakeview Airport (latitude 42°09'35" N., longitude 120°24'15" W.), and within 2 miles each side of the 180° bearing from the Lakeview RBN (latitude 42°09'15" N., longitude 120°24'18" W.), extending from the RBN to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9 miles west of the 180° and 360° bearings from the Lakeview RBN extending from 5 miles north to 18 miles south of the RBN.

AMENDMENTS 4/25/68 33 F. R. 2766 (Added)

Lamar, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lamar Airport (latitude 38°04'10" N., longitude 102°41'25" W.) and within 2 miles each side of the Lamar VOR 180° and 360° radials, extending from the 6-mile radius area to 8 miles N of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles W and 6 miles E of the Lamar VOR 180° and 360° radials, extending from 15 miles S to 13 miles N of the VOR.

Lanai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.).

Lancaster, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 5 miles SW and 8 miles NE of the Lancaster VOR 128° radial extending from the VOR to 12 miles SE; within 5 miles N and 8 miles S of the Lancaster VOR 260° radial extending from the VOR to 12 miles W.

AMENDMENTS 3/9/68 33 F. R. 4368 (Changed)

Land O'Lakes, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Land O'Lakes Municipal Airport (latitude 46°00'15" N., longitude 89°12'40" W.); and within 8 miles SW and 5 miles NE of the 311° bearing from the Land O'Lakes Airport, extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 4 nm each side of the Rhinelander, Wis., VOR 018° radial, extending from the arc of a 12-mile radius circle centered on the Rhinelander VOR to the Land O'Lakes Airport.

Lansing, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.), within 2 miles each side of the Lansing ILS localizer W course, extending from the 7-mile radius area to 8 miles W of the INT of the Lansing ILS localizer W course and the Lansing VOR 358° radial, and within 2 miles each side of the Lansing ILS localizer E course, extending from the 7-mile radius area to 14 miles E of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 43°16'00" N., on the E by longitude 84°05'00" W., on the S by a line beginning at latitude 42°30'00" N., longitude 84°05'00" W., to latitude 42°30'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 85°15'00" W., and on the W by longitude 85°15'00" W.; and within the area bounded on the N by V-216, on the E by longitude 84°25'00" W., on the S by latitude 43°16'00" N., and on the W by longitude 85°02'00" W.

Lapeer, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dupont-Lapeer Airport (latitude 43°04'10" N., longitude 83°16'15" W.); and within 2 miles each side of the Flint, Mich., VORTAC 074° radial extending from the 5-mile radius area to 18 miles east of the VORTAC.

Laramie, Wyo.
That airspace extending upward from 1,200 feet above the surface within 6 miles W and 10 miles E of the Laramie VOR 332° and 152° radials, extending from 12 miles NW to 8 miles SE of the VOR.

Laredo, Tex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within a 12-mile radius of the Laredo VORTAC extending from a line 5 miles northeast of and parallel to the Laredo VORTAC 149° radial clockwise to the United States-Mexico border, within 2 miles each side of the Laredo VORTAC 326° radial extending from the 9-mile radius area to 20 miles northwest of the VORTAC, within 2 miles each side of the border TACAN 337° radial extending from the 9-mile radius area to 21 miles northwest of the TACAN, within 2 miles each side of the border TACAN 348° radial extending from the 9-mile radius area to 17.5 miles north of the TACAN and within 2 miles each side of the border TACAN 360° radial extending from the 9-mile radius area to 15 miles north of the TACAN, excluding those portions outside the United States; and that airspace extending upward from 1,200 feet above the surface bounded by the arc of a 35-mile radius circle centered at latitude 27°35'22" N., longitude 99°29'54" W., excluding that portion outside the United States; and that airspace extending upward from 4,500 feet MSL within an area bounded by a line beginning at latitude 27°24'00" N., longitude 98°27'00" W. to latitude 28°07'00" N., longitude 98°27'00" W. to latitude 28°05'00" N., longitude 98°48'00" W. to latitude 28°06'00" N., longitude 99°08'00" W. to latitude 28°08'20" N., longitude 99°18'20" W. to latitude 28°32'00" N., longitude 99°28'00" W. to latitude 28°32'00" N., longitude 99°58'00" W. to latitude 28°20'00" N. at the United States-Mexico border, thence southeast along the United States-Mexico border to the northwest portion of the arc of a 35-mile radius circle centered at latitude 27°35'22" N., longitude 99°29'54" W.; thence clockwise along this arc to latitude 27°15'00" N., to point of beginning, excluding the portion extending upward from 4,500 feet MSL within Federal Airways.

AMENDMENTS 11/14/68 33 F. R. 14402 (Rewritten)

Las Vegas, Nev.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 36°11'00" N., longitude 115°28'00" W., to latitude 36°11'00" N., longitude 115°11'00" W., to latitude 36°24'00" N., longitude 115°00'00" W., to latitude 36°18'00" N., longitude 114°51'00" W., to latitude 36°00'00" N., longitude 114°50'00" W., to latitude 35°52'00" N., longitude 115°11'00" W., to latitude 35°52'00" N., longitude 115°28'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°16'00" N., longitude 115°32'00" W., to latitude 36°58'00" N., longitude 114°41'00" W., to latitude 36°58'00" N., longitude 114°07'00" W., to latitude 36°47'00" N., longitude 113°59'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°57'00" W., to latitude 35°30'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°50'00" W., to latitude 35°36'00" N., longitude 115°50'00" W., to latitude 36°06'00" N., longitude 116°18'00" W., to latitude 36°13'00" N., longitude 116°18'00" W., thence to point of beginning; that airspace extending upward from 9,000 feet MSL within 5 miles each side of the Boulder City, Nev., VORTAC 085° radial, extending from longitude
114°14'00" W., to 65 miles east of the VORTAC; and that airspace extending upward from 9,500 feet MSL within 5 miles each side of the Boulder City VORTAC 049° radial extending from longitude 114°05'00" W., to 81 miles northeast of the VORTAC.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed)

Las Vegas, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Las Vegas Municipal Airport (latitude 35°39'25" N., longitude 105°08'35" W.)and that airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Las Vegas VORTAC 035° and 215° radials, extending from 23 miles NE to 14 miles SW of the VORTAC.

Latrobe, Pa.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 40°16'35" N., 79°23'56" W. of Westmoreland-Latrobe Airport, Latrobe, Pa.; within 5 miles Southeast and 8 miles Northwest of the 046° bearing from the Latrobe RBN 40°22'32" N., 79°16'19" W., extending from the RBN to 12 miles Northeast of the RBN and within 5 miles Southeast and 7 miles Northwest of the 226° bearing from the Latrobe RBN extending from the RBN to 6 miles Southwest of the RBN.

AMENDMENTS 1/9/69 33 F. R. 16557 (Rewritten)

Laurel, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Laurel Municipal Airport (latitude 31° 40' 10" N., longitude 89° 10' 20" W.); within 8 miles SW and 5 miles NE of the Laurel VOR 330° radial extending from the VOR to 12 miles NW.

Laurinburg, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Laurinburg-Maxton Airport (latitude 34°47'25" N., longitude 79°21'55" W.).

AMENDMENTS 3/28/68 33 F. R. 2506 (Added)

Lawrence, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lawrence Municipal Airport (latitude 39°00'35" N., longitude 95°13'00" W.); and within 2 miles each side of the Topeka, Kans., VORTAC 117° radial extending from the 5-mile radius area to 13 miles southeast of the VORTAC.

Lawrenceville, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gwinnett County Airport (latitude 33°58'53" N., longitude 83°57'50" W.); within 2 miles each side of the Norcross VORTAC 077° radial, extending from the 6-mile radius area to the VORTAC.

Lawrenceville, Va.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 36°46'20" N., 77°47'45" W., of Lawrenceville Municipal Airport, Lawrenceville, Va.; and within 2 miles each side of the Lawrenceville, Va., VOR 118° radial extending from the 4-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset daily.

Lawton, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.), within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 12 miles S of the VOR, and within 2 miles each side of the 180° bearing from the Fort Sill RBn extending from the 7-mile radius area to the RBn; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°21'00" N., longitude 98°46'00" W., to latitude 34°42'00" N., longitude 98°46'00" W., to latitude 34°58'00" N., longitude 98°33'00" W., thence E via latitude 34°58'00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35°25'50" N., longitude 97°35'10" W., to longitude 97°25'00" W., thence S via longitude 97°25'00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Municipal Airport, Ardmore, Okla. (latitude 34°18'00" N., longitude 97°00'30" W.), to latitude 34°10'00" N., thence W via this latitude, to latitude 34°10'00" N., longitude 97°49'00" W., to point of beginning, excluding the portion within R-5601A.

Lebanon, N. H.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 43°37'35" N., 72°18'10" W. of Lebanon Regional Airport, Lebanon, N. H., extending clockwise from the 210° to the 030° bearing from the airport and within a 15-mile radius of Lebanon Regional Airport extending clockwise from the 030° to the 210° bearing from the airport.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°11'00" N., 72°39'00" W. to 43°47'00" N., 72°39'00" W. to 43°55'00" N., 72°16'00" W. to 43°43'00" N., 71°50'00" W. to 43°35'00" N., 71°55'00" W. to 42°55'00" N., 72°00'00" W. to 43°05'00" N., 72°13'00" W. to the point of beginning.

AMENDMENTS 1/8/69 34 F. R. 249 (Changed)

Leesburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°04'45" N., 77°33'26" W., of Leesburg Municipal (Godfrey) Airport and within 2 miles each side of a bearing 079° from the Poolesville, Md., RBN extending from the 6-mile radius area to 8 miles east of the RBN, excluding the portion within the Washington, D. C., transition area.

Lemoore, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN; and that airspace extending upward from 1,200 feet above the surface bounded on the E by a line extending from latitude 36° 46' 00" N., longitude 120° 03' 50" W., to latitude 36° 37' 00" N., longitude 119° 56' 00" W., to latitude 36° 37' 00" N., longitude 119° 44' 10" W., thence S along the W boundary of V-23 to longitude 119° 30' 00" W., thence to latitude 35° 43' 50" N., longitude 119° 30' 00" W., on the S by latitude 35° 43' 50" N., on the W by V-485 S of the Priest, Calif., VOR and V-113 N of the Priest VOR, and on the N by V-230.

Lewiston, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2 miles either side of the Lewiston VOR 266° radial extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles northwest and 5 miles southeast of the Lewiston VOR 065° radial extending from the VOR to 12 miles northeast of the VOR, and within 5 miles either side of the Lewiston VOR 266° radial extending from 7 to 15 miles west of the VOR.

AMENDMENTS 2/1/68 32 F. R. 17851 (Rewritten)

Lewistown, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.); and within 2 miles each side of the Lewistown VOR 104° and 289° radials extending from 19 miles E to 8 miles W of the VOR; and that airspace extending upward from 1200 feet above the surface within 5 miles N and 8 miles S of the Lewistown VOR 109° and 289° radials extending from 7 miles E to 13 miles W of the VOR and within the area W of the Lewistown VOR bounded on the S by a line 5 miles S and parallel to the Lewistown VOR 259° radial, on the W by the arc of a 30-mile radius circle centered on the Lewistown VOR and on the N by a line 5 miles N of and parallel to the Lewistown VOR 289° radial.

Lexington, Ky.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 38°02'10" N., 84°36'15" W. of Blue Grass Field, Lexington, Ky., and within 2 miles each side of the Lexington Blue Grass ILS localizer NE course extending from the 7-mile radius area to 13 miles NE of the localizer; within 5 miles SE and 8 miles NW of the Lexington Blue Grass ILS SW course extending from the Lexington RBN to 12 miles SW of the RBN and within 2 miles each side of the Lexington VORTAC 304° radial extending from the 7-mile radius area to the VORTAC.
That airspace extending upwards from 1,200 feet above the surface beginning at: 38°24'00" N., 85°00'00" W. to 38°20'00" N., 84°30'00" W. to 38°30'00" N., 83°59'00" W. to 38°30'00" N., 83°18'00" W. to 38°00'00" N., 82°55'00" W. to 37°56'00" N., 83°40'00" W. to 37°39'00" N., 83°40'00" W. to 37°30'00" N., 83°46'00" W. to 37°24'00" N., 84°00'00" W. to 37°25'00" N., 85°00'00" W. to point of beginning.

Lexington, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Franklin Wilkins Airport (latitude 35°39'07" N., longitude 88°22'47" W.); within 2 miles each side of the Jacks Creek VORTAC 165° radial extending from the 5-mile radius area to 8 miles SE of the VORTAC; and the airspace extending upward from 1200 feet above the surface within 5 miles W and 8 miles E of the Jacks Creek VORTAC 345° and 165° radials extending 4 miles NW and 12 miles SE of the VORTAC.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Liberal, Kans.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Liberal Municipal Airport.

Liberty, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Liberty Air Service Airport (latitude 30°04'30" N., longitude 94°41'50" W.); and within 2 miles each side of Daisetta VOR 203° radial extending from the 5-mile radius area to the VOR.

Lihue, Hawaii
That airspace extending upward from 700 feet above the surface within the area bounded on the NW by a line 5 miles NW of and parallel to the Lihue VOR 041° radial, on the NE by the arc of a 7-mile radius circle centered on the Lihue Airport (latitude 21° 59' 00" N., longitude 159° 21' 00" W.), on the SE by a line 2 miles NE of and parallel to the Lihue VOR 130° radial, and on the SW by the arc of a 5-mile radius circle centered on Lihue Airport; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Lihue VOR, extending from the 7-mile radius area clockwise from a line 5 miles NW of and parallel to the Lihue VOR 041° radial to V-2.

Lima, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°42'31" N., 84°01'37" W. of Allen County Airport, Limi, Ohio; within 2 miles each side of the Allen County VOR 090 radial extending from the 6-mile radius area to 8 miles east of the VOR; within a 5-mile radius of the center 40°45'45" N., 84°10'35" W., of Lima Airport, Lima, Ohio; and within 2 miles each side of a 274° bearing from the Lima, Ohio, RBN (40°45'41" N., 84°10'46" W.) extending from the 5-mile radius area to 8 miles west of the RBN.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 40°30'00" N., 83°10'00" W. to 40°30'00" N., 83°50'00" W. to 40°29'00" N., 84°14'00" W., to 40°32'00" N., 84°30'00" W. to 40°51'00" N., 84°30'00" W., 40°51'00" N., 84°00'00" W., to 40°50'00" N., 83°30'00" W. to the point of beginning.

AMENDMENTS 9/19/68 33 F. R. 11148 (Changed); 1/9/69 33 F. R. 17102 (Changed)
AMENDMENTS 1/9/69 33 F. R. 17102 (Changed)

Lincoln, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lincoln Municipal Airport (latitude 40°50'45" N., longitude 96°45'20" W.); within the area bounded by a line 5 miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Municipal Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial; and within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9-mile radius area to 13 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of longitude 97°02'00" W. and the north edge of V-216, thence north to and clockwise around the arc of a 29-mile radius circle centered on Lincoln Municipal Airport, to latitude 41°15'00" N., longitude 96°35'00" W., thence northeast to latitude 41°19'00" N., longitude 96°30'00" W., thence southeast to latitude 41°16'00" N., longitude 96°23'00" W., thence south along longitude 96°23'00" W., to and west along the north edge of V-216 to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 97°02'00" W. and the north edge of V-216, thence north to and clockwise around the arc of a 29-mile radius circle centered on Lincoln Municipal Airport to latitude 41°15'00" N., longitude 96°35'00" W., thence northeast to latitude 41°19'00" N., longitude 96°30'00" W., thence southeast to latitude 41°16'00" N., longitude 96°23'00" W., thence north along longitude 96°23'00" W., to and west along the south edge of V-172, to and south along longitude 98°00'00" W., to and east along the north edge of V-216 to the point of beginning.

AMENDMENTS 5/23/68 33 F. R. 4873 (Rewritten)

Little Rock, Ark.
That airspace extending upward from 700 feet above the surface within an area beginning at latitude 34°28'00" N., longitude 92°22'00" W., to latitude 34°28'00" N., longitude 92°32'00" W., to latitude 34°37'00" N., longitude 92°33'00" W., to latitude 35°06'00" N., longitude 92°18'00" W., to latitude 35°06'00" N., longitude 91°58'00" W., to latitude 34°47'00" N., longitude 91°56'00" W., to latitude 34°31'00" N., longitude 92°01'00" W., to point of beginning, and within 2 miles each side of the Little Rock VORTAC 137° radial, extending from the VORTAC to the north boundary of the Pine Bluff, Ark., transition area; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 34°26'00" N., longitude 93°31'00" W., to latitude 35°00'00" N., longitude 93°13'00" W., to latitude 35°28'00" N., longitude 92°25'00" W., to latitude 35°23'00" N., longitude 91°34'00" W., to latitude 34°46'00" N., longitude 91°15'00" W. to latitude 33°51'00" N., longitude 91°48'00" W., to latitude 34°17'00" N., longitude 93°26'00" W. to point of beginning, including the airspace bounded on the N by V-54, on the S by V-16, and on the W by a line through latitude 34°46'00" N., longitude 91°15'00" W and latitude 33°51'00" N., longitude 91°48'00" W; and that airspace extending upward from 5,000 feet MSL within an area bounded by a line beginning at latitude 35°00'00" N, longitude 93°13'00" W., to latitude 35°44'00" N., longitude 92°57'00" W., to latitude 35°59'00" N., longitude 92°00'00" W., to latitude 35°33'00" N., longitude 91°32'00" W., to latitude 35°23'00" N., longitude 91°34'00" W., to latitude 35°28'00" N., longitude 92°25'00" W., to point of beginning; excluding the portion extending upward from 5,000 feet MSL that lies within federal airways and excluding the Batesville, Ark., transition area.

Livingston, Mont.
That airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Livingston VORTAC 150° and 330° radials, extending from 7 miles SE to 14 miles NW of the VORTAC; and within a 12-mile radius of the Livingston VORTAC, extending from the 261° VORTAC radial clockwise to the 085° VORTAC radial.

Logan, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan-Cache Airport (latitude 41°47'00" N., longitude 111°50'53" W.); that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-4, on the east by longitude 111°40'30" W., on the south by the north edge of V-288, on the west by the east edge of V-21; and that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V-48, on the west by longitude 111°40'30" W., and on the south by the north edge of V-288.

AMENDMENTS 2/29/68 32 F. R. 20047 (Added)

Logansport, Ky.
That airspace extending upward from 1,200 feet above the surface northwest of Bowling Green, Ky., VORTAC, bounded by VOR Federal airway Nos. 7E, 178, 243, and the Bowling Green, Ky., 1,200-foot transition area.

AMENDMENTS 6/20/68 33 F. R. 6899 (Added); 11/14/68 33 F. R. 13003 (Changed)

London, Ky.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°05'20" N., 84°04'27" W. of Corbin-London Memorial Airport, London, Ky., and within 2 miles each side of the London VOR 205° radial extending from the 8-mile radius area to 8 miles SW of the VOR.
That airspace extending upward from 1200 feet above the surface bounded by a line beginning at 36°50'00" N., 84°18'00" W. to 37°13'00" N., 84°18'00" W. to 37°13'00" N., 83°52'00" W. to 36°50'00" N., 83°52'00" W. to the point of beginning.

Lone Rock, Wis.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lone Rock VORTAC 089° and 269° radials, extending from 9 miles E to 20 miles W of the VORTAC.

Lone Star, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lone Star Airport (latitude 32°55'40" N., longitude 94°44'50" W.); and within 2 miles each side of the 316° bearing from the Lone Star RBN, extending from the 5-mile radius area to 8 miles NW of the RBN.

Longview, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County ILS localizer NW course, extending from the 6-mile radius area to 8 miles NW of the OM, within 2 miles each side of the Gregg County ILS localizer SE course, extending from the 6-mile radius area to 14 miles SE of the airport, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 6-mile radius area to 17.5 miles southeast of the VORTAC, and within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 6-mile radius area to 8 miles NW of the VORTAC.

AMENDMENTS 1/9/69 33 F. R. 17101 (Changed)

Los Angeles, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°05'00" N., longitude 118°33'00" W.; to latitude 34°05'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 117°53'00" W.; to latitude 33°46'00" N., longitude 117°45'00" W.; to latitude 33°39'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°00'00" N., longitude 119°05'00" W.; to latitude 34°00'00" N., longitude 118°22'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°30'00" N., longitude 118°34'00" W.; to latitude 33°26'30" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 119°07'00" W.; to latitude 33°52'03" N., longitude 119°06'59" W.; thence to point of beginning.

Louisville, Ky.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 38°10'33" N., 85°44'12" W. of Standiford Field, Louisville, Ky., within 5 miles E and 8 miles W of the Standiford ILS localizer S course extending from the 12-mile radius area to 12 miles S of the OM; within a 6-mile radius of the center, 37°54'25" N., 85°58'15" W. of Godman AAF, Fort Knox, Ky., within 5 miles E and 8 miles W of the 167° radial of the Fort Knox VOR (37°54'27" N., 85°58'23" W.) extending from the VOR to 12 miles S of the VOR; within 2 miles each side of the 326° radial of the Fort Knox VOR extending from the 6-mile radius area to 8 miles NW of the VOR; within 2 miles each side of the 354° bearing from the Fort Knox RBN extending from the 6 mile radius area to 8 miles N of the RBN; within 2 miles each side of the Fort Knox VOR 005° radial extending from the 6-mile radius area to 8 miles N of the VOR.
That airspace extending upward from 1,200 feet above the surface beginning at 37°26'00" N., 86°30'00" W. to 38°57'00" N., 86°30'00" W. to 38°57'00" N., 86°06'00" W. to 39°10'00" N., 86°06'00" W. to 39°10'00" N., 85°39'00" W. to 39°12'00" N., 85°30'00" W. to 38°26'00" N., 85°15'00" W. to 38°24'00" N., 85°00'00" W. to 37°25'00" N., 85°00'00" W. to 37°05'00" N., 85°11'00" W. to 37°00'00" N., 85°34'00" W. to 37°32'00" N., 85°45'00" W.; to point of beginning.

Lovelock, Nev.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lovelock VORTAC 068° and 248° radials, extending from 20 miles E to 7 miles W of the VORTAC, and within 7 miles NW and 10 miles SE of the Lovelock VORTAC 058° and 238° radials, extending from 20 miles SW to 7 miles NE of the VORTAC.

Lubbock, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°42'15" N., longitude 101°54'45" W.; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 34°40'00" N., longitude 102°18'00" W., to latitude 34°40'00" N., longitude 100°45'00" W., to latitude 34°05'00" N., longitude 100°17'00" W.; to latitude 33°43'00" N., longitude 100°49'00" W.; to latitude 33°12'00" N., longitude 100°35'00" W.; to latitude 33°11'00" N., longitude 101°07'00" W.; to latitude 32°59'00" N., longitude 102°43'30" W.; to latitude 33°09'30" N., longitude 103°01'00" W.; to latitude 33°00'00" N., longitude 103°18'00" W., to latitude 32°47'00" N., longitude 103°23'25" W., to latitude 33°00'00" N., longitude 103°48'00" W., to latitude 33°23'00" N., longitude 103°48'00" W., to latitude 33°24'10" N., longitude 103°41'30" W., to latitude 33°46'30" N., longitude 103°22'00" W., to latitude 33°59'00" N., longitude 103°06'00" W., thence counterclockwise along the arc of a 30-mile radius circle centered at latitude 34°23'01" N., longitude 103°18'58" W. (Cannon AFB, Clovis, N. Mex.), to latitude 34°19'00" N., thence to latitude 34°19'00" N., longitude 102°40'00" W., to latitude 34°22'00" N., longitude 102°22'00" W. to point of beginning; excluding that airspace within the Childress, Tex., transition area.
AMENDMENTS 11/14/68 33 F. R. 14404 (Changed)

Lucin, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lucin VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

Ludington, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mason County Airport (latitude 43°57'40" N., longitude 86°24'30" W.); and within 2 miles each side of the 055° bearing from Mason County Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the 055° bearing from Mason County Airport, extending from the airport to 12 miles northeast of the airport; and within 5 miles each side of the 235° bearing from Mason County Airport, extending from the airport to 12 miles southwest of the airport.
AMENDMENTS 1/9/69 33 F. R. 17850 (Added); Corr: 34 F. R. 1371

Lufkin, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles E and 5 miles W of the Lufkin VOR 157° radial, extending from the VOR to 12 miles SE; within 5 miles each side of the Lufkin VOR 337° radial extending from the VOR to 5 miles NW; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°35'00" N., longitude 95°21'00" W., to latitude 31°19'00" N., longitude 95°58'00" W., to latitude 31°47'00" N., longitude 95°55'00" W., to latitude 31°59'00" N., longitude 95°31'00" W., to latitude 32°00'00" N., longitude 94°30'00" W., to latitude 31°42'00" N., longitude 94°37'00" W., to latitude 31°42'00" N., longitude 93°56'00" W., to latitude 31°08'00" N., longitude 94°02'00" W., to latitude 30°44'00" N., longitude 93°51'00" W., to latitude 30°35'45" N., longitude 94°14'15" W., to point of beginning.
AMENDMENTS 3/28/68 33 F. R. 2628 (Changed)

Lumberton, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Lumberton Municipal Airport (latitude 34°36'36" N., longitude 79°03'30" W.); within 2 miles each side of the 302° bearing from the Lumberton RBN (latitude 34°36'46" N., longitude 79°03'36" W.), extending from the 8-mile radius area to 8 miles NW of the RBN.

Lynchburg, Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport, Lynchburg, Va.; within 2 miles each side of the airport ILS localizer SW course extending from the 8-mile radius area to the Evington RBN; within 2 miles each side of the Lynchburg VORTAC 201° radial extending from the 8-mile radius area to 8 miles SW of the VORTAC, within 2 miles each side of the Lynchburg VORTAC 076° radial extending from the 8-mile radius area to 11 miles E of the VORTAC.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°40'00" N., 79°30'00" W., to 37°40'00" N., 78°14'30" W., to 37°00'00" N., 78°38'00" W., to 37°00'00" N., 79°30'00" W., to the point of beginning.

Macon, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Robins AFB; within 8 miles SE and 5 miles NW of the Macon ILS localizer SW course extending from the Lewis B. Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.) to 12 miles SW of the ILS OM; within a 6-mile radius of the Smart Airport (latitude 32°49'20" N., longitude 83°33'50" W.); that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Macon VORTAC (latitude 32°41'27" N., longitude 83°38'50" W.); within the area N of Macon bounded on the N by V-18S, on the E by V-35, and on the SW by V-267; within the area SE of Macon bounded on the NW by V-70, on the NE by V-5, on the E by V-157 and on the SW by V-243; that airspace extending upward from 3,000 feet MSL within the area NE of Macon extending from the 35-mile radius area bounded on the N by V-18S, on the E by longitude 82°50'00" W., on the SE by V-56, and on the W by V-35; within the area E of Macon extending from the 35-mile radius area bounded on the NW by V-56, on the N by a line extending through latitude 33°03'50" N., longitude 82°50'00" W. and latitude 33°03'40" N., longitude 82°30'00" W., on the E by longitude 82°30'00" W., on the SE by V-70, and on the S by V-154; excluding the portion that coincides with the Atlanta, Ga., transition area.

Madison, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Madison Municipal Airport (latitude 33°36'46" N., longitude 83°27'39" W.); within 2 miles each side of the Athens VORTAC 199° radial, extending from the 5-mile radius area to 18 miles south of the VORTAC.

AMENDMENTS 3/28/68 33 F. R. 2630 (Added)

Madison, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles N and 6 miles S of the Watertown, S. Dak., VOR 086° radial, extending from 37 miles E to 64 miles E of the VOR.

Madison, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Truax Field (latitude 43°08'15" N., longitude 89°20'10" W.); within 2 miles each side of the Madison ILS localizer north and south courses, extending from the 9-mile radius area to 8 miles north of the Windsor marker and 8 miles south of the OM; within 8 miles northeast and 5 miles southwest of the Madison VOR 134° radial, extending from the 9-mile radius area to 12 miles southeast of the VOR; and within 8 miles southwest and 5 miles northeast of the Madison VOR 320° radial, extending from the 9-mile radius area to 12 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line extending from latitude 43°43'00" N., longitude 89°55'00" W., to latitude 43°30'00" N., longitude 88°30'00" W.; on the east by longitude 88°30'00" W.; on the south by latitude 42°45'00" N.; and on the west by longitude 89°55'00" W.

AMENDMENTS 10/17/68 33 F. R. 12136 (Rewritten)

Madisonville, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°21'17" N., 87°24'02" W. of Madisonville Municipal Airport, Madisonville, Ky., and within 2 miles each side of the Central City VOR 256° radial extending from the 5-mile radius area to the VOR.

AMENDMENTS 1/9/69 33 F. R. 16557 (Changed)

Malad City, Idaho
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Malad City VORTAC 165° and 345° radials, extending from 18 miles S to 8 miles N of the VORTAC, and within 5 miles N and 8 miles S of the Malad City VORTAC 290° radial, extending from the VORTAC to 12 miles W of the VORTAC.

Malden, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Malden Municipal Airport (latitude 36°36'30" N., longitude 89°59'00" W.), and within 2 miles each side of the Malden VOR 120° radial, extending from the 6-mile radius to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Malden VOR 120° and 300° radials, extending from 2 miles NW to 12 miles SE of the VOR.

Manhattan, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 2 miles each side of the Manhattan VOR 046° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the RBN to 10 miles SE; within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°27'00" N., longitude 96°31'00" W., direct to latitude 39°02'50" N., longitude 97°28'20" W., thence S clockwise along the arc of the 14-mile radius circle centered on the Salina VORTAC, to the N edge of V-48, thence E along the N boundary of V-48 to the Emporia VORTAC 346° radial, thence N along the Emporia VORTAC 346° radial to the point of beginning.

Manila, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manila Municipal Airport (latitude 35°53'25" N., longitude 90°09'20" W.); and within 2 miles each side of the 175° bearing from the Manila RBN (latitude 35°53'25" N., longitude 90°09'20" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

AMENDMENTS 2/1/68 32 F. R. 16146 (Added)

Manistee, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manistee Blacker Airport, Manistee, Mich. (latitude 44°16'00" N., longitude 86°15'00" W.) and within 5 miles north and 8 miles south of the 274° bearing from Manistee Blacker Airport, extending from the airport to 15 miles west.

Manistique, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Schoolcraft County Airport (latitude 45°58'25" N., longitude 86°10'35" W.); and within 2 miles each side of the 099° bearing from Schoolcraft County Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the 099° bearing from Schoolcraft County Airport, extending from the airport to 12 miles east of the airport.

AMENDMENTS 12/12/68 33 F. R. 15545 (Added)

Manitowoc, Wis.
That airspace extending upward from 700 feet above the surface within 8 miles west and 5 miles east of the Manitowoc VOR 343° and 163° radials extending from 2 miles south to 13 miles north of the VOR, and within 8 miles west and 5 miles east of the Manitowoc VOR 176° radial extending from the VOR to 12 miles south of the VOR.

Mankato, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mankato Municipal Airport (latitude 44°08'44" N., longitude 93°59'04" W.) and within 2 miles each side of the Mankato VOR 149° radial, extending from the 5-mile radius area to 8 miles southeast of the VOR, and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Mankato VOR 149° and 329° radials, extending from 13 miles southeast to 7 miles northwest of the VOR.

Manning, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Clarendon County Airport (latitude 33°35'13" N., longitude 80°12'32" W.); within a 1.5-mile radius of the Goat Island Airport (latitude 33°30'26" N., longitude 80°18'41" W.); within a 1.5-mile radius of the Grayson (private) Airport (latitude 33°36'48" N., longitude 80°20'17" W.); and within 2 miles each side of the Vance VOR 661° radial, extending from the 8-mile radius area to the VOR.

AMENDMENTS 1/26/68 33 F. R. 2627 (Changed); 2/21/68 33 F. R. 4171 (Changed)

Mansfield, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°00'05" N., 71°11'55" W., of the Mansfield Municipal Airport, Mansfield, Mass., and within 2 miles each side of the Whitman, Mass., VOR 249° radial extending from the 5-mile radius area to the VOR, excluding that portion that councides with the Boston, Mass., transition area.

Mansfield, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Mansfield Lahm Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.); and within a 5-mile radius of the Galion Municipal Airport (latitude 40°45'10" N., longitude 82°43'35" W.); within 5 miles SW and 8 miles NE of the Mansfield Lahm Municipal Airport ILS localizer SE course, extending from the ILS LOM to 12 miles SE, within 2 miles each side
of the Mansfield VORTAC 308° radial, extending from the VORTAC to 12 miles NW of the VORTAC; within 2 miles each side of the Mansfield VORTAC 221° radial, extending from the Galion Municipal Airport 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line extending from the Tiverton
VORTAC; to latitude 40°30'00" N., longitude 83°10'00" W., to latitude 40°50'00" N., longitude 83°30'00" W., to latitude 41°11'00" N., longitude 83°19'00" W., to latitude 41°14'00" N., longitude 82°57'00" W.; thence counterclockwise via a 21-mile radius arc of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.) to latitude 41°08'40" N., longitude 82°32'00" W.; to latitude 40°56'30" N., longitude 82°12'00" W; thence counterclockwise via a 17-mile radius arc of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.) to latitude 40°54'00" N., longitude 82°04'00" W. to the point of beginning.

AMENDMENTS 3/22/68 33 F. R. 4872 (Changed)

Maples, Mo.
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 5 miles NW of the Maples VOR 057° and 237° radials, extending from 7 miles NE to 13 miles SW of the VOR, excluding that portion within the Fort Leonard Wood, Mo., transition area.

Marathon, Fla.
That airspace extending upward from 2,000 feet above the surface, bounded on the N by V-35, on the E by Long. 80°25'00" W., on the S by Lat. 24°20'00" N., and on the W by control area 1233.

Marfa, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marfa Municipal Airport (latitude 30°22'15" N., longitude 104°01'15" W.) and within 5 miles NE and 8 miles SW of the Marfa VOR 324° and 144° radials extending from 5 miles NW to 14 miles SE of the VOR.

Marianna, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Marianna Municipal Airport (latitude 30°50'08" N., longitude 85°11'02" W.), and within 2 miles each side of the Marianna VOR 127° radial extending from the 8-mile radius area to 8 miles SE of the VOR.

Marion, Ill.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°48'30" N., longitude 89°23'50" W., thence south along longitude 89°23'50" W., to latitude 37°43'30" N., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning; and that airspace extending upward from 1,200 feet above the surface west of Marion bounded on the east by V-179, on the southeast by V-429 and on the west by V-313.

AMENDMENTS 6/20/68 33 F. R. 6709 (Rewritten)

Marion, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155°, 211°, and 320° radials extending from the 5-mile radius area to 8 miles northeast, southeast, southwest, and northwest of the VOR.

AMENDMENTS 2/1/68 32 F. R. 17426 (Rewritten)

Marion, Ky.
That airspace extending upward from 1,200 feet above the surface, bounded on the NE by a line extending from latitude 37°25'50" N., longitude 88°17'40" W., to latitude 37°18'05" N., longitude 87°54'40" W., on the SE by V-178 and on the NW by V-11.

Marion, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Muncipal Airport (latitude 40°36'55" N., longitude 83°03'55" W.); within 2 miles each side of a 328° bearing from the Marion RBN extending from the 5-mile radius area to 8 miles NW of the RBN.

Marquette, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 8 miles S and 5 miles N of the Marquette VOR 250° radial extending from the VOR to 12 miles W of the VOR; within an 8-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer course extending from the 8-mile radius area to 12 miles S of the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial, extending from the 8-mile radius area to 12 miles S of the TACAN; and within 2 miles E and 5 miles W of the K. I. Sawyer AFB TACAN 015° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of K. I. Sawyer AFB, excluding the portion which overlies the Escanaba, Mich., transition area.

Marshall, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshall, Mich., Brooks Field (latitude 42°15'05" N., longitude 84°57'25" W.) and within 2 miles each side of the Battle Creek, Mich., VORTAC 105° radial extending from the 5-mile radius area to 7 miles east of the airport, excluding the portion which coincides with the Battle Creek, Mich., transition area.

Marshalltown, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown, Iowa, Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.) and within 2 miles each side of the 315° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the 315° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles NW of the airport, excluding the airspace within the Waterloo, Iowa, transition area.

Marshfield, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 44°38'10" N., longitude 90°11'20" W.), and within 2 miles each side of the 216° bearing from Marshfield Municipal Airport extending from the 5-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the 216° bearing from Marshfield Municipal Airport extending from the airport to 12 miles SW of the airport.

Martinsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center. 40°17'45" N., 78°19'10" W. of Blair County Airport, Martinsburg, Pa., within 2 miles each side of the centerline of runway 20 extended from the 7-mile radius area to 9 miles south of the end of the runway; and within 8 miles west and 5 miles east of the Altoona VOR 026° radial extending from the VOR to 12 miles north of the VOR.

Martinsburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°24'05" N., 77°59'00" W., of Martinsburg Airport, Martinsburg, W. Va.

AMENDMENTS 7/25/68 33 F. R. 8433 (Changed)

Marysville, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.); within an 8-mile radius of Yuba County Airport, Marysville, Calif. (latitude 39°05'50" N., longitude 121°34'00" W.), within 8 miles west and 5 miles east of the Beale VOR 162° and 342° radials, extending from the Beale 10-mile radius area to 6.5 miles north of the VOR; within 8 miles west and 5 miles east of the Marysville VOR 343° radial, extending from the Yuba County 8-mile radius area to 12 miles north of the VOR, and within 8 miles southwest and 5 miles northeast of the Marysville VOR 153° radial, extending from the Yuba County 8-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the east by a line extending from latitude 40°00'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°55'00" W., to latitude 39°00'00" N., longitude 120°55'00" W., on the south by latitude 39°00'00" N., on the west by the west boundary of V-23, on the northwest by the Red Bluff, Calif., transition area, and on the north by latitude 40°00'00" N.; that airspace extending upward from 8,500 feet MSL bounded on the south by latitude 40°00'00" N., on the west by the Red Bluff, Calif., transition area, on the north by latitude 40°45'00" N., and on the east by a line extending from latitude 40°45'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°25'00" W., to latitude 40°00'00" N., longitude 121°25'00" W.; that airspace extending upward from 10,500 feet MSL bounded on the east by longitude 120°19'00" W., on the south by a line extending from latitude 39°30'00" N., longitude 120°19'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 121°25'00" W., on the west by longitude 121°25'00" W., and on the north by latitude 40°45'00" N.; that airspace extending upward from 12,500 feet MSL bounded on the east by longitude 121°25'00" W., on the south by latitude 40°23'00" N., on the west by longitude 121°39'00" W., and on the north by latitude 40°45'00" N.

Mason City, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Mason City Municipal Airport (latitude 43°09'30" N., longitude 93°20'05" W.); within 2 miles each side of the Mason City VORTAC 002° radial, extending from the 7-mile radius area to 19 miles north of the VORTAC; and within 8 miles east and 5 miles west of the Mason City VORTAC 002° and 182° radials, extending from 4 miles north to 12 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Mason City VORTAC, extending clockwise from a line 5 miles northeast of and parallel to the Mason City VORTAC 128° radial to a line 5 miles northwest of and parallel to the Mason City VORTAC 236° radial; and within a 23-mile radius of the Mason City VORTAC, extending clockwise from a line 5 miles south of and parallel to the Mason City VORTAC 284° radial to a line 5 miles southeast of and parallel to the Mason City VORTAC 038° radial.

Massena, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°56'10" N., 74°50'50" W., of Richards Field, Massena, N. Y.; within 3 miles each side of the Massena VOR 104° and 284° radials extending from the 5-mile radius to 8 miles east of the VOR excluding the airspace within Canada.

Matagorda, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Matagorda Peninsula Airport (latitude 28°32'35" N., longitude 96°07'10" W.), excluding that portion more than 3 nautical miles from and parallel to the shoreline.

AMENDMENTS 5/23/68 33 F. R. 8143 (Added); 12/12/68 33 F. R. 19164 (Changed)

Mattoon, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Coles County Memorial Airport (latitude 39°28'45" N., longitude 88°17'05" W.); within 2 miles each side of the Mattoon VOR 060° radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; within 2 miles each side of the 128° bearing from Coles County Memorial Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and within 5 miles northwest and 8 miles southeast of the Mattoon VOR 229° radial, extending from the VOR to 12 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the north by V-50, on the east by longitude 88°00'00" W., on the south by V-14 and on the west by V-313, excluding the area which overlies the Decatur, Ill., transition area.

AMENDMENTS 4/25/68 33 F. R. 6508 (Rewritten); Corr: 33 F. R. 12304

Maxwell, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-195, on the S by V-200, on the W by V-25 and on the N by the Red Bluff, Calif., transition area.

McAlester, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the McAlester, Okla. Airport (latitude 34°53'05" N., longitude 95°46'55" W.); within 2 miles each side of the McAlester VOR 176° radial extending from the 5-mile radius area to 8 miles S of the VOR.

McComb, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the McComb-Pike County Airport; and that airspace extending upward from 1,200 feet above the surface bounded on the E by V-9, on the S by the New Orleans, La., transition area, on the W by V-114N, and on the N by the N boundary of V-222; within a 14-mile radius of the McComb VORTAC; within 8 miles S and 5 miles N of the McComb VORTAC 254° radial, extending from the 14-mile radius area to 17 miles W of the VORTAC.

McCook, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 5 miles southwest and 8 miles northeast of the 120° bearing from McCook Municipal Airport extending from the 8-mile radius area to 12 miles southeast of the airport and within 5 miles southwest and 8 miles northeast of the 324° bearing from McCook Municipal Airport, extending from the 8-mile radius area to 12 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles each side of a line extending from McCook Municipal Airport direct to the Hayes Center, Nebr., VORTAC.

McGrath, Alaska
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the McGrath VORTAC extending clockwise from the 308° to the 334° radials of the McGrath VORTAC; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the McGrath VORTAC extending clockwise from 334° to the 308° radials of the McGrath VORTAC; within 9 miles NE and 8 miles SW of the McGrath VORTAC 122° radial extending from the 23-mile radius area to 26 miles SE of the VORTAC; and within 5 miles each side of the McGrath VORTAC 003° radial extending from the 23-mile radius area to 34 miles N of the VORTAC.

PENDING AMENDMENT
McMinnville, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of McMinnville Municipal Airport (latitude 45°11'35" N., longitude 123°08'15" W.) and within 2 miles each side of the Newberg VORTAC 215° radial extending from the 5-mile radius area to the VORTAC.

AMENDMENTS 4/3/69, 34 F. R. 1011 (Added)

Meadville, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°37'35" N., 80°12'55" W. of Port Meadville Airport, Meadville, Pa.; within 2 miles each side of the Runway 4 centerline extended from the 5-mile radius area to 5 miles northeast of the end of the runway; within 2 miles each side of the Runway 7 centerline extended from the 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Youngstown, Ohio, VORTAC 050° radial extending from 18 miles northeast of the Youngstown VORTAC to the Meadville, Pa., 5-mile radius area.

AMENDMENTS 9/19/68 33 F. R. 11149 (Added)

Medford, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Medford ILS localizer northwest course extending from 3 to 9 miles northwest of the OM; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Medford VORTAC; that airspace extending from the 23-mile radius area bounded on the north by latitude 42° 28' 00" N., on the east by the arc of a 40-mile radius circle centered on the Klamath Falls, Oreg. VORTAC, on the south by latitude 42° 04' 00" N., and on the southwest by the southwest edge of V-23W; that airspace south of Medford, bounded on the north by latitude 42° 04' 00" N., on the east by the west edge of V-23 and on the west by the east edge of V-23W; that airspace north of Medford within 16 miles west and 11 miles east of the Medford VORTAC 353° radial, extending from 25 to 65 miles north of the VORTAC, and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial, extending from the 23-mile radius area to V-27.

AMENDMENTS 2/6/69 33 F. R. 17766 (Rewritten)

Melbourne, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cape Kennedy Regional Airport, Melbourne, Fla. (latitude 28°06'05" N., longitude 80°38'40" W.); within an 8-mile radius of Patrick AFB, Cocoa, Fla. (latitude 28°14'05" N., longitude 80°36'35" W.); and that airspace extending upward from 1,200 feet above the surface within the arc of a 25-mile radius circle centered on Patrick AFB, and the area southwest of Patrick AFB bounded on the northeast by V-159, and on the southwest and west by V-295, excluding the portion that would overlap the Orlando, Fla., transition area.

AMENDMENTS 5/23/68 33 F. R. 8351 (Rewritten)

Melfa, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37° 38' 50" N., 75° 45' 40" W., of Accomack County Airport, Melfa, Va., and within 2 miles each side of a 200° bearing from the Melfa, Va., RBN 37°39'27" N., 75°45'27" W., extending from the 6-mile radius area to 8 miles south of the RBN.

AMENDMENTS 1/9/69 33 F. R. 17625 (Added)

Memphis, Tenn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the Memphis Runway 9 ILS localizer east course, extending from the 8-mile radius area to 16 miles east of the airport; within 2 miles each side of the Memphis Runway 35 ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within an 8-mile radius of the West Memphis Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within 2 miles each side of the Memphis VORTAC 311° radial, extending from the 8-mile radius area to 31 miles northwest of the VORTAC; within an 8-mile radius of the Twinkle Town Airport (latitude 34°55'45" N., longitude 90°10'05" W.); within 2 miles each side of the Memphis VORTAC 265° radial, extending from the 8-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of the Memphis Metropolitan Airport; within the area northwest of Memphis extending beyond the 36-mile radius area bounded on the north by V-140, on the east by V-9W, on the south by V-54N and on the west by V-69; and within the area southeast of Memphis extending beyond the 36-mile radius area bounded on the north by the north boundary of V-159, on the east by longitude 89°20'00" W., on the south by latitude 34°09'30" N., and on the west by V-9E.

NAS Memphis, Tenn.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (latitude 35°21'15" N., longitude 89°52'10" W.), and within 2 miles each side of the NAS Memphis VOR 083° radial, extending from the 12-mile radius area to 14 miles E of NAS Memphis.

Menominee, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Menominee County Airport (latitude 45°07'25" N., longitude 87°38'20" W.) and within 5 miles E and 8 miles W of the Menominee VOR 351° and 171° radials, extending from 12 miles N to 3 miles S of the VOR and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the 320° bearing from the Menominee County Airport extending from the airport to 12 miles NW of the airport.

Merced, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Castle Air Force Base (latitude 37°22'45" N., longitude 120°34'00" W.); within a 7-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.) and within 2 miles each side of the Castle VOR 141° and 321° radials extending from the Merced 7-mile radius area to 3 miles SE of the Castle VOR; that airspace extending upward from 1,200 feet above the surface bounded on the NE and E by V-459, on the S by V-230, on the W by V-109 and on the N by V-244, excluding the portions within the Fresno, Stockton, and Modesto, Calif., transition areas; that airspace extending upward from 7,500 feet MSL NE of Merced bounded on the E by V-283, on the SW by V-459, and on the N by V-244, and that airspace extending upward from 12,000 feet MSL E of Merced bounded on the E by longitude 119°30'00" W., on the S by the Fresno, Calif., transition area, on the W by V-283 and on the N by V-244.

Mercury, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (latitude 36°39'16" N., longitude 116°00'54" W.); that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°41'00" N., longitude 116°26'30" W., to latitude 36°41'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°36'00" N., longitude 116°26'30" W., thence to point of beginning, excluding the portion within R-4808.

Meriden, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°30'35" N., 72°49'50" W. of Meriden Markham Municipal Airport, Meriden, Conn.; and within 2 miles each side of the Runway 36 centerline extended from the 5-mile radius area to 7 miles north of the end of the runway, excluding the portion which coincides with the Bridgeport, Conn., and Hartford, Conn., transition areas.
AMENDMENTS 6/20/68 33 F. R. 8915 (Added)

Meridian, Miss. (Key Field)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.), excluding that portion which coincides with the Meridian, Miss. (NAAS Meridian) transition area; within 8 miles E and 5 miles W of the Meridian ILS localizer S course extending from the Meridian RBN to 13 miles S of the RBN; within 8 miles E and 5 miles W of the 191° bearing from the Meridian RBN extending from the RBN to 13 miles S; within 8 miles SW and 5 miles NE of the Meridian VORTAC 315° radial extending from the VORTAC to 13 miles NW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the N edge of V-18N and a 30-mile radius arc centered on Key Field, extending NW along V-18N to longitude 89°30'00" W., thence N to latitude 32°47'00" N., longitude 89°30'00" W., thence ESE to latitude 32°43'15" N., longitude 88°48'05" W., thence N to latitude 32°46'50" N., longitude 88°47'05" W., thence NW to latitude 33°03'00" N., longitude 88°57'40" W., thence NE to the intersection of longitude 88°47'00" W. and a 40-mile radius arc centered at Columbus, Miss., AFB (latitude 33°38'38" N., longitude 88°26'39" W.), thence E along that arc to longitude 88°00'00" W., thence S along longitude 88°00'00" W. to the SE boundary of V-209, thence SW along the SE boundary of V-209 to the N boundary of V-56, thence to the intersection of the south boundary of V-56 and longitude 88°20'00" W., thence to the intersection of the E boundary of V-209 and a 30-mile radius arc centered at Key Field, thence clockwise along that arc to the W boundary of V-194, thence SW along the W boundary of V-194 to latitude 32°07'00" N., thence to the intersection of longitude 89°28'00" W. and the S boundary of V-18S, thence E along V-18S to a 30-mile radius arc centered at Key Field, thence clockwise along that arc to point of beginning.

AMENDMENTS 7/25/68 33 F. R. 7299 (Changed)
PENDING AMENDMENT
In the Meridian, Miss. transition area "thence southwest along the west boundary of V-194 to latitude 32°07'00" N." is deleted and "thence southwest along the west boundary of V-194 to latitude 32°04'00" N." is substituted therefor.
AMENDMENTS 4/3/69 34 F. R. 1370 (Changed)

Meridian, Miss. (NAAS Meridian)
That airspace extending upward from 700 feet above the surface within a 10-mile radius of NAAS Meridian (latitude 32°33'27" N., longitude 88°33'33" W.).

Mexico, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mexico Memorial Airport (latitude 39°09'35" N., longitude 91°49'25" W.); and that airspace extending upward from 1,200 feet above the surface northeast of the Hallsville, Mo., VORTAC within a 34-mile radius circle centered on the Hallsville VORTAC, extending from the southeast edge of V-63 clockwise to the north edge of V-4.

AMENDMENTS 10/17/68 33 F. R. 11148 (Added)

Miami, Fla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miami International Airport (latitude 25°47'35" N., longitude 80°17'10" W.); within 5 miles south and 8 miles north of the Miami Runway 9-L ILS localizer west course, extending from the airport to 12 miles west of the Runway 9-L ILS LOM; within 5 miles north and 8 miles south of the Miami Runway 27-L ILS localizer east course, extending from the airport to 12 miles east of the Runway 27-L ILS LOM; within 5 miles south and 8 miles north of the Runway 9-L ILS localizer east course, extending from the airport to 12 miles east of the INT of Runway 9-L ILS localizer east course and the Biscayne Bay VOR 351° radial; within 2 miles each side of the Miami VORTAC 139° radial, extending from the 7-mile radius area to the VORTAC; within an 8-mile radius of the Tamiami Airport, Fla. (latitude 25°38'49" N., longitude 80°25'59" W.); within a 6-mile radius of the Opa Locka Airport, Fla., (latitude 25°54'25" N., longitude 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 6-mile radius area to the VORTAC; within a 5-mile radius of the North Perry Airport, Fla. (latitude 26°00'06" N., longitude 80°14'24" W.); within a 7-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'15" N., longitude 80°09'15" W.); within 2 miles each side of the 315° bearing from the Fort Lauderdale RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within a 7-mile radius of Homestead AFB (latitude 25°29'15" N., longitude 80°23'10" W.); within 2 miles each side of the Homestead ILS localizer northeast course, extending from the 7-mile radius area to 9 miles northeast of Homestead AFB; that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of Miami International Airport; that airspace south of Miami extending from the 50-mile radius area bounded on the E and S by V-35, and on the W by V-3; that airspace NW of Miami extending from the 50-mile radius area bounded on the W by V-97, on the N by V-492 S alternate, and on the E by V-267; that airspace extending upward from 1,700 feet above the surface bounded by a line beginning at the INT of the eastern edge of V-225 E alternate and the western edge of V-35, thence S along the eastern edge of V-225 E alternate to the INT of a 35-mile radius arc centered at the Key West VOR, thence clockwise along the 35-mile arc to the northwestern edge of V-51/V-157, thence NE along the northwestern edge of V-51/V-157 to the INT of a 50-mile radius arc centered at Miami International Airport, thence clockwise along the 50-mile radius arc to the W edge of V-35 W alternate, thence NW along the western edge of V-35 W alternate and V-35 to the point of beginning; and that airspace NW of Miami bounded on the N by V-7, on the SW by V-35, and on the E by V-157 W alternate.

AMENDMENTS 7/5/68 33 F. R. 10203 (Changed)

Michigan City, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Michigan City, Ind. Michigan City Airport (latitude 41°42'10" N., longitude 86°49'20" W.), within 2 miles each side of the South Bend, Ind. VORTAC 260° radial extending from the 6-mile radius area to 13 miles west of the VORTAC, and within 2 miles each side of the 011° bearing from Michigan City Airport extending from the 6-mile radius area to 8 miles north of the airport.

Middletown, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°25'55" N., 74°23'30" W.), of Randall Airport and within 2 miles each side of the Huguenot, N. Y., VOR 082° radial extending from the 5-mile radius area to the VOR excluding the portions that coincide with the Newburgh, N. Y., and Wurtsboro, N. Y., transition areas.

AMENDMENTS 9/19/68 33 F. R. 11148 (Changed)

Middletown, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of 39°32'00" N., 84°23'30" W. of Hook Field Municipal Airport and within 2 miles each side of a 232° bearing from Hook Field, Ohio, RBN extending from the 5-mile radius area to 8 miles southwest of the RBN.

AMENDMENTS 2/9/68 33 F. R. 2765 (Changed)

Midland, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Midland, Mich., Jack Barstow Airport (latitude 43°39'40" N., longitude 84°15'40" W.).

Midland, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland-Odessa Regional Air
Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), excluding the portion within a 1.5-mile radius of the Midland Airpark (latitude 32°02'00" N., longitude 102°05'55" W.); within 2 miles each side of the Midland VOR 011° radial, extending from the 8-mile radius area to 8 miles N of the VOR; within 2 miles each side of the Midland ILS localizer SE course, extending from the 8-mile radius area to the INT of the Midland VOR 128° and the Big Spring, Tex., VOR 212° radials; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31°40'00" N., longitude 101°52'30" W.; thence clockwise along the arc of a 30-mile radius circle centered on the Midland VOR; to latitude 31°36'20" N., longitude 102°00'00" W., to latitude 31°28'40" N., longitude 102°00'00" W., to latitude 31°30'00" N., longitude 102°20'00" W.; to latitude 31°40'00" N., longitude 102°39'30" W.; to latitude 31°33'00" N., longitude 102°53'00" W.' to latitude 31°34'20" N., longitude 103°03'45" W.' to latitude 32°04'50" N., longitude 102°58'00" W.; to latitude 32°06'45" N., longitude 103°07'50" W.; to latitude 32°15'35" N., longitude 103°07'00" W.; to latitude 32°13'40" N., longitude 102°56'30" W.; to latitude 32°19'35" N., longitude 102°55'10" W.; to latitude 32°36'30" N., longitude 102°07'20" W.; to latitude 31°55'00" N., longitude 101°29'40" W.; to latitude 31°37'25" N., longitude 101°35'15" W.; to latitude 31°36'35" N., longitude 101°47'20" W.; to point of beginning.

Midway Island
That airspace extending upward from the 700 feet above the surface within a 10-nmi radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of NAS Midway.

Miles City, Mont.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V-120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V-120.

Milford, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (Lat. 38°25'35" N, Long. 113°00'40" W) and within 2 miles either side of the Milford VORTAC 196° radial, extending from the 5-mile radius area to 8 miles S of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford VORTAC 023° and 203° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Millbrook, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°42'25" N., 73°44'20" W., of the Sky Acres Airport, Millbrook, N. Y., and within 2 miles each side of the centerline of Runway 17 extended from the 5-mile radius area to 6 miles south of the end of the runway, excluding that portion within the Poughkeepsie, N. Y., and the Red Hook, N. Y., transition areas.

AMENDMENTS 6/20/68 33 F. R. 6915 (Added)

Millinocket, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine; within 2 miles each side of a 094° bearing from the Millinocket RBN extending from the 7-mile radius area to 8 miles E. of the RBN; within 2 miles each side of the Millinocket VOR 298° radial extending from the 7-mile radius area to the VOR.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 45°56'00" N., 68°36'00" W. to 45°39'00" N., 69°48'00" W. to 45°23'00" N., 69°48'00" W. to 45°23'00" N., 69°30'00" W. to 45°24'00" N., 68°55'00" W. to 45°30'00" N., 68°31'00" W. to 45°27'00" N., 68°20'00" W. to 45°33'00" N., 68°16'00" W. to 45°38'00" N., 67°40'30" W. to the point of beginning.

Millville, N. J.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 39°37'00" N., 75°05'00" W. to 39°35'00" N., 74°52'00" W. to 39°16'30" N., 74°59'00" W. to 39°16'30" N., 75°10'00" W. to 39°30'00" N., 75°15'00" W. to point of beginning, excluding the portion that coincides with the Atlantic City, N. J., 700-foot transition area.

Milwaukee, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of General Mitchell Field, Milwaukee, Wis. (latitude 42°56'51" N., longitude 87°53'58" W.), within 8 miles E and 5 miles W of the Milwaukee ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM; within 2 miles each side of the Milwaukee No. 2 ILS localizer W course extending from the OM to 8 miles W of the OM; within a 5-mile radius of Horlick-Racine Airport, Racine, Wis. (latitude 42°45'35" N., longitude 87°48'55" N.); within an 8-mile radius of Timmerman Airport, Milwaukee, Wis. (latitude 43°06'40" N., longitude 88°02'05" W.); within 5 miles NE and 8 miles SW of the Timmerman VOR 337° radial, extending from the 8-mile radius area to 12 miles NW of the VOR; and within 2 miles each side of the Timmerman VOR 214° radial, extending from the 8-mile radius area to 14 miles SW of the VOR; and within a 6-mile radius of Waukesha County Airport, Waukesha, Wis. (latitude 43°02'00" N., longitude 88°14'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 43°30'00" N., on the E by longitude 87°00'00" W., on the S by latitude 42°30'00" N., and on the W by longitude 88°30'00" W.

Mineral Wells, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°03'35" W.); within 2 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 6-mile radius area to 8 miles SE of the RBN and within 2 miles each side of the Mineral Wells VORTAC 137° radial, extending from the 6-mile radius area to 8 miles SE of the VORTAC.

Minneapolis, Minn.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 5 miles north and 8 miles south of the Flying Cloud, Minn., VOR 292° radial, extending from the 23-mile radius area to 12 miles west of the VOR; within 5 miles each side of the St. Paul, Minn., VOR 037° radial, extending from the 23-mile radius area to 13 miles northeast of the VOR; and within a 6-mile radius of Airlake Industrial Airpark (latitude 44°37'40" N., longitude 93°13'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on the east by the 36-mile radius area; and that airspace northwest of Minneapolis bounded on the southwest by V-171, on the west by the Darwin, Minn., VORTAC 021° radial, on the northeast by V-2 and on the southeast by the 36-mile radius area excluding the portion which overlies the Darwin, Minn., transition area; and that airspace extending upward from 4,000 feet MSL northwest of Minneapolis bounded on the northeast by V-2, on the southeast by the Darwin VORTAC 021° radial and on the west by V-171; and that airspace extending upward from 4,000 MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24.
AMENDMENTS 5/23/68 33 F. R. 4796 (Rewritten)

Minot, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Minot International Airport (latitude 48° 15' 45" N., longitude 101° 16' 50" W.), within an 8-mile radius of Minot AFB (latitude 48° 24' 56" N., longitude 101° 21' 26" W.), and within 2 miles each side of the Minot AFB TACAN 307° radial extending from the 8-mile radius to 12 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Minot AFB TACAN; and that airspace extending upward from 5,700 feet MSL within a 50-mile radius of Minot AFB TACAN excluding the area north of latitude 49° 00' 00" N., and the area which overlies V-430 and V-15.

Missoula, Mont.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 8 miles southwest of the Missoula VORTAC 122° and 302° radials, extending from 5 miles southeast to 19 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 9 miles northeast of the Missoula VORTAC 118° and 298° radials, extending from 7 miles southeast to 16 miles northwest of the VORTAC; within the arc of a 19-mile radius circle centered on the Missoula VORTAC, extending from the northeast edge of V-2 northwest of Missoula clockwise to the west edge of V-231 northwest of Missoula; and within 7 miles east and 8 miles west of the Missoula VORTAC 354° radial extending from the VORTAC to the south edge of V-120.
AMENDMENTS 7/25/68 33 F. R. 7232 (Rewritten)

Mitchell, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'25" W.); and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 10 miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 19 miles northwest of the VOR; within 5 miles southwest and 8 miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 12 miles southeast of the VOR; and within 5 miles each side of the Mitchell VOR 120° radial extending from the VOR to 12 miles southeast of the VOR.

Moab, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Canyonlands Airport, Moab, Utah (latitude 38°45'40" N., longitude 109°44'50" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 8 miles northeast of the 125° and 305° bearings from the Frontier Airlines RBN (latitude 38°45'45" N., longitude 109°44'50" W.), extending from 13 miles southeast to 12 miles northwest of the RBN.

Moberly, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Omar N. Bradley Airport (latitude 39°27'50" N., longitude 92°25'35" W.); within 2 miles each side of the 121° bearing from Omar N. Bradley Airport, extending from the 6-mile radius area to 12 miles southeast of the airport; and within 2 miles each side of the 316° bearing from Omar N. Bradley Airport, extending from the 6-mile radius area to 13 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 121° bearing from Omar N. Bradley Airport, extending from the airport to 12 miles southeast of the airport; within 5 miles northeast and 8 miles southwest of the 316° bearing from Omar N. Bradley Airport, extending from the airport to 13 miles northwest of the airport; and within 5 miles each side of the 026° bearing from Omar N. Bradley Airport, extending from the airport to V-116.

AMENDMENTS 6/20/68 33 F. R. 6709 (Added)

Mobile, Ala.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 2 miles each side of the Bates Field ILS localizer northwest course, extending from the 8-mile radius area to 8 miles northwest of the LOM; within an 8-mile radius of Brookley AFB (latitude 30°37'08.5" N., longitude 88°03'57.2 W.); within an 8-mile radius of Fairhope Municipal Airport (latitude 30°27'50" N., longitude 87°52'35" W.); within 2 miles each side of the Brookley VORTAC 134° radial, extending from the Fairhope Municipal Airport 8-mile radius area to the Brookley AFB 8-mile radius area; including that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 30°14'00" N., longitude 88°01'30" W., thence to latitude 30°32'00" N., longitude 88°15'00" W.; thence to latitude 30°32'00" N., longitude 88°37'00" W.; thence north along longitude 88°37'00" W. to the south edge of V-222; thence east along the south edge of V-222 to the west edge of V-209; thence along the west edge of V-209 to latitude 31°15'00" N.; thence to the intersection of the southeast edge of V-70 and the northwest edge of V-20; thence to the intersection of the east boundary of V-20 south and latitude 31°00'00" N.; thence to latitude 30°50'00" N., longitude 87°48'00" W.; thence to latitude 30°15'00" N., longitude 87°41'00" W.; thence west along the Alabama-Florida shoreline to longitude 88°01'30" W.; thence to point of beginning.

AMENDMENTS 2/29/68 33 F. R. 138 (Rewritten); 8/22/68 33 F. R. 9334 (Changed)
AMENDMENTS 1/9/69 33 F. R. 17101 (Changed); Corr: 33 F. R. 18089

Modesto, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Modesto City-County Airport (latitude 37°37'35" N., longitude 120°57'15" W.), within 2 miles each side of the Modesto VOR 291° radial, extending from the 5-mile radius area to 8 miles W of the VOR, and within 2 miles each side of the Modesto VOR 119° radial, extending from the 5-mile radius area to 8 miles E of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120°30'00" W., on the SE by a line extending from latitude 37°38'45" N., longitude 120°30'00" W., to latitude 37°25'00" N., longitude 120°48'00" W., on the S by latitude 37°25'00" N., on the W by V-109, and on the N by a line extending from the E boundary of V-109 through latitude 37°38'00" N., longitude 121°00'35" W., to latitude 37°45'45" N., longitude 120°30'00" W.

Moline, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Quad City Airport (latitude 41° 26' 55" N., longitude 90° 30' 30" W.); within 5 miles N and 8 miles S of the Quad City ILS localizer W course, extending from 1 mile E to 12 miles W of the OM; within a 5-mile radius of the Davenport, Iowa, Municipal Airport (latitude 41° 36' 40" N., longitude 90° 35' 20" W.); and within 5 miles each side of the 224° and 044° bearings from the Davenport RBN, extending from the Davenport Municipal Airport to 12 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 41° 55' 00" N., on the E by longitude 90° 50' 00" W., on the S by latitude 41° 10' 00" N., and on the W by longitude 91° 00' 00" W.

Molokai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius area to 5 miles west of the VORTAC and within 4 miles north and 2 miles south of the VORTAC 126° radial extending from the intersection of the Molokai VORTAC 126° and the Lanai, Hawaii, VORTAC 011° radials to a point 7 miles east of this intersection; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15, and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21°22'00" N., longitude 156°48'00" W., thence to latitude 21°14'00" N., longitude 156°31'30" W., thence to latitude 21°29'00" N., longitude 156°25'00" W., thence to latitude 21°31'00" N., longitude 156°34'05" W., thence to latitude 21°25'00" N., longitude 156° 49'30" W., thence to point of beginning; that airspace bounded on the northwest by V-8 on the northeast by V-6, and on the south by V-15; that airspace bounded on the north by v-15, on the east by V-17, on the south by V-2, and on the west by V-7; and that airspace bounded on the north by V-8, on the east by V-7, and on the southwest by V-2.

AMENDMENTS 6/22/67 32 F. R. 6390 (Changed); 6/20/68 33 F. R. 5951 (Changed)

Monroe, La.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Monroe VORTAC 222° radial extending from the VORTAC to 12 miles SW, and within 5 miles NW and 8 miles SE of the Monroe ILS localizer SW course extending from 5 miles NE to 12 miles SW of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°10'00" N., longitude 92°20'00" W., to latitude 32°44'00" N., longitude 92°20'00" W., to latitude 32°49'00" N., longitude 91°50'00" W., to latitude 32°35'00" N., longitude 91°28'00" W., to latitude 32°05'00" N., longitude 91°28'00" W., to latitude 32°05'00" N., longitude 91°57'00" W., to point of beginning.

Monroe, N. C.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Shute Airport (latitude 35°00'09" N., longitude 80°33'51" W.); within 2 miles each side of the 117° bearing from a reference point at latitude 34°59'00" N., longitude 80°30'45" W, extending from the 4-mile radius area to 8 miles SE of the reference point.

Monroeville, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Monroeville County Airport (latitude 31°27'25" N., longitude 87°20'50" W.); within 2 miles each side of the Monroeville, Ala., VOR 039° and 201° radials extending from the VOR to 8 miles NE and 8 miles SW and the airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Monroeville, Ala., VOR.

Montague, Calif.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport (latitude 41°46'55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 42°04'00" N., on the east by an arc of a 40-mile radius circle centered on the Klamath Falls, Oreg., VORTAC and an arc of a 14-mile radius circle centered on the Siskiyou County Airport, on the southeast by a line extending from latitude 41°41'00" N., longitude 122°20'00" W., to latitude 41°25'00" N., longitude 122°20'00" W., on the south by latitude 41°25'00" N., and on the west by the east edge of V-23; within 5 miles each side of the Siskiyou TACAN 014° radial, extending from the 7-mile radius area to 19 miles north of the TACAN, and within 5 miles east and 8 miles west of the Siskiyou TACAN 194° radial, extending from the TACAN to 29 miles south of the TACAN.

Monterey, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Fritzsche AAF, Fort Ord, Calif., latitude 36°40'55" N., longitude 121°45'40" W., excluding the portion S of latitude 36°32'00" N.; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°05'00" N., longitude 122°43'15" W., thence E via the S boundary of Control 1173 to V-27, thence SE via V-27 to latitude 37°00'00" N., thence E via latitude 37°00'00" N., to a line 11 miles SW of and parallel to the Priest, Calif., VORTAC 331° radial, thence SE via this line to a line 12 miles SE of and parallel to the Big Sur, Calif., VOR 047° radial, thence SW via this line to V-27, thence SE via V-27 to longitude 121°03'00" W., thence S to latitude 35°30'00" N., longitude 121°03'00" W., thence to latitude 35°30'00" N., longitude 121°22'00" W., to latitude 35°45'00" N., longitude 121°40'15" W., to latitude 36°15'00" N., longitude 122°01'00" W., to latitude 36°29'00 N., longitude 122°01'00" W., to latitude 36°29'00" N., longitude 122°17'30" W., to point of beginning; that airspace extending upward from 5,000 feet MSL bounded on the northwest by a line 12 miles southeast of and parallel to the Big Sur VOR 047° radial, on the northeast by V-25, on the south by a line extending from the southwest boundary of V-25 and latitude 35°33'00" N., to latitude 35°33'00" N., longitude 121°03'00" W., thence south to the northeast boundary of V-27 and longitude 121°03'00" W., and on the southwest by V-27; and that airspace extending upward from 17,500 feet MSL to and including flight level 240 within 10 miles north and 16 miles south of the Navy Monterey TACAN 280° radial, extending from 17 to 61 miles west of the TACAN, excluding the portion within the Paso Robles, Calif., transition area.

AMENDMENTS 11/14/68 33 F. R. 12824 (Changed)

Montevideo, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15" N., longitude 95°42'40" W.); and within 2 miles each side of the 326° bearing from Montevideo Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 326° bearing from Montevideo Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 138° bearing from Montevideo Municipal Airport, extending from the airport to 12 miles southeast of the airport; excluding the portion which overlies the Madison, Minn., transition area.

AMENDMENTS 9/19/68 33 F. R. 10565 (Added)

Montgomery, Ala.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within an 8-mile radius of Maxwell AFB (latitude 32°22'48" N., longitude 86°21'55" W.); within 8 miles S and 5 miles N of the Dannelly Field ILS localizer W course extending from the airport to 12 miles W of the LOM; within 2 miles each side of the Maxwell AFB VOR 148° radial extending from the Maxwell AFB 8-mile radius area to the VOR; within 2 miles each side of the 269° bearing from the Dannelly Field LOM extending from the LOM to 17 miles W, excluding the portion which coincides with the Selma, Ala., transition area; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the W boundary of V-7 and the S boundary of V-66 extending eastward along the S boundary of V-66 to longitude 86°00'00" W., thence S along longitude 86°00'00" W., to the E boundary of V-159, thence SE along the E boundary of V-159 to the N boundary of V-20N, thence SE to latitude 32°30'00" N., longitude 85°29'00" W., thence S along longitude 85°29'00" W, to the N boundary of V-70, thence W along the N boundary of V-70 to longitude 87°00'00" W., thence N along longitude 87°00'00" W, to a 35-mile radius arc centered on the Craig, Ala., VOR, thence clockwise along that 35-mile radius arc and a 35-mile radius arc centered at latitude 32°27'25" N., longitude 87°05'14" W, to the W boundary of V-7, thence N along the W boundary of V-7 to the point of beginning, excluding the portion that overlaps the Columbus, Ga., transition area; and that airspace southwest of Craig AFB extending upward
from 3,000 feet MSL bounded by a line beginning at the intersection of the south boundary of V-56 and longitude 88°20'00" W.; thence east along the south boundary of V-56 to a 35-mile radius arc centered at latitude 32°27'25" N., longitude 87°05'14" W.; thence counterclockwise along this arc and a 35-mile radius arc centered on the Craig, Ala., VOR to the north boundary of V-20; thence southwest along the north boundary of V-20 to a 14-mile radius arc centered on the Monroeville, Ala., VOR; thence counterclockwise along this arc to the north boundary of V-222; thence west along the north boundary of V-222 to the east boundary of V-209; thence north along the east boundary of V-209 to the intersection of a 30-mile radius arc centered at Key Field, Meridian; thence to point of beginning; and that airspace northwest of Craig AFB bounded by a line beginning at the intersection of the north boundary of V-56 and the east boundary of V-209; thence northeast along the east boundary of V-209 to latitude 33°01'00" N.; thence east along latitude 33°01'00" N. to a line extending from latitude 33°01'00" N., longitude 87°18'15" W. through latitude 33°11'00" N., longitude 87°06'40" W.; thence northeast along this line to the south boundary of V-66; thence east along the south boundary of V-66 to the west boundary of V-7; thence south along the west boundary of V-7 to a 35-mile radius arc centered at latitude 32°27'25" N., longitude 87°05'14" W.; thence counterclockwise along this arc to the north boundary of V-56; thence west along the north boundary of V-56 to point of beginning.

AMENDMENTS 7/25/68 33 F. R. 7299 (Changed)

Montpelier, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°12'15" N., 72°33'45" W., of Barre-Montpelier Airport, Montpelier, Vt.

Montrose, Colo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.), within 2 miles each side of the Montrose VOR 313° radial extending from the 5-mile radius area to 14 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the Montrose VOR 313° and 133° radials extending from 19 miles northwest to 8 miles southeast of the VOR.

AMENDMENTS 8/22/68 33 F. R. 8732 (Rewritten)

Morgantown, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius from the center of Morgantown Airport, Morgantown, W. Va., 39°38'28" N., 79°54'59" W. extending clockwise from a 192° bearing to a 328° bearing; within a 15-mile radius from the center of Morgantown Airport extending clockwise from a 328° bearing to a 192° bearing.

AMENDMENTS 7/25/68 33 F. R. 8433 (Changed)

Morris, Ill.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Morris Municipal Airport (latitude 41°25'46" N., longitude 88°25'12" W.) and within 2 miles each side of the Joliet, Ill., VORTAC 213° radial extending from the 5-mile radius area to the VORTAC.

Morristown, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Moore-Murrell Field, Morristown, Tenn., (latitude 36°10'55" N., longitude 83°22'20" W.), and within 8 miles S and 5 miles N of the 240° bearing from latitude 36°11'00" N., longitude 83°22'00" W., extending from latitude 36°11'00" N., longitude 83°22'00" W., to 12 miles SW.

Morrisville, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°32'10" N., 72°36'55" W.) of Morrisville-Stowe State Airport, Morrisville, Vt., and within 2 miles each side of the Morrisville RBN (44°35'13" N., 72°35'10" W.) 025° bearing extending from the 5-mile radius area to 8 miles northeast of the RBN.

Moses Lake, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grant County Airport (latitude 47°12'35" N., longitude 119°18'50" W.), within 2 miles each side of the Ephrata VORTAC 156° radial extending from the 5-mile radius area to 4 miles southeast of the VORTAC, within 2 miles west and 2.5 miles east of the Moses Lake ILS localizer south course extending from the 5-mile radius area to 10.5 miles south of the Moses Lake RBN, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 14 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Ephrata VORTAC 043° radial extending from the VORTAC to the arc of a 16-mile radius circle centered on the Ephrata VORTAC, within 5 miles southwest and 8 miles northeast of the Ephrata VORTAC 336° radial extending from the VORTAC to 12 miles northwest of the VORTAC, within 15 miles east and 10 miles west of the Moses Lake VOR 161° and 341° radials extending from 27 miles south to 14 miles north of the VOR, that airspace northeast of Moses Lake bounded on the northwest by a line 5 miles northwest of and parallel to the Ephrata VORTAC 066° radial, on the east by an arc of a 52-mile radius circle centered on Fairchild Air Force Base, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.), on the southeast by a line 5 miles southeast of and parallel to the Moses Lake VOR 067° radial, on the west by longitude 119°15'00" W., and that airspace west of Moses Lake bounded on the north by latitude 47°30'00" N., on the east by longitude 119°15'00" W., on the south by latitude 47°00'00" N., and on the west by an arc of a 39-mile radius circle centered on the Grant County Airport.

Moses Point, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles N and 10 miles S of the Moses Point VOR 088° and 268° radials, extending from 11 miles W to 15 miles E of the VOR.

Moultrie, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Thomasville Municipal Airport (latitude 30°54'05" N., longitude 83°52'50" W.); within an 8-mile radius of Moultrie-Thomasville Airport (latitude 31°04'58" N., longitude 83°48'15" W.); within an 8-mile radius of Spence AF Auxiliary Field (latitude 31°08'26" N., longitude 83°42'24" W.).

AMENDMENTS 6/20/68 33 F. R. 6533 (Rewritten)

Mountain Home, Idaho
That airspace extending upward from 700 feet above the surface within 10 miles NE and 9 miles SW of the Mountain Home AFB TACAN 135° and 315° radials, extending from 18 miles SE to 18 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the NE by the SW boundary of V-4, on the SE, S and SW by the arc of a 35-mile radius circle centered on Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.), on the W by the Boise, Idaho, VORTAC 204° radial and on the NW by the arc of a 25-mile radius circle centered on the Boise VORTAC; that airspace SE of Mountain Home, extending upward from 6,500 feet MSL, extending from the 35-mile radius area bounded on the NE by V-253, on the S by latitude 42°24'00" N., and on the W by longitude 115°39'00" W., excluding the portion within the Twin Falls, Idaho, transition area; that airspace S of Mountain Home, extending upward from 7,500 feet MSL, extending from the 35-mile radius area bounded on the E by longitude 115°39'00" W., on the S by the arc of a 46-mile radius circle centered on Mountain Home AFB, and on the NW by a line 5 miles NW of and parallel to the Mountain Home AFB VOR 208° radial; and that airspace S of Mountain Home, extending upward from 10,500 feet MSL within 5 miles each side of the Mountain Home VOR 178° and 208° radials, extending from the 46-mile radius circle to 61 miles S and SW of the VOR.

Mt. Clemens, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Selfridge AFB, Mt. Clemens, Mich. (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 5 miles W and 8 miles E of the Selfridge AFB ILS localizer N course, extending from 3 miles S to 12 miles N of the OM, and within 2 miles each side of the Selfridge AFB ILS localizer S course, extending from the 7-mile radius area to 11 miles S of Selfridge AFB; and that airspace extending upward from 1,200 feet above the surface bounded on the E by the United States/Canadian Border, on the W by the E boundary of VOR Federal airway No. 42 E alternate and longitude 83° 30' 00" W., and on the N by the N boundary of VOR Federal airway No. 216.

Mt. Pleasant, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Mt. Pleasant, Mich., Airport (latitude 43°37'00" N., longitude 84°44'00" W.); and within 2 miles each side of the 093° bearing from Mt. Pleasant, Mich., Airport extending from the 4-mile radius area to 8 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the S by the S edge of V-216, on the E by longitude 84°25'00" W., on the NE by a line 10 miles SW and parallel to the Saginaw, Mich., VOR 317° radial, on the NW by a line from latitude 43°49'15" N., longitude 84°43'30" W., to latitude 43°27'00" N., longitude 85°02'00" W., and on the W by longitude 85°02'00" W.

Mount Pocono, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°07'40" N., 75°22'20" W. of Mount Pocono Airport, Mount Pocono, Pa., within 2 miles each side of the 003° bearing from the Tobyhanna RBN extending from the 7-mile radius area for 8 miles N of the RBN.

Mount Vernon, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mount Vernon Municipal Airport (latitude 38°19'15" N., longitude 88°51'40" W.); within 2 miles each side of the 044° bearing from Mount Vernon Municipal Airport, extending from the 6-mile radius area to 8 miles northeast of the airport; and within 2 miles each side of the 244° bearing from Mount Vernon Municipal Airport, extending from the 6-mile radius to 8 miles southwest of the airport.

AMENDMENTS 9/19/68 33 F. R. 10443 (Added); Corr: 33 F. R. 12962

Mount Vernon, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°19'45" N., 82°31'30" W., of Mount Vernon Airport, Mount Vernon, Ohio; within 2 miles each side of the Appleton, Ohio, VORTAC 015° radial extending from the 5-mile radius area to the VORTAC and within 2 miles each side of the centerline of Runway 28 extended from the 5-mile radius area to 6 miles west of the end of the runway excluding that airspace that coincides with the Columbus, Ohio, transition area.

AMENDMENTS 8/22/68 33 F. R. 9466 (Added)

Mullan Pass, Idaho
That airspace extending upward from 8,500 feet MSL within 6 miles N and 9 miles S of the Mullan Pass VORTAC 095° and 275° radials, extending from 8 miles E to 15 miles W of the VORTAC.

Muncie, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delaware County Airport, Muncie, Indiana (latitude 40°14'26" N., longitude 85°23'43" W.); and within 2 miles each side of the Muncie VOR 125° and 320° radials extending from the 5-mile radius area to 8 miles SE and NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within the area bounded by the line beginning at latitude 40°40'00" N., longitude 85°30'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°30'00" N., longitude 84°40'00" W.; to latitude 40°13'00" N., longitude 85°00'00" W.; to latitude 40°10'00" N., longitude 85°05'45" W.; to latitude 40°00'00" N., longitude 84°58'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to latitude 40°43'00" N., longitude 85°50'00" W.; to the point of beginning and within a 12-mile radius of Marion Municipal Airport.

Muscatine, Iowa
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscatine Municipal Airport (latitude 41°22'00" N., longitude 91°08'40" W.).

AMENDMENTS 7/25/68 33 F. R. 7875 (Added)

Muscle Shoals, Ala.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Muscle Shoals VORTAC 112° and 292° radials extending 5 miles W and 13 miles E of the VORTAC, within 5 miles each side of the Muscle Shoals VORTAC 293° radial extending from 5 miles W to 18 miles W of the VORTAC, and within 8 miles W and 5 miles E of the Muscle Shoals VORTAC 002° radial extending from the VORTAC to a point 30 miles north of the VORTAC, including that airspace northeast of Muscle Shoals, bounded on the west by V-7, on the east by V-57, and on the south by V-54N; and that airspace southwest of Muscle Shoals, bounded on the east by V-7W, on the southwest by V-150N, and on the north by V-54S.

AMENDMENTS 5/23/68 33 F. R. 7351 (Changed); 8/22/68 33 F. R. 12178 (Changed)

Muskegon, Mich.
That airspace extending upward from 700 feet above the surface within 8 miles northeast and 6 miles southwest of the Muskegon County Airport ILS localizer southeast course, extending from 3 miles northwest of the OM southeast to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°-10'16" N., longitude 86°14'09" W.); within 2 miles each side of the Muskegon ILS localizer northwest course, extending from 11 miles northwest of the OM to 18 miles northwest of the OM; and within a 4-mile radius of Grand Haven, Mich., Memorial Airport (latitude 43°02'00" N., longitude 86°11'50" W.); and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.); within 5 miles southwest and 7 miles northeast of the Muskegon ILS localizer northwest course extending from the 18-mile radius area to 28 miles northwest of the OM; and the airspace southwest of Muskegon bounded on the northeast by the 18-mile radius area, on the southeast by the Grand Rapids, Mich., transition area, on the southwest by V-30, and on the northwest by V-216.

Muskogee, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla., (latitude 35°39'25" N., longitude 95°21'40" W.); and within 8 miles SW and 5 miles NE of the 128° bearing from the Muskogee RBN, extending from the 7-mile radius area to 12 miles SE of the RBN.

Myrtle Beach, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.); within an 8-mile radius of the Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); that airspace extending upward from 1200 feet above the surface to the base of the continental control area bounded by a line beginning at the INT of the E boundary of V-437E and a line 5 miles S of and parallel to the Florence, S. C., VORTAC 088° radial, thence E to latitude 34°18'40" N., longitude 79°11'00" W., thence along a line extending from latitude 34°18'40" N., longitude 79°11'00" W., through latitude 34°17'45" N., longitude 78°25'30" W., to the E boundary of V-213, to latitude 33°58'30" N., longitude 78°10'45" W., to latitude 33°40'10" N., longitude 78°40'15" W., thence clockwise along the arc of a 15-mile radius circle centered on the Conway TACAN, to latitude 33°27'40" N., longitude 78°55'20" W., thence to latitude 33°19'40" N., longitude 79°02'10" W., to latitude 33°11'55" N., longitude 79°08'00" W., to latitude 33°20'00" N., longitude 79°39'20" W., thence N along the E boundary of V-437E to the point of beginning; and that airspace extending upward from 2,700 feet MSL bounded on the N by the arc of a 35-mile radius circle centered on Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'25" N., longitude 78°52'50" W.) on the E by the 2,700-foot MSL floor portion of the Goldsboro, N. C., transition area, on the S by the 1,200-foot floor portion of the Myrtle Beach Transition area, on the W by V-437E and V-3E, excluding the portion that coincides with the Florence, S. C., transition area.

AMENDMENTS 8/22/68 33 F. R. 12178 (Changed)

Nantucket, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Nantucket Memorial Airport, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.); within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 6-mile radius area to 10 miles NE of the VOR; and that airspace extending upward from 2,000 feet MSL NE of Nantucket bounded on the NE by the arc of a 29-mile radius circle centered at the Nantucket VORTAC, on the SE by Control 1144, and on the NW by Control 1143; SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket CONSOLAN (Monitor site at latitude 41°15'35" N., longitude 70°09'19" W.), on the N by Control 1144, and on the SW by Control 1145; and that airspace from FL 240 to FL 300, inclusive, SW of Nantucket, bounded on the N by Control 1169, on the E by Control 1145, and on the S and W by the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station; that airspace northeast of Nantucket bounded on the northwest by Control 1143, on the southeast by Control 1146, and on the east by longitude 67°00'00" W. The portion east of longitude 68°00'00" W. is excluded below 5,500 feet MSL.

AMENDMENTS 10/17/68 33 F. R. 12086 (Changed)

Nashville, Tenn.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Nashville Metropolitan Airport (latitude 36°07'36" N., longitude 86°40'58" W.); within a 12-mile radius of the Sewart Air Force Base (latitude 36°00'27" N., longitude 86°31'21" W.); within 5 miles W and 8 miles E of the Nashville ILS S course, extending from the 11-mile radius area to 12 miles S of the LOM; within 5 miles W and 8 miles E of the Nashville ILS N course, extending from the 11-mile radius area to 12 miles N of the Nashville VORTAC 333° radial; within 5 miles SW and 8 miles NE of the Sewart AFB ILS SE course, extending from the 12-mile radius area to 12 miles SE of the Sewart RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the W boundary of V-7 and the arc of a 36-mile circle centered at the Nashville Metropolitan Airport, thence clockwise along this arc to the W boundary of V-243, thence SE along the W boundary of V-243 to the arc of a 43-mile circle centered at Sewart Air Force Base, thence clockwise along this arc to longitude 86°20'00" W., thence S to the intersection of a line 5 miles N of and parallel to the Muscle Shoals (Alabama) VORTAC 066° radial and the arc of a 31-mile circle centered at latitude 34°46'30" N., longitude 86°36'30" W., thence counterclockwise along this arc to the E boundary of V-57, thence NW along the E boundary of V-57 to the S boundary of V-16, thence NE along the S boundary of V-16 to the arc of a 30-mile circle centered at the Nashville Metropolitan Airport, thence clockwise along this arc to the NW boundary of V-57, thence NE along the NW boundary of V-57 and NW along the W boundary of V-7 to the point of beginning.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Natchez, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hardy-Anders Field, Natchez, Miss. (latitude 31° 36' 50" N., longitude 91° 17' 55" W.) and within 2 miles each side of the Natchez VOR 012° radial extending from the 5-mile radius area to 8 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Hardy-Anders Field, and within 5 miles each side of the Natchez VOR 192° radial, extending from the 15-mile radius area to 23 miles south of the VOR.

Needles, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Needles VORTAC 092° and 272° radials, extending from 8 miles W to 20 miles E of the VORTAC.

Neosho, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Neosho Memorial Airport (latitude 36°48'35" N., longitude 94°23'15" W.); and within 2 miles each side of the Neosho, Mo., VOR 308° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the Neosho VOR 308° radial, extending from the VOR to 12 miles northwest of the VOR, excluding the portion which overlies the Joplin, Mo., transition area.

AMENDMENTS 11/14/68 33 F. R. 14588 (Added)

PENDING AMENDMENT
New Bern, N. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'38" W.); excluding the portion within R-5306A.

AMENDMENTS 4/3/69 34 F. R. 1010 (Added)

Newburgh, N. Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°30'34" N., 74°05'44" W. of Stewart AFB, Newburgh, N. Y., and within 2 miles S of the Stewart TACAN 253° radial clockwise to 2 miles NE of the Stewart TACAN 328° radial extending from the 12-mile radius area to 16 miles W and NW of the TACAN.

Newburyport, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°47'45" N., 70°50'25" W.) of Plum Island Airport, Newburyport, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

AMENDMENTS 2/29/68 33 F. R. 688 (Added)

New Orleans, La.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30°06'25" N., longitude 90°10'35" W.; to latitude 30°08'20" N., longitude 90°02'30" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.); to latitude 30°02'20" N., longitude 89°54'20" W.; to latitude 29°49'40" N., longitude 89°54'20" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); to latitude 29°44'45" N., longitude 90°05'25" W.; to latitude 29°53'45" N., longitude 90°20'00" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29°59'25" N., longitude 90°15'15" W.); to point of beginning; and within 2 miles each side of the Harvey VOR 053° radial extending from the VOR to 8 miles NE;
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 29°33'00" N., longitude 89°16'00" W. to latitude 29°28'35" N., longitude 89°23'50" W.; thence along the outer limits of the territorial waters of the United States to the northern boundary of Control Area 1226, thence northwest along the north boundary of Control Area 1226 to latitude 29°13'30" N., longitude 89°51'00" W. to latitude 28°57'00" N., longitude 90°01'00" W. to latitude 28°59'00" N., longitude 90°15'00" W. to latitude 29°11'00" N., longitude 90°25'00" W. to latitude 29°15'00" N., longitude 90°25'00" W. to latitude 29°15'00" N., longitude 91°05'00" W. to latitude 29°31'00" N., longitude 91°05'00" W. to latitude 29°31'00" N., longitude 91°11'00" W. to latitude 29°47'00" N., longitude 91°11'00" W. to latitude 29°53'00" N., longitude 91°00'00" W. to latitude 30°13'00" N., longitude 90°57'00" W. to latitude 30°17'00" N., longitude 90°45'00" W. to latitude 30°38'00" N., longitude 90°48'00" W. to latitude 30°38'00" N., longitude 90°11'00" W. to latitude 30°54'00" N., longitude 89°35'00" W. to latitude 30°41'00" N., longitude 89°18'00" W. to latitude 29°41'00" N., longitude 89°18'00" W. to point of beginning.

AMENDMENTS 7/25/68 33 F. R. 8479 (Changed); 12/13/68 33 F. R. 19077 (Changed)

New Philadelphia, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the New Philadelphia Airport (latitude 40° 28' 15" N., longitude 81° 25' 10" W.).

Newport, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newport Municipal Airport (latitude 44°34'45" N., longitude 124°03'30" W.); within 2 miles each side of the Newport VORTAC 005° radial, extending from the 5-mile radius area to 10 miles N of the VORTAC; within 2 miles each side of the Newport VORTAC 044° radial, extending from the 5-mile radius area to 13 miles NE of the VORTAC; and within 2 miles each side of the Newport VORTAC 184° radial, extending from the 5-mile radius area to 9.5 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 8 miles E of the Newport VORTAC 005° and 184° radials, extending from 12 miles N to 12 miles S of the VORTAC, and within lines 5 miles each side of the Newport VORTAC 237° radial including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to a line extending through latitude 44°35'00" N., longitude 124°17'30" W. and latitude 44°22'00" N., longitude 124°13'25" W.; and that airspace between the arcs of a 12 and 16.5-mile radius circle centered on the Newport VORTAC, extending counterclockwise from the 044° radial to a line 5 miles west of a parallel to the 005° radial of the VORTAC.

AMENDMENTS 12/12/68 33 F. R. 15109 (Changed)

Newport, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°53'22" N., 72°13'48" W., of Newport Airport, Newport, Vt.; within 2 miles each side of a bearing 032° from the Newport radio beacon extending from the 5-mile radius area to 8 miles northeast of the radio beacon, excluding the portion overlying Canada. This transition area is effective from sunrise to sunset, daily.

Newton, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Newton Municipal Airport (latitude 41°40'40" N., longitude 93°01'25" W.); and within 2 miles each side of the Newton VOR 149° radial extending from the 4-mile radius area to the VOR.

Newton, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newton Municipal Airport (latitude 38°03'20" N., longitude 97°16'35" W.); and within 2 miles each side of the 349° bearing from Newton Municipal Airport; extending from the 5-mile radius area to 8 miles north of the airport.

AMENDMENTS 10/17/68 33 F. R. 12137 (Added)

New York, N. Y.
That airspace extending upward from 700 feet above the surface beginning at latitude 41°07'30" N., longitude 73°57'00" W.; to latitude 41°01'00" N., longitude 74°00'00" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°24'20" N., longitude 74°45'40" W.; to latitude 40°31'15" N., longitude 74°42'30" W.; to latitude 40°38'00" N., longitude 74°49'30" W.; to latitude 40°55'00" N., longitude 74°31'00" W.; to latitude 40°57'00" N., longitude 74°33'00" W.; to latitude 41°03'00" N., longitude 74°27'00" W.; to latitude 41°02'30" N., longitude 74°21'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to the point of beginning; that airspace extending upward from 1,200 feet above the surface beginning at latitude 41°19'00" N., longitude 74°00'00" W.; to latitude 41°12'00" N., longitude 74°00'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 40°49'00" N., longitude 74°37'00" W.; to latitude 41°19'00" N., longitude 74°33'00" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°30'00" N., longitude 73°36'00" W.; thence via latitude 40°30'00" N. to the W edge of V-139; thence along the west edge of V-139 to latitude 40°12'55" N., longitude 73°19'00" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to the point of beginning. The airspace within W-106 below 3,000 feet MSL and that airspace within Control Area 1147 are excluded.

AMENDMENTS 9/19/68 33 F. R. 11148 (Changed)

Nome, Alaska
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Nome VOR, extending clockwise from the 319° radial to the 125° radial; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Nome VOR.

Norfolk, Nebr.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Norfolk VOR.

Norfolk, Va.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°10'35" N., longitude 76°17'35" W., to latitude 36°49'45" N., longitude 75°52'05" W., to latitude 36°29'25" N., longitude 76°09'40" W., to latitude 36°35'40" N., longitude 76°18'40" W., to latitude 36°54'00" N., longitude 76°27'30" W., to latitude 36°54'00" N., longitude 76°36'15" W., to latitude 37°10'30" N., longitude 76°46'00" W., to latitude 37°14'40" N., longitude 76°39'50" W., thence to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°38'15" N., longitude 77°19'15" W., to latitude 37°55'30" N., longitude 76°46'00" W., to latitude 37°38'30" N., longitude 75°31'30" W., thence south along the west boundary of W-386 to latitude 37°00'00" N., longitude 75°32'00" W.; thence to latitude 36°49'25" N., longitude 75°32'00" W.; thence westerly and southerly along the north and west boundary of W-72 to latitude 36°19'00" N., longitude 75°44'45" W.; to latitude 36°03'15" N., longitude 76°02'15" W., to latitude 36°13'25" N., longitude 76°47'30" W., thence clockwise along the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W., to the point of beginning, excluding the portion within R-5301B, R-6606, W-386, and the portion below 2,000 feet MSL outside the United States.

AMENDMENTS 4/25/68 33 F. R. 3508 (Changed); 2/6/69 33 F. R. 17766 (Changed)

PENDING AMENDMENT
Alter the Norfolk, Va., transition area by adding in the description of the 700-foot transition area following the words "thence to point of beginning" the words "and within 2 miles southeast and 5 miles northwest of the Runway 7 centerline extended 15 miles northeast of the end of the runway 7."
AMENDMENTS 3/6/69 34 F. R. 249 (Changed)

North, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.). This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

North Bend, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the North Bend VORTAC 004° radial, extending from the VORTAC to 6 miles north of the VORTAC; within 2 miles each side of the North Bend VORTAC 023° radial, extending from the VORTAC to 8 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 044° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 090° radial, extending from the VORTAC to 8 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the VORTAC to 13 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 182° radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of the North Bend VORTAC 270° radial, extending from the VORTAC to 10 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the North Bend VORTAC, extending clockwise from the east edge of V-27, south of the VORTAC to the east edge of V-287 north of the VORTAC; within 5 miles north and 8 miles south of the North Bend VORTAC 090° radial, extending from the VORTAC to 12 miles east of the VORTAC.

North Conway, N. H.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°01'25" N., 71°06'45" W.), of White Mountain Airport, North Conway, N. H.; within 2 miles each side of a 128° bearing from the North Conway, N. H., RBN (44°01'26" N., 71°06'59" W.), extending from the 5-mile radius area to 8 miles southeast of the RBN.
That airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of a 128° bearing from the North Conway, N. H., RBN extending from the RBN to 12 miles southeast of the RBN; within 5 miles each side of a direct line extending from the Whitefield, N. H., RBN (44°21'58" N., 71°33'00" W.) to the North Conway, N. H., RBN; within 5 miles each side of a direct line extending from the Montpelier, Vt., VOR to the North Conway, N. H., RBN; within 5 miles each side of a direct line extending from the Lebanon, N. H., VOR to the North Conway, N. H., RBN and within 5 miles each side of a line bearing 116° from the North Conway, N. H., RBN extending from the RBN to the northwest boundary of the Portland, Maine, 1,200-foot transition area, excluding those portions that coincide with the Berlin, N. H., Lebanon, N. H., and Burlington, Vt., 1,200-foot transition areas. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 7/25/68 33 F. R. 8732 (Added); 11/14/68 33 F. R. 12544 (Changed)

North Hilo, Hawaii
That airspace extending upward from 1,200 feet above the surface north of Hilo, Hawaii, bounded on the south by V-1 Hawaii, and on the west, north and east by a line extending from V-1 Hawaii, through latitude 20°30'00" N., longitude 155°33'00" W.; to latitude 20°45'00" N., longitude 155°43'00" W.; thence along latitude 20°45'00" N.; to longitude 155°27'00" W.; thence through latitude 20°27'22" N., longitude 155°15'00" W., to V-1 Hawaii.

North Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 234° bearing from the Wings Field, Philadelphia, Pa., RBN (latitude 40° 07' 33" N., longitude 75° 17' 08" W.) extending from the RBN to 8 miles SW of the RBN, within a 7-mile radius of the North Philadelphia Airport (latitude 40° 04' 45" N., longitude 75° 00' 35" W.); within a 7-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.) and including the airspace beginning at latitude 40° 17' 40" N., longitude 75° 21' 15" W., to latitude 40° 24' 10" N., longitude 75° 09' 20" W., to latitude 40° 18' 10" N., longitude 75°03'50" W., to latitude 40°22'05" N., longitude 74°52'00" W., to latitude 40°10'30" N., longitude 74°48'00" W., to latitude 40°07'30" N., longitude 74°53'30" W., to latitude 40°02'40" N., longitude 75° 08' 00" W., to latitude 40° 04' 30" N., longitude 75° 18' 50" W., to latitude 40° 07' 00" N., longitude 75° 22' 00" W., to point of beginning.

North Platte, Nebr.
That airspace extending upward from 700' above the surface within a 10-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the North Platte VOR.

AMENDMENT 9/14/67 32 F.R. 9808 (Rewritten)

Northway, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Northway RR, extending from 8 miles SE to 12 miles NW of the RR; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Northway RR, extending from 22 miles SE to 42 miles NW of the RR.

Ocala, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ocala Municipal (Jim Taylor) Airport (latitude 29°10'20" N., longitude 82°13'25" W.); within 8 miles W and 5 miles E of the Ocala VORTAC 171° radial extending from the 5-mile radius area to 12 miles S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 6-mile radius of Ocala Municipal Airport, including the area bounded on the S by a 15-mile radius arc centered on the Ocala VORTAC, on the NW by the NW boundary of V-441 and on the NE by the NE boundary of V-159.

Ocean City, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°18'35" N., 75°07'20" W., of Ocean City Airport, Ocean City, Md., and within 2 miles each side of the Snow Hill, Md., VORTAC 047° radial extending from the 5-mile radius area to 18 miles northeast of the VORTAC excluding the portion outside the United States.

AMENDMENTS 6/20/68 33 F. R. 6916 (Added)

Ogden, Utah
That airspace extending upward from 700 feet above the surface bounded on the E by longitude 111°55'00" W., on the N by latitude 41°27'00" N., on the W by longitude 112°22'00" W., and on the S by latitude 41°00'00" N.; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°50'00" W., on the S by latitude 41°00'00" N., on the W by longitude 112°45'00" W., and on the N by the N boundary of V-288, that airspace W of Ogden bounded on the S and W by the Wendover, Utah, transition area, on the N by V-6 and on the E by longitude 112°45'00" W., that airspace W of Ogden bounded on E by longitude 112°45'00" W., on the S by V-6 and on the N by V-288, that airspace NW of Ogden within 10 miles SW and 6 miles NE of the Ogden VORTAC 316° radial, extending from the N boundary of V-288 to 63 miles NW of the VORTAC, that airspace N of Ogden within 10 miles W and 7 miles E of the Ogden VORTAC 345° radial, extending from the N boundary of V-288 to 42 miles N of the VORTAC; that airspace E of Ogden extending upward from 10,500 feet m.s.l. bounded on the N by V-288 on the S by V-6 and on the W by longitude 111°50'00" W., and that airspace bounded on the N by V-6, on the SE by V-32, on the S by latitude 41°00'00" N., and on the W by longitude 111°50'00" W.

Ogdensburg, N.Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center. 44°40'52" N., 75°28'05" W. of Ogdensburg Municipal Airport, Ogdensburg, N.Y., excluding the portion over Canada: within 2 miles each side of a 077° bearing from the Ogdensburg radio beacon extending from the 5-mile radius to 8 miles east of the radio beacon.
That airspace extending upward from 1,200 feet above the surface beginning at 44°16'00" N., 75°30'00" W. to 44°16'00" N., 76°10'00" W., thence NE along the U.S./Canadian border to 44°56'00" N., 75°05'00" W. to 44°42'00" N., 75°05'00" W. to point of beginning.

Oklahoma City, Okla.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 35°15'30" N., longitude 97°19'00" W.; to latitude 35°23'00" N., longitude 97°14'30" W.; to latitude 35°40'30" N., longitude 97°14'30" W.; to latitude 35°40'30" N., longitude 97°28'30" W.; to latitude 35°39' 00" N., longitude 97°40'00" W.; to latitude 35°33'00" N., longitude 97°50'00" W.; to latitude 35°34'30" N., longitude 97°58'00" W.;to latitude 35°22'30" N., longitude 98°02'00" W.; to latitude 35°18'00" N., longitude 97°42'00" W.; to latitude 35°08'00" N., longitude 97°42'00" W.; to latitude 35°08'00" N., longitude 97°28'00" W.; to latitude 35°15'30" N., longitude 97°28'00" W.;and within 8 miles NW and 5 miles SE of Oklahoma City VORTAC 230° radial, extending from the VORTAC to 12 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 57-mile radius of latitude 35°25'50" N., longitude 97°35'10" W., within 6 miles SE and 9 miles NW of the Oklahoma City VORTAC 242° radial, extending from the 57-mile radius area to 52 miles SW of the VORTAC, within 6 miles S and 9 miles N of the Oklahoma City VORTAC 282° radial, extending from the 57-mile radius area to 62 miles W of the VORTAC, and within the area bounded on the E by longitude 96°54'00" W., and on the W by longitude 97°18'20" W., extending N from the 57-mile radius area to latitude 36°26'00" N., excluding the portion N of a line extending from latitude 35°54'00" N., longitude 98°25'00" W., to latitude 35°48'00" N., longitude 98°18'00" W., to latitude 36°03'00" N., longitude 97°23'30" W., to latitude 36°13'25" N., longitude 97°18'20" W.

Okmulgee, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Okmulgee, Okla., Airport (latitude 35°39'45" N., longitude 95°56'45" W.); and within 8 miles S and 5 miles N of the Okmulgee VOR 068° Radial extending from the VOR to 12 miles E.

Olean, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Olean Municipal Airport (latitude 42°14'20" N., longitude 78°22'30" W.), and within 2 miles each side of the Olean RBN 033° bearing, extending from the 7-mile radius area to 8 miles NE of the RBN, from 0700 to 2200 hours, local time, daily.

Olney, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport, Olney, Ill. (latitude 38°43'20" N., longitude 88°10'25" W.); and within 2 miles each side of the 223° bearing from Olney-Noble Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the 223° bearing from the Olney-Noble Airport, extending from the airport to 12 miles SW of the airport, excluding the airspace within the Evansville, Ind., transition area.

Omaha, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); within 2 miles each side of the Eppley Field ILS localizer southeast course, extending from the 10-mile radius area to 15 miles southeast of the airport; and within 5 miles northeast and 8 miles southwest of the Eppley Field ILS localizer northwest course, extending from the 10-mile radius area to 12 miles northwest of the OM; within a 10-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 6 miles northeast and 8 miles southwest of the Offutt AFB VOR 310° and 130° radials, extending from the 10-mile radius area to 12 miles southeast of the VOR; and within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 10-mile radius area to 8 miles northwest of the TACAN; within a 5-mile radius of Council Bluffs, Iowa, Municipal Airport (latitude 41°15'35" N., longitude 95°45'40" W.); and within 2 miles each side of the Omaha VORTAC 341° radial, extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area beginning southeast of Omaha at the north edge of V-216 and longitude 95°00'00" W.; thence north along longitude 95°00'00" W. to and east along the north edge of V-6, to and north along longitude 94°42'00" W., to and west along the south edge of V-172, to and north along longitude 95°18'00" W., to and west along latitude 41°43'00" N., to and south along longitude 96°25'00" W., to and east along latitude 41°30'00" W., to and south along longitude 96°23'00" W., to and east along the north edge of V-216 to the point of beginning.

AMENDMENTS 5/23/68 33 F. R. 5950 (Rewritten)

Omak, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Omak Airport (latitude 48°27'50" N., longitude 119°31'00" W.), within 2 miles each side of the 177° bearing from the Omak radio beacon (latitude 48°27'13" N., longitude 119°30'56" W.), extending from the 5-mile radius area to 8 miles S of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, within 7 miles E and 10 miles W of the 177° and 357° bearings from the Omak radio beacon, extending from 8 miles N to 20 miles S of the radio beacon.

O'Neill, Nebr.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of O'Neill Municipal Airport (latitude 42°28'10" N., longitude 98°41'15" W.); and within 2 miles each side of the O'Neill VORTAC 315° radial, extending from the 5-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of O'Neill VORTAC extending clockwise from the north edge of V-100 to the northwest edge of V-148; and within 7 miles north and 10 miles south of the O"Neill VORTAC 273° and 093° radials, extending from 20 miles west to 9 miles east of the VORTAC.

AMENDMENTS 2/1/68 32 F. R. 13917 (Rewritten)

Oneonta, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°31'26" N., 75°03'56" W.), of Oneonta Municipal Airport, Oneonta, N. Y.; and within 2 miles each side of the Rockdale VOR 067° radial, extending from the 5-mile radius area to the Rockdale VOR, excluding the portion within the Sidney, N. Y. transition area.

AMENDMENTS 6/20/68 33 F. R. 6914 (Changed)

Ontario, Oregon
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ontario Municipal Airport (latitude 44°01'15" N., longitude 117°00'43" W.); within 2 miles each side of the Ontario RBN 159° bearing, extending from the 5-mile radius area to 8 miles S of the RBN, and within 2 miles each side of the Ontario RBN 025° bearing extending from the 5-mile radius area to 8 miles NE of the RBN.

Orlando, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Orlando (Herndon) Municipal Airport, Orlando, Fla. (latitude 28°32'40" N., longitude 81°19'55" W.); within a 7-mile radius of McCoy AFB, Orlando, Fla. (latitude 28°25'55" N., longitude 81°19'15" W.); within 5 miles E and 8 miles W of the McCoy ILS localizer S course extending from McCoy AFB to 12 miles S of the LOM; that airspace extending upward from 1,200 feet above the surface encompassed by a line beginning on the NE boundary of V-159 at latitude 29°00' 00" N., extending E along latitude 29°00'00" N., to the W boundary of V-267, thence S along the W boundary of V-267 to latitude 28°58'00" N., thence E along latitude 28°58'00" N, to the limits of the territorial waters of the United States, thence SE along the limits of the territorial waters of the United States to a 25-mile radius arc centered at Patrick AFB, Cocoa, Fla. (latitude 28°14'15" N., longitude 80°36'35" W.), thence counterclockwise along this arc to a 35-mile radius arc centered on Orlando (Herndon) Municipal Airport, thence clockwise along this 35-mile radius arc to the NE boundary of V-159 NW of Orlando and NW along the NE boundary of V-159 to the
point of beginning; including the area S of Orlando bounded on the E by the W boundary of V-267/295, on the S by latitude 27°45'00" N., on the W by the NE boundary of V-157, and a 42-mile radius arc centered on MacDill AFB, Tampa, Fla. (latitude 27°51'00" N., longitude 82°30'41" W.), on the NW by the SE boundary of V-152S; and including that airspace W of Orlando bounded on the S by the N boundary of V-152N, on the W by the E boundary of V-157 and on the N by the S boundary of V-295.

Osceola, Wis.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Osceola Municipal Airport (latitude 45°18'40" N., longitude 92°41'30" W.); and within 2 miles each side of the 114° bearing from Osceola Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 114° bearing from Osceola Municipal Airport, extending from the airport to 12 miles southeast of the airport.

AMENDMENTS 4/25/68 33 F. R. 3507 (Added)

Oscoda, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 7-mile radius area to 14 miles SW of the TACAN; and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 7-mile radius area to 14 miles NE of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Wurtsmith AFB; within 5 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 30-mile radius to 40 miles E of the TACAN; and within the area bounded on the NW by a line 5 miles NW and parallel to the 238° bearing from the Wurtsmith AFB OM, on the NE by the 30-mile radius area, on the SE by a line 5 miles SE and parallel to the 216° bearing from the Wurtsmith AFB OM, and on the SW by the arc of a 33-mile radius circle centered on the Wurtsmith AFB OM.

Oshkosh, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Winnebago County Airport (latitude 43°59'20" N., longitude 88°33'15" W.); within 8 miles east and 5 miles west of the Oshkosh VOR 182° radial, extending from the 8-mile radius area to 12 miles south of the VOR; within a 5-mile radius of Fond du Lac County Airport (latitude 43°46'10" N., longitude 88°29'30" W.); and within 5 miles south and 8 miles north of the 273° bearing from Fond du Lac County Airport, extending from the airport to 12 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°36'00" N., longitude 87°47'15" W.; thence to latitude 44°36'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 88°30'00" W.; thence to latitude 43°40'40" N., longitude 89°38'20" W.; thence north along the east boundary of V-177 to latitude 44°19'50" N., longitude 89°29'00" W., thence counterclockwise via the arc of a 15-mile radius circle centered on the Stevens Point, Wis., VOR to latitude 44°28'30" N., longitude 89°14'25" W., thence to latitude 44°29'25" N., longitude 88°35'00" W., thence clockwise via the arc of a 20-mile radius circle centered on the Green Bay, Wis., VOR to the point of beginning, excluding the portion which overlies the Cecil, Wis., transition area.

AMENDMENTS 9/19/68 33 F. R. 12891 (Rewritten)

Oswego, Kans.
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Oswego VOR 207° and 027° radials, extending from 20 miles NE to 9 miles SW of the VOR.

Otto, N. Mex.
That airspace extending upward from 1,200 feet above the surface bounded on the N. by latitude 35°14'00" N., on the E. by longitude 105°34'00" W., on the S.by latitude 34°57'25" N., and on the W. by a line extending from latitude 34°57'25" N., longitude 106°00'10" W., clockwise via the arc of an 8-mile radius circle centered at latitude 35°04'35" N., longitude 106°00'10" W., to latitude 35°11'20" N., longitude 106°01'20" W., thence N. via the arc of a 46-mile radius circle centered on the Albuquerque, N. Mex., VORTAC to latitude 35°14'00" N., longitude 106°02'05" W.

Ottumwa, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Ottumwa Industrial Airport (latitude 41°06'20" N., longitude 92°26'50" W.) and within 2 miles each side of the Ottumwa VORTAC 309° radial extending from the 6-mile radius area to 13 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of a line 5 miles south of and parallel to the Ottumwa 251° radial and the arc of a 25-mile radius circle centered on the Ottumwa VORTAC, thence clockwise along the arc of a 25-mile radius circle centered on the Ottumwa VORTAC, to and south along a line 5 miles east of and parallel to the Ottumwa VORTAC 026° radial, to and clockwise along the arc of a 15-mile radius circle centered on the Ottumwa VORTAC, to and west along a line 5 miles south of and parallel to the Ottumwa VORTAC 251° radial to the point of beginning.

AMENDMENTS 2/29/68 32 F. R. 20769 (Rewritten)

Owensboro, Ky.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°44'32" N., 87°09'57" W. of the Owensboro-Daviess County Airport, Owensboro, Ky., and within 5 miles NW and 8 miles SE of the Owensboro VOR 222° radial extending southwesterly from the VOR for 12 miles and within 5 miles W and 8 miles E of the Owensboro VOR 184° radial extending southerly from the VOR for 12 miles

Oxford, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (latitude 34°23'05" N., longitude 89°32'10" W.), and within 2 miles each side of the 257° bearing from the airport, extending from the 5-mile radius area to 8 miles W of the airport.

Oxford, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (39°30'10" N., 84°47'15" W.) of Miami University Airport, Oxford, Ohio, and within 2 miles each side of the Oxford, Ohio, RBN (39°30'27" N., 84°46'50" W.) 223° bearing extending from the 5-mile radius area to 11 miles southwest of the RBN.

Oxnard, Calif.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Point Mugu RBN, excluding the portion within W-289; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 118°50'00" W., on the S by latitude 34°00'00" N., on the W by longitude 120°00'00" W., and on the N by a line extending from latitude 34°20'00" N., longitude 120°00'00" W to latitude 34°20'00" N., longitude 119°30'00" W to latitude 34°30'00" N., longitude 119°30'00" W to latitude 34°30'00" N., longitude 118°50'00" W., excluding the portions within W-289 and W-412; and that airspace extending upward from 5,000 feet MSL bounded on the north by latitude 34°15'00" N., on the east by longitude 120°00'00" W., on the south by latitude 34°00'00" N., and on the west by longitude 120°30'00" W., excluding the portion within the Santa Barbara, Calif., transition area.

AMENDMENTS 2/29/68 33 F. R. 531 (Changed)

Paducah, Ky.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37°03'40" N., 88°46'20" W. of Barkley Field, Paducah, Ky.; within 2 miles each side of the Paducah VOR 225° radial extending from the 6-mile radius area to 12 miles SW of the VOR.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°13'25" N., 88°46'00" W. to 37°04'00" N., 88°32'00" W. to 36°44'50" N., 88°52'25" W. to 36°50'00" N., 89°10'00" W. thence north along longitude 89°10'00" W. to the southern edge of V-178S, thence east along the southern edge of V-178S to 36°59'10" N., 89°00'50" W. to the point of beginning.

AMENDMENTS 2/29/68 33 F. R. 531 (Changed)

Pahokee, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Palm Beach County Glades Airport (latitude 26°47'15" N., longitude 80°41'35" W.); within 2 miles each side of the Pahokee VORTAC 342° radial extending from the 5-mile radius area to 9 miles N of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the S by the S boundary of V-492, on the W and N by a 17-mile radius arc centered on the Pahokee VORTAC, on the E by the E boundary of V-51, including the area 6 miles W and 4 miles E of the Pahokee VORTAC 342° radial extending from the 17-mile radius arc to 20 miles N of the VORTAC and the area 5 miles each side of the VORTAC 166° radial extending from the VORTAC to 12 miles S of the VORTAC.

Painesville, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°40'00" N., 81°12'00" W., of Concord Airpark, Painesville, Ohio; within 2 miles each side of the Runway 12 centerline extended from the 5-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 20 centerline extended from the 5-mile radius area to 7 miles south of the end of the runway and within 2 miles each side of the Chardon VOR 350° radial extending from the 5-mile radius area to the VOR, excluding those portions within the Willoughby, Ohio, and Chagrin Falls, Ohio, transition areas.

Palacios, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VORTAC 308° radial extending from the VORTAC to 8 miles NW, and within 2 miles each side of the Palacios VORTAC 176° radial extending from the Palacios VORTAC to the intersection with the Matagorda Island AFB VOR 033° radial and within 2 miles each side of the Matagorda Island AFB VOR 033° radial extending from its intersection with the Palacios VORTAC 176° radial to 16 miles NE of the Matagorda Island AFB VOR.

Palestine, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palestine Municipal Airport (latitude 31°47'00" N., longitude 95°42'10" W.), and within 2 miles each side of the 208° bearing from the Palestine RBN (latitude 31°46'48" N., longitude 95°42'03" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

AMENDMENTS 10/17/68 33 F. R. 12180 (Added)

Palm Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Palm Beach International Airport (latitude 26°41'05" N., longitude 80°05'35" W.); that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Palm Beach VORTAC; and that airspace NW of Palm Beach bounded on the E by V-3, on the S by the 30-mile radius circle, and on the W by the V-51 E alternate; excluding the portion within the arc of a 50-mile radius circle centered at Miami International Airport (latitude 25°47'34" N., longitude 80°17'10" W.), and the portion which coincides with the Pahokee, Fla., transition area.

AMENDMENTS 2/6/69 33 F. R. 18135 (Changed)

Palmdale, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles S and 7 miles N of the Palmdale VORTAC 298° radial extending from the VORTAC to 18 miles NW; within 6 miles S and 12 miles N of the Palmdale VORTAC 298° and 118° radials extending from 11 miles NW to 13 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°36'30" N., longitude 118°45'00" W., to latitude 35°44'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°35'00" W., to latitude 35°36'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°08'30" W., to latitude 35°34'30" N., longitude 116°29'40" W., to latitude 35°34'30" N., longitude 116°23'30" W., to latitude 35°28'35" N., longitude 116°18'45" W., to latitude 35°21'30" N., longitude 116°13'00" W., to latitude 34°43'00" N., longitude 116°13'00" W., thence W along latitude 34°43'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to latitude 34°30'00" N., thence W along latitude 34°30'00" N., to longitude 118°20'00" W., thence N along longitude 118°20'00" W., to the S boundary of V-137, thence W along the S boundary of V-137 to longitude 118°45'00" W., thence to point of beginning.

Palmer, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42° 13'25" N., 72°18'45" W., of Metropolitan Airport, Palmer, Mass.; within 2 miles each side of the runway 4 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the runway 22 centerline extended from the 5-mile radius area to 9 miles southwest of the end of the runway, and within 2 miles each side of the 202° bearing from the Palmer, Mass., RBN, 42°13'26" N., 72° 18'47" W., extending from the 5-mile radius area to 8 miles south of the RBN, excluding the portion which coincides with the Chicopee Falls, Mass., transition area.

Palm Springs, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), within 2 miles NE and 5 miles SW of the Palm Springs VOR 120° and 300° radials, extending from 3 miles NW to 8.5 miles SE of the VOR, and within 3 miles S of the 104° bearing from the Palm Springs Airport, extending from the 5-mile radius area to 10 miles E of the airport.

Pampa, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Perry Le Fors Airport (latitude 35°36'25" N., longitude 100°59'55" W.), and within 2 miles each side of the 001° bearing from the Pampa RBN (latitude 35°36'40" N., longitude 100°59'45" W.), extending from the 7-mile radius area to 8 miles north of the RBN.

Panama City, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within an 8-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); excluding the airspace outside of the continental limits of the United States; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at:
Latitude 29°43'10" N., longitude 85°27'00" W.; to latitude 30°04'00" N., longitude 85°56'00" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°44'50" N., longitude 86°07'15" W.; thence along the S boundary of V-22 and the W boundary of V-7W to latitude 29°52'30" N.; to latitude 29°52'30" N., longitude 84°34'40" W.; to latitude 29°47'00" N., longitude 84°40'00" W.; to latitude 29°43'35" N., longitude 84°39'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Paragould, Ark.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Paragould Municipal Airport (latitude 36°03'52" N., longitude 90°30'45" W.), and within 2 miles each side of the 235° bearing from the Paragould RBN (latitude 36°03'52" N., longitude 90°30'45" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN.

Paris, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henry County Airport (latitude 36°20'15" N., longitude 88°23'00" W.); within 2 miles each side of the 210° bearing from the Paris RBN (latitude 36°20'26" N., longitude 88°22'41" W.), extending from the 5-mile radius area to 8 miles southwest of the RBN; within 2 miles each side of the 353° bearing from the Paris RBN, extending from the 5-mile radius area to 8 miles north of the RBN; and that airspace extending upward from 1200 feet above the surface within 8 miles northwest and 5 miles southeast of the 210° bearing from the Paris RBN, extending from the RBN to 12 miles southwest; within 5 miles each side of the 331° bearing from the Paris RBN, extending from the RBN to the Paducah, Ky., transition area; within 8 miles east and 5 miles west of the 353° bearing from the Paris RBN, extending from the RBN to 12 miles north; and that airspace bounded on the northwest by a line 5 miles north of and parallel to the 247° bearing from the Paris RBN, on the northeast by the Hopkinsville, Ky., transition area, on the south by the north boundary of V-140, and on the west by the Dyersburg, Tenn., transition area, excluding the portion that coincides with the Hopkinsville, Ky., and Union City, Tenn., transition areas.

AMENDMENTS 10/17/68 33 F. R. 11747 (Added); Corr: 33 F. R. 14701

Paris, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.), and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 6-mile radius area to the VOR; and that airspace extending upward from 1200' above the surface within the area bounded by a line beginning at latitude 33°08'00" N., longitude 95°18'00" W.; to latitude 33°07'00" N., longitude 95°41'00" W.; to latitude 33°49'00" N., longitude 95°34'00" W.; to latitude 33°49'00" N., longitude 95°18'00" W.; to point of beginning.

Parker, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Parker VORTAC 071° and 251° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Parkersburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°21'00" N., 81°26'15" W., of Wood County Airport, Parkersburg, W. Va.; within 2 miles each side of the Parkersburg VOR 208° and 028° radials extending from the 6-mile radius area to 8 miles northeast of the VOR.

AMENDMENTS 7/25/68 33 F. R. 8433 (Changed)

Park Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Park Rapids, Minn., Municipal Airport (latitude 46°53'54" N., longitude 95°04'18" W.); and within 2 miles each side of the 132° bearing from Park Rapids Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the 312° and 132° bearings from Park Rapids Municipal Airport extending from 7 miles NW to 14 miles SE of the airport excluding the area N of latitude 47°00'00" N.

Parsons, Kansas
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Tri-City Airport (latitude 37°20'00" N., longitude 95°30'30" W.), and within 5 miles E and 8 miles W of a 359° bearing from the Tri-City Airport, extending from the Airport to a point 12 miles N; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 5 miles SW of the Oswego VOR 306° radial extending from the Oswego VOR to the Tri-City Airport, and within 5 miles E and 5 miles W of the Chanute VOR 166° radial extending from the Chanute VOR to the Tri-City Airport excluding the Oswego and Chanute transition areas.

Pascagoula, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson County Airport (latitude 30°22'43" N., longitude 88°29'37" W.) within 2 miles each side of a 082° bearing from the Jackson County Airport extending from the 5-mile radius area to 8 miles E of the airport and within 2 miles each side of a 272° bearing from the Jackson County Airport extending from the 5-mile radius area to 11 miles W of the airport.

Pasco, Wash.
That airspace extending upward from 700 feet above the surface, within 5 miles southwest and 8 miles northeast of the Pasco VOR 132° radial, extending from the VOR to 12 miles southeast of the VOR, within 5 miles southeast and 8 miles northwest of the Pasco 036° and 216° radials, extending from 12 miles northeast to 3 miles southwest of the VOR, within 2 miles each side of the Pasco 250° radial, extending from the VOR to 12 miles west of the VOR, and within 2 miles each side of the Pasco 276° radial, extending from the VOR to 9 miles west of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 8 miles northeast of the Pasco 132° and 312° radials, extending from 8 miles northwest to 18 miles southeast of the VOR, excluding the portion within Restricted Area R-6715.

Paso Robles, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Paso Robles VORTAC 332° and 342° radials, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.) to 10 miles NW of the VOR, and within 2 miles each side of the Paso Robles VORTAC 149° radial, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport to 8 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 12 miles NE and 7 miles SW of the Paso Robles VORTAC 149° and 329° radials, extending from 20 miles SE to 9 miles NW of the VORTAC, and within 12 miles NE and 7 miles SW of the 142° and 322° radials, extending from 9 miles SE to 24 miles NW of the VORTAC.

Patuxent River, Md. NAS
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the NAS Patuxent River VOR, excluding the portion NW of a line extending from latitude 38°15'00" W., longitude 76°39'20" W., to latitude 38°26'20" N., longitude 76°14'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 37°55'30" N., longitude 76°46'00" W., to latitude 37°44'40" N., longitude 75°58'05" W., to latitude 38°15'20" N., longitude 75°40'05" W., to latitude 38°16'10" N., longitude 75°42'20" W., to latitude 38°23'00" N., longitude 75°38'00" W., to latitude 38°57'00" N., longitude 75°53'00" W., to latitude 38°47'00" N., longitude 76°16'00" W., to latitude 38°14'00" N., longitude 76°46'00" W., to latitude 38°14'00" N., longitude 77°04'00" W., to point of beginning. The portion within R-4002 is excluded.

AMENDMENTS 4/25/68 33 F. R. 3508 (Changed)

Peach Springs, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Peach Springs VORTAC 074° and 254° radials, extending from 9 miles W to 20 miles E of the VORTAC.

Pecos, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos, Tex., Municipal Airport (latitude 31°23'45" N., longitude 103°30'50" W.); and within 2 miles each side of the Pecos VOR 146° radial, extending from the 6-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 31°40'00" N., longitude 103°29'30" W., to latitude 31°40'00" N., longitude 103°48'00" W., to lat 31°09'00" N., longitude 103°48'00" W., to latitude 31°09'00" N., longitude 103°16'00" W., to latitude 31°30'00" N., longitude 103°16'00" W., to latitude 31°30'00" N., longitude 103°29'30" W., to point of beginning; excluding the portion of the 1,200 foot transition area within the Wink, Tex., transition area.

Pellston, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Pellston, Mich., Emmet County Airport (latitude 45°34'40" N., longitude 84°47'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Pellston VORTAC extending clockwise from a line 5 miles SW of and parallel to the Pellston VORTAC 310° radial to a line 5 miles W of and parallel to the Pellston VORTAC 180° radial, and within 8 miles NE and 5 miles SW of the 132° bearing from Emmet County Airport, extending from the airport to 12 miles SE of the airport.

Pendleton, Oreg.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 45°41'30" N., longitude 118°47'24" W.; that airspace extending upward from 1,200 feet above the surface within 11 miles NE and 7 miles SW of the Pendleton VORTAC 137° radial extending from the 12-mile radius area to 39 miles SE of the VORTAC, within 10 miles S and 7 miles N of the Pendleton 254° radial extending from the 12-mile radius area to 33 miles W of the VORTAC, within 8 miles SW and 9 miles NE of the Pendleton 310° radial, extending from the 12-mile radius area to 30 miles NW of the VORTAC, within 5 miles NW of the 025° radial and 5 miles SE of the 049° radial, extending from the 12-mile radius area to an arc of a 35-mile radius circle centered on the Pendleton VORTAC, and within 5 miles SE of the 049° radial and 5 miles S of the 090° radial, extending from the 12-mile radius area to an arc of a 30-mile radius circle centered on the Pendleton VORTAC.

Pennsylvania
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°40'00" N., longitude 75°30'00" W., to latitude 42°10'00" N., longitude 75°25'00" W., to latitude 42°00'00" N., longitude 75°26'00" W., to latitude 42°00'00" N., longitude 75°00'00" W., to latitude 41°31'00" N., longitude 75°07'00" W., to latitude 40°56'16" N., longitude 75°11'04" W.,
to latitude 40°48'00" N., longitude 75°00'00" W., to latitude 40°49'00" N., longitude 74°37'00" W., to latitude 40°38'00" N., longitude 74°49'30" W., to latitude 40°31'15" N., longitude 74°42'30" W., to latitude 40°24'20" N., longitude 74°45'40" W., to latitude 40°16'10" N., longitude 74°39'20" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°18'20" N., longitude 75°36'40" W., to latitude 39°50'00" N., longitude 76°19'40" W., to latitude 39°50'00" N., longitude 77°47'00" W., to latitude 39°30'00" N., longitude 78°30'00" W., to latitude 39°30'00" N., longitude 78°58'00" W., to latitude 39°25'00" N., longitude 78°58'00" W., to latitude 39°25'00" N., longitude 79°20'00" W., to latitude 40°02'00" N., longitude 79°51'30" W., thence clockwise along a 37-mile arc centered on the Imperial, Pa., VORTAC to the 202° radial of the Imperial VORTAC; thence within a 60-mile radius of the Imperial VORTAC extending clockwise from the 202° to the 249° radials; thence along a 37-mile arc centered on the Imperial VORTAC, extending clockwise from the 249° radial to latitude 40°56'00" N., longitude 80°36'00" W., to latitude 40°56'00" N., longitude 80°52'00" W., to latitude 41°05'00" N., longitude 80°50'00" W., to latitude 41°28'00" N., longitude 81°10'00" W., thence counterclockwise via the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41°41'00" N., longitude 81°23'35" W.) to: latitude 41°50'55" N., longitude 81°05'30" W., to latitude 41°55'00" N., longitude 80°35'00" W., to latitude 42°14'00" N., longitude 80°41'00" W., to latitude 42°37'00" N., longitude 79°15'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°40'00" N., longitude 77°23'45" W., to latitude 42°41'30" N., longitude 76°23'00" W., thence to the point of beginning.

AMENDMENTS 12/12/68 33 F. R. 15704 (Added); Corr: 33 F. R. 18135

Pensacola, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Pensacola Municipal Airport (latitude 30°28'30" N., longitude 87°11'20" W.); within a 7-mile radius of NAAS Saufley Field (latitude 30°28'15" N., longitude 87°20'30" W.); within 5 miles W and 8 miles E of the Pensacola ILS localizer N course, extending from the airport to 12 miles N of the OM; within 5 miles SW and 8 miles NE of the 314° bearing from the Pensacola OM, extending from the OM to 12 miles NW of the OM; within 5 miles NW and 8 miles SE of the 219° bearing from the Navy Saufley RBN, extending from the RBN to 12 miles SW of the RBN; within 7 miles each side of the NAS Pensacola (Forrest Sherman Field) (latitude 30°21'15" N., longitude 87°19'00" W.), runway 6/24 centerline, extending from 12 miles E to 12 miles W of NAS Pensacola; within 7 miles each side of the NAS Pensacola runway 18/36 centerline, extending from NAS Pensacola to 12 miles S of the airport; within a 7-mile radius of NAAS Whiting (North), Milton, Fla. (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the 315° bearing from the Navy Whiting RBN, extending from the 7-mile radius area to 12 miles NW of the RBN; within 2 miles each side of the Navy Whiting VOR 320° radial, extending from the 7-mile radius area to 12 miles NW of the VOR; within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 7-mile radius area to 8 miles NW of the TACAN, excluding the portion within W-155;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°15'00" N., longitude 87°41'00" W.; thence north to latitude 30°50'00" N., longitude 87°48'00" W.; thence to the east boundary of V-20S and latitude 31°00'00" N.; thence northeast along the east boundary of V-20S to the intersection of the arc of a 14-mile radius circle centered at the Monroeville, Ala., VOR; thence counterclockwise along this arc to a line 4 nautical miles north of and parallel to the Monroeville VOR 104° radial; thence east along this line to the west boundary of V-115; thence south along the west boundary of V-115 to latitude 30°50'00" N.; to latitude 30°42'45" N., longitude 86°45'45" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; to latitude 30°35'35" N., longitude 86°56'40" W.; thence clockwise along the arc of a 25-mile radius circle centered at NAAS Saufley Field to latitude 30°22'05" N., thence to latitude 30°21'15" N., longitude 87°00'50" W.; to latitude 30°18'00" N., longitude 86°59'30" W.; to latitude 30°14'30" N., longitude 87°14'30" W.; to the INT of the arc of a 15-mile radius circle centered at NAAS Saufley Field and latitude 29°55'00" N.; thence clockwise along this arc to longitude 87°49'00" W.; thence to point of beginning.

AMENDMENTS 2/29/68 33 F. R. 136 (Changed)

Peoria, Ill.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greater Peoria Airport (latitude 40°39'45" N., longitude 89°41'35" W.); within 2 miles each side of the Greater Peoria Airport ILS localizer southeast course, extending from the 8-mile radius area to 8 miles southeast of the OM; within 8 miles southwest and 5 miles northeast of the Peoria VORTAC 279° radial, extending from the 8-mile radius area to 12 miles west of the VORTAC; within a 5-mile radius of Mount Hawley Auxiliary Airport (latitude 40°47'35" N., longitude 89°36'50" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°10'10" N., on the east by longitude 88°40'00" W., on the south by latitude 40°20'00" N., and on the west by longitude 90°00'00" W.

AMENDMENTS 2/1/68 32 F. R. 17575 (Rewritten)

Perryton, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perryton Airport (latitude 36° 24' 45" N., longitude 100° 45' 00" W.), and within 2 miles each side of the 101° bearing from the Perryton RBN (latitude 36° 24' 46" N., longitude 100° 44' 17" W.) extending from the 5-mile radius area to 8 miles E. of the RBN; that airspace extending upward from 1,200 feet above the surface within 5 miles N. and 8 miles S. of the 281° and 101° bearings from the Perryton RBN, extending from 7 miles W. to 14 miles E. of the RBN, and within 5 miles each side of the 101° bearing from the Perryton RBN extending from the RBN to 23 miles E.

Perryville, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Perryville, Mo., Municipal Airport (latitude 37°51'55" N., longitude 89°51'45" W.) and within 2 miles each side of the Farmington, Mo., VORTAC 057° radial extending from the 8-mile radius area to 15 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection of lines 5 miles southwest of and parallel to the Farmington VORTAC 336° and 120° radials, thence northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 336° radial to and clockwise along the arc of a 13-mile radius circle centered on the Farmington VORTAC, to and northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 120° radial, to the point of beginning, and within 5 miles each side of the Farmington VORTAC 057° radial extending from the 13-mile radius area to 15 miles northeast of the VORTAC.

Peru, Ind.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Bunker Hill AFB (latitude 40°39'40" N., longitude 86°08'30" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); and within a 5-mile radius of Logansport Municipal Airport (latitude 40°42'40" N., longitude 86°22'35" W.); and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°33'00" W.; latitude 41°00'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 85°50'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to point of beginning.

AMENDMENTS 2/1/68 32 F. R. 17575 (Rewritten); Corr: 33 F. R. 452

Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Philadelphia International Airport(latitude 39° 52' 30" N., longitude 75° 14' 20" W.); within 2 miles each side of the Philadelphia International Airport ILS localizer W course, extending from the OM to 8 miles W of the OM; within a 5-mile radius of the Bridgeport, N. J., Airport (latitude 39° 47' 40" N., longitude 75° 20' 25" W.); within 2 miles each side of the 329° bearing from the Philadelphia ILS OM, extending from the OM to 8 miles NW of the OM; within 2 miles each side of the Woodstown, N. J., VOR 350° radial, extending from the VOR to 10 miles north of the VOR.

AMENDMENTS 12/12/68 33 F. R. 15704 (Changed)

Philip, S. Dak.
That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the Philip, S. Dak. VOR 102° and 282° radials extending from 14 miles W to 8 miles E of the VOR.

Philipsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 40°53'05" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 067° radial extending from the 10-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the 342° bearing from the Philipsburg RBN extending from the 10-mile radius area to 8 miles NW of the RBN.

Phoenix, Ariz.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°48'30" N., longitude 112°15'00" W., direct to latitude 33°34'45" N., longitude 111°32'15" W., thence clockwise via the arc of a 20-mile radius circle centered on Williams AFB (latitude 33°18'25" N., longitude 111°39°35" W.) to latitude 33°02'30" N., longitude 111°47'30" W., thence direct to latitude 33°16'00" N., longitude 112°31'00" W., thence via an arc of a 20-mile radius circle centered on Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) to point of beginning;
and that airspace extending upward from 1,200 feet above the surface bounded
bv a line beginning at latitude 34°10'00" N., longitude 112°30'00" W.; thence to latitude 34°10'00" N., longitude 111°30'00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°43'00" W.; thence to the point of beginning.

AMENDMENTS 4/25/68 33 F. R. 6171 (Changed)

Picayune, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30° 31' 20" N., longitude 89° 42' 25" W.), and within 2 miles each side of the Picayune VOR 332° radial, extending from the 5-mile radius area to 8 miles NW of the VOR.

Pierre, S. Dak.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 2 miles each side of the Pierre VOR 086° radial, extending from the 8-mile radius area to 12 miles E of the VOR; and within 2 miles each side of the Pierre VOR 266° radial, extending from the 8-mile radius area to 20 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Pierre VOR 086° and 266° radials, extending from 3 miles W to 12 miles E of the VOR; within the arc of a 29-mile radius circle centered on the Pierre VOR; extending clockwise from a line 5 miles NW of and parallel to the Pierre VOR 056° radial to a line 5 miles S of and parallel to the Pierre VOR 086° radial; and within the arc of a 24-mile radius circle centered on the Pierre VOR, extending clockwise from a line 8 miles S of and parallel to the Pierre VOR 253° radial to the Pierre VOR 302° radial.

Pine Bluff, Ark.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Grider Field latitude 34°10'35" N., longitude 91°55'55" W.); within 5 miles east and 8 miles west of the Pine Bluff VORTAC 006° radial, extending from the VORTAC to 12 miles north; and within 2 miles each side of the Pine Bluff VORTAC 185° radial, extending from 10.5 miles south of the VORTAC to 18.5 miles south.

PENDING AMENDMENT
Pine Bluff, Ark.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), within 2 miles each side of the Pine Bluff VORTAC 007° radial extending from the 7-mile radius area to 14 miles north of the VORTAC, and within 2 miles each side of the Pine Bluff VORTAC 185° radial extending from the 7-mile radius area to 18.5 miles south of the VORTAC.

AMENDMENTS 3/6/69 34 F. R. 131 (Rewritten)

Pine Mountain, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gardens-Harris County Airport (latitude 32°50'30" N., longitude 84°52'55" W.), within 2 miles each side of the 024° bearing from the Pine Mountain RBN (latitude 32°50'30" N., longitude 84°52'36" W.); extending from the 8-mile radius area to 8 miles northeast of the RBN.

AMENDMENTS 9/19/68 33 F. R. 10799 (Added); Corr: 33 F. R. 11747

Piqua, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°10' 00" N., 84°19'00" W. of Piqua Airport, Piqua, Ohio; and within 2 miles each side of the Dayton VOR 024° radial extending from the 4-mile radius area to the VOR.

Pitman, N. J.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°45' 00" N., 75°08'00" W. of Pitman Airport, Pitman, N. J., and within 2 miles each side of the Woodstown, N. J., VOR 047° radial extending from the 4-mile radius area to the VOR, excluding that portion within the Philadelphia Pa.. transition area. effective from sunrise to sunset, daily.

Pittsburgh, Pa.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greater Pittsburgh Airport (latitude 40° 29' 35" N., longitude 80° 14' 25" W.); within an 8-mile radius of Allegheny County Airport, Pittsburgh, Pa. (latitude 40° 21' 15" N., longitude 79° 55' 40" W.), and the airspace within tangent lines extending from the Greater Pittsburgh 8-mile radius area to the Allegheny County 8-mile radius area; within 2 miles each side of the Greater Pittsburgh Runway 10-L-ILS localizer west course extending from the 8-mile radius area to the Creek, Pa., RBN, and within 2 miles each side of the Allegheny RBN 257° bearing, extending from the Allegheny County 8-mile radius area to 8 miles west of the RBN.

AMENDMENTS 12/12/68 33 F. R. 15704 (Changed)

Pittsfield, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°46'05" N., 69°22'40" W., of Pittsfield Municipal Airport, Pittsfield, Maine and within 2 miles each side of the Burnham, Maine, RBN (44°41'50" N., 69°21'30" W.) 350° and 170° bearings extending from the 5-mile radius area to 8 miles south of the RBN.

Pittsfield, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 42°25'36" N., 73°17'30" W., of Pittsfield Airport, Pittsfield, Mass.; within 2 miles each side of the Pittsfield RBN 059° bearing extending from the 7-mile radius area to 8 miles northeast of the RBN; and within 2 miles each side of the Chester VOR 299° radial extending from the 7-mile radius area to 10 miles northwest of the VOR.

Plainview, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex., (latitude 34°10'10" N., longitude 101°43'00" W.).

Plattsburgh, N. Y.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the cneter, 44°39' 05" N., 73°28'10" W., of Plattsburgh AFB, Plattsburgh, N. Y.; within 2 miles each side of the airport ILS localizer north course extending from the 13-mile radius area to 12 miles north of the OM; within 2 miles each side of the Plattsburgh VOR 033° radial extending from the 13-mile radius area to 8 miles northeast of the VOR.

Plymouth, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°54' 36" N., 70°43'44" W., of Plymouth Municipal Airport, Plymouth, Mass., and within 2 miles each side of the Whitman, Mass., VOR 129° radial extending from the 5-mile radius area to the VOR, excluding that airspace which coincides with the Boston, Mass., and Taunton, Mass., 700-foot transition areas.

Plymouth, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mettetal Airport (latitude 42°20'55" N., longitude 83°27'25" W.); and within 2 miles each side of the Salem, Mich., VORTAC 120° and 126° radials, extending from the 5-mile radius area to the VORTAC, excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area and the Salem, Mich., transition area.

AMENDMENTS 2/1/68 32 F. R. 17576 (Added)

Pocatello, Idaho
That airspace extending upward from 700 feet above the surface within 5 miles SE and 4 miles NW of the Pocatello ILS localizer NE course, extending from the arc of a 5-mile radius circle centered on the Pocatello Municipal Airport (latitude 42°54'35" N., longitude 112°35'25" W.) to 8 miles NE of the OM; within the area bounded on the W by a line 2 miles W of and parallel to the Pocatello VOR 015° radial, on the SE by a line 4 miles NW of and parallel to the Pocatello ILS localizer NE course, on the NE by the arc of a 13-mile radius circle centered on the Pocatello VOR, and on the S by the arc of a 5-mile radius circle centered on the Pocatello Municipal Airport; that airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Pocatello VOR 167° radial, extending from the VOR to 18 miles S of the VOR; within 9 miles N and 8 miles S of the Pocatello VOR 252° radial, extending from the VOR to 18 miles SW of the VOR; within 6 miles SE and 10 miles NW of the Pocatello VOR 045° radial, extending from the VOR to 27 miles NE of the VOR, and that airspace NE of Pocatello bounded on the SE by a line 5 miles SE of and parallel to the Idaho Falls, Idaho, VOR 206° radial, on the SW by a line extending from latitude 43°06'30" N., longitude 112°13'30" W., to latitude 43°09'00" N., longitude 112°17'00" W., on the NW by V-21 and on the NE by latitude 43°17'00" N.

Point Barrow, Alaska
That airspace extending upward from 700 feet above the surface within a 17-mile radius of latitude 71°18'00" N., longitude 156°43'00" W. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

Point Reyes, Calif.
That airspace extending upward from 1,200 feet above the surface N of Point Reyes bounded on the NE and E by V-27, on the SW by V-107, and on the W by V-199; and W of Point Reyes bounded on the E by V-199; on the S by Control 1173, on the W by a line extending from latitude 38°02'35" N., longitude 123°14'25" W. to latitude 38°17'30" N., longitude 123°16'45" W., to latitude 38°25'30" N., longitude 123°23'00" W., to 38° 43'30" N., longitude 123°23'15" W., and on the N by latitude 38°43'30" N.

Ponca City, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.) within 2 miles each side of the Ponca City VORTAC 289° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an 8-mile radius of the Ponca City Municipal Airport; within 8 miles SE and 5 miles NW of the 225° bearing from the Ponca City RBN, extending from the 8-mile radius area to 13 miles SW of the RBN; within 8 miles SW and 5 miles NE of the Ponca City VORTAC 289° radial, extending from the 8-mile radius area to 13 miles NW of the VORTAC, and within 8 miles W and 5 miles E of the 359° bearing from the Ponca City RBN, extending from the RBN to 16 miles N of the RBN.

Ponce, P. R.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Mercedita Airport, Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.) north of latitude 18°00'00" N., and within an 8-mile radius of Mercedita Airport south of latitude 18°00'00" N.

Pontiac, Michigan
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.) and within 5 miles N and 8 miles S of the Pontiac VOR 091° and 271° radials extending from 2 miles E to 12 miles W of the Pontiac VOR.

Portal, Ariz.
That airspace extending upward from 1,200 feet above the surface within 13 miles north and 8 miles south of the Cochise, Ariz., VORTAC 096° radial extending from 20 miles east to 56 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by V-198, on the south by V-16, and on the west by longitude 108°49'00" W.

Port Angeles, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clallam County Airport, Port Angeles, Wash. (latitude 48°07'20" N., longitude 123°29'40" W.); within a 5-mile radius of CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.), within 2 miles N and 5 miles S of the Port Angeles VOR 093° radial, extending from the VOR to 12 miles E of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-440, on the S by latitude 48°03'00" N., on the W by longitude 123°35'00" W. and on the N by the United States/Canadian border.

Port Huron, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Clair County Airport, Port Huron, Mich. (latitude 42°54'45" N., longitude 82°31'35" W) and within 2 miles each side of the 229° and 341° bearings from St. Clair County Airport extending from the 5-mile radius area to 8 miles SW and N of the airport, excluding the portion outside the United States.

Portland, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Portland Municipal Airport (latitude 43°38'50" N., longitude 70°18'30" W.), and within 2 miles each side of the Portland ILS localizer W course, extending from the 7-mile radius area to 8 miles W of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00" N., longitude 69°16'00" W., thence to latitude 43°50'00" N., longitude 69°18'00" W., to latitude 43°44'00" N., longitude 69°19'42" W., thence SW via the W boundary of Warning Area W-103 to latitude 42°45'00" N., longitude 70°37'00" W., thence to latitude 42°53'00" N., longitude 71°05'00" W., to latitude 43°45'00" N., longitude 71°09'00" W., to latitude 44°06'00" N., longitude 70°43'00" W., to latitude 44°02'05" N., longitude 70°37'30" W., to latitude 44°13'30" N., longitude 70°11'30" W., to latitude 44°12'00" N., longitude 70°10'00" W., to latitude 44°05'00" N., longitude 70°23'00" W., to latitude 43°55'00" N., longitude 70°28'00" W., to latitude 43°50'00" N., longitude 70°12'00" W., to latitude 44°03'00" N., longitude 70°06'00" W., to latitude 44°09'00" N., longitude 69°57'00" W., thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine VOR to latitude 44°09'00" N., longitude 69°39'00" W., thence to the point of beginning, including that airspace outside of the continental control area extending upward from FL 240 to FL 300, inclusive, within an 18-mile radius of latitude 42°59'50" N., longitude 70°45'30" W.

Portland, Oreg.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.), that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Portland International Airport and the airspace NW of Portland extending from the 30-mile radius area bounded on the S by latitude 45°38'00" N., on the W by longitude 123°17'00" W., and on the N by V-112; that airspace extending upward from 4,500 feet m.s.l. NW of Portland bounded on the S by V-112, on the W by longitude 123°17'00" W., on the N by latitude 46°11'00" N., and on the E by V-99, that airspace N of Portland extending from the 30-mile radius area bounded on the W by V-99, on the N by latitude 46°25'00" N., and on the E by V-287; that airspace extending upward from 6,500 feet m.s.l. W of Portland extending from the 30-mile radius area bounded on the SE by V-99, on the W by V-27, and on the N by V-112, that airspace N of Portland extending from the 30-mile radius area bounded on the W by V-287, on the N by the arc of a 40-nautical mile radius circle centered on McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'05" W.), and on the E by longitude 122°16'00" W.; that airspace extending upward from 8,500 feet m.s.l. NE, E, and SE of Portland within a 60-mile radius of the Portland Airport, extending from the 30-mile radius area clockwise from the Portland VORTAC 036° radial to the E boundary of V23E, excluding the airspace within Federal airways and the airspace within the arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the N by the Portland VORTAC 118° radial and on the S by the Newberg, Oreg., VORTAC 092° radial.

Portsmouth, N. H. (Pease AFB)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Pease AFB (latitude 43°04'40" N., longitude 70°49'25" W.); within 2 miles each side of the extended centerline of Runway 16, extending from the 11-mile radius area to 13 miles SE of the lift-off end of the runway.

Portsmouth, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 38°50'26" N, 82°50'50" W, of Scioto County Airport, Portsmouth, Ohio; within 2 miles each side of a 178° bearing from the Portsmouth RBN 38°46'54" N, 82°50'42" W extending from the 8-mile radius area to 8 miles S of the RBN.

Port Sulphur, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Port Sulphur, La., seaplane base (latitude 29°27'45" N., longitude 89°42'10" W.), and within 2 miles each side of the Harvey, La., VORTAC 145° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area.

AMENDMENTS 8/22/68 33 F. R. 9466 (Added)

Pottstown, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°15' 37" N., 75°40'09" W., of Pottstown Municipal Airport, Pottstown, Pa.; within a 5-mile radius of the center, 40° 14'15" N., 75°33'45" W., of Pottstown Airport, Pottstown, Pa.; within 2 miles each side of the centerline of Runway 1, Pottstown Municipal Airport, extended from the 6-mile radius area to 8 miles north of the end of the runway; within 5 miles east and 8 miles west of the Pottstown, Pa., VOR 190° radial extending from the VOR to 12 miles south of the VOR.

Pottsville, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°42'25" N., 76°22'40" W., of Schuylkill County (Zerbey) Airport, Pottsville, Pa.; and within 2 miles each side of the Ravine, Pa., VOR 049° radial extending from the 6-mile radius area to 9 miles northeast of the VOR.

Poughkeepsie, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°37'40" N., 73°53'00" W. of Dutchess County Airport, Poughkeepsie, N. Y., and within 2 miles each side of the Kingston VOR 025° radial extending from the 7-mile radius area to 8 miles NE of the VOR excluding that portion coinciding with the Newburgh transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°02'00" N., 73°16'00" W. to 41°49'00" N., 73°16'00" W. to 41°31'00" N., 73°20'00" W. to 41°31'00" N., 73°54'00" W. to 41°27'00" N., 73°54'00" W. to 41°19'00" N., 73°57'00" W. to 41°19'00" N., 74°33'00" W. to 41°31'00" N., 75°07'00" W. to 42°00'00" N., 75°00'00" W. to point of beginning.

Pratt, Kansas
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pratt Municipal Airport (latitude 37° 42' 10" N., longitude 98° 44' 55" W.), within 2 miles each side of the 352° bearing from Pratt Municipal Airport, extending from the 6-mile radius area to 8 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 352° bearing from Pratt Municipal Airport, extending from the airport to 12 miles N of the airport, within 5 miles each side of the 352° bearing from Pratt Municipal Airport, extending from the airport to 17 miles N of the airport, and within 5 miles each side of the 272° bearing from Pratt Municipal Airport, extending from the airport to 8 miles W of the airport.

Prescott, Ariz.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Prescott VORTAC 123° and 303° radials, extending from the arc of a 5-mile radius circle centered on the Prescott Airport (latitude 34°39'10" N., longitude 112°25'15" W.) to 8 miles NW of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Prescott VORTAC, extending clockwise from a line 5 miles W of and parallel to the Prescott VORTAC 340° radial to a line 5 miles W of and parallel to the VORTAC 159° radial, and that airspace within a 12-mile radius of the Prescott VORTAC, extending clockwise from a line 5 miles W of and parallel to the Prescott VORTAC 159° radial to a line 5 miles W of and parallel to the VORTAC 340° radial.

Presque Isle, Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 46°41' 30" N., 68°02'30" W., of Presque Isle Airport, Presque Isle, Maine; within 2 miles each side of the Presque Isle VORTAC 338° radial extending from the 8-mile radius area to 8 miles north of the VORTAC; within 2 miles each side of the Sprague ville RBN 167° bearing extending from the 8-mile radius area to 8 miles south of the RBN; within 2 miles each side of the Presque Isle VORTAC 160° radial extending from the 8-mile radius area to 21 miles south of the VORTAC; within a
5-mile radius of the center, 46°52'14" N., 68°01'07" W., of Caribou Airport, Caribou, Maine; within an 8-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine; within 2 miles each side of the Loring TACAN 348° radial extending from the Loring 8-mile radius area to 12 miles north of the TACAN; within 2 miles each side of the Loring ILS localizer south course extending from the Loring 8-mile radius area to 12 miles south of the OM, excluding the portion outside the United States.
That airspace extending upward from 1,200 feet above the surface within a 40-mile radius of the center of Loring AFB excluding the portion outside of the United States.
AMENDMENTS 2/29/68 33 F. R. 688 (Changed)

PENDING AMENDMENT
Price, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Price radio beacon (latitude 39°36'44" N., longitude 110°44'59" W.) and within 2 miles each side of the 199° bearing from the Price radio beacon extending from the 5-mile radius area to 8 miles south of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9 miles east of the 199° and 019° bearings from the Price radio beacon extending from 7 miles north to 18 miles south of the radio beacon.
AMENDMENTS 4/3/69 34 F. R. 1011 (Added)

Priest, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-107, on the S by latitude 35° 55' 00" N., and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V-25 E, and on the N by V-111, excluding the portion within the Lemoore, Calif., transition area.

Princeton, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Princeton Airport (latitude 45°12'05" N., longitude 67°34'00" W.); and within 2 miles each side of the Princeton VOR 143° radial, extending from the 5-mile radius area to the VOR.

Princeton, N.J.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°23'55" N., 74°39'30" W., of Princeton Airport within 2 miles each side of the Solberg, N.J., VOR 161° radial extending from the 4-mile radius area to the VOR; and within 2 miles each side of the runway 27 centerline extended from the 4-mile radius area to 6 miles west of the end of the runway.

Providence, R. I.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Theodore Francis Green State Airport, Providence, R. I. (latitude 41°43'30" N., longitude 71°25'48" W.), within 2 miles each side of
the Providence ILS localizer NE course, extending from the 8-mile radius area to the intersection of the Putnam, Conn., VORTAC 106° radial, within 5 miles SE and 8 miles NW of the Providence ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM, within a 12-mile radius of NAS Quonset Point, R. I., (latitude 41°35'55" N., longitude 71°24'50" W.), within a 7-mile radius of the New Bedford, Mass., Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the OM, within a 5-mile radius of the Fall River, Mass., Municipal Airport (latitude 41°45'15" N., longitude 71°06'40" W.), and within 2 miles each side of the 050° bearing from the Fall River, Mass., RBN, extending from the 5-mile radius area to 8 miles northeast of the RBN; and that airspace extending upward
from 1,200 feet above the surface bounded by a line beginning at latitude 41°12'45" N., longitude 70°42'30" W.; to latitude 41°07'10" N., longitude 71°09'00" W.; to latitude 41°05'15" N., longitude 71°22'05" W.; to latitude 41°03'35" N., longitude 71°31'40" W.; to latitude 41°00'35" N., longitude 72°05'00" W., thence to latitude 41°18'00" N., longitude 72°30'30" W.; to latitude 41°40'00" N., longitude 72°08'00" W.; to latitude 41°55'00" N., longitude 71°59'00" W.; to latitude 41°47'45" N., longitude 71°46'40" W.; thence clockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°56'35" N., longitude 71°26'00" W.; to latitude 42°04'00" N., longitude 71°19'00" W.; to latitude 41°53'30" N., longitude 70°56'30" W.; to latitude 41°42'00" N., longitude 70°48'00" W.; to latitude 41°21'00" N., longitude 70°48'00" W.; to the point of beginning.
AMENDMENTS 2/9/68 33 F. R. 2765 (Changed)

Provincetown, Mass.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 42°04'15" N., 70°13'15" W., of Provincetown Municipal Airport, Provincetown, Mass.; and within 2 miles each side of the Provincetown RBN 237° bearing extending from the 4-mile radius area to 8 miles SW of the RBN.

Provo, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Provo Municipal Airport (latitude 40°12'56" N., longitude 111°43'14" W.), within 2 miles each side of the 218° bearing from the Provo radio beacon (latitude 40°13'10" N., longitude 111°43'26" W.) extending from the 5-mile radius area to 12 miles southwest of the RBN, within 5 miles each side of the 328° bearing from the Provo RBN extending from the 5-mile radius area to 6 miles northwest of the RBN, and within 5 miles northeast and 8 miles southwest of the 328° bearing from the Provo RBN extending from 6 to 20 miles northwest of the RBN; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the southeast by the northwest edge of V-235 and V-21, on the west by the east edge of V-257, and that airspace bounded on the east and south by an arc of a 23-mile radius circle centered on the Provo VORTAC extending clockwise from the south edge of V-200 to the southeast edge of V-21, on the west by a line from the point of intersection of the 23-mile arc and the southeast edge of V-21 direct to latitude 40°30'00" N., longitude 111°49'00" W., and on the northeast by a line from latitude 40°30'00" N., longitude 111°49'00" W., direct to point of beginning.

AMENDMENTS 3/28/68 33 F. R. 67 (Rewritten)

Prudhoe Bay, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Prudhoe Bay, Alaska, RBN (latitude 70°14'55" N., longitude 148°23'28" W.) 076° bearing, extending from the RBN to 16 miles northeast, and within 2 miles northwest and 4 miles southeast of the Prudhoe Bay RBN 256° bearing extending from the RBN to 24 miles southwest, and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00" N., longitude 153°00'00" W.; to latitude 70°33'00" N., longitude 150°45'00" W.; thence east via 3 nautical miles offshore to latitude 70°14'00" N., longitude 146°00'00" W.; to latitude 69°35'00" N., longitude 146°00'00' W.; to latitude 69°00'00" N., longitude 148°00'00" W.; to latitude 69°00'00" N., longitude 153°00'00" W.; thence to point of beginning.

AMENDMENTS 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135; Corr: 33 F. R. 18930
Eff. date changed 1/20/69 34 F. R. 250

Pueblo, Colo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Pueblo VORTAC; within 2 miles each side of the Pueblo ILS localizer W course, extending from the 9-mile radius area to 4 miles W of the Pueblo ILS LOM; within 2 miles each side of the Pueblo VORTAC 080° radial, extending from the 9-mile radius area to 13 miles E of the VORTAC and within 2 miles each side of the Pueblo ILS localizer E course, extending from the 9-mile radius area to 15 miles E of the localizer; that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 38°30'00" N., longitude 104°52'00" W., to latitude 38°30'00" N., longitude 104°04'00" W., to latitude 38°07'00" N., longitude 104°04'00" W., thence W along latitude 38°07'00" N., to the W boundary of V-83, thence SW along the W boundary of V-83 to latitude 38°00'00" N., to latitude 38°07'00" N., longitude 104°43'00" W., to latitude 38°07'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 104°52'00" W., thence to point of beginning.

Pullman, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR (latitude 46°40'25" N., longitude 117°13'30" W.) 049° and 229° radials, extending from the 5-mile radius area to 8 miles SW of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 7 miles SE of the Pullman VOR 049° and 229° radials, extending from 12 miles SW to 15 miles NE of the VOR.

Quantico, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va.; and within 2 miles each side of the Brooke, Va., 013° radial extending from the 7-mile radius area to the VOR.

Quincy, Ill.
That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the Quincy ILS localizer southwest course extending from 4 miles northeast to 12 miles southwest of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of a line 5 miles west of and parallel to the Quincy VORTAC 017° radial and the arc of a 25-mile radius circle centered on the Quincy VORTAC, thence clockwise along the arc of a 25-mile radius circle centered on the Quincy VORTAC, to and west along a line 5 miles south of and parallel to the Quincy VORTAC 087° radial, to and clockwise along the arc of a 13-mile radius circle centered on the Quincy VORTAC, to and east along a line 5 miles north of and parallel to the Quincy VORTAC 286° radial, to and clockwise along the arc of a 12-mile radius circle centered on Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), to and north along a line 5 miles west of and parallel to the Quincy VORTAC 017° radial to the point of beginning.
AMENDMENTS 2/1/68 32 F. R. 16483 (Rewritten)

Raleigh, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W.); within 2 miles each side of the 045° bearing from the Leesville RBN, extending from the 9-mile radius area to 8 miles northeast of the RBN; within 5 miles southeast and 8 miles northwest of the Raleigh-Durham ILS localizer southwest course, extending from the 9-mile radius area to 12 miles southwest of the LOM; and that airspace extending upward from 1,200 feet above the surface to the base of the continental control area bounded by a line beginning at the intersection of a 35-mile arc centered at latitude 36°06'00" N., longitude 80°01'30" W. and the S boundary of V-20 and extending to latitude 36°33'00" N., longitude 78°43'00" W., thence to latitude 36°33'00" N., longitude 77°57'00" W., thence to latitude 36°38'15" N., longitude 77°10'15" W., thence to latitude 35°30'00" N., longitude 78°30'00" W., thence to the intersection of the S boundary of V-56 and longitude 78°30'00" W., thence SW along a line extending to latitude 34°18'30" N., longitude 79°00'00" W. to a 35-mile arc centered at latitude 34°59'22" N., longitude 78°52'52" W., thence clockwise along this arc to the W boundary of V-3E, thence SW along the W boundary of V-3E to the E boundary of V-3, thence N along the E boundary of V-3 to a 19-mile arc centered at latitude 35°12'55" N., longitude 79°35'18" W., thence clockwise along this arc to the W boundary of V-3, thence S along the W boundary of V-3 to a 60-mile arc centered at latitude 33°58'15" N., longitude 80°28'19" W., thence counterclockwise along this arc to the W boundary of V-155, thence NE along the W boundary of V-155 to a line extending from the Chesterfield, S. C., VOR to the Liberty, N. C., VOR, thence NE along this line to a 35-mile arc centered at latitude 36°06'00" N., longitude 80°01'30" W., thence counterclockwise along this arc to the point of beginning, excluding that portion within R-5311.

AMENDMENTS 6/20/68 33 F. R. 6532 (Changed); 10/17/68 33 F. R. 11449 (Changed)

Rantoul, Ill.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Chanute AFB, and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°45'00" N., on the east by longitude 87°23'00" W., on the S by a line extending from latitude 40°07'00" N., longitude 87°23'00" W., to longitude 88°00'00" W., and the N boundary of V-50, thence via the N boundary of V-50 to longitude 88°40'00" W., and on the west by longitude 88°40'00" W., excluding the airspace within the Decatur, Ill., transition area.

Rapid City, S. Dak.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Ellsworth AFB, Rapid City, S. Dak. (latitude 44°08'42" N., longitude 103°06'11" W.); and within 8 miles NE and 5 miles SW of the Rapid City VORTAC 155° and 335° radials, extending from the 12-mile radius area to 12 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 53-mile radius of Ellsworth AFB.

Rawlins, Wyo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 086° and 262° bearings from the Sinclair, Wyo., RBN, extending from the arc of a 5-mile radius circle centered on the Rawlins Municipal Airport (latitude 41°48' 15" N., longitude 107°12'05" W.) to 8 miles E of the RBN, and within 2 miles each side of the 272° bearing from the Sinclair RBN, extending from the arc of a 5-mile radius circle centered on the Rawlins Airport to the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 9 miles S of the 086° and 262° bearings from the Sinclair RBN, extending from 12 miles E to 18 miles W of the RBN.

Reading, Pa.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 40°22'39" N., 75°57'57" W. of General Spaatz Field, Reading, Pa., and within 5 miles W and 8 miles E of the Reading ILS localizer S course extended from the OM for 12 miles; within 5 miles each side of the East Texas VOR 253° radial extended to the Ravine VOR 125° radial and within a 6-mile radius of the center, 40°30'08" N., 75°47'05" W. of Kutztown Airport, Kutztown, Pa., excluding that portion coincident with the Allentown, Pa., 700-foot transition area.

Readington, N. J.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°34'55" N., 74°44'20" W., of Solberg-Hunterdon Airport, Readington, N. J., and within 5 miles east and 5 miles west of Solberg, N. J., VORTAC 227° radial extending from the 6-mile radius area to 14 miles southwest of the VORTAC excluding the portion that coincides with the New York, N. Y., transition area.

Readsville, Mo.
That airspace extending upward from 1,200 feet above the surface within an area bounded on the north by V-4, on the east by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the south by V-12, and on the west by V-63.

Red Bluff, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40° 30' 35" N., longitude 122° 17' 30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40° 30' 00" N., longitude 122° 22' 35" W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC; within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles NW of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, and within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC.

That airspace NW of Red Bluff extending upward from 1,200 feet above the surface bounded on the SW by a line 9 miles NE of and parallel to the Red Bluff VORTAC 291° radial, on the NW by a line 5 miles NW of and parallel to the Redding VOR 233° radial, and on the NE by a line 9 miles W of and parallel to the Red Bluff VORTAC 342° radial.

Red Rock, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°05'15" N., 73°50'15" W., of the Skypark Airport, within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius area to 7 miles south of the end of the runway and within 2 miles each side of the 358° radial of the Kingston, N. Y., VOR extending from the 5-mile radius area to the VOR, excluding the portion within the Poughkeepsie, N. Y. transition area.

AMENDMENTS 2/29/68 33 F. R. 531 (Added)

Redmond, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Redmond VORTAC 269° radial extending from 1 to 8 miles west of the VORTAC; within 2 miles each side of the Redmond VORTAC 162° radial extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of a 230° bearing from Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), extending from the arc of a 5-mile radius circle centered on Roberts Field Airport to 10 miles southwest of the airport, and within 2 miles each side of a 302° bearing from the Redmond RBN extending from the RBN to 8 miles northwest of the RBN; that airspace extending upward from 1,200 feet above the surface within 14 miles northeast and 2 miles southwest of the Redmond VORTAC 122° and 302° radials extending from 18 miles northwest to 10 miles southeast of the VORTAC, within 6 miles west and 9 miles east of the Redmond VORTAC 189° radial extending from the VORTAC to 19 miles south of the VORTAC, and that airspace bounded on the northeast by a line 2 miles southwest of and parallel to the Redmond VORTAC 302° radial, on the east by the west edge of V-25, on the south by a line 5 miles south of and parallel to the Redmond VORTAC 269° radial and on the west by an arc of a 17-mile radius circle centered on the Redmond VORTAC.

AMENDMENTS 11/14/68 33 F. R. 13002 (Rewritten)

Redwood Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Redwood Falls Municipal Airport (latitude 44° 32' 45" N., longitude 95° 04' 50" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the Redwood Falls VOR 023° and 203° radials, extending from 4 miles N to 12 miles S of the VOR.

Reed City, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Miller Airport (latitude 43°54'05" N., longitude 85°31'05" W.); within 5 miles east and 8 miles west of the 352° bearing from Miller Airport, extending from the airport to 16 miles north of the airport; and within 5 miles east and 8 miles west of the 003° bearing from Miller Airport, extending from the airport to 12 miles north of the airport.

AMENDMENTS 9/19/68 33 F. R. 10564 (Rewritten)

Refugio, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of the 039° bearing from the Refugio RBN (latitude 28°20'27" N., longitude 97°08'58" W.), extending from the 5-mile radius area to 8 miles northeast of the RBN; and within a 4-mile radius of Mellon Ranch Airport (latitude 28°16'15" N., longitude 97°12'30" W.).

AMENDMENTS 2/29/68 33 F. R. 66 (Added)

Rehoboth Beach, Del.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°43'10" N., 75°07'35" W., of Rehoboth Aircrafters Airport, Rehoboth Beach, Del., and within 2 miles each side of the Waterloo, Del., VORTAC 144° radial extending from the 5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 6/20/68 33 F. R. 6916 (Added)

Reno, Nev.
That airspace extending upward from 700 feet above the surface within an arc of a 25-mile radius circle centered on Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.) beginning at longitude 120°00'00" W., clockwise to latitude 39°25'00" N.; thence direct latitude 39°13'00" N., longitude 119°47'00" W.; thence south via longitude 119°47'00" W. to its intersection with an arc of a 25-mile radius circle centered on Reno Municipal Airport; thence clockwise via the 25-mile radius arc to longitude 120°00'00" W.; thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Reno VORTAC, excluding the portion west of longitude 120°19'00" W., east of longitude 119°00'00" W.; and that airspace southwest of Reno within 22 miles north and 13 miles south of the Lake Tahoe, Calif., VOR 090° and 270° radials, extending from 7 miles east to 35 miles west of the VOR.
AMENDMENTS 7/25/68 33 F. R. 8479 (Rewritten)

Rhinelander, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Oneida County Airport, Rhinelander, Wis. (latitude 45°37'50" N., longitude 89°27'40" W.); within 2 miles each side of the Rhinelander VOR 229° radial, extending from the 5-mile radius area to 8 miles SW of the VOR; within 2 miles each side of the Rhinelander VOR 322° radial, extending from the 5-mile radius area to 8 miles NW of the VOR; within a 5-mile radius of Drott Airport, Thomahawk, Wis. (latitude 45°30'45" N., longitude 89°33'35" W.); and within 2 miles each side of the Rhinelander VOR 211° radial, extending from the Drott Airport 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Rhinelander VOR.

Richmond, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Richmond Municipal Airport (latitude 39°45'20" N., longitude 84°50'30" W.); within 2 miles each side of the Richmond VOR 045° radial, extending from the 6-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the Richmond VOR 243° radial, extending from the 6-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the 234° bearing from the Richmond RBN, extending from the 6-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 39°10'00" N., longitude 85°39'00" W., to latitude 39°30'00" N., longitude 85°39'00" W., to latitude 39°30'00" N., longitude 85°30'00" W., to latitude 40°00'00" N., longitude 85°30'00" W., to latitude 40°00'00" N., longitude 84°58'00" W., to latitude 40°10'00" N., longitude 85°05'45" W., to latitude 40°10'00" N., longitude 85°00'00" W., to latitude 39°40'00" N., longitude 84°25'00" W., to latitude 39°12'00" N., longitude 85°30'00" W., to point of beginning.

Richmond, Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Byrd Field (latitude 37°30'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 136° radial, extending from the 8-mile radius area to 12 miles SE of the VOR; within 5 miles NW and 9 miles SE of the Richmond ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 38°30'00" N., longitude 77°44'00" W.;to latitude 38°24'00" N., longitude 77°29'00" W.; to latitude 38°05'00" N., longitude 77°35'00" W.; to latitude 38°01'00" N., longitude 77°15'00" W.; to latitude 38°14'00" N., longitude 77°04'00" W.; to latitude 37°55'30" N., longitude 76°46'00" W.; to latitude 36°38'15" N., longitude 77°19'15" W.; to latitude 36°33'00" N., longitude 77°57'00" W.; to latitude 36°33'00" N., longitude 78°43'00" W.; to latitude 37°00'00" N., longitude 78°38'00" W.; to the point of beginning, excluding the portion within R-6602.

Rio Vista, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Rio Vista Airport (latitude 38°10'20" N., longitude 121°41'20" W.) and within 2 miles each side of the Sacramento VORTAC 202° radial extending from the 3-mile radius area to 8 miles north of the airport.
AMENDMENTS 10/17/68 33 F. R. 11450 (Added)

Riverhead, N. Y.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°00'35" N., longitude 72°05'00" W.; thence S via longitude 72°05'00" W. to the S boundary of V-139; thence SW via the SE boundary of V-139 to latitude 40°30'00" N., thence to latitude 40°30'00" N., longitude 73°36'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 41°00'00" N., longitude 73°55'00" W.; to latitude 41°00'00" N., longitude 72°45'00" W.; to latitude 41°18'00" N., longitude 72°30'30" W.; to the point of beginning, excluding the portion below 3,000 feet MSL within W-106.

Riverside, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°01'00" W., to latitude 33°50'00" N., longitude 117°01'00" W., to latitude 33°42'30" N., longitude 116°56'30" W., to latitude 33°38'00" N., longitude 117°09'00" W., to latitude 33°56'00" N., longitude 117°30'00" W., to latitude 33°56'00" N., longitude 117°59'00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30'00" N., longitude 117°43'00" W., thence E along latitude 34°30'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to longitude 116°30'00" W., thence direct to latitude 34°40'30" N., longitude 116°29'40" W., to latitude 34°30'00" N., longitude 116°26'30" W., to latitude 34°16'00" N., longitude 116°19'00" W., to latitude 33°30'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 117°30'00" W., to latitude 33°39'00" N., longitude 117°30'00" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°43'00" W., thence to point of beginning.

Riverton, Wyo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), and within 5 miles north and 8 miles south of the Riverton VOR 291° radial extending from the VOR to 12 miles west of the VOR; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Riverton VOR, within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR, and that airspace within 5 miles each side of the Riverton VOR 288° radial extending from the 25-mile radius area to 30 miles west of the VOR.

AMENDMENTS 9/19/68 33 F. R. 10204 (Rewritten)

Roanoke, Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the Roanoke VOR 177° radial extending from the 12-mile radius area to 17 miles south of the Roanoke VOR.

AMENDMENTS 5/8/68 33 F. R. 6915 (Changed); 7/25/68 33 F. R. 8433 (Changed)
AMENDMENTS 12/12/68 33 F. R. 15859 (Rewritten)

Robinson, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Robinson, Ill., Municipal Airport (latitude 39°00'51" N., longitude 87°38'47" W.) and within 8 miles SW and 5 miles NE of the 333° bearing from Robinson Municipal Airport extending from the airport to 12 miles NW of the airport.

Rochester, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43°54'38" N., longitude 92°29'46" W.); and within 2 miles each side of the Rochester VOR 029° radial, extending from the 7-mile radius area to 23 miles NE of the VOR; and within 5 miles SW and 8 miles NE of the Rochester ILS localizer SE course, extending from 5 miles NW to 12 miles SE of the OM; and within 2 miles each side of the Rochester ILS localizer NW course, extending from the 7-mile radius area to 19 miles NW of the OM; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of Rochester Municipal Airport; and the airspace N and E of Rochester bounded on the W by the W edge of V-82, on the NW by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the NE by V-2, and on the S by V-82; and within 5 miles W and 7 miles E of the Rochester VOR 173° radial, extending from the 23-mile radius area to 38 miles S of the VOR; and within 5 miles S and 7 miles N of the Rochester VOR 105° radial, extending from the 23-mile radius area to 45 miles E of the VOR, excluding the portion which overlies the Winona, Wis., transition area.

Rochester, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rochester-Monroe County Airport (latitude 43°07'10" N., longitude 77°40'15" W.); within 8 miles N and 5 miles S of the Rochester ILS localizer E course, extending from the Rochester-Monroe County Airport to 12 miles E of the OM; within 5 miles each side of the Rochester VOR 125° radial, extending from the 7-mile radius area to the INT of the Rochester VOR 125° and the Geneseo, N. Y., VORTAC 061° radials; within 2 miles each side of the Rochester VOR 168° radial, extending from the 7-mile radius area to 8 miles S of the VOR; and within 8 miles S and 5 miles N of the Rochester VOR 280° and 100° radials, extending from the Rochester-Monroe County Airport to 12 miles W; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from: latitude 43°24'00" N., longitude 76°53'00" W., to latitude 42°57'00" N., longitude 76°57'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 43°24'00" N., longitude 77°55'00" W., to point of beginning.

Rockaway, Oreg.
That airspace extending upward from 19,500 feet MSL bounded on the E by the continental control area, and on the S, W, and NW by a line extending from the boundary of the continental control area through latitude 45°24'00" N., longitude 124°13'00" W., to latitude 45°36'00" N., longitude 124°28'00" W., to latitude 45°44'00" N., longitude 124°28'00" W., through latitude 45°55'00" N., longitude 124°15'00" W., to the boundary of the continental control area, excluding the airspace within Federal airways.

Rockford, Ill.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 8 miles E and 5 miles W of the Rockford ILS localizer S course, extending from the Greater Rockford Airport to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°45'00" N., on the E by longitude 88°30'00" W., on the S by latitude 41°55'00" N., and on the W by longitude 89°55'00" W.

Rock Hill, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rock Hill Airport (latitude 34°59'05" N., longitude 81°03'30" W.); within 2 miles each side of the Fort Mill, S. C., VORTAC 267° radial extending from the 5-mile radius area to the VORTAC; excluding that airspace which coincides with the Charlotte, N. C., 700-foot transition area.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

Rockingham, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rockingham-Hamlet Airport (latitude 34°53'30" N., longitude 79°45'35" W.); within 2 miles each side of the Pinehurst VORTAC 206° radial, extending from the 5-mile radius area to 13 miles southwest of the Pinehurst VORTAC.

AMENDMENTS 6/20/68 33 F. R. 6343 (Added)

Rockland, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rockland Airport (latitude 44°03'40" N., longitude 69°06'05" W.); within 2 miles each side of the 192° bearing from the Rockland RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the 292° bearing from the Rockland Airport, extending from the 5-mile radius area to 7 miles W of the airport; and within 2 miles each side of the 332° bearing from the Rockland Airport, extending from the 5-mile radius area to 7 miles NW of the airport.

Rockport, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Aransas County Airport (latitude 28°05'14" N., longitude 97°02'30" W.), and within 2 miles each side of the 314° bearing from the Rockport RBN (latitude 28°05'30" N., longitude 97°02'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN, and within 2 miles each side of the Corpus Christi VORTAC 062° radial, extending from the 5-mile radius area to 20.5 miles northeast of the VORTAC.

AMENDMENTS 5/23/68 33 F. R. 5143 (Changed)

Rock Springs, Wyo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Rock Springs ILS localizer E course, extending from 6 miles to 12 miles E of the OM; within 1 mile N and 5 miles S of the Rock Springs VORTAC 097° radial, extending from the arc of a 5-mile radius circle centered on Rock Springs Municipal Airport (latitude 41° 35' 45" N., longitude 109° 04' 00" W.), to 14 miles E of the VORTAC, and within 2 miles each side of the Rock Springs VORTAC 259° radial, extending from the arc of a 5-mile radius circle centered on Rock Springs Municipal Airport to 10 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 7 miles N and 11 miles S of the Rock Springs VORTAC 079° and 259° radials, extending from 20 miles E to 20 miles W of the VORTAC, and that airspace within a 23-mile radius of the Rock Springs VORTAC, extending clockwise from a line 5 miles NW of and parallel to the Rock Springs VORTAC 026° radial to a line 5 miles S of and parallel to the VORTAC 097° radial.

Rocky Mount, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rocky Mount Municipal Airport (latitude 35°58'01" N., longitude 77°47'33" W.); within 2 miles each side of the Rocky Mount VORTAC 083° radial, extending from the 7-mile radius area to 8 miles east of the VORTAC.

AMENDMENTS 11/14/68 33 F. R. 14220 (Rewritten)

Rome, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Russell Field, Rome, Ga. (latitude 34°21'00" N., longitude 85°09'30" W.), within 2 miles each side of the Rome VOR 349° radial, extending from the 8-mile radius area to the VOR; within 2 miles each side of the 165° bearing from the Rome RBN, extending from the 8-mile radius area to 8 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the N. by latitude 34°37'00" N., on the E. by longitude 85°00'00" W., on the S. by latitude 33°59'00" N., and on the W. by longitude 85°21'00" W. excluding the portion which coincides with the Atlanta, Ga., transition area.

Roosevelt Roads, P.R.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of NS Roosevelt Roads (latitude 18°15'05" N., longitude 65°38'35" W.), excluding the portion within the San Juan 700-foot transition area.

AMENDMENTS 8/22/68 33 F. R. 9599 (Added)

Roscommon, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roscommon County Airport (latitude 44°21'30" N., longitude 84°40'15" W.); and within 2 miles each side of the 082° bearing from Roscommon County Airport, extending from the airport to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the 082° bearing from Roscommon County Airport, extending from the airport to 12 miles east of the airport; and within 5 miles each side of the 250° bearing from Roscommon County Airport, extending from the airport to the Lake City, Mich., transition area.

AMENDMENTS 3/28/68 33 F. R. 2630 (Added)

Roseburg, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Roseburg Municipal Airport (latitude 43°14'20" N., longitude 123°21'15" W.), within 2 miles each side of the Roseburg VOR 177° radial, extending from the 5-mile radius area to 3.5 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 177° radial, extending from the VOR to 12 miles S of the VOR, and within 8 miles W and 5 miles E of the 003° and 183° radials, extending from 18 miles N to 7 miles S of the VOR.

Roswell, N. M.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°35'25" N., longitude 104°46'40" W., thence to latitude 33°37'00" N., longitude 104°20'00" W., to latitude 33°29'15" N., longitude 104°10'05" W., to latitude 33°24'30" N., longitude 104°07'00" W., to latitude 33°07'00" N., longitude 104°12'00" W., to latitude 33°06'25" N., longitude 104°32'30" W., to latitude 33°12'40" N., longitude 104°43'25" W., to latitude 33°30'35" N., longitude 104°49'55" W., thence to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°50'40" N., longitude 105°15'00" W., thence to latitude 32°58'00" N., longitude 105°09'00" W., to latitude 33°41'30" N., longitude 105°09'00" W., thence clockwise via the arc of a 45-mile radius circle centered at latitude 33°17'59" N., longitude 104°31'48" W., to latitude 32°43'35" N., longitude 104°54'55" W., to latitude 32°40'38" N., longitude 104°58'25" W., thence to the point of beginning; within 5 miles each side of the Roswell VORTAC 319° radial and the Albuquerque, N. Mex., VORTAC 128° radial extending from the 45-mile radius area to 93.5 miles northwest of the Roswell VORTAC, including that airspace within lines diverging at 4.5° from the Albuquerque VORTAC 128° radial extended to intersect with the bisector of the angle formed by the Albuquerque VORTAC 128° radial and the Roswell VORTAC 319° radial and extending from those points of intersection to the Roswell VORTAC, excluding that portion within the Corona, N. Mex., and Albuquerque, N. Mex., transition areas; within 5 miles each side of the Roswell VORTAC 051° radial extending from the 45-mile radius area to 93.5 miles northeast of the VORTAC including that airspace within lines diverging at 4.5° each side of the 051° radial from the VORTAC but excluding that portion within the Clovis, N. Mex., transition area; within 5 miles each side of the Roswell VORTAC 141° radial and of the Wink, Tex. 322° radial extending from the 45-mile radius area to 93.5 miles southeast of the Roswell VORTAC; within 5 miles each side of the Roswell VORTAC 215° radial extending from the 45-mile radius area to 93.5 miles southwest of the VORTAC, including that airspace within lines diverging at 4.5° each side of the 215° radial from the VORTAC but excluding that portion within the El Paso, Tex., transition area.

AMENDMENTS 8/22/68 33 F. R. 9876 (Rewritten)

Russell, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Russell Municipal Airport (latitude 38°52'25" N., longitude 98°48'45" W.),and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Russell VOR 007° and 187° radials, extending from 1 mile S to 12 miles NE of the VOR.

Ruston, La.
That airsapce extending upward from 700 feet above the surface within a 5-mile radius of Ruston Municipal Airport (latitude 32°30'45" N., longitude 92°37'45" W.), and within 2 miles each side of the Monroe, La., VORTAC 278° radial extending from the 5-mile radius area to 24 miles west of the VORTAC.

AMENDMENTS 5/23/68 33 F. R. 4510 (Added)

Rutland, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 43°31'55" N., 72°57'00" W. of Rutland Airport, Rutland, Vt., and within 5 miles east and 8 miles west of a 344° bearing from Rutland, Vt., RBN extending from the RBN to 12 miles north of the RBN.

Sacramento, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius circle centered on the Sacramento, Calif., VORTAC (latitude 38°26'37" N., longitude 121°33'02" W.); that airspace within an arc of a 38-mile radius circle centered on the Sacramento VORTAC, bounded on the west by the west edge of V-23, and on the southwest by the northeast edge of V-23, and that airspace SW of Sacramento bounded by a line beginning at latitude 38°16'00" N., longitude 122°05'00" W., thence to latitude 38°27'00" N., longitude 121°47'00" W., thence to latitude 38°16'-00" N., longitude 121°39'00" W., thence to latitude 38°02'00" N., longitude 121°52'00" W., thence via latitude 38°02'00" N. to the W edge of V-195, thence via the W edge of V-195 to latitude 38°16'00" N., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the point of intersection of the E edge of V-195 and the S edge of V-200, thence via the S edge of V-200, the W edge of V-23 and latitude 39°00'00" N. to the W edge of V-283, thence via the W edge of V-283 to the N edge of V-244, thence via the N edge of V-244 to longitude 120°04'00" W., thence via longitude 120°04'-00" W., to latitude 38°07'00" N., thence via latitude 38°07'00" N., to longitude 121°37'00" W., thence via longitude 121°37'00" W., to latitude 38°02'00" N., thence via latitude 38°02'00" N., to the E edge of V-195, thence via the E edge of V-195 to point of beginning.

Saginaw, Mich.
That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 43°16'00" N., longitude 83°30'00" W., W along latitude 43°16'00" N., to and N along longitude 84°25'00" W., to and NW along a line 10 miles SW of and parallel to the Saginaw, Mich., VORTAC 317° radial, to and clockwise along the arc of a 31-mile radius circle centered on the Saginaw VORTAC, to and S along a line 5 miles E of and parallel to the Saginaw VORTAC 013° radial, to and clockwise along the arc of a 14-mile radius circle centered on the Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.), to and E along the N boundary of V-216, to and S along longitude 83°30'00" W. to the point of beginning, and within 10 miles SW and 7 miles NE of the Saginaw VORTAC 317° radial, extending from the 31-mile radius area to 37 miles NW of the VORTAC.

PENDING AMENDMENT

Saginaw, Mich.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°16'00" N., longitude 83°30'00" W., thence west along latitude 43°16'00" N., to and north along longitude 84°25'00" W., to and northwest along a line 10 miles southwest of and parallel to the Saginaw, Mich., VORTAC 317° radial, to and clockwise along the arc of a 31-mile radius circle centered on the Saginaw VORTAC, to and south along a line 5 miles east of and parallel to the Saginaw VORTAC 013° radial, to and clockwise along the arc of a 20-mile radius circle centered on the Saginaw VORTAC, to and east along a line 10 miles north of and parallel to the Saginaw VORTAC 105° radial, to and south along longitude 83°24'00" W., to and west along the north edge of V-216, to and south along longitude 83°30'00" W., to the point of beginning and within 10 miles southwest and 7 miles northeast of the Saginaw VORTAC 317° radial extending from the 31-mile radius area to 37 miles northwest of the VORTAC.

AMENDMENTS 3/6/69 34 F. R. 1370 (Rewritten)

St. Clairsville, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alderman Field, St. Clairsville, Ohio (latitude 40° 03' 25" N., longitude 80° 57' 55" W.), and within 2 miles each side of the Bellaire, Ohio, VOR 289° radial, extending from the 5-mile radius area to the VOR.

St. Johns, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the St. Johns VORTAC 067° and 247° radials, extending from 9 miles NE to 20 miles SW of the VORTAC.

St. Joseph, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rosecrans Memorial Airport (latitude 39°46'25" N., longitude 94°54'45" W.); and within 5 miles east and 8 miles west of the St. Joseph ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of the southeast edge of V-77 and the west edge of V-13; thence south along the west edge of V-13 to latitude 39°42'20" N., longitude 94°29'00" W.; thence to latitude 39°44'00" N., longitude 94°43'20" W.; to latitude 39°30'00" N., longitude 94°49'00" W.; thence west along latitude 39°30'00" N., to the southwest edge of V-71; thence northwest along the southwest edge of V-71 to the west edge of V-77; thence north along the west boundary of V-77 to the northeast edge of V-71; thence northwest along the northeast edge of V-71; to the south edge of V-50 thence to latitude 40°00'35" N., longitude 95°32'30" W.; thence to latitude 40°09'00" N., longitude 95°30'00" W.; thence to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise via the arc of a 14-mile radius circle centered on the St. Joseph VOR to the southeast edge of V-77; thence northeast along the southeast edge of V-77 to the point of beginning; and that airspace extending upward from 4,500 feet MSL in the vicinity of St. Joseph bounded by V-13 on the west, V-161 on the east and V-50 on the south; within the area bounded on the west by V-13, on the north by V-50, on the east by V-161 and on the south by a direct line from latitude 39°39'30" N., longitude 94°07'40" W. to latitude 39°40'45" N., longitude 94°18'35" W.; within the area bounded on the north by V-216, on the east by V-15 and on the southwest by a line starting at the intersection of the south edge of V-216 and on the north edge of V-50, to the intersection of the north edge of V-50 and a line from latitude 40°00'35" N., longitude 95°32'30" W. to latitude 40°09'00" N.; longitude 95°30'00" W.; thence direct to latitude 40°09'00" N., longitude 95°30'00" W., to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise along the arc of a 14-mile radius circle centered on the St. Joseph VOR to its intersection with the west edge of V-15; and the area bounded on the southwest by V-15, on the north by V-216, on the southeast by V-77 and on the south by the arc of a 14-mile radius circle centered on the St. Joseph VOR.

AMENDMENTS 9/19/68 33 F. R. 10564 (Rewritten); Corr: 33 F. R. 12962

St. Louis, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM; within 5 miles southwest and 8 miles northeast of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course extending from the Runway 12R OM to 12 miles northwest of the OM; within a 5-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'30" N., longitude 90°03'00" W.); within 2 miles each side of the 009° bearing from Civic Memorial Airport, extending from the 5-mile radius area to 7 miles north of the airport; and within 5 miles south and 8 miles north of the 103° bearing from Civic Memorial Airport, extending from the airport to 12 miles east of the airport; that airspace extending from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport; within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V-14S, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V-72 and on the south by the north boundary of V-88; within a 40-mile radius of Scott AFB (latitude 38°32'30" N., longitude 89°51'05" W.); within 5 miles west and 8 miles east of the 009° bearing from Civic Memorial Airport, extending from the airport to 19 miles north of the airport; within the area bounded on the northwest by the 40-mile radius area, on the east by the west edge of V-313, on the southwest by the northeast edge of V-335; and the area north of St. Louis bounded on the west by the east edge of V-52N, on the north by the south edge of V-50 and on the east by the west edge of V-9W, excluding the portion which overlies the Springfield, Ill., transition area; that airspace extending upward from 2,500 feet MSL within the area bounded on the north by the arc of a 40-mile radius circle centered on Scott AFB, on the northeast by the southwest edge of V-335, on the east by the west edge of V-313, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-190, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial and on the northwest by the southeast edge of V-72; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175 and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial; and within the area bounded on the northeast by the southwest edge of V-52, on the south by the north edge of V-4N and on the northwest by the southeast boundary of V-63, excluding that airspace which coincides with the Springfield, Vandalia, and Centralia, Ill., transition areas.

AMENDMENTS 10/17/68 33 F. R. 12136 (Rewritten)

St. Marys, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 41°24'45" N., 78°30'20" W., of St. Marys Municipal Airport, St. Marys, Pa.; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 7 miles east of the end of the runway; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 5 miles west of the end of the runway and within 2 miles each side of the Slate Run VORTAC 256° radial extending from the 5-mile radius area to 19 miles west of the VORTAC.

AMENDMENTS 6/20/68 33 F. R. 6916 (Added)

Salem, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Salem-Leckrone Airport (latitude 38°38'40" N., longitude 88°57'50" W.), and within 2 miles each side of the 008° bearing from the Salem-Leckrone Airport extending from the 5-mile radius area to 8 miles N of the airport; and the airspace extending upward from 1,200 feet above the surface within 5 miles west, 8 miles east of the 008° bearing from the Salem-Leckrone Airport extending from the N boundary of V-446 to 12 miles N of the airport.

Salem, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of New Hudson, Mich., Airport (latitude 42°30'15" N., longitude 83°37'25" W.), and within a 6-mile radius of Wixom, Mich., Spencer Airport (latitude 42°31'15" N., longitude 83°33'10" W.), and within 2 miles each side of the Salem, Mich., VORTAC 347° and 013° radials extending from the 6-mile radius areas to the VORTAC, excluding that portion which coincides with the Pontiac, Mich. transition area.

Salem, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.); within 2 miles each side of a 196° bearing from the Salem ILS LOM, extending from the 7-mile radius area to 8 miles S of the LOM and within 2 miles each side of the Salem ILS localizer SE course, extending from the 7-mile radius area to 6 miles SE of the LOM; that airspace extending upward from 1,200 feet above the surface within 6 miles SW and 7 miles NE of the 150° and 330° bearings from the Salem ILS LOM, extending from V-23E to V-23W.

Salina, Kans.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Salina VORTAC 011° radial, extending from the VORTAC to 8 miles N of the VORTAC, and within 8 miles E and 5 miles W of the Salina ILS localizer S course extending from the OM to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the VORTAC bounded on the south by V-4, and within a 19-mile radius of the VORTAC bounded on the north by V-48 and on the west by V-73.

Salisbury, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 38°20'25" N., 75°30'40" W. of Salisbury-Wicomico Airport, Salisbury, Md., and within 2 miles each side of the Salisbury VOR 207° radial extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles each side of the Salisbury VOR 050° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the Salisbury VOR 134° radial extending from the 7-mile radius area to 8 miles SE of the VOR.

Salisbury, N. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Rowan County Airport (latitude 35°38'30" N., longitude 80°31'10" W.); within 2 miles each side of the 014° bearing from the Salisbury NDB (latitude 35°40'29" N., longitude 80°30'32" W.), extending from the 6-mile radius area to 8 miles north of the NDB.

AMENDMENTS 8/1/68 33 F. R. 10281 (Rewritten)

Salt Lake City, Utah
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°00'00" N., on the east by longitude 111°45'00" W., and on the south and west by the arc of an 18.5-mile radius circle centered on the Salt Lake City VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°36'00" W. and V-235, on the S by latitude 40°30'00" N., on the SW by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°40'00" N., longitude 112°56'30" W., on the W by longitude 112°56'30" W., and on the N by latitude 41°00'00" N.; that airspace E of Salt Lake City extending upward from 11,000 feet m.s.l. bounded on the NW by V-32, on the SE by V-235, on the SW by V-484, and on the W by longitude 111°36'00" W.; and that airspace SE of Salt Lake City extending upward from 12,400 feet MSL bounded on the NE by the SW edge of V-484, on the S by the N edge of V-200 and on the NW by the SE edge of V-235, excluding the portion within Restricted Area R-6403.

AMENDMENTS 9/19/68 33 F. R. 9466 (Changed)

Salyer Farms, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Salyer Farms Airport (latitude 36°05'01" N., longitude 119°32'39" W.), and within 2 miles each side of the 151° bearing from the Salyer Farms radio beacon (latitude 36°05'14" N., longitude 119°32'44" W.) extending from the 3-mile radius area to 8 miles southeast of the radio beacon excluding that airspace within a 1-mile radius of Corcoran Airport (latitude 36°06'10" N., longitude 119°35'40" W.), that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 151° bearing from the Salyer Falms radio beacon extending from the radio beacon to 12 miles southeast.

AMENDMENTS 10/17/68 33 F. R. 11149 (Added); Corr: 33 F. R. 14404

San Angelo, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field, San Angelo, Tex. (latitude 31°21'35" N., longitude 100°29'40" W.); within 5 miles northwest and 8 miles southeast of the San Angelos ILS localizer southwest course extending from the OM to 12 miles southwest; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31°40'00" N., longitude 100°39'30" W.; to latitude 31°59'30" N., longitude 100°13'20" W.; to latitude 31°53'15" N., longitude 100°05'30" W.; to latitude 31°33'40" N., longitude 100°11'45" W.; to latitude 31°12'20" N., longitude 99°41'15" W.; to latitude 30°49'45" N., longitude 100°12'45" W.; to latitude 30°47'15" N., longitude 100°22'15" W.; to latitude 30°57'00" N., longitude 100°37'30" W., to latitude 30°51'00" N., longitude 101°05'00" W., to latitude 31°28'40" N., longitude 101°05'00" W.; to latitude 31°28'40" N., longitude 100°59'40" W.; to latitude 31°39'00" N., longitude 101°27'20" W.; to latitude 31°50'00" N., longitude 101°22'00" W.; to point of beginning.

AMENDMENTS 9/19/68 33 F. R. 10204 (Changed)

San Antonio, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W., thence west via latitude 29°22'30" N., to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°46'30" N., east of longitude 98°30'00" W.; thence to latitude 29°43'00" N., longitude 98°01'30" W., thence to point of beginning, within 5 miles northeast and 8 miles southwest of the LaVernia VOR 149° radial extending from the VOR to 12 miles southeast, within 2 miles each side of the Kelly VOR 189° radial extending from the VOR to 26 miles south; within 2 miles each side of the Stinson VOR 166° radial extending from the VOR to 8 miles southeast, and within 2 miles each side of the Stinson VOR 148° radial extending from the VOR to 16 miles southeast; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°33'30" N., longitude 98°31'30" W., thence to latitude 29°45'30" N., longitude 98°06'00" W., to latitude 29°50'08" N., longitude 97°25'45" W., to latitude 29°54'00" N., longitude 96°49'00" W., to latitude 29°30'00" N., longitude 96°39'30" W., to latitude 29°30'00" N., longitude 97°26'00" W., to latitude 29°19'45" N., longitude 97°26'00" W., to latitude 29°00'00" N., longitude 97°43'00" W., to latitude 28°43'30" N., longitude 98°17'30" W., to latitude 28°54'00" N., longitude 99°05'00" W., to latitude 30°10'40" N., longitude 99°18'40" W., thence to point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at latitude 29°30'00" N., longitude 97°26'00" W., to latitude 29°30'00" N., longitude 96°39'30" W., to latitude 29°08'00" N., longitude 97°00'00" W., to latitude 29°00'00" N., longitude 97°17'00" W., to latitude 29°00'00" N., longitude 97°43'00" W., to latitude 29°19'45" N., longitude 97°26'00" W., thence to point of beginning.

AMENDMENTS 3/28/68 33 F. R. 2627 (Changed); F. R. Corr: 33 F. R. 5088; 11/14/68 33 F. R. 14402 (Changed)

San Carlos, Ariz.
That airspace extending upward from 12,000 feet MSL bounded on the northwest by the southeast edge of V-190, on the east by an arc of a 115 mile radius circle centered on Williams AFB, Ariz. (latitude 33°18'25" N., longitude 111°39'35" W.); on the south by the north edge of V-94 and on the west by longitude 110°52'00" W.

AMENDMENTS 12/12/68 33 F. R. 15109 (Added)

San Diego, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33° 15' 00" N., longitude 117° 30' 30" W., to latitude 33° 15' 00" N., longitude 117° 17' 00" W., to latitude 33° 00' 00" N., longitude 117° 07' 00" W., to latitude 33° 00' 00" N., longitude 116° 51' 00" W., thence S along longitude 116° 51' 00" W., to the United States/Mexican Border, thence W along the United States/Mexican Border, and Flight Information Region Boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 33' 00" N., longitude 117° 27' 30" W., thence N to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33° 30' 00" N., longitude 117° 30' 00" W., thence to latitude 33° 30' 00" N., longitude 116° 18' 00" W., thence to latitude 33° 00' 00" N., longitude 116° 18' 00" W., thence to latitude 33° 00' 00" N., longitude 116° 05' 00" W., thence S via longitude 116° 05' 00" W., to the United States/Mexican Border, thence W via the United States/Mexican Border and Flight Information Region boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 37' 15" N., longitude 117° 31' 50" W., thence to latitude 32° 34' 45" N., longitude 117° 39' 00" W., thence to latitude 32° 49' 30" N., longitude 117° 45' 15" W., thence to latitude 32° 57' 40" N., longitude 117° 35' 00" W., thence to latitude 33° 11' 00" N., longitude 117° 48' 55" W., thence to latitude 33° 15' 00" N., longitude 117° 30' 00" W., thence N via longitude 117° 30' 00" W., to the point of beginning.

Sandusky, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.); within 2 miles each side of the Sandusky VOR 026° and 206° radials, extending from the 5-mile radius area to 8 miles SW of the VORTAC.

Sanford, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sanford Municipal Airport (latitude 43°23'30" N., longitude 70°42'35" W.); within 2 miles each side of the Kennebunk, Maine VOR 064° radial, extending from the 7-mile radius area to 8 miles NE of the VOR.

Sanford, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sanford Municipal Airport (latitude 35°25'55" N., longitude 79°11'10" W.).

AMENDMENTS 2/29/68 33 F. R. 139 (Added)

San Francisco, Calif.
That airspace extending upward from 700 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by longitude 121°52'00" W., on the S by latitude 37°30'00" N., and on the W by a line extending from latitude 37°30'00" N., longitude 122°27'00" W., to latitude 37°34'00" N., longitude 122°31'00" W., to latitude 37°55'00" N., longitude 122°31'00" W., to latitude 38°02'00" N., longitude 122°40'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by a line extending from latitude 38°02'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°50'00" W., to latitude 37°30'00" N., longitude 121°50'00" W., on the S by latitude 37°30'00" N., and on the W by V-27 and V-199.

Sanibel, Fla.
That airspace extending upward from 2,000 feet above the surface, bounded on the S by Control 1230, on the E and NE by V-225 and the arc of a 20-mile radius circle centered on the Fort Myers, Fla., VORTAC, on the N by latitude 26°30'00" N., on the W by W-168 and a line extending from latitude 26°10'00" N., longitude 82°17'00" W., to the INT of the N boundary of control 1230 and longitude 82°15'00" W.

San Jose, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Moffett TACAN 157° radial, extending from 8 miles SE to 16 miles SE of the TACAN, within 2 miles each side of the San Jose ILS localizer course extending from the San Jose 5-mile radius control zone to 1 mile SE of the San Jose LOM, within 5 miles SW and 8 miles NE of the San Jose VOR 137° radial, extending from 16 miles SE to 28 miles SE of the VOR, and that airspace bounded by a line beginning at latitude 37°30'00" N., longitude 121°52'00" W., thence to latitude 37°22'00" N., longitude 122°08'00" W., thence to latitude 37°22'00" N., longitude 122°24'00" W., thence to latitude 37°30'00" N., longitude 122°27'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 37°30'00" N., on the E and NE by longitude 121°50'00" W., and the SW edge of V-107, on the SE and S by the NW edge of V-111 and latitude 37°00'00" N., and on the W by the E edge of V-27 to latitude 37°30'00" N.

San Juan, P. R.
That airspace extending upward from 700 feet above the surface south of latitude 18°23'00" N.; within a 20-mile radius of Puerto Rico International Airport (latitude 18°26'45" N., longitude 66°00'05" W.); that airspace north of latitude 18°23'00" N. within a 12-mile radius of Puerto Rico International Airport; within 2 miles each side of the San Juan VORTAC 273° radial, extending from the 12-mile radius area to the San Juan (SJU) RBN; within 2 miles each side of the 281° bearing from the San Pat RBN, extending from the 12-mile radius area to the San Juan (SJU) RBN; within 8 miles north and 5 miles south of the 281° bearing from the San Pat RBN, extending from the 12-mile radius area to 12 miles west of the San Pat RBN; and that airspace extending upward from 1,200 feet above the surface beginning at the intersection of a line 4 nautical miles north of and parallel to the centerline of Route 2 and the arc of a 41-mile radius circle centered at Puerto Rico International Airport west of San Juan VORTAC; thence clockwise along this arc to the centerline of Route 3; thence southeast along the centerline of Route 3 to the arc of a 23-mile radius circle centered at Puerto Rico International Airport; thence clockwise along this arc to longitude 65°55'00" W.; thence south to latitude 18°40'00" N., longitude 65°55'00" W.; thence east to latitude 18°40'00" N., longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to a line 4 nautical miles north of and parallel to the centerline of Route 2; thence east and southeast along this line to the arc of a 15-mile radius circle centered at Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.); thence counterclockwise along this arc to a line 3 nautical miles southwest of and parallel to the centerline of Route 2; thence northwest and west along this line to longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to the arc of a 15-mile radius circle centered at NS Roosevelt Roads Airport (latitude 18°15'05" N., longitude 65°38'35" W.); thence clockwise along this arc to the intersection of a line 5 miles southeast of and parallel to the 052° bearing from the Point Tuna RBN; thence southwest along this line to latitude 18°00'00" N.; thence west along latitude 18°00'00" N., to longitude 66°19'20" W.; thence south to latitude 17°49'30" N., longitude 66°23'30" W.; thence west to the intersection of longitude 66°25'30" W. and the arc of a 15-mile radius circle centered at Mercedita Airport (latitude 18°00'40" N., longitude 66°33'50" W.); thence clockwise along this arc to latitude 18°00'00" N.; thence west to latitude 18°07'00" N., longitude 67°22'00" W.; thence north to the intersection of longitude 67°23'00" W. and the arc of a 25-mile radius circle centered at Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); thence clockwise along this arc to a line 4 nautical miles north of and parallel to the centerline of Route 2 east of Ramey AFB; thence east along this line to the point of beginning; and that airspace extending upward from 2,000 feet MSL within a 100 nautical mile radius of the Isla Grande Airport (latitude 18°27'30" N., longitude 66°05'55" W.) San Juan, P. R.; excluding the portion that coincides with the 1,200-foot floor portions of the San Juan, St. Croix, and St. Thomas transition areas.

AMENDMENTS 8/22/68 33 F. R. 9599 (Added)

San Luis Obispo, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.); within 2 miles each side of the San Luis Obispo VORTAC 280° and 100° radials, extending from the 3-mile radius area to 8 miles west of the VORTAC; and within 2 miles west and 3 miles east of the 191° bearing from the San Luis Obispo County Airport, extending from the 3-mile radius area to 6 miles south of the airport.

AMENDMENTS 2/29/68 33 F. R. 531 (Rewritten)

San Rafael, Calif.
That airspace extending upward from 700 feet above the surface bounded on the E by the W edge of V-195, on the S by latitude 38°02'00" N., and on the W and N by an arc of a 23-mile radius circle centered on Hamilton AFB (latitude 38°03'35" N., longitude 122°30'35" W.); that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-200, on the E by the W edge of V-195, on the S by latitude 38°02'00" N., on the W by the E edge of V-199 to latitude 38°43'30" N., thence via latitude 38°43'30" N. to the E edge of V-25, thence via the E edge of V-25 to the S edge of V-200.

San Simon, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the San Simon VOR 089° and 269° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the portion within the Cochise, Ariz. and Portal, Ariz. transition areas.

Santa Barbara, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the OM to 2 miles west of the OM; between the arcs of a 5-mile radius circle and 8.5-mile radius circle centered on the Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.), extending clockwise from a line 2 miles north of the 089° bearing from the Santa Barbara LMM to a line 2.5 miles south of the 115° bearing from the LMM; and within 2 miles east and 7 miles west of the Santa Barbara VORTAC 196° radial, extending from a 5-mile radius circle centered on the Santa Barbara Municipal Airport to 15.5 miles south of the VORTAC;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°35'00" N., longitude 120°05'00" W., thence to latitude 35°05'00" N., longitude 120°05'00" W., to latitude 35°05'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°10'30" W., to latitude 34°06'15" N., longitude 120°30'00" W., to latitude 34°24'00" N., longitude 120°30'00" W., to latitude 34°24'45" N., longitude 120°27'20" W., to latitude 34°35'00" N., longitude 120°31'40" W., to latitude 34°39'50" N., longitude 120°31'15" W., to latitude 34°46'15" N., longitude 120°26'40" W., to latitude 34°49'00" N., longitude 120°27'15" W., to latitude 34°59'32" N., longitude 120°41'50" W., to latitude 35°10'00" N., longitude 120°55'00" W., to latitude 35°21'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 120°40'30" W., to latitude 35°22'25" N., longitude 120°31'50" W., to latitude 35°31'40" N., longitude 120°15'00" W., to latitude 35°35'35" N., longitude 120°18'10" W., thence to point of beginning.

AMENDMENTS 2/29/68 33 F. R. 531 (Rewritten); 7/25/68 33 F. R. 7875 (Changed)

Santa Catalina, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 117° 30' 00" W., on the S by a line extending from latitude 33° 15' 00" N., longitude 117° 30' 00" W., to latitude 33° 11' 00" N., longitude 117° 48' 55" W., to latitude 33° 18' 00" N., longitude 118° 34° 00" W., on the W by longitude 118° 34' 00" W., and on the N by latitude 33° 30' 00" N., excluding the portion within Control Area 1177.

Santa Fe, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.), within 2 miles each side of the Santa Fe VORTAC 165° radial, extending from the 10-mile radius area to 8 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°14' 00" N., longitude 106°02'05" W.; thence counterclockwise along the arc of a 46-mile radius circle centered on the Albuquerque VORTAC; to latitude 35°37'35" N., longitude 106°24'48" W.; to latitude 35°47'00" N., longitude 106°15'00" W.; to latitude 35°47'00" N., longitude 105°50'00" W.; to latitude 35°14'00" N., longitude 105°50'00" W.; to point of beginning, excluding the portion within R-5101.

Santa Maria, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W., and within 2 miles southwest and 8 miles northeast of the Santa Maria VOR 332° and 152° radials, extending from 1.5 miles southeast to 8 miles northwest of the VOR, excluding the portion within R-2516.

AMENDMENTS 2/29/68 33 F. R. 531 (Added)

Santa Rosa, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddingtown Airport (latitude 38°28'30" N., longitude 122°44'25" W.).

Santa Ynez, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Santa Ynez Airport (latitude 34°36'25" N., longitude 120°04'30" W.), and within 2 miles each side of the Gaviota VOR 336° radial, extending from 3.5 miles to 12 miles northwest of the VOR.

AMENDMENTS 2/29/68 33 F. R. 531 (Added)

Saranac Lake, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 44°23'04" N., 74°12'09" W., of Adirondack Airport, Saranac Lake, N. Y.; within 5 miles south and 8 miles north of the Saranac Lake VOR 237° radial extending from the VOR to 13 miles southwest of the VOR.

AMENDMENTS 6/20/68 33 F. R. 6914 (Changed)

Sarasota, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sarasota-Bradenton Airport (latitude 27°23'47" N., longitude 82°33'15" W.); within 2 miles each side of the Sarasota, Fla., VOR 299° radial, extending from the 8-mile radius area to 8 miles northwest of the VOR.

AMENDMENTS 6/20/68 33 F. R. 6533 (Rewritten)

Sault Ste. Marie, Mich.
That airspace within the United States extending upward from 700 feet above the surface within a 7-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 8 miles northeast and 5 miles southwest of the 129° bearing from the Sault Ste. Marie RBN, extending from the RBN to 12 miles southeast of the RBN; within 2 miles each side of the Sault Ste. Marie VOR 153° radial, extending from the VOR to 8 miles southeast of the VOR, within 2 miles each side of the Sault Ste. Marie, Ontario, Canada, ILS localizer northwest course, extending from the OM to 8 miles northwest of the OM, and within 2 miles each side of the 293° bearing from the Gros Cap RBN, extending from the RBN to 8 miles northwest of the RBN, and the airspace within the United States extending upward from 1,200 feet above the surface within a 34-mile radius of Kincheloe AFB.
AMENDMENTS 8/22/68 33 F. R. 11001 (Rewritten)

Savannah, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hunter AAF (latitude 32°00'35" N., longitude 81°08'45" W.); within an 8-mile radius Savannah Municipal Airport (latitude 32°07'35" N., longitude 81°12'05" W.); within 2 miles each side of the Savannah VORTAC 061° radial, extending from the Savannah Municipal Airport 8-mile radius area to 8 miles NE of the VORTAC; within 2 miles each side of the Savannah ILS localizer E course, extending from the Savannah Municipal Airport 8-mile radius area to 8 miles E of the INT of the ILS localizer E course and the
Savannah VORTAC 179° radial; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°40'50" N., longitude 80°30'30" W.; thence SE to latitude 32°29'30" N., longitude 80°12'00" W.; thence SW via a line 3 nautical miles from the coastline to latitude 32°13'00" N., longitude 80°30'00" W.; thence S to latitude 32°00'00" N., longitude 80°33'00" W.; thence SW to latitude 31°30'00" N., longitude 80°51'05" W.; thence W via latitude 31°30'00" N., to the E boundary of V-267; thence NW via the E boundary of V-267 to the SE boundary of V-157; thence NE via the SE boundary of V-157 to the S boundary of V-188; thence E via the S boundary of V-188 to the W boundary of V-3; thence S via the W boundary of V-3 to latitude 32°44'00" N.; thence E via latitude 32°44'00" N., to longitude 80°43'25" W.; thence E to the point of beginning.
AMENDMENTS 7/18/68 33 F. R. 10203 (Changed)

Scottsbluff, Nebr.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Scottsbluff VORTAC 211° and 031° radials, extending from 7 miles NE to 13 miles SW of the VORTAC; within 5 miles S and 8 miles N of the Scottsbluff VORTAC 259° and 080° radials, extending from 4 miles W to 13 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Scottsbluff VORTAC.

Seattle, Wash.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'30" W.); within a 23-mile radius of the Seattle VORTAC; within a 10-mile radius of Olympia VORTAC, within 2 miles each side of the Olympia VORTAC 170° radial, extending from the 10-mile radius area to 12 miles S of the VORTAC, within 2 miles each side of the Olympia VORTAC 195° radial, extending from the 10-mile radius area to 14 miles S of the VORTAC, and within 2 miles each side of the Olympia VORTAC 269° radial, extending from the 10-mile radius area to 14 miles W of the VORTAC; within a 23-mile radius of latitude 47°39'30" N., longitude 122°25'00" W.; within an 8-mile radius of Kitsap County Airport, Bremerton, Wash. (latitude 47°29'35" N., longitude 122°45'35" W.); that airspace N of Seattle extending from the 23-mile radius area of latitude 47°39'30" N., longitude 122°25'00" W., bounded on the W by longitude 122°30'00" W., on the N by latitude 48°05'00" N., and on the E by longitude 121°55'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 121°35'00" W., on the SE by a line extending from latitude 46°55'00" N., longitude 121°35'00" W., to latitude 46°55'00" N., longitude 121°53'00" W., to latitude 46°45'00" N., longitude 121°53'00" W., on the S by latitude 46°45'00" N., on the W by longitude 123°15'00" W., and on the N by latitude 48°05'00" N., and that airspace SW of Seattle bounded on the S by V-204, on the NW by V-27W and on the E by longitude 123°15'00" W.; that airspace S of Seattle extending upward from 4,500 feet MSL bounded on the E by longitude 122°30'00" W., on the S by latitude 46°25'00" N., on the W by V-99 and on the N by latitude 46°45'00" N.; that airspace SW of Seattle bounded on the SE by V-99, on the SW by the arc of a 37-mile radius circle centered on the Olympia, Wash., VORTAC, and on the N by V-204, and that airspace W of Seattle bounded on the E by longitude 123°15'00" W., on the S by V-27W, on the W by longitude 123°40'00" W., and on the N by a line 7 miles N of and parallel to the N edge of V-27W; that airspace extending upward from 6,500 feet MSL S of Seattle bounded on the E by a line extending from latitude 46°45'00" N., longitude 122°02'00" W., to latitude 46°25'00" N., longitude 122°16'00" W., on the S by latitude 46°25'00" N., and on the W by longitude 122°30'00" W., and on the N by latitude 46°45'00" N.; that airspace S of Seattle extending upward from 7,000 feet MSL, bounded on the E by longitude 121°53'00" W., on the S by latitude 46°25'00" N., on the W by a line extending from latitude 46°45'00" N., longitude 122°02'00" W., to latitude 46°25'00" N., longitude 122°16'00" W., and on the N by latitude 46°45'00" N.; that airspace W of Seattle extending upward from 8,500 feet MSL, bounded on the E by longitude 123°15'00" W., on the S by a line 7 miles N of and parallel to the N edge of V-27W, on the W by longitude 123°40'00" W., and on the N by latitude 47°30'00" W.; that airspace NW of Seattle extending upward from 9,500 feet MSL bounded on the E by longitude 123°15'00" W., on the S by latitude 47°30'00" N., on the W by longitude 123°40'00" W., and on the N by latitude 48°03'00" N., and that airspace NE of Seattle bounded on the E by longitude 121°00'00" W., on the S by V-2N, on the W by longitude 121°35'00" W., and on the N by latitude 48°00'00" N. The portions within the Portland, Oreg., and Port Angeles, Wash., transiton areas are excluded.
PENDING AMENDMENT
In the Seattle, Wash., transition area, delete all between "that airspace south of Seattle extending upward from 4,500 MSL" and "on the southwest by the arc of a 37-mile radius circle" and substitute therefor: "bounded on the north by latitude 46°45'00" N., on the southeast by a line extending from latitude 46°45'00" N., longitude 122°25'00" W., to latitude 46°38'00" N., longitude 122°30'00" W., on the east by longitude 122°30'00" W., on the south by latitude 46°26'00" N., on the west by the east edge of V-165; that airspace southwest of Seattle bounded on the southeast by V-165".
AMENDMENTS 4/3/69 34 F. R. 1370 (Changed)

Sedalia, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of the Whiteman AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within a 5-mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°10'50" W.); and within 2 miles each side of the 042° bearing from Sedalia Memorial Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 93°30'00" W.; and the south edge of V-12, thence north via longitude 93°30'00" W.; to and east along the south boundary of V-4; to and south along longitude 92°31'00" W.; to and west along the south edge of V-12; to and southwest along a line 8 miles southeast of and parallel to the 042° bearing from Sedalia Memorial Airport; to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman AFB VOR; to and northwest along the northeast edge of V-159; to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); to and east along the south edge of V-12; to the point of beginning.

AMENDMENTS 10/17/68 33 F. R. 12137 (Rewritten)

Selinsgrove, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°49'05" N., 76°51'50" W., of Penn Valley Airport, Selinsgrove, Pa.; within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius area to 7 miles N of the end of the runway; within 2 miles each side of the centerline of Runway 17 extended from the 5-mile radius zone to 7 miles S of the end of the runway; and within 2 miles each side of the Selinsgrove VOP 192° radial extending from the 5-mile radius zone to 8 miles S of the VOR. This transition area is effective from sunrise to sunset, daily.

Selma, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Craig AFB (latitude 32°20'31" N., longitude 86°59'32" W.); within a 5-mile radius of Selfield Airport (latitude 32°26'28" N., longitude 86°57'05" W.); within 8 miles each side of the Craig AFB ILS localizer SE course extending from the AFB to 12 miles SE of the OM; within 2 miles each side of the Craig TACAN 316° radial, extending from the 9-mile radius area to 12 miles NW of the TACAN.

Seymour, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Freeman Field (latitude 38°55'35" N., longitude 85°54'25" W.); and within 2 miles each side of the 161° bearing from Freeman Field, extending from the 6-mile radius area to 8 miles south of the airport.
AMENDMENTS 3/28/68 33 F. R. 1071 (Added)

Shawnee, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shawnee Municipal Airport (latitude 35°21'16" N., longitude 96°56'33" W.), and within 2 miles each side of the 009° bearing from the Shawnee RBN (latitude 35°20'51" N., longitude 96°56'48" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

AMENDMENTS 12/12/68 33 F. R. 15412 (Added)

Sheboygan, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sheboygan County Memorial Airport (latitude 43°46'05" N., longitude 87°51'05" W.); and within 5 miles E and 8 miles W of the 021° bearing from Sheboygan County Memorial Airport, extending from the airport to 12 miles N of the airport.

Shelby, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Airport (latitude 48°32'26" N., longitude 111°52'30" W.); and within 2 miles each side of the 059° bearing from Shelby Airport extending from the 7-mile radius area to 8 miles NE of the airport; and that airspace extending from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the 059° bearing from Shelby Airport, extending from the airport to 12 miles NE of the airport; and within 5 miles each side of the Cut Bank, Mont. VOR 096° radial extending from the Cut Bank VOR to Shelby Airport excluding the portion which overlies the Cut Bank, Mont., transition area.

Shelby, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°52'25" N., 82°41'55" W., of Shelby Community Airport, Shelby, Ohio, excluding the portion which coincides with the Mansfield, Ohio, transition area.

AMENDMENTS 6/20/68 33 F. R. 6917 (Added)

Shelbyville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shelbyville Memorial Airport (latitude 39°34'50" N., longitude 85°48'20" W.), and within 2 miles each side of the Shelbyville, Ind., VOR 340° radial extending from the 5-mile radius area to 8 miles north of the VOR.
AMENDMENTS 2/29/68 32 F. R. 20631 (Added)

Shelbyville, Tenn.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.); within 5 miles N and 8 miles S of the Shelbyville VOR 272° radial extending from the VOR to 12 miles W; within 5 miles E and 8 miles W of the Shelbyville VOR 195° radial extending from the VOR to 12 miles S.

Shemya, Alaska
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Shemya Airport. The portion within R-2204 is excluded.
AMENDMENTS 8/22/68 33 F. R. 8592 (Added)

Shenandoah, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Shenandoah, Iowa, Municipal Airport (latitude 40°45'15" N., longitude 95°25'15" W.), and within 5 miles NE and 8 miles SW of the 133° bearing from the Shenandoah RBN, extending from the RBN to a point 12 miles SE of the RBN.

Sheridan, Wyo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Sheridan VORTAC 318° radial, extending from the VORTAC to 3 miles NW of the VORTAC, and within 2 miles each side of the Sheridan VORTAC 137° radial, extending from the arc of a 5-mile radius circle centered on the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.) to 23 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Sheridan VORTAC 137° and 317° radials, extending from 25 miles SE to 15 miles NW of the VORTAC.

Sherman, Tex.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Perrin AFB (latitude 33°42'25" N., longitude 96°40'25" W.); and within a 5-mile radius of Sherman, Tex., Municipal Airport (latitude 33°37'30" N., longitude 96°35'09" W.); and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line begining at latitude 33°07'00" N., longitude 95°41'00" W.; to latitude 33°09'00" N., longitude 95°54'00" W.; to latitude 33°09'00" N., longitude 96°01'00" W.; to latitude 33°37'00" N., longitude 96°50'00" W.; to latitude 33°34'00" N., longitude 97°44'00" W.; to latitude 33°48'00" N., longitude 97°44'00" W.; to latitude 33°56'00" N., longitude 97°18'00" W.; thence N via longitude 97°18'00" W. to and clockwise along the arc of a 25-mile radius circle centered at latitude 34°18'00" N., longitude 97°00'50" W.; to longitude 97°25'00" W. NW of Ardmore, Okla., thence N via longitude 97°25'00" W. to and counterclockwise along the arc of a 37-mile radius circle centered at latitude 35°25'50" N., longitude 97°35'10" W.; to latitude 35°11'00" N.; thence E via latitude 35°11'00" N. to latitude 35°11'00" N., longitude 95°55'00" W.; to latitude 34°33'30" N., longitude 95°58'30" W.; to latitude 34°33'30" N., longitude 95°37'30" W.; to latitude 33°49'00" N., longitude 95°18'00" W.; to latitude 33°49'00" N., longitude 95°34'00" W.; to point of beginning.

Shreveport, La.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 32°48'10" N., longitude 93°48'30" W.; to latitude 32°42'00" N., longitude 93°37'00" W.; to latitude 32°25'00" N., longitude 93°27'00" W.; to latitude 32°14'00" N., longitude 93°27'00" W.; to latitude 32°16'30" N., longitude 93°53'30" W.; to latitude 32°35'30" N., longitude 94°00'30" W.; to point of beginning; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 33°30'00" N., longitude 93°36'00" W.; to latitude 33°22'50" N., longitude 93°02'30" W.; to latitude 33°20'30" N., longitude 92°51'30" W.; to latitude 32°44'00" N., longitude 92°20'00" W.; to latitude 32°10'00" N., longitude 92°20'00" W.; to latitude 31°49'00" N., longitude 92°51'30" W.; to latitude 31°26'00" N., longitude 93°17'00" W.; to latitude 31°42'00" N., longitude 93°51'00" W.; to latitude 31°42'00" N., longitude 94°37'00" W.; to latitude 32°00'00" N., longitude 94°30'00" W.; to latitude 32°17'00" N., longitude 94°19'00" W.; to latitude 32°41'10" N., longitude 95°00'00" W.; to latitude 33°14'00" N., longitude 94°11'00" W.; to point of beginning.

Sidney, Mont.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Sidney-Richland Municipal Airport (latitude 47°42'35" N., longitude 104°11'10" W.); and within 2 miles each side of the 115° bearing from Sidney Richland Municipal Airport, extending from the 11-mile radius area to 13 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 115° bearing from Sidney-Richland Municipal Airport, extending from the airport to 17 miles southeast of the airport.
AMENDMENTS 5/23/68 33 F. R. 7352 (Added)

Sidney, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 5 miles NE and 8 miles SW of the Sidney VORTAC 321° radial, extending from the 10-mile radius area to 12 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Sidney VORTAC 128° radial, extending from the VORTAC to 12 miles SE of the VORTAC; and that airspace SW of Sidney VORTAC extending upward from 8,500 feet MSL bounded on the N by the S edge of V-138, on the E by the W edge of V-169, on the SE by the NW edge of V-172, on the SW by the NE edge of V-132 and on the NW by the SE edge of V-207, excluding the airspace within Federal airways.
AMENDMENTS 5/23/68 33 F. R. 3055 (Rewritten)

Sidney, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°18'30" N., 75°24'45" W. of Sidney Airport, Sidney, N. Y.; within 2 miles each side of the Rockdale VOR 219° radial extending from the 5-mile radius to the VOR; within 2 miles each side of a bearing 048° from the Sidney radio beacon 42°20'03" N., 75°22'10" W. extending from the 5-mile radius to 8 miles NE of the radio beacon.

Sidney, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°14'23" N., 84°09'17" W. of Sidney Airport, Sidney, Ohio; and within 2 miles each side of the Rosewood VOR 242° radial extending from the 4-mile radius area to the VOR.

PENDING AMENDMENT
Sikeston, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sikeston Memorial Airport (latitude 36°53'50" N., longitude 89°33'45" W.); and within 2 miles each side of the 016° bearing from Sikeston Memorial Airport, extending from the 6-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 016° bearing from Sikeston Memorial Airport, extending from the airport to the south edge of V-178S.

AMENDMENTS 3/6/69 34 F. R. 1371 (Added)

Siloam Springs, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Smith Airport (latitude 36°11'21" N., longitude 94°29'18" W.), and within 2 miles each side of the Fayetteville VORTAC 260° radial extending from the 5-mile radius area to 12.5 miles west of the VORTAC, excluding the portion within the Decatur, Ark., transition area.

AMENDMENTS 9/19/68 33 F. R. 12179 (Added)

Silver City, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Silver City-Grant County Airport (latitude 32°38'22" N., longitude 108°09'22" W.); and within 5 miles southwest and 8 miles northeast of the Silver City VOR 141° radial, extending from the VOR to 12 miles southeast; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 32°19'00" N., longitude 107°59'00" W.; to latitude 32°35'00" N., longitude 108°37'00" W.; to latitude 33°02'00" N., longitude 107°42'00" W.; to latitude 32°25'00" N., longitude 107°50'00" W.; to point of beginning.

Simmons Army Air Field, N.C.
That airspace extending upward from 700 feet above the surface within 5 miles S and 8 miles N of the Simmons VOR 085° radial, extending from the VOR to 12 miles E of the VOR, excluding that airspace which coincides with the Ft. Bragg, N.C. (Pope AFB) transition area.
PENDING AMENDMENTS
The Simmons Army Air Field, N. C., transition area is revoked. 4/3/69 34 F. R. 1522 (Revoked).

Sioux City, Iowa
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sioux City Municipal Airport (latitude 42°24'10" N., longitude 96°23'05" W.); within 7 miles southwest and 8 miles northeast of the Sioux City ILS localizer southeast course, extending from the 10-mile radius area to 12 miles southeast of the OM; within 7 miles northeast and 8 miles southwest of the Sioux City ILS localizer northwest course, extending from the 10-mile radius area to 12 miles northwest of the Jackson, Nebr. RBN; within a 6-mile radius of Graham Field, North Sioux City, S. Dak. (latitude 42°32'25" N., longitude 96°29'05" W.); and within 5 miles southwest and 8 miles northeast of the 319° bearing from Graham Field extending from the airport to 12 miles northwest of the airport; that airspace extending from 1,200 feet above the surface within a 27-mile radius of Sioux City VORTAC; and the area bounded on the northeast by a line 5 miles northeast of and parallel to the Sioux City VORTAC 116° radial, on the southwest by a line 5 miles southwest of and parallel to the Sioux City VORTAC 140° radial, on the northwest by the 27-mile radius area and on the southeast by the arc of a 30-mile radius circle centered on the Sioux City ILS OM; and that airspace extending upward from 3500' MSL east, south and west of Sioux City bounded on the north by V-100, on the southeast by V-138, on the south by V-172 and on the west by longitude 98°00'00" W.

AMENDMENTS 5/23/68 33 F. R. 4873 (Rewritten); 2/6/69 33 F. R. 18930 (Rewritten)

Sioux Falls, S. Dak.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Sioux Falls VORTAC; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Sioux Falls VORTAC; and that airspace extending upward from 4,000 feet MSL north of Sioux Falls bounded on the north by V-26S, on the southeast by V-148 and on the southwest by V-15; within a 50-mile radius of Sious Falls VORTAC, extending from the south edge of V-148S east of Sioux Falls clockwise to the northwest edge of V-148 west of Sioux Falls; and within a 55-mile radius of the Sioux Falls VORTAC, extending from the northwest edge of V-148 west of Sioux Falls, clockwise to the south edge of V-120 west of Sioux Falls.
AMENDMENTS 12/12/68 33 F. R. 15544 (Rewritten)

Sitka, Alaska
That airspace extending upward from 700 feet above the surface within 3 miles northwest and 2 miles southeast of the Sitka RR southwest course, extending from the RR to 8 miles southwest of the RR; within 2 miles each side of the Biorka Island VORTAC 148° radial, extending from the VORTAC to 8 miles southeast of the VORTAC; within 2 miles each side of the Sitka RR southeast course, extending from the RR to 8 miles southeast of the RR; and within 2 miles each side of the LDA northwest course, extending from 10 miles northwest to 22 miles northwest of the LDA; and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 22 miles northeast of the Biorka Island VORTAC 308° radial, extending from the VORTAC to 33 miles northwest of the VORTAC, and within 9 miles northwest and 6 miles southeast of the Biorka Island VORTAC 027° and 207° radials, extending from 8 miles northeast to 19 miles southwest of the VORTAC.

AMENDMENTS 5/23/68 33 F. R. 5215 (Rewritten); 12/12/68 33 F. R. 15647 (Rewritten)

Skwentna, Alaska
That airspace extending upward from 1,200 feet above the surface within 15 miles S and 23 miles N of the 100° and 280° bearings from the Skwentna RR, extending from 40 miles W to 13 miles E of the RR.

Smithfield, R.I.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°55'21" N., 71°29'30" W. of North Central State Airport, Smithfield, R.I., and within 2 miles east and 5 miles west of the Providence, R.I., VOR 347° radial extending from the 5-mile radius to the VOR, excluding the portion that overlaps the Providence 700-foot transition area.

Snowbird, Tenn.
That airspace extending upward from 1,200 feet above the surface S of V-16S and V-185 bounded on the S by a line 10 miles S of and parallel to the centerlines of V-16S and V-185, on the W by the arc of a 21-mile radius circle centered at the McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.), on the E by the arc of a 25-mile radius circle centered at the Asheville Airport (latitude 35°26'00" N., longitude 82°32'25" W.) within the area SW of Snowbird VOR bounded on the NW by the arc of a 21 mile radius circle centered at the McGhee-Tyson Airport, on the E by a line 10 miles E of and parallel to the centerline of V-267, on the N by a line 10 miles N of and parallel to V-54, on the SE by V-222, on the S by V-54, on the W by V-267; and that airspace extending upward from 7,700 feet MSL bounded on the W by a line 10 miles E of and parallel to the centerline of V-267, on the NW by the arc of a 21-mile radius circle centered at the McGhee-Tyson Airport, on the N by a line 10 miles S of and parallel to the centerlines of V-16S and V-185, on the E by a line 6 miles W of and parallel to the 341°bearing from the Broad River RBN, on the SE by V-222, on the S by a line 10 miles N of and parallel to the centerline of V-54.

Soldotna, Alaska
That airspace extending upward from 700 feet within a 5-mile radius of the Soldotna Airport (latitude 60°28'25" N., longitude 151°02'20" W.); within 2 miles each side of the Kenai VOR 151° radial extending from the 5-mile radius area to the VOR excluding the portion within the Kenai control zone.

AMENDMENTS 11/14/68 33 F. R. 14535 (Rewritten)

Somerset, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°03'25" N., 84°36'45" W., of Somerset-Pulaski County Airport, Somerset, Ky.; and within 2 miles each side of the Somerset, Ky., RBN (latitude 37°03'19" N., longitude 84°36'58" W.) 220° bearing extending from the 5-mile radius area to 8 miles southwest of the RBN; within 2 miles each side of the centerline of Runway 4 extended from the 5-mile radius area to 8 miles northeast of the end of the runway; and within 2 miles each side of the centerline of Runway 22 extended from the 5-mile radius area to 5 miles southwest of the end of the runway.
That airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-493, on the north by the Lexington, Ky., transition area, on the east by V-97 and on the south by V-140N, excluding the portion that coincides with the London, Ky., transition area.

AMENDMENTS 12/12/68 33 F. R. 15544 (Changed)

South Bend, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of St. Joseph County Airport, South Bend, Ind. (latitude 41°42'15" N., longitude 86°18'50" W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from St. Joseph County Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Ind. VOR 360° radial, extending from the St. Joseph County Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Mich. (latitude 41°50'30" N., longitude 86°13'30" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 41°20'00" N., on the west by longitude 87°00'00" W., on the north by latitude 42°35'00" N., and on the east by a line extending from latitude 42°35'00" N., longitude 86°00'00" W., direct to latitude 42°07'30" N., longitude 86°00'00" W., along the east edge of V-277 to latitude 41°40'00" N., longitude 85°38'25" W., direct to latitude 41°40'00" N., longitude 85°30'00" W., direct to latitude 41°20'00" N., longitude 85°30'00" N.

South Boston, Va.
That airspace extending upward from 700 feet above the surface and within a 5-mile radius of the center, 36°42'35" N., 78°50'55" W. of William M. Tuck Airport, South Boston, Va.; and within 2 miles each side of the South Boston, Va., VOR 076° radial extending from the 5-mile radius area to the VOR. This transition area shall be in effect sunrise to sunset, daily.

Southbridge, Mass.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 42°06'05" N., 72°02'20" W., of Southbridge Airport, Southbridge, Mass.; and within 2 miles each side of the Putnam VOR 315° radial extending from the 4-mile radius area to the VOR.

Southern Pines, N.C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Pinehurst-Southern Pines Airport (latitude 35°14'06" N., longitude 79°23'36" W.); within 2 miles each side of the Pinehurst VORTAC 083° radial, extending from the 6-mile radius area to the VORTAC.

AMENDMENTS 8/15/68 33 F. R. 12085 (Changed)

South Haven, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of South Haven, Mich. Municipal Airport (latitude 42°21'00" N., longitude 86°15'30" W.) and within 2 miles each side of the Pullman, Mich., VORTAC 226° radial extending from the 5-mile radius area to the VORTAC.

South Kauai, Hawaii
That airspace extending upward from 700 feet above the surface within 2 miles north and 4 miles south of the South Kauai, Hawaii, VORTAC 271° radial extending from the VORTAC to 8 miles west of the VORTAC; within 2 miles each side of the South Kauai, VORTAC 089° radial extending from the VORTAC to 6 miles east of the VORTAC and within 2 miles each side of the South Kauai, VORTAC 133° radial extending from the VORTAC to 6 miles southeast of the VORTAC.

AMENDMENTS 10/17/68 33 F. R. 11747 (Rewritten)

Spartanburg, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); within 2 miles each side of a 237° bearing from the Spartanburg RBN, extending from the 8-mile radius area to 8 miles southwest of the RBN; within 2 miles each side of the Spartanburg VORTAC 196° and 016° radials, extending from the 8-mile radius area to 8 miles north of the VORTAC, excluding that portion which coincides with the Greenville, S. C., transition area.

AMENDMENTS 11/15/68 33 F. R. 17625 (Changed)

Spencer, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Spencer, Iowa, Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.), and within 2 miles each side of the 191° bearing from the Spencer Municipal Airport, extending from the 5-mile radius to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 191° bearing from the Spencer Municipal Airport, extending from the airport to 12 miles S of the airport, and within 5 miles each side of the 011° bearing from the Spencer Municipal Airport, extending from the airport to V-120.

Spokane, Wash.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), and within a 15-mile radius of Fairchild AFB, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.); that airspace extending upward from 1,200 feet above the surface within a 38-mile radius of Fairchild AFB, Spokane (latitude 47°36'55" N., longitude 117°39'20" W.), within a 52-mile radius of Fairchild AFB, extending clockwise from the Spokane VORTAC 024° radial to a line 5 miles S of and parallel to the Spokane VORTAC 094° radial, and clockwise from a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial to the Spokane VORTAC 300° radial; and that airspace S of Spokane extending from the 52-mile radius area bounded on the E by longitude 117°32'00" W., on the S by V-536, and on the W by V-281; that airspace extending upward from 7,000 feet m.s.l. within the area bounded by the arcs of 38- and 52-mile radius circles centered on Fairchild AFB, extending clockwise from the Spokane VORTAC 300° to the 024° radials; and that airspace extending upward from 6,000 feet m.s.l. within the area bounded by the arcs of 38- and 52-mile radius circles centered on Fairchild AFB, extending clockwise from a line 5 miles S of and parallel to the Spokane VORTAC 094° radial to a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial.

Springfield, Ill
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); and within the arc of a 23-mile radius circle centered on the Capital VORTAC, extending from a line 2 miles southeast of and parallel to the Capital VORTAC 213° radial clockwise to a line 2 miles northwest of and parallel to the Capital VORTAC 228° radial; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at the intersection of longitude 89°33'00" W. and the northwest boundary of V-426, thence southwest along the northwest boundary of V-426 to and counterclockwise along the arc of a 33-mile radius circle centered on the Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.) to and north along the west boundary of V-9W, to and north along longitude 90°18'00" W., to and west along a line 10 miles south of and parallel to the Capital VORTAC 269° radial to and north along longitude 90°29'00" W., to and east along a line 6 miles north of and parallel to the Capital VORTAC 269° radial to and clockwise along the arc of a 26-mile radius circle centered on Capital Airport, to and northeast along the southeast boundary of V-173, to and south along longitude 88°39'50" W., to and southwest along the northwest boundary of V-191, to and counterclockwise along the arc of a 15-mile radius circle centered on the Decatur, Ill., VOR, to and west along a line 6 miles north of and parallel to the Decatur VOR 285° radial to and clockwise along the arc of a 26-mile radius circle centered on Capital Airport, to and south along longitude 89°33'00" W., to the point of beginning; and that airspace extending upward from 3,000 MSL within the area bounded on the north by latitude 40°20'00" N., on the east by the west boundary of V-129, on the south by the arc of a 26-mile radius circle centered on Capital Airport, and on the west by longitude 90°00'00" W.; within the area bounded on the north by latitude 40°20'00" N., on the southeast by the northwest boundary of V-9 on the south by the arc of a 26-mile radius circle centered on Capital Airport, and on the west by the east boundary of V-129; within the area bounded on the north by latitude 40°20'00" N., on the southeast by the northwest boundary of V-173, and on the west by the southeast boundary of V-9; and within the area bounded on the northwest by the arc of a 26-mile radius circle centered on Capital Airport, on the north by a line 10 miles south of and parallel to the Decatur VOR 285° radial, on the southeast by the northwest boundary of V-191 and V-426, and on the west by longitude 89°33'00" W.

AMENDMENTS 2/1/68 32 F. R. 16392 (Rewritten)

Springfield, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield, Mo., Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within 5 miles west and 8 miles east of the Springfield ILS localizer south course, extending from 1 mile north to 12 miles south of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius area of the Springfield Municipal Airport; within 7 miles northwest and 10 mile southeast of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles southwest of the VORTAC; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 240° radial, extending from the 25-mile radius area to 37 miles southwest of the VORTAC; within 7 miles south and 10 miles north of the Springfield VORTAC 261° radial, extending from the 25-mile radius area to 51 miles west of the VORTAC; within a 26-mile radius area of the Springfield VORTAC, within 7 miles northeast and 10 miles southwest of the Springfield VORTAC 337° radial, extending from the 26-mile radius area to 40 miles northwest of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 028° radial, extending from the 26-mile radius area to 41 miles northeast of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 058° radial, extending from the 26-mile radius area to 44 miles northeast of the VORTAC; and within 8 miles southeast and 11 miles northwest of the Dogwood, Mo., VORTAC 053° and 233° radials, extending from 7 miles northeast to 14 miles southwest of the VORTAC.

Springfield, Vt.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (48°20'40" N., 72°31'15" W.) of Hartness Municipal Airport, Springfield, Vt., within 5 miles northwest and 8 miles southeast of a 214° bearing from the Hartness RBN (43°16'12" N., 72°35'12" W.) extending from the RBN to 12 miles southwest of the RBN and within 2 miles each side of a 034° bearing from the Hartness RBN extending from the 6-mile radius area to the RBN.

AMENDMENTS 1/9/69 33 F. R. 16657 (Rewritten)

State College, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°51' 05" N., 77°51'00" W., of University Park Airport, State College, Pa.; within a 5-mile radius of the center 40° 46'15" N., 77°52'50" W., of State College Air Depot Airport, State College, Pa., and within 2 miles each side of the State College Air Depot Airport Runway 22 centerline extended from the State College Air Depot Airport 5-mile radius area to 10 miles southwest of the end of the runway, excluding that portion that coincides with the Philipsburg, Pa., transition area.

Staunton, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Shenandoah Valley Airport (latitude 38°15'45" N., longitude 78°53'50" W.) and within 2 miles each side of the 216° bearing from the Laurel Hill RBN extending from the 7-mile radius area to 8 miles SW of the RBN.

Sterling, Ill.
That airspace extending upward from 700 feet above the surface wtihin a 5-mile radius of Whiteside County Airport (latitude 41°44'20" N., longitude 89°40'40" W.); and within 2 miles each side of the Polo, Ill., VORTAC 209° radial extending from the 5-mile radius area to the VORTAC; and within 2 miles each side of the Polo VORTAC 206° radial extending from the 5-mile radius area to 31 miles SW of the VORTAC; and within 2 miles each side of the 231° bearing from the Whiteside County Airport extending from the 5-mile radius area to 8 miles SW of the airport, excluding the airspace within the Dixon, Ill., transition area.

Stevens Point, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stevens Point, Wis., Municipal Airport (latitude 44°32'38" N., longitude 89°31'50" W.); within 2 miles each side of the Stevens Point, Wis., VOR 024° radial extending from the 5-mile radius area to 11 miles NE of the VOR; within 2 miles each side of the Stevens Point VOR 111° radial extending from the 5-mile radius area to 8 miles E of the VOR; within 2 miles each side of the Stevens Point VOR 217° radial extending from the 5-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the Stevens Point VOR 306° radial extending from the 5-mile radius area to 8 miles NW of the VOR.

Stillwater, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Searcy Field, Stillwater, Okla., latitude 36°09'30" N., longitude 97°05'05" W.); and within 2 miles each side of the Stillwater VOR 005° radial, extending from the 6-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded on the W by the E boundary of V-77E; on the E by the SW boundary of V-74S; and on the S by latitude 36°26'00" N., excluding the portion within the Ponca City, Okla., transition area.

Stockton, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Stockton ILS localizer SE course, extending from the OM to 1 mile NW of the OM; within 2 miles each side of the Stockton VORTAC 140° radial, extending from the VORTAC to 8 miles SE of the VORTAC, and within a 12-mile radius of the Stockton VORTAC, extending from the arc of a 5-mile radius circle centered on the Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.) clockwise from a line 2 miles SW of and parallel to the Stockton VORTAC 303° radial to a line 2 miles NE of and parallel to the Stockton VORTAC 334° radial; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120° 04' 00" W., on the SE by a line extending from latitude 37° 52' 00" N., longitude 120° 04' 00" W., to latitude 37° 38' 00" N., longitude 121° 00' 00" W., on the S by latitude 37° 38' 00" N., on the W by longitude 121° 37' 00" W., and on the N by latitude 38° 07' 00" N. The airspace within R-2531 is excluded.

Storm Lake, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Storm Lake, Iowa, Municipal Airport (latitude 42°35'45" N., longitude 95°14'35" W.), and within 8 miles NE and 5 miles SW of the 142° and 322° bearings from the Storm Lake RBN, extending from 3 miles NW to 12 miles SE of the RBN.

Stuart, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Witham Airport (latitude 27°10'51" N., longitude 80°13'25" W.); within 2 miles each side of the 320° bearing from the WSTU Commercial Broadcast Station (latitude 27°12'58" N., longitude 80°15'19" W.) extending from the 5-mile radius area to 11 miles NW of the WSTU Commercial Broadcast Station; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the 320° and 140° bearings from the WSTU Commercial Broadcast Station extending to 12 miles NW and 3 miles SE of the WSTU Commercial Broadcast Station.

Sturgeon Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Door County-Cherryland Airport (latitude 44° 50' 30" N., longitude 87° 25' 10" W.); and within 2 miles each side of the 195° bearing from Door County-Cherryland Airport, extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 015° and 195° bearings from Door County-Cherryland Airport extending from 6 miles N to 14 miles S of the airport; and within 5 miles each side of the 015° bearing from Door County-Cherryland Airport extending from 6 to 12 miles N of the airport.

Sturgis, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Kirsch Airport, Sturgis, Mich., (latitude 41° 48' 50" N., longitude 85° 26' 10" W.), and within 8 miles NW and 5 miles SE of the 059° bearing from Kirsch Airport, extending from Kirsch Airport to 12 miles NE of the airport.

Stuttgart, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Stuttgart Municipal Airport (latitude 34°36'15" N., longitude 91°34'30" W.); and within 2 miles each side of the 350° bearing from the Stuttgart RBN (latitude 34°39'52" N., longitude 91°35'30" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

AMENDMENTS 10/11/68 33 F. R. 15647 (Changed)

Sugar Land, Tex.
That airsapce extending upward from 700 feet above the surface within a 5-mile radius of Hull Field (latitude 29°37'37" N., longitude 95°39'30" W.) and within 2 miles each side of the 348° bearing from the Sugar Land RBN (latitude 29°37'53" N., longitude 95°39'25" W.) extending from the 5-mile radius area to 8 miles north of the RBN, excluding the portion within the Alief, Tex., transition area.

AMENDMENTS 4/25/68 33 F. R. 4094 (Added)

Sullivan, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sullivan County Airport (latitude 39°07'00" N., longitude 87°26'55" W.); and within 2 miles each side of the 187° bearing from Sullivan County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

AMENDMENTS 12/12/68 33 F. R. 15545 (Added)

Sulphur Springs, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sulphur Springs Airport (latitude 33°09'30" N., longitude 95°37'15" W.), and within 2 miles each side of the Sulphur Springs VORTAC 240° radial extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

AMENDMENTS 8/22/68 33 F. R. 9467 (Added)

Summit Alaska
That airspace extending upward from 1,200 feet above the surface within 25 miles W and 16 miles E of the 187° and 007° bearings from the Summit RR, extending from 22 miles S to 42 miles N of the RR.

Sumter, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'10" W.); within a 10-mile radius of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.); within a 5-mile radius of Sumter Municipal Airport (latitude 33°59'39" N., longitude 80°21'45" W.); within 2 miles each side of the Shaw AFB ILS localizer southwest course, extending from the 8-mile radius area to 12 miles southwest of the LOM; within 2 miles each side of the McEntire ANG VOR 138° radial, extending from the 10-mile radius area to 12 miles southeast of the VOR; within 2 miles each side of the Shaw AFB TACAN 213° radial, extending from the 8-mile radius area to 17 miles southwest of the TACAN, excluding the airspace that coincides with the Columbia, S. C., transition area.

AMENDMENTS 6/20/68 33 F. R. 8533 (Rewritten)

Sunol, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 121°31'00" W., on the SW by V-107 and on the NW by V-244S.

Sunrise, Hawaii
That airspace extending upward from 2,500 feet above the surface bounded on the north by V-12, on the east by the Honolulu Oceanic Control Area, and on the south by V-4; that airspace bounded on the north by V-4, on the east by the Honolulu Oceanic Control Area, on the south by V-8, and on the west by the arc of a 19-mile radius circle centered on the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.); and that airspace bounded on the north by V-8, on the east by the Honolulu Oceanic Control Area, on the south by a line 15 nmi south of and parallel to the Molokai VOR 067° radial, and on the west by the arc of a 30-mile radius circle centered on the Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.).

Sussex, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°12'00" N., 74°37'25" W.) of Sussex Airport, Sussex, N. J.; within 2 miles each side of the Sparta, N. J. VOR 334° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the centerline of Runway 3 extended to 9 miles NE of the end of the runway; within 2 miles each side of the centerline of Runway 21 extended to 10 miles SW of the end of the runway; within 2 miles each side of the centerline of Runway 26 extended to 12 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 8 extended to 10 miles E of the end of the runway, excluding the portion within the Andover, N. J., 700-foot-floor transition area. This transition area shall be in effect from sunrise to sunset daily.

Swordfish, Hawaii
That airspace extending upward from 2,700 feet above the surface bounded on the north and northeast by V-14, on the east by the South Kauai, Hawaii, VORTAC 179° radial, on the south by a line 8 miles south of and parallel to the South Kauai VORTAC 269° radial, and on the west by a line 10.5 miles west of and parallel to the South Kauai VORTAC 179° radial; and that airspace extending upward from 5,000 feet above the surface bounded on the north and northeast by V-14, on the south by V-12 and the Honolulu Oceanic Control Area, and on the west by longitude 160°00'00" W.; that airspace bounded on the north by V-12 and the Honolulu transition area, on the northeast by V-14, on the south by V-4, and on the west by the Honolulu Oceanic Control Area; and that airspace bounded on the north by V-4, on the east by the Honolulu transition area, on the south by W-319, and on the southwest by the Honolulu Oceanic Control Area.
AMENDMENTS 10/17/68 33 F. R. 11747 (Rewritten)

Syracuse, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 43°06'50" N., 76°08'35" W. of Clarence E. Hancock Airport, Syracuse, N. Y., and within 8 miles N and 5 miles S of the Syracuse ILS localizer East course extending from the 9-mile radius to 12 miles E of the Syracuse LOM; within 5 miles SW and 8 miles NE of the Syracuse VORTAC 309° radial extending from the 9-mile radius to 12 miles NW of the VORTAC; within 8 miles N and 5 miles S of a 269° bearing from the Syracuse RBN extending from the 9-mile radius to 12 miles W of the RBN; within 5 miles each side of the Syracuse VORTAC 242° radial extending from the 9-mile radius to the INT of the Syracuse VORTAC 242° radial and the Ithaca, N. Y., VOR 348° radial.

Talkeetna, Alaska
That airspace extending upward from 1,200 feet above the surface within 23 miles W and 15 miles E of the 022° and 202° bearings from the Talkeetna RBN, extending from 40 miles N to 15 miles S of the RBN, excluding the airspace within Federal airways.

Talladega, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Talladega Municipal Airport (latitude 33°34'07" N., longitude 86°03'36" W.), within 2 miles each side of the 252° True radial of the Anniston, Ala., VOR, extending from the 5-mile radius zone to 8 miles southwest of the VOR, excluding that portion coinciding with the Anniston, Ala., transition area.

Tallahassee, Fla.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (latitude 30°23'59" N., longitude 84°21'22" W.); within a 5-mile radius of the Tallahassee Commercial Airport (latitude 30°33'02" N., longitude 84°22'31" W.); within 8 miles east and 5 miles west of the ILS localizer south course, extending from the 10-mile radius area to 12 miles south of the LOM; within 2 miles each side of the Tallahassee VORTAC 355° radial, extending from the 5-mile radius area to 8 miles north of the VORTAC.

AMENDMENTS 7/25/68 33 F. R. 8479 (Rewritten)

Tampa, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Tampa International Airport (latitude 27°58'30" N., longitude 82°31'45" W.); within an 8-mile radius of St. Petersburg-Clearwater International Airport (latitude 27°54'35" N., longitude 82°41'12" W.); within 2 miles each side of the St. Petersburg ILS localizer north course, extending from the 8-mile radius area to 8 miles north of the LOM; within 2 miles each side of the St. Petersburg VORTAC 343° radial, extending from the 8-mile radius area to 12 miles north of the VORTAC; within a 5-mile radius of Albert Whitted Airport (latitude 27°45'50" N., longitude 82°37'45" W.); within a 5-mile radius of Peter O. Knight Airport (latitude 27°54'55" N., longitude 82°27'05" W.); within an 8-mile radius of MacDill AFB (latitude 27°51'00" N., longitude 82°30'25" W.); within 2 miles each side of the MacDill ILS localizer northeast course, extending from the Peter O. Knight 5-mile radius area to 8 miles northeast of the LOM;
that airspace extending upward from 1,200 feet above the surface within a 42-mile radius of MacDill AFB, excluding the portion within W-168; within the area bounded on the N by the 42-mile radius area, on the E by V-35W and the arc of a 20-mile radius circle centered on the Fort Myers, Fla., VOR, on the S by latitude 26°30'00" N., and on the W by W-168; within the area bounded on the N by the 42-mile radius area, on the E by V-97 and V-7, and on the W by V-35; within the area bounded on the N by the 42-mile radius area, on the E by V-157, on the SW by V-97, and on the W by V-7, within the area bounded on the E by the 42-mile radius area, on the S by W-168, on the W by a line extending from the INT of the N boundary of W-168 and longitude 83°42'00" W. to the INT of the N boundary of Control 1,226 and longitude 83°47'50" W., and on the N by the N boundary of Control 1,226; that airspace extending upward from 2,000 feet MSL bounded on the E by V-35W, on the SW by V-97 and on the NW by V-97E; and that airspace extending upward from 4,700 feet MSL bounded on the NE by V-97 and V-97W, on the SE by the 42-mile radius area, on the S by Control 1,226, on the NW by the Cross City, Fla., VOR 212° radial and the St. Petersburg, Fla., VORTAC 280° radial, excluding the portion within W-151.

AMENDMENTS 10/17/68 33 F. R. 14403 (Changed); 2/6/69 33 F. R. 18477 (Changed)

Tanana, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Tanana RR SW course, extending from the RR to 12 miles SW; and within 5 miles NW and 8 miles SE of the Tanana VOR 246° radial, extending from the VOR to 12 miles SW; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Tanana VOR, extending clockwise from the Tanana VOR 093° to the 280° radials, and within an 8-mile radius of the Tanana VOR, extending clockwise from the Tanana VOR 280° to the 093° radials.

Taunton, Mass.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Taunton Municipal Airport (latitude 41°52'35" N., longitude 71°01'00" W.), and within 2 miles each side of the Whitman, Mass., VOR 187° radial, extending from the 4-mile radius area to the Whitman VOR.

Taylor, Fla.
That airspace southwest of Taylor extending upward from 2,500 feet MSL bounded on the N by V-22, on the E by V-157 and on the SW by V-159.

Tecumseh, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Tecumseh, Mich. Airport (latitude 42°01'30" N., longitude 83°56'20" W.).

Terre Haute, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest of the VORTAC.

AMENDMENTS 2/6/69 33 F. R. 18929 (Rewritten)

Texarkana, Ark.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Texarkana VORTAC 129° and 309° radials extending from 0.5 mile SE to 8 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°25'00" N., longitude 94°39'30" W.; to latitude 33°49'00" N., longitude 95°18'00" W.; to latitude 33°08'00" N., longitude 95°18'00" W.; to latitude 33°07'00" N., longitude 95°41'00" W.; to latitude 33°09'00" N., longitude 95°54'00" W.; to latitude 33°00'00" N., longitude 95°45'00" W.; to latitude 32°43'00" N., longitude 95°39'00" W ; to latitude 32°41'10" N., longitude 95°00'00" W.; to latitude 33°14'00" N., longitude 94°11'00" W.; to latitude 33°30'00" N., longitude 93°36'00" W.; to latitude 33°22'50" N., longitude 93°02'30" W.; to latitude 34°17'00" N., longitude 93°26'00" W.; to latitude 34°26'00" N., longitude 93°31'00" W.; to latitude 34°25'00" N., longitude 94°00'00" W.; to point of beginning.

The Dalles, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of The Dalles Municipal Airport (latitude 45°37'05" N., longitude 121°10'05" W.), that airspace S of The Dalles, extending from a line 2 miles E clockwise to a line 2 miles NW of The Dalles VORTAC (latitude 45°42'50" N., longitude 121°05'59" W.) 187° and 207° radials respectively, extending from the 5-mile radius area to the arc of an 11.5-mile radius circle centered on The Dalles Municipal Airport; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 6 miles S of The Dalles VORTAC 281° and 101° radials, extending from 7 miles W to 14 miles E of the VORTAC; within 5 miles N of The Dalles VORTAC 101° radial, extending from 14 miles E to 23 miles E of the VORTAC, and that airspace within a 23-mile radius of The Dalles VORTAC, extending clockwise from the 101° radial to the 272° radial, excluding the airspace within the Portland, Oreg., transition area.

Thief River Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 138° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles SE of the airport, and within 5 miles NE and 8 miles SW of the 305° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles NW of the airport.

Tifton, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Henry Tift Myers Airport (latitude 31°25'40" N., longitude 83°29'10" W.).

Tobe, Colo.
That airspace north of Tobe, Colo., VORTAC, extending upward from 8,500 feet MSL, bounded on the north by V-210, on the southeast by V-263, and on the west by V-19E, excluding the airspace within Federal airways.

Toccoa, Georgia
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Toccoa, Ga., Airport (latitude 34°35'35" N., longitude 83°17'45" W.); within 2 miles each side of the 180° and 360° radials of the Toccoa VOR extending from the 4-mile radius area to 6 miles N of the VOR; including that airspace extending upward from 1200 feet above the surface 5 miles W and 8 miles E of the 360° radial of the Toccoa VOR extending from the VOR to 12 miles N of the VOR.

Toledo, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of the Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the Waterville VOR 318° radial extending from the 7-mile radius area to the VOR; within 5 miles N and 8 miles S of the airport ILS localizer SW course extending SW from the OM for 12 miles; within 2 miles N and 3 miles S of the airport ILS localizer NE course extending NE from the 7-mile radius area for 9 miles from the localizer.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°44'00" N., 84°28'00" W. to 41°41'00" N., 84°16'00" W. to 41°45'05" N., 84°11'45" W. to 41°45'30" N., 83°19'45" W. to 41°50'39" N., 83°08'47" W. to 41°35'41" N., 82°54'24" W. to 41°30'00" N., 82°52'00" W. then counterclockwise along an arc with a radius of 12 miles from Griffin-Sandusky Airport (41°26'00" N., 82°39'00" W.) to 41°18'30" N., 82°49'30" W. to 41°14'00" N., 82°57'00" W., 41°11'00" N., 83°19'00" W. to 41°18'00" N., 84°07'00" W. to 41°00'00" N., 84°02'15" W. to 41°00'00" N., 84°40'00" W. to 41°21'00" N., 84°40'00" W. to 41°32'00" N., 84°31'00" W. to point of beginning.

Tomball, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of David Wayne Hooks Memorial Airport (latitude 30°03'44" N., longitude 95°33'10" W.); and within 2 miles each side of the 356° bearing from the David Hooks RBN (latitude 30°07'23" N., longitude 95°33'35" W.), extending from the 6-mile radius area to 8 miles north of the RBN.

Tonopah, Nev.
That airspace extending upward from 700 feet above the surface within 2 miles W and 3 miles E of the Tonopah VORTAC 198° radial, extending from the VORTAC to 5 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles N and 8 miles S of the Tonopah VORTAC 083° and 263° radials, extending from 17 miles E to 8 miles W of the VORTAC.

Topeka, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Philip Billard Airport, Topeka, Kans. (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 039° radial extending from the 7-mile radius area to 8 miles NE of the VORTAC, within 5 miles SW and 8 miles NE of the Philip Billard Airport ILS localizer NW course, extending from 3 miles SE to 12 miles NW of the OM, within a 7-mile radius of Forbes AFB, Topeka, Kans. (latitude 38°57'10" N., longitude 95°39'50" W.), and within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 7-mile radius area to 9 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded by the Emporia, Kans., VORTAC 346° radial beginning at latitude 39°26'50" N., longitude 96°30'50" W., S to the NW edge of V-10, thence NE to latitude 39°00'00" N., longitude 95°09'00" W., thence N along longitude 95°09'00" W. to the S edge of V-71, thence NW to latitude 39°49'00" N., longitude 95°34'00" W., thence direct to point of beginning excluding the portion within the Emporia, Kans., transition area.

Traverse City, Mich.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Traverse City VOR.

Trenton, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Trenton, Mo. Municipal Airport (latitude 40°05'00" N., longitude 93°35'25" W.) and within 2 miles each side of the 172° bearing from Trenton Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° bearing from Trenton Municipal Airport, extending from the airport to 12 miles south of the airport.

Tri-City, Tenn.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.); and the airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Tri-City Municipal Airport; within the area S of the 30-mile radius circle bounded on the NW by V-16S, on the SW by V-185E, and on the E by V-35W; within the area NW of the 30-mile radius circle bounded on the S by V-310, on the N by a line extending E from latitude 36°34'00" N., longitude 84°01'00" W., to latitude 37°11'30" N., longitude 81°09'00"W., and on the E by the intersection of this line, the 30-mile radius circle and V-53; and within the area N of the 30-mile radius circle bounded on the E by V-35, on the N by a line extending E from latitude 36°34'00" N., longitude 84°01'00" W., to latitude 37°11'30" N., longitude 81°09'00" W., and on the W by the intersection of this line, V-53, and the 30-mile radius circle; within the area east of the 30-mile radius circle bounded on the south by V-310, on the east by longitude 81°30'00" W., and on the northwest by V-16; and within the area southeast of the 30-mile radius circle bounded on the west by V-35, on the south by latitude 35°54'00" N., and on the northeast by V-259.

Trinidad, Colo.
That airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° and 352° bearings from the Trinidad, Colo. RBN, extending from 7 miles south to 13 miles north of the RBN.

AMENDMENTS 7/25/68 33 F. R. 8480 (Added)

PENDING AMENDMENT
Troy, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 8 miles north and 5 miles south of the ILS localizer west course, extending from the 9-mile radius area to 12 miles west of the OM.

AMENDMENTS 4/3/69 34 F. R. 1522 (Added)

Truth or Consequences, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'20" W.); and that airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Truth or Consequences VOR 013° and 193° radials, extending from 20 miles N to 9 miles S of the VOR, and within 5 miles each side of the Truth or Consequences VOR 143° radial, extending from the 8-mile radius area to 23 miles SE of the VOR.

Tucson, Ariz.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 3 miles NE and 13 miles SW of the Tucson VORTAC 138° radial, extending from the 10-mile radius area to 9 miles SE of the VORTAC, and within 9 miles SW and 1 mile NE of the Tucson VORTAC 318° radial, extending from the 10-mile radius area to 22 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°33'00" N., longitude 111°45'00" W.; to latitude 32°33'00" N., longitude 110°52'00" W.; thence N via longitude 110°52'00" W. to the S boundary of V-94; thence SE via the S boundary of V-94 to longitude 110°00'00" W.; thence S to latitude 31°39'00" N., longitude 110°00'00" W.; to latitude 31°39'00" N., longitude 111°00'00" W.; to latitude 32°00'00" N., longitude 111°45'00" W.; to point of beginning, excluding the portion within R-2303.

AMENDMENTS 4/11/68 33 F. R. 5615 (Changed)

Tucumcari, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.); and that airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Tucumcari VOR 267° and 087° radials, extending from 23 miles W to 12 miles E of the VOR; and within 8 miles NW and 5 miles SE of the Tucumcari VOR 033° radial, extending from the VOR to 12 miles NE.

Tulsa, Okla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa, Okla., International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 8 miles W and 5 miles E of the Tulsa ILS localizer N course, extending from the OM to 12 miles N; within 8 miles N and 5 miles S of the Tulsa VORTAC 088° radial, extending from the 9-mile radius area to 33 miles east of the VORTAC; and within 2 miles each side of the Tulsa ILS localizer S course, extending from the 9-mile radius area to 8 miles S of the OM; that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 36°40'00" N., longitude 96°00'00" W.; to latitude 36°53'00" N., longitude 95°47'00" W.; to latitude 36°48'00" N., longitude 95°30'00" W.; to latitude 36°55'00" N., longitude 95°05'00" W.; to latitude 36°24'00" N., longitude 94°30'00" W.; to latitude 36°12'00" N., longitude 94°28'00" W., to latitude 35°46'00" N., longitude 95°06'30" W.; to latitude 35°46'00" N., longitude 95°30'00" W.; to latitude 35°11'00" N., longitude 95°55'00" W.; thence W along latitude 35°11'00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35°25'50" N., longitude 97°35'10" W.; to longitude 97°18'20" W., to point of beginning, excluding the portion within the Oklahoma City, Okla., transition area.

AMENDMENTS 7/25/68 33 F. R. 1718 (Changed)

Tupelo, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Tupelo Municipal Airport (latitude 34°15'30" N., longitude 88°45'55" W.); within 2 miles each side of the Tupelo VOR 214° radial, extending from the 5-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Tupelo Municipal Airport.

Tuscaloosa, Ala.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Van De Graaff Airport (latitude 33°13'10" N., longitude 87°36'45" W.).
AMENDMENTS 11/14/68 33 F. R. 14285 (Rewritten); Corr: 33 F. R. 15245

Twentynine Palms, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Thermal Airport (latitude 33°37'40" N., longitude 116°09'45" W.), within 2 miles each side of the Thermal VORTAC 140° radial extending from the 3-mile radius area to 8 miles SE of the VORTAC, and within 2 miles each side of the Thermal VORTAC 122° radial, extending from the 3-mile radius area to 5 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°17'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., to latitude 115°25'00" W., to latitude 33°28'00" N., longitude 116°18'00" W., to latitude 34°17'00" N., longitude 116°18'00" W., thence to point of beginning, excluding the portions within R-2501 and R-2507.

Twin Falls, Idaho
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Twin Falls VOR; within 8 miles N and 5 miles S of the Twin Falls VOR 086° radial, extending from the VOR to 12 miles E of the VOR, and within 2 miles each side of the Twin Falls VOR 195° radial, extending from the 7-mile radius area to 10 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Twin Falls VOR, extending clockwise from the VOR 038° radial to the VOR 311° radial; within a 27-mile radius of the Twin Falls VOR, extending clockwise from the VOR 311° radial to the VOR 038° radial, and within 9 miles SW and 6 miles NE of the Twin Falls VOR 311° radial, extending from the VOR to 39 miles NW of the VOR.

Tyler, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line extending from latitude 32°05'30" N., longitude 95°17'00" W., to latitude 32°27'00" N., longitude 95°42'30" W., to latitude 32°35'30" N., longitude 95°32'30" W., to latitude 32°13'30" N., longitude 95°07'00" W., to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°43'00" N., longitude 95°39'00" W., to latitude 32°41'10" N., longitude 95°00'00" W., to latitude 32°17'00" N., longitude 94°19'00" W., to latitude 32°00'00" N., longitude 94°30'00" W., to latitude 31°59'00" N., longitude 95°31'00" W., to latitude 31°47'00" N., longitude 95°55'00" W., to latitude 32°30'00" N., longitude 95°53'00" W., to point of beginning.

AMENDMENTS 12/12/68 33 F. R. 14861 (Changed)

Ukiah, Calif.
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Ukiah, Calif., VORTAC bounded on the E by the W edge of V-25, that airspace S of Ukiah bounded on the E by the W edge of V-25, on the S by latitude 38°43'30" N., on the W by longitude 123°23'15" W., and that airspace between the 20- and 24-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 7,500 feet MSL between the 24- and 45-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 8,500 MSL bounded on the NE by a 45-mile arc of the Red Bluff, VORTAC, on the SE by the SE edge of V-25, on the S and SW by the N edge of V-200 and a 20-mile arc of the Ukiah VORTAC, and on the NW by the NW edge of V-199; that airspace extending upward from 9,500 feet MSL bounded on the SE by the NW edge of V-199, on the W by the E edge of V-27, and on the N by a line 9 miles S of and parallel to the Red Bluff VORTAC 291° and Fortuna VORTAC 110° radials.

Unalakleet, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles north and 8 miles south of the Unalakleet RR northwest course, extending from the RR to 17 miles northwest of the RR; and within 8 miles northwest and 5 miles southeast of the Unalakleet VOR 225° radial, extending from the VOR to 17 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 7 miles northeast and 8 miles southwest of the RR southeast and northwest courses, extending from 7 miles southeast to 23 miles northwest of the RR.

AMENDMENTS 11/14/68 33 F. R. 12620 (Rewritten)

Union City, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Everett-Stewart Airport (latitude 36°22'50" N., longitude 88°59'15" W.); within 2 miles each side of the Dyersburg VORTAC 037° radial, extending from the 5-mile radius area to 25 miles northeast of the VORTAC; within 2 miles each side of the 347° and 186° bearings from the Union City RBN (latitude 36°23'06" N., longitude 88°58'50" W.), extending from the 5-mile radius area to 8 miles north and 8 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles west and 5 miles east of the 347° and 186° bearings from the Union City RBN, extending from 12 miles north to 12 miles south of the RBN, excluding the portion that coincides with the Dyersburg, Tenn., transition area.

AMENDMENTS 4/25/68 33 F. R. 4095 (Added); 11/14/68 33 F. R. 14284 (Rewritten)

Upolu Point, Hawaii
That airspace extending upward from 1,200 feet above the surface bounded on the north by V-15, on the east by V-6, on the south by V-2, and on the west by V-11; that airspace bounded on the northeast by V-16, on the southeast by V-11, and on the southwest by V-5; and that airspace bounded on the north by a line 4 nmi north of and parallel to the Lanai VOR 110° radial, on the east by V-11, and the south by V-2.

Utica, N. Y.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 43°14'10" N., 75°24'25" W. of Griffiss AFB, Rome, N. Y., and within 2 miles each side of the Griffiss-TACAN 306° radial extending from the 10-mile radius to 14 miles NW of the TACAN.

Within a 12-mile radius of the center, 43°08'45" N., 75°22'55" W. of Oneida County Airport, Utica, N. Y., and within 2 miles each side of the Utica VOR 306° radial extending from the 12-mile radius to the VOR; within 2 miles each side of a bearing 137° from the Utica radio beacon extending from the 12-mile radius to 8 miles SE of the radio beacon; within 2 miles each side of a bearing 132° from the Utica radio beacon extending from the 12-mile radius to 9 miles SE of the radio beacon.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 43°24'00" N., 76°53'00" W. to 42°57'00" N., 76°57'00" W. to 42°40'00" N., 77°23'45" W. to 42°41'30" N., 76°23'00" W. to 42°40'00" N., 75°30'00" W. to 43°00'00" N., 74°30'00" W. to 43°19'00" N., 74°30'00" W., to 43°16'00" N., 74°37'00" W., thence counterclockwise along an arc with a radius of 40 SM from the center of Griffiss AFB to 43°44'00" N., 75°49'15" W. to 43°32'00" N., 76°23'00" W. to 43°24'00" N., 76°40'00" W to point of beginning.

AMENDMENTS 12/12/68 33 F. R. 15860 (Changed)

Uvalde, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Garner Field (latitude 29°12'54" N., longitude 99°44'30" W.) and within 2 miles each side of the 171° bearing from the Uvalde RBN (latitude 29°13'06" N., longitude 99°44'29" W.) extending from the 5-mile radius area to 8 miles south of the RBN;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 28°52'00" N., longitude 99°25'00" W. to latitude 28°54'00" N., longitude 99°05'00" W. to latitude 30°10'40" N., longitude 98°18'40" W., thence west along latitude 30°10'40" N. to the arc of a 60-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W. to latitude 30°00'00" N., longitude 100°30'00" W., thence south along longitude 100°30'00" W. to and clockwise along the arc of a 35-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W. to the United States-Mexico border, thence southeast along the United States-Mexico border to latitude 28°20'00" N. to latitude 28°32'00" N., longitude 99°58'00" W. to latitude 28°32'00" N., longitude 99°28'00" W., thence to point of beginning.

AMENDMENTS 11/14/68 33 F. R. 14402 (Changed)

Valdosta, Ga.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Valdosta VOR 187° radial, extending from the VOR to 8 miles S of the VOR; and that airspace extending upward from 1200 feet above the surface bounded on the S by V-22, on the W by V-35/159, on the NW by a 30-mile arc centered on Albany Airport (latitude 31°32'00" N., longitude 84°11'35" W.), on the N by latitude 31°35'30" N., on the NE by V-243 and on the E by V-157: and that airspace extending upward from 2000 feet MSL bounded on the N by latitude 32°00'00" N., on the E by V-243, on the S by latitude 31°35'30" N., and on the W by a 40-mile arc centered on NAS Albany (latitude 31°35'55" N., longitude 84°05'39" W.).

AMENDMENTS 2/21/68 33 F. R. 4171 (Changed)

Valdosta, Ga. (Moody AFB)
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Moody AFB (latitude 30°58'01" N., longitude 83°11'27" W.); within 2 miles each side of the Moody ILS localizer N course, extending from the 7-mile radius area to 12 miles N of the LOM; within 2 miles each side of the Moody TACAN 180° radial, extending from the 7-mile radius area to 12 miles S of the TACAN. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Valparaiso, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Porter County Airport (latitude 41°27'10" N., longitude 87°00'20" W.) and within 2 miles each side of the 077° bearing from Porter County Airport extending from the 5-mile radius area to 8 miles east of the airport.

Vandalia, Ill.
That airspace extending upward from 1,200 feet above the surface within a 10-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); and within a 14-mile radius of the Vandalia VORTAC; and that airspace extending upward from 3,000 MSL within an area bounded on the W by V-191, on the E by V-313 and on the S by the arc of a 14-mile radius circle centered on the Vandalia VORTAC.

Vandenberg AFB, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from 2.5 miles northwest to 1 mile southeast of the OM.

AMENDMENTS 2/29/68 33 F. R. 531 (Added)

Vernal, Utah
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Vernal Airport (latitude 40°26'30" N., longitude 109°30'50" W.) and within 2 miles each side of the Vernal VOR 159° radial, extending from the 7-mile radius area to 11 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within 7 miles W and 10 miles E of the Vernal VOR 159° and 339° radials, extending from 3 miles N to 30 miles S of the VOR.

Vero Beach, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vero Beach, Fla., Municipal Airport (latitude 27°39'15" N., longitude 80°24'55" W.) and within 2 miles each side of the Vero Beach VORTAC 291° radial extending from the 6-mile radius area to 8 miles W of the VORTAC; within a 5-mile radius of the St. Lucie County Airport, Fort Pierce, Fla. (latitude 27°29'38" N., longitude 80°22'02" W.); within 2 miles each side of the Vero Beach VORTAC 150° radial extending from the 5-mile radius area to the Vero Beach VORTAC; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Vero Beach VORTAC, including the area SW of Vero Beach bounded on the E by V-51, on the SW by V-492N, on the NW by V-225, and including the airspace W of Vero Beach bounded on the SE by V-225, on the W by V-267, on the NE by V-295; excluding the airspace within a 25-mile radius of Patrick AFB, Cocoa, Fla. (latitude 28°14'15" N., longitude 80°36'35" W.), and the airspace outside of the continental limits of the United States.

Vichy, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.) and within 2 miles each side of the Vichy VORTAC 067° radial extending from the 5-mile radius area to 8 miles NE of the VORTAC, and the airspace extending upward from 1,200 feet above the surface within 8 miles SE and 5 miles NW of the Vichy VORTAC 059° and 239° radials, extending from 7 miles NE to 13 miles SW of the VORTAC, and within 5 miles SE and 8 miles NW of the Vichy VORTAC 067° radial, extending from the VORTAC to 12 miles NE of the VORTAC.

Vicksburg, Miss.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vicksburg Municipal Airport (latitude 32°14'20" N., longitude 90°55'40" W.); within 2 miles each side of the 276° bearing from the Vicksburg Municipal Airport, extending from the 6-mile radius area to 8 miles W of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles S and 5 miles N of the 276° bearing from the Vicksburg Municipal Airport, extending from the airport to 12 miles W; and within 5 miles each side of the 096° bearing from the Vicksburg Municipal Airport, extending from the airport to 12 miles E.

Victoria, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the Victoria VOR 313° radial, extending from the VOR to 12 miles NW of the VOR; within 8 miles SW and 5 miles NE of the 324° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from latitude 28° 51' 30" N., longitude 96°55'00" W., to 12 miles NW.

AMENDMENTS 3/28/68 33 F. R. 2629 (Changed)

Victorville, Calif.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of George AFB (latitude 34°35'45" N., longitude 117°22'55" W.), and within 3 miles each side of the George AFB VOR 360° radial extending from the 12-mile radius area to 17 miles N of the VOR.

Vidalia, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Vidalia Municipal Airport (latitude 32°11'45" N., longitude 82°22'15" W.); within 2 miles each side of the 077° bearing from the Vidalia, Ga., RBN (latitude 32°11'48.8" N., longitude 82°22'16.7" W.), extending from the 6-mile radius area to 8 miles east of the RBN, and that airspace extending upward from 1,200 feet above the surface bounded on the north by V-154, on the southeast by V-157, on the southwest by V-267, and on the northwest by V-70.

AMENDMENTS 2/6/69 33 F. R. 18478 (Added); Corr: 34 F. R. 249

Vincennes, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of O'Neal Airport (latitude 38°41'30" N., longitude 87°33'10" W.); within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'30" W.); within 2 miles each side of the 258° bearing from O'Neal Airport, extending from the 5- and 7-mile radii areas to 8 miles west of O'Neal Airport; and within 2 miles each side of the 356° bearing from Lawrenceville-Vincennes Municipal Airport, extending from the 7-mile radius area to 8 miles north of the Lawrenceville-Vincennes Municipal Airport.

AMENDMENTS 4/25/68 33 F. R. 3056 (Added); 10/17/68 33 F. R. 12137 (Rewritten)

Visalia, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 123° and 303° radials, extending from the 5-mile radius area to 8 miles NW of the VOR.

Wabash, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wabash Municipal Airport (latitude 40°45'50" N., longitude 85°48'05" W.); and within 2 miles each side of the Kokomo, Ind. VORTAC 040° radial, extending from the 5-mile radius area to 14 miles northeast of the VORTAC, excluding the portion that overlies the Peru, Ind. transition area.

AMENDMENTS 1/9/69 33 F. R. 16331 (Added)

Waco, Tex.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 32°08'00" N., longitude 96°54'00" W.; to latitude 32°02'00" N., longitude 96°50'40" W.; to latitude 31°49'00" N., longitude 97°00'00" W.; to latitude 31°39'30" N., longitude 96°43'50" W.; to latitude 31° 28'20" N., longitude 96°53'40" W.; to latitude 31°17'00" N., longitude 96°56'00" W.; to latitude 31°17' 00" N., longitude 97°13'00" W.; to latitude 30°56'30" N., longitude 97°25'30" W.; to latitude 30°58'30" N., longitude 97°35'40" W.; to latitude 31°11'00" N., longitude 97°31'00" W.; to latitude 31°27'00" N., longitude 97°34' 00" W.; to latitude 31°33'00" N., longitude 97°28'00" W.; to latitude 31°46'00" N., longitude 97°30'00" W.; to latitude 31°59'00" N., longitude 97°24'00" W.; to point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°13'00" N., longitude 98°38'00" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48" N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 30°57' 00" N., longitude 97°38'00" W.; to latitude 30°55'00" N., longitude 97°26'00" W.; to latitude 30°48'00" N., longitude 97°14'00" W.; to latitude 30°48'00" N., longitude 97°05'20" W.; to latitude 30°51'00" N., longitude 96°56' 00" W.; to latitude 31°17'00" N., longitude 96°11'00" W.; to latitude 31°19'00" N., longitude 95°58'00" W.; to latitude 31°47'00" N., longitude 95°55'00" W.; to latitude 31°47'00" N., longitude 96°22'00" W.; to latitude 32°12'00" N., longitude 96°50'00" W.; to latitude 32°18'00" N., longitude 97°25'00" W.; to latitude 32°07'00" N., longitude 97°46'00" W.; to latitude 32°00'00" N., longitude 98°15'00" W.; to point of beginning.

Wake Island
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Wake Island VORTAC.

Wallace, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wallace Municipal Airport (latitude 34°43'05" N., longitude 78°01'20" W.).

AMENDMENTS 12/12/68 33 F. R. 14778 (Added)

Walla Walla, Wash.
That airspace extending upward from 700 feet above the surface within 7 miles NW and 5 miles SE of the Walla Walla VOR 040° radial, extending from the VOR to 13 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 13 miles NW of the Walla Walla VOR 023° and 203° radials, extending from 14 miles SW to 28 miles NE of the VOR, within 5 miles each side of the Walla Walla TACAN 041° radial extending from the TACAN to 23 miles NE of the TACAN, within 5 miles SE and 9 miles NW of the Pendleton, Oreg., VORTAC 025° radial, extending from 33 miles NE to 61 miles NE of the VORTAC, and that airspace bounded by an arc of a 19-mile radius circle centered on the Walla Walla VOR (latitude 46°06'13" N., longitude 118°17' 29" W.), from 5 miles SE of the Walla Walla 040° radial, to 4 miles SE of the Pendleton VORTAC 025° radial, excluding the portion within the Pendleton, Oreg., transition area.

Walnut Ridge, Ark.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Walnut Ridge Municipal Airport (latitude 36°07'30" N., longitude 90°55'25" W.), within 2 miles each side of the Walnut Ridge VORTAC 244° radial extending from the 6-mile radius area to 8 miles southwest of the VORTAC; and within 2 miles each side of the Walnut Ridge VORTAC 055° radial extending from the 6-mile radius area to 15 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles southeast and 5 miles northwest of the Walnut Ridge VORTAC 244° and 064° radials extending from 13 miles southwest to 7 miles northeast of the VORTAC excluding the portion within the Memphis, Tenn., transition area; within 5 miles each side of the Walnut Ridge VORTAC 020° radial extending from the VORTAC to 23 miles north, within 5 miles each side of the Walnut Ridge VORTAC 235° radial extending from the VORTAC to 23 miles southwest, and within 5 miles southeast, and 8 miles northwest of the Walnut Ridge VORTAC 055° radial extending from the VORTAC to 19 miles northeast.

AMENDMENTS 6/20/68 33 F. R. 6532 (Rewritten)

Warsaw, Indiana
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warsaw, Ind., Municipal Airport (latitude 41°17'00" N., longitude 85°51'00" W.); and within 2 miles each side of the Wolflake, Ind., VOR 278° radial, extending from the 5-mile radius area to 25 miles W of the VOR.

Washington, D. C.
That airspace extending upward from 700 feet above the surface bounded on the W by a line beginning at latitude 38°37'20" N., longitude 77°35'30" W., extending N to latitude 38°50'30" N., longitude 77°35'20" W., thence clockwise along the arc of a 10-mile radius circle centered at Dulles International Airport, Chantilly, Va. (latitude 38°56'40" N., longitude 77°27'24" W.), to and clockwise along the arc of a 22-mile radius circle centered at Davison AAF, Fort Belvoir, Va. (latitude 38°42'55" N., longitude 77°10'50" W.) to, and clockwise along, the arc of a 10-mile radius circle centered at Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.) to latitude 38°40'15" N., longitude 76°55'10" W., to latitude 38°35' 00" N., longitude 76°54'20" W., to latitude 38°30'00" N., longitude 77°04'00" W., to latitude 38°35'00" N., longitude 77°11'40" W., thence counterclockwise along the arc of an 8-mile radius circle centered at MCAS Quantico, Va. (latitude 38°30'10" N., longitude 77°18'20" W.) to latitude 38°35'10" N., longitude 77°24'20" W., thence to the point of beginning, and within 2 miles each side of the Dulles International Airport runway 19-R ILS localizer N course, extending from the 10-mile radius area centered at the Dulles International Airport to the Poolesville, Md., RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°05' 26" N., longitude 78°12'02" W., to latitude 38°51'15" N., longitude 78°12'21" W.; to latitude 38°30'00" N., longitude 77°44'00" W.; to latitude 38°24'00" N., longitude 77°29'00" W.; to latitude 38°05'00" N., longitude 77°35'00" W.; to latitude 38°01'00" N., longitude 77°15'00" W.; to latitude 38°14'00" N., longitude 77°04' 00" W.; to latitude 38°14'00" N., longitude 76°46'00" W.; to latitude 38°47'00" N., longitude 76°16'00" W.; to latitude 38°57'00" N., longitude 76°22'00" W.; to latitude 39°09'00" N., longitude 77°12'00" W.; to latitude 39°18'00" N., longitude 77°22'00" W.; to the point of beginning. The portion within P-56 is excluded.

AMENDMENTS 6/20/68 33 F. R. 6914 (Changed)

Washington, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Washington Warren Field (latitude 35°34'15" N., longitude 77°03'00" W.); within 2 miles each side of the 198° bearing from WITN Commercial Broadcast Station (latitude 35°31'34" N., longitude 77°04'31" W.), extending from the 8-mile radius area to 8 miles southwest of WITN Commercial Broadcast Station.

AMENDMENTS 7/22/68 33 F. R. 11002 (Changed)

Waterloo, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 2 miles each side of the Waterloo ILS localizer northwest course, extending from the 7-mile radius area to 10 miles northwest of the OM; within 5 miles west and 8 miles east of the Waterloo VORTAC 200° radial, extending from the VORTAC to 12 miles south of the VORTAC; and within the arc of a 16-mile radius circle centered on the Waterloo VORTAC, extending clockwise from the Waterloo VORTAC 353° radial to the Waterloo VORTAC 134° radial; that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile radius circle centered on the Waterloo VORTAC; extending clockwise from a line 8 miles north of and parallel to the Waterloo VORTAC 096° radial to a line 8 miles east of and parallel to the Waterloo VORTAC 353° radial; and that airspace extending upward from 3,500 feet MSL bounded on the southeast by V-161W, on the west by V-13E, on the north by V-100 and on the east by the arc of a 29-mile radius circle centered on the Waterloo VORTAC.

AMENDMENTS 5/23/68 33 F. R. 4796 (Rewritten)

Watertown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°59'20" N., 76°01'20" W. of Watertown Municipal Airport, Watertown, N. Y., and within 2 miles each side of the Watertown, N. Y., VOR 214° radial extending from the 7-mile radius to 8 miles SW of the VOR.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 44°16'00" N., 75°40'00" W. to 44°16'00" N., 76°10'00" W. to 43°52'00" N., 76°21'00" W. to 43°32'00" N., 76°23'00" W. to 43°44'00" N., 75°49'00" W. to 43°52'00" N., 75°54'00" W. to point of beginning.

Watertown, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Watertown Municipal Airport (latitude 44°54'35" N., longitude 97°09'30" W.); and within 5 miles east and 8 miles west of the Watertown VORTAC 006° radial, extending from the 10-mile radius area to 12 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Watertown VORTAC extending from the Watertown VORTAC 238° radial clockwise to the Watertown VORTAC 086° radial; within a 24-mile radius of the Watertown VORTAC, extending from the Watertown VORTAC 086° radial clockwise to the Watertown VORTAC 238° radial; within 5 miles northeast and 8 miles southwest of the Watertown VORTAC 297° radial, extending from the 15-mile radius area to 30 miles northwest of the VORTAC; and within 8 miles west and 5 miles east of the Watertown VORTAC 006° radial, extending from the 15-mile radius area to 39 miles north of the VORTAC.

AMENDMENTS 11/14/68 33 F. R. 12962 (Rewritten)

Waterville, Maine
That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center (44°32'10" N., 69°40'30" W.) of Robert LaFleur Airport, Waterville, Maine; within 2 miles each side of a 211° bearing from Waterville RBN (44°30'26" N., 69°41'48" W.) extending from the 5 mile radius area to 8 miles SW of the RBN and within 2 miles each side of the Augusta, Maine, VOR 022° radial extending from the 5-mile radius area to 9 miles north of the VOR excluding the portion that coincides with the Augusta, Maine, 700-foot floor transition area.

Waterville, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Toledo Municipal Airport, Toledo, Ohio, 41°33'50" N., 83°28'50" W.; within a 4-mile radius of the center of University Airport, Bowling Green, Ohio, 41°23'17" N., 83°38'02" W.; within 2 miles each side of the Waterville VOR 047° radial extending the 5-mile radius area to the VOR; and within 2 miles each side of the Waterville VOR 356° radial extending from the 4-mile radius area to the VOR, excluding that area that coincides with the Toledo, Ohio, transition area. The transition area shall be in effect from sunrise to sunset.

Wausau, Wis.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Wausau, Wis., VOR 161° radial extending from the VOR to 8 miles S of the VOR, and within 2 miles each side of the 138° bearing from Wausau, Wis., Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.) extending from the 5-mile radius control zone to 9 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by a line 6 miles N and parallel to the Wausau VOR 273° radial, the arc of a 15-mile radius circle centered on the Wausau Municipal Airport and a line 9 miles N and parallel to the Wausau VOR 106° radial, on the E by the arc of a 35-mile radius circle centered on the Wausau VOR, on the S by a line 5 miles S and parallel to the Stevens Point, Wis., VOR 089° radial, the arc of a 15-mile radius circle centered on the Stevens Point VOR and a line 9 miles S and parallel to the Stevens Point VOR 281° radial and on the W by the arc of a 36-mile radius circle centered on the Wausau VOR, excluding the area which overlies the Marshfield, Wis., transition area.

Waycross, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross VORTAC 099° radial, extending from the 8-mile radius area to the VORTAC. The portion within a 1½-mile radius of Bivins Airport (latitude 31°11'06" N., longitude 82°16'25" W.) is excluded.

Webster City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.), and within 2 miles each side of the 151° bearing from Webster City Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 151° bearing from Webster City Airport extending from the airport to 12 miles SE, excluding the portion which overlies the Fort Dodge, Iowa, transition area.

Weirwood, Va.
That airspace extending upward from 700 feet above surface within a 4-mile radius of the center 37° 27' 30" N., 75° 52' 45" W., of Kellam Field, Weirwood, Va.; and within 2 miles each side of the Cape Charles, Va., VOR 041° radial extending from the 4-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset, daily.

Wellsboro, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 41°43'45" N., 77°23'30" W., of Grand Canyon State Airport, Wellsboro, Pa., and within 2 miles each side of Stonyfork, Pa., VOR 212° radial extending from the 6-mile radius area to 8 miles southwest of the VOR. This transition area is effective from sunrise to sunset daily.

Wellsville, N.Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center of Wellsville Municipal Airport, Wellsville, N.Y., 42°08'15" N., 77°58'30" W. and within 2 miles each side of the Wellsville VOR 205° radial extending from the 9-mile radius area for 8 miles from the VOR.

Wenatchee, Wash.
That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Wenatchee VOR 092° and 272° radials, extending from 7 miles W to 14 miles E of the VOR, and within 5 miles SW and 8 miles NE of the 124° radial, extending from the VOR to 14 miles SE of the VOR.

Wendover, Utah
That airspace extending upward from 8,500 feet MSL bounded on the N by V-6, on the W by V-253, on the S by V-32 and on the E by a line extending from latitude 40°51'30" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°12'00" N., longitude 112°52'00" W.; thence N via longitude 112°52'00" W., to V-6.

Westhampton Beach, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Suffolk County Air Force Base (latitude 40°50'40" N., longitude 72°37'45" W.); within 5 miles W and 8 miles E of the Suffolk AFB ILS localizer NE course extending from the Suffolk RBN to 12 miles NE of the RBN; and within 5 miles W and 8 miles E of the Suffolk TACAN 039° radial extending from the TACAN to 12 miles NE of the TACAN.

West Helena, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Thompson-Robbins Airport (latitude 34°34'16" N., longitude 90°40'33" W.); and within 2 miles each side of the 350° bearing from the Thompson-Robbins RBN (latitude 34°35'00" N., longitude 90°40'00" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

AMENDMENTS 6/20/68 33 F. R. 5951 (Added)

Westminster, Md.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 39°36'10" N., 77°00'05" W. of Westminster Airport, Westminster, Md., and within 2 miles each side of the Westminster VOR 350° radial extending from the 6-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 1/9/69 33 F. R. 16557 (Added)

West Point, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center of West Point Municipal Airport 37°31'00" N., 76°45'40" W. and within 2 miles each side of the Harcum, Va., VOR 148° radial extending from the 6-mile radius area to 8 miles southeast of the VOR.

West Virginia
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°50'00" N., longitude 77°30'00" W.; to latitude 39°16'00" N., longitude 77°30'00" W.; to latitude 39°05'26" N., longitude 78°12'02" W.; to latitude 38°51'15" N., longitude 78°12'21" W.; to latitude 38°43'00" N., longitude 78°12'00" W.; to latitude 38°43'00" N., longitude 78°58'00" W.; to latitude 38°00'00" N., longitude 79°30'00" W.; to latitude 37°00'00" N., longitude 79°30'00" W.; to latitude 37°00'00" N., longitude 80°25'10" W.; thence counterclockwise via a 15 NM arc centered at Pulaski VOR (latitude 37°05'15" N., longitude 80°42'47" W.) to latitude 37°19'25" N., longitude 80°49'10" W.; to latitude 37°10'00" N., longitude 80°51'30" W.; to latitude 37°05'00" N., longitude 82°10'00" W.; to latitude 38°02'00" N., longitude 82°15'00" W.; to latitude 38°00'00" N., longitude 82°55'00" W.; to latitude 38°45'00" N., longitude 83°30'00" W.; to latitude 39°00'00" N., longitude 83°00'00" W.; to latitude 39°00'00" N., longitude 81°43'40" W.; to latitude 39°40'00" N., longitude 81°47'00" W.; to latitude 39°40'00" N., longitude 81°30'00" W.; to latitude 39°43'00" N., longitude 81°13'00" W.; to latitude 39°53'15" N., longitude 81°03'15" W.; thence counterclockwise via a 60-mile radius arc centered on the Imperial VORTAC to latitude 39°42'00" N., longitude 80°38'30" W.; to latitude 39°59'00" N., longitude 80°29'00" W.; thence counterclockwise via a 37-mile radius arc centered on the Imperial VORTAC to latitude 40°02'00" N., longitude 79°51'30" W.; to latitude 39°25'00" N., longitude 79°20'00" W.; to latitude 39°25'00" N., longitude 78°58'00" W.; to latitude 39°30'00" N., longitude 78°58'00" W.; to latitude 39°30'00" N., longitude 78°30'00" W.; to latitude 39°50'00" N., longitude 77°47'00" W.; thence to point of beginning.

AMENDMENTS 7/25/68 33 F. R. 8433 (Added)

Wheeling, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 036° and 216° radials, extending from the 7-mile radius area to 8 miles NE of the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM.

Whidbey Island, Wash.
That airspace extending upward from 700 feet above the surface bounded on the E by a line extending from latitude 48°40'00" N., longitude 122°05'00" W. to latitude 48°05'00" N., longitude 121°55'00" W., on the S by latitude 48°05'00" N., on the W by the W edge of V-440, and the United states/Canadian border to latitude 48°25'00" N., thence via latitude 48°25'00" N. to an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence clockwise via the 13-mile radius arc to longitude 122°45'00" W., thence to latitude 48°40'00" N., longitude 122°43'00" W., on the N by latitude 48°40'00" N. to point of beginning, and that airspace NW of Whidbey Island NAS bounded by a line beginning at the point of intersection of latitude 48°25'00" N., and the United States/Canadian border, thence via the United States/Canadian border to altitude 48°40'00" N., thence via latitude 48°40'00" N., to longitude 123°02'00" W., thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 48°52'00" N., longitude 122°00'00" W., thence via longitude 122°00'00" W. to latitude 48°43'00" N., thence via latitude 48°43'00" N. to longitude 121°45'00" W., thence via longitude 121°45'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°55'00" W., thence to latitude 48°40'00" N., longitude 122°05'00" W., thence via latitude 48°40'00" N., to longitude 122°43'00" W., thence to latitude 48°31'00" N., longitude 122°45'00" W., to intercept an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence counterclockwise via the 13-mile radius arc to latitude 48°25'00" N., thence via latitude 48°25'00" N., to its intersection with the United States/Canadian border, thence to latitude 48°40'00" N., longitude 123°02'00" W., thence via latitude 48°40'00" N., to the east edge of Canadian VOR airway V-300, thence N via the east edge of V-300 to the United States/Canadian border, thence via the United States/Canadian border to latitude 48°52'00" N., thence to point of beginning; that airspace extending upward from 8,200 feet MSL bounded on the E by longitude 121°30'00" W., to latitude 48°00'00" N., thence via latitude 48°00'00" N., to longitude 121°35'00" W., thence via longitude 121°35'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°45'00" W., on the W by longitude 121°45'00" N., to latitude 48°38'00" N., thence via latitude 48°38'00" N., to longitude 121°30'00" W.; that airspace extending upward from 12,000 feet MSL bounded on the E by longitude 121°00'00" W., on the S by latitude 48°00'00" N., on the W by longitude 121°30'00" W., and on the N by latitude 48°30'00" N.

White Cloud, Mich.
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the White Cloud VOR 006° and 186° radials, extending from 20 miles N to 9 miles S of the VOR.

Whitefield, N.H.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°21'53" N., 71°33'07" W. of Whitefield, N.H., Airport; within 2 miles each side of the 248° bearing from the Whitefield, N.H., RBN extending from the 5-mile radius area to 8 miles W of the RBN, effective sunrise to sunset.

White Plains, N.Y.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 41°16'00" N., 74°06'00" W. to 41°16'00" N., 74°00'00" W. to 41°19'00" N., 74°00'00" W. to 41°19'00" N., 73°57'00" W. to 41°27'00" N., 73°54'00" W. to 41°27'00" N., 73°47'00" W. to 41°19'00" N., 73°42'00" W. to 41°25'00" N., 73°30'00" W. to 41°20'00" N., 73°23'00" W. to 41°10'00" N., 73°33'00" W. to 41°00'00" N., 73°33'00" W. to 40°50'00" N., 73°42'00" W. to 41°01'00" N., 74°00'00" W. to 41°07'30" N., 73°57'00" W. to 41°10'30" N., 74°09'00" W. to the point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°31'00" N., 73°54'00" W. to 41°31'00" N., 73°30'00" W. to 41°25'00" N., 73°30'00" W. to 41°19'00" N., 73°42'00" W. to 41°27'00" N., 73°47'00" W. to 41°27'00" N., 73°54'00" W. to the point of beginning.

White Sulphur Springs, W. Va.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center 37°47'00" N., 80°20'00" W., of Greenbrier Airport, White Sulphur Springs, W. Va.; within 2 miles each side of the White Sulphur Springs VOR 043° radial extending from the 11-mile radius area to 15.5 miles NE of the VOR; and within 2 miles each side of the White Sulphur Springs VOR 154° radial extending from the 11-mile radius area to 12.5 miles SE of the VOR. This transition area shall be in effect from sunrise to sunset.

Wichita, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Wichita Municipal Airport (latitude 37°39'10" N., longitude 97°25'45" W.); within 5 miles east and 8 miles west of the Wichita Municipal Airport ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; within an 8-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); within 2 miles each side of the McConnell AFB ILS localizer south course extending from the 8-mile radius area to 8 miles south of the OM; within a 5-mile radius of Augusta, Kans., Municipal Airport (latitude 37°40'20" N., longitude 97°04'40" W.); within 2 miles each side of the 009° and 189° bearings from Augusta Municipal Airport, extending from the 5-mile radius area to 6 miles north and south of the airport; within a 5-mile radius of Piper Airpark (latitude 37°44'55" N., longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from Piper Airpark, extending from the 5-mile radius area to 6 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W., thence extending northwest to the INT of a line 10 miles southeast of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to the Emporia VORTAC 134° radial, thence northwest along the Emporia VORTAC 134° and 314° radials to, and west along the north boundary of V-10 to, and northeast along the west boundary of V-77 to, and southwest along the southeast boundary of V-280 to, and east along the north boundary of V-10 to longitude 97°15'00" W., thence southwest to latitude 38°00'30" N., longitude 97°28'00" W., thence southwest to the INT of the northwest boundary of V-12N and longitude 97°56'25" W., thence southwest along the northwest boundary of V-12N to, and south along the west boundary of V-125 to, and southeast along the southwest boundary of V-74 to the Ponca City, Okla., VORTAC 217° radial, thence northeast along the Ponca City VORTAC 217° and 047° radials to, and northeast along the northwest boundary of V-516 to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W., thence northwest to the INT of a line 10 miles southeast of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to, and southeast along the southwest boundary of V-132 to, and southeast along a line 12 miles southwest of and parallel to the Chanute, Kans., VOR 334° and 154° radials to, and south along the west boundary of V-131 to, and southwest along the northwest boundary of V-516 to the point of beginning, excluding the portions which overlie the Ponca City, Okla., and Emporia, Kans., transition areas.

AMENDMENTS 4/25/68 33 F. R. 4509 (Rewritten)

Wichita Falls, Tex.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 34°11'30" N., longitude 98°38'00" W.; to latitude 34°07'30" N., longitude 98°25'30" W.; to latitude 33°50'30" N., longitude 98°11'30" W.; to latitude 33°46'00" N., longitude 98°14'00" W.; to latitude 33°43'00" N.; longitude 98°27'30" W.; to latitude 33°52'00" N., longitude 98°33'00" W.; to latitude 33°51'00" N., longitude 98°39'00" W.; to latitude 33°57'30" N., longitude 98°48'30" W.; to latitude 34°09'00" N., longitude 98°45'30" W.; to point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 34° 10' 00" N., longitude 97° 49' 00" W.; thence E via latitude 34° 10' 00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Airport, Ardmore, Okla. (latitude 34° 18' 00" N., longitude 97° 00' 50" W.) to longitude 97° 18' 00" W.; thence S via longitude 97° 18' 00" W.; to latitude 33° 56' 00" N., longitude 97° 18' 00" W.; to latitude 33° 48' 00" N., longitude 97° 44' 00" W.; to latitude 33° 34' 00" N., longitude 97° 44' 00" W.; to latitude 33° 22' 00" N., longitude 97° 55' 00" W.; to latitude 33° 16' 00" N., longitude 98° 30' 00" W.; to latitude 33° 16' 00" N., longitude 98° 51' 00" W.; to latitude 33° 02' 00" N., longitude 98° 51' 00" W.; to latitude 32° 52' 00" N., longitude 99° 02' 00" W.; to latitude 32° 52' 00" N., longitude 99° 14' 00" W.; to latitude 33° 31' 00" N., longitude 99° 14' 00" W.; to latitude 33° 31' 00" N., longitude 99° 49' 00" W.; to latitude 33° 56' 00" N., longitude 99° 42' 30" W.; to latitude 34° 18' 00" N., longitude 99° 33' 00" W.; to latitude 34° 15' 00" N., longitude 99° 30' 00" W.; to latitude 34° 08' 00" N., longitude 99° 05' 00" W.; to latitude 34° 21' 00" N., longitude 98° 46' 00" W.; to point of beginning.

Wildwood, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°00'32" N., 74°54'32" W. of Cape May County Airport, Wildwood, N. J., and within 2 miles each side of the Sea Isle, N. J., VORTAC 225° radial extending from the 5-mile radius area to the VORTAC.

Wilkes-Barre, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., within 2 miles each side of the airport ILS localizer SW course extending from the 12-mile radius area for 7 miles.

AMENDMENTS 12/12/68 33 F. R. 15704 (Changed)

Williamsport, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°14'30" N., 76°55'20" W., of the Williamsport-Lycoming County Airport, Williamsport, Pa.; within 5 miles N and 8 miles S of the Williamsport ILS localizer E course extending from the 12-mile radius area to 12 miles E of the Picture Rocks RBN; and within 2 miles each side of the centerline of Runway 27 extended from the 12-mile radius area to 14 miles W of the end of the runway.

Willimantic, Conn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 41°44'40" N., 72°10'46" W. of Windham Airport, Willimantic, Conn.; within 2 miles each side of the centerline of Runway 9 extended from the 8-mile radius area to 9.5 miles E of the end of the runway; within 2 miles each side of the Norwich VOR 323° radial extended from the 8-mile radius area to the VOR; and within 2 miles each side of the centerline of Runway 27 extended from the 8-mile radius area to 9 miles W of the end of the runway. This transition area shall be in effect from sunrise to sunset.

Williston, N. Dak.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Sloulin International Airport (latitude 48°10'35" N., longitude 103°33'10" W.); and within 2 miles each side of the Williston VOR 316° radial, extending from the 9½-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the Williston VOR 136° and 316° radials, extending from the 9½-mile radius area to 12 miles northwest of the VOR; and within 5 miles southwest and 8 miles northeast of the 127° bearing from Sloulin International Airport, extending from the 9½-mile radius area to 16 miles southeast of the airport.

AMENDMENTS 3/28/68 33 F. R. 2505 (Rewritten)

Willmar, Minn.
That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the 104° and 284° bearings from Willmar, Minnesota, Municipal Airport (Lat. 45°06'52" N., Long. 95°05'11" W.), extending from 7 miles E to 13 miles W of the airport.

Willoughby, Ohio
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 41°45'00" N., 81°32'00" W to 41°48'00" N., 81°10'00" W. to 41°42'00" N., 81°05'00" W. to 41°39'00" N., 81°08'00" W. to 41°39'00" N., 81°15'00" W. to 41°29'00" N., 81°27'00" W. to 41°29'00" N., 81°31'00" W. to 41°33'00" N., 81°36'00" W., to point of beginning.

Wilmington, Del.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Greater Wilmington, Del., Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.) within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 7-mile radius area to 8 miles SW of the VORTAC; and within 2 miles each side of the New Castle, Del., VORTAC 278° radial extending from the 7-mile radius area to 8 miles west of the VORTAC, within a 4-mile radius of the center (39°31'20" N., 75°43'25" W.) of Summit Airpark Airport; and within 2 miles each side of the New Castle, Del., VORTAC 207° radial extending from the Summit Airpark 4-mile radius area to the VORTAC.

Wilmington, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of New Hanover County Airport (lat. 34° 16' 11" N., long. 77° 54' 14" W.); within 2 miles each side of the Wilmington VORTAC 017° radial, extending from the 8-mile radius area to 8 miles north of the VORTAC; within 2 miles each side of the ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the LOM; within 2 miles each side of the ILS localizer north course extending from the 8-mile radius area to 8 miles north of Wesley Intersection;
and that airspace extending upward from 1,200 feet above the surface to the base of the continental control area bounded by a line extending S along the E boundary of V-139 from the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W. to the arc of a 60-mile radius circle centered at latitude 34°54'30" N., longitude 76°53'00" W., thence clockwise along this arc to the W boundary of the Cherry Point, N. C., transition area, thence SW and counterclockwise along the boundaries of the Cherry Point transition area, R-5306A, R-5306B, R-5306C, and R-5306B to a point 3 NM from the shoreline, thence SW 3 NM equidistant from the shoreline to a line extending through latitude 33°58'30" N., longitude 77°51'00" W., and latitude 33°58'30" N., longitude 78°10'45" W., thence W along this line to latitude 33°58'30" N., longitude 78°10'45" W., thence NW to the intersection of a line extending from latitude 34°18'40" N., longitude 79°11'00" W., through latitude 34°17'45" N., longitude 78°25'30" W. and the E boundary of V-213, thence NE along the E boundary of V-213 to the E boundary of V-1W, thence NE along the E boundary of V-1W to its intersection with a 15-mile radius circle centered at the Kinston, N. C., VORTAC, thence counterclockwise along this 15-mile radius arc to its intersection with the E boundary of V-1, thence NE along the E boundary of V-1 to its intersection with a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W., thence counterclockwise along the 55-mile radius arc to the point of beginning; and within 5 miles each side of the Wilmington, N. C., localizer SE course, extending from the LOM to 12 miles SE of the LOM.

AMENDMENTS 11/14/68 33 F. R. 14285 (Changed); 2/6/69 33 F. R. 17624 (Changed)

Wilmington, Ohio
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°26'00" N., 83°48'00" W. of Clinton County AFB, Wilmington, Ohio.

Winchester, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (38°01'20" N., 84°13'10" W.) of Winchester-Codell Airport, Winchester, Ky.

Winchester, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°08'30" N., 78°08'30" W., of Winchester Airport, Winchester, Va.

Winder, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Winder Airport (latitude 33°58'40" N., longitude 83°40'05" W.); within 2 miles each side of the Athens, Ga., VORTAC 277° radial extending from the 5-mile radius area to 8 miles E of the airport.

Wink, Tex.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°33'40" N., longitude 102°59'10" W.; to latitude 31°26'20" N., longitude 103°01'00" W.; to latitude 31°26'30" N., longitude 103°29'30" W.; to latitude 32°02'00" N., longitude 103°29'30" W.; to latitude 32°06'45" N., longitude 103°07'50" W.; to latitude 32°04'50" N., longitude 102°58'00" W.; to latitude 31°34'20" N., longitude 103°03'45" W.; to point of beginning.

Winner, S. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wiley Field (latitude 43°23'25" N., longitude 99°50'40" W.); and within 2 miles each side of the Winner VOR 212° radial, extending from the 7-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 8 miles northwest of the Winner VOR 032° and 212° radials, extending from 5 miles southwest to 12 miles northeast of the VOR; and within 5 miles each side of the Winner VOR 212° radial, extending from 12 to 19 miles southwest of the VOR.
AMENDMENTS 4/25/68 33 F. R. 4368 (Added)

Winona, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Max Conrad Field, Winona, Minn. (latitude 44°04'34" N., longitude 91°42'25" W.), within 2 miles each side of the 107° bearing from Max Conrad Field extending from the 7-mile radius area to 8 miles E of the airport, and within 2 miles each side of the 319° bearing from Max Conrad Field, extending from the 7-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 319° bearing from Max Conrad Field extending from the airport to 12 miles NW of the airport, and within 8 miles S and 5 miles N of the 107° bearing from Max Conrad Field extending from the airport to 12 miles E of the airport, excluding the portion which overlies the La Crosse, Wis., transition area.

Winslow, Ariz.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and within 2 miles each side of the Winslow VORTAC 314° radial, extending from the 9-mile radius area to 8 miles NW of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 10 miles SW and 13 miles NE of the Winslow VORTAC 154° and 334° radials, extending from 15 miles NW to 25 miles SE of the VORTAC.

Winston-Salem, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Smith Reynolds Airport (latitude 36°08'01.3" N., longitude 80°13'22.1" W.); within 2 miles each side of the Winston-Salem ILS localizer southeast course, extending from the 8-mile radius area to 8 miles southeast of the LOM, excluding the portion that coincides with the Greensboro transition area.
AMENDMENTS 8/22/68 33 F. R. 9254 (Rewritten)

Wisconsin Rapids, Wis.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Alexander Field-South Wood County Airport (latitude 44°21'30" N., longitude 89°50'15" W.); and within 2 miles each side of the 191° bearing from Alexander Field-South Wood County Airport, extending from the 6-mile radius to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 7 miles N and 14 miles S of the 101° and 281° bearings from Alexander Field-South Wood County Airport extending from 5 miles W to 9 miles E of the airport, excluding the portion of the 1,200-foot transition area, which overlies the Camp Douglas, Wis. and Wausau, Wis., transition areas.

Wolf Point, Mont.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wolf Point Airport (latitude 48°05'40" N., longitude 105°34'45" W.); and within 2 miles each side of the 314° bearing from Wolf Point Airport, extending from the 5-mile radius area to 10½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 314° bearing from Wolf Point Airport, extending from the airport to 14½ miles northwest of the airport; and within 5 miles each side of the 280° bearing from Wolf Point Airport, extending from the airport to the Glasgow, Mont., International Airport (latitude 48°12'50" N., longitude 106°37'10" W.), excluding the Glasgow, Mont., transition area.
AMENDMENTS 12/12/68 33 F. R. 15543 (Rewritten)

Worcester, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Worcester, Mass., Airport (latitude 42°16'05" N., longitude 71°52'20" W.); within 2 miles each side of the Worcester ILS localizer SE course extending from the 7-mile radius area to 8 miles SE of the OM.

Worland, Wyo.
That airspace extending upward from 700 feet above the surface, within 8 miles west and 6 miles east of the Worland 352° and 172° radials, extending from 13 miles north to 7 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface, within a 23-mile radius of Worland VOR.

Worthington, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Worthington Municipal Airport (latitude 43°39'10" N., longitude 95°34'50" W.); and within 5 miles E and 8 miles W of the Worthington VOR 358° radial, extending from the VOR to 13 miles N of the VOR; and within 2 miles each side of the Worthington VOR 189° radial, extending from the 6-mile radius area to 8 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the Worthington VOR 189° radial, extending from the VOR to 12 miles S of the VOR; and within 5 miles each side of the Worthington VOR 178° radial, extending from the VOR to the S boundary of V-120.

Wrightstown, N. J.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.); within a 12-mile radius of NAS Lakehurst (West Field) (latitude 40°02'05" N., longitude 74°21'05" W.); within a 5-mile radius of Trenton-Robbinsville Airport (latitude 40°12'45" N., longitude 74°35'50" W.); within 2 miles N and 3 miles S of the Robbinsville VOR 278° and 098° radials extending from the Trenton-Robbinsville 5-mile radius area to 8 miles E of the VOR; within a 5-mile radius of Monmouth County Airport (latitude 40°11'05" N., longitude 74°07'20" W.); within 2 miles each side of the Colts Neck VOR 167° radial extending from the Monmouth County Airport 5-mile radius area to the VOR; within a 5-mile radius of the Red Bank
Airport (latitude 40°19'45" N., longitude 74°04'45" W.); within 3 miles north and 5 miles south of the Colts Neck VOR 255° and 075° radials extending from 5 miles east to 10 miles west of the VOR; and within a 5-mile radius of the center, 40°13'05" N., 74°05'30" W., of the Asbury Park-Neptune Airport, Neptune, N. J., and within 2 miles each side of the Colts Neck VOR 151° radial extending from the Asbury Park-Neptune Airport 5-mile radius area to the VOR; excluding the portion
within the New York, N. Y., Transition Area; and that airpsace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40°24'20" N., longitude 74°45'40" W., thence to latitude 40°17'30" N., longitude 73°52'45" W., to latitude 40°12'55" N., longitude 73°19'00" W., to latitude 39°58'40" N., longitude 73°38'35" W., to latitude 39°38'40" N., longitude 74°05'05" W., to latitude 39°31'45" N., longitude 74°15'55" W., to latitude 39°37'31" N., longitude 74°20'02" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 40°16'10" N., longitude 74°39'20" W.; thence to the point of beginning; and that airspace extending upward from 2,000 feet above the surface bounded on the northwest by the southeast boundary of V-139, on the northeast by the southwest boundary of Control 1147, and on the south by a line along latitude 39°44'00" N. The airspace within W-107 below 2,000 feet MSL and within Control 1147 is excluded.

AMENDMENTS 7/25/68 33 F. R. 8434 (Changed); 7/25/68 33 F. R. 8591 (Changed)
PENDING AMENDMENT
Insert in the description of the Wrightstown, N. J. 700-foot transition area description following the words "above the surface" the words, "within a 5-mile radius of the center, 40°04'00" N. 74°10'40" W. of Lakewood Airport, Lakewood, N. J.;",
AMENDMENTS 3/6/69 34 F. R. 249 (Changed)

Wurtsboro, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°35'50" N., 74°27'35" W.) of Wurtsboro-Sullivan County Airport, Wurtsboro, N. Y.; and within 2 miles each side of the Huguenot, N. Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N. Y., Transition Area, effective from sunrise to sunset daily.

Yakataga, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakataga Airport (latitude 60°04'52" N., longitude 142°29'30" W.); within 2 miles each side of the southwest course of the Yakataga RR, extending from the 5-mile radius area to the INT of the southwest course of the Yakataga RR and the east course of the Hinchinbrook, Alaska, RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Yakataga RR southwest course, extending from 7 miles northeast to 13 miles southwest of the INT of the southwest course of the Yakataga RR and east course of the Hinchinbrook, Alaska, RR; within 5 miles each side of the Yakataga RR southeast course extending from the RR to the INT of the southeast course of Yakataga RR and the west course of the Yakutat, Alaska, RR.

AMENDMENTS 5/23/68 33 F. R. 5450 (Rewritten)

Yakima, Wash.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Yakima VORTAC 129° T (108° M) and 309° T (288° M) radials, extending from 2 miles NW to 6.5 miles SE of the VORTAC; within 2 miles each side of the Yakima ILS localizer E course, extending from 2.5 miles W to 8 miles E of the LOM; and within 2 miles each side of the Yakima VORTAC 276° T (255° M) radial, extending from the VORTAC to 12 miles W of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Ellensburg, Wash., VORTAC 191° T (170° M) radial, extending from 9 miles S to 13 miles N of the INT of the Ellensburg VORTAC 191° T (170° M) and the Yakima VORTAC 305° T (284° M) radials; within 9 miles NE and 6 miles SW of the Yakima VORTAC 129° T (108° M) radials, extending from the VORTAC to 33 miles SE of the VORTAC; that airspace NE and E of Yakima within a 16-mile radius of the Yakima VORTAC, extending clockwise from the E edge of V-25 to the NE edge of V-4, that airspace S of Yakima within a 21-mile radius of the Yakima VORTAC, extending clockwise from the SW edge of V-4 to the NW edge of V-448; and that airspace extending upward from 7,500 feet MSL within 11 miles NW and 16 miles SE of the Yakima VORTAC 242° T (221° M) radial, extending from 8 miles SW to 52 miles SW of the VORTAC.

Yakutat, Alaska
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Yakutat RR, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 119° radial, extending from the 15-mile radius area to 65 miles southeast of the VORTAC.

AMENDMENTS 5/23/68 33 F. R. 5214 (Rewritten)
AMENDMENTS 10/10/68 33 F. R. 11332 (Rewritten); Eff. date changed 10/17/68 33 FR 14220

Yankton, S. Dak.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Yankton Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); within 2 miles each side of the Yankton VOR 140° radial, extending from the 5-mile radius area to 8 miles SE of the VOR; and within 5 miles NE and 8 miles SW of the Yankton VOR 321° radial, extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Yankton VOR 140° radial extending from the VOR to 12 miles SE.

Yazoo City, Miss.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Barrier Field (latitude 32°52'30" N., longitude 90°24'25" W.); within 2 miles each side of the 100° bearing from WAZF Commercial Broadcast Station (latitude 32°52'00" N., longitude 90°23'31" W.), extending from the 6-mile radius area to 8 miles east of WAZF Commercial Broadcast Station; within 2 miles each side of the Jackson, Miss. VORTAC 332° radial, extending from the 6-mile radius area to 16 miles northwest of the VORTAC; and that airspace extending upward from 1200 feet above the surface within 5 miles each side of the 280° bearing from WAZF Commercial Broadcast Station, extending from WAZF Commercial Broadcast Station to 13 miles west; and within 8 miles north and 5 miles south of the 100° bearing from WAZF Commercial Broadcast Station, extending from WAZF Commercial Broadcast Station to 12 miles east.

Yerington, Nev.
That airspace extending upward from 11,000 feet MSL within 12 miles, southwest and 8 miles northeast of the Reno, Nev., VORTAC 135° radial, extending from 10 miles northwest to 22 miles southeast of the INT of Reno VOR 135° and Lovelock, Nev., VORTAC 197° radials, excluding the airspace within Federal airways.

York, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°55'00" N., 76°52'00" W. of York Airport, York, Pa., and within 2 miles each side of the centerline of Runway 16 extended from the 6-mile radius area to 7 miles S of the end of the runway and within 2 miles each side of the 336° bearing of the York RBN extending from the 6-mile radius area to 8 miles NW of the RBN excluding that portion coincident with the Harrisburg, Pa., 700-foot transition area.

Youngstown, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Youngstown Municipal Airport (latitude 41°15'35" N., longitude 80°40'40" W.); within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 7-mile radius area to 13 miles NW of the localizer; within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 7-mile radius area to the Hubbard RBN; and within 2 miles each side of the Youngstown VOR 358° radial, extending from the 7-mile radius area to 8 miles north of the VOR.

AMENDMENTS 12/12/68 33 F. R. 15704 (Changed)

PENDING AMENDMENT

Youngstown, Ohio (Lansdowne Airport)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 41°07'50" N., 80°37'10" W. of Lansdowne Airport, Youngstown, Ohio, excluding the portion that coincides with the Youngstown, Ohio 700-foot floor transition area. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 3/6/69 34 F. R. 249 (Added)

Youngstown, Ohio (Youngstown Executive Airport)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°03'34" N., 80°49'48" W., of Youngstown Executive Airport, Youngstown, Ohio; within 2 miles each side of the centerline of Runway 29 extended from the 5-mile radius area to 5 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 11 extended from the 5-mile radius area to 6 miles east of the end of the runway and within 2 miles each side of the 203° radial of the Youngstown, Ohio, VOR extending from the 5-mile radius area to 11 miles southwest of the VOR.

AMENDMENTS 2/1/68 32 F. R. 20705 (Added)

Yuma, Ariz.

That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius area to 21 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 12 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V-66 to 20 miles north of the VORTAC, within 5 miles north and 8 miles south of the Yuma VORTAC 087° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 180° radial, extending from the VORTAC to the United States/Mexico border; and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37'15" N., longitude 114°43'00" W.), on the east by the west edge of V-135, on the south by the north edge of V-66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States.

Zanesville, Ohio

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport (latitude 39°56'40" N., longitude 81°53'20" W.); within 8 miles E and 5 miles W of the Zanesville VOR 222° radial extending from the VOR to 12 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39° 53' 15" N., longitude 81° 03' 15" W.; to latitude 39° 43' 00" N., longitude 81° 13' 00" W.; to latitude 39° 40' 00" N., longitude 81° 30' 00" W.; to latitude 39° 40' 00" N., longitude 82° 00' 00" W.; to latitude 39° 52' 25" N., longitude 82° 13' 00" W.; thence direct to the Tiverton, Ohio, VOR; to the Newcomerstown, Ohio, VOR; to the INT of the Imperial, Pa., VORTAC 249° radial and the arc of a 60-mile radius circle centered on the Imperial VORTAC; thence via this arc to the point of beginning.

Zionsville, Ind.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Terry Memorial Airport (latitude 40°02'05" N., longitude 86°15'00" W.).

Zuni, N. Mex.

That airspace extending upward from 8,500 feet MSL within 10 miles N and 7 miles S of the Zuni VORTAC 087° and 267° radials extending from 20 miles E to 9 miles W of the VORTAC.

SUBPART H - POSITIVE CONTROL AREAS

§71.193 Designation of Positive Control Areas.

The parts of airspace described below are designated as positive control areas.

Continental positive control area.

That airspace within the continental control area from flight level 240 to and including flight level 600 bounded by a line beginning at latitude 48°30'00" N., longitude 124°45'00" W.; thence along the United States/Canadian border to latitude 49°00'00" N., longitude 100°00'00" W.; thence to latitude 46°14'00" N., longitude 100°00'00" W.; latitude 45°40'20" N., longitude 98°20'40" W.; thence to latitude 46°07'30" N., longitude 96°47'30" W.; thence to latitude 46°27'30" N., longitude 95°35'00" W.; thence to latitude 47°33'00" N., longitude 92°19'00" W.; thence to latitude 47°35'30" N., longitude 91°19'00" W.; thence to latitude 46°42'00" N., longitude 89°45'00" W.; thence to latitude 47°40'40" N., longitude 86°46'00" W.; thence along the United States/Canadian border to latitude 44°48'00" N., longitude 66°53'00" W.; thence via a line three nautical miles from the coastline to latitude 44°01'00" N., longitude 69°01'00" W.; thence to latitude 43°47'48" N., longitude 69°23'20" W.; thence via a line 3 nautical miles from the coastline to latitude 43°09'31" N., longitude 70°31'24" W.; thence to latitude 43°07'40" N., longitude 70°32'45" W.; thence to latitude 43°03'16" N., longitude 70°36'17" W.; thence to latitude 42°57'43" N., longitude 70°41'49" W.; thence via a line 3 nautical miles from the coastline to latitude 41°59'10" N., longitude 70°32'10" W.; thence to latitude 42°05'45" N., longitude 70°17'50" W.; thence via a line 3 nautical miles from the coastline to latitude 41°29'54" N., longitude 70°30'26" W.; thence to latitude 41°26'24" N., longitude 71°05'36" W.; thence via a line 3 nautical miles from the coastline to latitude 41°16'30" N., longitude 71°47'35" W.; thence to latitude 41°04'50" N., longitude 71°47'25" W.; thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence via a line 3 nautical miles from the coastline to latitude 26°42'30" N., longitude 97°16'00" W.; thence to latitude 26°37'45" N., longitude 97°34'00" W.; thence to latitude 26°30'00" N., longitude 99°06'10" W.; thence along the United States/Mexico border to latitude 32°31'00" N., longitude 117°11'00" W ; thence via a line 3 nautical miles from the coastline to latitude 48°25'00" N., thence to the point of beginning, excluding the Santa Barbara Island, Farallon Island, and the portion south of latitude 25°04'00" N.

That airspace within the continental control area from 18,000 feet MSL up to FL 240 bounded by a line beginning at latitude 37°18'15" N., longitude 80°44'45" W.; thence to latitude 37°16'00" N., longitude 80°53'00" W.; thence to latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 36°34'00" N., longitude 84°01'00" W.; thence to latitude 36°30'00" N., longitude 84°45'00" W.; thence to latitude 36°12'30" N, longitude 85°10'30" W.; thence to latitude 36°11'00" N., longitude 85°24'00" W.; thence to latitude 36°54'00" N., longitude 85°35'00" W.; thence to latitude 37°18'00" N., longitude 86°09'00" W.; thence to latitude 37°16'30" N., longitude 87°23'50" W.; thence to latitude 37°43'30" N., longitude 88°19'00" W.; thence to latitude 37°32'00" W., longitude 88°50'00" W.; thence to latitude 37°09'00" N., longitude 90°34'00" W.; thence to latitude 36°26'00" N., longitude 94°41'00" W.; thence to latitude 36°55'00" N., longitude 95°05'00" W.; thence to latitude 36°42'00" N., longitude 95°53'00" W.; thence to latitude 38°04'00" N., longitude 96°00'00" W.; thence to latitude 38°22'00" N., longitude 96°22'00" W.; thence to latitude 38°22'00" N., longitude 98°24'00" W.; thence to latitude 38°47'00" N., longitude 99°04'00" W.; thence to latitude 39°23'00" N., longitude 99°04'00" W.; thence to latitude 42°08'15" N., longitude 99°01'15" W.; thence to latitude 42°20'00" N., longitude 98°34'00" W.; thence to latitude 43°16'30" N., longitude 97°01'45" W.; thence to latitude 43°00'00" N., longitude 96°43'00" W.; thence to latitude 43°04'30" N., longitude 95°37'00" W.; thence to latitude 45°54'00" N., longitude 95°29'00" W.; thence to latitude 46°17'45" N., longitude 93°50'00" W.; thence to latitude 44°57'45" N., longitude 90°01'30" W.; thence to latitude 45°34'30" N., longitude 89°18'00" W.; thence to latitude 45°10'00" N., longitude 88°35'30" W.; thence to latitude 44°50'00" N., longitude 88°00'00" W.; thence to latitude 44°04'00" N., longitude 85°00'00" W.; thence to latitude 43°52'00" N., longitude 84°10'00" W.; thence to latitude 43°52'00" N., longitude 82°11'20" W.; thence along the United States/Canadian border to latitude 44°48'00" N., longitude 66°53'00" W.; thence via a line 3 nautical miles from the coastline to latitude 44°01'00" N., longitude 69°01'00" W.; thence to latitude 43°47'48" N., longitude 69°23'20" W.; thence via a line 3 nautical miles from the coastline to latitude 43°09'31" N., longitude 70°31'24" W.; thence to latitude 43°07'40" N., longitude 70°32'45" W.; thence to latitude 43°03'16" N., longitude 70°36'17" W.; thence to latitude 42°57'43" N., longitude 70°41'49" W.; thence via a line 3 nautical miles from the coastline to latitude 41°59'10" N., longitude 70°32'10" W.; thence to latitude 42°05'45" N., longitude 70°17'50" W.; thence via a line 3 nautical miles from the coastline to latitude 41°29'54" N., longitude 70°30'26" W.; thence to latitude 41°26'24" N., longitude 71°05'36" W.; thence via a line 3 nautical miles from the coastline to latitude 41°16'30" N., longitude 71°47'35" W.; thence to latitude 41°04'50" N., longitude 71°47'25" W.; thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence via a line 3 nautical miles from the coastline to latitude 38°00'00" N., longitude 75°11'00" W.; thence to latitude 38°13'30" N., longitude 75°41'00" W.; thence to latitude 38°20'30" N., longitude 75°36'40" W.; thence to latitude 38°53'40" N., longitude 75°51'20" W.; thence to latitude 38°26'20" N., longitude 77°03'15" W.; thence to latitude 37°01'00" N., longitude 77°55'00" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 37°00'00" N., longitude 80°25'10" W.; thence to latitude 37°12'15" N., longitude 80°25'45" W.; thence to the point of beginning.

AMENDMENTS 4/25/68 33 F. R. 4171 (Changed)

SUBPART I - REPORTING POINTS

§ 71.201 **Designation.**

The locations described in this Subpart are designated as reporting points.

§ 71.203 **Domestic low altitude reporting points.**

The reporting points listed below are designated at all altitudes up to but not including 18,000 feet MSL.

Aberdeen, S. Dak.
Abilene, Tex.
Akron, Colo.
Alamosa, Colo.
Albany, Ga.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allegheny, Pa.
Allendale, S. C.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
Anderson, S. C.
Anton Chico, N. Mex.
Appleton, Ohio
Ardmore, Okla.
Asheville, N. C.
Atlanta, Ga.
Augusta, Ga.
Augusta, Maine
Austin, Tex.
Avenal, Calif.
Baker, Oreg.
Bakersfield, Calif.
Bangor, Maine
Barstow INT: INT Hector, Calif., 263°, Daggett, Calif., 229° radials.
Baton Rouge, La.
Battle Mountain, Nev.
Bay Point, INT: INT Oakland, Calif., 039°, Napa, Calif., 117° radials.
Beatty, Nev.
Beaumont, Tex.
Bellingham, Wash.
Bemidji, Minn.
Berlin, N. H.
Bible Grove, Ill.
Big Spring, Tex.
Big Sur, Calif.
Billings, Mont.
Binghamton, N. Y.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismarck, N. Dak.
Bluefield, W. Va.
Blue Springs, Mo.
Blythe, Calif.
Boise, Idaho
Bolton INT: INT Myrtle Beach, S. C., 031° and Wilmington, N. C., 276° radials.
Bonneville, Utah
Boston, Mass.
Boulder City, Nev.
Bowling Green, Ky.
Boysen Reservoir, Wyo.
Bozeman, Mont.
Bradford, Ill.
Brainerd, Minn.
Bridgeport, Tex.
Britton, Tex.
Brooke, Va.
Brookley, Ala.
Brookwood, Ala.
Brownsville, Tex.
Brunswick, Ga.
Bryce Canyon, Utah
Buckeye, Ariz.
Buffalo, N. Y.
Burley, Idaho
Burlington, Iowa
Burlington, Vt.

4/25/68 33 F. R. 4367 (Added)
12/12/68 33 F. R. 15989 (Added)

6/18/68 33 F. R. 9334 (Changed)

4/25/68 33 F. R. 4367 (Added)

Butler, Mo.
Cape Girardeau, Mo.
Capital, Ill.
Carleton, Mich.
Carlsbad, N. Mex.
Carmel, N. Y.
Casa Grande, Ariz.
Casper, Wyo.
Cedar Rapids, Iowa
Centralia, Ill.
Chadron, Nebr.
Chanute, Kans.
Charleston, S. C.
Charleston, W. Va.
Charlo INT: INT Mullan Pass, Idaho, 089°, Missoula, Mont., 354° radials.
Chattanooga, Tenn.
Cherokee, Wyo.
Chesterfield, S. C.
Cheyenne, Wyo.
Chicago Heights, Ill.
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio
Cleveland, Ohio
Coaldale, Nev.
Coalfax INT: INT Johnstown, Pa., 093°, St. Thomas, Pa., 358° radials.
Cochise, Ariz.
Cofield, N. C.
Columbia, Mo.
Columbia, S. C.
Columbus, Ga.
Columbus, Miss.
Columbus, N. Mex.
Concord, N. H.
Cooksburg, Pa. INT: INT Clarion, Pa., 044° and Franklin, Pa. 099° radials.
Cordova, Ill.
Corona, N. Mex.
Corpus Christi, Tex.
Cotulla, Tex.
Coyle, N. J.
Crazy Woman, Wyo.
Crescent City, Calif.
Crestview, Fla.
Cross City, Fla.
Crossville, Tenn.
Cut Bank, Mont.
Dalhart, Tex.
Dallas, Tex.
Daytona Beach, Fla.
Dayton, Ohio
Decatur, Ill.
DeLancey, N.Y.
Delta, Utah
Deming, N. Mex.
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dillon, Mont.
Doby INT: INT Wells, Nev., 256°, Elko, Nev., 338° radials.
Dogwood, Mo.
Dothan, Ala.
Douglas, Ariz.
Douglas, Wyo.
Dublin, Ga.
Dubois, Idaho
Dubuque, Iowa
Duluth, Minn.
Dunkirk, N. Y.
Dupree, S. Dak.
Dyersburg, Tenn.
Eagle Lake, Tex.
Eau Claire, Wis.
Edgerton INT: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 273° radials.
El Dorado, Ark.
Elkins, W. Va.
Elko, Nev.
Ellensburg, Wash.
Elmira, N. Y.

El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Eugene, Oreg.
Evansville, Ind.
Falmouth, Ky.
Fargo, N. Dak.
Farmington, Minn.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fayetteville, N. C.
Fellows, Calif.
Fillmore, Calif.
Findlay, Ohio
Flat Rock, Va.
Flint, Mich.
Flint Stone INT: INT of Kessel, W. Va. 039°, Martinsburg, W. Va., 297° radials.
AMENDMENTS 11/14/68 33 F. R. 12775 (Rewritten)

Florence, S. C.
Fort Bridger, Wyo.
Fort Dodge, Iowa
Fort Jones, Calif.
Fort Mill, S. C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Stockton, Tex.
Fortuna, Calif.
Fort Wayne, Ind.
Franklin, Va.
Fresno, Calif.
Friant, Calif.
Front Royal, Va.
Gage, Okla.
Gainesville, Fla.
Garden City, Kans.
Garrett INT: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials.
Garrison INT: INT Drummond, Mont., 092°, Butte, Mont., 002° radials.
Gaviota, Calif.
Gila Bend, Ariz.
Gill, Colo.
Gill INT: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials.
Goffs, Calif.
Goodland, Kans.
Gordonsville, Va.
Goshen, Ind.
Graham, Tenn.
Grand Island, Nebr.
Grand Junction, Colo.
Grand Rapids, Minn.
Grantsburg, Wis.
Grantsville, Md.
Great Falls, Mont.
Green Bay, Wis.
Greensboro, N. C.
Greenville, Fla.
Greenwood, Miss.
Greenwood, S. C.
Gregg County, Tex.
Gulfport, Miss.
Guthrie, Tex.
Hallsville, Mo.
Hamilton, Ala.
Hampton INT: INT Harrisburg, Pa., 196°, Lancaster, Pa., 256° radials.
Hanksville, Utah
Harcum, Va.
Harris, Ga., VORTAC
Harrisburg, Pa.
Harrison, Ark.
Hartford, Conn.
Hattiesburg, Miss.
Hayes Center, Nebr.
Hazen, Nev.
Hector, Calif.
Helena, Mont.
Herndon, Va.

PENDING AMENDMENT
Hays, Kansas.
5/29/69 34 F. R. 1721 (Added)

4/25/68 33 F. R. 4367 (Added)

4/25/68 33 F. R. 4367 (Added)

Hickory, N. C.
Hidden Hills INT: INT Las Vegas, Nev., 266°, Beatty, Nev., 142° radials.
Hill City, Kans.
Hobart, Okla.
Hobbs, N. Mex.
Hoquiam, Wash.
Holston Mountain, Tenn.
Hot Springs, Ark.
Houghton, Mich.
Houlton, Maine
Houston, Tex.
Hudspeth, Tex.
Huntsville, Ala.
Huron, S. Dak.
Hutchinson, Kans.
Ilwaco INT: INT Astoria, Oreg., 309° and Hoquiam, Wash., 182° radials. 12/12/68 33 F. R. 15245 (Added)
Imperial, Calif.
Indianapolis, Ind.
International Falls, Minn. 4/25/68 33 F. R. 4367 (Added)
Jacks Creek, Tenn.
Jackson, Mich.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Joliet, Ill.
Julian, Calif.
Junction, Tex.
Kansas City, Mo.
Keating, Pa.
Keeler, Mich.
Kennebunk, Maine
Kenton, Del.
Key West, Fla.
Key West, Fla., RBN
Kingston, N. Y.
Kinston, N. C.
Kirksville, Mo.
Klamath Falls, Oreg.
Knoxville, Tenn.
Kokomo, Ind.
Kremmling, Colo.
LaBelle, Fla.
Lafayette, Ind.
Lafayette, La.
Lake Charles, La.
Lake Henry, Pa.
Lake Hughes, Calif.
Lakeland, Fla.
Lamar, Colo.
Lamoni, Iowa
Lancaster, Pa.
Lansing, Mich.
Laramie, Wyo.
Laredo, Tex.
Las Vegas, Nev.
Lawrenceville, Va.
Leona, Tex.
Leslie INT: INT Salem, Mich., 273°, Lansing, Mich., 159° radials.
Lewis, Ind.
Lewistown, Mont.
Lexington, Ky.
Liberal, Kans.
Liberty, N. C.
Linden, Calif.
Linden, Va.
Litchfield, Mich.
Little Rock, Ark.
Livingston, Mont.
Llano, Tex.
Lometa, Tex.
London, Ky.
Lone Rock, Wis.
Los Angeles, Calif.
Los Banos, Calif.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah

Lufkin, Tex.
Lynchburg, Va.
Macon, Ga.
Malad City, Idaho
Malden, Mo.
Mansfield, Ohio
Maples, Mo.
Marianna, Fla.
Marion, Ill.
Martinsburg, W. Va.
Massena, N. Y.
Mason City, Iowa
McAlester, Okla.
McCall, Idaho
McComb, Miss.
McCook, Nebr.
Medford, Oreg.
Medicine Bow, Wyo.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Midland, Tex.
Miles City, Mont.
Milford, Utah
Millinocket, Maine, RBN
Millinocket, Maine
Milton, Pa.
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Minot, N. Dak.
Missoula, Mont.
Mobile, Ala.
Modena, Pa.
Moline, Ill.
Monroe, La.
Monroeville, Ala.
Montebello, Va.
Montgomery, Ala.
Mormon Mesa, Nev.
Morgantown, W. Va.
Mullan Pass, Idaho
Muncie, Ind.
Muscle Shoals, Ala.
Muskegon, Mich.
Myrtle Beach, S. C.
Nabb, Ind.
Nantucket, Mass.
Naperville, Ill.
Nashville, Tenn.
Needles, Calif.
Neola, Iowa
Neosho, Mo.
Newcombe, Ky.
Newman, Tex.
New Orleans, La.
Newport, Oreg.
Nodine, Minn.
Norris INT: INT Modena, Pa., 250°, Lancaster, Pa., 178° radials.
North Bend, Oreg.
Northbrook, Ill.
North Platte, Nebr.
Nottingham, Md.
Oakland, Calif.
Ocala, Fla.
Oceanside, Calif.
Ogden, Utah
Oklahoma City, Okla.
Omaha, Nebr.
O'Neill, Nebr.
Ontario, Calif.
Orlando, Fla.
Oshkosh, Wis.
Oswego, Kans.
Ottumwa, Iowa
Paducah, Ky.
Pahokee, Fla.
Palacios, Tex.
Palm Beach, Fla.

5/23/68 33 F. R. 5214 (Added)

3/28/68 33 F. R. 1070 (Added)

2/1/68 32 F. R. 17576 (Added)

Palmdale, Calif.
Palm Springs, Calif.
Parker, Calif.
Parkersburg, W. Va.
Paso Robles, Calif.
Patuxent, Md.
Pawling, N. Y.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pecos, Tex.
Pellston, Mich.
Pembina, N. Dak.
Pendleton, Oreg.
Peoria, Ill.
Peotone, Ill.
Philipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark.
Pioneer INT: INT Ft. Wayne, Ind., 039°, Waterville, Ohio, 288° radials.
Plainview, Tex.
Plattsburg, N. Y.
Pocatello, Idaho
Point Reyes, Calif.
Polo, Ill.
Pomona, Calif.
Ponca City, Okla.
Pontiac, Ill.
Porterville, Calif.
Portland, Fla., RBN
Portland, Oreg.
Power Point INT: INT Briggs, Ohio, 084°, Akron, Ohio, 130° radials.
Prescott, Ariz.
Presque Isle, Maine
Priest, Calif.
Princeton, Maine
Providence, R. I.
Provo, Utah
Pueblo, Colo.
Pulaski, Va.
Pullman, Mich.
Quincy, Ill.
Quitman, Tex.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Ravine, Pa.
Raymond, Nebr.
Readsville, Mo.
Red Bluff, Calif.
Redmond, Oreg.
Redwood Falls, Minn.
Reno, Nev.
Rewey, Wis.
Rex, Ga.
Rhinelander, Wis.
Roberts, Ill.
Rochester, Minn.
Rochester, N. Y.
Rockford, Ill.
Rock Springs, Wyo.
Rocky Mount, N. C.
Rome, Oreg.
Rosewood, Ohio
Roswell, N. Mex.
Sacramento, Calif.
Saginaw, Mich.
St. Johns, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.
Salt Lake City, Utah
Samsville, Ill.
San Angelo, Tex.
San Antonio, Tex.
San Luis Obispo, Calif.

4/25/68 33 F. R. 4367 (Added)

9/19/68 33 F. R. 14220 (Added)

San Simon, Ariz.
Santa Barbara, Calif.
Santa Fe, N. Mex.
Saufley, Fla.
Sault Ste. Marie, Mich.
Savannah, Ga.
Saybrook INT: INT Carmel, N. Y., 093°, Riverhead, N. Y., 046° radials.
Sayre, Okla.
Scipio INT: INT Syracuse, N. Y., 210° and Georgetown, N. Y., 273° radials.
Scotland, Ind.
Scottsbluff, Nebr.
Sea Isle, N. J.
Seal Beach, Calif. 12/12/68 33 F. R. 15544 (Added)
Seattle, Wash.
Selinsgrove, Pa.
Shelbyville, Ind.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa
Sioux Falls, S. Dak.
Snow Hill, Md.
Sod House, Nev.
South Bangor INT: INT of Bangor, Maine, RBN 153° bearing and centerline of Control 1143.
South Bend, Ind.
South Boston, Va.
Spokane, Wash.
Springfield, Mo.
Stacy INT: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials.
Stansbury INT: INT Salt Lake City, Utah, 265°, Ogden Utah, 212° radials.
Sterling INT: INT Providence, R. I., 270°, Norwich, Conn., 043° radials.
Stevens Point, Wis.
Stockton, Calif.
Sulphur Springs, Tex.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
The Dalles, Oreg.
Thermal, Calif.
Thurman, Colo.
Tidioute, Pa.
Tiverton, Ohio
Tobe, Colo.
Topeka, Kans.
Traverse City, Mich.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucson, Ariz.
Tucumcari, N. Mex.
Tulsa, Okla.
Tuscola, Tex.
Tuskegee, Ala.
Twenty-Nine Palms, Calif.
Twin Falls, Nev.
Tyrone, Pa.
Ukiah, Calif.
Vance, S. C.
Vandalia, Ill.
Ventura, Calif.
Vero Beach, Fla.
Vichy, Mo.
Vienna, Ga.
Waco, Tex.
Walnut Ridge, Ark.
Waterloo, Iowa
Watertown, N. Y.
Watertown, S. Dak.
Waterville, Ohio
Waukon, Iowa
Wausau, Wis.
Waycross, Ga.
West Point, Ind.
White Cloud, Mich.
Whitehall, Mont.
White Lake, La.
Whitesburg, Ky.
Wichita, Kans.
Wichita Falls, Tex. 3/26/68 33 F. R. 5215 (Added)

Wilkes-Barre, Pa. 10/17/68 33 F. R. 11450 (Added)
Williams, Calif.
Williamsport, Pa.
Wilmington, N.C.
Wink, Tex.
Winslow, Ariz.
Wolbach, Nebr.
Woodside, Calif.
Woodstown, N. J.
Yakima, Wash.
York, Ky.
Youngstown, Ohio
Yuma, Ariz.
Zuni, N. Mex.

§ 71.207 **Domestic High Altitude Reporting Points.**

The reporting points listed below are designated at all altitudes from 18,000 feet MSL to Flight Level 450, inclusive.

Aberdeen, S. Dak.
Abilene, Tex.
Alamosa, Colo.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alma, Ga.
Amarillo. Tex.
Appleton, Ohio
Atlanta, Ga.
Augusta, Ga.
Austin. Tex.
Bakersfield, Calif.
Bangor, Maine
Battle Mountain, Nev.
Beckley, W. Va.
Billings, Mont.
Birmingham, Ala.
Biscayne Bay, Fla.
Blythe, Calif.
Boise, Idaho
Boston, Mass.
Boulder City, Nev. 6/18/68 33 F. R. 9334 (Changed)
Bowling Green, Ky. 8/22/68 33 F. R. 9335 (Added)
Bradford, Ill.
Brownsville, Tex.
Bryce Canyon, Utah
Buffalo, N. Y.
Butler, Mo.
Carleton, Mich. 1/9/69 33 F. R. 17767 (Added)
Casanova, Va. 1/9/69 33 F. R. 17768 (Added)
Charleston, S. C.
Charleston, W. Va.
Cleveland, Ohio
Coaldale, Nev.
Columbia, S. C.
Coyle, N. J.
Crazy Woman, Wyo.
Crestview, Fla.
Croaker INT: INT Norfolk, Va., 088° and Sea Isle, N. J., 146° radials. 2/6/69 33 F. R. 17766 (Added)
Croaker DME INT: Norfolk, Va., VORTAC 088° radial, 154 nautical miles from Norfolk VORTAC.
AMENDMENTS 2/6/69 33 F. R. 17766 (Added)
Davey INT: INT Yarmouth, Nova Scotia, 230° and Bangor, Maine 152° radials.
Daytona Beach, Fla.
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dove Creek, Colo. 7/25/68 33 F. R. 6710 (Added)
Dubois, Idaho
Duluth, Minn.
Dupree, S. Dak.
El Paso, Tex.
Evansville, Ind.
Falmouth, Ky. 1/9/69 33 F. R. 17767 (Added)
Fargo, N. Dak.
Farmington, Mo.
Farmington, N. Mex.

Fayetteville, Ark.	
Fort Stockton, Tex.	
Flat Rock, Va.	
Florence, S. C.	
Fresno, Calif.	
Front Royal, Va.	
Gainesville, Fla.	
Garden City, Kans.	
Gila Bend, Ariz.	
Goodland, Kans.	7/25/68 33 F. R. 6710 (Added)
Gordonsville, Va.	
Grand Junction, Colo.	
Great Falls, Mont.	
Greater Southwest, Tex.	
Green Bay, Wis.	
Greensboro, N. C.	
Greenwood, Miss.	
Hancock, N. Y.	1/9/69 33 F. R. 17767 (Added)
Hector, Calif.	
Herndon, Va.	1/9/69 33 F. R. 17768 (Revoked)
Hill City, Kans.	
Houston, Tex.	
Indianapolis, Ind.	
Iowa City, Iowa	7/25/68 33 F. R. 6710 (Added)
Jackson, Miss.	
Jacksonville, Fla.	
Jamestown, N. Y.	1/9/69 33 F. R. 17767 (Added)
Joliet, Ill.	
Kansas City, Mo.	
Kennedy, N. Y.	
Key West, Fla.	
Knoxville, Tenn.	
Lake Charles, La.	
Lakeview, Oreg.	
Laredo, Tex.	
Las Vegas, N. Mex.	
Lewistown, Mont.	
Lincoln, Nebr.	7/25/68 33 F. R. 6710 (Added)
Little Rock, Ark.	
Los Angeles, Calif.	
Louisville, Ky.	
Lufkin, Tex.	
Malad City, Idaho	
Mason City, Iowa	
Meeker, Colo.	
Messena, N. Y.	
McCall, Idaho	
McComb, Miss.	
Medford, Oreg.	
Memphis, Tenn.	
Meridian, Miss.	
Miami, Fla.	
Milford, Utah	
Millinocket, Maine	
Milwaukee, Wis.	
Mineral Wells, Tex.	
Minneapolis, Minn.	
Mobile, Ala.	
Montgomery, Ala.	
Mullan Pass, Idaho	
Nantucket, Mass.	
Nashville, Tenn.	
New Orleans, La.	
Nodine, Minn.	
Norfolk, Va.	
Northbrook, Ill.	
Oakland, Calif.	
Oklahoma, City, Okla.	
O'Neill, Nebr.	
Orlando, Fla.	
Palm Beach, Fla.	
Palmdale, Calif.	
Parker, Calif.	
Pawnee City, Nebr.	
Peach Springs, Ariz.	
Pembina, N. Dak.	
Pendleton, Oreg.	
Philipsburg, Pa.	

Phoenix, Ariz.	
Plattsburgh, N. Y.	
Presque Isle, Maine	
Pueblo, Colo.	
Pulaski, Va.	
Putnam, Conn.	1/9/69 33 F. R. 17767 (Added)
Raleigh-Durham, N. C.	
Ramey AFB, P. R., RBN	
Rapid City, S. Dak.	
Red Bluff, Calif.	
Reno, Nev.	
Richmond, Va.	
Robbinsville, N. J.	1/9/69 33 F. R. 17768 (Added)
Rock Springs, Wyo.	
Rome, Oreg.	
Roswell, N. Mex.	
Rosewood, Ohio	1/9/69 33 F. R. 17767 (Added)
Sacramento, Calif.	
St. Louis, Mo.	
St. Petersburg, Fla.	
Salina, Kans.	
Salt Lake City, Utah	
San Angelo, Tex.	
San Antonio, Tex.	
San Diego, Calif.	
San Juan, P. R. RBN	
San Simon, Ariz.	
Sault Ste. Marie, Mich.	
Savannah, Ga.	
Scottsbluff, Nebr.	
Seattle, Wash.	
Shreveport, La.	
Sidney, Nebr.	
Sioux Falls, S. Dak.	
Spartanburg, S. C.	
Spokane, Wash.	
Springfield, Mo.	
Stockton, Calif.	
Syracuse, N. Y.	
Tallahassee, Fla.	
Texarkana, Ark.	
Tuba City, Ariz.	
Tucson, Ariz.	
Tulsa, Okla.	
Tuna DME INT: Kennedy, N. Y., VORTAC 143° radial, 128 nautical miles from Kennedy VORTAC.	
Vero Beach, Fla.	
Waco, Tex.	
Walnut Ridge, Ark.	
Westminster, Md.	
Whitehall, Mont.	
Wichita, Kans.	
Wilmington, N. C.	
Wilson, Nev.	
Wink, Tex.	
Wolbach, Nebr.	
Yuma, Ariz.	

§ 71.209 Other domestic reporting points.
The reporting points listed below are designated at all altitudes.

Alaska INT: INT Ponce, P. R., 181°, St. Croix, P. R., 243° radials.

Albacore INT: INT 188° bearing Galveston, Tex., RBN, 102° bearing Corpus Christi, Tex., RBN, at latitude 27°22' N., longitude 95°14' W.

Azalea INT: INT Charleston, S. C., 109°, Wilmington, N. C., 189° radials.

Azalea INT: INT 188° bearing Wilmington (Carolina Beach), N. C., RBN, 110° bearing Charleston, S. C., RBN.

Balboa INT: INT 219° bearing Marathon, Fla., RBN, with Lat. 24°00'00" N.

Barracuda INT: INT 055° bearing Melbourne, Fla., RBN, 008° bearing Bimini, Bahamas, RBN.

Bass INT: INT 133° bearing Weeksville, N. C., (Navy) RBN, W boundary New York Oceanic Control Area, at latitude 34°26' N., longitude 73°51' W.

Bimini, Bahamas, RBN

Bonita INT: INT 208° bearing New Orleans, La., RBN and 109° bearing Galveston, Texas, RBN, at latitude 28°15" N., longitude 91°27" W.

Brim INT: INT 227° Grand Isle, La., RBN, 107° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 91°13' W.

Carp INT: INT direct line between Carolina Beach (Wilmington), N. C., RBN, Nassau, British West Indies, RBN, 090° bearing Jacksonville, Fla., RBN.

Catfish INT: INT 220° Grand Isle, La., RBN, 106° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°58' W.

Cod INT: INT of Nantucket, Mass., CONSOLAN 089° True bearing and the W boundary of New York Oceanic Control Area at latitude 41°16'50" N., longitude 68°00'00" W.

Crab INT: INT Sarasota, Fla., 286°, Tallahassee, Fla., 187° radials.

Crab INT: INT 188° bearing Tallahassee, Fla., RBN, 284° bearing Egmont Key, Fla., RBN.

Croaker INT: INT of 073° bearing Weeksville, N. C., RBN, and the west boundary of New York Oceanic Control Area at latitude 36° 57' 30" N., longitude 73° 00' 00" W.

AMENDMENTS 2/6/69 33 F. R. 17766 (Added)

Dolphin INT: INT 177° bearing Grand Isle, La., RBN, 102° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°02' W.

Ear Shell INT: INT 140° bearing Galveston, Tex., RBN, 254° bearing Grand Isle, La., RBN, at latitude 28°15' N., longitude 93°56' W.

Fallfish INT: INT 153° bearing Grand Isle, La., RBN, 223° bearing Pensacola, Fla., RBN, at latitude 28°15' N., longitude 89°34' W.

Florida INT: INT 140° bearing San Juan, P. R., RBN, St. Croix, P. R., 220° radial.

Gateway INT: INT 090° bearing Jacksonville, Fla., RBN, 188° bearing Wilmington (Carolina Beach), N. C., RBN.

Gateway Cedar INT: INT Hoquiam, Wash., 232° radial, E boundary Oakland Oceanic Control Area at latitude 45°30'35" N., longitude 126°43'10" W.

Gateway Hemlock INT: INT Newport, Oreg., 237° radial, E boundary Oakland Oceanic Control Area at Lat. 43° 19'20" N., Long. 126°40'45" W.

Gulfstream INT: INT 216° bearing Bimini, Bahamas, RBN, 145° bearing Portland, Fla., RBN.
AMENDMENTS 9/19/68 33 F. R. 14220 (Changed)

Haddock INT: INT rhumb line Nantucket, Mass., consolan station (monitor site) to Kindley AFB, Bermuda, RBN, W boundary New York Oceanic Control Area at Lat. 39°50'00" N., Long. 69°14'30" W.

Halibut INT: INT 008° bearing Bimini, Bahamas, RBN, 090° bearing Palm Beach, Fla., RBN.

Hawaii INT: INT Ramey AFB, P. R., 195°, Ponce, P. R., 235° radials.

Herring INT: INT Nantucket, Mass., 066° radial with longitude 67°47'30" W. (latitude 42°00'30" N., longitude 67°47'30" W.).

Idaho INT: INT Ramey AFB, P. R., 326° radials, Mona Island, P. R., RBN 012° bearing.

Ohio INT: INT Ramey AFB, P. R., 013°, San Juan, P. R., 333° radials.

Perch INT: INT Los Angeles, Calif., 251°, Ventura, Calif., 200° radials.

Ramey AFB, P. R.

San Juan, P. R.

Sea Lion INT: INT 205° bearing Key West, Fla., RBN with latitude 24°00'00" N.

Shad INT: INT of Millville, N. J., RBN 135° bearing and west boundary New York Oceanic Control area at latitude 37°43' N., longitude 73°00' W.

Shad INT: INT of Sea Isle, N. J., 134° and Norfolk, Va., 071° radials. 7/25/68 33 F. R. 8434 (Added).

Shad DME INT: Sea Isle, N. J., VORTAC 134° radial, 118 nautical miles from Sea Isle VORTAC.
AMENDMENTS 7/25/68 33 F. R. 8434 (Added)

Smelt INT: INT 110° bearing Charleston, S. C., RBN, W boundary New York Oceanic control area at latitude 31°58' N., longitude 77°00' W.

Tadpole INT: INT 187° bearing Marathon, Fla., RBN, with Lat. 24°00'00" N.

Trout INT: INT 090° bearing Jacksonville, Fla., RBN, W boundary New York Oceanic Control area, at latitude 30°23' N. longitude 77°00" W.

Tuna INT: INT 137° bearing Newark, N. J., RBN, W boundary New York Oceanic Control Area, at latitude 38°55' N., longitude 72°07' W.

Utah INT: INT San Juan, P.R., 314°, Ramey, P.R., 354° radials, at latitude 19°35' N., longitude 67°15' W. is added.

Vermont INT: INT Ramey, P. R., 027°, San Juan, P. R., 351° radials.

Viperfish INT: INT 132° bearing Grand Isle, La., RBN, 214° bearing Pensacola, Fla., RBN, at latitude 28°14' N., longitude 88°51' W.

§ 71.211 Alaskan low altitude reporting points.

The reporting points listed below are designated up to but not including 18,000 feet MSL.

Adak, Alaska, RBN
Anchorage, Alaska
Anchorage, Alaska, RR
Aniak, Alaska, RBN
Annette Island, Alaska
Annette Island, Alaska, RR
Bethel, Alaska
Bethel, Alaska, RBN.
Bettles, Alaska
Bettles, Alaska, RR
Big Delta, Alaska
Big Delta, Alaska, RR
Big Lake, Alaska
Big Mountain, Alaska, RBN
Biorka Island, Alaska
Carp INT: INT SW course Sitka, Alaska, RR, centerline Middleton Island-Sandspit route at latitude 55°42' N., longitude 136°36' W. 6/20/68 33 F. R. 6286 (Changed)
Chandalar, Alaska, RBN. 12/12/68 33 F. R. 15860 (Added); Eff. date Ch. 1/9/69 33 F. R. 18135 Eff. date changed 1/20/69 34 F. R. 250
Clam Gulch INT: Homer, Alaska, 294° Kenai, Alaska, 216°, radials.
Coghlan Island, Alaska, RBN.
Cold Bay, Alaska, RR
Crab INT: INT 227° bearing King Salmon, Alaska, RR, 314° bearing Port Heiden, Alaska, RBN.
Dillingham, Alaska
Dixon INT: INT SW course Annette Island, Alaska, RR, NW course Sandspit, British Columbia, Canada, RR. 5/25/67 32 F. R. 4056 (Added)
East Cordova INT: INT E course Hinchinbrook, Alaska, RR, SE course Cordova, Alaska, RR.
Fairbanks, Alaska
Fairbanks, Alaska, RR
Farewell, Alaska, RR
Five Finger, Alaska, RBN
FLUKE INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska
Fort Yukon, Alaska, RBN
Galena, Alaska
Galena, Alaska, RBN 7/25/68 33 F. R. 7719 (Changed)
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Granite INT: INT 118° bearing Homer, Alaska, RR, NW boundary Anchorage Oceanic Control Area, at Lat. 58°43' N., Long. 148°14' W.
Gulkana, Alaska 4/25/68 33 F. R. 4368 (Added)
Gulkana, Alaska, RR
Gustavus, Alaska, RR
Haines, Alaska, RBN
Halibut INT: INT SW course Annette Island, Alaska, RR, centerline Middleton Island-Sandspit route at latitude 54°14' N., longitude 133°40' W. 6/20/68 33 F. R. 6286 (Changed)
Harriet INT: INT Anchorage, Alaska, 236° and Homer, Alaska, 330° radials. 11/14/68 33 F.R. 14405 (Rewritten)
Harriet DME INT: Anchorage, Alaska, 236° radial, 75 nautical miles from Anchorage VORTAC. 11/14/68 33 F. R. 14405 (Added)
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR
Homer, Alaska
Homer, Alaska, RR
Iliamna, Alaska, RBN
Johnstone Point, Alaska
Kenai, Alaska
Kenai, Alaska, RR
King Salmon, Alaska
King Salmon, Alaska, RR
Kodiak, Alaska
Kodiak, Alaska, RR
Kotzebue, Alaska
Kotzebue, Alaska, RBN
Level Island, Alaska
Marble INT: INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W.
McGrath, Alaska
McGrath, Alaska, RR
Middleton Island, Alaska
Middleton Island, Alaska, RBN
Minchumina, Alaska, RR

Moses Point, Alaska
Moses Point, Alaska, RR
Muzon INT: Annette Island, Alaska 236°, and Sandspit, British Columbia, Canada, 331° radials.
Nenabank INT: INT west course Fairbanks, Alaska, RR, northwest course Nenana, Alaska, RR.
Nenana, Alaska
Nenana, Alaska, RR.
Nome, Alaska
Nome, Alaska, RR
Northway, Alaska
Northway, Alaska, RR
Petersburg, Alaska, RR.
Porpoise INT: INT SW course Yakutat, Alaska, RR centerline Middleton Island-Sandspit route at latitude 57°52' N., longitude 141°46' W. 6/20/68 33 F. R. 6286 (Changed)
Port Alexander INT: INT SE course Sitka, Alaska, RR, SW course Petersburg, Alaska, RR.
Prudhoe Bay, Alaska, RBN. 12/12/68 33 F. R. 15860 (Added); Eff. date ch. 1/9/69 33 F. R. 18135 1/20/69 34 F. R. 250
Puntilla Lake, Alaska, RBN
Sagwon, Alaska RBN 12/12/68 33 F. R. 15860 (Added); Eff. date ch. 1/9/69 33 F. R. 18135 1/20/69 34 F. R. 250
Shemya, Alaska, RBN
Shrimp INT: INT SW course Gustavus, Alaska, RR, centerline Middleton Island-Sandspit route at latitude 56°57' N., longitude 139°26' W. 6/20/68 33 F. R. 6286 (Changed)
Sisters Island, Alaska
Sisters Island, Alaska, RBN
Sitka, Alaska, RR
Skilak INT: INT Anchorage, Alaska, 198°, Homer, Alaska, 027° radials.
Skwentna, Alaska, RR
Sparrevohn, Alaska, RBN.
Summit, Alaska, RR
Talkeetna, Alaska, RBN
Tanana, Alaska
Tanana, Alaska RR
Umiat, Alaska, RBN. 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135 1/20/69 34 F. R. 250
Unalakleet, Alaska
Unalakleet, Alaska, RR
Yakobi INT: INT NW course Sitka, Alaska, RR SW course Gustavus, Alaska, RR.
Yakutat, Alaska
Yakutat, Alaska, RR

§ 71.213 Alaskan high altitude reporting points.
The reporting points listed below are designated at 18,000 feet MSL to Flight Level 450.

Adak, Alaska, RBN
Anchorage, Alaska
Annette Island, Alaska
Bethel, Alaska
Big Lake, Alaska
Biorka Island, Alaska.
Carp INT: INT Biorka Island, Alaska, 207° radial and centerline Middleton Island-Sandspit route at latitude 55°42' N., longitude 136°36' W. 6/20/68 33 F. R. 6286 (Changed)
Cold Bay, Alaska, RR
Crab INT: INT 227° bearing King Salmon, RR, 314° bearing Port Heiden, Alaska RBN.
Dillingham, Alaska
Fairbanks, Alaska
Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska
Galena, Alaska.
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Gulkana, Alaska 4/25/68 33 F. R. 4368 (Added)
Harriet INT: INT Anchorage, Alaska, 236° and Homer, Alaska, 330° radials. 11/14/68 33 F.R. 14405 (Added).
Harriet DME INT: Anchorage, Alaska, 236° radial, 75 nautical miles from Anchorage VORTAC. 11/14/68 33 F. R. 14405 (Added)
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Johnstone Point, Alaska

King Fish INT: INT Yakutat, Alaska, 213° radial and Hinchinbrook, Alaska, 118° bearing (lat. 58°45'N., long. 140°35' W.). 2/6/69 33 F. R. 18010 (Added)
King Salmon, Alaska.
Kodiak, Alaska
Kotzebue, Alaska
Marble INT: INT of Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W.
McGrath, Alaska.
Middleton Island, Alaska.
Nome, Alaska.
Northway, Alaska
Porpoise INT: INT Yakutat, Alaska, 215° radial and centerline Middleton Island-Sandspit route at latitude 57°52' N., longitude 141°46' W. 6/20/68 33 F. R. 6286 (Changed)
Prudhoe Bay, Alaska, RBN 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135; Eff. date changed 1/20/69 34 F. R. 250
Sagwon, Alaska, RBN. 12/12/68 33 F. R. 15860 (Added); Eff. date changed 1/9/69 33 F. R. 18135; Eff. date changed 1/20/69 34 F. R. 250
Shemya, Alaska, RBN.
Sisters Island, Alaska
Unalakleet, Alaska
Yakutat, Alaska.
Yakutat, Alaska, RR.

§ 71.215 Hawaiian reporting points.

The reporting points listed below are designated at all altitudes.

Breakers INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 130° radials.
Clam INT: INT of Upolu Point, Hawaii, 078° radial and the Honolulu FIR/Oceanic CTA at latitude 20°35'N., longitude 154°12' W. 2/29/68 33 F. R. 2765 (Added)
Crater INT: INT of Hilo, Hawaii, 057° radial and the Honolulu FIR/Oceanic CTA at latitude 20°22' N., longitude 153°57' W. 2/29/68 33 F. R. 2765 (Added)
Dogwood INT: INT South Kauai, Hawaii, 271° radial, with Long. 161°20'00" W, at latitude 21°56'00" N.
Hilo, Hawaii
Honolulu, Hawaii
Lanai, Hawaii
Lihue, Hawaii
Lobster INT: INT of Hilo, Hawaii, 013° radial and the Honolulu FIR/Oceanic CTA at latitude 21°02'N., longitude 154°42' W. 2/29/68 33 F. R. 2765 (Added)
Maui, Hawaii
Molokai, Hawaii
Palmtree INT: INT Molokai, Hawaii, 268°, Lanai, Hawaii, 304° radials.
Paradise INT: INT Hilo, Hawaii, 334°, Upolu Point, Hawaii 093° radials.
Shark INT: INT of Koko Head, Hawaii, 050° Upolu Point, Hawaii, 355° radials, at latitude 22°31' N., longitude 156°05' W.
Southgate INT: INT Honolulu, Hawaii, 179°, Molokai, Hawaii, 268° radials.
South Honolulu INT: INT Honolulu, Hawaii, 179°, Lanai, Hawaii, 223° radials, at latitude 19°43' N., longitude 158° 00' W.
South Kauai, Hawaii
South Port Allen INT: INT Koko Head, Hawaii 254°, Lihue, Hawaii, 186° radials, at latitude 20°46' N., longitude 159°29' W.
Sunrise INT: INT Koko Head, Hawaii, 065°, Upolu Point, Hawaii, 002° radials, at latitude 22°06' N., longitude 155°46' W.
Swordfish INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 195° radials, at latitude 21°18' N., longitude 159°32' W.
Tuna INT: INT Molokai, Hawaii, 067°, Upolu Point, Hawaii, 010° radials, at latitude 21°47' N., longitude 155°32' W.
Upolu, Hawaii
Vanda INT: INT South Kauai, Hawaii, 288° radial, with Long. 161°15'00" W, at latitude 22°24'00" N.

PART 73

SPECIAL USE AIRSPACE

SUBPART A -- GENERAL

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73.3 Special use airspace.
73.5 Bearings; radials; miles.

SUBPART B -- RESTRICTED AREAS

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73.15 Using agency.
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73.38 Louisiana.
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73.43 Minnesota.
73.44 Mississippi.
73.45 Missouri.
73.46 Montana.
73.47 Nebraska.
73.48 Nevada.
73.49 New Hampshire.
73.50 New Jersey.
73.51 New Mexico.
73.52 New York.
73.53 North Carolina.
73.54 North Dakota.
73.55 Ohio.
73.56 Oklahoma.
73.57 Oregon.
73.58 Pennsylvania.
73.59 Rhode Island.
73.60 South Carolina.
73.61 South Dakota.
73.62 Tennessee.
73.63 Texas
73.64 Utah
73.65 Vermont.
73.66 Virginia.
73.67 Washington.
73.68 West Virginia.
73.69 Wisconsin.
73.70 Wyoming.
73.71 Puerto Rico.
73.72 Guam.

SUBPART C -- PROHIBITED AREAS

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73.83 Restrictions.
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DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS
73.87 P-56, District of Columbia.

Subpart A -- General

§ 73.1 Applicability.

The airspace that is described in Subpart B and Subpart C of this part is designated as special use airspace. These parts prescribe the requirements for the use of that airspace.

§ 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.
(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level.
(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.
(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

§ 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.
(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

Subpart B -- Restricted Areas

§ 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

§ 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of
(a) The using agency described in § 73.15; or
(b) The controlling agency described in § 73.17.

§ 73.15 Using agency.

(a) For the purposes of this subpart, the following are using agencies:
(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.
(2) In the case of a Restricted Area/Military Climb Corridor that does not have a designated controlling agency, the Military Air Traffic Control facility that may be contacted for permission for transit through the climb corridor.
(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.
(c) The using agency shall --
(1) Schedure activities within the restricted area;
(2) Authorize transit through, or flight within, the restricted area as feasible; and
(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

§ 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.

§ 73.19 Reports by using agency.

(a) Each suing agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D. C., on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.
(b) In its report under this section the using agency shall --
(1) State the name and number of the restricted area as published in this part;
(2) State the period covered by the report;
(3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;
(4) State the time that daily operations are normally scheduled to begin and end;
(5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations the total number of aircraft hours of actual use during the reporting period;
(6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;
(7) State whether or not radar is used during operations;
(8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted;
(9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;
(10) Include a chart of the area (of optional scale and design) showing --
(i) The approximate location, and the representative pattern (if any), for firing runs (if any), for bombing runs (if any), the place where runs begin, where firing (if any), begins and ends, and the release point pullup point; and
(ii) The location of impact areas, if any;
(11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;
(12) State the daily number of hours or nimutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;
(13) List the altitudes normally used for daily surface to surface firing operations;
(14) Include a chart of the area (of optional scale and design) showing --
(i) The location of firing points and impact areas, if any; and
(ii) The perimeter of the firing fan for each weapon used, if any; and
(15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.
(c) This section does not apply to restricted areas established for climb corridors.

Subpart C -- Prohibited Areas

§ 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirements for the prohibited area.

Note: Sections 73.87 through 73.90 are reserved for descriptions of designated prohibited areas.

§ 73.21 Alabama

R-2101 Anniston Army Depot, Ala.
Boundaries. Beginning at latitude 33°41'20" N., longitude 86°00'30" W.; to latitude 33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°59'50" W.; to latitude 33°39'40" N., longitude 86°00'30" W.; to the point of beginning.
Designated altitude. Surface to 5,000 feet MSL.
Time of designation. From 0700 to 1800 c.s.t., Monday through Saturday.
Using agency. Commanding Officer, Anniston Army Depot.

R-2102 Fort McClellan, Ala.
Boundaries: Beginning at latitude 33°45'00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to point of beginning.
Designated altitudes: Subarea A, surface to and including 5,000 feet MSL. Subarea B, from 5,000 feet MSL to and including 14,000 feet MSL. Subarea C, from 14,000 feet MSL to 24,000 feet MSL.
Time of use: Continuous.
Controlling agency: Federal Aviation Administration, Atlanta ARTC Center.
Using agency: Commanding Officer, Fort McClellan, Ala.

R-2103 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at latitude 31°26'55" N., longitude 85°47'45" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U. S. Army Aviation Center, Fort Rucker, Ala.

R-2104A Huntsville, Ala.
Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°33'58" N., longitude 86°37'50" W.; thence west along the Tennessee River to latitude 34°35'02" N., longitude 86°43'25" W.; to latitude 34°37'19" N., longitude 86°43'20" W.; to latitude 34°37'19" N., longitude 86°43'05" W.; to latitude 34°41'25" N., longitude 86°42'57" W.; to latitude 34°42'00" N., longitude 86°41'35" W.; to latitude 34°39'30" N., longitude 86°41'10" W.; to the point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

R-2104B Huntsville, Ala.
Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°39'25" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°35'21" W.; to latitude 34°35'05" N., longitude 86°35'24" W.; thence west along the Tennessee River to latitude 34°33'58" N., longitude 86°37'50" W.; to the point of beginning.
Designated altitudes. Surface to 2,400 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

§ 73.22 Alaska

R-2202A Big Delta, Alaska
Boundaries. Beginning at latitude 64°14'45" N., longitude 146°43'15" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°42'15" N., longitude 146°13'26" W.; to latitude 63°44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning, excluding that airspace within R-2202B.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

R-2202B Big Delta, Alaska
Boundaries. Beginning at latitude 64°07'30" N., longitude 146°27'30" W.; to latitude 64°02'30" N., longitude 146°11'30" W.; to latitude 63°53'00" N., longitude 146°24'30" W.; to latitude 63°57'00" N., longitude 146°41'00" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska

R-2203A Eagle River, Alaska
Boundaries. Beginning at latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°36'15" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

AMENDMENTS 5/1/68 33 F. R. 6917 (Changed)

R-2203B Eagle River, Alaska
Boundaries. Beginning at latitude 61°29'00" N., longitude 149°33'48" W.; to latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°42'25" W.; to latitude 61°18'00" N., longitude 149°44'00" W.; to latitude 61°27'15" N., longitude 149°44'00" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

AMENDMENTS 5/1/68 33 F. R. 6917 (Changed)

R-2204 Shemya, Alaska.
Boundaries. Beginning at Lat. 52°44'48" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°05'16" E; to Lat. 52°44'48" N, Long. 174°05'16" E; to the point of beginning.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. Continuous.
Using agency. Commander, 5073rd Air Base Squadron, Shemya AFB, Alaska.

R-2205 Yukon, Alaska.

Boundaries. Beginning at Lat. 64°45'30" N, Long. 146°47'20" W; Counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N, Long. 147°36'46" W; to Lat. 64°46'12" N, Long. 146°46'40" W; to Lat. 64°46'10" N, Long. 146°11'15" W; to Lat. 64°35'18" N, Long. 146°11'15" W; to Lat. 64°33'24" N, Long. 146°18'30" W; to Lat. 64°33'25" N, Long. 146°25'00" W; to the point of beginning.
Designated altitudes. Surface to 21,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2206 Clear, Alaska
Boundaries: Beginning at latitude 64°19'46" N., longitude 149°10'08" W.; to latitude 64°19'46" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°10'05" W ; thence north, 100 feet west of and parallel to the Alaskan railroad to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Using agency: Commander 13th Missile Warning Squadron, Clear, Alaska.

§ 73.23 Arizona

R-2301 Ajo, Arizona.

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°11'30" N, Long. 112° 56'45" W; to Lat. 32°11'30" N, Long. 113°05'30" W; to Lat. 31°58'00" N, Long. 113°05'30" W; along the United States-Mexican border to Lat. 32°23'45" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°28'30" W; to Lat. 32°39'40" N, Long. 114°28'30" W; to Lat. 32°40'45" N, Long. 114°18'29" W; along the Southern Pacific Railroad and U. S. Highway No. 80 to Lat. 32°44'15" N, Long. 113°41'05" W; to Lat. 32°45'50" N, Long. 113°34'30" W; to the point of beginning; excluding that airspace below 3,000 feet MSL, N of a line beginning at latitude 32°40'45" N., longitude 114°18'29" W.; to latitude 32°37'40" N., longitude 114°12'40" W.; to latitude 32°37'40" N., longitude 114°09'00" W.; to latitude 32°42'30" N., longitude 113°45'00" W.; to latitude 32°44'15" N., longitude 113°41'05" W.
Designated altitudes. Surface to flight level 800.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

R-2302 Flagstaff, Arizona.

Boundaries. A circular area with a 6,600-foot radius centered at latitude 35°10'20" N., longitude 111°51'19" W.
Designated altitudes. Surface to 11,000 feet MSL.
Time of designation. 0800 to 2400 MST, Monday through Saturday.
Using agency. Commanding Officer, Navajo Ordance Depot, Flagstaff, Arizona.

R-2303A Fort Huachuca, Arizona

Boundaries. Beginning at latitude 31°29'00" N., longitude 110°00'30" W.; to latitude 31°29'00" N., longitude 110°15'00" W.; to latitude 31°34'00" N., longitude 110°15'00" W.; to latitude 31°34'00" N., longitude 110°22'00" W.; to latitude 31°33'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°41'20" W.; to latitude 31°34'00" N., longitude 110°43'30" W.; to latitude 31°38'30" N., longitude 110°42'00" W.; to latitude 31°38'30" N., longitude 110°39'30" W.; to latitude 31°41'00" N., longitude 110°33'30" W.; to latitude 31°41'00" N., longitude 110°11'40" W.; to latitude 31°36'20" N., longitude 110°03'00" W.; to the point of beginning.
Designated altitudes. Surface to 35,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration. Albuquerque Center.
Using agency. Commanding General, U. S. Army Electronic Proving Ground, Fort Huachuca, Arizona.

R-2303B Fort Huachuca, Arizona
Boundaries. Beginning at latitude 31°29'00" N., longitude 110°41'20" W.; to latitude 31°29'00" N., longitude 110°23'00" W.; to latitude 31°33'00" N., longitude 110°23'00" W.; to latitude 31°34'00" N., longitude 110°22'00" W.; to latitude 31°34'00" N., longitude 110°15'00" W.; to latitude 31°29'00" N., longitude 110°15'00" W.; to latitude 31°29'00" N., longitude 110°18'00" W.; to latitude 31°23'45" N., longitude 110°18'00" W.; to latitude 31°23'45" N., longitude 110°39'00" W.; to the point of beginning.
Designated altitudes. 15,000 feet MSL to 35,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commanding General, U. S. Army Electronic Proving Ground, Fort Huachuca, Arizona.

R-2304 Gila Bend, Arizona.

Boundaries. Beginning at latitude 32°38'30" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°43'30" W.; to latitude 32°49'00" N., longitude 112°39'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation: Sunrise to 2400 local time, Monday through Friday.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.
AMENDMENTS 7/5/68 33 F. R. 10204 (Changed)

R-2305 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°50'52" N, Long. 112° 42'53" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to Lat. 32°29'00" N, Long. 112°43'00" W; to Lat. 32°29'00" N, Long. 112°53'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Sunrise to sunset.
Controlling agency: Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Ariz.

R-2306A Yuma West, Ariz.
Boundaries: Beginning at latitude 33°00'00" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°34'00" W.; to latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°15'00" N., longitude 114°15'00" W.; thence south along Highway 95 to latitude 33°00'00" N., longitude 114°17'20" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding officer, Yuma Proving Ground, Yuma, Ariz.

AMENDMENTS 3/28/68 33 F. R. 2991 (Rewritten)

R-2306B Yuma West, Ariz.
Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; thence south along Highway 95 to latitude 33°15'00" N., longitude 114°15'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°28'00" N., longitude 114°28'00" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

AMENDMENTS 3/28/68 33 F. R. 2991 (Rewritten)

R-2306C Yuma West, Ariz.
Boundaries: Beginning at latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°23'00" N., longitude 114°34'37" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to point of beginning.
Designated altitudes: Surface to 17,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

AMENDMENTS 3/28/68 33 F. R. 2991 (Added)

R-2307 Yuma, Ariz.

Boundaries. Beginning at latitude 32°52'00" N., longitude 114°00'00" W.; to latitude 32°52'50" N., longitude 113°50'10" W.; to latitude 32°58'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°30'00" W.; thence along the west bank of the Colorado River to latitude 32°51'45" N., longitude 114°27'50" W.; to latitude 32°52'30" N., longitude 114°-21'00" W.; to latitude 32°51'15" N., longitude 114°21'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308A Yuma East, Ariz.
Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°17'20" W.; thence north along Highway 95 to point of beginning.
Designated altitudes: 1,500 feet AGL to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

AMENDMENTS 3/28/68 33 F. R. 2991 (Rewritten)

R-2308B Yuma East, Ariz.

Boundaries: Beginning at latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°02'00" N., longitude 113°39'04" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

AMENDMENTS 3/28/68 33 F. R. 2991 (Rewritten)

§ 73.24 Arkansas

R-2401 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 18' 32" N., longitude 94° 12' 02" W.; to latitude 35° 18' 06" N., longitude 94° 16' 04" W.; to latitude 35° 17' 15" N., longitude 94° 17' 30" W.; to latitude 35° 15' 59" N., longitude 94° 18' 33" W.; to latitude 35° 13' 36" N., longitude 94° 15' 10" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation: Continuous June 1 through August 31; and 0600 Saturday to 2400 c.s.t., Sunday, September 1 through May 31; other times following issuance of a NOTAM by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2402 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 17' 25" N., longitude 94° 12' 02" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to latitude 35° 13' 36" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 01' 29" W.; to latitude 35° 16' 56" N., longitude 94° 01' 33" W.; to latitude 35° 17' 36" N., longitude 94° 08' 00" W.; to latitude 35° 17' 09" N., longitude 94° 09' 55" W.; to point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation: Continuous June 1 through August 31; and 0600 Saturday to 2400 c.s.t., Sunday, September 1 through May 31; other times following issuance of a NOTAM by the using agency at least twenty-four (24) hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2403 Little Rock, Ark.

Boundaries. Beginning at Lat. 34°57'00" N, Long. 92°15'00" W; to Lat. 34°52'00" N, Long. 92° 15'00" W; to Lat. 34°52'00" N, Long. 92°19'30" W; to Lat. 34°57'00" N, Long. 92°19'30" W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of Designation. 0700 Saturday through 1700 Sunday, c.s.t.
Controlling agency. Federal Aviation Administration, Little Rock Approach Control.
Using agency. Adjutant General, State of Arkansas, Little Rock, Arkansas.

§ 73.25 California

R-2501 Bullion Mountains, Calif.

Boundaries. Beginning at Lat. 34°41'00" N, Long. 116°03'00" W; to Lat. 34°35'30" N, Long. 115° 58'00" W; to Lat. 34°33'00" N, Long. 115°47'00" W; to Lat. 34°25'00" N, Long. 115°47'00" W; to Lat. 34°25'00" N, Long. 115°44'00" W; to Lat. 34°14'00" N, Long. 116°17'00" W; to Lat. 34°30'00" N, Long. 116°26'30" W; to Lat. 34°40'30" N, Long. 116°29'40" W; to Lat. 34°43'00" N, Long. 116°26'20" W; to Lat. 34°43'00" N, Long. 116°17'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2502 Fort Irwin, Calif.

Boundaries. Beginning at Lat. 35°37'45" N, Long. 116°29'40" W; to Lat. 35°34'30" N, Long. 116° 29'40" W; to Lat. 35°34'30" N, Long. 116°23'30" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°10'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to Lat. 35°37'45" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Fort Irwin, Calif.

R-2503 Camp Pendleton, Calif.

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117° 29'13" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, El Toro Approach Control.
Using agency. Commanding General, Camp Pendleton, Calif.

R-2504 Camp Roberts, Calif.

Boundaries. Beginning at latitude 35° 42' 18" N., longitude 120° 47' 55" W.; to latitude 35° 42' 18" N., longitude 120° 47' 20" W.; to latitude 35° 42' 58" N., longitude 120° 45' 33" W.; to latitude 35° 46' 38" N., longitude 120° 44' 38" W.; to latitude 35° 47' 18" N., longitude 120° 44' 45" W.; to latitude 35° 47' 54" N., longitude 120° 45' 49" W.; to latitude 35° 49' 10" N., longitude 120° 45' 40" W.; to latitude 35° 51' 00" N., longitude 120° 46' 25" W.; to latitude 35° 51' 11" N., longitude 120° 47' 55" W.; to latitude 35° 48' 50" N., longitude 120° 49' 58" W.; to latitude 35° 46' 00" N., longitude 120° 49' 55" W.; to latitude 35° 44' 03" N., longitude 120° 48' 08" W.; to latitude 35° 43' 08" N., longitude 120° 49' 00" W.; to latitude 35° 42' 44" N., longitude 120° 48' 48" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0600 to 2400 P.s.t., Monday through Friday.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

R-2505 China Lake, Calif.

Boundaries. Beginning at Lat. 36°14'00" N, Long. 117°53'00" W; to Lat. 36°14'00" N, Long. 117° 25'00" W; to Lat. 35°40'30" N, Long. 117°25'00" W; to Lat. 35°37'30" N, Long. 117°35'30" W; to Lat. 35°37'30" N, Long. 117°47'30" W; to Lat. 35°54'00" N, Long. 117°53'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2506 China Lake South, Calif.

Boundaries. Beginning at latitude 35°37'30" N., longitude 117°41'20" W.; to latitude 35°28'00" N., longitude 117°40'50" W.; to latitude 35°28'00" N., longitude 117°47'00" W.; to latitude 35°37'30" N., longitude 117°47'30" W.; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2507 Chocolate Mountains, California

Boundaries. Beginning at latitude 33°32'40" N., longitude 115°33'50" W.; to latitude 33°31'30" N., longitude 115°32'00" W.; to latitude 33°31'15" N., longitude 115°26'45" W.; to latitude 33°29'00" N., longitude 115°20'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; to latitude 33°24'15" N., longitude 115° 17'00" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°22'50" N., longitude 115°09' 58" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°01'00" N., longitude 115°06'00" W.; to latitude 33°21'30" N., longitude 115°32'55" W.; to latitude 33°23'40" N., longitude 115°33'20" W., to latitude 33°28'30" N., longitude 115°42'10" W.; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2508 Complex, Calif.

Boundaries. Beginning at Lat. 37°12'00" N, Long. 117°20'00" W; to Lat. 35°34'00" N, Long. 116° 23'00" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 34°51'30" N, Long. 118°05'45" W; to Lat. 34°56'00" N, Long. 118°21'00" W; Lat. 35°15'00" N, Long. 118°35'00" W; to Lat. 37°12'00" N, Long. 118°35'00" W; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2509 Cuddeback Dry Lake, Calif.

Boundaries. Beginning at Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°25'00" N, Long. 117° 16'52" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, George AFB, Calif.

R-2510 El Centro, Calif.

Boundaries. Beginning at latitude 32°59'35" N., longitude 115°43'30" W.; to latitude 32°55'35" N., longitude 115°40'15" W.; to latitude 32°53'45" N., longitude 115°40'15" W.; thence counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'50"N., longitude 115°55'00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'35" N., longitude 115°51'12" W.; to point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous, surface to 20,000 feet MSL; Sunrise to sunset, Monday through Friday, 20,000 feet MSL to flight level 500.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2511 Fort Ord, California

Boundaries. Beginning at latitude 36° 37' 42" N., longitude 121° 48' 47" W.; to latitude 36° 38' 25" N., longitude 121° 46' 29" W.; thence counterclockwise around the arc of a 3-mile radius circle centered at latitude 36° 40' 55" N., longitude 121° 45' 41" W.; to latitude 36° 38' 43" N., longitude 121° 44' 00" W.; to latitude 36° 38' 08" N., longitude 121° 43' 20" W.; to latitude 36° 35' 45" N., longitude 121° 42' 42" W.; to latitude 36° 34' 45" N., longitude 121° 47' 24" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 36° 35' 30" N., longitude 121° 50' 30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Monterey Approach Control
Using agency. Commanding General, Fort Ord, California.

R-2512 Holtville, Calif.

Boundaries. Beginning at Lat. 33°05'00" N, Long. 115°17'30" W; to Lat. 33°00'00" N, Long. 115° 13'30" W; to Lat. 32°51'00" N, Long. 115°05'30" W; to Lat. 32°51'00" N, Long. 115°17'00" W; to Lat. 32°58'00" N, Long. 115°17'30" W; to Lat. 33°05'00" N, Long. 115°20'00" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, U.S. Marine Corps Air Station, Yuma, Ariz.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

R-2513 Hunter-Liggett, Calif.

From latitude 36°03'43" N., longitude 121°22'38" W., to latitude 36°02'45" N., longitude 121°17'45" W., to latitude 35°59'18" N., longitude 121°13'30" W., to latitude 35°56'45" N., longitude 121°09'45" W., to latitude 35°55'20" N., longitude 121°05'45" W., to latitude 35°48'17" N., longitude 121°10'53" W., to latitude 35°51'02" N., longitude 121°16'15" W., to latitude 35°51'02" N., longitude 121°17'20" W., to latitude 35°58'10" N., longitude 121°23'40" W., to latitude 35°58'10" N., longitude 121°21'40" W., to latitude 36°02'12" N., longitude 121°24'40" W., to the point of beginning.
Designated altitudes. Surface to FL 240.
Time of designation. Continuous.
Controlling agency. FAA, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

R-2515 Muroc Lake, Calif.

Boundaries. Beginning at Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°10'00" N, Long. 116° 49'00" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 35°01'00" N, Long. 118°05'45" W; to Lat. 35°27'40" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Edwards AFB, Calif.

R-2516 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°59'32" N., longitude 120°41'50" W.; to latitude 34°49'00" N., longitude 120°27'15" W.; to latitude 34°46'15" N., longitude 120°26'40" W.; to latitude 34°39'50" N., longitude 120°31'15" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°34'52" N., longitude 120°42'37" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Force Western Test Range, Vandenburg AFB, Calif.

R-2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°34'52" N., longitude 120°42'37" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°24'00" N., longitude 120°30'00" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Force Western Test Range, Vandenburg AFB, Calif.

R-2518 Offshore of California.

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N, Long. 118°36'47" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to 2000 local time.
Using Agency. Officer in Charge, Fleet Air Control and Surveillance Facility, San Diego, Calif.

R-2519 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°04'15" N, Long. 119° 03'40" W; to Lat. 34°02'15" N, Long. 119°04'20" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N, Long. 119°13'00" W; to Lat. 34°05'55" N, Long. 119°11'15" W; to Lat. 34°07'08" N, Long. 119°09'32" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2520 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°08'30" N, Long. 119°06'10" W; to Lat. 34°07'00" N, Long. 119° 05'00" W; to Lat. 34°06'15" N, Long. 119°05'25" W; to Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°07'07" N, Long. 119°09'00" W; to Lat. 34°08'30" N, Long. 119°07'40" W; to the point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2521 Salton Sea, Calif.

Boundaries. Beginning at latitude 33°18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.
Designated altitudes: Surface to flight level 400 sunrise to sunset; surface to 4,000 feet MSL sunset to sunrise.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using Agency. Commanding Officer, Naval Air Facility, El Centro, Calif.

R-2524 Trona, Calif.

Boundaries. Beginning at Lat. 35°47'46" N, Long. 116°55'20" W; to Lat. 35°15'56" N, Long. 116° 55'20" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°16'52" W; to Lat. 35°47'46" N, Long. 117°16'52" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2525 Vernalis, Calif.

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.
Designated altitudes. Surface to 17,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-2529 Fort Ord West, California

Boundaries. Beginning at latitude 36° 42' 00" N., longitude 121° 49' 45" W.; to latitude 36° 40' 45" N., longitude 121° 48' 22" W.; thence south along California State Highway No. 1 to latitude 36° 38' 05" N., longitude 121° 49' 55" W.; to latitude 36° 38' 15" N., longitude 121° 51' 45" W.; to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Thirty minutes before sunrise to thirty minutes after sunset.
Controlling agency. Federal Aviation Administration, Monterey Approach Control.
Using agency. Commanding General, Fort Ord, California.

R-2530 Sierra Army Depot, Calif.

Boundaries. Beginning at latitude 40° 18' 21" N., longitude 120° 05' 08" W.; to latitude 40° 18' 21" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 05' 06" W.; to the point of beginning.
Designated altitudes. Surface to 8,600 feet MSL.
Time of designation. 0800 to 1800 p.s.t., Monday through Friday.
Using agency. Commanding Officer, Sierra Army Depot, Herlong, California.

R-2531 Tracy, Calif.

Boundaries. Beginning at latitude 37°40'34" N., longitude 121°33'42" W.; to latitude 37°40'45" N., longitude 121°31'29" W.; to latitude 37°39'28" N., longitude 121°30'28" W.; to latitude 37°38'50" N., longitude 121°31' 05" W.; to latitude 37°39'03" N., longitude 121°34'03" W.; thence to the point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 1000 to 1800, local time, Monday through Friday.
Using agency. United States Atomic Energy Commission, San Francisco Operations Office.

R-2533 Oceanside, Calif.

Boundaries: Beginning at latitude 33°27'48" N., longitude 117°33'15" W.; thence to latitude 33°18'20" N., longitude 117°21'48" W.; thence to latitude 33°17'30" N., longitude 117°16'40" W.; thence to latitude 33°13'20" N., longitude 117°33'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 33°22'30" N., longitude 117°33'45" W.; thence to the point of beginning.
Designated altitudes: Surface to 2,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, El Toro RATCC.
Using agency: Commanding Officer U.S. Marine Corps Air Station, El Toro, Calif.

AMENDMENTS 7/25/68 33 F. R. 7669 (Added)

§ 73.26 Colorado

R-2601 Fort Carson, Colo.

Boundaries. Beginning at Lat. 38°32'06" N, Long. 104°49'18" W; to Lat. 38°32'06" N, Long. 104° 45'00" W; to Lat. 38°43'38" N, Long. 104°45'50" W; to Lat. 38°43'43" N, Long. 104°46'20" W; to Lat. 38°42'58" N, Long. 104°48'30" W; to Lat. 38°43'12" N, Long. 104°49'07" W; thence southwest along Colorado Highway #115 to Lat. 38°39'00" N, Long. 104°52'00" W; to Lat. 38°36'20" N, Long. 104°52'00" W; to the point of beginning.
Designated altitudes. Surface to 35,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Commanding General, Fort Carson, Colo.

R-2602 Fort Carson, Colo.

Boundaries: Beginning at latitude 38°39'00" N., longitude 104°52'00" W.; to latitude 38°36'20" N., longitude 104°52'00" W.; to latitude 38°32'06" N., longitude 104°49'18" W.; to latitude 38°32'06" N., longitude 104°45' 00" W.; to latitude 38°26'10" N., longitude 104°45'00: W.; to latitude 38°26'10" N., longitude 104°57'13" W.; to latitude 38°32'38" N., longitude 104°57'13" W.; thence northeast along Colorado Highway No. 115 to point of beginning.
Designated altitudes: Surface to 35,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using Agency: Commanding General, Fort Carson, Colo.

§ 73.27 Connecticut

§ 73.28 Delaware

R-2801 Bethany Beach, Del.

Boundaries. Beginning at Lat. 38°31'15" N, Long. 75°03'10" W; to Lat. 38°33'45" N, Long. 74°59' 33" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 38°26'45" N, Long. 74°59' 15" W; to Lat. 38°29'03" N, Long. 75°03'00" W; to the point of beginning.
Designated altitudes. Surface to 23,500 feet m.s.l.
Time of designation: By NOTAM 48 hours in advance during the following periods: June 1 through September 30, 0800-2000 local time, Monday through Friday; October 1 through May 31, 0800-1600 local time, Saturdays and Sundays.
Controlling agency. Federal Aviation Administration, Salisbury, Md., Flight Service Station.
Using agency. Adjutant General, State of Delaware, Wilmington, Del.

§ 73.29 Florida

R-2901A Avon Park North, Fla.

Boundaries. Beginning at latitude 27°44'45" N., longitude 81°21'25" W.; to latitude 27°52'55" N., longitude 81°24'20" W.; to latitude 27°55'00" N., longitude 81°17'55" W.; to latitude 27°44'45" N., longitude 81°14'05" W.; to point of beginning.
Designated altitudes: Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

AMENDMENTS 2/29/68 33 F. R. 627 (Changed); 2/20/68 33 F. R. 3509 (Changed)

R-2901B Avon Park South, Fla.

Boundaries. Beginning at latitude 27°34'50" N., longitude 81°09'30" W.; to latitude 27°26'10" N., longitude 81°01'05" W.; to latitude 27°22'35" N., longitude 81°05'15" W.; thence along Highway 98 to latitude 27°23'00" N., longitude 31°07'00" W.; to latitude 27°32'40" N., longitude 81°16'50" W.; to latitude 27°32'40" N., longitude 81°12'20" W.; to point of beginning.
Designated altitudes: Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Florida.

AMENDMENTS 2/29/68 33 F. R. 627 (Changed); 2/20/68 33 F. R. 3509 (Changed)

R-2901C Avon Park West, Fla.

Boundaries. Beginning at latitude 27°35'30" N., longitude 81°08'15" W.; to latitude 27°34'50" N., longitude 81°09'30" W.; to latitude 27°32'40" N., longitude 81°12'20" W.; to latitude 27°32'40" N., longitude 81°16'50" W.; to latitude 27°32'32" N., longitude 81°21'40" W.; thence North along Arbuckle Creek to Arbuckle Lake and along the East and North shore of Arbuckle Lake to latitude 27°43'10" N., longitude 81°25'20" W.; to latitude 27°44'50" N., longitude 81°25'20" W.; to latitude 27°44'45" N., longitude 81°21'25" W.; to latitude 27°44'45" N., longitude 81°11'40" W.; to point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901D Avon Park East, Fla.

Boundaries. Beginning at latitude 27°44'45" N., longitude 81°10'20" W.; to latitude 27°37'00" N., longitude 81°06'50" W.; to latitude 27°35'30" N., longitude 81°08'15" W.; to latitude 27°44'45" N., longitude 81°11'40" W.; to point of beginning.
Designated altitude. Surface to 13,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2902A Cape Kennedy, Fla.

Boundaries: Beginning at latitude 28°41'40" N., longitude 80°35'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 28°24'30" N., longitude 80°30'30" W.; to latitude 28° 24'30" N., longitude 80°41'45" W.; to latitude 28°30'30" N., longitude 80°43'30" W.; to latitude 28°37'35" N., longitude 80°46'50" W.; to latitude 28°38'00" N., longitude 80°47'02" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

R-2902B Cape Kennedy, Fla.

Boundaries. Beginning at latitude 28°53'55" N., longitude 80°44'10" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 28°41'40" N., longitude 80°35'00" W.; to latitude 28°38'00" N., longitude 80°47'02" W.; to latitude 28°48'44" N., longitude 80°51'05" W.; to latitude 28°49'41" N., longitude 80°51'02" W.; to latitude 28°52'58" N., longitude 80°47'30" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

R-2903A Jacksonville, Fla.

Boundaries: Beginning at latitude 30°15'30" N., longitude 81°43'25" W.; clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W.; to latitude 30°11'25" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 82°02'00" W.; to latitude 30°21'32" N., longitude 82°02'00" W.; to latitude 30°21'20" N., longitude 81°55'45" W.; to latitude 30°15'30" N., longitude 81°50'00" W.; to point of beginning.
Designated altitudes: Surface to and including 10,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903B Stevens Lake, Fla.

Boundaries: Within a 5 nautical mile radius of lat. 29°53'04" N., longitude 81°59'09" W., excluding the airspace bounded by lat. 29°53'45" N., long. 82°04'50" W.; lat. 29°52'35" N., long. 82°02'00" W.; lat. 29°50'27" N., long. 82°00'00" W.; lat. 29°48'30" N., long. 81°57'00" W.; with a southeast extension beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to the point of beginning; and a northeast extension beginning at lat. 29°59'50" N., long. 81°57'40" W.; to lat. 29°56'45" N., long. 81°53'15" W.; to lat. 29°55'30" N., long. 81°54'10" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to lat. 29°58'10" N., long. 81°59'10" W.; to point of beginning.
Designated altitudes: Within the circular area, surface to FL 230; within the southeast extension, surface to 7,000 feet MSL in the area beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to point of beginning. Surface to 5,000 feet MSL in the area beginning at lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°51'10" N., long. 81°51'00" W.; within the northeast extension, surface to 7,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903C Putnam, Fla.

Boundaries: A circle with a 5 nautical mile radius centered at lat. 29°47'00" N., long. 81°41'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2906 Rodman, Fla.

Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°29'00" N., longitude 81°46'00" W.; excluding the area east of the east bank of the St. Johns River.
Designated altitudes: Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviaiton Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2907 Lake George, Fla.

Subarea A
Boundaries: Beginning at latitude 29°23'00" N., longitude 81°31'10" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°38'30" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°20'30" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°39'10" W.; thence via a 5-nautical-mile arc centered at latitude 29°19'11" N., longitude 81°35'15" W.; to point of beginning.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander Fleet Air Jacksonville, NAS Jacksonville, Fla.

Subarea B
Boundaries: Beginning at latitude 29°20'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°51'50" W.; to latitude 29°20'05" N., longitude 81°51'50" W.; to point of beginning.
Designated altitudes: Surface to 9,000 feet MSL from a line of longitude 81°40'00" W., to a line of longitude 81°42'55" W.; surface to 6,000 feet MSL from a line of longitude 81°42'55" W., to a line of longitude 81°51'50" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2908 Pensacola, Fla.

Boundaries. Bounded on the N by the Alabama-Florida shoreline; on the E by a line extending from Lat. 30°15'00" N, Long, 87°41'00" W to Lat. 30°11'20" N, Long. 87°44'15" W; on the S by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W by Long. 88°01'30" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2909 Pensacola, Fla.

Boundaries. Bounded on the N by the Florida shoreline; on the E by Long. 86°48'00" W; on the S by a line 3 nautical miles from and parallel to the Florida shoreline; and on the W by a line extending from Lat. 30° 18'20" N, Long. 87°00'00" W to Lat. 30°21'15" N, Long. 87°00'50" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2910 Pinecastle, Fla.

Boundaries: A circle withi a 5-nautical mile radius centered at latitude 29°06'52" N., longitude 81°42'55" W.; with a northwest extension to the circle beginning at latitude 29°07'55" N., longitude 81°48'20" W.; to latitude 29°10'00" N., longitude 81°50'35" W.; to latitude 29°14'00" N., longitude 81°45'50" W.; to latitude 29°11'50" N., longitude 81°43'00" W.; and with a southeast extension to the circle beginning at latitude 29°10'05" N., longitude 81°38'50" W.; to latitude 28°57'55" N., longitude 81°28'25" W.; to latitude 28°53'50" N., longitude 81°33'45" W.; to latitude 29°03'05" N., longitude 81°47'00" W.
Designated altitudes: Surface to FL 240 within the 5-nautical mile radius. Surface to 9,000 feet MSL within the northwest extension. Surface to 9,000 feet MSL within the southeast extension from the circle to a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W. Surface to 6,000 feet MSL within that portion of the southeast extension that lies southeast of a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2914 Valparaiso, Fla.

Boundaries. Beginning at latitude 30°43'10" N., longitude 86°27'37" W.; to latitude 30°43'45" N., longitude 86°10'30" W.; to latitude 30°41'00" N., longitude 86°05'10" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°11'10" N., longitude 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°19'45" N., longitude 86°23'45" W.; to latitude 30°25'00" N., longitude 86°22'26" W.; to latitude 30°25'00" N., longitude 86°25'00" W.; to latitude 30°33'00" N., longitude 86°25'00" W.; to latitude 30°33'00" N., longitude 86°25'30" W.; to latitude 30°37'00" N., longitude 86°25'30" W.; to latitude 30°37'00" N., longitude 86°27'37" W.; to point of beginning, excluding that airspace 5,000 feet MSL and below within a circle with a 1¼-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

AMENDMENTS 10/15/68 33 F. R. 15648 (Changed)

R-2915A Eglin AFB, Fla.

Boundaries. Beginning at latitude 30°33'40" N., longitude 86°55'00" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; thence along the L and N Railroad to latitude 30°42'45" N., longitude 86°45'45" W.;to latitude 30°42'50" N., longitude 86°38'02" W.; to latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; thence along the Navarre-Milton Highway to point of beginning.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

AMENDMENTS 10/15/68 33 F. R. 15648 (Changed)

R-2915B Eglin AFB, Fla.

Boundaries. Beginning at latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°20'50" N., longitude 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00"W.; to latitude 30°23'20" N., longitude 86°48'00" W.; to latitude 30°22'50" N., longitude 86°51'30" W.; to latitude 30°23'50" N., longitude 86°51'30" W.; to latitude 30°24'20" N., longitude 86°48'00" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; to point of beginning.
Designated altitudes. Surface to FL 1200.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

AMENDMENTS 10/15/68 33 F. R. 15648 (Changed)

R-2917 DeFuniak Springs, Fla.
Boundaries: A circle with a 1¼-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.
Designated altitude: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Using agency. Commander, Armament Development and Test Center (DTC), Eglin AFB, Fla.

AMENDMENTS 10/15/68 33 F. R. 15648 (Changed)

§ 73.30 Georgia

R-3001 Dawsonville, Ga.

Boundaries. A circular area with a 1.5-mile radius centered at latitude 34°22'00" N., longitude 84°10'00" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Air Force Systems Command, Andrews AFB, Md.

R-3002A Fort Benning, Ga.

Boundaries. Beginning at latitude 32°30'50" N., longitude 84°52'15" W.; along the Central of Georgia Railroad to latitude 32°32'10" N., longitude 84°40'40" W.; to lat. 32°31'20" N, long. 84°40'20" W.; thence northeast along Upatoi Creek to lat. 32°31'46" N, long. 84°39'25" W; to lat. 32°18'30" N, long. 84°39'25" W; along the Central of Georgia Railroad to latitude 32°20'54" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°53'10" W.; along the Chattahoochee River to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°58'42" W.; to latitude 32°20'15" N., longitude 84°58'42" W.; along northwest side of Dixie Road to latitude 32°21'10" N., longitude 84°56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek to lat. 32°24'00" N, long. 84°53'30" W; to lat. 32°29'17" N, long. 84°52'32" W; to lat. 32°29'17" N, long. 84°51'35" W; to lat. 32°30'19" N, long. 84°51'35" W; to lat. 32°30'19" N, long. 84°52'21" W; to the point of beginning.
Designated altitude. Surface to and including 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3002B Fort Benning, Ga.
Boundaries: Beginning at latitude 32°30'50" N., longitude 84°52'15" W.; along the Central of Georgia Railroad to latitude 32°32'10" N., longitude 84°40'40" W.; to lat. 32°31'20" N, long. 84°40'20" W.; thence northeast along Upatoi Creek to lat. 32°31'46" N, long. 84°39'25" W.; to lat. 32°18'30" N, long. 84°39'25" W.; along the Central of Georgia Railroad to latitude 32°20'54" N., longitude 84°47'20" W.; to latitude 32°15'25" N.. longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°53'10" W.; along the Chattahoochee River to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°58'42" W.; along northwest side of Dixie Road to latitude 32°21'10" N.. longitude 84°56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek to latitude 32°24'00" N.. longitude 84°53'30" W.; to latitude 32°29'17" N., longitude 84°52'32" W.; to latitude 32°29'17" N., longitude 84°51'35" W.; to latitude 32°30'19" N., longitude 84°51'35" W.; to latitude 32°30'19" N.. longitude 84°52'21" W.: to the point of beginning.
Designated altitude: From 18,000 feet MSL to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Atlanta ARTC Center.
Using Agency: Commanding Officer, Fort Benning, Ga.

R-3003 Fort Gordon, Ga.
Boundaries. Beginning at latitude 33°23'35" N., longitude 82°08'30" W.; to latitude 33°22'15" N., longitude 82°08'18" W.; to latitude 33°21'35" N., longitude 82°09'10" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to latitude 33°25'00" N., longitude 82°12'00" W.; to point of beginning.
Designated altitude. Surface to 4,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

R-3004 Fort Gordon, Ga.

Boundaries. Beginning at latitude 33°21'53" N., longitude 82°12'15" W.; to latitude 33°19'43" N., longitude 82°12'15" W.; to latitude 33°16'20" N., longitude 82°18'00" W.; to latitude 33°17'29" N., longitude 82°23'00" W.; to latitude 33°21'15" N., longitude 82°18'47" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to point of beginning.
Designated altitude. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

R-3005A Fort Stewart, Ga.
Boundaries. Beginning at latitude 32°04'40" N., longitude 81°50'00" W.; to latitude 32°07'00" N., longitude 81°43'30" W.; to latitude 32°06'15" N., longitude 81°31'30" W.; to latitude 32°05'30" N., longitude 81°31'30" W.; to latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 31°56'30" N., longitude 81°30'00" W.; thence along the arc of a 5-mile circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'48" N., longitude 81°30'42" W.; thence SW along Georgia Highway 144 to latitude 31°53'11" N., longitude 81°37'51" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°55'30" N., longitude 81°53'00" W.; to latitude 31°57'00" N., longitude 81°53'15" W.; to latitude 31°59'45" N., longitude 81°51'06" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005B Fort Stewart, Ga.

Boundaries. Beginning at latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 32°04'15" N., longitude 81°22'30" W.; thence along the Ogeechee River to latitude 32°00'30" N., longitude 81°19'30" W.; to latitude 31°58'45" N., longitude 81°19'45" W.; to latitude 31°56'15" N., longitude 81°23'00" W.; to latitude 31°54'03" N., longitude 81°28'45" W.; thence along the arc of a 5-statute-mile-radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'30" N., longitude 81°30'00" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005C Fort Stewart, Ga.

Boundaries. Beginning at latitude 31°54'03" N., longitude 81°28'45" W.; to latitude 31°51'20" N., longitude 81°36'00" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°53'11" N., longitude 81°37'51" W.; thence NE along Georgia Highway 144 to latitude 31°56'48" N., longitude 81°30'42" W.; thence along the arc of a 5-mile radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W., to the point of beginning.
Designated altitudes. Surface to 3,500 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3006 Townsend, Ga.

Boundaries. Beginning at latitude 31°40'30" N., longitude 81°41'55" W.; to latitude 31°37'35" N., longitude 81°37'10" W.; thence clockwise via the arc of a circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W.; to latitude 31°32'40" N., longitude 81°41'10" W.; to latitude 31°35'30" N., longitude 81°46'00" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL within the circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W. Surface to 9,000 feet MSL within the area beginning at latitude 31°39'20" N., longitude 81°40'00" W.; to latitude 31°37'35" N., longitude 81°37'10" W.; thence counterclockwise along the arc of the circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W.; to latitude 31°32'40" N., longitude 81°41'10" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to point of beginning. Surface to 6,000 feet MSL within the area beginning at latitude 31°40'30" N., longitude 81°41'55" W.; to latitude 31°39'20" N., longitude 81°40'00" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to latitude 31°35'30" N., longitude 81°46'00" W.; to point of beginning.
Time of designation. 0600 to 1800 e.s.t., Monday through Friday.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

§ 73.31 Hawaii

R-3101 PHRFAC FOUR, Hawaii

SUBAREA A
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Flight Service Station.
Using agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA B
Boundaries: Beginning at latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'20" N., longitude 159°42'00" W.; thence to point of beginning.
Designated altitudes: 1,200 feet above ground to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Flight Service Station.
Using agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA C
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: 5,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu ARTC Center.
Using agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA D
Boundaries: Beginning at latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'20" N., longitude 159°42'00" W.; thence to point of beginning.
Designated altitudes: 5,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu ARTC Center.
Using agency: Commander, Pacific Missile Range (COMPMR).

R-3103 Humuula, Hawaii

Boundaries. Beginning at Lat. 19°48'45" N, Long. 155°38'00" W; to Lat. 19°45'15" N, Long. 155° 32'00" W; to Lat. 19°39'00" N, Long. 155°26'30" W; to Lat. 19°32'00" N, Long. 155°42'00" W; to Lat. 19°38'00" N, Long. 155°45'10" W; to Lat. 19°41'00" N, Long. 155°44'00" W; to Lat. 19°47'00" N, Long. 155°38'00" W; to the point of beginning.
Designated altitudes. Surface to 36,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Hilo Combined Station/Tower.
Using agency. Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii.

R-3104A Island of Kahoolawe, Hawaii

Boundaries. Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: Surface to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3104B Island of Kahoolawe, Hawaii
Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: 10,000 feet MSL to FL 180.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3104C Island of Kahoolawe, Hawaii
Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: FL 180 to unlimited.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107A Kaula Rock, Hawaii

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 21°39'30" N, Long. 160°32'30" W.
Designated altitudes: Surface to 14,500 feet MSL.
Time of designation. Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107B Kaula Rock, Hawaii

Boundaries: A circular area with a 3-nautical-mile radius centered at latitude 21°39'30" N., longitude 160°32'30" W.
Designated altitudes: 14,500 feet MSL to FL 300.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3108 Kauna Point, Hawaii

Boundaries. Beginning at latitude 19°15'00" N., longitude 155°56'00" W.; to latitude 18°58'43" N., longitude 155°47'30" W.; to latitude 18°56'22" N., longitude 155°47'30" W.; thence clockwise 3 nautical miles from the shoreline to latitude 19°14'35" N., longitude 155°57'30" W.; to the point of beginning.
Designated altitudes. Surface to FL 300.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Administration, Maui Combined Station/Tower.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point Hawaii.

R-3109A Schofield-Makua, Oahu, Hawaii

Beginning at latitude 21°30'29" N., longitude 158°04'09" W.; to latitude 21°29'25" N., longitude 158°05'00" W.; to latitude 21°27'28" N., longitude 158°05'55" W.; to latitude 21°29'11" N., longitude 158°07'35" W.; to latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to latitude 21°32'14" N., longitude 158°05'12" W.; to point of beginning.
Designated altitudes: The area southeast of a line between latitude 21°28'35" N., longitude 158°07'00" W.; and latitude 21°29'25" N., longitude 158°05'00" W.; surface to 8,000 feet MSL. The area northwest of this line, surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

AMENDMENTS 3/28/68 33 F. R. 3056 (Rewritten)

R-3109B Schofield-Makua, Oahu, Hawaii

Beginning at latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°31'00" N., longitude 158°14'00" W.; to latitude 21°32'30" N., longitude 158°14'30" W.; to latitude 21°33'15" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°13'15" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to point of beginning.
Designated altitudes: Surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

AMENDMENTS 3/28/68 33 F. R. 3056 (Rewritten)

R-3120 PMRFAC Five, Hawaii

Boundaries: Beginning at latitude 21°58'30" N., longitude 159°48'55" W.; thence to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'20" N., longitude 159°42'00" W.; thence to latitude 21°54'45" N., longitude 159°42'00" W.; thence clockwise along a line 3 nautical miles from the shoreline of the Island of Kauai to point of beginning.
Designated altitudes: Surface to 5,000 feet MSL, except 1,200 feet above ground to 5,000 feet MSL in the portion overlying land area.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Flight Service Station.
Using agency: Commander, Pacific Missile Range (COMPMR).

§ 73.32 Idaho

R-3201 Arco, Idaho.

Boundaries. Beginning at Lat. 43°59'20" N, Long. 112°43'50" W; to Lat. 43°50'20" N, Long. 112° 30'00" W; to Lat. 43°32'00" N, Long. 112°35'00" W; to Lat. 43°27'00" N, Long. 113°03'00" W; to Lat. 43°34'30" N, Long. 113°11'50" W; to Lat. 43°48'40" N, Long. 112°49'40" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Idaho Falls, Idaho.

R-3202 Sailor Creek, Idaho

SUBAREA A
Boundaries: Beginning at latitude 42°48'45" N., longitude 115°38'14" W.; to latitude 42°48'45" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115°38'14" W.; to point of beginning.
Designated altitudes: Surface to 12,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake ARTC Center.
Using agency: Commander 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA B
Boundaries: Beginning at latitude 42°53'00" N., longitude 115°42'20" W.; to latitude 42°53'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°42'20" W.; to point of beginning.
Designated altitudes: Surface to flight level 240.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake ARTC Center.
Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA C
Boundaries: Beginning at latitude 42°36'00" N., longitude 115°37'00" W.; to latitude 42°36'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes: Surface to 14,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake City ARTC Center.
Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA D
Boundaries: Beginning at latitude 42°33'00" N., longitude 115°37'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes: Surface to 11,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake City ARTC Center.
Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

AMENDMENTS 10/17/68 33 F. R. 12891 (Rewritten)

§ 73.33 Illinois

R-3301 Havana, Ill.

Boundaries. A circular area with a 500-foot radius centered latitude 40°13;16" N., longitude 90°01'23" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Using agency. Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo.

R-3302 Savanna, Ill.

Boundaries. A circular area with a 1,500-foot radius centered at latitude 42°13'15" N., longitude 90°21'24" W.
Designated altitudes. Surface to 2,300 feet MSL.
Time of designation. 0800 to 2200 c.s.t.
Using agency. Commanding Officer, Ordnance Depot, Savanna, Ill.

§ 73.34 Indiana

R-3401 Camp Atterbury, Ind.

Boundaries. Beginning at Lat. 39°21'30" N, Long. 86°06'00" W; to Lat. 39°21'30" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 86°06'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Commanding Officer, Camp Atterbury, Ind.

R-3403 Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.
Designated altitudes. Surface to 43,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

§ 73.35 Iowa

§ 73.36 Kansas

R-3601 Brookville, Kans.

Boundaries. Beginning at Lat. 38°45'20" N, Long. 97°47'00" W; to Lat. 38°39'20" N, Long. 97°47'00" W; along the Missouri Pacific Railroad to Lat. 38°38'20" N, Long. 97°47'30" W; to Lat. 38°38'20" N, Long. 97°53'22" W; to Lat. 38°45'20" N, Long. 97°53'22" W; to the point of beginning.
Designated altitudes. Surface to flight level 260.
Time of designation: Sunrise to 2400 hours c.s.t., Monday through Saturday; sunrise to sunset, Sunday.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commander, McConnell AFB, Kans.

R-3602 Manhattan, Kans.
Subarea A
Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence along the southern edge of the Chicago, Rock Island and Pacific Railroad right-of-way to latitude 39°18'33" N., longitude 96°57'39" W.; thence south to the shoreline of the main body of Milford Reservoir at latitude 39°12'27" N., longitude 96°57'39" W.; thence along the shoreline of the main body of Milford Reservoir to latitude 39°10'58" N., longitude 96°55'00" W.; to latitude 39°10'58" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°49'52" W.; thence north along U. S. Highway No. 77 to the point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

Subarea B
Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence south along U. S. Highway No. 77 to latitude 39°07'54" N., longitude 96°49'52" W.; to latitude 39°04'24" N., longitude 96°52'22" W.; to latitude 39°04'24" N., longitude 96°51'15" W.; thence clockwise along the arc of a 4 nautical mile radius circle centered on the Marshall Army Air Field RBN at latitude 39°01'34" N., longitude 96°47'40" W.; to latitude 39°05'17" N., longitude 96°45'40" W.; to latitude 39°08'20" N., longitude 96°43'00" W.; to latitude 39°09'23" N., longitude 96°43'00" W.; to latitude 39°10'43" N., longitude 96°40'55" W.; to latitude 39°12'17" N., longitude 96°40'55" W.; to latitude 39°13'00" N., longitude 96°42'35" W.; to latitude 39°13'16" N., longitude 96°42'35" W.; thence along the southerly edge of the Chicago, Rock Island and Pacific Railroad right-of-way to the point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

AMENDMENTS 4/1/67 32 F. R. 5769 (Changed); 9/14/67 32 F. R. 10296 (Rewritten)

§ 73.37 Kentucky

R-3702 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°43'30" N., longitude 87°48'15" W.; to latitude 36°37'30" N., longitude 87°48'15" W.; to latitude 36°35'30" N., longitude 87°45'00" W.; to latitude 36°33'30" N., longitude 87°42'30" W.; to latitude 36°32'00" N., longitude 87°35'00" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°40'00" W.; to latitude 36°42'00" N., longitude 87°40'30" W.; to latitude 36°43'30" N., longitude 87°43'00" W.; to the point of beginning.
Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3703 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'15" N., longitude 87°30'12" W.; to latitude 36°39'30" N., longitude 87°29'45" W.; to latitude 36°39'30" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°29'50" W.; to latitude 36°34'00" N., longitude 87°29'50" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3704 Fort Knox, Ky.

Boundaries. Beginning at Lat. 37°59'00" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°55'30" W; along U. S. Highway 31-W to Lat. 37°50'45" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°55'17" N, Long. 85°56'46" W; to Lat. 37°55'17" N, Long. 85°57'16" W; to Lat. 37°56'04" N, Long. 85°57'33" W; to Lat. 37°56'23" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°58'00" N, Long. 85°57'45" W; along the Illinois Central Railroad to Lat. 37°59'00" N, Long. 85°57'00" W; to Lat. 38°01'00" N, Long. 85°54'30" W; along Kentucky Route 44 to Lat. 38°00'30" N, Long. 85°52'00" W; to Lat. 37°59'00" N, Long. 85°52'00" W; to the point of beginning.
Designated altitudes: Subarea A surface to and including 10,000 feet MSL.
Subarea B from 10,000 feet MSL to 20,000 feet MSL.
Time of designation: Subarea A 0600 to 2400 e.s.t.; other times by NOTAM 24 hours in advance.
Subarea B by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Standiford Control Tower, Louisville, Ky.
Using agency. Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

AMENDMENTS 5/23/68 33 F. R. 7875 (Changed)

§ 73.38 Louisiana

R-3801 Camp Claiborne, La.

Boundaries. Beginning at latitude 31°05'50" N., longitude 92°31'15" W.; to latitude 31°03'51" N., longitude 92°31'56" W.; to latitude 31°01'53" N., longitude 92°34'17" W.; to latitude 31°07'30" N., longitude 92°40'45" W.; to latitude 31°11'07" N., longitude 92°36'35" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday; other times following issuance of NOTAM by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commander, England Air Force Base, Louisiana.

R-3802 Rabbit Island, La.

Boundaries. A circular area with a three nmi radius centered on latitude 29° 30' 35" N, longitude 91° 35' 45" W.
Designated altitudes: Surface to 12,000 feet MSL.
Time of designation: Sunrise to sunset.
Controlling agency. Federal Aviation Administration, New Orleans, La., Flight Service Station.
Using agency: Commanding Officer, Naval Air Station, New Orleans, Louisiana.

AMENDMENTS 3/28/68 33 F. R. 2506 (Changed)

R-3803 Fort Polk, La.

Boundaries. Beginning at latitude 31°23'36" N., longitude 93°09'57" W.; to latitude 31°23'12" N., longitude 93°09'48" W.; to latitude 31°22'00" N., longitude 93°10'05" W.; to latitude 31°19'16" N., longitude 93°11'10" W.; to latitude 31°19'16" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°16'42" W.; to latitude 31°23'35" N., longitude 93°13'24" W.; to point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation: Continuous from June 1 through August31; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804A Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W. to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804B Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°10'52" W.; to latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°06'10" N., longitude 93°08'11" W.; to latitude 31°04'14" N., longitude 93°12'30" W.; to point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration. Alexandria, La. Flight Service Station.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804C Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W.; to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. 15,000 feet MSL to 29,000 feet MSL.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Time of designation. As published by NOTAM 24 hours in advance.
Using agency. Commanding General, Fort Polk, La.

R-3805 New Orleans, La. (Alvin Callender Field) Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 29°48'00" N., longitude 90°04'00" W., the area centered on a bearing therefrom of 201°, extending to a point 30 nmi S, having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
2,000 feet MSL to 14,000 feet MSL from point of beginning to 1 nmi S.
2,000 feet MSL to 17,000 feet MSL from 1 to 2 nmi S of point of beginning.
2,000 feet MSL to 19,000 feet MSL from 2 to 3 nmi S of point of beginning.
2,000 feet MSL to 21,000 feet MSL from 3 to 4 nmi S of point of beginning.
2,000 feet MSL to 23,000 feet MSL from 4 to 5 nmi S of point of beginning.
4,000 feet MSL to 23,000 feet MSL from 5 to 8 nmi S of point of beginning.
7,000 feet MSL to 23,000 feet MSL from 8 to 13 nmi S of point of beginning.
12,000 feet MSL to 23,000 feet MSL from 13 to 18 nmi S of point of beginning.
15,000 feet MSL to 23,000 feet MSL from 18 to 25 nmi S of point of beginning.
FL 200 to flight level 230 from 25 to 30 nmi S of point of beginning.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, New Orleans Approach Control.
Using agency. Commander, Alvin Callender NAS.

§ 73.39 Maine

§ 73.40 Maryland

R-4001 Aberdeen, Md.

Boundaries. Beginning at Lat. 39°30'30" N, Long. 76°10'00" W; to Lat. 39°29'00" N, Long. 76°08'00" W; to Lat. 39°29'30" N, Long. 76°05'00" W; to Lat. 39°27'00" N, Long. 76°00'30" W; to Lat. 39°19'47" N, Long. 76°11'34" W; to Lat. 39°12'10" N, Long. 76°16'30" W; to Lat. 39°12'45" N, Long. 76°22'30" W; to Lat. 39°17'30" N, Long. 76°19'45" W; to Lat. 39°18'30" N, Long. 76°22'00" W; to Lat. 39°22'00" N, Long. 76°22'00" W; to Lat. 39°23'28" N, Long. 76°20'40" W; to Lat. 39°26'10" N, Long. 76°14'50" W; to Lat. 39°27'00" N, Long. 76°12'30" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, Aberdeen Proving Ground, Md.

R-4002 Bloodsworth Island, Md.

Boundaries. Beginning at Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'50" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. From sunrise to 2400 hours, local time, daily, other times as specified in a NOTAM issued 48 hours in advance.
Using agency. Commander, Amphibious Training Forces Atlantic, U. S. Amphibious Base, Little Creek, Va.

R-4005 Patuxent River, Md.

Boundaries. Beginning at latitude 38°05'40" N., longitude 76°33'32" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°18'20" N., longitude 76°17'05" W.; to latitude 38°18'26" N., longitude 76°14'30" W.; to latitude 38°13'00" N., longitude 76°11'20" W.; to latitude 38°08'00" N., longitude 76°08'50" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°53'10" N., longitude 76°14'00" W.; to the point of beginning.
Designated altitudes. Surface to FL 850.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

R-4006 Patuxent River, Md.

Boundaries: Beginning at latitude 38°41'15" N., longitude 75°46'00" W.; to latitude 38°32'30" N., longitude 75°43'45" W.; to latitude 38°19'00" N., longitude 75°37'00" W.; along Pennsylvania Railroad to latitude 38°12'30" N., longitude 75°41'30" W.; to latitude 38°02'30" N., longitude 75°52'30" W.; to latitude 37°55'00" N., longitude 75°52'30" W.; to latitude 37°45'00" N., longitude 75°58'45" W.; to latitude 37°45'00" N., longitude 76°23'30" W.; to latitude 37°50'30" N., longitude 76°32'00" W.; to latitude 38°05'10" N., longitude 76°34'15" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°30'00" N., longitude 76°04'00" W.; to latitude 38°36'00" N., longitude 75°55'30" W.; along the Pennsylvania Railroad to point of beginning, excluding R-4002, R-4005, and R-6609.
Designated altitudes: 3,500 feet MSL to FL 850.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency: Commanding Officer, NAS Patuxent River, Md.

AMENDMENTS 4/25/68 33 F. R. 3508 (Rewritten)

R-4007 Patuxent River, Md.

Boundaries. Beginning at Lat. 38°21'00" N, Long. 76°14'00" W; to Lat. 38°11'10" N, Long. 76°25'10" W; to Lat. 38°05'10" N, Long. 76°34'05" W; to Lat. 38°15'00" N, Long. 76°36'35" W; to Lat. 38°17'25" N, Long. 76°33'00" W; to Lat. 38°25'40" N, Long. 76°23'35" W; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

§ 73.41 Massachusetts

R-4101 Camp Edwards, Mass.

Boundaries. A circle with a 3-mile radius centered at latitude 41°43'30" N., longitude 70°32'30" W.; excluding the portion NW of a line extending from latitude 41°44'30" N., longitude 70°35'45" W.; to latitude 41°45'07" N., longitude 70°34'30" W.; to latitude 41°45'53" N., longitude 70°33'47" W., and excluding the portion SE of a line extending from latitude 41°40'54" N., longitude 70°32'52" W.; to latitude 41°42'02" N., longitude 70°31'37" W.; to latitude 41°41'42" N., longitude 70°30'55" W.; to latitude 41°42'20" N., longitude 70°30'16" W.; to latitude 41°42'42" N., longitude 70°30'51" W.; to latitude 41°44'17" N., longitude 70°29'11" W.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. From 0600 to 1800 hours local time, daily, other times as specified in a NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Otis Approach Control.

Using agency. Commanding Officer, Camp Edwards, Mass.

PENDING AMENDMENT

R-4101 Camp Edwards, Mass., is amended by deleting the boundary description and substituting therefor:

Boundaries. Beginning at latitude 41°44'17" N., longitude 70°29'11" W.; to latitude 41°42'42" N., longitude 70°30'51" W.; to latitude 41°42'20" N., longitude 70°30'15" W.; to latitude 41°41'32" N., longitude 70°30'58" W.; to latitude 41°40'54" N., longitude 70°32'45" W.; thence west along the south side of Howe Road to latitude 41°40'58" N., longitude 70°33'39" W.; to latitude 41°41'50" N., longitude 70°35'09" W.; thence north along the east side of State Highway 28 to latitude 41°44'36" N., longitude 70°35'13" W.; to latitude 41°46'06" N., longitude 70°33'28" W.; to latitude 41°46'06" N., longitude 70°32'39" W.; thence southeast along the southwest side of State Route 6 to point of beginning.

AMENDMENTS 3/6/69 34 F. R. 430 (Changed)

R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N, Long. 70°48'40" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. 0700 to 2400 EST.

Controlling agency. Federal Aviation Administration, Quonset Approach Control.

Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

R-4106 North Eastham, Mass.

Boundaries. A circular area with a 2-mile radius centered at Lat. 41°51'00" N, Long. 70°03'00" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. 0800 to 2400 EST.

Controlling agency. Federal Aviation Administration, Otis Approach Control.

Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

§ 73.42 Michigan

R-4201 Camp Grayling, Mich.

Boundaries. Beginning at Lat. 44°54'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°37'00" W; to Lat. 44°54'00" N, Long. 84°37'00" W; to the point of beginning.

Designated altitudes. The area N of Lat. 44°47'00" N, surface to 29,000 feet MSL June 1 through August 31; Surface to 20,000 feet MSL September 1 through May 31. The area S of Lat. 44°47'00" N, surface to 9,000 feet MSL.

Time of designation. The area N of Lat. 44°47'00" N, continuous June 1 through August 31; sunrise to sunset September 1 through May 31. The area S of Lat. 44°47'00" N, continuous June 1 through August 31.

Controlling agency. Federal Aviation Administration, Traverse City Flight Service Station.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at latitude 44°36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.

Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 44° 25' 30" N., longitude 83° 27' 10" W., the area centered on a bearing therefrom of 238°, extending to a point 30 nmi SW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes.

Surface to flight level 270 from the point of beginning to 3 nmi SW.
2,000 feet MSL to flight level 270 from 3 nmi to 6 nmi SW of the point of beginning.
5,000 feet MSL to flight level 270 from 6 nmi to 11 nmi SW of the point of beginning.
10,000 feet MSL to flight level 270 from 11 nmi to 15 nmi SW of the point of beginning.
14,000 feet MSL to flight level 270 from 15 nmi to 20 nmi SW of the point of beginning.
17,000 feet MSL to flight level 270 from 20 nmi to 25 nmi SW of the point of beginning.

FL 200 to flight level 270 from 25 nmi to 30 nmi SW of the point of beginning.

Time of designation. Continuous.

Using agency. Wurtsmith AFB Approach Control.

R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at latitude 45°17'00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'18" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. 1100 to 0300 G.m.t., April 1 through October 31; 1300 to 2100 G.m.t., Thursday through Sunday, November 1 through March 31.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Mich.

AMENDMENTS 8/5/68 33 F. R. 11450 (Changed)

§ 73.43 Minnesota

R-4301 Camp Ripley, Minn.

Boundaries. Beginning at latitude 46°18'54" N., longitude 94°29'02" W.; thence along the S bank of the Crow Wing River and the W bank of the Mississippi River to latitude 46°06'22" N., longitude 94°21'10" W.; to latitude 46°06'22" N., longitude 94°26'06" W.; to latitude 46°08'39" N., longitude 94°26'06" W.; to latitude 46°08'39" N.; to longitude 94°30'00" W.; to latitude 46°18'18" N., longitude 94°30'00" W.; to the point of beginning.

Designated altitudes and time of designation. Surface to 27,000 feet m.s.l., May 1 through October 31; and surface to 14,500 feet m.s.l., Saturday and Sunday, November 1 through April 30.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commanding Officer, Camp Ripley, Minn.

R-4305 Lake Superior, Minn.

Boundaries. Beginning at latitude 47°45'00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90° 05'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. 0001 c.s.t. Monday to 2400 c.s.t. Friday.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commander, Second Air Force, Barksdale AFB, Louisiana.

§ 73.44 Mississippi

R-4401 Camp Shelby, Miss.

Boundaries. Beginning at latitude 31°12'54" N.; longitude 89°11'03" W.; to latitude 31°11'48" N.; longitude 89°00'00" W.; to latitude 31°10'15" N.; longitude 88°56'34" W.; to latitude 31°09'10" N.; longitude 88°56'34" W.; thence southwest along Mississippi State Highway No. 15 to latitude 31°04'36" N.; longitude 88°59'24" W.; to latitude 31°04'36" N.; longitude 89°11'03" W.; to point of beginning.

Designated altitudes. Subarea A, surface to 4,000 feet MSL. Subarea B, 4,000 feet MSL to 18,000 feet MSL. Subarea C, 18,000 feet MSL to 29,000 feet MSL.

Time of designation. As activated by NOTAMs at least 24 hours in advance. NOTAMs to contain information concerning deactivation of area.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

R-4403 Gainesville, Miss.

Boundaries. Beginning at latitude 30°21'02" N., longitude 89°36'53" W.; to latitude 30°22'33" N., longitude 89°36'53" W.; to latitude 30°22'34" N., longitude 89°34'05" W.; to latitude 30°21'03" N., longitude 89°34'04" W.; to the point of beginning.
Altitudes. From surface to 5,000 feet MSL.
Time of use. Continuous.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. Manager, Mississippi Test Operations, National Aeronautics and Space Administration, Bay St. Louis, Miss.

§ 73.45 Missouri

R-4501A Fort Leonard Wood West, Mo.

Boundaries. Beginning at latitude 37°41'06" N., longitude 92°09'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°37'10" N., longitude 92°13'45" W.; to latitude 37°37'10" N., longitude 92°15'06" W.; to latitude 37°38'42" N., longitude 92°15'08" W.; to latitude 37°41'07" N., longitude 92°14'23" W.; to the point of beginning.
Designated altitudes. Monday through Friday, surface to 2,200 feet MSL; Saturday and Sunday, surface to 11,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

R-4501B Fort Leonard Wood East, Mo.

Boundardies. Beginning at latitude 37°43'00" N., longitude 92°06'55" W.; to latitude 37°42'11" N., longitude 92°06'14" W.; to latitude 37°39'07" N., longitude 92°08'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°43'02 N., longitude 92°09'17" W.; to the point of beginning.
Designated altitudes.
The area north of a line between latitude 37°42'51" N., longitude 92°06'47" W.; and latitude 37°42'53" N., longitude 92°09'17" W. surface to 1,500 feet MSL.
The area south of this line, surface to 2,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

§ 73.46 Montana

§ 73.47 Nebraska

§ 73.48 Nevada

R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N, Long. 118°20'47" W.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation: Continuous.
Using agency. Commander, Fleet Air, Alameda, Calif.

AMENDMENTS 6/20/68 33 F. R. 7719 (Changed)

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at Lat. 39°20'40" N, Long. 118°52'15" W; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.
Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from Lat. 39°27'40" N, Long. 118°57'55" W; to Lat. 39°30'20" N, Long. 118°51'55" W.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

AMENDMENTS 6/20/68 33 F. R. 7719 (Changed)

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°13'00" N, Long. 118°12'42" W; and a 3-nautical mile radius circle centered at Lat. 39°14'15" N, Long. 118°17'30" W.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

AMENDMENTS 6/20/68 33 F. R. 7719 (Changed)

R-4806 Las Vegas, Nev.

Boundaries: Beginning at latitude 37°17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°53'00" W.; to latitude 36°36'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to point of beginning.
Designated altitudes: Surface to unlimited, Monday through Saturday; Sunday from 13,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: Commander, Nellis AFB, Nev.

R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Nellis AFB, Nev.

R-4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Las Vegas, Nevada.

R-4809 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°43'00" W; to Lat. 37°47'00" N, Long. 116°55'00" W; to Lat. 37°53'00" N, Long. 116°55'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°10'00" N, Long. 118°37'30" W; and a 3-nautical mile radius circle centered at Lat. 39°08'15" N, Long. 118°42'20" W.
Designated altitudes: Surface to flight level 240.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

AMENDMENTS 6/20/68 33 F. R. 7719 (Changed)

R-4811 Hawthorne, Nev.
Boundaries. A 1½-nautical-mile radius circle centered at latitude 38°14'45" N., longitude 118°38'15" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. 0800 to 1500 local time, Monday through Friday.
Using agency. Commanding Officer, Naval Ammunition Depot, Hawthorne, Nev.

R-4812 Sand Springs, Nev.
Boundaries: That area within 5-nautical miles either side of a line extending from latitude 39°10'00" N., longitude 118°37'30" W.; to latitude 39°13'00" N., longitude 118°12'42" W.; and bounded on the east by R-4804 and bounded on the west by R-4810.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Oakland ARTC Center.
Using agency: Commander Fleet Air, Alameda.

AMENDMENTS 6/20/68 33 F. R. 7719 (Changed)

R-4813 Carson Sink, Nev.
Boundaries: That area surrounding R-4802 from latitude 39°51'00" N., longitude 118°38'00" W.; to latitude 40° 01'00" N., longitude 118°15'00" W.; to latitude 40°01'00" N., longitude 118°01'00" W.; to latitude 39°52'36" N., longitude 118°01'00" W.; thence via the arc of a 15-nautical mile radius circle centered at latitude 39°52'36" N., longitude 118°20'27" W.; to latitude 39°45'50" N., longitude 118°38'00" W.; to point of beginning.
Designated altitude: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Oakland ARTC Center.
Using agency: Commander Fleet Air, Alameda.

AMENDMENTS 6/20/68 33 F. R. 7719 (Changed)

R-4814A Tonopah, Nev.
Boundaries: Beginning at latitude 37°53'00" N., longitude 116°50'15" W.; thence clockwise via the arc of a circle with a 27-statute mile radius centered at latitude 37°47'00" N., longitude 116°21'30" W.; to latitude 37°40'30" N., longitude 115°53'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to point of beginning.
Designated altitudes: Surface to FL 240.
Time of designation: Monday through Saturday, as published by NOTAM issued at least 48 hours in advance and upon termination of use.
Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency: Manager, Atomic Energy Commission, Albuquerque, N. Mex.

R-4814B Tonopah, Nev.
Boundaries: Beginning at latitude 38°10'30" N., longitude 116°21'30" W.; thence clockwise via the arc of a circle with a 36 statute mile radius centered at latitude 37°53'30" N., longitude 115°48'20" W.; to latitude 37°24'00" N., longitude 115°35'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°40'30" N., longitude 115°53'00" W.; thence counterclockwise via the arc of a circle with a 27 statute mile radius centered at latitude 37°47'00" N., longitude 116°21'30" W.; to point of beginning.
Designated altitudes: Surface to FL 240.
Time of designation: Monday through Saturday, as published by NOTAM issued at least 48 hours in advance and upon termination of use.
Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency: Manager, Atomic Energy Commission, Albuquerque, N. Mex.

§ 73.49 New Hampshire

R-4902 Nashua, N. H. (Temporary)

Boundaries. Beginning at latitude 43°07'30" N., longitude 71°47'00" W.; to latitude 42°56'30" N., longitude 71°33'00" W.; to latitude 42°51'30" N., longitude 71°41'00" W.; to latitude 43°03'00" N., longitude 71°55'00" W.; to the point of beginning.
Designated altitudes. 1,500 feet AGL to FL 200.
Time of designation: 0900 local time to sunset, November 4, 1965, through July 31, 1969.
Controlling agency. Federal Aviation Administration, Boston ARTC Center.
Using agency. Commander Fleet Air Quonset, NAS Quonset Point, R. I.

AMENDMENTS 1/10/68 33 F. R. 487 (Changed); 4/12/68 33 F. R. 6085 (Changed)

§ 73.50 New Jersey

R-5001 Fort Dix, N. J.
Subarea A
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 39°59'15" N., longitude 74°33'30" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: Surface to and including 4,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

Subarea B
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: From 4,000 feet MSL to and including 8,000 feet MSL.
Time of designation: Continuous, sunrise Friday to sunset Sunday, other times by NOTAM, 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

R-5002 Warren Grove, N. J.

Boundaries: Beginning at latitude 39°45'50" N., longitude 74°20'00" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'25" N., longitude 74°24'20" W.; to latitude 39°38'25" N., longitude 74°29'00" W.; to latitude 39°39'35" N., longitude 74°29'00" W.; to latitude 39°44'50" N., longitude 74°24'40" W.; to latitude 39°45'20" N., longitude 74°23'45" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL, except surface to 4,000 feet MSL for the portion N of Lat. 39°45'00" N; surface to 9,000 feet MSL SE of a line between Lat. 39°43'45" N, Long. 74°17'57" W, and Lat. 39°38'25" N, Long. 74°24'56" W.
Time of designation: Sunrise to Sunset.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N. J.

AMENDMENTS 11/14/68 33 F. R. 14405 (Changed); Corr: 33 F. R. 15648

§ 73.51 New Mexico

R-5101 Los Alamos, N. Mex.

Boundaries. Beginning at Lat. 35°45'15" N, Long. 106°15'12" W; to Lat. 35°50'03" N, Long. 106° 21'36" W; to Lat. 35°52'22" N, Long. 106°20'42" W; to Lat. 35°52'52" N, Long. 106°16'48" W; to Lat. 35°52'30" N, Long. 106°14'48" W; to Lat. 35°48'35" N, Long. 106°14'48" W; to Lat. 35°47'05" N, Long. 106°12'06" W; to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

R-5103A McGregor, N. Mex.

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°33'20" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°00'15" N., longitude 105°56'40" W.; to latitude 32°00'30" N., longitude 106° 10'25" W.; to latitude 32°05'20" N., longitude 106°09'20" W.; to latitude 32°06'00" N., longitude 106°15'30" W.; along the Southern Pacific Railroad to latitude 32°28'00" N., longitude 106°02'00" W.; to latitude 32° 27'40" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to the point of beginning, excluding that airspace within a two nautical mile radius of latitude 32°39'40" N., longitude 105°40'00" W.; from the surface to 1,500 feet above the surface.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

AMENDMENTS 7/25/68 33 F. R. 8434 (Changed)

R-5103B McGregor, N. Mex.

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°45'00" N., longitude 105°30'00" W.; to latitude 32°33'20" N., longitude 105°30'00" W.; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Tex.

AMENDMENTS 7/25/68 33 F. R. 8434 (Changed)

R-5104 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N., longitude 103°40'00" W; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

R-5105 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°39'00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

R-5106 Orogrande, N. Mex.

Boundaries. Beginning at latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°28'00" N., longitude 106°02'00" W.; along the Southern Pacific Railroad to latitude 32°06'15" N., longitude 106°15'15" W.; to latitude 32°06'30" N., longitude 106°17'15" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to the point of beginning.
Designated altitudes. From 10,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

R-5107A White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to the point of beginning.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

R-5107B White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 33°44'45" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 33°49'30" N., longitude 106°16'30" W.; thence along the south side of U. S. Highway 380 to the point of beginning; excluding the airspace in R-5107D and that airspace from the surface to 1,500 feet above the surface within a 2-nautical-mile radius of latitude 32°26'35" N., longitude 106°40'45" W.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Holloman AFB, New Mexico.

AMENDMENTS 9/4/68 33 F. R. 12824 (Changed)

R-5107C White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 33°44'45" N., longitude 106°04'00" W.; thence along the south side of U. S. Highway 380 to latitude 33°49'30" N., longitude 106°16'30" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Holloman AFB, New Mexico.

R-5107D White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 33°11'00" N., longitude 106°04'00" W.; to latitude 33°11'00" N., longitude 106°17'00" W.; to latitude 33°04'00" N., longitude 106°21'00" W.; to latitude 32°34'00" N., longitude 106°15'00" W.; to latitude 32°34'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to point of beginning.
Designated altitudes: Surface to 22,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, ARTC Center.
Using agency: Commander, Holloman AFB, N. Mex.

R-5109A White Sands, N. Mex.

Boundaries. Beginning at latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

R-5109B White Sands, N. Mex.

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 34°17'00" N., longitude 105°51'00" W.; to latitude 33°57'00" N., longitude 105°27'00" W.; to latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Holloman Air Force Base, New Mexico.

R-5111A Elephant Butte, N. Mex. (East).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous, following issuance of NOTAM by using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

R-5111B Elephant Butte, N. Mex. (West).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00" W.; to latitude 33°00'00" N., longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation: Continuous, following issuance of NOTAM by using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

R-5112 Magdalena, New Mexico.

Boundaries. Beginning at latitude 34°33'00" N., longitude 107°41'00" W.; to latitude 34°30'00" N., longitude 107°25'00" W.; to latitude 34°16'00" N., longitude 107°17'00" W.; to latitude 34°02'00" N., longitude 107°28'00" W.; to latitude 33°53'00" N., longitude 107°55'00" W.; to latitude 33°54'00" N., longitude 108°10'00" W.; to latitude 34°09'00" N., longitude 108°18'00" W.; to latitude 34°25'00" N., longitude 108°03'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation: Continuous, following issuance of NOTAM by using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

R-5116A White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 33°53'40" N., longitude 106°44'35" W.; to latitude 34°20'35" N., longitude 107°02'35" W.; to latitude 34°25'00" N., longitude 106°51'45" W.; to latitude 34°09'55" N., longitude 106°41'35" W.; to the point of beginning.
Designated altitudes: Surface to FL 240, excluding the airspace below 7,000 feet MSL west of longitude 106°50'00" W.
Time of designation: Sunrise to sunset, June 1, 1968 through March 31, 1969, as published in NOTAMs at least 12 hours in advance of use.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

AMENDMENTS 6/1/68 33 F. R. 6085 (Added); 12/12/68 33 F. R. 15991 (Changed)

§ 73.52 New York

R-5201 Camp Drum, N. Y.

Boundaries. Beginning at Lat. 44°15'00" N, Long. 75°31'30" W; to Lat. 44°11'15" N, Long. 75°25'00" W; to Lat. 44°03'00" N, Long. 75°33'30" W; to Lat. 44°03'15" N, Long. 75°37'39" W; to Lat. 44°06'44" N, Long. 75°43'54" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL, April 1 through September 30; surface to 20,000 feet MSL, October 1 through March 31.
Time of designation. Continuous April 1 through September 30 and 0600 through 1800 hours local time. October 1 through March 31; other times by NOTAM 48 hours in advance.
Using agency. Commanding Officer, Camp Drum, N. Y.

R-5202 Gardiner's Island, N. Y.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N, Long. 72°08'50" W.
Designated altitudes: Surface to 10,000 feet MSL, inclusive.
Time of designation: 0900 to 1800 local time, April 15 through October 14; 0900 to 1600 local time, October 15 through April 14.
Controlling agency: FAA, New York ARTC Center.
Using agency: Commander, Suffolk Air Force Base, N. Y.

R-5203 Oswego, N. Y.

Boundaries. Beginning at Lat. 43°37'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 78°00'00" W; to Lat. 43°37'00" N, Long. 78°00'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 320.
Time of designation. Sunrise to sunset, April 1 through December 31.
Using agency. Commander, Air National Guard Base, Niagara Falls Municipal Airport, Niagara Falls, N. Y., Phone: BUtler 5-6691, Extension 497.

R-5206 West Point, N. Y.
Boundaries. Beginning at Lat. 41°19'40" N, Long. 74°03'33" W; to Lat. 41°19'40" N, Long. 74°00'26" W; to Lat. 41°20'40" N, Long. 74°00'26" W; to Lat. 41°20'40" N, Long. 73°58'58" W; to Lat. 41°22'40" N, Long. 73°58'58" W; along U. S. Highway No. 9W to Lat. 41°23'08" N, Long. 73°59'42" W; to Lat. 41°23'08" N, Long. 74°00'00" W; along New York State Highway No. 293 to Lat. 41°20'40" N, Long. 74°03'33" W; to the point of beginning.
Designated altitudes. Surface to 7,000 feet MSL.
Time of designation. 0600 to 2400 e.s.t., July 1 through August 31; 0600 to 2400 e.s.t., May 1 through June 30 by NOTAM 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Superintendent, United States Military Academy, West Point, N. Y.

R-5207 Romulus, N. Y.

Boundaries. A circular area with a radius of 1,350 feet centered at latitude 42°46'59" N., longitude 76°53'06" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. 0730 to 1815 local time, Monday through Friday.
Using agency. Commanding Officer, Seneca Army Depot, Romulus, N. Y.

§ 73.53 North Carolina

R-5301A Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at latitude 36° 03' 30" N., longitude 76° 20' 00" W., excluding the airspace within R-5301B.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5301B Albemarle Sound, N. C.

Boundaries. A circular area within a 1½-nmi radius centered at latitude 36° 05' 25" N., longitude 76° 18' 30" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5302 Albemarle Sound, N. C.
Boundaries: Beginning at latitude 36°03'35" N., longitude 76°03'05" W.; to latitude 35°58'05" N., longitude 76°02'10" W.; to latitude 35°55'40" N., longitude 76°24'05" W.; to latitude 36°01'05" N., longitude 76°25'00" W, to point of beginning.
Designated altitudes: Surface to FL 200.
Time of Designation: 0800 hours to 2300 hours e.s.t.
Using Agency: Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5306A Cherry Point, N. C.
Boundaries. Beginning at Lat. 35°23'15" N, Long. 76°34'40" W; to Lat. 35°18'15" N, Long. 76°16'40" W; to Lat. 35°04'30" N, Long. 76°04'30" W; to Lat. 34°46'45" N, Long. 76°24'45" W; to Lat. 34°45'10" N, Long. 76°40'30" W; to Lat. 34°41'50" N, Long. 76°56'20" W; to Lat. 34°37'30" N, Long. 76°56'20" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°34'30" N, Long. 77°09'00" W; to Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 35°03'00" N, Long. 76°57'00" W; thence to point of beginning.
Designated altitudes. Surface to flight level 350.
Time of designation. Continuous.
Using agency. Commanding General Marine Corps Air Station, Cherry Point, N. C.

R-5306B Cherry Point, N. C.

Boundaries. Beginning at Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 34°34'30" N, Long. 77°09'00" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°30'20" N, Long. 77°15'50" W; to Lat. 34°33'00" N, Long. 77°19'00" W; to Lat. 34°36'05" N, Long. 77°26'08" W; to Lat. 34°40'00" N, Long. 77°22'00" W; to Lat. 34°39'10" N, Long. 77°20'50" W; thence to point of beginning.
Designated altitudes. Surface to flight level 290.
Time of designation. Continuous.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

R-5306C Cherry Point, N. C.

Boundaries. Beginning at latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; to latitude 34°40'20" N., longitude 77°22'12" W.; to point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N. C.

R-5311 Fort Bragg, N. C.

Boundaries. Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01°50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.
Designated altitude. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Bragg, N. C.

R-5313 Long Shoal Point, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°32'48" N, Long. 75°41'26" W.
Designated altitudes. Surface to FL-400.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5314 Dare County, N. C.

Subarea A
Boundaries. Beginning at latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to latitude 35°47'00" N., longitude 75°59'00" W; to the point of beginning.
Designated altitudes. Surface up to, but not including, flight level 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea B
Boundaries. Beginning at latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°34'40" N., longitude 75°46'50" W.; to latitude 35°36'45" N., longitude 76°01'20" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea C.
Boundaries. Beginning at latitude 35°48'30" N., longitude 75°43'40" W.; to latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°47'00" N., longitude 75°59'00" W.; to latitude 35°51'35" N., longitude 75°57'55" W.; to latitude 35°49'30" N., longitude 75°45'00" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea D.
Boundaries. Beginning at latitude 35°40'30" N., longitude 75°52'15" W.; to latitude 35°38'40" N., longitude 75°52'35" W.; to latitude 35°39'00" N., longitude 75°54'35" W.; to latitude 35°40'40" N., longitude 75°54'10" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea E.
Boundaries. Beginning at latitude 35°47'50" N., longitude 75°48'50" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°46'10" N., longitude 75°52'35" W.; to latitude 35°48'00" N., longitude 75°52'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea F.
Boundaries. Beginning at latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface up to, but not including, flight level 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea G
Boundaries. Beginning at latitude 35°49'40" N., longitude 75°58'20" W.; to latitude 35°38'55" N., longitude 76°01'00" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°50'20" N., longitude 76°02'30" W.; to the point of beginning.
Designated altitudes. 200 feet above the surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea H
Boundaries. Beginning at latitude 35°50'20" N., longitude 76°02'30" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°51'25" N., longitude 76°10'05" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea J
Boundaries. Beginning at latitude 35°51'25" N., longitude 76°10'05" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°43'50" N., longitude 76°35'30" W.; to latitude 35°54'50" N., longitude 76°33'10" W.; to the point of beginning.
Designated altitudes. 1,000 feet above the surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

§ 73.54 North Dakota

§ 73.55 Ohio

R-5502 Lacarne, Ohio
Boundaries: Beginning at latitude 41°41'15" N., longitude 83°07'45" W.; to latitude 41°41'17" N., longitude 83°00'00" W.; to latitude 41°35'30" N., longitude 82°54'48" W.; to latitude 41°32'02" N., longitude 83°01'05" W., to latitude 41°36'54" N., longitude 83°07'45" W.; to the point of beginning.
Designated altitudes: April 1 to May 31 surface to and including 5,000 feet MSL; June 1 to July 31 surface to and including 23,000 feet MSL; and August 1 to November 30 surface to and including 5,000 feet MSL.
Time of designation: 0800 to 1600 local time Saturday and Sunday April 1 through May 31; 0800 to 1600 local time daily June 1 through July 31; 0800 to 1600 local time Saturday and Sunday August 1 through November 30; other dates, time and altitudes (not to exceed 23,000 feet MSL) by NOTAM, published at least 48 hours in advance.
Controlling agency: Federal Aviation Administration, Cleveland ARTC Center.
Using agency: The Adjutant General State of Ohio.

R-5503 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 38°48'30" N, Long. 83°02'00" W; to Lat. 38°58'30" N, Long. 84°05'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

R-5504 Wilmington, Ohio

Boundaries. Beginning at latitude 39°30'00" N., longitude 83°02'00" W.; to latitude 39°08'20" N., longitude 83°02'00" W.; to latitude 39°12'30" N., longitude 84°05'00" W.; to latitude 39°15'45" N., longitude 84°05'00" W.; to latitude 39°17'50" N., longitude 84°02'30" W.; to latitude 39°26'05" N., longitude 83°48'10" W.; to latitude 39°30'00" N., longitude 83°38'35" W.; to the point of beginning.
Designated altitudes. 3,000 feet MSL to flight level 600.
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

AMENDMENTS 9/30/68 33 F. R. 12892 (Changed)

R-5505 Lake Erie, Ohio
Boundaries: Beginning at latitude 41°44'48" N., longitude 83°10'00" W.; thence to latitude 41°47'18" N., longitude 83°10'00" W.; thence to latitude 41°49'00" N., longitude 83°05'50" W.; thence to latitude 41°46'15" N., longitude 83°00'00" W.; thence to latitude 41°44'48" N., longitude 83°00'00" W.; thence to the point of beginning.
Designated altitudes. Surface to 2,600 feet MSL.
Time of designation: 0800-2300 e.s.t., Wednesday through Saturday; 0800-1700 e.s.t., Sundays.
Controlling agency: Federal Aviation Administration, Cleveland Air Route Traffic Control Center.
Using agency: Commanding Officer, U. S. Naval Air Station, Grosse Ile, Mich.

§ 73.56 Oklahoma

R-5601A Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15 N., longitude 98°20'55" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°40'12" N., longitude 98° 26'17" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; thence counterclockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°26'46" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Sill, Oklahoma.

R-5601B Fort Sill, Okla.

Boundaries Beginning at latitude 34°38'15" N., longitude 98°26'46" W.; thence clockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; to latitude 34°40'12" N., longitude 98°26'17" W.; thence clockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°20'55" W.; thence to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Sill, Okla.

R-5601C, Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. 23,000 feet MSL to 65,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using Agency. Commanding General, Fort Sill, Okla.

§ 73.57 Oregon

R-5701 Boardman Oreg.

Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W., surface to flight level 230; within 3 nautical miles either side of the 093° and 263° bearings from the center of the circle extending to 11 nautical miles from the center, excluding the airspace within 5 statute miles of the 256° radial of the Pendleton, Oreg., VOR, 20,000 feet MSL to flight level 230; within 2 nautical miles N and 3 nautical miles S of the 082° bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-5704 Hermiston, Oreg.

Boundaries. Beginning at latitude 45°52'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°30'30" W.; to latitude 45°52'00" N.; longitude 119°30'30" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0800 to 2000 Pst, Monday through Friday.
Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

PENDING AMENDMENT
R-5705 Warrenton, Oreg.
Boundaries: Beginning at latitude 46°10'00" N., longitude 124°03'00" W.; to latitude 46°09'00" N., longitude 123°57'00" W.; thence along a line one-half mile east of shoreline to latitude 46°05'00" N., longitude 123°55'30" W.; to latitude 46°01'00" N., longitude 123°57'30" W.; to latitude 46°01'00" N., longitude 123°59'50" W.; thence 3 nautical miles from and parallel to shoreline to point of beginning.
Designated altitudes: Surface to 14,500 feet MSL.
Time of designation: Various periods from June 1 to September 10 each year, with specific dates and times to be published by NOTAM.
Controlling agency: FAA, Seattle ARTC Center.
Using agency: Adjutant General Oregon National Guard.

AMENDMENTS 5/29/69 33 F. R. 17851 (Added)

PENDING AMENDMENT
R-5706 Boardman, Oreg.
Boundaries. Beginning at latitude 45°40'40" N., longitude 120°02'25" W.; to latitude 45°40'40" N., longitude 120°09'00" W.; to latitude 45°45'45" N., longitude 120°09'00" W.; thence east along the south shore of the Columbia River to latitude 45°51'00" N., longitude 119°40'00" W.; to latitude 45°53'00" N., longitude 119°31'00" W.; to latitude 45°46'35" N., longitude 119°31'00" W.; to latitude 45°46'10" N., longitude 119°35'00" W.; thence counterclockwise along the arc of a 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W.; to latitude 45°46'35" N., longitude 119°46'50" W.; to latitude 45°46'35" N., longitude 120°02'25" W.; to point of beginning.
Designated altitudes. 3,500 feet MSL to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Seattle ARTC Center.
Using agency. Commander, Fleet Air Whidbey, NAS Whidbey Island, Wash.

AMENDMENTS 3/6/69 34 F. R. 430 (Added)

§ 73.58 Pennsylvania

R-5801 Chambersburg, Pa.

Boundaries. The arc of a circle, having a 5,000-foot radius, centered at latitude 39°59'44" N., longitude 77°43'55" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

R-5802 Indiantown Gap, Pa.

Boundaries. Beginning at latitude 40°28'45" N., longitude 76°35'30" W.; to latitude 40°26'05" N., longitude 76°35'30" W.; to latitude 40°24'55" N., longitude 76°36'55" W.; to latitude 40°23'45" N., longitude 76°43'11" W.; to latitude 40°24'20" N., longitude 76°44'40" W.; to latitude 40°28'45" N., longitude 76°37'40" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. 0630 to 2400 local time, June 1 through August 31; 0800-1800 local time, Saturday and Sunday February 15 through May 31; 0800-1800 local time, Saturday and Sunday September 1 through December 15. Other dates and times by NOTAM, issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commanding General, Indiantown Gap Military Reservation, Annville, Pa.

R-5803 Chambersburg, Pa.

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N, Long. 77°44'20" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

§ 73.59 Rhode Island

§ 73.60 South Carolina

R-6001 Fort Jackson, S. C.

Boundaries. Beginning at Lat. 34°03'51" N, Long. 80°42'12" W; to Lat. 34°01'40" N, Long. 80°42'15" W; to Lat. 34°01'50" N, Long. 80°55'15" W; to Lat. 34°02'21" N, Long. 80°56'02" W; to Lat. 34°04'45" N, Long. 80°53'02" W; to Lat. 34°06'19" N, Long. 80°48'47" W; to Lat. 34°05'58" N, Long. 80°46'05" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding General, Fort Jackson, S. C.

R-6002 Poinsett-Sumter, S. C.

Boundaries. Beginning at latitude 33°52'30" N., longitude 80°26'00" W.; to latitude 33°45'50" N., longitude 80°25'00" W.; to latitude 33°44'15" N., longitude 80°33'15" W.; to latitude 33°48'00" N., longitude 80°34'00" W.; to latitude 33°52'30" N., longitude 30°30'00" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Shaw AFB, S. C.

R-6004 Savannah River Plant, S. C.

Boundaries. Beginning at latitude 33°23'30" N., longitude 81°41'00" W.; to latitude 33°23'15" N., longitude 81°29'00" W.; to latitude 33°20'35" N., longitude 81°24'00" W.; to latitude 33°15'00" N., longitude 81°25'10" W.; to latitude 33°08'45" N., longitude 81°22'40" W.; to latitude 33° 04'50" N., longitude 81°32'00" W.; to latitude 33°02'45" N., longitude 81°42'50" W.; to latitude 33°05'20" N., longitude 81°49'00" W.; to latitude 33°16'25" N., longitude 81°50'55" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Savannah River Plant, Aiken, S. C.

§ 73.61 South Dakota

R-6102 Badlands, South Dakota

Boundaries: Beginning at latitude 43°35'00" N., longitude 102°05'00" W.; to latitude 43°35'00" N., longitude 102°25'00" W.; to latitude 43°42'00" N., longitude 102°25'00" W.; to latitude 43°42'00"N., longitude 102°05'00" W. to the point of beginning.
Designated altitudes: Surface to 32,000 feet MSL.
Time of designation: A 2-week period annually between June 1 and August 31, to be publicized by NOTAM.
Using agency: The Adjutant General, State of South Dakota (147th Artillery Group, South Dakota Army National Guard).

AMENDMENTS 5/23/68 33 F. R. 6451 (Added)

§ 73.62 Tennessee

§ 73.63 Texas

R-6302A Fort Hood, Texas.

Boundaries. Beginning at latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°10'04" N., longitude 97°41'06" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48° N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302B Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°09'03" N., longitude 97°41'18" W.; to latitude 31°09'40" N., longitude 97°41'20" W.; to latitude 31°09'40" N., longitude 97°43'19" W.; to latitude 31°08'45" N., longitude 97°43'30" W.' to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°10'04" N., longitude 97°41'06" W.' to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302C Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°08'40" N., longitude 97°52'10" W.; to latitude 31°09'15" N., longitude 97°54'30" W.; to latitude 31°15'34" N., longitude 97°54'29" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6303 Matagorda Island, Tex.

Boundaries. Beginning at latitude 28°15'20" N., longitude 96°26'50" W.; to latitude 28°18'55" N., longitude 96°27'45" W.; to latitude 28°20'55" N., longitude 96°29'15" W.; to latitude 28°12'00" N., longitude 96°46'00" W.; to latitude 28°07'00" N., longitude 96°42'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, La.

R-6310 Houston, Texas (Ellington AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 29°33'50" N., longitude 95°10'00" W., the area centered on a bearing therefrom of 183°, extending to a point 30 nmi S, having a width 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
2,000 feet MSL to 14,000 feet MSL from the point of beginning to 1 nmi S.
2,000 feet MSL to 16,000 feet MSL from 1 to 2 nmi S of the point of beginning.
2,000 feet MSL to FL 190 from 2 to 3 nmi S of the point of beginning.
2,000 feet MSL to FL 210 from 3 to 4 nmi S of the point of beginning.
2,000 feet MSL to FL 230 from 4 to 6 nmi S of the point of beginning.
5,000 feet MSL to FL 230 from 6 to 10 nmi S of the point of beginning.
9,000 feet MSL to FL 230 from 10 to 13 nmi S of the point of beginning.
12,000 feet MSL to FL 230 from 13 to 19 nmi S of the point of beginning.
16,000 feet MSL to FL 230 from 19 to 25 nmi S of the point of beginning.
FL 200 to FL 230 from 25 to 30 nmi S of the point of beginning.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston Approach Control.
Using agency. Commander, Ellington AFB, Texas.

R-6312 Cotulla, Tex.,
Boundaries: The area within 5 nmi of geographical points located at 28°14'50" N., 98°43'30" W.; and 28°05'53" N., 98°42'51" W.
Designated altitudes: Surface to 15,000 feet MSL except for the area west of a line between 28°17'40" N., 98°47'55" W., and 28°11'55" N., 98°48'00" W., and the area along Highway 624 extending ½ mile each side where the floor is 1,000 feet AGL.
Time of designation: Sunrise to sunset.
Controlling agency. Federal Aviation Administration, ARTCC, Houston, Tex.
Using agency: Chief of Naval Air Advanced Training Command, NAS Corpus Christi, Tex.

§ 73.64 Utah

R-6401 Deseret, Utah.

Boundaries. Beginning at Lat. 40°16'27" N, Long. 112°18'43" W; to Lat. 40°15'42" N. 112°18'43" W; to Lat. 40°15'42" N, Long. 112°21'01" W; to Lat. 40°16'27" N, Long. 112°21'01" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R-6402 Dugway, Utah

Boundaries. Beginning at latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°13'00" N., longitude 112°43'00" W., to latitude 39°49'00" N., longitude 112°43'00" W., to latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 40°20'20" N., longitude 113°20'02" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Using agency. Commanding Officer, Dugway Proving Ground, Dugway, Utah.

R-6403 Tooele, Utah

Boundaries. Beginning at latitude 40°30'44" N , longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°29'15" W.; to latitude 40°30'44" N., longitude 112°29'15" W.; to the point of beginning.
Designated altitude. Surface to 9,000 feet MSL.
Time of designation. 0800 to 2000 P.s.t.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R-6404A Hill AFB Range South, Utah

Boundaries. Beginning at latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 40°51'30" N., longitude 112°56'30" W.; to latitude 40°48'30" N., longitude 113°40'00" W.; to latitude 41°00'00" N., longitude 113°-41'40" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6404B Hill AFB Range North, Utah

Boundaries. Beginning at latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to latitude 41°15'00" N., longitude 113°43'50" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6405 Wendover, Utah

Boundaries. Beginning at latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°23'00" N., longitude 113°19'00" W., to latitude 39°23'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6406A, Wendover North, Utah.

Boundaries. Beginning at latitude 40°40'30" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°18'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°38'30" N., longitude 114°00'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400; joint-use at and above 7,500 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6406B, Wendover South, Utah

Boundaries. Beginning at latitude 40°29'00" N., longitude 113°00'00" W., to latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to latitude 40°29'00" N., longitude 113°18'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6407 Dugway West, Utah
Boundaries. Beginning at latitude 40°20'20" N., longitude 113°20'02" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 114°00'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commanding Officer, Dugway Proving Ground, Dugway, Utah.

R-6408 Indian Creek, Utah.
Boundaries. Beginning at latitude 37°59'00" N., longitude 109°23'00" W.; to latitude 37°57'00" N., longitude 109°25'00" W.; to latitude 37°58'00" N., longitude 109°40'00" W.; to latitude 38°02'00" N., longitude 109°54'00" W.; to latitude 38°21'00" N., longitude 109°54'00" W.; to latitude 38°23'00" N., longitude 109°52'00" W.; to latitude 38°22'00" N., longitude 109°38'00" W.; to latitude 38°21'00" N., longitude 109°31'00" W.; to latitude 38°16'00" N., longitude 109°24'00" W.; to latitude 38°06'00" N., longitude 109°22'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

R-6409 Green River, Utah.
Boundaries. Beginning at latitude 39°00'00" N., longitude 110°03'00" W.; to latitude 38°54'00" N., longitude 109°58'00" W.; to latitude 38°51'00" N., longitude 110°05'00" W.; to latitude 38°58'00" N., longitude 110°09'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

R-6410 Blanding, Utah
Boundaries: Beginning at latitude 37°33'00" N., longitude 109°33'00" W.; to latitude 37°21'00" N., longitude 109°21'00" W.; to latitude 37°17'00" N., longitude 109°29'00" W.; to latitude 37°31'00" N., longitude 109°36'00" W.; to point of beginning.
Designated altitudes: Surface to unlimited.
Time of designation: Continuous, February 15, 1968, through December 15, 1968. All subsequent firing periods will be designated by a rule published in the Federal Register.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency: Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

AMENDMENTS 2/1/68 32 F. R. 17427 (Changed)
PENDING AMENDMENT
R-6410 Blanding, Utah is amended by deleting the present time of designation and substituting the following therefor:
Time of designation: Continuous, March 15, 1969, through June 30, 1969, and August 15, 1969, through December 15, 1969. All subsequent firing periods will be designated by a rule published in the Federal Register.
AMENDMENTS 3/6/69 34 F. R. 430 (Changed)

R-6412 Camp Williams, Utah
Boundaries. Beginning at latitude 40°27'30" N., longitude 111°57'10" W.; to latitude 40°25'32" N., longitude 111°56'45" W.; to latitude 40°23'30" N., longitude 111°56'45" W.; to latitude 40°23'30" N., longitude 112° 06'00" W.; to latitude 40°27'30" N., longitude 112°06'00" W.; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Maximum two-week period during the month of June each year with specific dates to be published by NOTAM.
Controlling agency. Federal Aviation Administration, Salt Lake City Tower,
Using agency. The Adjutant General, State of Utah.

§ 73.65 Vermont

R-6501 Underhill, Vt.
Boundaries. Beginning at latitude 44°30'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°55'00" W.; to latitude 44°28'30" N., longitude 72°56'30" W.; to latitude 44°29'15" N., longitude 72°56'30" W.; to latitude 44°30'00" N., longitude 72°53'30"W.; to the point of beginning.
Designated altitudes. Surface to 13,600 feet MSL.
Time of designation: Continuous, Monday through Saturday, other time by a NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Burlington Approach Control.
Using Agency. Adjutant General, State of Vermont, Montpelier, Vt.

§ 73.66 Virginia

R-6601 Camp A. P. Hill, Va.

Boundaries. Beginning at latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°04'40" N., longitude 77°10'20" W.; to latitude 38°03'12" N., longitude 77°09'35" W.; to latitude 38°02'22" N., longitude 77°11'40" W.; to latitude 38°02'30" N., longitude 77°14'40" W.; to latitude 38°01'50" N., longitude 77°16'08" W.; to latitude 38°02'15" N., longitude 77°18'04" W.; to latitude 38°03'40" N., longitude 77°18'45" W.; to latitude 38°04'37" N., longitude 77°18'45" W.; thence along highway U. S. 301 to latitude 38°08'01" N., longitude 77°14'04" W.; to latitude 38°07'53" N., longitude 77°13'40" W.; to latitude 38°06'46" N., longitude 77°12'21" W.; thence to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0700 to 2300 e.s.t., June 1 through September 8; and 0700 to 2300 e.s.t., September 9, through May 31, by NOTAM issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, U. S. Quartermaster Center and Fort Lee, Fort Lee, Va.

R-6602 Camp Pickett, Va.

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°02'43" N., longitude 77°50'38" W.; to latitude 37°01'05" N., longitude 77°50'43" W.; to latitude 36°59'50" N., longitude 77°50'34" W.; to latitude 36°57'58" N., longitude 77°52'14" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to point of beginning.
Designated altitudes. The area NW of a line between latitude 37°01'05" N., longitude 77°50'43" W., and latitude 36°57'54" N., longitude 77°53'19" W., surface to 18,500 feet MSL. The area SE of this line, surface to 1,900 feet MSL.
Time of designation. Continuous from June 1 through September 8; 0600 EST Saturday to 2200 EST Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use.
Using Agency. Commanding General U.S . Army Quartermaster Center and Fort Lee, Fort Lee, Va.

R-6604 Chincoteague Inlet, Va.

Boundaries. Beginning at Lat. 37°56'45" N. Long. 75°27'30" W; to Lat. 37°51'30" N, Long. 75°17'15" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N, Long. 75°31'20" W; to Lat. 37°50'24" N, Long. 75°31'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

R-6606 Pendleton, Va.

Boundaries. Beginning at Lat. 36°50'41" N, Long. 75°54'40" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 36°34'33" N, Long. 75°48'40" W; to Lat. 36°45'03" N, Long. 75°56'12" W; to Lat. 36°44'45" N, Long. 75°57'05" W; to Lat. 36°44'39" N, Long. 75°58'00" W; to Lat. 36°47'00" N, Long. 75°58'45" W; to Lat. 36°47'18" N, Long. 75°56'54" W; to the point of beginning.
Designated altitudes: Surface to 51,000 feet MSL.
Time of designation. 0800 to 1700 EST Monday through Friday, except that portion north of latitude 36°41'42" N., from the surface to 1,000 feet MSL, which is continuous.
Using agency. Commanding Officer. U. S. Fleet Air Defense Training Center, Dam Neck, Va.

R-6608 Quantico, Va.

Boundaries. Beginning at latitude 38°31'15" N., longitude 77°24'20" W.; to latitude 38°29'00" N., longitude 77°28'45" W.; to latitude 38°31'20" N., longitude 77°34'07" W.; to latitude 38°37'00" N., longitude 77°34'07" W.; to latitude 38°37'50" N., longitude 77°32'20" W.; to latitude 38°37'00" N., longitude 77°25'34" W.; to latitude 38°34'00" N., longitude 77°24'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commandant, Marine Corps Schools, Quantico, Va.

R-6609 Tangier Island, Va.
Boundaries: Beginning at latitude 37°53'10" N., longitude 76°14'00" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°50'00" N., longitude 76°00'52" W.; to latitude 37°41'00" N., longitude 76°00'52" W.; to latitude 37°40'00" N., longitude 76°01'30" W.; to latitude 37°40'00" N., longitude 76°10'00" W.; to latitude 37°45'00" N., longitude 76°11'33" W.; to point of beginning.
Designated altitudes: Surface to FL 200.
Time of designation: 0800 to 2300 hours, local time, other times by NOTAM issued at least 48 hours in advance.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency: Commanding Officer, NAS Patuxent River, Md.
AMENDMENTS 4/25/68 33 F. R. 6508 (Rewritten)

R-6611 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°21'30" N, Long. 77°01'15" W; to Lat. 38°17'30" N, Long. 76°56'00" W; to Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to Lat. 38°19'15" N, Long. 77°02'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation: 0800 to 1700 e.s.t., Monday through Saturday September 1 through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

R-6612 Dahlgren Complex, Va.

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N, Long. 77°02'15" W, and Lat. 38°18'23" N, Long. 77°02'57" W.
Designated altitudes. Surface to 7,000 feet MSL.
Time of designation: 0800 to 1700 e.s.t., Monday through Saturday Sept. 1 through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

R-6613 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'30" N, Long. 76°46'35" W; to Lat. 38°10'00" N, Long. 76°50'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation: 0800 to 1700 e.s.t., Monday through Saturday Sept. 1 through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

§ 73.67 Washington

R-6701 Admiralty Inlet, Wash.

Boundaries. Beginning at Lat. 48°10'00" N, Long. 122°34'48" W; to Lat. 48°05'45" N, Long. 122°31'30" W; to Lat. 48°06'06" N; Long. 122°41'12" W; to Lat. 48°10'00" N, Long. 122°40'56" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-6703 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°03'10" N., longitude 122°31'25" W.; to latitude 47°02'30" N., longitude 122°31'40" W.; to latitude 47°02'30" N., longitude 122°31'00" W.; to latitude 47°00'40" N., longitude 122°31'25" W.; to latitude 47°00'40" N., longitude 122°32'55" W.; to latitude 46°58'05" N., longitude 122°34'00" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 47°04'25" N., longitude 122°35'15" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

R-6704 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°04'25" N., longitude 122°35'15" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 46°54'35" N., longitude 122°41'25" W.; to latitude 46°54'05" N., longitude 122°45'00" W.; to latitude 46°57'12" N., longitude 122°46'50" W.; to latitude 47°00'40" N., longitude 122°41'40" W.; to latitude 47°04'35" N., longitude 122°41'30" W.; to latitude 47°05'25" N., longitude 122°38'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

R-6705 Juan De Fuca, Wash.

Boundaries. Beginning at Lat. 48°14'30" N, Long. 123°42'00" W; to Lat. 48°10'30° N, Long. 123°42'00" W; thence one-half mile N of and parallel to the N coast of Washington to Lat. 48°18'35" N. Long. 124°25'00" W; to Lat. 48°24'30" N, Long. 124°25'00" W; thence along the United States-Canadian border to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-6707 Quoets, Wash.

Boundaries. Beginning at Lat. 47°29'25" N, Long. 124°25'00" W; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N, Long. 124°24'15" W to Lat. 47°24'25" N, Long. 124°24'30" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-6708 Rosario Strait, Wash.

Boundaries. A circular area with a 1 nautical mile radius centered at Lat. 48°29'08" N, Long. 122°45'42" W.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-6713 Whidbey Island, Wash.

Boundaries. Beginning at latitude 48°25'00" N., longitude 123°05'00" W.; to latitude 48°23'00" N., longitude 123°06'00" W.; to latitude 48°16'30" N., longitude 123°03'00" W.; to latitude 48°16'30" N., longitude 122°55'30" W.; to latitude 48°18'20" N., longitude 122°50'30" W.; to latitude 48°22'45" N., longitude 122°50'30" W.; to latitude 48°25'00" N., longitude 122°53'30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0700 to 2400 local time.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-6714 Yakima, Wash.

Boundaries. Beginning at latitude 46°51'00" N., longitude 119°58'00" W.; along the W. shore of the Columbia River to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 120°13'00" W.; to latitude 46°40'35" N., longitude 120°26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°51'00" N., longitude 120°21'30" W.; to latitude 46°51'00" N., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°51'00" N., longitude 120°08'30" W.; to the point of beginning.
Designated altitudes. Surface to 38,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

R-6715 Richland, Wash.

Boundaries. Beginning at latitude 46°48'00" N., longitude 119°35'00" W.; to latitude 46°48'00" N., longitude 119°25'00" W.; to latitude 46°45'00" N.; longitude 119°20'00" W.; to latitude 46°30'00" N., longitude 119°20'00" W.; to latitude 46°30'00" N., longitude 119°13'00" W.; to latitude 46°20'00" N., longitude 119°13'00" W; to latitude 46°30'00" N., longitude 119°47'00" W.; to latitude 46°40'00" N., longitude 119°47'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Richland, Washington.

§ 73.68 West Virginia

§ 73.69 Wisconsin

R-6901 Camp McCoy, Wis.

Boundaries. Beginning at latitude 44°08'40" N., longitude 90°44'00" W.; to latitude 44°08'40" N., longitude 90°40'20" W., to latitude 44°09'30" N., longitude 90°40'20" W.; to latitude 44°09'30" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°44'00" W.; to point of beginning.
Designated altitudes. Surface to flight level 250.
Time of designation. May 23 through September 5.
Using agency. Commanding Officer, Camp McCoy, Wis.

R-6903 Sheboygan, Wis.

Boundaries. Beginning at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wisconsin.

R-6904 Volk Field. Wis.

Boundaries. Beginning at Lat. 44°16'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 90°07'00" W; to Lat. 44°16'00" N, Long. 90°07'00" W; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wis.

§ 73.70 Wyoming

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42°27'30" N., longitude 104°52'30" W., latitude 42°27'30" N., longitude 104°42'30" W., latitude 42°22'30" N., longitude 104°42'30" W., latitude 42°20'00" N., longitude 104°52'30" W., thence to point of beginning.
Designated altitudes. Surface to 23,500 feet MSL.
Time of designation. 0430 to 2400 MST, May 15 through September 5.
Controlling agency. Federal Aviation Administration, Casper, Wyo., Flight Service Station.
Using agency. Adjutant General, State of Wyoming.

§ 73.71 Puerto Rico

R-7101 Culebra Island, P.R.

Boundaries. The airspace over Culebra Island and the surrounding waters extending to the 3-nautical mile limit from the shoreline.
Designated altitudes. Surface to FL 500. Above 5,000 feet user operations to be conducted only at altitudes where VFR conditions exist.
Time of designation. Continuous 0600-2300 local time. Other times by NOTAM issued 24 hours in advance.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

R-7103 Salinas, P. R.
SUBAREA A
Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 18°01'00" N., longitude 66°19'58" W.; to latitude 18°01'53" N., longitude 66°18'53" W.; to latitude 18°02'34" N., longitude 66°18'47" W.; to latitude 18°03'25" N., longitude 66°17'54" W.; to latitude 18°04'07" N., longitude 66°17'00" W.; to point of beginning.

SUBAREA B
Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°02'37" N., longitude 66°13'38" W.; to latitude 17°58'53" N., longitude 66°15'22" W.; to latitude 17°58'30" N., longitude 66°16'30" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to point of beginning.

SUBAREA C

Beginning at latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'44" N., longitude 66°19'17" W.; to latitude 18°00'27" N., longitude 66°18'58" W.; to point of beginning.

Designated altitudes: Subarea A, Surface to 12,000 feet MSL. Subarea B, 3,000 feet MSL to 12,000 feet MSL. Subarea C, 2,000 feet MSL to 12,000 feet MSL.

Time of designation: Continuous, June 1 through August 31, other times as activated by NOTAMs issued at least 24 hours in advance.

Controlling agency: Federal Aviation Administration, San Juan ARTC Center.

Using agency: The Adjutant General, Commonwealth of Puerto Rico.

AMENDMENTS 4/25/68 33 F. R. 4172 (Rewritten)

R-7104 Vieques Island, P.R.

Boundaries. The airspace over Vieques Island and the surrounding waters extending to the 3 nautical mile limit from the shoreline.

Designated altitudes. Surface to FL 500. Above 5,000 feet user operations to be conducted only at altitudes where VFR conditions exist.

Time of designation. By NOTAM issued 24 hours in advance.

Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

§ 73.72 Guam

R-7201 Nafatan Rock, Guam.

Boundaries. The area within a 5-nautical mile radius of Lat. 14°50'00" N, Long. 145°32'00" E. excluding the portion which lies 3 nautical miles beyond the shoreline.

Designated altitudes. Surface to flight level 600.

Time of designation. Continuous.

Using agency. Commander, Naval Forces, Marianas.

§ 73.87 Prohibited Areas

P-56 District of Columbia

Boundaries:

A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.);

Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW (latitude 38°53'45" N.; longitude 77°03'24" W.);

Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K street NW (latitude 38°54'08" N.; longitude 77°03'02" W.);

Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE (latitude 38°54'08" N.; longitude 77°00'14" W.);

Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE (latitude 38°53'35" N.; longitude 76°59'57" W.);

Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'59" N.; longitude 77°00'25" W.);

Thence west via a 265° bearing. 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.);

Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.);

Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°02'02" W.);

Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.);

Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.

B. That area within a one-half mile radius from the center of the U. S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).

Designated altitudes: Surface to 18,000 feet MSL.

Time of designation: Continuous.

Using agency: Administrator, Federal Aviation Administration, Washington, D. C.

PART 75 -- ESTABLISHMENT OF JET ROUTES (NEW)

SUBPART A -- GENERAL

Sec.
75.1 Applicability.
75.11 Jet routes
75.15 Jet advisory areas
75.17 Bearings; Radials; Miles

SUBPART B -- JET ROUTES

Sec.
75.100 Jet routes

SUBPART C -- JET ADVISORY AREAS

Sec.
75.200 En route jet advisory areas
75.300 Terminal jet advisory areas

SUBPART A -- GENERAL

§75.1 Applicability.

The routes described in Subpart B, between high altitude navigational aids or intersections of their signals, are designated as jet routes along which aircraft may be operated between 18,000 feet MSL and flight level 450. The areas described in Subpart C are designated as jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control areas, or in the vicinity of specific geographic locations.

§75.11 Jet Routes

Each jet route designated in Subpart B consists of a direct course for navigating aircraft between 18,000 feet MSL and flight level 450, inclusive, between the navigational aids and intersections specified for that route.

§75.15 Jet Advisory Areas

(a) Jet advisory areas consist of airspace within the continental control area, as designated in Subpart C.

(b) En route radar jet advisory areas consist of areas within which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 240 through flight level 410, inclusive.

(c) Terminal radar jet advisory areas consist of areas in which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas from flight level 240 through flight level 410, inclusive.

(d) Nonradar jet advisory areas consist of areas within which jet advisory service is provided on a procedural basis without radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 410, inclusive.

(e) Jet advisory areas do not include the airspace within positive control areas, prohibited areas, or restricted areas except restricted area military climb corridors and those restricted areas specified in Subpart D of Part 71.

(f) En route jet advisory areas are based on jet routes and are identified by the associated jet route number. Terminal jet advisory areas are based on VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas and those in the vicinity of geographical locations, and are identified by geographical names.

§75.17 Bearings; Radials; Miles

(a) All bearings and radials in this Part are true and are applied from point of origin.

(b) Unless otherwise specified, all mileages in this Part are stated as nautical miles.

SUBPART B -- JET ROUTES

§75.100 Jet Routes.

SUBPART C -- JET ADVISORY AREAS

§ 75.200 En route Jet Advisory Areas.

§ 75.300 Terminal Jet Advisory Areas.

SUBPART B - JET ROUTES

§ 75.100 Jet routes.

(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.).

Jet Route No. 1 (United States/Mexican border to Seattle, Wash.).

From the INT of the United States/Mexican border with the direct course between the San Diego VORTAC and the Tijuana, Mexico, RBN, via San Diego; Oceanside, Calif.; Los Angeles, Calif.; INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

Jet Route No. 2 (San Diego, Calif., to Jacksonville, Fla.).

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz.; INT of the Yuma 087° and the Gila Bend, Ariz., 262° radials; Gila Bend; San Simon, Ariz.; El Paso, Texas; Fort Stockton, Texas; Junction, Tex.; San Antonio, Tex.; Houston, Texas; Lake Charles, La.; INT of the Lake Charles 089° and the New Orleans, La., 275° radials; New Orleans; INT of the New Orleans 066° and the Crestview, Fla., 266° radials; Crestview; INT of the Crestview 091° and the Tallahassee, Fla., 290° radials; Tallahassee; to Jacksonville, Fla.

Jet Route No. 3 (Oakland, Calif., to Kimberly, British Columbia, Canada),

From Oakland, Calif., via Red Bluff, Calif.; Lakeview, Oreg.; Pendleton, Oreg.; Spokane, Wash., to Kimberley, British Columbia, excluding the portion that lies over Canadian territory.

Jet Route No. 4 (Los Angeles, Calif., to Wilmington, N. C.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Blythe, Calif., 282° radials; Blythe; the INT of the Blythe 096° and the Gila Bend, Ariz., 299° radials; Gila Bend; San Simon, Ariz.; El Paso, Tex.; Wink, Tex.; Abilene, Tex.; Greater Southwest, Tex.; Shreveport, La.; Jackson, Miss.; Meridian, Miss.; INT of the Meridian 060° and the Montgomery, Ala., 282° radials; Montgomery; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.; Florence, S. C.; to Wilmington, N. C.

AMENDMENTS 8/22/68 33 F. R. 9707 (Changed)

Jet Route No. 5 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg.; to Seattle, Wash.

Jet Route No. 6 (Paso Robles, Calif., to Kennedy, N. Y.)

From the INT of the Salinas, Calif., 145° and the Palmdale, Calif., 291° radials via Palmdale; Hector, Calif.; Needles, Calif.; Prescott, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Little Rock, Ark.; Bowling Green, Ky.; Charleston, W. Va.; Front Royal, Va.; Westminster, Md.; INT of Westminster 080° and Robbinsville, N. J. 247° radials; Robbinsville; to Kennedy, N. Y.

AMENDMENTS 8/22/68 33 F. R. 9335 (Changed); 1/9/69 33 F. R. 17768 (Changed)

Jet Route No. 7 (Oakland, Calif., to the United States/Canadian Border).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Rome, Oreg.; Boise, Idaho; Dillon, Mont.; Great Falls, Mont.; via the Great Falls 040° radial to the United States/Canadian Border.

Jet Route No. 8 (Oklahoma City, Okla., to Kennedy, N. Y.).

From Oklahoma City, Okla., via Tulsa, Okla.; Springfield, Mo.; St. Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; Casanova, Va.; INT of Casanova 051° and Robbinsville, N. J. 247° radials; Robbinsville; to Kennedy, N. Y.

AMENDMENTS 1/9/69 33 F. R. 17768 (Changed)

Jet Route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).

From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Provo, Utah; Salt Lake City, Utah; Dubois, Idaho; Dillon, Mont., to Great Falls, Mont.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed); 8/22/68 33 F. R. 9467 (Changed)

Jet Route No. 10 (Los Angeles, Calif., to O'Neill, Nebr.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Farmington, N. Mex., Gunnison, Colo.; Denver, Colo.; Sidney, Nebr.; to O'Neill, Nebr.

Jet Route No. 11 (Tucson, Ariz., to Salt Lake City, Utah)

From Tucson, Ariz., via INT Tucson 316° and Phoenix, Ariz., 161° radials; Phoenix; Prescott, Ariz.; Bryce Canyon, Utah; Provo, Utah; to Salt Lake City, Utah.

Jet Route No. 12 (Allegheny, Pa., to Westminster, Md.).

From the INT of Ellwood City, Pa., 167° and Westminster, Md., 289° radials to Westminster.

AMENDMENTS 1/9/69 33 F. R. 17851 (Changed)

JET ROUTE No. 13 (El Paso, Texas, to the United States/Canadian Border.)

From El Paso, Texas, via the INT of the El Paso 281° and the Truth or Consequences, N. Mex., 162° radials; Truth or Consequences; Albuquerque, N. Mex.; Alamosa, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo., Billings, Mont.. Great Falls, Mont.; via the Great Falls 339° radial to the United States/Canadian Border.

Jet Route No. 14 (Amarillo, Tex., to Kenton, Del.).

From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.; Spartanburg, S. C.; Greensboro, N. C.; to Richmond, Va.; to the INT of the Richmond 039° and the Coyle, N. J., 235° radials.

Jet Route No. 15 (San Antonio, Texas, to Newberg, Oreg.)

From Houston, Tex., via INT of the Houston 287° and the Austin, Tex., 113° radials; Austin; Junction, Tex.; Wink, Tex.; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque, N. Mex., 128° radials; Albuquerque; Farmington, N. Mex.; Grand Junction, Colo.; Salt Lake City, Utah; Boise, Idaho; John Day, Oreg.; INT John Day 288° and Portland, Oreg., 136° radials; to Portland.

AMENDMENTS 2/1/68 32 F. R. 17518 (Changed)

Jet Route No. 16 (Portland, Oreg., to Boston, Mass.).

From Portland, Oreg., via Pendleton, Oreg.; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; Milwaukee, Wis.; INT of the Milwaukee 088° and the Peck, Mich., 269° radials; Peck; via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N. Y., via the Buffalo 274° radial; Albany, N. Y., to Boston, Mass.

Jet Route No. 17 (San Antonio, Texas, to Rapid City, S. Dak.).

From San Antonio, Texas, via Abilene, Texas; Amarillo, Texas; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

Jet Route No. 18 (San Diego, Calif., to Joliet, Ill.).

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz., INT of the Yuma 087° and the Gila Bend, Ariz., 262° radials; Gila Bend; Phoenix, Ariz.; St. Johns, Ariz.; Albuquerque, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina; Kirksville, Mo.; Bradford; to Joliet, Ill.

Jet Route No. 19 (Phoenix, Ariz., to St. Louis, Mo.)

From Phoenix, Ariz., via St. Johns, Ariz.; Albuquerque, N. Mex.; Las Vegas, N. Mex.; Liberal, Kans.; Wichita, Kans.; Butler, Mo.; to St. Louis, Mo.

AMENDMENTS 6/20/68 33 F. R. 6917 (Added)

Jet Route No. 20 (Seattle, Wash., to Orlando, Fla.).

From Seattle, Wash., via Yakima, Wash.; Pendleton, Oreg.; Boise, Idaho; Malad City, Idaho; Rock Springs, Wyo.; Denver, Colo.; Lamar, Colo.; Gage, Okla.; Oklahoma City, Okla.; Shreveport, La.; Jackson, Miss.; Meridian, Miss.; INT of the Meridian 089° and the Montgomery, Ala. 282° radials; Montgomery; Tallahassee, Fla.; INT Tallahassee 129° and Orlando, Fla., 306° radials; Orlando; to the INT of the Orlando 118° and the Vero Beach, Fla., 341° radials.

AMENDMENTS 10/17/68 33 F. R. 11537 (Changed)

Jet Route No. 21 (United States/Mexican Border to Duluth, Minn.).

From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; INT Austin 016° and Greater Southwest, Tex., 190° radials; Greater Southwest; INT Greater Southwest 356° and Oklahoma City, Okla., 158° radials; Oklahoma City; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.

Jet Route No. 22 (Laredo, Texas, to Gordonsville, Va.).

From Laredo, Tex., via Corpus Christi, Tex.; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; Lake Charles, La.; McComb, Miss.; Meridian, Miss., Birmingham; Knoxville, Tenn.; Pulaski, Va.; to Gordonsville, Va.

Jet Route No. 23 (San Antonio, Tex., to Wichita, Kans.).

From San Antonio, Tex., via Mineral Wells, Tex.; Oklahoma City, Okla. to Wichita, Kans.

Jet Route No. 24 (Kansas City, Mo., to Richmond, Va.).

From Kansas City, Mo., via St. Louis, Mo.; Indianapolis, Ind.; Falmouth, Ky.; Charleston, W. Va.; to Richmond, Va.

AMENDMENTS 5/23/68 33 F. R. 7853 (Changed); 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 25 (United States/Mexican Border to Minneapolis, Minn.).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; INT Austin 016° and Greater Southwest, Tex. 190° radials; Greater Southwest; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn.

Jet Route No. 26 (El Paso, Texas, to Joliet, Ill.)

From El Paso, Tex., via the INT of El Paso 069° and Roswell, N. Mex., 215° radials; Roswell; Amarillo, Texas; Wichita, Kans.; Kansas City, Mo.; Kirksville, Mo.; Bradford; to Joliet, Ill.

Jet Route No. 27 (San Antonio, Tex., to Lufkin, Tex.).

From San Antonio, Tex., to Lufkin, Tex.

Jet Route No. 28 (Pueblo, Colo., to Wichita, Kans.).

From Pueblo, Colo., via Garden City, Kans., to Wichita, Kans.

Jet Route No. 29 (United States/Mexican Border to Presque Isle, Maine).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn.; Evansville, Ind.; INT of Evansville 051° and Rosewood, Ohio, 230° radials; Rosewood; Cleveland, Ohio; Jamestown, N. Y.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine to Presque Isle, Maine.

AMENDMENTS 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 30 (Salt Lake City, Utah to Front Royal, Va.).

From Salt Lake City, Utah, via Provo, Utah; Meeker, Colo; Denver, Colo.; O'Neill, Nebr.; Sioux Falls, S. Dak.; Minneapolis, Minn.; Nodine, Minn.; Joliet, Ill.; via the INT of the Joliet 108° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Appleton, Ohio; to Front Royal, Va.

AMENDMENTS 1/9/69 33 F. R. 17851 (Changed)

Jet Route No. 31 (New Orleans, La., to Birmingham, Ala.).

From New Orleans, La., via Meridian, Miss.; to Birmingham.

Jet Route No. 32 (Oakland, Calif., to Duluth, Minn.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Battle Mountain, Nev.; Malad City, Idaho; Boysen Reservoir, Wyo.; Crazy Woman, Wyo., Dupree, S. Dak.; Aberdeen, S. Dak.; Duluth, Minn.; to the INT of the Duluth 051° radial and the United States/Canadian Border.

Jet Route No. 34 (Mullan Pass, Idaho to Front Royal, Va.).

From Mullan Pass, Idaho, via Helena, Mont.; Billings, Mont.; Dupree, S. Dak.; Redwood Falls, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT of Milwaukee 098° and Carleton, Mich., 297° radials; Carleton; Cleveland, Ohio; INT of Cleveland 123° and Front Royal, Va., 310° radials; to Front Royal.

AMENDMENTS 10/17/68 33 F. R. 11451 (Rewritten); 1/9/69 33 F. R. 17851 (Changed)

PENDING AMENDMENT

Jet Route No. 34 is amended as follows:

In the caption "Mullan Pass, Idaho," is deleted and "Seattle, Wash.," is substituted therefor.

In the text "From Mullan Pass, Idaho, via" is deleted and "From Seattle, Wash., via Ephrata, Wash.; Mullan Pass, Idaho;" is substituted therefor.

AMENDMENTS 3/6/69 34 F. R. 431 (Changed)

Jet Route No. 35 (New Orleans, La., to Northbrook, Ill.).

From New Orleans, La., via the INT of the New Orleans 357° and the Jackson, Miss., 184° radials; Jackson; Memphis, Tenn.; St. Louis, Mo.; Capital, Ill.; the INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet, to Northbrook, Ill.

Jet Route No. 36 (Dickinson, N. Dak., to Peck, Mich.).

From Dickinson, N. Dak., via Fargo, N. Dak.; Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT of the Milwaukee, Wis., 088° and the Peck, Mich., 269° radials, to Peck, Mich.

AMENDMENTS 10/17/68 33 F. R. 11748 (Changed)

Jet Route No. 37 (New Orleans, La., to United States/Canadian Border).

From New Orleans, La., via INT of the New Orleans 066° and the Montgomery, Ala., 230° radials; Montgomery; Atlanta, Ga.; Spartanburg, S. C.; Gordonsville, Va.; INT of the Gordonsville 059° and the Coyle, N. J., 235° radials; Coyle; Kennedy, N.Y.; Albany, N.Y.; Massena, N. Y. to the INT of the Massena 037° radial and the United States/Canadian Border.

Jet Route No. 38 (United States/Canadian Border to Peck, Mich.).

From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Kenora, Ont., via Duluth; Green Bay, Wis., to Peck, Mich.

Jet Route No. 39 (Crestview, Fla., to Rosewood, Ohio).

From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala.; INT of the Birmingham 360° and the Nashville, Tenn., 191° radials; Nashville; Louisville, Ky., to Rosewood, Ohio.

AMENDMENTS 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 40 (Montgomery, Ala., to Ironsides, Md.).

From Mongomery, Ala., via the INT of the Montgomery 068° and the Macon, Ga., 268° radials; Macon; Charleston, S. C.; Wilmington, N. C.; Richmond, Va.; to the INT of the Richmond 009° and the Gordonsville, Va., 059° radials.

Jet Route No. 41 (Key West, Fla., to Omaha, Nebr.).

From Key West, Fla., via INT of Key West 358° and St. Petersburg, Fla., 151° radials; St. Petersburg; Tallahassee, Fla.; Montgomery, Ala.; Birmingham, Ala.; Memphis, Tenn.; Springfield, Mo., Kansas City, Mo., to Omaha, Nebr.

Jet Route No. 42 (Greater Southwest, Texas to Kennedy, N. Y.).

From Greater Southwest, Texas via Texarkana, Ark.; Memphia, Tenn.; Nashville, Tenn.; Beckley, W. Va.; Casanova, Va.; INT of Casanova 051° and Robbinsville, N. J., 247° radials; Robbinsville; to Kennedy, N. Y.

AMENDMENTS 1/9/69 33 F. R. 17768 (Changed)

Jet Route No. 43 (Miami, Fla., - Salem, Mich.).

From Miami, Fla., via INT of Miami 316° and St. Petersburg, Fla., 133° radials; St. Petersburg; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Falmouth, Ky.; Rosewood, Ohio; to the INT of Rosewood 009° and Pullman, Mich., 091° radials.

AMENDMENTS 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 44 (Phoenix, Ariz., to Farmington, N. Mex.).

From Phoenix, Ariz., via Winslow, Ariz., to Farmington, N. Mex.

Jet Route No. 45 (Jacksonville, Fla., to Aberdeen, S. Dak.).

From Jacksonville, Fla., via Alma, Ga.; Atlanta, Ga.; Nashville, Tenn.; INT of the Nashville 316° and the St. Louis, Mo., 129° radials; St. Louis; Des Moines, Iowa, Sioux Falls, S. Dak.; to Aberdeen, S. Dak.

AMENDMENTS 8/22/68 33 F. R. 8892 (Changed)

Jet Route No. 46 (Tulsa, Okla., to Knoxville, Tenn.).

From Tulsa, Okla., via Walnut Ridge, Ark.; Nashville, Tenn., to Knoxville, Tenn.

Jet Route No. 47 (Charleston, S. C., to Spartanburg, S. C.)

From Charleston, S. C., via Columbia, S. C., to Spartanburg, S. C.

Jet Route No. 48 (Pulaski, Va., to Westminster, Md.).

From Pulaski, Va., to Westminster, Md.

PENDING AMENDMENT

Jet Route No. 48 (Pulaski, Va., to Boston, Mass.).

From Pulaski, Va., via Westminster, Md.; Putnam, Conn.; to Boston, Mass.

AMENDMENTS 3/6/69 34 F. R. 1721 (Rewritten)

Jet Route No. 49 Charleston, W. Va., to the United States/Canadian Border).

From Charleston, W. Va., via INT of Charleston 034° and Philipsburg, Pa., 248° radials; Philipsburg; Hancock; Albany, N. Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 038° radial and the United States/Canadian Border.

AMENDMENTS 1/9/69 33 F. R. 17861 (Changed)

Jet Route No. 50 (El Paso, Texas, to Crestview, Fla.).

From El Paso, Texas, via Wink, Texas; Abilene, Tex.; Waco, Texas; Lufkin, Texas; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.

Jet Route No. 51 (Jacksonville, Fla., to Norfolk, Va.).

From Jacksonville, Fla., via Savannah, Ga.; Columbia, S. C.; Raleigh-Durham, N.C.; to Norfolk, Va.

Jet Route No. 52 (Greater Southwest, Texas to Richmond, Va.).

From Greater Southwest, Texas, via Texarkana, Ark.; Greenwood, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.; Raleigh-Durham, N. C.; to Richmond, Va.

Jet Route No. 53 (Key West, Fla., to Kleinburg, Ontario, Canada).

From Key West, Fla., via Miami, Fla.; Orlando, Fla.; Jacksonville, Fla.; INT of the Jacksonville 343° and the Augusta, Ga., 189° radials; Augusta; Spartanburg, S. C.; Pulaski, Va.; INT of Pulaski 015° and Ellwood City, Pa., 177° radials; Ellwood City; to Kleinburg, Ontario, Canada. The portion within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 54 (Pendleton, Oreg., to McCall, Idaho).

From Pendleton, Oreg., to McCall, Idaho.

Jet Route No. 55 (Jacksonville, Fla., to United States/Canadian Border).

From Jacksonville, Fla., via Savannah, Ga.; Charleston, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh, N. C., and the Raleigh-Durham, N. C., 224° radials; Raleigh-Durham, Flat Rock, Va.; INT of the Flat Rock 025° and the Gordonsville, Va., 059° radials; INT of the Grodonsville 059 and Sea Isle, N. J., 257° radials; Sea Isle; INT of Sea Isle 040° and Putnam, Conn., 217° radials; Putnam; Kennebunk, Maine; Bangor, Maine; Presque Isle, Maine; to Mont Joli, Quebec, Canada, excluding the portion within Canada.

AMENDMENTS 10/17/68 33 F. R. 11150 (Changed)

Jet Route No. 56 (Salt Lake City, Utah, to Denver, Colo.).

From Salt Lake City, Utah, via Meeker, Colo., to Denver, Colo.

Jet Route No. 58 (Oakland, Calif., to New Orleans, La.).

From Oakland, Calif., via Stockton, Calif.; Coaldale, Nev.; Wilson Creek, Nev.; Bryce Canyon, Utah; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; Greater Southwest, Texas; Alexandria, La.; INT of the Alexandria 126° and the New Orleans, La., 295° radials; to New Orleans.

Jet Route No. 59 (Philipsburg, Pa., to Syracuse, N. Y.).

From Philipsburg, Pa., to Syracuse, N. Y.

Jet Route No. 60 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo.; Hayes Center, Nebr.; Lincoln, Nebr.; INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; INT of Philipsburg 097° and Kennedy, N. Y., 271° radials; to Kennedy.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed); 7/25/68 33 F. R. 6710 (Changed)

Jet Route No. 61 (Westminster, Md. to Buffalo, N. Y.).

From Westminster, Md., via Philipsburg, Pa., to Buffalo, N. Y.

Jet Route No. 62 (Kennedy, N. Y., to Nantucket, Mass.).

From Kennedy, N.Y., via the INT of the Kennedy 080° and the Nantucket, Mass., 255° radials, to Nantucket.

Jet Route No. 63 (Tuna INT to Syracuse, N. Y.)

From the Tuna INT (INT of Kennedy, N. Y., 143° radial, 128 NM from Kennedy) via Kennedy; Huguenot, N. Y.; INT of Huguenot 321° and Syracuse, N. Y., 149° radials; to Syracuse.

AMENDMENTS 7/25/68 33 F. R. 8434 (Rewritten); 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 64 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.;
Alamosa, Colo.; Hill City, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Bradford, Ill.; via the INT of the Bradford 089° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Ellwood City, Pa.; Robbinsville, N. J.; to Kennedy, N. Y.

AMENDMENTS 1/9/69 33 F. R. 17768 (Changed)

Jet Route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).

From Phoenix, Ariz., via the INT of the Phoenix 272° and the Blythe, Calif., 096° radials; Blythe; Palmdale; INT of the Palmdale 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; to Red Bluff, Calif.

AMENDMENTS 3/28/68 33 F. R. 2766 (Changed)

Jet Route No. 66 (Greater Southwest, Tex., to Memphis, Tenn.).

From Greater Southwest, Tex., via Little Rock, Ark.; to Memphis, Tenn.

AMENDMENTS 8/22/68 33 F. R. 9335 (Rewritten)

Jet Route No. 67 (Lakeview, Oreg., to Portland, Oreg.)

From Lakeview, Oreg., direct Portland, Oreg.

Jet Route No. 68 (Jamestown, N. Y., to Nantucket, Mass.).

From Jamestown, N. Y. via Hancock, N. Y.; INT of Hancock 082° and Putnam, Conn., 293° radials; Putnam; Providence, R. I.; to Nantucket, Mass.

AMENDMENTS 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 69 (Mobile, Ala., to Birmingham, Ala.).
From Mobile, Ala., via INT of the Mobile 015° and the Birmingham, Ala., 232° radials; to Birmingham.

Jet Route No. 70 (Hoquiam, Wash., to Kennedy, N. Y.)(Joins Canadian High Level Airway No. 70).

From Hoquiam, Wash., via Seattle, Wash.; Ephrata, Wash.; Mullan Pass, Idaho;
Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; INT of Pullman 091° and Jamestown, N. Y., 275° radials; Jamestown; Huguenot, N. Y.; to Kenney, N. Y. That airspace within Canada is excluded.

AMENDMENT 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 71 (Memphis, Tenn., to Northbrook, Ill.).

From Memphis, Tenn., via Centralia, Ill.; to Northbrook, Ill.

Jet Route No. 72 (Boulder City, Nev., to Greater Southwest, Tex.).

From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Texico, N. Mex.; Wichita Falls, Texas; to Greater Southwest, Texas.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed)

Jet Route No. 74 (Los Angeles, Calif., to Greater Southwest, Tex.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; St. Johns, Ariz.; Socorro, N. Mex.; Texico, N. Mex.; Wichita Falls, Tex.; to Greater Southwest, Tex.

Jet Route No. 75 (Miami, Fla., to the United States/Canadian Border).

From Miami, Fla., via the INT of the Miami 297° and the Lakeland, Fla., 175° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; INT of the Alma 036° and the Columbia, S. C., 193° radials; Columbia;
Greensboro, N. C.; Gordonsville, Va.; Westminster, Md.; Huguenot, N. Y.; Albany, N. Y.; Plattsburgh, N. Y., to the INT of the
Plattsburgh 334° radial and the United States/Canadian Border.

Jet Route No. 76 (Boulder City, Nev., to Greater Southwest, Texas).

From Boulder City, Nev., via Tuba City, Ariz.; Las Vegas, N. Mex.; Amarillo, Texas;
Wichita Falls, Texas; to Greater Southwest, Texas.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed)

Jet Route No. 77 (Miami, Fla., to Boston, Mass.)

From Miami, Fla., via Palm Beach, Fla.; Vero Beach, Fla.; Daytona Beach, Fla.; Jacksonville, Fla.; Charleston, S. C.; Wilmington, N. C ; Gordonsville, Va.;
Westminster, Md.; Huguenot, N. Y.; to Boston, Mass.

AMENDMENTS 1/9/69 33 F. R. 17768 (Changed)

Jet Route No. 78 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Tulsa, Okla.;
Farmington, Mo.; Louisville, Ky.; Charleston, W. Va.; Philipsburg, Pa.; INT of Philipsburg 097° and Kennedy, N. Y.. 271° radials; to Kennedy.

Jet Route No. 79 (Miami, Fla., to Kennedy, N. Y.).

From Miami, Fla., via Palm Beach, Fla.; Vero Beach, Fla.; Daytona Beach, Fla.; INT of Daytona Beach 360°, Savannah, Ga., 180° and Jacksonville, Fla., 028° radials; Charleston, S. C.; Wilmington, N. C.; Norfolk, Va.; INT of Norfolk 023° and Coyle, N. J., 208° radials; Coyle; to Kennedy, N. Y.

Jet Route No. 80 (Oakland, Calif. to Kennedy, N. Y.).

From Oakland, Calif., via Stockton, Calif., Coaldale, Nev.; Wilson Creek, Nev.; Milford, Utah; Grand Junction, Colo.;
Denver, Colo.; Hill City, Kans.; Salina, Kans.; Kansas City, Mo.; Capital, Ill.; Indianapolis, Ind.;
Appleton, Ohio; Allegheny, Pa.; Coyle, N. J.; to Kennedy, N. Y.

Jet Route No. 81 (Miami, Fla., to Barracuda, Fla., INT).

From Miami, Fla., via Orlando, Fla., to the INT of the Melbourne, Fla., RR 055° and the Bimini, Bahamas, RBN 008° bearings.

Jet Route No. 82 (Portland, Oreg. to Boston, Mass.).

From Portland, Oreg., via McCall, Idaho; Dubois, Idaho; Crazy Woman, Wyo.; Rapid City, S. Dak; Sioux Falls, S. Dak.; Fort Dodge, Iowa; Dubuque, Iowa; INT of Dubuque 095° and Joliet, Ill., 317° radials; Joliet; Cleveland, Ohio; Jamestown, N. Y.;
Albany, N. Y.; INT of the Albany 084° and the Boston, Mass., 325° radials; to Boston.

AMENDMENTS 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 83 (Knoxville, Tenn., to Cleveland, Ohio).

From Knoxville, Tenn., via the INT of the Knoxville 018° and the Appleton, Ohio, 189° radials; Appleton; to Cleveland, Ohio.

Jet Route No. 84 (Oakland, Calif., to Northbrook, Ill.).

From Oakland, Calif., via Linden, Calif.; Mina, Nev.; Currant, Nev.; INT Currant 087° and Delta, Utah, 243° radials; Delta; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

AMENDMENTS 3/28/68 33 F. R. 2506 (Changed); 5/23/68 33 F. R. 5215 (Changed)

Jet Route No. 85 (Miami, Fla., to Salem, Mich.) (Joins Canadian High Level Airway No. 85).

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Augusta, Ga.; Spartanburg, S. C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio 172° radials; Cleveland, to the INT of Cleveland 315° and Pullman, Mich., 091° radials. The portion within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 86 (Boulder City, Nev. to Miami, Fla.).

From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; El Paso, Tex.; Fort Stockton, Texas; Junction, Tex.; Austin, Tex.; INT of Austin 113° and Houston, Texas, 287° radials; Houston; Grand Isle, La.; INT of Grand Isle 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 143° and Miami, Fla., 297° radials; to Miami.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed)

Jet Route No. 87 (Houston, Texas, to Northbrook, Ill.).

From Houston, Tex., via Greater Southwest, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Kirksville, Mo., 242° radials; Kirksville; Bradford; Joliet, Ill., to Northbrook, Ill.

Jet Route No. 88 (Los Angeles, Calif., to Oakland, Calif.).

From Los Angeles, Calif., via INT of the Los Angeles 303° and the Santa Barbara, Calif., 109° radials; Santa Barbara; Salinas, Calif.; INT of the Salinas 310° and the Oakland, Calif., 170° radials; to Oakland.

AMENDMENTS 6/20/68 33 F. R. 6917 (Changed)

Jet Route No. 89 (Miami, Fla., to Duluth, Minn.).

From Miami, Fla. via the INT of the Miami 316° and the Lakeland, Fla. 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Atlanta, Ga.; Louisville, Ky.; Lafayette, Ind.; Northbrook; Milwaukee, Wis., to Duluth, Minn.

Jet Route No. 90 (Seattle, Wash., to Northbrook, Ill.).

From Seattle, Wash., via Ephrata, Wash.; Mullan Pass, Idaho; Lewistown, Mont.; Miles City, Mont.; Aberdeen, S. Dak.; Redwood Falls, Minn.; Mason City, Iowa; INT of the Mason City 095° and the Northbrook, Ill., 293° radials; to Northbrook.

AMENDMENTS 10/17/68 33 F. R. 11451 (Changed); 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 91 (Atlanta, Ga., to Cleveland, Ohio).

From Atlanta, Ga., via Knoxville, Tenn.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; to Cleveland.

AMENDMENTS 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 92 (Reno, Nev., to Tucson, Ariz.).

From Reno, Nev., via Coaldale, Nev.; Beatty, Nev.; INT Beatty 142° and Boulder City, Nev., 272° radials; Boulder City; Prescott, Ariz.; Phoenix, Ariz.; to Tucson, Ariz.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed)

Jet Route No. 94 (Oakland, Calif., to Boston, Mass.).

From Oakland, Calif., via Stockton, Calif.; Reno, Nev.; Battle Mountain, Nev.; Lucin, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neill, Nebr.; Fort Dodge, Iowa; Dubuque, Iowa; Northbrook; Pullman, Mich.; Peck, Mich., to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N. Y., 274° radial via Buffalo; Albany, N. Y., to Boston, Mass.

AMENDMENTS 2/6/69 33 F. R. 19165 (Changed)

Jet Route No. 95 (Kennedy, N. Y., to the United States/Canadian Border).

From Kennedy, N. Y., via Huguenot, N. Y., Buffalo, N. Y.; to Kleinburg, Ontario, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 96 (Los Angeles, Calif., to Joliet, Ill.).

From Los Angeles, Calif. via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Garden City, Kans.; INT Garden City 066° and Salina, Kans., 257° radials; Salina; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill.

Jet Route No. 97 (Nantucket, Mass., to Plattsburgh, N. Y.).

From Nantucket, Mass., via Boston, Mass., to Plattsburgh, N. Y.

Jet Route No. 98 (Springfield, Mo., to Farmington, Mo.)

From Springfield, Mo., to Farmington, Mo.

Jet Route No. 99 (Atlanta, Ga., to Northbrook, Ill.).

From Atlanta, Ga., via Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill.

Jet Route No. 100 (Los Angeles, Calif., to Northbrook, Ill.).

From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed)

Jet Route No. 101 (Houston, Texas, to Sault Ste. Marie, Mich.).

From Houston, Texas, via Lufkin, Texas; Shreveport, La.; Little Rock, Ark.; St. Louis, Mo.; Capital, Ill.; INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet; Northbrook, Ill.; Milwaukee, Wis.; Green Bay, Wis.; to Sault Ste. Marie, Mich.

Jet Route No. 102 (Alamosa, Colo. to Hill City, Kans.).

From Alamosa, Colo., via Lamar, Colo.; to Salina, Kans.

AMENDMENTS 4/25/68 33 F. R. 3509 (Changed)

Jet Route No. 103 (St. Petersburg, Fla., to Savannah, Ga.).

From St. Petersburg, Fla., via Orlando, Fla.; Daytona Beach, Fla.; to Savannah, Ga.

Jet Route No. 104 (Gila Bend, Ariz., to Denver, Colo.).

From Gila Bend, Ariz., via Tucson, Ariz.; San Simon, Ariz.; Socorro, N. Mex.; Las Vegas, N. Mex.; Pueblo, Colo.; to Denver, Colo.

AMENDMENTS 11/14/68 33 F. R. 12892 (Rewritten)

Jet Route No. 105 (Greater Southwest, Tex., to Milwaukee, Wis.).

From Greater Southwest, Tex., via Fayetteville, Ark.; Springfield, Mo.; Bradford, Ill.; to Milwaukee, Wis.

Jet Route No. 106 (Minneapolis, Minn., to Green Bay, Wis.).

From Minneapolis, Minn., to Green Bay, Wis.

Jet Route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada).

That airspace over United States territory from Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Delta, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak., to Kenora, Ontario, Canada.

AMENDMENTS 6/18/68 33 F. R. 9334 (Changed); 11/14/68 33 F. R. 12892 (Changed)

Jet Route No. 108 (Winslow, Ariz., to St. Johns, Ariz.)

From Winslow, Ariz., to St. Johns, Ariz.

Jet Route No. 109 (Wilmington, N. C., to Buffalo, N. Y.).

From Wilmington, N. C., via Gordonsville, Va.; Front Royal, Va.; Philipsburg, Pa., to Buffalo, N. Y.

Jet Route No. 110 (Oakland, Calif., to Kennedy, N. Y.).

From Oakland, Calif., via INT of the Oakland 170° and the Salinas, Calif., 310° radials; Salinas; Fresno, Calif.; Boulder City, Nev.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Garder City, Kans.; Butler, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Appleton, Ohio; Allegheny, Pa.; Coyle, N. J.; to Kennedy, N. Y.

AMENDMENTS 7/5/68 33 F. R. 10204 (Changed)

Jet Route No. 111 (Nome, Alaska, to Middleton Island, Alaska.).

From Nome, Alaska, via Unalakleet, Alaska; McGrath, Alaska; Anchorage, Alaska; to Middleton Island, Alaska.

Jet Route No.112 (Butler, Mo. to Louisville, Ky.).

From Butler, Mo., via Farmington, Mo., to Louisville, Ky.

Jet Route No. 113 (Northbrook, Ill., to Minneapolis, Minn.).
From Northbrook, Ill., via Dubuque, Iowa; to Minneapolis, Minn.

Jet Route No. 115 (King Salmon, Alaska, to Fairbanks, Alaska)
From King Salmon, Alaska; via Anchorage, Alaska; to Fairbanks, Alaska.

Jet Route No. 117 (McGrath, Alaska, to Kotzebue, Alaska).

From McGrath, Alaska, via Galena, Alaska; to Kotzebue, Alaska, RBN.

Jet Route No. 118 (Memphis, Tenn., to Spartanburg, S. C.)

From Memphis, Tenn., via Chattanooga, Tenn., to Spartanburg, S. C.

Jet Route No. 119 (Miami, Fla., to Alma, Ga.)

From Miami, Fla., via the INT of the Miami 297° and the St. Petersburg, Fla., 151° radials; St. Petersburg; to Alma, Ga.

AMENDMENTS 10/17/68 33 F. R. 11537 (Changed)

Jet Route No. 120 (Bethel, Alaska, to Barter Island, Alaska).

From Bethel, Alaska, via McGrath, Alaska; Fairbanks, Alaska; Fort Yukon, Alaska; to the Barter Island, Alaska, RBN.

AMENDMENTS 12/12/68 33 F. R. 15860 (Changed); Eff. date changed 1/9/69 33 F. R. 18135
Eff. date changed 1/20/69 34 F. R. 250

Jet Route No. 121 (Norfolk, Va., to Providence, R. I.).

From Norfolk, Va., via INT of Norfolk 023° and Sea Isle, N. J., 212° radials; Sea Isle; INT of Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; Providence, R. I.; to INT of Providence 045° and Boston, Mass., 066° radials.

Jet Route No. 122 (Nenana, Alaska, to Nome, Alaska).

From Fairbanks, Alaska, via Galena, Alaska; to Nome, Alaska.

Jet Route No. 123 From INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W., via Kodiak; to King Salmon, Alaska.

Jet Route No. 124 (Anchorage, Alaska to Northway, Alaska).

From Anchorage, Alaska, via Big Lake, Alaska; Gulkana, Alaska; to Northway, Alaska.

AMENDMENTS 4/25/68 33 F. R. 4868 (Rewritten)

Jet Route No. 125 From Kodiak, Alaska, to Anchorage, Alaska.

Jet Route No. 126 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; INT of the Avenal 329° and the Stockton, Calif., 164° radials; Stockton; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg.; to Seattle, Wash.

Jet Route No. 128 (Los Angeles, Calif. to Northbrook, Ill.).

From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Gunnison, Colo.; Denver, Colo.; Hays Center, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 131 (San Antonio, Tex., to Greater Southwest, Tex.).

From San Antonio, Tex., via INT San Antonio 007° and Greater Southwest, Tex., 219° radials; to Greater Southwest.

AMENDMENTS 12/12/68 33 F. R. 15545 (Added)

Jet Route No. 132 (Fort Dodge, Iowa, to Mason City, Iowa).

From Fort Dodge, Iowa, to Mason City, Iowa.

Jet Route No. 133 (Annette Island, Alaska, to Anchorage, Alaska).
From Annette Island, Alaska, via Biorka Island, Alaska; Hinchinbrook, Alaska; RR; Johnstone Point, Alaska; to Anchorage, Alaska.

AMENDMENTS 2/6/69 33 F. R. 18010 (Added)

Jet Route No. 134 (Los Angeles, Calif., to Front Royal, Va.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Liberal, Kans.; Wichita, Kans.; Butler, Mo.; St. Louis, Mo.; Falmouth, Ky.; INT of Falmouth 085° and Front Royal, Va., 264° radials; to Front Royal.

AMENDMENTS 5/23/68 33 F. R. 5215 (Changed); 1/9/69 33 F. R. 17767 (Changed)

Jet Route No. 136 (Newport, Oreg. to Spokane, Wash.).

From Newport, Oreg., via Portland, Oreg., Yakima, Wash., to Spokane, Wash.

Jet Route No. 138 (Fort Stockton, Tex., to San Antonio, Tex.).

From Fort Stockton, Tex., to San Antonio, Tex.

Jet Route No. 144 (Wolbach, Nebr., to Dubuque, Iowa).

From Wolbach, Nebr.; via Des Moines, Iowa; to Dubuque, Iowa.

AMENDMENTS 3/28/68 33 F. R. 2506 (Added)

Jet Route No. 146 (Los Angeles, Calif., to Joliet, Ill.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder, Nev.; Dove Creek, Colo.; Gunnison, Colo.; Goodland, Kans.; Lincoln, Nebr.; INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City; to Joliet, Ill.

AMENDMENTS 7/25/68 33 F. R. 6710 (Added)

Jet Route No. 147 (Beckley, W. Va., to Gordonsville, Va.)

From Beckley, W. Va., to Gordonsville, Va.

AMENDMENTS 1/9/69 33 F. R. 17768 (Added)

Jet Route No. 148 (Delta, Utah, to O'Neill, Nebr.).

From Delta, Utah, via Myton, Utah; Cheyenne, Wyo.; to O'Neill, Nebr.

AMENDMENTS 6/20/68 33 F. R. 6287 (Added)

Jet Route No. 149 (Casanova, Va., to Appleton, Ohio).
From Casanova, Va., via INT of Casanova 280° and Appleton, Ohio, 122° radials; to Appleton.

AMENDMENTS 1/9/69 33 F. R. 17738 (Added)

Jet Route No. 150 (Hampton, N. Y., to Striper INT).

From Hampton, N. Y., via Hyannis, Mass.; to the INT of Hyannis 068° and Boston, Mass., 097° radials.

AMENDMENTS 6/20/68 33 F. R. 6287 (Added)

Jet Route No. 151 (St. Louis, Mo., to Billings, Mont.)

From St. Louis, Mo., via Des Moines, Iowa; O'Neill, Nebr.; Rapid City, S. Dak.; to Billings, Mont.

AMENDMENTS 8/22/68 33 F. R. 8592 (Added)

Jet Route No. 152 (From Capital, Ill., to Ellwood City, Pa.).

From Capital, Ill., via INT of Capital 091° and Rosewood, Ohio, 263° radials; Rosewood; INT of Rosewood 083° and Ellwood City, Pa., 256° radials; to Ellwood City.

AMENDMENTS 1/9/69 33 F. R. 17767 (Added)

Jet Route No. 153 (From Shad INT to Sea Isle, N. J.)

From Shad INT (INT of Sea Isle, N. J. 134° radial, 118 NM from Sea Isle to Sea Isle.

AMENDMENTS 7/25/68 33 F. R. 8434 (Added)

Jet Route No. 154 (Battle Mountain, Nev., to Rock Springs, Wyo.).

From Battle Mountain, Nev., via Bonneville, Utah; Salt Lake City, Utah; to Rock Springs, Wyo.

AMENDMENTS 2/6/69 33 F. R. 19165 (Added)

Jet Route No. 156 (Wilson Creek, Nev., to Meeker, Colo.).

From Wilson Creek, Nev., to Meeker, Colo.

AMENDMENTS 12/12/68 33 F. R. 14701 (Added)

Jet Route No. 174 (Hampton, N. Y., to Herring INT).

From Hampton, N. Y., via Hyannis, Mass.; to the INT of Hyannis 080° and Nantucket, Mass., 066° radials.

AMENDMENTS 6/20/68 33 F. R. 6287 (Added)

Jet Route No. 500 (Lakehead, Ontario, to Fredericton, New Brunswick).(joins Canadian high level airway No. 500).

From Lakehead, Ontario, via Sault Ste. Marie, Mich.; North Bay, Ontario, Canada; Killaloe, Ontario, RBN; Ottawa, Ontario; St. Johns, Quebec; Sherbrooke, Quebec; Millinocket, Maine to Fredericton, New Brunswick excluding the portions outside the United States.

AMENDMENTS 7/5/68 33 F. R. 10205 (Changed)

Jet Route No. 501 (Seattle, Washington, to Bethel, Alaska). (joins Canadian High Level Airway No. 501.).

From Seattle, Wash., to Victoria, British Columbia. From Sandspit, B. C. via Biorka Island, Alaska; Yakutat, Alaska; Johnstone Point, Alaska; Anchorage, Alaska; to Bethel, Alaska, excluding that airspace within Canadian territory.

Jet Route No. 502 (Kotzebue, Alaska, to Oakland, Calif.). (Joins Canadian high level airway No. 502)
From Kotzebue, Alaska, via Fairbanks, Alaska; Northway, Alaska; Burwash Landing, Yukon Territory, RR; Sisters Island, Alaska; Annette Island, Alaska; Malcolm Island, British Columbia, Canada; Tofino, British Columbia, Canada, RBN; Neah Bay, Wash., RBN; Hoquiam, Wash.; Medford, Oreg.; Ukian, Calif.; INT of Ukiah 172° and Oakalnd, Calif., 305° radials; to Oakland, excluding the portion within Canada.

AMENDMENTS 6/20/68 33 F. R. 6917 (Changed)

Jet Route No. 503(Seattle, Wash., to United States/Canadian Border) (joins Canadian High Level airway No. 503).

From Seattle, Wash., to the United States/Canadian Border via the Seattle direct radial to Princeton, British Columbia.

Jet Route No. 505 (Seattle, Wash., to the United States/Canadian border) (Joins Canadian high level airway No. 506)

From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian border.

Jet Route No. 506 (Millinocket, Maine, to United States/Canadian border). (Joins Canadian high level airway No. 506).

From Millinocket, Maine, via the intersection of Millinocket 114° and St. John, N. B., 267° radials; to the intersection of the St. John 267° radial with the United States/Canadian border.

Jet Route No. 507 (Northway, Alaska, to Annette Island, Alaska)
From Northway, Alaska, via Yakutat, Alaska; Sisters Island, Alaska; to Annette Island, Alaska, excluding the portion within Canada.

Jet Route No. 509 (Long Lake, N.Y., to United States/Canadian border) (Joins Canadian high level airway No. 509)

From the INT of Albany, N.Y., 343° and St. Eustache, Quebec, 188° radials to the INT of the St. Eustache 188° radial with the United States/Canadian border.

Jet Route No. 511 (Dillingham, Alaska, to the United States/Canadian border); (joins Canadian high level airway No. 511).

From Dillingham, Alaska, via Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; to Burwash Landing, Yukon Territory, Canada, RR, excluding the portion which lies over Canadian territory.

AMENDMENTS 4/25/68 33 F. R. 4368 (Added)

Jet Route No. 515 (Fargo, N. Dak., via the United States/Canadian border, to Fairbanks, Alaska). (Joins Canadian high level airway No. 515.)

From Fargo, N. Dak., via Pembina, N. Dak., to the INT of Pembina 356° radial and the United States/Canadian border. From the INT of Northway, Alaska, 121° radial and the United States/Canadian border via Northway to Fairbanks, Alaska.

Jet Route No. 516 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 516).

From Great Falls, Mont., via the Great Falls 339° radial to the United States/Canadian border.

Jet Route No. 517 (Spokane, Wash., to the United States/Canadian border);(joins Canadian high level airway No. 517).

From Spokane, Wash., to Kimberley, British Columbia, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 518 (Windsor, Ontario, Canada, to Westminster, Md.) (Joins Canadian high level airway No. 518).

From Windsor, Ontario, Canada, via INT of Windsor 134° and Ellwood City, Pa., 296° radials; Ellwood City; INT of Ellwood City 124° and Westminster, Md., 289° radials; to Westminster; excluding the airspace which lies over Canadian territory.

Jet Route No. 522 (From the United States/Canadian border to Huguenot, N. Y.). (Joins Canadian High Level Airway No. 522.)

From Kleinburg, Ont., Canada, via Hancock, N. Y., to Huguenot, N. Y., excluding the airspace within Canada.

AMENDMENTS 1/9/69 33 F. R. 17767 (Added)

Jet Route No. 523 (Seattle, Wash., to Neah Bay, Wash.).

From Seattle, Wash., to the Neah Bay, Wash., RBN.

AMENDMENTS 8/22/68 33 F. R. 9468 (Added); Corr: 33 F. R. 11538

Jet Route No. 530 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 530).

From Great Falls, Mont., via the Great Falls 040° radial to the United States/Canadian border.

Jet Route No. 531 (Buffalo, N. Y., to Sault Ste. Marie, Mich.) (Joins Canadian high level airway No. 531.).

From Buffalo, N. Y., via Kleinburg, Ont., Canada; Wiarton, Ont., Canada; to Sault Ste. Marie, Mich., excluding the portion which lies over Canadian territory.

Jet Route No. 532 (Pembina, N. Dak., to the United States/Canadian Border) (joins Canadian high level airway No. 532).

From Pembina, N. Dak., to the United States/Canadian Border via the Pembina to Red Lake, Ontario RBN direct radial.

Jet Route No. 533 (Duluth, Minn., to the United States/Canadian Border) (joins Canadian high level airway No. 533).

From Duluth, Minn., to the United States/Canadian border via the Duluth to Lakehead, Ontario, direct radial.

Jet Route No. 538 (Duluth, Minn., to the United States/Canadian border); (joins Canadian high level airway No. 538).

From the INT of the United States/Canadian border and the direct radial between Duluth, Minn., and Kenora, Ont., to Duluth.

Jet Route No. 545 (Cleveland, Ohio, to the United States/Canadian Border)(joins Canadian High Level Airway No. 545).

From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border.

Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 546).

From Peck, Mich., to the United States/Canadian Border via the Peck to Kleinburg, Ontario direct radial.

Jet Route No. 547 (Peck, Mich., to Buffalo, N. Y.).(Joins Canadian high level airway No. 547.)

From Peck, Mich., via the Peck 100° radial to the United States/Canadian border. From the United States/Canadian border to Buffalo, N. Y., via the Buffalo 274° radial.

Jet Route No. 548 (Pullman, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 548).

From Pullman, Mich.; via the INT Sault Ste. Marie, Mich., 207° and Pullman 010° radials; Sault Ste. Marie, to the United States/Canadian border via the Sault Ste. Marie to Timmins, Ontario, RR direct radial.

AMENDMENTS 8/22/68 33 F. R. 9810 (Rewritten)

Jet Route No. 551 (Peck, Mich., to the United States/Canadian border.) (Joins Canadian high level airway No. 551).

From Peck, Mich., to the United States/Canadian border via the Peck to Wiarton, Ontario, direct radial.

Jet Route No. 554 (Carleton, Mich., to Buffalo, N. Y.). (Joins Canadian High Level Airway No. 554).

From Carleton, Mich., to Buffalo, N. Y. That airspace within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17767 (Rewritten)

Jet Route No. 559 (Syracuse, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 559).

From Syracuse, N. Y., to the INT of Syracuse 005° radial and the United States/Canadian border.

Jet Route No. 560 (Plattsburgh, N. Y., to the United States/Canadian Border.) (Joins Canadian high level airway No. 560.)

From Plattsburgh, N. Y., to Quebec, Quebec, Canada, excluding the airspace over Canada.

Jet Route No. 563 (Albany, N. Y., to the United States/Canadian border). (Joins Canadian High Level Airway No. 563).

From Albany, N. Y., via INT of Albany 008° and Sherbrooke, Quebec, Canada, 217° radials to Sherbrooke, excluding the airspace over Canada.

Jet Route No. 564 (Presque Isle, Maine, to the United States/Canadian border); (joins Canadian high level airway No. 564).

From Presque Isle, Maine, to INT of the Presque Isle 038° radial and the United States/Canadian border.

Jet Route No. 566 (Massena, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 566).

From Massena, N. Y., to the INT of the Massena 037° radial and the United States/Canadian border.

Jet Route No. 567 (Plattsburgh, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 567).

From Plattsburgh, N. Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian border.

Jet Route No. 573 (Kennebunk, Maine, to the United States/Canadian Border). (joins Canadian High Level Airway No. 573).

From Kennebunk, Maine, to St. John, New Brunswick, Canada, excluding the portion within Canada.

AMENDMENTS 12/12/68 33 F. R. 15545 (Added)

Jet Route No. 575 (Putnam, Conn. to Yarmouth, N. S., Canada). (Joins Canadian high level airway No. 575).

From Putnam, Conn., via Boston, Mass.; to Yarmouth, N. S., Canada, excluding the portion under the jurisdiction of Canada.

AMENDMENTS 1/9/69 33 F. R. 17768 (Changed)

Jet Route No. 581 (Hampton, N. Y. to the United States/Canadian Border); (joins Canadian high level airway No. 581).

From Hampton, N. Y., via Providence, R. I.; Boston, Mass.; Kennebunk, Maine; Bangor, Maine, to the INT of the Bangor 058° radial and the United States/Canadian border.

AMENDMENTS 1/9/69 33 F. R. 17768 (Changed)

Jet Route No. 582 (Presque Isle, Maine, to the United States/Canadian border). (Joins Canadian high level airway No. 582.)

From Presque Isle, Maine, to Mont Joli, Quebec, Canada, excluding the portion within Canada.

Jet Route No. 584 (Northbrook, Ill., to Kennedy, N. Y.).

From Northbrook, Ill., via INT of Northbrook 093° and Carleton, Mich., 270° radials; Carleton; Slate Run, Pa.; to Kennedy, N. Y.

Jet Route No. 585 (Nantucket, Mass. to Yarmouth, N.S. Canada). (Joins Canadian high level airway No. 585).

From Nantucket, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 586 (Carleton, Mich., to United States/Canadian Border near Massena, N. Y.). (Joins Canadian High Level Airway No. 586).

From Carleton, Mich., via London, Ont., Canada; Stirling, Ont., Canada; Massena, N. Y.; to St. Jean, Quebec, Canada. That airspace within Canada is excluded.

AMENDMENTS 1/9/69 33 F. R. 17767 (Rewritten)

Jet Route No. 590 (Lakehead, Ontario, Canada, to Carleton, Mich.) (joins Canadian high level airway No.HL-590).

From the Lakehead, Ontario, Canada, RBN; Sault Ste. Marie, Mich., to Carleton, Mich. The portion within Canada is excluded.

AMENDMENTS 2/1/68 32 F. R. 17518 (Added); 8/22/68 33 F. R. 9810 (Rewritten)

SUBPART C - JET ADVISORY AREAS

§75.200 En route jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 25 Jet Advisory Area.
Nonradar: From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex., from FL 270 to FL 410, inclusive.

Jet Route No. 29 Jet Advisory Area.
Nonradar: From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex., from FL 270 to FL 410, inclusive.

Jet Route No. 32 Jet Advisory Area.
Nonradar: From the positive control area boundary NE of Duluth, Minn., to the United States/Canadian border only from FL 370 to FL 390, inclusive.

Jet Route No. 36 Jet Advisory Area
Nonradar: From the intersection of J-36 and longitude 100°00'00" W., to the boundary of the positive control area southeast of Fargo.

AMENDMENTS 10/17/68 33 F. R. 11748 (Rewritten)

Jet Route No. 38 Jet Advisory Area.
Nonradar: From United States/Canadian Border to the positive control area boundary NW of Duluth, Minn., at FL 310 and FL 370 to FL 410, inclusive.

Jet Route No. 53 Jet Advisory Area.
Radar: Key West, Fla., to the positive control area boundary S of Miami, Fla.

Jet Route No. 62 Jet Advisory Area.
Radar: From the positive control area boundary SW of Nantucket, Mass., to Nantucket.

Jet Route No. 68 Jet Advisory Area.
Radar: From Providence, R. I., to Nantucket, Mass.

Jet Route No. 97 Jet Advisory Area.
Radar: Nantucket, Mass., to Boston, Mass.

Jet Route No. J-107 Jet Advisory Area.
Radar: From the positive control area boundary NE of Dickinson, N. Dak., to 14 nautical miles SW of Pembina, N. Dak.
Nonradar: From 14 nautical miles SW of Pembina, N. Dak., to 26 nautical miles NE of Pembina; from 81 nautical miles NE of Pembina to 93 nautical miles NE of Pembina.

Jet Route No. 500 Jet Advisory Area.
Radar: From the United States/Canadian border SE of Lakehead, Ont., Canada, to the United States/Canadian border E of Sault Ste. Marie, Mich., excluding the airspace below FL 290.

Jet Route No. 515 Jet Advisory Area
Nonradar: From Fargo, N. Dak., to the United States/Canadian border.

Jet Route No. 532 Jet Advisory Area.
Radar: Pembina, N. Dak., to the United States/Canadian border.

Jet Route No. 533 Jet Advisory Area.
Nonradar: From the positive control area boundary NE of Duluth, Minn., to the United States/Canadian Border only from FL 370 to FL 390, inclusive.

Jet Route No. 538 Jet Advisory Area.
Nonradar: From the United States/Canadian Border to the positive control area boundary NW of Duluth, Minn., at FL 310 and from FL 370 to FL 410, inclusive.

§75.300 Terminal jet advisory areas.

(Unless otherwise specified the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Boston, Mass., Jet Advisory Area.
Radar a. Nantucket, Mass., CONSOLAN via Control Area 1143 to boundary of the Continental Control Area.
b. Nantucket, Mass., CONSOLAN via Control Area 1144 to boundary of the Continental Control Area.
c. Nantucket, Mass., CONSOLAN via Control Area 1145 to boundary of the Continental Control Area.

Los Angeles, Calif., Jet Advisory Area
Radar. a. The airspace within 3 miles from the shoreline of Santa Catalina Island, Calif.

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Consumer and Marketing Service
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Federal Maritime Commission
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MAR 10 1969

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Badlands National Monument	82 Stat. 664; 16 U.S.C. 441l.
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National Trails System	82 Stat. 922; 16 U.S.C. 1246.
Redwood National Park	82 Stat. 931; 16 U.S.C. 79b.
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Subpart—Hawaiian Fruits and Vegetables

ADDITION OF CERTAIN VEGETABLES TO THE LIST OF FRUITS AND VEGETABLES WHICH MAY BE MOVED FROM HAWAII AFTER INSPECTION AND CERTIFICATION

Pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), § 318.13–2(b) of the regulations supplemental to the quarantine relating to the interstate movement of Hawaiian fruits and vegetables (7 CFR 318.13–2(b)) is hereby amended by inserting in the list of fruits and vegetables therein, in the proper alphabetical order, the items listed below:

§ 318.13–2 **Regulated articles.**

* * * * * * *

(b) * * *

Artichoke, globe (*Cynara scolymus*).
Beets (*Beta vulgaris*).
Mustard greens (*Brassica spp.*).
Turnips (*Brassica rapa*).

* * * * * * *

(Secs. 8, 9, 37 Stat. 318, as amended, 7 U.S.C. 161, 162; 29 F.R. 16210, as amended, 33 F.R. 15485)

The purpose of this amendment is to authorize the movement from Hawaii to other parts of the United States throughout the year of artichokes, beets, mustard greens, and turnips upon the basis of inspection and certification under the regulations. Presently, these vegetables are not eligible for such movement.

Commercial growers in Hawaii desire to ship these vegetables to the mainland markets. A review of scientific literature has shown that these vegetables would not present a risk of transporting dangerous plant pests to other parts of the United States if they are moved under the conditions provided by the amendment. The amendment relieves a restriction, and in order to be of maximum benefit to persons subject to the restriction, it should be made effective as promptly as possible.

Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of February 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–2703; Filed, Mar. 5, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 171]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Correction

In F.R. Doc. 69–2534 appearing at page 2650 in the issue for Thursday, February 27, 1969, the signature and title lines should read "Floyd F. Hedlund, *Director, Fruit and Vegetable Division, Consumer and Marketing Service.*"

[Navel Orange Reg. 172]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.472 **Navel Orange Regulation 172.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insuffi-

cient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 7, 1969, through March 13, 1969, are hereby fixed as follows:

(i) District 1: 825,000 cartons;
(ii) District 2: 275,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–2839; Filed, Mar. 5, 1969; 11:41 a.m.]

[Valencia Orange Reg. 264]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.564 Valencia Orange Regulation 264.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 7, 1969, through March 13, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 247,550 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 5, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–2840; Filed, Mar. 5, 1969; 12:13 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1424—BULK OILS

Subpart—Standards for Approval of Bulk Oil Warehouses

The regulations appearing in this subpart which were published on January 5, 1967 (32 F.R. 43) and amended October 11, 1967 (32 F.R. 14099) are revised to read as follows:

1424.1 General statement and administration.
1424.2 Basic standards.
1424.3 Bonding requirements.
1424.4 Examination of warehouses.
1424.5 Exceptions.
1424.6 Approval of warehouses; requests for reconsideration.
1424.7 Exemption from requirements.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

§ 1424.1 General statement and administration.

(a) This subpart prescribes the requirements which must be met by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval of his warehouse(s) by Commodity Credit Corporation (hereinafter called "CCC") for the storage and handling, under a storage agreement with CCC, of bulk oil which is owned by CCC or held by CCC as security for price support loans. This subpart also prescribes the procedure to be followed by a warehouseman in obtaining such approval. This subpart is not applicable to bulk oil purchased in storage for prompt shipment or to handling operations of a temporary nature.

(b) Copies of the applicable CCC storage contract and other forms required to obtain approval under this subpart may be obtained from the following offices: (1) For cottonseed oil and castor oil, from the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112; (2) for tung oil, from the National Tung Oil Marketing Cooperative, Inc., Post Office Box 73, Poplarville, Miss. 39470, or the Producer Associations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250; and (3) for linseed oil and oil other than cottonseed oil, castor oil, and tung oil, from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, 6400 France Avenue, South Minneapolis, Minn. 55410.

(c) A warehouse must be approved by CCC and a storage contract must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage contract does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the appropriate office designated in paragraph (b) of this section:

(1) A completed Form CCC–513, "Application for Approval of Tank Farm".

(2) A current financial statement on Form TW–51, "Financial Statement", supported by such supplemental schedules as may be requested. Such statement shall show the financial condition of the warehouseman as of the date not earlier than ninety (90) days prior to the date of the warehouseman's application or such other date as may be established by CCC. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) Evidence that he is licensed by the appropriate licensing authority as required under § 1424.2(b)(2) and such other documents or information as CCC may require.

§ 1424.2 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by him which is to be approved, or has been approved, for the storage and handling of bulk oil under CCC programs shall meet the following standards:

(a) Neither the warehouseman nor any of his officials or supervisory employees is suspended or debarred under CCC's regulations governing suspension and debarment, Part 1407 of this chapter, for any of the causes set forth in § 1407.5 thereof.

(b) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing bulk oil for hire. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business.

(2) Have a current and valid license for the kind of storage operation for which he seeks approval if such a license is required by State of local laws or regulations.

(3) Have a net worth equal at least to four (4) percent of the value of the estimated quantity of the bulk oil to be stored, as determined by CCC, but in no event less than $10,000. If the required minimum net worth exceeds $10,000, the warehouseman may satisfy any deficiency in net worth between the $10,000 and such required minimum net worth by furnishing an acceptable performance bond or other security acceptable to CCC.

(4) Have available sufficient funds to meet ordinary operating expenses.

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage contract with CCC.

(6) Provide CCC such bonds (or acceptable substitute security) as are required under § 1424.3.

(7) Maintain complete inventory and operating records.

(8) Use only warehouse receipts prescribed by CCC.

(c) (1) The warehouseman, his officials, or his supervisory employees in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business as related to bulk oil to enable them to provide proper storage and handling services, and

(2) The warehouseman, his officials, and each of his supervisory employees in charge of the warehouse operation shall have a satisfactory record of integrity, judgment, and performance.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequate to handle, store, and preserve bulk oil.

(2) Be under the control at all times of the contracting warehouseman.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have adequate firefighting equipment for the type of warehouse and commodity involved.

(5) Be located on a railroad or waterway or have access to suitable rail or water loadout points.

(6) Have a work force and equipment available to complete the loadout within approximately seventy-five (75) working days of that quantity of bulk oil for which the warehouse is or may be approved by CCC.

§ 1424.3 Bonding requirements.

(a) Except as otherwise provided in this subpart, an applicant for a bulk oil storage contract shall, at his expense, furnish a performance bond to CCC. Such bond shall be executed by a surety company which: (1) Has been approved by the U.S. Treasury Department, and (2) maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) A bond furnished by a warehouseman shall be on Form CCC–61, "Warehouseman's Bond—Processed Commodities", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if: (1) CCC determines that it provides adequate protection to CCC, (2) it has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and (3) it is noncancellable for not less than one hundred twenty (120) days or includes a rider providing for not less than one hundred twenty (120) days' notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverge on other warehouses operated by a warehouseman.

(c) Exclusive of any added coverage for a deficieniy in net worth, the amount of bond to be furnished for each warehouse shall be not less than five (5) percent of the value of the estimated quantity of bulk oil to be stored in such warehouse, as determined by CCC. If a warehouseman applies for approval under the same storage contract of more than one warehouse in the same State, and if the performance bond coverage is for all such warehouses, the value of the estimated quantity of bulk oil to be stored in all such warehouses, as determined by CCC, shall be considered as one warehouse in determining bond requirements. Bond coverage for each warehouse (whether or not such warehouse is consolidated with other warehouses for purposes of bond determination) shall not be less than $5,000. Maximum bond coverage, exclusive of any added coverage for a deficiency in net worth, need not exceed $100,000 for any warehouse (or chain of warehouses operated by the same warehouseman within the same State)

(d) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalent amount of required bond coverage. Any such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage contract.

(e) A legal liability insurance policy may be accepted by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC, CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

(f) Notwithstanding any other provision of this subpart, CCC may, after considering all the circumstances relating to the operations of the warehouse and determining that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of CCC, require more bond coverage than specified in this section.

§ 1424.4 Examination of warehouses.

A warehouse will be examined by a person designated by CCC before it is approved by CCC for the storage or handling of bulk oil and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1424.5 Exceptions.

Notwithstanding any other provision of this subpart:

(a) A blanket insurance policy or blanket bond acquired by CCC, which protects CCC for failure of various warehousemen to perform their obligations under their storage contract with CCC, may satisfy in full or in part the bonding requirements (other than bonds for a deficiency in net worth) prescribed in § 1424.3. (As of the publication date of this subpart, CCC has a blanket insurance policy which satisfies such requirements for warehousemen operating under a Uniform Grain Storage Agreement, a Uniform Rice Storage Agreement, or a Bean Storage Agreement.) The existence of any such blanket insurance policy or blanket bond will not relieve a warehouseman from carrying any bond required by State or local law or supervisory agency.

(b) A Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1424.2(b)(1), (3), and (4), (c)(1), and (d), and the warehouseman will not be required to furnish bond coverage for a deficiency in net worth.

(c) A warehouseman who has a net worth of at least $10,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for bulk oil, and

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as CCC determines necessary to protect adequately its interests.

§ 1424.6 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. CCC will forward a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of responsibility for performing his obligations under any contract with CCC or any other agency of the United States. An approval will remain in effect until the storage contract expires or is otherwise terminated unless CCC sooner withdraws its approval.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart.

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform his obligations under the CCC storage contract.

(3) CCC will forward a notice of disapproval or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any of his officials or supervisory employees is suspended or debarred as provided in § 1424.2(a), CCC will approve, or reinstate approval of, the warehouse upon the warehouseman establishing that he has remedied the cause(s) for CCC's action. If there appears to be a justifiable basis for suspension or debarment of the warehouseman or any of his officials or supervisory employees, CCC may defer action on an application for approval or reinstatement of approval or may withdraw approval pending a decision with respect to suspension or debarment proceedings.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1424.2, other than the standard in paragraph (a) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director of the applicable office designated in § 1424.1(b), orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, form of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the ASCS regulations governing appeals, 7 CFR Part 780. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(2) If disapproval or withdrawal of approval by CCC is due to failure to meet the standard set forth in § 1424.2(a), the warehouseman's rights of appeal and hearing shall be as provided in regulations governing suspension and debarment by CCC, 7 CFR Part 1407. After expiration of his suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1424.7 Exemption from requirements.

If warehousing services in any area cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available for securing such services for bulk oil under CCC programs the President or Executive Vice President, CCC, may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satisfactorily the interests of CCC.

Effective date: This revision is effective on the date of publication in the FEDERAL REGISTER. Warehousemen approved under prior regulations are not required to submit new applications for approval under this revision but are subject to the provisions of this subpart for continued approval to handle and store bulk oil.

Signed at Washington, D.C., on February 28, 1969.

LIONEL C. HOLM,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-2720; Filed, Mar 5, 1969; 8:50 a.m.]

PART 1427—COTTON

Subpart—Standards for Approval of Warehouses for Cotton or Cotton Linters

The regulations appearing in this subpart, which were published on August 5, 1965 (30 F.R. 9759) and amended on November 9, 1965 (30 F.R. 14100), are revised to read as follows:

Sec.
1427.1081 General statement and administration.
1427.1082 Basic standards.
1427.1083 Bonding requirements.
1427.1084 Examination of warehouses.
1427.1085 Exceptions.
1427.1086 Approval of warehouses; requests for reconsideration.
1427.1087 Exemption from requirements.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

§ 1427.1081 General statement and administration.

(a) This subpart prescribes the requirements which must be met by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval by Commodity Credit Corporation (hereinafter referred to as "CCC") of his warehouse(s) for the storage and handling, under CCC storage agreements, of cotton and cotton linters which are owned by CCC or held by CCC as security for price support loans. This subpart also prescribes the procedure to be followed by a warehouseman in obtaining such approval. This subpart is not applicable to cotton or cotton linters purchased in storage for prompt shipment or to handling operations of a temporary nature.

(b) Copies of the applicable storage agreement and other forms required to obtain approval under this subpart may be obtained from the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112 (hereinafter referred to as the "New Orleans Office").

(c) A warehouse must be approved by the New Orleans Office and a storage agreement must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage agreement does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the New Orleans Office:

(1) A completed Form CCC-49, "Application for Approval of Warehouse for Storage of Cotton and/or Cotton Linters."

(2) A current financial statement on Form TW-51, "Financial Statement", supported by such supplemental schedules as may be requested. Such statement shall show the financial condition of the warehouseman as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application or such other date as may be established by CCC. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) Copies of his tariff and a sample copy of his warehouse receipts and bale tags.

(4) Evidence of applicable fire insurance rates.

(5) Evidence that he is licensed by the appropriate licensing authority as required under § 1427.1082(b)(2) and such other documents or information as CCC may require.

§ 1427.1082 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by him which is to be approved, or has been approved, for the storage and handling of cotton or cotton linters under CCC programs shall meet the following standards:

(a) Neither the warehouseman nor any of his officials or supervisory employees is suspended or debarred under CCC's regulations governing suspension and debarment, Part 1407 of this chapter, for any of the causes set forth in § 1407.5 thereof.

(b) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing for hire the commodity involved. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business.

(2) Have a current and valid license for the kind of storage operation for which he seeks approval if such a license is required by State or local laws or regulations.

(3) Have a net worth equal at least to the product obtained by multiplying the maximum storage capacity of the warehouse (the total number of bales of cotton or cotton linters which the warehouse can accommodate when stored in the customary manner) times five (5) dollars per bale, except that the net worth shall be not less than $10,000 and need not be more than $100,000. If the required minimum net worth exceeds $10,000, the warehouseman may satisfy any deficiency in net worth between the $10,000 and such required minimum net worth by furnishing an acceptable performance bond or other security acceptable to CCC.

(4) Have available sufficient funds to meet ordinary operating expenses.

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage agreement with CCC.

(6) Provide such bonds (or acceptable substitute security) as are required under § 1427.1083.

(7) Maintain complete inventory and operating records.

(c) (1) The warehouseman, his officials, or his supervisory employees in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business as related to the commodities involved to enable them to provide proper storage and handling services, and

(2) The warehouseman, his officials, and each of his supervisory employees in charge of the warehouse operation shall have a satisfactory record of integrity, judgment, and performance.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequate to handle, store, and preserve the commodity involved.

(2) Be under the control at all times of the contracting warehouseman.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have adequate firefighting equipment for the type of warehouse and commodity involved.

(5) Have a work force and equipment available to provide adequate storage and handling service.

§ 1427.1083 Bonding requirements.

(a) Except as otherwise provided in this subpart, an applicant for a cotton or cotton linters storage agreement shall, at his expense, furnish a performance bond to CCC. Such bond shall be executed by a surety company which: (1) Has been approved by the U.S. Treasury Department and (2) maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) A bond furnished by a warehouseman shall be on Form CCC-54, "Warehouseman's Bond", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if: (1) CCC determines that it provides adequate protection to CCC, (2) it has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and (3) it is noncancellable for not less than ninety (90) days or includes a rider providing for not less than ninety (90) days' notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverage on other warehouses operated by a warehouseman.

(c) Exclusive of any added coverage for a deficiency in net worth, the amount of bond to be furnished for each warehouse will be the product obtained by multiplying the maximum storage capacity of the warehouse times five (5) dollars per bale. If a warehouseman applies for approval of more than one warehouse in the same State, and if the performance bond coverage is for all such warehouses, the total storage capacity of all such warehouses shall be considered as one warehouse in determining bond requirements. Bond coverage for each warehouse (whether or not such warehouse is consolidated with other warehouses for purpose of bond determination) shall not be less than $5,000. Maximum bond coverage, exclusive of any added coverage for a deficiency in net worth, need not exceed $100,000 for any warehouse (or chain of warehouses operated by the same warehouseman within the same State).

(d) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalnt amount of required bond coverage. Any such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage agreement.

(e) A legal liability insurance policy may be acceptd by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC, CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

(f) If the New Orleans Office determines it to be necessary, limited availability of space may be agreed upon by CCC and the warehouseman. In such case, the amount of the bond shall be calculated upon the basis of the capacity agreed upon rather than the total capacity of the warehouse. If additional capacity is later agreed to, the amount of the bond shall be adjusted promptly to cover such additional capacity.

(g) Notwithstanding any other provision of this subpart, CCC may, after considering all the circumstances relating to the operations of the warehouse, and determining that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of CCC, require more bond coverage than specified in this section.

§ 1427.1084 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse will be examined by a person designated by CCC before it is approved by CCC for the storage

and handling of cotton or cotton linters and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1427.1085 Exceptions.

Notwithstanding any other provision of this subpart:

(a) The financial, bond, warehouse receipt and bale tag, and original and periodic warehouse examination provisions of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of cotton or cotton linters under CCC programs if his warehouse is licensed under the U.S. Warehouse Act for such commodity but a special examination shall be made of such warehouse whenever such action is determined necessary.

(b) The bond requirements, and, at the discretion of the New Orleans Office, the financial, warehouse receipt, and bale tag requirements, of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of cotton or cotton linters under CCC programs if his warehouse is operated by the State of South Carolina Department of Agriculture.

(c) A blanket insurance policy or blanket bond acquired by CCC, which protects CCC for failure of various warehousemen to perform their obligations under their storage agreements with CCC, may satisfy in full or in part the bonding requirements (other than bonds for a deficiency in net worth) prescribed in § 1427.1083. (As of the publication date of this subpart, CCC has a blanket insurance policy which satisfies such requirements for warehousemen operating under a Uniform Grain Storage Agreement, a Uniform Rice Storage Agreement, or a Bean Storage Agreement.) The existence of any such blanket insurance policy or blanket bond will not relieve a warehouseman from carrying any bond required by State or local law or supervisory agency.

(d) A Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1427.1082(b)(1), (3), and (4), (c)(1), and (d), and the warehouseman will not be required to furnish bond coverage for deficiency in net worth.

(e) A warehouseman who has a net worth of at least $10,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the commodity involved, and

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as CCC determines necessary to protect adequately its interests.

§ 1427.1086 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. CCC will forward a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of responsibility for performing his obligations under any contract with CCC or any other agency of the United States. An approval will remain in effect until the storage agreement expires or is otherwise terminated unless CCC sooner withdraws its approval.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart.

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform his obligations under the CCC storage agreement.

(3) CCC will forward a notice of disapproval or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any of his officials or supervisory employees is suspended or debarred as provided in § 1427.1082(a), CCC will approve, or reinstate approval of, the warehouse upon the warehouseman establishing that he has remedied the cause(s) for CCC's action. If there appears to be a justifiable basis for suspension or debarment of the warehouseman or any of his officials or supervisory employees, CCC may defer action on an application for approval or reinstatement of approval or may withdraw approval pending a decision with respect to suspension or debarment proceedings.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1427.1082, other than the standard in paragraph (a) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director of the New Orleans Office, orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, form of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the ASCS regulations governing appeals, Part 780 of Chapter VII of this title. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(2) If disapproval or withdrawal of approval by CCC is due to failure to meet the standard set forth in § 1427.1082(a), the warehouseman's rights of appeal and hearing shall be as provided in regulations governing suspension and debarment by CCC, Part 1407 of this chapter. After expiration of his suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1427.1087 Exemption from requirements.

If warehousing services in any area cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available for securing such services for cotton or cotton linters under CCC programs, the President or Executive Vice President, CCC, may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satifactorily the interests of CCC.

Effective date: This revision is effective on the date of publication in the FEDERAL REGISTER. Warehousemen approved under prior regulations are not required to submit new applications for approval under this revision but are subject to the provisions of this subpart for continued approval to handle and store the commodities involved.

Signed at Washington, D.C., on February 28, 1969.

LIONEL C. HOLM,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-2721; Filed, Mar. 5, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,615]

PART 545—OPERATIONS

Educational Loans

FEBRUARY 27, 1969.

Resolved, That, notice and public procedure having been duly afforded (34 F.R. 324) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to implement section 118(b) of the Higher Education Amendments of 1968 (Public Law 90-575, approved Oct. 16, 1968) to authorize Federal savings and loan associations to make loans which assist students in obtaining vocational education;

Resolved further, That the Federal Home Loan Bank Board determines that it is advisable to amend § 545.8-1 of the rules and regualtions for the Federal Savings and Loan System (12 CFR 545.8-1) by deleting the requirement therein that a student be a full-time student any by expanding the definition of the term "college or university education" to include postgraduate education;

Resolved further, That, to effect the above determinations, the Federal Home Loan Bank Board hereby amends § 545.8-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8-1) to read as follows, effective March 7, 1969:

§ 545.8-1 Educational loans.

Any Federal association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to in this section as "loans") made for the payment of expenses of college or university education, or expenses of vocational education, but no Federal association shall make any investment in loans under this section if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 percent of its assets. Such loans may be secured, partly secured, or unsecured, and the association may require a comaker or comakers, insurance, guaranty under a governmental student loan guarantee plan, or other protection against contingencies. The borrower shall certify to the association that the proceeds of the loan are to be used by a student solely for the payment of expenses of college or university education, or expenses of vocational education. For the purpose of this section, the term "college or university education" means education at an institution which provides an educational program for which it awards a bachelor's or higher degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree, and the term "vocational education" means any course of study or training designed to increase the ability of a person to obtain or advance in employment of any kind.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-2727; Filed, Mar. 5, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9321; Amdt. 39-730]

PART 39—AIRWORTHINESS DIRECTIVES

Schleicher Model ASK-13 Gliders, Serial Nos. 13000 Through 13104, 13108, 13109, Except Serial Nos. 13071 and 13096

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring replacement of the buffer plate on the left and right landing gear with a larger buffer plate on Schleicher Model ASK-13 gliders, Serial Nos. 13000 through 13104, 13108, 13109, except Serial Nos. 13071 and 13096, was published in 34 F.R. 14.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCHLEICHER. Applies to Schleicher Model ASK-13 gliders, Serial Nos. 13000 through 13104, 13108, 13109, except Serial Nos. 13071 and 13096.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the landing gear end buffer plate from slipping inside the rubber buffer, replace the 2.76-inch diameter buffer plate located on the left and right landing gear with a 3.55-inch diameter buffer plate, in accordance with Schleicher Modification No. 3, dated September 4, 1968, or later LBA-approved issue or an FAA-approved equivalent.

This amendment becomes effective April 5, 1969.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; (49 U.S.C. 1354(a), 1421, and 1423), and of sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 27, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-2697; Filed, Mar. 5, 1969; 8:48 a.m.]

[Docket No. 9195; Amdt. No. 151-31]

PART 151—FEDERAL AID TO AIRPORTS

Performance of Construction Work; General Requirements

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to require sponsors to provide, with respect to airport construction work, evidence of satisfactory engineering and construction supervision and inspection. The amendment, therefore, would require a sponsor to advise the Area Manager in writing prior to the commencement of construction work that such supervision and inspection have been arranged, and that the qualifications of personnel performing the supervision and inspection have been reviewed and have been found satisfactory. This amendment was proposed in Notice No. 68-25 issued on October 10, 1968 (33 F.R. 15435).

Several favorable public comments were received on this proposal. One comment, however, suggested that, once a sponsor has established that it possesses satisfactory engineering and construction supervision and inspection, it should not be required to do so again unless a change occurs. In recognition of the validity of this comment, this amendment will authorize the Area Manager to dispense with the notification requirement where the sponsor has previously demonstrated that it possesses the required organization, procedures, and personnel.

This amendment will involve a revision of § 151.45 by the addition of a new paragraph (f), and a revision of § 151.51(a)(3) to insure that the same supervision and inspection standards are also applied to construction work-force accounts. Finally, the heading of § 151.51 will be revised to include the word "sponsor" before the word "force" and so to distinguish between force account work performed by the sponsor and that performed by a contractor.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is hereby amended as follows, effective April 20, 1969:

1. By adding a new paragraph (f) to § 151.45 to read as follows:

§ 151.45 Performance of construction work: general requirements.

* * * * *

(f) Except when the Area Manager determines that the sponsor has previously demonstrated satisfactory engineering and construction supervision and inspection, no sponsor may allow a contractor or subcontractor to begin work, nor may the sponsor begin force account work, until the sponsor has notified the Area Manager in writing that engineering and construction supervision and inspection have been arranged to insure that construction will conform to FAA approved plans and specifications, and that the sponsor has caused a review to be made of the qualifications of personnel who will be performing such supervision and inspection and is satisfied that they are qualified to do so.

2. By amending the section heading of § 151.51 and § 151.51(a)(3) to read as follows:

§ 151.51 Performance of construction work: sponsor force account.

(a) * * *

(3) Assurance that adequate labor, material, equipment, engineering personnel, as well as supervisory and inspection personnel as required by § 151.45(f), will be provided; and

* * * * *

(Federal Airport Act, as amended; 49 U.S.C. 1101-1120, section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c), and 1.4(b) of the Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on February 27, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-2696; Filed, Mar. 5, 1969; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4960]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

General Requirements for Certified Financial Statements of Companies Acquired or To Be Acquired

The increasing number of business acquisitions has led to numerous requests for relief from the requirements for certification of financial statements of the acquired businesses on the representation that it is impossible to obtain certification. When an acquiring company plans to register securities under the Securities Act the necessity for furnishing financial statements for the new business must be considered by it. Item 27 of Schedule A of the Securities Act of 1933 and Instructions 11 and 12 to Form S-1 (17 CFR 239.11) for registration under the Act require certified financial statements for a company acquired or to be acquired. Instruction 13 of Form S-1 permits the Commission to grant relief from this requirement of certification where such relief is consistent with the protection of investors. Generally, relief has been requested because no independent certified public accountant has observed the taking of inventory of the acquired company necessary for certification of financial statements for 2 years and alternative methods of verfication were not available.

When a representation is made that certification of financial statements of acquired companies for a full 3-year period cannot be obtained and compelling and satisfactory evidence in support of such representation is furnished, the Commission considers the relationship of the following items of the acquired companies to those of the registrant (on a consolidated basis without inclusion of such companies) in determining whether relief from the 3-year certification requirement should be granted:

1. Gross sales and operating revenues;
2. Net income;
3. Total assets;
4. Total stockholder equity; and
5. Total purchase price compared to total assets of registrant.

The above items will be evaluated as follows:

A. If none of the items exceed 10 percent, certified statements will not be required;

B. If any of the items exceed 10 percent but none exceed 25 percent, certification of the balance sheet and the income statement for not less than 6 months will be required;

C. If any of the items exceed 25 percent but none exceed 45 percent, certification of the balance sheet and the income statement for at least 12 months will be required.

In connection with any request for relief from the 3-year certification requirement the items of information mentioned above should be furnished in tabular form, comparing the five items set forth therein of the acquired companies (individually and in the aggregate) with the registrant on a consolidated basis (without the acquired companies), with dates of acquisition and other pertinent data. To the extent any of the data is not based on audit reports, the basis or lack of basis for reliance on the data should be fully stated (including the nature and method of checking the accuracy of the underlying figures).

Income statements for periods not certified shall not be combined with the certified statements if to do so would result in a qualification by the auditors on grounds of materiality.

NOTE. This release does not apply to the financial statements of a company to be acquired where the securities to be registered are to be offered to the security holders of that company in exchange for their securities. In such a case certified financial statements of that company shall be furnished in accordance with the requirements of the applicable registration form.

By the Commission, February 20, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2684; Filed, Mar. 5, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Label Statements for Drugs, Devices, and Cosmetics; Ruling on Objections

In the matter of amending the enforcement regulations (21 CFR Part 1) to prescribe the requirements under the Fair Packaging and Labeling Act (Public Law 89-755) regarding label statements for drugs, devices, and cosmetics in package form:

The proposal in this matter was published in the FEDERAL REGISTER of August 22, 1967 (32 F.R. 12060). After consideration of the many comments received, the Commissioner of Food and Drugs published an order January 11, 1968 (33 F.R. 404), which in accordance with section 701(e) of the Federal Food, Drug, and Cosmetic Act provided for the filing within 30 days of objections and requests for a public hearing. Communications were received from 25 firms and trade associations in response to the order either expressing objections, offering comments, or asking questions. Some of these communications contained requests for a public hearing on the issues which were the subject of the objection.

After an evaluation of the objections, the Commissioner concluded that they were of sufficient validity to warrant revisions and editorial changes for clarification. The order of January 11, 1968 (33 F.R. 404), was therefore canceled and a new final order was published June 28, 1968 (33 F.R. 9481), which ruled on the objections, made clarifying revisions, and set as the effective date July 1, 1969.

In the allotted period following publication of the order, objections coupled with requests for a public hearing were received from one firm and one trade association. A comment in favor of the order, on behalf of the States, was submitted by the Chairman, Committee on Liaison with the National Government, National Conference of Weights and Measures.

The Commissioner has evaluated the objections received and concludes as follows:

1. The American Hospital Supply Corp. objected to failure of §§ 1.101a, 1.102a, and 1.102d to specifically categorize, identify, and provide guidance in the labeling of commodities described as "professional drugs and devices." The objection emphasizes that the terms "professional drugs and/or devices" encompasses a broad line of highly specialized and technical products designed for preoperative and postoperative patient care; for example, wound and body cavity irrigants, diagnostic reagents, specialized antiseptics, etc. These products are designed for use in hospitals, nursing homes, clinics, and institutions by physicians, surgeons, medical technologists, etc., and are not intended for use by laymen. Since such products are not regarded as "consumer commodities" within the meaning of the Fair Packaging and Labeling Act, a specific exclusion of these products from the Fair Packaging and Labeling Act regulations is unnecessary and a public hearing on the matter is unwarranted.

The objection also contends that the examples used in § 1.102d(a)(2) are improper and confusing in that they include products which are not ordinarily subject to the Fair Packaging and Labeling Act. The Commissioner considers the contention to be reasonable and the section is revised accordingly.

2. The Toilet Goods Association objected to § 1.202b(1) insofar as it requires packages of cosmetics having a principal display panel with an area of more than 5 square inches, but not more than 10 square inches, to present the quantity of contents declaration in type not less than one-eighth inch in height.

The grounds of the objection were that under usual conditions of display a person with normal vision cannot read the net weight declaration on a package of this size without lifting the package close to the eyes—thus no rational need exists for type larger than one-sixteenth inch on these packages, and that to require larger type disadvantages the consumer and the cosmetic producer by creating a distortion on the label between the quantity of contents declaration and other label information. It is claimed that the smaller type size on cosmetic packages where the area of the principal display panel is more than 5 square inches, but not more than 10 square inches, would enable cosmetic manufacturers to utilize labels which would best enable consumers to observe the quantity of contents statements and to facilitate value comparisons.

The Fair Packaging and Labeling Act requires that these regulations provide for a quantity of contents statement which shall appear in conspicuous and easily legible type, in letters or numerals of a type size established in relation to the area of the principal display panel, and which shall be uniform for all packages of substantially the same size.

The requirements objected to are now in effect for packages of foods, are by this order being conformed for drugs and devices, and will also become effective on July 1, 1969, for interstate shipments of consumer commodities under the jurisdiction of the Federal Trade Commission. No reasonable grounds have been presented for changing these requirements or for making a special exception for cosmetic products. The very smallest type size was prescribed for the smallest size packages, and the Toilet Goods Association's assertions that purchasers would benefit from small type on more packages are insubstantial, not warranting a hearing on whether the cosmetic purchaser should be expected to pick up the package to read the label, or whether some labels might be designed with 1/16-inch type and other features to provide a readable label under such circumstances of consumer purchasing. The uniformity in type size for packages of essentially the same size would not be achieved if this major exception were made for cosmetic preparations. This is without prejudice to requests for exemptions for particular cosmetic commodities under section 5(b) of the Fair Packaging and Labeling Act.

Therefore, the Commissioner finds that none of the objections received during the statutory period warrant a stay of the effective date of the subject order or the holding of a public hearing and hereby announces that the regulations as published in the FEDERAL REGISTER of June 28, 1968 (33 F.R. 9481), including the clarifying changes hereinafter set forth, are final.

Since firms were unable to complete label revisions while the validity of these objections was being studied, the Commissioner concludes that additional time will be needed by industry and therefore the effective date shall be December 31, 1969.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455) and the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 502 (b), (c), (e), 602 (b), (c), 701, 52 Stat. 1050, as amended, 1054, 1055, as amended; 21 U.S.C. 352 (b), (c), (e), 362 (b), (c), 371), and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 1, as amended by the order of June 28, 1968 (33 F.R. 9481), be further amended by revising in § 1.102d the introductory text of paragraph (a) and subparagraph (2) of that paragraph to read as follows:

§ 1.102d Over-the-counter drugs and devices in package form; labeling regarding declaration of net quantity of contents.

(a) The label of an over-the-counter drug or device in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination or numerical count and weight, measure, or size. The statement of quantity of drugs in tablet, capsule, ampule, or other unit form and the quantity of devices shall be expressed in terms of numerical count; the statement of quantity for drugs in other dosage forms shall be in terms of weight if the drug is solid, semisolid, or viscous, or in terms of fluid measure if the drug is liquid. The drug quantity statement shall be augmented when necessary to give accurate information as to the strength of such drug in the package; for example, to differentiate between several strengths of the same drug "100 tablets, 5 grains each" or "100 capsules, 125 milligrams each" or "100 capsules, 250 milligrams each": *Provided,* That:

* * * * *

(2) If the declaration of contents for a device by numerical count does not give accurate information as to the quantity of the device in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or of the total weight, measure, or size of the device as will give such information; for example, "100 tongue depressors, adult size," "1 rectal syringe, adult size," etc. Whenever the Commissioner determines for a specific packaged drug or device that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such article.

* * * * *

Effective date. The order amending Part 1 in the FEDERAL REGISTER of June 28, 1968 (33 F.R. 9481), as amended by this order, shall become effective December 31, 1969.

(Secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455; secs. 502 (b), (c), (e), 602 (b), (c), 701, 52 Stat. 1050, as amended, 1054, 1055, as amended; 21 U.S.C. 352 (b), (c), (e), 362 (b), (c), 371)

Dated: February 27, 1969.

HERBERT L. LEY, JR., *Commissioner of Food and Drugs.*

[F.R. Doc. 69-2671; Filed, Mar. 5, 1969; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FERMENTATION-DERIVED, MILK-CLOTTING ENZYME

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2366) filed by Meito Sangyo Co., Ltd., 41 Sasazuka 2-Chome, Nishiku Nagoya, Japan, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use in cheese production of a milk-clotting enzyme derived from *Mucor pusillus* Lindt by a pure-culture fermentation process. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1199(a) is amended by adding thereto a new subparagraph, as follows:

§ 121.1199 Fermentation-derived, milk-clotting enzyme.

* * * * *

(a) * * *

(3) *Mucor pusillus* Lindt classified as follows: Class, Phycomycetes; subclass, Zygomycetes; order, Mucorales; family, Mucoraceae; genus, *Mucor;* species, *pusillus;* variety, Lindt.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 24, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-2670; Filed, Mar. 5, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

OCTYLTIN STABILIZERS IN POLYVINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2343) filed by M&T Chemicals, Inc., Rahway, N.J. 07065, and other relevant material, concludes that § 121.2602 should be amended to provide for the safe use of octyltin stabilizers in polyvinyl chloride plastic articles that contact dairy products and modifications except liquid milk. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2602 is amended by revising its introductory text to read as follows:

§ 121.2602 Octyltin stabilizers in polyvinyl chloride plastics.

The octyltin chemicals identified in paragraph (a) of this section may be safely used alone or in combination, at levels not to exceed a total of 3 parts per hundred of resin, as stabilizers in polyvinyl chloride plastic articles intended for use in contact with foods of types I, II, III, IV (except liquid milk), V, VI (except malt beverages and carbonated nonalcoholic beverages), VII, VIII, and IX as described in table 1 of § 121.2526(c), in accordance with the following prescribed conditions:

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-2672; Filed, Mar. 5, 1969; 8:45 a.m.]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Methylphenidate and Its Salts as Subject to Control

In the matter of listing methylphenidate and its salts as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because such drugs have a potential for abuse because of their stimulant effect on the central nervous system.

No comments were received on the proposal in the above identified matter published in the FEDERAL REGISTER of January 24, 1969 (34 F.R. 1168), and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200), § 320.3(c)(2) is amended by inserting the following:

§ 320.3 Listing of drugs defined in section 201(v) of the Act.

* * * * *

(c) * * *

(2) Stimulant effect on the central nervous system:

Established name	*Some trade and other names*
* * *	* * *
Methylphenidate and its salts.	Methyl a-Phenyl-2-piperidine acetate; a-Phenyl-2-piperidine acetic acid methyl ester; a-Phenyl-a-(2-piperidyl) acetic acid methyl ester; Methyl a-Phenyl-a-(2-piperidyl) acetate; Methylphenidyl Acetate; Ritalin (R) hydrochloride; Ritalin; Phenidylate; 4311/b; Centedrin; c 43-IIC; Meridil.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 Eye Street NW., Washington, D.C. 20537, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-2681; Filed Mar. 5, 1969; 8:46 a.m.]

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Phencyclidine and Its Salts as Subject to Control

In the matter of listing phencyclidine and its salts as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because such drugs have a potential for abuse because of their hallucinogenic effect.

No comments were received on the proposal in the above identified matter published in the FEDERAL REGISTER of January 29, 1969 (34 F.R. 1400), and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200), § 320.3(c)(3) is amended by alphabetically inserting in the list of drugs, new items, as follows:

§ 320.3 Listing of drugs defined in section 201(v) of the Act.

* * * * *

(c) * * *

(3) Hallucinogenic effect.

Established name	*Some trade and other names*
* * *	* * *
Phencyclidine and its salts.	1-(1-Phenylcyclohexyl) Piperidine; Sernyl; Sernylan; GP-121; CI-395; PCP; "Peace Pill."
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 Eye Street NW., Washington, D.C. 20537, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-2682; Filed, Mar. 5, 1969; 8:46 a.m.]

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Phencyclidine and Its Salts as Subject to Control

In the matter of listing phencyclidine and its salts as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because such drugs have a potential for abuse because of their depressant effect on the central nervous system:

No comments were received on the proposal in the above identified matter published in the FEDERAL REGISTER of January 29, 1969 (34 F.R. 1400), and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200), § 320.3(c)(1) is amended by alphabetically inserting in the list of drugs a new item as follows:

§ 320.3 Listing of drugs defined in section 201(v) of the Act.

* * * * *

(c) * * *

(1) Depressant effect on the central nervous system:

Established name	*Some trade and other names*
* * *	* * *
Phencyclidine and its salts.	1-(1-Phenycyclohexyl) Piperidine; Sernyl; Sernylan; GP-121; CI-395; PCP; "Peace Pill."
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 Eye Street NW., Washington, D.C. 20537, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-2683; Filed, Mar. 5, 1969; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive No. 11]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart AA—Bureau of Narcotics and Dangerous Drugs

ABSENCE, INABILITY OR DISQUALIFICATION OF DIRECTOR

By virtue of the authority vested in me by § 0.133 of Title 28, Code of Federal Regulations, I hereby direct that in the case of my inability or disqualification to act in the office of Director, all duties and functions shall be performed by the Associate Director for Regulatory and Scientific Programs, or in his absence, by the following officials in the order listed:

1. Assistant Director for Criminal Investigations.

2. Assistant Director for Science and Education.

In the event of my temporary absence, either the Associate Director or one of the listed Assistant Directors will be designated on each separate occasion to act in my stead.

Dated: March 1, 1969.

JOHN E. INGERSOLL,
Director.

[F.R. Doc. 69-2660; Filed, Mar. 5, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Reporting Requirements

In § 36.4303, paragraph (j) is added to read as follows:

§ 36.4303 Reporting requirements.

* * * * *

(j) No guaranty or insurance commitment or evidence of guaranty or insurance will be issuable in respect to any loan to finance a contract which:

(1) Is for the purchase, construction, repair, alteration, or improvement of a dwelling or farm residence;

(2) Is dated on or after June 4, 1969;

(3) Provides for a purchase price or cost to the veteran in excess of the reasonable value established by the Administrator; and

(4) Was signed by the veteran prior to his receiving notice of such reasonable value;

unless such contract includes, or is amended to include, a provision substantially as follows:

It is expressly agreed that, notwithstanding any other provisions of this contract, the purchaser shall not incur any penalty by forfeiture of earnest money or otherwise or be obligated to complete the purchase of the property described herein, if the contract purchase price or cost exceeds the reasonable value of the property established by the Veterans Administration. The purchaser shall, however, have the privilege and option of proceeding with the consummation of this contract without regard to the amount of the reasonable value established by the Veterans Administration.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective 90 days after publication in the FEDERAL REGISTER.

Approved: March 3, 1969.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 69-2729; Filed, Mar. 5, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–3—PROCUREMENT BY NEGOTIATION

Miscellaneous Amendment

Part 5B–3, Procurement by Negotiation, is amended as follows:

The table of contents for Part 5B–3 is amended to add the following entries:

Sec.
5B–3.805–1 General.
5B–3.805–2 Selection of architect-engineers.

Subpart 5B–3.8—Price Negotiation Policies and Techniques

Section 5B–3.805 is revised to read as follows:

§ 5B–3.805 Selection of offerors for negotiation and award.

§ 5B–3.805–1 General.

(a) Generally (except as to architect-engineers), and pursuant to the requirements of § 1–3.101(c), offers shall be solicited from three or more contractors. The project file shall be documented to show the qualifications and other factors which form the basis for the selection of contractors to be solicited. Consideration should be given first to qualified firms located in or near the vicinity of the project. Where contractors have previously performed Government contracts, the manner of performance shall be considered. The foregoing statements, however, shall not be construed to limit the selection to local contractors or to firms previously having performed Government contracts. Determinations of responsibility shall be made in accordance with § 1–1.310.

(b) In exceptional cases (e.g., where only one firm has the security clearance required for performance and the project cannot be delayed pending clearance of other firms) it may be necessary or advisable to select only one contractor. In such cases, the basis for the decision shall be fully documented.

§ 5B–3.805–2 Selection of architect-engineers.

(a) In the selection of an architect-engineer for (i) each new construction project and (ii) each repair or alteration project estimated to exceed $200,000 in construction costs, the appropriate subpanel of the National Public Advisory Panel on Architectural Services or the Regional Public Advisory Panel on Architectural Services (as appropriate) shall be requested to review, evaluate and make recommendations.

(b) Each Design and Construction Division shall be responsible for making every necessary effort to obtain the names of firms who are interested in performing professional services for GSA on a contemplated project. The Design and Construction Division shall obtain completed or updated (as the case may be) Standard Form 251, U.S. Government Architect-Engineer Questionnaires, together with exterior and interior photographs of completed projects designed by each such firm.

(c) Generally, only firms close to the project site shall be included for consideration. If necessary, in order to secure an adequate number of firms eligible for consideration, other firms within the same State may be included. Ordinarily, firms outside the State in which the project is located will be excluded notwithstanding proximity to the project site. For projects in the Washington, D.C., metropolitan area, firms in the metropolitan area will be included. On projects of national interest, firms of nationally recognized reputation will be considered.

(d) Members of the National or a Regional Public Advisory Panel on Architectural Services who, under the foregoing provisions, are eligible for consideration in connection with a specific project, may be included for consideration, *Provided, however,* That no such member may participate in the review, evaluation and recommendations made by the National subpanel or Regional Panel with respect to that particular project.

(e) The completed or updated Standard Form 251 and photographs obtained from each firm included for consideration will be reviewed by the appropriate National subpanel or Regional Panel which will evaluate the qualifications and recommend the names of the architect-engineers to be considered in making final selection. The National subpanel or Regional Panel (as the case may be) shall be requested to recommend three to five firms (depending upon the number of firms interested in and eligible for performing the work entailed in the specific project) but shall be authorized, in the event of inability to recommend the desired number, to recommend a lesser number of firms for final consideration and to furnish a statement of the reason for recommending fewer than requested.

(f) The National subpanel or Regional Panel (as the case may be) shall be requested to make recommendations on the basis of comparative evaluation of:

(1) Having an organization of sufficient size and qualification to perform the work entailed in the specific project;

(2) Relative number of years' experience, number, and size of projects previously designed;

(3) Having special qualifications (where relevant) to perform unusual design work peculiar to the specific project;

(4) Relative standing and reputation within the profession with respect to quality of design, drawings, and specifications;

(5) The number of projects for which the firm has been previously engaged by GSA or other Federal Government agencies; and

(6) Other factors deemed by the National subpanel or Regional Panel to be relevant in the selection of those to be recommended.

(g) The National subpanel or Regional Panel shall be requested to submit the names of those recommended to the Administrator or the Regional Administrator, as the case may be. The list of those recommended shall be referred to the evaluation committee which shall (unless precluded by lack of time or other compelling factor) visit the office of each firm recommended, for the purpose of obtaining such additional information as the evaluation committee may deem necessary and desirable. The evaluation committee shall also review any GSA record of performance on projects previously performed for GSA by the firms recommended for final consideration. Concurrently, the evaluation committee shall, in the case of projects funded from appropriations to other Federal agencies, invite the agency concerned to review the list of firms recommended and to submit any additional information or comment as such agency may deem appropriate. The evaluation committee shall prepare and append a report, if necessary, to accompany the list of firms recommended. The list and report (if any) shall be forwarded through established channels to the authority designated to make final selection.

(h) For each regional project on which it is estimated that the architect-engineer's fee will not exceed $35,000, the Regional Administrator shall make the final selection of the architect-engineer for the project. The Commissioner, Public Buildings Service, will make the final selection on all other projects.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective February 27, 1969.

Dated: February 28, 1969.

ROBERT B. FOSTER, Jr.,
Acting Commissioner,
Public Buildings Service.

[F.R. Doc. 69–2669; Filed, Mar. 5, 1969; 8:45 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.8—Labor Surplus Area Concerns

PART 9–16—PROCUREMENT FORMS

Subpart 9–16.50—Contract Outlines

PART 9–53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

Subpart 9–53.100—Contracts

MISCELLANEOUS AMENDMENTS

1. Section 9–1.807 *Report on preference procurement in labor surplus areas,* is revised to read as follows:

§ 9–1.807 Report on preference procurement in labor surplus areas.

The semiannual report on preference procurement in Labor Surplus Areas as set forth in FPR 1–1.807 shall also include a separate report on subcontracts from cost-type contractors.

2. In § 9–16.5002–4 *Outline of a cost-plus-a-fixed-fee construction contract, Article XXXII—Utilization of small business concerns,* is revised to read as follows:

§ 9–16.5002–4 Outline of a cost-plus-a-fixed-fee construction contract.

* * * * *

Article XXXII—Utilization of small business concerns. Insert contract clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

* * * * *

3. In § 9–16.5002–5 *Outline of a cost-plus-a-fixed-fee architect-engineer contract, Article XXXIII—Utilization of small business concerns; Article XXXIV—Small business subcontracting program; Article XXXV—Utilization of concerns in labor surplus areas; and Article XXXVI—Labor surplus area subcontracting program,* are revised to read as follows:

§ 9–16.5002–5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

* * * * *

Article XXXIII—Utilization of small business concerns. Insert contract clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

Article XXXIV—Small business subcontracting program. Insert contract clause set forth in FPR 1–1.710–3(b) under the conditions and in the manner prescribed in that section.

Article XXXV—Utilization of concerns in labor surplus areas. Insert contract clause set forth in FPR 1–1.805–3(a) under the conditions and in the manner prescribed in that section.

Article XXXVI—Labor surplus area subcontracting program. Insert contract clause set forth in FPR 1–1.805–3(b) under the conditions and in the manner prescribed in that section.

* * * * *

4. In §9–16.5002–6 *Outline of a lump-sum architect-engineer contract (with cost reimbursement features), Article XXV—Utilization of small business concerns; Article XXVI—Small business subcontracting program; Article XXVII—Utilization of concerns in labor surplus areas;* and *Article XXVIII—Labor surplus area subcontracting program,* are revised to read as follows:

§ 9–16.5002–6 Outline of a lump-sum architect-engineer contract (with cost reimbursement features).

* * * * *

Article XXV—Utilization of small business concerns. Insert contract clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

Article XXVI—Small business subcontracting program. Insert contract clause set forth in FPR 1–1.710–3(b) under the conditions and in the manner prescribed in that section.

Article XXVII—Utilization of concerns in labor surplus areas. Insert contract clause set forth in FPR 1–1.805–3(a) under the conditions and in the manner prescribed in that section.

Article XXVIII—Labor surplus area subcontracting program. Insert contract clause set forth in FPR 1–1.805–3(b) under the conditions and in the manner prescribed in that section.

* * * * *

5. In § 9–16.5002–8 *Outline of special research support agreement with educational institutions,* Article B–XXIV—Utilization of Concerns in Labor Surplus Areas, and Article B–XXV—Utilization of Small Business Concerns, are revised to read as follows:

§ 9–16.5002–8 Outline of special research support agreement with educational institutions.

* * * * *

ARTICLE B–XXIV—UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

Insert the clause set forth in FPR 1–1.805–3 (a) under the conditions and in the manner prescribed in that section.

ARTICLE B–XXV—UTILIZATION OF SMALL BUSINESS CONCERNS

Insert the clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

* * * * *

6. In § 9–16.5002–9 *Outline of cost-type contract for research and development with educational institutions,* Article B–28—Utilization of Concerns in Labor Surplus Areas; Article B–29—Labor Surplus Area Subcontracting Program; Article B–30—Utilization of Small Business Concerns; and Article B–31—Small Business Subcontracting Program, are revised to read as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

ARTICLE B–28—UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

Insert the clause set forth in FPR 1–1.805–3(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–29—LABOR SURPLUS AREA SUBCONTRACTING PROGRAM

Insert the clause set forth in FPR 1–1.805–3(b) under the conditions and in the manner prescribed in that section.

ARTICLE B–30—UTILIZATION OF SMALL BUSINESS CONCERNS

Insert the clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–31—SMALL BUSINESS SUBCONTRACTING PROGRAM

Insert the clause set forth in FPR 1–1.710–3(b) under the conditions and in the manner prescribed in that section.

* * * * *

7. Section 9–53.106 *Assigned contract prefixes,* is amended by transferring St. Louis and Special Projects, Headquarters, to the list of inactive offices; changing the Headquarters Division of Information to Technical Information; and adding contract prefixes for the Division of International Affairs and Space Nuclear Systems. As amended, § 9–53.106 reads as follows:

§ 9–53.106 Assigned contract prefixes.

Prefixes for AEC contract numbers for each procurement office are set forth as follows:

Active offices	*Contract prefix*
San Francisco	AT(04–3)–
Canoga Park	AT(04–4)–
Grand Junction	AT(05–1)–
Rocky Flats	AT(05–2)–
Idaho Falls	AT(10–1)–
Chicago	AT(11–1)–
Paducah	AT(15–1)–
Kansas City	AT(23–3)–
Nevada	AT(26–1)–
New Brunswick	AT(28–1)–
Princeton	AT(28–2)–
Los Alamos	AT(29–1)–
Albuquerque	AT(29–2)–
New York	AT(30–1)–
Brookhaven	AT(30–2)–
Schenectady	AT(30–3)–
Dayton	AT(33–1)–
Portsmouth	AT(33–2)–
Fernald	AT(33–4)–
Pittsburgh	AT(36–1)–
Savannah	AT(38–1)–
Oak Ridge	AT(40–1)–
Hanford	AT(45–1)–
Headquarters:	
Headquarters Services	AT(49–1)–
General Manager	AT(49–2)–
Military Application	AT(49–3)–
Production	AT(49–4)–
Reactor Development	AT(49–5)–
Raw Materials	AT(49–6)–
Biology and Medicine	AT(49–7)–
Research	AT(49–8)–
Labor Relations	AT(49–10)–
Isotopes Development	AT(49–11)–
Technical Information	AT(49–12)–
Personnel	AT(49–13)–
Space Nuclear Propulsion	SNP–
International Affairs	AT(49–14)–
Space Nuclear Systems	AT(49–15)–
Eniwetok	AT(50–1)–
Puerto Rico	AT(51–1)–
Inactive Offices	
Los Angeles	AT(04–1)–
Berkeley	AT(04–2)–
Hartford	AT(06–1)–
Wilmington	AT(07–1)–
Spoon River	AT(11–2)–
Iowa (Burlington)	AT(13–1)–
Ames	AT(13–2)–
Detroit	AT(20–1)–
Centerline	AT(20–2)–
St. Louis	AT(23–2)–
Sandia	AT(29–3)–
Lockland	AT(33–3)–
Pantex	AT(41–1)–
Milwaukee	AT(47–1)–
Headquarters: Special Projects	AT(49–9)–

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date: These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 27th day of February 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 69–2667; Filed, Mar. 5, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-37 (Sub-No. 15)]

PART 1048—COMMERCIAL ZONES

Louisville, Ky., Commercial Zone

At a session of the Interstate Commerce Commission, Review Board No. 2, held at its office in Washington, D.C., on the 20th day of February 1969.

It appearing, that on November 26, 1946, the Commission, Division 5, made and entered its report, 46 M.C.C. 665, and order in this proceeding establishing a population-mileage formula for the definition of the zone adjacent to and commercially a part of each municipality in the United States, with certain exceptions which did not include Louisville, Ky., 49 CFR 1048.101;

It further appearing, that by petition filed October 1, 1968, Ford Motor Co. seeks redefinition and extension in certain respects of the Louisville, Ky., commercial zone;

And good cause appearing therefor:

It is ordered, That said proceeding insofar as it relates to the zone adjacent to and commercially a part of Louisville, Ky., be, and it is hereby, reopened for further consideration.

It is further ordered, That Part 1048 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding § 1048.37 thereto reading as follows:

§ 1048.37 Louisville, Ky.

The zone adjacent to and commercially a part of Louisville, Ky., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) The municipality of Louisville, Ky., itself;

(b) All other municipalities and unincorporated areas within 5 miles of the corporate limits of Louisville, Ky., and all of any municipality any part of which lies within 5 miles of such corporate limits; and

(c) Those points not within 5 miles of the corporate limits of Louisville, Ky., and within an area bounded by a line beginning at the junction of Kentucky Highway 146 (LaGrange Road) and Kentucky Highway 1447 (Westport Road), thence over Kentucky Highway 146 to the junction of Kentucky Highway 146 and Kentucky Highway 841 (Jefferson Freeway), thence over Kentucky Highway 841 to the junction of Kentucky Highway 841 and Kentucky Highway 1447, thence over Kentucky Highway 1447 to junction Kentucky Highway 1447 and Kentucky Highway 146, the point of beginning, all within Jefferson County, Ky.

(49 Stat. 543, as amended; 544, amended 546, as amended, 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on March 31, 1969, and shall continue in effect until the further order of the Commission.

It is further ordered, That the petition, except to the extent granted herein, be, and it is hereby, denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2706; Filed, Mar. 5, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; recreation; for the individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot is permitted on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sightseeing, during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Outdoor lunches are permitted in designated areas where lunch facilities are provided. Under special regulations, fishing is permitted in tidal waters from boats only. Public hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 16,280 acres, is delineated on maps available at refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 24, 1969.

[F.R. Doc. 69-2677; Filed, Mar. 5, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Bombay Hook National Wildlife Refuge, Smyrna, Del., is permitted in tidal waters. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing from boats only is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 24, 1969.

[F.R. Doc. 69-2678; Filed, Mar. 5, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1202]

[Docket No. AO-365]

HANDLING OF FLUE-CURED TOBACCO

Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) under provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act," this decision with respect to a proposed marketing agreement and order regulating the handling of Flue-cured tobacco is issued.

Preliminary statement. A public hearing was held at six locations in the Flue-cured tobacco-producing area during the period of February 26-March 8, 1968, to consider a proposed marketing order program regulating the handling of Flue-cured tobacco. Notice thereof was published in the FEDERAL REGISTER on February 10, 1968 (33 F.R. 2850). The notice and the hearing were pursuant to a proposal submitted by the State Granges of North Carolina, South Carolina, and Virginia, and the North Carolina Association of Farmer-Elected Committeemen that the handling of Flue-cured tobacco be regulated under a marketing order program, and that the Department hold a hearing on such a proposed program.

In a partial recommended decision of April 17, 1968 (33 F.R. 6125), it was concluded that the hearing should be reopened some time after the 1968 selling season was well underway to receive factual evidence on whether economic and marketing conditions justified a need for regulation and the issuance of a marketing agreement and order. The record evidence supported a finding that a marketing agreement and order for Flue-cured tobacco in 1967 would have provided a legal framework through which an administrative committee could have acted to achieve more orderly marketing conditions and thereby tend to effectuate the declared policy of the act. The record also showed that a number of significant changes were planned by the industry and by the Department for the 1968 selling season in an effort to prevent a recurrence of the chaotic marketing conditions of 1967. However, the record contained a wide difference of opinion as to whether the planned changes would, in fact, prevent such a recurrence.

The hearing was reopened and thereafter reconvened at Raleigh, N.C., on September 11 and 12, 1968, for the limited purpose of receiving up-to-date evidence with respect to the need for regulation and issuance of a marketing agreement and order for Flue-cured tobacco, including evidence as to the effectiveness of the aforementioned changes in the 1968 selling season and whether the then current marketing conditions were orderly or whether they continued to be sufficiently disorderly to justify issuance of a marketing agreement and order. A recommended decision, including findings and conclusions, was issued November 19, 1968 (33 F.R. 17359), relating only, and as a followup, to the aforesaid partial recommended decision of April 17, 1968 (33 F.R. 6125), with respect to the need for regulation and issuance of a marketing agreement and order. Opportunity was afforded through December 6, 1968, for interested parties to file written exceptions, with the Hearing Clerk, U.S. Department of Agriculture. No exception to such recommended decision was filed.

A recommended decision on material issue No. 1, as hereinafter set forth, was also contained in the partial recommended decision of April 17. A recommended decision was issued July 16, 1968 (33 F.R. 10346), covering material issue No. 3, as hereinafter set forth.

Material issues. The material issues presented on the record of the hearing relate to:

1. Whether the handling of Flue-cured tobacco produced in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce in Flue-cured tobacco and its products.

2. Whether economic and marketing conditions justify the need for regulation and the issuance of a marketing agreement and order regulating the handling of Flue-cured tobacco to effectuate the declared policy of the act; and

3. What specific terms and provisions should be included in any marketing agreement and order that might be issued.

Findings and conclusions. The following findings and conclusions are based on the evidence adduced at the hearing and the record thereof:

The hearing on a proposed marketing agreement and order program for Flue-cured tobacco conducted at various places throughout the production area helped to bring into clear focus the marketing problems and need for industrywide unity and cooperative effort in solving these problems. As of the reopened hearing, through the efforts of the voluntary Flue-Cured Tobacco Marketing Committee, the quantities of Flue-cured tobacco marketed were reasonably well geared to the quantities which could be processed by the redrying plants. The planned actions by the Department and by the industry, which were pointed out in the partial recommended decision of April 17, 1968, were carried out and helped further in tending to establish and maintain orderly conditions in the marketing of Flue-cured tobacco, by eliminating, for example, long waiting periods at auction warehouses. The record shows that, generally, growers were able to unload their tobacco on the day of arrival at the warehouse and to sell the tobacco that same day, or at the latest, during the next sales day. The 1968 production of Flue-cured tobacco was significantly lower than in 1967, and this, too, constituted a substantial factor in achieving orderly marketing conditions.

Therefore, it is concluded that under the improved conditions no action is indicated for the issuance of a marketing agreement and order program for Flue-cured tobacco at this time. Hence, there is no need for further findings or conclusions on issues which relate to Federal jurisdiction or the particular terms or provisions of a proposed regulatory program. However, the promulgation hearing may be reconvened should events not now foreseeable develop in the ensuing 1969 selling season to warrant such action.

Dated: March 3, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-2722; Filed, Mar. 5, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36]

[Docket No. 9337; Notice No. 69-1A]

NOISE STANDARDS; AIRCRAFT TYPE CERTIFICATION

Notice of Extension of Comment Period

The Federal Aviation Administration proposed in Notice 69-1, published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 453), to add a new Part 36 to the Federal Aviation Regulations containing type certification noise standards for subsonic transport category airplanes, and for subsonic turbojet powered airplanes regardless of category. Related changes to Part 21 of the Federal Aviation Regulations were also proposed. The notice stated that consideration would be given to all comments received on or before March 12, 1969.

By letter dated February 4, 1969, the Aerospace Industries Association of America, Inc.; by letter dated February 4, 1969, the International Air Transport

Association; by letter dated February 13, 1969, the Society of British Aerospace Companies, Ltd.; and by letter dated February 6, 1969, Rolls Royce, Limited have requested an extension of time for submission of comments. The petitioners state that a careful study is required to assess the impact of the proposed rules on the air transportation industry, and that the original comment period is too short for adequate consideration of the effects of the proposed rules. Notice 69–1 contains the first regulatory noise standards proposed by the United States for aircraft type certification. The proposals are complex and their impact may be widespread within and outside the United States. In view of this, I find that the petitioners have shown a substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority contained in §§ 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423), § 611 of the Federal Aviation Act of 1958 (82 Stat. 395), and § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), the time within which comments on Notice 69–1 will be received is hereby extended to May 14, 1969.

Issued in Washington, D.C., on March 4, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69–2795; Filed, Mar. 5, 1969; 8:50 a.m.]

[14 CFR Part 39]

[Docket No. 9453]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Vickers Viscount Models 744, 745D, and 810 Series airplanes. The investigation following a fire involving a Viscount aircraft indicates that the glass fiber air system ducts on Vickers Viscount Models 744, 745D, and 810 Series airplanes could be susceptible to deterioration when subjected to high temperatures and that improved fire protection of the air system ducting is necessary. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed airworthiness directive would require replacement of the glasscloth ducts on Vickers Viscount Models 744, 745D, and 810 Series airplanes and replacement of the right and left inboard nacelle fiber glass saddle bracket on Viscount Model 810 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 5, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series Airplanes.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To improve the fire protection of air system ducting adjacent to cabin compressor outlets in the engine nacelles, accomplish the following:

(a) For Viscount Models 744, 745D, and 810 Series airplanes, replace glasscloth ducts on the outlet side of the cabin compressor in the right inboard, the right outboard and the left inboard engine nacelle with aluminum alloy ducts in accordance with BAC Modification Bulletin No. D8198 Issue 2 (700 Series) or FG.2070 Issue 2 (810 Series) or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East region.

(b) For Viscount Model 810 series airplanes only, replace the right and left inboard nacelle fiber glass saddle brackets with stainless steel saddle brackets in accordance with BAC Modification Bulletin No. FG.2070 Issue 2 (800 Series) or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East region.

Issued in Washington, D.C., on February 27, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–2699; Filed, Mar. 5, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–1]

CONTROL ZONE AND TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition areas at Mount Vernon, Ill., and Centralia, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Two new public use instrument approach procedures have been developed for the Mount Vernon-Outland Airport, Mount Vernon, Ill., utilizing a VOR, which is now being installed northeast of the airport, as a navigational aid. Also, the existing ADF instrument approach procedures at this airport must be canceled. With the installation of the VOR, communications will be available for the designation of a control zone at Mount Vernon. Ozark Airlines accredited personnel will provide weather reporting service so that a part-time control zone can be established at this location. Accordingly, it is necessary to designate a control zone at Mount Vernon and to alter the Mount Vernon and Centralia, Ill., transition areas to provide controlled airspace for the protection of aircraft executing the new approach procedures and to delete that airspace now protecting the revoked procedures. The new procedures will become effective and the existing ADF procedures canceled concurrently upon completion of the VOR and upon designation of the control zone and alteration of the transition areas.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is added:

MOUNT VERNON, ILL.

Within a 5-mile radius of Mount Vernon-Outland Airport (latitude 38°19'15" N., longitude 88°51'40" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial extending from the 5-mile radius zone to 17 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition areas are amended to read:

MOUNT VERNON, ILL.

(a) That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mount Vernon-Outland Airport (latitude 38°19'15" N., longitude 88°51'40" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial, extending from the 6-mile radius area to 17 miles southwest of the VOR.

CENTRALIA, ILL.

(b) That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the north boundary of V–446 and longitude 88°30'00" W.; extending south along longitude 88°30'00" W., to latitude 38°07'00" N.; thence west along latitude 38°07'00" N., to and counter clockwise along the arc of a 40-mile radius circle centered on Scott AFB, Belleville, Ill., (latitude 38°32'30" N., longitude 89°51'05" W.); to and clockwise along the arc of a 13-mile radius circle centered on the Centralia VOR to and counter clockwise along the arc of a 40-mile radius circle centered on Scott AFB to the north boundary of V–446; thence east along the north boundary of V–446 to the point of beginning.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on February 18, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69–2698; Filed, Mar. 5, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18421]

HOURS OF OPERATION OF DOMINANT AND SECONDARY STATIONS

Order Extending Time for Filing Comments and Waiver Request

In the matter of amendment of § 73.81 of the Commission's rules (hours of operation of dominant and secondary stations), Docket No. 18421; request by Station KFAX, San Francisco, Calif., for waiver of various rules concerning hours of operation by Class II stations and applications for changed facilities by Class II stations on U.S. I–A channels.

1. The rule-making proceeding concerning amendment of § 73.81 of the rules (Docket 18421), first captioned above, was begun by notice of proposed rule making adopted January 15, 1969 (FCC 69–43), setting the dates for comments and reply comments as March 3 and March 17, 1969, respectively. At the same time the Commission adopted a memorandum opinion and order (FCC 69–42), dealing with a number of points raised by Argonaut Broadcasting Co. (KFAX), licensee of Station KFAX, San Francisco, in support of continued operation during certain nighttime hours (10 p.m. to 2 or 3 a.m., P.s.t.) and use of its authorized daytime facilities during these hours. In the latter document, inter alia, it was noted that in the pleadings which were under consideration KFAX had requested waiver of various provisions of the rules if they were construed to prohibit operation as requested, and these were rejected. However, the document also noted that the waiver requests were not advanced at length, that KFAX might not have made all of the arguments in favor of waiver (rather than as to the meaning of the rules) which could be advanced; and that "If KFAX wishes to make a further showing in support of a waiver request, by the time comments are due in the proceeding begun today concerning section 73.81, it will be considered." (FCC 69–42, par. 19.)

2. On February 25, 1969, KFAX filed a "Petition for Extension of Time" in Docket 18421, asking that the date of comments therein be extended 30 days, from March 3 to April 2. Its request is based entirely on the fact that "Argonaut has not been able to compile the special waiver showing which KFAX, but not other limited time stations, was authorized to submit in the above-captioned proceeding" (Docket 18421).

3. KFAX is wrong in its assumption that the special showing as to KFAX which might be considered to warrant a waiver of applicable rules is to be made in Docket 18421, a rule-making proceeding concerning amendment of a rule of general applicability. The matter of a waiver of various rules in favor of KFAX was not mentioned in the Docket 18421 notice, and is a separate matter. This is particularly true since one of the two particular KFAX requests involved—use of daytime rather than nighttime facilities during these particular hours—does not involve § 73.81 at all. The memorandum opinion and order simply referred to the rule-making proceeding which was being instituted at the same time, and the comment dates therein, as a matter of convenience for fixing a reasonable time within which KFAX could advance whatever special circumstances might justify a waiver beyond the brief waiver requests it had previously made. The language quoted above makes this clear. Accordingly, the instant KFAX Petition sets forth no reason for extending the time for filing comments in Docket 18421. However, since counsel for KFAX may have relied on this erroneous assumption in preparing to file its comments in Docket 18421, it is appropriate to grant a short additional time for comments in this proceeding. Grant of the additional 30 days for preparation of a waiver request relating particularly to KFAX appears appropriate.

4. Accordingly, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.281(d) of the Commission's rules: *It is ordered*, That:

(1) The time for filing comments and reply comments in Docket 18421 is extended to and including March 14 and March 28, 1969, respectively; and

(2) The time within which Argonaut Broadcasting Co. (KFAX) may file a request for waiver of the Commission's rules to permit operation during hours from 10 p.m. to 3 a.m. p.s.t. (or part thereof), and/or use of authorized daytime facilities during these hours, is extended, to and including April 2, 1969; and

(3) The "Petition for Extension of Time" filed by Argonaut Broadcasting Co. in Docket 18421 on February 25, 1969, is granted, to the extent indicated hereinabove, and in all other respects is denied.

Adopted: February 27, 1969.

Released: February 28, 1969.

GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69–2715; Filed, Mar. 5, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 584]

[No. 22,614]

SAVINGS AND LOAN HOLDING COMPANIES

Current Reports

FEBRUARY 27, 1969.

Resolved, That, for the purpose of requiring current reporting of the occurrence of certain events which at present are reported, with other required information in H–(b)11, the Federal Home Loan Bank Board proposes to prescribe a report, entitled H–(b)12, and to delete the reporting requirement with respect to such events from H–(b)11, by amending this part as follows:

1. Amend paragraph (a) of § 584.1 by the addition of a new subparagraph (3) and by amendment of the closing unnumbered subparagraph to read as follows:

§ 584.1 **Registration, examination and reports.**

(a) *Filing of registration statement and other reports.*

(1) *Filing of registration statement.* Not later than 90 days after becoming a savings and loan holding company, each savings and loan holding company shall register with the Corporation by filing the appropriate registration statement specified in paragraph (a) of § 584.10 of this Part.

(2) *Filing of annual report.* Each registered savings and loan holding company, including subsidiary savings and loan holding companies, shall file an annual report on Form H–(b)11, except that such report need not be filed by a savings and loan holding company that has filed a registration statement on Form H–(b)3 or H–(b)4, or by a savings and loan holding company which is a trust (other than a business trust). For fiscal years which ended in 1968, the report shall be filed by June 30, 1969. For fiscal years ending during the period January 1, 1969 through June 30, 1969, the report shall be filed within 180 days of the close of such fiscal year. For all fiscal years ending after June 30, 1969, annual reports shall be filed not later than 120 days after the close of the fiscal year.

(3) *Filing of H–(b)12.* Each registered savings and loan holding company which is required to file report H–(b)11 shall file reports of current information on report H–(b)12. The H–(b)12 shall be filed within 10 days of the end of each month during which any of the events specified in the report occurs, unless the required information has been previously reported by the registrant.

Registration statements, annual reports, and the H–(b)12 are filed with the Corporation by transmitting the original and two copies thereof to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, and two copies to the Supervisory Agent. Copies of forms to be used in submitting registration statements, annual reports, and the H–(b)12 may be obtained from any Supervisory Agent.

* * * * *

2. Amend paragraph (a) of § 584.10 by addition of a new subparagraph (3) to read as follows:

§ 584.10 Statements, reports and notices to be filed.

(a) *Registration statements and other reports for savings and loan holding companies under § 584.1.*

(1) *Registration statements*—(i) *H–(b)10.* This statement shall be used for registration by every savings and loan holding company, including subsidiary savings and loan holding companies, except trusts (other than business trusts) and savings and loan holding companies which file H–(b)3 and H–(b)4 registration statements.

(ii) *H–(b)3—Bank as trustee of a trust.* This statement (rather than H–(b)10) may be used for registration by any bank which is a savings and loan holding company only by virtue of its control, in a trustee capacity, of an insured institution.

(iii) *H–(b)4—Creditor as savings and loan holding company.* This statement (rather than H–(b)10) may be used for registration by any company which is a creditor and is a savings and loan holding company only by virtue of the acquisition of control of an insured institution or another savings and loan holding company pursuant to a pledge or hypothecation to secure a loan, or in connection with the liquidation of a loan, made in the ordinary course of business.

(2) *Annual Report—H–(b)11.* This report shall be used by every registered savings and loan holding company, including subsidiary savings and loan holding companies, except trusts (other than business trusts) and savings and loan holding companies filing H–(b)3 and H–(b)4 registration statements.

(3) *H–(b)12.* This report shall be used by every registered savings and loan holding company which is required to file an H–(b)11.

* * * * *

(Public Law 90–255, 12 U.S.C. 1730a)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by April 7, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

NOTE: A copy of the proposed Form H–(b)12 is available for inspection at the office of any Supervisory Agent.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 69–2728; Filed, Mar. 5, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–8532]

REGISTRATION OF CERTAIN CLASSES OF SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration [proposed Rule 12g–2 (17 CFR 240.12g–2) pursuant to the authority contained in sections 12 and 23(a) of the Securities Exchange Act of 1934; 15 U.S.C. 78*l* and 78w] relating to the registration of securities under section 12(g)(1) of the Securities Exchange Act of 1934. That section requires, with certain exceptions, the registration of any class of equity securities if the issuer of such securities has total assets exceeding $1 million and securities of the class are held of record by more than 500 persons. Section 12(g)(2)(A) exempts from such registration securities listed and registered on a national securities exchange and section 12(g)(B) exempts therefrom securities issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940.

The proposed rule would provide that where a class of securities would have been required to be registered under section 12(g)(1) of the Act except for the fact that it was exempt from such registration by section 12(g) (A) or (B) of the Act, when the exemption terminates such class shall be deemed to be registered under section 12(g)(1) if at that time securities of the class are held of record by 300 or more persons. The proposed rule would accomplish the transition from registration under section 12(b) of the Act or section 8 of the Investment Company Act of 1940 without the necessity of filing an additional registration statement. The rule would also make clear that registration under section 12(g)(1) of the Act continues even though at the time of the termination of the exemption securities of the class are no longer held of record by 500 or more persons.

The text of the proposed rule 12g–2 (17 CFR 240.12g–2) is as follows:

§ 240.12g–2 Securities deemed to be registered pursuant to section 12(g)(1) upon termination of exemption pursuant to section 12(g)(2)(A) or (B).

Any class of securities which would have been required to be registered pursuant to section 12(g)(1) of the Act except for the fact that it was exempt from such registration by section 12(g)(2)(A) because it was listed and registered on a national securities exchange, or by section 12(g)(2)(B) because it was issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (54 Stat. 789 et seq., as amended; 15 U.S.C. 80a–1 et seq.), shall upon the termination of the listing and registration of such class or the termination of the registration of such company and without the filing of an additional registration statement, be deemed to be registered pursuant to said section 12(g)(1) if at the time of such termination securities of the class are held of record by 300 or more persons.

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before March 20, 1969. All such communications will be considered available for public inspection.

By the Commission, February 26, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–2685; Filed, Mar. 5, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1203]

[No. 35029]

EXPRESS COMPANIES

Uniform System of Accounts

Present: John W. Bush, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding and of the request of the Railway Express Agency for an extension of time to file comments.

It is ordered, That the time for filing views and comments set by the notice of proposed rulemaking served December 9, 1968, and published on page 18496 of the December 13, 1968, issue of the FEDERAL REGISTER be, and it is hereby extended to April 30, 1969.

(Secs. 12, 20, 24 Stat. 383, 386, as amended; 49 U.S.C. 12, 20)

Dated at Washington, D.C., this 28th day of February, 1969.

By the Commission, Commissioner Bush.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–2709; Filed, Mar. 5, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-66]

"HORSEFEATHERS"

Classification

FEBRUARY 24, 1969.

Decision in C.D. 3530, Classifying certain wedge-shaped wooden articles as spruce lumber under item 202.03, Tariff Schedules of the United States (TSUS).

In A. N. Deringer, Inc. v. United States, C.D. 3530 (decided Aug. 8, 1968) the U.S. Customs Court held that certain wedge-shaped wooden articles described on the invoices as "horsefeathers," and manufactured by sawing logs into boards, resawing the boards longitudinally, and then bevel cutting the resawn boards, are properly dutiable at the rate of 35 cents per thousand feet, board measure, under item 202.03, Tariff Schedules of the United States (TSUS), as spruce lumber. The merchandise involved in this case is employed as a backing on the side or the roof of a building in order to make the surface flat or level prior to the installation of resurfacing materials such as asphalt shingles or clapboard.

The Bureau has been presented with the question whether the decision is to be extended to other materials similarly advanced so as to be dedicated to a specific use.

The principle of D.C. 3530 is limited to merchandise of the kind which was passed on by the court.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-2702; Filed, Mar. 5 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Nevada 054565]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 27, 1969.

The U.S. Department of Agriculture, Forest Service, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, except to such forms of disposition as may by law be made of national forest lands.

The applicant desires the land for inclusion in the Toiyabe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 211.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 19 E.,
Sec. 16, NE¼NW¼;
Sec. 20, SE¼SE¼;
Sec. 21, NW¼NE¼, NW¼NW¼, W½SW¼NW¼, S½SW¼SW¼, W½SE¼.
T. 18 S., R. 56 E.,
Sec. 36, SE¼.

The areas described aggregate 440 acres.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69-2700; Filed, Mar. 5, 1969; 8:48 a.m.]

Office of the Secretary

ELLERTON E. WALL

Statement of Changes in Financial Interests

In accordance wtih the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) Standard Oil Company of California, 2585 shares; International Telephone & Telegraph, 200 shares; Erie Technological, Inc., 200 shares; The Upjohn Co., 200 shares; IBM, 62 shares.

Sold—200 shares General Mills; sold—200 shares Rheingold Corp.; sold—120 shares American Express (Fund American merged with American Express 120 shares for 150).
(4) None.

This statement is made as of February 23, 1969.

Dated: February 25, 1969.

E. E. WALL.

[F.R. Doc. 69-2679; Filed, Mar. 5, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

CHEMICAL BANK

Notice of Approval of Applicant as Trustee

In F.R. Doc. 66-3688 appearing in the FEDERAL REGISTER issue of April 6, 1966 (31 F.R. 5457) notice was given that Chemical Bank New York Trust Co., was approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Notice is hereby given that Chemical Bank New York Trust Co., was merged into Chemical Bank on February 17, 1969, and that Chemical Bank, the continuing corporation, a banking corporation organized under the laws of the State of New York, with offices at 20 Pine Street, New York, N.Y., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: March 3, 1969.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 69-2726; Filed, Mar. 5, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIBA PHARMACEUTICAL CO.

Notice of Filing of Petition for Food Additive Metoserpate Hydrochloride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Gland-O-Lac Co., Division of CIBA Corp., Omaha, Nebr. 68101, proposing that § 121.324 *Metoserpate hydrochloride* (21 CFR 121.324) be amended to provide for the safe use of metoserpate hydrochloride at a level of 0.03 percent in the drinking water of replacement chickens. The petition proposes that treated birds not be slaughtered within 96 hours of treatment.

Dated: February 27, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2673; Filed, Mar. 5, 1969; 8:45 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0801) has been filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance (21 CFR 120.207) of 2 parts per million for residues of trifluralin (α,α,α-trifluoro-2, 6-dinitro-*N,N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity mung bean sprouts from use as a plant regulator on the beans.

The analytical method proposed in the petition for determining residues of trifluralin is a gas chromatographic procedure.

Dated: February 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2674; Filed, Mar. 5, 1969; 8:45 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0805) has been filed by Shell Chemical Co., a division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in meat, fat, and meat byproducts of cattle at 2 parts per million; and in milk fat at 0.75 part per million (reflecting negligible residues in whole milk).

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorus-sensitive thermionic emission detector.

Dated: February 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2675; Filed, Mar. 5, 1969; 8:45 a.m.]

Office of Education

RESIDENTS OF AMERICAN SAMOA OR TRUST TERRITORY OF THE PACIFIC ISLANDS

Work-Study Assistance Program

Notice of establishment of closing date for receipt of applications for grants affecting residents of American Samoa or Trust Territory of the Pacific Islands who attend eligible institutions elsewhere.

Title IV, Part C, of the Higher Education Act of 1965, as amended, provides for a program of part-time employment of needy college students. Section 443 authorizes the Commissioner of Education to make grants to eligible institutions to assist in the operation of work-study programs. "Eligible institution" is defined as (1) an institution of higher education (as defined in section 435(b) of the Act), (2) an area vocational school (as defined in section 8(2) of the Vocational Education Act of 1963), or (3) (effective for fiscal years ending on and after June 30, 1970) a proprietary institution of higher education (as defined in section 461(b) of the Act).

Under section 442(e) of the Act an amount has been reserved to provide work-study assistance to students who reside in, but who attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. Grants made under this provision may be used only for the purpose of providing work-study assistance to such students.

The Commissioner has determined that it is necessary for the efficient administration of the program to establish a "cutoff date" for the receipt of applications from eligible institutions for such grants for work-study assistance for students who reside in, but who attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands during the fiscal year ending June 30, 1970. Accordingly, notice is hereby given that, in order to be assured of consideration, applications must be received in the U.S. Office of Education by April 15, 1969.

No particular application form is required. A letter stating the names of the students to be employed during the fiscal year ending June 30, 1970, the residence of each such student (i.e., American Samoa or one of the Islands of the Trust Territory of the Pacific Islands), and the amount which each such student can be expected to earn during the fiscal year ending June 30, 1970, will be considered sufficient to constitute an application. The Federal share of the earnings of such students will be not in excess of 80 percent.

Applications must be filed with: Chief, Work-Study Branch, Division of Student Financial Aid, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

Dated: February 19, 1969.

PRESTON VALIEN,
Acting Associate Commissioner for Higher Education.

Approved:

PETER P. MUIRHEAD,
Acting Commissioner of Education.

[F.R. Doc. 69-2676; Filed, Mar. 5, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPUTY UNDER SECRETARY FOR POLICY ANALYSIS AND PROGRAM EVALUATION

Delegation of Authority To Determine the Definition of Income and the Maximum Amount of Income for Eligibility of Occupants for Benefits Under the Rent Supplement Program

SECTION A. *Authority to determine the definition of income and the maximum amount of income.* The Deputy Under Secretary for Policy Analysis and Program Evaluation is hereby authorized to determine the definition of income and the maximum amount of income for eligibility of occupants in an area for benefits under the rent supplement program for disadvantaged persons under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s).

SEC. B. *Authority to redelegate.* The Deputy Under Secretary for Policy Analysis and Program Evaluation is authorized to redelegate to subordinate employees any of the authority delegated under section A.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date: This delegation of authority shall be effective as of March 6, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-2705; Filed, Mar. 5, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-274]

U.S. GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR (USGS)

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on January 17, 1969 (34 F.R. 772), the Atomic Energy Commission has issued, in the form set forth in that notice, Facility License No. R-113. The license authorizes the USGS to operate a TRIGA Mark I type nuclear research reactor facility on its Federal Center site in Denver, Colo.

Dated at Bethesda, Md., this 24th day of February 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-2668; Filed, Mar. 5, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 67-2-153]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on February 28, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 22, 1969, names additional specific commodity rates for the carriage of live animals, as set forth below, which reflect reductions from the otherwise applicable rate.

R-28: Commodity Item 1053—Cattle; 60 cents per kg., minimum weight 3,000 kgs. Miami to Caracas.

R-29: Commodity Item 1074—Pigs; 60 cents per kg., minimum weight 3,000 kgs. Miami to Caracas.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20469, R-28 and R-29, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary,

[F.R. Doc. 69-2723; Filed, Mar. 5, 1969; 8:50 a.m.]

[Order 69-2-155]

CERTAIN UNAUTHORIZED INDIRECT AIR CARRIERS

Order Granting Temporary Relief

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of February 1969.

At the request of the Department of Defense (DoD), the Board, by Order 68-10-32, October 8, 1968, granted temporary relief from provisions of the Federal Aviation Act of 1958 to permit certain unauthorized indirect air carriers to transport by air used household goods of DoD personnel. The relief, which allowed these carriers to engage in indirect air transportation as air freight forwarders of used household goods,[1] was granted in lieu of a blanket exemption to household goods movers. The Board decided to continue to exempt by order, pursuant to request by DoD, those household goods movers selected by that Department to transport by air used household goods of DoD personnel. The relief granted terminates October 14, 1969, unless sooner terminated by the Board.

By letter dated January 13, 1969, the Department of the Army (acting on behalf of DoD) requested that the Board grant similar relief to Allied Van Lines, Inc., and North American Van Lines, Inc., limited to transportation between points in the Continental United States, on the one hand, and Labrador, Canada, on the other.

In view of the foregoing, and for the reasons stated in Order 68-10-32, the Board finds that it is in the public interest to grant the requested temporary relief.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, Allied Van Lines, Inc., and North American Van Lines, Inc., be and they hereby are relieved from the provisions of title IV and section 610 (a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of the Department of Defense upon tender by that Department, between points in the Continental United States, on the one hand, and Labrador, Canada, on the other;

2. That the relief granted herein will terminate as of October 14, 1969, unless sooner terminated by the Board;

3. That this order may be amended or revoked at any time, in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service of the U.S. Army, Allied Van Lines, Inc., and North American Van Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2724; Filed, Mar. 5, 1969; 8:50 a.m.]

[Docket No. 19685]

SERVICE TO SALT LAKE CITY INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 9, 1969, at 10 a.m., e.s.t. in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before March 31, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 3, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2725; Filed, Mar. 5, 1969; 8:50 a.m.]

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays, and exhibits.

FEDERAL COMMUNICATIONS COMMISSION

[Report 429]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MARCH 3, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

4838-C2-P-69—Southern Bell Telephone & Telegraph Co.; (KIG291); C.P. to change antenna system and replace transmitters for base frequencies 152.51, 152.63, and 152.75 MHz; relocate test transmitter antenna for test frequencies 157.77, 157.89, and 158.01 MHz and change antenna location from 45 North Main Street, Orlando, Fla., to 45 North Magnolia Street, Orlando, Fla. (name of street change).

4839-C2-P-69—General Telephone Co. of Kentucky; (New); C.P. for a new 2-way station. Base frequency: 152.78 MHz. Location: 0.25 mile west of 13th Street and Lexington Avenue, Ashland, Ky.

4840-C2-P-69—General Telephone Co. of Kentucky; (New); C.P. for a new 1-way-signaling station. Frequency: 152.84 MHz. Location: 601 Lagonda Avenue, Lexington, Ky.

4841-C2-P-69—Airsignal International, Inc.; (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: 8500 Zuni Street, Westminster, Colo.

4842-C2-P-69—E. B. & Donna W. Brownell; (KOP254); C.P. to change antenna system for repeater facilities at location No. 4: Medicine Mountain, 20 miles north-northeast of Greybull, Wyo. Repeater frequency: 459.05 MHz.

4843-C2-P-69—E. B. & Donna W. Brownell; (KOP254); Modification of C.P. to change control frequency at location No. 5 from 158.58 MHz to 454.05 MHz, replace the transmitter and relocate the control station from 107 North 27th Street, Billings, Mont., to 3223 Third Avenue North, Billings, Mont.

4844-C2-ML-69—New York Telephone Co.; (KEC932); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located at 724 Broad Street, Newark, N.Y.

4845-C2-ML-69—New York Telephone Co.; (KED350); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 at its developmental land station located Southport Hill, Comfort Road, 5.75 miles south of Elmira, N.Y.

4879-C2-P-69—R. C. S., Inc.; (New); C.P. for a new 1-way-signaling station. Frequency 152.24 MHz at location No. 1: 7 miles north-northwest of San Luis Obispo, Calif., and at location No. 2: Tepusquet Peak, approximately 13.5 miles east-southeast of Santa Maria, Calif., location No. 3: 1224 Murray Avenue, San Luis Obispo, Calif., frequency 454.225 MHz (control) and location No. 4: 113 South Benwiley Street, Santa Maria, Calif., frequency 454.225 MHz also control station.

4880-C2-P-69—Tel-Page Corp.; (New); C.P. for a new 1-way-signaling station. Frequency: 43.22 MHz. Location: Bell Hill, Schuyler, N.Y.

4881-C2-P-69—Associated Telephone Answering Services; (KKI452); C.P. to change antenna system for the 152.03 MHz base facilities at location No. 1: Sandia Mountain, N. Mex.

4888-C2-ML-69—The Bell Telephone Co. of Pennsylvania; (KGC406); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located 4224 Mount Troy Road, Pittsburgh, Pa.

4967-C2-ML-69—The Chesapeake & Potomac Telephone Co. of (D.C.); (KGC405); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located at 1420 Columbia Road NW., Washington, D.C.

4966-C2-P-69—Southern Bell Telephone & Telegraph Co.; (KIC346); C.P. to change antenna system for base channel 152.75 MHz at station located at 415 Clay Street, Jacksonville, Fla.

5001-C2-P-69—Leonard A. Voyles, doing business as General Communcations; (KFQ940); C.P. to install a second base channel to operate on 454.20 MHz at its station located 200 South Brentwood Boulevard, Clayton, Mo.

5002-C2-ML-69—The Ohio Bell Telephone Co.; (KQD612); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located at 6340 Shull Road, 9 miles northeast of Dayton, Ohio.

5022-C2-P-69—The Medical-Dental Bureau, Inc.; (KFL512); C.P. to change antenna system operating on frequency 454.35 MHz at its station located at Mabel Street, Youngstown, Ohio.

4929-C2-ML-69—The Chesapeake & Potomac Telephone Co. of West Virginia; (KQD611); Modification of license to change the signaling frequency from 454.99 MHz to 454.675 MHz at its developmental land station located Fitzpatrick Road, 1 mile southwest of Beckley, W. Va.

Major Amendment

1394-C2-P-69—William L. Eisele, trading as South Suburban Paging; (New); Application amended by changing the name of the applicant to read William L. Eisele and Robert A. Jones doing business as Midwest Communications Co. (a partnership). All other terms are to remain the same as reported on public notice, Report No. 404, dated Sept. 9, 1968.

Correction

4734-C2-P-69—Peninsula Radio Secretarial Service, Inc.; (KMA608); Correct entry to read: C.P. to install an additional transmitter to operate on frequency 454.35 MHz at a new site to be identified as location No. 2: 50 feet west of intersection of Lincoln Avenue and Newlands Avenue, San Mateo, Calif. This replaces entry reported on public notice No. 427, dated Feb. 17, 1969.

Renewals of licenses expiring Apr. 1, 1969. Term: Apr. 1, 1969, to Apr. 1, 1974.

Licensee	Call sign
ARKANSAS	
Mobilfone	KEA402
Do	KFL927
Mobilfone Communications	KFJ890
Do	KFL870
Do	KFL893
Do	KFL899
Do	KFL903
Do	KKX720
Do	KLB500
CALIFORNIA	
Advanced Electronics	KLF515
Central Exchange Mobile Radio	KMM599
Do	KMM640
Cook's Telephone Answering & Radio, Inc.	KMD042
Fresno Mobile Radio, Inc.	KMA830
Do	KME200
Do	KME450
Do	KME451
Do	KMJ216
Do	KMJ217
Do	KMJ222
Do	KMJ225
Do	KMM580
Do	KMM590
Do	KMM622
Do	KMM625
Do	KMM634
Hanford Mobile Radio, Inc.	KMD086
Do	KMM636
Intrastate Radio Telephone, Inc. of Los Angeles.	KMA200
Madera Radio Dispatch	KMD350
Do	KMM592
Pomona Radio Dispatch Corp.	KMD992
Redwood Radiotelephone Corp.	KMA617
Do	KMM668
Redwood Radiotelephone Corp.—Marin.	KMM659
Redwood Radiotelephone Corp.	KMM660
Redwood Radiotelephone Corp.—Marin.	KMM690
Salinas Valley Radio Telephone Co.	KMA237
Do	KMM694
Tadlock's Radio Dispatch	KMA259
COLORADO	
Pueblo Telephone Secretarial Service, Inc.	KLF473
CONNECTICUT	
Henry M. Zachs	KCC803
Do	KCI300
DISTRICT OF COLUMBIA	
American Radio-Telephone Service, Inc.	KGA245
Contact of Washington, Inc.	KGA306
FLORIDA	
Answerphone of Lake Worth, Inc.	KIM914
Answering Service, Inc.	KIF651
Auto Phone Service	KIB894
Do	KIY508
Mobile Dispatching Service	KIB304
Mobilfone	KIF649
Peacock Radio Service	KIJ357
Do	KIY511
Radio and Electronics Service Co., d.b.a. Mobilfone.	KIY593
Radio Paging, Inc.	KIJ345
Tel-Car Corp.	KIB527
Wells Fargo Armored Service Corp. of Florida.	KIA956
GEORGIA	
Answerfone, Inc.	KIR205
Do	KIY528
General Communications Service, Inc.	KIC296
Do	KIY402
Do	KIY527
GEORGIA—continued	
L. C. McCall	KIM900
Do	KIY406
Do	KIY408
Do	KIY507
South Georgia Communications Co.	KIY503
Do	KIY765
HAWAII	
Radiocall	KUA215
Do	KUA217
ILLINOIS	
Adlai C. Ferguson, Jr.	KSJ769
Kankakee Telephone Answering Service, Inc.	KSJ750
New York Technical Institute of Cincinnati, Inc.	KSC645
Rockford Communications Co., Inc.	KSJ610
L. Frank Stewart	KSJ627
Stewart Electronics	KSJ811
Telephone Answering Service, Inc.	KSA265
Do	KSC864
INDIANA	
Indianapolis Mobile Telephone Co.	KSD327
Moore's Service	KSJ628
KANSAS	
Tri-State Communications	KDT215
KENTUCKY	
Louisville 2-Way Radio Service, Inc.	KIF656
Do	KIG855
Radio Telephone Service	KJU819
Telephone Answering Service of Owensboro, Inc.	KIN649
LOUISIANA	
Ark-La-Tex Mobile Radio Service	KLB494
Do	KLB756
Mobilfone of Baton Rouge	KKX707
MAINE	
New Dawn Corp.	KCB892
Summit Mobile Radio Co.	KCI304
MARYLAND	
Smith Communications Service	KGA250
MASSACHUSETTS	
Airphone Co.	KCC266
North Shore Communications, Inc.	KCC483
Worcester Communications Co., Inc.	KCA721
MICHIGAN	
Michigan Radio Dispatch Service	KQC573
Waldo Wilson	KQA647
MINNESOTA	
Art Kost Service	KFL923
MISSISSIPPI	
AAA Anserphone, Inc.—Jackson	KKV692
AAA Answering Service, Inc.	KLB703
Aico Telephone Answer-Ring Service of Greenville, Miss., Inc.	KFL932
Gulf Mobilphone	KFL885
Do	KLF518
MISSOURI	
New York Technical Institute of Cincinnati, Inc.	KAA893
Potter Signal, Inc.	KAF250
NEW JERSEY	
The Aerofiex Communications System, Inc.	KEC924
Mobile Radio Dispatch Service, Inc.	KEA256
Mobilfone of Monmouth and Ocean	KEJ886
Telephone Secretarial Service	KEA263
NEW YORK	
Leo Vincent Carmody	KEK267
Woodruff Groff Evans	KEA253
Do	KEA344
General Communications, Inc.	KEC516
Do	KEC737
McCall Telephone Answering Service.	KEC513
Pocket Phone Broadcast Service, Inc.	KEA777
Professional Answering Service	KEC939
Do	KED362
Radio Relay Corp.	KEC745
Radio Telephone Answering Service, Inc.	KEJ891
NORTH CAROLINA	
Albemarle Communications, Inc.	KFL935
Ans-A-Phone Communications, Inc.	KIY774
Do	KIY775
T. D. Miller III	KUA283
Rowan Radiofone	KUA277
Telephone Answering Service of Fayetteville, Inc.	KIY778
NORTH DAKOTA	
Fargo Telephone Answering Service	KLF485
Grand Forks Telephone Answering Service.	KDN400
OHIO	
Akron Mobile Telephone, Inc.	KQK713
Anserphone, Inc.	KQK587
Area-Wide Paging System, Inc.	KQK593
Cincinnati Radio Telephone Systems, Inc.	KQK710
Fitzgerald Radio Communications	KQC880
The Medical-Dental Bureau, Inc.	KLF512
New York Technical Institute of Cincinnati, Inc.	KQC877
Stark Radio Telephone	KQD615
OKLAHOMA	
Mobilfone	KFQ944
Do	KKA341
Do	KKA401
Do	KKJ452
Do	KKN287
Do	KKO347
Do	KLB511
Do	KLB779
Do	KLB785
Do	KLB786
Do	KWA864
OREGON	
Empire Communications Co.	KFL955
Do	KFQ921
Do	KOK419
Do	KON919
Do	KOP306
Do	KOP312
Do	KOP329
Mobile Communications Service, Inc.	KOA264
Oregon Mobile Radio	KOP311
PENNSYLVANIA	
Capitol Radio Communications, Inc.	KGC222
Do	KGI278
Mobile Communications Service, Inc.	KGC398
Charles B. Shafer	KGC397
Charles L. Slocum	KGI770
Telephone Answering Exchange	KGC400
Do	KGC404
RHODE ISLAND	
Joseph Giorgianni	KCA725
TENNESSEE	
Alexander Telephone Answering Service.	KIF653
Chattanooga Mobilphone Co.	KFL916

RURAL RADIO SERVICE—continued

4947-C1-P-69—General Telephone Co. of California; (KM097): C.P. to replace transmitter operating on frequency 459.55 MHz at station located 6 miles northeast of Santa Maria, Calif.

4924-C1-P/L-69—Lee Telephone Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequencies: 157.80 and 157.92 MHz (3 units) to operate at any temporary fixed location within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

4948-C1-P-69—Puerto Rico Communications Authority; (WWR68); C.P. to add frequencies 11,366 and 11,946 MHz toward Cerro Marquesa, P.R., at station located 1314 Ponce de Leon Avenue, San Juan, P.R.

4949-C1-P-69—Puerto Rico Communications Authority; (WWT51); C.P. to add frequencies 11,245 and 11,406 MHz toward Marquesa, P.R., at station located Munos Rivera No. 28, Caguas, P.R.

4950-C1-P-69—Puerto Rico Communications Authority; (New); C.P. for a new fixed station. Frequencies: 10,795, 10,915, 10,955, and 11,075 MHz. Location: Road 795 (WIPR-TV Transmitter), Aguas Buenas, P.R.

4951-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KTF31); C.P. to add frequency 2163.5 MHz toward Black Rock, N. Mex., at its station located 6 miles northeast of Gallup, N. Mex.

4952-C1-P-69—Hawaiian Telephone Co.; (KUR99); C.P. to add frequency 6249.1 MHz toward Humuula, Hawaii, at station located at Leleiwi Point, Leleiwi Point, Hawaii.

4953-C2-P-69—Hawaiian Telephone Co.; (KUS30); C.P. to add frequency 6086.0 MHz toward Huehue, Hawaii, and frequency 5997.1 MHz toward Leleiwi, Hawaii, at its station located 1.8 miles north-northeast of Humuula, Hawaii.

4954-C1-P-69—Hawaiian Telephone Co.; (KUS21); C.P. to add frequency 6338.1 MHz toward Humuula, Hawaii, replace transmitter operating on frequencies 6249.1 and 6367.7 MHz and change antenna system at station located 2.5 miles east of Heuhue, Hawaii.

4955-C1-P-69—Hawaiian Telephone Co.; (KUS23); C.P. to replace transmitter operating on frequencies 5997.1 and 6115.7 MHz at station located at Kamuela, Hawaii.

4956-C1-P-69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 3730 and 3810 MHz. Location: 10 South Canal Street, Chicago, Ill.

4957-C1-P-69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 3770 and 3850 MHz. Location: 2 miles north of Matteson, Ill.

4958-C1-P-69—American Telephone & Telegraph Co.; (KSG64); C.P. to add frequencies 3730 and 3810 MHz toward Matteson, Ill., at its station located 4 miles northeast of Momence, Ill.

5678-C1-R-66—Northwestern Bell Telephone Co.; (KYN35); Renewal of radio station license expiring Feb. 17, 1969. Location: Oahe Dam, 5 miles north-northwest of Pierre, S. Dak.

5003-C1-P/ML-69—General Telephone Co. of Florida; (KIL88); C.P. and modification of license to add frequency 11,485 MHz toward new point of communication Tampa, Fla., and 6160.2 MHz toward St. Petersburg, Fla., and change antenna system at its station located at corner Zack and Morgan Streets, Tampa, Fla.

5004-C1-P/ML-69—California Interstate Telephone Co.; (KMQ70); C.P. and modification of license to add frequency 2112.0 MHz toward new point of communication at Big Pine, Calif., at its station located 360 Lagoon Street, Bishop, Calif.

5005-C1-P/L-69—California Interstate Telephone Co.; (New); C.P. and license for a new fixed station. Frequency: 2162.0 MHz. Location: Dewey Street, Big Pine, Calif.

5023-C1-P-69—Suburban Telephone Co.; (New); C.P. for a new fixed station. Frequency: 2711.5 MHz. Location: Zuni, N. Mex.

5024-C1-P-69—Suburban Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 2113.5 MHz and 2127.5 MHz. Location: 3.5 miles northeast of Blackrock, N. Mex.

4968-C1-P/L-69—Puerto Rico Telephone Co.; (New); C.P. and license for a new developmental fixed station, to operate (2 units) at any temporary fixed location within the territory of the grantee. Frequencies: 3970 and 4030 MHz.

Licensee	Call sign
VIRGINIA	
Radio Phone Communications, Inc.	KFV889
Do	KMM684
RCC of Virginia, Inc.	KFL959
Do	KFQ938
Do	KIY394
Do	KIY780
Do	KIY783
Do	KLF465
Do	KLF471
WASHINGTON	
Mobile Dispatch Service	KOA734
Radiofone Service	KOA799
Do	KOP265
Joseph N. Thomason	KFL918
Do	KOP261
Do	KUA285
WISCONSIN	
All City Telephone Answering Service, Inc.	KSA266
Do	KSC373
Racine Private Police, Inc.	KLF464
Telephone Answering Service	KLF478
Do	KSD318
Margaret Walsh	KSJ762
WYOMING	
E. B. and Donna W. Brownell	KOP254

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference and/or economic competition:

NEW YORK

Folito Communications, Inc.; New; File No. 2668-C2-P-69.

Tel-Page Corp.; KEJ884; File No. 3882-C2-P-69.

The Alaska Communication System; 550 Federal Office Building, Seattle, Wash.; has submitted a request for the following frequencies to provide a public toll telephone service at the locations noted.

APPLICANT: U.S. AIR FORCE

454.55 MHz; 60F9; 10 W; Nikishka, Alaska (60°43' N., 151°21' W.) to Tyonek, Alaska (61°04' N., 151°08' W.)

459.55 MHz; 60F9; 10 W; Reverse path of above.

76.2 MHz; 60F9; 150 W; Teller, Alaska (65°15' N., 166°28' W.) to Tin City, Alaska (65°35' N., 167°55' W.).

94.6 MHz; 60F9; 150; Reverse path of above.

The above proposals have been received in the Frequency Registration and Notification Branch of the Frequency Allocation and Treaty Division.

RURAL RADIO SERVICE

4946-C1-P-69—General Telephone Co. of California; (KM096); C.P. to replace transmitter operating on frequency 454.55 MHz at its station located 200 West Church Street, Santa Maria, Calif.

Major Amendment

2166–C1–P–69—Northwestern Bell Telephone Co.; (New); Change geographic coordinates from lat. 40°56'05" N., long. 98°21'25" W. to lat. 40°56'36" N., long. 98°21'25" W. Station location: 2201 North Broadwell Street, Grand Island, Nebr. All other particulars same as reported in public notice dated Oct. 21, 1968, Report No. 410.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4382–C1–P–69—United Video, Inc.; (New); C.P. for new station 6.5 miles southwest of Union, Mo., at lat. 38°22'39" N., long. 91°00'24" W. Frequency 10,735 MHz on azimuth 257°50'.

4383–C1–P–69—United Video, Inc.; (New); C.P. for new station 1.28 miles east-northeast of Belle, Mo., at lat. 38°17'33" N., long. 91°41'54" W. Frequency 11,265 MHz on azimuth 190°41'. (Informative: Applicant proposes to relocate pickup point for television station KETC and provide microwave service to an affiliated system in Rolla, Mo.)

4384–C1–TC–(6)–69—Microrelay of New Mexico, Inc.; Consent to transfer of control from: Bruce Merrill, Transferor to Western Microwave, Inc., Transferee. Stations: KLN76 Corona, N. Mex.; KLN77 Boy Scout Mountain, N. Mex.; KLR72 Cedar Point, N. Mex.; KLR73 Roswell, N. Mex.; KSV93 Albuquerque, N. Mex.; KSV94 Sandia Crest, N. Mex.

4386–C1–TC–(20)–69—West Texas Microwave Co.; Consent to transfer of control from TeleSystems Corp., Transferor to Fred Lieberman & Jack R. Crosby, Transferees. Stations: KKT90 Levelland, Tex.; KKU85 Midland, Tex.; KLR75 Abilene, Tex.; KLU86 Aledo, Tex.; KLU87 Mineral Wells, Tex.; KLU88 near Brad, Tex. (Brackeen Ranch); KLU89 Breckenridge, Tex.; KLU91 Davis, near Albany, Tex.; KTQ80 Sweetwater, Tex.; KTQ81 Colorado City, Tex.; KTR33 Snyder, Tex.; KTR34 Griffins Creek, Tex.; KTR35 Pleasant Valley, Tex.; KYS49 Big Spring, Tex.; KZI25 Lubbock, Tex.; KZI26 Abernathy, Tex.; KZI27 Anson, Tex.; KZI36 Stamford, Tex.; KZS70 Seminole, Tex.; KZS71 Brownfield, Tex.

4385–C1–TC–(41)–69—American Television Relay, Inc.; Consent to transfer of control from Bruce Merrill, Transferor to Western Microwave, Inc., Transferee. Stations: KCG74 Phoenix, Ariz.; KCG75 Chevelon Butte, Ariz.; KGC90 Aden Hill, N. Mex.; KGC91 Lovington, N. Mex.; KGP84 Burro Peak, N. Mex.; KKB98 El Heurfano Peak, N. Mex.; KKT80 Roswell, N. Mex.; KKT81 Mount Powell, N. Mex.; KKT82 Lybrook, N. Mex.; KKT83 Torreon, N. Mex.; KKT84 Sandia Crest, N. Mex.; KKT85 Corona, N. Mex.; KKT86 Boy Scout Mountain, N. Mex.; KLT77 Rimrock, Tex.; KLT78 Guadalupe Mountain, Tex.; KNK38 Blue Ridge Mountain, Calif.; KNK67 Toro Peak, Calif.; KNK68 El Centro, Calif.; KNZ42 Black Mountain, Calif.; KNZ43 Black Mountain, Calif.; KOS63 Heliograph Peak, Ariz.; KOU61 Hutch Mountain, Ariz.; KPH82 Tuba City, Ariz.; KPH83 Jacks Peak, southsouthwest of Page, Ariz.; KPK30 Oatman Mountain, Ariz.; KPK31 Telegraph Pass, Ariz.; KPN92 Porter Mountain, Ariz.; KPP93 Tucson, Ariz.; KPS43 Temporary fixed location; KPV76 White Tank Mountain, Ariz.; KPY73 Mingus Mountain, Ariz.; KPY74 Mount Elden, Ariz.; KPZ82 Pinal Peak, Ariz.; KPZ83 Yuma, Ariz.; KRW88 Silver City, N. Mex.; KSV58 Phoenix, Ariz.; KTQ75 Santiago, Calif.; KVH73 El Paso, Tex.; KVH75 Cedar Point, N. Mex.; KVH76 Carlsbad, N. Mex.; KZI36 Black Mesa, Ariz.

4382–C1–ML–69—Pacific Telatronics, Inc.; (KTG38); Modification of license to change frequencies 5997.1 and 6115.7 MHz to 6026.7 and 6145.3 MHz toward Red Bluff, Calif. Station location: Shasta Bally, Calif.

[F.R. Doc. 69–2716; Filed, Mar. 5, 1969; 8:49 a.m.]

[Docket No. 18241 etc.; FCC 69–178]

KFPW BROADCASTING CO. ET AL.

Order Consolidating Hearing and Enlarging Issues

In re applications of George T. Hernreich, trading as KFPW Broadcasting Co., Fort Smith, Ark., Docket No. 18241, File No. BPH–6180; George T. Hernreich, trading as KZNG Broadcasting Co., Hot Springs, Ark., Docket No. 18387, File No. BPH–6186; Christian Broadcasting Co., Hot Springs, Ark., Docket No. 18388, File No. BPH–6249; for construction permits.

1. The Commission has before it: (a) the orders designating these matters for hearing, FCC 68–705 and FCC 68–1145, released July 11, 1968, and December 5, 1968, respectively; (b) a petition for partial reconsideration filed December 26, 1968, by George T. Hernreich, trading as KZNG Broadcasting Co., the Broadcast Bureau's opposition thereto, filed January 8, 1969, and Hernreich's reply filed January 15, 1969; and (c) a petition to consolidate proceedings filed December 13, 1968, by the Broadcast Bureau, the opposition thereto of George T. Hernreich, trading as KFPW Broadcasting Co., filed January 2, 1969, and the Bureau's reply, filed January 14, 1969.

2. Hernreich's application for an FM broadcast station at Hot Springs, Ark., was designated for hearing (FCC 68–1145, released Dec. 5, 1968), inter alia, on a "hypo-ing" issue. Hernreich's petition for partial reconsideration requests deletion of the "hypo-ing" issue.[1] We have received information from Hernreich and other sources that Hernreich's AM station in Hot Springs conducted special promotions and contests during the taking of an audience survey in order to improve artificially its ratings. Although Hernreich claims in his present petition that there is no basis for the "hypo-ing" issue, he admits that contests were run during the rating period and that the survey results may have been mentioned to advertisers. In view of these unresolved questions, we are convinced that a hearing must be held on the "hypo-ing" issue and that Hernreich's petition must be denied.

3. Noting that Hernreich's application for an FM station in Fort Smith, Ark., does not involve a "hypo-ing" issue, the Broadcast Bureau requests consolidation of the two proceedings so that the questions bearing on Hernreich's qualifications to be a licensee can be resolved before either proposal is granted. Although Hernreich opposes consolidation as unnecessary and unduly burdensome, we are persuaded that the Bureau's request should be granted. It would be inappropriate, in any event, to grant the Fort Smith proposal without full consideration of these "hypo-ing" allegations. Since the "hypo-ing" issue has a bearing on both proceedings and since consolidation will eliminate the need for duplicated evidentiary showings and will expedite the proper dispatch of our business, we shall grant the Bureau's request and apply the "hypo-ing" issue to both of Hernreich's proposals. In view of the facts that no evidence has been taken in either proceeding and that no significant delay would be required, we shall also direct the Chief Hearing Examiner to appoint a single presiding officer for both cases.

4. *Accordingly, it is ordered,* That the petition for partial reconsideration, filed December 26, 1968, by George T. Hernreich, trading as KZNG Broadcasting Co., is denied; and

5. *It is further ordered,* That the petition to consolidate proceedings, filed December 13, 1968, by the Broadcast Bureau, is granted, and that Docket No. 18241 is consolidated with Dockets Nos. 18387 and 18388;

6. *It is further ordered,* That the issues designated for hearing in Docket No. 18241 are enlarged by the addition of the following issue:

To determine whether and, if so, the extent to which KZNG Broadcasting Co. conducted special contests or promotions in order to improve artificially its ratings, and in light of the evidence thus adduced, whether George T. Hernreich, trading as KFPW Broadcasting Co., possesses the requisite qualifications to obtain the requested authorization; and

7. *It is further ordered,* That the Chief Hearing Examiner is directed to appoint a single presiding officer for this consolidated proceeding.

Adopted: February 26, 1969.

Released: Februray 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–2717; Filed, Mar. 5, 1969; 8:49 a.m.]

[1] The petition for partial reconsideration is, in effect, a motion to delete issues, which properly should have been addressed to the Review Board. Cf., Cosmos Broadcasting Corp., 10 FCC 2d 592 (1967). We are retaining jurisdiction, however, only because the Broadcast Bureau's related petition for consolidation requires our attention.

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, Calif. 94607.

Agreement No. T–2270 between the City of Oakland and Sea-Land Service, Inc. (Sea-Land), is a 4-year lease of certain premises at Oakland, Calif., which Sea-Land will use for establishing and maintaining general offices and a truck and rail terminal. Rental will be a fixed monthly sum for the land, plus an additional sum for the truck and rail terminal. Provision is made for an adjustment in rental dependent upon additional construction costs.

Dated: March 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–2711; Filed, Mar. 5, 1969; 8:49 a.m.]

[1] Commissioners Robert E. Lee and H. Rex Lee absent. Commissioner Cox abstaining from voting. Commissioner Johnson concurring in the result.

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic & Gulf Freight Conference, C.P.O. Box 94, Tokyo, Japan.

Agreement No. 3103–36 would modify the basic agreement of the Japan-Atlantic & Gulf Freight Conference by deleting certain language from Article 25 (h) (6). Article 25 relates to the "Neutral Body" system; subsection (h) is concerned with "Review by Arbitration"; sub-subsection (6) "Finality of Arbitrators' Decision" now specifies that "The decisions of the arbitrators shall be final, binding and conclusive subject only to an appeal to the Federal Maritime Commission on the ground that enforcement of the arbitration award constitutes a violation of the Shipping Act, 1916." The proposed modification would delete everything after the word conclusive. Approval under section 15 of the Shipping Act, 1916, has been requested.

Dated: March 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–2712; Filed, Mar. 5, 1969; 8:49 a.m.]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Guy L. Retournat, Secretary, Marseilles North Atlantic U.S.A. Freight Conference, 10, Place de la Joliette, Marseille 2, France.

Agreement No. 5660–12 between the member lines of the Marseilles North Atlantic U.S.A. Freight Conference amends Article 13 of the basic agreement to provide for the apportionment of Conference expenses on the basis of 50 percent in equal shares and 50 percent on tonnages carried by the member lines during each accounting period.

Dated: March 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–2713; Filed, Mar. 5, 1969; 8:49 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Second Floor, Sumitomo Seimei Yaesu Building, 3, 4-Chome Yaesu, Chuo-Ku, Tokyo 104, Japan.

Agreement No. 150–39 would modify the basic agreement of the Trans-Pacific Freight Conference by deleting certain language from Article 25(h)(6). Article 25 relates to the "Neutral Body" system; subsection (h) is concerned with "Review by Arbitration"; sub-section (6) "Finality of Arbitrators Decision" now specifies that "The decisions of the arbitrators shall be final, binding and conclusive subject only to an appeal to the Federal Maritime Commission on the ground that enforcement of the arbitration award constitutes a violation of the Shipping Act, 1916." The proposed modification would delete everything after the word conclusive. Approval under section 15 of the Shipping Act, 1916, has been requested.

Dated: March 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–2714; Filed, Mar. 5, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

FEBRUARY 28, 1969.

It appears to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 1, 1969, through March 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2686; Filed, Mar. 5, 1969; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 3, 1969, through March 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*

[F.R. Doc. 69-2687; Filed, Mar. 5, 1969; 8:47 a.m.]

DUMONT CORP.

Order Suspending Trading

FEBRUARY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 1, 1969, through March 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2688; Filed, Mar. 5, 1969; 8:47 a.m.]

[811-877]

ELECTRONICS CAPITAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 27, 1969.

Notice is hereby given that Electronics Capital Corp. ("ECC"), 111 East 38th Street, New York, N.Y. 10016, a Massachusetts corporation registered as a closed-end, nondiversified investment company under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., has filed an application pursuant to section 8(f) of the Act for an order declaring that ECC has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Section 3(a)(1) of the Act defines as an investment company a company which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.

Section 3(a)(3) of the Act further defines as an investment company a company which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The term "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

ECC was incorporated in April 1959 and was licensed as a small business investment company under the Small Business Investment Act of 1958. At a stockholders meetings in December 1967 the stockholders of ECC approved the surrender of the company's license as a small business investment company, the change in the nature of the company's business from that of an investment company to that of a holding and/or operating company, and application for deregistration as an investment company under the Act. On January 10, 1968, ECC surrendered its license as a small business investment company. Since that time, ECC has disposed of a number of its holdings of investment securities, has increased its holdings of securities of Cypress Communications Corp. ("Cypress"), and, on January 28, 1969, acquired 98 percent of the common shares of Capital Bancorporation ("Capital"). In addition, a new president and other executive officers of ECC have been appointed, who have participated and will continue to participate actively in the management of ECC's subsidiaries.

ECC represents that it is no longer an investment company as defined in the Act. It states that, as of December 31, 1968, after adjustments to give effect to the disposition of certain investment securities and the acquisition of shares of Capital in January 1969, ECC's total assets (exclusive of cash items and government securities) had a value of $46,151,213, of which $32,081,976, or 69.5 percent, represented the value of ECC's investments in its four majority-owned subsidiaries, and the remaining 30.5 percent represented ECC's holdings of investment securities. ECC's investments in its majority-owned subsidiaries were as follows:

	Percent of voting securities owned	Value of ECC's investment
Capital Bancorporation	98	$16,748,612
Cypress Communications Corp.	51	12,540,222
Darcy Industries, Inc.	70	2,000,000
Ultronix, Inc.	80	793,142
		32,081,976

Capital is a holding company, of which the principal assets are its holdings of 98 percent of the stock of St. Clair Savings Association, a savings and loan association, and 98 percent of the stock of The Capital National Bank, a commercial bank and trust company. In addition Capital owns all the stock of two real estate management companies.

Cypress is principally engaged in the community antenna television business. Darcy Industries, Inc., and its wholly owned subsidiary, Behlman-Invar Inc., are engaged in the manufacture and sale of electronic equipment. Ultronix, Inc., is a manufacturer of resistors and ceramic capacitors.

Notice is further given that any interested person may, not later than March 12, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon ECC at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2689; Filed, Mar. 5, 1969; 8:47 a.m.]

[812-2410]

HARTFORD MUTUAL INVESTMENT FUND, INC.

Notice of Filing of Application for Exemptions From Certain Provisions of the Act

FEBRUARY 27, 1969.

Notice is hereby given that Hartford Mutual Investment Fund, Inc. ("Applicant"), c/o Society for Savings, 31 Pratt Street, Hartford, Conn. 06101, an open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from certain provisions of sections 14(a), 20(a), 22(d), 22(e), and 24(d) of the Act and Rule 20a-1 thereunder and granting temporary exemptions from sections 15(a), 16(a), and 32(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was organized on September 30, 1968, under the general incorporation laws of the State of Connecticut for the purpose of qualifying as an investment company under section 36-96(12) of the Connecticut General Statutes, to serve as an investment medium for mutual savings banks in Connecticut.

Applicant is subject to the following fundamental limitations prescribed by the Connecticut Statutes:

(a) Applicant must be registered under the Act;

(b) All of Applicant's shares must be owned by savings banks organized under the laws of the State of Connecticut and doing business there;

(c) Applicant's assets must be invested only in such investments as permitted by section 36-96(12) and section 36-96 (2) through (9) inclusive, of the Connecticut General Statutes;

(d) The amount of stock of any corporation which Applicant may hold cannot exceed 5 percent of the total number of shares of such corporation outstanding at the time of investment by Applicant, provided, at the time of investment the amount invested by Applicant in the shares of any corporation shall not exceed 10 percent of Applicant's total assets;

(e) The total investment of any Connecticut savings bank in the stock of Applicant may not exceed 25 percent of its surplus and profit and loss.

Applicant alleges that it will inform the Bank Commissioner of Connecticut on all aspects of Applicant's affairs so that he can determine if Applicant's affairs are being conducted in accordance with the applicable Connecticut Statute.

Shares of stock to be issued by Applicant will be owned only by Connecticut savings banks. Applicant is presently managed by a Board of Directors consisting of savings bankers whose banks will own stock in Applicant. It will contract for custodial, transfer agent and dividend disbursing services with Hartford National Bank and Trust Company of Hartford, Conn., and for advisory services with Lionel D. Edie & Co., Inc., of the city of New York.

Applicant will not use an underwriter; it is contemplated that a savings bank desiring to participate in the initial offering of Applicant's stock may place an order directly with the transfer agent at a price of $100 per share. Thereafter, each such bank may purchase shares in the same manner at the then current net asset value per share. Redemptions will be effected in a similar manner, except for a redemption charge presently fixed at $0.75 per share.

Applicant requests exemption from the following provisions of the Act to the extent stated below:

From section 14(a) of the Act, which, in pertinent part, requires a registered investment company to have a net worth of at least $100,000 before offering its securities. Applicant states it has commitments from four banks for the purchase of 5,000 shares of its stock at an aggregate price of $500,000. Applicant states that inasmuch as it is seeking an exemption from the registration requirements under the Securities Act of 1933 (infra) it would not, if such exemption is granted, meet the literal requirements of section 14(a)(3) of the Act.

From section 20(a) and Rule 20a-1 thereunder which set forth requirements concerning the format and content of proxies and proxy statements used in the solicitation of proxies, consents or authorizations with respect to securities of registered investment companies. Applicant states that each Connecticut savings bank which invests in shares of Applicant will be well informed concerning the activities of Applicant and it is expected that only savings bankers will serve as officers and/or directors of Applicant from time to time. Applicant alleges that in view of the shareholders' knowledge of the conduct of Applicant's business, compliance with the proxy rules and regulations would not provide any corresponding benefit to its shareholders;

From section 22(d) insofar as it may require that the issuance of securities be through an underwriter or be accompanied by a prospectus. In support of its request Applicant states that each Connecticut savings bank is an experienced institutional investor and the Applicant's shares of stock provide a common investment only for such banks. Before accepting a first order from any bank, Applicant will provide it with various documents, including a copy of its registration statement under the Act on Form N-8B-1;

From section 22(e) which provides, as here pertinent, that no registered investment company shall suspend the right of redemption or postpone payment for shares redeemed for more than 7 days after tender.

Applicant's bylaws provide that the payment of the redemption price of shares may be postponed in part for more than 7 days from their delivery if the shares covered by the holder's notice of redemption exceed 200 or 10 percent of its shares, whichever amount is greater. In case of such an excess, payment for the greater of 200 shares or the 10 percent amount will be made within 7 days but payment for the excess shares shall be made in consecutive daily installments equal to the initial payment except that the final installment will be in such lesser amount as is necessary to complete payment.

In support of this exemption, Applicant states that the Connecticut savings banks holding Applicant's shares may be influenced toward a common investment policy as a result of prevailing conditions or unusual occurrences. The possibility exists that substantial requests for redemption may be made at or about the same time. Applicant's organizers have, therefore, concluded that it is desirable that the directors be given some discretion with respect to the liquidation of assets necessary to meet redemptions when extraordinary conditions require adoption of an emergency measure;

From section 24(d) of the Act which renders inapplicable to investment companies the "intra-state" offering exemption from the registration provisions of the Securities Act of 1933 contained in section 3(a)(11) thereunder. Applicant alleges that such exemption would be available to it were it not for section 24(d) of the Act. It alleges further that inasmuch as it may offer and sell its securities only to the 69 Connecticut savings banks, and has been organized to provide

such banks with a common investment medium, registration under the Securities Act should not be required.

Applicant also requests temporary exemptions from sections 15(a), 16(a), and 32(a) of the Act. These sections provide, respectively, for (i) shareholder approval of investment advisory contracts, (ii) shareholder election of directors and (iii) shareholder ratification of the selection of independent public accountants. Applicant will not have any shareholders until this application is granted. It requests exemption only until its first annual shareholder's meeting in March or April 1969 at which time the above three matters will be submitted to shareholders.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested pesron may, not later than March 20, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2690; Filed, Mar. 5, 1969; 8:47 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

FEBRUARY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 1, 1969, through March 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2691; Filed, Mar. 5, 1969; 8:47 a.m.]

MICROBIOLOGICAL SCIENCES, INC.

Order Suspending Trading

FEBRUARY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Microbiological Sciences, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 2, 1969, through March 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2692; Filed, Mar. 5, 1969; 8:47 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

FEBRUARY 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 28, 1969, through March 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2693; Filed, Mar. 5, 1969; 8:47 a.m.]

[812-2464, 812-2465]

VARIABLE ANNUITY LIFE INSURANCE COMPANY OF AMERICA

Notice of Filing of Application for Order Exempting Proposed Transaction From Provisions of Act and Application for Order

FEBRUARY 27, 1969.

Notice is hereby given that Variable Annuity Life Insurance Company of America ("Applicant"), 1717 Pennsylvania Avenue NW., Washington, D.C. 20006, an open-end diversified, management investment company registered under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 *et seq.* ("Act"), has filed applications for orders pursuant to sections 17(b) and 17(d) of the Act, and Rule 17d-1 thereunder exempting from the provisions of section 17(a) of the Act, and permitting pursuant to section 17(d) of the Act, certain transactions between Applicant and American General Insurance Company of Houston, Tex. ("American General"), involving the stock of The Variable Annuity Life Insurance Company, of Houston, Tex. ("Valic Texas"). American General, through its 98.6 percent ownership of Maryland Casualty Co., owns, indirectly, approximately one-half of Applicant's outstanding stock. All interested persons are referred to the applications on file with the Commission for a statement of Applicant's representations which are summarized below.

Pursuant to a formal decision of the board of directors of Applicant to change its domicile from the District of Columbia to Texas, and approval by stockholders and variable annuity contract owners at their July 31, 1968, annual meeting, Applicant, in August 1968, organized Valic Texas of which Applicant owns all of the 100,000 shares issued and outstanding. Applicant and Valic Texas entered into an agreement dated October 21, 1968, providing for the transfer of Applicant's assets to Valic Texas; the total reinsurance by Valic Texas of all the variable and fixed annuity contracts and life insurance policies of Applicant; the assumption of all other obligations of Applicant; and the issuance to Applicant of all the outstanding stock of Valic Texas. However, Applicant alleges that this agreement was amended due to the position of the Superintendent of Insurance for the District of Columbia that the acquisition and ownership of 100,000 shares of the capital stock of Valic Texas is not a legal investment for an insurance company domiciled in the District of Columbia.

As a result of such position, Applicant, on January 27, 1969, entered into a "Purchase and Sale Agreement" with American General which provides that subject to approval by the Commission, Applicant will sell the outstanding 100,000 shares of Valic Texas stock to American General for $200,000, the cost to Applicant. The agreement further provides that these 100,000 shares plus an additional 100,000 shares, which American General is to acquire from Valic Texas for $500,000 prior to the effectiveness of the reinsurance agreement, will be resold to Applicant, at cost, for an aggregate cash price of $700,000, simultaneously upon the effectiveness of such reinsurance agreement. The application states that the parties have determined that $700,000 is the amount required by Valic Texas for organizational purposes. Applicant alleges that the agreements presently in effect will produce the same results in all material respects as would have been produced by the operation of the agreement of October 21, 1968. In the event that the transaction of total reinsurance is not effected prior to January 31, 1970, American General would be required to cause the dissolution of Valic Texas and the surrender of its licenses and franchises.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such affiliated person, from selling any security to or purchasing any security from such registered investment company. The Commission, upon application pursuant to section 17(b) of the Act, may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

American General is an affiliated person of Applicant by reason of its approximate 50 percent interest in Applicant; therefore, the requested orders pursuant to sections 17(b) and 17(d) and Rule 17d-1 are necessary before Applicant and American General may effectuate the proposed transactions.

Applicant states that the proposed transaction with American General is not of a substantive nature, but rather a matter of form necessitated by the technical requirements of the District of Columbia Insurance Code. Applicant alleges that American General is serving as an accommodation party without possibility of profit, in order to effect a change in Applicant's domicile.

Applicant alleges that American General has agreed that during the period in which American General holds any stock of Valic Texas, the assets of Valic Texas will be used only to purchase securities required by insurance regulatory authorities for purposes of deposits; to purchase U.S. Government securities and certificates of deposit for purposes of investment; to pay incidental expenses; to pay state licensing fees; and possibly to reimburse Valic Washington for State licensing fees already paid by it. American General has also agreed that during the period in which it holds any stock of Valic Texas none of the latter's assets will be transferred to or be otherwise acquired by or be permitted to inure to the benefit of American General, except in the event that American General is required to fulfill its agreement to dissolve Valic Texas if the effectiveness of the reinsurance agreement has not taken place by January 31, 1970.

Applicant asserts that the change in domicile would be in the best interests of all parties, due to anticipated administrative and operating economies achieved through locating Applicant's home office in close proximity to that of American General. Furthermore, Applicant would, it alleges, avoid various retaliatory state premium taxes to which it is presently subject as a District of Columbia company, as well as benefit from recently enacted variable annuity provisions by the state of Texas.

Notice is further given that any interested person may, not later than March 14, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2694; Filed, Mar. 5, 1969; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

FEBRUARY 28, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 3, 1969, through March 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2695; Filed, Mar. 5, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1274]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 28, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 989 (Sub-No. 15), filed January 16, 1969. Applicant: IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Kansas City, Kans./Mo., commercial zone and Ogallala, Nebr., from points in the Kansas City, Mo.-Kans., commercial zone as defined by the Commission over Interstate Highway 29 to its intersection with U.S. Highway 36, thence west over U.S. Highway 36 to its intersection with U.S. Highway 75, thence north over U.S. Highway 75 to its intersection with U.S. Highway 34, thence west over U.S. Highway 34 to its intersection with U.S. Highway 281 to its intersection with U.S. Highway 30, thence west over U.S. Highway 30 to Ogallala, Nebr., and return over the same route with service to intermediate points of Lincoln and those on U.S. Highway 30 between Grand Island and Ogallala, Nebr., including Grand Island and Ogallala, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 1124 (Sub-No. 217) (Correction), filed January 2, 1969, published February 6, 1969, corrected and republished in part, as corrected this issue. Applicant: HERRIN TRANSPORTATION CO., a corporation, 2301 McKinney Avenue, Houston, Tex. 77001. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. * * * (4) between junction U.S. Highway 31 and Alabama Highway 41 at or near Brewton, Ala., and junction Florida Highway 87 and U.S. Highway 90 at or near Milton, Fla., over Alabama Highway 41 to the Alabama-Florida State line, thence over Florida Highway 87 to junction U.S. Highway 90, and return over the same route, serving no intermediate points and serving junction U.S. Highway 31 and Alabama Highway 41 and junction Florida Highway 87 and U.S. Highway 90, as points of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. NOTE: The purpose of this republication is to show the correct highway designation as Florida Highway 87 in lieu of Florida Highway 81 as previously published. The rest of the application remains as previously published.

No. MC 2202 (Sub-No. 366), filed February 6, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's representatives: Douglas Faris (same address as above), and William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the commission, commodities in bulk and those requiring special equipment), between Terre Haute, Ind., and Decatur, Ill.; (1) from Terre Haute over U.S. Highway 150 to Paris, Ill., thence over Illinois Highway 133 to junction Illinois Highway 32, thence over Illinois Highway 32 to junction U.S. Highway 36, thence over U.S. Highway 36 to Decatur and return over the same route, as an alternate route serving no intermediate points; (2) from Terre Haute over U.S. Highway 150 to Mattoon and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (3) from Mattoon over Illinois Highway 121 to Decatur and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 53), filed February 14, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the manufacture, production, distribution, and sale of such commodities (except commodities in bulk), between Pennsville, N.J., on the one hand, and, on the other, points in Florida. NOTE: Applicant states that tacking to an extent is possible to and from points in the northeastern United States. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 3460 (Sub-No. 6), filed February 7, 1969. Applicant: MORAN TRUCKING CO., INCORPORATED, McCoole Road, Post Office Drawer E, Westerport, Md. 21562. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Luke, Md., to Versailles, Ky. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 462), filed February 5, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to optrate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from the plantsite of Lufkin Foundry & Machine Co., approximately 7 miles south of Lufkin, Tex. (Angelina County), to points in the United States including Alaska but excluding Hawaii and (2) *tractors*, in secondary movements in driveaway service only when drawing trailers in initial movements, from plantsite of Lufkin Foundry & Machine Co. approximately 7 miles south of Lufkin, Tex. (Angelina County), to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 6948 (Sub-No. 83), filed January 6, 1969. Applicant: WESTERN GILLETTE, INC., 2550 East 26 Street, Los Angeles, Calif. 90058. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles (as adopted by the Department of Transportation), *ammunition* not included in classes A, B, and C explosives, and *component parts* of ammunition and classes A, B, and C explosives, (1) regular and irregular routes: between points and territories and over the regular and irregular routes which applicant is certificated for the transportation of general commodities, in Docket No. 8948 and all effective subs thereto. Subject to all route restrictions, if any, as otherwise specified in said certificates. (2) (a) between Dublin, Calif., and Concord (Port Chicago), Calif., and (b) between Dallas, Tex., and Doyline, La. NOTE: Applicant presently is authorized to transport general commodities, with certain exceptions which exclude from transportation all or part of the commodities proposed to be transported herein, between points on the proposed routes and territories, except the proposed extension of service (1) between Dublin, Calif., and Concord (Port Chicago), Calif., and (2) between Dallas, Tex., and Doyline, La. The applicant proposes to utilize the authority sought herein in combination with authorities reflected in its base certificate, Docket No. MC 8948, and Sub-Nos. 35, 39, 44, 49, 55, and 69 thereof, which presently authorize the explosives service herein proposed, so as to provide a complete service over all presently-authorized general commodity and explosives regular, irregular and alternate routes, and, in addition thereto, extend its service to Concord, Calif., and Doyline, La., as to which it presently holds no explosives or general commodity authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 28307 (Sub-No. 16), filed December 18, 1968. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 North Graham, Charlotte, N.C. 28206. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Blowing Rock and Lenoir, N.C., over U.S. Highway 321, serving no intermediate points, as an alternate route for operating convenience only, (2) between Marion and Polkville, N.C., over North Carolina Highway 226, serving no intermediate points, as an alternate route for operating convenience only, (3) between North Wilkesboro and Statesville, N.C., over North Carolina Highway 115, serving no intermediate points, as an alternate route for operating convenience only, (4) between North Wilkesboro and Harmony, N.C., from North Wilkesboro over North Carolina Highway 115 to junction North Carolina Highway 901, thence over North Carolina Highway 901 to Harmony, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, (5) between Linville, N.C., and junction U.S. Highway 221 and North Carolina Highway 105, over North Carolina Highway 105, serving all intermediate points, and (6) between Linville, N.C., and junction U.S. Highway 221 and North Carolina Highway 105, over U.S. Highway 221, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 30837 (Sub-No. 363), filed February 5, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stump removers and parts and attachments* therefor, from Pomona, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 265) (Correction), filed January 31, 1969, published FEDERAL REGISTER, issue of February 20, 1969, and republished this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, rods or tubing*, from Millville, N.J., to Broken Bow, Columbus, and Holdrege, Nebr. NOTE: The purpose of this republication is to show that origin point Millville is located in New Jersey and not New Hampshire. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Waterloo, Iowa, or Washington, D.C.

No. MC 33037 (Sub-No. 11), filed February 12, 1969. Applicant: STUDER TRUCK LINE, INC., Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Ames, Iowa, to points in Kansas and Nebraska. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 37327 (Sub-No. 5), filed January 31, 1969. Applicant: PENN EMPIRE TRANSPORT, INC., 253 Blackstone Avenue, Jamestown, N.Y. 14701. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture;* (1) from points in Chautauqua and Cattaraugus Counties, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and Virginia (except from Jamestown, N.Y., to Baltimore, Md., points in New Jersey, Connecticut, Rhode Island, and Massachusetts; and from points in Chautauqua and Cattaraugus Counties, N.Y., to Camden, N.J., points in Hudson, Essex, and Passaic Counties, N.J.); and (2) from Youngsville, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Jamestown, N.Y.

No. MC 41404 (Sub-No. 81), filed February 2, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, lard, tallow, salad dressings, salad oils, table sauces, table spreads, and products made with vegetable oils and/or animal fats*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Ill., to points in that portion of Indiana which embrace the Chicago, Ill., commercial zone as defined by the Commission, the Upper Peninsula of Michigan, Minneapolis and St. Paul, Minn., and Wisconsin, restricted against the transportation of the above-described commodities in liquid form, in tank vehicles. NOTE: Common control and dual operations may be involved. Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed neces-

sary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 44447 (Sub-No. 25), filed February 7, 1969. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plantsite of the International Nickel Co., Inc., Huntington Alloy Products Division, located in Boyd County, Ky., on U.S. Highway 23 (approximately 11 miles south of Catlettsburg, Ky.), as an off-route point in connection with applicant's authorized regular route operations to and from Catlettsburg, Ky., and Huntington, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 47583 (Sub-No. 8), filed February 5, 1969. Applicant: ED HOLESTINE TRUCK LINES, INC., 41 Lyons Avenue, Kansas City, Kans. 66118. Applicant's representative: G. M. Redman, 1230 Boatmen Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials, insulating materials, and materials used in the installation and application of building, roofing, and insulating materials*, between points in the Kansas City, Mo.-Kansas commercial zone, on the one hand, and, on the other, points in Oklahoma and Nebraska. NOTE: Applicant states that it intends to tack with its presently held authority, whereas it is authorized to operate to points in Missouri, Kansas, Oklahoma, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 50493 (Sub-No. 42), filed February 3, 1969. Applicant: P. C. M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. Applicant's representative: Frank A. Doocey, 601 Hamilton Street, Allentown, Pa. 18101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk and in bags, between points in Lehigh County, Pa., and points in New Jersey and New York. NOTE: (1) Applicant states it presently holds authority to transport the subject commodity of points in Northampton and Lehigh Counties, Pa., and points in New Jersey within 100 miles between Northampton and Lehigh Counties, Pa., and that it will decline authority where duplication is involved; (2) applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted; and (3) applicant holds contract carrier authority in MC 115859 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 51146 (Sub-No. 125), filed February 3, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, (1) from Green Bay, Wis., and Rockford, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia, (2) from Green Bay, Wis., to Chicago and Rockford, Ill., and Hopkins, Minn., and (3) from Rockford, Ill., to Green Bay, Janesville, La Crosse, and Madison, Wis. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61825 (Sub-No. 34), filed February 5, 1969. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Collinsville, Va. 24078. Applicant's representative: J. C. Wilson, Post Office Box 872, Martinsville, Va. 24112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* (clay, rock, slag, or glass wool) and *mineral wool products*, from Birmingham and Leeds, Ala., to points in North Carolina, South Carolina, and Virginia. NOTE: Applicant states it would tack at Lynchburg, Va., for service to Maryland and the District of Columbia. Common control may be involved. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No MC 63860 (Sub-No. 3), filed February 14, 1969. Applicant: BENNETT TRUCKING CORP., 845 Grand Street, Brooklyn, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery*, and *confectionery products* (except commodities in bulk, in tank vehicles), and *advertising matter, premiums, prizes, novelties, and display materials*, distributed in connection with the aforementioned commodities, between New York, N.Y., on the one hand, and, on the other, Nassau, Suffolk, and Westchester Counties, N.Y., restricted to shipments having a prior or subsequent movement by motor carrier. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76032 (Sub-No. 236), filed February 7, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, heavy machinery, livestock, fresh fish, coal ore, sand, gravel, and household goods as defined by the Commission), between Omaha, Nebr., and Kansas City, Mo., from Omaha over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 29 at St. Joseph, Mo., thence over Interstate Highway 29 to Kansas City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Restriction: Carrier shall not transport (1) traffic originating at points in Omaha, Nebr., commercial zone and destined to points in the Kansas City, Mo., commercial zone; or (2) traffic originating at points in the Kansas City, Mo., commercial zone and destined to points in the Omaha, Nebr., commercial zone. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 78042 (Sub-No. 18), filed February 7, 1969. Applicant: BEAROFF BROTHERS, INC., Post Office Box 21, Bridgeport, Pa. 19405. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth, sand, stone, coal, and brick*, from points in New Jersey, Delaware, and Maryland to the plantsites of Alan Wood Steel Co. in Plymouth Township and Upper Merion Township, Montgomery County, Pa. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 82841 (Sub-No. 54), filed February 6, 1969. Applicant: R–D TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Pennington County, S. Dak., to points in Nebraska, Iowa, Illinois, Wisconsin, Indiana, Missouri, Kansas, and Oklahoma. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., Cheyenne, Wyo., or Denver, Colo.

No. MC 83539 (Sub-No. 238), filed February 5, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power sweepers, cleaners, flushers, brush clippers, stump removers, attachments, parts and equipment, and accessories used in connection therewith*, from points in Los Angeles County, Calif., to points in the United States (except Alaska, California, Hawaii, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 102567 (Sub-No. 130), filed February 14, 1969. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Baton Rouge, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it intends to tack with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103051 (Sub-No. 227), filed February 13, 1969. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue, North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Sylvania, Ga., to points in South Carolina. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103880 (Sub-No. 406), filed February 6, 1969. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from the international boundary line between the United States and Canada at Sarnia, Ontario, and Port Huron, Mich., to points in Georgia, North Carolina, and Tennessee. NOTE: Applicant states the purpose of this instant application is to eliminate the gateway of Midland, Mich. Applicant presently holds authority under its Sub 93 to provide service from the ports of entry to Midland, Mich., under its Sub 367 it may provide service to North Carolina and Georgia and under its Sub 103 to provide service to Tennessee. Applicant further states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 105865 (Sub-No. 2), filed February 12, 1969. Applicant: ALVIN SMART, Summerfield, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Ames, Iowa, to points in Kansas and Nebraska. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106278 (Sub-No. 32), filed February 11, 1969. Applicant: E. B. LAW AND SON, INC., Post Office Box 1381, 300 South Eighth Street, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, in bulk, in tank vehicles, and in solid form (dry ice) in both carrier-owned and shipper-owned vehicles, from points in Harding County, N. Mex., to points in Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming, and *empty trailers*, on return. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 107515 (Sub-No. 641), filed February 19, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Plymouth, N.C., to points in Louisiana, Texas, Arkansas, Oklahoma, Kansas, Missouri, Iowa, Nebraska, Illinois, Minnesota, and Indiana, restricted to traffic originating at the plantsite and warehouse facilities utilized by the Weyerhaeuser Co., at Plymouth, N.C. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Atlanta, Ga.

No. MC 108046 (Sub-No. 6), filed February 17, 1969. Applicant: CURATOLA BROS. TRUCKING, INC., 142–82 Rockaway Boulevard, South Ozone Park, N.Y. 11420. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between Woodbridge, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., under contract with Abraham and Straus, and Aimcee Wholesale Corp., Divisions of Federated Department Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109612 (Sub-No. 22), filed February 14, 1969. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of meat and meat products, from Chicago, Ill., to Muncie, Ind. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 110193 (Sub-No. 165), filed February 17, 1969. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Description in Motor Carriers Certificate*, 61 M.C.C. 209 and 766, from the plantsite or storage facilities utilized by John Morrell & Co., at or near Ottumwa, Iowa, to points in New York, New Jersey, Maryland, Pennsylvania, Maine, New Hampshire, Vermont, Delaware, Ohio, Virginia, West Virginia, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite or storage facilities utilized by John Morrell & Co., at or near Ottumwa, Iowa. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110525 (Sub-No. 890) (Clarification), filed January 3, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, and republished as clarified, this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as ap-

plicant) and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Baton Rouge, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: The purpose of this republication is to add the phrase "in bulk", to the commodity description which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 110683 (Sub-No. 54), filed February 11, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of The International Nickel Co., Inc., Alloy Products Division located approximately 11 miles south of Catlettsburg, Ky., and approximately 15 miles north of Louisa, Ky., on U.S. Highway 23 at or near Burnaugh, Ky., as an off-route point in connection with applicant's presently authorized operations to or from Ashland and Catlettsburg, Ky., and Huntington, W. Va., serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 55), filed February 10, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Amburgo Manufacturing Co., Inc., at or near Hope, Ind., as an off-route point in connection with applicant's presently authorized regular route operations to and from Columbus, Greenville, and Shelbyville, Ind., serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110923 (Sub-No. 7) (Correction), filed January 29, 1969, published in FEDERAL REGISTER issue of February 20, 1969, and republished as corrected this issue. Applicant: ALBERT LIVEK, doing business as AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, Ill. 61443. Applicant's representative: Edward M. Baselon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery*; (2) *tractors* (except those with vehicle beds, bed frames, or fifth wheels), including lawn or garden tractors and tractors and tractor excavating, grading, or loading attachments, combined; (3) *attachments and accessories* for, and equipment designed for use with, the foregoing articles; and (4) *twine*, from West Chicago, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plantsites, of or storage or distribution facilities used by, International Harvester Co., at West Chicago, Ill. NOTE: The purpose of this republication, is to include "and tractors" in the commodity description in (2) above. If a hearing is deemed necessary, application requests it be held at Chicago, Ill.

No. MC 111785 (Sub-No. 41), filed February 19, 1969. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Pocahontas County, W. Va., to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Washington, D.C. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 209), filed February 6, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Topeka, Kans., to Nashville and Chattanooga, Tenn. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113624 (Sub-No. 51), filed February 3, 1969. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, Colo. 81002. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, fertilizer, and fertilizer ingredients*, from the plantsite or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 336) (Amendment), filed December 30, 1968, published FEDERAL REGISTER issue of January 24, 1969, amended January 31, 1969, and republished as amended this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from plantsite and/or storage facilities of John Morrell & Co. at Ottumwa, Iowa, to points in Ohio, Pennsylvania, Michigan, New York, Maryland, District of Columbia, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, West Virginia, New Jersey, and Delaware. NOTE: The purpose of this republication is to amend the origin point. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113843 (Sub-No. 146) (Correction) filed January 22, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, corrected and republished as corrected this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in Arkansas, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, and Texas. NOTE: The purpose of this republication is to show the origin point as Detroit, Mich., in lieu of Detriot, Mich., inadvertently shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 189), filed February 4, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Classes A and B explosives*, when moving on Government bills of lading, between points in Kansas, Nebraska, Minnesota, Illinois, Indiana, Ohio, Virginia, and

New Jersey on the one hand, and, on the other, points in Arizona, Utah, Nevada, California, Oregon, and Washington. NOTE: Applicant states it holds authority in MC 113855 Sub 84 and Sub 70, to transport commodities, which because of their size or weight require the use of special equipment or special handling. Some of the traffic involved may fall within such authority. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 191), filed February 19, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, light poles, mast arms, brackets, bases, and accessories*, from the plantsite of Valmont Industries, Inc., at or near Valley, Nebr., to points in North Dakota, South Dakota, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, restricted against the transportation of oilfield commodities as described in Mercer Extension Oilfield Commodities. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114301 (Sub-No. 56), filed February 26, 1969. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, germicides, fungicides, insecticides, vermifuges, disinfectants, weed-killing compounds, and garden sprayers and dusters*, from Wilmington, Del., to points in New Jersey north of U.S. Highway 22 from the New Jersey-Pennsylvania State line to Newark, N.J., excluding Newark, N.J.; (2) *animal and poultry feed ingredients*; (a) from Allentown and Nazareth, Pa., to points in Delaware, Maryland, New Jersey, Virginia, and the District of Columbia; and (b) from the commercial zone of Camden, N.J. (except points in Pennsylvania in the commercial zone of Philadelphia, Pa.), to Wilmington, Del. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 74), filed February 14, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Chanhassen, Minn., to points in Wisconsin, Illinois, Iowa, Kansas, Missouri, North Dakota, South Dakota, Nebraska, Minnesota, and Montana. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 114632 (Sub-No. 17), filed February 13, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps, Madison, S. Dak. 57042. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except those commodities in bulk, in tank or hopper-type vehicles, and hides), from the plantsite of Swift & Co. at Sioux City, Iowa, and warehouse where Swift & Co. may have products stored in Sioux City, Iowa, to points in Kansas and Missouri and East St. Louis, Ill. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant holds contract carrier authority in MC 129706, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114679 (Sub-No. 13) (Correction), filed January 30, 1969, published in FEDERAL REGISTER issue of February 20, 1969, and republished as corrected this issue. Applicant: HOWARD H. KRAPF, doing business as KRAPF TRUCK SERVICE, Rural Delivery No. 4, Allentown, Pa. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except cement and commodities in bulk), between Allentown, Pa., on the one hand, and, on the other, points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, and Schuykill Counties, Pa., and Warren and Hunterdon Counties, N.J., restricted to traffic having a prior or subsequent movement by rail. NOTE: The purpose of this republication is to include restriction, which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 116564 (Sub-No. 21), filed February 6, 1969. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., Post Office Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, restricted to service performed under contract with Latrobe Brewing Co., Latrobe, Pa., from Latrobe, Pa., to points in South Carolina and Georgia, and *empty malt beverage containers*, on return. NOTE: Applicant states it holds authority under MC 119118 and subs, as a common carrier, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 118282 (Sub-No. 23), filed February 6, 1969. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representatives: Guy H. Postell and Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antennas; antenna accessories; audios; audio accessories; batteries; electronic components and accessories; intercoms; public address equipment; phonographs; phonograph accessories, radios; receivers; hobby kits; recording tape; tape recorders; tape accessories; test equipment; transceivers; tubes; musical instruments; office and store supplies; furnishings, fixtures, and equipment; timers and timing devices; tools and tool kits; hardware cabinets; lamps; books; catalogs; and uncrated furniture*, from Fort Worth, Tex., to points in Florida. Restriction: Restricted to traffic originating at or destined to facilities or franchise stores of the Radio Shack Division of The Tandy Corp. NOTE: Applicant states it does not intend to tack, and apparently, is willing to limit the proposed operation to local service if warranted. Applicant holds contract carrier authority in MC 125811 and Subs thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Fort Worth, Tex.

No. MC 118831 (Sub-No. 59), filed January 30, 1968. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, High Point, N.C. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, between Charlotte and Raleigh, N.C., on the one hand, and on the other points in North Carolina restricted to commodities having an immediately prior or an immediately subsequent movement by rail. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Raleigh or Charlotte, N.C.

No. MC 118904 (Sub-No. 5), filed February 3, 1969. Applicant: LONNIE WOOD TRUCKAWAY, LTD., 1915 F Avenue, Lawton, Okla. 73501. Applicant's representative: D. D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be equipped with hitchball connectors, and (2) *buildings*, complete, knocked down or in sections, when transported on wheeled undercarriages, from points in Mayes and Creek Counties, Okla., to points in the United States (except Hawaii and Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., or Dallas, Tex.

No. MC 118904 (Sub-No. 6), filed February 3, 1969. Applicant: LONNIE WOOD TRUCKAWAY, LTD., 1915 F Avenue, Lawton, Okla. 73501. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be equipped with hitchball connector in initial movements, from Claremore, Okla., to points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Tulsa, Okla.

No. MC 119400 (Sub-No. 8), filed February 6, 1969. Applicant: SIMANEK, INC., 150 West Seventh Street, Wahoo, Nebr. 68066. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, fertilizer, and fertilizer ingredients*, from the plantsite or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119741 (Sub-No. 28) (Correction), filed January 30, 1969, published FEDERAL REGISTER issue of February 20, 1969, and republished in part as corrected this issue. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 639 City National Bank Building, Omaha, Nebr. 68102. The purpose of this republication in part is to show the commodity description in (2) as "*oleomargarine, table sauces, table spreads, salad dressings, salad oils, vegetable oils, cooking oils, shortening, lard, tallow, animal fats, and products made with vegetable oils and/or animal fats*". The word *animal* after and/or was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 119531 (Sub-No. 107), filed February 11, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Urbana and Springfield, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Tennessee, and West Virginia, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of paper and paper products, from points in Illinois, Indiana, Kentucky, Michigan, Tennessee, and West Virginia, to Urbana and Springfield, Ohio. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119914 (Sub-No. 16), filed February 10, 1969. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INC., 965 Eustis Street, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Hayward, Wis., to points in Clam Lake, Wis., and points within 25 miles of Clam Lake, Wis., except the villages of Butternut, Glidden, Mellen, Drummond, Grandview, and Mason. NOTE: Applicant indicates tacking at Hayward, Wis., to serve from Minneapolis and St. Paul, Minn., on local and connecting line traffic originating there. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 125473 (Sub-No. 7) (Correction), filed January 22, 1969, published in FEDERAL REGISTER issue of February 20, 1969, and republished as corrected, this issue. Applicant: YAZOO TRUCKING CO., INC., 1633 Highway 49E, Yazoo City, Miss. 39194. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22533, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, urea and urea products*, dry, in bags and in packages, from the plantsite of Triad, located near Donaldsonville, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Georgia, and Texas, under *contract* with Mississippi Chemical Corp., Coastal Chemical Corp., First Mississippi Corp., Triad, Miscoa and Ammochem, Inc. NOTE: The purpose of this republication is to show *contract carrier* authority, in lieu of common carrier as previously published. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 125535 (Sub-No. 2), filed January 30, 1969. Applicant: JOHN J. SHARP, 346 Central Avenue, Woodbury, N.J. 08097. Applicant's representative: Theodore Polydoroff, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration and freezing units, machines and equipment and parts and supplies* connected therewith, uncrated (except those which because of the size or weight require the use of special equipment or handling), and *shelves, bins, and checkout counters:* (a) From railheads in Philadelphia, Pa., to the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. (b) From railheads in Philadelphia, Pa., to points in Connecticut, Delaware, New Jersey, Maryland, Pennsylvania, New York, Massachusetts, Rhode Island, Virginia, West Virginia, and the District of Columbia. *Damaged and defective equipment* described above: From the above specified destination points to the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. (2) *Refrigeration and freezing units, machines, and equipment and parts and supplies* connected therewith, uncrated (except those which because of size or weight require the use of special equipment or handling): From the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J., to points in Massachusetts, Rhode Island, Virginia, West Virginia, that part of Maryland west of U.S. Highway 15, that part of Pennsylvania west of U.S. Highway 219, and that part of New York on and west of New York Highway 14. *Damaged and defective equipment* described above: From the above specified destination points to the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. (3) *Shelves, bins, and checkout counters:* From the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. to points in Connecticut, Delaware, New Jersey, Maryland, Pennsylvania, New York, Massachusetts, Rhode Island, Virginia, West Virginia, and the District of Columbia. *Damaged and defective equipment* described above: From the above specified destination points to the plantsite of Hussmann Refrigerator Co. at Cherry Hill, N.J. *Restriction:* The operations described herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Hussmann Refrigerator Co. of Cherry Hill, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125708 (Sub-No. 108), filed February 12, 1969. Applicant: HUGH MAJOR, L50 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or frozen foods and foodstuffs, and advertising, promotional and display materials* when moving therewith, from the plantsites and warehouses of Delta Food Processing Corp., in or near Moorehead, Miss., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Ohio, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to the transportation of commodities originating at the plantsites and warehouses of Delta. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 35), filed February 6, 1969. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising materials and premiums* when shipped with malt beverages, and on the reverse haul, *returned empty containers used in transporting malt beverages* (except cans), from Newport, Ky., to points in Illinois, Indiana (except Delphi, Goodland, Monticello, Evansville, and Rensselaer); Ohio; Virginia and West Virginia. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 127487 (Sub-No. 5), filed February 10, 1969. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk) having a prior or subsequent movement by water in interstate or foreign commerce, between the piers and facilities of Trans-American Trailer Transport, Inc., at Staten Island, N.Y., on the one hand, and, on the other, points in New Jersey south of the northern boundaries of Mercer and Monmouth Counties, N.J., and those in Delaware, Maryland, Pennsylvania, and the District of Columbia. Restriction: The authority granted shall not be joined or tacked with applicant's existing operating rights. NOTE: Applicant states that certain portions of the authority under No. MC 127487 (Sub-No. 2) are duplicated by the present application. If and when the authority sought herein is granted, applicant intends to eliminate all such duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 127705 (Sub-No. 23) (Correction), filed January 21, 1969, published in the FEDERAL REGISTER issue of February 20, 1969, and republished as corrected, this issue. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Gas City, Ind., to points in Kentucky (except Covington, Bardstown, Owensboro, Clermont, and Taylor). NOTE: Applicant holds contract carrier authority under MC 123934 and subs thereunder, therefore, dual operations may be involved. The purpose of this republication is to show the city as Bardstown, Ky., in the exceptions above, in lieu of Bardstown, Ky. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 127705 (Sub-No. 25), filed February 13, 1969. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures therefor*, from Dunkirk, Ind., to points in Missouri, Iowa, and Kansas City, Kans., and (2) *returned shipments of glass containers and materials and supplies* used in the manufacture of glass containers, from points in Missouri, Iowa, and Kansas City, Kans., to Dunkirk, Ind. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant holds contract carrier authority under MC 123934 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 128316 (Sub-No. 4), filed February 12, 1969. Applicant: WM. O'DONELL, INC., Post Office Box 367, Elkhorn, Wis. 53121. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nondairy coffee creamer*, in bulk, in tank vehicles, between Rockford, Ill., and Oconomowoc, Wis. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 128464 (Sub-No. 3), filed January 28, 1969. Applicant: M TRANSPORT COMPANY, INC., 615 North Delmar, Hartford, Ill. 62048. Applicant's representative: P. D. Major (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials* (except commodities in bulk and those requiring special handling), from the plantsite of The Philip Carey Corp. at Wilmington, Ill., to points in Missouri on and south of Interstate Highway 70, and on and east of U.S. Highway 65, and those points in Indiana on and south of U.S. Highway 36, under contract with The Philip Carey Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 128520 (Sub-No. 1), filed January 13, 1969. Applicant: THE ROBINSON FREIGHT LINES, INC., 3600 Papermill Road, Post Office Box 10234, Knoxville, Tenn. 37919. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammunition, explosives, and fireworks* between the following points and points within 15 miles of such points: Naval Ammunition Depot, Hawthorne, Mineral County, Nev.; Tonopah Air Force Station, including Tonopah Test Range, Tonopah, Nye County, Nev.; Fort Wingate Army Depot, Gallup, McKinley County, N. Mex.; White Sands Missile Range, Las Cruces, Dona Ana County, N. Mex.; Anniston Army Depot, Anniston, Calhoun County, Ala.; Redstone Arsenal, Huntsville, Madison County, Ala.; Letterkenny Army Depot, Chambersburg, Franklin County, Pa.; Tonopah Air Force Station, Nye County, Nev.; Holston Ordnance Works, Kingsport, Hawkins County, Tenn.; Milan Arsenal, Milan, Gibson County, Tenn.; Volunteer Army Ammo Plant, Tyner, Hamilton County, Tenn.; Bluebonnett Ordnance Plant, McGregor, McMullen County, Tex.; Lone Star Ordnance Plant, Defense, Bowie County, Tex.; Longhorn Ordnance Works, Karnack, Harrison County, Tex.; Pantex Ordnance Plant, Amarillo, Potter County, Tex.; Naval Weapons Station, Yorktown, Va., and points within 25 miles of York County, Va.; Naval Weapons Laboratory, Dahlgreen, King George County, Va.; Radford Army Ammo Plant, Radford, Pulaski County, Va.; Naval Ammo Depot, St. Juliens Creek, Va.; Naval Supply Center, Norfolk, Portsmouth, Va.; Louisiana Army Ammo Plant, Doyline, Webster County, La.; Corn Husker Army Ammo Plant, Grand Island, Hall County, Nebr.; Naval Ammo Depot, Hastings, Adams County, Nebr.; Fort Bragg, Cumberland County, N.C.; Marine Corps. Air Station, Cherry Point, Craven County, N.C.; Marine Corps. Base Camp Lejeune, Onslow County, N.C.; Military Ocean Term, Sunnypoint, New Hanover County, N.C.; Ravenna Army Ammo Plant, Ravenna, Portage County, Ohio; Naval Ammo Depot, McAlester, Pittsburgh County, Okla.; Fort Jackson, Columbia, Richland County, S.C.; Naval Ammo Depot, Charleston, Charleston County, S.C.; Blytheville Air Force Base, Mississippi County, Ark.; Little Rock Air Force Base, Pulaski County, Ark.; Pine Bluff Arsenal, Pine Bluff, Jefferson County, Ark.; Shumaker Ordnance Plant, Ouchita County, Ark.; Blue Grass Ordnance Depot, Fort Estill, Richmond, Madison County, Ky.; Fort Knox, Harden County, Ky.; Naval Ordnance, Louisville, Fayette County, Ky.; Indiana Ordnance Works, Clark County, Ind.; Jefferson Proving Grounds, Kingsberry Ordnance Plant, La Porte County, Ind.; Naval Ammunitions Depot, Crane, Martin County, Ind.; Newport Army Ammo Plant, Vermillion County, Ind.; Iowa Ordnance Plant, Burlington, Des Moines County, Iowa; Kansas Army Ammo Plant, Parsons, Labette County, Kans.; Sunflower Army Ammo Plant, De Soto, Johnson County, Kans.; Charleston Naval Shipyard, Charleston County, S.C.; Naval Ammunitions Depot, Camden, Ouchita County, Ark.; Naval Ammunitions Depot, Memphis, Shelby County, Tenn. NOTE: Applicant desires the right to tack authority sought with authority presently held. If a hearing is

deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 128735 (Sub-No. 3), filed February 14, 1969. Applicant: LAVIN E. GOLNIK, doing business as GOLNIK TRUCKING, 731 Second Avenue, Koppel, Pa. 16136. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper tubing and coils, precharged tubing, air cool coils, and cooling towers*, from Zelienople, Pa., to points in Minnesota, Wisconsin, Illinois, Michigan, Indiana, Iowa, Kentucky, Tennessee, West Virginia, Virginia, North Carolina, South Carolina, New Jersey, Delaware, Maryland, New York, Ohio, Massachusetts, Rhode Island, Connecticut, Vermont, Arkansas, Missouri, and the District of Columbia, under continuing contract with Halstead & Mitchell Co., and Halstead Metal Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128791 (Sub-No. 5), filed January 2, 1969. Applicant: L & S BOAT TRANSPORTATION COMPANY, INC., 3356 53d Avenue North, St. Petersburg, Fla. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat parts and supplies and equipment* moving in connection therewith, from points in Atlantic, Burlington, and Monmouth Counties, N.J., to points in Alabama, Arkansas, California, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Missouri, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129505 (Sub-No. 3), filed February 14, 1969. Applicant: SYLVESTER BROWN, ARTHUR RINDFLEISCH, ALBERT GRZESIAK, OTTO RINDFLEISCH, ROBERT VOELTNER, WILBERT FACKLUM, ERVIN AHLES, FRANK RINDFLEISCH, MYRON KOSKEY, AND JOHN VOELTNER, a partnership, doing business as ASSOCIATED TRUCKING CO., Box 370, R.R. 2, Modnee, Wis. 54455. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except containers and commodities in bulk), from Columbus, Wis., to points in Wisconsin, restricted to the transportation of traffic having an immediately prior or subsequent movement by connecting motor, rail, or air carrier. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn., or Madison, Wis.

No. MC 133142 (Sub-No. 1), filed February 6, 1969. Applicant: SMITH TRUCKING COMPANY, a corporation, North Main Street, Manteno, Ill. 60950. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks and tiles and clay products*, from Kankakee, and St. Anne, Ill., to points in Indiana, the Lower Peninsula of Michigan, and points in Wisconsin south of U.S. Highway 64. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133226 (Sub-No. 1), filed February 10, 1969. Applicant: TENNIS HARROLD, doing business as TENNIS TRANSFER AND STORAGE CO., 1153 Commercial Avenue, Oxnard, Calif. 93030. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in the Los Angeles Harbor, Calif., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Santa Barbara and Ventura Counties, Calif.; (2) between Oxnard, Calif., on the one hand, and, on the other, points in Los Angeles County, Calif.; (3) between points in Santa Barbara and Ventura Counties, Calif.; and (4) between China Lake, Calif., on the one hand, and, on the other, points in Kern and Los Angeles Counties, Calif.; restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133228 (Sub-No. 2), filed February 7, 1969. Applicant: JOHN WELCH, WILLIAM WELCH, AND W. D. WELCH, a partnership, doing business as WELCH BROS. TRUCKING CO., 1105 South Boulder, Portales, N. Mex. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arizona, New Mexico, Texas, Louisiana, and Arkansas, to points in Texas, Oklahoma, Kansas, and New Mexico, with the operations authorized to be limited to a transportation to be performed, under a continuing contract, or contracts with Callaway Lumber Sales of Amarillo, Tex. NOTE: Applicant states it has temporary authority pending to perform service which is duplicative in its entirety the authority herein sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 133246, filed October 14, 1968. Applicant: FRED ROGERS COMPANY, a corporation, 915 Yale Avenue North, Seattle, Wash. 98109. Applicant's representative: Fred Rogers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, moving in bond, between Seattle, Wash., and Portland, Oreg., on the one hand, and, on the other, ports having water facilities in Washington and Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 133350 (Sub-No. 1), filed January 31, 1969. Applicant: AQUA GULF CORPORATION, 280 Prescott Avenue, Staten Island, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or trailers, having a prior or subsequent movement by water in interstate or foreign commerce, (1) between points in New York, N.Y., and (2) between points within the commercial zone of New York City on the one hand, and, on the other, points in Bergen, Morris, Hudson, Essex, Union, Middlesex, Somerset, and Passaic Counties, N.J. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133407 (Sub-No. 1), filed February 6, 1969. Applicant: STOUT CORPORATION, 1200 West Second South, Provo, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Del Norte, Modoc, Siskiyou, Lassen, Shasta, Humboldt, Tehama, Butte, Sonoma, Mendocino, Plumas, Glenn, Sierra, Nevada, Yuba, Placer, Eldorado, Lake, and Colusa Counties, Calif., to points in Utah. NOTE: Applicant has contract carrier authority in its MC 126079 and Subs 1 and 3 and has pending contract carrier authority in MC 126079 Sub 4. Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133413, filed January 15, 1969. Applicant: GELOCK TRANSFER LINE, INC., 130 Ionia SW., Grand Rapids, Mich. 49500. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, contractor's equipment, boilers, and tanks* of the type and kind requiring special equipment, and *materials, equipment and supplies* used in the installation thereof, between Grand Rapids, Mich., and points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Grand Rapids, Mich.

No. MC 133439, filed January 23, 1969. Applicant: ROBERT L. GARLOCK, doing business as GARLOCK'S BODY SHOP, 207 South Seventh Street, McConnellsburg, Pa. 17233. Applicant's representative: Albert Foster, 126 North Second Street, McConnellsburg, Pa. 17233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, and repossessed motor vehicles, trailers and busses* (except trailers designed to be drawn by passenger automobiles), and (2) *replacement vehicles* for wrecked or disabled motor vehicles and trailers (except trailers designed to be drawn by passenger automobiles), between points in Fulton, Franklin, and Bedford Counties, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Maryland, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at McConnellsburg, Chambersburg, Harrisburg, or Pittsburgh, Pa.

No. MC 133445 (Sub-No. 2), filed February 2, 1969. Applicant: GERALD T. STUCK, 414 East Main Street, Middleburg, Pa. 17842. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Semitrailers, semitrailer chassis, semitrailer bodies, vehicle bodies* (except mobile homes) and *inter-modal containers*, having a capacity of not less than 1,000 cubic feet, new or used, between the plantsite of Trailco Manufacturing and Sales Co. at or near Hummels Wharf, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, and the District of Columbia. Restriction: The operations described above to be limited to a transportation service to be performed under a continuing contract with Trailco Manufacturing and Sales Co. of Hummels Wharf, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133458, filed February 6, 1969. Applicant: JAMES P. WEBB, Castleton Road, East Greenbush, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum and petroleum products, tires, batteries, and automotive accessories* used or sold by gasoline stations, from East Greenbush, Rensselaer County, N.Y., to points in Gheshire, Grafton, and Sullivan Counties, N.H., and to points in Vermont, and *refused, returned or rejected shipments* of said commodities and *empty used containers*, on return, under contract with Sun Oil Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 133462 (Sub-No. 1), filed February 3, 1969. Applicant: GREAT EASTERN TRANSPORT SYSTEMS, INC., 152–50 Rockaway Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or trailers which have a prior or subsequent movement by water, (1) between points in the commercial zone of New York, N.Y., as defined by the Commission, and (2) between points in the commercial zone of New York, N.Y., as defined by the Commission, on the one hand, and, on the other, points in Bergen, Morris, Passaic, Hudson, Essex, Union, Middlesex, and Somerset Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133465, filed February 6, 1969. Applicant: FREDDIE A. LONG, 1 Contact Court, Baltimore, Md. 21220. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between points in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean; thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northerly direction along Delaware Highway 9 to junction Delaware Highway 273, thence along Delaware Highway 273 to the Delaware-Maryland State line, thence north on the Delaware-Maryland State line to the Pennsylvania-Maryland-Delaware State line and thence west on the Pennsylvania-Maryland State line to the Susquehanna River; thence in a northwesterly direction along the east bank of the Susquehanna River, to Columbia, Pa., thence easterly along U.S. Highway 30 to Lancaster, Pa., and thence in a northerly direction along Pennsylvania Highway 72 to junction U.S. Highway 22; thence in a westerly direction along U.S. Highway 22 to junction Pennsylvania Highway 34; thence in a southwesterly direction along Pennsylvania Highway 34 to junction Pennsylvania Highway 274, continuing southwesterly along Pennsylvania Highway 274, to junction Pennsylvania Highway 75, thence south along Pennsylvania Highway 75 to junction U.S. Highway 30, thence west along U.S. Highway 30 to McConnellsburg, Pa., thence south along U.S. Highway 522 through Culpeper, Va., to junction Virginia Highway 3; thence southeasterly along Virginia Highway 3 to Fredericksburg, Va.; thence southeasterly along U.S. Highway 17 to Gloucester Point, Va.; thence across the Chesapeake Bay to Cape Charles, Va., including points on the above-described lines and highway, under a continuing contract, or contracts, with Acme Markets, Inc., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133466, filed February 5, 1969. Applicant: WILKINSON TRANSPORTATION CO., a corporation, 13th and Madison, Fort Calhoun, Nebr., 68023. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil products*, and (2) *mortar fuses and fins*, from the plantsite of Wilkinson Manufacturing Co., at or near Fort Calhoun, Nebr., to points in the United States (except Alaska and Hawaii), and *materials, supplies, and equipment* used in the manufacture and distribution of the above, on return, under a continuing contract with Wilkinson Manufacturing Co., Fort Calhoun, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133467, filed February 6, 1969. Applicant: JOHN T. DIAMOND, 2503 Wycliff Road, Baltimore, Md. 21234. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, except commodities in bulk, between points in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean; thence in a northerly direction along the Atlantic Coast; to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northerly direction on Delaware Highway 9 to junction of Delaware Highway 273, thence along Delaware Highway 273 to the Delaware-Maryland State line, thence north on the Delaware-Maryland State line to the Pennsylvania-Maryland-Delaware State line and thence west on the Pennsylvania-Maryland State line to the Susquehanna River; thence in a northwesterly direction along the east bank of the Susquehanna River, to Columbia, Pa., thence easterly on U.S. Highway 30 to Lancaster, Pa., and thence in a northerly direction on Pennsylvania Highway 72 to its junction with U.S. Highway 22; thence in a westerly direction on U.S. Highway 22 to its junction with Pennsylvania Highway 34; thence in a southwesterly direction along Pennsylvania

Highway 34 to its junction with Pennsylvania Highway 274, continuing southwesterly on Pennsylvania Highway 274 to its junction with Pennsylvania Highway 75, thence south on Pennsylvania Highway 75 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to McConnellsburg, Pa., thence south on U.S. Highway 522 through Culpeper, Va., to its junction with Virginia Highway 3; thence southeasterly on Virginia Highway 3 to Fredericksburg, Va.; thence southeasterly on U.S. Highway 17 to Gloucester Point, Va.; thence across the Chesapeake Bay to Cape Charles, Va., including points on the above-described lines and highway, under a continuing contract, or contracts, with Acme Markets, Inc., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133469, filed February 6, 1969. Applicant: SALEM G. ROY, 9 Normandy Drive, Ellicott City, Md. 21043. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, except commodities in bulk, between points in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean; thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northerly direction on Delaware Highway 9 to junction of Delaware Highway 273, thence along Delaware Highway 273 to the Delaware-Maryland State line, thence north on the Delaware-Maryland State line to the Pennsylvania-Maryland-Delaware State line and thence west on the Pennsylvania-Maryland State line to the Susquehanna River; thence in a northwesterly direction along the east bank to the Susquehanna River, to Columbia, Pa., thence easterly on U.S. Highway 30 to Lancaster, Pa., and thence in a northerly direction on Pennsylvania Highway 72 to its junction with U.S. Highway 22; thence in a westerly direction on U.S. Highway 22 to its junction with Pennsylvania Highway 34; thence in a southwesterly direction along Pennsylvania Highway 34 to its junction with Pennsylvania Highway 274, continuing southwesterly on Pennsylvania Highway 274 to its junction with Pennsylvania Highway 75, thence south on Pennsylvania Highway 75 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to McConnellsburg, Pa., thence south on U.S. Highway 522 through Culpeper, Va., to its junction with Virginia Highway 3; thence southeasterly on Virginia Highway 3 to Fredericksburg, Va.; thence southeasterly on U.S. Highway 17 to Gloucester Point, Va., thence across the Chesapeake Bay to Cape Charles, Va., including points on the above-described lines and highway, under a continuing contract, or contracts, with Acme Markets, Inc., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133473, filed February 10, 1969. Applicant: LEWIS TRANSFER & STORAGE COMPANY, INC., 1808 Van Load, Post Office Box 4041, Shreveport, La. 71104. Applicant's representatives: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201; also Frank S. Kennedy, Post Office Box 1774, Shreveport, La. 71102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Louisiana, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 133475, filed February 10, 1969. Applicant: T. F. CASEY DELIVERY SERVICES, INC. 145-92 New York Boulevard, Springfield Gardens, N.Y. 11434. Applicant's representatives: Douglas Miller, Meadowbrook Bank Building, Malvern, N.Y. 11565 and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Luggage and such personal effects as are carried by airline passengers*, between John F. Kennedy International Airport and La Guardia Airport in New York, N.Y., and Newark Airport in Newark, N.J., and points in Connecticut on and west of U.S. Highway 5, and points in New Jersey in and north of Ocean, Monmouth, and Mercer Counties, and points in New York in and south of Sullivan, Ulster, and Dutchess Counties. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133479, filed February 10, 1969. Applicant: CORRIVEAU-ROUTHIER CEMENT BLOCK, INC., 266 Clay Street, Manchester, N.H. 03103. Applicant's representative: Alphonse J. Corriveau (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, block, and masonry materials*, between points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 133480, filed February 12, 1969. Applicant: A. VIZZI, 17 Crescent Street, Keansburg, N.J. 07734. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sound deadner compounds*, in bulk, from Perth Amboy, N.J., to Newark, Del., and (2) *sound deadner compounds* (except in bulk), from Perth Amboy, N.J., to Baltimore, Md., Tarrytown, N.Y., and Wilmington, Del., under contract with J. W. Mortel Co., Perth Amboy, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133482 (Sub-No. 1), filed February 12, 1969. Applicant: CAMPANELLA TRUCKING CORP., 161-163 Dikeman Street, Brooklyn, N.Y. 11231. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by an importer of housewares, (1) between points in the New York, N.Y., commercial zone as defined by the Commission in 49 CFR 1048.1 on the one hand, and, on the other, Hauppauge, N.Y., and (2) from points in the New York, N.Y., commercial zone as defined by the Commission in 49 CFR 1048.1 to Westbury, N.Y.; under contract with Imperial International Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 29890 (Sub-No. 35), filed January 21, 1969. Applicant: ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N.J. 07621. Applicant's representative. S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers: Routes for operating convenience only: (1) Between Letchworth Village, N.Y., and Haverstraw, N.Y.; from Letchworth Village grounds, over Thiells-Mount Ivy Road to junction U.S. Highway 202, thence over U.S. Highway 202 to junction U.S. Highway 9W in Haverstraw, N.Y.; serving no intermediate points except for joinder as hereinafter specified under Route (2) below. Applicant proposes to join the foregoing route at Letchworth Village and at junction U.S. Highway 9W in Haverstraw, both service points on its present routes; (2) between the Hamlets of Mount Ivy, N.Y., and Pomona, N.Y.: From junction U.S. Highway 202 with New York Highway 45 in Mount Ivy, over New York Highway 45 to junction Pomona Road in Pomona, serving no intermediate points. Applicant proposes to join the foregoing route at junction Pomona Road, a service point on its present route, and at junction U.S. Highway 202, a point on Route (1) above, and requests permission to serve said latter point for purposes of joinder only:

Regular routes: (3) between the Hamlets of New Hempstead, N.Y., and New City, N.Y.: From junction New Hempstead Road with New York Highway 45 in New Hempstead, over New Hempstead Road to junction Main Street (Old Highway 304) in New City, and return over the same route, serving all intermediate points. Applicant proposes to join the foregoing route at junction New York Highway 45 in New Hempstead and at junction Main Street in New City, both service points on its present routes; (4) between points in the Hamlet of New Hempstead, N.Y.: From the south junction of Old School House Road with New York Highway 45, over Old School House Road to its north junction with New York Highway 45; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at both of its junctions with New York Highway 45, both of which are service points on its present route, and with route (3) above, at New Hempstead Road; (5) between Spring Valley, N.Y., and the Hamlet of New Hempstead, N.Y.: from Spring Valley, over Union Road to New Hempstead Road, thence over New Hempstead Road to junction New York Highway 45 in New Hempstead; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at Spring Valley and at New York Highway 45 in New Hempstead, both service points on its present routes.

(6) between points in the Hamlet of New City, N.Y.: From junction New City-Congers Road with Maple Avenue, over Maple Avenue to Second Street, thence over Second Street to junction Main Street (Old Highway 304) and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at junction New City-Congers Road and at junction Main Street, both service points on its present routes; (7) between points in the Hamlet of New City, N.Y.: From junction Cavalry Drive with Main Street (Old Highway 304), over Cavalry Drive to junction relocated New York Highway 304, thence over relocated New York Highway 304 to junction Main Street (New York Highway 304); and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at both junctions with Main Street and at junction New City-Congers Road, all of which are service points on its present routes; (8) between the Hamlets of Nanuet, N.Y., and Pearl River, N.Y.: From junction relocated New York Highway 304 with New York Highway 304 (Main Street) in Nanuet, over relocated New York Highway 304 to junction Central Avenue in Pearl River; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at New York Highway 304 (Main Street) in Nanuet and at West Nyack Road (formerly Highway 59 and Highway 59A) in Nanuet at Highway 304 in Pearl River, and at Central Avenue in Pearl River, all service points on its present routes, and with Route (9) below, at New York Highway 59 (relocated).

(9) between the Hamlets of Nanuet, N.Y., and West Nyack, N.Y.: From junction New York Highway 59 (relocated) with West Nyack Road (formerly Highway 59 and Highway 59A), in Nanuet, over New York Highway 59 to junction Dosher Avenue in West Nyack; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at junction West Nyack Road in Nanuet and at junction Dosher Avenue in West Nyack, both service points on its present routes, and with Route (8) above and Route (10) below, in Nanuet; (10) between points in Nanuet, N.Y.: From junction Smith Street and West Nyack Road (formerly highway 59 and 59A) over Smith Street to New York Highway 59 (relocated); and return over the same route, serving all intermediate points. Applicant proposes to join the foregoing route as West Nyack Road, a service point on its present route, and at New York Highway 59, a point on route (9) above; (11) between South Nyack, N.Y., and the Hamlet of Grand View, N.Y.: From junction Broadway with Cornelison Avenue in South Nyack, over Broadway to junction U.S. Highway 9W in Grand View; and return over the same route serving all intermediate points. Applicant proposes to join the foregoing route at Cornelison Avenue in South Nyack and at U.S. Highway 9W in Grand View, both service points on its present routes; and (12) between points in Fort Lee, N.J.: From junction Linwood Avenue with Cross Street, over Linwood Avenue to junction U.S. Highway 9W (Fletcher Avenue), serving all intermediate points. Applicant proposes to join the foregoing route at junction Cross Street and at junction U.S. Highway 9W, both service points on its present route. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 61016 (Sub-No. 33) (correction), filed January 21, 1969, published in the FEDERAL REGISTER issue of February 20, 1969, and republished as corrected, this issue. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at Amherst, Northampton, Easthampton, Holyoke, Chicopee, and Springfield, Mass., and extending to the sites of Aqueduct Race Track, N.Y., Belmont Park, Belmont, N.Y., Roosevelt Raceway, Westbury, N.Y., and Yonkers Raceway, Mount Vernon, N.Y., during the respective racing seasons. NOTE: The purpose of this republication is to include "Roosevelt Raceway, Westbury, N.Y., a portion of the territorial description, which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2655; Filed, Mar. 5, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 3, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41573—*Motor fuel antiknock compound to Port Reading, N.J.* Filed by O. W. South, Jr., agent (No. A6083), for interested rail carriers. Rates on motor fuel antiknock compound, in tank carloads, as described in the application, from Baton Rouge and North Baton Rouge, La., to Port Reading, N.J.

Grounds for relief—Rate relationship.

Tariff—Supplement 19 to Southern Freight Association, agent, tariff ICC S-804.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2707; Filed, Mar. 5, 1969; 8:49 a.m.]

[Notice 767]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 28, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 23976 (Sub-No. 25 TA), filed February 25, 1969. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., doing business as TRANS WESTERN EXPRESS, 5940 North Basin Avenue,

Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from Portland, Oreg., to points within 50 miles of Portland, Oreg., and return, for 180 days. NOTE: Applicant intends to tack with MC 23976. Supporting shipper: Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 42487 (Sub-No. 709 TA), filed February 25, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin*, liquid, in bulk, in tank vehicles, from Los Angeles, Calif., to Tulsa, Okla., for 150 days. Supporting shipper: Ashland Chemical Co., Division of Ashland Oil & Refining Co., 8 East Long Street, Box 2219, Columbus, Ohio 43216. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 59264 (Sub-No. 46 TA), filed February 25, 1969. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, New Brunswick, N.J. 08903. Applicant's representative: Arthur Liberstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, between Monmouth Junction, N.J., and Providence, R.I., and Glen Burnie, Md., for 180 days. Supporting shipper: Fred H. Levey Co., Stouts Lane, Monmouth Junction, N.J. 08852. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 59640 (Sub-No. 15 TA), filed February 24, 1969. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07016. Applicant's representatives: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, except commodities in bulk, from Woodbridge Township, N.J., to Waterbury, Conn.; (2) *ice cream*, from Suffield, Conn., to the storage facilities of Supermarkets General Corp. at Jersey City, N.J.; (3) *frozen foods*, from the storage facilities of Supermarkets General Corp. at Jersey City, N.J., to Waterbury, Conn. Restriction: The authority sought above is limited to a transportation service to be performed, under a continuing contract, or contracts with Supermarkets General Corp. NOTE: Supermarkets General Corp. is opening a new retail store at Waterbury in its chain of supermarkets and the authority in (1) and (3) above is merely to permit applicant to serve such facility. The authority in (2) above is to permit Supermarkets General Corp. to divert to Jersey City from Woodbridge Township, N.J., the storage of some of its ice cream. Applicant now has authority on ice cream from Suffield to Woodbridge Township; for 180 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, N.J. 07016. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 61440 (Sub-No. 117 TA), filed February 25, 1969. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including classes A and B explosives* (excluding commodities in bulk, household goods as defined by the Commission, and those requiring special equipment) when moving (1) on Government bills of lading; and (2) on commercial bills of lading containing endorsements approved in interpretation of *Government Rate* Tariff—Eastern Central, 332 I.C.C. 161, 164, 165, between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas on the one hand, and on the other, points in Washington, California, Nevada, Arizona, and Utah, for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Division, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 107010 (Sub-No. 39 TA) (Correction), filed February 11, 1969, published FEDERAL REGISTER issue of February 20, 1969, and republished as corrected this issue. Applicant: BULK CARRIERS, INC., Box 106, Auburn, Nebr. 68305. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, for 150 days. NOTE: The purpose of this republication is to add the origin point (Blair, Nebr.), inadvertently omitted from previous publication. Supporting shipper: Agrico Chemical Co., Post Office Box 346, Memphis, Tenn. 38101. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 111812 (Sub-No. 375 TA), filed February 26, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, 405½ East Eighth Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to Denver, Colo., Salt Lake City, Utah, and points in California, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119531 (Sub-No. 108 TA), filed February 24, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: H. R. Arnold (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from St. Louis, Mo., to Chicago, Ill., for 150 days. Supporting shipper: Continental Can Co., Inc., 135 South La Salle Street, Chicago, Ill. 60603. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119777 (Sub-No. 140 TA), filed February 26, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Belle Plaine, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Richard P. Eichhorn, Forpac, Inc., 540 Frontage Road, Northfield, Ill. 60093. Send protests to: Wayne L. Merilatt, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124078 (Sub-No. 361 TA), filed February 26, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bags, from Greencastle, Ind., to the Moffat Coal Co. mine near Murdock, Ill., for 150 days. Supporting shipper: Moffat Coal Co., 208 South La Salle Street, Chicago, Ill. 60604 (W. D. Butts, Director of Procurement and Stores). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129413 (Sub-No. 4 TA) (Correction), filed January 29, 1969, published FEDERAL REGISTER, issue of February 13, 1969, and republished as corrected, this issue. Applicant: C. B. TRANSPORTATION, INC., 1400 Grand Avenue, 51107, Post Office Box 3072, Sioux City, Iowa 51102. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; (b) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; (d) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Restriction: Restricted to traffic originating at the named origin points and destined to the named destination States. NOTE: The purpose of this republication is to show plantsite location in (c) above and to show applicant proposes to operate over irregular routes. Supporting shipper: Cominco American Inc., A. E. MacDonald, Manager, Distribution and Traffic, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 133233 (Sub-No. 4 TA), filed February 24, 1969. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in Kansas, Minnesota, and Arkansas, for 150 days. Supporting shipper: Star Studs, Inc., Afton, Wyo. 83110 (Lee Ekman, Sales Manager). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133294 (Sub-No. 3 TA), filed February 25, 1969. Applicant: ECONOLINE EXPRESS, INC., 70 North Montgomery Street, San Jose, Calif. 95110. Applicant's representative: John G. Lyons, 1418 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between San Francisco International Airport, on the one hand, and, on the other, Menlo Park, Mountain View, Newark, San Jose, and Sunnyvale, Calif., restricted to shipments having an immediately prior or subsequent movement by air, and restricted to shipments weighing not in excess of 5,000 pounds, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133496 TA, filed February 25, 1969. Applicant: DIEHL LUMBER TRANSPORTATION CO., 1756 South Sixth West Street, Salt Lake City, Utah 84106. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials; raw materials* for use in the manufacture of building materials; *lumber and lumber mill products; and prefabricated sectionalized or panelized buildings*, between points in California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, Arizona, New Mexico, and Nevada, under a continuing contract with Diehl Lumber Products, Inc., for 180 days. Supporting shipper: Diehl Lumber Products, Inc., Post Office Box 6218, Sugar House Station, Salt Lake City, Utah 84106. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133035 (Sub-No. 7 TA) (Correction), filed February 3, 1969, published FEDERAL REGISTER, issue of February 14, 1969, and republished as corrected this issue. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles (1) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of shipments which originate at the facilities of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States; and (2) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to the transportation of shipments which originate at the facilities of MAPCO, Inc., located at or near Greenwood, Nebr., and destined to points in the named destination States, for 180 days. NOTE: The purpose of this republication is to add the destination State of Nebraska to (1) above, which was inadvertently omitted from previous publication. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-2708; Filed, Mar. 5, 1969; 8:49 a.m.]

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PART II

FEDERAL TRADE COMMISSION

Guides for Advertising Allowances and Other Merchandising Payments and Services



Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 240—GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

The following guides were promulgated by the Federal Trade Commission on March 6, 1969, and have been placed on the public record until April 15, 1969. During this time the Commission will receive and consider any comments or views concerning the guides that may be filed by interested persons. The guides will become effective May 1, 1969, unless otherwise ordered by the Commission.

Introduction. These guides are designed to highlight legal problems that may be encountered by businessmen who want to utilize promotional or advertising allowances and similar merchandising payments or services to stimulate the sale of their products. The guides are not intended to serve as a comprehensive statement of the law or as a legal treatise, but are instead intended to serve as a practical manual—in the form of basic rules of thumb, specific examples, and carefully considered suggestions—for the honest businessman who wants to conform his conduct to the requirements of the law without giving up the benefits that can be derived from this form of promotional activity. The guides are designed to furnish guidance and assistance for the businessman seeking to comply with the law and to avoid even inadvertent violations.

Simply stated, what the law requires, in essence, is that those who grant promotional and advertising allowances treat their customers fairly and without discrimination, and not use such allowances to disguise discriminatory price discounts. In interpreting and enforcing the law, the Commission will recognize the practicalities of business while preventing the kind of discriminatory practices at which the law was aimed. Realistic and reasonable enforcement of the law will enable the Commission to enlist the aid of businessmen in eliminating undesirable practices and abuses without interfering with legitimate promotional and merchandising activities.

What the guides are meant to do. These guides can be of great value to businessmen who want to avoid violating the laws against giving or receiving improper promotional allowances, including advertising or special services, for promoting products. The guides will make possible a better understanding of the obligations of sellers and their customers in joint promotional activities.

The Commission's responsibility is to obtain compliance with these laws. It has a duty to move against violators.[1] However, as an administrative agency, the Commission believes the more knowledge businessmen have with respect to the laws enforced by the Commission, the greater the likelihood that voluntary compliance with the laws will be obtained.

For the Commission to perform its responsibilities properly, and for business to avoid violation of the law, it is necessary that every effort be made to furnish individual businessmen a better understanding of these laws. It will help businessmen—and the Commission's law enforcement efforts—if they have a good general knowledge of what they can and cannot do in the field of promotional allowances and services.

What the guides are not meant to do. It should be made clear too that the guides are not meant to do several things:

(1) They are not meant to cover every situation. Decided cases dealing with unusual situations are not covered.

(2) They are not a substitute for sound legal advice.

(3) They are not intended to be a legal treatise. They should be read as a nontechnical explanation of what the law means.

(4) They do not make it mandatory (nor does the law itself) that sellers provide promotional allowances, services or facilities to any customer. They only come into play when the seller determines to employ such promotional practices.

What the law covers generally. The Robinson-Patman Act is an amendment to the Clayton Act. It is directed at preventing competitive inequalities that come from certain types of discrimination by sellers in interstate commerce. Sections 2 (d) and (e) of the Act deal with discriminations in the field of promotional payments and services made available to customers who buy for resale. Where the seller pays the buyer to perform the service, section 2(d) applies. Where the seller furnishes the service itself to the buyer, section 2(e) applies. Both sections require a seller to treat competing customers on proportionally equal terms in connection with the resale of the seller's products of like grade and quality.

Other law involved. In several places, the guides are concerned with laws other than sections 2 (d) and (e):

(1) A seller who pays a customer for services that are not rendered, or who overpays for services which have been rendered, may thereby violate section 2(a) of the Clayton Act, as amended. (See § 240.11.)

(2) A customer who receives discriminatory or other improper payments, services, or facilities may thereby violate section 2(f) of the Clayton Act, as amended by the Robinson-Patman Act, or section 5 of the Federal Trade Commission Act. (See §§ 240.11 and 240.14.)

(3) A third party who helps a customer claim reimbursement greater than that to which he is entitled under a seller's program (by furnishing the customer with a false invoice or other statement, for instance), may thereby violate section 5 of the Federal Trade Commission Act. (See § 240.13.)

(4) A third party who devises and/or administers a promotional assistance program on behalf of one or more sellers may violate section 5 of the Federal Trade Commission Act if the use, administration, or operation of the program results in violation of law. (See § 240.13.)

(5) The examples are not intended to be all-inclusive. The guides do not purport to set forth all the legal rules governing a seller's promotional practices or other vertical arrangements, but are directed primarily to the seller's obligation in making promotional offers to notify, and offer proportionally equal terms to, his competing customers. Related practices, not directly involving notification or proportionalization, are not necessarily covered by these guides.

Sec.

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240.2 Who is a seller?
240.3 Who is a customer?
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240.5 What are services or facilities?
240.6 Need for a plan.
240.7 Proportionally equal terms.
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240.16 Cost justification.

AUTHORITY: The provisions of this Part 240 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 240.1 When does the law apply?

Sections 2 (d) and (e) apply to a seller of products in interstate commerce, if he either directly or through an intermediary (a) pays for services or facilities furnished by a customer in connection with the distribution of his products [section 2(d)], or (b) furnishes such services or facilities to a customer [section 2(e)] who competes with any other customer in the resale of the seller's products of like grade and quality. [Guide 1]

§ 240.2 Who is a seller?

"Seller" includes anyone (manufacturer, wholesaler, distributor, etc.) who sells products for resale, with or without further processing. Selling candy to a retailer is a sale for resale without processing. Selling corn syrup to a candy manufacturer is an example of a sale for resale with processing. [Guide 2]

§ 240.3 Who is a customer?

(a) A "customer" is someone who buys for resale directly from the seller, the seller's agent or broker; and, in addition, a "customer" is any buyer of the seller's product for resale who purchases from or through a wholesaler or other intermediate reseller. In this part, the word "customer" which is used in section 2(d) of the Act includes "purchaser" which is used in section 2(e).

NOTE: In determining whether a seller has fulfilled his obligations toward his customers, the Commission will recognize that there may be some exceptions to this general definition of "customer." For example, the purchaser of distress merchandise would not be considered a "customer" simply on the basis of such purchase. Similarly, those retailers who purchase from other retailers, those who make only sporadic purchases, and those who do not regularly sell the seller's product or who are a type of retail outlet not usually selling such products (e.g., a hardware store stocking a few isolated food items) will not be considered "customers" of the seller unless the seller has been put on notice that such retailers are selling his product.

(b) "Competing customers" are all businesses that compete in the resale of the seller's products of like grade and quality at the same functional level of distribution regardless of whether they purchase direct from the supplier or through some intermediary.

Example 1. A manufacturer sells to some retailers directly and to others through wholesalers. Retailer "X" purchases the manufacturer's product from a wholesaler and resells some of it to retailer "Y". Retailer "X" is a customer of the manufacturer. Retailer "Y" is not a customer unless the fact that he purchases the manufacturer's product is known to the manufacturer.

Example 2. A manufacturer sells directly to some independent retailers, sells to the headquarters of chains and cooperative stores, and also sells to wholesalers. The direct buying independent retailers and the wholesaler's independent retailer customers are customers of the manufacturer. Individual retail outlets which are part of the chains or members of the cooperatives are not customers of the manufacturer.

[Guide 3]

§ 240.4 What is interstate commerce?

This term has not been precisely defined in the statute. In general, if there is any part of a business which is not wholly within one State (for example, sales or deliveries of products, their subsequent distribution or purchase, or delivery of supplies or raw materials), the business may be subject to the Robinson-Patman Act. Sales in the District of Columbia are also covered by the Act. [Guide 4]

§ 240.5 What are services or facilities?

These terms have not been exactly defined by the statute or in decisions. The following are merely examples—the Act covers many other services and facilities.

(a) The following are some of the services or facilities covered by the Act where the seller pays the buyer for furnishing them:

Any kind of advertising, including cooperative advertising,
Handbills,
Window and floor displays,
Special sales or promotional efforts for which "push money" is paid to clerks, salesmen, and other employees of the customers,
Demonstrators and demonstrations.

(b) Here are some examples of services or facilities covered by the Act when the seller furnishes them to a customer:

Any kind of advertising,
Catalogs,
Demonstrators,
Display and storage cabinets,
Display materials,
Special packaging, or package sizes,
Accepting returns for credit,
Prizes or merchandise for conducting promotional contests.

NOTE: In this part, the term "services" is used to encompass both "services and facilities."

[Guide 5]

§ 240.6 Need for a plan.

If a seller makes payments or furnishes services that come under section 2 (d) or (e) of the Clayton Act, as amended, he must do it under a plan that meets several requirements. In addition, if there are many competing customers to be considered, or if the plan is at all complex, the seller would be well advised to put his plan in writing. Briefly, the requirements are:

(a) The payments or services under the plan must be available on proportionally equal terms to all competing customers. (See § 240.7.)

(b) The seller should take action designed to inform all of his competing customers of the existence of and essential features of the promotion plan in ample time for them to take full advantage of it. (See § 240.8.)

(c) If the basic plan is not functionally available to (i.e., suitable for and usable by) some customers competing in the resale of the seller's products of like grade and quality with those being furnished payments or services, alternatives that are functionally available must be offered to such customers. (See § 240.9.)

(d) In informing customers of the details of a plan, the seller should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives, and the conditions upon which payment will be made or services furnished. (See § 240.10.)

(e) The seller should take reasonable precautions to see that the services are actually performed and that he is not overpaying for them. (See § 240.11.) [Guide 6]

§ 240.7 Proportionally equal terms.

The payment or services under the plan must be made available to all competing customers on proportionally equal terms. This means that payments or services must be proportionalized on some basis that is fair to all customers who compete in the resale of the seller's products. No single way to proportionalize is prescribed by law. Any method that treats competing customers on proportionally equal terms may be used. Generally, this can best be done by basing the payments made or the services furnished on the dollar volume or on the quantity of goods purchased during a specified period. Other methods which are fair to all competing customers are also acceptable.

Example 1. A seller may properly offer to pay a specified part (say 50 percent) of the cost of local advertising up to an amount equal to a set percentage (such as 5 percent) of the dollar volume of purchases during a specified time.

Example 2. A seller may properly place in reserve for each customer a specified amount of money for each unit purchased, and use it to reimburse those customers for the actual cost of their advertising of the seller's product.

Example 3. A seller may not select one or a few customers to receive special allowances (e.g., 5 percent of purchases) to promote his product, while making allowances available on some lesser basis (e.g., 2 percent of purchases) to customers who compete with them.

Example 4. A seller's plan may not provide an allowance on a basis that has rates graduated with the amount of goods purchased, as, for instance, 1 percent of the first $1,000 purchases per month, 2 percent of second $1,000 per month, and 3 percent of all over that.

Example 5. A seller may not identify or feature one or a few customers in his own advertising without making the same service available on proportionally equal terms to customers competing with the identified customer or customers.

Example 6. A seller who makes his employees available or arranges with a third party to furnish personnel for purposes of performing work for a customer must make the same offer available on proportionally equal terms to all other competing customers. In addition the seller must offer usable and suitable alternatives of equivalent measurable cost to those competing customers to whom such services are not usable and suitable.

[Guide 7]

§ 240.8 Seller's duty to inform.

(a) The seller must take reasonable action, in good faith, to inform all his competing customers of the availability of his promotional program. Such notification should include all the relevant details of the offer in time to enable customers to make an informed judgment whether to participate; in the alternative, such notification should include a summary of the essential features and a specific source to contact for further details. The seller can make this notification by any means he chooses, including personal contacts, mailings, notice on or in shipping containers, etc. However, if a seller wants to be able to show later that he gave notice to a certain customer, he is in a better position to do so if it was given in writing.

(b) If more direct methods of notification are impracticable, a seller may employ one or more of the following methods, the sufficiency of which will depend upon the nature of the industry and the complexity of his own distribution system. Different sellers may find

[1] The Commission has issued many orders to cease and desist which include proscriptions under section 2(d) and/or 2(e) of the amended Clayton Act, that antedate the Supreme Court's decision in the matter of Federal Trade Commission v. Fred Meyer, Inc., et al., 390 U.S. 340 (1968). In this regard, it should be noted that future obligations of those companies and individuals under those orders shall be measured against said decision, as supplemented by these guides.

that different notification methods are most effective for them.

(1) The seller may enter into contracts with his wholesalers, distributors, or other third parties which conform to the requirements of § 240.13.

(2) The seller may place appropriate announcements on or in product containers.

(3) The seller may publish notice of the availability and essential features of the plan in a publication of general distribution in the trade.

Example 1. A seller has a plan for the retail promotion of his products in Philadelphia. Some of his retailing customers purchase directly, and he offers the plan to them. Some other Philadelphia retailers purchase his products through wholesalers. The seller may use the wholesalers to reach the retailing customers who buy through them, either by having the wholesalers notify those retailers in accordance with § 240.13, or by using the wholesalers' customer lists for direct notification by the seller.

Example 2. A seller has a plan for the retail promotion of his products in Kansas City. Some of his retailing customers purchase directly and he offers the plan to them. Others purchase his products through wholesalers. The seller may satisfy his notification obligations to them by undertaking, in good faith, one or more of the following measures:

A. Placing on a shipping container or a product package that can reasonably be expected to reach all retailing customers handling the promoted product in time to enable them to participate in the program a conspicuous notice of the availability and essential features of his proposal, identifying a specific source for further particulars and details. In lieu of identifying a source for further particulars, brochures describing the details of the offer may be included in the shipping containers.

B. If a promotional plan simply consists of providing retailers with display materials, including the materials within the product container.

C. Advising customers from accurate and reasonably complete mailing lists. If the product may be sold lawfully only under Government license (alcoholic beverages, etc.), informing all license holders would be sufficient.

D. Placing an announcement of the availability and essential features of promotional programs, and identifying a specific source for further particulars and details, at reasonable intervals in publications which have general and widespread distribution in the trade, and which are recognized in the trade as means by which sellers announce the availability of such programs.

Example 3. The seller has a wholesaler-oriented plan whereby he pays wholesalers to advertise the seller's product in the wholesalers' order books, or in the wholesalers' price lists directed to retailers purchasing from the wholesalers. He must notify all competing wholesalers of the availability of this plan, but the seller is not required to notify retailing customers.

Example 4. A seller who sells on a direct basis to some retailers in an area, and to other retailers in the area through wholesalers, has a plan for the promotion of his products at the retail level. If the seller directly notifies not only all competing direct purchasing retailers, but also all competing retailers purchasing through the wholesaler, as to the availability, terms and conditions of the plan, the seller is not required to notify his wholesalers.

Example 5. A seller regularly promotes his products at the retail level, and during the year he has various special promotional offers. His competing customers include large direct-purchasing retailing customers and smaller customers who purchase through wholesalers. Many of the promotions he offers can best be used by his smaller customers if the funds to which the smaller customers are entitled are pooled and used by the wholesalers in their behalf (newspaper advertisements, for example). The seller may encourage, but not coerce, the retailer purchasing through a wholesaler to designate a wholesaler as his agent for receiving notice of, collecting, and using promotional allowances for him. If a wholesaler by agreement with a retailer is actually authorized to perform for the retailer the promotional services as to which a promotional offer is made, the seller may assume that notice of, and payment under, a promotional plan to the wholesaler constitutes notice and payment to the retailer.

(c) A seller who follows any procedure reasonably designed to inform all his competing customers of his promotional programs, including any of the procedures illustrated under Example 2 above, will be considered by the Commission to have fulfilled his "good faith" obligation under this section if he accompanies such procedure with the following supplementary measures: After each short term promotion (one lasting less than 8 weeks) and at regular intervals during promotions which continue for a longer period, the seller takes affirmative steps to verify the effectiveness of his notification procedure by making spot checks designed to reach a representative cross section of his indirect-buying customers. Whenever such spot checks indicate that the notification procedure is deficient, in that some indirect customers are not receiving actual notice of the promotion, the seller takes immediate steps to expand or to supplement his notification procedure in a manner reasonably designed to eliminate the repetition or continuation of any such deficiency in the future. [Guide 8]

§ 240.9 Availability to all competing customers.

(a) The plan should be such that all types of competing customers may participate. It should not be tailored unfairly to favor or discriminate against a particular class of customers. This may require offering all such customers more than one way to participate in the plan or offering alternative terms and conditions to particular customer classes. The seller cannot either expressly, or by the way the plan operates, eliminate some competing customers, although he may offer alternative plans designed for different customer classes. If he offers alternative plans, all of the plans offered must provide the same proportionate equality and the seller should inform competing customers of the various alternative plans.

(b) With respect to promotional plans offered to retailers, the seller must ensure that his plans or alternatives do not bar any competing retailer customers from participation whether they purchase directly from him or through a wholesaler or other intermediary.

(c) When a seller, in good faith, offers a basic plan, including alternatives, which is reasonably fair and nondiscriminatory, and refrains from taking any steps which would prevent any customer, or class of customers, from participating in his program, he shall be deemed to have satisfied his obligation to make his plan "functionally available" to all customers, and the failure of any customer or customers to participate in the program shall not be deemed to place the seller in violation of the Act.

Example 1. A manufacturer offers a plan for construction of store displays of varying sizes, including some small enough so that all his competing customers are reasonably able to satisfy the requirement. The plan also calls for certification of performance by the retailer. Because they are reluctant to process any paperwork, many small retailers do not participate. This fact is not deemed to place the manufacturer in violation of § 240.9 and he is under no obligation to provide additional alternatives.

Example 2. A manufacturer offers a plan for cooperative advertising on radio, television, or in newspapers of general circulation. The purchases by some of his customers are too small to permit effective use of this offer in promoting the manufacturer's product. The manufacturer may offer them a "functionally available" alternative on proportionally equal terms, such as envelope stuffers, handbills, or other usable services furnished by the manufacturer.

[Guide 9]

§ 240.10 Need to understand terms.

In informing customers of the details of a plan, the seller should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives, and the conditions upon which payment will be made or services furnished. [Guide 10]

§ 240.11 Checking customer's use of payments.

(a) The seller should take reasonable precautions to see that services he is paying for are furnished and also that he is not overpaying for them. Moreover, the customer must expend an allowance solely for the purpose for which it was given. If the seller knows or should know that what he pays or furnishes is not being properly used by some customers, the improper payments or services must be discontinued.

(b) A seller who, in good faith, takes reasonable and prudent measures to verify the performance of his competing customers will be deemed to have satisfied his obligations under the Act. Also, a seller who, in good faith, concludes a promotional agreement with wholesalers or other intermediaries and who otherwise conforms to the standards of § 240.13 shall be deemed to have satisfied this obligation. If a seller has taken such steps, the fact that a particular customer has retained an allowance in excess of the cost or value of services performed by him shall not alone be deemed to place a seller in violation of the Act.

Example 1. A manufacturer gives "functionally available" promotional allowances for cooperative advertising which require placing advertisements in whatever medium the customer normally utilizes—e.g., radio, newspapers, magazines, handbills, etc. The manufacturer requires that each customer's request for payment be signed and attest that the required performance was rendered. Further, whenever evidence of the advertising—such as a tear sheet or a copy of the invoice from the radio station—is readily available to the customer, the manufacturer requires that such evidence accompany the request for payment. In cases in which such verification is not readily available, the manufacturer spot checks in a manner designed to reach a representative cross section of participating retailer customers to ascertain proof of performance. The manufacturer has satisfied his obligations of verification under the Act.

[Guide 11]

§ 240.12 Competing customers.

The seller is required to provide in his plan only for those customers who compete with each other in the resale of the seller's products of like grade and quality. Therefore, a seller must make available to all competing wholesalers any plan providing promotional payments or services to wholesalers, and similarly, must make available to all competing retailers any plan providing promotional payments or services to retailers. With these requirements met, a seller can limit the area of his promotion. However, this section is not intended to deal with the question of a seller's liability for use of an area promotion where the effect may be to injure the seller's competition.

Example 1. Manufacturer A, located in Wisconsin and distributes shoes nationally, sells shoes to three retailers who compete with each other and sell only in the Roanoke, Virginia, area. He has no other customers selling in Roanoke or its vicinity. If he offers his promotion to one Roanoke customer, he must include all three, but he can limit it to them. The trade area selected must be a natural one and not drawn arbitrarily so as to exclude competing retailers.

Example 2. A national seller has direct-buying retailing customers reselling exclusively within the Baltimore City trade area, and other customers within that area purchasing through wholesalers. The seller may lawfully engage in a promotional campaign confined to the Baltimore area, provided he affords all of his retailing customers within the area the opportunity to participate, including those who purchase through wholesalers.

Example 3. A seller manufactures and sells men's suits and sport jackets (of one quality level) to retail stores nationally. He may restrict allowances to Philadelphia area retailers for their promotion of sport jackets during a particular season. He may not restrict allowances in the Philadelphia area for the promotion of certain styles of sport jackets unless all retailers of his sport jackets in the area are offered the opportunity to purchase the promoted styles and participate in the promotion.

NOTE: The seller must be careful here not to discriminate against customers located on the fringes but outside the area selected for the special promotion, since they may be actually competing with those participating.

[Guide 12]

§ 240.13 Wholesaler or third party performance of seller's obligations.

(a) A seller may, in good faith, enter into written agreements with intermediaries, such as wholesalers, distributors or other third parties, including promoters of tripartite promotional plans, which provide that such intermediaries will perform all or part of the seller's obligations under this part. However, the interposition of intermediaries between the seller and his customers does not relieve the seller of his ultimate responsibility of compliance with the law. The seller, in order to demonstrate his good faith effort to discharge his obligations under this part, should include in any such agreement provisions that the intermediary will:

(1) Give notice to the seller's customers in conformity with the standards set forth in § 240.8;

(2) Check customer performance in conformity with the standards set forth in § 240.11;

(3) Implement the plan in a manner which will insure its functional availability to the seller's customers in conformity with the standards set forth in § 240.9. (This must be done whether the plan is one devised by the seller himself or by the intermediary for use by the seller's customers.)

(4) Provide certification in writing and at reasonable intervals that the seller's customers have been and are being treated in conformity with the agreement.

(b) A seller who negotiates such agreements with his wholesalers, distributors, or third party promoters will be considered by the Commission to have justified his "good faith" obligations under this section if he accompanies such agreements with the following supplementary measures: After each short term promotion (one lasting less than 8 weeks) and at regular intervals during promotions which continue for a longer period, the seller takes affirmative steps to verify that his indirect buying customers are receiving the proportionally equal treatment to which they are entitled by making spot checks designed to reach a representative cross section of his indirect buying customers. Whenever such spot checks indicate that the agreements are not being implemented in such a way that the indirect customers are receiving such proportionally equal treatment, the seller takes immediate steps to expand or to supplement such agreements in a manner reasonably designed to eliminate the repetition or continuation of any such discriminations in the future.

Example 1. A seller may not buy advertising time from a radio station and have the station furnish free radio time only to certain favored customers of the seller.

Example 2. A seller may not participate in a tripartite promotional plan providing for in-store promotion of his products unless all his competing customers are given an opportunity to participate in the intermediary's basic plan and, in the event some cannot use the basic plan, unless a suitable and usable alternative is also made available on proportionally equal terms. The seller may not escape responsibility if the intermediary operates the program in a discriminatory fashion unless he has entered into an agreement with the intermediary as described above and unless he has fulfilled his duty to conduct periodic checks of the intermediary's performance.

Example 3. A seller may not participate in a tripartite plan involving many sellers if the customers to whom the plan is offered must purchase the products of other participating sellers before they are eligible to receive the benefits of the promotional program. The customer of any one seller may not be required to purchase or promote other sellers' products as a condition to receiving promotional payments or services from the seller, even though a tripartite program is involved.

(c) Intermediaries administering promotional assistance programs on behalf of a seller may violate section 5 of the Federal Trade Commission Act if they have agreed to perform the seller's obligations under the law with respect to a program which they have represented to be usable and suitable for all the seller's competing customers if it should later develop that the program was not offered to all or, if offered, was not usable or suitable, or was otherwise administered in a discriminatory manner.

Example 1. Promoter A devises a program for in-store advertising of grocery products on shopping carts. No alternative means of participation are provided. Seller B enters into a contract with A for participation in the program. In fact, some of Seller B's competing customers do not have shopping carts. Assuming that Seller B is in violation of section 2(d) of the Clayton Act, as amended, Promoter A may be in violation of section 5 of the Federal Trade Commission Act for his participation in the program which resulted in B's violation.

[Guide 13]

§ 240.14 Customer's liability.

Sections 2 (d) and (e) apply only to sellers and not to customers. However, a customer who knows, or should know, that he is receiving payments or services which are not available on proportionally equal terms to his competitors engaged in the resale of the same seller's products, may be proceeded against by the Commission under section 5 of the Federal Trade Commission Act, which prohibits unfair methods of competition.

Example 1. A customer may not receive advertising allowances for special promotion of the seller's products in connection with the customer's anniversary sale or new store opening, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example 2. A customer may not receive seller contributions to the cost of his institutional advertising, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example 3. A customer, an experienced buyer, is offered an allowance of 25 percent of his purchase volume by a seller for cooperative advertising to be paid for 100 percent by the seller. The customer knows, or should know, that most cooperative advertising programs in the industry allow payments of from 3 to 7 percent of purchases, and require 50–50 sharing by the seller and the customer.

He would be on notice to inquire of the seller and to take such other affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products.

Example 4. A customer may not receive from a seller or intermediary services, such as those services performed in connection with a store opening, remodeling or special sales promotion, etc., unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such services are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example 5. Frequently the employees of sellers or third parties such as brokers perform in-store services for their grocery retailer customers such as stocking of shelves, building of displays and checking or rotating inventory, etc. A customer operating a retail grocery business may not induce or receive such services when the customer knows or should know that such services are not available on proportionally equal terms to all of the other customers of the seller competing with him in the distribution of the seller's products.

[Guide 14]

§ 240.15 Meeting competition.

A seller charged with discrimination in violation of section 2(d) or section 2(e) may defend his actions by showing that the payments were made or the services were furnished in good faith to meet equally high payments made by a competing seller to the particular customer, or to meet equivalent services furnished by a competing seller to the particular customer. This defense, however, is subject to important limitations. For instance, it is insufficient to defend a charge of violating either section 2(d) or 2(e) solely on the basis that competition in a particular industry is very keen, requiring that special allowances must be given to some customers if a seller is "to be competitive." [Guide 15]

§ 240.16 Cost justification.

It is no defense to a charge of unlawful discrimination in the payment of an allowance or the furnishing of a service for a seller to show that such payment, service, or facility could be justified through savings in the cost of manufacture, sale or delivery. [Guide 16]

Promulgated by the Federal Trade Commission March 6, 1969.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2662; Filed, Mar. 5, 1969; 8:45 a.m.]

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LAW DAY, U.S.A., 1969

By the President of the United States of America

A Proclamation

The first day of May has been set aside by the Congress of the United States as LAW DAY, U.S.A. It is a special day to be observed by the American people in appreciation of their liberties and national independence. It is an occasion for rededication to the ideals of equality and justice under law.

There was never a greater need for such rededication. Events of recent years—rising crime rates, urban rioting, and violent campus protests—have impeded rather than advanced social justice.

We must reverse the upward trend of lawlessness in our land. We must bring forward in America our faith in ourselves and in our country and its future. We must move forward to a new era of peace and progress in which our great resources can be utilized to end poverty and injustice and to achieve greater opportunities for all Americans.

Achievement of these goals does not depend upon the acts of government alone; it depends in substantial part upon the attitude and actions of each of us. We must recognize a clear duty to obey the laws, to respect the rights of others, to resolve controversies by lawful means, to become responsive and responsible citizens.

Unequal justice is no justice at all, unenforced laws are worse than no laws at all; that is why equal justice under law is the bedrock of the American system.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby urge the people of the United States to observe Thursday, May 1, 1969, as Law Day in the United States of America with appropriate public ceremonies and by the reaffirmation of their dedication to our form of government and the supremacy of law in our lives. I especially urge the legal profession, the schools and educational institutions, civic and service organizations, all media of public information, and the courts to take the lead in sponsoring and participating in appropriate observances throughout the Nation.

And, as requested by the Congress, I direct the appropriate Government officials to display the flag of the United States on all public buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69–2893; Filed, Mar. 6, 1969; 10:30 a.m.]

Executive Order 11458

PRESCRIBING ARRANGEMENTS FOR DEVELOPING AND COORDINATING A NATIONAL PROGRAM FOR MINORITY BUSINESS ENTERPRISE

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Functions of the Secretary of Commerce.* (a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall—

(1) Coordinate as consistent with law the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation and strengthening of minority business enterprise.

(2) Promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations and volunteer and other groups towards the growth of minority business enterprises and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies.

(3) Establish a center for the development, collection, summarization and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting the establishment and successful operation of minority business enterprises.

(b) The Secretary, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), may—

(1) Develop, with the participation of other Federal departments and agencies as appropriate, comprehensive plans of Federal action and propose such changes in Federal programs as may be required.

(2) Require the submission of information from such departments and agencies necessary for him to carry out the purposes of this order.

(3) Convene for purposes of coordination meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order.

(4) Convene business leaders, educators, and other representatives of the private sector engaged in assisting the development of minority business enterprise or who could contribute to its development to propose, evaluate, and coordinate governmental and private activities in furtherance of the objectives of this order.

(5) Confer with and advise officials of State and local governments.

(6) Provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented.

(7) Recommend appropriate legislative or executive actions.

SEC. 2. *Establishment of the Advisory Council for Minority Enterprise.* (a) There is hereby established the Advisory Council for Minority Enterprise (hereinafter referred to as "the Council").

(b) The Council shall be composed of members appointed by the President from among persons, including members of minority groups and representatives from minority business enterprises, knowledgeable and dedicated to the purposes of this order. The members shall serve for a term of two years and may be reappointed.

(c) The President shall designate one of the members of the Council as the Chairman of the Council.

(d) The Council shall meet at the call of the Secretary.

(e) The Council shall be advisory to the Secretary in which capacity it shall—

(1) Serve as a source of knowledge and information on developments in different fields and segments of our economic and social life which affect minority business enterprise.

(2) Keep abreast of plans, programs and activities in the public and private sectors which relate to minority business enterprise, and advise the Secretary on any measures to better achieve the objectives of this order.

(3) Consider, and advise the Secretary and such officials as he may designate on, problems and matters referred to the Council.

(f) For the purposes of Executive Order No. 11007 of February 26, 1962, the Council shall be deemed to have been formed by the Secretary.

(g) Members of the Council shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701–5708) for persons in the Government service employed intermittently.

(h) The Secretary shall arrange for administrative support of the Council to the extent necessary including use of any gifts or bequests accepted by the Department of Commerce pursuant to law.

SEC. 3. *Responsibilities of other Federal departments and agencies.* (a) The head of each Federal department and agency, or a representative designated by him, when so requested by the Secretary, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this order.

(b) The head of each Federal department or agency shall, when so requested by the Secretary, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning minority business enterprise and activities as required by this order.

(c) The head of each Federal department or agency, or his designated representative, shall keep the Secretary informed of all proposed budgets, plans, and programs of his department or agency affecting minority business enterprise.

SEC. 4. *Construction.* Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or officer, or as abrogating or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
March 5, 1969.

[F.R. Doc. 69-2847; Filed, Mar. 5, 1969; 3:08 p.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69-EA-10; Amdt. 39-729]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to publish an airworthiness directive applicable to the Fairchild Hiller FH-227 type airplanes.

Fairchild Hiller Service Bulletin 51-1 of July 12, 1967 requires continuing periodic inspections to assure against fatigue cracks in the affected wing areas. Heretofore, the inspections were made a part of the Data Sheet No. 7A1 which, while a public document, does not cover the distribution of an airworthiness directive. The inspections, however, are critical to air safety, and potential cracks are likely to develop in FH-227 type aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD HILLER. Applies to FH-227 type airplanes certificated in all categories.

Compliance required as indicated.

To detect possible development of cracks in the wing area, accomplish the following:

(a) Within 25 hours time in service after the accumulation of the specified airplane hours time in service, unless already initiated, inspect or continue to inspect in accordance with Fairchild Hiller Service Bulletin 51-1, dated July 12, 1967, and later changes thereto approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or in accordance with an equivalent inspection program approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) If cracks are found or if repaired cracks are found to be propagating, replace the cracked part with a part of the same part number or with an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or incorporate a repair approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be made.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective March 12, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 25, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-2746; Filed, Mar. 6, 1969; 8:46 a.m.]

[Airworthiness Docket No. 68-SW-87; Amdt. 39-731]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Models M20 and M20A

Amendment 39-695 (33 F.R. 18981), AD 68-25-6 requires inspection for wood rot and glue joint deterioration and repair, as necessary, on Mooney Models M20 and M20A airplanes. After issuing Amendment 39-695, due to service experience in administering the AD, it has been determined that the inspection provisions are inadequate. It was also found that the compliance intervals were too frequent. Therefore, the AD is being superseded by a new AD that requires additional inspections while extending compliance intervals.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MOONEY. Applies to Models M20 and M20A airplanes.

Compliance required as indicated:

To detect wood and glue joint deterioration in wood wing and wood empennage structures, inspect and rework in accordance with the below specified parts of Mooney Service Bulletin No. M20-170A, dated February 24, 1969, or equivalent methods approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, Fort Worth, Tex.

(a) Within the next 10 hours time in service, or within the next 30 days, whichever occurs first, after the effective date of this AD, comply with Parts I A, B, and C, II, and III, unless already accomplished.

(b) Within the sixth month after initial compliance and within the sixth month after each annual inspection, comply with Parts IIA III, 8, 9, and 10. If wood or glue joint deterioration is detected, accomplish the complete initial inspection in accordance with Parts IA, II, and III.

NOTE: Inspection intervals required by this AD differ from the inspection intervals shown in Mooney Service Bulletin No. M20-170A.

(c) At each annual inspection required by FAR 91, comply with Parts IA, II, and III.

If wood or glue joint deterioration is detected, repair must be accomplished in accordance with Money Service Bulletin No. M20-170A, or FAA-approved standard practice, prior to further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

Mooney Service Bulletin M20-170-1 Kit includes pertinent parts and instructions for replacement of the wood empennage with an all-metal empennage, which, if installed, relieves the owner or operator from the inspection requirements of this AD applicable to the wood empennage. Installation of the all-metal empennage is recommended, but not required, by this AD.

This supersedes Amendment 39-695 (33 F.R. 18981), AD 68-25-6.

This amendment becomes effective March 10, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354a, 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 28, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-2747; Filed, Mar. 6, 1969; 8:46 a.m.]

[Docket No. 9461; Amdt. 39-732]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Models PC-6/B-H2 and PC-6/B1-H2 Airplanes

There have been instances where the split pin which limits the travel of the knurled friction nut on the power control lever assembly was found out of tolerance on certain Pilatus airplanes. This condition could result in the power control lever being inadvertently moved to the reverse position while in flight. Since this condition is likely to exist or develop on other airplanes of the same design, an airworthiness directive (AD) is being issued to require checking the travel of the friction nut on Pilatus Models PC-6/B-H2 and PC-6/B1-H2 airplanes, to determine if the travel exceeds three-fourths of a turn, and to require correction if necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to Models PC-6/B-H2 and PC-6/B1-H2 airplanes.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

Check the travel of the knurled friction nut on the power control lever assembly to determine if it exceeds three-fourths of a turn. If travel exceeds three-fourths of a turn, install shim(s) of adequate thickness, or drill a new hole and insert a new cotter pin, in accordance with Pilatus Service Bulletin No. 85 dated July 1968 or later Swiss Federal Air Office-approved issue or an FAA-approved equivalent.

This amendment becomes effective March 12, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 28, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-2746; Filed, Mar. 6, 1969; 8:46 a.m.]

[Docket No. 9335; Amdt. 39-733]

PART 39—AIRWORTHINESS DIRECTIVES

Schleicher Model Ka6E Gliders, Serial Nos. 1 Through 4232 Except No. 4226

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring installation of new thermos bottle mounting clamps with rubber inserts on Schleicher Model Ka6E Gliders, Serial Nos. 1 through 4232 except No. 4226 gliders, was published in 34 F.R. 261.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCHLEICHER. Applies to Schleicher Model Ka6E gliders, Serial Nos. 1 through 4232 except Serial No. 4226.

Compliance required within the next 100 hours' time in service after the effective date of the AD, unless already accomplished.

To prevent the failure of the thermos bottle mounting brackets, install new mounting clamps with rubber insert, in accordance with Schleicher Technical Note No. 17, dated September 10, 1968, or later LBA-approved issue or an FAA-approved equivalent.

This amendment becomes effective April 6, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 28, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-2749; Filed, Mar. 6, 1969; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-CE-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 19199 of the FEDERAL REGISTER dated December 24, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Flying Cloud Airport, Minneapolis, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 17, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

MINNEAPOLIS, MINN. (FLYING CLOUD AIRPORT)

Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2 miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7 miles west of the VOR; and within 2 miles each side of the Flying Cloud VOR 179° radial, extending from the 5-mile radius zone to 7 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-2750; Filed, Mar. 6, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Kalispell, Mont., control zone and transition area.

The Flathead County Airport, Kalispell, Mont., has been renamed Glacier Park International Airport. Therefore, it is necessary to alter the Kalispell control zone and transition area which presently refer to the airport as Flathead County Airport to reflect the airport change of name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the Kalispell, Mont., control zone is altered by deleting, "Flathead County Airport" in the text and substituting therefor "Glacier Park International Airport."

(2) In § 71.181 (34 F.R. 4637), the Kalispell, Mont., transition area is altered by deleting "Flathead County Airport" in the text and substituting therefor "Glacier Park International Airport."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-2751; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 15879 and 15880 of the FEDERAL REGISTER dated October 26, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Appleton, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The Outagamie County Airport coordinates recited in the Appleton, Wis., control zone and transition area alteration as "latitude 44°15'40" N., longitude 88°31'10" W." are changed to read "latitude 44°15'35" N., longitude 88°31'15" W.".

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

APPLETON, WIS.

Within a 5-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2 miles each side of the 135°, 206°, 285°, and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 8 miles southeast, southwest, west, and north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

APPLETON, WIS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Outagamie County Airport (latitude 44°-15'35" N., longitude 88°31'15" W.); and within 2 miles each side of the 016°, 135°, 206°, and 285° bearings from Outagamie County Airport, extending from the 6-mile radius area to 8 miles north, southeast, southwest, and west of the airport.

[F.R. Doc. 69-2752; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-122]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 19199 of the FEDERAL REGISTER dated December 24, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Russell, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The Russell Municipal Airport latitude coordinate recited in the Russell, Kans., control zone and transition area alteration as "latitude 38°52'25" N." is changed to read "latitude 38°52'20" N."

This amendment shall be effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 24, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

RUSSELL, KANS.

Within a 5-mile radius of Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.).

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

RUSSELL, KANS.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Hays, Kans., VORTAC 086° radial, extending from the arc of a 5-mile radius circle centered on the Russell Municipal Airport (latitude 38°52'20" N., longitude 98°-48'45" W.), to the arc of a 9-mile radius circle centered on Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the Hays VORTAC 086° radial, extending from Russell Municipal Airport to 7 miles east of the VORTAC, excluding the portion which overlies the Hays, Kans., transition area.

[F.R. Doc. 69-2753; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-116]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On December 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 19199) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-341 from Dubuque, Iowa, 1,200 feet AGL to Cedar Rapids, Iowa.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., May 1, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows: In V-341 "From Dubuque, Iowa," is deleted and "From Cedar Rapids, Iowa, 12 AGL Dubuque, Iowa;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 28, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-2754; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 18938 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Ashland, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 17, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ASHLAND, MO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 2 miles each side of the Hallsville, Mo., VORTAC 192° radial extending from the 6-mile radius area to 10 miles south of the VORTAC; within 2 miles each side of the 031° bearing from Columbia Regional Airport, extending from the 6-mile radius area to 10 miles northeast of the airport; and within 2 miles each side of the 193° bearing from Columbia Regional Airport, extending from the 6-mile radius area to 12 miles south of the airport, excluding the portions which overlie the Columbia, Mo., and Jefferson City, Mo., 700-foot floor transition areas.

[F.R. Doc. 69-2755; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 18938 and 18939 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sterling, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 17, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

STERLING, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Whiteside County Airport (latitude 41°-44'35" N., longitude 89°40'30" W.); within 2 miles each side of the 074° bearing from Whiteside County Airport, extending from

the 7-mile radius area to 14 miles east of the airport; and within 2 miles each side of the 232° bearing from Whiteside County Airport, extending from the 7-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies the Dixon, Ill., transition area.

[F.R. Doc. 69-2756; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sheboygan, Wis., transition area.

The public use instrument approach procedure for Sheboygan, Wis., Memorial Airport has been altered by moving the approach bearing by 5°. In addition, a new special use instrument approach procedure has been developed for this airport using the same approach and missed approach bearings as the altered public use instrument approach procedure. Therefore, it is necessary to alter the Sheboygan transition area to reflect this change and action is taken herein to reflect this change. This alteration does not involve the designation of any additional airspace.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

SHEBOYGAN, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sheboygan County Memorial Airport (latitude 43°46'05" N., longitude 87°51'05" W.); and within 5 miles southeast and 8 miles northwest of the 026° bearing from Sheboygan County Memorial Airport, extending from the airport to 12 miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 18, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-2757; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Marshalltown, Iowa, transition area.

The public use instrument approach procedure for Marshalltown, Iowa, Municipal Airport has been altered by moving the approach radial by 6°. Therefore, it is necessary to alter the Marshalltown transition area to reflect this radial change and action is taken herein to reflect this change. This alteration does not involve the designation of any additional airspace.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth;

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MARSHALLTOWN, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.); and within 2 miles each side of the 321° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 321° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles northwest of the airport, excluding the airspace within the Waterloo, Iowa, transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-2758; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Cloquet, Minn., transition area.

The Carlton County Airport, Cloquet, Minn., has been renamed Cloquet Carlton County Airport. Therefore, it is necessary to alter the Cloquet transition area which presently refers to the airport as Carlton County Airport to reflect the airport change of name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

CLOQUET, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cloquet Carlton County Airport (latitude 46°42'05" N., longitude 92°30'20" D.); and within 2 miles each side of the Duluth, Minn., VOR 244° radial, extending from the 5-mile radius area southwest to 22 miles southwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-2759; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1053), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Ocala, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was noted that the word "area" was omitted from the description of the extension predicated on the Ocala VORTAC 171° radial. It is therefore necessary to alter the description herein by inserting the word "area."

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Ocala, Fla., transition area is amended to read:

OCALA, FLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Ocala Municipal (Jim Taylor) Airport (lat. 29°10'15" N. long. 82°13'26" W.); within 2 miles each side of the Ocala VORTAC 171° radial, extending from the 9-mile radius area to 9 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the Ocala 700-foot transition area, on the northeast by the northeast boundary of V-159, on the south by a 15-mile radius arc centered on Ocala VORTAC, and on the northwest by the northwest boundary of V-441.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 26, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69-2760; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1171), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Elizabeth City, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Elizabeth City, N.C., transition area is amended to read:

ELIZABETH CITY, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of CGAS Elizabeth City (lat. 36°15'35" N., long. 76°10'20" W.); within 2 miles each side of the 127° bearing from Weeksville RBN, extending from the 8-mile radius area to 8 miles southeast of the RBN; within 8 miles east and 5 miles west of Elizabeth City VOR 195° radial, extending from the 8-mile radius area to 12 miles south of the VOR, excluding the portion within R-5301B.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 26, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69-2761; Filed, March 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-119]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On page 1402 of the FEDERAL REGISTER dated January 29, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Manistee, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 18, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (34 F.R. 4557), the following control zone is added:

MANISTEE, MICH.

Within a 5-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles east of the VOR. This control zone is each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MANISTEE, MICH.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 5 miles north and 8 miles south of the Manistee VOR 274° radial, extending from 9-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Manistee VOR 099° radial, extending from the 9-mile radius area to 12 miles east of the VOR.

[F.R. Doc. 69-2762; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Control Zones

On December 19, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18939, 18940) stating that the Federal Aviation Administration proposed to designate a control zone at Chicago, Ill. (Pal-Waukee Airport), and to alter the control zones at Chicago, Ill (O'Hare International Airport), and Glenview, Ill.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. The one comment received offered no objection to the proposal.

Subsequent to the issuance of the proposal, the Federal Aviation Administration learned that the Pal-Waukee control tower will be unable to provide the required weather reporting service for the newly proposed control zone. As a result, the new control zone cannot be designated and must be deleted from the final rule. This deletion will require changes in the proposed Glenview, Ill., and Chicago, Ill. (O'Hare International Airport), control zone redesignations. However, these changes will require less airspace than originally proposed.

Since these changes will either delete or reduce the proposed control zone designation and redesignations, they are relaxatory in nature, will impose no additional burden on any person and notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective May 1, 1969, as hereinafter set forth:

In § 71.171 (34 F.R. 4557), the following control zones are amended to read:

CHICAGO, ILL. (O'HARE INTERNATIONAL AIRPORT)

Within a 5-mile radius of O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'30" W.); within 2 miles each side of the O'Hare International Airport runway 14R and 14L ILS localizer courses, extending from the 5-mile radius zone to 7 miles northwest of the airport; and within 2 miles each side of the O'Hare International Airport runway 32R and 32L ILS localizer courses, extending from the 5-mile radius zone to 7 miles southeast of the airport.

GLENVIEW, ILL.

Within a 5-mile radius of NAS Glenview (latitude 42°05'30" N., longitude 87°49'20" W.); within 2 miles each side of the Northbrook, Ill., VOR 131° and 163° radials, extending from the 5-mile radius zone to 1 mile south and southeast of the VOR; within 2 miles each side of the Northbrook VOR 071° radial, extending from 1 mile east to 6 miles east of the VOR; within 2 miles each side of the Northbrook VOR 070° radial, extending from 6 to 11 miles east of the VOR; within 2 miles each side of the 062° bearing from the Haley AAF, Fort Sheridan, Ill., RBN, extending from the RBN to 7 miles northeast of the RBN; within 2 miles each side of the 002° bearing from NAS Glenview RBN, extending from the 5-mile radius zone to 12 miles north of the RBN; and within 2 miles each side of the NAS Glenview TACAN 005° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding the area that overlies the Chicago, Ill. (O'Hare International Airport) control zone.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-2763; Filed, Mar. 6, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 18940 and 18941 of the FEDERAL REGISTER dated December 19, 1968,

the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Monroe, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 14, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MONROE, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Custer Airport (latitude 41°56'10" N., 83°26'15" W.); and within 2 miles each side of the Carleton, Mich., VORTAC 171° radial, extending from the 5-mile radius area to the VORTAC excluding the portion which overlies the Detroit, Mich. 700-foot floor transition area.

[F.R. Doc. 69-2764; Filed, Mar. 6, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 1402 of the FEDERAL REGISTER dated January 29, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Macomb, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 18, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MACOMB, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Macomb Municipal Airport (latitude 40° 31'10" N., longitude 90°39'15" W.); and within 2 miles each side of the 085° bearing from Macomb Municipal Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the 085° bearing from Macomb Municipal Airport, extending from the airport to 12 miles east of the airport, excluding the portion which overlies the Burlington, Iowa, transition area.

[F.R. Doc. 69-2765; Filed, Mar. 6, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 18941 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at McCordsville, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. Two comments were received. The Air Transport Association offered no objection to the proposal.

The Indianapolis, Ind., Airport Authority objected to the proposal for the reason that the city of Indianapolis is planning a new secondary airport at Mount Comfort, Ind., which will be approximately 4 miles south-southeast of Brookside Airport, McCordsville, Ind., and the instrument approach procedure developed for Brookside Airport would conflict with those procedures which will ultimately be planned for the new secondary airport at Mount Comfort. The 700-foot floor transition area proposed for McCordsville, Ind., would overlie the Mount Comfort Airport. As an alternative to the Agency's proposal, the Authority suggests that it install a TVOR on the airport at Mount Comfort to serve Mount Comfort and Brookside Airports as an approach navigational aid.

The Agency believes that regardless of which navigational aid is used, instrument approaches into Brookside Airport will conflict with instrument approaches into the Mount Comfort Airport and such conflict will require a procedural resolution. Controlled airspace for an instrument approach procedure into Mount Comfort can be combined with the McCordsville controlled airspace at the time it is required. There are many airports underlying transition areas for other airports with no adverse effects. When a VOR is established at Mount Comfort Airport it may be advantageous to establish the approach to the Brookside Airport using this facility rather than the Shelbyville VOR. Such a determination would have to be made after the Mount Comfort VOR is commissioned. Consequently, the Federal Aviation Administration does not feel there is any reason for honoring the Authority's objection.

Accordingly, the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MCCORDSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Brookside Airport (latitude 39°54'20" N., longitude 85°55'30" W.); and within 2 miles each side of the Shelbyville, Ind., VOR 342° radial, extending from the 5-mile radius area to 12 miles north of the VOR.

[F.R. Doc. 69-2766; Filed, Mar. 6, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-114]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 18942 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Rochester, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Fulton County Airport longitude coordinate recited in the Rochester, Ind., transition area designation as "longitude 86°11'20" W." is changed to read "longitude 86°11'55" W."

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 24, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

ROCHESTER, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fulton County Airport (latitude 41°03'55" N., longitude 86°11'55" W.); and within 2 miles each side of the 096° bearing from Fulton County Airport, extending from the airport to 8 miles east of the airport.

[F.R. Doc. 69-2767; Filed, Mar. 6, 1969; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9438; Amdt. 639]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
ACT VOR	AC LOM	Direct	1800	T-dn	300–1	300–1	200–½
Brandon Int	N crs ILS	Via ACT VOR, R 028°.	1900	C-dn	400–1	500–1	500–1½
				S-dn-18	300–1	300–1	300–1
N crs ILS and ACT VOR, R 028°	AC LOM (final)	Direct	1800	A-dn	600–2	600–2	600–2
Bostic Int	S crs ILS	Via ACT VOR, R 164°.	2000				
S crs ILS and ACT VOR, R 164°	AC LOM	Direct	2000				

Procedure turn W side of N crs, 005° Outbnd, 185° Inbnd, 1800′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1766′—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ on S crs of ILS (185°) within 20 miles, or, when directed by ATC, (1) turn right and climb to 2000′, proceeding to ACT VOR, or (2) turn left, climb to 2000′ and intercept R 136° of ACT VOR within 20 miles.
CAUTION: 1749′ tower 12 miles S of airport.
MSA within 25 miles of LOM: 090°–270°—2800′; 270°–090°—2100′.

City, Waco; State, Tex.; Airport name, Municipal; Elev., 515′; Fac. Class., ILS; Ident., I-ACT; Procedure No. ILS Runway 18, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 14 Oct. 67

2. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing AND VORTAC.
R 106° AND VORTAC (CW)	R 219° AND VORTAC	7-mile DME Arc	2300	Climbing left turn to 2300′ direct to AND VORTAC and hold.
R 310° AND VORTAC (CCW)	R 219° AND VORTAC	7-mile DME Arc	2300	
7-mile DME Arc	AND VORTAC (NOPT)	AND R 219°	2300	Supplementary charting information: Hold SW, 1 minute, right turn, 039° Inbnd. Final approach crs intercepts centerline at threshold. TDZ elevation, 757′.

Procedure turn E side of crs, 219° Outbnd, 039° Inbnd, 2300′ within 10 miles of AND VORTAC.
FAF, AND VORTAC. Final approach crs, 039°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over AND VORTAC, 2300′.
MSA: 090°–270°—2000′; 270°–090°—2600′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-5	1060	1	303	1060	1	303	1060	1	303	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1180	1	398	1240	1	458	1240	1½	458	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Anderson; State, S.C.; Airport name, Anderson County; Elev., 782′; Facility, AND; Procedure No. VOR Runway 5, Amdt. 4; Eff. date, 27 Mar. 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 29 Sept. 62

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: CRE VORTAC.
R 300°, CRE VORTAC (CCW) 7-mile DME Arc	R 223°, CRE VORTAC Paul Int or 4-mile DME Fix (NOPT)	7-mile DME Arc CRE, R 223°	1600 640	Climb to 1600' on R 057° of CRE VORTAC within 15 miles. Supplementary charting information: Final approach crs intercepts runway centerline extended 2600' from threshold. Last 994' of Runway 5 unlighted. TDZ elevation, 33'.

Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 1600' within 10 miles of CRE VORTAC.
Final approach crs, 043°.
Minimum altitude over Paul Int or 4-mile DME Fix, 640'.
MSA: 000°–180°—1200'; 180°–360°—1600'.
NOTES: (1) Radar vectoring. (2) When control zone not effective use Myrtle Beach AFB altimeter setting, and straight-in/circling MDA increased 40'.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-5	640	1	607	640	1	607	640	1	607	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	640	1	607	640	1	607	640	1½	607	NA
	VOR/DME/NDB Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-5	420	1	387	420	1	387	420	1	387	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	480	1	447	500	1	467	500	1½	467	NA
A	Standard.*		T 2-eng. or less—Standard.					T over 2-eng.—Standard.		

City, North Myrtle Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33'; Facility, CRE; Procedure No. VOR Runway 5, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. VOR 2, Amdt. 1; Dated, 22 Oct. 66

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: CRE VORTAC.
R 357°, CRE VORTAC (CW) 7-mile DME Arc	R 057°, CRE VORTAC CRE VORTAC (NOPT)	7-mile DME Arc CRE, R 057°	1600 420	Climb to 1600' on R 223° of CRE VORTAC within 15 miles. Supplementary charting information: Final approach crs intercepts runway centerline extended 2000' from threshold. First 994' of Runway 23 unlighted. TDZ elevation, 33'.

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 1600' within 10 miles of CRE VORTAC.
Final approach crs, 237°.
MSA: 000°–180°—1200'; 180°–360°—1600'.
NOTES: (1) Radar vectoring. (2) When control zone not effective use Myrtle Beach AFB altimeter setting, and straight-in/circling MDA increased 40'.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-23	420	1	387	420	1	387	420	1	387	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	480	1	447	500	1	467	500	1½	467	NA
A	Standard.*		T 2-eng. or less—Standard.					T over 2-eng.—Standard.		

City, North Myrtle Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33'; Facility, CRE; Procedure No. VOR Runway 23, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 22 Oct. 66

3. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: CLT VORTAC.
FML VORTAC	CLT VORTAC	Direct	2300	Climb to 2300' on CLT VORTAC, R 185° and proceed to FML VORTAC; or, when directed by ATC, climb to 2300' right turn to York Int via CLT VORTAC, R 229°.
Bradley Int	CLT VORTAC	Direct	3000	
Weddington Int	CLT VORTAC	Direct	2300	
Bethany Int	CLT VORTAC	Direct	2300	
Waco Int	CLT VORTAC	Direct	2900	
Stanley Int	CLT VORTAC	Direct	2900	Supplementary charting information: Final approach crs intercepts runway centerline 4100' from threshold. REIL Runway 36. TDZ elevation, 747'.

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2300' within 10 miles of CLT VORTAC.
Final approach crs, 185°.
Minimum altitude over Railroad 5-mile DME Fix, 1640'.
MSA: 000°–090°—3000'; 090°–180°—3000'; 180°–270°—2800'; 270°–360°—2900'.
NOTES: (1) ASR. (2) Inoperative component table does not apply to HIRL Runway 18.
*Standard alternate minimums for VOR/DME/RADAR. For VOR only aircraft all categories 900-2.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
8-18	1640	1¼	893	1640	1½	893	1640	1¾	893	1640	2	893
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1640	1¼	892	1640	1½	892	1640	1¾	892	1640	2	892
	VOR/DME/RADAR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-18	1300	1	553	1300	1	553	1300	1	553	1300	1¼	553
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	552	1300	1	552	1300	1½	552	1300	2	552
A	Standard.*		T 2-eng. or less—RVR 24', Runway 5; Standard all other runways.					T over 2-eng.—RVR 24', Runway 5; Standard all other runways.				

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, CLT; Procedure No. VOR Runway 18, Amdt. 5; Eff. date, 27 Mar. 69; Sup. Amdt. No. 4; Dated, 30 Jan. 69

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 10.2 miles after passing HKY VOR.
				Climb to 4000', right turn, to HKY VOR via R-225° and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 240° Inbnd. REIL, Runway 24. TDZ elevation, 1176'.

Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 3500' within 10 miles of HKY VOR.
FAF, HKY VOR. Final approach crs, 225°. Distance FAF TO MAP, 10.2 miles.
Minimum altitude over HKY VOR, 3000'; over Taylorsville FM, 2400'.
MSA: 000°–090°—4700'; 090°–180°—3600'; 180°–270°—5000'; 270°–360°—8000'.
*Standard minimums for VOR/FM equipped aircraft. For VOR only aircraft, Catetories A and B, 1300-2, Category C, 1300-2¼.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
8-24	2400	1¾	1224	2400	2	1224	2400	2¾	1224	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2400	1¾	1224	2400	2	1224	2400	2¾	1224	NA
	VOR/FM:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
8-24	1560	1	384	1560	1	384	1560	1	384	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1640	1	464	1640	1	464	1640	1½	464	NA
A	*Standard.		T 2-eng. or less—Standard.					T over 2-eng.—Standard.		

City, Hickory; State, N.C.: Airport name, Hickory Municipal; Elev., 1176'; Facility HKY; Procedure No. VOR Runway 24, Amdt. 9; Eff. date, 27 Mar. 69; Sup. Amdt. No. 8; Dated, 23 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach: MAP: GPT VORTAC.
R 242°, GPT VORTAC CCW	R 208°, GPT VORTAC	7-mile DME Arc	1800	Climb to 2500′ via R 339° to Mouse Int and hold or, when directed by ATC, climbing left turn to 1600′ direct to GPT VOR/TAC and hold. Supplementary charting information: Mouse holding; hold NW, 159° Inbnd, 1 minute, right turns. GPT holding; hold NW, 140° Inbnd, 1 minute, right turns. TDZ elevation, 28′.
Henderson Int	Edgewater Int (NOPT)	Direct	1800	
7-mile DME Arc	2-mile DME GPT, R 208° (NOPT)	GPT, R 208°	660	

Procedure turn E side of crs, 208° Outbnd, 028° Inbnd, 1600′ within 10 miles of GPT VORTAC.
Final approach crs, 028°.
Minimum altitude over 2-mile DME, GPT R 208°, 660′.
MSA: 090°–270°—1500′; 270°–090°—2600′.
*Night operations not authorized Runways 22/4.
@Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200′ except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-4°#	660	1	632	660	1	632	660	1¼	632	660	1½	632
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C°#	660	1	652	660	1	652	660	1½	652	660	2	652
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4°#	600	1	572	600	1	572	600	1	572	600	1¼	572
A	Standard.@		T 2-eng. or less—Standard.°				T over 2-eng.—Standard.°					

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28′; Facility, GPT; Procedure No. VOR Runway 4, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 16 Jan. 69

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach: MAP: GPT VORTAC.
R 242°, GPT VORTAC CW	R 320°, GPT VORTAC (NOPT)	7-mile DME Arc	1800	Climbing right turn to 1600′ via R 242° to Morris Int and hold or, when directed by ATC, climb to 1600′; proceed to Hawkeye Int via R 160° and hold. Supplementary charting information: Morris holding; hold SW, 062° Inbnd, 1 minute, right turns. Hawkeye holding; hold S, 360° Inbnd, 1 minute, right turns. TDZ elevation, 24′.
R 056°, GPT VORTAC CCW	R 320°, GPT VORTAC (NOPT)	7-mile DME Arc	1800	

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1600′ within 10 miles of GPT VORTAC.
Final approach crs, 140°.
MSA: 090°–270°—1500′; 270°–090°—2600′.
*Night operations not authorized Runways 22/4.
@Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200′ except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-13°#	460	¾	432	460	¾	432	460	¾	432	460	1	432
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C°#	660	1	652	660	1	652	660	1½	652	660	2	652
A	Standard.@		T 2-eng. or less—Standard.°				T over 2-eng.—Standard.°					

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28′; Facility, GPT; Procedure No. VOR Runway 13, Amdt. 6; Eff. date, 27 Mar. 69; Sup. Amdt. No. 5; Dated, 16 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach: MAP: GPT VORTAC.
R 339°, GPT VORTAC CW	R 045°, GPT VORTAC	7-mile DME Arc	1800	Climb to 1600′ via R 242° to Morris Int and hold or, when directed by ATC, climb to 1600′ via R 180° to Hawkeye Int and hold. Supplementary charting information: Morris holding; hold SW, 062° Inbnd, 1 minute, right turns. Hawkeye holding; hold S, 360° Inbnd, 1 minute, right turns. TDZ elevation, 27′.
R 056°, GPT VORTAC CCW	R 045°, GPT VORTAC	7-mile DME Arc	1800	
7-mile DME Arc	4-mile DME GPT, R 045° (NOPT)	GPT, R 045°	680	

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 1600′ within 10 miles of GPT VORTAC.
Final approach crs, 225°.
Minimum altitude over 4-mile DME GPT, R 045°, 680′.
MSA: 090°–270°—1500′; 270°–090°—2600′.
*Night operations not authorized Runways 22/4.
@Alternate minimum not authorized when control zone not effective except for operators with approved weather reporting service.
#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200′ except for operators with approved weather service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-22°#	680	1	653	680	1	653	680	1¼	653	680	1½	653
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C°#	680	1	652	680	1	652	680	1½	652	680	2	652
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22°#	460	1	433	460	1	433	460	1	433	460	1	433
A	Standard.@		T 2-eng. or less—Standard.°				T over 2-eng.—Standard.°					

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28′; Facility, GPT; Procedure No. VOR Runway 22, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 16 Jan. 69

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach: MAP: GPT VORTAC.
R 056°, GPT VORTAC CW	R 124°, GPT VORTAC	7-mile DME Arc	1800	Climbing left turn to 1600′ via R 242° to Morris Int and hold or, when directed by ATC, climb to 2500′, R 339° to Mouse Int and hold. Supplementary charting information: Morris holding; hold SW, 062° Inbnd, 1 minute, right turns. Mouse holding; hold NW, 159° Inbnd, 1 minute, right turns. TDZ elevation, 25′.
R 242°, GPT VORTAC CCW	R 124°, GPT VORTAC	7-mile DME Arc	1800	
7-mile DME Arc	4-mile DME GPT, R 124° (NOPT)	GPT, R 124°	490	

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 1600′ within 10 miles of GPT VORTAC.
Final approach crs, 124°.
Minimum altitude over 4-mile DME GPT, R 124°, 490′.
MSA: 090°–270°—1500′; 270°–090°—2600′.
NOTE: Inoperative table does not apply to HIRL Runway 31.
*Night operations not authorized Runways 22/4.
@Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200′ except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-31°#	480	1	455	480	1	455	480	1	455	480	1	455
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C°#	680	1	652	680	1	652	680	1½	652	680	2	652
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31°#	420	1	395	420	1	395	420	1	395	420	1	395
A	Standard.@		T 2-eng. or less—Standard.°				T over 2-eng.—Standard.°					

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28′; Facility, GPT; Procedure No. VOR Runway 31, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 16 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
Parkway Int	VIT NDB	Direct	4700	MAP: 6.9 miles after passing VIT NDB or at MM.
Springwood Int	VIT NDB	Direct	4700	
Table Int	VIT NDB	Direct	4100	
Blackwater Int	VIT NDB (NOPT)	Direct	3800	Make immediate left-climbing turn to 3800′ return to VIT NDB and hold; or, when directed by ATC, make climbing left turn to 4000′ via the Woodrum VOR R 126° to Moneta Int and hold.
Moneta Int	VIT NDB	Direct	3800	
Goose Int	VIT NDB	Direct	4000	
ROA VORTAC	VIT NDB	Direct	4600	Supplementary charting information: Hold SE, 1 minute, right turns, 332° Inbnd. 2402′ mountain, 37°20′ N., 79°54′ W. TDZ elevation, 1165′.

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 3800′ within 10 miles of VIT NDB.
FAF, VIT NDB. Final approach crs, 332°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over VIT NDB, 3800′; over OM, 2500′.
MSA within 25 miles of VIT NDB: 000°–090°—5300′; 090°–180°—3100′; 180°–270°—5000′; 270°–360°—5000′.
NOTES: (1) ASR. (2) Components inoperative table does not apply to ALS or HIRL.
CAUTION: Mountains N of airport and 1866′ tower abeam OM; 2402′ mountain 3 miles E of airport.
**Circling approach to Runways 33, 5, 23, and 27 must be made S of the airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–33	2500	2	1335	2500	2¼	1335	2500	2½	1335	2500	2¼	1335
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2500	2	1325	2500	2¼	1325	2500	2½	1325	2500	2¼	1325
	OM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–33	1880	2	715	1880	2	715	1880	2	715	1880	2	715
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C–23, 5, 23, 27**	1880	2	705	1880	2	705	1880	2	705	1880	2	705
C–9, 15	2180	2	1005	2180	2	1005	2180	2	1005	2500	2¼	1325
A	1500–3.		T 2-eng. or less—Nonstandard.%				T over 2-eng.—Nonstandard.%					

%Takeoff all runways:
Roanoke IFR departure procedures: Takeoff minimums for Moneta and Table departures Runways 5, 9, 15, 23, 27—600–2; Runway 33 day only 800–2.
Moneta departure:
Runways 15 and 23 make left-climbing turn within 2 miles of airport to intercept the Woodrum VOR R 126° climbing to cross Moneta Int at 4000′ or above, proceed as cleared.
Runways 5 and 9 right turn, Runways 27 and 33 left turn, maintain visual contact within 2 miles of airport until intercepting Woodrum VOR R 126° climbing to cross Moneta Int at 4000′ or above, proceed as cleared.
Table departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1775′ in order to depart the Woodrum VOR climbing via the ODR R 205° to intercept the ROA R 181° at 4000′ or above, thence, via ROA R 181° to Table Int climbing to 5000′ or above, proceed as cleared.
Takeoff minimums for Parkway departure: Runways 5, 9, 15, 23, 27—800–2; Runway 33—day only—800–2.
Parkway departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1975′ in order to depart the Woodrum VOR via R 045° climbing to 5000′ or above, proceed as cleared.

City, Roanoke; State, Va.; Airport name, Roanoke Municipal; Elev., 1175′; Facility, ORD; Procedure No. VOR Runway 33, Amdt. 1; Eff. date, 27 Mar. 69; Sup. Amdt. No. Orig.; Dated, 11 Apr. 68

4. By amending § 97.25 of Subpart C to cancel localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

Tulsa, Okla.—Tulsa International, LOC (BC) Runway 17L, Amdt. 2, 19 Dec. 1968, canceled, effective 27 Mar. 1969.

5. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
Budd Lake Int	CAT NDB	Direct	3000	MAP: 5.4 miles after passing CAT NDB.
Rocky Hill Int	CAT NDB	Direct	2000	Right-climbing turn to 2000′ direct to CAT NDB and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 249° Inbnd.

Procedure turn N side of crs, 069° Outbnd, 249° Inbnd, 2000′ within 5 miles of CAT NDB.
FAF, CAT NDB. Final approach crs, 249°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over CAT NDB, 1300′.
MSA: 000°–090°—2900′; 090°–180°—2600′; 180°–270°—2000′; 270°–360°—2500′.
NOTES: (1) Radar vectoring. (2) Use Newark altimeter setting.
‡Runway lighting on prior request.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAA	VIS	VIS	VIS
C‡	880	1	580	NA	NA	NA
A	Not authorized.		T 2-eng. or less—300–1 all runways.		T over 2-eng.—Not authorized.	

City, Basking Ridge; State, N.J.; Airport name, Somerset Hills; Procedure No. NDB (ADF)–1, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 19 Dec. 68

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
Chester VOR	PSF NDB	Direct	4000	MAP: 5 miles after passing PSF NDB.
Stockbridge Int	PSF NDB	Direct	4000	Make right-climbing turn to 4000′. Return to PSF NDB and hold.
Hillsdale Int	PSF NDB	Direct	4000	Supplementary charting information: Hold E, PSF NDB, 253° Inbnd, 1 minute, left turns. Final approach crs to center of airport. 1325′ antenna, 1 mile N and 2126′ terrain, 1.7 miles SW of airport.
Canaan Int	PSF NDB	Direct	4000	
Griswoldville Int	PSF NDB	Direct	4000	

Procedure turn S side of crs, 073° Outbnd, 253° Inbnd, 4000′ within 10 miles of PSF NDB.
FAF, PSF NDB. Final approach crs, 253°. Distance FAF to MAP, 5 miles.
Minimum altitude over PSF NDB, 3000′.
MSA: 000°–090°—4700′; 090°–180°—3600′; 180°–270°—3700′; 270°–360°—4700′.
NOTES: (1) Approach from a holding pattern not authorized. Procedure turn required. (2) Facility must be monitored aurally during approach.
*Circling MDA increased 120′ and alternate minimums not authorized when altimeter setting not available from PSF Weather Bureau. Use Albany altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	2000	1½	1130	2000	1¾	1130	2440	2¾	1270	NA
A*	Categories A and B, 1200–2; Category C, 1500–2½.		T 2-eng. or less—1000–1.				T over 2-eng.—1300–2.			

City, Pittsfield; State, Mass.; Airport name, Pittsfield Municipal; Elev., 1170′; Facility, PSF; Procedure No. NDB(ADF)–1, Amdt. 3; Eff. date, 27 Mar. 69; Sup. Amdt. No. 2; Dated, 26 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
Parkway Int	VIT NDB	Direct	4700	Make immediate left-climbing turn to 3800' return to VIT NDB and hold; or, when directed by ATC, make climbing left turn to 4000' via the Woodrum VOR R 126° to Moneta Int and hold.
Springwood Int	VIT NDB	Direct	4700	
Table Int	VIT NDB	Direct	5100	
Blackwater Int	VIT NDB (NOPT)	Direct	3800	
Moneta Int	VIT NDB	Direct	3800	
Goose Int	VIT NDB	Direct	4000	Supplementary charting information: Hold SE, 1 minute, right turns, 332° Inbnd. 2402' mountain, 37°20' N., 79°54' W. TDZ elevation, 1165'.
ROA VORTAC	VIT NDB	Direct	4000	

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 3800' within 10 miles of VIT NDB.
FAF, VIT NDB. Final approach crs, 332°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over VIT NDB, 3800'; over OM, 2500'.
MSA: 000°–090°—5300'; 090°–180°—3100'; 180°–270°—5000'; 270°–360°—5000'.
NOTES: (1) ASR. (2) Components inoperative table does not apply to ALS.
CAUTION: Mountains N of airport and 1986' tower abeam OM, 2402' mountain, 3 miles E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	2500	2	1335	2500	2¼	1335	2500	2¼	1335	2500	2¾	1335
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2500	2	1325	2500	2¼	1325	2500	2¼	1325	2500	2¾	1325
	OM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	2180	2	1015	2180	2	1015	2180	2	1015	2180	2¾	1015
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2180	2	1005	2180	2	1005	2180	2	1005	2500	2¾	1325
A	1500-3.		T 2-eng. or less—Nonstandard. %				T over 2-eng.—Nonstandard. %					

%Takeoff all runways:
Roanoke IFR departure procedures: Takeoff minimums for Moneta and Table departures Runways 5, 9, 15, 23, 27—600–2; Runway 33, day only—800–2.
Moneta Departure:
Runways 15 and 23 make left-climbing turn within 2 miles of airport to intercept the Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Runways 5 and 9, right turn. Runways 27 and 33, left turn, maintain visual contact within 2 miles of airport until intercepting Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Table departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1775' in order to depart the Woodrum VOR climbing via the ODR R 205° to intercept the ROA R 181° at 4000' or above, thence, via ROA R 181° to Table Int climbing to 5000' or above, proceed as cleared.
Takeoff minimums for Parkway departure: Runways 5, 9, 15, 23, 27—800–2; Runway 33, day only—800–2.
Parkway departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1975' in order to depart the Woodrum VOR via R 045° climbing to 5000' or above, proceed as cleared.

City, Roanoke; State, Va.; Airport name, Roanoke Municipal; Elev., 1175'; Facility, VIT; Procedure No. NDB (ADF) Runway 33, Amdt. 3; Eff. date, 27 Mar. 69; Sup. Amdt. No. 2; Dated, 9 May 68

6. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
Parkway Int	VIT NDB	Direct	4700	MAP: ILS DH 1780'; LOC 6.9 miles after passing VIT NDB or at MM.
Springwood Int	VIT NDB	Direct	4700	Make left-climbing turn to 3800' direct to VIT NDB and hold; or, when directed by ATC, climbing left turn to 4000' via the Woodrum VOR R 126° to Moneta Int and hold.
Table Int	VIT NDB	Direct	5100	
Blackwater Int	VIT NDB (NOPT)	Direct	3800	
Goose Int	VIT NDB	Direct	4000	
Moneta Int	VIT NDB	Direct	3800	Supplementary charting information: Hold SE 1 minute, right turns, 332° Inbnd. 2402' mountain, 37°20' N. 79°54' W. TDZ elevation, 1165'.
ROA VORTAC	VIT NDB	Direct	4800	

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 3800' within 10 miles of VIT NDB.
FAF, VIT NDB. Final approach crs, 332°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over VIT NDB, 3800'.
Minimum glide slope interception altitude, 3800'. Glide slope altitude at OM, 2544'; at MM, 1542';
Distance to runway threshold at OM, 4.1 miles; at MM, 1 mile.
MSA within 25 miles of VIT NDB: 000°–090°—5300'; 090°–180°—3100'; 180°–270°—5000'; 270°–360°—5000'.
NOTES: (1) ASR. (2) Components inoperative table does not apply to ALS or HIRL. (3) ILS unusable from MM Inbnd.
CAUTION: Mountains N of airport and 1986' tower abeam OM; 2402' mountain, 3 miles E of airport.
‡Glide slope inoperative maintain 2500' until passing outer marker.
**Circling approach to Runways 33, 5, 23, and 27 must be made S of the airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-33	1780	2	615	1780	2	615	1780	2	615	1780	2	615
LOC‡	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	1880	2	715	1880	2	715	1880	2	715	1880	2	715
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-33, 5, 23, 27**	1880	2	705	1880	2	705	1880	2	705	1880	2	705
C-9, 15	2180	2	1005	2180	2	1005	2180	2	1005	2500	2¾	1325
A	1500-3.		T 2-eng. or less—Nonstandard.%				T over 2-eng.—Nonstandard.%					

%Takeoff all runways:
Roanoke IFR departure procedures: Takeoff minimums for Moneta and Table departures Runways 5, 9, 15, 23, 27—600–2; Runway 33, day only—800–2.
Moneta departure:
Runways 15 and 23, make left-climbing turn within 2 miles of airport to intercept the Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Runways 5 and 9, right turn, Runways 27 and 33, left turn, maintain visual contact within 2 miles of airport until intercepting Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Table departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1775' in order to depart the Woodrum VOR climbing via the ODR R 205° to intercept the ROA R 181° at 4000' or above, thence, via ROA R 181° to Table Int climbing to 5000' or above, proceed as cleared.
Takeoff minimums for Parkway departure: Runways 5, 9, 15, 23, 27—800–2; Runway 33, day only—800–2.
Parkway departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1975' in order to depart the Woodrum VOR via R 045° climbing to 5000' or above, proceed as cleared.

City, Roanoke; State, Va.; Airport name, Roanoke Municipal; Elev., 1175'; Facility, I-ROA; Procedure No. ILS Runway 33, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 11 Apr. 68

7. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
000°	360°	0–15	°2300									1. Descend aircraft after passing FAF.
000°	105°	15–30	3000									2. Runway 18, FAF 6 miles from threshold. Minimum altitude over 2-mile Radar Fix, 1300'. TDZ elevation, 747'.
105°	260°	15–30	2300									3. Runway 23, FAF 6 miles from threshold. Minimum altitude over 2-mile Radar Fix, 1300'. TDZ elevation, 749'.
260°	360°	15–30	3000									4. Runway 36, FAF 6 miles from threshold. Minimum altitude over 3-mile Radar Fix, 1380'. TDZ elevation, 726'.
												5. Runway 5, FAF 6 miles from threshold. Minimum altitude over 2-mile Radar Fix, 1160'. TDZ elevation, 717'.
												NOTES: MTI required for all surveillance approaches. REIL Runway 36. Inoperative component table does not apply to HIEL Runways 18 and 23.

All airways segments 0–35 miles published MEA or sector altitudes whichever is lower.
All bearings and distance are from radar site on Douglas Municipal Airport with sector azimuths progressing clockwise.
°Radar control will provide 1000' vertical clearance within a 3-mile radius of the following towers: 1932', 10 miles NE; 2049', 13 miles E; 1733', 16.5 miles W; 1866', 10 miles NW.

Missed approach:
Runway 18—Climb to 2300' direct to FML VORTAC, hold S, 1 minute, right turns, 006° Inbnd.
Runway 23—Climb to 2300' direct to CLT LOM, hold SW, 1 minute, left turns, 050° Inbnd.
Runway 36—Climb to 2600' on FML VORTAC R 007° to Mount Holly Int, hold N, 1 minute, left turns, 187° Inbnd.
Runway 5—Left turn climb to 2600' on FML VORTAC R 007° to Mount Holly Int, hold N, 1 minute, left turns, 187° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18	1160	1	413	1160	1	413	1160	1	412	1160	1	412
S-23	1160	1	412	1160	1	412	1160	1	412	1160	1	412
S-36	1060	½	334	1060	½	334	1060	½	334	1060	1	334
S-5	1060	RVR 24	363	1060	RVR 24	363	1060	RVR 24	363	1060	RVR 50	362
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	472	1220	1	472	1220	1½	472	1320	2	552
A	Standard.		T 2-eng. or less—RVR 24', Runway 5; Standard all other runways.				T over 2-eng.—RVR 24', Runway 5; Standard all other runways.					

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, Charlotte Radar; Procedure No. Radar-1, Amdt. 8; Eff. date, 27 Mar. 69; Sup. Amdt. No. 7; Dated, 30 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
240°	360°	5	4300									NOTE: Components inoperative table does not apply to ALS or HIRL.
360°	100°	10	3700	15	6000							CAUTION: Mountains N of airport and 1986' tower abeam OM; 2402' mountain, 3 miles E of airport.
100°	240°	5	3000									Supplementary charting information: TDZ elevation 1165'.
100°	175°	30	3700									
175°	270°	30	5000									
270°	100°	30	6000									

Radar control will provide 1500' vertical clearance within a 3-mile radius of 3928' peak, 14 miles SW and 3571' peak, 12 miles S.
All bearings are from the radar site with sector azimuths progressing clockwise.
Missed approach: At 1-mile Radar Fix, make a left-climbing turn to 3800' direct to VIT NDB. Hold SE, 1-minute right turns, 332° Inbnd; or, when directed by ATC, make climbing left turn to 4000' via the Woodrum VOR, R 126° to Moneta Int and hold.
*Maintain 3700', to 7.9-mile Radar Fix (VIT NDB) minimum altitude over 4.1-mile Radar Fix (OM) FAF on final approach 2500'. Descend aircraft to MDA after FAF.
ASR Runway 33, FAF 4.1 miles from threshold.
**Circling approach to Runways 33, 5, 23, and 27 must be made S of the airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33*	1880	2	715	1880	2	715	1880	2	715	1880	2	715
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-33, 5, 23, 27**	1880	2	705	1880	2	705	1880	2	705	1880	2	705
C-9, 15	2180	2	1005	2180	2	1005	2180	2	1005	2500	2¾	1325
A	1500-3.		T 2-eng. or less—Nonstandard.%				T over 2-eng.—Nonstandard.%					

%Takeoff all runways.
Roanoke IFR departure procedures: Takeoff minimums for Moneta and Table departures Runways 5, 9, 15, 23, 27—600–2; Runway 33, day only—800–2.
Moneta departure:
Runways 15 and 23, make left-climbing turn within 2 miles of airport to intercept the Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Runways 5 and 9, right turn, Runways 27 and 33, left turn, maintain visual contact within 2 miles of airport until intercepting Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Table departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1775' in order to depart the Woodrum VOR climbing via the ODR R 205° to intercept the ROA R 181° at 4000' or above, thence, via ROA R 181° to Table Int climbing to 5600' or above, proceed as cleared.
Takeoff minimums for Parkway departure: Runways 5, 9, 15, 23, 27—800–2; Runway 33, day only—800–2.
Parkway departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1975' in order to depart the Woodrum VOR via R 045° climbing to 5000' or above, proceed as cleared.

City, Roanoke; State, Va.; Airport name, Roanoke Municipal; Elev., 1175'; Facility, Roanoke Radar; Procedure No. Radar-1, Amdt. 4; Eff. date, 27 Mar. 69; Sup. Amdt. No. 3; Dated, 11 Apr. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on February 18, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-2299; Filed, Mar. 6, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-564; Amdt. 13]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Liability Insurance Requirements—Modification of Pilot Exclusion Provision

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1969.

By ER-548 adopted November 29, 1968, effective March 7, 1969 (33 F.R. 18231), the Board is for the first time requiring Board-regulated air taxi operators to carry liability insurance. A petition of two insurance underwriters (Docket 20742) has called our attention to an inadvertence in one of the permissible exclusions in the insurance rule and requests that the rule be corrected by March 7, 1969, when the basic insurance rule becomes effective. No answers to the petition have been filed.

Section 298.44(i) permits an insurance company to exclude "any loss arising from operation of an aircraft under command of a pilot not named in or meeting the qualification, experience, and currency requirements provided in the policy of insurance." Thus, the exclusion as presently drafted applies to operations by unqualified pilots, but would not apply in the case of an operation with an unqualified copilot or without any copilot even if one were required under the terms of the policy. Since the reason for permitting the exclusion of aircraft operated by an unqualified pilot applies equally in the case of unqualified copilots, we will adopt the substance of the requested change.

As this amendment corrects an inadvertence and since it modifies a rule which has not become effective, notice and public procedure hereon are not necessary and the amendment may be made effective on less than 30 days' notice. Accordingly, in consideration of the foregoing, the Board hereby amends Part 298 of its economic regulations (14 CFR Part 298) effective March 7, 1969, as follows:

1. Amend § 298.44(i) to read as follows:

§ 298.44 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

* * * * *

(i) Any loss arising from operation of an aircraft (1) without a copilot, if one is required under the policy of insurance or (2) by a pilot (or pilot and copilot) not named in or meeting the qualification, experience, and currency requirements provided in the policy of insurance;

* * * * *

2. Amend paragraph 4(i) of the Standard Endorsement, Appendix B to read as follows:

4. The exclusions of the policy to which this endorsement is attached are deleted and are replaced by the following exclusions:

EXCLUSIONS. Unless otherwise provided in the policy of insurance, the liability insurance afforded under this policy shall not apply to:

• • • • •

(i) Any loss arising from operation of an aircraft (1) without a copilot, if one is required under the attached policy of insurance or (2) by a pilot (or pilot and copilot) not named in or meeting the qualification, experience, and currency requirements provided in the attached policy of insurance;

• • • • •

(Sec. 204(a), 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2730; Filed, Mar. 6, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 263]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Correction

In F.R. Doc. 69-2533 appearing at page 2651 in the issue of Thursday, February 27, 1969, the signature and title lines should read "Floyd F. Hedlund, *Director, Fruit and Vegetable Division, Consumer and Marketing Service.*"

PART 991—HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for 1969-70 Marketing Year

Notice was published in the February 14, 1969, issue of the FEDERAL REGISTER (34 F.R. 2208) regarding a proposal to establish a salable quantity and allotment percentage applicable to hops produced in Washington, Oregon, Idaho, and California for the 1969-70 marketing year beginning August 1, 1969. The percentage herein established is based on the unanimous recommendation of the Hop Administrative Committee and other available information in accordance with the applicable provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted.

After consideration of all relevant matter presented, including that in the notice, the information and unanimous recommendation submitted by the committee, the applicable provisions of the marketing order, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1969-70 marketing year (Aug. 1, 1969-July 31, 1970) are established as follows:

§ 991.207 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1969.

The allotment percentage during the marketing year beginning August 1, 1969, shall be 75 percent, and the salable quantity shall be in an amount of 39,944,000 pounds or the amount resulting from multiplying the total of all producer allotment bases by the allotment percentage, whichever amount is the higher.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated March 3, 1969, to become effective April 15, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2796; Filed, Mar. 6, 1969; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION, AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Manufacturer of Consumer Commodities

The Federal Trade Commission has received several requests to interpret § 500.5 of the regulations issued pursuant to the Fair Packaging and Labeling Act. Section 500.5 relates to the appearance on the label of a consumer commodity of the name and place of business of manufacturer, packer, or distributor. Specifically, the requests cite various conditions under which consumer commodities are produced, and there is some doubt in the industry as to the conditions which qualify a person or firm to be a manufacturer rather than a packer or distributor, for the purpose of § 500.5. Therefore, it appears appropriate to clarify certain production aspects, relevant to identifying the name of the manufacturer, packer, or distributor to comply with § 500.5 of the regulations.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1456) Subchapter E, Part 503, is amended by adding thereto the following new section:

§ 503.3 Name and place of business of manufacturer, packer, or distributor.

To clarify the identity of a manufacturer, packer, or distributor for the purpose of § 500.5 of this chapter, the following represents the opinions of the Commission.

(a) A manufacturer of a bulk product who supplies the product to a contract packager and permits his bulk product to be packaged by the contract packager remains the manufacturer of the commodity, if the contract packager does not perform any act other than package filling and labeling.

(b) (1) A manufacturer of a bulk product who supplies the bulk to a contract packager but permits the packager to modify the bulk commodity by the addition of any substance which changes the identity of the bulk, ceases to be the manufacturer of the consumer commodity. At that point, if the manufacturer of the bulk elects to use his name on the label of the consumer commodity, his name should be qualified to show "Distributed by _____", or "Manufactured for _____".

(2) The identity of a bulk substance received by a contract packager is changed if the packager, for example, adds a propellant as in the case of an aerosol, or adds a solvent as in the case of a paint, or blends two or more components, or changes the physical state as in the case of a liquid being changed to a gel or a semisolid being changed to a solid.

(c) A person or firm who supplies a formula and/or specifications to a contract packager but who takes no part in the actual production of the consumer commodity is not the manufacturer of the consumer commodity for the purpose of § 500.5(a) of this chapter. This is true whether the person or firm who supplies the formula or specifications, or both, also supplies the raw materials which are to be reacted, mixed, or otherwise modified to produce the consumer commodity.

Issued: March 3, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-2803; Filed, Mar. 6, 1969; 8:51 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-72]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Containers, etc., by Certain South African Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of South Africa extends to vessels of the United States in ports of South Africa privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of South Africa are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and stevedoring equipment and material under the conditions specified in the applicable proviso to 46 U.S.C. 883.

Accordingly, § 4.93(b)(2), Customs Regulations, is amended by the insertion of "South Africa" in appropriate alphabetical order in the list of nations in that section.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 28, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-2802; Filed, Mar. 6, 1969; 8:51 a.m.]

[T.D. 69-71]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of February 1969, of approved fruit products and other approved products containing sugar amounts to Australian $97.90 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $97.90 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 69-3 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: February 26, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-2801; Filed, Mar. 6, 1969; 8:50 a.m.]

[T.D. 69-70]

PART 30—FOREIGN-TRADE ZONES

On November 23, 1968, notice of proposed rule making regarding a revision of regulations relating to foreign-trade zones, 19 CFR Chapter I, Part 30, was published in the FEDERAL REGISTER (33 F.R. 17352). Interest persons were given 60 days in which to submit data, views, or arguments concerning the proposed regulations. No comments were received.

The revision as proposed is hereby adopted subject to the following changes:

1. In paragraph (f) of § 30.1, the words "or subzone" are inserted after "zone" and before "established."

2. In paragraph (a) of § 30.11, the words following "such as" in the first sentence are changed to read: "books or pictures urging treason or insurrection against the United States, obscene books or pictures and lottery matter," and "shall" is substituted for "may" in the second sentence.

3. In § 30.11, "conditionally admitted" in the introductory text and in the heading and in the first sentence of paragraph (b) is changed to "conditionally admissible."

4. In paragraph (b) of § 30.32, the word "Zone" in the title of the Act is changed to "Zones," and in subparagraph (2), "paragraphs 367 and 368" is changed to read "paragraphs 367 or 368."

5. In paragraph (a) of § 30.48, the words "Merchandise not elsewhere provided for in this subpart includes the following:" are inserted after the heading and before subparagraph (1).

6. In paragraph (b) of §30.48, the reference to 30.47(c)(2) is changed to 30.47(e)(2).

7. Editorial changes are made in §§ 30.12, 30.22, 30.32, and 30.42.

This revision will become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: February 27, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

Sec.
30.0 Scope.

Subpart A—General Provisions
30.1 Definitions.
30.2 Designation of District Director as Board Representative.
30.3 Assignment of customs officers.
30.4 Reimbursement of customs expenses.
30.5 Permission of grantee required.
30.6 Authority to examine merchandise.
30.7 Transportation of merchandise to a zone.
30.8 Use of zone by carriers.

Subpart B—Admission of Merchandise to a Zone
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30.48 Treatment of merchandise not elsewhere provided for in this subpart.

AUTHORITY: The provisions of this Part 30 issued under R.S. 251, secs. 1-21, 48 Stat. 998, 999, as amended, 1000, 1002, as amended, 1003, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 81a-81u, 1202 (General headnote 11), 1624.

§ 30.0 Scope.

Foreign-trade zones are established under the Foreign-Trade Zones Act and the general regulations and rules of procedure of the Foreign-Trade Zones Board contained in 15 CFR Part 400. This Part 30 of the Customs Regulations governs the admission of merchandise into a foreign-trade zone, manipulation, manufacture, or exhibition in a zone; exportation

of merchandise from a zone; and transfer of merchandise from a zone into customs territory.

Subpart A—General Provisions

§ 30.1 Definitions.

The following are general definitions for the purposes of this part:

(a) *Act.* "Act" means the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u).

(b) *Board.* "Board" is the Foreign-Trade Zones Board established by the Foreign-Trade Zones Act to carry out the provisions of the Act.

(c) *Customs territory.* "Customs territory" is the territory of the United States in which the general tariff laws of the United States apply but which is not included in any zone. "Customs territory of the United States" includes only the States, the District of Columbia, and Puerto Rico. (General Headnote 2, Tariff Schedules of the United States.)

(d) *Grantee.* "Grantee" is a corporation to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted by the Foreign-Trade Zones Board.

(e) *Merchandise.* "Merchandise" includes goods, wares, and chattels of every description, except prohibited articles.

(1) *Domestic merchandise.* "Domestic merchandise" is that which has been (i) produced in the United States and not exported therefrom, or (ii) previously imported into customs territory and properly released from customs custody.

(2) *Foreign merchandise.* "Foreign merchandise" is imported merchandise which has not been properly released from customs custody in customs territory.

(f) *Zone.* "Zone" is a foreign-trade zone or subzone established under the Foreign-Trade Zones Act.

§ 30.2 Designation of District Director as Board Representative.

The district director in whose district the zone is located shall be in local charge of the zone as the resident representative of the Board.

§ 30.3 Assignment of Customs Officers.

The district director in whose district the zone is located shall assign the necessary customs officers and guards to maintain appropriate customs control over merchandise in the zone and to protect the revenue.

§ 30.4 Reimbursement of customs expenses.

The cost of providing the additional customs services required under the Act or the regulations in this part shall be reimbursed to the Government by the grantee, payment to be made monthly to the district director.

§ 30.5 Permission of grantee required.

(a) *Written concurrence necessary.* Applications for permission to transfer merchandise into a zone, to do anything involving merchandise in a zone, or to remove merchandise from a zone shall show the written concurrence of the grantee, except where the regulations in this part provide for the making of applications by the grantee itself or permit the grantee to file a separate specific or blanket approval.

(b) *Questioning grantee's concurrence.* Government officers acting in their official capacities may question the grantee's concurrence if in their opinion it was improperly given.

§ 30.6 Authority to examine merchandise.

The district director may cause any merchandise in a zone to be examined at the time of admission, or at any time thereafter, if the examination is deemed necessary to facilitate the proper administration of any law, regulation, or instruction which the Customs Service is authorized to enforce.

§ 30.7 Transportation of merchandise to a zone.

(a) *From outside customs territory.* Merchandise may be brought directly to a zone from anyplace outside customs territory.

(b) *Through customs territory; foreign merchandise.* Foreign merchandise destined to a zone and transported in bond through customs territory shall be subject to the laws and regulations applicable to other merchandise transported in bond between two places in customs territory.

(c) *From customs territory; domestic merchandise.* Domestic merchandise may be brought to a zone from customs territory by any means of transportation which will not interfere with the orderly conduct of business in the zone.

§ 30.8 Use of zone by carriers.

(a) *Primary use; lading and unlading.* The water area, docking facilities, and any loading and unloading stations of a zone are intended primarily for the unlading of merchandise into the zone or the lading of merchandise for removal from the zone. Their use for other purposes may be terminated by the Secretary of the Treasury if found to endanger the revenue or by the Board if found to impede the primary uses of the zone.

(b) *Carriers in zone not exempt from law or regulation.* Nothing in the Act or the regulations in this part shall be construed as excepting any carrier entering, remaining in, or leaving a zone from the application of any other pertinent law or regulation

Subpart B—Admission of Merchandise to a Zone

§ 30.11 Merchandise permitted in a zone.

Merchandise of every description, including over-quota merchandise, may be brought into a zone unless prohibited by law. A distinction is made between prohibited and conditionally admissible merchandise.

(a) *Prohibited merchandise.* Prohibited merchandise is merchandise which is prohibited by law on the grounds of policy or morals, such as books or pictures urging treason or insurrection against the United States, obscene books or pictures and lottery matter. District directors are required to exclude this class of articles and shall not permit them to be transferred to a zone if aware of their prohibited status. If there is a question as to whether the merchandise is prohibited, district directors may permit the temporary deposit of the merchandise in a zone pending a final determination of its status. Any prohibited merchandise which is found within a zone shall be disposed of in the manner provided for in the laws and regulations applicable to such merchandise.

(b) *Conditionally admissible merchandise.* Conditionally admissible merchandise is merchandise which may be imported under certain conditions, for example, articles which are subject to permits or licenses or which may be reconditioned to bring them into compliance with the laws administered by various Federal agencies. The admission of articles of this class into a zone is subject to any requirements of the Federal agency concerned.

§ 30.12 Application and permit for admission of merchandise.

(a) *Application on zone Form D and permit.* Except in the case of entered merchandise brought into a zone for manipulation (§ 30.13) and merchandise transiting a zone (§ 30.14), merchandise may be admitted into a zone only upon application on zone Form D, Application to Admit Merchandise into Foreign-Trade Zone, and the issuance of a permit by the district director

(b) *Documents in support of application—(1) Merchandise transported through customs territory.* For foreign merchandise arriving at a zone after transportation through customs territory the application shall be supported by:

(i) *Release order.* A release order on the application or another document executed by the carrier which brought the goods to the port where the zone is located authorizing the transfer of the merchandise to the zone; and

(ii) *Evidence of right to make entry.* A document or documents like those which would be required of the applicant as evidence of his right to make entry for merchandise in customs territory (see § 8.6 of this chapter).

(2) *Merchandise unladen directly from the importing carrier.* For merchandise unladen in the zone directly from the importing carrier the application on zone Form D shall be supported by an application to unlade on customs Form 3171 (§ 30.14(a)).

(c) *Conditions for issuance of a permit.* Merchandise for which an application to admit merchandise to a zone is made shall be admitted when:

(1) The application is properly executed and includes an indication of the desired zone status of the merchandise (i.e., privileged foreign, privileged domestic, nonprivileged foreign, nonprivileged domestic, or zone-restricted merchandise as provided for in Subpart C of this part);

(2) The grantee's approval appears either on the application or in a separate specific or blanket approval (§ 30.5); and

(3) The permit is granted by the district director as the representative of the Board.

§ 30.13 Temporary admission for manipulation.

Imported merchandise for which an entry has been made and which has remained in continuous customs custody may be admitted temporarily to a zone for manipulation and return to customs territory under customs supervision pursuant to section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562) and § 19.11 of this chapter. Such merchandise shall not be considered within the purview of the Act but shall be treated as though remaining in customs territory. No zone form or procedure shall be considered applicable, but the merchandise shall remain subject in the zone to such requirements as are necessary for the enforcement of section 562 and other pertinent customs laws.

§ 30.14 Merchandise transiting a zone.

The following procedures are applicable when merchandise is to be unladen from any carrier in the zone for immediate transfer to customs territory, or if it is to be transferred from customs territory through the zone for immediate lading on any carrier in the zone:

(a) *Application.* Application for permission to lade or unlade shall be filed with the district director on customs Form 3171 prior to transfer of the merchandise into the zone.

(b) *Permit.* The district director shall permit the transfer unless he has reason to believe that the merchandise will not be moved promptly from the zone or made the subject of an application for zone status on zone Form D in accordance with § 30.12.

(c) *Treatment of merchandise.* Upon the issuance of a permit to lade or unlade, the merchandise shall not be considered within the purview of the Act but shall be treated as though the lading or unlading were in customs territory.

(d) *Failure to lade merchandise without delay.* Merchandise brought into a zone for lading on a carrier but not laden without a delay which will endanger the revenue must be made the subject of an application for zone status on zone Form D in accordance with § 30.12 or be removed from the zone.

§ 30.15 Certificate of arrival of merchandise.

Whenever a certificate as to the arrival of any merchandise in a zone is required by a Federal agency, the district director shall issue the certificate, properly describing and identifying the merchandise involved.

Subpart C—Status of Merchandise in a Zone

§ 30.21 Privileged foreign merchandise.

(a) *Merchandise subject to the provisions of this section.* Foreign merchandise which has not been manipulated or manufactured so as to effect a change in tariff classification shall be given status as privileged foreign merchandise on proper application to the district director.

(b) *Application.* Each application for this status shall be made on zone Form B at the time of filing the application on zone Form D (see § 30.12) for admission of the merchandise into a zone or at any time thereafter before the merchandise has been manipulated or manufactured in the zone in a manner which has effected a change in tariff classification.

(c) *Zone customs entry.* Each applicant for such status shall file a zone customs entry on customs Form 7502 with his application.

(1) *Evidence of right to make entry.* The original of a properly approved application on zone Form B is acceptable as the equivalent of a bill of lading or carrier's certificate to identify the applicant on such Form B as the consignee of the merchandise and its owner for customs purposes, except that such person may transfer the right to withdraw such merchandise from the zone to customs territory in accordance with Subpart E of this part.

(2) *Preparation, filing, and processing of the entry.* The procedure in connection with the preparation, filing, and processing of the entry, including the making of notations on invoices, the preparation of customs Form 6417, the designation of examination packages or quantities, and the examination and appraisement of the merchandise shall be the same as that prescribed in the case of an entry for warehouse made in customs territory (see Part 8 of this chapter), except that no bond shall be required.

(3) *Procedure upon acceptance of the entry.* Upon acceptance of the entry the district director shall have the merchandise appraised, classified, taxes determined, and duties liquidated promptly.

(i) *Appraisement and tariff classification.* The merchandise shall be subject to appraisement and tariff classification according to its condition and quantity, and to the rates of duty and tax in force, on the date of filing, in complete and proper form, the request for privileged foreign status on zone Form B and the zone customs entry which is required to accompany it.

(ii) *Basis of valuation.* The value of the merchandise shall be determined in accordance with sections 402, 402a, and 503 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402, 1503), and related provisions of law. For all customs purposes, the date of exportation of the merchandise from the country whence it was exported to the United States is the date of its final departure from that country, in accordance with § 14.3(b) of this chapter.

(iii) *Amendment of value.* The value declared in any zone customs entry for merchandise may be amended in accordance with the provisions of section 487, Tariff Act of 1930 (19 U.S.C. 1487), and the regulations thereunder (see § 8.16 of this chapter).

(iv) *Merchandise subject to tariff-rate import quotas.* Entries for merchandise subject to tariff-rate import quotas shall be liquidated only at the higher or nonquota rate.

(v) *Determination of taxes.* The taxes to be determined are those of the same nature as are indicated in the liquidation of entries of imported merchandise in customs territory.

(d) *Status as privileged foreign merchandise binding.* A status as privileged foreign merchandise and the consequent determination of taxes and liquidation of duties cannot be abandoned. The taxes and duties remain applicable to the merchandise even if changed in form by manipulation or manufacture, except in the case of recoverable waste (see section 30.48), as long as the merchandise remains within the purview of the Act. However, privileged foreign merchandise may be exported or withdrawn for supplies, equipment, or repair material of vessels or aircraft without the payment of the determined taxes and liquidated duties, in accordance with §§ 30.41, 30.42, and 30.45(d).

(e) *Appeals and protests.* The requirements, privileges, and procedures of notices of appraisement, appeals to reappraisement, posting of liquidations, and protests against decisions of the district director are the same as those prescribed in the case of merchandise covered by an entry for warehouse in customs territory.

(f) *Permission to manipulate, manufacture, or exhibit.* Application may be made pursuant to § 30.32 for permission to manipulate, manufacture, or exhibit the merchandise before taxes have been determined and duties liquidated thereon, but in such case the examination for purposes of appraisement must be completed, or the packages or samples required for such examination must be segregated, before the district director approves the application.

§ 30.22 Privileged domestic merchandise.

(a) *Merchandise subject to the provisions of this section.* Privileged domestic status may be granted to merchandise:

(1) The growth, product, or manufacture of the United States on which all internal-revenue taxes, if applicable, have been paid;

(2) Previously imported and on which duty and/or tax has been paid; or

(3) Previously admitted free of duty and tax.

(b) *Application.* Application for privileged domestic status shall be included in the application on zone Form D (§ 30.12) to transfer the merchandise into the zone, but the documents in support of the application described in § 30.12(b) are not required.

(c) *Domestic packing and repair materials.* If the district director is satisfied that the revenue will be protected, and the rights of importers will not be prejudiced, he may permit the transfer to a zone of domestic packing and repair materials and related articles without requiring an application on zone Form D.

(d) *Return of merchandise to customs territory.* Upon compliance with this section and § 30.44, any of the foregoing merchandise may subsequently be returned to customs territory free of quotas, duty, or tax.

§ 30.23 Nonprivileged foreign merchandise.

All of the following shall have the status of nonprivileged foreign merchandise:

(a) Foreign merchandise properly in a zone which does not have the status of privileged foreign merchandise or of zone-restricted merchandise;

(b) Waste recovered from any manipulation or manufacture of privileged foreign merchandise in a zone; and

(c) Domestic merchandise in a zone which by reason of noncompliance with these regulations has lost its identity as domestic merchandise and will be treated as foreign merchandise if transferred to customs territory. Any domestic merchandise shall be deemed to have lost its identity if the district director determines that it cannot be identified positively by customs officers as domestic merchandise on the basis of their examination of the articles and their consideration of any proof that may be submitted promptly by a party in interest.

§ 30.24 Nonprivileged domestic merchandise.

All merchandise which could have obtained the status of privileged domestic merchandise but for which no application for such status has been approved (not including any merchandise within the purview of § 30.23(c)) shall have the status of nonprivileged domestic merchandise.

§ 30.25 Zone-restricted merchandise.

(a) *Merchandise subject to the provisions of this section.* Articles taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be given zone-restricted status on proper application. Such articles may not be returned to customs territory for domestic consumption except where the Board deems such return to be in the public interest (see § 30.47).

(b) *Application.* Application for zone-restricted status shall be included in the application on zone Form D to transfer the merchandise into the zone as provided for in § 30.12.

(c) *Merchandise considered exported—(1) For customs purposes.* If the applicant desires a zone-restricted status in order that the merchandise may be considered exported for the purpose of any customs law, all pertinent customs requirements relating to actual exportations shall be complied with as though the admission of the merchandise into the zone constituted a lading on an exporting carrier at a port of final exit from the United States. Any declaration or form required for actual exportation shall be modified to show that the merchandise has been deposited in a zone in lieu of actual exportation, and a copy of the approved zone Form D may be accepted in lieu of any proof of shipment required in cases of actual exportation.

(2) *For other purposes.* If the merchandise is to be considered exported for the purpose of any Federal law other than the customs laws, the district director shall be satisfied that all pertinent laws, regulations, and rules administered by the Federal agency concerned have been complied with before he approves the application on zone Form D.

(d) *Merchandise entered for warehousing transferred to a zone.* Merchandise entered for warehousing and transferred to a zone, other than temporarily for manipulation and return to customs territory as provided for in § 30.13, shall have the status of zone-restricted merchandise when admitted into the zone. The application on zone Form D shall state that zone-restricted status is desired for the merchandise.

Subpart D—Handling of Merchandise in a Zone

§ 30.31 Customs control of merchandise in a zone.

(a) No merchandise shall be removed from a zone in any manner or for any purpose except as provided for in the regulations in this part.

(b) If the district director deems it necessary for the protection of the revenue, he may require segregation of any merchandise he determines to be subject to special risks to the revenue.

(c) The grantee shall keep the district director currently informed as to the location of any merchandise in the zone which is not within the purview of paragraph (b) of this section, and shall notify the district director promptly of any loss or damage that may occur to any merchandise in the zone.

§ 30.32 Manipulation, manufacture, or exhibition in a zone.

(a) *Application.* Permission for manipulation, manufacture, or exhibition of merchandise in a zone may be obtained by filing with the district director an application on zone Form E. No such operation shall be carried on until the district director has approved the application. The application shall include:

(1) A full description of the proposed operation;

(2) A designation of the exact place in the zone where the operation is to be performed;

(3) The identification of the involved merchandise by lot number, marks and numbers of the packages, description, quantity, and zone status; and

(4) In the case of manipulation or manufacture, a statement as to whether articles with one zone status are to be packed, commingled, or combined with articles having a different zone status.

(b) *Approval of application.* The district director shall approve the application unless the proposed operation would be in violation of the fourth or fifth proviso to section 3 of the Foreign-Trade Zones Act, as amended, 19 U.S.C. 81c, or the place designated for its performance is not suitable for preventing confusion as to the identity or status of the merchandise and for safeguarding the revenue.

(1) *Fourth proviso*—The proviso reads as follows:

"That under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of—

(a) The draw-back, warehousing, and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and

(b) The statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal-revenue taxes and for the purposes of the internal-revenue laws generally and the regulations thereunder.

"Such a transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the articles shall be subject to the provisions of paragraph 1615 (f) of section 1201 of this title: * * *."

(2) *Fifth proviso*—The proviso reads as follows:

"That no operation involving any foreign or domestic merchandise brought into a zone which operation would be subject to any provision or provisions of section 1807 of Title 26 and chapters 15–17, 21, 23–26 or 32 of Title 26, if performed in customs territory, or involving the manufacture of any article provided for in paragraphs 367 or 368 of section 1001 of this title, shall be permitted in a zone except those operations (other than rectification of distilled spirits and wines, or the manufacture or production of alcoholic products unfit for beverage purposes) which were permissible under this chapter prior to July 1, 1949: * * *."

(For current reference to title 19 and 26 of the United States Code, see notes following text of 19 U.S.C. 81c.)

(c) *Appeal of adverse ruling.* If the application is denied by the district director for any reason, the applicant, or the grantee, may appeal the adverse ruling to the Board. If any revenue protection considerations are involved in such an application, the Board shall be guided by the determinations of the Secretary of the Treasury with respect to them.

(d) *Records to be maintained—(1) Privileged merchandise.* When any privileged merchandise is to be manipulated in any way or manufactured, the person performing the operation shall maintain records containing the following information:

(i) A full identification, as specified in paragraph (a) of this section, of each lot of privileged merchandise used in the operation;

(ii) The unit and total values of each such lot, the values in the case of privileged foreign merchandise to be those declared in the zone customs entry (§ 30.21(c)), including any amendment thereof;

(iii) The commercial name or description of the product resulting from the operation, or of each such product if there are more than one;

(iv) The quantity of such product or of each such product, as the case may be;

(v) The commercial name or description and quantity of each kind of waste recovered from the operation; and

(vi) The description (i.e., evaporation, leakage, spillage, dust, etc.) and quantity of each kind of loss resulting from the operation.

(2) *Nonprivileged merchandise.* If any nonprivileged merchandise is to be used in the operation, records shall be maintained containing a full identification, as specified in paragraph (a) of this section, and the unit and total values of each lot of the merchandise used in the operation.

§ 30.33 Destruction of merchandise in a zone.

(a) *Application.* Each application to destroy merchandise in a zone shall be filed with the district director on zone Form E. The application shall include:

(1) A description of the proposed method of destruction;

(2) A designation of the place where the destruction is to be accomplished; and

(3) The identification of the involved merchandise by lot number, marks and numbers of the packages, description, quantity, and zone status.

(b) *Approval of application and procedure for destruction of merchandise.* The destruction of distilled spirits, wines, and fermented malt liquors having a zone-restricted status may not be authorized in view of the exception in the fourth proviso to section 3 of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81c). In any other case, if the district director is satisfied that the destruction will be effective and that the revenue will be adequately protected, he shall approve the application. If proper destruction cannot be effectively accomplished within the zone, the district director may permit it to be done elsewhere, in whole or in part, under such conditions as he shall specify for protecting the revenue. Any residue of destruction which is entirely worthless may be removed to customs territory for disposal.

Subpart E—Removal of Merchandise From a Zone

§ 30.41 Direct exportation from a zone.

Regardless of its zone status, any merchandise in a zone may be exported directly therefrom upon compliance with the procedure prescribed in § 30.44 for the transfer of privileged domestic merchandise to customs territory.

§ 30.42 Supplies, equipment, and repair material for vessels or aircraft.

(a) *Applicability.* Any article which may be withdrawn duty and tax free in customs territory under section 309 or 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317) and §§ 10.59 through 10.65 of this chapter may similarly be withdrawn from a zone, regardless of its zone status, under said statutes and regulations. Privileged domestic merchandise is not subject to the provisions of this section and may be withdrawn from a zone in accordance with the provisions of § 30.44.

(b) *Articles for delivery within zone where withdrawn.* The withdrawal of articles provided for in paragraph (a) of this section for delivery within the zone where withdrawn to a qualified vessel or aircraft, or as ground equipment of a qualified aircraft, shall be on customs Form 7512 (see § 10.60 of this chapter).

(1) *Who may make the withdrawal.* The withdrawal of articles composed in whole or in part of privileged foreign merchandise shall be made by the person identified on zone Form B as the consignee (see § 30.21(c)(1)). The withdrawal of all other articles under this section shall be made by the person designated as the consignee by the written authorization of the grantee.

(2) *Supporting documents—(i) Description.* The withdrawal shall be supported by a description of the articles similar to that provided for in § 30.44(a).

(ii) *Bond.* A bond on customs Form 7557, 7559, or 7595 shall be required with the withdrawal.

(3) *Release of articles.* Upon acceptance of the withdrawal, the district director shall release the merchandise to the grantee for delivery to the qualified vessel or aircraft in the zone.

(c) *Articles for delivery outside zone where withdrawn.* The withdrawal of articles provided for in paragraph (a) of this section for delivery at a place outside the zone to a qualified vessel or aircraft, or as ground equipment of a qualified aircraft, shall be on customs Form 7512. (See § 10.60 of this chapter.)

(1) *Who may make the withdrawal.* The withdrawal of privileged foreign merchandise which has not been mixed, combined, or repacked in the zone or of a product of a manipulation or manufacture in a zone composed of or derived from privileged merchandise only, whether all foreign, or partly foreign and partly domestic, shall be made by the person named on zone Form B as the consignee or by a transferee designated on the withdrawal and approved by the grantee. (See § 30.45(b)(2).) The withdrawal of other articles under this section shall be made by the person designated by the grantee on zone Form C as the consignee. Except for articles described in the first sentence of this paragraph the provisions of §§ 30.47 (b) through (f) and 30.48(b) relating to constructive transfer are applicable whether or not the merchandise is zone restricted.

(2) *Bond.* The withdrawal shall be supported by a bond on customs Form 7557, 7559, or 7595.

(3) *Acceptance of withdrawal and release of merchandise.* Upon acceptance of the withdrawal the district director shall note thereon the status of the merchandise and shall release the merchandise to the grantee for delivery to the bonded cartman, lighterman, or carrier.

§ 30.43 Transfer of merchandise from one zone to another.

(a) *Privileged domestic merchandise.* The transfer of privileged domestic merchandise from one zone to another is not subject to customs control except that the removal of the merchandise from the first zone and its admission into the zone of destination shall be in accordance with §§ 30.44 and 30.12.

(b) *Other merchandise—(1) Procedure.* The transfer of merchandise, other than privileged domestic merchandise, from a zone at one port of entry to a zone at another port shall be by bonded carrier under an entry for immediate transportation on customs Form 7512. All copies of the entry for immediate transportation shall bear a notation that the merchandise is being taken from the first zone for the purpose of transfer to the second zone. Privileged foreign merchandise which has not been mixed, combined, or repacked in the zone and products of a manipulation or manufacture in a zone composed of or derived from privileged merchandise, whether all foreign, or partly foreign and partly domestic, shall be transferred from the zone in accordance with § 30.45(c)(1)–(4) and admitted to the second zone in accordance with § 30.12. The transfer of other merchandise from the first zone into customs territory and its admission into the zone of destination shall be in accordance with §§ 30.48(b) and 30.12.

(2) *Forwarding of history of the merchandise.* Upon removal of merchandise as specified in paragraph (b)(1) of this section from the first zone, the district director of the port where such zone is located shall immediately forward to the district director of the port where the zone of destination is located a history of the merchandise as shown by the records of the first zone.

§ 30.44 Transfer of privileged domestic merchandise into customs territory.

(a) *Submission of description of transaction.* When privileged domestic merchandise which has not been mixed, combined, or repacked in a zone with merchandise having a different zone status is to be transferred from the zone to customs territory, the grantee shall submit to the district director, in triplicate, a description of the proposed transaction signed by him which shall include:

(1) The proposed rate of transfer;

(2) The identification of the carrier;

(3) The destination of the shipment;

(4) Identification of the merchandise by zone storage location, lot number, marks and numbers of packages, description, quantity, and zone status; and

(5) A notation as to any shortage or damage.

If a form of tally prepared by the grantee for its own purposes contains the necessary information, it may be accepted in lieu of the required description.

(b) *Permit of delivery.* If the transfer is approved by the district director, the original of the description shall be so stamped to serve as a permit of delivery. The original and one copy shall be returned to the grantee. No document other than the permit of delivery shall be required to release the merchandise to the grantee and authorize its transfer into customs territory.

§ 30.45 Transfer of privileged foreign merchandise into customs territory.

(a) *Merchandise subject to the provisions of this section.* The provisions of this section are applicable to privileged foreign merchandise which has not been mixed, combined, or repacked in a zone.

(b) *Withdrawal for consumption at port where zone is located—(1) Application for transfer.* When merchandise subject to the provisions of this section is to be transferred to customs territory for consumption, a zone withdrawal shall be made on customs Form 7505 as an application for the transfer.

(2) *Who may make the withdrawal.* The withdrawal shall be made by the person identified on zone Form B as the consignee (see § 30.21(c)(1)) or by a transferee designated by an endorsement on customs Form 7505 and approved by the grantee.

(3) *Bond.* The zone withdrawal shall be supported by a bond on customs Form 7551, 7553, or other appropriate form. A bond shall not be required when all the merchandise to be transferred to customs territory has been inspected, examined, and appraised, has been found to comply with all laws and regulations governing its admission into the commerce of the United States, and there have been produced all documents for the production of which a bond is required by law or regulations if not filed at the time of entry.

(4) *Payment of duties and taxes.* The applicant shall pay the liquidated duties and determined taxes, as assessed in the liquidation of the zone customs entry (§ 30.21(c)), on the quantity of merchandise to be transferred. If the pertinent zone customs entry has not been liquidated, estimated duties and taxes shall be deposited.

(5) *Release of merchandise.* Upon acceptance of the withdrawal, the district director shall release the merchandise to the grantee for delivery.

(c) *Withdrawal for transportation to another port for withdrawal for consumption—(1) Application for transfer.* When merchandise subject to the provisions of this section is to be transferred to customs territory for transportation to another port for withdrawal for consumption, a zone withdrawal for transportation clearly indicating the status of the merchandise shall be made on customs Form 7512 as an application for the transfer.

(2) *Who may make the withdrawal for transportation.* The withdrawal shall be made by the person identified on zone Form B as the consignee (see § 30.21(c)(1)) or by a transferee designated by an endorsement on customs Form 7512 and approved by the grantee.

(3) *Certification by district director at zone port.* The district director at the zone port shall issue a certificate, in triplicate, describing the merchandise in its present condition and certifying the amount of duties and taxes applicable to the shipment. The duplicate copy of such certificate shall be given to the withdrawer.

(4) *Release of merchandise for transportation.* Upon acceptance of the withdrawal, the district director shall release the merchandise to the grantee for delivery to the bonded carrier.

(5) *Withdrawal for consumption at port of destination.* A withdrawal for consumption shall be made at the port of destination on customs Form 7519 by the person identified on zone Form B as the consignee (see § 30.21(c)(1)) or by a transferee designated on the withdrawal and approved by the grantee. The withdrawal for consumption shall be supported by the duplicate copy of the certificate described in subparagraph (3) of this paragraph and also by a bond on customs Form 7551, 7553, or other appropriate form, when required, pursuant to paragraph (b)(3) of this section.

(6) *Payment of duties and taxes.* The applicant shall pay the liquidated duties and determined taxes, as assessed in the liquidation of the zone customs entry (§ 30.21(c)), on the quantity of merchandise being withdrawn. If the zone customs entry has not been liquidated, estimated duties and taxes shall be deposited.

(d) *Withdrawal for transfer into customs territory for exportation.* When merchandise subject to the provisions of this section is to be transferred to customs territory for exportation, a withdrawal for exportation, or for transportation and exportation, shall be made on customs Form 7512 by the person identified on zone Form B as the consignee (see § 30.21(c)(1)) or by a transferee designated by an endorsement on customs Form 7512 and approved by the grantee. Upon acceptance of the withdrawal the district director shall note the status of the merchandise on the document, and release the merchandise to the grantee for delivery to the carrier.

§ 30.46 Transfer of products of manipulation or manufacture of privileged merchandise into customs territory.

(a) *Merchandise subject to the provisions of this section.* The provisions of this section are applicable to products of manipulation or manufacture in a zone composed of or derived from privileged merchandise only, whether all foreign, or partly foreign and partly domestic.

(b) *Withdrawal for consumption at port where zone is located.* When products subject to the provisions of this section are to be transferred to customs territory for consumption, a zone withdrawal shall be made on customs Form 7505 as an application for the transfer, and the requirements of this paragraph and of § 30.45(b) shall be applicable.

(1) *Documents required in support of the withdrawal—(i) Statement.* A statement in the form of an invoice containing the information required by § 30.32(d)(1) shall be filed with the withdrawal.

(ii) *Certificate of identification.* When necessary to support the withdrawal, application may be made to the district director for a certificate on zone Form F covering identification, as shown by customs records, of the privileged merchandise used in the manipulation or manufacture.

(2) *Conditions for acceptance of withdrawal.* The district director shall not accept zone withdrawals for products of manipulation or manufacture of privileged foreign merchandise until he has definitely established that the merchandise actually exists in the zone in its final form as described in the withdrawal and that all other documents required to be submitted with the withdrawal have been received.

(c) *Withdrawal for transportation to another port for withdrawal for consumption.* When products subject to the provisions of this section are to be transferred to customs territory for transportation to another port for withdrawal for consumption, a zone withdrawal for transportation clearly indicating the status of the merchandise shall be made on customs Form 7512 as an application for the transfer. The provisions of paragraph (b)(1) and (2) of this section and the procedure prescribed in § 30.45(c)(2) through (6) shall be applicable.

(d) *Withdrawal for transfer into customs territory for exportation.* When products subject to the provisions of this section are to be transferred to customs territory for exportation, the procedure prescribed in § 30.45(d) shall be applicable.

(e) *Articles produced or manufactured in a zone returned to customs territory after exportation.* Articles produced or manufactured in a zone and exported without having been transferred to customs territory other than for exportation or for transportation and exportation shall, on their return to customs territory, be subject to the duties and taxes applicable to like articles of wholly foreign origin, unless it is conclusively established that they were produced or manufactured exclusively with the use of privileged domestic merchandise, the identity of which was maintained in accordance with the pertinent provisions of these foreign-trade zone regulations, in which case they shall be subject to the pertinent provisions of schedule 8, part 1 of the Tariff Schedules of the United States.

§ 30.47 Transfer of zone-restricted merchandise into customs territory.

(a) *Types of entry.* Zone-restricted merchandise may be returned to customs territory only for entry for exportation, for entry for transportation and exportation, for destruction (except destruction of distilled spirits, wines and fermented malt liquors), for transfer from one zone to another, or for delivery to a qualified vessel or aircraft or as ground equipment of a qualified aircraft under section 309 or 317 of the Tariff Act of 1930, as amended, unless the Board has ruled that the return of the merchandise to customs territory for domestic consumption is in the public interest. If the return of zone-restricted merchandise to customs territory for domestic consumption has been ruled by the Board to be in the public interest, it may be entered for consumption, for warehousing, or for immediate transportation without appraisement, unless the Board has specified which of these forms of entry shall be made.

(b) *Application for constructive transfer to customs territory.* When zone-restricted merchandise is to be transferred to customs territory, the grantee shall file an application with the district director on zone Form C naming the person who will be deemed the consignee of the merchandise with the right to make entry or withdrawal therefor upon its transfer to customs territory. The application shall include a complete identification of the merchandise as it entered the zone, including lot numbers, marks and numbers of the packages, status of each lot, description, and quantities. If any change in respect of any of these items of identification occurred while the merchandise was in the zone, the current information with respect to each such item shall also be stated. The district director shall not accept a term application on Form C.

(c) *Constructive transfer.* Upon the approval by the district director of an application on zone Form C, the merchandise shall be deemed to have been transferred to customs territory but without physical removal from the zone. For all customs purposes the merchandise shall be considered to have been imported into customs territory at the time of this constructive transfer. The district director shall note on the application the date of constructive transfer and the zone status of the merchandise. The constructively transferred merchandise shall be marked or labeled with the initials "C.T."

(d) *Restoration to zone status.* The merchandise may be restored to zone status after it has been constructively transferred to customs territory and before the expiration of the time within which entry or withdrawal must be made (see paragraph (e)(2) of this section), if:

(1) A new zone Form D is filed and the same procedure followed as if the merchandise had then first arrived in the zone from or through customs territory (see § 30.12). The zone grantee shall be deemed the carrier which brought the merchandise into the port; or

(2) The applicant arranges for the redelivery to the district director, prior to the filing of a customs entry, or withdrawal, of the grantee's copy of the zone Form C with a request that it be cancelled.

(e) *Customs entry or withdrawal and time limitation.* (1) The original of zone Form C, when approved by the district director and endorsed by him with the date of constructive transfer and the zone status of the merchandise, shall be accepted as the equivalent of a bill of lading or carrier's certificate to identify the person named in such Form C as the consignee of the merchandise and its owner for customs purposes with the right to make entry or withdrawal.

(2) A customs entry or withdrawal shall be filed in proper form before 5 p.m. of the second working day after the date of constructive transfer of the merchandise. The time may be extended for such longer period as may be specified in a layorder issued by the district director upon the filing of a written application on customs Form 3189 by the grantee, or by the named consignee if approved by the grantee. If a customs entry or withdrawal in proper form is not filed within the time limit, the merchandise shall be considered as having been returned from constructive customs territory to the zone.

(3) If the return of zone-restricted merchandise to customs territory for consumption has been ruled by the Board to be in the public interest, the entry shall be endorsed by the district director to show the authority under which it was made, and that the merchandise is subject to the provisions of schedule 8, part 1 of the Tariff Schedules of the United States. Upon acceptance of an entry or withdrawal for any other zone-restricted merchandise, the entry shall be endorsed by a customs officer to show that actual exportation of the merchandise is required by the fourth proviso to section 3 of the Act, as amended, and the withdrawal endorsed to require delivery to a qualified vessel or aircraft or as ground equipment of a qualified aircraft under section 309 or 317 of the Tariff Act of 1930, as amended. (See § 30.42.)

(f) *Release of merchandise.* When a consumption entry is accepted for zone-restricted merchandise the district director shall release the merchandise to the grantee for delivery to the consignee. When any other entry or withdrawal is accepted for such merchandise, the release of the merchandise by the district director for physical removal to the designated destination in customs territory or for direct exportation shall be in accordance with the customs regulations as to merchandise imported into customs territory, the zone grantee to be considered as the importing carrier.

§ 30.48 Treatment of merchandise not elsewhere provided for in this subpart.

(a) *Merchandise not elsewhere provided for in this subpart includes.* Merchandise not elsewhere provided for in this subpart includes the following:

(1) Articles composed entirely of, or derived entirely from, nonprivileged merchandise, foreign or domestic.

(2) Articles composed in part of, or derived in part from, nonprivileged merchandise, domestic, or foreign, and in part of or from privileged merchandise, domestic or foreign.

(3) Recoverable waste resulting from the manipulation or manufacture in a zone of privileged foreign merchandise.

(b) *Constructive transfer.* When articles subject to the provisions of this section are to be transferred from a zone to customs territory, the procedure provided for in § 30.47(b) through (f) shall be followed, except that if the entry has not been filed in proper form before the expiration of the time allowed for entry in § 30.47(e)(2), the merchandise shall be deposited in general order storage in customs territory.

(c) *Entry for consumption or warehousing.* Articles subject to the provisions of this section may be transferred from a zone for entry for consumption or, except in the case of articles composed of or derived in part from privileged foreign merchandise, for entry for warehousing subject to the treatment specified in paragraph (e) of this section.

(d) *Supporting statement and certificate.* There shall be filed with each entry for articles described in paragraph (a)(2) of this section a statement in the form of an invoice containing the information specified in § 30.32(d)(1). When necessary to support the entry, application may be made for a certificate on zone Form F covering identification as shown by the customs records of any privileged domestic or privileged foreign merchandise in the articles.

(e) *Appraisement and tariff classification.* Merchandise subject to the provisions of this section, upon transfer from a zone and entry for consumption or for warehousing, either immediately or after transportation in bond, shall be subject to appraisement and tariff classification in accordance with its character and condition at the time of its constructive transfer to customs territory and, except for any different rates applicable to any privileged foreign merchandise therein, to the rate or rates of duty and tax in force at the time entry for consumption or withdrawal from warehouse for consumption is made (see § 8.4 (d) and (g) of this chapter). The value of such products shall be determined in accordance with sections 402, 402–a, and 500 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402, 1500), and the related provisions of law.

(f) *Liquidation.* The consumption or warehouse entry covering a product provided for in paragraph (a) of this section shall be liquidated in accordance with part 16 of this chapter, except that in the case of articles described in paragraph (a)(2) adjustment shall be made for that part of the product which consists of or has been derived from privileged merchandise.

ANNEX TO REVISED PART 30

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 30 to superseded 19 CFR Part 30.)

Revised section	*Superseded section*
30.0	None.
30.1(a)	None.
30.1(b)	30.1.
30.1(c)	Footnote 4.
30.1(d)	None.
30.1(e)	Footnote 2.
30.1(e)(1)	Footnote 5.
30.1(e)(2)	Footnote 6.
30.1(f)	30.1.
30.2	None.
30.3	30.18(a).
30.4	30.18(b).
30.5	30.4(a).
30.6	30.5(f).
30.7(a)	30.3(a).
30.7(b)	30.3 (c) and (d).
30.7(c)	30.3(b).
30.8	30.2.
30.11	30.1.
30.12(a)	30.4(c) and 30.5(b) and (e).

PARALLEL REFERENCE TABLE—continued

Revised section	Superseded section
30.12(b)(1)	30.5(d) and Footnote 7.
30.12(b)(2)	30.5(d).
30.12(c)(1)	30.5(c).
30.12(c)(2)	30.4(a).
30.12(c)(3)	30.6(e).
30.13	30.5(c).
30.14	30.5(b).
30.15	30.5(g).
30.21(a)	30.6(b).
30.21(b)	30.6(b).
30.21(c)	30.6(b).
30.21(c)(1)	30.6(j).
30.21(c)(2)	30.6(d).
30.21(c)(3)	30.6(b).
30.21(c)(3)(i)	30.6(f).
30.21(c)(3)(ii)	30.6 (f) and (g).
30.21(c)(2)(iii)	30.6(h) and Footnote 9.
30.21(c)(3)(iv)	30.6(b).
30.21(c)(3)(v)	30.6(b).
30.21(d)	30.6(c).
30.21(e)	30.6(i).
30.21(f)	30.6(e).
30.22(a)	30.7 and Footnote 10.
30.22(b)	30.7.
30.22(c)	30.7.
30.22(d)	30.7 and Footnote 10.
30.23	30.8 and Footnote 11.
30.24	30.9.
30.25(a)	30.10(a) and Footnote 12.
30.25(b)	30.10(a).
30.25(c)(1)	30.10(c).
30.25(c)(2)	30.10(b).
30.25(d)	30.10(d).
30.31(a)	30.11(a).
30.31(b)	30.11(b).
30.31(c)	30.11(c).
30.32(a)	30.12 (a) and (b).
30.32(b)	30.12(c).
30.32(c)	30.12(d).
30.32(d)	30.12(e).
30.32(d)(1)(vi)	30.12(e)(6).
30.33(a)	30.13 (a) and (b).
30.33(b)	30.13(c).
30.41	30.15.
30.42	30.16.
30.43(a)	30.17(c).
30.43(b)(1)	30.17(a).
30.43(b)(2)	30.17(b).
30.44(a)	30.14(a).
30.44(b)	30.14(a).
30.45(a)	30.14(b).
30.45(b)	30.14(b).
30.45(c)	30.14(d).
30.45(d)	30.14(e).
30.46(a)	30.14(c).
30.46(b)	30.14(c).
30.46(c)	30.14(d).
30.46(d)	30.14(e).
30.46(e)	30.14(o).
30.47(a)	30.14(n).
30.47(b)	30.14 (g) and (n).
30.47(c)	30.14(h).
30.47(d)	30.14(i)(1).
30.47(d)(1)	30.14(i)(1).
30.47(d)(2)	30.14(i)(2).
30.47(e)(1)	30.14 (h) and (j).
30.47(e)(2)	30.14(i)(1) and 30.14(n).
30.47(e)(3)	30.14(n).
30.47(f)	30.14(k).
30.48(a)	30.14(l).
30.48(b)	30.14(g).
30.48(c)	30.14(l).
30.48(d)	30.14(l).
30.48(e)	30.14(l).
30.48(f)	30.14(m).

[F.R. Doc. 69-2800; Filed, Mar. 6, 1969; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.602]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Consular Records of Visa Applications and Priority Date of Individual Applicants

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to make §§ 42.61 and 42.62 conform with revised Department of Labor regulations, and to provide in § 42.62 for derivative priority status.

1. Section 42.61 is amended as follows:

§ 42.61 Consular records of visa applications.

(a) *Waiting lists.* Consular officers at Foreign Service posts designated to issue immigrant visas shall maintain records of individual immigrant visa applicants who are entitled to immigrant classification and their priority dates, which shall constitute "waiting lists" within the meaning of section 203 of the Act and which shall indicate the chronological and preferential order in which consideration may be given to immigrant visa applications within the several immigrant classifications subject to the numerical limitations specified in sections 201, 202, and 203 of the Act and section 21(e) of the Act of October 3, 1965, or within the classes described in section 201(b) or 101(a)(27) (B) through (E) which are not subject to numerical limitations. An alien is entitled to immigrant classification if he—

(1) Is the beneficiary of an approved petition according him immediate relative or preference status, or

(2) Has obtained an individual labor certification, or

(3) Has satisfied the consular officer that he—

(i) Is entitled to special immigrant status under section 101(a)(27) (B) through (E) of the Act, or

(ii) Is within one of the professional or occupational groups listed in Schedule A of the Department of Labor regulations (29 CFR 60.2(a)(1)) or is within one of the occupations listed in Schedule C—Precertification List of the Department of Labor referred to in 29 CFR 60.3(c), or

(iii) Has a relationship to a U.S. citizen or resident alien which statutorily exempts him from the provisions of section 212(a)(14), or

(iv) Is within one of the classes described in § 42.91(a)(14)(ii) and that he is therefore not within the purview of section 212(a)(14) of the Act.

(b) *When record shall be made.* (1) A record that an alien is an immigrant visa applicant shall be made on Form FS-499 (Immigrant Visa Control Card) whenever the consular officer receives evidence that the alien is entitled to an immigrant classification pursuant to any one of the criteria set forth in paragraph (a) of this section.

* * * * *

(3) A separate record shall be made of a spouse or child entitled to immigrant status derivatively whenever it is determined that the principal alien intends to precede his family.

2. Section 42.62 is amended as follows:

§ 42.62 Priority date of individual applicants.

* * * * *

(b) The priority date of other applicants shall be—

(1) The date that an individual labor certification under section 212(a)(14) of the Act has been granted for the applicant, or

(2) The date of the receipt by the consular officer of evidence sufficient to satisfy him that—

(i) The applicant is within one of the professional or occupational groups listed in Schedule A (29 CFR 60.2(a)(1)) or is within one of the occupations listed in Schedule C—Precertification List of the Department of Labor referred to in 29 CFR 60.3(c), or

(ii) The applicant has a relationship to a U.S. citizen or resident alien which statutorily exempts him from the provisions of section 212(a)(14), or

(iii) Circumstances specified in § 42.91(a)(14)(ii) are applicable to the applicant and that he is therefore not within the purview of section 212(a)(14) of the Act.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, an alien who, before February 1, 1966, was registered as an unqualified nonpreference registrant and who subsequently qualified under the provisions of section 212(a)(14) under Departmental regulations in effect at that time, or any alien who between February 1, 1966, and July 1, 1968, qualified for registration as a nonpreference immigrant under Departmental regulations in effect at that time, may retain his original priority date until such time as a nonpreference visa shall become available for his use: *Provided, however,* That no alien shall be given a priority date earlier than January 1, 1944.

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a spouse or child of a principal alien acquired prior to his admission into the United States is entitled to the priority date of the principal alien, whether or not named in the immigrant visa application of the principal alien. A child born of a marriage which existed at the time of the principal alien's admission to the United States is considered to have been "acquired" prior to the principal alien's admission.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

MARCH 3, 1969.

[F.R. Doc. 69-2789; Filed, Mar. 6, 1969; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Medical Attendance and Dependents' Medical Care

1. Section 577.3 is revised to read as follows:

§ 577.3 Medical care from civilian sources.

(a) *For whom authorized.* Subject to the restrictions referred to in paragraph 71, AR 40-3, personnel listed below will be provided medical care when available from civilian sources at the expense of Army funds. Care by civilian sources is authorized when it cannot be provided by medical treatment facilities of the Armed Forces or by other Federal medical treatment facilities, except as indicated in that portion of subparagraph (13) of this paragraph which pertains to hospitalization for persons interned by the Army.

NOTE: Except as provided in subparagraph (12) of this paragraph, members are not provided civilian medical care under the provisions of this section. Such members are authorized civilian medical care under the provisions of §§ 577.60—577.71.

(1) Members of the Army and Reserve components included in paragraphs 7 and 8, AR 40-3, subject to the restrictions contained therein. Such care will not be authorized for persons who are absent without authority.

(2) Members of, and designated applicants for enrollment in, the Army Senior Reserve Officers' Training Corps subject to the restrictions outlined in paragraph 10a, AR 40-3.

(3) Applicants for enlistment or reenlistment in the Armed Forces, including applicants for enlistment in the Reserve components thereof, limited to the following:

(i) Necessary medical and mental examinations.

(ii) Hospitalization to determine medical fitness for military service.

(iii) Emergency medical care for acute illnesses and injuries suffered while awaiting or undergoing processing at recruiting main stations or at Armed Forces Examining and Entrance Stations.

(4) Registrants under the Universal Military Training and Service Act limited to the types of care referred to in subparagraph (3) (i) and (ii) of this paragraph.

(5) Civilian seamen in the service of vessels operated by the Department of the Army.

(6) Civilian employees of the Army limited to those occupational health services authorized in AR 40-5.

(7) Individuals who suffered personal injury or contracted disease in line of duty at a time when they were members of the Citizens Military Training Corps.

(8) U.S. nationals confined in foreign penal institutions.

(9) Applicants for appointment in the Regular Army, and Reserve components inlcuding those members of the Reserve components applying for active duty who require hospitalization to determine medical fitness for appointment, subject to the restrictions contained in paragraph 20, AR 40-3.

(10) Foreign nationals who are members of the Army of one of the NATO nations listed in paragraph 25a(1), AR 40-3, and who, in connection with their official duties, are stationed in or passing through the United States. (This provision is applicable to authorized civilian medical care obtained on and after July 1, 1963.)

(11) For conditions under which dependents of individuals listed in subparagraph (10) of this paragraph are provided civilian medical care, see AR 40-125.

(12) Retired Army members on the Temporary Disability Retired List who require periodic medical examinations, to include hospitalizaton when necessary in connection therewith, retroactive to January 14, 1963. (The provisions of §§ 577.60-577.71 are not applicable to examinations authorized by this subparagraph.)

(13) Prisoners of war, retained personnel, persons interned by the Army, and other persons in military custody or confinement. (Persons interned by the Army will be provided hospitalization at medical treatment facilities of the Armed Forces only in the absence of adequate civilian facilities pursuant in paragraph 42, AR 633-51.)

(14) Labor Service personnel in France.

(b) *Exclusion of hospitals which practice discrimination.* (1) The Department of Defense has determined that certain civilian hospitals practice discrimination in the admission and/or treatment of patients on the basis of race, color or national origin and has declared these hospitals ineligible to receive payment from the Government for inpatient or outpatient care furnished Department of Defense beneficiaries on and after the effective date of ineligibility. The list of ineligible civilian hospitals, together with the effective date of ineligibility, is published as § 577.71. Payment cannot be made for inpatient or outpatient care provided by these hospitals on and after the effective date of ineligibility except in unusual circumstances when approved by the Department of Defense. This applies regardless of whether the hospital seeks payment or the patient pays the hospital and requests reimbursement. Payment to physicians and other professional or paramedical personnel who bill independently of the hospital will not be refused solely because their services were provided in an ineligible hospital.

(2) Before payment is denied for care obtained by an Army beneficiary in an ineligible hospital, the approving authority will review the case to determine whether unusual circumstances exist which may justify payment of the bill. Examples of unusual circumstances which may justify payment are a bona fide emergency, absence of an eligible hospital within reasonable distance, and admission of a patient to an ineligible hospital for short-term inpatient care prior to the effective date of ineligibility and treatment continues beyond that date. If it is found that unusual circumstances exist, the bill with a statement of the circumstances will be forwarded to The Surgeon General, Attention: MEDDD-OP, for review and forwarding to the Department of Defense for decision.

2. In § 577.60, a new subparagraph (4) is added to paragraph (c), to read as follows:

§ 577.60 General.

* * * * *

(c) *Administration.* * * *

(4) *Benefits not authorized in civilian facilities found to practice discrimination.* (i) Except as provided in subdivision (iii) of this subparagraph, payment cannot be made for inpatient or outpatient care provided in and billed by civilian facilities found by the Department of Defense to practice discrimination in the admission and/or treatment of patients on the basis of race, color or national origin and reimbursement cannot be made to an eligible patient who pays for care in such a facility and submits a claim for reimbursement. This policy is applicable in the States of the United States, the District of Columbia, Puerto Rico, Virgin Island, American Samoa, Guam, Wake Island, Canal Zone, and the territories and possessions of the United States. This restriction on payment applies to bills submitted by ineligible facilities for all care otherwise authorized by §§ 577.60—577.71, including benefits authorized under the Handicapped Program (§ 577.67). However, payment of attending physician and other professionals or paramedical personnel who bill independently of the facility will not be refused solely because their services were provided at a facility appearing on the list.

(ii) A list of facilities determined by the Department of Defense to be ineligible, together with the effective dates of ineligibility, is maintained in § 577.71.

(iii) In unusual circumstances, the Secretary of Defense or Secretary of Health, Education, and Welfare, as appropriate, may authorize payment for care obtained in an ineligible facility. When a claim is received for care obtained in an ineligible facility, it will be carefully reviewed to determine whether unusual circumstances existed which

might justify recommending payment. Examples of unusual circumstances include, but are not limited to the following:

(*a*) Emergency care.

(*b*) Care rendered in an ineligible facility because of the absence of an eligible facility within a reasonable distance (see § 577.63(b)(1)(vi)).

(*c*) Extended care for chronic conditions, nervous, mental, or emotional disorders, and for treatment under the Handicapped Program when a plan for management of the condition had been approved prior to the effective date of ineligibility of the facility and when the attending physician determines that a change in the treatment facility would be detrimental to the patient.

(*d*) Short-term care which was initiated prior to the effective date of ineligibility and continued beyond the ineligibility date.

(iv) Claims in connection with care provided in facilities on the ineligible list which indicate that unusual circumstances existed must be approved for payment by the Secretary of Defense or Secretary of Health, Education, and Welfare, as appropriate. When unusual circumstances appear to justify the payment of such claims, the Executive Director, OCHAMPUS, or, as appropriate, the oversea commander, will forward the claim, together with his recommendation, to the Surgeon General concerned for review and forwarding to the appropriate Secretary for decision. Such claims must include a statement indicating the unusual circumstances.

3. In § 577.63(b), the introductory text of subparagraph (1) and subdivision (i) are revised to read as follows:

§ 577.63 Source of health benefits for dependents and retired members.

* * * * *

(b) *Administration of limitation on civilian inpatient care*—(1) *In the United States and Puerto Rico.* A DD Form 1251 (Nonavailability Statement—Dependents Medical Care Program) normally will be furnished spouses and children of active duty members residing with their sponsor in the United States or Puerto Rico when needed inpatient care cannot be provided them in a uniformed services facility within reasonable distance of their residence. Each DD Form 1251 issued will be annotated under "Remarks" as follows: "Any nonemergency medical care obtained through the use of this statement must be in hospitals which do not discriminate in their admission and treatment practices on the basis of race, color, or national origin." The form (four part set) will be signed by the issuing officer. Three copies will be furnished the patient: One to be given to the attending physician, one to the civilian hospital, and one to be retained by the patient. The remaining copy will be retained by the issuing authority.

(i) The issuing authority will explain to the patient that the DD Form 1251 is for immediate use and must be presented to the civilian sources of care if the dependent chooses to seek civilian inpatient care under the program. He will also explain to the patient that, except in unusual circumstances, payment will not be made by the Government for care provided in and billed by a civilian facility which is on the ineligible list and will not reimburse a patient who pays for care in such a facility and subsequently submits a claim for reimbursement. (See §§ 577.60(c)(4) and 577.71).

* * * * *

4. In § 577.64, a new subparagraph (4) is added to paragraph (g), as follows:

§ 577.64 Health benefits at facilities of the uniformed services.

* * * * *

(g) *Care beyond the capabilities of the medical facility.* * * *

(4) The Government may not pay for care under subparagraphs (2) and (3) of this paragraph if provided at and billed by facilities which have been found by the Department of Defense to practice discrimination in the admission and/or treatment of patients. (See §§ 577.60(c)(4) and 577.71.)

* * * * *

5. In § 577.65, paragraph (a)(2) and the introductory text of paragraph (b) are revised to read as follows:

§ 577.65 Civilian health benefits for dependents and retired members.

(a) *Eligibility for civilian health benefits.* * * *

(2) Individuals will be cautioned that, unless unusual circumstances exist (see § 577.60(c)(4)), the Government will not pay for either inpatient or outpatient care provided in and billed by a facility which appears on the ineligible list (§ 577.71). Also, when seeking civilian health benefits, the eligible person should ascertain that the source of care will participate in the Civilian Health and Medical Program of the Uniformed Services. If the source of care does participate in the program, the patient is not responsible for payment of any amount for authorized benefits except as specified in paragraph (1) of this section.

(b) *Civilian health benefits authorized dependents and retired members.* Authorized civilian health benefits include but are not limited to, the following provided the benefits are not furnished in a civilian facility which has been found by the Department of Defense to practice discrimination:

* * * * *

6. In § 577.67, the introductory text of paragraph (d) is revised to read as follows:

§ 577.67 Handicapped program.

* * * * *

(d) *Services authorized.* The following services are authorized with respect to the dependent's handicapping condition provided the services are not furnished in and billed by a civilian facility which has been found by the Department of Defense to practice discrimination in the admission and/or treatment of patients on the basis of race, color or national origin (see § 577.60(c)(4)):

* * * * *

7. In § 577.70, the caption is amended, introductory text is added, and the list is changed for States indicated:

§ 577.70 Fiscal agents.

For civilian health benefits obtained within the United States, Puerto Rico, Canada, and Mexico, the following fiscal agents are responsible for issuance of outpatient deductible certificates, payment of claims for benefits provided by civilian sources of care (other than hospitals), and payment of claims for reimbursement of Government's share of reasonable charges for inpatient and outpatient care:

* * * * *

ARKANSAS

Arkansas Blue Cross and Blue Shield, Inc., 601 Gaines Street, Little Rock, Ark. 72203.

* * * * *

CONNECTICUT

*Connecticut General Life Insurance Co., Hartford, Conn. 06115.

* * * * *

FLORIDA

Blue Shield of Florida, Inc., 532 Riverside Avenue, Jacksonville, Fla. 32201 or Post Office Box 2170, Jacksonville, Fla. 32203.

* * * * *

LOUISIANA

*Continental Service Life & Health Insurance Co., Post Office Box 3397, Baton Rouge, La. 70821.

* * * * *

MASSACHUSETTS

Massachusetts Medical Service and Massachusetts Blue Cross, Inc., 133 Federal Street, Boston, Mass. 02106.

* * * * *

MINNESOTA

*Minnesota Medical Service, Inc., 2344 Nicollet Avenue, Minneapolis, Minn. 55404.

* * * * *

NEBRASKA

Nebraska Medical Service, CHAMPUS Department, Main Post Office Station, Post Office Box 3246, Omaha, Nebr. 68103, or 518 Kilpatrick Building, Omaha, Nebr. 68102.

* * * * *

NEW MEXICO

Surgical Service, Inc. of New Mexico, 12800 Indian School Road NE., Albuquerque, N. Mex. 87112.

NEW YORK

United Medical Service, Inc., 2 Park Avenue, New York, N.Y. 10016.

NORTH CAROLINA

North Carolina Blue Cross & Blue Shield, Inc., Chapel Hill, N.C. 27514.

NORTH DAKOTA

North Dakota Physicians Service, 301 Eighth Street South, Fargo, N. Dak. 58102.

* * * * *

VIRGINIA

(Excludes Arlington and Fairfax Counties, and the city of Alexandria which are served by the fiscal agent for the District of Columbia.)

Virginia Medical Service Association, 2015 Staples Mill Road or Post Office Box 656, Richmond, Va. 23205.

* * * * *

WISCONSIN

Wisconsin Physicians' Service, 330 East Lakeside Street, Madison, Wis. 53705, or Post Office Box 1109, Post Office Box 1787.

* * * * *

8. A new § 577.71 is added, to read as follows:

§ 577.71 Civilian facilities which have been identified by the Department of Defense as practicing discrimination in the admission and/or treatment of patients.

Hospital	Effective date of ineligibility	Effective date eligibility restored
Choctaw County General Hospital, Butler, Ala.	Oct. 16, 1968	
Fifth Avenue General Hospital, Huntsville, Ala.	do	
St. Francis Hospital, Monroe, La.	do	Nov. 4, 1968
Greenwood Leflore Hospital, Greenwood, Miss.	do	
Covington County Hospital, Collins, Miss.	do	
East Bolivar County Hospital, Cleveland, Miss.	do	Oct. 25, 1968
Tuomey Hospital, Sumter, S.C.	do	
Hampton General Hospital, Varnville, S.C.	Nov. 16, 1968	

[C 17, AR 40–3 and C 1, AR 40–121]

(Sec. 3012, 70A Stat. 157, secs. 1071–1085, 72 Stat. 1445–1450; 10 U.S.C. 1071–1085, 2013)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–2739; Filed, Mar. 6, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Waterways Tributary to Atlantic Ocean and Gulf of Mexico

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.160 governing the use, administration, and navigation of all waterways tributary to the Atlantic Ocean south of Chesapeake Bay and to the Gulf of Mexico east and south of St. Marks, Fla., is hereby amended revising paragraph (d) to revoke the bridge regulations in subparagraphs (1)–(3) and to include a reference to the regulations of the U.S. Coast Guard applicable to the operation of bridges, effective upon publication in the FEDERAL REGISTER, since the promulgation of regulations to govern the operation of bridges is now the responsibility of the Department of Transportation (U.S. Coast Guard), as follows:

§ 207.160 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.; use, administration, and navigation.

* * * * *

(d) *Bridges.* (For regulations governing the operation of bridges, see §§ 117.1, 117.240 and 117.245 of this title.)

* * * * *

[Regs. Feb. 16, 1969, 1507–32 (Waters tributary to Atlantic Ocean and Gulf of Mexico)–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–2740; Filed, Mar. 6, 1969; 8:46 a.m.]

PART 208—FLOOD CONTROL REGULATIONS

Norman Dam and Lake Thunderbird, Little River, Okla.

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of the flood control storage above elevation 1039 in Lake Thunderbird on Little River, Okla., and the operation of Norman Dam for flood control purposes.

§ 208.34 Norman Dam and Lake Thunderbird, Little River, Okla.

The Bureau of Reclamation, or its designated agent, shall operate Norman Dam and Lake Thunderbird in the interest of flood control as follows:

(a) Flood control storage in Lake Thunderbird between elevation 1039 (top of the conservation pool) and elevation 1049.4 (top of flood control pool) initially amounts to 76,600 acre-feet. Whenever the reservoir level is within this elevation range the flood control discharge facilities at Norman Dam shall be operated under the direction of the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, so as to reduce as much as practicable the flood damage below the reservoir. In order to accomplish this purpose, flood control releases shall be limited to amounts which, when combined with local inflows below the dam, will not produce flows in excess of bankfull on the Little River downstream of the reservoir. Controlling bankfull stages and corresponding flows, as presently estimated, are as follows: A 7.5-foot stage (1,800 c.f.s.) on the U.S.G.S. gage on Little River near Tecumseh, Okla., river mile 77.2 and a 17-foot stage (6,500 c.f.s.) on the U.S.G.S. gage on Little River near Sasakwa, Okla., river mile 24.1.

(b) When the reservoir level in Lake Thunderbird exceeds elevation 1049.4 (top of flood control pool), releases shall be made at the maximum rate possible through the river outlet works and the uncontrolled spillway and continued until the pool recedes to elevation 1049.4 when releases shall be made to equal inflow or the maximum release permissible under paragraph (a) of this section, whichever is greater.

(c) The representative of the Bureau of Reclamation or its designated agent in immediate charge of operation of the Norman Dam shall furnish daily to the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, a report, on forms provided by the District Engineer showing the pool elevation; the number of river outlet works gates in operation with their respective openings and releases; uncontrolled spillway release; municipal pumping rate; storage; tail water elevation; reservoir inflow; available evaporation data; and precipitation in inches. Normally, a reading at 8 a.m., noon, 4 p.m. and midnight, shall be shown for each day. Whenever the reservoir level rises to elevation 1039 and releases for flood regulation are necessary or appear imminent, the representative of the Bureau of Reclamation or its designated agent, shall report at once to the District Engineer by telephone or telegraph and, unless otherwise instructed, shall report once daily thereafter in that manner until the reservoir level recedes to elevation 1039. These latter reports shall reach the District Engineer by 9 a.m. each day.

(d) The regulations of this section, insofar as they govern use of flood control storage capacity above elevation 1039.0, are subject to temporary modification in time of flood by the District Engineer if found desirable on the basis of conditions at the time. Such desired modifications shall be communicated to the representative of the Bureau of Reclamation and its designated agent in immediate charge of operations of the Norman Dam by any available means of communication, and shall be confirmed in writing under date of the same day to the Regional Director in charge of the locality, and his designated agent, with a copy to the representative in charge of the Norman Dam.

(e) Flood control operation shall not restrict pumping necessary for municipal and industrial uses and releases necessary for downstream users.

(f) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with emergency requirements for protecting the dam and reservoir from major damage or inconsistent with the safe routing of the inflow design flood (spillway design flood).

(g) The discharge characteristics of the river outlet works (capable of discharging approximately 5,400 c.f.s. with the reservoir level at elevation 1039.0) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC–5793 as revised by the "as built drawings").

(h) All elevations stated in this section are at Norman Dam and are referred to the datum in use at that location.

[Regs., Jan. 31, 1969, ENGCW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-2741; Filed, Mar. 6, 1969; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE RESERVOIR AREAS

Okatibbee Reservoir, Miss., and Holt Lock and Dam, Ala.

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944 (76 Stat. 1195) as follows:

1. The Okatibbee Reservoir, Miss., is added to those listed in § 311.1, as follows:

§ 311.1 Areas covered.

* * * * * * *

Mississippi

* * * * * * *

Okatibbee Reservoir, Okatibbee Creek.

* * * * * * *

2. The Holt Lock and Dam, Ala., is added to the list in § 326.1(c), as follows:

§ 326.1 Areas covered.

* * * * * * *

(c) * * *

Alabama

* * * * * * *

Holt Lock and Dam, Warrior River.

* * * * * * *

[Regs., Dec. 17, 1968, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-2742; Filed, Mar. 6, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Additions to Rules and Regulations

Notice is hereby given that the Department is considering additions, as hereinafter set forth to the rules and regulations (Subpart—Rules and Regulations), pursuant to § 906.21 and other applicable provisions of the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The additional rules and regulations were proposed by the Texas Valley Citrus Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The first proposal is to re-establish the three districts within the production area as a single district. The committee reports among other things, that production shifts within the production area have made the districts as now established inequitable, and since the promulgation of the marketing agreement and order program, producers have become knowledgeable as to the production and marketing of citrus throughout the production area. Furthermore, the production area is compact and relatively small. Also, regulations established under the marketing order program are applicable throughout the production area.

The second proposal relates to equitable reapportionment of the members and alternate members of the committee on the bases, among others, that the increase in the amount of fruit handled by the cooperative marketing organizations in the various districts relative to that handled by independent handlers warrants the reapportionment. This proposal would reduce the independent producer and independent handler representations, and increase the representations of the producers who market through cooperative marketing organizations and of such organizations, on the committee to reflect the relative amounts of fruit being handled.

The third proposal would require handlers as authorized in § 906.51 to file, with the committee each fiscal period, accurate reports showing the total amount of oranges and grapefruit handled by them during specified periods.

The proposed rules and regulations are as follows:

§ 906.121 Reestablishment of districts.

The three districts of the production area specified in § 906.20 *Districts* are re-established as a single district comprising the entire production area.

§ 906.122 Changes in member and alternate member apportionment on the committee.

The representation or membership on the Texas Valley Citrus Committee is reapportioned to provide for the nomination and selection from the district, as reestablished in § 906.121 pursuant to § 906.21 of (a) four producer members and their respective alternates representing producers who market their fruit through cooperative marketing organizations; (b) five producer members and their respective alternates representing independent producers; (c) two handler members and their respective alternates representing cooperative marketing organizations; and (d) four handler members and their respective alternates representing independent handlers.

§ 906.151 Reports.

During each fiscal period, each handler shall upon request by the committee file with the committee within the time specified in the request an accurate report showing the total quantity of oranges and the total quantity of grapefruit received by him during such fiscal period or the preceding fiscal period, as requested.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: March 3, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2783; Filed, Mar. 6, 1969; 8:49 a.m.]

[7 CFR Part 959]

[Docket No. AO-322-A2]

ONIONS GROWN IN SOUTH TEXAS

Notice of Recommended Decision and Opportunity To File Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed amendment of Marketing Agreement No. 143 and Order No. 959 both as amended (7 CFR Part 959), hereinafter referred to collectively as the "order," regulating the handling of onions grown in designated counties in South Texas. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 10th day after its publication in the FEDERAL REGISTER. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order was formulated, was held in Edinburg, Tex., December 18, 1968, pursuant to notice thereof published in the November 23, 1968, issue of the FEDERAL REGISTER (33 F.R. 17359). The notice set forth proposed amendments to the order which were submitted, with a request for a hearing thereon, by the South Texas Onion Committee, the administrative agency established pursuant to the order and hereinafter referred to as the "committee."

Material issues. The material issued presented on the record of hearing are as follows:

(1) Provide authority for the Secretary to designate dates other than those specified in the order, prior to which nomination meetings must be held and the names of the nominees submitted to the Secretary;

(2) Provide authority for the committee to carry over excess funds into subsequent fiscal periods as reserves when the funds already in the reserves

do not exceed approximately two fiscal periods' expenses;

(3) Provide authority to regulate and specify the number of hours per day that onions can be packaged or loaded or both during a specified period or periods or any combination thereof;

(4) Make other minor changes to conform with the order and the amendments thereof.

Findings and conclusions. Findings and conclusions on the material issues, all of which are based upon evidence presented at the hearing and the record thereof, are as follows:

(1) Section 959.27 (a) and (c) should be amended to provide additional flexibility in the time specified for completing nominations and submitting the names of the nominees to the Secretary by authorizing the Secretary to designate dates, other than those specified in the order, in which nomination meetings must be completed and the names of the nominees submitted to the Secretary.

In some years it has been difficult for the committee to complete the nomination meetings in all districts prior to June 15, the date prescribed in § 959.27 (a) of the order and to submit the names of the nominees to the Secretary prior to July 1, the date prescribed in § 959.27(c) of the order. Nomination meetings are difficult to schedule because: Such dates are approximately 9 months in advance of onion harvest for the fiscal period in which the nominees are being selected; the current season's onion harvest in the late districts is not completed; onion producers and handlers are busy harvesting and marketing other crops and find it difficult to attend nomination meetings; and the committee manager, who makes the arrangements for such nomination meetings, is still occupied with the current season's onion assessment collections and statistical reports. Changes in the dates, should be authorized in the event of changes in onion harvesting, handling and marketing patterns; changes in the fiscal period, failure of the committee to complete nominations by the prescribed dates; or other problems of a similar nature which may arise.

Changes in such dates will normally be made by the Secretary based on the recommendation of the committee. However, the Secretary should also make such changes in the dates based on information available to him. Such changes in the dates may be for one fiscal period or for more than one fiscal period as may be determined by the Secretary. Any date specified for completion of nomination meetings should be a date prior to the beginning of the fiscal period to provide adequate time for the Secretary to make the committee appointments and to obtain their acceptances prior to the committee's annual organizational meeting.

When the date on which the nomination meetings are to be completed is changed, the date on which the names of the nominees must be submitted to the Secretary should also be changed. Such dates, as prescribed in the order, allow 15 days for the committee to submit the names of the nominees to the Secretary and a time interval of not less than 15 days should be maintained.

(2) The maximum amount of funds authorized to be carried over into subsequent fiscal periods as reserves should be increased to permit the committee to place the excess of income over expenses from any fiscal period into such reserves providing the funds in the reserves do not exceed an amount approximately equivalent to two fiscal periods' expenses.

The committee's fiscal period presently begins on August 1 and assessments on production area onions begin in March, but no substantial amount of assessment income is available until April, 9 months after the beginning of the fiscal period. If the South Texas onions should suffer a partial or complete crop failure due to rain, hurricane, or other hazards prevalent in the production area, the committee may be compelled to operate for as long as 21 months with little or no assessment income.

The South Texas Lettuce Marketing Order, which is currently inactive, has been sharing the administrative expenses with the onion committee by paying the committee office expenses and employees salaries for 5 months each fiscal period. When the South Texas Lettuce Marketing Order became inactive in 1968 it was necessary for the onion committee to assume all the administrative expenses. These added expenses made it necessary for the committee to increase their budget and to use funds from their reserves to pay the added expenses.

Occasionally, adverse crop or weather conditions result in a smaller crop of onions than was anticipated by the committee. When they do not have adequate reserves the reduced assessment income resulting from such short crop makes it necessary to increase the assessment rate on all onions packed during the season. This results in an increased financial burden on handlers to pay the administrative costs when their income has been reduced by the crop losses. Also the committee prefers not to increase the assessment rate in the middle of the season because they must collect the additional assessment from handlers who have already paid their assessment. When the committee has ample reserves a low assessment rate can be maintained each fiscal period and funds from the reserves can be used during periods when assessment income is not adequate to pay all of the administrative costs. Without adequate reserves the committee must maintain a higher assessment rate to have sufficient funds to operate on in the event of a shorter crop than anticipated, or a crop failure.

At the committee's annual organizational meeting held soon after August 1 each year one item of business is to review previous years' income and expenditures. At that meeting the committee must decide on the disposition of the excess of income over expenses from the previous fiscal period, if any. If the funds already in the reserves do not equal approximately two fiscal periods' expenses the committee should be authorized to place such excess funds into the reserves. Such authorization should be provided, although the additional funds may result in the reserves temporarily exceeding an amount equivalent to approximately two fiscal periods' expenses.

The record indicates that the average of two representative fiscal periods expenses out of the previous five fiscal periods expenses, multiplied by two, should be the basis for determining the maximum amount of funds authorized to be carried over into subsequent fiscal periods as reserves. The two such representative fiscal periods should be those two periods in which the committee expenses were similar to those anticipated during the current fiscal period.

Producers prefer to have the excess funds placed in the reserves and the assessment reduced in subsequent fiscal periods. They feel that this is a more equitable adjustment than to refund such excess funds to handlers who may or may not pass them on to producers. Most handlers also prefer to have such excess funds placed in the reserves and the assessment reduced in subsequent fiscal periods because they must pay the assessment. When such excess funds are refunded to handlers, additional bookkeeping cost may exceed the amount of the refund, especially when they subsequently pass such refund on to their producers.

The reserves and other committee funds are safeguarded by the bonding of all employees and committee members who have access to such funds. Also the budget and the assessment rate are reviewed and approved annually by the Secretary. An audit of income and expenses is made at the end of each fiscal period by a qualified accountant and reviewed by the Secretary. Financial statements showing expenditures and income are prepared periodically by the committee manager for the committee and the Secretary, and copies are also available to other interested persons and available for public inspection at the committee office. Therefore, such increased reserves would be properly safeguarded and would provide additional financial flexibility for the efficient administration of the order by the committee.

(3) The committee should be authorized to recommend to the Secretary and the Secretary should be authorized to regulate the number of hours in each calendar day that production area onions can be packaged or loaded or both by all handlers during specified periods as a method of limiting the total quantity of production area onions which may be marketed during such periods by prohibiting the packaging or loading or both of onions except during specified consecutive hours in any calendar day or days: *Provided*, That any handler may, upon such notice to the committee as it may prescribe with the approval of the Secretary, package or load onions or both during a different period in such day consisting of the same number of consecutive hours.

The order became effective February 6, 1961, following a public hearing and a referendum of producers, and was amended March 12, 1962. It has regulated the handling of South Texas onions each year since becoming effective. During the 8 years the order has regulated the handling of onions in South Texas the harvested acreage and the seasonal average prices received by producers for production area onions have varied considerably. The daily f.o.b. onion prices reported by the Market News Service, C&MS, USDA, Weslaco, Tex., indicate that production area onion prices are frequently high at the beginning of the season and decline rapidly as shipments increase. These daily f.o.b. prices do not reflect price reductions given to buyers in the form of price adjustments during periods when prices for production area onions are declining. Price adjustments frequently are 25 cents to $1 per 50-pound bag of onions during such periods.

Volume shipments of South Texas onions normally begin in the Lower Rio Grande Valley district in mid-March, the Laredo district in early April, the Coastal Bend and Winter Garden districts in mid-April. Production area onion shipments may exceed 200 carlot equivalents per day of combined rail and truck shipments when two or more districts are shipping onions simultaneously. During peak shipping periods the supply of onions frequently exceeds the market requirements. This results in shipments of unsold onions (rollers) and price adjustments on onions previously sold. Occasionally, unsold shipments of production area onions are abandoned to the railroads which sell them at salvage prices to recover their freight costs.

The record indicates that the demand for onions is very inelastic and that the consumption of onions is not increased significantly when the retail price is reduced. The average U.S. consumption of all onions is relatively stable at approximately 11.5 pounds per person per year. It is estimated that approximately 55.5 percent of the households in the United States purchase onions each week. Marketing studies indicate that onion purchases are frequent and in small quantities, averaging only about 8 cents for each purchase.

When onion prices are reduced, the total consumption of onions is not increased significantly and the onion producers are the most directly affected by such price reduction. In the production area the onion handlers' cost for harvesting, packaging, and marketing onions is deducted from the returns before producers receive any payment. The production cost must be paid from such returns after the harvesting, packaging, and marketing cost is deducted. The production cost varies according to the number of bags of onions produced per acre. For example, the average South Texas onion production cost is approximately $1.40 per bag with a yield of 150 bags per acre but is reduced to approximately $0.53 per bag with a yield of 400 bags per acre. The record indicates that an average yield from a good field of onions, produced and harvested during normal weather conditions, is approximately 300 bags per acre and the average cost for producing, harvesting, packaging, and marketing onions from such a field is approximately $2 per bag.

Any benefits derived from stabilizing the returns for production area onions above the cost of harvesting, packaging, and marketing should accrue to the producers thereof. Establishing an orderly flow-to-market for production area onions during peak shipping periods should tend to increase such returns. Limiting the number of hours that production area onions can be packaged or loaded or both by all handlers thereof during each day for a specified number of days or period of time during the peak shipping periods for South Texas onions should tend to create an orderly flow-to-market for production area onions. The record indicates that the South Texas Onion Committee members are experienced producers and handlers of onions and can frequently predict, 3 or 4 days in advance, when shipments of onions will exceed the market requirements and cause prices to decline below profitable levels for producers. When such excess onion shipments are anticipated by the committee, the chairman should call a meeting of the committee members for the purpose of considering recommendations to the Secretary for a regulation to limit such onion shipments. The committee members based upon their experience in the marketing of South Texas onions can determine the approximate number of cars of production area onions that can be marketed profitably, based on the supply of such onions available for market, the market outlook and the available supplies of onions from competing areas. When the committee determines that shipments of production area onions will exceed the market requirements for such onions they should recommend to the Secretary and the Secretary should set a regulation to prohibit the packaging or loading, or both, of onions except during specified consecutive hours of any calendar day or days to establish an orderly flow-to-market for production area onions. Recommendations to the Secretary should be based on the committee's analysis of: (1) The quantity of onions that can be packaged or loaded or both per hour when all of the packing sheds currently packaging and loading onions are operating at capacity; (2) the number of cars of onions that can be marketed daily to provide a profitable return to producers for their onions; and (3) other factors influencing the marketing of South Texas onions.

The record indicates that an orderly flow-to-market for production area onions could be accomplished by limiting the packaging or loading hours or both for such onions. The 1969 South Texas onion crop was estimated to be approximately 6,652,800 bags (8,316 carlot equivalents at 800 bags per car). Normally 500 cars of such onions are marketed in March, leaving 7,816 cars to be marketed in April and May. Therefore, an orderly flow-to-market could be maintained for such period with shipments of production area onions averaging approximately 147 cars per day, excluding Sundays which are shipping holidays. Restricting the packaging or loading hours or both of production area onions would tend to level off the peak shipments of such onions by preventing handlers from shipping excessive quantities of onions during such period. Some onions could be left in the field, unharvested or in field sacks for an additional period of time to level off such peak shipments. The record indicates that production area onions can be left in the fields, in field sacks, for 10 to 14 days after they are harvested except during extended rainy periods.

Establishing an orderly flow-to-market for production area onions by regulating the packaging or loading hours or both is contingent upon the packaging capacity of the onion packing sheds therein. It would be necessary for handlers to purchase additional expensive packaging equipment to increase their daily packaging capacity significantly during periods when they are restricted to a limited number of hours for packaging onions. Many handlers would also need additional building space for such packaging equipment. Additional packing crews would be needed to operate the added packaging equipment, some requiring special training. It would not be practical for most handlers to invest large sums of money in additional packaging equipment and buildings to increase their onion packaging capacity because such equipment would be in operation for only a short period of time each year. However, such regulation may result in handlers modernizing their packaging lines to make them more efficient and to obtain maximum capacity during regulated periods. Also, some handlers may purchase new packaging equipment or install wider belts on their existing equipment to obtain increased capacity. Such changes would not be accomplished in one season but would require considerable time and the committee could evaluate such changes prior to requesting regulations.

The record indicates that the packaging of onions, as used in this part, begins when the onions are emptied from the field sacks onto the onion grading belts to be sorted. Packaging includes: sorting and sizing the onions; placing the onions into containers; closing the filled containers; and stacking the containers in the packing shed or storage area. The loading of onions begins with the movement of stacked containers of onions from the packing shed or storage area to a railroad car, truck, or other means of conveyance and placing them in such conveyance for the purpose of transporting them to the markets. When onions are conveyed directly from the packaging line to the trucks or railroad cars, or other means of conveyance for loading, the loading operation begins after the containers are filled with onions and closed.

The regulation limiting the packaging or loading hours or both of production area onions should become effective as soon as possible after it is determined

that such regulation is needed. The length of time between such determination and the need thereof is relatively short because the daily shipments of production area onions can and frequently do increase very rapidly and such regulation should become effective before such onion shipments become excessive. Also, information regarding the committee's recommendation to the Secretary for such regulation is disseminated among growers and handlers in the production area following a committee meeting to consider such regulation, by those in attendance at the meeting and by the committee. The committee's recommendation is therefore well known in the production area soon after such meeting is held. Delaying the effective date of a regulation issued pursuant to such committee recommendation would afford handlers an opportunity to increase their shipments of production area onions prior to the effective date thereof. Such additional shipments could depress the markets and reduce the price for production area onions thereby tending to nullify any benefits that may otherwise be derived from such regulation.

The packaging or loading hours or both of production area onions set by such regulation should be the specified consecutive hours in any calendar day or days during the effective period or periods thereof, that production area onions can be packaged or loaded or both. Handlers of production area onions should be permitted to choose different consecutive hours within each calendar day that they will package or load onions or both. However, they should be required to notify the committee and the Federal-State inspection service of such different hours prior to packaging or loading of production area onions during any such regulated period. Such notification should be provided at a time and in a manner prescribed by the committee. The record indicates that weather conditions, field delivery schedules and the availability of rail cars and trucks can be, and frequently are different for different handlers. Some handlers have drying equipment to dry onions prior to packaging them and can operate on a regular 8 a.m. to 5 p.m. basis. Other handlers are often forced to wait until the onions in the field are dry before they can deliver them to the packing sheds for sorting and packaging and are frequently not able to begin operating their packaging lines until after noon.

The packaging and loading of production area onions is not always performed simultaneously by handlers and authority should be provided to set loading hours that are greater than or less than the packaging hours. Also, authority should be provided to set a regulation to limit the loading hours without limiting the packaging hours or limit the packaging hours without limiting the loading hours. The record indicates that limiting either the packaging or the loading of onions may provide adequate restrictions for shipments of production area onions when adverse weather, a shortage of railroad cars or similar problems arise and such authority would provide the committee and the Secretary with the needed flexibility to set a regulation which would accomplish the intended purpose of the act under such circumstances.

Any regulation limiting the packaging or loading hours or both of onions, should be set for a specified period or periods of time in days, weeks or months thereof. The Secretary should be authorized to terminate or modify such regulation when it is determined by him or by the committee that conditions warrant such termination or modification. Cool rainy weather, excessive seed stem development, or other adverse conditions may result in reduced shipments and the need for termination or modification of the regulation. Conversely, dry hot weather and reduced cullage may permit handlers to package more onions than was previously estimated by the committee, resulting in the need to reduce the daily packaging hours, extend the regulated period or both.

The committee should be authorized to establish regulations with the approval of the Secretary to establish procedures whereby handlers of production area onions who were prevented by conditions specified in such regulations, as being beyond their reasonable control, from packaging or loading onions or both for a period of more than 1 hour, should be permitted to request and obtain permission from the committee to package or load onions or both during a comparable number of additional hours in the same day or a later day as specified by the committee.

Numerous difficulties may arise to prevent handlers from being able to operate their packing sheds during all or a portion of their authorized packaging or loading time or both. The resulting delays may be caused by adverse weather conditions, late deliveries of onions from the field, mechanical failures, interruption of utility services, shortage of rail cars and similar problems. Rules and regulations so established should specify the delays for which such exemptions would be authorized and the method by which such delays would be verified to the committee. They should also specify the procedure handlers are to use in applying for such exemptions.

The record indicates that onions for export should be exempt from packaging or loading hours or both pursuant to handling for special purpose, § 959.53 of this part. Onions for export should be exempted because ships used to transport onions for export must be loaded in a limited period of time after the ships arrive in port to avoid costly demurrage charges.

Onions for repackaging into consumer size packages should be exempted from packaging or loading hours or both when such onions have been previously packaged during the authorized hours for such packaging; inspected by a Federal-State inspector; and have complied with the regulations issued pursuant to § 959.52 of this part. Such exemption should be authorized pursuant to paragraph (d) of § 959.53 of this part.

The record indicates that production area onions handled in such manner are packaged during the allotted packaging time in 50-pound unlabeled bags, referred to as "peanut bags." They are subsequently emptied from the "peanut bags" on to special packaging lines and packaged into consumer size packages. These consumer size packages of onions are placed back in the "peanut bags" which become the master containers. Exemptions for handling onions in this manner would not increase the total quantity of onions that could be packaged by handlers during authorized packaging hours. Onions for repackaging should also be exempt from loading hour restrictions when they have been previously packaged in the manner described herein. Such repackaged onions are packaged in limited quantities and are usually sold prior to shipment.

The committee should be authorized to establish rules and regulations, with the approval of the Secretary, to provide for adequate safeguards when onions are handled pursuant to such exemptions and to provide the committee and the Secretary with authority to withdraw any or all exemptions so established, in the event that difficulties are encountered in enforcing the regulation due to such exemptions.

(4) Some minor changes should be made in the order to better conform with the intent therein and to facilitate the administration of the order and regulations issued thereon. In this respect paragraph (b) in § 959.52 should be amended by: Deleting "or" appearing at the end of subparagraph (3); changing the period to a semicolon at the end of subparagraph (4); and revising subparagraph (5) to read, "Establish holidays by prohibiting throughout the entire production area the packaging or loading or both of onions on Sunday"; also, the definition of "Handle," § 959.7 should be changed by adding the word "load" between the words "package" and "sell." Such changes are in conformity with the order and the amendments hereto. The record indicates that the aforementioned changes should be made to conform with the current interpretations of the order and amendments and for purposes of clarity.

Briefs. January 13, 1969, was set by the presiding officer at the hearing as the latest date by which briefs and proposed findings and conclusions would have to be filed by interested parties. None was filed.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The amended marketing agreement and order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers

thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The amended marketing agreement and order, as both are hereby proposed to be amended, regulate the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The amended marketing agreement and order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The amended marketing agreement and order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out.

1. Section 959.27 *Nomination,* is revised by adding to the end of each of paragraphs (a) and (c) thereof, the following: "or by such other date as may be specified by the Secretary."

2. Section 959.43 *Accounting,* is revised by changing the first sentence in subparagraph (2), of paragraph (a) to read as follows:

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided,* That funds already in reserves do not equal approximately two fiscal periods' expenses. * * *

3. Section 959.52 *Issuance of regulations,* is revised as follows:

a. As to paragraph (b): By deleting "or" appearing at the end of subparagraph (3); by changing the period to a semicolon at the end of subparagraph (4); and by revising subparagraph (5) and adding subparagraph (6) to read as follows:

(5) Establish holidays by prohibiting throughout the entire production area, the packaging or loading, or both, of onions on Sundays;

(6) Prohibit the packaging or loading, or both, of onions except during specified consecutive hours of any calendar day or days: *Provided,* That, any handler may, upon such notice to the committee as it may prescribe with approval of the Secretary, package or load onions during a different period in such day consisting of the same number of consecutive hours: *Provided further,* That, any handler who, due to conditions specified in regulations established by the committee with the approval of the Secretary as being beyond a handler's reasonable control, is prevented for more than one of such consecutive hours from so packaging or loading onions may, in accordance with such regulations, obtain permission from the committee to package or load onions, or both, during a comparable number of additional hours in the same day or a later day as specified by the committee.

b. New paragraph (d) is added as follows:

(d) No handler may handle onions that were packaged or loaded or both during any period when such packaging or loading or both was prohibited by any regulation issued pursuant to subparagraph (5) or (6) of paragraph (b) of this section, except such onions as were exempted thereunder.

4. Section 959.7 *Handle,* is revised by adding the word "load" between the words "package" and "sell."

Copies of the notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be inspected there.

Dated: March 4, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-2784; Filed, Mar. 6, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

SUBSIDIZED OPERATORS

Guidelines for Payment

In F.R. Doc. 67-14066 (32 F.R. 16436, Nov. 30, 1967) comments by interested parties were invited to be submitted by December 18, 1967, relative to the guidelines set forth therein for payment of operating-differential subsidy to subsidized operators.

In F.R. Docs. 67-14669 (32 F.R. 17980), 68-1375 (33 F.R. 2531), 68-3671 (33 F.R. 4996), 68-7031 (33 F.R. 8744), 68-9746 (33 F.R. 11547) and 68-14043 (33 F.R. 17315), the date of December 18, 1967, was extended to February 5, 1968, April 1, 1968, July 1, 1968, September 3, 1968, December 2, 1968, and March 31, 1969, respectively.

Notice is hereby given that the time within which comments may be submitted is extended from March 31, 1969, to close of business on May 29, 1969.

Dated: March 4, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-2858; Filed, Mar. 6, 1969; 8:51 a.m.]

Patent Office

[37 CFR Parts 1, 3]

PATENT CASES

Proposed Extension of Defensive Publication Program

The Patent Office is giving consideration to several changes in its rules of practice which are designed to stimulate and enlarge interest in the defensive publication program.

Under the proposed procedure, an applicant would be permitted to file for defensive publication during the period fixed for reply to the first Office action. The existing procedure, under which an applicant is permitted to file for defensive publication prior to the first Office action, would be retained. The waiver of rights to an enforceable patent is essential to defensive publication; however, in the case of requests filed before the first Office action the waiver does not extend to continuing applications filed within thirty (30) months after the earliest U.S. effective filing date of the designated application. Parties who request defensive publication after the first Office action would be required to waive patent rights based on the pending application and all continuing applications.

Notice is hereby given, therefore, that under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 792; 35 U.S.C. 6), the Patent Office proposes to amend Title 37, Code of Federal Regulations, as follows:

1. By revising § 1.111(a) to read as follows:

§ 1.111 Reply by applicant.

(a) The applicant must file a timely reply to all Office actions which are adverse in any respect. The reply may request reexamination or reconsideration, with or without amendment, or may be a waiver of patent rights under § 1.139.

* * * * *

2. By revising § 1.139 to read as follows:

§ 1.139 Waiver of patent rights.

(a) Prior to the first Office action, and subject to acceptance by the Commissioner, an applicant may waive his rights to an enforceable patent based on a pending patent application or on any continuing application filed after the expiration of thirty (30) months from the earliest U.S. effective filing date of said application by filing in the Patent Office a written waiver of patent rights, a consent to the publication of an abstract, an authorization to open the complete application to inspection by the general public, and a declaration of abandonment signed by the applicant and the assignee of record or by the attorney or agent of record. See § 3.50 of this chapter for the suggested format.

(b) After the first Office action, and subject to acceptance by the Commissioner, an applicant may waive his rights to an enforceable patent based on a pending patent application by filing in the Patent Office, within the period set for reply, a written waiver of patent rights, a consent to the publication of an abstract, an authorization to open the complete application to inspection by the general public, and a declaration of abandonment signed by the applicant and the assignee of record or by the attorney or agent of record. See § 3.51 of this chapter for the suggested format.

3. By adding a new § 3.51 to read as follows:

§ 3.51 Waiver of patents after first action.

To the Commissioner of Patents:

The undersigned having on _____ filed an application for patent, Serial No. _____ entitled _____, hereby waives his right to an enforceable patent based on said application or on any continuing application, subject to acceptance by the Commissioner, and requests that an abstract of disclosure thereof be published in the Official Gazette, that the complete application be opened to inspection by the general public upon publication of said abstract, and that the application be considered pending for the purpose of interference; and further the undersigned expressly abandons said application, the abandonment to take effect five (5) years after the earliest U.S. effective filing date of the application unless within that period interference proceedings have been initiated.

All persons who desire to submit written data, views, arguments, or suggestions for consideration in connection with this proposal are invited to forward the same to the Commissioner of Patents, Washington, D.C. 20231, on or before April 30, 1969. An oral hearing will not be scheduled. Any written comments or suggestions not specifically designated as confidential may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

EDWARD J. BENNER,
Commissioner of Patents.

Approved: March 4, 1969.

ALLEN V. ASTIN,
Acting Assistant Secretary for Science and Technology.

[F.R. Doc. 69-2836; Filed, Mar. 6, 1969; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-13]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional 700-foot transition area for Chico Municipal Airport, Calif.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new VOR approach procedure has been developed by the Federal Aviation Administration to serve Chico Municipal Airport, Calif. The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing this prescribed instrument approach procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.181 (33 F.R. 2168) the Chico, Calif., Transition Area is amended by deleting all after ", * * * northwest of the VOR * * *" in the third line and substituting therefor "* * *, and that airspace within 2 miles each side of the Chico VOR 165° radial extending from the 5-mile radius area to 12 miles south of the VOR, excluding the portion within a 1-mile radius of the Ranchero Airport (latitude 39°43'10" N., longitude 121°-52'10" W.)."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 25, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-2768; Filed, Mar. 6, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Federal Water Pollution Control Administration

INTERSTATE WATERS OF STATE OF IOWA

Notice of Standard Setting Conference

The waters of the Mississippi River, Missouri River, Fox River, Des Moines River, East Fork of the Des Moines River, West Fork of the Des Moines River, Iowa River, Cedar River, Shellrock River, Winnebago River, Wapsitinicon River, Upper Iowa River, Chariton River, Middle Fork Medicine River, Weldon River, Little River, Thompson River, East Fork of the Big River, Grand River, Platte River, East Fork of the 102 River, Middle Fork of the 102 River, Nodaway River, West Tarkio River, Tarkio River, Nishnabotna River, Little Sioux River, Big Sioux River, Rock River, and Kanaranzi Ditch, subject to the jurisdiction of the State of Iowa, are interstate waters.

The water quality standards established by the State of Iowa in accordance with section 10(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 466g(c)(1)) to be applicable to these waters are determined in part not to be consistent with the protection of the public health and welfare, the enhancement of the quality of the water, and the purposes of the Federal Water Pollution Control Act, as provided by section 10(c)(3) of that Act, with particular reference to:

1. The treatment requirements and implementation plan for waste discharges to the Mississippi and Missouri Rivers;

2. The requirements for disinfection of controllable waste discharges which may be sources of bacteriological pollution;

3. The temperature criteria for the interstate waters of the State other than the Mississippi and Missouri Rivers.

Therefore, in accordance with the provisions of section 10(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 466g(c)(2)), I hereby call a conference to consider the establishment of water quality standards applicable to the above interstate waters subject to the jurisdiction of the State of Iowa.

The conference will convene on April 8, 1969, at 9:30 a.m. at the Blackhawk Hotel, 3d and Perry Streets, Davenport, Iowa, to consider the appropriate water quality standards for the interstate waters of the Mississippi River Basin and on April 15, 1969, at 9:30 a.m. at Mercy Hospital Auditorium, 420 East Washington Street, Council Bluffs, Iowa to consider the appropriate water quality standards for the interstate waters of the Missouri River Basin. I have designated Mr. Murray Stein, U.S. Department of the Interior, as Chairman of the conference.

Parties to the conference will be representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries who are contributing to, affected by, or have an interest in the water quality standards for the waters to be covered by the conference and who register their intent to be parties at the conference sessions, and such other persons whom the Chairman, upon application and good cause shown, admits as parties to the conference.

Dated: March 5, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-2842; Filed, Mar. 6, 1969; 8:51 a.m.]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION, ET AL.

Adjustment of Salaries

MARCH 3, 1969.

Pursuant to the provisions of Executive Order 11413 and the 1970 Budget supplement, the salaries of the Administrator, Southwestern Power Administration, the Governor of Guam, and the Governor of the Virgin Islands were adjusted to $30,239 per annum.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-2743; Filed, Mar. 6, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

March Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced today the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale beginning at 3 p.m., e.s.t., on February 28, 1969, and, subject to amendment, continuing until superseded by the April Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, cottonseed meal, butter, cheese, and nonfat dry milk.

Cottonseed meal was added to the list of commodities on February 6.

Interest rates under the CCC Export Credit Sales Program are being increased for March to 6⅝ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. They were 6¼ and 7¼ percent.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of commodities and sale prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-4) for March 1969 are 6⅝ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long

staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM–4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; and upland and extra long staple cotton under Announcement PS–4; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of Barter and Stockpiling, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel in-store).*[1]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.16	$0.13½	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.13½; $1.93½. Portland—No. 1 SW ($1.44) 115 percent +$0.13½; $1.79½. Kansas City—No. 1 HRW ($1.44) 115 percent +$0.13½; $1.79½. Chicago—No. 1 RW ($1.46) 115 percent +$0.13½; $1.81½.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

B. CCC will sell wheat for export under Announcement GR–261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

C. CCC will not sell wheat under Announcement GR–346 until further notice.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

See footnotes at end of document.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.11½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.11½; $1.40½. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.11½; $1.48½.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.19¼	$0.15¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63) 115 percent +$0.19¼; $2.07¼. Kansas City, Mo. ($1.81) 115 percent +$0.15¼; $2.24¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.63+$0.34); 105 percent +$0.19¼; $2.26¼. Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.15¼; $2.41¼.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rate[2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.13½	$0.13½	Cass County, N. Dak. ($0.96); 115 percent +$0.16; $1.16. Minneapolis, Minn. ($1.10); 115 percent +$0.13½; $1.40½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Minneapolis, and Portland grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rates[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markup and example (dollars per bushel in-store[1] Basis No. 2 XHWO).*

Markup in-store	Example
$0.16	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.16; $0.89.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.16	$0.13½	Rollete County, N. Dak. ($0.89); 115 percent +$0.16; $1.19. Minneapolis, Minn. ($1.23); 115 percent +$0.13½; $1.55½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent plus 35 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369, Revision III, as amended, Rice Export Program.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Short-fall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program), and NO–C–31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6. (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown)

will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcement CN–EX–29 (Acquisition of American-Egyptian Cotton for Export Under the Barter Program), and NO–C–6 (Revised), as amended, at not less than the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–30 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED MEAL, BULK OR SACKED

Export.

Competitive offers under the terms and conditions of Announcement NO–CS–7. Sales will be made only for export to Far East countries having ports on the Pacific Ocean or on a sea tributary thereto (including Australia and New Zealand).

Available. New Orleans Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate[2] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.15	$0.10½	Minneapolis, Minn. ($3.16) 105 percent + $0.10½; $3.42½.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 52.750 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 51.750 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556–6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3631.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 228–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–5844.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on February 28, 1969.

LIONEL C. HOLM,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–2719; Filed, Mar. 6, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ADLER PLANETARIUM OF CHICAGO PARK DISTRICT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00383–16–61800. Applicant: The Adler Planetarium of the Chicago Park District, 425 East 14th Boulevard, Chicago, Ill., 60605. Article: Planetarium projector, Zeiss Model VI. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used as a replacement of original equipment installed in 1929 for series lecture programs in the 68-foot dome of the planetarium presented for the general public; for elementary, junior high school, high school, and college special lectures; for courses in adult education; for career-oriented lectures for young people; for specialized lectures for educational and scientific purposes. It is necessary that the new instrument be compatible with the general configuration, the wiring requirements, and arrangement of the original installation. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is essentially an optical stereoptican projector designed for projecting images of stars, planets, sun, and moon on to a dome, to provide a picture of their apparent relative size and position at a particular time of the year. The foreign article is intended to replace an obsolescent projector. Compatibility of the replacement with the existing dome and related equipment is a pertinent characteristic. We note that one domestic manufacturer, Spitz Laboratories, Inc. (Spitz), was afforded an opportunity to furnish an apparatus of equivalent scientific value, for the purposes for which the foreign article is intended to be used. We note further that Spitz has under development a similar projector which, however, is intended for domes larger than that with which the foreign article is intended to be used. Moreover, Spitz was unable to indicate when the prototype of this projector would be available for demonstration. For the foregoing reasons, we find that Spitz was not able to produce a comparable apparatus and have it available so that it may be obtained by the applicant without unreasonable delay. (See § 602.1(f) of abovecited regulations.)

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the foreign article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–2732; Filed, Mar. 6, 1969; 8:45 a.m.]

AGRICULTURAL RESEARCH SERVICE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00220–63–46040. Applicant: U.S. Department of Agriculture, ARS, Southern Administrative Division, Post Office Box 53326, 701 Loyola Avenue, Room T–11003, New Orleans, La. 70150. Article: Electron miscroscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in the study of chemical modification of cotton fibers; and in investigations of intracellular cytological changes in oilseeds during processing of cottonseed and peanuts. The specific cotton problem involves the effect of certain swelling agents on the elementary cellulose fibrils which constitute the structural units of the cotton fiber cell wall. In samples obtained by mechanical agitation, fragment thickness in either cotton or oilseed kernels is uncontrollable. For this reason, variable accelerating voltages are necessary to permit adequate examination of both the thick and thin specimens in the sample. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (prior to June 24, 1968). Reasons: (1) The foreign article provides a guaranteed resolving power of 5 angstroms. The only domestic electron microscope available prior to July 1, 1968, was the Model EMU–4 which was manufactured by the Radio Corporation of America (RCA). The RCA Model EMU–4 had a guaranteed resolving power of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) The additional resolving power of the foreign article is considered pertinent to the purposes for which this article is intended to be used. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU–4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and

available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2738; Filed, Mar. 6, 1969; 8:45 a.m.]

BARTOL RESEARCH FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00325-15-40500. Applicant: Bartol Research Foundation, Whittier Place, Swarthmore, Pa. 19081. Article: Fabry-Perot Etalon plates and reference interferometer. Manufacturer: Scientific Optical Laboratories of Australia, Pty., Ltd., Australia. Intended use of article: The articles will be used as components to an existing servo-controlled interferometer for ultrahigh resolution spectroscopy of stellar light sources. Essentially the research falls among the pioneering entries into the field of spectral resolution in stellar spectra formerly reserved exclusively for solar studies. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, is being manufactured in the United States. Reasons: The application relates to components for a servo-controlled interferometer which had been entered duty-free under tariff item 851.60, Tariff Schedules of the United States. (See Docket No. 68-00404-15-40500, 33 F.R. 4381).

The Department of Commerce knows of no similar components being manufactured in the United States, which are either interchangeable with the foreign articles or can be adapted to the foreign instrument with which such articles are intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2733; Filed, Mar. 6, 1969; 8:45 a.m.]

BROOKHAVEN NATIONAL LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00179-98-65600. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, N.Y. 11973. Article: Main magnet power supply. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as the source of controlled electric power for the main magnet of the Alternating Gradient Synchrotron. The power supply is intended to increase the pulsing rate and duty cycle of the synchrotron and to provide greater precision and flexibility. These two improvements will increase the proton beam intensity obtainable from the synchrotron and enhance the capability for conducting advanced experiments in fundamental high energy physics. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to contain almost all of the stored energy in a massive generator rotor. There is no flywheel in the system. This design leads to smaller torsional stresses on the main shaft. The only domestic manufacturer to submit a proposal for the manufacture of an instrument comparable to the foreign article was the General Electric Co. (GE). The GE design places about half of the rotational inertia in a separate flywheel. We are advised by the National Bureau of Standards (NBS) that the stored energy of the rotating equipment proposed by the domestic manufacturer is smaller than that of the foreign article. NBS further advises that smaller stored energy results in greater cyclic speed changes during operation and consequently greater mechanical stresses which can ultimately lead to serious fatigue failure. In addition, NBS advises that any reasonable effort to reduce the causes of fatigue failure in equipment of this sort is justified since the intended use of the foreign article places unusually high and repetitive mechanical stress on large rotating electrical equipment. Therefore, the design of the foreign article which reduces such stress is pertinent.

For these reasons, we find that the main magnet power supply offered by GE is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2770; Filed, Mar. 6, 1969; 8:48 a.m.]

CALIFORNIA INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00291-00-46040. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Double tilt and rotation specimen stage and decontamination device. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for rotation and tilt of noncontaminated thin crystal specimens during analysis by transmission electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to an accessory for an electron microscope previously imported for use of the applicant, which was manufactured by the supplier of the accessory.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is either interchangeable with the foreign article or can be adapted to the instrument with which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2734; Filed, Mar. 6, 1969; 8:45 a.m.]

CHILDREN'S ORTHOPEDIC HOSPITAL AND MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00211-33-46040. Applicant: Children's Orthopedic Hospital and Medical Center, 4800 Sand Point Way NE., Seattle, Wash. 98105. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for education, research, and acute diagnostic work. In education, it will be used for teaching residents and fellows in pediatric pathology; teaching of medical students; teaching fellows in clinical virology and microbiology, and fellows in clinical oncology, as well as students in medical technology. For research, it will be used to study sudden death syndrome in infants, studies on neuroblastoma of infancy and research in application of electron microscopy to surgical pathology. In acute diagnostic work, it will be utilized for rapid examination of clinical specimens for suspect diseases of highly contagious nature. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope which can be used by students with a minimum of detailed programing and early use by the student with self-confidence. The only known domestic electron microscope is the Model EMU-4B manufactured by the Radio Corporation of America (RCA). This domestic instrument is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. (2) The foreign article provides as low as 60 magnifications. This characteristic permits the student to make an easy transition from light to electron microscopy. (3) The foreign article also provides a digital readout for focusing adjustments, which allows the instructor to check correctness of the students' focusing adjustments and to exactly repeat focusing adjustment for several students performing an identical experiment.

For the foregoing reasons, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2771; Filed, Mar. 6, 1969; 8:48 a.m.]

GENESEE HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00180-33-46040. Applicant: The Genesee Hospital, 224 Alexander Street, Rochester, N.Y. 14607. Article: Electron microscope, Model EM300 and accessories. Manufacturer: Philips Electronic Instruments, Inc., the Netherlands. Intended use of article: The article will be used for medical research and teaching at the Institution. Current studies include:

1. Intracellular localization of specific pepsinogens by electron microscopy involving immunohistochemical techniques.

2. Measurement of membrane thickness in the tubular systems of human fetal acid secreting cells.

3. Determination of the frequency of occurence and characterization of nuclear excrescences in neutrophiles of patients suffering from carcinoma and in appropriate controls.

4. Several projects including electron microscopic evaluation of biological specimens are being performed by Research Fellow-Trainees.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 5, 1967). Reasons: (1) The foreign article provided a guaranteed resolution of 5 angstroms. The only domestic electron microscope available prior to July 1, 1968, was the Model EMU-4 which was manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 has a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) The additional resolution of the foreign article is considered pertinent to the purposes for which this article is intended to be used. (2) The foreign article provided accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for the negatively stained specimens. Since, both unstained and negatively stained specimens will be used in the experiments the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2772; Filed, Mar. 6, 1969; 8:48 a.m.]

INSTITUTE FOR MEDICAL RESEARCH OF SANTA CLARA COUNTY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, De-

partment of Commerce, Washington, D.C.

Docket No. 69–00209–33–54500. Applicant: Institute for Medical Research of Santa Clara County, 751 South Bascom Avenue, San Jose, Calif. 95128. Article: Light coagulator, Model 5000 complete with spare parts. Manufacturer: Carl Zeiss, Jena, West Germany. Intended use of article: The article will be used for experimental surgery within the vitreous (or back portion of the eye), and for continuous viewing of this work. It will free both hands to perform intricate maneuvers in photographing selected sights and actions to illustrate to others what can only be seen by the surgeon. This equipment is unique in that no other instrument permits continuous viewing with both hands available to do the actual surgery. Comments. No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides direct visual control of the photocoagulation process while freeing the surgeon's hands through the use of integrated stereoscopic optics and a controlled xenon arc source. Domestic laser powered instruments do not provide means of direct visual control of the photocoagulation process while freeing the surgeon's hands which is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the domestic laser powered instruments for use in the photocoagulation process are not of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–2773; Filed, Mar. 6, 1969; 8:48 a.m.]

IOWA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00166–33–46500. Applicant: Iowa State University, Ames, Iowa 50010. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for cutting sections of muscle and pelleted fractions within the range of 50 angstroms to 1,300 angstroms in thickness for electron microscopy. Some of the thicker sections will be used for light microscopy. This constitutes the ultrastructural aspect of the investigation of the components and reconstituted structure of Z lines in striated skeletal muscle. Only by cutting ultrathin equal-thickness sections is it possible to make such reconstitutions. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT–2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 has a guaranteed minimum thickness capability of 100 angstroms. The better thin sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The foreign article has a thermal advance, whereas the Sorvall Model MT–2 has a gear driven mechanical advance. For the purposes for which the foreign article is intended to be used, the applicant requires a long series of ultrathin sections. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 12, 1968, that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required. For the foregoing reasons, we find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–2774; Filed, Mar. 6, 1969; 8:48 a.m.]

JOHNS HOPKINS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00207–33–46040. Applicant: The Johns Hopkins University, Department of Biology, 34th and Charles Streets, Baltimore, Md. 21218. Article: 2 each electron microscopes, JEM–30B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in teaching undergraduates in biology and premedicine, basic techniques of modern microscopy. It should be emphasized that the instrument is greatly simplified, compact, and portable, requiring no permanent installation and demanding little skill in its operation. Only such an instrument is suitable for introductory instruction of some 120 students with no previous experience in electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is to be used primarily in teaching undergraduates in biology and premedical students, the basic techniques of modern microscopy. The only known domestic electron microscope is the Model EMU–4B manufactured by the Radio Corporation of America (RCA). This domestic instrument is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. The foreign article is a small, relatively simple electron microscope which is suitable for teaching undergraduate students who are later expected to use the more complex instrument. In addition, the foreign article is mobile and may thus be moved from one location to another for different courses, whereas the RCA Model EMU–4B requires a fixed installation with suitable provisions for water cooling and shielding.

For the foregoing reasons, we find that the RCA Model EMU–4B is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–2775; Filed, Mar. 6, 1969; 8:49 a.m.]

NATIONAL BUREAU OF STANDARDS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00191–82–04000. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Precision balance, 100-gram capacity single-pan, Model Voland 100–G. Manufacturer: Voland Co., Japan. Intend use of article: The article will be used to provide new weights and measures standards and precision instruments to each of the 50 States (Public Law 89–164, 1965). Its purpose will be to conduct precise calibration of weights, as well as to determine accuracy of weights and scientific material. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of domestic manufacture, which is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was made available to the applicant by domestic manufacturers in response to invitations to bid. Reasons: A highly precise analytical balance, conforming to the stipulated specifications in all essential respects, is as a rule made to order. The matter of availability concerns the capability and willingness of domestic manufacturers of precision balances to custom make the balance described in the invitation to bid in accordance with the desired characteristics. We note that the applicant had submitted invitations to bid to all known domestic manufacturers of precision balances. (See reply to Question 10 of application.) We note further that no precision balance of domestic manufacture was offered in response to the invitation to bid. (One domestic manufacturer did offer to furnish a precision balance meeting the applicant's specification, but this was to be manufactured by a Japanese affiliate of the domestic manufacturer.)

We therefore find that no domestic manufacturer known to be capable of manufacturing a precision balance in accordance with the desired specifications, was willing to produce the balance and have it available to the applicant without unreasonable delay.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–2735; Filed, Mar. 6, 1969; 8:45 a.m.]

NATIONAL BUREAU OF STANDARDS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00192–82–04000. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Precision balance, 1-kilogram capacity single-pan, Model CB 1000. Manufacturer: Mettler Instrument Corp., Switzerland. Intended use of article: The article will be used to provide new weights and measures standards and precision instruments to each of the 50 States (Public Law 89–164, 1965). Its purpose will be to conduct precise calibration of weights, as well as to determine accuracy of weights and scientific material. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of domestic manufacture, which is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was made available to the applicant by domestic manufacturers in response to invitations to bid. Reasons: A highly precise analytical balance, conforming to the stipulated specifications in all essential respects, is as a rule made to order. The matter of availability concerns the capability and willingness of domestic manufacturers of precision balances to custom make the balance described in the invitation to bid in accordance with the desired characteristics. We note that the applicant had submitted invitations to bid to all known domestic manufacturers of precision balances. (See reply to Question 10 of application.) We note further that no precision balance of domestic manufacture was offered in response to the invitation to bid. (One domestic manufacturer did offer to furnish a precision balance meeting the applicant's specification, but this was to be manufactured by a Japanese affiliate of the domestic manufacturer.)

We therefore find that no domestic manufacturer known to be capable of manufacturing a precision balance in accordance with the desired specifications, was willing to produce the balance and have it available to the applicant without unreasonable delay.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–2776; Filed, Mar. 6, 1969; 8:49 a.m.]

NATIONAL BUREAU OF STANDARDS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00193–82–04000. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Precision balance, constant-load 3-kilogram capacity single-pan, Model Voland 3 Kg. Manufacturer: Voland Corp., Japan. Intended use of article: The article will be used to provide new weights and measures standards and precision instruments to each of the 50 States (Public Law 89–164, 1965). Its purpose will be to conduct precise calibration of weights, as well as to determine accuracy of weights and scientific material. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of domestic manufacture, which is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was made available to the applicant by domestic manufacturers in response to invitations to bid. Reasons: A highly precise analytical balance, conforming to the stipulated specifications in all essential respects, is as a rule made to order. The matter of availability concerns the capability and willingness of domestic manufacturers of precision balances to custom make the balance described in the invitation to bid in accordance with the desired characteristics. We note that the applicant had submitted invitations to bid to all known domestic manufacturers of precision balances. (See reply to Question 10 of application.) We note further that no precision balance of domestic manufacture was offered in response to the invitation to bid. (One domestic manufacturer did offer to furnish a precision

balance meeting the applicant's specification, but this was to be manufactured by a Japanese affiliate of the domestic manufacturer.)

We therefore find that no domestic manufacturer known to be capable of manufacturing a precision balance in accordance with the desired specifications, was willing to produce the balance and have it available to the applicant without unreasonable delay.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2777; Filed, Mar. 6, 1969; 8:49 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00184-33-46040 Applicant: National Institutes of Health, Laboratory of Clinical Investigation, National Institute of Allergy and Infectious Diseases, Bethesda, Md. 20014. Article: Electron microscope, Model EM300. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: The article will be used in biomedical research which include the following specific problems to be investigated:

1. Study of the structure of the erythrocyte plasma membrane by negative staining and thin section techniques.

2. Electron microscopic study of the effects of antigen-antibody reaction on cell membrane structure and function.

3. High resolution study of the structure of conformation changes of plasma membrane protein.

4. Electron microscope autoradiographic localization of H3-serotonin in human platelets.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed a bonafide order for the foreign article. Reasons: The most closely comparable domestic electron microscope available at the time the order was placed for the foreign article (June 17, 1968 with a quoted delivery time of 6 weeks (see letter from applicant dated Oct. 30, 1968)), was the Model EMU-4 which was manufactured by the Radio Corporation of America (RCA). The foreign article has a guaranteed resolving capability of 5 angstroms, whereas the RCA Model EMU-4 had a guaranteed resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For such purposes as the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. In addition, the foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article provides optimum contrast for unstained biological specimens and that voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the investigations in which the foreign article is intended to be used involve both unstained and negatively stained biological specimens, the additional accelerating voltages of the foreign article are pertinent characteristics.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed a bonafide order for the article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2778; Filed, Mar. 6, 1969; 8:49 a.m.]

SIMMONS COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00159-01-77030. Applicant: Simmons College, 300 The Fenway, Boston, Mass. 02115. Article: Nuclear magnetic resonance spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for two primary functions: As an instructional tool in properties and uses of nuclear magnetic resonance in a variety of course settings and for independent study and research by undergraduates and faculty members. Research projects include the following:

a. A study of the relative chemical shifts of the acetone and chloroform signals in solution of varying composition and with varying additions of "inert" diluents in order to study hydrogen bondings in this system.

b. Characterization of inorganic rare earth oxyfluorides by fluorine NMR.

c. A characterization and reaction condition study directed toward the synthesis of unsaturated B-lactams.

d. A study of the proton exchange rate for N,N-dimethylbenzyl amine.

COMMENTS: Comments have been received from one domestic manufacturer, Varian Associates (Varian) which alleges inter alia that the Varian Model HA-60IL nuclear magnetic resonance spectrometer is "scientifically equivalent to the Japanese made R-20 for the purposes intended." (See item (3) of attachment to Varian's letter dated Oct. 18, 1968.) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides single sweep span of 20 kiloHertz. In its comments (item (4)(13)) Varian states that the Model HA-60IL satisfies the requirement for a kiloHertz sweep. In this connection, we are advised by the National Bureau of Standards (NBS) that the "Varian sweep range is reached in a number of single steps (requiring that the operator shift the lock a number of times), * * *". (See memorandum from NBS dated Jan. 7, 1969.) According to NBS, shifting the lock would in many instances result in the failure of the experiment. NBS further states that the limitation imposed by the sweep span of the Varian Model HA-60IL, precludes its use in recording Fluorine 19 and, consequently, the 20 kiloHertz single sweep span of the foreign article is pertinent to the purposes for which the article is intended to be used. For the foregoing reasons, we find that the Varian Model HA-60IL is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2779; Filed, Mar. 6, 1969; 8:49 a.m.]

TEXAS A. & M. UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00252-00-55000. Applicant: Texas A. & M. University, College Station, Tex. 77843. Article: 4 galvanometers, Type A 3300, and 1 event marker attachment. Manufacturer: Sangamo Controls, United Kingdom. Intended use of article: The articles will be used as accessories to an existing rheogoniometer. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which such articles are intended to be used, is being manufactured in the United States. Reasons: The foreign articles are accessories for a Weissenberg rheogoniometer now in the applicant's possession, which was manufactured by the supplier of the articles to which the applicant relates.

The Department of Commerce knows of no similar accessories which are interchangeable with the foreign article, or can be adapted for use with the Weissenberg rheogoniometer with which the foreign articles are intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2780; Filed, Mar. 6, 1969; 8:49 a.m.]

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00203-98-72000. Applicant: University of Illinois at Chicago Circle, 601 South Morgan Street, Chicago, Ill. 60607. Article: Weissenberg rheogoniometer, Model R.18. Manufacturer; Sangamo Controls, Ltd., United Kingdom (England). Intended use of article: The article will be used for research in viscoelasticity in the Department of Energy Engineering for characterization of viscoelastic fluids by means of simultaneous measurement of normal and sheer stresses of a sinusodial oscillations on steady sheer. It may also be used for possible future application in the study of dilute polymer solutions and will involve a study of the basic flow properties of various fluids such as blood. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of measuring normal stress as well as viscosity as a function of sheer rate. There is no known comparable domestic instrument being manufactured in the United States which has this capability. The ability of the foreign article to measure normal stress as well as viscosity as a function of the sheer rate is necessary to the accomplishment of the purposes for which such article is intended to be used and, therefore, is pertinent to this purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2781; Filed, Mar. 6, 1969; 8:49 a.m.]

UNIVERSITY OF MIAMI ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washintgon, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00387-33-43780. Applicant: University of Miami, Coral Gables, Fla. 33124. Article: Lidwell's phage typing machine. Manufacturer: Biddulph & Co., United Kingdom. Intended use of article: The article will be used to support medical research concerning typing of bacteria. Application received by Commissioner of Customs: January 27, 1969.

Docket No. 69-00392-75-07000. Applicant: University of California, Los Alamos Scientific Laboratory, Los Alamos, N. Mex. 87544. Article: Cable, hollow, conducter, mineral insulated. Manufacturer: Pyrotenax of Canada, Ltd., Canada. Intended use of article: The article which consists of the following: (a) 800 feet, cable, copper, #1 AWG mineral insulated, copper-sheathed, 0.400 sq./0.256 sq. fully annealed; and (b) 2,000 ft., cable, hollow, conductor, mineral insulated, overall size 0.053±0.010 inches; will be used to produce magnetic coils for research and development within the applicant's facility. Application received by Commissioner of Customs: January 30, 1969.

Docket No. 69-00404-33-46500. Applicant: U.S. Public Health Service, National Center for Urban & Industrial Health, 222 East Central Parkway, Cincinnati, Ohio 45202. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used in preparation of viruses and cellular components for electron microscopy. Sections varying in thickness from 50 to 300 angstroms, or greater, are cut from materials that are purified and concentrated by ultracentrifugation. The highest degree of accuracy is essential as regards equal section thickness through and reproducibility of such thickness. Application received by Commissioner of Customs: February 4, 1969.

Docket No. 69-00405-33-46500. Applicant: Ohio State University, Department of Anatomy, College of Medicine, 1645 Neil Avenue, Columbus, Ohio 43210. Article: Ultramicrotome, Model "OmU2". Manuafcturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used in a research program that involves the electron microscopic nature of glial cells and nerve cells in the brains of both normal and experimental animals. Inherent in this work is a need for serial sections of uniform thickness, 70 angstroms. Serial sections of uniform thickness are

necessary in order to reconstruct the exact three-dimensional nature of synaptic boutons on the cell bodies, dendrites and axons within the specific groups of nerve cells being studied. Application received by Commission of Customs: February 5, 1969.

Docket No. 69-00406-75-43000. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Superconducting magnet system. Manufacturer: Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used to investigate spin interactions and relaxation in high magnetic fields and ultra low temperatures, which include the investigation of solid hydrogen (H_2) and solid hydrogen-deuterium (HD). Application received by Commissioner of Customs: February 5, 1969.

Docket No. 69-00407-01-9000. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Rotating anode X-ray diffraction equipment, Model GX3. Manufacturer: Elliott Electronic Tubes, Ltd., United Kingdom. Intended use of article: The article will be used in the determination of the structure of macromolecules such as enzymes carboxypeptidase A and aspartate transcarbamylase. In addition certain large boron compounds will be investigated. Application received by Commissioner of Customs: February 5, 1969.

Docket No. 69-00412-33-05300. Applicant: University of Colorado, Regent Hall 122, Boulder, Colo. 80302. Article: Heating baths, Model BRI-140, oil or water. Manufacturer: F. G. Bode & Co., West Germany. Intended use of article: The article will be used for research on the chemistry of anticancer agents. This equipment will allow the applicant to control evaporation of sensitive materials at different temperatures up to 200° centigrade. The specifications for the heating bath is an adjustable thermostatically controlled temperature of 40°-200° centigrade, stainless steel, 8-inch diameter, 700 watt, usable for water or oil, and adaptable for attachment to a tripod stand. Application received by Commissioner of Customs: February 10, 1969.

Docket No. 69-00413-33-46040. Applicant: University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Electron microscope, Model HU 200-E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to enhance and extend a research program on molecular organization of cell membranes and derivatives, as well as in space molecular biology. Application received by Commissioner of Customs: February 10, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2782; Filed, Mar. 6, 1969; 8:49 a.m.]

UNIVERSITY OF MICHIGAN ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00414-33-62500. Applicant: The University of Michigan Medical Center, 1405 East Ann Street, Ann Arbor, Mich. 48104. Article: Strain gauge plethsymograph. Manufacturer: G. L. Loos Co.'s Fabricken N.V., The Netherlands. Intended use of article: The article will be used for the measurement of blood flow in the digits and in the forearm or leg of subjects with arterial disease. The research proposes to study methods by which the blood flow could be improved. The methods by which improvement will be attempted are the use of low fat diet to remove cholesterol from the arterial walls or by use of drugs to dilate the blood vessels. Application received by Commissioner of Customs: February 10, 1969.

Docket No. 69-00416-75-46070. Applicant: Washington University, Laboratory for Space Physics, Lindell and Skinker Boulevards, St. Louis, Mo. 63130. Article: Scanning electron microscope, Mark IIA. Manufacturer: Cambridge Scientific Instrument Ltd., U.K. Intended use of article: The article will be used to perform fossil nuclear track studies on returned lunar materials. It is hoped that the track studies in lunar samples will give important results concerning the following scientific problems:

1. The age of the lunar surface;
2. The rate of turnover (buildup and erosion) of the surface;
3. The past history of solar and galactic radiations;
4. The nature of soil formation processes on the moon.

Application received by Commissioner of Customs: February 11, 1969.

Docket No. 69-00419-33-46500. Applicant: The Johns Hopkins University School of Medicine, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article will be used to cut tissues and organs such as the blood, the spleen, bone marrow, and tissue cultures and cells derived from these tissues. These tissues and organs are to be studied under normal conditions and under the following circumstances: During the production of antibody; the rejection of skin and kidney grafts; the presence of anemia after administration of endotoxin, in inflammatory states, and after infection by virus. Application received by Commissioner of Customs: February 13, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2737; Filed, Mar. 6, 1969; 8:45 a.m.]

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00227-31-01720. Applicant: University of Virginia, Research Laboratories for the Engineering Sciences, Thornton Hall, Charlottesville, Va. 22901. Article: Three-channel thyristor power amplifier. Manufacturer: Oerlikon Engineering Co. (Brown-Boveri), Switzerland. Intended use of article: The article will be a component subsystem of a magnetic wind tunnel balance. Specifically the article will be used to supply and control the currents flowing in the cryogenic magnetic support coils in response to an error signal derived from the model position. Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. Reasons: In defining "Domestic manufacture," § 602.1(f) of the regulations provides in part "An instrument, apparatus or accessory shall be considered as being manufactured in the United States (1) if it is actually produced within the United States and is on sale and available from a stock in the United States, or (2) with respect to instruments, apparatus, or accessories which are generally custom-made (made to purchasers' specifications) by domestic manufacturers of such articles or articles of the same general type, if a U.S. manufacturer is able and willing to produce the instrument, apparatus, or accessory within the United States and have it available promptly so that it may be obtained by the applicant with unreasonable delay * * *." According to the applicant's reply to Question 10 of the application, one domestic manufacturer offered to furnish within 26 weeks an apparatus which was "technically equivalent" to the foreign article. The applicant's reason for rejecting the offer of this domestic manufacturer was the higher price of the domestic apparatus, which was higher than the applicant's budgetary limitations would permit for such apparatus. In defining "pertinent characteristics" and "pertinent specifications," § 602.1(b)(7) of the regulations specifically excludes the cost of the instrument or apparatus from consideration in evaluating scientific equivalency. In addition, we note that the delivery time quoted for the foreign article was "approximately 14 months after the date of the order" (letter from Brown-Boveri Corp. dated Mar. 15, 1968). In a subsequent letter dated April 22, 1968, the delivery time for the foreign article was reduced to 12.5 months after date of order "ex works in Zurich, Switzerland" which does not take into account the time necessary to deliver the apparatus from Zurich to Charlottesville, Va. The domestic manufacturer offered to deliver the apparatus in 26 weeks, which is considerably less than the delivery time quoted for the foreign article. For the foregoing reasons, we find that one domestic manufacturer was able and willing to produce an apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used and have it available promptly so that it may be obtained without unreasonable delay. Accordingly, the application for duty-free entry of the foreign article is denied.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2736; Filed, Mar. 6, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-11]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

Correction

In F.R. Doc. 69-2324 appearing at page 2624 of the issue for Wednesday, February 26, 1969, make the following changes:

1. On page 2626, column 1, delete the 29th and 30th lines.
2. On page 2626, in the second line of "Approval No. 162.001/207/0," the reference to "MC" should read "MS".
3. On page 2626, in the parenthetical remark for "Approval No. 162.001/210/0" the approval number should read "162.001/210/0".

National Transportation Safety Board

[Docket No. SA-408]

ACCIDENT NEAR HANOVER, N.H.

Notice of Hearing

In the matter of investigation of accident involving Northeast Airlines, Inc., Aircraft, Fairchild-Hiller, FH 227, of U.S. Registry, N380NE, near Hanover, N.H., October 25, 1968.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m. (local time), on April 1, 1969, in Room 2003A, John F. Kennedy Building, Boston, Mass.

Dated this 3d day of March 1969.

[SEAL] ROBERT L. ALLARD,
Hearing Officer.

[F.R. Doc. 69-2769; Filed, Mar. 6, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Change in Composition of Atomic Safety and Licensing Board

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Unit No. 3); Docket No. 50-286.

On February 5, 1969, notice was published in the FEDERAL REGISTER (34 F.R. 1741), scheduling a hearing in the captioned matter for 10 a.m., local time, March 25, 1969, to be held in the Hendrick Hudson High School Auditorium, Albany Post Road, Montrose, N.Y., to consider an application filed under section 104b of the Atomic Energy Act by Consolidated Edison Company of New York, Inc., for a provisional construction permit for a pressurized water reactor to be located at Indian Point, Buchanan, N.Y.

A prehearing conference was scheduled for March 11, 1969, at 10 a.m. at the Universal Building, Room 1027, 1825 Connecticut Avenue NW., Washington, D.C.

The notice provided for the conduct of the hearing by a three man atomic safety and licensing board, designated by the Commission, consisting of Dr. John C. Geyer, Baltimore, Md.; Dr. David B. Hall, Los Alamos, N. Mex., and Samuel W. Jensch, Esq., Chairman. Dr. Thomas H. Pigford, Waltham, Mass., was designated as a technically qualified alternate.

This is to give notice that Dr. Pigford has been constituted a member of the board, pursuant to § 2.721b of the Commission's rules of practice, 10 CFR Part 2, due to the unavailability of Dr. Hall. Notice is also given that Dr. John Henry Buck, Los Angeles, Calif., has been designated as the new technically qualified alternate for this case.

Dated at Washington, D.C., this 5th day of March 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-2841; Filed, Mar. 6, 1969; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20657; Order 69-2-158]

CROWN AIRWAYS, INC.

Order To Show Cause Regarding Final and Temporary Service Mail Rates

Issued under delegated authority February 28, 1969.

Crown Airways, Inc. (Crown), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-2-157, February 28, 1969, the Board approved Agreement CAB 20714 between Allegheny Airlines, Inc., and Crown. This agreement contemplates that Crown will discharge Allegheny's certificate obligation to serve Du Bois, Pa., through the operation of small aircraft between Du Bois and Pittsburgh. Crown expects to initiate service with Beech 99 turboprop type aircraft.

No service mail rate is currently in effect for this service by Crown. By petition filed January 16, 1969, Crown requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Du Bois and Pittsburgh. Crown requests that the multielement rates previously paid to Allegheny on this

route pursuant to Orders E–25610 and E–17255 be established. On February 7, 1969, the Postmaster General filed an answer in support of Crown's petition.[1]

The rate for the air transportation of mail applicable to service by Allegheny was established by the Board in the Domestic Service Mail Rate Investigation, Order E–25610, August 28, 1967. This rate is the same as that requested in Crown's petition. Therefore, we propose to establish a service rate for the air transportation of mail by Crown at the same level as that established in Order E–25610, and the terms and provisions of that order also shall be applicable to Crown in the same manner as they were applicable to Allegheny in providing mail services between Du Bois and Pittsburgh, Pa.

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail are those established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Crown that Crown will receive the same compensation as Allegheny would for the same services, we propose to establish a temporary service rate for nonpriority mail for Crown at the level established in Order E–17255, as amended. We will also make Crown a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Crown Airways, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Du Bois and Pittsburgh, Pa. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

[1] The present rates are as follows:
Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Du Bois and 2.34 cents per pound at Pittsburgh.
Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Du Bois and 1.660 cents per pound at Pittsburgh.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

1. The fair and reasonable final service mail rate to be paid to Crown Airways, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Du Bois and Pittsburgh, Pa., shall be the rate established by the Board in Order E–25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid to Crown Airways, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Du Bois and Pittsburgh, Pa., shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Crown Airways, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Crown Airways, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Crown Airways, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Crown Airways, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–2797; Filed, Mar. 6, 1969; 8:50 a.m.]

[Docket No. 20781; Order 69–3–1]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Transatlantic Fares

Agreements adopted by Joint Conference 1–2 and 1–2–3 of the International Air Transport Association (IATA) relating to transatlantic fares, Docket No. 20781, Agreement CAB 20848, R–1 through R–12 and R–14 through R–68.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1969.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA), adopted at meetings held in Dallas, Tex., in January 1969.

The agreements, among other things, embrace fare resolutions to apply via North and Mid Atlantic routes from May 1, 1969, through March 31, 1971.[1] Included among them is a resolution which would extend the effectiveness of current fares, now scheduled to expire March 31, 1969, through the month of April 1969, or until such time as the new resolutions become effective. We are herein approving this resolution so as to allow time within which to evaluate the revisions proposed in the pattern of North Atlantic fares.

The essential elements of the fare agreement are apparent, although the Board has not yet received the accompanying fare tables and supporting documentation. These include elimination of the 5-percent round-trip discount; availability of the current 14–21-day excursion fares on a year-round basis, with added charges when travel is in the heretofore precluded peak summer weeks and on weekends; introduction of contract bulk fares for inclusive tours; and introduction of "incentive" group fares to be available except in peak travel months. The last two resolutions appear to be those elements of the agreement which are most controversial and, as such, are reproduced in the appendices hereto.[2]

[1] The agreements also include related fare resolutions applicable to travel via the North Atlantic to/from the Orient.

[2] Appendices filed as part of the original document.

The Board has been advised[3] that at least one complaint will be lodged against the agreement, and that others may be forthcoming. In view of the fact that the agreement contains controversial elements and is intended to become effective in a relatively short period of time, the Board believes it desirable to establish a schedule for the receipt of comments. The Board's intention in doing so is not only to insure a ful record, but to expedite its consideration of that record to the end that the Board will be in a position to act on the agreements as far in advance of the intended effectiveness date as possible.

The procedural dates which the Board has decided upon are as follows:

Full documentation and economic justification from the carriers.	Mar. 13, 1969.
Complaints and objections from interested parties.	Mar. 27, 1969.
Answers to complaints	Apr. 7, 1969.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Agreement CAB 20848, R–9 (IATA Resolution 002g, Interim Revalidation—North and Mid Atlantic—Expedited) to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 20848, R–9, be, and it hereby is, approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–2731; Filed, Mar. 6, 1969; 8:45 a.m.]

[Docket No. 19923; Order 69–3–4]

LIABILITY AND CLAIMS RULES AND PRACTICES

Order Regarding Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of March 1969.

By Order 68–8–18, dated August 6, 1968, the Board authorized until February 2, 1969, intercarrier and shipper-carrier discussions concerning air freight liability and claims rules and practices. A meeting of carriers and interested shippers was held on December 4–5, 1968, and a working group was appointed to review such shipper comments and to prepare recommendations for subsequent consideration on an industry basis. The working group met on December 12 and 16, 1968, and January 22, 1969, and developed tentative recommendations.

Following the December 1968 working group meetings, by letter of January 21, 1969, the Air Transport Association (ATA) on behalf of 20 carriers requested a 4- to 6-month extension of the discussion authority, and continuation of the confidential treatment of the minutes of the December 1968 working group meetings. In addition, the carriers requested elimination of the 15-day advance notice requirement in Order 68–8–18, supra, with respect to any future working group meetings.

By filings of February 3, 1969, the ATA has submitted the minutes of the January 22, 1969[1] meeting of the working group on a confidential basis, and has requested that such minutes, as well as the prior December 1968 minutes,[2] be permanently withheld from public disclosure and that only a final report be made public by the working group.

In support of their requests for confidentiality of working group minutes, the carriers state that the recommendations of the working group are but tentative and might be misunderstood, and that their disclosure could destroy the objectivity and effectiveness of the working group. The carriers state that the confidentiality of such minutes should be maintained permanently, and that only the final report of the working group should be made public when final recommendations are submitted to the industry as a whole. In support of this position, it is urged that no useful purpose would be served by releasing the minutes of preliminary meetings of the working group containing the purely tentative views which had been discussed at various stages of the study, and that the long range results of making these tentative views public would be to impair the free interchange of views and information within working groups.

With respect to waiver of the requirement for 15-day advance notice of meetings, the carriers state that only a few carrier representatives are involved, and that 15 days' notice is unnecessary, inappropriate, and delays the process.

Lastly, the request for a 4- to 6-month extension of their discussion authority in this matter is made on the grounds that the data collection and evaluation function has not been completed, neither have final working group recommendations been resolved for presentation to the carriers, or to the shipping public.

No objections to the foregoing requests have been received by the Board.

Inasmuch as the work of the carriers is not complete in this general area, and because an effort does appear to be under way, the Board will extend the discussion authority for an additional 6 months. This additional period should suffice for the carriers to reach conclusions, and provide an opportunity for shippers to review and comment thereon prior to final resolution of the carriers' positions. The Board will also waive the requirement of a 15-day advance notice of working group meetings, and will so modify the extended discussion authority.

The Board will permit the continuation of confidential treatment of the minutes of the working group's deliberations until the group has submitted its final report, but not beyond May 21, 1969. The working group's deliberations during the December 1968–January 1969 period are necessarily preliminary and tentative, and consequently the effort of the industry as a whole is not complete. Views stated and positions taken at the working group meetings are subject to change as additional data are studied and as the discussions proceed. In these circumstances it appears that public disclosure of the deliberations at this time is not required in the public interest.

The Board will not, however, grant permanent confidentiality to the working group's minutes. The requirement that minutes of deliberations be maintained and filed for public record has been a standard practice in connection with authorizations for discussions, whether involving domestic or foreign air transportation, and it is a condition of approval of the IATA rate-making machinery. This requirement provides the Board and the public some insight into the factors and considerations underlying any agreements that may be reached, and operates to keep the discussions within the scope contemplated by the Board. Moreover, in the instant situation, the shippers have a distinct and vital interest in the matters under discussion, and in the agreements reached through discussions which they are not permitted to attend. We believe that only by access to the full minutes of all meetings—working groups and plenary sessions alike—can the shippers be in a position to protect their interest. Disclosure of the minutes of the working group at the time their report is submitted to the carriers will enable the shippers to have the benefit of such minutes and will permit them to comment on the report prior to a final resolution of these matters by the carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, 414, and 1004 thereof:

It is ordered, That:

1. The 15-day advance notice of meetings and the circulation thereof as required by ordering paragraph 2 of Order 68–8–18 dated August 6, 1968 is hereby waived with respect to meetings of air carrier working groups in this proceeding;

2. Minutes of the carrier working group meetings in this proceeding, beginning with December 12, 1968, will be maintained by the Board on a confidential basis and will not be available to the public until May 21, 1969, or until the working group makes its final report, whichever is earlier; and

3. The discussions authorized by Order 68–8–18, dated August 6, 1968, are hereby extended until 6 months from the date of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–2798; Filed, Mar. 6, 1969; 8:50 a.m.]

[3] Letter dated Feb. 25, 1969, from the National Air Carrier Association, Inc.

[1] The ATA documents inadvertently refer to "December 22, 1968" instead of the proper date of "January 22, 1969."

[2] Order 69–1–39, dated Jan. 10, 1969, concerning confidential treatment of minutes of the working group meetings of Dec. 12 and 16, 1968, limited the period of confidentiality to 15 working days beyond the discussion expiry date of Feb. 2, 1969, i.e., Feb. 21, 1969.

[Docket No. 19029]

MEMPHIS/HUNTSVILLE/BIRMINGHAM-LOS ANGELES SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on April 2, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 4, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2799; Filed, Mar. 6, 1969; 8:50 a.m.]

[Docket No. 20740; Order 69-3-11]

HUGHES TOOL CO. AND AIR WEST, INC.

Order To Show Cause Regarding Certain Interim Financing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of March 1969.

On February 17, 1969, Hughes Tool Co. (Toolco)[1] and Air West, Inc. (Air West), an air carrier, filed a joint application requesting all necessary Board approval to permit Toolco to guarantee up to $4,500,000 in loans from the Bank of America to Air West and in connection therewith for Toolco to be given access to the books, records, and properties of Air West.[2] These arrangements are part of a plan for interim financing assistance to Air West, pending a final Board decision on Toolco's application to acquire control of Air West, Docket 20665.[3] The latter proceeding has been set down for expedited hearing procedures, and a hearing is scheduled to begin on March 11, 1969.

In support of the application the applicants allege, inter alia, that Air West will suffer a net cash deficit of more than $6,500,000 in the first quarter of 1969; that Air West survived during the first part of the quarter by forbearance of creditors and by drawing down bank balances; that Air West now has no cash available to meet current expenses such as payrolls and excise taxes; that to survive to the end of the quarter Air West will require $4 million in cash; and that an additional $2,500,000 will be required during the second quarter.

On February 28, 1969, Northwest Airlines, Inc., filed an answer to the joint application requesting a hearing on the application, suggesting consolidation of Dockets 20665 and 20740 for that purpose, and requesting that the Board advised the joint applicants that approval of the proposed interim financing will be subject to further order of the Board in the consolidated proceedings.

Western Air Lines, Inc., has filed an answer asking that if the Board approves the interim financing, the Board should indicate that this approval is not to be taken as an expression of the Board's views on the control case, Docket 20665.

For reasons set forth below, we have tentatively decided to grant the relief requested by the applicants and to issue a show cause order proposing to approve the interim financial assistance program under section 408 of the Act.[4]

For present purposes it is not necessary that we reach a precise determination as to the exact details of Air West's financial condition. Nor is it necessary for us to consider the long range alternatives which may be open to Air West. Rather for present purposes it is sufficient that the uncontested allegations in the application establish a basis for us to make the following tentative findings: That Air West has an immediate and critical need for the financial assistance proposed herein; that absent prompt financial assistance there is a substantial risk that Air West would be forced to curtail or terminate essential air service;[5] and that the proposed guarantee by Toolco appears to be the only alternative presently available to meet Air West's immediate needs.[6]

Under the unusual circumstances here present the Board believes that it is essential that emergency action be taken on the request for interim approval. There is grave doubt that Air West could continue to render its public service during the period required to conduct a formal evidentiary hearing. Accordingly, pursuant to our powers under sections 204(a) and 408 of the Act, we intend to proceed without a formal evidentiary hearing. See Toolco-Northeast Control Case, 34 C.A.B. 583.[7]

In view of the foregoing we tentatively find and conclude that the proposed interim financial program is consistent with the public interest, will not result in creating a monopoly and thereby restraining competition or jeopardize another carrier not a party to the transaction, and should be approved by the Board pursuant to section 408 of the Federal Aviation Act. Interested persons will be given 10 days from the date of service of this order to show cause why the tentative findings and conclusions reached herein should not be made final.

In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be adopted, we expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objections are taken.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and granting approval under section 408 of the Federal Aviation Act of the above described interim financial assistance from Hughes Tool Co. to Air West, Inc.;

2. Any interested persons having objection to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 10 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with all statistical data and other evidence expected to be relied upon to support the stated objections and all factual matters shall be set forth in affidavit form;[8]

3. In the event no timely and properly supported objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final decision; and

4. A copy of this order shall be served upon the applicants, each air carrier holding a certificate of public convenience and necessity authorizing individually ticketed or waybilled air transportation; the Departments of Justice, Transportation, State, Defense, Post Office, and Interior; the chief executives of all cities and States served by Air West; any Commission or Agency of such States having jurisdiction of transportation by air; all labor organizations representing employees of Air West; and the parties in Dockets 20494 and 20665.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2838; Filed, Mar. 6, 1969; 8:51 a.m.]

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[1] Toolco engages, inter alia, in the manufacture of helicopters, fixed base maintenance and supply operations, and in an air taxi service.

[2] An amendment to the application was filed on February 24.

[3] The arrangements presently completed call for a $4 million loan from the Bank to Air West, of which Toolco will guarantee $2 million. It is contemplated that there will be an additional $2,500,000 loan, to be fully guaranteed by Toolco.

[4] In the interests of expedition, and because applicants do not contest the point, we will proceed on the assumption that the proposed interim financial assistance program would create control relationships subject to section 408 of the Act.

[5] Including air service to 45 communities at which Air West provides the only certificated air service. For a further discussion of Air West's financial difficulties see Order 69-2-9.

[6] Our action here does not constitute a determination of those issues. We are concerned here only with the limited question of interim control, pendente lite.

[7] Petitions for stay were denied in National Airlines, Inc. v. C.A.B. No. 16748, D.C. Circuit (1961).

[8] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69-168]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

FEBRUARY 27, 1969.

The following application, tendered November 21, 1968, seeks essentially the same facilities as presently licensed to station KONA, Kealakekua, Hawaii, except that a different transmitter site is proposed. The proposal is mutually exclusive with the KONA application for renewal of license, File No. BR-4352.

New, Kealakekua, Hawaii.
KONA Koast Broadcasting Co.
Req: 790 kc, 1 kw, U.

Notice is hereby given that this application has been accepted for filing and, pursuant to §§ 1.227(b-(1), 1.591(b), and Note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than April 7, 1969.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309 (d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission February 26, 1969. Commissioners Hyde (Chairman), Bartley, Cox, Wadsworth and Johnson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2787; Filed, Mar. 6, 1969; 8:49 a.m.]

[Docket No. 16495; FCC 69-158]

ESTABLISHMENT OF DOMESTIC COMMUNICATIONS SATELLITE FACILITIES BY NON-GOVERNMENTAL ENTITIES

Order Regarding Filing Comments Date

1. The Commission, having before it additional comments on the matter herein, dated February 19, 1969, from the General Electric Co., with a request that they be accepted by the Commission;

2. It appearing, that although the Commission is desirous of avoiding any further delay in reaching a decision in this proceeding, good cause has been shown in the special circumstances for the acceptance of the comments submitted by the General Electric Co.:

3. *It is ordered,* That the comments submitted by the General Electric Co. are accepted by the Commission and will be associated with the Docket in the above-entitled proceedings;

It is further ordered, That any interested party wishing to file comments on the material filed by the General Electric Co. should do so on or before April 14, 1969; in view of the desirability of avoiding any further lengthy delay in this important matter, we make no provision for reply pleadings and also stress the firmness of the April 14th deadline, absent a showing of unusual and compelling circumstances.

Adopted: February 26, 1969.

Released: March 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2788; Filed, Mar. 6, 1969; 8:49 a.m.]

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4340]

MILL FACTORS CORP.

Order Suspending Trading

MARCH 3, 1969.

The common stock, $2.50 par value, of Mill Factors Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mill Factors Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1969, through March 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2744; Filed, Mar. 6, 1969; 8:46 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

MARCH 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation) and all other securities of Top Notch Uranium and Mining Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1969, through March 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2745; Filed, Mar. 6, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0254]

JUSTER CAPITAL CORP.

Notice of Surrender of License

Notice is given hereby that Juster Capital Corp., New York, N.Y., has pursuant to § 107.105 of the Regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) requested the surrender of its license to operate as a small business investment company. The licensee was incorporated on May 18, 1964, under the laws of the State of New York, and licensed by the Small Business Administration (SBA) on June 17, 1964, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Juster Capital Corp. will be accepted, and Juster Capital Corp., accordingly, will no longer be licensed to operate as a small business investment company.

Dated: February 27, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2665; Filed, Mar. 6, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Corrected Car Distribution Direction 38]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Chicago, Rock Island and Pacific Railroad Co. shall deliver to the Northern Pacific Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-2790; Filed, Mar. 6, 1969; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 4, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41574—*Ordinary Livestock from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-13), for interested rail carriers. Rates on ordinary livestock, viz.: horses, mules, burros, and asses, other than for slaughter, in carloads, between points in southwestern territory, including Mississippi River crossings Memphis, Tenn., and south; also between such points, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Rate relationship.

Tariffs—Supplements 31 and 195 to Southwestern Freight Bureau, agent, tariffs ICC 4734 and 3962, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2791; Filed, Mar. 6, 1969; 8:50 a.m.]

[Notice 789]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 3, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 709 TA), filed February 27, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bulk, from the plantsite or storage facilities of Monsanto Co., at El Dorado, Ark., to points in Oklahoma and Texas, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111729 (Sub-No. 277 TA), filed February 26, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between Norfolk, Va., on the one hand, and, on the other, points in North Carolina; (b) between Woodbridge, N.J., on the one hand, and, on the other, Poughkeepsie and Roseton, N.Y.; and Washington, D.C.; (2) *Bottled oil samples, maps, promotion items, and miscellaneous small hardware, consisting of small valves, surveyor's instruments, portable pumps, pump parts, tank measuring sticks, boiler fire eyes*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any 1 day, between Woodbridge, N.J., on the one hand, and, on the other, Poughkeepsie and Roseton, N.Y.; and Washington, D.C.; (3) *Cut flowers and decorative greens*, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, between Richmond, Va., on the one hand, and, on the other, points in Virginia; points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Pocahontas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va., for 180 days. Supporting shippers: There are approximately (8) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Carignan, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119539 (Sub-No. 9 TA), filed February 26, 1969. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, Routes 5 and 20, East Bloomfield, N.Y. 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from points in Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, and Yates Counties, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shippers: Richard J. Herman, T. M., Ragu Packing Co., Inc., 1680 Lyell Avenue, Rochester, N.Y.; E. J. Bracalento, T.M., C-B Foods, Division, of Curtice-Burns, Leroy, N.Y.; Francis X. Kalsch, T.M., Duffy-Mott Co., Inc., 370 Lexington Avenue, New York, N.Y. 10021; Leland C. Henry, Distribution Manager, Comstock-Greenwood Foods, Bordon, Inc., Foods Division, 1000 South Main Street, Newark, N.Y. 14513. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 123048 (Sub-No. 148 TA), filed February 26, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue 53403, Post Office Box A, Racine, Wis. 53401. Applicant's representative: Paul Martinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, corn cribs, unmounted front end loaders, grader-blades and parts for such commodities*, from Richmond, Ind., to points in the United States including ports of entry between the United States and Canada, for 180 days. Supporting shipper: Dunham-Lehr, Inc., 425 Northwest K Street, Richmond, Ind. 47374, Philip Rosar, Treasurer. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125650 (Sub-No. 5 TA), filed February 25, 1969. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, 910 Dickens Street, Missoula, Mont. 59801. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and articles dealt in by wholesale and retail grocery establishments*, from points in California and Idaho to points in Montana, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 127681 (Sub-No. 4 TA), filed February 26, 1969. Applicant: JOE JONES, JR., doing business as JOE JONES TRUCKING CO., 2340 Bankhead Highway NW., Atlanta, Ga. 30318. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, packaged in containers and drums, (1) from the plantsite of Oxford Chemicals, Division of Consolidated Foods, in Chamblee, Ga., to customers of Oxford Chemicals, located at points in the United States (excluding Alaska and Hawaii); (2) from suppliers of Oxford Chemicals Division of Consolidated Foods, located at points in Ohio, Michigan, Pennsylvania, Massachusetts, Connecticut, New Jersey, New York, Delaware, Maryland, West Virginia, Texas, Indiana, Illinois, Missouri, and Louisiana, to the plantsite of Oxford Chemicals at Chamblee, Ga., and to customers of Oxford Chemicals located at points in the United States (excluding Alaska and Hawaii), for 180 days. Supporting shipper: Oxford Chemicals, a division of Consolidated Foods Corp., Post Office Box 80202, Atlanta, Ga. 30005. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 300, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 128215 (Sub-No. 3 TA), filed February 27, 1969. Applicant: MARTIN TRAILER TOTERS, INC., 4038 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: Harold A. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, between points in Alabama, Arkansas, Louisiana, Mississippi, and Texas, for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 129926 (Sub-No. 2 TA), filed February 27, 1969. Applicant: ALLEN MERTSOCK, Canada Hollow Road, Millport, Pa. 16739. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ash dowels*, in the rough, not further turned, from Portville, N.Y., to Piqua, Ohio, for 180 days. Supporting shipper: The Portville Handle Co., Division of The Union Fork and Hoe Co., Portville, N.Y. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133491 (Sub-No. 1 TA), filed February 26, 1969. Applicant: PETRO TRANSPORT, INC., 7200 Inkster Road, Taylor, Mich. 48180. Applicant's representative: William B. Elmer, Kaiser Building, 22644 Gratiot Avenue, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy or residual oils and blends thereof*, from the Port of entry on the international boundary between the United States and Canada at or near Port Huron, Mich., to points in the Lower Peninsula of Michigan, for 150 days. Supporting shipper: Petro Products Inc., 7200 Inkster Road, Taylor, Mich. 48180. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 133500 TA, filed February 26, 1969. Applicant: MORDHORST TRANSFER & STORAGE, INC., 1201 Glen Flora Avenue, Waukegan, Ill. 60085. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kenosha, Racine, Milwaukee, and Waukesha Counties, Wis., Lake and Porter Counties, Ind., and points in Illinois on and north of U.S. Highway 136; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: (1) Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; (2) CTI-Container Transport, International, Inc., 17 Battery Place, New York, N.Y. 10004; (3) Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133; (4) Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119; (5) Sunpak Movers, Inc., 534 Westlake Avenue North, Seattle, Wash. 98109. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2792; Filed, Mar. 6, 1969; 8:50 a.m.]

[Notice 790]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 4, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL

REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 248 TA) (Correction), filed February 3, 1969, published FEDERAL REGISTER, issue of February 14, 1969, and republished as corrected this issue. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: (same address as above). NOTE: The purpose of this republication is to show applicant's mailing address which was inadvertently omitted from previous publication. The remainder of the notice remains the same.

No. MC 50069 (Sub-No. 415 TA) filed February 28, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, from Covington, Ky., to Sturgeon Bay, Wis., for 180 days. Supporting shipper: Ashland Oil & Refining Co., Ashland, Ky. 41101. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, Toledo, Ohio 43604.

No. MC 52460 (Sub-No. 99 TA) (Correction), filed February 12, 1969, published in the FEDERAL REGISTER issue of February 20, 1969, corrected and republished as corrected, this issue. Applicant: HUGH BREEDING, INC., 1420 West 45th Street, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous* ammonia, in bulk, in tank vehicles, (1) from the plantsite of Central Farmers Fertilizer Co. near Albany, Ill., to points in Iowa; (2) from the plantsite of Central Farmers Fertilizer Co. at Kingston Mines, Ill., to points in Indiana; (3) from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. at North Pekin, Ill., to points in Indiana; (4) from the plantsite of Central Nitrogen Corp. near Terre Haute, Ind., to points in Illinois and Ohio; (5) from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. near Mount Vernon, Ind., to points in Illinois; (6) from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. at Wilder, Ky., to points in Ohio and Michigan; and (7) from the plantsite of Olin near Joliet, Ill., to points in Indiana, Ohio, and Michigan, for 180 days. Supporting shipper: American Cyanamid Co., R. J. Van Nostrand, Traffic Manager, Post Office Box 400, Princeton, N.J. 08540. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102. NOTE: The purpose of this republication is to include the territorial description under (7) which was inadvertently omitted from previous publication.

No. MC 59352 (Sub-No. 2 TA) (Correction), filed February 11, 1969, published FEDERAL REGISTER, issue of February 19, 1969, and republished as corrected this issue. Applicant: C. L. & A. MOTOR DELIVERY, INC., 4110 Dane Avenue, Cincinnati, Ohio 45223. Applicant's representative: R. J. Krovocheck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Fresh carcass meat on hooks, fresh packaged meat, packinghouse products*, in packages, and *dairy products*, in packages, from Cincinnati, Ohio to Hamilton, Ohio, over U.S. Highway 127 and Ohio Highway 4, for 180 days. NOTE: The purpose of this republication is to show that the proposed commodities will move via regular routes, and not irregular routes as shown in previous publication. Supporting shipper: St. Louis Independent Packing Co., 824 South Vandeventer Avenue, St. Louis, Mo. 63110. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 107515 (Sub-No. 642 TA), filed February 27, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., Post Office Box 10799, Station A, 3901 Jonesboro Road SE., Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cured meats*, from Smithfield, Va., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Louisiana, Mississippi, Tennessee, Texas, Oklahoma, and Arkansas, for 150 days. NOTE: Applicant intends to tack with Sub 478 at Montgomery, Ala. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107743 (Sub-No. 10 TA), filed February 27, 1969. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway Avenue, Spokane, Wash. 99206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V, Group III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Utah County, Utah, to points in Montana on and west of U.S. Highway 89; points in Idaho in and north of Idaho County; points in Washington, points in Oregon on and north of U.S. Highway 20, for 180 days. Supporting shippers: Haskins Steel Co., Inc., Post Office Box 4215, Spokane, Wash. 99202; Stack Steel and Supply Co., 500 South Lander Street, Seattle, Wash. 98134. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 111785 (Sub-No. 40 TA) (Correction), filed February 19, 1969, published in the FEDERAL REGISTER issue of February 28, 1969, and republished as corrected this issue. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsite of Marlinton Furniture Manufacturing Co. near Marlinton (Pocahontas County), W. Va., to New York, N.Y., Washington, D.C.; Wilmington, Del.; and points in New Jersey, Pennsylvania, Maryland, and Virginia, for 180 days. NOTE: The purpose of this republication to redescribe the origin point, a portion of which was inadvertently omitted in the previous publication.

No. MC 118159 (Sub-No. 63 TA), filed February 27, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spice sets* in glass containers and/or racks, from Tulsa, Okla., to points in the United States, for 180 days. Supporting shipper: Business Builders Inc., Tulsa, Okla. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124377 (Sub-No. 10 TA), filed February 27, 1969. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Denver, Colo. 80205. Applicant's representative: Roger Sollenbarger, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Sigman Meat Co., at or near Brush, Colo., to the plantsite of Glover Packing Co., at or near Roswell, N. Mex., for 150 days. Supporting shipper: Sigman Meat Co., Inc., Post Office Box 5292 T.A., Denver, Colo. 80217. Send protests to: Charles W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 126154 (Sub-No. 3 TA), filed February 27, 1969. Applicant: DOMENIC MARCHI, 508 North Stephenson Avenue, Iron Mountain, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, namely, beer, ale, porter, or stout; and *soda water*, namely, pop and soft drinks, from Minneapolis and St. Paul, Minn., to points in Marquette County, Mich., and *empty containers*, on return, for 180 days. Supporting shippers: Ray Hirvonen and Clare Hirvonen, doing business as Marquette Bottling Works, Inc., Marquette, Mich. 49855; Vincent Tasson, Owner, Tasson Distributing Co., Ishpeming, Mich. 49849. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 126375 (Sub-No. 9 TA), filed February 26, 1969. Applicant: CEL TRANSPORTATION COMPANY, Post Office Box 447, Latrobe, Pa. 15650. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow and inedible grease*, in bulk, in tank vehicles, from Findlay Township, Allegheny County, Pa., to Cincinnati, Ohio, for 150 days. Supporting shipper: Darling & Co., 4201 South Ashland Avenue, Chicago, Ill. 60609. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 128146 (Sub-No. 2 TA), filed February 27, 1969. Applicant: TED W. BETLEY, Post Office Box 196, Amberg, Wis. 54102. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and business records*, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, points in Douglas, Bayfield, Ashland, Iron, Vilas, Burnett, Washburn, Sawyer, Price, Oneida, Forest, Florence, Polk, Barron, Rusk, Taylor, Lincoln, St. Croix, Dunn, Chippewa, Pierce, Pepin, Eau Claire, Buffalo, Trempealeau, and La Crosse Counties, Wis., and Green Bay, Wis., for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133462 TA (correction), filed February 11, 1969, published FEDERAL REGISTER, issue of February 19, 1969, and republished as corrected this issue. Applicant: GREAT EASTERN TRANSPORT SYSTEMS, INC., 152–50 Rockaway Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Samuel Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers and trailers, which have a prior or subsequent movement by water, between points in the commercial zone of New York, N.Y., as defined by the Interstate Commerce Commission, for 150 days. NOTE: The purpose of this republication is to correct the commodities proposed to be transported. Previous publication showed that applicant also proposed to transport trailers. Supporting shipper: Transamerican Trailer Transport, Inc., 358 St. Marks Place, Staten Island, N.Y. 10301. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133501 (Sub-No. 1 TA), filed February 27, 1969. Applicant: DON E. LESTER, doing business as DEL ENTERPRISES, River Road, Natchitoches, La. 71457. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Southern yellow pine plywood, including both construction and standard grade*, from plantsite of South Ply, Inc., located 5 miles north of the City of Natchitoches in the Parish of Natchitoches, La., to points in Texas, Arkansas, Mississippi, Alabama, Tennessee, Missouri, Georgia, Florida, Kentucky, Indiana, Illinois, and Oklahoma, for 180 days. Supporting shipper: South Ply, Inc., Post Office Box 23, Natchitoches, La. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No MC 133508 TA, filed February 28, 1969. Applicant: STANLEY JOHNSON, doing business as PORT SERVICE CO., 71 Murray Street, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, holloware, flatware and giftware*, between New York, N.Y., commercial zone and Shipper's warehouse in Farmingdale, N.Y., for 150 days. Supporting shipper: WMF Of America, Inc., 236 Fifth Avenue, New York, N.Y. 10003. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133509 TA, filed February 28, 1969. Applicant: JAMES L. SHORT, 205 South Defiance Street, Archbold, Ohio 43502. Applicant's representative: M. M. Emery, 6055 Flanders, Sylvania, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Aluminum mobile house steps, aluminum boat docks, and aluminum pallets*, from Bryan, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Missouri, Kansas, and Colorado, for 180 days. Supporting shipper: Jorjas, Inc., 2815 Mersey Lane, Lansing, Mich. 48910. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, Toledo, Ohio 43604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–2793; Filed, Mar. 6, 1969; 8:50 a.m.]

[Notice 306]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 4, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70985. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Willis J. Jones and Emmett W. Jones, a partnership, doing business as W. J. Jones Trucking Co., Franklin, Wis., of the operating rights in permit No. MC–125971 (Sub-No. 3) issued May 12, 1966, to Willis J. Jones, Betty F. Jones, and Emmett W. Jones, a partnership, doing business as W. J. Jones Trucking Co., Hales, Wis., authorizing the transportation of crushed limestone, in bulk, from Franklin, Wis., to Winona, Minn. James P. Burns, Walther & Burns, 740 North Plankinton Avenue, Milwaukee, Wis. 53203, attorney for applicants.

No. MC–FC–71031. By order of February 25, 1969, the Motor Carrier Board approved the transfer to A & A Transportation Co., Inc., Medford, Mass., of certificate of registration No. MC–96928 (Sub-No. 1), issued October 18, 1963, to Gale Transportation Co., Inc., doing business as A & A Transportation Co., Medford, Mass., authorizing the transportation of general commodities pursuant to Common Carrier Certificate No. 3449, dated February 7, 1958, issued by the Massachusetts Department of Public Utilities. Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC–FC–71079. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Daniel Parker, Route 3, Box 119, Laurel, Del. 19956 of certificate No. MC–95921, issued September 5, 1958, to John William Littleton, Route 1, Post Office 249A, Delmar, Del. 19940, authorizing the transportation of: Fertilizer, from Laurel, Del., to points in Dorchester, Somerset, Wicomico, and Worcester Counties, Md.; and fertilizer and fertilizer materials, between Laurel, Del., on the one hand, and, on the other, points in Caroline, Queen Annes, Kent, Talbot, and Cecil Counties, Md.

No. MC–FC–71104. By order of February 24, 1969, the Motor Carrier Board approved the transfer to Hunt Transportation, Inc., Omaha, Nebr., of the operating rights in certificates Nos. MC–82841, MC–82841 (Sub-No. 9), MC–82841 (Sub-No. 10), MC–82841 (Sub-No. 13), MC–82841 (Sub-No. 17), MC–82841 (Sub-No. 18), MC–82841 (Sub-No. 21), MC–82841 (Sub-No. 22), MC–82841 (Sub-No. 24), MC–82841 (Sub-No. 26), MC–82841 (Sub-No. 28), MC–82841 (Sub-No. 32), MC–82841 (Sub-No. 33), MC–82841 (Sub-No. 34), MC–82841 (Sub-No. 37), MC–82841 (Sub-No. 38), issued January 29, 1965, January 5, 1965, March 23, 1966, May 13, 1966, May 2, 1967, June 13, 1968, June 20, 1967, March 5, 1968, July 18, 1967, November 6, 1967, July 31, 1968, April 12, 1968, July 2, 1968, September 20, 1968, November 4, 1968, and September, 30, 1968, to R. D. Transfer, Inc., Omaha, Nebr., authorizing the transportation of: various commodities of a general commodity nature from, to, and between specified points in the United States. Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC–FC–71119. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Arnold E. Evans, doing business as Evans Bros., Salamanca, N.Y., of certificate No. MC–34036, issued January 28, 1953, to Arnold E. Evans and Nelson A. Evans, a partnership, doing business as Evans Bros., Salamanca, N.Y., authorizing the transportation of: Used machinery and scrap metals, from Bradford, Pa., to Salamanca, N.Y., over U.S. Highway 219; household goods as defined by the Commission, between Salamanca, N.Y., and points in New York within 20 miles thereof, on the one hand, and, on the other, points in Pennsylvania within 150 miles of Salamanca; and general commodities, in pickup and delivery service for line-haul motor carriers, between points in Salamanca, N.Y. Kelly and Monighan, 103 Main Street, Salamanca, N.Y. 14779, attorneys for applicants.

No. MC–FC–71120. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Actron Corp., Boston, Mass., of the certificate in No. MC–128293, issued October 21, 1966, to Chadco Express, Inc., Malden, Mass., authorizing the transportation of household goods between Malden, Mass., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, New York, Connecticut, Pennsylvania and a described area in Rhode Island, and new furniture from Melrose, Mass., to points in Maine, Rhode Island, Connecticut and a described area in New Hampshire. Neal Holland, 225 Franklin Street, Boston, Mass. 02110, attorney for applicant.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–2784; Filed, Mar. 6, 1969; 8:50 a.m.]

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PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of the Private Secretary to the Deputy General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (32) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(32) One Private Secretary to the Deputy General Counsel.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–2848; Filed, Mar. 7, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Administrator, Defense Electric Power Administration and two more positions of Confidential Assistant to the Secretary are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER paragraph (a) of § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(2) Three Confidential Assistants and one Private Secretary to the Secretary.

* * * * *

(31) Administrator, Defense Electric Power Administration.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–2849; Filed, Mar. 7, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Special Assistant for Special Projects, Office of the Secretary, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (12) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.*

* * * * *

(12) Special Assistant for Special Projects.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–2927; Filed, Mar. 7, 1969; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Subpart—1966 Through 1969 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

In F.R. Doc. 69–1566 appearing at page 2022 in the issue of Wednesday, February 12, 1969, the following corrections are made in the tabular material in § 775.427(d):

Under Texas, page 2041:

a. Burleson County change the third column figure from ------ to 20.3

b. Comal County, change the sixth column figure from 1.23 to 1.28

c. Dimmit County, change the fifth column figure from 34.9 to 40.3

d. Polk County, change the third column figure from ------ to 13.5

(Sec. 16(f), 79 Stat. 1190, 16 U.S.C. 590p(1), sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 4, 1969.

CARROLL BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–2862; Filed, Mar. 7, 1969; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

PART 876—SUGARCANE: HAWAII

Fair and Reasonable Prices for 1969 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on December 13, 1968, the following determination is hereby issued:

Sec.
876.21 General requirements.
876.22 Toll agreements.
876.23 Purchase agreements.
876.24 Sugarcane weight and quality determination.
876.25 Overhead charges for services furnished to producers.
876.26 Reporting requirements.
876.27 Applicability.
876.28 Subterfuge.
876.29 Procedures for checking compliance.

AUTHORITY: §§ 876.21 to 876.29 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 876.21 General requirements.

A producer of sugarcane in Hawaii who is also a processor of sugarcane, to which this part applies as provided in § 876.27 (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1969 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

§ 876.22 Toll agreements.

(a) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(b) (1) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed

below shall be not more than that established for each such processor.

Processor	Rate for processing (percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	34	Mill.
Kohala Sugar Co.	34	Do.
Laupahoehoe Sugar Co.	45	Loaded in trucks.
Mauna Kea Sugar Co., Inc.	45	Do.
Pepeekeo Sugar Co.	45	Do.
Pasuhau Sugar Co., Ltd.	45	Do.
Hawaiian Agricultural Co.	45	Do.
Hutchinson Sugar Co., Ltd.	45	Do.

(2) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Co. (a co-operative agricultural marketing association herein referred to as C&H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rates for processing.

(3) The applicable rate for processing established in this paragraph for sugarcane of the producer shall cover (i) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (ii) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (iii) the costs of weighing, sampling, and tarring such sugarcane; (iv) the cost of general weed and rodent control other than in sugarcane fields of producers and alongside the roads adjacent thereto; and (v) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(4) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C&H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C&H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

§ 876.23 Purchase agreements.

(a) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(b) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Co. shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(c) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1969 crop shall be limited to the same items as for the 1968 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the "State Executive Director" (i.e., the person employed to be responsible for the day-to-day operations of the Hawaiian State Agricultural Stabilization and Conservation Service office, or any employee in such office acting on behalf of such person), determines justify the incurrence of such expenses, such expenses also may be deducted.

§ 876.24 Sugarcane weight and quality determination.

The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters' Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

§ 876.25 Overhead charges for services furnished to producers.

If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and maintenance charges, and such rates are applied equally to both processors' and producers' producing, harvesting, and transporting operation, and if the standard or budgeted rates are adjusted periodically to reflect current conditions, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the "State Executive Director."

§ 876.26 Reporting requirements.

The processor shall submit to the "State Executive Director" a certified statement of the gross proceeds and handling and delivery expenses paid under (a) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (b) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

§ 876.27 Applicability.

The requirements of this part are applicable to all sugarcane grown by a producer and processed under either a purchase or toll agreement by a processor who also produces sugarcane (a processor-producer is defined in § 821.1 of this chapter).

§ 876.28 Subterfuge.

The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

§ 876.29 Procedures for checking compliance.

The procedures to be followed by the State ASCS office in checking compliance with the requirements of this part are set forth under the heading Part 6—Fair Price Determination in Handbook 6–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbook 6–SU may be inspected at the State ASCS office and copies may be obtained from the Hawaii State ASCS office, 1833 Kalakaua Avenue, Honolulu, Hawaii 96815.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1969 crop grown by other producers.

Requirements of the act. Section 301 (c) (2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Public hearing—C. Brewer and Co. (representing Mauna Kea, Pepeekeo, Hawaiian Agricultural, and Hutchinson Sugar Co.). The representative of these sugar companies recommended a processing rate of 48 percent for the 1969 crop, and continuation of the profit charge on services furnished growers. He stated that no change is planned in the method for calculating these charges. The witness stated that each year since 1959 the processing fee has been established at 45 percent despite the fact that data furnished by the company indicates that a processing rate of 48 percent would be fair and reasonable. The witness submitted production statistics and cost data for the period 1964–68, with calculated 5-year averages, in support of his recommendations.

A representative of sugarcane producers delivering cane to the C. Brewer companies recommended that the profit charge on services furnished growers be disallowed; that extreme samples obtained for trash determination by the core sample method be discarded; that Hawaiian Agricultural Co. growers be reimbursed for the cost of road construction and maintenance expended by them in prior years, and that the processing fee be reduced from 45 to 40 percent. The witness testified that according to growers' data the processing rate comes to 43 percent, but that 40 percent is recommended to offset the 5 percent charge for profit on services furnished to growers by the company. The witness also stated that one extreme sample from the core sample trash test can make a large difference in yield of net sugarcane, and that extremely bad samples ought to be discarded while favorable samples should be retained.

Kohala Sugar Co. The witness representing the company recommended that the processing fee be increased from 34 to 45 percent, but that all other provisions remain the same. He stated that a tolling fee of 45 percent would more nearly represent the actual cost of processing growers' sugarcane. He stated that recent capital investments had contributed to higher company costs as compared to declining costs for producers, and that the company furnishes about 75 percent of the services necessary to produce the crop, while the growers furnish the other 25 percent.

A representative of producers testified that if it were not for the Department, small sugarcane farmers would not last very long, and that an additional 11 points in the processing fee cannot be justified, since it would all represent pure profit to the processor. He stated that growers do not mind paying for company-furnished services as long as the charge is reasonable. The witness recommended that the processing rate not be changed, or that the fee be reduced from 34 to 30 percent, if possible. The witness stated that independent growers are so small in number and produce such a small portion of the crop that collectively they cannot adversely affect the operations of the company.

Laupahoehoe Sugar Co. The witness representing this company recommended that the processing rate be increased from 45 to 50 percent, and that the charge for profit on services furnished to growers be continued. He also recommended that all other provisions remain unchanged. The witness testified that an examination of the cost ratio for the 1968 crop clearly indicates that a tolling fee in excess of 50 percent is justified, and that a tolling fee greater than 50 percent has been justified for the past several years. The witness testified that all remaining adherent planter agreements will expire by 1971, and that as these 30-year contracts expire, growers are being offered either (1) a tolling agreement, (2) a cultivation contract, or (3) a straight lease agreement.

A representative of producers testified that adverse weather conditions during the growing season is bound to hurt the 1969 crop. He recommended a tolling fee of 40 percent.

Puna Sugar Co. The representative of growers who deliver cane to this company recommended that the charge for profit on services furnished to growers by the company be eliminated, and that the delivery point for sugarcane be changed from "at the mill" to "loaded in trucks" in the field. He also recommended that in the event the delivery point is changed, the processing rate be set at 50 percent. He said that the Puna growers have organized a "pooling agreement" among themselves wherein growers in Kapoho and Pahoa will contribute to a fund to compensate growers in the Keaau-Kurtistown-Mount View area to offset the adverse effect on nearby growers caused by a change in the delivery point for sugarcane. The witness stated that growers do not have confidence in the method used by the company to allocate costs, especially road repairs and cane hauling, and that so long as the change in the processing fee accurately represents the shift of cost from one party to the other, then growers want the change in delivery point.

A representative of the company testified that growers have recommended a change in the delivery point for sugarcane at every public hearing since 1960; that because of the very wide geographical dispersion of growers at Puna, a change in the delivery point would unfairly burden those growers close to the mill; and that such a change would result in a decline in net income to the growers and an increase in profit to the company. The witness stated that the company is nevertheless prepared to accept the change in the delivery point provided (1) the Department is satisfied that Puna growers want the change regardless of the resulting processing fee and have so stated in writing, and (2) all growers have executed the pooling agreement. The witness also recommended that, in the event the change in delivery point is not made, the processing fee be increased from 34 to 36 percent; and that the charge for profit of 5 percent on services furnished to growers be increased to 10 percent.

1969 price determination. This determination continues the provisions of the 1968 determination without change.

Consideration has been given to the recommendations and information submitted in connection with the hearing; to the returns, costs, and profits of producing and processing sugarcane obtained by a recent field study and recast in terms of price and production conditions likely to prevail for the 1969 crop; and to other relevant data.

The recommendations of both producers and processors for changes in the applicable processing rates for the respective companies have been carefully studied. In the process of examining the merit of these proposals the Department has considered the sharing relationship between the costs of producing and processing sugarcane which were obtained in the field survey for a recent crop and projected to the 1969 crop on the basis of conditions expected to prevail. Analysis of these data indicates that any changes which may have occurred in the sharing relationship between producing and processing costs have not been of sufficient magnitude to justify changes in the processing rates, and none have been made in this determination.

The recommendations for changes in the profit charge on services furnished to growers by the companies have again been reviewed. It is believed that the applicable provision of the 1968 determination is equitable, and it is therefore continued in the present determination.

The producers who deliver sugarcane to one processor recommended that the delivery point for sugarcane be changed from "at the mill" to "in trucks" in the field, and that the resulting processing fee be set at 50 percent.

The Department deferred action on this proposal in the 1968 crop determination so that a thorough and careful study of transportation costs at Puna could be undertaken which would permit an informed evaluation of the impact of a change in the delivery point. That study was completed shortly before the public hearing.

Representatives of producers recognized that growers located at some distance from the factory would benefit from a change in the delivery point at the expense of those growers located nearby. Agreement among all growers relative to a change in delivery point was achieved primarily by means of a proposed pooling agreement wherein nearby growers would be compensated to the extent of about half of this shift in relative advantage by the growers located at a distance. The rationale for the proposed arrangement is that growers collectively would achieve a net benefit from the change in delivery point. However, this premise is not borne out by data available to the Department.

The processing fee is based primarily upon the principle of dividing total returns among the parties in about the same proportion as their share of total costs. Accordingly, to transfer the cost of hauling and road maintenance from the account of the growers to that of the company necessarily transfers with it gross returns in equal proportion. Analysis of the data developed by the Department indicates that the proposed change in delivery point for sugarcane would result in an indicated processing rate in the range of 55 up toward 60 percent. Even at the lower end of this range, growers' profits on average, would be reduced, through a changed delivery point, by as much as 25 cents per hundredweight of sugar, or a total of about $100,000.

The Department is concerned about this potential shift in profits from the growers to the processing company and has some reservations about the viability of the pooling agreement. As proposed by the producers, the pooling agreement would undertake to compensate nearby growers for a portion of the adverse effect upon them of the change in delivery point. But the proposal might be workable only so long as growers collectively derived some benefit from the change. Moreover, the pooling agreement would necessarily be a matter entirely among the growers, since the Department would have no control over its membership or administration.

A change from the delivery point for sugarcane which has prevailed for many years would have a substantial effect on land values even if the pooling agreement were to be successful, and an even greater impact if the pooling agreement became ineffective. Land near the mill would no longer enjoy the favorable status it now holds insofar as sugarcane transportation is concerned, but would retain its same status relative to the more distant land with respect to sugarcane production costs. It would thus fall in value while more distant land would tend to increase in value.

If growers wish to achieve a parity or partial parity in hauling and road maintenance costs among the various areas, that result could as easily be achieved by means of a pooling agreement based on the present delivery point, i.e., a pool wherein the "flow" is in reverse direction to that proposed. Nearby growers under this arrangement would contribute to a fund which would compensate more distant growers for their greater hauling costs.

For the reasons mentioned, the recommendation that the delivery point at the Puna Sugar Co. be changed has not been adopted.

After consideration of all pertinent factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date: This determination shall become effective when published in the FEDERAL REGISTER and is applicable to the 1969 crop of Hawaiian sugarcane.

Signed at Washington, D.C., on March 4, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-2863; Filed, Mar. 7, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 364]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.664 Lemon Regulation 364.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 9, 1969, through March 15, 1969, are hereby fixed as follows:

(i) District 1: 5,580 cartons;

(ii) District 2: 203,670 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 6, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2928; Filed Mar. 7 1969; 8:50 a.m.]

[Grapefruit Reg. 56]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.356 Grapefruit Regulation 56.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period

March 10, 1969 through March 16, 1969, is hereby fixed at 225,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2968; Filed, Mar. 7, 1969; 11:21 a.m.]

[Grapefruit Reg. 24]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.324 Grapefruit Regulation 24.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 10, 1969 through March 16, 1969, is hereby fixed at 250,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2969; Filed, Mar. 7, 1969; 11:21 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126) Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended in the following respects:

1. Subparagraph (3) of § 74.2(a) is amended and a new subparagraph (5) is added to read as follows:

§ 74.2 Designation of free and infected areas.

(a) • • •

(3) All counties in Pennsylvania except Chester, Dauphin, Franklin, Juniata, Lehigh, and Mifflin.

• • • • • •

(5) All counties in New Jersey except Camden and Salem.

2. Subparagraph (2) of § 74.3(a) is amended and a new subparagraph (4) is added to read as follows:

§ 74.3 Designation of eradication areas.

(a) • • •

(2) The following counties in Pennsylvania: Chester, Dauphin, Franklin, Juniata, Lehigh, and Mifflin.

• • • • • •

(4) The following counties in New Jersey: Camden and Salem.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended, 76 Stat. 129–132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134–134h; 29 F.R. 16210, as amended)

Effective date: The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds Franklin, Juniata, Lehigh, and Mifflin Counties in Pennsylvania and Camden and Salem Counties in New Jersey to the list of infected and eradication areas and deletes such counties from the list of free areas due to the presence of sheep scabies therein. After the effective date of this amendment, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such areas.

The amendment imposes certain restrictions on the interstate movement of sheep from Franklin, Juniata, Lehigh, and Mifflin Counties in Pennsylvania and Camden and Salem Counties in New Jersey for the purpose of preventing the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment is impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of March 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-2864; Filed, Mar. 7, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Athens, Ga., control zone.

The Athens control zone is described in § 71.171 (34 F.R. 4557). In the description, an extension is predicated on the Athens VORTAC 078° radial. Since the final approach radial of the AL-983-VOR/DME-1 instrument approach procedure is refined from the 078° to the 076° radial, effective April 3, 1969, it is necessary to alter the description accordingly.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit processing and publication, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 3, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Athens, Ga., control zone is amended as follows: "* * * Athens VORTAC 078° radial * * *" is deleted and "* * * Athens VORTAC 076° radial * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 28, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-2823; Filed, Mar. 7, 1969; 8:46 a.m.]

[Airspace Docket No. 68-SW-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 4, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 154) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter the Fort Smith, Ark., control zone and the 700-foot portion of the transition area.

Interested persons were given 30 days in which to submit written data, views, or arguments.

No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete "(1) In § 71.171 (33 F.R. 2083) * * *" and "(2) In § 71.181 (33 F.R. 2182) * * *" and substitute "(1) In § 71.171 (34 F.R. 4557) * * *" and "(2) In § 71.181 (34 F.R. 4637) * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 27, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

(1) In § 71.171 (34 F.R. 4557) the Fort Smith, Ark., control zone is amended to read:

FORT SMITH, ARK.

Within a 5-mile radius of Fort Smith Municipal Airport (lat. 35°20'10" N., long. 94°22'05" W.), within 2 miles each side of the Fort Smith VORTAC 238° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Fort Smith ILS localizer east course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 5-mile radius zone to the Peno Bottoms RBN (lat. 35°19'21" N., long. 94°28'28" W.).

(2) In § 71.181 (34 F.R. 4637) the Fort Smith, Ark., transition area 700-foot portion is amended to read:

FORT SMITH, ARK.

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the Fort Smith Municipal Airport (lat. 35°20'10" N., long. 94°22'05" W.), within an 11.5-mile radius of the Fort Smith VORTAC extending clockwise from the 078° to the 155° radials of the VORTAC, within 6 miles northwest and 5 miles southeast of the Fort Smith VORTAC 053° radial extending from the 12.5 and 11.5-mile radius areas to 12 miles northeast of the VORTAC, within 2 miles each side of the Fort Smith VORTAC 239° radial extending from the 12.5-mile radius area to 20 miles southwest of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 12.5-mile radius area to 8 miles west of the Peno Bottoms RBN (lat. 35°19'21" N., long. 94°28'28" W.).

[F.R. Doc. 69-2824; Filed, Mar. 7, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make minor realignments to segments of VOR Federal airway Nos. 8 and 216 in the vicinity of Cordova, Ill.

The Federal Aviation Administration is relocating the Cordova VOR to a new site located at lat. 41°42'30" N., long. 90°28'59" W., on May 1, 1969. This relocation will require the segment of V-8 between Cordova and Joliet, Ill., to be realigned 1° south of its present alignment, via the intersection of the Cordova 087° T (083° M) and Joliet 316° T (314° M) radials. In addition, the segment of V-216 between Charlotte, Ill., intersection and Janesville, Wis., will require a minor realignment so as to adjust to the relocated Charlotte intersection. The other VOR Federal airway segments utilizing the Cordova VOR for their alignment are aligned direct station to station, and will automatically adjust to the relocated facility. Accordingly, action is taken herein to realign V-8 segment between Cordova and Joliet; and V-216 segment between the Charlotte intersection and Janesville.

The maximum deviations of these new alignments from the present designations are approximately 1 mile and the new designations are within airspace that is presently controlled. Since these changes involve minor amendments in which the public is not particularly interested, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

a. V-8 is amended by deleting "INT Cordova 088° and Joliet, Ill., 316° radials;" and substituting "INT Cordova 087° and Joliet, Ill., 316° radials;" therefor.

b. V-216 is amended by deleting "From INT of Polo, Ill., 268° and Janesville, Wis., 238° radials," and substituting "From INT of Polo, Ill., 268° and Janesville, Wis., 240° radials;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 3, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-2825; Filed, Mar. 7, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation, and Revocation of Federal Airway Segments

On December 12, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18448) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 297 and 493, revoke the U.S. portion of VOR Federal airway No. 224, and designate the U.S. portion of a new VOR airway from Pontiac, Mich., to the Dresden, Ontario, Canada, Intersection.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., May 1, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V-297 "INT Carleton 327° and Saginaw, Mich., 182° radials;" is deleted and "INT Carleton 334° and Saginaw, Mich., 182° radials;" is substituted therefor.

b. In V-493 "INT Carleton 327° and Flint, Mich., 202° radials;" is deleted and "INT Carleton 334° and Flint, Mich., 202° radials;" is substituted therefor.

c. V-224 is revoked.

d. V-176 is added:

V-176 From Pontiac, Mich., 12 AGL to INT Pontiac 100° and Windsor, Ontario, Canada, 057° radials, excluding the portion within Canada.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 3, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-2827; Filed, Mar. 7, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Big Spring, Tex., transition area.

On September 25, 1968, a final rule was published in the FEDERAL REGISTER (33 F.R. 14404) altering the airspace description of the Big Spring, Tex., transition area, effective November 14, 1968. Subsequently, more precise plotting revealed two small areas, totaling approximately 7 square miles, remaining between this transition area and adjacent controlled airspace. There are no airports of record located within these two small areas. This amendment encompasses these two areas in the Big Spring, Tex., 7,500-foot transition area and makes editorial changes in the description of the 7,500-foot area for greater clarity.

Since these changes are either editorial or minor in nature and will impose no undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Big Spring, Tex., transition area 7,500-foot portion is amended to read "* * * and that airspace extending upward from 7,500 feet MSL within the area bounded by a line beginning at lat. 31°28'40" N., long. 102°00'00" W., thence east along lat. 31°28'40" N. to the southwest bounary of V-68S, thence southeast and east along the southwest and south boundaries of V-68S to long. 101°05'00" W., thence south along long. 101°05'00" W. to the north boundary of V-222, thence west and northwest along the north and northeast boundaries of V-222 to lat. 31°09'00" N., thence east along lat. 31°09'00" N. to long. 103°16'00" W., thence north along long. 103°16'00" W. to lat. 31°26'25" N., thence east to lat. 31°26'20" N., long. 103°01'00" W., north to lat. 31°33'40" N., long. 102°59'10" W., east to lat. 31°33'00" N., long. 102°53'00" W., northeast to lat. 31°40'00" N., long. 102°39'30" W., southeast to lat. 31°30'-00" N., long. 102°20'00" W., thence east to point of beginning, excluding that airspace within the Fort Stockton, Tex., transition area."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 27, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-2829; Filed Mar. 7 1969; 8:47 a.m.]

[Airspace Docket No. 68-WE-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On December 19, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18939) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from the Provo, Utah, VORTAC, 1,200 feet AGL to the Price, Utah, radio beacon.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.163 (34 F.R. 4549) the following is added:

PROVO, UTAH

From the Provo, Utah, VORTAC, 1,200 feet AGL to the Price, Utah, RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 3, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-2830; Filed, Mar. 7, 1969; 8:47 a.m.]

[Airspace Docket No. 68-SW-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 4, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 154) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Hilltop Lakes, Tex.

Interested persons were given 30 days in which to submit written data, views, or arguments.

No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete "In § 71.181 (33 F.R. 2137) * * *" and substitute "In § 71.181 (34 F.R. 4637) * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 27, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

HILLTOP LAKES, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hilltop Lakes Airport (lat. 31°04'50" N., long. 96°12'50" W.), and within 2 miles each side of the Leona VORTAC 258° radial extending from the 5-mile radius area to 9 miles west of the VORTAC.

[F.R. Doc. 69-2831; Filed, Mar. 7, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke the Edgerton, Ohio, INT and the Pioneer, Ohio, INT, as designated domestic low altitude reporting points as they are no longer required for air traffic control purposes.

Since these actions are minor in nature and neither assign nor reassign navigable airspace the Administrator has determined that notice and public procedure thereon is unnecessary. However, since it is necessary to allow sufficient time to permit the necessary changes to

aeronautical charts, these actions will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.203 (34 F.R. 4792) the following are revoked as domestic low altitude reporting points:

1. Edgerton INT: INT Fort Wayne, Ind., 039° and Waterville, Ohio, 273° radials.

2. Pioneer INT: INT Fort Wayne, Ind., 039°, and Waterville, Ohio, 288° radials.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 3, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-2832; Filed Mar. 7 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airways and Jet Route

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to alter certain VOR Federal airway and jet route segments within the Chicago Air Route Traffic Control Area.

The actions taken herein would realign V-84 segment from the Malta Intersection to Northbrook, Ill.; designate a segment of V-97 between the Lakewood Intersection and Chicago Heights, Ill.; designate a segment of V-285 between Goshen, Ind., and South Bend, Ind.; revoke V-8 south alternate segments between Omaha, Nebr., and Iowa City, Iowa; and renumber Jet Route No. 30 as Jet Route No. 114 between Salt Lake City, Utah, and Minneapolis, Minn.

These actions are being taken to eliminate broken airway and route segments so as to facilitate flight planning and the automated processing of flight data by the Chicago Air Route Traffic Control Center. The extent of airspace presently controlled will not be altered by these actions.

Since these airspace actions are taken to provide for the safe movement of air traffic, are minor in nature and will not alter the extent of controlled airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V-84 "12 AGL Chicago-O'Hare. From Northbrook, Ill.," is deleted and "12 AGL Northbrook, Ill.;" is substituted therefor.

b. In V-97 all between "12 AGL Chicago Heights, Ill." and "12 AGL Janesville;" is deleted and "; 12 AGL Joliet, Ill.; 12 AGL INT Joliet 008° and Naperville, Ill., 340° radials; 12 AGL INT Naperville 340° and Janesville, Wis., 111° radials;" is substituted therefor.

c. In V-285 "From South Bend, Ind.," is deleted and "; 12 AGL South Bend, Ind.;" is substituted therefor.

d. In V-8 all between "12 AGL Omaha, Nebr.;" and "12 AGL Cordova, Ill.;" is deleted and "12 AGL Des Moines, Iowa; 12 AGL Iowa City, Iowa;" is substituted therefor.

2. Section 75.100 (34 F.R. 4856) is amended as follows:

a. In the Caption Jet Route No. 30 "Salt Lake City, Utah" is deleted and "Minneapolis, Minn." is substituted therefor, and in the text Jet Route No. 30 all before "Nodine, Minn.;" is deleted and "From Minneapolis, Minn., via" is substituted therefor.

b. Jet Route No. 114 is added:

Jet Route No. 114 (Salt Lake City, Utah to Minneapolis, Minn.). From Salt Lake City, Utah, via Provo, Utah; Meeker, Colo.; Denver, Colo.; O'Neill, Nebr.; Sioux Falls, S. Dak.; to Minneapolis, Minn.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 3, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-2826; Filed, Mar. 7, 1969; 8:47 a.m.]

[Airspace Docket No. 68-WE-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segment Designation of Reporting Point

On December 4, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18047) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign the segment of Jet Route No. 84 from Currant, Nev., direct to Delta, Utah, and designate the Delta VORTAC as a high altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

1. In § 75.100 (34 F.R. 4856) the text of Jet Route No. 84 is amended by deleting "INT Currant 087° and Delta, Utah, 243° radials; Delta;" and substituting "Delta, Utah;" therefor.

2. Section 1.207 (34 F.R. 4799) is amended by adding: "Delta, Utah."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 3, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-2828; Filed, Mar. 7, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2335) filed by GAF Corp., 140 West 51st Street, New York, N.Y. 10020, and other relevant material, concludes that § 121.2541 should be amended to provide for the use of the substances specified below as emulsifiers and/or surface-active agents in the manufacture of articles for food-contact use. The Commissioner further concludes that reference to "α-(p-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters * * *" should be deleted from § 121.2536 since the amendment to § 121.2541 in this order provides for the use of the additive as contemplated.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

§ 121.2536 [Amended]

1. Section 121.2536 *Filters, resin-bonded* is amended by deleting from the list in paragraph (d)(4) the item "α-(p-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters * * *."

2. Section 121.2541(c) is amended by alphabetically inserting in the list of substances new items, as follows:

§ 121.2541 Emulsifiers and/or surface-active agents.

(c) List of substances:

	Limitations
* * *	
α-Dodecyl-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 103–111 and that are produced by the esterification of the condensation product of 1 mole of *n*-dodecyl alcohol with 4–4.5 moles of ethylene oxide.	
* * *	* * *
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 49–59 and that are produced by the esterification of α-(*p*-nonylphenyl)-*omega*-hydroxypoly(oxyethylene) complying with the identity prescribed in § 121.2541(c) and having an average poly(oxyethylene) content of 5.5–6.5 moles.	
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate ester that have an acid number (to pH 5.2) of 62–72 and that are produced by the esterification of α-(*p*-nonylphenyl)-*omega*-hydroxypoly(oxyethylene) complying with the identity prescribed in § 121.2541 (c) and having an average poly(oxyethylene) content of 9–10 moles.	
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 98–110 and that are produced by the esterification of α-(*p*-nonylphenyl)-*omega*-hydroxypoly(oxyethylene) complying with the identity prescribed in § 121.2541 (c) and having an average poly(oxyethylene) content of 45–55 moles.	
* * *	* * *
α-Tridecyl-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 75–85 and that are produced by the esterification of the condensation product of one mole of "oxo" process tridecyl alcohol with 5.5–6.5 moles of ethylene oxide.	
α-Tridecyl-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 58–70 and that are produced by the esterification of the condensation product of one mole of "oxo" process tridecyl alcohol with 9–10 moles of ethylene oxide.	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec 409(c)(1) 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 3, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-2806; Filed, Mar. 7, 1969; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6999]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Definition of Group-Term Life Insurance

Correction

In F.R. Doc. 69-832, appearing at page 995, in the issue for Thursday, January 23, 1969, § 1.79-1(b)(1)(iii)(*d*) should read as follows:

(*d*) As a general rule, to constitute a plan of group insurance for a calendar year, an employer's plan must provide term insurance protection for at least 10 full-time employees at some time during a calendar year. However, a plan which, for an entire calendar year, provides protection for less than 10 full-time employees may also qualify as group insurance if the following requirements to preclude individual selection are met:

(*1*) The plan provides protection for all full-time employees (except as otherwise permitted in (*d*) (*3*) and (*4*) of this subdivision);

(*2*) Except as otherwise permitted in (*d*) (*3*) and (*4*) of this subdivision, the amount of protection for employees is computed either as a uniform percentage of salary or on the basis of coverage brackets (which are established by the insurer) under which no bracket exceeds 2½ times the next lower bracket and the lowest bracket is at least 10 percent of the highest bracket;

(*3*) Evidence of insurability may be a factor affecting either the employee's eligibility for insurance or the amount of insurance on his life only to the extent that such eligibility or amount of insurance is determined solely on the basis of a medical questionnaire completed by the employee and not requiring a medical examination;

(*4*) If evidence of insurability is not a factor affecting either the employee's eligibility for insurance or the amount of insurance, then a plan which provides protection for less than 10 full-time employees but does not meet the requirements in (*d*) (*1*) or (*2*) of this subdivision may nevertheless qualify as a plan of group insurance if (*i*) such plan is a part of an overall plan which provides protection for the employees of two or more unrelated employers, (*ii*) participation in the plan is restricted to, but mandatory for, all employees of an employer who belong to or are represented by a particular organization (such as a un-

ion), and (*iii*) such organization carries on substantial activities in addition to obtaining insurance.

For purposes of (*d*) of this subdivision, a plan shall be considered to be providing insurance protection for any employee who was eligible for such protection but who elected not to participate in the plan. Moreover, a plan of group-term insurance providing insurance for less than 10 full-time employees will not be disqualified merely because employees are not provided term insurance under the plan because they are required, by the terms of the policy, to be employed for a waiting period of not more than 6 months before their insurance becomes effective, or are part-time employees. Employees whose customary employment is for not more than 20 hours in any one week, or 5 months in any calendar year, are presumed to be part-time employees.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69-14]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

North Branch Canal, Chicago River, Ill.

1. The Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. by letter dated August 5, 1968, requested the Commander, 9th Coast Guard District to provide special operating regulations for its drawbridge across the North Branch Canal, mile 3.54, Chicago River, Ill. A public notice dated December 10, 1968, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 9th Coast Guard District and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal, the revision is accepted. The purpose of this document is to set forth the requirements in 33 CFR 117.641(f)(7-a) governing the operation of this drawbridge.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.641(f)(7-a) reads as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

* * * * *

(7-a) Chicago River, North Branch Canal, Chicago, Ill.; The Chicago, Milwaukee, St. Paul, and Pacific Railroad bridge across the North Branch Canal, Chicago River, mile 3.54, shall be opened upon 1 hour advance notice.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v))

Dated: March 3, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-2846; Filed Mar. 7 1969; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yellowstone National Park, Wyo.

On page 624 of the FEDERAL REGISTER of January 16, 1969, there was published a notice and text of a proposed amendment to section 7.13 of Title 36, Code of Federal Regulations. The purpose of the amendment is to include the oversnow vehicle in the classification of a motor vehicle as defined in Part 4 of the regulations.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No objections or unfavorable comments or suggestions have been received, and the proposed amendment is hereby adopted without change and is set forth below. This revision shall take effect the date of its publication in the FEDERAL REGISTER, due to the pressing need for winter safety provisions.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 28 Stat. 73; 16 U.S.C. 26)

Section 7.13(m) of Title 36 of the Code of Federal Regulations is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(m) *Skiing, sledding, tobogganing, snowshoeing, and oversnow vehicle use.* (1) Definitions: A motorized oversnow vehicle is defined as a motor vehicle that operates on skis, pontoons, tracks, rollers, wheels, air cushion, or any other device which is designed for travel in, on, or over snow.

(2) The following activities are prohibited in the Park:

(i) Skiing, sledding, tobogganing, snowshoeing, and the operation of motorized oversnow vehicles upon Park roads and parking areas, when such roads and parking areas are open to automobiles, trucks, tractors, bicycles, or motorcycles.

(ii) Skiing, sledding, tobogganing, snowshoeing, and the operation of motorized oversnow vehicles within areas closed by the posting of signs or designated as closed on a map located in the Superintendent's Office.

(iii) The towing of persons on skis, sleds, or other sliding devices behind automobiles, trucks, tractors, bicycles, and motorcycles.

(3) All appropriate restrictions set forth in Part 4 of this chapter will apply to the operation of motorized oversnow vehicles.

(4) The Superintendent may, by the posting of appropriate signs, require persons to register or to obtain a permit before attempting any oversnow travel within Yellowstone National Park. The Superintendent shall issue a permit upon ascertaining that suitable winter survival supplies and equipment are available for human use in the event of mechanical failure. Where a permit is required it must be carried on the person, or within the oversnow vehicle, and shall be exhibited upon request of any authorized person.

JACK K. ANDERSON,
Superintendent,
Yellowstone National Park, Wyo.

[F.R. Doc. 69-2960; Filed, Mar. 7, 1969; 10:21 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4538]

[Oregon 2282, 2796, 2900]

OREGON AND WASHINGTON

Withdrawal for National Forest Botanical and Recreation Areas

Correction

In F.R. Doc. 68-14154 appearing at page 17629 in the issue for Tuesday, November 26, 1968, the ninth line under the heading "Beth-Beaver Lake Complex Campground and Recreation Area" should read "Sec. 25, N½N½ lot 3 (N½N½NE¼SE¼)."

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 132]

WHAT MAY BE MAILED AS SECOND-CLASS MAIL—ENCLOSURES, ADVERTISING, AND NOVELTY PAGES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of amendments to § 132.4 (g) and (h). One amendment would be to subparagraph (1) of § 132.4 (g) and has as its purpose the restriction of enclosure of receipts and orders for subscriptions to the publications with which they are enclosed. Additional amendments to subparagraph (3) of § 132.4(g) and to § 132.4(h) would require that novelty pages and advertising pages in publications mailed at second-class postage rates shall be no less than the size of the regular pages of the copy, part, section, or supplement in which they are carried. They would also clarify the requirements for printed illustrations attached to pages and the requirements for coupons, applications or order forms which occupy a part of a page.

Interested persons who wish to do so may submit written data, views, and arguments concerning the proposed amendments to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly it is proposed to amend section 132.4 of Title 39 Code of Federal Regulations in the following respects:

(1) Subparagraph (1) of § 132.4(g) would be amended to read as follows:

(1) *Enclosures.* Receipts, and orders for subscriptions to the publication with which they are mailed may be enclosed either loose or bound in. No other enclosures are permitted. They may be prepared in the following ways:

(i) Printed or written.

(ii) Printed on cards and envelopes including business replies.

(2) Subparagraph (3) of § 132.4(g) would be amended to read as follows:

(3) *Novelty pages.* Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Novelty pages must not be less than the size of the regular pages of the copy, part, section, or supplement in which they are carried and must be prepared specifically for and intended as integral pages of newspapers or other periodical publications. Blank sheets may not be carried as pages. Envelopes and all other types of containers do not constitute printed sheets or portions thereof. The total number of novelty pages in the copies may constitute only a minor portion of the total pages. An excessive use of novelty pages may give a publication the characteristics, both as to format and purpose, of books, catalogs, or other third- or fourth-class mail. The following kinds of pages are examples of novelty pages that may be included in second-class publications:

(i) Printed pages bearing words, perforations, or symbols indicating they are for detachment.

(ii) Pages having printed pictures for cutting out.

(iii) Printed pages having blank spaces for writing or marking.

(iv) Pages having printed illustrations permanently pasted to them, no part of which illustrations is intended for detachment. Envelopes, wrappers, pockets, all other types of containers, and any contents thereof do not constitute printed illustrations.

(v) Pages with coupons or application or order forms, which coupons, application or order forms occupy not more than the upper or lower one-half of the page.

(3) Subparagraph (2) of § 132.4(h) would be amended to read as follows:

(2) Pages of advertisements may not be smaller than the size of the regular pages of the copy, part, section, or supplement in which they are carried. Coupons or application or order forms may not occupy more than the upper or lower one-half of the pages of advertisements.

The corresponding Postal Manual sections are 132.471, 132.473, and 132.48b respectively.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-2959; Filed, Mar. 7, 1969; 10:07 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1005, 1009, 1036]

[Docket Nos. AO-177-A34-R01, AO-268-A17, AO-179-A31]

MILK IN TRI-STATE; CLARKSBURG, W. VA.; AND EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Tri-State, Clarksburg, W. Va., and Eastern Ohio-Western Pennsylvania marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quintuplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated from the records of two hearings. The hearing relating to the handling of milk in the Clarksburg, Eastern Ohio-Western Pennsylvania, and Tri-State marketing areas was conducted at Clarksburg, W. Va., on December 10, 1968, pursuant to notices thereof which were issued on September 19, September 27, October 4, October 22, November 6, and November 18, 1968 (33 F.R. 14414, 14784, 15069, 15805, 16451, 17314). This hearing reopened a public hearing relating to the handling of milk in the Tri-State marketing area which was conducted at Charleston, W. Va., on August 27 and 28, 1968, pursuant to notice thereof issued on August 7, 1968 (33 F.R. 11409).

The material issues on the record of the hearings relate to:

1. Merging the Clarksburg order with the Eastern Ohio-Western Pennsylvania order or the Tri-State order;

2. Modification of the Class II price provisions of the Clarksburg and Eastern Ohio-Western Pennsylvania orders; and

3. With respect to the Tri-State order:

(a) Expansion of the marketing area;

(b) Diversion of milk to other order plants;

(c) Elimination of pricing districts;

(d) Elimination of supply-demand adjustor;

(e) Price for milk used in cottage cheese; and

(f) Revision of location adjustments.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof:

1. *Merger of orders.* The Eastern Ohio-Western Pennsylvania and Clarksburg

orders should be merged and continued as the Eastern Ohio-Western Pennsylvania order. Regulation of the marketing areas of these two orders under a single order is the most appropriate means of effectuating the intent of the Act. A single order for the merged area will provide a regulatory program for milk marketing consistent with current marketing conditions and practices. Except for the changes proposed by this decision, the provisions of the Eastern Ohio-Western Pennsylvania order are appropriate for the proposed enlarged marketing area.

The present Eastern Ohio-Western Pennsylvania marketing area includes territory in 38 counties: 20 in Ohio, 14 in Pennsylvania and four in West Virginia. The order including the present marketing area became effective July 1, 1968. It resulted from the merging of the previously existing Wheeling, Youngstown-Warren, and Northeastern Ohio orders and the adding to the marketing areas of these orders territory in 14 counties in Pennsylvania and seven counties in Ohio.

The Clarksburg marketing area, which is contiguous to the southern border of the Pennsylvania portion of the Eastern Ohio-Western Pennsylvania marketing area, includes territory in nine West Virginia counties.

Combining the Clarksburg and Eastern Ohio-Western Pennsylvania orders into a single order was proposed by Dairymen's Cooperative Sales Association (DCSA), which represents about 70 percent of the 159 producers who supplied the five Clarksburg order pool plants in October 1968. Another proposal at the hearing would merge the Clarksburg order with the Tri-State order instead of with the Eastern Ohio-Western Pennsylvania order. The latter proposal was made by a handler whose plant is pooled under the Tri-State order but from which plant Class I milk is also distributed in the Clarksburg and Eastern Ohio-Western Pennsylvania marketing areas.

DCSA is one of the principal producer associations in the Eastern Ohio-Western Pennsylvania and Tri-State markets. The only other producer organization in the Tri-State market to indicate its position on the proposals supported the merger of the Clarksburg and Eastern Ohio-Western Pennsylvania orders. This merger was also supported at the hearing by a Clarksburg order handler who also operates a pool plant under the Eastern Ohio-Western Pennsylvania order and one under the Tri-State order. Two other Tri-State order handlers, a Clarksburg handler, and an Eastern Ohio-Western Pennsylvania handler likewise supported a merger of the Clarksburg and Eastern Ohio-Western Pennsylvania orders. Only the handler proposing the merger of the Clarksburg and Tri-State orders testified in support of his proposal. Other handlers and producers in the Clarksburg market took no position at the hearing on the merger proposals.

Historically, the Clarksburg market has been one of the smallest of the Federal order markets. In October 1967, 268 producers delivered 7.2 million pounds of milk to Clarksburg pool plants. In the fall of 1968, this volume was reduced substantially by the closing of a Clarksburg order plant and the shifting of the producers supplying it out of the market. Deliveries from the remaining 159 producers in October 1968 totaled 5.2 million pounds. Under the Eastern Ohio-Western Pennsylvania order, 10,420 producers delivered 258 million pounds of milk to pool plants in October 1968.

The Clarksburg plant closing resulted from the consolidation of plant operations by the handler proposing a merger of the Clarksburg and Tri-State orders. This handler closed plants regulated under the Clarksburg, Eastern Ohio-Western Pennsylvania, and Tri-State orders and transferred the processing operations to a new plant at Coshocton, Ohio. Sales in the Clarksburg market that were made from the handler's Clarksburg plant now emanate from the Coshocton plant, which is regulated under the Tri-State order. In August 1968, the month preceding the plant closing, the handler's Class I sales from his Clarksburg plant totaled 1.8 million pounds, one-third of the Class I sales that month by all Clarksburg order handlers.

Following the plant closing, DCSA shifted 92 producer-members from the Clarksburg market to the Eastern Ohio-Western Pennsylvania market. Because of the distance of their farms from Coshocton, it was not economically practical for these producers to supply the Coshocton plant. The removal of this milk supply from the Clarksburg market was necessary since presently regulated handlers in the market are not equipped to handle any significant volume of surplus milk.

Maintaining a separate order for the present Clarksburg market will no longer assure stable and orderly marketing conditions for the remaining producers on the market. Because of the relatively small volume of milk now being sold by handlers regulated under the Clarksburg order, a major loss of Class I sales by them to handlers in other areas could reduce substantially the returns to Clarksburg producers. Only the removal of a large portion of the milk supply from the market averted a substantial reduction in the uniform price when the aforementioned Clarksburg plant closed.

In recent years, Clarksburg pool plants have lost several major Class I outlets in the Clarksburg market to other order plants. The sales shift resulting from the Tri-State handler's plant consolidation was but the most recent, although perhaps most significant, of these losses. The trend toward consolidation of plant operations in large, centrally located plants may very well have a further impact on the Clarksburg market. The spokesman for a multiple-plant operator with pool plants under all three of the orders under consideration at the hearing testified that the handler is constructing a plant in southwestern Pennsylvania to replace his Eastern Ohio-Western Pennsylvania pool plant at Pittsburgh. This new plant is so situated geographically that it could also replace the handler's Clarksburg plant as a supplier of Class I products for the Clarksburg area.

When the Clarksburg order was issued in 1955, the regulated area was distinguishable as a separate market for a particular group of handlers and producers. Changes in recent years affecting distribution practices have resulted in a significant expansion of the procurement and distribution areas not only of Clarksburg order pool plant operators but also of the various other plant operators who are suppliers or potential suppliers of milk for the Clarksburg market. Better highways, improved transportation and refrigeration facilities, and the greater use of single service containers have made it feasible to move packaged milk over long distances. Hence, Clarksburg order handlers have extended their distribution routes to other areas and handlers under other orders have extended their distribution routes into the marketing area of the Clarksburg order. The potential sales outlets in the various populated centers, and particularly the increasingly important supermarket business, have encouraged the distribution by handlers over larger geographical areas.

There is a significant overlapping of the sales areas of Clarksburg order handlers with handlers under other orders. About 40 percent of the Class I distribution in the Clarksburg area is priced under other orders. Milk from Clarksburg order plants is distributed in the Tri-State market and in the West Virginia and Pennsylvania portions of the Eastern Ohio-Western Pennsylvania marketing area. Likewise, there is distribution in the Clarksburg market from plants regulated under the Eastern Ohio-Western Pennsylvania, Tri-State, and Cincinnati orders.

Merging the Clarksburg order with the Eastern Ohio-Western Pennsylvania order, rather than with the Tri-State order, will result in the more practical regulatory scheme for the majority of the producers now on the Clarksburg market. As indicated, about 70 percent of these producers are members of DCSA, the proponent of the Clarksburg-Eastern Ohio-Western Pennsylvania merger. This cooperative, which likewise is a principal producer association in the Eastern Ohio-Western Pennsylvania market, assumes the responsibility of marketing the milk of its members in these adjoining markets. The merger of these two orders will facilitate the performance of this function by the cooperative.

The economic impact of the recent loss of Class I sales by Clarksburg producers was borne entirely by DCSA. By removing a portion of the total producer supply from the market, and thereby preventing a lower market utilization, returns to the remaining producers on the market were not affected by the substantial loss of Class I sales. Producers on the market who are not members of DCSA thus benefited significantly from the cooperative's action. In redirecting this milk supply of its members from the Clarksburg market to the Eastern Ohio-Western Pennsylvania market, DCSA is incurring additional hauling costs—10 cents or more per hundredweight—which are being shared by all members of the cooperative.

With the recent transfer of 92 producers from Clarksburg to Eastern Ohio-Western Pennsylvania order pool plants, the Eastern Ohio-Western Pennsylvania order is carrying, in effect, the surplus for the Clarksburg market. Moreover, Clarksburg handlers tend to rely on this larger adjacent market when supplemental supplies to Class I milk are needed.

While there is some variation in the inspection standards between the Clarksburg marketing area and some jurisdictions in the present Eastern Ohio-Western Pennsylvania marketing area, there are apparently no practical limitations on the movement of milk throughout the proposed merged area. The States of Ohio and West Virginia reciprocate on health approvals. The State of Pennsylvania and the Pennsylvania county of Allegheny, which utilize different inspection standards, have no reciprocity arrangements on inspection requirements with Ohio and West Virginia. However, many producers and handlers outside Pennsylvania have Allegheny County and/or Pennsylvania health permits. In fact, some handlers operating in the present Clarksburg market have health permits for these jurisdictions. It must be concluded that the health requirements throughout the proposed marketing area are not so different as to be an impeding factor in the merging of the Clarksburg and Eastern Ohio-Western Pennsylvania orders.

The proposal to merge the Clarksburg order with the Tri-State order instead of with the Eastern Ohio-Western Pennsylvania order was supported by only the proponent handler. This handler contended that his proposal should be adopted since the major portion of the Class I sales from other order plants in the Clarksburg marketing area are from Tri-State order pool plants. Moreover, the handler claimed, such a merger is necessary to insure the alignment of Class I prices between the Tri-State and Clarksburg areas. The handler also argued that the reciprocity arrangement on inspection standards between Ohio and West Virginia, which neither of these States has with Pennsylvania, favored the adoption of his proposal.

The record does not show that it would be more practical to merge Clarksburg with Tri-State than with the Eastern Ohio-Western Pennsylvania order. The fact that most of the other order sales in the Clarksburg market emanate from the Tri-State market is not a compelling reason for a Tri-State-Clarksburg merger. The interests of producers who are supplying the Clarksburg market must be considered a primary factor under the prevailing marketing conditions. Such interests have already been described.

A merger of the Tri-State and Clarksburg orders is not essential to establishing a satisfactory price alignment between these regulated areas. The proposed order changes described elsewhere in this decision will contribute to achieving an alignment of prices between the Tri-State market and the proposed expanded Eastern Ohio-Western Pennsylvania market.

The proponent handler did not show how he, other handlers, or producers in the Clarksburg and Tri-State markets would be adversely affected by merging the Clarksburg order with the Eastern Ohio-Western Pennsylvania order rather than the Tri-State order. Although a substantial amount of proponent's Class I sales are made in the Clarksburg marketing area, the handler indicated that his plant would continue to be regulated under the Tri-State order whether Clarksburg was merged with that order or the Eastern Ohio-Western Pennsylvania order. Hence, the milk received at his plant would continue to be priced and pooled under the Tri-State order.

As indicated above, the intent of the Act would best be served by merging Clarksburg with the Eastern Ohio-Western Pennsylvania order. Accordingly, the alternative proposal, to merge Clarksburg with the Tri-State order, is denied.

Class I price and location differentials. The territory presently included in the Clarksburg order should be included in the Pittsburgh pricing district of the Eastern Ohio-Western Pennsylvania order.

Class I prices under the Eastern Ohio-Western Pennsylvania order are established for two districts, "Pittsburgh" and "Cleveland-Erie". The Pittsburgh district includes all territory in the marketing area within 80 miles of Pittsburgh; the Cleveland-Erie district includes the remaining territory in the marketing area. The Pittsburgh district Class I price, which is 10 cents more than the Cleveland-Erie district Class I price, is computed by adding $1.97 to the basic formula price; it has been $6.30 each month since the Eastern Ohio-Western Pennsylvania order became effective July 1, 1968.

The cooperative proposing the merger of the Eastern Ohio-Western Pennsylvania and Clarksburg orders proposed that the Class I price at plants in the present Clarksburg marketing area be 10 cents higher than the Pittsburgh district price. Two presently regulated Clarksburg handlers proposed that such price be the same as the Pittsburgh district price. The handler who proposed the merger of the Tri-State and Clarksburg orders proposed that the Clarksburg Class I price be 7 cents above the Tri-State order price for the Charleston-Huntington district. This would result in a Class I price of $6.15 (after eliminating the effect of the supply-demand adjustor in the Tri-State order as is provided elsewhere in this decision).

In 1968, the Clarksburg order Class I price averaged $6.32,[1] ranging from $6.13 (in July and December) to $6.45 (in January and February). The current Pittsburgh district Class I price of $6.30 that would be applicable for milk received at plants in the present Clarksburg marketing area reasonably approximates the Class I prices that have prevailed most recently in Clarksburg. Accordingly, it should tend to insure the maintenance of an adequate supply of milk for the Clarksburg area and an alignment of prices between the presently regulated Clarksburg plants and those under other Federal orders.

Five cities (Canton and Cleveland, Ohio; and Erie, Pittsburgh, and Uniontown, Pa.) are measuring points for determining location adjustments and whether the Pittsburgh district or Cleveland-Erie district Class I price shall apply at plants located outside the Eastern Ohio-Western Pennsylvania marketing area. For milk received at a plant outside the marketing area, the Class I price is the price applicable at the nearest measuring point. Location differentials are applicable for milk received at plants outside the marketing area and 85 miles or more from the nearest measuring point.

The above five cities were selected because they are so situated geographically in relation to the supplies for the market to serve most equitably as representative measuring points for determining Class I prices and location adjustments at plants outside the marketing area. Under the merged order, Clarksburg is similarly so situated and should be added as a measuring point for the purposes stated.

Merger of administrative expense, marketing service, and producer-settlement funds. To accomplish the merger of the Eastern Ohio-Western Pennsylvania and Clarksburg orders effectively and equitably, the assets in the administrative expense and marketing service funds which have accrued under the separate orders should be combined. Similar procedure should be carried out with respect to the producer-settlement fund reserves. Any liabilities of such funds under the individual orders should be paid from the new funds so created. Similarly, obligations which are due and owing to the funds under the separate orders should remain and be paid to the combined funds under the merged order.

The money paid to the administrative expense fund is each handler's proportionate share of the cost of administering the order. All handlers currently regulated under the separate orders will continue to be regulated under the merged order. Therefore, it is equitable to combine the monies accumulated under the separate funds and to pay any liabilities of each of the present funds from the consolidated fund.

[1] Official notice is taken of the market administrator's price announcements for the Clarksburg and Eastern Ohio-Western Pennsylvania orders that were issued for November and December 1968.

The money accumulated in the marketing service funds of the separate orders is that paid by producers for whom the market administrator has performed such services as verifying the tests and weights of producer milk and furnishing market information. The producers who have contributed to the marketing service fund of each order are expected to continue to supply milk for the expanded market. The consolidation of the assets in the separate marketing service funds is therefore appropriate in view of the continuation of the marketing service program for these producers under the merged order.

The producer-settlement funds under the present Eastern Ohio-Western Pennsylvania and Clarksburg orders facilitate the payment by handlers for milk received from producers. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers at the applicable uniform price pays the difference into the producer-settlement fund. Each handler whose obligation for producer milk is less than the applicable uniform price receives payment of the difference from the fund. For the efficient functioning of the fund, a reasonable reserve is set aside at the end of each month.

The producer-settlement fund balances in the two orders should be combined so that the producer-settlement fund under the merged order may be continued without disruption. It would be impractical to distribute the existing producer-settlement fund reserves to producers and to accumulate anew the required reserve for the merged order. The producers currently supplying the two separate markets are expected to continue to supply milk for the expanded Eastern Ohio-Western Pennsylvania market. Thus, moneys now in the separate producer-settlement funds would be reflected in the uniform prices of the producers whose money will be in the merged fund reserves. These combined funds would also serve the function of a contingency fund from which money would be available for obligations (resulting from audit adjustments and otherwise) for which one or the other of the separate funds was responsible.

2. *Class II price under the Eastern Ohio-Western Pennsylvania order.* The butter-powder price formula used in computing the Class II price under the Eastern Ohio-Western Pennsylvania order should be changed to conform with the butter-powder price formula used in other orders.

The Eastern Ohio-Western Pennsylvania order provides that the Class II price shall be the basic formula price (Minnesota-Wisconsin manufacturing milk price series). However, the Class II price may not exceed a "snubber" price which is a butter-powder price plus 10 cents.

The butter-powder price now used in the Eastern Ohio-Western Pennsylvania order is computed by subtracting 3 cents from the average wholesale price per pound for 92-score butter at Chicago, adding 20 percent of the resulting amount and multiplying the total by 3.5. To this is added an amount determined by subtracting 5.5 cents from the average carlot price per pound for spray process nonfat dry milk in the Chicago area and multiplying the result by 8.5 and the new result by 0.965.

The butter-powder snubber price proposed herein is the same as the one that became effective on July 1, 1968, under the New York-New Jersey, Massachusetts-Rhode Island-New Hampshire, Connecticut, Delaware Valley, Washington, D.C., and Upper Chesapeake Bay orders. This snubber, which is based on the same market values for butter and nonfat dry milk described above, is computed by subtracting 48 cents from the sum of the butter price times 4.2 and the powder price times 8.2.

The proposed butter-powder snubber price runs a fraction of a cent under the butter-powder snubber price now used in the Eastern Ohio-Western Pennsylvania order. For the 24-month period ending with November 1968, the maximum price difference was 0.34 of 1 cent.

During this 2-year period, the butter-powder snubber price was the effective Class II price under the Eastern Ohio-Western Pennsylvania order (formerly the Northeastern Ohio order prior to July 1, 1968) in 21 months. In the other 3 months, the snubber price was equal to the Minnesota-Wisconsin price. Over the 2-year period, the proposed butter-powder snubber would have changed the Class II price under the order in only 3 months, reducing the price in each case by 1 cent.

The minor variations in the butter-powder price formulas now in use in the Eastern Ohio-Western Pennsylvania and Northeastern orders can result from time to time in the price snubbers not having the same pricing effect under each order. Adoption of the price formula proposed herein will result in the price snubbers having a uniform pricing effect on the Class II prices under these orders.

3. *Amendments to Tri-State order—*(a) *Expansion of the marketing area.* The proposals to add Rowan and Carter Counties, Ky., and Greenbrier County, W. Va., to the marketing area are denied.

No testimony was presented on the proposal in the notice of hearing to add Pocahontas County, W. Va., to the marketing area. Accordingly, no action is taken on it.

The proposal to include the Kentucky counties of Rowan and Carter in the marketing area was made by two Tri-State handlers. However, at the hearing no regulated handlers or the producers supplying them testified on the proposal. A cooperative that supplies an unregulated distributing plant at Morehead in Rowan County supported the proposal. This distributor, who would become regulated under the order if the proposal were adopted, opposed adding the two counties to the marketing area.

The Morehead distributor contracts annually with an eastern Kentucky cooperative for the entire supply of its 38 members. The present contract provides for the payment for such milk at a price approximating the Tri-State order uniform price for the Charleston-Huntington district. The distributor assumes the burden of disposing of the seasonal surplus of his dairy farmers' deliveries and of acquiring supplemental milk, which he obtains from the Louisville-Lexington-Evansville Federal order market.

The unregulated distributor sells milk in about 15 Kentucky counties, including Carter and Rowan, that are not a part of any Federal order marketing area. There is virtually no other evidence on the record, however, concerning his distribution and that of handlers with whom he competes. Although Tri-State handlers have sales in Rowan and Carter Counties, there is no indication of the proportion of regulated and unregulated sales in these areas or if such counties are a significant part of the sales areas of regulated handlers or of the Morehead distributor.

In view of the limited evidence in this record concerning the distribution of milk in Carter and Rowan Counties, the two counties should not be included in the Tri-State marketing area at this time. Reconsideration of this matter may be warranted on the basis of evidence developed at a later hearing.

The addition of Greenbrier County to the marketing area was proposed by a regulated handler at Beckley, W. Va., who has 7 percent of his Class I sales in this county. The handler claimed that he is disadvantaged on such sales since the principal unregulated distributor in the county is able to obtain milk supplies at prices lower than those provided in the order.

Of the total fluid milk sales in Greenbrier County, 47 percent are by four Tri-State handlers. Another 16 percent of the sales are by handlers regulated under the Cincinnati and Appalachian Federal orders. The remaining 37 percent of the sales are unregulated. Most of these are by a distributor at Ronceverte in Greenbrier County. This distributor also has fluid sales in the West Virgina counties of Monroe, Pocahontas, Nicholas, and Summers, none of which is in the marketing area of a Federal order. The record does not show what proportion of the distributor's sales are in Greenbrier County or in the other counties.

The Ronceverte distributor receives milk for 15 dairy farmers. Several of these farmers testified in opposition to the inclusion of Greenbrier County in the marketing area. None appeared at the hearing in support of the proposal.

The distributor pays in most months approximately the Charleston-Huntington district Class I price for his total farm supply. In the flush production months, when supplies are in excess of his needs, the distributor returns to his producers approximately the Tri-State Class I butterfat value for the surplus. The skim milk portion of such surplus milk is dumped and the butterfat portion is used in the production of ice cream and butter. The distributor testified that in May and June 1968 about 13 percent of his farm supply was so disposed of.

The hearing evidence does not substantiate proponent's claim that the Ronceverte distributor has a buying advantage on milk used for Class I. Therefore, it cannot be concluded from this record that adding Greenbrier County to the marketing area is necessary for the maintenance of orderly marketing conditions for the Tri-State handlers and producers.

(b) *Diversion of milk to other order plants.* Handlers should be permitted to divert producer milk to other order plants for manufacturing purposes. Milk now moved from the farms of Tri-State producers to other order plants does not qualify as producer milk under the Tri-State order.

Producers proposed that the order be revised to permit diversions to other order plants. They contend that, because of changed conditions in the market, such a provision in the order is necessary to insure the orderly marketing of producer milk. There was no opposition to the proposal at the hearing.

In September 1968, a Tri-State handler closed his Athens, Ohio, distributing plant and began processing milk at a new plant at Coshocton, Ohio, about 90 miles north of Athens. The operator also closed at about the same time plants regulated under the Clarksburg and Eastern Ohio-Western Pennsylvania orders. The sales areas that were served by the now closed plants are being served from the Coshocton plant, which is regulated under the Tri-State order.

Milk is received at the Coshocton plant from over 400 producers. When milk assigned to the Coshocton plant by the various cooperatives supplying it is not needed by the handler, it must be moved to other plants for manufacturing purposes. A plant suitably located for this purpose is a plant at Orrville, Ohio, a pool plant under the Eastern Ohio-Western Pennsylvania order.

The most desirable outlet for unneeded supplies at Tri-State order pool plants may often be other order plants. Providing for the diversion of producer milk to other order plants, such as the Orrville plant, for manufacturing purposes will contribute to orderly marketing by facilitating the movement of such unneeded supplies. However, such diversion should be permitted only if a Class III classification (or its equivalent under the other order) is designated for the diverted milk pursuant to the other order. This will tend to insure the integrity of regulation under both orders.

Unless milk is diverted to an other order plant for manufacturing purposes, its eligibility to be included under a Federal order should be determined at the other order plant where received. Producers whose milk is diverted from Tri-State order pool plants are among those on whom the market depends for supplying the market's Class I needs on a regular and continuing basis. It would be inappropriate, therefore, to pool such diverted milk as Class III (or its equivalent) in the other order market. Moreover, if provision were not made for classifying in a manufacturing class under this order milk diverted to an other order plant, there would be a reluctance on the part of other order plants to receive such diverted milk that would reduce the returns to their regular producers.

(c) *Elimination of pricing districts.* The order should continue to provide for Class I price differentials of $1.55 for the Charleston-Huntington district and $1.47 for the Athens-Scioto district. Presently, the Class I price for each district is the basic formula price for the preceding month plus the fixed Class I differential for that district, and plus an additional 20 cents. Such prices are subject to a supply-demand adjustment, which is proposed elsewhere in this decision to be deleted from the order.

Two cooperatives and several handlers in the Charleston-Huntington district proposed that the present pricing districts be eliminated and that a single Class I price be applicable throughout the marketing area. A Class I price differential of $1.55 for the market was generally supported. However, the major emphasis by proponents was not on the level of price but rather on the need for a single Class I price throughout the market.

The testimony by proponents was essentially a reiteration of their position on this same issue at the August 1967 hearing from which the present price structure resulted. They claim now, as then, that the existence of more than one pricing district in the market is causing handlers in the higher-price Charleston-Huntington district to lose Class I sales to handlers in the lower-price Athens-Scioto district. The cooperatives indicated that if this situation continues the decreased demand by Charleston-Huntington handlers for Class I milk will require producers to move milk to more distant outlets at a greater hauling cost. Proponents also argued that a single Class I price for the market would place Charleston-Huntington handlers in a more favorable competitive position for Class I sales and thereby maintain Class I outlets in the Charleston-Huntington district for producer supplies that have historically moved to that district.

Three Athens-Scioto district handlers and a cooperative from which they obtain milk opposed the elimination of the pricing districts. Opponents contended that more time is needed to evaluate the appropriateness of the present pricing arrangement. Also, handlers argued that the present 8-cent price difference between districts, or perhaps even a greater amount, is needed to cover the cost of moving packaged milk from the Athens-Scioto district to the population centers in the Charleston-Huntington district.

Prior to March 1, 1968, the order provided for three pricing districts with Class I differentials of $1.60 for the Charleston-Huntington district, $1.50 for the Gallipolis-Scioto district, and $1.40 for the Athens district. On the basis of the August 1967 hearing, the latter two pricing districts were combined effective March 1, 1968, and designated the Athens-Scioto district with a Class I differential of $1.47. The Class I differential for the Charleston-Huntington district was reduced to $1.55.

This record does not show any marketing development since the adoption of the present pricing arrangement that would necessitate a further change in the price structure for the market at this time. Although it was contended that the present pricing arrangement is causing Charleston-Huntington handlers to lose Class I sales, handlers in this district have not experienced any significant loss of Class I sales since the realignment of prices in the market.

The marketing situation presented by proponents at this hearing relative to the price issue is in many ways similar to the prevailing situation at the time of the August 1967 hearing. Such marketing conditions were fully considered in arriving at the pricing amendments that became effective March 1. Any different pricing arrangement at this time does not appear warranted. For these reasons, the proposals for a single Class I price for the market are denied.

(d) *Elimination of supply-demand adjustor.* The supply-demand adjustor provisions should be deleted from the order.

The order now provides that the Class I price shall be adjusted monthly to reflect any change in the supply of milk in the market relative to fluid milk sales. When milk supplies are more than adequate in relation to Class I sales, the Class I price is lowered. Conversely, when supplies are less than adequate relative to sales, the Class I price is increased.

The supply-demand adjustments were minus 3 cents for January and February 1967 and zero for the remaining 10 months of the year. Such adjustments in 1968, all of which reduced the price, averaged minus 7 cents.[1]

The three principal cooperatives in the market advocated the deletion of the supply-demand adjustor. There was no opposition to the proposal at the hearing.

The supply-demand adjustor is not achieving its intended purpose of adjusting producers' returns in response to changes in the supply-sales balance in the market. The supply-demand adjustor can have a significant influence on producers' returns only when the Class I price that is subject to the operation of the adjustor is the effective price in the market. In the Tri-State market, the effective Class I price presently is an over-order, or premium, price. Thus, the premium price rather than the supply-demand adjustor is influencing the supply-sales balance in the market.

Tri-State handlers are paying premium Class I prices of $6.33 in the Charleston-Huntington district and $6.25 in the Athens-Scioto district. For the most recent 6 months, July through December 1968, premium prices have been more than order prices by an average of 36 cents per hundredweight. During this period the supply-demand adjustments averaged minus 11 cents per hundredweight. Premiums are thus ne-

[1] Official notice is taken of the market administrator's price announcements for the Tri-State order that were issued for November and December 1968.

gating any effect of the supply-demand adjustor.

(e) *Price for milk used in cottage cheese.* Producer milk used in the manufacture of cottage cheese should continue to be priced at the present Class II price, which is the basic formula price (Minnesota-Wisconsin price series) for the month plus 15 cents. This price level became effective under the Tri-State order on March 1, 1968, when the price for milk used in cottage cheese was increased 15 cents per hundredweight.

Several Tri-State handlers proposed that the March 1, 15-cent price increase for cottage cheese milk no longer apply. They contend that the higher price places them at a disadvantage competitively in their market with handlers in the nearby federally regulated Cincinnati, Columbus, and Eastern Ohio-Western Pennsylvania markets who sell cottage cheese in the Tri-State area. Several Tri-State handlers indicated that since the March 1 price increase they have experienced a decrease in cottage cheese sales.

Milk used by Tri-State handlers in making cottage cheese averaged 2.69 million pounds monthly (March through October) since the March 1 amendments. This is 6 percent less than the 2.76 million pounds of milk used in cottage cheese in the same 1967 period. Whether this decrease in cottage cheese production is attributable to the higher price for cottage cheese milk cannot be determined from the record. However, the claim by Tri-State handlers that the present Class II price is placing them at a competitive disadvantage relative to nonpool handlers on cottage cheese sales in the Tri-State market is not substantiated by the record.

The major ingredient cost for cottage cheese is that for skim milk. For the 8-month period of March through October 1968, the present order provisions resulted in an average Class II skim milk value of $1.71 per hundredweight. This was the average cost to Tri-State handlers for producer skim milk used in making cottage cheese. The comparable cost during that time for handlers regulated under the Eastern Ohio-Western Pennsylvania, Columbus, and Cincinnati Federal orders was $1.52 per hundredweight.[2] Based on a yield of 15 pounds of curd per hundredweight of skim milk, the ingredient cost of cottage cheese curd for Tri-State handlers was 11.4 cents per pound. The ingredient cost for handlers in the other three markets was 10.1 cents per pound of curd.

Major processing centers in the neighboring markets include the cities of Cincinnati, Columbus, and Pittsburgh. Although the record does not indicate the present sources, cottage cheese sales in the Tri-State market by handlers in these other markets may be expected to emanate from such cities.

Considerable distances are involved in moving cottage cheese from Cincinnati, Columbus, and Pittsburgh to the Tri-State market. The distance from Cincinnati to Portsmouth, Ohio, is 100 miles. Columbus is 89 miles from Portsmouth and 77 miles from Athens, Ohio. Pittsburgh is 131 miles from Marietta, Ohio. Huntington and Charleston, W. Va., are even more distant from these cities in the other markets. The cost of transporting cottage cheese from the distant areas to outlets in the Tri-State market thus would be expected to negate the 1.3-cent cost advantage per pound of curd which handlers in the nearby markets have over Tri-State handlers on the cost of skim milk.

As at the time the present Class II price was adopted, local producers still represent the cheapest source of cottage cheese milk for Tri-State handlers. Ungraded fresh skim milk delivered from a manufacturing plant to any plan in the Tri-State market was quoted at $2.40 per hundredweight, 69 cents more than the average cost of $1.71 per hundredweight for producer skim milk. Dry curd could be obtained from a Columbus source at 19 cents per pound, plus transportation. The cost for local producer milk at Tri-State plants recently averaged 11.4 cents per pound of dry curd.

Nonfat dry milk, which may be reconstituted for use in cottage cheese production, likewise costs more on a skim equivalent basis than producer skim milk. Non-Grade A and Grade A powder were quoted at 23.75 cents and 25.5 cents per pound, respectively, f.o.b. the market. With a yield of 8.5 pounds of nonfat dry milk per hundredweight of skim milk, the cost of nonfat solids in the two grades of powder would be about $2.02 and $2.17 per hundredweight of skim equivalent.

It is necessary, of course, that producer milk disposed of in manufacturing uses be priced unded the order at a level which results in the orderly marketing of such milk. Within this concept, the price level should be that which will provide the highest possible returns to producers. If producer milk used in cottage cheese is priced to handlers at less than the cost of alternative supplies of cottage cheese of dairy products used for making cottage cheese, producers do not receive the full market value for their milk. On the other hand, if producer milk used in cottage cheese is priced higher than the alternative product cost, handlers might be discouraged from using producer milk in cottage cheese.

The present Class II price represents a reasonable return to producers for supplying Grade A milk on a regular basis for cottage cheese production. It would be inappropriate, therefore, to lower the Class II price as proposed by handlers.

(f) *Revision of location adjustments.* The location adjustment provisions of the order should be changed to reflect current marketing conditions.

The order now provides for reducing the Class I and uniform prices at plants outside the marketing area and more than 45 miles from designated measuring points by 2 cents for each 10 miles up to 100 miles and 1.5 cents for each 10 miles over 100 miles that the plant is from the nearest measuring point. The measuring points are Ashland, Paintsville, and Pikeville in Kentucky; Athens, Gallipolis, Jackson, Marietta, and Portsmouth in Ohio; and Charleston, Hinton, Huntington, and Williamson in West Virginia.

The location adjustment provisions should be revised so that no location differential would apply at a plant within 100 miles of the designated measuring points. At more distant locations, the reduced 15 cents plus an additional 1.5 cents for each 10 miles in excess of 110 miles that the plant is from the nearest measuring point. Coshocton, Ohio, and Bluefield, W. Va., should be designated as additional measuring points for determining location adjustments. Class I and uniform prices should be adjusted accordingly. Athens, Ohio, which would serve no purpose because of its geographical location, should no longer be a designated measuring point.

The present location differentials do not reflect the current efficiencies in moving milk long distances. Technological changes in recent years, such as larger tank trucks, better refrigeration, and improved roads, have resulted in the more efficient movement of milk. Such efficiency has tended to reduce unit hauling costs for both producers and handlers. Because of this, milk is being moved considerable distances by producers from farms to processing plants and by handlers from plants to resale outlets.

The location differentials also do not reflect the recent changes in the supply and distribution patterns in the Tri-State market resulting from the more efficient movement of milk. Since these differentials were adopted, the one supply plant that had been regulated under the order for a number of years is no longer operating as a supply plant for Grade A milk. This plant is located at Circleville, Ohio, about 50 miles from Jackson, the nearest measuring point. As described earlier in this decision a Tri-State handler has relocated his processing facilities at Athens in a new distributing plant at Coshocton, Ohio. Milk is distributed from this plant not only in the Tri-State market but also in several neighboring markets.

Providing for location adjustment credits only at plants 100 miles or more from designated measuring points, as proposed by producers, recognizes the technological improvements in moving milk greater distances in this market. The 100-mile distance from measuring points is a reasonable and appropriate standard under current conditions as a minimum distance for establishing location adjustments.

The 1.5-cent rate proposed herein reflects the cost of moving milk efficiently under present conditions in the Tri-State market. It is the rate most applicable in Federal orders throughout the United States and is recognized as an appropriate and representative rate for transporting milk to the market. Because of its wide applicability, it will insure a reasonable alignment of prices between this and other orders at the various locations at which handlers under the different orders compete.

The Coshocton handler opposed any change in the location adjustment provisions except a reduction in the 2-cent adjustment rate per 10 miles to 1.5 cents. He claimed that the plant was located in a major production area and that adequate supplies should be available at the price now applicable at the plant.

Under the change proposed herein, the Class I and uniform prices at Coshocton would be at the same level as such prices at Athens. Thus, the handler operating the Coshocton plant would pay the same Athens-Scioto district Class I price which he paid at his Athens plant. Similarly, producers supplying either plant would receive the same uniform price. The present order provisions result in a location adjustment at Coshocton of minus 16 cents per hundredweight.

The location differentials proposed herein are appropriate in view of the changed marketing conditions. The Class I price that would apply at the Coshocton plant would be in reasonable alignment with Class I prices applicable elsewhere in the Tri-State market and in other markets. The Coshocton plant competes with handlers in the Columbus and Eastern Ohio-Western Pennsylvania markets for a substantial quantity of milk. The price level that would result from the amendments proposed herein is necessary to assure an adequate supply of milk for the Coshocton plant. A spokesman for the cooperatives supplying the plant indicated that a lower price would not attract an adequate supply of milk or maintain market stability within the procurement area.

Designating Coshocton and Bluefield as measuring points for determining location adjustments recognizes the increasing distances that milk is moved not only from farms to plants and for distribution from such plants but also in diverting producer milk to nonpool plants. When the milk of producers regularly supplying Tri-State handlers is not needed by them, it must be moved by the producers' cooperatives to nonpool plants for manufacturing purposes.

There are a limited number of manufacturing plants in the area to which milk may be diverted. A plant at Orrville, Ohio, approximately 50 miles north of Coshocton, is expected to serve as a plant to which milk will be diverted from the farms of producers supplying plants in the northern part of the Tri-State market. In the southern part of the marketing area, a manufacturing plant at Independence, Va., about 75 miles from Bluefield, is the nearest available outlet for diverted milk.

Adding the above two measuring points and enlarging the mileage from the various measuring points that milk may be diverted without incurring a location adjustment, thereby facilitating the diversion of producer milk, will tend to insure the maintenance of orderly marketing under current conditions in the Tri-State market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effecuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which hearings have been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Tri-State, Clarksburg, W. Va., and Eastern Ohio-Western Pennsylvania marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

1. In Part 1036. *Milk in the Eastern Ohio-Western Pennsylvania Marketing Area*, § 1036.6, paragraph (c) is revised to read as follows:

§ 1036.6 Eastern Ohio-Western Pennsylvania marketing area.

* * * * *

(c) In West Virginia:

(1) The following counties in their entirety:

Brooke.	Marshall.
Hancock.	Monongalia.
Harrison.	Ohio.
Marion.	

(2) Grafton magisterial district in Taylor County;

(3) Philippi magisterial district in Barbour County;

(4) Leadsville magisterial district in Randolph County;

(5) The city of Buckhannon in Upshur County;

(6) The city of Weston in Lewis County; and

(7) The town of Kingwood in Preston County.

2. Section 1036.20 is revised to read as follows:

§ 1036.20 Pittsburgh district.

"Pittsburgh district" means all the territory in the marketing area that is either within West Virginia or within 80 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) of the Pittsburgh, Pa., city hall.

3. Section 1036.51 is revised to read as follows:

§ 1036.51 Class prices.

Subject to the provisions of §§ 1036.52 and 1036.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* For each month through December 1969, the Class I price shall be the basic formula price for the preceding month plus $1.67 for plants in the Cleveland-Erie district and $1.77 for plants in the Pittsburgh district, plus 20 cents for each district. At a plant outside the marketing area, add the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest (by the shortest hard-surfaced highway distance as determined by the market administrator) such plant: Canton and Cleveland, Ohio; Erie, Pittsburgh, and Uniontown, Pa.; and Clarksburg, W. Va.

(b) *Class II price.* The Class II price shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the price computed pursuant to subparagraphs (1), (2), and (3) of this paragraph:

(1) Multiply by 4.2 the Chicago butter price;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago areas, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

1. In Part 1005 Milk in the Tri-State Marketing Area; § 1005.16 is revised to read as follows:

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a handler pursuant to § 1005.13(d);

[2] Official notice is taken of the market administrator's price announcements for the Columbus and Cincinnati orders that were issued for March through October 1968.

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant: *Provided*, That:

(1) Such milk shall be deemed to have been received by the diverting handler at the location of the plant to which diverted;

(2) To the extent that it would result in nonpool plant status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(3) In any month of August through March, the quantity of milk of any producer diverted to nonpool plants that exceeds that delivered to pool plants shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk; or

(c) Diverted from a pool plant to an other order plant if a Class III classification (or its equivalent) is designated for such milk pursuant to the provisions of another order issued pursuant to the Act and such milk is not subject to the pricing and pooling provisions of such order. The provisos in paragraph (b) of this section shall apply to this paragraph as if set forth fully herein.

2. In § 1005.51, paragraph (a) is revised to read as follows:

§ 1005.51 Class prices.

* * * * *

(c) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.55 for plants in the Charleston-Huntington district and $1.47 for plants in the Athens-Scioto district, plus 20 cents for each district. At a plant outside the marketing area add the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant:

KENTUCKY

Ashland.	Pikeville.
Paintsville.	

OHIO

Coshocton.	Marietta.
Gallipolis.	Portsmouth.
Jackson.	

WEST VIRGINIA

Bluefield.	Huntington.
Charleston.	Williamson.
Hinton.	

* * * * *

3. In § 1005.53, paragraph (a) is revised to read as follows:

§ 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing area and more than 100 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) from all the cities listed in § 1005.51 (a) shall be reduced 15 cents and an additional 1.5 cents for each 10 miles or fraction thereof in excess of 110 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

* * * * *

Signed at Washington, D.C., on March 5, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-2865; Filed, Mar. 7, 1969; 8:50 a.m.]

[7 CFR Part 1103]

[Docket No. AO346-A10]

MILK IN MISSISSIPPI MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn Southwest, 2649 Highway 80 West, Jackson, Miss., beginning at 10 a.m., on March 25, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Mississippi marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen, Inc., Mississippi and Gulf Divisions:

Proposal No. 1. Amend § 1103.6 to include the Mississippi counties of George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone.

Proposal No. 2. Revise § 1103.53(a)(1) relating to location adjustments to read "For milk received at a pool plant located in the Mississippi marketing area except that part in George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone Counties---------- 16.0".

Proposal No. 3. In § 1103.15(b), concerning diversion of producer milk, delete the proviso which reads as follows: "*Provided*, That this diversion privilege shall be applicable only to the milk of those dairy farmers whose milk was delivered for ten days of production during each of the two immediately preceding months to pool plants, or who held producer status throughout the entire two immediately preceding months, or a dairy farmer who does not meet these qualifications but has made a delivery of milk to a pool plant during the current December-August period on a farm pickup route on which all other dairy farmers on such route have diversion eligibility on the basis of the preceding provisions of this paragraph; except that only for the purpose of determining eligibility for diversion during any month of December through August a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the two immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance."

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Cleo C. Taylor, 322 North Mart Plaza, Post Office Box 9747, Northside Station, Jackson, Miss. 39206, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on March 5, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-2866; Filed, Mar. 7, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 27, 33]

[Docket No. 9464; Notice No. 69-7]

FIRE DETECTORS AND ENGINE POWER RESPONSE

Notice of Proposed Rule Making

The FAA is considering amending Parts 25, 27, and 33 of the Federal Aviation Regulations to expand the requirements for fire detector devices in transport category airplanes; to require a fire detector system in normal category turbine-powered rotorcraft; and to establish more specific requirements concerning engine response to throttle control movement under various load conditions.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue NW., Washington, D.C. 20590. All communications received on or before June 6, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In its evaluation of numerous false fire warnings that occurred with large jet transport airplanes for the years between 1963 and 1966, the FAA determined that the malfunctions occurring with fire detector systems were due primarily to mechanical difficulties following the performance of maintenance on the powerplant, and the unique vibrations associated with engines mounted in pods. The malfunctions consisted of short circuiting of the detector system and breaks in the system causing a partially or completely fouled system or system deterioration leading to a false fire warning or an inoperative system. In order to prevent these difficulties, it is necessary to protect the detector element from damage that might occur as a result of routine maintenance on the powerplant and to provide a means for supporting the element. Moreover, operational safety dictates that the system be installed to prevent a single break in the element from diluting the function of the system; and that there be a means provided to alert the pilot in the event there is a short circuit in the system.

In the past, various types of shields have been used by aircraft manufacturers to protect the sensitive part of the fire detector. However, service experience has shown that while protection was provided, either the shielding used or the installation with the shielding increased the response time beyond that approved for the fire detectors. The FAA therefore proposes to require that in providing the necessary protection for the sensitive element of the fire detector, the alarm activation time cannot be increased beyond that approved for the detector using the response time criteria specified in the appropriate Technical Standard Order for the detector. Such a requirement is within the current state of the art for fire detector systems. Test for the response time of fire detectors having the protection required by the regulation must be made using a system in the configuration in which it is to be installed in the airplane.

The current regulations do not require fire detectors for either reciprocating engine powered or turbine engine powered rotorcraft in the normal category. Turbine engines have extensive surface areas which remain at a high enough temperature to ignite fuel under certain conditions. The amount of fuel carried in a turbine engine powered helicopter is greater than that carried for piston engine helicopters of comparable size, and the fuel is carried through numerous lines around the engine. These characteristics of turbine engines increase the likelihood of fire in flight with helicopters using such engines. All turbine engine powered rotocraft certificated in the transport category are required to have quick acting fire detectors. It is proposed to establish the same requirement for turbine rotorcraft in the normal category.

Part 33 of the FARs does not contain minimum design standards for, or sufficient information about, the power or thrust response characteristics of turbine engines under varying conditions simulating service loads which may be anticipated when the engine is used in an aircraft. The proposed amendment to § 33.73 would impose additional design and construction requirements for turbine engines covering conditions likely to be encountered inflight. The amendment to § 33.89 would add additional requirements to the operational tests for turbine aircraft engines. The new required tests include the "jam acceleration" case considered to be necessary to insure engine power or thrust response after rapid power control lever movement.

In consideration of the foregoing, it is proposed to amend Parts 25, 27, and 33 of the Federal Aviation Regulations as follows:

1. By amending § 25.1203 by amending paragraph (b) and by adding a new paragraph (g) to read as follows:

§ 25.1203 Fire-detector system.

* * * * *

(b) The fire detector system must be designed and installed so that—

(1) It will remain in an operable condition in the event it is severed at one point; and

(2) There is a means provided to alert the pilot in the event a short circuit occurs in the detector system.

* * * * *

(g) Each fire detector must be constructed or protected so that when it is in the configuration for installation it will withstand the vibration, inertia, and other loads to which it may be subjected to in operation and withstand mechanical damage that might occur as a result of routine maintenance performed on the powerplant, without increasing the alarm activation time beyond that approved for the detector using the response time criteria specified in the appropriate Technical Standard Order for the detector.

2. By amending Part 27 by adding a new § 27.1195 titled "Fire Detector Systems" following § 27.1193 to read as follows:

§ 27.1195 Fire detector systems.

Each turbine engine powered rotorcraft must have approved quick acting fire detectors in numbers and locations insuring prompt detection of fire in the engine compartment which cannot be readily observed in flight by the pilot in the cockpit.

3. By amending Part 33 as follows:

(a) By amending § 33.73 to read as follows:

§ 33.73 Power or thrust response.

The design and construction of the engine must enable an increase—

(a) From minimum to maximum rated power or thrust with the maximum bleed air and power extraction to be permitted in an aircraft, without overtemperature, surge, stall, or other detrimental factors occurring to the engine whenever the power control lever is moved from the minimum to the maximum position in not more than 1 second, except that the Administrator may allow additional time increments for different regimes of control operation requiring control scheduling; and

(b) From the fixed minimum flight idle power lever position when provided, or if not provided, from not more than 15 percent of the maximum rated takeoff power or thrust available to 95 percent maximum rated takeoff power or thrust in not over 5 seconds. The 5 second power or thrust response must occur from a stabilized static condition using only the bleed air and accessories loads necessary to run the engine.

(b) By amending § 33.89 to read as follows:

§ 33.89 Operation test.

The operation test must include testing found necessary by the Administrator to demonstrate—

(a) Starting, idling, acceleration, overspeeding, ignition, functioning of the propeller (if the engine is designated to operate with a propeller);

(b) compliance with the engine response requirements of § 33.73; and

(c) the minimum power or thrust response time to 95 percent rated takeoff power or thrust, from power lever positions representative of minimum idle and of minimum flight idle, starting from stabilized idle operation, under the following engine load conditions:

(1) No bleed air and power extraction for aircraft use.

(2) Maximum allowable bleed air and power extraction for aircraft use.

(3) An intermediate value for bleed air and power extraction representative of that which might be used as a maximum for aircraft during approach to a landing.

This amendment is proposed under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 4, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69-2834; Filed, Mar. 7, 1969; 8:48 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 68-SW-62]

RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a joint-use restricted area near White Sands Proving Grounds, N. Mex., and alter the description of the continental control area to reflect the establishment of the restricted area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Air Force (AF) has requested the designation of additional restricted airspace in the White Sands Proving Grounds complex in New Mexico. This new restricted area would be used in conjunction with Restricted Areas R-5107B, R-5107C, and R-511A to contain the flight of the Aerobee 350 rocket. The Aerobee 350 rocket is an advanced phase of the National Aeronautic and Space Administration's sounding rocket program, the objective of which is the scientific investigation of the upper atmosphere by means of rocket-borne instrumentation.

The Aerobee 350 rocket is a fin stabilized, unguided sounding rocket, designed to lift a variety of scientific payloads weighing from 150 to 500 pounds to altitudes of 222 to 313 statute miles. The launches would be made from a site within R-5107B and the new proposed restricted area, with portions of R-5111A and R-5107C would contain flight to impact of the booster, payload, and sustainer.

The launch rate of the Aerobee 350 rocket would be projected at two per quarter, with a maximum flight time of 700 seconds per launch. Therefore, the proposed area would be withdrawn from public use not more than 30 minutes for each launch.

The AF has stated that action as necessary, including radar surveillance, land use agreements, and land evacuation would be taken to assure the protection of persons and property during the launches. Additionally, the Missile Flight Surveillance Office at White Sands Missile Range would have the capability of terminating flight of the Aerobee 350 rocket anytime up through sustainer burnout. This capability, in conjunction with instantaneous impact predictors, would prevent impacts outside the appropriate areas.

In consideration of the foregoing, the Federal Aviation Administration proposes the airspace actions as hereinafter set forth.

1. R-5107E White Sands Proving Grounds, N. Mex., would be designated as follows:

Boundaries. From the point where an arc of 19-nautical-mile radius centered at lat. 33°45'00" N., long. 106°26'30" W., intersects the western boundary of R-5107C, to lat. 33°54'00" N., long. 106°46'30" W.; to lat. 33°32'45" N., long. 106°58'45" W.; to lat. 33°26'50" N., long. 107°00'00" W., to lat. 33°35'00" N., long. 106°48'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of use. As published in NOTAMs at least 12 hours in advance.

Controlling agency. FAA, Albuquerque ARTC Center.

Using agency. Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

2. The description of the continental control area would be altered to include R-5107E.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 28, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-2833; Filed, Mar. 7, 1969; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 523, 531]

[No. 22,594]

FEDERAL HOME LOAN BANK SYSTEM

Liquidity

FEBRUARY 18, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 523 and 531 of the regulations for the Federal Home Loan Bank System (12 CFR Parts 523, 531) for the purpose of implementing section 4 of Public Law 90-505, approved September 21, 1968, which amended section 5A of the Federal Home Loan Bank Act (Sec. 5A, 64 Stat. 256, as amended; 12 U.S.C. 1425a), to prescribe regulations regarding liquidity requirements for members of the Federal Home Loan Bank System. Accordingly, it is proposed to amend said Parts 523 and 531 as follows:

1. Amend the heading after § 523.9 to read as follows: Holdings of Liquid Assets by Members.

2. Revoke the present provisions of §§ 523.12 and 531.6.

3. Add new §§ 523.10 through 523.14 to read as follows:

§ 523.10 Definitions.

For the purpose of this section, § 523.11 and § 523.12.

(a) *Liquid assets.* The term "liquid assets" means the total of cash on hand and the following unpledged assets:

(1) Deposits in a Federal Home Loan Bank (or in a State bank performing similar functions continuously since Oct. 15, 1932) and demand deposits in a bank whose deposits are insured by the Federal Deposit Insurance Corporation, provided that such bank is not under the control or in the possession of any supervisory authority;

(2) Obligations of:

(i) The United States, or

(ii) An agency or instrumentality of the United States if such obligations are by statute fully guaranteed as to principal and interest by the United States;

(3) Obligations, participations, or other instruments of, or issued by:

(i) A Federal Home Loan Bank or Banks,

(ii) The Federal National Mortgage Association,

(iii) The Government National Mortgage Association,

(iv) A Bank or Banks for Cooperatives, including the Central Bank for Cooperatives,

(v) A Federal Land Bank or Banks,

(vi) A Federal Intermediate Credit Bank or Banks,

(vii) The Tennessee Valley Authority, or

(viii) The Export-Import Bank of Washington;

(4) Time deposits in a bank whose deposits are insured by the Federal Deposit Insurance Corporation and which is not under the control or in the possession of any supervisory authority if:

(i) The total of all time deposits of the same member in the same bank does not exceed the greater of (a) one-fourth of 1 percent of the total deposits of such bank (calculated as of the date the deposit is made or acquired by the member on the basis of total deposits of such bank as shown by the last published statement of condition preceding the date such deposit is made or acquired by a member), or (b) $15,000;

(ii) No consideration is received by the member from a third party in connection with the making or acquiring of such deposit by the member; and

(iii) The maturity date of such deposit is not more than 1 year from the date as of which such deposit is included in the liquid assets, or, in the case of a time deposit which may not be withdrawn without notice, the notice period does not exceed 90 days;

(5) Bankers' acceptances of a bank whose deposits are insured by the Federal Deposit Insurance Corporation and which is not under the control or in the possession of any supervisory authority if:

(i) The total of all such acceptances of the same bank held by the same member does not exceed one-fourth of 1 percent of the total deposits of such bank (calculated as of the date the acceptance is acquired by the member on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date of such acquisition);

(ii) No consideration is received by the member from a third party in connection with the acquisition of the acceptance; and

(iii) The maturity date of the acceptance is not more than 6 months from the date on which such acceptance is included in liquid assets;

(6) General obligations of any State or political subdivision thereof if:

(i) The obligation, as of the time of inclusion in liquid assets, is rated in one of the four highest grades as shown by the most recently published rating made of such obligation by a nationally recognized investment rating service; and

(ii) The maturity date of the obligation is not more than 2 years from the date as of which such obligation is included in liquid assets;

(b) *Short-term liquid assets.* The term "short-term liquid assets" means the total of cash on hand and the following:

(1) Deposits specified in subparagraph (1) of paragraph (a) of this section;

(2) Assets specified in subparagraphs (2) and (3) of paragraph (a) of this section which mature in not more than 18 months from the date as of which such obligations are included in short-term liquid assets;

(3) Time deposits specified in subparagraph (4) of paragraph (a) of this section which;

(i) Are negotiable and mature in not more than 6 months from the date as of which such time deposits are included in short-term liquid assets; or

(ii) May not be withdrawn without notice and the notice period does not exceed 90 days; and

(4) Bankers' acceptances specified in subparagraph (5) of paragraph (a) of this section.

§ 523.11 Liquidity requirements.

Except as otherwise provided in § 523.13, the liquidity requirements for each member shall be the following:

(a) *Liquid assets of member other than an insurance company.* For each calendar month, each member, other than an insurance company, shall maintain an average daily balance of liquid assets equal to not less than 6½ percent of the average daily balance for the preceding calendar months of its withdrawable accounts and of its borrowings which are payable on demand or which are due for payment in one year or less.

(b) *Short-term liquid assets of member other than an insurance company.* For each calendar month, each member, other than an insurance company, shall maintain an average daily balance of short-term liquid assets equal to not less than 2½ percent of the average daily balance for the preceding calendar month of its withdrawable accounts and of its borrowings which are payable on demand or which are due for payment in 1 year or less.

(c) *Liquid assets of member insurance company.* For each calendar month, each member insurance company shall maintain an average daily balance of liquid assets equal to not less than 6½ percent of the average daily balance for the preceding calendar month of its policy reserve required by State law and of its borrowings which are payable on demand or which are due for payment in one year or less.

(d) *Calculation of average daily balances.* For the purpose of this section and § 523.12, the "average daily balance of withdrawable accounts and borrowings" and "average daily balance of policy reserve required by State law and borrowings" shall be calculated by:

(1) Adding the amounts of the member's withdrawable accounts, or in the case of a member insurance company its policy reserve required by State law, as of the close of each business day in a calendar month and, for any nonbusiness day, as of the close of the nearest preceding business day;

(2) Adding the amounts of the member's borrowings which are payable on demand or which are due for payment in 1 year or less as of the close of each business in the calendar month and, for any nonbusiness day, as of the close of the nearest preceding business day;

(3) Adding the amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph; and

(4) Dividing the total amount obtained pursuant to subparagraph (3) of this section by the number of days in such month.

For the purpose of this section and § 523.12, the "average daily balance of liquid assets" and "average daily balance of short-term liquid assets", respectively, shall be calculated by adding the amount of the member's liquid assets, or short-term liquid assets, respectively, as of the close of each business day in a calendar month and, for any nonbusiness day, as of the close of the nearest preceding business day and by dividing the total amount obtained by the number of days in such month.

§ 523.12 Deficiencies and penalties.

(a) *Calculation of deficiency.* A member's liquid assets for any calendar month are deficient in the amount that the member's average daily balance of liquid assets for such calendar month are less than 6½ percent of the member's average daily balance of its withdrawable accounts or, in the case of a member insurance company its policy reserve required by State law, and borrowings for the preceding calendar month. In the case of a member other than an insurance company, a member's short-term liquid assets for any calendar month are deficient in the amount that the member's average daily balance of short-term liquid assets for such calendar month are less than 2½ percent of the member's average daily balance of its withdrawable accounts and borrowings for the preceding calendar month, except as otherwise provided in the next sentence of this paragraph. Until January 1, 1970, a member's short-term liquid assets shall be deemed to comply with the requirements of § 523.11 regarding short-term liquid assets if such member maintains for a particular calendar month an average daily balance of short-term liquid assets in an amount not less than the amount of such assets held by such member as of the close of business on March 3, 1969.

(b) *Calculation of penalty.* The penalty for any deficiency calculated pursuant to paragraph (a) of this section shall be calculated monthly by multiplying the amount of such deficiency by ½ of the sum of 2 percent and the annual interest rate for advances of 1 year or less charged by the member's bank on the last day of the month in which such deficiency occurred. If there is a deficiency in the same calendar month in both the average daily balance of liquid assets and short-term liquid assets, the penalty shall be calculated only on the larger deficiency. No penalty shall be calculated on any deficiency of $5,000 or less unless the Board shall otherwise direct in a specific case.

(c) *Assessment of penalty; compromise, remission, or mitigation.* The Board hereby assesses a penalty against each member in the amount of the penalty calculated pursuant to paragraph (b) of this section and, except as hereinafter provided with respect to compromise, remission, or mitigation, directs each Bank to make a written charge against its members for all penalties herein assessed. Each member shall make prompt payment of such charges to the Bank. For good cause shown, the Board may upon application by a member submitted through the Bank of which it is a member, compromise, remit, or mitigate in whole or in part any penalty herein assessed before collection thereof.

§ 523.13 Reduction and suspension of liquidity requirements.

Whenever the Board deems it advisable in order to enable a member to meet withdrawals or to pay obligations, the Board may, to such extent and subject to such conditions as it may prescribe, permit the member to reduce its liquidity below the minimum amount prescribed in § 523.11. Whenever the Board determines that conditions of national emergency or unusual economic stress exists, the Board may suspend any part or all of the liquidity requirements prescribed in § 523.11 for such period as the Board may prescribe. Any such suspension, unless sooner terminated by its terms or by the Board, shall terminate at the expiration of 90 days next after its commencement, but nothing in this sentence prevents the Board from again suspending any part or all of such liquidity requirements before, at, or after any such termination.

§ 523.14 Reports and records; examinations and investigations.

(a) *Reports and records.* Each member shall submit to the Bank of which it is a member a monthly report of its operations under § 523.11 not later than the 5th day of the month following the month for which the report is made. Such reports shall be filed on forms supplied by such Bank. Each member shall maintain such records as may be required to verify such monthly reports.

(b) *Examinations and investigations.* The Board will make such examinations and conduct such investigations of each member, for the purpose of determining compliance with §§ 523.10, 523.11, and 523.12 of this part in accordance with general policies from time to time established by the Board or as deemed necessary or advisable by the Board.

(Sec. 4, Public Law 90–505, 82 Stat. 856, 857, 858; 12 U.S.C. 1425a)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by May 1, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–2843; Filed, Mar. 7, 1969; 8:48 a.m.]

[No. 22,595]

[12 CFR Parts 545, 556]

FEDERAL SAVINGS AND LOAN SYSTEM

Liquidity and Investments in Securities

FEBRUARY 18, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 545 and 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 545, 556) for the purpose of implementing (1) section 4 of Public Law 90–505, approved September 21, 1968, which amended section 5A of the Federal Home Loan Bank Act (sec. 5A, 64 Stat. 256, as amended; 12 U.S.C. 1425a) relating to liquidity and (2) section 5 of said Public Law 90–505, which amended section 5 of the Home Owners' Loan Act of 1933 (sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464) relating to investments. Accordingly, it is proposed to amend said Parts 545 and 556 as follows:

1. Revise § 545.6–21 to read as follows:

§ 545.6–21 Loans on securities.

A Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans secured by the type of obligations, participations, or other instruments which would be liquid assets of the association pursuant to the provisions of subparagraphs (2) and (3) of paragraph (a) of § 523.10 of this chapter, if owned by the association, and may invest in loans secured by obligations, participations, or other instruments fully guaranteed as to principal and interest by an agency or instrumentality of the United States named in subparagraph (3) of paragraph (a) of § 523.10 of this chapter, subject to the following conditions:

(a) The borrower is a financial institution the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or is a broker or dealer registered with the Securities and Exchange Commission;

(b) The market value of the securities for each such loan is at least equal to the amount of such loan at the time it is made; and

(c) The loan takes the form of a purchase of securities by the Federal association with an agreement by the association to release the securities, and by the borrower to reacquire the securities at a specified price.

§ 545.8–2 [Revoked]

2. Revoke the present provisions of § 545.8–2.

3. Revise § 545.9 to read as follows:

§ 545.9 Investments in securities.

Any Federal association may, to the extent that is has legal authority to do so and in accordance with the provisions of this section, invest in the following securities: (a) Any investment which, at the time of the making of the investment, becomes a liquid asset within the meaning of the term "liquid assets" as defined in paragraph (a) of § 523.10 of Part 523 of Subchapter B of this Chapter V, (b) any obligation, participation, or other instrument fully guaranteed as to principal and interest by an agency or instrumentality of the United States named in subparagraph (c) of paragraph (a) of § 523.10 of this chapter, (3) any general obligation of any State or of any political subdivision thereof if such obligation, at the time of making the investment, is in the four highest grades as shown by the most recently published ratings made of such obligations by a nationally recognized investment service, (d) any general obligation of any political subdivision, other than a State, in which political subdivision the association's home office or branch office is located; but such investments in such obligations which are not in the four highest grades as shown by the most recently published ratings made by a nationally recognized investment rating service shall be limited to an aggregate amount of not more than 1 percent of the association's assets at the time of the making of the investment, (e) the stock of a Federal Home Loan Bank, or (f) the stock of the Federal National Mortgage Association. For the purposes of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

§ 545.9–3 [Deleted]

4. Delete the present provisions of § 545.9–3.

§ 556.1 [Deleted]

5. Delete the present provisions of § 556.1.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by May 1, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–2844; Filed, Mar. 7, 1969; 8:48 a.m.]

[12 CFR Parts 561, 571]

[No. 22,596]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Definition of Terms "Specified Assets," "Cash," and "Government Obligations"

FEBRUARY 18, 1969.

Resolved that the Federal Home Loan Bank Board hereby proposes that Parts 561 and 571 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561, 571) be amended for the purposes of (1) redefining the terms "specified assets" and (2) deleting the definition of the terms "cash" and "Government obligations". Accordingly, it is proposed to amend said Parts 561 and 571 as follows:

1. Amend paragraph (a) of § 561.17 to read as follows:

§ 561.17 Specified assets.

(a) The term "specified assets" means the total assets of an insured institution less the institution's liquid assets and accrued interest thereon within the meaning of the term "liquid assets" as defined in paragraph (a) of § 523.10 of Part 523 of Subchapter B of this Chapter V, Federal Home Loan Bank stock, obligations, participations or other instruments fully guaranteed as to principal and interest by an agency or instrumentality of the United States named in subparagraph (3) of paragraph (a) of § 523.10 of Part 523 of Subchapter B of this Chapter V, prepaid Federal Savings and Loan Insurance Corporation premiums, loans secured by the type of obligations, participations or other instruments which qualify as liquid assets of the institution pursuant to the provisions of subparagraphs (2) and (3) of paragraph (a) of § 523.10 of this chapter, loans in process, loans on the security of the institution's share accounts, investments (other than in capital stock) in other institutions insured by the Federal Savings and Loan Insurance Corporation and in institutions insured by the Federal Deposit Insurance Corporation and less 80 percent of the institution's actual investments in insured and guaranteed loans and guaranteed obligations.

§ 561.18 [Deleted]

2. Delete the present provisions of § 561.18.

§ 561.19 [Deleted]

3. Delete the present provisions of § 561.19.

§ 571.2 [Deleted]

4. Delete the present provisions of § 571.2.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by May 1, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–2845; Filed, Mar. 7, 1969; 8:48 a.m.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS AND RULES

Notice of Proposed Rule Making

Notice is hereby given that the St. Lawrence Seaway Development Corporation, acting jointly with The St. Lawrence Seaway Authority of Canada pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.), proposes to adopt miscellaneous amendments with respect to Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401.

Interested parties may submit written data, views, or arguments in regard to the amendments proposed herein to the St. Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. (Attention: Counsel). All relevant matter received not later than 30 days after publication of this notice will be considered. Formal adoption of these amendments by the Corporation is contemplated during the 1969 navigation season of the St. Lawrence Seaway.

The proposed amendments in Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401, as revised by 28 F.R. 3754–62 and further amended by 29 F.R. 5034–35, 30 F.R. 6580–81, 31 F.R. 8062–64, 32 F.R. 6394–96, and 33 F.R. 7083–84 are set forth below.

I. It is proposed that the Regulations of Subpart A, concerning Definitions in § 401.2 be amended to clarify the area of jurisdiction by reflecting the extension of traffic control in the connecting channels; as follows:

§ 401.2 Definitions.

* * * * *

(g) "Seaway" means that portion of the deep waterway between the Port of Montreal and Lake Erie that is under the jurisdiction of the Authority and includes all canals, works and connecting channels that are part of the deep waterway and all other canals and works, wherever located, the management, administration and control of which have been entrusted to the Authority.

* * * * *

II. It is proposed that the rules of subpart B be amended to effect the deletion of references to the Lachine, Cornwall, and Third Welland Canals as follows: §§ 401.101–5 (Security for tolls) by deletion of the words "Lachine, Cornwall, Welland and"; 401.102–4 (Masts) by deletion of the phrase "and no vessel shall transit the Lachine Canal if a mast on the vessel extends more than 59 feet above water level"; 401.104–1 (Navigation season) by deletion of reference to the opening and closing of the Lachine Canal; 401.104–5 (Maximum draft for Lachine, etc.) by deletion of the words "Lachine, Cornwall and" and the words "Lachine, Cornwall or" from the heading and in the body of the section; 401.104–8 (Furnishing information re. masts) by deletion of the phrase "and vessels, whose masts extend more than 54 feet, shall not transit the Lachine Canal until the same condition has been fulfilled", 401.104–18 (Stopping over mitre sills) by deletion of the words "Lachine, Cornwall or"; by deletion of §§ 401.104–20 (Entering Iroquois Lock or Lock 8) and 401.104–21 (Entering Locks of Lachine, Cornwall, Sault Ste. Marie Canals); 401.104–30 (Turning basins) by deletion of the words "the Lachine Canal", "Cornwall Canal", and "Third Welland Canal"; 401.104–37 (Combined beams) by deletion of the words "40 feet in the case of transit of the Lachine or Cornwall Canals" and 401.107–6 (Pleasure craft) by deletion of the words "Lachine, Cornwall, Third Welland, and". The closure of the Lachine, Cornwall, and Third Welland Canals at the end of the 1968 navigation season will make reference to these second line canals superfluous.

III. It is proposed that the rules of Subpart B be further amended in §§ 401.102–10 (Radiotelephone equipment) and 401.103–2 (Radiotelephone frequencies) by replacement of the abbreviations "Mcs and Kcs" by the abbreviations "Mhz and Khz" as required; §§ 401.103–1 (Listening watch), 401.103–3 (Location of stations) and 401.103–7 (Calling-in points) by replacement of the words "Dispatch Area" by the words "Traffic Control Sector", as required; § 401.104–11 (Passing Restrictions), 401.104–13 (Order of passing through), 401.104–31 (Dropping anchor or tying to canal bank), 401.104–33 (Reporting position at anchor, wharf, etc., and resuming transit), 401.104–41 (Towing more than one vessel) and 401.104–43 (Loss of anchor) by replacement of the word "Dispatcher" with the words "Vessel Traffic Controller"; § 401.104–29 (Leaving a lock) by replacement of the word "fenders" with the words "ship arresters"; and § 401.104–30 (Turning basins) by replacement of the words "Bridge 9" by the words "Guard Gate"; to reflect changes in the designation of certain positions, modifications in the Traffic Control System and, in one case, the removal of a Seaway structure.

IV. It is further proposed that the Rules of Subpart B concerning Condition of Vessels, §§ 401.102–1 to 401.102–25 be amended by amplifying § 401.102–11 (on mooring lines) to obtain a higher degree of standardization and to preclude the use of inadequate mooring lines; § 401.102–12 (on fairleads) by adding direction to eliminate the mounting of fairleads flush with the hull, which may result in mooring lines being pinched between the vessel and a wall; § 401.102–18 (on propeller direction alarms and r.p.m. indicators) by deleting the phrase "effective January 1, 1969" since it will no longer be meaningful; §§ 401.102–19 (sewage disposal systems) and 401.102–20 (oily-water separators) by prescribing required rather than recommended equipment, consistent with antipollution regulations; and § 401.102–21 (rudder angle indicators) by deleting the phrase "effective January 1, 1968" since it is no longer meaningful, as follows:

§ 401.102–11 Mooring lines.

(a) Mooring lines must be uniform throughout their length, fitted with an eye not less than 8 feet long and must have sufficient strength to check the vessel. They must be arranged so that they may be led to either side of the vessel as required.

(b) Synthetic lines may be used for mooring at approach walls, tie-up walls and docks within the Seaway provided they have an appropriate breaking strength. Wire rope mooring lines must

be used for securing in lock chambers unless otherwise permitted.

(c) The following table sets out minimum specifications for mooring lines:

Ship's overall length	Length of mooring line	Breaking strength
125 feet to 200 feet	360 feet	15 tons.
200 feet to 300 feet	360 feet	21 tons.
300 feet to 500 feet	360 feet	38 tons.
500 feet to 730 feet	360 feet	45 tons.

§ 401.102–12 Fairleads.

* * * * *

When mounted flush with the hull, fairleads should be fendered to prevent the lines from being pinched between the vessel and a wall.

§ 401.102–18 Propeller direction alarms and r.p.m. indicators.

Vessels in excess of 260 feet in overall length shall be equipped with propeller direction and shaft r.p.m. indicators or visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engineroom.

§ 401.102–19 Sewage disposal systems.

It is strongly recommended, and will become a mandatory requirement effective January 1, 1970, that vessels not otherwise equipped with containers for ordures shall be equipped with an approved sewage disposal system.

§ 401.102–20 Oily-water separators.

Vessels which cannot contain waste oil products or bilge water containing waste oil products, shall be equipped with oily-water separators or other such equipment for the extraction of oil products from waste water before discharge.

§ 401.102–21 Rudder angle indicators.

Vessels in excess of 260 feet in overall length shall be equipped with rudder angle indicators located in the wheelhouse.

V. It is further proposed that the rules of Subpart B respecting Radio Communications, §§ 401.103–1 to 401.103–8 be amended by revising § 401.103–2 (on radio telephone frequencies) by deleting the reference to Channel 52 which will only be used for emergency work upon directions from the Seaway stations; § 401.103–3 (on location of stations) by adding a new Seaway station between VDX21 and VDX22 to accommodate the establishment of new Traffic Control Sectors between Iroquois Lock and the Welland; § 401.103–4 (calling-in) to eliminate confusion caused by the use of abbreviated reports by standardizing reporting procedures at each Calling-in Point; by deleting § 401.103–5 (calling-in on entering Montreal) since the information is obtained by the Seaway Controller from the Montreal Harbor Dispatch Station; § 401.103–7 (Calling-in Points) by inserting two new calling-in points to further accommodate the establishment of New Traffic Control Sectors between Iroquois Lock and the Welland; and § 401.103–8 (communication at Canadian Sault Ste. Marie Canal) to accommodate the extension of radio communication control at the Canadian Sault which previously was arranged with the Lockmaster at the U.S. St. Mary's Falls Canal; as follows:

§ 401.103–2 Radiotelephone frequencies.

The Seaway stations operate on the following assigned VHF frequencies:

156.8 Mhs (Channel 16) Safety and calling.
156.7 Mhs (Channel 14) Working (Canadian stations).
156.6 Mhs (Channel 12) Working (Eisenhower station).

The Seaway stations maintain a listening watch, for emergency only, on 2182 Khs (Channel 51).

§ 401.103–3 Location of stations.

The Seaway stations are for vessel traffic control purposes only, and are located as follows:

Call letters	Call sign	Location
* * *	* * *	* * *
VDX 21	Seaway Iroquois	Iroquois Lock (Traffic Control Sector No. 3).
WAG (WAG Clayton).	Clayton, N.Y.	Traffic Control Sector No. 4.
VDX 22	Seaway Welland	Welland Canal Headquarters (Traffic Control Sector No. 6).

§ 401.103–4 Calling-in.

Vessels intending to, or in transit, must report on the assigned frequency to the designated station when opposite Calling-in-Points, giving the following information:

Name of vessel.
Position.
Destination.
Sailing Draft Fore and Aft.
Cargo.

At calling-in points 14A and 14B, vessels must also report their estimated time of arrival at the next calling-in point.

§ 401.103–5 [Deleted]

§ 401.103–7 Calling-in points.

	Traffic control sector	Station call sign
UPBOUND VESSELS		
* * *	* * *	* * *
No. 12—Robertson's Point—Buoy No. 92—Lake St. Lawrence (order of passing through established here).	No. 3	VDX21.
No. 14A—Whaleback Shoal—Buoy 153—St. Lawrence River	No. 4	WAG.
No. 14B—Tibbetts Point—Lake Ontario	No. 4	WAG.
No. 15—Reporting Buoy, 22½ miles off entrance piers—Port Weller, Lake Ontario (order of passing through established here).	No. 6	VDX22.
DOWNBOUND VESSELS		
No. 16—Three Mile Fairway Buoy—off Port Colborne Harbor—Lake Erie (order of passing through established here).	No. 6	VDX22.
No. 14B—Tibbetts Point—Lake Ontario	No. 4	WAG.
No. 14A—Whaleback Shoal—Buoy 153—St. Lawrence River	No. 3	VDX21.
No. 14—Maitland—Fairway Buoy—St. Lawrence River	No. 3	VDX21.
* * *	* * *	* * *

§ 401.103–8 Communication at Canadian Sault Ste. Marie Canal.

Vessels intending to enter the Canadian Sault Ste. Marie Canal will call VDX23, which operates on the same frequencies as the Canadian Seaway Stations. The Calling-In Points are at Six Mile Point for upbound vessels and at Brush Point for downbound vessels.

VI. It is further proposed that the rules of Subpart B respecting Transit Instructions, §§ 401.104–1 through 401.104–48, be amended by revising § 401.104–9 (Speed) to clarify the regulatory power which may be exercised over open channels through a Seaway Notice; § 401.104–15 (limit of approach to a lock) by deleting the words "at the Lock" to provide appropriate coverage for display of signal lights located elsewhere than at the Lock; § 401.104–34 (signaling approach to bridge) and § 401.104–35 (limit of approach to a bridge) to further clarify regulatory power regarding Seaway Notices; § 401.104–37 (combined beam) by changing the 72 feet limitation to 75 feet 6 inches since the restriction of the total beam of a vessel and tug to less than that of a single vessel is unnecessary; § 401.104–39 (two tugs) by deleting the restriction on pusher barges, enabling operational discretion to be exercised on the merits of special instructions issued on all tows; and the addition of § 401.104–49 (Deck Cargo) to insure the safety of Seaway installations and vessels, as follows:

§ 401.104–9 Speed.

Maximum speed for vessels in designated areas of the Seaway may be prescribed in a Seaway Notice. Subject to such other * * *.

§ 401.104–15 Limit of approach to a lock.

The stem of a vessel approaching a lock or guard gate shall not pass the indicated sign signifying the limit of approach until the signal light shows green.

§ 401.104–34 Signaling approach to bridge.

Unless the vessel's approach has been recognized by a flashing red signal light, three distinct blasts shall be sounded * * *.

§ 401.104–35 Limit of approach to a bridge.

A vessel shall not pass the "Limit of Approach" sign at any movable bridge until such bridge is in fully open position and the light shows green, and it shall not pass the sign at the twin railway bridges on the South Shore Canal at Caughnawaga, on the Welland Canal, or at Bridges 20 and 21 on the Welland Canal, until both bridges are in a fully open position and both lights show green.

§ 401.104–37 Combined beam.

A tug shall not be fastened alongside a vessel so that the total beam exceeds 55 feet in the case of the Sault Ste. Marie (Canada) Canal or 75 feet, 6 inches in the case of any other canal.

§ 401.104–39 Two tugs.

Where two tugs are required by special instructions for towing a particular vessel, one shall be on a line ahead of the towed vessel and the other on a line astern. (Two adequate tugs shall be required for a tow in excess of 200 feet, except that specially constructed low barges designed to be pushed by a tug at the center of the stern, may be permitted to transit with only one tug.)

§ 401.104–49 Deck cargo.

Cargo or containers carried on deck, either forward or aft, shall be stowed in a manner which permits an unrestricted view from the bridge for the purpose of navigation.

VII. It is lastly proposed that the rules of Subpart B concerning Pleasure Craft, §§ 401.107–1 to 401.107–8 be amended by revising § 401.107–7 (payment of tolls) and deleting § 401.107–8 (preclearance and excess toll accounts for larger crafts) to discontinue the prescription against cash payments and incorporate the assessment of pleasure craft in excess of 350 tons in accordance with the special Welland charges, as follows:

§ 401.107–7 Payment of tolls.

Payment of tolls shall be made by the person in charge of a pleasure craft while the craft is within the lock chamber. All pleasure craft in excess of 350 tons are subject to the regular tolls applicable to cargo and passenger vessels.

§ 401.107–8 [Deleted]

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 69–2835; Filed, Mar. 7, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 270]

[Releases Nos. IC–5628 and 33–4964]

CERTAIN SEPARATE ACCOUNTS OF INSURANCE COMPANIES IN WHICH EMPLOYER OR EMPLOYEE CONTRIBUTIONS UNDER QUALIFIED PENSION AND PROFIT-SHARING PLANS ARE HELD AND INVESTED AND TRANSACTIONS INVOLVING SUCH SEPARATE ACCOUNTS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 6e–1 (17 CFR 270.6e–1) under the Investment Company Act of 1940 ("Investment Company Act") which would exempt from the registration requirements of the Investment Company Act certain separate accounts established by life insurance companies upon the condition that such accounts comply with all but certain designated provisions of the Act and meet other requirements set forth in the proposed rule. The proposed rule would be adopted pursuant to the authority granted to the Commission in sections 6(c), 6(e), and 38(a) of the Investment Company Act.

Notice is also given that the Commission has under consideration an amendment to Rule 156 (17 CFR 230.156) under the Securities Act of 1933 ("Securities Act"), relating to the proposed Rule 6e–1. Rule 156 defines "transactions by an issuer not involving any public offering" in section 4(2) of the Securities Act to include certain transactions involving separate accounts which are now exempt from Rule 3c–3 (17 CFR 270.3c–3) under the Investment Company Act. The proposed amendment would extend that definition to certain transactions involving separate accounts which meet the conditions set forth in proposed Rule 6e–1 and would also provide that no "sale," "offer," "offer to sell," and "offer for sale" would be deemed to be involved, for purposes only of section 5 of the Securities Act, in certain defined circumstances. The amendment would be adopted pursuant to the authority granted to the Commission in section 19(a) of the Securities Act.

On January 7, 1963 the Commission adopted Rule 3c–3 (Investment Company Act Release No. 3605 (28 F.R. 402)) under the Investment Company Act exempting from the provisions of that Act certain transactions of insurance companies involving group annuity contracts which provide for the allocation of employer's contributions to separate accounts established and maintained pursuant to State legislation which permits the income, gains, and losses, whether or not realized, from assets allocated to such account to be credited to or charged against such account without regard to other income, gains or losses of the insurance company. Transactions so exempt from the Investment Company Act by Rule 3c–3 were also given the status of "transactions by an issuer not involving any public offering" in section 4(2) of the Securities Act, provided certain conditions were met, by the adoption by the Commission on August 1, 1963 of Rule 156 under the Securities Act (Securities Act Release No. 4627 (28 F.R. 8208)).

On July 2, 1964, the Commission amended Rule 3c–3 (Investment Company Act Release No. 4007 (29 F.R. 9434)) to extend the exemption provided by that rule to group annuity contracts which met all the conditions of the original Rule 3c–3 other than the requirement that benefits be payable only in fixed-dollar amounts. Thus, under the amended Rule 3c–3, certain transactions involving group contracts which provide for retirement benefits that vary to reflect the investment experience of a separate account are also entitled to exemption, provided those benefits derive solely from contributions of the employer. The amended rule continued the condition of the original rule that the contract must prohibit the allocation to the separate account of any payment or contribution made by an employee.

Since the adoption and amendment of Rules 3c–3 and 156 (30 F.R. 2022) the Commission has continued to consider the appropriateness of new rules which would permit certain exemptions from the Investment Company Act and the Securities Act for insurance company separate accounts to which employee contributions may be allocated, subject to appropriate restrictions for the protection of investors.

Rule 6e–1 (17 CFR 270.6e–1). Proposed Rule 6e–1 would apply to separate accounts which hold assets attributable only to pension and profit-sharing plans which meet the requirements for qualification under either section 401 or 404(a)(2) of the Internal Revenue Code. These are commonly referred to as "qualified plans." They include plans established for self-employed persons pursuant to the provisions of the Self-Employed Individuals Tax Retirement Act of 1962 ("Smathers-Keogh plans"), since those plans also meet the requirements of section 401 or 404(a)(2). Unlike Rule 3c–3, the proposed rule does not condition the exemption by requiring a prohibition against the allocation of employee contributions to the separate account. Thus, separate accounts which meet the more restrictive conditions for exemption under Rule 3c–3 will continue to enjoy the much more extensive exemption from the Investment Company Act provided by that rule while, on the other hand, a wider variety of pension and profit-sharing plans will be able to be funded through contracts participating in separate accounts which qualify for the narrower exemption under proposed Rule 6e–1.

Proposed Rule 6e–1 provides that certain separate accounts are exempt from section 7 (of the Act) which effectively prohibits an unregistered investment company from operating, and section 8 (of the Act), which provides for the method of registration and the content of the registration statement. In place of the notification of registration provided for by section 8(a) (of the Act), an insurance company may file a notification of claim of exemption under Rule 6e–1 on Form N–6E–1 to be promulgated. In place of the registration statement required by section 8(b), the insurance company will file a report on Form N–6E–2 to be promulgated.

The proposed Rule 6e–1 would also provide that such separate accounts must comply with every provision of the Investment Company Act as if they were registered open-end investment companies, except for a number of specified sections of the Investment Company Act. In addition to sections 7 and 8 (of the Act), exemption would be granted from section 18(i) (of the Act) so that persons who hold participating interests in the separate account will not be required to be given any voting rights. In consequence, and since such separate accounts will not have a separate board of directors, exemption would also be granted from the other provisions of the Act which, broadly speaking, provide the opportunity for shareholder participation in the management of registered investment companies. These provisions include sections 10 (other than subsection (f) thereof), 15, 16, 20 (a) and (b), and 32 (a) and (b) (of the Act). A conditional exemption would be granted from section 13(a) (of the Act) which requires majority shareholder approval of any change in the fundamental investment policy of a registered investment company. Instead the Commission must be notified in writing at least 60 days prior to any proposed change in the investment policy of a separate account. The change may then be made unless the Commission, within 30 days of the receipt of such notice, conditions or limits the exemption provided by the rule.

A partial exemption from section 9 (of the Act) is proposed which would make the restrictions of that section applicable only to officers and directors of the insurance company and to other employees who participate either in the administration of the separate account or in the sale of participating contracts.

A limited exemption from the provisions of section 14(a) (of the Act) is provided in order to afford separate accounts claiming exemptions from the provisions of the Investment Company Act under Rule 6e–1 with the same treatment which the Commission has proposed in Investment Company Act Release No. 5586 (Jan. 24, 1969 (34 F.R. 1910)) for registered separate accounts having assets derived solely from pension and profit-sharing plans meeting the requirements of section 401, 403(b), or 404(a) of the Internal Revenue Code. That is, exemption from the minimum capital requirements of section 14(a) (of the Act) would be afforded by Rule 6e–1 where the insurance company has a combined capital and surplus or an unassigned surplus of at least $1 million.

A narrow exemption from section 17 (d) (of the Act) is proposed. Most life insurance companies currently invest some portion of their general funds in common stocks and it is anticipated that many companies will establish more than one separate account that will qualify for exemption under Rule 3c–3 or the proposed Rule 6e–1. While the investment policies of these separate accounts may differ, there will be times when an insurance company will wish simultaneously to purchase the same security or sell the same security, on behalf of its general accounts and one or more of its separate accounts. Proposed Rule 6e–1 would grant exemption from section 17(d) (of the Act) to permit contemporaneous purchases or contemporaneous sales of the same class or series of securities of the same issuer on behalf of separate accounts and the general account of the insurance company. Except to the extent provided by this exemption, section 17(d) (of the Act) will be applicable to transactions of separate accounts claiming exemption under this rule exactly as if such accounts were registered investment companies.

The proposed rule would grant an exemption from section 17(f) (of the Act) to allow securities held in a separate account claiming exemption under the rule to be held in the custody of the insurance company. Exemption from section 19 (of the Act) is proposed since separate accounts do not pay dividends in the sense in which the term is used in this section.

Because of the manner in which insurance companies negotiate and sell contracts respecting interests in separate accounts for funding pension and profit-sharing plans, the Commission believes that it is not necessary to impose all the requirements of section 22 (of the Act) on such separate accounts. Thus exemptions from sections 22 (a), (b), (d), (e), and (f) are proposed. No exemption is proposed, however, from section 22(c), so that the Commission will retain jurisdiction to prescribe means of pricing of interests in such accounts and prevent the imposition of unconscionable or grossly excessive sales loads. Similarly, no exemption from section 22(g) is proposed, since the Commission believes there is no reason why separate accounts should not observe the prohibitions of this section.

Since most contracts that participate in a separate account meeting the conditions of Rule 6e–1 will be exempt from the registration requirements of the Securities Act, under the amendment to Rule 156 that is simultaneously being proposed, the provisions of section 24 of the Investment Company Act, other than subsection (b), would not be meaningful as applied to such accounts. However, exemption from the entire section is proposed, including section 24(b), since the proposed rule, in paragraph (b), would impose separate specific filing requirements with respect to literature prepared by the insurance companies that relate to the operations of such separate accounts. These requirements are discussed below. Similarly, exemption is proposed from sections 30 and 31(a) (of the Act), which require periodic reporting to the Commission and to stockholders and the keeping of prescribed records. In place of these requirements the proposed rule will require reports and records in a form which takes into account the nature of the contracts issued through such separate accounts and the manner in which such accounts are administered.

An exemption from section 27(c) (of the Act) is proposed in recognition of the fact that annuity contracts with life contingencies are necessarily nonredeemable during the pay-out period.

Paragraph (b) of proposed Rule 6e–1 sets forth the several report and record-keeping requirements that have already been mentioned. Subparagraphs (1) and (2) require the filing of initial reports which correspond to the notification of registration and the registration statement filed by investment companies. Subparagraph (3) requires the filing of such annual and other reports and the maintenance of such records with respect to separate accounts as the Commission shall prescribe as appropriate.

Subparagraph (b)(4) requires the insurance company to furnish a written statement to every employer to which a contract participating in the separate account has been issued, if the retirement plan provides for benefits which vary to reflect the investment results of the separate account. That statement must explain, to the extent applicable to the particular employer's retirement plan, that the benefits to be received by employees will not be paid in any fixed dollar amount but will vary to reflect the investment experience of the separate account, and that the assets held in the account will include common stocks and other equity investments. In addition, the statement must describe how the insurance company will determine the dollar amount of each periodic payment to be made to the covered employees pursuant to the plan. A copy of the statement must be filed with the Commission within 10 days after it is delivered to any employer.

The insurance company must recommend to the employer that this statement should be transmitted to each covered employee. While it appears desirable that each employee be given a copy of such a statement, it is the employer, rather than the funding agency, that controls what communications are delivered to its employees. Accordingly, it would not be feasible to impose such an obligation upon the insurance company. Although this section is not intended to impose any duty upon employers to transmit copies of this required statement to their employees, responsible employers will, of course, wish to be certain that their employees are given the information set forth in this required statement.

Subparagraph (b)(5) would also impose upon insurance companies claiming exemption under the proposed rule the requirement to file certain other documents with the Commission. Virtually every employer that establishes a pension or profit-sharing plan will provide its covered employees with a booklet or brochure describing the principal features of the plan. Sometimes a copy of the plan itself is distributed. In some cases this description is prepared entirely by the employer. In many cases the funding agency will participate in its preparation, supplying information for part of the brochure. In other cases the funding agency will be entirely responsible for the preparation and printing of this descriptive material. This subparagraph does not require any participation by the insurance company in the preparation of this explanatory literature. It does require, if the funding agency does furnish the employer with all or some portion of a document that is transmitted to employees, or if it provides the employer with material that may reasonably be expected to be transmitted to employees, that a copy of what has been furnished the employer, if it relates in any way to the separate account, be filed with the Commission within 10 days after it is first delivered to an employer.

Subparagraph (c) of the proposed rule sets forth two conditions that must be met by a separate account in order to be exempt under the rule. The first is that the separate account be legally segregated and not subject to claims which arise out of any other business of the insurance company. Because the value of the assets held in separate accounts will be related not only to investment performance but also to the longevity of covered employees, formulation of this condition has required the use of insurance terminology. The reserve and other contract liabilities under all contracts that participate in a separate account, which is the equivalent of the value of all present and future payments that the insurance company is obligated to make under the contracts, can be determined only by actuarial computations. This amount, moreover, will vary from time to time to take into account the deaths of persons who were entitled to payment of benefits under the contracts. To the extent that the market value of the assets in a separate account exceeds the reserve and other contract liabilities of the account, the excess is part of the surplus of the insurance company. Subparagraph (c)(1) of the proposed rule recognizes that this portion of the assets held in a separate account must be subject to claims arising out of other business of the insurance company. The subparagraph also provides that the value of the assets of the account must not be less than the reserve and other contract liabilities of the account. Thus the insurance company is free to transfer any or all of the excess from a separate account to its general funds. If, however, the value of the assets should fall below the amount of the reserve and other contract liabilities, the insurance company is required to eliminate the deficiency by transferring funds to the account.

Under the laws of many of the States which authorize the establishment of separate accounts by life insurance companies, such accounts will either be legally segregated to the extent required by this subparagraph or can readily be made segregated through the addition of appropriate provisions in the participating contracts. Some States require legal segregation but other States do not require nor permit such segregation. This condition will be satisfied if an arrangement is made which will ensure, in the event of bankruptcy of the insurance company, that claims of creditors that arise out of other business of the insurance company will not be satisfied out of assets held to meet the separate account contract obligations. This might be accomplished, for example, through some form of insurance with a different insurance company, or by provision of a superior lien under applicable State law. Because insurance companies in some States may find it difficult to make the necessary arrangements to comply with this condition, it is provided that the condition need not be satisfied until 6 months after the effective date of the rule.

The second condition is that every contract which participates in a separate account claiming exemption under the rule must authorize the contract holder to direct that the assets held pursuant to his contract be withdrawn or transferred. This will enable a contract holder, if he chooses, to utilize a different funding agency for the investments of the funds supporting his plan. This withdrawal privilege would not, however, apply to funds allocated to provide benefits to individual employees who have retired, since the insurance company would in such cases have assumed direct contractual obligations to pay those benefits. In some cases these benefits might be payable to persons other than employees, as in the case of a plan which provides for the payment of an annuity to an employee and his spouse so long as either shall live. Amounts held to provide for the payment of benefits to the spouse of a deceased employee under such an arrangement would also not be required to be made subject to this withdrawal provision.

Many existing contracts already contain such a provision. These usually provide for a limitation upon the amount that may be withdrawn in any 1 month. This is to protect against a large drain upon the assets of the account, causing a forced liquidation of some of the securities, to the possible disadvantage both to the withdrawing contract holder and to other contract holders. Such a limitation is authorized under the proposed rule, provided that the contract must permit the withdrawal of at least $1 million in any 1 month, or, where the value of the contract holder's interest in the separate account at the time the request for withdrawal or transfer is made is in excess of $20 million, at least 5 percent of the value of that interest.

The proposed rule also provides that no surrender charge in excess of 2 percent may be made in connection with any such withdrawal or transfer. Many contracts employed for the purpose of funding pension and profit-sharing plans impose no sales load at all in connection with purchase payments but do impose what would be the equivalent of a sales load in connection with withdrawals or the payment of benefits. In order to accommodate these arrangements, subparagraph (c)(2) permits a surrender charge in excess of 2 percent but only if the sales load and the surrender charge under the contract in the aggregate do not exceed 6 percent.

Section 6(c) of the Investment Company Act provides that the Commission by rule, regulation, or order may conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions, from any provision or provisions of the Investment Company Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act. Section 6(e) of the Investment Company Act provides that if, in connection with any rule, regulation, or order under section 6 exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or necessary for the protection of investors that certain specified provisions of the Investment Company Act shall be applicable in respect of such company, the provisions so specified shall apply to such company and to other persons in their transactions and relations with such company, as though such company were a registered investment company. Section 38(a) of the Investment Company Act authorizes the Commission to issue rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Investment Company Act.

Rule 156 (17 CFR 230.156). Rule 156 under the Securities Act, as presently in force, defines as "transactions by an issuer not involving any public offering" in section 4(2) of that Act transactions which are exempted from the Investment Company Act by Rule 3c–3 (17 CFR 270.3c–3) provided that certain additional conditions are met.

In connection with its proposal to adopt Rule 6e–1 (17 CFR 270.6e–1) the Commission also proposes to amend Rule 156. Paragraph (a) generally follows the present rule but would cover transactions involving contracts which relate to separate accounts claiming exemption either under Rule 3c–3 or Rule 6e–1, instead of only under Rule 3c–3. This paragraph continues to cover only transactions with employers and has no applicability to any transaction whereby an employee acquires an interest in a separate account.

The present Rule 156 is applicable only to contracts which are negotiated with an employer for the benefit of at least

25 employees because this is one of the conditions for exemption under Rule 3c–3. Since the proposed Rule 6e–1 would not have any such condition, it is proposed to make such a requirement an explicit condition in subparagraph (a)(1) of the amended Rule 156.

The term "employer" is defined, as it is in the present Rule 156, to mean "an employer, employers or persons acting on their behalf." This would include within the definition of transactions not involving any public offering, the sale of group contracts to trustees or associations representing several employers in a single industry. In several industries, pension, and profit-sharing plans are established in connection with collective bargaining between industry-wide management representatives and unions, and these plans permit covered employees to change from one employer to another while remaining eligible for benefits under the plan. A group annuity contract issued for the purpose of funding such a plan would not, under the amended rule, as it does not now under the present rule, have to be registered under the Securities Act, if the other conditions of the rule are met.

A different test would apply, however, to contracts issued for the purpose of funding Smathers-Keogh plans. Where a contract is to cover a sole proprietorship or a partnership involving 25 or more employees, the transaction would be regarded under the rule as a transaction not involving a public offering. But where a contract is issued covering the employees of several separate enterprises, as would be the case with a contract issued to a bar or medical association, permitting participation thereunder by members of the association, this would be regarded as constituting a public offering if any member of the association employed less than 25 persons. As a practical matter it would therefore appear that virtually all Smathers-Keogh contracts would be subject to the registration requirements of the Securities Act.

Paragraph (b) of the proposed amendment to Rule 156 is new. Since Rule 3c–3 provides an exemption from the Investment Company Act only for transactions involving contracts which prohibit the allocation of employee contributions to a separate account, paragraph (b) would be applicable only where allocations of employee contributions are made to a separate account which is entitled to exemption under Rule 6e–1, as part of a transaction that is regarded as not involving a public offering under Rule 156(a).

Subparagraph (b) provides that no sale or offer shall be deemed to be involved where employee contributions are allocated to a separate account under the foregoing circumstances if two conditions are met. First, there must not be any individual solicitation of employees either to participate in the plan or to elect to participate in the portion that utilizes the separate account rather than in other aspects of the plan. Second, the employer must make a "substantial contribution" to the overall pension and profit-sharing program of which the contract participating in the separate account is a part. Each of these conditions is described more fully below.

The first condition is set forth in subparagraphs (b)(1) and (b)(2). It is recognized, of course, that employees who are offered an opportunity to make contributions under a retirement program must be told about the plan and about the terms and nature of their participation. Booklets describing the plan may be distributed by the employer or the insurance company. Regular employees of the employer, in its labor relations, personnel, or comparable divisions may meet with employees either in groups or singly, to discuss and explain the plan and to make whatever recommendations are thought appropriate. Where a pension consultant has been retained by the employer, he may participate in this activity.

It is common practice, when a retirement plan is first established or a significant change made, or new features added, to provide oral explanations to groups of employees at meetings arranged for that purpose. Representatives of the insurance company or, where an independent broker has participated in the sale of the contract, representatives of the broker, may appear at and participate in such meetings. If the provisions of subparagraph (b) are to be available, these representatives must be salaried employees and may not receive commissions based upon the extent of participation under the separate account contract. Such representatives may not, however, engage in discussions with individual employees for the purpose of inducing participation in or explaining the plan. Nor may the employer engage anyone for the purpose of inducing participation.

The "substantial contribution" condition is set forth in subparagraph (b)(3). The employer must make a contribution under the program, of which the plan funded by the separate account contract is a part, that can be expected, over the life of the plan, to be at least one-half that made by the employees. Because employers enjoy considerable flexibility in determining the amount and timing of their contributions under qualified pension and profit-sharing plans, demonstration of satisfaction of this condition presents certain difficulties. For this reason the test set forth in subparagraph (b)(3) has been included.

It should be noted that the amended rule would continue to provide an exemption only from section 5 of the Securities Act and would not, therefore, afford any exemption from the anti-fraud sections of the Securities Act.

I. The text of proposed Rule 6e–1 (17 CFR 270.6e–1) under the Investment Company Act reads as follows:

§ 270.6e–1 Exemption for certain separate accounts of insurance companies.

(a) A separate account which issues only interests or participations in a fund of securities, pursuant to contracts made in connection with pension or profit-sharing plans which meet the reqirements either for qualification under section 401 of the Internal Revenue Code or for deduction of the employer's contributions under section 404(a)(2) of said Code, shall, except for the following sections of the Act, be subject to all provisions of the Act as though such separate account were a registered open-end investment company:

(1) Section 7 of the Act;

(2) Section 8 of the Act except to the extent made applicable by paragraph (b) of this section;

(3) Section 9 of the Act but only to the extent that a company shall not be subject to the restrictions of section 9(a)(3) of the Act by virtue of the status of persons who do not participate in any way in the operations of or sales of interests in the separate account;

(4) Section 10 of the Act but not paragraph (f) thereof;

(5) Section 13(a) of the Act provided that the Commission is notified in writing at least 60 days prior to any proposed change in investment policy, and the Commission does not in its discretion within 30 days of receipt of such notice condition or limit, in respect of the proposed change in investment policy, the exemption otherwise provided by this section;

(6) Section 14(a) of the Act provided the insurance company of which the separate account is a part shall have (i) a combined capital and surplus, if a stock company, or (ii) an unassigned surplus, if a mutual company, of not less than $1 million at the time of the filing of the notification provided for by paragraph (b)(1) of this section;

(7) Section 15 of the Act;

(8) Section 16 of the Act;

(9) Section 17(d) of the Act to the extent necessary to permit contemporaneous purchases or contemporaneous sales on behalf of the separate account and other separate accounts and the general account of the insurance company of the same class or series of securities of the same issuer;

(10) Section 17(f) of the Act;

(11) Section 18(i) of the Act;

(12) Section 19 of the Act;

(13) Section 20 (a) and (b) of the Act;

(14) Section 22 of the Act other than paragraphs (c) and (g) thereof;

(15) Section 24 of the Act;

(16) Section 27(c) of the Act;

(17) Sections 30 and 31(a) of the Act except as provided by paragraph (b) of this section 270.6e–1; and

(18) Section 32 (a) and (b) of the Act.

(b) Any insurance company which maintains or proposes to maintain a separate account with respect to which exemption from registration under this section is claimed shall:

(1) File with the Commission, within 30 days after the effective date of this section or within 30 days after the establishment of such separate account, whichever is later, a notification on Form N–6E–1 (§ 274.301 of this chapter) which identifies such separate account,

(2) File with the Commission, a report on Form N–6E–2 (§ 274.107 of this chapter) within 3 months after filing the notification referred to above: *Provided*, That if the fiscal year of the separate account ends within this 3-month period, the Form N–6E–2 report may be filed within 3 months after the end of such fiscal year,

(3) File with the Commission, such annual and other reports and shall maintain such records with respect to such separate account as the Commission shall prescribe by rules pursuant to sections 30 and 31 of the Act as appropriate in view of the character of the separate account and its operations and as necessary or appropriate in the public interest or for the protection of investors: *Provided*, That, except as may otherwise be provided in either such rules or in this § 270.6e–1 or in the forms for reports prescribed by the Commission, the provisions of Regulation 8B (§§ 270.8b–1 et seq. of this chapter) under the Act shall be applicable. Records required to be maintained pursuant to such rules shall be subject to the requirements of section 31(b) of the Act.

(4) In the case of a contract that provides for the allocation of contributions to the separate account in connection with a pension or profit-sharing plan that provides for employee benefits which may vary to reflect the investment results of the separate account, such insurance company shall deliver to every employer to which such a contract has been issued a copy of a statement in writing setting forth, to the extent applicable, (i) that the benefits to be received by the employees will not be paid in any fixed dollar amount, and will vary to reflect the investment experience of the separate account; (ii) that the investments held in the separate account will include common stocks and other equity investments which may be changed from time to time; and (iii) the essential features of the procedure to be followed by the insurance company in determining the dollar amount of such variable benefits. The insurance company shall recommend to the employer that such statement should be transmitted to covered employees, and file such statement with the Commission within 10 days after delivery to any employer, and

(5) File with the Commission, within 10 days after delivery to an employer, a copy of every document, or portion thereof, relating to the separate account or the interests or participations therein that has been furnished by the insurance company to an employer for transmission or which may reasonably be expected to be transmitted to employees;

(c) A separate account shall be entitled to the exemptions provided by paragraph (a) of this section only if:

(1) The separate account is a legally segregated asset account, the assets of which have a value at least equal to the reserves and other contract liabilities with respect to such account, and that portion of such assets, which has a value equal to the reserves and other contract liabilities of such account, is not chargeable with liabilities arising out of any other business which the insurance company may conduct; provided that this condition need not be satisfied until 6 months after the effective date of this section.

(2) Any contract which provides for allocation of contributions to the separate account, authorizes the contract holder to direct that assets held in the separate account applicable to the contract (other than amounts which, pursuant to the contract, have been allocated to provide retirement benefits to individual employees) be withdrawn or transferred, although such contract may (i) limit the amount that may be transferred in any one month to the greater of (a) $1 million or (b) 5 percent of the value of the contract holder's interest in the separate account at the time the original request for withdrawal or transfer is made and (ii) impose a surrender charge not to exceed 2 percent of the amount transferred, provided that a surrender charge in excess of 2 percent of the amount transferred may be imposed if the sales load and surrender charge, in the aggregate, do not exceed 6 percent.

(d) "Separate account," as used in this section 270.6e–1 shall mean a fund established and maintained by an insurance company pursuant to the law of any State or territory of the United States or the District of Columbia, under which income, gains, and losses, whether or not realized, from assets allocated to such fund, are, in accordance with the applicable contract, credited to or charged against such fund without regard to other income, gains, or losses of the insurance company.

(e) "Insurance company," as used in this section shall have the same meaning as that prescribed in section 2(a)(17) of the Act.

II. The text of the proposed amended Rule 156 (17 CFR 230.156) under the Securities Act reads as follows:

§ 230.156 Definition of "transactions by an issuer not involving any public offering" in section 4(2) of the Act and of "sale," "offer," "offer to sell," and "offer for sale" for purposes of section 5 of the Act, in connection with separate accounts exempted by § 270.3c–3 or § 270.6e–1 of this chapter.

(a) The phrase "transactions by an issuer not involving any public offering" in section 4(2) of the Act shall include any transaction with an employer, employers or persons acting on their behalf (herein called the "employer") whereby an insurance company offers, pursuant to a contract, interests or participations in a separate account, which meets the conditions and limitations set forth in § 270.3c–3 or § 270.6e–1 of this chapter: *Provided*, That:

(1) Such contract is negotiated with such employer for the benefit of at least 25 employees, provided further that, in the case of a contract which covers self-employed individuals and owner-employees some or all of whom are employees within the meaning of section 401(c) of the Internal Revenue Code, each partnership or sole proprietor employs at least 25 employees including such self-employed individuals and owner-employees; and

(2) Such contract is not advertised in any written communication which, insofar as it relates to interests or participations in a separate account, does more than identify the insurance company, state that it is engaged in the business of writing such contracts, sets forth a brief description of the nature of the separate account and of the basic provisions of the contract, and invites inquiries in regard thereto. The limitations of this clause shall not apply to disclosure made in the course of direct discussion or negotiation of such contract.

(b) For purposes only of section 5 of the Act, no "sale," "offer," "offer to sell," or "offer for sale" shall be deemed to be involved so far as an employee is concerned (whether or not there is a public offering to the employer), where allocations of employee contributions are made to a separate account entitled to the exemptions provided by § 270.6e–1 of this chapter pursuant to a contract which meets the conditions and limitations set forth in subparagraph (1) of paragraph (a) of this section: *Provided*, That:

(1) The employer does not engage any person for the purpose of inducing employees to participate under such contract or in a plan based on such contract or of inducing any elections on the part of employees under such contract or in such plan; and

(2) Any solicitation of individual employees by or on behalf of the insurance company is limited to discussions with the employer and to furnishing the employer with explanatory documents as required or contemplated by § 270.6e–1 of this chapter, or giving oral explanations, including answering of questions, at meetings of groups of employees arranged by the employer and no commissions are paid to the persons responsible for drafting the explanatory documents or for inducing any election on the part of the employee; and

(3) The employer makes a substantial contribution to the overall pension and profit-sharing program of which the contract is a part. An employer's contribution shall be deemed "substantial," as used in this section if the overall pension and profit-sharing program applicable to the employees covered by the program can be reasonably expected to provide for a contribution by the employer, over a period for which the program may reasonably be expected to be in operation, which in the aggregate is at least half as much as the contributions made by the employees. The foregoing requirement shall be deemed to have been satisfied if the employer has in the preceding 5 fiscal years, or since the inception of the program, if less than such 5 years, contributed in the aggregate at least half as much under such program as have the employees and the basis for determining contributions has not been changed since such past contributions were made to re-

duce the employer's anticipated contributions. At the inception of a program and at any time thereafter, notwithstanding that the aggregate contributions by the employer during such 5-year (or shorter) period do not amount to at least half as much under such program as was contributed by the employees, or that the basis for determining contributions has changed, a written certificate by a member of the American Academy of Actuaries, prepared in accordance with generally accepted actuarial standards, stating that the employer's contribution can reasonably be expected to be at least half as much as contributions to be made by the employees over a period for which the plan may reasonably be expected to be in operation and stating the basis thereof, shall be prima facie evidence of satisfaction of the requirement of this subparagraph at that time and for the ensuing year. A copy of each such certificate shall be filed with the Commission as an exhibit to the notification or report next following such certificate, filed pursuant to paragraph (b) of § 270.6e–1 of this chapter.

(Secs. 4, 19, 48 Stat. 77, 85, as amended, 15 U.S.C. 77d, 77s; secs. 6, 38(a), 54 Stat. 800, 841, 15 U.S.C. 80a–6, 80a–37)

All interested persons are invited to submit views and comments on proposed Rule 6e–1 under the Investment Company Act and the proposed amendment to Rule 156 under the Securities Act. Written statements of views and comments in respect of the proposed rule and the proposed amendment should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549 on or before April 8, 1969. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 6, 1969.

[F.R. Doc. 69–2900; Filed, Mar. 7, 1969; 8:50 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 27–45]

X-RAY INDUSTRIES, INC.

Notice of Issuance of Byproduct Material License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed issuance of Byproduct Material License, the Atomic Energy Commission has this date issued License No. 21–5472–3 authorizing X-Ray Industries, Inc., to receive and possess packaged waste byproduct material in any State of the United States except in Agreement States, as defined in § 30.4(c), 10 CFR Part 30, to store the packages at its facility located at 18721 John R Street, Detroit, Mich., and to dispose of the packaged waste byproduct material by transfer to authorized land burial sites. The license is in the form set forth in the notice of proposed issuance published in the FEDERAL REGISTER on February 4, 1969, 34 F.R. 1702.

Dated at Bethesda, Md., on March 4, 1969.

For the Atomic Energy Commission.

J. A. MCBRIDE, *Director, Division of Materials Licensing.*

[F.R. Doc. 69–2837; Filed, Mar. 7, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

TEXAS URANIUM CORP.

Order Suspending Trading

MARCH 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 5, 1969, through March 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–2818; Filed, Mar. 7, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

DEPUTY AREA DIRECTOR, ANADARKO AREA OFFICE, OKLA.

Redelegation of Authority

1. The Deputy Area Director, Bureau of Indian Affairs, Anadarko Area Office, Anadarko, Okla., is hereby authorized to exercise all the power and authority of the Area Director of the Anadarko Area Office as delegated by the Commissioner of Indian Affairs in line with Secretarial Order No. 2508 and as provided in 10 BIAM 3.

2. In the absence of the Area Director and the Deputy Area Director, persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

3. Delegation of authority included herein is not construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

4. The effective date of this delegation will be the date of signature by the Area Director.

SIDNEY M. CARNEY, *Area Director, Bureau of Indian Affairs, Anadarko Area Office, Anadarko, Okla.*

FEBRUARY 24, 1969.

[F.R. Doc. 69–2812; Filed, Mar. 7, 1969; 8:45 a.m.]

DEPUTY AREA DIRECTOR, MUSKOGEE AREA OFFICE, OKLA.

Redelegation of Authority

1. The Deputy Area Director, Bureau of Indian Affairs, Muskogee Area Office, is hereby authorized to exercise all the power and authority of the Area Director of the Muskogee Area Office, as delegated by the Commissioner of Indian Affairs in 10 BIAM 3.

2. The effective date of this delegation is the date of signature by the Area Director.

Dated: February 27, 1969.

VIRGIL N. HARRINGTON, *Area Director.*

[F.R. Doc. 69–2813; Filed, Mar. 7, 1969; 8:46 a.m.]

Bureau of Land Management

[A 3552]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Land

The Forest Service, U.S. Department of Agriculture has filed an application, Serial No. A 3552, for the withdrawal of lands under the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1).

Subject to valid existing rights the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g) as amended, would be added to and made a part of the Sitgreaves National Forest and would be subject to all laws and regulations applicable to said national forest:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 N., R. 13 E.,
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 25, SE¼SW¼ and SE¼;
Sec. 31, lots 1 to 14 inclusive, NE¼, and N½SE¼.

The areas described aggregate approximately 1,603 acres in Coconino County.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

Dated: February 26, 1969.

RILEY E. FOREMAN, *Acting State Director.*

[F.R. Doc. 69–2814; Filed, Mar. 7, 1969; 8:46 a.m.]

[A 3535]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial No. A 3535, for withdrawal of the lands described below, from all forms of entry or disposition including the mining; but not the mineral leasing laws.

The Bureau of Reclamation desires these lands for the implementation and construction of the Buttes Dam and Reservoir for the Colorado River Basin Project, part of the Central Arizona Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land

Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 11 E.,
Sec. 18, lots 1, 2, 3, and 4, E½W½ and E½.
T. 4 S., R. 13 E.,
Sec. 9, lot 1261B (MS), excepting Mineral Patent No. 29747.

The total areas of lands involved aggregate approximately 646.60 acres.

Dated: February 28, 1969.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 69-2815; Filed, Mar. 7, 1969; 8:46 a.m.]

National Park Service

[Order 1]

ADMINISTRATIVE OFFICER ET AL.

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, or Services

1. *Administrative Officer.* The Administrative Officer, Boston National Park Service Group, may execute, approve, and administer contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any unit under the administration of the Boston National Park Service Group.

2. *Revocation.* This order supersedes Order No. 1 issued March 25, 1963, for Minute Man National Historical Park Project, and Order No. 1 issued March 25, 1963, for Salem Maritime National Historic Site.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Northeast Region Order No. 5 (31 F.R. 8135))

Dated: February 6, 1969.

BENJAMIN J. ZERBEY,
General Superintendent, Boston National Park Service Group.

[F.R. Doc. 69-2816; Filed, Mar. 7, 1969; 8:46 a.m.]

Office of the Secretary

NATIVE FISH AND WILDLIFE

List of Endangered Species

In accordance with section 1(c) of the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa(c)), I find, after consulting with the States, interested organizations, and individual scientists, that the following listed native fish and wildlife are threatened with extinction:

MAMMALS

Indiana Bat	*Myotis sodalis.*
Utah Prairie Dog	*Cynomys parvidens.*
Delmarva Peninsula Fox Squirrel	*Sciurus niger cinereus.*
Eastern Timber Wolf	*Canis lupus lycaon.*
Texas Red Wolf	*Canis rufus rufus.*
San Joaquin Kit Fox	*Vulpes macrotis mutica.*
Black-footed Ferret	*Mustela nigripes.*
Florida Panther	*Felis concolor coryi.*
Caribbean Monk Seal	*Monachus tropicalis.*
Guadalupe Fur Seal	*Arctocephalus philippi townsendi.*
Florida Manatee or Florida Sea Cow	*Trichechus manatus latirostris.*
Key Deer	*Odocoileus virginianus clavium.*
Columbian White-tailed Deer	*Odocoileus virginianus leucurus.*
Sonoran Pronghorn	*Antilocapra americana sonoriensis.*

BIRDS

Hawaiian Dark-rumped Petrel	*Pterodroma phaeopygia sandwichensis.*
California Least Tern	*Sterna albifrons browni.*
Hawaiian Goose (Nene)	*Branta sandvicensis.*
Aleutian Canada Goose	*Branta canadensis leucopareia.*
Tule White-fronted Goose	*Anser albifrons gambelli.*
Laysan Duck	*Anas laysanensis.*
Hawaiian Duck (or Koloa)	*Anas wyvilliana.*
Mexican Duck	*Anas diazi.*
California Condor	*Gymnogyps californianus.*
Florida Everglade Kite (Florida Snail Kite)	*Rostrhamus sociabilis plumbeus.*
Hawaiian Hawk (or Io)	*Buteo solitarius.*
Southern Bald Eagle	*Haliaeetus l. leucocephalus.*
American Peregrine Falcon	*Falco peregrinus anatum.*
Attwater's Greater Prairie Chicken	*Tympanuchus cupido attwateri.*
Masked Bobwhite	*Colinus virginianus ridgwayi.*
Whooping Crane	*Grus Americana.*
Yuma Clapper Rail	*Rallus longirostris yumanensis.*
Light-footed Clapper Rail	*Rallus longirostris levipes.*
Hawaiian Gallinule	*Gallinula chloropus sandvicensis.*
Hawaiian Coot	*Fulica americana alai.*
Eskimo Curlew	*Numenius borealis.*
Hawaiian Stilt	*Himantopus himantopus knudseni.*
Puerto Rican Plain Pigeon	*Columba inornata wetmorei.*
Puerto Rican Parrot	*Amazona vittata.*
American Ivory-billed Woodpecker	*Campephilus p. principalis.*
Northern Red-cockaded Woodpecker	*Dendrocopus b. borealis.*
Southern Red-cockaded Woodpecker	*Dendrocopus borealis hylonomus.*
Hawaiian Crow (or Alala)	*Corvus tropicus.*
Small Kauai Thrush (Puaiohi)	*Phaeornis palmeri.*
Nihoa Millerbird	*Acrocephalus kingi.*
Kauai Oo (or Oo Aa)	*Moho braccatus.*
Crested Honeycreeper (or Akohekohe)	*Palmeria dolei.*
Molokai Creeper (or Kakawahie)	*Loxops maculata flammea.*
Akiapolaau	*Hemignathus wilsoni.*
Kauai Akialoa	*Hemignathus procerus.*
Kauai Nukupuu	*Hemignathus lucidus hanapepe.*
Maui Nukupuu	*Hemignathus lucidus affinis.*
Laysan Finch	*Psittirostra c. cantans.*
Nihoa Finch	*Psittirostra cantans ultima.*
Ou	*Psittirostra psittacea.*
Palila	*Psittirostra bailleui.*
Maui Parrotbill	*Pseudonestor xanthophrys.*
Bachman's Warbler	*Vermivora bachmanii.*
Kirtland's Warbler	*Dendroica kirtlandii.*
Dusky Seaside Sparrow	*Ammospiza nigrescens.*
Cape Sable Sparrow	*Ammospiza mirabilis.*

REPTILES AND AMPHIBIANS

American Alligator	*Alligator mississippiensis.*
Blunt-nosed Leopard Lizard	*Crotaphytus wislizenii silus.*
San Francisco Garter Snake	*Thamnophis sirtalis tetrataenia.*
Puerto Rican Boa	*Epicrates inornatus.*
Santa Cruz Long-toed Salamander	*Ambystoma macrodactylum croceum.*
Texas Blind Salamander	*Typhlomolge rathbuni.*
Black Toad, Inyo County Toad	*Bufo exsul.*
Houston Toad	*Bufo houstonensis.*

FISHES

Shortnose Sturgeon	*Acipenser brevirostrum.*
Longjaw Cisco	*Coregonus alpenae.*
Piute Cutthroat Trout	*Salmo clarki seleniris.*
Greenback Cutthroat Trout	*Salmo clarki stomias.*
Montana Westslope Cutthroat Trout	*Salmo clarki.*
Gila Trout	*Salmo gilae.*
Arizona (Apache) Trout	*Salmo sp.*
Desert Dace	*Eremichthys acros.*
Humpback Chub	*Gila cypha.*
Moapa Dace	*Moapa coriacea.*
Colorado River Squawfish	*Ptychocheilus lucius.*
Cui-ui	*Chasmistes cujus.*
Devils Hole Pupfish	*Cyprinodon diabolis.*
Comanche Springs Pupfish	*Cyprinodon elegans.*
Owens River Pupfish	*Cyprinodon radiosus.*
Pahrump Killifish	*Empetrichthys latos.*
Big Bend Gambusia	*Gambusia gaigei.*
Clear Creek Gambusia	*Gambusia heterochir.*
Gila Topminnow	*Poeciliopsis occidentalis.*
Maryland Darter	*Etheostoma sellare.*
Blue Pike	*Stizostedion vitreum glaucum.*

FEBRUARY 17, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-2811; Filed, Mar. 7, 1969; 8:45 a.m.]

Southeastern Power Administration

ADMINISTRATIVE OFFICER AND ADMINISTRATIVE ASSISTANT, OFFICE OF THE ADMINISTRATOR

Delegation of Authority With Respect to Entering Into Certain Contracts for Supplies or Services

1. The Administrative Officer, Office of the Administrator, may exercise the authority delegated to the Administrator under Chapter 205 DM 11 of the Departmental Manual with respect to:

Entering into contracts for supplies or services (excepting personal services) in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations when the amount involved is not in excess of $2,500.

2. The authority delegated under paragraph 1 hereof may be exercised by the Administrative Assistant, Office of the Administrator, when the amount involved is not in excess of $1,000.

3. This notice supersedes the delegation of authority dated October 29, 1962 (27 F.R. 10862).

CHAS. W. LEAVY,
Administrator

FEBRUARY 25, 1969.

[F.R. Doc. 69-2817; Filed, Mar. 7, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00224-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101, spare parts and accessory. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for studies centered around mutant strains of simian virus-40 and polyoma virus. Temperature sensitive and host range mutants have been isolated and a large number of additional mutants will be obtained. The primary sequence of nucleic acid in wild and mutant strains of virus-40 and polyoma virus is being investigated. The biological properties of these viruses will also be investigated with the aim of correlating specific changes in the nucleic acid with phenotypic changes. One of the major approaches in characterizing the mutant viruses will be electron microscopic examination of cells that have been infected at the restrictive temperature or during an infectious cycle with a restrictive host. Comments: No comments have been received with respect to this application. Decision: application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 19, 1968). Reasons: (1) The foreign article has a guaranteed resolving power of 3.5 angstroms. The only known comparable domestic instrument which was available prior to July 1, 1968, was the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 had a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens.

Therefore, the additional accelerating voltages provided by the foreign article are pertinent. For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-2804; Filed, Mar. 7, 1969; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00168–01–00200. Applicant: State University of New York at Albany, 1400 Washington Avenue, Albany, N.Y. 12203. Article: Ultraviolet absorptiometer, Model LKB 8300A Uvicord II. Manufacturer: LKB Produckter AB, Sweden. Intended use of article: The article is intended to be used in conjunction with the LKB 7000 Fraction Collector for studies concerning bacterial enzymes which become denatured during purification at room temperature. In addition, projects involved in separating derivatives of antibiotic bacitracin will be undertaken. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: For the purposes for which the foreign article is intended to be used the applicant requires an instrument that can be used in a cold laboratory (4° centigrade) or in a refrigerator. The foreign article is equipped with hermetically sealed electronics which significantly reduce corrosion that could lead to failures and ruined experiments. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 5, 1968, that experience with the foreign article and comparable domestic instruments in laboratory environments, where temperature and humidity change intermittently, clearly demonstrates the superior reliability of the foreign article. The corrosion resistance of the foreign article is therefore pertinent.

For this reason, we find that domestic ultraviolet absorptiometers are not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–2805; Filed, Mar. 7, 1969; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00421–00–46040. Applicant: University of Pennsylvania, Department of Pathology, 36th and Spruce Streets, Philadelphia, Pa. 19106. Article: Electronic shutter with exposure meter for Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used on an existing electron microscope to measure the exact exposure time. Application received by Commissioner of Customs: February 13, 1969.

Docket No. 69–00423–33–46040. Applicant: Tulane University, 6823 St. Charles Avenue, New Orleans, La. 70118. Article: Electron microscope, Model EM 300 with spare parts and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for research which include the following investigations:

1. Virology: Certain intracellular parasites are being investigated.

2. Protozoology: Ultrastructural studies of organisms of uncertain classification are being studied to understand either the taxonomic position or the biology of such parasites.

3. Reproduction in nematodes: This research is concerned with the chemically resistant shell layers which form about the oocytes of various nematodes immediately following sperm penetration.

4. Function of various cells and tissues of parasites.

Application received by Commissioner of Customs: February 14, 1969.

Docket No. 69–00424–98–28200. Applicant: Mississippi State University, Box 5167, State College, Miss. 39762. Article: Electron spin resonance spectrometer, Model JES–3BS–X. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used to introduce undergraduate physics majors to modern research problems in electron spin resonance spectroscopy. The experiments to be undertaken are as follows:

1. The study of free radicals formed in synthetic polypeptides after exposure to hydrogen atoms;

2. The examination of the resonance of colloidal particles of cesium in a cesium chloride crystal;

3. Future studies of the effects of chemical protectors when solutions of biological molecules are exposed to ultraviolet radiation.

Application received by Commissioner of Customs: February 14, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–2806; Filed, Mar. 7, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DRUGS FOR HUMAN USE; DRUG EFFICACY STUDY IMPLEMENTATION

Pyrazinamide

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drug: Pyrazinamide; 0.5 gram per tablet; marketed by Merck, Sharp & Dohme Products, Division of Merck & Co., Inc., Sumneytown Pike, West Point, Pa. 19486 (NDA 9–551).

The drug continues to be regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update "deemed approved" applications providing for this drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

PYRAZINAMIDE

A. *Effectiveness classification.*

1. The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and regards pyrazinamide as an effective bacteriostatic agent against *Myobacterium tuberculosis* that when used with other effective antituberculous drugs is suitable for treatment of active tuberculosis after failure of treatment with primary drugs.

2. The drug is regarded as lacking substantial evidence of effectiveness for its use alone for any condition and, particularly, to protect patients against tuberculosis complications following tuberculosis surgical procedures and to facilitate later reinstatement of therapeutic regimens with other antituberculous drugs.

B. *Form of drug.* Pyrazinamide preparations are in tablet form suitable for oral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Previously approved applications.*

1. Each holder of a "deemed approved" new-drug application (that is, an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform with the labeling conditions described herein for the drug.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed; if such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components) and 7 (composition) of the new-drug application form FD–356H and, to the extent described below for new applications, item 8 (methods, facilities, and controls) of FD–356H.

2. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accordance with subparagraphs 1 and 2 above are acted upon provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described herein.

D. *New applications.*

1. Any other person who distributes or intends to distribute such a drug intended for the conditions of use for which it has been shown to be effective, as described in paragraph A–1 above, should submit a new-drug application meeting the conditions specified in this announcement.

2. Such applications should include:

a. Proposed labeling which is in accord with the labeling conditions herein.

b. Adequate data to assure the biologic availability of the drug in the formulation marketed or proposed for marketing.

c. Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (Rx or OTC statement), 6 (components), and 7 (composition) of the new-drug application form FD–356H and, in lieu of full information described under item 8 (methods, facilities, and controls) of FD–356H, brief statements that:

i. Identify the place where the drug will be manufactured, processed, packaged, and labeled.

ii. Identify any person other than the applicant who performs a part of those operations and designate the part.

iii. Include certification from the applicant and from any person identified in ii above that the methods used in, and the facilities and controls used for, the manufacture, processing, packing, and holding of the drug are in conformity with current good manufacturing practice as prescribed by Part 133 (21 CFR Part 133).

iv. Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or if not listed, or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity.

v. Outline the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.

3. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the publication date of this announcement, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

E. *Labeling conditions.*

1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTION

Bacteriostatic against *Mycobacterium tuberculosis.*

INDICATIONS

Failure after adequate treatment with primary drugs (that is, isoniazid, streptomycin, aminosalicylic acid) in any form of active tuberculosis. Pyrazinamide should only be given with other effective antituberculous agents.

CONTRAINDICATION

Severe hepatic damage.

WARNINGS

Pyrazinamide should be used only when close observation of the patient is possible and when laboratory facilities are available for performing frequent reliable liver function tests and blood uric acid determinations.

Pyrazinamide should be discontinued and not be resumed if signs of hepatocellular damage or hyperuricemia accompanied by an acute gouty arthritis become manifest.

USAGE IN CHILDREN: Safe use of this drug in children has not been established. Because of its potential toxicity, its use in children should be avoided unless crucial to therapy.

PRECAUTIONS

Pretreatment examinations should include in vitro susceptibility tests of recent cultures of *M. tuberculosis* from the patient as measured against pyrazinamide and the usual primary drugs; however, there is no reliable in vitro test for pyrazinamide resistance.

Liver function tests (especially SGPT, SGOT determinations) should be carried out prior to and every 2 to 4 weeks during therapy.

This drug should be used with caution in patients with a history of gout or diabetes mellitus, as management may be more difficult.

ADVERSE REACTIONS

The principal untoward effect is a hepatic reaction. This varies from a symptomless abnormality of hepatic cell function, detectable only by laboratory tests, through a mild syndrome of fever, anorexia, malaise, liver tenderness, hepatomegaly and splenomegaly to more serious reactions such as clinical jaundice and rare cases of progressive fulminating acute yellow atrophy and death.

Other reactions are active gout, sideroblastica anemia, and adverse effects on the blood-clotting mechanism or vascular integrity.

DOSAGE AND ADMINISTRATION

Pyrazinamide should be administered with at least one other effective antituberculous drug.

Usual adult dose: 20 to 35 milligrams per kilogram per day in 3 to 4 divided doses; 3.0 grams per day should not be exceeded.

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to applications approved for this drug for the conditions of use described herein.

G. *Opportunity for a hearing.*

1. An applicant or any person who would be adversely affected by an order requiring deletion of the claims for which the drug lacks substantial evidence of effectiveness, as described in paragraph A–2 above, may request a hearing within 30 days after publication of this announcement in the FEDERAL REGISTER.

2. If no request for a hearing is received, the approval of all previously approved applications providing for such claims will be regarded as withdrawn and the applications will be approved as supplemented in accordance with this announcement. If such request is filed, and announcement will be published in the FEDERAL REGISTER setting forth the provisions of section 505(e) of the Act on the basis of which the Commissioner proposes to withdraw approval of such new-drug applications and all amendments and supplements thereto and stating those parts of this announcement which state that labeling deleting such claims shall be in use within 60 days after the date of this publication.

H. *Unapproved use or form of drug.*

1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it will be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after the publication hereof in the FEDERAL REGISTER.

A copy of the NAS–NRC report has been furnished to the firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS–NRC report: Press Relations Office (CE–300).

Supplements: Bureau of Medicine.

Original new-drug applications: Bureau of Medicine.

Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 28, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–2809; Filed, Mar. 7, 1969; 8:45 a.m.]

RUMEN BACTERIA

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Rufis Super Bio-Concentrate—a dried rumen bacteria concentrate marketed by Poul-An Laboratories, 207 Westport Road, Kansas City, Mo. 64111.

2. Bovinoculum Cap-Tabs and Powder—a dried rumen concentrate (4 billion micro-organisms per gram) marketed by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501.

3. Ru-Bac—a natural and culture concentrate of microflora marketed by Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 64141.

The Academy concludes that based on available evidence these products are not effective as rumen stimulators. The Food and Drug Administration concurs with the Academy's conclusion.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for these drugs and any others of similar composition and labeling.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for such drugs, and any interested person who may be adversely affected by removal of this drug from the market, to submit any pertinent data bearing on the proposal within 30 days from the date of the publication of this announcement in the FEDERAL REGISTER. Submissions should be addressed to the Bureau of Veterinary Medicine, Special Assistant for Drug Efficacy Study Implementation, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the new-drug applications for the drugs listed above have been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 3, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–2810; Filed, Mar. 7, 1969; 8:45 a.m.]

Social Security Administration

CZECHOSLOVAKIA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Czechoslovakia has in effect a social insurance system of general application which meets the requirements of section 202(t)(2)(A) in that it pays periodic benefits on account of old age, retirement, or death. On July 12, 1968, pursuant to an exchange of notes between the United States and Czechoslovakia, Czechoslovakia removed all restrictions on the payment of benefits to qualified U.S. citizens, effective as of July 1, 1968, thus permitting payment of benefits to qualified U.S. citizens while outside the country without regard to the duration of the absence. Therefore, the social insurance system of Czechoslovakia meets the requirements of section 202(t)(2)(B).

Accordingly, it is hereby determined and found that Czechoslovakia has in effect beginning with July 1, 1968, a social insurance system of general application which meets the requirements of section 202(t)(2)(A) and (B) of the Social Security Act (42 U.S.C. 402(t)(2)(A) and (B)).

This revises the finding published in the FEDERAL REGISTER of July 26, 1956 (23 F.R. 5674).

Dated: February 28, 1968.

ROBERT M. BALL,
Commissioner of Social Security.

[F.R. Doc. 69–2859; Filed, Mar. 7, 1969; 8:49 a.m.]

GAMBIA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that The Gambia does not have a social insurance or pension system which is of general application in that only government workers are covered by The Gambia's system.

Accordingly, it is hereby determined and found that The Gambia does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

The provisions of subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4)(A) and (B)) provide that section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under social security or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding herein, the limitation on payment of monthly benefits to aliens included in section 202(t)(1) does not apply to citizens of The Gambia receiving benefits on the earnings records of individuals who have 40 quarters of coverage under social security or who have resided in the United States for a period or periods aggregating 10 years or more.

Dated: February 28, 1968.

ROBERT M. BALL,
Commissioner of Social Security.

[F.R. Doc. 69–2860; Filed, Mar. 7, 1969; 8:49 a.m.]

HAITI

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Haiti does not have a social insurance or pension system of general application in effect in that benefits are not now payable nor will benefits be payable in the near future under the social insurance system of Haiti.

Accordingly, it is hereby determined and found that Haiti does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

The provisions of subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4)(A) and (B)) provide that section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding herein, the limitation on payment of benefits to aliens included in section 202(t)(1) does not apply to citizens of Haiti receiving benefits on the earnings records of individuals who have 40 quarters of coverage under social security or who have resided in the United States for a period or periods aggregating 10 years or more.

This supplements the finding with respect to Haiti published in the FEDERAL REGISTER of April 6, 1960 (25 F.R. 2939).

Dated: February 28, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

[F.R. Doc. 69–2861; Filed, Mar. 7, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary, Immediate Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–2850; Filed, Mar. 7, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service, the position of Special Assistant to the Secretary (Congressional Relations), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commission.

[F.R. Doc. 69–2851; Filed, Mar. 7, 1969; 8:49 a.m.]

PFS NURSES, VARIOUS LOCATIONS

Notice of Adjustment of Minimum Rates and Rate Ranges

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum rates and rate ranges for certain PFS–8 nurse positions in five locations as follows:

Note: Special rates authorized for PFS–6 and PFS–7 nurse positions in each location have not been changed. They are repeated here for convenience.

PFS–610 POSTAL FIELD SERVICE NURSE

Geographic coverage: (1) Baltimore, Md., Standard Metropolitan Statistical Area. (2) Boston, Mass., Standard Metropolitan Statistical Area. (3) Seattle, Wash.
Effective date: First day of the first pay period beginning on or after February 22, 1969.

PER ANNUM RATES

Level	1 [1]	2	3	4	5	6	7	8	9	10	11	12
PFS–6	$7,408	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528	$9,740
PFS–7	7,711	7,937	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197
PFS–8	8,015	8,258	8,501	8,744	8,987	9,230	9,473	9,716	9,959	10,202	10,445	

[1] Corresponding statutory rates: PFS–6—sixth; PFS–7—fifth; PFS–8—fourth.

PFS–610 POSTAL FIELD SERVICE NURSE

Geographic coverage: (1) Washington, D.C., Standard Metropolitan Statistical Area. (2) Detroit, Mich., Standard Metropolitan Statistical Area.
Effective date: First day of the first pay period beginning on or after February 22, 1969.

PER ANNUM RATES

Level	1 [1]	2	3	4	5	6	7	8	9	10	11	12
PFS–6	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528	$9,740	$9,952
PFS–7	7,937	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197	10,423
PFS–8	8,258	8,501	8,744	8,987	9,230	9,473	9,716	9,959	10,202	10,455	10,688	

[1] Corresponding statutory rates: PFS–6—seventh; PFS–7—sixth; PFS–8—fifth.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–2852; Filed, Mar. 7, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 5850–9, between the member lines of the North Atlantic Westbound Freight Association, which was published in Volume 34–32 of the FEDERAL REGISTER on February 15, 1969, further amends Article (4) of the basic agreement to provide "that for transportation in Great Britain and Northern Ireland members may absorb shippers costs as provided for in the Tariff." Article (8) is amended to require unanimous approval of decisions regarding such absorptions.

Dated: March 6, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–2913; Filed, Mar. 7, 1969; 8:50 a.m.]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of addendum to dual rate contract (general cargo) filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

The member lines of the North Atlantic Westbound Freight Association, Agreement No. 5850, as amended, have filed the following Addendum to their Exclusive Patronage (Dual Rate) Freight Contract (General Cargo):

To clarify the rights and obligations of the parties to the Freight Contract (General Cargo) of the North Atlantic Westbound Freight Association, it is understood and agreed that the cargo to which the contract applies as far as traffic to U.S.A. ports north of Cape Hatteras is concerned includes cargo moving from a point or port other than the vessels' port of loading, whether or not under a through bill of lading.

By order of the Federal Maritime Commission.

Dated: March 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–2914; Filed, Mar. 7, 1969; 8:50 a.m.]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of addendum to dual rate contract (wines and spirits) filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell and Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

The member lines of the North Atlantic Westbound Freight Association, Agreement No. 5850, as amended, have filed the following Addendum to their Exclusive Patronage (Dual Rate) Freight Contract (Wines and Spirits):

To clarify the rights and obligations of the parties to the Freight Contract (Wines and Spirits) of the North Atlantic Westbound Freight Association, it is understood and agreed that the cargo to which the contract applies as far as traffic to U.S.A. ports north of Cape Hatteras is concerned includes cargo moving from a point or port other than the vessels' port of loading, whether or not under a through bill of lading.

By order of the Federal Maritime Commission.

Dated: March 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–2915; Filed, Mar. 7, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69–378]

AZTEC OIL & GAS CO. ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

FEBRUARY 28, 1969.

On November 25, 1968, Aztec Oil & Gas Co. (Operator) et al. (Aztec), filed with the Commission five proposed changes in rates, among others, designated as Supplement Nos. 8, 8, 8, 6, and 8 to Aztec's FPC Gas Rate Schedule Nos. 25, 26, 27, 28, and 29, which pertain to Aztec's jurisdictional sales of natural gas from various fields in San Juan County, N. Mex. (San Juan Basin Area) to El Paso Natural Gas Co. and Southern Union Gathering Co. The Commission by order issued December 30, 1968, in Docket No. RI69–378, suspended for 5 months Aztec's rate filings until June 1, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On January 28, 1969, Aztec submitted five revised rate changes, all designated as Supplement No. 1 to the aforementioned supplements to Aztec's FPC Gas Rate Schedules set forth above, to correct presently suspended rate increases to reflect tax reimbursement. Aztec states that it inadvertently omitted tax reimbursement from prior rate increases which were suspended in Docket No. RI69–378 until June 1, 1969. Aztec requests that the suspension periods of the corrected rate changes be limited to the expiration date of the original rate changes. The proposed substitute rate filings are set forth in Appendix A hereto.

Aztec's proposed 15.0636-cent rates exceed the 13.0 cents per Mcf area ceiling rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61–1, as amended, as did the previously suspended rate in said docket. Since Aztec's revised filings include tax reimbursement, we conclude that it would be in the public interest to accept the substitute rate filings subject to the suspension proceeding in Docket No. RI69–378, with the suspension periods of such substitute rate filings to terminate concurrently with the suspension periods (June 1, 1969) of the original rate filings in said docket.

The Commission orders:

(A) The suspension order issued December 30, 1968, in Docket No. RI69–378, is amended only so far as to permit Supplement No. 1 to Supplement Nos. 8, 8, 8, 6, and 8 to Aztec's FPC Gas Rate Schedule Nos. 25, 26, 27, 28, and 29, respectively, to supersede Supplement Nos. 8, 8, 8, 6, and 8 to Aztec's aforementioned rate schedules, subject to the suspension proceeding in Docket No. RI69–378. The suspension periods for such substitute filings shall terminate concurrently with the suspension periods (June 1, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on December 30, 1968, in Docket No. RI69–378, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–375	Aztec Oil & Gas Co. (Operator) et al.,[1] 2000 First National Bank Bldg., Dallas, Tex. 75202.	25	1 to 8	Southern Union Gathering Co. (Blanco Mesaverde Pool, San Juan County, N. Mex.) (San Juan Basin Area).	$16	1–28–69	[2] 1–1–69	[3] 6–1–69	[4] 15.0	[5] 15.0636	
——do[6]		26	1 to 8	——do——	67	1–28–69	[2] 1–1–69	[3] 6–1–69	[4] 15.0	[5] 15.0636	
——do[6]		27	1 to 8	——do——	24	1–28–69	[2] 1–1–69	[3] 6–1–69	[4] 15.0	[5] 15.0636	
——do[6]		28	1 to 6	El Paso Natural Gas Co. (Blanco Mesaverde and Basin Dakota Pools, San Juan County, N. Mex.) (San Juan Basin Area).	51	1–28–69	[2] 1–1–69	[3] 6–1–69	[4] 15.0	[5] 15.0636	
——do[6]		29	1 to 8	El Paso Natural Gas Co. (Blanco Mesaverde Pool, San Juan County, N. Mex.) (San Juan Basin Area).	127	1–28–69	[2] 1–1–69	[3] 6–1–69	[4] 15.0	[5] 15.0636	

[1] Successor to Acoma Oil Corp. (Operator) et al.
[2] The stated effective date is the effective date requested by Respondent.
[3] Suspended until June 1, 1969, the expiration date of the prior increase suspended in Docket No. RI69–378.
[4] Tax reimbursement increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Increase from 14 cents to 15 cents suspended in Docket No. RI69–375, 14 cent rate is in effect subject to refund in Docket No. RI64–303.

[F.R. Doc. 69–2807; Filed, Mar. 7, 1969; 8:45 a.m.]

[Docket No. E–7468]

ILLINOIS POWER CO.

Notice of Application

MARCH 5, 1969.

Take notice that on February 20, 1968, a petition was filed with the Federal Power Commission by Illinois Power Co. (Applicant), a corporation organized under the laws of, and operating in 49 counties in, the State of Illinois, with its principal business office in Decatur, Ill., seeking the issuance of a declaratory order finding that the issuance by it of promissory notes under the terms of a revolving credit agreement with certain banks does not require the authorization of the Federal Power Commission under section 204 of the Federal Power Act, together with an Alternative Application for an order authorizing the issuance of unsecured promissory notes of up to $45 million aggregate face value.

The promissory notes will be payable to certain banks from which the Applicant may borrow funds, up to but not exceeding $45 million face amount, at any time or from time to time on or prior to December 31, 1969.

The Applicant proposes to issue the notes for the purpose of securing additional funds required by it for its 1969 construction program. The Applicant's 1969 construction program will require the expenditures of approximately $41,851,000 for electric production, $10,690,000 for electric transmission lines, $10,870,000 for electric substations, $19,335,000 for routine electric extensions and additions, $12,370,000 for routine gas extensions and additions and $8,420,000 for miscellaneous and general utility expenses.

Any person desiring to be heard or to make any protest with reference to said Alternative Application should, on or before March 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The Petition or Alternative Application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2853; Filed, Mar. 7, 1969; 8:49 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

[Public Law 90-146; 81 Stat. 466]

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Notice of Hearing and Amendment of Advance Notice of Hearings

Notice is hereby given that pursuant to section 3(a) of Public Law 90-146 the National Commission on Product Safety will hold public hearings at 9:30 a.m., on April 30 and May 1, 1969, in the Ceremonial Courtroom, 25th Floor, Federal Building, 219 South Dearborn Street, Chicago, Ill.

The subject of the hearings will be: How safe are household products? The subject will include consideration of the following:

(i) Evaluation of the existing level of safety of some categories of household products.

(ii) Some product hazards associated with particular age groups, such as the very young and the aged.

(iii) Some product hazards associated with low income groups.

(iv) The adequacy of existing techniques for reporting product-related injury data.

(v) Approaches used by some other nations to improve the safety of household products.

(vi) Appropriate national goals for the safety of household products.

Interested persons are invited to attend and participate by the submission of written statements. Such statements should be furnished to the Commission at its office, 1016 16th Street NW., Washington, D.C. 20036, not later than April 22, 1969. Such statements will be made a part of the record of the hearings and will be available for inspection by the public.

Interested persons desiring to offer oral testimony at these hearings should advise the Commission and file written statements setting forth the substance of their proposed testimony by April 22, 1969. The Commission will attempt to grant such requests to the extent time permits.

Persons desiring to furnish oral testimony or to submit statements at subsequent Commission hearings are invited to so advise the Commission in writing specifying the proposed subject of their testimony and group affiliation, if any.

This notice amends an advance notice of this hearing which appeared in the FEDERAL REGISTER on December 11, 1968, (33 F.R. 18414).

Dated: March 7, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-2951; Filed, Mar. 7, 1969; 9:34 a.m.]

SMALL BUSINESS ADMINISTRATION

MORRIS CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Morris Capital Corp., 10950 North May Avenue, Oklahoma City, Okla. 73120 (MCC), a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), License No. 10/10-0133.

MCC was licensed on November 8, 1963, and as of September 30, 1968, had paid-in capital and paid-in surplus from private sources of $155,000. It has 100,000 shares of issued and outstanding common stock held by Mr. Thomas S. Morris.

Mr. Morris has agreed, subject to SBA approval, to sell 100 percent of the stock of MCC to Pace Co., Main Street at 13th, Duncan, Okla. 73533, a finance company incorporated under the laws of the State of Oklahoma. The following individuals are the proposed new officers and directors:

Name, address, and proposed relationship

[1] Lloyd O. Pace, Main Street at 13th, Duncan, Okla. 73533, president and director.
Donald W. Douglas, 2212 Cedar, Duncan, Okla., vice president and director.
Dosson L. Ray, 617 North 18th Street, Duncan, Okla. 73533, treasurer and director.
Henry C. Booney, 406 North 21st, Duncan, Okla. 73533, secretary and director.

[1] Owns 75 percent of the common stock of Pace Co. directly and an additional 12½ percent indirectly.

The principal office of the Licensee presently will remain in Oklahoma City, Okla.

Matters involved in SBA's consideration of the application include the general business reputation and character of the foregoing individuals and the probability of successful operation of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in Oklahoma City and Duncan, Okla.

For SBA (pursuant to delegated authority).

Dated: February 28, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2819; Filed, Mar. 7, 1969; 8:46 a.m.]

EASTLAND CAPITAL CORP. AND MARGATE CAPITAL CORP.

Cancellation of SBIC Licenses

Notice is hereby given that the Small Business Administration (SBA) has accepted the surrender of License No. 03/04-0086 issued to Eastland Capital Corp., 1031 Kennedy Lane, Falls Church, Va. 22042 (Eastland), and License No. 03/04-0092 issued to Margate Capital Corp., 1925 North Lynn Street, Arlington, Va. 22207 (Margate), authorizing them to operate as small business investment companies under the Small Business Investment Act, as amended, 15 U.S.C. 661 et seq.

Under date of October 18, 1967, SBA concluded a settlement agreement with Eastland and Margate as well as with certain of their principals, which provided for repayment of all indebtedness owing by Eastland and Margate to SBA. The agreement further provided that upon repayment in full of the indebtedness to SBA, Eastland and Margate would surrender their licenses and cease in all respects to operate as licensed small business investment companies.

The indebtedness having been repaid in full, SBA by letter dated February 24, 1969, advised Eastland and Margate that it accepted surrender of the licenses as of that date, pursuant to the settlement agreement.

Pursuant to the foregoing, notice is hereby given that Licenses Nos. 03/04-0086 and 03/04-0092 and all rights, privileges, and franchises derived therefrom have been canceled and terminated as of February 24, 1969.

Dated: February 28, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2820; Filed, Mar. 7, 1969; 8:46 a.m.]

[Delegation of Authority No. 30 (Midwestern Area) Rev. 2, Amdt. 1]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the Midwestern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179 dated January 7, 1967, as amended (32 F.R. 8113, dated June 6, 1967; 33 F.R. 8793 dated June 15, 1968; 33 F.R. 17217 dated Nov. 20, 1968) Delegation of Authority No. 30, Revision 2, Midwestern Area, 33 F.R. 9851 dated July 9, 1968, is hereby amended by revising Items I.E.1., II.C., II.D., II.F.2, II.G.4, and II.G.12 to read as follows:

I. *Area coordinators.*

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E. *Financial assistance coordinator.*

1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

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II. *Regional Directors.*

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C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

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F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).*

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2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

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G. *Supervisory Loan Officer and/or Assistance Team Leader.*

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4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

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12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

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Effective Date: December 19, 1968.

RICHARD E. LASSAR,
Area Administrator, Midwestern Area.

[F.R. Doc. 69-2821; Filed, Mar. 7, 1969; 8:46 a.m.]

[Delegation of Authority No. 50-6 (Rev. 5), Southwestern Area, Dallas, Tex.]

AREA COORDINATORS

Delegation of Authority To Conduct Program Activities in Southwestern Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, Amendment 1, 32 F.R. 8113, dated June 6, 1967, Amendment 2, 33 F.R. 8793, dated June 15, 1968, and Amendment 3, 33 F.R. 17217, dated November 20, 1968, the following authority is hereby redelegated to the positions as indicated herein:

I. *Area Coordinators.*

A. *Development Company Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee.* To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator.*

1. *Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Area Administrative Officer.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors.*

A. *Financial assistance.*

1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
Regional Director,
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.*

** 1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

E. *Administration.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Chiefs, Financial Assistance Divisions* (and Assistant Chiefs, if assigned).

1. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

3. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Supervisory Loan Officer and/or Assistance Team Leader.*

1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name, Administrator)
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involv-

ing accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

H. *Loan Officer (financial assistance).*

1. To approve final actions concerning current direct or participation loans.

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity and disaster loans.

I. *Chief, Development Company Assistance Division.*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. *Loan Officer (development company assistance).*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

K. *Regional Counsel (reserved).*

L. *Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

M. *Assistant Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. *Branch Manager (Harlingen Branch Office).*

A. *Financial assistance.*

1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity, and disaster loans of any amount.

3. To close and disburse approved business, economic opportunity, and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ----------
(Name)
Branch Manager
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

C. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

D. *Administration.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Supervisory Loan Officer and/or Assistance Team Leader.*

1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area and regional approved loans, and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents, and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of

claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

F. *Loan Officer (financial assistance).*

1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity and disaster loans.

G. *Branch Counsel (Reserved).*

H. *Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproduction of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**4. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**6. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Assistant Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as Acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: November 26, 1968.

ROBERT E. WEST,
Area Administrator,
Southwestern Area.

[F.R. Doc. 69-2822; Filed, Mar. 7, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 5, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41575—*Phosphatic fertilizer solution to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2580), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, from Garfield, Utah, and Don, Idaho, to specified points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, and Nebraska.

Grounds for relief—Carrier competition.

Tariff—Supplement 273 to Western Trunk Line Committee, agent tariff ICC A-4411.

FSA No. 41576—*Aluminum sulphate from Roseport, Minn.* Filed by Southwestern Freight Bureau, agent (No. B-17), for interested rail carriers. Rates on aluminum sulphate, dry, or paper makers' alum, dry, in carloads, as described in the application, from Roseport, Minn., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 121 to Southwestern Freight Bureau, agent, tariff ICC 4690.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2854; Filed, Mar. 7, 1969; 8:49 a.m.]

[Investigation and Suspension Docket No. M-22930]

EASTERN CENTRAL TERRITORY

Small Shipment Rate Revision

In the matter of referral for hearing and directing special procedure.

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, That by order dated February 14, 1969, the Commission, Division 2, acting as an Appellate Division, instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations stated in tariff schedules designated in said order and suspended the operation of said schedules to and including September 14, 1969;

And it further appearing, That upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and that in the interest of expediting the hearing, the adoption of special procedure is required; and for good cause therefor:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to a hearing examiner (to be later designated) for hearing.

It is further ordered, That on or before April 15, 1969, the respondents and all interested persons in support thereof shall file with the Commission an original and two copies of the verified statements of their witnesses, in writing, together with any cost or traffic studies to be offered at the hearing with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding, and at the same time, serve a copy of such prepared material upon all persons who have already notified the Commission they intend to actively participate and all additional persons who on or before April 7, 1969, notify the Commission and respondents' counsel they intend to actively participate in the proceeding.

It is further ordered, That persons desiring to cross-examine witnesses of respondents or those in support of respondents who have submitted verified statements or other prepared material shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before April 22, 1969, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witness will be expected to have available for immediate reference at the hearing.

It is further ordered, That a hearing be, and it is hereby, assigned to commence on May 6, 1969, 9:30 a.m., District of Columbia daylight saving time, at the offices of the Interstate Commerce Commission, Washington, D.C., for the purpose of hearing cross-examination of witnesses so requested and such other pertinent evidence which the examiner deems necessary to complete the initial stage of the hearing.

It is further ordered, That on or before June 3, 1969, protestants and all interested persons in support thereof shall file with the Commission an original and two copies of their evidence in the form of verified statements, in writing, and at the same time, serve a copy of such prepared material upon respondents' counsel and all persons who appear and actively participate at the hearing scheduled to commence on May 6, 1969.

It is further ordered, That persons desiring to cross-examine protestants' witnesses who have submitted verified statements or other prepared material shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before June 10, 1969, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witness will be expected to have available for immediate reference at the hearing.

It is further ordered, That a hearing be, and it is hereby, assigned to commence on June 17, 1969, 9:30 a.m., District of Columbia daylight saving time, at the offices of the Interstate Commerce Commission, Washington, D.C., for the purpose of hearing cross-examination of witnesses so requested on or before June 10, 1969, as provided herein; to afford opportunity for the respondents to present their rebuttal testimony; and to hear such other pertinent evidence which the examiner deems necessary to complete the record.

It is further ordered, That all verified statements and attachments as to which no cross-examination is requested shall be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so subjects his verified statement to a motion to strike.

It is further ordered, That a copy of this order be served upon all respondents and protestants to this proceeding and that a copy be filed in the office of the Secretary of the Commission, Washington, D.C., as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents or protestants who are not actively participating in the proceeding, subsequent service herein of notices and orders of the Commission will be limited to those respondents and protestants who:

(1) Have specifically made written request to the Secretary of the Commission to be included on the service list to actively participate and to receive copies of the material to be served as outlined herein, or

(2) Have appeared at a hearing.

Dated at Washington, D.C., this 28th day of February, 1969.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2855; Filed, Mar. 7, 1969; 8:49 a.m.]

[Notice 791]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 5, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2153 (Sub-No. 40 TA), filed March 3, 1969. Applicant: MIDWEST MOTOR EXPRESS, INC., 12th Street and Front Avenue, Box 1058, Bismarck, N. Dak. 58501. Applicant's representative: F. J. Smith, Post Office Box 1436, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 MCC 467, commodities in bulk, and commodities requiring special equipment); (1) between Beach, N. Dak., and Glendive, Mont., over U.S. Highway 10 and Interstate Highway 94, serving the intermediate point of Wibaux, Mont.; (2) between Wilton, N. Dak., and Bowdon, N. Dak., from Wilton to Mercer, N. Dak., over North Dakota Highway 41, thence over North Dakota Highway 7 to Bowdon, and return over the same route, serving the intermediate points of McClusky, Denhoff, Goodrich, Hurdsfield, and Chasely, N. Dak.; and (3) between Hurdsfield, N. Dak., and Steele, N. Dak., over North Dakota Highways 7 and 3, serving the intermediate point of Tuttle, N. Dak., for 180 days. NOTE: Applicant states it intends to tack the authority here applied for with present authority held by it under No. MC 2153 and Subs. Supporting shippers: There are approximately 83 statements from supporting shippers attached to the application, which statements may be examined here at the Interstate Commerce Commission, in Washington, D.C., or at the field office named below. Send protests to: District Supervisor J. H. Ambs, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 30837 (Sub-No. 364 TA), filed February 28, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Stump removers and parts and attachments therefor,* from Pomona, Calif., to points in the United States (except Alaska and Hawaii). (Applicant holds authority to transport street sweepers, chippers, brush cutters, and related commodities, from Pomona, Calif., to points throughout the United States, with certain minor exceptions, and here proposes to transport stump removers in either straight or mixed truckload shipments of street sweepers, chippers, brush cutters, and related commodities), for 180 days. Supporting shipper: Wayne Manufacturing Co., 1201 East Lexington Street, Pomona, Calif. 91766 (S. A. Magee, Traffic Manager). Send protests to: District Super-

visor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 30837 (Sub-No. 365 TA), filed February 28, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except those designed to be drawn by passenger automobiles), from Bellevue, Ohio, and Ebensburg, Pa., to points in the United States, for 180 days. Supporting shipper: Leonard Hynes, Military Traffic Management Terminal Service, Department of Defense, Washington, D.C. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 52460 (Sub-No. 101 TA), filed February 28, 1969. Applicant: HUGH BREEDING, INC., 1420 West 35th, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles: (1) from the plantsite and facilities of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; restricted to the transportation of shipments which originate at the plantsite and facilities of Hill Chemicals, Inc., located at or near Borger, Tex., and are destined to points in the named destination States; (2) from the terminal located on the ammonia pipeline of MAPCO, Inc. (formerly Mid-America Pipeline Co.) located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; restricted to the transportation of shipments which originate at the facility of MAPCO, Inc., located at or near Conway, Kans., and are destined to the points in the named destination States; (3) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; restricted to the transportation of shipments which originate at the facilities of MAPCO, Inc., located at or near Greenwood, Nebr., and are destined to the points in the named destination States; (4) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; restricted to the transportation of shipments which originate at the facilities of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, and are destined to points in the named destination States, for 180 days. Supporting shipper: A. E. Macdonald, Manager, Distribution and Traffic, Cominco American, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office and Courthouse Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107295 (Sub-No. 171 TA), filed February 28, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated products*, from Grand Rapids, Mich., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Distco Laminating, 212 Logan SW., Grand Rapids, Mich. 49502. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 175 TA), filed March 3, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor arches and contractor's equipment and materials*, between Miamitown, Ohio, and points in the United States, for 180 days. Supporting shipper: Gateway Building Products, 3233 West Grand Avenue, Chicago, Ill. 60651. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 111170 (Sub-No. 127 TA), filed February 28, 1969. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bulk, from plantsite or storage facilities of Monsanto Co. located at El Dorado, Ark. to points in Oklahoma and Texas, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519, Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114533 (Sub-No. 182 TA), filed February 28, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing systems, components, and parts*, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin (except Madison, Green Bay, Oshkosh, Appleton, Milwaukee, and Sheboygan), Michigan (except Flint, Saginaw, Kalamazoo, and Detroit), Indiana (except Fort Wayne, Indianapolis, Lafayette, South Bend, and Terre Haute), Missouri (except St. Louis), and Ohio (except Toledo and Cleveland), between Detroit, Mich., on the one hand, and, on the other, points in Indiana and Ohio, for 180 days. Supporting shipper: International Business Machines Corp., 310 West Madison Street, Chicago, Ill. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127799 (Sub-No. 3 TA) (Correction), filed January 31, 1969, published FEDERAL REGISTER, issue of February 14, 1969, and republished as corrected this issue. Applicant: LUPPES TRANSPORT COMPANY, INC., Post Office Box 152, Webster City, Iowa 50595. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. NOTE: Previous notice, as published in the FEDERAL REGISTER, set forth that protests should be sent to the Federal Highway Administration, Department of Transportation, Washington, D.C. This should have read: Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128279 (Sub-No. 6 TA), filed February 28, 1969. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, 4800 Jefferson NE., Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 LaVeta Drive NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Specially designed trailers*, from Denver, Colo., to Los Alamos, N. Mex., for 180 days. Supporting shipper: Timpte, Inc., 4300 Second Street NW., Albuquerque, N. Mex. 87107. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 133351 (Sub-No. 1 TA) (Correction), filed February 14, 1969, published the FEDERAL REGISTER issue of February 26, 1969, and republished as corrected, this issue. Applicant: ELTON F. PERKINS, doing business as PERKINS LUMBER COMPANY, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 465 Congress Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor systems and machinery used in the shoe and textile industries and parts thereof*, from Lewiston, Maine, to points in States east of North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. NOTE: The purpose of this republication is to clarify the territorial description, which was erroneously shown in previous publication. Supporting shipper: Diamond Machinery Co., River Road, Lewiston, Maine 04240. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2856; Filed, Mar. 7, 1969; 8:49 a.m.]

[Notice 307]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 5, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71070. By order of February 28, 1969, the Motor Carrier Board approved the transfer to Charles Wright and C. Weldon Wright, a partnership, doing business as Charles Wright Lease Work & Construction, Kermit, Tex., of the certificate of registration in No. MC-99320 (Sub-No. 1) issued April 20, 1964, to W. F. Ammons, doing business as Ammons Trucking Co., Wink, Tex., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the operations authorized by specialized motor carrier certificate No. 5123 dated February 8, 1955, issued by the Railroad Commission of Texas. Glen Williamson, Esq., Finley and Scogin, 211 North Oak Street, Kermit, Tex. 79745, attorney for applicants.

No. MC-FC-71118. By order of February 28, 1969, the Motor Carrier Board approved the transfer to William A. Steele, Inc., Lanesborough, Mass., of certificate of registration No. MC-99807 (Sub-No. 1), issued February 17, 1965, to Elizabeth M. McCormick, doing business as John C. McCormick, Pittsfield, Mass. This certificate of registration evidences the right to engage in transportation pursuant to Irregular Routes Common Carrier Certificate No. 1419, issued July 1, 1964, by the Massachusetts Department of Public Utilities. Charles R. Alberti, 36 Cliffwood Street, Lenox, Mass. 01240, attorney for applicants.

No. MC-FC-71122. By order of February 26, 1969, the Motor Carrier Board approved the transfer to Hart's Terminal & Cartage Co., an Illinois corporation, Chicago, Ill., of certificate of registration No. MC-97660 (Sub-No. 2), issued February 27, 1964, to James Hart, doing business as Hart's Terminal & Cartage, Chicago, Ill., authorizing the transportation of specified commodities in Illinois. Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641, representative of applicants.

No. MC-FC-71123. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Paul L. Zamberlan & Sons, Inc., Lewis Run, Pa., of the operating rights in certificates No. MC 118866 and subs thereunder, and in permit No. MC-45500, issued on various dates to Paul L. Zamberlan, Lewis Run, Pa., authorizing the transportation of: Brick, tile, clay products, propane gas, lumber, pipe, and heavy machinery and road building materials from and between specified points in Pennsylvania and New York to points in New York, Pennsylvania, Connecticut, Massachusetts, Vermont, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, Indiana, Kentucky, Tennessee, and the District of Columbia. *Involving Dual Authority.* Albert A. Griffin, Esquire, Post Office Box 425, Bradford, Pa. 16701, attorney for applicants.

No. MC-FC-71125. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Fitch Motor Lines, Inc., Scranton, Pa., of certificates Nos. MC-52776 and MC-52776 (Sub-No. 6), issued January 24, 1965, and October 25, 1962, to E. V. Fitch, Jr., doing business as Fitch Motor Lines, Scranton, Pa., authorizing the transportation of: Coal, from points in Lackawanna, Luzerne, and Schuylkill Counties, Pa., to points as specified in New Hampshire, Massachusetts, Vermont, and New York, from points in Lackawanna and Luzerne Counties, Pa., to points as specified in New York; cullet, in bulk, from Jersey City, N.J., and points in Pennsylvania, to Elmira, N.Y.; and scrap iron, steel, and copper, in bulk, from Dickson City Pa., to Roebling, Perth Amboy, and Mahwah, N.J. Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2857; Filed, Mar. 7, 1969; 8:49 a.m.]

[Notice 307-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 6, 1969.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

F.D. No. 25552. By order of March 6, 1969, The Motor Carrier Board approved the transfer to Onondaga Corp., 1 East Wacker Drive, Chicago, Ill., of Certificate No. W-616, issued September 25, 1943, to Gartland Steamship Co., a corporation, same address, authorizing the transportation, in self-propelled vessels, of: Commodities generally, between all ports and points on the Great Lakes, the St. Lawrence River, and interconnecting waterways, not including the New York State Canal System. Steve C. Dune, 1 Wall Street, New York, N.Y. 10005, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2908; Filed, Mar. 7, 1969; 8:50 a.m.]

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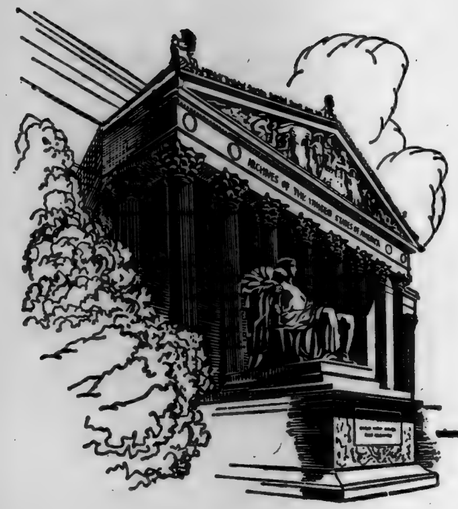
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Title 3—THE PRESIDENT

Executive Order 11459

DESIGNATION OF THE SECRETARY OF TRANSPORTATION TO APPROVE AND CERTIFICATE CONTAINERS AND VEHICLES FOR USE IN INTERNATIONAL TRANSPORT

By virtue of the authority vested in me as President of the United States, I hereby designate the Secretary of Transportation to take all actions, including the issuance of regulations, which he considers appropriate to carry out in the most effective manner the approval and certification of containers and vehicles for international transport of goods under customs seal pursuant to the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), done at Geneva on January 15, 1959 (TIAS 6633), and the Customs Convention on Containers, done at Geneva on May 18, 1956 (TIAS 6634), applying the procedures and technical conditions set forth in the Annexes to such Conventions as modified, amended, or otherwise supplemented from time to time.

The Secretary of Transportation may prescribe a schedule of fees to defray the costs of the services provided under this Order.

The Secretary of Transportation may make such delegations of his authority and functions hereunder as he shall deem appropriate, and may authorize further delegations of such authority or functions, other than the issuance of regulations, to nonprofit firms or associations which he shall deem competent to exercise such authority or perform such functions.

Richard Nixon

THE WHITE HOUSE,
March 7, 1969.

[F.R. Doc. 69–2993; Filed, Mar. 7, 1969; 4:24 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 171, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER 5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 907.471 (Navel Orange Reg. 171, 34 F.R. 2650) are hereby amended to read as follows:

§ 907.471 Navel Orange Regulation 171.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 962,000 cartons;

(ii) District 2: 288,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 6, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2931; Filed, Mar. 10, 1969; 8:49 a.m.]

[Lemon Reg. 363, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 910.663 (Lemon Reg. 363, 34 F.R. 3674) are hereby amended to read as follows:

§ 910.663 Lemon Regulation 363.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 13,950 cartons;

(ii) District 2: 213,900 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 6, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-2929; Filed, Mar. 10, 1969; 8:49 a.m.]

[953.309]

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953; 33 F.R. 8502, 8506), regulating the handling of Irish potatoes grown in designated counties of Virginia and North Carolina, was published in the FEDERAL REGISTER, January 31, 1969 (34 F.R. 1564). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 30 days after publication. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Southeastern Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

§ 953.309 Limitation of shipments.

During the period June 5 through July 31, 1969, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for potato chipping, canning, freezing, livestock feed, or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section.

(d) *Safeguards.* Each handler making shipments of potatoes for potato chipping, canning, freezing, livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Dated March 6, 1969, to become effective June 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–2930; Filed, Mar. 10, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–AL–4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Federal Airways; Extension of Jet Route; Designation of Reporting Points

Correction

In F.R. Doc. 69–1589 appearing at page 1894 of the issue for Saturday, February 8, 1969, in the first line of the description for § 71.109, the reference to "B–17" should read "B–27".

[Airspace Docket No. 69–WA–7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Areas and Control Zone

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make minor and editorial changes by amending the description of Control 1234 to exclude a small portion of this control area which lies within Restricted Area R–2204; amend the description of Control 1310 to reflect the name change of Anchorage, Alaska, VOR to Anchorage, Alaska, VORTAC and delete the exclusion of Warning Area W–533; and amend the description of the Big Delta, Alaska, control zone to reflect the name change of Big Delta AAF to Allen AAF. There is presently a minor portion of Control 1234 which lies within R–2204. This portion will be excluded as it is no longer required for air traffic control purposes. The deletion of W–533 from the description of Control 1310 would correct the description of this control area as this warning area has previously been revoked.

Since these amendments are editorial and minor in nature and will not materially affect the extent of controlled airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

1. Section 71.163 (34 F.R. 4549) is amended as follows:

a. In "Control 1234," "The portion within R–2204 is excluded." is added to the end of text.

b. In "Control 1310" wherever "Anchorage, Alaska, VOR" or "Anchorage VOR" appears "Anchorage, Alaska, VORTAC" and "Anchorage VORTAC" is substituted therefor, and "and W–533" is deleted.

2. In § 71.171 (34 F.R. 4557) "Big Delta, Alaska," is amended by deleting "Big Delta AAF" and substituting "Allen AAF" therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on March 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–2886; Filed, Mar. 10, 1969; 8:46 a.m.]

[Airspace Docket No. 69–CE–4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to designate the Champaign, Ill., and Danville, Ill., VORTACs as domestic low altitude reporting points. These actions will assist air traffic controllers to more precisely identify aircraft operating in accordance with Instrument Flight Rules in a nonradar environment.

Since these amendments are minor in nature, the Administrator has determined that notice and public procedure thereon is unnecessary. However, since it is necessary that sufficient time be allowed to permit the appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.203 (34 F.R. 4792) the following are added as domestic low altitude reporting points.

1. Champaign, Ill.
2. Danville, Ill.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on March 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–2886; Filed, Mar. 10, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7751 c.]

PART 13—PROHIBITED TRADE PRACTICES

Crowell-Collier Publishing Co. and P. F. Collier & Son Corp.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155–100 Usual as reduced, special, etc.; § 13.240 *Special or limited offers;* § 13.255 *Surveys.* Subpart—Misrepresenting oneself and goods—GOODS: § 13.1625 *Free goods or services;* § 13.1747 *Special or limited offers;* § 13.1757 *Surveys;* Misrepresenting oneself and goods—PRICES: § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Crowell-Collier Publishing Co. et al., New York, N.Y., Docket 7751, Feb. 4, 1969]

In the Matter of Crowell-Collier Publishing Co., a Corporation, and P. F. Collier & Son Corp., a Corporation

Final order making effective the cease and desist order of September 30, 1966, 31 F.R. 14518, prohibiting a New York City publisher from using false claims in selling its encyclopedias by door-to-door solicitation, and making the same order effective against the respondent parent corporation, its successor and the new subsidiary.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the order issued September 30, 1966 be, and it hereby is, effective this date.

It is further ordered, That said order be, and it hereby is, effective against respondent The Crowell-Collier Publishing Co., under this or any other name, its successors or assigns.

It is further ordered, That P. F. Collier & Son Corp. or any successor or assign of the business thereof which may now be in existence, and The Crowell-Collier Publishing Co. shall both, within sixty (60) days after the effective date of this order, file with the Commission, a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 4, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–2871; Filed, Mar. 10, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Dissemination of Uniform Warranty Plan by Trade Association to Members

§ 15.329 Dissemination of uniform warranty plan by trade association to members.

(a) The Commission rendered an advisory opinion to a trade association of retailers that its proposal to circulate a uniform warranty among its membership would likely result in violation of Commission administered laws. The warranty in question, applicable within 100 miles of a dealer's store, provides:

(1) The extent of the liability of this firm to service merchandise purchased from us is limited to this policy and it is in addition to any written guarantee included from the manufacturer involved.

(2) Under conditions of normal usage, our store warrantees (sic) our (products) to be free from defects in workmanship and structural materials for a period of 1 year from the date of purchase. This guarantee does not apply to damages resulting from negligence, misuse, or accidents.

(3) We will repair or replace at our option any defective item, or part, at absolutely no charge. In determining the cause or nature of the defect, and the manner of repair; the judgement of this firm will be final.

(b) The Commission concluded that it could not render advice with respect to that portion limiting retailer liability to the warranty terms nor to the comment that the warranty is in addition to any manufacturer's written guarantee. This position was taken for the reason that the question of warranties is being currently examined, specifically as they relate to the automotive industry, and any Commission statement along these lines at this time would be premature.

(c) Nor could the Commission approve the remainder of the proposed warranty for the reason that it is not a simple, generalized guideline intended to assist the membership in drafting warranties embracing their own terms but is, in fact, an actual 1 year warranty incorporating predetermined and definite terms and conditions for use without change by members. For this reason the Commission advised that should the proposed warranty be selected by all or a substantial number of Association members the likely purpose and probable result would be the adoption of anticompetitive uniform terms and conditions by the membership and would, therefore, be objectionable.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: March 10, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–2868; Filed, Mar. 10, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Advertising for Orthopedic Pillow

§ 15.330 Proposed advertising for orthopedic pillow.

(a) The Commission was requested to render an advisory opinion with respect to proposed advertising for a pillow intended for orthopedic and therapeutic purposes, which would represent that the device was designed for use in cervical spine, low back pain cases and by cardiac patients.

(b) The opinion advised the advertisers that while the Commission has no objection to representations that the device might afford temporary relaxation and comfort under certain conditions, any representations in advertising that the pillow is a health device particularly useful for cervical spine, low back pain and cardiac cases would appear to have the capacity and tendency to deceive.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: March 10, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–2869; Filed, Mar. 10, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Food Product

§ 15.331 Disclosure of origin of imported food product.

(a) The Commission rendered an advisory opinion to a trade association which involved the question of whether it is necessary to disclose the origin of an imported food product. Imported in its entirety, the product is later sliced and packed in containers in the United States for sale to the general public.

(b) Ruling that the product's origin must be disclosed, the Commission said: "* * * as to this product, the country of origin may be a material fact to many consumers in deciding whether to make a purchase, and that it should therefore be disclosed to them in an appropriate manner at the point of sale."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: March 10, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–2869; Filed, Mar. 10, 1969; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Blackfeet Indian Irrigation Project, Mont.

On page 1168 of the FEDERAL REGISTER of January 24, 1969, there was published a notice of intention to modify §§ 221.130 *Basic assessment* and 221.131 *Excess water assessment,* of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Blackfeet Indian Irrigation Project, Mont. The purpose of the modification is to establish the assessment rate for 1969 and thereafter until further notice.

A 30-day period was prescribed for the public to have the opportunity to participate in the rule making process and submit written comments, suggestions, or objections. Comments and protests received from water users indicate that a

modification of the published intended rate of $3.10 per acre should be reconsidered. This has been done and the proposed modification of $3.10 per acre is adjusted downward to $3 per acre as set forth below:

§ 221.130 Basic assessment.

Pursuant to the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be under the Blackfeet Indian Irrigation Project, Mont., for the season of 1969 and subsequent years until further notice is hereby fixed at $3 per acre per annum for the delivery of not to exceed 1½ acre-feet of water per acre for the assessable area under constructed works, water to be delivered on demand, based upon an estimated quota of the available supply.

§ 221.131 Excess water assessment.

Additional water, when available, may be delivered upon request at the rate of $1.67 per acre foot or fraction thereof.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-2881; Filed, Mar. 10, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—SCHEDULE FOR RATING DISABILITIES

Inactive Tuberculosis

1. In § 4.71a, diagnostic code 5001 is amended to read as follows:

§ 4.71a Schedule of ratings—musculoskeletal system.

* * * * *

		Rating
5001	Bones and joints, tuberculosis of, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

2. Section 4.84 is revised to read as follows:

§ 4.84 Differences between distant and near visual acuity.

Where there is a substantial difference between the near and distant corrected vision, the case should be referred to the Director, Compensation, Pension and Education Service.

3. In § 4.84a, diagnostic code 6010 is amended to read as follows:

§ 4.84a Schedule of ratings—eye.

* * * * *

		Rating
6010	Eye, tuberculosis of, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

4. A new § 4.88b is added to read as follows:

§ 4.88b Ratings for inactive nonpulmonary tuberculosis initially entitled after August 19, 1968.

	Rating
For 1 year after date of inactivity, following active tuberculosis	100
Thereafter: Rate residuals under the specific body system or systems affected.	

Following the total rating for the 1 year period after date of inactivity, the schedular evaluation for residuals of nonpulmonary tuberculosis, i.e., ankylosis, surgical removal of a part, etc., will be assigned under the appropriate diagnostic code for the residual preceded by the diagnostic code for tuberculosis of the body part affected. For example, tuberculosis of the hip joint with residual ankylosis would be coded 5001–5250. Where there are existing residuals of pulmonary and nonpulmonary conditions, the evaluations for residual separate functional impairment may be combined.

Where there are existing pulmonary and nonpulmonary conditions, the total rating for the 1 year, after attainment of inactivity, may not be applied to both conditions during the same period. However, the total rating during the 1-year period for the pulmonary or for the nonpulmonary condition will be utilized, combined with evaluation for residuals of the condition not covered by the 1-year total evaluation, so as to allow any additional benefit provided during such period.

5. In § 4.89, the headnote is amended and a note is added immediately following the headnote to read as follows:

§ 4.89 Ratings for inactive nonpulmonary tuberculosis in effect on August 19, 1968.

NOTE: Public Law 90–493 repealed section 356 of title 38, United States Code which provided graduated ratings for inactive tuberculosis. The repealed section, however, still applies to the case of any veteran who on August 19, 1968, was receiving or entitled to receive compensation for tuberculosis. The use of the protective provisions of Public Law 90–493 should be mentioned in the discussion portion of all ratings in which these provisions are applied. For use in rating cases in which the protective provisions of Public Law 90–493 apply, the former evaluations are retained in this section.

* * * * *

6. Sections 4.90, 4.91, 4.92, and 4.93 are revoked.

§ 4.90 Direct service-connection for inactive pulmonary tuberculosis shown by X-ray evidence during active service. [Revoked]

§ 4.91 Hospital observation. [Revoked]

§ 4.92 Sputum certification. [Revoked]

§ 4.93 Classification on maximum advancement for rating purposes. [Revoked]

7. Section 4.94 is revised to read as follows:

§ 4.94 Determination of inactivity, "complete arrest," in tuberculosis.

A veteran shown to have had active pulmonary tuberculosis will be held to have reached a condition of "complete arrest" when a diagnosis of inactive is made. Noncavitary pulmonary tuberculosis will be considered to be inactive when bacteriologic tests have been negative on serial examinations for 6 months and serial roentgenograms have shown stable or slightly clearing or contracting lesions with no evidence of cavitation for 6 months. Cavitary pulmonary tuberculosis will be considered to be inactive when bacteriologic examinations have been negative on serial examinations for 18 months; the presence of residual cavitation is permitted and slight variations in size of the cavity are permissible.

8. Section 4.95 is revoked.

§ 4.95 Rating pulmonary tuberculosis cases. [Revoked]

9. Section 4.96 is revised to read as follows:

§ 4.96 Rating coexisting and "protected" respiratory conditions.

(a) *Rating coexisting respiratory conditions.* Ratings under diagnostic codes 6600 to 6818, inclusive, and 6821 will not be combined with each other. Where there is lung or pleural involvement, ratings under diagnostic codes 6819 and 6820 will not be combined with each other or with diagnostic codes 6600 to 6818 inclusive and 6821. A single rating will be assigned under the diagnostic code which reflects the predominant disability picture with elevation to the next higher evaluation where the severity of the overall disability warrants such elevation. However, in cases protected by the provisions of Public Law 90–493, with the graduated ratings for 50 and 30 percent for inactive tuberculosis, elevation is not for application.

(b) *Rating "protected" tuberculosis cases.* Public Law 90–493 repealed section 356 of title 38, United States Code which had provided graduated ratings for inactive tuberculosis. The repealed section, however, still applies to the case of any veteran who on August 19, 1968, was receiving or entitled to receive compensation for tuberculosis. The use of the protective provisions of Public Law 90–493 should be mentioned in the discussion portion of all ratings in which these provisions are applied. For application in rating cases in which the protective provisions of Public Law 90–493 apply the former evaluations pertaining to pulmonary tuberculosis are retained in § 4.97.

10. In § 4.97, diagnostic codes 6515 and 6701 through 6732 "Diseases of the Lungs and Pleura—Tuberculosis" are revised to read as follows:

§ 4.97 Schedule of ratings—respiratory system.

* * * * *

		Rating
6515	Laryngitis, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

	DISEASES OF THE LUNGS AND PLEURA—TUBERCULOSIS	Rating
6701	Tuberculosis, pulmonary, chronic, far advanced, active	
6702	Tuberculosis, pulmonary, chronic, moderately advanced, active	
6703	Tuberculosis, pulmonary, chronic, minimal, active	
6704	Tuberculosis, pulmonary, chronic, active, advancement unspecified	100

NOTE: The above diagnostic codes 6701 through 6704 are to be used in those cases in which entitlement to compensation or pension is established on August 19, 1968.

6707	Tuberculosis, pulmonary, chronic, far advanced, active	
6708	Tuberculosis, pulmonary, chronic, moderately advanced, active	
6709	Tuberculosis, pulmonary, chronic, minimal, active	
6710	Tuberculosis, pulmonary, chronic, active, advancement unspecified	100

NOTE: The above diagnostic codes 6707 through 6710 are to be used in those cases in which entitlement to compensation or pension is established subsequent to August 19, 1968.

Active pulmonary tuberculosis will be considered permanently and totally disabling for nonservice-connected pension purposes in the following circumstances:

(a) Associated with active tuberculosis involving other than the respiratory system.

(b) Far advanced, with severe associated symptoms or with extensive cavity formation.

(c) Reactivated cases, generally.

(d) With definite advancement of lesions on successive examinations or while under treatment.

(e) Without retrogression of lesions or other evidence of material improvement at the end of 6 months hospitalization or without change of diagnosis from "active" at the end of 12 months hospitalization.

NOTE: "Material improvement" means lessening or absence of clinical symptoms, and X-ray findings of a stationary or retrogressive lesion.

	RATINGS FOR INACTIVE PULMONARY TUBERCULOSIS IN EFFECT ON AUGUST 19, 1968	Rating
6721	Tuberculosis, pulmonary, chronic, far advanced, inactive	
6722	Tuberculosis, pulmonary, chronic, moderately advanced, inactive	
6723	Tuberculosis, pulmonary, chronic, minimal, inactive	
6724	Tuberculosis, pulmonary, chronic, inactive, advancement unspecified	
	For 2 years after date of inactivity, following active pulmonary tuberculosis, which was clinically identified during active service, or subsequently	100

RATINGS FOR INACTIVE PULMONARY TUBERCULOSIS IN EFFECT ON AUGUST 19, 1968—Con.

		Rating

NOTE: The 100 percent rating under codes 6721 through 6724 is not subject to a requirement of precedent hospital treatment. It will be reduced to 50 percent for failure to submit to examination or to follow prescribed treatment upon report to that effect from the medical authorities. When a veteran is placed on the 100 percent rating for inactive tuberculosis, the medical authorities will be appropriately notified of the fact, and of the necessity under 38 U.S.C. 356 to notify the Adjudication Division in the event of failure to submit to examination or to follow prescribed treatment.

	Thereafter, for 4 years, or in any event, to 6 years after date of inactivity	50
	Thereafter, for 5 years, or to 11 years after date of inactivity	30
	Following far advanced lesions diagnosed at any time while the disease process was active, minimum	30
	Following moderately advanced lesions, provided there is continued disability, emphysema, dyspnea on exertion, impairment of health, etc	20
	Otherwise	0

NOTE: The graduated 50 percent and 30 percent ratings and the permanent 30 percent and 20 percent ratings for inactive pulmonary tuberculosis are not to be combined with ratings for other respiratory disabilities. Following thoracoplasty the rating will be for removal of ribs combined with the rating for collapsed lung. Resection of ribs incident to thoracoplasty will be rated as removal.

	RATINGS FOR INACTIVE PULMONARY TUBERCULOSIS INITIALLY ENTITLED AFTER AUGUST 19, 1968	Rating
6725	Tuberculosis, pulmonary, chronic, far advanced, inactive	
6726	Tuberculosis, pulmonary, chronic, moderately advanced, inactive	
6727	Tuberculosis, pulmonary, chronic, minimal, inactive	
6728	Tuberculosis, pulmonary, chronic, inactive, advancement unspecified	
	General Rating Formula for Inactive Pulmonary Tuberculosis:	
	For 1 year after date of attainment of inactivity of tuberculosis	100
	Thereafter, rate residuals attributable to tuberculosis:	
	Pronounced; advanced fibrosis with severe ventilatory deficit manifested by dyspnea at rest, marked restriction of chest expansion, with pronounced impairment of bodily vigor	100
	Severe; extensive fibrosis, severe dyspnea on slight exertion with corresponding ventilatory deficit confirmed by pulmonary function tests with marked impairment of health	60
	Moderate; with considerable pulmonary fibrosis and moderate dyspnea on slight exertion, confirmed by pulmonary function tests	30
	Definitely symptomatic with pulmonary fibrosis and moderate dyspnea on extended exertion	10
	Healed lesions, minimal or no symptoms	0
6732	Pleurisy, tuberculosis, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

11. In § 4.114, diagnostic code 7331 is amended to read as follows:

§ 4.114 Schedule of ratings—digestive system.

* * * * *

		Rating
7331	Peritonitis, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

12. In § 4.115a, diagnostic codes 7505, 7514, and 7525 are amended to read as follows:

§ 4.115a Schedule of ratings—genitourinary system.

* * * * *

		Rating
7505	Kidney, tuberculosis of, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

7514	Bladder, tuberculosis of, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

7525	Epididymo-orchitis, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

13. In § 4.117, diagnostic codes 7710, 7711 and 7712 are amended to read as follows:

§ 4.117 Schedule of ratings—hemic and lymphatic systems.

* * * * *

		Rating
7710	Adenitis, cervical, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	
7711	Adenitis, axillary, tuberculosis, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	
7712	Adenitis, inguinal, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

14. In § 4.118, diagnostic code 7811 is amended to read as follows:

§ 4.118 Schedule of ratings—skin.

* * * * *

		Rating
7911	Tuberculosis luposa (lupus vulgaris), active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

15. In § 4.119, the note following diagnostic code 7911 is amended to read as follows:

§ 4.119 Schedule of ratings—endocrine system.

NOTE: Tuberculous Addison's disease will be rated as active or inactive tuberculosis. See §§ 4.88b and 4.89. On attainment of inactivity, the ratings under Code 7911 are not to be combined with the graduated ratings of of 50 percent and 30 percent in § 4.89; assign the higher rating.

16. In Appendix A, § 4.94 is added and § 4.97 is amended so that the added and amended material reads as follows:

APPENDIX A

TABLE OF AMENDMENTS AND EFFECTIVE DATES SINCE 1946

Sec.	
4.94	August 20, 1968.
4.97	Second note following Diagnostic Code 6724; December 1, 1949.
	Diagnostic Code 6821—Evaluations and note; August 23, 1948.

17. In Appendix B, Diagnostic Codes 6701 through 6732 and 7335 are amended to read as follows:

APPENDIX B—NUMERICAL INDEX OF DISABILITIES

THE LUNGS AND PLEURA

6701 Tuberculosis, pulmonary, chronic, far advanced, active.
6702 Tuberculosis, pulmonary, chronic, moderately advanced, active.
6703 Tuberculosis, pulmonary, chronic, minimal, active.
6704 Tuberculosis, pulmonary, chronic, active, advancement unspecified.
6707 Tuberculosis, pulmonary, chronic, far advanced, active.
6708 Tuberculosis, pulmonary, chronic, moderately advanced, active.
6709 Tuberculosis, pulmonary, chronic, minimal, active.
6710 Tuberculosis, pulmonary, chronic, active, advancement unspecified.
6721 Tuberculosis, pulmonary, chronic, far advanced, inactive.
6722 Tuberculosis, pulmonary, chronic, moderately advanced, inactive.
6723 Tuberculosis, pulmonary, chronic, minimal, inactive.
6724 Tuberculosis, pulmonary, chronic, inactive, advancement unspecified.
6725 Tuberculosis, pulmonary, chronic, far advanced, inactive.
6726 Tuberculosis, pulmonary, chronic, moderately advanced, inactive.
6727 Tuberculosis, pulmonary, chronic, minimal, inactive.
6728 Tuberculosis, pulmonary, chronic, inactive, advancement unspecified.
6732 Pleurisy, tuberculous.

THE DIGESTIVE SYSTEM

7335 Ano, fistula in.

18. In Appendix C, the index of disabilities is amended to read as follows:

APPENDIX C—ALPHABETICAL INDEX OF DISABILITIES

Phrenicotomy	6731 [deleted]
Tuberculosis:	
Pulmonary:	
Active:	
Far advanced	6701 & 6707
Moderately advanced	6702 & 6708
Minimal	6703 & 6709
Advancement unspecified	6704 & 6710
Inactive:	
Far advanced	6721 & 6725
Moderately advanced	6722 & 6726
Minimal	6723 & 6727
Advancement unspecified	6724 & 6728

(72 Stat. 1125, 38 U.S.C. 355)

Approved: March 3, 1969.

[SEAL] W. J. DRIVER,
Administrator of Veterans Affairs.

[F.R. Doc. 69-2912; Filed, Mar. 10, 1969; 8:48 a.m.]

PART 8—NATIONAL SERVICE LIFE INSURANCE

Eligibility

In § 8.0(b)(1), subdivision (iii) is amended to read as follows:

§ 8.0 Eligibility.

(b) *Applications for insurance under section 722(a) of title 38, United States Code.* (1) * * *

(iii) Written application for such insurance must be submitted within 1 year from the date service connection for any disability as determined by the Veterans Administration is established based on the promulgation of a rating subsequent to discharge. If it is shown by satisfactory evidence that the applicant was mentally incompetent during any part of the 1-year period, application may be filed within 1 year after a guardian is appointed or within 1 year after the removal of such mental incompetency, whichever is the earlier date. If a guardian was appointed or the removal of such disability occurred before January 1, 1959, application under this paragraph may be made within 1 year after that date.

(72 Stat. 1114; 38 U.S.C. 210)

By direction of the Administrator.

This VA regulation is effective the date of approval.

Approved: March 4, 1969.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 69-2911; Filed, Mar. 10, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 68-21]

UNSOLICITED CONTRACT PROPOSALS

Pursuant to the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4, the following actions are prescribed:

PART 12B-1—GENERAL

Subpart 12B-1.3—General Policies

§§ 12B-1.353—12B-1.353-1 [Revoked]

1. Sections 12B-1.353, 12B-1.353-1, 12B-1.352-2, and 12B-1.353-3, are revoked.

PART 12B-3—PROCUREMENT BY NEGOTIATION

Subpart 12B-3.1—Use of Negotiation

2. Sections 12B-3.153 to 12B-3.153-57, inclusive, are added, reading as follows:

Sec.	
12B-3.153	Unsolicited contract proposals.
12B-3.153-50	Definitions.
12B-3.153-51	General.
12B-3.153-52	Submission of proposals.
12B-3.153-53	Policy.
12B-3.153-54	Method of procurement.
12B-3.153-55	Evaluation and testing of equipment and material.
12B-3.153-56	Designation of central receiving office.
12B-3.153-57	Central receiving office responsibilities on receipt of unsolicited proposals.

AUTHORITY: The provisions of this Subpart 12B-3.1 issued under sec. 633, 63 Stat. 545, secs. 2301-2314 (Ch. 137), 70A Stat. 127-133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2), (f), and (g); 41 CFR 12-1.006(b).

§ 12B-3.153 Unsolicited contract proposals.

§ 12B-3.153-50 Definitions.

An unsolicited contract proposal, referred to in this section as an unsolicited proposal, is an offer initiated and submitted to the Coast Guard by a prospective contractor, without solicitation from the Government, with the objective of obtaining a contract.

§ 12B-3.153-51 General.

Prospective contractors are encouraged to disclose to the Coast Guard, for purposes of evaluation, unique or novel ideas or concepts which they have originated, conceived or developed, and own, and which have application to the work of the Coast Guard. However, it must be recognized that it is normal practice for the Coast Guard to develop its own requirements, to solicit offers or bids and then to contract with the source that offers the best value. Many unsolicited proposals do not, in fact, contain ideas or concepts which are proprietary to or owned by the submitter, and acceptance of proposals by Coast Guard for evaluation must not imply a promise to pay, a recognition of novelty or originality, or any restriction on the use of information contained therein to which the Government would otherwise be entitled, nor does the fact that a procurement follows receipt of or is based on an unsolicited proposal in and of itself justify sole source procurement.

§ 12B-3.153-52 Submission of proposals.

(a) Unsolicited proposals to the Coast Guard should be submitted to the following address:

Chief, Procurement Branch (PS-1), U.S. Coast Guard Headquarters, 1300 E Street NW., Washington, D.C. 20591.

(b) Proposals should be submitted well in advance of the desired beginning of support, and in ample copies to allow simultaneous study by all reviewers.

(c) All proposals should be specific and, as a minimum, include the information described in this section. Although it is desired that unsolicited proposals be prepared in conformance with the following standards, Coast Guard may accept unsolicited proposals for evaluation purposes which do not conform thereto:

(1) Name and address of the organization submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and abstract of the proposed effort or activity for which support is being sought;

(5) An outline and discussion of the purpose of the proposed effort or activity, the method of attack upon the problem, and the nature and extent of the anticipated results;

(6) Names of the key personnel to be involved (name of principal investigator, if applicable), brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility, and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs, and overhead;

(10) Names of any other Federal agencies receiving the proposal and/or funding the proposed effort or activity;

(11) Brief description of the proposer's facilities, particularly those which would be used in the proposed effort or activity;

(12) Brief outline of the proposer's previous work and experience in the field;

(13) If available, a descriptive brochure and a current financial statement;

(14) If proposed effort or activity requires or may generate classified security information, the security status of the organization and the major investigators and identification of the cognizant security office;

(15) Period for which proposal is valid;

(16) Names and telephone numbers of proposer's primary business and technical personnel whom Coast Guard may contact during evaluation and/or negotiation;

(17) Each proposal containing technical data, which the submitter intends to be used by Coast Guard for evaluation purposes only, must identify this restrictive material as indicated below. Proposals submitted without the restrictive legend and those parts of proposals submitted with the legend which are not described in detail in the "List of Claimed Proprietary Data" will be considered as free of all restrictions:

The data in this proposal listed below shall not be used or disclosed, except for evaluation purposes; *Provided*, That if a contract is awarded to this submitter as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose any technical data which is not proprietary to the submitter or is obtained from another source without restriction. List of claimed proprietary data: (Here describe in detail the material claimed to be proprietary—mere page reference or general statement will not be acceptable).

(18) Signature of a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

§ 12B-3.153-53 Policy.

(a) All unsolicited proposals shall be processed and evaluated in an expeditious manner. Proposals shall be acknowledged as soon after receipt as possible, and submitters shall be advised promptly as to the ultimate disposition of their proposal.

(b) A proposed procurement based on an unsolicited proposal is subject to the same policies, regulations, and procedures (including those relating to sole source) as any other proposed procurement, and will be processed accordingly.

§ 12B-3.153-54 Method of procurement.

(a) *Competitive procurement.* It is Coast Guard's policy to obtain competition whenever possible (see § 1-1.301-1 of this title). However, an unsolicited proposal shall not serve as the basis for a competitive solicitation of proposals (i.e., when an unsolicited proposal is offered in the hope that the Coast Guard will contract with the offeror for further development or exploitation of the ideas it contains, and the Coast Guard does contract with the offeror, it may do so without soliciting other sources—although they may be fully competent to perform the desired work). When a received document qualifies as an unsolicited proposal, but its substance is available to Coast Guard without restriction from another source, or its substance closely resembles that of a pending competitive solicitation or otherwise is not sufficiently unique to justify acceptance, Coast Guard's policy of obtaining competition applies. When procurement is intended and competition is feasible, the proposal shall be rejected, and all readily available copies (excluding the central receiving office's official proposal file copy) shall be returned to the submitter.

(b) *Noncompetitive procurement.* A favorable technical evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the submitter. When an unsolicited proposal has received a favorable technical evaluation and it is determined that the substance thereof is not available to Coast Guard without restriction from another source, or competition is otherwise precluded, the subject matter of such proposal may be procured from the proposer on a noncompetitive basis.

§ 12B-3.153-55 Evaluation and testing of equipment and material.

Should evaluation of a proposal include the evaluation and testing of equipment or material, neither the Government nor any person acting on behalf of the Government assumes any liability to the submitter of the proposal, or any person acting on his behalf, in connection with any damage, loss, injury, or destruction resulting from such evaluation and testing. Nothing contained herein shall preclude the Government from asserting any action against the submitter or any person acting on his behalf arising out of the above circumstances.

§ 12B-3.153-56 Designation of central receiving office.

Commandant (PS-1) has been designated the central office (hereinafter referred to as the central receiving office) in the Coast Guard for the receipt of unsolicited proposals.

§ 12B-3.153-57 Central receiving office responsibilities on receipt of unsolicited proposals.

The central receiving office will serve as a clearing house for unsolicited proposals submitted to the Coast Guard. It will:

(a) Serve as the point of contact with the submitter;

(b) Maintain records showing the receipt and status of unsolicited proposals;

(c) Coordinate with other administrations when appropriate.

PART 12B-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 12B-4.52—Unsolicited Proposals

§§ 12B-4.5200—12B-4.5203 [Revoked]

3. Subpart 12B-4.52, consisting of §§ 12B-4.5200 to 12B-4.5203, inclusive, is revoked.

Dated: March 5, 1969.

T. R. SARGENT,
Rear Admiral, U.S. Coast Guard,
Chief of Staff.

[F.R. Doc. 69-2910; Filed, Mar. 10, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Reclamation, Department of the Interior

PART 402—SALE OF LANDS IN FEDERAL RECLAMATION PROJECTS

Subpart B—Small Tracts; Public and Acquired Lands; Gila Project, Ariz.

PROVISIONS OF SUBPART A APPLICABLE

Section 402.22 of Title 43 of the Code of Federal Regulations is amended as follows:

At the end of § 402.22, the period is replaced with a comma and the following clause is added: "and excepting further that the residence requirements of § 402.2(b) shall not apply."

RUSSELL E. TRAIN,
Under Secretary of the Interior.

MARCH 5, 1969.

[F.R. Doc. 69-2882; Filed, Mar. 10, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 1, 1969, to September 30, 1969, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1969.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

MARCH 4, 1969.

[F.R. Doc. 69-2879; Filed, Mar. 10, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1969, inclusive, in Great Salt Plains Lake as posted, in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

FRED L. BOLWAHNN,
Refuge Manager, Salt Plains National Wildlife Refuge, Jet, Okla.

FEBRUARY 28, 1969.

[F.R. Doc. 69-2880; Filed, Mar. 10, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Louisiana

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," a change in the place for filing in Bossier Parish, La.

LOUISIANA

Parish; Place for filing; Beginning date.
Bossier; (1) Benton—trailer at Post Office; April 3, 1967; (2) Bossier City—Lodge Hall, 1708 Scott Street; April 5, 1967 through March 17, 1969; (3) Bossier City—Post Office, 150 Benton Road, March 18, 1969.
(Secs. 7, 9, Voting Rights Act of 1965; (Public Law 89-110))

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-2870; Filed, Mar. 10, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Voluntary Employees' Beneficiary Associations; Notice of Hearing

The proposed amendment to the regulations under section 501(c)(9) of the Internal Revenue Code, relating to voluntary employees' beneficiary associations, was published in the FEDERAL REGISTER of January 23, 1969.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Tuesday, April 1, 1969, at 10 a.m., in Room 4036, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 28, 1969. Notification of intention to attend or comment at the hearing may be given by telephone, 202-964-3935.

Richard M. Hahn,
Acting Chief Counsel.

[SEAL] By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 69-2907; Filed, Mar. 10, 1969; 8:48 a.m.]

[26 CFR Parts 1, 25, 31, 36, 41, 45, 46, 48, 49, 147, 151, 152, 301]

FILING OF CERTAIN MISCELLANEOUS RETURNS AND DOCUMENTS WITH SERVICE CENTERS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

In order to revise the rules for the filing of certain returns and other documents with service centers and to conform certain provisions of the regulations to the amendments made by section 1 of the Act of November 2, 1966 (Public Law 89-713, 80 Stat. 1107), the following regulations (26 CFR Parts 1, 25, 31, 36, 41, 45, 46, 48, 49, 147, 151, 152, 301) are amended as set forth below. However, the amendments to such regulations do not make all of the changes necessitated by section 1 of such Act of November 2, 1966. Appropriate amendments to the regulations will be issued in the future to make the additional changes necessitated by such Act:

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARAGRAPH 1. Subdivisions (iv)(*a*) and (v)(*a*)(2) of paragraph (a)(2) of § 1.761-1 are amended to read as follows:

§ 1.761-1 Terms defined.

(a) *Partnership.* * * *

(2) *Exclusion of certain partnerships from provisions of subchapter K.* * * *

(iv) *Method of election—(a) Complete exclusion from subchapter K.* Any unincorporated organization described in subdivisions (i) and (ii) or (iii) of this subparagraph which wishes to be excluded from all of subchapter K must make the election provided in section 761(a) in a statement attached to a properly executed partnership return, Form 1065, which shall contain the information required in this subdivision. Such return shall be filed with the internal revenue officer with whom a partnership return, Form 1065, would be required to be filed if no election were made. Where, for the purpose of determining the proper internal revenue officer with whom Form 1065 must be filed, it is necessary to determine the internal revenue district (or service center serving such district) in which the electing organization has its principal office or place of business, the principal office or place of business of the operator shall be considered the principal office or place of business of the organization, unless the person filing for the organization is not the operator, in which case, the principal office or place of business of the person filing the return shall be considered the principal office or place of business of the organization. For the first year with respect to which such unincorporated organization wishes to be excluded from subchapter K, its partnership return shall contain, in lieu of the information required by Form 1065 and by the instructions relating thereto, only the name or other identification and the address of the organization. The statement attached to the return shall include the names and addresses of all the members of the organization; a statement that the organization qualifies under subdivisions (i) and either (ii) or (iii) of this subparagraph, a statement that all of the members of the organization elect that it be excluded from all of subchapter K; and a statement indicating where a copy of the agreement under which the organization operates is available (or if the agreement is oral, from whom the provisions of the agreement may be obtained). Unless within 90 days after the formation of the organization (or by October 15, 1956, whichever is later) any member of the organization notifies the Commissioner that the member desires subchapter K to apply to such organization, and also advises the Commissioner that he has so notified all other members of the organization by registered or certified mail, the election to be excluded will be effective. Such election is irrevocable as long as the organization remains qualified under subdivisions (i) and either (ii) or (iii) of this subparagraph, or unless approval of revocation of the election is secured from the Commissioner. Application for permission to revoke the election must be submitted to the Commissioner of Internal Revenue, Attention: T:I Washington, D.C. 20224, no later than 30 days after the beginning of the first taxable year to which the revocation is to apply. An unincorporated organization need not file an election to be excluded under section 761 for the first year of its existence but may do so at the time of filing the return for any taxable year for which exclusion from subchapter K is desired. Such unincorporated organization shall file a partnership return for the first taxable year in which the participants by a formal agreement undertake to engage in joint operations, or in the absence of a formal agreement for the first taxable year in which the participants with respect to the joint use of property jointly make or incur any expenditures treated as deductions for Federal income tax purposes, whether or not electing to be excluded from the provisions of subchapter K. Where no annual accounting period has been adopted by such unincorporated organization, its taxable year

shall be the calendar year in accordance with section 441(g).

* * * * *

(v) *Information to be filed by organizations excluded under section 761—*(a) * * *

(2) For each subsequent taxable year for which it is excluded: Form 1096 for the organization and a Form 1099 for each person who was a member of the organization during any part of the calendar year. Form 1099 shall show the name and address of the organization (under "By Whom Paid"). In lieu of "Kind and Amount of Income Paid", each Form 1099 shall state "Filed under section 761(a)" and the principal activity of the organization. Forms 1096 and 1099 shall be filed with the internal revenue officer designated in instructions applicable to such forms.

* * * * *

PAR. 2. Paragraph (a) of § 1.852–9 is amended by revising subparagraphs (2) (i) and (3) to read as follows:

§ 1.852–9 Special procedural requirements applicable to designation under section 852(b)(3)(D).

(a) *Regulated investment company.* * * *

(2) *Return of undistributed capital gains tax—*(i) *Form 2438.* Every regulated investment company which designates undistributed capital gains for any taxable year beginning after December 31, 1956, in accordance with subparagraph (1) of this paragraph, shall file for such taxable year an undistributed capital gains tax return on Form 2438 including on such return the total of its undistributed capital gains so designated and the tax with respect thereto. The return on Form 2438 shall be prepared in duplicate and shall set forth fully and clearly the information required to be included therein. The original of Form 2438 shall be filed on or before the 30th day after the close of the company's taxable year with the internal revenue officer designated in instructions applicable to Form 2438. The duplicate copy of Form 2438 for the taxable year shall be attached to and filed with the income tax return of the company on Form 1120 for such taxable year.

* * * * *

(3) *Payment of tax.* The tax required to be returned on Form 2438 shall be paid by the regulated investment company on or before the 30th day after the close of the company's taxable year to the internal revenue officer with whom the return on Form 2438 is filed.

PAR. 3. Paragraph (a) of § 1.1372–2 is amended to read as follows:

§ 1.1372–2 Manner and time for making election and filing shareholders' consent.

(a) *Manner of making election.* The election of a small business corporation should be made by the corporation by filing Form 2553, containing the information required by such form, and by filing, in the manner provided in § 1.1372–3, a statement of the consent of each shareholder of the corporation. The election form shall be signed by any person who is authorized to sign the return required under section 6037 and shall be filed with the internal revenue officer designated in the instructions applicable to Form 2553.

* * * * *

PAR. 4. Section 1.1372–3 is amended to read as follows:

§ 1.1372–3 Shareholders' consent.

(a) *In general.* The consent of a shareholder to an election by a small business corporation shall be in the form of a statement signed by the shareholder in which such shareholder consents to the election of the corporation. Such shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. Each person who is a shareholder of the electing corporation must consent to the election; thus, where stock of the corporation is owned by a husband and wife as community property (or the income from which is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock and each tenant in common, joint tenant, and tenant by the entirety must consent to the election. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name and address of the corporation and of the shareholder, the number of shares of stock owned by him, and the date (or dates) on which such stock was acquired. The consents of all shareholders may be incorporated in one statement. The consents of all persons who are shareholders at the time the election is made shall be attached to the election of the corporation. If the election is made before the first day of the corporation's taxable year for which it is effective, the consents of persons who become shareholders after the date of election and are shareholders on such first day shall be filed with the internal revenue officer with whom the election was filed as soon as practicable after such first day. The consent referred to in the preceding sentence will be considered timely if it is filed on or before the last day prescribed for making the election. Where a consent is filed after the date of election, a copy of the consent shall also be filed with the return required to be filed under section 6037. In the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning before January 1, 1961, the time for filing the consent of such shareholder shall not expire prior to May 15, 1961; in the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning after December 31, 1960, and on or before October 26, 1962, the consent of such shareholder shall be considered timely if it is filed on or before the last day prescribed for making the election. An election under section 1372(a) will not be valid if any of the consents are not timely filed. However, see paragraph (c) of this section for extension of time for filing consents. In addition, an election which was timely filed for any taxable year beginning before March 1, 1960, and which would be valid but for the fact that the consent of any shareholder of the corporation was not filed or was defective in any manner, will not be invalid if—

(1) A proper consent is filed by such shareholder after December 19, 1959, and on or before March 1, 1960,

(2) All shareholders of the corporation who previously filed timely and proper consents file new consents within the period mentioned in subparagraph (1) of this paragraph, and

(3) The shareholders show to the satisfaction of the district director with whom the election under section 1372(a) was filed that the failure to file timely and proper consents was not due to an intention to avoid making a valid election.

(b) *New shareholders.* If a person becomes a shareholder of an electing small business corporation after the first day of the taxable year for which the election is effective, or after the day on which the election is made (if such day is later than the first day of the taxable year), the consent of such shareholder shall be made in a statement filed (with the internal revenue officer with whom the election is filed) within the period of 30 days beginning with the day on which such person becomes a new shareholder. A copy of such consent should be furnished to the corporation by the new shareholder. If the new shareholder is an estate, the 30-day period shall not begin until the executor or administrator has qualified under local law to perform his duties, but in no event shall such period begin later than 30 days following the close of the corporation's taxable year in which the estate became a shareholder. The statement of consent shall set forth the name and address of the corporation and of such new shareholder, the number of shares of stock owned by such shareholder, the date on which such shares were acquired, and the name and address of each person from whom such shares were acquired. A copy of the consent of such new shareholder shall be filed with the return required to be filed under section 6037 for the taxable year to which such consent applies. For the effect of the failure of a new shareholder to consent, see paragraph (b)(1) of § 1.1372–4.

(c) *Extension of time for filing consents.* An election which is timely filed for any taxable year and which would be valid, or would not have terminated, except for the failure of any shareholder to file a consent within the time prescribed in paragraph (a) or (b) of this section will not be invalid, or will not be treated as having terminated, for such reason if—

(1) It is shown to the satisfaction of the district director or director of the service center that there was reasonable cause for the failure to file such consent and that the interests of the Government will not be jeopardized by treating such election as valid, or as not having terminated,

(2) Such shareholder files a proper consent to the election within such extended period of time as may be granted by the Internal Revenue Service, and

(3) New consents are filed within such extended period of time as may be granted by the Internal Revenue Service, by all persons who were shareholders of the corporation at any time during the taxable year with respect to which the failure to consent would (but for the provisions of this paragraph) cause the corporation's election to be invalid or to terminate, and by all persons who were shareholders of the corporation subsequent to such taxable year and prior to the date on which an extension of time is granted in accordance with this paragraph.

PAR. 5. Paragraph (b) of § 1.1372–4 is amended by revising subparagraphs (2) and (3). The revised provisions read as follows:

§ 1.1372–4 Termination of election.

* * * * *

(b) *Method of termination.* * * *

(2) *Revocation.* An election under section 1372(a) may be revoked by the corporation for any taxable year of the corporation after the first taxable year for which the election is effective. A revocation can be made only with the consent of all the persons who are shareholders at the beginning of the day of revocation. Such revocation shall be made by the corporation by filing a statement that the corporation revokes the election made under section 1372(a), which statement shall indicate the first taxable year of the corporation for which the revocation is intended to be effective. The statement shall be signed by any person authorized to sign the return of the corporation under section 6037 and shall be filed with the internal revenue officer with whom the election was filed. In addition, there shall be attached to the statement of revocation a statement of consent, signed by each person who is a shareholder of the corporation at the beginning of the day on which such statement of revocation is filed, in which each such shareholder consents to the revocation by the corporation of the election under section 1372(a). For the time within which a revocation must be made to be effective for a particular taxable year of the corporation, see paragraph (c) of this section.

(3) *Ceases to be small business corporation.* An election under section 1372(a) terminates if at any time after the first day of the first taxable year of the corporation for which the election is effective, or after the day on which the election is made (if such day is later than the first day of the taxable year), the corporation ceases to be a small business corporation as defined in section 1371(a). Thus, the election is terminated if an 11th person, a nonresident alien, or a comes a shareholder, or corporation becomes a shareholder, or if another class of stock is issued by the corporation. In the event of a termination under this subparagraph the corporation shall immediately notify the internal revenue officer with whom the election under section 1372(a) was filed. Such notification shall set forth the cause of the termination and the date thereof. In addition, if the termination was caused by the transfer of stock to an 11th shareholder, to a nonresident alien, or to a trust, partnership, or corporation, the notification shall specify the number of shares transferred to such persons, the name of such person (or in the case of a trust the names of the trustees and beneficiaries), and the name of the shareholder who transferred such stock to such person. If the termination was caused by the issuance of a second class of stock, the notification shall indicate the number of shares of such new class issued and shall describe the differentiating characteristics of the new class of stock.

* * * * *

PAR. 6. Paragraphs (a) and (c) of § 1.1375–3 are amended to read as follows:

§ 1.1375–3 Treatment of family groups.

(a) *In general.* Pursuant to section 1375(c), any dividend received by a shareholder from an electing small business corporation (including any amount treated as a dividend under section 1373(b)) may be apportioned or allocated by the Internal Revenue Service between or among shareholders of such corporation who are members of such shareholder's family, if it determines that such apportionment or allocation is necessary in order to reflect the value of services rendered to the corporation by such shareholders. In determining the value of services rendered by a shareholder consideration shall be given to all the facts and circumstances of the business, including the managerial responsibilities of the shareholder, and the amount that would ordinarily be paid in order to obtain comparable services from a person not having an interest in the corporation. The taxable income of the corporation shall be neither increased nor decreased because of the reallocation of dividends under section 1375(c). The amount reallocated shall be considered a dividend to the shareholder to whom it is reallocated.

* * * * *

(c) *Example.* The provisions of section 1375(c) may be illustrated by the following example:

Example. The stock of an electing small business corporation is owned 50 percent by F and 50 percent by S, a minor son of F. For the taxable year, the corporation has $70,000 of taxable income and earnings and profits. During the year, the corporation distributes dividends (including amounts treated as dividends under section 1373(b)) of $35,000 to F and $35,000 to S. Compensation of $10,000 is paid by the corporation to F for services rendered during the year, and no compensation is paid to S, who rendered no services. Based on the relevant facts, a reasonable compensation for the services rendered by F would be $30,000. In the discretion of the Internal Revenue Service, up to $10,000 of the $35,000 dividend received by S may, for tax purposes, be allocated to F.

* * * * *

PAR. 7. Paragraphs (d)(2) and (e)(1) of § 1.6031–1 are amended to read as follows:

§ 1.6031–1 Return of partnership income.

* * * * *

(d) *Partnerships having no U.S. business.* * * *

(2) *Returns of information with respect to partnership required of citizen or resident partners.* Where a U.S. citizen or resident is a partner in a partnership described in subparagraph (1) of this paragraph which is not required to file a partnership return, the district director or director of the service center may require such person to render such statements or provide such information as is necessary to show whether or not such person is liable for tax on income derived from such partnership. In addition, if an election in accordance with the provisions of section 703 (relating to elections affecting the computation of taxable income derived from a partnership) or section 761 (relating to the election to be excluded from the application of all or part of subchapter K, chapter 1 of the Code) is to be made by or for the partnership, a return on Form 1065 shall be filed for such partnership. See section 6063 and § 1.6063–1, relating to the authority of a partner to sign a partnership return. The filing of one such return for a taxable year of the partnership by a citizen or resident partner shall constitute a filing for the partnership of such partnership return.

(e) *Place and time for filing returns—*(1) *Place for filing—*(i) *Returns filed with district director or Director of International Operations.* The returns of partnerships doing business, or having income from sources, within the United States shall be filed with the district director for the internal revenue district in which the partnership has its principal office or principal place of business within the United States. If a partnership has no office, place of business, or agency within the United States, the return shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225. A partnership return filed under the authority of paragraph (d)(2) of this section shall be filed with the internal revenue officer with whom the citizen or resident partner files his separate income tax return.

(ii) *Returns filed with service centers.* Notwithstanding subdivision (i) of this subparagraph, unless a return is filed by hand carrying, whenever instructions applicable to partnership returns provide that the return be filed with a service center, the return must be so filed in accordance with the instructions. Returns which are filed by hand carrying shall be filed with the district director in accordance with subdivision (i) of this subparagraph.

* * * * *

PAR. 8. Paragraph (c) of § 1.6034–1 is amended to read as follows:

§ 1.6034–1 Information returns required of certain trusts claiming charitable or other deductions under section 642(c).

* * * * *

(c) *Time and place for filing return.* The return on Form 1041–A shall be filed on or before the 15th day of the fourth month following the close of the taxable year of the trust, with the internal revenue officer designated by the instructions applicable to such form.

* * * * *

PAR. 9. Paragraph (b) of § 1.6037–1 is amended to read as follows:

§ 1.6037–1 Return of electing small business corporation.

* * * * *

(b) *Time and place for filing return.* The return shall be filed on or before the 15th day of the third month following the close of the taxable year with the internal revenue officer designated in the instructions applicable to Form 1120–S. (See section 6072.)

* * * * *

PAR. 10. Section 1.6091–2 is amended by adding a cross reference at the end of paragraph (d) thereof:

§ 1.6091–2 Place for filing income tax returns.

* * * * *

(d) *Hand-carried returns.* Notwithstanding paragraphs (1) and (2) of section 6091(b) and paragraph (c) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (b) of this section.

See § 301.6091–1 of this chapter (Regulations on Procedure and Administration) for provisions relating to the definition of hand carried.

* * * * *

PAR. 11. Section 1.6091–3 is amended by revising paragraphs (b) and (i) to read as follows:

§ 1.6091–3 Income tax returns required to be filed with Director of International Operations.

* * * * *

(b) Income tax returns on an individual citizen of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States. A taxpayer's principal place of abode will be considered to be outside the United States if his legal residence is outside the United States or if his return bears a foreign address.

* * * * *

(i) Income tax returns of corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations) except in the case of consolidated returns filed pursuant to the regulations under section 1502.

* * * * *

PAR. 12. Paragraph (c) (3) of § 1.6109–1 is amended to read as follows:

§ 1.6109–1 Identifying numbers.

* * * * *

(c) *Applications.* * * *

(3) *Employer identification number.* Application for an employer identification number shall be made on Form SS–4. Form SS–4 will generally be furnished only on request and may be obtained from any district director or director of a service center, or any district office of the Social Security Administration. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. The application for an employer identification number should be filed approximately 1 month in advance of the first required use of the number to permit issuance of the number in time for compliance with such requirement. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. An employer identification number will be assigned to the applicant in due course upon the basis of information reported on the application.

* * * * *

SUBCHAPTER B—ESTATE AND GIFT TAXES

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

PAR. 13. Section 25.2513–3 is amended to read as follows:

§ 25.2513–3 Revocation of consent.

If the consent to the application of the provisions of section 2513 for a calendar year was effectively signified on or before the 15th day of April following the close of the calendar year, either spouse may revoke the consent by filing in duplicate a signed statement of revocation, but only if the statement is filed on or before such 15th day of April. Except as provided in paragraph (b) of § 301.6091–1 (related to hand-carried documents), the statement shall be filed with the internal revenue officer with whom the gift tax return is required to be filed, or with whom the gift tax return would be required to be filed if a return were required. Therefore, a consent which was not effectively signified until after the 15th day of April following the close of the calendar year to which it applies may not be revoked.

PAR. 14. Paragraph (c) of § 25.2522(a)–1 is amended to read as follows:

§ 25.2522(a)–1 Charitable and similar gifts; citizens or residents.

* * * * *

(c) In order to prove the right to the charitable, etc., deduction provided by section 2522 the donor must submit such data as may be requested by the Internal Revenue Service. As to the extent the deductions provided by this section are allowable, see section 2524.

PAR. 15. Paragraph (a) of § 25.2523(a)–1 is amended to read as follows:

§ 25.2523(a)–1 Gift to spouse; in general.

(a) *In general.* In determining the amount of taxable gifts for the calendar year 1955 or any calendar year thereafter, in the case of a donor who was a citizen or resident of the United States at the time the gift was made, there may be deducted an amount equal to one-half the value of any property interest (except as otherwise provided in paragraph (b) of this section) transferred by gift to a donee who at the time of the gift was the donor's spouse. This deduction is referred to as the "marital deduction." No marital deduction is authorized with respect to a gift if the donor, at the time of the gift, was a nonresident not a citizen of the United States. However, if the donor was a citizen or resident of the United States at the time the gift was made, he is not deprived of the right to the marital deduction by reason of the fact that his spouse was a nonresident not a citizen. For convenience the donor's spouse is generally referred to in the feminine gender, but if the donor is a woman the reference is to her husband. The donor must submit such proof as is necessary to establish the right to the marital deduction, including any evidence requested by the Internal Revenue Service.

* * * * *

PAR. 16. Paragraph (b) of § 25.6001–1 is amended to read as follows:

§ 25.6001–1 Records required to be kept.

* * * * *

(b) *Supplemental data.* In order that the Internal Revenue Service may determine the correct tax the donor shall furnish such supplemental data as may be deemed necessary by the Internal Revenue Service. It is, therefore, the duty of the donor to furnish upon request, copies of all documents relating to his gift or gifts, appraisal lists of any items included in the total amount of gifts, copies of balance sheets or other financial statements obtainable by him relating to the value of stock constituting the gift, and any other information obtainable by him that may be necessary in the determination of the tax. See section 2512 and the regulations issued thereunder. For every policy of life insurance listed on the return, the donor must procure a statement from the insurance company on Form 938 and file it with the internal revenue officer with whom the return is filed. If specifically requested by an internal revenue officer, the insurance company shall file this statement direct with the internal revenue officer.

PAR. 17. Paragraph (b) of § 25.6011–1 is amended to read as follows:

§ 25.6011–1 General requirement of return, statement, or list.

* * * * *

(b) *Use of prescribed forms.* Copies of the forms prescribed by paragraph (b) of § 25.6001–1 and § 25.6019–1 may be obtained from district directors and directors of service centers. The fact that a person required to file a form has not been furnished with copies of a form will not excuse him from the making of a gift tax return, or from the furnishing of the evidence for which the forms are to be used. Application for a form should be made to the district director or director of a service center in ample time to enable the person whose duty it is to file the form to have the form prepared, verified, and filed on or before the date prescribed for the filing thereof.

PAR. 18. Paragraph (c) of § 25.6019–1 is amended to read as follows:

§ 25.6019–1 Persons required to file returns.

* * * * *

(c) *Ratification of return.* The return shall not be made by an agent unless by reason of illness, absence, or nonresidence, the person liable for the return is unable to make it within the time prescribed. Mere convenience is not sufficient reason for authorizing an agent to make the return. If by reason of illness, absence or nonresidence, a return is made by an agent, the return must be ratified by the donor or other person liable for its filing within a reasonable time after such person becomes able to do so. If the return filed by the agent is not so ratified, it will not be considered the return required by the statute. Supplemental data may be submitted at the time of ratification. The ratification may be in the form of a statement, executed under the penalties of perjury and filed with the internal revenue officer with whom the return was filed, showing specifically that the return made by the agent has been carefully examined and that the person signing ratifies the return as the donor's. If a return is signed by an agent, a statement fully explaining the inability of the donor must accompany the return.

PAR. 19. Paragraph (b) of § 25.6019–3 is amended to read as follows:

§ 25.6019–3 Contents of return.

* * * * *

(b) *Disclosure of transfers coming within provisions of section 2516.* Section 2516 provides that certain transfers of property pursuant to written property settlements between husband and wife are deemed to be transfers for full and adequate consideration in money or money's worth if divorce occurs within 2 years. In any case where a husband and wife enter into a written agreement of the type contemplated by section 2516, and the final decree of divorce is not granted on or before the due date for the filing of a gift tax return for the calendar year in which the agreement became effective (see § 25.6075–1), the transfer shall be disclosed by the transferor upon a gift tax return filed for the calendar year in which the agreement became effective and a copy of the agreement shall be attached to the return. In addition, a certified copy of the final divorce decree shall be furnished the internal revenue officer with whom the return was filed not later than 60 days after the divorce is granted. Pending receipt of evidence that the final decree of divorce has been granted (but in no event for a period of more than 2 years from the effective date of the agreement), the transfer will tentatively be treated as made for a full and adequate consideration in money or money's worth.

PAR. 20. Section 25.6075–1 is amended to read as follows:

§ 25.6075–1 Returns; time for filing gift tax returns.

The gift tax return required by section 6019 must be filed on or before the due date. The due date is the date on or before which the return is required to be filed in accordance with the provisions of section 6075(b) or the last day of the period covered by an extension of time granted, as provided in § 25.6081–1. Unless an extension of time has been granted, the due date is the 15th day of April following the close of the calendar year in which gifts were made. When the due date falls on Saturday, Sunday, or a legal holiday, the due date for filing the return is the next succeeding day which is not Saturday, Sunday, or a legal holiday. For definition of a legal holiday, see section 7503 and § 301.7503–1 of this chapter (Regulations on Procedure and Administration). As to additions to the tax for failure to file the return within the prescribed time, see section 6651 and § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

PAR. 21. Section 25.6081–1 is amended to read as follows:

§ 25.6081–1 Extension of time for filing returns.

It is important that the donor file on or before the due date a return as nearly complete and final as it is possible for him to prepare. However, the district director or director of the service center is authorized to grant a reasonable extension of time for filing returns. Applications for extensions of time for filing gift tax returns must contain a full recital of the causes for delay. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents), such application shall be made to the internal revenue officer with whom such return is required to be filed. Except in the case of donors who are abroad, no extension for filing gift tax returns may be granted for more than 6 months. An extension of time for filing a return does not operate to extend the time for payment of the tax or any part thereof, unless so specified in the extension. For extensions of time for payment of tax, see § 25.6161–1. No extension of time for filing a return may be granted unless the application is received by such internal revenue officer before the expiration of the time within which the return must otherwise be filed. The application should, when possible, be made sufficiently early to permit the internal revenue officer to consider the matter and reply before what otherwise would be the due date of the return.

PAR. 22. Section 25.6091 is amended by revising section 6091(b) and adding a historical note to read as follows:

§ 25.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*— * * *

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter

(1) *Persons other than corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Persons who have no legal residence or principal place of business in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

* * * * *

(4) *Hand-carried returns.* Notwithstanding paragraph (1) * * * a return to which paragraph (1)(A) * * * would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) * * *.

(5) *Exceptional cases.* Notwithstanding paragraph (1) * * * or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

[Sec. 6091 as amended by sec. 1(a), Act of Nov. 2, 1966 (Public Law 89–713, 80 Stat. 1107)]

PAR. 23. Section 25.6091–1 is amended to read as follows:

§ 25.6091–1 Place for filing returns and other documents.

(a) *Returns filed with district director or Director of International Operations.* If the donor is a resident of the United States, the gift tax return required by section 6091 shall be filed with the district director for the district in which the legal residence or principal place of business of the donor is located. If the donor is a nonresident (whether or not a citizen), and his principal place of business is located in an internal revenue district, the gift tax return shall be filed with the district director for the internal revenue district in which the donor's principal place of business is located. If the donor is a nonresident (whether or not a citizen), and he does not have a principal place of business which is located in an internal revenue district, the gift tax return shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, or with such other official as may be designated by instructions applicable to the return.

(b) *Returns filed with service centers.* Notwithstanding paragraph (a) of this section, unless a return is filed by hand-carrying, whenever instructions applicable to gift tax returns provide that the returns be filed with a service center, the returns must be so filed in accordance with the instructions. Returns which are filed by hand carrying shall be filed with the district director in accordance with paragraph (a) of this section.

PAR. 24. Section 25.6151 is amended by revising section 6151(a) and adding a historical note to read as follows:

§ 25.6151 Statutory provisions; time and place for paying tax shown on return.

SEC. 6151. *Time and place for paying tax shown on returns.*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

* * * * *

[Sec. 6151 as amended by sec. 1(b), Act of Nov. 2, 1966 (Public Law 89–713, 80 Stat. 1108)]

PAR. 25. Paragraph (c) of § 25.6161–1 is amended to read as follows:

§ 25.6161–1 Extension of time for paying tax or deficiency.

* * * * *

(c) *Application for extension.* An application for an extension of the time for payment of the tax shown on the return, or for the payment of any amount determined as a deficiency, shall be in writing and shall be accompanied by evidence showing the undue hardship that would result to the donor if the extension were refused. The application shall also be accompanied by a statement of the assets and liabilities of the donor and an itemized statement showing all receipts and disbursements for each of the 3 months immediately preceding the due date of the amount to which the application relates. The application with supporting documents, must be filed with the applicable district director referred to in paragraph (a) of § 25.6091–1 regardless of whether the return is to be filed with, or the tax is to be paid to, such district director on or before the date prescribed for payment of the amount with respect to which the extension is desired. The application will be examined by the district director and within 30 days, if possible, will be denied, granted, or tentatively granted subject to certain conditions of which the donor will be notified. If an additional extension is desired, the request therefor must be made to the district director on or before the expiration of the period for which the prior extension is granted.

* * * * *

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 26. Paragraph (b)(3) of § 31.3121(k)–1 is amended to read as follows:

§ 31.3121(k)–1—Waiver of exemption from taxes.

* * * * *

(b) *Execution and amendment of certificate.* * * *

(3) *Where to file certificate or amendment.* The certificate on Form SS–15 and accompanying list on Form SS–15a of an organization which is required to make a return on Form 941 pursuant to § 31.6011(a)–1 or § 31.6011(a)–4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–15 and Form SS–15a. The Form SS–15 and Form SS–15a of any other organization shall be filed in accordance with the provisions of § 31.6091–1 which are otherwise applicable to returns. Each Form SS–15a Supplement shall be filed with the internal revenue officer with whom the related Forms SS–15 and SS–15a were filed.

* * * * *

PAR. 27. Paragraph (a) of § 31.3504–1 is amended to read as follows:

§ 31.3504–1 Acts to be performed by agents.

(a) *In general.* In the event wages as defined in chapter 21 or 24 of the Internal Revenue Code of 1954, or compensation as defined in chapter 22 of such Code, of an employee or group of employees, employed by one or more employers, is paid by a fiduciary, agent, or other person, or if such fiduciary, agent, or other person has the control, receipt, custody, or disposal of such wages or compensation, the district director, or director of a service center, may, subject to such terms and conditions as he deems proper, authorize such fiduciary, agent, or other person to perform such acts as are required of such employer or employers under those provisions of the Internal Revenue Code of 1954 and the regulations thereunder which have application, for purposes of the taxes imposed by such chapter or chapters, in respect of such wages or compensation. If the fiduciary, agent, or other person is authorized by the district director, or director of a service center, to perform such acts, all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to employers in respect of such acts shall be applicable to such fiduciary, agent, or other person. However, each employer for whom such fiduciary, agent, or other person performs such acts shall remain subject to all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to an employer in respect of such acts. Any application for authorization to perform such acts, signed by such fiduciary, agent, or other person, shall be filed with the district director, or director of a service center, with whom the fiduciary, agent, or other person will, upon approval of such application, file returns in accordance with such authorization.

* * * * *

PAR. 28. Subdivision (iii) of paragraph (a)(1) of § 31.6011(b)–1 is amended to read as follows:

§ 31.6011(b)–1 Employers' identification numbers.

(a) *Requirement of application*—(1) *In general.* * * *

(iii) *Method of application.* The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center or any district office of the Social Security Administration. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4, or with the nearest district office of the Social Security Administration. The application shall be signed by (*a*) the individual, if the employer is an individual; (*b*) the president, vice president, or other principal officer, if the employer is a corporation; (*c*) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (*d*) the fiduciary, if the employer is a trust or estate. An identification number will be assigned to the employer in due course upon the basis of the information reported on the application required under this section.

* * * * *

PART 36—CONTRACT COVERAGE

PAR. 29. Paragraph (a) of § 36.3121(l)–0 is amended to read as follows:

§ 36.3121(l)–0 Introduction.

(a) The regulations in this part deal with the circumstances under which a domestic corporation may enter into an agreement with the Internal Revenue Service for the purpose of extending the insurance system established by title II of the Social Security Act to certain services performed outside the United States by citizens of the United States as employees of a foreign subsidiary of the domestic corporation, and with the obligations of a domestic corporation which enters into such an agreement. The provisions of the Internal Revenue Code of 1954, as amended, to which the regulations in this part pertain are contained in section 3121(l). The liabilities assumed under an agreement entered into pursuant to such section are based on the remuneration for services covered by the agreement. Such agreement may not be effective prior to January 1, 1955.

* * * * *

PAR. 30. Paragraphs (a)(1), (b)(3), and (c) of § 36.3121(l)(1)–1 are amended to read as follows:

§ 36.3121(l)(1)–1 Agreements entered into by domestic corporations with respect to foreign subsidiaries.

(a) *In general.* (1) Any domestic corporation having one or more foreign subsidiaries may request the Internal Revenue Service to enter into an agreement for the purpose of extending the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act to certain services performed outside the United States by all citizens of the United States who are employees of any such foreign subsidiary. See § 36.3121(l)(8)–1, relating to the definition of foreign subsidiary. Except as provided in § 36.3121(l)(5)–1, relating to the effect of the termination of an agreement entered into pursuant to the provisions of section 3121(l), the Internal Revenue Service shall, at the request of a domestic corporation enter into such agreement on Form 2032 in any case where a Form 2032 is executed, and submitted by the domestic corporation in the manner prescribed in this section. A domestic corporation may not have in effect at the same moment of time more than one agreement on Form 2032.

* * * * *

(b) *Form and contents of agreement.* * * *

(3) That the agreement shall become effective on the first day of the calendar quarter in which the Form 2032 is signed by the district director or director of the service center or on the first day of the next succeeding calendar quarter, whichever is specified in the agreement:

* * * * *

(c) *Execution and filing of Form 2032.* The request of any domestic corporation that the Internal Revenue Service enter into an agreement with the corporation on Form 2032 shall be signified by the corporation by executing and filing Form 2032 in triplicate. Such form shall be executed and filed in accordance with the regulations in this part and the instructions relating to the form. Each copy of the form shall be signed and dated by the officer of the corporation authorized to enter into the agreement, shall show the title of such officer, and shall have the corporate seal affixed thereto. A certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing the authority of such officer so to act shall accompany the form. Form 2032 executed and filed as provided in this paragraph shall be signed and dated by the district director or director of the service center and, upon such signing, the Form 2032 so executed and filed will constitute the agreement authorized in section 3121(l)(1). The Internal Revenue Service will return one copy of the agreement to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

PAR. 31. Paragraphs (c) and (d) of § 36.3121(l)(1)–2 are amended to read as follows:

§ 36.3121(l)(1)–2 Amendment of agreement.

* * * * *

(c) A domestic corporation shall signify its desire to amend an agreement entered into by the corporation as provided in § 36.3121(l)(1)–1 by executing and Filing Form 2032 Supplement in triplicate.

(d) Form 2032 Supplement shall be executed and filed in the manner and in conformity with the requirements prescribed in the instructions relating to such form and in § 36.3121(l)(1)–1(c) in respect of an agreement on Form 2032. Form 2032 Supplement executed and filed as provided in this paragraph shall be signed and dated by the district director or director of the sevice center, and, upon such signing, the Form 2032 Supplement so executed and filed will constitute an amendment of the agreement entered into on Form 2032. The Internal Revenue Service will return one copy of the amendment to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

PAR. 32. Section 36.3121(l)(2)–1 is amended to read as follows:

§ 36.3121(l)(2)–1 Effective period of agreement.

(a) *In general.* An agreement ntered into as provided in § 36.3121(l)(1)–1 shall be in effect for the period beginning with the first day of the calendar quarter in which the agreement is signed by the district director or director of the service center, or the first day of the calendar quarter following the calendar quarter in which the agreement is signed by the district director or director of the service center, whichever is specified in the agreement. In no case, however, shall the agreement be effective for any calendar quarter which begins prior to January 1, 1955.

(b) *Amendment of agreement.* If an amendment on Form 2032 Supplement (filed by a domestic corporation to include in its agreement services performed for a foreign subsidiary not previously named therein) is signed by the district director or director of the service center, within the quarter for which the agreement is first effective or within the first calendar month following such quarter, the agreement shall be effective with respect to the subsidiary named in the amendment as of the date such agreement first became effective. However, if the amendment is signed by the district director or director of the service center after the last day of the fourth month for which the agreement is in effect, such agreement shall be in effect with respect to the subsidiary named in the amendment for the period beginning with the first day of the calendar quarter following the calendar quarter in which the amendment is signed by the district director or director of the service center.

PAR. 33. Paragraphs (a) and (b)(2) of § 36.3121(l)(3)–1 are amended to read as follows:

§ 36.3121(l)(3)–1 Termination of agreement by domestic corporation or by reason of change in stock ownership.

(a) *Termination by domestic corporation.* (1) A domestic corporation which has entered into an agreement under section 3121(l)(1) with respect to one or more of its foreign subsidiaries may terminate such agreement in part or in its entirety by giving (for calendar quarters beginning before 1969, to the district director for the internal revenue district in which is located the principal place of business in the United States of the domestic corporation; and for calendar quarters beginning after 1968, except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents) to the director of the service center serving such internal revenue district) 2 years' advance notice in writing of its desire so to terminate the agreement at the end of a specified calendar quarter: *Provided,* That, at the time of the receipt of such notice by such internal revenue officer, the agreement has been in effect with respect to the subsidiary or subsidiaries covered by the notice for at least 8 years. The notice of termination shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the internal revenue officer with whom the agreement was entered into, (iv) the name and address of each foreign subsidiary with respect to which the agreement is to be terminated, (v) the date on which the agreement became effective with respect to each such foreign subsidiary, and (vi) the date on which the agreement is to be terminated with respect to each such foreign subsidiary. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of termination. No particular form is prescribed for the notice of

termination. The Internal Revenue Service will transmit one copy of the notice of termination to the Department of Health, Education, and Welfare.

(2) A notice of termination given by a domestic corporation in respect of any one or more of its foreign subsidiaries may be revoked by the corporation with respect to any such subsidiary or subsidiaries by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of revocation. The notice of revocation shall be filed with the internal revenue officer with whom the notice of termination was filed. Such notice of revocation shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice of revocation, (ii) the name, address, and identification number of the domestic corporation, (iii) the name and address of each foreign subsidiary with respect to which the notice of termination is revoked, and (iv) the date of the notice of termination to be revoked. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of revocation. No particular form is prescribed for the notice of revocation. The Internal Revenue Service will transmit one copy of the notice of revocation to the Department of Health, Education, and Welfare.

(b) *Termination by reason of change in stock ownership.* • • •

(2) A domestic corporation which has entered into an agreement as provided in § 36.3121(l)(1)–1 shall furnish (for calendar quarters beginning before 1969, to the district director for the internal revenue district in which is located its principal place of business in the United States; and for calendar quarters beginning after 1968, except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents) to the director of the service center serving such internal revenue district) written notification in the event that a foreign corporation named in the agreement, including any amendment thereof, as a foreign subsidiary of the domestic corporation ceases to be its foreign subsidiary. The written notification shall be furnished in duplicate on or before the last day of the first month following the close of the calendar quarter in which the foreign corporation ceases, at any time in such quarter, to be a foreign subsidiary of the domestic corporation. Such notification shall be signed and dated by the president or other principal officer of the domestic corporation. The written notification shall show (i) the title of the officer signing the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the internal revenue officer with whom the agreement was entered into, (iv) the date on which the agreement was entered into, (v) the name and address of the foreign corporation with respect to which the notification is furnished, and (vi) the date on which the foreign corporation ceased to be a foreign subsidiary of the domestic corporation. No particular form is prescribed for the written notification. The Internal Revenue Service will transmit one copy of the written notification to the Department of Health, Education, and Welfare.

PAR. 34. Section 36.3121(l)(7)–1 is amended by revising subparagraphs (1), (2), and (3)(ii) of paragraph (a) and by revising subdivisions (i) and (iii) of paragraph (b)(2). The revised provisions read as follows:

§ 36.3121(l)(7)–1 Overpayments and underpayments.

(a) *Adjustments*—(1) *In general.* Errors in the payment of amounts for which liability, equivalent to the employee and employer taxes with respect to any payment of remuneration is incurred by a domestic corporation pursuant to its agreement are adjustable by the domestic corporation in certain cases without interest. However, not all corrections made under this section constitute adjustments within the meaning of the regulations in this part. The various situations in which such corrections constitute adjustments are set forth in subparagraphs (2) and (3) of this paragraph. All corrections in respect of underpayments and all adjustments or credits in respect of overpayments made under this section must be reported on a return filed by the domestic corporation under the regulations in this part and not on a return filed with respect to the employee and employer taxes imposed by sections 3101 and 3111, respectively. Every return on which such a correction (by adjustment, credit, or otherwise) is reported pursuant to this section must have securely attached as a part thereof a statement explaining the error in respect of which the correction is made, designating the calendar quarter in which the error was ascertained, and setting forth such other information as would be required if the correction were in respect of an overpayment or underpayment of taxes under the Federal Insurance Contributions Act. An error is ascertained when the domestic corporation has sufficient knowledge of the error to be able to correct it. An underpayment may not be corrected under this section after receipt from the district director or director of the service center of written notification of the amount due and demand for payment thereof, but the amount shall be paid in accordance with such notification.

(2) *Underpayments.* If a domestic corporation fails to report, on a return filed under the regulations in this part, all or any part of the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, the domestic corporation shall adjust the underpayment by reporting the additional amount due as an adjustment on a return or supplemental return filed on or before the last day on which the return for the return period in which the error is ascertained is required to be filed. The amount of each underpayment adjusted in accordance with this subparagraph shall be paid, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subparagraph but the amount thereof is not paid when due, interest thereafter accrues.

(3) *Overpayments.* • • •

(ii) A correction may not be made in one calendar year in respect of any part of an overpayment which was collected from an individual in a prior calendar year unless the domestic corporation has secured the written statement of the individual showing that he has not claimed and will not claim refund or credit of the amount so collected, and retains such receipt as a part of its records. See § 31.6413(c)–1 of this chapter, relating to claims for special credit or refund.

The correction constitutes an adjustment under this subparagraph only if it is reported on the return for the period in which the error is ascertained or on the return for the next following period, and then only if the correction is reported within the statutory period of limitation upon refund or credit of overpayments of amounts due under the agreement. See paragraph (b)(2)(iii) of this section relating to such statutory period. A claim for credit or refund may be filed in accordance with the provisions of paragraph (b)(2) of this section for any overpayment of an amount due under the agreement which is not adjusted under this subparagraph.

(b) *Errors not adjustable.* • • •

(2) *Overpayments.* (i) If more than the correct amount due from a domestic corporation pursuant to its agreement (including the amount of any interest or addition) is paid and the amount of the overpayment is not adjusted under paragraph (a)(3) of this section, the domestic corporation may file a claim for refund or credit. Except as otherwise provided in this subparagraph, such claim shall be made in the same manner and subject to the same conditions as to allowance of the claim as would be the case if the claim were in respect of an overpayment of taxes under the Federal Insurance Contributions Act. Refund or credit of an amount erroneously paid by a domestic corporation under its agreement may be allowed only to the domestic corporation.

• • • • •

(iii) No refund or credit of an overpayment of the amount due from a domestic corporation under its agreement will be allowed after the expiration of 2 years after the date of payment of such overpayment, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such 2-year period.

• • • • •

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

PAR. 35. Paragraph (a)(1) of § 41.6109–1 is amended to read as follows:

§ 41.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person in whose name a highway motor vehicle is registered at a time, after September 30, 1962, when a taxable use of such vehicle occurs, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

• • • • •

PART 45—MISCELLANEOUS STAMP TAXES

PAR. 36. Paragraph (a)(1) of § 45.6109–1 is amended to read as follows:

§ 45.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any act with respect to which a tax is imposed by section 4461, 4471, 4821, or 4841, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

• • • • •

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PAR. 37. Paragraph (a)(1) of § 46.6109–1 is amended to read as follows:

§ 46.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any manufacturing or processing operation with respect to which a tax is imposed by section 4501(a) or 4511, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

• • • • •

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

PAR. 38. Paragraph (a)(1) of § 48.6109–1 is amended to read as follows:

§ 48.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, makes a sale of an article with respect to which a tax is imposed by chapter 31 or 32 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

• • • • •

PART 49—FACILITIES AND SERVICES EXCISE TAXES

PAR. 39. Paragraph (a)(1) of § 49.6109–1 is amended to read as follows:

§ 49.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at anytime after September 30, 1962, receives a payment for a facility or service with respect to which a tax is imposed by chapter 33 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

• • • • •

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

PAR. 40. That part of paragraph (b) of § 147.1–1 which precedes subparagraph (1) is amended to read as follows:

§ 147.1–1 Credit or refund in case of insurance companies.

* * * * *

(b) *Credit or refund for overpayment of tax.* If an insurance company is entitled to a credit or refund (without interest) for overpayment of tax in 1964 or in any subsequent calendar year under paragraph (a) of this section, the company may, in accordance with the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration), file a claim for refund on Form 843 or claim credit for such overpayment on any return made on Form 3780 after the close of such calendar year. Each claim for credit or refund must be accompanied by a statement which shall include the following information:

* * * * *

PAR. 41. Paragraph (c) (1) of § 147.2–1 is amended to read as follows:

§ 147.2–1 Credit or refund in case of direct investments.

* * * * *

(c) *Refund or credit for overpayment—(1) Filing of claim.* A claim for refund or credit (without interest) for an overpayment of tax under paragraph (b) of this section shall be made in accordance with the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration). The taxpayer may file a claim for refund on Form 843 or claim credit for the amount on a return on Form 3780. Each claim of credit or refund must be accompanied by a statement setting forth the applicable information required by subparagraph (2) of this paragraph.

* * * * *

PAR. 42. Paragraph (c) (4) of § 147.4–1 is amended to read as follows:

§ 147.4–1 Exclusion for original or new issues where required for international monetary stability.

* * * * *

(c) *Notice of acquisition of Canadian issues.* * * *

(4) *Extensions of time.* Extensions of time within which a notice of acquisition must be filed will be granted for good cause. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents) the request for extension of time shall be made to the internal revenue officer (including the Director of International Operations, Washington, D.C. 20225) with whom the acquiring U.S. person files his income tax return.

* * * * *

PAR. 43. Paragraph (b) (1) of § 147.6–1 is amended to read as follows:

§ 147.6–1 Credit or refund in case of sales by underwriters and dealers to foreign persons.

* * * * *

(b) *Refund or credit for overpayment—(1) In general.* A claim for refund or credit for an overpayment of tax under paragraph (a) of this section shall be made in accordance with the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration). The taxpayer may file a claim for refund on Form 843 or claim credit for the amount on a return on Form 3780. Each claim for credit or refund must be accompanied by a statement setting forth the applicable information required by paragraph (d) of this section.

* * * * *

PAR. 44. Paragraph (d) of § 147.8–1 is amended to read as follows:

§ 147.8–1 Interest equalization quarterly tax return.

* * * * *

(d) *Place for filing returns.* The return under paragraph (a) of this section shall be filed with the internal revenue officer designated in instructions applicable to such return.

PAR. 45. Paragraph (b) of § 147.8–3 is amended to read as follows:

§ 147.8–3 Reporting requirements for members of exchanges and associations.

* * * * *

(b) *Time and manner of filing information return.* The information referred to in paragraph (a) of this section shall be furnished on return Form 3845, Brokers' Quarterly Information Return. Each such return shall contain all of the information required by such form and the accompanying instructions. Form 3845 shall be filed with the internal revenue officer designated in instructions applicable to Form 3845. Form 3845 shall be filed on or before the last day of the month following the close of each calendar quarter beginning on or after July 1, 1964.

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

PAR. 46. Paragraph (c) of § 151.30 is amended to read as follows:

§ 151.30 Employer identification numbers.

* * * * *

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application on Form SS–4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4721. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

* * * * *

PART 152—REGULATORY TAXES ON MARIHUANA

PAR. 47. Paragraph (c) of § 152.28 is amended to read as follows:

§ 152.28 Employer identification numbers.

* * * * *

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of service center. The application on Form SS–4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4751. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

* * * * *

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 48. Section 301.6091–1 is amended by adding at the end thereof the following new paragraph:

§ 301.6091–1 Place for filing returns and other documents.

* * * * *

(c) *Definition of hand carried.* For purposes of this section and section 6091 (b) (4) and the regulations issued thereunder, a return or document will be considered to be hand carried if it is brought to the district director by the person required to file the return or other document, or by his agent. Examples of persons who will be considered to be agents, for purposes of the preceding sentence, are: Members of the taxpayer's family, an employee of the taxpayer, the taxpayer's attorney, accountant, or tax advisor, and messengers employed by the taxpayer. A return or document will not be considered to be hand carried if it is sent to the Internal Revenue Service through the U.S. Mail.

[F.R. Doc. 69–2936; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 980]

ONIONS

Imports

Notice is hereby given of a proposed amendment of § 980.107 *Onion import regulation* (33 F.R. 11642), applicable to the importation of onions into the United States to become effective March 24, 1969, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8e–1 of the act (7 U.S.C. 608e–1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.107 (33 F.R. 11642), became effective August 19, 1968, and set forth the applicable grade, size, quality, and maturity requirements for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and eastern Oregon. On March 1, 1969 (33 F.R. 17309), grade, size, quality, and maturity requirements became effective for the period March 1 through June 15, 1969, under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in south Texas.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

In § 980.107 *Onion import regulation* (33 F.R. 11642), delete the introductory paragraph and paragraphs (a) and (h) and substitute the following new introductory paragraph and new paragraphs (a), (h), and (i), with paragraph (b) republished for information:

§ 980.107 Onion import regulation.

Pursuant to section 608e–1 of the Act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 24, 1969, and continuing through June 15, 1969, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements—(1) Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the requirements of this section.

* * * * *

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality and maturity effective for onions grown in South Texas.

(i) *Definitions.* For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195—51.3209 of this title), U.S. Standards for Grades of Creole Onions (§§ 51.3955—51.3970 of this title) or in the U.S. Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830—51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 6, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–2894; Filed, Mar. 10, 1969; 8:47 a.m.]

[7 CFR Parts 1070, 1078, 1079]

[Dockets Nos. AO–229–A21, AO–272–A16, AO–295–A18]

MILK IN CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA, AND DES MOINES, IOWA, MARKETING AREAS

Termination of Proceedings on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a notice was issued on November 8, 1968 (33 F.R. 16570), giving notice of a public hearing to be held at the Roosevelt Hotel, 200 First Avenue Northeast, Cedar Rapids, Iowa, beginning at 9:30 a.m., local time, on December 3, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas.

Notice was issued November 28, 1968 (33 F.R. 17661), that the said hearing was postponed until a date to be announced at a later time.

Proponents who submitted proposals for consideration at this public hearing have informed us that due to changed marketing conditions they do not wish to have such proposals considered at this time. Since proponents are not prepared to support their proposals at a hearing and no other persons have indicated an interest in the proposed amendments, it is hereby concluded that a public hearing as previously announced should not be held.

Accordingly, the aforesaid proceedings which were initiated by the notice of hearing issued November 8, 1968 (33 F.R. 16570), are hereby terminated.

If interested persons wish to have their proposals, in the present form or in a revised form, considered at a later date, such proposals should be resubmitted for consideration.

Signed at Washington, D.C., on March 6, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–2933; Filed, Mar. 10, 1969; 8:50 a.m.]

[7 CFR Part 1079]

[Docket No. AO-396-A19]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Savery Hotel, Fourth and Locust Streets, Des Moines, Iowa, beginning at 9:30 a.m., local time, on March 18, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Des Moines, Iowa, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mid-America Dairymen, Inc.:

Proposal No. 1. Revise § 1079.16 to read as follows:

§ 1079.16 Approved milk.

"Approved milk" means the skim milk and butterfat contained in milk received at an approved plant directly from an approved dairy farmer: *Provided*, That milk diverted under the conditions set forth in paragraphs (a), (b), and (c) of this section from an approved plant to a nonpool plant for the account of either the operator of the approved plant or a cooperative association shall also be approved milk and shall be deemed to have been received by the diverting handler at the plant to which diverted.

(a) A handler pursuant to § 1079.14 (b) may divert for its account without limit during the other days of the month the milk of any member producers whose milk is received at a pool distributing plant for at least one delivery during the month. The total quantity of milk so diverted may not exceed 50 percent in September through February and 100 percent in March through August of the larger of the following amounts: (1) The total quantity of its member approved milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member approved milk received at all pool distributing plants during the previous month multipled by the number of days in the current month.

(b) A handler in his capacity as the operator of a pool distributing plant may divert for his account the milk of any producer other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section whose milk is received at his pool distributing plant for at least one delivery during the month without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 50 percent in September through February and 100 percent in March through August of the larger of the following amounts: (1) The total quantity of approved milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of approved milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to paragraph (a) of this section.

(c) Any milk so diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1079.14(b) in excess of the limits prescribed pursuant to paragraphs (a) and (b) of this section shall not be approved milk and if the diverting handler fails to designate the dairy farmers whose milk is not approved milk, then no milk diverted by such handler during the month shall be approved milk.

Proposal No. 2. a. In § 1079.50(b) eliminate the last sentence which provides a minus 10-cent location adjustment on the Class I price for plants located outside the base zone.

b. In § 1079.82 eliminate paragraph (b).

c. Delete all of § 1079.20 *Base zone.*

Proposal No. 3. Revise § 1079.52(a) to read as follows:

§ 1079.52 Location differentials to handlers.

(a) For approved milk received at an approved plant located outside the marketing area and 60 miles or more by the shortest hard-surfaced highway distance as measured by the market administrator from the city hall in Des Moines, Iowa, and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable the price specified in § 1079.50(b) shall be reduced by 10 cents plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles.

* * * * * *

Proposal No. 4. Revise § 1079.82(a) to read as follows:

§ 1079.82 Location differentials to producers.

(a) The uniform price pursuant to § 1079.72 for approved milk received at a pool plant located outside the marketing area 60 miles or more from the city hall in Des Moines, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles.

* * * * * *

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, E. H. McGuire, Watch Tower Plaza, 924 37th Avenue, Rock Island, Ill. 61201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on March 6, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-2933; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-17]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate, alter, and revoke controlled airspace in the State of Tennessee by designating the Tennessee transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

There are six small portions of uncontrolled airspace and two segments of controlled airspace having floors above 1,200 feet above the surface scattered throughout the State of Tennessee. These areas are either surrounded by Federal airways or 1,200-foot transition areas. Because of the increasing traffic volume and demand for air traffic control services, there is a need to include these areas within the proposed Tennessee transition area. Inclusion of these areas within the proposed transition area, along with the adjustment of the floors of existing transition areas designated above 1,200 feet above the surface, would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and improve chart legibility, the following airspace actions are proposed:

1. Designate the Tennessee transition area as that airspace extending upward from 1,200 feet above the surface within the boundary of the State of Tennessee.

2. The Memphis, Paris, and Union City, Tenn., 1,200-foot transition areas would be altered by adding "* * * excluding the portion within the State of Tennessee * * *" to each present description.

3. The portions of the following transition areas with floors of 1,200 feet above the surface or above would be revoked:

Chattanooga, Tenn.	Lexington, Tenn.
Dyersburg, Tenn.	Nashville, Tenn.
Jackson, Tenn.	Snowbird, Tenn.
Knoxville, Tenn.	Tri-City, Tenn.

Those portions of the transition areas considered herein for revocation that extend into Mississippi and Alabama would be replaced by the proposed Mississippi (ASD 69-SO-16) and Alabama (ASD 69-SO-15) transition areas to be published concurrently with this docket.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 28, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-2887; Filed, Mar. 10, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-16]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate, alter, and revoke controlled airspace in the State of Mississippi and its coastal waters by designating the Mississippi transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate and revoke controlled airspace in the State of Alabama and its coastal waters by designating the Alabama transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

There are six small portions of uncontrolled airspace and four segments of controlled airspace having floors above 1,200 feet AGL/MSL scattered throughout the State of Alabama. These areas are either surrounded by Federal airways or 1,200-foot transition areas. Because of the increasing traffic volume and demand for air traffic control services, there is a need to include these areas within the proposed Mississippi transition area. Inclusion of these areas within the proposed transition area, along with the adjustment of the floor of the 2,500-foot MSL additional control area, would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and improve chart legibility, the following airspace actions are proposed:

1. Designate the Mississippi transition area as that airspace extending upward from 1,200 feet above the surface within the boundary of the State of Mississippi, including that airspace 3 nautical miles from and parallel to the shoreline, beginning at the intersection of the Mississippi/Alabama State line, extending west along a line 3 nautical miles and parallel to the shoreline, to and southwest along the southeast boundary of V-22, to and south along long. 88°51'00" W. to lat. 30°07'20" N. (point of intersection of the Mississippi State line and long. 88°51'00" W.).

2. The Gulfport, Greenville, McComb, Natchez, and Vicksburg, Miss., 1,200-foot transition areas would be altered by adding "* * * excluding the portion within the State of Mississippi * * *" to each present description.

3. The portions of the following transition areas with floors of 1,200 feet above the surface would be revoked:

Columbus, Miss.	Louisville, Miss.
Greenwood, Miss.	Meridian, Miss. (Key Field).
Hattiesburg, Miss.	Tupelo, Miss.
Jackson, Miss.	Yazoo City, Miss.
Kosciusko, Miss.	

4. The Greenville, Miss., additional control area would be revoked.

The actions proposed herein will not alter the extent of designated offshore controlled airspace. Those portions of the transition areas considered herein for revocation that extend into Alabama and Tennessee would be replaced by the proposed Alabama (ASD 69-SO-15) and Tennessee (ASD 69-SO-17) transition areas to be published concurrently with this docket.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 28, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69-2888; Filed, Mar. 10, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-15]

TRANSITION AREAS

Proposed Designation and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate and revoke controlled airspace in the State of Alabama and its coastal waters by designating the Alabama transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

There are six small portions of uncontrolled airspace and four segments of controlled airspace having floors above 1,200 feet AGL/MSL scattered throughout the State of Alabama. These areas are either surrounded by Federal airways or 1,200-foot transition areas.

Because of the increasing traffic volume and the demand for air traffic control services, there is a need to include these areas within the proposed Alabama transition area. Inclusion of these areas within the proposed transition area, along with the adjustment of the floors of existing transition areas and additional control areas designated above 1,200 feet AGL/MSL, would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and improve chart legibility, the following airspace actions are proposed:

1. Designate the Alabama transition area as that airspace extending upward from 1,200 feet above the surface within the boundary of the State of Alabama including that airspace within 3 nautical miles from and parallel to the shoreline of Alabama, excluding the portions within R–2101, R–2103, and R–3002A.

2. The portions of the following transition areas with floors of 1,200 feet above the surface or above would be revoked:

Birmingham, Ala.	Monroeville, Ala.
Eufaula, Ala.	Montgomery, Ala.
Fort Rucker, Ala.	Muscle Shoals, Ala.
Gadsden, Ala.	Atlanta, Ga.
Huntsville, Ala.	Columbus, Ga.
Mobile, Ala.	Pensacola, Fla.

3. The Piedmont, Ala., and Langston, Ala., additional control areas would be revoked.

The actions proposed herein will not alter the extent of designated offshore controlled airspace. Those portions of the transition areas considered herein for revocation that extend into Tennessee and Mississippi would be replaced by the proposed Tennessee (ASD 69–SO–17) and Mississippi (ASD 69–SO–16) transition areas to be published concurrently with this docket.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 28, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69–2880; Filed, Mar. 10, 1969; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69–WA–4]

JET ROUTES

Proposed Establishment

The Federal Aviation Administration (FAA) is considering amendments to Part 75 of the Federal Aviation Regulations that would exchange numbered identifiers between J–501 and J–502 between the United States/Canadian border and Seattle, Wash./Oakland, Calif., and would designate a VHF and a LF jet route between Annette Island, Alaska, and Sandspit, British Columbia, Canada.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

J–501 is presently aligned in part from Anchorage, Alaska, VORTAC via Johnstone Point, Alaska, VOR; Yakutat, Alaska, VORTAC; Biorka Island, Alaska, VORTAC; to Sandspit, British Columbia, Canada, VOR; and from Victoria, British Columbia, Canada, VOR to Seattle, Wash., VORTAC. HL–501 is presently aligned in part by the Canadian Department of Transport from Sandspit VOR via Malcolm Island, British Columbia, Canada, VOR to Victoria VOR. J–502 is presently aligned in part from Fairbanks, Alaska, VORTAC via Northway, Alaska, VOR; Burwash Landing, Yukon Territory, Canada, RR; Sisters Island, Alaska, VOR; Annette Island, Alaska, VOR; Malcolm Island VOR; Tofino, British Columbia, Canada, RBN; Neah Bay, Wash., RBN; Hoquiam, Wash., VORTAC; Medford, Oreg., VORTAC; Ukiah, Calif., VORTAC; INT of Ukiah VORTAC 172° T (154° M) and Oakland, Calif., VORTAC 305° T (288° M) radials; to Oakland VORTAC.

As presently aligned, HL–501 and HL–502 cross in Canadian territory at Malcolm Island, so that north of the crossing point J/HL–501 is to the west of J/HL–502, and south of the crossing point, J/HL–501 is to the east of J/HL–502. It is proposed herein to change the route identifier between Seattle and Victoria from J–501 to J–502. It is also proposed herein to change the route identifier between Tofino and Oakland from J–502 to J–501. The Canadian Department of Transport proposes to make corresponding alterations so that parallel routes will be provided with J/HL–502 to the east for Fairbanks traffic, and J/HL–501 to the west for Anchorage traffic.

The Canadian Department of Transport proposes designation of two jet routes and two HL airways between the Sandspit VOR/RR and the Annette Island VOR/RR, and has requested the FAA to take compatible action. In response to Canada's request, the FAA proposes designation of J–523 from Annette Island VOR to Sandspit VOR, and designation of J–525 from Annette Island RR to Sandspit RR. Such action would provide transition routes between J/HL–502 and J/HL–501 for both VHF and LF equipped aircraft.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–2890; Filed, Mar. 10, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 12782; FCC 69–189]

COMPETITION AND RESPONSIBILITY IN NETWORK TELEVISION BROADCASTING

Order Extending Time for Filing Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to competition and responsibility in network television broadcasting, docket No. 12782.

1. The Commission has before it Petition of National Broadcasting Co., Inc., and Columbia Broadcasting System, Inc., for Procedural Relief, requesting that the time for filing comments herein be extended to May 17, 1969, from March 17, 1969, and that time for filing reply comments and the date for oral argument be likewise extended.

2. On October 25, 1968, the Commission released its Order (FCC 68–1068) extending time herein for filing comments and information from November 16, 1968 to March 17, 1969, for reply comments to April 14, 1969, and scheduling oral argument for May 12, 1969. This was done on the representation by counsel for CBS and NBC that in order adequately to deal with the new developments in the industry relevant to the proposal which have occurred since the Commission's investigation and to consider the Westinghouse proposal regarding which the Commission asked for comment in its order of September 20, 1968, it is essential that an additional economic study be made of television program production, distribution and exhibition in order to provide information relevant to the present circumstances in that industry and to facilitate proper consideration of the Commission's proposal. NBC and CBS informed the Commission that they intended to employ the Arthur D. Little Co. (who had made an economic study of the industry to 1964, the report of which is a part of the record herein) to make such further study. It was anticipated that the supplemental Little Report would be available about the 15th of February and sufficient copies would be made available to all those who wished to further comment in the proceeding. Relying on these representations the Commission granted the extension above referred to. The networks immediately concluded their arrangements with Arthur D. Little, Inc. We are now informed by NBC and CBS in their petition and in a letter to Counsel from Arthur D. Little, Inc., dated February 15, 1969, that due to circumstances not subject to the control of NBC and CBS or Little and, despite due diligence, it will not be possible to complete the supplementary study and present it in a satisfactory form in time to enable the filing of comments based thereon by March 17, 1969.

3. The present proceeding is unusual in many respects. It is highly complex and controversial, is the result of a protracted continuing inquiry and seeks to evaluate a volatile enterprise—television network broadcasting. This makes the need for current information of the kind being provided by the supplemental economic studies highly useful to commenters and the Commission adequately to consider the matter.

4. There is, of course, public interest in proceeding with this matter with all due speed. However, the need for detailed and adequate consideration of the various complex factors involved requires that the Commission proceed with due deliberation and on an informed basis as is reasonably feasible. We regret the apparent necessity of further postponing this matter. However, in the present circumstances we believe it is in the public interest to grant the request for additional time.

5. *Therefore, it is ordered,* That the time for filing comments and additional information in this proceeding be extended to May 17, 1969. It is understood that at or about April 17, 1969, upon completion, the supplemental report by the Arthur D. Little Co., will be filed with the Commission in sufficient copies to permit all interested persons to use the data contained in the report if they so choose in preparing their own comments. All persons, whether or not they have previously filed comments in this proceeding may file formal comments and submit relevant information with regard to the matter herein at or prior to May 17, 1969. The date for filing reply comments is extended to June 17, 1969. Oral argument will be held scheduled to begin at 10 a.m. on the 21st day of July 1969.

Adopted: February 28, 1969.

Released: March 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–2920; Filed, Mar. 10, 1969; 8:49 a.m.]

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[1] Commissioners Wadsworth and H. Rex Lee concurring in the result; Commissioner Johnson dissenting.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

POLYPROPYLENE FILM FROM JAPAN

Antidumping Proceeding Notice

MARCH 4, 1969.

On January 8, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that polypropylene film manufactured by Kokoku Rayon and Pulp Co., Tokyo, Japan, is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

The information was submitted by W. R. Grace & Co., Cryovac Division, Duncan, S.C.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices for home consumption are higher than the prices of the merchandise sold for exportation to the United States.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-2935; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-3357]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 3, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the lands described below were classified for multiple-use management by classification appearing in the FEDERAL REGISTER of March 26, 1968 date, at page 4998.

This classification segregated these lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the revised statutes (24 U.S.C. 1171). It has been determined from discussions with local officials and user groups that the land described below should be further segregated to protect public recreational values therein. Accordingly, publication of this notice has the effect of further segregating the described lands from all forms of appropriation under the public land laws including the U.S. mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws.

2. The public lands are shown on a map on file in the Montrose District Office, Bureau of Land Management, Montrose, Colo. 81401 and in the Land Office, Bureau of Land Management, 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

HINSDALE AND SAGUACHE COUNTIES

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Powderhorn Lakes Site

T. 45 N., R. 3 W.,
Sec. 23, lots 9 and 10.

Cochetopa Creek

T. 47 N., R. 2 E.,
Those lands within 300 feet of either side of Cochetopa Creek within Sec. 17.

3. For a period of 60 days from the date of publication in the FEDERAL REGISTER, all persons who wish to submit comments or suggestions in connection with the proposed classification may present their views in writing to the Montrose District Manager, Bureau of Land Management, Highway 550 South, Montrose, Colo. 81401.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-2892; Filed, Mar. 10, 1969; 8:47 a.m.]

[Colo. 2055]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 3, 1969.

Notice of an application Serial No. Colorado 2055, for withdrawal and reservation of lands was published as F.R. Doc. 67-7176 on pages 9113–9114 of the issue for June 27, 1967. The applicant agency has canceled the application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 2310, the lands will be at 10 a.m. on April 8, 1969, relieved of the segregative effect of the above-mentioned application.

J. ELLIOTT HALL,
Chief, Division Lands and Minerals Program Management and Land Office Manager.

[F.R. Doc. 69-2895; Filed, Mar. 10, 1969; 8:47 a.m.]

[Serial No. N-1534, etc.]

NEVADA

Notice of Public Sale

MARCH 4, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, three parcels of land will be offered for sale to the highest bidder on Wednesday, April 16, 1969, at the Battle Mountain District Office, Bureau of Land Management, Second and Scott Streets, Battle Mountain, Nev. 89820. The lands are more particularly described below (all township and range references are to Mount Diablo Base and Meridian, Nevada):

Sale N-1534. T. 24 N., R. 41 E., Sec. 6, SE¼ NW¼. 40 acres. Appraised value: $360; estimated cost of publication: $6. Time of sale: 2 p.m.

Sale N-1701. T. 26 N., R. 43 E., Sec. 16, W½; Sec. 21, NW¼. 480 acres. Appraised value: $4,320; estimated cost of publication: $6. Time of sale: 2:30 p.m.

Sale N-2424. T. 25 N., R. 42 E., Sec. 27, NE¼. 160 acres. Appraised value: $1,440; estimated cost of publication: $6. Time of sale: 3 p.m.

The lands will be sold subject to all valid existing rights. Reservations will be made to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or of any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in a parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Battle Mountain District Office, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820, prior to 4 p.m., on Tuesday, April 15, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelopes must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-------, ------ p.m., April 16, 1969."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:30 p.m. of the day of the sale.

Any parcel not sold on Wednesday, April 16, 1969, shall be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning May 7, 1969.

Any adverse claimants to the above described lands should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-2870; Filed, Mar. 10, 1969; 8:45 a.m.]

[Serial No. N-2693]

NEVADA

Notice of Public Sale

MARCH 4, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 9 a.m., local time on Wednesday, April 16, 1969, at the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 21 E.,
Sec. 29, W½SE¼NW¼SE¼, S½SW¼NW¼SE¼.

The area described contains 10 acres. The appraised value of the tract is $3,000 and the estimated publication costs to be assessed are $12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any state thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701, prior to 4 p.m., on Tuesday, April 15, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-2693, April 16, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m., of the day of the sale.

If no bids are received for the sale tract on Wednesday, April 16, 1969, the tract will be reoffered on the first Wednesday of subsequent months at 9 a.m., beginning May 7, 1969.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-2877; Filed, Mar. 10, 1969; 8:45 a.m.]

[New Mexico 929]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 4, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands described below were classified for multiple-use management (32 F.R. 3894–3895) on March 9, 1967.

2. Publication of this notice has the effect of further segregating the lands described in paragraph 3 from all forms of appropriation under the public land laws, including the general mining, but not from the mineral leasing laws. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

3. The public lands located within the following described areas have high recreational values and are shown on maps designated SE-14 on file in the Roswell District Office, Bureau of Land Management, 1902 South Main Street, Roswell, N. Mex., and the New Mexico Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. The description of the area is as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 30 E.,
Sec. 28, S½ and that part of S½N½ lying south of U.S. Highway 380;
Sec. 35.
T. 11 S., R. 30 E.,
Secs. 11, 12, 13, 14, 23, 24, 25, and 26;
Sec. 35, N½.
T. 11 S., R. 31 E.,
Sec. 7, lots 1, 2, 3, 4, and E½W½;
Sec. 19, lots 1, 2, 3, 4, and E½W½;
Sec. 30;
Sec. 31, E½.

The area described above aggregates 8,058.19 acres more or less.

4. Publication of this notice has the effect of further segregating the following described lands from all forms of appropriation under the public land laws, including the general mining and the mineral leasing laws and from issuance

of rights-of-way. The lands have unique recreational value and are in proximity to planned recreation improvements. The description of the lands is as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 30 E.,
Sec. 26, SW¼ and that part of the S½NW¼ lying south of U.S. Highway 380;
Sec. 27, S½ and that part of the S½N½ lying south of U.S. Highway 380;
Secs. 34 and 35.
T. 11 S., R. 30 E.,
Sec. 1, lots 1, 2, 3, 4, and S½;
Sec. 35, S½.
T. 11 S., R. 31 E.,
Sec. 6, lots 3, 4, 5, 6, and E½SW¼;
Sec. 31, lots 1, 2, 3, 4, and E½W½.
T. 12 S., R. 30 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and SW¼;
Secs. 11 and 12;
Sec. 13, E½;
Sec. 14, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 23, SW¼NE¼, and S½NW¼;
Sec. 24, SW¼NE¼, and S½NW¼.
T. 12 S., R. 31 E.,
Sec. 6, lots 1, 2, 3, 4, 5, 7, S½NE¼, SE¼NW¼, SE¼SW¼, and S½SE¼;
Secs. 7 and 18;
Sec. 19, lot 2, SW¼NE¼, and SE¼NW¼.

The area described aggregates 7,735.31 acres, more or less.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with the proposed amendment, may present their views in writing to the Roswell District Manager, Bureau of Land Management, Post Office Box 1397, Roswell, N. Mex. 88201.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-2878; Filed, Mar. 10, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. S-462]

WARREN L. CURRIE

Notice of Loan Application

Warren L. Currie, 349 North 10th, Reedsport, Oreg., 97467, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 34.0-foot registered length wood vessel to engage in the fishery for salmon and tuna.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-2896; Filed, Mar. 10, 1969; 8:47 a.m.]

[Docket No. G-424]

TIMOTHY P. MASON

Notice of Loan Application

Timothy P. Mason, 805 P Street, Brunswick, Ga. 31520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 75-foot length over-all wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-2897; Filed, Mar. 10, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (34 F.R. 2330) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90-201) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to calves and sheep with respect to Clayton Packing Co., establishment 2373, is deleted. The reference to calves with respect to Prime Meat Products Co., establishment 6079, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
I. Kaplan, Inc.	102	(*)						
David Davies, Inc.	575-A	(*)						
Gustav B. Nissen & Son Packing Co.	2388	(*)						
DuQuoin Packing Co.	2599	(*)						
Redwood Meat Co.	6066	(*)	(*)	(*)		(*)		
Cuyamaca Meat Co.	6126	(*)						
New establishments reported: 6.								
Swift & Co.	8 A E					(*)		
Sunnyland Packing Co. of Ala.	55		(*)					
Ferrara Meat Co., Inc.	134		(*)					
Solano Meat Co.	285		(*)					
City Custom Packing Co., Inc.	387		(*)					
Austin Community Livestock Processors Inc.	500		(*)	(*)	(*)			
Hillcrest Packing Co.	943		(*)					
Joe Doctorman & Son Packing Co., Inc.	949		(*)	(*)		(*)		
Fort Plain Packing Co., Inc.	3074		(*)					
Double A Meat Packing Inc.	5162			(*)	(*)			
Morris Mendel & Co.	5309			(*)	(*)	(*)		
Hohener Meat Co., Inc.	6011							
Mount Vernon Meat Co., Inc.	6039			(*)				
Species added: 19.								

Done at Washington, D.C., on March 3, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-2984; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 25]

LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through March 4, 1969. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (57 ships)	383,552
Polish (32 ships)	243,514
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
Emilia Plater	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Lelewel	7,817
Ludwik Solski	6,904
Marceli Nowotko	6,660
Mickiewicz	4,344
Moniuszko	9,247
Norwid	5,512
Nowowiejski	9,186
Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
Szymanowski	9,203
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
British (16 ships)	89,334
Court Harwell	7,133
Dartford	2,739
Fortune Glory	5,832
*Golden Ocean	3,827
Greenford	2,964
Isabel Erica	7,105
Kingford	2,911
**Meadow Court (trip to North Vietnam under ex-name Ardrossmore—British)	5,820
Rochford	3,324
**Rosetta Maud (trip to North Vietnam under ex-name, Ardtara—British)	5,795
Ruthy Ann	7,361
**Shun On (trip to North Vietnam under ex-name Pundua—British)	7,295
Shun Wah (previous trip to North Vietnam under ex-name Vircharmian—British)	7,265
*Shun Wing	6,987
Taipieng (tanker)	5,676
Tetrarch (previous trips to North Vietnam, under ex-name Ardowan—British)	7,300
Cypriot (4 ships)	21,784
Acme	7,173
Amfithea	5,171
Antonia II	7,303
Marianthi	2,137
Somali (2 ships)	16,082
**Shun Tai (trip to North Vietnam—British)	7,085
*Yvonne	8,997
Greek (1 ship)	6,724
**Leonis (trip to North Vietnam under exname Shirley Christine—British	6,724
Panamanian (1 ship)	1,889
**Salamanca (trip to North Vietnam under ex-name, Milford—British)	1,889
Singapore (1 ship)	4,225
*Lucky Dragon	4,225

*Added to Rept. No. 24, appearing in the FEDERAL REGISTER issue of Feb. 4, 1969.

**Ships appearing on the list which have made no trips to North Vietnam under the present registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP	Number of ships
a. Since last report: None.	
b. Previous reports:	
British	1
Italian	1

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk, or wrecked.

FLAG OF REGISTRY	Gross tonnage
a. Since last report:	
Agenor (Cypriot)	7,139
Laurel (Cypriot)	7,297
Shienfoon (British)	7,127

b. Previous reports:	Broken up, Sunk, or wrecked
British	3
Cypriot	3
Greek	1
Lebanese	2
Maltese	1
Polish	1

Dated: March 5, 1969.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-2992; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0808) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing that § 120.183 *O,O-Diethyl S-2-(ethylthio) ethyl phosphorodithioate; tolerances for residues* (21 CFR 120.183) be amended by increasing the tolerance level for residues of the subject insecticide from 0.1 part per million to 0.75 part per million in or on the raw agricultural commodity sorghum grain.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic technique using a potassium chloride thermionic-emission flame detector after oxidation of the insecticide and its metabolites to the corresponding sulfone and oxygen analog sulfone.

Dated: March 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2872; Filed, Mar. 10, 1969; 8:45 a.m.]

FULTS-SANKO

Notice of Withdrawal of Petition for Food Additives Polysorbate 60 and Sorbitan Monostearate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52) Fults-Sanko, Post Office Box 331, Tulare, Calif. 93274, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of August 1, 1968 (33 F.R. 10952), proposing the issuance of a regulation to provide for the safe use of polysorbate 60 (Polyöxyethylene (20) sorbitan monostearate) in combination with sorbitan monostearate as a wetting agent in steam flaking of grain intended for use in animal feeds.

Dated: March 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2873; Filed, Mar. 10, 1969; 8:45 a.m.]

HOFFMANN-LA ROCHE, INC.

Notice of Filing of Petition for Food Additive Sulfadimethoxine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, proposing that § 121.311 *Sulfadimethoxine* (21 CFR 121.311) be amended to provide for the safe use of sulfadimethoxine in the drinking water of turkeys for the treatment of coccidiosis and fowl cholera.

Dated: March 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2874; Filed, Mar. 10, 1969; 8:45 a.m.]

JOSEPH E. SEAGRAM & SONS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2395) has been filed by Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10022, proposing an amendment to § 121.1017 *Calcium disodium EDTA* (21 CFR 121.1017) to provide for the safe use of calcium disodium EDTA in distilled alcoholic beverages to promote stability of color, flavor, and/or product clarity.

Dated: March 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2875; Filed, Mar. 10, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20777; Order 69-3-19]

TRANS WORLD AIRLINES, INC.

Order Granting Exemption During Strike Emergency

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1969.

By telegraphic application on March 3, 1969, Trans World Airlines, Inc. (TWA), requests an exemption, during the emergency created by the current strike against American Airlines, Inc. (American), from Title IV of the Act, and the terms, limitations, and conditions of its certificate to the extent necessary to permit it to carry local passengers, freight, and mail between Detroit and Boston on its international flights.

We have been informally advised that United Air Lines, Inc., Mohawk Airlines, Inc., Allegheny Airlines, Inc., and American do not object to the relief requested by TWA.

We have decided to grant the requested exemption, so as to permit TWA to carry Detroit-Boston passengers on the one daily round trip it presently operates between Detroit/Boston and London. There is a need for service to replace American's Detroit-Boston service which has been temporarily interrupted by a strike. American is the sole carrier authorized to provide nonstop service in the Detroit-Boston market, and has regularly provided nonstop service for the substantial traffic which flows in this market. Moreover, the new authority requested by TWA is limited in extent. TWA is authorized to serve both Detroit and Boston, as coterminals on its international route, but has no authority to carry Detroit-Boston local passengers. TWA now seeks limited temporary authority to carry Detroit-Boston local traffic on international flights which will, in any event, be operated between Boston/Detroit and London.

We conclude that the enforcement of the provisions of Title IV, and the terms, limitations, and conditions of TWA's certificate of public convenience and necessity, to the extent that they would otherwise prevent the service authorized herein, would be an undue burden on TWA by reason of the limited extent of and unusual circumstances affecting its operations and is not in the public interest.

Accordingly, it is ordered, That:

1. Trans World Airlines, Inc., be and it hereby is exempted from Title IV of the Act and the terms, limitations, and conditions of its certificate of public convenience and necessity for route 147 to the extent necessary to permit it to carry passengers, property, and mail between Detroit, Mich., and Boston, Mass., on one daily round trip which originates or terminates at a point in Europe, provided that the rates or fares to be charged for such service shall be the same as those charged by American Airlines;

2. To the extent not otherwise granted herein TWA's application be and it hereby is denied;

3. The authority granted herein shall be effective on the date of issuance of this order and shall continue in effect until such time as American Airlines resumes its Boston-Detroit service; and

4. This order may be amended or revoked at any time in the discretion of the Board without notice or hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2926; Filed, Mar. 10, 1969; 8:49 a.m.]

[Docket No. 20655]

LUFTVERKEHRSUNTERNEHMEN ATLANTIS GmbH

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 17, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., March 5, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69-2925; Filed, Mar. 10, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18460-18470; FCC 69-182]

RADIO LONGVIEW, INC. (KHER), ET AL.

Order Designating Applications for Oral Argument

In re applications of Radio Longview, Inc. (KHER), Longview, Tex., Docket No. 18460, File No. BMPCT-6531; Tele-Americas Corp. of Florida (WTML), Miami, Fla., Docket No. 18461, File No. BMPCT-6543; WBEJ, Inc. (WMLK), Janesville, Wis., Docket No. 18462, File No. BMPCT-6609; Onondaga UHF-TV, Inc. (WONH), Syracuse, N.Y., Docket No. 18463, File No. BMPCT-6633; Custom Electronics, Inc. (WPCT), Melbourne, Fla., Docket No. 18464, File No. BMPCT-6639; Eli E. Fink and George Fink Trust a partnership doing business as Elgin Television (WFNT), Elgin, Ill., Docket No. 18465, File No. BMPCT-6738; Rovan of Florence, Inc. (WPDT), Florence, S.C., Docket No. 18466, File No. BMPCT-6743; Peter F. Mack, Jr., and Stanley C. Myers doing business as Illinois Broadcasting Co. (WPNG), Springfield, Ill., Docket No. 18467, File No. BMPCT-6757; Charles W. Dowdy (WROA-TV), Gulfport, Miss., Docket No. 18468, File No. BMPCT-6772; Beacon Television Corp. (KWID-TV), Tulsa, Okla., Docket No. 18469, File No. BMPCT-6780; Comet Television Corp. (KTOV-TV), Denver, Colo., Docket No. 18470, File No. BMPCT-6820; for extension of construction permits.

1. The Commission having under consideration the above-captioned applications for additional time within which to complete construction. The above-named applicants are the permittees of UHF television broadcast stations on which construction has not been completed.

2. The Commission has advised the applicants by letter that it could not determine that a grant of the requests for additional time within which to complete construction would be warranted, since it had been unable to find that the applicants had been diligent in proceeding with construction or that applicants were prevented from completing construction by causes beyond their control.

3. The applicants were also advised that unless they informed the Commission that they desired to prosecute their applications further, their construction permits would be canceled and their call letters deleted; that their reasons for not proceeding with construction entitled them at most to oral argument on the question of whether failure to complete was due to causes not under their control or that the reasons stated are sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

4. The above-named applicants replied to the Commission's letter and either requested oral argument or indicated a desire to prosecute further their applications, but failed specifically to request oral argument; that the Commission believes that these latter replies also should be treated as requests for oral argument.

5. *It is ordered,* That the above-captioned applications are designated for oral argument before the Commission En Banc in Washington, at 9:30 a.m., on March 31, 1969, on the following issue: To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

6. *It is further ordered,* That to avail themselves of the opportunity to be heard, each of the applicants, in person, or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified, and shall have until ten (10) days prior to oral argument to file briefs or memoranda of law.

Adopted: February 26, 1969.

Released: March 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2921; Filed, Mar. 10, 1969; 8:49 a.m.]

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND EVANS PRODUCTS CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 73, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 12 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of Agreement filed for approval by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, Calif. 90802.

Agreement No. T-1985-2 between the city of Long Beach (City) and Evans Products Co. (Evans) modifies the basic agreement which provides for the lease of certain marine terminal properties in Long Beach, Calif. The purpose of the modification is to (1) withdraw 15,000 square feet of leased space from one area and add 55,000 square feet to another; (2) revise the rental; (3) delete a provision relating to an option to lease Berth 203; and (4) redefine the leased area.

Dated: March 5, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2891; Filed, Mar. 10, 1969; 8:47 a.m.]

U.S. ATLANTIC AND GULF-JAMAICA CONFERENCE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Mr. H. T. Schoonebeek, 11 Broadway, New York, N.Y. 10004.

The following agreements have been filed to modify the basic agreements as outlined hereinafter:

United States Atlantic & Gulf-Jamaica Conference Agreement No. 4610-13.

United States Atlantic & Gulf-Venezuela & Netherlands Antilles Conference Agreement No. 6190-23.

United States Atlantic & Gulf-Venezuela & Netherlands Antilles Conference Agreement No. 6870-11 (covers the movement of cargo of oil companies intended for their companies' use and not for resale).

West Coast South America Northbound Conference Agreement No. 7890-5.

United States Atlantic & Gulf-Haiti Conference Agreement No. 8120-8.

Atlantic and Gulf/West Coast of Central America and Mexico Conference Agreement No. 8300-8.

The agreements listed above add paragraph 2 to Article 1 (with the exception of Agreement 6870-11 which adds paragraph 2 to Article 4). Paragraph 2 provides:

No provision of this Agreement shall be deemed to prohibit the Conference from agreeing to, and establishing, through rates by arrangement with other modes of transportation; or to prohibit the publication and filing of through rates by the Conference, in conformity with any such rate agreement;

or to prohibit the issuance by the member lines of through bills of lading pursuant to a published Conference tariff embodying through rates or the adoption by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference. However, no member line, either individually or in concert with any other member line or lines or any nonmember line or lines, may negotiate, establish, publish, file, or operate under any through intermodal transportation rates or issue any through bills of lading otherwise than pursuant to the formal action and authorization of the Conference.

Other changes are made in the conferences' rules and regulations in order to remove any inconsistencies with the above paragraph.

Dated: March 6, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2918; Filed, Mar. 10, 1969; 8:49 a.m.]

CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

CHINESE MARITIME TRUST, LTD. (Orient Overseas Line), Certificate No. C-1,070, Effective date: March 5, 1969.

Dated: March 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2916; Filed, Mar. 10, 1969; 8:48 a.m.]

CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

CHINESE MARITIME TRUST, LTD. (Orient Overseas Line), Certificate No. P-74, effective date: March 5, 1969.

Dated: March 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2917; Filed, Mar. 10, 1969; 8:48 a.m.]

[Docket No. 69-9]

SOUTH ATLANTIC AND CARIBBEAN LINES, INC.

Order To Show Cause

On March 6, 1969, the South Atlantic and Caribbean Lines, Inc., a common carrier by water engaged in the carriage of goods between the Commonwealth of Puerto Rico and Miami, Fla., published a notice entitled "Embargo Notice" together with an amendment wherein said carrier advised that effective March 6, 1969, it would no longer book or accept for loading aboard or discharge from their ships at Miami any container which (a) contains LTL loads or consolidated full container loads; and, (b) comes from or goes to any person (including a consolidator who loads containers of outbound cargo or a distributor who unloads containers of inbound cargo), who is either a consolidator of outbound cargo or a distributor of inbound cargo who is not the beneficial owner of the cargo; and, (c) comes from or goes to any point within a geographical area described by a 50-mile circle with its radius extending, respectively, from the center of Miami, Fla. It appears that such "embargo" is now being enforced by the carrier.

There further appears to be no evidence of any emergency condition or physical limitations of said carrier necessitating the imposition of an embargo; and South Atlantic and Caribbean Lines, Inc., has on file with the Federal Maritime Commission a schedule of freight rates which apply to LTL loads or consolidated full containers of consolidators and/or distributors who are not the beneficial owners of such cargo; and which come from or go to points within a geographical area described by a 50-mile circle with its radius extending, respectively, from the center of Miami, Fla.

Section 2 of the Intercoastal Shipping Act, 1933, and Federal Maritime Commission Tariff Circular No. 3, as amended, require a carrier to file with this Commission a new schedule or schedules to become effective not earlier than 30 days after date of filing, before any change shall be made in the rates, fares, charges, classifications, rules, or regulations that have previously been filed with the Commission.

Now, therefore, it is ordered, Pursuant to section 2 of the Intercoastal Shipping Act, 1933 and section 22 of the Shipping Act, 1916, that South Atlantic and Caribbean Lines, Inc., show cause on or before March 13, 1969, why it should not be ordered to cease and desist from carrying out the aforementioned embargo, and the proceeding shall be confined solely to such issue.

It is further ordered, That this order be published in the FEDERAL REGISTER and served on South Atlantic and Caribbean Line, Inc., who is named as respondent in this proceeding. Oral argument in this proceeding will be heard by the Commission on March 13, 1969, in Room 1215, 1405 I Street NW., Washington, D.C., at 2 p.m., e.s.t. Notwithstanding the rules as to time and service of documents of this Commission's rules of practice and procedure, the parties to this proceeding shall adhere to the following schedule: Affidavits of fact and memoranda of law may be submitted to the Commission on or before the close of business, March 11, 1969. All persons having an interest in this proceeding, desiring to intervene therein, should notify the Secretary of the Commission promptly and may file petitions for leave to intervene together with affidavits of fact and memoranda of law in accordance with the schedule set forth herein. All documents or pleadings filed in this proceeding including petitions to intervene must be served by the person filing same upon all parties of record. The parties to this proceeding will be notified by the Secretary of the time allotted for oral argument.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

RESPONDENT

South Atlantic and Caribbean Lines, Inc., c/o John Mason, Esq., Ragan & Mason, 900 17th Street NW., Washington, D.C. 20006.

[F.R. Doc. 69-2904; Filed, Mar. 10, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP69-25]

WESTERN TRANSMISSION CORP.

Notice of Proposed Change in Rates and Charges

MARCH 6, 1969.

Notice is hereby given that Western Transmission Corp. (Western), on February 24, 1969, filed changes in its FPC Gas Tariff, Original Volume No. 1, and seeks waiver of the 30-day notice requirements (§ 154.22 of the Commission's regulations) to permit such to be effective as of January 1, 1969. The proposed change would increase the rate charged to Colorado Interstate Gas Co. for gas sold under Rate Schedule F from 20 cents per Mcf to 21 cents.

Western alleges that the increase is of the periodic type and tracks a periodic increase of 1 cent per Mcf filed by its supplier, U.S. Natural Gas Corp., on January 6, 1969.

Protests, petitions or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 21, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2922; Filed, Mar. 10, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3900]

BSF CO.

Order Suspending Trading

MARCH 5, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co., being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 6, 1969, through March 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2902; Filed, Mar. 10, 1969; 8:48 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

MARCH 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp., is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 6, 1969, through March 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2903; Filed, Mar. 10, 1969; 8:48 a.m.]

[File No. 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

MARCH 5, 1969.

The common stock, 1-cent par value, of Mountain States Development Co., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 6, 1969, through March 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2904; Filed, Mar. 10, 1969; 8:48 a.m.]

TELSTAR, INC.

Order Suspending Trading

MARCH 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 6, 1969 through March 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2905; Filed, Mar. 10, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 03/05-0025, etc.]

AMERICAN SMALL BUSINESS INVESTMENT CORP. ET AL.

Notice of Surrender of Licenses

Notice is hereby given that the following small business investment companies have, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), surrendered their licenses to operate as small business investment companies.

American Small Business Investment Co., Arlington, Va., License No. 03/05-0025, was incorporated on June 13, 1961, under the laws of the State of Florida, and licensed by the Small Business Administration (SBA) on May 11, 1962.

Eastern States Small Business Investment Corp., Hackensack, N.J., License No. 02/02-0036, was incorporated on October 13, 1960, under the laws of the State of New Jersey, and licensed by SBA on June 23, 1961.

Universal Investment Co., Barrington, N.J., License No. 03/03-0009, was incorporated on June 8, 1960, under the laws of the State of Pennsylvania, and licensed by SBA on July 21, 1960.

All three were licensed solely to operate under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Under the authority vested in the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the licenses of American Small Business Investment Co., Eastern States Small Business Investment Co., and Universal Investment Co. are hereby accepted, and accordingly, are no longer licensed to operate as small business investment companies.

Dated: March 3, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2883; Filed, Mar. 10, 1969; 8:46 a.m.]

FIRST CARIBBEAN MAINLAND CAPITAL CO., INC.

Notice of Surrender of License

Notice is given hereby that the Small Business Administration accepted on January 10, 1969, the surrender of the license issued to First Caribbean Mainland Capital Co., Inc., New York, N.Y. (incorporated in the Commonwealth of Puerto Rico).

The surrender acceptance followed the completion of merger of First Caribbean Mainland Capital Co., Inc., and Country Capital Corp., Melville, N.Y. (License No. 02/02-0189), and satisfaction of the terms of an agreement of merger dated September 5, 1968.

Dated: March 3, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2898; Filed, Mar. 10, 1969; 8:47 a.m.]

HANCOCK CAPITAL CORP.

Notice of Surrender of License

Hancock Capital Corp., incorporated under the laws of the Commonwealth of

Massachusetts on July 31, 1961, and having its principal place of business located at 1455 Commonwealth Avenue, Brighton, Mass. 02235, was licensed by the Small Business Administration (SBA) on August 25, 1961, to operate solely under the Small Business Investment Act of 1958 as amended (the "Act") (15 U.S.C. 661 et seq.).

On May 8, 1968, a civil suit (Civil No. 68-387) was filed on behalf of SBA against Hancock Capital Corp. in the U.S. District Court, District of Massachusetts, alleging violations of the Act and SBA rules and regulations and seeking a determination and adjudication of such violations, a judgment for the indebtedness due SBA, an injunction and the appointment of a receiver.

During the pendency of this action, Hancock Capital Corp., repaid all of its indebtedness to SBA and surrendered its license. Accordingly, on February 13, 1969, a stipulation of dismissal was filed in termination of the pending litigation.

In view of the foregoing, notice is hereby given that the surrender of the license by Hancock Capital Corp., is hereby approved and accepted.

Dated: March 3, 1969.

For the Small Business Administration.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2899; Filed, Mar. 10, 1969; 8:47 a.m.]

[License No. 12/12-0026]

JUDSON-MURPHY CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Judson-Murphy Capital Corp., Oakland, Calif., has pursuant to § 107.105 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) surrendered its license to operate as a small business investment company. It was incorporated on January 21, 1961, under the laws of the State of California, and licensed by the Small Business Administration (SBA) on April 10, 1961, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Judson-Murphy Capital Corp. has complied with all conditions set forth by SBA for the surrender of its license, including repayment of all indebtedness owing to SBA.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Judson-Murphy Capital Corp. is hereby accepted, and Judson-Murphy Capital Corp., accordingly, is no longer licensed to operate as a small business investment company.

Dated: March 3, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2884; Filed, Mar. 10, 1969; 8:46 a.m.]

[License No. 02/02-0046]

SLAYTON EQUITIES CORP.

Notice of Surrender of License

Notice is given hereby that the Small Business Administration accepted on January 23, 1969, the surrender of the license issued to Slayton Equities Corp., New York, N.Y. (incorporated in New York).

On February 29, 1968, Slayton Equities Corp. entered into an agreement with the Small Business Administration whereby Slayton Equities Corp. agreed to accelerate repayment of all indebtedness owed the Small Business Administration, and withdraw from the small business investment company program. Slayton Equities Corp. satisfied all the terms of its agreement, including repayment of all indebtedness owed the Small Business Administration and surrender of license.

The corporation no longer is licensed to operate as a small business investment company.

Dated: March 3, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2900; Filed, Mar. 10, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 700]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Contra Costa County, Calif.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring the latter part of February 1969.

OFFICE

Small Business Administration Regional Office, 450 Golden Gate Avenue, Box 36044, San Francisco, Calif. 94102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1969.

Dated: March 3, 1969.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69-2901; Filed, Mar. 10, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 702]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 6, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59292 (Sub-No. 25 TA), filed March 3, 1969. Applicant: THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted or otherwise chemically preserved poles, pilings, lumber, cans and switch ties*, from Chesapeake, Va., to points in Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia and *return shipments* of the above described commodities, for 180 days. Supporting shippers: Carl A. Wilhelm, Vice President, Eppinger and Russell Co., Post Office Box 5083, Chesapeake, Va. 23506; George J. McClure, Jr., Pile-Drivers, Inc., 1334 Sulphur Spring Road, Halethorpe, Md. 21227. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 99798 (Sub-No. 13 TA) (Correction), filed January 27, 1969, published FEDERAL REGISTER, issue of February 14, 1969, and republished as corrected this issue. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. 65775. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over specified regular routes, specifically set forth in FEDERAL REGISTER notice of February 14, transporting: *General commodities* (with certain exceptions), between East St. Louis, Ill., and Mountain Home, Ark., for 180 days. NOTE: The purpose of this republication is to state that applicant does intend to interline with other carriers at St. Louis, Mo. Supporting shippers: There are 10 statements from supporting shippers attached to the application which may be examined here at the Offices of the Interstate Commerce Commission, Washington, D.C., or at the field office named below. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 103493 (Sub-No. 9 TA), filed February 28, 1969. Applicant: ROBINSON TRANSFER COMPANY, INC., 1809 St. James Street, La Crosse, Wis. 54601. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and, in connection therewith, *materials, equipment, and supplies* used in the conduct of such business, from Rochester, Minn., to La Crosse and Eau Claire, Wis., under contract with Dolly Madison Dairies, Division of Marigold Foods, Inc., *empty containers*, on return movement, for 150 days. Supporting shipper: Dolly Madison Dairies, Division of Marigold Foods, Inc., 110 South Second Street, La Crosse, Wis. 54601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 108340 (Sub-No. 20 TA), filed March 3, 1969. Applicant: HANEY TRUCK LINE, 2219 Cedar Street, Forest Grove, Oreg. 97116. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cannery products, materials, supplies, and equipment*, between Portland, Oreg., and the plantsite of Libby, McNeill & Libby at Salem, Oreg., for 180 days. Supporting shipper: Libby, McNeill & Libby, 520 South El Camino Real, San Mateo, Calif. 94402. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 111401 (Sub-No. 274 TA), filed March 3, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, from Great Bend, Kans., to points in Alabama, Arkansas, Arizona, Colorado, California, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Jersey, Illinois, Indiana, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Utah, for 180 days. Supporting shipper: Thies Packing Co., Inc., Arthur Dietz, General Manager, Post Office Box 49, Great Bend, Kans. 67530. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office and Federal Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114533 (Sub-No. 183 TA), filed March 3, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Audit media and other business records*, between Elk Grove Village, Ill., on the one hand, and, on the other, Detroit, Mich., (2) *specification and drawings*, between Topeka, Kans., on the one hand, and, on the other, St. Louis, Mo., for 180 days. Supporting shippers: (1) Owens Corning Fiberglas, Supply & Contracting Division, 2300 Estes Avenue, Elk Grove Village, Ill. 60007; (2) Southwestern Bell Telephone Co., 823 Quincy, Topeka, Kans. 66612. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115331 (Sub-No. 267 TA), filed March 3, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bulk, from the plantsite or storage facilities of Monsanto Co., at or near El Dorado, Ark., to points in Oklahoma and Texas, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119213 (Sub-No. 1 TA), filed March 3, 1969. Applicant: KING's EXPRESS, INC., 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Avenue, Scranton, Pa. 18505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, portable swimming and wading pools; accessories, supplies and equipment used in connection therewith, and supplies, accessories, equipment and machinery used in manufacture of above commodities*, on return; from Wilkes-Barre, Pa., and Pittston Township, Pa., to Colton and Los Angeles, Calif., Detroit and Grand Rapids, Mich., and Chicago, Ill., for 180 days. Supporting shipper: Muskin Manufacturing, Co., Inc., 38 Courtright Avenue, Wilkes-Barre, Pa. 18703. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133314 (Sub-No. 1 TA), filed March 3, 1969. Applicant: SILVAN TRUCKING COMPANY, INC., Rural Route No. 2, Post Office Box 67, Pendleton, Ind. 46064. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid suspension fertilizer*, from Maxwell, Ind., to Piqua, Ohio, for 180 days. Supporting shipper: Royster Co., Indianapolis Division, Indianapolis, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 133513 TA, filed March 3, 1969. Applicant: RUSSELL A. AIKIN, doing business as AIKIN DELIVERY SERVICE, 4524 Lansing Road, Lansing, Mich. 48917. Applicant's representative: Russell A. Ailin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic materials, equipment and supplies, film and prints*, between Lansing, Mich., on the one hand and, on the other, Maumee and Toledo, Ohio, for Linn Camera Shop, Inc., for 150 days. Supporting shipper: Linn Camera Shop, Inc., 210 South Washington Avenue, Lansing, Mich. 48901. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133514 TA, filed March 3, 1969. Applicant: KINNISON TRUCK LINES, INC., 511 West Coolbaugh, Red Oak, Iowa 51566. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruits and vegetables, dietary foods, soups, salad dressing, puddings, dessert toppings and various tomato-based products for human consumption*, to be shipped in cans, bottles, and barrels, from Stockton and Modesto, Calif., to points in Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Mississippi, Alabama, Indiana, Kentucky, and Ohio, for 150 days. Supporting shipper: Tillie Lewis Foods, Inc., Drawer J, Stockton, Calif. 95201. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133515 TA, filed March 3, 1969. Applicant: ART WELSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa 50310. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt, snack dips, ice cream, ice milk, dairy products, and vegetable fat products* (1) from Kansas City, Mo., to points in Iowa; Omaha, Nebr., and Rock Island, Ill., and (2) between Rock Island, Ill., and Des Moines, Iowa, under a continuing contract or contracts with Borden, Inc., for 180 days. Supporting shipper: Borden, Inc., 2341 Second Avenue, Des Moines, Iowa 50313. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2923; Filed, Mar. 10, 1969; 8:49 a.m.]

[Notice 308]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 6, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70696. By order of February 24, 1969, the Motor Carrier Board approved the transfer to W. B. Howard Express Co., Inc., 47 Rich Street, Waltham, Mass. 02154, of certificate No. MC-41809 and the certificate of registration No. MC-41809 (Sub-No. 2), both issued October 30, 1967, to Anthony F. Lisano, doing business as W. B. Howard Express Co., Boston, Mass. 02109, the former authorizing transportation of general commodities, with the usual exceptions, over irregular routes, between Boston, Mass., on the one hand, and, on the other, Brookline, Cambridge, Lynn, Malden, Medford, Somerville, and Watertown, Mass., and the latter evidencing a right of the holder to engage in transportation in interstate or foreign commerce within the limits of Irregular Route Common Carrier Certificate No. 3437, dated March 22, 1950, issued by the Massachusetts Department of Public Utilities. J. Chester Webb, 397 Moody Street, Waltham, Mass. 02154, attorney for transferor.

No. MC-70979. By order of February 28, 1969, the Motor Carrier Board approved the transfer to Cletus E. Mummert, Inc., East Berlin, Pa., of the operating rights in permits Nos. MC-694, MC-694 (Sub-No. 1), MC-694 (Sub-No. 2), MC-694 (Sub-No. 5) issued February 24, 1943, October 20, 1950, March 12, 1952, and November 28, 1967, respectively, to Cletus E. Mummert, East Berlin, Pa., authorizing the transportation of paper and paper products, from Spring Grove, Pa., and East Liverpool, Ohio, to points as specified in New Jersey, New York, Maryland, West Virginia, and Pennsylvania, and those in the District of Columbia; paper mill supplies and equipment other than sand and pulpwood, in return movements; and wood chips, from specified points in Delaware, Maryland, and Virginia, to the plantsite of P. H. Glatfelter Co. at Spring Grove, Pa. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-71109. By order of February 28, 1969, the Motor Carrier Board approved the transfer to Bernie's Express, Inc., New York, N.Y., of certificate No. MC-30111, issued August 12, 1963, to Rapid Trucking Co., Jersey City, N.J., authorizing the transportation of: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from New York, N.Y., to points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., with no transportation for compensation on return except as otherwise authorized. *Dual operations were authorized.* A. David Millner, 744 Broad Street, Newark, N.J. 07102, attorney for transferee. Robert B. Pepper, registered practitioner, 297 Academy Street, Jersey City, N.J. 07306, representative for transferor.

No. MC-FC-71121. By order of February 26, 1969, the Motor Carrier Board approved the transfer to Ireland Transfer & Storage Co., Ketchikan, Alaska, of certificates Nos. MC-123327, MC-123327 (Sub-No. 2), MC-123327 (Sub-No. 5), MC-123327 (Sub-No. 6), MC-123327 (Sub-No. 8), issued October 27, 1964, July 28, 1965, May 8, 1967, October 20, 1965, and January 30, 1969, respectively, to Ralph M. Bartholomew, doing business as Ireland Transfer & Storage Co., Ketchikan, Alaska, authorizing the transportation of: (1) General commodities, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, between points in Revillagigedo and Annette Island, Alaska, and between points in Alaska south and east of the United States-Canada boundary line north of Haines, Alaska; (2) household goods as defined by the Commission, between points in Alaska south and east of the United States-Canada boundary line north of Haines, Alaska, on the one hand, and, on the other, Tok Junction, Alaska, and Blaine and Sumas, Wash.; (3) classes A and B explosives, as defined by the Commission, between points on Revillagigedo Island, Alaska; and (4) household goods as defined by the Commission, between those points in Alaska south and east of the United States-Canada boundary line located north of Haines, Alaska, on the one hand, and, on the other, Seattle, Wash. C. L. Cloudy, Ziegler, Ziegler, Cloudy & Ellis, Box 1079, Ketchikan, Alaska 99901, attorney at Law.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2924; Filed, Mar. 10, 1969; 8:49 a.m.]

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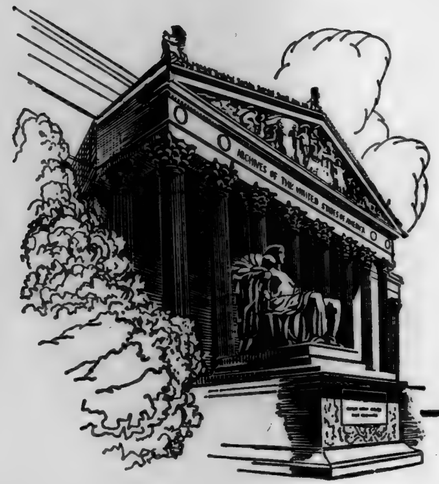
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Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Education Office
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
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Food and Drug Administration
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Interstate Commerce Commission
Land Management Bureau
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Securities and Exchange Commission
Small Business Administration

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart L—Spray Process

Subpart M—Roller Process

STANDARDS FOR GRADES OF NONFAT DRY MILK

A notice of proposed rule making covering the issuance of an amendment of U.S. Standards for Grades of Nonfat Dry Milk (Spray and Roller Process) (7 CFR Part 58, Subparts L and M) was published in the FEDERAL REGISTER of December 11, 1968 (33 F.R. 18379). It afforded interested persons the opportunity to submit within 60 days to the Hearing Clerk written data, views, or arguments in connection with the proposal. There were three comments received within the prescribed time.

Statement of consideration. Three comments were received regarding the proposal. All were favorable. However, the American Dry Milk Institute requested that a later effective date be set, than originally proposed, to allow dry milk plants more time in which to meet the new standards. In view of this request and to encourage compliance and more orderly marketing, the effective date will be October 1, 1969.

The amendments are as follows:

1. Change Subpart L, § 58.2529 *U.S. Grade not assignable,* to read as follows:

§ 58.2529 U.S. Grade not assignable.

Nonfat dry milk which fails to meet the requirements for U.S. Standard Grade and/or shows a direct microscopic clump count exceeding 150 million per gram shall not be assigned a U.S. Grade.

2. Change Subpart M, § 58.2554 *U.S. Grade not assignable,* to read as follows:

§ 58.2554 U.S. Grade not assignable.

Nonfat dry milk which fails to meet the requirements for U.S. Standard Grade and/or shows a direct microscopic clump count exceeding 150 million per gram shall not be assigned a U.S. Grade.

Effective date. This amendment shall become effective October 1, 1969.

Done at Washington, D.C., this 7th day of March.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 69-2996; Filed, Mar. 11, 1969; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

RELEASE AND REAPPORTIONMENT OF COTTON ALLOTMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to change the closing dates for release, request for reapportionment, and for reapportionment of released acreage for all counties in Louisiana.

Since planting of cotton is imminent, affected farmers need benefit of this amendment immediately. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, and 19823, and 34 F.R. 924 and 2351) are hereby amended by amending the table in § 722.412(b)(7)(iv) by changing the closing dates for Louisiana to read as follows:

§ 722.412 Release and reapportionment of cotton allotments.

* * * * * * *

(b) * * *

(7) *Closing dates.* * * *

(iv) * * *

State	Closing date for release	Closing date for requests for reapportionment	Final date for reapportionment
Louisiana	March 28	March 28	April 11.

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1344, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 6, 1969.

CARROLL BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-2970; Filed, Mar. 11, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-SO-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Correction

In F.R. Doc. 69-2515 appearing at page 3655 in the issue of Saturday, March 1, 1969, the third paragraph should read:

Since this amendment will impose no additional burden on the public and is required for reasons of safety, notice and public procedure hereon are unnecessary and action is taken herein to amend the FEDERAL REGISTER document accordingly.

[Airspace Docket No. 69-SO-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1052), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Myers, Fla., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Fort Myers, Fla., control zone is amended to read:

FORT MYERS, FLA.

Within a 5-mile radius of Page Field (lat. 26°35'10" N., long. 81°51'50" W.); within 2 miles each side of the 039° bearing from the Fort Myers RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Fort Myers VORTAC 213° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

In § 71.181 (34 F.R. 4637), the Fort Myers, Fla., 700-foot transition area is amended to read:

FORT MYERS, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile

radius of Page Field (lat. 26°35'10" N., long. 81°51'50" W.); within 2 miles each side of the Fort Myers VORTAC 213° radial, extending from the 8-mile radius area to 9 miles southwest of the VORTAC; within 2 miles each side of the 219° bearing from Fort Myers RBN, extending from the 8-mile radius area to 8 miles southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 27, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69-2953; Filed, Mar. 11, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1052), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lakeland, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Lakeland, Fla., transition area is amended as follows:

"* * * extending from the 8-mile radius area to 8 miles southwest of the VORTAC * * *" is deleted and "* * * extending from the 8-mile radius area to 10 miles southwest of the VORTAC * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 27, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69-2954; Filed, Mar. 11, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Bitter Lake National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from April 1 through October 15, 1969, inclusive, only on the areas designated by signs as open to fishing. These open areas, comprising 945 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats or floating devices is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1969.

DELBERT L. BOGGS,
Acting Refuge Manager, Bitter Lake National Wildlife Refuge, Roswell, N. Mex.

FEBRUARY 27, 1969.

[F.R. Doc. 69-2950; Filed, Mar. 11, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

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Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CLOSURES WITH SEALING GASKETS FOR FOOD CONTAINERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2351) filed by W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of diisodecyl phthalate as an optional component of closure-sealing gaskets for food containers. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2550(b)(5) is amended by alphabetically inserting in the list of substances in table 1 a new item, as follows:

§ 121.2550 Closures with sealing gaskets for food containers.

* * * * * *

(b) * * *

(5) * * *

TABLE 1

List of substances	*Limitations (expressed as percent by weight of closure-sealing gasket composition)*
* * *	* * *
Diisodecyl phthalate	No limitation on amount used but for use only in closure-sealing gasket compositions used in contact with nonfatty foods containing no more than 8 percent of alcohol.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2942; Filed, Mar. 11, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Endosulfan

A petition (PP 8F0723) was filed with the Food and Drug Administration by the FMC Corp., Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide endosulfan in or on the raw agricultural commodities lettuce and soybeans at 2 parts per million.

Subsequently, the petitioner amended the petition by withdrawing the request regarding soybeans and proposing a tolerance of 2 parts per million for residues of endosulfan and its metabolite endosulfan sulfate in or on lettuce.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.182 is amended by revising the introductory text and the paragraph "2 parts per million * * *" to read as follows:

§ 120.182 Endosulfan; tolerances for residues.

Tolerances are established for the total residues of the insecticide endosulfan (6,7,8,9,10,10 - hexachloro - 1,5,5a,6,9,9a - hexahydro-6,9-methano - 2,4,3 - benzodioxathiepin-3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3,3-dioxide) in or on raw agricultural commodities as follows:

2 parts per million in or on apples, apricots, artichokes, beans, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, eggplants, grapes, kale, lettuce, melons, mustard greens, nectarines, peaches, pears, peas (succulent type), peppers, pineapples, plums, prunes, pumpkins, spinach, strawberries, summer squash, sunflower seed, tomatoes, turnip greens, watercress, and winter squash.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2943; Filed, Mar. 11, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

VINYL CHLORIDE-ETHYLENE COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2275) filed by Union Carbide Corp., River Road, Bound Brook, N.J. 08805, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of certain vinyl chloride-ethylene copolymers as components of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2609 Vinyl chloride-ethylene copolymers.

The vinyl chloride-ethylene copolymers identified in paragraph (a) of this section may be safely used as components of articles intended for contact with food, under condition of use D, E, F, or G described in table 2 of § 121.2526(c), subject to the provisions of this section.

(a) For the purpose of this section, vinyl chloride-ethylene copolymers consist of basic copolymers produced by the copolymerization of vinyl chloride and ethylene such that the finished basic copolymers meet the specifications and extractives limitations prescribed in paragraph (c) of this section, when tested by the methods described in paragraph (d) of this section.

(b) The basic vinyl chloride-ethylene copolymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic copolymers. The optional adjuvant substances required in the production of the basic vinyl chloride-ethylene copolymers may include substances permitted for such use by regulations in this Part 121, substances generally recognized as safe in food, and substances used in accordance with a prior sanction or approval.

(c) The vinyl chloride-ethylene basic copolymers meet the following specifications and extractives limitations:

(1) *Specifications.* (i) Total chlorine content is in the range of 53 to 56 percent as determined by any suitable analytical procedure of generally accepted applicability.

(ii) Intrinsic viscosity in cyclohexanone at 30° C. is not less than 0.50 deciliter per gram as determined by ASTM Method D 1243-60.

(2) *Extractives limitations.* The following extractives limitations are determined by the methods described in paragraph (d) of this section:

(i) Total extractives do not exceed 0.10 weight-percent when extracted with *n*-heptane at 150° F. for 2 hours.

(ii) Total extractives do not exceed 0.03 weight-percent when extracted with water at 150° F. for 2 hours.

(iii) Total extractives obtained by extracting with water at 150° F. for 2 hours contain no more than 0.5 milligram of vinyl chloride-ethylene copolymer per 100 grams of sample tested as determined from the organic chlorine content. The organic chlorine content is determined as described in paragraph (d)(3) of this section.

(d) Analytical methods: The analytical methods for determining whether vinyl chloride-ethylene basic copolymers conform to the extractives limitations prescribed in paragraph (c) of this section are as follows and are applicable to the basic copolymers in powder form having a particle size such that 100 percent will pass through a U.S. Standard Sieve No. 40 and 80 percent will pass through a U.S. Standard Sieve No. 80:

(1) *Reagents*—(i) *Water.* All water used in these procedures shall be demineralized (deionized), freshly distilled water.

(ii) *n-Heptane.* Reagent grade, freshly distilled *n*-heptane shall be used.

(2) *Determination of total amount of extractives.* All determinations shall be done in duplicate using duplicate blanks. Approximately 400 grams of sample (accurately weighed) shall be placed in a 2-liter Erlenmeyer flask. Add 1,200 milliliters of solvent and cover the flask with aluminum foil. The covered flask and contents are suspended in a thermostated bath and are kept, with continual shaking at 150° F. for 2 hours. The solution is then filtered through a No. 42 Whatman filter paper, and the filtrate is collected in a graduated cylinder. The total amount of filtrate (without washing) is measured and called *A* milliliters. The filtrate is transferred to a Pyrex (or equivalent) beaker and evaporated on a steam bath under a stream of nitrogen to a small volume (approximately 50–60 milliliters). The concentrated filtrate is then quantitatively transferred to a tared 100-milliliter Pyrex beaker using small, fresh portions of solvent and a rubber policeman to effect the transfer. The concentrated filtrate is evaporated almost to dryness on a hotplate under nitrogen, and is then transferred to a drying oven at 230° F. in the case of the aqueous extract or to a vacuum oven at 150° F. in the case of the heptane extract. In the case of the aqueous extract, the evaporation to constant weight is completed in 15 minutes at 230° F.; and in

the case of heptane extract, it is overnight under vacuum at 150° F. The residue is weighed and corrected for the solvent blank. Calculation:

$$\frac{\text{Grams of corrected residue}}{\text{Grams of sample}} \times \frac{1,200 \text{ milliliters}}{\text{Volume of filtrate A in milliliters}} \times 100 = \text{Total extractives expressed as percent by weight of sample.}$$

(3) *Vinyl chloride-ethylene copolymer content of aqueous extract*—(i) *Principle.* The vinyl chloride-ethylene copolymer content of the aqueous extract can be determined by determining the organic chlorine content and calculating the amount of copolymer equivalent to the organic chlorine content.

(ii) *Total organic chlorine content.* A weighed sample of approximately 400 grams is extracted with 1,200 milliliters of water at 150° F. for 2 hours, filtered, and the volume of filtrate is measured (*A* milliliters) as described in subparagraph (2) of this paragraph.

(*a*) A slurry of Amberlite IRA-400, or equivalent, is made with distilled water in a 150-milliliter beaker. The slurry is added to a chromatographic column until it is filled to about half its length. This should give a volume of resin of 15–25 milliliters. The liquid must not be allowed to drain below the top of the packed column.

(*b*) The column is regenerated to the basic (OH) form by slowly passing through it (10–15 milliliters per minute) 10 grams of sodium hydroxide dissolved in 200 milliliters of water. The column is washed with distilled water until the effluent is neutral to phenolphthalein. One drop of methyl red indicator is added to the *A* milliliters of filtered aqueous extract and, if on the basic side (yellow), nitric acid is added drop by drop until the solution turns pink.

(*c*) The extract is deionized by passing it through the exchange column at a rate of 10–15 milliliters per minute. The column is washed with 200 milliliters of distilled water. The deionized extract and washings are collected in a 1,500-milliliter beaker. The solution is evaporated carefully on a steam plate to a volume of approximately 50 milliliters and then transferred quantitatively, a little at a time, to a clean 22-milliliter Parr cup, also on the steam plate. The solution is evaporated to dryness. Next 0.25 gram of sucrose and 0.5 gram of benzoic acid are added to the cup. One scoop (approximately 15 grams) of sodium peroxide is then added to the cup. The bomb is assembled and ignition is conducted in the usual fashion.

(*d*) After the bomb has cooled, it is rinsed thoroughly with distilled water and disassembled. The top of the bomb is rinsed into a 250-milliliter beaker with distilled water. The beaker is placed on the steam plate. The bomb cup is placed in the beaker and carefully tipped over to allow the water to leach out the combustion mixture. After the bubbling has stopped, the cup is removed from the beaker and rinsed thoroughly. The solution is cooled to room temperature and cautiously neutralized with concentrated nitric acid by slowly pouring the acid down a stirring rod until the bubbling ceases. The solution is cooled and an equal volume of acetone is added.

(*e*) The solution is titrated with 0.005 *H* silver nitrate using standard potentiometric titration techniques with a silver electrode as indicator and a potassium nitrate modified calomel electrode as a reference electrode. An expanded scale recording titrimeter, Metrohm Potentiograph 2336 or equivalent, should be used; a complete blank must be run in duplicate.

(iii) *Calculations.*

$$\text{Milligrams of aqueous extracted copolymer per 100-gram sample} = \frac{T \times F \times 64.3}{\text{Weight of sample in grams}} \times 100.$$

T = Milliliters of silver nitrate (sample minus blank) × normality of silver nitrate.

$$F = \frac{1,200}{A \text{ (as defined above)}}$$

(e) The vinyl chloride-ethylene copolymers identified in and complying with this section, when used as components of the food-contact surface of any article that is the subject of a regulation in this Subpart F, shall comply with any specifications and limitations prescribed by such regulation for the article in the finished form in which it is to contact food.

(f) The provisions of this section are not applicable to vinyl chloride-ethylene copolymers used as provided in §§ 121.2520 and 121.2571.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2944; Filed, Mar. 11, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18305; FCC 69-209]

PART 1—PRACTICE AND PROCEDURE

Assignment and Transfer of Construction Permits for New Broadcast Stations

Report and order. In the matter of assignment and transfer of construction permits for new broadcast stations. (Section 1.597 of the Commission's rules); Docket No. 18305.

1. In a notice of proposed rule making, released September 4, 1968 (FCC 68-889), the Commission proposed to adopt rules containing limitations on assignments and transfers involving construction permits for new standard, FM and television broadcast stations which have not yet commenced broadcast operations.

2. Construction permits for new standard, FM and television broadcast stations are granted only to qualified applicants who have the capacity and bona fide intention to place the proposed station on the air and to render the proposed broadcast service. In making such grants, the Commission relies, among other things, upon the applicant's showings of such capacity and intention. If unforeseen circumstances later prevent the holder of a construction permit from putting the proposed station on the air, the Commission, if it finds that the public interest would be served thereby, may consent to the assignment of the construction permit or transfer of control of the permit holder to a new applicant which is prepared to build and operate the proposed station.

3. The new rules adopted herein seek to preclude trafficking in construction permits for unbuilt stations by barring the use of such permits as a means of obtaining financial gain from their transfer before the original grantee builds and operates the station. They in part codify existing policies, and supplement the provisions of paragraph (a) through (d) of § 1.597 of the rules (which generally require the permittee to provide at least 3 years of broadcast service, once station operation has started). Under the new rules the permittee of an unbuilt station may retain an equity interest, after the transfer, if he meets stated requirements for contributing that share of the station's capital which is proportionate to his equity.

4. No oppositions were filed. Storer Broadcasting Co., in the sole comment received, suggested that the requirement that assignors or transferors retaining a partial interest in the station make capital contributions proportionate to their equity be revised to make clear that the requirement applies to loan capital as well as to equity capital. The rules adopted herein so provide.

5. The new rules adopt the essence of the rules as proposed. Their text has been further developed to make clear the intent of the more generally worded proposed text, and to add procedural provisions.

6. New paragraph (e) of § 1.597 opens with definitions of the terms "unbuilt station" and "seller", which are applicable to those terms wherever they are used in the new paragraphs (e) and (f) of § 1.597. For the purposes of these rules, "unbuilt station" refers to any standard, FM, or television broadcast station for which a construction permit has been granted, but for which Program Test Authority has not been issued. The term thus includes reference to a station on which construction may have commenced, but which has not been authorized to commence operation under Program Test Authority. The term "seller" includes the assignor(s) of a construction permit for an unbuilt station, the transferor(s) of control of the holder of such construction permit, and any principal of such assignor(s) or transferor(s) who retains or later acquires an interest in the permittee. The use of these terms conveniently avoids the necessity for repetitious verbiage in the operative portions of the new rules.

7. New paragraph (e) of § 1.597 goes on to state that the Commission will not consent to the assignment of permit or transfer of control of an unbuilt station if the agreements or understandings between the parties provide for or permit payment to the seller of a sum in the excess of the aggregate amount clearly shown to have been legitimately and prudently expended, and to be expended, by the seller solely for preparing, filing, and advocating the grant of the construction permit for the station, for proceeding with construction of the station, and for other steps reasonably necessary toward placing the station in operation.

8. Paragraph (e) next provides, in subparagraph (3), that applicants for consent to the assignment of permit or transfer of control shall, in the case of unbuilt stations, file declarations that—except as clearly disclosed in detail in the applications—there are no agreements, arrangements, or understandings for reimbursement of the seller's expenses or for other payments to the seller, for the seller's retention of any interest in the station, or for options or for any other means by which the seller may acquire such an interest, or for any other actual or potential benefit to the seller in the form of loans, the subsequent purchase of the seller's retained interests, or otherwise. It is also required that, where the seller is to receive reimbursement of expenses, the applications shall include an itemized accounting of the expenses, together with factual information relied upon to show that they represent legitimate and prudent outlays made solely for the allowable purposes.

9. New paragraph (f) of § 1.597 declares that whenever the seller retains an interest in the station or enjoys any of the other kinds of benefits mentioned in the previous paragraph, the question is raised as to whether the transaction involves actual or potential gain to the seller over and above reimbursement of the expenses allowable under paragraph (e), and states that in such cases the Commission will designate the assignment or transfer for evidentiary hearing.

10. There are certain exceptions to the above-mentioned mandatory hearing requirement. Retained interests will not automatically require a hearing, if, during the period ending one year after the issuance of Program Test Authority, the seller with a retained interest participates in the provision of capital for the station to the full extent which is proportionate to the seller's equity share in the station. Equity capital, loan capital, or guarantees put up by the seller prior to the assignment or transfer may be taken into account in determining the seller's compliance with these conditions, which will be satisfied:

(i) In the case of equity capital: By paid-in cash capital contributions proportionate to the seller's equity share;

(ii) In cases where any person who has an equity interest in the permittee provides loan capital: By the seller's provision of that part of the total loan capital provided by equity holders which is proportionate to the seller's equity share; and

(iii) In cases where any person cosigns or otherwise guarantees payments under notes given for loan capital provided by nonequity holders: By similar guarantees by the seller covering that part of such payments as is proportionate to the seller's equity share: *Provided*, That this condition shall not be deemed to be met if the guarantees given by persons other than the seller cover, individually or collectively, a larger portion of such payments than the ratio of the combined equities of persons other than the seller to the total equity.

The proviso in subdivision (iii) is intended to insure observance of the principle that the seller participate—proportionately to his equity share—in the provision of loan guarantees. Without it, the intention of proportionate participation by the seller could be nullified by cosignatures or other forms of guarantees by other equity holders covering the entire amount of a loan of sums to be used for station capital, even if the seller additionally guaranteed a portion of the loan. The seller, while not obliged to match, proportionately, loan capital furnished by banks or other persons who are not equity holders, will be required to participate, in the proportion of his equity interest, in the furnishing of guarantees covering payments of interest or principal under loans obtained from such other sources.

11. Subparagraph (3) of new paragraph (f) of § 1.597 provides that the assignee's or transferee's application must include a showing of the anticipated capital needs of the station through the first year of its operation, and of the seller's financial capacity to comply with the foregoing requirements. It provides also that the Commission will determine, from its review of the applications, whether a hearing is necessary to insure compliance; states that compliance will be subject to review by the Commission at any time; and calls for reports to the Commission enabling it to ascertain compliance.

12. Subparagraph (4) of new paragraph (f) provides that evidentiary hearings will be held in all cases in which the seller of an unbuilt station has an option to acquire equity interest or to increase a retained equity interest, and wherever there is provision, under options or otherwise, for the subsequent acquisition of the seller's retained or subsequently acquired equity interests in the station.

13. For the reasons discussed and under authority conferred by section 4 (i) and (j), 303(r), and 310(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective April 14, 1969, § 1.597 of the Commission's rules is amended by the adoption of new paragraphs (e) and (f) as set out below.

14. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 310, 48 Stat., as amended, 1066, 1082, 1066; 47 U.S.C. 154, 303, 310)

Adopted: March 5, 1969.

Released: March 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 1.597 of the Commission's rules is amended by the addition of new paragraphs (e) and (f) reading as follows:

§ 1.597 Procedures on transfer and assignment applications.

* * * * *

(e) (1) As used in paragraphs (e) and (f) of this section:

(i) "Unbuilt station" refers to a standard, FM or television broadcast station for which a construction permit is outstanding, and, regardless of the stage of physical completion, for which Program Test Authority has not been issued.

(ii) "Seller" includes the assignor(s) of a construction permit for an unbuilt station, the transferor(s) of control of the holder of such construction permit, and any principal of such assignor(s) or transferor(s) who retains an interest in the permittee or acquires or reacquires such interest within 1 year after the issuance of Program Test Authority.

(2) The Commission will not consent to the assignment or transfer of control of the construction permit of an unbuilt station if the agreements or understandings between the parties provide for, or permit, payment to the seller of a sum in excess of the aggregate amount clearly shown to have been legitimately and prudently expended, and to be expended, by the seller solely for preparing, filing,

[1] Commissioner Bartley absent.

and advocating the grant of the construction permit for the station, and for other steps reasonably necessary toward placing the station in operation.

(3) (i) Applications for consent to the assignment of construction permit or transfer of control shall, in the case of unbuilt stations, be accompanied by declarations both by the assignor (or transferor) and by the assignee (or transferee) that—except as clearly disclosed in detail in the applications—there are no agreements, arrangements, or understandings for reimbursement of the seller's expenses or other payments to the seller, for the seller's retention of any interest in the station, for options or any other means by which the seller may acquire such an interest, or for any other actual or potential benefit to the seller in the form of loans, the subsequent repurchase of the seller's retained interest, or otherwise.

(ii) When the seller is to receive reimbursement of his expenses, the applications of the parties shall include an itemized accounting of such expenses, together with such factual information as the parties rely upon for the requisite showing that those expenses represent legitimate and prudent outlays made solely for the purposes allowable under subparagraph (2) of this paragraph.

(f) (1) Whenever an agreement for the assignment of the construction permit of an unbuilt station or for the transfer of control of the permittee of an unbuilt station, or any arrangement or understanding incidental thereto, provides for the retention by the seller of any interest in the station, or for any other actual or potential benefit to the seller in the form of loans or otherwise, the question is raised as to whether the transaction involves actual or potential gain to the seller over and above the legitimate and prudent out-of-pocket expenses allowable under paragraph (e)(2) of this section. In such cases the Commission will designate the assignment or transfer applications for evidentiary hearing: *Provided*, That a hearing is not mandatory in cases coming within subparagraph (2) of this paragraph.

(2) It is not intended to forbid the seller to retain an equity interest in an unbuilt station which he is transferring or assigning if the seller obligates himself, for the period ending 1 year after the issuance of Program Test Authority, to provide that part of the total capital made available to the station, up to the end of that period, which is proportionate to the seller's equity share in the permittee, taking into account equity capital, loan capital, and guarantees of interest and amortization payments for loan capital provided by the seller before the transfer or assignment. This condition will be satisfied:

(i) In the case of equity capital: By paid-in cash capital contributions proportionate to the seller's equity share;

(ii) In cases where any person who has an equity interest in the permittee provides loan capital: By the seller's provision of that part of the total loan capital provided by equity holders as which is proportionate to the seller's equity share; and

(iii) In cases where any person cosigns or otherwise guarantees payments under notes given for loan capital provided by nonequity holders: By similar guarantees by the seller covering that part of such payments as is proportionate to the seller's equity share: *Provided*, That this condition shall not be deemed to be met if the guarantees given by persons other than the seller cover, individually or collectively, a larger portion of such payments than the ratio of the combined equities of persons other than the seller to the total equity.

(3) In cases which are subject to the requirements of subparagraph (2) (i), (ii), and (iii) of this paragraph:

(i) The assignee's (or transferee's) application shall include a showing of the anticipated capital needs of the station through the first year of its operation and the seller's financial capacity to comply with the above requirements, in the light of such anticipated capital needs.

(ii) The Commission will determine from its review of the applications whether a hearing is necessary to ensure compliance with the above requirements.

(iii) Compliance with the above requirements will be subject to review by the Commission at any time, either when considering subsequently filed applications or whenever the Commission may otherwise find it desirable.

(iv) Within 30 days after any time when a seller is required to provide equity or loan capital or execute guarantees, the permittee shall furnish the Comission a written report containing sufficient details as to the sources and amounts of equity capital paid in, loan capital made available, or guarantees obtained as to enable the Commission to ascertain compliance with the above requirements.

(v) No steps shall be taken by the permittee to effectuate arrangements for the provision of equity or loan capital from sources not previously identified and disclosed to the Commission, until 30 days after the permittee has filed with the Commission a report of such arrangements and of provisions made for the seller's compliance with the above requirement.

(vi) Subdivisions (iv) and (v) of this subparagraph shall cease to apply 1 year after the issuance of Program Test Authority.

(4) Applications subject to this paragraph (f) will, in any event, be designated for evidentiary hearing in any case where the agreements, arrangements or understandings with the seller provide for the seller's option to acquire equity in the station or to increase equity interests he retains at the time of the assignment or transfer of control. An evidentiary hearing will similarly be held in any case in which the assignee(s), transferee(s) or any of their principals, or any person in privity therewith, has an option to purchase all or part of the seller's retained or subsequently acquired equity interests in the station.

[F.R. Doc. 69-2986; Filed, Mar. 11, 1969; 8:48 a.m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Call Signs and Other Forms of Identifying Radio Transmissions

Order. In the matter of editorial revision of Subpart D of Part 2, rules and regulations.

1. The revision of Subpart D of Part 2 of the rules and regulations set forth below to this order conforms the provisions of the subpart with international agreements, with other provisions of the rules and regulations, and with established practices relating to the assignment of call signs and the identification of stations. Primarily, the changes involve listing additional classes of stations and call sign blocks, and forms of identification which may be used in lieu of call signs by certain classes of stations.

2. Authority for the amendments set forth below is contained in sections 4(i), 5(d), 303(o), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), 303(o), and 303(r), and § 0.261(a) of the rules and regulations, 47 CFR 0.261(a). Because the amendments are editorial in nature, the notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable.

3. In view of the foregoing: *It is ordered*, Effective March 12, 1969, that Part 2 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat. as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 3, 1969.

Released: March 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, Subpart D is revised to read as follows:

Subpart D—Call Signs and Other Forms of Identifying Radio Transmissions

Sec.
2.301 Station identification requirement.
2.302 Call signs.
2.303 Other forms of identification of stations.

AUTHORITY: The provisions of this Subpart D issued under secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.

Subpart D—Call Signs and Other Forms of Identifying Radio Transmissions

§ 2.301 Station identification requirement.

Each station using radio frequencies shall identify its transmissions according to the procedures prescribed by the rules governing the class of station to which it belongs with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements, and agreements in force, and the enforcement of the Communications Act of 1934, as amended, and the Commission's rules.

§ 2.302 Call signs.

The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required to be transmitted for station identification by the rules pertaining to particular classes of stations. When stations operating in two or more classes are authorized to the same licensee for the same location, the Commission will assign a separate call sign to each station in a different class. (In addition to the U.S. call sign allocations listed below, call sign blocks AAA through AEZ and ALA through ALZ have been assigned to the Department of the Army; call sign block AFA through AKZ has been assigned to the Department of the Air Force; and call sign block NAA through NZZ has been assigned jointly to the Department of the Navy and the U.S. Coast Guard.)

Class of station	Composition of call sign	Call sign blocks
Coast (Classes I and II) except for coast telephone in Alaska.	3 letters	KAA through KZZ. WAA through WZZ.
Coast (Class III) and maritime radiodetermination.	3 letters, 3 digits	KAA200 through KZZ999. WAA200 through WZZ999.
Coast telephone in Alaska	3 letters, 2 digits	KAA20 through KZZ99. WAA20 through WZZ99.
Fixed	3 letters, 2 digits	KAA20 through KZZ99. WAA20 through WZZ99.
Marina receiver test	3 letters, 3 digits (plus general geographic location when required); 4 letters [1]	KAA200 through KZZ999. WAA200 through WZZ999. KAAA through KZZZ. WAAA through WZZZ.
Ship telegraph	2 letters, 4 digits, or 3 letters, 4 digits [1]	WA2000 through WZ9999, or KAA2000 through WZZ9999.
Do	4 letters	KAAA through KZZZ. WAAA through WZZZ.
Ship telegraph plus telephone	Same as ship telephone and/or telegraph call sign, or, if ship has no telephone or telegraph: 2 letters, 4 digits, or 3 letters, 4 digits.	WA20000 through WZ29999, or descending from WZ29999.
Ship radar	Call sign of the parent ship followed by the letters "R" and the identifying number of the radar.	KAAA20 through KZZ200. WAAA20 through WZZ200.
Ship survival craft	Call sign of the parent ship followed by the letters "T" and the identifying number of the survival craft.	
Cable-repair ship marker buoy	2 letters, 4 digits	KA2000 through KZ9999. WA2000 through WZ9999.
Marina utility	2 letters, 4 digits	KA2000 through KZ9999.
Shipyard mobile	3 letters	KAA through KZZ. WAA through WZZ.
Aircraft telegraph	5 letters	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft telegraph and telephone	5 letters [2] (whenever a call sign is assigned).	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft telephone	Whenever a call sign [2] is assigned, call sign of the parent aircraft followed by a single digit other than 0 or 1.	
Aircraft survival craft	3 letters, 1 digit [2]	KAA2 through KZZ9. WAA2 through WZZ9.
Aeronautical	3 letters, 3 digits	KAA200 through KZZ999. WAA200 through WZZ999.
Land mobile (base)	4 letters, 1 digit	KAAA2 through KZZZ9. WAAA2 through WZZZ9.
Land mobile (mobile telegraph)	2 letters, 4 digits	WA2000 through WZ9999.
Land mobile (mobile telephone)	4 letters [2] (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting (standard)	4 letters (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting (FM)	6 letters [3] (plus location of station)	KAAA-FM through KZZZ-FM. WAAA-FM through WZZZ-FM.
Broadcasting with suffix "FM"	4 letters (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting (television)		

See footnotes at end of table.

Class of station	Composition of call sign	Call sign blocks
Broadcasting with suffix "TV"	6 letters [3] (plus location of station)	KAAA-TV through KZZZ-TV. WAAA-TV through WZZZ-TV.
Television broadcast translator	1 letter—output channel number—2 letters	K2AA through K83ZZ. W2AA through W83ZZ.
Disaster station, except U.S. Government	4 letters, 1 digit	KAAA2 through KZZZ9. WAAA2 through WZZZ9.
Experimental (letter "X" may not follow digit)	2 letters, 1 digit, 3 letters	KA2XAA through KZ9XZZ. WA2XAA through WZ9XZZ.
Amateur (letter "X" may not follow digit)	1 letter, 1 digit, 3 letters [4]	K1AAA through K0ZZZ. W1AAA through W0ZZZ.
Do	1 letter, 1 digit, 2 letters [4]	K1AAA through K0ZZA. W1AAA through W0ZZZ.
Do	2 letters, 1 digit, 2 letters [4]	KA1AA through KZ0ZZ. WA1AA through WZ0ZZ.
Do	2 letters, 1 digit, 3 letters [4]	KA1AAA through KZ0ZZZ. WA1AAA through WZ0ZZZ.
Standard frequency		KAA through KZZ. WAA through WZZ. WWV, WWVB.
Space station	2 letters, 3 digits	KA200 through KZ999. WA200 through WZ999.
Citizens radio	3 letters, 4 digits	KAA0001 through KZZ9999.
Citizens radio in trust territories	1 letter, 4 digits	K0001 through K0099.

Note: The symbol # indicates the digit zero.

[1] Ships with transmitter-equipped survival craft shall be assigned four letter call signs.

[2] See § 2.303.

[3] A 3 letter call sign now authorized for and in continuous use by a licensee of a standard broadcasting station may continue to be used by that station. The same exception applies also to frequency modulation and television broadcasting stations using 4 letter call signs consisting of 3 letters with the suffix "FM" or "TV".

[4] Plus other identifying data as may be specified.

§ 2.303 Other forms of identification of stations.

The following table indicates forms of identification which may be used in lieu of call signs by the specified classes of stations. Such recognized means of identification may be one or more of the following: name of station, location of station, name of ship and name of licensee. On 156.65 Mc/s:

Class of station	Identification, other than assigned call sign
Aircraft (U.S. registry) telephone.	Registration number preceded by the type of the aircraft, or the radiotelephony designator of the aircraft operating agency followed by the flight identification number.
Aircraft (foreign registry) telephone.	Foreign registry identification consisting of five characters. This may be preceded by the radiotelephony designator of the aircraft operating agency or it may be preceded by the type of the aircraft.
Aeronautical	Name of the city, area, or airdrome served together with such additional identification as may be required.
Aircraft survival craft	Appropriate reference to parent aircraft, e.g., the air carrier parent aircraft flight number or identification, the aircraft registration number, the name of the aircraft manufacturer, the name of the aircraft owner, or any other pertinent information.
Ship telephone	When an official call sign is not yet assigned: Complete name of the ship and name of licensee. On 156.65 Mc/s: Name of ship.
Public coast (radiotelephone)	The approximate geographic location in a format approved by the Commission.

Class of station	Identification, other than assigned call sign
Fixed	Geographic location. When an approved method of superimposed identification is used, QTT DE (abbreviated name of company or station).
Fixed: Rural subscriber service.	Assigned telephone number.
Land mobile: Public safety, forestry conservation, highway maintenance, local government, shipyard, land transportation, and aviation services.	Name of station licensee (in abbreviated form if practicable), or location of station, or name of city, area, or facility served. Individual stations may be identified by additional digits following the more general identification.
Land mobile: Industrial service.	Mobile unit cochannel with its base station: Unit identifier on file in the base station records. Mobile unit not cochannel with its base station: Unit identifier on file in the base station records and the assigned call sign of either the mobile or base station. Temporary base station: Unit designator in addition to base station identification.
Land mobile: Domestic public and rural radio.	Special mobile unit designation assigned by licensee or by assigned telephone number.
Land mobile: Railroad radio service.	Name of railroad, train number, caboose number, engine number, or name of fixed wayside station or such other number or name as may be specified for use of railroad employees to identify a specific fixed point or mobile unit. A railroad's abbreviated name or initial letters may be used where such are in general usage. Unit designators may be used in addition to the station identification to identify an individual unit or transmitter of a base station.
Land mobile: Broadcasting (remote pickup).	Identification of associated broadcasting station.
Broadcasting (Emergency Broadcast System).	State and operational area identification.
Broadcasting (aural STL and intercity relay).	Call sign of the broadcasting station with which it is associated.
Broadcasting (television auxiliary).	Call sign of the TV broadcasting station with which it is licensed as an auxiliary, or call sign of the TV broadcasting station whose signals are being relayed, or by network identification.
Broadcasting (television booster).	Retransmission of the call sign of the primary station.
Disaster station	By radiotelephony: Name, location, or other designation of station when same as that of an associated station in some other service. Two or more separate units of a station operated at different locations are separately identified by the addition of a unit name, number, or other designation at the end of its authorized means of identification.
Amateur (RACES)	Tactical call signs. When two or more separate units of a station authorized to operate in the Radio Amateur Civil Emergency Service are operated independently at different locations, each unit shall separately identify itself by the addition of a unit number at the end of its call sign.

[F.R. Doc. 69-2919; Filed, Mar. 11, 1969; 8:45 a.m.]

[FCC 69-210]

PART 73—RADIO BROADCAST SERVICES

Alignment of Emergency Action Notification Test Procedures With Current Industry Practices and Recommendations

Order. In the matter of amendment of Part 73 of the Commission's rules to align Emergency Action Notification (EAN) test procedures with current industry practices and recommendations.

1. The Commission has reviewed the First, Second, and Third Method EAN test procedures outlined in §§ 73.961 and 73.962 of the rules, in light of recent recommendations of the National Industry Advisory Committee (NIAC).

2. On the basis of this review, it has been determined that the word "random" should be substituted for the word "unscheduled" appearing in § 73.961(c) of the rules, thereby conforming that paragraph to changes in the Third Method EAN test procedures adopted December 18, 1968 (FCC 68-1221). Moreover, the schedule for testing program distribution and interconnecting systems and facilities, as set forth in § 73.962(a) of the rules, should be shifted from a monthly to a bimonthly basis in line with recommendations received from Working Group IV of the Broadcast Services Subcommittee (NIAC), in which the Commission has concurred. Finally, the same paragraph should be up-dated to refer to the New York control office of the UPI Audio Network in connection with closed circuit testing.

3. Authority for the adoption of the amendments herein ordered is contained in sections 1, 4(i), and 303(r) of the Communications Act of 1934, as amended, and Executive Order 11092.

4. The rule revisions contained in this order are primarily editorial in nature, impose no new substantive requirements, and only reflect decisions already reached with affected users through industry consultation. Observance of the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) would accordingly serve no useful purpose.

5. In view of the foregoing: *It is ordered*, That effective March 12, 1969, Part 73 of the Commission's rules and regulations are amended as set forth below.

(Secs. 1, 4, 303, 48 Stat., as amended, 1064, 1066, 1082, 47 U.S.C. 151, 154, 303; E.O. 11092 Feb. 26, 1963)

Adopted: March 5, 1969.

Released: March 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.961(c) is amended to read as follows:

§ 73.961 Tests of the Emergency Action Notification System.

* * * * *

(c) Test transmissions of the Third Method of the Emergency Action Notification System will be conducted by standard, FM, and television broadcast stations once each week on a random basis between the hours of 8:30 a.m. and local sunset. Noncommercial educational FM broadcast stations with a transmitter output of 10 watts or less are not required to conduct these tests. The Blue Card, identified as Third Method EAN Tests, which has been furnished to all standard, FM, and television broadcast stations, sets forth details of these test transmissions.

2. In § 73.962, paragraph (a) is amended to read as follows, paragraphs (b), (c), and (d) are renumbered (c), (d), and (e), respectively, and new paragraph (b) is added, reading as follows:

§ 73.962 Tests of approved interconnecting systems and facilities.

* * * * *

(a) National program distribution interconnecting systems and facilities (the total NIAC Order No. 1 program distribution facilities) will be tested on a scheduled basis. This test consists of a closed circuit transmission from 12:40 to 12:50 p.m., Washington, D.C., time on the first Wednesday of every odd-numbered month except when such a Wednesday is a national holiday, then the test is conducted on the following day. Due to varying program scheduling of the commercial radio broadcast networks involved, the individual network facilities shall remain as separate entities for these tests. The audio networks associated with the video networks of ABC-TV, CBS-TV, or NBC-TV shall not be utilized nor are the telephone companies authorized to add any of the unaffiliated stations participating in the Emergency Broadcast System (EBS). The American Telephone and Telegraph Co. is authorized to interconnect the facilities of the Intermountain (IMN) Radio Network and the New York control office of the UPI Audio Network to any one of the nationwide commercial radio broadcast networks for the duration of these closed circuit tests, then remove such interconnections.

(b) Closed circuit tests of technical program origination and distribution channels associated with NIAC Orders No. 2 through No. 63 will be conducted when considered desirable and when advance coordinated arrangements and voluntary agreement are accomplished among the White House Communications Agency, the nationwide commercial radio broadcast networks and the American Telephone and Telegraph Co.

* * * * *

[F.R. Doc. 69-2987; Filed, Mar. 11, 1969; 8:48 a.m.]

[1] Commissioner Bartley absent; Commissioner Wadsworth abstaining from voting.

[Docket No. 18389; FCC 69-208]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Bottineau, N. Dak., et al.

First report and order. In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations (Porterville, Calif., Bottineau, N. Dak., Rhinelander, Wis., Scobey, Mont., and Humboldt, Iowa); Docket No. 18389, RM-1335, RM-1338, RM-1339, RM-1347, RM-1351.

1. The Commission has before it for consideration its notice of proposed rule making, issued in this proceeding on November 29, 1968 (FCC 68-1147), and published in the FEDERAL REGISTER on December 4, 1968 (33 F.R. 18048), proposing a number of changes in the FM Table of Assignments advanced by various interested parties. A number of comments were filed and considered in making the following determinations. Except as noted, the proposals were unopposed. All populations referred to are those reported in the 1960 U.S. Census. This decision disposes of all the above-listed petitions, except RM-1335, Porterville, Calif., and RM-1339, Rhinelander, Wis., which will be the subject of a future report and order.

2. *RM-1338 and RM-1347. Bottineau, N. Dak., and Scobey, Mont.* In response to two separate petitions, the notice invited comments on one filed on June 24, 1968, by Bottineau Broadcasting Corp., requesting assignment of Channel 270 to Bottineau, N. Dak., and a second filed by Larry C. Bowler on August 16, 1968, for assignment of Channel 239 to Scobey, Mont. Both communities are located within 16 miles of the United States-Canadian border and each is the largest community and county seat of its respective county. Bottineau has a population of 2,613 persons and Scobey a population of 1,726. There are no AM or FM assignments in the county of either community.

3. Both of the petitions were supported by engineering showings indicating that substantial "white areas" would be covered within the 1 mv/m contours provided by Class C facilities as compared with that obtainable from maximum allowable Class A facilities. The showings were based upon actual power and antenna height each petitioner anticipates applying for if the proposed channels are adopted. A number of comments were filed by interested parties in support of the Class C assignment to Bottineau. The Scobey petitioner filed comments stating that it would promptly file an application for the requested assignment if adopted. There were no oppositions.

4. As we stated in the notice to this proceeding, communities of the limited size under consideration here would ordinarily be limited to Class A channel assignments. However, in view of the sparsely populated areas that petitioners have shown would be provided with a first FM service ("white area"), we are of the opinion that it would serve the public interest to adopt the proposed Class C assignments. We are, therefore, amending the Table by adding Channel 270 at Bottineau, N. Dak., and Channel 239 at Scobey, Mont. It is expected that prospective applicants for either community will file for facilities at least equivalent to that on which the "white area" showings by petitioners were based.

5. *RM-1351. Humboldt, Iowa.* The notice invited comments on a petition filed on September 24, 1968, by Stephen Dunkel, Ames, Iowa, looking toward the assignment of a first FM channel, 249A, to Humboldt, Iowa. Humboldt, with a population of 4,301 persons, is the largest community of Humboldt County, population 13,156. There are no existing AM or FM assignments in Humboldt County. In our opinion, Humboldt warrants a first local FM outlet, and so we are assigning Channel 249A, as proposed.

6. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In accordance with the determinations made above: *It is ordered*, That effective April 14, 1969, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Iowa:	
Humboldt	249A
Montana:	
Scobey	239
North Dakota:	
Bottineau	270

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 5, 1969.

Released: March 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2988; Filed, Mar. 11, 1969; 8:49 a.m.]

[1] Commissioner Bartley absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1071, 1104, 1106]

[Docket Nos. AO–227–A23, AO–298–A15, AO–210–A27]

MILK IN NEOSHO VALLEY, RED RIVER VALLEY, AND OKLAHOMA METROPOLITAN MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Tulsa, Okla., on January 9, 1969, pursuant to notice thereof issued on December 30, 1968 (34 F.R. 78).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on February 10, 1969 (34 F.R. 2115; F.R. Doc. 69–1856) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 2115; F.R. Doc. 69–1856) are hereby approved, adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Pooling standards for distributing plant under the Oklahoma Metropolitan order;

2. Pricing series to be used under the Oklahoma Metropolitan and Neosho Valley orders in lieu of a series to be discontinued; and

3. The exemption from regulation under the Oklahoma Metropolitan order of a plant operated by a governmental agency.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Oklahoma Metropolitan distributing plants.* The requirement that a distributing plant dispose of 50 percent or more of its Grade A receipts (or those otherwise qualified) of milk from dairy farmers and from other pool plants as Class I milk on routes should be modified to credit all Class I disposition of the plant toward meeting the 50 percent requirement. Performance requirements for pool status of both distributing and supply plants should be contained in the pool plant definition of the order rather than in the definitions of distributing plant and supply plant.

The Oklahoma Metropolitan order presently requires that a distributing plant dispose of 50 percent of its receipts of inspected milk from dairy farmers and of Grade A milk from other pool plants as Class I milk on routes if it is to be a pool plant. The principal producers' organization supplying the market proposed that the 50 percent requirement specify only disposition as Class I milk without requiring that such disposition be on routes. No testimony was offered in opposition to this proposal. Pending the opportunity to consider the proposal at this hearing the "on route" requirement has been suspended since December.

For the months of May through August 1968, a Tulsa plant which had been pooled since 1950 under the Oklahoma Metropolitan order or its predecessors operated as a partially regulated plant under the terms of the order. During this period this plant apparently failed to dispose of 50 percent of its receipts as Class I milk on routes. At the same time it moved bulk milk to plants operated under other orders by the same handler. Proponents believe that had the Class I use of these shipments been considered the plant would have been pooled in these months.

When the plant is not pooled under the Oklahoma Metropolitan order not only its sales in that marketing area but also the milk shipped to other order areas and there assigned to Class I milk becomes subject to only partial regulation. Proponents maintained that full regulation should apply whenever Class I utilization equaled 50 percent of receipts.

Under the circumstances prevailing in the Oklahoma Metropolitan area, use of total Class I disposition rather than only route disposition in combination (other pooling requirements) provides a practicable means of distinguishing the distribution plants to be fully regulated by the order. It is, therefore, concluded that the proposal for such change should be adopted.

The present order includes in the definitions of "distributing plant" and "supply plant" not only the functions of such plants but the performance requirements which result in pool status. Nonpool "partially regulated distributing plant" and "unregulated supply plant" are also defined despite the fact that they do not meet the respective definitions of "distributing plant" or "supply plant." To avoid this conflict the performance standards have been transferred to the "pool plant" definition. This will not change the requirements for pool status of any supply plant, and will affect the pool status of distributing plants only as set forth heretofore in this decision.

2. *Pricing series to be used in determining the Class II price of the Oklahoma Metropolitan and Neosho Valley orders.* In lieu of the "three-product" manufacturing price series, the Oklahoma Metropolitan Class II price should use the average price for milk for manufacturing purposes f.o.b. plants, United States adjusted to a 3.5 percent butterfat basis by the Class II butterfat differential of the order. No change should be made on the basis of this record in the seasonal 10-cent-per-hundredweight reduction applicable to milk, skim milk and cream used in the manufacture of American cheese, butter and nonfat dry milk. The Class II price of the Neosho Valley order should be the basic formula price for the month.

The Oklahoma Metropolitan and Neosho Valley orders each use as a Class II price determinant the average price reported by the Department for the current month for milk used in the manufacture of American cheese, evaporated milk and butter, and byproducts, f.o.b. plants, United States. The Class II price of the Red River Valley order is determined by that of the Oklahoma Metropolitan order. The Statistical Reporting Service of the Department has announced that the "three-product" price series will be discontinued after announcement of the price for March 1969.

Although the same price series is used in each of the orders the resulting price at the common 3.5 percent basic butterfat content of each order is not the same. The price is announced at the average test of manufacturing milk delivered, which varies seasonally, but on an annual average is close to 3.7 percent. The orders differ in the way in which this price at test is converted to a 3.5 percent basis. As a result the Neosho Valley price has exceeded the Oklahoma Metropolitan price by an average of about 8 cents per hundredweight over the past 3 years.

Milk Producers, Inc., which represents producers under both orders, proposed in the notice of hearing that the average price for milk for manufacturing purposes, f.o.b. plants, United States, be substituted for the "three-product" price series in both orders, to be adjusted to a 3.5 percent basis by the Class II butterfat differential, the method used under the Oklahoma Metropolitan order. At the hearing, however, they supported the testimony of Mid-America Dairymen, a cooperative representing producers under the Neosho Valley order, that the Class II price under that order be the basic formula price. This price is that paid for milk of manufacturing grade in the States of Minnesota and Wisconsin, adjusted to a 3.5 percent basis by a butterfat differential equal to 0.12 times the Chicago butter price. It was also proposed that the local plant pay prices used as an alternative price under the Neosho Valley order be eliminated. No testimony in opposition to these proposals was offered at the hearing. By question and by brief one handler with plants subject to each order requested deletion of the Oklahoma Metropolitan provision which prices milk made in the manufacture of American cheese, butter and nonfat dry milk at 10 cents less than the Class II price during the months of March through August. Other handlers requested consideration of alignment of Class II prices with those of other orders not involved in the hearing.

Producer representatives testified that they are now studying proposals that might apply to pricing reserve milk under these and other orders in which they represent producers. While such studies are in progress they supported substitution of price series which would most nearly continue the level of prices that had resulted under the "three-product" price series.

For the years 1966–1968 inclusive, the Oklahoma Metropolitan Class II 3.5 percent price, as computed from the three-product series, averaged $3.92. The U.S. manufacturing price series averaged $3.93 for the same period. The Neosho Valley Class II price for the same period averaged $4 and the basic formula price averaged $4.03. It can thus be seen that the U.S. average manufacturing milk price corresponds very closely with the Oklahoma Metropolitan price, and that the basic formula price corresponds more closely with the Neosho Valley price than any of the other price series under consideration at the hearing.

The record of this hearing provides little opportunity to align Class II prices of these orders with those of other Southwestern orders. In view of the likelihood of further hearings resulting from the studies now being made by cooperative associations, action on this record should be restricted to carrying forward approximately the present price levels. This can be accomplished by use of the respective price series specified above. The Neosho Valley alternative local plant price (to which 20 cents per hundredweight is added) has been the effective price only 1 month (January 1966) of the past 3 years. Since it has not been an effective price-making factor, its use should be discontinued.

3. *Exemption of governmental agency plant.* A governmental agency which operates a plant that processes or packages milk distributed as fluid milk products in the area should be exempt from the Oklahoma Metropolitan order.

Fluid milk products transferred or diverted to such plants from a pool plant should be classified as Class I. Fluid milk products received at a pool plant from such exempt plants should be first allocated to Class II uses. These are the order terms that now apply to current movements of milk between pool plants and producer-handler plants, except that diversion would be permitted to exempt plants of governmental agencies.

The Oklahoma State University, now operating as a producer-handler, proposed that it be exempt from the provisions of the Oklahoma Metropolitan order. The University operates a processing plant and a dairy farm at Stillwater, Okla. Distribution of fluid milk products packaged in the plant is limited to the campus boundaries. Milk supplemental to the production of the dairy herd is obtained from a cooperative association acting in its capacity as a handler under the Oklahoma Metropolitan order. These purchases averaged approximately 47,000 pounds monthly in the September through December 1968 period. In some months milk excess to the fluid needs of the University is disposed of to pool plants operated by the cooperative.

The dairy farm and plant of the University are operated for the purposes of carrying out a recognized function of the State of Oklahoma. The production and processing facilities are used and deemed necessary for research and educational requirements of the University. The operations of the University are subject to the control of the public citizenry acting through the various levels of government. It would be inappropriate to regulate the University plant in the same manner as plants of other handlers. The Oklahoma State University plant and the plant of any other governmental agency similarly situated should be exempt from regulation.

There are other educational, mental, and penal institutions in the vicinity of the marketing area maintaining herds and bottling facilities to furnish milk to their residents. Detailed information on receipts and sales of milk at these agencies was not presented on the record. However, it is not the practice of these agencies to sell milk in commercial channels in competition with handlers or with producers. Should any such plants dispose of milk in the marketing area they should likewise be exempt.

Prior to September 1968, the Oklahoma State University plant received supplemental milk from a pool plant located at Stillwater, Okla., operated by the principal cooperative association. This plant was closed in August requiring that supplemental receipts be transferred from cooperative association pool plants at either Enid or Oklahoma City, both of which are approximately 70 miles from the University plant.

Exempting the University plant from the Oklahoma Metropolitan order would permit the cooperative association to deliver to such plant from nearby dairy farms, thus reducing transportation costs. This could be either by diversion from a pool plant to the University plant, or by delivery from farms of milk not regulated by the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on Exceptions. No exceptions were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas", and "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the certain specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders as amended and as hereby proposed to be amended, and who, during such representative period, were

engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., March 7, 1969.

J. PHIL CAMPBELL,
Under Secretary.

ORDER[1] AMENDING THE ORDERS REGULATING HANDLING OF MILK IN CERTAIN SPECIFIED MARKETING AREAS

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the aforesaid marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the respectively designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the orders, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on February 10, 1969, and published in the FEDERAL REGISTER on February 13, 1969 (34 F.R. 2115; F.R. Doc. 69–1856), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. In § 1106.7, paragraph (c) is revised to read as follows:

§ 1106.7 Distributing plant.

* * * * *

(c) Which receives milk from dairy farmers who would be producers if such plant qualified as a pool plant, or Grade A milk in bulk from other pool plants, and disposes of fluid milk products on routes in the marketing area.

2. Section 1106.8 is revised to read as follows:

§ 1106.8 Supply plant.

"Supply plant" means a plant that receives milk from dairy farmers who would be producers if such plant qualified as a pool plant and from which fluid milk products are shipped to a distributing plant.

3. In § 1106.9, paragraphs (a) and (b) are revised to read as follows:

§ 1106.9 Pool plant.

* * * * *

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 1106.61) from which the following percentages of the receipts described in § 1106.7(c) are disposed of during the month as follows:

(1) 50 percent as Class I milk in the form of fluid milk products; and

(2) 5 percent as fluid milk products on routes in the marketing area.

(b) A supply plant from which an amount equal to 50 percent of the receipts described in § 1106.8 is shipped during the month as fluid milk products to a plant described in paragraph (a) of this section. Any supply plant that qualifies as a pool plant during each of the months of September through December shall be a pool plant for the following months of January through August except that, if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

* * * * *

4. In § 1106.51(b), the introductory text preceding the proviso therein is revised to read as follows:

§ 1106.51 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the average price for milk for manufacturing purposes, f.o.b. plants, United States as reported by the Department on a preliminary basis for the month, adjusted to 3.5 percent butterfat by the Class II butterfat differential specified in § 1106.52(b): * * *

5. A new § 1106.63 is added to read as follows:

§ 1106.63 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products (including diverted milk) disposed of by a handler to such agencies shall be classified as Class I milk.

In § 1071.51, paragraph (b) is revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

[F.R. Doc. 69–2971; Filed, Mar. 11, 1969; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9467]

AIRWORTHINESS DIRECTIVE

Godfrey Cabin Superchargers Type 15, Marks 6, 9, and 14

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Godfrey Cabin Superchargers Type 15, Marks 6, 9, and 14. Oil leaks have been found on certain Godfrey Cabin Superchargers due to distortion of the banjo adapter in the oil filter assembly. This condition could result in an in-flight fire. Since this condition is likely to exist or develop in other superchargers of the same design, the proposed airworthiness directive would require replacement of the banjo adapter with a new adapter.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 11, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

GODFREY. Applies to Godfrey Cabin Superchargers Type 15, Marks 6, 9, and 14, installed on, but not necessarily limited to British Aircraft Corp., Viscount Models 744, 745D, and 810; Armstrong Whitworth Argosy AW–650; Fokker F–27, Marks, 100 and 300; Fairchild Hiller F–27 and FH–227 all series; Gruman Model G–159; Nihon YS–11 all series; Convair Model 240 modified per STC SA1054WE; and Convair Models 340 and 440 Modified per STC SA1096WE.

Compliance required as indicated.

To prevent loss of oil from Godfrey cabin compressor due to distortion of the banjo adapter in the oil filter assembly, accomplish the following, unless already accomplished:

(a) For British Aircraft Corp. Viscount Models 744, 745D, and 810 airplanes, at the next overhaul of the Supercharger or within the next 750 hours' time in service, whichever occurs first, after the effective date of this AD, replace Godfrey banjo adapter P/N V8653 as specified in paragraph (c) of this AD.

(b) For all other applicable airplanes, at the next overhaul of the Supercharger or within the next 1,500 hours' time in service, whichever occurs first, after the effective date of this AD, replace Godfrey banjo adapter P/N V8653 as specified in paragraph (c) of this AD.

(c) Replace Godfrey banjo adapter P/N V8653 with Godfrey banjo adapter P/N 139313 in accordance with Godfrey Precision Products, Ltd., Service Bulletin No. 21–120–1196, dated July 1968, or later ARB-approved revision or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East.

Issued in Washington, D.C., on March 5, 1969.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–2957; Filed, Mar. 11, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–6]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V–492 north alternate from La Belle, Fla., to Palm Beach, Fla., 1,200 feet above the surface via the intersection to La Belle 043° T (042° M) and Palm Beach 298° T (298° M) radials. This action will improve the flow of air traffic in the Palm Beach and Miami areas, and retain required lateral separation from established holding patterns and departure routes in the Palm Beach area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 5, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–2955; Filed, Mar. 11, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–19]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Alabaster, Ala., transition area and alter the Birmingham and Montgomery, Ala., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Alabaster transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport.

The Birmingham transition area described in § 71.181 (34 F.R. 4637) would be altered by deleting "* * * thence west along the south boundary of V–66 * * *" and substituting "* * * thence west along the south boundary of V–66 to and south along the west boundary of V–7, to and west along a line 5 miles south of and parallel to the Brookwood VOR 099° radial * * *" therefor.

The Montgomery transition area described in § 71.181 (34 F.R. 4637) would be altered by deleting "* * * thence northeast along this line to the south boundary of V–66; thence east along the south boundary of V–66 to the west boundary of V–7 * * *" and substituting "* * * thence northeast along this line to a line 5 miles south of and parallel to the Brookwood VOR 099° radial; thence east along this line to the west boundary of V–7 * * *" therefor.

The proposed designation and alteration of transition areas are required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent to 1,000 feet above the surface. A prescribed instrument approach procedure to Shelby County Airport, utilizing the Brookwood VOR, is proposed in conjunction with the designation and alteration of these transition areas.

This proposal is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 3, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69–2956; Filed, Mar. 11, 1969; 8:46 a.m.]

[14 CFR Part 151]

[Docket No. 9486; Notice 69–8]

LAND ACQUISITION COSTS FOR APPROACH LIGHTING SYSTEMS

U.S. Share

The Federal Aviation Administration is considering amending Part 151 of the Federal Aviation Regulations to provide, for projects under the Federal-aid Airport Program, that the U.S. share of the acquisition costs of land needed for the installation of approach lighting systems is 75 percent regardless of the intensity of the lights involved.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and

be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 11, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 151.43(d) provides that the U.S. share of the costs of an approved project, representing the costs of acquiring land needed for installing, operating, and maintaining an approach lighting system (as described in § 151.13), is 75 percent. Section 151.13(a) defines an approach lighting system as a "standard configuration of high intensity aeronautical ground lights in the approach area to a runway * * *", for the purpose of project approval as a landing aid. When this definition was adopted, only high intensity approach lighting systems were approved. Since then, medium intensity approach lighting systems, and medium intensity approach lighting systems with runway alignment indicator lights have been incorporated into the National Airspace System. However, the U.S. share of the costs for land for these recently developed systems is limited to 50 percent by virtue of § 151.43(d).

It is proposed to strike out the term "high intensity" from the definition of approach lighting system in § 151.13(a), and thereby include other recently developed systems. This would allow the U.S. share for the costs of land for approved approach lighting systems to be 75 percent regardless of the intensity of the lights. This action would be consistent with the Federal Airport Act, which in section 9(d)(1) requires the sponsor of an airport development project to hold or assure acquisition of title to the land needed for an approved project, without any specific limitation of approach lighting systems to those with high intensity lights. Also, section 10(d) of that Act imposes no such limitation in providing up to 75 percent participation by the United States in approved project costs for land required for the installation of approach light systems.

In consideration of the foregoing, it is proposed to amend the flush sentence at the end of paragraph (a) of § 151.13 of the Federal Aviation Regulations by striking out the words "high intensity."

This amendment is proposed under the authority of sections 9 and 10 of the Federal Airport Act (49 U.S.C. 1108, 1109), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and § 1.4(b)(2) of the Regulations of the Office of the Secretary of Transportation.

Issued in Washington, D.C., on March 4, 1969.

CHESTER G. BOWERS,
Director, Airports Service, AS-1.

[F.R. Doc. 69-2958; Filed, Mar. 11, 1969; 8:46 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-15; Notice No. 69-3]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The purpose of this notice is to request public comment on a proposed amendment to § 173.306 of the Hazardous Materials Regulations (49 CFR 170-189) to eliminate § 173.306(a)(3)(iv). This subparagraph now provides that the flammable contents of inside nonrefillable metal cans charged with solutions of compressed gas or gases must not have a flash point of less than 20° F. in order to be eligible for shipment under the exemption provisions of this section. A petitioner, Chemical Specialties Manufacturing Association, has indicated that the deletion of the subparagraph would have the effect of allowing the "exempt shipment" of aerosol products which are flammable without regard to flash point, but still under all of the other restrictions, such as use of metal cans only, 50-cubic-inch size limit, pressure limit of contents in relation to can strength, adequate head space, and a test to 130° F. of each complete can filled for shipment. In support of its petition, the Association states that * * *. "a test of flash point is not a proper test to be applied to a compressed gas including aerosol products, which are formulated products under pressure, usually with a liquefied gas in solution with the other ingredients."

Petitioner further points out that over a period of time numerous special permits have been issued by the Department authorizing the shipment of large quantities of aerosol products having flash points lower than 20° F. and that these shipments have been entirely successful. In requesting a change in the regulations, petitioner stated that in view of the remaining requirements in the regulations as listed above, it saw no need for incorporating either specification container requirements or weight limitations such as were included in the experimental special permits.

The Board believes that there is merit in the petitioner's proposal and that adoption of this change would not adversely affect safety.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before April 15, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on March 7, 1969.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

J. B. MCCARTY, JR.,
Capt. U.S.C.G., by direction of Commandant, U.S. Coast Guard

JOHN R. JAMIESON,
Administrator, Federal Highway Administration.

JAMES H. MACANANNY,
Acting Administrator, Federal Railroad Administration.

[F.R. Doc. 69-2996; Filed, Mar. 11, 1969; 8:49 a.m.]

[49 CFR Parts 172, 173]

[Docket No. HM-16; Notice No. 69-4]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The purpose of this notice is to request public comment on proposed amendments to the Hazardous Materials Regulations (49 CFR 170-189) to authorize the shipment of certain corrosive liquids in tank motor vehicles and tank cars where the regulations do not presently authorize their being shipped in such transport vehicles.

A petitioner, Stauffer Chemical Co., has requested that the regulations be amended to authorize shipment of benzene phosphorus dichloride and benzene phosphorus thiodichloride in certain tank motor vehicles and tank cars.

The petitioner has been shipping the two commodities covered by this proposal under the provisions of special permits issued by the Department. There have been no reports of adverse experience.

In consideration of the foregoing, it is proposed to amend the Hazardous Materials Regulations as set forth below:

I. Part 172 would be amended as follows:

(A) By amending § 172.5(a) Commodity List as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
Add				
Benzene phosphorus dichloride	Cor. L	173.244, 173.250a	White	5 pints.
Benzene phosphorus thiodichloride	Cor. L	173.244, 173.250a	do	Do.
* * *				

II. Part 173 would be amended as follows:

(A) The table of contents would be amended by adding § 173.250a to read as follows:

Sec.
173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(B) Section 173.250a would be added to read as follows:

§ 173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(a) Benzene phosphorus dichloride and benzene phosphorus thiodichloride must be packaged as follows:

(1) In packagings prescribed in § 173.245.

(2) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this chapter) cargo tanks.

(3) Specification 103AW (§§ 179.200 and 179.201 of this chapter) tank cars. Tanks must be lined.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before April 15, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on March 6, 1969.

W. J. SMITH,
Commandant, U.S. Coast Guard.

JOHN R. JAMIESON,
Administrator, Federal Highway Administration.

JAMES H. MACANANNY,
Acting Administrator, Federal Railroad Administration.

[F.R. Doc. 69-2999; Filed, Mar. 11, 1969; 8:49 a.m.]

[49 CFR Part 173]

[Docket No. HM-17; Notice No. 69-5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The purpose of this notice is to request public comment on a proposed amendment to § 173.354 of the Hazardous Materials Regulations (49 CFR 170-189) to authorize the transportation of storage tanks containing the solid or semisolid residue of motor fuel antiknock compound which is classed as a poisonous solid, class B. The authorization would be for transportation by rail and highway only.

Over a number of years, the Department has issued special permits to authorize transportation of this type and has received no reports of adverse experience. Therefore, the Board believes that this rule change is justified.

Part 173 would be amended by adding a new paragraph (c) to § 173.354 as follows:

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

* * * * *

(c) Tanks built to ASME specifications, which contain only solid or semisolid residual motor fuel antiknock compound, may be shipped by rail freight or highway. All openings must be closed with gasketed blank flanges or vapor tight threaded closures. Each tank must be secured and braced to prevent movement under conditions incident to transportation.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before April 15, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of Title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on March 6, 1969.

JAMES H. MACANANNY,
Acting Administrator, Federal Railroad Administration.

JOHN R. JAMIESON,
Administrator, Federal Highway Administration.

[F.R. Doc. 69-3000; Filed, Mar. 11, 1969; 8:49 a.m.]

[Docket No. HM-18; Notice No. 69-6]

[49 CFR Part 173]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The purpose of this notice is to request public comment on a proposed amendment to § 173.157(a)(3) of the Hazardous Materials Regulations (49 CFR 170-189) to authorize shipment of benzoyl peroxide, wet with not less than 30 percent water, in DOT 12B fiberboard boxes having inside polyethylene bags at least 0.004 inch thick which are securely closed and which have a capacity of not more than 10 pounds. The other packaging requirements of the subparagraph would also apply. A petitioner, Chemetron-Noury Corp., has reported no adverse experience in the shipping of a significant number of packages of this type under the provisions of a special permit from the Department.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before April 15, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section

902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on March 6, 1969.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

J. B. MCCARTY, Jr.,
Capt. U.S.C.G., by direction of Commandant, U.S. Coast Guard.

JOHN R. JAMIESON,
Administrator, Federal Highway Administration.

JAMES H. MACANANNY,
Acting Administrator, Federal Railroad Administration.

[F.R. Doc. 69-3001; Filed, Mar. 11, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 18477; FCC 69-216]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

Notice of Proposed Rule Making

In the matter of amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies of the rules to provide for an all-inclusive income statement and to revise the accounting for taxes, Docket No. 18477.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In December 1966 the Accounting Principles Board (APB) of the American Institute of Certified Public Accountants (AICPA) issued APB Opinion No. 9, "Reporting the Results of Operations." This opinion was the result of a general review of reporting practices in which it was concluded that, beginning in 1967, net income should reflect all items of profit and loss recognized during the accounting period with the exception of prior period adjustments, with large extraordinary items to be shown separately as an element of net income of the period. Prior to the issuance of this opinion most companies followed the practice (which is currently required for telephone companies subject to the Commission's accounting rules) of including large delayed and extraordinary items in earned surplus. The Commission's systems of accounts for telegraph carriers currently provide for an all-inclusive income statement somewhat similar to that which is now being proposed for telephone companies.

3. The proposed amendments to Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, that occasion this notice of proposed rule making relate primarily to the adoption of an all-inclusive income statement. However, certain other amendments are also proposed herein. The objectives of the proposed amendments may be summarized as follows: (a) To transfer from the earned surplus accounts to the income accounts delayed, extraordinary and other items now includible as entries to earned surplus except those pertaining to capital stock, the transfer of net income to earned surplus and appropriations of earned surplus; (b) to change all references to "earned surplus" and "capital surplus" to read "retained earnings" and "other capital," respectively; (c) to provide for intraperiod allocation of income taxes by charging separate accounts for such taxes pertaining to operating income, "below-the-line" income, extraordinary and delayed income, and retained earnings entries; (d) to delete the accounts for reservations of income and to provide in lieu of the two surplus accounts currently prescribed, a single account for all reservations of retained earnings; and (e) to make other changes occasioned by the foregoing such as account number and title references.

4. As proposed in this notice of proposed rule making the term delayed items is defined to include all items relating to a prior accounting period, including all adjustments of estimated amounts included in the accounts in prior years. However, under the accounting proposed for delayed items, only those delayed items considered to be large enough to distort the current accounts, which were previously includible in surplus, would be included in the proposed new accounts for delayed items. All other delayed items would be includible in the accounts in which they would have been included had the items not been delayed.

5. No criteria, other than the judgment of the company, is now included in Part 31 for the measurement of what size of delayed item would result in distortion of the accounts and none is included in the proposed amendments. However, it is to be noted that Annual Report Form M, starting with the report form for 1968, contains a new schedule 44, Delayed Items, in which are to be reported all delayed items included in the regular accounts that amount to $100,000 or to 1 percent or more of net operating income, whichever is smaller. It is believed that the accounting proposed herein for delayed items, together with the data to be reported in schedule 44, will provide adequate information with respect to all significant delayed items.

6. Most of the nonrecurring items which are currently includible in the surplus accounts are proposed to be included in new extraordinary and delayed income accounts. Those items that pertain to capital stock transactions are proposed to be included in the retained earnings accounts and a few items of a recurring nature, now includible in the surplus accounts, are proposed for inclusion in "below-the-line" income accounts. APB Opinion No. 9 provides that only extraordinary items of material size should be excluded from ordinary income and shown separately. However, it seems appropriate for regulatory purposes that the nature of the items rather than their size should determine whether they are extraordinary and that alternate accounting for the smaller extraordinary items specified in the APL opinion is not justified. For regulatory purposes it is considered appropriate that the profit or loss realized on a transaction of a type which occurs infrequently and is of a nature that is not normally incurred in the day-to-day operations of a telephone company should be considered to be an extraordinary item regardless of size and so excluded from normal net income.

7. Certain other criteria indicated in Opinion No. 9 for determining whether items are delayed or extraordinary have also been omitted from this proposal. It is believed that the differences between the accounting set forth below and that to be reported under Opinion No. 9 are desirable from a regulatory view point.

8. The new accounts proposed below for inclusion in Part 31 for delayed and extraordinary items are as follows: account 360, "Extraordinary income credits," account 365, "Delayed income credits," account 370, "Extraordinary income charges," account 375, "Delayed income charges," and account 380, "Income tax effect of extraordinary and delayed items—Net."

9. It is proposed to amend Part 31 in each instance where the term "earned surplus" appears by substituting therefor the term "retained earnings" and where the term "capital surplus" appears substituting the term "other capital." The AICPA has for some years advocated the discontinuance of the term "surplus" and the substitution therefor, where appropriate, of "retained earnings" and "other capital" or similar terms. Most systems of accounts and unregulated business firms have now adopted the AICPA recommended terminology and it is believed that this is an appropriate occasion to do likewise.

10. It is proposed to amend the provisions of Part 31 pertaining to taxes. Federal income taxes, all of which are currently includible in account 305, "Operating taxes," are proposed to be allocated among tax accounts applicable to operating income, "below-the-line" income, extraordinary and delayed income, and retained earnings entries. The portion of Federal income taxes proposed to be allocated to operations is to be computed on the amount of operating income less the tax effect of interest costs. Account 305 is proposed to be deleted and new account 306 included for Federal income taxes applicable to operations and account 307 for inclusion of all other operating taxes. All States do not levy income taxes. Some States and also local jurisdictions substitute other types of tax levies in lieu of income taxes. It is therefore believed appropriate, in order to maintain comparability between companies, to include income taxes other than Federal in proposed account 307 and thus include all State and local operating taxes in a single account. Income taxes included in account 307 should also be computed on the basis of operating income less the effect of any applicable interest costs. Account 322, "Miscellaneous taxes," is proposed to be deleted and accounts 326, "Federal income taxes—Nonoperating," and 327, "Other nonoperating taxes," substituted therefor. It is also proposed to add new account 380, "Income tax effect of extraordinary and delayed items—Net." Income taxes applicable to credits to retained earnings are proposed to be included in account 413, "Miscellaneous debits to retained earnings," and the income tax effect of debits to retained earnings are proposed to be included in account 402, "Miscellaneous credits to retained earnings." It is believed that the proposed accounting for Federal income taxes will furnish data which is much more informative and more readily available for rate making and other purposes than the currently prescribed tax accounting.

11. It is proposed to delete Cases 2 and 13 of Appendix A of Part 31. The provisions of Case 2 dealing with the accounting for Social Security taxes are proposed to be incorporated in the appropriate sections of Part 31 relating to taxes. The accounting indicated in Case 13 with respect to tax savings in connection with refinancing will no longer be appropriate if the proposed amendments are adopted and it is proposed to provide in account 380 for the inclusion therein of such tax savings.

12. It is also proposed to delete account 341, "Contingent interest on funded debt," account 342, "Contractual reservations of income," and account 343, "Miscellaneous reservations of income." These accounts are seldom, if ever, used and are not believed to be in accord with generally accepted accounting principles. Income cannot be reserved. Only after it is included in retained earnings can it be reserved for a specific purpose. Contingent interest on funded debt is an interest cost when it is accrued and it is proposed that any such interest that is paid be included in account 336, "Other interest deductions."

13. If the foregoing amendments to Part 31 are adopted it is proposed that they be made effective January 1, 1970. If adopted as proposed, some changes in Annual Report Form M will be necessary due to accounts added and deleted and changes in account titles and numbers. However, it is contemplated that such changes in Form M will be proposed in separate rule making after this proceeding is completed.

14. In view of the foregoing, it is proposed to amend Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the rules as set forth in the attached Appendix.

15. This notice of proposed rule making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 15, 1969, and reply comments on or before April 25, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

17. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

Adopted: March 5, 1969.

Released: March 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies is amended as follows:

1. Section 31.01–4 is amended to read as follows:

§ 31.01–4 Unaudited items.

When the amount of any known item affecting these accounts cannot be accurately determined in time for inclusion in the accounts of the calendar year in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is audited, the necessary adjustments shall be handled as a delayed item as provided in § 31.01–5(b). If during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The company is not required to anticipate minor items which would not appreciably affect these accounts.

2. Section 31.01–5 is amended to read as follows:

§ 31.01–5 Delayed items.

(a) The term "delayed items" means items accounted for in the current accounts with respect to transactions which occurred before the current calendar year. It includes adjustments of errors and additional entries with respect to items in the operating revenue, operating expense and other income accounts of prior years.

(b) Unless the inclusion of a delayed item in the current accounts would distort those accounts, it shall be included in the same account in the current year that would have been credited or charged if the item had not been delayed. If the delayed item would distort the current accounts, it shall be credited to account 365, "Delayed income credits," or charged to account 375, "Delayed income charges," as appropriate.

[1] Commissioner Bartley absent.

(c) The company shall keep such records as are necessary in order to show the full particulars with respect to all delayed items included in accounts 365 and 375 and also with respect to such other delayed items included in the ordinary accounts as are required to be reported in its annual report to the Commission.

3. In § 31.01–7, paragraph (a) is amended to read as follows:

§ 31.01–7 Profits and losses from foreign exchange.

(a) Profits and losses from premiums and discounts on foreign exchange shall be included, so far as practicable, in the accounts appropriate for the transactions in connection with which such items arise. For example, profits realized and losses suffered due to the difference in rates of exchange between the date that money is borrowed or loaned and the date of payment or collection shall be included in account 360, "Extraordinary income credits," or account 370, "Extraordinary income charges," as may be appropriate.

* * * * * *

4. In § 31.1–11, paragraph (b) is amended to read as follows:

§ 31.1–11 Current assets.

* * * * * *

(b) The amount of any current asset written off shall be included in account 323, "Miscellaneous income charges," account 530, "Uncollectible operating revenues—Dr.," or other appropriate account.

5. In § 31.1–12, paragraph (b) is amended to read as follows:

§ 31.1–12 Book cost of securities owned.

* * * * * *

(b) The company is allowed the option of writing down such book cost in recognition of the decline in value of the securities. It shall write down to a nominal amount or write off the book cost if there is no reasonable prospect of future substantial value. The amount of such adjustment shall be charged to account 370, "Extraordinary income charges."

6. In § 31.1–13, paragraphs (b), (c), (d), (e), (f), and (g) are amended to read as follows:

§ 31.1–13 Company securities owned.

* * * * * *

(b) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt that have been reacquired and (2) the amounts actually paid therefor plus the expenses incurred in connection with their reacquisition shall be included, when a credit, in account 360, "Extraordinary income credits," and when a debit, in account 370, "Extraordinary income charges." (See also § 31.1–15(f).) In the case of refinancing, amounts that ordinarily would thus be credited to account 360 or charged to account 370 may be made subject to amortization upon specific approval by the Commission in each instance.

(c) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt previously reacquired that are resold and (2) the amounts actually received therefor less the expense incurred in connection with their resale shall be included, when a credit, in account 360, "Extraordinary income credits," and when a debit, in account 370, "Extraordinary income charges."

(d) The necessary adjustments for the difference between (1) the book amount of capital stock that has been reacquired and (2) the amount actually paid for it plus the amount of expense incurred in connection with its reacquisition shall be included in account 179, "Other capital," except that the excess of a debit adjustment over the balance in account 179, applicable to capital stock of the same class, shall be charged to account 413, "Miscellaneous debits to retained earnings": *And, provided further,* That a credit adjustment shall be included in account 402, "Miscellaneous credits to retained earnings," to the extent that any previous charges to retained earnings on account of transactions in the same class of stock have not been offset by previous credits to retained earnings on account of such transactions.

(e) The necessary adjustments for the difference between (1) the book amount of capital stock that previously has been reacquired and is resold, and (2) the amount actually received for it less the amounts of expense incurred in connection with its resale shall be included in account 179, "Other capital," except that the excess of a debit adjustment over the balance in account 179 applicable to capital stock of the same class shall be charged to account 413, "Miscellaneous debits to retained earnings": *And, provided further,* That a credit adjustment shall be credited to account 402, "Miscellaneous credits to retained earnings," to the extent that any previous charges to retained earnings on account of transactions in capital stock of the same class have not been offset by previous credits to retained earnings on account of such transactions.

(f) The company's records shall be so maintained that in reports to the Commission there may be shown the extent to which the retained earnings accounts have been charged and credited in connection with transactions in each class of capital stock.

(g) The book amount for nonpar stock reacquired shall be obtained by first ascertaining the amount in account 150, "Capital stock," for the particular class of stock before the reacquirement. In this amount shall be included the proceeds realized at the sale, the amount of any assessments against stockholders, the amounts transferred to account 150 from retained earnings less any amount which has been distributed from account 150 to the stockholders in liquidation. The amount thus ascertained shall be prorated to the shares reacquired on the basis of the proportion that the reacquired shares bear to the total number of shares actually outstanding immediately prior to their reacquirement. (Note also accounts 104, 105, 136, and 137.)

7. In § 31.1–14, paragraph (e) is amended to read as follows:

§ 31.1–14 Discount and premium on capital stock.

* * * * * * *

(e) When capital stock which has been actually issued or assumed by the company is reacquired the proportion (based upon the relation of the amount of stock reacquired to the total amount of that particular class or series of stock outstanding before its reacquirement) of the balance in the discount and premium account with respect to the stock reacquired shall be cleared to account 179, "Other capital," except that any excess of a debit amount over the balance in account 179 applicable to capital stock of the same class shall be charged to account 413, "Miscellaneous debits to retained earnings": *And, provided further,* That a credit amount shall be credited to account 402, "Miscellaneous credits to retained earnings," to the extent that any previous charges to account 413 on account of transactions in capital stock of the same class have not been offset by previous credits to account 402 on account of such transactions.

* * * * * * *

8. In § 31.1–15, paragraphs (c) and (f) are amended to read as follows:

§ 31.1–15 Discount, premium, and expense on long-term debt.

* * * * * * *

(c) The company may extinguish at any time through charges to account 370, "Extraordinary income charges," all or any part of the debit balance remaining in any particular discount, premium, and debt expense account.

* * * * * * *

(f) Except as provided in paragraphs (c), (d), and (e) of this section, the balance in each of these accounts shall be carried until the reacquirement of the securities to which it relates at which time the proportion (based upon the relation of the amount of long-term debt reacquired to the total amount of that particular class or series of long-term debt outstanding before its reacquirement) of the balance in the discount, premium and debt expense account with respect to the long-term debt reacquired shall be cleared to account 360, "Extraordinary income credits," or account 370, "Extraordinary income charges," as appropriate. In the case of refinancing, amounts that ordinarily would thus be charged or credited to the extraordinary income accounts may be made subject to amortization upon specific approval of the Commission in each instance. (See also § 31.1–13(b).)

* * * * * * *

§ 31.1–18 [Revoked]

9. Section 31.1–18 is revoked.

10. In § 31.100:4, paragraph (c)(1) and Note A are amended to read as follows:

§ 31.100:4 Telephone plant acquisition adjustment.

* * * * * * *

(c) * * *

(1) Debit amounts may be charged to account 370, "Extraordinary income charges," in whole or in part, or amortized over a reasonable period through charges to account 323, "Miscellaneous income charges," without further direction or approval by this Commission. Should a carrier desire the disposition of debit amounts in any manner other than as herein provided, it shall request that the Commission (i) approve recommended disposition or (ii) direct appropriate disposition according to the circumstances involved in each transaction.

* * * * * * *

NOTE A: Disposition as herein provided is for accounting purposes only and shall not be construed as determining or controlling the amount or disposition of the items in a rate or other proceeding, nor shall anything contained in paragraph (c) of this section be construed as precluding the Commission from subsequently requiring disposition of such amounts in a different manner or from altering a previously determined amortization period.

* * * * * * *

11. Section 31.130 is amended to read as follows:

§ 31.130 Prepaid taxes.

This account shall include the amounts of taxes paid in advance, except minor amounts which may be charged direct to the final accounts. As the term expires for which the taxes are paid, this account shall be credited at monthly intervals and the appropriate account charged. (Note also §§ 31.2–22(b)(8), 31.304, 31.306, 31.307, 31.326, and 31.327.)

12. In § 31.134:2, paragraphs (b) and (c) are amended to read as follows:

§ 31.134:2 Capital stock expense.

* * * * * * *

(b) When any issue of capital stock, or a portion thereof, is reacquired, there shall be credited to this account and charged to account 179, "Other capital," the amount herein with respect to such stock, except that any excess of such amount over the balance in account 179 applicable to capital stock of the same class, shall be charged to account 413, "Miscellaneous debits to retained earnings."

(c) The company may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 179, "Other capital," or to account 413, "Miscellaneous debits to retained earnings," in case the amount exceeds the balance in account 179 applicable to the same class of stock.

* * * * * * *

13. Section 31.139 is amended to read as follows:

§ 31.139 Other deferred charges.

This account shall include all deferred charges not provided for elsewhere, such as unaudited amounts and other debit balances in suspense that cannot be cleared and disposed of until additional

information is received; debit balances in clearing accounts; the amount, pending determination of loss, of funds on deposit with banks which have failed; assets of current character but of doubtful value (note also § 31.1–11); revenue, expense, and income items held in suspense (note also § 31.01–6); amounts paid for options pending final disposition; the cost of preliminary surveys, plans, investigations, etc., made for determining the feasibility of construction projects under contemplation. If the contemplated projects are carried out, the preliminary costs shall be included in the cost of the plant constructed. If the contemplated projects are abandoned, the preliminary costs shall be charged to account 323, "Miscellaneous income charges." This account shall include also the cost of valuations, inventories, and appraisals taken in connection with the contemplated acquisition or sale of property. If the property is subsequently acquired, the preliminary costs shall be accounted for as a part of the cost of acquisition, or if it is sold, such costs shall be deducted from the sale price in accounting for the property sold. If contemplated purchases or sales are abandoned, the preliminary costs included herein (including options paid, if any) shall be charged to account 370, "Extraordinary income charges."

14. In § 31.159:2, paragraph (a) is amended to read as follows:

§ 31.159:2 Other accounts payable.

(a) This account shall include amounts currently due to nonaffiliated companies and individuals, and not provided for in other accounts, such as those for wages, traffic settlements, material and supplies, repairs to telephone plant, matured rents, and interest payable under monthly settlements on short-term loans, advances, and open accounts. It shall also include amounts of taxes payable that have been withheld from employees' salaries.

* * * * * * *

15. Section 31.166 is amended to read as follows:

§ 31.166 Taxes accrued.

This account shall include the amount of unpaid taxes accrued. (Note also §§ 31.2–22(b)(8), 31.159:2, 31.304, 31.306, 31.307, 31.326, 31.327, and 31.380.)

NOTE: Taxes paid in advance shall be included in account 130.

16. In § 31.169, paragraph (a) is amended to read as follows:

§ 31.169 Insurance reserve.

(a) To this account shall be credited appropriations of retained earnings specifically made to cover self-carried risks for losses through accident, fire, flood, or other causes.

* * * * * * *

17. In § 31.170, paragraph (a) is amended to read as follows:

§ 31.170 Provident reserve.

(a) This account shall include specific appropriations of retained earnings and the amounts contributed by employees or others (whether carried in special trust funds or in the general funds of the company) for pensions, accident and death benefits, savings, relief, hospital, and other provident purposes, when administered by trustees or managers acting for the company.

* * * * * * *

18. In § 31.171, paragraph (a) is amended to read as follows:

§ 31.171 Depreciation reserve.

(a) This account shall be credited with amounts concurrently charged to account 608, "Depreciation," and to clearing accounts for currently accruing depreciation of telephone plant. (Note also §§ 31.02–80 to 31.02–82.) It shall also be credited with any amounts which the company may elect to charge to account 370, "Extraordinary income charges," and include in this account with respect to past accrued depreciation not provided for. (Note also §§ 31.174(b), 31.2–20(b), 31.2–21, and 31.315.)

* * * * * * *

19. In § 31.172, paragraphs (b) and (c) are amended to read as follows:

§ 31.172 Amortization reserve.

* * * * * * *

(b) This account shall be credited with any amounts concurrently charged to account 323, "Miscellaneous income charges," to provide a reserve for the retirement of amounts carried in account 201, "Organization." It shall also be credited with any amounts of amortization which this Commission may authorize under a plan to amortize the balance in account 100:4, "Telephone plant acquisition adjustment."

(c) When any leasehold carried in account 211, "Land," or any franchise or patent expires, is sold, is relinquished, or is otherwise retired from service, or when the amortization of an amount in account 201 is completed, this account shall be charged with the amount included herein with respect to the property going out of service. The original cost of the property so retired less the amount chargeable to this account and less any proceeds realized at retirement shall be included in account 360, "Extraordinary income credits," or in account 370, "Extraordinary income charges," as appropriate. (Note also § 31.2–25(f).)

20. In § 31.174, paragraph (b) is amended to read as follows:

§ 31.174 Other deferred credits.

* * * * * * *

(b) When miscellaneous physical property not previously used in telephone service is disposed of, this account shall be charged with the amount previously credited hereto with respect to such property and the book cost of the property so retired less the amount chargeable to this account and less the value of the salvage recovered or the proceeds from the sale of the property shall be included in account 360, "Extraordinary income credits," or in account 370, "Extraordinary income charges," as appropriate. In case the property had been used in telephone service previous to its inclusion in account 103, "Miscellaneous physical property," the amount accrued for depreciation thereon after its retirement from telephone service shall be charged to this account and credited to account 171, "Depreciation reserve," and the accounting for its retirement from account 103 shall be in accordance with that applicable to telephone plant retired. (Note also § 31.2–25.)

21. Section 31.179 is amended to read as follows:

§ 31.179 Other capital.

(a) Among the amounts includible in this account are credits arising from the reacquisition and resale, from the retirement and cancellation, from a reduction of a stated value, and from the donation by stockholders of the company's capital stock; capital arising from the forgiveness of debt of the company; capital recorded upon the reorganization or recapitalization of the company; and amounts that become the property of the company as a result of a forfeiture by others of deposits on subscriptions to capital stock and of installments paid on capital stock.

(b) All items included in this account shall be entered herein net of income tax effect, if any.

NOTE: When the circumstances under which debt is forgiven indicate that its forgiveness is an adjustment of retained earnings it may be treated as such upon the approval by this Commission in the specific instance.

22. Section 31.180 is amended to read as follows:

§ 31.180 Retained earnings reserved.

(a) This account shall include the amount of retained earnings reserved or otherwise set aside for any purpose not provided for elsewhere. (Note § 31.3–31.)

(b) Separate subaccounts shall be maintained under such titles as will designate the purpose for which each reserve recorded hereunder was created.

23. Section 31.181 is amended to read as follows:

§ 31.181 Unappropriated retained earnings.

(a) This account shall include the undistributed balance of retained earnings derived from the operations of the company and from all other transactions not includible in the other accounts appropriate for inclusion of stockholders equity.

(b) The retained earnings analysis accounts, wherein are recorded all entries to retained earnings during the year (400 to 416, inclusive), shall be closed into this account as at the end of the year.

24. In § 31.2–22, paragraph (b)(8) is amended to read as follows:

§ 31.2–22 Cost of construction.

* * * * * * *

(b) * * *

(8) "Taxes" includes social security and similar taxes on wages applicable to plant construction and taxes on physical property during construction and before the facilities are completed ready for service which are assessed separately

from taxes on operating property or under conditions which permit separate identification or allocation of the amount chargeable to construction.

* * * * *

25. In § 31.2–25, paragraphs (d), (f), and (g) are amended to read as follows:

§ 31.2–25 Telephone plant retired.

* * * * *

(d) Land: The original cost of land retired shall be credited to account 211, "Land." If the land is sold, the difference between such original cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited to account 360, "Extraordinary income credits," or debited to account 370, "Extraordinary income charges," as appropriate. If the land is retained by the company and held for sale, its cost shall be charged to account 103, "Miscellaneous physical property."

* * * * *

(f) The accounting for the retirement of organization, franchises, patent rights, and other intangible property shall be as provided for in the texts of account 100:4, "Telephone plant acquisition adjustment," account 172, "Amortization reserve," and account 370, "Extraordinary income charges."

(g) When telephone plant is sold together with the telephone traffic associated therewith, the original cost of the property shall be credited to the appropriate plant accounts and the estimated amounts carried with respect thereto in the depreciation and amortization reserve accounts shall be charged to such reserve accounts. The difference, if any, between (1) the net amount of such debit and credit items and (2) the consideration received (less commissions and other expenses of making the sale) for the property shall be included, if a credit, in account 360, "Extraordinary income credits," and if a debit, in account 370, "Extraordinary income charges." The accounting for depreciable telephone plant sold without the traffic associated therewith shall be in accordance with the accounting provided in § 31.171(b).

26. In § 31.202, Note B is amended to read as follows:

§ 31.202 Franchises.

* * * * *

NOTE B: Franchise taxes payable annually or more frequently shall be charged to account 307, "Other operating taxes."

* * * * *

27. Section 31.3–30 is amended to read as follows:

§ 31.3–30 Purpose of income accounts.

The income accounts (300 to 380, inclusive) are designed to show as nearly as practicable for each calendar year the total operating revenues; operating expenses; income and other operating taxes of the company; the income from securities owned; the net income from property not used in the company's communication operations; amounts accrued for interest costs; credits from interest charged to construction; miscellaneous income, expenses, and taxes; rents from and for operating property; and extraordinary and delayed income credits and charges. The net balance in the income accounts shall be cleared to account 400, "Balance transferred from income accounts."

28. Section 31.3–31 is amended to read as follows:

§ 31.3–31 Income from sinking and other funds.

When interest and other income arising from funds carried in account 104, "Sinking funds," account 136, "Provident funds," or account 137, "Insurance and other funds," (note also account 314) are required by the mortgage or other provisions to be held in the funds, they shall be charged to those accounts. If such funds are represented by a reserve established through reservations of retained earnings, amounts so set aside shall be charged to account 415, "Reservations of retained earnings," and credited to account 169, "Insurance reserve," account 170, "Provident reserve," account 173, "Employment stabilization reserve," or account 180, "Retained earnings reserved," as may be appropriate.

§ 31.305 [Revoked]

29. Section 31.305 is revoked.

30. New § 31.306 is added as follows:

§ 31.306 Federal income taxes—operating.

(a) This account shall include the amount of Federal incomes taxes relating to telephone operations for the accounting period including the income tax effect of all items included in accounts 300, 301, 302, 303, 307, 335, 336, 338, 339, and 340. It shall also include any income tax effects of dividends on preferred stock charged to account 416. Taxes accrued through this account prior to their payment shall be credited to account 166, "Taxes accrued." (See also §§ 31.304, 31.307, 31.326, 31.327, 31.380, 31.402, and 31.413.)

(b) Taxes should be accrued each month on an estimated basis and adjustments made as later data become available. Amounts so accrued shall be credited to account 166, "Taxes accrued."

NOTE A: No entries shall be made in this account to reflect interperiod allocation of taxes except as provided in Case 26.

NOTE B: Taxes not includible in this account shall be accounted for as provided in §§ 31.2–22(b)(8), 31.179, 31.304, 31.307, 31.326, 31.327, 31.380, 31.402, or 31.413, as appropriate.

31. New § 31.307 is added as follows:

§ 31.307 Other operating taxes.

(a) This account shall include all taxes, other than Federal income taxes, relating to telephone operations. Among the taxes includible in this account are property, gross receipts, franchise, capital stock, Social Security (see Note B), unemployment and the tax effect of State and local income taxes on items included in accounts 300, 301, 302, 303, 306, 335, 336, 338, 339, 340, and from items included in this account.

(b) Taxes on telephone plant leased to others shall be included in this account by the owner. (See also Note H.)

NOTE A: Taxes which are not includible in this account shall be accounted for as provided in § 31.2–22(b)(8), 31.179, 31.304, 31.306, 31.326, 31.327, 31.380, 31.402, or 31.413, as appropriate.

NOTE B: Social Security taxes are higher in the earlier months than in the later months of the year as a result of taxes ceasing with respect to an employee once he has reached the established maximum of taxable wages. This frequently results in spreading such taxes in a manner inconsistent with the occurrence of labor charges during the year. In order to spread such taxes in a more equitable manner, the taxes applicable to the monthly payroll may be charged initially to a clearing account under account 139, "Other deferred charges," and credited to account 166, "Taxes accrued." The clearing account shall then be credited each month and this account, plant under construction and other appropriate accounts shall be charged with such amounts as will properly allocate the total estimated annual Social Security taxes on the basis of the relationship of the labor charges to operations, construction and other accounts during the month to the estimated total annual payroll.

NOTE C: Special assessments for street and other improvements and special benefit taxes, such as water taxes and the like, shall be included in the operating expense accounts or investment accounts, as may be appropriate.

NOTE D: Discounts allowed for prompt payments of taxes shall be credited to the account to which the taxes are chargeable.

NOTE E: Interest on tax assessments which are not paid when due shall be included in account 336, "Other interest deductions."

NOTE F: Taxes paid by the company under tax-free covenants on indebtedness shall be charged to account 340, "Other fixed charges."

NOTE G: Sales and use taxes shall be accounted for, so far as practicable, as a part of the cost of the items to which the taxes relate.

NOTE H: Taxes on rented telephone plant which are borne by the lessee shall be credited by the owner to account 524, "Rent revenues," or to account 302, "Rent from lease of operating property," as appropriate, and shall be charged by the lessee to account 671, "Operating rents," or to account 303, "Rent for lease of operating property," as appropriate.

32. In § 31.313, paragraph (d) is amended to read as follows:

§ 31.313 Interest income.

* * * * *

(d) There may be included in this account for each month the applicable amount requisite to extinguish, during the interval between the date of acquisition and date of maturity, the difference between the purchase price and the par value of securities owned, the income from which is includible in this account. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried. Any such difference remaining unextinguished at the sale or upon the maturity and satisfaction of such securities shall be cleared to account 360, "Extraordinary income credits," or to account 370, "Extraordinary income charges," as appropriate.

* * * * *

33. In § 31.314, paragraph (b) is amended to read as follows:

§ 31.314 Income from sinking and other funds.

* * * * *

(b) There may be included in this account for each month the applicable amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the difference between the purchase price and the par value of securities held in sinking or other funds. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried. Any such difference remaining unextinguished upon the maturity and satisfaction of such securities shall be cleared to account 360, "Extraordinary income credits," or to account 370, "Extraordinary income charges," as appropriate.

* * * * *

34. Section 31.316 is amended to read as follows:

§ 31.316 Miscellaneous income.

This account shall include all items, not provided for elsewhere, properly creditable to income.

ITEMS TO BE CREDITED

(Note § 31.01–8)

Fees collected in connection with the exchange of coupon bonds for registered bonds.

Profits from the telephone operations of other companies realized by the company under contracts.

Profits realized from custom work performed for others not incident to the company's telephone operations.

Profits realized on sale of temporary cash investments.

§ 31.322 [Revoked]

35. Section 31.322 is revoked.

36. Section 31.323 is amended to read as follows:

§ 31.323 Miscellaneous income charges.

This account shall include all items not provided for elsewhere properly chargeable to income.

ITEMS TO BE CHARGED

(Note § 31.01–8)

Amortization of amounts included in account 201, "Organization."

Contributions for charitable or social or community welfare purposes.

Cost of abandoned projects.

Current expenses of trustees in maintaining and administering trusts incident to outstanding debt of the company.

Losses realized on sale of temporary cash investments.

Uncollectible amounts previously credited to accounts 312 to 316, inclusive. (See also § 31.1–11 and note to account 530.)

37. New § 31.326 is added as follows:

§ 31.326 Federal income taxes—nonoperating.

This account shall include the amount of Federal income taxes and the reductions in such income taxes that are applicable to items included in accounts 312, 313, 314, 315, 316, 323, and 327.

38. New § 31.327 is added as follows:

§ 31.327 Other nonoperating taxes.

(a) This account shall include the amount of state and local income, gross receipts and similar taxes and any reductions in such taxes that are applicable to items includible in accounts 312, 313, 314, 315, 316, 323, and 326. (See particularly Note B to § 31.307.)

(b) This account shall also include taxes on miscellaneous physical property, taxes on wages not applicable to operations or construction, and all other taxes not provided for elsewhere. (See §§ 31.2–22(b)(8), 31.179, 31.304, 31.306, 31.307, 31.326, 31.380, 31.402, and 31.413.)

NOTE A: Special assessments for street and other improvements and special benefit taxes, such as water taxes and the like, shall be included in the operating expense accounts or investment accounts, as may be appropriate.

NOTE B: Discounts allowed for prompt payment of taxes shall be credited to the account to which the taxes are chargeable.

NOTE C: Interest on tax assessments which are not paid when due shall be included in account 336, "Other interest deductions."

§ 31.341 [Revoked]

39. Section 31.341 is revoked.

§ 31.342 [Revoked]

40. Section 31.342 is revoked.

§ 31.343 [Revoked]

41. Section 31.343 is revoked.

42. New § 31.360 is added as follows:

§ 31.360 Extraordinary income credits.

This account shall include credits to income resulting from nonrecurring transactions that are not customary business activities of the company.

ITEMS

(Note § 31.01–8)

Amounts to extinguish the credit balance in the discount, premium and debt-expense accounts relating to long-term debt reacquired. (Note § 31.1–15.)

Amounts received for abrogation of contracts by others.

Credits from adjustments in connection with the reacquisition of company bonds and other evidences of debt.

Forfeitures by others of deposits under options relating to the sale or lease of property.

Profits derived from the resale of interest-bearing company securities.

Profits derived from disposal of securities of others, except temporary cash investments. (See § 31.316.)

Profits derived from the sale of unexpired leases.

Profits derived from the sale of land used in telephone service and from telephone plant sold with traffic. (Note § 31.2–25 (d) and (g).)

Profits derived from the sale of land carried in account 103 and from the sale of depreciable property in account 103 that had not previously been used in telephone service. (Note § 31.174.)

43. New § 31.365 is added as follows:

§ 31.365 Delayed income credits.

This account shall include the amount of delayed credits relating to operating revenue, operating expense, and other income accounts that are excluded from normal income for the current year by the provisions of § 31.01–5.

44. New § 31.370 is added as follows:

§ 31.370 Extraordinary income charges.

This account shall include charges to income resulting from nonrecurring transactions that are not customary business activities of the company.

ITEMS

(Note § 31.01–8)

Debits from adjustments in connection with the reacquisition of company bonds and other evidences of debt. (Note §§ 31.1–13(b) and 31.1–15.)

Losses of funds due to bank failures.

Losses resulting from the resale of interest-bearing company securities.

Losses resulting from the sale of land used in telephone service and from telephone plant sold with traffic. (Note § 31.2–25 (d) and (g).)

Losses resulting from sale of land carried in account 103 and from sale, destruction or retirement of depreciable property in account 103 that had not previously been used in telephone service. (Note § 31.174.)

Losses resulting from disposal of securities of others, except temporary cash investments. (See § 31.323.)

Lump sum disposition of debit balances in account 100:4, "Telephone plant acquisition adjustment," and in account 201, "Organization."

Payments for abrogation of contracts.

Penalties and fines paid on account of violations of statutes.

Provision for past unprovided for depreciation. (Note § 31.171.)

Write down or write off of securities owned in recognition of a decline in value. (Note §§ 31.1–11 and 31.1–12.)

45. New § 31.375 is added as follows:

§ 31.375 Delayed income charges.

This account shall include the amount of delayed charges applicable to operating revenue, operating expense and other income accounts that are excluded as deductions from normal income for the current year by the provisions of § 31.01–5.

46. New § 31.380 is added as follows:

§ 31.380 Income tax effect of extraordinary and delayed items—net.

This account shall include all income tax effects of items included in accounts 360, "Extraordinary income credits," 365, "Delayed income credits," 370, "Extraordinary income charges," and 375, "Delayed income charges." This account shall also include the income tax effect of profits and losses from nonrecurring transactions recognized for income tax purposes but for which no profit or loss is recorded in the accounts. The records supporting the entries in this account shall be maintained with sufficient particularity to identify each amount included herein with the extraordinary or delayed item to which it is attributable.

47. Section 31.4–40 is amended to read as follows:

§ 31.4–40 Purpose of retained earnings accounts.

The retained earnings accounts (400 to 416, inclusive) are designed to provide an analysis of all increases and decreases in the company's retained earnings or deficit during each calendar year resulting from (a) the operations and other transactions during the year

reflected in net income after extraordinary and delayed items, (b) appropriations or other reservations of retained earnings for specific purposes, (c) dividends declared and (d) entries relating to capital stock of the company which increase or decrease retained earnings. No entries shall be made directly to account 181, "Unappropriated retained earnings." The balance of accounts 400 to 416, inclusive shall be closed into account 181 at the end of each calendar year.

48. Section 31.400 is amended to read as follows:

§ 31.400 Balance transferred from income accounts.

This account shall include the net income for the year after extraordinary and delayed income credits and charges that is transferred to retained earnings. As at the end of the year the balance of all income primary accounts (300 to 380, inclusive) shall be closed into this account.

§ 31.401 [Revoked]

49. Section 31.401 is revoked.

50. Section 31.402 is amended to read as follows:

§ 31.402 Miscellaneous credits to retained earnings.

This account shall include credits to retained earnings arising from the reacquisition and resale of the company's capital stock which are not includible in account 179 (note § 31.1–13 (d), (e), and (f)); the amount of unclaimed dividends; restorations to retained earnings of amounts previously appropriated therefrom; any income tax effect of items included in accounts 413 and 416; and any other amounts which the Commission may approve or direct to be included herein.

§ 31.410 [Revoked]

51. Section 31.410 is revoked.

52. Section 31.413 is amended to read as follows:

§ 31.413 Miscellaneous debits to retained earnings.

This account shall include amounts arising from the reacquisition and resale of the company's capital stock which are not chargeable to account 179 (note § 31.1–13 (d), (e), and (f)); the amounts of capital-stock expense written off which are not chargeable to account 179 (note § 31.134:2); appropriations to nonpar stock accounts; any income tax effect of items included in account 402; and any other amounts the Commission may approve or direct to be included herein.

§ 31.414 [Revoked]

53. Section 31.414 is revoked.

54. Section 31.415 is amended to read as follows:

§ 31.415 Reservations of retained earnings.

This account shall include all reservations of retained earnings required under the terms of mortgages, deeds of trust, orders of courts, or regulatory authorities, contracts, or other agreements, and retained earnings reserved at the company's discretion.

NOTE: Amounts charged to this account shall be concurrently credited to the appropriate reserve accounts.

55. In § 31.416, the head note and paragraph (a) are amended to read as follows:

§ 31.416 Dividends declared.

(a) This account shall include dividends declared on capital stock actually outstanding.

* * * * *

56. In § 31.530, the Note is amended to read as follows:

§ 31.530 Uncollectible operating revenues—Dr.

* * * * *

NOTE: Uncollectible amounts which have not been treated as operating revenues shall be charged to account 323, "Miscellaneous income charges," 370, "Extraordinary income charges," or other appropriate account.

57. In § 31.673, Note B is amended to read as follows:

§ 31.673 Telephone franchise requirements.

* * * * *

NOTE B: Franchise taxes paid annually or more frequently shall be charged to account 307, "Other operating taxes."

58. In § 31.705, the Note is amended to read as follows:

§ 31.705 Engineering expense.

* * * * *

NOTE: Expenses included in this account incurred in connection with projects which are abandoned shall be cleared to account 323, "Miscellaneous income charges." (Note also § 31.139.)

59. In Appendix A to Part 31 Cases 2 and 13 are deleted and Cases 10 and 11 are amended as follows:

APPENDIX A

INTERPRETATIONS OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THIS SYSTEM OF ACCOUNTS

a. Case 2 of Appendix A is deleted.

b. Case 10 of Appendix A is amended to read as follows:

Case 10–R–1 (Cancels Case 10)

STATEMENT OF FACTS

Amounts included in account 100:4, "Telephone plant acquisition adjustment," subdivided as provided in the text of the account, may include the following:

(a) Debit amounts with respect to one or more transactions which in the opinion of the carrier should be charged to account 370, "Extraordinary income charges."

(b) Credit amounts with respect to transactions other than those reflected in the debit amounts mentioned in the preceding subparagraph, or of a different character, which have not been submitted to the Commission for its consideration.

Question: May all or any of such credit amounts be netted with all or any of such debit amounts and the resulting debit amount charged to account 370 or amortized, without further direction or approval, as provided in § 31.100:4(c) (1).

Answer: No. Only amounts referred to in subparagraph (a), aforementioned, may be treated as provided in § 31.100:4(c) (1). Amounts of the character referred to in subparagraph (b) of the "statement of facts" shall be submitted to the Commission as required by § 31.100:4(c) (2).

c. In Case 11 of Appendix A, question and answer (a) and question and answer (b) are amended to read as follows:

Case 11–R–1 (Cancels Case 11)

* * * * *

Question (a): May the cost to the merging company (A), at the time of the merger, of the total net assets taken over be determined by adding to the amount which the A Company paid for the B and C Companies' common stocks the amounts of the now outstanding investment advances made by it to these subsidiaries, and deducting from this total the decrease in retained earnings suffered by Companies B and C since 1933?

Answer (a): Yes, for B Company, C Company's retained earnings should be adjusted to reflect its retained earnings at date of acquisition of C Company by B Company.

Question (b): Should the decrease in retained earnings of the two subsidiary companies since the respective dates of acquisition be charged directly against the retained earnings account of the A Company?

Answer (b): Yes.

* * * * *

d. Case 13 of Appendix A is deleted.

[F.R. Doc. 69–2989; Filed, Mar. 11, 1969; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 18476; FCC 69–207]

FM BROADCAST STATIONS

Table of Assignments, Doniphan, Mo., et al.

In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations. (Doniphan, Mo., Princeton, W. Va., Auburn, Nebr., Cayce, S.C., Sallisaw, Okla., Heber Springs, Ark., Preston, Minn., Barnstable, Nantucket, and Falmouth, Mass., Mineral Wells, Tex., Fayette, Hartselle, and Talladega, Ala., Mariposa, Calif., Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky., Flora, Ill.), Docket No. 18476, RM–1356, RM–1359, RM–1360, RM–1364, RM–1368, RM–1373, RM–1374, RM–1376, RM–1377, RM–1378, RM–1379, RM–1382, RM–1383, RM–1389, RM–1390, RM–1391, RM–1414.

1. Notice is hereby given of proposed rule making in the above-entitled matter concerning amendments of the FM Table of Assignments in § 73.202 of the rules. All population figures are from the 1960 U.S. Census, except as otherwise noted.

2. *RM–1356, Doniphan, Mo.* (*Jack G. Hunt*); *RM–1360, Princeton, W. Va.* (*Mountain Broadcasting Co.*); *RM–1374, Auburn, Nebr.* (*Stereo Broadcasting, Inc.*); *RM–1376, Cayce, S.C.* (*Lexington County Broadcasters, Inc.*); *RM–1379, Sallisaw, Okla.* (*Big Basin Broadcasters, Inc.*); *RM–1383, Heber Springs, Ark.* (*Newport Broadcasting Co.*); *RM–1391, Preston, Minn.* (*Obed S. Borgen*). In the above cases, interested parties are seeking the assignment of a first Class A channel in a community without requiring any other changes in the Table. All proposed assignments are alleged and appear to meet the minimum separation requirements of the rules. The communities range in size from 1,421 persons for Doniphan, Mo., to 8,517 for Cayce, S.C. They all appear to warrant the requested assignments and so comments are invited on the following additions to the table:

City	Channel No.
Doniphan, Mo.	249A
Princeton, W. Va.	240A
Auburn, Nebr.	288A
Cayce, S.C.	244A
Sallisaw, Okla.	240A
Heber Springs, Ark.	244A
Preston, Minn.	276A

3. *RM–1359. Barnstable and Nantucket, Mass.* On October 15, 1968, Cape Cod Broadcasting Co., prospective applicant for a new FM station at Barnstable, Mass., filed a petition (supplemented on Oct. 31, 1968) requesting the assignment of Class B Channel 260 to Barnstable by deleting it from Nantucket, where it is neither occupied nor applied for, and substituting 228A or 284 therefor, as follows:

City	Channel No.	
	Present	Proposed
Barnstable, Mass.		260
Nantucket, Mass.	260	228A or 284

Barnstable, with a population of 13,465 persons, is located in Barnstable County on Cape Cod, Mass.[1] Barnstable County has a population of 70,286 and includes, essentially, all the land area generally referred to as Cape Cod. There are presently three aural facilities operating on Cape Cod (Barnstable County): WCOD–FM, a Class B FM station at Hyannis (population 5,139), and WOCB–AM/FM, a Class IV AM and Class B FM commonly-owned combination at West Yarmouth (population 1,365).[2]

4. The engineering statement accompanying Cape Cod's petition states that no Class B channel is available to Barnstable without making other changes in the Table. The engineering study shows that Channel 260, if shifted from Nantucket, will meet the spacing requirements in Barnstable. Similarly, it is shown that either Channel 228A or 284 could be used satisfactorily at Nantucket as a replacement. It is further shown that, because of existing assignments in the area, no preclusion impact would result to any community on any of the pertinent adjacent channels (257A through 263) if the proposed shift of Channel 260 were adopted, nor would any land area or additional communities be precluded from Channel 260 over that presently caused by its assignment at Nantucket. Regarding the choice of a replacement channel for Nantucket, petitioner points out that the community has a population of 2,804 persons, that the entire island has an area of only 46 square miles containing a total population of 3,484 persons, and that it has no AM or FM assignment, other than the unused Channel 260. Cape Cod suggests that, in view of Nantucket's limited area and population, a maximum Class A facility appropriately situated could provide a 1 mv/m contour over the entire island, and that, although a Class B and several Class A channels are available for assignment to Nantucket, it is shown that Channel 228A could be assigned there without causing preclusion on Channels 225 through 231 to any other land area, thus providing the ultimate in allocation efficiency.

5. The petitioner submits numerous statistical data on population growth, employment, industry, social, religious, civic and educational activities to support its contention that the town of Barnstable is the geographic, political, social, and economic center of the entire Cape Cod area. It is urged that Barnstable's status as the major political subdivision and site of its county seat serve to support the community's need for its own local outlet.

6. We are of the view that petitioner has made sufficient showing to warrant institution of rule making proceeding on the proposal to assign Channel 260 to Barnstable. We are, therefore, inviting interested parties to file pertinent comments and data on the proposal. Since no interest has been shown in activating the Class B channel at Nantucket since its assignment there (Docket 15256, FCC 64–515), and further since it appears that a Class A channel would adequately serve the Island, if the Barnstable assignment is adopted, we propose to replace the Nantucket assignment with Channel 228A in absence of convincing comments and showings that a Class B channel should be reassigned.

7. *RM–1364. Mineral Wells, Tex.* On October 31, 1968, E. H. Hall, B. L. Hall, and R. E. Harbus filed a joint petition looking toward the assignment of FM Channel 221A to Mineral Wells, Tex. Mineral Wells has a population of 11,053 persons, and is the largest community of Palo Pinto County, located about 45 miles west of Fort Worth, Tex. The community has one AM daytime station but no FM assignment.

8. An opposition to the assignment of Channel 221A at Mineral Wells was filed by A. H. Bello Corp., licensee of TV Station WFAA–TV, Channel 8, Dallas, Tex., on the alleged possibility that interference may result to the reception of WFAA–TV in the Mineral Wells area due to second harmonic interference. Bello contends that WFAA–TV includes Mineral Wells within its Grade B contour and is viewed in the area, and that the second harmonic of Channel 221A (2×92.1 mc/s=184.2 mc/s) would fall within Channel 8 assigned to WFAA–TV (180–186 mc/s). Bello submits that such interference could be caused by (1) the generation of a second harmonic within TV receivers themselves when in the presence of a strong fundamental FM signal and (2) by direct radiation of the second harmonic from a nearby FM station. The opposition states that it does not oppose assignment of any other FM channel at Mineral Wells that does not offer potential interference to the reception of WFAA–TV in the area. Accordingly, a counterproposal is submitted by Bello to assign Channel 240A to Mineral Wells by the following means:

City	Channel No.	
	Present	Proposed
Abilene, Tex.	220	290 or 300
Mineral Wells, Tex.		240A

A supporting engineering study to the counterproposal indicates that all suggested changes will meet the separation requirements of the rules. Channel 239 to be deleted at Abilene, is neither occupied nor has an application pending. In a statement of conciliation, the Mineral Wells proponent states that the counterproposal offered by Bello is acceptable so long as a Class A channel can be assigned to Mineral Wells.

9. While second harmonic interference to TV reception is basically a problem of transmitter and receiver design and is not ordinarily a factor in the assignment of FM channels, we have, on occasions, made changes in proposals on this basis, where a simple solution acceptable to all parties concerned is available. We note, moreover, that assignment of Channel 221A at Mineral Wells could possibly have an impact on potential assignments on educational Channels 218, 219, and 220 in the area in connection with a nationwide educational table of assignments presently under consideration (Docket 14185), and an alternate for Channel 221A is desirable for this reason also. Accordingly, we are inviting comments on the counterproposal to assign Channel 240A to Mineral Wells and to substitute either Channel 290 or 300 at Abilene.

10. *RM–1368. Fayette, Hartselle, and Talladega, Ala.* In a petition filed November 7, 1968, and supplemented November 27, 1968, Talladega Broadcasting Co., Inc., Talladega, Ala., requests modification of the Table of Assignments so as to assign Channel 224A to each of Fayette, Hartselle, and Talladega, Ala., by deleting Class C Channel 225 from Fayette, as follows:

City	Channel No.	
	Present	Proposed
Fayette, Ala.	225	224A
Hartselle, Ala.		224A
Talladega, Ala.		224A

Fayette, with a population of 4,227, is the largest community and county seat of Fayette County, which has a population of 16,148. Fayette has one daytime AM station; the single FM Channel 225 presently assigned there is unoccupied and unapplied for. Hartselle, having a

[1] The place Barnstable referred to herein, unless otherwise indicated, is intended to mean the town of Barnstable, a political subdivision of Barnstable County, which includes the following unincorporated places within the town limits: Hyannis (5,139), Osterville (1,094), Hyannis Port, West Hyannis Port, Craigville, Centerville, Cotuit, Barnstable, and West Barnstable.

[2] See RM–1377 and RM–1389 proposing to also add a first FM channel to Falmouth in Barnstable County in this proceeding.

population of 5,000 and located in Morgan County, population 60,454, has one AM daytime station, but no FM assignments. Talladega, where petitioner is licensee of Station WEVY (AM daytime-only), has a population of 17,742 and is the county seat of its county (population 65,495) and has one fulltime and one daytime AM station, but no FM assignment. None of the named communities are included within a metropolitan or urbanized area. Because of the spacing requirements of the rules, assignment of Channel 224A to each of the communities is contingent upon deletion of Channel 225 from Fayette.

11. The petitioner submits that its proposed changes would permit the establishment of a first FM outlet in three communities, provide a second and first fulltime aural outlet for the largest community, Hartselle, and still retain a channel at Fayette to meet its needs. The petition is accompanied by an engineering study representing that all the proposed assignments would conform to spacing and technical requirements of the rules, providing a site for the Talladega assignment is located about 3 miles southwest of that community so as to meet the adjacent channel spacing requirement with Station WGKA–FM, Channel 225, Atlanta, Ga.

12. It appears that each of the communities named is large enough to warrant a first FM assignment. We are of the view; therefore, that rule making should be instituted in this case in order that all interested parties may submit their views with supporting data. Accordingly, comments are invited on the proposal as outlined above.

13. *RM–1373. Mariposa, Calif.* In a petition received October 21, 1968, and supplemented on November 27, 1968, Northern California Stereocasters, licensee of KVFS(FM), Vacaville, Calif., seeks assignment of Class B Channel 284 to Mariposa, Calif. Mariposa has a population of 550 persons (Rand McNally & Co., Commercial Atlas (1962)), and is the county seat of Mariposa County, which has a population of 5,064. There are presently no AM or FM assignments in Mariposa County. A large portion of the county lies within the boundaries of Yosemite National Park.

14. The petitioner submits that Mariposa has a current population of 1,750 persons, a 125 percent increase over the 1960 census report. In support of the proposal for a Class B in lieu of a Class A channel, petitioner urges that a Class B facility is necessary in order to better penetrate and to provide FM service to a wide unserved area ("white area") in the rough and mountainous terrain common to the Mariposa-Yosemite National Park area. A showing is provided indicating, that substantially greater "white and grey" areas, located generally to the east of Mariposa, would be served by an anticipated 25 kw. Class B operation over that obtainable from a maximum Class A facility. The showing is represented as being based upon assuming reasonable facilities for both all unoccupied and operation FM assignments in the area. We do not agree with the petitioner's calculated contours used in making the "white area" showing; however, it does appear that a first FM service would become available to a significant area if based on 1 mv/m contours properly determined. Although petitioner indicates that it would provide a 25 kw. facility, the antenna height above average terrain is not stated.

15. The proposed assignment appears to satisfy the spacing requirements of the rules and a study is furnished from which petitioner concludes that assignment of Channel 284 to Mariposa would not adversely affect assignment of the proposed or six adjacent channels in the general area.

16. Ordinarily, a community having the limited size of Mariposa would only be considered for a Class A channel assignment. However, in view of the relatively isolated location of the community in a sparsely populated mountainous area, the facilities planned and the "white area" that it appears will be served, we are inviting comments by all interested parties on petitioner's proposal to assign Channel 284 to Mariposa, Calif. Since our decision in this case will be largely influenced by the gain in areas that may be expected to receive a first FM service, the minimum facilities (effective radiated power and antenna height above average terrain) that proponents anticipate applying for, if the proposal is adopted, should be furnished in appropriate comments.

17. *RM–1377 and RM–1389. Falmouth, Mass.* Separate petitions were received from two prospective FM applicants at Falmouth, Mass., each requesting rule making to assign a different FM channel to Falmouth. The first petition, filed November 22, 1968, by Paul A. Christo proposes assignment of Class B Channel 270. The second petition, filed December 31, 1968, by Falmouth Broadcasting Co., Inc., requests assignment of Class A Channel 240A. Falmouth is located in the extreme southwest area of Cape Cod in Barnstable County.[3] Falmouth, with a population of 13,037, is located in Barnstable County, which has a population of 70,286. The community has neither FM channels nor AM stations assigned.

18. Both petitioners submit that their respective channel proposals will meet the spacing requirements of the rules, to which we concur. Christo's petition contains a preclusion study for Channel 270 and the pertinent six adjacent channels, from which it is determined that Channels 269A, 270, and 272A would be precluded from assignment to limited land areas if the channel were assigned as proposed. However, the areas so involved would not include any community with a population greater than 2,100 that does not already have an FM assignment, petition for a new assignment pending, or that would not be eligible to make application for Channel 270 under the "15-mile" rule (73.203(b)).

19. In support of its petition, Christo submits that the community and its county are increasing in population at a significant rate over and above increasing tourism in the area and that, although there are AM and FM stations operating at West Yarmouth and Hyannis, as well as a pending petition to assign an FM channel to Barnstable[4] (all located on Cape Cod), the Cape Cod area surrounding Falmouth still has a need for a locally oriented facility of the type its proposal would provide. The petitioner also claims that the assignment would permit a local service to nearby Martha's Vineyard. It is finally urged by Christo that, since the land area to which Channel 270 may be utilized is limited to the immediate area of Falmouth, the channel would likely lie fallow if its assignment to Falmouth is not adopted. Falmouth's brief petition does not acknowledge Christo's earlier proposal for a Class B assignment, nor is any data submitted supporting its Class A proposal, except for the mere statement that the spacing requirements are met.

20. In view of the data submitted by Christo, we are of the opinion that Falmouth is of sufficient size and importance to merit institution of a rule making proceeding looking toward the assignment of a first local FM outlet to the community. However, based upon the petitions and data before us, we are not of the opinion that Falmouth warrants assignment of two FM channels, particularly since the channels proposed, if adopted, would involve intermixture of Classes A and B channels in the same community, a result we have attempted to avoid where possible. Accordingly, our decision in this case will be limited to considering either a Class A or B channel for Falmouth, but not both. We are, therefore, inviting comments and pertinent data on petitioners' proposals to assign either Channel 240A or 270 to Falmouth, Mass.

21. *RM–1378. Greenville, Hartford, Cadiz, and Elizabethtown, Ky.* In a joint petition filed November 29, 1968, Hayward F. Spinks and Barkley Lake Broadcasting Co., Inc., request rule making so as to design a first Class A channel to each of Hartford and Cadiz, Ky., by concomitant changes in other communities as follows:

City (all in Kentucky)	Channel No.	
	Present	Proposed
Greenville	292A	
Hartford		292A
Cadiz		292A[5]
Elizabethtown	292A	261A

[5] A site for this assignment would need to be located about 1 mile northeast of Cadiz in order to meet spacing requirements of the rules.

Hartford, population 1,618, is the county seat and second largest city of Ohio County, population 17,725. Ohio County presently has no FM or AM stations operating; however, a daytime AM station was recently authorized for Hartford to Mr. Spinks, one of the petitioners herein. Cadiz, population 1,980 persons, is the county seat and largest community of Trigg County, population 8,870. The only aural outlet in Trigg County is a daytime-only station operated by the other petitioner (Barkley).

22. The first FM channel assignments sought for Hartford and Cadiz would require deletion of Channel 292A from Greenville (population 3,198) and substitution of Channel 261A for 292A at Elizabethtown. The Greenville assignment is unoccupied.[6] A construction permit was recently authorized for Channel 292A at Elizabethtown (BPH–6072). The petition includes a letter from the permittee, Hardin County Broadcasting Co., that it has no objection to a change in its channel assignment, providing it does not need to incur any expense in filing an application or other data for the changes, the expense of which the petitioners have agreed to bear. As regards to deletion of Channel 292A from Greenville, the petitions submit that the community would not be left without a local service, since it is located but 4 miles from Station WNES–FM, Central City, a Class C station operating on Channel 270 with 50 kw. effective radiated power, which includes all of Greenville within its 3.16 mv/m contour (city grade). In addition, petitioners point out that there are two daytime stations at Central City, which provide an excellent signal at Greenville. Greenville also has its own daytime AM station.

23. The petitioners support their proposals for a first FM channel at Hartford and Cadiz with data concerning the social, industrial and production characteristics of their communities and respective counties and urge that the proposed changes will not disturb or deprive other communities of local service, and that if the channels are assigned, they are prepared to file applications for their use.

24. We are of the view that the petitioners' proposals—providing a first assignment to two communities—warrant rule making. We are, therefore, inviting comments and supporting data from all interested parties on the proposals as outlined above. However, we are also reluctant to remove the only channel assigned to a community, here Greenville, particularly where a demand has been shown for it in the past. Commenting parties should discuss this aspect of the matter.[6]

25. *RM–1382. Flora, Ill.* On December 20, 1968, a petition was received from Thomas S. Land and Bryan Davidson, doing business as Salem Broadcasting Co., Salem, Ill., seeking amendment of the table to assign either Class A Channel 265A or 280A, or both, to Flora, Ill.

26. Petitioner is an applicant (BPH–6321) for a new station at Salem, specifying the sole Channel, 249A, assigned to Salem. Two other competitive applications are pending (BPH–6200 and BPH–6278) for use of the same channel at Flora. The latter applications were filed under the former "25-mile" rule (73.203(b)), since Flora and Salem are 25 miles apart. The three applications, being mutually exclusive, have been designated for hearing in a consolidated proceeding, Dockets 18288–90.

27. Flora has a population of 5,331 and is the largest community of Clay County, which has a population of 15,815. There are presently no AM or FM assignments in Clay County, although an application is pending for a new daytime AM station at Flora by one of Flora FM applicants. Salem is a community of 6,165 persons and is the county seat of Marion County, population 39,349. The single AM station (daytime) at Salem is licensed to petitioner.

28. The petitioner submits that allocation of one or both of the channels available to Flora would meet the demands for the service at Flora, as evidenced by two pending applications there, and that it would permit use of the channel originally assigned to Salem by the Salem applicant (petitioner). It is further urged that adoption of the proposal would simplify the pending hearing proceeding referred to above and foster the purposes of 307(b) of the Act. The petition is supported by an engineering study demonstrating that Channels 265A and 280A will satisfy all spacing requirements at Flora. In addition, a preclusion study for each channel is furnished, from which it is shown that there would be involvement of the two sets of six adjacent channels pertinent to Channels 265A and 280A. The preclusion area for Channel 280A does not contain any community of comparable or greater size than Flora or Salem that does not also have an FM or AM assignment. Assignment of Channel 265A would preclude use of the channel at Pana, population 5,432, which is larger than either Flora or Salem and has no local aural outlet.

29. Ordinarily, both Salem and Flora are of sufficient size to be considered for a first Class A FM assignment, notwithstanding their current involvement in a competitive hearing proceeding. Because of the limited size of Flora, however, we are of the opinion that our consideration should be limited to one assignment. From the data presently before us, Channel 280A appears to offer less preclusion impact than Channel 265A, and is therefore to be preferred. Accordingly, we are inviting comments on petitioner's proposal as outlined above in order that all interested parties may submit their views and relevant data. Any provisions for amending or removing applications from hearing will be determined after the decision is reached as to whether an assignment should be made to Flora.

30. *RM–1390. Burnside, Ky.* Leon Jasper filed a petition on Januray 2, 1969, requesting assignment of Class A Channel 285A to Burnside, Ky. Burnside is a community of 575 persons located in Pulaski County, population 34,403. The community is located less than 7 miles from Somerset, which has a population of 7,112 and is the county seat of Pulaski County. Burnside has no AM or FM asignments, but there are three stations operating in Pulaski County, all in Somerset: One Class A FM, an unlimited-time AM and a daytime-only AM.

31. It appears that Channel 285, if assigned to Burnside, would be precluded from use in a number of larger Kentucky communities without an FM or AM assignment, including the following: East Somerset (3,645), Albany (1,887), Manchester (1,868), Burkesville (1,688), and Mount Vernon (1,177). All the communities listed, except East Somerset, are county seats of their respective counties.

32. Although we are not convinced by petitioner's showing that sufficient need has been demonstrated for an assignment to Burnside in view of its very limited size and the other services which appear to be available to it, we are nevertheless inviting comments on the proposal so that all interested parties may have an opportunity to file comments and relevant data. Also, because of the small size of Burnside, we are inviting counterproposals and comments from parties interested in having the channel assigned to one of the larger communities mentioned above.

33. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act, as amended.

34. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before April 14, 1969, and reply comments on or before April 24, 1969. All submissions by parties to this proceeding or persons acting in behalf

[3] The place Falmouth, as referred to herein, unless otherwise indicated, is intended to mean the town of Falmouth, a political subdivision of Barnstable County, which includes the following unincorporated places within the town limits: East Falmouth (1,655) and Falmouth (3,308).

[4] See RM–1359 proposing assignment of Channel 260 to Barnstable in this proceeding.

[6] Station WKYF–FM, Greenville, was originally constructed in 1962 on Channel 266. The station's facilities were destroyed by fire in 1966 and subsequent to the loss of the station, its license was modified in July 1967 to specify operation on Channel 292 (Docket 17282, 10 RR. 2d 1573). The station never returned to the air and the WKYF renewal of license application was dismissed and call letters deleted on Aug. 26, 1968. No application is pending for use of Channel 292A at Greenville.

[6] A conflicting petition, RM–1414, requesting the assignment of Channel 261A to Greensburg, Ky., a community of 2,334, as its first FM assignment without requiring any other changes in the table, was filed Feb. 24, 1969, by Virgil A. Price and E. J. Milby. Since the Greensburg petition conflicts with the proposed substitution of Channel 261A for 292A at Elizabethtown, Ky., it will be considered in this proceeding along with the proposed changes for the various Kentucky communities described above (RM–1378). Comments are therefore invited on the Greensburg proposal also.

of such parties must be made in written comments, reply comments, or other appropriate pleadings.

35. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 5, 1969.

Released: March 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2990; Filed, Mar. 11, 1969; 8:49 a.m.]

[1] Commissioner Bartley absent; Commissioner Cox dissenting to proposal for Burnside, Kentucky.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A-58]

ARIZONA

Notice of Partial Termination of Classification

MARCH 5, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), classification published December 24, 1966 (31 F.R. 16502) classifying public lands for disposal in satisfaction of valid scrip rights pursuant to section 3 of the Act of August 31, 1964 (78 Stat. 751) is terminated effective upon publication of this notice, as to the lands described below:

For satisfaction of Valid Soldiers' Additional Homestead, Isaac Crow, Merritt W. Blair, and Forest Lieu Claims.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 15 S., R. 10 E.,
Sec. 25, NE¼;
Sec. 35, NE¼SW¼, S½SW¼, and SE¼.
T. 16 S., R. 10 E.,
Sec. 10, lots 1 and 2, N½NE¼, and SE¼NE¼;
Sec. 11, N½.
T. 15 S., R. 11 E.,
Sec. 31, lots 1, 2, 3, 4, and 5, E½NW¼ and NE¼SW¼.

The areas described aggregate 1,254.94 acres.

Subject to valid existing rights, any petition-application filed for the lands will be considered on its merits in accordance with existing laws and regulations. The lands will not be subject to occupancy or disposition until they have been classified.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 69-2948; Filed, Mar. 11, 1969; 8:45 a.m.]

[A 3590]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Land

The Forest Service, U.S. Department of Agriculture has filed an application, Serial No. A 3590, for the withdrawal of lands under the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1).

Subject to valid existing rights the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g) as amended, would be added to and made a part of the Sitgreaves National Forest and would be subject to all laws and regulations applicable to said national forest:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 N., R. 12 E.,
Sec. 1, lots 1, 2, 3, 4, and S½N½;
Secs. 11, 13, and 21.

The areas described aggregate approximately 2,242 acres in Coconino County.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

Dated: March 5, 1969.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 69-2949; Filed, Mar. 11, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLAMING GORGE NATIONAL RECREATION AREA, UTAH AND WYO.

Description of Exterior Boundary

Pursuant to the requirements of section 3 of Public Law 90-540 (82 Stat. 904 a detailed description of the boundary of the Flaming Gorge National Recreation Area is that boundary which encompasses the following described lands:

UTAH

SALT LAKE MERIDIAN

T. 2 N., R. 19 E.,
Sec. 1, S½;
Sec. 12, N½;
Sec. 24, SE¼NE¼, E½SE¼.
T. 1 N., R. 20 E.,
Secs. 1 to 5, inclusive, 9, and 10 (unsurveyed), those parts lying north of a line 400 feet south of and paralleling the surveyed centerline of existing Greendale Junction—Manila Forest Highway Project No. 37 (State Route No. 44).
T. 2 N., R. 20 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½, S½SW¼;
Sec. 6, S½;
Secs. 7 to 17, inclusive;
Secs. 19 to 29, inclusive;
Sec. 30, NE¼, E½NW¼;
Secs. 32 to 36, inclusive.
T. 3 N., R. 20 E.,
Secs. 13 and 14;
Sec. 15, lot 1 and lot 2, except the west 330 feet of the south 330 feet; also, that part of lot 3 described as beginning at the north quarter corner sec. 15, which is the northeast corner of said lot 3; thence west 330 feet; thence south 330 feet; thence east 330 feet; thence north 330 feet to point of beginning; also, E½SE¼, E½W½SE¼, E½W½W½SE¼, SW¼NW¼SW¼SE¼, W½SW¼SW¼SE¼;
Sec. 22, parts of the NW¼NE¼ and NE¼NW¼ described as beginning at a point 2,070 feet west of the northeast corner of said sec. 22; thence south 440 feet; thence west 710 feet; thence north 440 feet; thence east 710 feet along the north section line of said sec. 22 to the point of beginning;
Secs. 22 and 23, that part of NE¼NE¼, sec. 22, and N½N½, sec. 23, described as beginning at the northeast corner sec. 23; thence south 1,320 feet along east section line; thence west 3,186.70 feet; thence north 200 feet; thence N. 72°12' W., 2,191.62 feet; thence N. 55°47' W., 800.18 feet; thence east 5,935.05 feet to place of beginning;
Sec. 23, S½NE¼, SE¼NW¼, S½S½, NE¼SE¼;
Secs. 24 to 26, inclusive;
Secs. 34 to 36, inclusive.
T. 1 N., R. 21 E.,
Secs. 4, 5, and 6 (unsurveyed), those parts lying north of a line 400 feet south of and paralleling the surveyed centerline of existing Greendale Junction—Manila Forest Highway Project No. 37 (State Route No. 44).
T. 2 N., R. 21 E.,
Secs. 1 to 36, inclusive, except those parts of secs. 33 to 36, inclusive, south of a line 400 feet south of and parallel to the surveyed centerline of Greendale Junction—Manila Forest Highway Project No. 37 (State Route No. 44).
T. 3 N., R. 21 E.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 22 E.,
Sec. 5, W½NE½, E½NW¼.
T. 2 N., R. 22 E.,
Secs. 1 to 21, inclusive;
Sec. 22, N½, W½SW¼;
Secs. 23, and 24;
Sec. 27, W½NW¼;
Sec. 28, N½, W½SW¼;
Secs. 29 and 30;
Sec. 31, N½, N½S½, N½SW¼SE¼, SE¼SE¼;
Sec. 32, W½.
T. 3 N., R. 22 E.,
Secs. 18 and 19;
Sec. 29, SW¼;
Secs. 30, and 31;
Sec. 32, W½, SE¼;
Sec. 33, S½;
Sec. 34, S½.
T. 2 N., R. 23 E.,
Sec. 6, S½SW¼;
Secs. 7, and 8;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, S½;
Sec. 12, S½;
Secs. 13 to 16, inclusive, those parts lying north of the South meander line of the Green River;
Secs. 17 to 20, inclusive.

T. 2 N., R. 24 E.,
Sec. 7, S½;
Secs. 18, and 19, those parts lying north of the south meander line of the Green River.

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 106 W.,
Sec. 4, W½SW¼;
Sec. 5, S½;
Sec. 6;
Sec. 7, NE¼NE¼, N½NW¼NE¼;
Sec. 8;
Sec. 9, W½;
Sec. 16, W½W½;
Sec. 17, 18, and 19;
Sec. 20, N½, SW¼;
Sec. 21, W½NW¼;
Sec. 29, W½;
Secs. 30, and 31;
Sec. 32, W½.

T. 18 N., R. 106 W.,
Sec. 31, that part lying south of the north meander line of the Green River.

T. 12 N., R. 107 W.,
Secs. 18, and 19.

T. 13 N., R. 107 W.,
Secs. 6, 7, 18, 19, 30, and 31.

T. 14 N., R. 107 W.,
Sec. 6, W½;
Sec. 7, W½;
Secs. 18, 19, 30, and 31.

T. 15 N., R. 107 W.,
Secs. 4 to 8, inclusive;
Sec. 9, W½;
Sec. 16;
Sec. 19, N½.

T. 16 N., R. 107 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 14, inclusive;
Sec. 15, N½NE¼;
Secs. 22 to 24, inclusive;
Sec. 26, N½;
Secs. 27, and 28;
Sec. 29, S½;
Sec. 30, S½;
Secs. 31 to 34, inclusive.

T. 17 N., R. 107 W.,
Sec. 1, that part lying north of the south meander line of the Green River;
Sec. 24, E½E½;
Secs. 35, and 36.

T. 18 N., R. 107 W.,
Sec. 36, SW¼, S½SE¼.

T. 12 N., R. 108 W.,
Secs. 1 to 4, inclusive;
Sec. 5, NE¼;
Secs. 9 to 16, inclusive;
Secs. 19 to 30, inclusive.

T. 13 N., R. 108 W.,
Secs. 1, 2, and 3;
Sec. 4, N½ sec. 9, those parts lying east of the monumented right-of-way line which is 100 feet east of and paralleling the surveyed centerline for Wyoming Highway 530;
Secs. 10 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 31 and 32, those parts lying east of the monumented right-of-way line which is 100 feet east of and paralleling the surveyed centerline for Wyoming Highway 530;
Secs. 33 to 36, inclusive.

T. 14 N., R. 108 W.,
Secs. 1 to 5, inclusive;
Sec. 6, N½;
Secs. 8 to 17, inclusive;
Secs. 21 to 28, inclusive;
Secs. 29, 32, and 33, those parts lying east of the monumented right-of-way line which is 100 feet east of and paralleling the surveyed centerline for Wyoming Highway 530;
Secs. 34 to 36, inclusive.

T. 15 N., R. 108 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Sec. 16, SE¼;
Secs. 21 to 35, inclusive.

T. 16 N., R. 108 W.,
Sec. 5, W½NE¼, W½, NW¼SE¼;
Secs. 6 to 8, inclusive;
Sec. 15, S½SW¼, W½SW¼SE¼;
Secs. 16, and 17;
Sec. 18, N½N½;
Secs. 20, and 21;
Sec. 22, W½, W½E½, S½SE¼SE¼;
Sec. 23, S½SW¼SW¼, SW¼SE¼SW¼, W½SE¼SE¼SW¼;
Sec. 26, W½;
Secs. 27, and 28;
Sec. 33, E½;
Secs. 34 to 36, inclusive.

T. 17 N., R. 108 W.,
Sec. 32;
Sec. 33, S½SW¼, SW¼SE¼.

T. 12 N., R. 109 W.,
Secs. 23, and 26, those parts lying east of the line described as beginning at corner No. 4 of tract No. 38 in sec. 25 on the State line between Utah and Wyoming; thence S. 89°41' W., 30.50 chains along said State line to a point on the south boundary of said tract No. 38; thence north 5 chains; thence S. 89°41' W., 20 chains; thence north 5 chains; thence S. 89°41' W., 10 chains to a point on the west boundary line of said tract No. 38 which is 10 chains north of corner No. 5; thence north along west boundary line of said tract No. 38, 5.33 chains to a point on the west line of said tract No. 38 which is 8 chains south of corner No. 6, also common to corner No. 1, tract No. 39; thence S. 89°41' W., 10 chains; thence north 8 chains to a point on the north boundary line of tract No. 39, said point lies 10 chains N. 89°48' W. of corner No. 1 of said tract No. 39; thence N. 89°48' W., 5.16 chains to a point on the north boundary of said tract No. 39 which is common to the south boundary of tract No. 42, said point lies 35.33 chains N. 89°48' W. of corner No. 4 of said tract No. 42; thence north 5 chains; thence west 5 chains; thence north 15 chains to corner No. 7 of said tract No. 42; thence east 20.16 chains to corner No. 2 of said tract No. 42 which is common to the southwest corner of lot 7; thence north 20 chains along west line of lot 7; thence west along south line of lot 5 to southwest corner of said lot 5; thence north 19.60 chains along west line of said lot 5 to north section line of sec. 23 end of line; secs. 24, and 25.

T. 16 N., R. 109 W.,
Sec. 12, S½S½SE¼;
Sec. 13, N½N½NE¼, N½S½N½NE¼.

Dated: March 6, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-2997; Filed, Mar. 11, 1969; 8:49 a.m.]

Packers and Stockyards Administration

CANAAN SALES STABLES

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

CONNECTICUT

Canaan Sales Stables, East Canaan, Jan. 14, 1969.

FLORIDA

South Florida Horse Auction, Hialeah, Feb. 6, 1969.

MICHIGAN

Hillsdale County Sales Pavilion, Jonesville, Jan. 24, 1969.

PENNSYLVANIA

Hickory Auction and Sales, Inc., Hickory, Jan. 25, 1969.

SOUTH CAROLINA

Central Carolina Livestock Market, Inc., Lugoff, Feb. 24, 1969.

Done at Washington, D.C., this 5th day of March 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-2972; Filed, Mar. 11, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-66]

"HORSEFEATHERS"

Classification

Correction

In F.R. Doc. 69-2702 appearing at page 4898 of the issue for Thursday, March 6, 1969, in the first line of the last paragraph the reference to "D.C. 3530" should read "C.D. 3530".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CALCIUM GLUCEPTATE INJECTION

Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drug: Calcium gluceptate injection; each 5 milliliters represent 0.09 gram calcium (4.5 mEq.); marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6-470).

The drug continues to be regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update "deemed approved" applications providing for such drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved applications under the conditions described in this announcement.

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and concludes that calcium gluceptate is effective for the treatment of hypocalcemia and in the prevention of hypocalcemia during exchange transfusions and that the parenteral administration of calcium is indicated in those conditions requiring a prompt increase in blood plasma calcium levels.

2. The drug is regarded as possibly effective for the following indications in its labeling: Its antispasmodic action in the treatment of intestinal, ureteral, and biliary colic, as well as for the abdominal pain, diarrhea, and tenesmus of intestinal tuberculosis; and its intravenous use in activating uterine contractions when the uterus is insensitive to oxytocic drugs post partum because of a relative calcium deficit.

B. *Form of drug.* Calcium gluceptate preparations are in injectable form suitable for parenteral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Calcium is the fifth most abundant element in the body and the major fraction is in the bony structure. Calcium plays important physiological roles, many of which are poorly understood. It is essential for the functional integrity of the nervous and muscular systems. It is necessary for normal cardiac function and is one of the factors that operates in the mechanisms involved in the coagulation of blood.

INDICATIONS

For the treatment of hypocalcemia: The parenteral administration of calcium is indicated in those conditions requiring a prompt increase in blood plasma calcium levels, such as neonatal tetany and tetany due to parathyroid deficiency, vitamin D deficiency, and alkalosis. For the prevention of hypocalcemia during exchange transfusions.

PRECAUTIONS

Because of its additive effect, calcium should be administered very cautiously to a patient who is digitalized or who is taking effective doses of digitalis or digitalis-like preparations.

Although calcium gluceptate given intramuscularly appears to be well tolerated, this route of administration should be used for very young patients only in emergencies when technical difficulty makes intravenous injection impossible.

ADVERSE REACTIONS

Following intramuscular administration, mild local reactions may occur; severe inflammatory reactions have not been observed.

Rapid intravenous administration may cause the patient to complain of tingling sensations, a calcium taste, a sense of oppression or "heat waves."

ADMINISTRATION AND DOSAGE

The following dosages are based on calcium gluceptate injection containing 0.09 gram calcium (4.5 mEq.) per 5 cubic centimeters (equivalent to 10 cubic centimeters of 10 percent calcium gluconate):

Calcium gluceptate may be given intramuscularly in 2- to 5-cubic centimeter doses. When 5 cubic centimeters are administered, the dose should be injected in the gluteal region or, in infants, in the lateral thigh.

The usual intravenous dose of calcium gluceptate is from 5 to 20 cubic centimeters. The usual precautions for intravenous therapy should be observed. The solution should be warmed to body temperature and administered slowly (2 cubic centimeters per minute). The injection should be halted if the patient complains of any discomfort; it may be resumed when symptoms disappear. Following injection, the patient should remain recumbent for a short time. Repeated injections may be required because of rapid excretion of calcium.

During exchange transfusions in newborns, the usual dose is 0.5 cubic centimeter after each 100 cubic centimeters of blood exchanged.

D. *Labeling claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for 6 months following the date of publication of this announcement in the FEDERAL REGISTER to allow additional time for holders of previously approved applications or persons marketing the drug without approval to obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Previously approved application.* 1. Each holder of a "deemed approved" new-drug application (that is, an application that became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting:

a. A supplement containing revised labeling as needed to conform with the labeling conditions described for the drug; however, the claims referenced in paragraph D above may be included in the labeling at this time.

b. A supplement containing updating information as needed to make the application current in regard to items 6 (components) and 7 (composition) of new-drug application form FD-356H and, to the extent described below for new applications, item 8 (methods, facilities, and controls) of form FD-356H.

2. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER.

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of publication of this announcement in the FEDERAL REGISTER the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described in this announcement.

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit a new-drug application meeting the conditions specified in this announcement.

2. Such applications should include:

a. Proposed labeling in accord with the labeling conditions herein.

b. Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (R_x or OTC statement), 6 (components), and 7 (composition) of new-drug application form FD-356H and, in lieu of full information described under item 8 (methods, facilities, and controls) of that form, brief statements that:

i. Identify the place where the drug will be manufactured, processed, packaged, and labeled.

ii. Identify any person other than the applicant who performs a part of those operations and designate the part.

iii. Include certification from the applicant and from any person identified in ii above that the methods used in, and the facilities and controls used for, the manufacture, processing, packing, and holding of the drug are in conformity with current good manufacturing practice as described in Part 133 (21 CFR Part 133).

iv. Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or if not listed, or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity;

v. Outline the methods used in, and the facilities and controls used for, the

manufacture, processing, and packing of the drug.

3. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the publication date of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. Within 60 days from the publication date of this announcement, the manufacturer, packer, or distributor of such drug submits a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to applications approved for this drug for the conditions of use described herein.

H. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it will be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication hereof in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject drug or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300).

Supplements: Bureau of Medicine.

Original new-drug application: Bureau of Medicine.

Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 5, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-2945; Filed, Mar. 11, 1969; 8:45 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0804) has been filed by Shell Chemical Co., A Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on the raw agricultural commodities: Corn forage (including field corn, popcorn, and sweet corn) at 110 parts per million; corn grain (including field corn, popcorn, and sweet corn (kernels plus cob with husks removed)) at 10 parts per million; and in kidney and liver at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorous-sensitive thermionic emission detector.

Dated: March 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2946; Filed, Mar. 11, 1969; 8:45 a.m.]

UNIROYAL, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0803) has been filed by UniRoyal Chemical Division, UniRoyal Inc., Bethany, Conn. 06525, proposing the establishment of a tolerance (21 CFR Part 120) of 0.1 part per million for negligible residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynl sulfite in or on the raw agricultural commodity walnuts (meats).

The analytical method proposed in the petition for determining residues of the insecticide is a microcoulometric gas chromatographic procedure with a sulfur titration cell.

Dated: March 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2947; Filed, Mar. 11, 1969; 8:45 a.m.]

Office of Education

APPLICATION FOR FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing under the provisions of Title I of the Public Broadcasting Act of 1967 (76 Stat. 64, 47 (U.S.C. 390) and in accordance with 45 CFR 60.8:

Chicago Educational Television Association, 5400 North St. Louis Avenue, Chicago, Ill. 60625, File No. 211, to improve the facilities of noncommercial educational television stations WTTW and WXXW on Channels 11 and 20, Chicago, Ill., as of September 5, 1967. Total estimated project cost: $1,150,000.

State Board of Directors for Educational Television, University of South Dakota, Vermillion, S. Dak. 57069, File No. 212, for the establishment of a new noncommercial educational television station on Channel 10, Pierre, S. Dak., as of September 13, 1967. Total estimated project cost: $695,164.

Board of Control of Northern Michigan University, Marquette, Mich. 49885, File No. 213, for the establishment of a new noncommercial educational television station on Channel 13, Marquette, Mich., as of September 15, 1967. Total estimated project cost: $588,300.

San Diego State College Foundation, 5402 College Avenue, San Diego, Calif. 92115, File No. 214, to improve the facilities of noncommercial educational television station KEBS, on Channel 15, San Diego, Calif., as of October 6, 1967. Total estimated project cost: $765,599.

Community Television of Southern California, 1313 North Vine Street, Los Angeles, Calif. 90028, File No. 215, to improve the facilities of noncommercial educational television station KCET, Channel 28, Los Angeles, Calif., as of October 12, 1967. Total estimated project cost: $1,061,000.

Redwood Empire Educational Television, Post Office Box 13, Eureka, Calif. 95001, File No. 216, for the establishment of a new noncommercial educational television station on Channel 13, Eureka, Calif., as of October 13, 1967. Total estimated project cost: $229,007.

The Office of Education, a department of the county of Santa Clara, Calif., County Office of Education, 70 West Hedding Street, San Jose, Calif. 95110, File No. 217, to improve the facilities of noncommercial educational television station KTEH, on Channel 54, San Jose, Calif., as of October 13, 1967. Total estimated project cost: $300,000.

Los Angeles Unified School District, 450 North Grand Avenue, Los Angeles, Calif. 90012, File No. 218, for the establishment of a new noncommercial educational television station on Channel 58, Los Angeles, Calif., as of October 24, 1967. Total estimated project cost: $1,280,599.

Shenandoah Valley Educational Television Corp., 2 South Main Street, Harrisonburg, Va. 22630, File No. 219, for the establishment of a new noncommercial educational television station on Channel 42, Front Royal, Va. 22630, File No. 219, for the establishment project cost: $395,000.

Central California Educational Television, Post Office Box 6, Sacramento, Calif. 95801, File No. 220, to expand the facilities of noncommercial educational television station KVIE on Channel 6, Sacramento, Calif., as of November 11, 1967. Total estimated project cost: $1,029,264.

Nebraska Educational Television Commission, 1600 R Street, Lincoln, Nebr. 68508, File No. 221, for the establishment of a new noncommercial educational television station on Channel 29, Hastings, Nebr., as of December 22, 1967. Total estimated project cost: $534,650.

The University of Utah, Salt Lake City, Utah 84112, File No. 222, to improve the facilities of noncommercial educational television station KUED on Channel 7, Salt Lake City, Utah, as of January 6, 1968. Total estimated project cost: $257,284.

Educational Broadcasting Corp., 304 West 58th Street, New York, N.Y. 10019, File No. 223, to improve the facilities of noncommercial educational television station on Channel 13, Newark, N.J., as of January 15, 1968. Total estimated project cost: $1,121,000.

Board of Education of Jefferson County, Ky., 3332 Newburg Road, Louisville, Ky. 40214, File No. 224, to expand the facilities of noncommercial educational television station WFPK, on Channel 15, Louisville, Ky., as of January 24, 1968. Total estimated project cost: $1,411,158.

Nebraska Educational Television Commission, 1600 R Street, Lincoln, Nebr. 68058, File No. 225, for the establishment of a new noncommercial educational television station on Channel 12, Merriman, Nebr., as of January 30, 1968. Total estimated project cost: $237,652.

Blue Ridge Educational Television Association, Post Office Box 15, 3077 Colonial Avenue SW., Roanoke, Va. 24015, File No. 226, for the establishment of a new noncommercial educational television station on Channel 47, Norton, Va., as of February 7, 1968. Total estimated project cost: $638,160.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala. 35205, File No. 227, for the establishment of a new noncommercial educational television station on Channel 41, Demopolis, Ala., as of February 7, 1968. Total estimated project cost: $555,552.

Greater New Orleans Educational Television Foundation, 916 Navarre Avenue, New Orleans, La. 70124, File No. 228, to improve the facilities of noncommercial educational television station WYES on Channel 8, New Orleans, La., as of February 15, 1968. Total estimated project cost: $400,044.

Pennsylvania State University, University Park, Pa. 16802, File No. 229, to improve the facilities of noncommercial educational television station WPSX on Channel 3, Clearfield, Pa., as of March 15, 1968. Total estimated project cost: $719,710.

Colby-Bates-Bowdoin Educational Telecasting Corp., Bates College, Lewiston, Maine 04240, File No. 230, to improve the facilities of noncommercial educational television station WCBB on Channel 10, Augusta, Maine, as of March 25, 1968. Total estimated project cost: $543,107.

Maryland Educational-Cultural Commission, 1101 St. Paul at Chase, Baltimore, Md. 21202, File No. 231, for the establishment of a new noncommercial educational television station on Channel 28, Salisbury, Md., as of April 3, 1968. Total estimated project cost: $673,900.

School District No. 1 in the city and county of Denver and State of Colorado, 414 14th Street, Denver, Colo. 80202, File No. 232, to improve the facilities of noncommercial educational television station KRMA on Channel 6, Denver, Colo., as of April 23, 1968. Total estimated project cost: $383,198.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala. 35205, File No. 233, to improve the facilities of the State network by establishing a new production center at Tuscaloosa, Ala., as of May 3, 1968. Total estimated project cost: $538,435.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala. 35205, File No. 234, to improve the facilities of the State network by establishing a new production center at Auburn, Ala., as of May 3, 1968. Total estimated project cost: $538,435.

Viewer Sponsored Television Foundation, 7333 Trask Avenue, Playa Del Rey, Calif. 90291, File No. 235, for the establishment of a new noncommercial educational television station on Channel 58, Los Angeles, Calif., as of May 26, 1968. Total estimated project cost: $403,015.

Mississippi Authority for Educational Television, Post Office Drawer 2470, Jackson, Miss. 39205, File No. 236, for the establishment of a new noncommercial educational television station on Channel 2, State College, Miss., as of June 20, 1968. Total estimated project cost: $1,297,225.

State Educational Radio and Television Facility Board, 1800 Grand Avenue, Des Moines, Iowa 50307, File No. 237, for the establishment of a new noncommercial educational television station on Channel 12, Iowa City, Iowa, as of August 14, 1968. Total estimated project cost: $512,768.

Duluth-Superior Area Educational Television Corp., 403 Bradley Building, Duluth, Minn. 55802, File No. 238, to improve the facilities of noncommercial educational television station WDSE, on Channel 8, Duluth, Minn., as of October 21, 1968. Total estimated project cost: $47,101.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

Dated: March 7, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69-2984; Filed, Mar. 11, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-310]

COMMONWEALTH OF PENNSYLVANIA AND NUCLEAR MATERIALS AND EQUIPMENT CORP.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. R-72. The license authorizes the Commonwealth of Pennsylvania and the Nuclear Materials and Equipment Corp. (NUMEC) to possess, but not to operate, the reactor facility located near Quehanna, Pa. This amendment, effective as of the date of issuance, authorizes NUMEC to remove the fuel elements now in storage and transfer them to the Brookhaven National Laboratory (BNL).

By teletype dated February 25, 1969, NUMEC requested authorization to transfer 5.2 kilograms of U^{235} in the form of unirradiated fuel elements to BNL and outlined the procedures for transferring the fuel elements from storage to shipping containers, loading and labeling of the containers. The handling and loading, procedures have been reviewed and the Commission has found that the health and safety of the public will not be endangered by this transfer.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicants may file requests for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR, Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see the application dated February 25, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 5th day of March 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-72; Amdt. 5]

The Atomic Energy Commission having found that:

A. The application for license amendment dated February 25, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. There is reasonable assurance that the transfer of the fuel elements in the manner proposed will not be inimical to the common defense and security or to the health and safety of the public; and

C. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-72, as amended, is hereby further amended in the following manner:

Delete paragraph 3.B. and substitute therefor:

B. Authority is granted to transfer 5.2 kilograms of U^{235} in the form of unirradiated fuel elements to Brookhaven National Laboratory in accordance with your telegraphic application for amendment dated February 25, 1969.

This amendment is effective as of the date of issuance.

Date of issuance: March 5, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-2961; Filed, Mar. 11, 1969; 8:46 a.m.]

[Docket No. 50-59]

TEXAS A & M UNIVERSITY

Notice of Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") has issued Amendment No. 8, as set forth below, to Facility License No. R-23. The license authorizes the Texas A & M University to possess and operate its Model AGN-201, Serial No. 106, nuclear research reactor facility on its campus in College Station, Tex. The amendment, effective as of the date of issuance, incorporates Technical Specifications for operation of the facility, including the performance of critical experiments dealing with core disassembly and critical loading, in accordance with the University's application for amendment dated May 15, 1968. The amendment also revises the license in its entirety to (1) consolidate the provisions of Amendments 1 through 7 to the license and the order dated March 16, 1961, (2) restate the reporting requirements, and (3) expand the record keeping section.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated May 15, 1968, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of February 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-23; Amdt. 8]

The Atomic Energy Commission ("the Commission") has found that:

1. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter 1;

2. The reactor will be operated in conformity with the (a) application and (b) rules and regulations of the Commission;

3. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

4. Texas A & M University is technically and financially qualified to operate the reactor and to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

5. The issuance of this license, as amended, for possession, use and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by Texas A & M University in its application will not be inimical to the common defense and security or to the health and safety of the public;

6. Texas A & M University is a nonprofit educational institution and will use the reactor for the conduct of educational activities and is therefore exempt from the financial protection requirement of subsection 170a of the Act. The University has executed an indemnity agreement pursuant to 10 CFR Part 140; and

7. Prior public notice of proposed issuance of this license amendment is not required since the operation of the reactor in accordance with the terms of the license, as amended, does not involve significant hazard considerations different from those previously evaluated.

Facility License No. R-23, as amended, is hereby amended in its entirety to read:

1. This license applies to the Model AGN-201, Serial No. 106, nuclear reactor (herein, "the reactor") which is owned by the Texas A & M University (hereinafter, "the licensee" or "the University") and located on its campus at College Station, Tex., and is described in the licensee's application for license dated June 13, 1957, and subsequent amendments thereto, including the amendment dated May 15, 1968 (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the reactor as a utilization facility at the designated location in College Station, Tex., in accordance with the procedures and limitations described in the application and in this license.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use up to 700 grams of contained U^{235} in connection with operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, section 30.34 of Part 30, sections 50.54 and 50.59 of Part 50, and section 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The University may operate the reactor:

(1) at steady-state power levels up to a maximum of 100 milliwatts (thermal), and

(2) at up to 200 milliwatts (thermal) using short-term increases of power for the sole purpose of calibrating the safety channels.

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter, "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR section 50.59.

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the Hazards Summary Report, as amended (hereinafter, "safety analysis report"). For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, "the Director, DRL"), with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the safety analysis report or the Technical Specifications.

(3) The licensee shall report to the Commission in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis as described in the safety analysis report.

D. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(4) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(5) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

4. This license, as amended, is effective as of the date of issuance and shall expire at midnight, August 26, 1977, unless sooner terminated.

Date of issuance: February 26, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

Appendix A—Technical Specifications.[1]

[F.R. Doc. 69-2985; Filed, Mar. 11, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19401]

AUSTIN-WEST SERVICE INVESTIGATION

Reassignment of Date for Prehearing Conference

Notice is hereby given that the Prehearing Conference in the above-entitled matter now assigned for March 26, 1969, is reassigned to be held on March 25, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. This change is necessitated by reason of the fact that counsel for certain of the parties are scheduled to appear before the Board, on the date originally established, for oral argument in another proceeding.

There will be no change in the present date, i.e., March 17, 1969, for the submission of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 6, 1969.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 69-2979; Filed, Mar. 11, 1969; 8:47 a.m.]

[Docket No. 19856]

MIAMI-LONDON ROUTE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 23, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2980; Filed, Mar. 11, 1969; 8:47 a.m.]

[Docket No. 19201]

SERVICE TO WHITE PLAINS, N.Y.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation will be held at 10 a.m., e.d.t., beginning on April 30, 1969, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2981; Filed, Mar. 11, 1969; 8:47 a.m.]

[Docket No. 18610]

SOUTHERN AIRWAYS, INC., ROUTE REALIGNMENT INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be held on May 7, 1969, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2982; Filed, Mar. 11, 1969; 8:48 a.m.]

[Docket No. 18257]

SOUTHERN TIER COMPETITIVE NONSTOP INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation will be held at 10 a.m., e.s.t., beginning on April 16, 1969, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2983; Filed, Mar. 11, 1969; 8:48 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

FEDERAL POWER COMMISSION

[Docket No. CP69-225]

EL PASO NATURAL GAS CO.

Notice of Application

MARCH 3, 1969.

Take notice that on February 24, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed an application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities on the California Mainline of its Southern Division System, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to add 8,500 horsepower at its El Paso Compressor Station, and 1,500 horsepower at its Pecos River Compressor Station; a loop of approximately 20.9 miles of 30-inch O.D. pipeline before its Afton Compressor Station, a loop of approximately 6.6 miles of 30-inch O.D. pipeline before its Florida Compressor Station, and a loop of approximately 8 miles of 30-inch O.D. pipeline before its Deming Compressor Station; and metering facilities at the Casa Grande Compressor Station.

Applicant estimates the cost of these facilities at $13,751,647, which would be financed by working funds or short-term loans.

Applicant represents that the proposed facilities will add 180,000 Mcf to its daily capacity, of which 80,000 Mcf will be used to meet the needs of its customers east of California and 100,000 Mcf will replace natural gas from its Canadian-Sumas supply, which Applicant states it will lose in the divestiture of its Northwest Division System.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 31, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2937; Filed, Mar. 11, 1969; 8:45 a.m.]

[Docket No. RI69-320]

GULF OIL CORP.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

MARCH 3, 1969.

On November 26, 1968, Gulf Oil Corp. (Gulf) filed with the Commission a proposed change in rate from 15.77 cents to 16.83 cents per Mcf, designated as Supplement No. 2 to Gulf's FPC Gas Rate Schedule No. 389, which pertains to Gulf's jurisdictional sales of natural gas from the West Rojo Cabellos Field, Pecos and Reeves Counties, Tex. (Railroad District No. 8—Permian Basin Area), to Transwestern Pipeline Co. The Commission by order issued December 20, 1968, in Docket No. RI69-320, suspended for 5 months Gulf's rate filing until May 27, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On February 5, 1969, Gulf submitted a revised rate increase to correct the presently suspended rate increase, designated as Supplement No. 1 to Supplement No. 2 to Gulf's FPC Gas Rate Schedule No. 389, amending the supplement to the aforementioned rate schedule to provide for a rate increase to 16.73 cents instead of the 16.83 cents per Mcf rate filed on November 26, 1968. Gulf states that it inadvertently omitted a 0.10 cent treating charge from the previously reported rate of 16.83 cents per Mcf which was suspended in Docket No. RI69-378 until May 27, 1969, and has submitted a revised rate change to reflect such treating charge. The proposed substitute rate filing is set forth in Appendix A hereof.

Gulf's proposed 16.73 cents per Mcf rate exceeds the 15.77 cents just and reasonable area ceiling rate established by the Commission in its Opinion No. 468, as amended, as did the previously suspended rate in said docket. Since Gulf's revised rate filing involves a 0.10 cent treating charge, we believe that it would be in the public interest to accept Gulf's corrective rate filing subject to the suspension proceeding in Docket No. RI69-320, with the suspension period of such corrective rate filing to terminate concurrently with the suspension period (May 27, 1969) of the original rate filing in said docket.

The Commission orders:

(A) The suspension order issued December 20, 1968, in Docket No. RI69-320, is amended only so far as to permit the 16.73 cents per Mcf rate provided in Supplement No. 1 to Supplement No. 2 to Gulf's FPC Gas Rate Schedule No. 389 to supersede Supplement No. 2 to Gulf's aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69-320. The suspension period for such substitute filing shall terminate concurrently with the suspension period (May 27, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on December 20, 1968, in Docket No. RI69-320, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-320	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	389	[1] 1 to 2	Transwestern Pipeline Co. (West Rojo Caballos Field, Pecos and Reeves Counties, Tex.) (Permian Basin Area) (RR. District No. 8).	$2,400	2-5-69	[2] 12-27-68	[3] 5-27-69	[4] 15.77	[5] [6] 16.73	

[1] Filed as a correction to proposed increase filed Nov. 26, 1968, designated as Supplement No. 2.
[2] The stated effective date is the effective date requested by Respondent.
[3] Suspended until May 27, 1969, the expiration date of the prior increase suspended in Docket No. RI69-320.
[4] Previously reported as an increase from 15.77 cents to 16.83 cents. Gulf omitted a 0.10-cent treating charge from prior filing.
[5] Proposed increase to 16.83 cents suspended in Docket No. RI69-320 until May 27, 1969.
[6] Pressure base is 14.65 p.s.i.a.

[F.R. Doc. 69-2938; Filed, Mar. 11, 1969; 8:45 a.m.]

[Docket No. CP69-226]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

MARCH 3, 1969.

Take notice that South Texas Natural Gas Gathering Co. (Applicant), Post Office Drawer 521, Corpus Christi, Tex. 77703, on February 24, 1969, filed in Docket No. CP69-226 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing April 1, 1969, and the operation of unspecified gas purchase facilities for the purpose of enabling Applicant to take into its pipeline system natural gas which it may purchase from producers and other similar sellers in the general area adjacent to its pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate, as the exigencies of its business make appropriate, various facilities to connect additional supplies of gas in new and existing gas fields in the States of Texas and Louisiana.

Applicant requests that the Commission waive the dollar limits of § 2.58(a)(1) of the Commission's General Policy and Interpretations to grant authority to expend up to $1 million during the year in question, with no single project exceeding $250,000.

Applicant states that the facilities for which authorization is requested will not provide increased gas sales volumes under jurisdictional rate schedules, and that no outside financing will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 28, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-2941; Filed, Mar. 11, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS

Issuance

MARCH 4, 1969.

Pursuant to Docket No. HM-1, Rule-Making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR 170, following is a list of DOT Special Permits upon which Board action was completed during February 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
5800	U.S. Atomic Energy Commission and its contractors and licensees and licensees of "agreement states" and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of not exceeding Type B quantities of any nonfissile radioactive material using a pending specification DOT-20WC wooden protective jacket with a DOT 55, 2R, or 7A inner container.	Cargo—air, highway, rail, and water.
5845	County Welding Supplies Co. for the shipment of oxygen in DOT-3A and 3AA cylinders having a 10-year retest period.	Highway and rail.
5850	Kankakee Welding & Supply Co. for the shipment of oxygen, nitrogen, argon, helium, compressed air, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year retest period.	Do.
5851	Oxygen Sales & Service, Inc., for the shipment of oxygen, nitrogen, argon, hydrogen, helium, neon, krypton, xenon, compressed air, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year retest period.	Do.
5877	Oak Ridge National Laboratory for the shipment of not over Type B quantities of any nonfissile special form radioactive material in the Model GB/0902A container.	Cargo and passenger—air, highway, rail, and water.
5894	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of unirradiated nuclear reactor fuel cores in the Model 2.7 New Fuel Shipping and Storage Container No. R/I 603A.	Cargo—air, highway, and rail.
5898	Stauffer Chemical Co. for the shipment of corrosive liquids, n.o.s. in DOT-5B tight-head steel drums to be used as single-trip containers.	Highway, rail, and water.
5901	Nuclear Fuel Services, Inc., the Consumers Power Co., and the Pacific Gas and Electric Co. for the shipment of irradiated nuclear reactor fuel assemblies in the NFS Multifacility Shipping Cask, Model 100.	Rail.
5902	U.S. Atomic Energy Commission for the shipment of large quantities of encapsulated cobalt-60 in the Model 1 MF Cask.	Highway and rail.
5903	J. T. Baker Co. and its distributors for shipment of up to 70 percent concentration hydrofluoric acid in 55-gallon, 20-gauge steel, DOT-37M/28L nonreusable containers.	Do.
5904	Weyerhaeuser Co. and their agents, distributors, and customers (upon specific registration with the Board), for the shipment of electrolyte in not over 5-gallon capacity, fiberboard boxes having inner double polyethylene bags.	Do.
5906	National Aeronautics and Space Administration for the shipment of irradiated uranium-235 in the Model No. KM-F-2088 Shipping Cask.	Highway.
5907	U.S. Atomic Energy Commission and its contractors (upon specific registration with the Board), for the shipment of solid irradiated reactor fuel test specimens in the Model ORNL In-Pile Shipping Cask.	Highway and rail.
5908	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of Fissile Class II packages under Fissile Class III conditions, under specially prescribed terms.	Cargo—air, highway, and rail.
5909	Mitsui and Co. (U.S.A.), Inc., for the shipment of unirradiated reactor test specimens in the Unirradiated UO_2-PuO_2 Fuel Pin Shipping Container.	Cargo and passenger—air, and highway.
5910	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of unirradiated enriched uranium fuel materials in the Model No. BE 1270 Birdcage Shipping Container.	Cargo—air, highway, and rail.
5911	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of unirradiated enriched uranium fuel materials in the Model BE 1885 Birdcage Shipping Container.	Do.
5912	United States Lines, Inc., for the shipment of vinyl acetate and alcohol, n.o.s. in DOT-MC-306 type tanks which are detachable from a highway chassis.	Highway and water.
5913	Warner-Lambert Pharmaceutical Co. for the shipment of nonpoisonous, nonflammable aerosol formulations having an absolute pressure not exceeding 60 p.s.i. at 70° F. in inside plastic-coated glass bottles of not over 6.1 fluid ounces.	Highway and rail.
5914	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of unirradiated nuclear reactor fuel cores in the Model No. 571/4 by 108 New Core Shipping and Installation Container.	Do.
5915	U.S. Atomic Energy Commission and its contractors and licensees and licensees of "agreement states" and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of fissile and large quantity radioactive materials in the Model 55/30 or 83/55 shipping containers.	Do.
5917	Vulcan Materials Co. for the shipment of anhydrous hydrogen chloride in cylinders complying with DOT-3AAX, except that a different type steel is authorized.	Highway.
5920	Department of the Interior for the escorted shipment of an incubator incorporating a DOT-3E1800 oxygen cylinder.	Passenger air.
5923	Union Carbide Corp. for the shipment of nonflammable compressed gas mixtures consisting of not more than 12 percent ethylene oxide mixed with dichlorodifluoromethane, or with any mixture of trichlorofluoromethane and dichlorodifluoromethane in DOT-106A800X and 110A500W tanks.	Highway and rail.
5924	Moreland Chemical Co., Inc., the Paul Carroll Oxygen Co. and other shippers upon specific registration with the Board, for the shipment of chlorine in DOT MC 331 cargo tanks, modified with respect to excess-flow valves and use of self-extinguishing polyurethane foam insulation.	Highway.
5925	FMC Corp. for the one-time shipment of chlorine in three tank-car tanks, DOT-105A500W, having tanks overdue for retest.	Rail.

WILLIAM C. JENNINGS, *Chairman, Hazardous Materials Regulations Board.*

[F.R. Doc. 69-2906; Filed, Mar. 11, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

Correction

In F.R. Doc. 69-2636 appearing at page 3766 of the issue for Tuesday, March 4, 1969, in the table, column 1, the entry now reading "61" should read "62" and in the third column, the entry reading "162,062" should read "162,068".

SECURITIES AND EXCHANGE COMMISSION

COMSTOCK-KEYSTONE MINING CO.

[File No. 1-2350]

Order Suspending Trading

MARCH 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Comstock-Keystone Mining Co., now known as Memory Magnetics International, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 7, 1969, through March 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2962; Filed, Mar. 11, 1969; 8:46 a.m.]

DYNA RAY CORP.

Order Suspending Trading

MARCH 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp., New York, N.Y., and all other securities of Dyna Ray Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period

March 7, 1969, through March 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2963; Filed, Mar. 11, 1969; 8:46 a.m.]

MOONEY AIRCRAFT, INC.

Order Suspending Trading

MARCH 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Mooney Aircraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 16(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 7, 1969, through March 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2964; Filed, Mar. 11, 1969; 8:46 a.m.]

[70-4720]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Acquisition of Municipal Electric Distribution System

MARCH 6, 1969.

Notice is hereby given that the Southwestern Electric Power Co. ("Southwestern"), 428 Travis Street, Shreveport, La. 71101, an electric utility company, a registered holding company, and a subsidiary company of Central and South West Corp., also a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) (1) and (10) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Southwestern and the city of Wake Village, Tex. ("City") have entered into an agreement dated December 13, 1968, pursuant to which Southwestern proposes to acquire the electric distribution system owned by the City for $460,000 in cash. An election by the qualified voters residing in the City was held on December 3, 1968, in which election a majority of said voters cast their ballots in favor of the sale of the City's electric distribution system to Southwestern. The filing states that the consideration was determined as a result of arm's-length bargaining between the parties. The agreement also provides for a proration and allocation of certain of the City's electric revenues between the parties, to be effected at the closing of the transaction.

In 1968, the distribution system owned by the City had 522 customers and gross revenues were $107,131. The City's utility plant is carried on its books at original cost of $100,128 less $37,998 accumulated depreciation. Southwestern estimates that the City's distribution system will have utility operating income of $22,936 in 1969.

Southwestern cites among its reasons for the proposed acquisition the favorable growth potential of the City's electric distribution system, including good prospects for the attachment of new customers. The City's distribution system is completely surrounded by areas which are served by Southwestern's distribution system. Southwestern now serves the City's distribution system with power at wholesale and states that the takeover can be effected through the company's existing facilities with no rearrangement of facilities and at a minimum of expense. Southwestern already owns and operates distribution facilities within the corporate limits of the City and has a franchise authorizing it to serve certain areas therein. The filing further states that the anticipated effects of the proposed transactions include lower rates and more reliable service to electric consumers of the City.

The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that expenses in connection therewith are estimated to be $17,000, including $15,000 for legal services.

Notice is further given that any interested person may, not later than March 27, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2965; Filed, Mar. 11, 1969; 8:47 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

MARCH 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 7, 1969, through March 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2966; Filed, Mar. 11, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 12) Amdt. 5]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, and 33 F.R. 19097) is hereby further amended by revising Items I.B.4, I.B.5, and I.C.1, and adding thereto a new Item I.B.6, to read as follows:

* * * * *

I. *Area Administrators.*

B. *Development Company Assistance Program.*

* * * * *

4. To execute sections 501 and 502 loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator

By: ----------

(Name)
Area Administrator.

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the ascertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Procurement and Management Assistance Program.*

**1. To approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns which are located within the geographical jurisdiction of his area office, with the exception of rereferred cases.

* * * * *

Effective date: December 31, 1968.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69-2967; Filed, Mar. 11, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1275]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 7, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC-28478 (Sub-No. 24) (Republication), filed March 1, 1965, published in the FEDERAL REGISTER issue of April 7, 1965, as a matter directly related to No. MC-F-8866, and republished after report and order embraced in No. MC-F-8866, effective July 25, 1965, and consummated August 6, 1965, issuance of certificate No. MC-28478 (Sub-No. 10), dated December 9, 1965, and petition for revision, this issue. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. 48602. Applicant's attorney, Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier* by motor vehicle over 36 described routes or any combination thereof (through conversion of certain irregular-route authorities), transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Adrian, Ann Arbor, Ypsilanti, Holly, Flint, Pontiac, Monroe, Mount Clemens, Port Huron, and Detroit, Mich., on the one hand, and, on the other, Cleveland, Youngstown, Akron, and Canton, Ohio, serving no intermediate points, but serving points within 5 miles of Ann Arbor, Ypsilanti, Holly, Flint, Pontiac, Monroe, Mount Clemens, and Port Huron, and points within 10 miles of Detroit in connection with each of said routes, and serving all points in the following described area in Ohio as off-route points in connection with said routes: Points in that part of Ohio bounded by a line beginning at Cleveland, Ohio, and extending over U.S. Highway 21 to junction U.S. Highway 62 near Massillon, Ohio, thence over U.S. Highway 62 to Salem, Ohio, thence over Ohio Highway 14A to junction of Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line to junction U.S. Highway 422, thence over U.S. Highway 422 to junction of Ohio Highway 534, thence over Ohio Highway 534 to Southington, Ohio, thence over Ohio Highway 305 to junction U.S. Highway 422, and thence over U.S. Highway 422 to point of origin, including points on the indicated portions of the highways specified. In addition, service is authorized at the off-route point of Gibralter, Mich., the site of the Ford Motor Co. Plant located at the intersection of Michigan Highway 218 (Wixon Road) and unnumbered Highway (West Lake Drive) north of U.S. Highway 16, in Novi Township, Oakland County, Mich., the site of the Ford Willow Run Plant located approximately 4 miles east of Ypsilanti, Mich., the site of the Ford Motor Co. Plant located near the unincorporated village of Rawsonville, Mich., at the southwest intersection of Textile and McKean Roads, in Washtenaw County, Mich.

A report and recommended order, embraced in No. MC-F-8866, served June 24, 1965, effective July 25, 1965, found that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a motor common carrier of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over regular routes set forth in Appendix F to the said report, subject to condition that applicant request that all irregular-route authority between points in Michigan, on the one hand, and, on the other, points in Ohio as described on sheets 9, 10, 11, 12, and 13 of its certificate in No. MC-28478 (Sub-No. 10), issued February 3, 1960, be canceled.

Upon consideration of the record in the proceeding, including an order of April 24, 1968, on petition of certain interveners, which required applicant to show cause, if any there be, why the findings in No. MC-28478 (Sub-No. 24) should not be modified by limiting the grant of regular-route authority and cancellation of irregular-route authority so as not to exceed that actually sought and published in the FEDERAL REGISTER, and a petition of applicant, assented to by all interveners, filed January 9, 1969, for revision of the said certificate, conditioned upon acceptance by the Commission of the revision in settlement of the issues involved, an order of February 20, 1969, by the Commission, Division 3, approves and accepts the proposal for modification of the findings in No. MC-28478 (Sub-No. 24) and revision of certificate No. MC-28478 (Sub-No. 10), subject to publication in the FEDERAL REGISTER, to read as follows: In connection with carrier's regular route operations described hereinbelow, service is authorized to and from the off-route points in that part of Ohio bounded by a line beginning at Cleveland, Ohio, and extending along Interstate Highway 77 to junction U.S. Highway 62, at or north of Canton, Ohio, thence along U.S. Highway 62 to junction of Ohio Highway 14A, thence along Ohio Highway 14A via Salem, Ohio, to junction of Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line, thence north along the Ohio-Pennsylvania State line to U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 534, thence along Ohio Highway 534 to Southington, Ohio, thence along Ohio Highway 305 to junction U.S. Highway 422, thence along U.S. Highway 422 to Cleveland, including the points on the indicated portions of the highways specified, except Akron, Canton, and Youngstown, Ohio.

(1) Between Adrian, Mich., and Toledo, Ohio, serving no intermediate points, from Adrian over Michigan Highway 52 to the Michigan-Ohio State line, thence over Ohio Highway 109 to junction U.S. Highway 20, thence over U.S.

Highway 20 to Toledo, and return over the same route; (2) between Ypsilanti, Mich., and junction U.S. Highway 12 and U.S. Highway 23, serving no intermediate points and serving junction U.S. Highways 12 and 23 for purposes of joinder only; and serving the off-route points of Gibraltar, Mich., the Ford Motor Co. Plant located at the intersection unnumbered highway (Wixom Road) and unnumbered highway (West Lake Drive) north of Interstate Highway 96 in Novi Township, Oakland County, Mich., the Ford Motor Co. Willow Run Plant approximately 4 miles east of Ypsilanti, and the Ford Motor Co. Plant located near the village of Rawsonville, Mich., at the southeast intersection of Textile and McKean Roads, in Washtenaw County, Mich., from Ypsilanti over U.S. Highway 12 to junction U.S. Highway 23, and return over the same route; (3) between Holly, Mich., and Ann Arbor, Mich., serving no intermediate points, from Holly over unnumbered Michigan highways via Fenton, Mich., to junction U.S. Highway 23, thence over U.S. Highway 23 to junction, Business Route U.S. Highway 23, thence over Business Route U.S. Highway 23 to Ann Arbor, and return over the same route; (4) between Flint, Mich., and Ann Arbor, Mich., serving no intermediate points, from Flint over U.S. Highway 23 to junction Business Route U.S. Highway 23, thence over Business Route U.S. Highway 23 to Ann Arbor, and return over the same route; (5) between Flint, Mich., and Detroit, Mich., serving no intermediate points, from Flint over Michigan Highway 54 to junction Interstate Highway 75, thence over Interstate Highway 75 to Detroit, and return over the same route;

(6) Between Pontiac, Mich., and Toledo, Ohio, serving no intermediate points, from Pontiac over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Toledo, and return over the same route; (7) between Pontiac, Mich., and Detroit, Mich., serving no intermediate points, from Pontiac over U.S. Highway 10 to Detroit, and return over the same route; (8) between Pontiac, Mich., and Ann Arbor, Mich., serving no intermediate points, from Pontiac over Michigan Highway 59 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction, Business Route U.S. Highway 23, thence over Business Route U.S. Highway 23 to Ann Arbor, and return over the same route; (9) between Port Huron, Mich., and Detroit, Mich., serving the intermediate point of Mount Clemens, Mich., from Port Huron over Interstate Highway 94 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit, and return over the same route; (10) between Port Huron, Mich., and Detroit, Mich., serving the intermediate or off-route point of Mount Clemens, Mich., from Port Huron over Interstate Highway 94 to Detroit, and return over the same route;

(11) Between Detroit, Mich., and Toledo, Ohio, serving the intermediate or off-route point of Monroe, Mich., and the intermediate or off-route points in Michigan within 10 miles of Detroit, from Detroit over Michigan Highway 85 to junction Interstate Highway 75, thence over Interstate Highway 75 to Toledo, and return over the same route; (12) between Detroit, Mich., and Toledo, Ohio, serving the intermediate or off-route point of Monroe, Mich., from Detroit over U.S. Highway 25 to Toledo (also from Detroit over U.S. Highway 25 to junction U.S. Highway 24, thence over U.S. Highway 24 to Toledo), and return over the same routes; (13) between Toledo, Ohio, and Cleveland, Ohio, serving the intermediate points of Norwalk and Elyria, Ohio, for delivery only, and the off-route points within 10 miles of Cleveland unrestricted, from Toledo over Ohio Highway 51 to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, and return over the same route; (14) between Toledo, Ohio, and Cleveland, Ohio, serving the intermediate points of Sandusky and Lorain, Ohio, for delivery only, from Toledo over Ohio Highway 2 via Sandusky, Ohio, to Huron, Ohio, thence over U.S. Highway 6 to Cleveland, and return over the same route; (15) between Toledo, Ohio, and Cleveland, Ohio, serving no intermediate points, from Toledo over U.S. Highway 25 to Bowling Green, Ohio, thence over U.S. Highway 6 via Huron, Ohio, to Cleveland, and return over the same route;

(16) Between Toledo, Ohio, and Cleveland, Ohio, serving no intermediate points, (a) from Toledo over Interstate Highway 280 to junction Interstate Highway 80 (Ohio Turnpike), thence over Interstate Highway 80 to junction U.S. Highway 42, thence over U.S. Highway 42 to Cleveland, (b) from Toledo over Ohio Highway 65 to Perrysburg, Ohio, thence over U.S. Highway 20 to Cleveland, (c) from Toledo over Ohio Highway 51 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction of Ohio Highway 113 at or near Bellevue, Ohio, thence over Ohio Highway 113 to Elyria, Ohio, thence over U.S. Highway 20 to Cleveland, and (d) from Toledo over Interstate Highway 280 to junction, Interstate Highway 80, thence over Interstate Highway 80 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, and return over the same routes; (17) between Toledo, Ohio, and Akron, Ohio, serving no intermediate points, except as otherwise indicated, (a) from Toledo over U.S. Highway 25 or Interstate Highway 75 to Findlay, Ohio, thence over U.S. Highway 224 to Akron, (b) from Toledo over Interstate Highway 280 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 250, thence over U.S. Highway 250 to Norwalk, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, serving the intermediate point of Wellington, Ohio, for delivery only, in connection with the route described immediately above, (c) from Toledo over Ohio Highway 65 to Perrysburg, Ohio, thence over U.S. Highway 23 to Fostoria, Ohio, thence over U.S. Highway 224 to Akron, serving the intermediate point of Fostoria, Ohio, and the off-route point of Tiffin, Ohio, in connection with the route described immediately above, for delivery only, and (d) from Toledo to Norwalk, Ohio, as specified above, thence U.S. Highway 250 to junction U.S. Highway 224, thence over U.S. Highway 224 to Akron, and return over the same routes; (18) between Toledo, Ohio, and Canton, Ohio, serving no intermediate points, except as otherwise indicated;

(a) from Toledo over Interstate Highway 280 and U.S. Highway 20 as specified to Norwalk, Ohio, thence over U.S. Highway 250 to junction U.S. Highway 30, at or near Jefferson, Ohio, thence over U.S. Highway 30 to Canton, serving the intermediate points of Wooster and Ashland, Ohio, and the off route point of Mansfield, Ohio, for delivery only, and the intermediate point of Massillon, Ohio, unrestricted, in connection with the route described immediately above, and (b) from Toledo over Ohio Highway 65 to Perrysburg, Ohio, thence over U.S. Highway 23 to Fostoria, Ohio, thence over Ohio Highway 18 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction U.S. Highway 224 or Interstate Highway 80S and U.S. Highway 21, thence over U.S. Highway 21 to Massillon, Ohio, thence over U.S. Highway 30 to Canton, and return over the same routes, serving the off-route points of Rittman and Dover, Ohio, for delivery only, in connection with the route described immediately above; and (19) between Cleveland, Ohio, and Youngstown, Ohio, serving intermediate and off-route points within 10 miles of Youngstown, from Cleveland over U.S. Highway 422 to Youngstown, and return over the same route. Irregular-route authority shown on sheet 15 of certificate No. MC-28478 (Sub-No. 10), issued December 9, 1965, modified to read as follows: Iron and steel, iron and steel products, automobile parts, machinery, burlap, and paper, from Dover and Fostoria, Ohio, Ellwood City, New Castle, Pittsburgh, and Sharon, Pa., and points within 10 miles of Sharon, to Adrian, Ann Arbor, Ypsilanti, Jackson, Albion, Battle Creek, Lansing, Holly, Flint, Pontiac, Monroe, Mount Clemens, and Detroit, Mich., and points within 10 miles of Detroit, with no transportation for compensation on return except as otherwise authorized. Because it is possible that other persons, who have relied upon the notice of the Sub-24 application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in the order of July 25, 1965, as modified by the order of February 20, 1969, a notice of the authority actually granted is being published in the FEDERAL REGISTER and issuance of a revised certificate in the Sub-10 proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 52964 (Sub-No. 10) (Republication), filed March 1, 1965, published FEDERAL REGISTER issue of September 22, 1965, and republished this issue. Applicant: EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT CO., 2690 Prior Avenue North, St. Paul, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. By application filed March 1, 1965, pursuant to the provisions of Special Rules of Procedure Governing Conversion of Irregular-Route Motor Carrier Operations, formerly 49 CFR 102a, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, with exceptions, between certain specified points. By report and order of December 8, 1966, by the Commission, Operating Rights Review Board No. 1, the application was partially granted, but as yet, no certificate has been issued. By petition filed October 25, 1968, applicant seeks waiver of Rule 101(e) of the general rules of practice and leave to file tendered petition for reconsideration, pointing out that in view of the sale of certain of its operating rights, it does not now have access to some of its authorized points, and applicant requests access over a route between Minneapolis, Minn., and Mount Pleasant, Iowa, which amounts to a request for alternate-route authority over this route; and that no one opposes the relief sought. An order of the Commission, Division 1, acting as an Appellate Division, dated February 11, 1969, and served February 20, 1969, finds that Rule 101(e) of the general rules of practice be, and is hereby, waived, and the tendered petition for reconsideration be accepted for filing, and the above-entitled proceeding be reopened on the present record, solely for the purpose of considering;

(A) That the report and order of December 8, 1966, be modified; (a) by deleting part (1) of the grant of authority, appearing on Lines 20–25 of Sheet 8, and substituting in lieu thereof "(1) between Charles City, Iowa, and the Iowa-Minnesota State Line, over U.S. Highway 218,"; (b) by deleting the figure "(2)" on Line 9 of Sheet 10 of said report, and substituting in lieu thereof the figure "(1)"; and (c) by adding the word "Owatonna," after the word "Mankato," on Line 9 of Sheet 10 of said report; (B) That the report and order of December 8, 1966, be further modified by adding the following after "Minneapolis-St. Paul, Minn.;" on Line 13 of Sheet 10 of said report; and (14) (a) Between Minneapolis and Owatonna, Minn., from Minneapolis over Minnesota Highway 55 to junction Minnesota Highway 13, thence over Minnesota Highway 13 to junction U.S. Highway 65, and thence over U.S. Highway 65 to Owatonna; (b) between Owatonna, Minn., and the Minnesota-Iowa State line, over U.S. Highway 218; (c) between Charles City, Iowa, and Waverly, Iowa, over U.S. Highway 218; (d) between Waverly, Iowa, and Waterloo, Iowa, over U.S. Highway 218; (e) between Waterloo, Iowa, and Iowa City, Iowa, over U.S. Highway 218; (f) between Iowa City, Iowa, and Mount Pleasant, Iowa, over U.S. Highway 218, and return over the same routes, in (a) through (f) above, as alternate routes for operating convenience only, in connection with applicant's authorized regular-route operations, including those granted in this proceeding, serving no intermediate points, and serving the termini for the purpose of joinder only (except Charles City, Iowa); and

(C) That the report and order of December 8, 1966, be further modified; (1) by making the grant of authority subject to the condition that the authority granted herein shall not be severable by sale or otherwise from the underlying irregular-route authority in No. MC-52964; and (2) by imposing the condition that a certificate shall not be issued in this proceeding until after applicant has filed a written request for the insertion in its certificate No. MC-52964 of a restriction providing that it shall not, pursuant to the irregular-route general-commodity authority contained therein, transport shipments moving between any points authorized herein to be served by it in regular-route operations. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of this authority will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced, within 30 days of the date of publication in the FEDERAL REGISTER.

No. MC 129905 (Republication), filed May 13, 1968, published in FEDERAL REGISTER issue of May 30, 1968, and republished this issue. Applicant: ALL STATES MOVING AND STORAGE CO., INC., 2800 Navy Boulevard, Pensacola, Fla. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. By application filed May 13, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of household goods, as defined by the Commission, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air, and moving on through bills of lading of forwarders, between points in Florida. A report of the Commission, Review Board No. 1, decided February 18, 1969, and served February 24, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of *used household goods* between points in Escambia, Santa Rosa, and Okaloosa Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130050 (Republication), filed January 15, 1968, published in the FEDERAL REGISTER issue of January 25, 1968, and republished this issue. Applicant: TOWN & COUNTRY TRAVEL SERVICE, INC., 2821 Lee Street, Greenville, Tex. 75402. Applicant's representative: Roland Boyd, 218 East Louisiana Street, McKinney, Tex. 75069. By application filed January 15, 1968, applicant seeks a license (BMC 5) authorizing operation, in interstate or foreign commerce, as a broker at Greenville and Sulphur Springs, Tex., in arranging for the transportation of passengers and their baggage, both as individuals and in groups, in all-expense tours beginning and ending at points in Texas, and extending to points in the United States, including Alaska and Hawaii. By report and order dated July 29, 1968, Review Board No. 3 denied the application. By petition filed August 23, 1968, applicant sought leave to present additional evidence in support of the application. By order dated October 21, 1968, Division 1, acting as an Appellate Division, reopened the proceeding for further processing under modified procedure upon the receipt of additional evidence. By report and order of the Commission, Review Board No. 1, decided February 25, 1969, and served February 28, 1969, finds that operation by applicant at Greenville, Paris, and Sulphur Springs, Tex., as a *broker* in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, as individuals and in groups, in round-trip, all-expense tours beginning and ending at points in that part of Texas on and north of U.S. Highway 84, via Waco, Brownwood, Abilene, and Lubbock, Tex., and extending to points in the United States, including Alaska and Hawaii, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements

of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a license authorizing such operation should be granted, subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC-29 (Sub-No. 2), *Operations of Brokers of Passenger Transportation*, such terms and conditions, if any, as may be deemed necessary to insure that the operations of applicant are limited to bona fide service as a broker in arranging round-trip, all-expense tours; because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 1515 (Sub-No. 129), filed February 12, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers: (1) between Washington, D.C., and Rockville, Md., from Washington, D.C., over Maryland Highway 190 to junction with Interstate Highway 495, thence over Interstate Highway 495 to junction with Interstate Highway 270, thence over Interstate Highway 270 to junction with U.S. Highway 240 and Interstate Highway 70S, thence over U.S. Highway 240 and Interstate Highway 70S to Rockville, Md., and return over the same route, serving no intermediate points and serving Rockville, Md., for the purposes of joinder only. (2) Between the junction of Maryland Highways 806 and 355 and Frederick, Md., from the junction of Maryland Highways 806 and 355 over Maryland Highway 355 to Frederick, Md., and return over the same route, serving no intermediate points. Restriction: Use of both of the above-described routes is restricted against the transportation of any traffic originating at Washington, D.C., and destined to Frederick, Md., or vice versa. (3) Between Washington, D.C., and College Park, Md: From Washington, D.C., over Alternate U.S. Highway 1 to its junction with U.S. Highway 1, thence over U.S. Highway 1 to its junction with Maryland Highway 193 in College Park, Md., and return over the same route, serving no intermediate points.

Restriction: Use of the above-described route is restricted against the transportation of any traffic originating at College Park, Md., and destined to either Washington, D.C., or Baltimore, Md., or vice versa. (4) In Docket No. MC-1501 (Sub-No. 92), Sheet No. 17, third paragraph (now assigned No. MC-1515, but unissued) reading as follows: (a) "Between Laurel, Md., and the junction of Maryland Highway 602 and the Baltimore-Washington Expressway, serving all intermediate points: From Laurel over Maryland Highway 602 to junction Baltimore-Washington Expressway, and return over the same route." *And the fourth paragraph reading as follows:* (b) "Between Laurel, Md., and the junction of Maryland Highway 197 and the Baltimore-Washington Expressway, serving all intermediate points: From Laurel over Maryland Highway 197 to junction Baltimore-Washington Expressway, and return over the same route." Should both be restricted, subject to the approval and consummation of the related BMC-44 application, as follows: Restriction: Restricted against the transportation of traffic originating at Washington, D.C., or Baltimore, Md., on the one hand, and destined to Laurel, Md., on the other, or vice-versa. (5) In Docket No. MC-1501 (Sub-No. 211), Sheet No. 2, last paragraph (now assigned Docket No. MC-1515, but unissued) reading as follows: "Between Washington, D.C., and Leonardtown, Md., serving all intermediate points: From Washington over city streets to the District of Columbia-Maryland State line, thence over Maryland Highway 5 to Leonardtown, Md., and return over the same route." Should read, and be restricted, subject to the approval and consummation of the related BMC-44 application, as follows:

Between Washington, D.C., and Waldorf, Md., serving no intermediate points: From Washington over city streets to the District of Columbia-Maryland State line, thence over Maryland Highway 5 to Waldorf, Md., and return over the same route. Restriction: Restricted against the transportation of traffic originating at Washington, D.C., and destined to Waldorf, Md., and all intermediate points thereto, or vice versa. NOTE: Applicant states that the route description in (4) above was changed by letter notice of redesignation to the Interstate Commerce Commission under date of September 29, 1967, to read as follows: "From Laurel over Maryland Highway 198 to junction Baltimore-Washington Expressway, and return over the same route". Applicant further states that by the instant application, it seeks to have imposed on certain of its existing route authority restrictions as detailed in (4) and (5) above for the protection of Atwood's Transport Lines, Inc. This application is a matter directly related to Docket No. MC-F-10395, published FEDERAL REGISTER issue of February 19, 1969. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35320 (Sub-No. 105) (Correction), filed January 27, 1969, published FEDERAL REGISTER issue of February 26, 1969, corrected and republished, this issue. Applicant: T. I. M. E.-DC, INC., Post Office Box 2550, also 2598 74th Street, Lubbock, Tex. 79408. Applicant's representatives: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C., and Frank M. Garrison, Post Office Box 2550, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities;* (1) between Kansas City, Mo., and Harrison, Ark.: From Kansas City over U.S. Highway 50 over Lees Summit, Mo., to Warrensburg, Mo., thence over Missouri Highway 13 through Clinton, Mo., to Springfield, Mo., thence over U.S. Highway 65 to Harrison (also from Lees Summit, Mo., over Bypass U.S. Highway 71 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 35, thence over U.S. Highway 35 to Clinton, and thence to Harrison as specified above), and return over the some route, serving no intermediate points but serving Springfield, Mo., for purposes of joinder only; and (2) between St. Louis, Mo., and Tulsa, Okla., over U.S. Highway 66 serving no intermediate points but serving Springfield, Mo., for the purpose of joinder only; and (3) between Kansas City, Mo., and Tulsa, Okla.: From Kansas City, Mo., over U.S. Highway 71 to Carthage, Mo., and thence over U.S. Highway 66 to Tulsa, and return over the same route, serving no intermediate points. NOTE: This is a matter directly related to MC-F-10385, published in the FEDERAL REGISTER issue of February 5, 1969. The purpose of this republication is to include routes (2) and (3), which were inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10397. (Correction) (ARROW FREIGHTWAYS, INC.—Purchase (Portion)—SPRINGER CORP.), published in the February 26, 1969, issue of the FEDERAL REGISTER, on page 2637. This correction to show operating rights sought to be transferred to read: *Commodities* which because of size or weight, require the use of special equipment (heavy hauling authority), as a *common carrier*, over irregular routes, between points in that part of New Mexico, Colorado, and Arizona, within 200 miles of Albuquerque, N. Mex., etc., in lieu of 20 miles of Albuquerque, N. Mex. NOTE: This notice does not alter the due date for filing protest.

No. MC-F-10398. (Correction) (ARIZONA TANK LINES, INC.—Purchase (Portion)—SPRINGER CORP.), published in the February 26, 1969, issue of the FEDERAL REGISTER, on page 2637. This correction to show operating rights sought to be transferred to read: *Commodities* in bulk, as a *common carrier*, over irregular routes, between points in that part of New Mexico, Colorado, and Arizona, within 200 miles of Albuquerque; in lieu of 20 miles of Albuquerque. NOTE: This notice does not alter the due date for filing protest.

No. MC-F-10407. Authority sought for purchase by BEND PORTLAND TRUCK SERVICE, INC., doing business as TRANS WESTERN EXPRESS, 5940 North Basin Avenue, Portland, Oreg. 97217, of the operating rights of PACIFIC TRANSFER AND STORAGE COMPANY, 2350 Northwest York, Portland, Oreg. 97210, and for acquisition by WILFRED E. JOSSY, also of 5940 North Basin Avenue, Portland, Oreg., of control of such rights through the purchase. Applicants' attorney: Owen M. Panner, 1026 Bond Street, Bend, Oreg. 97701. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading as a *common carrier*, over irregular routes, between points within 3 miles of Portland, Oreg., including Portland. Vendee is authorized to operate as a *common carrier* in California, Oregon, Idaho, Nevada, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10408. Authority sought for control by T. BRAGG McLEOD, 3027 North Tryon Avenue, Charlotte, N.C. 28208, of CUSTOM TRANSPORT, INC., Box 522, Lincolnton, N.C. Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be controlled: *Textile waste materials and used bagging, and textile waste materials and cotton* which are within the exemption of section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicle with the commodities specified herein, as a *common carrier*, over irregular routes, between points in North Carolina, Virginia, Tennessee, South Carolina, Georgia, Alabama, Arkansas, and Mississippi. T. BRAGG McLEOD holds no authority from this Commission. However, he controls MOSS TRUCKING COMPANY, INC., 3027 North Tryon Avenue, Post Office Box 8409, Charlotte, N.C., which is authorized to operate as a *common carrier* in Georgia, Alabama, Arkansas, Kentucky, Illinois, Indiana, Louisiana, Mississippi, Missouri, Tennessee, Florida, North Carolina, South Carolina, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, Connecticut, Delaware, Maine, Maryland, Massachusetts, Ohio, Michigan, New Hampshire, New York, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10409. Authority sought for purchase by LARAMEE'S TRANSIT, INC., 299 First Avenue, Woonsocket, R.I. 02895, of a portion of the operating rights of PAULINE E. RICHARDSON, doing business as RICH'S SOUTH SHORE EXPRESS, 732 Nantasket Avenue, Hull, Mass. 02045, and for acquisition by GASPER AMATO, 3 Jacques Street, Somerville, Mass., of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109, and Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Operating rights sought to be transferred: *General commodities*, except lumber, those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment as a *common carrier*, over irregular routes between points within 25 miles of the city hall, Boston, Mass. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10410. Authority sought for purchase by OHIO EASTERN EXPRESS, INC., 300 West Perkins Avenue, Post Office Box 2297, Sandusky, Ohio 44870, of the operating rights of THE HIRT TRUCKING COMPANY, 771 Walnut Street, Fremont, Ohio 43420, and for acquisition by THOMAS FEICK, 1230 Wayne Street, Sandusky, Ohio 44870, and KENNETH TONE, 333 East Washington Street, Sandusky, Ohio 44870, of control of such rights through the purchase. Applicants' representative: M. A. Taylor, Post Office Box 2297, Sandusky, Ohio 44870. Operating rights sought to be transferred: *Prepared foods*, in containers, and *empty barrels and kegs*, as a *common carrier*, over irregular routes, between Fremont and Green Springs, Ohio, Jonesville, Mich., and Pittsburgh, Pa.; *steel, steel stampings, enamelware, and enamelware products, and electric refrigerator parts*, between Clyde, Ohio, and Connersville, Ind., from Connersville, Ind., to Cincinnati, Ohio; *cabbage*, from certain specified points in Ohio, to Jonesville, Mich.; *agricultural implements and farm machinery*, from Battle Creek, Mich., to Green Springs, Ohio, from Mount Sterling, Ky., to Fremont, Ohio; *scrap metal*, from Clyde and Bellevue, Ohio, to Detroit, Mich.; *sauerkraut and pickles*, in containers, and *canned fruit, vegetables, and vegetable juices*, from certain specified points in Ohio, to points in Illinois, Indiana, Pennsylvania, and the Lower Peninsula of Michigan; *glass containers*, from Alton, Ill., and Gas City, Ind., to Oak Harbor, Ohio; *cans*, from Chicago, Ill., to Oak Harbor, Ohio; *salt*, from points in the Lower Peninsula of Michigan, to Oak Harbor, Ohio; *coal, salt, sugar, fresh fruits and vegetables, packed vegetables*, in cans and barrels, *empty containers, and canning machinery and supplies*, in truckloads, between certain specified points in Ohio, on the one hand, and, on the other, points in Pennsylvania west of U.S. Highway 219; *advertising matter*, from Buffalo, N.Y., and Detroit, Mich., to Pittsburgh, Pa.; *bottle caps*, from New Kensington, Pa., to Bowling Green and Fremont, Ohio, and Medina, N.Y.; *can lids and empty tin cans*, from Pittsburgh, Pa., to Medina, N.Y.; *fresh tomatoes*, from Bowling Green, Ohio, to Pittsburgh, Pa.; *machinery, equipment, and supplies*, used in processing and packing of food products, between Bowling Green, Ohio, Medina, N.Y., and Pittsburgh, Pa., between Fremont, Ohio, Medina, N.Y., and Pittsburgh, Pa.; *food products, advertising materials, office supplies, and raw materials*, used in the processing, packing, and sale of food products, between Bowling Green, Ohio, and Pittsburgh and Ambridge, Pa., between Medina, N.Y., Toledo, Ohio, and Pittsburgh and Ambridge, Pa., between Pittsburgh, Pa., on the one hand, and, on the other, Buffalo and Syracuse, N.Y., certain specified points in Ohio, and Detroit, Mich., and *tomato pulp, tomato juice, and ketchup*, from Fremont, Ohio, to Pittsburgh, Pa.; with restriction. Vendee is authorized to operate as a *common carrier* in Ohio, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Vermont, Illinois, Connecticut, Delaware, Florida, Massachusetts, Rhode Island, Virginia, North Carolina, South Carolina, Maine, West Virginia, New Hampshire, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2974; Filed, Mar. 11, 1969; 8:48 a.m.]

[Notice 541]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 7, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 39), PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612, filed February 24, 1969. Carrier's representative: Alfred G. Krebs, Post Office Box 958, Oakland, Calif. 94604. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Omaha, Nebr., over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Iowa Highway 212, thence over Iowa Highway 212 to Belle Plaine, Iowa, thence over Iowa Highway 131 to junction U.S. Highway 30, thence over U.S. Highway 30 to Clinton, Ill., thence over Alternate U.S. Highway 30 via Fulton, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway about 4 miles east of Round Grove, Ill., thence over unnumbered highway via Emberson, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction unnumbered highway east of Sterling, Ill., thence over unnumbered highway via Prairieville and Palmyra, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill.; (2) from junction Iowa Highway 212 and U.S. Highway 30 over U.S. Highway 30 to junction Iowa Highway 131; (3) from Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio; and (4) from Toledo, Ohio, over U.S. Highway 24 to junction U.S. Highway 25 near Monroe, Mich., thence over U.S. Highway 25 to Detroit, Mich., and return over the same route.

No. MC 2401 (Deviation No. 26), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, filed February 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lexington, Ky., over U.S. Highway 25 (an access road) to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction Interstate Highway 264 (Louisville, Ky., Bypass), thence over Interstate Highway 264 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Interstate Highway 65, thence over Interstate Highway 65 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lexington, Ky., over U.S. Highway 25 to Cincinnati, Ohio, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

No. MC 2401 (Deviation No. 27), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, filed February 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 70 to junction Interstate Highway 465 (Indianapolis, Ind., Bypass), thence over Interstate Highway 465 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Columbus, Ohio, over U.S. Highway 40 to junction Ohio Highway 142, thence over Ohio Highway 142 to junction U.S. Highway 42, thence over U.S. Highway 42 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 52 to Montmorenci, Ind., thence over Indiana Highway 53 to junction U.S. Highway 30, thence over U.S. Highway 30 to Chicago Heights, Ill., thence over U.S. Highway 54 to Chicago, Ill., thence over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to junction Iowa Highway 212, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over Alternate U.S. Highway 30 to Council Bluffs, Iowa, thence over city streets to Omaha, Nebr., and return over the same route.

No. MC 87523 (Deviation No. 1), STEWART TRANSPORT, INC., 476 Valley Street, Manchester, N.H. 03103, filed February 28, 1969. Carrier's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over city streets to junction Interstate Highway 93, thence over Interstate Highway 93 to junction Interstate Highway 193 at Manchester, N.H., thence over Interstate Highway 193 to junction Interstate Highway 93, thence over Interstate Highway 93 to junction U.S. Highway 3, thence over U.S. Highway 3 to junction Interstate Highway 93, near Franconia Notch, N.H., thence over Interstate Highway 93 to junction New Hampshire Highway 18, at Littleton, N.H., thence over New Hampshire Highway 18 to the New Hampshire-Vermont State line, thence over Vermont Highway 18 to junction U.S. Highway 2, thence over U.S. Highway 2 to junction U.S. Highway 5 at St. Johnsbury, Vt., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Manchester, N.H., thence over U.S. Highway 3 to junction New Hampshire Highway 3A near Franklin, N.H., thence over New Hampshire Highway 3A to junction New Hampshire Highway 3A to junction New Hampshire Highway 25, thence over New Hampshire Highway 25 to junction New Hampshire Highway 10, thence over New Hampshire Highway 10 to junction U.S. Highway 302, thence over U.S. Highway 302 to Wells River, Vt., thence over U.S. Highway 5 to St. Johnsbury, Vt., and return over the same route.

No. MC 104004 (Deviation No. 34), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017, filed February 25, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fayetteville, N.C., over U.S. Highway 301 to junction Interstate Highway 95, thence over Interstate Highway 95 (portions of U.S. Highway 301 where not completed) to junction Interstate Highway 26, thence over Interstate Highway 26 to Charleston, S.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Fayetteville, N.C., over U.S. Highway 71 to junction North Carolina Highway 71 to Red Springs, N.C., thence over North Carolina Highway 211 to Aberdeen, N.C. (also from Fayetteville over North Carolina Highway 87 to Jonesboro, N.C., thence over North Carolina Highway 78 to junction U.S. Highways 15 and 501, thence over U.S. Highways 15 and 501 to Aberdeen), thence over U.S. Highways 15 and 501 to junction U.S. Highway 15, thence over U.S. Highway 15 to McColl, S.C., thence over U.S. Highway 15 to Bennettsville, S.C., thence over South Carolina Highway 9 to Cheraw, S.C., thence over U.S. Highway 52 via Florence, S.C., to Charleston, S.C. (also from Bennettsville, S.C., over South Carolina Highway 9 to Dillon, S.C., thence over U.S. Highway 501 to Marion, S.C. (or via South Carolina Highway 57 to Mullins and thence U.S. Highway 76 to Marion), thence over U.S. Highways 76 and 301 to Florence, S.C., thence over U.S. Highway 52 to Charleston, S.C.), and return over the same route.

No. MC 112713 (Deviation No. 13), YELLOW FREIGHT SYSTEM, INC., 92d at State Line, Post Office Box 8462, Kansas City, Mo. 64114, filed February 26, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 31W to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Interstate Highway 465, south of Indianapolis, Ind., thence over Interstate Highway 465 to junction Interstate Highway 69, thence over Interstate Highway 69 to Marshall, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Nashville, Tenn., over U.S. Highway 41 via Hopkinsville, Ky., to junction Kentucky Highway 56, thence over Kentucky Highway 56 to the Kentucky-Illinois State line, thence over Illinois Highway 13 to junction Illinois Highway 1, thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Chicago, Ill. (also from Nashville to junction U.S. Highway 41 and Kentucky Highway 56 as specified, thence over U.S. Highway 41 to Evansville, Ind., thence to Chicago as specified); and (2) from Chicago, Ill., over U.S. Highway 12 to Gary, Ind., thence over U.S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction unnumbered highway (formerly portion U.S. Highway 12) near New Buffalo, Mich., thence over unnumbered highway to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway (formerly portion U.S. Highway 12), thence over unnumbered highway to Kalamazoo, Mich., thence over Interstate Highway B.L. 94 (formerly portion U.S. Highway 12) to junction unnumbered highway, thence over unnumbered highway (formerly portion U.S. Highway 12) via Battle Creek, Mich., to Marshall, Mich., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 510), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed February 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 68 and Interstate Highway 75 at Findlay, Ohio, over U.S. Highway 68 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction U.S. Highway 23, south of Carey, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 199 near Little Sandusky, Ohio, and (2) from Carey, Ohio, over U.S. Highway 23 to junction Ohio Highway 15, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Carey, Ohio, over Ohio Highway 199 (formerly portion U.S. Highway 23) to junction U.S. Highway 23, approximately 5 miles south of Upper Sandusky, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 423 (formerly portion U.S. Highway 23), thence over Ohio Highway 423 via Marion, Ohio, to junction U.S. Highway 23 at Waldo, Ohio, thence over U.S. Highway 23 via Delaware to Columbus, Ohio, and return over the same route.

No. MC 1515 (Deviation No. 511), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed February 28, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 71 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Ohio Highway 3, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Wooster, Ohio, and Columbus, Ohio, over Ohio Highway 3.

No. MC 109598 (Deviation No. 12), CAROLINA SCENIC STAGES, Post Office Box 2387, Charlotte, N.C. 28201, filed February 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Charlotte, N.C., over Interstate Highway 77 to junction U.S. Highway 21 (just west of Pineville, N.C.), thence over U.S. Highway 21 (an access road) to junction South Carolina Highway 160, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Winnsboro, S.C., over South Carolina Highway 200 to junction U.S. Highway 21, thence over U.S. Highway 21 to Fort Lawn, S.C., thence over South Carolina Highway 9 to junction South Carolina Highway 901, thence over South Carolina Highway 901 to junction U.S. Highway 21, thence over U.S. Highway 21 via Rock Hill, S.C., to junction unnumbered highway, thence over unnumbered highway to Fort Mill, S.C., thence over South Carolina Highway 160 to the South Carolina-North Carolina State line, thence over Mecklenburg County, N.C., Highway 18 to junction Mecklenburg County Highway 200, thence over Mecklenburg County Highway 200 to junction Mecklenburg County Highway 201 (also from junction Mecklenburg County Highways 18 and 200 over Mecklenburg County Highways 18 and 201 to junction Mecklenburg County Highway 200), thence over Mecklenburg County Highway 200 to junction Mecklenburg County Highway 189, thence over Mecklenburg County Highway 189 to junction Mecklenburg County Highway 196, thence over Mecklenburg County Highway 196 to Charlotte, N.C., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2975; Filed, Mar. 11, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 7, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 3825-M, filed February 14, 1969. Applicant: BENTON TRANSPORTATION CORPORATION, Post Office Box 6358, Station C, Savannah, Ga. 31405. Applicant's representative: Ariel V. Conlin, 626 Fulton National Bank Building, Atlanta, Ga. 30303. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (1) *iron or steel products*, viz: plant, sheet, and coils, galvanized, coated or not coated; structural; pipe; nails and spikes, coated or not coated; and (2) *aluminum products*, viz: plate, sheet, blanks, circles, stampings, and shapes; between Savannah, Ga., Port Wentworth, Ga., and Garden City, Ga., on the one hand, and all points in Georgia on the other hand, over no fixed route. Both intrastate and interstate authority sought.

HEARING: Tuesday, April 8, 1969, at 10 a.m., 177 State Office Building, 244 Washington Street SW., Atlanta, Ga. 30334. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, Ga. 30334, and should not be directed to the Interstate Commerce Commission.

State Docket No. 3836-M, filed February 26, 1969. Applicant: COASTAL TRANSPORT & TRADING CO., Post Office Box 7177, Savannah, Ga. Applicant's representative: Robert W. Gerson, 1201 Commerce Building, Atlanta, Ga. 30303. Certificate of public convenience and necessity sought to operate

a freight service as follows: Transportation of *iron or steel articles* as follows: *Iron or steel angles, bars or plate; iron or steel axles, railway car, locomotive, or wheels*, without bearings, gears, knuckles, tongue tubes, or other steering power attachments; *steel piling; iron or steel pipe; steel plate or sheet*, galvanized, aluminum coated, painted or plain, corrugated or not corrugated, loose or in packages; *steel rails and railway track; iron or steel reinforcements*, for concrete or plaster, *wire, wire mesh, bar mesh, or expanded metal*, in packages or coils and/or reels; *steel sheets*, corrugated, aluminum coated, galvanized, leaded, planished, packed in metal or wood cases and/or coils; *iron or steel tubing*, in the rough or seamless; *steel beams*, coated or uncoated, between Savannah, Garden City, and Port Wentworth, Ga., on the one hand, and, all points in Georgia, on the other hand, over no fixed route. Both intrastate and interstate authority sought.

HEARING: Tuseday, April 22, 1969, at 10 a.m., 177 State Office Building, 244 Washington Street SW., Atlanta, Ga. 30334. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga. 30334, and should not be directed to the Interstate Commerce Commission.

State Docket No. 26300-Extension, filed February 3, 1969. Applicant: RICHARD H. ESHE AND LOIS MAE ESHE, copartners, doing business as SOUTH PARK MOTOR LINES, 48 East 56th Avenue, Denver, Colo. 80216. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, in scheduled service over regular routes, between Denver, Colo., and points within 5 miles thereof, on the one hand, and, on the other hand, the east portal of Straight Creek Tunnel (located in Clear Creek County, Colo.), and the west portal of Straight Creek Tunnel (located in Clear Creek County, Colo.), and the west portal of Straight Creek (located in Summit County, Colo.) over U.S. Highway 6, Interstate Highway 70, and Colorado Highway 9, serving no intermediate points. Both intrastate and interstate authority sought.

HEARING: Thursday, April 3, 1969, at 10 a.m., in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Colorado Public Utilities Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

State Docket No. A50826, filed January 20, 1969. Applicant: 20TH CENTURY TRUCKING COMPANY, 35th and Broadway Streets, Los Angeles, Calif. 90015. Applicant's representative: Franklin L. Knox, Jr., 210 West Seventh Street, Room 1035, Los Angeles, Calif. 90014. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except livestock, fresh fruits and vegetables, property transferred by dump truck, household goods, and property transported in tank trucks and tank trailers) as authority under its present operating rights, authorizing it to extend such operations so as to additionally include services from, to, and between all points as follows: (a) The city of Los Angeles as defined under its present authority; (b) Los Angeles basin territory as defined under its present authority; (c) San Diego territory as defined under its present authority; (d) all points and places within 5 miles of either side of U.S. Highway 101 between Santa Ana and San Diego as defined under its present authority; (e) Santa Barbara as defined under its present authority; (f) all points and places within 5 miles on either side of U.S. Highway 101 and U.S. Highway 101A Alternate between Los Angeles and Santa Barbara as defined under its present authority; (g) Goleta; (h) all points and places within 5 miles of either side of U.S. Highway 101 between Santa Barbara and Goleta; (i) beginning at a point on Highway 399 laterally 5 miles distant north of Highway 101 along Highway 399 northerly to Highway 150; thence easterly on Highway 150 to the city of Santa Paula including all points and places within 5 miles on either side of these described portions of Highways 399 and 150;

(j) Beginning at a point on Highway 126 laterally 5 miles distant (northerly) from Highway 101 along Highway 126 northeasterly to the city of Fillmore; thence southerly along Highway 23 to Moorpark; thence easterly along Highway 118 to a point easterly from Santa Susana distant 5 miles, including all points and places within 5 miles on either side of the above-described portion of Highways 126, 23, and 118; (k) all points and places on Highway 395 which Applicant is presently permitted to traverse, beginning at a point south of Temecula being the boundary line of the Los Angeles basin territory, southerly along said highway to Miramar being the northerly boundary of the San Diego territory, including all points and places within 5 miles on either side of this described portion of Highway 395 and including the points of San Marcos, Vista, Bonsall, Fall Brook, Valley Center, which points may be within said 5 miles lateral line although in perhaps one or two instances, the boundary lines of these points might be distant slightly beyond a 5-mile lateral line. Applicant proposes to serve all points and places within each of the territories hereinabove described, and to, and from, and between, all points and places within these described areas, and to use all available routes, streets, and highways within or convenient to use, within, or between these areas, to provide service at all points in all incorporated cities, any part of which lies within the boundary of Applicant's present proposed serviced territories. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

State Docket No. 69085–CCT, filed February 21, 1969. Applicant: SMITH TERMINAL WAREHOUSE COMPANY, 3510 Northwest 60th Street, Miami, Fla. Applicant's representative: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. 33125. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *new crated furniture*, over irregular routes and on irregular schedules, to, from, and between points and places in Dade, Broward, and Palm Beach Counties, Fla.; all such items or merchandise having an origin or a destination at applicant's storage warehouse, located in the city of Miami, Fla. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–2976; Filed, Mar. 11, 1969; 8:48 a.m.]

[Notice 793]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 7, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 104881 (Sub-No. 5 TA), filed March 5, 1969. Applicant: ROSS C. GAY, doing business as GAY TRUCK LINE, Post Office Box 54, Falkner, Miss. 38629. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed rubber, rubber compounds, and rubber compounding chemicals*, from Ripley, Miss., to Hohenwald, Tenn., and *pallets* on return, for 180 days. Supporting shipper: American Biltrite Rubber Co., Inc., Post Office Box 1071, Boston, Mass. 02103. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 108207 (Sub-No. 256 TA), filed March 3, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, 75207. Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, and C, of appendix I, to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766 (except hides and commodities in bulk and tank vehicles), from points in the Minneapolis-St. Paul, Minn., commercial zone, to Kansas City, Mo.; Kansas City, Kans.; St. Joseph, Mo.; Phoenix, Tucson, and Yuma, Ariz.; Fort Smith and Little Rock, Ark.; Biloxi, Miss.; Roswell, N. Mex.; Memphis, Tenn.; Oklahoma City and Tulsa, Okla.; and to points in Texas and Louisiana; (2) *candy*, from points in the Minneapolis-St. Paul, Minn., commercial zone, to Phoenix, Ariz.; Houston and Nacogdoches, Tex.; (3) *pickles and pickle products*, from points in the Minneapolis-St. Paul, Minn., commercial zone, to Houston, Tex.; (4) *pizza sticks*, from points in the Minneapolis-St. Paul, Minn., commercial zone, to Dallas, Tex., for 150 days. NOTE: Applicant intends to tack with existing authority. Supporting shippers: Crown Meat & Provisions Co., Inc., 443 Hoover Street NE., Minneapolis, Minn. 55413; Feinberg Distributing Co., 1114 Zane Avenue North, Minneapolis, Minn. 55422; Flavo Food Products, 116 West Broadway, Minneapolis, Minn. 55411; Fanny Farmer, 900 North Third Street, Minneapolis, Minn.; Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604; Armour & Co., 401 North Wabash Avenue, Chicago, Ill. 60609; King Foods, Inc., Post Office Box 26, South St. Paul, Minn. 55075. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 116325 (Sub-No. 60 TA) (Correction), filed February 13, 1969, published FEDERAL REGISTER, issue of February 26, 1969, and republished as corrected this issue. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Caruthersville, Mo., to Paragould, Ark., for 150 days. NOTE: The purpose of this republication is to correct the commodities proposed to be transported, inadvertently shown in previous publication as only iron and steel. Supporting shipper: Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 120536 (Sub-No. 5 TA), filed March 4, 1969. Applicant: PIKE TRANSFER COMPANY, INC., Carrollton Highway, Post Office Box 799, Newnan, Ga. 30263. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Aluminum billets*, between Newnan, Ga., and the plantsite of Franklin Aluminum Co. at or near Franklin, Ga., over Georgia Highway 34, for 180 days. Supporting shippers: Sales Division of Pechiney Enterprises, Inc., 220 East 42d Street, New York, N.Y. 10017; Franklin Aluminum Co., Franklin, Ga. 30217. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 124078 (Sub-No. 363 TA), filed March 4, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, from Fostoria, Ohio, to points in Indiana and Michigan, for 150 days. Supporting shipper: Central Farmers Fertilizer Co., 100 South Wacker Drive, Chicago, Ill. 60606 (A. J. Skul, Manager, Rail-Truck Traffic). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128375 (Sub-No. 27 TA), filed March 4, 1969. Applicant: CRETE CARRIER CORP., 15th and Main, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies used in the manufacture of automobile parts*; (1) from points in Colorado to Marianna, Ark., Red Oak and Humboldt, Iowa, and Columbus, Nebr.; and (2) from points in Pennsylvania, Ohio, Michigan, Illinois, and Indiana to Humboldt, Iowa, under continuing contract with Douglas & Lomason Co., Detroit, Mich., for 180 days. Supporting shipper: Douglas & Lomason Co., Detroit, Mich. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133366 (Sub-No. 1 TA) (Correction), filed February 19, 1969, published FEDERAL REGISTER, issue of February 28, 1969, and republished as corrected this issue. Applicant: MILLER TRUCKING, INC., 11318 Pressburg Street, New Orleans, La. 70128. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs, margerine, mayonnaise, cooking oils, shortening, coffee, and matches*, from New Orleans, La., to points in Louisiana, Mississippi, Alabama, Arkansas, Florida, and Texas, and Memphis, Tenn., and *equipment, materials, and ingredients* used in the production of foodstuffs, from the above area to New Orleans, La., for 180 days. NOTE: The purpose of this republication is to include the return movement, inadvertently omitted from previous publication. Supporting shipper: Hunt-Wesson Foods, Inc., Post Office Box 61770, New Orleans, La. 70160. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–40009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133424 (Sub-No. 1 TA) (Correction), filed February 17, 1969, published FEDERAL REGISTER, issue of February 26, 1969, and republished as corrected this issue. Applicant: AARON COPE, doing business as AARON COPE TRUCKING COMPANY, 101 North Oakhill Drive, McMinnville, Tenn. 37110. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight aggregate*, in bulk, in dump trailers, from Greenbrier, Tenn., to points in Kentucky, Indiana, and Illinois, on and south of U.S. Highway 40, and *coal*, in bulk, in dump vehicles, on return from Madisonville, Ky., to Greenbrier, Tenn., for 150 days. NOTE: The purpose of this republication is to add the return movement of coal inadvertently omitted from previous publication. Supporting shipper: Michael L. McNally, Secretary-Treasurer, Tennlite, Inc., 1022 Nashville Trust Building, Nashville, Tenn. 37201. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 133482 TA (Correction) filed February 17, 1969, published FEDERAL REGISTER issue of February 26, 1969, and republished as corrected this issue. Applicant: CAMPANELLA TRUCKING

CORP., 161–163 Dikeman Street, Brooklyn, N.Y. 11231. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by an importer of housewares, for the account of Imperial International Corp., between points in the New York, N.Y., commercial zone, as defined by the Commission in 49 CFR 1048.1, on the one hand, and, on the other, Hauppauge, N.Y., for 180 days. NOTE: The purpose of this republication is to add the District Supervisor's name below, inadvertently omitted from previous publication. Supporting shipper: Imperial International Corp., 1776 Broadway, New York, N.Y. 10019. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–2977; Filed, Mar. 11, 1969; 8:48 a.m.]

[Notice 309]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 7, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70812. By order of February 28, 1969, the Motor Carrier Board approved the transfer to Bloxom Bailey, doing business as Blue Ridge Tours, Blue Ridge, Ga., of the license in No. MC–12620 issued April 5, 1956, to Stowe Ray Scism, doing business as Blue Ridge Tour Service, Blue Ridge, Ga., authorizing operations as a broker in the transportation of passengers and their baggage, in round-trip all-expense tours, beginning and ending at Blue Ridge, Ga., and points within 50 miles thereof, and extending to all points in the United States. John F. Ray, Post Office Box 2387, Charlotte, N.C. 28201, attorney for applicants.

No. MC–FC–71069. By order of March 3, 1969, the Motor Carrier Board approved the transfer to Masson Moving Co., Inc., Fall River, Mass., of certificate No. MC–95783, issued May 12, 1959, to Aquilas J. Masson, doing business as A. Masson Moving, 930 Plymouth Avenue, Fall River, Mass., authorizing the transportation of household goods, as defined by the Commission, between Fall River, Mass., and points in Massachusetts and Rhode Island within 20 miles of Fall River. Antonio R. Luongo, Jr., 515 Stafford Road, Fall River, Mass. 02721, attorney for transferee.

No. MC–FC–71139. By order of March 5, 1969, the Motor Carrier Board approved the transfer to Bivin Transfer Co., Inc., Indianapolis, Ind., of the operating rights in certificate No. MC–82080 issued June 28, 1968, to Cecil Keller Frazier, doing business as Bivin Transfer Co., Indianapolis, Ind., authorizing the transportation of household goods as defined by the Commission, between Indianapolis, Ind., on the one hand, and, on the other, points in Ohio, Kentucky, Illinois, and Michigan; and, household goods as defined by the Commission, office furniture and equipment, and store fixtures, between Indianapolis, Ind., on the one hand, and, on the other, points in West Virginia, Wisconsin, and Pennsylvania. Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–2978; Filed, Mar. 11, 1969; 8:48 a.m.]

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Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 22,634]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Notice and Certificate Accounts

MARCH 6, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526), relating to limitations on rate of return, to provide a maximum rate of return payable on notice accounts applicable uniformly to all member institutions and to remove a limitation on the maximum rate of return payable on certain certificate accounts issued during a distribution period in which a member institution issues both notice accounts and such certificate accounts, and for the purpose of effecting such amendments, hereby amends the regulations for the Federal Home Loan Bank System (12 CFR Part 526) as follows, effective April 1, 1969:

1. Paragraph (b) of § 526.4 is amended to read as follows:

§ 526.4 **Maximum rate of return payable on certificate accounts.**

* * * * *

(b) *Institutions paying more than 4.75 percent on regular accounts.* During a distribution period with respect to which a member institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent per annum, except as otherwise herein provided.

* * * * *

2. Section 526.5 is amended to read as follows:

§ 526.5 **Maximum rate of return payable on notice accounts.**

No member institution shall pay a return on notice accounts at a rate in excess of 5 percent per annum.

§ 526.6 [Revoked]

3. Section 526.6 is revoked.

(Sec. 4, 80 Stat. 824, as amended; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-3052; Filed, Mar. 12, 1969; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,635]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Notice and Certificate Accounts

MARCH 6, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 569 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 569), relating to limitations on rate of return, to provide a maximum rate of return payable on notice accounts applicable uniformly to all insured institutions and to remove a limitation on the maximum rate of return payable on certain certificate accounts issued during a distribution period in which an insured institution issues both notice accounts and such certificate accounts, and for the purpose of effecting such amendments, hereby amends the Rules and Regulations for Insurance of Accounts (12 CFR Part 569) as follows, effective April 1, 1969:

1. Paragraph (b) of § 569.4 is amended to read as follows:

§ 569.4 **Maximum rate of return payable on certificate accounts.**

* * * * *

(b) *Institutions paying more than 4.75 percent on regular accounts.* During a distribution period with respect to which an insured institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent per annum, except as otherwise herein provided.

* * * * *

2. Section 569.5 is amended to read as follows:

§ 569.5 **Maximum rate of return payable on notice accounts.**

No insured institution shall pay a return on notice accounts at a rate in excess of 5 percent per annum.

§ 569.6 [Revoked]

3. Section 569.6 is revoked.

(Sec. 4, 80 Stat. 824, as amended; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-3053; Filed, Mar. 12, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Frozen Asparagus [1]

On April 6, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5462) regarding

[1] Compliance with the provisions of these standards shall not exclude failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

a proposed revision of the U.S. Standards for Grades of Frozen Asparagus (7 CFR 52.381 to 52.394). Interested parties were given until January 1, 1969, to submit views.

Statement of consideration leading to the revised standards. These grade standards—issued under authority of the Agricultural Marketing Act of 1946—provide for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Grading service is also provided under this Act upon request and payment of a fee to cover the cost of the service.

Important and constructive views were submitted by the National Association of Frozen Food Packers and an individual frozen foods firm which supported the Association's position. In consideration of the views presented and information available to the Department, the proposed revision of the standards is hereby adopted to include these provisions which clarify or amplify the intent of the proposals:

(1) Limits for individual containers with respect to percentage of heads permitted in "Cut Spears" styles conforming to the previous grade standards;

(2) An increase in sample unit size from 50 pieces to 100 pieces in all cut styles;

(3) Continue a "Green and White" type pack which is covered by the previous grade standards;

(4) Modify and clarify the defect classifications under Color and Uniformity of Length.

Certain recommendations of the Association have not been adopted for these reasons:

(a) Increases in the AQL's (Acceptable Quality Levels) for Grade A would substantially relax the criteria attainable by processors and provide a lower quality for marketing beyond that expected by consumers.

(b) An increase in the allowances for the first sample unit is not statistically sound and those limits which are presently proposed already allow ample leeway for the first sample unit.

(c) A procedure for separating nonacceptable portions from otherwise acceptable lots is an inspection procedure and not properly a part of the grade standards or lot compliance therewith.

The revised standards are as follows:

PRODUCT DESCRIPTION, TYPES, AND STYLES

Sec.
52.381 Product description.
52.382 Types.
52.383 Styles.

DEFINITIONS OF TERMS

52.384 Definitions of terms.

SAMPLE UNIT SIZE

52.385 Sample unit size.

SIZES

52.386 Size of frozen asparagus.
52.387 Size classification and compliance.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

52.388 Grades.
52.389 Factors of quality and grade compliance.

LOT COMPLIANCE

52.390 Sample size.
52.391 Lot acceptance for size.
52.392 Lot acceptance for "percent head material" in the style of cut-spears.
52.393 Lot acceptance for quality.

SCORE SHEET

52.394 Score sheet for frozen asparagus.

AUTHORITY: The provisions of this subpart issued under sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622.

PRODUCT DESCRIPTION, TYPE, AND STYLES

§ 52.381 Product description.

Frozen asparagus consists of sound and succulent fresh shoots of the asparagus plant (asparagus officianalis). The product is prepared by sorting, trimming, washing, and blanching as necessary to assure a clean and wholesome product. It is then frozen and stored at temperatures necessary for preservation.

§ 52.382 Types.

(a) "Green" or "all-green" consists of units of frozen asparagus which are typical green, light green, or purplish green in color.

(b) "Green-white" consists of frozen asparagus spears and tips which have typical green, light green, or purplish green color to some extent but which are white in the lower portions of the stalk.

§ 52.383 Styles.

(a) "Spears" (or "stalks") style consists of units composed of the head and adjoining portion of the shoot that are 3 inches or more in length.

(b) "Tips" style consists of units composed of the head and adjoining portion of the shoot that are less than 3 inches in length.

(c) "Cut spears" or "cuts and tips" style consists of the head and portions of the shoot cut transversely into units 2 inches or less but not less than one-half inch in length. To be considered of this style, head material shall be present in these amounts for the respective lengths of cuts:

(1) *1¼ inches or less.* Not less than 18 percent (average) by count, of all cuts, are head material.

(2) *Longer than 1¼ inches.* Not less than 25 percent (average) by count, of all cuts are head material.

(d) "Center cuts" or "cuts" style consists of portions of shoots (with or without head material) that are cut transversely into units not less than one-half inch in length and that fail to meet the definition for "cut spears" or "cuts and tips" style.

DEFINITIONS OF TERMS

§ 52.384 Definitions of terms.

(a) Absolute limit (AL). Limit for maximum number of defects permitted in a sample unit.

(b) Defects. Any specifically defined variation from a particular requirement. Defects are classified as to "minor," "major," "severe," and "critical."

(c) Head. In "cut spears" or "cuts and tips" style means:

(1) A tip end which is three-eighths inch or more in length; or

(2) An upper portion of a shoot which possesses a substantial amount of compact head material.

(d) Sample. The number of sample units to be used for inspection of the lot.

(e) Sample unit. The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container, or

(2) A portion of the contents of a container,

(3) A combination of the contents of two or more containers, or

(4) A portion of unpackaged product.

SAMPLE UNIT SIZE

§ 52.385 Sample unit size.

Compliance with requirements for factors of quality is based on the following sample unit size for the respective style of pack:

(a) Spears; tips—50 spears or 50 tips.

(b) Cut spears; cuts and tips; center cuts and cuts—100 pieces.

SIZES

§ 52.386 Size of frozen asparagus.

The size of frozen asparagus in spears or tips style is determined by measuring the longest dimension at right angles to the longitudinal axis of the unit at the largest dimension of the stalk. The word and number designations of the various sizes of frozen asparagus are shown in Table I.

TABLE I

SIZES OF FROZEN ASPARAGUS SPEARS AND TIPS

Word designation	Number designation	Diameter in inches
Small	1	Less than ⅜ inch.
Medium	2	⅜ inch or larger but less than ⅝ inch.
Large (Jumbo)	3	⅝ inch or larger but less than ⅞ inch.
Extra Large (Colossal).	4	⅞ inch or larger.
Blend of sizes	A blend of not more than three adjacent sizes which does not meet the acceptance criteria for a single size but meets the criteria for Blend of sizes (Table II and III).	
Mixture of sizes	Fails to meet the requirements of a single size or blend of sizes.	

§ 52.387 Size classification and compliance.

Frozen asparagus in "spears" and "tips" styles are considered as meeting the designated single size or blend of sizes, if they meet the criteria specified in Tables II and III. Defects are classified as to minor, major, and severe. Each "X" mark in Table II represents "one (1) defect."

(c) "Substandard" is the quality of frozen asparagus that fails to meet the requirements of U.S. Grade B.

§ 52.389 Factors of quality and grade compliance.

(a) The grade of a lot of frozen asparagus is based on compliance with requirements for the following quality factors:

(1) Color (Table IV);

(2) Uniformity of lengths (Table IV);

(3) Character (Table V);

(4) Damage (Table V); and

(5) Harmless extraneous vegetable material (Table VI).

(b) Defects are classified as to minor, major, severe, or critical. Each "X" mark in Tables IV, V, and VI represents "one (1) defect."

TABLE IV

CLASSIFICATION OF DEFECTS

Color—Length

Quality factors	Defects	Classification: Minor	Major	Severe
Color	Green or all-green spears or tips: White or yellowish-white color exceeding ¼ inch up to ¼ the length of the stalk		X	
	White or yellowish-white color over ¼ the length of the stalk			X
	Green-white spears or tips: White or yellowish-white color exceeding ½ the length of the stalk		X	
Uniformity of length	All types: Cut Spear; Cuts and Tips; "Cuts"; Center Cuts style: White or yellowish-white; or partially of such color		X	
	Spears; Tips style: Any unit which varies more than 1½ inches from the predominant length of the sample unit	X		
	Cut Spears; Cut and Tips; Cuts; Center Cuts Style: Any unit that varies more than ½ inch from the predominant length of the sample unit	X		
	Any unit that varies more than 1 inch from the predominant length of the sample unit		X	

TABLE II

Size classification	Defects	Classification: Minor	Major	Severe
Single sizes:				
Small	Medium size	X		
	Large size		X	
	Extra-Large size			X
Medium	Small size		X	
	Large size	X		
	Extra-Large size			X
Large	Small size			X
	Medium size		X	
	Extra-Large size			X
Extra-Large	Small size		X	
	Medium size			X
	Large size	X		
Blends of sizes:				
Small/Medium Blend	Large size		X	
	Extra-Large size	X		
Medium/Large Blend	Small size	X		
	Extra-Large size		X	
Large/Extra-Large Blend	Small size	X		
	Medium size	X		
Small/Medium/Large Blend	Extra-Large size	X		
Medium/Large/Extra-Large Blend	Small size	X		

TABLE III

Tolerances for size compliance	Single sizes	Blends of sizes
	Maximum defects permitted	
In any sample unit (AL) [1]	9	8	16	9
Number of sample units	Number of spears or tips	Major	Severe	Total [2]	Minor or total [3]
		In the total sample			In the total sample
1	50	6	3	12	6
2	100	11	6	21	11
3	150	16	7	30	15
4	200	19	9	38	19
5	250	23	10	46	23
6	300	27	12	55	27
7	350	30	13	64	30
8	400	34	15	73	34
9	450	38	17	81	38
10	500	42	19	89	42
11	550	45	20	98	45
12	600	49	22	106	49
13	650	53	24	114	53
14	700	57	26	122	57
15	750	60	27	130	60
16	800	64	29	138	64
17	850	67	30	146	67
18	900	71	32	154	71
19	950	75	33	162	75
20	1000	78	35	170	78
21	1050	82	36	178	82

[1] In any sample unit, except the first one of 50 spears or tips.
[2] "Total"—the sum of "Major," "Severe," and "Minor" defects, as applicable.
[3] In "Blends of Sizes", "Minor," and "Total" defects are the same.

TABLE VII

Grade compliance spears and tips	U.S. Grade A				U.S. Grade B			
	Maximum defects permitted							
In any sample unit (AL) [1]	0	5	9	14	2	9	14	30
Number of sample units	Critical	Severe	Major	Total [2]	Critical	Severe	Major	Total [2]
	In the total sample				In the total sample			
1	50	0	3	6	10	1	6	10	13
2	100	0	6	11	19	2	11	19	25
3	150	0	7	15	25	3	13	22	32
4	200	0	9	19	32	4	16	28	37
5	250	0	10	22	37	5	19	32	43
6	300	0	12	26	43	6	22	37	49
7	350	0	13	29	47	7	24	41	54
8	400	0	15	33	54	8	27	46	61
9	450	0	16	36	58	9	30	50	67
10	500	0	18	39	63	10	32	54	73
11	550	0	19	43	69	11	35	59	79
12	600	0	21	46	74	12	38	63	85
13	650	0	22	49	79	13	40	67	91
14	700	0	24	53	85	14	43	72	97
15	750	0	25	56	90	15	46	76	103
16	800	0	27	60	96	16	49	81	109
17	850	0	28	63	101	17	51	85	115
18	900	0	30	67	107	18	54	90	121
19	950	0	31	70	112	19	57	94	127
20	1000	0	33	74	118	20	59	98	133
21	1050	0	34	77	123	21	62	103	139

[1] In any sample unit, except the first one of 50 spears or tips.
[2] "Total"—the sum of "Critical", "Severe", "Major", and "Minor" defects, as applicable.

TABLE VIII

Grade compliance bottom cuts, cuts, and tips	U.S. Grade A				U.S. Grade B			
	Maximum defects permitted							
In any sample unit (AL) [1]	0	7	14	22	3	14	22	44
Number of sample units	Critical	Severe	Major	total [2]	Critical	Severe	Major	Total [2]
	In the total sample				In the total sample			
1	100	0	5	11	18	2	11	18	37
2	200	0	9	19	33	3	19	33	68
3	300	0	12	27	47	4	27	47	96
4	400	0	16	34	61	5	34	61	123
5	500	0	19	42	76	6	42	76	150
6	600	0	21	49	89	7	49	89	180
7	700	0	24	56	102	8	56	102	207
8	800	0	27	64	117	9	64	117	235
9	900	0	30	71	129	10	71	129	262
10	1000	0	33	78	142	11	78	142	289
11	1100	0	36	85	156	12	85	156	316
12	1200	0	39	92	169	13	92	169	343
13	1300	0	43	99	182	14	99	182	370
14	1400	0	45	106	195	15	106	195	396
15	1500	0	47	113	208	16	113	208	424
16	1600	0	50	120	222	16	120	222	451
17	1700	0	53	127	235	17	127	235	478
18	1800	0	56	134	248	18	134	248	505
19	1900	0	59	141	261	18	141	261	532
20	2000	0	62	148	274	19	148	274	557
21	2100	0	64	155	287	20	155	287	585

[1] In any sample unit, except the first one of 100 cuts.
[2] "Total"—the sum of "Critical", "Severe", "Major", and "Minor" defects, as applicable.

TABLE V

CLASSIFICATION OF DEFECTS

Character—Damage

Quality factors	Defects	Classification		
		Minor	Major	Severe
Character	Reasonably well developed—in Grade A only (worse than plate 1 but not worse than Plate 2 or 3) [1]	X		
	Poorly developed—in all grades (worse than Plate 2 or 3):			
	Bushy		X	
	Flat-topped			X
	Tough fiber development:			
	1 inch or less	X		
	More than 1 inch but not more than 2 inches		X	
	More than 2 inches or woody units of any length			X
Damage	Shattered Heads—broken or shattered to the extent that it is definitely noticeable	X		
	Misshapen—spears or tips distort the appearance or cause or malformation			
	Poorly Cut—angle of cut less than 45 degrees—cut is ragged or partially cut	X		
	Discoloration, mechanical injury, pathological or damaged by other means to the extent that the appearance and eating quality of a unit is affected:	X		
	Slightly			
	Materially		X	
	Seriously			X

[1] For interpretative guides, see USDA illustrations of "Stages of Development in Frozen Asparagus," filed with the Office of the Federal Register as part of the original document.

TABLE VI

CLASSIFICATION OF DEFECTS

Extraneous material

Quality factors	Defects	Classification		
		Minor	Major	Severe
Harmless extraneous vegetable material	Grass, weeds, leaves, stems, and dried stalks:			
	1 inch or less	X		
	More than 1 inch but not more than 2 inches		X	
	More than 2 inches but not more than 3 inches			X
	More than 3 inches			X

LOT COMPLIANCE

§ 52.390 Sample size.

(a) *General.* The sample size to determine compliance with requirements for size, percent head material, and quality factors shall be the sampling plans specified in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§§ 52.1–52.87).

(b) *Acceptance numbers.* The acceptance numbers for deviants specified in the sampling plans cited in paragraph (a) of this section do not apply to these standards.

§ 52.391 Lot acceptance for size.

A lot of frozen asparagus is considered as meeting the requirements for a specified size if the defects permitted and the AL values for the applicable defect classifications, specified in Table III, are not exceeded.

§ 52.392 Lot acceptance for "Percent Head Material" in the style of cut-spears.

The percent, by count, of heads is determined by averaging the percentage of heads in all of the sample units comprising the sample: *Provided*, That:

(a) When cut into units 1¼ inches or less in length no individual sample unit may contain less than 12 percent, by count, of heads; and

(b) When cut into units longer than 1¼ inches, no sample unit may contain less than 15 percent, by count, of heads.

§ 52.393 Lot acceptance for quality.

A lot of frozen asparagus is considered as meeting the quality requirements of either U.S. Grade A or U.S. Grade B if:

(a) The product has a good flavor and odor; and

(b) The product is free of grit, silt, or any other particle of earthy material that affects the appearance or edibility; and

(c) The defects permitted and the AL values for the applicable defect classifications, specified in Tables VII and VIII, are not exceeded.

SCORE SHEET

§ 52.394 Score sheet for frozen asparagus.

DEFECT TALLY SHEET FOR FROZEN ASPARAGUS

Number, size, kind of container
Label statements
Container mark or identification. {Packages / Cases}
Net weight
Style
Sizes of spears; tips styles
Head material (percent)

Quality factors		Defects							
		Sample unit				Sample unit			
		Minor	Major	Severe	Critical	Minor	Major	Severe	Critical
Color									
Uniformity of length									
Damage									
Harmless extraneous material									
Character									
Total defects—Each class									
Total defects—All classes: Minor, Major, Severe, Critical.									
Size—Diameter [2]									
Total defects—Each class									
Total defects—All classes: Minor, Major, Severe.									
Flavor and odor	Good								
	Objectionable								
Grit, silt, earthy material.	Free								
	Present/degree								
Grade									

The U.S. Standards for Grades of Frozen Asparagus (which is the fourth issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and there upon will supersede the U.S. Standards for Grades of Frozen Asparagus (7 CFR Part 52) which has been in effect since March 15, 1968.

Dated: March 7, 1969.

JOHN E. TROMER,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-2995; Filed, Mar. 12, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 19, Amdt. 3]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Valencia and similar late type oranges in that it permits the shipment of such oranges at a smaller size than currently provided. The amendment changes the minimum size requirement for Valencia and similar late type oranges from 2$^{9}/_{16}$ inches in diameter to 2$^{8}/_{16}$ inches in diameter.

Order. The provisions of § 906.342(a)(3) (Orange Reg. 19; 33 F.R. 14067, 14282, 17894) are amended to read as follows:

§ 906.342 Orange Regulation 19.

(a) *Order.* * * *

(3) During the period March 10, 1969, through September 14, 1969, no handler shall handle any Valencia and similar late type variety oranges grown in the production area, unless such oranges

grade at least U.S. No. 2; and are of a size not smaller than 2⁹⁄₁₆ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2⁹⁄₁₆ inches in diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 7, 1969, to become effective March 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3045; Filed, Mar. 12, 1969; 8:48 a.m.]

[Navel Orange Reg. 173]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.473 Navel Orange Regulation 173.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 11, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 14, 1969, through March 20, 1969, are hereby fixed as follows:

(i) District 1: 900,000 cartons;
(ii) District 2: 300,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3149; Filed, Mar. 12, 1969; 11:23 a.m.]

[Valencia Orange Reg. 265]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.565 Valencia Orange Regulation 265.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 11, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 14, 1969, through March 20, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 274,280 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3148; Filed, Mar. 12, 1969; 11:23 a.m.]

[Orange Reg. 8, Amdt. 4]

PART 944—FRUIT; IMPORT REGULATIONS

Oranges

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a)(3) of § 944.307 (Orange Reg. 8; 32 F.R. 12993, 14311; 33 F.R. 14171, 18088) are hereby amended to read as follows:

§ 944.307 Orange Regulation 8.

(a) * * *

(3) Beginning March 10, 1969, through September 14, 1969, Valencia and similar late type oranges shall grade at least U.S. No. 2 and be of a size not smaller than 2⁹⁄₁₆ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2⁹⁄₁₆ inches in diameter.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those to be in effect beginning March 10, 1969, on domestic shipments of Valencia and similar late type oranges under Orange Regulation 19, Amendment 3 (§ 906.342); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) this amendment relieves restrictions on the importation of Valencia and similar late type oranges.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 7, 1969, to become effective March 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3044; Filed, Mar. 12, 1969; 8:48 a.m.]

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953; 33 F.R. 8502, 8506), regulating the handling of Irish potatoes grown in the Southeastern States production area which is comprised of certain designated counties of Virginia and North Carolina, was published in the FEDERAL REGISTER February 4, 1969 (34 F.R. 1656). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice which were recommended on January 21 by the Southeastern Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 953.206 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104, as amended and this part, to enable such committee to carry out its functions pursuant to provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending October 31, 1969, will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth of one cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such fiscal period, and (2) the current fiscal period began on November 1, 1968, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3046; Filed, Mar. 12, 1969; 8:49 a.m.]

PART 965—TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Order No. 965 (7 CFR Part 965) regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr and Willacy in Texas (Lower Rio Grande Valley) was published in the FEDERAL REGISTER February 12, 1969 (34 F.R. 2051). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than seven days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were unanimously recommended by the Texas Valley Tomato Committee, established pursuant to said marketing order, it is hereby found and determined that:

§ 965.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, during the fiscal period ending July 31, 1969, will amount to $400.

(b) There shall be no assessments charged during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Order No. 965 (7 CFR Part 965).

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that tomatoes have not been regulated and no assessments are being levied.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3047; Filed, Mar. 12, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–WE–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

On June 5, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8349) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations

which would designate a joint use restricted area near Point Arguello, Calif., and include it in the continental control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two written comments were received during the notice period.

The Air Transport Association objected to the proposed restricted area on the basis that it would infringe on airspace required for airline operations. Although this restricted area would overlie a portion of Control Area 1176, the actual encroachment is very small. The overlapping airspace is seldom used for air traffic control purposes. Furthermore, it is anticipated that the restricted area will be used only four to six times per month for a period of 1 to 2 hours for each time of activation. Therefore, the adverse effect of this action on air traffic should be minimal.

Mr. Preston B. Hotchkis, President of the Bixby Ranch Co. which owns land near Point Conception, strongly objected to the proposed restricted area on the premise that the airspace restrictions would deprive the Bixby Ranch of the use of its property and that the development and economy of Santa Barbara County would be seriously inhibited. In his letter of objection, Mr. Hotchkis proposed a meeting of all interested parties to consider the needs and interests of all parties concerned. On October 11, 1968, the requested meeting was held with representatives of Bixby Ranch Co.; MACCO Corp., who joined Bixby Ranch in opposing the proposal; and the Air Force Western Test Range. The objectors expressed their continued concern for the possible deleterious effect the restricted area would have on the value of their property underlying the restricted airspace. A subsequent letter from Gibson, Dunn, and Crutcher, attorneys for Bixby Ranch Co., outlined in detail their client's view and concern with respect to land use restrictions and the restricted area requirements.

In further study and discussion of the proposal, the proponent assured the FAA that if early destruct action is necessary, hard missile particles would be contained within the confines of R-2516 and R-2517. In view of this new information, there was no apparent need for restricted airspace to the surface. Consequently, the proponent agreed that they did not have a requirement for restricted airspace below 500 feet above ground level.

The purpose of this restricted area, as redefined by the proponent, is to provide a noise-free radiofrequency (RF) environment for launch facilities and instrumentation sites.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

1. In § 71.151 (34 F.R. 4546) the continental control area is amended by adding "R-2534A Point Arguello, Calif.," and "R-2534B Point Arguello, Calif."

2. In § 73.25 (34 F.R. 4814) the following is added:

R-2534A POINT ARGUELLO, CALIF.

Boundaries: Beginning at lat. 34°38'35" N., long. 120°31'20" W.; to lat. 34°35'45" N., long. 120°28'10" W.; to lat. 34°36'20" N., long. 120°27'20" W.; to lat. 34°30'00" N., long. 120°15'30" W.; to lat. 34°25'10" N., long. 120°15'30" W.; thence 3 miles from and parallel to the shoreline to lat. 34°24'40" N., long. 120°19'10" W.; to point of beginning.

Designated altitudes: 500 feet above the surface to unlimited.

Time of designation: Continuous.

Controlling agency: FAA, ARTCC, Los Angeles, Calif.

Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

R-2534B POINT ARGUELLO, CALIF.

Boundaries: Beginning at lat. 34°38'35" N., long. 120°31'20" W.; to lat. 34°24'40" N., long. 120°19'10" W.; thence 3 miles from and parallel to the shoreline to lat. 34°23'40" N., long. 120°26'55" W.; to lat. 34°35'00" N., long. 120°31'40" W.; to point of beginning.

Designated altitudes: 500 feet above the surface to unlimited.

Time of designation: Continuous.

Controlling agency: FAA, ARTCC, Los Angeles, Calif.

Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on March 5, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-3039; Filed, Mar. 12, 1969; 8:48 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 464—BASIC BONDING REQUIREMENTS

PART 465—EXEMPTION FROM BONDING REQUIREMENTS

Investment Advisers, Banks and Trust Companies

On January 23, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1051) a notice of proposed amendments to 29 CFR Parts 464 and 465. Interested persons were invited to submit comments with respect to the proposed amendments within 15 days of the date of publication. The comments received have been reviewed, and have been considered. Therefore, in accordance with section 13(e), Welfare and Pension Plans Disclosure Act, 29 U.S.C. 308d(e), 29 CFR 465.8 and in accordance with Secretary's Order No. 16-68 (33 F.R. 15574) 29 CFR Parts 464 and 465 are hereby amended in the following manner:

1. Paragraph (d) of § 464.4 is amended and paragraph (e) is deleted as follows:

§ 464.4 Plan administrators, officers, and employees for purposes of section 13.

* * * * *

(d) *Other persons covered.* For purposes of the bonding provisions, the terms "administrator, officer, or employee" shall include any persons performing functions for the plan normally performed by administrators, officers, or employees of a plan. As such, the terms shall include persons indirectly employed, or otherwise delegated, to perform such work for the plan, such as pension consultants and planners, and attorneys who perform "handling" functions within the meaning of section 464.7. On the other hand, the terms would not include those brokers or independent contractors who have contracted for the performance of functions which are not ordinarily carried out by the administrators, officers, or employees of a plan, such as securities brokers who purchase and sell securities or armored motor vehicle companies.

(e) [Deleted]

2. Section 465.19 is amended to read as follows:

§ 465.19 Exemption.

An exemption from the bonding requirements of subsections 13 (a) and (b) of the Welfare and Pension Plans Disclosure Act is granted whereby banking institutions and trust companies specified in § 465.20 are not required to comply with subsections 13 (a) and (b) of the Act, with respect to welfare and pension benefit plans covered by the Act.

3. New §§ 465.23 and 465.24 are added preceded by a new undesignated centerhead, which read as follows:

INSURANCE CARRIERS, SERVICE AND OTHER SIMILAR ORGANIZATIONS

§ 465.23 Exemption.

An exemption from the bonding requirements of subsections 13 (a) and (b) of the Welfare and Pension Plans Disclosure Act is granted whereby any insurance carrier or service or other similar organization specified in § 465.24 is not required to comply with subsections 13 (a) and (b) of the Act with respect to any welfare or pension benefit plan covered by the Act which is established or maintained for the benefit of persons other than the employees of such insurance carrier or service or other similar organization.

§ 465.24 Conditions of exemption.

This exemption applies only to those insurance carriers, service or other similar organizations providing or underwriting welfare or pension plan benefits in accordance with State law.

These changes shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 13, 76 Stat. 39; 29 U.S.C. 308d)

Signed in Washington, this 5th day of March 1969.

W. J. USERY, JR.,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 69-3030; Filed, Mar. 12, 1969; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 5—CLAIMS COLLECTION

Designation

The Treasury Department has determined that it is desirable to allow the termination of collection efforts on claims on which the amounts outstanding is $50 or less without prior referral to the General Counsel or Chief Counsel or the designee of either. The Treasury Department also finds in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the regulation to be amended involves rules of agency practice and procedure.

Accordingly, pursuant to the authority given me by Treasury Department Order No. 190, Revision 5 (33 F.R. 5811) § 5.3 of Title 31 of the Code of Federal Regulations is amended to read as follows:

§ 5.3 Designation.

The heads of bureaus and offices and their delegates are designated as designees of the Secretary of the Treasury authorized to perform all the duties for which the Secretary is responsible under the foregoing Act and Joint Regulations: *Provided, however,* That no compromise of a claim shall be effected or collection action terminated, except upon the recommendation of the General Counsel, the Chief Counsel of the bureau or office concerned, or the designee of either. Notwithstanding the foregoing proviso, no such recommendation shall be required with respect to the termination of collection activity on any claim in which the unpaid amount of the debt is $50 or less.

(Sec. 3, 80 Stat. 309; 31 U.S.C. 951-953, 4 CFR Chap. II)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: March 7, 1969.

[SEAL] ROY T. ENGLERT,
Acting General Counsel.

[F.R. Doc. 69-3060; Filed, Mar. 12, 1969; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Red Willow Dam and Hugh Butler Lake, Red Willow Creek, Frontier County, Nebr.

Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood-control purposes in Hugh Butler Lake on Red Willow Creek, Frontier County, Nebr., and the operation of Red Willow Dam for flood-control purposes.

§ 208.43 Red Willow Dam and Hugh Butler Lake, Red Willow Creek, Frontier County, Nebr.

The Bureau of Reclamation, Department of the Interior, represented by its appropriate Project Manager, hereinafter referred to as the Project Manager, shall operate Red Willow Dam and Hugh Butler Lake in the interest of flood control as follows:

(a) The flood-control storage capacity of the reservoir, which initially amounts to 48,850 acre-feet between elevations 2581.8 and 2604.9, shall be regulated as follows:

(1) For local flood control on Red Willow Creek and Republican River from the dam to Harlan County Reservoir with the objective, insofar as practicable, of limiting total streamflow in Red Willow Creek to 1,600 c.f.s. and total streamflow in Republican River to 5,500 c.f.s., whichever controls.

(2) In coordination with the regulation of other flood-control reservoirs and projects in the Republican, Kansas, and Missouri River basins; releases from and flood-control operation of the reservoir will be adjusted as required for optimum effectiveness for existing and potential flood conditions during all flood periods.

(b) During flood periods and whenever the reservoir water surface is in the flood-control storage zone, releases shall be made in accordance with instructions issued to the Project Manager by the District Engineer, Corps of Engineers, Department of the Army, in charge of locality, hereinafter referred to as the District Engineer. Such instructions shall be for achievement of the necessary local flood control below the dam and coordination of flood-control regulation of the reservoir with flood conditions and flood-control regulation of other reservoirs and flood-control projects in the Republican, Kansas, and Missouri River basins. Oral instructions from the District Engineer to the Project Manager shall be confirmed in writing under date of the day issued.

(c) The discharge characteristics of the outlet works (capable of discharging 1,150 c.f.s. with reservoir level at elevation 2604.9) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC-5302 as modified by the as-built Drawing 328-D-2063, dated February 9, 1960, revised July 14, 1960, and July 25, 1963).

(d) Flood-control operations shall not restrict releases necessary for irrigation.

(e) Whenever the reservoir level reaches or exceeds elevation 2581.8 or flood discharges appear imminent, the Project Manager shall report at once to the District Engineer by telephone, telegraph, or radio, and as requested thereafter until the reservoir level falls to elevation 2581.8 or below and flood discharges cease.

(f) Proposed schedule of irrigation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Project Manager. These data shall be tabulated daily and furnished periodically as required and shall include such items as reservoir elevation, reservoir storage, inflow, discharges, and pertinent available hydrologic data.

(g) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with the requirements for protecting the dam and reservoir from major damage or inconsistent with safe routing of the inflow design flood.

(h) All elevations stated in this section are at the Dam and Reservoir and are referred to the datum in use at that location.

[Regs., Feb. 12, 1969, ENGCW-EY] (Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69-3005; Filed, Mar. 12, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

REVISION OF CHAPTER

Chapter 3 of Title 41 of the Code of Federal Regulations is revised to read as follows:

Part
3-1 General.
3-2 Procurement by formal advertising.
3-3 Procurement by negotiation.
3-4 Special types and methods of procurement.
3-5 Special and directed sources of supply.
3-6 Foreign purchases.
3-7 Contract clauses.
3-55 Services contracts.

PART 3-1—GENERAL

Sec.
3-1.000 Scope of part.

Subpart 3-1.1—Introduction

3-1.101 Scope of subpart.
3-1.102 Purpose and authority.
3-1.103 Relationship to the FPR.
3-1.104 Applicability.
3-1.105 Method of issuance.
3-1.106 Exclusions.
3-1.107 Arrangement.
3-1.107-1 General plan.
3-1.107-2 Numbering.
3-1.107-3 Citation.
3-1.108 Deviation.

Subpart 3–1.3—General Policies

Sec.
3–1.313 Records of contract actions.
3–1.313–50 General.
3–1.318 Contracting Officer's decisions under a disputes clause.
3–1.318–50 Decision preparation, processing, and modification or withdrawal.
3–1.318–51 Disputes appeals.

Subpart 3–1.4—Procurement Responsibility and Authority

3–1.400 Scope of subpart.
3–1.401 Responsibility of the head of the procuring activity.
3–1.402 Authority of contracting officers.
3–1.403 Requirements to be met before entering into contracts.
3–1.451 Unauthorized procurement actions.
3–1.451–1 General.
3–1.451–2 Policy.
3–1.452 Responsibility of other Government personnel.
3–1.452–1 General.
3–1.452–4 Postaward contract administration.

Subpart 3–1.6—Debarred, Suspended, and Ineligible Bidders

3–1.600 Scope of subpart.
3–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.
3–1.602–1 Bases for entry on the debarred, suspended, and ineligible list.
3–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.
3–1.604 Causes and conditions applicable to determination of debarment by an executive agency.
3–1.604–1 Procedural requirements relating to the imposition of debarment.
3–1.605 Suspension of bidders.
3–1.605–1 Causes and conditions under which executive agencies may suspend contractors.
3–1.605–2 Period and scope of suspension.
3–1.605–3 Restrictions during period of suspension.
3–1.605–4 Notice of suspension.
3–1.606 Agency procedure.

Subpart 3–1.51—Novation Agreements and Changes of Name Agreements

3–1.5100 Scope of subpart.
3–1.5101 Definition.
3–1.5102 Agreement to recognize a successor in interest.
3–1.5103 Agreement to recognize change of name of contractor.
3–1.5105 Novation agreement formats.
3–1.5105–1 Successor in interest agreement format.
3–1.5105–2 Change of name agreement format.
3–1.5105–3 Administrative change instance format.
3–1.5105–4 Administrative change format.

AUTHORITY: The provisions of this Part 3–1 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3–1.000 Scope of part.

This part describes the method by which the Department of Health, Education, and Welfare (referred to herein as HEW) implements and supplements the Federal Procurement Regulations (referred to herein as FPR), and contains policies and procedures which implement and supplement FPR Part 1–1.

Subpart 3–1.1—Introduction

§ 3–1.101 Scope of subpart.

This subpart establishes the HEW Procurement Regulations (herein identified as HEWPR), explains their purpose, authority under which they are issued, their relationship to the FPR System, applicability, method of issuance, exclusions, and arrangement. It, also, outlines procedures for implementing, supplementing, and deviating from the FPR and the HEWPR.

§ 3–1.102 Purpose and authority.

HEWPR are issued to establish HEW uniform policies and procedures which complement the FPR. They are prescribed by the Assistant Secretary for Administration under authority of 5 U.S.C. 301 and 40 U.S.C. 486(c), delegated by the Secretary.

§ 3–1.103 Relationship to the FPR.

(a) HEWPR implement, supplement, and may deviate from, in some instances, the FPR. Implementing material is that which expands upon or indicates the manner of compliance with related FPR material. Supplementing material is that for which there is no counterpart in the FPR. Deviating material is defined in § 1–1.009 of the FPR.

(b) Material published in the FPR which has Government-wide applicability, becomes effective throughout HEW upon the effective date cited in the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise stated in HEWPR except to the extent necessary to implement or deviate from the FPR.

(c) Procurement policies and procedures which are necessary to implement, supplement, or deviate from the FPR will be issued in the HEWPR by the Office of General Services, Office of the Assistant Secretary for Administration, when necessary to accomplish HEW-wide procurement objectives.

(d) Policies and procedures which are necessary to implement and supplement the FPR and the HEWPR will be issued by the heads of operating agencies and staff offices or their designees.

§ 3–1.104 Applicability.

The FPR and HEWPR apply to all HEW procurement of personal property, real property by lease, and nonpersonal services (including construction). Unless specified otherwise, these regulations apply to procurements within and outside the United States.

§ 3–1.105 Method of issuance.

All HEWPR material deemed necessary for the general public to understand basic and significant HEW procurement policies and procedures will be published in the FEDERAL REGISTER as Chapter 3 of Title 41, Code of Federal Regulations. The FEDERAL REGISTER and Title 41 of the Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 3–1.106 Exclusions.

Detailed instructions for internal HEW guidance will not be published in the FEDERAL REGISTER.

§ 3–1.107 Arrangement.

§ 3–1.107–1 General plan.

The HEWPR conform with the FPR with respect to divisional arrangement into parts, subparts, sections, subsections, and further subdivisions as necessary.

§ 3–1.107–2 Numbering.

(a) Material in the HEWPR which implements or deviates from related material in the FPR is captioned and numbered to correspond with such material in the FPR, except that while the first digit of the FPR number is 1, the first digit of the HEWPR number is 3. Material in the HEWPR which supplements the FPR will be assigned numbers 50 through 89 at the parts, subparts, sections, or subsections for which there is no counterpart material in the FPR. Where material in the FPR requires no implementation or deviation, there is no corresponding number in the HEWPR. Thus, there are gaps in the HEWPR sequence of numbers where the FPR, as written, are applicable to HEW procurement.

(b) Material issued by operating agencies and staff offices of HEW to implement and supplement the HEWPR will be identified by prefixes to the digit 3 part, subpart, section, and subsection. The following are the assigned prefixes:

Organization	*Prefix*
HEW	(None.)
Office of the Secretary	OS.
Office of Field Coordination	OFC.
Individual Regional Office	(Roman No.)
Consumer Protection and Environmental Health Service	CPE.
Office of Education	OE.
Health Services and Mental Health Administration	HSM.
National Institutes of Health	NIH.
Social and Rehabilitation Service	SRS.
Social Security Administration	SSA.

§ 3–1.107–3 Citation.

The HEWPR will be cited in the same manner as the FPR are cited. Thus, this section, in referring to divisions of the FPR System, should be cited as "Section 3–1.107–3 of Chapter 3." When the Official Code of Federal Regulations citation is used, this section should be cited as "41 CFR 3–1.107–3." Any section of the HEWPR may be identified informally, for purposes of brevity, as "HEWPR" followed by the section number, such as "HEWPR 3–1.107–3."

§ 3–1.108 Deviation.

§ 3–1.108–1 Description.

As used in the HEWPR, the term "deviation" pertains to actions set forth in § 1–1.009–1.

§ 3–1.108–2 Procedure.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from either the FPR or HEWPR shall be kept to a minimum and controlled as follows:

(a) The head of each operating agency and staff office or the official he has designated to act for him in authorizing a deviation from procurement regulations shall authorize a deviation from the FPR or HEWPR only after he obtains the Assistant Secreary for Administration's aproval. Deviation requests are to be submitted to the Assistant Secretary through the Director, Division of Procurement and Supply Management, OASA–OGS.

(b) When an agency or staff office determines that a deviation is needed, it shall normally request the deviation in writing as far as possible in advance of need. In an exigency, an agency or staff office can request a deviation verbally but it will confirm the request in writing as soon as circumstances permit.

(c) A deviation request shall set forth clearly and precisely:

(1) Nature of the needed deviation;

(2) Identification of the FPR or HEWPR from which deviation is needed;

(3) Circumstances under which the deviation would be used;

(4) Intended effect of the deviation;

(5) Time-frame; and

(6) Reasons which will contribute to complete understanding and support of the requested deviation. Copies of pertinent background papers, such as, forms, clauses, or contractor's request should accompany the deviation request.

Subpart 3–1.3—General Policies

§ 3–1.313 Records of contract actions.

§ 3–1.313–1 General.

(a) All procuring activities within HEW shall maintain an official contract file for each contract issued. Files for small purchase transactions shall be established and maintained in accordance with Subparts 1–3.6 and 3–3.6.

(b) Operating agencies shall ensure that each contract file constitutes an independent record, documented to provide a complete chronology of all actions related to the contracting aspects of a procurement. Each contract file shall contain documents or other data sufficient to explain and support the rationale, judgments, and authorities upon which all decisions and actions were predicated.

§ 3–1.318 Contracting Officer's decision under a disputes clause.

(a) The contracting officer may furnish a copy of his decision to the contractor in person, obtaining a receipt therefor.

§ 3–1.318–50 Decision preparation, processing, and modification or withdrawal.

(a) Where a dispute arises under a contract, the contracting officer will prepare a final decision pursuant to the Disputes clause of the contract. This single document in the format set forth in § 3–1.318–50(b) should contain a simple and concise statement of: (1) The claim, (2) the decision, (3) the findings of fact which support the decision, and (4) the reference to the Disputes clause contained in the format.

(b) The following format is suggested for use by contracting officers in preparing decisions under the Disputes clause, if the contractor's claim is disallowed:

_____
(Date of findings and decision)

Subject: Decision disallowing request of _____
(Name of Contractor)

Under Contract No._____

Date_____

To: _____
(Name and Address of Contractor)

1. In accordance with the provisions of the above-numbered contract, I have considered your request for (insert factual description of the request to identify clearly its nature and scope).

2. Your request as set forth above is disallowed (in whole or in part, according to the fact) for the following reasons:

(Insert the findings of fact upon which the disallowance or allowance is based.)

3. The "Disputes" clause of the contract provides that within 30 days from the date of receipt hereof the contractor may appeal from this decision by mailing or otherwise furnishing to the contracting officer a written appeal addressed to the Secretary of the Department of Health, Education, and Welfare. Two copies should accompany the original notice of appeal. The notice of appeal should identify the contract (by number), the decisions from which the appeal is taken and be signed by appellant or an officer of appellant organization or by a duly authorized representative or attorney.

4. The Armed Services Board of Contract Appeals (ASBCA) is the authorized representative of the Secretary for hearing and determining such disputes.

(c) Contracting officers will refer all final decisions either to the Office of General Counsel, OS(BAL), or to the Regional Attorney in the HEW Regional Office for the region in which the procuring activity is located for advice as to legal sufficiency and format before transmitting them to contractors. Contracting officers will submit the names of personnel with knowledge of the facts in the cases, brief summaries of the facts, and brief statements as to pertinent information and documents, such as, (1) copies of the contracts and all applicable amendments, specifications, and drawings, (2) communications relative to the disputed subject matter, and (3) any additional information.

(d) At any time within the period for appeal, the contracting officer may modify or withdraw his final decision. If an appeal from the final decision has been taken to the ASBCA, the contracting officer's recommended action will be forwarded to the Office of General Counsel, OS(BAL), together with the file required by § 3–1.318–50(c), as supplemented to support the recommended correction or amendment.

§ 3–1.318–51 Disputes appeals.

(a) The Secretary has designated the ASBCA, to hear, consider, and determine fully and finally appeals by contractors from decisions of contracting officers or their authorized representatives pursuant to the provisions of contracts requiring his decisions.

(b) Appeals will be governed by the rules set forth in 32 CFR 30.1, Appendix A (Rules of the Armed Services Board of Contract Appeals), except that the following rules will apply instead of Rules 3 and 4 of the ASBCA:

(1) *Rule 3 (HEW). Forwarding of Appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the ASBCA with copies to the Office of General Counsel and the Division of Procurement and Supply Management, Office of the Secretary, HEW. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer, and the Office of General Counsel will be advised promptly of its receipt, and the contractor will be furnished a copy of these rules and the rules of the ASBCA.

(2) *Rule 4 (HEW). Duties of the Contracting Officer.* Following receipt of a notice of appeal, or advice that any appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Division of Procurement and Supply Management, Office of the Secretary, HEW, three copies of all documents pertinent to the appeal and shall send one copy of the documents to the Office of General Counsel, including the following:

(i) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(ii) The contract, and pertinent plans, specifications, amendments, and change orders;

(iii) Correspondence between the parties and other data pertinent to the appeal;

(iv) Such additional information as may be considered material.

(c) The Division of Procurement and Supply Management will compile an appeal file which must contain the items enumerated in § 3–1.318–51(b)(2) and will promptly, and in any event within 60 days after the appeal is docketed by the ASBCA, transmit the file to the ASBCA. The Division of Procurement and Supply Management will also notify the appellant when it has compiled the appeal file, will provide him with a list of its contents, and will afford him an opportunity to examine the complete file at the ASBCA or at the office of the contracting officer for the purpose of satisfying himself as to the contents and furnishing or suggesting any additional documentation deemed pertinent to the appeal. After the ASBCA receives the file as it may be augmented at the time of receipt, the ASBCA will promptly advise the parties.

(d) The Office of General Counsel, HEW, is designated as the Government Trial Attorney to represent the Government in the defense of appeals before the ASBCA. Decisions of the ASBCA will be transmitted by the Government Trial Attorney to appropriate contracting officers for action according to ASBCA's decisions.

(e) At all times after the filing of an appeal, the contracting officer will render all assistance requested by the Office of General Counsel. Whenever an appeal is set for hearing, the contracting officer concerned, acting under the guidance of the Office of General Counsel, will be responsible for arranging for the presence of Government witnesses and specified physical and documentary evidence at both the pretrial conference and the hearing.

(f) Whenever the contractor, subsequent to filing an appeal with the ASBCA, elects nevertheless to accept fully the decision from which appeal was taken or any modification thereof, and gives written notification of such acceptance to the Office of General Counsel or the contracting officer concerned, the Office of General Counsel will notify the ASBCA of the disposition of the dispute in accordance with Rule 27 of the rules of the ASBCA.

Subpart 3–1.4—Procurement Responsibility and Authority

§ 3–1.400 Scope of subpart.

This subpart deals with the procurement responsibility and authority of the head of the procuring activity, the contracting officer, and other Government personnel, and with the appointment of contracting officers.

§ 3–1.401 Responsibility of the head of the procuring activity.

Unless otherwise provided by operating agency procedures, the head of the procuring activity is responsible for procurement to the full extent that responsibility therefor has been assigned to his activity.

§ 3–1.402 Authority of contracting officers.

Contracting officers are authorized to enter into and administer contracts on behalf of the Government. This authority is subject to the requirements prescribed in § 3–1.403 and any further limitations, consistent with these regulations, imposed by the contracting agency.

§ 3–1.403 Requirements to be met before entering into contracts.

(a) No contract shall be entered into, modified, or terminated unless all required reviews, clearances, or approvals have been obtained and all applicable requirements of law, the FPR, the HEWPR, and other applicable regulations have been met.

(b) Contracting officers shall not ratify contractual commitments made by other personnel of HEW without the prior approval of the head of the procuring activity or the Assistant Secretary for Administration in cases involving the Office of the Secretary. This approval authority shall not be redelegated.

(c) In addition to the requirements specified in § 3–1.403 (a) and (b), no negotiated contract shall be entered into until the determination and findings required by FPR Part 1–3, with respect to the circumstances justifying negotiation and use of any special method of contracting, have been made. Negotiations, in any form, will not begin with prospective contractors until the determinations and findings are made.

§ 3–1.451 Unauthorized procurement actions.

§ 3–1.451–1 General.

The Government is not bound by agreement or contractual commitments made to prospective contractors by persons to whom procurement authority has not been delegated. Such unauthorized acts may be in violation of the Federal Property and Administrative Services Act, other Federal laws, the FPR, the HEWPR, and good procurement practice, e.g., certain requirements of law and regulations necessary for the proper establishment of a contractual obligation may not be met, i.e., certification of availability of funds, determination and findings, competition of sources, determination of contractor responsibility, certification of current pricing data, price/cost analysis, administrative approvals, negotiation of appropriate contract clause, etc.

§ 3–1.451–2 Policy.

(a) Contractual commitments shall be made only by personnel authorized to enter into contracts. HEW personnel not delegated contracting authority shall not commit the Government to any type of contractual obligations.

(b) Contracting officers shall not ratify or confirm unauthorized contractual commitments. Only the head of the procuring activity or the Assistant Secretary for Administration for cases involving the Office of the Secretary may authorize a ratification of an unauthorized contractual commitment.

§ 3–1.452 Responsibility of other Government personnel.

§ 3–1.452–1 General.

(a) Responsibility for the decision of what to buy and when to buy rests with program and certain staff offices in operating agencies and the Office of the Secretary. Responsibility for determining how to buy, the conduct of the buying process, and execution of the contract rests with the procuring activity, the contracting officer in particular.

(b) Personnel responsible for making decisions to buy should maintain a close and continuous relationship with their procuring activity to ensure that procurement personnel are made aware of contemplated procurement actions. This will be mutually beneficial in terms of better planning for procurement action and more timely, efficient, and economical procurement.

(c) Personnel not delegated contracting authority may not commit the Government, formally or informally, to any type of contractual obligation (see § 3–1.451). However, program personnel who must use the contracting process to accomplish their programs, must support the contracting officer in ensuring that: (1) Requirements are clearly defined and specified; (2) competitive sources are solicited, evaluated, and selected; (3) quality standards are prescribed and met; (4) performance or delivery is timely; (5) prices, estimated costs, and fees are reasonable; (6) contract provisions, procurement regulations, and applicable laws are complied with; and (7) files are documented to substantiate the judgments, decisions, and actions taken (see § 1–3.801(c)).

§ 3–1.452–4 Postaward contract administration.

(a) Upon execution of the contract by the contracting officer and the contractor, the mutual obligations of the Government and the contractor are established by and limited to the written stipulations in the contract. Unless authorized by the contracting officer, HEW personnel shall not direct or request the contractor to assume any obligation or take any action not specifically stated in the contract. Only the contracting officer may impose on the contractor any requirement or action which will result in a change to the contract. All contract changes must be directed in writing or confirmed in writing by the contracting officer.

(b) The role of program, technical, and other personnel in postaward administration of the contract is to assist or advise the contracting officer (or act as his representative when designated as such by the contracting officer) in activities such as:

(1) Conduct of conferences to ensure mutual understanding between the Government and the contractor as to scope of the contract, technical and business requirements, and the rights and obligations of the parties.

(2) Technical direction during contract performance and matters relating to product delivery, acceptance, or rejection.

(3) Evaluation of contractor performance, including inspection and testing of products, evaluation of reports and data, subcontract management, utilization of facilities and equipment, cost control, etc.

(4) Contractor systems and procedures evaluation, including accounting policies and procedures, purchasing policy and practices, property accounting and control, wage and salary plans and rate structures, personnel policies and practices, etc.

(5) Modification, renewal, or termination of the contract.

(6) Processing of disputes under the disputes article and appeals therefrom.

Subpart 3–1.6—Debarred, Suspended, and Ineligible Bidders

§ 3–1.600 Scope of subpart.

This subpart prescribes the HEW establishment, use, maintenance, and distribution of a debarred, suspended, and ineligible bidders list, and procedures for debarring or suspending bidders for cause.

§ 3–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

(a) The Division of Procurement and Supply Management, Office of General Services, OASA–OGS, is responsible for establishment and maintenance of a consolidated list or file of firms and individuals debarred from HEW contracting and subcontracting and from whom bids and proposals will not be solicited as provided in § 1–1.603. This list will be known as the HEW Debarred Bidders List.

(b) Collectively, the following documents shall constitute the HEW Debarred Bidders List:

(1) Consolidated list of current executive agency administrative debarments and periodic supplements thereto, compiled and distributed by GSA to Federal agencies.

(2) Consolidated list of debarments for statutory violations and periodic supplements thereto, compiled by the Comptroller General of the United States.

(3) Consolidated list of firms and individuals debarred, suspended, or declared ineligible by the HEW to participate in its procurement program under one or more of the bases set forth in § 1–1.602–1 and in accordance with this Subpart 3–1.6.

(c) The Division of Procurement and Supply Management will effect direct distribution of the HEW Debarred Bidders List to holders of the HEWPR.

§ 3–1.602–1 Bases for entry on the debarred, suspended, and ineligible list.

(a) The Director, Division of Procurement and Supply Management, OASA–OGS, makes the administrative debarment determinations prescribed by § 1–1.602–1(d).

(b) The HEW Contract Compliance Officer directs that debarment action prescribed by § 1–1.602–1(e) be taken.

(c) The Director, Division of Procurement and Supply Management, OASA–OGS, makes the administrative suspension determinations prescribed by § 1.602–1(f).

(d) The Director, Division of Procurement and Supply Management, OASA–OGS, makes the debarment determinations prescribed in § 1–1.602–1(g).

§ 3–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

(a) *Total restrictions.* The Director, Division of Procurement and Supply Management, OASA–OGS, makes the essential public interest determinations required by § 1–1.603(a).

(b) *Ineligibility restrictions of the Walsh-Healey Act.* At their discretion, contracting officers may solicit bids or proposals and award contracts in the circumstances permitted by § 1–1.603(d).

(c) *Restrictions on subcontracting.* The Director, Division of Procurement and Supply Management, OASA–OGS, makes the determinations required by § 1–1.603(f).

§ 3–1.604 Causes and conditions applicable to determination of debarment by an executive agency.

Any HEW contracting officer may recommend initiation of debarment action. The recommendation shall be submitted through administrative channels to the Director, Division of Procurement and Supply Management, OASA–OGS. It shall be accompanied by the documented file in the case.

§ 3–1.604–1 Procedural requirements relating to the imposition of debarment.

(a) *Initiation of debarment action.* The Director, Division of Procurement and Supply Management, OASA–OGS, after consultation with the Office of General Counsel, shall determine whether the facts are sufficient to warrant debarment. If the decision is not to debar, the contracting officer recommending the action will be notified. If the Director, Division of Procurement and Supply Management, OASA–OGS, decides to institute debarment proceedings, he shall send a letter by certified mail (return receipt requested) to the firm or individual proposed for debarment. The letter shall (1) state that debarment is being considered, (2) set forth the reasons for the proposed debarment, and (3) state that such party will be accorded an opportunity for a hearing if a request for a hearing is received within 30 days from the date of receipt of such letter.

(b) *Hearings.* Hearings requested in connection with debarment proceedings shall be conducted before the Director, Division of Procurement and Supply Management, OASA–OGS, or his designee. An opportunity shall be afforded to the firm or individual to appear, with witnesses and counsel, to present facts or circumstances showing cause why the firm or individual should not be debarred. If the firm or individual elects not to appear, the reviewing authority will make the decision based on the facts on record and such additional evidence as may be furnished by the parties involved. After consideration of the facts, the reviewing authority shall notify the firm or individual of the final decision.

§ 3–1.605 Suspension of bidders.

§ 3–1.605–1 Causes and conditions under which executive agencies may suspend contractors.

Any contracting officer may recommend suspension of bidders for the causes and conditions set forth in § 1–1.605.1. These recommendations shall be accompanied by the documented file in the case and be submitted through administrative channels to the Director, Division of Procurement and Supply Management, OASA–OGS.

§ 3–1.605–2 Period and scope of suspension.

(a) *Period of suspension.* The Director, Division of Procurement and Supply Management, OASA–OGS, or his designee, may authorize the suspension of bidders for a period not to exceed 12 months. The Director, Division of Procurement and Supply Management, may extend the suspension for a period not to exceed 6 months upon the request of an Assistant Attorney General.

§ 3–1.605–3 Restrictions during period of suspension.

(a) The Director, Division of Procurement and Supply Management, OASA–OGS, or his designee, shall determine when awards of contracts are to be made to suspended bidders as authorized by § 1–1.605–3(a).

§ 3–1.605–4 Notice of suspension.

(a) The Director, Division of Procurement and Supply Management, OASA–OGS, or his designee is responsible for notifying bidders of suspensions as required by § 1–1.605–4(a).

§ 3–1.606 Agency procedure.

The Director, Division of Procurement and Supply Management, OASA–OGS, is responsible for complying with the provisions of § 1–1.606.

Subpart 3–1.51—Novation Agreements and Change of Name Agreements

§ 3–1.5100 Scope of subpart.

This subpart prescribes policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or the part of his assets involved in the performance of the contracts, (b) a change of name of a contractor, and (c) single activity execution of novation agreements affecting more than one activity.

§ 3–1.5101 Definition.

For purposes of this subpart, a novation agreement is a contractual amendment by which the Government recognizes a successor in interest to a Government contract or a change of name of a contractor. The successor in interest assumes all the obligations under the contract and the transferor, when still in existence, guarantees the performance of the contract by the transferee. Where only a change of name is made, the rights and obligations of the parties remain unaffected.

§ 3–1.5102 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract when the third party's interest is incidental to the transfer of (1) all the assets of the contractor or (2) all of that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(i) Sale of such assets;

(ii) Transfer of such assets pursuant to merger or consolidation of a corporation;

(iii) Incorporation of a proprietorship or partnership;

(iv) The principal party or parties to a contract transfer to another organization and the Government wishes to recognize the new organization as the successor in interest.

(b) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the designated activity shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond from either the transferor or the transferee may be accepted in lieu of such guarantee);

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

(c) The agreement shall have the concurrence of General Counsel, HEW, prior to execution. A format for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth in § 3–1.5105. This format may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

(d) Prior to execution of such agreement, one copy of each of the following, as applicable, shall be deposited by the contractor with the designated procuring activity:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as, for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts which have not been finally settled between HEW and the transferor, showing for each contract the contract number, the name and address of the procuring activity involved, the total dollar value of the contract as amended, the type of contract, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the Boards of Directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of Government contracts;

(6) An opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets;

(9) Consent of sureties on all contracts listed under (2) above on which bonds were required.

§ 3–1.5103 Agreement to recognize change of name of contractor.

(a) When only a change of name is involved, or the rights and obligations of the parties remain unaffected, an agreement shall be executed between the designated procuring activity and the contractor to reflect amendment of the contractor's change of name for all existing contracts between the parties. A format for such an agreement, which shall be adapted for specific cases, is set forth in § 3–1.5105.

(b) Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the designated procuring activity:

(1) Instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) Opinion of counsel for the contractor that the change of name was properly effected in accordance with applicable law;

(3) List of all contracts which have not been finally settled between HEW and the contractor, showing for each contract the contract number and the name and address of the procuring activity involved.

(c) Each agreement shall have the concurrence of General Counsel, HEW, prior to execution.

§ 3–1.5105 Novation Agreement formats.

§ 3–1.5105–1 Successor in interest agreement format.

(a) The following format may be used as appropriate to recognize a corporate successor in interest:

AGREEMENT (---------- 196--)

THIS AGREEMENT, entered into as of ----------, 19--, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the City of ---------- (hereinafter referred to as the "Transferor"); the XYZ Corporation [formerly known as the LMN Corporation], a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the City of ---------- (hereinafter referred to as the "Transferee"); and the UNITED STATES OF AMERICA (hereinafter referred to as the "Government").

WITNESSETH:

WHEREAS, the Government, represented by Contracting Officers of the Department of Health, Education, and Welfare, has entered into certain contracts, letter contracts, and purchase orders with the Transferor (namely: ----------) or (as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;) and the term "the Contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, heretofore made between the Government, represented by Contracting Officers of the Department of Health, Education, and Welfare, and the Transferor (whether or not performance and payments have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties, or obligations thereunder), and including amendments and change orders thereto, hereafter made between the Government and the Transferee:

WHEREAS, as of ----------, 19--, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a (term descriptive of the legal transaction involved) between the Transferor and the Transferee;

WHEREAS, the Transferee, by virtue of said assignment, conveyance, and transfer, has acquired all the assets of the Transferor;

WHEREAS, by virtue of said agreement, conveyance, and transfer, the Transferee has assumed all the duties, obligations, and liabilities of the Transferor under the Contracts;

WHEREAS, the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

WHEREAS, it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

WHEREAS, there has been filed with the Government evidence of said assignment, conveyance, or transfer (add if desired, "in the form of a certified copy of the list of the documents required by HEW Procurement Regulation 3–1.5102");

(Where a change of name is also involved, such as a prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:

WHEREAS, there has been filed with the Government a certificate dated ----------, 19--, signed by the Secretary of State of the State of ----------, to the effect that the corporate name of LMN Corporation was changed to XYZ Corporation on ----------, 19--);

NOW THEREFORE, in consideration of the premises, the parties hereto agree as follows:

1. The Transferor hereby confirms said assignment, conveyance, and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the Contracts.

2. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, convenants, and conditions contained in the Contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts, in all respects as if the Transferee were the original party to the Contracts.

3. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

4. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed to refer to the Transferee rather than to the Transferor.

5. Except as expressly provided herein, nothing in this agreement shall be construed as a waiver of any rights of the Government against the Transferor.

6. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the Contracts, shall be deemed to have discharged pro tanto the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the Contracts to the extent of the amounts so paid or reimbursed.

7. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes, or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance, and transfer, or (ii) this Agreement other than those which the Government, in the absence of said assignment, conveyance, and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the Contracts.

8. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified; and the Transferor hereby waives notice of and consents to any such amendment or modification.

9. Except as herein modified, the Contracts shall remain in full force and effect.

IN WITNESS WHEREOF, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By ----------
Title ----------

ABC CORPORATION
By ----------
[CORPORATE SEAL]
Title ----------

XYZ CORPORATION
By ----------
[CORPORATE SEAL]
Title ----------

CERTIFICATE

I, ----------, certify that I am the Secretary of ABC Corporation, named above, that ----------, who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this ------ day of ----------, 19---.

By ----------
[CORPORATE SEAL]

CERTIFICATE

I, ----------, certify that I am the Secretary of XYZ Corporation, named above, that ----------, who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and the seal of said corporation this ------ day of ----------, 19---.

By ----------
[CORPORATE SEAL]

§ 3–1.5105–2 Change of name agreement format.

The following format may be used as appropriate to recognize a change in name:

AGREEMENT (---------- 19--)

THIS AGREEMENT, entered into as of ----------, 19--, by and between the ABC Corporation (formerly the XYZ Corporation and hereinafter sometimes referred to as the "Contractor"), a corporation duly organized and existing under the laws of the State of ----------, and the UNITED STATES OF AMERICA, represented by the Department of Health, Education, and Welfare (hereinafter referred to as the "Government").

WITNESSETH:

WHEREAS, the Government represented by Contracting Officers of the Department of Health, Education, and Welfare, has entered into certain contracts, letter contracts, and purchase orders with the XYZ Corporation (namely: ----------) or (as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;) and the term "the Contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, entered into between the Government, represented by Contracting Officers of the Department of Health, Education, and Welfare, and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties, or obligations thereunder);

WHEREAS, the XYZ Corporation, by an amendment to its certificate of incorporation, dated ----------, 19--, has changed its corporate name to the ABC Corporation;

WHEREAS, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

WHEREAS, there has been filed with the Government documentary evidence of said change in corporate name;

NOW THEREFORE, in consideration of the premises, the parties hereto agree that the Contracts covered by this Agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation."

IN WITNESS WHEREOF, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By ----------
Title ----------

ABC CORPORATION
By ----------
[CORPORATE SEAL]
Title ----------

CERTIFICATE

I, ----------, certify that I am the Secretary of ABC Corporation, named above; that ----------, who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and the seal of said corporation this ------ day of ----------, 19---.

By ----------
[CORPORATE SEAL]

§ 3–1.5105–3 Administrative change issuance format.

The following memorandum format is appropriate for giving notice of execution of a novation agreement so an administrative change can be issued:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

WASHINGTON, D.C. 20202,

Date: *October 15, 1967.*

To: Procurement Officer, Food and Drug Administration.

From: Contracting Officer, Office of Education.

Subject: Novation Agreement.

Your attention is invited to the attached supplemental agreement wherein a transfer of the business of ABC Corporation to XYZ Corporation is recognized.

In accordance with HEWPR Subpart 3–1.51, contracting officer(s) presently responsible for contracts placed by your procuring activity, which are listed in the supplemental agreement, should immediately issue an administrative change to each such contract to reflect the change.

JOHN J. JONES.

§ 3–1.5105–4 Novation agreement administrative change format.

The following format may be used as appropriate in issuing a novation agreement administrative change:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

Administrative Change

Contract No.------
Administrative Change No.------

Date: ----------
Contractor: ----------
Subject: ----------

(Insert type of transaction—merger, etc.)

Pursuant to the provisions of the clause of Modification No. ------ of Contract No. ------ (This reference will be to the Modification actually recognizing the transfer.),

it is hereby acknowledged that said Contract Modification (insert, as appropriate, "effecting recognition of XYZ Corporation as a successor in interest applies in accordance with all of its terms and conditions to this contract," or "effecting recognition of a change of the contractor's name from ABC Corporation to XYZ Corporation applies in accordance with all of its terms and conditions to this contract").

THE UNITED STATES OF AMERICA

By ----------
(Signature)

(Contracting Officer)

PART 3–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 3–2.4—Opening of Bids and Award of Contract

Sec.
3–2.406 Mistakes in bids.
3–2.406–3 Other mistakes disclosed before award.
3–2.406–4 Disclosure of mistakes after award.
3–2.407 Award.
3–2.407–8 Protests against award.

AUTHORITY: The provisions of this Part 3–2 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–2.4—Opening of Bids and Award of Contract

§ 3–2.406 Mistakes in bids.

§ 3–2.406–3 Other mistakes disclosed before award.

(a) Authority has been delegated to the Director, Division of Procurement and Supply Management, OASA–OGS, to make the administrative determinations in connection with mistakes in bids alleged after opening of bids and before award.

(b) Suspected or alleged mistake data will be marked "Immediate Action—Mistake in Bid" and submitted in the most expeditious manner through procurement channels to the Director, Division of Procurement and Supply Management, OASA–OGS, for evaluation and administrative determination.

(c) Doubtful mistakes in bids shall not be submitted by contracting officers directly to the Comptroller General for advance decisions. They shall be submitted as outlined in paragraph (b) above.

§ 3–2.406–4 Disclosure of mistakes after award.

(a) Authority to make determinations under § 1–2.406–4 has been delegated to the Director, Division of Procurement and Supply Management, OASA–OGS.

(b) Mistakes disclosed after award will be forwarded by contracting officers through procurement channels to the Director, Division of Procurement and Supply Management, OASA–OGS, for determinations.

§ 3–2.407 Award.

§ 3–2.407–8 Protests against award.

(a) *Protests before award.* When a written protest is received by the contracting officer, he will investigate and decide whether the protest has any valid basis. If the contracting officer deems it desirable to obtain the views of higher authority, he will make a written statement of his opinion in the matter supported by copies of all pertinent papers. He will forward them through procurement channels to the Division of Procurement and Supply Management, OASA–OGS, by the most expeditious means and marked "Immediate Action—Protest Before Award."

PART 3–3—PROCUREMENT BY NEGOTIATION

Subpart 3–3.6—Small Purchases

Sec.
3–3.602 Policy.
3–3.603 Competition.
3–3.603–1 Solicitation.
3–3.605 Purchase order forms.
3–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.
3–3.606 Blanket purchase arrangements.
3–3.606–4 Documentation.
3–3.606–5 Agency implementation.

AUTHORITY: The provisions of this Part 3–3 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–3.6—Small Purchases

§ 3–3.602 Policy.

(a) Before purchasing in the open market, the procurement officer shall determine that the supplies or services are not available from mandatory sources.

§ 3–3.603 Competition.

§ 3–3.603–1 Solicitation.

(a) Small purchases not exceeding $250 may be accomplished without securing competitive quotations where the prices are considered reasonable, but such purchases shall be distributed equitably among qualified suppliers. Records of purchases of $250 or less need not include justification for soliciting only a single source or a justification explaining how prices were determined to be reasonable. Operating agencies may reduce this limitation in accordance with their requirements.

(b) For purchases between $250 and $2,500, solicitations generally may be limited to three suppliers.

§ 3–3.605 Purchase order forms.

§ 3–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.

(a) *General.* Standard Forms 147 and 148 are mandatory for use in the HEW as standard purchase order forms for small purchases not in excess of $2,500.

(b) *Terms and conditions.* Additional terms and conditions may be added to Standard Form 147 provided they are not in conflict with those printed on the form and are properly designated as operating agency terms and conditions. No additional terms and conditions in conflict or inconsistent with those printed on the Standard Form may be added without approval prescribed by § 3–1.108.

§ 3–3.606 Blanket purchase arrangements.

§ 3–3.606–4 Documentation.

(a) Each blanket purchase arrangement (BPA) shall be documented by issuance of a purchase order appropriately numbered. Each BPA shall contain the following provisions:

(1) Authorization to the supplier to furnish the articles or services described in general terms, when ordered by authorized personnel listed therein.

(2) A statement that individual orders will not exceed $2,500.

(3) A statement that the Government will be obligated only to the extent of the orders placed against the BPA by authorized personnel.

(4) A stipulation that the supplier's established discounts will apply to orders placed against the BPA.

(5) A requirement that all shipments be accompanied by delivery tickets containing the name of the supplier, BPA number, date of order, name of individual placing the order, an itemized list of articles or services furnished including unit and total prices on each item, applicable discount, date of delivery, and the signature of the Government employee receiving the article or service.

(6) A requirement that the supplier shall submit an itemized invoice at least once each month or upon expiration of the BPA, whichever occurs first, covering all deliveries made during the billing period for which payment has not been received.

(7) Each BPA shall cite 41 U.S.C. 252 (c)(3) as authority for negotiation.

§ 3–3.605–5 Agency implementation.

(a) The maximum period of time covered by a BPA shall not exceed 1 year.

(b) (1) Competition under BPAs will be obtained in accordance with § 3–3.603–1 (a) and (b). When concurrent agreements are in effect for similar items, orders not in excess of $250 shall be equitably distributed. When there is an insufficient number of BPAs for any given class of articles or services to assure adequate competition on orders in excess of $250, the individual placing the order shall solicit quotations from other sources.

(2) Individual orders shall be recorded in simple form as determined by the operating agency. Orders will be numbered in sequence in a separate series for each BPA and will consist of the BPA number followed by the serial number of the order.

PART 3–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3–4.51—Paid Advertising

Sec.
3–4.5100 Scope of subpart.
3–4.5101 Policy and procedure.

AUTHORITY: The provisions of Part 3–4 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3–4.5100 Scope of subpart.

This subpart provides policies and procedures for the procurement of paid advertising as covered by 5 U.S.C. 302; 44 U.S.C. 321, 322, and 324; and Title 7, Chapter 5200, General Acounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

§ 3–4.5101 Policy and procedure.

(a) Authority to purchase paid advertising must be granted in writing by an official delegated such authority. No advertisement, notice, or proposal will be published prior to receipt of written authority for such publication. No voucher for any such advertisement or publication will be paid unless there is presented, with the voucher, a copy of such written authority. Authority shall not be granted retroactively.

(b) Request for procurement shall be accompanied by written authority to advertise or publish which sets forth justification and includes names of newspapers or journals concerned, frequencies and dates of proposed advertisements, estimated cost, and other pertinent information.

(c) Paid advertisements shall be limited to publications of essential details of invitations for bids, sales of property, and recruitments of employees.

(d) Standard Form 1143, Advertising Order, shall be used for procurement and payment of paid advertising. Procedures for payment of vouchers are contained in Title 7, Chapter 5200, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

PART 3–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 3–5.9—Use of GSA Supply Sources by Contractors Performing Cost-Reimbursement Type Contracts

Sec.
3–5.900 Scope of subpart.
3–5.901 Policy.
3–5.902 Authorization to contractors.
3–5.950 Contract clause.

AUTHORITY: The provisions of this Part 3–5 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–5.9—Use of GSA Supply Sources by Contractors Performing Cost-Reimbursement Type Contracts

§ 3–5.900 Scope of subpart.

This subpart prescribes policy and procedures for cost-reimbursement contracts when it is contemplated that contractors will be authorized to utilize GSA supply sources.

§ 3–5.901 Policy.

Determinations and authorizations made under this subpart shall be made by contracting officers unless prescribed otherwise by operating agency implementation of this subpart.

§ 3–5.902 Authorization to contractors.

(a) Contractors shall not be authorized to utilize GSA supply sources in the performance of fixed-price type contracts, even though such contracts provide for price adjustment, escalation, redetermination, or cost-reduction incentive.

(b) Contractors shall be authorized to utilize GSA supply sources only when:

(1) Title to property purchased under Federal Supply Schedule contracts will pass to and vest in the Government directly from the Federal Supply Schedule contractor (rather than through the prime contractor);

(2) Title to Government-owned property ordered from GSA stores stock will remain in the Government;

(3) Equipment ordered on a lease or rental basis under Federal Supply Schedule contracts will be used solely in the performance of cost-reimbursement type Government contracts.

§ 3–5.950 Contract clause.

The following clause will be inserted in all cost-reimbursement type contracts under which the contractor may be authorized to acquire items for the account of the Government from GSA supply sources. The last sentence of the clause shall be deleted in the case of facilities contracts.

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES (JULY, 1968)

The contracting officer may issue and the contractor agrees to accept an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired under such an authorization shall be in the Government. All property acquired under such an authorization shall be subject to the provisions of the clause of this contract entitled "Government Property," except paragraphs (identify) thereof.

PART 3–6—FOREIGN PURCHASES

Subpart 3–6.1—Buy American Act—Supply and Service Contracts

Sec.
3–6.103 Exceptions.
3–6.103–2 Nonavailability in the United States.
3–6.103–3 Unreasonable cost or inconsistency with the public interest.
3–6.104 Procedures.
3–6.104–4 Evaluation of bids and proposals.
3–6.105 Excepted articles, materials, and supplies.

AUTHORITY: The provisions of this Part 3–6 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–6.1—Buy American Act—Supply and Service Contracts

§ 3–6.103 Exceptions.

§ 3–6.103–2 Nonavailability in the United States.

(a) Certain items determined to be exempt under this exception are set forth in § 3–6.105.

(b) Procurement of foreign products on the basis of a nonavailability determination pursuant to § 3–6.103–2(c) shall be made only if approved by the head of the procuring activity or his designee before procurement is initiated.

(c) Requests for approval of a determination of nonavailability under the Act shall contain the following information:

(1) A description of the item or items, including unit and quantity;

(2) The estimated cost, including transportation cost to destination and any applicable duty;

(3) The country of origin;

(4) The name and address of the proposed contractor; and

(5) Other items of domestic origin which are similar or which can be used as an acceptable substitute.

(d) Each determination shall be prepared substantially in the following format. Part 1 of the determination shall be signed by the preparing authority (contracting officer or official with contracting authority), and Part 2 shall be signed by the approving authority.

DETERMINATION

PART 1

Date.....

Pursuant to the authority contained in section 2, title III of the Act of March 3, 1933, popularly called the Buy American Act (41 U.S.C. 10a–d), I hereby find:

(a) (Description of the item or items to be procured, including unit, quantity, and estimated cost inclusive of duty and transportation cost to destination.)

(b) (Brief statement of the necessity for the procurement.)

(c) (Statement of facts establishing the nonavailability of a similar item or items of domestic origin.)

Based upon the above showing of fact, it is determined that the above described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

.....
(Signature)

PART 2

The requirement of the Buy American Act that procurement be made from domestic sources and that it be of domestic origin is not applicable to the above-described procurement, since said procurement is within the nonavailability exception stated in the Act. The feasibility of foregoing the requirement or providing a United States substitute has been considered. Authority is granted to procure the above described item(s) of foreign origin (country of origin) at an estimated total cost of $_____, including duty and transportation costs to destination.

.....
(Signature)

§ 3–6.103–3 Unreasonable cost or inconsistency with the public interest.

Maximum effort shall be exerted to obtain a domestic source end product which will meet the minimum need of the Government prior to requesting a determination under the Buy American Act.

§ 3–6.104 Procedures.

§ 3–6.104–4 Evaluation of bids and proposals.

(a) The following examples illustrate how the procedure in § 1–6.104–4(b) should be applied.

Example 1. Price differential of 6 percent or less between low foreign and low domestic bid or proposal:

	Low domestic bid	Low foreign bid
Cost to destination	$20,000	$19,000
Import duty		600
Total	20,000	19,600
6 percent differential		1,176
Total	20,000	20,776

The low domestic bid is not unreasonable; award would be made to the low domestic bidder.

Example 2. Price differential in excess of 6 percent between low foreign and low domestic bid or proposal, and small business and/or labor surplus area concerns are not involved.

	Low domestic bid	Low foreign bid
Cost to destination	$20,000	$17,000
Import duty		500
Total	20,000	17,500
6 Percent differential		1,050
Total	20,000	18,550

The low domestic bid is unreasonable; award would be made to the low foreign bidder.

Example 3. Low domestic bidder or offeror is a small business and/or labor surplus area concern; the low domestic bid or proposal exceeds the low foreign bid or proposal by more than 6 percent; but is less than 12 percent and award would be over $100,000 to the low domestic bidder.

	Low domestic bid	Low foreign bid
Cost to destination	$200,000	$170,000
Import duty		16,000
Total	200,000	186,000

The low domestic bid is 11 percent higher than the low foreign bid and award would be over $100,000. Submit the case in accordance with § 3–6.104–4(c)(1).

(b) Proposed awards shall be submitted to the head of the procuring activity or his designee if:

(1) An award for more than $100,000 would be made to a domestic firm if the 12 percent factor is applied, but would not be made if the 6 percent factor is applied.

(2) Rejection of an acceptable low foreign bid or proposal is considered necessary to protect essential national security interests.

(3) Rejection of any bid or proposal is considered necessary for other reasons of the national interest.

(c) In those cases where a solicitation of both foreign and domestic suppliers results in the receipt of a single responsive offer and that offer is on an item of foreign manufacture, a memorandum documenting reasons for making award shall be made a part of the contract file.

§ 3–6.105 Excepted articles, materials, and supplies.

The following articles, materials, and supplies may be acquired for public use without regard to country of origin:

Acetylene, black.
Asbestos, amosite.
Bananas.
Beef extract.
Bismuth.
Books, pamphlets, newspapers, magazines, periodicals, printed briefs, and films not printed in the United States and for which domestic editions are not available.
Brazil nuts, unroasted.
Cadmium, ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Coca beans.
Coconut and coconut meat, unsweetened, in shredded, desiccated, or similarly prepared form.
Coffee, raw or green bean.
Cork, wood or bark and waste.
Diamonds, industrial, stones.
Emetine, bulk.
Ergot, crude.
Fair linen, altar.
Fibers of the following types: Abaca, agave, coir, jute, and palymyra.
Goat and kid skins.
Graphite, natural.
Hog bristles for bruahes.
Hyoscine, bulk.
Ipecac, root.
Menthol, natural bulk.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as plerite).
Olive oil.
Olives (green), pitted or stuffed or bulk.
Opium, crude.
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Radium salts.
Rubber, crude and latex.
Rutile.
Sperm oil.
Spices and herbs in bulk.
Sugars, raw.
Swords.
Talc, block, steatite.
Tapioca flour and cassava.
Tartar, crude; tartaric acid and cream of tartar in bulk.
Tea in bulk.
Vanilla beans.
Venom, cobra.
Wax, carnauba.
Woods of the following species: Angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.

PART 3–7—CONTRACT CLAUSES

Subpart 3–7.51—Contractor Furnished Reusable Gas Cylinders or Other Containers

Sec.
3–7.5100 Scope of subpart.
3–7.5101 Demurrage charge provision.
3–7.5102 Government option to purchase containers.

AUTHORITY: The provisions of this Part 3–7 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–7.51—Contractors Furnished Reusable Gas Cylinders or Other Containers

§ 3–7.5100 Scope of subpart.

This subpart prescribes a demurrage charge provision to be inserted in requests for proposals, invitations for bids, and resulting contracts when delivery of items may be in contractor furnished reusable gas cylinders or other containers.

§ 3–7.5101 Demurrage charge provision.

Solicitations and resulting contracts which may result in delivery of items in contractor furnished reusable gas cylinders or other containers will include the following provision.

(a) Reusable gas cylinders or other containers identified below by offerors shall remain the property of the contractor but will be loaned without charge to the Government for the period stipulated below by offerors. Such free loan period shall commence on the first day after date of delivery of each container to the herein specified F.O.B. point(s). Offerors who specify less than _____ days (to be determined by the contracting officer in accordance with trade custom), shall have their offers increased for evaluation purposes only by an amount arrived at by multiplying the number of days less than the established free loan period by the daily rental charge. In the event the offeror does not specify a free loan period, such period shall be _____ days (insert the same number of days as the established free loan period). Beginning with the first day after expiration of the free loan period to and including the date the containers are delivered to the contractor's designated carrier, the Government shall pay the contractor demurrage (rental) in the amount specified below. No demurrage shall accrue to the contractor in excess of the herein specified cylinder replacement value. For each container lost or damaged beyond repair while in the Government's possession, the Government shall pay to the contractor the herein specified replacement value less allocable demurrage paid therefor. Such lost or damaged containers paid for by the Government shall become the property of the Government.

(b) Empty containers will be delivered to the offeror's designated carrier (offeror to identify applicable carrier below) f.o.b. points of original delivery specified in this solicitation/contract.

Offeror shall furnish the following information, as applicable, for containers:

Applicable item No.	*Type and size of container*	*Quantity*

Free loan period	*Demurrage charges per day per cylinder*

Replacement value for each container	*Identification and location of offeror's carrier for return of empty container*

§ 3–7.5102 Government option to purchase containers.

When the offeror indicates that containers have a replacement value of less than $10, the Government shall add the cost of the containers to the offered price and evaluate offers accordingly. In this event, the containers shall become the property of the Government.

PART 3–55—SERVICES CONTRACTS

Sec.
3–55.000 Scope of part.

Subpart 3–55.3—Management Consultant Services

Sec.
3–55.300 Scope of subpart.
3–55.301 Procedure.
3–55.301–1 Purchase request.
3–55.301–2 Authority.
3–55.301–3 Type of contract.
3–55.301–4 Negotiation of contracts.
3–55.301–5 Contract award.
3–55.301–6 Modification of contracts.
3–55.301–7 Contract administration.

AUTHORITY: The provisions of this Part 3–55 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3–55.000 Scope of part.

This subpart deals generally with the obtaining of services by contract and specifically with certain types of contracts which can be properly classified as service contracts. It does not cover the services of individuals obtained by direct appointment or through normal Civil Service employment procedures, nor does it cover the obtaining of services by grant. The term "service" as used in this part is not necessarily synonymous with the term "Service" as used in the Service Contract Act of 1965 (Public Law 89–286, 41 U.S.C. 351–357). Whether or not that Act applies to a contract in this part will be determined by the definitions given in the Act or implementing regulations.

Subpart 3–55.3—Management Consultant Services

§ 3–55.300 Scope of subpart.

This subpart sets forth procedures for negotiating and administering management consultant services contracts with firms and organizations.

§ 3–55.301 Procedure.

§ 3–55.301–1 Purchase request.

After receipt of the Assistant Secretary for Administration's approval to procure management consultant services, the requiring activity shall forward the approval together with a purchase request to the appropriate procuring activity for necessary procurement action.

§ 3–55.301–2 Authority.

(a) Management consultant services contracts shall be entered into under authority contained in 5 U.S.C. 3109, provided authority to use this statute is contained in an HEW appropriation or other act. Authority to negotiate such contracts should be cited as 5 U.S.C. 3109 and 41 U.S.C. 252(c)(15).

§ 3–55.301–3 Type of contract.

Fixed-price contracts with provision for downward adjustment shall be used for procurement of management consultant services, except in rare instances when other than a fixed-price contract is considered appropriate. If other than a fixed-price proposal is to be solicited, the contracting officer shall forward a complete justification through administrative channels for approval by the Assistant Secretary for Administration. Other than fixed-price proposals or negotiations shall not be solicited or commenced until the contracting officer has received the Assistant Secretary's approval.

§ 3–55.301–4 Negotiation of contracts.

(a) Proposals shall be solicited from at least three firms or organizations to assure adequate competition.

(b) Contracting officers shall include in the request for proposals a requirement that each offeror furnish the following information with his proposal, notwithstanding the type of contract anticipated:

(1) The name(s), title(s), and qualifications of principal members of the offeror's organization who will be responsible for the project;

(2) The number and classification of employees who will participate;

(3) The estimated number of manhours that each official and employee will contribute to the proposed project;

(4) The standard hourly billing rate for each official and employee or class of officials and employees. This rate shall incorporate any overhead costs and profit.

(c) The contract shall contain provisions to ensure that the proposal of the successful offeror will be adhered to (as negotiated and agreed) with respect to the information in § 3–55.301–4(b).

(d) In addition, the request for proposals and the resulting contract shall contain the following provisions:

(1) That the contractor warrants the rates quoted are not in excess of those charged nongovernmental clients for the same services performed by the same individuals;

(2) That the contractor shall provide at the request of the Government all working papers used by the participating officials and employees of the firm or organization in connection with the project;

(3) That publication or distribution of the study, data, or other related material is prohibited without the prior written approval of the contracting officers;

(4) That the contractor agrees, if the estimated number of hours of participation by his employees as set forth in the contract is not used in contract performance or if individuals specified do not perform work under the contract as the parties negotiated and agreed, the total contract price shall be reduced accordingly, provided the total charges to be made by the contractor are less than the total contract price.

§ 3–55.301–5 Contract award.

After receiving required approval to procure management consultant services, procurement may be made without a further Departmental approval. No contract shall be entered into for longer than one year.

§ 3–55.301–6 Modification of contracts.

When supplemental agreements or change orders are required to change substantially the basis upon which the contract was made, such as, to revise the scope of work, change time limitations, or change the contract price, authorization for the change shall be requested in the same way as the original authorization to procure the services.

§ 3–55.301–7 Contract administration.

(a) *Authority of the project officer.* Each requiring activity (operating agency or staff office) shall appoint a project officer for each proposed contract. The project officer should come from the functional area in which the work is to be performed and should be familiar with all aspects of the work scope. He shall assist the contracting officer during contract negotiations and shall be responsible for guiding the technical aspects of the project and general supervision of the work being performed. He shall also be responsible for checking on the progress of the work and for reviewing and recommending approval to the contracting officer of contractor vouchers and final acceptance of the work rendered. The project officer shall not make any commitments while discussing a proposed contract or contract change and shall not authorize any changes which affect price, terms, or conditions of an existing contract. He shall refer all such matters to the contracting officer for action.

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

BERNARD SISCO,
Acting Assistance Secretary, for Administration.

MARCH 5, 1969.

[F.R. Doc. 69–2991; Filed, Mar. 12, 1969; 8:45 a.m.]

Chapter 29—Department of Labor

PART 29–60—CONTRACT APPEALS

Pursuant to 5 U.S.C. 301, I hereby amend Subtitle A of Title 41 of the Code of Federal Regulations by establishing a new Chapter 29 to be entitled "Department of Labor" and a new Part 29–60 to be entitled "Contract Appeals", to read as set forth below. As these regulations relate solely to public contracts and rules of agency procedure, notice of proposed rule making, public participation therein, and delay in effective date are not required by 5 U.S.C. 553. I do not believe that such procedure or delay would serve a useful purpose here. Accordingly, these regulations shall become effective immediately.

Sec.
29–60.1 Scope of part.

Subpart A—Boards of Contract Appeals; Establishment and Functions

29–60.2 Establishment and membership of a Board of Contract Appeals.
29–60.3 Jurisdiction and authority of Boards of Contract Appeals.

Subpart B—Prehearing Procedures

29–60.10 Appeals.
29–60.11 Establishment of a Board of Contract Appeals.

Sec.
29–60.12 Duties of a contracting officer.
29–60.13 Request for hearing.
29–60.14 Notice of hearing.
29–60.15 Dismissal for lack of jurisdiction.
29–60.16 Prehearing conference.
29–60.17 Settlement; withdrawal of appeal.
29–60.18 Representation of parties.
29–60.19 Service of papers.

Subpart C—Hearings

29–60.30 Nature of hearings.
29–60.31 Evidence.
29–60.32 Transcripts of proceedings.
29–60.33 Absence of parties.

Subpart D—Posthearing Procedures

29–60.40 Briefs.
29–60.41 Decisions.
29–60.42 Reconsideration.

AUTHORITY: The provisions of this Part 29–60 issued under 5 U.S.C. 301.

§ 29–60.1 Scope of part.

This part establishes policies and procedures regarding appeals taken from decisions of contracting officers of the Department of Labor pursuant to the "disputes" clauses of contracts with the Department of Labor.

Subpart A—Boards of Contract Appeals; Establishment and Functions

§ 29–60.2 Establishment and membership of a Board of Contract Appeals.

Within 20 days of the filing of a written notice of appeal with a contracting officer of the Department of Labor pursuant to the "disputes" clause of a contract with the Department of Labor, the Secretary of Labor will establish a Board of Contract Appeals to hear the appeal. The Board will be composed of three persons, at least one of whom is an attorney, admitted to practice before the highest court of any State, commonwealth or territory of the United States, or the District of Columbia. One attorney member of the Board will be designated chairman of the Board by the Secretary of Labor. No person will be appointed to the Board if the Secretary finds that he has participated in the negotiation, award, or administration of the contract under which the appeal is taken, or has any personal interest in the subject matter of the appeal.

§ 29–60.3 Jurisdiction and authority of Boards of Contract Appeals.

(a) *Jurisdiction.* A Board of Contract Appeals appointed under this part shall have the power and the duty to hear, consider and decide as fully and finally as might the Secretary of Labor (1) questions of fact decided by a contracting officer of the United States Department of Labor pursuant to the "disputes" clause of a contract with the Department of Labor which are presented by timely appeal from such a decision, and (2) questions of procedural law arising during and in connection with, the appeal proceeding: *Provided,* That the jurisdiction of such a Board shall not extend to disputes relating to labor standards, equal employment opportunity, or claims for relief not provided in the written contracts.

(b) *Powers.* A Board of Contract Appeals shall have all the powers of the Secretary of Labor necessary or appropriate to the exercise of the jurisdiction and the performance of the duly provided in paragraph (a) of this section, including:

(1) The power to administer oaths and affirmations;

(2) The power to conduct hearings, examine and cross-examine witnesses, and to call witnesses;

(3) The power to rule upon offers of proof and admissibility of evidence;

(4) The power to regulate the course of hearings and the conduct of the parties and their representatives therein;

(5) The power to rule upon procedural requests;

(6) The power to hold conferences for the settlement, clarification and simplification of issues; and

(7) The power to make decisions in conformity with this part.

(c) *Delegation of authority.* A Board of Contract Appeals may authorize and direct a hearing examiner of the Department of Labor to hold hearings and receive evidence and arguments in its stead, and to certify the record of the proceedings to it. The Board shall delegate to the hearing examiner any of its power which it may deem necessary to properly conduct the hearings.

(d) *Quorum.* Two members of a Board of Contract Appeals shall constitute a quorum for the transaction of the business of the Board provided that one of them is a qualified attorney, and the decision of at least two of the members of the Board shall constitute the decision of the Board.

(e) *Decision.* A Board of Contract Appeals shall decide all cognizable questions in accordance with applicable contract provisions and applicable laws and regulations. A decision of the Board on a matter within its jurisdiction shall be the final decision of the Secretary of Labor.

Subpart B—Prehearing Procedures

§ 29–60.10 Appeals.

(a) *How taken.* An appeal from a decision of a contracting officer of the Department of Labor may be taken by mailing or otherwise furnishing to the contracting officer, within the time allowed by the contract, an original and two copies of a written notice of appeal addressed to the Secretary of Labor.

(b) *Contents of a notice of appeal.* A notice of appeal should indicate that an appeal is thereby intended and should include the following information:

(1) Identification of the contract involved;

(2) Identification of the Administration, Bureau, or Office of the Department of Labor which awarded the contract;

(3) Identification of the written decision from which the appeal is taken, including the date and form of decision;

(4) A concise specification of the errors complained of, and of the reasons therefor; and

(5) A statement of the relief sought by the appellant.

(c) *Signature of a notice of appeal.* A notice of appeal shall be signed by the contractor or the contractor's authorized representative.

(d) *Acknowledgement.* Upon his receipt of a notice of appeal, a contracting officer shall promptly acknowledge it in writing to the appellant, and shall transmit to him a copy of the regulations in this part.

(e) *Forwarding of a notice of appeal.* Within 5 days of his receipt of a notice of appeal, a contracting officer shall forward the original thereof to the Assistant Secretary of Labor for Administration for transmittal to the Secretary of Labor.

§ 29–60.11 Establishment of a Board of Contract Appeals.

Upon his receipt of a notice of appeal, the Secretary of Labor, by an appropriate order, will establish a Board of Contract Appeals in accordance with the provisions of § 29–60.2, and will refer the appeal to it. A copy of the order will be transmitted to the appellant or his representative of record, to the contracting officer from whose decision the appeal is taken, and to the Solicitor of Labor.

§ 29–60.12 Duties of a contracting officer.

(a) Upon his receipt of a copy of an order establishing a Board of Contract Appeals, a contracting officer shall promptly, and in any case within 15 days, transmit to the Board in triplicate an appeal file which shall include:

(1) A copy of the notice of appeal;

(2) A copy of the decision from which the appeal is taken;

(3) A copy of the contract under which the appeal is taken, together with any amendments thereof;

(4) Any pertinent solicitation documents, including invitations for bids, requests for proposals or quotations, plans and specifications, and any response thereto;

(5) Transcripts of any testimony taken, and a copy of any affidavit or statement of any person received, in connection with the dispute prior to the filing of the notice of appeal; and

(6) Any other document and information which the contracting officer may consider pertinent to the appeal.

(b) Upon his preparation of an appeal file, and before its transmittal to a Board, a contracting officer shall provide the appellant with a table of contents of the appeal file, and shall afford him an opportunity to examine the file. The appellant shall have the right to have included in the file any additional document and information which the appellant may deem pertinent to the appeal.

§ 29–60.13 Request for hearing.

Within 15 days of the receipt of a copy of an order establishing a Board of Contract Appeals, the appellant may request in writing a hearing, which the Board shall grant. In the absence of such a request, the Board may itself order a hearing. If no hearing is either requested or ordered, the Board shall decide the appeal on the appeal file and such written submissions, including briefs, as the parties may submit on their own initiative or at the Board's request.

§ 29–60.14 Notice of hearing.

In cases where a hearing has been requested or has been ordered by a Board of Contract Appeals, the parties shall be given a minimum of 15 days notice, in writing, of the time and place of the hearing. Hearings shall be held in Washington, D.C., unless the Board determines that fairness to one of the parties requires a different hearing site.

§ 29–60.16 Prehearing conference.

A Board of Contract Appeals shall have the power at any time, on its own motion or on the motion of a party, to raise the issue of its jurisdiction over the appeal, and to dismiss the appeal for lack of jurisdiction after affording the parties an opportunity to be heard on the issue.

§ 29–60.15 Dismissal for lack of jurisdiction.

(a) *Objectives.* Within 60 days after receipt of the appeal file, the Chairman of a Board of Contract Appeals shall direct the parties to appear before the Board for the purpose of exploring the possibility of informally disposing of the appeal by agreement. If it becomes evident that such informal disposition cannot be achieved, the following matters shall be considered:

(1) Jurisdiction of the Board, if this issue has not already been raised and disposed of;

(2) Elimination, simplification and clarification of issues;

(3) Possibility of obtaining stipulations, admissions of fact and other agreements which would avoid unnecessary proof;

(4) Limitations on the number of witnesses; and

(5) Such other matters as may aid in the fair and expeditious disposition of the appeal.

(b) *Order.* At the conclusion of the conference the Board shall enter an order reciting the action taken at the conference. The order shall control the subsequent course of the proceeding unless modified by the Board for good cause.

(c) *Time and place.* Prior to the conference, the parties shall be given a minimum of 20 days notice, in writing, of the time and place of the conference, which shall be held in Washington, D.C., unless the Board orders otherwise.

§ 29–60.17 Settlement; withdrawal of appeal.

(a) A dispute may be settled in whole or in part at any time before decision of an appeal, by written stipulation between the appellant and the contracting officer, or their authorized representatives, filed with the Board.

(b) At any time prior to the decision of an appeal, the appellant may withdraw the appeal with prejudice, by written notice to the Board.

§ 29–60.18 Representation of parties.

(a) *Appellant.* An individual appellant may appear before a Board of Contract Appeals or a hearing examiner acting on its behalf, in person; a corporation, by an officer thereof; a partnership or join venture, by a member thereof; or any of these, by an attorney admitted to practice before the highest court of any State, Commonwealth, or Territory of the United States or the District of Columbia.

(b) *Appellee.* The Solicitor or his designee shall represent a contracting officer in every proceeding before the Board, or a hearing examiner acting on its behalf.

§ 29–60.19 Service of papers.

(a) Any written communication submitted by a party to a Board of Contract Appeals or a hearing examiner acting in its behalf, except the appeal file, shall contain or be accompanied by evidence of service of a copy thereof upon the other party or his attorney, by means of personal delivery or by mail.

(b) Such communications shall be addressed to the Assistant Secretary of Labor for Administration for transmittal to the Board or Hearing Examiner, as the case may be.

Subpart C—Hearings

§ 29–60.30 Nature of hearings.

A hearing shall be as informal as may be reasonably appropriate for an adversary proceeding. The purpose of a hearing shall be to provide a Board of Contract Appeals with the pertinent facts and positions of the parties as a basis for the Board's decision of an appeal.

§ 29–60.31 Evidence.

(a) *General.* The parties may offer at a hearing such relevant evidence as they may deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding Board or hearing examiner, as the case may be, in supervising the manner and extent of presentation of such evidence. In general, admissibility shall hinge on relevancy and materiality. Letters or copies thereof, affidavits, and other evidence not admissible under such generally accepted rules of evidence may nevertheless be admitted in the discretion of the Board or the hearing examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties shall be conclusive. The parties may stipulate the testimony that would be given by a witness if that witness were present.

(b) *Examination of witnesses.* Testimony shall ordinarily be adduced through the examination and cross-examination of witnesses. Witnesses shall be examined orally, under oath or affirmation, unless all the facts are stipulated or the presiding Board or hearing examiner, as the case may be, shall otherwise order. However, if the testimony of a witness is not given under oath or if the circumstances otherwise warrant, the witness should be warned that his statements may be subject to the provisions of title 18, United States Code, sections 287, 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(c) *Copies of documents.* Accurate copies of admissible documents may be accepted in evidence if the submission of original documents is not practicable.

(d) *Withdrawals of exhibits.* At any time, upon request and after notice to the other party, a Board of Contract Appeals may, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of certified true copies of exhibits or any part thereof may be required by the Board as a condition of granting permission for such withdrawal.

§ 29–60.32 Transcripts of proceedings.

A verbatim transcript of a hearing shall be made. A copy of the transcript shall be available to a party requesting it at the time of the hearing, on such terms as the presiding Board or hearing examiner may provide.

§ 29–60.33 Absence of parties.

The unexcused absence of a party or his authorized representative at the time and place set for a hearing shall not be the occasion for delay of the hearing. In such event, the hearing shall proceed and the case shall be regarded as submitted on the record by the absent party. The presiding Board or hearing examiner may, with the consent of the party present, cancel the hearing and treat the appeal as submitted on the written record.

Subpart D—Posthearing Procedures

§ 29–60.40 Briefs.

Any party to an appeal may submit a brief or memorandum within a period of time specified by the Board of Contract Appeals.

§ 29–60.41 Decisions.

A copy of a decision of a Board of Contract Appeals shall be furnished to all parties to the appeal. A copy of the decision shall be available for public inspection at the Office of the Assistant Secretary for Administration.

§ 29–60.42 Reconsideration.

A request for reconsideration may be filed by any party to an appeal within 15 days after receipt of a copy of the decision of the appeal. Reconsideration of a decision, which may include a hearing or rehearing, may be granted if, in the judgment of the Board, sufficient reason therefor appears. Failure to request reconsideration shall not be deemed a failure to exhaust administrative remedies.

Signed at Washington, D.C., this 7th day of March 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–3031; Filed, Mar. 12, 1969; 8:47 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.1—General

SALES OF SURPLUS PERSONAL PROPERTY

Part 101–45 is amended by revising § 101–45.101 to include a provision that sales of surplus personal property pursuant to 10 U.S.C. 2576 are applicable only to the Department of Defense.

Section 101–45.101 is revised as follows:

§ 101–45.101 Applicability.

(a) This Part 101–45 applies to all agencies in the executive, legislative, and judicial branches of the Government, except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, to the extent provided in the Federal Property and Administrative Services Act of 1949, as amended (hereinafter generally referred to in this Part 101–45 as "the Act").

(b) The provisions of this Part 101–45, relating specifically to sales of surplus personal property, do not apply to sales by the Secretary of Defense made pursuant to 10 U.S.C. 2576.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: March 6, 1969.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 69–3017; Filed, Mar. 12, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17966]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Incorporation of New and Modified Earth Station Coordination Distance Contours; Correction

In the report and order in the above-entitled matter, FCC 68–780, adopted July 31, 1968, and published in the FEDERAL REGISTER on August 8, 1968, 33 F.R. 11291, the following lines and footnote are corrected as follows:

1. In the table for transmitting earth stations under the heading of Government (§ 21.706(d)(1)) line 7, the listing of "Mojave, California" is amended to read "Mojave, California [1]".

2. In the table for transmitting earth stations under the heading of Government (§ 21.706(d)(1)) line 8 the listing of "Rosman, North Carolina" is amended to read "Rosman, North Carolina [1]".

3. In footnote 2 to § 21.706(d) the content is amended to read "This station is authorized to transmit on frequencies 6301.02, 6301.05, 6212.09, and 6389.97 MHz and receive on frequencies in the 3700–4200 MHz band on the condition that harmful interference will not be caused to stations operating in these bands."

Released: March 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–3054; Filed, Mar. 12, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Bosque Del Apache National Wildlife Refuge, N. Mex.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 1,800 acres, are delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 30 to October 15, 1969, inclusive.

(2) The use of boats or floating devices is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1969.

RICHARD W. RIGBY,
Refuge Manager, Bosque del Apache National Wildlife Refuge, San Antonio, N. Mex.

MARCH 6, 1969.

[F.R. Doc. 69–3024; Filed, Mar. 12, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Hagerman National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing including frog gigging on the Hagerman National Wildlife Refuge, Tex., is permitted from April 1 through September 30, 1969, inclusive, only on areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, Sherman, T

appeal. With his transmittal to the Board, the contracting officer shall certify that the appellant has been provided with the above-described listing in accordance with the provisions of § 4.16 (Rule 16).

§ 4.5 Dismissal for lack of jurisdiction.

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 4.6 Pleadings.

(a) Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and one copy of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. In addition, a copy of the complaint will be served by the appellant upon the Solicitor, U.S. Department of the Interior, C between 18th and 19th Streets NW., Washington, D.C. 20240, in accordance with § 4.16 (Rule 16). Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the Department counsel shall be so notified.

(b) Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, the Department counsel shall prepare and file with the Board an original and one copy of an answer thereto, setting forth simple, concise, and direct statements of the Government's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. One copy of the answer will be served by the Government upon the appellant in accordance with § 4.16 (Rule 16). Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 4.7 Amendments of pleadings or record.

(a) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(b) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 4.4 (Rule 4) are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or said documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal; provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 4.8 Hearing—election.

Within 15 days after the Government's answer has been served upon the appellant, or within 20 days of the date upon which the Board enters a general denial on behalf of the Government, notification as to whether one or both of the parties desire an oral hearing on the appeal should be given to the Board. In the event either party requests an oral hearing, the Board will schedule the same as hereinafter provided. In the event both parties waive an oral hearing, the Board, unless it directs an oral hearing, will decide the appeal on the record before it, supplemented as it may permit or direct. A party failing to elect an oral hearing within the time limitations specified in this section may be deemed to have submitted its case on the record.

§ 4.9 Prehearing briefs.

Based on an examination of the appeal file, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 4.8 (Rule 8). In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 4.10 Prehearing or presubmission conference.

Whether the case is to be submitted without a hearing, or heard pursuant to §§ 4.17 through 4.25 (Rules 17 through 25), the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member or examiner of the Board for a conference to consider:

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute;

(e) Such other matters as may aid in the disposition of the appeal.

Any conference results that are not reflected in a transcript shall be reduced to writing by the Board member or examiner. This writing shall thereafter constitute part of the record.

§ 4.11 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to § 4.13 (Rule 13). In the event of such election (see the time limitations for election in § 4.8 (Rule 8)), the submission may be supplemented by oral argument (transcribed if requested) and by briefs.

§ 4.12 Accelerated procedure.

When a very strong showing is made that there is a reason (e.g. hardship to the contractor) for utilization of an accelerated procedure, the Board will undertake to issue an appeal decision on an expedited basis, without regard to the normal position of the appeal on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and elect to waive a hearing, thus submitting the matter for decision on the record. In all other respects these rules will apply.

§ 4.13 Settling of the record.

(a) A case submitted on the record pursuant to § 4.11 (Rule 11) shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceeding, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

(b) The Board record shall consist of the appeal file described in § 4.4 (Rule 4) and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and posthearing briefs, as may thereafter be developed pursuant to the rules in this part. In deciding appeals the Board in addition to considering the Board record may take official notice of facts within general knowledge.

(c) This record will at all times be available for inspection by the parties at an appropriate time and place. In the interest of convenience, prior arrangements for inspection of the file should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

§ 4.14 Depositions.

(a) *When permitted.* After an appeal has been docketed, the Board may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(b) *Orders on depositions.* The time, place, and manner of taking depositions shall be governed by orders of the Board.

(c) *Use as evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence to supplement the record.

(d) *Expenses.* All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition only upon paying therefor.

§ 4.15 Interrogatories to parties; inspection of documents; admission of facts.

For good cause shown, the Board may permit a party to serve written interrogatories upon the opposing party, order a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal, or permit the serving on the opposing party of a request for admission of facts. Such permission will be granted and orders entered as are consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

§ 4.16 Service of papers.

Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

HEARINGS

§ 4.17 Where and when held.

Hearings may be held in Washington, D.C., or upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing on an appeal at a location other than Washington, D.C. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

§ 4.18 Notice of hearings.

The parties shall be given at least 15 days' notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have consented to the indicated time and place of hearing.

§ 4.19 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 4.11 (Rule 11). The Board shall notify the absent party of the proceedings had and shall advise him that he has 5 days from the receipt of such notification within which to show cause why the appeal should not be decided on the record made.

§ 4.20 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate in the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member or examiner in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 4.21 Examination of witnesses.

Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the presiding Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath the presiding Board member or examiner shall call to the attention of the witness the provisions of title 18, United States Code, sections 287 and 1001, prescribing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 4.22 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 4.23 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding Board member or examiner at the conclusion of the hearing.

§ 4.24 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the reporter and the Department of the Interior agency or office which is involved in the appeal, or equivalent rates if the proceedings are reported by an employee of the Government.

§ 4.25 Withdrawal of exhibits.

After a decision has become final, the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 4.26 Practice before Board.

Representation of a contractor before the Board is governed by Part 1 of this subtitle, which regulates practice before the Department of the Interior.

§ 4.27 Representation of the Government.

Department counsel designated by the Solicitor of the Department represents the agencies, bureaus, and offices cognizant of the disputes brought before the Board. They shall file notices of appearance with the Board, and shall notify the appellant or his attorney that they

represent the Government. The Department counsel shall represent the Government in the same manner as a private advocate represents a client.

§ 4.28 Decisions.

Decisions of the Board will be made in writing. Copies thereof will be forwarded simultaneously to both parties by certified mail. The rules of the Board and all final orders and decisions (except those that under applicable law should be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board. Decisions of the Board will be made upon the record, as described in § 4.13 (Rule 13).

§ 4.29 Motions for reconsideration.

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon in support of the motion, and shall be filed within 30 days from the date of the receipt of a copy of the Board's decision by the party filing the motion. Reconsideration of a decision, which may include a hearing or rehearing, may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 4.30 Dismissal without prejudice.

In certain cases, appeals docketed before the Board reach a stage where the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the inability to take action upon the appeal has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeal from its docket without prejudice to its restoration when the cause of delay has been removed, and when the parties have complied with conditions specified by the Board in its dismissal order.

§ 4.31 Remands from courts.

Whenever any matter is remanded to the Board from any court for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board, recommending procedures to be followed in order to comply with the court's order. The Board will review the reports and enter special orders governing the handling of matters remanded to it for further proceedings by any court. To the extent the court's directive and time limitations will permit, such orders will conform to the rules in this part.

§ 4.32 Standards of conduct.

No member of the Board shall consider an appeal if he has participated in the awarding or administration of the contract in question. There shall be no communication between any party to an appeal and a Board member or Board employee concerning the merits of the appeal, unless such communication (if written) is also furnished to the other party to the appeal, or (if oral) is made in the presence of the other party. The Board also shall exercise care to avoid receiving, except as part of the formally established appeal record, any information having a substantial bearing upon an appeal from persons who do not represent a party in the appeal, but nonetheless have an interest in the decision to be rendered.

§ 4.33 Effective date and applicability.

The revised rules in this part shall take effect 60 days following publication in the FEDERAL REGISTER. They shall not apply to appeals which have been docketed prior to their effective date, except as otherwise directed by the Board and agreed to by the parties.

GEORGE E. ROBINSON,
Deputy Assistant Secretary for Administration.

MARCH 6, 1969.

[F.R. Doc. 69-3029; Filed, Mar. 12, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 462]

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING CONTINENTAL ASSURANCE CO.

Notice of Proposed Rule Making

Where benefits under an employee benefit plan are provided by an insurance carrier or service or other organization which does not maintain separate experience records covering the specific groups it serves, section 7(d)(2)(A), 29 U.S.C. 306(d)(2)(A), of the Welfare and Pension Plans Disclosure Act (hereinafter the Act) requires a copy of the financial report of the carrier or other organization to be included with the annual report of the plan. Section 5(a) of the Act, 29 U.S.C. 304(a), provides, among other things, that if information required to be published under the Act would be "duplicative", the Secretary of Labor may prescribe another manner for the publication of such information. By petition dated August 28, 1968, and amended January 22, 1969, the Continental Assurance Co., 310 South Michigan Avenue, Chicago, Ill. 60604, asserting that it funds over 1,500 employee benefit plans with respect to which it does not maintain separate experience records, requested a variation from the requirement of section 7(d)(2)(A) that each of the plans attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, 29 U.S.C. 307(b), a copy of the financial report of the Continental Assurance Co. It appears that the requirement of section 7(d)(2)(A) of the Act, as described above, is "duplicative" within the meaning of section 5(a) of the Act when applied to the employee benefit plans which utilize the Continental Assurance Co. Therefore, in accordance with section 5(a) of the Welfare and Pension Plans Disclosure Act, Subpart A of Part 462, Code of Federal Regulations, and Secretary's Order No. 16-68 (33 F.R. 15574), a variation, to appear as §§ 462.29 and 462.30 of that part with an added undesignated centerhead, is proposed as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE CONTINENTAL ASSURANCE CO.

§ 462.29 Rule of variation.

Every employee benefit plan which utilizes the Continental Assurance Co., 310 South Michigan Avenue, Chicago, Ill. 60604, to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the Continental Assurance Co. will no longer be required to do so, subject to the following conditions.

§ 462.30 Conditions of variation.

(a) The Continental Assurance Co. shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the Continental Assurance Co. has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the Continental Assurance Co., each plan administrator of an employee benefit plan to which this variation applies shall report in part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the Continental Assurance Co. and shall indicate that the financial report of said company is on file with the Office of Labor-Management and Welfare-Pension Reports.

(c) The Continental Assurance Co. is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the Continental Assurance Co. maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the Continental Assurance Co. to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

Pursuant to 29 CFR 462.7(c), interested persons may within 15 days from the date of publication of this proposed variation in the FEDERAL REGISTER file objections thereto. Such objections shall be in writing and addressed to the Director, Office of Labor-Management and Welfare-Pension Reports, Room 801, 8701 Georgia Avenue, Silver Spring, Md. 20910, and shall show wherein the person filing will be adversely affected by the proposed variation and shall specify with particularity the provisions of the proposed variation deemed objectionable and the grounds for the objections. If such interested person desires a hearing, he shall file a request for a hearing with his objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in triplicate.

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

Signed at Washington, D.C., this 6th day of March 1969.

W. J. USERY,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 69-3032; Filed, Mar. 12, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards; Plasma (Human) and Packed Red Blood Cells (Human)

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for the manufacture of plasma separated from human blood and make certain other conforming changes. Except as may otherwise be provided in Part 73, the proposed amendments would prohibit pooling at any stage of the plasma manufacturing process.

Notice is also hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by amending the Additional Standards applicable to Packed Red Blood Cells (Human).

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also hereby given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

Amend Part 73 of the Public Health Service Regulations as set forth below:

1. Add the following to the table of contents after "73.327 General requirements."

ADDITIONAL STANDARDS: PLASMA (HUMAN)

Sec.
73.330 Proper name and definition.
73.331 Pooling prohibited.
73.332 Suitability of donor.
73.333 Collection of the blood.
73.334 Plasmapheresis.
73.335 Laboratory tests.
73.336 Pilot samples.
73.337 Processing.
73.338 General requirements.
73.339 Modifications for specific products.
73.340 Labeling.

2. Amend § 73.38 by deleting "Antihemophilic Plasma (Human), Packed Red Blood Cells (Human), Single Donor Plasma (Human), Normal Human Plasma", from the first sentence and by inserting in lieu thereof the words "Plasma (Human) obtained from a single donor, Red Blood Cells (Human)". As thus amended the first sentence of § 73.38 will read as follows:

§ 73.38 Retention samples.

Manufacturers shall retain for a period of at least 6 months after the expiration date a quantity of representative material of each lot of each product, sufficient for examination and testing for safety, and potency, except Whole Blood (Human), Plasma (Human) obtained from a single donor, Red Blood Cells (Human) and Allergenic Products prepared to physician's prescription. * * *

3. Amend § 73.40 by deleting the words "Single Donor Plasma (Human)" and "Packed Red Blood Cells (Human)" and inserting in lieu thereof, respectively, "Plasma (Human)" and "Red Blood Cells (Human)" and listing the products in alphabetical order. As thus amended the section will read as follows:

§ 73.40 Temperatures during shipment.

The following products shall be maintained during shipment at the specified temperatures:

Product	*Temperatures*
Plasma (Human), Frozen	−18° C. or colder.
Poliovirus Vaccine, Live, Oral, Type 1. Poliovirus Vaccine, Live, Oral, Type 2. Poliovirus Vaccine, Live, Oral, Type 3. Poliovirus Vaccine, Live, Oral, Trivalent.	A temperature which will maintain ice continuously in a solid state.
Red Blood Cells (Human)	Between 1° and 10° C.
Smallpox Vaccine, Liquid	A temperature which will maintain ice continuously in a solid state.
Whole Blood (Human)	Between 1° and 10° C.
Yellow Fever Vaccine.	A temperature which will maintain ice continuously in a solid state.

4. Amend § 73.73(f)(4) by deleting the words "Packed Red Blood Cells (Human), Single Donor Plasma (Human)" and by inserting in lieu thereof the words "Red Blood Cells (Human), Plasma (Human), except pooled antihemophilic plasma".

5. Amend § 73.73(f)(8) by deleting the words "Normal Human Plasma, Antihemophilic Plasma (Human)" and inserting in lieu thereof "pooled antihemophilic Plasma (Human)".

As thus amended subparagraphs (4) and (8) will read as follows:

§ 73.73 Sterility.

* * * * * *

(f) *Exceptions.* * * *

(4) *Test precluded or not required.* The tests prescribed in this section need not be performed for Whole Blood (Human), Red Blood Cells (Human), Plasma (Human), except pooled antihemophilic plasma, Smallpox Vaccine and other similar products concerning which the Director, National Institutes of Health, finds that the mode of administration, the method of preparation or the special nature of the product precludes or does not require a sterility test.

* * * * * *

(8) *Samples—large volume of product in final containers.* For Normal Serum Albumin (Human), pooled antihemophilic Plasma (Human), Plasma Protein Solution (Human), and Fibrinogen (Human), when the volume of product in the final container is 50 ml. or more, the final containers selected as the test sample may contain less than the full volume of product in the final containers of the filling from which the sample is taken: *Provided*, That the containers and closures of the sample are identical with those used for the filling to which the test applies and the sample represents all stages of that filling.

* * * * * *

6. Amend § 73.74(b) by deleting the words "Single Donor Plasma (Human)" and inserting in lieu thereof the words "Plasma (Human), except pooled antihemophilic plasma".

7. Amend § 73.74(b)(1) by deleting the words "Normal Human Plasma" and inserting in lieu thereof "pooled antihemophilic Plasma (Human)". As thus amended, the introductory text of (b) and subparagraph (1) will read as follows:

§ 73.74 Purity.

* * * * * *

(b) *Test for pyrogenic substances.* Each lot of any product intended for use by injection shall be tested for pyrogenic substances by intravenous injection into rabbits as provided in subparagraphs (1) and (2) of this paragraph: *Provided*, That notwithstanding any other provision of this part, the test for pyrogenic substances is not required for the following products: Products containing formed blood elements; Plasma (Human), except pooled antihemophilic plasma; Normal Horse Serum; Normal Rabbit Serum; bacterial, viral and rickettsial vaccines and antigens; toxoids; toxins; allergenic extracts; venoms; diagnostic substances and trivalent organic arsenicals.

(1) *Test dose.* The test dose for each rabbit shall be at least 3 milliliters per

kilogram of body weight of the rabbit and also shall be at least equivalent proportionately, on a body weight basis, to the maximum single human dose recommended, but need not exceed 10 ml. per kilogram of body weight of the rabbit, except that: (i) Regardless of the human dose recommended, the test dose per kilogram of body weight of each rabbit shall be, at least 1 milliliter for immune globulins derived from human blood, at least 3 milliliters for pooled antihemophilic Plasma (Human), and at least 30 milligrams for Fibrinogen (Human); (ii) for Streptokinase, Streptokinase-Streptodornase, Aggregated Radio-Iodinated (I^{131}) Albumin (Human), Radio-Chromated (Cr^{51}) Serum Albumin (Human), Radio-Iodinated (I^{125}) Serum Albumin (Human) and Radio-Iodinated (I^{125}) Serum Albumin (Human), the test dose shall be at least equavent proportionately on a body weight basis to the maximum single human dose recommended.

* * * * *

8. Amend § 73.82 by inserting the following two sentences immediately preceding the last sentence: "Pooled antihemophilic Plasma (Human) shall have a potency of not less than 0.7 unit of antihemophilic factor per milliliter. For this purpose one unit of antihemophilic factor is the equivalent of the activity present in 1.0 ml. of plasma pooled from at least 10 donors and tested within 3 hours of collection of the first unit represented in the pool."

As thus amended § 73.82 will read as follows:

§ 73.82 Limits of potency.

Diphtheria Antitoxin shall have a potency of not less than 500 units per milliliter. Tetanus Antitoxin shall have a potency of not less than 400 units per milliliter. Scarlet Fever Streptococcus Antitoxin shall have a potency of not less than 400 units per milliliter. Pertussis Vaccine shall have a potency of 12 units per total human immunizing dose. Pooled antihemophilic Plasma (Human) shall have a potency of not less than 0.7 unit of antihemophilic factor per milliliter. For this purpose one unit of antihemophilic factor is the equivalent of the activity present in 1.0 ml. of plasma pooled from at least 10 donors and tested within 3 hours of collection of the first unit represented in the pool. Products dispensed in the dried state shall represent liquid products having these potency limitations.

§ 73.86 [Amended]

9. Amend § 73.86 by deleting the product listings, dating periods and storage temperatures for Antihemophilic Plasma (Human), Normal Human Plasma and Single Donor Plasma (Human) and by inserting immediately after "Plague Vaccine ---------- 18 months (5° C., 1 year)." the following:

Plasma (Human) ---	(a) Five years after blood collection provided labeling recommends storage at −18° C. or colder. Section 73.84 does not apply.
	(b) *Fresh frozen:* One year, provided labeling recommends storage at −18° C. or colder. Section 73.84 does not apply.
	(c) *Platelet rich:* 24 hours after blood collection provided labeling recommends storage at 20°–22° C. Section 73.84 does not apply.
	(d) *Pooled antihemophilic:* One year after blood collection, provided labeling recommends storage at no warmer than 37° C. Section 73.84 does not apply.

10. Add the following after § 73.327:

ADDITIONAL STANDARDS: PLASMA (HUMAN)

§ 73.330 Proper name and definition.

The proper name of this product shall be Plasma (Human). The product is defined as, and these additional standards are applicable to, all plasma which has been separated from human blood.

§ 73.331 Pooling prohibited.

Plasma (Human) shall be derived from blood from a single donor and not pooled with that of another donor except when prepared for the treatment of hemophilia A as set forth in § 73.339(c).

§ 73.332 Suitability of donor.

Blood for Plasma (Human) shall be obtained only from a donor who meets the criteria for donor suitability prescribed in § 73.301, except that when the blood is obtained by plasmapheresis, paragraph (f) thereof is not applicable.

§ 73.333 Collection of the blood.

Blood for Plasma (Human) shall be collected as prescribed in § 73.302 except paragraphs (d)(2), (g), and (h). The following anticoagulant also may be used:

ANTICOAGULANT SODIUM CITRATE SOLUTION

Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$) ----------	40 gm.
Water for injection (U.S.P.) to make ----------	1,000 ml.
Volume per 100 ml. of blood----	10 ml.

§ 73.334 Plasmapheresis.

The procedures used for plasmapheresis shall be approved by the Director, Division of Biologics Standards, and shall include as a minimum the following:

(a) Within no more than 1 week prior to the first plasmapheresis, the donor shall be examined and certified to be in good health by a physician on the premises, as indicated by § 73.301(b), or the donor shall present a qualified physician's written certification that the donor is in good health.

(b) A qualified physician shall supervise the performance of plasmapheresis, including the reinfusion of red cells. Records shall be made and maintained of the major pertinent elements of each donor's physical condition.

(c) Before a second plasmapheresis is performed, laboratory tests shall be done on samples of the donor's plasma to determine that the protein level and the ratio of the various protein components, as shown by electrophoresis, fall within normal limits. A donor shall not serve as a source of plasma while there is any significant change in his health, or in the values of these initial determinations. Periodic determinations shall be made as frequently as necessary to monitor these evaluations.

(d) No more than 1,000 ml. of plasma may be removed from a donor in a 7-day period, and no more than 500 ml. of plasma in a 48-hour period.

§ 73.335 Laboratory tests.

At the time of collection a sample of source blood shall be taken from the donor, which shall be used for a serological test for syphilis and for tests to determine blood group and Rh factors, as prescribed in § 73.303 (a), (b), and (c).

§ 73.336 Pilot samples.

Pilot samples collected in integral tubing or separate tubes shall meet the following standards:

(a) Plasma (Human) when issued shall be accompanied by one or more pilot samples of that unit of plasma.

(b) Before they are filled, all tubes for pilot samples shall be marked or identified so as to relate them to the donor of that unit of plasma.

(c) At the time the final product is prepared, pilot sample tubes shall be attached securely to the final container in a tamperproof manner that will conspicuously indicate removal and reattachment.

(d) All pilot sample tubes shall be filled at the time the final product is prepared, by the person who prepares the final product.

§ 73.337 Processing.

(a) *Separation.* Plasma (Human) shall be separated from the red blood cells no later than 21 days after the date of blood collection and shall be stored at −18° C. or colder, beginning no later than 1 hour after transfer to the final container, in a manner that will show evidence of thawing and refreezing.

(b) *Sterile system.* All surfaces that come in contact with the plasma shall be sterile and pyrogen-free. If an open system is used, that is, where the blood container or any integral part of it is entered after blood collection, the plasma shall be separated from the red blood cells directly into the final plasma container. If the method of separation involves a vented system, that is, when an airway must be inserted in the container for withdrawal of the plasma, the airway and vent shall be sterile and constructed so as to exclude microorganisms and maintain a sterile system.

(c) *Final container.* Final containers used for Plasma (Human), whether integrally attached or separated from the original blood collecting container, shall meet the requirements for blood containers prescribed in § 73.304(c). At the time of filling, the final container shall be marked or identified by number or other symbol so as to relate it to the donor.

§ 73.338 General requirements.

(a) *Manufacturing responsibility.* All steps in the manufacture of Plasma (Human), beginning with the collection of the source blood, shall be performed by the licensee.

(b) *Sterility test—vented systems.* Each unit of plasma prepared in a vented system shall be tested for sterility at the time of preparation for freezing, as prescribed in § 73.73(a)(1) except that the test sample shall be no less than 1 ml. taken from the aspirating set, which shall be tested in a 1–10 proportion of product to medium. If the test shows evidence of bacterial contamination, that unit of frozen plasma may not be used for transfusion purposes.

(c) *Check on sterile technique—open, non-vented system.* A sample of at least 1 ml. of at least one unit of plasma prepared in each month shall be tested at the time of preparation for freezing, as prescribed in paragraph (b) of this section.

(d) *Storage.* Immediately after processing, the plasma shall be placed in storage and maintained at −18° C. or colder.

(e) *Inspection.* The product shall be inspected immediately after separation of the plasma. The product may not be issued if there is any abnormality in color or physical appearance, or if there is any indication of microbial contamination, or if the product contains more than 20 mgm. of hemoglobin per 100 ml., as estimated by gross inspection. The product shall not be issued if at the time of issue there is any evidence of thawing.

(f) *Reissue of plasma.* Plasma (Human) that has been removed from storage controlled by a licensed establishment shall not be reissued by a licensed establishment unless the following conditions have been met:

(1) The container has a tamperproof seal when originally issued and the seal remains unbroken.

(2) It has been maintained continuously at −18° C. or colder.

§ 73.339 Modifications for specific products.

(a) *Fresh frozen plasma.* Plasma (Human) recommended for the treatment of coagulation defects shall be prepared from blood collected with minimal damage to and minimal manipulation of the donor's tissue, with an uninterrupted, free-flowing venipuncture. The product shall be separated from the red blood cells and placed in a freezer at −18° C. or colder within 4 hours after blood collection and shall be frozen within 6 hours after being placed in the freezer in a manner that will show evidence of thawing and refreezing.

(b) *Platelet rich plasma.* Plasma (Human) recommended as a source of platelets shall not be frozen and shall be prepared in a closed system within 4 hours after blood collection by a method proved to yield a concentration of at least 250,000 platelets/mm³ with less than 20,000 RBC/mm³. The plasma shall be stored at 20°–22° C. immediately after filling into the final container. Platelet rich plasma may not be reissued.

(c) *Antihemophilic plasma.* Sections 73.335, 73.336, 73.337, 73.338, except paragraph (a), and 73.340 (a) and (e) are not applicable to Plasma (Human) recommended for the treatment of hemophilia A prepared pursuant to this paragraph. Plasma (Human) for the treatment of hemophilia A may be prepared from plasma obtained from no more than 50 donors, provided the following conditions are met:

(1) The plasma is pooled aseptically,

(2) Final containers are filled and frozen within 8 hours after collection of the first unit of blood represented in the pooled plasma, and

(3) The plasma is dried promptly after freezing by a process of sublimation.

§ 73.340 Labeling.

In addition to the items required by other applicable labeling provisions of this part, labels for Plasma (Human) shall bear the following:

(a) The information required by § 73.305 (a)(2), (b), and (c) for Whole Blood (Human), except the proper name.

(b) Immediately preceding and in no less prominence than the proper name, the words "Single Donor" or "Antihemophilic", as applicable.

(c) Immediately following or immediately below and in no less prominence than the proper name, appropriate words describing each approved variation applicable to the product in the final container; for example, that the product is fresh frozen, platelet rich, etc.

(d) A statement of the method(s) of testing and the results of all tests for irregular antibodies, if performed.

(e) A statement limiting administration to group compatible recipients.

(f) If plasma is frozen, a warning against use if there is evidence of thawing during storage.

(g) If plasma is frozen, instructions to thaw in a water bath maintained at not warmer than 37° C. and to use the product within one hour after thawing.

(h) Instructions to use a filter in the administration equipment.

(i) Unless the plasma is prepared as described in § 73.339 (a) or (c), a statement that the product should not be used in the treatment of coagulation defects requiring labile plasma factors.

11. Amend the table of contents by deleting the title "Additional Standards: Packed Red Blood Cells (Human)", the section designations and titles from §§ 73.320 through 73.327 and insert in lieu thereof the following:

ADDITIONAL STANDARDS: RED BLOOD CELLS (HUMAN)

Sec.
- 73.320 Proper name and definition.
- 73.321 Suitability of donor.
- 73.322 Collection of the blood.
- 73.323 Laboratory tests.
- 73.324 Pilot samples.
- 73.325 Processing.
- 73.326 General requirements.
- 73.327 Modifications for specific products.
- 73.328 Labeling.

§ 73.86 [Amended]

12. Amend § 73.86 by deleting the listing, dating periods and storage temperatures for Packed Red Blood Cells (Human) and inserting immediately after "Reagent Blood Group Specific Substances A and B ---------- Two years." the following:

Red Blood Cells (Human)----------	(a) Twenty-one days from date of collection of source blood, provided labeling recommends storage between 1° and 10° C. and the hermetic seal is not broken during processing. Section 73.84 does not apply. Twenty-four hours after plasma removal, provided labeling recommends storage between 1° and 10° C., if the hermetic seal is broken during processing. Section 73.84 does not apply.
	(b) *Frozen:* Three years, provided labeling recomends storage at −80° C. or colder. Twenty-four hours after removal from −80° C. storage, provided labeling recommends storage between 1° and 10° C. Section 73.84 does not apply.

13. Substitute for the title "Additional Standards: Packed Red Blood Cells (Human)" and §§ 73.320 through 73.327, the following:

ADDITIONAL STANDARDS: RED BLOOD CELLS (HUMAN)

§ 73.320 Proper name and definition.

The proper name of this product shall be Red Blood Cells (Human). The product is defined as red blood cells remaining after separating a major portion of the plasma from human blood.

§ 73.321 Suitability of donor.

The source blood for Red Blood Cells (Human) shall be obtained from a donor who meets the criteria for donor suitability prescribed in § 73.301.

§ 73.322 Collection of the blood.

The source blood shall be collected as prescribed in § 73.302 except paragraphs (d)(2), (g), and (h).

§ 73.323 Laboratory tests.

A sample of source blood shall be taken from the donor at the time of collection and it shall be used for a serological test for syphilis, for tests to determine blood group and Rh factors, as prescribed in § 73.303 (a), (b), and (c).

§ 73.324 Pilot samples.

Pilot samples collected in integral tubing or in separate pilot tubes shall meet the following standards:

(a) One or more pilot samples of either the original blood or of the Red Blood Cells (Human) being processed shall be

provided with each unit of Red Blood Cells (Human) when issued or reissued.

(b) Before they are filled, all pilot sample tubes shall be marked or identified so as to relate them to the donor of that unit of red cells.

(c) Before the final container is filled or at the time the final product is prepared, the pilot sample tubes to accompany a unit of cells shall be attached securely to the final container in a tamperproof manner that will conspicuously indicate removal and reattachment.

(d) All pilot sample tubes accompanying a unit of Red Blood Cells (Human) shall be filled at the time the blood is collected or at the time the final product is prepared, in each instance by the person who performs the collection or preparation.

§ 73.325 Processing.

(a) *Separation.* Red Blood Cells (Human) may be prepared either by centrifugation done in a manner that will not tend to increase the temperature of the blood, and no later than 6 days after the date of blood collection or by normal, undisturbed sedimentation no later than 21 days after the date of blood collection. A portion of the plasma sufficient to assure optimal cell preservation shall be left with the red cells.

(b) *Sterile system.* All surfaces that come in contact with the red cells shall be sterile and pyrogen-free. If an open system is used, that is, where the transfer container is not integrally attached to the blood container, and the blood container is entered after blood collection, the plasma shall be separated from the red blood cells with positive pressure maintained on the original container until completely sealed. If the method of separation involves a vented system, that is, when an airway must be inserted in the container for withdrawal of the plasma, the airway and vent shall be sterile and constructed so as to exclude microorganisms and maintain a sterile system.

(c) *Final containers.* Final containers used for Red Blood Cells (Human) may be either the original blood containers or different containers and shall meet the requirements for blood containers prescribed in § 73.304(c). At the time of filling, if a different container is used, it shall be marked or identified by number or other symbol so as to relate it to the donor of that unit of red cells.

§ 73.326 General requirements.

(a) *Manufacturing responsibility.* All steps in the manufacture of Red Blood Cells (Human) shall be performed as prescribed in § 73.304(a).

(b) *Check on sterile technique.* A check on sterile technique shall be made each month for Red Blood Cells (Human) prepared in a vented or open system by performing a test 24 hours after its preparation on at least one container of Red Blood Cells (Human), by the method prescribed in § 73.304(b).

(c) *Storage.* Immediately after processing, the Red Blood Cells (Human) shall be placed in storage and maintained within a 2° range between 1° and 6° C.

(d) *Inspection.* The product shall be inspected immediately after separation of the plasma, periodically during storage, and at the time of issue. The product shall not be issued if there is any abnormality in color or physical appearance or if there is any indication of microbial contamination.

§ 73.327 Modifications for specific products.

Frozen Red Blood Cells (Human). A cryophylactic substance may be added to the Red Blood Cells (Human) for extended manufacturer's storage at −80° C. or colder, provided the manufacturer submits data considered by the Director, Division of Biologics Standards, as adequately demonstrating through in vivo cell survival and other appropriate tests that the addition of the substance, the materials used and the processing methods result in a final product that meets the required standards of safety, purity, and potency for Red Blood Cells (Human), and that the frozen product will maintain those properties for the prescribed dating period. Section 73.326 (c) and (d) do not apply when a cryophylactic substance is present. Additional quantitative laboratory tests, appropriate for the substance used, shall be performed on the product at the time of addition and removal of the cryophylactic substance.

§ 73.328 Labeling.

In addition to the items required by other applicable labeling provisions of this part, labels for Red Blood Cells (Human) shall bear the following:

(a) The information required by § 73.305 (a) (2), (b), and (c) for Whole Blood (Human), except the proper name.

(b) Immediately following or immediately below and in no less prominence than the proper name, appropriate words describing each approved variation applicable to the product in the final container; for example, frozen, deglycerolized, etc.

(c) Instructions to use a filter in the administration equipment.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: February 18, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: March 10, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-3051; Filed, Mar. 12, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-10]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-139 from Wilmington, N.C., 1,200 feet AGL direct to New Bern, N.C. V-139 is designated from Wilmington, 1,200 feet AGL INT Wilmington 036° and New Bern 231° True radials; to New Bern. The action proposed herein would improve air navigation and reduce the airway mileage between Wilmington and New Bern.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 5, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3040; Filed, Mar. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-124]

FEDERAL AIRWAY SEGMENTS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway between Roberts, Ill., and Knox, Ind.; redesignate and renumber VOR Federal airway No. 332 segment between Moline, Ill., and South Bend, Ind.; and revoke VOR Federal airway No. 177 segment between Chicago Heights, Ill., and Fort Wayne, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the following airspace actions:

1. Designate a new VOR Federal airway segment from Roberts with a 1,200-foot AGL floor direct to Knox.

2. Revoke V-177 segment from Chicago Heights, to Fort Wayne.

3. Renumber and realign V-332 as V-156 from Moline 1,200 feet AGL Bradford, Ill., 1,200 feet AGL Peotone, Ill., 1,200 feet AGL intersection Peotone 098° T (096° M) and Knox 238° T (237° M) radials; 1,200 feet AGL Knox; 1,200 feet AGL to South Bend.

The proposed airway between Roberts and Knox would be utilized as a bypass route for traffic southeast of the Chicago terminal area. The renumbering and realignment of V-332 as V-156 would eliminate a broken airway segment and would provide conformity with the alignment of segments of V-38 and V-144 and the new airway segment proposed between Roberts and Knox. The segment of V-177 proposed for revocation is no longer required for air traffic control purposes.

These actions are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 5, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3041; Filed, Mar. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-2]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Plymouth, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Plymouth, Ind., Municipal Airport utilizing the Knox, Ind., VOR as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at Plymouth, Ind. The new procedure will become effective concurrently with the designation of the transition area. The South Bend, Ind., Flight Service Station will provide communications for IFR air traffic operating into and out of the Plymouth Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

PLYMOUTH, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Plymouth Municipal Airport (latitude 41°21'55" N., longitude 86°16'05" W.); and within 2 miles each side of the Knox, Ind., VOR 080° radial, extending from the 5-mile radius area to 10 miles east of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on February 24, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-3042; Filed, Mar. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fort Scott, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Fort Scott, Kans., Municipal Airport using a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Fort Scott, Kans. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

FORT SCOTT, KANS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Scott Municipal Airport (latitude 37°47'50" N., longitude 94°46'10" W.); and within 2 miles each side of the 348° bearing from Fort Scott Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 348° bearing from Fort Scott Municipal Airport, extending from the airport to 12 miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on February 24, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-3043; Filed, Mar. 12, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-357]

BUDGET-TYPE ABANDONMENT APPLICATIONS

Notice of Proposed Rule Making

MARCH 5, 1969.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), that the Federal Power Commission is proposing to amend its regulations under the Natural Gas Act to provide for the filing of budget-type abandonment applications. The proposed amendment is intended to eliminate the need for frequent filing of applications seeking specific authority to abandon minor sales and facilities, under section 7(b) of the Natural Gas Act.

2. The proposed amendment is in furtherance of the Commission's continuing endeavors to find ways and means of expediting its proceedings without, at the same time, unduly imposing additional burdens upon applicants or adversely affecting their customers. In Docket No. CP69-123 we entered an ad hoc order on February 4, 1969, allowing Northern Natural Gas Co. to abandon certain facilities during the calendar year of 1969 upon the terms and conditions set forth therein.

3. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before April 21, 1969, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and fourteen (14) conofrmed copies of any such submittals should be filed.

4. The amendment to the Commission's regulations is proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 7, 15, and 16 thereof (52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. sec. 717f, sec. 717n, sec. 717o).

5. Accordingly, we propose to amend § 157.7 of the Commission's regulations under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, by adding a paragraph (e) reading as follows:

§ 157.7 Abbreviated applications.

* * * * *

(e) *Sales measuring station and related minor facilities—budget-type abandonment application.* An abbreviated application requesting a budget-type authorization permitting the cessation of service and removal of sales measuring, regulating, and related minor facilities during a given 12-month period may be filed when:

(1) The deliveries to any one direct sale customer through any one of the sales measuring facilities to be abandoned have not exceeded 100,000 Mcf during the last year of service.

(2) The applicant will not abandon any service unless it has received a written request from the direct sale customer to terminate service.

(3) The applicant agrees to file with the Commission, within 60 days after expiration of the authorized abandonment period:

(i) A statement showing for each individual project a description of the facilities abandoned and the docket numbers of the prior proceedings in which the facilities or services abandoned were certificated.

(ii) A statement indicating in each case the reason why the service or facilities were abandoned together with a copy of each of the written requests for termination of service.

(iii) A statement showing the effect of the abandonment upon any rate schedules or tariffs on file with this Commission.

(iv) A concise description of the changes of property, indicating the cost of property abandoned in place, the cost of property removed and salvaged together with the relevant information required by paragraph (f) of § 157.18.

(v) A geographic map or maps of suitable scale and detail showing the location of the facilities abandoned.

6. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3006; Filed, Mar. 12, 1969; 8:45 a.m.]

Notices

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Southwestern Area) Disaster No. 697]

MANAGER, DISASTER BRANCH OFFICE, BAYTOWN, TEX.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Area Administrator, by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated 1-7-67, Amendment 1, 32 F.R. 8113, dated 6-6-67, Amendment 2, 33 F.R. 8793, dated 6-15-68, Amendment 3, 33 F.R. 17217, dated November 20, 1968, and Amendment 4, 33 F.R. 19097, dated December 21, 1968, there is hereby redelegated to the Manager, Disaster Branch Office, Baytown, Tex., the following authority:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA shares of $20,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $25,000 for a single disaster on home loans, and $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan. To approve or decline disaster Guaranteed Loans in amounts of total loan not exceeding $350,000.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
Manager, Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the Disaster Branch Office.

Effective date: February 18, 1969.

ROBERT E. WEST,
Area Administrator, Dallas, Tex.

[F.R. Doc. 69-3049; Filed, Mar. 12, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF ADMINISTRATION, CALIFORNIA STATE OFFICE, ET AL.

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to redelegation of authority contained in BLM Manual 1510.03C, the Chief, Division of Administration, State Office, is authorized to enter into contracts for supplies and services within the limits of procurement authority delegated to the State Director in BLM Manual 1510.03B2d.

B. Pursuant to redelegation of authority contained in BLM Manual 1510.03C, the District Managers and Chief, Division of Administration, District Offices, are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment and major noncapitalized property, regardless of amount.

2. To enter into contracts on the open market, pursuant to section 302(c)(3) of the FPAS Act, as amended, for supplies and services, excluding capitalized equipment and major noncapitalized property, not to exceed $2,500; and contracts for construction not to exceed $2,000: *Provided*, That the requirement is not available for established sources of supply.

3. To enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression.

C. The District Managers may redelegate the authority for use of Standard Form 44 Order-Invoice-Voucher to any qualified employees under their jurisdiction. The redelegation must be in writing by name designation and subject to monetary and other limitations as may be prescribed by the District Managers. The designated employee, State Office, and the Service Centers shall be furnished with a copy of all such redelegations.

D. Contracts or other procurement entered into under delegated authority must conform with applicable regulations and statutory requirements and are subject to availability of appropriations.

E. All redelegated authority shall be exercised in accordance with the applicable limitations in the FPAS Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed in the General Services Administration and as set forth by the Department of the Interior and the Bureau of Land Management.

F. Delegation of authority regarding contracts and leases published in the FEDERAL REGISTER on May 23, 1968 (33 F.R. 7632), is hereby revoked.

J. R. PENNY,
State Director.

[F.R. Doc. 69-3048; Filed, Mar. 12, 1969; 8:49 a.m.]

[Sacramento 2418]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 7, 1969.

The Assistant Secretary, U.S. Department of Agriculture, Washington, D.C., has filed an application, Serial No. Sacramento 2418 for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

The applicant agency desires the land for recreational use in developing camping, fishing, hiking, picnicking, and scenic observation areas. The 12 sites included in the development plan are within or adjacent to the National Wild and Scenic River System designated as the Middle Fork Feather River Area which lies approximately 20 miles northeast of Oroville, Calif.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-2(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the

Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Feather Falls Scenic Area

T. 20 N., R. 6 E.,
Sec. 2, SW¼SW¼SE¼.
T. 21 N., R. 6 E.,
Sec. 2, E½SW¼NE¼ and W½SE¼NE¼;
Sec. 14, SE¼SE¼SW¼, SW¼NE¼SE¼, SE¼NW¼SE¼, and SW¼SW¼SE¼;
Sec. 22, NE¼NW¼SW¼ and SW¼SE¼SE¼;
Sec. 24, S½SE¼NW¼ and N½NE¼SW¼;
Sec. 26, SW¼NE¼ and SE¼SW¼;
Sec. 28, NW¼NW¼NE¼ and NE¼NE¼NW¼.
T. 21 N., R. 7 E.,
Sec. 6, lots 3, 4, 5, and 6, and SW¼ (lots 3, 4, 5, and 6, and E½SW¼).

The areas described aggregate approximately 454 acres in Butte County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-3021; Filed, Mar. 12, 1969; 8:46 a.m.]

[Serial No. N-1928]

NEVADA

Notice of Public Sale

MARCH 6, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered to the highest bidder at a sale to be held at 1 p.m., local time, on Tuesday, April 22, 1969, at the Ely District Office, Bureau of Land Management, 130 Ploche Highway, Ely, Nev. 89301. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 N., R. 64 E.,
Sec. 6, NE¼SW¼.

The area described contains 40 acres. The appraised value of the tract is $1,300 and publication costs to be assessed are estimated at $12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Ely District Office, Bureau of Land Management, Ploche Star Route, Ely, Nev. 89301, prior to 4 p.m., on Monday, April 21, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-1928, April 22, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4 p.m. of the day of the sale.

If no bids are received for the sale tract on Tuesday, April 22, 1969, the tract will be reoffered on the first Tuesday of subsequent months at 1 p.m., beginning May 6, 1969.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, Ploche Star Route, Ely, Nev. 89301.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-3022; Filed, Mar. 12, 1969; 8:46 a.m.]

[OR 3784]

OREGON AND WASHINGTON

Notice of Classification of Public Lands for Multiple-Use Management

MARCH 6, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-1418) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C., sec. 334) and from sales under 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (33 F.R. 19853-19854), and no changes have been made in the list of lands included in this classification. The record showing the comments received and other information is on file and can be examined in the Baker District Office, Baker, Oreg., and in the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The public lands affected by this classification are located within the following described areas and are shown on maps designated "OR 3784, 2411.2:36-060: November 1968" on file in the Baker District Office, Bureau of Land Management, Baker, Oreg. 97814, and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. 97208. The description of the areas is as follows:

WILLAMETTE MERIDIAN

WALLOWA COUNTY, OREG.

T. 4 N., R. 42 E.,
Secs. 1 to 6, inclusive, and secs. 11 to 14, inclusive.
T. 4 N., R. 43 E.,
Sec. 6.
T. 5 N., R. 42 E.,
Secs. 13, 14, 15, secs. 22 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 5 N., R. 43 E.,
Secs. 1 to 6, inclusive, and secs. 8 to 36, inclusive.
T. 5 N., R. 44 E.,
Secs. 19, 20, and secs. 29 to 33, inclusive.
T. 5 N., R. 45 E.,
Secs. 1, 2, 3, secs. 10 to 17, inclusive, secs. 19, 20, 21, 29, 30, and 31.
T. 5 N., R. 46 E.,
Secs. 1 to 12, inclusive.
T. 6 N., R. 42 E.,
Secs. 13 and 14;
Sec. 15, lot 8;
Sec. 22, NE¼NE¼;
Sec. 23, SE¼;
Sec. 24;
Sec. 25, NW¼NW¼.
T. 6 N., R. 43 E.,
Secs. 13 to 36, inclusive.
T. 6 N., R. 44 E.,
Secs. 13 to 19, inclusive.
T. 6 N., R. 45 E.,
Secs. 34, 35, and 36.
T. 6 N., R. 46 E.,
Secs. 13 to 36, inclusive.
T. 6 N., R. 47 E.,
Secs. 15 to 23, inclusive, and secs. 25 to 36, inclusive.

GARFIELD COUNTY, WASH.

T. 6 N., R. 42 E.,
Secs. 13, 14, and 15.

ASOTIN COUNTY, WASH.

T. 6 N., R. 43 E.,
Secs. 11 to 18, inclusive.
T. 6 N., R. 44 E.,
Secs. 1 to 11, inclusive, and secs. 14 to 18, inclusive.
T. 6 N., R. 45 E.,
Secs. 1 to 6, inclusive, secs. 12 and 13.
T. 6 N., R. 46 E.,
Secs. 1 to 18, inclusive.
T. 6 N., R. 47 E.,
Secs. 4 to 9, inclusive, secs. 16, 17, and 18.
T. 7 N., R. 44 E.,
Secs. 33 to 36, inclusive.
T. 7 N., R. 45 E.,
Secs. 31 to 36, inclusive.
T. 7 N., R. 46 E.,
Secs. 12, 13, secs. 23 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 7 N., R. 47 E.,
Secs. 5, 6, 7, 18, 19, 20, and secs. 29 to 33, inclusive.

The public lands in the areas described aggregate approximately 13,833.50 acres in Wallowa County, Oreg., 29.82 acres in Garfield County, Wash., and 10,144.79 acres in Asotin County, Wash., for a total of approximately 23,997.13 acres.

3. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. Interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240, for a period of 30 days following publication of this notice.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 69-3023; Filed, Mar. 12, 1969; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. G-425]

MARCEAU M. AND DORIS ADELLE HERCHY

Notice of Loan Application

MARCH 7, 1969.

Marceau M. Herchy and Doris Adelle Herchy, 316 Arlington Road, West Palm Beach, Fla. 33405, have applied for a loan from the fisheries Loan Fund to aid in financing the construction of a new 57-foot length overall wood vessel to engage in the fishery for snapper and grouper.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3026; Filed, Mar. 12, 1969; 8:47 a.m.]

[Docket No. G-426]

MISS SARAH, INC.

Notice of Loan Application

MARCH 7, 1969.

Miss Sarah, Inc., Star Route, Box 5, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 65.9-foot registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3027; Filed, Mar. 12, 1969; 8:47 a.m.]

[Docket No. B-452]

TRAWLER MAINE, INC.

Notice of Loan Application

MARCH 7, 1969.

Trawler Maine, Inc., % Sidney W. Thaxter, 192 Middle Street, Portland, Maine 04111, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 56.7-foot registered length wood vessel to engage in the fishery for groundfish, scallops, lobsters, shrimp, whiting, and herring.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3028; Filed, Mar. 12, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 2]

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The Agricultural Stabilization and Conservation Service Statement of Organization, Functions, and Delegations of Authority, as published at 33 F.R. 542, January 16, 1968 and amended at 33 F.R. 4342, March 8, 1968 is further amended to reflect the consolidation of the Inventory Management Division and Procurement and Sales Division into a new division called the Commodity Operations Division.

Paragraph II.A.1.f of the Statement of Organization, Functions, and Delegations of Authority is revised to read:

f. Deputy Administrator, Commodity Operations:
(1) Commodity Operations Division.
(2) Kansas City Commodity Office.
(3) Minneapolis Commodity Office.
(4) New Orleans Commodity Office.

Paragraph III.A.6 of the Statement of Organization, Functions, and Delegations of Authority is revised to read:

6. *Deputy Administrator, Commodity Operations.* The Deputy Administrator, Commodity Operations, is primarily responsible for the administration of the acquisition, storage (except CCC-owned bin storage), transportation, processing, management, and disposition of CCC-owned commodities except tobacco, peanuts, tung oil, and naval stores, including maintenance of trade relationships. The Deputy Administrator, Commodity Operations, provides program interpretations to approved program policy, and provides administrative and program direction and coordination to the assigned divisions and offices, as set forth below, and carries out assigned defense activities. The Deputy Administrator, Commodity Operations, is also Vice President of the Commodity Credit Corporation.

a. *Commodity Operations Division.* The Commodity Operations Division formulates, recommends and coordinates

operating policies and programs for purchases, domestic sales, dispositions including donation programs, storage and handling standards, guides and practices, storage and special handling agreements, and an overall inventory management program for CCC- and USDA-owned commodities. It formulates and recommends operating program plans and policies for (1) the Processor and Export Wheat Marketing Certificate Program, including determination of export wheat marketing certificate costs, (2) the wheat and wheat flour export programs, including the determination of subsidy rates, and (3) for other domestic operations to implement the International Grains Arrangement. The Commodity Operations Division develops terms and conditions of contracts to purchase commodities in commercial markets for donation programs. It provides technical transportation guides and assistance, and carries out assigned defense activities.

b. [Revoked]

* * * * *

Paragraph VI.A is revised by deleting the terms "Director, Inventory Management Division" and "Director, Procurement and Sales Division" and inserting "Director, Commodity Operations" in lieu thereof.

Signed at Washington, D.C., this 7th day of March 1969.

Approved:

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

CLARENCE D. PALMBY,
Assistant Secretary of Agriculture.

[F.R. Doc. 69-3064; Filed, Mar. 12, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(67)-11]

PETROSERVICE INTERNATIONAL G.m.b.H.

Order Extending Temporary Denial of Export Privileges

In the matter of Petroservice International G.m.b.H. [PSI (Petroservice International) Gesellschaft fuer oel- und Gastechnik mit beschraenkter Haftung], Adolfsalle 27, 6200 Wiesbaden, Federal Republic of Germany, respondent; File No. 23(67)-11.

On January 10, 1969, an order temporarily denying export privileges for 60 days was entered against the above-named Petroservice International G.m.b.H. in which Michael Schmidt-Sandler, commercial manager of said firm was specifically named as a related party (34 F.R. 564). Said order was issued because on the evidence presented there was reasonable basis to believe that respondent while subject to the prohibitions and restrictions of certain denial orders, the first of which was entered on February 19, 1968, violated said denial orders by participating in U.S. export transactions through a British firm. The respondent's participation in said transactions is more particularly set forth in the said order of January 10, 1969.

The Director, Investigations Division, has applied under § 382.11 of the Export Regulations for an extension of the temporary denial order until the completion of compliance proceedings. The application for the extension also represents that the Investigations Division has unearthed evidence showing that respondent has committed other violations of the Export Control Act of 1949. Representations have been made that a charging letter will be issued against the respondent on or before April 4, 1969.

The application has been considered by the Compliance Commissioner and he has reported his recommendation to me that the temporary order be extended as requested. He has found that such an extension is reasonably necessary to protect the public interest and for effective enforcement of the law. I confirm these findings. *Accordingly, it is hereby ordered:*

I. The prohibitions and restrictions of the temporary denial order issued on January 10, 1969 (34 F.R. 564), against the above-named respondent in which Michael Schmidt-Sandler is named as a related party, are hereby continued in full force and effect.

II. The respondent, its assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees, including Michael Schmidt-Sandler, commercial manager of respondent, and to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the prohibitions and restrictions of the temporary denial order of January 10, 1969, and shall remain in effect until the completion of compliance proceedings based on the charging letter soon to be issued in the matter.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent and the other party named herein or upon the attorney for said parties.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent or the other party named herein may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: March 10, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-3050; Filed, Mar. 12, 1969; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

AZOBISFORMAMIDE FROM JAPAN

Notice of Intent To Revoke the Finding of Dumping

A finding of dumping with respect to Azobisformamide from Japan was made in Treasury Decision 56414 which was published in the FEDERAL REGISTER on May 28, 1965 (30 F.R. 7187-88).

After due investigation, I find that Azobisformamide from Japan is no longer being, nor likely to be, sold in the United States at less than fair value. Supporting that finding are the facts that importations of Azobisformamide since October 1965 have not been at less than fair value and that the foreign supplier of this merchandise has given assurances that future sales of Azobisformamide to the United States will not be made at less than fair value. Accordingly, notice is hereby given that the Treasury Department intends to revoke the dumping finding as to Azobisformamide from Japan.

Prior to the issuance of the proposed revocation, consideration will be given to any relevant data, views, or arguments which are submitted in writing by interested parties to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: February 26, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-3059; Filed, Mar. 12, 1969; 8:50 a.m.]

Office of the Secretary

FROZEN HADDOCK FILLETS FROM EASTERN CANADIAN PROVINCES

Determination of Sales at Not Less Than Fair Value

MARCH 5, 1969.

On January 10, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that frozen haddock fillets from Eastern Canadian provinces are not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until February 10, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that frozen haddock fillets from Eastern Canadian provinces are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-3061; Filed, Mar. 12, 1969; 8:50 a.m.]

SULFAMERAZINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Sulfamarex; contains 12.5 percent weight-to-volume of sodium sulfamerazine; marketed by Paul's Products Co., Mankato, Minn. 56001.

The Academy concluded that:

1. This product in drinking water is probably effective for treatment of certain infections in cattle, sheep, swine, and poultry; however, each disease claim should be properly qualified as "Appropriate for the use in (name of disease) caused by pathogens (name species) sensitive to sulfamerazine." The species of coccidia should be shown for each host.

2. Additional documentation is needed on the palatability of the drug when used in water.

3. More information is needed to support the drug dosage in poultry.

4. The label should warn that treated animals must actually be consuming enough medicated water to provide a therapeutic dosage under the conditions that prevail. As a precaution, the label should bear the desired oral dose per unit of animal weight per day for each species as a guide to effective usage of preparation in drinking water.

The Food and Drug Administration concurs with the conclusions of the Academy.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 6, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3020; Filed, Mar. 12, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CALGON CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2396) has been filed by Calgon Corp., Calgon Center, Post Office Box 1346, Pittsburgh, Pa. 15230, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of certain acrylamide-dimethyl diallyl ammonium chloride copolymers as retention aids in the manufacture of paper and paperboard intended for food-contact use.

Dated: March 6, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3019; Filed, Mar. 12, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

PROJECT GASBUGGY

Availability of Containers of Gas

1. Notice is hereby given by the U.S. Atomic Energy Commission that containers of gas produced in connection

with Project Gasbuggy are now available during the production test period anticipated to last for another 4 to 6 months at the Commission's facility at the Project Site, Rio Arriba County, N. Mex.

2. Project Gasbuggy is a joint experiment of the U.S. Atomic Energy Commission, the U.S. Department of the Interior, and El Paso Natural Gas Co. to investigate the use of a nuclear explosion deep underground to stimulate natural gas production. The nuclear explosion was conducted in a natural gas formation in Rio Arriba County, near Farmington, N. Mex., on December 10, 1967.

3. Each container shall hold approximately 7,950 milliliters (approximately 0.28 cubic feet) of gas. Containers shall be available f.o.b., customer's vehicle or commercial conveyance at the Commission's facility. The charge shall be $60 per container.

4. Requests for such samples shall be made in writing to the Manager, U.S. Atomic Energy Commission, Las Vegas, Nev., and shall include (a) the name and principal business activity of the requestor, (b) the anticipated use of the sample, and (c) the nature of the analysis that will be conducted.

5. Users will be required to (a) procure all necessary permits and licenses, (b) provide the results of their research to the AEC, and (c) extend to the AEC appropriate data and patent rights.

Effective date. This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of March 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-3002; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. 50-231]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Notice of Issuance of Provisional Operating License

Please take notice that no request for a hearing by the applicant or petition for leave to intervene by any interested person having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Operating License No. DR-15 authorizing the General Electric Co. (General Electric) and Southwest Atomic Energy Associates (SAEA), with General Electric acting for itself and for SAEA, to possess, use, and operate the plutonia-urania fueled, fast-spectrum, sodium-cooled experimental reactor. The reactor, known as the Southwest Experimental Fast Oxide Reactor (SEFOR), is located in Cove Creek Township, Washington County, Ark., approximately 19 miles southwest of Fayetteville, Ark.

The reactor is designed to operate at approximately 20 megawatts thermal, but initial operation will be limited to 1 megawatt thermal to permit initial fuel loading and testing, pending completion of the evaluation of full-power operation as proposed. The license authorizes operation of the reactor at power levels up to 1 megawatt thermal, and incorporates appropriate technical specifications. Further public notices in accordance with the Commission's rules of practice, 10 CFR Part 2 will be given prior to the issuance of any license amendment authorizing operation at higher power levels.

The Commission has inspected the facility and determined that it has been constructed in accordance with the provisions of Provisional Construction Permit No. CPPR 17 to the extent necessary for the conduct of all operations up to a power level of 1 megawatt thermal except for certain transient experiments utilizing the Fast Reactor Excursion Device.

The provisional operating license, as issued, is as set forth in the notice of proposed issuance of Provisional Operating License published in the FEDERAL REGISTER on November 15, 1968, 33 F.R. 16683.

Dated at Bethesda, Md., this 4th day of March 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-3003; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Order Extending License Expiration Date

By application dated November 21, 1968, and supplement dated January 22, 1969, Power Reactor Development Co. requested an extension of the expiration date of Provisional Operating License No. DPR-9. Good cause having been shown for extension of said date pursuant to § 50.57(d) of 10 CFR Part 50 of the Commission's regulations, it is hereby ordered that the expiration date of Provisional Operating License No. DPR-9 is extended to June 30, 1970.

Date of issuance: March 3, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-3004; Filed, Mar. 12, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 18650, 20291; Order 69-3-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare and Rate Matters

Issued under delegated authority March 10, 1969.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare and rate matters; Docket 18650, Docket 20291, Agreement CAB 20773, R-8, Agreement CAB 20808, R-1 and R-2, Agreement CAB 20839.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes and by the 15th meeting of the Traffic Handling and Accounting Working Group. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements, insofar as they apply in air transportation as defined by the Act, would (1) make an editorial change so as to clarify the carriers' intent that a preclusion of absorption of airport passenger service charges shall not be construed to exclude the absorption of those limited expenses of passengers en route which would normally be allowed, (2) advance from April 1 to March 16 the intended effectiveness date of Buffalo/Syracuse-Bermuda 17-day excursion fares approved by the Board in Order 69-2-123, dated February 25, 1969, so as to conform with the effectiveness date for other U.S. East Coast-Bermuda excursion fares approved in Order 68-12-94, dated December 17, 1968, and to overcome construction and tariff technicalities, and (3) update, to reflect corrections, the names of countries or units of currencies used in the rounding up of cargo rates and passenger fares.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is tentatively not found that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA Resolutions*
20773, R-8	TC1(15/THWG)295a. TC2(15/THWG)295a. TC3(15/THWG)295a.
20808, R-1	100(Mail 575)070.
20839	100(Mail 577)023a and 023b. 200(Mail 878)023a and 023b. 300(Mail 288)023a and 023b. JT12(Mail 577)023a and 023b. JT23(Mail 212)023a and 023b. JT31(Mail 158)023a and 023b. JT123(Mail 577)023a and 023b.

2. It is found that Resolution 100(Mail 575)070l, incorporated in Agreement CAB 20808, R-2, does not affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That:

1. Action on Agreements CAB 20773, R-8; 20808, R-1; and 20839 be and hereby is deferred with a view toward eventual approval.

2. Jurisdiction is hereby disclaimed with respect to Agreement CAB 20808, R-2.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 7 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3062; Filed, Mar. 12, 1969; 8:50 a.m.]

[Docket No. 20267]

TWIN CITIES-MILWAUKEE SOUTHEAST POINTS INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 22, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Greer M. Murphy.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before April 11, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 10, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-3063; Filed, Mar. 12, 1969; 8:50 a.m.]

[Docket No. 20728]

LINEA AEREA NACIONAL-CHILE (LAN)

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 13, 1969, at 2 p.m., e.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., March 10, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-3103; Filed, Mar. 12, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18456, 18457; FCC 69-180]

HARVIT BROADCASTING CORP. AND THREE STATES BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harvit Broadcasting Corp., Williamson, W. Va., Docket No. 18456, File No. BPH-6075; Requests: 96.5 mcs, No. 243; 50 kw(H); 50 kw(V); 500 feet; Three States Broadcasting Co., Matewan, W. Va., Docket No. 18457, File No. BPH-6157; Requests: 96.5 mcs, No. 243; 14.3 kw(H); 14.3 kw(V); 829 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.[1]

2. The respective proposals, which are for different communities, would serve substantial areas and populations in common. Consequently, in addition, to determining pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Three States appears to have made an adequate survey but it has not listed the suggestions it received. Thus, we are unable at this time to determine whether Three States is aware of and responsive to the needs of its area. Accordingly, a suburban issue is required.

4. Harvit Broadcasting Corp. proposes approximately 27-30 percent duplicated programing while Three States Broadcasting Co. proposes approximately two-thirds duplicated programing. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposal will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

5. Three States Broadcasting Co. has requested waiver of § 73.210(a)(2) of the Commission's rules to permit the main studio to be located outside the city limits of Matewan, W. Va., at a point other than the transmitter site. The proposed main studio location, approximately one-half mile from Matewan is already being used as the studio location for the companion AM station. Under these circumstances, we believe that adequate justification has been provided for waiver if the Three States application is granted.

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

7. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the efforts made by Three States Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

2. To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other FM services of 1 mv/m or greater intensity in such areas.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered,* That the Petition for special issues filed by Three States Broadcasting Co., is dismissed.

9. *It is further ordered,* That if the Three States Broadcasting Co. application is granted, the provisions of § 73.210(a)(2) of the Commission's rules shall be waived to permit the establishment of the main studio outside the city limits of Matewan, W. Va.

10. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

[1] On Feb. 18, 1969, Three States Broadcasting Co. filed a petition for special issues which in effect is a petition to deny. As such it is clearly untimely—see § 1.580(i) of the Commission's rules—and consequently it will be dismissed. This dismissal, however, is without prejudice to Three States Broadcasting Co.'s renewing its request in the form of a petition to enlarge issues, pursuant to § 1.229 of the rules.

11. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 26, 1969.

Released: March 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary

[F.R. Doc. 69-3055; Filed, Mar. 12, 1969; 8:49 a.m.]

[Dockets Nos. 18458, 18459; FCC 69-181]

NEW ERA BROADCASTING CO., INC., AND SOUTHERN UTAH BROADCASTING CO. (KSUB)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of New Era Broadcasting Co., Inc., Cedar City, Utah, Requests: 940 kc, 10 kw, Day, Docket No. 18458, File No. BP-17242, for construction permit; Southern Utah Broadcasting Co. (KSUB), Cedar City, Utah, Has Lic: 590 kc, 1 kw, DA-N, U, Docket No. 18459, File No. BR-933; for renewal of license.

1. The Commission has before it for consideration (a) the above-captioned applications; (b) a petition to deny the application, filed by Southern Utah Broadcasting Co., licensee of standard broadcast station KSUB, Cedar City, Utah (hereinafter referred to as "KSUB"); and (c) pleadings in opposition and reply thereto.

2. Petitioner claims standing as a party in interest on the ground that as licensee of Cedar City's only existing radio station it would suffer substantial economic injury should the applicant's proposal for a second standard broadcast station in Cedar City be granted. The Commission finds that the petitioner does have such standing within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. The basis of KSUB's request for denial of the application is a contention that the competition for local revenues which another radio station in Cedar City would engender would result in degradation of public service programming presently provided by KSUB. Moreover, concludes the petitioner, there is no assurance that, with the limited amount of local revenues available, New Era's station could fulfill its program commitments. Petitioner is presumably basing its opposition on Carroll Broadcasting Company v. Federal Communications Commission, 103 U.S. App. N.C., 346, 258 F. 2d 440, 17 RR 2066 (1958). The petitioner relies on Missouri-Illinois Broadcasting Co., FCC 64, 748, 3 RR 2d 232 (1964), as to "the particulars" of its argument, and Folkways Broadcasting Co., 375 F 2d 299, 8 RR 2d 2089 (1967).

4. In its effort to show that there is insufficient revenue potential in the Cedar City area to adequately support two AM radio stations, KSUB provides demographic and economic data, a tabulation and evaluation of its accounts, and a "survey" of its major advertisers which, according to the petitioner, indicates that "the major part of the radio advertising budget is already being spent for this purpose". As noted by the petitioner, Cedar City, with a population of 7,543,[1] is located in Iron County, Utah, which has a population of 10,795, and estimated retail sales for 1965 in the amount of $19,976,000. Although KSUB derives the bulk of its revenue from Iron County, it also solicits advertising in Millard, Washington, Beaver, Garfield, Kane, Piute, and Lincoln (Nevada) Counties, with a total population, including Iron County, of 43,374.[2] Total combined retail sales for these counties for the years 1963, 1964, and 1965 were 61.1, 58.0, and 62.3 million dollars, respectively, of which 19.3, 18.8, and 19.9 million were attributable to Iron County.

5. Referring to its advertiser evaluation, which is essentially a tabulation of its current accounts, the petitioner states that of 217 potential local accounts in Cedar City itself, 165 have advertised over KSUB during 1966, an additional 34 accounts are not available for local advertising, and there are at most 18 untapped sources in the city.[3] Implying that New Era would divert local revenues from present KSUB advertisers, the petitioner claims that approximately $9,000 of local revenues now spent with KSUB by Cedar City merchants would be lost to New Era solely because of the fact that certain named merchants are associated with the ownership of New Era. The petitioner also points out that due to the sparse population and the fact that retail establishments are in the main small and scattered throughout the area, it maintains two full-time salesmen who travel as far as 100 miles from Cedar City to "scrounge" for local accounts. KSUB argues that in view of New Era's plans to handle sales with three persons, each of whom is to handle other duties such as announcing and traffic, it is difficult to see how it can attract new advertising. The petitioner also avers that it competes for its advertising with Station KSVC, Richfield, Utah, which draws advertising from Millard, Beaver, Garfield, and Piute Counties; with Station KDXU, St. George, Utah, drawing from Washington, Iron, and Kane Counties; and with Station KPGE, Page, Arizona, which advertises in Kane, Washington, and Iron Counties.[4] The petitioner also states that the following newspapers compete for local advertising revenues: Southern Utah News Advertiser, Southern Utah News, Washington County News, Iron County Record, Beaver Press, Garfield County News, Pioche Record, Caliente Herald. (Neither Cedar City nor Iron County has a newspaper).

6. Petitioner estimates that the operation of another station in Cedar City would result in a loss to KSUB of at least $35,000 a year in sales, and to compensate for this loss it would have to revise its organizational structure, program format, and entire concept of doing business. Specifically these revisions would include (i) a change from a balanced middle-of-the-road approach in programing to a contemporary sound, top 40—country music type format; (ii) discontinuance of its College of Southern Utah sports program; (iii) a cut back on hours of operation with a sign-off time of possibly 9 p.m.; and (iv) the probable termination of its CBS affiliation. As to organizational changes, the petitioner anticipates that it would release two full time people and one engineer-announcer, its combination sales, news, and sports man, and its part-time office help, and that in addition to various curtailments and substitutions in programing which this loss of manpower would entail, the station would no longer be able to continue to search out the needs, and to produce and program material which is necessary in informing the public about the various civic activities which merit public support and information.

7. KSUB anticipates that the savings resulting from the foregoing economies would amount to only about $14,500, and that accordingly, it would be unable to accept the anticipated loss of $35,000 in local business and still operate in the black. Further, the petitioner submits that the proposed New Era operation would not be able to replace the aforesaid services which KSUB "could no longer provide" because (i) New Era does not propose nighttime operation; (ii) without nighttime operation there can be no college sports coverage; (iii) news would not be adequately covered as New Era does not propose a wire service or an organized local news staff; (iv) local public service would suffer, since presumably the smaller proposed staff of New Era would be unable to do what KSUB "would no longer be able to do"; and (v) service to outlying communities would suffer as the proposed outlet does not provide for sufficient outside sales personnel to meet the needs.

8. New Era, in its opposition to the petition[5] asserts that Cedar City, the largest city in southern Utah is the geographic, economic and distribution center of the tristate area of southern Utah, northern Arizona, and eastern Nevada, with a population increase of more than 23.5 percent for the city and 12 percent for the county between 1950 and 1960. Moreover, while the labor force increased 14.3 percent during this period, employment rose by 16.1 percent and unemployment decreased by 19.4 percent and further, according to the applicant, retail trade sales in Iron County increased from $14,486,000 in 1958 to $18,725,000 in 1963, and retail trade payrolls increased from $1,504,000 to $1,936,000. New Era also refers to a "population explosion" in the two area colleges, College of Southern Utah; and Dixie College, and states that the University of Utah estimates that the increased enrollment at both schools will double the population of both Cedar City and St. George. As an indication of its outlook for a tourist as well as an industry boom, the applicant describes Cedar City as "the gateway to Southern Zion National Park, Bryce Canyon National Park, and the northern rim of the Grand Cayon," and provides a newspaper article which refers to the new "Iron Mission Park", and to Brianhead and other local ski areas as evidence that some of its tourist and recreation aspirations are already being realized.[6]

9. Responding to KSUB's argument that the major part of the local radio advertising budget available is already being spent, New Era challenges the validity of the petitioner's survey of its major advertisers on the basis that (i) it was biased since the latter questionnaire did not indicate that it concerned a new additional radio station; (ii) it was sent only to present KSUB advertisers and provides no indication of potential new advertisers; and (iii) only 56 (of 101 letters sent out) of 567 potential advertisers were represented in the survey.[7] New Era observes that 30 respondents indicated "maximum" expenditures totaling $31,509 and 26 indicated "minimum" or "medium" expenditures totaling $22,722, and moreover, according to KSUB's own figures, the remaining 182 of its 238 accounts only provided it with $23,081.73 in advertising revenues. The applicant points out that the untapped advertising potential of these accounts is self-evident.

10. Citing retail sales data vis-a-vis KSUB's accounts, New Era contends that by using local residents on a commission basis throughout its primary service area it can show a much more efficient use of personnel than that demonstrated by KSUB, which claims a total of only 238 out of a possible 567 possible accounts, with two full-time salesmen bringing in only 83 accounts from outside of Iron County.[8] New Era also observes that part of the reason for KSUB's inefficient account sales is due to failure to provide an adequate commercial signal to several populous portions of Washington, Kane, Garfield, Millard, Piute, and Clark Counties, and also states that its rates are too high for many of the local advertisers. The applicant concludes that it need not take any advertising away from KSUB, will not compete at all with it at night, and that with the untapped advertising potential in the area plus an estimated $9,000 annual revenue from national and regional sources, and $15,000 minimum for regional and network sales, it will be able to operate at a profit. Furthermore, New Era challenges KSUB's financial figures as to operating expenses[9] and asserts that its conclusion that a loss of at least $35,000 a year in sales would result if the proposed station is actuated "is completely unsupported by facts and shown to be false by our factual showing regarding advertising potential".

11. Finally, New Era questions the petitioner's anticipated program changes in the event of a grant of its application, and whether in fact these would be necessary. For example, if Station KSUB is presently operating in accordance with the needs, tastes and desires of its audience, New Era asks, how can a change in format make it more successful? As to the College of Southern Utah sports broadcasts, New Era does not mention line charges (which KSUB says total $15,000), but states that these broadcasts are fully sponsored, with the sportscaster's expenses paid by the college, and that it would like to be able to carry these should KSUB in fact give them up.[10] Similarly, the vast majority of the programs classified or described as public service programs by KSUB, such as its "This is My Country Contest" are, according to New Era, fully sponsored revenue-producing programs. The applicant also contends that all but one of the religious denominations broadcasting on KSUB must pay for their time. As to local news and public service coverage, New Era states that KSUB has never attempted to provide real local service to people outside of Cedar City, and that any alleged cutback in this area on the part of KSUB would be more than offset by the new service for all of Southern Utah which the applicant would provide.

12. Although the applicant appears to have effectively rebutted many of the petitioner's economic allegations, we find that a hearing is required. In this regard, we note that the court in Folkways[11] decreed that: "• • • At times there might be a knowledge of a specific financial loss and its detrimental consequence on programing, but we think a Carroll hearing may not be limited to a case in which preknowledge of the exact economics of the situation is necessarily available. Requiring such precision would eliminate the doctrine as a practical matter."

As to the question of withdrawal of programs, the court indicated that a specific advance showing that a particular program would be abandoned should the economic injury ensue would be to force an advance decision where some latitude should be left to management. Such a requirement would "come too close to nullification of the Carroll doctrine". For these reasons, we find that the petitioner has raised substantial and material questions of fact concerning the ability of Cedar City to support another standard broadcast station without a net degradation of program service to the public. Accordingly, a Carroll issue will be specified.

13. In K-Six Television, Inc., 2 FCC 2d 1021, 7 RR 2d 128 (1966), we held that where an existing licensee raises a Carroll issue while an application for renewal of the existing station's license is pending, the public interest requires that

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[1] All population figures, unless otherwise indicated, are from the 1960 U.S. Census.

[2] Based on Commission studies, a total population of 51,845 would be served by New Era's proposed station. The applicant proposes to provide service to these seven counties, and also the towns of Mesquite, Overton, and Bunker in Clark County, Nev.

[3] Petitioner's account tabulation is complex and somewhat conflicting, e.g., it states that there are 567 businesses in the four principal counties (Iron, Washington, Beaver and Kane); that of these, 173 are not available for advertising for various stated reasons, 70 are in Kane County where the KSUB signal is weak, and 121 are in St. George County which has its own station (KDXU). Thus, it would appear by petitioner's figures that there are 203 potential advertisers in these four counties. However, another table showing the number of local accounts by county indicates that KSUB had, during the first 8 months of 1966, a total of 207 accounts in these counties, and this figure includes only accounts "sold by its own salesmen".

[4] New Era states that petitioner is in error in stating that Station KDXU serves Iron and Kane Counties and that Station KPGE serves Washington and Iron Counties. Commission studies indicate that the former station serves only parts of Iron and Kane, and the latter station none of Washington and Iron Counties.

[5] New Era contends at the outset of its opposition pleading that the KSUB petition should be dismissed, contending that the petitioner's affidavit in support of its allegations was defective under section 309(d)(1) of the Communications Act of 1934, as amended. However, any possible defect in this regard has since been eliminated by a proper affidavit which the petitioner filed with its reply to the New Era opposition pleading.

[6] Salt Lake Tribune Business, Feb. 5, 1967.

[7] The survey letter, printed on KSUB's stationery, states that it is "conducting a survey to evaluate our sales efforts and more fully determine radio advertising potential in our market • • •". The letter indicates the addressee's expenditures for 1963, 1964, and 1965, requests an indication as to whether this represents the maximum, medium or minimum amount that the firm should be spending for advertising, and solicits comments on KSUB's service.

[8] New Era provides its own survey indicating that of 94 present KSUB advertisers, 90 would also advertise on a new station, and of 50 potential (non-KSUB) advertisers interviewed, 32 "might", and 18 "would definitely" advertise on the proposed station.

[9] New Era asserts that KSUB has failed to include depreciation and payments to principals; also that some of the expenses charged to KSUB may be attributable to some of its commonly owned stations. KSUB, however, provided the figures in this category requested pursuant to the Missouri-Illinois requirements, to wit, local advertising revenues, total revenues, total expenses, net profit, and number of employees.

[10] Petitioner states that the present season package price is $5,353, of which $4,138 is paid for outside services, leaving only $1,215 for station operation. As to its "probable termination of our CBS affiliation", New Era observes that we are provided with no information or data for assessing the effect of this (either as to loss of programing to the public, or savings as to KSUB), but that in any case it (New Era) will provide ABC network programing.

[11] Folkways Broadcasting Co., 375 F. 2d 299, 8 RR. 2d 2089 (1967).

[2] Commissioners Robert E. Lee and H. Rex Lee absent.

such renewal application be designated for hearing in a consolidated proceeding. As we stated there, this procedure is necessary because if it should be found that the area cannot support another broadcast station without a net loss of service to the public, the Commission must determine that the limited broadcasting facilities available will be operated by the party who will better serve the public interest. Moreover, if it develops that a comparison is necessary between the renewal application and the new proposal, consolidation of the two applications for hearing at the outset makes possible an earlier determination of which applicant would better serve the public interest. Accordingly, such consolidation, with a contingent comparative issue, will be ordered herein.[10]

14. Based on information provided by New Era, a total of $78,934 will be needed to construct and operate the proposed station for 1 year without resort to broadcast revenues. It is estimated that a total of $37,774 will be required to meet first year construction and equipment costs, and $41,160 for working capital. New Era has established the availability of $2,400 in cash and/or liquid assets, $47,600 in stock subscriptions, and a $20,000 bank loan commitment, for a total of $70,000. Thus, the applicant falls $8,934 short of the required available liquid assets and a financial issue will therefore be specified.

15. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of either or both of the above-captioned applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding, on the issues set forth below.

16. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of New Era Broadcasting Co., Inc., for a construction permit and the application of Southern Utah Broadcasting Co. for renewal of its license for Station KSUB, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to the application of New Era Broadcasting Co., Inc.:

(a) The sources of additional funds necessary to meet the costs of construction and operation of the proposed station during the first year.

(b) In light of the evidence adduced pursuant to (a) above, whether this applicant is financially qualified.

2. To determine whether there are adequate revenues available to support an additional standard broadcast station in the area proposed to be served by New Era Broadcasting Co., Inc., without a net loss or degradation of broadcast service to such area.

3. To determine, in the event that Issue 2, above, is resolved in the negative, whether a grant of the above-captioned application of New Era Broadcasting Co., Inc., or a grant of the above-captioned application of Southern Utah Broadcasting Co., would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

17. *It is further ordered,* That, the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 2, above, are hereby placed upon Southern Utah Broadcasting Co.

18. *It is further ordered,* That, the petition of Southern Utah Broadcasting Co. is granted to the extent indicated above and is denied in all other respects.

19. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

20. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 26, 1969.

Released: March 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[*]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3056; Filed, Mar. 12, 1969; 8:50 a.m.]

[10] Provision for this eventuality was occasioned by the Commission's action of Oct. 11, 1967, setting aside a previous grant of KSUB's renewal. Southern Utah Broadcasting Company, 10 FCC 2d 320, 11 RR 2d 450.

[*] Commissioners Robert E. Lee and H. Rex Lee absent; Commissioner Cox dissenting.

[Report No. 430]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MARCH 10, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

5066-C2-P-69—Credit Bureau of Decatur, Inc.; (New); C.P. for a new 1-way station to be located at 260 East Wood Street, Decatur, Ill., to operate on frequency 158.70 MHz.

5067-C2-P-69—Atlas Security Service, Inc.; (KFL946); C.P. to add a second channel to operate on base frequency 152.15 MHz located at 833 East Elm Street, Springfield, Mo.

5069-C2-P-(3)69—General Telephone Co. of the Southwest; (KKA284); C.P. to add a third channel to operate on base frequency 152.60 MHz and replace transmitters operating on 152.51 and 152.81 MHz at station located at 320 North Shipp Street, Hobbs, N. Mex.

5070-C2-P-69—Calumet Radio Dispatch; (KSB589); C.P. to change the antenna system operating on 152.09 MHz located at 504 Broadway, Gary, Ind.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

5072-C2-P-69—Relay Communications Corp.; (New); C.P. for a new 2-way station to be located on Route 58, Riverhead, N.Y., to operate on base frequency 152.06 MHz.

5073-C2-P-69—General Telephone Co. of the Southwest; (New); C.P. for a new 2-way station to be located at 3500 North Beltline Road, Irving, Tex., to operate on frequency 454.525 MHz.

5074-C2-P-69—General Telephone Co. of California; (KMM617); C.P. to replace base transmitter operating on 152.66 MHz and change the antenna system for same located at Mount Solomon, 8 miles south of Santa Maria, Calif.

5075-C2-P-69—Central Mobile Radio Phone Service; (KQK595); C.P. to replace base transmitter operating on 152.15 MHz located at 505 Jefferson Avenue, Toledo, Ohio.

5076-C2-P-69—Florida Radio Phone; (KIG845); C.P. to add a second channel to operate on frequency 454.175 MHz at station located at 3101 North Federal Highway, Fort Lauderdale, Fla.

5078-C2-P-(2)69—The Mountain States Telephone & Telegraph Co.; (KAH667); C.P. to replace defective coaxial transmission lines on frequencies 152.63 and 152.69 MHz for station located at 1 mile south-southeast of Monte Vista, Colo.

5079-C2-P-(2)69—South Central Bell Telephone Co.; (KKM580); C.P. to add a second channel to operate on frequency 152.63 MHz and remove an isolator from transmission line. Station location: 248 East Capitol Street, Jackson, Miss.

5080-C2-P-69—General Telephone Co. of Illinois; (New); C.P. for a new 2-way station to be located at 439 South Main Street, Princeton, Ill., to operate on base frequency 152.66 MHz.

5081-C2-P-69—General Telephone Co. of Kentucky; (New); C.P. for a new 1-way station to be located near 13th Street and Lexington Avenue, Ashland, Ky., to operate on base frequency 152.84 MHz.

5082-C2-P-(2)69—The Chesapeake & Potomac Telephone Co. of Virginia; (KIC347); C.P. to add two base channels on 152.54 and 152.60 MHz and two test channels on 157.80 and 157.86 MHz, at station located at 120 West Bute Street, Norfolk, Va.

5196-C2-TC-(2)-69—Radiofone of Georgia, Inc.; Consent to transfer of control from Parmelee Ward, Transferor, to: Radio Communications & Electronics Co., Transferee. Stations: KJU807 Valdosta, Ga.; KLF502 Tifton, Ga.

5197-C2-P-69—Mobilfone of Kansas; (New); C.P. for a new 2-way station to be located at 1.5 miles west of city limits, Topeka, Kans.

5237-C2-P-69—South Central Bell Telephone Co.; (KIA648); C.P. to add a third channel on base frequency 152.78 MHz and change the antenna system located at 521 West Chestnut Street, Louisville, Ky.

5238-C2-ML-69—Indiana Bell Telephone Co.; (KSJ612); Modification of license to change the signaling frequency from 454.990 MHz to 454.675 MHz at developmental station located at Beach Hilltop Subdivision Road, northeast of Hillcrest Road, Vincennes, Ind.

5235-C2-P-(2)69—Empire Communications Co.; (KOP306); C.P. to relocate facilities at location No. 1 to: Noah Butte, 4.5 miles east of Coos Bay, Oreg.; replace base transmitter operating on 152.03 MHz; replace repeater transmitter on 459.05 MHz and change the antenna system for same.

Renewals of licenses expiring April 1, 1969.
Term: April 1, 1969, to April 1, 1974.

ALABAMA

Licensee	Call sign
Anniston Communications Service.	KIY532
Chapman Radio & Television Co.	KIE366
Do	KIF650
Do	KIY734
McCord's Communications Service.	KIG303
Phenix Communications Co., Inc.	KLF555

ARIZONA

Southwest Communications	KOF906

CALIFORNIA

Auto-Phone Co	KLF482
Do	KME439
Carford Corp	KMA219
Electropage, Inc	KMD986
Intrastate Radio Telephone, Inc. of San Bernardino.	KMA260
Kidd's Communications, Inc.	KMA257
Do	KMD949
Jack Loperena	KMA267
Mobilfone, Inc	KMA253
Do	KMB309
National Communications Systems, Inc.	KMM704
Do	KMM705
Do	KMM706
Orange County Radiotelephone Service, Inc.	KMB304
Riggs Radio Dispatch	KMA836
Do	KME446
Do	KME447
Radio Page Communications, Inc.	KME438
Santa Cruz Telephone and Radio Service.	KMD683
Do	KME437

COLORADO

Licensee	Call sign
Answerphone, Inc	KFL930
Communications, Inc	KAA290
Empire Dispatch, Inc	KAA279
Mobile Radio-Telephone Service, Inc.	KAQ806
RI-AN Enterprises, Inc	KAF241
Ute Communications	KAF645

CONNECTICUT

Airpage	KGC802
Associated Telephone Answering Service.	KGI309
Murray Cohen	KGI299
Mercer & Dunbar Armored Car Service, Inc.	KGA514
Do	KGA746
Mobilfone System, Inc	KGG464
Well Service	KGG479

DELAWARE

Wilmington Telephone Answering Service, Inc.	KGC591

FLORIDA

Anserfone, Inc	KIA955
Anserfone of St. Lucie County, Inc.	KIG838
Bair Communications	KIY520
Haywood & Stevens	KLF491
Jacksonville Radio Dispatch Service.	KIB388
Do	KIQ510
Radio Telephone Co. of Gainesville.	KFL922
Do	KIY464
Do	KJU814
Abe Schonfeld	KIM906
James T. Whitaker	KIM899
Wilcox Communications	KJU805

GEORGIA

Licensee	Call sign
Chapman Radio & Television Co.	KIE953
Professional Administrative Service, Inc.	KIG300

ILLINOIS

Central Watch Service, Inc	KSD312
William A. Houser	KSD313
North Shore Radio-Telephone, Inc.	KSB590
Do	KSD316

INDIANA

Harold's Radio Service	KSD321
Radio Page of Michiana, Inc	KSD320
Terre Haute Mobile Radio Service.	KSB655

IOWA

Answer Iowa, Inc	KAF244
Do	KAI934
Do	KAL879
Do	KCI306
Do	KCI307
Do	KFQ920
Do	KJU810

KENTUCKY

Paducah Radio Telephone Service.	KJU799
Portsmouth Radiotelephone	KFQ936

LOUISIANA

Morgan City Mobilephone	KFJ896
Radiofone	KKO349
Do	KLB571
Selective Radio Paging, Inc	KKT407
Southern Message Service, Inc.	KKO360
Do	KKQ962
Do	KLB319
Do	KLB681

MARYLAND

The Airpage Co	KGC402
Radio Communications, Inc.	KGC230
Do	KGC583
Do	KGC587
Do	KGC598
Do	KGC594

MASSACHUSETTS

Boynton Communications	KCB893
Radio Call	KCB890

MICHIGAN

John W. Bennett	KOP326
Do	KQK772
Mobile Radiophone & Paging Service.	KQK771
Radio Dispatch Service	KQK577
New York Technical Institute of Cincinnati, Inc.	KQC884

MINNESOTA

Page Boy, Inc	KAA887
Do	KAH661
Radio Services	KFJ900

MISSOURI

Anserphone of Kansas City, Inc.	KAF245
Central Mobilphone Service	KFJ899
Ozarks Radio Co	KBM516

MONTANA

Blue Mountain Mobile Phone Co.	KFQ922

NEVADA

Sierra Communications, Inc.	KOP244

NEW JERSEY

Page Call, Inc	KEC935
Tra-Mar Radio Communications.	KEJ888

NEW MEXICO

ANSR Corp	KFU897
Do	KLB315
Associated Telephone Answering Service.	KEI452

NEW MEXICO—continued

Licensee	Call sign
Contact of New Mexico	KLB668
El Paso Radiotelephone Co	KLB566
Do	KLB687
Vernon H. Johnson	KKT397
Radio Dispatch Service	KLB513
NEW YORK	
MRN Services, Inc	KED887
Rochester Uni-Call Radio Corp	KEC521
Selective Page	KEK276
Tel-Page Corp	KEC941
NORTH CAROLINA	
Lenoir Communications Co	KIY395
Two-Way Radio of Carolina, Inc	KIY754
Do	KIY755
OHIO	
Anserphone, Inc	KQK773
Carpenter Radio Co	KQK730
Cleveland Mobile Telephone, Inc	KQA646
Do	KQB692
E & J Mobile Radio Service	KMJ837
Miami Valley Radiotelephone	KQK592
Northern Mobile Telephone Co	KQB688
Do	KQB689
Maureen L. Smith	KQC881
OREGON	
Empire Communications Co	KQK331
Pacific Union	KQP256
Do	KUA287
Radio Pocket Page, Inc	KQA796
PENNSYLVANIA	
Altoona Telephone Message Center.	KGC588
Contact	KGC596
K & M Management Co	KGA804
Pennsylvania Radio Telephone Corp.	KGA808
Telephone Answering Service, Inc.	KGA805
SOUTH CAROLINA	
All Services, Inc	KLF484
Myrtle Beach Communications	KIR581
TEXAS	
Autophone of San Antonio	KKJ451
Contact of Texas	KKD274
El Paso Radiotelephone Co	KKE962
Hereford Communications	KOF327
Houston Radiophone Service	KKA344
Mobaphone Dispatch Service Co	KLE330
Mobilfone Communications, Inc	KKX714
Do	KLE496
X. Nady, Jr	KKV688
Do	KLE563
Page A Phone Corp	KFL902
Do	KKC410
Do	KKC562
Do	KLE502
Do	KKX712
PerryTex Communications Co	KLE320
Ratel Communications Co	KFL911
Telephone & Radio Answering Service Co., Inc.	KKE964
Do	KKC411
VIRGINIA	
Bolton's Radiotelephone Service	KIY605
Radio Communications Co., Inc	KIP607
WASHINGTON	
Collins Communications Co	KON918
Telecall	KOA793
Tribune Publishing Co	KOP258
Do	KOP299
WYOMING	
Dome Communications	KLF516

RURAL RADIO SERVICE

5071-C1-P/L-69—South Central Bell Telephone Co.; (New); C.P. for a new rural subscriber station to be located at 12 miles south-southwest of Plaquemine, La., to operate on frequencies 157.86 and 157.89 MHz.

5077-C1-P-69—The Pacific Telephone & Telegraph Co.; (KZI23); C.P. to add frequency 157.89 MHz communicating with station KMA745, El Cerrito, Calif., at station located at Brooks Island, Richmond, Calif.

5239-C1-P-69—Communications Engineering, Inc.; (KXP27); C.P. to replace transmitter operating on 158.49 MHz and add frequencies 158.52 and 158.55 MHz communicating with Station KWA634, Anchorage, Alaska. Subscriber and location: Arctic Oil Tool, Kenai Spur Road, Soldatna, Alaska.

5249-C1-P/ML-69—Pacific Northwest Bell; (KSQ46); C.P. and modification of license to relocate station at 6.5 miles east-northeast of Sumpter, Oreg., operating on frequency 157.86 MHz communicating with Station KOP300, Baker, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

5083-C1-P-69—General Telephone Co. of Florida; (KIY21); C.P. to replace transmitter operating on frequency 6256.5 MHz toward St. Petersburg, Fla. (WLCY-TV studios) and change the antenna system located at 830 Arlington Avenue, St. Petersburg, Fla.

5084-C1-P-69—South Central Bell Telephone Co.; (KIB84); C.P. to add 3810 MHz toward Hokes Bluff, Ala., at station located approximately 1.5 miles southwest of Anniston, Ala.

5085-C1-P-69—South Central Bell Telephone Co.; (KVI26); C.P. to add 3850 MHz toward Coldwater, Ala., and Gadsden, Ala., at station located approximately 3 miles south-southeast of Hokes Bluff, Ala.

5086-C1-P-69—South Central Bell Telephone Co.; (KIX60); C.P. to add 3810 MHz toward Hokes Bluff, Ala., at station located 748 Forrest Avenue, Gadsden, Ala.

5198-C1-P/ML-69—The Pacific Telephone & Telegraph Co.; (KMJ95); C.P. to add 5974 MHz toward Sacramento, Calif. (TV Station KTXL) and change the antenna system at station located at 1407 J Street, Sacramento, Calif.

5199-C1-P-69—American Telephone & Telegraph Co.; (KEE60); C.P. to add 5945.2 and 6123.1 MHz toward Jackie Jones Mountain, N.Y., at station located at 2.5 miles northwest of Colesville, N.J.

5200-C1-P-69—American Telephone & Telegraph Co.; (KEA63); C.P. to add 6197.2 and 6375.2 MHz toward Colesville, N.J., at station located at 5 miles west of Stony Point, N.Y.

5201-C1-P-69—American Telephone & Telegraph Co.; (KEA23); C.P. to add 3710 and 4110 MHz toward New Brunswick, N.J., at 0.3 mile north of Martinsville, N.J.

5202-C1-P-69—American Telephone & Telegraph Co.; (KEM53); C.P. to add 3750 and 4150 MHz toward Martinsville, N.J., at station located at 18 Paterson Street, New Brunswick, N.J.

5242-C1-P-69—Southwestern Bell Telephone Co.; (KKB53); C.P. to replace transmitters operating on frequencies 3730, 3810, and 3890 and add 3970 MHz toward Houston, Tex.; change the antenna system and relocate same to 2.2 miles south-southwest of Spring, Tex.

5243-C1-P-69—Illinois Bell Telephone Co.; (New); C.P. to change frequency from 11,602.5 MHz to 10,755 MHz; change point of communication; replace transmitter and change the antenna system located at 3245 West Arthington, Chicago, Ill.

5244-C1-P-69—Illinois Bell Telephone Co.; (New); C.P. to change frequency from 6037.5 MHz to 11,685 MHz; change point of communication; replace transmitter and change the antenna system located at 8324 North Skokie Boulevard, Skokie, Ill.

American Telephone & Telegraph Co.; Nine (9) C.P.'s to construct initial radio relay channels on a new route and additional radio relay channels on an existing route as follows:

5245-C1-P-69—American Telephone & Telegraph Co.; (KEA77); Add 4070 MHz toward Mount Airy, N.J., at station located at 0.8 mile north of Cherryville, N.J.

5246-C1-P-69—American Telephone & Telegraph Co.; (KYS55); Add 4030 MHz toward Cherryville and Monmouth Junction, N.J., at station located at 1.5 miles southeast of Mount Airy, N.J.

5247-C1-P-69—American Telephone & Telegraph Co.; (KYS56); Add 4070 MHz toward Mount Airy and Navesink, N.J., at station located at 2.2 miles northwest of Monmouth Junction, N.J.

5248-C1-P-69—American Telephone & Telegraph Co.; (KEE54); Add 4030 MHz toward Monmouth Junction, N.J., at station located at 0.5 mile west of Navesink, N.J.

5249-C1-P-69—American Telephone & Telegraph Co.; (KEB47); Add 3950 MHz toward Hempstead, N.Y., and 3710 and 3790 MHz toward Shirley, N.Y., at station located at Plainview, 1.7 miles southwest of Melville, N.Y.

5250-C1-P-69—American Telephone & Telegraph Co.; (KEE50); Add 4070 and 4150 MHz toward Plainview, N.Y., and 3750 and 3830 MHz toward Noyack, N.Y., at station located Shirley, N.Y.

5251-C1-P-69—American Telephone & Telegraph Co.; (KEE51); Add 4030 and 4110 MHz toward Shirley, N.Y., and 3710 and 3790 MHz toward Montville, Conn., at station located at 2 miles south of Noyack, N.Y.

5252-C1-P-69—American Telephone & Telegraph Co.; (KCJ80); Add 3750 and 3830 MHz toward Noyack, N.Y., and 3750 and 3830 MHz toward Green Hill, R.I., at station located at 4.2 miles northwest of Montville, Conn.

5253-C1-P-69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 2.5 miles northeast of Charlestown, R.I., to operate on frequencies 3710 and 3790 MHz toward Montville, Conn.

[Mexican List 253]

MEXICAN BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

FEBRUARY 17, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		580 kilocycles				
XEAV (in operation with 10,000D/1000N, ND, since 11-4-68).	Guadalajara, Jal	10,000D/1000N	ND	U	III	11-4-68.
		850 kilocycles				
XEFI (correction of an omission: In operation with 5000D/250N, ND, U, since 8-16-65).	Chihuahua, Chih	5000D/250N	ND	U	IIID/IVN	8-16-65.
		890 kilocycles				
XEACB (under construction—PN: XEAY).	Cd. Delicias, Chih	500	ND	U	II	2-13-70 (Probable).
		730 kilocycles				
XEK (synchronous with XEKW, ND, D.F.) (correction of an omission: in operation since 3-28-63. Temporary operation with 1000W, ND, U).	Veracruz, Ver	50,000D/10,000N	ND	U	II	3-28-63.
		850 kilocycles				
XEZR (this cancels the notification to increase hours to unlimited included in List No. 236).	Zaragoza, Coah	1000	ND	D	II	
		960 kilocycles				
XEVJ (this complements the notification included in List No. 252: In operation on *960 kc/s* with 1000D/100N, ND, since 12-17-68. *See 1300 kc/s*).	Nueva Rosita, Coah	1000D/100N	ND	U	III	12-17-68.
		1080 kilocycles				
XEXL (correction of an omission: In operation on 1020 kc/s with 1000W, ND, D since 1-14-64. This reduces the power notified in List No. 229 of 3-28-63. See 1370 kHz).	Patzcuaro, Mich	1000	ND	D	II	1-14-64.
		1100 kilocycles				
XEQP (assignment deleted).	Cosamaloapan, Ver	1000	DA-N	U	II	
		1160 kilocycles				
XEEM (in operation with 100D/500N, DA-N since 12-17-68. Correction: to call letters notified in List No. 252).	Meoticali, B.C	100D/500N	DA-N	U	III	12-17-68.

Major Amendment

4742-C1-P-69—Florida Telephone Corp.: (New); Change geographic coordinates from lat. 28°55'40" N., long. 27°05'00" W. to lat. 28°55'40" N., long. 82°27'08" W. Station location: Beverly Hills, Fla. All other particulars same as reported in public notice dated Feb. 17, 1969, Report No. 427.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

5025-C1-P-69—Mountain Microwave Corp; (New); C.P. for a new station at Terry Peak, 3 miles southwest of Lead, S. Dak., at lat. 44°19'32" N., long. 103°50'08" W. Frequency 5974.8 MHz on azimuth 286°21'.

5026-C1-P-69—Wyoming Microwave Corp.; (KTG49); C.P. to add frequency 11,175 MHz on azimuth 254°42'.

5027-C1-P-69—Wyoming Microwave Corp.; (KTG48); C.P. to add frequency 11,305 MHz on azimuth 288°14'.

5028-C1-P-69—Wyoming Microwave Corp.; (KPS25); C.P. to add frequency 11,175 MHz on azimuth 263°32'.

5029-C1-P-69—Wyoming Microwave Corp.; (KPS63); C.P. to add frequency 11,305 MHz on azimuth 19°20'.

5030-C1-P-69—Western Microwave, Inc.; (KPV60); C.P. to add frequency 11,175 MHz on azimuth 13°31'. (Informative: Applicants in applications File Nos. 5025-C1-P-69 through 5030-C1-P-69 propose to provide the signal of KBHE-TV of Rapid City, S. Dak., to Montana Video in Billings, Mont.)

5057-C1-P-69—Upper Peninsula Microwave, Inc.; (KYO47); C.P. to add frequency 6086.0 MHz on azimuth 325°09' and 263°30'.

5058-C1-P-69—Upper Peninsula Microwave, Inc.; (KYO48); C.P. to add frequency 6338.1 MHz on azimuth 347°55'. (Informative: Applicant proposes to provide the television signal of WTVS of Detroit, Mich., to Michigan State University at East Lansing, Mich., and to Central Michigan University at Mount Pleasant, Mich.)

5059-C1-P-69—Western Microwave, Inc; (KPV60); C.P. to power split frequency 6010 MHz on azimuth 199°20'.

5060-C1-P-69—Wyoming Microwave Corp.; (KPS63); C.P. to add frequency 11,015 MHz on azimuth 141°41'.

5061-C1-P-69—Wyoming Microwave Corp.; (KPB65); C.P. to add frequency 11,295 MHz on azimuth 135°05'.

5062-C1-P-69—Wyoming Microwave Corp.; (New); C.P. for a new station at Horse Heaven, 18 miles northwest of Alvoca, Wyo., at lat. 42°42'50" N., long. 107°00'44" W. Frequency 11,015 MHz on azimuth 140°31'.

5063-C-P-69—Wyoming Microwave Corp.; (New); C.P. for a new station at Pine Hill, 19.5 miles north-northwest of Medicine Bow, Wyo., at lat. 42°08'58" N., long. 106°23'04" W. Frequency 11,625 MHz on azimuth 142°04'.

5064-C1-P-69—Wyoming Microwave Corp.; (New); C.P. for a new station at Summit, 8.4 miles southeast of Laramie, Wyo., at lat. 41°14'18" N., long. 105°26'11" W. Frequency 11,015 MHz on azimuth 165°02'.

5065-C1-P-69—Mountain Microwave Corp.; (New); C.P. for a new station at Horse-tooth, 6 miles west of Fort Collins, Colo., at lat. 40°34'06" N. long. 105°12'02" W. Frequency 11,626 MHz on azimuth 119°13'. (Informative: Applicants propose in File Nos. 5059 through 5065-C1-P-69 to provide television signal of CJLH-TV of Lethbridge, Canada, to Community Television, Inc., in Sterling, Colo., and Sidney, Nebr., and to Ogallala Community TV Co. in Ogallala, Nebr., and to Multi-Pix, Inc., in Kimball, Nebr.)

5236-C1-ML-69—West Texas Microwave Co.; (KZS71); Modification of license to permit carriage of audio service consisting of KFJZ-FM signal for delivery to Radio Station KIKZ, Seminole, Tex.

Correction

4662-C1-ML-69—Pacific Telatronics, Inc.; (KTG38); This entry, shown in public notice dated Mar. 3, 1969, is corrected to read as follows: Modification of license to (a) change frequencies 5997.1 MHz and 6115.7 MHz to 6026.7 MHz and 6145.3 MHz toward Red Bluff and Horse Mountain, Calif., on azimuths of 143°00' and 288°30', respectively; and (b) change frequency 6115.7 MHz to 6145.3 MHz toward Mount Bradley, Calif., on azimuth of 21°31'. Station location: Shasta Bally, 18 miles west of Redding, Calif.

[F.R. Doc. 69-3067; Filed, Mar. 12, 1969; 8:50 a.m.]

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		1170 kilocycles				
XEZS (this complements the notification included in List No. 282: Cancel the notification to increase power included in List No. 235. *In operation with 500W, ND, D, since 4-9-69).*	Coatzacoalcos, Ver.	*500D/250N*	ND	U	II	*Upon entry into force of new agreement.*
		1190 kilocycles				
XEGJ (new)	Arriaga, Chis	250	ND	D	II	2-13-70 (Probable).
		1270 kilocycles				
XERPL (correction of an omission: In operation with 500D/150N, ND, since 11-21-53. Increase in daytime power).	Leon, Gto	*1000D/150N*	*DA-D*	U	IIID/IVN	10-10-69 (Probable).
		1300 kilocycles				
XEYJ (assignment deleted. See 950 kc/s).	Nueva Rosita, Coah.	1000D/100N	ND	U	IV	
		1300 kilocycles				
New	Nueva Rosita, Coah.	1000D/100N	ND	U	IIID/IVN	2-17-70 (Probable).
		1320 kilocycles				
XEAI (this cancels the notification to increase nighttime power included in List No. 237. Temporary operation with 5000W-D/1000W-N, ND).	Mexico, D. F.	10,000D/*1000N*	*ND*	U	III	
		1360 kilocycles				
XEAGV (new)	Cd. Mendoza, Ver.	250	ND	D	IV	2-13-70 (Probable).
		1370 kilocycles				
XEXL (assignment deleted. See 1020 kc/s).	Patzcuaro, Mich.	10,000D/100N	ND	U	IIID/IVN	
		1460 kilocycles				
XEET (assignment deleted).	Etla, Oax.	1000D/250N	ND	U	IV	
		1470 kilocycles				
XEAY (under construction—change in Daytime class, previously Class IV).	Parras de la Fuente, Coah.	1000D/250N	ND	U	*IIID/IVN*	2-13-70 (Probable).
		1480 kilocycles				
XESK (in operation since 1-30-69).	Ruiz, Nay.	250D/200N	ND	U	IV	*1-30-69.*
		1580 kilocycles				
XEVU (previously notified at Villa Union, Sin.).	Mazatlan, Sin.	500	ND	D	II	2-17-70 (Probable).
		1590 kilocycles				
XESD (antenna radiation: 170 mv/m. Antenna height: 141 feet. Number of ground system radials: 90. Length of ground system radials: 129 feet).	Silao, Gto. N. 20°56' 24" W. 101°25'50"	1000D/100N	ND	U	II	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-3058; Filed, Mar. 12, 1969; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

FIRST BANKSHARE ASSOCIATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Bankshare Association, Lewiston, Maine, for approval of action to become a bank holding company through the acquisition of not less than 80 percent of the voting shares of First-Manufacturers National Bank of Lewiston and Auburn, Lewiston, Maine, and The Peoples National Bank of Farmington, Farmington, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Bankshare Association, Lewiston, Maine, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of not less than 80 percent of the voting shares of First-Manufacturers National Bank of Lewiston and Auburn, Lewiston, Maine, and The Peoples National Bank of Farmington, Farmington, Maine.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller made no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 23, 1969 (34 F.R., 1089) which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston pursuant to delegated authority.

Dated at Washington, D.C., this 3d day of March 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-3016; Filed, Mar. 12, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-585, etc.]

JOSEPH E. SEAGRAM & SONS, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

MARCH 3, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 21, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Cherrill.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-585	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., 1700 One Main Place, Dallas, Tex. 75250, Attention: Mr. Frank Martin.	20	9	Pecos Co. and El Paso Natural Gas Co. (Wilshire Plant, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	$1,481	2-7-69	[2] 3-10-69	8-10-69	14.10	[3] [4] 15.2025	
	do	37	11	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.) (R.R. District No. 8) (Permian Basin Area).	285	2-7-69	[2] 3-10-69	8-10-69	10.20	[3] [4] [5] 16.7228	
	do	56	13	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	2,000	2-7-69	[2] 3-10-69	8-10-69	13.20	[3] [4] [5] [6] 16.8793	
	do	57	17	do	189	2-7-69	[2] 3-10-69	8-10-69	13.20	[3] [4] [5] [6] 16.8793	
RI69-586	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al.	28	12	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	3,043	2-7-69	[2] 3-10-69	8-10-69	13.20	[3] [4] [5] [6] 16.8793	
	do	40	17	El Paso Natural Gas Co. (Miscellaneous Fields, Lea County, N. Mex.) (Permian Basin Area).	10,520	2-7-69	[2] 3-10-69	8-10-69	13.20	[3] [4] [5] [6] 16.8793	
	do	42	20	do	17,004	2-7-69	[2] 3-10-69	8-10-69	13.44	[3] [4] [5] [6] 16.8793	
	do	43	11	El Paso Natural Gas Co. (Crosby Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	276	2-7-69	[2] 3-10-69	8-10-69	14.12	[3] [4] 16.8793	
	do	44	13	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	2,430	2-7-69	[2] 3-10-69	8-10-69	14.32	[3] [4] [5] [6] 16.8793	
	do	58	28	El Paso Natural Gas Co. (Miscellaneous Fields, Lea County, N. Mex.) (Permian Basin Area).	66,531	2-7-69	[2] 3-10-69	8-10-69	14.12	[3] [4] [5] [6] 16.8793	
	do	59	13	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	1,261	2-7-69	[2] 3-10-69	8-10-69	14.12	[3] [4] [5] [6] 16.8793	
RI69-587	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	20	[10] 20	El Paso Natural Gas Co. (Wasson Plant, Yoakum County, Tex.) (Permian Basin Area and Railroad District No. 8).	307,421	2-5-69	[7] 3-6-69	8-6-69	12.70	[4] [9] 13.763	
RI69-588	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	172	12	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	56	2-6-69	[2] 3-21-69	8-21-69	[11] [12] 18.415	[4] [9] [11] [12] 18.615	RI68-477.
	do	223	7	Natural Gas Pipeline Co. of America (Northwest Dower Field, Beaver County, Okla.) (Panhandle Area).	39	2-6-69	[2] 3-21-69	8-21-69	[11] [12] 18.415	[4] [9] [11] [12] 18.615	RI68-477.
RI69-589	Whitestone Petroleum Corp., 300 Pere Marquette Bldg., New Orleans, La. 70112.	5	2	Panhandle Eastern Pipe Line Co. (Blakemore Area, Beaver County, Okla.) (Panhandle Area).	2,770	2-5-69	[2] 3-15-69	8-15-69	[11] 17.0	[4] [11] 18.0	
RI69-590	Signal Oil & Gas Co., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	18	3	Lone Star Gas Co. (West Marlow Field, Stephens County, Okla.) (Oklahoma "Other" Area).	2,304	2-5-69	[7] 3-6-69	8-6-69	12.0	[4] [13] 16.8	
RI69-591	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	339	12	Natural Gas Pipeline Co. of America (West Crane and Putnam Fields, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	38,056	2-6-69	[2] 4-1-69	9-1-69	[11] [14] 15.097	[3] [11] [14] [15] 16.102	
RI69-592	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attention: Mr. A. M. Mouser.	111	3	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex.) (RR. District No. 4).	311	2-3-69	[2] 3-6-69	8-6-69	[11] 15.6	[4] [11] 16.6	RI67-323.
	do	129	4	Natural Gas Pipeline Co. of America (Orangedale Field, Bee and Live Oak Counties, Tex.), (RR District No. 2).	17,061	2-3-69	[2] 3-6-69	8-6-69	[11] [16] 16.0	[4] [11] [16] 17.5	

[2] The stated effective date is the effective date proposed by Respondent.
[3] Increase to current contract rate plus tax reimbursement.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to 0.4467 cent per Mcf deduction for gas that must be compressed.
[6] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Periodic rate increase.
[9] 15.50 cents base rate plus tax reimbursement of 0.133 cent less quality deductions of 1.88 cents.
[10] For all gas delivered under rate schedule except that added by Supplement No. 16.
[11] Subject to a downward B.t.u. adjustment.
[12] Includes 0.015 cent tax reimbursement.
[13] Favored-nation rate increase.
[14] Pressure base is 14.73 p.s.i.a.
[15] Includes 0.0151 cent tax reimbursement.
[16] "Fractured" rate increase. Contractually entitled to a 18 cent initial contract rate.
[17] Permanently certificated initial "in-line" rate pursuant to Commission Opinion No. 476 issued Sept. 22, 1965, in Dockets Nos. G-16760 et al.

Shell Oil Co. (Operator) et al. (Shell), and Signal Oil and Gas Co. (Signal) request that their proposed rate increases be permitted to become effective on March 7, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided by section 4(d) of the Natural Gas Act to permit earlier effective dates for Shell and Signal's rate filings and such requests are denied.

Nine of the proposed rate increases filed by Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., and Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al. (both referred to herein as Seagram), reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filing proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to their rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–2939; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. RI69–593 etc.]

SOHIO PETROLEUM CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 3, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR Ch. I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 21, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–593	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102, Attention: Gas-Gasoline Division.	140	3	Phillips Petroleum Co.[3] (West Panhandle Field, Hutchinson County, Tex.) (R.R. District No. 10).	408	2–6–69	[4] 3–9–69	[5] 3–10–69	[6] 13.0	[7] [8] 14.0	
	do	141	3	do[3]	33	2–6–69	[9] 3–9–69	[5] 3–10–69	[6] 13.0	[7] [8] 14.0	
	do	147	4	do[3]	294	2–6–69	[9] 3–9–69	[5] 3–10–69	[6] 13.0	[7] [8] 14.0	
RI69–594	Sohio Petroleum Co. (Operator) et al.	143	3	do[3]	791	2–6–69	[9] 3–9–69	[5] 3–10–69	[6] 13.0	[7] [8] 14.0	
RI69–595	Sun Oil Co. (DX Division), 907 South Detroit Ave., Tulsa, Okla. 74120.	[10] 245	2	Arkansas Louisiana Gas Co. (North Enid, Garfield County, Okla.) (Oklahoma "Other" Area).	572	2–10–69	[4] 4–13–69	[5] 4–14–69	12.0	[7] [11] 13.015	

[3] It cannot be determined to which of Phillips' plants in the area the gas involved is dedicated. Phillips resells the residue gas from such plants to interstate pipeline companies at resale rates which are in effect subject to refund.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Sweet gas rate. Buyer deducts 0.4466 cent if gas is sour.
[9] The stated effective date is the effective date requested by Respondent.
[10] Basic contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61–1, and the proposed rate does not exceed the area initial rate ceiling of 15 cents per Mcf.
[11] Includes 0.015 cent tax reimbursement.

Sohio Petroleum Co. (Sohio) requests that Supplement No. 3 to its FPC Gas Rate Schedule No. 140 be permitted to become effective on March 8, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Sohio's aforementioned rate filing and such request is denied.

Sohio and Sohio Petroleum Co. (Operator) et al. (both referred to herein as Sohio), proposed rate increases from 13 cents to 14 cents per Mcf for wellhead sales of natural gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas for resale to interstate pipeline companies at rates which are in effect subject to refund. Sohio's proposed rates exceed the area increased rate ceiling of 11 cents per Mcf for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61–1, as amended. Since Phillips' resale rates are in effect subject to refund, we conclude that Sohio's rate increases should be suspended for 1 day from March 9, 1969, the proposed effective date, and the expiration of the statutory notice for Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 140.

The contract related to the rate filing of Sun Oil Co., DX Division (Sun) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rate of 13.015 cents per Mcf exceeds the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area, but does not exceed the initial service ceiling established for the area involved. We believe, in this situation, Sun's proposed rate filing should be suspended for 1 day from April 13, 1969, the proposed effective date.

[F.R. Doc. 69–2940; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. RI69–500]

BRAMMER ENGINEERING, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund; Correction

FEBRUARY 27, 1969.

In the order providing for hearing on and suspension of proposed change in rate, and allowing rate change to become effective subject to refund, issued January 30, 1969, and published in the FEDERAL REGISTER February 8, 1969, 34 F.R. 1919: After "Brammer Engineering, Inc." in caption, add the word "Agent."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3010; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. RI66–398]

CITIES SERVICE OIL CO. ET AL.

Order Making Successor Co-respondent, Redesignating Proceeding, Requiring Filing of Surety Bond

MARCH 4, 1969.

Cities Service Oil Co. (Operator) et al., The Ohio Fuel Supply Co., Frederic C. and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd., and Mallonee-Mahoney, Inc., agent.

By order of May 31, 1968, in Docket No. G–4579 et al., the Commission issued a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Mallonee-Mahoney, Inc., agent, in Docket No. CI68–1184 to continue in part the sale of natural gas to Northern Natural Gas Co. from the Evalyn Field, Seward County, Kans., theretofore authorized in Docket No. G–4579 to be made pursuant to Cities Service Oil Co. (Operator) et al., FPC Gas Rate Schedules Nos. 167 and 168. The contract comprising said rate schedules was also accepted for filing as Mallonee-Mahoney's FPC Gas Rate Schedule No. 1. The presently effective rate under Cities Service's rate schedules are in effect subject to refund in Docket No. RI66–398. Therefore, Mallonee-Mahoney will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Mallonee-Mahoney will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission orders:

(A) Mallonee-Mahoney, Inc., agent, is made a correspondent in the proceeding pending in Docket No. RI66–398 and the proceeding is redesignated accordingly.

(B) Within 30 days from the issuance of this order, Mallonee-Mahoney shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond for $14,400 in Docket No. RI66–398 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. The bond shall be accompanied by a certificate to the effect that no obligation has been assumed in connection with the bond in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(C) Mallonee-Mahoney shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by Mallonee-Mahoney in Docket No. RI66–398 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas (Name of Respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified;

Now, therefore, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators [1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. ------, (Name of Respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ------ day of ----------

Attest:

---------- By----------
Principal

By----------
Surety

[F.R. Doc. 69–3011; Filed, Mar. 12, 1969; 8:45 a.m.]

[1] To be included if a noncorporate respondent.

[Docket No. G-3173, etc.]

HUSKY OIL COMPANY OF DELAWARE

Notice of Change in Name

Husky Oil Company of Delaware (formerly Husky Oil Co.); G-3173, G-8052, G-8053, G-17254, G-17780, G-19722, CI61—186, CI61-1139, CI61-1140, CI61-1574, CI62-414, CI64-1097, CI65-97, CS66-33.

MARCH 4, 1969.

Take notice that on February 6, 1969, Husky Oil Company of Delaware, Post Office Box 380, Cody, Wyo. 82414, filed in Dockets Nos. G-3173 et al., a notice of change in name to advise the Commission that its corporate name has been changed from Husky Oil Co. to Husky Oil Company of Delaware, effective September 3, 1968, all as more fully set forth in the notice of change which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3012; Filed, Mar. 12, 1969; 8:45 a.m.]

[Project No. 2687]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for License for Constructed Project

MARCH 5, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Co. (correspondence to: J. F. Roberts, Jr., Vice President, Pacific Gas and Electric Co., 245 Market Street, San Francisco, Calif. 94106) for constructed Project No. 2687, known as Pit 1 Project, located on Tule River, Little Tule River, Fall River, and Pit River, in Shasta County, Calif., near the communities of Fall River Mills, Glenburn, and McArthur.

The existing Pit 1 Project No. 2687 consists of: (1) An earth-fill dam, 0.9 of a mile upstream from the confluence of Fall River and Pit River, 520 feet long with a maximum height of 40 feet at elevation 3,309.8 feet (USGS datum) with a concrete spillway at the right abutment with two gates 22.5 feet wide and 15 feet high and crest elevation 3,289.8 feet (USGS); (2) a forebay, created by the dam, having usable storage of 600-acre-feet at maximum elevation 3,303.8 feet (USGS); (3) a concrete diversion dam, 1.6 miles upstream of the forebay dam, about 15 feet high and 595 feet long with crest at elevation 3,305.1 feet (USGS) with a spillway structure at the left end with three gates, each 20 feet wide and 11.5 feet high with crest elevation 3,293.8 feet (USGS); (4) two canal intakes (No. 1 upstream of the diversion dam and No. 2 downstream from it) converging into one canal leading to the tunnel intake, about 1,000 feet from the canal intakes; (5) canals known as the McArthur Diversion canal, Old Lee Springs Drainage canal, and North Drainage canal; (6) a concrete-lined tunnel, about 10,070 feet long, from the intake canal to the penstocks; (7) two steel penstocks, each about 1,372 feet in length, leading from the tunnel to the powerhouse; (8) a powerhouse (having a connecting switch house, office, and storage structure) housing two 31,500 kw. generators; (9) six 16,667 kva, single phase, 60 cycle, water cooled, outdoor type transformers; (10) two short 230 kv. three conductor transmission line taps and two short 60 kv. three conductor transmission line taps connecting to applicant's interconnected transmission system; (11) existing recreational development consisting of four improved recreational sites in or near the Pit 1 Project area: (a) Big Lake Fishing and Hunting Access developed by Applicant provides parking, sanitary facilities and a public launching area for cartop boats; (b) a 6-unit picnic area operated by Falls River Lion's Club near Pit 1 Power Plant; (c) a public trap shooting range operated by Fall River Valley Gun Club near the forebay; and (d) a vista point overlooking Pit River Falls developed by California Division of Highways on Highway 299 about 1 mile east of the power plant; and proposed recreational development consisting of two sites planned for future recreation development and one under study; and (12) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3013; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. CP69-227]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 4, 1969.

Take notice that on February 25, 1969, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP69-227 an application pursuant to section 7(c) of the National Gas Act for a certificate of public convenience and necessity authorizing it to develop and operate the Midland Gas Field, Muhlenberg County, Ky., as a gas storage field, and to construct and operate certain facilities associated therewith, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant estimates cost for the development of the field and associated facilities at $10,726,800.

Applicant states that the load factors of its General Service Customers have increased and the additional annual volumes associated therewith can be met through the utilization of the Midland Field as storage facility.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 31, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3014; Filed, Mar. 12, 1969; 8:45 a.m.]

[Docket No. E-7073]

TRICO ELECTRIC COOPERATIVE, INC.

Notice of Application

MARCH 5, 1969.

Take notice that on January 30, 1969 Trico Electric Cooperative, Inc. (Trico), incorporated under the laws of the State of Arizona, with its principal place of business at Tucson, Ariz., filed an application in the above docket for a supplemental order, pursuant to section 202(e) of the Federal Power Act, modifying Trico's current authorization to transmit electric energy from the United States to Mexico.

By Commission order issued April 16, 1963 (29 FPC 749), Trico was authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 200,000 kilowatt-hours per year at a transmission rate not to exceed 40 kilowatts for sale and delivery to Comision Federal de Electricidad, Division Noroeste (Comision Federal), an agency of the Mexican Government, over certain facilities of Trico covered by its Permit signed by the Chairman of the Federal Power Commission on April 10, 1963, all in the above docket.

Trico now requests that the authorization granted by Commission order issued April 16, 1963, referred to above, be modified so as to authorize Trico to export electric energy in an amount not in excess of 300,000 kilowatt-hours per year to Comision Federal at a transmission rate not to exceed 100 kilowatts over the above-mentioned facilities for the purpose of meeting the increasing electric service requirements of Comision Federal's customers in Sasabe, Sonora, Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3015; Filed, Mar. 12, 1969; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Reg. F-43]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a natural gas service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Public Service Commission of the State of Montana in a proceeding involving natural gas service rates of Great Falls Gas Co. (Montana PSC Docket No. 5810).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 7, 1969.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 69-3018; Filed, Mar. 12, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4719]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Issue and Sale of Commercial Paper and Notes to Banks

MARCH 7, 1969.

Notice is hereby given that The Connecticut Light and Power Co. ("CL&P"), Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities ("Northeast"), a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

CL&P presently has outstanding $2,500,000 of short-term bank notes and expects to issue up to $12 million of additional bank notes or commercial paper notes prior to April 1, 1969, pursuant to section 6(b) of the Act. CL&P proposes to renew and extend any notes so issued or to refund them with other similar notes issued to banks or to a dealer in commercial paper and to issue and sell up to an additional $39,500,000 of short-term notes (and to renew such notes) from time to time to meet portions of its capital requirements. The aggregate amount of all such notes at any one time outstanding, including both notes issued prior to April 1, 1969, and those thereafter issued, will at no time exceed $54 million. As such notes mature, they may be renewed or repaid out of any funds then available to CL&P including funds derived from the sale of other notes to banks and/or to a dealer in commercial paper.

The funds to be derived from the issuance and sale of the notes will be applied to finance construction expenditures, to pay nuclear fuel costs, and to supply funds for investment in regional nuclear generating companies. These expenditures for the years 1969 and 1970 are estimated to be approximately as follows:

	1969	1970
Construction expenditures	$85,600,000	$100,600,000
Nuclear fuel costs	3,400,000	700,000
Investments in regional nuclear generating companies (i.e., Maine Yankee Atomic Power Co. and Vermont Yankee Nuclear Power Corp.)	2,000,000	1,900,000

The commercial paper will be issued in the form of promissory notes with no maturity more than 270 days after the date of issue, and will be sold at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers thereof to commercial paper dealers. No commercial paper shall be issued having a maturity of more than 90 days after March 31, 1970 or which has an effective interest cost to the company in excess of the prime commercial bank rate at which CL&P could obtain loans from banks. The purchasing dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of not more than one-eighth of 1 percent per annum less than the prevailing discount rate to CL&P, in such manner as not to constitute a public offering. The commercial paper notes will be reoffered to no more than 100 identified and designated customers in a list (nonpublic) which has been filed with the Commission, and no additions will be made to this list.

The notes to be issued and sold to banks will mature not later than 6 months after the date of issue or renewal, will bear interest at the prime rate in effect at the lending bank on the date of issue, will be issued no later than March 31, 1970, and will be subject to prepayment at any time without premium.

CL&P will not effect any borrowings from banks pursuant to this application-declaration until it shall have filed an amendment thereto setting forth the name or names of the banks from which such borrowings are to be effected and such amendments shall have been granted by order of this Commission.

CL&P expects to retire the bank notes and commercial paper prior to March 31, 1970, from the net proceeds of the sale of additional first mortgage bonds and/or preferred stock and other securities. In the event the company effects any permanent financing prior to the repayment of all bank notes and commercial paper outstanding pursuant to this application-declaration, as amended, it expects to apply the net proceeds of such permanent financing in reduction of such notes.

CL&P requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. The company states that it is not practicable to invite competitive bids for commercial paper and that current rates of commercial paper of prime borrowers such as CL&P are pubished daily in financial publications. CL&P also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions will not exceed $500 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 28, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest,

the reasons for such request, and the issues of fact or law raised by the application-declaration, as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3033; Filed, Mar. 12, 1969; 8:47 a.m.]

CRESTLINE URANIUM & MINING CO.

Order Suspending Trading

MARCH 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Crestline Uranium & Mining Co., Denver, Colo., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 8, 1969, through March 17, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3035; Filed, Mar. 12, 1969; 8:48 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

MARCH 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 8, 1969, through March 17, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3036; Filed, Mar. 12, 1969; 8:48 a.m.]

[70-4722]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealers in Commercial Paper and Exemption From Competitive Bidding

MARCH 7, 1969.

Notice is hereby given that Indiana & Michigan Electric Co. ("Indiana"), 2101 Spy Run Avenue, Fort Wayne, Ind. 46801, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Indiana requests that from the date of the granting of this application to December 31, 1969, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to exceed 5 percent of the principal amount, par value, and/or fair market value of the other securities of Indiana at the time outstanding. Indiana proposes, under said exemption, to issue and sell, from time to time prior to December 31, 1969, short-term notes to banks and/or to dealers in commercial paper in an aggregate face amount of not to exceed $36 million to be outstanding at any one time. The proceeds from the proposed notes, including the commercial paper notes, will be used by Indiana to reimburse its treasury for past expenditures in connection with its construction program, to pay part of the cost of its future construction program, which is estimated to cost approximately $102 million in the year 1969, and for other corporate purposes. It is stated that Indiana will retire any notes payable to banks and commercial paper outstanding on or about December 31, 1969, with the proceeds of long-term financing and by the use of such other cash resources as are then available to it.

Each note payable to a bank to be issued by Indiana will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance. Each such note will bear interest at the prime rate of commercial banks at the time of issuance and will be prepayable at any time without penalty. Indiana will not effect any borrowings from banks pursuant to this application until it shall have filed a posteffective amendment thereto setting forth the name or names of the banks from which such borrowing is to be effected and such posteffective amendment shall have been granted by further order of the Commission.

The commercial paper notes will be in the form of promissory notes in denominations of not less than $100,000 nor more than $5 million and of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes will be sold directly to two dealers, the names of which are to be supplied by amendment, at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. No commercial paper notes will be issued having a maturity more than 90 days after December 31, 1969, at a discount rate which exceeds the prime rate at which Indiana could borrow from banks. Each of the two dealers will reoffer the commercial paper notes to not more than 100 of its customers identified and designated in a list (nonpublic) prepared by it in advance. It is expected that Indiana's commercial paper notes will be held by each dealer's customers to maturity, but, if they wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

Indiana requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. The company states that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Indiana are published daily in financial publications. Applicant also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated at approximately $700. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 28, 1969, request in writing that a hearing be held on such matter, stating

the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3034; Filed, Mar. 12, 1969; 8:47 a.m.]

[70-4661]

OHIO EDISON CO.

Notice of Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

MARCH 7, 1969.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to section 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated September 11, 1968 (Holding Company Act Release No. 16157), the Commission authorized Ohio Edison to issue and sell its promissory notes to banks from time to time in an aggregate principal amount outstanding at any one time of not more than $40 million and maturing not later than March 31, 1969.

Ohio Edison now proposes that (a) the maturity date of such promissory notes be extended to June 30, 1969, and (b) the aggregate principal amount of such promissory notes that may be outstanding at any one time be increased to $45 million.

As noted in the previous order, Ohio Edison expects to receive from The Cleveland Electric Illuminating Co., pursuant to a joint power development arrangement, a deposit now estimated at $38 million when Ohio Edison's W. H. Sammis generating station is placed in commercial operation. It is stated that completion of that plant has been delayed and that, when it is placed in operation, Ohio Edison will apply the deposit to the payment of the outstanding notes to banks. Upon the application of such funds to the payment of the bank notes, the borrowing authority to be obtained hereunder in excess of that amount provided by the first sentence of section 6(b) will terminate.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 27, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3037; Filed, Mar. 12, 1969; 8:48 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

MARCH 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 10, 1969, through March 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3038; Filed, Mar. 12, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1276]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 7, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1805 (Sub-No. 2), filed February 17, 1969. Applicant: DALE NEWELL, doing business as NEWELL TRUCK LINE, R.F.D. No. 1, Wakefield, Kans. 67487. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, fertilizer, and twine*, from Kansas City, St. Joseph, and Joplin, Mo., to Wakefield, Kans., and points within 25 miles of Wakefield, Kans. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., Kansas City, Mo., or Wichita, Kans.

No. MC 4405 (Sub-No. 464), filed February 9, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, accessories and parts*, from the plantsite of Acme-Wiley Corp., Elk Grove Village, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicating authority is sought. It further states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 14702 (Sub-No. 26), filed February 10, 1969. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum*, between Fairmont, W. Va., on the one hand, and, on the other, points in the United States, excluding Alaska and Hawaii. NOTE: Applicant states it would connect with its existing authority at Fairmont, W. Va., and permit service between Warren, Ohio, and Oswego, N.Y., on the one hand, and, on the other, the territory requested. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22214 (Sub-No. 17), filed February 24, 1969. Applicant: ACCELERATED TRANSPORT-PONY EXPRESS, INC., Fifth and Vine Streets, Sunbury, Pa. 17801. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the International Nickel Co., Inc., Huntington Alloy Products Division, at or near Burnaugh, Boyd County, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Huntington, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31564 (Sub-No. 5), filed February 18, 1969. Applicant: FRANK CORSO, INC., 270 Woodin Street, Hamden, Conn. 06514. Applicant's representative: William J. Meuser, 101 River Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Fall River, Mass., and Providence, R.I., to Hartford, New Britain, New London, and Torrington, Conn., and Springfield, Mass. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 31600 (Sub-No. 639) (Correction), filed February 3, 1969, published in FEDERAL REGISTER issue of February 27, 1969, and republished as corrected, this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Starch*, in bulk, in tank or hopper-type vehicles, from Houlton, Maine to Pittsburgh, Pa., (2) *corn starch*, in bulk, in tank or hopper-type vehicles, from Boston, Mass., to points in Maine, (3) *alum* in bulk, from the plantsite of Holland Co., Inc., in Adams, Mass., to points in Connecticut (except Manchester, Versailles, and Windsor Locks) and to Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and *sodium aluminate and rosin sizing*, in bulk, from the plantsite of Holland Co., Inc., in Adams, Mass., to points in Connecticut, Maine, Masachusetts, New Hampshire, New York, Rhode Island, and Vermont, restricted to traffic originating at the above-named plantsite and destined to points in the above named destination States and (4) *clay*, dry, in bulk, in tank or hopper-type vehicles from Paulsboro, N.J., to Alma, Mich. NOTE: Common control may be involved. Applicant states no duplicating authority is being sought. The purpose of this republication is to show in Part (4) to Alma, Mich., in lieu of at Alama, Mich., which was erroneously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35628 (Sub-No. 295), filed February 13, 1969. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of R. R. Donnelley & Sons Co., near the intersection of Illinois Highway 47 and U.S. Highway 66, near Dwight, Ill., as an off-route point in connection with applicant's regular route operations between Chicago, Ill., and St. Louis, Mo., over U.S. Highway 66 and between Peoria, Ill., and the Indiana-Ohio State line over U.S. Highway 24, as authorized in certificate MC 35628. NOTE: Applicant indicates tacking at the nearest point on U.S. Highways 66 and 24, with service to and from all authorized points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 51146 (Sub-No. 126), filed February 24, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products; products produced or distributed by manufacturer and converters of paper and paper products*, from Eau Claire, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *Materials and supplies*, used in the manufacture and distribution of the above-described commodities, also returned and rejected shipments, from the above destination States to Eau Claire, Wis. NOTE: Applicant states that the primary purpose of the instant application is not to allow tacking. This would be done only as an incidental part of operations if need arises in the future. This could be done under many of applicant's pending and present subs. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 111) (Amendment), filed January 26, 1969, published in FEDERAL REGISTER issue February 20, 1969, amended February 28, 1969, and republished as amended, this issue. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 733 (except hides and commodities in bulk) and *foodstuffs* when moving in the same vehicle with meats and meat products, (a) from Austin, Minn., Fremont, Nebr., Des Moines, and Fort Dodge, Iowa, to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouse facilities of Geo. A. Hormel & Co. at Austin, Minn., Fort Dodge, Iowa, Fremont, Nebr., and I. D. Packing Co. at Des Moines, Iowa, and destined to indicated destination points, (b) from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co. at Austin, Minn., to points in the Lower Peninsula of Michigan, and (2) *foodstuffs* when moving in the same vehicle with meats and meat products, (a) from Austin, Minn., Des Moines and Fort Dodge, Iowa, to Louisville, Ky., and points in Indiana and Ohio, (b) from Des Moines and Fort Dodge, Iowa, to points in that part of Michigan, on, south and west of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Flint, Mich., and thence along Michigan Highway 21 to Port Huron, Mich., and (c) from the plantsite and/or storage facilities of Geo. A. Hormel & Co. at Fremont, Nebr., to points in Indiana, Ohio, the Lower Peninsula of Michigan and Louisville, Ky. NOTE: The purpose of this republication is to change the commodity description in (1) above and add (1b) and (2) broadening the scope of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 52460 (Sub-No. 100), filed February 20, 1969. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, dry; *fertilizer compounds*, dry; *fertilizer materials*, dry; and *blends thereof*, in bulk and in containers, from Beaumont, Tex., to points in Alabama, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Houston or Dallas, Tex.

No. MC 64932 (Sub-No. 467), filed February 6, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, in bulk, in pneumatic trailers, from the plantsite of Houdry Process & Chemical Co., Division of Air Products and Chemicals, Inc., at Paulsboro, N.J., to points in Delaware, Michigan, Ohio, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65475 (Sub-No. 9), filed February 18, 1969. Applicant: JETCO, INC., 4701 Wheeler Avenue, Alexandria, Va. Applicant's representative: J. G. Dail, Jr., 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Alaska and Hawaii); and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it holds authority under MC 65475 for contractors' machinery, tools, and equipment, and heavy machinery, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia. Applicant further states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65626 (Sub-No. 23), filed February 24, 1969. Applicant: FREDONIA EXPRESS, INC., Post Office Box 222, 316 Eagle Street, Fredonia, N.Y. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Chautauqua County, N.Y., to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 69036 (Sub-No. 8), filed February 6, 1969. Applicant: REVELL TRANSIT LINES, INC., Shenandoah, Iowa. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Box 83501, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving points in Missouri on or west of U.S. Highway 169 and on or north of U.S. Highway 36 as off-route points in connection with applicant's presently authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rockport, Mo.

No. MC 83539 (Sub-No. 239), filed February 24, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222 and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size and weight, requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) *self propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported by trailers, (a) between points in Wyoming, Colorado, Montana, North Dakota, and South Dakota, and (b) between points in Utah, Colorado, Montana, and Wyoming. NOTE: Applicant proposes to tack the authority sought herein at common points with presently held authority in the States of Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Mississippi, Minnesota, Michigan, Missouri, Montana, New Mexico, North Dakota, New Jersey, New York, North Carolina, Oklahoma, Ohio, Oregon, Pennsylvania, Nebraska, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia,

Wisconsin, Wyoming, and Washington. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 88203 (Sub-No. 3), filed February 17, 1969. Applicant: OTIS WRIGHT & SONS, INC., Post Office Box 817, Lima, Ohio. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Lima, Ohio, to Chicago, Ill., Fort Wayne and Indianapolis, Ind., Detroit and Grand Rapids, Mich., and Pittsburgh and Sharon, Pa., under a continuing contract with Lima Iron & Metal Co., Inc., Lima, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 97006 (Sub-No. 10), filed February 27, 1969. Applicant: HOWARD'S EXPRESS, INC., East North Street, Geneva, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, and, when transported in mixed or consolidated shipments with salt and salt products, *pepper* in packages; *animal and poultry feed; medicinal additives, and food ingredients; food products* used or dealt in by food processors, wholesale grocers, institutional supply houses and institutions; and *products* used in the water treatment industry, from Silver Springs, N.Y., to points in Bergen, Passaic, Sussex, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Hunterdon, Monmouth, and Ocean Counties, N.J., and New York, N.Y., restricted against the transportation of commodities in bulk. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 97825 (Sub-No. 4), filed February 18, 1969. Applicant: LOUISIANA MIDLAND TRANSPORT COMPANY, INC., 3679 Florida Street, Post Office Box 66393, Baton Rouge, La. 70806. Applicant's representative: Carlos G. Spaht or James M. Field, 500 Laurel Street, Union Federal Building, Baton Rouge, La. 70802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in packages and in bulk in tank or other bulk-type carrying vehicles, from Anchorage, La. (which is approximately 2 miles west of the Mississippi River across from the city of Baton Rouge) to points within the following enumerated Louisiana Parishes, West Baton Rouge, East Baton Rouge, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, Livingston, St. John the Baptist, north of U.S. Highway 90 and Louisiana Highway 1, St. James, Ascension, Assumption, St. Mary, Iberia, St. Martin, Lafayette, St. Landry, Pointe Coupee, West Feliciana, and Iberville, restricted to ex-rail traffic having a prior movement by rail from Selma (Jefferson County) Mo. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 99213 (Sub-No. 12), filed February 12, 1969. Applicant: VIRGINIA FREIGHT LINES, a corporation, Kilmarnock, Va. 22482. Applicant's representative: Jno. C. Goddin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish products and boat and factory equipment*, between plant and warehouse sites of Haynie Products, Inc., located at or near Cape Charles and Reedville, Va., Morehead City, N.C., Baltimore, Md., Wildwood, N.J., and Moss Point, Miss. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 103051 (Sub-No. 228), filed February 13, 1969. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food and animal food supplements*, in bulk, in tank vehicles, from Bainbridge, Ga., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103993 (Sub-No. 376), filed February 17, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, from points in Jefferson County, W. Va., to points in the United States (excepting Alaska and Hawaii, Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and West Virginia). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 391), filed February 19, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings in sections on wheeled undercarriages with hitchball connector*, in initial movements, from points in Livingston County, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 106644 (Sub-No. 95) (Clarification), filed January 28, 1969, published in FEDERAL REGISTER issue of February 13, 1969, and republished this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Hawaii and Alaska) and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). NOTE: The purpose of this republication is to show (b) above to reflect a change in territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 366), filed February 27, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Port Birmingham (Birmingport), Ala., to points in Alabama, Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the authority sought herein could be tacked or combined at Blytheville, Ark., Meridian, Miss., Barfield, Ark., Phillips County, Ark., and Vicksburg, Miss., for the purpose of performing a through service to points in Georgia and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 107010 (Sub-No. 38), filed February 6, 1969. Applicant: BULK CARRIERS, INC., Box 106, Auburn, Nebr. 68305. Applicant's representative: J. Max Harding, 605 South 14th, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, fertilizer and fertilizer ingredients*, from the plantsite or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota,

Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107295 (Sub-No. 169), filed February 17, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 391 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panels and insulation; pontoons and accessories*, from Columbus, Ohio, to points in the United States (except Hawaii and Ohio). NOTE: Applicant states it will tack with its presently held authority MC 107295, where feasible. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 170), filed February 17, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill., also Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural floor supports and accessories*, from Seville, Ohio, to points in Minnesota, Colorado, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. NOTE: Applicant states that it intends to tack with its present authority in MC 107295, where feasible. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 107348 (Sub-No. 5), filed February 5, 1969. Applicant: DON A. SIMMONS, doing business as A & F MOTOR LINE, 151 South Taylor Street, Post Office Box 244, Ashdown, Ark. 71822. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and in tank vehicles, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Texarkana, Ark.-Tex., and Clarksville, Tex., over U.S. Highway 82, and return over the same route, serving all intermediate points, except Red River Arsenal and Lone Star Ordnance Depot, near Hooks, Tex.; (2) between New Boston, Tex., and Cross Roads, Ark.: From New Boston over Texas Highway 8 to junction Arkansas Highway 41, thence over Arkansas Highway 41 to Cross Roads, Ark., and return over the same route, serving all intermediate points; (3) between Cross Roads, Ark., and Wilton, Ark., over Arkansas Highway 234, and return over the same route, serving all intermediate points; (4) between Texarkana, Ark.-Tex., and Hope, Ark., over U.S. Highway 67, and return over the same route, serving all intermediate points; (5) between Mineral Springs, Ark., and Fulton, Ark., over Arkansas Highway 355, and return over the same route, serving all intermediate points; and (6) between Millwood Dam Site and Junction Arkansas Highway 355: from Millwood Dam Site over Arkansas Highway 355, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Texarkana, Ark.-Tex., Shreveport, La., or Little Rock, Ark.

No. MC 107515 (Sub-No. 640), filed February 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Sherman, Tex., to points in Alabama, Florida, Georgia, Missisippi, North Carolina, South Carolina, Tennessee, and Louisiana. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Atlanta, Ga.

No. MC 107871 (Sub-No. 58) (Clarification), filed July 15, 1968, published FEDERAL REGISTER issue of August 1, 1968, and republished this issue. Applicant: BONDED FREIGHTWAYS INC., 441 Kirkpatrick Street West, Syracuse, N.Y. 13204. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement* in bulk, in a coordinated rail-motor service, from the Flexi-Flo rail-motor interchange terminals of the Pennsylvania New York Central Transportation Co. at or near Syracuse and Rochester, N.Y., to points in New York. NOTE: The purpose of this republication is to specifically name where the Flexi-Flo rail-motor interchange terminals are located in New York. If a hearing is deemed necessary, applicant requests it be held at Syracuse or New York, N.Y., or Washington, D.C.

No. MC 108449 (Sub-No. 295), filed February 24, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703, and W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, serving Albion and South Milford, Ind., as off-route points in connection with carrier's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 108676 (Sub-No. 25), filed February 17, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, precast, and prestressed, from Knoxville, Tenn., to points in Alabama, Georgia, Kentucky, Virginia, Ohio, North Carolina, and West Virginia. NOTE: Applicant states it presently holds authority in MC 108676 Sub 19 to transport the involved commodities, from Nashville, Tenn., to portions of Alabama, Georgia, Kentucky, and Virginia. Applicant further states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 109449 (Sub-No. 13), filed February 11, 1969. Applicant: KUJAK BROS. TRANSFER, INC., 352 Junction Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Winona, Minn., to points in Illinois, Iowa, and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 109638 (Sub-No. 21), filed February 10, 1969. Applicant: WOODROW EVERETTE, doing business as EVERETTE TRUCK LINE, Post Office Box 145, Washington, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Beaufort, Martin, Hyde, and Washington Counties, N.C., to points in Pennsylvania, west of U.S. Highway 15; (2) *lumber*, from points in Craven, Jones, Onslow, Pender, Carteret, and New Hanover Counties, N.C., to points in Virginia, Maryland, Pennsylvania, and the District of Columbia; and (3) *lumber* (except plywood and veneer), from Lewiston, N.C., and points within 5 miles thereof to points in Virginia, Maryland, Pennsylvania, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it

be held at Raleigh, N.C., or Washington, D.C.

No. MC 110098 (Sub-No. 97), filed February 7, 1969. Applicant: ZERO REFRIGERATED LINES, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. 78207. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, cleaning compounds, bleach, textile softeners* (except commodities in bulk, in tank vehicles, equipped with mechanical refrigeration from Sunnyvale, Calif., to points in Oregon and Washington. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or San Antonio, Tex.

No. MC 110420 (Sub-No. 578), filed February 14, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fatty acid products, detergents, surfactants, washing compounds, and liquid chemicals*, from Janesville, Wis., to points in Georgia. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 110525 (Sub-No. 893) (Amendment), filed January 21, 1969, published in FEDERAL REGISTER issue of February 20, 1969, and republished, as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, from the plantsite of the E. I. du Pont de Nemours & Co., at or near Woodstock, Tenn., to points in Minnesota, Nebraska, and Wisconsin. NOTE: The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 67), filed February 13, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and to Charleston, W. Va., Taft, La., and Texas City, Tex. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 111545 (Sub-No. 116), filed February 24, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require the use of special equipment or special handling by reason of size of weight; *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; *ordnance equipment, materials, and supplies; quartermaster supplies; and blasting supplies, explosives, and other dangerous articles* as defined in the Department of Transportation regulations governing the transportation of explosives and other dangerous articles, between points in the United States on and east of a line formed by the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 117), filed February 24, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and *buildings in sections mounted on wheeled undercarriages;* (1) from points in Holmes County, Miss., to points in the United States (except Alaska and Hawaii); and (2) from points in Sumner County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking could occur at the origins here applied from, in conjunction with its presently held authority,whereas it is authorized to operate in Indiana, Michigan, Alabama, Georgia, South Carolina, Kentucky, Ohio, Illinois, Tennessee, Louisiana, Mississippi, Florida, Arkansas, Delaware, Missouri, North Carolina, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 111785 (Sub-No. 41) (Correction), filed February 19, 1969, published FEDERAL REGISTER, issue of March 6, 1969, and republished as corrected this issue. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Pocahontas County, W. Va., to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Washington, D.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this correction is to correct the note regarding tacking information. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 27), filed February 12, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, aluminum and aluminum articles*; (a) from points in Jefferson County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin; (b) from points in Barbour County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; and (2) *truck cabs*, from points in Jefferson County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the authority sought herein can be joined with applicant's existing "size and weight" authority in MC 112304 (Sub-No. 1) and "guard rail" authority in (Sub-No. 11) with joinder tacking place at any point in Jefferson County, Ky., Applicant also states tacking possibilities with its existing authority under (Sub-No. 7). The additional territory that could be served through such joinder includes points in the states of Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, New York, New Jersey, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 94), filed February 12, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic tubing, plastic conduit, plastic mouldings, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products, and accessories* used in the installation of such products in straight or mixed loads, from McPherson, Kans., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 95), filed February 20, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, *Description in Motor Carrier Certificates*, 61 M.C.C. (272–273) and 766 (except commodities in bulk, and tank vehicles, and hides), from Liberal, Kans., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Illinois, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 113267 (Sub-No. 210), filed February 10, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Shreveport, La., to points in Louisiana, Arkansas, and that part of Texas lying east of the eastern boundaries of Cooke, Denton, Tarrant, Ellis, Navarro, Freestone, Leon, Madison, Grimes, Waller, Fort Bend, and Brazoria Counties, Tex. NOTE: Common control may be involved. Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Shreveport, La.

No. MC 113300 (Sub-No. 4) (Correction), filed February 3, 1969, published FEDERAL REGISTER issue of February 27, 1969, corrected and republished, this issue. Applicant: WILLIAM T. HERRON, Route No. 3, Marietta, Ohio 45750. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are susceptible of being unloaded by dumping, in dump trucks; (a) between points in Athens, Morgan, and Noble Counties, Ohio, on the one hand, and, on the other, points in Harrison, Jackson, Pleasants, Wetzel, Wood, Mason, Roane, Ritchie, Calhoun, Tyler, Marshall, Doddridge, Wirt, Gilmer, and Kanawha Counties, W. Va.; and (b) between points in Washington County, Ohio, on the one hand, and, on the other, points in Kanawha County, W. Va. NOTE: Applicant states it presently holds authority to transport coal, in bulk, in dump trucks from Athens, Morgan, and Noble Counties, Ohio, to Pleasants and Wood Counties, W. Va., and to this degree, the instant request would be duplicative. The purpose of this republication is to reflect counties in (a) above, in West Virginia, in lieu of Virginia, as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113434 (Sub-No. 33), filed February 20, 1969. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared, or preserved, other than frozen, from the site of the facilities of H. J. Heinz Co. in Toledo, Ohio, to points in Michigan. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Pittsburgh, Pa.

No. MC 113678 (Sub-No. 339), filed February 17, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities utilized by Holloway House, Inc., at or near Lafayette, Ind., to points in Utah, Wyoming, Montana, Idaho, Oregon, and Washington. NOTE: Applicant states that it intends to tack at Lafayette, Ind., to serve points in Colorado, Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, Kansas, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 340), filed February 17, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in the *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by Carter Packing Co., Inc., at or near Buhl, Idaho, to points in Illinois, Wisconsin, Minnesota, Kansas, Texas, Colorado, Arizona, Iowa, and Nebraska. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 341), filed February 20, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and frozen foods*, from Colorado Springs, Colo., to points in Illinois, Indiana, Michigan, North Dakota, South Dakota, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Wyoming, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113843 (Sub-No. 147) (Correction), filed January 23, 1969, published FEDERAL REGISTER, issue of February 20, 1969, and republished as corrected this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, table sauces, table spreads, salad dressings, salad oils, vegetable oils, cooking oils, shortening, lard, tallow, animal fats, products made with vegetable oils and/or animal fats*, in containers in vehicles equipped for controlled temperatures, from the plantsite of Anderson, Clayton & Co. Foods Division, at or near Jacksonville, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: The purpose of this republication is to include "sauces, table spreads, salad dressings, salad oils," to the commodity description which was erroneously omitted from previous publication. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 114211 (Sub-No. 121), filed February 24, 1969. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery*; (2) *tractors* (except those with vehicle beds, bed frames, or fifth wheels), including lawn and garden tractors, and tractors and tractor excavating, grading, or loading attachments, combined; (3) *attachments and accessories* for, and *equipment* designed for use with, the foregoing articles; and (4) *twine*, from West Chicago, Ill., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, and Texas, restricted to traffic originating at the plantsites of, or storage or distribution facilities used by, International Harvester Co. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 75), filed February 24, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products and woodpulp*, from Cloquet and Brainerd, Minn., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) *equipment, material, and supplies* used in the manufacture, sale, and distribution of paper and paper products and woodpulp, from points in the above destination States to Cloquet and Brainerd, Minn. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114632 (Sub-No. 18), filed February 13, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps, Madison, S. Dak. 57042. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Spencer, Iowa; Hartley, Iowa; and Sioux Falls, S. Dak., to points in Kansas and Missouri. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant holds contract carrier authority in MC 129706, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 114725 (Sub-No. 46), filed February 6, 1969. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, fertilizer, and fertilizer ingredients*, from the plantsite or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 116254 (Sub-No. 92), filed February 6, 1969. Applicant: CHEMHAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Huntsville, Ala., to points in Georgia, Mississippi, and Tennessee. NOTE: Applicant states it intends to tack the sought authority with its Sub 52 at Barfield, Ark., and points within 10 miles thereof, which includes a portion of Tennessee (Barfield is on Tennessee River) to serve points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Wisconsin, those in Tennessee west and south of a line extending from the Kentucky-Tennessee State line along U.S. Highway 27, thence along U.S. Highway 70 to the Tennessee-North Carolina State line, and those in Texas (except Longview, Tex.) east and north of a line extending from the Oklahoma-Texas State line along U.S. Highway 281 to San Antonio, Tex., and thence along U.S. Highway 87 to the Gulf of Mexico. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 116725 (Sub-No. 14), filed February 14, 1969. Applicant: INDIANA VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and dairy products* (except in bulk, and except frozen foods), between the plantsites of Keller's Creamery, Inc., Harleysville, Pa., and Franconia Township, Montgomery County, Pa., on the one hand, and, on the other, points in Vermont. NOTE: Applicant states the authority sought under the above commodity description shall not be combined with any other authority held herein by carrier for the purpose of performing a through service. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 117119 (Sub-No. 412), filed February 13, 1969. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plantsite of the Kitchens of Sara Lee, Division of Consolidated Foods, in Deerfield, Ill. and/or the warehouses of the Kitchens of Sara Lee, Division of Consolidated Foods, in Chicago, Ill., to points in Minnesota, Iowa, North Dakota, South Dakota, Washington, Oregon, Idaho, Utah, Nebraska, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117574 (Sub-No. 181), filed February 5, 1969. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, between Crystal City, Mo., on the one hand, and, on the other points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 117815 (Sub-No. 141) (Amendment), filed February 3, 1969, published FEDERAL REGISTER issue of February 20, 1969, amended February 11, 1969, and republished as amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and *foodstuffs*; (a) from the plantsite and storage facilities of Geo. A. Hormel & Co. at Austin, Minn., to points in Iowa, Illinois, Kansas, Michigan, Missouri, Nebraska, and Ohio; (b) from the plantsite and storage facilities of Geo. A. Hormel & Co. at Fremont, Nebr., to points in Illinois, Indiana, Iowa, Michigan, and Ohio, and to Austin, Minn.; and (c) from Fort Dodge, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, and Ohio, and to Austin, Minn.; and (2) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (a) from Des Moines, Iowa, to points in Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, and Ohio; and (b) from the plantsite and storage facilities of Geo. A. Hormel & Co. located at or near Algona, Iowa, to Fort Dodge, Iowa, and Austin, Minn. NOTE: The purpose of this republication is to broaden the scope of the authority sought. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117815 (Sub-No. 142), filed February 24, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and groceries*, from Des Moines, Iowa, to points in Michigan. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 118292 (Sub-No. 18), filed February 18, 1969. Applicant: BALLENTINE PRODUCE, INC., Post Office Box 312, Alma, Ark. 72921. Applicant's representative: Lester M. Bridgeman, 1000 Woodward Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods and baby supplies*, from Fort Smith, Ark., to points in Iowa, Nebraska, and South Dakota, restricted to traffic originating at Fort Smith, Ark. NOTE: Applicant states it does not intend to tack and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 118936 (Sub-No. 1), filed February 24, 1969. Applicant: JAMES A. MARINARI AND JOSEPH A. MARINARI, a partnership, doing business as MARINARI BROTHERS, 9 Colwell Lane, Conshohocken, Pa. 19428. Applicant's representative: Richard V. Zug, Harts Lane, Miquon, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals and other scrap materials* in connection therewith, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. NOTE: Applicant states no duplicating authority is being sought. Applicant further states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 119302 (Sub-No. 2), filed February 3, 1969. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, Post Office Box 387, Clarion, Pa. 16214. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and unprepared scrap, automobile bodies*, smashed or unsmashed, *industrial scrap and rejected materials* used in the processing of scrap, between points encompassing the entire States of Pennsylvania, Ohio, Indiana, Illinois; that portion of New York on and west of a line beginning at Oswego and bearing southeasterly on Route 57 to Syracuse, thence in a southerly direction along U.S. Highway 11 to the New York-Pennsylvania State line; that portion of Maryland on and north of U.S. Highway 40 between the Delaware-Maryland State line and Baltimore, Md., and west of Chesapeake Bay; that portion of West Virginia on and north of highways commencing at the Maryland-West Virginia State line and bearing westerly along U.S. Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction with U.S. Highway 119 and West Virginia Highway 4, thence along West Virginia Highway 40 to junction with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Ohio State line; and that portion of Michigan on and south of Michigan Highway 46. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Luria Brothers & Co., Inc., of Cleveland, Ohio. NOTE: Applicant has common carrier authority in MC 87103, therefore dual operations may be involved. Applicant states that it is willing to accept restriction in its certificate against service to Luria Brothers & Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 119489 (Sub-No. 22), filed February 6, 1969. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 596, Norfolk, Nebr. 68701. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, fertilizer, and fertilizer ingredients*, from the plantsite or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119531 (Sub-No. 109), filed February 27, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and accessories therefor*, from Worthington, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and Wisconsin. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119539 (Sub-No. 10), filed February 24, 1969. Applicant: BEVERAGE TRANSPORT, INC., East Bloomfield, N.Y. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk) *and such incidental materials and supplies* as are used in the distribution and sale of such foodstuffs, *including incidental nursery accessories*, from points in Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Seneca, Wayne, and Yates Counties, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 119778 (Sub-No. 120), filed February 13, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends of liquid sugar*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Georgia on and west of U.S. Highway 129, and points in that part of Tennessee on and west of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 11 to Knoxville, Tenn., thence along U.S. Highway 25W to the Tennessee-Kentucky State line and east of Tennessee Highway 13. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 119895 (Sub-No. 16) (Correction), filed November 18, 1968, published in FEDERAL REGISTER issues of December 12, 1968, and January 16, 1969, and republished as corrected this issue. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses* as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides); (1) from Austin, Minn., to Milan, Ill., Lincoln, Nebr., and points in Iowa; (2) from Des Moines, Iowa, to Lincoln, Nebr., and Detroit, Mich.; (3) from Fort Dodge, Iowa, to Lincoln, Nebr., and points in Illinois, Iowa, and Missouri; and (4) between Omaha, Nebr., on the one hand, and on the other, Fort Dodge, Iowa, and Austin and Owatonna, Minn. Restriction: Service in parts (1), (2), and (4) above is restricted to traffic originating at plantsites and/or warehouse facilities of Geo. A. Hormel & Co., and I. D. Packing Co. and destined to the points and States specified. NOTE: The purpose of this republication is to delete part (3) in the restriction. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119903 (Sub-No. 9), filed February 19, 1969. Applicant: D. J. WALRAVEN, 2713 Maple Drive, Rome, Ga. 30161. Applicant's representatives: Alan E. Serby and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk or in bags, from Hanceville, Ala., to points in that part of Georgia on and north of the south and east line of Troup, Coweta, Spalding, Butts, Jasper, and Putnam Counties, and on and west of U.S. Highway 441; and points in Knox, Blount, Sevier, and Anderson Counties, Tenn.; and (2) *fertilizer and fertilizer materials*, in bags and in bulk, from Tyler, Tenn., to points in Alabama, under a continuing contract, or contracts, with Cotton Producers Association of Atlanta, Ga., and its affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 121561 (Sub-No. 2) (Amendment), filed July 31, 1968, published FEDERAL REGISTER, issue of September 6, 1968, amended January 31, 1969, and republished as amended this issue. Applicant: DONALD E. MILLER AND NORMA H. MILLER, a partnership, doing business as MILLER TRANSFER, Box 217, Ceresco, Nebr. 68107. Applicant's representatives: Con M. Keating and A. James McArthur, 303 Lincoln Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring special equipment), between Lincoln and Omaha, Nebr.; (1) from Lincoln over U.S. Highway 77 to Wahoo, Nebr., thence over Nebraska Highway 92 to Omaha, and return over the same route, serving all intermediate points, and the off-route points of Cedar Bluffs, Colon, and Davey, Nebr.; (2) from Lincoln over U.S. Highway 77 to junction with Nebraska Highway 63, thence over Nebraska Highway 63 to point approximately 3 miles of State Spur 263, thence over county road north to Nebraska Highway 92 at Mead, Nebr., thence over Nebraska Highway 92 to Omaha, and return over the same route, serving all intermediate points, and the off-route points of Ithaca, Nebr., and the Old Nebraska Ordnance Plant, Nebr.; (3) from Lincoln over Nebraska Highway 79 to junction with U.S. Highway 30A, thence over U.S. Highway 30A to Wahoo, thence over Nebraska Highway 92 to Omaha, and return over the same route, serving all intermediate points, and the off-route points of Raymond, Malcolm, Malmo, and Weston, Nebr.; and (4) from Lincoln over U.S. Highway 6 to junction Nebraska Highway 31, thence over Nebraska Highway 31 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, and return over the same route, serving the intermediate point of Ashland, Nebr. NOTE: The purpose of this republication is to show that applicant requests regular routes in lieu of irregular routes as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124078 (Sub-No. 362), filed February 20, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from the plantsite of the Jenkins Silica Sand Co., at or near Pound, Va., to points in Kentucky, Tennessee, and West Virginia. NOTE: Applicant states that tacking could take place at Sewanee, Tenn., in conjunction with its present authority in MC 124078 Sub 51, to serve points in Alabama, Mississippi, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Chicago, Ill.

No. MC 124154 (Sub-No. 26) (Amendment), filed December 30, 1968, published in the FEDERAL REGISTER issue of January 24, 1969, and republished as amended, this issue. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit, and fittings, and attachments of aluminum and plastic pipe, conduit, and fittings, and combinations of metallic and plastic materials*, from the plantsite of Jackson Tubing & Conduit Corp. located in Early County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant holds contract carrier authority under MC 117504 (Sub-No. 1), therefore dual operations may be involved. The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Albany, or Columbus, Ga.

No. MC 125650 (Sub-No. 4), filed February 9, 1969. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, 910 Dickens Street, Missoula, Mont. 59801. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and dairy products*, as described in sections A and B of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *fish* in vehicles equipped with mechanical refrigeration, from points in King, Lewis, Thurston, and Pierce Counties, Wash., to Great Falls, Kalispell, Billings, Helena, Glasgow, Glendive, Havre, and Miles City, Mont., (2) *fresh fruits, berries, and vegetables, and frozen foods*, except ice cream, in vehicles equipped with mechanical refrigeration, from Milton-Freewater, Weston McMinnville, and Portland, Oreg., and Seattle, Kent, Arlington, Auburn, Tacoma, Olympia, Centralia, Chehalis, Wenatchee, Yakima, Warden, Othello, Grandview, Prosser, Kennewick, Zillah, and Spokane, Wash., to Great Falls, Kalispell, Billings, Helena, Glagow, Glendive, Havre, and Miles City, Mont.; (3) *frozen mink food*, in sacks, in vehicles equipped with mechanical refrigeration from Edmonds, Wash., to points in Idaho and Montana; and (4) *cheese, butter, and eggs*, in vehicles equipped with mechanical refrigeration, from Bozeman, Mont., to Seattle, Wash. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 125708 (Sub-No. 106), filed February 10, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxanna, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain Products*, dry, in containers; (1) between Winona, and Red Wing, Minn., on the one hand, and, on the other, Leavenworth, Kans.; and (2) from Winona and Red Wing, Minn., and Leavenworth, Kans., to points in Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee,

and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 125708 (Sub-No. 107), filed February 12, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal display cases, and supplies and equipment* used in or in connection with the operation of wholesale and retail stores, from Middlebury, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125777 (Sub-No. 127), filed February 13, 1969, Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig iron*, from Palmerton, Pa., to points in Illinois, Indiana, Michigan, and Ohio; (2) *stone and stone products*, from Fenton, Mo.; Mount Airy, N.C., and points in Marlboro County, S.C., to points in Michigan and Ohio north of U.S. Highway 40; (3) *stone and stone products*, from Blue Ridge, Ga., and Staley, N.C. to points in Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, and Wisconsin; and (4) *ferro alloys*, in bulk, from Chicago, Ill., to points in Wisconsin. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to a local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126736 (Sub-No. 57), filed February 17, 1969. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, Post Office Box 5809, Jacksonville, Fla. 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, 1301 Gulf Life Drive, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irfegular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Orlando, Fla., to North Charleston, S.C. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 126835 (Sub-No. 20), filed February 17, 1969. Applicant: EDGAR BISCHOFF, doing business as CASKET DISTRIBUTORS, Rural Route 2, West Harrison, Ind., Post Office Harrison, Ohio 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets* when moving with uncrated caskets; (1) from Lodi, N.J., to points in the United States (except Alaska and Hawaii), under continuing contracts with Bridge Casket Co., Inc.; and (2) from Columbus, Ohio, to points in the United States (except Alaska and Hawaii), under continuing contracts with Boyertown Burial Casket Co., and *returned shipments* of the above-named commodities from the above-named destination points to the above-named origin points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127099 (Sub-No. 7) (Amendment), filed January 21, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, and republished as amended this issue. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Post Office Box 2015, Zanesville, Ohio 43701. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Benches, lumber, cabinets, shelving, chairs, tables, and metal and woodworking machinery*, for use in schools and institutions, and related parts and accessories for the installation thereof, from Malta Township, Morgan County, Ohio, to points in the United States on and east of U.S. Highway 85; and (2) *materials and supplies* (except in bulk), used in the manufacture of the above-named commodities, from the above-named destination States to Malta Township, Morgan County, Ohio, on return, under a continuing contract, or contracts with Brodhead-Garrett Co., and its subsidiaries. NOTE: The purpose of this republication is to more clearly set forth the commodity description and the territorial scope of the application by adding (2) above. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127253 (Sub-No. 45), filed February 19, 1969. Applicant: R. A. CORBETT TRANSPORT, INC., 111 West Laurel Street, Lufkin, Tex. 75901. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701, and C. Wade Shemwell, Post Office Box 728, Waskom, Tex. 75692. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feed*, from Houston, Tex. (Galena Park), to points in Louisiana, Arkansas, Missouri, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, and Arizona. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex., or Tulsa, Okla.

No. MC 127623 (Sub-No. 5), filed February 6, 1969. Applicant: R & R FREIGHT TRUCKING COMPANY, INC., 812 Greene Street, Cumberland, Md. 21502. Applicant's representatives: James W. Rexrode (same address as applicant), also Earl E. Manges, 120 South Liberty Street, Post Office Box 833, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, sand, and gravel* in bulk, from Frostburg, Md., to points in Mineral County and Hampshire County, W. Va. NOTE: Applicant indicates tacking intentions with its presently held authority in MC 127623 (Sub-No. 2), wherein it transports salt, from Frostburg, Md., to points in Washington, Allegany, and Garrett Counties, Md. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wheeling, W. Va.

No. MC 127898 (Sub-No. 3), filed February 9, 1969. Applicant: DIRECT AIR FREIGHT CORPORATION, Bradley International Airport, Windsor Locks, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Bradley International Airport, Windsor Locks, Conn., on the one hand, and, on the other, Albany, N.Y., Logan Airport, Boston, Mass.; and points in Berkshire County, Mass. (except North Adams and Williamstown, Mass.), restricted to traffic having an immediately prior or subsequent movement by air. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Springfield, Mass.

No. MC 128205 (Sub-No. 10), filed February 19, 1969. Applicant: BULK-MATIC TRANSPORT COMPANY, a corporation, 4141 North George Street, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in pneumatic tank vehicles, from Manistee, Port Huron, and St. Clair, Mich., to points in Illinois, Indiana, and Wisconsin. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128285 (Sub-No. 2), filed February 17, 1969. Applicant: MELLOW EQUIPMENT CO., INC., 9001 North Denver, Post Office Box 17063, Portland, Oreg. 97217. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated wooden buildings, cabinets, and doors*,

from Longview, Wash., to points in Washington, Oregon, California, Nevada, Idaho, and Montana; and (2) *lumber, particle board, chip board, fiberboard, and hardboard* (except gypsum board, paper board and pulp board), from points in Washington, Oregon, California, and Idaho to Longview, Wash., under contract with Westway Building Center, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128319 (Sub-No. 1), filed February 10, 1969. Applicant: DOWDA MOTOR FREIGHT, INC., Route 2, Box 204, Centre, Ala. 35960. Applicant's representative: Al Shumaker, 190 East Main Street, Centre, Ala. 35960. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* with the exception of household goods, classes A and B explosives and freight requiring special equipment, between Centre, Ala., and Atlanta, Ga.: From Centre, Ala., to the Alabama-Georgia line over Alabama Highway 9, thence over Georgia Highway 20 to Rome, Ga., thence over U.S. Highway 411 to Cartersville, Ga., thence over U.S. Highway 41 to Marietta, Ga., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 128735 (Sub-No. 4), filed February 24, 1969. Applicant: ALVIN E. GOLNIK, doing business as GOLNIK TRUCKING, 731 Second Avenue, Koppel, Pa. 16136. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated metal products*, from the plantsite of Ellwood City Iron & Wire Co., at Ellwood City, Pa., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Mississippi, Alabama, South Carolina, Georgia, and Florida; and (2) *materials* used in the manufacture of fabricated metal products, from points in the aforesaid States, to the plantsite of Ellwood City Iron & Wire Co., at Ellwood City, Pa.; under contract with Ellwood City Iron & Wire Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128866 (Sub-No. 7), filed February 17, 1969. Applicant: B & B TRUCKING, INC., 9 Brade Lane, Post Office Box 128, Cherry Hill, N.J., 08034. Applicant's representative: Daniel L. O'Connor, Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, from Davenport, Iowa, to the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark.; and (2) *aluminum food containers*, from Cherry Hill, N.J., to the warehouse site of Penny Plate, Inc., at Deerfield, Ill., under contract with Penny Plate, Inc. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 128940 (Sub-No. 7), filed February 24, 1969. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, 9327 Riggs Road, Post Office Box 722, Adelphi, Md. Applicant's representative: Charles E. Creager, Post Office Box 3582, Baltimore, Md. 21214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods and food products, related advertising materials, and equipment* used in the preparation and serving of foods in restaurants or commissaries; (1) from Washington, D.C., to points in Livingston, Macomb, Monroe, Oakland, Washtenwa, and Wayne Counties, Mich.; (2) from Chicago, Ill., to Washington, D.C.; (3) from Detroit, Mich., to Washington, D.C.; and (4) from Cleveland, Ohio, to Washington, D.C., under contract with Fairfield Farms Kitchens. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129729 (Sub-No. 1), filed February 10, 1969. Applicant: FRANCIS J. BEAROFF, INC., Box 195, Swedeland Road, King of Prussia, Pa. 19406. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Perkiomen Junction, Schuylkill Township, near Phoenixville, Pa., to points in New Jersey, New York, Delaware, Maryland, District of Columbia, Connecticut, Massachusetts, and Fairfax County, Va. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 133034 (Sub-No. 2), filed February 17, 1969. Applicant: ANDREW J. DAVIDSON, doing business as DAVIDSON TRUCKING, 3026 Southeast 112th Avenue, Portland, Oreg. 97266. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* (1) between points in Washington, west of the Cascade Range and Klickatat County, Wash., on the one hand, and, on the other, points in Oregon; (2) between points in Oregon restricted to traffic having a prior or subsequent movement by water; and (3) between points in Washington restricted to traffic having a prior or subsequent movement by water, under contract with Whipple & Moshofsky Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133056 (Sub-No. 2), filed February 14, 1969. Applicant: EXECUTIVE-YANKEE AIRLINES, INC., doing business as YANKEE AIR FREIGHT SYSTEM, Pittsfield Airport, Pittsfield, Mass. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Berkshire County, Mass., on the one hand, and, on the other, Bradley Field, Windsor Locks, Conn., limited to shipments having an immediately prior or subsequent movement by air. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsfield, Mass., or Hartford, Conn.

No. MC 133150 (Sub-No. 1), filed February 10, 1969. Applicant: JAMES INNACO, 1963 East Main Street, Bridgeport, Conn. Applicant's representative: John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between New Haven and Greenwich, Conn., over U.S. Highway 1 and also Interstate Highways 95 and 91, serving intermediate and off-route points of New Haven, East Haven, West Haven, Hamden, Milford, Stratford, Bridgeport, Trumbull, Fairfield, Westport, Norwalk, Darien, Stamford, and Greenwich. NOTE: This application seeks to acquire the registration of a certificate of Skyline Transport, Inc., which was held under MC 96824 (Sub-No. 1) and the underlying Certificate C-345 issued to Skyline Transport, Inc., by the Public Utilities Commission of the State of Connecticut. A letter of authority requests the cancellation of the Skyline certificate in the event the Commission approves this application. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 133252 (Sub-No. 2) (Correction), filed January 21, 1969, published in the FEDERAL REGISTER issue of February 27, 1969, and republished as corrected this issue. Applicant: MIDWEST GROWERS COOPERATIVE CORPORATION, 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representatives: Laurence A. Short, 1824 R Street NW., Washington, D.C. 20009, and J. Donald Kenny, 930 Alcoa Building, 1 Maritime Plaza, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Arizona, California, Nevada, Oregon, Utah, and Washington, on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia, restricted to traffic moving on Government bills of lading. NOTE: The purpose of this republication is to add the above restriction which was previously omitted from the publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133294 (Sub-No. 2), filed February 19, 1969. Applicant: ECONO-LINE EXPRESS, INC., 70 North Montgomery Street, San Jose, Calif. 95110. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and commodities requiring the use of special equipment), between San Francisco International Airport, South San Francisco, Calif., on the one hand, and, on the other, points in Alameda, San Mateo, and Santa Clara Counties, Calif., restricted (1) to shipments having an immediately prior or subsequent movement by air; and (2) to shipments weighing not in excess of 5,000 pounds. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 133296 (Sub-No. 2), filed February 4, 1969. Applicant: DRACHE TRUCK LINE, INC., Post Office Box 42, Medford, Minn. 55049. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Monroe and Milwaukee, Wis., to Medford, Minn., under contract with H. & S. Distributing Co., Medford, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133297 (Sub-No. 2), filed February 10, 1969. Applicant: NATIONAL OIL & SUPPLY COMPANY, a corporation, 2345½ West Kearney, Springfield, Mo. 65803. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal food, liquid animal food supplements, and molasses*, with or without additives, in bulk, in tank vehicles, between Cargill, Inc., plantsite at Memphis, Tenn., and points in Alabama, Arkansas, Georgia, Illinois, Louisiana, Kentucky, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, under contract with Cargill, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 133346 (Sub-No. 2), filed February 10, 1969. Applicant: FRIGID FREIGHT, INC., 206 North Third Street, Page Park, Fort Myers, Fla. 33902. Applicant's representative: Robert J. Hyde, 1638 Maravilla, Fort Myers, Fla. 33901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit products, beverages, nonalcoholic*, from Bradenton (Manatee County), Fla., to points in New York, New Jersey, and Pennsylvania. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla.

No. MC 133366 (Sub-No. 2), filed February 17, 1969. Applicant: MILLER TRUCKING, INC., 11318 Pressburg Street, Post Office Box 26116, New Orleans, La. 70126. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and peserved foodstuffs, margarine, mayonnaise, cooking oils, shortening, coffee, and matches*; (1) from New Orleans, La., to points in Louisiana, Mississippi, Alabama, Arkansas, Florida, Texas; and Memphis, Tenn.; (2) from Memphis, Tenn., and Biloxi, Miss., to New Orleans, La.; and *equipment, materials, and ingredients* used in the production of foodstuffs, except frozen foods, and commodities in bulk, in tank vehicles, from points in the above-named destination States in (1) above, and Memphis, Tenn., to New Orleans, La., and Biloxi, Miss., for the account of Hunt-Wesson Foods, Inc., and affiliated companies. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 133456, filed February 6, 1969. Applicant: STEPHEN C. JONES, 10 Kellington Drive, Pasadena, Md. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, except commodities in bulk, between points in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean; thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northerly direction on Delaware Highway 9 to junction of Delaware Highway 273, thence along Delaware Highway 273 to the Delaware-Maryland State line, thence north on the Delaware-Maryland State line to the Pennsylvania-Maryland-Delaware State line and thence west on the Pennsylvania-Maryland State line to the Susquehanna River; thence in a northwesterly direction along the east bank of the Susquehanna River, to Columbia, Pa., thence easterly on U.S. Highway 30 to Lancaster, Pa., and thence in a northerly direction on Pennsylvania Highway 72 to its junction with U.S. Highway 22; thence in a westerly direction on U.S. Highway 22 to its junction with Pennsylvania Highway 34; thence in a southwesterly direction along Pennsylvania Highway 34 to its junction with Pennsylvania Highway 274, continuing southwesterly on Pennsylvania Highway 274 to its junction with Pennsylvania Highway 75, thence south on Pennsylvania Highway 75 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to McConnellsburg, Pa., thence south on U.S. Highway 522 through Culpeper, Va., to its junction with Virginia Highway 3; thence southeasterly on Virginia Highway 3 to Fredericksburg, Va.; thence southeasterly on U.S. Highway 17 to Gloucester Point, Va.; thence across the Chesapeake Bay to Cape Charles, Va., including points on the above-described lines and highway, under a continuing contract, or contracts, with Acme Markets, Inc., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133461, filed February 7, 1969. Applicant: TRANSCOTT TRUCKING, INC., 350 Weymore Road, Winter Park, Fla. 32789. Applicant's representative: J. B. Rodgers, Jr., 405 Metcalf Building, 100 South Orange Avenue, Orlando, Fla. 32801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics* in packages and containers as is dealt in by cosmetic salesmen, dealers, distributors, and processors and in connection therewith *materials, supplies, equipment and fixtures* used in the conduct of such business; (1) from Winter Park, Fla., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia; and (2) from Port Jervis, and Farmingdale, N.Y., Cedar Grove and Jersey City, N.J.; Milwaukee, Wis.; Chicago, Ill.; Shelbyville, Tenn.; Lenoir, High Point, and Hickory, N.C.; Bassett, Va.; and Atlanta, Ga., to Winter Park, Fla., under contract with Koscott Interplanetary, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla., or Atlanta, Ga.

No. MC 133464, filed January 31, 1969. Applicant: JOSEPH PRATT, doing business as DUTCH'S USED CAR TRANSPORT, 330 Orchard Street, Rochester, N.Y. 14606. Applicant's representative: Charles A. Schiano, 4425 Lake Avenue, Post Office Box 4749, Rochester, N.Y. 14612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* by truckaway method, from Rochester, N.Y., to Manheim, Pa., under contracts with Universal Cartown, Inc., Mustang Used Auto Sales, B. Gabriel Motors, and Midtown Auto Sales. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, Buffalo, or New York, N.Y.

No. MC 133476, filed February 10, 1969. Applicant: CONTINENTAL DRIVEWAY, INC., 32 West Randolph Street, Chicago, Ill. 60602. Applicant's representatives: Neistein, Richman and Hauslinger, 33 North La Salle Street, Suite 2000, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, between points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133481, filed February 12, 1969. Applicant: NEEL'S TRANSFER & STORAGE, INC., 101 Runnels Street, Big Spring, Tex. 79720. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Howard, Scurry, Mitchell, Sterling, Glasscock, Midland, Andrews, Dawson, Martin, Ector, Borden, Gaines Counties, Tex., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 133482 (Sub-No. 1) (Amendment), filed February 12, 1969, published FEDERAL REGISTER issue of February 28, 1969, amended February 19, 1969, and republished as amended this issue. Applicant: CAMPANELLA TRUCKING CORP., 161–163 Dikeman Street, Brooklyn, N.Y. 11231. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by an importer of housewares, between points in the New York, N.Y., commercial zone as defined by the Commission in 49 CFR 1048.1, on the one hand, and, on the other, Hauppauge, N.Y.; and (2) *radios*, from points in the New York, N.Y., commercial zone as defined by the Commission in 49 CFR 1048.1 to Westbury, N.Y.; under contract with Imperial International Corp. NOTE: The purpose of this republication is to broaden the scope of authority sought, by adding "Radios" in (2) above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133487, filed February 17, 1969. Applicant: RAUB TRANSPORT, INC., 4 Water Street, Niles, Ohio 44446. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition roofing, shingles, siding, and insulating materials* (except commodities in bulk), and *vinyl siding and incidental materials* used in the installation thereof, between Lockland, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 133491, filed February 17, 1969. Applicant: PETRO TRANSPORT, INC., 7200 Inkster, Taylor, Mich. 48180. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy or residual oil and blends thereof*, in tank vehicles, from the port of entry on the international boundary line between the United States and Canada located at or near Port Huron, Mich., to points in the Lower Peninsula of Michigan, under contract with Petro Products, Inc., of Taylor, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 133493, filed February 18, 1969. Applicant: IMPERIAL INTER-URBAN, INC., doing business as POLK LIMOUSINE AND AIR FREIGHT, 730 Mirror Street, Lakeland, Fla. 33801. Applicant's representative: M. Craig Massey, 223 South Florida Avenue, Post Office Drawer J, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous explosives, commodities in bulk, those requiring special equipment, and livestock), having an immediately prior or subsequent movement by air); (1) between the Orlando, Fla., airports (McCoy and Herndon Fields) on the one hand, and, on the other, points in Polk County, Fla.; and (2) between Tampa International Airport (Tampa, Fla.), on the one hand, and, on the other, points in Polk County, Fla. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa or Orlando, Fla.

No. MC 133497, filed February 20, 1969. Applicant: CHIPMAN TRUCK COMPANY, a corporation, 12917 Sunshine Avenue, Santa Fe Springs, Calif. 90670. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities* (except asphalts, lubricating oils and greases, automotive fuels, or aircraft fuels), in bulk, in tank vehicles, between points in California. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133500 (Sub-No. 1), filed February 26, 1969. Applicant: MORDHORST TRANSFER & STORAGE, INC., 1203 Glen Flora Avenue, Waukegan, Ill. 60085. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kenosha, Racine, Milwaukee, and Waukesha Counties, Wis.; Lake and Porter Counties, Ind.; and points in Illinois on and north of U.S. Highway 136; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Waukegan or Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 39211 (Sub-No. 9), filed February 10, 1969. Applicant: OHIO BUS LINE, INC., 130 Main Street, Hamilton, Ohio 45013. Applicant's representative: C. E. Seipel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *Regular routes: Passengers and their baggage, express, newspapers, and mail*, in the same vehicle with passengers, between Sharonville and Dayton, Ohio: From Sharonville, Ohio, over U.S. Highway 42 to Lebanon, Ohio, thence over Ohio Highway 48 to Dayton, Ohio, and return over the same route, serving all intermediate points; and (B) *Irregular route: Passengers and their baggage, express, newspapers, and mail*, in the same vehicle with passengers, in charter operations, beginning and ending at points on the route specified in (1) above, and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Dayton, Ohio.

APPLICATION OF FREIGHT FORWARDERS

No. FF-329 (Sub-No. 2), T n' T, INC., Extension—California), filed March 1, 1969. Applicant: T n' T, INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to extend operation as a freight forwarder in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, water, air, and motor vehicle, in the transportation of *motor vehicles* (including trailers), between points in California (except points in Alameda County, Calif.), on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 130079, filed February 7, 1969. Applicant: NORTHWEST FREIGHT COORDINATORS, INC., Post Office Box 146, 2416 Marine Drive West, North Portland, Oreg. 97043. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. For a license (BMC–4) to engage in operations as a *broker* at North Portland, Oreg., in arranging for the transportation in interstate or foreign commerce of *general commodities*, except commodities in bulk, in tank vehicles, household goods as defined by the Commission, articles of unusual value, dangerous explosives, between points in Oregon, Washington, California, Idaho, and Utah.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 98610 (Sub-No. 4), filed February 17, 1969. Applicant: KANSAS TRANSPORT COMPANY, INC., 1060 West Kansas Street, McPherson, Kans. 67460. Applicant's representative: L. M. Cornish, Jr., 808 First National Bank Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from terminal of Mid-America Pipeline Co. located at or near Conway, Kans., to points in Colorado, Missouri, and Nebraska restricted to the transportation of shipments which originate at the Mid-America Pipeline Co. facilities at or near Conway, Kans., and destined to points in the named destination States. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted.

No. MC 116282 (Sub-No. 20), filed February 7, 1969. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., a corporation, 246 Broad Street, Auburn, Maine. Applicant's representative: Mary E. Kelly, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, and returned containers and stale bakery products*, from Boston, Mass., to Keene and Claremont, N.H.; Rutland, Burlington, and St. Johnsbury, Vt.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2973; Filed, Mar. 12, 1969; 8:45 a.m.]

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Consumer and Marketing Service
Education Office
Farm Credit Administration
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
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Interstate Commerce Commission
Land Management Bureau
Maritime Administration
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Renegotiation Board
Securities and Exchange Commission
Small Business Administration

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OF MICHIGAN
MAR 17

Volume 81

UNITED STATES STATUTES AT LARGE

[90th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1967, reorganization plans, the twenty-fifth amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Changes in Fees and Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the the Grading and Inspection of Egg Products (7 CFR Part 55) as set forth below:

Statement of considerations. The amendments provide for fees to be charged for certain services requested to be performed in the laboratory which are not a part of the laboratory analysis. For example, applicants located in country points where sterilization facilities are not available often request the laboratory to sterilize and return sample containers so they may be used in subsequent sample shipments. This is a service rather than a laboratory analysis and provisions must be made to collect for such services.

The amendments are as follows:

In § 55.66, the introductory statement in paragraph (a) and paragraph (c) are amended to read, respectively:

§ 55.66 Laboratory analysis fees.

(a) The fees listed for the following laboratory analyses are applicable except as otherwise stated in paragraphs (b) or (c) of this section:

* * * * *

(c) The fee charge for an analysis for any laboratory test which is not shown in this section or for other services rendered in the laboratory will be based on the time required to perform the analysis or render the service. The hourly rate will be $10.

Legislation requires that the fees and charges for inspection and grading services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), be reasonable and shall, as nearly as possible, cover the cost of such services.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter. Accordingly, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 10th day of March, 1969, to become effective upon publication in the FEDERAL REGISTER.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 69-3087; Filed, Mar. 13, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-338; Order 360-A]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Reports to the Commission of Classes A and B Natural Gas Companies

MARCH 6, 1969.

On January 29, 1969, Natural Gas Pipeline Company of America filed a motion for the continued suspension, for the 1968 reporting year, of the detailed reporting requirements of the FPC Annual Report Form No. 2, schedule—page 550, entitled, "Natural Gas Reserves Available from Purchase Agreements." Transcontinental Gas Pipe Line Corp., Northern Natural Gas Co., El Paso Natural Gas Co., and the Independent Natural Gas Association of America joined and concurred in Natural's motion. The motion should be granted.

By Commission order issued in this proceeding on March 6, 1968, 39 FPC ——, we suspended the detailed reporting requirements of this schedule for 1967 because, among other reasons, the reportable data, i.e., natural gas reserves correlated to producer rate schedules, are being actively considered for incorporation in a revised report form for FPC Form No. 15, which was only recently proposed and has not yet been adopted by the Commission. See Total Gas Supply of Natural Gas Pipeline Companies—Annual Report—FPC Form No. 15, Docket No. R-308, notice of proposed rulemaking, issued November 13, 1968. For this reason, it is appropriate that the present Form 2 requirement for the detailed reporting of the schedule—page 550 data be suspended for the year 1968 and that the pipeline respondents again be required to compile such data in workpaper form only, as hereinafter ordered.

The Commission orders:

(A) In FPC Form No. 2, prescribed by § 260.1, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, the detailed requirements of the schedule "Natural Gas Reserves Available From Purchase Agreements" are suspended for the reporting year 1968 on the conditions specified below:

(1) Respondents will report, on page 550 of the Form 2 entitled, "Natural Gas Reserves Available From Gas Purchase Agreements," estimated total Mcf of recoverable pipeline gas available to respondent at the end of year 1968, by the following account numbers:

800 Natural gas wellhead purchases.
801 Natural gas field line purchases.
802 Natural gas gasoline plant outlet purchases.
803 Natural gas transmission line purchases.
804 Natural gas city gate purchases.
805 Other gas purchases.

(2) Respondents shall maintain documents reflecting the suspended detail data related to the estimated total Mcf reported in subparagraph (A)(1) above.

(B) The abridged Form 2, page 550, reporting requirement as set out in ordering paragraph (A) shall be effective upon the issuance of this order and is prescribed for the reporting year 1968, only.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3069; Filed, Mar. 13, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-EA-133]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 262 of the FEDERAL REGISTER for January 8, 1969, the Federal Aviation Administration published proposed regulations which would alter the Mansfield, Ohio, control zone and transition area.

Interested parties were given 30 days after publication in which to submit

written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C 1655(c))

Issued in Jamaica, N.Y., on March 3, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Mansfield, Ohio, control zone, the last period and add the phrase, "and within 2 miles each side of the Mansfield Lahm Municipal Airport localizer northwest course extending from the 5-mile radius zone to 4.5 miles northwest of the localizer."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the 700-foot Mansfield, Ohio, transition area the bearing "308°" and insert in lieu thereof "307°"; insert following the pharase "12 miles northwest of the VORTAC;" the phrase "within 2 miles each side of the Mansfield Lahm Municipal Airport localizer northwest course, extending from the Mansfield Lahm Municipal Airport 8.5-mile radius area to 14 miles northwest of the localizer; within a 10-mile radius arc of the Mansfield VORTAC, extending clockwise from the Mansfield VORTAC 180° radial to the Mansfield VORTAC 197° radial; within 5 miles southwest and 8 miles northeast of the Mansfield VORTAC 130° radial, extending from 10 miles southeast of the VORTAC to 22 miles southeast of the VORTAC."

[F.R. Doc. 69-3081; Filed, Mar. 13, 1969; 8:46 a.m.]

[Airspace Docket No. 68-EA-131]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone Alteration of Transition Area

On page 263 of the FEDERAL REGISTER for January 8, 1969, the Federal Aviation Administration published proposed regulations which would designate a control zone for Westmoreland-Latrobe Airport, Latrobe, Pa., and alter the Latrobe, Pa., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C 1655(c))

Issued in Jamaica, N.Y., on March 3, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Latrobe, Pa., control zone described as follows:

LATROBE, PA.

Within a 5-mile radius of the center (40°16'35" N., 79°24'20" W.) of Westmoreland-Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the airport localizer (40°16'04" N., 79°25'02" W.) northeast course, extending from the 5-mile radius zone to 8 miles northeast of the Latrobe RBN (40°22'32" N., 79°16'19" W.); and within 2 miles each side of a line bearing 264° from a point 40°16'35" N., 79°24'20" W., extending from this point to 6 miles west. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Latrobe, Pa., transition area by deleting in the description the coordinates "79°23'56" W." and insert in lieu thereof "79°24'20" W.".

[F.R. Doc. 69-3082; Filed, Mar. 13, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1403) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Porterville Municipal Airport, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

Correct the FEDERAL REGISTER citation to read "In § 71.181 (34 F.R. 4637) * * *".

Effective date. This amendment shall be effective 0901 G.m.t., May 29, 1969.

Issued in Los Angeles, Calif., on March 5, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the following transition area is added:

PORTERVILLE, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Porterville Municipal Airport (latitude 36°02'00" N., longitude 119°04'00" W.) and within 2 miles each side of the Porterville VOR 343° radial extending from the 5-mile radius area to 1 mile north of the VOR.

[F.R. Doc. 69-3083; Filed, Mar. 13, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-132]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 262 of the FEDERAL REGISTER for January 8, 1969, the Federal Aviation Administration published proposed regulations which would designate a 700-foot Marshfield, Mass., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 3, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Marshfield, Mass., transition area described as follows:

MARSHFIELD, MASS.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Marshfield Airport (42°05'45"N., 70°40'25"W.), Marshfield, Mass.; and within 2 miles each side of the centerline of Runway 24 extended from the end of the runway to 5 miles southwest, excluding the portion that coincides with the Boston, Mass. 700-foot floor transition area and excluding the portion outside the United States.

[F.R. Doc. 69-3084; Filed, Mar. 13, 1969; 8:46 a.m.]

[Airspace Docket No. 68-EA-140]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 261 of the FEDERAL REGISTER for January 8, 1969, the Federal Aviation Administration published proposed regulations which would designate a 700-foot transition area over Claremont Municipal Airport, Claremont, N.H.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; Sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 28, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Claremont, N.H., transition area described as follows:

CLAREMONT, N.H.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 43°22'15" N., 72°22'05" W., of Claremont Municipal Airport, Claremont, N.H.; and within 5 miles south and 3 miles north of the 097° bearing from the Claremont, N.H., RBN (43°21'50" N., 72°-17'57" W.); extending from the RBN to 10 miles east of the RBN, excluding the portions within the Lebanon, N.H., and Springfield, Vt., transition areas.

[F.R. Doc. 69-3085; Filed, Mar. 13, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9445; Amdt. 640]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn%—	1500–2	1500–2	1500–2
				C–dn—	1800–2	1800–2	1800–2
				A–dn—	1800–2	1800–2	1800–2

Procedure turn W side of crs, 160° Outbnd, 340° Inbnd, 8500' within 10 miles.
Minimum altitude over facility on final approach crs, 7600'.
Crs and distance, facility to airport, 324°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing EKO VOR, turn left and climb to 8500' on R 160° within 10 miles.
%Climb clear of clouds over the Elko Airport until reaching 6600', continue climb direct to the Elko VORTAC then climb on the 160° Radial within 10 miles of EKO VOR TAC to minimum altitude required for direction of flight.

Direction of flight	*MCA (feet)*
NE, V32N/465	8,300
E, V32	10,300
SE, V293	10,500
W, V32	7,500

MSA within 25 miles of facility: 000°–090°—13,200'; 090°–180°—13,300'; 180°–270°—10,700'; 270°–360°—11,100'.

City, Elko; State, Nev.; Airport name, Elko Municipal; Elev., 5125'; Fac. Class., BVORTAC; Ident, EKO; Procedure No. 1, Amdt. 7; Eff. date, 3 Apr. 69; Sup. Amdt. No. 6 Dated, 31 July 65

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
EPH VOR	MWH VOR	Direct	2900	T–dn%—	300–1	300–1	200–½
Wilson Creek Int	MWH VOR	Direct	3200	C–d—	600–1	600–1	600–1½
				C–n—	600–2	600–2	600–2
				S–d–32R—	600–1	600–1	600–1
				S–n–32R—	600–2	600–2	600–2
				A–dn#—	900–2	900–2	900–2
				If aircraft equipped to receive VOR and LOM or OM simultaneously and MW LOM/OM identified, the following minimums apply:			
				S–dn–32R*—	400–1	400–1	400–1

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2900' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 320°—4.1 miles; MW LOM/OM to airport, 321°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MW LOM/OM, or 6.1 miles after passing MWH VOR, turn right, climb to 2900' direct MWH VOR.
AIR CARRIER NOTE: Sliding scale for landing authorized to ¾ mile on 400–1 minimums only.
NOTE: Use Ephrata altimeter setting when control zone is not effective.
%Takeoffs all runways: Climb direct to the MWH VOR, then continue on R 140° within 10 miles to cross the MWH VOR at or above: Southwestbound, V3, 2600'.
#Alternate minimums not authorized when control zone not effective.
*400–¾ authorized with operative HIRL or ALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–180°—3000'; 180°–270°—3700'; 270°–360°—3900'.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1186'; Fac. Class., L–VOR; Ident., MWH; Procedure No. VOR Runway 32R, Amdt. 8; Eff. date, 3 Apr. 69; Sup. Amdt. No. 4; Dated, 16 Jan. 69

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Alexander City, Ala.—Thomas C. Russell Field, NDB (ADF) Runway 36, Amdt. 1, 8 Aug. 1968 (established under Subpart C).
Elizabeth City, N.C.—Elizabeth City CGAS, NDB (ADF)–1, Orig., 28 Oct. 1967 (established under Subpart C).
Lumberton, N.C.—Lumberton Municipal, NDB (ADF) Runway 13, Orig., 25 Mar. 1967 (established under Subpart C).
Macon, Ga.—Lewis B. Wilson, ADF 1, Amdt. 12, 13 Aug. 1966 (established under Subpart C).
Manhattan, Kans.—Manhattan Municipal, NDB (ADF) Runway 31, Amdt. 4, 5 Aug. 1967 (established under Subpart C).
Portland, Oreg.—Portland International, NDB (ADF) Runway 10R, Amdt. 14, 27 Jan. 1968 (established under Subpart C).
Portland, Oreg.—Portland International, NDB (ADF) Runway 28R, Amdt. 2, 27 Jan. 1968 (established under Subpart C).
Athens, Ga.—Athens Municipal, VOR Runway 2, Amdt. 3, 13 Jan. 1968 (established under Subpart C).
Athens, Ga.—Athens Municipal, VOR Runway 27, Amdt. 3, 13 Jan. 1968 (established under Subpart C).
Crystal Lake, Ill.—Crystal Lake, VOR–1, Amdt. 1, 30 May 1968 (established under Subpart C).
Ebensburg, Pa.—Ebensburg, VOR–1, Orig., 9 Dec. 1967 (established under Subpart C).
Junction, Tex.—Kimble County, VOR–1, Amdt. 6, 18 Mar. 1967 (established under Subpart C).
Macon, Ga.—Lewis B. Wilson, VOR–1, Orig., 10 Dec. 1966 (established under Subpart C).
Manhattan, Kans.—Manhattan Municipal, VOR Runway 3, Amdt. 3, 23 Sept. 1967 (established under Subpart C).
Manhattan, Kans.—Manhattan Municipal, VOR–1, Runway 31, Orig., 23 Sept. 1967 (established under Subpart C).
Northbrook, Ill.—Sky Harbor, VOR–1, Amdt. 4, 28 Jan. 1967 (established under Subpart C).
Norwood, Mass.—Norwood Memorial, VOR–1, Amdt. 1, 26 Jan. 1967 (established under Subpart C).
Portland, Oreg.—Portland International, VOR–1, Orig., 27 Jan. 1968 (established under Subpart C).
Walls, Miss.—Twinkle Town, VOR–1, Orig., 16 Apr. 1966 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Alma, Mich.—Alma Municipal, ADF 1, Orig., 15 Sept. 1966, canceled, effective 3 Apr. 1969.
Fort Benning, Ga.—Lawson AAF, ADF 2, Amdt. 2, 14 Aug. 1965, canceled, effective 3 Apr. 1969.
Norwood, Mass.—Norwood Memorial, NDB (ADF)–1, Amdt. 6, 28 Jan. 1967, canceled, effective 3 Apr. 1969.
Manhattan, Kans.—Manhattan Municipal, VOR–2, Runway 31, Amdt. 3, 23 Sept. 1967, canceled, effective 3 Apr. 1969.

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Ironwood, Mich.—Gogebic County, TerVOR R–255, Amdt. 1, 7 May 1966 (established under Subpart C).
New Haven, Conn.—TerVOR–1, Amdt. 6, 15 Oct. 1966 (established under Subpart C).

5. By amending § 97.15 of Subpart B to amend very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
15-mile DME Fix, R 229°	Elko VORTAC	049°—15 miles	8500	T–dn %	1500–2	1500–2	1500–2
15-mile DME Fix, R 241°	Elko VORTAC	061°—15 miles	8500	C–dn	1300–2	1300–2	1300–2
25-mile DME Fix, R 160°	10-mile DME Fix, R 160°	340°	10,000	A–dn	1500–2	1500–2	1500–2
10-mile DME Fix, R 160°	Elko VOR	340°	7500				
Elko VOR	2-mile DME Fix, R 324°	324°	6900				

Procedure turn not authorized.
Minimum altitude over 10-miles DME Fix, R 160°, 10,000'; over EKO VOR, 7500'; over 2-mile DME Fix, R 324°, 6900' on final approach crs.
Crs and distance, facility to airport, 324°—4.1 miles; 2-mile DME Fix to airport, 324°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing EKO VOR, turn left and climb to 8500' on R 160° within 10 miles of EKO VOR.

NOTE: When authorized by ATC, DME may be used within 25 miles at 13,000' between R 135° clockwise to R 160°, and within 10 miles at 10,000' between R 135° clockwise through R 270°, and within 10 miles at 13,000' between R 060° clockwise to R 135° to position aircraft on final approach crs.
%Takeoff all runways: Climb clear of clouds over the Elko Airport until reaching 6600' continue climb direct to the Elko VORTAC then climb on the 160° radial within 10 miles of EKO VORTAC to minimum altitude required for direction of flight, or as directed by ATC.

Direction of flight	MCA (feet)
NE, V23N/465	8,300
E, V23	10,300
SE, V265	10,500
W, V23	7,500

MSA within 25 miles of facility: 000°–090°—13,300'; 090°–180°—13,300'; 180°–270°—10,700'; 270°–360°—11,100'.

City, Elko; State, Nev.; Airport name, Elko Municipal; Elev., 5135'; Fac. Class., BVORTAC; Ident., EKO; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 3 Apr. 69; Sup. Amdt. No. 2; Dated, 10 Sept. 66

Gardena Int	PDT VOR	Direct	3500	T–dn%	300–1	300–1	300–1½
Pilot Rock Int	PDT VOR	Direct	4900	C–dn	500–1	500–1	500–1½
Echo Int	PDT VOR	Direct	3305	S–dn–7L#	400–1	400–1	400–1
Cold Springs Int	PDT VOR	Direct	3500	A–dn	800–2	800–2	800–2
Mission Int	PDT VOR	Direct	3500				

Procedure turn N side of crs, 253° Outbnd, 073° Inbnd, 3500' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 073°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing PDT VOR, make left-climbing turn direct to PDT VOR, continue climb to 4000' on R 253° within 10 miles of PDT VOR.
NOTE: When authorized by ATC, DME may be used within 8 miles at 3500' to position aircraft for straight-in approach with elimination of the procedure turn.
#400–1½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Takeoffs all runways: Climb direct to PDT VORTAC, thence continue climb on R 234° PDT VORTAC within 15 miles so as to cross PDT VORTAC at or above: Southeastbound, V–4, 2600'; southeastbound, V–268, 2500'; southwestbound, V–536, 2500'.
MSA within 25 miles of facility: 000°–090°—5100'; 090°–180°—6400'; 180°–270°—5100'; 270°–360°—2600'.

City, Pendleton; State, Oreg.; Airport name, Pendleton Municipal; Elev., 1493'; Fac. Class., H–BVORTAC; Ident., PDT; Procedure No. VOR/DME Runway 7L, Amdt. 9; Eff. date, 3 Apr. 69; Sup. Amdt. No. VOR/DME No. 1, Amdt. 8; Dated, 16 Apr. 66

6. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Macon, Ga.—Herbert Smart, VOR/DME No. 1, Orig., 21 July 1966 (established under Subpart C).

7. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Macon, Ga.—Lewis B. Wilson, ILS Runway 5, Amdt. 13, 19 Aug. 1967 (established under Subpart C).
Portland, Oreg.—Portland International, ILS Runway 10R, Amdt. 16, 27 Jan. 1968 (established under Subpart C).
Portland, Oreg.—Portland International, LOC (BC) Runway 10L, Amdt. 4, 27 Jan. 1968 (established under Subpart C).
Portland, Oreg.—Portland International, ILS Runway 28R, Amdt. 2, 27 Jan. 1968 (established under Subpart C).

8. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Macon, Ga.—Lewis B. Wilson, Radar 1, Amdt. 6, 13 Aug. 1966 (established under Subpart C).
Portland, Oreg.—Portland International, Radar-1, Amdt. 12, 27 Jan. 1968 (established under Subpart C).

9. By amending § 97.21 of Subpart C to amend low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes: From—	Terminal routes: To—	Terminal routes: Via	Terminal routes: Minimum altitudes (feet)	Missed approach: MAP: 1.3 miles after passing KE LFR.
ENA VOR	KE LFR	Direct	1700	Climb to 1700' on South crs of KE LFR within 15 miles.
Swanson DME Fix	N crs KE LFR (NOPT)	220° heading 3.5 miles	1700	Supplementary charting information: Antenna 155', 0.8 mile SW Runway 01. Antenna 140', 0.4 mile SW Runway 01.

Procedure turn W side of crs, 009° Outbnd, 189° Inbnd, 1700' within 10 miles of KE LFR.
FAF, KE LFR. Final approach crs, 188°. Distance FAF to MAP, 1.3 miles.
Minimum altitude over KE LFR, 900'.
MSA: NE—2000'; SE—3000'; SW—1300'; NW—1500'.

DAY AND NIGHT MINIMUMS

Cond.	A: MDA	A: VIS	A: HAA	B: MDA	B: VIS	B: HAA	C: MDA	C: VIS	C: HAA	D: MDA	D: VIS	D: HAA
C	500	1	408	500	1	408	560	1¼	468	660	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Kenai; State, Alaska; Airport name, Kenai Municipal; Elev., 92'; Facility, KE; Procedure No. LFR Runway 19, Amdt. 14; Eff. date, 3 Apr. 69; Sup. Amdt. No. 13; Dated, 31 Oct. 68

10. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes: From—	Terminal routes: To—	Terminal routes: Via	Terminal routes: Minimum altitudes (feet)	Missed approach: MAP: AHN VORTAC.
R 105°, AHN VORTAC (CW)	R 192°, AHN VORTAC	7-mile DME Arc	2200	Climb to 2300', right turn, direct to AHN VORTAC and hold.
R 288°, AHN VORTAC (CCW)	R 192°, AHN VORTAC	7-mile DME Arc	2200	Supplementary charting information: Hold S., 1 minute, right turns, 012° Inbnd. Final approach crs intercepts runway centerline 2309' from threshold. LRCO 122.1, 123.6. TDZ elevation, 909'.
Madison Int	7-mile DME Fix	AHN, R 192°	2200	
7-mile DME Fix	AHN VORTAC (NOPT)	AHN, R 192°	1160	

Procedure turn E side of crs, 192° Outbnd, 012° Inbnd, 2300' within 10 miles of AHN VORTAC.
Final approach crs, 012°.
MSA: 000°–180°—2400'; 180°–270°—3100'; 270°–360°—2600'.

DAY AND NIGHT MINIMUMS

Cond.	A: MDA	A: VIS	A: HAT	B: MDA	B: VIS	B: HAT	C: MDA	C: VIS	C: HAT	D: VIS
S–2	1160	1	355	1160	1	355	1160	1	355	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1160	1	373	1200	1	453	1200	1¼	453	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Athens; State, Ga.; Airport name, Athens Municipal; Elev., 807'; Facility, AHN; Procedure No. VOR Runway 2, Amdt. 4; Eff. date, 3 Apr. 69; Sup. Amdt. No. 3; Dated, 13 Jan. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AHN VORTAC.
R 360°, AHN VORTAC (CW)	R 076°, AHN VORTAC	7-mile DME Arc	2300	Climb to 2300', left turn, direct to AHN VORTAC and hold.
R 192°, AHN VORTAC (CCW)	R 076°, AHN VORTAC	7-mile DME Arc	2300	
7-mile DME Arc	AHN VORTAC (NOPT)	AHN, R 076°	1130	Supplementary charting information: Hold S, 1 minute, right turns, 012° Inbnd. Final approach crs intercepts runway centerline 1900' from threshold. LRCO 122.1, 123.6. TDZ elevation, 803'.

Procedure turn N side of crs, 076° Outbnd, 256° Inbnd, 2300' within 10 miles of AHN VORTAC.
Final approach crs, 256°.
MSA: 000°–180°—2400'; 180°–270°—3100'; 270°–360°—2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-27	1130	1	377	1130	1	377	1130	1	377	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1130	1	373	1260	1	403	1260	1¼	453	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Athens; State, Ga.; Airport name, Athens Municipal; Elev., 807'; Facility, AHN; Procedure No. VOR Runway 27, Amdt. 4; Eff. date, 3 Apr. 69; Sup. Amdt. No. 3; Dated, 13 Jan. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing Stock Int.
OBK VORTAC	Stock Int (NOPT)	Direct	2400	Climb to 2400', turn right, and return to Stock Int.

Procedure turn N side of crs, 091° Outbnd, 271° Inbnd, 2400' within 10 miles of Stock Int.
FAF, Stock Int. Final approach crs, 271°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over Stock Int, 2400'.
MSA: 045°–225°—3100'; 225°–315°—2400'; 315°–045°—2300'.
NOTES: (1) Radar vectoring. (2) Use Chicago O'Hare altimeter setting. (3) Dual VOR or DME or Radar required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1360	1	490	1360	1	490	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Crystal Lake; State, Ill.; Airport name, Crystal Lake; Elev., 890'; Facility, OBK; Procedure No. VOR-1, Amdt. 2; Eff. date, 3 Apr. 69; Sup. Amdt. No. 1; Dated, 30 May 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing REC VORTAC.
AGO VOR	REC VORTAC	REC, R 138°	4500	Make left-climbing turn to 4000' direct to REC VORTAC and hold.
IST VORTAC	REC VORTAC	Direct	4500	
R 138°, REC VORTAC (CCW)	R 020°, REC VORTAC	10-mile DME Arc	4500	Supplementary charting information: Hold N, 1 minute, right turn, 200° Inbnd.
R 282°, REC VORTAC (CW)	R 020°, REC VORTAC	10-mile DME Arc	4500	
10-mile Arc	REC VORTAC (NOPT)	REC, R 020°	3800	

Procedure turn E side of crs, 020° Outbnd, 200° Inbnd, 4000' within 10 miles of REC VORTAC.
FAF, REC VORTAC. Final approach crs, 200°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over REC VORTAC, 3800'; over 3-mile DME Fix, 3800'.
MSA: 000°–090°—3800'; 090°–180°—4200'; 180°–270°—4100'; 270°–360°—3500'.
NOTE: Use Altoona, Pa., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	2800	1	701	2800	1	701	NA	NA
	DME Minimums:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C	2740	1	641	2740	1	641	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Ebensburg; State, Pa.; Airport name, Ebensburg; Elev., 2099'; Facility, REC; Procedure No. VOR-1, Amdt. 1; Eff. date, 3 Apr. 69; Sup. Amdt. No. Orig.; Dated, 9 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ECG VOR.
				Climb to 1500' right turn direct to ECG VOR and hold.
				Supplementary charting information: Hold SW, 2 minute, right turns, 022° Inbnd. HIRL, Runways 10-28. REIL and VASI, Runways 10-28. Restricted areas R-5301B, R-5301A, and R-5302, S of holding pattern. TDZ elevation, 12'.

Procedure turn not authorized. Two-minute holding pattern S of ECG VOR, 022° Inbnd, right turns, 1200'.
Final approach crs, 022°.
MSA: 000°–090°—1400'; 090°–180°—1200'; 180°–270°—2000'; 270°–360°—1400'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1	480	1	468	480	1	468	480	1	468	480	1	468
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	468	480	1	468	480	1¼	468	580	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Elizabeth City; State, N.C.; Airport name, Elizabeth City Coast Guard Air Station; Elev., 12'; Facility, ECG; Procedure No. VOR Runway 1, Amdt. Orig.; Eff. date, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ECG VOR.
				Climb to 1500', right turn, direct to ECG VOR and hold.
				Supplementary charting information: Hold SW, 1 minute, right turns, 022° Inbnd. Final approach crs lies 400' left of the extended runway centerline at a point 3000' from threshold. HIRL, Runways 10-28. REIL and VASI, Runways 10-28. Restricted area R-5301B, R-5301A, and R-5302, S of holding pattern. TDZ elevation, 12'.

Procedure turn W side of crs, 004° Outbnd, 184° Inbnd, 1500' within 10 miles of ECG VOR.
Final approach crs, 184°.
MSA: 000°–090°—1400'; 090°–180°—1200'; 180°–270°—2000'; 270°–360°—1400'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	480	1	468	480	1	468	480	1	468	480	1	468
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	468	480	1	468	480	1¼	468	580	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Elizabeth City; State, N.C.; Airport name, Elizabeth City Coast Guard Air Station; Elev., 12'; Facility, ECG; Procedure No. VOR Runway 19, Amdt. Orig.; Eff. date, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: IWD VOR.
				Climb to 3000′ on R 071° IWD VOR within 10 miles, return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline 3350′ from threshold. LRCO 122.1R, 123.6R. TDZ elevation, 1230′.

Procedure turn N side of crs, 251° Outbnd, 071° Inbnd, 2900′ within 10 miles of IWD VOR.
Final approach crs, 071°.
MSA: 000°–270°—3100′; 270°–360°—2800′.
NOTES: (1) Use Houghton, Mich., altimeter setting when IWD control zone not effective. (2) Circling and straight-in MDA increased 300′ when IWD control zone not effective, except for operators with approved weather reporting service. (3) Prominent 1700′ terrain S of airport.
$Alternate minimums not authorized when IWD control zone not effective, except for operators with approved weather reporting service.
%IFR departure procedures: When weather is below 500–1, takeoffs Runways 9, 27, and 30, maintain runway heading until reaching 2500′ prior to departing on course.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S–9	2000	1	770	2000	1½	770	2000	1½	770	2000	1¾	770
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	754	2000	1¾	754	2000	1½	754	2000	2	754
A°	Standard.		T 2-eng. or less—600–1 Runway 18; Standard all others.%			T over 2-eng.—600–1 Runway 18; Standard all others.%						

City, Ironwood; State, Mich.; Airport name, Gogebic County; Elev., 1246′; Facility, IWD; Procedure No. VOR Runway 9, Amdt. 2; Eff. date, 3 Apr. 69; Sup. Amdt. No. Ter VOR R 265°, Amdt. 1; Dated, 7 May 66

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.7 miles after passing JCT VOR.
				Climbing left turn to 3800′ direct to JCT VORTAC and hold. Supplementary charting information: Hold NW, 1 minute, right turns, 140° Inbnd. CAUTION: High terrain 2000′ to 2250′ surrounds airport; 2370′ tower, 2.3 miles SW; 2124′ tower, 2.4 miles SSE. SAT FSS: 116.0T, LRCO 255.4R, 122.1R.

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 3800′ within 10 miles of JCT VORTAC.
FAF, JCT VORTAC. Final approach crs, 140°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over JCT VORTAC, 3800′.
MSA: 000°–360°—3700′.
NOTES: (1) Use San Angelo altimeter setting, available from SAT FSS. (2) No weather available. (3) Aircraft will cancel IFR flight plan with SAT FSS or HOU ARTCC prior to landing or upon reaching VFR conditions.
°Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C VIS	D VIS
C°	2800	2	1071	2800	2	1071	NA	NA
A	Not authorized.		T 2-eng. or less—700–2.				T over 2-eng.—700–2.	

City, Junction; State, Tex.; Airport name, Kimble County; Elev., 1729′; Facility, JCT; Procedure No. VOR–1, Amdt. 7; Eff. date, 3 Apr. 69; Sup. Amdt. No. 6; Dated, 18 Mar. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: MCN VORTAC.
R 207°, MCN VORTAC (CW)	R 324°, MCN VORTAC	8-mile DME Arc	2000	Climbing right turn to 2000′ on R 324° MCN VORTAC within 15 miles or, when directed by ATC, climbing right turn to 2000′ via R 190° MCN VORTAC within 15 miles. Supplementary charting information: Final approach crs intercepts runway centerline 2200′ from threshold. TDZ elevation, 353′.
R 055°, MCN VORTAC (CCW)	R 324°, MCN VORTAC	8-mile DME Arc	2200	
8-mile DME Arc	MCN VORTAC (NOPT)	MCN, R 324°	860	

Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 miles of MCN VORTAC.
Final approach crs, 144°.
MSA: 000°–090°—2200′; 090°–180°—2800′; 180°–270°—1900′; 270°–360°—2100′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S–13	860	1	507	860	1	507	860	1	507	860	1¼	507
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	506	860	1	506	860	1½	506	920	2	566
A	Standard.		T 2-eng. or less—RVR 24′, Runway 5; Standard all other runways.			T over 2-eng.—RVR 24′, Runway 5; Standard all other runways.						

City, Macon; State, Ga.; Airport name, Lewis B. Wilson; Elev., 354′; Facility, MCN; Procedure No. VOR Runway 13, Amdt. 1; Eff. date, 3 Apr. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 10 Dec. 66

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: MHK VOR.
MHK VOR	Chapman Int	Direct	3000	Climbing right turn to 3000′, intercept MHK R 138°, proceed to Alma Int. Supplementary charting information: Final approach crs intercepts runway centerline extended at 2200′. Chart holding at Chapman Int. Chart restricted areas 3602A and 3602B. TDZ elevation, 1048′.
Chapman Int	MHK VOR	Direct	1800	

Procedure turn not authorized. Approach crs (profile) starts at Chapman Int.
Final approach crs, 024°.
Minimum altitude over Chapman Int, 3000′; over Whitside Int and Ogden Fan Marker, 1800′.°
MSA: 000°–360°—2900′.
NOTES: (1) Use Salina, Kans., altimeter setting when control zone not effective. (2) Circling and straight-in MDA increase 200′ when control zone not effective. (3) Depart Chapman Int from holding pattern.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%Plan IFR departures to avoid restricted areas W of airport.
°2000′ when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S–3	1800	1	752	1800	1¼	752	1800	1½	752	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1800	1	744	1800	1¼	744	1800	1½	744	NA
	VOR/NDB Minimums or VOR/Fan Marker Minimums:									
	MDA	VIS	HAT	MDA	VIS	NAT	MDA	VIS	HAT	
S–3	1560	1	512	1560	1	512	1560	1	512	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1600	1	544	1660	1	604	1660	1½	624	NA
A	Standard.$		T 2-eng. or less—Standard.%				T over-2-eng.—Standard.%			

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1058′; Facility, MHK; Procedure No. VOR Runway 3, Amdt. 4; Eff. date, 3 Apr. 69; Sup. Amdt. No. 3; Dated, 23 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE VOR—Continued

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
MHK VOR	Alma Int	Direct	3000	MAP: 2.3 miles after passing Ashland Int.
Alma Int	Ashland Int (NOPT)	Direct	1900	Climbing right turn to 3000' to Alma Int. Supplementary charting information: Chart holding at Alma Int. Chart restricted areas 3602A and 3602B. TDZ elevation, 1043'.

Procedure turn not authorized. Approach crs (profile) starts at Alma Int.
FAF, Ashland Int. Final approach crs, 118°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over Alma Int, 3000'; over Ashland Int, 1900'.
MSA: 000°–090°—2900'.
NOTES: (1) Dual VOR or VOR/ADF required. (2) Use Salina, Kans., altimeter setting when control zone not effective. (3) Circling and straight-in MDA increase 200' when control zone not effective.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%Plan IFR departures to avoid restricted areas W of airport.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S–31	1480	1	437	1480	1	437	1480	1	437	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	NA
C	1080	1	544	1080	1	604	1080	1¼	624	
A	Standard.$	T 2-eng. or less—Standard.%					T over 2-eng.—Standard.%			NA

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056'; Facility, MHK; Procedure No. VOR Runway 31, Amdt. 1; Eff. date, 3 Apr. 69; Sup. Amdt. No. VOR–1, Runway 31, Orig.; Dated, 28 Sept. 67

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
BDR VOR	HVN VOR	Direct	2000	MAP: HVN VOR.
Long Hill Int	HVN VOR	Direct	2300	Climb on HVN, R 025° to 1500' within 5 miles, climbing left turn to 1900', direct to HVN VOR and hold. Supplementary charting information: Hold NE, 1 minute, left turns, 205° Inbnd. Stack 297', 1.1 miles NNW of airport. Trees 259', 0.7 mile N of airport. TDZ elevation, 6'.

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 1700' within 10 miles of HVN VOR.
Final approach crs, 025°.
Minimum altitude over Haven Int, 440' (480' when control zone not effective).
MSA: 000°–090°—2600'; 090°–180°—1600'; 180°–270°—1700'; 270°–360°—2600'.
NOTES: (1) Circling and straight-in MDA increase 40' and alternate minimums not authorized when control zone not effective. (2) Inoperative components table does not apply to REIL's.
$Use Bridgeport altimeter setting when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S–2°	380	1	374	380	1	374	380	1	374	380	1	374
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	600	1	586	600	1	586	600	1¼	586	600	2	586
A	Standard.$	T 2-eng. or less—300–1, Runways 2, 32; Standard all others.					T over 2-eng.—300–1 Runways 2, 32; Standard all others.					

City, New Haven; State, Conn.; Airport name, Tweed-New Haven; Elev., 14'; Facility, HVN; Procedure No. VOR Runway 2, Amdt. 7; Eff. date, 3 Apr. 69; Sup. Amdt. No. Tur VOR–1, Amdt. 6; Dated, 15 Oct. 66

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE VOR—Continued

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.4 miles after passing OBK VORTAC. Climbing left turn to 2500' direct to OBK VORTAC. Supplementary charting information: 811' antenna approximately ½ mile N of airport.

Procedure turn N side of crs, 309° Outbnd, 129° Inbnd, 2300' within 10 miles of OBK VORTAC.
FAF, OBK VORTAC. Final approach crs, 129°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over OBK VORTAC, 2300'.
MSA: 045°–225°—3100'; 225°–315°—2400'; 315°–045°—2200'.
NOTES: (1) Radar vectoring. (2) Use Chicago O'Hare altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D VIS
C	1140	1	459	1140	1	459	1140	1¼	459	NA
A	Not authorized.	T 2-eng. or less—400–1 required Runway 36. Standard all others.					T over 2-eng.—400–1 required Runway 36. Standard all others.			

City, Northbrook; State, Ill.; Airport name, Sky Harbor; Elev., 681'; Facility, OBK; Procedure No. VOR–1, Amdt. 5; Eff. date, 3 Apr. 69; Sup. Amdt. No. 4; Dated, 28 Jan. 67

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 10 miles after passing HTM VOR. Make left-climbing turn to 2000', direct to HTM VOR and hold. Supplementary charting information: Hold SE HTM VOR, 1 minute, left turns, 326° Inbnd. Final approach crs to Runway 35 threshold. 322' water tank, 1.2 miles SE of airport.

Procedure turn W side of crs, 146° Outbnd, 326° Inbnd, 2000' within 10 miles of HTM VOR.
FAF, HTM VOR. Final approach crs, 326°. Distance FAF to MAP, 10 miles.
Minimum altitude over HTM VOR, 2000'.
MSA: 000°–090°—1900'; 090°–180°—1600'; 180°–270°—2200'; 270°–360°—2400'.
NOTES: (1) Radar vectoring. (2) Use Boston altimeter setting.
*Night operations Runways 17/35 only.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D VIS
C*	840	1	790	840	1¼	790	840	1¼	790	NA
A	Not authorized.	T 2-eng. or less—Standard.*					T over 2-eng.—Standard.*			

City, Norwood; State, Mass.; Airport name, Norwood Memorial; Elev., 50'; Facility, HTM; Procedure No. VOR Runway 35, Amdt. 2; Eff. date, 3 Apr. 69; Sup. Amdt. No. VOR–1, Amdt. 1; Dated, 26 Jan. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 9.2 miles after passing PDX VORTAC.
PDX R 329°, 10-mile DME Fix	PDX VORTAC (NOPT)	Direct	2600	$Turn left, climb to 4000' direct to PDX VORTAC and hold.
Ridgefield Int	PDX VORTAC (NOPT)	Direct	2500	
PDX R 039°, 10-mile DME Fix	PDX VORTAC	Direct	5500	Supplementary charting information: $Hold N, 1 minute, right turns, 149° Inbd. Final approach crs to ARP.
PDX R 064°, 10-mile DME Fix	PDX VORTAC	Direct	5000	
PDX R 070°, 10-mile DME Fix	PDX VORTAC	Direct	6000	

Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 4000' within 10 miles of PDX VORTAC.
FAF, PDX VORTAC. Final approach crs, 149°. Distance FAF to MAP, 9.2 miles.
Minimum altitude over PDX VORTAC, 2600'; over R 159°, 5-mile DME Fix, 880'.
MSA: 000°–180°—5100'; 180°–270°—3300'; 270°–090°—6000'.
NOTE: ASR/PAR.
%IFR departure procedures: Climb direct to PDX VORTAC. Continue climb on R 329°, PDX VORTAC within 10 miles to cross PDX VORTAC at or above: Northeastbound, V448, 5500'; northeastbound, V448S, 2800'; eastbound, V112, 2900'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	880	1	854	880	1¼	854	880	1½	854	980	2	954
	VOR/DME Minimums:											
C	700	1	674	720	1	694	720	1½	694	820	2	794
A	1000–1	T 2-eng. or less—Runways 2/20, 700–1; Runways 10L/28L Standard; Runways 10R/28R RVR 24'.%					T over 2-eng.—Runways 2/20, 700–1; Runways 10L/28L Standard; Runways 10R/28R RVR 24'.%					

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26'; Facility, PDX; Procedure No. VOR-1, Amdt. 1; Eff. date, 3 Apr. 69; Sup Amdt. No. Orig.; Dated, 27 Jan. 68

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 9 miles after passing CYN VOR TAC.
				Climbing right turn to 1900' direct to CYN VORTAC and hold.
				Supplementary charting information: Hold SW, 1 minute, left turns, 058° Inbnd. Approach control and radar vectoring provided by McGuire AFB, N.J. Depict R-5002 on AL Plate.

Procedure turn not authorized. One minute holding pattern, SW of CYN VOR, 036° Inbnd, left turns, 1900'.
FAF, CYN VOR. Final approach crs, 054°. Distance FAF to MAP, 9 miles.
Minimum altitude over CYN VOR, 1900'; over County Int/5-mile DME Fix, 640'.
MSA: 000°–180°—1500'; 180°–360°—1600'.
NOTES: (1) Radar vectoring. (2) Use Lakehurst NAS, N.J., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAT	VIS	VIS	VIS
S-6	460	1	378	NA	NA	NA
	MDA	VIS	HAA			
C	460	1	378	NA	NA	NA
A	Not authorized	T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.	

City, Toms River; State, N.J.; Airport name, Ocean County Airpark; Elev., 82'; Facility, CYN; Procedure No. VOR Runway 6, Amdt. Orig.; Eff. date, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 10.2 miles after passing MEM VORTAC.
				Climbing right turn to 1800' to Edmondson Int via R 272° MEM VORTAC and hold.
				Supplementary charting information: Hold W, 1 minute, right turns, 092° Inbnd.

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 1900' within 10 miles of MEM VORTAC.
FAF, MEM VORTAC. Final approach crs, 260°. Distance FAF to MAP, 10.2 miles.
Minimum altitude over MEM VORTAC, 1900'; over Hilda Int, 1100'.
MSA: 000°–090°—2300'; 090°–180°—1900'; 180°–270°—1700'; 270°–360°—2300'.
NOTES: (1) Radar vectoring. (2) Use MEM APC/FSS altimeter settings and weather. (3) Night minimums not authorized Runways 13–36.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1100	1¼	890	1100	1½	890	NA	NA
	VOR/DME or VOR/NDB Minimums:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C	640	1	430	660	1	450	NA	NA
A	Not authorized.	T 2-eng. or less—Standard.					T over 2-eng.—Not authorized.	

City, Walls; State, Miss.; Airport name, Twinkle Town; Elev., 210'; Facility, MEM; Procedure No. VOR-1, Amdt. 1; Eff. date, 3 Apr. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 16 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 8.5 mile DME Fix MCN, R 026°.
R 111°, MCN VORTAC (CW)	R 226°, MCN VORTAC	8-mile DME Arc	1800	Climb to 2200', right turn, direct to MCN VORTAC and hold.
R 334°, MCN VORTAC (CCW)	R 226°, MCN VORTAC	8-mile DME Arc	1800	
8-mile DME Arc	MCN VORTAC (NOPT)	MCN, R 226°	1600	Supplementary charting information: Hold SW, 1 minute, right turn, 046° Inbnd. Final approach crs to center of landing area.
Powersville Int	MCN VORTAC (NOPT)	MCN, R 226°	1600	

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 1800' within 10 miles of MCN VORTAC.
Final approach crs, 028°.
Minimum altitude over MCN VORTAC, 1600'; over 6-mile DME Fix, 1600'.
MSA: 000°–090°—2200'; 090°–180°—2500'; 180°–270°—1900'; 270°–360°—2100'.
NOTES: (1) Radar vectoring. (2) Use MCN altimeter setting. (3) No weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1180	1	717	1180	1	717	NA	NA
A	Not authorized.	T 2-eng. or less—Standard.					T over 2-eng.—Not authorized.	

City, Macon; State, Ga.; Airport name, Herbert Smart; Elev., 463'; Facility, MCN; Procedure No. VOR/DME-1, Amdt. 1; Eff. date, 3 Apr. 69; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 21 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 11-mile DME HTM R 326°.
				Make left-climbing turn to 2000' direct to HTM VORTAC and hold. Supplementary charting information: Hold SE HTM VORTAC, 1 minute, left turns, 326° Inbnd. Final approach crs to Runway 35 threshold. 822' water tank 1.2 miles SE of airport.

Procedure turn W side of crs, 146° Outbnd, 326° Inbnd, 2000' within 10 miles of HTM VORTAC.
Final approach crs, 326°.
Minimum altitude over HTM VORTAC, 2000'; over 6-mile DME Fix, 960'.
MSA: 000°–090°—1900'; 090°–180°—1600'; 180°–270°—2200'; 270°–360°—2400'.
NOTES: (1) Radar vectoring. (2) Use Boston altimeter setting.
*Night operations Runways 17/35 only.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-35*	630	1	570	630	1	570	630	1	570	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	760	1	610	760	1	610	760	1¼	610	NA
A	Not authorized.	T 2-eng. or less—Standard.*					T over 2-eng.—Standard.*			

City, Norwood; State, Mass.; Airport name, Norwood Memorial; Elev., 80'; Facility, HTM; Procedure No. VOR/DME Runway 35, Amdt. Orig.; Eff. date, 3 Apr. 69

11. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operations in the particular area or as set forth below.

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
20-mile DME/Radar Fix, R 132°	Laredo VORTAC (NOPT)	Direct	2500	MAP: 9.3 miles after passing LRD VOR. Climb to 2500' on R 316°, right-climbing turn to 4000' direct to LRD VOR and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 312° Inbnd. 1449' tower, 8 miles S of airport. 649' water tower, 2.7 miles SW of airport. CAUTION: Final approach crosses Laredo AFB where extensive jet training is being conducted. UNICOM available: TDZ elevation 505'.

Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2800' within 10 miles of LRD VORTAC.
FAF, LRD VORTAC. Final approach crs, 316°. Distance FAF to MAP 9.3 miles.
Minimum altitude over LRD VORTAC, 2500'; over 7-mile DME Fix 1080'.
MSA: 000°–180°—2200'; 180°–270°—2400'; 270°–360°—2500'.
NOTES: (1) Radar vectoring when Laredo approach control operating. (2) Use Laredo AFB altimeter setting, available from HOU ARTCC and Cotulla FSS.
*Alternate minimums not authorized except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-32	1080	1	575	1080	1	575	1080	1	575	1080	1	575
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	542	1080	1	542	1080	1¼	542	1100	2	562
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	800	1	295	800	1	295	800	1	295	800	1	295
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	282	1000	1	462	1000	1¼	462	1100	2	562
A*	Standard.	T 2-eng. or less—Standard.					T over 2-eng.—Standard.					

City, Laredo; State, Tex.; Airport name, Laredo Municipal; Elev., 538'; Facility, LRD; Procedure No. VOR Runway 32, Amdt. 8; Eff. date, 3 Apr. 69; Sup. Amdt. No. 7; Dated, 6 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: Runways 25L and 25R, 5 miles after passing Freeway Int.
LAX VOR	Firestone Int	Direct	2500	Climb to 2000' direct to LAX VOR, then via LAX, R 246° within 15 miles. Supplementary charting information: Chart 2.5-miles DME, R 068° at MAP. Chart Downey NDB though not used in procedure. Revise 1490' terrain at 3345/11,819 to 1554' antenna. Final approach crs, 350° right of Runway 25L centerline and 350° left of Runway 25R centerline at 3000'. TDZ elevation, 100'.
Seal Beach VOR	Firestone Int	Direct	3000	
Santa Ana VOR	Firestone Int	Direct	3000	
R 322°, LAX VOR CW	R 046°, LAX VOR	15-mile arc	4300	
R 046°, LAX VOR CW	Firestone Int	15-mile arc LAX, R 069° lead radial.	2000	
R 123°, LAX VOR CCW	Firestone Int	15-mile arc LAX, R 077° lead radial.	2000	
Firestone Int	Freeway Int. (NOPT)	Direct	2000	
Bassett Int	Firestone Int	Direct	2500	

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 2500' within 10 miles of Freeway Int.
FAF, Freeway Int. Final approach crs, 248°. Distance FAF to MAP, 5 miles.
Minimum altitude over Freeway Int., 2000'; over Noel Int, 620'.
MSA: 075°–255°—2600'; 255°–345°—5100'; 345°–075°—7300'.
NOTE: ASR.
%IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-25 L/R	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1¼	514	680	2	554
	Dual VOR or VOR/DME Minimums:											
S-25 L/R	520	RVR 24	420	520	RVR 24	420	520	RVR 24	420	520	RVR 50	420
A	Standard.	T 2-eng. or less—Runways 16/34 and 6, Standard; Runways 7L/R, RVR 50'; Runway 24, RVR 40'; Runways 25L/R, RVR 24'.%					T over 2-eng.—Runways 16/34 and 6, Standard; Runways 7L/R, RVR 50'; Runway 24, RVR 40'; Runways 25L/R, RVR 24'.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, LAX; Procedure No. VOR Runway 25L/R, Amdt. 2; Eff. date, 3 Apr. 69; Sup. Amdt. No. 1; Dated, 6 Feb. 69

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: LRD, R 316° 10.5-mile DME Fix.
LRD VORTAC	14-mile DME LRD, R 315°	Direct	2500	Climb to 4000' direct to LRD VOR and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 312° Inbnd. 1549' tower, 7.6 miles NW of airport; 1449' tower, 5 miles S of airport; 649' water tower, 2.7 miles SW of airport. Caution: Missed approach crosses Laredo AFB where extensive jet training is being conducted. UNICOM. TDZ elevation, 538'.
R 000° LRD VORTAC CCW	R 315°, LRD VORTAC (NOPT)	20-mile DME Arc LRD, R 324° Lead radial.	2500	
20-mile DME LRD, R 315°	14-mile DME LRD, R 315°	Direct	1500	

Procedure turn E side of crs, 315° Outbnd, 135° Inbnd, 2500' within 10 miles of 14-mile DME Fix.
Final approach crs, 135°.
Minimum altitude 20-mile DME—2500'; 14-mile DME—1500'.
MSA: 000°–180°—2200'; 180°–270°—2400'; 270°–360°—2500'.
NOTES: (1) Radar vectoring when Laredo approach control operating. (2) Use Laredo AFB altimeter setting, available from HOU ARTCC and Cotulla FSS.
*Alternate minimums not authorized except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-15	880	1	342	880	1	342	880	1	342	880	1	342
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	382	1000	1	462	1000	1¼	462	1100	2	562
A*	Standard.	T 2-eng. or less—Standard.					T over 2-eng.—Standard.					

City, Laredo; State, Tex.; Airport name, Laredo Municipal; Elev., 538'; Facility, LRD; Procedure No. VOR/DME Runway 15, Amdt. 5; Eff. date, 3 Apr. 69; Sup. Amdt. No. 6; Dated, 6 Feb. 69

12. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing Portal Int.
PDX VORTAC	Levee Int	Direct	3400	*Climb to 3400′ direct to Lake (IA) LOM and hold. When directed by ATC, turn left, climb to 4000′ direct to PDX VORTAC and hold.
UBG VORTAC	Levee Int	Direct	4000	
Pearson Int	Levee Int	Direct	3400	
Buxton Int	Levee Int (NOPT)	Direct	3200	

Supplementary charting information: *Hold E, 1 minute, left turns, 278° Inbd. TDZ elevation, 26′.

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3400′ within 10 miles of Levee Int.
FAF, Portal Int. Final approach crs, 098°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over Levee Int, 3200′; over Portal Int, 1600′.
NOTES: (1) ASR/PAR. (2) Dual VHF receivers required for this procedure.
%LIFR departure procedures: Climb direct to PDX VORTAC. Continue climb on R 220° PDX VORTAC within 10 miles to cross PDX VORTAC at or above; Northeastbound V448, 5500′; Northeastbound, V448, 2000′; eastbound, V112, 2900′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10L*	500	¾	475	500	¾	475	500	¾	475	500	1	475
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	674	720	1	694	720	1¼	694	980	2	954
A	Categories A, B, C, D, 800–2; category D, 1000–2.			T 2-eng. or less—Runways 2/20, 700–1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24′.			T over 2-eng.—Runways 2/20, 700–1; Runways 10L/28L Standard; Runways 10R/28R, RVR 24′.					

*Sliding scale not authorized.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26′; Facility, I-IAP; Procedure No. LOC (BC) Runway 10L, Amdt. 5; Eff. date, 3 Apr. 69; Sup. Amdt. No. 4; Dated, 27 Jan. 68

13. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.5 miles after passing ALX NDB.
Central Int	ALX NDB (NOPT)	Direct	1300	Climbing left turn to 2200′ direct to ALX NDB and hold.
Miller Int	ALX NDB	Direct	2200	
Fayetteville Int	ALX NDB	Direct	2900	Supplementary charting information: Hold S, 1 minute, right turns, 340° Inbnd. TDZ elevation, 685′.

Procedure turn E side of crs, 160° Outbnd, 340° Inbnd, 2200′ within 10 miles of ALX NDB.
FAF, ALX NDB. Final approach crs, 340°. Distance FAF to MAP, 1.5 miles.
Minimum altitude over ALX NDB, 1300′.
MSA: 000°–090°—2900′; 090°–180°—2200′; 180°–270°—2100′; 270°–360°—2900′.
NOTE: Use Montgomery FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-26	1200	1	515	1200	1	515	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1240	1	565	1240	1	565	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.	

City, Alexander City; State, Ala.; Airport name, Thomas C. Russell Field; Elev., 685′; Facility, ALX; Procedure No. NBD (ADF) Runway 26, Amdt. 2; Eff. date, 3 Apr. 69; Sup. Amdt. No. 1; Dated, 8 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AMN NDB.
Riverdale Int	AMN NDB	Direct	2500	Right turn climb to 2600′ on 260° and return to AMN NDB.
Pompeii Int	AMN NDB	Direct	2500	
Ashley Int	AMN NDB	Direct	2500	Supplementary charting information: TDZ elevation, 751′.
Ithaca Int	AMN NDB	Direct	2500	

Procedure turn N side of crs, 280° Outbnd, 100° Inbnd, 2500′ within 10 miles of AMN NDB.
Final approach crs, 100°.
MSA: 045°–135°—2600′; 135°–045°—2400′.
NOTE: Use Saginaw, Mich., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-9	1400	1	640	1400	1	640	1400	1¼	640	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1400	1	646	1400	1	646	1400	1½	646	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Alma; State, Mich.; Airport name, Gratiot Community; Elev., 754′; Facility, AMN; Procedure No. NDB (ADF) Runway 9, Amdt. Orig.; Eff. date, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.7 miles after passing EKV NDB.
ECG VOR	EKV NDB	Direct	1500	Climb to 1500', left turn, direct to EKV NDB and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 314° Inbnd. R-5302, S of procedure turn and holding pattern. REIL and VASI, Runways 10-28. HIRL, Runways 10-28. CAUTION: Restricted area.

Procedure turn N side of crs, 134° Outbnd, 314° Inbnd, 1500' within 10 miles of EKV RBN.
FAF, EKV NDB. Final approach crs, 320°. Distance FAF TO MAP, 2.7 miles.
Minimum altitude over EKV NDB, 1000'.
MSA: 000°-090°—1400'; 090°-180°—1200'; 180°-270°—2000'; 270°-360°—1400'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	488	500	1	488	500	1½	488	560	2	548
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Elizabeth City; State, N.C.; Airport name, Elizabeth City Coast Guard Air Station; Elev., 12'; Facility, EKV; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 3 Apr. 69; Sup. Amdt. No. Orig.; Dated, 28 Oct. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing Houma NDB.
Raceland Int	Houma NDB (NOPT)	Direct	800	Climb to 1500', right turn, direct to TBD VOR. Supplementary charting information: 447' steel tower, 2.5 miles NW of airport. TDZ elevation, 11'.
TBD VOR	Houma NDB	Direct	1500	

Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 1500' within 10 miles of Houma NDB.
FAF, Houma NDB. Final approach crs, 173°. Distance FAF to MAP, 2.5 miles.
Minimum altitude over Houma NDB, 800'.
MSA: 000°-360°—1500'.

NOTES: (1) Use New Orleans altimeter setting when Houma altimeter setting is not available. (2) Circling and straight-in MDA increased 120' when Houma altimeter setting is not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17	480	1	469	480	1	469	480	1	469	480	1	469
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	489	500	1	489	500	1½	489	700	2	749
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Houma; State, La.; Airport name, Municipal; Elev., 11'; Facility, HUM; Procedure No. NDB(ADF) Runway 17, Amdt. Orig.; Eff. date, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LWB NDB.
Frankford Int	LWB NDB	Direct	5000	Climb to 4800' on 032° crs from LWB NDB, turn left to LWB NDB and hold. Supplementary charting information: Hold SW, 1 minute, left turns, 032° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold.
Natural Well Int	LWB NDB	Direct	5000	
88U VOR	LWB NDB	Direct	5000	
Int V260 and V37	LWB NDB	Direct	5000	

Procedure turn W side of crs, 212° Outbnd, 032° Inbnd, 4800' within 10 miles of LWB NDB.
Final approach crs, 032°.
Minimum altitude over Hominy Hill Int, 3500'.
MSA: 000°-090°—5800'; 090°-180°—5300'; 180°-270°—5300'; 270°-360°—5500'.

NOTE: Use Roanoke altimeter setting.
CAUTION: Precipitious terrain underlying this procedure, turbulence of varying intensities may be encountered.
%Climb on runway heading to 5400' before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4	3500	1¾	1199	3500	2	1199	3500	2¼	1199	3500	2¼	1199
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3500	1¾	1199	3500	2	1199	3500	2¼	1199	3500	2¼	1199
	NDB/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4	3060	1	759	3060	1¼	759	3060	1¼	759	3060	1¼	759
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3060	1	759	3060	1¼	759	3060	1¼	759	3400	2¼	1159
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Lewisburg; State, W. Va.; Airport name, Greenbrier Valley; Elev., 2201'; Facility, LWB; Procedure No. NDB (ADF) Runway 4, Amdt. Orig.; Eff. date, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LBT NDB.
Rowland Int	LBT NDB	Direct	1700	Climb to 1700' on 125° crs from LBT NDB, within 15 miles.
Dillon Int	LBT NDB	Direct	1700	
Whiteville Int	LBT NDB	Direct	1700	

Procedure turn N side of crs, 305° Outbnd, 125° Inbnd, 1700' within 10 miles of LBT NDB.
Final approach crs, 125°.
MSA: 000°-360°—1700'.

NOTES: (1) Use FAY altimeter setting. (2) No weather reporting.
*Night minimums not authorized on Runways 13-36.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-13	920	1	794	920	1¼	794	920	1¼	794	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	920	1	794	920	1¼	794	920	1¼	794	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Lumberton; State, N.C.; Airport name, Lumberton Municipal; Elev., 126'; Facility, LBT; Procedure No. NDB (ADF) Runway 13, Amdt. 1; Eff. date, 3 Apr. 69; Sup. Amdt. No. Orig.; Dated, 25 Mar. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
MCN VORTAC	MC LOM	Direct	1800	Climbing left turn to 2200′ intercept 265° crs from MC LOM within 15 miles, or, when directed by ATC, climb to 2200′ on 047° crs from MC LOM within 15 miles. Supplementary charting information: TDZ elevation, 350′.
Roberta Int	MC LOM	Direct	1800	
Myrtle Int	MC LOM	Direct	1800	
Powersville Int	MC LOM (NOPT)	Direct	1600	

Procedure turn S side of crs, 227° Outbnd, 047° Inbnd, 1800′ within 10 miles of MC LOM.
FAF, MC LOM. Final approach crs, 047°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over MC LOM, 1600′.
MSA: 000°–090°—2300′; 090°–180°—2500′; 180°–270°—1900′; 270°–360°—2100′.
NOTES: (1) ASR. (2) Inoperative component table for ALS does not apply Runway 5.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	800	RVR-50	450	800	RVR-50	450	800	RVR-50	450	800	RVR-50	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	506	860	1	506	860	1¼	506	920	2	556
A	Standard.		T 2-eng. or less—RVR 24′, Runway 5; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 5; Standard all other runways.					

City, Macon; State, Ga.; Airport name, Lewis B. Wilson; Elev., 354′; Facility, MC; Procedure No. NDB (ADF) Runway 5, Amdt. 13; Eff. date, 3 Apr. 69; Sup. Amdt. No. ADF1, Amdt. 12; Dated, 13 Aug. 66

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
MHK NDB	Volland Int	Direct	3000	Climbing right turn to 3000′, to Volland Int. Supplementary charting information: Chart holding at Volland Int. Chart restricted areas 3602A and 3602B. TDZ elevation, 1043′.
Volland Int	MHK NDB (NOPT)	Direct	2000	

Procedure turn not authorized. Approach crs (profile) starts at Volland Int.
FAF, NDB. Final approach crs, 266°. Distance FAF to MAP, 1.1 miles.
Minimum altitude over Volland Int, 3000′ over MHK NDB, 2000′.
MSA: 000°–180°—3600′; 180°–270°—2800′; 270°–360°—2700′.
NOTES: (1) Use Salina, Kans., altimeter setting when control zone not effective. (2) Circling and straight-in MDA increase 200′ when control zone not effective.
$ Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%Plan IFR departures to avoid restricted areas W of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1580	1	537	1580	1	537	1580	1	537			
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1600	1	544	1660	1	604	1660	1¼	624			
A	Standard.$		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056′; Facility, MHK; Procedure No. NDB (ADF) Runway 31, Amdt. 5; Eff. date, 3 Apr. 69; Sup. Amdt. No. 4; Dated, 5 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
AXN VOR	MOX NDB	Direct	3000	Climb to 2700′ on 320° from NDB, within 10 miles, return to NDB. Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. TDZ elevation, 1132′.
Madison Int	MOX NDB	Direct	3000	

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2700′ within 10 miles of MOX NDB.
Final approach crs, 320°.
MSA: 000°–090°—2800′; 090°–180°—2600′; 180°–270°—2000′; 270°–360°—2600′.
NOTE: Use Alexandria, Minn., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	1780	1	646	1780	1	646	1780	1¼	646			NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1780	1	645	1780	1	645	1780	1¼	645			NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Morris; State, Minn.; Airport name, Morris Municipal; Elev., 1135′; Facility, MOX; Procedure No. NDB (ADF) Runway 32, Amdt. Orig.; Eff. date, 3 Apr. 69

From—	TO—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
Whitman VORTAC	OWD NDB	Direct	2000	Make left-climbing turn to 2000′ direct to OWD NDB and hold. Supplementary charting information: Hold S, OWD NDB, 348° Inbnd, 1 minute, left turns. 322′ water tank, 1.2 miles SE of airport.

Procedure turn W side of crs, 168° Outbnd, 348° Inbnd, 2000′ within 10 miles of OWD NDB.
FAF, OWD NDB. Final approach crs, 348°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over OWD NDB, 1000′.
MSA: 000°–090°—2400′; 090°–180°—1600′; 180°–270°—2200′; 270°–360°—2400′.
NOTES: (1) Radar vectoring. (2) Use Boston altimeter setting. (3) Approach from holding pattern not authorized.
*Night operations Runways 17/35 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35*	660	1	610	660	1	610	660	1	610			NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	660	1	610	660	1	610	660	1¼	610			NA
A	Not authorized.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Norwood; State, Mass.; Airport name, Norwood Memorial; Elev., 80′; Facility, OWD; Procedure No. NDB (ADF) Runway 35, Amdt. Orig.; Eff. date, 3 Apr. 69

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
LVD VOR	PSG LFR	Direct	4000	Turn right, direct to PSG LFR, or when directed by ATC, turn right, direct to LVD VOR. Supplementary charting information: High terrain all quadrants.

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 4000′ within 10 miles of PSG LFR.
FAF, PSG LFR. Final approach crs, 045°.
MSA: 000°–090°—7600′; 090°–180°—4300′; 180°–270°—4600′; 270°–360°—4700′.
NOTE: Utilize Sitka altimeter setting.
*Night operations not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	4000	3	3892	4000	3	3892	4000	3	3892	4000	3	3892
A	4000-3		T 2-eng. or less—3500-3				T over 2-eng.—3500-3					

City, Petersburg; State, Alaska; Airport name, Petersburg; Elev., 108′; Facility, PSG; Procedure No. NDB (ADF)-1, Amdt. Orig.; Eff. date, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
Bloomfield Int	POF NDB	Direct	2100	Map: POF NDB. Climbing right turn to 1900', return to POF NDB. Supplementary charting information: Final approach crs crosses runway centerline extended 4687' from threshold.

Procedure turn E side of crs, 184° Outbnd, 004° Inbnd, 1900' within 10 miles of POF NDB.
Final approach crs, 004°.
MSA: 000°–180°—1900'; 180°–360°—2100'.
NOTE: Use Cape Girardeau, Mo., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-36	1140	1	810	1140	1¼	810	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1140	1	810	1140	1¼	810	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Poplar Bluff; State, Mo.; Airport name, Earl Fields Memorial; Elev., 330'; Facility, POF; Procedure No. NDB (ADF) Runway 36, Amdt. Orig.; Eff. date, 3 Apr. 69

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
PVU VOR	PUC RBN	Direct	12,700	MAP: PUC RBN. Climbing right turn to 8500' on 186° PUC RBN within 15 miles and hold.** Supplementary charting information: Hold S, 1 minute, right turns, 006° Inbnd.** Final approach crs intercepts runway centerline 3000' from threshold. LRCO 126.3 KHz.
GJT VOR	PUC RBN	Direct	11,500	

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 7600' within 10 miles of PUC RBN.
Final approach crs, 006°.
MSA: 110°–200°—10,300'; 200°–290°—12,200'; 290°–110°—11,400'.
NOTES: (1) Descent below 8500' not authorized until established outbnd in procedure turn. (2) Procedure not authorized if Price, Utah, altimeter setting not available.
#Circling not authorized beyond 1 mile N of airport.
*Night minimums require prior notification.
%IFR departure procedures; all runways, climb on 186° PUC RBN within 10 miles to cross PUC RBN at MCA or above for direction of flight: Westbound direct to PVU VORTAC, 8600'; eastbound direct to GJT VORTAC, 6500'.
**Final approach from holding pattern not authorized. Procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	6600	1	709	6600	1	709	6600	1½	709	NA
A	Not authorized.		T 2-eng. or less—Standard.%#				T over 2-eng.—Standard.%#			

City, Price; State, Utah; Airport name, Carbon County; Elev., 5991'; Facility, PUC; Procedure No. NDB (ADF) Runway 30, Amdt. Orig.; Eff. date, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
PDX VORTAC	SVY NDB	Direct	3400	MAP: 4 miles after passing OM. Climb to 3400', direct to Lake (IA) LOM and hold. When directed by ATC, turn left, climb to 4000' direct to PDX VOR TAC and hold. Supplementary charting information: Hold E, 1 minute, left turns, 278° Inbnd.
UBG VORTAC	SVY NDB	Direct	3700	
Scappoose Int	SVY NDB (NOPT)	Direct	3200	

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3400' within 10 miles of SVY NDB.
FAF, OM. Final approach crs, 098°. Distance FAF to MAP, 4 miles.
Minimum altitude over SVY NDB, 3200'; over OM, 1600'; over LMM, 900'.
MSA: 000°–090°—5400'; 090°–180°—3300'; 180°–270°—4700'; 270°–360°—4000'.
NOTES: ASR/PAR.
%IFR departure procedures: Climb direct to PDX VORTAC, continue climb on R 329° PDX VORTAC within 10 miles to cross PDX VORTAC at or above: Northeastbound, V448, 5500'; northeastbound, V448S, 2600'; eastbound, V112, 2900'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	714	740	1	714	740	1¼	714	980	2	954
A	1000-2.		T 2-eng. or less—Runways 2/20, 700–1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24'.%				T over 2-eng. Runways 2/20, 700–1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24'.%					

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26'; Facility, SVY; Procedure No. NDB (ADF) Runway 10R, Amdt. 15; Eff. date, 3 Apr. 69; Sup. Amdt. No. 14; Dated, 27 Jan. 68

From—	To—	Via	Minimum altitudes (feet)	Missed approach
		Terminal routes		
Groves Int	Lake (IA) LOM	Direct	5400	MAP: 5 miles after passing Lake (IA) LOM. $Climb to 3400', direct to SVY NDB and hold. When directed by ATC, turn right, climb to 4000' direct to PDX VORTAC and hold. Supplementary charting information: $Hold W, 1 minute, right turns, 098° Inbnd. TDZ elevation, 26'.
PDX VORTAC	Lake (IA) LOM	Direct	3400	
Oswego Int	Lake (IA) LOM	Direct	3600	
Mount Scott Int	Lake (IA) LOM	Direct	3500	

Procedure turn S side of crs, 098° Outbnd, 278° Inbnd, 3400' within 10 miles of Lake (IA) LOM.
FAF, Lake (IA) LOM. Final approach crs, 278°. Distance FAF to MAP, 5 miles.
Minimum altitude over Lake (IA) LOM, 1700'.
MSA: 000°–180°—6100'; 180°–270°—3200'; 270°–360°—5400'.
NOTES: (1) ASR/PAR. (2) Final approach from holding pattern at Lake (IA) LOM not authorized, procedure turn required. (3) Inoperative table does not apply to ALS Runway 28R.
%IFR departure procedures: Climb direct to the PDX VORTAC. Continue climb on R 329° PDX VORTAC within 10 miles to cross PDX VORTAC at or above: Northeastbound, V448, 5500'; northeastbound, V448S, 2600'; eastbound, V112, 2900'.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28R*	660	RVR 50	654	660	RVR 50	654	660	RVR 60	654	660	1½	554
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	674	720	1	694	720	1½	694	980	2	954
A	1000-2.		T 2-eng. or less—Runways 2/20, 700–1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24'. %				T over 2-eng.—Runways 2/20, 700–1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24'. %					

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26'; Facility, IA; Procedure No. NDB (ADF) Runway 28R, Amdt. 3; Eff. date, 3 Apr. 69; Sup. Amdt. No. 2; Dated, 27 Jan. 68

14. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Los Angeles VOR	Romeo LOM (OS)	Direct	3500	MAP: 6.3 miles after passing Romeo LOM (OS).
Santa Monica COR	Romeo LOM (OS)	Direct	3700	
Tower Int	Romeo LOM (OS)	Direct	4000	Climb to 2000′ on crs 248° within 15 miles of Romeo LOM (OS).
Bassett Int	Downey NDB	Direct	3000	Supplementary charting information: Chart 1554′ antenna at 33°45′/118°10′. TDZ elevation, 120′.
LaHabra Int	Downey NDB	Direct	3000	
SLI VOR	Downey NDB	Direct	3000	
Downey NDB	Romeo LOM (OS) (NOPT)	Direct	3000	
			2200	

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 2500′ within 10 miles of Romeo LOM (OS).
FAF, Romeo LOM (OS). Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM (OS), 2200′; over Arbor Int., 720′.
MSA: 045°–135°—4800′; 135°–225°—2600′; 225°–315°—4800′; 315°–045°—9100′.
NOTES: (1) ASR. (2) Inoperative component table not applicable to HIRL or SALS Runway 24.
%IFR departure procedures: Northbound (360° clockwise through 080°): Unless otherwise directed by ATC, published SIDs must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–24	720	RVR 50	600	720	RVR 50	600	720	RVR 50	600	720	RVR 60	600
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	594	720	1	594	720	1½	594	720	2	594
	NDB (ADF)/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–24	640	RVR 50	520	640	RVR 50	520	640	RVR 50	520	640	RVR 60	520
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.			T 2-eng. or less—Runways 16/34 and 6, Standard; Runways 7L/R, RVR 50′; Runway 24, RVR 40′; Runways 25L/R, RVR 24′.%			T over 2-eng.—Runways 16/34 and 6, Standard; Runways 7L/R, RVR 50′; Runway 24, RVR 40′; Runways 25L/R, RVR 24′.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126′; Facility, OS; Procedure No. NDB (ADF) Runway 24, Amdt. 1; Eff. date, 3 Apr. 69; Sup. Amdt. No. Orig.; Dated, 6 Feb. 69

15. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE .ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
MCN VORTAC	MC LOM	Direct	1800	MAP: ILS DH, 600′; LOC 3.8 miles after passing MC LOM.
Myrtle Int	MC LOM	Direct	1800	
Powersville Int	MC LOM (NOPT)	Direct	1600	Climbing left turn to 2200′ intercept 360° crs from MC LOM within 15 miles, or when directed by ATC, climb to 2200′ on 047° crs from MC LOM within 15 miles.
Roberta Int	MC LOM	Direct	1800	
				Supplementary charting information: TDZ elevation, 350′.

Procedure turn S side of crs, 227° Outbnd, 047° Inbnd, 1800′ within 10 miles of MC LOM.
FAF, MC LOM. Final approach crs, 047°. Distance FAF to MAP, 3.8 miles.
Minimum glide slope interception altitude, 1600′. Glide slope altitude at OM, 1490′; at MM, 540′.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.5 mile.
MSA: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—1900′; 270°–360°—2100′.
NOTES: (1) ASR. (2) LOC back crs unusable. (3) Inoperative component table does not apply to HIRL/ALS Runway 5.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–5	600	RVR 40	250	600	RVR 40	250	600	RVR 40	250	600	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5	760	RVR 50	410	760	RVR 50	410	760	RVR 50	410	760	RVR 50	410
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	506	860	1	506	860	1½	506	920	2	566
A	Standard.			T 2-eng. or less—RVR 24′, Runway 5; Standard all other runways.			T over 2-eng.—RVR 24′, Runway 5; Standard all other runways.					

City, Macon; State, Ga.; Airport name, Lewis B. Wilson; Elev., 354′; Facility, I-MCN; Procedure No. ILS Runway 5, Amdt. 14; Eff. date, 3 Apr. 69; Sup. Amdt. No. 13, Dated, 19 Aug. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Kalama Int	SVY NDB	Direct	3600	MAP: ILS DH 220′; LOC 4 miles after passing OM.
Oswego Int	SVY NDB	Direct	4000	
PDX VORTAC	SVY NDB	Direct	3400	$Climb to 3400′ direct to Lake (IA) LOM and hold. When directed by ATC, climb straight ahead to 400′, turn left, continue climb to 4000′, direct to PDX VORTAC and hold.
UBG VORTAC	SVY NDB	Direct	3700	
Scappoose Int	SVY NDB (NOPT)	Direct	3200	Supplementary charting information: $Hold E, 1 minute, left turns, 278° Inbnd. TDZ elevation, 20′.

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3400′ within 10 miles of SVY NDB.
FAF, OM. Final approach crs, 098°. Distance FAF to MAP, 4 miles.
Minimum altitude over OM, 1371′.
Minimum glide slope interception altitude, 3200′. Glide slope altitude at SVY NDB, 3111′; at OM, 1371′; at MM, 280′.
Distance to runway threshold at SVY NDB, 9.5 miles; at OM, 4 miles; at MM, 0.6 mile.
MSA: 000°–090°—5400′; 090°–180°—3300′; 180°–270°—4700′; 270°–360°—4000′.
NOTE: ASR/PAR.
%IFR departure procedures: Climb direct to PDX VORTAC. Continue climb on R 329° PDX VORTAC within 10 miles to cross PDX VORTAC at or above: Northeastbound, V448, 5500′; northeastbound, V448S, 2600′; eastbound, V112, 2900′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–10R	220	RVR 24	200	220	RVR 24	200	220	RVR 24	200	220	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–10R	500	RVR 24	480	500	RVR 24	480	500	RVR 24	480	500	RVR 40	480
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	674	720	1	694	720	1¼	694	980	2	954
A	Categories A, B, C, 700–2; Category D, 1000–2.			T 2-eng. or less—Runways 2/20, 700–1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24′.%			T over 2-eng.—Runways 2/20, 700–1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24′.%					

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26′; Facility, I-PDX; Procedure No. ILS Runway 10R, Amdt. 17; Eff. date, 3 Apr. 69; Sup. Amdt. No. 16; Dated, 27 Jan. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 329'; LOC 5 miles after passing OM.
Groves Int	Lake (IA) LOM	Direct	5400	$Climb to 3400', direct to SVY NDB and hold. When directed by ATC, climb straight ahead to 400', turn right, climb to 4000', direct to PDX VORTAC and hold.
PDX VORTAC	Lake (IA) LOM	Direct	3400	
Mount Scott Int	Lake (IA) LOM	Direct	3500	
Oswego Int	Lake (IA) LOM	Direct	3500	

Supplementary charting information: $Hold W, 1 minute, right turns, 098° Inbnd. TDZ elevation, 28'.

Procedure turn S side of crs, 098° Outbnd, 278° Inbnd, 3400' within 10 miles of Lake (IA) LOM.
FAF, OM. Final approach crs, 278°. Distance FAF to MAP, 5 miles.
Minimum altitude over Lake (IA) LOM, 1700'.
Glide slope interception altitude, 2900'. Glide slope altitude at OM, 1708'; at MM, 284'.
Distance to runway threshold at OM, 5 miles; at MM, 0.6 mile.
MSA: 000°–180°—6100'; 180°–270°—3200'; 270°–360°—5400'.
NOTES: (1) ASR/PAR. (2) Sliding scale not authorized. (3) Final approach from holding pattern at LOM not authorized, procedure turn required. (4) Inoperative table does not apply to HIRL or ALS Runway 28R. (5) Glide slope unusable below 329'.
%IFR departure procedures: Climb direct to PDX VORTAC, continue climb on R 329° PDX VORTAC within 10 miles to cross PDX VORTAC at or above: Northeastbound, V448, 5500'; northeastbound, V448S, 2600'; eastbound, V112, 2900'.
°1700' glide slope not used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-28R	326	RVR 50	300	326	RVR 50	300	326	RVR 50	300	326	RVR 50	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28R°	560	RVR 50	534	560	RVR 50	534	560	RVR 50	534	560	RVR 60	534
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	674	720	1	694	720	1½	694	980	2	954
A	Categories A, B, C, 700–2; Category D, 1000–2.			T 2-eng. or less—Runways 2/20, 700–1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24'. %			T over 2-eng.—Runways 2/20, 700–1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24'.%					

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 20'; Facility, I-IAP; Procedure No. ILS Runway 28R, Amdt. 3; Eff. date, 3 Apr. 69; Sup. Amdt No. 2; Dated, 27 Jan. 68

16. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 902'. LOC 6.1 miles after passing LOM.
Saranac Int	GR LOM (NOPT)	Direct	2500	Climb straight ahead to 2500° and proceed to Wilson Int.
Walker Int	GR LOM	Direct	2500	
Orangeville Int	GR LOM	Direct	2800	Supplementary charting information: TDZ elevation, 759'.
GRR VOR	GR LOM	Direct	2500	
Sun Int	GR LOM	Direct	2500	
Wilson Int	GR LOM	Direct	2500	

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 2500' within 10 miles of GR LOM.
FAF, GR LOM. Final approach crs, 262°. Distance FAF to MAP, 6.1 miles.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2422'; at MM, 903'.
Distance to runway threshold at OM, 6.1 miles; at MM, 0.6 mile.
MSA: 000°–090°—2400'; 090°–180°—2300'; 180°–270°—2900'; 270°–360°—2300'.
NOTE: Glide slope unusable below 970'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-26	902	RVR 24	200	902	RVR 24	200	902	RVR 24	200	902	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26	1180	RVR 24	368	1180	RVR 24	368	1180	RVR 24	368	1180	RVR 40	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	447	1260	1	467	1260	1¼	467	1260	2	467
A	Standard.			T 2-eng. or less—RVR 24', Runway 26; Standard all other runways.			T over 2-eng.—RVR 24', Runway 26; Standard all other runways.					

City, Grand Rapids; State, Mich.; Airport name, Kent County; Elev., 709'; Facility, I-GRR; Procedure No. ILS Runway 26, Amdt. 5; Eff. date, 3 Apr. 69; Sup. Amdt. No. 4; Dated, 3 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM/Int.
LAX VOR	Romeo LOM/Int	Direct	3500	Initiate immediate climb on localizer crs to 500'; turn right, continue climb to 4000' via 265° heading and LAX R 276° to Topanga Int.
SLI VOR	Commerce Int	Direct	3000	
Royal Int	Commerce Int	Direct	3500	
El Monte Int	Commerce Int	SLI R 340° and I-OSS E crs	3500	
Commerce Int	Romeo LOM/Int (NOPT)	Direct	2700	Supplementary charting information: TDZ elevation, 120'.
SMO VOR	Romeo LOM/Int	Direct	3500	

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 2500' within 10 miles of Romeo LOM/Int.
FAF, Romeo LOM/Int. Final approach crs, 248°, Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM/Int, 2200'; over Arbor Int, 640'.
Minimum glide slope interception altitude, °°2360'. Glide slope altitude at OM, 2196'; at MM, 317'.
Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile.
MSA: 045°–135°—4800'; 135°–225°—2600'; 225°–315°—4800'; 315°–045°—9100'.
NOTES: (1) ASR. (2) Components inoperative table does not apply to HIRLs or SALS Runway 24. (3) During simultaneous approaches (LAX Runway 24 and HHR Runway 25), aircraft must be radar vectored to FAF (Romeo LOM/Int). (4) Back crs unusable. (5) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.

% IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.
°°2200' when authorized by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-24	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	640	RVR 50	520	640	RVR 50	520	640	RVR 50	520	640	RVR 60	520
	LOC/VOR Minimums:											
S-24	500	RVR 50	380	500	RVR 50	380	500	RVR 50	380	500	RVR 50	380
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1¼	514	680	2	554
A	Standard.			T 2-eng. or less.—Runways 16/34 and 6, Standard; Runways 7L/R, RVR 50'; Runway 24, RVR 40'; Runways 25L/R, RVR 24'. %			T over 2-eng.—Runways 16/34, and 6, Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runways 25 L/R, RVR 24'. %					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-OSS; Procedure No. ILS Runway 24, Amdt. 2; Eff. date, 3 Apr. 69; Sup. Amdt. 1; Dated, 6 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach
Walnut Int	Bassett Int	Direct	3500	MAP: ILS DH, 300'; LOC 5.4 miles after passing Lima LOM/Int.
Bassett Int	Downey FM/Int	Direct	3500	
LaHabra Int	Bassett Int	DR 293°/5 miles and E crs LOC.	3500	
SLI VOR	Downey FM/Int	Direct	3500	Initiate immediate climb on localizer crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int.
Downey FM/Int	Century Int	Direct	3500	
LAX VOR	Lima LOM/Int	Direct	4000	Supplementary charting information: Chart Downey NDB although not used in procedure. Chart 1554' antenna at 33°44'46"/118°20'07". TDZ elevation, 100'.
Tower Int	Lima LOM/Int	Direct	3500	
Century Int	Lima LOM/Int (NOPT)	Direct	4000	
Lima LOM/Int	Century Int	Direct	1900	
			2500	

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 3500' within 10 miles of Century Int.
FAF, Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Century Int, 3500'; over Lima LOM/Int, 1900'; over Whelan Int, 620'.
Minimum glide slope interception altitude, °3500'. Glide slope altitude at OM, 1886'; at MM, 324'.
Distance to runway threshold at OM, 5.4 miles; at MM, 0.5 mile.
MSA: 045°–135°—4800'; 135°–225°—2600'; 225°–315°—4800'; 315°–045°—9100'.
NOTES: (1) ASR. (2) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
%IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.
⁴1900' when authorized by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25L	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25L	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
	LOC/VOR Minimums:											
S-25L	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.			T 2-eng. or less—Runways 16/34 and 6, Standard; Runways 7L/R, RVR 50'; Runway 24, RVR 40'; Runways 25L/R, RVR 24'.%			T over 2-eng.—Runways 16/34 and 6, Standard; Runways 7L/R, RVR 50'; Runway 24, RVR 40'; Runways 25L/R, RVR 24'.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. ILS Runway 25L, Amdt. 33; Eff. date, 3 Apr. 69; Sup. Amdt. No. 32; Dated, 6 Feb. 69

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach
Walnut Int	Bassett Int	Direct	3500	Initiate immediate climb on localizer crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int.
Bassett Int	Downey FM/Int	Direct	3500	
LaHabra Int	Bassett Int	DR 293°/5 miles and E crs LOC.	3500	
SLI VOR	Downey FM/Int	Direct	3500	Supplementary charting information: Chart Downey NDB although not used in procedure. Chart 1554' antenna at 33°44'46"/118°20'07". TDZ elevation, 100'.
Century Int	Lima LOM/Int (NOPT)	Direct	4000	
Tower Int	Lima LOM/Int	Direct	1900	
Downey FM/Int	Century Int	Direct	4000	
LAX VOR	Lima LOM/Int	Direct	3500	
Lima LOM/Int	Century Int	Direct	3500	
			3500	

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 3500' within 10 miles of Century Int.
FAF, Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Century Int, 3500'; over Lima LOM/Int, 1900'; over Lake Int, 620'.
Minimum glide slope interception altitude, °3500'. Glide slope altitude at OM, 1886'; at MM, 324'.
Distance to runway threshold at OM, 5.4 miles; at MM, 0.5 mile.
MSA: 045°–135°—4800'; 135°–225°—2600'; 225°–315°—4800'; 315°–045°—9100'.
NOTES: (1) ASR. (2) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
% IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.
⁴1900' when authorized by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25R	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25R	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
	LOC/VOR Minimums:											
MDA:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25R	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.			T 2-eng. or less—Runways 16/34 and 6, Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.%			T over 2-eng.—Runways 16/34 and 6, Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R RVR 24'.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. ILS Runway 25R, Amdt. 10; Eff. date, 3 Apr. 69; Sup Amdt. No. 9; Dated, 6 Feb. 69

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach
RUNWAY 24				MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM/Int.
				Initiate immediate climb on localizer crs to 500'; turn right, continue climb to 4000' via 265° heading and LAX R 276° to Topanga Int.
				Supplementary charting information: TDZ elevation, 120'.
RUNWAY 25L:				MAP: ILS DH 300'. LOC 5.4 miles after passing Lima LOM/Int.
Century Int	Lima LOM/Int	Direct	1900	Initiate immediate climb on localizer crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int.
				Supplementary charting information: TDZ elevation, 100'.

Runway 24:
Procedure turn not authorized. Approach crs (profile) starts at Romeo LOM/Int.
FAF, Romeo LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM/Int, 2200'; over Arbor Int, 640'.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2100'; at MM, 317'.
Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile.
Runway 25L:
Procedure turn not authorised. Approach crs (profile) starts at Century Int.
FAF, Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Century Int, 3500'; over Lima LOM/Int, 1900'; over Whelan Int, 620'.
Minimum glide slope interception altitude, 3500'. Glide slope altitude at OM, 1886'; at MM, 324'.
Distance to runway threshold at OM, 5.4 miles; at MM, 0.5 mile.
NOTES: (1) ASR. (2) Radar required. (3) Use of this procedure is mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC or ADF and localizer receivers are operating simultaneously. (4) When any required airborne receivers in note (3) are malfunctioning or a parallel approach is not desired, immediate notification of Los Angeles approach control is mandatory. (5) When advised that parallel operations are in progress, the pilot will be prepared to accept or reject an approach to either Runway 25L or Runway 24. (6) Components inoperative table does not apply to HIRL or SALS Runway 24. (7) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
%IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
Runway 24:												
S-24	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	640	RVR 50	520	640	RVR 50	520	640	RVR 50	520	640	RVR 50	520
	LOC/VOR Minimums:											
S-24	500	RVR 50	380	500	RVR 50	380	500	RVR 50	380	500	RVR 50	380
Runway 25L:												
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25L	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25L	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
	LOC/VOR Minimums:											
S-25L	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360
A	Standard.			T 2-eng. or less—Runways 16/34 and 6, Standard; Runways 7L/R, RVR 50'; Runway 24, RVR 40'; Runways 25L/R, RVR 24'.%			T over 2-eng.—Runways 16/34 and 6, Standard; Runways 7L/R, RVR 50'; Runway 24, RVR 40'; Runways 25L/R, RVR 24'.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility Runway 24, I-OSS, Runway 25L, I-LAX; Procedure No. Parallel ILS Runways 25L/24 Amdt. 2; Eff. date, 3 Apr. 69; Sup. Amdt. No. 1; Dated, 6 Feb. 69

17. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
000°	360°	12	1000	12-25	2000							

1. Descend aircraft after passing FAF.
2. Runway 5—FAF, 5 miles from threshold. TDZ elevation, 250'.
3. Runway 12—FAF, 5 miles from threshold. TDZ elevation, 353'.
4. Runway 23—IAF, 6-mile Radar Fix minimum altitude, 1700'.

FAF, 4 miles from threshold. TDZ elevation, 354'. Inoperative component table does not apply to HIRL Runways 23-5 and ALS Runway 5.

Radar control will provide 1000' vertical clearance within a 3-mile radius of the following towers: 751', 2 miles SW; 655', 12.5 miles SW; 800', 14 miles SW; 1549', 20 miles SE; 1209', 8 miles NE; 845', 11 miles NE; 884', 12 miles NNW.

All bearings and distances are from radar site on Robins Air Force Base with sector azimuths progressing clockwise.

Missed approach:
Runway 5—Climb to 2200' on R 040° MCN VORTAC within 15 miles.
Runway 12—Right turn climb to 2000' on R 227° MCN VORTAC within 15 miles.
Runway 23—Climb to 2000' on R 227° MCN VORTAC within 15 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	760	RVR 50	410	760	RVR 50	410	760	RVR 50	410	760	RVR 50	410
S-12	820	1	467	820	1	467	820	1	467	820	1	467
S-23	820	1	466	820	1	466	820	1	466	820	1	466
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-5-23-13	860	1	506	860	1	506	860	1¼	506	920	2	566
A	Standard.		T 2-eng. or less—RVR 24', Runway 5; Standard all other runways.				T over 2-eng.—RVR 24', Runway 5; βstandard all other runways.					

City, Macon; State, Ga.; Airport name, Lewis B. Wilson; Elev., 354'; Facility, Macon Radar; Procedure No. Radar-1, Amdt. 7; Eff. date, 3 Apr. 69; Sup. Amdt. No. Radar 1, Amdt. 6; Dated, 13 Aug. 66

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by Portland ASR minimum vectoring chart.												

1. Descend aircraft to MDA after FAF.
2. Runway 10R—FAF, 6 miles from threshold; minimum altitude over 3-mile Fix, 900'. TDZ elevation, 20'.
3. Runway 28R—FAF, 6 miles from threshold. TDZ elevation, 23'.
4. Runway 20—FAF, 6 miles from threshold. TDZ elevation, 23'.

Missed approach: All runways—Climb to 4000', direct to PDX VORTAC and hold. When directed by ATC runway 10R, climb to 3400' direct to Lake (IA) LOM and hold; Runway 28R, climb to 3400' direct to SLY NDB and hold.

*Sliding scale not authorized. Inoperative components table does not apply to HIRL or ALS Runways 10R and 28R for ASR approaches.

%IFR departure procedures: Climb direct to PDX VORTAC. Continue climb on R 320° PDX VORTAC within 10 miles to cross PDX VORTAC at or above: North eastbound V448, 5500'; northeastbound V448, 2600'; eastbound, V112, 2900'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
Precision Approach:												
S-10R	220	RVR 24	200	220	RVR 24	200	220	RVR 24	200	220	RVR 24	200
Surveillance Approaches:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10R*	680	RVR 50	660	680	RVR 50	660	680	RVR 60	660	680	1½	660
S-28R*	720	RVR 50	694	720	RVR 50	694	720	RVR 60	694	720	1½	694
S-20*	680	-1	657	680	1	657	680	1½	657	680	1½	657
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	694	720	1	694	720	1½	694	980	2	954
A	1000-2.		T 2-eng. or less—Runways 2/20, 700-1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24'.%				T over 2-eng.—Runways 2/20, 700-1; Runways 10L/28L, Standard; Runways 10R/28R, RVR 24'.%					

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26'; Facility, Portland Radar; Procedure No. Radar-1, Amdt. 13; Eff. date, 3 Apr. 69; Sup. Amdt. No. 12; Dated, 27 Jan. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on February 25, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-2624; Filed, Mar. 13, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-565; Amdt. 8]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS, AND MEMORANDA

Names and Addresses of Passengers on Charter Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1969.

In Regulation SPR-29, issued concurrently herewith, Part 375 is amended to require operators of foreign civil aircraft holding permits under section 1108(b) of the Act to obtain a list of names and addresses of passengers on charter flights and retain such lists for 6 months. This amendment to Part 249 merely reflects the record-retention requirements of Part 375.

Accordingly, the Board hereby amends § 249.11 of the Economic Regulations (14 CFR 249.11), effective April 14, 1969, by revising the "Category of Records" table to read as follows:

§ 249.11 Period of preservation of records by holders of foreign civil aircraft permits.

* * * * *

Category of Records	*Period to be retained*
1. True copies of all cargo manifests, air waybills, invoices, and other documents covering cargo flights originating or terminating in the United States.[1]	1 year.
2. Lists of names and addresses of all passengers on charter flights originating or terminating in the United States.[2]	6 months.

[1] Pursuant to § 375.43(b) of the Board's special regulations, the holder of a permit authorizing 10 or more cargo flights originating in the United States in a 90-day period shall maintain a place in the United States where such documents may be inspected at any proper time by authorized representatives of the Board or the Federal Aviation Administration. Records of flights terminating in the United States and flights performed pursuant to a permit authorizing less than 10 flights in any 90-day period need not be maintained in the United States but shall be made available to the Board upon demand.

[2] Pursuant to § 375.43(c) of the special regulations, lists of names and addresses of all passengers on charter flights shall be made available to the Board in the United States upon demand.

(Secs. 204(a) and 1108(b), Federal Aviation Act of 1958, as amended; 72 Stat. 743, 798; 49 U.S.C. 1324, 1508)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3099; Filed, Mar. 13, 1969; 8:48 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-29; Amdt. 7]

PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN UNITED STATES

Names and Addresses of Passengers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1969.

By notice of proposed rule making issued January 14, 1969, SPDR-14 and EDR-153, Docket 20653, and published at 34 F.R. 760, the Board advised of its intention to amend Part 375 to require operators of foreign civil aircraft to obtain passenger manifests containing the names and addresses of passengers on commercial flights originating or terminating in the United States and retain such records for 6 months. Part 249 would be similarly amended to reflect the record-retention requirement.

Interested persons were afforded an opportunity to participate in the making of this rule, but no comments were received. Therefore, the Board will make final the rule as proposed, except for a minor editorial change. The rule will specify that a "list" of passenger names and addresses be obtained rather than a "passenger manifest" in order to avoid possible confusion with formal clearance documents prescribed by international agreement.

Accordingly, the Board hereby amends § 375.43 of the Special Regulations (14 CFR 375.43), effective April 14, 1969, by revising the introductory sentence of paragraph (a), and revising paragraphs (b) and (c) to read as follows:

§ 375.43 Keeping of records on commercial transport operations.

(a) *Cargo documents.* The holder of a permit for cargo operations issued under § 375.42 shall issue a manifest or shipping document with respect to each shipment which shall contain, but need not be limited to, the following information:

* * * * *

(b) *Retention of cargo documents.* The holder of a permit for cargo operations issued under § 375.42 shall keep, for a period of 1 year, true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States. The holder of a permit authorizing 10 or more flights originating in the United States in a 90-day period shall maintain a place in the United States where such documents may be inspected at any proper time by authorized representatives of the Board or the Federal Aviation Administration. Records of flights terminating in the United States and flights conducted pursuant to a permit authorizing less than 10 flights in any 90-day period need not be maintained in the United States but shall be made available to the Board upon demand.

(c) *Contents and retention of documents for passenger flights.* The holder of a permit for passenger charters originating or terminating in the United States issued under § 375.42 shall require each charterer to file with it prior to flight a list of the names and addresses of all passengers to be transported on each flight. All passenger lists shall be retained for a period of 6 months and be made available to the Board in the United States upon demand.

(Secs. 204(a) and 1108(b), Federal Aviation Act of 1958, as amended; 72 Stat. 743, 798; 49 U.S.C. 1324, 1508)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3100; Filed, Mar. 13, 1969; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Reporting Requirements

On December 19, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 18926) a notice of rule making which added new §§ 20.407 and 20.408 to the Commission's "Standards for Protection Against Radiation," 10 CFR Part 20. These amendments, which became effective on February 17, 1969, require four specified categories of licensees to report to the Commission certain information on radiation exposures to monitored individuals.

A number of comments have been received on problems associated with the provision in § 20.408 that requires reports of personnel exposure on termination of employment or work assignment to be submitted within 30 days from the date of termination. The problems raised by this reporting requirement involve special handling of film badges and bioassay samples, disruption of routine processing procedures, and inherent delays in the exposure evaluation process, particularly when exposures to concentrations of radioactive material are involved.

In response to these comments, the Commission is amending § 20.408 to provide that such reports shall be furnished within 30 days after the exposure of the terminated individual has been determined by the licensee or 90 days after the date of termination of employment or work assignment, whichever is earlier.

Because this amendment relates solely to minor procedural matters and is intended to provide relief from, rather than to impose, restrictions under regulations currently in effect, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendment effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 20, is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

Section 20.408 of 10 CFR Part 20 is amended by deleting the last sentence "Such report shall be furnished within 30 days from the date of termination of employment or work assignment." and substituting therefor "Such report shall be furnished within 30 days after the exposure of the individual has been determined by the licensee or 90 days after the date of termination of employment or work assignment, whichever is earlier." As amended, § 20.408 reads as follows:

§ 20.408 Reports of personnel exposure on termination of employment or work.

When an individual terminates employment with a licensee subject to § 20.407, or an individual assigned to work in such a licensee's facility, but not employed by the licensee, completes his work assignment in the licensee's facility, the licensee shall furnish to such individual and to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, a report of the individual's exposure to radiation and radioactive material, incurred during the period of employment or work assignment in the licensee's facility, containing information recorded by the licensee pursuant to §§ 20.401(a) and 20.108. Such report shall be furnished within 30 days after the exposure of the individual has been determined by the licensee or 90 days after the date of termination of employment or work assignment, whichever is earlier.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 11th day of March 1969.

For the Atomic Energy Commission.

W. B. McCOOL, *Secretary.*

[F.R. Doc. 69-3178; Filed, Mar. 13, 1969; 9:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Amyl Nitrite Inhalant as Prescription Drug for Human Use; Change in Effective Date

The Commissioner of Food and Drugs originally proposed in the FEDERAL REGISTER of August 25, 1967 (32 F.R. 12404), that certain nitroglycerin tablets be authorized for marketing as over-the-counter drugs without prescription on the same basis that amyl nitrite inhalants had been marketed for some years.

Having considered all views and comments received, the Commissioner published an order (21 CFR 3.71) in the FEDERAL REGISTER of November 28, 1968 (33 F.R. 17751), rejecting the original proposal and calling for amyl nitrite inhalants to bear the prescription legend in 90 days from said publication date.

The Commissioner has been informed of problems in utilization of stocks of metal containers for amyl nitrite inhalants that were on hand at the time of the order of November 28, 1968, and do not bear the prescription legend and has been requested to extend the effective date of § 3.71. In consideration of the facts involved, the Commissioner concludes that said effective date should be changed to July 1, 1969.

Accordingly, pursuant to the authority contained in the Federal Food, Drug, and Cosmetic Act (secs. 503(b), 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 353(b), 371(a)) and delegated to the Commissioner (21 CFR 2.120), § 3.71(c) is revised to read as follows:

§ 3.71 Amyl nitrite inhalant as a prescription drug for human use.

* * * * *

(c) Regulatory proceedings may be initiated with regard to the interstate shipment of amyl nitrite inhalant that is labeled, advertised, or dispensed contrary to this statement of policy if such act occurs after July 1, 1969.

(Secs. 503(b), 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 353(b), 371(a))

Dated: March 7, 1969.

HERBERT L. LEY, JR., *Commissioner of Food and Drugs.*

[F.R. Doc. 69-3077; Filed, Mar. 13, 1969; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl S-[4-Oxo-1,2,3,-Benzotriazin-3(4H)-Ylmethyl] Phosphorodithioate

A petition (PP 9F0762) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing that § 120.154 be amended to permit postharvest application of *O,O*-dimethyl *S*-[4-oxo-1,2,3,-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in the production of tomatoes (currently only preharvest application is permitted). No change is proposed in the tolerance level of 2 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being changed to cover postharvest application.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the postharvest application of the subject insecticide will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.154 is amended by revising the paragraph "2 parts per million * * *" to read as follows:

§ 120.154 *O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate; tolerances for residues.

* * * * *

2 parts per million in or on alfalfa, apples, apricots, artichokes, barley straw, blackberries, boysenberries, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, citrus fruits, clover, crabapples, cranberries, cucumbers, loganberries, melons (honeydew melons, muskmelons, cantaloups, watermelons, and other melons), nectarines, oat straw, onions, peaches, pears, plums (fresh prunes), quinces, raspberries, rye straw, snap beans, spinach, strawberries, tomatoes (from pre- and post-harvest applications), and wheat straw.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 7, 1969.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[F.R. Doc. 69-3078; Filed, Mar. 13, 1969; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Muir Woods National Monument, Calif.

A proposal was published at page 14710 of the FEDERAL REGISTER of October 2, 1968 (Volume 33, No. 192) to revise § 7.6 of Title 36 of the "Code of Federal Regulations." The effect of the amendment is to eliminate material concerning dogs which is duplicated in the general regulations (§ 2.8) and to clarify the purpose and intent of the regulation with regard to all pets.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. Consideration having been given to all relevant matters presented, it has been determined that the amendment should be and is hereby adopted without change and it is set forth below.

These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 245 DM-1 (27 F.R. 6395); National Park Service Order No. 34 (31 F.R. 4255))

Paragraph (b) of § 7.6 is revised to read as follows:

§ 7.6 Muir Woods National Monument.

* * * * *

(b) *Pets.* Dogs, cats, and other pets are allowed in the monument only under leash.

* * * * *

RICHARD S. TOUSLEY, *Superintendent, Muir Woods National Monument.*

[F.R. Doc. 69-3076; Filed, Mar. 13, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

The objective of these changes is to improve the utilization of motor vehicle parking facilities in and around Government-owned properties under the custody and control of GSA. The changes establish new procedures, restate priorities, and describe techniques which will be used in connection with vehicle parking.

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–18—ACQUISITION OF REAL PROPERTY

Subpart 101–18.1—Acquisition by Lease

Section 101–18.107 is amended to add a new paragraph (c) which prescribes an additional limitation on agencies' use of delegated leasing authority. As amended, the section reads as follows:

§ 101–18.107 Limitations on the use of delegated authority.

* * * * *

(c) Agencies having a need for other than temporary parking accommodations in the urban centers listed in § 101–18.104, for Government-owned motor vehicles not regularly housed by GSA, shall ascertain the availability of Government owned or controlled parking from GSA in accordance with the procedure outlined in § 101–20.102(b) prior to instituting procurement action to acquire parking space.

PART 101–19—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101–19.1—Operation and Maintenance

Section 101–19.111–2 is revised to restate the policy applicable to the allocation of vehicle parking facilities. As revised, the section reads as follows:

§ 101–19.111–2 Policy.

(a) GSA will establish, to the extent funds are available therefor, vehicle parking facilities in and around existing Government-owned properties under the custody and control of GSA. Such facilities will be consistent with the character

of other properties in the neighborhood, will not adversely affect the use or appearance of the Government property, and will not constitute a traffic hazard. GSA will allocate parking space at the facility in the following order of priority:

(1) Postal maneuvering area, and postal vehicle parking at buildings containing Post Office mail operations;

(2) Vehicles of patrons and visitors and service vehicles;

(3) Government-owned vehicles used for criminal apprehension law enforcement activities;

(4) Privately owned vehicles of Federal judges, Members of Congress, and heads of occupant agency offices (Priority is limited to the individuals and does not include members of their staffs.);

(5) Official parking (other than (1) and (3) above):

(i) Net requirements of motor pool dispatch vehicles, which is an amount less than the total number of vehicles assigned to dispatch service of the pool (The ratio of space to be provided will vary between approximately 60 percent and 80 percent of the total number of dispatch vehicles assigned to the motor pool, depending on the nature of the pool operation. See subparagraph (1), below.);

(ii) Government-owned vehicles in regular use for official business;

(iii) Privately owned vehicles used regularly for official business, i.e., 12 or more workdays per month; and

(6) Vehicles of employees of occupant agencies.

(b) From time to time, as necessary and appropriate, GSA will make surveys, conduct studies, and review parking space allocations to:

(1) Determine the rate of utilization of space in vehicle parking facilities and increase, where feasible, the number of vehicles authorized to use the facilities; and

(2) Reallocate spaces, as necessary, in accordance with the priorities set forth in § 101–19.111–2(a), above.

(c) Where appropriate, GSA will overallocate spaces to compensate for employees on leave or otherwise absent.

(d) GSA will coordinate agency vehicle parking requirements within the urban centers listed in § 101–18.104 to the end that agencies are made aware of the availability of parking space within each urban center.

(e) See §§ 101–18.107(c) and 101–20.102(b) for instructions concerning the procurement of commercial parking space by executive agencies.

(f) GSA or agencies, as appropriate, will employ commercial practices of parking management concerns where vehicles are parked bumper-to-bumper with a minimum of access aisles. In those instances, allocations will be made to block areas rather than to individual spaces, thus enabling overallocation to compensate for employees on leave or otherwise absent. In instances where allocation of parking spaces is made on the basis of individual spaces rather than block areas, poor utilization usually results. Therefore, adequate justification must be documented showing economic or other significant reasons for individual space allocation rather than block allocation. Paid attendants may be used in some instances under arrangements with a parking management contractor (concessionaire). In those instances, charges shall be made for parking to compensate the concessionaire. In other instances, self-parking on a bumper-to-bumper basis without the use of attendants may be arranged through agency cooperation, with no charges being made for parking.

(g) In the process of laying out parking spaces for maximum utilization, GSA safety specialists will review the proposed arrangements to ensure compliance with sound safety and fire prevention practices.

(h) Heads of agencies, in assigning spaces to Government employees, shall promote the use of car pools so that maximum use is made of parking facilities.

(i) Motor pool vehicles and vehicles on indefinite assignment to agencies shall be subject to the same parking procedures (such as bumper-to-bumper parking) as employee vehicles. Use shall be made of motor pool space during other than early morning or late afternoon hours for visitors, service vehicles, and others who may require parking spaces during this period. Motor pool areas shall also be used for physically handicapped Government employees, and Members of Congress who use their offices on an infrequent basis. In connection with the part-time use of these spaces, street parking, municipal lots, and commercial parking facilities may be used during early and late hours when Government-owned vehicles are occupying assigned spaces.

(j) The provision of facilities for storing privately owned vehicles which have been impounded by law enforcement agencies shall be limited to outlying locations where spaces are not at a premium.

PART 101–20—ASSIGNMENT AND UTILIZATION OF SPACE

Subpart 101–20.1—Assignment of Space

1. Section 101–20.102 is revised to read as follows:

§ 101–20.102 Requests for space.

(a) Except as provided in § 101–20.102–2, Federal agencies shall satisfy their space needs by submitting a request in the proper form to the GSA regional office responsible for the geographic area in which the space is located. A listing of GSA regional offices and the areas they serve is shown in § 101–20.4801.

(b) Agencies having a need for other than temporary parking accommodation in the urban centers listed in § 101–18.104, for Government-owned motor vehicles not regularly housed by GSA, shall, prior to initiating procurement action for parking accommodations, make their needs for such facilities known to the appropriate GSA regional office. The request, which may be in the form provided in § 101–20.102.1 (Standard Form 81, Request for Space), will be reviewed by GSA to determine the availability of Government owned or controlled space. The agency shall be notified promptly should no such space be available. This notification shall become a part of the file supporting the subsequent procurement.

2. Section 101–20.102–2 is amended to delete the cross-references contained in paragraphs (b) and (c). As amended, the section reads as follows:

§ 101–20.102–2 Exceptions to submitting requests for space.

* * * * *

(b) Special purpose space of 2,500 square feet or less irrespective of geographical location.

(c) Commercial space acquired by lease by the Post Office Department for postal purposes.

3. Section 101–20.4801 is amended to change the addresses of two GSA regional offices. As amended the section reads as follows:

§ 101–20.4801 GSA regional offices.

GSA region	Area served	Mailing address
* * *	* * *	* * *
2	Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, and the Virgin Islands.	General Services Administration, 26 Federal Plaza, New York, N.Y. 10007.
* * *	* * *	* * *
7	Arkansas, Louisiana, Oklahoma, and Texas.	General Services Administration, 819 Taylor St., Fort Worth, Tex. 76102.
* * *	* * *	* * *

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

The table of contents for Part 101–38 is amended to provide the following new entry:

101–38.1104 Procurement of parking.

Subpart 101–38.11—Storage of Government Motor Vehicles

New § 101–38.1104 is added as follows:

§ 101–38.1104 Procurement of parking.

Prior to the procurement of other than temporary parking accommodations in urban centers (see § 101–18.107) agencies shall determine the availability of Government owned or controlled parking space in accordance with the provisions of § 101–20.102(b).

PART 101–39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 101–39.7—Care of Vehicles

Section 101–39.702 is amended by adding a new sentence in paragraph (b). As revised, paragraph (b) reads as follows:

§ 101–39.702 Storage.

* * * * *

(b) Whenever interagency motor pool vehicles are stored at other than a designated storage point of an interagency motor pool, the storage cost is the responsibility of the using agency. Prior to the procurement of other than temporary parking accommodations in urban centers (see § 101–18.107) agencies shall determine the availability of Government owned or controlled parking space in accordance with the provisions of § 101–20.102(b).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on publication in the FEDERAL REGISTER.

Dated: March 7, 1969.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 69–3075; Filed, Mar. 13, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Parts 55, 56, 57]

METAL AND NONMETALLIC MINES

Health and Safety Standards; Notice of Extension of Time for Comments

In Part II of the FEDERAL REGISTER for January 16, 1969, there were published proposed health and safety standards for metal and nonmetallic mines under the Federal Metal and Nonmetallic Mine Safety Act. The proposed standards would be added to Title 30 of the Code of Federal Regulations as new Parts 55, 56, and 57, relating, respectively, to open pit mines, sand, gravel, and crushed stone operations, and underground mines.

A period of 60 days from publication in the FEDERAL REGISTER was afforded to submit written data, views, arguments, and objections. Requests have been received for an extension of the time within which to comment on the proposed standards. In view of the number and comprehensive nature of the standards proposed, the time within which to submit comments upon the proposed standards is extended for an additional 45 days to May 1, 1969. Communications should be addressed to Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

March 11, 1969.

RUSSELL E. TRAIN,
Under Secretary of the Interior.

[F.R. Doc. 69-3147; Filed, Mar. 12, 1969; 12:50 p.m.]

Fish and Wildlife Service

[50 CFR Part 280]

EASTERN PACIFIC TUNA FISHERIES, YELLOWFIN TUNA

Notice of Proposed Rule Making

Experience gained since the adoption of the regulations effective June 11, 1968 (33 F.R. 8544) prescribing the restrictions of the taking of yellowfin tuna from a defined area of the Eastern Pacific Ocean has demonstrated a need for a revision in the regulations to make them more effective in implementing the yellowfin conservation measures promulgated by the Inter-American Tropical Tuna Commission. Because of the greatly increased capacity of the tuna fleet fishing this area, an early closure of the yellowfin season is likely to occur. Therefore a notice of proposed rule making is being published at this time, before the 1969 annual meeting of the Inter-American Tropical Tuna Commission, so that an amendment may be adopted before the closure date.

The proposed amendments are to be issued under the authority contained in subsection (c) of section 6 of the Tuna Convention Act of 1950, as amended (16 U.S.C. 955(e)).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 300 South Ferry Street, Terminal Island, Calif. 90731, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, unless the closure comes before this time, in which case regulations could be adopted as an emergency measure. Interested persons will also be afforded an opportunity to comment orally on the proposed amendments at a public hearing to be held at the United Portuguese Club, 2818 Addison Street, San Diego, Calif., beginning at 9:30 a.m., April 2, 1969. Any person who intends to present views orally at this hearing is requested to furnish in writing his name and the name of the organization he represents, if any, to the said Regional Director.

The proposed amendments are described below.

1. Add a new paragraph (o) to § 280.1 to read as follows:

§ 280.1 Definitions.

* * * * *

(o) *Eastern Pacific Ocean.* That portion of the Pacific Ocean lying east of 135° west longitude.

§ 280.6 [Amended]

2. Add a new paragraph (e) to § 280.6 to read as follows (shown in two alternative forms, one of which may be adopted):

(e) On trips begun after the closure of the yellowfin season;

(1) All yellowfin tuna caught by fishing vessels which fished both within and without the regulatory area in the Pacific Ocean will be presumed to have been taken from within the regulatory area and shall be subject to the incidental catch limitations applicable.

(2) Any master or other person in charge of a fishing vessel who plans to fish exclusively in areas of the Pacific Ocean outside of the regulatory area shall, before departure from port, notify the Regional Director by registered letter or telegram of this intent, giving the name of the vessel, the anticipated fishing area, the vessel's identification mark, and the date of departure from port. The required identification mark shall be placed on top of the wheelhouse of the vessel so that it is visible from the air. Symbols, numbers, or letters, not to exceed three (3) in combination, used for this purpose shall be approved by the Regional Director. Failure to furnish this notification will subject the yellowfin tuna caught on such a trip to the closed season incidental catch limitation applicable to the regulatory area: *Provided, however,* That any master or other person in charge of a fishing vessel may during the course of a fishing trip cancel such plans to fish exclusively in areas of the Pacific Ocean outside of the regulatory area by notifying the Regional Director in advance by radio-telephone or radiogram giving the date and time of the intended cancellation and the position of the vessel. After a cancellation, all yellowfin tuna aboard the vessel will be presumed to have been taken from within the regulatory area and subject to the incidental catch limitations applicable.

or an alternative:

(e) All yellowfin tuna aboard a fishing vessel which departed port after the closure of the yellowfin season and fished within the eastern Pacific Ocean will be presumed to have been taken within the regulatory area and shall be subject to the incidental catch limitations applicable.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated March 12, 1969.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3124; Filed, Mar. 13, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1103]

[Milk Order 103]

MILK IN MISSISSIPPI MARKETING AREA

Termination of Proceeding to Suspend Certain Provisions of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rule making was issued by the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on February 12, 1969, with respect to suspension or termination of a diversion provision and suspension of the base and excess provisions of the order regulating the handling of milk in the Mississippi marketing area. Interested persons were invited to submit their views, data, or arguments to the Hearing Clerk not later than February 24, 1969, in connection with the proposed action.

A cooperative association requested suspension of the base plan during the months of February through July 1969 because of alleged conflict with payment plans of the cooperative presently in operation or intended to be made effective.

Certain other groups of producers oppose the proposed suspension and request that no change be made in the base-excess plan until a hearing is held in this matter.

A public hearing to be held March 5, 1969, in Jackson, Miss., has been announced by notice issued February 25, 1969, on a proposal to delete the base and excess payment plan from the order. It is accordingly found and determined that the proposed suspension of the base and excess plan of payment to producers should not be effectuated pending the hearing in this matter.

Proponent has withdrawn the request for suspension or termination of a diversion provision of the order at this time. No other parties supported suspension of the diversion provision.

The proceeding begun in these matters on February 12, 1969, is hereby terminated.

Signed at Washington, D.C., on March 11, 1969.

RICHARD LYNG,
Assistant Secretary.

[F.R. Doc. 69-3088; Filed, Mar. 13, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 9471; Notice No. 69-9]

RADAR BEACON TRANSPONDER

Proposed Requirements

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to require aircraft to carry an improved radar beacon transponder for operations in certain controlled airspace after January 1, 1973.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel: Attention Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 12, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Federal Aviation Administration, in an advance notice of proposed rule making as published in the FEDERAL REGISTER, Docket No. 6606, Notice 65-9 (30 F.R. 6074), on April 29, 1965, notified the public of plans for the development and improvement of the National Airspace System (NAS), and alerted users to proposed airborne equipment requirements attendant to that system. This notice discussed, among other items, the Air Traffic Control Radar Beacon System (ATCRBS).

The Federal Aviation Administration now proposes to implement that portion of the system requiring aircraft to carry improved radar beacon transponders having a Mode A (Military Mode 3) 4096 code capability, replying to Mode 3/A interrogations with the code specified by ATC; and Mode C capability, replying to Mode C interrogations by automatically transmitting altitude data in 100-foot increments.

It is contemplated that improved identification code and automatic altitude reporting capability will be available in both ground-based and airborne equipment in sufficient degeee to justify a requirement for improved transponders in certain controlled airspace after January 1, 1973.

The required use of 4096 identification code transponders by all aircraft in certain airspace will enhance safety in that airspace by increasing the flexibility and reliability of aircraft identification and tracking. It will permit the ground-based equipment of the National Airspace System to automatically identify and track aircraft operating in that airspace, thereby virtually eliminating the possibility of misidentification or transposition of target identities and increasing the number of aircraft that can be safely handled by a controller.

Mode C automatic altitude reporting data, when selected for display by the controller, will appear continuously, associated with the radar beacon position information of each aircraft under his control or about to be transferred to his control. Also, he will be able to select Mode C data with respect to aircraft not under his control either by displaying altitude data on any individual radar beacon target he selects, or by displaying all aircraft within a particular altitude stratum. Specific ATC system benefits that would accrue through use of Mode C altitude reporting are:

(1) Provide improved safety in the ATC system by automatically displaying to the controller the altitude of all aircraft.

(2) Reduce volume of communications between controllers and pilots by obviating the need for oral altitude reports.

(3) Improve utilization of airspace by providing controllers with continuous altitude data on climbing and descending aircraft.

(4) Increase the effectiveness of the air traffic controller by permitting him greater selectivity in viewing targets in or near the airspace under his jurisdiction.

(5) Reduce the number of advisories and traffic avoidance vectors required in the provision of radar traffic information and vectoring service.

The advance notice proposed that the airborne transponder requirement apply only to aircraft operating in positive control airspace; however, the advantages inherent in the use of 4096 code ATCRBS suggest that the requirement be expanded to include other controlled airspace as well. Therefore, it is proposed that, effective January 1, 1973, ATCRBS transponders having 4096 code and automatic altitude reporting capability be required for all operations in controlled airspace at and above 10,000 feet MSL or in positive control airspace or in terminal airspace within which transponders are required by appropriate FARs. Until that date, transponders having at least 64 code capability will continue to be required in positive controlled airspace and certain other airspace designated in appropriate FARs.

All radar equipped ATC facilities, including those which are automated will be capable of processing replies from 64 code as well as 4096 code transponders. It will not be necessary to eliminate 64 code transponders from the system after January 1, 1973; however, their continued routine use cannot be permitted in areas where 4096 code equipment will be required in order to provide improved air traffic services. All transponders currently being manufactured provide 4096 code capability and it is reasonable to expect that by 1973 virtually all transponders will be Mode 3/A/C 4096 code versions.

In consideration of the foregoing, it is proposed to add a new § 91.96 and amend § 91.97 to become effective January 1, 1973, as follows:

§ 91.96 Areas requiring airborne beacon transponders.

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft within controlled airspace in the 48 contiguous States and the District of Columbia at or above 10,000 feet MSL, in positive control airspace, or in a terminal area designated in this chapter within which a transponder is required, unless that aircraft is equipped with an operating transponder which—

(1) Has a Mode 3/A 4096 code capability, replying to Mode 3/A interrogations with the code specified by ATC, and

(2) Unless the pilot is otherwise directed by ATC, automatically replies to Mode C interrogations by transmitting pressure altitude information.

(b) ATC may authorize deviations from the requirements of paragraph (a) of this section:

(1) In the case of an inoperative transponder, ATC may immediately approve an operation, allowing the flight to continue to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made, or both.

(2) A request for authorization to deviate from the requirements of paragraph (a), other than for operation with an inoperative transponder as provided

above, must be submitted at least 24 hours before the proposed operation to the ATC facility having jurisdiction over the airspace concerned. ATC may authorize a deviation on a continuing basis or for an individual flight as appropriate.

§ 91.97 Positive control areas and route segments.

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft within a positive control area or positive control route segment, designated in Part 71 of this chapter, unless that aircraft is—

(1) Operated under IFR at a specific flight level assigned by ATC.

(2) Equipped with instruments and equipment required for IFR operations; and

(3) Flown by a pilot rated for instrument flight.

(b) ATC may authorize deviations from the requirements of paragraph (a) of this section. A request for authorization to deviate must be submitted at least 4 days before the proposed operation, in writing, to the ATC center having jurisdiction over the positive control area concerned. ATC may authorize a deviation on a continuing basis or for an individual flight as appropriate.

These amendments are proposed under the authority of sections 307 and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1340, 1354) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 5, 1969.

W. M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-3086; Filed, Mar. 13, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

HUALAPAI INDIAN RESERVATION, ARIZ.

Ordinance Legalizing the Introduction, Sale and Possession of Intoxicants

MARCH 8, 1969.

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Congress; 67 Stat. 586), I certify that the following Ordinance No. 23 relating to the application of the Federal Indian liquor laws on the Hualapai Reservation was duly enacted on December 7, 1968, by the Tribal Council of the Hualapai Tribe which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

"1. It shall be legal and permissible from this date henceforth, to possess, transport, purchase, sell and/or use intoxicating liquors, beer, wine, and other malt or alcoholic beverages within the exterior boundaries of the Hualapai Indian Reservation, subject to such rules and regulations as may be provided by ordinances of the Hualapai Tribal Council and the laws of the State of Arizona.

2. The laws of the State of Arizona and the regulations of the Arizona Liquor Control Board in regard to the wholesale and retail sale of liquor and beer and wine within the boundaries of the State of Arizona are hereby adopted and made applicable to the territory within the exterior boundaries of the Hualapai Indian Reservation: *Provided however*, That before any person, association, firm, corporation, or partnership, or any individual or group of individuals, may engage in the wholesale or retail liquor or beer, or wine business (hereinafter referred to as the "liquor business") within the exterior boundaries of the Hualapai Indian Reservation, whether or not the principal place of business of said wholesaler or retailer is located within the exterior boundaries of the Hualapai Indian Reservation, he must first make application to the Hualapai Tribal Council for, and obtain, a permit or license to engage in the liquor business. Either maintaining a wholesale or retail liquor, beer, or wine establishment upon said Reservation or making delivery and/or sales at wholesale or at retail at any place within the exterior boundaries of the Hualapai Reservation shall constitute engaging in the liquor business.

3. With such application, the applicant shall tender a fee of two hundred dollars ($200). If a license or permit is issued to the applicant by the Hualapai Tribal Council, it shall be valid from July 1 of 1 year to the 30th day of June of the next following year. If such application is made when more than six (6) months of said yearly period remain, there shall be no reduction in the amount of the license fee. If such application is made when less than six (6) months of said yearly period remain, the license fee shall be reduced by fifty percent (50%). If such license or permit is denied, the fee shall be returned to the applicant.

4. Before a permit or license shall be issued by the Hualapai Tribal Council, the applicant shall be investigated as to moral character and as to whether or not such person is acceptable to the members of the Hualapai Tribe to engage in the liquor business upon the Hualapai Reservation. Once a permit or license is granted by the Hualapai Tribal Council, such permit or license may be revoked only for cause and upon a hearing, with notice being mailed by registered or certified mail to the owner of such permit or license ten (10) days prior to such hearing, except such permit or license may not be transferred without the approval and consent of the Hualapai Tribal Council. Cause shall mean the failure to pay license fees each year, and/or the violation of tribal ordinances duly passed or the laws of the State of Arizona, or transfer or attempted transfer of such permit or license without the approval and consent of the Hualapai Tribal Council.

5. The issuance of a license or permit by the Hualapai Tribal Council and the payment of a fee, as hereinabove provided, shall be a condition of eligibility before any person, firm, association, corporation, partnership, individual, or group of individuals may engage in the liquor business within the exterior boundaries of the Hualapai Reservation, or receive a license from the State of Arizona for such purposes, and until such person or organization wishing to engage in the liquor business satisfies said condition, he shall not be permitted to engage in the liquor business within the boundaries of the Hualapai Reservation.

6. Each person receiving a permit or license to engage in the retail liquor business within the boundaries of the Hualapai Reservation shall, at his own expense, engage some suitable male person to maintain law and order in and about his place of business, and said male person shall be approved by the Hualapai Tribal Council as a person of good moral character to be deputized and appointed as Indian Policeman and shall also be approved to be appointed a Deputy Sheriff by the governing body of the county in which such retail liquor business is located. Failure to furnish such suitable person for the maintenance of law and order shall be cause for revocation of the permit or license to engage in the retail liquor business within the boundaries of the Hualapai Reservation.

7. The Hualapai Tribal Council may adopt such ordinances for the maintenance of law and order on the Hualapai Reservation and regulation of the liquor business conducted on said Reservation not inconsistent with the laws of the State of Arizona and rules and regulations of the Arizona Liquor Control Board: *Provided, however*, That such ordinances shall not become effective until thirty (30) days after passage and the mailing of a copy of such ordinances by registered mail or certified mail to each permittee or licensee engaged in the liquor business on the Hualapai Reservation.

8. The Hualapai Tribe may also engage in the liquor business on its own account, pursuant to such rules and regulations as the Hualapai Tribal Council may from time to time adopt.

9. It shall be unlawful for any person within the exterior boundaries of the Hualapai Reservation to sell, offer to sell, give, or otherwise distribute any beer, wine, liquor, or other alcoholic beverage to any person under the age of twenty-one (21), to any intoxicated person, or to any person at a time or under circumstances not permitted under the laws of the State of Arizona or the regulations of the Arizona Liquor Control Board.

10. Section 6.38 of the Revised Law and Order Code of the Hualapai Tribe is hereby repealed.

11. There shall be inserted in the Revised Law and Order Code of the Hualapai Tribe a new § 6.38 which shall read as follows:

Any Indian who shall knowingly and willfully violate any provision of the Hualapai Tribe Liquor Ordinance shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to imprisonment for a period not to exceed 60 days or to a fine not to exceed $60, or both such imprisonment and fine, with costs.

ROBERT L. BENNETT,
Commissioner of Indian Affairs.

[F.R. Doc. 69-3119; Filed, Mar. 13, 1969; 8:49 a.m.]

Bureau of Land Management

[Sacramento 1679]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MARCH 7, 1969.

In F.R. Doc. 68-9999, appearing at pages 11856 and 11857 of the issue for August 21, 1968, the land description for serial number Sacramento 1679 under Mount Diablo Meridian, describing land to be withdrawn as S½SW¼NW¼ sec. 13, T. 17 N., R. 9 E., is corrected to read: S½SE¼NW¼.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-3118; Filed, Mar. 13, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

OCEANIC STEAMSHIP CO.

Notice of Application

Notice is hereby given that the Oceanic Steamship Co. has filed application dated February 5, 1969, for a waiver under section 804, Merchant Marine Act, 1936, as amended, to permit its parent company, Matson Navigation Co., to engage in operations under a Container Space Agreement with two Japanese companies, Nippon Yusen Kaisha and Showa Shipping Co., Ltd. The agreement involves two vessels of Matson Navigation Co. and two vessels of the Japanese companies which will provide weekly service between Japan and California.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having an interest in the application who desires to offer views and comments thereon for consideration by the Maritime Administration should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by the close of business on March 27, 1969.

The Maritime Administration will consider these views and comments and take such actions with respect thereto as may be deemed appropriate.

Dated: March 11, 1969.

By Order of the Acting Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 69-3122; Filed, Mar. 13, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COMPREHENSIVE PLANNING

Notice of Information

Publication is hereby made of the following document, "Higher Education Facilities Planning Grants to State Commissions for Title I, Higher Education Facilities Act," which sets forth the basic terms and conditions for both Basic Comprehensive Facilities Planning Grants and Special Opportunity Facilities Planning Grants. This document is a revision of a document dated March 13, 1967, with the same caption and reflects the Commissioner's determination to encourage planning at the institutional level where the planning would be specifically keyed to providing for both institutional needs and community development needs, as for example in a Model Neighborhood area. A portion of the funds available for comprehensive planning has, therefore, been set aside for these Special Opportunity Facilities Planning Grants. Such grants will be made on the basis of priorities set forth in the document. The remainder of the appropriation will still be available to all states for Basic Comprehensive Facilities Planning Grants.

Applicant State Commissions are also notified that in order to be assured that their applications for a basic Comprehensive Planning Grant will receive consideration, each such State Commission must submit its application by April 15, 1969. However, applications for Special Opportunities Facilities Planning Grants will be considered if filed no later than May 15, 1969.

Approved: March 7, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

HIGHER EDUCATION FACILITIES

COMPREHENSIVE PLANNING GRANTS PROGRAM

I. *Introduction.* Under subsection (b), section 105 of the Higher Education Facilities Act of 1963 (as amended), the Commissioner of Education is authorized to make grants:

* * * upon such terms and conditions as the Commissioner determines will best further the purposes of this Act, to State Commissions for conducting either directly or through other appropriate agencies and institutions, comprehensive planning to determine the construction needs of institutions (and particularly combinations and regional groupings of institutions) of higher education.

The purpose of the "Higher Education Facilities Comprehensive Planning Grants Program" is to encourage wise use of the limited institutional, local, State, private, and Federal funds available for construction of higher education facilities. Achievement of this worthwhile purpose is dependent largely upon the development of continuous systems for comprehensive facilities planning at the institutional and State levels.

Funds available under the Higher Education Facilities Comprehensive Planning Grants Program may cover only a portion of the cost of the system development, data gathering and analysis required for sound comprehensive facilities planning in higher education. Substantial investments in planning activities have for some time been made in a number of States. In other States, very little has been done. The same is true of individual institutions. States and institutions will need to maintain and in many instances increase their own expenditures for planning in order to move ahead as rapidly as possible consistent with sound system development and accurate data gathering.

Higher Education Facilities Comprehensive Planning Grants are, as provided in the authorizing legislation, made to the State Commission designated or established in each State pursuant to section 105(a) of the Higher Education Facilities Act of 1963.

The State Commission is expected to provide for the widest possible participation by both public and private institutions of higher education in the comprehensive facilities planning covered by the grant proposal. Participation by individual institutions of higher education in planning activities supported under this program will, of course, be on a voluntary and cooperative basis, unless otherwise provided by law in a particular State.

In instances where other State agencies have responsibility for planning and coordination of public higher education, the proposal submitted by the State Commission must provide for coordination with such other agencies.

During the first 2 years of the program, State Commissions have been involved in developing the necessary data bases required for any continuing system for facilities planning. These efforts may be expected to provide results in the near future, in supplying well-documented information about the scope and nature of needs for facilities construction in institutions of higher education. Since planning is a process of continuous updating and reevaluation, it is appropriate that the basic State data systems continue to be supported. The cost of continuing such systems, however, may be expected to be less than the cost of initially designing and establishing them.

Beginning with fiscal year 1969, therefore, it is possible to begin to allocate a portion of the program funds for projects dealing with special problems and opportunities in facility planning.

The total appropriation will be divided into two categories: (1) A substantial portion of the funds will continue to be set aside for allocation on a formula basis for Basic Higher Education Facilities Comprehensive Planning Grants to State Commissions; (2) the remainder of the funds will be used for Special Opportunity Grants for individual projects of particular merit and particular relevance to urgent current problems. As in the case of the Basic Facility Planning Grants, these Special Opportunity Grants will be made only to State Commissions.

The policies and procedures set forth in these guidelines are designed to focus the use of the Federal grant funds toward achievement of the stated objectives, while at the same time allowing to each State Commission a high degree of flexibility to meet most urgent immediate needs and opportunities for comprehensive planning in each particular State.

II. *Statewide comprehensive facilities planning—basic grants.* As the title implies, "comprehensive facilities planning" is directed toward the generation of plans for the development of facilities. The planning to be supported by basic grants under this program is expected to be comprehensive in scope and directed toward the preparation of statistical data regarding construction needs, as a prerequisite to the development of architectural plans for construction.

In view of the purpose of the program, any activities supported are required to be related to the generation or the improvement of data as to the construction needs of institutions. (As used here, construction needs are considered to include needs for rehabilitation or conversion of existing structures as well as needs for additional structures.)

At the same time, it is well known that data on construction requirements are soundest if they are based on: (1) Detailed information on the inventory and utilization of existing facilities; and (2) detailed information on soundly developed projections of enrollment, programs, staff requirements, and budget requirements. Activities to improve statewide information in any of these areas may, therefore, be supported under the Higher Education Facilities Comprehensive Planning Grants Program, provided they clearly are related to the development or improvement of data on facilities needs.

Basic grants under this program may support comprehensive facilities planning on a statewide, interstate, regional, or institutional basis, provided the activities supported are demonstrated to contribute to the improvement of statewide data on the construction needs of institutions in each State.

Economic and social needs for higher education are not arranged neatly within the boundaries of individual States. Some types of higher education program needs may be met best on a partnership basis involving two or more States or States in an entire region, especially in less heavily populated States or States having less extensive geographic area. Even the larger and more populous States may find it advantageous to plan jointly to meet the higher education needs of metropolitan areas which overlap the boundaries of two or more States.

Wherever appropriate, State Commissions are encouraged to include in their grant proposals provisions for participation in comprehensive facilities planning activities on an interstate or regional basis.

Comprehensive statewide or regional facilities planning logically deals with all types of higher education programs, from the junior college and technical institute level through graduate and professional training programs and even postgraduate education. This is true because each level and type of program should be considered both in the context of the total needs of the State and its people and in its articulated relationship to the other higher education programs in the State or region. Thus, all types and levels of higher education programs and institutions are within the scope of the comprehensive facilities planning activities which may be supported under the Higher Education Facilities Comprehensive Planning Grants Program.

At the same time, comprehensive facilities planning needs in a particular State at any specific time may be especially urgent in connection with one or more particular segments of higher education development, such as community colleges or graduate schools and programs.

A reciprocal relationship exists between statewide comprehensive planning and planning for the development of individual institutions of higher education. On the one hand, institutional planning (particularly that of publicly supported institutions whose role and scope may be defined in coordinated statewide planning) can proceed more intelligently within the framework and on the basis of demographic, economic, and social projections included in comprehensive statewide or regional planning. On the other hand, statewide projections of construction needs and capital budget requirements will be more nearly accurate when they are based upon careful facilities planning for the individual institutions in the State.

On occasion, special problems or circumstances provide exceptional opportunities for a high return on funds invested in intensive facilities planning for a particular institution or group of institutions. Such an opportunity might occur, for example, in connection with the development of a new institution, a significant departure in the role and scope of an established institution, or a crisis resulting from the location of an existing institution in the middle of an urban renewal area.

The major priority for the use of the grant funds, however, continues to be for activities directly involved in the initiation or strengthening of comprehensive facilities planning on a statewide and/or regional basis. Proposals to use grant funds for institutional facilities planning purposes may be approved, however, whenever: (1) It can be demonstrated that a statewide comprehensive facilities planning system already has been established; or (2) the use of part of the basic grant for facilities planning for individual institutions or consortiums of institution can be demonstrated to be in connection with exceptional crises or opportunities, such as the development of a new institution, restoration of a campus destroyed by a disaster, the need to consider relocation of a campus or to completely reorient the facilities on a campus as a result of a significant reorientation in the role and scope of an institution, or a firm commitment on the part of the governing boards of a consortium of institutions to plan for future development on a joint basis. (These examples are intended to be illustrative rather than limiting.)

Institutional level planning which may be supported under this program, however, is limited to the development of requirements and preliminary design concepts for additional construction and for modifications of existing structures, on the basis of general academic planning to be provided by the institutions without financial support under this program. The facilities planning which may be supported does not include the preparation of architectural plans.

III. *Special opportunity facilities planning grants.* As indicated in section I, all grants under the Higher Education Facilities Comprehensive Planning Grants Program, including Special Opportunity Grants, must be applied for by, and awarded to, the legally designated State Commissions for Higher Education Facilities.

The Special Opportunity Grants may be for special State-level planning projects (apart from on-going system activities funded under the State Commission's basic grant), or for planning projects for individual institutions or consortiums of institutions.

The Special Opportunity Grants under this program must be used specifically for facilities planning for institutions of higher education. The legal basis for the funds would not permit planning for museums, high schools, or other general community development projects, except where such facilities are integrally a part of the programs of institutions of higher education.

Any special opportunity or problem situation of the types generally described above (in the last three paragraphs of section II) could be the subject of a special opportunity grant proposal.

At the present time, however, priority consideration will be given by the Office of Education to proposals for projects designed to produce facilities development plans which jointly provide for institutional needs and community development needs.

Priority among the proposals submitted will be determined by the extent to which the Special Opportunity Grant proposals meet the following conditions:

1. The project will involve the evaluation of the social, economic, and educational needs of the community in which the particular institution is located, and will lead to and/or include the development of preliminary architectural solutions to the identified needs of the institution and of the surrounding community.

2. The local situation is such that a close interrelationship is demonstrated to exist between the need of the institution of higher education to expand or improve its physical facilities and the need of the surrounding community for redevelopment and upgrading and/or for educational, cultural, or social services, programs, and facilities.

3. The proposal is of good quality, in terms of (a) demonstrated competence of the persons who will be responsible to carry out the project; (b) concept of what is to be accomplished and how, and (c) adequacy of description of proposed methodology.

4. The applicant State Commission has completed previously funded activities under the program successfully and in a timely manner.

5. The project will involve both institutional and community representatives in consideration, development, and evaluation of the project.

6. The cost of the proposed project is reasonable vis a vis anticipated benefits, including primarily the improvement of institutional programs and the quality of community life in the specific instance, and secondarily the development of experience and approaches which could be applied in other instances.

7. The proposed activity has geographic and/or program relevance to a previously designated Model Neighborhood area. (Current listings of designated Model Cities areas are available from the Division of College Facilities, Office of Education.)

IV. *Availability and use of funds for basic facilities planning grants and special opportunity facilities planning grants.* Federal funds obligated for approved Higher Education Facilities Comprehensive Planning Grants—either Basic Grants or Special Opportunity Grants—will be available for commitment by the State Commissions for a period of 12 months after June 30 of the fiscal year in which the grants are awarded. Any such funds which have not been obligated in accordance with established accounting procedures in the particular State by June 30 of the following year shall lapse. This policy is established in recognition of the fact that the grants are awarded for the accomplishment of the specific comprehensive planning activities covered by the approved grant proposal and the expectation that the program set forth in the proposal should be accomplished as promptly as possible consistent with sound program planning and administration. State Commissions should not, therefore, request grant assistance for activities which cannot be implemented within the period of time allowed.

Funds made available under approved grants may be expended for staff and operating expenses of the State Commissions in carrying out the grant, and costs attributable to carrying out the grant which are incurred under contracts with State agencies having legal responsibility for comprehensive statewide planning or with other appropriate agencies, institutions, or organizations. Operating expenses may include any of the categories of expense listed on the "Budget and Expenditure Report Form," attached as Appendix B. No Basic or Special Opportunity Grant funds under the HEFGPC program may be expended directly or indirectly for the purchase of furniture and equipment or for renovation or remodeling of space.

Grant funds may be used only for expenses directly required for the accomplishment of comprehensive facilities planning activities set forth in the approved grant proposal and which are included in an initial or revised comprehensive facilities planning budget approved by the Office of Education. In no case may the Basic or Special Opportunity Grant funds under this program be used for the expenses of State Commissions in administration of State plans for Title I of the Higher Education Facilities Act or Part A, Title VI of the Higher Education Act of 1965, or for the expenses of State Commissions or other State agencies incurred in connection with activities other than comprehensive planning to determine the construction needs of institutions of higher education.

V. *Conditions under which basic facilities planning grants and special opportunity facilities planning grants will be approved.* Requests for grants under the Higher Education Facilities Comprehensive Planning Grants Program will be approved only if submitted in accordance with the standard format, Form OE 1139, shown in appendix A, and only if meeting the following conditions:

1. The proposal includes a description of the legal responsibilities for higher education planning and coordination in the State. It must also include an explanation of how the State Commission will coordinate with: (1) Any other agencies in the State which are assigned responsibilities for higher

education planning and coordination; and (2) any other agencies which have planning responsibilities in areas relevant to those activities covered in § 8.0 of the proposal—for example, an Urban Renewal Planning Authority.

2. For basic grants, the proposal includes a description of plans to involve all segments of higher education in the State, including nonpublic institutions, in the statewide comprehensive facilities planning activities covered by the proposal. For Special Opportunity Grants, the proposal includes, to the extent appropriate, evidence that all segments of the community and the institution (or consortium or regional grouping of institutions) have been involved in the development and planned implementation of the proposal.

NOTE: Community is defined to include but not necessarily be limited to business groups, civic and neighborhood organizations as well as professional groups. By the same token, institutional involvement in the project might well include faculty and staff as well as student organizations.

3. For basic grants, the proposal includes a description of the current status of statewide Comprehensive Facilities Planning. For Special Opportunity Grants, the proposal includes a description of the current status of institutional/community relationships.

4. The proposal includes a description of any State, local, or institutional matching support for the proposed activity.

5. The proposal does not include any comprehensive planning activities which would duplicate planning activities currently being carried out by other agencies in the State.

6. The proposal sets forth comprehensive facilities planning activities which are consistent with these instructions. For basic grants these activities must be demonstrated to be related to the development or improvement of Statewide information on the construction needs of institutions of higher education and related requirements for capital financing in the immediate future and over an extended period of time. For Special Opportunity Grants these activities must be demonstrated to lead to and/or include the development of preliminary architectural solutions to the identified needs of the institutions and of the surrounding community.

7. The proposal includes estimated time and cost information by program activity. For each such activity the State Commission must show evidence that a proposed timetable has been established and that program budget estimates are based on sound and prudent planning.

8. The proposal is accompanied by a project budget, submitted on Form OE 1140 (see appendix B), and the project budget is reasonable and is clearly related to the comprehensive planning activities set forth in the proposal.

9. The proposal includes provisions for such fiscal control and fund accounting procedure as may be necessary to insure proper disbursement of and accounting for Federal funds paid to the State Commission for comprehensive planning activities pursuant to the grant request if it is approved, and for periodic progress reports to the Office of Education regarding the implementation of the proposal if it is approved.

10. The proposal contains assurances that:

a. Wherever feasible, the planning activities covered by the proposal will use the same demographic, economic, and social data as those used in other types of comprehensive planning within the State.

b. Wherever possible, terminology and definitions used in the comprehensive facilities planning activities for which the grant is requested will be consistent with definitions established for the administration of the Higher Education Facilities Act and with those employed in current Office of Education statistical surveys in higher education.

c. Accounts and documents supporting expenditures for activities covered in the proposal will be maintained until the State Commission is notified of the completion of Federal audits of the project accounts.

d. The State Commission has verified, by consultation with the appropriate legal officer of the State, that it has proper legal authority to apply for, receive, and carry out the proposed Higher Education Facilities Comprehensive Planning Grant.

e. The State Commission will comply with all applicable requirements of the regulations (45 CFR Part 80) issued by the Secretary of Health, Education, and Welfare, and approved by the President to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88-352).

f. If this proposal is approved, the State Commission will submit periodic and final reports to the Office of Education as specified in paragraphs 6 and 7 of section VI of the Instructions for the Higher Education Facilities Comprehensive Planning Grant Program.

g. Any contract for the provision of services will be negotiated on the basis of a reasonable budget for the cost of providing the services (exclusive of acquisition of furniture and equipment or renovation or remodeling of space).

h. All materials developed as a result of the project grant will be placed in the public domain.

11. The proposal is signed by either the chairman or the chief executive officer of the State Commission.

VI. *Administrative policies and procedures.*

1. *Allocation of funds.* Of the funds available for the Higher Education Facilities Comprehensive Planning Grants Program each year, the Office of Education will determine that portion which will be set aside for Basic Facilities Planning Grants and also that portion which will be set aside for Special Opportunity Planning Grants. As soon as possible in the fiscal year the Office of Education will publish these amounts and the method of distribution of funds.

2. *Submission of proposal.* All requests for grants under the Higher Education Facilities Comprehensive Planning Grant Program are to be sent directly to the Division of College Facilities.

a. Basic grants—State Commissions desiring to apply for a grant will file three copies of the proposal on Form OE 1139, no later than April 15 of the fiscal year.

b. Special Opportunity Grants—State Commissions desiring to compete for a Special Opportunity Grant will file three copies of a proposal on Form OE 1139, no later than May 15 of the fiscal year. While multiple project proposals will be considered, State Commissions are strongly urged to file a proposal for a Special Opportunity Grant only for those facilities planning activities, which in the context of the program focus and in the considered judgment of the State Commission, are felt to be of particular urgency and need.

3. *Grant approval and obligation of funds.*

a. Basic grants—After review and any necessary adjustments, the Commissioner or his designee will approve the proposal and grant request, including the accompanying project budget, and will send to the State Commission a grant award. Funds will be obligated for the grant upon approval, and will be available for the purposes and subject to the limitations set forth in section V of these instructions.

b. Special Opportunity Grants—Upon receipt of project proposals from State Commissions, the Commissioner or his designee will perform such initial administrative and program reviews as are deemed necessary. Promptly upon the completion of this initial review the Commissioner or his designee shall convene a panel of readers who will make recommendations on all eligible proposals submitted. Subsequent to this review, grant awards will be made by the Commissioner or his designee and a grant agreement will be sent to the State Commission. Funds will be obligated for the grant upon approval and will be available for the purposes and subject to the limitations set forth in section V of these instructions.

4. *Disbursement of grant funds.* Funds for approved grants under this program will be disbursed to the State Commissions by the same procedures as funds for the administration of State plans under Title I of the Higher Education Facilities Act and Part A, Title VI of the Higher Education Act of 1965. Funds disbursed under this program are, however, to be accounted for separately for each specific grant—Basic or Special Opportunity—awarded under the Higher Education Facilities Comprehensive Planning Grant Program.

5. *Approval of budget changes.* If a State Commission finds it necessary to make changes among line items in an approved budget, it should promptly submit for approval a revised budget, accompanied by a letter explaining the reasons for the proposed budget change. These documents should be addressed to the Division of College Facilities.

6. *Semiannual progress and financial reports.* Semiannually, on or about December 31 and June 30 of the fiscal year following the fiscal year in which the grant is approved, each State Commission will submit to the Office of Education (Division of College Facilities), a letter outlining progress to date in carrying out each of the comprehensive planning activities covered by the approved grant, together with a financial report, on Form OE 1140 (see appendix B), covering cumulative expenditures of grant funds from the date of approval of the grant through the date for which the progress report is submitted.

7. *Final report.* As soon as possible after completion of the comprehensive planning activities covered by the grant, and in all cases on or before December 31 of the Calendar year following that in which the grant award was made, each State Commission will submit:

a. In the case of basic grants—A final report describing the results of each comprehensive planning activity covered by the basic grant; progress toward the development of statewide information on construction needs of institutions of higher education and related requirements for capital financing; and any steps which have been taken to implement the planning achieved with grant assistance, including the use of such planning data in connection with priority standards under Title I of the Higher Education Facilities Act; and copies representative of studies and reports produced in connection with the comprehensive planning activities supported by the basic grant.

b. In the case of special opportunity grants—A final report describing the results of each comprehensive planning activity covered by the grant; and any steps which have been taken to implement the planning achieved with grant assistance, including the use of such planning data in connection with priority standards under Title I of the Higher Education Facilities Act; and copies of studies and reports produced in connection with the comprehensive planning activities supported by the special opportunity grant.

[F.R. Doc. 69-3089; Filed, Mar. 13, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-3-33]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on March 10, 1969.

An agreement (CAB 20806) has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which relates to specific commodity rates applicable within the Western Hemisphere, was adopted by the 24th meeting of the Traffic Conference 1 Specific Commodity Rates Committee held January 14, 1969, in New York and has been assigned the above-designated CAB Agreement number.

Basically, the agreement, as it applies in air transportation, extends for a further period of effectiveness certain specific commodity rates, under current descriptions, adopted since the last meeting of the Committee held in New York on July 16, 1968. The agreement also names rates to added points under existing commodity descriptions and makes a limited number of adjustments in existing rates, such as a change to a similar but different commodity description, a rate reduction, and a lowering of the minimum weight requirement. Additionally, the agreement proposes reduced rates under new commodity descriptions, as set forth in the attachment hereto.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That: Action on Agreement CAB 20806 be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.5, may, within 7 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3101; Filed, Mar. 13, 1969; 8:48 a.m.]

[1] Filed as part of the original document.

[Docket No. 20580]

GROUP INCLUSIVE TOUR BASING FARES TO HAWAII

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on April 1, 1969, at 10 a.m. e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Orders 68-12-114, December 20, 1968, and 69-2-16, February 5, 1969, the Prehearing Conference Report served February 5, 1969, the Revised Prehearing Conference Report served February 28, 1969, and to the documents which are in the docket of this case on file in the Docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 10, 1969.

[SEAL] ROBERT M. JOHNSON, *Hearing Examiner.*

[F.R. Doc. 69-3102; Filed, Mar. 13, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-3-34]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on March 10, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated January 16, January 22, February 5, and February 18, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, a number of rates on the South Pacific routes have been canceled and rates for two new commodity descriptions have been specified. These rates are also set forth in the attachment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That: Action on Agreement CAB 20745, R-1 through R-17, R-20 through R-41, and R-43 through R-47,[2] be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50 may, within 7 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3104; Filed, Mar. 13, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-3-36]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on March 10, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated February 11, February 17, and February 26, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, a rate for a new commodity description has been specified, as indicated in the attachment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

[2] R-18, R-19, and R-42 withdrawn by IATA letters dated Feb. 26, 1969.

commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 7 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3105; Filed, Mar. 13, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 15835, 15839; FCC 69R-117]

LEBANON VALLEY RADIO, INC., AND RADIO CATONSVILLE, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Lebanon Valley Radio, Inc., Lebanon, Pa., Docket No. 15835, File No. BP-16098; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; for construction permits.

1. This proceeding involves the mutually exclusive applications of Lebanon Valley Radio, Inc. (Valley), and Radio Catonsville, Inc. (Catonsville), for authorization to construct new standard broadcast stations at Lebanon, Pa., and Catonsville, Md., respectively. It was designated for hearing by order, FCC 65-102, released February 15, 1965, under issues, including inter alia, an issue to determine whether there is overlap between the 2 and 25 mv/m contours of Valley's proposal and the operation of station WHYL, Carlisle, Pa. Hearing sessions were held on September 15 and 17, 1965, October 5, 1965, November 29, 1965, and March 1 and 6, 1967. The record was closed at the February 1, 1968, session. Proposed findings of fact were filed by the Broadcast Bureau on March 29, 1968, and by the other parties on April 2, 1968. On February 26, 1969, the initial decision of Hearing Examiner H. Gifford Irion, FCC 69D-13, granting Valley's application, was released. Presently before the Review Board is a petition to enlarge issues or for other relief, filed January 17, 1969, by Catonsville.[1]

2. Petitioner requests the addition of the following issue:

To determine whether Lebanon Valley Radio, Inc., failed to apprise the Commission as required by § 1.65 of the rules, of a change in proposed transmitter site when such change could have a substantial and significant effect on the outcome of the hearing proceeding.

As a corollary or as alternative relief, Catonsville requests that the record be reopened in order that additional evidence may be adduced with respect to the issue of overlap between Valley and Station WHYL. In support of its request, petitioner alleges that Valley conceived the intention to change its transmitter site a number of months ago, and on June 5, 1968, purchased a new parcel of land in furtherance of this purpose. Petitioner asserts that Valley permitted its option on the land presently specified in its application as its proposed site to expire on January 11, 1969. Catonsville contends that the change of transmitter site is critical to the issue of overlap between Valley and Station WHYL since the new site is closer to Carlisle. The Broadcast Bureau, opposing the request, contends that Catonsville's suspicions are premature and conjectural since it has neither established that the new parcel of land is suitable for and will be used as a transmitter site, nor that Valley no longer has a reasonable assurance that its present site is available. Valley, in its opposition, states that it has no intention of changing its transmitter site, that the new purchase of land has no connection with its instant application, that the language of its option on the presently specified transmitter site is sufficiently equivocal to give rise to a question of whether or not it continues beyond January 11, 1969, and that a 1-year extension of the option in question was obtained on January 22, 1969. A copy of the 1-year extension is submitted with Valley's opposition pleading.

3. Petitioner attaches to its reply to the oppositions an affidavit of one of the former owners of the land purchased in June 1968, who states that a principal of Valley told him at the time of settlement that "a radio station and towers would be erected on this plot of ground." Catonsville also submits a second affidavit, from the owners of Valley's present proposed transmitter site, in which they claim that the option on that site expired on January 11, 1969, and that the owners did not wish to renew it but agreed to do so after "badgering and harassment" by a principal of Valley and others, and after they were told that a radio tower would not be placed on the land during the 1-year extension of the option or for 4 or 5 years. Finally, petitioner submits the affidavit of a consulting engineer (who is also a principal of Catonsville) who states that, based on an examination of the description of the plot of land purchased in June, it is his opinion that it would be feasible to construct on the site a system such as that proposed by Valley.

4. If, as petitioner contends, the land purchased by Valley's principals is to be utilized as a site for its proposed station, and its presently specified site is to be abandoned, Valley's failure to inform the Commission of these developments, despite the fact that the Examiner has been engaged in the preparation of an initial decision based upon a long and complex record, could reflect adversely on its qualifications to be a Commission licensee. In the Board's view, the circumstances and affidavits relied on by the petitioner are sufficient to raise a substantial question in this regard. Thus, the facts that the land was purchased, that no attempt has been made to specify the exact reason for the acquisition of the land, and that Valley permitted the option on its present site to expire, considered in light of the allegations that the land purchased is suitable for a transmitter site, that a former owner of the land was told that it was going to be used for that purpose, and that the owner of the site now specified in Valley's application was told that the land would not be utilized for a radio tower during the period of the extended option, support petitioner's contention. Moreover, in the Board's view, these circumstances and allegations raise other interrelated questions which require the addition of issues on the Board's own motion. First, there is now considerable doubt as to whether Valley actually proposes to construct its transmitter at the site specified in its application. Second, the allegations of the owner of the site that he was badgered and harassed into extending Valley's option and that he was assured that a radio tower would not be placed on his land during the 1-year period of the extension raise a question of whether the proposed transmitter site is still available.[2] Finally, the affidavits relied on by petitioner in its reply conflict, in material respects, with the assertions in Valley's opposition. For all of these reasons, a substantial question is presented concerning the applicant's conduct and whether it has engaged in misrepresentation or conduct lacking in candor in its dealings with the Commission. An appropriate issue will therefore be specified. Under all of the above circumstances, an evidentiary inquiry is required even though it will necessitate a reopening of the record in this already protracted proceeding.[3]

5. Petitioner as a corollary to its request for a § 1.65 issue, asks that additional evidence be admitted with respect to the issue of overlap between Valley's proposal and station WHYL, since Valley's alleged new site would be closer to Carlisle and, Catonsville alleges, would create or aggravate the overlap problem. Valley has not amended its application to change its transmitter site. It would be inappropriate to admit evidence predicated upon a state of facts which has not yet been admitted or proven, and petitioner's request that additional evidence be received on the overlap issue will therefore be denied.

6. *Accordingly, it is ordered,* That the petition to enlarge issues or for other relief, filed January 17, 1969, by Radio Catonsville, Inc., is granted to the extent indicated below and is denied in all other respects; and

7. *It is further ordered,* That this proceeding is remanded to the Hearing Examiner and the hearing record is reopened for further proceedings consistent with this opinion; and

8. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine whether the transmitter site proposed by Lebanon Valley Radio, Inc., is still available for the effectuation of its proposal.

(2) To determine whether Lebanon Valley Radio, Inc., proposes to construct a broadcast transmitter on the site proposed in its application.

(3) To determine whether Lebanon Valley Radio, Inc., failed to amend or attempt to amend its application within 30 days after substantial changes were made, as required by § 1.65 of the Commission's rules, and, if so, the effect on its qualifications to be a Commission licensee.

(4) To determine, in light of the evidence adduced under Issues (1), (2), and (3) above, whether Lebanon Valley Radio, Inc., has engaged in misrepresentation or conduct lacking in candor in its dealings with the Commission and, if so, the effect on its qualifications to be a Commission licensee; and

9. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein will be on Radio Catonsville, Inc., and the burden of proof will be on Lebanon Valley Radio, Inc.

Adopted: March 7, 1969.

Released: March 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3096; Filed, Mar. 13, 1969; 8:47 a.m.]

[Docket No. 18475; FCC 69-197]

SOUTH PARK AMBULANCE CO.

Order Designating Application for Hearing on Stated Issues

In re application of F. E. LuQuette, doing business as South Park Ambulance Co., Beaumont, Tex., Docket No. 18475; for authorization in the Business Radio Service.

The Commission has under consideration the above-entitled application for a Business radio station license.

There are substantial questions as to:

a. Whether F. E. LuQuette operated radio transmitting apparatus on Citizens Radio Service frequencies without a license therefor, in violation of section 301 of the Communications Act of 1934, as amended.

b. Whether F. E. LuQuette, without being authorized by the sender, intercepted radio communications transmitted by the Police Department of Beaumont, Tex., on Police Radio Service frequencies, and knowing such communications to have been so intercepted, used them or any information therein contained, for his own benefit or for the benefit of another not entitled thereto, in violation of section 605 of the Communications Act of 1934, as amended.

In view of those questions, the Commission is unable to find that a grant of the captioned application would serve the public interest, convenience, and necessity and must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold a Business Radio Service license.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules that the captioned application is designated for hearing at a time and place to be specified by a subsequent order upon the following issues:

(1) To determine whether F. E. LuQuette, at various times between November 20, 1967, and January 25, 1968, operated radio transmitting apparatus on Citizens Radio Service frequencies without a license therefor, in violation of section 301 of the Communications Act of 1934, as amended.

(2) To determine whether F. E. LuQuette, at various times and especially on February 5, 1968, without being authorized by the sender, intercepted radio communications transmitted by the Police Department of Beaumont, Tex., on Police Radio Service frequencies, and knowing such communications to have been so intercepted, used them or any information therein contained, for his own benefit or for the benefit of another not entitled thereto, in violation of section 605 of the Communications Act of 1934, as amended.

(3) To determine whether, in light of the evidence adduced with respect to the foregoing issues, the applicant possesses the requisite qualifications to be a licensee of the Commission.

(4) To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the captioned application would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in this order; and

It is further ordered, That the Chief, Safety and Special Radio Services Bureau, shall within 10 days of the release of this order, furnish a Bill of Particulars to the applicant herein setting forth the basis for the above issues.

Adopted: March 5, 1969.

Released: March 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3097; Filed, Mar. 13, 1969; 8:47 a.m.]

[1] Commissioner Bartley absent.

[List No. 254]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

FEBRUARY 28, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		950 kilocycles				
CFAM (now in operation on new frequency).	Altona, Manitoba. N. 49°01'57" W. 97°56'57".	10	DA-2	U	III	
		1220 kilocycles				
CFAM (delete assignment—vide 950 kc/s).	Altona, Manitoba	10D/5N	DA-2	U	III	
CJSO (change in daytime radiation pattern—PO: 1320 kc, 10 kw D/5 kw N, DA-2).	Sorel, Quebec. N. 45°50'46" W. 73°10'15".	*1320 kilocycles* 10D/5N	DA-2	U	III	3-15-70.
		1480 kilocycles				
CKDY (assignment of call letters).	Digby, Nova Scotia. N. 44°36'03" W. 65°46'43".	1	DA-1	U	III	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-3098; Filed, Mar. 13, 1969; 8:47 a.m.]

[1] Also before the Review Board are: (a) Opposition, filed Jan. 30, 1969, by the Broadcast Bureau; (b) opposition, filed Jan. 30, 1969, by Valley; and (c) reply, filed Feb. 14, 1969, by Catonsville.

[2] The Board recognizes that the option was extended by written contract. However, the allegations herein create doubt as to the validity of the extension despite that fact.

[3] Since Valley's option on the site specified in its application did not expire until Jan. 11, 1969, and the subject petition was filed approximately 1 week thereafter, good cause for the late filing of the petition exists.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1099]

GULF PORT FORWARDING CO., INC.

Revocation of License

By letter dated March 2, 1969, Gulf Port Forwarding Co., Inc., Post Office Box 815, Lubbock, Tex. 79408, has voluntarily requested the cancellation of its independent ocean freight forwarder license No. 1099.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 1099 be and is hereby revoked effective March 5, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a future date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-3065; Filed, Mar. 13, 1969; 8:45 a.m.]

UNITED STATES LINES CO. AND DAMPFSCHIFFAHRTS-G E S E L L - SCHAFT "NEPTUN" BREMEN

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Russell T. Weil, Kirlin, Campbell and Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 8476-1, between United States Lines Co. and Dampfschiffahrts-Gesellschaft "Neptun" Bremen, modifies the basic transshipment agreement between these carriers to delete ports in the United Kingdom from the range of transshipment ports. As amended, the agreement will cover transportation of general cargo between U.S. East Coast ports and Spain and Portugal with transshipment at ports in the Bayonne/Hamburg range only.

Dated: March 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3066; Filed, Mar. 13, 1969; 8:45 a.m.]

UNITED STATES LINES CO. AND OLDENBURG - PORTUGIESISCHE DAMPFSCHIFFS-RHEDEREI KUSEN HEITMANN & CIE. K.G., HAMBURG

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Russell T. Weil, Kirlin, Campbell and Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 8473-1, between United States Lines Co. and Oldenburg-Portugiesische Dampfschiffs-Rhederei Kusen Heitmann & Cie. K.G., Hamburg, modifies the basic transshipment between these carriers to delete ports in the United Kingdom from the range of transshipment ports. As amended, the agreement will cover transportation of general cargo between U.S. East Coast ports and ports of Spain, Morocco, Algeria, and the Canary Islands with transshipment at ports in the Bayonne/Hamburg range only.

Dated: March 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3067; Filed, Mar. 13, 1969; 8:45 a.m.]

NORTH CAROLINA SAVINGS AND LOAN LEAGUE, INC.

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-60; Order of Revocation

Whereas, North Carolina Savings and Loan League, Inc., Post Office Box 6665, 1024 Homeland Avenue, Greensboro, N.C. 27405, does not now intend to charter any passenger vessel subject to section 3 of Public Law 89-777, and

Whereas, North Carolina Savings and Loan League, Inc., has returned Certificate (Performance) No. P-60 to the Commission for revocation.

It is ordered, That Certificate (Performance) No. P-60 be and is hereby revoked effective March 10, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on North Carolina Savings and Loan League, Inc.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3120; Filed, Mar. 13, 1969; 8:49 a.m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 727]

OFFICERS OF FARM CREDIT ADMINISTRATION

Authority To Act as Governor in Event Governor Is Absent or Not Able To Perform the Duties of Office for any Other Reason

MARCH 10, 1969.

1. In the event that the Governor is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Harold T. Mason, Deputy Governor.

(2) Glenn E. Heitz, Deputy Governor and Director of Cooperative Bank Service.

(3) F. Vernon Wright, Deputy Governor and Director of Production Credit Service.

(4) Fred W. Gilmore, Deputy Governor and Director of Land Bank Service.

(5) Paul O. Ritter, General Counsel.

(6) Any Deputy Director of one of the above-named Services designated by the Governor.

2. This order shall be effective March 10, 1969, and supersedes Farm Credit Administration Order No. 725, dated September 11, 1968 (33 F.R. 13045).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 69-3094; Filed, Mar. 13, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI61-189 etc.]

MOBIL OIL CORP. ET AL.

Findings and Orders

MARCH 4, 1969.

Mobil Oil Corp. (Operator) et al., Docket No. CI61-189; J. R. McDonald, Docket No. CI69-583; Mobil Oil Corp. (Operator) et al., James A. Wood, Trustee (Operator) et al., and J. R. McDonald, Docket No. RI67-273.

On December 10, 1968, J. R. McDonald (Applicant) filed in Docket No. CI69-583 an application, as amended on December 16, 1968, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Co., a division of Tenneco Inc., from the Placedo Field, Victoria County, Tex., all as more fully set forth in the application.

Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI61-189 to be made pursuant to Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 243. On December 13, 1968, Mobil filed a petition to amend the order issuing the certificate in Docket No. CI61-189 by deleting therefrom authorization to sell gas from the acreage assigned to McDonald and from other acreage, all as more fully set forth in the petition to amend. Applicant has submitted as its FPC gas rate schedule the contract which is also on file as Mobil's rate schedule. Mobil has submitted the instruments of assignment as supplements to its rate schedule.

The presently effective rate under Mobil's rate schedule is in effect subject to refund in Docket No. RI67-273. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed the application and petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the application or petition to amend has been filed.

At a hearing held on February 27, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, as amended, and exhibit thereto and the petition to amend, and upon consideration of the record:

The Commission finds:

(1) Applicant, J. R. McDonald, will be engaged in the sale for resale of natural gas in interstate commerce for ultimate public consumption and will be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of the service authorized herein.

(2) The sale of natural gas proposed in Docket No. CI69-583, as hereinbefore described and more fully described in the application, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The proposed sale of natural gas by Applicant is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate of public convenience and necessity to Mobil in Docket No. CI61-189 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule and supplements to FPC gas rate schedule submitted by Applicant and Mobil should be accepted for filing.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be made a co-respondent in the proceeding pending in Docket No. RI67-273, that said proceeding should be redesignated accordingly, and that Applicant should be required to file an agreement and undertaking in said proceeding.

The Commission orders:

(A) A certificate of public convenience and necessity is issued upon the terms and conditions of this order authorizing the sale by Applicant, J. R. McDonald, of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in Docket No. CI69-583.

(B) The certificate issued herein is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contract herein involved. The grant of the certificate herein for service to the particular customer involved shall not imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. The grant of the certificate herein shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(D) The order issuing a certificate of public convenience and necessity to Mobil Oil Corp. (Operator) et al., in Docket No. CI61-189 is amended by deleting therefrom authorization to sell natural gas from certain acreage in the Placedo Field, Victoria County, Tex., as hereinbefore described and as more fully described in the petition to amend in Docket No. CI61-189.

(E) Applicant, J. R. McDonald, is made a co-respondent in the proceeding pending in Docket No. RI67-273 and the proceeding is redesignated accordingly.

(F) Within 30 days from the issuance of this order J. R. McDonald shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67-273 to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(G) Applicant shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in Docket No. RI67-273 shall remain in full force and effect until discharged by the Commission.

(H) The FPC gas rate schedule and supplements submitted by applicant and Mobil are accepted for filing and are designated as described below:

Applicant and Docket No.	Description and date of instrument	Rate schedule No.	Rate schedule Supplement	Effective date
Mobil Oil Corp. (Operator) et al. CI61-189.	Assignment,[1] Aug. 16, 1968	243	6	Jan. 3, 1969.
	Assignment,[2] Sept. 1, 1967	243	7	Date of this order.
J. R. McDonald CI69-863	Contract,[3] June 27, 1960	1		Aug. 1, 1968.
	Letter agreement, July 28, 1960	1	1	Do.
	Letter agreement, Mar. 20, 1961	1	2	Do.
	Notice of change (undated)	1	3	Do.
	Assignment,[1] Aug. 16, 1968	1	4	Do.

[1] Assigns acreage from Mobil Oil Corp. to J. R. McDonald.
[2] Assigns acreage from Mobil Oil Corp. to J. G. Stone.
[3] Between Mobil Oil Corp. and Tennessee Gas Pipeline Co., a division of Tenneco Inc., on file with the Commission as Mobil's FPC Gas Rate Schedule No. 243.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)

Docket No. -------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.-102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. -------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------- day of ------- ------, 196--.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 69-3007; Filed, Mar. 13, 1969; 8:45 a.m.]

[Docket No. CS69-32 etc.]

NATIONAL COOPERATIVE REFINERY ASSN. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MARCH 5, 1969.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the National Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 2, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

CS69-32...	Jan. 29, 1969	National Cooperative Refinery Association, c/o Robert G. Braden, Attorney, Jochems, Sargent & Blaes, 500 Farmers & Bankers Life Building, Wichita, Kans. 67202.
CS69-33...	Feb. 5, 1969	Roden Oil Co., Post Office Box 5614, Midland, Tex. 79701.
CS69-34...	Feb. 10, 1969	Max W. Coll, II and The Estate of James R. Stephens, c/o Max W. Coll, II, Copartner, Box 1818, Roswell, N. Mex. 88201.
CS69-35...	Feb. 17, 1969	R. J. Zonne, Post Office Box 964, Midland, Tex. 79701.
CS69-36...	Feb. 18, 1969	Lewis B. Burleson and Jack Huff, c/o Jack Huff, Manager, Post Office Box 935, Midland, Tex. 79701.

[F.R. Doc. 69-3008; Filed, Mar. 13, 1969; 8:45 a.m.]

[Docket No. G-7670 etc.]

SOUTHERN UNION GATHERING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 4, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 26, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-1013..... E 2-10-69	Mineral Resources Corp. (successor to Mack R. Word et al.), Post Office Box 668, Weston, W. Va. 26452.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
CI66-1013.....	Mineral Resources Corp.....do.....		25.0	15.325
CI66-1038..... C 1-21-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	13.0	15.025
CI69-197..... C 2-10-69	Ashland Oil & Refining Co., Post Office Box 2518, Oklahoma City, Okla. 73101.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	26.0	15.325
CI69-658..... A 1-21-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	[2] 13.4426	14.65
CI69-732..... A 2-6-69	Bowers Drilling Co., Inc.....	Cities Service Gas Co., Etna Field, Barber County, Kans.	14.0	14.65
CI69-733..... F 2-5-69	Clinton Oil Co. (successor to Dudley H. Hughes et al.), 6810 West Highway 54, Wichita, Kans. 67209.	United Gas Pipe Line Co., Mages Field, Simpson County, Miss.	18.0	15.025
CI69-734..... A 2-6-69	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Southern Natural Gas Co., Breton Sound Area, Blocks 20-21-22-27-28-29, Inshore Waters Adjacent to Plaquemines Parish, La.	21.25	15.025
CI69-735..... A 2-6-69	General Crude Oil Co., Post Office Box 2252, Houston, Tex. 77001.	Trunkline Gas Co., South Timbalier Area, Offshore, Louisiana	21.25	15.025
CI69-736..... A 2-6-69	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Ignacio Area, La Plata County, Colo.	14.0	15.025
CI69-737..... (D-6010) D 2-5-69	King Resources Co. (successor to Shell Oil Co.), Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Monahans Field, Winkler County, Tex.	14.12	14.65
CI69-738..... B 2-10-69	Hoe Brothers (Operator) et al., 200 Hawn Bldg., Corpus Christi, Tex. 78401.	United Gas Pipe Line Co., Acreage in Karnes County, Tex.	Depleted	------
CI69-739..... B 2-10-69	Blaine Hart et al., Stockport, Ohio 43787.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Uneconomical	------
CI69-740..... B 2-10-69	Pan American Petroleum Corp.....	El Paso Natural Gas Co., Bondad Area, La Plata County, Colorado	14.0	15.025
CI69-741..... B 2-10-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Transcontinental Gas Pipe Line Corp., Division of Tenneco Inc., Brayton Field, Nueces County, Tex.	Depleted	------
CI69-743..... A 2-10-69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Southern Natural Gas Co., Breton Sound Area, Plaquemines Parish, La.	21.25	15.025
CI69-744..... A 2-6-69	Kewanee Oil Co., Post Office Box 2252, Houston, Tex. 77001.	Trunkline Gas Co., South Timbalier Area, Offshore, La.	21.25	15.025
CI69-745..... A 2-10-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Trunkline Gas Co., Vermilion Block 120 Field, Offshore Vermilion Parish, La.	[3] 21.25	15.025
CI69-746..... B 2-11-69	Tamarack Petroleum Co., Inc., agent et al., 910 Bank of the Southwest Bldg., Midland, Tex. 79701.	United Gas Pipe Line Co., Wyrick Field, Refugio County, Tex.	(4)	------
CI69-747..... B 2-11-69	do.....	United Gas Pipe Line Co., Wyrick Field, Refugio County, Tex.	(5)	------
CI69-749..... A 2-12-69	Pan American Petroleum Corp.....	Panhandle Eastern Pipe Line Co., Wildcat Field, Ellis County, Okla.	[6] 18.0	14.65
CI69-750 [7] (CI66-1362) D 2-12-69	MPS Production Co. (Operator) et al., 1410 Bank of the Southwest Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Shuteston Field, St. Landry Parish, La.	Depleted	------
CI69-751..... A 2-12-69	Rosecrans et al., 1100 Philtower Bldg., Tulsa, Okla. 74103.	Panhandle Eastern Pipe Line Co., Magnolia Field, Adams County, Miss.	18.0	15.025
CI69-752..... (CI67-851) F 2-10-69	David Feaken et al. (successor to Pan American Petroleum Corp.), c/o Richard B. Brooks, attorney, Whitaker & Brooks, 608 First National Bank Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Dunes Area, Pecos County, Tex.	16.5	14.65
CI69-753..... A 2-13-69	L. W. Eoclin, Post Office Box 395, Spencer, W. Va. 25276.	United Fuel Gas Co., acreage in Jackson County, W. Va.	26.0	15.325

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7670..... C 2-6-69	Southern Union Gathering Co., Fidelity Union Tower, Dallas, Tex. 75201.	El Paso Natural Gas Co., Dakota Pool, San Juan County, N. Mex.	[1] 13.0	15.025
G-8408..... D 2-10-69	Sinclair Oil Corp. (Operator), Post Office Box 521, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Northwestern Harbury Field, Newton County, Tex.	Assigned	------
G-9468..... D 2-6-69	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	(8)	------
G-17780..... D 1-28-69	Husky Oil Co. of Delaware (formerly Husky Oil Co.), Post Office Box 380, Cody, Wyo. 82414.	El Paso Natural Gas Co., Gallegos-Gallup Pool, San Juan County, N. Mex.	Uneconomical	------
G-18467..... C 2-13-69	Southwestern Development Co., c/o Denzil L. Prather, 1514 Seventh St., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., acreage in Wirt County, W. Va.	26.0	13.325
G-19456..... E 2-10-69	Brandly H. Keyes (successor to Frank Yockey et al.), Box 842, Aztec, N. Mex. 87410.	El Paso Natural Gas Co., West Kutz Pictured Cliffs Field, San Juan County, N. Mex.	12.0	15.025
CI60-224..... C 2-11-69	Bridwell Oil Co., Post Office Box 661, Alice, Tex. 78332.	Texas San Juan Oil Corp., Miller and Fox Fields, Duval County, Tex.	12.0	14.65
CI61-626..... A 1-15-69	Killam & Hurd, Ltd. (successor to Killam & Hurd) c/o Douglas C. Hunt, Post Office Box 499, Laredo, Tex. 78040.	Natural Gas Pipeline Co. of America, Northeast Thompsonville Field, Webb and Jim Hogg Counties, Tex.	16.0	14.65
CI61-704..... C 2-17-69	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Lone Star Gas Co., Springer Field, Caddo Dome Area, Carter County, Okla.	16.25	14.65
CI61-1024..... D 2-17-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	Assigned	------
CI62-635..... D 2-17-69	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221 (partial abandonment).	El Paso Natural Gas Co., Judkins Field, Orane County, Tex.	(9)	------
CI63-1800..... D 2-17-69	Mobil Oil Corp.....	Natural Gas Pipeline Co. of America, West Crane and Putnam Fields, Dewey and Custer Counties, Okla.	Assigned	------
CI64-357..... C 2-14-69	CRA, Inc. (Operator) et al., Post Office Box 7305, Kansas City, Mo. 64116.	Montana Final Supply Co., Nitchie Gulch Field, Sweetwater County, Wyo.	16.0	15.025
CI65-375..... E 2-17-69	J. D. King Operating Co. (successor to W. H. Hughey Operating Co. et al.), Route 2, Hivens, Tex. 79358.	Arkansas Louisiana Gas Co., Clinton Lake Field, Marion County, Tex.	[10] 13.27	14.65
CI67-314 [7] E 1-15-69	Killam & Hurd, Ltd. (Operator) et al. (successor to Killam & Hurd (Operator) et al.).	Tennessee Gas Pipeline Co., a div. of Tenneco Inc., South Davis Field, Zapata County, Tex.	16.0	14.65
CI67-171..... D 2-13-69	Edwin L. Cox, 3900 First National Bank Building, Dallas, Tex. 75202 (partial abandonment).	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	(8)	------
CI67-1098..... E 2-7-69	Estate of W. G. Rogers et al. (successor to W. G. Rogers et al.), c/o Ernest T. Cowan, 4646 Oak Plaza Bldg., 3707 Hawkins St., Dallas, Tex. 75219.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Area, Beaver County, Okla.	[11] 17.0	14.65
CI68-666..... D 2-13-69	Mobil Oil Corp. (Operator) et al.	Texas Eastern Transmission Corp., Shiloh Field, Union Parish, La.	(8)	------
CI68-702..... E 2-7-69	Estate of W. G. Rogers et al. (successor to W. G. Rogers et al.).	Panhandle Eastern Pipe Line Co., Mocane-Laverne Area, Beaver County, Okla.	[11] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-754 A 2-13-69	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Trunkline Gas Co., Vermilion Block 120 Field, Offshore Vermilion Parish, La.	[11] 21.25	15.025
CI69-755 A 2-13-69	William Perlman et al., 2302 Niels Esperson Bldg., Houston, Tex. 77002.	Valley Gas Transmission, Inc., La Huerta West Field Area, Duval County, Tex.	15.0	14.65
CI69-756 A 2-13-69	Warren Petroleum Corp., Operator,[12] Post Office Box 1589, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Vada Processing Plant, Lea County, N. Mex.	[13] 15.5	14.65
CI69-757 A 2-13-69	L. W. Roche	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	28.0	15.325
CI69-758 A 2-13-69	G. M. Close (Operator) et al., First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Oakdale Area, Woods County, Okla.	[17] 17.0	14.65
CI69-759 A 2-13-69	L. W. Roche	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	28.0	15.325
CI69-760 A 2-13-69	Hurley Petroleum Corp., 400 Petroleum Bldg., Shreveport, La. 71101.	Texas Eastern Transmission Corp., Hico-Knowles Field, Lincoln Parish, La.	19.0	15.025
CI69-761 A 2-13-69	R. L. Moorhouse, Trustee, c/o Sol Smith, Esq., 815 Brown Bldg., Austin, Tex. 78701.	United Gas Pipe Line Co., Ewing Field, San Patricio County, Tex.	15.0	14.65
CI69-762 A 2-14-69	W. D. A. Corp., 2339 Inwood Rd., Suite 14, Dallas, Tex. 75235.	Humble Gas Transmission Co., West Richland Field Area; Ouachita and Richland Parishes, La.	[18] 16.0	15.025
CI69-763 B 2-14-69	Phillips Petroleum Co.	Southern Natural Gas Co., Cross Bayou Field, Iberia Parish, La.	Depleted	----
CI69-765 A 2-14-69	Koch Industries, Inc., Post Office Box 2256, Wichita, Kans. 67201.	Arkansas Louisiana Gas Co., acreage in Pontotoc County, Okla.	[19] 16.0	14.65
CI69-766 (CI64-1498) F 2-10-69	International Nuclear Corp. (successor to Chevron Oil Co., Western Division), c/o Robert E. Gill, Jr., attorney, 420 Lincoln Tower Bldg., Denver, Colo. 80203.	Kansas-Nebraska Natural Gas Co., Inc., Lost Cabin Field, Fremont County, Wyo.	15.0	14.65
CI69-767 (CI65-904) F 2-17-69	Yale Oil Association (successor to Ramsey Associated Petroleum, Ltd.), 2203 First National Bldg., Oklahoma City, Okla. 73102.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI69-768 A 2-17-69	American Well Service & Salvage, Inc., and Anneo Petroleum Corp., c/o Duncan M. Smith, Jr., attorney, Post Office Box 51643, Oil Center Station, Lafayette, La. 70501.	Transcontinental Gas Pipe Line Corp., acreage in Calcasieu Parish, La.	17.5	15.025
CI69-769 (CI61-1773) F 2-17-69	Rex Monahan (successor to Sohio Petroleum Co.), Box 1231, Sterling, Colo. 80751.	Kansas-Nebraska Natural Gas Co., Inc. Surveyor Creek Field, Washington County, Colo.	10.0	16.4
CI69-770 A 2-14-69	Lincoln Rock Corp., c/o Bernard A. Foster, III, Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005.	Cimarron Transmission Co., acreage in Love County, Okla.	[7] 15.0	14.65
CI69-771 (G-5739) F 2-10-69	Western Oil & Minerals Corp. (successor to John A. Egan), Post Office Box 191, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., South Blanco Pictured Cliffs, San Juan County, N. Mex.	13.0	15.025
CI69-772 A 2-17-69	Latham Oil Co., Inc. (Operator) et al., Post Office Box 1581, Shreveport, La. 71102.	United Gas Pipe Line Co., Puckett Field, Rankin County, Miss.	18.0	15.025
CI69-773 A 2-17-69	Phillips Petroleum Co.	Lone Star Gas Co., Anadarko Basin Area, Stephens County, Okla.	15.0	14.65
CI69-774 A 2-17-69	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., Guymon-Hugoton Gas Area, Texas County, Okla.	[7] 17.0	14.65
CI69-775 (CI64-1452) F 2-10-69	Western Oil & Minerals Corp. (successor to John A. Egan).	El Paso Natural Gas Co., South Blanco Pictured Cliffs, San Juan County, N. Mex.	13.0	15.025
CI69-776 (G-18249) F 2-13-69	Thomas A. Dugan (successor to Ken Blackford (Operator) et al.), Box 234, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Ballard Pictured Cliffs, Rio Arriba County, N. Mex.	13.0	15.025
CI69-777 A 2-17-69	Meabon & Smith Gas Co. et al., c/o William Smith, 2 Sutherland Rd., Huntington, W. Va. 25705.	United Fuel Gas Co., Stonewall District, Wayne County, W. Va.	16.0	15.325
CI69-779 A 2-14-69	Sohio Petroleum Co., 970 First National Bank Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Northwest Woodward Area, Woodward County, Okla.	[20] 18.75	14.65

[1] Includes 1 cent per Mcf minimum guarantee for liquids.
[2] Gas is no longer being produced in commercial quantities.
[3] Deletes excess gas from contract. Buyer is unable to take additional gas in excess of contract volumes.
[4] Subject to deduction for compression.
[5] No permanent certificate issued; temporary authorization granted only.
[6] Well deliverability pressures are insufficient to enter high pressure line.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Acreage released to landowners.
[9] Application previously noticed Feb. 12, 1969, in Dockets Nos. G-2723 et al. at a total initial price of 13.2727 cents per Mcf, subject to deduction for compression and treating charges, if applicable.
[10] Applicant filed revised billing statement to reflect a total initial price of 13.4426 cents per Mcf, including tax reimbursement; also subject to deduction for compression and treating charges, if applicable.
[11] Contract provides for 21.25 cents per Mcf; however, Applicant states it will accept certificate at 19.5 cents per Mcf.
[12] Well is no longer capable of producing gas in commercial quantities.
[13] Contract provides for 18 cents per Mcf, subject to upward and downward B.t.u. adjustment; however, Applicant proposes rate of 16.15 cents per Mcf (including 0.85-cent reduction for downward B.t.u. adjustment), subject to upward and downward B.t.u. adjustment.
[14] Application erroneously assigned Docket No. CI69-750; only temporary certificate issued in Docket No. CI65-1362, therefore, the application will be treated as an amendment to the application in Docket No. CI65-1362 and Docket No. CI69-750 is canceled.
[15] Applicant has agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[16] Includes 1 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[17] Contract provides for 17 cents per Mcf, subject to upward and downward B.t.u. adjustment; however, Applicant agrees to accept certificate at 15 cents per Mcf, plus B.t.u. adjustment.
[18] Includes 1 cent per Mcf tax reimbursement.
[19] Contract provides for rate of 16 cents per Mcf; however, Applicant agrees to accept certificate conditioned to 15 cents per Mcf.
[20] Includes 1.75 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 69-3009; Filed, Mar. 13, 1969; 8:45 a.m.]

[Docket No. RI69-596 et al.]

PLACID OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

MARCH 5, 1969.

On February 3, 1969, Placid Oil Co. (Operator) et al., and Placid Oil Co. (both referred to herein as Placid)[1] tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are contained in the following designated filings:

[1] Address is: 2500 First National Bank Building, Dallas, Tex. 75202. Attention: Paul W. Hicks, Esquire.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in dockets Nos.
RI69-596	Placid Oil Co. (Operator) et al., 2500 First National Bank Bldg., Dallas, Tex. 75202, Attention: Paul W. Hicks, Esq.	24	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Lake Washington Field, Plaquemines Parish, La.) (South Louisiana Area).	$171,600	2-3-69	[2] 2-4-69	[3] 2-5-69	[4] [5] 23.7	[6] [7] 21.5	RI68-56.
	do	28	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Dulac Area, Terrebonne Parish, La.) (South Louisiana Area).	101,200	2-3-69	[2] 2-4-69	[3] 2-5-69	[4] [5] 23.7	[6] [7] 21.5	RI68-57.
RI69-597	Placid Oil Co.	27	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Caillou Island Field, Terrebonne Parish).	8,250	2-3-69	[2] 2-4-69	[3] 2-5-69	[4] [5] 23.7	[6] [7] 21.5	RI65-57.
	do	31	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Leeville Area, La Fourche Parish, La.) (South Louisiana Area).	4,950	2-3-69	[2] 2-4-69	[3] 2-5-69	[4] 23.15	[6] [7] 21.5	RI65-208.

[2] The stated effective date is the day following the date the prior increase was placed into effect subject to refund.
[3] The suspension period is limited to 1 day.
[4] Special decrease to reduce refund exposure and provide measure of protection in the event the rate finally determined in Southern Louisiana exceeds 20 cents per Mcf.
[5] Pressure base is 15.025 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] "Fractured" rate. Contractually due 26.1 cents per Mcf (23.8 cents plus 2.3 cents tax reimbursement) since Nov. 1, 1964.
[8] Inclusive of 2.3 cents tax reimbursement.

Placid has requested that its proposed rate decreases be made effective as of February 2, 1969, the day following the date it believed its prior rate changes were proposed to become effective subject to refund in Dockets Nos. RI68-56, RI68-57, and RI68-269. However, Placid did not file its motion to place the prior suspended rates into effect until February 3, 1969. We therefore conclude that Placid's proposed rate decreases should be suspended for 1 day from February 4, 1969.

Placid's proposed four rate decreases, from rates currently in effect subject to refund in Dockets Nos. RI68-56, RI68-57, and RI68-269, amounting to $286,000 annually, exceed the area increased rate ceiling established by the Commission's statement of general policy No. 61-1, as amended.

The 21.5-cent decreased rates proposed herein by Placid also exceed the area base rates prescribed in Opinion No. 546 issued September 25, 1968, in South Louisiana Area Rate Proceeding, Docket No. AR61-2, which is now pending on rehearing. Paragraph (A) of Opinion No. 546 states that from and after September 25, 1968, no rate or charge made, demanded, or received under a rate schedule filed for gas produced in the Southern Louisiana Area shall exceed the applicable rate prescribed therein. Consequently, the subject rate changes will be subject to rejection, ab initio, if the Commission affirms its Opinion No. 546 on rehearing or in the event Opinion No. 546 is affirmed but stayed and ultimately upheld on judicial review. The same is true with respect to the prior higher rates in Dockets Nos. RI68-56 et al., and RI68-269. In these circumstances we believe it appropriate to suspend Placid's rates for only 1 day.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the rate changes contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until February 5, 1969, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Placid, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Placid shall file under Dockets Nos. RI69-596 and RI69-597 with the Secretary of the Commission its agreements and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon Tennessee Gas Pipeline Co., a division of Tenneco Inc., the purchaser under the rate schedules involved. Unless Placid is advised to the contrary within 15 days after the filing of its agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted. If, however, an acceptable general undertaking, as provided in Order No. 377, has previously been filed by Placid, then it will not be necessary for Placid to file its agreements and undertakings as provided herein. In such circumstances Placid's proposed rate changes will become effective as of the expiration of the suspension period without any further action by Placid.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension periods.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 21, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-3008; Filed, Mar. 13, 1969; 8:45 a.m.]

[Docket No. CP69-224]

LONE STAR GAS CO.

Notice of Application

MARCH 6, 1969.

Take notice that on February 24, 1969, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP69-224 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of approximately 6.9 miles of 2-inch transmission line extending from its 6-inch Line F-2 in a southerly direction to a city gate measuring station to be installed near the town of Little Elm, Denton County, Tex.

Applicant states that the town of Little Elm does not have natural gas service, and that Applicant has been granted a franchise to build and operate a distribution system within the town.

Applicant estimates the cost of the natural gas pipeline facilities at $51,058, the city gate measuring and regulating station at $2,900, and the local distribution system for Little Elm at $33,370, all of which Applicant intends to finance from working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 31, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3070; Filed, Mar. 13, 1969; 8:45 a.m.]

[Docket No. CP69-230]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

MARCH 6, 1969.

Take notice that on February 28, 1969, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP69-230, an application pursuant to section 7 of the Natural Gas Act for permission and approval of the Commission to abandon in place certain natural gas facilities and construct certain new facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission to abandon in place a portion of the lateral line from Applicant's Alton Line to Shell Oil Co.'s Wood River refinery, Madison County, Ill., consisting of 1.89 miles of 16-inch pipe. Applicant proposes to replace that portion of abandoned line with 0.85 mile of 16- and 18-inch line along a shorter route.

Applicant estimates the cost of the proposal at $148,700, to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 3, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3071; Filed, Mar. 13, 1969; 8:45 a.m.]

[Docket No. CP69-223]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 6, 1969.

Take notice that on February 24, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69-223 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas in interstate commerce for resale and distribution in certain communities in the State of Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the transportation of natural gas presently being supplied to its Peoples Division for sale and distribution in the communities of Montezuma, Cimarron, Ensign, and Dodge City, Kans. Applicant proposes to transfer to its Peoples Division certain of the branch lines and measuring facilities utilized to provide such service. Applicant states that due to substantial load growth it will be unable to meet the residential and industrial natural gas requirements of the four communities without the construction of new facilities.

Applicant alleges that Cities Service Gas Co. has existing facilities traversing the subject area which are capable of supplying the area's natural gas requirements, and that Cities Service has agreed to undertake the fulfilling of those requirements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 28, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3072; Filed, Mar. 13, 1969; 8:45 a.m.]

[Docket No. CP69-229]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 6, 1969.

Take notice that on February 28, 1969, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP69-229 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder, for a certificate of public convenience and necessity authorizing construction during the 12-month period beginning June 1, 1969, and operation of miscellaneous natural gas facilities necessary to enable Applicant to purchase natural gas from independent producers in the general area of its existing system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant further requests that the limitations of §§ 2.58(a)(2) and 157.7(b)(1)(ii) of the Commissions regulations be waived, and that Applicant be allowed to construct facilities costing up to $1 million for any single offshore facility and $750,000 for any single onshore facility. Applicant does not ask that the limit of $5 million on total expenditures be waived.

Applicant states that this "budget-type" application will enable it to act with the least possible delay when contracting for supplies of gas which may become available along its system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 3, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protests or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3073; Filed, Mar. 13, 1969; 8:45 a.m.]

[Docket No. CP69-228]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

MARCH 6, 1969.

Take notice that on February 25, 1969, Valley Gas Transmission, Inc. (Applicant), Houston Natural Gas Building, 1200 Travis, Box 1188, Houston, Tex. 77001, filed in Docket No. CP69-228 an application pursuant to section 7(b) of the Natural Gas Act to abandon certain facilities in Texas, all as more fully described in the application on file with the Commission and open for public inspection.

Specifically, Applicant requests authority to abandon approximately 2.25 miles of pipeline and appurtenant facilities connecting wells in the Tidehaven Field, Matagorda County, Tex., and approximately 3 miles of pipeline and related facilities connected to a central point in the South Spanish Camp Field, Wharton County, Tex.

Applicant states the net book value of the facilities to be abandoned is $47,078. Applicant proposes to abandon them in place. Applicant states that the wells which these facilities connect are depleted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 31, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3074; Filed, Mar. 13, 1969; 8:45 a.m.]

[Docket No. RP 69-24]

EASTERN SHORE NATURAL GAS CO.

Notice of Proposed Change in Rates and Charges

MARCH 7, 1969.

Notice is hereby given that Eastern Shore Natural Gas Co. (Eastern Shore) on February 11, 1969, as supplemented on February 27, 1969, filed a proposed change to its FPC Gas Tariff, Original Volume No. 1, to be effective as of April 11, 1969. The change is reflected in proposed Rate Schedule CD-E and contains a demand charge of $5.25 per Mcf of contract demand in lieu of the presently effective systemwide demand charge of $6.43.

Eastern Shore alleges that the new zone and rate schedule results from negotiations with its customers as provided in the settlement agreement which was approved by the Commission in Docket RP61-20 (27 FPC 1371).

Protests, petitions, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 27, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3108; Filed, Mar. 13, 1969; 8:48 a.m.]

[Docket No. G-3784 etc.]

SOHIO PETROLEUM CO. ET AL.

Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates

MARCH 7, 1969.

Sohio Petroleum Co. (Operator) et al. (successor to Blanco Oil Co.) and other applicants listed herein, Docket No. G-3784 et al.; Petroleum, Inc., operator, Docket No. CI69-703.

In the notice of applications for certificates, abandonment of service, and petitions to amend certificates, issued February 24, 1969, and published in the FEDERAL REGISTER March 4, 1969, F.R. 34(3762), on page 8, column 1: Under Docket No. CI69-703, insert in parenthesis Docket No. "CI60-418" and change filing code from "A" to "F".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3100; Filed, Mar. 13, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

PUBLICATION OF ADVERTISING STANDARDS BY PRIVATE ASSOCIATION

Approval

The Commission announced its approval of advertising and selling standards proposed for publication by a private association.

The association has come to believe that certain unfair and deceptive practices are being used by a number of firms providing a particular service. It has therefore devised a "Statement," similar to a Code of Ethics, setting forth a number of practices which have heretofore been found unlawful by the Commission and which should not be engaged in by members of the industry. It proposes to

invite industry members voluntarily to agree to avoid such practices as "bait" advertising, false disparagement of competitors, deceptive pricing, deceptive advertising of guarantees, and misleading use of the word "free."

The objective of the "Statement" is to maintain accuracy and truth in advertising and selling of the service involved. Among other things, the "Statement" provides, "all advertising shall be accurate and clearly disclose the true nature of the offer. Advertising as a whole should not create a misleading impression, even though each statement or illustration, when considered separately, may be literally truthful. Advertisers at all times should be in a position to substantiate the accuracy of any claims made in their advertising."

The Commission advised that: "As long as each signer of the document agrees to, and abides by, its provisions without coercion, expressed or implied, the Commission would have no objection to your proposed document as written, or its proposed use."

Issued: March 13, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3121; Filed, Mar. 13, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

MARCH 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 11, 1969, through March 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3110; Filed, Mar. 13, 1969; 8:48 a.m.]

[File Nos. 7-3046—7-3053]

CAROLINA POWER AND LIGHT CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 10, 1969.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Carolina Power and Light Co	7-3046
Industrial Bancorp, Inc	7-3047
Kimberly-Clark Corp	7-3048
May Department Stores Co	7-3049
Northwest Bancorporation	7-3050
Ogden Corp	7-3051
Southwestern Public Service Co	7-3052
Travelers Corp	7-3053

Upon receipt of a request, on or before March 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3111; Filed, Mar. 13, 1969; 8:48 a.m.]

[File Nos. 7-3055—7-3057]

CHROMALLOY AMERICAN CORP. (DELAWARE) ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 10, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Chromalloy America Corp. (Delaware)	7-3055
Universal Container Corp	7-3056
Federal Resources Corp	7-3057

Upon receipt of a request, on or before March 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3112; Filed, Mar. 13, 1969; 8:48 a.m.]

[812-2397, 812-2401]

CML VARIABLE ANNUITY ACCOUNT A AND CONNECTICUT MUTUAL LIFE INSURANCE CO.

Notice of Application for Exemption

MARCH 10, 1969.

Notice is hereby given that CML Variable Annuity Account A ("Account") and Connecticut Mutual Life Insurance Co. ("Insurance Company"), (hereinafter called "Applicants"), 140 Garden Street, Hartford, Conn. 06115, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., for an order exempting Applicants from certain provisions of sections 17(f)(3), 22(d), 23(e), 27(a)(4), 27(c)(1), and 27(c)(2) of the Act and Rule 17f-2 thereunder. Account is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Insurance Company established Account as the facility through which Insurance Company will set aside and invest assets attributable to variable annuity contracts.

Section 17(f)(3) provides that a registered management investment company may maintain its securities and similar investments in its own custody, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f-2(b) provides, with certain exceptions, that all securities and similar investments must be deposited in the safekeeping of a bank or other company whose functions and physical facilities are supervised by Federal or State authority. Rule 17f-2(d) provides, in relevant part, that no person shall be authorized or permitted to have access to the securities held in the custody of a management investment company except pursuant to a resolution of the board of directors of such company which names not more than five persons, who must be officers or responsible employees of such company, and that access to such investments shall be had only by two or more such persons jointly, at least one of whom shall be an officer. Applicants request an exemption from the provisions of section 17(f)(3) and Rule 17f-2 to the extent necessary to permit the custody by Insurance Company in its vault of the securities and other similar investments held in the Account, and to permit not more than 20 duly authorized officers or responsible employees of Insurance Company as well as representatives of the Connecticut Commissioner of Insurance, members of the National Association of Insurance Commissioners duly designated zonal auditing committee and selected responsible members of Insurance Company's internal audit team to have access to the assets of the Account on the grounds that adequate protection will be afforded to variable annuity contract owners.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants propose to make no sales and administrative charges with respect to payments derived from the surrender or conversion of contracts with Insurance Company which, immediately prior to their surrender or conversion, were held by the contract owner or beneficiary under a retirement program qualified under sections 401, 403(a), 403(b), or other provisions of the Internal Revenue Code allowing similar tax treatment.

Applicants assert that no unfair discrimination would result from elimination of such charges. In all cases of surrender or conversion of contracts with Insurance Company a sales charge on the payments under the contracts will have been paid. By eliminating sales and administrative charges upon the surrender or conversion of such contracts, duplication of charges already made is avoided.

Applicants also request an exemption from the provisions of section 22(d) to permit Insurance Company to employ, in effect, a form of experience rating whereby Insurance Company, a mutual life insurance company, may credit a portion of its divisible surplus with respect to the variable annuity contracts, all of which are issued on a participating basis. Although there is no contractual right to the payment of refunds under the contract, there is an annual determination by the board of directors of Insurance Company of the amount of surplus that may prudently be distributed and the manner in which that amount should be divided among the many classes of contracts administered by Insurance Company based upon each class's contribution to such surplus. Application of the refunds due each participant will be made on the contract anniversary during the period with respect to which any refund is declared. Any refund from divisible surplus will be allocated to the contract owner, the contract or the account, as determined by Insurance Company. Such allocation shall be consistent with the tax qualified nature of the plan under which the contract is issued and, in certain circumstances, the method of allocation may be elected by the contract owner. The most common methods of allocation are expected to be (a) applications against future payments under the contract, (b) crediting of a number of additional accumulation units equal in value to the amount of the refund due, or (c) increasing the amount of annuity payments.

Refunds due the participants will be applied without deduction of any amounts for sales or administrative expenses, since any applicable charges therefor would already have been made against the payments giving rise to such surplus.

Sections 22(e) and 27(c)(1) provide, in pertinent part, that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption, and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Applicants state that the amount of annuity payments under the variable annuity contracts are calculated actuarially based upon the assumption that the "pool" created by the value of the individual accounts of persons electing an annuity will be allocated over the expected future lifetimes, as determined from the mortality table, of all annuitants of a similar class. Some will die prior to their expected future lifetime, but others will survive beyond this. The assumption the insurer makes is that amounts available because of deaths prior to the average future lifetime will offset payments made to annuitants who survive beyond the average future lifetime. If an annuitant were permitted to redeem his contract after annuity payments commence, the actuarial assumptions made with respect to the remaining annuitants would no longer be valid. In order to sustain the actuarial basis for annuity payments, Applicants request an exemption from sections 22(e) and 27(c)(1) to permit issuance of variable annuity contracts which preclude redemption during the annuity payment period.

Section 27(a)(4), as here pertinent, prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20 or any subsequent payment is less than $10. In order to avoid additional expense for employers in making payroll deductions, Applicants request an exemption to permit the first payment by or for a contract owner or participant to be in an amount not less than $10.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign. Applicants request an exemption from these requirements to permit the proceeds of all payments under the variable annuity contracts to be held by Insurance Company on the grounds that its status as a regulated insurance company, and its obligations as an insurance company to its variable annuity contract owners provide substantially the protection contemplated by these requirements.

Applicants have consented that the requested exemption may be made subject to the conditions (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of the fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order: *Provided*, That the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors

and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 20, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3113; Filed, Mar. 13, 1969; 8:49 a.m.]

DUMONT CORP.

Order Suspending Trading

MARCH 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B Common Stock of Dumont Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 11, 1969, through March 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3114; Filed, Mar. 13, 1969; 8:49 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

MARCH 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 11, 1969, through March 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3115; Filed, Mar. 13, 1969; 8:49 a.m.]

[File No. 2–29361(22–5061)]

PENNSYLVANIA ENGINEERING CORP.

Notice of Application and Opportunity for Hearing

MARCH 7, 1969.

Notice is hereby given that Pennsylvania Engineering Corp., a Delaware corporation ("Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 ("Act") for a finding that the trusteeship of The First National Bank of Boston ("Bank of Boston") under an indenture, which was heretofore qualified under said Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bank of Boston from acting as trustee under such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indentures.

The Company alleges that:

1. The Company has outstanding $16,120,200 aggregate principal amount of its 5 percent Convertible Subordinated Debentures due November 1, 1993 ("Old Debenture") issued under an Indenture dated as of October 1, 1968, between the Company and Bank of Boston ("Old Indenture"), The Old Debentures were registered under the Securities Act of 1933 (File No. 2–29361) and the Indenture was simultaneously qualified under the Trust Indenture Cost of 1939 (File No. 22–5061).

2. On December 30, 1968, the Company issued and sold to three institutional purchasers who represented that they were purchasing for investment and not with a view to distribution, $6 million aggregate principal amount of the Company's 5½ percent Convertible Subordinated Debentures due December 31, 1993 (the "New Debentures") issued under an indenture dated as of December 23, 1968, between the Company and Bank of Boston ("New Indenture"). The New Debentures were exempt from registration under the Securities Act of 1933 by section 4(2) thereof and the New Indenture is exempt from qualification under the Act by virtue of the provisions of section 304(b)(1) of that Act.

3. Except in few particulars hereinafter mentioned, the New Indenture is identical to the Old Indenture and except as hereinfater mentioned the terms of the New Debentures are identical to those of the Old Debentures.

4. The Old Indenture and the New Indenture are wholly unsecured. The Company is not in default under the Old Indenture or under the New Indenture. The New Debentures rank equally with the Old Debentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than March 26, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3116; Filed, Mar. 13, 1969; 8:49 a.m.]

SANTA FE INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 10, 1969.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Santa Fe Industries, Inc.....File No. 7–3054

Upon receipt of a request, on or before March 10, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3117; Filed, Mar. 13, 1969; 8:49 a.m.]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACTS OR SUBCONTRACTS FOR TRANSPORTATION BY WATER AS COMMON CARRIERS

Extension of Time for Filing Financial Statements Under the Renegotiation Act of 1951

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1968 is hereby granted an extension of time until August 1, 1969 for filing a financial statement for such year pursuant to § 105(e)(1) of the Renegotiation Act of 1951, as amended.

Dated: March 11, 1969.

LAWRENCE E. HARTWIG, *Chairman.*

[F.R. Doc. 69–3095; Filed, Mar. 13, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

HEMISPHERE CAPITAL CORP.

Notice of Application for License as Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended, (15 U.S.C. 661 et seq.) has been filed by Hemisphere Capital Corp. (Applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326). The Applicant, a New York corporation with a principal place of business located at 120 Delaware Avenue, Buffalo, N.Y. 14202, is a wholly owned subsidiary of Coburn Corporation of America (Coburn), a New York corporation having its principal place of business located at 100 Merrick Road, Rockville Centre, N.Y. 11571. Pursuant to a reorganization agreement and plan entered into between Coburn and Buffalo Small Business Investment Corp. (Buffalo), a small business investment company licensed by SBA under the Act, Coburn will acquire substantially all of the assets and assume substantially all of the liabilities of Buffalo in exchange for 16,300 shares of Coburn stock. The assets so acquired will be transferred to Applicant as a capital contribution by Coburn and Applicant will assume substantially all of the liabilities of Buffalo including Buffalo's indebtedness to SBA. The Coburn stock will be distributed by Buffalo to its stockholders in complete liquidation of the company and Buffalo's license surrendered to SBA.

All of the stock of the Applicant will be issued to and owned by Coburn and the officers and directors of the Applicant will be the following persons:

Name, address, and position or relationship

Irving L. Bernstein, 100 Merrick Road, Rockville Centre, N.Y., president, treasurer, and director.

Leonard Rochwarger, 120 Delaware Avenue, Buffalo, N.Y., vice president and assistant treasurer.

Murray Weiss, 100 Merrick Road, Rockville Centre, N.Y., assistant secretary and director.

Harold Grossman, 100 Merrick Road, Rockville Centre, N.Y., director.

Name, address, and position or relationship

Paul R. Scott, 100 Merrick Road, Rockville, N.Y., secretary.

Matters involved in SBA's consideration of the application include the general business reputation and character of the foregoing individuals and the probability of successful operation of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, no later than 10 days from the publication of this notice, submit to SBA, in writing, relevant comments on the proposed SBIC. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by Applicant in a newspaper of general circulation in Buffalo, N.Y., and Rockville Centre, N.Y.

For SBA (pursuant to delegated authority).

Dated: March 3, 1969.

JAMES THOMAS PHELAN, *Acting Associate Administrator for Investment.*

[F.R. Doc. 69–3079; Filed, Mar. 13, 1969; 8:46 a.m.]

[License No. 12/12–0112]

STERLING FUND, LTD.

Notice of Surrender of License

Notice is hereby given that Sterling Fund, Ltd., Hayward, Calif., has pursuant to § 107.105 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) surrendered its license to operate as a small business investment company. It was incorporated on January 3, 1964, under the laws of the State of California and licensed by the Small Business Administration (SBA) on March 10, 1964, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Sterling Fund, Ltd., has complied with all conditions set forth by SBA for the surrender of its license, including repayment of all indebtedness owing to SBA.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended and the pursuant regulations promulgated thereunder the surrender of the license of Sterling Fund, Ltd., is hereby accepted and Sterling Fund, Ltd., accordingly, is no longer licensed to operate as a small business investment company.

Dated: March 6, 1969.

JAMES THOMAS PHELAN, *Acting Associate Administrator for Investment.*

[F.R. Doc. 69–3080; Filed, Mar. 13, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 11, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41578—*Soda ash to points in Illinois.* Filed by Southwestern Freight Bureau, agent (No. B-14), for interested rail carriers. Rates on soda ash, other than modified soda ash, in bulk or in bulk in bags, barrels, boxes, or pails, in carloads, as described in the application, from specified points in Louisiana and Texas, to specified points in Illinois.

Grounds for relief—Market competition.

Tariffs—Supplements 147 and 211 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

FSA No. 41579—*Chlorine to St. Marys, Ga.* Filed by Southwestern Freight Bureau, agent (No. B-18), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Taft, La., to St. Marys, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 147 to Southwestern Freight Bureau, agent, tariff ICC 4668.

FSA No. 41580—*Chemicals from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-15), for interested rail carriers. Rates on carbon tetrachloride, ethylene dichloride, methylene chloride, perchloroethylene, trichloroethane, and trichloroethylene, in tank carloads, from specified points in Louisiana and Texas, to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief—Rate relationship.

Tariffs—Supplements 147 and 211 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

FSA No. 41582—*Bituminous coal to Kimball, Tenn.* Filed by The Chesapeake and Ohio Railway Co., (No. A-44) for itself and the Louisville and Nashville Railroad Co. Rates on coal and coal briquettes, in carloads, as described in the application, from mine origins in Kentucky, Virginia, and West Virginia, to Kimball, Tenn.

Grounds for relief—Carrier competition.

Tariff—Supplement 7 to The Chesapeake and Ohio Railway Co. tariff ICC 13964.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41581—*Chemicals from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-16), for interested rail carriers. Rates on carbon tetrachloride, ethylene dichloride, methylene chloride, perchloroethylene, trichloroethane, and trichloroethylene, in tank carloads, from specified points in Louisiana and Texas, to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief—Maintenance of depressed rates without use of such rates as factors in constructing combination rates.

Tariffs—Supplements 147 and 211 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3090; Filed, Mar. 13, 1969; 8:47 a.m.]

[Notice 794]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 10, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 710 TA), filed March 6, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, (50304), Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in pneumatic tank vehicles, from Chicago, Des Plaines, and Lemont, Ill., to points in Wisconsin and Indiana, for 150 days. Supporting shipper: Dundee Cement Co., Dundee, Mich. 48131. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 711 TA), filed March 6, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855 (50304), Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Fort Lupton, Colo., to points in Wyoming, Nebraska, Montana, Kansas, Utah, and New Mexico, for 180 days. Supporting shipper: Albers Milling Co., Post Office Box 342, Fort Lupton, Colo. 80621. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 712 TA), filed March 6, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third At Keosauqua Way 50304, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, from Parma, Mo., to points in Arkansas, Illinois, Kentucky, Missouri, and Tennessee, for 150 days. Supporting shipper: Agrico Chemical Co., Post Office Box 346, Memphis, Tenn. 38101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 108460 (Sub-No. 37 TA) (Correction), filed February 17, 1969, published FEDERAL REGISTER, issue of February 26, 1969, and republished as corrected this issue. Applicant: PETROLEUM CARRIERS COMPANY, 5104 West 14th Street 57106, Post Office Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: John M. Heisler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from (1) the pipeline facilities of the Mid-America Pipeline Co. (MAPCO), at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; and (2) from the pipeline facilities of the Mid-America Pipeline Co. (MAPCO), at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming, for 180 days. NOTE: The purpose of this republication is to add Whiting, Iowa, to (2) above. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201; A. E. MacDonald, Manager, Distribution and Traffic. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 109994 (Sub-No. 29 TA), filed March 5, 1969. Applicant: SIZER TRUCKING, INC., Box 97, Rochester, Minn. 55901. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and New Hampshire, for 150 days. Supporting shipper: Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 110420 (Sub-No. 580 TA), filed March 5, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and dry feed ingredients*, from Hope, Ind., to Swift Falls, Minn., for 180 days. Supporting shipper: The Amburgo Co., Inc., 1315 Walnut Street, Philadelphia, Pa. 19107; James A. Martin, Manager, Sales and Service. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 116077 (Sub-No. 261 TA), filed March 5, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bulk, from the plantsite or storage facilities of Monsanto Co. at or near El Dorado, Ark., to points in Oklahoma and Texas, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Monsanto Co. (Mr. Wayne T. Bryant, Rate Analyst), 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 119777 (Sub-No. 142 TA), filed March 5, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and accessories* for the installation thereof from the plantsite of Universal Pipe & Plastic, Inc., near Springfield, Ky., to points in Virginia, West Virginia, Ohio, Indiana, Illinois, Missouri, Kansas, Oklahoma, Texas (Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina; (2) *plastic compound*, from the plantsite of Universal Pipe & Plastic, Inc., near Springfield, Ky., to Lake Park, Fla., for 180 days. Supporting shipper: J. I. Geary, General Plant Manager, Universal Pipe & Plastic, Inc., Post Office Box 328, Springfield, Ky. 40069. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124679 (Sub-No. 21 TA), filed March 6, 1969. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Philadelphia, Pa., King of Prussia, Pa.; Vineland, Bridgeton, and Pennsauken, N.J., to points in Colorado, Wyoming, Utah, Nevada, California, Oregon, Washington, Montana, Idaho, Arizona, and New Mexico, for 180 days. Supporting shippers: Kunkle Farm Products, Inc., 310 East 44th Street, New York, N.Y. 10017; Garliardi Bros., Inc., 300 North 60th Street, Philadelphia, Pa. 19139; Colonial Beef Co., Food Distribution Center, Philadelphia, Pa. 19148; J & J Soft Pretzel Co., Inc., 845 Bethel Avenue, Pennsauken, N.J. 08110; Lundy's, 934 North Third Street, Philadelphia, Pa. 19123; Metro Marketing, Inc., 3525 West Petersen Avenue, Chicago, Ill. 60645; Dutch Twist Corp., 155 Boro Line Road, King of Prussia, Pa. 19406. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 126625 (Sub-No. 7 TA) (Correction), filed February 20, 1969, published FEDERAL REGISTER, issue of March 1, 1969, and republished as corrected this issue. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Blue Grass Field, Lexington, Ky. 40505. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Boone County, Ky., on the one hand, and Weir Cook Airport, Indianapolis, Ind., on the other, and (2) between Weir Cook Airport, Indianapolis, Ind., on the one hand, and James Cox Municipal Airport, Vandalia, Ohio, on the other; Restriction: The service applied for herein is restricted to shipments having an immediately prior or immediately subsequent movement by air; for 180 days. NOTE: The purposes of this republication is to include restriction which was inadvertently omitted in previous publication. Supporting shippers: Trans World Airlines, Weir Cook Airport, Indianapolis, Ind.; Robert E. Langford, Distribution Center Manager, Levi Strauss and Co., 795 U.S. Highway 25, Florence, Boone County, Ky. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 127019 (Sub-No. 4 TA), filed March 6, 1969. Applicant: LA RUE LAMB, doing business as LA RUE LAMB TRUCKING, Post Office Box 374, Myton, Utah 84052. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated gilsonite (Natural Asphaltum)*, in bulk, from Bonanza, Utah, to Kansas City, Mo., for 180 days. Supporting shipper: American Gilsonite Co., 1150 Kennecott Building, Salt Lake City, Utah 84111. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133128 (Sub-No. 1 TA), filed March 5, 1969. Applicant: F-B TRUCK LINE COMPANY, 4255 South Second West Street, Salt Lake City, Utah 84107. Applicant's representative: Duane Acklie, 1201 J Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal food, and advertising matter, premiums, and display materials*, when shipped in the same vehicle with the commodities as described above, from Los Angeles, Calif., and its commercial zone, to points in Colorado, Nebraska, Utah, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Kentucky, Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, New Jersey, and District of Columbia, under continuing contract with Kal Kan Foods, Inc., a division of M & M/Mars, for 180 days. NOTE: Applicant will not interline or tack but will handle transportation to port areas for delivery to water carriers and subsequent movement. Supporting shipper: Kal Kan Foods, Inc., 3386 East 44th Street, Vernon (Los Angeles), Calif. (Al Stampe, Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. MC 133521 TA, filed March 5, 1969. Applicant: CONTRACT CARRIER COMPANY, 855 Main Street, Bridgeport, Conn. 06603. Applicant's representative: Gustave D. Cederholm, Suite 329, 17 Battery Place, New York, N.Y. 10004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen raw and finished bakery products, fillings, icings, toppings, and articles used in the sale, manufacture, and distribution thereof.* NOTE: Applicant seeks to transport the above commodities in less than truckload shipments in refrigerator trucks and trailers under controlled temperatures not exceeding minus 10° Fahrenheit. Applicant seeks no authority to transport articles in bulk or tank vehicles), between Hartford, New Haven, and Bridgeport, Conn., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina,

Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Virginia, for 150 days. Supporting shipper: Country Home Bakers, Inc., 1700 Barnum Avenue, Post Office Box 2196, Bridgeport, Conn. 06610. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn.

No. MC 133522 TA, filed March 5, 1969. Applicant: CHARLES E. HOLLEY, JR., 31 Lincoln Street, Watsonville, Calif. 95076. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Beer and ale*, from Tacoma and Seattle, Wash., to San Jose-Watsonville, Calif., and return of *empty beer bottles and palletts*, from San Jose and Watsonville, Calif., to Seattle and Tacoma, Wash., for 180 days. Supporting shipper: Barsi Distributing Co., Watsonville, Calif. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3091; Filed, Mar. 13, 1969; 8:47 a.m.]

[Notice 310]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70824. By order of February 27, 1969, Division 3, acting as an Appellate Division, approved the transfer to Piedmont Petroleum Products, Inc., Norfolk, Va., of a portion of certificate No. MC-94265, issued June 24, 1968, to Bonney Motor Express, Inc., Norfolk, Va., authorizing the transportation of: Fertilizer and fertilizer materials, from Norfolk, Va., and points within 10 miles of Norfolk, to Pendleton, N.C., and points in North Carolina within 150 miles of Pendleton; and fertilizer, from Norfolk, Va., to Edenton, N.C., and points within 150 miles of Edenton. E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006, attorney for applicants.

No. MC-FC-70952. By order of March 5, 1969, Division 3 approved the transfer to Circle Cartage Co., a corporation, Kansas City, Mo., of certificate No. MC-44748, issued October 2, 1959, to Klump Transfer Co., Inc., Kansas City, Mo., authorizing the transportation of: General commodities, with the usual exceptions, between Kansas City and North Kansas City, Mo., and Kansas City, Kans., and points within 10 miles of the points named. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9092; Filed, Mar. 13, 1969; 8:47 a.m.]

[Notice 311]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 11, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71053. By order of March 7, 1969, the Motor Carrier Board approved the transfer to Calvin T. Vernon, doing business as Emporia Motor Freight, Emporia, Kans., of certificate No. MC-15473 (Sub-No. 16), issued June 20, 1968, to Best Truck Lines, Inc., Ottawa, Kans., authorizing the transportation of: Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the site of the plant of Iowa Beef Packers, Inc., at or near Emporia, Kans., to points in Iowa, Missouri, and Oklahoma, with no transportation for compensation on return except as otherwise authorized. John L. Richeson, First National Bank Building, Ottawa, Kans. 66067, attorney for applicants.

No. MC-FC-71102. By order of March 6, 1969, the Motor Carrier Board approved the transfer to Henry Lienhart, doing business as Arrow Coach Line, 2715 West 10th Street, Little Rock, Ark. 72204, of the operating rights in certificate No. MC-113928 issued April 19, 1967, to W. I. Sones, doing business as Arrow Bus Lines, South Broadway, McComb, Miss. 39648, authorizing the transportation of: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between McComb, Miss., and Hattiesburg, Miss., over U.S. Highway 98, serving all intermediate points.

No. MC-FC-71126. By order of March 10, 1969, the Motor Carrier Board approved the transfer to Parts Motor Lines, Inc., Atlanta, Ga., of permits Nos. MC-112492, MC-112492 (Sub-No. 1), and MC-112492 (Sub-No. 3), issued April 19, 1951, January 29, 1952, and April 22, 1955, respectively, to Parts Convoy Corp., 320 South Central Avenue, Hapeville, Ga. 30054, authorizing the transportation of: Automobile, truck, and tractor parts and accessories, from Hapeville, Ga., to points in Alabama, Mississippi, Tennessee, and North Carolina, from East Point, Ga., to points in Alabama, Mississippi, Tennessee, and North Carolina; and from East Point, Ga., to points in Florida and South Carolina; used motor parts and rejected automobile, truck, and tractor parts and accessories, from the above-destination points, to Hapeville or East Point, Ga., as specified. H. Fred Gober, 1000 Fulton Federal Building, Atlanta, Ga. 30303, attorney for transferee.

No. MC-FC-71138. By order of March 6, 1969, the Motor Carrier Board approved the transfer to Vitalis Truck Lines, Inc., Des Moines, Iowa, of certificates Nos. MC-114274 (Sub-No. 1), MC-114274 (Sub-No. 5), MC-114274 (Sub-No. 9), MC-114274 (Sub-No. 10), and MC-114274 (Sub-No. 13), issued August 22, 1961, April 26, 1967, May 10, 1968, November 29, 1967, and October 26, 1967, respectively, to Elmer Vitalis, doing business as Vitalis Truck Lines, Des Moines, Iowa, authorizing the transportation of: Such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, from Chicago and Alton, Ill., and specified points in Indiana, Minnesota, and Wisconsin, to Des Moines, Iowa; between Columbus, Fremont, and Omaha, Nebr., points in Iowa, and specified portion of Illinois, to Macomb, Ill., and thence over U.S. Highway 67 to the Mississippi River, and thence along the Mississippi River to the point of beginning; and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except hides and commodities, in bulk, from Sioux City, Iowa, and Denison, Iowa, to points in Illinois (except Chicago and points in its commercial zone as defined by the Commission); originating at plantsite and storage facilities of, or utilized by, American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois; from plantsite of Oscar Mayer & Co., Inc., at Perry, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin; and from plantsite of Oscar Mayer & Co., Inc., located at or near Beardstown, Ill., to points in Indiana, Iowa, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Sidney C. Levine, 2454 Southwest Ninth Street, Des Moines, Iowa 50315, attorney for applicants.

No. MC-FC-71145. By order of March 7, 1969, the Motor Carrier Board approved the transfer to Carl A. Mahler, Sr., doing business as Lucky Seven Transfer & Storage, 226 North Cortez, Prescott, Ariz. 86301, of certificate of registration No. MC-120830 (Sub-No. 1), issued January 17, 1967, to Howard H. McDowell, doing business as Lucky Seven Transfer, 226 North Cortez, Prescott, Ariz. 86301, authorizing the transportation of: Household goods as defined by the Commission in Ex-Parte No. MC-19, between all points and places in Arizona, and freight, baggage, and express, over the public highways known as those in Prescott, Ariz., and vicinity, as authorized in State Certificates No. 6302 and No. 3206, issued by the Arizona Corporation Commission.

No. MC-FC-71149. By order of March 6, 1969, the Motor Carrier Board approved the transfer to Cooley Transport, Inc., Chesnee, S.C., of certificate No. MC-127921 (Sub-No. 1), issued September 27, 1966, to Robert Cooley, Mrs. Lillian H. Cooley, and Zenith Canter, a partnership, doing business as V. F. Cooley Estate, Chesnee, S.C., authorizing the transportation of: Salt, from Spartanburg, S.C., to points in North Carolina and Georgia. Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3093; Filed, Mar. 13, 1969; 8:47 a.m.]

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MAR 19 1969
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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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(As of January 1, 1969)

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Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Corn Products From Certain Labeling Requirements

In the matter of exempting corn meal, corn flour, and corn grits from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 22, 1969 (34 F.R. 930). Accordingly, the amendment (21 CFR 1.1c(a)(12)) promulgated by that order will become effective March 23, 1969.

Dated: March 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3132; Filed, Mar. 14, 1969; 8:45 a.m.]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Margarine From Certain Requirements

In the matter exempting margarine from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no proper objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of December 20, 1968 (33 F.R. 19006). Accordingly, the amendment (21 CFR 1.1c(a)(11)) promulgated by that order became effective February 18, 1969.

Dated: March 5, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3133; Filed, Mar. 14, 1969; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-(*p-tert*-Butylphenoxy)Cyclohexyl 2-Propynyl Sulfite

A petition (PP 8F0730) was filed with the Food and Drug Administration by Uniroyal Inc., Bethany, Conn. 06525, proposing the establishment of tolerances for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodities grapes and peaches at 7 parts per million; apples, pears, and plums (fresh prunes) at 3 parts per million; and walnuts at 0.5 part per million (negligible residue).

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances regarding grapes and walnuts.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. With restrictions against feeding apple pomace from treated apples and against grazing in treated orchards, there is no reasonable expectancy of transfer of residues to meat or milk; therefore, no tolerances are necessary for these commodities.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding the following new section to Subpart C:

§ 120.259 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite; tolerances for residues.

Tolerances are established for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on raw agricultural commodities as follows:

7 parts per million in or on peaches.

3 parts per million in or on apples, pears, plums (fresh prunes).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2); 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3135; Filed, Mar. 14, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Norea

A petition (PP 9F0753) was filed with the Food and Drug Administration by Hercules, Inc., Wilmington, Del. 19899, proposing the establishment of tolerances for residues of the herbicide norea in or on the raw agricultural commodities cottonseed, sorghum (cane, forage, and grain), soybeans, spinach, and sugarcane at 0.5 part per million.

Subsequently, the petitioner amended the petition by changing the proposed tolerance level to 0.2 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, or poultry from animals fed byproducts of the subject crops, tolerances are unnecessary regarding these items. The usage is classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.260 Norea; tolerances for residues.

Tolerances are established for negligible residues of the herbicide norea (3-(hexahydro-4,7-methanoindan-5-yl)-1,1-dimethyl urea) in or on the raw agricultural commodities cottonseed, sorghum (cane, forage, and grain), soybeans, spinach, and sugarcane at 0.2 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 10, 1969.

R. E. DUGGAN,
Acting Associate Comissioner for Compliance.

[F.R. Doc. 69-3134; Filed, Mar. 14, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2272) filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, concludes that 2(2'-hydroxy-5'-methylphenyl) benzotriazole should be added to § 121.2566 to provide for its use as an antioxidant and/or stabilizer in polymers used in the manufacture of articles intended for food-contact use.

The Commissioner further concludes that the subject substance should be deleted from § 121.2591 since the amendment herein to § 121.2566 provides for the use of the additive as contemplated. The item as added in § 121.2566 is changed to improve identification by inclusion of a melting-point specification.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. In § 121.2566(b) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

	Limitations
* * *	* * *
2(2'-Hydroxy-5'-methylphenyl) benzotriazole meeting the following specification: Melting point 126°–132° C.	For use only: 1. As component of nonfood articles complying with § 121.2591. 2. At levels not to exceed 0.25 percent by weight of rigid polyvinyl chloride used in contact with nonfatty food.
* * *	* * *

§ 121.2591 [Amended]

2. In § 121.2591 *Semirigid and rigid acrylic and modified acrylic plastics* by deleting from the list in paragraph (a)(5) the item "2(2'-Hydroxy-5'-methylphenyl) benzotriazole."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3136; Filed, Mar. 14, 1969; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7009]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for Taxable Year 1968 and Estimated Tax for Taxable Year 1969

Section 819 of the Internal Revenue Code of 1954 provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business. Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section 819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Accordingly, it is hereby determined that for purposes of computing the 1968 income tax for foreign corporations carrying on a life insurance business a percentage of 15 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1968 required for the computation of the percentage to be used by foreign corporations carrying on a life insurance business in computing their estimated tax for the taxable year 1969 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1969 and payments of installments thereof by such corporations a percentage of 15 (the percentage applicable for 1968) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1969 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1967, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), or subject to the effective date limitation of subsection (d) of such section.

[SEAL] EDWIN S. COHEN,
Assistant Secretary of the Treasury.

MARCH 13, 1969.

[F.R. Doc. 69-3197; Filed, Mar. 14, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 79—WITHHOLDING OF COMPENSATION OF CIVILIAN EMPLOYEES OF THE NATIONAL GUARD FOR STATE AND STATE-SPONSORED EMPLOYEE RETIREMENT, DISABILITY, OR DEATH BENEFITS PROGRAMS

The Secretary of Defense approved the following policy:

Sec.
79.1 Purpose.
79.2 Applicability.
79.3 Definitions.
79.4 Policy.
79.5 Responsibility.

AUTHORITY: The provisions of this Part 79 issued under authority of 5 U.S.C. 84d and Executive Order 10996.

§ 79.1 Purpose.

Pursuant to the authorities set forth in 5 U.S.C. 84d and E.O. 10996, this part assigns responsibility and prescribes procedures for:

(a) Processing agreements with those States requesting the withholding of compensation from certain Army National Guard and Air National Guard civilian employees for State or State-sponsored employee retirement, disability, or death benefits systems, and

(b) Negotiating agreements with States for Federal contributions to State or State-sponsored employee retirement systems.

§ 79.2 Applicability.

The provisions of this part apply to the Department of the Army and the Department of the Air Force.

§ 79.3 Definitions.

The definitions of the terms "employees" and "State" provided in Executive Order 10996 (Title 3, 1959–63 Compilation) shall apply to this part.

§ 79.4 Policy.

(a) It shall be the policy of the Department of Defense to cooperate fully with each of the various States as may request the withholding of compensation of employees of the Army National Guard and the Air National Guard for State and State-sponsored employee retirement, disability or death benefits systems. Agreements to make such withholding shall be consummated without undue delay but in no case later than 120 days after receipt of a request for agreement from the proper official of a State.

(b) It also shall be the policy of the DoD to enter into agreements with States concerning the coverage of Army and Air National Guard employees under State employee retirement systems. Such agreements may provide for Federal contributions to State or State-sponsored retirement systems, subject to the limitations contained in section 2 of title 5, U.S.C. and such other standards as may be established by the Secretary of the Army.

§ 79.5 Responsibility.

It shall be the responsibility of the Secretary of the Army, or such official as he may designate to negotiate requested agreements with States, to coordinate such negotiations with the Secretary of the Air Force, or his designee, and to prepare such agreements for the signature of the Secretary of Defense.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-3161; Filed, Mar. 14, 1969; 8:48 a.m.]

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Civilian Facilities Which Have Been Identified by the Department of Defense as Practicing Discrimination in Admission and/or Treatment of Patients; Correction

F.R. Doc. 69-2739, appearing at 34 F.R. 4965, March 7, 1969, is corrected in respect to § 577.71 appearing in the first column on page 4967, to include the date "Nov. 19, 1968" in the table under the heading "Effective date eligibility restored", applying to Choctaw County General Hospital, Butler, Ala., the first hospital listed.

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69-3126; Filed, Mar. 14, 1969; 8:45 a.m.]

Chapter XVI—Selective Service System

[Amdt. 113]

PART 1600—MAINTENANCE OF HIGH ETHICAL AND MORAL STANDARDS OF CONDUCT BY OFFICERS AND EMPLOYEES OF THE SELECTIVE SERVICE SYSTEM

PART 1606—GENERAL ADMINISTRATION

Miscellaneous Amendments

The following amendments and additions to the Selective Service regulations are hereby prescribed to read as follows:

1. Paragraph (c) of § 1600.735–22 of Part 1600 is amended and present paragraph (d) is revoked as follows:

§ 1600.735–22 Outside employment and other activity.

* * * * *

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Director of Selective Service gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(d) [Revoked]

* * * * *

2.a. A new paragraph (e) is added to § 1606.32 of Part 1606 to read as follows:

§ 1606.32 Availability and use of confidential records and information.

* * * * *

(e) Where a registrant has been indicted under the Military Selective Service Act of 1967 and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, it is the policy of the Selective Service System to furnish, to him or to any person he may designate, one copy of his selective service file free of charge. Any

other registrant may secure a copy of his file upon payment of the fees prescribed in § 1606.57(b).

b. Paragraph (b) of § 1606.57 is amended to read as follows:

§ 1606.57 Service charges for information.

* * * * *

(b) Requests for copies of identifiable documents or records other than those furnished free under paragraph (a) of this section or by purchase under paragraph (c) of this section, will require the payment of fees, in advance, as set forth in this paragraph.

(1) Requests for these documents or records shall be made in writing to the appropriate State Director of Selective Service at the address given in § 1606.58 (f). If the request is based on a discovery motion granted by a United States District Court, a copy of the motion shall be attached to the request.

(2) The schedule of fees is

(i) For copies of cover sheets reproduced by a private concern at requester's expense: $5 per hour, or fraction thereof in excess of one-quarter hour, for employee's time to monitor the reproduction, computed from the time of his departure until his return to his post.

(ii) For copies of other identifiable documents: $1 per page, which cost includes time for searching and reproducing the document.

(iii) Documents or files will not be released to any requester until these fees are paid in full by check or money order made payable to the Selective Service System.

* * * * *

§ 1606.58 [Amended]

c. Addresses of the offices of the State Directors of Selective Service as shown in paragraph (f) of § 1606.58, are changed as follows:

State	Address
Alaska	Room 248, Federal Building, 619 Fourth Avenue, Anchorage, Alaska 99501.
Arizona	Room 202, Post Office Building, 522 North Central Avenue, Phoenix, Ariz. 85004.
Colorado	New Customhouse, Room 226, 19th and California Streets, Denver, Colo. 80202.
Idaho	Room 492, Federal Building, U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.
Indiana	Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.
New York City	Federal Building, 26 Federal Plaza, New York, N.Y. 10007.
Ohio	85 Marconi Boulevard, Columbus, Ohio 43215.
Oklahoma	417 Post Office-Courthouse Building, Oklahoma City, Okla. 73102.
Pennsylvania	Post Office Box 1263, Federal Building, 228 Walnut Street, Harrisburg, Pa. 17108.

(Sec. 10, 62 Stat. 618, as amended, 50 U.S.C. App. 460; 81 Stat. 54, 5 U.S.C. 552; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR 1943–48 Comp., 713)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

LEWIS B. HERSHEY,
Director of Selective Service.

MARCH 11, 1969.

[F.R. Doc. 69-3123; Filed, Mar. 14, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

Board of Contract Appeals

In § 210.4, the introductory statement at the beginning of the section is revised, and a new § 210.5 is added to this part, to read as follows:

§ 210.4 Rules of the Corps of Engineers Board of Contract Appeals, Office of the Chief of Engineers.

The rules set forth in this section apply only to cases docketed before the Corps of Engineers Board of Contract Appeals, Office of the Chief of Engineers prior to the expiration of the 60-day period after the date of publication hereof in the FEDERAL REGISTER. Cases docketed subsequent to such effective date, and cases docketed prior thereto as directed by the Board with the agreement of the parties, shall be governed by the rules set forth in § 210.5. These rules are promulgated by the Board for the guidance of contractors having contracts with the Corps of Engineers, and others concerned:

* * * * *

§ 210.5 Rules of the Corps of Engineers Board of Contract Appeals, Office of the Chief of Engineers.

The rules set forth in this section apply only to cases docketed before the Corps of Engineers Board of Contract Appeals, Office of the Chief of Engineers, subsequent to the 60-day period following their publication in the FEDERAL REGISTER. Cases docketed prior to the expiration of such 60-day period shall be governed by these rules only as directed by the Board with the agreement of the parties. All other cases shall be governed by the rules set forth in § 210.4. These rules are promulgated by the Board for the guidance of contractors having contracts with the Corps of Engineers, and others concerned.

(a) *Preface to rules.* (1) The Corps of Engineers Board of Contract Appeals is the authorized representative of the Chief of Engineers for the purpose of hearing, considering, and determining, as fully and finally as he might, appeals by contractors from decisions of contracting officers or their authorized representative or other authorities on disputed questions, taken pursuant to the provision of contracts requiring the determination of such appeals by the Chief of Engineers or his duly authorized representative or Board.

(2) When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

(3) Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecesary delay.

(4) Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise. The parties are expected to cooperate and to voluntarily comply with the intent of such procedures without resort to the Board except on controversial questions.

(5) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. Those time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(6) Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel for the parties, as soon as appropriate notices of appearance have been filed with the Board.

(b) *Preliminary procedures*—(1) *Appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract.

(2) *Notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number) and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in subparagraph (6) of this paragraph may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

(3) *Forwarding of appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal together with a copy of the decision appealed from, to the Board. Following receipt by the Board of the papers described in the next rule (subparagraph (4) of this paragraph), the contractor will be promptly advised of its receipt and the appeal is then considered docketed, and the contractor will furnish a copy of the rules in this section.

(4) *Duties of the contracting officer.* Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall compile and transmit to the Board and to the Government trial attorney, copies of all documents pertinent to the appeal, including the following:

(i) The finding of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(ii) The contract, and pertinent plans, specifications, amendments, and change orders;

(iii) Correspondence between the parties and other data pertinent to the appeal;

(iv) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(v) Such additional information as may be considered material.

Upon completion of the foregoing compilation, the contracting officer shall notify the appellant, provide him with a listing of its contents; and afford him an opportunity to examine the complete compilation at the office of the contracting officer, or at the office of the Board for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal.

(5) *Dismissal for lack of jurisdiction.* Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

(6) *Pleadings.* (i) Within 30 days after receipt of notice of docketing of the appeal, as provided in the last sentence of subparagraph (3) of this paragraph, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Recorder of the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and respondent shall be so notified.

(ii) Within 30 days from receipt of said complaint, or the aforesaid notice from the recorder of the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof, the Recorder shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

(7) *Amendments of pleadings or record.* (i) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(ii) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in subparagraph (4) of this paragraph, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the documentation in subparagraph (4) of this paragraph (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

(8) *Hearing; election.* Upon receipt of respondent's answer or the notice referred to in the last sentence of subparagraph (6) (ii) of this paragraph, appellant shall advise the Board whether he desires a hearing, as prescribed in paragraph (c) (1) through (9) of this section, or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in subparagraph (11) of this paragraph. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in subparagraph (12) of this paragraph.

(9) *Prehearing briefs.* Based on an examination of the documentation described in subparagraph (4) of this paragraph, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to subparagraph (8) of this paragraph. In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

(10) *Prehearing or presubmission conference.* When the case is to be submitted pursuant to subparagraph (11) of this paragraph, or heard pursuant to paragraph (c) (1) through (9) of this section, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

(i) The simplification or clarification of the issues;

(ii) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(iii) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(iv) The possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the Board member in the presence of the parties, and this writing shall thereafter constitute part of the record.

(11) *Submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to subparagraph (13) of this paragraph. In the event of such election to submit, the submission may be supplemented by oral argument (transcribed if requested), and/or by briefs, arranged in accordance with paragraph (c) (2) and (7) of this section.

(12) *Optional accelerated procedure.* Should an appeal involve $10,000 in amount or less, it may at the option of appellant be processed under this subparagraph. In the event of such election, an individual member of the Board designated by the Chairman for that purpose

will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. Except as extraordinary circumstances should prevent it, the decision will be rendered within 30 days of settlement of the record.

(13) *Settling of the record.* (i) A case submitted on the record pursuant to subparagraph (11) of this paragraph shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceedings, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

(ii) The Board record shall consist of documentation described in subparagraph (4) of this paragraph, and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and posthearing briefs, as may thereafter be developed pursuant to the rules of this section. This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

(14) *Depositions*—(i) *When permitted.* After an appeal has been docketed, the Board may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(ii) *Orders on depositions.* The time, place, and manner of taking depositions shall be governed by order of the Board, unless agreed to between parties.

(iii) *Use as evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

(iv) *Expenses.* All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition only upon paying therefor.

(15) *Interrogatories to parties; inspection of documents; admission of facts.* For good cause shown, the Board may permit a party to serve written interrogatories upon the opposing party, order a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal, or permit the serving on the opposing party of a request for admission of facts. Such permission will be granted and orders entered as are consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

(16) *Service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

(c) *Hearings*—(1) *Where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

(2) *Notice of hearings.* The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in paragraph (b) (11) of this section.

(3) *Unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in paragraph (b) (11) of this section.

(4) *Nature of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject however, to the sound discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

(5) *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under oath the Board may, in the discretion of the presiding member, warn the witness that his statements may be subject to the provisions of title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(6) *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

(7) *Posthearing briefs.* Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member at the conclusion of the hearing. Ordinarily they will be simultaneous briefs, exchanged within 20 days after receipt of transcript.

(8) *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Government and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Government and the independent reporter.

(9) *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

(10) *The appellant.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia.

(11) *The respondent.* Government counsel shall be designated to represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

(d) *Decisions.* Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the office of the Board in Washington, D.C. In accordance with paragraph 3 of the charter, decisions of the Board will be made upon the record, as described in paragraph (b) (13) of this section.

(e) *Motions for reconsideration.* A motion for reconsideration, if filed by either party shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

(f) *Dismissal without prejudice.* In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

(g) *Effective date and applicability.* The revised rules in this section shall take effect 60 days following publication in the FEDERAL REGISTER. Except as otherwise directed by the Board and agreed to by the parties, the rules in this section shall not apply to appeals which have been docketed prior to their effective date.

[Regs., Mar. 3, 1969, ENGGC–U] (Secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69–3127; Filed, Mar. 14, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised Service Order 1020]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 11th day of March 1969.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and boxcars with inside length of 40 feet or longer with side-door openings of 8 feet or wider exists throughout the United States; that shippers located on lines of carriers owning a substantial number of these type cars are being deprived of such cars required for loading, resulting in a very severe emergency thus creating a great economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1020 Service Order No. 1020.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw from distribution and return to owners empty, except as otherwise provided in subparagraphs (2) or (4) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 370, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length of 50 feet or longer, with inside length 40 feet or longer and with side-door openings 8 feet wide or wider, or equipped with plug doors regardless of length. This order shall not apply to boxcars owned by the railroads listed in subparagraph (2) of this paragraph.

(2) This order shall not apply to boxcars owned by the following railroads:

Bangor and Aroostook Railroad Co.
Great Northern Railway Co.
Illinois Central Railroad Co.
Maine Central Railroad Co.
Northern Pacific Railway Co.
Southern Pacific Co.
Union Pacific Railroad Co.

(3) Boxcars described in subparagraph (1) of this paragraph available empty at a station other than a junction with the owner may be loaded to station on or via the owner, or to any station which is closer to the owner than the point where loaded.

(4) Boxcars described in subparagraph (1) of this paragraph available empty at a junction with the owner must be delivered to the owner at that junction, either loaded or empty.

(5) Boxcars described in subparagraph (1) of this paragraph must not be back-hauled empty, except from cleaning or repair facilities, or normal car distribution points, for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph, nor held empty more than 24 hours awaiting placement for loading.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 15, 1969.

(d) *Expiration date.* This order shall expire at 11:59 p.m., April 12, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–3163; Filed, Mar. 14, 1969; 8:48 a.m.]

[S.O. 1022]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of March 1969.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and boxcars with inside length of 40 feet or longer with side-door openings of 8 feet or wider exists on the railroads named herein; that shippers located on lines of these carriers are being deprived of such cars required for loading, resulting in a very severe emergency thus creating a great economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1022 Service Order No. 1022.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 370, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length of 50 feet or longer, or with inside length 40 feet or longer and with side-door openings 8 feet wide or wider, or equipped with plug doors regardless of length, owned by the following railroads:

Bangor and Aroostook Railroad Co.
Great Northern Railway Co.
Illinois Central Railroad Co.
Maine Central Railroad Co.
Northern Pacific Railway Co.
Southern Pacific Co.
Union Pacific Railroad Co.

(2) Plain boxcars described in subparagraph (1) of this paragraph, owned by the Southern Pacific Co., shall be considered as being in the possession of the car owner when on the lines of any of the following subsidiary companies of the Southern Pacific Co.

Northwestern Pacific Railroad Co.
Portland Traction Co.
San Diego & Arizona Eastern Railway Co.

(3) Plain boxcars described in subparagraph (1) of this paragraph, owned by the Great Northern Railway Co. or by the Northern Pacific Railway Co., shall be considered as being in the possession of the car owner while on the lines of the Spokane, Portland, and Seattle Railway Co.

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (1) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 16, 1969.

(d) *Expiration date.* This order shall expire at 11:59 p.m., April 12, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3163; Filed, Mar. 14, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Travel on foot, on established roads by vehicles, or on waterways by boat is permitted unless prohibited by posting, for the purpose of nature study, photography, and sight-seeing, during daylight hours. Pets on a leash not over 10 feet in length are permitted. Public hunting and fishing may be permitted on parts of the refuge by special regulations.

The refuge area, comprising 4,642 acres, is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

This special regulation effective through December 31, 1969, supplements Title 50, Code of Federal Regulations, Part 28.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 12, 1969.

[F.R. Doc. 69–3159; Filed, Mar. 14, 1969; 8:48 a.m.]

PART 33—SPORT FISHING

National Elk Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyo., is permitted only on the areas designated by State fishing orders as open to fishing. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Use of boats or other floating devices is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1969.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson, Wyo.

MARCH 10, 1969.

[F.R. Doc. 69–3160; Filed, Mar. 14, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 20]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on March 4, 1969; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; necessary supplemental economic and statistical information upon which the recommended regulation is based were received by the Department on March 11, 1969; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.343 Orange Regulation 20.

(a) Order: (1) Orange Regulation 19, as amended (33 F.R. 14067, 14282, 17895; 34 F.R. 5155) is hereby terminated on March 17, 1969.

(2) During the period March 17, 1969, through September 14, 1969, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. No. 2; U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or any higher grade.

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2⅜ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2⅜ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3167; Filed, Mar. 14, 1969; 12:08 p.m.]

[Navel Orange Reg. 172, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 907.472 (Navel Orange Reg. 172, 34 F.R. 4879) are hereby amended to read as follows:

§ 907.472 Navel Orange Regulation 172.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 975,000 cartons;

(ii) District 2: 325,000 cartons;

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3171; Filed, Mar. 14, 1969; 8:49 a.m.]

[Lemon Reg. 365]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.665 Lemon Regulation 365.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order

to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 11, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 16, 1969, through March 22, 1969, are hereby fixed as follows:

(i) District 1: 9,300 cartons;

(ii) District 2: 204,600 cartons

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 13, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3199; Filed, Mar. 14, 1969; 8:49 a.m.]

[Grapefruit Reg. 25]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.325 Grapefruit Regulation 25.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 17, 1969, through March 23, 1969, is hereby fixed at 230,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3258; Filed, Mar. 14, 1969; 12:08 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1424—BULK OILS

Subpart—Standards for Approval of Bulk Oil Warehouses

Correction

In F.R. Doc. 69-2720 appearing at page 4880 in the issue of Thursday, March 6, 1969, the following corrections should be made.

1. In § 1424.1, in the penultimate line of (b) insert a comma after the word "South". In (d) (2) the word "the" in the sixth line should be changed to "a".

2. In § 1424.2 in the penultimate line of (b) (2) the word "of" should read "or".

3. Add a period at the end of § 1424.3 (c).

4. Add a comma after the word "programs" in the sixth line of § 1424.7.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FRESH PLUMS AND PRUNES

Standard Pack [1]

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file same, in duplicate, not later than April 20, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b).)

Statement of considerations leading to the proposed amendment of the grade standards. Two of the requirements for Standard Pack in the U.S. Standards for Fresh Plums and Prunes have become out-dated because of changes in Marketing Order regulations and changes in packing methods.

Recent Marketing Orders for Plums from California contain requirements specifying the maximum number of fruit in an 8 pound sample for a given size, as well as minimum weights for baskets in 4-basket crates. The orders also specify that all closed containers must meet the requirements of Standard Pack. The different requirements have been compatable for most types of packs. However, diagonal packs have been a problem. Standard Pack now requires diagonal packs to have the same arrangement in all layers. Other types of packs allow 1 or 2 rows less in the 2 lower layers than in the top layer, due to the shape of the basket. The individual basket in a 4-basket crate is wider at the top than at the bottom. Consequently, using the same arrangement in all layers of fruit in the basket requires packing progressively smaller plums in the lower layers than in the top layer. It has been found that plums in diagonal packs with the same arrangement in each layer are likely to fail to meet the minimum net weight requirements of the Marketing Order. Because of the conflict, this portion of the Standard Pack requirement, § 51.1527(a)(3)(i), would be deleted in the proposed amendment.

For face and fill packs, Standard Pack now requires a 2-layer face or a single layer face supported by a shim or form. This was necessary to prevent the top or face of the packs from sagging or settling. New methods of filling coupled with a more satisfactory container have made the use of shims, forms or double facing unnecessary. This requirement, in § 51.1527(a)(4) would also be deleted.

A new basis of sale relating to the number of fruit per pound is rapidly approaching. This change in size designation is becoming necessary because of the increased use of volume fill packs and Marketing Order requirements. It is appropriate to make provision for this change which would be added to the "Marking" requirements, § 51.1527(b)(1).

(1).

As proposed to be amended, § 51.1527 is set forth below:

STANDARD PACK

§ 51.1527 Standard pack.

(a) *Packing.* (1) All packages shall be tightly packed or well filled, according to the approved and recognized methods.

(2) The plums or prunes in the top layer of any package shall be reasonably representative in quality and size of those in the remainder of the package.

(3) Four-basket crates: Four-basket crates shall not be packed more than three layers deep.

(i) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer; the arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer.

(ii) In the 3½—4 x 5 and 3½—4 x 4 packs the face of each half of the crate shall be packed as a unit, with no shim between the two baskets.

(b) *Marking.* (1) The size of plums or prunes shall be marked on each package, and shall be indicated in terms of minimum diameter, or number of fruit per package, or in accordance with the arrangement of the top layer of fruit in the package or subcontainer, or in terms of the four-basket crate designation for fruit of equivalent sizes. Size may also be shown in terms of maximum number of fruit for a specified weight, such as "8 per pound," "6.4 per pound" or "7½ per pound."

(i) *Four-basket crates.* The size of plums packed in four-basket crates shall be indicated in accordance with the arrangement in the top layer of the baskets, as follows: 6 x 6, 5 x 5, or 4 x 4 (square packs); 5 x 6, 4 x 5, or 3 x 4 (offset packs); 3½—4 x 5, 3—4 x 5, 3½—4 x 4, or 3—4 x 4 (diagonal packs).

(ii) *California peach boxes, lug boxes and small consumer packages.* In layer-packed California peach boxes or lug boxes, and in small consumer packages, the count of the entire contents shall be marked on the package. The number of plums or prunes in California peach boxes or lug boxes shall not vary more than 4 from the number indicated on the package.

(iii) *Face and fill packs in cartons and lug boxes.* In face and fill packs in cartons and lug boxes the number of rows in the face shall be marked on the package, as "6 row", "8 row", etc.

(c) *Sizing.* (1) Not more than 5 percent, by count, of the plums or prunes in any package may vary more than one-fourth inch in diameter.

(2) When size is indicated in terms of minimum diameter, not more than 5 percent, by count, of the fruit in any package may be smaller than the size marked.

(d) *Tolerance for standard pack.* In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the packages in any lot may fail to meet the requirements for standard pack.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: March 11, 1969.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 69-3150; Filed, Mar. 14, 1969; 8:47 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws or regulations.

[7 CFR Part 919]

[Docket No. AO–102–A5]

PEACHES GROWN IN MESA COUNTY, COLO.

Notice of Hearing With Respect to Proposed Amendments to Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be

held in the Veterans Memorial Building, Palisade, Colo., beginning at 7 p.m., local time, April 10, 1969, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of peaches grown in the county of Mesa, Colo. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order were proposed by the Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Delete § 919.10 *Fiscal year* and substitute, in lieu thereof, the following:

§ 919.10 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and means the 12-month period beginning on November 1 and ending on October 31 of the following year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee: *Provided*, That the fiscal year which began on March 1, 1969, shall end on October 31, 1969.

2. Delete § 919.11 *District* and substitute, in lieu thereof, the following:

§ 919.11 District.

"District" means the applicable one of any of the following described subdivisions of the county of Mesa in the State of Colorado:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of a line (map designated) as 37.3 Road and an extension thereof.

(b) "District No. 2" shall include all that portion of Mesa County, lying south of the Colorado River and east of (map designated) 36⅝ Road and an extension thereof.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River bordered on the east by (map designated) 36⅝ Road, and an extension thereof, and bordered on the west by (map designated) 35 Road, and an extension thereof.

(d) "District No. 4" shall be all that portion of Mesa County lying south of the Colorado River bordered on the west by the Gunnison River and bordered on the east by (map designated) 35 Road, and an extension thereof.

(e) "District No. 5" shall be all that portion of Mesa County west of 37.3 Road north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

3. Amend § 919.20 *Establishment and membership* by revising the third sentence thereof to read as follows:

§ 919.20 Establishment and membership.

* * * The members of the committee and their respective alternates shall be nominated, in accordance with the provisions of §§ 919.21 through 919.24, at least 30 days prior to the beginning of the term of office for which nominations are being made.

§§ 919.21, 919.22 [Amended]

4. Delete from §§ 919.21(a) and 912.22 (a) the parenthetical phrase "(on or before February 1 of each year)."

5. Amend § 919.23 *Nomination and selection of cooperative handler members* by deleting from paragraph (a) the words "beginning March 1, 1956" wherever they appear, and revising paragraph (b) to read as follows:

§ 919.23 Nomination and selection of cooperative handler members.

* * * * *

(b) Nomination of cooperative members and their respective alternates shall be made by such cooperative associations at such time and places, and in such manner as the members of the respective associations may designate.

§ 919.25 [Amended]

6. Amend § 919.25 *Failure to nominate* by deleting therefrom "on or before February 15 of any year" and substituting therefor "not later than 15 days prior to the beginning of the term of office."

7. Revise § 919.27 *Term of office* to read as follows:

§ 919.27 Term of office.

(a) The term of office of each member and alternate shall be for two (2) years beginning January 1 and ending December 31 of the following year, or such other period as the committee with the approval of the Secretary may prescribe. The terms of office of the members and their respective alternates shall be so arranged that approximately one-half of such terms shall terminate each year: *Provided*, That the term of office of three producer members and their respective alternates and one cooperative member and his alternate, as determined by lot, shall begin January 1, 1970, and end December 31, 1970: *Provided further*, That the term of office which began March 1, 1969, shall end December 31, 1969.

(b) Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and qualified.

8. Amend § 919.32 *Duties* by adding a paragraph (l) to read as follows:

§ 919.32 Duties.

* * * * * *

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in peach production within the districts and the production area.

9. Delete § 919.42 *Handler accounts* and insert, in lieu thereof, the following:

§ 919.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

10. That consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Robert B. Case, Field Representative, Fruit and Vegetable Division, U.S. Department of Agriculture, Room 365 New Customhouse, Denver, Colo. 80202.

Dated: March 11, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-3152; Filed, Mar. 14, 1969; 8:47 a.m.]

[7 CFR Part 1079]

[Docket No. AO 295-A19]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Rescheduled Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a notice was issued on March 6, 1969 (34 F.R. 5078) giving notice of a public hearing to be held at the Savery Hotel, Fourth and Locust Streets, Des Moines, Iowa, beginning at 9:30 a.m., local time, on March 18, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Des Moines, Iowa, marketing area.

Notice is hereby given that the said public hearing is rescheduled and will be held beginning at 9:30 a.m., local time, on March 24, 1969, at the Ramada Inn, 4685 Northeast 14th Street, Des Moines, Iowa.

Signed at Washington, D.C., on March 12, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-3172; Filed, Mar. 14, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 241, 271]

[Releases Nos. 33-4951, 34-8537, IC-5618]

APPLICABILITY OF FEDERAL SECURITIES LAWS TO OFFER AND SALE OUTSIDE UNITED STATES OF SHARES OF REGISTERED OPEN-END INVESTMENT COMPANIES

Proposed Guidelines

The Commission is publishing this release to indicate the position its staff proposes to take regarding the application of the Securities Act of 1933 (15 U.S.C. 77a–aa), the Securities Exchange Act of 1934 (15 U.S.C. 78a–78jj), and the Investment Company Act of 1940 (15 U.S.C. 80a–1–52), where registered open-end investment companies offer and sell their shares outside the United States.

This release supplements an earlier Commission release (Securities Act Release No. 4708, July 9, 1964) (29 F.R. 9828, July 22, 1964) which was concerned with the applicability of the federal securities laws where domestic corporations offer their securities outside the United States. That release was published in response to a specific recommendation of the Presidential Task Force on promoting Increased Foreign Investment in United States Corporations Operating Abroad which, among other things, recommended that registered investment companies devise methods for achieving additional foreign distribution of their shares.

On January 1, 1968, the President called for, among other things, "an intensified program to attract greater foreign investment in United States corporate securities, carrying out the principles of the Foreign Investors Tax Act of 1966." The Commission's staff has since received numerous inquiries from open-end investment companies and their underwriters which indicate that an increasing number of them desire to sell outside the geographic territory of the United States. Accordingly, the Commission is publishing these proposed guidelines as to the position its staff will take with respect to the applicability of the federal securities laws in this area in order to implement further the Task Force recommendations.

The proposed guidelines in this release describe the responsibilities of U.S. issuers in connection with foreign sales of their shares. In any case of conflict with specifically applicable foreign law, the foreign law, as a general rule, would be considered as controlling.

While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the staff, the public is cautioned that the opinions expressed in this release are not, and do not purport to be, an official expression of the Commission's views.

The Commission believes it desirable that the staff receive the benefit of comments and suggestions of members of the industry and other interested persons before these guidelines are published in definitive form. Any comments or suggestions should refer to "Guidelines on the Applicability of The Federal Secretaries Laws to Sales of Open-end Investment Company Shares Outside the United States" and should be addressed to the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C. 20549 on or before March 25, 1969.

I. The Applicability of the Securities Act of 1933 to Offer and Sale of Open-end Investment Company Shares Outside the United States

The registration requirements of the Securities Act apply, unless an exemption is available, to any offer or sale of a security involving interstate commerce or use of the mails. Since "interstate commerce" is defined in section 2(7) of the Securities Act (15 U.S.C. 77b(7)) to include "trade or commerce in securities or any transportation or communication relating thereto * * * between any foreign country and any State, Territory, or the District of Columbia," this might be construed to encompass virtually any offering of securities made by a U.S. issuer outside the geographic territory of the United States.

However, because the Commission traditionally has taken the position that the registration requirements of section 5 of the Securities Act (15 U.S.C. 77e) are primarily intended to protect U.S. investors, the Commission announced in Securities Act Release No. 4708 (29 F.R. 9828) that it will not take any action for failure to register securities of U.S. issuers distributed outside the territory of the United States to foreign nationals even though use of jurisdictional means may be involved in the offering, so long as the distribution is effected in a manner which would result in the securities coming to rest outside the United States. Thus, the Commission will not insist upon registration of securities subject to such offerings under the Securities Act.

Foreign offerings of shares of open-end investment companies are, of course, significantly different from foreign offerings of securities of other domestic issuers. Open-end investment companies—as opposed to industrial companies and closed-end companies—offer their shares on a continuous basis, pursuant to a currently effective registration statement. Since such companies are therefore constantly "in registration" with respect to the shares they sell in the United States, a requirement that they also register shares which are intended for sale in foreign countries would not impose a significantly greater burden or expense upon them. Indeed, it appears that the predominant industry practice has been to register with the Commission open-end investment company shares offered to foreign nationals outside the United States and to offer such shares by means of prospectuses and sales literature which are substantially identical to those used to offer shares in the United States. In some cases, these prospectuses have been translated into the principal native language of the foreign country in which the shares are offered. In addition, underwriters of open-end investment companies enter into sales contracts which require foreign distributors to use substantially the same prospectuses and the same sales literature as are used in the United States.

These industry practices appear to be in the public interest. They also serve to furnish the foreign investor with the kind of information which the Task Force Report found to be lacking. The Task Force Report stated, with respect to offers by U.S. corporations generally, that most foreign investors outside the United States encounter difficulty in obtaining information about such corporations and their securities and that personnel of foreign banks and brokerage firms who deal directly with foreign investors often have little knowledge of such securities or of U.S. market procedures. These Task Force findings appear to be equally true with respect to open-end investment companies.

Use of a prospectus. Accordingly, the staff believes that issuers of open-end investment company shares offered and sold to foreign nationals outside the United States should register such shares under the Securities Act and conduct such offerings by means of a prospectus which does not differ materially from the prospectus used in the United States. The staff recognizes, of course, that the prospectus should be adapted to the particular foreign country where the offer is being made. Thus, disclosures included in the prospectuses used in the United States, such as discussion of U.S. tax laws, may be deleted where inappropriate in a prospectus delivered in foreign countries. Conversely, disclosures specifically designed for the citizens of a particular foreign country should be added to the prospectus where appropriate.

Furthermore, the prospectus used in any foreign country should be printed either in the native language of the

country or where sales are insignificant in a widely used language appropriate for that country, such as French, German, Spanish, or Italian. (This is on the assumption that it would not be feasible to print the prospectus in the native language of countries where sales are insignificant.) If an English language version of a prospectus used for sales in any foreign country differs from the English language version of the same company's prospectus used in the United States, 25 copies of it should be filed with the staff pursuant to Rule 424(c) of the Securities Act (17 CFR 230.424 (c)), together with 25 copies of a statement designating what material has been added and/or deleted. If the prospectus used in any foreign country differs in any respect from the prospectus used in the United States, and it is printed in a foreign language only, copies of it should not be filed, but 25 copies of an English-language translation should be filed with the staff pursuant to Rule 424(c) of the Securities Act, together with 25 copies of a statement designating what information has been added and/or deleted. Where English language translations of two or more foreign language prospectuses are identical, no more than 25 copies of such English-language translation should be filed. Each copy of the English-language translation of the prospectus should be properly identified as a translation and should have affixed to it a written representation by representatives of management of the investment company that the translation is accurate and complete.

Advertisements. To the extent feasible Rule 134 under the Securities Act (17 CFR 230.134) should be adhered to in connection with advertisements in foreign publications which are used in the offer of open-end investment company shares to foreign nationals outside the United States. However, the Commission staff is aware that the laws of other countries relating to securities advertisements may be less restrictive than Rule 134 and that business practice in this area may vary from that in the United States. Therefore, problems of compliance with Rule 134 should be brought to the attention of the staff.

Sales literature. The staff believes that it is the responsibility of the issuer to take steps to insure that sales literature used in the offer of open-end investment company shares to foreign nationals outside the United States generally conforms with the Commission's statement of policy. Contracts with foreign distributors and dealers should provide for supervision of sales literature by the issuer. If sales literature printed in the English language which is used in any foreign country differs in any material respect from the sales literature used in the United States, three copies of the full text should be filed with the Commission pursuant to section 24(b) of the Investment Company Act (15 U.S.C. 80a-24 (b)), together with three copies of a statement designating what information has been added and/or deleted. If sales literature printed in a foreign language only which is used in any foreign country differs in any material respect from the sales literature used in the United States, three copies of such sales literature and of an English-language translation of the full text should be filed with the Commission pursuant to section 24 (b) of the Investment Company Act, together with three copies of a statement designating what information has been added and/or deleted. Each copy of the English-language translation of the text of the sales literature should be properly identified as a translation and should have affixed to it a written representation by representatives of the management of the investment company that the translation is accurate and complete.

II. THE APPLICABILITY OF THE INVESTMENT COMPANY ACT OF 1940 TO THE OFFER AND SALE OF OPEN-END INVESTMENT COMPANY SHARES OUTSIDE THE UNITED STATES

It is the staff's view that the provisions of the Investment Company Act apply to an open-end company registered under that Act regardless of where its shares are sold. The staff recognizes, however, that the underwriters of some such companies desire to offer and sell shares of such companies to foreign nationals outside the United States under terms or arrangements different from those in effect in the United States.

For example, it may not be deemed economically feasible to offer or sell such shares to foreign nationals outside the United States with a sales load which is no different from that in effect in the United States. This raises the question whether it is appropriate that an exemption from section 22(d) of the Investment Company Act (15 U.S.C. 80a-22 (d)) be granted.

Because of the variety of considerations that may be involved, the staff believes that any such question of the extent to which different arrangements should be employed outside the United States should be resolved by means of an appropriate application filed pursuant to section 6(c) of the Investment Company Act requesting relief from the provisions of the section in question. Under this procedure, the issuer should present full justification for the requested exemption, including appropriate discussion of relevant laws and business practices of the foreign countries in which open-end investment company shares may be offered and sold under the proposed arrangement. The issuer should submit as an exhibit to the application an opinion of counsel to the effect that the proposed arrangement would not be inconsistent with the laws of the countries in question and that it would meet the requirements of the appropriate regulatory authorities of such countries. The staff will consider each such application on its individual merits.

Proxy materials and annual reports, required to be sent to shareholders, should be sent to foreign shareholders outside the United States to the extent such shareholders are known. Appropriate foreign-language translations of such proxy materials and annual reports should be prepared for foreign shareholders who have purchased their shares outside the United States in cases where there is a substantial number of shareholders speaking a particular foreign language.

III. BROKER-DEALER REGISTRATION REQUIREMENTS UNDER THE SECURITIES EXCHANGE ACT OF 1934 FOR FOREIGN BROKER-DEALERS WHO OFFER AND SELL SHARES OF OPEN-END INVESTMENT COMPANIES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Section 15(a)(1) of the Securities Exchange Act (15 U.S.C. 78o(a)(1)) makes it unlawful for a broker or dealer (other than one whose business is exclusively intrastate) to use the mails or instrumentalities of interstate commerce, including commerce between the United States and any foreign country, to induce or to effect any transaction in a nonexempt security otherwise than on a national securities exchange unless such broker or dealer is registered with the Commission. The staff generally will raise no objection because an unregistered foreign broker-dealer uses the federal instrumentalities to buy shares issued by an open-end investment company from the issuer or its principal underwriter for sale in a foreign country if (a) such shares are sold only to foreign nationals outside the United States, its territories and possessions and (b) such foreign broker-dealer is not directly or indirectly selling such shares to or acting for the account of an unregistered investment company whose portfolio contains shares issued by open-end investment companies registered under the Investment Company Act. On the other hand, a foreign broker-dealer who offers and sells shares issued by such companies to United States nationals no matter where located should register with the Commission. This position supplements and is consistent with the position taken in Securities Exchange Act Release No. 7366 (Securities Act Release No. 4708) (29 F.R. 9828).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 25, 1969.

[F.R. Doc. 69-3143; Filed, Mar. 14, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. F-508]

ALASKA

Notice of Hearing on Proposed Classification of Land

MARCH 6, 1969.

Notice is hereby given that a public hearing will be held at 7:30 p.m., Wednesday, April 16, 1969, at the Chamber of Commerce, Fairbanks, Alaska, to consider the proposed land Classifications in the Kobuk Valley covering approximately 1 million acres. This area has been designated the "Bornite Planning Unit", by the Bureau of Land Management.

Notice of the Kobuk Valley, or Bornite proposal was pubished in the FEDERAL REGISTER on May 9, 1968, Volume 33, pages 6990–6991. The hearing officials will welcome all views of interested parties in favor of or in opposition to the proposal. All interested persons who desire to be heard on the subject can either appear in person at the hearing or submit written statements. The record will remain open until May 16, 1969, for submission of written statements to the District Manager, Bureau of Land Management, 516 Second Avenue, Fairbanks, Alaska 99701.

ROBERT C. KRUMM,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 69-3170; Filed, Mar. 14, 1969; 8:49 a.m.]

[New Mexico 6266]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 11, 1969.

The Bureau of Reclamation, U.S. Department of the Interior, has filed application, Serial No. 6266, for the withdrawal of land described below. The land was conveyed to the United States pursuant to sections 10 and 11 of the Act of June 20, 1910 (36 Stat. 564). They have not been open to entry under the public land laws. The applicant desires the lands for use in connection with the Tucumcari Project, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 31 E.,
Sec. 16, E½E½.

The area described aggregates 160 acres in Quay County, N. Mex.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-3169; Filed, Mar. 14, 1969; 8:49 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Cancellation of Call for Nominations of Areas for Oil and Gas Leasing

The call for nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana, as announced in the FEDERAL REGISTER on November 8, 1968, is hereby canceled. All nominations which may be received will be returned. The call for nominations may be reissued and announced in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

MARCH 13, 1969.

[F.R. Doc. 69-3201; Filed, Mar. 14, 1969; 8:49 a.m.]

Office of the Secretary

ROBERT V. HUGO

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 28, 1969.

Dated: February 28, 1969.

ROBERT V. HUGO.

[F.R. Doc. 69-3139; Filed, Mar. 14, 1969; 8:46 a.m.]

JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 28, 1969.

Dated: February 28, 1969.

JOHN H. KLINE.

[F.R. Doc. 69-3140; Filed, Mar. 14, 1969; 8:46 a.m.]

JAMES W. McWHINNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 28, 1969.

Dated: March 3, 1969.

JAMES W. MCWHINNEY.

[F.R. Doc. 69-3141; Filed, Mar. 14, 1969; 8:46 a.m.]

STANLEY MILTON SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 28, 1969.

Dated: February 28, 1969.

STANLEY M. SWANSON.

[F.R. Doc. 69-3142; Filed, Mar. 14, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

1968 CROP PEANUTS

Indemnification

Pursuant to the provisions of section 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the amendment hereinafter set forth to the Terms and Conditions of Indemnification Applicable to 1968 Crop Peanuts (33 F.R. 8606, 18633) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Terms and Conditions is necessary to give the Committee an additional means of cleaning-up lots of peanuts containing excessive aflatoxin and further minimizing indemnification costs by allowing such lots of peanuts to be "custom blanched" for removal of the aflatoxin in lieu or in addition to remilling of such lots of peanuts. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin from lots of peanuts and who agree to such terms, conditions, and rates of payment as the Committee may find to be acceptable.

Therefore, the first sentence of the second paragraph of the Terms and Conditions is revised by deleting the period at the end of such sentence and adding the words: "or custom blanching".

Following the second paragraph, a new paragraph is inserted to read as follows:

"'Custom blanching' means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only my those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions, and rates of payment as the Committee may find to be acceptable".

The first sentence of the fourth paragraph is changed by inserting the words "or custom blanched" after the word "remilled".

In the sixth paragraph, following the first sentence, a new sentence is inserted to read as follows: "If such peanuts are declared for custom blanching, either prior to or after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the value of the weight of reject peanuts removed from the lot." In this same paragraph, two additional changes are necessary. In the penultimate sentence after the word "remilling" insert the words: "or custom blanching". In the last sentence after the word "remilled" insert the words: "or custom blanched."

The Peanut Administrative Committee has recommended that this amendment be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with indemnification. Marketing of the 1968 peanut crop is in progress and it is estimated that a sizeable amount of indemnification expenditures can be avoided as result of this amendment. Hence, this amendment should be effective as soon as possible, i.e., on the effective date specified herein.

The foregoing amendment is hereby approved and issued this 11th day of March 1969 to become effective March 11, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3153; Filed, Mar. 14, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NEW ENGLAND INSTITUTE FOR MEDICAL RESEARCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00112-33-78000. Applicant: New England Institute for Medical Research, Post Office Box 308, Ridgefield, Conn. 06877. Article: Manual spectrophotometer, Model PMQ-II. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be primarily used for educational purposes. Students will include undergraduates, graduate students, and postdoctoral fellows who will need to understand the functions of this type of spectrophotometer for their future professions in education and research. Specific demonstrations will be given by faculty members to undergraduates participating in undergraduate research programs. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket No. 68-00529-33-78000, dated April 16, 1968, which was denied without prejudice to resubmission on August 13, 1968. At the request of the applicant (letter dated Dec. 17, 1968), the contents of Docket No. 68-00529-33-78000 have been incorporated into the record of subject application. In its memorandum dated November 21, 1968, the Department of Health, Education, and Welfare (HEW) reference two purportedly comparable domestic instruments—Model 16 spectrophotometer manufactured by Cary Instruments (Cary) and the Model 240 spectrophotometer manufactured by the Gilford Instruments Laboratories Inc. (Gilford). The respective manufacturer's literature relating to these domestic instruments have also been made part of the record. The applicant requires a manually operated spectrophotometer for training undergraduate and graduate students, as well as post-doctoral fellows in basic principles of spectrophotometry. Automatic spectrophotometers, such as those which the applicant currently possesses and is using for research, e.g., Cary Model 14 and Beckman DK-1, do not lend themselves for instructional purposes because they are too complex and sophisticated. In addition to having the characteristics of relative simplicity, the applicant requires an instrument that is capable of being operated in the near infrared region from 700 to 2800 millimicrons. The applicant states that this capability is pertinent because the intended use of the foreign article in attaining the educational purposes will be centered around the 1,500 millimicron band in connection with the study of heme proteins and their association with oxygen binding. The foreign article provides a wavelength range of 180 to 2800 millimicrons. The specified wavelength range of the Cary Model 16 is 1860 to 8000 angstroms or 180 to 800 millimicrons. The specified wavelength range of the Gilford Model 240 is 180 to 999 nanometers. (The terms "nanometers" and "millimicron" are synonymous, both signifying one one-billionth of a meter.) For this reason, we find that neither the Cary Model 16 nor the Gilford Model 240 is of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3125; Filed, Mar. 14, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0806) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide *O,O*-dimethyl *S*-[2-(ethylsulfinyl) ethyl] phosphorothioate in or on raw agricultural commodities as follows: Corn fodder and forage and sugar beet tops at 5 parts per million; leaf lettuce and strawberries at 1.75 parts per million; apples and turnip tops at 1.5 parts per million; blackberries, cabbage, cucumbers, eggplants, grapefruit, head lettuce, lemons, oranges, plums (prunes), raspberries, and summer squash at 1 part per million; peppers at 0.75 part per million; corn (kernels plus cob with husk removed) at 0.5 part per million; melons, pears, pumpkins, sugar beets, turnip roots, walnuts, and winter squash at 0.3 part per million; and cottonseed and potatoes at 0.1 part per million.

The analytical methods proposed in the petition for determining residues of the insecticide are: (1) A total phosphorus method based upon the procedure described by Martin and Doty in "Analytical Chemistry," vol. 21, p. 965 (1949); and (2) a thermionic emission-gas chromatographic method using a phosphorus-sensitive detector.

Dated: March 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3137; Filed, Mar. 14, 1969; 8:46 a.m.]

UPJOHN CO.

Notice of Filing of Petition for Food Additive Lincomycin Hydrochloride Monohydrate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of lincomycin hydrochloride monohydrate in an aqueous solution intended for intramuscular use in swine as a treatment for infectious arthritis and mycoplasma pneumonia.

Dated: March 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3138; Filed, Mar. 14, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-12]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from September 20, 1968, to October 3, 1968 (List No. 32-68). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United State Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

LIFEBOATS

Approval No. 160.035/19/3, 24.0' x 7.0' x 3.0' steel, oar-propelled lifeboat, 30-person capacity, identified by general arrangement dwg. No. G-2430, revised September 5, 1968, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective September 20, 1968. (It supersedes Approval No. 160.035/19/2 dated Sept. 27, 1963, to show change in construction and address.)

Approval No. 160.035/91/3, 18.0' x 6.0' x 2.6' steel, oar-propelled lifeboat, 13-person capacity, identified by general arrangement and construction dwg. No. 49R-1815, dated August 8, 1951 and revised March 27, 1967, approved for 18-person capacity for replacement lifeboats, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective October 2, 1968. (It supersedes Approval No. 160.035/91/3 dated May 29, 1967, to show change in remarks column.)

Approval No. 160.035/289/2, 24.0' x 7.75' x 3.33' steel, oar-propelled lifeboat, 37-person capacity, identified by general arrangement dwg. 24-10, Rev. C dated September 11, 1968, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective September 23, 1968. (It reinstates and supersedes Approval No. 160.035/289/1 terminated July 3, 1968, to show change in construction and address.)

Approval No. 160.035/386/1, 26.0' x 8.25' x 3.5' aluminum, oar-propelled lifeboat, 50-person capacity, identified by general arrangement dwg. No. 26-14, Rev. C dated September 20, 1968, approved for service other than ocean and coastwise, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective September 25, 1968. (It supersedes Approval No. 160.035/386/0 dated Sept. 27, 1963, to show change in construction.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/607/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/608/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/609/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/610/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/611/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/612/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/249/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.048/251/0, group approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. 160.048–7(c) dated January 6, 1966, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.048/251/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRY-BAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.048/252/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. 160.048–7(c) dated January 6, 1966, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/74/0, special approval 18" x 14" x 2½" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, dwg. No. BC–2A, revision dated October 2, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, effective October 3, 1968.

Approval No. 160.049/75/0, special approval 15" x 15" x 3½" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, dwg. No. BC–1A, revision 1 dated October 2, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, effective October 3, 1968.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/351/0, Type II, Model AE–1, adult vinyl-dip coated unicellular plastic foam buoyant vest, dwg. No. 1001, Rev. 1 dated December 23, 1966, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, Tex. 76307, for Red Head Brand Corp., formerly Consumer Division of Brunswick Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968. (It supersedes Approval No. 160.052/351/0 dated Aug. 15, 1967, to show change in Model No. and name and address of distributor.)

Approval No. 160.052/375/0, Type II, Model No. LV, adult unicellular plastic foam buoyant vest, dwg. No. 100, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/376/0, Type II, Model LVCM, child medium unicellular plastic foam buoyant vest, dwg. No. 200, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/377/0, Type II, Model No. LVCS, child small unicellular plastic foam buoyant vest, dwg. No. 300, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/378/0, Type II, Model No. LVD, adult unicellular plastic foam buoyant vest, dwg. No. 100, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/379/0, Type II, Model LVCMD, child medium unicellular plastic foam buoyant vest, dwg. No. 200, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/380/0, Type II, Model No. LVCSD, child small unicellular plastic foam buoyant vest, dwg. No. 300, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

VALVES, SAFETY (STEAM HEATING BOILERS)

Approval No. 162.012/22/0, Types 1541–M and 1543–M safety valve, bronze body, for steam heating boilers, unfired steam generators and reduced-pressure steam lines, dwg. No. 307643 dated May 28, 1963, approved for a maximum pressure of 30 p.s.i. for sizes ¾", 1", 1¼", 1½", 2", and 2½" in the capacities shown below:

CAPACITY (POUNDS/HOUR) AT 30 P.S.I.

Orifice	*Designation*
DRL	75
D	226
E	403
F	632
G	1035
H	1615
J	2650

This valve is similar to Type 1551–M, Approval No. 162.012/1/1 dated December 8, 1962, formerly Manning, Maxwell and Moore, Inc., manufactured by Dresser Industrial Valve and Instrument Division, Box 1430, Alexandria, La. 71301, effective September 23, 1968. (It is an extension of Approval No. 162.012/22/0 dated Oct. 11, 1963, and change of name of manufacturer.)

Dated: March 11, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–3166; Filed, Mar. 14, 1969; 8:48 a.m.]

[CGFR 69–19]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from October 4, 1968, to October 17, 1968 (List No. 33–683). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43 United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/14/0, Model RSC–2 Sea Anchor, U.S.C.G. drawing No. MMI–562 and Specification, dated November 1, 1943, Revised August 24, 1944, manufactured by Revere Supply Co., Inc., 603–607 West 29 Street, New York, N.Y. 10001, effective October 15, 1968.

SIGNALS, DISTRESS, HAND RED FLARE

Approval No. 160.021/5/2, Coston's hand red flare distress signal, 500 candlepower, 2-minute burning time, assembly dwg. No. FXC–740, Rev. 1, dated October 26, 1961, manufactured by Harvell-Kilgore Corp., Toone, Tenn. 38381, for Coston Supply Co., Inc., 44 Hudson Street, New York, N.Y., 10013, effective October 15, 1968. (It supersedes Approval No. 160.021/5/2 dated Jan. 8, 1964, to show change of address of distributor.)

SIGNALS, DISTRESS, HAND ORANGE SMOKE

Approval No. 160.037/1/2, Coston's hand orange smoke distress signal, dwg. Nos. CXC–117, Rev. 4, dated June 17, 1957, and CXC–118, Rev. 5, dated October 5, 1961, manufactured by Harvell-Kilgore Corp., Toone, Tenn. 38381, for Coston Supply Co., Inc., 44 Hudson Street, New York, N.Y. 10013, effective October 15, 1968. (It supersedes Approval No. 160.037/1/2 dated Jan. 8, 1964, to show change of address of distributor.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/613/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Farber Brothers, Inc., 821 Linden Avenue, Memphis, Tenn. 38101, effective October 9, 1968.

Approval No. 160.047/614/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Farber Brothers, Inc., 821 Linden Avenue, Memphis, Tenn. 38101, effective October 9, 1968.

Approval No. 160.047/615/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Farber Brothers, Inc., 821 Linden Avenue, Memphis, Tenn. 38101, effective October 9, 1968.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/247/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Farber Brothers, Inc., 821 Linden Avenue, Memphis, Tenn. 38101, effective October 9, 1968.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/22/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Liberty Cork, Co., Inc., 123 Whitehead Avenue, South River, N.J. 08882, effective October 9, 1968. (It reinstates and supersedes Approval No. 160.049/22/0 dated Sept. 27, 1968.)

Approval No. 160.049/76/0, special approval 18" x 14" x 2½" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, Martin Industries Dwg. No. BC–2A, revision 1 dated October 2, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, for Hurtsboro Oak Flooring Co., Hurtsboro, Ala. 36860, effective October 4, 1968.

Approval No. 160.049/77/0, special approval 15" x 15" x 3½" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, Martin Industries Dwg. No. BC–1A, revision 1 dated October 2, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, for Hurtsboro Oak Flooring Co., Hurtsboro, Ala. 36860, effective October 4, 1968.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/59/0, 30-inch Model No. CGX–30 unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Cal-June Corp. letters dated October 22, 1967, and September 17, 1968, and drawing No. RX dated September 1, 1968, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, Calif. 91606, effective October 17, 1968.

Approval No. 160.050/60/0, 24-inch Model No. CGX–24 unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Cal-June Corp. letters dated October 22, 1967, and September 17, 1968, and drawing No. RX dated September 1, 1968, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, Calif. 91606, effective October 17, 1968.

Approval No. 160.050/61/0, 20-inch Model No. CGX–20 unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Cal-June Corp. letters dated October 22, 1967, and September 17, 1968, and drawing No. RX dated September 1, 1968, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, Calif. 91606, effective October 17, 1968.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.055/80/0, Type II, Model No. 501–U–11 (Mariner Jr.), child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and Gentex dwg. No. 68F5205 dated May 14, 1968, and dwg. No. 68F5206 dated May 17, 1968, and bill of materials dated May 24, 1968, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective October 15, 1968.

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/1/1, automatic floating electric water light (with bracket for mounting), dwg. No. 1000 dated

July 16, 1948, Alt. 2, manufactured by Sea Light Engineering Co., Post Office Box 409, Silver Spring, Md. 20907, effective October 16, 1968. (It is an extension of Approval No. 161.001/1/1 dated Nov. 26, 1963.)

LOUDSPEAKER SYSTEMS, EMERGENCY

Approval No. 161.004/1/0, Galbraith marine emergency loudspeaker system, Type E–27500, amplifier panel assembly dwg. No. E–27506, manufactured by Galbraith-Pilot Marine Corp., Division of Marine Electric Corp., 600 Fourth Avenue, Brooklyn, N.Y. 11215, effective October 17, 1968. (It is an extension of Approval No. 161.004/1/0 dated Jan. 29, 1964.)

Dated: March 11, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–3167; Filed, Mar. 14, 1969; 8:48 a.m.]

[CGFR 69–20]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from September 27, 1968, to November 14, 1968 (List No. 35–68). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/2/2, 4" x 5" metal, emergency signaling mirror, Type SMC, identified by Specification No. 2 revised October 30, 1968, and drawing No. 3, revision No. 1 dated August 14, 1968, manufactured by Safety Mirror Co., 603–607 West 29th Street, New York, N.Y. 10001, effective November 7, 1968. (It supersedes Approval No. 160.020/2/1 dated July 6, 1966, to show change in marking.)

LIFEBOATS

Approval No. 160.035/103/3, 24.0' x 8.0' x 3.5' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement and construction dwg. No. 24–002–01 dated October 15, 1968, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective October 22, 1968. (It supersedes Approval No. 160.035/103/2 dated Oct. 24, 1963, to show change in address and construction.)

Approval No. 160.035/305/2, 26.0' x 7.75' x 3.33' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G–2640, revised September 26, 1968, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective September 27, 1968 (It supersedes Approval No. 160.035/305/1 dated Sept. 27, 1963, to show change of address and construction.)

Approval No. 160.035/309/2, 24.0' x 7.75' x 3.33' steel, hand-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 24–10G, Rev. C dated September 26, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective September 27, 1968. (It supersedes Approval No. 160.035/309/1 dated Sept. 27, 1963, to show change of construction and address.)

Approval No. 160.035/434/1, 16.0' x 6.25' x 2.5' steel, oar-propelled lifeboat, 11-person capacity, identified by general arrangement dwg. No. G–1611, revised October 1968, approval for River Service only, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective October 16, 1968. (It supersedes Approval No. 160.035/434/0 dated Oct. 16, 1963, to show change of address and construction.)

Approval No. 160.035/435/1, 24.0' x 7.25' x 3.25' steel, oar-propelled lifeboat, 32-person capacity, identified by construction and arrangement dwg. No. 24–14B, Rev. C dated October 4, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective October 24, 1968. (It supersedes Approval No. 160.035/435/0 dated Oct. 24, 1963, to show change in address and construction.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/56/0, special approval for 15" x 15" x 4⅜" (cored) rectangular vinyl-dipped unicellular plastic foam buoyant cushions, dwg. No. 5334–X, Rev. 1 dated November 15, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, effective November 14, 1968. (It is an extension of Approval No. 160.049/56/0 dated Dec. 5, 1963.)

Approval No. 160.049/57/0, special approval for 15" x 15" x 4⅜" (cored) rectangular vinyl-dipped unicellular plastic foam buoyant cushions, Crawford dwg. No. 5334–X, Rev. 1 dated November 15, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, for Montgomery Ward and Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, effective November 14, 1968. (It is an extension of Approval No. 160.049/57/0 dated Dec. 5, 1963.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/368/0, Type II, Model No. LJL, adult molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5581–DA, revision dated February 1, 1968, and bill of materials dated October 23, 1968, manufactured by Tuffy Products Co., 540 West Third Street, Bloomsburg, Pa. 17815, effective October 24, 1968.

Approval No. 160.052/369/0, Type II, Model No. LJM, child medium molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5622–BA, revision dated February 1, 1968, and bill of materials dated October 23, 1968, manufactured by Tuffy Products Co., 540 West Third Street, Bloomsburg, Pa. 17815, effective October 24, 1968.

Approval No. 160.052/370/0, Type II, Model No. LJS, child small molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5623–BA, revision dated February 1, 1968, and bill of materials dated October 23, 1968, manufactured by Tuffy Products Company, 540 West Third Street, Bloomsburg, Pa. 17815, effective October 24, 1968.

GAGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/36/0, Model B–630–A magnetic gaging device, aluminum pressure parts, limited to ammonia service, −28° F minimum operating temperature, 10 p.s.i. maximum operating pressure, dwg. No. B–630–A dated June 16, 1968, and accompanying bill of materials, manufactured by Midland Manufacturing Corp., 7733 Gross Point Road, Skokie, Ill. 60076, effective November 13, 1968.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/100/0, figures 4412 and 4414, secondary boiler water level indicators, remote reading wall mounted and panel mounted types, 750 p.s.i. maximum operating pressure, 4400 series remote liquid level indicator presentation dated October 1, 1968, similar to figures 4312 and 4314 previously approved by Nos. 162.025/5/2 and 162.025/30/2, manufactured by Yarway Corp., Blue Bell, Pa. 19422, effective November 8, 1968.

Approval No. 162.025/101/0, figures 4416 and 4418, secondary boiler water level indicators, remote reading wall mounted and panel mounted types, 1550 p.s.i. maximum operating pressure, 4400 series remote liquid level indicator presentation dated October 1, 1968, similar to figures 4316 and 4318 previously approved by Nos. 162.025/31/2 and 162.025/32/2, manufactured by Yarway Corp., Blue Bell, Pa. 19422, effective November 8, 1968.

Dated: March 11, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–3168; Filed, Mar. 14, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

URANIUM PROCUREMENT CONTRACTS

Notice of Invitation for Proposals for Reduction in Deliveries

The U.S. Atomic Energy Commission hereby announces revisions to a similarly entitled notice as published in the FEDERAL REGISTER on January 16, 1969 (34 F.R. 645) (referred to herein as the notice).

1. Paragraph 2 of the notice is deleted and the following is substituted in lieu thereof: "Proposals must be submitted to the Director of Raw Materials, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before April 7, 1969."

2. The first sentence in paragraph 6 of the notice is deleted and the following is substituted in lieu thereof: "The AEC reserves the right, as may be in the best interests of the Government, to reject any or all proposals and may reject without evaluation any proposal received after April 7, 1969."

This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 12th day of March 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 69–3154; Filed, Mar. 14, 1969; 8:47 a.m.]

URANIUM SUPPLY POLICIES AND RELATED ACTIVITIES

"In Situ" Toll Enriching

1. The U.S. Atomic Energy Commission hereby announces a revision to a policy announced on July 25, 1966, and referred to in a similarly entitled notice as published in the FEDERAL REGISTER on September 7, 1968 (33 F.R. 12756). The earlier announcement and notice referred to a Commission policy of permitting, beginning January 1, 1971, the conversion of enriched uranium on lease to private ownership by a mechanism called "in situ" toll enriching, under which the lessee would furnish to the AEC specified amounts of uranium feed and dollars and would thereby acquire ownership of the leased material.

2. Notice is hereby given that the Commission has advanced the date on which "in situ" toll enriching would be permitted from January 1, 1971, to April 1, 1969.

This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 12th day of March 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 69–3155; Filed, Mar. 14, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

LEEWARD & WINDWARD ISLANDS & GUIANAS CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. D. Marshall, Chairman, Leeward & Windward Islands & Guianas Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7540–18, between the member lines of the Leeward & Windward Islands & Guianas Conference modifies the basic agreement by the addition of the following paragraph to Article 1:

No provision of this Agreement shall be deemed to prohibit the Conference from agreeing to, and establishing, through rates by arrangement with other modes of transportation; or to prohibit the publication and filing of through rates by the Conference, in conformity with any such rate agreement; or to prohibit the issuance by the member lines of through bills of lading pursuant to a published Conference tariff embodying through rates or the adoption by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference. However, no member line, either individually or in concert with any other member line or lines or any nonmember line or lines, may negotiate, establish, publish, file or operate under any through intermodal transportation rates or issue any through bills of lading otherwise than pursuant to the formal action and authorization of the Conference.

Other changes are made in the conference rules and regulations in order to remove any inconsistencies with the above paragraph.

Dated: March 12, 1969.

By order of the Federal Marine Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–3156; Filed, Mar. 14, 1969; 8:47 a.m.]

SEA-LAND SERVICE, INC., AND SEAWAY LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Corbin and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9787 between Sea-Land Service, Inc., and Seaway Lines, Inc., provides for the establishment of a through billing arrangement between the above lines in the trade from the U.S. ports of

New York, Baltimore, Md., Charleston, S.C., and Jacksonville, Fla., to ports in the Leeward & Windward Islands, the British Virgin Islands, Tobago, and Trinidad, French Guiana, Guyana, Surinam, and Venezuela with transshipment at San Juan, P.R., in accordance with the terms and conditions set forth in the agreement.

Dated: March 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3157; Filed, Mar. 14, 1969 8:47 a.m.]

SEAWAY LINES, INC., AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Corbin and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9786 between Seaway Lines, Inc., and Sea-Land Service, Inc., provides for the establishment of a through billing arrangement between the above lines in the trade from ports in the Leeward & Windward Islands, the British Virgin Islands, Tobago, and Trinidad, French Guiana, Guyana, Surinam, and Venezuela to the ports of New York, Baltimore, Md., Charleston, S.C., and Jacksonville, Fla., with transshipment at San Juan, P.R., in accordance with the terms and conditions set forth in the agreement.

Dated: March 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3158; Filed, Mar. 14, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 701]

NEW HAMPSHIRE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Coos County, N.H.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from heavy snow storms occurring on February 23 through February 27, 1969.

OFFICE

Small Business Administration Regional Office, 55 Pleasant Street, Concord, N.H. 03301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1969.

Dated: March 10, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-3146; Filed, Mar. 14, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI69-611, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 7, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 23, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-611..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	[3] 378	1	Panhandle Eastern Pipe Line Co. (Southwest Liberal Light Field, Beaver County, Okla.) (Panhandle Area).	$50	2-10-69	[4] 3-13-69	[5] 3-14-69	15.0	[6] [7] 17.0	
RI69-612..	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	[3] 41	3	Panhandle Eastern Pipe Line Co. (Carthage-Reiss Topeka Field Area, Texas County, Okla.) (Panhandle Area).	6,000	2-12-69	[4] 3-15-69	[5] 3-16-69	[8] 16.0	[7] [8] 17.0	
	....do....	[3] 70	3	Panhandle Eastern Pipe Line Co. (Carthage Area, Texas County, Okla.) (Panhandle Area).	160	2-12-69	[4] 3-15-69	[5] 3-16-69	[10] 16.0	[7] [10] 17.0	
	....do....	[3] 67	2	Panhandle Eastern Pipe Line Co. (Carthage-Reiss and Boaldin Fields, Texas County, Okla.) (Panhandle Area).	1,800	2-12-69	[4] 3-15-69	[5] 3-16-69	[8] 16.0	[7] [8] 17.0	

[3] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and the proposed rate does not exceed the initial service ceiling rate of 17 cents per Mcf.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] Subject to a downward B.t.u. adjustment.
[10] Base rate is subject to upward and downward B.t.u. adjustment.

Anadarko Production Co. (Anadarko) requests retroactive effective dates of July 1, 1966, April 1, 1967, and August 1, 1968, for its three proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Anadarko's rate filings and such request is denied.

The contracts related to the rate filings proposed by Gulf Oil Corp. (Gulf) and Anadarko were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Gulf and Anadarko's proposed rate filings should be suspended for 1 day from March 13, 1969 (Gulf), the proposed effective date, and March 15, 1969 (Anadarko), the expiration date of the statutory notice.

[F.R. Doc. 69-3106; Filed, Mar. 14, 1969; 8:45 a.m.]

[Dockets Nos. RI69-598 etc.]

TEXAS PACIFIC OIL CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 7, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-598..	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221, Attention: Mr. Frank Martin.	11	15	El Paso Natural Gas Co. (Payton Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	$566	2- 7-69	[3] 3-10-69	8-10-69	13.69	[4] [5] 16.7228	
	....do....	13	[6] 20	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin Area).	105,972	2- 7-69	[3] 3-10-69	8-10-69	13.83	[4] [5] [7] 16.8793	
	....do....	17	9	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).	(9)	2- 7-69	[3] 3-10-69	8-10-69	15.26	[4] [5] [7] 16.8793	
RI69-599..	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al.	19	13	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	30,216	2- 7-69	[3] 3-10-69	8-10-69	14.39	[4] 16.00	
RI69-600..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102, Attention: Eugene C. Alford, Esq.	395	2	Natural Gas Pipeline Co. of America (Lockridge Field, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	20,240	2-10-69	[3] 3-13-69	8-13-69	16.40	[4] 18.06	
	....do....	376	[6] 5	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	16,050	2-10-69	[3] 3-13-69	8-13-69	15.39	[4] 18.60	
	....do....	261	3	Northern Natural Gas Co. (Bechtold Field, Lipscomb County, Tex.) (RR. District No. 10).	1,800	2-10-69	[3] 3-13-69	8-13-69	[11] 17.25	[4] [10] [11] 18.0	RI68-107.
	....do....	397	2	Panhandle Eastern Pipe Line Co. (North Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	3,780	2-10-69	[3] 3-13-69	8-13-69	[12] [14] 15.90	[4] [13] [14] 17.90	
	....do....	82	5	Panhandle Eastern Pipe Line Co. (Singley Pool, Meade County, Kans.).	250	2-10-69	[3] 3-13-69	8-13-69	[12] 16.0	[4] [10] 17.0	
	....do....	142	4	Northern Natural Gas Co. (North Hutchinson Field, Hansford County, Tex.) (RR. District No. 10).	700	2-10-69	[3] 3-13-69	8-13-69	[11] 17.5	[4] [10] [11] [15] 18.5	RI68-111.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
	do	167	3	Panhandle Eastern Pipe Line Co. (South Forgan Pool, Beaver County, Okla.) (Panhandle Area)	$220	2-10-69	[2] 3-13-69	8-13-69	17.0	[4] [10] 18.0	RI68-25.
	do	171	5	Panhandle Eastern Pipe Line Co. (Camrick Pool, Texas County, Okla.) (Panhandle Area).	532	2-10-69	[2] 3-22-69	8-22-69	17.0	[4] [10] 18.4	RI68-25.
	do	184	3	Panhandle Eastern Pipe Line Co. (Boyer Pool, Meade County, Kans.).	200	2-10-69	[2] 3-13-69	8-13-69	[11] [17] 16.0	[4] [10] [17] 17.0	
	do	203	3	Panhandle Eastern Pipe Line Co. (Forgan Pool, Beaver County, Okla.) (Panhandle Area).	380	2-10-69	[2] 3-13-69	8-13-69	17.0	[4] [10] 18.0	RI68-25.
	do	237	1	do	550	2-10-69	[2] 3-13-69	8-13-69	17.0	[4] [10] 18.0	
	do	245	2	Panhandle Eastern Pipe Line Co. (Northwest Borchers Field, Meade County, Kans.).	580	2-10-69	[2] 3-13-69	8-13-69	16.0	[4] [10] 17.0	
	do	251	7	do	1,100	2-10-69	[2] 3-13-69	8-13-69	16.0	[4] [10] 17.0	
	do	260	3	Northern Natural Gas Co. (Hansford Upper Morrow Field, Hansford County, Tex.) (RR. District No. 10).	638	2-10-69	[2] 3-13-69	8-13-69	[11] 17.25	[4] [10] [11] 18.0	RI68-167.
RI69-601	Curtis R. Inman et al., Post Office Box 737, Midland, Tex. 79701.	2	3	Natural Gas Pipeline Co. of America (Indian Basin Gas Plant, Eddy County, N. Mex.) (Permian Basin Area).	2,336	2-10-69	[12] 3-13-69	8-13-69	16.008	[4] [10] 17.646	
RI69-602	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102. Attention: P. T. Davis, Manager, FPC Activity.	344	4	Natural Gas Pipeline Co. of America (Indian Basin Area, Eddy County, N. Mex.) (Permian Basin Area).	22,577	2-10-69	[2] 3-13-69	8-13-69	16.008	[4] [10] 17.646	
	do	304	44	Michigan Wisconsin Pipe Line Co. (Orie C. Johnson Unit, Major County, Okla.) (Oklahoma "Other" Area).	6,204	2-10-69	[2] 3-13-69	8-13-69	[9] 15.5	[4] [9] [10] 18.4	
	do	312	4	Natural Gas Pipeline Co. of America (Lundell South Field, Duval County, Tex.) (RR. District No. 4).	2,730	2-10-69	[2] 3-13-69	8-13-69	[11] [26] 16.0	[4] [10] [11] 17.0	
RI69-603	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	139	[20] 7	Panhandle Eastern Pipe Line Co. (South Peek Field, Ellis County, Okla.) (Panhandle Area).	700	2-12-69	[13] 3-15-69	8-15-69	[15] [22] 19.533	[4] [10] [24] [25] 20.697	
RI69-604	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	29	2	Natural Gas Pipeline Co. of America (Thomas Area, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	14	2-14-69	[2] 4- 1-69	9- 1-69	[11] 15.0	[4] [10] [11] 16.0	
RI69-605	The Superior Oil Co., Box 1521, Houston, Tex. 77001.	132	6	Transwestern Pipeline Co. (West Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	540	2-14-69	[13] 3-17-69	8-17-69	[11] 17.0	[4] [11] [24] 19.0	
RI69-606	The Superior Oil Co. (Operator) et al.	114	3	Panhandle Eastern Pipe Line Co. (Northeast Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	1,088	2-14-69	[13] 3-17-69	8-17-69	[14] [23] 17.595	[4] [10] [23] [25] 21.111	RI68-84.
RI69-607	Herman George Kaiser, 909 Palace Bldg., Tulsa, Okla.	6	[20] 2	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	94	2-17-69	[13] 3-20-69 (Accepted)	8-20-69	[13] 12.0	[4] [10] [13] 13.0	
		6	3		72,000	2-17-69	[13] 3-20-69	8-20-69	[14] 17.0	[4] [24] [25] 19.0	
RI69-608	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	110	1	Natural Gas Pipeline Co. of America (Buffalo Wallow Field, Hemphill County, Tex.) (RR. District No. 10).							
RI69-609	James A. Ford, d.b.a. Cypress Gas Co. (Operator), Post Office Box 9102, Shreveport, La. 71109.	4	3	Arkansas Louisiana Gas Co. (Northwest Cartersville Field, La Flore County, Okla.) (Oklahoma "Other" Area).	7,300	2-12-69	[13] 3-15-69	8-15-69	15.0	[4] [10] 16.0	
RI69-610	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001, Attention: Mr. R. E. Galbraith.	78	[20] 12	United Gas Pipe Line Co. (Burnell-North Pettus Field, Karnes, Bee, and Goliad Counties, Tex.) (RR. District No. 2).	1,262	2-10-69	[13] 3-13-69 (Accepted)	8-13-69	15.485	[4] [10] [11] 16.0	RI66-113.
		79	13			2-10-69	[13] 3-13-69				

[2] The stated effective date is the effective date requested by Respondent.
[3] Increase to current contract rate plus tax reimbursement.
[4] Pressure base is 14.65 p.s.i.a.
[5] Does not apply to acreage dedicated to Supplement No. 18.
[6] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[7] Subject to 0.4467 cent per Mcf compression charge by buyer, where applicable.
[8] No volumes reported for succeeding 12-month period.
[9] Pertains to casinghead gas only.
[10] Periodic rate increase.
[11] Subject to a downward B.t.u. adjustment.
[12] Filing from initial certificated rate to initial contract rate.
[13] Includes base rate of 15 cents plus 0.80 cent upward B.t.u. adjustment (1,053 B.t.u. gas) before increase and base rate of 17 cents plus 0.90 cent upward B.t.u. adjustment after increase.
[14] Base rate subject to upward and downward B.t.u. adjustment.
[15] Settlement rate as approved by Commission order issued Apr. 25, 1963, in Dockets Nos. G-9620 et al. Moratorium on increased rate filings expired on Apr. 1, 1966.
[16] Seven-step periodic rate increase.
[17] Subject to upward and downward B.t.u. adjustment.
[18] The stated effective date is the first day after expiration of the statutory notice.
[19] "Fractured" rate increase. Initial contract base rate is 19.5 cents per Mcf.
[20] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase (1,050 B.t.u. gas) and 17.9 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[21] Settlement rate as approved by Commission order issued Dec. 30, 1963, in Dockets Nos. G-9476 et al. Moratorium on increased rate filings expired Apr. 1, 1966.
[22] Includes base rate of 17 cents plus upward B.t.u. adjustment (1,149 B.t.u. gas) before increase and base rate of 18 cents plus upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase.
[23] Applicable to acreage added by Supplements Nos. 3 and 6.
[24] "Fractured" rate increase. Contractly due 19.5 cents per Mcf.
[25] Filing from initial certificated rate plus tax reimbursement to initial contract rate plus tax reimbursement.
[26] Includes base rate of 15 cents plus upward B.t.u. adjustment (1,172 B.t.u. gas) plus 0.015-cent tax reimbursement before increase and base rate of 18 cents plus upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase.
[27] Contract Amendment dated Nov. 14, 1968, which provides for base rate of 13 cents from Jan. 1, 1967, to Dec. 31, 1971.
[28] Renegotiated rate increase.
[29] Filing from initial certificated rate to initial contract rate.
[30] Letter agreement dated Oct. 3, 1968, provides, among other things, for a renegotiated rate of 16 cents for the 5-year period commencing Oct. 1, 1968, with 1 cent increases every 5 years thereafter; deletes redetermination provisions, provides for downward B.t.u. adjustment and Seller's right to file for any higher applicable area rate established by the Commission.

Curtis R. Inman et al., request waiver of the statutory notice to permit an effective date of February 10, 1969, for their proposed rate increase. Amerada Petroleum Corp., also requests an effective date of February 10, 1969. The Superior Oil Co. and The Superior Oil Co. (Operator) et al., request that their proposed rate increases be permitted to become effective on March 1, 1969. Union Oil Company of California requests waiver of the statutory notice to permit its proposed rate increase to become effective as of February 6, 1969, and James A. Ford, doing business as Cypress Gas Co. (Operator), requests an effective date of March 10, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Supplements Nos. 20 and 9 to Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co.'s (Seagram) FPC Gas Rate Schedules Nos. 13 and 17, respectively, reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increase in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filings, as well as the statutory lawfulness of Seagram's proposed increased rates and charges.

Concurrently with the filing of their rate increases, Herman George Kaiser (Kaiser) submitted a contract amendment dated November 14, 1968,[31] and Continental Oil Co. (Continental), submitted a letter agreement dated October 3, 1968,[32] which provide the basis for their rate increases. We believe that it would be in the public interest to accept for filing Kaiser and Continental's contract amendment and letter agreement to become effective on March 20, 1969 (Kaiser), and March 13, 1969 (Continental), the expiration dates of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases related to sales in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Kaiser's contract amendment and Continental's letter agreement, as set forth above, and for permitting such supplements to become effective on March 20, 1969 (Kaiser), and March 13, 1969 (Continental), the expiration dates of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 2 to Kaiser's FPC Gas Rate Schedule No. 6, and Supplement No. 12 to Continental's FPC Gas Rate Schedule No. 79, are accepted for filing and permitted to become effective on March 20, 1969 (Kaiser), and March 13, 1969 (Continental), the expiration dates of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 23, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3107; Filed, Mar. 14, 1969; 8:45 a.m.]

[31] Designated as Supplement No. 2 to Kaiser's FPC Gas Rate Schedule No. 6.
[32] Designated as Supplement No. 12 to Continental's FPC Gas Rate Schedule No. 79.

[Docket No. CP69–231]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application

MARCH 10, 1969.

Take notice that on March 4, 1969, Alabama-Tennessee Natural Gas Co. (Applicant), Post Office Box 918, Florence, Ala. 35630, filed in Docket No. CP69–231 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing increased sales of natural gas to existing customers, initial gas service to a new pulp and paper mill, and authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to make additional sales of 3,440 Mcf per day to existing customers, and to provide up to 200 Mcf per day of firm service, plus up to 5,000 Mcf per day on an interruptible basis, to a pulp and paper mill of U.S. Plywood-Champion Papers, Inc., being built near Courtland, Ala.

Additionally, Applicant requests authorization to construct and operate: 3.4 miles of 16-inch O.D. main transmission pipeline paralleling Applicant's existing 12¾-inch main line immediately west of its Sheffield Compressor Station in Colbert County, Ala.; 1.6 miles of 8⅝-inch O.D. lateral line serving the city of Decatur, Ala., and other customers south of Decatur; and 4.3 miles of 6⅝-inch O.D. lateral line and a sales meter station for service to the new pulp and paper mill.

Applicant estimates the cost of the proposed facilities at $475,000, which it proposes to finance by means of short-term bank loans and funds derived from internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 7, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own

review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3128; Filed, Mar. 14, 1969; 8:45 a.m.]

[Docket No. CP69-232]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 10, 1969.

Take notice that on March 4, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP69-232, an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement facilities, and the relocation of certain facilities, and for permission and approval to abandon certain facilities on its transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to:

(1) Reclaim approximately 1.5 miles of existing 4-inch gas pipeline and replace with approximately 1.5 miles of 2-inch pipeline in the Raymond Lateral, Rice County, Kans.;

(2) Reclaim approximately 1.7 miles of existing 6-inch gas pipeline and replace with approximately 1.7 miles of 2-inch pipeline in the Lorraine Fuel System, Rice County, Kans.;

(3) Reclaim approximately 2 miles of existing 6-inch gas pipeline and replace with approximately 2 miles of 4-inch pipeline in the Teter-Brukett Pipeline System, Greenwood County, Kans.;

(4) Reclaim approximately 1.3 miles of 8-inch pipeline loop and relocate the Dry Lake town border measuring and regulating facilities in the Iola 8-inch loop, Allen County, Kans.;

(5) Reclaim approximately 1.5 miles of 4-inch pipeline in the Sinclair 4-inch Lateral, Nowata County, Okla.;

(6) Reclaim approximately 2.9 miles of 8-inch pipeline and abandon in place approximately 0.2-mile of 8-inch pipeline in the Valley Falls 8-inch Lateral, Jefferson and Shawnee Counties, Kans.;

(7) Abandon in place approximately 4.5 miles of 2-inch, 3-inch, 4-inch, and 5-inch pipeline and abandon by sale approximately 0.8-mile of 5-inch pipeline in the Lone Jack Pipeline System, Jackson and Cass Counties, Mo.

Applicant states that the facilities to be abandoned are obsolete in view of current operational requirements and they will be supplanted, where necessary, by facilities which will more efficiently and economically meet changing demands and operations on portions of Applicant's pipeline system.

Applicant estimates the total cost of the proposed facilities at $57,150, which it proposes to pay from cash on hand. Applicant estimates the total reclaim cost for the proposed abandonments at $25,280, and the estimated salvage value at $26,970.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 1117.10) on or before April 7, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3129; Filed, Mar. 14, 1969; 8:45 a.m.]

[Docket No. RP69-26]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Change in Rates and Charges

MARCH 10, 1969.

Notice is hereby given that Colorado Interstate Gas Co. (Colorado Interstate), on February 17, 1969, filed proposed changes to its FPC Gas Tariff, First Revised Volume No. 1, to be effective as of April 1, 1969. The changes proposed are alleged to revise the heat content provisions of most of the rate schedules contained in Colorado Interstate's tariff, to make those more uniform and to cover the full range of heating values which might be sold from the company's system.

Protests, petitions, or notices, of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 21, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3130; Filed, Mar. 14, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4725]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Short-term Notes to Banks

MARCH 11, 1969.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa., an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Met-Ed proposes to issue and sell, from time to time prior to April 30, 1970, to the banks named below its promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made. The borrowings listed below include those amounts which may be issued pursuant to the 5 percent exemptive provision of section 6(b) of the Act.

Although no commitments or agreements for such borrowings have been made, Met-Ed expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding at any one time from each such bank being as follows:

First National City Bank, New York, N.Y.	$5,500,000
Marine Midland Grace Trust Company of New York, N.Y.	6,000,000
Morgan Guaranty Trust Company of New York, N.Y.	1,000,000
The Fidelity Bank, Philadelphia, Pa.	3,700,000
The First Pennsylvania Banking and Trust Co., Philadelphia, Pa.	4,700,000
American Bank and Trust Company of Pennsylvania, Reading, Pa.	3,000,000
Reading Trust Co., Reading, Pa.	700,000
National Bank & Trust Company of Central Pennsylvania, York, Pa.	1,600,000
York Bank and Trust Co., York, Pa.	1,000,000
Bank of Pennsylvania, Reading, Pa.	1,100,000
Total	28,300,000

Met-Ed intends to utilize the proceeds of the proposed notes to finance its business as a public-utility company, including provisions for construction expenditures, the repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. Met-Ed's construction program for 1969 is estimated to cost approximately $100 million.

The declaration states that the net proceeds from any permanent debt financing effected prior to the maturity of any of the proposed notes will be used to pay part or all of the notes then outstanding, and the maximum amount of indebtedness which may be incurred by Met-Ed under this declaration will be reduced by an amount equal to the net proceeds of the permanent debt financing.

The fees and expenses to be paid by Met-Ed in connection with the issue and sale of the notes are estimated at $5,300, including counsel fees of $5,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 31, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3144; Filed, Mar. 14, 1969; 8:46 a.m.]

[70-4726]

POTOMAC EDISON CO. ET AL.

Notice of Proposed Increase in Authorized Capital Stock and Issue and Sale of Common Stock by Subsidiary Companies, and Acquisition and Pledge Thereof by Holding Company

MARCH 11, 1969.

Notice is hereby given that The Potomac Edison Co. ("Potomac Edison"), Downsville Pike, Hagerstown, Md. 21740, an electric utility company and a registered holding company, and its subsidiary companies, The Potomac Edison Company of Pennsylvania ("PE-Pa."), The Potomac Edison Company of Virginia ("PE-Va."), and The Potomac Edison Company of West Virginia ("PE-W. Va."), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Potomac Edison is a subsidiary company of Allegheny Power System, Inc., also a registered holding company. The applicants-declarants have designated sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions.

PE-Pa. and PE-W. Va. each proposes to amend its charter to increase the authorized shares of its capital stock by the number shown below; PE-Pa., PE-Va., and PE-W. Va. ("Subsidiary Companies") propose to issue and sell additional shares of their authorized and unissued capital stocks; and Potomac Edison proposes to acquire such shares, in each case in the amounts and for the consideration shown below:

Subsidiary company and title of issue	Proposed increase in authorized shares	Proposed issuance of shares	Cash consideration
PE-Pa., capital stock, no par, stated value $5 per share	75,000	240,000	$1,200,000
PE-Va., common stock, par value $100 per share		23,250	2,325,000
PE-W. Va., common stock, par value $100 per share	150,000	51,250	5,125,000

The application-declaration states that funds derived from the proposed issuance and sale of capital stock will be used by each of the Subsidiary Companies to finance necessary property additions and improvements. Construction expenditures for 1969 are estimated to be $2,053,000 for PE-Pa., $3,663,000 for PE-Va., and $6,746,000 for PE-W. Va.

Potomac Edison now owns all the outstanding shares of capital stock of each of the Subsidiary Companies, and such shares are pledged under the Indenture of Potomac Edison dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. The filing states that the additional shares proposed to be acquired by Potomac Edison will be issued by the Subsidiary Companies from time to time as necessary prior to December 31, 1969, and on issuance will be pledged by Potomac Edison under said Indenture in accordance with the requirements thereof.

The application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the stock of PE-Pa.; the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the stock of PE-Va.; and the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition of the stocks of the Subsidiary Companies. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $1,450, including legal fees of $300 and $780 Pennsylvania excise tax.

Notice is further given that any interested person may, not later than March 31, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3145; Filed, Mar. 14, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 12, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41583—*Commodity rates from and to points on the C, B & Q Railroad Co.* Filed by The Chicago, Burlington & Quincy Railroad Co. (No. 1), for interested rail carriers. Rates on property moving on commodity rates, in carloads, between points on the C, B & Q R.R., Barnard, Mo., to Creston, Iowa, inclusive, on the one hand, and points in the United States, on the other, via Creston, Iowa; also between Savannah, Mo., on the one

hand, and points in the United States, on the other, by way of Amazonia, Mo.

Grounds for relief—Abandonment of a portion of the Chicago, Burlington & Quincy Railroad Co. between Barnard and Savannah, Mo.

FSA No. 41584—*Chlorine from St. Gabriel, La.* Filed by O. W. South, Jr., agent (No. A6084), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from St. Gabriel, La., to specified points in Florida and Tennessee.

Grounds for relief—Market competition.

Tariff—Supplement 89 to Southern Freight Association, agent, tariff ICC S–599.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3164; Filed, Mar. 14, 1969; 8:48 a.m.]

[Notice 795]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 12, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 732 (Sub-No. 3 TA), filed March 6, 1969. Applicant: ALBINA TRANSFER COMPANY, INC., 3710 North Mississippi Avenue, Portland, Oreg. 97227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and concrete meter boxes*, from Portland, Oreg., to points in Snohomish, King, Pierce, Yakima, Cowlitz, and Clark Counties, Wash., and *lumber and plywood*, between points in Columbia, Washington, Multnomah, Yamhill, Polk, Clackamas, Marion, Benton, and Linn Counties, Oreg., and Snohomish, King, Pierce, Yakima, Cowlitz, and Clark Counties, Wash., for 150 days. Supporting Shippers: Vanport Manufacturing Co., Inc., Post Office Box 96, Boring, Oreg. 97009; Smith and Sons Storage, Inc., 2854 Northeast Columbia Boulevard, Portland, Oreg. 97221; Stanton-Cudahy Lumber Co., Post Office Box 25200, Portland, Oreg. 97225; Tree Products Co., Post Office Box 280, Lake Oswego, Oreg. 97034; Kuzman Forest Products, Inc., Terminal Sales Building, Portland, Oreg. 97205; Brooks Products, Inc., Post Office Box 112, El Monte, Calif. 91734. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 94350 (Sub-No. 216 TA), filed March 6, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial shipments, from the plantsite of Champion Home Builders, Lillington, N.C., to points in Tennessee, Kentucky, West Virginia, Maryland, Virginia, South Carolina, Georgia, Florida, Alabama, and Mississippi, for 180 days. Supporting shipper: Champion Home Builders, Lillington, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 129086 (Sub-No. 6 TA), filed March 6, 1969. Applicant: SPENCER TRUCKING CORPORATION, Route 1, Box 223, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, 1506 Lochwood Road, Baltimore, Md. 21218. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from (1) Riverton, W. Va., to Keyser, W. Va., and Luke, Md., (2) from Keyser, W. Va., to Luke, Md., for 180 days. Supporting shipper: West Virginia Pulp and Paper, 299 Park Avenue, New York, N.Y. 10017. Send protests to: Joseph A. Niggemyer, District Supervisor, 531 Hawley Building, Bureau of Operations, Interstate Commerce Commission, Wheeling, W. Va. 26003.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3165; Filed, Mar. 14, 1969; 8:48 a.m.]

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OF MICHIGAN

MAR 1969

REFERENCE

Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1969)

Title 4—Accounts (Revised) $0.50

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Title 32—National Defense (Parts 400–589) (Revised) 2.00

[A Cumulative checklist of CFR issuances for 1969 appears in the first issue of the Federal Register each month under Title 1]

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

F.R. Doc. 69–2030 in the issue for February 14, 1969, on page 2198, is corrected to show that the additional position shown to be excepted by that document is titled Assistant Director for Executive Management. As corrected, subparagraph (1) of paragraph (a) of § 213.3303 is amended and a new subparagraph (5) is added as set out below.

§ 213.3303 Executive Office of the President.

(a) *Bureau of the Budget.* (1) Three Assistant Directors.

* * * * *

(5) One Assistant Director for Executive Management.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3198; Filed, Mar. 17, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to show that all executive agencies are authorized to appoint under Schedule A each summer finalists in national science contests under programs approved by the Civil Service Commission. Appointees will serve in positions as grade GS–2 and below as assistants to scientific, professional, and technical employees. Effective on publication in the FEDERAL REGISTER, paragraph (y) is added to § 213.3102 as set out below.

§ 213.3102 Entire Executive Civil Service.

* * * * * *

(y) Positions at grade GS–2 and below for summer employment, as defined in § 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests under hiring programs approved by the Commission.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3264; Filed, Mar. 17, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Confidential Assistant to the Administrator is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (a) of § 213.3337 as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *

(6) One Confidential Assistant to the Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3330; Filed, Mar. 17, 1969; 10:25 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

1. Paragraph (d) of § 204.1 is amended to read as follows:

§ 204.1 Petition.

* * * * * *

(d) *Petitions under section 203(a)(6) of the Act*—(1) *Filing petition.* A person, firm, or organization desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6) of the Act shall file a petition on Form I–140 in the office of the Service having jurisdiction over the place of intended employment. A separate form must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $10. Before it may be accepted and considered properly filed, the petition must be accompanied by executed Forms ES–575A and ES–575B to which the certification under section 212(a)(14) of the Act has been affixed by the Secretary of Labor or his designated representative, except that Forms ES–575B and such certification shall be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in Schedule A or Schedule C—Precertification List (29 CFR Part 60) or the beneficiary is qualified as a member of the professions or has exceptional ability in the sciences or arts and will be engaged therein. The district director may request the Secretary of Labor or his designated representative to furnish an advisory opinion of the alien's occupational qualifications in any specific case.

(2) *Certification under section 212(a)(14).* An alien whose occupation is currently listed in Schedule A (29 CFR Part 60) will be considered as having obtained a certification under section 212(a)(14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation. In the case of an alien whose occupation is currently listed in Schedule B, the Secretary of Labor has announced that the determination and certification required by section 212(a)(14) of the Act cannot now be made (29 CFR Part 60). An alien whose occupation is currently listed in Schedule C—Precertification List will be considered as having obtained a certification under section 212(a)(14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation and that the alien will not reside in an area excluded from precertification by the Secretary of Labor. In the case of a beneficiary who the district director determines is a member of the professions or a person with exceptional ability in the sciences or arts, but who is not included in Schedule A (29 CFR Part 60), the district director will refer Form ES–575A to the Administrator, Bureau of Employment Security, U.S. Department of Labor, for a determination as to whether an individual labor certification will be issued. In the case of any other alien, his employer or prospective employer may apply for certification under section 212(a)(14) of the Act by submitting properly executed Forms ES–575A and ES–575B, together with the documentary evidence required by the instructions for completion of the forms, to the local office of the State Employment Service serving the area of intended employment. Information concerning the categories of employment listed in Labor Department Schedules (29 CFR Part 60) may be obtained from principal offices of the Service, from State Employment Service offices and from U.S. consular offices.

(3) *Sixth preference petition for member of professions or person having exceptional ability in sciences or arts.* Nothing contained in this part shall preclude an employer who desires and intends to employ an alien who is a member of the professions or a person with exceptional

ability in the sciences or the arts from filing a petition for sixth preference classification; however, any such petition shall be subject to the requirements of this paragraph and § 204.2(f).

(4) *Interview and decision.* The beneficiary and the petitioner may be required to appear in person before an immigration officer prior to the adjudication of the petition and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying the petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

2. Paragraph (f) of § 204.2 is amended to read as follows:

§ 204.2 Documents.

* * * * *

(f) *Evidence required to accompany petition for skilled or unskilled labor.* Forms ES–575A or Forms ES–575A and B, as specified in § 204.1(d), properly executed in accordance with the instructions for completion of those forms and accompanied by the documentary evidence specified in the instructions attached to the visa petition, shall be submitted with each visa petition on Form I–140 to accord an alien classification under section 203(a)(6) of the Act. In addition, when the qualifications of an alien are based in whole or in part on attendance at a school, the evidence must include a certified copy of his school record. The record must show the period of attendance, the major field of study, and the certificates, diplomas, or degrees awarded. If the alien's eligibility is based on training or experience, documentary evidence thereof, such as affidavits, must be submitted by the petitioner. Affidavits must be made by the alien's present and former employers or by other persons familiar with the alien's work. Each such affidavit must set forth the name and address of the affiant and state how he acquired his knowledge of the alien's qualifications, state the place where and the dates during which the alien gained his training or experience, and must describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. The district director may request the Secretary of Labor or his designated representative to furnish an advisory opinion concerning the beneficiary's qualifications.

§ 204.4 [Amended]

3. The second sentence of § 204.4 *Validity of approved petitions* is amended to read as follows: "The approval of a petition to classify an alien as a preference immigrant under section 203(a)(6) of the Act shall remain valid for a period of 1 year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act; if a blanket certification pursuant to Schedule A, 29 CFR 60, has been issued covering the alien's occupation, or the alien is within Schedule C—Precertification List, 29 CFR 60, the approval shall remain valid for a period of 1 year from the date of approval."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.8 [Amended]

Paragraph (c) *Department of Labor certifications in connection with visa petitions and applications for adjustment of status* of § 212.8 *Certification requirement of section 212(a)(14)* is deleted.

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. Paragraph (e) of § 245.1 is amended to read as follows:

§ 245.1 [Amended]

(e) *Nonpreference aliens.* An applicant who is a nonpreference alien seeking adjustment of status for the purpose of engaging in gainful employment in the United States, and who is not exempted under § 212.8(b) of this chapter from the labor certification requirement of section 212(a)(14) of the Act, is ineligible for the benefits of section 245 of the Act unless an individual labor certification is issued by the Secretary of Labor or his designated representative, or unless the applicant establishes that he is within Schedules A or C—Precertification List, 29 CFR Part 60.

2. Item (2) of the fourth sentence of paragraph (g) *Availability of immigrant visas under section 245* of § 245.1 *Eligibility* is amended to read as follows: "(2) the date on which application Form I–485 is filed, if the applicant establishes that the provisions of section 212(a)(14) of the Act do not apply to him or that he is within the Department of Labor's Schedules A or C—Precertification List (29 CFR Part 60);"

3. Paragraph (b) of § 245.2 is amended to read as follows:

§ 245.2 Application.

* * * * *

(b) *Application by nonpreference alien seeking adjustment of status for purpose of engaging in gainful employment—(1) Alien whose occupation is included in Schedule A or C—Precertification List, 29 CFR Part 60, or who is a member of the professions or has exceptional ability in the sciences or arts.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act must submit Forms ES–575A with his application, if he is qualified for and will be engaged in an occupation currently listed in Schedule A or C—Precertification List, 29 CFR Part 60, or if he is a member of the professions or has exceptional ability in the sciences or the arts. The Forms ES–575A must be executed in accordance with the instructions for completion of that form, and must be accompanied by the evidence of the applicant's qualifications specified in the instructions attached to the application for adjustment of status. The other documents specified in § 245.2(a) must also be submitted in support of the application for adjustment of status. Determination concerning certification under section 212(a)(14) of the Act will be made in accordance with the pertinent provisions of § 204.1(d)(2) of this chapter.

(2) *Other nonpreference aliens who will engage in gainful employment.* If the applicant for adjustment as a nonpreference alien under section 245 of the Act is not a member of a profession, is not a person with exceptional ability in the sciences or the arts, and is unqualified for a category of employment currently listed in Schedule A or C—Precertification List, 29 CFR Part 60, he must submit with his application a certification of the Secretary of Labor issued under section 212(a)(14) of the Act. The applicant's employer or prospective employer may apply for the certification to the local State Employment Service.

* * * * *

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

§ 248.2 [Amended]

Section 248.2 *Application* is amended by deleting the third sentence.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments to §§ 204.1(d), 204.2(f), 204.4, 212.8(c), 245.1(e), 245.1(g), and 245.2(b) were made to conform to the Department of Labor regulations published 34 F.R. 1018. The amendment to § 248.2 confers a benefit upon persons affected thereby.

Dated: March 12, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69–3177; Filed, Mar. 17, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Amendments

The document adopting a new part entitled "Truth in Lending" (F.R. Doc. 69–548) of Chapter II of Title 12 of the Code of Federal Regulations, published in Part II of the FEDERAL REGISTER on February 11, 1969, is corrected as follows:

(a) In § 226.2(d) by changing "(d)(4) of § 226.8" to read "(d)(1) of § 226.8";

(b) In § 226.2(k) by deleting in the first sentence the comma between "which" and "either";

(c) In § 226.7(b)(3) by deleting "total" and changing "'payment,'" to "'payments,'";

(d) In § 226.8(e)(2)(iii) by adding "and" at the end thereof; and

(e) In § 226.9(b) by deleting the colon before the blank line for the name of the creditor.

Dated at Washington, D.C., the 11th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–3228; Filed, Mar. 17, 1969; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2]

PART 106—LEASE GUARANTEE

Miscellaneous Amendments

Part 106 of Chapter 1 of Title 13 of the Code of Federal Regulations is hereby amended:

1. Section 106.6(g)(1)(i) is revised to read as follows:

(1) Minimizing the risk:

(i) Upon the effective date of the policy of rental insurance, the lessee shall either: (a) Pay an amount not to exceed one quarter of the average minimum guaranteed annual rental required under the lease, which amount shall be held by the Administrator or, in the case of participation, by the participant in an escrow interest-bearing account and shall be available (1) for forfeiture to the guarantor for application on rental charges accruing in any month in which the lessee is in default; or (2) if no default occurs during the term of the lease, for application (with simple interest accrued at the rate of four (4) percent per annum) toward payments of final rental charges under the lease; or (b) The lessor shall agree that one quarter of the average minimum guaranteed annual rental required under the lease shall be borne by the lessor as coinsurance. If, prior to expiration, the lease term is terminated by mutual consent of the lessor and the lessee, the total funds held in escrow with accumulated interest shall be paid to the lessee upon written notice to the escrowee, signed by both the lessor and the lessee, of the termination of the lease and payment by the lessee of all rents due and payable in accordance with the guarantee to the date of termination of the lease.

2. By deleting the word "qualified" in line nine (9) of (b) of § 106.6(g)(1)(ii).

3. By deleting subdivision (VII) of § 106.6(g)(1).

Effective date: March 5, 1969.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69–3232; Filed, Mar. 17, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–EA–16, Amdt. 39–734]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 by publishing an airworthiness directive which will require an inspection and replacement where necessary of the contacts in the wing flap system motor relay of the Fairchild Hiller F–27 type airplane and eventual rewiring of the flap drive circuit.

There have been reports of instances in which F–27 airplanes incorporating a Cutler Hammer relay in the flap drive circuit have had malfunctions of the wing flap as a result of the flaps being driven off the end of the screw jacks. The cause is attributed to welded contacts in the flap system motor relay. Since this condition is likely to exist or develop in other airplanes of the same type design, this airworthiness directive is being issued.

Since a situation exists that requires expeditious adoption of this regulation, it is found that notice and public procedure herein are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 [31 F.R. 13697], § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

FAIRCHILD. Applies to Type F–27 Airplanes Serial Numbers 1 through 124 inclusive. Incorporating Cutler Hammer P/N 6046 H46 Relay in Flap Control System.

Compliance required as follows:

To prevent hazards associated with flap drive system failure whereby the flaps are driven off the drive screw jacks, accomplish the following:

(a) Within the next 300 hours time in service after the effective date of this AD, and thereafter at 200 hour intervals from the date of the last inspection, open cover of wing flap system motor relay and visually inspect all contacts. Any finding of contact pitting or discoloration of contacts requires replacement of the relay with an unused part. The inspection may be terminated upon completion of the requirement of paragraph (b) of this AD.

(b) Within the next 500 hours time in service after the effective date of the AD, unless already accomplished, rewire the flap drive circuit in accordance with Fairchild Hiller F–27 Service Bulletin F–27–27–67 dated February 1, 1969, for F–27 aircraft, or later revisions approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or perform an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon request with substantiating data submitted through an FAA Maintenance Inspector, compliance time may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective March 26, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on March 10, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69–3182; Filed, Mar. 17, 1969; 8:45 a.m.]

[Docket No. 69–EA–21, Amdt. 39–735]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to require an inspection and replacement where necessary of first stop turbine discs of the General Electric J85 type aircraft engine.

A recent noncontained failure of a stage one turbine disc in a General Electric J85 engine in military service has been found to be the result of cracking originating at an undersized radius—0.002 instead of 0.015 minimum—on the forward face of the disc. Since the same disc is used in the civil version of the J85, the CJ610, as well as the turbo fan CF700, an immediate inspection of all discs to check for the proper radius is required. As this condition can exist in other engines of the same type design an airworthiness directive is being issued.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure herein are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 [31 F.R. 13697], § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL ELECTRIC. Applies to Models CJ610–1, –4, –5, –6, and J85–GE–17B Turbojet and CF700–2C Turbofan Engines.

Compliance required as indicated.

(a) Unless already accomplished, inspect in accordance with the following schedule first stage turbine discs P/N 634E563 and 841B690 for a minimum radius of 0.015 inch in the rabbet at the outer rotating air seal location using the procedure outlined in General Electric Alert Service Bulletin No. CJ610 A72–76 or CF700 A72–73 or later FAA-approved revision or equivalent inspection approved by the Chief, Engineering and

Manufacturing Branch, Eastern Region, Federal Aviation Administration.

1. Inspect first stage turbine discs with 2,760 or more cycles on the effective date of this AD within the next 10 cycles.

2. Inspect first stage turbine discs with 2,451 or more cycles on the effective date of this AD within the next 50 cycles or at 2,770 cycles whichever occurs first.

3. Inspect first stage turbine discs with 2,450 or less cycles on the effective date of this AD at first overhaul or at 2,500 cycles whichever occurs first.

(b) For the purposes of this AD, a cycle is defined as that set forth in the subject Alert Service Bulletins.

(c) Discs with less than the required radius are to be replaced with like parts with minimum 0.015 inch radius.

This amendment is effective March 26, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6 (c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on March 10, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-3183; Filed, Mar. 17, 1969; 8:45 a.m.]

[Airspace Docket No. 68-EA-120]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 18628 of the FEDERAL REGISTER for December 17, 1968, the Federal Aviation Administration published a proposed regulation which would alter the 700-foot Taunton, Mass., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. An objection was received from Chester W. Lewis, owner of North Middleboro Air Park, and some 30 pilots concurring in his objections. At an informal meeting on January 20, 1969, with Mr. Lewis and representatives of the pilots, the objections were withdrawn. No other objections were received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a) Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 6, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend §71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Taunton, Mass., transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 41°52'35" N., 71°01'00" W., of Taunton Municipal Airport, Taunton Mass.; within 2 miles each side of the Whitman Mass., VORTAC 187° radial, extending from the 6-mile radius area to the Whitman VOR TAC and within 2 miles each side of the 118° bearing from the Taunton, Mass., RBN, 41°-52'35" N., 71°01'03" W., extending from the 6-mile radius area to 8 miles southeast of the Taunton RBN.

[F.R. Doc. 69-3184; Filed, Mar. 17, 1969; 8:45 a.m.]

[Airspace Docket No. 68-EA-121]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation, Alteration, and Designation of Control Zones and Transition Area

On page 18199 of the FEDERAL REGISTER for December 6, 1968, the Federal Aviation Administration published a proposed regulation which would revoke the Louisville, Ky., control zone; designate a Louisville, Ky. (Bowman Field), and Louisville, Ky. (Standiford Field), control zone; alter the Louisville, Ky., transition area.

Interested parties were given 30 days in which to submit written data or views and the Air Transport Association submitted objections to the notice. They felt that the notice of proposed rule making failed to state a case of hardship on Bowman Field as a result of being within the restrictions of the Louisville, Ky., control zone; that special VFR operations at Bowman Field might affect Standiford Field traffic; and if the proposed rule is justified that detailed operating procedures for such special VFR traffic are required.

Bowman Field during fiscal year 1968 completed 287,454 operations of which only 7,900 were IFR. It is clear that the VFR character of Bowman Field is manifest and thus the impact on their operations due to the elimination of the special VFR clearance would pose a severe hardship. It is opined that the remaining two objections can be answered by the fact that there are presently existing detailed arrangements between the towers at both fields which assures a safe operation.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 6, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by revoking the Louisville, Ky., control zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by designating a Louisville, Ky. (Bowman Field), and Louisville, Ky. (Standiford Field), control zone described as follows:

LOUISVILLE, KY. (BOWMAN FIELD)

Within a 5-mile radius of the center, 38°-13'40" N., 85°39'45" W. of Bowman Field, Louisville, Ky., excluding the portion west of a line 2 miles east and parallel to the Standiford Field, Ky., localizer north course and excluding the portion south of a line 2 miles north and parallel to the Standiford Field, Ky., localizer east course.

LOUISVILLE, KY. (STANDIFORD FIELD)

Within a 5-mile radius of the center 38°-10'33" N., 85°44'12" W. of Standiford Field, Louisville, Ky.; within 2 miles each side of the Standiford Field localizer north course, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the intersection of the Standiford Field localizer north course and the Louisville, Ky., VORTAC 328° radial; within 2 miles each side of the Standiford Field localizer south course, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the OM; within 2 miles each side of the Louisville, Ky., VOR TAC 301° radial, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the Louisville, Ky., VORTAC; within 2 miles each side of the Louisville, Ky., VOR TAC 331° radial, extending from the Louisville, Ky. (Bowman Field), control zone and the Louisville, Ky. (Standiford Field), 5-mile radius zone to the Louisville, Ky., VOR TAC and within 2 miles each side of the Standiford Field localizer west course, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the intersection of the Standiford Field localizer west course and the Nabb, Indiana VOR 206° radial, excluding the portion within the Louisville, Ky. (Bowman Field), control zone.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Louisville, Ky., transition area by inserting in the description of the 700-foot floor transition area, following the phrase "12 miles south of the OM"; the following, "within 2 miles each side of the Standiford Field localizer west course, extending from the 12-mile radius area to 8 miles west of the intersection of the Standiford Field localizer west course and the Nabb, Indiana VOR 206° radial; within 5 miles south and 8 miles north of the Standiford Field localizer east course, extending from the 12-mile radius area to 12 miles east of the LOM".

[F.R. Doc. 69-3185; Filed, Mar. 17, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as hereinafter stated.

PART 124—NONMAILABLE MATTER

The following changes are made in § 124.5 to reflect Public Law 90-590 which amended section 4005 of title 39, United States Code, relating to false representation sent through the mails. (See also amendment to Part 151 herein.)

1. The section caption and paragraph (c) of § 124.5 are amended to read as follows:

§ 124.5 Lotteries, false representations, libelous matter, and solicitations in the guise of bills or statements of account.

* * * * * *

(c) *False representations.* Anything mailed in pursuance of any scheme for obtaining money or property of any kind through the mail, by means of false representations.

* * * * * *

NOTE: The corresponding Postal Manual section is 124.53.

PART 125—MATTER MAILABLE UNDER SPECIAL RULES

Section 125.3(f) (4) is amended to show new disposition of Form 3583, relating to mail shipments of meat or meat-food products.

§ 125.3 Perishable matter.

* * * * * *

(f) *Meat and meat products.* * * *

(4) *Disposition of Form 3583.* Copies of Form 3583 with certificates 1, 2, or 3 completed shall be mailed in a post office penalty envelope to Director, Compliance and Evaluation Staff, Consumer Protection Programs, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

* * * * * *

NOTE: The corresponding Postal Manual section is 125.364.

PART 134—THIRD CLASS

Section 134.1(b) is amended as follows to include instructions for applying the new minimum per piece rates for bulk third-class mailings which will become effective July 1, 1969.

In § 134.1 *Rates*, insert the following immediately after paragraph (b) (3) and before paragraph (c) thereof:

NOTE: Effective July 1, 1969, paragraph (b) of this section will read as follows:

§ 134.1 Rates.

* * * * * *

(b) *Bulk rates.* (See §§ 134.2(b) (2) and 134.4(b)).

	Authorized nonprofit organizations only (see § 134.5)	All other mailers
(1) Books and catalogs having 24 or more bound pages with at least 22 printed, seeds, cuttings, bulbs, roots, scions, and plants (see § 134.3(a)).	8 cents per pound or fraction.	16 cents per pound or fraction.
Minimum rate per piece beginning:		
July 1, 1969—		
First 250,000 pieces mailed July 1 to December 31, 1969.	1.6	3.8.
Pieces in excess of 250,000 mailed during this period.	1.6	4.0.
January 1, 1970—		
First 250,000 pieces mailed during calendar year.	1.6	3.8.
Pieces in excess of 250,000 mailed during calendar year. (See subparagraph (4) below.)	1.6	4.0.
(2) All matter, except the items in subparagraph (1), not included in the first- or second-class (see 134.3(a) for weight limit).	11 cents per pound or fraction.	22 cents per pound or fraction.
Minimum rate per piece beginning:		
July 1, 1969—		
First 250,000 pieces mailed July 1 to December 31, 1969.	1.6	3.8.
Pieces in excess of 250,000 mailed during this period.	1.6	4.0.
January 1, 1970—		
First 250,000 pieces mailed during calendar year.	1.6	3.8.
Pieces in excess of 250,000 mailed during calendar year. (See subparagraph (4) below.)	1.6	4.0.

(3) If the total postage computed at the pound rates does not amount to the minimum rate per piece or more, postage must be computed at the minimum charge per piece. (See § 134.2(b) (2) (i).)

(4) When mailings are made at the minimum per piece rates of 3.8 cents provided by subparagraphs (1) and (2) above, the mailer or his agent must show on each Form 3602, Statement of Mailing Matter with Permit Imprints, or Form 3602-PC, Bulk Rate Mailing Statement—Third Class Mail, that his total mailings, including all those made at bulk pound rates and at minimum per piece rates, at all post offices, under any name, for each current calendar year (last 6 months of 1969), have not exceeded 250,000 pieces. It is the responsibility of the mailer or his agent to make available upon request of postal officials whatever information is necessary to show the payment of correct minimum per piece rates on all mailings made during each calendar year. Postmasters must regularly review the records of mailings being made at the bulk third-class pound and piece rates for the purpose of determining from the identity of the mailer, the number of pieces mailed, the character of the mailing pieces, or any other facts, whether the correct minimum per piece rate is being paid. If any postmaster is in doubt as to whether the 250,000 limitation has been exceeded in a particular case, he shall submit all the facts to the Classification and Special Services Division, Bureau of Operations.

* * * * * *

NOTE: The corresponding Postal Manual section is 134.12.

PART 141—STAMPS, ENVELOPES, AND POSTAL CARDS

Section 141.1 is amended as follows to show that the $1 airlift stamp may be used for paying postage or fees for special services on air mail articles.

§ 141.1 [Amended]

In § 141.1 *Stamps (adhesive)*, make the following changes:

1. In the tabular data in paragraph (a) insert "$1 airlift" opposite Airmail postage, single or sheet, and under the column headed denominations and pieces.

2. Under paragraph (b) add new subparagraph (6) reading as follows:

(6) The $1 airlift stamp may be used to pay the airlift fee on PAL parcels (see § 127.1(e)(1)(iv) of this chapter), or it may be applied as payment, in whole or in part, of the amount of the postage charges or fees for special services on airmail articles.

NOTE: The corresponding Postal Manual section is 141.126.

PART 151—SERVICE IN POST OFFICES

§ 151.3 [Amended]

In § 151.3 *Post office boxes*, strike out the word "fraudulent" appearing in the first sentence of paragraph (h)(4).

NOTE: The corresponding Postal Manual section is 151.384.

(5 U.S.C. 301, 39 U.S.C. 501, 4005, 4451-4453, 4560)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-3260; Filed, Mar. 17, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Notification of Vehicle Defects

Part 101-26 is amended to continue in effect the provisions of FPMR Temporary Regulation E-11, dated March 21, 1968, which established procedures for providing manufacturers with information needed to furnish agencies with defect notices concerning vehicles of their manufacture.

The table of contents for Part 101-26 is amended by adding § 101-26.501-8 to read as follows:

101-26.501-8 Notification of vehicle defects.

Subpart 101-26.5—GSA Procurement Programs

Section 101-26.501-8 is added to read as follows:

§ 101-26.501-8 Notification of vehicle defects.

Section 113 of the National Traffic and and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402) requires every manufacturer of motor vehicles to furnish notification of any defect in any motor vehicle or equipment produced by such manufacturer which he determines, in good faith, relates to motor vehicle safety. The notification is sent by certified mail directly to the purchaser (where known to the manufacturer) of such motor vehicle or motor vehicle equipment, within a reasonable time after such manufacturer has discovered such defect.

(a) It is to the advantage of the Government to be in a position to receive promptly and take corrective action on motor vehicle defect notices thus avoiding the possibility of accidents and loss of life which could result from failure to receive safety defect notices. Timely receipt of, and action on, defect notices can also result in avoidance of costly repairs and nonavailability of vehicles because of such repairs. Accordingly, agency heads or their authorized designees shall notify manufacturers of the exact address to which motor vehicle defect notices are to be sent. This notification shall be made on all 1966 or later model vehicles received, whether by purchase, donation, seizure, or transfer. In the interest of uniformity, agencies shall use the following format for this purpose.

FORMAT

To: (Vehicle manufacturer.) *

Information on the motor vehicles listed is submitted to enable you to comply with section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402).

Address to which motor vehicle defect notices are to be sent:

Year	*Model*	*Complete manufacturer's vehicle identification serial number*

GSA contract number if available (GSA contract number shown on inspection label on instrument panel—GSA Form 1398)	*Other identifying information*

*Addresses of manufacturers.

American Motors Corp., Fleet Sales Department, 14250 Plymouth Road, Detroit, Mich. 48232.

Owner card Coordinator, Ford Division, Ford Motor Co., Post Office Box 428, Dearborn, Mich. 48121.

International Harvester Co., Suite 900, 1707 L Street NW., Washington, D.C. 20036.

Field Service and Engineering, Chrysler Motors Corp., Government Sales Department, Post Office Box 857, Detroit, Mich. 48231.

Chevrolet Motor Division, Chevrolet Service Department, Argonaut A Building, 485 West Milwaukee Avenue, Detroit, Mich. 48202.

Kaiser Jeep Corp., 940 North Cove Boulevard, Toledo, Ohio 43601.

(b) Agencies shall keep the General Services Administration, Federal Supply Service, Procurement Operations Division—FPNM, Washington, D.C. 20406, informed of the current address locations of motor vehicles manufactured by concerns other than those listed in this section, including those manufactured by the General Motors Corp. other than the Chevrolet Motor Division.

(c) To preclude receipt of future defect notices on vehicles reported to GSA for sale, the reporting installation shall notify the manufacturer, or GSA with respect to vehicles manufactured by a concern other than those listed in this section, that the vehicle is being removed from Government service and that the address location for such vehicles should be discontinued.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 12, 1969.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 69-3221; Filed, Mar. 17, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations, sport fishing, for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., is permitted from January 1 through December 31, 1969, inclusive, in all waters of that portion of the refuge open for recreational uses by the general public. These open waters, comprising 550 acres of lakes and 1 mile of intermittent stream, are delineated on maps available at refuge headquarters, Cache, Okla. 73527, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing will be with closely attended pole and line only, including rod and reel. Trotlines, throw lines, and multiple set lines are not permitted.

(2) The use of outboard motors and boats is permitted only on Lake Elmer Thomas where the provisions of Part 28.10 of this title and those of the Oklahoma Boat and Water Safety Act, as amended, govern. The use of boats or other floating devices on all other refuge lakes is prohibited except the use of one-man inner tube type "fishing floaters"; inner tubes and similar safety floats commonly used by swimmers are not considered floating devices for purposes of this regulation.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

MARCH 1, 1969.

[F.R. Doc. 69-3230; Filed, Mar. 17, 1969; 8:49 a.m.]

PART 33—SPORT FISHING

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing on the Washita National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions;

(1) The open season for sport fishing on the refuge extends from April 1 through October 15, 1969, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) The use of boats and motors is permitted only south of State Highway 33, provided that boats may not exceed speeds of 10 miles per hour.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1969.

LEMOYNE B. MARLATT,
Refuge Manager, Washita National Wildlife Refuge, Butler, Okla.

MARCH 5, 1969.

[F.R. Doc. 69-3231; Filed, Mar. 17, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

SHELLED PECANS

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering a revision of the U.S. Standards for Grades of Shelled Pecans (7 CFR 51.1430–51.1453). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than April 15, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27 (b)).

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Shelled Pecans were last revised in 1952, and a minor amendment made in March of 1968. Since that time, gradual changes have occurred in both pecan production and shelling techniques. The shelling industry has been able very materially to improve the quality of the product marketed, and the standards are no longer in line with the higher qualities available. In 1966 the National Pecan Shellers' and Processors' Association formally requested the Department to take action toward revision and up-dating of the standards.

A detailed analysis of samples from commercial lots of shelled pecans during the winter of 1967–68 produced abundant evidence of the need for a grade revision. Generally speaking, the present standards permit levels of quality considerably below those which are being offered to the buyers. Also, the survey drew attention to a number of provisions of the standards which could be improved upon.

Based upon the information obtained from the sample analyses and recommendations made by the industry, the standards for shelled pecans were changed considerably and are being presented as a proposed revision for consideration by interested parties. The revised specifications are believed to be readily adaptable to the qualities and sizes of pecan kernels being offered for sale.

A change in the format of the grades is proposed with the intent of making them more concise and easier to read. The more important specific changes proposed are as follows:

Two new grades would be added. They are "U.S. No. 1 Halves and Pieces" and "U.S. Commercial Halves and Pieces." It was observed during the survey that some lots of pecan kernels consisting predominantly of halves could not qualify for the "Halves" grade because of the presence of large percentage of pieces. The "Halves and Pieces" grades are proposed as classifications to more accurately describe pecans of this size range.

The size classifications for halves grades would be changed by deletion of the two classes, "Large Amber" and "Regular Amber," which descriptions can be expressed by the terms "Commercial Extra Large" and "Commercial Large" respectively. A class called "Midget" would be added to describe lots of very small seedling halves counting in excess of 750 per pound.

The size classifications for pieces grades would be changed extensively on the basis of current practices and capabilities of the industry. A "Mammoth Pieces" class would be added to describe the largest sizes being marketed. Also, a class called "Granules" would be added to describe the smallest sizes being marketed. The two classes, "Regular Amber" and "Small Amber" would be deleted, which descriptions can be expressed by the terms "Commercial Medium Size" and "Commercial Small" respectively.

The range in size of pieces in the "Extra Large," "Medium," "Small," and "Midget" classes would be changed by lowering the minimum diameter requirement slightly. These changes are based on numerous observations of the size range of pieces in commercial lots. The problem of "override" on the screens, due to the elongated and irregular shape of many pecan pieces, usually results in large percentages of pieces in a lot which fail to pass through the screen intended to remove the undersize. The new size ranges would compensate for this problem of screening, although it is assumed that shellers would use screens with slightly larger openings than those specified, in order to maintain the approximate size ranges presently being made.

The change in the minimum diameter for "Midget" pieces, from five sixty-fourths to one-sixteenth inch was made at the request of the industry. It returns this requirement to that in effect prior to the March 1968 amendment of the standards which also was requested by the industry.

The pecan grading chart presently attached to the standards would be discontinued. Supplies are nearly exhausted, and the quality of the chart is not deemed worthy of reproduction. The grading chart would be replaced by Figure 1 illustrating grade requirements for kernel development, and by reference to models illustrating the intensity of color intended for each of four color classifications. Definitions of these four color classifications would be added.

Some changes in definitions would be made, notably the addition of definitions of degrees of development and intensities of skin color. The definitions of "damage" and "serious damage" caused by adhering material would be made more liberal, in keeping with the nature of the defect in comparison with other defects.

A "Metric Conversion Table" would be added to enable persons to translate into millimeters those grade requirements which are specified in terms of fractional parts of inches.

The proposed standards as revised are as follows:

GRADES

Sec.	
51.1430	U.S. No. 1 Halves.
51.1431	U.S. No. 1 Halves and Pieces.
51.1432	U.S. No. 1 Pieces.
51.1433	U.S. Commercial Halves.
51.1434	U.S. Commercial Halves and Pieces.
51.1435	U.S. Commercial Pieces.

COLOR CLASSIFICATIONS

51.1436	Color classifications.

SIZE CLASSIFICATIONS

51.1437	Size classifications for halves.
51.1438	Size requirements for pieces.

TOLERANCES FOR DEFECTS

51.1439	Tolerances for defects.

APPLICATION OF STANDARDS

51.1440	Application of standards.

DEFINITIONS

51.1441	Half-kernel.
51.1442	Piece.
51.1443	Particles and dust.
51.1444	Well dried.
51.1445	Fairly well developed.
51.1446	Poorly developed.
51.1447	Fairly uniform in color.
51.1448	Fairly uniform in size.
51.1449	Damage.
51.1450	Serious damage.

METRIC CONVERSION TABLE

51.1451	Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 60 Stat. 1087, as amended; 1090 as amended; 7 U.S.C. 1622, 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

§ 51.1430 U.S. No. 1 Halves.

"U.S. No. 1 Halves" consists of pecan half-kernels which meet the following requirements:

(a) For quality:

(1) Well dried;

(2) Fairly well developed;

(3) Fairly uniform in color;

(4) Not darker than "amber" skin color;

(5) Free from damage or serious damage by any cause;

(6) Free from pieces of shell, center wall and foreign material; and,

(7) Comply with tolerances for defects (see § 51.1439); and,

(b) For size:

(1) Halves are fairly uniform in size;

(2) Halves conform to size classification or count specified; and,

(3) Comply with tolerances for pieces, particles, and dust (see § 51.1437).

§ 51.1431 U.S. No. 1 Halves and Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Halves except:

(a) For size:

(1) At least 50 percent, by weight, are half-kernels;

(2) Both halves and pieces will not pass through a 5/16-inch round opening; and,

(3) Comply with tolerances for undersize. (See Table III.)

§ 51.1432 U.S. No. 1 Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Halves except:

(a) For quality:

(1) No requirement for uniformity of color; and,

(b) For size:

(1) No requirement for percentage of half-kernels;

(2) Conform to any size classification or other size description specified; and,

(3) Comply with applicable tolerances for off-size. (See Table III.)

§ 51.1433 U.S. Commercial Halves.

The requirements for this grade are the same as those for U.S. No. 1 Halves except:

(a) For quality:

(1) No requirement for uniformity of color; and,

(2) Increased tolerances for defects (see § 51.1439); and,

(b) For size:

(1) No requirement for uniformity of size.

§ 51.1434 U.S. Commercial Halves and Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Halves and Pieces except:

(a) For quality:

(1) No requirement for uniformity of color; and,

(2) Increased tolerances for defects. (See § 51.1439.)

§ 51.1435 U.S. Commercial Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Pieces except for:

(a) Increased tolerances for defects. (See § 51.1439.)

COLOR CLASSIFICATIONS

§ 51.1436 Color classifications.

(a) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(1) "Light" means that the kernel is mostly golden color or lighter, with not more than 25 percent of the surface darker than golden, and none of the surface darker than light brown.

(2) "Light amber" means that the kernel has more than 25 percent of its surface light brown, but not more than 25 percent of the surface darker than light brown, and none of the surface darker than medium brown.

(3) "Amber" means that the kernel has more than 25 percent of the surface medium brown, but not more than 25 percent of the surface darker than medium brown, and none of the surface darker than dark brown (very dark-brown or blackish-brown discoloration).

(4) "Dark amber" means that the kernel has more than 25 percent of the surface dark brown, but not more than 25 percent of the surface darker than dark brown (very dark-brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, PEC–MC–1, consisting of plastic models of pecan kernels, illustrate the color intensities implied by the terms "golden," "light brown," "medium brown," and "dark brown" referred to in paragraph (a) of this section. These color standards may be examined in the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such Service. Duplicates of the color standards may be purchased from NASCO, Fort Atkinson, Wis. 53538.

SIZE CLASSIFICATIONS

§ 51.1437 Size classifications for halves.

The size of pecan halves in a lot may be specified in accordance with one of the size classifications shown in Table I:

TABLE I

Size classifications for halves	*Number of halves per pound*
Mammoth	250 or less.
Junior mammoth	251–300.
Jumbo	301–350.
Extra large	351–450.
Large	451–550.
Medium	551–650.
Small (topper)	651–750.
Midget	751 or more.

(a) The number of halves per pound shall be based upon the weight of half-kernels after all pieces, particles and dust, shell, center wall, and foreign material have been removed.

(b) In lieu of the size classifications in Table I, the size of pecan halves in a lot may be specified in terms of the number of halves or a range of numbers of halves per pound. For example, "400" or "600–700".

(c) Tolerance for count per pound: In order to allow for variations incident to proper sizing, a tolerance shall be permitted as follows:

(1) When an exact number of halves per pound is specified, the actual count per pound may vary not more than 5 percent from the specified number; and,

(2) When any size classification shown in Table I or a range in count per pound is specified, no tolerance shall be allowed for counts outside of the specified range.

(1) *Tolerances for pieces, particles, and dust.* In order to allow for variations incident to proper sizing and handling, not more than 15 percent, by weight, of any lot may consist of pieces, particles, and dust: *Provided*, That not more than one-third of this amount, or 5 percent, shall be allowed for portions less than one-half of a complete half-kernel, including not more than 1 percent for particles and dust.

§ 51.1438 Size requirements for pieces.

The size of pecan pieces in a lot may be specified in accordance with one of the size classifications shown in Table II.

TABLE II

Size classification	Maximum diameter (will pass through round opening of following diameter)	Minimum diameter (will not pass through round opening of following diameter)
		Inch
Mammoth pieces	No limitation	9/16
Extra large pieces	9/16 inch	7/16
Halves and pieces	No limitation	9/16
Large pieces	9/16 inch	7/16
Medium pieces	7/16 inch	5/16
Small pieces	7/16 inch	3/16
Midget pieces	3/16 inch	1/16
Granules	3/16 inch	1/16

(a) In lieu of the size classifications in Table II, the size of pieces in a lot may be specified in terms of minimum diameter, or as a range described in terms of minimum and maximum diameters expressed in sixteenths or sixty-fourths of an inch.

(b) Tolerances for size of pieces: In order to allow for variations incident to proper sizing, tolerances are provided for pieces in a lot which fail to meet the requirements of any size specified. The tolerances, by weight, are shown in Table III.

TABLE III

Size classification	Total tolerance for offsize pieces	Tolerance (included in total tolerance) for pieces smaller than	
		3/16 inch	1/16 inch
	Percent	*Percent*	*Percent*
Mammoth pieces	15	1	
Extra large pieces	15	1	
Halves and pieces	15	1	
Large pieces	15	1	
Medium pieces	15	2	
Small pieces	15	2	
Midget pieces	15		2
Granules	15		5
Other specified size	15	1	

TOLERANCES FOR DEFECTS

§ 51.1439 Tolerances for defects.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) U.S. No. 1 Halves, U.S. No. 1 Halves and Pieces, and U.S. No. 1 Pieces grades:

(1) 0.05 percent for shell, center wall, and foreign material;

(2) 3 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification but which are not otherwise defective; and,

(3) 3 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 0.50 percent for defects causing serious damage: *Provided*, That any unused portion of this tolerance may be applied to increase the tolerance for kernels which are "dark amber" or darker color, or darker than any specified lighter color classification.

(b) U.S. Commercial Halves, U.S. Commercial Halves and Pieces, and U.S. Commercial Pieces grades:

(1) 0.15 percent for shell, center wall, and foreign material;

(2) 25 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification, but which are not otherwise defective; and,

(3) 8 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 1 percent for defects causing serious damage.

APPLICATION OF STANDARDS

§ 51.1440 Application of standards.

The grade of a lot of shelled pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable container or number of containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.1441 Half-kernel.

"Half-kernel" means one of the separated halves of an entire pecan kernel with not more than one-eighth of its original volume missing, exclusive of the portion which formerly connected the two halves of the kernel.

§ 51.1442 Piece.

"Piece" means a portion of a kernel which is less than seven-eighths of a half-kernel, but which will not pass through a round opening two-sixteenths inch in diameter.

§ 51.1443 Particles and dust.

"Particles and dust" means, for all size designations except "midget pieces" and "granules," fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.

§ 51.1444 Well dried.

"Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

§ 51.1445 Fairly well developed.

"Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. (See Figure I.)

§ 51.1446 Poorly developed.

"Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length. (See Figure I.)

§ 51.1447 Fairly uniform in color.

"Fairly uniform in color" means that 90 percent or more of the kernels in the lot have skin color within the range of one or two color classifications.

§ 51.1448 Fairly uniform in size.

"Fairly uniform in size" means that, in a representative sample of 100 halves, the 10 smallest halves weigh not less than one-half as much as the 10 largest halves.

§ 51.1449 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual portion of the kernel or of the lot as a whole. The following defects should be considered as damage:

(a) Adhering material from inside the shell when attached to more than one-fourth of the surface on one side of the half-kernel or piece;

Figure 1

CROSS SECTION ILLUSTRATION



1. WELL DEVELOPED

Lower limit. Kernels having less meat content than these are not considered well developed.



2. FAIRLY WELL DEVELOPED

Lower limit for U. S. No. 1 grade. Kernels having less meat content than these are not considered fairly well developed and are classed as damaged.



3. POORLY DEVELOPED

Lower limit, damaged but not seriously damaged. Kernels having less meat content than these are considered undeveloped and are classed as seriously damaged.

(b) Dust or dirt adhering to the kernel when conspicuous;
(c) Kernel which is not well dried;
(d) Kernel which is "dark amber" or darker color;
(e) Kernel having more than one dark kernel spot, or one dark kernel spot more than one-eighth inch in greatest dimension;
(f) Shriveling when the surface of the kernel is very conspicuously wrinkled;
(g) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth the length of the half-kernel or piece, or lesser areas of dark discoloration affecting the appearance to an equal or greater extent; and,
(h) Poorly developed kernel. (See Figure I.)

§ 51.1450 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual portion of kernel or of the lot as a whole. The following defects shall be considered as serious damage:
(a) Any plainly visible mold;
(b) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity;
(c) Decay affecting any portion of the kernel;
(d) Insects, web, or frass or any distinct evidence of insect feeding on the kernel;
(e) Internal discoloration which is dark gray, dark brown, or black and extends more than one-third the length of the half-kernel or piece;
(f) Adhering material from inside the shell when attached to more than one-half of the surface on one side of the half-kernel or piece;
(g) Dark kernel spots when more than three are on the kernel, or when any dark kernel spot or the aggregate of two or more spots affect an area of more than 10 percent of the surface of the half-kernel or piece;
(h) Dark skin discoloration, darker than "dark brown," when covering more than one-fourth of the surface of the half-kernel or piece; and,
(i) Undeveloped kernel. (See Figure I.)

METRIC CONVERSION TABLE

§ 51.1451 Metric conversion table.

Inches	Millimeters (mm)
9/32	12.7
7/16	11.1
11/32	9.5
5/16	7.9
1/4	6.4
11/64	4.8
1/8	3.2
9/64	2.4
5/64	2.0
1/16	1.6

Dated: March 11, 1969.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 69-3151; Filed, Mar. 17, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1138]

[Docket No. AO-335-A13]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Rio Grande Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Albuquerque, N. Mex., on June 3-4, 1968, pursuant to notice thereof which was issued May 22, 1968 (33 F.R. 7761).

The material issues on the record of the hearing related to:

1. Continuation of credits for specified Class II uses beyond August 1968;
2. Point of pricing diverted milk;
3. Pooling provisions for cooperative association "standby plants";
4. Deletion or modification of the supply-demand adjustor to the Class I price;
5. Changing marketwide pooling provisions to individual-handler pooling;
6. Changing the assignment with respect to receipts of packaged milk at a pool plant from a producer-handler; and
7. Deletion of the present exemption from pricing and pooling for larger producer-handlers.

By decisions issued August 6, 1968 (33 F.R. 11409) and August 26, 1968 (33 F.R. 12254) and amendatory action effective September 1, 1968 (33 F.R. 12302) proceedings have been concluded with respect to Issues 1-5 inclusive. This decision is concerned only with Issues 6 and 7.

Findings and conclusions. The following findings and conclusions on material Issues 6 and 7 are based on evidence presented at the hearing and the record thereof:

6. *Assignment of receipts of packaged milk received at a pool plant from a producer-handler.* No change should be made in order provisions with respect to assignment of packaged milk received at a pool plant from a producer-handler.

It was proposed that any packaged fluid milk product received from a producer-handler at a regulated plant be assigned to the Class I sales of the receiving plant.

The order presently assigns to the Class I sales of a regulated plant packaged certified fluid milk products received at such plant from a producer-handler and disposed of in the form in which received. A producer of certified milk who processes and packages his own production, but disposes of it through a pool plant instead of on his own route, is included under the definition of producer-handler.

These provisions have been in the order since it was first issued in 1962. They recognize a marketing practice prevailing before the order. The rules of Medical Milk Commissions under which milk may be disposed of as certified milk require the producer of certified milk to use only his own production and to process and package it himself under specified conditions of handling. The only producer of certified milk in the area was accorded producer-handler status because these rules and local marketing conditions provided no supplementary source of certified milk to be available either to him or the pool plant through which his milk is marketed. Under the order provisions the sales of this certified milk are virtually free from regulation as though disposed of on the producer's own routes.

In support of his proposal, proponent claimed that under the present order provisions packaged milk received at a pool plant from any source other than noncertified milk of producer-handlers was accorded more favorable treatment than bulk milk from the same source. In fact, however, receipts from unregulated plants are treated the same, whether in packaged or bulk form. Also, there was no showing that the special circumstances applying to certified milk apply with respect to operations of other producer-handlers. The proposal, therefore, is denied.

7. *Deletion of the present exemption from pricing and pooling for larger producer-handlers.* No action should be taken on the basis of this record to regulate producer-handlers disposing of more than a specified quantity of their own production on routes in the marketing area, or to otherwise alter the provisions affecting producer-handlers.

The order provides that persons who process and package milk of their own production and dispose of such milk on routes in the marketing area shall, under specified circumstances, be accorded producer-handler status and be exempt from payment obligations that fully regulated handlers normally incur under the order. To be eligible for this exemption, a person must not receive milk from other dairy farmers, and can receive a limited quantity of fluid milk products (11,000 pounds per month) only from pool plants; in addition, he must establish that production of milk and its processing and distribution are each his personal enterprise and at his personal risk.

Two handlers operating fully regulated plants at El Paso, Tex., proposed in the notice of hearing that the producer-handler definition apply only to those whose distribution of milk of their own production on routes in the marketing area does not exceed 30,000 pounds per month. At the hearing they modified their proposal to substitute for the 30,000-pound limit one of 129,000 pounds per month. A producer-handler proposed a further modification that would place the limit at 250,000 pounds per month. This further modification was accepted by proponents in their brief and at the hearing and by brief by a cooperative association which supported regulation of producer-handlers.

Twenty-one producer-handlers now distribute milk in the Rio Grande Valley marketing area. Their total Class I sales for the first 4 months of 1968 averaged more than 3.5 million pounds per month. This represents 12.97 percent of the combined total Class I sales for regulated handlers and producer-handlers for this period. For the years 1966 and 1967 producer-handler sales were 12.58 and 12.77 percent, respectively, of total sales.

The record contains no data concerning the number of producer-handlers in periods other than at the time of the hearing.

In June 1965 a fully regulated handler became a producer-handler. When that occurred, producer-handler sales increased by more than 1.2 million pounds from the preceding month. Percentagewise they increased from 6.38 percent of total sales in May 1965 to 12.09 percent in June of that year.

This producer-handler is now producing about 2 million pounds of milk monthly. He testified that for the years 1966-67, 19.4 percent of his production was used as Class II milk. Prior to increasing his own production to a point sufficient for his Class I sales, he purchased milk from 11 producers. He then had a Class I utilization of 96 to 98 percent of all receipts.

The proponents of regulation maintained that producer-handlers have a competitive advantage over fully regulated handlers. They put this advantage per hundredweight at the difference between the Class I price handlers pay for milk sold in fluid form and the uniform or blend price producers receive for all their milk. They pointed out that a regulated handler who sells all milk he receives as Class I milk is required to pay his producers the uniform price and also to pay into the marketwide pool the difference between the uniform price and the Class I price in order that other producers may receive the uniform price.

They pointed out also, in contrast, that a producer-handler who sells all his production as Class I milk may retain the full Class I value, either to enhance his returns as a producer, or to widen his margin as a handler. Such widened margin would be available for use as a price incentive to maintain or increase fluid sales. This recognizes that the uniform price of the order is the alternative return that a producer-handler might expect for his milk if he were to cease being a handler to become a producer only.

The difference between the Class I and the uniform price has increased in recent years. For 1966 it averaged 52 cents per hundredweight, for 1967 the average difference was 66 cents, and for 1968 it was 95 cents. (Official notice is hereby taken of the prices announced for the months of May through December 1968.) During this entire period the producer-handler proportion of market sales has increased by less than 1 percent. Thus, the widened difference in Class I and blend prices has not affected greatly the relative proportions of sales in the market of producer-handlers and regulated handlers.

As a group, producer-handlers in the Rio Grande Valley have marketed a higher percentage of their own production as Class I milk than the percentage of producer milk marketed as Class I milk by regulated handlers. For each year of 1964 through 1967, producer-handlers marketed from 92 to 96 percent of their production as Class I milk. Producer milk used in Class I ranged from 77 to 83 percent during these years.

As stated above, the producer-handler with the largest volume of sales in the market testified that his Class I usage averages 80.6 percent over a 2-year period. Another, with production of more than 14,000 pounds daily, is disposing of about one-third of his production as surplus milk to a pool plant for Class II use. A third, with disposition in excess of 129,000 pounds but less than 250,000 pounds monthly, testified that his Class I use is about 98 percent of his production.

The 250,000 pound monthly limit supported by proponents and a producer organization apparently would affect only two of the above three producer-handlers. These two have Class I utilizations more nearly comparable to the market average than the average of producer-handlers as a whole. In fact, if they became fully regulated, one of them might draw funds from the pool on the use he makes of his own production.

There are a number of fully regulated handlers in the Rio Grande Valley market with either own farm production or with production units operated by affiliates. The representative of one handler for whom an affiliate supplies more than one-fourth of the milk supply, testified that more than half of the 18 fully regulated handlers had wholly owned or affiliated production units. Farms owned by handlers furnish about 10 percent of the producer milk supply of the market, or about 2.5 million pounds monthly. Total production of affiliated units was not shown in detail on the record, but may be even greater than that of own farm production.

The present percentage of total sales made by producer-handlers could be increased significantly if certain presently regulated handlers converted to producer-handler status. However, if producer-handler activity in the market increases, singly or in the aggregate, it may be necessary to give further consideration in hearing to whether additional regulation of producer-handlers is required for market stability.

As previously indicated, the proportion of market sales of producer-handlers since June 1965 has been relatively stable. In a 3-year period the producer-handler share of market sales has increased by less than 1 percent. There is no evidence at the present time that producer-handler sales are causing disruption of, or instability in this market. In view of these considerations, it is concluded that no action should be taken on this record to regulate producer-handlers on the basis of Class I disposition in excess of a specified monthly quantity.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Signed at Washington, D.C., on March 13, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-3200; Filed, Mar. 17, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-WA-16]

CONTROL AREA AND REPORTING POINTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter Control Area No. 1310 and associated reporting points.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonace with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation fa-

cilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due degard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes the following airspace actions:

1. Redesignate Control Area 1310 segment from Middleton Island, Alaska, radio beacon 16 miles each side of a line direct to the Sandspit, British Columbia, Canada, radio range, including the airspace between lines diverging at 5° angles from the centerline, extending southeast from the Middleton Island radio beacon and northwest from the Sandspit radio range, and which terminate at the intersecting points midway between Middleton Island and Sandspit, excluding the portion within Canada, and the airspace below 2,000 feet MSL outside the United States.

2. Redesignate low altitude reporting points as follows:

a. Carp Intersection—Intersection of the Sandspit radio range 314° T (288° M) bearing and the southwest course Sitka, Alaska, radio range.

b. Shrimp Intersection—Intersection of the Middleton Island radio beacon 122° T (096° M) bearing and the southwest course Gustavus, Alaska, radio range.

c. Porpoise Intersection—Intersection of the Middleton Island radio beacon 122° T (096° M) bearing and the southwest course Yakutat, Alaska, radio range.

d. Halibut Intersection—Intersection of the Sandspit radio range 314° T (288° M) bearing and the southwest course Annette Island, Alaska, radio range.

3. Redesignate high altitude reporting points as follows:

a. Carp Intersection—Intersection of the Sandspit radio range 314° T (288° M) bearing and the Biorka Island, Alaska, VORTAC 207° T (179° M) radial.

b. Porpoise Intersection—Intersection of the Middleton Island radio beacon 122° T (096° M) bearing and Yakutat VORTAC 215° T (186° M) radial.

The realignment of Control Area 1310 by use of the Middleton Island radio beacon will permit the retention of a lower minimum en route altitude. The redesignation of the low and high altitude reporting points will adjust them to the proposed centerline of Control 1310.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on March 10, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3186; Filed, Mar. 17, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-21]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, Ga. (Lawson AAF), control zone and the Columbus, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Columbus (Lawson AAF) control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 2 miles each side of the 213° bearing from the Lawson RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the Lawson VOR 339° radial, extending from the 5-mile radius zone to 1 mile south of the Columbus LOM, excluding the portion within R-3002A.

The Columbus transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscogee County Airport (lat. 32°-30'55" N., long. 84°56'25" W.); within a 9-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 8 miles southwest and 5 miles northeast of the Lawson ILS localizer southeast course, extending from the 9-mile radius area to 12 miles southeast of the Louvale RBN; within 8 miles southwest and 5 miles northeast of the Columbus VORTAC 149° and 329° radials, extending from the 8-mile and 9-mile radius areas to 12 miles northwest of the VORTAC, excluding the portion within R-3002A.

Since the last alteration of controlled airspace in the Columbus terminal complex, turbojet aircraft have begun utilizing Muscogee County Airport. Criteria appropriate to this airport requires an increase in the 700-foot transition area basic radius circle from 7 to 8 miles. Additionally, application of Terminal Instrument Procedures (TERPs) and alterations to the instrument approach procedures to airports in the Columbus terminal area require alterations of the control zone and transition area. The proposed alterations will provide adequate controlled airspace protection for aircraft during climb to 1,200 feet above the surface and during descent below 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 7, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-3187; Filed, Mar. 17, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-7]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Graham, Tex. The proposed transition area is identical to the Graham, Tex., transition area which was designated in 1968 and was later revoked when the sponsor elected to operate the non-Federal RBN as a VFR aid only.

Interested persons may submit such written data, views, or arguments as they may desire. Communication should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

GRAHAM, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Graham Municipal Airport (lat. 33°06'20" N., long. 98°33'10" W.), and within 2 miles each side of the 014° bearing from the Graham RBN (lat. 33°07'48" N, long. 98°32'59" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Graham Municipal Airport, Graham, Tex. The proposed transition area extension is based on the 014° true (005° magnetic) bearing from the Graham RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 6, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-3188; Filed, Mar. 17, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Nacogdoches, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

NACOGDOCHES, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Del Rentzel Airport (lat. 31°34'35" N., long. 94°42'25" W.), within 2 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 2 miles each side of the 343° bearing from the Nacogdoches RBN (lat. 31°38'01" N., long. 94°44'01" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Del Rentzel Airport, Nacogdoches, Tex. The southerly extension to the proposed transition area is based on the Lufkin VORTAC 001° true (353° magnetic) radial; the northerly extension is based on the 343° true (335° magnetic) bearing from the proposed Nacogdoches RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 6, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-3189; Filed, March 17, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-24]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Marion, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Marion transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marion County Airport; within 2 miles each side of the Florence VORTAC 100° radial, extending from the 6-mile radius area to the Florence 8-mile radius area.

The proposed transition area is required for the protection of IFR operations at Marion County Airport. A prescribed instrument approach procedure to this airport, utilizing the Florence VORTAC, is proposed in conjunction

with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 7, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-3190; Filed, Mar. 17, 1969; 8:46 a.m.]

FEDERAL RAILROAD ADMINISTRATION

[49 CFR Part 232]

[Docket No. FRA-PB-1, etc.]

POWER OR TRAIN BRAKES SAFETY APPLIANCE ACT OF 1958

Notice of Proposed Rule Making

By notices published in the FEDERAL REGISTER on February 11, 1969 (34 F.R. 1957 and 1958) the Federal Railroad Administration announced that it currently had under study the rules, standards, and instructions adopted and prescribed by the Interstate Commerce Commission to become effective on August 9, 1958, pursuant to the Power or Train Brake Safety Appliance Act of 1958. The notices stated that only §§ 232.11 and 232.12 of Part 232 would be considered in the proposed rule-making proceedings.

By letter of February 28, 1969, the Association of American Railroads requested that the two proceedings be consolidated, that an extension of time to comment be granted, and that the combined proceedings be enlarged to embrace a general revision of Part 232 of Title 49 entitled, "Railroad Power Brakes and Drawbars."

We believe that the Association's request has considerable merit. However, Docket No. FRA-PB-2, proposing two amendments to § 232.11, addresses itself to a clarification of existing requirements rather than a major change and, accordingly, can be allowed to proceed without consolidation. However, the time to file comments with respect to the proposal is extended to May 14, 1969, and the oral hearing is rescheduled for May 26, 1969, at 9:30 a.m. at the address shown in Notice No. 2.

With respect to Docket No. FRA-PB-1, it is not clear at this time that this proceeding should be consolidated with the general revision of Part 232 (Docket No. FRA-PB-3). However, the time for filing comments is extended to July 11, 1969. Written data, views, or arguments are invited on the proposal to develop a general revision of Part 232 (Docket No. FRA-PB-3), and they should be received before July 11, 1969.

After these written comments have been received and evaluated, it will then be determined if Docket No. FRA-PB-1 will be consolidated with Docket No. FRA-PB-3. If consolidation is feasible, a proposed rule encompassing a general revision will be prepared and published for comment. As required by statute, provision will also be made for an oral hearing.

If consolidation is not feasible, a series of rule-making proceedings dealing with various provisions of Part 232, as well as Docket No. FRA-PB-1, will be published for comment. As required by statute, hearings will be held.

Written submissions and the submissions made at the hearings will be considered in determining what, if any, changes should be made in Part 232. All submissions, including those made at the hearings, will be available for examination by interested persons at any time within normal working hours in the Office of Public Affairs, Room 206, Federal Railroad Administration, 400 Sixth Street SW., Washington, D.C. 20591.

This rule-making proceeding is instituted under the authority of 45 United States Code, section 9.

Issued in Washington, D.C., on March 11, 1969.

JAMES H. MACANANNY,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 69-3196; Filed, Mar. 17, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 22,636]

FEDERAL SAVINGS AND LOAN SYSTEM

Unsecured Loans

MARCH 6, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System for the purpose of implementing an amendment to section 5(c) of the House Owners' Loan Act of 1933, as amended, contained in Public Law 90-448, 82 Stat. 476, approved August 1, 1968, to authorize Federal savings and loan associations to invest in unsecured loans for the construction of new structures related to the residential use of property and for equipping any real property. Accordingly, it is proposed to amend § 545.8 of said Part 545 (12 CFR 545.8) to read as follows:

§ 545.8 **Unsecured loans.**

Any Federal association that has amended Charter K by the addition thereto of § 14.1 and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon adoption of such a loan plan by its board of directors, make or purchase:

(a) Any unsecured loans at least 20 percent of which is guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended;

(b) Simple-interest, discount, or gross-charge loans for the repair, alteration, or improvement, of any real property, including the construction thereon of new structures related to the residential use of the property, or equipping of any real property, without the security of a lien upon such property: *Provided*, That:

(1) The net proceeds of any such loan do not exceed $5,000;

(2) The property is located in such association's regular lending area as defined in § 545.6-6;

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 20 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 8 years; *And provided further*, That any such loan that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended, may be made for such amount and repayable upon such terms and within such periods as are acceptable to the insuring or guaranteeing agency: *Provided*, That no Federal association may make any loan under this section to a director, officer, or employee of the association, or to any person, firm, or member of any firm regularly serving the association in the capacity of attorney at law, except for the alteration, repair, improvement, or equipping of a home or combination of home and business property owned and occupied, or to be owned and occupied, as a home by the borrowing director, officer, employee, attorney, or member or for the construction of new structures related to the residential use of property owned and occupied, or to be owned and occupied, as a home by such director, officer, employee, attorney, or member.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by April 18, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be

made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-3217; Filed, Mar. 17, 1969; 8:47 a.m.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS AND RULES

Calling-in Points; Correction

In F.R. Doc. 69-2835, published at pages 5025-5027 in the issue dated March 8, 1969, the reference to "22½ miles" in the location of calling-in point No. 15, appearing in the fifth line of § 401.103-7 (calling-in points table) is incorrect and is hereby corrected to read "2½ miles".

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 69-3202; Filed, Mar. 17, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 271]

[Rel. Nos. 33-4953, IC-5634]

PREPARATION OF FORMS S-4 AND S-5 INCLUDING PROSPECTUS FOR MANAGEMENT INVESTMENT COMPANY

Proposed Guidelines

On December 9, 1968, the Commission published in Securities Act Release No. 4936 [33 F.R. 18617] Guides for Preparation and Filing of Registration Statements under the Securities Act of 1933.[1] As stated in that release, those guides do not specifically relate to the prospectus for a management investment company under the Securities Act of 1933. Accordingly, consistent with the Commission's practice of publishing the views of the staff to assist issuers, their counsel, accountants, and others concerned, this release sets forth guidelines[2] proposed by the Division of Corporate Regulations for the preparation of Forms S-4 and S-5.[3] The guidelines are not specifically intended for variable annuity companies, which in certain respects present different disclosure problems under the Act. However, to the extent that the Form S-5 calls for disclosures which are appropriate for variable annuity companies, the guidelines are applicable.

The Commission is today also publishing (Investment Company Act Release No. 5633 infra),[4] proposed guidelines for the preparation and filing of registration statements for management investment companies on Form N-8B-1[5] under the Investment Company Act of 1940.

These guidelines implement, in part, a recommendation of the Special Study of Securities Markets. In Subchapter XI-B (Report of the Special Study of Securities Markets, House Doc. No. 95 Pt. 4, 88th Cong., first sess.), it was recommended, among other things, that the prospectus requirements applicable to open-end investment companies be refined to assure that basic information is brought more clearly and conspicuously to the attention of the prospective investor. In the Commission's transmittal letter to Congress of August 8, 1963, the Commission indicated its intention to examine various ways to achieve such further refinement.

It should be noted that the suggestions discussed in this guide are subject to change as experience or unique factual situations require. There is, of course, the basic requirement that the information contained in the prospectus be adequate to provide an understanding of the security, its issuer and the nature of the distribution, as well as any other features that may be particularly relevant, and that it not be incomplete or misleading within the meaning of the provisions of the statute and the relevant rules and forms. It is also emphasized that particular language examples need not be slavishly followed but are only illustrative. Their value is only in their precision of expression. Each registrant should seek its own precision and is encouraged to achieve even greater readability for investors.

The Commission requests the cooperation of all concerned in improving the disclosure in prospectuses for securities registered on forms S-4 and S-5. Every effort should be made to make such prospectuses more readable and understandable. The purpose of a prospectus is not fully realized if it is written in language or in a manner that confuses the prospective investors for whom it is intended.

These suggestions are not meant to be a complete guide for the preparation of Forms S-4 and S-5, and it is contemplated that additional or revised suggestions will be published from time to time as may be warranted. The suggestions may have only limited applicability to certain types of companies such as, for example, investment companies which have highly speculative investment policies or other companies where special or different kinds of disclosures may be necessary.

In publishing these guidelines of the Division of Corporate Regulation, the Commission wishes to emphasize that the ultimate responsibility for complete and accurate disclosure lies with the issuer and those persons required to sign the registration statement on Forms S-4 and S-5 under the Securities Act.

Some prospectuses in current use do not, in all respects, meet these guidelines. Accordingly, prospectuses now being used should be reassessed in order to consider what revisions may be appropriate in future post-effective amendments to such prospectuses. Prospective registrants, therefore, should not rely upon existing prospectuses for examples of acceptable disclosures.

While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the Division of Corporate Regulation, the public is cautioned that the opinions expressed in this release are not, and do not purport to be, an official expression of the Commission's views.

The terms used in these suggestions have the same meaning as prescribed in the Investment Company Act of 1940 and the rules thereunder.

Many of the Investment Company Act Releases cited in these guidelines may be found in the "Compilation of Releases, Commission Opinions, and other material dealing with matters frequently arising under the Investment Company Act of 1940," (October 1967), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—price 55 cents.

The staff desires the views and suggestions of all interested persons before the guidelines are published in definitive form in order that they may be as helpful as possible to persons preparing registration statements on Form S-4 and Form S-5. Any such comments or suggestions should contain a reference to "Guidelines for Form S-4 and S-5" and be addressed to the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C. 20549, on or before April 15, 1969.

(Sec. 19(a), 48 Stat. 85, 15 U.S.C. 77s; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 11, 1969.

[F.R. Doc. 69-3204; Filed, Mar. 17, 1969; 8:49 a.m.]

[17 CFR Part 271]

[Rel. No. IC-5633]

PREPARATION OF FORM N-8B-1

Proposed Guidelines

Consistent with the Commission's practice of publishing the views of the staff to assist issuers, their counsel, accountants, and others concerned in complying with the provisions of the Federal Securities Laws, this release sets forth

[1] That release represents a revision and expansion of guidelines previously published in Securities Act Release No. 4666 (Feb. 7, 1964), [29 F.R. 2490].

[2] Filed as part of the original document. Copies may be obtained from the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C.

[3] [17 CFR 239.11 and 239.15].

[4] [34 F.R. *infra*].

[5] [17 CFR 274.11].

guidelines[1] proposed by the Division of Corporate Regulation for use in preparation and filing of registration statements for both open-end and closed-end management investment companies on Form N–8B–1 under the Investment Company Act of 1940 (17 CFR 274.11).

The Commission is today also publishing (Investment Company Act Release No. 5634, Securities Act Release No. 4953) proposed guidelines for the preparation of Form S–5 for open-end management investment companies (34 F.R. ------ supra).

The guidelines are not specifically intended for variable annuity companies, which in certain respects present different registration problems under the Act. However, to the extent that individual items of Form N–8B–1 call for responses which are also appropriate for variable annuity companies, the guidelines are applicable.

It is anticipated that adherence to these guidelines will also substantially expedite the examination by the Division's staff of registration statements on Form N–8B–1. The policies embodied in these guidelines will be changed should experience or altered factual situations require or should the Form N–8B–1 itself be changed. These proposals are not meant to be a complete guide for the preparation of Form N–8B–1, and it is contemplated that additional guidelines will be published from time to time as may be warranted. The guidelines cover only those items of Form N–8B–1 which the staff believes require further explanation at this time. Registrants are advised that while acceptable responses set forth in these guidelines may be proper for Form N–8B–1, additional information or less technical language may be desirable in the prospectus. Further, the Commission wishes to caution that these guidelines may have only limited applicability to unusual companies. For example, registrants with highly speculative investment policies may require special responses to various items of the form.

The responses now being submitted to Form N–8B–1 by some registrants may not in all respects meet these guidelines. Accordingly, prospective registrants should not rely upon replies in existing registrations for examples of acceptable responses.

These guidelines are not rules of the Commission although some may later be incorporated in various rules and forms as experience and need suggest.

While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the Division of Corporate Regulation, the public is cautioned that the opinions expressed in this release are not, and do not purport to be, an official expression of the Commission's views.

The terms used in these guidelines have the same meaning as prescribed in the Investment Company Act of 1940 and the rules thereunder.

The guidelines should be read in conjunction with the Investment Company Act Releases cited herein in the "Compilation of Releases, Commission Opinions, and other material dealing with matters frequently arising under the Investment Company Act of 1940." (October 1967), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—price 55 cents.

The Commission believes it desirable that the staff receive the benefit of comments and suggestions of interested persons before the guidelines are published in definitive form. Any such comments or suggestions should contain a reference to "Guidelines to Form N–8B–1" and be addressed to the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C. 20549, on or before April 15, 1969.

(Sec. 38, 54 Stat. 841, 15 U.S.C. 802–37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 11, 1969.

[F.R. Doc. 69–3203; Filed, Mar. 17, 1969; 8:49 a.m.]

[1] Filed as part of the original document. Copies may be obtained from the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 86 (Rev. 3)]

DISTRICT DIRECTORS ET AL.

Authority To Permit Inspection of Certain Returns by Certain Applicants

Pursuant to authority vested in the Commissioner of Internal Revenue, authority is hereby delegated to District Directors, Service Center Directors, and the Director of International Operations, to permit inspection of returns in their custody, inspection of which may be authorized by the Commissioner of Internal Revenue pursuant to 26 CFR 301.9000–1, to the same persons and subject to the same conditions as prescribed for such persons in 26 CFR 301.6103(a)–1(c).

The authority delegated herein is limited to returns as filed by or on behalf of the taxpayer, including any schedule, lists, and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

Whenever it is determined that a return or related document as defined above is available for disclosure in a particular case, a copy or certified copy may be furnished the party requesting the same.

The authority delegated herein may be redelegated, but not lower than to Division Chiefs except that the Director of International Operations may redelegate to the Director's Representative in Puerto Rico.

This order supersedes Delegation Order No. 86 (Rev. 2), issued May 13, 1966.

Date of issuance: March 11, 1969.

Effective date: March 11, 1969.

[SEAL] WILLIAM D. SMITH, *Acting Commissioner.*

[F.R. Doc. 69–3225; Filed, Mar. 17, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

INDIAN TRIBES PERFORMING LAW AND ORDER FUNCTIONS

Notice of Determination

Section 601(d), title I, of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90–351, places a responsibility on the Secretary of the Interior to determine those Indian tribes which perform law and order functions. The listing below identifies only those Indian tribes where tribal jurisdiction and responsibility for law and order is clearly established. Determination by the Secretary concerning Indian tribes not listed below will be made on an individual basis upon application by such tribes under provisions of the act to the Law Enforcement Assistance Administration of the Department of Justice.

The following Indian tribes have been determined by the Secretary of the Interior to be performing law and order functions.

Arizona:
- Ak-Chin Indian Community.
- Cocopah Tribe.
- Colorado River Indian Tribes.
- Fort McDowell Mohave Apache Community.
- Gila River Indian Community.
- Havasupai Tribe.
- Hopi Tribe.
- Hualapai Tribe.
- Kaibab Band of Paiute Indians.
- Navajo Tribe (Arizona, New Mexico, Colorado, and Utah).
- Papago Tribe.
- Salt River Pima-Maricopa Indian Community.
- San Carlos Apache Tribe.
- White Mountain Apache Tribe.
- Yavapai-Apache Band of Indians.

Colorado:
- Southern Ute Tribe.
- Ute Mountain Ute Tribe.

Idaho:
- Coeur d'Alene Tribe.
- Kootenai Tribe.
- Nez Perce Tribe.
- Shoshone-Bannock Tribes.

Minnesota:
- Red Lake Band of Chippewa Indians.

Mississippi:
- Mississippi Band of Choctaw Indians.

Montana:
- Assiniboine and Sioux.
- Blackfeet.
- Chippewa Cree.
- Crow.
- Gros Ventre and Assiniboine.
- Northern Cheyenne.
- Salish and Kootenai.

Nevada:
- Campbell Ranch Paiute Tribe.
- Confederated Tribes of the Goshute Reservation.
- Las Vegas Indian Colony.
- Paiute-Shoshone Tribes of the Fallon Reservation.
- Moapa Band of Paiute Indians.
- Paiute-Shoshone Tribe of the Fort McDermitt Reservation.
- Pyramid Lake Paiute Tribe.
- Shoshone-Paiute Tribes of the Duck Valley Reservation.
- Summit Lake Paiute Tribe.
- Walker River Paiute Tribe.
- Yerington Paiute Tribe.

New Mexico:
- Pueblo of Acoma Tribe.
- Pueblo of Cochiti Tribe.
- Pueblo of Isleta Tribe.
- Pueblo of Jemez Tribe.
- Pueblo of Laguna Tribe.
- Pueblo of Nambe Tribe.
- Pueblo of Picuris Tribe.
- Pueblo of Pojoaque Tribe.
- Pueblo of Sandia Tribe.
- Pueblo of San Felipe Tribe.
- Pueblo of San Ildefonso Tribe.

New Mexico—Continued
- Pueblo of San Juan Tribe.
- Pueblo of Santa Ana Tribe.
- Pueblo of Santa Clara Tribe.
- Pueblo of Santo Domingo Tribe.
- Pueblo of Taos Tribe.
- Pueblo of Tesuque Tribe.
- Pueblo of Zia.
- Pueblo of Zuni Tribe.
- Jicarilla Apache Tribe.
- Mescalero Apache Tribe.

North Dakota:
- Devils Lake Sioux Tribe.
- Standing Rock Sioux Tribe.
- Three Affiliated Tribes of Fort Berthold Reservation.
- Turtle Mountain Band of Chippewas.

Oregon:
- Confederated Tribes of Warm Springs Reservation.

South Dakota:
- Cheyenne River Sioux Tribe.
- Oglala Sioux Tribe.
- Lower Brule Sioux Tribe.
- Ogala Sioux Tribe.
- Rosebud Sioux Tribe.
- Standing Rock Sioux Tribe.

Utah:
- Ute Indian Tribe of the Uintah and Ouray Reservation.

Washington:
- Kalispel Indian Community.
- Lower Elwha Tribe.
- Lummi Tribe.
- Makah Indian Tribe.
- Port Gamble Band of Clallam Indians.
- Quinault Tribe.
- Spokane Tribe.
- Yakima Tribe.

Wyoming:
- Shoshone and Arapahoe Tribes.

RUSSELL E. TRAIN, *Under Secretary of the Interior.*

MARCH 12, 1969.

[F.R. Doc. 69–3176; Filed, Mar. 17, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of title 13, United States Code, sections 181, 224, and 225, to conduct a First Quarter 1969 Survey of Selected Multiunit Companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1969 report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other

Federal agencies will be required to report in this survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from non-governmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing within 30 days after the date of this publication will receive consideration.

Dated: March 6, 1969.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 69-3174; Filed, Mar. 17, 1969; 8:45 a.m.]

Business and Defense Services Administration

AMERICAN MEDICAL ASSOCIATION ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No.: 69-00426-33-46500. Applicant: American Medical Association, Education and Research Foundation, 535 North Dearborn Street, Chicago, Ill. 60610. Article: Ultramicrotome, LKB 8800, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for nervous tissue. In the nervous tissue, the primary study is synaptology. Because the continuity between nervous tissue elements is of primary concern, there is a need for extremely thin sections to determine the specific relationship between these synapsing structures. Therefore, it is mandatory that we cut long series of equal thickness serial section. These sections should be easily varied by the operator between the values of 50Å to 2 microns and it should be possible to easily and rapidly change the serial sectioning thickness. Application received by commissioner of customs: February 17, 1969.

Docket No. 69-00427-00-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Anti-contamination device for a JEM-7 Electron microscope. Manufacturer: Japan electron Optics Laboratory Co., Japan. Intended use of article: The article will be used as an accessory to an existing electron microscope to observe specimens for long periods of time. Application received by Commissioner of Customs: February 17, 1969.

Docket No. 69-00428-00-46040. Applicant: Brown University, Wilson Laboratory, Providence, R.I. 02912. Article: Decontamination device for Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. The article will be used as an accessory to an existing electron microscope to eliminate object contamination. Application received by Commissioner of Customs: February 17, 1969.

Docket No. 69-00429-33-46500. Applicant: The Hospital of the Good Samaritan, Medical Center, 1212 Shatto Street, Los Angeles, Calif. 90017. Article: Ultramicrotome, LKB 8800A Ultrotome III and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning human biopsy material from virtually all organs including lung, kidney, breast, liver, stomach, intestine, pancreas and bone for diagnostic evaluation in the electron microscope. In this application, sections are needed from 50A to 2 microns thick for alternate evaluation in light and electron microscope. For the detection of small intracellular changes due to pathologic conditions, the thinnest possible sections must be cut. Application received by Commissioner of Customs: February 17, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3173; Filed, Mar. 17, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DONALD M. ALSTRUP, FEDERAL INSURANCE ADMINISTRATION

Redelegation of Authority With Respect to National Insurance Development Program

Donald M. Alstrup, Federal Insurance Administration, is hereby authorized to execute standard reinsurance contracts under title XII of the National Housing Act (as added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21) during the present vacancy in the position of Assistant Administrator for Insurance Operations, Federal Insurance Administration.

(Secretary's delegation of authority published at 34 F.R. 2680, Feb. 27, 1969)

Effective date. This redelegation of authority shall be effective as of March 18, 1969.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-3224; Filed, Mar. 17, 1969; 8:48 a.m.]

ASSISTANT ADMINISTRATOR FOR INSURANCE OPERATIONS, FEDERAL INSURANCE ADMINISTRATION

Redelegation of Authority With Respect to National Insurance Development Program

The Assistant Administrator for Insurance Operations, Federal Insurance Administration, is hereby authorized to execute standard reinsurance contracts under title XII of the National Housing Act (as added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21).

(Secretary's delegation of authority published at 34 F.R. 2680, Feb. 27, 1969)

Effective date. This redelegation of authority shall be effective as of March 18, 1969.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-3223; Filed, Mar. 17, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

KLOT STAINLESS

Drugs for Veterinary Use, Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Klot Stainless; contains 7.0 percent *n*-butyl alcohol volume-to-volume per 60-cubic centimeter vial; marketed by Warren Teed Pharmaceuticals, Inc., Subsidiary of Rohm & Haas Co., 582 West Goodale Street, Columbus, Ohio 43215.

The Academy concludes that based on available evidence this drug is not effective for accelerating the formation of a clot to prevent or minimize loss of blood components. The Food and Drug Administration concurs with the conclusions of the Academy.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for this drug and any others of similar composition and labeling.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for such drug and any interested person who may be adversely affected by removal of this drug from the market, to submit any pertinent data bearing on the proposal within 30 days from the date of the publication of this announcement in the FEDERAL REGISTER. Submissions should be addressed to the Bureau of Veterinary Medicine, Special Assistant for Drug Efficacy Study Implementation, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 12, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3175; Filed, Mar. 17, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

KETCHIKAN FLIGHT SERVICE STATION AT KETCHIKAN, ALASKA

Notice of Opening

Notice is hereby given that on or about March 11, 1969, a part-time staffed Flight Service Station will be opened in Room 1209, 119 Austin, Ketchikan, Alaska 99901. This information will be reflected in the FAA, Alaskan Region, organization statement the next time it is reissued.

(Sec. 313(a), 72 stat. 752; 49 U.S.C. 1354)

Issued in Anchorage, Alaska, on March 7, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-3191; Filed, Mar. 17, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Issuance of Operating License Amendment

No request for a hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2 to Operating License No. DPR-14. The amendment authorizes the Connecticut Yankee Atomic Power Co. to operate its Haddam Neck Plant at power levels up to a maximum of 1825 megawatts (thermal).

The amendment was issued in the form published in the Notice of Proposed Issuance of Amendment to Operating License in the FEDERAL REGISTER on February 7, 1969, 34 F.R. 1841.

Dated at Bethesda, Md., this 11th day of March 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 69-3179; Filed, Mar. 17, 1969; 8:45 a.m.]

[Docket No. 50-172]

LOCKHEED AIRCRAFT CORP.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 9, as set forth below, to Facility License No. R-86. The license, which authorizes the Lockheed Aircraft Corp. to operate a heterogeneous pressurized water-type nuclear reactor in Dawson County, Ga., expires on April 4, 1969. The licensee has requested a 5-year extension; all other conditions of the license will remain the same. Accordingly, Amendment No. 9 extends the expiration date of the license to April 4, 1974.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the licensee's application for license renewal dated February 20, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 11th day of March 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-86, Amdt. No. 9]

AMENDMENT TO FACILITY LICENSE

The Atomic Energy Commission has found that:

1. The Lockheed Aircraft Corp. application for license renewal dated February 20, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required, since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-86, as amended, is hereby further amended by revising paragraph number 6 thereof in its entirety to read as follows:

6. This amendment is effective as of the date of issuance and shall expire on April 4, 1974.

Date of issuance: March 11, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-3180; Filed, Mar. 17, 1969; 8:45 a.m.]

[Docket No. 27-44]

NUCLEAR DIAGNOSTIC LABORATORIES, INC.

Notice of Issuance of Amendment to Byproduct and Source Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to License No. 31-12000-1, as set forth below. This license amendment renews the license for a period of 5 years. The condition relating to transportation of radioactive materials has been amended to reflect recent changes in Department of Transportation regulations. The license provides for receipt and possession of packaged radioactive waste materials in any state subject to the regulatory authority of the Atomic Energy Commission.

The Commission has found that the application for license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and

Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that Act. The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve any hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Any request for a hearing by the applicant and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice" (10 CFR Part 2). If a request for a hearing by the applicant or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearings may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., March 12, 1969.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[License No. 31-12000-1; Amdt. No. 1]

BYPRODUCT AND SOURCE MATERIAL LICENSE

Byproduct and Source Material License No. 31-12000-1 is amended as follows:

Condition 6 is amended to read:

6. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations in 49 CFR Parts 173-179 are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.389-173.399, 173.402, 173.414, 173.427, 49 CFR Part 173, "Shippers," and §§ 177.823, 177.842, 177.843, 177.861, 49 CFR Part 177, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

This license shall expire five years from the last day of the month in which this amendment is issued.

Date of issuance: March 12, 1969.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 69-3181; Filed, Mar. 17, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20812; Order 69-3-43]

HOUSEHOLD GOODS AIRFREIGHT FORWARDER INVESTIGATION

Order Instituting Investigation and Consolidating Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1969.

The Board has decided to undertake an investigation of the airfreight forwarding of household goods. This investigation is necessitated by the forthcoming expiration of the existing authority of household goods forwarders and by the desirability of considering the authorization of new forwarders and of reexamining certain of the Board's policies in this area.

The forwarders currently authorized to forward household goods were awarded their authorizations in a number of different proceedings. The first authorizations were made in the Airfreight Forwarder Authority Case, 40 CAB 673 (1964), in which the Board granted operating authorizations to six motor carriers[1] holding ICC certificates as long-haul household goods movers. The authorizations were issued for a 5-year experimental period which will terminate on July 9, 1969. Subsequent to the 1964 Airfreight Forwarder decision, several more ICC-licensed household goods movers were granted similar authority, with identical expiration dates. In all instances the Board's definition of household goods is less comprehensive than that of the Interstate Commerce Commission.[2]

The Board has also granted several freight forwarders operating authorizations which are limited to the forwarding of "used household goods," and which also expire on July 9, 1969.[3] The recipients are companies which hold no authority from the ICC; they engage in surface forwarding of used household goods pursuant to a statutory exemption provided in section 402(b) of the Interstate Commerce Act, 49 U.S.C. 1002(b).

In addition to the household goods companies now holding airfreight forwarder authority, there are 47 such companies with applications on file with the Board seeking authority to forward household goods by air.[4] Although the operating authorizations which have been granted to date have involved only the movement of household goods, new and used, 15 of the above applicants for household goods airfreight forwarder authority also seek authority for the airfreight forwarding of general commodities.

We have decided to process the renewal of the existing household goods airfreight forwarder authorizations and the currently filed applications for such authority in a single investigation, to be known as the Household Goods Airfreight Forwarder Investigation. The existing household goods airfreight forwarders whose operating authorizations expire on July 9, 1969, and who seek renewal thereof, will be expected to so indicate by filing an application for renewal.[5] In addition to the processing of any such applications, we shall direct that all pending applications be consolidated into this investigation; and that the pending sections 408-409 applications relating to these applications also be consolidated into this investigation for determination thereof.

Besides the basic questions concerning the renewal of existing, and the grant of additional, household goods airfreight forwarder authority, two other issues are raised by the applications, both of which shall be considered in the investigation. Since several applications request general commodity as well as household goods airfreight forwarder authority, the issues in the investigation will include whether such general commodity authority should be granted, and if so, for what term; and further, whether any renewed household goods operating authorizations should encompass general commodity authority. Secondly, we shall include the issue of whether licenses should be issued to applicants who, despite their separate applications, have managerial and/or financial interlocking relationships, common ownership interests, or close operational ties based on contractual relationships. In the past we have indicated our view that a grant of more than one domestic and international airfreight forwarder operating authorization to a group of related household goods movers would be contrary to the public interest. See Orders E-22185, May 20, 1965, and E-22496, August 2, 1965. The desirability and efficacy of that policy will be considered in this investigation.

Accordingly, it is ordered, That:

1. An investigation to be known as the Household Goods Airfreight Forwarder Investigation be and it hereby is instituted in Docket 20812 to determine, inter alia, whether—

(a) The outstanding operating authorizations for airfreight forwarding of household goods and used household goods should be renewed, and if so, for what term;

(b) The Board should award additional authorizations to engage in the airfreight forwarding of household goods or used household goods;

(c) The authorizations referred to in (a) and (b) above should be restricted as to commodities;

(d) Operating authorizations should be issued to applicants having managerial and/or financial interlocking relationships, common ownership interests, or close operational ties based on contractual relationships with another applicant;

(e) The applications filed under sections 408 and 409 of the Federal Aviation Act should be approved;

2. The applications listed in the appendices A and B attached hereto be and they hereby are consolidated into the investigation instituted pursuant to this order;

3. Holders seeking renewal of their operating authorizations to engage in airfreight forwarding of household goods or used household goods which expire on July 9, 1969, shall file applications for renewal thereof within 30 days from the date of service of this order, whereupon they shall be considered parties to this proceeding;

4. This investigation shall be set down for hearing before an examiner of the Board at a time and place to be hereafter designated; and

5. Copies of this order shall be served upon the Department of Defense and the Department of Transportation, which are hereby made parties to this proceeding; this order shall also be served upon all currently authorized airfreight forwarders of new and used household goods and upon the applicants listed in the appendices attached hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

APPLICANTS SEEKING HOUSEHOLD GOODS AIR FREIGHT FORWARDER AUTHORITY

Air Movers of America, Inc.
Air Van Lines, Inc.
Allied Van Lines, Inc.
American Ensign Van Service, Inc.
American Red Ball Transit Co., Inc.
Asiatic Forwarders, Inc.
Astron Forwarding Co.
Atlas Van Lines, Inc.
Burnham Van Services, Inc.
Chicago Avenue Transfer, Inc.
City Transfer and Storage Co.
Columbia Export Packers, Inc.
Container Transport International, Inc.
Davidson Forwarding Co.
District Moving & Storage, Inc., d.b.a. District Containerized Express.
Express Forwarding and Storage Co., Inc., d.b.a. Aero Transport Division.
Federal Warehouse Co.
Fernstrom Storage and Van Co.
Four Winds Forwarding, Inc.
Garrett Forwarding Co.
General Van and Storage, Inc.
Getz Bros. & Co., Inc.
Greyhound Van Lines, Inc.
HC&D Moving and Storage Co., Inc.
Home-Pack Transport, Inc.
Imperial Household Shipping Co., Inc.
International Sea Van, Inc.
King Van Lines, Inc.
Lion Transfer and Storage Co.
Lyon Van Lines, Inc.
Merchants International, Inc.
Mollerup Freight Forwarding Co., Inc.
Monumental Security Co.
Neptune World Wide Moving, Inc.
North American Van Lines, Inc.
Railway Express Agency, Inc.
Richardson Transfer & Storage Co., Inc.
Shamrock Van Lines, Inc.
Smyth Worldwide Movers, Inc.
Starck Van Lines, Inc.
Suddath Moving & Storage Co., Inc.
Trulove Transfer & Storage, Inc., d.b.a. Trulove Air Freight.
United Van Lines, Inc.
Von Der Ahe Van Lines, Inc.
Weeks Moving and Storage Corp.
White Star Van & Storage, Inc.
Withers Van Lines of Miami, Inc.

APPENDIX B

PENDING 408-409 APPLICATIONS INVOLVING APPLICANTS FOR HOUSEHOLD GOODS FORWARDING AUTHORITY

Docket	Applicant	Section
15764	J. Elroy McCaw et al. and Smyth Worldwide Movers, Inc.	408-409
15857	C. L. Elliott and Chicago Avenue Transfer, Inc.	409
15869[1]	Donald E. Rowe and Imperial Household Shipping Co. Inc.	408-409
15901	E. J. Starck & J. J. Starck and Starck Van Lines, Inc.	408-409
15998	Jerome D. Ullman and Federal Warehouse Co.	409
16057	Thomas G. Newman et al. and Express Forwarding & Storage Co., Inc., Container Transport International, Inc.	408-409
16061	Robert C. Cavanaugh and Monumental-Security Storage Co.	409
16090	Asiatic Forwarders, Inc., and John W. Brooke et al.	408-409

APPENDIX B—Continued

Docket	Applicant	Section
16844	Martin L. Santini et al., and Home-Pack Transport, Inc., et al.	408-409
17229	Joseph Davidson et al., and Davidson Forwarding Co., The Davidson Transfer & Storage Co.	408-409
17647	Lionel E. Weeks, Jr. et al. and Weeks Moving & Storage Corp.	409
18002	Clarence A. Garrett et al., and Garrett Forwarding Co., Garrett Freight Lines, Inc.	408-409
18612	John L. Newbold et al., and Merchants International, Inc., Merchants Transfer & Storage Co.	408-409
20201[1]	Imperial Household Shipping Co., Inc., Donald E. Rowe et al.	408-409

[1] Application submitted in Docket 20201 to "supersede" Docket 15869.

[F.R. Doc. 69-3226; Filed, Mar. 17, 1969; 8:48 a.m.]

[Docket No. 20522; Order 69-3-47]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North Atlantic Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1969.

A complaint has been filed by the Mayor and City Council of Baltimore, the Chamber of Commerce of Baltimore, and by the Baltimore Customhouse Brokers and Forwarders Association, Air Freight International, Inc., and John S. Connor, Inc. (Baltimore parties), alleging that the transatlantic cargo rate structure, as established by agreements of the International Air Transport Association (IATA), discriminates against Baltimore/Washington and prefers New York/Boston. The Baltimore parties allege, inter alia, that the Baltimore area is subject to a rate differential over New York ranging from 17 to 26 percent with respect to selected European cities for traffic moving under specific commodity rates, and a general commodity rate differential of 12 to 14 percent, although the distance to Baltimore is only 4 to 6 percent farther than is New York from the European cities. It is alleged that the effect of the higher rates at Baltimore is to divert traffic from the Baltimore/Washington gateway to the John F. Kennedy Airport at New York; that the small mileage differentials to Baltimore are too insignificant to support the rate differentials between the points involved, and that there is no justification for this discrimination in rates. Complainants further point to the congestion at Kennedy Airport and contend that this would be alleviated by correction of the rate structure. In view of the foregoing, the complainants request that the Board order the discrimination removed pursuant to its powers under section 1002(f) of the Federal Aviation Act of 1958 (the Act), and that the Board rescind its outstanding approval of the IATA agreements establishing the current transatlantic air freight rate structure.

Pan American World Airways, Inc. (Pan American), and Trans World Air-

[1] ACE-R. B. Van Lines, Inc.; Bader Bros., Inc.; Bekins Airvan Co.; Chicago Avenue Transfer, Inc.; Engel Bros., Inc.; Security Van Lines, Inc.; Starck Van Lines, Inc.; and B. von Paris & Sons, Inc.

[2] The Board defined the term "household goods" to mean "(1) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; and (2) furniture, fixtures, equipment, and the property of stroes, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments." 40 CAB 673, 675-676. As defined by the Interstate Commerce Commission the term household goods includes, in addition, "* * * articles, including objects of art, displays of exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods." Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, 505 (1939), and 49 CFR 176.1(a).

[3] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays, and exhibits.

[4] The Board recently terminated its rulemaking proceeding involving proposed Part 296A of the Board's economic regulations, which proposed a blanket exemption for household goods forwarders. EDR-150, dated Oct. 8, 1968. At the same time, the Board granted exemptions to seven surface household goods carriers to allow them to transport "used household goods" for the Department of Defense, and declared a moratorium on processing applications for household goods forwarder authority. Order 68-10-32, Oct. 8, 1968.

[5] The renewal application should indicate that the applicant seeks renewal of its current operating authorization pursuant to this order. The details required by §§ 296.42 and 297.32 of the Board's economic Regulations may be omitted; however, the application must be certified by a responsible official of the carrier. As provided in § 389.25(o) of the Board's organization regulations, a filing fee of $275 must accompany the application. The filing of a renewal application as authorized herein will cause the current operating authorization to remain in effect, pursuant to 5 U.S.C. 558, until a final Board determination on the application.

lines, Inc. (Trans World), have filed a joint answer to the complaint in which they recognize there is some merit to the complaint while not agreeing there should be common rating of Baltimore and New York as the complaint suggests. These carriers state they have sought for some time at IATA meetings to reduce the proportionately higher charges applicable to Baltimore and other cities compared with the rates at New York. The respondents refer to the next IATA cargo rate conference scheduled in April 1969 where they intend to press for a more equitable agreement for the east coast gateways and state they do not believe it would be proper or useful for the Board to institute an investigation at this time. They note that the agreement may have expired and it would be more desirable if the matter would be resolved at an IATA conference following which the Baltimore parties would have ample opportunity to present their views to the Board should they be dissatisfied with the rate structure.

Answers in opposition to the request have also been filed on behalf of foreign air carriers, one jointly on behalf of Japan Air Lines Co., Ltd., Lufthansa German Airlines, Qantas Airways Ltd., and Swissair, Swiss Air Transport Co., Ltd., and a separate answer filed by KLM Royal Dutch Airlines (KLM). Sabena Belgian World Airlines (Sabena) filed a motion to dismiss the complaint and an answer thereto has been filed by the complainants. These responses note that the foreign air carriers are not authorized to serve Baltimore, that the April 1969 IATA Cargo Conference may replace the present approved resolutions which will expire on September 30, 1969, and that accordingly it is too late to inquire into the present structure. It is also contended that it is premature to consider the future structure since it has not been formulated. In addition, the foreign carriers contend that the IATA agreements have been approved by the Board in accordance with the provisions of the bilateral agreements entered into between the United States and various foreign governments, that action by the Board in the instant matter would be inconsistent with these agreements and inconsistent with the provisions of section 1102 of the Act, requiring that the Board perform its duties consistently with obligations assumed in any agreement between the United States and any foreign country.

The Metropolitan Washington Board of Trade has petitioned to intervene in the above-entitled proceeding. The Virginia Airports Authority and the Fairfax County Industrial Authority have filed an answer to the complaint supporting the request for the institution of the investigation, and requesting that the rates to/from Washington, D.C., as served through the Dulles International Airport be included in said investigation.

Upon consideration of the complaint, and the responses thereto, and other relevant matters before the Board, the Board has concluded to initiate an investigation into the alleged discrimination against Baltimore and preference to New York with respect to rates to/from European cities. Substantially the same discrimination issues are present with respect to the rates for service to Washington, D.C., through the Dulles Airport as are present with respect to the rates for service to Baltimore/Washington, D.C., through the Friendship Airport, and the investigation of alleged discrimination will accordingly include the rates applicable to service at Dulles. In initiating this investigation the Board notes that no justification has been advanced for the disparate relationship of the rates to Baltimore/Washington vis-a-vis New York as compared with the mileage differential, and that as to European cities beyond the near gateway points the IATA rate structure generally provides a differential less than indicated by mileage, and in some instances common rates the European cities. The complainants have further alleged that they have been damaged by the rate structure and that its correction would operate to relieve congestion at the John F. Kennedy Airport at New York City. In these circumstances we find no basis to deny the request of the complainants for an investigation.

The Board has considered the various contentions of the carriers that it would be better to leave this problem to the IATA carriers, that the Board's approval of IATA rates contemplates a full 2-year period of effectiveness; and that to take action upon the complaint would not be consistent with bilateral rate agreements between the United States and other countries or with the obligations of the Board under section 1102 of the Act, and it finds no basis for dismissal of the complaint, or deferral of action thereon. While Pan American and Trans World state they will press for a more equitable rate structure at the April 1969 IATA rate conference, none of the foreign air carriers responding to the complaint suggest any disposition to modify the rate structure. KLM specifically alleges that the structure is not unjustly discriminatory, and points to its economic motivation to retain the rate differential. In these circumstances, and in light of the fact that the Board has previously indicated that the carriers should modify the differential to Baltimore, the Board will not await the results of the April cargo conference before acting upon the request for investigation.[1]

The Board does not consider that the institution of this investigation is in any way inconsistent with its policy with respect to approval of IATA agreements, or in derogation of section 1102 of the Act, or the obligations of the U.S. Government under any rate agreements with other countries. There are no limitations upon the Board's authority to review its approval of agreements under section 412 of the Act. An investigation into this matter will afford an opportunity for all interested persons to be heard upon the issues of undue preference or undue or unreasonable prejudice or disadvantage under sections 404(b) and 1002(f) of the Act as well as upon the public interest and lawfulness issues under sections 412 and 414 of the Act, and for the Board to make appropriate findings and conclusions thereon. The Board's action herein is, of course, without prejudice to the opportunity for any party to the investigation to take a position as to the manner in which the Board should implement any conclusions drawn in the investigation. Neither will our action at this time prejudice this Government, or the rights of any other government, to request discussions or discuss rate matters involved herein, should such discussions be indicated. Such matters, however, appear premature at this time.

We will name as parties to the investigation all IATA air carriers and foreign air carriers who provide cargo service on the North Atlantic between European points on the one hand and both New York and Baltimore and/or Washington, D.C., on the other, whether by direct single carrier service, or through participation in through service pursuant to joint rates. United States carriers participating in such through service only on domestic segments are also made parties hereto.

The scope of the investigation will include the question of whether the relationship of the North Atlantic air cargo rates of the named parties between European points and New York City to the air cargo rates between European points and Baltimore or Washington, D.C., gives rise to undue preference to New York or undue prejudice to Baltimore, and if so what action should the Board take to remove such preference and prejudice. There will be excluded therefrom issues as to the lawfulness of the general rate level of either the general commodity or the specific commodity rates (except to the extent the level bears upon the discrimination issue) as well as the relationship of rates as among the different weight breaks between the same points. The issues will further include the question of whether the IATA resolutions establishing such rate structure are in the public interest or in violation of the Act, and if so, what order or conditions should the Board enter with respect to the IATA resolutions under section 412 of the Act.[2]

[1] If new cargo rate resolutions are submitted to the Board prior to the completion of the investigation initiated herein the Board will, of course, consider them on the basis of matters then before it, and does not consider that it will be bound to continue approval of a structure containing the rate relationships under investigation, as well as similar relationships involving other U.S. international gateway points.

[2] While no IATA resolution by its terms precludes an IATA carrier from establishing specific commodity rates to Baltimore, under IATA rate making machinery a carrier proposal for a specific commodity rate to Baltimore could be vetoed by the action of any one carrier and there are in fact no such rates in effect. The section 412 issues will therefore include the subissue of whether IATA resolutions should be conditioned so that they could not restrict the freedom of any carrier under IATA to establish a specific commodity rate at Baltimore or Washington, D.C., under the same terms and rates applicable by any IATA carrier at New York.

Accordingly, pursuant to the provisions of the Federal Aviation Act, and particularly sections 204, 404(b), 412, 414, and 1002(f) thereof,

It is ordered, That:

1. An investigation is hereby instituted as to the relationship of the North Atlantic air cargo rates, or charges, whether joint or local rates or charges, and any revisions thereof, of the named IATA carriers between European points served by them, on one hand, and New York, N.Y., on the other hand, vis-a-vis the air cargo rates and charges of such carriers, whether joint or local rates or charges, between such European points on the one hand and Baltimore, Md., and/or Washington, D.C., on the other hand, to determine whether such rates or charges or the relationship of such rates or charges causes any undue or unreasonable preference or advantage to any person, port, locality, or description of traffic, or subjects any person, port, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage, and if such rates or charges, or the relationship of such rates or charges is found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such rates or charges should be altered, or what order should be made to the air carriers and foreign carriers to remove such discrimination, preference, or prejudice.

2. The investigation herein will include the issue as to whether resolutions of the International Air Transport Association which establish or provide for the establishment of rates and charges described in ordering paragraph 1, above, are adverse to the public interest or in violation of the Federal Aviation Act of 1958.

3. Copies of this order shall be served upon the following which are hereby made parties to this proceeding:

The Mayor and City Council of Baltimore, Md.
The Chamber of Commerce of Baltimore, Md.
Baltimore Customhouse Brokers and Forwarders Association.
Air Freight International, Inc.
John S. Connor, Inc.
Metropolitan Washington Board of Trade.
Virginia Airports Authority.
Fairfax County Industrial Authority.
Aerlinte Eireann Teoranta.
Air-India.
Alitalia—Linee Aeree Italiane—S.p.A.
Allegheny Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
British Overseas Airways Corp.
British West Indian Airways, Ltd.
Compagnie Nationale Air France.
Delta Air Lines, Inc.
Deutsche Lufthansa Aktiengesellschaft (also operating as Lufthansa Airlines).
Eastern Air Lines, Inc.
El Al Israel Airlines, Ltd.
Iberia Lineas Aereas de Espana, S.A.
Japan Air Lines Co., Ltd.
K.L.M. Royal Dutch Airlines.
National Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc. (also operating as Northwest Orient Airlines).
Olympic Airways, S.A.
Pan American World Airways, Inc.
Piedmont Aviation, Inc.
Quantas Airways Ltd.
Scandinavian Airlines System.
Seaboard World Airlines, Inc.
Societe Anonyme Belge D'Exploitation de la Navigation Aerienne (Sabena) (also operating as Sabena Belgian World Airlines).
Southern Airways, Inc.
Swissair, Swiss Air Transport Co., Ltd.
Transportes Areos Portugueses, S.A.R.L.
Trans World Airlines, Inc.
United Air Lines, Inc.

4. The motion of Sabena Belgian World Airlines to dismiss, or in the alternative, that it be permitted to file an answer, is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3227; Filed, Mar. 17, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18401, 18402; FCC 69R-118]

KBLI, INC. (KTLE) AND EASTERN IDAHO TELEVISION CORP.

Memorandum Opinion and Order Enlarging Issues

In re applications of KBLI, Inc. (KTLE) Pocatello, Idaho, Docket No. 18401, File No. BRCT-485, for renewal of broadcast license; Eastern Idaho Television Corp., Pocatello, Idaho, Docket No. 18402, File No. BPCT-4156, for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive applications of KBLI, Inc. (KBLI), for renewal of its license of Station KTLE, Pocatello, Idaho and of Eastern Idaho Television Corp. (Idaho), for authorization to construct a new television broadcast station to operate on Channel 6 at Pocatello. It was designated for hearing by Order, FCC 68-1187, 15 FCC 2d 709, released December 20, 1968. Presently before the Review Board is a petition to enlarge issues, filed January 13, 1969, by Idaho,[1] requesting the addition of requisite and comparative qualifications issues against KBLI, and a comparative coverage issue.

2. The petitioner premises its request for requisite and comparative qualifications issues on the Commission's Findings of Fact and Conclusions of Law in Television Company of America, Inc., 1 FCC 2d 91, 5 RR 2d 811 (1965).[2] In that case, the Commission denied an application for renewal of license of television Station KSHO-TV, Las Vegas, Nev., based, in part, on the finding that KBLI, through Howard Johnson, its president and controlling stockholder, had assumed control of KSHO-TV in violation of section 310(b) of the Communications Act and had engaged in multiple acts of misrepresentation and concealment in its dealings with the Commission. The Broadcast Bureau, in its comments opposing the petitioner's request for a requisite qualifications issue, points to the fact that subsequent to the KSHO-TV litigation the licenses of the broadcast stations of KBLI were renewed, including the license of KTLE, which is the station involved in KBLI's present application for renewal.[3] Therefore, it is the Bureau's position that the Commission has already considered and ruled upon the question of the possible disqualification of KBLI to be a broadcast licensee.

3. The Review Board agrees with the Broadcast Bureau that the action of the Commission in granting KBLI's applications for renewal following the KSHO-TV litigation constitutes a determination that KBLI has the requisite qualifications to be a broadcast licensee and is dispositive of Idaho's request for a requisite qualifications issue.[4] However, the findings of Television Company of America, Inc., supra, raise questions which could bear on the comparative qualifications of KBLI. In its Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965), the Commission noted that demerits on an issue of character may be appropriate in a comparative proceeding, such as the instant one, in which disqualification is not warranted, and stated that petitions for comparative character issues will be entertained. We believe that the conduct of KBLI revealed in the KSHO-TV proceeding and recounted in Idaho's petition, warrants such a comparative character issue, and one will be added.

4. In support of its request for a comparative coverage issue, Idaho submits an engineering statement which shows that petitioner would provide Grade A service to 4,656 square miles with a population of 100,559, compared to KTLE's Grade A contour of 3,573 square miles with a population of 78,559. It would provide Grade B service to an area of 15,351 square miles with a population of 189,190, compared to KTLE's Grade B area of 12,948 square miles with a population of 182,035. In addition, Idaho's engineering affidavit contains an allegation that its proposal involves service to areas not otherwise adequately served, i.e., Idaho's proposal would bring a first Grade B service to an area of 1,457 square miles, and a second Grade B service to an area of 1,633 square miles, whereas KTLE provides such services to areas of 634 and 1,252 square miles, respectively. The

[1] Also before the Review Board are comments, filed Feb. 4, 1969, by the Broadcast Bureau.

[2] Reconsideration denied, 2 FCC 2d 31, 6 RR 2d 506 (1965); affirmed, sub. nom. Wallerstein, Receiver of Television Company of America, Inc. v. FCC, Case No. 19, 904, 7 RR 2d 2151 (U.S. App. D.C.); rehearing denied, Aug. 15, 1966; cert. denied, Feb. 13, 1967.

[3] Action on the renewal applications was held in abeyance pending the final outcome of the KSHO-TV proceeding.

[4] Cf. Azalea Corporation, FCC 67R-536, 11 FCC 2d 86; Sioux Empire Broadcasting Co., 8 FCC 2d 605, 10 RR 2d 483 (1967), review denied FCC 67-1013, released Sept. 13, 1967.

unchallenged showing of the petitioner demonstrates that there are substantial coverage differences between the two proposals involved in this proceeding, and Idaho will be permitted to adduce evidence of coverage under the general comparative issue.[6]

5. *Accordingly, it is ordered,* That the petition to enlarge issues, filed January 13, 1969, by Eastern Idaho Television Corp., is granted to the extent indicated herein and is denied in all other respects; and

6. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the facts found by the Commission in Television Company of America, Inc., 1 FCC 2d 91, 5 RR 2d 81 (1965), involving KSHO–TV's renewal, reflect adversely upon the comparative qualifications of KBLI, Inc. to be a broadcast licensee; and

7. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein will be on Eastern Idaho Television Corp. and that the burden of proof will be on KBLI, Inc.

Adopted: March 10, 1969.

Released: March 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–3210; Filed, Mar. 17, 1969; 8:48 a.m.]

[Docket No. 18376; FCC 69R–121]

WATR, INC. (WATR–TV)

Memorandum Opinion and Order Enlarging Issues

In re applications of WATR, Inc. (WATR–TV), Waterbury, Conn., Docket No. 18376, File No. BPCT–3888, for construction permit to change facilities of existing television broadcast station.

1. This proceeding involves the application of WATR, Inc. (WATR), licensee of television broadcast Station WATR–TV, Waterbury, Conn., for a construction permit to make changes in its existing facilities. WATR seeks authority to move the WATR–TV transmitter site from a point located 0.2 mile from Waterbury to a location about 8 miles southeast of the present site; to increase the height of the antenna above average terrain from 510 feet to 1,240 feet; and to increase visual effective radiated power from 200 kw to 792.5 kw. By Memorandum Opinion and Order, 15 FCC 2d 103, 14 RR 2d 714, released November 13, 1968, the Commission designated the application for hearing on various issues, including a determination of whether the WATR proposal will comply with the provisions of § 73.685(a) of the Commission's rules (Issue 1) and whether grant of the proposal will have an adverse effect upon the development of UHF channel 59 in New Haven, Conn. (Issue 4). The burden of proceeding with the introduction of evidence and the burden of proof with respect to these issues were placed upon the parties respondent, Connecticut Television, Inc., licensee of Station WHNB–TV, New Britain, Conn. (Contel), and Impart Systems, Inc., permittee of Station WTVU, New Haven (Impart). Presently before the Review Board is a petition to enlarge and modify issues, filed December 4, 1968, by Contel and Impart.[1] Petitioners seek the addition of § 73.685(b) and alternate site issues to this proceeding and request that the Review Board reallocate the burden of proof with respect to the already specified § 73.685(a) issue to the applicant.

SECTION 73.685(b) ISSUE

2. Petitioners assert that, apparently through oversight, the Commission failed to include in its designation order an inquiry into the applicant's compliance with § 73.685(b) of the rules, which admonishes that antenna location should be so chosen as to provide line-of-sight coverage of the principal community to be served. Petitioners note that their predesignation filings in this proceeding dealt with the line-of-sight coverage question, and that the Commission acknowledged these predesignation requests for a § 73.685(b) issue at paragraph 5 of its designation order.[2] According to Contel and Impart, the undisputed facts show that WATR, from its proposed site, would fail to provide line-of-sight transmission to approximately 60 percent of the city of Waterbury, whereas only 17.6 percent of Waterbury is presently so disadvantaged. An engineering statement is attached to the instant request in support of these assertions. Petitioners further contend that past precedent on the subject leads to the conclusion that failure to provide line-of-sight coverage to the principal community requires an independent issue, regardless of whether the effect of that failure is to reduce the signal over the community to a value below the minimum specified in § 73.685(a), citing United Television Company of New Hampshire (WMUR–TV), FCC 61–685, 21 RR 685 (1961); Central Coast Television (KCOY–TV), 2 FCC 2d 306, 6 RR 2d 719 (1966). Finally, it is submitted that the burden of proof as to the requested § 73.685(b) issue should be placed on WATR for the very same reasons that prompted petitioners to include a request in the instant pleading for reallocation of the burden of proof in regard to the already specified § 73.685(a) issue.[3]

3. In opposition, WATR contends that the Commission fully considered petitioners' showings in regard to their predesignation requests for a "shadowing" issue and concluded that a section 73.685(b) issue is unnecessary in this proceeding. Under these alleged circumstances, it is WATR's contention that petitioners' objections should be addressed to the Commission in the form of a petition for reconsideration rather than to the Board in the form of a petition to enlarge issues. WATR asserts that petitioners' reliance on the Central Coast case is misplaced since in that case there was a question concerning the extent of shadowing, and since the Commission has made clear in analogous proceedings that the lack of line-of-sight transmission is of no consequence where a city-grade signal would be received, citing Alvarado Television Co., Inc. (KVOA–TV), FCC 60D–109, 20 RR 882 (1960); United Television Company of New Hampshire (WMUR–TV), FCC 61D–181, 22 RR 852 (1961). According to the applicant, the Commission properly concluded that a § 73.685(b) issue was immaterial here since the essential question to be resolved is whether the applicant will provide city-grade service to Waterbury from the proposed transmitter site.

4. As noted by the Broadcast Bureau in its comments on the instant request, it appears that the omission of a § 73.685(b) issue in the designation order was an oversight. The predesignation filings in this proceeding challenged the WATR proposal in regard to its compliance with both § 73.685(a) and § 73.685(b) of the rules. In fact, the designation order, itself, at paragraphs 5 and 7, notes these challenges and recites the allegations in support of the claims that the WATR proposal will not place a minimum signal of 80 dbu over Waterbury and that, from the proposed site, there will be severe shadowing. Footnote 2 of the designation order, after a reference to the provision of § 73.685 for the minimum field intensity to be provided to the principal community, quotes, in its entirety, § 73.685(b) of the rules. In addition, paragraph 15 indicates that an appropriate issue is required to permit the parties an opportunity to make offers of proof based upon alternative methods of calculating shadow losses. Since the issue of city-grade service is already designated in this proceeding and since the Commission has considered the allegations of shadowing and has determined that the parties must be given an opportunity to be heard in the evidentiary hearing, the Board is of the view that the failure to specify a § 73.685(b) issue was merely an inadvertent omission which should be corrected. See Atlantic Broadcasting Company, 4 FCC 2d 943, 8 RR 2d 599 (1966). Moreover, past precedent supports the inclusion of the issue in addition to, and independent of, an inquiry into city-grade service (see Central Coast Television (KCOY–TV), supra; WSTE–TV, Inc. (WSTE), FCC 69R–72, released February 11, 1969). The § 73.685(b) issue will be added to permit resolution of the shadowing question.[4]

ALTERNATE SITE ISSUE

5. Petitioners contend that the applicant's expressed rationale for the proposed changes in WATR–TV's facilities, i.e., improved facilities are important to the station's continued viability, assumes that an alternate site is not available. Contel and Impart, however, contest this alleged assumption and assert that the applicant could improve its facilities at another site without a loss of service to Waterbury, without a de facto channel reallocation to New Haven and with substantial gains in area and population served, which would contribute to the station's viability. Basing their contentions on the engineering statement attached to the instant petition, Contel and Impart stress that such an alternate site is the existing WATR–TV site, 0.2 mile from Waterbury. It is alleged that, if WATR were to operate with its antenna at higher elevation at the present site with the effective radiated power proposed, it would provide a greater line-of-sight transmission to Waterbury and would increase the populations served within its predicted Grade A and B contours; or that, if WATR were to use greater power with its present antenna system, it would increase overall coverage and improve the signal strength to areas presently served. With reference to the assumption of WATR's operation at 1,549 feet AMSL at its present site, petitioners rely on an affidavit of an aeronautical consultant, who states that favorable approval for this antenna height at the present site could be obtained from the Federal Aviation Administration. Petitioners argue that, on the basis of this prima facie showing, addition of the requested alternate site issue is warranted, citing WLCY–TV, Inc., 6 FCC 2d 213, 8 RR 2d 1333 (1966).[5]

6. WATR, in opposition, claims that petitioners' request for an alternate site issue suffers from the same fatal defect as the request for a § 73.685(b) issue, i.e., the question was raised in predesignation filings and petitioners have failed to allege that their contentions were not considered by the Commission. WATR also claims that petitioners have not made a prima facie showing that a suitable alternate site is available; the applicant notes that the calculations regarding the gains in area and population allegedly possible from improvement of WATR's facilities at its present site are based upon predicted contours and do not take into account terrain features. WATR argues that petitioners cannot rely upon terrain features in attempting to establish WATR's failure to provide city-grade service and, simultaneously, ignore terrain in attempting to establish that WATR can make the desired improvement in facilities from its present site. It is noted that, if WATR's predicted contours actually defined the extent of the station's service, there would be no need for the proposed changes since New Haven County is presently within the predicted Grade A contour of the station. The Broadcast Bureau, also in opposition, points out that the Commission has not required evidentiary showings on hypothetical alternative sites or other facets of a technical proposal unless the proposal was found to be inherently deficient, citing WKYR, Inc., FCC 63–893, 1 RR 2d 314 (1963); that the Commission has found no inherent deficiency, such as short-spacing, here; and that the claim of WATR's noncompliance with section 73.685(a) is in dispute.

7. Petitioners reply that, since there was no reference in the designation order to their alternate site allegations, the Review Board may properly consider the question on the merits, citing Atlantic Broadcasting Co., supra; that they have alleged sufficient facts to warrant addition of the alternate site issue; and that there is no inconsistency in their reliance upon sophisticated engineering analyses to calculate the limiting effects of terrain upon signal propagation for purposes of determining compliance with technical standards while not relying upon similar analyses in calculating overall populations served or to be served. Contel and Impart contend that the WATR proposal does contain inherent deficiencies in its failure to comply with section 73.685(b) and in its potential failure to comply with section 73.685(a). Finally, petitioners assert that the fact that prior Commission precedent involved considerations of short-spacing should not call for a different result here.

8. In implementing the Commission's television allocation plan,[6] § 73.610 of the rules provides that applications for new television broadcast stations or for changes in transmitter sites of existing stations will not be accepted for filing if they failed to comply with the television allocation plan (the minimum mileage separations set forth in the rule). In the cases cited by petitioners to support their request for an alternate site issue,[7] such an issue was specified because the technical proposals did not comply with minimum mileage separations and involved the short-spacing of television broadcast facilities. In this proceeding, there is no question of noncompliance with the Commission's allocation plan, and issues requiring determinations as to other alleged, but less serious, deficiencies in the technical proposal have been or will be designated for hearing. These issues (§ 73.685 (a) and (b)) are sufficient to reach a final determination, subsequent to the adduction and evaluation of evidence, as to whether a grant of the WATR proposal at the proposed location would be in the public interest, especially since the proposal complies with the Commission's allocation plan. In light of existing Commission precedent and of petitioners' showing herein, it would be inappropriate to order WATR to hearing on an issue as to an alternative site for which it has not applied. The Commission has thoroughly discussed the hazards and burdens involved in allowing applications for changed facilities to be measured against possible alternatives in WKYR, Inc., supra.[8] In the circumstances present here, which differ from those in cases involving proposals contrary to the Commission's allocation plan, an alternative proposal which did not provide a service substantially similar to that proposed by WATR would not be relevant to the ultimate determination required in this proceeding. In this connection, the Board notes that, according to petitioners' engineering tabulations, WATR's proposed operation will encompass within its Grade A contour at least 450,000 more persons, and within its Grade B contour at least 1,280,000 more persons, than would be encompassed within such contours if WATR remained at its present site with increased antenna height (1,549 ft.). Even greater differences exist if the other alternatives suggested by the petitioners are utilized. In addition, the contour maps included in petitioners' pleading establish that the areas served by WATR's proposal and those served by petitioners' alternate proposals are not substantially similar. Further, the Board is asked to assume zoning approval of a higher antenna at the existing WATR

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[1] Also before the Review Board are: (a) Opposition of WATR, filed Dec. 13, 1968; (b) Broadcast Bureau's comments, filed Jan. 6, 1969; and (c) reply, filed Jan. 16, 1969, by Contel and Impart. On Dec. 13, 1968, WATR also filed a motion to expedite consideration of the petition to enlarge and modify issues which will be dismissed in light of the Board's consideration of the Contel and Impart requests herein.

[2] In footnote 2 of its designation order, the Commission quotes § 73.685(b) in its entirety. Petitioners also refer to an allegedly noncontextual reference to § 73.685(b) in paragraph 7 of the designation order.

[3] These assertions concerning the allocation of the burden of proof with respect to the requested issue (§ 73.685(b)) and the already designated issue (§ 73.685(a)) are considered at paragraphs 9 and 10, infra.

[4] The issue is being added in spite of WATR's apparent concession that, from the proposed new site, the station would not provide line-of-sight transmission to 60 percent of the city of Waterbury. A resolution of the question of the extent of shadowing is necessary to permit its consideration here, especially in light of recent precedent where failure to provide line-of-sight service to a principal community assumed decisional significance. See Central Coast Television (KCOY–TV), FCC 68R–446, 14 RR 2d 575 (1968).

[5] Reconsidered for the purpose of clarifying the parties' burden of proof, 6 FCC 2d 550, 9 RR 2d 142 (1967).

[6] Logansport Broadcasting Corp. v. United States, 210 F. 2d 24 (D.C. Cir. 1954), 10 RR 2006.

[7] WLCY–TV, Inc., supra; WTCN Television, Inc. (WTCN–TV), 1 FCC 2d 337, 5 RR 2d 572 (1965); 14 FCC 2d 870, 14 RR 2d 435 (1968).

[8] The WKYR case is only one of the many proceedings in which the Commission has recognized that the introduction of a standard which requires a comparison of hypothetical alternatives would impose a burden of impossible magnitude upon its processes. See also John Poole Broadcasting Co. (KBIG), 9 RR 1018 (1953); Sanford A. Schafitz, FCC 58–413, 14 RR 852 (1958); Television Broadcasters, Inc., FCC 65–15, 4 RR 2d 119 (1965); TLB, Inc. (WTCN–TV), FCC 65–103, 4 RR 2d 508 (1965); Selma Television, Inc. (WSLA–TV), FCC 65–216, 4 RR 2d 714 (1965).

[6] As pointed out by the Broadcast Bureau, in its comments, the Commission has held that its Policy Statement on Comparative Broadcast Hearings, supra, should govern the introduction of evidence in proceedings wherein a renewal application is contested (Seven (7) League Productions, Inc., 1 FCC 2d 1597 (1965)), and that no special issue is required to adduce evidence of comparative coverage (Harriscope, Inc., FCC 65–1165, 2 FCC 2d 223).

[8] Board Member Nelson absent.

site. In evaluating the petitioners' total showing, therefore, the Board can only conclude that petitioners have failed to present a prima facie showing sufficient to warrant addition of the requested issue on hypothetical alternative sites. If the Board is imposing a heavy burden upon petitioners in this regard, as they suggest, such a procedure is justified here since an easier burden could only result in the future examination of every television application to determine whether superior coverage might be achieved from another site or with a higher antenna and/or more power at the existing site. Every alleged and conceded violation of the Commission's technical requirements could conceivably result in such an examination. WKYR, Inc., supra. We decline to complicate further an already involved proceeding on the basis of the petitioners' showing, and, accordingly, the request for an alternate site issue will be denied.

BURDEN OF PROOF

9. The designation order specified that the respondents, Contel and Impart, would assume the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1, which would inquire into whether WATR'S proposal would place an 80 dbu signal over the entire principal community to be served, as required by § 73.685(a). Petitioners now request that the burden of proof on Issue 1, as well as on the requested § 73.685(b) issue be placed on the applicant. In support thereof, petitioners contend that the Commission's action herein represents an abrupt departure from established precedent and that, since these issues of city-grade coverage and line-of-sight transmission relate to the basic technical qualifications of WATR, the applicant should have the burden of showing compliance with the Commission's rules (or, presumably, the need for waiver thereof).[9] In opposition, WATR contends that petitioners' request is nothing more than a plea for reconsideration of the designation order; that petitioners have presented no facts which were not before the Commission at the time of designation and have not claimed that the Commission failed to consider the matter fully; and that the Commission's allocation of the burden of proof was consistent with earlier cases in which the Commission held that parties making particular charges should have the burden of establishing their validity. The Broadcast Bureau also opposes the request and asserts that the allocation of burdens was proper since Issue 1 was added on the basis of petitioners' showing of alternative methods of calculation. In similar vein, the Bureau urges that the burdens of proceeding and proof on the § 73.685(b) issue should also be placed on the petitioners.

10. Since there was no discussion in the designation order, itself, concerning the allocation of the burdens of proceeding and proof on Issue 1, the Board will consider the matter on its merits. Atlantic Broadcasting Co., supra. Even though the petitioners were the protagonists here in urging the Commission and the Board to include § 73.685 (a) and (b) issues in this proceeding, these inquiries ultimately involve the question of the applicant's technical qualifications. In such circumstances, the applicant should bear the ultimate burden of proof to demonstrate whether or not its proposal complies with said provisions. Where the same issues have been specified in the past, at the insistence of objecting parties, the Commission has charged the applicant who seeks relief, such as a change in existing facilities, with the duty of demonstrating its technical qualifications or the need for waiver of the Commission's requirements concerning said qualifications. Central Coast Television (KCOY–TV), 2 FCC 2d 306, 6 RR 2d 719 (1966); cf. American Colonial Broadcasting Corp., FCC 64–354, 2 RR 2d 384 (1964). A similar course seems appropriate here, especially in light of the petitioners' assumption of the burden of proceeding with the introduction of evidence concerning their showing of alternative methods of calculation. Therefore, the burden of proof with respect to Issue 1 and to the issue designated herein (§ 73.685(b)) will be placed on the applicant.

11. *Accordingly, it is ordered,* That the petition to enlarge and modify issues, filed December 4, 1968, by Connecticut Television, Inc., and Impart Systems, Inc., is granted to the extent indicated below and is denied in all other respects; and

12. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether a grant of the application would be consistent with § 73.685(b) of the Commission's rules with respect to shadowing in, and line-of-sight to, Waterbury, Conn., and, if not, whether circumstances exist which would warrant a waiver of the rule.

13. *It is further ordered,* That the allocation of the burden of proof under Issue 1 in this proceeding is modified to show that said burden is placed upon the applicant herein; and

14. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein will be upon the parties respondent, and the burden of proof thereunder will be upon the applicant; and

15. *It is further ordered,* That the motion to expedite consideration, filed December 13, 1968, by WATR, Inc., is dismissed.

Adopted: March 11, 1969.

Released: March 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[10]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–3220; Filed, Mar. 17, 1969; 8:48 a.m.]

[9] Petitioners, as noted in their reply pleading, have accepted the burden of proceeding as to Issue 1, without prejudice to their position that the burden of proof should be placed on WATR. Petitioners are apparently willing to accept the burden of proceeding as to the § 73.685(b) issue since their request herein deals only with the burden of proof.

[10] Board Member Nelson not participating.

FEDERAL MARITIME COMMISSION

BORDAS LINES, INC., AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9788, between Bordas Lines, Inc., and Sea-Land Service, Inc., covers and is restricted to the movement of cargo on through bills of lading from ports of Colombia, South America to U.S. Atlantic coast ports with transshipment at San Juan, P.R. in accordance with the terms and conditions set forth in the Agreement.

By order of the Federal Maritime Commission.

Dated: March 13, 1969.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–3236; Filed, Mar. 17, 1969; 8:49 a.m.]

RETLA STEAMSHIP CO. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Retla Steamship Co., Evans Products Co., and Star Bulk Shipping Co. A/S.

Notice of agreement filed for approval by:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. 9785, between Retla Steamship Co. (Retla), Evans Products Co. (Evans), and Star Bulk Shipping Co. (Star), self-styled common carriers in the trade "from Japan to United States West Coast ports" is a rate making arrangement between the three subject to the limitations set forth in approved Agreement No. 9549, between Retla and Evans, and Agreement No. 9784, between Retla and Star (filed but not as yet approved). Pertinently, Agreement No. 9549 permits Retla, as agent of Evans, to establish its own and Evans' rates unilaterally, or jointly with Evans, in a wide range of trans-Pacific trades including that from Japan to the Pacific coast of the United States (the trade). Whenever such powers are exercised by Retla, or Retla and Evans, pursuant to Agreement No. 9549, with respect to the trade, Agreement No. 9785 would permit Star to participate in the rate making process which "* * * when so agreed * * * shall be the rates for all the parties."

Dated: March 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–3237; Filed, Mar. 17, 1969; 8:49 a.m.]

RETLA STEAMSHIP CO. AND STAR BULK STEAMSHIP CO. A/S

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. 9784, between Retla Steamship Co. (Retla) and Star Bulk Shipping Co. (Star), self described as common carriers of "steel, plywood and general cargoes from Japan" to west coast ports of the United States is a combination agency-sailing-rate making arrangement between the two lines. Pertinently, Star appoints Retla as its general agent in Japan to perform solicitation, booking, and vessel operating services; Star appoints Retla's subsidiary, Aradne Agencies, as its husbanding agent in Los Angeles and Long Beach; because Retla also operates in the same trade, Retla agrees "to use its best efforts to coordinate the schedules" of Star's and Retla's ships in order to achieve maximum utilization of all vessels in the trade from Japan to Pacific coast ports of the United States; Star and Retla may agree upon and establish the rates, rules and regulations pertaining to the handling and carriage of cargoes to be reflected in separate or joint tariffs.

By order of the Federal Maritime Commission.

Dated: March 13, 1969.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–3238; Filed, Mar. 17, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

SMALL BUSINESS ASSISTANCE CORP.

Notice of Surrender of License

Notice is given hereby that Small Business Assistance Corp., New York, N.Y., has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), requested the surrender of its license to operate as a small business investment company (License No. 02/02–0066). The licensee was incorporated on March 22, 1961, under the laws of the State of New York, and licensed by the Small Business Administration on April 26, 1961, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Small Business Assistance Corp. will be accepted, and Small Business Assistance Corp., accordingly, will no longer be licensed to operate as a small business investment company.

Dated: March 10, 1969.

JAMES THOMAS PHELAN, *Acting Associate Administrator for Investment.*

[F.R. Doc. 69–3233; Filed, Mar. 17, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–5236, etc.]

CABOT CORP.

Notice of Petitions To Amend Orders Issuing Certificates of Public Convenience and Necessity

MARCH 10, 1969.

Take notice that on May 16, 1960, Cabot Corp., 125 High Street, Boston, Mass. 02110, filed in Docket No. G–5715 a petition to amend the order issued pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the sale of natural gas from additional acreage, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Take further notice that on September 19, 1960, Cabot Corp. filed in Docket No. G–5236 et al., a petition to amend the orders issuing certificates of Public convenience and necessity in said dockets to Godfrey L. Cabot, Inc., Cabot Carbon Co., and Cabot Gasoline Corp., by authorizing Cabot Corp. to continue the sales of natural gas authorized in said dockets, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection. The petition states that by agreement of July 21, 1960, Cabot Corp. merged Godfrey L. Cabot, Inc., Cabot Carbon Co., and Cabot Gasoline Corp. effective September 30, 1960.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.10 or 1.8) on or before April 3, 1969.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-11660..... E 9-19-60	Cabot Corp. (SW) (successor to Cabot Carbon Co.).	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	15.5	14.65
G-13703..... E 9-19-60	Cabot Corp. (GLC) (successor to Godfrey L. Cabot, Inc.).	Consolidated Gas Supply Corp., Houston Township, Clearfield County, Pa.	27.5	15.325
G-14301 E 9-19-60	Cabot Corp. (SW) (successor to Cabot Carbon Co.).	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	15.0	14.65
G-14747..... E 9-19-60	do.....	Northern Natural Gas Co., acreage in Beaver and Ochiltree Counties, Tex. and Beaver County, Okla.	16.5	14.65
G-15191..... E 9-19-60	do.....	Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Tex.	16.0	14.65
G-16221..... E 9-19-60	Cabot Corp. (GLC) (successor to Godfrey L. Cabot, Inc.).	Consolidated Gas Supply Corp., Houston Township, Clearfield County, Pa.	27.5	15.325
G-18118 [4] E 9-19-60		Consolidated Gas Supply Corp., acreage in Wood and Jackson Counties, W. Va.	26.7	15.25
G-18528..... E 9-19-60	Cabot Corp. (SW) (successor to Cabot Carbon Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[10] 17.0	14.65

[1] Rate in effect subject to refund in Docket No. G-11626.
[2] Gas Exchange Agreement rate for gas delivered to Consolidated. If Consolidated delivers excess gas to Cabot, Cabot pays 19.91 cents per Mcf to Consolidated.
[3] Summer Gas (to be redelivered to United).
[4] Amendment filed to change depth limitation for acreage underlying sec. 11, T. 3 M., R. 16 ECM., from the base of the Chase Group to the Pennsylvanian Formation.
[5] No price involved. Gas Exchange Agreement gas. Mcf for Mcf basis.
[6] Rate in effect subject to refund in Docket No. R160-27; also subject to proceedings in Dockets Nos. G-16812 and G-14268.
[7] Rate in effect subject to refund in Docket No. G-17183.
[8] Rate in effect subject to refund in Docket No. R160-318.
[9] Subject to upward B.t.u. adjustment.
[10] Rate in effect subject to refund in Docket No. R160-318; also subject to proceedings in Dockets Nos. G-18415, G-14082, and G-12539.
[11] Application filed by Cabot Corp. (SW) to succeed to the properties of Cabot Carbon Co., one of the "et al" parties under the certificate issued in Docket No. G-11564.
[12] Includes 2-cents per Mcf compression charge and 0.5504 cent per Mcf tax reimbursement; rate in effect subject to refund in Docket No. G-17069.
[14] Pending—no permanent certificate issued.

[F.R. Doc. 69-3131; Filed, Mar. 17, 1969; 8:45 a.m.]

[Docket No. CP68-214; Phase I]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

MARCH 13, 1969.

Take notice that on March 6, 1969, Panhandle Eastern Pipe Line Co. (Petitioner), 1 Chase Manhattan Plaza, New York, N.Y. 10005, filed in Docket No. CP68-214 a petition to amend the order issued in said docket on June 21, 1968, by revising the contract demands of certain utility customers for the period of April through October 1969, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioner was authorized to construct and operate various mainline facilities and to increase sales and deliveries of natural gas to certain customers. Seventeen of Petitioner's utility customers have now requested adjustments in their summer contract demands, and, accordingly, Petitioner requests the order of June 21, 1968, be amended to allow for the following revisions in the contract demand for the period April through October 1969:

Customer	Additional net demand (Mcf)
Missouri Edison	300
Missouri Power & Light Co	17,000
Missouri Public Service Co	1,200
City of Morton	3,300
Ohio Gas Co	8,800
Richmond Gas Corp	8,460
City of Roodhouse	550
The Toledo Edison Co	1,000
Town Gas Co. of Illinois	300

[1] Net decrease.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and, therefore, protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 25, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3218; Filed, Mar. 17, 1969; 8:48 a.m.]

[Project No. 2662]

CONNECTICUT LIGHT AND POWER CO.

Notice of Application for License for Constructed Project

MARCH 11, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the Connecticut Light and Power Co., (correspondence to: Warren A. Greten, Vice President, The Connecticut Light and Power Co., Post Office Box 2010, Hartford, Conn. 06101) for construction Project No. 2662, known as the Scotland Project, located on the Shetucket River, in Windham County, Conn., in the town of Windham near the city of Willimantic.

The existing Scotland Project consists of: (1) A dam incorporating a 30-foot-high earth dike about 183 feet long, a concrete spillway section containing five 20-foot-wide by 14-foot-high tainter gates, an Ambursen-type ungated spillway section about 89 feet long, a gravity-type ungated spillway section about 19 feet long, and a powerhouse section containing one generating unit rated at 2,000 kw.; (2) a reservoir covering about 134 acres at normal full pond elevation 127 feet (USGS Datum) with normal drawdown of about 2 feet; and (3) appurtenant facilities. While there are no existing recreational facilities at the project, the application for license states that since the Shetucket River has a great deal of potential for a canoeing stream, Applicant proposes to provide a public boat access area in the city of Willimantic at the existing Recreation Park located at the beginning of the Shetucket River—providing the city approves, and a ramp for small boats equipped with a hand winch to assist in handling small craft.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3192; Filed, Mar. 17, 1969; 8:46 a.m.]

[Docket No. CP69-233]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MARCH 11, 1969.

Take notice that on March 4, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP69-233, an application pursuant to section 7 (b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the removal of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant desires to install:

(a) 1,100 horsepower compressor addition at Huntsman station near Sidney, Nebr.

(b) 1,100 horsepower compressor addition at Big Springs, Nebr.

(c) Parallel approximately 11.6 miles of existing 10-inch pipeline with new 12-inch pipeline between Hershey and North Platte, Nebr.

(d) Parallel approximately 16 miles of existing 8-inch pipeline with new 12-inch pipeline between Riverdale and Grand Island, Nebr.

(e) Parallel approximately 10 miles of existing 8-inch pipeline with new 8-inch pipeline between Cedar Rapids and Albion, Nebr.

(f) Replace approximately 5.2 miles of 2-inch with a 3-inch pipeline in the Pierce, Nebr. lateral.

(g) 3,400 horsepower compressor addition at Lakin, Kans.

(h) Parallel approximately 17.8 miles of existing 18-inch pipeline with new 12-inch pipeline between Lakin and Scott City, Kans.

(i) Replace approximately 10 miles of 6-inch with a 3-inch pipeline in the Guide Rock, Nebr., lateral.

Applicant states these facilities are necessary to meet increase firm market demands of the towns presently connected with Applicant's system. Applicant estimates the cost of these facilities at $2,649,000, which it intends to finance from current working capital, with interim bank loans if necessary.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 7. 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3193; Filed, Mar. 17, 1969; 8:46 a.m.]

[Docket No. G-2594 etc.]

SOUTHWEST GAS PRODUCING CO., INC., ET AL.

Findings and Order

MARCH 6, 1969.

Southwest Gas Producing Co., Inc. (Operator), et al. and other applicants listed herein, Docket No. G-2594 et al. and Payne Producing Co. (successor to CRA, Inc.), Docket No. CI69-376.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing, issued January 14, 1969, and published in the FEDERAL REGISTER (34 F.R. 1074) on January 23, 1969, on page 2, second paragraph, first line: Change Docket No. "CI69-476" to read Docket No. "CI69-376".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3194; Filed, Mar. 17, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

DACOTAH BANK HOLDING CO.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Dacotah Bank Holding Co., Aberdeen,

S. Dak., for approval of action to become a bank holding company through the acquisition of up to 100 percent of the voting shares of Farmers and Merchants Bank, Aberdeen; Citizens State Bank, Clark; and Citizens Bank of Mobridge, Mobridge, all in South Dakota.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Dacotah Bank Holding Co., Aberdeen, S. Dak., for the Board's prior approval of action whereby Applicant, which presently owns a majority of the voting shares of Security Bank, Webster, S. Dak., would become a bank holding company through the acquisition of up to 100 percent of the voting shares of the following three banks in South Dakota: Farmers and Merchants Bank, Aberdeen; Citizens State Bank, Clark; and Citizens Bank of Mobridge, Mobridge.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks for the State of South Dakota, and requested his views and recommendation. The Superintendent recommended that the application be approved.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 26, 1968 (33 F.R. 15892), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

Dated at Washington, D.C., this 10th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3229; Filed, Mar. 17, 1969; 8:49 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer and Sherrill. Absent and not voting: Governors Robertson and Daane.

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Reg.; Temporary Reg. 18]

COSTS APPLICABLE TO GRANTS AND CONTRACTS WITH STATE AND LOCAL GOVERNMENTS

Determination

1. *Purpose.* This regulation amends the provisions of the Federal Procurement Regulations to add principles for determining costs applicable to grants and contracts with State and local governments.

2. *Effective date.* This regulation is effective immediately with respect to State governments and shall be applied at the earliest practicable date, but not later than January 1, 1970, with respect to local governments.

3. *Expiration date.* This regulation will remain in effect until canceled.

4. *Background.* The Bureau of the Budget issued Circular A-87 on May 9, 1968, for the purpose of promulgating principles and standards for determining costs applicable to grants and contracts with State and local governments. The principles are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and contractors and their Federal counterparts.

5. *Explanation of change.* Pending the issuance of a permanent amendment of the Federal Procurement Regulations, agencies shall employ principles for determining costs in grants and contracts with State and local governments as provided in Bureau of the Budget Circular A-87, May 9, 1968.

J. E. MOODY,
Acting Administrator of General Services.

MARCH 12, 1969.

[F.R. Doc. 69-3222; Filed, Mar. 17, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 13, 1969, through March 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3205; Filed, Mar. 17, 1969; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MARCH 12, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 13, 1969, through March 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3206; Filed, Mar. 17, 1969; 8:47 a.m.]

[70-4721]

NORTHEAST UTILITIES

Notice of Proposed Amendments to Declaration of Trust and Order Authorizing Solicitation of Proxies in Connection Therewith

MARCH 12, 1969.

Notice is hereby given that Northeast Utilities ("Northeast"), 70 Federal Street, Boston, Mass. 02110, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are

referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Northeast proposes to amend its declaration of trust and such proposed amendments have been approved by its trustees and are to be submitted to Northeast's shareholders for their approval at the annual meeting to be held April 22, 1969. In connection therewith, Northeast proposes to solicit proxies from the holders of common shares through the use of solicitation material which sets forth the proposed amendments in detail. The filing states that under the applicable provisions of the declaration of trust the proposed amendments must be approved by the affirmative vote of at least two-thirds of the holders of the common shares deemed to be outstanding for such purpose.

The proposed amendments to the declaration of trust will, among other things, (1) permit the trustees to acquire and hold securities or obligations of any type rather than limiting them to the securities of companies engaged in the utility business, (2) eliminate the requirement of shareholder approval for the sale by Northeast of any of its majority-owned subsidiary companies in which Northeast's investment is less than 10 percent of the book value of its assets, (3) authorize Northeast to guarantee the obligations of its subsidiary companies and to give the trustees of Northeast general authority to provide financial and other assistance to its subsidiary companies, and (4) clarify the power of the trustees will have the same incidental powers as a Massachusetts business corporation.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions, and that the fees and expenses to be incurred in connection therewith are estimated to be $2,500, including $2,000 for legal fees.

Northeast has requested that the effectiveness of its declaration with respect to the solicitation of proxies from the common shareholders be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 4, 1969, request in writing that a hearing be held with respect to the amendments to the declaration of trust, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that Northeast's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and hereby is, permitted to become effective forthwith pursuant to Rule 62.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3234; Filed, Mar. 17, 1969; 8:49 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

MARCH 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 12, 1969, at 12:05 p.m., e.s.t., through March 21, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3235; Filed, Mar. 17, 1969; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 27; Amdt. 3]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 27 (Florida East Coast Railway Co.; Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 27 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3207; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 994; I.C.C. Order No. 19]

LOUISVILLE AND NASHVILLE RAILROAD CO., AND BIRMINGHAM SOUTHERN RAILROAD CO.

Rerouting Traffic or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Louisville and Nashville Railroad Co., and the Birmingham Southern Railroad Co. are unable to transport certain carload traffic, loaded to excessive dimensions, over their lines in the vicinity of Bessemer, Ala., due to restricted clearances at their normal interchange points.

It is ordered, That:

(a) Rerouting traffic: The Louisville and Nashville Railroad Co. and the Birmingham Southern Railroad Co. being unable to transport certain carload traffic loaded to excessive dimensions, over their lines in the vicinity of Bessemer, Ala., due to restricted clearances at their normal interchange points, are hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Louisville and Nashville Railroad Co. shall receive the concurrence of the Birmingham Southern Railroad Co. before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in

force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 12:01 a.m., March 17, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3206; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 30; Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 30 (Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 30 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3209; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 28; Amdt. 3]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 28 (Louisville and Nashville Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 28 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3210; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 29; Amdt. 2]

SOUTHERN RAILWAY CO., AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 29 (Southern Railway Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 29 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3211; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 26; Amdt. 3]

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 26 (Terminal Railroad Association of St. Louis; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 26 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3212; Filed, Mar. 17, 1969; 8:47 a.m.]

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9545, 28 F.R. 4117, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 14977, 30 F.R. 8982, 30 F.R. 12309, 31 F.R. 4824, 31 F.R. 13369, 32 F.R. 4295, 32 F.R. 13432, and 33 F.R. 4863) during the 6 months' period ended March 14, 1969.

Purchased in 1968:
Washington Gas Light—700 shares common stock.
Bethlehem Steel—500 shares common stock.
Potomac Electric Power Co.—1,050 shares common stock.

Dated: March 9, 1969.

JOHN V. LAWRENCE.

[F.R. Doc. 69-3213; Filed, Mar. 17, 1969; 8:47 a.m.]

EUGENE S. ROOT

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; 24 F.R. 4187; 24 F.R. 9502; 25 F.R. 102; 26 F.R. 1693; 26 F.R. 6405; 27 F.R. 648; 27 F.R. 6409; 28 F.R. 197; 28 F.R. 7060; 29 F.R. 1675; 29 F.R. 981; 20 F.R. 1073; 30 F.R. 9342; 31 F.R. 592; 31 F.R. 9432; 32 F.R. 2404; 32 F.R. 11190; 33 F.R. 609; and 33 F.R. 11323, for the period from July 1, 1968, through December 31, 1968.

Retired as vice president-comptroller of Erie Lackawanna Railway Co., July 31, 1969. Severed all corporate relationships with its various subsidiaries, etc.

No changes in financial interests during the period.

Dated: March 1, 1969.

EUGENE S. ROOT.

[F.R. Doc. 69-3214; Filed, Mar. 17, 1969; 8:47 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9469, 28 F.R. 4269, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 12992, 30 F.R. 5888, 30 F.R. 12310, 31 F.R. 4857, 31 F.R. 13268, 32 F.R. 4295, 32 F.R. 13361, 33 F.R. 4864, and 33 F.R. 14339) during the 6 months' period ended March 14, 1969.

No change.

Dated: March 14, 1969.

A. W. WUERKER.

[F.R. Doc. 69-3215; Filed, Mar. 17, 1969; 8:47 a.m.]

[Notice 312]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70890. By order of March 6, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to CO-Trux Rentals, Inc., Port Washington, N.Y., of the operating rights in permit No. MC-125126 issued on November 20, 1964, to Ernest A. Kroessler Trucking Corp., Brooklyn, N.Y., authorizing the transportation of: Steel wool and soap products, between plantsite of Brillo Manufacturing Co., New York, N.Y., and specified counties in New Jersey. Andrew A. Kroessler, Attorney, 32 58th Street, Woodside, N.Y. 11377, Morris Honig, Attorney, 150 Broadway, New York, N.Y. 10038.

No. MC-FC-71001. By order of March 10, 1969, the Motor Carrier Board approved the transfer to F. Paul Purdy, Loudon, Tenn., of the operating rights in permit No. MC-127366 (Sub. No. 1) issued August 5, 1966, to B. F. Holt, Sweetwater, Tenn., authorizing the transportation, over irregular routes, of dairy products, and materials and supplies used in the production and distribution of dairy products, between Chattanooga, Cookeville, Crossville, Knoxville, McMinnville, Murfreesboro, and Nashville, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia, with certain restrictions, limited to service for a named shipper. LaVern Martens, 450 East Illinois Street, Chicago, Ill. 60611, representative for applicants.

No. MC-FC-71127. By order of March 6, 1969, the Motor Carrier Board approved the transfer to Pratt's Dray & Storage, Inc., 222 West Illinois Street, Spearfish, S. Dak. 57783, of the operating rights in certificates Nos. MC-110473 and MC-110473 (Sub No. 2) issued August 5, 1952, and November 19, 1964, respectively, to Robert H. Fulker, doing business as Fulker Truck Lines, Aberdeen, S. Dak. 57401, authorizing the transportation of: General commodities, with the usual exceptions, between points in South Dakota.

No. MC-FC-71142. By order of March 7, 1969, the Motor Carrier Board approved the transfer to Georges Truck Rental Corp., doing business as Georges Truck Rental Corp., Ridgewood (Queens), New York, N.Y., of the operating rights in Nos. MC-127084 and MC-127084 (Sub-No. 1), issued February 16, 1966, and August 3, 1967, to Georges Carriers, Inc., Ridgewood (Queens), New York, authorizing the transportation of: Plumbing fixtures and supplies, from the plantsite of the Jamaica Manufacturing Co., Inc., at Wyandanch, N.Y., to New York, N.Y.; and from points in the New York, N.Y., commercial zone, as defined by the Commission, to the plantsite of the Jamaica Manufacturing Co., Inc., at Wyandanch, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, registered practitioner for applicants.

No. MC-FC-71164. By order of March 10, 1969, the Motor Carrier Board approved the transfer to William Buster Nickerson, doing business as Nickerson Cattle, South Main Street Extension, Cassadaga, N.Y., of permit No. MC-128660, issued August 18, 1967, to G. C. Hausser, doing business as Hausser Carting Co., Route 1, Box 254, Gowanda, N.Y. 14070, authorizing the transportation of: *Paper and paper products, wood and wood products, cabinets, doors, cement, asbestos products, plastic products, aluminum and aluminum products, products of wood and metal combined, wood and cement asbestos combined, plastic and metal combined, cement asbestos and metal combined, aluminum and other metals combined, and plastic and wood combined, and materials, supplies, machinery, and equipment* used in the manufacture of the commodities specified (except such commodities in bulk and those which, by reason of size or weight, require the use of special equipment), between the plantsite of the U.S. Plywood-Champion Papers, Inc., at Cattaraugus, N.Y., on the one hand, and, on the other, points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, limited to a transportation service to be performed, under a continuing contract, or contracts, with the U.S. Plywood-Champion Papers, Inc., of Cattaraugus, N.Y.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3216; Filed, Mar. 17, 1969; 8:47 a.m.]

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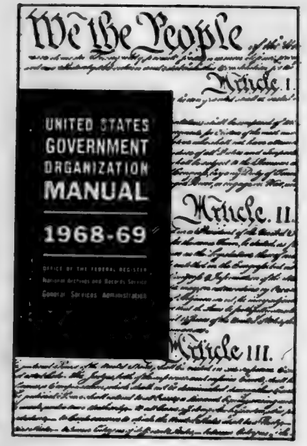
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2 (2 documents) ---- 5385
18 ---- 5385
21 ---- 5385
73 (2 documents) ---- 5385
74 ---- 5385
81 ---- 5386
83 ---- 5386
89 (2 documents) ---- 5385
91 (2 documents) ---- 5385
93 (2 documents) ---- 5385

49 CFR

1033 ---- 5380
PROPOSED RULES:
371 ---- 5383

50 CFR

33 (3 documents) ---- 5380, 5381

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3899

SENIOR CITIZENS MONTH, 1969

By the President of the United States of America

A Proclamation

There are today 20 million Americans who are 65 years of age or older.

The older Americans in our midst have been pioneers and builders during a period of dramatic change and severe testing. They remind us of the moral values and personal qualities which have been the basis of our national achievements. Having learned to live with change and challenge, they offer us, now and for the future, a valuable resource of skill and of wisdom.

We are grateful for scientific advances which have given us the longest life expectancy in the history of the world. But we must also be concerned with the quality of that longer life span.

It is therefore fitting that each year we designate one month in honor of older Americans. This is a special time to express our appreciation to older citizens for their services to the Nation, to recognize their potential for further contribution, and to consider whether we are doing all we can to assure their full participation in the adventures of our time and in the affluence of our society.

The continuing theme for this special month is MEETING THE CHALLENGE OF THE LATER YEARS. This year, particular emphasis will be given to the concept of PARTNERSHIP in meeting that challenge: partnership among all levels of government, partnership with voluntary organizations, and partnership among Americans of all ages. In addition, the Federal Government's Administration on Aging, in cooperation with the National Safety Council, will conduct an action program on accident prevention and safety for the older generation.

The concerns we express during this special month should also guide us throughout the year. For there is still much pioneering work to be done, work in which all age groups must join as full partners.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the month of May 1969 as Senior Citizens Month.

I invite the Governors of all the States and the Commonwealth of Puerto Rico, the officers of the Federal, State, and local governments, the heads of voluntary and private groups, and all Americans everywhere to join in this observance. I urge them to find suitable means for expressing appreciation to older citizens, for encouraging their continued and expanded activity, and for meeting the special needs of the frail and the poor and the lonely among them.

I especially invite the older citizens of this Nation to use this month as a time for reexamining the social role which they are playing and the conditions under which they live. And I ask them to share their conclusions and recommendations with their countrymen.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-3368; Filed, Mar. 18, 1969; 10:27 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the position of Private Secretary to the Assistant Director for Executive Management, Bureau of the Budget, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (a) of § 213.3303 of Schedule C as set out below.

§ 213.3303 Executive Office of the President.

(a) *Bureau of the Budget.* * * *

(6) One Private Secretary to the Assistant Director for Executive Management.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3366; Filed, Mar. 18, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant to the General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (33) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(33) One Special Assistant to the General Counsel.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3367; Filed, Mar. 18, 1969; 8:47 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is amended by revising Subpart B of Part 713 to provide new procedures for handling discrimination complaints which will result in more expeditious and equitable processing. In the main, this will be achieved by the use of counseling, informal resolution of grievances when possible, the use of processing deadlines, and the requirement that the appeals examiner who conducts a hearing on the complaint is not an employee of the agency in which the complaint arose. Because of the revision of Subpart B of Part 713 which is effective July 1, 1969, the following amendments of §§ 315.806, 332.408, 752.104, 752.203, 752.304, 771.219, and 771.222 of Subchapter B of Chapter I of Title 5 are made to align these sections with the new Subpart B of Part 713 (these amendments are also effective July 1, 1969).

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

1. Section 315.806 is amended as set out below.

§ 315.806 Appeal rights to the Commission.

(a) *Right of appeal.* An employee may appeal to the Commission in writing an agency's decision to terminate him under § 315.804 or § 315.805 only as provided in paragraphs (b) and (c) of this section. The Commission's review is confined to the issues stated in paragraphs (b) and (c) of this section.

(b) *On discrimination.* (1) An employee may appeal under this subparagraph a termination which he alleges was based on discrimination because of race, color, religion, sex, or national origin. The Commission refers the issue of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

(2) An employee may appeal under this subparagraph a termination not required by statute which he alleges was based on political reasons or marital status or a termination which he alleges resulted from improper discrimination because of physical handicap.

* * * * * *

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

2. A new § 332.408 is added as set out below.

§ 332.408 Restriction of consideration to one sex.

An appointing officer may not restrict his consideration of eligibles or employees for competitive appointment or appointment by noncompetitive action to a position in the competitive service to one sex, except in unusual circumstances when the Commission finds the action justified.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

PART 713—EQUAL OPPORTUNITY

3. Part 713 is revised as set out below.

Subpart A [Reserved]

Subpart B—Equal Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

GENERAL PROVISIONS

Sec.
713.201 Purpose and applicability.
713.202 General policy.
713.203 Agency program.
713.204 Implementation of agency program.
713.205 Commission review of agency program.

AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION

713.211 General.
713.212 Coverage.
713.213 Precomplaint processing.
713.214 Filing and presentation of complaint.
713.215 Rejection or cancellation of complaint.
713.216 Investigation.
713.217 Adjustment of complaint.
713.218 Hearing.
713.219 Relationship to other agency appellate procedures.
713.220 Avoidance of delay.
713.221 Decision by head of agency or designee.
713.222 Complaint file.

APPEAL TO THE COMMISSION

713.231 Entitlement.
713.232 Where to appeal.
713.233 Time limit.
713.234 Appellate procedures.
713.235 Appellate review by the Commissioners.
713.236 Relationship to other appeals.

REPORTS TO THE COMMISSION

713.241 Reports to the Commission.

Subpart C—Minority Group Statistics System

713.301 Applicability.
713.302 Agency systems.

Subpart D—Equal Opportunity Without Regard to Politics, Marital Status, or Physical Handicap

713.401 Equal opportunity without regard to politics, marital status, or physical handicap.

AUTHORITY: The provisions of this Part 713 issued under 5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11222, E.O. 11246; 3 CFR, 1964–1965 Comp., pp. 306, 339, E.O. 11375; 3 CFR, 1967 Comp., p. 320.

Subpart A [Reserved]

Subpart B—Equal Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

GENERAL PROVISIONS

§ 713.201 Purpose and applicability.

(a) *Purpose.* This subpart sets forth the regulations under which an agency

shall establish a program for equal opportunity in employment and personnel operations without regard to race, color, religion, sex, or national origin and under which the Commission will review an agency's program and entertain an appeal from a person dissatisfied with an agency's processing of his complaint of discrimination on grounds of race, color, religion, sex, or national origin.

(b) *Applicability.* (1) This subpart applies (i) to Executive agencies and military departments as defined by sections 105 and 102 of title 5, United States Code, and to the employees thereof including employees paid from nonappropriated funds, and (ii) to those portions of the legislative and judicial branches of the Federal Government and of the government of the District of Columbia having positions in the competitive service and to the employees in these positions.

(2) This subpart does not apply to aliens employed outside the limits of the United States.

§ 713.202 General policy.

It is the policy of the Government of the United States and of the government of the District of Columbia to provide equal opportunity in employment for all qualified persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each agency.

§ 713.203 Agency program.

The head of an agency shall exercise personal leadership in establishing, maintaining, and carrying out a positive, continuing program designed to promote equal opportunity in every aspect of agency employment policy and practice. Under the terms of its program, an agency shall:

(a) Conduct a continuing campaign to eradicate every form of prejudice or discrimination based upon race, color, religion, sex, or national origin from the agency's personnel policies and practices and working conditions;

(b) Reappraise job structure and employment practices and adopt positive and special recruitment, training, job design, and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the agency;

(c) Communicate the agency's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, sex, or national origin, and solicit their recruitment assistance on a continuing basis;

(d) Participate at the community level with other employers, with schools and universities, and with other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability;

(e) Review and control managerial supervisory performance in such a manner as to insure a positive application and vigorous enforcement of the policy of equal opportunity;

(f) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation;

(g) Provide for counseling employees and qualified applicants who believe they have been discriminated against because of race, color, religion, sex, or national origin and for resolving informally the matters raised by them; and

(h) Provide for careful consideration and a just and expeditious disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex, or national origin.

§ 713.204 Implementation of agency program.

To implement the program established under this subpart, an agency shall:

(a) Develop the plans, procedures, and regulations necessary to carry out its program established under this subpart;

(b) Appraise its personnel operations at regular intervals to assure their conformity with the policy in § 713.202 and its program established in accordance with § 713.203;

(c) Designate a Director of Equal Employment Opportunity, and such Equal Employment Opportunity Officers and Equal Employment Opportunity Counselors as may be necessary, to assist the head of the agency to carry out the functions described in this subpart in all organizational units and locations of the agency. The functioning of the Director of Equal Employment Opportunity, the Equal Employment Opportunity Officer, and the Equal Employment Opportunity Counselor shall be subject to review by the Commission. The Director of Equal Employment Opportunity shall be under the immediate supervision of the head of his agency, and shall be given the authority necessary to enable him to carry out his responsibilities under the regulations in this subpart;

(d) Assign to the Director of Equal Employment Opportunity the functions of:

(1) Advising the head of his agency with respect to the preparation of plans, procedures, regulations, reports, and other matters pertaining to the policy in § 713.202 and the agency program required to be established under § 713.203;

(2) Evaluating from time to time the sufficiency of the total agency program for equal employment opportunity and reporting thereon to the head of the agency with recommendations as to any improvement or correction needed, including remedial or disciplinary action with respect to managerial or supervisory employees who have failed in their responsibilities;

(3) When authorized by the head of the agency, making changes in programs and procedures designed to eliminate discriminatory practices and improve the agency's program for equal employment opportunity;

(4) Providing for counseling, by an Equal Employment Opportunity Counselor, of any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin and for attempting to resolve on an informal basis the matter raised by the employee or applicant before a complaint of discrimination may be filed under § 713.214.

(5) Providing for the receipt and investigation of individual complaints of discrimination in personnel matters within the agency, subject to §§ 713.211 through 713.222;

(6) Providing for the receipt, investigation, and disposition of general allegations by organizations or other third parties of discrimination in personnel matters within the agency which are unrelated to an individual complaint of discrimination subject to §§ 713.211 through 713.221, under procedures determined by the agency to be appropriate, with notification of decision to the party submitting the allegation.

(7) When authorized by the head of the agency, making the decision under § 713.221 for the head of the agency on complaints of discrimination and ordering such corrective measures as he may consider necessary; and

(8) When not authorized to make the decision for the head of the agency on complaints of discrimination, reviewing, at his discretion, the record on any complaint before the decision is made under § 713.221 and making such recommendations to the head of the agency or his designee as he considers desirable;

(e) Publicize to its employees:

(1) The name and address of the Director of Equal Employment Opportunity;

(2) Where appropriate, the name and address of an Equal Employment Opportunity Officer; and

(3) The name and address of the Equal Employment Opportunity Counselor and the organizational units he serves; his availability to counsel an employee or qualified applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin; and the requirement that an employee or qualified applicant for employment must consult the Counselor as provided by § 713.213 about his allegation of discrimination because of race, color, religion, sex, or national origin before a complaint as provided by § 713.214 may be filed; and

(f) Make readily available to its employees a copy of its regulations issued to carry out its program of equal employment opportunity.

§ 713.205 Commission review of agency program.

The Commission shall review periodically an agency's equal employment opportunity program and operations. When it finds that an agency's program or operations are not in conformity with the policy set forth in § 713.202 and the regulations in this subpart, the Commission shall require improvement or corrective action to bring the agency's program or operations into conformity with this policy and these regulations.

AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION

§ 713.211 General.

An agency shall insure that its regulations governing the processing of complaints of discrimination on grounds of race, color, religion, sex, or national origin comply with the principles and requirements in §§ 713.212 through 713.222.

§ 713.212 Coverage.

(a) The agency shall provide in its regulations for the acceptance of a complaint from any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin. A complaint may also be filed by an organization for the aggrieved person with his consent.

(b) Sections 713.211 through 713.222 do not apply to the consideration by an agency of a general allegation of discrimination by an organization or other third party which is unrelated to an individual complaint of discrimination subject to §§ 713.211 through 713.222.

§ 713.213 Precomplaint processing.

(a) An agency shall require that an aggrieved person who believes that he has been discriminated against because of race, color, religion, sex, or national origin consult with an Equal Employment Opportunity Counselor when he wishes to resolve the matter. The agency shall require the Equal Employment Opportunity Counselor to make whatever inquiry he believes necessary into the matter; to seek a solution of the matter on an informal basis; to counsel the aggrieved person concerning the merits of the matter; to keep a record of his counseling activities so as to brief, periodically, the Equal Employment Opportunity Officer on those activities; and, when advised that a complaint of discrimination has been accepted from an aggrieved person, to submit a written report to the Equal Employment Opportunity Officer, with a copy to the aggrieved person, summarizing his actions and advice both to the agency and the aggrieved person concerning the merits of the matter. The Equal Employment Opportunity Counselor shall, insofar as is practicable, conduct his final interview with the aggrieved person not later than 15 workdays after the date on which the matter was called to his attention by the aggrieved person. The Equal Employment Opportunity Counselor shall advise the aggrieved person in the final interview of his right to file a complaint of discrimination with the organization's Equal Employment Opportunity Officer if the matter has not been resolved to his satisfaction and of the time limits governing the acceptance of a complaint in § 713.214. The Equal Employment Opportunity Counselor shall not reveal the identity of an aggrieved person who has come to him for consultation, except when authorized to do so by the aggrieved person, until the agency has accepted a complaint of discrimination from him.

(b) The Equal Employment Opportunity Counselor shall be free from restraint, interference, coercion, discrimination, or reprisal in connection with the performance of his duties under this section.

§ 713.214 Filing and presentation of complaint.

(a) *Time limits.* (1) An agency shall require that a complaint be submitted in writting by the complainant or his representative. The agency may accept the complaint for processing in accordance with his subpart only if—

(i) The complainant brought to the attention of the Equal Employment Opportunity Counselor the matter causing him to believe he had been discriminated against within 15 calendar days of the date of that matter or, if a personnel action, within 15 calendar days of its effective date, and

(ii) The complainant submitted his written complaint to the Equal Employment Opportunity Officer within 15 calendar days of the date of his final interview with the Equal Employment Opportunity Counselor.

(2) The agency shall extend the time limits in this section (i) when the complainant shows that he was not notified of the time limits and was not otherwise aware of them, or that he was prevented by circumstances beyond his control from submitting the matter within the time limits, or (ii) for other reasons considered sufficient by the agency.

(b) *Presentation of complaint.* At any stage in the presentation of a complaint, including the counseling stage under § 713.213, the complainant shall be free from restraint, interference, coercion, discrimination, or reprisal and shall have the right to be accompanied, represented, and advised by a representative of his own choosing. If the complainant is an employee of the agency, he shall have a reasonable amount of official time to present his complaint if he is otherwise in an active duty status. If the complainant is an employee of the agency and he designates another employee of the agency as his representative, the representative shall be free from restraint, interference, coercion, discrimination, or reprisal, and shall have a reasonable amount of official time, if he is otherwise in an active duty status, to present the complaint.

§ 713.215 Rejection or cancellation of complaint.

When the head of the agency, or his designee, decides to reject a complaint because it was not timely filed or because it is not within the purview of § 713.212 or to cancel a complaint because of a failure of the complainant to prosecute the complaint or because of a separation of the complainant which is not related to his complaint, he shall transmit the decision by letter to the complainant and his representative which shall inform the complainant of his right of appeal to the Commission if he believes that action improper and the time limit applicable thereto.

§ 713.216 Investigation.

(a) The Equal Employment Opportunity Officer shall advise the Director of Equal Employment Opportunity of the acceptance of a complaint. The Director of Equal Employment Opportunity shall provide for the prompt investigation of the complaint. The person assigned to investigate the complaint shall occupy a position in the agency which is not, directly or indirectly, under the jurisdiction of the head of that part of the agency in which the complaint arose. The agency shall authorize the investigator to administer oaths and require that statements of witnesses shall be under oath or affirmation, without a pledge of confidence. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. Information as to the membership or nonmembership of a person in the complainant's group needed to resolve a complaint of discrimination shall, if available, be recorded in summary form in the investigative file. (As used in this subpart, the term "investigative file" shall mean the various documents and information acquired during the investigation under this section—including affidavits of the complainant, of the alleged discriminating official, and of the witnesses and copies of, or extracts from, records, policy statements, or regulations of the agency—organized to show their relevance to the complaint or the general environment out of which the complaint arose.) If necessary, the investigator may obtain information regarding the membership or nonmembership of a person in the complainant's group by asking each person concerned to provide the information voluntarily; he shall not require or coerce an employee to provide this information. The agency shall furnish the complainant or his representative a copy of the investigative file.

(b) The Director of Equal Employment Opportunity shall arrange to furnish to the person conducting the investigation a written authorization (1) to investigate all aspects of complaints of discrimination, (2) to require all employees of the agency to cooperate with him in the conduct of the investigation, and (3) to require employees of the agency having any knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence.

§ 713.217 Adjustment of complaint.

(a) The agency shall provide an opportunity for adjustment of the complaint on an informal basis after the complainant has reviewed the investigative file. If an adjustment of the complaint is arrived at, the terms of the adjustment shall be reduced to writing and made part of the complaint file, with a copy of the terms of the adjustment provided the complainant.

(b) If an adjustment of the complaint is not arrived at, the complainant shall be notified in writing of the proposed disposition thereof. In that notice, the agency shall advise the complainant of his right to a hearing with subsequent decision by the head of the agency or his designee and his right to such a decision without a hearing. The agency shall allow the complainant 7 calendar days from receipt of the notice to notify the agency whether or not he wishes to have a hearing.

(c) If the complainant fails to notify the agency of his wishes within the 7-day period prescribed in paragraph (b) of this section, the appropriate Equal Employment Opportunity Officer may adopt the disposition of the complaint proposed in the notice sent to the complainant under paragraph (b) of this section as the decision of the agency on the complaint when delegated the authority to make a decision for the head of the agency under those circumstances. When this is done, the Equal Employment Opportunity Officer shall transmit the decision by letter to the complainant and his representative which shall inform the complainant of his right of appeal to the Commission and the time limit applicable thereto. If the Equal Employment Opportunity Officer does not issue a decision under this paragraph, the complaint, together with the complaint file, shall be forwarded to the head of the agency, or his designee, for decision under § 713.220.

§ 713.218 Hearing.

(a) *Appeals examiner.* The hearing shall be held by an appeals examiner who must be an employee of another agency except when the agency in which the complaint arose is (1) the government of the District of Columbia or (2) an agency which, by reason of law, is prevented from divulging information concerning the matter complained of to a person who has not received the security clearance required by that agency, in which event the agency shall arrange with the Commission for the selection of an impartial employee of the agency to serve as appeals examiner. (For purposes of this paragraph, the Department of Defense is considered to be a single agency.) The agency in which the complaint arose shall request the Commission to supply the name of an appeals examiner who has been certified by the Commission as qualified to conduct a hearing under this section.

(b) *Arrangements for hearing.* The agency in which the complaint arose shall transmit the complaint file containing all the documents described in § 713.222 which have been acquired up to that point in the processing of the complaint, including the original copy of the investigative file (which shall be considered by the appeals examiner in making his recommended decision on the complaint), to the appeals examiner who shall review the complaint file to determine whether further investigation is needed before scheduling the hearing. When the appeals examiner determines that further investigation is needed, he shall remand the complaint to the Director of Equal Employment Opportunity for further investigation or arrange for the appearance of witnesses necessary to supply the needed information at the hearing. The requirements of § 713.216 apply to any further investigation by the agency on the complaint. The appeals examiner shall schedule the hearing for a convenient time and place.

(c) *Conduct of hearing.* (1) Attendance at the hearing is limited to persons determined by the appeals examiner to have a direct connection with the complaint.

(2) The appeals examiner shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the appeals examiner shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the complaint or employment policy or practices relevant to the complaint shall be received in evidence. The complainant, his representative, and the representatives of the agency at the hearing shall be given the opportunity to cross-examine witnesses who appear and testify. Testimony shall be under oath or affirmation.

(d) *Powers of appeals examiner.* In addition to the other powers vested in the appeals examiner by the agency in accordance with this subpart, the agency shall authorize the appeals examiner to:

(1) Administer oaths or affirmations;

(2) Regulate the course of the hearing;

(3) Rule on offers of proof;

(4) Limit the number of witnesses whose testimony would be unduly repetitious; and

(5) Exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

(e) *Witnesses at hearing.* The appeals examiner shall request the agency to make available as a witness at the hearing an employee requested by the complainant when he determines that the testimony of the employee is necessary. He shall also request the appearance of any other employee whose testimony he desires to supplement the information in the investigative file. The appeals examiner shall give the complainant his reasons for the denial of a request for the appearance of employees as witnesses and shall insert those reasons in the record of the hearing. The agency shall make its employees available as witnesses at a hearing on a complaint when requested to do so by the appeals examiner and it is administratively practicable to comply with the request. When it is not administratively practicable to comply with the request for a witness, the agency shall provide an explanation to the appeals examiner. If the explanation is inadequate, the appeals examiner shall so advise the agency and request it to make the employee available as a witness at the hearing. If the explanation is adequate, the appeals examiner shall insert it in the record of the hearing, provide a copy to the complainant, and make arrangements to secure testimony from the employee through a written interrogatory. Employees of the agency shall be in a duty status during the time they are made available as witnesses. Witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony at the hearing or during the investigation under § 713.216.

(f) *Record of hearing.* The hearing shall be recorded and transcribed verbatim. All documents submitted to, and accepted by, the appeals examiner at the hearing shall be made part of the record of the hearing. If the agency submits a document that is accepted, it shall furnish a copy of the document to the complainant. If the complainant submits a document that is accepted, he shall make the document available to the agency representative for reproduction.

(g) *Findings, analysis, and recommendations.* The appeals examiner shall transmit the complaint file (including the record of the hearing), together with his findings and analysis with regard to the matter which gave rise to the complaint and the general environment out of which the complaint arose and his recommended decision on the merits of the complaint, to the head of the agency or his designee and shall notify the complainant of the date on which this was done. In addition, the appeals examiner shall transmit, by separate letter to the Director of Equal Employment Opportunity, whatever findings and recommendations he considers appropriate with respect to conditions in the agency having no bearing on the matter which gave rise to the complaint or the general environment out of which the complaint arose.

§ 713.219 Relationship to other agency appellate procedures.

When a complainant makes a written allegation of discrimination on grounds of race, color, religion, sex, or national origin, in connection with an action that would otherwise be processed under the grievance or other internal appeal procedure of the agency, the agency may process the allegation of discrimination under its grievance or other internal appeal procedure when that procedure meets the principles and requirements in §§ 713.212 through 713.220 and the head of the agency, or his designee, makes the decision of the agency on the issue of discrimination. That decision on the issue of discrimination shall be incorporated in and become a part of the decision on the grievance or other internal appeal.

§ 713.220 Avoidance of delay.

(a) The complaint shall be resolved expeditiously. To this end, both the complainant and the agency shall proceed with the complaint without undue delay so that the complaint is resolved, except in unusual circumstances, within 60 calendar days after its receipt by the Equal Employment Opportunity Officer, exclusive of time spent in the processing of the complaint by the appeals examiner under § 713.218. When the complaint has not been resolved within this limit, the complainant may appeal to the Commission for a review of the reasons for the delay. Upon review of this appeal, the Commission may require the agency to take special measures to insure the expeditious processing of the complaint or may accept the appeal for consideration under § 713.234.

(b) The head of the agency or his designee may cancel a complaint if the complainant fails to prosecute the complaint without undue delay. However, instead of canceling for failure to prosecute, the complaint may be adjudicated if sufficient information for that purpose is available.

§ 713.221 Decision by head of agency or designee.

(a) The head of the agency, or his designee, shall make the decision of the agency on a complaint based on information in the complaint file. A person designated to make the decision for the head of the agency shall be one who is fair, impartial, and objective. The decision of the agency shall be in writing and shall be transmitted by letter to the complainant and his representative. That letter shall also transmit a copy of the findings, analysis, and recommended decision of the appeals examiner made under § 713.218(g) when there has been a hearing on the complaint, and a copy of the transcript of the oral testimony and other oral statements at the hearing. When there has been a hearing, the decision of the agency shall adopt, reject, or modify the decision as recommended by the appeals examiner. When the decision of the agency is to reject or modify the recommended decision of the appeals examiner, the letter transmitting the decision of the agency shall set forth the reasons for rejection or modification. When there has been no hearing and no decision under § 713.217(c), the letter transmitting the decision of the agency shall set forth the findings, analysis, and decision of the head of the agency or his designee. The decision of the agency shall require any remedial action authorized by law determined to be necessary or desirable to effect the resolution of the issues of discrimination and to promote the policy of equal opportunity.

(b) The agency shall advise the complainant of his right to appeal to the Commission the decision of the agency under this section on his complaint if he is not satisfied with it and of the time limit within which he must file the appeal.

§ 713.222 Complaint file.

The agency shall establish a complaint file containing all documents pertinent to the complaint. The complaint file shall include copies of (a) the written report of the Equal Employment Opportunity Counselor under § 713.213 to the Equal Employment Opportunity Officer on whatever precomplaint counseling efforts were made with regard to the complainant's case, (b) the complaint, (c) the investigative file, (d) if the complaint is withdrawn by the complainant, a written statement of the complainant or his representative to that effect, (e) if adjustment of the complaint is arrived at under § 713.217, the written record of the terms of the adjustment, (f) if no adjustment of the complaint is arrived at under § 713.217, a copy of the letter notifying the complainant of the proposed disposition of the complaint and of his right to a hearing, (g) if decision is made under § 713.217(c), a copy of the letter to the complainant transmitting that decision, (h) if a hearing was held, the record of the hearing, together with the appeals examiner's findings, analysis, and recommended decision on the merits of the complaint, (i) if the Director of Equal Employment Opportunity is not the designee, the recommendations, if any, made by him to the head of the agency or his designee, and (j) if decision is made under § 713.221, a copy of the letter transmitting the decision of the head of the agency or his designee. The complaint file shall not contain any document that has not been made available to the complainant.

Appeal to the Commission

§ 713.231 Entitlement.

(a) Except as provided by paragraph (b) of this section, a complainant may appeal to the Commission the decision of the head of the agency, or his designee:

(1) To reject his complaint because (i) it was not timely filed, or (ii) it was not within the purview of the agency's regulations; or

(2) To cancel his complaint (i) because of the complainant's failure to prosecute his complaint, or (ii) because of the complainant's separation which is not related to his complaint; or

(3) On the merits of the complaint, under § 713.217(c) or § 713.221, but the decision does not resolve the complaint to the complainant's satisfaction.

(b) A complainant may not appeal to the Commission under paragraph (a) of this section when the issue of discrimination giving rise to the complaint is being considered, or has been considered, in connection with any other appeal by the complainant to the Commission.

§ 713.232 Where to appeal.

The complainant shall file his appeal in writing, either personally or by mail, with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

§ 713.233 Time limit.

(a) Except as provided in paragraph (b) of this section, a complainant may file an appeal at any time after receipt of his agency's notice of final decision on his complaint but not later than 15 calendar days after receipt of that notice.

(b) The time limit in paragraph (a) of this section may be extended in the discretion of the Board of Appeals and Review, upon a showing by the complainant that he was not notified of the prescribed time limit and was not otherwise aware of it or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 713.234 Appellate procedures.

The Board of Appeals and Review shall review the complaint file and all relevant written representations made to the board. The board may remand a complaint to the agency for further investigation or a rehearing if it considers that action necessary or have additional investigation conducted by Commission personnel. This subpart applies to any further investigation or rehearing resulting from a remand from the board. There is no right to a hearing before the board. The board shall issue a written decision setting forth its reasons for the decision and shall send copies thereof to the complainant, his designated representative, and the agency. When corrective action is ordered, the agency shall report promptly to the board that the corrective action has been taken. The decision of the board is final, and there is no further right to appeal.

§ 713.235 Appellate review by the Commissioners.

The Commissioners may, in their discretion, when in their judgment such action appears warranted by the circumstances, reopen and reconsider any previous decision.

§ 713.236 Relationship to other appeals.

When the basis of the complaint of discrimination because of race, color, religion, sex or national origin involves an action which is otherwise appealable to the Commission, the case, including the issue of discrimination, will be processed under the regulations appropriate to that appeal when the complainant makes a timely appeal to the Commission in accordance with those regulations.

Reports to the Commission

§ 713.241 Reports to the Commission.

Each agency shall report to the Commission information concerning precomplaint counseling and the status and disposition of complaints under this subpart at such times and in such manner as the Commission prescribes.

Subpart C—Minority Group Statistics System

§ 713.301 Applicability.

(a) This subpart applies (1) to Executive agencies and military departments as defined by sections 105 and 102 of title 5, United States Code, and to the employees thereof including employees paid from nonappropriated funds, and (2) to those portions of the legislative and judicial branches of the Federal Government and of the government of the District of Columbia having positions in the competitive service and to the employees in these positions.

(b) This subpart does not apply to aliens employed outside the limits of the United States.

§ 713.302 Agency systems.

(a) Each agency shall establish a system which provides statistical employment information by race or national origin.

(b) Data shall be collected only by visual survey and only in the form of gross statistics. An agency shall not collect or maintain any record of the race or national origin of individual employees.

(c) Each system is subject to the following controls:

(1) Only those categories of race and national origin prescribed by the Commission may be used;

(2) Only the specific procedures for the collection and maintenance of data that are prescribed or approved by the Commission may be used;

(3) The Commission shall review the operation of the agency system to insure adherence to Commission procedures and requirements. An agency may make an exception to the prescribed procedures and requirements only with the advance written approval of the Commission.

(d) The agency may use the data only in studies and analyses which contribute affirmatively to achieving the objectives of the equal employment opportunity program. An agency shall not establish a quota for the employment of persons on the basis of race or national origin.

(e) An agency shall report to the Commission on employment by race and national origin in the form and at such times as the Commission may require.

Subpart D—Equal Opportunity Without Regard to Politics, Marital Status, or Physical Handicap

§ 713.401 Equal opportunity without regard to politics, marital status, or physical handicap.

(a) *In appointments and position changes.* In determining the merit and fitness of a person for competitive appointment or appointment by noncompetitive action to a position in the competitive service, an appointing officer shall not discriminate on the basis of the person's political affiliations, except when required by statute, or marital status, nor shall he discriminate on the basis of a physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

(b) *In adverse actions and termination of probationers.* An agency may not take an adverse action against an employee covered by Part 752 of this chapter, nor effect the termination of a probationer under Part 315 of this chapter, (1) for political reasons, except when required by statute, (2) that is based on discrimination because of marital status, or (3) for physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

PART 752—ADVERSE ACTIONS BY AGENCIES

4. Sections 752.104, 752.203, and 752.304 are amended as set out below.

§ 752.104 General standards.

* * * * *

(b) Except when required by statute, an agency may not take an adverse action against an employee covered by this part because of marital status or for political reasons.

(c) An agency may not take an adverse action against an employee covered by this part that is based on discrimination because of race, color, religion, sex, or national origin, or for physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

§ 752.203 Appeal rights to the Commission.

* * * * *

(b) *Time limit.* (1) Except as provided in subparagraphs (2), (3), and (4) of this paragraph, an employee may submit an appeal at any time after receipt of the notice of adverse decision but not later than 15 calendar days after the adverse action has been affected.

* * * * *

(3) (i) An appeal to the agency and an appeal to the Commission from the same original decision may not be processed concurrently.

(ii) An employee who appeals first to the Commission within the prescribed time limit forfeits his right of appeal to the agency.

(iii) When the employee appeals first to the agency within the prescribed time limit, he is entitled to appeal to the Commission only after but not more than 15 calendar days later than:

(*a*) Receipt of the final agency appellate decision, if the agency has only one appellate level; or

(*b*) Receipt of the first-level agency appellate decision, if the agency has more than one appellate level.

If no agency appellate decision has been made within 60 days from the date of filing the appeal to the agency and the agency is not concurrently processing a complaint of discrimination under Subpart B of Part 713 of this chapter in connection with the action appealed under this part, the employee may elect to terminate that appeal by appealing to the Commission.

§ 752.304 Appeal rights to the Commission.

* * * * *

(b) *Scope of review.* (1) On appeal, the Commission reviews the procedures used in a suspension under this subpart and only those matters referred to in subparagraphs (2), (3), and (4) of this paragraph.

(2) When an employee alleges that a suspension was taken as the result of discrimination on grounds of race, color, religion, sex, or national origin, the Commission refers the allegation of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

(3) When an employee alleges that the suspension was taken against him for political reasons not required by statute, or resulted from discrimination because of marital status, or from improper discrimination because of physical handicap, the Commission determines the validity of the allegation and takes appropriate action when indicated.

(4) When a suspension was imposed during the advance notice period of some adverse action covered by Subpart B of this part, the Commission reviews the reasons for not retaining the employee in an active duty status if the employee appeals from the final adverse action.

* * * * *

(5 U.S.C. 1302, 3301, 3302, 7701, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 10988; 3 CFR, 1959–1963 Comp., p. 521)

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

5. Sections 771.219 and 771.222 are amended as set out below.

§ 771.219 Order of processing appeals.

* * * * *

(c) When the employee appeals first to the agency within the prescribed time limit, he is entitled to appeal to the Commission only after, but not more than 15 calendar days later than:

(1) Receipt of the final agency appellate decision, if the agency has only one appellate level; or

(2) Receipt of the first-level agency appellate decision, if the agency has more than one appellate level.

If no agency appellate decision has been made within 60 days from the date of filing the appeal to the agency and the agency is not concurrently processing a complaint of discrimination under Subpart B of Part 713 of this chapter in connection with the action appealed under this part, the employee may elect to terminate that appeal by appealing to the Commission.

* * * * *

§ 771.222 Allegations of discrimination.

(a) When an employee alleges in writing that the original decision was based in whole or in part on discrimination because of race, color, religion, sex, or national origin, that allegation shall be referred to the Equal Employment Opportunity Counselor designated to serve the organizational unit in which the allegation arose for appropriate action under Subpart B of Part 713 of this chapter.

(b) If a complaint of discrimination is accepted under Subpart B of Part 713 of this chapter concerning the action appealed under this part, the agency may process the appeal under this part jointly with the complaint of discrimination under Subpart B of Part 713 of this chapter, if the requirements of § 713.219 of this chapter are met.

(c) Whether there is a separate or joint processing, a decision on the appeal under this part may be made only after issuance of the decision on the complaint of discrimination under Subpart B of Part 713 of this chapter, except when the decision on the appeal under this part is to cancel the appealed action.

(d) Whether there is a separate or joint processing, the decision on the complaint of discrimination under Subpart B of Part 713 of this chapter shall be incorporated in and become a part of the decision on the appeal under this part, except when the decision has previously been issued as provided in paragraph (c) of this section.

(e) When the Commission assumes jurisdiction over a complaint of discrimination filed with the agency under Subpart B of Part 713 of this chapter because of a delay by the agency in processing that complaint, the agency shall terminate an appeal under this part from the same action.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 10987; 3 CFR, 1959–1963 Comp., p. 519)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3265; Filed, Mar. 18, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

FOREIGN NURSERIES CERTIFIED AS PRODUCING SPECIFIED DISEASE-FREE MATERIAL

Pursuant to § 319.37–28 of the regulations supplemental to the Nursery Stock, Plants, and Seeds Quarantine (Notice of Quarantine No. 37, 7 CFR 319.37–28), issued under the authority of sections 7 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 160, 162), administrative instructions designated as § 319.37–28a (7 CFR 319.37–28a) are hereby revised to read as follows:

§ 319.37–28a Administrative instructions designating foreign nurseries eligible to ship disease-free Malus, Prunus, and Pyrus material to the United States.

The following nurseries have been designated by the Director of the Plant Quarantine Division as eligible to ship disease-free *Malus*, *Prunus* and *Pyrus* material to the United States.

BRITISH NURSERIES

Blackmoor Estate, Ltd.; Blackmoor, Liss, Hampshire, England.

Brinkman Bros., Ltd., Walton Nurseries; Bosham, Chichester, Sussex, England.

Coates Co., Ltd., The Firs; Emneth, Wisbech, Cambs., England.

Darby Bros., Broad Fen Farm; Methwold Hythe, Thetford, England.

East Malling Research Station; Maidstone, Kent, England.

Hammond, D. H.; Ware Street, Bearsted, Maidstone, Kent, England.

Hilling, T. & Co., Ltd., The Nurseries; Chobham, Woking, Surrey, England.

Lauritzen, H., Epping Green Orchard; Epping, Essex, England.

Long Ashton Research Station; University of Bristol, Long Ashton, Bristol, England.

Matthews, F. P., Ltd.; Berrington Court, Tenbury Well, Worcestershire, England.

Matthews Fruit Trees Ltd.; Thurston, Bury St. Edmunds, Suffolk, England.

Roger, R. V., Ltd., The Nurseries; Pickering, Yorkshire, England.

CANADIAN NURSERIES

Blue Mountain Nurseries & Orchards Ltd.; Clarksburg, Ontario, Canada.

Brookdale-Kingsway Ltd.; 145 Duke Street, Bowmanville, Ontario, Canada.

Byland's Nursery; Rural Route No. 1, Westbank, British Columbia, Canada.

Day Nursery; Rural Route No. 4; Kelowna, British Columbia, Canada.

Downham, H. C. Nursery Co., Ltd.; Strathroy, Ontario, Canada.

Hertel Gagnon; Compton, Quebec, Canada.

Kelowna Nurseries; Post Office Box 178, Kelowna, British Columbia, Canada.

V. Kraus Nurseries, Ltd.; Carlisle, Ontario, Canada.

Mori Nurseries, Ltd.; Rural Route No. 2, Niagara-on-the-Lake, Ontario, Canada.

Okanagan Nurseries; Rural Route No. 4, Kelowna, British Columbia, Canada.

Oliver Nursery; Oliver, British Columbia, Canada.

Ottawa Research Station, Canada Dept. of Agriculture; Ottawa, Ontario, Canada.

Research Branch, Canada Dept. of Agriculture; Saanichton, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Smithfield, Ontario, Canada.

Research Branch, Canada Dept. of Agriculture; Summerland, British Columbia, Canada.

Research Branch, Canada Dept. of Agriculture; Vineland Station, Ontario, Canada.

Scott-Whaley Nurseries, Ltd.; Ruthven, Ontario, Canada.

Stewart Brothers Nurseries, Ltd.; 1546 Bernard Avenue, Kelowna, British Columbia, Canada.

Traas Nursery, Ltd.; 24120 48th Avenue, Rural Route No. 7, Langley, British Columbia, Canada.

(Secs. 7, 9, 37 Stat. 317, 318; 7 U.S.C. 160, 162; 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 319.37–28)

The administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

These instructions add the following additional nurseries to the list of nurseries designated as eligible to ship disease-free *Malus*, *Prunus*, and *Pyrus* material to the United States: Long Ashton Research Station, in England; and Brookdale-Kingsway Ltd., Day Nursery, and H. C. Downham Nursery Co., Ltd., in Canada. Section 319.37–28 of the regulations provides for such designation of nurseries certified by the plant protection service of the country of origin as producing such material from parent plants that have been tested and found to be free of significant diseases, when such certification is satisfactory to the Director of the Plant Quarantine Division. Such admissible material may enter under permit, subject to requirement of growing under postentry quarantine. The above list includes all foreign nurseries that have been certified to date by their respective plant protection services as fulfilling the prescribed conditions.

Determination of the satisfactory compliance of the listed nurseries with the conditions imposed by § 319.37–28 depends entirely upon facts within the knowledge of the Department of Agriculture. These instructions relieve a restriction and in order to be of maximum benefit to persons desiring to import this material, they should be made effective promptly. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on the instructions are impracticable and unnecessary and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 13th day of March 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-3256; Filed, Mar. 18, 1969; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangelo Reg. 36, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangelos grown in Florida.

Order. The provisions of paragraph (a)(2)(i) in § 905.508 (Tangelo Regulation 36; 33 F.R. 15243; 18430; 34 F.R. 245) are hereby amended to read as follows:

§ 905.508 Tangelo Regulation 36.

(a) * * *

(2) * * *

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 2: *Provided*, That such tangelos shall be free from damage caused by dryness or mushy condition; or

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 14, 1969, to become effective March 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3291; Filed, Mar. 18, 1969; 8:48 a.m.]

[Tangerine Reg. 36, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. The provisions of paragraph (a)(2)(i) and (ii) of § 905.511 (Tangerine Reg. 36; 33 F.R. 18226; 34 F.R. 246, 428, 925) are hereby amended to read as follows:

§ 905.511 Tangerine Regulation 36.

(a) * * *

(2) * * *

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2: *Provided*, That such tangerines shall be free from damage by dryness or mushy condition; or

(ii) Any tangerines, grown in the production area, which are smaller than $2^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the application of tolerances specified in the U.S. Standards for Tangerines.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 14, 1969, to become effective March 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3292; Filed, Mar. 18, 1969; 8:48 a.m.]

[Orange Reg. 62, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple oranges grown in Florida.

Order. In § 905.512 (Orange Reg. 62; 33 F.R. 18227, 34 F.R. 246, 925), the provisions of paragraph (a)(2)(iv) and (v) are amended to read as follows:

§ 905.512 Orange Regulation 62.

(a) * * *

(2) * * *

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2: *Provided*, That such Temple oranges are free from damage by dryness or mushy condition;

(v) Any Temple oranges, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerances shall be applied in accordance with the application of tolerances specified in the United States Standards for Florida oranges and tangelos;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 14, 1969, to become effective March 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3290; Filed, Mar. 18, 1969; 8:48 a.m.]

[Amdt. 2]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Regulations

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of Texas citrus fruits, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and such amendment relieves restrictions on the handling of oranges and grapefruit.

Order. The provisions of § 906.340(a)(1)(v) (§ 906.340 Container and Pack Regulations; 33 F.R. 11542, 14170) are amended to read as follows:

§ 906.340 Container and pack regulations.

(a) * * *

(1) * * *

(v) Closed fiberboard carton with inside dimensions of 19¾ x 13 inches and of a depth from 12 to 13½ inches: *Provided*, That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of six 8-pound bags of fruit;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 14, 1969, to become effective March 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3293; Filed, Mar. 18, 1969; 8:48 a.m.]

[Valencia Orange Reg. 266]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.566 Valencia Orange Regulation 266.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 11, 1969.

(b) *Order.* (1) During the period March 21, 1969, through January 31, 1970, no handler shall handle any Valencia oranges grown in District 1 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 1" shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3294; Filed, Mar. 18, 1969; 8:49 a.m.]

[Lemon Reg. 364, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 11, 1969.

(b) *Order.* (1) During the period March 21, 1969, through January 31, 1970, no handler shall handle any Valencia oranges grown in District 1 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 1" shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3294; Filed, Mar. 18, 1969; 8:49 a.m.]

[Lemon Reg. 364, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 910.664 (Lemon Reg. 364, 34 F.R. 5006) are hereby amended to read as follows:

§ 910.664 Lemon Regulation 364.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 11,160 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 13, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3259; Filed, Mar. 18, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,666]

PART 545—OPERATIONS

Loans by Federal Savings and Loan Associations

MARCH 13, 1969.

Whereas, by Resolution No. 22,535, dated January 23, 1969, and duly published in the FEDERAL REGISTER on January 30, 1969 (34 F.R. 1450), this Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545), the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available has been considered by the Board;

Now, therefore, be it resolved, that this Board hereby determines to adopt the amendment, as proposed, without change, effective March 19, 1969.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use.* * * *

(4) *Loans not subject to the limitations of § 545.6–7.* Loans made under subparagraphs (1), (2), and (3) of this paragraph, by a Federal association whose aggregate general reserves, surplus, and

undivided profits equal or exceed 5 percent of its withdrawable accounts, shall not be subject to the limitations of § 545.6–7 if the following requirements are met:

(i) The security property is located within the association's regular lending area;

(ii) The amount of the loan (unless an insured or guaranteed loan) does not exceed the lesser of (*a*) the maximum percentage of the value of the security authorized by subparagraphs (1), (2), and (3) of this paragraph and (*b*) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, plus an amount that is not in excess of 75 percent of the value of such part of the security as is used for business purposes; and

(iii) The amount of such loan, plus the unpaid balances of outstanding loans meeting the requirements of this subparagraph, plus the amount of outstanding investments made pursuant to paragraph (a) of § 545.6–4 in participation interests in such loans, does not aggregate a total in excess of 15 percent of the association's assets.

[F.R. Doc. 69–3298; Filed, Mar. 18, 1969; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,665]

PART 563—OPERATIONS

Payment of Trustee Fees on Pension Trust Accounts

MARCH 13, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563), relating to operations of insured institutions, to permit insured institutions to pay nominal annual fees to trustees of trusts qualified under the Self-Employed Individuals Tax Retirement Act of 1962, as amended, and for the purpose of effecting such amendment, hereby amends said Part 563 by adding, immediately after § 563.31, the following new section, § 563.32, effective March 19, 1969:

§ 563.32 Payment of trustee fees on pension trust accounts.

Notwithstanding any other provision of this subchapter, annual payment by an insured institution of a nominal fee, even if computed with reference to the number of persons having interests in the trust, may be made to the trustee of a trust qualified under the Self-Employed Individuals Tax Retirement Act of 1962, as amended, during the period that the account for such trust is maintained in such institution.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b); and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–3299; Filed, Mar. 18, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

CANTHAXANTHIN; CONFIRMATION OF EFFECTIVE DATE

In the matter of listing and exempting from certification canthaxanthin for use in or on foods and drugs:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (2), (d), 74 Stat. 399–403, as amended; 21 U.S.C. 376 (b), (c) (2), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 250). Accordingly, the regulations (21 CFR 8.326, 8.6015) promulgated by that order became effective March 9, 1969.

Dated: March 12, 1969.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[F.R. Doc. 69–3261; Filed, Mar. 18, 1969; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

XANTHAN GUM

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1784) filed by Kelco Co., 8225 Aero Drive, San Diego, Calif. 92123, and other relevant material, concludes that the food additive regulations should be amended to provide for the use of xanthan gum as a stabilizer, emulsifier, thickener, suspending agent, bodying agent, or foam enhancer in food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1224 Xanthan gum.

The food additive xanthan gum may be safely used in food in accordance with the following prescribed conditions:

(a) The additive is a polysaccharide gum derived from *Xanthomonas campestris* by a pure-culture fermentation process and purified by recovery with isopropyl alcohol. It contains D-glucose, D-mannose, and D-glucuronic acid as the dominant hexose units and is manufactured as the sodium, potassium, or calcium salt.

(b) The strain of *Xanthomonas campestris* is nonpathogenic and nontoxic in man or other animals.

(c) The additive is produced by a process that renders it free of viable cells of *Xanthomonas campestris.*

(d) The additive meets the following specifications:

(1) Residual isopropyl alcohol not to exceed 750 parts per million.

(2) An aqueous solution containing 1 percent of the additive and 1 percent of potassium chloride stirred for 2 hours has a minimum viscosity of 600 centipoises at 75° F., as determined by Brookfield Viscometer, Model LVF (or equivalent), using a No. 3 spindle at 60 r.p.m., and the ratio of viscosities at 75° F. and 150° F. is in the range of 1.02 to 1.45.

(3) Positive for xanthan gum when subjected to the following procedure:

LOCUST BEAN GUM GEL TEST

Blend on a weighing paper or in a weighing pan 1.0 gram of powdered locust bean gum with 1.0 gram of the powdered polysaccharide to be tested. Add the blend slowly (approximately ½ minute) at the point of maximum agitation to a stirred solution of 200 milliliters of distilled water previously heated to 80° C. in a 400-milliliter beaker. Continue mechanical stirring until the mixture is in solution, but stir for a minimum time of 30 minutes. Do not allow the water temperature to drop below 60° C.

Set the beaker and its contents aside to cool in the absence of agitation. Allow a minimum time of 2 hours for cooling. Examine the cooled beaker contents for a firm rubbery gel formation after the temperature drops below 40° C.

In the event that a gel is obtained, make up a 1 percent solution of the polysaccharide to be tested in 200 milliliters of distilled water previously heated to 80° C. (omit the locust bean gum). Allow the solution to cool without agitation as before. Formation of a gel on cooling indicates that the sample is a gelling polysaccharide and not xanthan gum.

Record the sample as "positive" for xanthan gum if a firm, rubbery gel forms in the presence of locust bean gum but not in its absence. Record the sample as "negative" for xanthan gum if no gel forms or if a soft or brittle gel forms both with locust bean gum and in a 1 percent solution of the sample (containing no locust bean gum).

(4) Positive for xanthan gum when subjected to the following procedure:

PYRUVIC ACID TEST

Pipet 10 milliliters of an 0.6 percent solution of the polysaccharide in distilled water (60 milligrams of water-soluble gum) into a 50-milliliter flask equipped with a standard taper glass joint. Pipet in 20 milliliters of 1*N* hydrochloric acid. Weigh the flask. Reflux the mixture for 3 hours. Take precautions to avoid loss of vapor during the refluxing. Cool the solution to room temperature. Add distilled water to make up any weight loss from the flask contents.

Pipet 1 milliliter of a 2,4-dinitrophenylhydrazine reagent (0.5 percent in 2*N* hydrochloric acid) into a 30-milliliter separatory funnel followed by a 2-milliliter aliquot (4 milligrams of water-soluble gum) of the polysaccharide hydrolyzate. Mix and allow the reaction mixture to stand at room temperature for 5 minutes. Extract the mixture with 5 milliliters of ethyl acetate. Discard the aqueous layer.

Extract the hydrasone from the ethyl acetate with three 5 milliliter portions of 10 percent sodium carbonate solution. Dilute the combined sodium carbonate extracts to 100 milliliters with additional 10 percent sodium carbonate in a 100-milliliter volumetric flask. Measure the optical density of the sodium carbonate solution at 375 millimicrons.

Compare the results with a curve of the optical density versus concentration of an authentic sample of pyruvic acid that has been run through the procedure starting with the preparation of the hydrasone.

Record the percent by weight of pyruvic acid in the test polysaccharide. Note "positive" for xanthan gum if the sample contains more than 1.5 percent of pyruvic acid and "negative" for xanthan gum if the sample contains less than 1.5 percent of pyruvic acid by weight.

(e) The additive is used or intended for use in accordance with good manufacturing practice as a stabilizer, emulsifier, thickener, suspending agent, bodying agent, or foam enhancer in foods for which standards of identity established under section 401 of the act do not preclude such use.

(f) To assure safe use of the additive:

(1) The label of its container shall bear, in addition to other information required by the act, the name of the additive and the designation "food grade."

(2) The label or labeling of the food additive container shall bear adequate directions for use.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1969.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[F.R. Doc. 69–3262; Filed, Mar. 18, 1969; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Pipestone National Monument, Minn.; Quarrying and Sale of Pipestone

A proposal was published at page 18239 of the FEDERAL REGISTER of December 7, 1968, to revise § 7.42 of Title 36 of the Code of Federal Regulations. The effect of the revision is to eliminate a speed limit regulation which is no longer needed and to clarify the intent of the special regulations governing pipestone quarrying and sales of American Indian handicraft.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions, or objections have been received and the proposed revision is hereby adopted without change and is set forth below. This revision will take effect 30 days following the date of publication in the FEDERAL REGISTER.

Section 7.42 of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.42 Pipestone National Monument.

(a) An American Indian desiring to quarry and work "Catlinite" pipestone shall first secure a permit from the Superintendent. The Superintendent shall issue a permit to any American Indian applicant provided that (1) in the judgment of the Superintendent, the number of permittees then quarrying or working the pipestone is not so large as to be inconsistent with preservation of the deposit and (2) a suitable area is available for conduct of the operation. The permit shall be issued without charge and shall be valid only during the calendar year in which it is issued.

(b) An American Indian desiring to sell handicraft products produced by him, members of his family, or by other Indians under his supervision or under contract to him, including pipestone articles, shall apply to the Superintendent. The Superintendent shall grant the permit provided that (1) in his judgment the number of permittees selling handicraft products is not so large as to be inconsistent with the enjoyment of visitors to the Pipestone National Monument and (2) a suitable area is available for conduct of the operation. The permit shall be issued without charge and shall be valid only during the calendar year in which it is issued.

CECIL D. LEWIS, JR., *Superintendent, Pipestone National Monument.*

[F.R. Doc. 69–3251; Filed, Mar. 18, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–3—PROCUREMENT BY NEGOTIATION

Subpart 9–3.1—Use of Negotiation

DISSEMINATION OF PROCUREMENT INFORMATION

Section 9–3.103, *Dissemination of procurement information*, is revised to read as follows:

§ 9–3.103 Dissemination of procurement information.

See 10 CFR Part 9, Public Records, for regulations relating to the availability of AEC records to the public.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 12th day of March 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH, *Director, Division of Contracts.*

[F.R. Doc. 69–3240; Filed, Mar. 18, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17880; FCC 69-227]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Use of Certain Frequency by Air Carrier Aircraft Radio Stations

Report and order. In the matter of amendment of Parts 2 and 87 to allow use of the frequency 122.8 Mc/s by air carrier aircraft radio stations, Docket No. 17880.

1. The Commission on November 22, 1967, adopted a notice of proposed rule making in the above-entitled matter (FCC 67-1279) which made provision for the filing of comments. The notice was published in the FEDERAL REGISTER on December 1, 1967 (32 F.R. 16495). The time for filing comments and reply comments has passed.

2. The proposed amendment to the rules would allow the use of the private aircraft frequency 122.8 Mc/s by air carrier aircraft for communications with aeronautical advisory stations when common communications service from FAA or other ground stations is not available, and with aircraft. The purpose of the proposal was to preclude a situation from arising where the safety of an aircraft flying into an uncontrolled airport could be jeopardized because an aircraft was precluded by rule from radio communications with the advisory station at the landing area or other aircraft in the vicinity.

3. Comments were filed by Aircraft Owners and Pilots Association (AOPA), jointly by Air Transport Association (ATA) and Aeronautical Radio, Inc. (ARINC), the State of Massachusetts and the State of Minnesota. The Department of Transportation, Federal Aviation Administration (FAA), submitted a letter directed to this docket. In general, the industry and association representatives opposed the rulemaking and the representatives of government supported the proposal.

4. AOPA urges that the notice be withdrawn and no action be taken to allow use of 122.8 Mc/s by air carrier aircraft. This position is based on the following:

a. Part 121.99 of the Federal Aviation Regulations requires air carrier aircraft to show that a two-way air/ground radio communications system is available for the air carrier aircraft with such communications usually provided through Aeronautical Radio, Inc.

b. The FAA, through Flight Service Stations (FSS), provides advisory service to aircraft at many airports throughout the country on frequencies common to all aircraft. In addition, the FSS does not necessarily have to be located on the landing area to be used to give pertinent information.

c. The frequency 122.8 Mc/s is overloaded now. To add the air carrier fleet to 122.8 now would "jam it to the point of uselessness."

d. Aeronautical advisory stations are not required to be manned on a regular basis. Therefore, there is no assurance that any service would be available to the air carrier when it was wanted.

e. The incidence of large air carrier aircraft regularly using airports which have neither a tower nor an FSS is relatively small. The safety factor, therefore, would be minuscule since FAR Part 91 provides rules especially designed to provide for the safety of flight in all airspace including the traffic patterns around airports. Due observance of these rules does not require the use of air/ground radio "especially the dubious service that might be provided on 122.8 Mc/s." AOPA concludes by requesting a formal public hearing prior to any regulatory action if the Commission intends to implement the proposal.

5. The joint comment of ATA and ARINC oppose the proposal of the Commission to amend its rules and make the frequency 122.8 Mc/s available to air carrier aircraft. They state that they "were not able to find any airline support for it". The commentators feel that since the frequency, in the view of those licensed to use it, is already heavily congested that the change has not been justified by the Commission. ATA and ARINC support that in those "rare situations such as outlined by the Commission in its docket where the use of 122.8 Mc/s by air carrier aircraft would appear to have merit and be justified, the Commission can continue to grant waivers * * *."

6. The Commonwealth of Massachusetts, Aeronautics Commission, favors the proposed rule change. The State feels that such communications are necessary for the "so-called third level air carriers, such as Buker and Chartair". The Director of Aeronautics stated that "despite the fact that it was a violation of FCC regulations, I have heard certificated carriers announce their position and intentions on 122.8 for the benefit of general aviation airplanes in the area and using the airport. In my opinion, this was sensible and very much in the interest of safety, and I am happy to see that the Commission is proposing to legalize this practice." The State of Minnesota, Department of Aeronautics, also agrees with the proposal.

7. The Department of Transportation, Federal Aviation Administration, submitted a letter in support of the proposal. Pertinent portions of the letter are as follows:

> We have reviewed the points set forth in the proposed rule making as well as the comments filed by representatives of general aviation and air carriers.
>
> We are in agreement that expansion of air carrier service into smaller airports which do not yet have the benefit of an air traffic control tower or flight service station makes desirable some method for communications between aircraft in the airport traffic pattern or immediate vicinity.
>
> The major thrust of the registered opposition is concern for increased frequency congestion. This particular source of concern could be negated to a large degree by carefully amending Parts 2 and 87 to limit use of 122.8 MHz by air carrier aircraft to the immediate vicinity of an airport below a selected and specified altitude. Additionally, this agency could assist by thoroughly publicizing a "good operating practice" which could have the effect of further limiting transmissions on 122.8 MHz by air carriers except at those locations where it would be beneficial to safety.

8. The comments submitted by AOPA present matters which do not appear consistent with each other and indicate a possible misunderstanding of what the Commission proposed. A treatment of each comment, therefore, appears necessary. These will be considered in the same order as they are set forth in paragraph number 4 above. The comment contained in subparagraph (a) of paragraph 4 is directed to the communications that are available to air carrier aircraft i.e., ARINC. The Commission recognizes that these facilities are available to air carrier aircraft; however, the type of communications provided by ARINC does not fill the void that is created when there is no common air/ground communications at a landing area providing local traffic advisory information. ARINC's communications provide necessary information for running an airline from flight progress to reservations and sales. They do not, however, provide aircraft flying into an uncontrolled landing area with information as to local conditions and traffic. They may provide such information, on occasion, to the air carrier they are serving but this information would, for the most part, be independent of and not coordinated with the advisory operation. In addition, private aircraft would not have the benefit of hearing the transmission. This creates a situation which the Commission and industry (see report prepared by RTCA SC 118 dated Nov. 23, 1965) has sought to avoid; i.e., separate ground stations giving advisory information for the same landing area and the resultant possibility of conflicting information. Subparagraph (b) is addressed to service rendered by FAA FSS. It is recognized that when a Flight Service Station is providing a landing area with advisory service there is no need for an air carrier to communicate on 122.8 Mc/s and the rule as proposed would not permit such communications. The comments contained in subparagraphs (a) and (b) discuss what communications are available. This rule making is only concerned with the situation when no communications are available other than 122.8 Mc/s for local traffic runway conditions and other advisory type information. Subparagraph (c) speaks of congestion on 122.8 Mc/s and alleges that the addition of air carriers would render the frequency useless. In subparagraph (e) commentators speak of the "incidence of large air carrier aircraft regularly using airports which have neither a tower nor an FSS is relatively small." It is difficult to reconcile the positions taken in these paragraphs. If the number of aircraft that will use 122.8 Mc/s is relatively small it is difficult to envision the impact on 122.8 Mc/s asserted in subparagraph (c).

9. The Commission feels that the true situation is that there are very few air carrier aircraft that will have a need to use 122.8 Mc/s and, therefore, the additional traffic generated by these aircraft on 122.8 Mc/s will not be significant from a congestion standpoint.

10. AOPA in subparagraphs (d) and (e) takes the position that the Aeronautical Advisory Service is ineffective i.e., no assurance the stations will be manned; the stations are often operated by personnel who have no aeronautical training; in many cases stations are located in such a manner as to make it impossible to observe traffic; and, there is a lack of authentic information. These comments must of course be viewed as applying to advisory stations whether air carrier aircraft are involved or not. They come as a surprise, for the matter of Aeronautical Advisory Service was explored in depth by the Radio Technical Commission for Aeronautics (RTCA) SC-113 report dated November 23, 1965. AOPA was a participating member and no such criticism was directed against the service. It is recognized that these deficiencies may exist in some cases, most probably at isolated dirt-strip landing areas. It must be a rare occasion, however, where such circumstances exist at large uncontrolled landing areas being served by air carrier aircraft in excess of 10,000 pounds such as at Tompkins County Airport, Ithaca, N.Y., one of the landing areas where the situation described in the Notice exists and which should benefit by the adoption of the proposal in this docket. In addition, lack of ground service would have no adverse affect on the availability of the frequency for air-to-air contacts. In any event, we are not convinced that air carriers and general aviation would be better off with no air/ground communications rather than have Aeronautical Advisory Service.

11. With respect to the joint comment of ATA and ARINC concerning no need by air carriers, the Commission finds that a need does exist among air carriers for this type of service, as evidenced by the request of Buker Airways, Inc., and Chartair, and the information received concerning operation of Mohawk Airlines at Tompkins County Airport. The matter of congestion raised in this comment is treated under the discussion of AOPA's comment. ATA and ARINC apparently recognize some need for 122.8 Mc/s by air carriers for they recommend that in those "rare situations * * * where the use of 122.8 MHz by air carrier aircraft would appear to have merit and be justified, the Commission can continue to grant waivers * * *." The Commission could, of course, grant waivers but this is not an efficient method of administering a service. The waiver route requires additional work by the applicant and by the Commission. Also, when a matter is reduced to rule form it is available for all the public to see and make use of it if appropriate. Waivers on the other hand do not usually appear in any permanent form that would be readily accessible to the average prospective applicant. We must conclude, therefore, the case by case handling of this matter via the waiver route is not in the best interest of the public or the Commission.

12. The assistance offered by FAA in this matter is appreciated. The Commission feels that a program for educating the users can be developed between the two agencies which should lessen the congestion and misuse of the frequency 122.8 Mc/s. If it develops that an altitude restriction is necessary it will be the subject of rulemaking.

13. AOPA's request for formal hearing does not set forth any matters which would justify a hearing. The objections advanced by AOPA have been carefully examined and treated in detail in the report and order and to postpone final action in this matter would only unduly delay an important safety matter. In addition, AOPA made no showing of what it could contribute by way of an evidentiary hearing which it could not put before the Commission within the normal rule making process. The request, therefore, is denied.

14. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 (b), (c), and (r) of the Communications Act of 1934, as amended, that effective April 21, 1969, Parts 2 and 87 of the Commission's rules are amended as set forth below. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1086, 1082; 47 U.S.C. 164, 303)

Adopted: March 12, 1969.

Released: March 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 2.1 the definition of aeronautical advisory station is amended to read as follows:

§ 2.1 Definitions.

* * * * *

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications primarily with private aircraft stations.

* * * * *

§ 2.106 [Amended]

2. Footnote US 31 to the Table of Frequency Allocations, § 2.106, is amended to read as follows:

Except as provided below, the band 121.975–123.075 Mc/s is for use by private aircraft stations.

The frequencies 122.80, 122.85, 122.95, 123.00, and 123.05 Mc/s may be assigned to aeronautical advisory stations.

The frequency 122.90 Mc/s may be assigned to aeronautical multicom stations.

Air carrier aircraft stations may use 122.00 Mc/s for communications with aeronautical stations of the Federal Aviation Administration and 122.8 Mc/s for communication with other aircraft and with aeronautical advisory stations.

Frequencies in the band 121.975–122.625 Mc/s may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only except that 122.0 Mc/s may also be used for communication with air carrier aircraft stations concerning weather information.

3. In § 87.5 the definition of aeronautical advisory station is amended to read as follows:

§ 87.5 Definition of terms.

* * * * *

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications primarily with private aircraft stations.

* * * * *

4. A new paragraph (f) is added to § 87.195 to read as follows:

§ 87.195 Frequencies available.

* * * * *

(f) The frequency 122.80 Mc/s is available to air carrier aircraft for communications pertaining to safety of flight in the vicinity of landing areas not served by airdrome control or FAA flight service stations. Such communications are permitted (1) with aeronautical advisory stations in accordance with Subpart C of this part and (2) between aircraft while in flight provided that harmful interference is not caused to air/ground communications.

5. Paragraph (c) of § 87.201 is amended to read as follows:

§ 87.201 Frequencies available.

* * * * *

(c) These frequencies are available to private aircraft stations for communications (1) with aeronautical advisory stations in accordance with Subpart C of this part and (2) between aircraft while in flight provided that harmful interference is not caused to air-ground communications and such communications pertain to the safety of the flight:

122.80, 122.85, 122.95, and 123.05 Mc/s.

In addition, brief keyed RF signals may be transmitted on these frequencies for the control of airport lights from aircraft on the condition that no harmful interference is caused to authorized voice communications.

* * * * *

6. A new subparagraph (3) is added to paragraph (d) of § 87.257 to read as follows:

§ 87.257 Scope of service.

* * * * *

(d) * * *

(3) Communications between an aeronautical advisory station and air carrier aircraft shall be limited to the necessities of safety of life and property in the air.

* * * * *

[F.R. Doc. 69-3278; Filed, Mar. 18, 1969; 8:48 a.m.]

[1] Chairman Hyde absent; Commissioner Johnson concurring in the result.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected Rev. S.O. 1020]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 11th day of March 1969.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and boxcars with inside length of 40 feet or longer with side-door openings of 8 feet or wider exists throughout the United States; that shippers located on lines of carriers owning a substantial number of these type cars are being deprived of such cars required for loading, resulting in a very severe emergency thus creating a great economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1020 Service Order No. 1020.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw from distribution and return to owners empty, except as otherwise provided in subparagraph (3) or (4) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 370, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length of 50 feet or longer, with inside length 40 feet or longer and with side-door openings 8 feet wide or wider, or equipped with plug doors regardless of length.

(2) This order shall not apply to boxcars owned by the following railroads:

Bangor and Aroostook Railroad Co.
Great Northern Railway Co.
Illinois Central Railroad Co.
Maine Central Railroad Co.
Northern Pacific Railway Co.
Southern Pacific Co.
Union Pacific Railroad Co.

(3) Boxcars described in subparagraph (1) of this paragraph available empty at a station other than a junction with the owner may be loaded to station on or via the owner, or to any station which is closer to the owner than the point where loaded.

(4) Boxcars described in subparagraph (1) of this paragraph available empty at a junction with the owner must be delivered to the owner at that junction, either loaded or empty.

(5) Boxcars described in subparagraph (1) of this paragraph must not be back-hauled empty, except from cleaning or repair facilities, or normal car distribution points, for the purpose of obtaining a load as authorized in subparagraph (3) or (4) of this paragraph, nor held empty more than 24 hours awaiting placement for loading.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 15, 1969.

(d) *Expiration date.* This order shall expire at 11:59 p.m., April 12, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3269; Filed, Mar. 18, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Anahuac National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

ANAHUAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Anahuac National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 30 acres of inland water and 7 miles of shoreline, are delineated on maps available at refuge headquarters, Anahuac, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The open season for inland water sport fishing on the refuge extends from April 1, 1969, through October 1969, inclusive.

(2) Boats and floating devices may not be used for fishing on inland waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RUSSELL W. CLAPPER, *Refuge Manager, Anahuac National Wildlife Refuge, Anahuac, Tex.*

MARCH 10, 1969.

[F.R. Doc. 69–3248; Filed, Mar. 18, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Brazoria National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres of inland salt lakes and 6 miles of shoreline, are delineated on maps available at refuge headquarters, Angleton, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted on interior waters except Nicks and Salt Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RUSSEL W. CLAPPER, *Refuge Manager, Brazoria National Wildlife Refuge, Angleton, Tex.*

MARCH 10, 1969.

[F.R. Doc. 69–3249; Filed, Mar. 18, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Columbia National Wildlife Refuge, Wash.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

General conditions. Sport fishing shall be in accordance with applicable State regulations. Portions of the refuge which are open to sport fishing are designated by signs and/or delineated on maps available at the refuge headquarters, Post Office Drawer B, Othello, Wash. 99344, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Special conditions. Sport fishing shall be permitted on the refuge as follows:

Waters open April 20 through August 15, 1969: Mallard Lake, Migraine Lake, and Scabrock Lakes.

Waters open July 10 through September 30, 1969: Lower Crab Creek within Management Units I and III as posted.

Waters open April 20 through September 30, 1969: Lower Crab Creek within Management Units II, IV, and V, and Royal Lake.

(2) The use of boats and outboard motors are prohibited on lakes so posted.

(3) Fishing on Juvenile Lake permitted only to persons under 17 years of age as posted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1970.

TRAVIS S. ROBERTS, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.*

MARCH 11, 1969.

[F.R. Doc. 69–3250; Filed, Mar. 18, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 31]

CUSTOMHOUSE BROKERS

Retention of Brokers Records; Use of Microfilm

Notice is hereby given pursuant to 5 U.S.C. 553 that it is proposed to revise § 31.23 of the Customs Regulations (19 CFR 31.23) to change the period for the retention of records from 5 years after liquidation of the entry becomes final to 6 years after the date of the entry and to provide a 6-year period of retention for papers relating to the withdrawal of merchandise from bonded warehouse. It is also proposed to add a paragraph authorizing district directors of customs to approve, under certain circumstances, the microfilming of records after they have been kept for 3 years. When approval is granted, the customhouse broker may retain the microfilm instead of the actual documents during the last 3 years of the period of retention.

Under the authority of sections 624 and 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1624, 1641), R.S. 251 (19 U.S.C. 66), it is proposed to revise § 31.23 (19 CFR 31.23) to read as follows:

§ 31.23 Retention of books and papers.

(a) *Period and place of retention.* The books and papers as defined in § 31.1(e) and required by §§ 31.21 and 31.22 to be kept by a broker shall be retained within the customs district to which they relate for at least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal.

(b) *Microfilming of books and papers.* A customhouse broker may, with the approval of the district director of customs of the district in which he is licensed, record on microfilm any books and papers, other than books of account, required to be retained under the provisions of paragraph (a) of this section which are not less than 3 years old. A request for approval of the district director shall be accompanied by a description of the system of filing and indexing the spools of microfilm. Retention and availability of the microfilm during the remainder of the period of retention shall satisfy the requirements of paragraph (a) of this section.

Prior to adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: March 10, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-3276; Filed, Mar. 18, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Operation and Maintenance Charges

Basis and purpose. Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (10 BIAM 3.1 (34 F.R. 637, Jan. 16, 1969)), notice is hereby given of the intention to modify §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for nondistrict lands of the Flathead Indian Irrigation Project for 1969 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Area Director, Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont., within 30 days of publication of this notice in the FEDERAL REGISTER.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $3.21 per acre, for the season of 1969 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credit on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and fourteen cents ($2.14) per acre-foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Divisions.

(a) (1) An annual minimum charge of $3.48 per acre, for the season of 1969 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and thirty-two cents ($2.32) per acre-foot or fraction thereof.

(b) (1) An annual minimum charge of $3.53 per acre, for the season of 1969 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and thirty-five cents ($2.35) per acre-foot or fraction thereof.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-3253; Filed, Mar. 18, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 944]

ORANGES

Imports

It has come to the attention of this Department that imports of Temple oranges are being made into the United States. Pursuant to the authority contained in section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice is hereby given that the Department is giving consideration to the grade, size, quality, and maturity requirements that, beginning April 7, 1969, are to govern the importation of Temple oranges into the United States. Orange Regulation 8 (7 CFR 944.307, 33 F.R. 14171, 18088) currently sets forth the import restrictions applicable to oranges other than Temple oranges.

The proposed import requirements for Temple oranges, as hereinafter set forth, would be the same as those contained in Orange Regulation 62, as amended (7 CFR 905.512, 33 F.R. 18227, 34 F.R. 246, 925) applicable to Florida grown Temple oranges under the marketing order regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida (7 CFR Part 905).

The provisions of said Orange Regulation 8 specify requirements for imports of Navel and Early and Midseason varieties of oranges and Valencia and similar late type varieties of oranges. Such requirements are based upon the regulation applicable to these varieties of oranges under the marketing order regulating the handling of oranges and grapefruit grown in Texas (7 CFR Part 906). Such marketing order does not cover Temple oranges grown in Texas.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 26th day of March. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are to amend paragraph (a) by adding a new subparagraph (4) and amend paragraphs (g) and (j) of Orange Regulation 8 (7 CFR 944.307, 33 F.R. 14171, 18088) to read as follows:

§ 944.307 Orange Regulation 8.

(a) • • •

(4) As to Temple oranges, beginning April 7, 1969, through September 14, 1969, Temple oranges shall (i) grade at least U.S. No. 2: *Provided*, That any such oranges shall be free from damage caused by dryness or mushy condition, and (ii) be of a size not smaller than 2$^{6}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

• • • • •

(g) It is hereby determined that imports of oranges (other than Temple oranges) during the effective time of this regulation, are in most direct competition with oranges (other than Temple oranges) grown in the State of Texas. The requirements set forth in this section for oranges (other than Temple oranges) are the same as those applicable to oranges grown in Texas. The requirements in this section applicable to imports of Temple oranges during the period April 7 through September 14, 1969, are the same as those applicable to the handling of Temple oranges grown in Florida.

• • • • •

(j) The terms "U.S. No. 2," "U.S. No. 1," "U.S Combination," and "diameter" shall have the same meaning as when used in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680-51.712 of this title. When used in connection with Temple oranges, the terms "U.S. No. 2" and "diameter" shall have the same meaning as when used in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

• • • • •

Dated: March 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3296; Filed, Mar. 18, 1969; 8:49 a.m.]

[7 CFR Part 1133]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered for the period through November 1969.

The provisions proposed to be suspended are:

1. In § 1133.71(f) the provision "except for the months specified below,"; and

2. In § 1133.71, paragraphs (g), (h), (i), (j), and (k) in their entirety.

The provisions being considered for suspension are those which would reduce by 30 cents per hundredweight the uniform price to be paid producers for milk delivered in each of the months of April through June to provide a fund to be used in increasing the uniform price to be paid producers in each of the months of September through November. These provisions do not affect the cost of milk to handlers and the suspension will not affect the annual level of returns to producers.

Suspension of the seasonal incentive payment plan provisions for the year 1969 was requested by the cooperative associations representing a substantial majority of the milk supply for the market.

The associations request that the seasonal incentive payment plan be inoperative for the remainder of 1969 to preclude it from overlapping with a Class I Base Plan for the market should such a plan be adopted during the year. A hearing to consider such a plan has been requested by the associations and other interested persons.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on March 14, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-3295; Filed, Mar. 18, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 1-11; Notice 2]

MOTOR VEHICLE SAFETY STANDARDS

Rear Underride Protection; Trailers and Trucks With Gross Vehicle Weight Rating Over 10,000 Pounds

The Administrator of the Federal Highway Administration is considering rule making that would result in amending 49 CFR Part 371, Federal Motor Vehicle Safety Standards, by adding a new Standard: Rear Underride Protection—Trailers and Trucks With Gross Vehicle Weight Rating Over 10,000 Pounds. An advance notice of proposed rulemaking was published in the FEDERAL REGISTER of October 14, 1967 (32 F.R. 14279). Comments received in response to that advance notice have been carefully considered.

Responses to the advance notice and other information have confirmed that the underriding of rear ends of trucks and trailers by passenger vehicles in the course of a rear end collision constitutes a major hazard to life and limb of the occupants of the striking vehicle. The great majority of comments in response to the advance notice supported the need for rear underride protection. Accident reports indicate that rear end collisions in which underride occurs are much more likely to cause fatalities than collisions generally.

The proposed Standard requires that underride protection be provided but it

need not be accomplished by means of an identifiable member (an "Underride guard"), if the vehicle otherwise meets the configuration and strength requirements. The requirement of a specific member would raise difficulties of definition and application, such as the problem of describing the class of vehicles that by their inherent configuration do not need such a member. Instead, the proposed Standard requires that, at a height of no more than 18 inches from the road surface, the vehicle have a continuous structure that is capable of withstanding a large static load when tested at any one of three specified points. Vehicles such as heavy cargo trailers whose beds normally are above that level would be expected to meet the requirement by having a guard, while those vehicles such as moving vans whose rear ends are within 18 inches of the ground may meet the requirement by ascertaining that the structure at the lower edge of the rear end is capable of withstanding the specified test load.

It is recognized that the proposed Standard does not deal with possible safety hazards that may be caused by sharp protrusions at the rear of vehicles. It is furthermore, possible that since no minimum height or vertical configuration is specified for the guard line, a conforming guard may be attached that is so close to the ground that it is ineffective, since another vehicle could override it while underriding a higher rear structure. If these problems are found to be significant, they may be countered either with further elaboration of the Standard proposed herein or with a separate Standard in the area of bumper height and effectiveness (Dockets Nos. 1–9 and 1–10, 32 F.R. 14279). Comments are specifically invited in regard to these questions.

Several comments expressed concern that the installation of a guard would interfere with the freedom of operation of some large vehicles during off-road operations. The interests of safety dictate, however, that this protection should be present on public highways where there is extensive mingling of passenger cars with large vehicles. If necessary, the required structure may be made movable or removable for off-road operations.

It is anticipated that the proposed Standard will be amended, after technical studies have been completed, to extend the requirement for underride protection to the sides of large vehicles. It is also anticipated that mobile homes will not be included in the Standard. The Administrator is presently considering rule making that could declare them not to be "motor vehicles" within the coverage of the Act, or could put them into a separate category (Docket No. 26, 33 F.R. 11604).

Interested persons are invited to participate in the making of the proposed regulation by submitting written data, views, or arguments. Specific information and comments are particularly invited in regard to the cost of compliance. Comments should refer to the docket and notice number, and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business on June 2, 1969, will be considered by the Administrator. The proposal contained in this notice may be changed in light of comments received. All comments will be available in the docket at the above address for examination both before and after the closing date.

In consideration of the foregoing it is proposed to add to 49 CFR Part 371, Federal Motor Vehicle Safety Standards, a new Standard as set forth below. Because of the design and development work that may be necessary to provide economical compliance with this Standard, it is proposed to make it effective January 1, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegation of authority by the Secretary to the Federal Highway Administrator, 49 CFR Part 1, § 1.4(c).

Issued in Washington, D.C., on March 13, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

REAR UNDERRIDE PROTECTION—TRAILERS AND TRUCKS WITH GROSS VEHICLE WEIGHT RATING OVER 10,000 POUNDS

S1. *Purpose and scope.* This standard establishes the requirement that the rear end of heavy vehicles be constructed so as to reduce the probability of underride in rear-end collisions.

S2. *Applicability.* This standard applies to trailers and to trucks. It does not, however, apply to pole trailers, truck tractors, or any vehicles with gross vehicle weight rating of 10,000 pounds or less.

S3. *Definitions.* "Rearmost part of the vehicle" means that point, on the portion of the vehicle that is not more than 66 inches above the road surface, that is farthest to the rear when the cargo doors, tailgates, or other closing devices are in the normal closed and locked position.

"Rear surface of the vehicle" means that portion of the exterior surface of the vehicle that would first be intersected by rays parallel to the direction of travel of the vehicle emanating from a source behind the vehicle.

"Guard line" means the lowest intersection of a horizontal plane with the rear surface of the vehicle that forms a continuous line that (1) extends to within 6 inches of each side of the vehicle and (2) has no portion more than 15 inches forward of the rearmost part of the vehicle.

S4. *Requirements.*

S4.1 Each vehicle shall have a guard line that is no more than 18 inches from the road surface when the vehicle is unloaded.

S4.2 Each vehicle shall be capable of meeting the displacement test of S5.

S5. *Displacement test.*

S5.1 Position the vehicle on a level surface, restrained to prevent forward, upward, or lateral motion.

S5.2 Prepare a test block of rigid material with a plane surface in the form of a square 4 inches on a side ("the surface").

S5.3 Position the test block so that—

(a) The surface is vertical and facing forward in the direction of travel of the vehicle,

(b) The lower edge of the surface is in the same horizontal plane as the guard line,

(c) The center of the surface is at any one of three points: 15 inches inboard from either side of the guard line, or at the center of the guard line, and

(d) The surface is in contact with the rear surface of the vehicle.

S5.4 Apply a static force of 75,000 pounds in the forward direction to the test block, parallel to the direction of travel of the vehicle, with the block restrained from lateral or vertical movement.

S5.6 Required result: The test block shall not move more than 15 inches forward of the rearmost part of the vehicle. Each vehicle must be capable of meeting the test at the three contact points (center and each side) specified in S5.3(c), but a given vehicle need not meet the requirements of this standard after being tested at one of those points.

[F.R. Doc. 69–3254; Filed, Mar. 18, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 18479; FCC 69–220]

CONSOLIDATION OR MERGER OF DOMESTIC TELEGRAPH CARRIERS

Certain Proceedings Categorized as Adjudication or Rule Making

1. Notice is hereby given that the Commission proposes to amend §§ 1.1203 and 1.1207 of the rules and regulations, which categorize certain proceedings either as adjudication or rule making. Under the proposed rules, set forth below, proceedings conducted under section 222 (b)–(d) of the Communications Act would be listed in § 1.1207 as rule making proceedings. Proceedings conducted under section 222 (b)–(d) concern the consolidation or merger of domestic telegraph carriers. These proceedings involve the approval or prescription of corporate or financial structures, facilities and services; they are prospective in effect; they turn primarily on questions of law and policy; and they can fairly and most effectively be considered under procedures governing the conduct of rule making proceedings.

2. Authority for adoption of the proposed rules is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r), and in section 2(c) of the Administrative Procedure Act, 5 U.S.C. 551(c).

3. Pursuant to procedures set out in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments in this proceeding on or before April 11, 1969. Reply comments are not requested. All relevant and timely comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this notice. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.419, an original and 14 copies of all comments shall be furnished the Commission.

Adopted: March 12, 1969.

Released: March 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 1 of Chapter I of Title 47 is amended as follows:

1. Section 1.1203(a)(5) is revised to read as follows:

§ 1.1203 Restricted adjudicative proceedings.

(a) • • •

(5) Any proceeding conducted pursuant to the provisions of sections 206, 207, 212, 214(a), or 221(a) of the Communications Act.

• • • • • •

2. Section 1.1207(a) is revised to read as follows:

§ 1.1207 Restricted rule making proceedings.

• • • • • •

(a) An proceeding conducted pursuant to the provisions of sections 201(a), 204, 205, 213(a), 214(d), 221(c), or 222 of the Communications Act.

• • • • • •

[F.R. Doc. 69–3279; Filed, Mar. 18, 1969; 8:48 a.m.]

[47 CFR Parts 2, 18, 21, 73, 74, 89, 91, 93]

[Docket No. 18262; FCC 69–224]

OPERATIONS IN LAND MOBILE SERVICE

Order Extending Time for Filing Reply Comments

In the matter of an inquiry relative to the future use of the frequency band 806–960 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the land mobile service between 806 and 960 MHz, Docket No. 18262.

1. We have before us for consideration the request of the Association of Maximum Service Telecasters, Inc. (MST), for an extension of time for filing reply comments in this proceeding. A specific date is not mentioned, but MST urges that it be set "two to three" months after the release of the "final report" of the Stanford Research Institute. This request is supported, in principal, by the All-Channel Television Society and the National Association of Broadcasters; and opposed, in part, by Motorola, Inc., the Land Mobile Communications Council, and the Land Mobile Section of the Electronics Industries Association.

2. We have considered all of the matters advanced by the parties in support of their respective positions, and, we have decided, in the circumstances of this case, to allow an additional period of 30 days for replies.

Accordingly, it is ordered, That, to the extent indicated above, the request of the Association of Maximum Service Telecasters, Inc., is granted, and the time for filing reply comments in the above-captioned proceeding is extended from March 31, 1969, to April 30, 1969; and that, in all other respects, this request and associated ones of the other parties are denied.

Adopted: March 12, 1969.

Released: March 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–3281; Filed, Mar. 18, 1969; 8:48 a.m.]

[47 CFR Parts 2, 89, 91, 93]

[Docket No. 18261; FCC 69–223]

GEOGRAPHIC REALLOCATION OF CERTAIN UHF TV CHANNELS

Order Extending Time for Filing Reply Comments

In the matters of amendment of Parts 2, 89, 91, and 93; geographic reallocation of UHF TV Channels 14 through 20 to the land mobile radio services for use within the 25 largest urbanized areas of the United States, Docket No. 18261; petition filed by the Telecommunications Committee of the National Association of Manufacturers to permit use of TV Channels 14 and 15 by land mobile stations in the Los Angeles Area, RM–566.

1. We have before us for consideration the request of the Association of Maximum Service Telecasters, Inc. (MST), for an extension of time for filing reply comments in this proceeding. A specific date is not mentioned, but MST urges that it be set "two to three" months after the release of the "final report" of the Stanford Research Institute. This request is supported, in principal, by the All-Channel Television Society and the National Association of Broadcasters; and opposed, in part, by Motorola, Inc., the Land Mobile Communications Council, and the Land Mobile Section of the Electronics Industries Association.

2. We have considered all of the matters advanced by the parties in support of their respective positions, and we have decided in the circumstances of this case to allow an additional period of 30 days for replies.

Accordingly, it is ordered, That, to the extent indicated above, the request of the Association of Maximum Service Telecasters, Inc., is granted, and the time for filing reply comments in the above-captioned proceeding is extended from March 31, 1969, to April 30, 1969; and that, in all other respects, this request and associated ones of the other parties are denied.

Adopted: March 12, 1969.

Released: March 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–3282; Filed, Mar. 18, 1969; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 18421]

HOURS OF OPERATION OF DOMINANT AND SECURITY STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.81 of the Commission's rules (hours of operation of dominant and security stations), Docket No. 18421.

1. Comments and reply comments in this proceeding (as extended from the original dates of Mar. 3 and Mar. 17, 1969) are now due March 14 and March 28, 1969, respectively. By letter of March 11, 1969, counsel for the licensee of limited-time Class II Station KXL, Portland, Oreg., has requested a 2-week further extension, to March 28 and April 14, 1969, respectively. It is stated that KXL desires to file comments, and that the additional time is requested in view of the press of other urgent business which will require the absence of counsel from his office for an extended period.

2. It appears that a short extension of time is not inappropriate and will not substantially delay this proceeding. However, the time has already been extended once, at the request of another party, and there does not appear warrant for the two additional weeks requested. A 10-day extension appears sufficient.

3. In view of the foregoing: *It is ordered,* That the time for filing comments and reply comments in Docket 18421 is extended, to and including March 24 and April 7, 1969, respectively: *And it is further ordered,* That the request of Dena Pictures, Inc., and Alexander Broadcasting Co., a joint venture doing business as Seattle, Portland and Spokane Radio (KXL) is granted to this extent and is otherwise denied. Authority for these actions is contained in sections 4(i) and 303(r) of the Communications Act of

[1] Commissioner Wadsworth dissenting.

[1] Commissioner Wadsworth dissenting.

1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 12, 1969.

Released: March 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-3283; Filed, Mar. 18, 1969; 8:48 a.m.]

[47 CFR Parts 81, 83]

[Docket No. 18480; FCC 69-221]

MARITIME MOBILE SERVICE

Conformity of Certain Coast and/or Ship Stations to Frequency Tolerance, Power Limitations, and Low-Pass Filter Requirements

In the matter of amendment of Parts 81 and 83 to require, in the maritime mobile service band 156–162 Mc/s, that coast and/or ship stations using transmitters first installed after January 1, 1970, conform to the frequency tolerance, power limitations and low-pass filter requirements set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) as amended, Docket No. 18480.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. In its Report and Order in Docket No. 17295, adopted July 17, 1968 (33 F.R. 10849), the Commission amended Parts 81 and 83 in regard to use of F3 emission in the band 156–162 Mc/s, to provide, among other things, that (a) coast and ship station transmitters type accepted after March 1, 1969, and all coast and ship stations after January 1, 1974, shall conform to the frequency tolerances set forth in §§ 81.131 and 83.131(c)(1), respectively; (b) that coast station transmitters, effective January 1, 1971, and ship station transmitters, effective January 1, 1974, include a low-pass filter as set forth in §§ 81.142(i) and 83.137(g), respectively; and (c) that ship station transmitters shall not exceed an output power of 25 watts and, additionally, shall include the capability to reduce, readily, the carrier power to 1 watt or less (§ 83.134(f)).

3. While the rules adopted July 17th require that all transmitters type accepted after March 1, 1969, conform to the new frequency tolerance requirements, they also permit transmitters type accepted prior to that date (for a frequency tolerance of 20 parts in 10^6 (0.002% to continue to be installed and operated until January 1, 1974. Under the July 17th rules, such transmitters are required to conform to the new frequency tolerance(s) on January 1, 1974. Under this arrangement, many of the transmitters, and these may be new, replacement or additional transmitters, which are to be installed at coast stations between now and January 1, 1974, could have a frequency tolerance capability of 20 parts in 10^6.

4. A similar situation exists in regard to ship stations. The rules adopted July 17th permit installation aboard ship, up to January 1, 1974, of transmitters which have a frequency tolerance capability of 20 parts in 10^6. On January 1, 1974, however, the rules require that all ship station transmitters conform to a tolerance of 10 parts in 10^6. These ship transmitters may have been installed shortly prior to January 1, 1974, and, unless modified for the new frequency tolerance, become obsolete on January 1, 1974. On the other hand, for a nominal increase in expense, the ship station licensee could have installed a transmitter which conformed to the frequency tolerance specified in the July 17th rules. In the view of the Commission, the ship station licensee, faced with procurement of a new, replacement, or additional transmitter during the period prior to January 1, 1974, should install equipment which conforms to the technical standards of the rules adopted July 17th.

5. A similar situation exists with regard to inclusion of the low-pass filter in new, replacement or additional transmitters installed in coast stations prior to January 1, 1971, or in ship stations prior to January 1, 1974. The rules adopted July 17th require this filter be included in coast station transmitters after January 1, 1971 (§ 84.142(i)) and in ship station transmitters after January 1, 1974 (§ 83.137(g)). It is desirable that this low-pass filter be installed in new, replacement, or additional transmitters installed by a licensee during the period prior to the above mentioned dates. Further, it appears that such a requirement would not impose hardship upon the licensee.

6. Much the same situation exists in regard to power limitations applicable to ship stations as set forth in the July 17th rules. These rules conform to the worldwide agreement that new ship station transmitters be limited to a maximum carrier output power of 25 watts and that such transmitters include the capability to reduce, readily, the carrier power to 1 watt or less. In regard to new, replacement or additional transmitters installed by a licensee during the period prior to January 1, 1974, it is desirable that such transmitters conform to the power limitation provisions of the July 17th rules.

7. From the point of view of economic investment in transmitting equipment at a station, it would appear there would be small difference in the cost of (a) a transmitter having capability to conform to the frequency tolerance and power limitation provisions, as prescribed by the July 17th rules; and (b) a transmitter conforming to standards which predate the July 17th rules. (The cost of the pre-July 17th equipment should include the cost of modification, on January 1, 1974, to conform that equipment to the July 17th rules.) On this basis, there would be no economic burden, or other known hardship, imposed upon the licensee if the rules required that new, replacement, or additional transmitter(s) installed at a coast station or aboard ship after a selected date, conform to the frequency tolerance and power limitation provisions set forth in the July 17th rules.

8. In regard to the date after which coast and ship station licensees shall install transmitters conforming to the narrow-band technical standards, the date selected should be as early as practicable, consistent with availability of equipment conforming to these standards. The date selected should be subsequent to March 1, 1969, the date on and after which type accepted equipment shall conform to these standards. It appears the date of January 1, 1970, would fulfill these requirements and is therefore proposed.

9. On the basis of the foregoing, it appears that the public interest would be served by amendment of Parts 81 and 83 of the rules to require that new, replacement, or additional transmitters installed at coast or ship stations after January 1, 1970, shall conform to the frequency tolerance, low-pass filter requirements and power limitations set forth in the July 17th rules, as amended, for narrow-band operation.

10. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 21, 1969, and reply comments on or before May 1, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: March 12, 1969.

Released: March 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. In § 81.131, footnotes 1 following paragraphs (c)(2) and (d)(3) are amended to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * * *

(c) * * *
(2) * * *

[1] With regard to a particular station, the tolerance shown in the table is applicable to: transmitters for which type acceptance is granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: *Provided, however,* That a tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

(d) * * *
(3) * * *

[1] With regard to a particular station, the tolerance shown in the table is applicable to: transmitters for which type acceptance is granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: *Provided, however,* That a tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

* * * * * *

2. In § 81.142, footnote 2 to paragraph (i) is amended to read as follows:

§ 81.142 Modulation requirements.

* * * * * *

(i) * * *

[2] The requirements of this paragraph are applicable as follows:
(a) To all transmitters type accepted after Mar. 1, 1969;
(b) To all transmitters first installed after Jan. 1, 1970; and
(c) To all transmitters after Jan. 1, 1971.

B. Part 83, Stations on Shipboard in the Maritime Services, is amended to read as follows:

1. In § 83.131, footnote 1 following paragraph (c)(2) is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * * *

(c) * * *
(2) * * *

[1] With regard to a particular station, the tolerance shown in the table is applicable to: transmitters for which type acceptance is granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: *Provided, however,* That a tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

* * * * * *

2. In § 83.134, footnote 2 following paragraph (f) is amended to read as follows:

§ 83.134 Transmitter power.

* * * * * *

(f) * * *

[2] Applicable to ship station transmitters for which type acceptance is granted after Sept. 3, 1968; and to all transmitters first installed aboard ship after Jan. 1, 1970.

3. In § 83.137, footnote 2 to paragraph (g) is amended to read as follows:

§ 83.137 Modulation requirements.

* * * * * *

(g) * * *

[2] The requirements of this paragraph are applicable as follows:
(a) To all transmitters type accepted after Mar. 1, 1969;
(b) To all transmitters first installed after Jan. 1, 1970; and
(c) To all transmitters after Jan. 1, 1974.

[F.R. Doc. 69-3280; Filed, Mar. 18, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 249]

ADVERTISING OVER-THE-COUNTER DRUGS

Notice of Opportunity To Present Written Views, Suggestions, Objections, or Pertinent Information Regarding Proposed Guides

Proposed Guides for Advertising Over-the-Counter Drugs are hereinafter set forth and are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed Guides for Advertising Over-the-Counter Drugs, to present to the Commission their views concerning the guides, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the proposed guides, which are advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commission. Data, views, information, objections, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than May 19, 1969, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

NOTE: These guides have not been approved by the Federal Trade Commission. They are a draft of proposed guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, objections, or other pertinent information as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed guides.

Text of the proposed guides follows:

Guides for this industry, if and when finally approved and adopted by the Commission, will be designed to assist manufacturers and advertisers of over-the-counter drugs in advertising such products in a manner which will conform with the Federal Trade Commission Act, as amended (15 U.S.C. secs. 41–58). Their purpose will be to encourage voluntary compliance with the Act by those whose practices are subject to the jurisdiction of the Commission. Proceedings to prevent deceptive practices in the advertising and selling of over-the-counter drugs may be brought under the Federal Trade Commission Act. Briefly stated, the Act makes it illegal for one to engage in unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce as well as the dissemination or causing the dissemination of false advertisements of nonprescription drugs.

Sec.
249.1 Definitions.
249.2 General principles.
249.3 Misrepresentation of benefits, efficacy or safety.
249.4 Advertising should be consistent with labeling.
249.5 Comparison with other products.
249.6 New drugs.
249.7 Responsibilities of advertising agencies.
249.8 Deceptive pricing.
249.9 Deceptive use or imitation of trade or corporate names, trademarks, etc.
249.10 Defamation of competitors or false disparagement of their products.
249.11 Misrepresentation of the character and size of business, extent of testing, etc.
249.12 Guarantees, warranties, etc.

AUTHORITY: The provisions of this Part 249 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46.

§ 249.1 Definitions.

For the purpose of this part the following definitions shall apply:

(a) "Over-the-counter drugs" are drugs which under the provisions of section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)) need not be dispensed by prescription.

(b) "Industry member" means a person, firm, corporation, or organization engaged in the importation, manufacture, sale or distribution of an over-the-counter drug, and advertising agencies engaged in the preparation or dissemination of advertising of such a drug.

(c) "Label" means any written, printed, or graphic matter affixed to or appearing upon an article or affixed to or appearing upon a package containing an article.

(d) "Labeling" means all labels and other written, printed, or graphic matter accompanying an article at the time it is sold at retail to the ultimate consumer.

(e) "Advertising" means any written or verbal statement, notice, presentation, illustration, or depiction other than labeling, which is directly or indirectly designed to effect the sale of an over-the-counter drug, or to create an interest in the purchase of any such product, whether the same appears in the newspaper, magazine or other periodical, in a catalog, letter or sales promotional literature, in a radio or television broadcast, or in any other media.

§ 249.2 General principles.

The Commission, in its opinions and orders to cease and desist in cases involving over-the-counter drug advertising, has enunciated principles which may be applied to the advertising of those products generally. These principles are restated in this part together with other provisions which are designed to encourage industry members to avoid actions which may violate the laws administered by the Commission with respect to advertising over-the-counter drugs.

(a) The important criterion in determining whether an advertisement is false and misleading is the net impression which it is likely to make on the general population. A false impression can be conveyed by words and sentences which although literally and technically true are formed in such a setting as to mislead and deceive. An advertisement may be found to be deceptive not merely by what it says but by what it fails to say. An advertisement is misleading if it fails to reveal facts material in the light of the representations it contains or which are material with respect to the consequences that may result from the use of the drug as recommended or suggested in the advertisement.

(b) If an advertisement is found to be deceptive the Commission may, if the circumstances reasonably permit such an inference, also find that such deception is "material" within the meaning of the Federal Trade Commission Act.

(c) The Commission will draw upon its own experience in interpreting advertising. It may do so without the aid of consumer testimony either as to express or implied representations. It may determine that advertising is misleading on the basis of its visual examination of exhibits even though members of the public may testify that they were not deceived by it. An advertisement will be regarded as deceptive if one of two or more permissible, reasonable interpretations is false or misleading.

(d) An affirmative disclosure may be required in advertisements of over-the-counter drugs when it is necessary to prevent deception. In such cases the disclosure should be clear and conspicuous. Untrue or misleading information in any part of an advertisement will not be corrected by the inclusion in another distinct part of the advertisement of a statement containing true information relating, for example, to side effects, contraindications, or effectiveness of the drug. Moreover, in advertising in which an affirmative disclosure is required, no direct or implied representation may be made, or over-all impression conveyed, which in any way negates or contradicts the facts which are affirmatively disclosed. Affirmative disclosure will be permitted, as a substitute for an outright ban on an advertising claim found misleading or deceptive, only when the disclosure will be fully effective in preventing deception and a more complete prohibition is unnecessary.

§ 249.3 Misrepresentation of benefits, efficacy, or safety.

(a) Industry members should not disseminate or cause to be disseminated any advertisement which misrepresents directly or by implication the efficacy, therapeutic benefits, or safety of an over-the-counter drug or of any ingredient or combination of ingredients contained therein, or the nature or likelihood of any side effects or contraindications. Illustratively:

(1) An over-the-counter drug should not be represented as being a treatment, cure, remedy, or preventive measure for a stated condition or disease if in fact it will only provide a palliative relief from some of the symptoms commonly associated with such condition or disease.

(2) An over-the-counter drug should not be unqualifiedly represented as providing relief from a symptom, condition, or disease if in fact it provides no relief, or only temporary or partial relief, or if it may not provide relief for certain persons under certain conditions.

(3) An over-the-counter drug should not be represented as remedying, relieving or preventing a symptom, condition, or disease if it can be safely used for such purposes or conditions only under the supervision of a medical practitioner licensed by law.

(b) An advertisement should not employ a fanciful proprietary name for a drug or any ingredient in such a manner as to imply that the drug or ingredient has some novel or unique effectiveness or composition, when in fact the drug or ingredient is a common substance (e.g., aspirin, caffeine) which would be readily recognized by the public if the drug or ingredient were designated by its common or usual or established name.

(c) A representation in advertising that a certain benefit will be derived from the action of any specified ingredient or combination of ingredients should be accompanied by a clear and conspicuous disclosure of the common, or usual, or established name of such ingredient or combination of ingredients, if such there be, and such name is likely to be meaningful to the general public (e.g., aspirin, caffeine).

(d) An advertisement should not feature ingredients in a manner that creates an impression of value different from or greater than their true functional role in the formulation. For example, if ingredients are listed in the advertisement, the order in which they are listed should be the same as the order in which they are listed on the label of the product, and the information presented in the advertisement concerning the quantity of each such ingredient should be the same as the corresponding information in the labeling of the product.

(e) An advertisement of an over-the-counter drug should not represent that any benefit will be derived from the action of a specified ingredient or combination of ingredients unless the advertiser has established and can demonstrate that such ingredient or combination of ingredients is as efficacious as represented for the purposes for which it is offered when the formulation is taken in accordance with the directions for use.[1]

(f) A representation that an over-the-counter drug will produce specified therapeutic benefits or other results should be accompanied by a clear and conspicuous disclosure of:

(1) The dosage to be used—in terms of frequency, amount, and duration—if it deviates in any way from the dosage recommended on the label;

(2) Any side effects or contraindications which may be anticipated at the dosage level recommended;

(3) The course of treatment which should be used if it differs from that prescribed on the label;

(4) Any other material limitations concerning the effectiveness of the drug in obtaining the stated results.

(g) A representation that a drug is safe should be accompanied by an appropriate qualification, such as "if taken as directed on the label" or by a disclosure of any side effects, contraindications, cautions, warnings, and similar information set forth on the label. See also § 249.4.

(h) An over-the-counter drug should not be unqualifiedly represented as a remedy for symptoms or conditions which may be common manifestations or various diseases or disorders unless the drug will in fact be effective in remedying the symptoms or conditions regardless of their cause.

(i) Advertisements should not represent that consumers suffering from particular symptoms (for example, tiredness) can themselves diagnose the cause (for example, nutritional deficiency) unless an accurate self-diagnosis can be made by laymen in such cases, and medical or laboratory tests or examinations conducted by or under the supervision of a doctor or competent technician are ordinarily unnecessary to permit an accurate diagnosis of the underlying disease or other cause.

§ 249.4 Advertising should be consistent with labeling.

(a) Advertising for an over-the-counter drug should not contain any representation with respect to efficacy or safety which distorts, contradicts, negates or is otherwise inconsistent with any representations, warnings, statements, or directions for use, or other information which appears in the labeling of such product.

(b) Advertisements for over-the-counter drugs should not contain a representation or suggestion, not approved or permitted for use in the labeling of the product, that a drug is better, more effective, useful in a broader range of conditions or patients, safer, has fewer or less serious side effects or contraindications or less incidence thereof unless the advertiser has established and can demonstrate that such is the fact,[1] whether or not such representation or suggestion is made by comparison with other drugs or treatments, and whether or not such a representation or suggestion is made directly or through the use of published or unpublished literature, quotations, or other references.

(c) It is no defense to a charge that advertising is misleading that statements included in labeling explain or modify the advertising claims. Abandonment of an advertisement is no defense to a charge that it is false and misleading.

§ 249.5 Comparison with other products.

Advertising for an over-the-counter drug should not contain direct or indirect representations that it is more effective or superior or preferable to any other product unless the advertiser has established and can demonstrate that such is the fact.[1] Claims that a drug is more powerful, or faster acting, or that it produces longer lasting effects, should not be made unless such claims are specific and are based on comparative analyses and scientifically valid tests which adequately establish the truth of such claims. Dangling comparatives (which leave unanswered the question "than what?") should not be used.

§ 249.6 New drugs.

An advertising claim that an over-the-counter drug is a new product after 6 months from the time it was placed on the market is subject to question; *Provided, however*, That this is not to be interpreted as in any way conflicting with the definition of a new drug in the Federal Food, Drug and Cosmetic Act.

§ 249.7 Responsibilities of advertising agencies.

An advertising agency which prepares or disseminates advertising of its principal, containing representations the agency knows, or has reason to believe, are false or misleading or unfair, shares equal responsibility with its principal for the deception, even though such advertising may have been approved by its principal's legal counsel and scientists.

§ 249.8 Deceptive pricing.

Members of the industry should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: The Commission's Guides Against Deceptive Pricing furnish additional guidance respecting price savings. See Part 233 of this chapter for the Guides Against Deceptive Pricing.

§ 249.9 Deceptive use or limitation of trade or corporate names, trademarks, etc.

An industry member should not use any trade name, corporate name, trademark or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other material respect.

§ 249.10 Defamation of competitors or false disparagement of their products.

An industry member should not engage in (a) the defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or (b) the false disparagement of the quality, grade, origin, use, design, performance, properties, manufacture, or distribution of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services.

§ 249.11 Misrepresentation of the character and size of business, extent of testing, etc.

Industry members should not misrepresent directly or indirectly:

(a) The length of time they have been in business; or

(b) The extent of their sales; or

(c) Their rank in the industry as producers or distributors of a product or type of product; or

(d) That they are manufacturers of industry products; or

(e) That they own or operate a laboratory or that their products have been tested in any particular manner or for any period of time or with any particular results; or

(f) That a product, ingredient, or manufacturing process is new or exclusive; or

(g) Any other material aspect of their business or products.

§ 249.12 Guarantees, warranties, etc.

(a) Industry members should not represent in advertising or otherwise that a product is guaranteed without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee; and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor; and

(3) The manner in which the guarantor will perform thereunder; and

(4) The identity of the guarantor. Any guarantee made by the dealer or vendor which is not backed up by the manufacturer must make it clear that the guarantee is offered by the dealer or vendor only.

(b) A seller or manufacturer should not advertise or represent that a product is guaranteed when he cannot or does not promptly and scrupulously fulfill his obligations under the guarantee.

(c) A specific example of refusal to perform obligations under the guarantee would arise in connection with the use of the phrase "Satisfaction or your money back" if the guarantor does not promptly make a full refund of the purchase price upon request, irrespective of the reason for such a request.

(d) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees," and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty."

(e) An express "guarantee" or "warranty" should not contain limitations, disclaimers, or provisos which purport to deprive members of the public of any rights which they would have in the absence of such express provisions.

NOTE: The Commission's Guides Against Deceptive Advertising of Guarantees furnish additional guidance respecting guarantee representations. See Part 239 of this Chapter for Guides Against Deceptive Advertising of Guarantees.

Issued: March 18, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3239; Filed, Mar. 18, 1969; 8:45 a.m.]

[1] A product should not be represented as having certain capabilities unless such representations are true, and an advertiser should not make such representations unless he has substantiating data fully supporting them.

See footnote at end of document.

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. 10]

SURETY COMPANY OF THE PACIFIC

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $54,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Surety Company of the Pacific
Los Angeles, California
California

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 13, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-3277; Filed, Mar. 18, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 10468]

MONTANA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 11, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands located within the following described areas are shown on maps on file in the Billings District Office, Bureau of Land Management, Billings, Mont. 59101, and Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont. 59101.

The overall description of the area is as follows:

CARBON COUNTY

PRINCIPAL MERIDIAN, MONTANA

T. 8 S., R. 23 E.,
Sec. 5, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The area described contains 120 acres.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Billings District Manager, Bureau of Land Management, 3021 Sixth Avenue North, Billings, Mont. 59101.

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 69-3246; Filed, Mar. 18, 1969; 8:45 a.m.]

[Serial No. N-1194]

NEVADA

Notice of Offering of Land for Sale

Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, and pursuant to an application from the city of Wells, Nev., the Secretary of the Interior will offer for sale the following 20-acre tract:

MOUNT DIABLO MERIDIAN, NEVADA

T. 38 N., R. 62 E.,
Sec. 32, N½SE¼SW¼.

The land is 2 miles northwest of Wells and is needed in connection with the development of sewage treatment facilities. The land has been zoned for public district purposes.

It is the intention of the Secretary to enter into an agreement with the city of Wells to permit the city to purchase the land at its appraised fair market value. The purchaser will be required to pay the cost of publication of an announcement of this offering.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Any adverse claimants to the above-described land should file their claims or objections with the undersigned within 30 days of the filing of this notice.

A. JOHN HILLSAMER,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 69-3245; Filed, Mar. 18, 1969; 8:45 a.m.]

[OR 4377]

OREGON

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 12, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–1418) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands within the areas described in paragraph 3 for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all public lands described in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C., chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) the lands described in paragraph 4 are further segregated from appropriation under the mining laws (30 U.S.C., ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The lands proposed to be classified are located within Gilliam, Jefferson, Sherman, Wasco, and Wheeler Counties and are shown on maps on file in the Prineville District Office, Bureau of Land Management, Prineville, Oreg. 97754 and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. 97208. The maps are designated OR 4377, 2411.2, 36–05, February 1969.

The description of the areas is as follows:

WILLAMETTE MERIDIAN

T. 1 N., R. 11 E.,
Secs. 1, 11, 12, 34, and 35.
T. 1 N., R. 12 E.,
Sec. 20 and secs. 29 to 32, inclusive.
T. 1 N., R. 15 E.,
Secs. 11, 12, 14, 23, 24, and 26.
T. 1 N., R. 16 E.,
Secs. 30, 32, and 34.
T. 1 N., R. 19 E.,
Secs. 2, 4, 10, secs. 12 to 14, inclusive, except NE¼NW¼ and SE¼NE¼ of sec. 12, and sec. 25.
T. 1 N., R. 20 E.,
Secs. 30 and 31.
T. 2 N., R. 18 E.,
Secs. 10, 11, 12, 14, and 15.
T. 2 N., R. 19 E.,
Secs. 6, 18, 19, 20, 28, 30, 32, and 34.
T. 3 N., R. 17 E.,
Sec. 14, lot 1 and sec. 24.
T. 3 N., R. 18 E.,
Secs. 18, 20, 22, 26, 28, 30, 32, 33, and 34.
T. 1 S., R. 11 E.,
Secs. 1 to 3, inclusive.
T. 1 S., R. 12 E.,
Sec. 6.
T. 1 S., R. 15 E.,
Secs 24 to 26, inclusive, and sec. 35.
T. 1 S., R. 16 E.,
Secs. 4 to 6, inclusive, secs. 8, 17, 19, 20, and secs. 29 to 32, inclusive.
T. 1 S., R. 18 E.,
Secs 24 to 26, inclusive, and sec. 35.
T. 1 S., R. 19 E.,
Secs. 1 to 3, inclusive, secs. 8 to 15, inclusive, secs. 17 to 26, inclusive, secs. 29 to 32, inclusive, and sec. 35.
T. 1 S., R. 20 E.,
Secs. 5 to 9, inclusive, except NE¼NW¼ of sec. 9.
T. 2 S., R. 15 E.,
Sec. 1, secs. 12 to 15, inclusive, secs. 22 to 28, inclusive, and secs. 33 to 35, inclusive.
T. 2 S., R. 16 E.,
Secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
T. 2 S., R. 18 E.,
Sec. 1, secs. 11 to 14, inclusive, secs. 20 to 29, inclusive, and secs. 34 and 35.
T. 2 S., R. 19 E.,
Secs. 5 to 8, inclusive, secs. 18 to 20, inclusive, and secs. 29 to 33, inclusive.
T. 3 S., R. 14 E.,
Sec. 1, secs. 10 to 14, inclusive, secs. 23, 24, and 25.
T. 3 S., R. 15 E.,
Secs 3 to 10, inclusive, and secs. 17 and 18.
T. 3 S., R. 18 E.,
Secs. 1 to 3, inclusive, secs. 9 to 15, inclusive, secs. 20 to 29, inclusive, and secs. 32 to 35, inclusive.
T. 4 S., R. 12 E.,
Secs. 25 and 35.
T. 4 S., R. 13 E.,
Secs. 9, 10, 17, 19, and 20.
T. 4 S., R. 14 E.,
Secs. 1 to 3, inclusive, secs. 7 to 15, inclusive, secs. 17, 20, 21, 24, 29, 32, and 33.
T. 4 S., R. 15 E.,
Secs. 7, 8, lot 4, SE¼SW¼, sec. 18, secs. 19, 20, 23, 24, and 30.
T. 4 S., R. 16 E.,
Secs. 19, 29, 32, 33, and 34.
T. 4 S., R. 18 E.,
Secs. 1 to 4, inclusive, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, secs. 34 and 35.
T. 4 S., R. 19 E.,
Secs. 19, 26, and secs. 29 to 35, inclusive.
T. 4 S., R. 20 E.,
Secs. 27 to 35, inclusive.
T. 5 S., R. 11 E.,
Secs. 9, 10, secs. 13 to 15, inclusive, and secs. 21 and 35.
T. 5 S., R. 12 E.,
Secs. 2, 3, 4, secs. 7 to 9, inclusive, and sec. 18.
T. 5 S., R. 13 E.,
Secs. 12 to 15, inclusive, secs. 22, 24, 25, and 33.
T. 5 S., R. 14 E.,
Secs. 1, 5, 6, and 7.
T. 5 S., R. 15 E.,
Sec. 6.
T. 5 S., R. 16 E.,
Secs. 1, 2, 3, and secs. 10 to 13, inclusive.
T. 5 S., R. 17 E.,
Secs. 18 and 32.
T. 5 S., R. 18 E.,
Secs. 1, 2, 3, 10, 11, 15, 20, 21, 22, secs. 24 to 29, inclusive, and secs. 32 to 35, inclusive.
T. 5 S., R. 19 E.,
Secs. 1 to 10, inclusive, secs. 12, 17, 19, 20, 21, and secs. 28 to 32, inclusive.
T. 5 S., R. 20 E.,
Secs. 3, 4, and 10.
T. 6 S., R. 13 E.,
Secs. 1, 4, 5, 8, 9, 12, 13, 16;
Sec. 20, NE¼ and E½NW¼;
Sec. 21, lots 3 and 4, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 22, lots 1 and 2;
Sec. 26, lots 2, 3, 4, and 6;
Sec. 27, lot 1;
Sec. 36, lots 2, 3, 4, 5, 6, and 7, N½NE¼.
T. 6 S., R. 14 E.,
Sec. 6;
Sec. 17, NW¼SW¼;
Secs. 18 to 21, inclusive;
Sec. 28, lots 2, 3, 9, 10, 11, 12, 13, and 14, N½SW¼;
Sec. 29, lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, S½NE¼, N½SE¼.
T. 6 S., R. 17 E.,
Sec. 6.
T. 6 S., R. 18 E.,
Sec. 2, lot 1, NE¼SE¼, secs. 11, 14, 23, 25, 26, 27, 33, and 35.
T. 6 S., R. 19 E.,
Secs. 6, 7, 8, secs. 17 to 22, inclusive, and secs. 27 to 31, inclusive.
T. 7 S., R. 14 E.,
Secs. 2, 3, and SE¼SE¼ sec. 4;
Sec. 5, lot 18;
Sec. 6, lots 5, 6, 7, and 8;
Sec. 8, lot 3;
Sec. 9, lots 3 and 4, E½E½, S½SW¼, SW¼SE¼;
Secs. 10, 11, 14 and 15;
Sec. 17, lots 2, 3, and 4, E½E½;
Sec. 20, lots 1, 3, 3, and 4;
Secs. 21 to 24, inclusive;
Sec. 28;
Sec. 29, lot 1.
T. 7 S., R. 16 E.,
S½SW¼ sec. 13, S½SE¼ sec. 14, secs. 20 to 25, inclusive, secs. 27 to 29, inclusive, secs. 31, 32, and 33.
T. 7 S., R. 17 E.,
Secs. 8, 12, 14, 18, and 20.
T. 7 S., R. 18 E.,
Secs. 1, 3, 4, 5, secs. 7 to 10, inclusive, secs. 12 to 15, inclusive, secs. 17, 18, secs. 20 to 28, inclusive, secs. 34 and 35.
T. 7 S., R. 19 E.,
Secs. 4 to 10, inclusive, sec. 15, secs. 17 to 22, inclusive, and secs. 28 to 34, inclusive.
T. 8 S., R. 14 E.,
Sec. 4, lots 4, 5, 6, and 7, SE¼NW¼;
Sec. 5, lot 1;
Sec. 9, lots 1, 2, 3, and 4;
Sec. 10, SW¼NW¼ and NW¼SW¼;
Sec. 15, SE¼NW¼ and SW¼SW¼;
Sec. 21, lots 1, 2, 3, 4, and 5, E½NE¼, S½SW¼, and SW¼SE¼;
Secs. 22, 23, and 27;
Sec. 29, lots 2, 3, lots 9 to 17, inclusive, and SE¼SE¼;
Sec. 32, lots 1, 2, and 3;
Secs. 33 and 35.
T. 8 S., R. 15 E.,
Secs. 1, 2, secs. 11 to 15, inclusive, secs. 22 to 25, inclusive, secs. 27 to 29, inclusive, secs. 31 to 33, inclusive, and sec. 35.
T. 8 S., R. 16 E.,
Secs. 5 to 9, inclusive, secs. 18 and 19.
T. 8 S., R. 18 E.,
Secs. 1, 12, 13, 24, 26, and 34.
T. 8 S., R. 19 E.,
Secs. 3 to 15, inclusive, secs. 17, 18, secs. 20 to 27, inclusive, secs. 30, 32, 34, and 35.
T. 8 S., R. 20 E.,
Secs. 6, 7, 18, 19, 20, lots 1, 2, and 3, sec. 21, lots 2 and 3, sec. 28, secs. 29, 31, and 32.
T. 8 S., R. 22 E.,
Secs. 24 and 25.
T. 8 S., R. 23 E.,
Sec. 19, lots 2 and 3, SE¼SW¼ sec. 30, secs. 31, 32, 33, and SE¼SE¼ sec. 35.
T. 8 S., R. 24 E.,
SE¼SW¼ sec. 29 and secs. 31 to 35, inclusive.
T. 8 S., R. 25 E.,
Lot 4, sec. 19, SE¼ sec. 20, SW¼NW¼, W½SW¼ sec. 27, and secs. 28 to 35, inclusive.
T. 9 S., R. 12 E.,
Sec. 36, S½S½SE¼ that portion lying east and south of Deschutes River.
T. 9 S., R. 13 E.,
Sec. 12, lots 1, 2, 3, 4, and 5, E½SE¼;
Sec. 13, lot 1, NW¼NE¼, NE¼NW¼, and SW¼NW¼;
Sec. 14, lots 1, 2, 3, 4, and 9, SE¼NE¼;
Sec. 15, lots 1, 2, 3, 4, and 9, S½NE¼, SE¼NW¼, and NW¼SW¼;
Sec. 20, lot 2, E½NE¼, SW¼NE¼, and W½SE¼;
Sec. 21, NW¼NW¼;
Sec. 29, SW¼NW¼;
Sec. 30, S½NE¼ and W½SE¼;
Sec. 31, lot 4, NW¼NE¼, and SW¼SE¼.
T. 9 S., R. 14 E.,
Secs. 1 to 4, inclusive;
Sec. 5, lot 1, lot 4 that portion between the railroad right-of-way and the Deschutes River, NW¼SW¼;
Sec. 6, lots 1 and 2;
Sec. 7, lots 1 to 5, inclusive, NE¼NE¼, SE¼NW¼, and NE¼SW¼;
Secs. 9, 10, 15, 22, and 23.
T. 9 S., R. 18 E.,
Secs. 2, 12, 14, 23, and 24.
T. 9 S., R. 19 E.,
Secs. 1, 4, 6, 8, 10, 12, 14, 16, 20, 22, 24, 26, 30, 31, and 34.
T. 9 S., R. 20 E.,
Secs. 5 to 9, inclusive, secs. 15, 20, 25, 26, 30, 32, and 34.
T. 9 S., R. 21 E.,
Secs. 22 to 26, inclusive, and secs. 28 to 35, inclusive.
T. 9 S., R. 22 E.,
Sec. 1, secs. 10 to 15, inclusive, secs. 19, 20, 22, 23, secs. 27 to 30, inclusive, and secs. 32 and 35.
T. 9 S., R. 23 E.,
Secs. 1 to 6, inclusive, secs. 8, 9, N½ sec. 10, N½ sec. 11, secs. 12, 17, and 18.
T. 9 S., R. 24 E.,
Secs. 2, 5, 6, lot 1 sec. 7, secs. 12, 14, secs. 23 to 27, inclusive, secs. 34 and 35.
T. 9 S., R. 25 E.,
Secs. 2 to 14, inclusive, secs. 19, 21, secs. 23 to 27, inclusive, secs. 30, 34, and 35.
T. 10 S., R. 12 E.,
Sec. 13, lot 4;
Sec. 24, lots 5 and 6;
Sec. 25, lots 6, 7, 8, 9, 10, and 11;
Sec. 35, lots 4 and 5.
T. 10 S., R. 13 E.,
Sec. 18, lots 1, 2, 3, and 4, NE¼SW¼;
Sec. 19, lots 1, 2, and 3, E½NW¼;
Secs. 29, 30, 32, and 33.
T. 10 S., R. 17 E.,
Secs. 2, 6, 7, 12, 17, 18, 20, 21, 23, secs. 25 to 28, inclusive, and secs. 30 and 35.

T. 10 S., R. 18 E.,
Secs. 1, 6, 10, 14, 18, 22, 23, 24, 26, 27, and secs. 30 to 35, inclusive.
T. 10 S., R. 19 E.,
Secs. 4, 6, 7, 8, 11, secs. 17 to 21, inclusive, and secs. 25 to 31, inclusive.
T. 10 S., R. 20 E.,
Secs. 4, 7, 12, 14, 17, 18, and secs. 28 to 34, inclusive.
T. 10 S., R. 21 E.,
Secs. 1 to 6, inclusive, secs. 8 to 15, inclusive, sec. 18, secs. 20 to 24, inclusive, secs. 27, 30, 32, 34, and 35.
T. 10 S., R. 22 E.,
Sec. 5, lot 4, SW¼NW¼.
T. 10 S., R. 24 E.,
Secs. 2, 3, NE¼NE¼ sec. 11, secs. 12, 13, 24, 25, and 35.
T. 10 S., R. 25 E.,
Secs. 1 to 7, inclusive, secs. 9 to 15, inclusive, and secs. 17 to 35, inclusive.
T. 11 S., R. 11 E.,
Sec. 25, lots 2, 3, and 4, S½S½;
Sec. 27, lot 3, S½NE¼, NE¼SE¼, and N½SW¼;
Sec. 33, NE¼SE¼.
T. 11 S., R. 12 E.,
Sec. 3, lots 1, 2, 3, 4, and 5, N½SE¼, SE¼SE¼;
Sec. 10, lots 1, 2, 3, 4, and 5, S½SE¼;
Sec. 11, lots 2 and 3, NE¼NW¼, and NW¼SW¼;
Sec. 15, lots 5, 6, 7, and 8;
Sec. 22, lots 1, 2, 3, and 4, SW¼SE¼ and NE¼SE¼;
Sec. 23, N½SE¼ and SW¼SW¼;
Sec. 24, NW¼NW¼ and NW¼SW¼;
Sec. 26, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 27, lots 2, 3, 4, and 5, W½NE¼, NE¼NW¼, S½NW¼, and NW¼SE¼;
Sec. 28, lots 1, 2, 3, and 4, NW¼SE¼;
Sec. 29, lots 2 and 3;
Sec. 30, lots 1, 2, 3, 4, and 5;
Sec. 31, lots 1, 2, and 3, W½NE¼ and E½NW¼;
Sec. 32, W½NE¼, N½NW¼, NW¼SW¼, and W½SE¼;
Sec. 34, lots 2, 3, and 4, SE¼SW¼ and W½SE¼;
Sec. 35, SW¼NE¼, W½, and NW¼SE¼.
T. 11 S., R. 18 E.,
Secs. 3, 4, 9, 10, and 25.
T. 11 S., R. 19 E.,
Secs. 1, 2, 3, secs. 5 to 8 inclusive, secs. 12, 13, 14, 17, secs. 19 to 23, inclusive, secs. 26 to 29, inclusive, secs. 31, 32, 33, and 35.
T. 11 S., R. 20 E.,
Secs. 3 to 6, inclusive;
Sec. 9, NW¼NE¼;
Sec. 10, N½N½, S½NE¼, and SE¼NW¼.
T. 11 S., R. 21 E.,
Secs. 2 and 4.
T. 11 S., R. 24 E.,
Secs. 1, 2, 12, 13, 14, and 24.
T. 11 S., R. 25 E.,
Secs. 1 to 9, inclusive, secs. 11 to 15, inclusive, sec. 17, secs. 21 to 32, inclusive, and secs. 34 and 35.
T. 12 S., R. 11 E.,
Sec. 4, SE¼NE¼ and NE¼SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, SE¼NW¼ and NE¼SE¼;
Sec. 12, SW¼NE¼ and SW¼SW¼;
Sec. 13, W½NW¼ and N½SW¼;
Sec. 14, S½NE¼, SE¼NW¼, W½SE¼, and NE¼SE¼;
Sec. 20, NW¼NE¼;
Sec. 23, E½SW¼ and W½SE¼;
Sec. 24, SW¼SE¼;
Sec. 25, W½NW¼ and NW¼SW¼;
Sec. 26, NE¼, E½NW¼, and SW¼NW¼;
Sec. 34, SW¼SE¼;
Sec. 35, S½NE¼.
T. 12 S., R. 12 E.,
Sec. 2, lot 4;
Sec. 3, lots 1, 2, 3, 6, 7, 8, 9, and 10, SW¼;
Sec. 9, SE¼SE¼;
Sec. 10, lots 1, 2, 3, 4, 6, 8, 9, 11, and 14;
Sec. 11, N½SW¼ and SW¼SW¼;
Sec. 14, W½;
Sec. 15, lots 3 and 4;
Sec. 19, NE¼SW¼;
Sec. 21, W½E½, E½W½, and SW¼SW¼;
Sec. 22, SE¼SE¼;
Sec. 23, NW¼ and N½SW¼;
Sec. 27, lots 1, 2, 3, 5, 6, 7, 9, 10, and 11, NW¼SW¼.
T. 12 S., R. 20 E.,
Secs. 6, 7, and 8.
T. 12 S., R. 24 E.,
Sec. 1, lots 1 and 2.
T. 12 S., R. 25 E.,
Secs. 1 to 6, inclusive, secs. 12, 14, 24, 26, 32, and 34.
T. 13 S., R. 11 E.,
Lot 3 sec. 5, SW¼NW¼ sec. 17, and SE¼NE¼ sec. 18.
T. 13 S., R. 12 E.,
Sec. 3, lots 7 and 8;
Sec. 4, lots 3 and 7, SW¼NE¼, NW¼SE¼;
Sec. 5, lots 3 and 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6, lot 10, NE¼SE¼;
Sec. 7, E½NE¼;
Sec. 8, NW¼NW¼, S½NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, lots 12 and 14;
Sec. 14, lot 5, NE¼NW¼;
Sec. 17, W½E½ and SE¼SE¼;
Sec. 19, NE¼SE¼;
Sec. 20, N½NE¼ and SE¼NE¼;
Sec. 21, SW¼NW¼, N½S½, and SE¼SE¼;
Sec. 24, SW¼NE¼;
Sec. 27, SW¼NW¼ and NW¼SW¼;
Sec. 28, lots 1, 2, 3, 4, and 5, NW¼NE¼;
Sec. 30, NW¼NE¼;
Sec. 33, lots 2, 3, and 4, SW¼NE¼ and SE¼NW¼;
Sec. 34, W½SW¼.
T. 13 S., R. 13 E.,
Sec. 31, lot 3.
T. 13 S., R. 24 E.,
Sec. 12;
Sec. 13, NE¼.
T. 13 S., R. 25 E.,
SE¼SE¼ sec. 6, secs. 7, 12, 13, 14, and secs. 17 to 24, inclusive.

The areas described aggregate approximately 275,000 acres of public lands.

4. As provided in paragraph 2, the following described public lands, which are a part of the lands described in paragraph 3, are further segregated from location or appropriation under the general mining laws:

WILLAMETTE MERIDIAN

T. 2 S., R. 15 E.,
Sec. 26, S½SW¼.
T. 3 S., R. 14 E.,
Sec. 13, S½NW¼ and N½SW¼;
Sec. 14, E½SE¼.
T. 3 S., R. 15 E.,
Sec. 3, W½SW¼;
Sec. 4, SW¼;
Sec. 5, E½SE¼;
Sec. 7, NE¼SW¼ and N½SE¼;
Sec. 8, SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 17, NE¼NE¼ and N½SE¼.
T. 4 S., R. 14 E.,
Sec. 20, SE¼NE¼;
Sec. 21, NW¼NW¼;
Sec. 29, W½NE¼ and W½SE¼;
Sec. 32, N½NE¼;
Sec. 33, W½NW¼ and NW¼SW¼.
T. 5 S., R. 13 E.,
Sec. 24, lots 5 and 6;
Sec. 25, lots 5, 7, and 8.
T. 7 S., R. 14 E.,
Sec. 8, lot 3;
Sec. 9, lots 3 and 4, S½SW¼;
Sec. 17, lots 2, 3, and 4.
T. 6 S., R. 14 E.,
Sec. 21, lots 1, 2, 3, 4, and 5, S½SW¼ and SW¼SE¼;
Sec. 29, lots 9, 10, 11, 12, 13, 14, 15, 16, and 17;
Sec. 32, lots 1, 2, and 3.
T. 9 S., R. 13 E.,
Sec. 12, lots 2, 3, 4, and 5;
Sec. 13, lot 1, NW¼NE¼ and NE¼NW¼.
T. 13 S., R. 12 E.,
Sec. 8, NW¼NW¼ and S½NW¼;
Sec. 33, lots 2 and 3, SW¼NE¼, and SE¼NW¼.

The areas described aggregate approximately 2,764 acres of public lands.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 185 East 4th Street, Prineville, Oreg. 97754.

6. Public hearings on the proposed classification will be held at 1 p.m., on April 15, 1969, at the Courthouse in Condon, Oreg.; at 10 a.m., April 16, at the Courthouse in The Dalles, Oreg.; and at 10 a.m., April 17, at the Courthouse in Madras, Oreg.

DANIEL P. BAKER,
Assistant State Director.

[F.R. Doc. 69-3247; Filed, Mar. 18, 1969; 8:45 a.m.]

Office of the Secretary

[Order 2508, Amdt. 31]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority Regarding Lands and Minerals

In section 13, Lands and minerals, of Order 2508, paragraph (u) is revised to read as follows:

(u) The approval of assignments and the issuance of certificates of assignments to Minnesota Mdewakanton Sioux Indians of land acquired by the United States pursuant to the Acts of June 29, 1888 (25 Stat. 228), March 2, 1889 (25 Stat. 992), and August 19, 1890 (26 Stat. 349).

RUSSELL E. TRAIN,
Under Secretary of the Interior.

MARCH 10, 1969.

[F.R. Doc. 69-3252; Filed, Mar. 18, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PROPYLTHIOURACIL, METHIMAZOLE, AND IOTHIOURACIL SODIUM

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Propylthiouracil Tablets, 50 milligrams; marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 6-212).

2. Propylthiouracil Tablets, 50 milligrams; marketed by Cole Pharmacal Co., Inc., 3721 Laclede Avenue, St. Louis, Mo. 63108 (NDA 6-416).

3. Propylthiouracil Tablets, 50 milligrams; marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6-213).

4. Propylthiouracil Tablets, 50 milligrams; marketed by Lederle Laboratories, Division of American Cyanamid Co., West Middletown Road, Pearl River, N.Y. 10965 (NDA 6-188).

5. Propylthiouracil Tablets, 50 milligrams; marketed by Parke, Davis & Co., Joseph Campau Avenue at the River, Detroit, Mich. 48232 (NDA 6-286).

6. Propylthiouracil Tablets, 50 milligrams; marketed by Rexall Drug & Chemical Co., 8480 Beverly Boulevard, Los Angeles, Calif. 90054 (NDA 6-846).

7. Propylthiouracil Tablets, 50 milligrams; marketed by the Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 6-250).

8. Tapazole (Methimazole) Tablets, 5 and 10 milligrams; marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 7-517).

9. Itrumil Sodium (Iothiouracil Sodium) Tablets, 50 milligrams; marketed by Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 7-765).

The Food and Drug Administration concludes that:

1. Propylthiouracil and methimazole are effective for treatment of hyperthyroidism and to ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

2. Propylthiouracil is possibly effective for thyroiditis.

3. Iothiouracil sodium is effective for mild hyperthyroidism.

The drugs continue to be regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for these drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

I. PROPYLTHIOURACIL

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered reports of the National Academy of Sciences–National Research Council, Drug Efficacy Study Group, and concludes that propylthiouracil is effective for the treatment of hyperthyroidism and to ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

2. The Administration regards the drug as "possibly effective" for thyroiditis.

B. *Form of drug.* Propylthiouracil preparations are in tablet form suitable for oral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder, and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Propylthiouracil inhibits the synthesis of thyroid hormones and thus is effective in the treatment of hyperthyroidism because it blocks excess production of these hormones. The drug does not inactivate thyroxine and triiodothyronine already made and stored in colloid or circulating in the blood, nor does it alter thyroid hormones given by mouth or by injection.

INDICATIONS

Hyperthyroidism.

To ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

CONTRAINDICATION

Hypersensitivity.

WARNINGS

PREGNANCY: Propylthiouracil used judiciously is an effective drug in hyperthyroidism complicated by pregnancy. Because it readily crosses placental membranes and can induce goiter and even cretinism in the developing fetus, it is important that a sufficient, but not excessive, dose be given. In many pregnant women the thyroid dysfunction diminishes as the pregnancy proceeds, thus making a reduction of dose possible. In some instances propylthiouracil can be withdrawn 2 or 3 weeks before delivery.

The noncomitant administration of thyroid during propylthiouracil therapy of the pregnant hyperthyroid woman is also recommended in order that hypothyroidism in the mother and her fetus may be prevented. Administration should continue through and beyond delivery. Postpartum patients receiving propylthiouracil should not nurse their babies.

PRECAUTIONS

Patients who receive this medication should be under close surveillance and should be impressed with the necessity of reporting immediately any evidence of illness, particularly sore throat, skin eruptions, fever, headache, or general malaise. In such cases, a white blood cell and differential count should be made to determine whether agranulocytosis has developed.

ADVERSE REACTIONS

Adverse reactions are probably less than 3 percent.

Minor adverse reactions include: Skin rash, urticaria, nausea, vomiting, epigastric distress, arthralgia, paresthesias, loss of taste, abnormal loss of hair, myalgia, headache, pruritis, drowsiness, neuritis, edema, vertigo, akin pigmentation, jaundice, sialadenopathy, and lymphadenopathy.

Major adverse reactions (much less common than the minor adverse reactions) include: Inhibition of myelopoiesis (agranulocytosis, granulopenia, and thrombocytopenia), drug fever, a lupus-like syndroms, hepatitis, periarteritis, and hypoprothrombinemia.

It should be noted that about 10 percent of patients with untreated hyperthyroidism have leukopenia (count of white blood cells of less than 4,000 mm^3), often with relative granulopenia.

DOSAGE AND ADMINISTRATION

Adult: The total daily adult dose of propylthiouracil is usually administered in three equal doses at approximately 8-hour intervals. The initial dose is 300 milligrams daily. In patients with severe hyperthyroidism, very large goiters, or both, the initial dosage usually should be 400 milligrams daily; an occasional patient will require 600–900 milligrams daily initially. The "maintenance daily dose" is usually 100–150 milligrams.

Pediatric: 6–10 years—initial 50–150 milligrams for 24 hours; 10 years and over—initial 150–300 milligrams for 24 hours. Maintenance determined by the response of the patient.

D. *Claims permitted during extended period for obtaining substantial evidence.* The indication for which the drug is described in paragraph A–2 above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for 6 months following publication hereof in the FEDERAL REGISTER to allow additional time for holders of previously approved applications, or persons marketing the drug without approval, to obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Marketing status.* Marketing of the drug may continue under the conditions described in IV and V below of this announcement, except that for the period indicated in paragraph D above, the labeling may continue to include the indication for which the drug is evaluated as possibly effective as described in paragraph A–2 above.

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e) and 130.13(b)(4)) are waived in regard to applications approved for this drug for the conditions of use described herein.

II. METHIMAZOLE

A. *Effectiveness classification.* The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and concludes that methimazole is effective for the treatment of hyperthyroidism and to ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

B. *Form of drug.* Methimazole preparations are in tablet form suitable for oral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in

the labeling conditions in this announcement.

C. Labeling conditions. 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder, and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Methimazole inhibits the synthesis of thyroid horomones and thus is effective in the treatment of hyperthyroidism because it blocks excess production of these hormones. The drug does not inactivate thyroxine and triiodothyronine already made and stored in colloid or circulating in the blood, nor does it alter thyroid hormones given by mouth or by injection.

INDICATIONS

Hyperthyroidism.

To ameliorate hyperthyroidism in preparation for subtotal thyroidectomy or radioactive iodine therapy.

CONTRAINDICATION

Hypersensitivity.

WARNINGS

PREGNANCY: Methimazole used judiciously is an effective drug in hyperthyroidism complicated by pregnancy. Because it readily crosses placental membranes and can induce goiter and even cretinism in the developing fetus, it is important that a sufficient, but not excessive, dose be given. In many pregnant women the thyroid dysfunction diminishes as the pregnancy proceeds, thus making a reduction of dose possible. In some instances methimazole can be withdrawn 2 or 3 weeks before delivery.

The concomitant administration of thyroid during methimazole therapy of the pregnant hyperthyroid woman is also recommended in order that hypothyroidism in the mother and her fetus may be prevented. Administration should continue through and beyond delivery. Postpartum patients receiving methimazole should not nurse their babies.

PRECAUTIONS

Patients who receive this medication should be under close surveillance and should be impressed with the necessity of reporting immediately any evidence of illness, particularly sore throat, skin eruptions, fever, headache, or general malaise. In such cases, a white blood cell and differential count should be made to determine whether agranulocytosis has developed.

ADVERSE REACTIONS

Adverse reactions are probably less than 3 percent.

Minor adverse reactions include: Skin rash, urticaria, nausea, vomiting, epigastric distress, arthralgia, paresthesias, loss of taste, abnormal loss of hair, myalgia, headache, pruritis, drowsiness, neuritis, edema, vertigo, skin pigmentation, jaundice, sialadenopathy, and lymphadenopathy.

Major adverse reactions (much less common than the minor adverse reactions) include: Inhibition of myelopoiesis (agranulocytosis, granulopenia, and thrombocytopenia), drug fever, a lupus-like syndrome, hepatitis, periarteritis, and hypoprothrombinemia.

It should be noted that about 10 percent of patients with untreated hyperthyroidism have leukopenia (counts of white blood cells of less than 4,000 mm^3), often with relative granulopenia.

DOSAGE AND ADMINISTRATION

Adult: Initial—usually 15 milligrams daily for mild hyperthyroidism, 30 to 40 milligrams daily for moderately severe cases, and 60 milligrams divided into three doses at intervals of 8 hours for severe cases. Maintenance—5 to 15 milligrams daily.

Pediatric: Initial—0.4 milligram per kilogram for 24 hours. Maintenance approximately one-half initial dose.

D. Marketing status. Marketing of the drug may continue under the conditions described in IV and V below of this announcement.

E. Exemption from periodic reporting. The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e) and 130.13(b)(4)) are waived in regard to applications approved for this drug for the conditions of use described herein.

III. IOTHIOURACIL SODIUM

A. Effectiveness classification. The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and concludes that iothiouracil sodium is effective for mild hyperthyroidism.

B. Form of drug. Iothiouracil sodium preparations are in tablet form suitable for oral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. Labeling conditions. 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder, and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Iothiouracil inhibits the synthesis of thyroid hormone.

INDICATIONS

Mild hyperthyroidism.

CONTRAINDICATIONS

Hypersensitivity.

As a treatment in the preparation of hyperthyroid patients for radioactive iodine therapy. The stable iodine in iothiouracil results in the gland storing colloid that is rich in thyroid hormone. When the gland is destroyed with radioactive iodine, the release of its hormone may induce severe thyroid storm.

WARNINGS

The P.B.I. test is invalid in patients receiving iothiouracil.

Severe hyperthyroidism may be inadequately controlled. Iothiouracil is approximately one-half iodine and one-half thiouracil by weight. Accordingly, if 300 milligrams are given daily, the patient is receiving approximately 150 milligrams of iodine, which is more than usually required, and 150 milligrams thiouracil, less than usually required to control severe thyrotoxicosis.

PREGNANCY: Iothiouracil used judiciously is an effective drug in hyperthyroidism complicated by pregnancy. Because it readily crosses placental membranes and can induce goiter and even cretinism in the developing fetus, it is important that a sufficient, but not excessive, dose be given. In many pregnant women the thyroid dysfunction diminishes as the pregnancy proceeds, thus making a reduction of dose possible. In some instances iothiouracil can be withdrawn 2 or 3 weeks before delivery.

The concomitant administration of thyroid during iothiouracil therapy of the pregnant hyperthyroid woman is also recommended in order that hypothyroidism in the mother and her fetus may be prevented. Administration should continue through and beyond delivery. Postpartum patients receiving iothiouracil should not nurse their babies.

PRECAUTIONS

Patients who receive this medication should be under close surveillance and should be impressed with the necessity of reporting immediately any evidence of illness, particularly sore throat, skin eruptions, fever, headache, or general malaise. In such cases, a white blood cell and differential count should be made to determine whether agranulocytosis has developed.

ADVERSE REACTIONS

Adverse reactions are probably less than 3 percent.

Minor adverse reactions include: Skin rash, urticaria, nausea, vomiting, epigastric distress, arthralgia, paresthesias, loss of taste, abnormal loss of hair, myalgia, headache, pruritis, drowsiness, neuritis, edema, vertigo, skin pigmentation, jaundice, sialadenopathy, and lymphadenopathy.

Major adverse reactions (much less common than the minor adverse reactions) include: Inhibition of myelopoiesis (agranulocytosis, granulopenia, and thrombocytopenia), drug fever, a lupus-like syndrome, hepatitis, periarteritis, and hypoprothrombinemia.

It should be noted that about 10 percent of patients with untreated hyperthyroidism have leukopenia (counts of white blood cells of less than 4,000 mm^3), often with relative granulopenia.

DOSAGE AND ADMINISTRATION

Usual daily dose: Initial—300 milligrams daily in mild hyperthyroidism, divided into 3 doses at intervals of 8 hours; maintenance—150 to 200 milligrams daily.

D. Marketing status. Marketing of the drug may continue under the conditions described in IV and V below of this announcement.

E. Exemption from periodic reporting. The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to

applications approved for this drug for the conditions of use described herein.

IV. PREVIOUSLY APPROVED APPLICATIONS

A. Each holder of a "deemed approved" new-drug application (that is, an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

1. Revised labeling as needed to conform with the labeling conditions described herein for the drug.

2. Adequate data to assure the biologic availability of the drug in the formulation which is marketed; if such data are already included in the application, specific reference thereto may be made.

3. Updating information as needed to make the application current in regard to items 6 (components) and 7 (composition) of the new-drug application form FD–356H and, to the extent described below for new applications, item 8 (methods, facilities, and controls) of FD–356H.

B. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER.

1. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time.

2. 180 days for biologic availability data.

3. 60 days for updating information.

C. Marketing of the drug may continue until the supplemental applications submitted in accordance with paragraphs A and B above are acted upon provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described herein.

V. NEW APPLICATIONS

A. Any other person who distributes or intends to distribute such a drug intended for the conditions of use for which it has been shown to be effective should submit a new-drug application meeting the conditions specified in this announcement.

B. Such applications should include:

1. Proposed labeling which is in accord with the labeling conditions herein.

2. Adequate data to assure the biologic availability of the drug in the formulation marketed or proposed for marketing.

3. Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (R_x or OTC statement), 6 (components), and 7 (composition), of the new-drug application form FD–356H and, in lieu of full information described under item 8 (methods, facilities, and controls) of FD–356H, brief statements that:

a. Identify the place where the drug will be manufactured, processed, packaged, and labeled.

b. Identify any person other than the applicant who performs a part of those operations and designate the part.

c. Include certification from the applicant and from any person identified in subparagraph b above that the methods used in, and the facilities and controls used for, the manufacture, processing, packing, and holding of the drug are in conformity with current good manufacturing practice as prescribed by Part 133 (21 CFR Part 133).

d. Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or if not listed, or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity.

e. Outline the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.

C. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

1. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

2. The manufacturer, packer, or distributor of such drug submits, within 180 days from the publication date of this announcement, a new-drug application to the Food and Drug Administration.

3. The applicant submits within a reasonable time additional information that may be required for approval of the application as specified in a written communication from the Food and Drug Administration.

4. The application has not been ruled incomplete or unapprovable.

VI. UNAPPROVED USE OR FORM OF DRUG

A. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it will be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

B. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after the publication hereof in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject drugs or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE–300).
Supplements: Bureau of Medicine.
Original new-drug applications: Bureau of Medicine.
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 12, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3244; Filed, Mar. 18, 1969; 8:45 a.m.]

HOPS EXTRACT CORPORATION OF AMERICA

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2346) has been filed by Hops Extract Corp. of America, Post Office Box 341, Yakima, Wash. 98901, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use in beer production of a modified hop extract processed with methylene chloride, hexane, and methyl alcohol as solvents.

Dated: March 12, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–3263; Filed, Mar. 18, 1969; 8:46 a.m.]

Office of Education

APPLICATION FOR FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing

Correction

In F.R. Doc. 69–2984 appearing at page 5128 of the issue for Wednesday, March 12, 1969, delete the sixth line in

column one on page 5129 and insert in lieu thereof "Va., as of November 5, 1967. Total estimated".

Social and Rehabilitation Service

ACTING CHIEF, CHILDREN'S BUREAU

Notice of Designation

I hereby designate Mr. Jule M. Sugarman as Acting Chief, Children's Bureau.

Dated: March 12, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-3255; Filed, Mar. 18, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19856]

MIAMI-LONDON ROUTE INVESTIGATION

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on April 23 is postponed to May 21, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 14, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-3285; Filed, Mar. 18, 1969; 8:48 a.m.]

[Docket No. 20776]

NOVO INDUSTRIAL CORP. AND HOURLY MESSENGERS, INC.

Notice of Proposed Approval

Application of Novo Industrial Corp. and Hourly Messengers, Inc., for approval of control relationships under section 408 of the Federal Aviation Act, Docket 20776.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 14, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Novo Industrial Corp. and Hourly Messengers, Inc., for approval pursuant to section 408 of the Federal Aviation Act.

By application filed February 29, 1969, Novo Industrial Corp. (Novo) and Hourly Messengers, Inc. (Hourly), request approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), of Novo's acquisition of Hourly by means of a tax free exchange of Novo and Hourly stock.

Novo is a diversified company with manufacturing and service divisions and subsidiaries in the United States and Canada. It has acquired three air freight forwarders in the past several years and also currently controls two interstate common carriers.[1]

Hourly has been operating as a contract motor common carrier providing a packaged delivery service with respect to certain products and materials between points in Pennsylvania, Delaware, New Jersey, New York, and Washington, D.C.

The Interstate Commerce Commission recently decided to make permanent Hourly's temporary certificate of public convenience and necessity and thereby authorize Hourly to provide small package service between specified counties in the Philadelphia area and counties in New Jersey and Delaware.[2] This authority, however, is subject to several restrictions.[3]

No comments relative to the application have been received.

Notice of intent to dispose of the application has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Hourly is a common carrier and Novo's acquisition of Hourly while controlling ADI and Air Expediting is subject to section 408 of the Act. However, it has been further concluded that such control relationships do not affect the control of a direct air carrier, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships do not appear to present any regulatory problems, particularly in view of the restrictions placed on Hourly's authority by the ICC.[4] Consequently, it appears that approval of the control relationships would not be inconsistent with the public interest.[5]

However, the Board believes that any further expansion of the surface rights of Hourly may give rise to issues not now present. Consequently, the approval granted herein will be effective only so long as Hourly's surface rights are not expanded beyond their present scope. The Board will also reserve jurisdiction generally over the control relationships subject to its approval.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without hearing.

Accordingly, it is ordered:

1. That the acquisition of Hourly by Novo be and it hereby is approved;
2. That the approval granted herein shall be effective only so long as Hourly's surface rights are not expanded beyond their present scope; and
3. That jurisdiction over the instant application be and it hereby is retained for the purpose of imposing from time to time such further terms and conditions as the Board may find to be just and reasonable.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3284; Filed, Mar. 18, 1969; 8:48 a.m.]

[Docket No. 18257]

SOUTHERN TIER COMPETITIVE NONSTOP INVESTIGATION

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation now assigned for April 16 is postponed to begin on April 23, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 14, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-3286; Filed, Mar. 18, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1113]

HELM'S INTERNATIONAL, INC.

Order of Revocation

On January 17, 1969, the Fidelity and Deposit Company of Maryland notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. 79-62789, underwritten in behalf of Helm's International, Inc., 1010 Lincoln Highway West, Irwin, Pa. 15642, would be canceled effective February 20, 1969.

Helm's International, Inc., was notified that unless a new surety bond was submitted to the Commission, its Independent Ocean Freight Forwarder License No. 1113 would be canceled effective February 20, 1969, pursuant to General Order 4, Amendment 12 (46 CFR 510.9).

Helm's International, Inc., has failed to submit a valid surety bond in compliance with the above rule.

It is ordered, That the Independent Ocean Freight Forwarder License No. 1113 is revoked effective February 20, 1969; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 1113 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-3288; Filed, Mar. 18, 1969; 8:48 a.m.]

A.O.K. SHIPPING SERVICE, INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor; Revisions

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

A.O.K. Shipping Service, Inc., Pier No. 3, Municipal Docks, Post Office Box 2798, Miami, Fla.
Mark O'Hara, 4103 West 101st Street, Inglewood, Calif.
Birdsall Construction Co., 821 Avenue E, Riviera Beach, Fla.
Arthur Jacobs, 1216 Burke Avenue, Bronx, N.Y.
L. Graja & T. Caoral, Inc., c/o William A. Barta, Room 1117, 39 Broadway, New York, N.Y.
Monumental-Security Storage Co., 3006 Druid Park Drive, Baltimore, Md.
Luis Hernandez, Herco International, 959 Southwest 69 Avenue, Miami, Fla.
Regis F. Kramer & Co., 5428 West 104th Street, Los Angeles, Calif.

Dated: March 14, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3289; Filed, Mar. 18, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-7214 etc.]

STANDARD OIL COMPANY OF TEXAS ET AL.

Findings and Order

MARCH 11, 1969.

Standard Oil Company of Texas, a division of Chevron Oil Co. and other Applicants listed herein, Dockets Nos. G-7214 et al.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of surety bond, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Valor Production Co. (Operator) et al., Applicant in Docket No. CI64-1441, and Valor Production Co., Applicant in Docket No. CI64-1443, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Ray D. Sorrells (Operator) et al., FPC Gas Rate Schedule No. 1 and Chiles Drilling Co. (Operator) et al., FPC Gas Rate Schedule No. 1, respectively. Said rate schedules will be redesignated as those of Valor. The presently effective rates under said rate schedules are in effect subject to refund in Dockets Nos. RI66-375 and RI66-336, respectively. Valor has submitted agreements and undertakings in each of said dockets[1] to assure the refund of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Valor will be made co-respondent in the proceedings pending in Dockets Nos. RI 66-336 and RI66-375; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Petroleum Management, Inc. (Operator) et al., Applicant in Docket No. CI68-957, proposes to continue the sale of natural gas heretofore authorized in Docket No. G-11041 to be made pursuant to Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 199.[2] Said rate schedule will be redesignated as that of Applicant. On August 1, 1967, Atlantic Richfield filed for an increase in rate from 15 to 16 cents per Mcf at 14.65 p.s.i.a. The filing was designated as Supplement No. 11 to the related rate schedule and the use thereof was deferred until February 1, 1968, and thereafter until made effective. On January 29, 1968, Applicant filed its certificate application and therein concurred in Atlantic Richfield's rate increase filing. The increased rate was made effective subject to refund in Docket No. RI68-91 on February 1, 1968. Therefore, Applicant will be permitted to collect the 15-cent rate for sales prior to February 1, 1968, and the 16-cent rate subject to refund in Docket No. RI68-91 for sales from February 1, 1968. Applicant will be made a co-respondent in Docket No. RI68-91, the proceeding will be redesignated accordingly, and Applicant will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by The Manufacturers Light and Heat Co. was filed in Docket No. CI69-435, in the matter of the application filed on November 4, 1968, in said docket. The petition to intervene has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on February 27, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning

[1] See Orders E-24429, Nov. 21, 1966; E-26863, June 3, 1968; 68-10-181, Oct. 31, 1968; and 68-11-61, Nov. 14, 1968.

[2] Hourly Messengers, Inc., 108 MC 402, Jan. 31, 1969.

[3] Such restrictions include inter alia, that no package weighing more than 50 pounds and exceeding 108 inches in length and girth combined may be carried; that Hourly may not transport packages weighing in the aggregate of more than 100 pounds from one consignor at one location to one consignee at one location on any one day; that Hourly may not transport traffic having a prior or subsequent movement by air; and that Hourly must surrender its contract carriage permit to the ICC except for that portion authorizing the transportation of processed or unprocessed film.

[4] See footnote 3, supra.

[5] See Order E-22451, July 19, 1965.

[1] Valor submitted an agreement and undertaking in Docket No. CI64-1443 rather than in Docket No. RI66-336. The instrument will be construed as having been filed in the latter docket.

[2] Docket No. CI68-957 will be canceled and the order issuing the certificate in Docket No. G-11041 will be amended by substituting Applicant as certificate holder.

of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI68–957 should be canceled and that the application filed therein should be processed as a petition to amend the order issuing a certificate of public convenience and necessity in Docket No. G–11041.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Dockets Nos. G–11041, G–13886, G–20130, CI60–362, CI61–1767, CI62–655, CI64–1130, CI64–1441, CI64–1443, CI65–587, CI65–606, CI65–842,[1] CI65–1243, CI66–290, CI66–1036, CI66–1110, CI66–1136, CI66–1137, CI67–224, CI67–1626, and CI68–1148 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Valor Production Co. and Valor Production Co. (Operator) et al., should be made co-respondent in the proceedings pending in Dockets Nos. RI66–336 and RI66–375, respectively; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted in said proceedings should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petroleum Management, Inc. (Operator) et al., should be made co-respondent in the proceeding pending in Docket No. RI68–91; that said proceeding should be redesignated accordingly; and that Petroleum Management, Inc. (Operator) et al., should be required to file a surety bond in said proceeding.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI64–1130, CI65–606, and CI69–558 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicant in Docket No. CI65–606 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A. Applicants in Dockets Nos. CI64–1130 and CI69–558 shall file rate schedule quality statements within 45 days from the date of this order.

(c) Sales authorized in Dockets Nos. G–20130, CI69–336, and CI69–504 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(d) Sales authorized in Dockets Nos. CI69–328 and CI69–593 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(e) Sales authorized in Dockets Nos. CI67–224 and CI69–575 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment.

(f) The sale authorized in Docket No. CI69–505 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement, and subject to upward and downward B.t.u. adjustment. Further the certificate is conditioned by limiting the buyer's take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves during the first 2 years of the contract.

(g) The certificate issued in Docket No. CI69–588 is conditioned by limiting the buyer's take-or-pay obligation of gas well gas to a quantity based on a 1 to 7,300 reserve ratio of gas well gas reserves.

(h) The authorizations granted in Dockets Nos. CI67–224 and CI69–587 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(i) The acceptance for filing of the related rate filings in Dockets Nos. CI64–1441 and CI64–1443 is contingent upon Applicant's filing three copies of a billing statement for each rate schedule as required by the regulations under the Natural Gas Act.

(F) A certificate is issued herein in Docket No. CI69–574 authorizing Mobil Oil Corp. to continue the sale of natural gas previously covered by the certificate issued to the operator, Newman Brothers Drilling Co., in Docket No. CI67–1626.

(G) The order issuing a certificate in Docket No. CI67–1626 is amended by deleting therefrom the interests of Mobil Oil Corp.

(H) Docket No. CI68–957 is canceled.

(I) The orders issuing certificates in Dockets Nos. G–20130, CI65–606, CI65–842,[1] CI65–1243, CI66–1036, CI67–224, and CI68–1148 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(J) The orders issuing certificates in Dockets Nos. G–13886, CI62–655, and CI65–587 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–554, CI69–556, and CI69–558, respectively.

(K) The order issuing a certificate in Docket No. CI60–362 is amended to reflect the change in corporate name as indicated in the tabulation herein.

(L) The orders issuing certificates in Dockets Nos. G–11041, CI61–1767, CI64–1130, CI64–1441, CI64–1443, CI66–290, CI66–1110, CI66–1136, and CI66–1137 are amended by substituting the successors in interest as certificate holders.

(M) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(N) The certificates heretofore issued in Dockets Nos. CI60–529, CI63–975, CI63–1213, CI64–899, CI64–1200, CI65–88, CI66–704, CI66–1284, and CI67–558 are terminated.

(O) Valor Production Co. and Valor Production Co. (Operator) et al., are made co-respondents in the proceedings pending in Dockets Nos. RI66–336 and RI66–375, respectively; the proceedings are redesignated accordingly;[4] and the agreements and undertakings submitted by Valor in said proceedings are accepted for filing.

(P) Valor Production Co. and Valor Production Co. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed in Dockets Nos. RI66–336 and RI66–375 shall remain in full force and effect until discharged by the Commission.

(Q) Petroleum Management, Inc. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI68–91 and the proceeding is redesignated accordingly.[5] The rate, charges, and classifications set forth in Supplement No. 11 to Petroleum Management, Inc. (Operator) et al., FPC Gas Rate Schedule No. 4 shall be effective subject to refund as of February 1, 1968. The rate of 15 cents per Mcf at 14.65 p.s.i.a. shall be charged and collected for sales made prior to February 1, 1968; and the rate of 16 cents per Mcf at 14.65 p.s.i.a. shall be charged and collected for sales from February 1, 1968, subject to any future orders of the Commission in Docket No. RI68–91.

(R) Within 30 days from the issuance of this order Petroleum Management, Inc. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond for $1,800 in Docket No. RI68–91 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(S) Petroleum Management, Inc. (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by it in Docket No. RI68–91 shall remain in full force and effect until discharged by the Commission.

(T) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Temporary certificate.

[4] Docket No. RI66–336, Chiles Drilling Co. (Operator) et al., and Valor Production Co.; Docket No. RI66–375, Ray D. Sorrells (Operator) et al., and Valor Production Co. (Operator) et al.

[5] Atlantic Richfield Co. (Operator) et al., and Petroleum Management, Inc. (Operator) et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–7214 [1]	Standard Oil Co. of Texas, a division of Chevron Oil Co.	Texas Eastern Transmission Corp., Adams Ranch Field, Jasper County, Tex.	Assignment 2–18–66 [2] Effective date: 3–7–66	2	18
G–8663 [1]	Sun Oil Co. (DX Division) (successor to Sunray DX Oil Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Beaurline Field, Hidalgo County, Tex.	Assignment 2–1–66 [3] Assignment 2–24–66 [3] Effective date: 2–1–66 and 2–24–66.	72 72	9 10
G–11041 (CI68–957) E 1–29–68 [4]	Petroleum Management, Inc. (Operator), et al. (successor to Atlantic Richfield Co. (Operator) et al.).	Florida Gas Transmission Co., East Aransas Pass Field, Aransas County, Tex.	Atlantic Richfield Co. (Operator) et al., FPC GR8 No. 199. Supplement Nos. 1–11 Notice of succession (undated).	4	1–11
			Assignment 9–18–67 [5] Assignment 11–28–67 [6] Effective date: 10–1–67.	4 4	12 13
G–20130 C 12–23–68 [7]	Gulf Oil Corp.[8]	Transcontinental Gas Pipe Line Corp., Dilworth Dome Field, McMullen County, Tex.	Agreement 10–23–68 [9]	178	7
CI60–362 12–5–68 [10]	Hewitt B. Fox, Inc. (Operator), et al. (formerly Miller & Fox Minerals Corp. (Operator), et al.).	Texas San Juan Oil Corp., Miller & Fox Field, Jim Wells County, Tex.	Miller & Fox Minerals (Operator) et al., FPC GR8 No. 1. Supplement No. 1 Notice of succession 12–4–68. Effective date: 3–9–67.	1 1	1
CI61–1767 E 11–14–68	Elton A. Bayer (successor to Paul H. Ash et al., d.b.a. A. & C. Oil and Gas Co.).	Equitable Gas Co., Court House District, Lewis County, W. Va.	Paul H. Ash et al., d.b.a. A. & C. Oil and Gas Co., FPC GR8 No. 2. Notice of succession 11–12–68.	8	
			Assignment 11–9–66 [11] Assignment 12–31–66 [11] Effective date: 1–5–67.	8 8	1 2

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[8] Temporary certificate.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI64-1130 E 11-21-66	Getty Oil Co. (Operator) et al. (successor to Atlantic Richfield Co.).	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	Atlantic Richfield Co., FPC GRS No. 287.	170	
			Supplement Nos. 1-3	170	1-3
			Notice of succession 11-15-66.		
			Assignment 11-6-66 [13]	170	4
CI64-1441 E 5-1-67	Valor Production Co. (Operator) et al. (successor to Ray D. Sorrells (Operator) et al.).	Almos Gas Gathering Co., Linke Field, Bee County, Tex.	Assignment 11-6-66 [9 13]	170	5
			Ray D. Sorrells (Operator) et al., FPC GRS No. 1.	3	
			Supplement No. 1	3	1
			Notice of succession (Undated).		
			Assignment 4-4-67 [14]	3	2
CI64-1443 E 5-1-67	Valor Production Co. (successor to Chiles Drilling Co. (Operator) et al.).	do	Effective date: 3-1-67		
			Chiles Drilling Co. (Operator) et al., FPC GRS No. 1.	4	
			Supplement No. 1	4	1
			Notice of succession (Undated).		
			Assignment 12-5-66 [14]	4	2
			Effective date: 12-1-66		
CI65-606 C 10-21-66	Humble Oil & Refining Co.[16]	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	Agreement 12-12-67 [9]	372	9
CI65-642 [17] D 11-29-66	Humble Oil & Refining Co. (Operator) et al.	Trunkline Gas Co., South Jay Simmons Field, Starr County, Tex.	Amendment 11-6-66 [13 19]	373	2
CI65-1243 C 12-19-66 [7]	Sun Oil Co. (DX Division) (successor to Sunray DX Oil Co.).	El Paso Natural Gas Co., Gallegos Canyon Field, San Juan County, N. Mex.	Amendatory Agreement 10-4-66. [9 20]	255	3
CI65-290 E 12-17-66	Atoka, Inc., et al.[21] (successor to Franks Petroleum (Operator) et al.	United Gas Pipe Line Co., South Downsville Field, Lincoln Parish, La.	Franks Petroleum (Operator), et al., FPC GRS No. 5.	2	
			Supplements Nos. 1-8	2	1-3
			Notice of succession 12-16-66.		
			Assignment 2-21-66 [22]	2	4
			Assignment 7-2-66 [23]	2	5
			Effective date: 5-1-66		
CI66-1036 C 10-10-66 [7]	J. Gregory Merrion et al.	El Paso Natural Gas Co., Basin Dakota Field, Sandoval County, N. Mex.	Agreement 10-7-66 [9]	5	4
CI66-1110 E 11-15-66	Helen F. York et al., d.b.a. Wolfpen Oil & Gas Co. (successor to L. E. Farnsworth et al, d.b.a. Wolfpen Oil & Gas Co.).	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	L. E. Farnsworth et al.; d.b.a. Wolfpen Oil & Gas Co., FPC GRS No. 1.	1	
			Notice of succession 11-1-66.		
			Executor's certificate 12-11-67.[24]	1	1
			Effective date: 12-11-67		
CI66-1136 E 11-15-66	Helen F. York, agent for Ritchland Gas Co. (successor to L. E. Farnsworth, agent for Ritchland Gas Co.).	Carnegie Natural Gas Co., Murphy District, Ritchie County, W. Va.	L. E. Farnsworth, agent for FPC GRS No. 2.	2	
			Notice of succession 11-1-66.		
			Executor's certificate 12-11-67.[24]	2	1
			Effective date: 12-11-67		
CI66-1137 E 11-15-66	Helen F. York, agent for Harvey L. Starr d.b.a. Burnt Star Gas Co. (successor to L. E. Farnsworth, agent for Harvey L. Starr, d.b.a. Burnt Star Gas Co).	do	L. E. Farnsworth, agent for Harvey L. Starr, d.b.a. Burnt Star Gas Co., FPC GRS No. 3.	3	
			Notice of succession 11-1-66.		
			Executor's certificate 12-11-67.[24]	3	1
			Effective date: 12-11-67		

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-224 C 10-23-66 [7]	Midwest Oil Corp.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendment 10-9-66	42	8
			Compliance 12-10-66 [25]	42	9
CI68-1148 C 10-16-66 [7]	Appalachian Exploration & Development, Inc.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Agreement 7-29-66 [9]	2	5
CI68-1148 C 11-12-66 [7]	do	United Fuel Gas Co., Union District, Kanawha County, W. Va.	Agreement 10-4-66 [9]	2	6
CI69-328 A 9-27-66 [7]	Sun Oil Co. (DX Division) (successor to Sunray DX Oil Co.).	Lone Star Gas Co., Rush Springs Area, Grady County, Okla.	Contract 1-25-66	293	
			Compliance 11-27-66 [25]	293	1
CI69-336 A 9-30-66 [7]	Myron A. Smith, et al.	Arkansas Louisiana Gas Co., South Pocola Field, Le Flore County, Okla.	Contract 8-21-66	2	
			Contract 10-15-63 [27]	2	1
			Compliance 1-16-69 [25]	2	2
CI69-360 (CI66-1284) B 10-7-66	Texaco Inc.	Kansas-Nebraska Natural Gas Co., Inc., Arrow Field, Washington County, Colo.	Notice of Cancellation 10-2-66.[19 28]	371	1
CI69-370 (CI66-704) B 10-14-66	Quaker State Oil Refining Corp.	Equitable Gas Co., Cove and Southwest Districts, Doddridge County; Troy District, Gilmer County; and Union District, Ritchie County, W. Va.	Notice of Cancellation 10-6-66.[19 28]	15	1
CI69-371 A 10-7-66 [7]	Robert L. Parker (Operator) et al.	Mobil Oil Corp., Northeast Custer City Field, Custer County, Okla.	Letter agreement 9-6-66.[31]	2	
			Amendment 4-18-67	2	1
			Letter agreement 7-13-67.[9]	2	2
CI69-398 (CI60-529) B 10-21-66	Va Roy Hildreth et al., d.b.a. Stalnaker Lease.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Notice of cancellation 10-18-66.[19 28]	4	1
CI69-435 A 11-4-66 [7]	Appalachian Exploration & Development, Inc.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Rocky Fork Field, Kanawha County, W. Va.	Contract 6-7-65 [32]	6	
CI69-504 A 11-21-66 [7]	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla.	Contract 11-5-66	459	
			Contract 2-1-67 [33]	459	1
			Compliance 12-17-66 [34]	459	2
CI69-505 A 11-21-66 [7]	do	Natural Gas Pipeline Co. of America, East Laketon Field, Gray County, Tex.	Contract 11-1-66	458	
			Compliance 12-17-66 [34]	458	1
CI69-527 A 11-12-66 [7]	H. C. Meadows	Southern Natural Gas Co., Bear Creek Field, Bienville Parish, La.	Operating agreement 9-1-67.[35]	1	
			Operating agreement 9-1-67.[35a]	1	1
			Operating agreement 9-1-67.[35b]	1	2
CI69-553 A 12-4-66	Phillips Petroleum Co.	The Manufacturers Light and Heat Co., Pennland Field, Allegany County, Md.	Contract 11-6-66 [9]	456	
CI69-554 (G-13886) F 11-29-66	Diamond Shamrock Corp. (successor to Horizon Oil & Gas Co. of Texas).	Northern Natural Gas Co., acreage in Hansford County, Tex.	Contract 5-2-57 [37]	54	
			Assignment 7-11-58 [38]	54	1
			Assignment 12-1-67 [39]	54	2
CI69-556 (CI62-655) F 11-19-66	Elton A. Bayer, et al. (successor to Paul H. Ash et al., d.b.a. A. & C. Oil & Gas Co.).	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Certificate 12-19-67 [9 40]	54	3
			Contract 8-2-61 [41] (No. 5765).	7	
CI69-586 (CI65-587) F 11-29-66	Tom Brown Drilling Co., Inc. (Operator), et al. (successor to Sinclair Oil Corp.).	Northern Natural Gas Co., Northeast Ozona Field, Crockett County, Tex.	Assignment 10-31-61	7	1
			Effective date: 4-1-67		
CI69-590 (CI64-899) B 12-11-66	Quaker State Oil Refining Corp.	Consolidated Gas Supply Corp., Mannington District, Marion County, W. Va.	Contract 11-6-64 [42]	3	
			Assignment 7-26-66 [43]	3	1
			Effective date: 7-26-66		
			Notice of cancellation 12-10-66.[19 28]	5	1

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-570 (CI67-558) B 12-16-66	Margaret J. Wells, agent for Oliver Jenkins Drilling Co.	United Fuel Gas Co., acreage in Pike County, Ky.	Notice of cancellation 11-30-66.[19 44]	6	1
CI69-571 (CI63-1213) B 12-16-66	Charles C. White (Operator) et al.	Texas Gas Transmission Corp., Hanson Field, Hopkins County, Ky.	Notice of cancellation (undated).[19 28]	1	2
CI69-574 A 12-16-66 [45] (CI67-1626) [7]	Mobil Oil Corp.	Montana-Dakota Utilities Co., Big Horn Area, Big Horn County, Wyo.	Ratified 11-5-66 [46]	447	
			Contract 5-7-67 [10]	447	1
CI69-575 A 12-15-66 [7]	Graham-Michaelis Drilling Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Cedardale Southwest Chester Field, Woodward County, Okla.	Contract 11-18-66	86	
			Compliance 1-20-69 [47]	86	1
CI69-577 A 11-15-66 [7 48]	Helen F. York, agent for Ritchland Gas Co.	Carnegie Natural Gas Co., Murphy District, Ritchie County, W.Va.	Contract 9-26-66 (No. 1019B). [49]	5	
			Executor's certificate 12-11-67.[9 24]	5	1
CI69-578 A 11-15-66 [7 48]	Helen F. York, agent for Ralph D. Gerber et al., d./b./a. Ritchland Gas Co.	do	Contract 2-24-66 (No. 1033).[49]	4	
			Executor's certificate 12-11-67.[9 24]	4	1
CI69-579 A 12-19-66 [7]	Walter E. Smith et al.	Cabot Corp., Sherman District, Calhoun County, W. Va.	Contract 11-29-66 [9]	27	
CI49-580 A 12-19-66 [7]	Francis Cain	do	Contract 11-24-66 [9]	35	
CI69-587 A 12-20-66 [7]	Midwest Oil Corp.	Panhandle Eastern Pipe Line Co., Rowley Unit, Woodward County, Okla.	Contract 9-12-66 [9 50]	52	
CI69-588 A 12-23-66 [7]	Humble Oil & Refining Co.	South Texas Natural Gas Gathering Co., South Jay Simmons Field, Starr County, Tex.	Contract 12-1-66 [9 51]	400	
CI69-589 (CI65-88) B 12-23-66	Cherokee Gas Corp. (Operator) et al.	Texas Gas Transmission Corp., Vandetta Field, Hopkins County, Ky.	Notice of cancellation (Undated).[19 28]	2	1
CI69-590 (CI64-1200) B 12-23-66	Cherokee Gas Corp.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	Notice of cancellation (Undated).[19 28]	1	1
CI69-593 A 12-23-66 [7]	Tenneco Oil Co.	Michigan Wisconsin Pipe Line Co., Northeast Cedardale Field, Major County, Okla.	Contract 12-9-66 [9 52]	232	--
CI69-598 A 12-24-66 [7]	Star Gas Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Contract 11-27-66 [9 53]	24	
CI69-599 A 12-26-66	Quaker State Oil Refining Corp. et al.	The Ohio Fuel Gas Co., Groundhog Field, Lebanon Township, Meigs County, Ohio.	Contract 12-12-66 [9]	28	
CI69-601 A 12-26-66 [7]	J. S. Turner	United Gas Pipe Line Co., East Sikes Field, Winn Parish, La.	Contract 12-2-66	1	
CI69-604 (CI63-975) B 12-24-66	Mobil Oil Corp.	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	Notice of cancellation 12-20-66.[19 28]	329	4

[1] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[2] Transfers properties from Standard Oil Co. of Texas to John E. Huff who received certificate authorization in Docket No. CI66-1236 to cover the subject acreage.
[3] Transfers properties from Sunray DX Oil Co. to Champlin Petroleum Co. who received certificate authorization in Docket No. CI66-1029 to cover the subject acreage.
[4] Application originally filed and noticed in Docket No. CI68-957 as a partial succession, further review reveals that the succession is complete; therefore, the application is being treated as a petition to amend the order issuing a certificate in Docket No. G-11041 and Docket No. CI68-957 is being canceled.
[5] Transfers acreage from Atlantic Richfield Co. to Petroleum Management, Inc., to a depth of 9,303 feet.
[6] Transfers acreage from Forest Oil Corp. to Petroleum Management, Inc., to a depth of 9,303 feet.
[7] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[8] By letter filed Dec. 23, 1968, Applicant expressed willingness to accept authorization at the rate of 15 cents.
[9] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[10] Amendment to the certificate filed to reflect change in corporate name.
[11] Documents whereby Applicant acquired his interests in the subject property.
[12] Assignment of interest from Atlantic to Cal-Mon Oil Co.
[13] Assignment of a portion of Cal-Mon's interest to Getty. Cal-Mon is a party to this filing.
[14] Assigns acreage from Ray D. Sorrells to Valor Production Co.
[15] Assigns acreage from Chiles Drilling Co., M. Clay Chiles and John L. Sullivan to Valor Production Co.
[16] Applicant has agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[17] Temporary certificate issued Apr. 30, 1965.
[18] Humble proposes sales from this acreage to South Texas Natural Gas Gathering Co. in Docket No. CI69-588. Deletes approximately 300 acres. Applicant states that since the reserves are low volume, it is not economical for them to lay the gathering line necessary to make delivery to the buyer (estimated reserves are 827 MMcf and cost to connect is $56,000 or 6.77 cents per Mcf of reserves).
[19] Effective date: Date of this order.
[20] Contains take-or-pay clause for 50 percent of deliverability. Data furnished by buyer shows this does not exceed take to reserves ratio of 1 to 7,300.
[21] Union Producing Co. has become the operator of the Barmore Unit; therefore, Applicant is continuing the sale in the capacity of nonoperator.
[22] From Franks Petroleum to John Franks et al.
[23] Assignment from John Franks et al., to Atoka, Inc.
[24] Document covering appointment of Helen F. York, as Executrix of the Estate of L. E. Farnsworth, deceased.
[25] Complies with temporary certificate issued Nov. 27, 1968; Applicant states willingness to accept permanent authorization conditioned to an initial rate of 17 cents including tax reimbursement, subject to B.t.u. adjustment and subject to the proceedings in Docket No. R-338.
[26] Complies with temporary certificate issued Nov. 1 1968; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents, including tax reimbursement, plus B.t.u. adjustment.
[27] Currently on file as Jake L. Hamon FPC GRS No. 39.
[28] Complies with temporary certificate issued Jan. 10, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents including tax reimbursement.
[29] Source of gas depleted.
[30] Production of gas no longer economically feasible.
[31] Covers acreage acquired from Mobil, from which Mobil retained the right to purchase the subject gas for redelivery to Natural Gas Pipeline Co. of America under Mobil's authorization in Docket No. CI68-156.
[32] Covers gas in excess of Applicant's commitment to others.
[33] Currently on file as Humble Oil & Refining Co. FPC GRS No. 420.
[34] Complies with temporary certificate issued Dec. 13, 1968; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents including tax reimbursement.
[35] Accepts conditioned temporary certificate issued; also advises of willingness to accept a permanent certificate conditioned to an initial rate of 17 cents subject to B.t.u. adjustment and 1/7,300 ratio of takes to reserves during the first 2 years.
[35a] Pertains to the Hodge-Hunt Unit D-1.
[35b] Pertains to the Continental Can Co. Unit No. 1.
[35c] Pertains to the T. A. Loe et al., Unit No. 1.
[37] Between Phillips Petroleum Co. and Northern Natural Gas Co.; also on file as Horizon Oil & Gas Co. of Texas FPC GRS No. 10.
[38] From Phillips Petroleum Co. to Horizon Oil & Gas Co.
[39] From Horizon Oil & Gas Co. to the Shamrock Oil & Gas Corp.
[40] Certificate of merger of the Shamrock Oil & Gas Corp. into Diamond Shamrock Corp.
[41] On file as Paul H. Ash et al., d.b.a. A. & C. Oil & Gas Co. FPC GRS No. 8.
[42] Also on file as Sinclair Oil Corp. FPC GRS No. 334.
[43] Farmout and assignment of acreage down to depth of 6,100 feet from Sinclair to Tom Brown Drilling Co., Inc.
[44] Well no longer produces gas in marketable quantities.
[45] Applicant is filing for certificate to cover its own interest, which was previously covered by operator's (Newman Bros. Drilling Co. (Operator) et al.) certificate in Docket No. CI67-1626.
[46] Ratification of operator's contract.
[47] Complies with temporary certificate issued Jan. 17, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 17 cents plus B.t.u. adjustment.
[48] Sale being rendered without prior Commission authorization.
[49] Between Carnegie Natural Gas Co., buyer and L. E. Farnsworth, seller.
[50] Contract provides for transportation of liquefiable hydrocarbons. Applicant has advised there will be no processing for liquids in the near future and has indicated willingness to accept a permanent certificate conditioned to the outcome of the proceeding in Docket No. R-338.
[51] Acreage is presently dedicated to a contract dated Jan. 29, 1965, between Humble and Trunkline, designated as Humble's FPC GRS No. 373. Humble has filed in Docket No. CI65-842 to delete the subject acreage since it is uneconomical for Humble to lay the gathering line necessary to make the delivery to Trunkline (dedicates acreage to a depth of 5,710 feet). By letter filed Jan. 10, 1969, Humble indicated its willingness to accept a permanent certificate limiting buyer's take-or-pay obligation of gas well gas to a quantity based on a 1 to 7,300 reserve ratio of gas well gas reserves.
[52] Contract provides for an initial rate of 19.5 cents per Mcf; however, Applicant has expressed willingness to accept a permanent certificate at the area ceiling rate of 15 cents per Mcf.
[53] Gas produced from the Newburg Sand only.

Suggested Surety Bond Form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called

the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas (Name of respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No.------ to Respondent's FPC Gas Rate Schedule No.------, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified;

Now, therefore, if (Name of respondent), its corporate surety, (and their heirs, executors, administrators[1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No.------, (Name of respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ------ day of ----------.

Attest:

By----------
Principal

By----------
Surety

[1] To be included if a noncorporate respondent.

[F.R. Doc. 69-3195; Filed, Mar. 18, 1969; 8:45 a.m.]

[Docket No. RI69-613]

LESH CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 12, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-613..	Lesh Co.[10] c/o Lynch, Chappell, Allday & Hamilton, 201 Wall Towers East, Midland, Tex. 79701, Attention: Raymond A. Lynch, Esq.	2	13	Natural Gas Pipeline Co. of America (Amargosa Field, Jim Wells County, Tex.) (RR. District No. 4).	$10,960	2-10-69	[2] 3-13-69	[3] 3-14-69	[7] [9] 14.5	[4] [8] [7] [9] 15.5	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Includes reimbursement by buyer for gathering, treating, dehydrating, and compression service proposed by Seller.
[8] Contractually due periodic increase to 16.5 cents since July 1, 1968. Proposed 15.5 cents periodic herein was due for the 5-year period which commenced July 1, 1963.
[9] A 15.5 cents rate filed for by predecessor was suspended in Docket No. RI65-425 and never collected subject to refund. Lesh requested last clean rate and a certificate was issued at 14.5 cents per Mcf.
[10] Formerly Barron Kidd and C. R. Smith.

Lesh Co. (Lesh) requests waiver of the statutory notice in order that its proposed rate change may be made effective immediately. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Lesh's rate filing and such request is denied.

Lesh's predecessor in interest, Barron Kidd and C. R. Smith, previously filed the same 15.5-cent rate proposed herein which was suspended for 5 months but never collected, subject to refund, in Docket No. RI65-425 (Supplement No. 10 to Kidd and Smith's FPC Gas Rate Schedule No. 1). Lesh in its succession filing applied for a 14.5-cent rate, the last effective rate not subject to refund collected by its predecessor, and a certificate was issued to Lesh to continue the service of its predecessor at the 14.5 cent per Mcf rate.

Lesh's proposed 15.5-cent rate exceeds the 14.5 cents per Mcf increased rate ceiling for rate schedules involved in second amendment settlements in this area and should be suspended. Since the predecessor under the subject rate schedule had already filed to the same rate proposed here by Lesh, and such rate has previously been suspended for 5 months, we conclude that Lesh's instant rate filing should be suspended for only 1 day from March 13, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-3241; Filed, Mar. 18, 1969; 8:45 a.m.]

[Docket No. RI69-614 etc.]

SUPERIOR OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 12, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-614..	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001. Attention: H. W. Varner, Esq.	[3] 100	4	Valley Gas Transmission, Inc. (Orcones Field, Duval County, Tex.) (RR. District No. 4).	$2,920	2-17-69	[4] 3-20-69	[5] 3-21-69	[6] 15.0	[7] [8] 16.0	RI64-535.
RI69-615..	Salmon Corp., 823 South Detroit Ave., Suite 230, Tulsa, Okla. 74120, Attention: Mr. George P. Alden.	[3] 3	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Randon Field, Fort Bend County, Tex.) (RR. District No. 3).	2,737	2-20-69	[4] 3-23-69	[5] 3-24-69	[9] [10] 14.6	[7] [8] 15.6	

[3] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1, and the proposed rate does not exceed the area initial service ceiling.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Initial service rate.

The Superior Oil Co. (Superior) requests that its proposed rate increase be permitted to become effective as of March 1, 1969, or, if suspended, as soon thereafter as allowed by the Commission. Salmon Corp. (Salmon) requests an effective date of March 15, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Superior and Salmon's rate filings and such requests are denied.

The contracts related to the rate filings proposed by Superior and Salmon were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Superior and Salmon's proposed rate filings should be suspended for 1 day from March 20, 1969 (Superior), and March 23, 1969 (Salmon), the expiration dates of the statutory notice.

[F.R. Doc. 69-3242; Filed, Mar. 18, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIDELITY BANK

Order Approving Merger of Banks

In the matter of the application of The Fidelity Bank for approval of merger with Trefoil Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by The Fidelity Bank, Philadelphia, Pa.,

a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Trefoil Bank, Philadelphia, Pa., under the charter and title of The Fidelity Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

Dated at Washington, D.C., this 12th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3243; Filed, Mar. 18, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Rev. 5), Southwestern Area, Dallas, Tex.]

AREA COORDINATORS

Delegation of Authority To Conduct Program Activities in Southwestern Area

Correction

In F.R. Doc. 69-2822 appearing at page 5043 in the issue of Saturday, March 8, 1969, the agency bracket should read as set forth above.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 10, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41577—*Motor fuel antiknock compound to Port Reading, N.J.* Filed by Southwestern Freight Bureau, agent (No. B-12), for interested rail carriers. Rates on motor fuel antiknock compound, in tank carloads, as described in the application, from Chaison and Houston, Tex., to Port Reading, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 1 to Southwestern Freight Bureau, agent, tariff ICC 4834.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3270; Filed, Mar. 18, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 14, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41585—*Concrete reinforcing bars to Tampa, Fla.* Filed by O. W. South, Jr., agent (No. A6085), for interested rail carriers. Rates on concrete reinforcing bars, in carloads, minimum weight 140,000 pounds, from Alton and Federal, Ill., to Tampa, Fla.

Grounds for relief—Rate relationship.

Tariff—Supplement 165 to Southern Freight Association, agent, tariff ICC S-502.

FSA No. 41586—*Wheat or grain sorghums to gulf ports in Louisiana.* Filed by The Atchison, Topeka and Santa Fe Railway Co. (No. 101-A), for itself and interested rail carriers. Rates on wheat or grain sorghums, in bulk, in carloads, from points in Kansas, to gulf ports, viz.: Ama, Baton Rouge, Lake Charles, Myrtle Grove, New Orleans, and Port Allen, La.

Grounds for relief—Motortruck and truck-barge competition.

Tariff—Supplement 49 to The Atchison, Topeka and Santa Fe Railway Co. tariff ICC 15044.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3271; Filed, Mar. 18, 1969; 8:47 a.m.]

[Notice 542]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 14, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Deviation No. 27), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32203, filed January 27, 1969. Carrier's representative: Larry D. Knox, same address as applicant: Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Jacksonville, Fla., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Jacksonville, Fla., over U.S. Highway 1 to Baxley, Ga., thence over U.S. Highway 341 to Perry, Ga., thence over U.S. Highway 41 to Atlanta, Ga., thence over U.S. Highway 29 to Greensboro, N.C., thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to junction U.S. Highway 1, thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 59957 (Deviation No. 7), MOTOR FREIGHT EXPRESS, INC., Post Office Box 1029, York, Pa. 17405, filed March 6, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Pittsburgh, Pa., and Erie, Pa., over Interstate Highway 79, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 65 to New Castle, Pa., thence over Pennsylvania Highway 18 to Sharon, Pa., thence over Ohio Highway 82 to Warren, Ohio (also from Pittsburgh over U.S. Highway 19 to Portersville, Pa., thence over U.S. Highway 422 to Warren, Ohio), thence over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to Conneaut, Ohio, thence over U.S. Highway 20 to Erie, Pa., and return over the same route.

No. MC 69275 (Deviation No. 11), M & M TRANSPORTATION COMPANY, 186 Alewife Brook Parkway, Cambridge, Mass. 02138, filed March 3, 1969. Carrier's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 (Massachusetts Turnpike) to the New York-Massachusetts State line, thence over the Berkshire section of the New York Thruway to junction Interstate Highway 87 (New York Thruway), thence over Interstate Highway 87 to junction Interstate Highway 90 thence over Interstate Highway 90 to Buffalo, N.Y., and also to enter, leave, and reenter at all ramps, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 20 via East Lee, Mass., to Lee, Mass., thence over unnumbered highway to junction U.S. Highway 7, thence over U.S. Highway 7 to Great Barrington, Mass., thence over Massachusetts Highway 23 to the Massachusetts-New York State line, thence over New York Highway 23 to Hudson, N.Y.; (2) from Albany, N.Y., over New York Highway 9 to Yonkers, N.Y.; and (3) from Albany, N.Y., over New York Highway 5 to Buffalo, N.Y., and return over the same routes.

No. MC 75295 (Deviation No. 6), EAST COAST FREIGHT LINES, 3005 West Marshall Street, Richmond, Va. 23230, filed March 4, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New Castle, Del., over access road to junction Interstate Highway 95, thence over Interstate Highway 95 to Eddystone, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Richmond, Va., over U.S. Highway 1 to New York, N.Y., (2) from Richmond, Va., over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., and (3) from Richmond, Va., over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction unnumbered highway (formerly portion U.S. Highway 40), thence over unnumbered highway to New Castle, Del., thence return over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, and return over the same routes.

No. MC 106163 (Deviation No. 1), RED LINE TRANSFER AND STORAGE COMPANY, INC., 2600 West Sixth Avenue, Pine Bluff, Ark. 71601, filed March 3, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 70 and Arkansas Highway 11, near Hazen, Ark., over Arkansas Highway 11 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pine Bluff, Ark., over U.S. Highway 79 to Stuttgart, Ark., thence over Arkansas Highway 11 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

No. MC 111231 (Deviation No. 30), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764, filed March 7, 1969. Carrier's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Kansas City, Mo., over Interstate Highway 35 to Dallas, Tex. (traversing U.S. Highway 50 between Ottawa and Emporia, Kans., and U.S. Highway 77 between Purcell and Overbrook, Okla., pending completion of Interstate Highway 35); (2) from Kansas City, Mo., over Interstate Highway 35 to Wichita, Kans. (traversing U.S. Highway 50 between Ottawa and Emporia, Kans., pending completion of Interstate Highway 35); (3) from Oklahoma City, Okla., over Interstate Highway 35 to Wichita, Kans.; (4) from Dallas, Tex., over Interstate Highway 35 to Oklahoma City, Okla. (traversing U.S. Highway 77 between Overbrook and Purcell, Okla., pending completion of Interstate Highway 35); (5) from Chicago, Ill., over Interstate Highway 57 to junction Interstate Highway 55, near Sikeston, Mo., thence over Interstate Highway 55 to Memphis, Tenn. (traversing U.S. Highway 45 and Illinois Highway 37, pending completion of Interstate Highway 57, and U.S. Highways 51 and 61 pending completion of Interstate Highway 55); (6) from Chicago, Ill., over Interstate Highway 55 to Memphis, Tenn. (traversing U.S. Highway 66 in Illinois, U.S. Highway 61 between Festus and Fruitland, Mo., and U.S. Highway 61 between New Madrid and the Missouri-Arkansas State line pending completion of Interstate Highway 55);

(7) From St. Louis, Mo., over Interstate Highway 55 to Memphis, Tenn. (traversing U.S. Highway 61 between Festus and Fruitland, Mo., and U.S. Highway 61 between New Madrid, Mo., and the Missouri-Arkansas State line pending completion of Interstate Highway 55); (8) from Memphis, Tenn., over Interstate Highway 55 to Winona, Miss. (traversing U.S. Highway 51 between Granada and Winona, Miss., pending completion of Interstate Highway 55); (9) from Kansas City, Mo., over Interstate Highway 70 to St. Louis, Mo.; (10) from Dallas, Tex., over Interstate Highway 30 to Little Rock, Ark. (traversing U.S. Highways 67, 259, and 82 between Mount Pleasant and New Boston, Tex., and U.S. Highway 67 between Fulton and Malvern, Ark., pending completion of Interstate Highway 30); (11) from Oklahoma City, Okla., over Interstate Highway 40 to Henrietta, Okla.; (12) from Henrietta, Okla., over Interstate Highway 40 to Fort Smith, Ark. (traversing U.S. Highways 69, 266, and 64 between Checotah and Sallisaw, Okla., pending completion of Interstate Highway 40), (13) from Fort Smith, Ark., over Interstate Highway 40 to Ozark, Ark. (traversing U.S. Highway 64 between Alma and Ozark, Ark., pending completion of Interstate Highway 40); (14) from Ozark, Ark., over Interstate Highway 40 to Clarksville, Ark. (traversing U.S. Highway 64 between Ozark and Clarksville, Ark., pending completion of Interstate Highway 40); (15) from Clarksville, Ark., over Interstate Highway 40 to Russellville, Ark.; (16) from Russellville, Ark., over Interstate Highway 40 to Conway, Ark. (traversing U.S. Highway 64 between Atkins and and Conway, Ark., pending completion Interstate Highway 40);

(17) From Conway, Ark., over Interstate Highway 40 to Little Rock, Ark.; and (18) from Little Rock, Ark., over Interstate Highway 40 to Memphis, Tenn. (traversing U.S. Highway 70 between Hazen and Brinkley, Ark., and between Madison and West Memphis, Ark., pending completion of Interstate Highway 40), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Kansas City, Mo., over city streets to Kansas City, Kans., thence over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 via Denison, Tex., to Sherman, Tex., thence over U.S. Highway 82 to Bells, Tex., thence over U.S. Highway 69 to Whitewright, Tex., thence over Texas Highway 160 to Farmersville, Tex., thence over Texas Highway 78 to Garland, Tex., thence over U.S. Highway 67 to Dallas, Tex.; (2) from Kansas City, Mo., over city streets to Kansas City, Kans., thence over U.S. Highway 69 to junction U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, Okla., thence over Oklahoma Highway 11 to Pawhuska, Okla., thence over U.S. Highway 60 to Ponca City, Okla., thence over U.S. Highway 77 to Augusta, Kans., thence over U.S. Highway 54 to Wichita, Kans.; (3) from Oklahoma City, Okla., over U.S. Highway 66 to Tulsa, Okla., thence over the route described in (2) above to Wichita, Kans.; (4) from Dallas, Tex., over U.S. Highway 67 to Garland, Tex., thence over Texas Highway 78 to Farmersville, Tex., thence over Texas Highway 160 to Whitewright, Tex., thence over U.S. Highway 69 to Venita, Okla., thence

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Philadelphia.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer and Sherrill.

over U.S. Highway 66 to Oklahoma City, Okla.;

(5) From Chicago, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction unnumbered highway near Gardner, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 via Dwight, Ill., to junction unnumbered highway, thence over unnumbered highway near Dwight, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Odell, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Pontiac, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Chenoa, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Lexington, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 via Bloomington, Ill., to junction unnumbered highway near McLean, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Atlanta, Ill., thence over unnumbered highway via Lincoln, Springfield, and Litchfield, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Mount Olive, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 via Livingston and Hamel, Ill., to junction Bypass U.S. Highway 66, thence over Bypass U.S. Highway 66, thence over Bypass U.S. Highway 66 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo., thence over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to Holcomb, Mo., thence over Missouri Highway 25 to junction Missouri Highway 84, thence over Missouri Highway 84 to junction County Highway NN, thence over County Highway NN to junction Missouri Highway 164, thence over Missouri Highway 164 to Steele, Mo., thence over U.S. Highway 61 to Memphis, Tenn. (also from Chicago, Ill., over Alternate U.S. Highway 30 to junction Illinois Highway 25, thence over Illinois Highway 25 to Aurora, Ill., thence over U.S. Highway 30 to Joliet, Ill., thence over Alternate U.S. Highway 66 to junction unnumbered highway near Gardner, Ill.);

(6) From Chicago, Ill., over U.S. Highway 20 to Gary, Ind., thence over U.S. Highway 6 to junction U.S. Highway 54, thence over U.S. Highway 54 to Kankakee, Ill. (also from Chicago over U.S. Highway 45 to Kankakee), thence over Illinois Highway 115 to junction U.S. Highway 45–54 at Onarga, Ill., thence over U.S. Highway 54 to junction Illinois Highway 48 near Decatur, Ill., thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo., thence over U.S. Highway 61 to Jackson, Mo., thence over the route described in (5) above to Memphis, Tenn., (7) from Chicago, Ill., over U.S. Highway 45 to Kankakee, Ill., thence over Illinois Highway 115 to junction U.S. Highway 45–54 at Onarga, Ill., thence over U.S. Highway 54 to junction Illinois Highway 48, thence over Illinois Highway 48 to Decatur, Ill., thence over U.S. Highway 51 to junction unnumbered highway, thence over unnumbered highway to Vera, Ill., thence over unnumbered highway to junction U.S. Highway 51, thence over U.S. Highway 51 to Vandalia, Ill., thence over Alternate U.S. Highway 49 via Hagarstown and Mulberry Grove, Ill., to junction Illinois Highway 140, thence over Illinois Highway 140 to Hamel, Ill., thence over Bypass U.S. Highway 66 to Edwardsville, Ill., thence over Illinois Highway 159 to Collinsville, Ill., thence over U.S. Highway 40 to St. Louis, Mo., thence over U.S. Highway 61 to Jackson, Mo., thence over the route described in (5) above to Memphis, Tenn.; (8) from Chicago, Ill., over the route described in (7) above to Hamel, Ill., thence over Illinois Highway 140 to Alton, Ill., thence across the Mississippi River over U.S. Highway 67 to St. Louis, Mo. (also from Alton, Ill., over Alternate U.S. Highway 67 to St. Louis, Mo.), thence over U.S. Highway 61 to Jackson, Mo., thence over the route described in (5) above to Memphis, Tenn.;

(9) From Memphis, Tenn., over U.S. Highway 51 to Winona, Miss; (10) from Kansas City, Mo., over U.S. Highway 71 to Carthage, Mo., thence over U.S. Highway 66 to St. Louis, Mo.; (11) from Dallas, Tex., over U.S. Highway 67 to Garland, Tex., thence over Texas Highway 78 to Farmersville, Tex., thence over Texas Highway 160 to Whitewright, Tex., thence over U.S. Highway 69 to junction U.S. Highway 266, thence over U.S. Highway 266 to Warner, Okla., thence over U.S. Highway 64 to Fort Smith, Ark., thence over U.S. Highway 71 to Alma, Ark., thence over U.S. Highway 64 to Conway, Ark., thence over U.S. Highway 65 to Little Rock, Ark.; (12) from Oklahoma City, Okla., over U.S. Highway 62 to Henrietta, Okla.; (13) from Henrietta, Okla., over U.S. Highway 62 to Muskogee, Okla., thence over U.S. Highway 64 to Fort Smith, Ark.; (14) from Fort Smith, Ark., over U.S. Highway 71 to Alma, Ark., thence over U.S. Highway 64 to Ozark, Ark.; (15) from Ozark, Ark., over U.S. Highway 64 to Clarksville, Ark.; (16) from Clarksville, Ark., over U.S. Highway 64 to Russellville, Ark.; (17) from Russellville, Ark., over U.S. Highway 64 to Conway, Ark.; (18) from Conway, Ark., over U.S. Highway 65 to Little Rock, Ark.; and (19) from Little Rock, Ark., over U.S. Highway 70 to Memphis, Tenn., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 512), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed March 4, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Philadelphia, Pa., over the Schuylkill Expressway (Interstate Highway 76) to junction U.S. Highway 202, thence over U.S. Highway 202 to Paoli, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Philadelphia, Pa., over unnumbered highway to Ardmore, Pa., thence over U.S. Highway 30 to Paoli, Pa., and return over the same route.

No. MC 1515 (Deviation No. 513) (Cancels Deviation No. 358), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed March 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) from Montgomery, Ala., over Interstate Highway 65 to Mobile, Ala., with the following access routes: (a) From junction Interstate Highway 65 and Alabama Highway 10 over Alabama Highway 10 to Greenville, Ala., (b) from junction Interstate Highway 65 and Alabama Highway 83 over Alabama Highway 83 to Evergreen, Ala., (c) from junction Interstate Highway 65 and U.S. Highway 84 over U.S. Highway 84 to Evergreen, Ala., (d) from junction Interstate Highway 65 and Alabama Highway 21 over Alabama Highway 21 to Atmore, Ala., (e) from junction Interstate Highway 65 and County Road 47, near Bay Minette, Ala., over County Highway 47 to junction Alabama Highway 59, and (f) from junction Interstate Highway 65 and Alabama Highway 59 over Alabama Highway 59 to Bay Minette, Ala., and (2) from Mobile, Ala., over Interstate Highway 10 to the Alabama-Mississippi State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Montgomery, Ala., over U.S. Highway 31 via Flomaton, Ala., to Mobile, Ala., thence over U.S. Highway 90 to New Orleans, La., and return over the same route.

No. MC 2890 (Deviation No. 79), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed March 3, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Long Beach, Calif., over California Highway 22 to junction Interstate Highway 405, thence over Interstate Highway 405 to junction Laguna Canyon Road, thence over Laguna Canyon Road to Laguna Beach, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From San Diego, Calif., over U.S. Highway 101 to Los Angeles, Calif. (also from junction U.S. Highway 101 and Alternate U.S. Highway 101, over Alternate U.S. Highway 101 to Los Angeles), and return over the same route.

No. MC 107109 (Deviation No. 11), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, Ind. 46202, filed March 3, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 41 and Interstate Highway 80–94, in Hammond, Ind., over Interstate Highway 80–94 to junction Indiana Highway 130, (2) from Hammond, Ind., over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Indiana Highway 130, at Valparaiso, Ind., and (3) from junction U.S. Highway 41 and Interstate Highway 80–94 in Hammond, Ind., over Interstate Highway 80–94 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Indiana Highway 16, thence over Indiana Highway 16 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction U.S. Highway 52 at Montmorenci, Ind., thence over U.S. Highway 52 to Lafayette, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Hammond, Ind., over U.S. Highway 20 to junction Indiana Highway 55, thence over Indiana Highway 55 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 130, thence over Indiana Highway 130 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 421, thence over U.S. Highway 421 to junction Indiana Highway 43, thence over Indiana Highway 43 to junction U.S. Highway 52, thence over U.S. Highway 52 to Lafayette, Ind., and return over the same route.

No. MC 107109 (Deviation No. 12), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, Ind. 46202, filed March 3, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 25 and access road, approximately 4 miles north of Corbin, Ky., over access road to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 25W approximately 2 miles south of Corbin, Ky., and (2) from junction U.S. Highway 25W and Interstate Highway 75 approximately 1 mile south of Jellico, Tenn., over Interstate Highway 75 to junction U.S. Highway 25W at Lake City, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction U.S. Highway 25 and access road approximately 4 miles north of Corbin, Ky., over U.S. Highway 25 to junction U.S. Highway 25W, thence over U.S. Highway 25W to junction Interstate Highway 75 at Lake City, Tenn., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3272; Filed, Mar. 18, 1969; 8:47 a.m.]

[Notice 1277]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 14, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 41116 (Sub-No. 33) (Republication), filed January 22, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: FOGLEMAN TRUCK LINES, INC., Post Office Drawer 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. In the above-entitled proceeding, the examiner recommended the granting to applicant a permit authorizing operation in interstate or foreign commerce as a contract carrier, by motor vehicle, over irregular routes of canned or bottled foodstuffs, and dried fruits and nuts, in canned or bottled foodstuffs, and dried fruits and nuts, in packages or containers (not frozen or requiring movement in vehicles equipped with mechanical refrigeration), from New Orleans, La.; Blytheville and Siloam Springs, Ark.; Uniontown and Cullman, Ala.; Lewiston, Idaho; Forest Grove, Oreg.; Memphis, Tenn.; Tyler and Donna, Tex.; and Gulfport, Miss., to points in Alabama, Arkansas, Louisiana, Tennessee, Texas, Mississippi, Georgia, Florida, South Carolina, Kentucky, and Missouri, limited to a transportation service to be performed under a continuing contract or contracts with Fraering Brokerage Co., Inc., of New Orleans. A decision and order of the Commission, Review Board Number 2, dated February 28, 1969, and served March 6, 1969, as amended, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *dried fruits and nuts*, in containers, and (2) of *foodstuffs*, in cans and bottles (except salt and salt products), from New Orleans, La., Blytheville and Siloam Springs, Ark., Uniontown and Cullman, Ala., Lewiston, Idaho, Forest Grove, Oreg., Memphis, Tenn., Tyler and Donna, Tex., and Gulfport, Miss., to points in Alabama, Arkansas, Louisiana, Tennessee, Texas, Mississippi, Georgia, Florida, South Carolina, Kentucky, and Missouri, limited to a transportation service to be performed under a continuing contract or contracts with Fraering Brokerage Co., Inc., of New Orleans, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform with the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 85255 (Sub-No. 31) (Republication), filed August 5, 1968, published FEDERAL REGISTER issue August 22, 1968, and republished this issue. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: Clyde H. MacIver, 2112 Washington Building, Seattle, Wash. 98111. By application filed August 5, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of palletized metal and combination metal and fiberboard cans and can parts, (1) between Portland, Oreg., and points in Washington in and west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, and (2) from Seattle, Wash., to Astoria, Oreg. An order of the Commission, Operating Rights Board, dated February 27, 1969, and served March 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *metal cans, combination metal and fiberboard cans, and can parts;* (1) from the plantsites and storage facilities of the Continental Can Co., Inc., at Portland, Oreg., to those points in that part of Washington in and west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, (2) from the plantsites and storage facilities of the Continental Can

Co., Inc., at Olympia, Lacey, and Seattle, Wash., to Portland, Oreg.; (3) from the plantsites and storage facilities of the American Can Co., at Seattle, Wash., to Portland, Oreg., and (4) from Portland, Oreg., to the plantsites and storage facilities of the American Can Co., at Seattle, Wash.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124230 (Sub-No. 10) (Republication), filed July 12, 1968, published FEDERAL REGISTER issue of July 25, 1968, and republished this issue. Applicant: C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. By application filed July 12, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) ores and concentrates (a) between points in Mineral, Hinsdale, and Rio Grande Counties, Colo.; El Paso and Amarillo, Tex.; Midvale and Tooele, Utah; (b) from San Juan County, Utah, to Douglas and Miami, Ariz.; (2) scrap metal, from Albuquerque, N. Mex., and Phoenix, Ariz., to San Juan County, Utah, and (3) aggregate, sand and gravel, between points in San Juan County, Utah, and San Juan County, N. Mex.; Montezuma, Archuleta, and La Plata Counties, Colo. A report of the Commission, Review Board No. 1, dated February 19, 1969, and served February 26, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *ores and concentrates* (a) from points in Mineral County, Colo., to El Paso and Amarillo, Tex., and Midvale, Utah, and (b) from points in San Juan County, Utah, to Douglas and Miami, Ariz.; (2) *scrap metal*, from Albuquerque, N. Mex., and Phoenix, Ariz., to points in San Juan County, Utah; and (3) *aggregate, sand, and gravel*, between points in San Juan County, Utah, San Juan County, N. Mex., Montezuma, Archuleta, and La Plata Counties, Colo., and Apache County, Ariz.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129007 (Republication), filed April 10, 1967, published FEDERAL REGISTER issue of April 27, 1967, and republished this issue. Applicant: ALLSTATE VAN AND STORAGE, INC., 3662 Costa Bella Drive, Lemon Grove, Calif. 92115. Applicant's representative: C. Douglas Alford, 2100 Electronics Capital Building, 110 West C Street, San Diego, Calif. 92101. By application filed April 10, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Used household goods* between points in San Diego County, Calif., restricted to local pickup, delivery, and transfer service, moving on through bills of lading of an exempt freight forwarder. A report of the Commission Review Board No. 2, decided February 28, 1969, and served March 5, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting, Used household goods, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic between points in San Diego County, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133122 (Sub-No. 2) (Republication), filed October 4, 1968, published in the FEDERAL REGISTER issued of October 24, 1968, and republished this issue. Applicant: DAVE KUHLMAN, 1719 Second Avenue, Scottsbluff, Nebr. 69361. By application filed October 4, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities from and to the points, and in the manner indicated below in seasonal operations during the months of September, October, March, April, and May of each year. An order of the Commission, Operating Rights Board, dated February 27, 1969, and served March 11, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *zinc sulfate and manganese sulfate*, in bags, from Coffeyville, Kans., to points in Colorado, Nebraska, and Wyoming, under a continuing contract with Pure Gas & Chemical Co., of Denver, Colo., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 107583 and Sub Nos. 24, 26, 27, 29, 31, 34, and 42 (Notice of Filing of Petition To Include a Provision for Charter Operations), filed February 5, 1969. Petitioner: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, N.Y. 10452. Petitioner's representative: George H. Rosen, 265 Broadway, Post Office Box 348, Monticello, N.Y. 12701. Petitioner states it holds authority to operate, over irregular routes, as follows: In MC 107583: Passengers and their baggage, in the same vehicle with passengers, in *special operations*, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, N.J.; between Atlantic City, N.J., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D.C.; between Fort Dix, McGuire Air Force Base, Wrightstown, N.J., and points in the townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., and LaGuardia Airport, John F. Kennedy International Airport, Fort Hamilton, and Manhattan Beach Air Force Base, New York, N.Y.; between Atlantic City, N.J., on the one hand, and, on the other, points in Westchester County, N.Y.; passengers and their baggage, in special operations in nonscheduled door-to-door service, limited to the transportation of not more than 8 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a separate seat or seats, between Philadelphia, Pa., and the John F. Kennedy International Airport, at New York, N.Y.

In Sub 24: Passengers and their baggage and effects, in the same vehicle with passengers, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than 8 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Wilmington, Del., and points in the Philadelphia, Pa., commercial zone, as defined by the Commission, except points within the limits of the city of Philadelphia, Pa., on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y. In Sub 26: Passengers, and their baggage, in the same vehicle with passengers, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Ventnor, Margate, Longport Borough, Absecon, Pleasantville, Northfield, Linwood, and Somers Point, N.H., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. In Sub 27: Passengers and their baggage and effects, in special operations in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between points in Montgomery, Chester, and Delaware Counties, Pa., on the one hand, and, on the other, John F. Kennedy International Airport at New York, N.Y.

Restriction: The operations authorized herein are subject to the right of the Commission, which is hereby expressly reserved, to impose after final determination of the proceeding in Ex Parte No. MC-29 Sub-No. 1, *Passenger Transportation in Special Operations*, such terms and conditions, if any, as may be deemed necessary to insure that the operations performed by carrier are limited to bona fide special operations. In Sub 29: Passengers and their baggage, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Wilmington, Del., points in Philadelphia, Bucks, Montgomery, Chester, and Delaware Counties, Pa., and points in New Jersey in the Philadelphia, Pa., commercial zone as defined by the Commission, on the one hand, and, on the other, points in the New York, N.Y., commercial zone as defined by the Commission.

Restriction: The authority granted herein is restricted to the transportation of persons having an immediately prior or immediately subsequent movement by water. In Sub 31: Passengers and their baggage, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between points in the Baltimore, Md., commercial zone as defined by the Commission, except points within the limits of the city of Baltimore, Md., on the one hand, and, on the other, Atlantic, City, N.J. In Sub 34: Passengers and their baggage, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Lakehurst, N.J., and the Lakehurst U.S. Naval Air Station near Lakehurst, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. Restriction: The operations authorized herein are subject to the right of the Commission, which is hereby expressly reserved, to impose after final determination of the proceeding in Ex Parte No. MC 29 Sub 1, Passenger Transportation in Special Operations, such terms and conditions, if any, as may be deemed necessary to insure that the operations performed by carrier are limited to bona fide special operations. In Sub 42: of passengers and their baggage, in the same vehicle with passengers, in special operations, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Wilmington, Del., and points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y. By the instant petition, petitioner seeks to amend its certificates referred to above, to include charter operations. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114115 (Sub-No. 12) (Notice of Filing of Petition To Modify Permit), filed February 27, 1969. Petitioner: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. Petitioner's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Petitioner states it holds authority in No. MC 114115 Sub 12 to transport, as a motor contract carrier: *Rock salt*, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the following: (1) Traffic moving between points in Pennsylvania; (2) traffic moving between points within 40 miles of Monroe, Mich.; (3) traffic moving from Lucas County, Ohio, to points in Michigan and Indiana, and (4) traffic moving between points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, and Pennsylvania. Said operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Diamond Crystal Salt Co. and International Salt Co. By the instant petition, petitioner seeks to add Morton Salt Co., Division of Morton International, as a contract shipper thereto. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 128), filed January 27, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers; (a) between Uhrichsville and Cadiz, Ohio, from junction U.S. Highways 250 and 36 at Uhrichsville over U.S. Highway 250 to junction U.S. Highways 250 and 22 at Cadiz, serving all intermediate points; and (b) between junction Ohio Highway 43 and U.S. Highway 22, and Steubenville, Ohio, from junction Ohio Highway 43 and U.S. Highway 22 at or near Wintersville, Ohio, over U.S. Highway 22, serving all intermediate points. NOTE: This application is directly related to MC-F-10381, published FEDERAL REGISTER issue of February 5, 1969. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio, or Washington, D.C.

No. MC 111545 (Sub-No. 115), filed January 22, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield and pipeline commodities* as defined by the Commission in *Mercer Extension Oilfield Commodities*, 74 M.C.C. 459; *pipe; trenching machines; tractors; drag lines; back fillers; caterpillars; road building machinery; ditching machinery; bulldozers; cranes; heavy machinery; graders; construction equipment; scrapers; road maintainers; bridge construction equipment; heavy tanks; erection machinery and equipment; threshing machines; sawmill machinery; rollers; power shovels; lift equipment; commodities* which because of size or weight require the use of special equipment; and *self-propelled articles* each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, between all points in Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The instant application is a matter directly related to MC–F 10376, published in the FEDERAL REGISTER issue of January 29, 1969, in which applicant seeks approval of authority to purchase the Certificate of Registration of Dennis Fuchshuber, doing business as: Equipment Transport Co., under MC 125288 (Sub-No. 1). If a hearing is deemed necessary, applicant does not specify location.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIER OF PASSENGERS

No. MC–F–10412. Authority sought for purchase by TEXAS, NEW MEXICO AND OKLAHOMA COACHES, INC., 1313 13th Street, Lubbock, Tex. 79401, of the operating rights and property of DALE RESLER, doing business as CARLSBAD CAVERN COACHES, Post Office Box 1828, El Paso, Tex. 79949, and for acquisition by THE GREYHOUND CORPORATION, 10 South Riverside Plaza, Chicago, Ill. 60606, of control of such rights and property through the purchase. Applicants' attorney: W. D. Benson, Jr., Post Office Box 6723, Lubbock, Tex. 79413. Operating rights sought to be transferred: Passengers and baggage of passengers, and of express and newspapers, in the same vehicle with passengers, as a *common carrier*, over regular routes, between the fixed termini, between El Paso, Tex., and Carlsbad Caverns, N. Mex., serving all intermediate points; passengers and their baggage, and of express, newspapers, and mail in the same vehicle with passengers, between Carlsbad, N. Mex., and Carlsbad Caverns, N. Mex., serving all intermediate points; and passengers and their baggage, restricted to traffic originating and terminating at El Paso, Tex., in special operations, on round trip sightseeing or pleasure tours, from El Paso, Tex., to White Sands National Monument, N. Mex. Vendee is authorized to operate as a *common carrier* in New Mexico and Texas. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10411. Authority sought for control by BRUCE JOHNSON TRUCKING COMPANY, INC., 125 East Craighead Road (Post Office Box 5233), Charlotte, N.C. 28205, of SAFEWAY TRANSPORTATION COMPANY, 135 Murrah Drive, Rock Hill, S.C. 29730, and for acquisition by HARRY R. JOHNSON, also of Charlotte, N.C., of control of SAFEWAY TRANSPORTATION COMPANY, through the acquisition by BRUCE JOHNSON TRUCKING COMPANY, INC. Applicants' attorney and representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, and T. LaFontine Odom, 1100 Barringer Office Tower, 426 North Tyron Street, Charlotte, N.C. 28202. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC–85984 Sub-1, covering the transportation of commodities in general, as a common carrier, in intrastate commerce, within the State of South Carolina. BRUCE JOHNSON TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in South Carolina, North Carolina, Georgia, Tennessee, and New Jersey. Application has been filed for temporary authority under section 210a(b). NOTE: MC–85984 Sub-2 is a matter directly related.

No. MC–F–10413. Authority sought for purchase by MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 965 Eustis Street, St. Paul, Minn. 55114, of a portion of the operating rights and property of LOREN O. THOMAS, New Richmond, Wis. 54017, and for acquisition by A. A. McCUE, also of St. Paul, Minn., of control of such rights and property through the purchase. Applicants' representative: H. N. Votel, 965 Eustis Street, St. Paul, Minn. 55114. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between points in the towns of Stanton and Star Prairie, St. Croix County, Wis., and points in the town of Alden, Polk County, Wis., on the one hand, and, on the other, South St. Paul, St. Paul, and Minneapolis, Minn.; *general commodities*, over irregular routes, from Minneapolis, St. Paul, and South St. Paul, Minn., to New Richmond, Wis., and points in the towns of Somerset, St. Joseph, Warren, Richmond, and Stanton, St. Croix County, Wis. (other than incorporated cities and villages); *returned merchandise*, from the Sears, Roebuck and Co. store at New Richmond, Wis., to the Sears, Roebuck and Co. store at Minneapolis, Minn.; *farm machinery and twine*, from Minneapolis and St. Paul, Minn., to New Richmond, Wis.; and *agricultural commodities*, from points in the towns of Star Prairie, Stanton, Somerset, Richmond, and Erin, on the one hand, and, on the other, Minneapolis, Newport, St. Paul, and South St. Paul, Minn. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10414. Authority sought for purchase by EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, of the operating rights of KASMAR ROCHELLE TRANSIT CO., 101 East First Avenue, Rochelle, Ill., and for acquisition by WILSON M. HOUSE, also of Terre Haute, Ind., of control of such rights through the purchase. Applicants' attorneys: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208, and Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Rochelle, Ill., and Rockford, Ill., serving all intermediate points; and certain off-route points; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Illinois within 50 miles of Rochelle, Ill., including Rochelle, Ill., between Rochelle, Ill., and points in Illinois within 50 miles thereof, on the one hand, and, on the other, Chicago, Ill.; with restriction. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Michigan, Missouri, New Jersey, Indiana, Illinois, Wisconsin, Connecticut, New York, Massachusetts, Colorado, Kansas, Delaware, Rhode Island, Ohio, Maryland, West Virginia, Iowa, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10415. Authority sought for control by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street, West, Syracuse, N.Y. 13201, and for acquistion by INTERNATIONAL BULK DISTRIBUTION CORPORATION, also of Lansdowne, Pa. 19050, of control of BONDED FREIGHTWAYS, INC., through the acquistion by MATLACK, INC. Applicants' attorneys and representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005, Norman M. Pinsky, Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y. 13202, and John E. Nelson, 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Operating rights sought to be controlled: *Gasoline and fuel oil*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from Rensselaer, N.Y., to Greenfield and Pittsfield, Mass., from Syracuse, N.Y., to certain specified points in Pennsylvania; *petroleum and petroleum products*, in bulk, in tank trucks, between Johnson City, N.Y., on the one hand, and, on the other, Athens and New Milford, Pa.; *tuluol, xylol, and benzol*, in bulk, in tank trucks, from Troy, N.Y., to certain specified points in Massachusetts and Rhode Island, traversing Connecticut for operating convenience only; *asphalt*, in bulk, in tank vehicles, from Albany, N.Y., to points in Connecticut and Massachusetts, except points in Massachusetts within 50 miles of the New York-Massachusetts State line and points in Hartford and Litchfield Counties, Conn.; *liquid petroleum based asphalt*, in bulk, in tank vehicles, from Albany, N.Y., to points in New Hampshire and Vermont;

Dry calcium chloride, in bulk, from Syracuse, N.Y., to points in Ohio, from Solvay, N.Y., to points in Massachusetts and Vermont, between points in New York; from Schenectady, N.Y., to points in New Hampshire, Vermont, Maine, Connecticut, Massachusetts, and Rhode Island, with restriction; from Solvay, N.Y., to points in Connecticut, Rhode Island, and New Hampshire; *dry chemicals*, in bulk, in tank or hopper-type vehicles, from Niagara Falls, N.Y., to points in New Jersey, Pennsylvania, and that part of Ohio on and north of U.S. Highway 322 extending from the Pennsylvania-Ohio State line to Cleveland, Ohio, and to New York, N.Y., except Queens County and except synthetic plastics to Kings County; *dry cement and mortar*, in bulk and in bags, from the plantsite of the Atlantic Cement Co., Inc., at or near Ravena (Albany County), N.Y., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire; *dry cement and mortar*, in bulk, from the plant and storage site of the Atlantic Cement Co., Inc., at Boston, Mass., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, from the plantsite of the Atlantic Cement Co., Inc., located near Portland (Middlesex County), Conn., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire;

Bicarbonate of soda, dry, and *sodium carbonate*, monohydrated, dry, in bulk, in hopper and mechanical discharge type vehicles, from the plantsites of Church & Dwight Co., Inc., at Syracuse, N.Y., to points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and New York (except points in Nassau, Suffolk, and Queens Counties, N.Y.), with restriction; *dry cement*, between points in Connecticut, between points in Massachusetts, between points in Maine, between points in New Hampshire, between points in Pennsylvania, between points in Rhode Island, between points in Vermont; with restrictions; *dry chemicals*, in bulk, in tank vehicles, from Buffalo and Niagara Falls, N.Y., to points in Connecticut, Massachusetts, and Rhode Island; *limestone*, from the town of Dover, N.Y., to points in Connecticut, Pennsylvania, New York, and points in New Jersey except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J., from the town of Dover (Dutchess County), N.Y., to points in Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine (except points in Aroostook County); *asphalt, asphalt emulsions, and asphalt cutbacks*, in bulk, in tank vehicles, from the village of Athens (Greene County), N.Y., to points in Berkshire County, Mass., and Litchfield County, Conn.; *liquefied petroleum gas*, in bulk, in tank vehicles, from pipeline outlets on the Texas Eastern Transmission Corp. pipeline in New York and Pennsylvania, to points in Connecticut, Delaware, Maryland, Massachusetts (except Plymouth, Barnstable, and Bristol Counties), New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont (except Essex County), Virginia, West Virginia, and the District of Columbia;

Sodium sulfite, sodium bisulfite, sodium hyposulfite, and aluminum sulfate, dry, in bulk, from Claymont, Del., to Rochester, N.Y.; *soda ash*, dry, in bulk, from Solvay, N.Y., to Claymont, Del.; *urea and ammonium nitrate* (other than liquid), in bulk, from ports of entry on the United States-Canada boundary line located on the Niagara, Detroit, and St. Clair Rivers, to points in Illinois, Indiana, New Jersey, New York, Ohio, and Pennsylvania, with restriction; *liquid chemicals*, in bulk, in tank vehicles, from the plantsites of the Allied Chemical Corp. at Syracuse, N.Y., and points in Syracuse, N.Y., commercial zone, as defined by the Commission, to points in Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut, except those in Connecticut within 100 miles of Columbus Circle, N.Y.; *liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plantsites of the Allied Chemical Corp., at Syracuse, N.Y., and points in the Syracuse, N.Y., commercial zone, as defined by the Commission, to points in Vermont; *dry silicate of soda*, in bulk, in tank or hopper type vehicles, from Skaneateles Falls, N.Y., to Philadelphia, Pa.; from Skaneateles Falls, N.Y., to points in Connecticut, Massachusetts, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York (except points in Nassau and Suffolk Counties), Ohio (except Euclid), and Pennsylvania, with restriction;

Dry sodium phosphates, in bulk, in tank or hopper type vehicles, from Kearney, N.J., to Skaneateles Falls, N.Y.; from Morrisville, Pa., and points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), to Skaneateles Falls, N.Y., with restriction; *dry cement*, in bulk, from points in Massachusetts, to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island, with restriction; *soda ash*, in bulk, from Solvay, N.Y., to Crestwood Industrial Park, at or near Mountaintop, Luzerne County, Pa., from Solvay, N.Y., to North Rochester, Mass.; *dry calcium chloride*, in bulk, in tank vehicles, from Solvay, N.Y., to Towanda, Pa.; *anhydrous ammonia, nitrogen solutions, and aqua ammonia*, in bulk, in tank vehicles, from the plantsites of Agway, Inc., at Olean, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and ports of entry on the United States-Canada boundary line located in New York, with restriction; *urea*, dry, in bulk, from the plantsites of Agway, Inc., at Olean, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, with restriction; and *dry chemicals* (except calcium chloride), in bulk, in tank or hopper vehicles, from Solvay, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, with restriction. MATLACK, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–10416. Authority sought for purchase by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J., of a portion of the operating rights of FAB TRANSPORTATION, INC., 15 Warren Street, Jersey City, N.J., and for acquisition by BERNARD A. BROWN, also of Vineland, N.J., of control of such rights through the purchase. Applicants' attorney: David G. MacDonald, Suite 502, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between New York, N.Y., and certain specified points in New Jersey, on the one hand, and, on the other, Philadelphia, Pa., and New York, N.Y., and points in New York within 50 miles of New York N.Y.; and *general commodities*, except those of unusual value, and except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in truckload lots only, minimum weight 10,000 pounds, between New York, N.Y., and points in the above New Jersey counties on the one hand, and, on the other, Providence and Westerly, R.I., New Castle and Wilmington, Del., Baltimore, Md., Washington, D.C., Boston, Mass., and points in Massachusetts within 25 miles of Boston, points in New Jersey and Connecticut, and those in that part of Pennsylvania east of the Susquehanna River. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Florida, New Hampshire, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Illinois, Michigan, Minnesota, Missouri, Indiana, Maine, Georgia, North Carolina, South Carolina, Arkansas,

Iowa, Alabama, Kansas, Kentucky, Louisiana, Nebraska, Mississippi, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10417. Authority sought for purchase by WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. 19512, of the operating rights and certain of MORRIS H. APPLEBAUM, 1540 West 33d Street, Chicago, Ill., and for acquisition by ESTATE OF WINFIELD A. WEST (PHILIP G. WEST, and BRUCE W. WEST, CO-EXECUTORS), also of Boyertown, Pa., of control of such rights and property through the purchase. Applicants' attorneys: V. Baker Smith, 2107 The Fidelity Building, 123 South Broad Street, Philadelphia, Pa. 19109, and Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. Operating rights sought to be transferred: *Radio sets, television sets, phonographs, and combinations thereof,* in containers, and *parts of the described commodities,* as of *common carrier,* over irregular routes, between Chicago, Ill., and Charlotte, Mich., between Charlotte, Mich., to New York, N.Y.; *television tubes and parts of and for television sets, phonographs, and combinations thereof,* between Charlotte, Mich., on the one hand, and, on the other, certain specified points in New Jersey; *radio and television sets, phonographs, recording sets, and combinations thereof,* between Charlotte, Mich., on the one hand, and, on the other, certain specified points in New Jersey; *television, radio, phonograph, and recording sets, and combinations thereof, and parts of and for such commodities,* between Charlotte, Mich., on the one hand, and, on the other, points in Massachusetts, Connecticut, and New Jersey (except Bloomfield, Clifton, Harrison, Kearny, Nutley, Passaic, Paterson, East Paterson, and Plainfield); *television tubes,* from Harrison and Plainfield, N.J., to Charlotte, Mich.; Restriction: The separate authorities granted hereinabove shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service; *radio sets, television sets, phonographs, and recording sets, and combinations thereof,* crated, and *parts for such commodities,* including radio and television tubes, in containers, between Charlotte, Mich., on the one hand, and, on the other, points in New York (except New York, N.Y.) and Pennsylvania, between points in Illinois (except Chicago) and Indiana, on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts, between Chicago, Ill., on the one hand, and, on the other, points in Pennsylvania; Restriction: Service between points in Illinois and Indiana shall be performed through Charlotte, Mich.; and *radio sets, television sets, phonographs, recording sets, and combinations thereof,* crated, *and parts of and for such commodities, and tubes,* between Chicago, Ill., on the one hand, and, on the other, points in Massachusetts, Connecticut, New Jersey, and New York. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, Virginia, West Virginia, Ohio, Illinois, Indiana, Michigan, Vermont, North Carolina, Kentucky, Wisconsin, Iowa, Tennessee, Alabama, Arkansas, Florida, Georgia, Louisiana, Maine, Mississippi, Minnesota, New Hampshire, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10418. Authority sought for purchase by R. D. LEWIS BANANA CO., INC., 221 Fourth Street, Fowler, Colo. 81039, of a portion of the operating rights of H. L. HERRIN, JR., Post Office Box 2339, Jefferson Highway, New Orleans, La. 70123, and for acquisition by R. E. LEWIS, IRENE LEWIS, both also of 221 Fourth Street, Fowler, Colo. 81039 and LEONARD E. SMITH, 403 Ninth Street, Fowler, Colo. 81039, of control of such rights through the purchase. Applicants' attorney: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Operating rights sought to be transferred: *Bananas,* as a *common carrier* over irregular routes, from Gulfport, Miss., to points in Colorado. Vendee is authorized to operate as a *common carrier* in Louisiana, Colorado, Texas, Nebraska, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10419. Authority sought for control by CLIFTON E. WELDON, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237, of DEVORE BROKERAGE COMPANY, INC., Post Office Box 396, Loxley, Ala. 36551. Applicants' representative: Tom D. Copeland, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Operating rights sought to be controlled: *Nursery stock accessories and empty containers, and nursery stock* when moving in the same vehicle and at the same time with nursery stock accessories and empty containers, as a *common carrier,* over irregular routes, from points in Mobile County, Ala., to points in Georgia, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Texas, with restriction; and *cotton seed meal,* as a *contract carrier,* over irregular routes, from Atlanta, Ga., and Memphis, Tenn., to points in Baldwin and Mobile Counties, Ala., with restriction. CLIFTON E. WELDON, holds no authority from this Commission. However, he controls ARGO-COLLIER TRUCK LINES CORPORATION, Fulton Highway, Post Office Drawer 440, Martin, Tenn., which is authorized to operate as a *common carrier* in Tennessee, Illinois, Kentucky, Missouri, Georgia, Alabama, Mississippi, Louisiana, Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Florida, Arkansas, Wisconsin, Iowa, Kansas, Oklahoma, Texas, Nebraska, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b). NOTE: This application was filed pursuant to the report and order, by the Commission, Review Board No. 1, granted January 6, 1969. Applicant moves for dismissal of the application on the grounds of lack of jurisdiction.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3273; Filed, Mar. 18, 1969; 8:47 a.m.]

[Notice 313]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 14, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71165. By order of March 12, 1969, the Motor Carrier Board approved the transfer to Livestock Service, Inc., St. Cloud, Minn. 56301, of Permits Nos. MC-124071, and MC-124071 (Sub-No. 3), issued January 9, 1963, and February 28, 1966, respectively, to Martin Trushenski, doing business as Trushenski Trucking, St. Cloud, Minn. 56301, authorizing the transportation of: Fresh meats, in shipper-owned trailers, from St. Cloud, Minn., to Detroit, Mich., and to points in Kansas, Kentucky, Missouri, Nebraska, and Tennessee, limited to a specific shipper. Mr. James E. Wilson, 1735 K Street NW., Washington, D.C. 20006, attorney for applicants.

No. MC-FC-71168. By order of March 12, 1969, the Motor Carrier Board approved the transfer to Long Trucking Co., a corporation, 1624 Lynwood Place, Casper, Wyo. 82601, of certificate of registration No. MC-85941 (Sub-No. 1), issued July 25, 1968, to J. Neil Long, doing business as Long Trucking Co., Casper, Wyo. 82601, authorizing the transportation of: Oil field equipment and supplies, between points and places in the State of Wyoming, corresponding to the grant of authority in certificate No. 172, issued prior to October 15, 1962, by the Public Service Commission of Wyoming.

No. MC-FC-71169. By order of March 12, 1969, the Motor Carrier Board approved the transfer to Donald C. Hubka, doing business as Lumber Transport, Clinton, Wis., of Permits Nos. MC-128537 and MC-128537 (Sub-No. 1), issued May 31, 1968, and May 31, 1968, respectively, to Raymond V. McDonough, doing business as Lumber Transport, Delavan, Wis., authorizing the transportation of: Lumber and building materials as described in Appendix VI to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, between Beloit, Wis., on the one hand, and, on the other, points in Lake, Boone, Lee, Winnebago, McHenry, Stephenson, Jo Daviess, Carroll, Whiteside, Ogle, Cook, De Kalb, Kane, Kendall, Du Page, and Will Counties, Ill., restricted against the transportation of cement from points in Illinois to Beloit, Wis.; and from the site of Wickes Lumber Co., near Elkhorn, Wis., to points in the above-specified counties in Illinois. The above operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Wickes Lumber Co., of Elkhorn, Wis. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3274; Filed, Mar. 18, 1969; 8:47 a.m.]

[Notice 313A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 14, 1969.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71231. By application filed March 11, 1969, BEE LINE TRANSPORTATION, INC., 404 South 24th Street, Billings, Mont. 59101, seeks temporary authority to lease the operating rights of TIM M. BABCOCK, doing business as BABCOCK TRANSPORTATION CO., 910 Wyoming, Billings, Mont. 59102, under section 210a(b). The transfer to BEE LINE TRANSPORTATION, INC., of the operating rights of TIM M. BABCOCK, doing business as BABCOCK TRANSPORTATION CO., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3275; Filed, Mar. 18, 1969; 8:47 a.m.]

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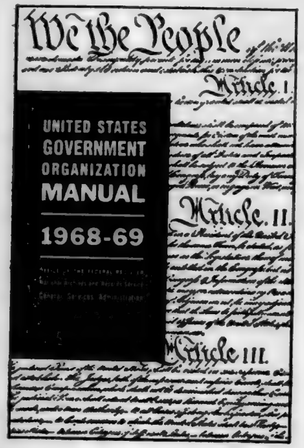
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Title 3—THE PRESIDENT

Proclamation 3900

NATIONAL DEFENSE TRANSPORTATION DAY AND NATIONAL TRANSPORTATION WEEK, 1969

By the President of the United States of America

A Proclamation

America's transportation network is an example of democracy at work. Through the years the public and private sectors have joined hands and minds to plan, construct, maintain, and operate vast highway, air, water, rail, and pipeline transport systems.

Today, more than one hundred million private vehicles travel on public ways. And tomorrow—probably within the few years remaining in this century—the total system will need to double today's capacity if it is to carry the projected numbers of people and volume of goods.

Transportation makes all other industries possible. It takes grain to the mills, raw materials to the factories, finished products to the market; it must be designed to give our citizens the mobility they need. Our commerce and culture depend on a revitalized transportation industry to end congestion and delay and to prepare for the burgeoning demands of the future.

To give public recognition to this great industry—to focus attention upon its contributions and the challenges it faces—the Congress, by a joint resolution approved May 16, 1957 (71 Stat. 30), has requested the President to proclaim annually the third Friday of May of each year as National Defense Transportation Day, and by a joint resolution approved May 14, 1962 (76 Stat. 69), has requested the President to proclaim annually the week of May in which that Friday falls as National Transportation Week, as a tribute to the men and women, who night and day, move our goods and our people throughout the land and around the world.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Friday, May 16, 1969, as National Defense Transportation Day, and the week beginning May 11, 1969, as National Transportation Week.

I urge our people to participate with representatives of the transportation industry, our armed services, and other governmental agencies in the observance of these occasions through appropriate ceremonies.

I also invite the Governors of the States to provide for the observance of National Defense Transportation Day and National Transportation Week in a way that will give the citizens of each community the opportunity to recognize and appreciate fully the vital role our great and modern transportation system plays in their lives and in the defense of the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-3393; Filed, Mar. 18, 1969; 1:31 p.m.]

Proclamation 3901

WORLD TRADE WEEK, 1969

By the President of the United States of America

A Proclamation

There is a clear interrelationship between America's economic health and that of the rest of the world. It follows from this that the cause of stability and peace is served by the advancement of free-flowing world trade.

The United States works closely with other nations to promote the expansion of trade on an equitable basis in the world market. Our national trade policy supports the General Agreement on Tariffs and Trade and other international institutions that seek new ways to facilitate the fair exchange of goods between nations. By reducing barriers to trade the United States and its trading partners have contributed to the growth of the world economy.

As we work toward freer trade, we recognize that our greatest strength lies in the traditional competitive urge of American business and labor. As their international efforts increase their earnings, the nation benefits from a strengthened dollar position and an improved balance of payments.

Exports of United States merchandise rose to a record $34 billion in 1968, $3 billion more than in 1967. Imports of foreign products into the United States, attracted by vigorous domestic economic activity and rising consumer income, reached almost $33 billion, an increase of $6 billion.

Since imports advanced much faster than exports, our trade surplus dropped $3 billion to a total of less than $1 billion. One lesson in this decline is especially important: We must intensify our efforts to contain inflationary pressures at home, helping make our exports more competitive; as our exports expand, we will restore a healthy trade surplus.

Additional outlets are needed for the diversity and abundance of our industrial and agricultural production. We also must find ways to help less developed countries participate more fully in world trade.

Enlarged markets for our goods and services speed the pace of our economic progress and advance the well-being of all our people. New markets abroad create new jobs at home; new avenues of world trade run parallel to new roads to world peace.

Government in the past has helped American industry and agriculture to open up new markets abroad; today we are more willing and better prepared to help than ever before.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning May 18, 1969, as World Trade Week; and I request the appropriate Federal, State, and local officials to cooperate in the observance of that week.

I urge business, labor, agricultural, educational, professional, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities designed to promote continuing awareness of the importance of world trade to our economy and our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-3418; Filed, Mar. 19, 1969; 10:07 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1969

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811 (33 F.R. 19245) as amended, is to revise the determination of sugar requirements for the calendar year 1969, establish quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Total physical deliveries of sugar for consumption so far in 1969 have slightly exceeded the quantities on which initial requirements were based. An increase in requirements at this time would increase the offerings of readily available sugar and would enable foreign countries to plan their exportations of sugar to the United States. It will also provide adequate time for any country which may not be able to supply the full quantity of its quota and deficit proration to so notify the Secretary before August 1.

Accordingly, total sugar requirements for the calendar year 1969 are herein increased by 100,000 short tons, raw value, to a total of 10,700,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quotas established for Puerto Rico and the Virgin Islands for the calendar year 1969 in § 811.71 of this part and the supply of sugar expected to be available from those areas for marketing in the continental United States during the calendar year 1969, it is herein found that Puerto Rico will be unable to fill its quota by 300,000 short tons, raw value, and the Virgin Islands will be unable to fill its quota of 15,000 short tons, raw value. Accordingly, quota deficits of 315,000 short tons, raw value, are determined herein for Puerto Rico and the Virgin Islands.

On the basis of estimates of sugar production from the current Puerto Rican crop, that area will fail to fill its 1969 mainland sugar quota by 300,000 tons. The sugar industry of the Virgin Islands terminated production of sugar with the 1966 crop and no plans are currently in prospect for any resumption of sugar production in the future. Accordingly, quota deficits of 300,000 short tons, raw value, for Puerto Rico and 15,000 short tons, raw value, for the Virgin Islands are herein determined and are prorated and allocated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

Information available to the Department indicates that the Republic of the Philippines will be unable to fill its statutory share of any deficit during the calendar year 1969. Therefore, pursuant to section 204(a) of the Act the entire deficit declaration of 315,000 short tons, raw value, is prorated and allocated to Western Hemisphere countries on the basis of quotas established pursuant to Sugar Regulation 811 for 1969 (33 F.R. 19245).

Peru, the Republic of the Philippines, South Africa and Mexico fell short of filling their 1968 quotas by 1,341 tons, 672 tons, 69 tons, and 17 tons respectively. It is hereby determined that such deficits in relation to the quotas of the countries are within reasonable tolerances under the circumstances which prevailed last year and hence, the quotas of these countries for 1969 and subsequent years are not subject to reduction pursuant to section 202(d)(4). The circumstances surrounding the origin of a cargo of sugar shipped in late 1968 from Central America are still under investigation. Accordingly, action is withheld at this time in connection with the 4,293 ton deficit in the 1968 quota for Nicaragua. Upon completion of the investigation, a finding under section 202(d)(4) with respect to the deficit for Nicaragua will be made and any adjustments in 1969 quotas which may be indicated will be effected.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by adding a new § 811.72 and by amending §§ 811.70, 811.71, and 811.73 as follows:

1. Section 811.70 is amended to read as follows:

§ 811.70 Sugar requirements, 1969.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1969 is hereby determined to be 10,700,000 short tons, raw value.

2. Section 811.71 is amended by amending paragraph (a) to read as follows:

§ 811.71 Quotas for domestic areas.

(a) (1) For the calendar year 1969 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,168,000	No limit
Mainland cane sugar	1,152,000	No limit
Hawaii	1,200,000	36,594
Puerto Rico	1,140,000	160,500
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1969 Puerto Rico and the Virgin Islands will be unable by 300,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204 (b) of the Act the determination of such deficits shall not affect the quotas established in subpargraph (1) of this paragraph.

* * * * *

3. Section 811.72 is added to read as follows:

§ 811.72 Proration and allocation of deficits and quotas in effect.

(a) It is hereby determined that the Republic of the Philippines will be unable to fill any of its statutory share of deficits during the calendar year 1969. The deficits in quotas determined in paragraph (a)(2) of § 811.71 of 315,000 short tons, raw value, are hereby prorated and allocated pursuant to section 204(a) of the Act to Western Hemisphere countries with quotas in effect as established in Sugar Regulation 811, for 1969 (33 F.R. 19245).

(b) In establishing deficit prorations herein for Western Hemisphere countries consideration has been given to the purchase of U.S. agricultural commodities by such countries, by determining that the value of U.S. agricultural exports to each such country exceeded the total

net receipts f.a.s. port of shipment derived from the sale of sugar from deficit prorations imported from each such country during the most recent 12-month period for which data are available. Each foreign country which is unable to fill its quota including its deficit proration has the responsibility to notify the Secretary the extent of and reasons for such shortfall.

4. Section 811.73 is amended by amending paragraph (c) to read as follows:

§ 811.73 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1969, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. In column (3) deficit prorations in the quotas of Puerto Rico and the Virgin Islands amounting to 315,000 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202 (c) (3) (A) of the Act, on the basis of published quotas most recently in effect.

Production area	Basic quotas	Temporary [1] quotas and prorations pursuant to Sec. 202(d)	Deficits and deficit prorations	Total quotas and prorations
	(Short tons, raw value)			
Mexico	222,905	237,660	60,722	521,287
Dominican Republic	218,002	232,433	59,386	509,821
Brazil	218,002	232,433	59,386	509,821
Peru	173,883	185,393	47,368	406,644
British West Indies	87,088	73,613	21,346	182,045
Ecuador	31,720	33,419	8,641	74,180
French West Indies	27,395	23,157	6,715	57,267
Argentina	26,818	25,593	7,305	62,716
Costa Rica	25,664	27,362	6,991	60,017
Nicaragua	25,664	27,362	6,991	60,017
Colombia	23,069	24,597	6,284	53,950
Guatemala	21,627	23,009	5,892	50,578
Panama	16,148	17,218	4,399	37,765
El Salvador	15,980	16,910	4,321	37,091
Haiti	12,111	12,913	3,299	28,323
Venezuela	10,958	11,693	2,985	25,636
British Honduras	6,344	5,363	1,555	13,262
Bolivia	2,595	2,767	707	6,069
Honduras	2,595	2,767	707	6,069
Australia	103,811	87,194	----------	191,005
Republic of China	43,254	36,331	----------	79,585
India	41,624	34,878	----------	76,402
South Africa	30,566	25,674	----------	56,240
Fiji Islands	22,781	19,134	----------	41,915
Thailand	9,516	7,993	----------	17,509
Mauritius	9,516	7,993	----------	17,509
Malagasy Republic	4,902	4,116	----------	9,018
Swaziland	3,749	3,149	----------	6,898
Ireland	5,351	----------	----------	5,351
Bahamas	10,000	----------	----------	10,000
Total	1,453,416	1,445,584	315,000	3,213,980

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date: This action increases quotas for the calendar year 1969 by 100,000 tons and prorates deficits of 315,000 tons to Western Hemisphere countries with sugar quotas in effect. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on March 14, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-3331; Filed, Mar. 19, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 174]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.474 Navel Orange Regulation 174.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 18, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 21, 1969, through March 27, 1969, are hereby fixed as follows:

(i) District 1: 888,000 cartons;

(ii) District 2: 312,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 19, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3426; Filed, Mar. 19, 1969; 11:23 a.m.]

[Valencia Orange Reg. 267]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.567 Valencia Orange Regulation 267.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 18, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 21, 1969, through March 27, 1969, are hereby fixed as follows:

(i) District 1: 6,112 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 225,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 19, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3436; Filed, Mar. 19, 1969; 11:59 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

Subpart C—Major Field Offices

DELEGATION OF AUTHORITY TO MANAGER, NEVADA OPERATIONS OFFICE

Notice is hereby given of the amendment of the Statement of Organization, Delegations, and General Information of the U.S. Atomic Energy Commission, 10 CFR Part 1, published in the FEDERAL REGISTER on December 29, 1961 (26 F.R. 12729–12745), as amended.

The present amendment revises the delegations of authority of the Manager of the Nevada Operations Office to reflect the redelegation to him by the General Manager of the Commission on March 5, 1969, of the authority delegated to the Commission by the Administrator of General Services dated February 4, 1969 (34 F.R. 1997) to assist in controlling traffic at the Atomic Energy Commission's Nevada Test Site, including the Rocket Development Station, in Nye County, Nev.

Because this amendment relates to matters of internal management, general notice of proposed rule making and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Administrative Procedure Act of 1946, as amended, 1 CFR 17.2, and Federal Property Management Regulations Temporary Regulation D–11 (34 F.R. 1997), the following amendment to 10 CFR Part 1 is published as a document, subject to codification to be effective upon publication in the FEDERAL REGISTER.

Paragraph (d) of § 1.208 *Nevada Operations Office* is redesignated as paragraph (e) and the following new paragraph (d) is added as follows:

§ 1.208 Nevada Operations Office.

* * * * *

(d) The Manager, Nevada Operations Office, is authorized and directed to make all needful rules and regulations for the control of traffic at the Nevada Test Site, Nye County, Nev.; to annex thereto such reasonable penalties, within the limits authorized by statute, as will ensure their enforcement; and to use the facilities and services of State and local law enforcement agencies for enforcement thereof.

* * * * *

(62 Stat. 281, as amended; sec. 103, 63 Stat. 380; sec. 205, 63 Stat. 389; sec. 161, 68 Stat. 948, as amended; sec. 1, 81 Stat. 54; 40 U.S.C. 318; 42 U.S.C. 2201; 5 U.S.C. 552; Federal Property Management Regs. T.R. D–11, 34 F.R. 1997)

Dated at Germantown, Md., this 13th day of March 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-3300; Filed, Mar. 19, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-3-AD; Amdt. 39-738]

PART 39—AIRWORTHINESS DIRECTIVES

All McDonnell Douglas Model DC–9 Series Aircraft

There have been numerous reports of heat damage to the H.F. and V.H.F. coaxial cables and other wiring located in the tail section of McDonnell Douglas Model DC–9 Series aircraft. The H.F. and V.H.F. coaxial cables were damaged by excessive heat in areas adjacent to the right engine eighth stage bleed duct and the auxiliary power unit (APU) exhaust shroud. The coaxial cable damage has resulted in the loss of single and even dual H.F. and V.H.F. systems. Dual V.H.F. system failures result in the loss of all V.H.F. (VOR and localizer) navigation. Since this condition is likely to exist or develop in all McDonnell Douglas Model DC–9 Series aircraft, an airworthiness directive is being issued to require: (1) Interim action to provide inspections to determine that the coaxial cables have not been damaged, provide additional clearance from the eighth stage bleed duct, and visual inspection of the APU exhaust duct and shroud and adjacent wiring for an overtemperature condition; (2) final corrective action which provides for the rerouting of all wiring away from the APU shroud and the installation of an insulation blanket on the eighth stage bleed duct, or; (3) the H.F. (if installed) and V.H.F. coaxial cables and other wiring is rerouted away from all sources of heat in the tail section. Wherever

possible, alternative methods of corrective action to be accomplished have been provided, to permit maximum flexibility to the aircraft operators in complying with the A.D. and to ensure an equivalent level of safety.

Since a condition exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective immediately upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

McDONNELL DOUGLAS. Applies to all McDonnell Douglas Model DC-9 Series aircraft.

Compliance required as indicated, unless already accomplished.

To prevent heat damage to the H.F. (if installed) and V.H.F. coaxial cables and other wiring located in the tail compartment of DC-9 Series aircraft, accomplish the following:

(A) Within the next 200 hours time in service after the effective date of this A.D., unless already accomplished, perform either 1, 2, and 3, or 4 as follows:

(1) Determine that the H.F. (if installed) and V.H.F. coaxial cables located in the tail compartment of the aircraft adjacent to the eighth stage bleed duct have not deteriorated due to excessive heat. The determination may be accomplished by the use of electrical tests such as fault finder pulse indications, reflectometer measurements, or X-ray inspections or a satisfactory equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. If the electrical tests indicate any coaxial cable impendance change in the area of the eighth stage bleed duct or the APU exhaust shroud, or the X-ray inspections show physical change, such as noticeable drift of the center conductor, or any unsatisfactory condition in these areas, replace the damaged coaxial cables or repair the damaged areas of the cables by use of proper connectors and new coaxial sections, in conjunction with (2) and (3), below. In lieu of electrical testing or X-ray inspection an operator may replace the cables within this 200-hour period.

(2) Provide maximum possible clearance (at least 1 inch) between the H.F. (if installed) and V.H.F. conduits, and the right engine eighth stage bleed duct by rotating the conduit clamps and reworking the spacers as necessary.

NOTE: McDonnell Douglas DC-9 Alert Service Bulletin A29-24, dated February 21, 1969, describes this work.

(3) (a) Visually inspect the APU exhaust shroud for any indications of overtemperature condition, such as shroud discoloration or exterior airframe paint discoloration around the shroud outlet. If the APU exhaust duct has been deformed or leaks, and continued use of the APU is desired, replace the duct in accordance with McDonnell Douglas S.B. 49-6 dated May 2, 1966, and Service Letters AOL-9 No. 74, dated February 6, 1967, and AOL-9 No. 139, dated September 29, 1967, or later FAA approved revisions, or an equivalent duct replacement approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Inspect all wiring adjacent to the APU exhaust shroud for heat damage. Replace or repair to an airworthy condition all wiring found damaged.

(4) Steps (1), (2), and (3) above, need not be accomplished if the operator chooses to both initiate Step B below, and replace within 200 hours the H.F. (if installed) and V.H.F. coaxial cables or to splice with the proper coaxial cable lengths and connectors to provide additional length to reroute the H.F. (if installed) and V.H.F. coaxial cables away from all heat sources in the aircraft tail section. The wiring adjacent to the APU exhaust must also be rerouted away from the exhaust shroud. The rerouting installation design must be approved by Chief, Aircraft Engineering Division, FAA Western Region.

(5) Steps (1) and (3), above, must be repeated prior to any further IFR operation after every report of an eighth stage bleed duct overtemperature condition or an APU exhaust duct failure until (A)(4) or (B), below, has been accomplished or the insulation blanket has been installed on the eighth stage duct.

(B) Within the next 2,000 hours time in service, unless already accomplished, or (A)(4), above, has been accomplished, perform the following in accordance with McDonnell Douglas Service Bulletins 23-24, Rev. 1, dated February 24, 1969, and 27-104, Rev. 1, dated February 18, 1969, or later FAA-approved revisions, or an equivalent installation and modification approved by the Chief, Aircraft Engineering Division, FAA Western Region:

(1) Install an insulation blanket on the eighth stage bleed duct adjacent to the H.F. and V.H.F. coaxial cable conduits.

(2) Reroute the H.F. (if installed) and V.H.F. coaxial cables, and the other wiring bundle (flight recorder, interphone wiring, etc.) away from the APU exhaust shroud area where they are now located.

This amendment becomes effective on March 21, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(d))

Issued in Los Angeles, Calif., on March 12, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-3341; Filed, Mar. 19, 1969; 8:48 a.m.]

[Airworthiness Docket No. 69-WE-4-AD; Amdt. 39-739]

PART 39—AIRWORTHINESS DIRECTIVE

Boeing Airplane Co. Models 707 and 720

Amendment 731, Part 507 (29 F.R. 6614), AD 64-11-1, as amended by Amendment 39-637 (33 F.R. 11745), requires inspection and repair of the upper rear spar chords.

The Boeing Co. requested by letter of January 24, 1969, to Federal Aviation Administration, that Airworthiness Directive No. 64-11-1 be revised to include Service Bulletin No. 2731 in paragraph (7) of the AD. Accomplishment of the service bulletin by affected operators would constitute terminating action for inspections required by Part (a) of the AD 64-11-1.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 731, Part 507 (29 F.R. 6614), AD 64-11-1, as amended by Amendments 39-637 (33 F.R. 11745) is further amended by amending paragraph (7) to include Boeing Service Bulletin No. 2731, as follows:

(7) Upon accomplishment of the repair or modification in accordance with one of the following, the inspections required by Part (a) of this AD may be discontinued:
Entire repair of chord in accordance with:
Boeing Drawing 65-40140.
Boeing Drawing 65-68328.
Boeing Service Bulletin 2427 Part X.
Boeing Service Bulletin 2607.
Boeing Service Bulletin 2731.
Method approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

This amendment becomes effective March 22, 1969.

Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 13, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-3342; Filed, Mar. 19, 1969; 8:48 a.m.]

[Docket No. 68-EA-136; Amdt. 39-737]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

On page 152 of the FEDERAL REGISTER for January 4, 1969, the Federal Aviation Administration published a proposed airworthiness directive which would require installation of protection against inverter overvoltage in Fairchild Hiller F-27 and FH-227 type aircraft.

Interested parties were given 30 days in which to submit written data or views. The Air Transport Association advised that spare parts for the change would be unavailable for some period of time. It is indicated that in view of the foregoing that the 500-hour compliance time may be increased to 1,200 hours without an effect on air safety.

In consideration of the foregoing the proposed airworthiness directive is adopted effective April 15, 1969, except as follows:

Delete the words and figure "500 hours" and insert in lieu thereof "1,200 hours".

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 11, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 39.13 of Part 39 of the Federal Aviation Regulations so as to add the following new airworthiness directive:

FAIRCHILD HILLER. Applies to F-27 and FH-227 Type Airplanes Incorporating Lear Siegler (Jack & Heints) Inverters P/N F35-5 or P/N F45-10 or P/N 40045-000 with Solid State Regulators Lear Siegler Kit P/N 52-000054 (Regulator P/N 51502-000), or Kit P/N 52-000059 (Regulator P/N 51502-001), or Kit P/N 52-000068 (Regulator P/N 51502-00M), or Bendix Type 4B39 Series Regulators.

Compliance required within the next 1,200 hours time in service after the effective date of this A.D. unless already accomplished.

To prevent hazards associated with an inverter overvoltage condition causing the burnout or erratic operation of required instruments, accomplish the following:

(a) Install a.c. overvoltage protection in the electrical output of the above inverter(s) which utilize Lear Siegler solid state regulators, P/N 51502-000, or P/N 51502-001, or P/N 51502-00M, in accordance with Lear Siegler Service Bulletin No. 148-1 dated Feb. 7, 1969, for F-27 aircraft and FH-227 aircraft or later FAA approved revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or equivalent installation approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Install a.c. overvoltage protection in the electrical output of the above inverter(s) which utilize Bendix 4B39 Series regulators in accordance with Bendix Service Bulletin No. R220 dated November 15, 1968, or later FAA-approved revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or equivalent installation, approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon request with substantiating data, submitted through an FAA maintenance inspector, the compliance time specified in this A.D., may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

[F.R. Doc. 69-3352; Filed, Mar. 19, 1969; 8:49 a.m.]

[Docket No. 69-EA-20; Amdt. 39-736]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which will require an inspection of the elevator control system in the Piper PA-31 type airplanes.

As a result of surveillance of PA-31 type airplanes an excessive amount of friction has been reported in the elevator control system which could contribute to loss of control of the aircraft. Since this condition is likely to exist or develop in other airplanes of the same type design, this airworthiness directive is being issued.

Because a condition exists which requires the expeditious adoption of this regulation, notice and public procedure herein are impractical and the regulation may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER. Applies to Type PA-31 and PA-31-300 airplanes, Serial Nos. 31-2 to 31-326, 31-328 to 31-332, and 31-334, certificated in all categories.

Compliance required within the next 100 hours time in service, after the effective date of this AD, unless already accomplished.

(a) Inspect and adjust, if necessary, the total friction in the elevator control system, comply with Piper Service Bulletin No. 289, dated February 17, 1969, or later changes thereto or equivalent method, approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective March 27, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 12, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-3353; Filed, Mar. 19, 1969; 8:49 a.m.]

[Docket No. 9483; Special Federal Aviation Reg. 24]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Nonprecision Instrument Approach Requirement

The purpose of this Special Federal Aviation Regulation is to require applicants for an airline transport pilot certificate or an additional type rating, and pilots used by Part 121 certificate holders undergoing proficiency checks, to perform at least one nonprecision approach in an airplane or in an approved simulator with an acceptable visual system, notwithstanding the provisions of section III(c) of Appendix A of Part 61 and section III(c) of Appendix F of Part 121 of the Federal Aviation Regulations.

Section 61.147 requires an applicant for an airline transport pilot certificate or for an additional type rating to pass a practical test in accordance with Appendix A of Part 61. While Appendix A allows the applicant to conduct instrument approaches other than ILS approaches, section III(c) states that such approaches may be performed in a synthetic instrument trainer.

Similarly, § 121.441 requires pilots used by Part 121 certificate holders to perform proficiency checks in accordance with Appendix F. However, section III(c) of Appendix F allows instrument approaches other than ILS approaches to be performed in a synthetic instrument trainer.

Since June of 1968, 13 fatal accidents occurred in connection with Part 121 operations. Eight of these accidents involved airplanes making instrument approaches to airports, and seven of these eight approaches were nonprecision approaches. While the National Transportation Safety Board has not yet determined the probable cause of these accidents, the FAA, recognizing the possible relationship between the accidents and nonprecision instrument approaches, took several corrective actions. These included accelerated enroute inspections and proficiency checks with emphasis on instrument approach procedures. In this connection, the FAA also requested all Part 121 certificate holders to include voluntarily one nonprecision instrument approach, either in an airplane or in an approved simulator with an acceptable visual system, in all initial and recurrent proficiency checks. While the majority of the Part 121 certificate holders have voluntarily complied with this request, a number have refused to do so.

The FAA has under consideration a proposal to amend Parts 61 and 121. Under this proposal, Appendix A of Part 61 and Appendix F of Part 121 would be revised to require the performance of at least one nonprecision instrument approach. Since, however, the proposal includes many other substantive changes to Parts 61 and 121, it may take several months before the amendments become effective. In view of this and in the interest of safety, this Special Federal Aviation Regulation is issued to require immediately the inclusion of a nonprecision instrument approach in the practical tests and proficiency checks required by §§ 61.147 and 121.441, respectively.

Since this regulation must be issued without delay in the interest of safety, I find that further compliance with the public notice, procedures, and the effective date requirements would be impracticable.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted to become effective on March 20, 1969:

1. Contrary provisions of Appendix A of Part 61 of the Federal Aviation Regulations notwithstanding, an applicant for an airline transport pilot certificate with a single-engine or multiengine class rating, or an applicant for an additional type rating must pass a practical test that includes at least one nonprecision instrument approach procedure in an airplane, or in an approved simulator with an acceptable visual system.

2. Contrary provisions of Appendix F of Part 121 of the Federal Aviation Regulations notwithstanding, the proficiency check required by § 121.441 of the Federal Aviation Regulations shall include at least one nonprecision instrument approach procedure in an airplane, or in an approved simulator with an acceptable visual system.

3. This Special Federal Aviation Regulation shall terminate, unless otherwise specified, on April 1, 1970.

(Secs. 313(a), 601, 602, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422, 1424, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 13, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-3326; Filed, Mar. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Lynchburg, Va., control zone.

Beginning April 3, 1969, the control tower at Muni-Preston Glenn Field, Lynchburg, Va., will be operated from 0700 to 2300 hours local time. Accordingly, the control zone predicated upon the operations of the control tower will be reduced in duration by 1 hour.

Since this amendment is less restrictive in nature and imposes no burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, § 71.171 of Part 71 of the Federal Aviation Regulations is amended by deleting in the description of the Lynchburg, Va., control zone the figure "2400" and inserting in lieu thereof the figure "2300" effective 0901 G.m.t., April 3, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 6, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-3343; Filed, Mar. 19, 1969; 8:48 a.m.]

[Airspace Docket No. 68-EA-126]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 263 of the FEDERAL REGISTER for January 8, 1969, the Federal Aviation Administration published a proposed regulation which would alter the Quonset Point, R.I., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 5, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the words "a 1-mile radius of Newport Airpark" and insert in lieu thereof "a 4-mile radius of Newport State Airport."

[F.R. Doc. 69-3344; Filed, Mar. 19, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SO-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hickory, N.C., control zone and 700-foot transition area.

The Hickory control zone is described in § 71.171 (34 F.R. 4557) and the Hickory transition area is described in § 71.181 (34 F.R. 4637).

In the descriptions, the geographic coordinate for Hickory Municipal Airport is shown as lat. 35°44'25" N., long. 81°23'28" W. and extensions are predicated on the Hickory VOR 223° radial.

Since the geographic coordinate for Hickory Municipal Airport has been refined by Coast and Geodetic Survey to lat. 35°44'30" N., long. 81°23'20" W.; the final approach radial for AL-706-VOR-RWY 24 and Special VOR Procedure No. 1 will be refined from the Hickory VOR 223° to the 222° radial, effective March 27, 1969, and the altitudes of Special NDB Procedure No. 1 will be altered, effective March 27, 1969, it is necessary to alter the control zone and transition area descriptions as follows:

1. Substitute the refined geographic coordinate (lat. 35°44'30" N., long. 81°-23'20" W.) for Hickory Municipal Airport, in both descriptions.

2. Redesignate the extensions predicated on the Hickory VOR 223° to the 222° radial, in both descriptions.

3. Designate an additional control zone extension predicated on the 043° bearing from the Hickory NDB, extending from the 5-mile radius zone to 8 miles northeast of the NDB. Less than 1 square mile of uncontrolled airspace is added to the control zone by designating this extension.

Since these amendments are either editorial or minor in nature, notice and public procedure hereon are unnecessary, and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 27, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Hickory, N.C., control zone is amended to read:

HICKORY, N.C.

Within a 5-mile radius of Hickory Municipal Airport (lat. 35°44'30" N., long. 81°-23'20" W.); within 2 miles each side of the 043° bearing from the Hickory NDB (lat. 35°44'00" N., long. 81°23'30" W.), extending from the 5-mile radius zone to 8 miles northeast of the NDB; within 2 miles each side of the Hickory VOR 222° radial, extending from the 5-mile radius zone to the VOR.

In § 71.181 (34 F.R. 4637), the Hickory, N.C., 700-foot transition area is amended to read:

HICKORY, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hickory Municipal Airport (lat. 35°-44'30" N., long. 81°23'20" W.); within 2 miles each side of the Hickory VOR 114° radial, extending from the VOR to 14 miles southeast; within 2 miles each side of the Hickory VOR 222° and 056° radials, extending as a corridor from the 8-mile radius area to 8 miles northeast of the VOR;

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 11, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-3345; Filed, Mar. 19, 1969; 8:49 a.m.]

[Airspace Docket No. 68-EA-134]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On Page 261 of the FEDERAL REGISTER for January 8, 1969, the Federal Aviation Administration published a proposed regulation which would designate a Fort Devens, Mass., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

Since the promulgation of the proposal, there has been a determination to restrict the tower operation to the hours of 0700 to 1900 local time, Monday through Friday. The duration of the control zone will therefore also be reduced to a comparable time limitation. While this is a change to the proposed rule, it nevertheless, is less restrictive than the proposal and thus the amendment need not be the subject of notice and public procedure.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969, but amended to reflect a control zone duration of from 0700 to 1900 local time, Monday through Friday.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 5, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Fort Devens, Mass., control zone described as follows:

FORT DEVENS, MASS.

Within a 4-mile radius of the center, 42°-34'15" N., 71°36'20" W., of Devens AAF, Fort Devens, Mass.; within a 1-mile radius of the center 42°38'30" N., 71°39'15" W., of Groton Airport, Groton, Mass.; within 2 miles each side of the 315° bearing from the Ayer, Mass., RBN (42°34'05" N., 71°36'19" W.), extending from the 4-mile radius zone to 8 miles northwest of the RBN excluding that portion within a 1-mile radius of the center 42°31'-30" N., 71°39'55" W., of Shirley Airport, Shirley, Mass.

This control zone is effective from 0700 to 1900 hours, local time, Monday through Friday.

[F.R. Doc. 69-3346; Filed, Mar. 19, 1969; 8:49 a.m.]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On January 31, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1565), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Greenwood, Miss., control zone and alter the Greenwood, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the following control zone is added:

GREENWOOD, MISS.

Within a 5-mile radius of the Greenwood-Leflore Airport (lat. 33°29'30" N., long. 90°-04'50" W.); within 2 miles each side of the Greenwood VORTAC 079° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC.

In § 71.181 (34 F.R. 4637), the Greenwood, Miss., transition area is amended as follows: "* * * lat. 33°29'20" N., long. 90°05'00" W. * * *" is deleted and "* * * lat. 33°29'30" N., long. 90°04'50" W. * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 11, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-3347; Filed, Mar. 19, 1969; 8:49 a.m.]

[Airspace Docket No. 68-EA-138]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway Segment

On January 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 561) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 128 north alternate segment between Cincinnati, Ohio, and York, Ky.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-128 is amended by deleting "a 12 AGL north alternate and also."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 13, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3349; Filed, Mar. 19, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WA-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Domestic High Altitude Reporting Point and Alteration of Jet Routes

The purpose of these amendments to the Federal Aviation Regulations is to redescribe Jet Routes Nos. 70, 43, and 85 so that the Salem, Mich., VOR is used in their structure.

Amendments published in the FEDERAL REGISTER on November 28, 1968 (33 F.R. 17767) became effective January 9, 1969, and realigned these routes in part as follows:

J-70—Pullman, Mich., via INT of Pullman 091° and Jamestown, N.Y., 275° radials; to Jamestown.

J-43—Rosewood, Ohio, to the INT of Rosewood 009° and Pullman, Mich., 091° radials.

J-85—Cleveland, Ohio, to the INT of Cleveland 315° and Pullman, Mich., 091° radials.

The amendments published in the FEDERAL REGISTER on November 28, 1968, aligned these three routes over the site of Salem VOR without using this facility in the descriptions. It has been determined that more precise navigational guidance would be provided if the Salem VOR is used in the structure of these jet routes. Such action is taken herein. In addition, Salem VOR is designated herein as a domestic high altitude reporting point.

Since these amendments are both editorial and minor in nature, it is unnecessary to comply with the notice and public procedures of 5 U.S.C. 553.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

1. In § 71.207 (34 F.R. 4799) "Salem, Mich." is added.

2. In § 75.100 (34 F.R. 4856) the following changes are made:

a. In the text of Jet Route No. 70, all between "Pullman, Mich.;" and "Huguenot, N.Y.;" is deleted, and "Salem, Mich.; Jamestown, N.Y.;" is substituted therefor.

b. In the text of Jet Route No. 43, all after "Rosewood, Ohio;" is deleted, and "to Salem, Mich." is substituted therefor.

c. In the text of Jet Route No. 85, all after "Cleveland, Ohio, 172° radials;" is deleted, and "Cleveland; to Salem, Mich. The portion within Canada is excluded." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, of sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 12, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3348; Filed, Mar. 19, 1969; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-76]

PART 1—GENERAL PROVISIONS

Designation of Salt Lake City, Utah as Port of Entry

MARCH 12, 1969.

Notice that it was proposed to designate Salt Lake City, Utah, as a port of entry in the customs district of San Francisco, Calif. (Region VIII), was published in the FEDERAL REGISTER on February 15, 1969 (34 F.R. 2254). The proposal was based upon a need to provide better customs service in the San Francisco, Calif., district. No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and

pursuant to authorization provided by Treasury Department Order No. 190, Rev. 5 (33 F.R. 5811), Salt Lake City, Utah, is hereby designated a port of entry in the San Francisco, Calif., district (Region VIII), effective as of April 1, 1969.

To reflect this change, § 1.2(c) of the Customs Regulations is amended by inserting in the column headed "Ports of entry" in the San Francisco, Calif., customs district (Region VIII), in proper alphabetical order "Salt Lake City, Utah (T.D. 69–76)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

It is desirable to make the customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69–3340; Filed, Mar. 19, 1969; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER E—SECURITY

PART 850—SAFEGUARDING CLASSIFIED INFORMATION

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 907—DELAYED ENLISTMENT PROGRAM (DEP)

Miscellaneous Amendments

1. In § 850.6, paragraph (a)(2) is revised; § 850.9 is amended by changing the last words in the first sentence from "U.S. Government" to "Executive Branch of the Government"; paragraph (g)(1) is amended by changing reference in third sentence from "(AFNIN)" to "(AFCVFB)"; paragraph (g)(5) is amended by changing reference in last sentence from "(AFNICBB)" to "(AFCVFB)"; § 850.9(h) is revised by adding a new paragraph (10). These sections now read as follows:

§ 850.6 Authorized dissemination.

(a) • • •

(2) *Other persons and entities.* Persons, legal entities, and Government agencies or activities, other than those described in subparagraph (1), may be authorized access to classified information only if they must have it to perform a function which, in the judgment of the releasing official, will be in the interest of promoting national defense from which the Government will derive a direct benefit and a net advantage. Releasing officials shall determine that the recipients are trustworthy, and they can and will protect the information adequately. The provisions of § 850.9 shall be complied with prior to releasing classified information.

NOTE: For any purpose not stated above, problems involving dissemination to private persons or activities should be solved by declassification, rather than by expanding authorized access to classified matter.

• • • • • •

§ 850.9 Dissemination and disclosure authority.

• • • • • •

(h) *For historical research by persons outside the Executive Branch of the United States.* • • •

(10) Insure that the persons to be granted access signs the "Conditions Governing Access to Official Records for Historical Research Purposes".

2. The title of Part 907 is amended to read as set forth above.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [Change 5, dated Feb. 7, 1969, to AFR 205–1, dated Jan. 2, 1968]

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69–3302; Filed, Mar. 19, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations: Recreation; for the individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into the Public Use Area of the refuge is permitted for the purpose of nature study, photography, hiking, sunbathing, and picnicking from 6 a.m. to 9 p.m. from May 1 through October 15, and from 8 a.m. to 4:30 p.m., from October 16 through April 30. Bathing and swimming are permitted only in the designated area during the hours 10 a.m. to 6 p.m. from July 1 through September 1. Surf fishing is permitted day and night on the ocean beach of the Public Use Area from May 1 through October 15. Plums and cranberries may be picked outside of the Natural Area from 6 a.m. to 9 p.m., August 25 to October 15, to the limit of one-half bushel per family.

Motor vehicles are permitted on designated travel routes and in designated parking areas. Snowmobiles or similar vehicles are not permitted on the refuge. Over-the-sand vehicles may be on the ocean beach of the Public Use Area, for fishing only, day and night, from May 1 to May 29, and September 2 to October 15 and during the hours of 6 p.m. to 8 a.m. from May 30 to September 1.

Foot travel in the Natural Area is permitted only on designated trails. Fires are permitted only in refuge fireplaces installed by the Bureau, or on the ocean beach of the public use area. Except in the designated bathing area, pets are allowed if on a leash not over 10 feet in length.

Beer and other alcoholic beverages are not permitted on the refuge. Glass beverage bottles may not be taken out of vehicles.

Entrance into the areas west of the main road is permitted in specific locations that are posted "Open to nature study." Applications for permission to enter the area west of the main road for other purposes will be considered.

The various refuge areas, comprising 4,650 acres, are delineated on a map available at refuge headquarters and at the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 14, 1969.

[F.R. Doc. 69–3314; Filed, Mar. 19, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing, for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Sport fishing on the Moosehorn National Wildlife Refuge, Calais, Maine, is permitted on the areas designated by signs as open to fishing. These open areas, comprising 500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The use of boats without motors is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 14, 1969.

[F.R. Doc. 69–3313; Filed, Mar. 19, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Sport Fishing is permitted on the Prime Hook National Wildlife Refuge, Milton, Del. The refuge is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations and the following special condition: Boats, with or without motors, are permitted for fishing freshwater streams and ponds. Boats may be launched from designated access points or public roads.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 14, 1969.

[F.R. Doc. 69–3312; Filed, Mar. 19, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 602, 603, 608, 609, 610, 611, 612, 614, 615, 687]

[Administrative Order No. 606]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.	Industry
81–A	Men's and Boys' Clothing and Related Products Industry in Puerto Rico.
81–B	Corsets, Brassieres, and Allied Garments Industry in Puerto Rico.
81–C	Children's Dress and Related Products Industry in Puerto Rico.
81–D	Needlework and Fabricated Textile Products Industry in Puerto Rico.
82–A	Sweater and Knit Swimwear Industry in Puerto Rico.
82–B	Handkerchief, Scarf, and Art Linen Industry in Puerto Rico.
82–C	Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico.
83–A	Fabric and Leather Glove Industry in Puerto Rico.
83–B	Hosiery Industry in Puerto Rico.
83–C	Leather, Leather Goods, and Related Products Industry in Puerto Rico.

The named industries are defined below.

Men's and boys' clothing and related products industry in Puerto Rico. The manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however,* That the industry shall not include the manufacture of handmade straw hats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico, Part 610 of this chapter or in the women's and children's underwear and women's blouse industry in Puerto Rico, Part 609 of this chapter: *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would apply by virtue of the Fair Labor Standards Amendments of 1966.

Corsets, brassieres, and allied garments industry in Puerto Rico. The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments: *And provided however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would apply by virtue of the Fair Labor Standards Amendments of 1966.

Children's dress and related products industry in Puerto Rico. The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, bibs, sportswear, and play apparel for infants three years of age or under; and clothing and accessories for dolls: *Provided however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread: *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would apply by virtue of the Fair Labor Standards Amendments of 1966.

Needlework and fabricated textile products industry in Puerto Rico. The manufacture from any material of all apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other process; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the artificial flower, decoration, and party favor industry in Puerto Rico (Part 688 of this chapter), the button, jewelry, and lapidary work industry in Puerto Rico (Part 616 of this chapter), the corsets, brassieres, and allied garments industry in Puerto Rico (Part 614 of this chapter), the fabric and leather glove industry in Puerto Rico (Part 603 of this chapter), the hosiery industry in Puerto Rico (Part 687 of this chapter), the men's and boys' clothing and related products industry in Puerto Rico (Part 615 of this chapter), the shoe and related products industry in Puerto Rico (Part 601 of this chapter), the straw, hair, and related products industry in Puerto Rico (Part 613 of this chapter), the textile and textile products industry in Puerto Rico (Part 699 of this chapter), the handkerchief, scarf, and art linen industry in Puerto Rico (Part 608 of this chapter), the women's and children's underwear and women's blouse industry in Puerto Rico (Part 609 of this chapter), the sweater and knit swimwear industry in Puerto Rico (Part 611 of this chapter), and the children's dress and related products industry in Puerto Rico (Part 610 of this chapter), as defined in the wage orders for these industries: *And provided further,* That the industry shall not include any activities to which the Fair Labor Standards Act of 1938 would apply by virtue of the Fair Labor Standards Amendments of 1966.

Sweater and knit swimwear industry in Puerto Rico. The manufacture of men's, women's, misses', boys', and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread: *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would apply by virtue of the Fair Labor Standards Amendments of 1966.

Handkerchief, scarf, and art linen industry in Puerto Rico. The manufacture of plain, scalloped, or ornamented handkerchiefs and scarves; the manufacture of art linen, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials: *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread: *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would apply by virtue of the Fair Labor Standards Amendments of 1966.

Women's and children's underwear and women's blouse industry in Puerto Rico. The knitting or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6X or under, and infants' underwear and nightwear, including but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, and neckwear (including collar and cuff sets but excluding scarves): *Provided, however,* That the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico (Part 614 of this chapter); or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread: *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would apply by virtue of the Fair Labor Standards Amendments of 1966.

Fabric and leather glove industry in Puerto Rico. The manufacture of dress, semidress, and work gloves and mittens from woven or knit fabric, leather, or synthetic material, or these materials in combination with any other material: *Provided, however,* That the industry shall not include the manufacture of knit or crocheted gloves and mittens, sport and athletic gloves and mittens, or rubber or molded plastic gloves and mittens: *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would apply by virtue of the Fair Labor Standards Amendments of 1966.

Hosiery industry in Puerto Rico. The manufacture and processing of full-fashioned and seamless hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act would apply by virtue of the Fair Labor Standards Amendments of 1966.

Leather, leather goods, and related products industry in Puerto Rico. The curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the button, jewelry, and lapidary work industry (29 CFR Part 616), the needlework and fabricated textile products industry (29 CFR Part 612), the shoe and related products industry (29 CFR Part 601), the fabric and leather glove industry (29 CFR Part 603), or the rubber products industry (29 CFR Part 720), as defined in the wage orders for those industries in Puerto Rico: *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act would apply by virtue of the Fair Labor Standards Amendments of 1966.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees.

(b) Refer to each of these industry committees the question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned.

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 81–A shall meet in executive session to commence its investigation at 9:30 a.m. on May 12, 1969, in the office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place. Following this hearing, Industry Committee No. 81–B will meet at the same place to conduct its investigation and to hold its hearing followed in seriatim by Industry Committees No. 81–C and No. 81–D in meeting to conduct their investigations and hold their hearings.

Industry Committee No. 82–A shall meet in executive session to commence its investigation at 9:30 a.m. on May 26, 1969, in the Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place. Following this hearing, Industry Committee No. 82–B will immediately convene at the same place to conduct its investigation and to hold its hearing, followed in seriatim by Industry Committee No. 82–C.

Industry Committee No. 83–A shall meet in executive session, to commence its investigation at 9:30 a.m. on June 16, 1969, in the office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place. At the conclusion of this hearing, Industry Committee No. 83–B shall immediately convene at the same place to conduct its investigation and to hold its hearing followed in seriatim by Industry Committee No. 83–C.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rate or rates for its industry, not exceeding the minimum wage rate of $1.60 prescribed in paragraph (1) of section 6(a) of the Act which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not substantially curtail employment in such classification and which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the national and Puerto Rican offices of the U.S. Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing, i.e., May 2, 1969, for matters to be considered by Industry Committees Nos. 81–A, B, C, or D; May 16, 1969, for matters to be considered by Industry Committees Nos. 82–A, B, or C; and June 6, 1969, for matters to be considered by Industry Committees Nos. 83–A, B, or C.

Signed at Washington, D.C., this 17th day of March 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–3356; Filed, Mar. 19, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 31]

SODA WATER, IDENTITY STANDARD

Proposal To List as Optional Ingredients Fructose, Gluconic Acid, and Gluconate Salts of Calcium, Magnesium, Potassium, or Sodium

Notice is given that a petition has been filed by Dawe's Laboratories, Inc., 4800 South Richmond Street, Chicago, Ill. 60632, proposing that the standard of identity for soda water (21 CFR 31.1) be amended by listing fructose, gluconic acid, and gluconic salts of calcium, magnesium, potassium, or sodium as optional ingredients.

Grounds set forth in the petition in support of the proposed amendment are that: Fructose is 1.73 times as sweet as sucrose for a given weight, hence, a lesser amount is necessary to give equal sweetening; (2) the better buffering of gluconate salts would enable more carbon dioxide to be dissolved in water and diminish gushing on release of pressure when bottle or can is opened; (3) each of the ingredients has unique properties that would contribute to production of improved beverages and would increase the availability of competitive ingredients to soda water manufacturers; and (4) the proposed ingredients are generally recognized as safe (21 CFR 121.101(d)).

Accordingly, it is proposed that § 31.1 (b) be amended by adding fructose to the list of nutritive sweeteners in subparagraph (1), gluconic acid to the list of acidifying agents in subparagraph (4), and gluconate salts of calcium, magnesium, potassium, or sodium to the list of buffering agents in subparagraph (5).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 13, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3306; Filed, Mar. 19, 1969; 8:45 a.m.]

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Dating Periods and Proper Names

Notice is hereby given that the Director, National Institutes of Health, proposes to amend § 73.86 of Part 73 of the Public Health Service Regulations to (1) list the dating periods for currently licensed biological products, including the addition of two recently licensed products, Measles-Smallpox Vaccine, Live, and Rh. (D) Immune Globulin (Human), (2) reflect proposed changes of proper names for licensed products prepared from Diphtheria Toxoid, Tetanus Toxoid, Pertussis Vaccine and Poliomyelitis Vaccine, and combinations of these products, and (3) make several editorial changes.

Present proper names	*Proposed proper names*
1. a. Diphtheria Toxoid Alum Precipitated	Diphtheria Toxoid Adsorbed.
b. Diphtheria Toxoid Aluminum Hydroxide Adsorbed.	
c. Diphtheria Toxoid Aluminum Hydroxide Precipitated.	
d. Diphtheria Toxoid Aluminum Phosphate Adsorbed.	
2. Diphtheria and Tetanus Toxoids Combined	Diphtheria and Tetanus Toxoids.
3. a. Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined.	Diphtheria and Tetanus Toxoids Adsorbed.
b. Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Precipitated.	
c. Diphtheria and Tetanus Toxoids Combined Alum Precipitated.	
d. Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.	
e. Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated.	
4. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.	Diphtheria and Tetanus Toxoids and Pertussis Vaccine.
5. a. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.	Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed.
b. Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.	
c. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.	
d. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated.	
e. Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	
f. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Hydroxide Precipitated.	
6. Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.	Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Adsorbed.
7. a. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.	Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed and Poliomyelitis Vaccine.
b. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Aluminum Phosphate Adsorbed and Poliomyelitis Vaccine.	
8. a. Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	Diphtheria Toxoid and Pertussis Vaccine Adsorbed.
b. Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.	
c. Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.	
d. Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.	
e. Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined.	
9. Diphtheria Toxoid and Pertussis Vaccine Combined	Diphtheria Toxoid and Pertussis Vaccine.
10. Poliomyelitis Vaccine Aluminum Phosphate Adsorbed.	Poliomyelitis Vaccine Adsorbed.
11. a. Tetanus Toxoid Alum Precipitated	Tetanus Toxoid Adsorbed.
b. Tetanus Toxoid Aluminum Hydroxide Adsorbed.	
c. Tetanus Toxoid Aluminum Hydroxide Precipitated.	
d. Tetanus Toxoid Aluminum Phosphate Adsorbed.	
12. a. Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).	Tetanus and Diphtheria Toxoids Adsorbed (For Adult Use).
b. Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).	
c. Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Precipitated (For Adult Use).	
d. Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).	
13. Tetanus Toxoid and Pertussis Vaccine Combined	Tetanus Toxoid and Pertussis Vaccine.

Inquiries may be adressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendment that is adopted effective 60 days after publication in the FEDERAL REGISTER, except that changes in labeling necessitated by changes of proper names shall be effective when the manufacturer's current supply of labels has been exhausted or 1 year from the date of publication of the amendment in the FEDERAL REGISTER, whichever date is earlier.

1. Revise the proper names of the following products listed in § 73.86, as follows:

2. With the respective proper names so revised, with the list amended to reflect current dating periods for presently licensed products, and with several editorial changes, § 73.86 will read as follows:

§ 73.86 Dating periods for specific products.

The following dating periods are based on data relating to usage, clinical experience or laboratory tests that establish the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results and retain its safety, purity, and potency, provided the product is maintained at the recommended temperatures. The standards prescribed by the regulations in this part, designed to insure continued safety, purity, and potency of the products, are based on the dating periods set forth below. Cold storage periods and temperatures prescribed in § 73.84 shall apply and outside labels shall recommend storage between 2° C. and 8° C., except when specifically provided otherwise. (Storage temperatures and storage periods are given in parentheses after the dating periods below when they differ from those specified in § 73.84.)

Adsorbed Anti-A Serum	One year.
Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed.	Six months (5° C., six months).
Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed.	Six months (5° C., six months).
Adenovirus Vaccine	Six months (5° C., six months).
Aggregated Radio-Iodinated (I^{131}) Albumin (Human)	Thirty days. § 73.84 does not apply.
Allergenic Extracts	With 50 percent or more glycerin, three years (5° C., three years).
	With less than 50 percent glycerin, eighteen months (5° C., eighteen months).
	Products for which cold storage conditions are inappropriate, eighteen months, provided labeling recommends storage at no warmer than 30° C. § 73.84 does not apply.
	Powders and tablets, five years, provided labeling recommends storage at no warmer than 30° C. § 73.84 does not apply.
	Freeze dried products, five years (5° C., three years).
Allergenic Extracts, Alum Precipitated	Eighteen months (5° C., eighteen months).
Anthrax Vaccine, Adsorbed	One year (6° C., two years). § 73.84 does not apply.
Anti-A Blood Grouping Serum	*Liquid:* One year.
	Dried: Five years.
Anti-A, B Blood Grouping Serum	*Liquid:* One year.
	Dried: Five years.
Anti-B Blood Grouping Serum	*Liquid:* One year.
	Dried: Five years.
Anti-Di^a Serum (Anti-Diego)	One year.
Anti-Fy^a Serum (Anti-Duffy)	One year.
Anti-Fy^b Serum	One year.
Anti-Gr (Vw) Serum	One year.
Antihemophilic Factor (Human)	One year. § 73.84 does not apply.
Antihemophilic Globulin (Human)	One year.
Antihemophilic Plasma (Human)	Five years.
Anti-Hemophilus Influenzae Type b Serum.	*Liquid:* Two years.
	Dried: Five years.
Anti-Human Chorionic Gonadotropin Serum.	One year. § 73.84 does not apply.
Anti-Human Serum	*Liquid:* One year.
	Dried: Five years.
Anti-I Serum	One year.
Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.	Two years.
Anti-Je^a Serum (Anti-Kidd)	One year.
Anti-Jk^b Serum	One year.
Anti-Js^a Serum (Anti-Sutter)	One year.
Anti-k Serum (Anti-Cellano)	One year.
Anti-K Serum (Anti-Kell)	One year.
Anti-Kp^a Serum (Anti-Penney)	One year.
Anti-Kp^b and Anti-K Serum (Anti-Rautenberg and Anti-Kell).	One year.
Anti-Kp^b Serum (Anti-Rautenberg)	One year.
Anti-Le^b Serum (Anti-Lewis)	*Liquid:* One year.
	Dried: Five years.
Anti-Le^a Serum	*Liquid:* One year.
	Dried: Five years.
Anti-Lu^a Serum (Anti-Lutheran)	One year.
Anti-M Serum	One year.
Anti-M^s Serum	One year.
Anti-Mi^a Serum (Anti-Miltenberger)	One year.
Anti-N Serum	One year.
Anti-P Serum	One year.
Antirabies	Two years.
Anti-Rh Typing Serum, Anti-hr^o (Anti-C)	One year.
Anti-Rh Typing Serum, Anti-$hr^{''}$ (Anti-e)	
Anti-Rh Typing Serum, Anti-hr^s (Anti-V)	One year.
Anti-Rh Typing Serum, Anti-$rh^{'}$ (Anti-C)	*Liquid:* One year.
	Dried: Five years.
Anti-Rh Typing Serum, Anti-$rh^{''}$ (Anti-E)	*Liquid:* One year.
	Dried: Five years.
Anti-Rh Typing Serum, Anti-Rho (Anti-D)	*Liquid:* One year.
	Dried: Five years.

Anti-Rh Typing Serum, Anti-Rh$_0$' (Anti-CD).	*Liquid:* One year. *Dried:* Five years.
Anti-Rh Typing Serum, Anti-Rh$_0$'' (Anti-DE).	One year.
Anti-Rh Typing Serum, Anti-Rh$_0$h'rh'' (Anti-CDE).	One year.
Anti-Rh Typing Serum, Anti-Rh$_0$+*Rh*$_0$ (Anti-D+D^u).	One year.
Anti-Rh Typing Serum, Anti-rh^w (Anti-C^w).	One year.
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell)).	One year.
Anti-s Serum	*Liquid:* One year. *Dried:* Five years.
Anti-S Serum	One year.
Antivenin (Crotalidae) Polyvalent	Five years with a 10 percent excess of potency.
Antivenin (*Latrodectus mactans*)	Five years with a 10 percent excess of potency.
Antivenin (Micrurus fulvius)	Five years with a 10 percent excess of potency.
Anti-U Serum (Anti-Su)	One year.
Anti-Wr^a Serum (Anti-Weigle)	One year.
B. *histolyticus* Antitoxin	Five years with a 20 percent excess of potency.
B. *oedematiens* Antitoxin	Five years with a 20 percent excess of potency.
B. *sordellii* Antitoxin	Five years with a 20 percent excess of potency.
BCG Vaccine	Six months (5° C., one year).
Blastomycin	Two years (5° C., one year).
Blood Group Specific Substances A and B.	Two years.
Blood Group Specific Substance A	Two years.
Blood Group Specific Substance B	Two years.
Botulism Antitoxin	Five years with a 20 percent excess of potency.
Chicken Pox Immune Serum (Human)	*Liquid:* One year. *Dried:* Five years.
Cholera Vaccine	Eighteen months (5° C., one year).
Cobra Venom with Silicic and Formic Acids.	Eighteen months (5° C., one year).
Cobra Venom Solution	Eighteen months (5° C., one year).
Coccidioidin	Three years (5° C., one year).
Collagenase	Eighteen months, provided labeling recommends storage at no warmer than 25° C. § 73.84 does not apply.
Diphtheria Antitoxin	*Liquid:* Five years with a 20 percent excess of potency. *Dried:* Five years with a 10 percent excess of potency.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Adsorbed.	Four months (5° C., two months).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed and Poliomyelitis Vaccine.	(a) Four months (5° C., two months). (b) One year, provided the pertussis and poliomyelitis components unmixed when issued (5° C., one year).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine.	Eighteen months (5° C., one year).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed.	Eighteen months (5° C., one year).
Diphtheria and Tetanus Toxoids and Poliomyelitis Vaccine.	One year (5° C., one year).
Diphtheria and Tetanus Toxoids	Two years (5° C., one year).
Diphtheria and Tetanus Toxoids Adsorbed.	Two years (5° C., one year).
Diphtheria Toxin for Schick Test	One year (5° C., one year).
Diphtheria Toxoid	Two years (5° C., one year).
Diphtheria Toxoid Adsorbed	Two years (5° C., one year).
Diphtheria Toxoid and Pertussis Vaccine	Eighteen months (5° C., one year).
Diphtheria Toxoid and Pertussis Vaccine Adsorbed.	Eighteen months (5° C., one year).
Dysentery Antitoxin, Shiga	Five years with a 20 percent excess of potency.
Equine Encephalomyelitis Vaccine (Eastern).	One year.
Equine Encephalomyelitis Vaccine (Western).	One year.
Fibrinogen (Human)	Five years.
Fibrinolysin (Human)	Two years.
Fibrinogen with Antihemophilic Factor (Human).	Five years.
Fibrinolysin and Desoxyribonuclease Combined (Bovine).	Three years, provided labeling recommends storage at no warmer than 30° C.
Fibrinolysin and Desoxyribonuclease Combined (Bovine) with Chloramphenicol.	Three years, provided labeling recommends storage at no warmer than 30° C.
Gas Gangrene Polyvalent Antitoxin	Five years with a 20 percent excess of potency.
Haemophilus influensae Typing Serum	One year.
Histamine Asoprotein	Two years.
Histoplasmin	Two years (5° C., one year).
Immune Serum Globulin (Human)	Three years (5° C., three years).
Influenza Virus Hemagglutinating Antigen.	Two years (5° C., one year).
Influenza Virus Vaccine	Eighteen months (5° C., one year).
Lymphogranuloma Venereum Antigen	One year (5° C., one year).
Measles Immune Serum (Human)	*Liquid:* One year. *Dried:* Five years.
Measles Immune Globulin (Human)	Three years (5° C., three years).
Measles-Smallpox Vaccine, Live	One year. § 73.84 does not apply.
Measles Virus Vaccine, Inactivated	One year (5° C., one year).
Measles Virus Vaccine, Live, Attenuated	One year. § 73.84 does not apply.
Modified Plasma (Bovine)	Twenty months. § 73.84 does not apply.
Mumps Immune Serum (Human)	*Liquid:* One year. *Dried:* Five years.
Mumps Immune Globulin (Human)	Three years from date the dried or frozen bulk product is placed in final solution (5° C., three years).
Mumps Skin Test Antigen	Eighteen months (5° C., one year).
Mumps Vaccine	Eighteen months (5° C., one year).
Mumps Virus Vaccine, Live	One year. § 73.84 does not apply.
Normal Bovine Serum	Five years.
Normal Horse Serum	Five years.
Normal Human Serum	*Liquid:* Eighteen months. *Dried:* Five years. *Frozen:* Three years, provided labeling recommends storage at no warmer than −18° C. § 73.84 does not apply. *Melted:* One year after the date of melting. § 73.84 does not apply.
Normal Rabbit Serum	Five years.

Normal Serum Albumin (Human)	(a) Five years, provided labeling recommends storage between 2° and 10° C. (5° C., three years). or (b) Three years, provided labeling recommends storage at room temperature, no warmer than 37° C. (5° C., three years). or (c) Ten years, if in an hermetically sealed metal container and provided labeling recommends storage between 2° and 10° C. § 73.84 does not apply.
Oxophenarsine Hydrochloride	Three years (5° C., one year).
Perfringens Antitoxin	Five years with a 20 percent excess of potency.
Pertussis Immune Globulin (Human)	Three years from date the dried or frozen bulk product is placed in final solution (5° C., three years).
Pertussis Immune Serum (Human)	*Liquid:* One year. *Dried:* Five years.
Pertussis Vaccine	Eighteen months (5° C., one year).
Plague Vaccine	Eighteen months (5° C., one year).
Plasma (Human)	(a) Five years after blood collection provided labeling recommends storage at −18° C. or colder. § 73.84 does not apply. (b) *Fresh frozen:* One year, provided labeling recommends storage at −18° C. or colder. § 73.84 does not apply. (c) *Platelet rich:* Twenty-four hours after blood collection provided labeling recommends storage at 20°−22° C. § 73.84 does not apply. (d) *Pooled antihemophilic:* One year after blood collection, provided labeling recommends storage at no warmer than 37° C. § 73.84 does not apply.
Plasma Protein Fraction (Human)	(a) Five years (5° C., one year). (b) Three years, provided labeling recommends storage at no warmer than 30° C. (5° C., one year).
Pneumococcus Typing Serum	One year.
Poliomyelitis Immune Globulin (Human).	Three years (5° C., three years).
Poliomyelitis Vaccine	One year (5° C., one year).
Poliomyelitis Vaccine Adsorbed	One year (5° C., one year).
Poliovirus Vaccine, Live, Oral, Trivalent	*Frozen:* One year, provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (−10° C., one year). *Liquid:* Thirty days, provided labeling recommends storage between 2° and 8° C. § 73.84 does not apply.
Poliovirus Vaccine, Live, Oral, Type I	*Frozen:* One year, provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (−10° C., one year). *Liquid:* Thirty days, provided labeling recommends storage between 2° and 8° C. § 73.84 does not apply.
Poliovirus Vaccine, Live, Oral, Type II	*Frozen:* One year, provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (−10° C., one year). *Liquid:* Thirty days, provided labeling recommends storage between 2° and 8° C. § 73.84 does not apply.
Poliovirus Vaccine, Live, Oral, Type III	*Frozen:* One year, provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (−10° C., one year). *Liquid:* Thirty days, provided labeling recommends storage between 2° and 8° C. § 73.84 does not apply.
Polyvalent bacterial antigens with "No U.S. Standard of Potency."	*Liquid:* Eighteen months (5° C., one year). *Dried:* Five years (5° C., one year).
Polyvalent bacterial vaccines with "No U.S. Standard of Potency."	*Liquid:* Eighteen months (5° C., one year). *Dried:* Five years (5° C., one year).
Polyvalent modified bacterial antigens with "No U.S. Standard of Potency."	*Liquid:* Eighteen months (5° C., one year). *Dried:* Five years (5° C., one year).
Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency."	*Liquid:* Eighteen months (5° C., one year). *Dried:* Five years (5° C., one year).
Profibrinolysin (Human)	Two years.
Pseudomonas Polysaccharide	Eighteen months.
Q Fever Vaccine	One year (5° C., one year).
Rabies Vaccine	*Liquid:* Six months (5° C., three months). *Dried:* Eighteen months.
Radio-Chromated (Cr^{51}) Serum Albumin (Human).	Sixty days from the date chromium is added. § 73.84 does not apply.
Radio-Iodinated (I^{125}) Serum Albumin (Human).	120 days from date iodination is completed. § 73.84 does not apply.
Radio-Iodinated (I^{131}) Serum Albumin (Human).	Thirty days from date iodination is completed. § 73.84 does not apply.
Reagent Red Blood Cells (Human)	Twenty-one days. § 73.84 does not apply.
Reagent Blood Group Specific Substances A and B.	Two years.
Red Blood Cells (Human)	(a) Twenty-one days from date of collection of source blood, provided labeling recommends storage between 1° and 10° C. and the hermetic seal is not broken during processing. § 73.84 does not apply. Twenty-four hours after plasma removal, provided labeling recommends storage between 1° and 10° C., if the hermetic seal is broken during processing. § 73.84 does not apply. (b) *Frozen:* Three years, provided labeling recommends storage at −80° C. or colder. Twenty-four hours after removal from −80° C. storage, provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.
Resuspended Red Blood Cells (Human)	Ten days. § 73.84 does not apply.
Rh$_0$ (D) Immune Globulin (Human)	Six months (5° C., six months).
Rocky Mountain Spotted Fever Vaccine	Eighteen months (5° C., one year).
Russell Viper Venom	Five years.
Scarlet Fever Immune Serum (Human)	*Liquid:* One year. *Dried:* Five years.

Scarlet Fever Streptococcus Toxin for Dick Test.	One year (5° C., one year).
Scarlet Fever Streptococcus Toxin for Immunization.	One year (5° C., one year).
Shick Test Control	One year (5° C., one year).
Smallpox Vaccine	*Liquid:* Three months, provided labeling recommends storage at no warmer than 0° C. (−10° C., nine months, if product is maintained as glycerinated or equivalent vaccine in bulk or final containers). *Dried:* Eighteen months (5° C., six months).
Staphylococcus Antitoxin	Five years with 20 percent excess of potency.
Staphylococcus Toxoid	Two years (5° C., one year).
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).	Eighteen months (5° C., one year).
Staphylococcus Toxoid and Bacterial Vaccine made from Staphylococcus (Aureus).	Eighteen months (5° C., one year).
Staphylococcus Toxoid, Streptococcus Toxin, and Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus, Hemophilus Influenzae.	One year (5° C., one year).
Streptococcus Erythrogenic Toxin	One year (5° C., one year).
Streptokinase	Eighteen months. *Dried:* Two years (5° C., one year). *Tablets:* Eighteen months, provided labeling recommends storage at no warmer than 30° C. (5° C., six months).
Streptokinase-Streptodornase	Two years (5° C., one year).
Tetanus and Diphtheria Toxoids Adsorbed (For Adult Use).	Five years with a 20 percent excess of potency.
Tetanus and Gas Gangrene Polyvalent Antitoxin.	Three years with a 10 percent excess of potency (5° C., one year). *Liquid:* Five years with a 20 percent excess of potency. *Dried:* Five years with a 10 percent excess of potency.
Tetanus Immune Globulin (Human)	Two years (5° C., one year). Two years (5° C., one year). Eighteen months (5° C., one year). Three years. Eighteen months (5° C., one year). *Old, concentrated:* Containing 50 percent glycerin, five years. *Old diluted:* One year. *Purified Protein Derivative, concentrated:* Two years containing 50 percent glycerin (5° C., one year). *Purified Protein Derivative, dried:* Five years. *Old, dried on multiple puncture device:* Two years, provided labeling recommends storage at no warmer than 30° C. (30° C., one year).
Tetanus Toxoid	
Tetanus Toxoid Adsorbed	
Tetanus Toxoid and Pertussis Vaccine	
Thrombin	
Trichinella Extract	
Tuberculin	
Typhoid and Paratyphoid Vaccine	Eighteen months (5° C., one year).
Typhoid Vaccine	Eighteen months (5° C., one year).
Typhus Vaccine	Eighteen months (5° C., one year).
Vibrion Septique Antitoxin	Five years with a 20 percent excess of potency.
Whole Blood (Human) collected in	(a) ACD solution—Twenty-one days, provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply. (b) Heparin solution—forty-eight hours, provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply. (c) CPD solution—Twenty-one days, provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.
Yellow Fever Vaccine	One year, provided labeling recommends storage at no warmer than 5° C. (−20° C., one year).

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: February 19, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: March 12, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-3287; Filed, Mar. 19, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 23, 25, 43, 91]

[Docket No. 9485; Notice 69-10]

MAINTENANCE REQUIREMENTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending the Federal Aviation Regulations (FARs) to (1) provide a definition of the term "rebuild" and establish performance standards for such work and, (2) to provide for a maintenance manual for airplanes type certificated under Parts 23 and 25 of the Federal Aviation Regulations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 20, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The current regulations allow a manufacturer to rebuild any aircraft, aircraft engine, propeller, or appliance manufactured by him under a type or production certificate and to rebuild any appliance or part of aircraft, aircraft engine, propeller, or appliance manufactured by him under a Technical Standard Order Authorization, an FAA Parts Manufacture Approval, or Product and Process Specification. While the regulations have long provided for the rebuilding of products by the manufacturers, the term has been defined in the FARs only with respect to the rebuilding of aircraft engines. With the number of manufacturers engaged in the rebuilding of their products increasing, the FAA considers it appropriate in the interest of uniformity to define the term, generally for all products. It is also considered appropriate to establish performance standards specifically for such work. In this connection, the proposal uses the criteria currently applied to rebuilt engines.

At the present time, the regulations governing the type certification of rotorcraft require that each rotorcraft have a maintennce manual containing the information that the type certificate applicant considers essential for the proper maintenance of the rotorcraft. In addition, the regulations require that each engine and propeller manufacturer prepare and make available an approved manual containing instructions for installing, operating, servicing and maintaining the engine or propeller. The FAA has recently recognized this necessity with respect to airplanes capable of carrying more than 10 persons and used in Air Taxi operations under Part 135. However, there are no such requirements for other airplanes. Because of the increasing complexity of even the smaller airplanes not to mention the very large airplanes now in the process of certification, the continued airworthiness of such airplanes requires that a maintenance manual be made available to the owners and operators of these airplanes.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Parts 1, 23, 25, 43, and 91 of the Federal Aviation Regulations as follows:

1. By amending § 1.1 of Part 1 by adding a new definition to read as follows:

§ 1.1 General definitions.

* * * * *

"Rebuild" means the disassembly, rework, reassembly, and testing of an aircraft, aircraft engine, propeller, appliance, or part thereof, to the same design data (including the same specifications, tolerances, and limits) as a new aircraft, aircraft engine, propeller, appliance, or part thereof.

* * * * *

2. By amending § 43.13 by adding a new paragraph to read as follows:

§ 43.13 Performance rules (general).

* * * * *

Each manufacturer rebuilding an aircraft, aircraft engine, propeller, appliance, or part thereof shall do that work in such a manner and use materials of such quality that the aircraft, aircraft engine, propeller, appliance, or part thereof is equal to its original condition. Either new or used parts may be used. However, all parts used must conform to the production drawing tolerances and limits for new parts or be of an approved oversize or undersize dimension for a new aircraft, aircraft engine, propeller, appliance, or part thereof.

§ 91.175 [Deleted]

3. By deleting § 91.175.

4. By amending § 91.173 by adding a paragraph (d) to read as follows:

§ 91.173 Maintenance records.

* * * * *

(d) Each registered owner or operator may use a new maintenance record without previous operating history for an aircraft, aircraft engine, propeller, appliance, or part thereof rebuilt by the manufacturer in accordance with the performance rules prescribed in Part 43 of this chapter.

5. By amending Parts 23 and 25 by adding new §§ 23.1529 and 25.1529, respectively, to read as follows:

§ 23-25.1529 Maintenance manual.

A maintenance manual containing the information that the applicant considers essential for proper maintenance must be made available to the owner at the time of delivery of the airplane. The manual must include at least the following:

(a) Description of systems such as electrical, hydraulic, fuel controls, etc.

(b) Lubrication instructions setting forth the frequency and the lubricants and fluids which are to be used in the various systems.

(c) Pressures and electrical loads applicable to the various systems.

(d) Tolerances and adjustments necessary for proper functioning of the airplane.

(e) Methods of leveling, raising, and towing.

(f) Methods of balancing control surfaces.

(g) Identification of primary and secondary structures.

(h) Frequency and extent of inspections necessary to the proper operation of the airplane.

(i) Special repair methods applicable to the airplane.

(j) Special inspection techniques that require X-ray, ultrasonic, or magnetic particle inspection.

(k) List of special tools.

Issued in Washington, D.C., on March 14, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-3354; Filed, Mar. 19, 1969; 8:50 a.m.]

[14 CFR Parts 21, 37, 145]

[Docket No. 9486; Notice 69-12]

REPORTING REQUIREMENTS FOR MANUFACTURERS; FAILURES, DEFECTS, AND MALFUNCTIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 21, 37, and 145 of the Federal Aviation Regulations to require manufacturers to report certain defects, failures, or malfunctions in the products or articles which they manufacture.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 20, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Federal Aviation Regulations do not now require manufacturers to notify the FAA of any failures, defects, or malfunctions found in their products. Both the air carriers operating under Parts 121 and 127, and the certificated repair stations are required to notify the FAA of such conditions. The FAA recognizes, however, that the manufacturer of a product has the expertise with respect to that product to evaluate the seriousness of a failure, defect, or malfunction and to determine the extent to which the failure, defect, or malfunction may present a hazard to flight. For this reason, it is proposed to require manufacturers to notify the FAA of any such failures, defects, or malfunctions found in their products.

It is proposed to require that this notification be made within four (4) hours after the hazardous condition has been found in order that the FAA may take appropriate action. The four hour time limit for notification is consistent with the present practices and procedures under which air carriers and repair stations report such conditions.

The regulations would also be amended to make it clear that manufacturers holding repair station certificates are not required to report under the repair station requirements, any failure, defect, or malfunction already reported under the requirements proposed for manufacturers.

In consideration of the foregoing, it is proposed to amend Parts 21, 37, and 145 as follows:

1. By amending Part 21 by adding a new § 21.3 following § 21.1 to read as follows:

§ 21.3 Notification of failures, malfunctions, or defects.

The holder of a Type Certificate (including a Supplemental Type Certificate) or a Parts Manufacturer Approval (PMA), or the licensee of a Type Certificate, shall within four (4) hours after it discovers or is informed of a failure, malfunction, or defect in any product or part manufactured by it that could result in an imminent hazard to flight, notify the FAA Regional Office in the region in which the holder or licensee is located of such failure, malfunction, or defect. The notification shall be made on a form and in a manner prescribed by the Administrator and shall include as much of the following as is available:

(a) Model designation.

(b) Serial number.

(c) Identification of the part, component, or system involved.

(d) Nature of the failure, malfunction, or defect.

2. By amending § 37.17 by changing the section heading, by designating the present requirement as paragraph (b) and by adding a new paragraph (a), to read as follows:

§ 37.17 Notification of failures, malfunctions, and defects.

(a) Each manufacturer holding a TSO authorization under this part shall within four (4) hours after it discovers or is informed of a failure, malfunction, or defect in any article manufactured by it that could result in an imminent hazard to flight, notify the FAA Regional Office in the region in which it is located of such failure, malfunction, or defect. The notification shall be made on a form and in a manner prescribed by the Administrator and shall include as much of the following as is available:

(1) Model designation.

(2) Serial number.

(3) Identification of the article involved.

(4) Nature of the failure, malfunction, or defect.

* * * * *

3. By amending § 145.63 by adding the following sentence at the end of paragraph (b):

§ 145.63 Reports of defects or unairworthy conditions.

* * * * *

(b) * * * However, a manufacturer holding a domestic repair station certificate need not report under this paragraph any failure, malfunction, or defect already reported in accordance with § 21.3 of this chapter.

* * * * *

4. By amending § 145.79 by adding the following sentence at the end of paragraph (c):

§ 145.79 Records and reports.

(c) * * * However, a manufacturer holding a foreign repair station certificate need not report under this paragraph any failure, malfunction, or defect already reported in accordance with § 21.3 of this chapter.

These amendments are proposed under sections 313(a), 601, 603, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423 and 1427), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 17, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-3355; Filed, Mar. 19, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-8]

DESIGNATION OF TRANSITION AREA

Withdrawal of Proposed Rule Making

On pages 4832 and 4833 of the FEDERAL REGISTER for March 21, 1968, the Federal Aviation Administration published a proposed regulation which would designate a Crewe, Va., transition area.

Since publication of the proposal, airport authorities have been unable to furnish the information necessary for establishing an instrument approach for which the transition area was to provide protection.

In view of the foregoing the proposed regulation is hereby withdrawn.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 6, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-3350; Filed, Mar. 19, 1969; 8:49 a.m.]

[14 CFR Part 135]

[Docket No. 8744; Notice 69-11]

AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Crash Locator Beacons and Survival Radio Equipment

The Federal Aviation Administration is considering amending Part 135 of the Federal Aviation Regulations to require that a crash locator beacon be carried aboard each aircraft in operations conducted by air taxi and commercial operators under Part 135, including air taxi operations conducted with large aircraft, and that survival radio equipment be carried aboard these aircraft when engaged in extended overwater operations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before May 19, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

For the purpose of the following discussion, clarification of the terms "crash locator beacon," "survival radio equipment," and "personnel locator beacon," will be helpful. However, no proposal is made herein for requiring a "personnel locator beacon." Its meaning is stated here only for the purpose of distinguishing it from other equipment. As used herein the terms have the following meanings.

"Crash locator beacon" means an electronic device attached to the aircraft structure as far aft as practicable in the fuselage, or in the tail surface, in such a manner that damage to the beacon will be minimized in the event of crash impact. It may be automatically ejectable or be permanently mounted. If it is automatically ejectable it will also have provision for manual removal and operation. The beacon operates from its own power source on 121.5 MHz and 243.0 MHz emergency frequencies, transmitting a distinctive downward swept audio tone for homing purposes, and is designed to function without human action after an accident.

"Survival radio equipment" means a self-buoyant, water resistant, portable emergency radio signaling device which operates from its own power source on 121.5 MHz and 243.0 MHz emergency frequencies, transmitting a distinctive downward swept audio tone for homing purposes, which may or may not have voice capability, and which is capable of operation by unskilled persons. This type equipment is agreed upon internationally for extended overwater operations and is presently required for air carriers engaged in extended overwater operations.

"Personnel locator beacon" means a portable, lightweight beacon, manually operated, which is designed to be carried on the person, in the cockpit of an aircraft, or attached to a parachute, which operates from its own power source on 121.5 MHz and 243.0 MHz emergency frequencies, transmitting a distinctive downward swept audio tone for homing purposes, which may or may not have voice capability, and which is capable of operation by unskilled persons.

On February 26, 1968, the FAA issued Advance Notice of Proposed Rule Making 68-4 (33 F.R. 3643), proposing that Part 91 of the Federal Aviation Regulations be amended to require that a crash locator beacon or device be carried aboard general aviation aircraft when operating over large bodies of water, mountainous terrain, or remote and sparsely populated areas, to expedite search and rescue operations and to facilitate accident investigation and analysis. Comments received in response to that notice were helpful and informative. The proposals contained in this notice are a related rule making action and based, in part, on comments received in response to Notice 68-4. The data and discussion contained in that notice should be considered in connection with the proposals contained herein.

There is, at the present time, no regulatory requirement that aircraft operating under Part 91 or Part 135 be equipped with any device such as a crash locator beacon to aid in the location of the aircraft in the event of a crash or emergency landing. However, the FAA has for many years encouraged the use of such a device for extended overwater and remote-area operations. Advisory Circular 170-4, "Emergency Signaling Device for Aircraft in Distress," was issued on January 9, 1964, to acquaint the aviation community with the advantages afforded by such equipment. Much technical and operating information has been presented in articles published in widely read aviation periodicals, with recommendations for the purchase or lease of the equipment.

Until recently, little public interest in the installation and use of the equipment was apparent, and active opposition to regulatory proposals has been experienced. However, several tragic accidents in recent years, in which survivors lived for an appreciable period after the crash, but later perished from injuries, starvation, or exposure, focused national attention on the problem and prompted new interest on the part of the aviation public, concerned Government agencies, and certain members of Congress. More recently, this problem was highlighted by the disappearance of a large aircraft engaged in air taxi operations.

In comments received in response to Notice 68-4, the principal objections to establishment of a requirement for a crash locator beacon appear to have been based on considerations of cost, equipment reliability, and existing monitoring and alerting systems. However, recent progress in these areas is apparent.

International agreement has been reached on the use of 121.5 MHz and 243.0 MHz as standard frequencies for VHF and UHF survival radio equipment to be utilized after January 1, 1969, and simultaneous transmission on both frequencies, as proposed in this notice will provide for a maximum probability of detection of the emergency signal by civil and military aircraft and installations guarding those frequencies.

At the present time all U.S. Coast Guard aircraft, U.S. Air Force Search and Rescue aircraft, and FAA flight inspection aircraft have VHF/UHF search capability. The U.S. Forest Service is considering the installation of radio equipment in selected fire watch towers for monitoring 121.5 MHz, and installation of direction finding equipment in Forest Service aircraft is scheduled. In addition, the scheduled airlines, through the Air Transport Association, have indicated their willingness to monitor 121.5 MHz, on request.

Increased interest on the part of manufacturers in the development of crash locator beacons, and in the refinement of present equipment has been noted since the issuance of Advance Notice 68-4. The performance standards proposed herein, while considered as minimum requirements for locator beacons, would serve as adequate guidelines for the manufacture and selection of reliable equipment.

The FAA, the Civil Air Patrol, certain manufacturers, and several foreign governments have recently completed tests which have made additional technical information available on beacon performance characteristics, and have developed practical search techniques and methods.

The swept tone modulation specified in this proposal will provide for a uniform and readily recognizable emergency signal, and a frequency stability of 0.005 percent will insure reception on all properly tuned receivers within range of the transmission.

A power source capable of providing power for continuous operation for 24 hours at a −40° F. is proposed to allow for adequate time in difficult search situations or in the event that initiation of search operations is delayed.

A means for both manual and automatic activation of the crash locator beacon is proposed herein. It is also proposed that the beacon be capable of operating in the temperature range between −40° F. and +130° F. It is believed that an operational capability within this temperature range is necessary to ensure that the beacon could be expected to serve its intended purpose under most conditions which might be encountered in the event of a crash or emergency landing.

Those considerations which make the use of a crash locator beacon essential in operations over land areas, apply equally to the use of survival radio equipment in extended overwater operations. Accordingly, it is proposed that survival radio equipment as described herein, be carried aboard the aircraft and attached to the liferaft now required by § 135.163 for extended overwater operations. This type of equipment is agreed upon internationally, for extended overwater operations, and is presently required equipment for air carriers engaged in extended overwater operation.

In light of the foregoing, the FAA believes that use of crash locator beacons and survival radio equipment in Part 135 operations would make a substantial contribution to aviation safety by providing a means for rapid location of crash sites and survivors, and by facilitating accident investigation and analysis, and that the proposals contained herein are appropriate in view of the significant expansion of operations under Part 135, utilizing aircraft with increased passenger capacities over longer routes, and under a great variety of operating environments.

It should also be noted that certain of the requirements of the Federal Communications Commission would be applicable to the radio equipment discussed herein.

In consideration of the foregoing, it is proposed to amend Part 135 of the Federal Aviation Regulations as follows:

1. By adding a new section to Subpart E to read as follows:

§ 135.____ Aircraft crash locator beacon requirements.

After (specified date 18 months following the effective date of rule) no person may operate an aircraft in operations to which this part applies unless an operable crash locator beacon is carried aboard that—

(a) Transmits simultaneously on 121.5 MHz and 243.0 MHz, A-2 emission;

(b) Has a power output to the antenna of at least 100 milliwatts, with antenna losses not exceeding 3 db, to achieve a usable range of 25 miles (line of sight) from the beacon;

(c) Has downward swept tone modulation of at least 700 Hz from a point between 1000 Hz and 1600 Hz, with the lowest frequency including 300 Hz, at a rate between 2 and 4 sweeps per second;

(d) Has a frequency stability of 0.005 percent;

(e) Has a self-contained power source capable of providing power for continuous operation for at least 24 hours at −40° F.;

(f) Is capable of operating in the range of ambient temperatures from −40° F. to +130° F.;

(g) Has a means for manual activation and deactivation;

(h) Has a means for automatic activation when the aircraft is subjected to an inertial force of 5g, or more, acting in a forward direction, with respect to the longitudinal axis of the aircraft; and

(i) Is attached to the aircraft structure as far aft as practicable in the fuselage, or in the tail surface, in such a manner that damage to the beacon will be minimized in the event of crash impact; and

(j) Is automatically ejectable or permanently mounted. If automatically ejectable, the beacon must provide for manual removal and operation.

2. By adding a new paragraph (t) to § 135.163 reading as follows:

§ 135.163 Emergency equipment; overwater operations.

* * * * *

(t) One survival radio which is self-buoyant, water resistant, portable, operates from its own power source on 121.5 MHz and 243.0 MHz emergency frequencies, transmits a distinctive downward swept audio tone, and is capable of operation by unskilled persons.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 17, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-3351; Filed, Mar. 19, 1969; 8:49 a.m.]

National Transportation Safety Board

[14 CFR Part 430]

AIRCRAFT ACCIDENTS, INCIDENTS, OVERDUE AIRCRAFT AND SAFETY INVESTIGATIONS

Preservation of Aircraft Wreckage, Mail, Cargo, and Records

Notice is hereby given that the National Transportation Safety Board has under consideration proposed amendments to Part 430 of its investigation regulations to require that all operators of an aircraft, involved in an aircraft accident or incident as defined in this part, retain all their records and reports (including internal documents and memoranda) made in connection with such accidents and occurrences until otherwise authorized by the Board. The amendment of this part is necessary because the investigation of civil aircraft accidents and incidents in which the Civil Aeronautics Board engaged under title VII of the Federal Aviation Act of 1958 as amended, 49 U.S.C. sections 1441-43

inclusive, was transferred to the National Transportation Safety Board by section 5 of the Department of Transportation Act of 1966 (80 Stat. 1935). It is anticipated that this proposed regulation, when adopted, will be published simultaneously with an amendment, made by final rule, by the Civil Aeronautics Board to its Part 240. The effect of the simultaneous publications will be to substitute the National Transportation Safety Board for the Civil Aeronautics Board as the agency which shall require, for such periods as it determines, that the above described documents be retained by certain operators of aircraft. In this connection, it should be noted that the proposed regulations will require all operators of aircraft to retain for the periods prescribed by the Board, i.e., until authorized to destroy them, all documents, reports and memoranda they prepare dealing with aircraft accidents. This proposed regulation, therefore, is broader than the existing regulation promulgated by the Civil Aeronautics Board, which covered only its regulated carriers.

The proposed amendment to Part 430 also specifies that voice recorder tapes are among the records required to be retained by the operator.

These amendments are proposed under sections 4(d), 5, and 12 of the Department of Transportation Act of 1966 (80 Stat. 934, 936, 949) and section 701, 702, and 703 of the Federal Aviation Act of 1958, as amended (72 Stat. 742, 743, 746, 770, 781, 782).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, National Transportation Safety Board, Washington, D.C. 20591. All relevant matter and communications received on or before May 2, 1969, will be considered by the Board before taking final action on the proposed rule. Copies of such communication will be available for examination by interested persons in the Docket Section of the Board, Room 211, Normandy Building, 1626 K Street NW., Washington, D.C., upon receipt thereof.

Approved: March 13, 1969.

By the National Transportation Safety Board.

[SEAL] JOSEPH J. O'CONNELL, *Chairman.*

Amend Part 430 of the Investigation Regulations (14 CFR Part 430) as follows:

By amending § 430.10(a) and by adding after paragraph (c) of § 430.10 a new paragraph (d) to read as follows:

§ 430.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including tapes of flight recorders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen involved in an accident or incident for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 430.11.

* * * * *

(d) The operator of an aircraft involved in an accident or incident as defined in this part shall retain all records and reports including all internal documents and memoranda dealing with the accident or incident until authorized by the Board to the contrary.

[F.R. Doc. 69-3335; Filed, Mar. 19, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 251]

GUIDE CONCERNING USE OF WORD "FREE" AND SIMILAR REPRESENTATIONS

Notice of Opportunity To Present Written Views, Suggestions, or Objections

A proposed guide concerning use of the word "Free" and similar representations is hereinafter set forth and is today made public by the Commission for consideration by industry members and other interested or affected parties, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C., secs. 41-58, and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed guide concerning use of the word "Free" and similar representations, to present to the Commission their views in regard to the guide, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the proposed guide, which is advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commisison. Such data, views, information, or suggestions may be submitted by letter, memorandum, brief, or other written communication not later than May 19, 1969, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

Text of the proposed guide follows:

NOTE: This guide has not been approved by the Federal Trade Commission. This is a draft of a proposed guide which is made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed guide.

This guide, if and when finally approved and adopted by the Commission, will enable those who engage in the advertising of "free" merchandise to avoid violations of the Federal Trade Commission Act, as amended (15 U.S.C., secs. 41-58). This guide will have as its purpose the encouragement of advertisers to voluntarily comply with the Act which makes illegal unfair methods of competition and unfair or deceptive acts or practices in commerce. Proceedings to enforce the requirements of law as explained in the guide may be brought under the Federal Trade Commission Act.

§ 251.1 The Guide.

(a) In order to stimulate consumer sales, attract new customers or introduce new merchandise into the marketplace, advertisers have often found the offer of free merchandise, contingent upon the purchase of some other article of merchandise or service, to be a useful and valuable marketing tool. However, because the purchasing public continually searches for the best buy, and regards the offer of free merchandise to be the ultimate bargain, advertisers must be extremely careful to avoid any possibility that consumers will be misled or deceived by such offers. Representative of the language frequently used in such offers are "Free," "Buy 1, Get 1 Free," "2- for—1 sale," "50 Percent Off With Purchase of 2," etc. Related representations that raise many of the same questions include "Half-Price Sale," "1¢ Sale," "½ Off," etc.

(b) The public understands that, except in the case of introductory offers, the advertiser who makes an offer of free merchandise has established a regular price for the merchandise or service which must be purchased by consumers in order to avail themselves of that which is represented to be "free". In other words, when the purchaser is told that an article is "free" to him if another article is purchased, the word "free" indicates that he is paying nothing for that article and only the regular price for the other. Thus, a purchaser has a right to believe that the merchant will not directly and immediately recover, in whole or in part, the cost of the "free" merchandise by marking up the price of the article which he must purchase or by substitution of inferior merchandise.

(c) When using the word "free" or other words of similar import or meaning in advertising, all the terms, conditions and obligations upon which receipt and retention of a free item of merchandise (or service) are contingent should be set forth, clearly and conspicuously, at the outset so as to leave no reasonable probability that the terms of the advertisement or offer might be misunderstood. Stated differently, all of the terms, conditions, and obligations should appear in close conjunction with the word "free," or similar words, in advertising. Disclosure of the terms of the offer, set forth in a footnote of an advertisement to which reference is made by an asterisk or other symbol placed next to the word "free" is not regarded as making disclosure at the outset.

(d) In advertising that an article of merchandise is "free" upon the purchase of some other merchandise, the advertiser must insure (1) that the price charged for the merchandise which must be purchased is not increased, (2) that there is no reduction in the quantity, quality, or size of the merchandise which must be purchased before obtaining the "free" gift, and (3) that no other strings or conditions are attached to the offer (other than the basic condition that the article be purchased in order for the purchaser to be entitled to the "free" or "1 cent additional" merchandise).

(e) Only the advertiser's own regular price for the merchandise to be purchased may be used as the basis for a "free" offer. Consequently, it would be deceptive to advertise an offer of "free" merchandise based on a price which is in excess of the advertiser's regular price for merchandise required to be purchased. Likewise, it would be deceptive to advertise a "free" offer and attempt to justify it on the basis of a price being charged by others in a trade area for the same or similar merchandise, when such price is in excess of the advertiser's regular price.

(f) A regular price is the price at which an article of merchandise (or service) is openly and actively sold by the advertiser to the public on a regular basis for a reasonably substantial period of time in the recent and regular course of business. A price which (1) is not the advertiser's actual selling price, (2) is a price which was not used in the recent past but at some remote period in the past, or (3) is a price which has been used only for a short period of time, is not a regular price.

(g) Some products are almost never sold at a single regular price but are instead sold by means of individual negotiated transactions. The seller of such products is not precluded from making a "free" offer if the product is offered at the lowest price at which the seller has actually sold it in the recent past.

(h) Continuous "free" offers or the frequent repetition of such offers should be avoided. Continuous or frequently repeated offers of the type in question are false and misleading since the advertiser's regular price for merchandise to be purchased by consumers in order to avail themselves of "free" merchandise will, by lapse of time, become the regular price for the "free" merchandise together with the merchandise required to be purchased. Under such circumstances, therefore, any offer of "free" merchandise is merely illusory.

(i) Introductory offers of "free" merchandise may be advertised on a temporary basis when advertisers expect, in good faith, to discontinue the offer after a limited time and commence selling the newly introduced merchandise separately from that which was described as "free" at a price which is not in excess of the price that prevailed during the introductory period.

(j) This section does not preclude the use of nondeceptive "combination" offers in which two or more items or services, for example, toothpaste and a toothbrush, or soap and deodorant, or clothing and alterations, are offered for sale as a single unit at a single stated price, and in which no representation is made that the price is being paid for one item and the other is "free". Similarly, sellers are not precluded from setting a price for a product or service which also includes furnishing the purchaser with a second distinct product or service at one inclusive price—again where no representation is made that the latter is free.

(k) Offers of "free" merchandise which may be deceptive for failure to meet the provisions of this section, may not be corrected by the substitution, for the word "free" of such similar words and terms as "gift," "given without charge," "bonus" or other words and terms which tend to convey to the consuming public the impression that an article of merchandise (or service) is "free".

(NOTE: If adopted and promulgated by the Commission, the provisions of the guide set forth above will supersede those contained in the trade practice rule on use of the word "free," released by the Commission on December 3, 1953. In addition, provisions of those guides and trade practice rules dealing with use of the term "free" will be construed in light of the foregoing proposed guide.)

(38 Stat. 717, as amended, 15 U.S.C. 41-58)

Issued: March 19, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3297; Filed, Mar. 19, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 305]

U.S. CITIZENS

Restriction on the Travel To, In, or Through Mainland China

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), travel to, in, or through Mainland China is restricted as unrestricted travel to, in, or through Mainland China would seriously impair the conduct of U.S. foreign affairs in view of the continuing unsettled conditions within Mainland China and the risks and dangers which might ensue from the inadvertent involvement of American citizens in domestic disturbances.

U.S. passports shall not be valid for travel to, in, or through Mainland China unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1969.

Dated: March 15, 1969.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[F.R. Doc. 69-3389; Filed, Mar. 19, 1969; 8:50 a.m.]

[Public Notice 304]

U.S. CITIZENS

Restriction on the Travel To, In, or Through Cuba

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), travel to, in, or through Cuba is restricted as unrestricted travel to, in, or through Cuba would seriously impair the conduct of U.S. foreign affairs. To permit unrestricted travel would be incompatible with the resolutions adopted at the Ninth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, of which the United States is a member. At this meeting, held in Washington from July 21 to 26, 1964, it was resolved that the governments of the American states not maintain diplomatic, consular, trade, or shipping relations with Cuba under its present government. This resolution was reaffirmed in the Twelfth Meeting of Ministers of Foreign Affairs of the OAS held in September 1967, which adopted resolutions calling upon Member States to apply strictly the recommendations pertaining to the movement of funds and arms from Cuba to other American nations. Among other things, this policy of isolating Cuba was intended to minimize the capability of the Castro government to carry out its openly proclaimed programs of subversive activities in the Hemisphere.

U.S. passports shall not be valid for travel to, in, or through Cuba unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1969.

Dated: March 15, 1969.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[F.R. Doc. 69-3390; Filed, Mar. 19, 1969; 8:50 a.m.]

[Public Notice 306]

U.S. CITIZENS

Restriction on the Travel To, In, or Through North Korea

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), travel to, in, or through North Korea is restricted as unrestricted travel to, in, or through North Korea would seriously impair the conduct of U.S. foreign affairs. In view of the dangerous tensions in the Far East, the expressed and virulent hostility of the North Korean regime toward the United States, the increase in incidents along the military demarcation line, the seizure by North Korea of a U.S. naval vessel and its crew, and the special position of the Government of the Republic of Korea which is recognized by resolution of the United Nations General Assembly as the only lawful government in Korea, the Department of State believes that wholly unrestricted travel by American citizens to North Korea would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel to, in, or through North Korea unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1969.

Dated: March 15, 1969.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[F.R. Doc. 69-3391; Filed, Mar. 19, 1969; 8:50 a.m.]

[Public Notice 307]

U.S. CITIZENS

Restriction on the Travel To, In, or Through North Viet-Nam

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(b), travel to, in, or through North Viet-Nam is restricted as this is "a country or area where armed hostilities are in progress."

U.S. passports shall not be valid for travel to, in, or through North Viet-Nam unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1969.

Dated: March 15, 1969.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[F.R. Doc. 69-3392; Filed, Mar. 19, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagrams

MARCH 12, 1969.

Notice is hereby given that effective April 21, 1969, the following protraction diagrams, approved January 7, 1969, are officially filed and of record in the Sacramento Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 158

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 34 N., R. 16 E.,
Sec. 27, W½;
Sec. 28, all;
Sec. 29, E½;
Sec. 32, E½;
Sec. 33, all;
Sec. 34, W½.
T. 28 N., R. 17 E.,
Secs. 1 to 4, inclusive;
Sec. 5, N½, SE¼;
Sec. 6, N½;
Sec. 8, NE¼;
Sec. 9, N½;
Sec. 10, N½, SE¼;
Sec. 11, all;
Sec. 12, N½, SW¼;
Sec. 14, N½;
Sec. 15, NE¼.

CALIFORNIA PROTRACTION DIAGRAM NO. 166

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 40 N., R. 15 E.,
Secs. 1 and 2;
Sec. 3, E½, SW¼;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Sec. 34, N½, SE¼;
Secs. 25 and 36.
T. 39 N., R. 16 E.,
Sec. 5, W½;
Secs. 6 and 7;
Sec. 8, NW¼;
Sec. 18, N½.
T. 41 N., R. 16 E.,
Sec. 1, portion;
Sec. 12, portion.
T. 39 N., R. 17 E.,
Sec. 31, W½.
T. 40 N., R. 17 E.,
Sec. 3, portion SW¼.
T. 41 N., R. 17 E.,
Sec. 4, NE¼, W½;
Secs. 5, 6, 7, 8, 16, 21, 28, and 33, fractional.

CALIFORNIA PROTRACTION DIAGRAM NO. 167

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 36 N., R. 1 E.,
Secs. 1 and 2;
Sec. 3, NE¼, S½;
Secs. 11 to 15, inclusive;
Secs. 22 to 24, inclusive;
Sec. 25, N½, SW¼, N½SE¼;
Secs. 26, 27, 34, and 35.
T. 39 N., R. 1 E.,
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, NE¼, S½;
Sec. 35, W½.
T. 36 N., R. 2 E.,
Sec. 1, W½;
Secs. 2 to 9, inclusive;
Sec. 10, N½, SW¼;
Sec. 11, N½;
Sec. 16, N½;
Secs. 17 to 19, inclusive;
Sec. 20, N½, SW¼;
Sec. 30, N½, W½SW¼.

CALIFORNIA PROTRACTION DIAGRAM NO. 168

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 38 N., R. 4 E.,
Secs. 1 to 4, inclusive;
Sec. 5, N½, SE¼;
Sec. 6, N½;
Sec. 8, NE¼;
Sec. 9, N½, SE¼;
Secs. 10 to 12, inclusive;
Secs. 14 and 15;
Sec. 16, E½.
T. 39 N., R. 4 E.,
Sec. 7, NE¼, S½;
Sec. 8, NW¼, S½;
Sec. 12, S½;
Sec. 13, all;
Sec. 14, NE¼, S½;
Sec. 16, NW¼, S½;
Secs. 17 to 36, inclusive.

CALIFORNIA PROTRACTION DIAGRAM NO. 169

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 41 N., R. 3 E.,
Secs. 1 to 17, inclusive;
Secs. 20 to 28, inclusive;
Secs. 34 to 36, inclusive.
T. 42 N., R. 3 E.,
Secs. 1 to 36, inclusive.

CALIFORNIA PROTRACTION DIAGRAM NO. 170

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 41 N., R. 5 E.,
Secs. 1 to 18, inclusive;
Sec. 19, N½, SE¼;
Secs. 20 to 24, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, N½.
T. 42 N., R. 6 E.,
Sec. 7, S½;
Sec. 8, NE¼, S½;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17 to 20, inclusive;
Sec. 21, W½;
Secs. 29 and 30;
Sec. 31, N½, SW¼;
Sec. 32, N½.
T. 42 N., R. 7 E.,
Sec. 25, S½;
Sec. 26, SE¼;
Sec. 34, E½;
Secs. 35 and 36.

CALIFORNIA PROTRACTION DIAGRAM NO. 171

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 43 N., R. 2 E.,
Sec. 13, NE¼, S½;
Secs. 19 to 30, inclusive;
Sec. 31, N½, N½SW¼, SE¼SW¼, SE¼;
Secs. 32 to 36, inclusive.
T. 43 N., R. 3 E.,
Sec. 18, W½;
Sec. 18, W½;
Sec. 27, NW¼, S½;
Secs. 28 to 33, inclusive;
Sec. 34, N½, SW¼.
T. 44 N., R. 3 E.,
Sec. 1, N½;
Sec. 2, N½;
Sec. 3, N½;
Sec. 4, NE¼.
T. 43 N., R. 4 E.,
Secs. 1 to 36, inclusive.

CALIFORNIA PROTRACTION DIAGRAM NO. 172

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 44 N., R. 3 E.,
Secs. 1 to 36, inclusive.
T. 45 N., R. 3 E.,
Sec. 4, W½;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17 to 20, inclusive;
Sec. 21, NW¼;
Secs. 29 to 32, inclusive.

CALIFORNIA PROTRACTION DIAGRAM NO. 175

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 27 N., R. 9 E.,
Sec. 4, NW¼, S½;
Secs. 5 and 6;
Sec. 7, N½;
Sec. 8, N½;
Sec. 9, N½.
T. 28 N., R. 13 E.,
Sec. 19, S½;
Sec. 20, SW¼;
Sec. 29, NW¼;
Sec. 30, N½.

JOHN E. CLUTE,
Chief,
Branch of Title and Records.

[F.R. Doc. 69-3310; Filed, Mar. 19, 1969; 8:45 a.m.]

IDAHO

Notice of Filing of Plat of Survey; Filing Date Suspended

MARCH 13, 1969.

F.R. Doc. No. 69-1449, appearing on page 1734 of the issue for February 5, 1969, prescribed that certain plats of survey would be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m. on March 14, 1969.

The official filing date, as to the following-described lands only, is herewith suspended until further notice:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 37 E.,
Sec. 10, lots 9 to 12, inclusive;
Sec. 15, lots 4 and 5;
Sec. 16, lots 8 to 11, inclusive.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-3311; Filed, Mar. 19, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NATIONAL INSTITUTES OF HEALTH ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00430-33-46040. Applicant: National Institutes of Health (Dr. Korn), 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG., West Germany. Intended use of article: The article will be used for a variety of studies on cell membrane structure and biogenesis, phagocytosis, and proteins involved in cell movement. The cell type currently being intensively studied is the small soil ameba, *Acanthamoeba castellanii*. Application received by Commissioner of Customs: February 18, 1969.

Docket No. 69–00431–01–77030. Applicant: Richmond College of the City University of New York, 130 Stuyvesant Place, Staten Island, N.Y. 10301. Article: Nuclear magnetic resonance spectrometer, Model JNM–MH–60 Minimar. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in an independent study program for advanced students. Research problems will involve the preparation and structure elucidation of organic compounds, which will include five- and six-membered ring systems, and polymeric systems. For example, one of the planned experiments involves the cationic polymerization of an olefinic hydrocarbon. This experiment will attempt to determine whether, in the course of polymerization, hydride shifts will occur from an isopropyl group to the carbonium ion center, located two or three carbons away from the isopropyl group. Application received by Commissioner of Customs: February 20, 1969.

Docket No. 69–00434–33–46500. Applicant: Johns Manville Fund Inc., 22 East 40th Street, New York, N.Y. 10016. Article: Ultramicrotome, LKB 8800A, Ultrotome III. Manufacturer: LKB Produckter AB, Sweden. Intended use of article: The article will be used for high resolution electron microscopy and electron microprobe analysis. Prepared sections must be cut uniformly thick to allow for comparative histologic and particle examination. Application received by Commissioner of Customs: February 24, 1969.

Docket No. 69–00436–33–46040. Applicant: Texas Technological College, Lubbock, Tex. 79409. Article: Electron microscope, Model HU–11E–1. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used in a training and research program to investigate cell fine structure. A variety of biological materials will be studied, for example, individual protein and polysaccharide molecules and cells of fungi and higher organisms. Application received by Commissioner of Customs: February 24, 1969.

Docket No. 69–00442–99–26000. Applicant: Wayne State University, Department of Psychology, 768 Mackenzie Hall, Detroit, Mich. 48202. Article: Basic two-channel electrical system. Manufacturer: AIM bioSciences, Ltd., U.K. Intended use of article: The article will be used for instructional purposes concerning experiments involving Weber's Law, Piper's Law, critical fusion frequency, phiphenomena, temporal masking, and many others. Application received by Commissioner of Customs: February 24, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–3301; Filed, Mar. 19, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATARAXOID TABLETS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Ataraxoid Tablets; contain 5.0 milligrams of prednisolone and 10 milligrams of hydroxyzine hydrochloride per tablet; marketed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The Academy concludes that this preparation is probably not effective since no documentation was provided to support the claims that this combination of drugs is effective as an anti-inflammatory agent for conditions complicated by apprehension, anxiety, and tension in cats and dogs. The Food and Drug Administration concurs with this evaluation.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 13, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3307; Filed, Mar. 19, 1969; 8:45 a.m.]

CORTABA

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Cortaba; contains 0.5 milligram of methylprednisolone and 300 milligrams of aspirin per tablet; marketed by The Upjohn Co., Kalamazoo, Mich. 49001.

The Academy concludes that this product is probably effective as an anti-inflammatory and analgesic in myositis, arthritis, ocular inflammations, otitis, dermatitis, and allergic conditions in dogs; however, no documentation was provided to substantiate the claim that it is advantageous to combine methylprednisolone with aspirin or any salicylate. The Food and Drug Administration concurs with the Academy's conclusions.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 13, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3306; Filed, Mar. 19, 1969; 8:45 a.m.]

DIIODOHYDROXYQUIN

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Abbott Laboratories, North Chicago, Ill. 60064:

1. Dioleen Suspension, contains 4.5 percent weight-to-weight (5 percent weight-to-volume) of diiodohydroxyquin.

2. Dioleen Cream, contains 5 percent weight-to-weight diiodohydroxyquin.

The Academy evaluated diiodohydroxyquin as probably effective for removing scale and sebum in seborrhea. It effectively cleans the hair, but excessive claims are made for the drug. Labeling should be revised to modify the claims. The Food and Drug Administration concurs with the Academy's evaluation.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug applications for the drugs listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 13, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3309; Filed, Mar. 19, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20294, 20430; Order 69–3–54]

MOHAWK AIRLINES, INC., AND ALLEGHENY AIRLINES, INC.

Application for Amendment of Its Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of March 1969.

On September 26, 1968, Mohawk Airlines, Inc., filed an application for amendment of its certificate of public convenience and necessity for route 94 to modify conditions 4(a) and 4(b)[1] to authorize without subsidy eligibility nonstop service between Hartford and Cleveland and one-stop service between Boston and Cleveland. Boston, Hartford, and Cleveland are all points on segment 5. The carrier requests that the Board process the application pursuant to the procedures set forth in Subpart M of Part 302 of the Board's procedural regulations.[2]

American and United, the incumbent carriers in the markets, filed answers in opposition in which they urge that the application be denied or, in the event it is not denied, that it be set for hearing. Mohawk filed a reply to American's and United's answers.

Allegheny filed an answer in which it supports consideration of the need for competitive nonstop service in the Hartford-Cleveland market and moved to consolidate its application for subsidy-ineligible Hartford-Cleveland nonstop authority in Docket 20430.[3] Answers in opposition to Allegheny's motion to consolidate were filed by American, United and Mohawk. Allegheny filed a consolidated reply.

Upon consideration of the pleadings and all the relevant facts, we find that there is a sufficient basis for setting Mohawk's application for hearing pursuant to the procedures of Subpart M. We will also grant Allegheny's motion to consolidate.

Accordingly, it is ordered:

1. That the application of Mohawk Airlines, Inc., Docket 20294, be and it hereby is set for hearing before an examiner of the Board at a time and place to be designated hereafter; and

2. That the motion to consolidate the application of Allegheny Airlines, Inc., Docket 20430, be and it hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–3336; Filed, Mar. 19, 1969; 8:48 a.m.]

[1] Condition 4(a) requires service to a minimum of two intermediate points between Boston and Cleveland; condition 4(b) requires service to at least one intermediate point between Hartford and Cleveland.

[2] The Board did not act to summarily dismiss the application within the 10-day period set forth in § 302.1305(a). The provisions of Subpart M therefore become applicable automatically.

[3] Allegheny's application requests modification of condition 4(b) on its route 97 to eliminate the intermediate stop requirement between Hartford and Cleveland.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1182]

AZIOS INTERNATIONAL FORWARDING CO.

Order of Revocation

On February 4, 1969, The Travelers Indemnity Co. notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. 1491059, underwritten in behalf of J. B. Azios d.b.a. Azios International Forwarding Co., Post Office Box 60332, Houston, Tex. 77060, would be canceled effective March 7, 1969.

Azios International Forwarding Co. was notified that unless a new surety bond was submitted to the Commission, its Independent Ocean Freight Forwarder License No. 1182 would be canceled effective March 7, 1969, pursuant to General Order 4, Amendment 12 (CFR 510.9).

Azios International Forwarding Co. has failed to submit a valid surety bond in compliance with the above rule.

It is ordered, That the Independent Ocean Freight Forwarder License No. 1182 is revoked effective March 7, 1969; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 1182 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69–3332; Filed, Mar. 19, 1969; 8:47 a.m.]

[Independent Ocean Freight Forwarder License No. 298]

COLONY SHIPPING CO., INC.

Order of Revocation

The Federal Maritime Commission has been advised that Colony Shipping Co., Inc., 75 West Street, New York, N.Y., sold its name and good will to Fabius & Co., Inc., FMC License No. 270, on March 18, 1968, and is no longer carrying on the business of forwarding.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, Section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 298 of Colony Shipping Co., Inc., be and

is hereby revoked effective March 18, 1968.

It is further ordered, That the Independent Ocean Freight Forwarder License No. 298 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-3333; Filed, Mar. 19, 1969; 8:47 a.m.]

[Independent Ocean Freight Forwarder License No. 388]

L. A. FERM CO., INC.

Order of Revocation

The Federal Maritime Commission has been advised that L. A. Ferm Co., Inc., 44 Whitehall Street, New York, N.Y. 10004, sold its name and good will to Fabius & Co., Inc., FMC License No. 270, on December 2, 1968, and is no longer carrying on the business of forwarding.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, Section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 388 of L. A. Ferm Co., Inc., be and is hereby revoked effective December 2, 1968.

It is further ordered, That the Independent Ocean Freight Forwarder License No. 388 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-3334; Filed, Mar. 19, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-235]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MARCH 13, 1969.

Take notice that on March 7, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69-235 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the sale to Texas Gas Transmission Corp. (Texas Gas) of its interest in the natural gas to be produced from Block 272 and 292 Fields, Eugene Island Area, Offshore Zone Four, Louisiana, pursuant to the terms of a contract dated October 14, 1968. Applicant states that the proposed sale will be made at a total price (including all adjustments and tax reimbursements) of 20 cents per Mcf at 15.025 p.s.i.a., or the applicable area ceiling rate prescribed or approved by the FPC, whichever is higher. Applicant estimates initial deliveries at approximately 4,800,000 Mcf per month; Applicant's share is 25 percent of the total deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 11, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3305; Filed, Mar. 19, 1969; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

FRONTIER REFINING CO.

Notice of Termination of Participation in the Voluntary Agreement Relating to Foreign Petroleum Supply

Pursuant to section 708 of the Defense Production Act of 1950, as amended, notice is hereby given that participation by the Frontier Refining Co., 4040 East Louisiana Avenue, Denver, Colo. 80222, in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply," dated May 8, 1956, has been terminated. The list of companies participating in that agreement was published in 32 F.R. 11296, August 3, 1967, and a substitute participant was listed in a notice published in 33 F.R. 3657, March 1, 1968.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. 2159; Executive Order 10480, Aug. 14, 1953, as amended; Reorganization Plan No. 1 of 1958, as amended; Executive Order No. 11051, Sept. 27, 1962, as amended)

Dated: March 14, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-3315; Filed, Mar. 19, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

MARCH 14, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 16, 1969, through March 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3316; Filed, Mar. 19, 1969; 8:46 a.m.]

DYNA RAY CORP.

Order Suspending Trading

MARCH 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp., New York, N.Y., and all other securities of Dyna Ray Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 17, 1969, through March 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3317; Filed, Mar. 19, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

MARCH 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 16, 1969, through March 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3318; Filed, Mar. 19, 1969; 8:46 a.m.]

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

MARCH 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Comstock-Keystone Mining Co., n/k/a Memory Magnetics International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 17, 1969, through March 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3319; Filed, Mar. 19, 1969; 8:46 a.m.]

[File No. 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

MARCH 14, 1969.

The common stock, 1 cent par value, of Mountain States Development Co., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 16, 1969, through March 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3320; Filed, Mar. 19, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

MARCH 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 16, 1969, through March 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3321; Filed, Mar. 19, 1969; 8:47 a.m.]

TEXAS URANIUM CORP.

Order Suspending Trading

MARCH 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 15, 1969, through March 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3322; Filed, Mar. 19, 1969; 8:47 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

MARCH 13, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1969, through March 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3323; Filed, Mar. 19, 1969; 8:47 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

MARCH 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 17, 1969, through March 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3324; Filed, Mar. 19, 1969; 8:47 a.m.]

[70-4724]

MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

MARCH 14, 1969.

Notice is hereby given that Massachusetts Electric Co. ("Mass Electric"),

441 Stuart Street, Boston, Mass. 02116, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application-declaration, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12 of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Mass Electric proposes to issue and sell $15 million aggregate principal amount of its first mortgage bonds, Series K, ------ percent due May 1, 1999. Such bonds will be sold pursuant to the competitive bidding requirements of Rule 50 and the interest rate (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Mass Electric (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the first mortgage indenture and deed of trust dated as of July 1, 1949, between Mass Electric and State Street Bank & Trust Co., trustee, as heretofore supplemented and amended and as to be further supplemented by a supplemental indenture to be dated as of May 1, 1969.

The proceeds from the sale of the bonds will be applied towards the payment of $23,700,000 of outstanding short-term promissory notes evidencing borrowings made for capitalizable construction expenditures or to reimburse the treasury therefor.

The application-declaration states that the Massachusetts Department of Public Utilities has jurisdiction over the issue and sale of the bonds, and that an appropriate order will be obtained from that Commission and copies thereof will be filed herein by amendment. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid by Mass Electric are estimated at $69,000, including legal fees of $16,000. The fees of counsel for the underwriters are to be paid by the successful bidders and will be supplied by amendment.

Notice is further given that any interested person may, not later than April 4, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3327; Filed, Mar. 19, 1969; 8:47 a.m.]

[70-4729]

POTOMAC EDISON CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds at Competitive Bidding

MARCH 14, 1969.

Notice is hereby given that The Potomac Edison Co. ("Potomac"), Downsville Pike, Hagerstown, Md. 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed a declaration with this Commission pursuant, to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Potomac proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $15 million principal amount of its first mortgage and collateral trust bonds ------ percent series due 1999. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Potomac (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture dated as of October 1, 1944, between Potomac and Chemical Bank, as trustee, as supplemented and as to be supplemented by a supplemental indenture to be dated as of May 1, 1969.

The net proceeds from the sale of the bonds will be used to provide for expenditures in connection with the construction program of Potomac and its subsidiary companies, including payment of $8 million of short-term bank loans incurred therefore. Construction expenditure for the 3 years 1969, 1970, and 1971 are estimated to be $50 million, $43 million and $50 million, respectively.

The issue and sale of the bonds by Potomac require prior authorization of the Maryland Public Service Commission. The declaration states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that the fees and expenses to be incurred by Potomac in connection with the proposed issue and sale of its bonds are estimated at an aggregate of $61,000, including $16,800 in Maryland taxes and fees, $3,400 in accountant's fees, and $10,000 in legal fees. Fees of counsel for the underwriters, estimated to be $10,000, are to be paid by the successful bidders.

Notice is further given that any interested person may, not later than April 4, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3328; Filed, Mar. 19, 1969; 8:47 a.m.]

[812-2418]

MUNICIPAL INVESTMENT TRUST FUND (SERIES N AND SUBSEQUENT SERIES)

Notice of Filing of Application for Order of Exemption

MARCH 14, 1969.

Notice is hereby given that Municipal Investment Trust Fund ("Applicant") 55 Broad Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant includes Series N and all subsequent series named "Municipal Investment Trust Fund." Each series will be governed by a trust agreement under which Goodbody & Co., Bache & Co., and Walston & Co., Inc., will act as sponsors and the United States Trust Company of New York as trustee. The trust agreement for each series will contain "Standard Terms and Conditions of Trust" common to all series. Pursuant to each such trust agreement, the sponsors will deposit with the trustee between $4 million and $6 million principal amount of bonds for each series which the sponsors shall have accumulated for such purpose and simultaneously with such deposit will receive from the trustee registered certificates for between 4,000 and 6,000 units which will represent the entire ownership of a series. Applicant proposes to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed which has not yet become effective. The trust agreement does not provide for the issuance of additional units. The proceeds of bonds which may be sold, redeemed or which mature will be distributed to unit holders.

Units in each series will remain outstanding until redeemed or until the termination of the trust agreement, which may be terminated by 100 percent agreement of the unitholders of the particular series, or, in the event that the value of the bonds shall fall below 40 percent of the principal amount of that series, upon direction of the sponsors to the trustee. In connection with the requested exemption, the sponsors have agreed to refund the sales load to purchasers of units, if within 90 days after the registration of a series under the Securities Act becomes effective, the net worth of that series shall be reduced to less than $100,000 or if the series is terminated. The sponsors will instruct the trustee on the date the bonds are deposited that if the series shall at any time have a net worth of less than 40 percent of the principal amount of bonds in the series, as a result of redemption by the sponsors of units constituting a part of the unsold units, the trustee shall terminate the series in the manner provided in the trust agreement and distribute any bonds or other assets deposited with the trustee pursuant to the trust agreement as provided therein. The sponsors have agreed to refund any sales load to any purchaser of units purchased from the sponsors or any participating dealer on demand and without any deduction in the event of such termination. In addition, it is the sponsors' intention to maintain a market for the units of each series and continually to offer to purchase such units at prices in excess of the redemption price as set forth in the trust agreement, although the sponsors are not obligated to do so.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 1, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3329; Filed, Mar. 19, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1278]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 14, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Com-

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

mission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 3560 (Sub-No. 38), filed February 24, 1969. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives, blasting materials, agents, and supplies*; (1) between points and over the regular routes which applicant is certificated for the transportation of general commodities (except explosives) in Docket No. MC 3560 and all effective sub numbers thereto wherein applicant is authorized to operate in the States of Iowa, Illinois, Indiana, Missouri, Wisconsin, Ohio, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia, and subject to all route restrictions, if any, as otherwise specified in said certificates; and (2) serving points not on its regular routes in Iowa, Illinois, Indiana, Missouri, Wisconsin, Ohio, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia, as off-route points in connection with applicant's regular route operations. NOTE: Applicant states the application of Navajo Freight Lines, Inc., being filed simultaneously, will to some extent duplicate the routes as sought in the States of Illinois and Indiana. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 4405 (Sub-No. 463), filed February 10, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 211 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conveyors*, mounted on self-propelled vehicles, from Salinas, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 6078 (Sub-No. 65), filed February 26, 1969. Applicant: D. F. BAST, INC., Post Office Box 2288, Allentown, Pa. 18001. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85 between the United States-Canadian and the United States-Mexican borders; and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, on return, restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and further restricted against the transportation of commodities in bulk. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 8468 (Sub-No. 2), filed January 23, 1969. Applicant: SCOBEY MOVING & STORAGE COMPANY, a corporation, 315 North Medina, San Antonio, Tex. 78207. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, with prior or subsequent containerized shipment in interstate commerce by freight forwarder, between San Antonio, Tex., and points within 25 miles thereof. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or San Antonio, Tex.

No. MC 14252 (Sub-No. 23), filed February 27, 1969. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Applicant's representative: R. L. Ratchford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Special Products Facility, Huntington Alloy Products Division, The International Nickel Co., Inc., Burnaugh, Ky. (located 11 miles south of Catlettsburg, Ky., and 15 miles north of Louisa, Ky., on Route U.S. Highway 23), as an off-route point in connection with applicant's authorized regular-route operations to and from Catlettsburg, Ky., and Huntington, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 15945 (Sub-No. 9), filed February 17, 1969. Applicant: BRINGWALD TRANSFER, INC., Vincennes, Ind. Applicant's representative: W. L. Jordan, 205 Merchants Savings Building, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between the Ford Motor Co. plantsite located at the intersection of Westport Road and Murphy Lane near Louisville, Ky., on the one hand, and, on the other, Vincennes, Evansville, Bedford, New Albany, Princeton, Shoals, Sullivan, Jasper, and Terre Haute, Ind.; and (2) *iron and steel articles* as described in appendix V in *Description of Motor Carrier Certificate* 61 M.C.C. 209, between Alton, Ill., and Washington, Ind. NOTE: Applicant indicates tacking the proposed authority with its existing authority, wherein applicant is authorized to serve points in Illinois, Indiana, Kentucky, Missouri, and Ohio. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 19227 (Sub-No. 132), filed February 6, 1969. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33142. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk); (a) between military installations or Defense Department establishments in the United States (except Hawaii and Alaska); and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Miami, Fla.

No. MC 29566 (Sub-No. 131) (Amendment), filed January 2, 1969, published in the FEDERAL REGISTER issue of January 24, 1969, and republished, as amended this issue. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (2) *foodstuffs*, when in mixed loads with meats, meat products, meat byproducts, and articles distributed by meat packinghouses, from Austin, Minn., to points in Kansas and Missouri, restricted to traffic originating at the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., destined to points in Kansas and Missouri. NOTE: The purpose of this republication is to add an additional commodity as shown in (2) above. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 30319 (Sub-No. 135), filed February 4, 1969. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 733 Poydras Street, Post Office Box 6187, Dallas, Tex. 75222. Applicant's representative: M. D. Sampels, 2520 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Moscow, Tex., and Camden, Tex., over Farm-to-Market Road 62 to Camden, Tex., and return over the same route, serving no intermediate points and (2) between Camden, Tex., and Corrigan, Tex., over Farm-to-Market Road 942 to Corrigan, Tex., and return over the same route, serving no intermediate points. NOTE: Applicant proposes to coordinate the foregoing routes by tacking at common points, so as to be able to (1) provide a single-line service between any and all of the points which applicant serves, and (2) coordinate its services with other motor carriers, so as to offer the public joint through routing and rates. Common control may be involved. Applicant states that the authority sought in the instant application, if granted, will not duplicate any authority now held by applicant in its certificate in MC 30319. Applicant further states that it is agreeable to the following restriction to authority granted in this proceeding: "The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right". If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 31389 (Sub-No. 106), filed February 27, 1969. Applicant: MCLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of The International Nickel Co., Inc., Huntington Alloy Products Division, located approximately 11 miles south of Catlettsburg, Ky. and approximately 15 miles north of Louisa, Ky., on U.S. Highway 23, at or near Burnaugh, Ky., as an off-route point in connection with applicant's presently authorized operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31389 (Sub-No. 107), filed February 27, 1969. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Montgomery Elevator Co., near the intersection of U.S. Highway 6 and Interstate Highway 80 near Green Rock, Ill., as an off-route point in connection with applicant's presently authorized operations to and from points in the Davenport-Rock Island and Moline commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 640), filed February 20, 1969. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 33118 (Sub-No. 2), filed February 24, 1969. Applicant: FILLIUS X-PRESS SERVICE, Post Office Box 407, Mount Holly, N.J. 08060. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cloth, dry goods or fabrics, including textiles or textile products, rugs, rug pads, mats or matting, yarns, and materials and supplies* used in connection with the manufacture of the above described articles, including the return of unused or rejected materials, and, (2) *copper articles*, from Mount Holly, N.J., to points in Delaware, New Jersey, and those in Pennsylvania on and east of U.S. Highway 15, having a prior movement in interstate commerce by air, rail, or motor carrier. NOTE: Applicant states it would tack at Mount Holly, N.J., with its presently held authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 42487 (Sub-No. 710), filed February 27, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: James R. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including classes A and B explosives, but not including commodities of unusual value, livestock, household goods, commodities in bulk, and commodities requiring special equipment, (1) between Houston and Texas City, Tex., over Interstate Highway 45 (previously U.S. Highway 75) serving all intermediate points and also the commercial zone of Texas City, Tex., and return over the same route, (2) serving Austin, Tex., including the commercial zone thereof, as an intermediate point on applicant's routes between Dallas and San Antonio, Tex., over U.S. Highway 80 from Dallas to Fort Worth, Tex., thence over U.S. Highway 81 from Fort Worth to San Antonio, Tex., and also as an intermediate point on applicant's routes between Houston and San Antonio, Tex., over U.S. Highway 290 from Houston to Austin, Tex., thence over U.S. Highway 183 from Austin to Luling, Tex., and thence over U.S. Highway 90 from Luling to San Antonio, Tex., and return over the same routes and (3) between Houston, Tex., and St. Louis, Mo., over U.S. Highway 59 between Houston, Tex., and Texarkana, Tex.-Ark., and over U.S. Highway 67 between Texarkana, Tex.-Ark., and St. Louis, Mo., as an alternate route for operating convenience only serving no intermediate points. NOTE: Applicant states these routes are a part of certain routes that were held by Southern-Plaza Express, Inc., which were canceled by the Commission as a condition of approval of the acquisition of Southern-Plaza by applicant. Applicant intends to tack these routes with all other routes obtained in the acquisition of Southern-Plaza Express, Inc., and with all other routes held by applicant so as to provide single and joint service to and from Austin and Texas City, Tex. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Austin, Tex.

No. MC 43683 (Sub-No. 27), filed February 24, 1969. Applicant: BAKER DRIVEAWAY COMPANY, INC., 3999 East South Boulevard, Bloomfield Hills, Mich. 48013. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Automobiles, trucks, and buses, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *parts thereof* moving therewith, in secondary movements, in truckaway and driveaway services, (1) from Dixiana (Lexington County), S.C., to points in Georgia; and (2) from points in Delaware to points in Delaware, Maryland, Virginia, Pennsylvania, New Jersey, New York, West Virginia, and the District of Columbia, restricted to traffic originating at plants of Chrysler Corp. and having a prior movement by rail. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 52743 (Sub-No. 19), filed February 19, 1969. Applicant: MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Avenue, Cincinnati, Ohio 45214. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), serving the plantsite of The International Nickel Co., Inc., Huntington Alloy Products Division, located in Boyd County, Ky., on U.S. Highway 23 (approximately 11 miles south of Catlettsburg, Ky.), as an off-route point in connection with carrier's authorized regular-route operations to and from Ashland and Catlettsburg, Ky. and Huntington, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 59680 (Sub-No. 169), filed February 24, 1969. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Chalfont, Bucks County, Pa., as intermediate and off-route points in connection with applicant's authorized regular route operations to and from Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 65626 (Sub-No. 22), filed February 19, 1969. Applicant: FREDONIA EXPRESS, INC., Post Office Box 222, 316 Eagle Street, Fredonia, N.Y. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food and foodstuffs* (except in bulk), from the plantsites of and/or warehouse facilities utilized by Welch Foods, Inc., at or near North East, Pa., and Westfield, N.Y., to points in Connecticut, Delaware, Maine, New York, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia; and (2) *materials and supplies* used in the operation of a food processing plant on return. NOTE: Applicant states that it intends to tack with its present authority in MC 65626 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67361 (Sub-No. 4), filed February 24, 1969. Applicant: GENERAL ROAD TRUCKING CORPORATION, 99 Mauran Avenue, East Providence, R.I. 02914. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Upton, Mass., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states although not intended, there is a possibility of tacking at Providence, R.I., if the application is granted. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 74846 (Sub-No. 60), filed February 24, 1969. Applicant: LEWIS G. JOHNSON, INC., Port Gibson, N.Y. 14537. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk) and *such incidental materials and supplies* as are used in the distribution and sale of such foodstuffs, including incidental nursery accessories, from points in Genesee, Livingston, Monroe, Onondaga, Ontario, Orleans, Seneca, Wayne, and Yates Counties, N.Y. (except canned fruits and vegetables, from Newark, N.Y., to Boston, Mass.), to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75320 (Sub-No. 143), filed February 3, 1969. Applicant: CAMPBELL SIXTH-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: P. E. Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment); (1) between Pryor, Okla., and Tishomingo, Okla.: From Pryor over U.S. Highway 69 to Junction of Oklahoma Highway 7, thence over Oklahoma Highway 7 to Junction with Oklahoma Highway 99, thence over Oklahoma Highway 99 to Tishomingo and return over the same route, as an alternate route only and serving the Junction of U.S. Highway 69 and U.S. Highway 266 or Interstate Highway 40 for purpose of joinder only; and (2) between Tulsa, Okla., and Durant, Okla.: From Tulsa over U.S. Highway 75 to Durant and return over the same route, as an alternate route only, serving the Junction of U.S. Highway 75 and Oklahoma Highway 3 at or near Atoka, Okla. for joinder purposes only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 76032 (Sub-No. 238), filed February 24, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eilliam E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives, blasting materials, agents, and supplies;* (1) between points and over the regular routes which applicant is certificated for the transportation of general commodities (except explosives) in Docket No. MC 76032 and all effective sub numbers thereto, wherein applicant is authorized to operate in the States of California, Arizona, Nevada, New Mexico, Texas, Colorado, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Illinois, and Indiana, and subject to all route restrictions, if any, as otherwise specified in said certificates; and (2) serving points not on its regular routes in California, Arizona, Nevada, New Mexico, Texas, Colorado, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Illinois, and Indiana, as off-route points in connection with applicant's regular route operations. NOTE: Applicant states the application of General Expressways, Inc., filed simultaneously herewith, will to a certain extent duplicate the routes sought in the States of Illinois and Indiana. Applicant proposes to interline the two authorities so as to provide a through service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 77649 (Sub-No. 3), filed February 27, 1969. Applicant: SHANAHAN MOTOR LINES, INC., 1600 South Delaware Avenue, Philadelphia, Pa. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated rug padding, fiber rugs, sisal, and sisal padding*, from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, and New York, and *returned, damaged, and refused shipments* on return; and (2) *uncrated sisal and sisal padding*, from Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, and Virginia, and *returned, damaged, and refused shipments* on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 83539 (Sub-No. 240), filed February 24, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft cargo and passenger handling equipment and machinery, attachments, parts, and accessories* used in connection therewith, from Salinas, Calif., to points in the United States (except California and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 87523 (Sub-No. 92), filed February 25, 1969. Applicant: STEWART TRANSPORT, INC., 476 Valley Street, Manchester, N.H. 03103. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of excessive value, classes A and B explosives, livestock, commodities in bulk, and household goods as defined by the Commission), between Newport, Vt., and the United States-Canada boundary line at North Troy, Vt.: From Newport over Vermont Highway 105 to junction Vermont Highway 105A, thence over Vermont Highway 105A to the United States-Canada boundary line and return over the same route, serving no intermediate points, for operating convenience only, and restricted to traffic moving between the United States and Canada only. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 89684 (Sub-No. 71), filed February 10, 1969. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Newspapers, cut flowers, plants, and florist supplies;* (1) from Rock Springs, Wyo., to Laramie, Wyo., over U.S. Highway 30, also over Interstate Highway 80, serving all intermediate points and the off-route points of Pinedale and Jackson, Wyo.; (2) from Idaho Falls, Idaho, to Idaho Falls, Idaho, in a circuitous manner; from Idaho Falls over U.S. Highway 26 to Swan Valley, Idaho, thence over Idaho Highway 31 to Victor, Idaho, thence over Idaho Highway 33 to Driggs, Idaho, and return over Idaho Highway 33 to Rexburg, Idaho, and thence over U.S. Highway 191 to Idaho Falls, serving all intermediate points; (3) from Kanab, Utah, to Flagstaff, Ariz., over U.S. Highway 89, serving all intermediate points; (4) from Wendover, Utah, to Elko, Nev., over U.S. Highway 40, serving all intermediate points; (5) (a) from Denver, Colo., to Salt Lake City, Utah, from Denver over U.S. Highway 6 (including Interstate Highway 70 where completed) to junction U.S. Highway 50, thence over combined U.S. Highways 6 and 50 and Interstate Highway 70 to Salt Lake City, also over U.S. Highway 40 to Salt Lake City and return over the same routes, serving all points in Utah on said highways west of the Utah-Colorado line; and (b) from Denver, Colo., to Salt Lake City, Utah, from Denver over Interstate Highway 25 to Fort Collins, Colo., thence over U.S. Highway 287 to Laramie, Wyo., thence westerly over U.S. Highway 30 and also Interstate Highway 80 to Salt Lake City, Utah, serving all intermediate points in Wyoming, and all points in Utah together with the following off-route points in Wyoming: Kemmerer Pinedale, Big Piney, Afton, and Jackson;

(6) (a) from Grand Junction, Colo., to Salt Lake City, Utah, over combined U.S. Highways 6 and 50, serving all intermediate points; and (b) from Grand Junction, Colo., to Monticello, Utah, from Grand Junction over combined U.S. Highways 6 and 50 to junction U.S. Highway 160 at or near Cresent Junction, Utah, thence over U.S. Highway 160 to Monticello, serving all intermediate points; (7) from Vernal, Utah, to Steamboat Springs, Colo., over U.S. Highway 40, serving all intermediate points in Colorado; and (8) from Green River, Utah, to Glenwood Springs, Colo., over combined U.S. Highways 6 and 50 (including Interstate Highway 70 where completed) to junction U.S. Highway 6, thence over combined U.S. Highway 6 and Interstate Highway 70 to Glenwood Springs, serving all intermediate points; (B) *magazines, books, and periodicals;* (1) from Rock Springs, Wyo., to Rawlins, Wyo., over combined U.S. Highway 30 and Interstate Highway 80, serving all intermediate points; and (2) from Vernal, Utah, to Granby, Colo., over U.S. Highway 40, serving all intermediate points in Colorado; and (C) *films and articles* associated with the exhibition of motion pictures as described in 61 M.C.C. 766, 769, between Idaho Falls and Idaho Falls, Idaho, in a circuitous manner, from Idaho Falls over Idaho Highway 26 to Swan Valley, thence over Idaho Highway 31 to Victor, Idaho, thence over Idaho Highway 33 to Driggs, Idaho, and return over Idaho Highway 33 to Rexburg, and thence over U.S. Highway 191 to Idaho Falls, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 92983 (Sub-No. 532), filed February 19, 1969. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and spirits*, in bulk, in tank vehicles, from Atchinson, Kans., and points in Jefferson and Nelson Counties, Ky., to points in Colorado, Idaho, Montana, South Dakota, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 94350 (Sub-No. 215), filed February 28, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, and *buildings*, in sections, that may be joined together to form a complete structure, traveling on their own or removable undercarriages, equipped with hitch ball connectors, from York, Nebr., to points in Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Montana, Wyoming, and Illinois. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 94755 (Sub-No. 7), filed February 12, 1969. Applicant: FAITOUTE TRUCKING CORPORATION, 546 South Avenue, Garwood, N.J. 07027. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boiler cleaning compound*, liquid or dry, in containers, from Avenel, N.J., to New York, N.Y., Newark, Jersey City, Bayonne, Edgewater, Elizabeth, Carteret, and Perth Amboy, N.J., Philadelphia and Chester, Pa., Wilmington, Del., Baltimore, Md., and Norfolk, Newport News, and Portsmouth, Va.; (2) *cleaning and polishing compounds*, liquid or dry, *liquid rust preventing compounds, disinfectants*, liquid or dry, and *metallic soaps* for lubricating purposes, and *advertising matter and premiums* moving in connection with such commodities, from Avenel, N.J., to points in the New York, N.Y., commercial zone, as defined in New York, N.Y., commercial zone, 1 M.C.C. 665, points in Essex County, N.J., and Nassau and Westchester Counties, N.Y., Philadelphia and Chester, Pa., Wilmington, Del., Baltimore, Md., and Norfolk, Newport News, Portsmouth, Va., and the District of Columbia. *Empty containers* for the above-specified commodities, from the above-specified destination points to Avenel, N.J. under contract with Magnus Chemical Co. Division Economics Labs, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 95084 (Sub-No. 73), filed February 24, 1969. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 901 South Madison

Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, farm equipment, industrial equipment, and parts and attachments* for each of the above-named commodities, from points in Jackson County, Mo., and Preble County, Ohio, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture, processing, sale, and distribution of agricultural implements, farm machinery, farm equipment, industrial equipment, and parts and attachments of each of the above-named commodities, from points in the United States (except Alaska and Hawaii) to points in Jackson County, Mo., and Preble County, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Washington, D.C., or Chicago, Ill.

No. MC 96500 (Sub-No. 5), filed February 26, 1969. Applicant: HARRY'S EXPRESS COMPANY, INC., 545 West 25th Street, New York, N.Y. 10001. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by an importer of furniture, giftwares, housewares, and notions*, from steamship piers in the New York, N.Y., commercial zone to Rochelle Park, N.J., under a continuing contract or contracts, with Pier 1 Imports, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 99753 (Sub-No. 3), filed December 27, 1969. Applicant: CLYDE C. DENT, 106 Knight Hurst, Post Office Box 447, Ennis, Tex. 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Livestock, livestock feedstuffs, household goods, farm machinery, and grain*, between Rising Star, Tex., on the one hand, and, on the other, points in Texas; (2) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Texas; (3) *pipe*, except when intended for use as oil field equipment as defined by the Commission in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459 (543), between points in Texas; and (4) *commodities* which because of size or weight require the use of special equipment, between points in Texas. NOTE: Applicant states that the purpose of the instant application is to convert its certificate of registration under Docket No. MC 99753 Sub 1 to a certificate of public convenience and necessity. Applicant further states that it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 103993 (Sub-No. 377), filed February 18, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bars, wire mesh, asphalt expansion joint, steel bar accessories, corrugated steel sheets, steel wire*, from Charlotte, N.C., to points in Virginia, Maryland, Delaware, Tennessee, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 106451 (Sub-No. 6), filed February 26, 1969. Applicant: COOK MOTOR LINES, INC., 408 Wellington Avenue, Akron, Ohio 44309. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of The International Nickel Co., Inc., Huntington Alloy Products Division, located Boyd County, Ky., on U.S. Highway 23 (approximately 11 miles south of Catlettsburg, Ky.), as an off-route point in connection with applicant's presently authorized operations to and from Huntington W. Va. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 106644 (Sub-No. 94) (Correction), filed January 23, 1969, published FEDERAL REGISTER issue of February 13, 1969, and republished as corrected this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Frank D. Hall, 1273 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry kiln outfits, and parts and accessories thereof; materials handling and conveying machinery, and equipment, and parts and accessories thereof*, from Jacksonville, Fla., and/or points in Duval County, Fla., and points in Shelby County, Tenn., to points in Arizona, California, Colorado, Idaho, Kansas, Maine, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to show Shelby "County", Tenn., in lieu of Shelby, Tenn., in territorial origin description, so as to reflect the true geographical and commodity scope. Applicant states it intends to tack authority sought where possible with its existing authority set forth in MC 106644 and subs. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Washington, D.C.

No. MC 107295 (Sub-No. 172), filed February 24, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox (same address as above) also Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building parts; heating, cooling, and air handling systems and materials supplies, and accessories* used in the installation of such systems, from Rockford, Ill., to points in the United States (except Iowa, Missouri, Arkansas, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Tennessee, Alaska, and Hawaii). NOTE: Applicant states that tacking would take place in conjunction with its present authority in MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 174), filed February 26, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Mack Stephenson, 301 Building, 301 North Second Street Springfield, Ill. 62702 and Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, hardboard, and composition board, and accessories* used in the installation thereof, from Phillips, Wis., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it will tack with its MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 107403 (Sub-No. 770), filed February 14, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, from points in Crawford, Delaware, Sandusky, Seneca, and Wyandotte Counties, Ohio, to points in Alabama, Arkansas, Georgia, Iowa, Kansas, Kentucky,

Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, Rhode Island, Tennessee, Virginia, and Wisconsin. NOTE: Applicant states that Sub 486 (in part) is duplicative, wherein it is authorized to transport lime dry, in bulk, from Maple Grove, Ohio, and 5 miles thereof, to points in Kentucky; Sub 536 (in part) is also duplicative, wherein it is authorized to transport from points in Sandusky County, Ohio, to points in Boyd, Greenup, Mason, Campbell, Kenton, Boone, and Jefferson Counties, Ky. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107403 (Sub-No. 771), filed February 24, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of B. F. Goodrich Chemical Co. at or near Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the above-mentioned plantsite and destined to the States indicated. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 708), filed February 20, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acrolite* (expanded shale), from Springfield, Minn., to points in Iowa; and (2) *fly ash*, in bulk, from Milwaukee, Wis., to points in Illinois. NOTE: Common control may be involved. Applicant states that it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 107515 (Sub-No. 643), filed February 24, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors and furniture parts*, (1) from Selma, Ala., to Buffalo, N.Y., Memphis, Tenn., Louisville, Ky., points in Illinois, Ohio, Indiana, Michigan, Wisconsin, Oklahoma, Arkansas, Kansas, Missouri, Iowa, Nebraska, Minnesota, and Texas (except Dallas, Fort Worth and Houston), and (2) from Toccoa, Ga., to Buffalo, N.Y., Louisville, Ky., Memphis, Tenn., points in Illinois, Ohio, Indiana, Michigan, Wisconsin, Texas, Oklahoma, Arkansas, Missouri, Iowa, Nebraska, and Minnesota. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107993 (Sub-No. 15), filed February 28, 1969. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, Post Office Box 2112, Odessa, Tex. 79760. Applicant's representative: J. G. Dail, Jr., 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), between points in Texas, New Mexico, Arizona, California, Arkansas, Louisiana, Utah, Nevada, Oklahoma, Colorado, Idaho, Montana, and Kansas, restricted to traffic moving to or from military installations or Defense Department establishments. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states no duplication of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108068 (Sub-No. 78), filed February 26, 1969. Applicant: U. S. A. C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: Wilburn Williamson, 450 American-National Building, Oklahoma City, Okla. 73102 and A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry kiln outfits, and parts and accessories thereof, materials handling and conveying machinery, and equipment, and parts and accessories thereof*, from points in Duval County, Fla., and Shelby County, Tenn., to points in the United States. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 108185 (Sub-No. 42), filed February 7, 1969. Applicant: JACK COLE—DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and William O. Turney, 20001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Mobile, Ala., and Corinth, Miss., from Mobile over U.S. Highway 45, intersecting without joinder other routes of applicant at Meridian, Miss., thence over U.S. Highway 45 to its junction with U.S. Alternate Highway 45, thence over U.S. Alternate Highway 45 to its junction with U.S. Highway 45, and thence over U.S. Highway 45 to a junction with U.S. Highway 78 in or near Tupelo, Miss., intersecting another route of applicant without joinder at Tupelo, Miss., thence over U.S. Highway 45 to a junction with U.S. Highway 72 in or near Corinth, Miss., intersecting other routes of applicant with joinder at Corinth, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's regular route operation. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Phoenix, Ariz.

No. MC 108340 (Sub-No. 19), filed February 27, 1969. Applicant: HANEY TRUCK LINE, a corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest Twenty-third Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cannery products, supplies, materials, and equipment*, between Portland, Oreg., and the plantsite of Libby, McNeill & Libby at Salem, Oreg. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 109028 (Sub-No. 8), filed February 24, 1969. Applicant: S & W TRANSFER, INC., 2505 North Mayfair Road, Milwaukee, Wis. 53226. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, between Chicago, Ill., on the one hand, and, on the other, points within the territory bounded by a line beginning at Dubuque, Iowa, and extending in a northwesterly direction along the west bank of the Mississippi River, through Winona, Minn., to the confluence of the Mississippi and St. Croix Rivers, thence along the west bank of the St. Croix River to Stillwater, Minn., thence in a northeasterly direction across the river and through Haywood, Wis., to Ashland, Wis., thence in a northeasterly direction along the shore of Lake Superior to Calument, Mich., thence in a southeasterly

direction through Laurium, Mich., and along Lake Superior to Munising, Mich., thence across the Upper Peninsula of Michigan to Manistique, Mich., thence in a southwesterly direction to Gladstone, Mich., thence south along the shore of Lake Michigan and through Sturgeon Bay, Wis., to Winthrop Harbor, Ill., and thence west through Rockford and Galena, Ill., to Dubuque, including the points named, under a continuing contract, or contracts with Peck Meat Packing Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 109172 (Sub-No. 4), filed February 10, 1969. Applicant: NATIONAL TRANSFER, INC., doing business as NATIONAL MOTOR FREIGHT, 4100 East Marginal Way South, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 609 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between points in Washington and Oregon. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 109637 (Sub-No. 356), filed February 24, 1969. Applicant: SOUTHERN TANK LINES INC., Post Office Box 1047, 4017 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, lacquer, or varnish*, in bulk, from points in Carroll County, Ky., to points in Missouri and Ohio. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109917 (Sub-No. 2), filed February 24, 1969. Applicant: CERRONE TRUCKING COMPANY, INC., 4625 Witmer Road, Niagara Falls, N.Y. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crude or artificial abrasives*, in bulk, in dump trucks; and *crude or artificial abrasives*, in bags; (1) from the port of entry on the international boundary line between the United States and Canada at Niagara Falls and Lewiston, N.Y., to Niagara Falls, N.Y.; and (2) from the port of entry on the international boundary line between the United States and Canada at Lewiston, N.Y., to Niagara Falls, N.Y., under contract with General Abrasive Co., Inc., restricted to shipments originating in Canada. NOTE: Applicant states that it is presently authorized to perform this transportation from the boundary of the United States and Canada at Niagara Fall, N.Y. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 110098 (Sub-No. 97) (Correction), filed February 7, 1969, published in FEDERAL REGISTER issue of March 13, 1969, and republished as corrected this issue. Applicant: ZERO REFRIGERATED LINES, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. 78207. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, cleaning compounds, bleach, textile softners* (except commodities in bulk, in tank vehicles); in vehicles equipped with mechanical refrigeration, from Sunnyvale, Calif., to points in Oregon and Washington. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant states no duplicating authority is being sought. The purpose of this republication is to add "in vehicles" in the commodity description which was inadvertently omitted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or San Antonio, Tex.

No. MC 110193 (Sub-No. 166), filed February 24, 1969. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Glens Falls, N.Y., to points in Connecticut, Pennsylvania (except points in Allegheny, Berks, Dauphin, Erie, Indiana, Lakawanna, Lancaster, Lebanon, Lehigh, Luzerne, Northhampton, and York Counties), the Lower Peninsula of Michigan (except Sturgin and Kalamazoo), and Indiana (except Angola and those Indiana points in the Chicago commercial zone). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 581), filed February 28, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients, poultry feed ingredients, and animal and poultry feeds*, from Hope, Ind., to points in Indiana, Illinois, Iowa, Kansas, Michigan, Minnesota, South Dakota, Wisconsin, and Colorado. NOTE: Applicant indicates tacking possibilities at Illinois and Iowa origins. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Chicago, Ill.

No. MC 110525 (Sub-No. 895), filed February 20, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of B. F. Goodrich Chemical Co. at or near Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the plantsite and destined to the enumerated States. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 278), filed February 25, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith;* (a) between Maumee, Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan; (b) between Flint, Mich., on the one hand, and, on the other, Cincinnati, Columbus, and Toledo, Ohio; and Erie, Pa.; (c) between Kalamazoo, Mich., on the one hand, and, on the other, points in Ohio (except Cleveland, Dayton, Celina, and Delaware, Ohio); and points in Illinois (except Chicago, Ill.); (d) between Milwaukee, Wis., on the one hand, and, on the other, Minneapolis, Minn.; Chippewa Falls, Wis. (over routes in Minnesota for operating convenience only); Cedar Rapids, Dubuque, and Waterloo, Iowa; and De Kalb and Rockford, Ill.; (e) between Norfolk, Va., on the one hand, and, on the other, points in North Carolina; (f) between Woodbridge, N.J., on the one hand, and, on the other, Poughkeepsie and Roseton, N.Y.; and Washington, D.C. (2) *Bottled oil samples, maps, promotion items, and miscellaneous small hardware, consisting of small valves, surveyor's instruments, portable pumps, pump parts, tank measuring sticks, boiler fire eyes*, restricted against the transportation of packages of articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Woodbridge, N.J., on the one hand, and, on the other, Poughkeepsie and Roseton, N.Y.; and Washington, D.C. (3) *Cut flowers and decorative greens*, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, between Richmond, Va., on the one hand, and, on the other, points in Virginia; points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Pocahontas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va. NOTE: Applicant states it would tack with its presently held authority. Applicant holds contract authority under MC 112750, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 114301 (Sub-No. 57), filed February 27, 1969. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of B. F. Goodrich Chemical Co. at or near Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin. Restriction: Restricted to traffic originating at the plantsite and destined to the enumerated States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115716 (Sub-No. 16), filed February 20, 1969. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 3650 Chestnut Place, Denver, Colo. 80216. Applicant's representative: Edward C. Hastings, 666 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, and household goods as defined by the Commission), between Eads, Colo., and Keyes, Okla.: From Eads, Colo., over U.S. Highway 287 to junction U.S. Highway 287 and U.S. Highway 56, thence over U.S. Highway 56 to Keyes, Okla., and return over the same route, serving all intermediate points (except Springfield and Campo, Colo.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Lamar or Denver, Colo.

No. MC 115841 (Sub-No. 343), filed February 19, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicle equipped with mechanical refrigeration, from points in Middlesex and Essex Counties, N.J., to Union City and Jersey City, N.J., and Philadelphia, Pa. NOTE: Applicant states the purpose of this application is for applicant to tack at Union City and Jersey City, N.J.; and Philadelphia, Pa., with its Sub 4 and with Subs 134, 146, 159, and 260. Applicant further states joinder will be made at Chattanooga and Nashville, Tenn., and Birmingham, Ala. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 115904 (Sub-No. 14), filed February 24, 1969. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 84301. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp, beet pulp pellets, and molasses*, between points in Idaho, Nevada, Oregon, and Utah. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 116077 (Sub-No. 259), filed February 24, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground barite*, in bulk, from Lafayette and Abbeville, La., to Intracoastal City, La. NOTE: Applicant states that it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 116077 (Sub-No. 260), filed February 26, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex., 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, from Baton Rouge, La., to points in Alabama, Arkansas, Illinois, Kentucky, South Carolina, Tennessee, Texas, Michigan, and California. NOTE: Applicant states that the authority sought would be tacked with its present authority in MC 116077 Subs 6 and 136 in Harris and Brazoria Counties, Tex., to points in the United States not directly here involved (except to Wyoming). If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 116119 (Sub-No. 21), filed February 25, 1969. Applicant: JOHN F. HARRIS, doing business as HOGANS TRANSFER & STORAGE CO., 1122 South Davis Avenue, Elkins, W. Va. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products, fresh and frozen; potato chips;* and *supplies and materials* used in the sale and distribution thereof, from Elkins, W. Va., to points in Pennsylvania, Ohio, Virginia, Maryland, West Virginia, and the District of Columbia; (2) *baking equipment and machinery; ingredients; materials and supplies* (except in bulk) used in the production of bakery products, from points in Pennsylvania, Ohio, Virginia, Maryland, and the District of Columbia, to Elkins, W. Va.; and (3) *nonfresh bakery products and materials and supplies* used in the distribution thereof, between points in Pennsylvania, Ohio, West Virginia, Virginia, Maryland, and the District of Columbia; under a continuing contract with Elkins Baking Co., Inc., of Elkins, W. Va. NOTE: Applicant holds common carrier authority under MC–106002 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117834 (Sub-No. 5) (Clarification), filed January 28, 1969, published in the FEDERAL REGISTER issue of February 27, 1969, and republished as clarified this issue. Applicant: WILLIAM R. PINKERTON, doing business as BILL PINKERTON, Route 4, Box 192C, Little Rock, Ark. 72206. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Gulfport, Miss., Mobile, Ala., Houston and Galveston, Tex., to Little Rock, Ark., under contract with Gilman & Kosten Co., Inc., of Little Rock, Ark. NOTE: Applicant now holds permits for the transportation of bananas from and to the above points for the Kroger Co. The instant application seeks authority permitting it to serve Gilman & Kosten Co., Inc., Little Rock, Ark., from all above origins. The purpose of this republication is to eliminate Comer C. Johnson as a supporting shipper. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 118270 (Sub-No. 1), filed February 27, 1969. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 West Rampo Avenue, Mahwah, N.J. 07430. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Port Newark and Weehawken, N.J.; Philadelphia, Pa.; Baltimore, Md.; and Charleston, S.C., to Jamestown, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 118288 (Sub-No. 31), filed February 24, 1969. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), between Billings, Mont., on the one hand, and, on the other, points in Arizona, New Mexico, Kentucky, Texas, Oklahoma, South Dakota, Ohio, Missouri, Iowa, Arkansas, Pennsylvania, Colorado, New York, and New Jersey. NOTE: Applicant states it intends to interline with other carriers and also, to tack at Billings, Mont., to serve points in Washington, Oregon, Wyoming, and Northeastern Idaho. Applicant further states no duplication of authority is sought. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118631 (Sub-No. 4), filed February 26, 1969. Applicant: EPHREM BOUCHARD, Mackay Street, Milton, Vt. 05468. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical fertilizers, materials, and mixtures*, from ports of entry on the international boundary line between the United States and Canada, located in the counties of Franklin and Orleans in Vermont, and Franklin and Clinton in New York, to points in Franklin, Orleans, Caledonia, Grand Isle, Windsor, Crittenden, Lamoille, Washington, Addison, and Orange Counties, Vt.; Coos, Grafton, Carroll, and Sullivan Counties, N.H.; and Essex, Clinton, Franklin, St. Lawrence, Jefferson, and Lewis Counties, N.Y., under contract with Brockville Chemical, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, or Burlington, Vt., or Plattsburgh, N.Y.

No. MC 118808 (Sub-No. 11), filed February 19, 1969. Applicant: A B C EXPRESS COMPANY, a corporation, Fifth Street and Columbia Avenue, Philadelphia, Pa. 19122. Applicant's representative: Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey, under contract with Strawbridge & Clothier, John Wanamaker Philadelphia, Inc., Bamberger's New Jersey, a division of R. H. Macy & Co., Inc., Lit Bros., Gimbel Bros., and E. J. Korvette. NOTE: The application duplicates certain authority held by applicant in its Sub 2 Permit with respect to new furniture and new home furnishings for the account of the supporting shippers listed above except E. J. Korvette. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 118808 (Sub-No. 12), filed February 24, 1969. Applicant: A. B. C. EXPRESS COMPANY, a corporation, Fifth Street and Columbia Avenue, Philadelphia, Pa. 19122. Applicant's representative: Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, restricted to a transportation service to be performed under a continuing contract, or contracts, with John Wanamaker Philadelphia, Inc., and Gimbel Bros., between Philadelphia, Pa., on the one hand, and, on the other, King of Prussia, Pa. NOTE: A motion to dismiss because of lack of jurisdiction accompanies this application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 118831 (Sub-No. 61), filed February 17, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, Uwharrie Road, High Point, N.C. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats and oils, and blends thereof*, in bulk, from Charlotte and Wilson, N.C., to points in West Virginia. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh or Charlotte, N.C.

No. MC 118989 (Sub-No. 25), filed February 28, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Chicago, Ill. 60603. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plantsite and/or facilities of National Can Corp., at Chicago and Rockford, Ill., Green Bay, Wis.; Detroit, Mich.; Minneapolis, Minn.; and Cleveland, Marion, and Hamilton, Ohio, to points in Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Kansas, Nebraska, North Dakota, South Dakota, Texas, Colorado, Louisiana, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 219), filed February 28, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when moving in the same vehicle as meat, meat products, and meat byproducts, and articles distributed by meat packinghouses (except hides and commodities in bulk, in tank vehicles) as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as otherwise authorized, from the plantsite and warehouse facilities of George A. Hormel & Co. at Austin, Minn., to points in Indiana and Illinois. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 119774 (Sub-No. 15), filed February 17, 1969. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastics and expanded plastics laminated with wood and metal*, from points in Columbia County, Ark., to points in Louisiana, Texas, Mississippi, Colorado, New Mexico, Oklahoma, Kansas, Missouri, Iowa, Illinois, Indiana, Tennessee, Kentucky, Alabama, Georgia, Florida, and Ohio, restricted against transportation in liquid or bulk to points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties, Tex. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119777 (Sub-No. 138), filed February 17, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Theodore Polydoroff, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from points in Tucker County, W. Va., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Virginia, Michigan, North Carolina, Tennessee, Illinois, Indiana, Kentucky, South Carolina, Georgia, Alabama, and Washington, D.C. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC 126970 and subs thereunder, therefore, dual operations may be involved. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119777 (Sub-No. 143), filed February 27, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals, metal alloys, ores, and chemicals* (except commodities in bulk), between New Johnsonville, Tenn., on the one hand, and, on the other, points in Arkansas, Iowa, Louisiana, Minnesota, Missouri, and Texas and all States east thereof. NOTE: Applicant has contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 120536 (Sub-No. 4), filed February 28, 1969. Applicant: PIKE TRANSFER COMPANY, INC., Post Office Box 799, Carrollton Highway, Newnan, Ga. 30263. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Aluminum billets*, from Newnan, Ga., to Franklin, Ga., over Georgia Highway 34, and return over same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 120543 (Sub-No. 59), filed February 28, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: L. D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food stuffs*, frozen; (2) *foodstuffs*, nonfrozen; and (3) *citrus byproducts*, in straight or mixed shipments, from points in Florida to ports of entry on the international boundary line of the United States and Canada located in the States of Minnesota and North Dakota for furtherance to points in the Province of Manitoba, Canada. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla.

No. MC 120737 (Sub-No. 5), filed February 24, 1969. Applicant: STAR DELIVERY & TRANSFER, INC., 948 North Fifth Avenue, Canton, Ill. 61520. Applicant's representative: Chester J. Claudon, 121 West Elm Street, Canton, Ill. 61520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery*; (2) *tractors* (except those with vehicle beds, bed frames, or fifth wheels), including *lawn or garden tractors and tractors and tractor excavating, grading, or loading attachments, combined*; (3) *attachments and accessories* for, and *equipment* designed for use with, the foregoing articles; and (4) *twine*, from West Chicago, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: The authority herein granted shall be limited to traffic originating at the plantsites of, or storage or distribution facilities used by, International Harvester Co. NOTE: Applicant states that it could tack, but the primary purpose of this application is to serve the shipper. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 47), filed February 24, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Illinois, Kansas, Missouri, Indiana, Iowa, Ohio, Michigan, Minnesota, and Wisconsin; and (2) *materials* used in the manufacture and distribution of composition boards (except commodities in bulk), from points in Illinois, Kansas, Missouri, Indiana, Iowa, Ohio, Michigan, Minnesota, and Wisconsin, to points in Henry County, Tenn. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123922 (Sub-No. 19), filed February 24, 1969. Applicant: CHARTER BULK SERVICE, INC., 80 Doremus Avenue, Newark, N.J. 07105. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate*, in bulk, from Johnsonburg, Pa., to Oswego, N.Y. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 123922 (Sub-No. 20), filed February 26, 1969. Applicant: CHARTER BULK SERVICE, INC., 80 Doremus Avenue, Newark, N.J. 07105. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant indicates tacking possibilities with the authority under certificates No. MC 123922 (Sub-Nos. (2), (5), and (9)). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124309 (Sub-No. 2), filed February 13, 1969. Applicant: ALPHIE F. BOUSLEY, Post Office Box 141, Armstrong Creek, Wis. 54103. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Finished and unfinished lumber*, including veneer, from Goodman, Wis., to points in Georgia, Indiana, Iowa, Kentucky, the Lower Peninsula of Michigan, North Carolina, and Ohio; (2) *veneer* from Mellen, Wis., to points in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, and Ohio; (3) *veneer* from Goodman, Wis., to points in Illinois and Minnesota; and (4) *unfinished lumber* from Mohawk, Mich., to points in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, Ohio, and Wisconsin (except Goodman, Wis.), under contract with Goodman Division of Calumet & Hecla Corp., a unit of Universal Oil Products. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124692 (Sub-No. 58), filed February 24, 1969. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, fertilizer ingredients and compounds*; (1) from Minot, N. Dak., Pine Bend, St. Paul, and Savage, Minn., to points in Montana; and (2) from Minot, N. Dak., to points in S. Dak. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124770 (Sub-No. 10), filed February 24, 1969. Applicant: TELLERI TRUCKING CO., a corporation, 301 Allen Street, Elizabeth, N.J. 07202. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat*

products in vehicles equipped with mechanical refrigeration, between Newark and Linden, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, and Sullivan County, N.Y., under contract with Food Fair Stores, Inc., and its subsidiaries Allen Packing Co. and Midtown Veal & Mutton Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124905 (Sub-No. 2), filed March 4, 1969. Applicant: COLUMBIA TRANSPORT, INC., Rural Delivery No. 1, Columbia, N.J. 07832. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waylite*, in bulk, from Bethlehem, Pa., to Smithtown, Long Island, N.Y.; and (2) *lead ingots*, from White Haven, Pa., to Staten Island, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it to be held at Washington, D.C., or Philadelphia, Pa.

No. MC 125168 (Sub-No. 12), filed February 24, 1969. Applicant: OIL TANK LINES, INC., Box 190, Darby, Pa. 19023. Applicant's representative: G. Donald Bullock, 128 Greenwood Avenue, Wyncote, Pa. 19095. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Bradford, Emlenton, Farmers Valley, Karns City, and Oil City, Pa., on the one hand, and, on the other, New York, N.Y., and Camden and Edgewater, N.J., under contract with Pennsylvania Refining Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125706 (Sub-No. 109), filed February 19, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural and industrial implements, agricultural and industrial implement parts and accessories; garden and lawn tractors, garden and lawn tractor parts, attachments and accessories; lawn mowers and lawn mower parts, attachments and accessories*, from points in St. Joseph County, Ind., to points in the United States (except Alaska and Hawaii) and (2) *agricultural and industrial implements, agricultural and industrial implement parts and accessories; garden and lawn tractors, garden and lawn tractor parts, atachments and accessories; lawn mowers and lawn mower parts, attachments and accessories; and materials and supplies* such as are used in the manufacture of the above items, from points in the United States (except Alaska and Hawaii), to points in St. Joseph County, Ind. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126421 (Sub-No. 4), filed February 24, 1969. Applicant: GYPSUM TRANSPORT, INC., East Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except lumber), *gypsum and gypsum products*, and *materials and supplies* used in the manufacture, installation or distribution thereof, between the plantsite and facilities of United States Gypsum Co. at or near Sweetwater, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Nebraska, and Tennessee. NOTE: Applicant states the instant application duplicates the authority issued in MC-126421 and MC-126421 (Sub-No. 1), which is all the interstate operating authority held by Gypsum; however, the instant application is broader in that it includes States not now authorized to be served and would authorize a radial movement instead of one way operation from the plantsite now authorized. If the instant application is granted as sought, Gypsum will surrender its MC-126421 and MC-126421 (Sub-No. 1) certificates for cancellation. Applicant further states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 126537 (Sub-No. 21), filed February 26, 1969. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, Suite 703, 706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inert fuses*, from the plantsite of the Raytheon Co., at Bristol, Tenn., to the U.S. Naval Weapons Station, Yorktown, Va.; (2) *class C explosives*, from the plantsite of Northrup Carolina, Inc., at Swannonoa, N.C.; (3) *pallets*, from the U.S. Naval Weapons Station, Yorktown, Va., and the plantsite of Northrup Carolina, Inc., at Swannonoa, N.C., to the plantsite of the Raytheon Co., at Bristol, Tenn.; and (4) *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between the plantsite of American Greetings Corp. near Danville, Ky., on the one hand, and, on the other, Standiford Field, Louisville, Ky. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. Applicant is authorized to operate under MC 129652, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 126717 (Sub-No. 5), filed February 24, 1969. Applicant: WILLIAM R. FENTRESS, doing business as WALT'S DRIVE-A-WAY SERVICE, 723 East Maryland Street, Evansville, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck-mounted cranes*, in initial movements, in drive-away service, from Evansville, Ind., to points in Arizona, Colorado, Delaware, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC 124885, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 127283 (Sub-No. 3), filed February 27, 1969. Applicant: SILICA SAND TRANSPORT, INC., Routes 47 and 71, Post Office Box 212, Yorkville, Ill. 60560. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from the facilities of Sewanee Silica Co. at or near Sewanee, Tenn., to points in Alabama, Georgia, Kentucky, Indiana, Mississippi, North Carolina, South Carolina, and Ohio, under contract with Sewanee Silica Co., a division of Wedron Silica Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127799 (Sub-No. 4), filed February 27, 1969. Applicant: LUPPES TRANSPORT COMPANY, INC., Post Office Box 152, Webster City, Iowa 50595. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from East Dubuque, Ill., to points in Iowa. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127834 (Sub-No. 30), filed February 27, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals, metal alloys, ores, and chemicals* (except in bulk), between

New Johnsonville, Tenn., on the one hand, and, on the other, points in Arkansas, Iowa, Louisiana, Minnesota, Missouri, and Texas, and all States east thereof. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128205 (Sub-No. 11), filed February 28, 1969. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 4141 George Street, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Chicago, Ill., to points in Wisconsin and Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128232 (Sub-No. 2), filed February 26, 1969. Applicant: DORRIS CLOUSE, Licking, Mo. 65542. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, pallets, poles, posts, and logs*, from Licking, Mo., to points in Illinois, Indiana, Kansas, Nebraska, Colorado, Wisconsin, Minnesota, and Oklahoma under contract with Billy Joe Driesel, doing business as Driesel Pallet & Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 128639 (Sub-No. 3), filed February 24, 1969. Applicant: REGINALD H. CURRIER, 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp;* (1) from Berlin, N.H., to points in Vermont and Maine (except points in Aroostook and Washington Counties, Maine); and (2) from points in Vermont and Maine (except those in Aroostook and Washington Counties, Maine), to points in New Hampshire. NOTE: Applicant states that it does not intend to tack, and apparently is willing to accept a tacking restriction, if warranted. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 128878 (Sub-No. 11), filed February 27, 1969. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 961, Shreveport, La. 71102. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex., and C. Wade Shemwell, Post Office Box 961, Shreveport, La. 71102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glue stock*, from Diboll, Tex., to Winnfield, La.; (2) *plywood and particleboard* from Urania, La., to points in Arkansas, Louisiana, Oklahoma, and Texas; and (3) *urea and urea products*, dry, in bulk or packages, from the Gulf Oil Corp. plant at or near Donaldsonville, La. (Faustina Works), to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Shreveport or New Orleans, La.

No. MC 129680 (Sub-No. 1), filed February 20, 1969. Applicant: FRANK H. MORRIS, doing business as MORRIS TRANSPORTATION, 188 Broad Street, Wethersfield, Conn. 06109. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building components*, from Hingham, Mass., and Malvern, Pa., to points in Connecticut and those in Hampden County, Mass. Restriction: The authority sought immediately above is to be limited to a transportation service to be performed under a continuing contract or contracts with Guy Jodice Building Products of Bloomfield, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 133037 (Sub-No. 2), filed January 27, 1969. Applicant: MILE-HI EXPRESS, INC., 1335 40th Street, Denver, Colo. 80216. Applicant's representative: Donald H. Bowman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs*, moving in less-than-truckload shipments in vehicles equipped with mechanical refrigeration; (A) over regular routes: (1) Between Denver, Colo., and Denver, Colo., in a circuitous manner, from Denver over U.S. Highway 287 via Broomfield, Colo., to Lafayette, Colo., thence over Colorado Highway 7 to Boulder, Colo., thence over Colorado Highway 119 to Longmont, Colo., thence over U.S. Highway 287 via Berthoud, Colo., to junction Colorado Highway 60, thence over Colorado Highway 60 to Johnstown, Colo., thence return over Colorado Highway 60 to junction U.S. Highway 287, thence over U.S. Highway 287 via Loveland, Colo., to Fort Collins, Colo., thence from Fort Collins, Colo., over Colorado Highway 14 at Ault, Colo., thence over U.S. Highway 85 via Eaton, Greeley, La Salle, Platteville, Fort Lupton, and Brighton, Colo., to Denver, and return over the same route, serving all intermediate points and off-route points within 10 miles of the above-described routes;

(2) Between Denver and Golden, Colo., over U.S. Highway 6, serving no intermediate points; (3) between Denver and Trinidad, Colo.; over U.S. Highway 87, serving all intermediate points between Pueblo and Trinidad, Colo.; (4) between Denver and Pueblo, Colo., over U.S. Highway 87, serving all intermediate points including Colorado Springs, Security, and Fountain, Colo., the off-route points of U.S. Air Force Academy, Manitou Springs, and Woodland Park, Colo., and the Pueblo Ammunition Depot, all intermediate and off-route points in the Denver, Pueblo, and Colorado Springs, Colo., commercial zones, and all other intermediate and off-route points within 10 miles of the above-described routes; (5) between Denver and Canon City, Colo.; (a) from Denver over U.S. Highway 87 to Pueblo, thence over U.S. Highway 50 to Canon City, and return over the same route, serving all intermediate points, and off-route points in the Denver, Colo., commercial zone; (b) from Denver over U.S. Highway 87 to Colorado Springs, Colo., thence over Colorado Highway 115 to junction U.S. Highway 50, thence over U.S. Highway 50 to Canon City, and return over the same route, serving all intermediate points; (6) between Denver, Colo., and Fort Lyon, Colo., from Denver over U.S. Highway 87 to Pueblo, thence over U.S. Highway 50 to Fort Lyon, and return over the same route, serving all intermediate points including Avondale, Fowler, Manzanola, Boone, Pueblo Army Depot, Rocky Ford, La Junta, and Los Animas, Colo., and all other intermediate and off-route points within 10 miles of said route including points in the Denver, Colo., commercial zone; and (B) over irregular routes: Between Denver, Colo., on the one hand, and, on the other, points in Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133291 (Sub-No. 1), filed February 24, 1969. Applicant: JAMES H. FUNCH, doing business as JAMES FUNCH TRUCKING, 4717 East Madison Avenue, Fresno, Calif. 93702. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shingles, shakes, and ridge*, from points in Clallam and Skagit Counties, Wash., to points in Shasta, Tehama, Sutter, Yuba, Sacramento, Yolo, San Joaquin, Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern, Santa Cruz, Monterey, San Benito, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Imperial Counties, Calif., and *refused or rejected shipments*, on return; under contract with Hoh River Cedar Products, Inc., Hurn Shingle Co., Inc., and Supreme Cedar Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133292 (Sub-No. 1), filed February 24, 1969. Applicant: JAMES S. HILL, 4291 North Second Street, Fresno, Calif. 93726. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shingles, shakes and ridge*, from points in Clallam and Skagit Counties, Wash., to points in Shasta, Tehama, Sutter, Yuba, Sacramento, Yolo, San Joaquin, Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern, Santa Cruz, Monterey, San Benito, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Imperial Counties, Calif., and *refused or rejected shipments*, on return, under contract with Hoh River Cedar Products, Inc., Hurn Shingle Co., Inc., and Supreme Cedar Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133348 (Sub-No. 2), filed February 17, 1969. Applicant: JAMES EDWARD LAWLEY, doing business as L & L MOVING & STORAGE CO., 1705 Enterprise Street, Fairfield, Calif. Applicant's representative: George M. Carr, 351 California Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Solano, Napa, and Yolo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points requested, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 133455, filed February 5, 1969. Applicant: LAFAYETTE TRANSPORTATION SERVICE, INC., 5261 Hornbeam Road, Fayetteville, N.C. Applicant's representative: Richard M. Wiggins, 222 Maiden Lane, Post Office Box 1688, Fayetteville, N.C. 28302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk) between unloading ramps of the Seaboard Coastline Railroad Co. located in Johnson, Cumberland, and Robeson Counties, N.C., on the one hand, and, on the other, points in those counties, restricted to traffic having a prior or subsequent movement by rail in TOFC. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 133468, filed February 6, 1969. Applicant: HERBERT D. SPRINKEL, 1305 Howard Road, Glen Burnie, Md. 21061. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, except commodities in bulk, between points in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean; thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northerly direction on Delaware Highway 9 to junction Delaware Highway 273, thence along Delaware Highway 273 to the Delaware-Maryland State line, thence north on the Delaware-Maryland State line to the Pennsylvania-Maryland-Delaware State line and thence west on the Pennsylvania-Maryland State line to the Susquehanna River; thence in a northwesterly direction along the east bank of the Susquehanna River to Columbia, Pa., thence easterly on U.S. Highway 30 to Lancaster, Pa., and thence in a northerly direction on Pennsylvania Highway 72 to its junction with U.S. Highway 22; thence in a westerly direction on U.S. Highway 22 to its junction with Pennsylvania Highway 34; thence in a southwesterly direction along Pennsylvania Highway 34 to its junction with Pennsylvania Highway 274, continuing southwesterly on Pennsylvania Highway 274 to its junction with Pennsylvania Highway 75, thence south on Pennsylvania Highway 75 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to McConnellsburg, Pa., thence south on U.S. Highway 522 through Culpepper, Va., to its junction with Virginia Highway 3; thence southeasterly on Virginia Highway 3 to Fredericksburg, Va.; thence southeasterly on U.S. Highway 17 to Gloucester Point, Va., thence across the Chesapeake Bay to Cape Charles, Va., including points on the above-described lines and highway, under a continuing contract, or contracts, with Acme Markets, Inc., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133484 (Sub-No. 1), filed February 17, 1969. Applicant: W. E. HILL TRUCKING INC., 2026 Gearhart Street, Duluth, Minn. 55811. Applicant's representative: Wayne E. Hill (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular and irregular routes, transporting: *Packinghouse products including fresh and smoked meats*, in vehicles equipped with mechanical refrigeration; (1) over regular routes: from Duluth, Minn., to the port of entry on the international boundary line between the United States and Canada, at or near Pigeon River, Minn., over U.S. Highway 61, serving no intermediate points; and (2) over irregular routes: from Duluth, Minn., to points in Wisconsin on and within the bounds of U.S. Highway 8, on the south, U.S. Highway 51, on the east, the Minnesota-Wisconsin State line on the west, and Lake Superior on the north, and to Ironwood, Bessemer, and Wakefield, Mich.; under contract with Elliott Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth, or St. Paul, Minn.

No. MC 133503, filed February 24, 1969. Applicant: ALVIN D. FREY, INC., 966 York Street, Hanover, Pa. 17331. Applicant's representative: Norman T. Petow, 43 North Duke Street, York, Pa. 17401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Canned goods;* (1) Between Hanover, Pa., and New York, N.Y.: From Hanover over Pennsylvania Highway 116 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, and return over the same route, serving the intermediate points of Elizabeth, Newark, and Jersey City, N.J., and the off-route point of Camden, N.J., restricted to delivery only; (2) between Hanover, Pa., and Wilmington, Del.: From Hanover over Pennsylvania Highway 116 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Business Route U.S. Highway 30 (formerly portion U.S. Highway 30), thence over Business Route U.S. Highway 30 to Downingtown, Pa., thence over U.S. Highway 322 to junction Business Route U.S. Highway 322 (formerly portion U.S. Highway 322), thence over Business Route U.S. Highway 322 to West Chester, Pa., thence over U.S. Highway 202 to Wilmington, and return over the same route, serving no intermediate points; (B) irregular routes: (1) *Edible and nonedible groceries*, in containers, and *household supplies* both as are dealt in by wholesale, retail, chain grocery, and food business houses, from points in Penn Township, York County, Pa., to Wilmington, Del., and points in New York (except New York City), New Jersey, south of New Jersey Highway 33, Massachusetts, Connecticut, Rhode Island, Maryland, Virginia, Ohio, and the District of Columbia;

(2) *Canned fruits and vegetables;* (a) from Hanover, Pa., to points in New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maryland, Virginia, West Virginia, North Carolina, Kentucky, the District of Columbia, and points in Putnam, Westchester, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N.Y.; (b) from Oak Hall and Mount Holly Springs, Pa., to points in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maryland, Delaware, Virginia, West Virginia, North Carolina, Kentucky, Ohio, and the District of Columbia; (c) from Hanover, Pa., to points in New York, except New York City, and points in Putnam, Westchester, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N.Y., and points in Ohio; and (3) *rejected shipments* of canned fruits and vegetables, from points in New York, except New York City, and points in Putnam, Westchester, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N.Y., and points in Ohio, to Hanover, Pa.; (4) *empty cans*, from Baltimore, Md., to Oak Hall and Hanover, Pa.; and (5) *sauerkraut*, in barrels, and *fresh vegetables*, from points in New York, except New York City, and points in Putnam, Westchester, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N.Y., to Hanover, Pa. NOTE: Applicant states it presently holds all of the above authority as a contract carrier under MC 77874. The purpose of this instant application is to have authority converted to a common carrier. Applicant further states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 133504, filed February 17, 1969. Applicant: METRO AIR FREIGHT, INC., 4160 West Fifth Lane, Hialeah, Fla. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, Fla. 33134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, dry (except articles of unusual value, dangerous explosives, livestock, commodities in bulk, household goods, articles which because of their size or weight require special handling and special equipment, and commodities that require refrigeration), restricted to traffic having a prior or subsequent movement by air, between points in Dade, Broward, and Palm Beach Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Fort Lauderdale, Fla.

No. MC 133505, filed February 20, 1969. Applicant: CARLTON & STUBING, INC., Box 86, Spencerport, N.Y. 14559. Applicant's representative: Raymond A. Richard, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and skins*, from Monroe County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York City commercial zone, N.Y., Pennsylvania, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 133510, filed February 25, 1969. Applicant: ANTHONY H. SCHNEIDER, doing business as SCHNEIDER TRANSFER & STORAGE, 1438 High Street, Pittsburgh, Pa. 15212. Applicant's representative: Paul R. Butler, 1701 Law and Finance Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances* for Hotpoint Distribution Sales Operation of General Electric Co., from Pittsburgh, Pa., to points in West Virginia and Ohio, under contract with Hotpoint Distribution Sales Operation of General Electric Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 133516, filed February 24, 1969. Applicant: SEVERN PEANUT COMPANY, INC., Severn, N.C. 27877. Applicant's representative: J. Guy Revelle, Jr., 201 East Main Street, Murfreesboro, N.C. 27855. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, between points in Virginia and points in North Carolina, under contract with Vircar Plant Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., Richmond or Norfolk, Va.

No. MC 133518, filed February 28, 1969. Applicant: BRUCE V. CURTIS, doing business as BRUCE CURTIS TRUCKING COMPANY, 614 West Main Street. Applicant's representative: James M. Kimzey, Box 109, Raleigh, N.C. 27602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in South Carolina, Georgia, and North Carolina, to points in North Carolina, Tennessee, and Kentucky; under contract with Raeford Lumber Co., Asheville, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, or Raleigh, N.C.

No. MC 133523, filed February 27, 1969. Applicant: EUGENE STONE TRUCKING, INC., 5735 East 139th Street, Cleveland, Ohio 44125. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Ohio and Massachusetts on the one hand, and, on the other, points in the Lower Peninsula of Michigan, Pennsylvania, New York, New Jersey, New Hampshire, Vermont, Maine, Connecticut, Rhode Island, and Massachusetts, restricted to service performed in shipper-owned semitrailers, under contract with Standard Oil Co. and its subsidiaries. NOTE: Applicant's president holds authority under MC 124537, as a contract carrier and as an individual. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133524, filed March 4, 1969. Applicant: PIER SERVICE TRUCKING CORP., 76 DeGraw Street, Brooklyn, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in, or sold, by electronics and radio stores and mail order houses, between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, Syosset and Hauppauge, N.Y., under contract with Lafayette Radio Co. and (2) *such merchandise* as sold by retail department stores, between points in New York, N.Y., harbors and harbors contiguous thereto as defined in Title 49 CFR 1070.1 and Woodbridge, N.J. under contract with Aimcee Wholesale Corp. NOTE: Applicant holds common carrier authority under MC 124592. Applicant states upon grant of its instant application, the certificate will be surrendered. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 95466 (Sub-No. 2), filed February 26, 1969. Applicant: DATTCO, INC., 99 Newington Avenue, New Britain, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in seasonal operations, between May 15 and September 15, inclusive, of each year, between New Britain and Newington, Conn., on the one hand, and, on the other, Riverside Amusement Park, Agawam, Mass. NOTE: Applicant states it would tack at Hartford, Conn., for the purpose of operating over the present regular routes now authorized between Hartford, Conn., and Agawam, Mass., but no service would be provided upon such connection between New Britain and Newington, Conn., and any point on the regular routes, except the point herein sought, namely, Riverside Amusement Park, Agawam, Mass. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Springfield, Mass.

No. MC 107583 (Sub-No. 45) (Correction), filed December 9, 1968, published FEDERAL REGISTER, issue of January 9, 1969, and republished as corrected this issue. Applicant: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, N.Y. 10452. Applicant's representative: George H. Rosen, 265 Broadway, Post Office Box 348, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and effects*, in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver, and not including children under 10 years of age who do not occupy a seat or seats, between U.S. Army Military Ocean Terminal, Bayonne, N.J., McGuire Air Force Base, N.J., Fort Dix, N.J., Newark Airport, Newark, N.J., LaGuardia Airport, N.Y., John F. Kennedy International Airport, N.Y., Fort Hamilton, N.Y., Brooklyn Army Terminal, N.Y., and Fort Wadsworth, Staten Island, N.Y. NOTE: Applicant states it holds authority covering the aforesaid points issued in Docket No. MC 107583: Over irregular routes, to transport passengers and their baggage, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between New

York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, N.J.; between Atlantic City, N.J., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D.C.

Between Fort Dix, McGuire Air Force Base, Wrightstown, N.H., and points in the townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., and LaGuardia Airport, John F. Kennedy International Airport, Fort Hamilton, and Manhattan Beach Air Force Base, New York, N.Y.; between Atlantic City, N.J., on the one hand, and, on the other, points in Westchester County, N.Y. Passengers and their baggage, in special operations in nonscheduled door-to-door service, limited to the transportation of not more than 8 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a separate seat or seats, between Philadelphia, Pa., and the John F. Kennedy International Airport, at New York, N.Y.

In No. MC 107583 (Sub-No. 24), applicant holds authority, over irregular routes, to transport passengers and their baggage and effects, in the same vehicle with passengers, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than 8 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats; between Wilmington, Del., and points in the Philadelphia, Pa., commercial zone, as defined by the Commission, except points within the limits of the city of Philadelphia, Pa., on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y. Applicant also states that in No. MC 107583 Sub 42, authority sought to increase limitation from 8 to 11 passengers is now awaiting disposition, so that authority will read: Passengers and their baggage, in the same vehicle with passengers, in special operations, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Wilmington, Del., and points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and on the other, John F. Kennedy Internations Airport, New York, N.Y. Common control may be involved. The purpose of this republication is to set forth applicant's presently authorized authority, which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

Applications of Freight Forwarders

No. FF-366 LYON HOUSEHOLD SHIPPING, INC., FREIGHT FORWARDER APPLICATION, filed March 10, 1969. Applicant: LYON HOUSEHOLD SHIPPING, INC., 1950 South Vermont Avenue, Los Angeles, Calif. 90007 Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a freight forwarder in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, and motor vehicle in the transportation of *household goods*, as defined by the Commission, *automobiles and unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

No. FF-367 FOUR WINDS FORWARDING, INC., FREIGHT FORWARDER APPLICATION, filed March 10, 1969. Applicant: FOUR WINDS FORWARDING, INC., 4600 Wheeler Avenue, Alexandria, Va. 22304. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue operations as a freight forwarder in interstate or foreign commerce, in the forwarding of, (1) *household goods*, (2) *used automobiles*, and (3) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

Applications for Brokerage Licenses

No. MC 130081, filed February 26, 1969. Applicant: THE ALLIANCE AUTOMOBILE CLUB, 2322 South Union Avenue, Alliance, Ohio. Applicant's representative: Taylor C. Burneson, Suite 1680, 88 East Broad Street, Columbus, Ohio 43215. For a license (BMC-5) to engage in operation as a *broker* at Alliance, Ohio, in arranging for transportation by motor vehicle, in interstate and foreign commerce of *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Stark, Mahoning, and Columbiana Counties, Ohio, and extending to points in the United States, including Alaska and Hawaii.

Applications in Which Handling Without Oral Hearing Has Been Requested

No. MC 1515 (Sub-No. 130), filed February 12, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representatives: Robert J. Bernard and Robert D. Rierson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations from June 10 to September 10 of each year. Applicant seeks to revise its Sixth Revised Certificate of Public Convenience and Necessity under MC 1515 (Sub-No. 7), dated August 7, 1967, by adding the following routes: (1) First revised sheet No. 59-A (Route No. 24), between Montpelier, Idaho, and the Idaho-Utah State line, over U.S. Highway 89 (connects with Utah Route 12). Service is authorized to be conducted in special operations only, during the season extending approximately from June 10 to September 10 of each year, serving no intermediate points; (2) second revised sheet No. 75 (Route No. 12), between the Idaho-Utah State line and Logan, Utah, over U.S. Highway 89 (connects with Idaho route No. 24). Service is authorized to be conducted in special operations only, serving no intermediate points; and (3) second revised sheet No. 85 (Route No. 3), between Jackson and Afton, Wyo., from Jackson over U.S. Highway 26 and 89 to Alpine, thence over U.S. Highway 89 to Afton. Service is authorized to be conducted in special operations only, during the season extending approximately from June 10 to September 10 of each year, serving no intermediate points.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3268; Filed, Mar. 19, 1969; 8:45 a.m.]

[S.O. 994; ICC Order No. 4-A]

CHICAGO, BURLINGTON AND QUINCY RAILROAD CO.

Rerouting Traffic or Diversion of Traffic

Upon further consideration of ICC Order No. 4 (Chicago, Burlington and Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 4 be, and it is hereby vacated and set aside.

(b) Effective Date: This order shall become effective at 2 p.m., March 13, 1969.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent*.

[F.R. Doc. 69-3337; Filed, Mar. 19, 1969; 8:48 a.m.]

[Notice 796]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 14, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 51146 (Sub-No. 127 TA), filed March 7, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container parts and accessories* used in connection with the distribution of metal containers and *metal container ends* when moving with metal containers, from Cleveland, Ohio, to Boston, Mass., for 180 days. Supporting shipper: National Can Corp., Midway Center, 5959 South Cicero Avenue, Chicago, Ill. (Roger F. Hermann, Central Area Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 103993 (Sub-No. 383 TA), filed March 10, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House boats*, mounted on wheeled undercarriages, from the plantsite and storage facilities of Stardust Cruiser Manufacturing Co. at Chattanooga, Tenn., to points in California, Florida, Louisiana, New Hampshire, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Stardust Cruiser Manufacturing Co., Hamilton County, Tenn. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106743 (Sub-No. 5 TA), filed March 10, 1969. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., 2701 Rosa Clark Circle NW., Dothan, Ala. 36302. Applicant's representative: Howards & Co., 1701 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Mineral Wells, Tex., on the one hand, and on the other, points in Jack, Stephens, Palo, Pinto, Parker, Eastland, Erath, Hood, Somerville, Commanche, and Brown Counties, Tex., for 180 days. Supporting shipper: Imperial Household Shipping Co., Inc., Post Office Box 20124, St. Petersburg, Fla. 33702. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 106743 (Sub-No. 6 TA) filed March 10, 1969. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., 2701 Ross Clark Circle NW., Dothan, Ala. 36302. Applicant's representative: Howards & Co., 1701 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in De Kalb County, Ga., on the one hand, and, on the other, points within 150 miles of De Kalb County, Ga., for 180 days. Supporting shipper: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107496 (Sub-No. 713 TA), filed March 10, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint ink*, in bulk, from the plantsite of Frederick H. Levey Co., Chicago, Ill., to Detroit, Mich., for 150 days. Supporting shipper: Frederick H. Levey Co., 4250 West 42d Place, Chicago, Ill. 60632. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 714 TA), filed March 10, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible blood*, in tank vehicles, from Monmouth, Ill., to Cedar Rapids, Iowa, for 150 days. Supporting shipper: Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 644 TA), filed March 10, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, cooked, diced eggs*, in boxes, from Monroe City, Mo., to Birmingham, Ala.; Miami and Orlando, Fla.; Atlanta, Ga.; Charlotte, N.C.; and Nashville, Tenn., for 150 days. Supporting shipper: Seymour Foods Co., Division of Norris Grain Co., Post Office Box 116, Topeka, Kans. 66601. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 112184 (Sub-No. 30 TA), filed March 7, 1969. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, Route 87, Newbury, Ohio 44065. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boron trifluoride compressed gas* in shipper-owned trailers, from Cleveland, Ohio, to Baytown, Tex., with return of *empty shipper-owned trailers* from Baytown, Tex., to Cleveland, Ohio, under contract with The Harshaw Chemical Co., Division of Kewanee Oil Co., for 180 days. Supporting shipper: The Harshaw Chemical Co., Division of Kewanee Oil Co., 1945 East 97th Street, Cleveland, Ohio 44106. Send protests to: District Supervisor, G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, Ohio 44114.

No. MC 113388 (Sub-No. 88 TA), filed March 10, 1969. Applicant: LESTER C. NEWTON TRUCKING CO., Post Office Box 265, Bridgeville, Del. Applicant's representative: William J. Augello, Jr., Bar Building, 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Syracuse, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, for 180 days. Supporting shipper: Empire Freezers of Syracuse, Inc., Post Office Box 770, Syracuse, N.Y. 13201 (James Davitt, Vice President). Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113678 (Sub-No. 342 TA), filed March 10, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Denver, Colo., to points in Alabama, Texas, and Oklahoma, for 180 days. Supporting shippers: Foster Frosty Foods, Inc., 1421 Oneida Street, Denver, Colo. 80220; Mapelli Brothers Co., 1624 Market Street, Post Office Box 5103 T.A., Denver, Colo. 80217. Send protests to: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114312 (Sub-No. 12 TA), filed March 6, 1969. Applicant: ABBOTT TRUCKING, INC., Route No. 8, Box 74, Delta, Ohio 43515. Applicant's representative: Noel F. George, 100 East Broad

Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer materials*, from Toledo, Ohio, to points in New York; and (2) *feed, feed ingredients, and grain products*, from Toledo, Ohio, to points in New York, Pennsylvania, West Virginia, Illinois, and Wisconsin, for 180 days. Supporting shipper: The Andersons, Post Office Box 119, Maumee, Ohio 43537. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 118159 (Sub-No. 65 TA), filed March 10, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in containers, from Gretna, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, Texas, and points in Florida west of the Apalachicola River, for 180 days. Supporting shipper: The Louisiana Coca-Cola Bottling Co., Ltd., 1050 South Jefferson Davis Parkway, Post Office Drawer 50400, New Orleans, La. 70150. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124078 (Sub-No. 365 TA), filed March 7, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, which will have a prior interstate movement by rail, from Portsmouth, Ohio, to points at or near Lucasville, Ohio, and Maysville, Ky., for 180 days. Supporting shipper: Dayton Fly Ash Co., Inc., 2101 Dryden Road, Dayton, Ohio 45439 (Dennis Jones, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124377 (Sub-No. 10 TA) (Correction), filed February 27, 1969, published FEDERAL REGISTER, issue of March 7, 1969, and republished as corrected this issue. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Denver, Colo. 80205. Applicant's representative: Roger Sollenberger, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Sigman Meat Co. at or near Brush, Colo., to the plantsite of Glover Packing Co. at or near Roswell, N. Mex., for 150 days. NOTE: The purpose of this republication is to include the commodity meat byproducts, which was inadvertently omitted in previous publication. Supporting shipper: Sigman Meat Co., Inc., Post Office Box 5292 T.A., Denver, Colo. 80217. Send protests to: Charles W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124920 (Sub-No. 7 TA), filed March 10, 1969. Applicant: LABAR's, INC., 310 Breck Street, Scranton, Pa. 18505. Applicant's representative: Fred Westfahl (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, iron or steel, from Cleveland, Ohio, to Wilkes-Barre, Pa., for 120 days. Supporting shipper: Toy Town Industries, Inc., 356 North Pennsylvania Avenue, Wilkes-Barre, Pa. 18703, and Roth Steel Tube Co., 1335 East 171st Street, Cleveland, Ohio 44110. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 125045 (Sub-No. 3 TA), filed March 10, 1969. Applicant: SHERMAN MOLDE, doing business as MOLDE TRUCKING COMPANY, 955 11¼ Street Southwest, Rochester, Minn. 55901. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, from Rochester, Minn., to Janesville, Wis., for 150 days. Supporting shipper: Marigold Foods, Inc., 3939 University Avenue SE., Minneapolis, Minn. 55414. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133233 (Sub-No. 5 TA), filed March 10, 1969. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Iowa to points in Idaho and Utah, for 150 days. Supporting shipper: Evans Trading Co., Inc., Post Office Box 1544, Ogden, Utah. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133532 TA, filed March 10, 1969. Applicant: BENRUS TRUCKING DIVISION, Ben Rushefsky, 55–58 56th Drive, Maspeth, N.Y. 11378. Applicant's representative: Irving Abrams, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallet and storage racks; shelving and shelving sections; metal tubing, panels, grating and angles; parts and components of the aforesaid commodities; and supplies and equipment* used in the erection thereof; from Newburgh, N.Y.; to Chicago, Ill.; Detroit, Mich.; New York, N.Y.; points in Nassau and Suffolk Counties, N.Y., and points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., for 180 days. Supporting shipper: Dexion Manufacturing Co., Inc., Town of New Windsor (Post Office Address Newburgh), N.Y. Send protests to: Transportation Rate and Tariff Specialist Marvin Kampel, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3338; Filed, Mar. 19, 1969; 8:48 a.m.]

[Notice 707]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 17, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 88203 (Sub-No. 4 TA), filed March 12, 1969. Applicant: OTIS WRIGHT & SONS, INC., Post Office Box 817, 1127 East Albert Street, Lima, Ohio 45802. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Lima, Ohio, to Sharon, Pa., under a continuing contract with Lima Iron & Metal Co., Inc., Lima, Ohio, for 150 days. Supporting shipper: Lima Iron & Metal Co., Inc., East Fourth Street, Post Office Box 157, Lima, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 103654 (Sub-No. 144 TA), filed March 10, 1969. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: H. L. Fabritz, Third and Keosauqua Way, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bulk, from the plantsite of Hallett Minerals Co. at Burnett, Minn., to the port of entry on the international boundary line between the United States and Canada at International Falls, Minn., for 150 days. NOTE: Applicant requested the Ontario Highway Transport Board, Toronto, Canada, to grant it authority for continued service from the United States port of entry at Fort Francis, Ontario, to Atikokan, Ontario. Supporting shipper: Hallett Minerals Co., Post Office Box 7024, Duluth, Minn. 55807. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111545 (Sub-No. 118 TA), filed March 10, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, mounted on wheeled undercarriages and *trailers* designed to be drawn by passenger automobiles; from South Hill, Va., to points in North Carolina, Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Pennsylvania, Maryland, the District of Columbia, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont, for 180 days. Supporting shipper: Magnolia Homes of Virginia, Highway 56 East, Post Office Box 127, South Hill, Va. 23970. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111812 (Sub-No. 376 TA), filed March 7, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, 405½ East Eighth Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical products* described as deodorants, germicides, cleaning compounds, and related articles (except in bulk), from Madison, S. Dak., to Los Angeles and San Francisco, Calif.; Salt Lake City, Utah; New York, Rochester, Syracuse, and Buffalo, N.Y.; Linden, N.J.; Boston, Mass.; Landover, Md.; Cleveland and Toledo, Ohio; Pittsburgh and Philadelphia, Pa.; for 180 days. Supporting shipper: Midlands Chemical Corp., 821 First Street SW., Madison, S. Dak. 57042, Thomas G. Leckey, Executive Vice President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 114273 (Sub-No. 38 TA), filed March 7, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Cedar Rapids, Iowa 52404. Applicant's representative: Robert E. Konchar, 2720 First Avenue NE., Cedar Rapids, Iowa 52492. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and commodities injurious or contaminating to other lading; between Waterloo, Iowa, on the one hand, and on the other, the junction of U.S. Highways 30 and 218; from Waterloo over U.S. Highway 218 to the junction of U.S. Highways 218 and 30, and return over the same route; between Waterloo, Iowa, and Marshalltown, Iowa, serving all intermediate points; from Waterloo, over U.S. Highway 63 to junction Iowa Highway 58; thence over Iowa Highway 58 to Grundy Center, Iowa; thence over Iowa Highway 14 to Marshalltown, and return over the same route, for 180 days. NOTE: Applicant intends to tack with MC 21170 in its entirety where practical. Supporting shippers: Mid Equipment Corp., Grundy Center, Iowa; Frederick Furniture, Inc., 703 G Avenue, Grundy Center, Iowa; Clay Equipment, Inc., Cedar Falls, Iowa; Plastronics, Inc., Grundy Center, Iowa; Ritchie Manufacturing, Conrad, Iowa; Acco Seed Division of Anderson-Clayton Co., Conrad, Iowa. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 117439 (Sub-No. 36 TA), filed March 10, 1969. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, P.O. Box 3036, Baton Rouge, La. 70821, 617 North Boulevard, Baton Rouge, La. 70802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sandblasting grit*, in bulk, and in bags or other containers, from Mobile, Ala., to the facilities of F. B. Walker & Son Shipyard, and Graham Boatyard, Pascagoula, Miss., Runyan Ship Repair, Pensacola, Fla., Avondale Shipyard, Avondale, La., and Harvey, La., Boland Machine & Manufacturing Co., New Orleans, La., for 180 days. Supporting shipper: Mineral Aggregates, Inc., Post Office Box 14258, Tampa, Fla. Send protest to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 119531 (Sub-No. 110 TA), filed March 11, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Gurnee, Ill., to Indianapolis, Ind., for 180 days. Supporting shipper: Liqui-Box Corp., 1300 Corrugated Way, Columbus, Ohio 43203. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 124174 (Sub-No. 68 TA), filed March 11, 1969. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glue stock hide trimmings*, from Pennacook, N.H., to Gowanda, N.Y., for 180 days. Supporting shipper: Peter Cooper Corporations, Gowanda, N.Y. 14070. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124807 (Sub-No. 9 TA), filed March 12, 1969. Applicant: JACK LINK TRUCK LINE, INC., Dyersville, Iowa 52040. Applicant's representative: John J. Goen, Dyersville, Iowa 52040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Dubuque, Iowa, to Omaha, Nebr., for 180 days. Supporting shipper: Sugar Creek Foods, 450 East Illinois Street, Chicago, Ill. 60611. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 128930 (Sub-No. 1 TA), filed March 11, 1969. Applicant: HOSEPH V. HEENAN, doing business as HEENAN TRUCKING COMPANY, 9 Second Street, Tidioute, Pa. 16351. Applicant's representative: Norman Stark, 615 Masonic Building, Erie, Pa. 16501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel trusses, steel weldments, and steel girders*, from Corry, Pa., to Freehold, N.J., for 120 days. Supporting shipper: Rogers Structural Steel Co., 256 Eagle Street, Box 68, Corry, Pa. 16407. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 129537 (Sub-No. 4 TA), filed March 10, 1969. Applicant: OLIVER W. REEVES AND BOBBY G. REEVES, doing business as REEVES TRANSPORTATION, 5144 West Idlewild, Tampa, Fla. 33614. Applicant's representative: John C. Vogt, Jr., 707 Florida Avenue, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs;* (1) from points

in Carroll, Troupe, and Muscogee Counties, Ga., to points in Sarasota, Hillsborough, Pinellas, Manatee, Polk, Pasco, Brevard, Orange, Dade, Broward, Palm Beach, Volusia, Indian River, Seminole, St. Lucie, Martin, Charlotte, Lee, and Collier Counties, Fla.; (2) from points in Floyd, Bartow, Chattooga, Gordon, Whitfield, Murray, Catoosa, Walker, Carroll, Troupe, and Muscogee Counties, Ga., to points in Volusia, Seminole, Indian River, St. Lucie, Martin, Charlotte, Lee, and Collier Counties, Fla.; (3) from points in Floyd, Bartow, Chattooga, Gordon, Whitfield, Catoosa, and Walker Counties, Ga. (except Dalton, Rome, Calhoun, and Cartersville, Ga.), to points in Hillsborough and Pinellas Counties, Fla., and return of all rejected and returned goods from said counties in Florida to said counties in Georgia, for 180 days. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 129998 (Sub-No. 3 TA), filed March 7, 1969. Applicant: HARLEY R. WILLIS AND JOHN H. WILLIS, a partnership, doing business as JOHNNY'S AUTO TRANSPORTERS, Portland, Oreg. 97217. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in towaway and driveaway service, for the account of General Motors Acceptance Corp., between points in the United States, on the one hand, and, on the other, points in Oregon, Washington, Idaho, and Montana, and between points in Oregon, Washington, Idaho, and Montana, for 180 days. Supporting shippers: General Motors Acceptance Corp., 426 West Boone Avenue, Spokane, Wash. 99201; General Motors Acceptance Corp., 205 Sixth Avenue North, Seattle, Wash. 98109; General Motors Acceptance Corp., 311 Lloyd Plaza, 1425 Northeast Irving Street, Portland, Oreg. 97232. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

MOTOR CARRIER OF PASSENGERS

No. MC 99891 (Sub-No. 9 TA) (Correction), filed February 7, 1969, published FEDERAL REGISTER, issue of February 15, 1969, and republished as corrected this issue. Applicant: HENRY LIENHARD, doing business as ARROW COACH LINE, 2715 West 10th Street, Little Rock, Ark. 72204. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers, baggage, newspapers, light express, from Natchez, Miss., over unnumbered road to Mississippi Highway 33, thence over Mississippi Highway 33 to Centreville, Miss., thence Mississippi Highways 24 and 48 to McComb, Miss., and return serving all intermediate points, for 180 days. NOTE: Applicant intends to tack with MC 99891 and interline with Continental and Greyhound at Natchez, Miss., and Greyhound at McComb, Miss. The purpose of this republication is to include tacking and interlining information, which was inadvertently omitted in previous publication. Supporting shippers: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William H. Land, Jr., District Supervisor, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3339; Filed, Mar. 19, 1969; 8:48 a.m.]

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Title 3—THE PRESIDENT

Proclamation 3902

NATIONAL MARITIME DAY, 1969

By the President of the United States of America

A Proclamation

The American Merchant Marine must project the Nation's economic strength throughout the world in peacetime and give mobility to our national defense in times of emergency. Its vessels must enable us to compete effectively in international trade and to transport and supply our Armed Forces in defense of freedom.

Through the cooperation of business, labor, and Government, and with prudent use of advancing technology, the American Merchant Marine must become capable of providing modern, productive service to the Nation's commerce as an integral part of transportation.

A strong and profitable merchant fleet is vital to America's economic welfare and defense capability. The American flag on merchant vessels on the high seas and in foreign ports is a symbol of our Nation's dedication to peaceful trade throughout the world.

To remind Americans of the important role the Merchant Marine plays in our national life, the Congress in 1933 designated the anniversary of the first transatlantic voyage by a steamship, the SS *Savannah*, on May 22, 1819, as National Maritime Day, and requested the President to issue a proclamation annually in observance of that day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby urge the people of the United States to honor our American Merchant Marine on May 22, 1969, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day in tribute to the American Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-3455; Filed, Mar. 19, 1969; 4:21 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Subpart—1968 and 1969 Upland Cotton Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the Upland Cotton Program for the 1968 and 1969 crops of cotton, 33 F.R. 6701 and 34 F.R. 1225 are hereby further amended as follows:

§ 722.804 [Amended]

1. Section 722.804(c)(2) is amended by changing the last sentence thereof to read as follows: "For purposes of the foregoing sentence, the following shall apply for 1969: (i) Any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child, or grandchild shall be considered a producer with an interest in the trust land for purposes of this subparagraph if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land; (ii) when the State committee, or the county committee with the approval of the State committee, determines that a corporation or trust was formed, modified, or used for the purpose of circumventing the provisions of this subparagraph, the corporation and any stockholder of the corporation, or the trust and any beneficiary of the trust, shall be considered as the same producer and fully responsible for the actions of the corporation or trust or of any stockholder or beneficiary of the corporation or trust; (iii) different corporations or trusts or estates having common stockholders or beneficiaries with a combined majority interest shall be considered as the same producer."

§ 722.812 [Amended]

2. Section 722.812(e) is amended by changing the first sentence thereof to read as follows: "The operator may, upon approval of the county committee, withdraw Form 378 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Parts 718 and 791 of this chapter, as amended."

3. Section 722.825 is amended by changing paragraph (d) to read as follows:

§ 722.825 Changes effective for 1969.

* * * * * * *

(d) *Advance payment.* The total advance payment to be made on a farm pursuant to the provisions of § 722.813 shall be one-half the total small farm payment. Each producer's share of the advance payment for the farm shall be obtained by multiplying his percentage share of the small farm payment by the total advance payment for the farm.

(Sec. 103(d), 79 Stat. 1194, 7 U.S.C. 1444(d); sec. 346(e), 79 Stat. 1192; 7 U.S.C. 1346(e))

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 17, 1969.

CARROLL BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3401; Filed, Mar. 20, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 62, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. In § 905.512 Orange Reg. 62; 33 F.R. 18227; 34 F.R. 246, 925, 5374), the provisions of paragraph (a)(2)(vi) are amended to read as follows:

§ 905.512 Orange Regulation 62.

(a) * * *

(2) * * *

(vi) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 18, 1969, to become effective March 21, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3380; Filed, Mar. 20, 1969; 8:47 a.m.]

[980.107, Amdt. 1]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

a. *Findings.* Notice of rule making regarding a proposed amendment to § 980.107 *Onion import regulation* (33 F.R. 11642), was published in the March 11, 1969, issue of the FEDERAL REGISTER (34 F.R. 5077). This regulation is effective under section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Interested persons were afforded an opportunity to file data, views, or arguments in regard to the proposed amendment not later than 5 days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found that the proposal as published in the notice should be issued as hereinafter set forth. This regulation is subject to further amendment as domestic regulations are changed.

It is hereby further found that good cause exists for not postponing the effective date of this section beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by the section are mandatory under section 8e–1 of the act; (2) all known onion importers were notified of the proposed regulation; (3) notice hereof was published in the March 11, 1969, FEDERAL REGISTER (34 F.R. 5077), and such notice is determined to be reasonable.

b. In § 980.107 *Onion import regulation* (33 F.R. 11642), delete the introduc-

tory paragraph and paragraphs (a) and (h) and substitute the following new introductory paragraph and new paragraphs (a), (h), and (i), with paragraph (b) republished for information:

§ 980.107 Onion import regulation.

Pursuant to section 608e–1 of the Act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 24, 1969, and continuing through June 15, 1969, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) Minimum grade and size requirements: (1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) Condition: Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the requirements of this section.

* * * * *

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality and maturity effective for onions grown in South Texas.

(i) Definitions: For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), United States Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title) or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 18, 1969, to become effective March 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3429; Filed, Mar. 20, 1969; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings and determinations are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued February 10, 1969, and the decision of the Under Secretary containing all amendment provisions of this order was issued March 7, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Neosho Valley and Oklahoma Metropolitan marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended as follows:

1. In § 1106.7, paragraph (c) is revised to read as follows:

§ 1106.7 Distributing plant.

* * * * *

(c) Which receives milk from dairy farmers who would be producers if such plant qualified as a pool plant, or Grade A milk in bulk from other pool plants, and disposes of fluid milk products on routes in the marketing area.

2. Section 1106.8 is revised to read as follows:

§ 1106.8 Supply plant.

"Supply plant" means a plant that receives milk from dairy farmers who would be producers if such plant qualified as a pool plant and from which fluid milk products are shipped to a distributing plant.

3. In § 1106.9, paragraphs (a) and (b) are revised to read as follows:

§ 1106.9 Pool plant.

* * * * *

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 1106.61) from which the following percentages of the receipts described in § 1106.7(c) are disposed of during the month as follows:

(1) 50 percent as Class I milk in the form of fluid milk products; and

(2) 5 percent as fluid milk products on routes in the marketing area.

(b) A supply plant from which an amount equal to 50 percent of the receipts described in § 1106.8 is shipped during the month as fluid milk products to a plant described in paragraph (a) of this section. Any supply plant that qualifies as a pool plant during each of the months of September through December shall be a pool plant for the following months of January through August except that, if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

* * * * *

4. In § 1106.51(b), the introductory text preceding the proviso therein is revised to read as follows:

§ 1106.51 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the average price for milk for manufacturing purposes, f.o.b. plants, United States as reported by the Department on a preliminary basis for the month, adjusted to 3.5 percent butterfat by the Class II butterfat differential specified in § 1106.52(b): * * *

5. A new § 1106.63 is added to read as follows:

§ 1106.63 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products (including diverted milk) disposed of by a handler to such agencies shall be classified as Class I milk.

In § 1071.51, paragraph (b) is revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1969.

Signed at Washington, D.C., on March 18, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–3381; Filed, Mar. 20, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 195a—CONFIGURATION MANAGEMENT IMPLEMENTATION GUIDANCE

Configuration Identification

The following amendment to Part 195a was approved January 29, 1969: § 195a.4(a) and footnotes 1, 2, and 3 have been revised as follows:

§ 195a.4 Configuration identification.

(a) *Functional Configuration Identification (FCI).* This identification, once established, shall serve throughout a CI's life cycle as a description of its required functional characteristics. These characteristics shall be consistent with the program approved for the CI and the Technical Development Plan (DoD Instruction 3200.6, "Reporting of Research, Development and Engineering Program Information," June 7, 1962)[1] or DD Form 1634 (DoD Instruction 7720.16, "Research and Development Planning Summary (DD Form 1634) for Research and Development Program Planning Review," December 10, 1968)[1] upon which the approval is based. The FCI shall be documented by a performance oriented specification, prepared in accordance with MIL–STD–490, "Specification Practices".[2] This specification may call out product configuration identification documentation for selected items, such as a privately developed item, or an item already in the inventory, when they will be part of the CI.

* * * * *

[1] Filed as part of original. Copies available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

[2] Available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

[3] Available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69–3358; Filed, Mar. 20, 1969; 8:45 a.m.]

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising From Activities of Military or Civilian Personnel or Incident to Noncombat Activities

1. In § 536.14(c), subparagraph (2) is revised; § 536.15 is revised; and § 536.16 (a) is revised, as follows:

§ 536.14 Claims payable.

* * * * *

(c) *Property.* * * *

(2) Personal property bailed to the Government under an agreement, express or implied, unless the owner has expressly assumed the risk of damage or loss. All claims for loss of personal property while such property was bailed to a U.S. Army Quartermaster laundry are within the scope of, and will be settled under, §§ 536.12–536.24b.

* * * * *

§ 536.15 Claims not payable.

A claim is not allowable under §§ 536.12–536.24b which—

(a) Results directly or indirectly from action by the enemy, or by U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict;

(b) Is for personal injury or death of a member of the Armed Forces of the United States or a civilian employee incurred incident to his service;

(c) Falls under—

(1) The Federal Employees' Compensation Act (5 U.S.C. 8101–8150) which is an exclusive remedy against the United States; or

(2) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901), or other workmen's compensation laws or regulations, including local law or custom, in cases where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee. If, in the opinion of an approving or settlement authority, the claim should be considered payable, e.g., the injuries did not result from a normal risk of employment or adequate compensation is not payable under workmen's compensation laws, the file will be forwarded with recommendations through claims channels to the Chief, U.S. Army Claims Service, who may authorize payment of an appropriate award. The Chief, U.S. Army Claims Service, also may specify that all or any part of any compensation received by the claimant from workmen's compensation sources as above will be deducted from the award to claimant. The claim of an insurance carrier subrogee who has received premiums paid directly or indirectly by the United States on behalf of the injured employee, however, is not allowable.

(d) Arises in a foreign country and was presented by the claimant to the authorities of a foreign country and final action taken thereon under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Administrative Agreement, or other similar treaty or agreement;

(e) Is purely contractual in nature;

(f) Arises from private as distinguished from Government transactions;

(g) Is based solely on compassionate grounds;

(h) Is for patent or copyright infringement;

(i) Is for war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family, such as articles acquired to be disposed of as

gifts or by sale or other commercial transaction to another, voluntarily bailed to agencies of the Department of the Army. The preceding sentence is not applicable to claims involving registered or insured mail. No allowance will be made for any item when evidence indicates that the acquisition, possession, or transportation thereof was in violation of Department of the Army or command directives;

(j) Is for precious jewels and other articles of extraordinary value, voluntarily bailed to agencies of the Department of the Army. This paragraph is not applicable to claims involving registered or insured mail;

(k) Arises from the operations of a nonappropriated fund activity, unless generated by military personnel performing assigned duties (see sec. III, AR 27–20, and AR 230–8).

(l) Is based upon an act or omission of military personnel or a civilian employee, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or in the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty, whether or not the discretion is abused;

(m) Is cognizable under the Suits in Admiralty Act (41 Stat. 525–528, 46 U.S.C. 741–752), or the Public Vessels Act (43 Stat. 1112, 1113, 46 U.S.C. 781–790);

(n) Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(o) Is for rent, damage, or other payments involving the acquisition, use, possession, or disposition of real property or interests therein by and for the Department of the Army, except as authorized by § 536.14(c)(1). Real estate claims founded upon contracts are processed under the provisions of § 552.16 of this chapter.

(p) Is for taking of private property by trespass as by a taking implied under local law resulting from the flight of aircraft (see § 552.16(b)(3) of this chapter). Actual physical damage is required. Claims for technical trespass, overflight of aircraft, or a taking of a type contemplated by the Fifth Amendment to the U.S. Constitution are not payable under §§ 536.12–536.24b;

(q) Is for damages caused by the fiscal operations of the Department of the Treasury or by the regulation of the monetary system;

(r) Is for damages caused by the imposition or establishment of a quarantine by the United States;

(s) Is not in the best interests of the United States, is contrary to public policy, or otherwise contrary to basic intent of the governing statute (10 U.S.C. 2733); e.g., claims by inhabitants of unfriendly foreign countries or by individuals considered to be unfriendly to the United States. When a claim is considered to be not payable for the reasons stated in this paragraph, it will be forwarded for appropriate action to the Chief, U.S. Army Claims Service, together with the recommendations of the settlement authority;

(t) Is for damage caused from or by floods or flood waters. See the Act of May 15, 1928 (45 Stat. 535, 33 U.S.C. 702c).

§ 536.16 Claims under other laws and regulations.

(a) Claims within the scope of §§ 536.12–536.24b which are also cognizable under § 536.26, § 536.27, § 536.29, or § 536.45 will be considered initially under the latter sections.

* * * * *

2. Sections 536.21 (a) and (b), 536.23, and 536.24a(b)(1) are revised to read as follows:

§ 536.21 Law applicable.

(a) As to claims arising in the United States, its territories, commonwealths, and possessions, the law of the place where the act or omission occurred will be applied in determining liability and the effect of contributary negligence on claimant's right to recover damages. The principle of absolute liability is not applicable to claims cognizable under this statute and §§ 536.12–536.24b even though prescribed by local law.

(b) In claims arising in a foreign country, liability normally will be determined in accordance with general principles of American law as stated in standard legal publications, except as it applies to absolute liability. The law of the place where the act or omission occurred will be applied in determining the effect of claimant's negligence on his right to recover damages. Where applicable, rules of the road and similar locally prescribed standards of care will be followed in determining fault.

* * * * *

§ 536.23 Delegation of authority.

(a) *Settlement authority.* (1) Subject to appeal to the Secretary of the Army, The Judge Advocate General, and The Assistant Judge Advocate General are delegated authority to pay up to $5,000 in settlement of claims, and is disapprove claims regardless of amount claimed.

(2) Subject to appeal to the Secretary of the Army as to claims in excess of $2,500 or to The Judge Advocate General or The Assistant Judge Advocate General as to claims of $2,500 or less, and subject to such limitations as may be imposed by The Judge Advocate General, the Chief, U.S. Army Claims Service, and all officers of The Judge Advocate General's Corps assigned to the U.S. Army Claims Service, subject to such limitations as may be imposed by the Chief of that Service, are delegated authority to pay up to $2,500 in settlement of claims, and to disapprove claims regardless of the amount claimed.

(3) Subject to such limitations as may be imposed by The Judge Advocate General and appeal to the Chief, U.S. Army Claims Service, the commander or the staff judge advocate of each of the commands listed in subdivisions (i)–(ix) of this subparagraph is delegated authority to approve and pay in full, or in part, or disapprove, claims presented for $2,500 or less; and to pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(i) Each of the numbered armies within the continental United States.

(ii) Military District of Washington, U.S. Army.

(iii) U.S. Army Forces Southern Command.

(iv) U.S. Army, Alaska.

(v) U.S. Army, Pacific.

(vi) U.S. Army, Europe.

(vii) U.S. Army, Vietnam.

(viii) U.S. Army, Ryukyu Islands.

(ix) Eighth U.S. Army, Korea.

(4) Subject to appeal to the Chief, U.S. Army Claims Service, and such limitations as may be imposed by the staff judge advocate of the command, the chief of a command claims service is delegated authority to approve and pay in full, or in part, or disapprove, claims presented for $2,500 or less; and to pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(b) *Approving authority.* (1) Each of the following is delegated authority to:

(i) Approve and pay in full, or in part, claims presented for $2,500 or less.

(ii) Pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(a) The commander or staff judge advocate of any command authorized to exercise general courts-martial jurisdiction.

(b) An officer of the Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the Chief, U.S. Army Claims Service, or the commander of a command listed in § 536.4a, subject to such limitations as the designating authority may prescribe.

(c) Officers of the Judge Advocate General's Corps assigned to the U.S. Claims Office, France, subject to such limitations as the Commanding Officer, U.S. Claims Office, France, may prescribe.

(d) Officers of the Judge Advocate General's Corps assigned to the U.S. Army Claims Service, Europe, subject to such limitations as the Chief, U.S. Army Claims Service, Europe, may prescribe.

(e) Officers of the Judge Advocate General's Corps assigned to the U.S. Armed Forces Claims Service, Korea, subject to limitations as the Chief, U.S. Armed Forces Claims Service, Korea, may prescribe.

(f) The claims judge advocate of any command authorized to exercise general courts-martial jurisdiction, subject to such restrictions as may be imposed by the command staff judge advocate.

(2) Subject to appeal to the Chief, U.S. Army Claims Service, each of the following is delegated authority to:

(i) Approve and pay in full, or in part, claims presented for $1,000 or less, and

(ii) Pay claims regardless of the amount claimed, provided an award of $1,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(a) The commanding officer of a command not authorized to exercise general courts-martial jurisdiction, but having a judge advocate assigned to his staff, or his judge advocate.

(b) A district or division engineer, Corps of Engineers, or the Chief of Engineers.

(c) *Special delegation of authority.* The Judge Advocate General may delegate claims settlement authority, paragraph (a) of this section, or claims approving authority, paragraph (b) of this section, to other authorities where the need for such authority can be demonstrated. Requests for delegation of authority will be forwarded through command channels to The Judge Advocate General, Attention: Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, with justification and recommendations.

§ 536.24a Settlement procedures.

* * * * *

(b) *Action by a settlement authority.*—(1) *Disapproval of a claim.* The disapproval of a claim, in whole or in part, is final unless the claimant appeals in writing. If the claim is in excess of $2,500, the appeal is to the Secretary of the Army. Claims of $2,500 or less which are disapproved at the U.S. Army Claims Service will be appealed to The Judge Advocate General or The Assistant Judge Advocate General. Claims of $2,500 or less which are disapproved by field settlement authorities will be appealed to the Chief, U.S. Army Claims Service. Upon disapproval of a claim, in whole or in part, the settlement authority will notify the claimant in writing of the action taken and reason therefor. The letter of notification will inform the claimant that—

(i) He may appeal and it will indicate the authority to whom the appeal should be addressed.

(ii) No form is prescribed for an appeal but it must be forwarded through the authority disapproving the claim.

(iii) The ground for appeal should be set forth fully.

(iv) The appeal must be submitted within 30 days of receipt by the claimant of notice of action on his claim. An appeal will be considered timely if postmarked within 30 days after receipt by the claimant of such notification. For good cause shown, the Chief, U.S. Army Claims Service, may extend the time for appeal.

* * * * *

(AR 27–21, Jan. 27, 1969) (Secs. 3012, 2733, 70A Stat. 157, 153; 10 U.S.C. 3012, 2733)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69–3357; Filed, Mar. 20, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1494]

PART 13—PROHIBITED TRADE PRACTICES

Elgin National Watch Co.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary; 13.155–60 List or catalog as regular selling. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception:* 13.1055–50 Preticketing merchandise misleadingly. Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Elgin National Watch Co., Elgin, Ill., Docket C–1494, Feb. 20, 1969]

Consent order requiring a watch manufacturer in Elgin, Ill., to cease making fictitious pricing claims in the sale of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Elgin National Watch Co., a corporation, trading as Helbros Watches or under any other trade name or names, and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of watches or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, by preticketing, list price schedules, catalog inserts or in any other manner, that any amount is the retail selling price of any product, unless said amount is respondent's good faith estimate of the said product's actual retail selling price and said amount does not appreciably exceed the highest price at which substantial sales of said product are made in respondent's trade area.

2. Misrepresenting, in any manner, the prices at which respondent's products are sold at retail.

3. Placing in the hands of catalog houses, retailers, dealers, or others, the means or instrumentalities by or through which they may mislead or deceive the purchasing public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: February 20, 1969.

By the Commisison.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–3371; Filed, Mar. 20, 1969; 8:46 a.m.]

[Docket No. C–1493]

PART 13—PROHIBITED TRADE PRACTICES

Federal Construction Co., Inc., and H. Harold Becko

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–30 Connections or arrangements with others; § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–33 Demonstration reduction; 13.155–70 Percentage savings; 13.155–100 Usual as reduced, special, etc.; § 13.170 *Qualities or properties of product or service:* 13.170–30 Durability or permanence; § 13.240 *Special or limited offers.* Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1395 *Connections and arrangements with others;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1663, *Individual's special selection or situation;* § 13.1710 *Qualities or properties;* § 13.1747 *Special or limited offers;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1800 *Demonstration reductions;* § 13.1817 *Reductions for prospect referrals;* § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.* Subpart—Securing orders by deception: § 13.2175 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Federal Construction Co., Inc., et al., Tulsa, Okla., Docket C–1493, Feb. 20, 1969]

Consent order requiring a Tulsa, Okla., home improvement company to cease using bait advertising, false pricing and savings claims, deceptive guarantees, falsely alleging connection with manufacturers, failing to disclose all terms of its sales contracts, and other deceptive sales practices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Federal Construction Co., Inc., a corporation, and its officers, and H. Harold Becko, individually and as an officer of said corporation, trading under said corporate name or under any trade name or names, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution or installation of residential siding materials or other home improve-

ment products or services or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of any merchandise or services.

2. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale, either before or after a contract has been signed for the purchase of such merchandise or services.

4. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Representing, directly or by implication, that respondents' offer of products is limited as to time, or is limited in any other manner: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any represented limitation as to time or other represented restrictions is actually imposed and in good faith adhered to by respondents.

6. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, that any savings or a stated amount of savings are available to purchasers.

7. Representing, directly or by implication, that purchasers of respondents' residential siding materials will realize a 30 percent savings or any other percentage or amount of savings in their air-conditioning or heating bills: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that each such purchaser in fact realized the represented savings.

8. Representing, directly or by implication, that residential siding materials sold by respondents will never require painting or repairing; or misrepresenting, in any manner, the durability, performance or quality of respondents' products.

9. Representing, directly or by implication, that any of respondents' products or installations are guaranteed unless the nature, extent, and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

10. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been specially selected as a model home to be used or will be used as a model home, or otherwise, for advertising, demonstration or sales purposes.

11. Representing, directly or by implication, that any allowance, discount or commission is granted by respondents to purchasers in return for permitting the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

12. Representing, directly or by implication, that purchasers are able to obtain respondents' products at little or no cost as a result of the receipt of commissions or compensation from referrals.

13. Falsely representing that purchasers will receive referral commissions or misrepresenting in any manner the amount of referral commissions that purchasers will receive.

14. Representing, directly or by implication, that respondents are connected or affiliated with Kaiser Aluminum and Chemical Corp. or U.S. Steel Corp., or misrepresenting, in any manner, the identity of the manufacturer or the source of any of respondents' products or the respondents' business connections or affiliations.

15. Inducing or causing purchasers or prospective purchasers of respondents' merchandise to sign blank or partially completed sale contracts, or any other instruments.

16. Failing or refusing to disclose the exact amount of the total purchase price of merchandise, including all interests, credit or service charges, at the time the contract for the sale of such merchandise is executed by the purchaser or purchasers.

17. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 20, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3372; Filed, Mar. 20, 1969; 8:46 a.m.]

[Docket No. C-1492]

PART 13—PROHIBITED TRADE PRACTICES

Weatherhead Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination under 2(a): § 13.700 *Arbitrary or improper functional discounts;* § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

[Cease and desist order, The Weatherhead Co., Cleveland, Ohio, Docket C-1492, Feb. 20, 1969]

Consent order requiring a Cleveland, Ohio, manufacturer of industrial fittings and regulators of fluid power products to cease discriminating in price between competing resellers and distributors of certain of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent, The Weatherhead Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in or in connection with the sale and distribution of brass Inverted, Compression, S.A.E., Mini-Barb, Pipe, Self-Align, Knurl-On, Sermeto and Air Brake Fittings; Auto and Industrial valves; steel and stainless steel Ermeto, J.I.C. and Pipe fittings, Reusable Hose Ends, Swivel Adapters, Swage Ends, Bulk Hose and other industrial fittings or products having the same or similar application or use, in commerce, as "commerce" is defined in the amended Clayton Act do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to some purchasers at net prices higher than net prices charged any other purchaser who, in fact, competes in the resale and distribution of such products with the purchasers paying the higher net prices: *Provided, however,* That nothing herein shall be construed to prohibit the respondent from selling to industrial distributors on uniform terms and conditions of sale disclosed and made available to all such distributors, who in fact compete in the resale and distribution thereof, products not regularly maintained by such distributors in inventory if such products are custom made, custom fabricated or custom assembled from components to substantially conform to the specifications or requirements of the user-purchaser.

It is further ordered, That if respondent at any time after the effective date of this order utilizes a discount program in connection with its sale of industrial fittings or products having the same or similar application or use it shall affirmatively notify all purchasers engaged in the resale and distribution of those products in writing of the details, including available discounts, of any such discount program.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: February 20, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3373; Filed, Mar. 20, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9468; Amdt. 641]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Anson VHF Int	Gustavus LFR	Direct	2700	T-dn*	300-1	300-1	300-1½
				T-dn-1*	700-2	700-2	700-2
				C-dn*	700-2	700-2	700-2
				S-dn-#10	600-2	600-2	600-2
				A-dn	NA	NA	NA

Shuttle descent to 3600′ in 1-minute holding pattern, right turns, 286° Outbnd, 106° Inbnd. Shuttle descent below 3600′ not authorized, procedure turn required.
Procedure turn W side of crs 286° Outbnd, 106° Inbnd, 2700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1600′.#
Crs and distance, facility to airport, 106°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing GST LFR, climb to 4500′ on SE crs, GST LFR within 20 miles, or when directed by ATC, turn right, climb to 3000′ on NW crs, GST LFR within 10 miles.
NOTE: Use Juneau remote altimeter, no control zone, weather observations not available.
*Turn right after takeoff.
#Descent to 800′ authorized after passing GAV RBn. Maneuvering N through E of airport not authorized, terrain to 3000′ 4.8 miles NE of airport, 4000′ 6.1 miles NE of approach crs and 5.7 miles NW LFR. Mountainous terrain all quadrants.
MSA within 25 miles of facility: NE—7300′; SE—5500′; SW—6500′; NW—8000′.

City, Gustavus; State, Alaska; Airport name, Gustavus; Elev., 30′; Fac. Class., SBRAZ; Ident., GST; Procedure No. LFR 1, Amdt. 12; Eff. date, 10 Apr. 69; Sup. Amdt. No. 11; Dated, 24 Oct. 64

Homer VOR	Homer LFR	Direct	2700	T-dn	400-1	400-1	400-1
				C-dn*	800-1	800-1	800-1½
				A-dn*	800-2	800-2	800-2

Procedure turn S side W crs, 241° Outbnd, 061° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility missed approach point, 090°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing HH LFR, turn right, climb to 2500′ on W crs (241° Outbnd) within 20 miles.
CAUTION: Terrain within 1 mile N and W rising to 1000′ and continuing to rise to 1600′ within 4 miles. All maneuvers to be conducted SE of airport. Turn right after takeoff Runway 3, turn left after takeoff Runway 21.
*When control zone not effective/altimeter not available the following applies: (A) Use Kenai altimeter setting. (B) Ceiling minimums raised to 800′. (C) Alternate minimums not authorized.

City, Homer; State, Alaska; Airport name, Homer Municipal; Elev., 78′; Fac. Class., SBRAZ; Ident., HH; Procedure No. LFR 1, Amdt. 15; Eff. date, 10 Apr. 69; Sup. Amdt. No. 14; Dated, 2 Nov. 63

				T-dn	200-1	200-1	200-1
				C-dn*	800-1	800-1	800-1½
				S-dn	NA	NA	NA
				A-dn*	900-2	800-2	900-2

Procedure turn E side of crs, 127° Outbnd, 307° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 142°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MHM LFR, turn left, climb to 2100′ on SE crs, 127° Outbnd within 15 miles.
NOTE: This procedure not authorized for ADF approach.
*When control zone not effective/altimeter not available the following applies: (A) Use McGrath altimeter setting. (B) Ceiling and visibility minimums, all aircraft raised to 1300-2. (C) Alternate minimums not authorized.

City, Minchumina; State, Alaska; Airport name, Minchumina; Elev., 664′; Fac. Class., BMRL; Ident., MHM; Procedure No. LFR 1, Amdt. 6; Eff. date, 10 Apr. 69; Sup. Amdt. No. 5; Dated, 18 July 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Transition / **Ceiling and visibility minimums**			
MOS VOR	MO LFR	Direct	2700	T-dn*	300-1	300-1	200-½
				C-dn*	900-1	900-1	900-1½
				A-dn	NA	NA	NA

*Proceed outbnd on E crs not below 2700′ for 8 miles before starting descent to procedure turn altitude.
Procedure turn S side of E crs, 066° Outbnd, 246° Inbnd, 1700′ within 15 miles.
Minimum altitude on final approach crs, 914′; descend to 914′ immediately after completion of procedure turn.
Crs and distance, facility to airport, 087°—2.6 miles.
If visual contact not established upon descent to 914′, turn left, climb to 3000′ on E crs of the MO LFR within 15 miles. VFR flight required from missed approach point to airport.
NOTES: (1) ADF approach not authorized. (2) Final approach from holding pattern at MO LFR not authorized. Procedure turn required.
CAUTION: Terrain 1706′, 3 miles NW, and 975′, 2.2 miles W rising to 1360′, 3 miles W of MO LFR. No maneuvering authorized N through SW of MO LFR.
*No control zone. Weather observations not available, use Nome altimeter settings.
MSA within 25 miles of facility: NE—4000′; SE—2000′; SW—3200′; NW—4300′.

City, Moses Point; State, Alaska; Airport name, Moses Point; Elev., 14′; Fac. Class., BMRLZ; Ident., MO; Procedure No. LFR-1, Amdt. 10; Eff. date, 10 Apr. 69; Sup. Amdt. No. 9; Dated, 16 Dec. 67

				Transition / **Ceiling and visibility minimums**			
				T-dn	300-1	300-1	300-1
				C-dn	1000-3	1000-3	1000-3
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn S side SW crs, 214° Outbnd, 034° Inbnd, 1500′ within 10 miles SW Cape Suckling Int.
Minimum altitude over facility on final approach crs, None.* Minimum altitude over Cape Suckling Int Inbnd on final approach, 1500′.
Crs and distance, facility to airport, 146—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Cape Suckling Int, turn right, climb to 1500′ on the SW crs (214°) to Cape Suckling Int. Hold SW of Cape Suckling, 034° Inbnd, 1-minute right turns.
NOTES: (1) VFR flight required from missed approach point to airport. (2) No maneuvering approved NW through E of airport. (3) Use Yakutat altimeter, no control zone, weather observations not available.
CAUTION: High mountain range N through NE to ESE of airport. Terrain 2258′, 3 miles E of airport.
*Initial approach to Yakataga LFR not authorized. Initial approach authorized to Cape Suckling Int at MEA.
MSA within 25 miles of facility: N—13,000′; E—10,500′; S—2000′; W—12,300′.

City, Yakataga; State, Alaska; Airport name, Yakataga; Elev., 12′; Fac. Class., BMRL; Ident., CYT; Procedure No. LFR 1, Amdt. 11; Eff. date, 10 Apr. 69; Sup. Amdt. No. 10 Dated, 26 Dec. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Transition / **Ceiling and visibility minimums**			
				T-dn-19%*	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn *S side of crs, 120° Outbnd, 300° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 086°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ANI RBN, turn left, climb to 2200′ on bearing 210° within 10 miles.
NOTES:
#Left turn required on takeoff Runway 28.
*All turns to be made on S side of crs. High terrain N.
%Departure: Northeastbound, climb on the 210° bearing of the ANI RBN within 15 miles, to cross the RBN at or above 3500′. Terrain 1000′, 2 miles N of ANI RBN. Terrain 667′, 3 miles W of ANI RBN.
When control zone not effective, minimums for all aircraft raised to 1000-2, alternate minimums not authorized, use Bethel altimeter setting.
MSA within 25 miles of facility: 000°–090°—4500′; 090°–180°—4700′; 180°–270°—3000′; 270°–360°—2700′.

City, Aniak; State, Alaska; Airport name, Aniak; Elev., 50′; Fac. Class., BHZ; Ident., ANI; Procedure No. ADF 1, Amdt. 2; Eff. date, 10 Apr. 69; Sup. Amdt. No. 1; Dated, 15 Oct. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB—Continued

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Transition / **Ceiling and visibility minimums**			
				T-dn	300-1	300-1	300-1½
				C-dn*	800-1	800-1	800-1½
				A-dn*	900-2	900-2	900-2

Shuttle to 2000′ on crs, 031° Outbnd, 211° Inbnd.
Procedure turn N side of crs, 031° Outbnd, 211° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 211°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 mile after passing FTO RBn, climb to 2000′ on crs, 211° from FTO RBn within 20 miles. *
CAUTION: Antenna 494′ MSL located on airport.
NOTE: Avoid flight below 300 feet above terrain between 4500′ and 5500′ from end of Runway 22.
*When control zone not effective/altimeter not available the following applies: (A) Use Fairbanks altimeter setting. (B) Ceiling and visibility minimums, all aircraft raised to 1100-2. (C) Alternate minimums not authorized.

City, Fort Yukon; State, Alaska; Airport name, Fort Yukon Municipal; Elev., 421′; Fac. Class., H; Ident., FTO; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 10 Apr. 69; Sup. Amdt. No. ADF 1, Orig.; Dated, 13 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Transition / **Ceiling and visibility minimums**			
				T-dn	300-1	300-1	200-½
				T-dn-1*	700-2	700-2	700-2
				C-dn	700-2	700-2	700-2
				S-dn-10#	600-2	800-2	800-2
				A-dn	NA	NA	NA

Shuttle descent to 3600′ in 1-minute holding pattern, right turns, 286° Outbnd, 106° Inbnd. Shuttle descent below 3600′ not authorized, procedure turn required.
Procedure turn W side of crs, 286° Outbnd, 106° Inbnd, 2700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over GAV RBn on final, 1100′; over GST LFR, 800′.
Crs and distance, facility to airport, 106°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GAV RBn, climb to 4300′ on 106° bearing GAV RBn within 20 miles, or when directed by ATC, within 3.9 miles after passing GAV RBn, turn right, climb to 3000′ on NW crs GST LFR within 10 miles.
NOTE: Use Juneau remote altimeter, no control zone, weather observations not available.
*Turn right after takeoff.
#Maneuvering N through E of airport not authorized, terrain to 3000′, 4.8 miles NE of airport, 4000′, 6.1 miles NE of approach crs, and 8.7 miles NW LFR. Mountainous terrain all quadrants.
MSA within 25 miles of facility: 000°–090°—7300′; 090°–180°—6900′; 180°–270°—6800′; 270°–360°—6900′.

City, Gustavus; State, Alaska; Airport name, Gustavus; Elev., 30′; Fac. Class., MHW; Ident., GAV; Procedure No. ADF 1, Amdt. 7; Eff. date, 10 Apr. 69; Sup. Amdt. No. 6; Dated, 19 Sept. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Transition / **Ceiling and visibility minimums**			
Rochelle Int	LOM (Final)	Direct	2000	T-dn	300-1	300-1	200-½
PLL VOR	LOM	Direct	2500	C-dn	800-1	800-1	800-1½
RFD VOR	LOM	Direct	2000	S-dn-36	800-1	800-1	800-1
Belvedere Int	LOM	Direct	2500	A-dn	900-2	900-2	900-2
JVL VOR	LOM	Direct	*2500				
Malta Int	LOM	Direct	2500				
Creston Int	Final approach crs	Via R 150°, RFD VOR.	3000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 002°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, make left-climbing turn to 2500′ and proceed direct to RFD VOR or, when directed by ATC, make left-climbing turn to 2000′ direct to LOM.
*2000′ after passing RFD VOR, R 090°.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2500′; 180°–270°—2300′; 270°–360°—2600′.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735′; Fac. Class., LOM; Ident., RF; Procedure No. NDB (ADF) Runway 36, Amdt. 9; Eff. date, 10 Apr. 69; Sup. Amdt. No. 8; Dated, 27 May 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Grimes Int	Tudor Int	ILA, R 086°	2000	T-dn	300-1	300-1	200-½
Marysville VOR	Tudor Int	MYV, R 173°	2000	C-dn°	500-1	500-1	500-1½
Tudor Int	Levee LOM (final)	Direct	1600	S-dn-16@	400-1	400-1	400-1
Newcastle Int	Tudor Int	ILA, R 086, SAC, R 342, lead radial.	3000 2000	A-dn	800-2	800-2	800-2
Sacramento VOR	Levee LOM	Direct					

Radar available.
Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 162°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 5.2 miles after passing LOM, make a right-climbing turn, proceed direct to LOM and continue climbing to 2000′ in a 1-minute holding pattern N of the LOM (right turns, 342°Outbnd, 162°Inbnd), or when authorized by ATC, climb to 2000′ on 162° bearing from Levee LOM and 329° radial of SAC VOR to the SAC VOR.
@Reductions not authorized.
*All circling must be accomplished W of Runways 16/34 due to MCC AFB traffic.
MSA within 25 miles of LOM: 000°–180°—4000′; 180°–270°—4100′; 270°–360°—3200′.

City, Sacramento; State, Calif.; Airport name, Sacramento Metropolitan; Elev., 23′; Fac. Class., LOM; Ident., SM; Procedure No. NDB(ADF) Runway 16, Amdt. 1; Eff. date, 10 Apr. 69; Sup. Amdt. No. Orig.; Dated, 27 Oct. 67

Cardinal Int	Limestone (LM) LOM	Direct	2000	T-dn	300-1	300-1	300-1½
St. Paul Int	Limestone (LM) LOM (NOPT)	Direct	2000	C-dn	500-1	500-1	500-1½
STL VORTAC	Limestone (LM) LOM	Direct	2000	S-dn-12R@	400-1	400-1	400-1
Lake Int	Limestone (LM) LOM	Direct	2000	A-dn	800-2	800-2	800-2
Steeple (ST) LOM	Limestone (LM) LOM	Direct	2000				
Staunton Int	Limestone (LM) LOM	Direct	2000				
Barracks Int	Limestone (LM) LOM	Direct	2000				
Maryland Heights VORTAC	Limestone (LM) LOM	Direct	2200				
Imperial Int	Limestone (LM) LOM	Direct	2600				
Mounds Int	Limestone (LM) LOM	Direct	2100				

Radar vectoring.
Procedure turn N side of crs, 297° Outbnd, 117° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs 2000′.
Crs and distance, facility to airport, 117°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LM LOM, proceed to MTS VORTAC via Cardinal Int climbing to 2400′ or, when directed by ATC, proceed to Steeple (ST) LOM via Cardinal Int climbing to 1900′.
CAUTION: (1) Vehicular traffic crossing perpendicular to approach crs and extending above ALS 900′ from threshold Runway 12R. (2) Trees approximately 3800′ from approach end of Runway 12R, on runway centerline, to an elevation of 649′ MSL may obscure portions of approach light system during final approach.
@Sliding scale not authorized.
MSA: 000°–090°—2100′; 090°–180°—2700′; 180°–270°—2200′; 270°–360°—2200′.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., LOM; Ident., LM; Procedure No. NDB (ADF) Runway 12R, Amdt. 3; Eff. date, 10 Apr. 69; Sup. Amdt. No. 2; Dated, 9 Dec. 67

STL VORTAC	Steeple (ST) LOM	Direct	1900	T-dn	300-1	300-1	200-½
Barracks Int	Steeple (ST) LOM	Direct	2600	C-dn	500-1	500-1	500-1½
Cora Int	Steeple (ST) LOM (NOPT)	Direct	1800	S-dn-24	500-1	500-1	500-1
Lake Int	Steeple (ST) LOM	Direct	2000	A-dn	800-2	800-2	800-2
Staunton Int	Steeple (ST) LOM	Direct	1900				
Maryland Heights VORTAC	Steeple (ST) LOM	Direct	2000				
Imperial Int	Steeple (ST) LOM	Direct	2000				
Prairie Int	Steeple (ST) LOM	Direct	2000				
Mounds Int	Steeple (ST) LOM	Direct	2100				

Radar vectoring.
Procedure turn N side of crs, 068° Outbnd, 236° Inbnd, 1900′ within 10 miles of Steeple (ST) LOM.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 238°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 2400′ on crs of 236° to Lake Int or, when directed by ATC, make right (N) turn, climb to 2400′ direct to STL VORTAC.
MSA: 000°–090°—1900′; 090°–270°—2700′; 270°–360°—2100′.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., LOM; Ident., ST; Procedure No. NDB (ADF) Runway 24, Amdt. 25; Eff. date, 10 Apr. 69; Sup. Amdt. No. ADF1, Amdt. 24; Dated, 17 Sept. 66

TKA VOR	TKA NDB	Direct	2300	T-d	300-1	300-1	200-½
				C-d	700-2	700-2	700-2
				S-d	NA	NA	NA
				A-d	1000-2	1000-2	1000-2

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of TKA NDB, turn left, climb to 2300′ on 211° bearing within 10 miles.
CAUTION: (1) 578′ terrain, 1.1 miles S of airport. (2) Mountain range NE through SE within 2 to 4 miles of airport, rises to 1400′.
MSA within 25 miles of facility: 055°–145°—7800′; 145°–235°—3500′; 235°–325°—7100′; 325°–055°—5200′.

City, Talkeetna; State, Alaska; Airport name, Talkeetna; Elev., 358′; Fac. Class., BH; Ident., TKA; Procedure No. NDB (ADF)–1, Amdt. 9; Eff. date, 10 Apr. 69; Sup. Amdt. No. 8; Dated, 27 Jan. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FTO RBn	FYU VOR	Direct	1500	T-dn	500-1	500-1	500-1½
				C-dn°	500-1	500-1	500-1½
				S-dn-3°	500-1	500-1	500-1
				A-dn°	800-2	800-2	800-2

Procedure turn SE side of crs, 183° Outbnd, 003° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 3, 030°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right, climb to 2000′ on R 045° within 20 miles.
CAUTION: Restricted area. Avoid flight below 300′ above terrain between 4500′ and 5500′ from end of Runway 21.
°When control zone not effective/altimeter not available the following applies: (A) Use Fairbanks altimeter setting. (B) Ceiling and visibility minimums, all aircraft, straight-in and circling raised to 1100–2. (C) Alternate minimums not authorized.

City, Fort Yukon; State, Alaska; Airport name, Fort Yukon Municipal; Elev., 431′; Fac. Class., H-BVOR; Ident., FYU; Procedure No. VOR-3, Amdt. 2; Eff. date, 10 Apr. 69; Sup. Amdt. No. Ter VOR-3, Amdt. 1; Dated, 31 Aug. 68

FTO RBn	FYU VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn°	500-1	500-1	500-1½
				S-dn-21°	500-1	500-1	500-1
				A-dn°	800-2	800-2	800-2

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport. Crs and distance, breakoff point to approach end of Runway 21, 210°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn left, climb to 2000′ on R 183° within 20 miles.
CAUTION: Restricted area. Avoid flight below 300′ above terrain between 4500′ and 5500′ from end of Runway 21.
°When control zone not effective/altimeter not available the following applies: (A) Use Fairbanks altimeter setting. (B) Ceiling and visibility minimums, all aircraft, straight-in and circling raised to 1100–2. (C) Alternate minimums not authorized.

City, Fort Yukon; State, Alaska; Airport name, Fort Yukon Municipal; Elev., 431′; Fac. Class., H-BVOR; Ident., FYU; Procedure No. VOR-21, Amdt. 2; Eff. date, 10 Apr. 69; Sup. Amdt. No. Ter VOR-21, Amdt. 1; Dated, 31 Aug. 68

MO LFR	MOS VOR	Direct	2700	T-dn°	300-1	300-1	200-½
				C-dn°	900-1	900-1	900-1½
				A-dn	NA	NA	NA

Procedure turn S side of crs, 070° Outbnd, 250° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 914′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOS VOR, turn left, climb to 3000′ on R 070° within 15 miles.
°No control zone. Weather observations not available, use Nome altimeter settings.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2000′; 180°–270°—4200′; 270°–360°—4200′.

City, Moses Point; State, Alaska; Airport name, Moses Point; Elev., 14′; Fac. Class., L-BVOR; Ident., MOS; Procedure No. VOR-1, Amdt. 2; Eff. date, 10 Apr. 69; Sup. Amdt. No. 1; Dated, 16 Dec. 67

Maryland Heights VORTAC	STL VORTAC	Direct	2600	T-dn	800-1	800-1	800-1½
R 229°, STL VORTAC CW	R 315°, STL VORTAC	Via 7-mile DME Arc.	2600	C-d	700-1	700-1	700-1½
				C-a	700-2	700-2	700-2
R 057°, STL VORTAC CCW	R 315°, STL VORTAC	Via 7-mile DME Arc.	2600	S-d-12L	700-1	700-1	700-1
				S-a-12L	700-2	700-2	700-2
7-mile DME Fix, R 315°	STL VORTAC (NOPT)	Direct	2600	A-dn	800-2	800-2	800-2
				Minimums with DME or Dual VOR receivers:			
				C-dn	800-1	800-1	800-1½
				S-dn-12L	800-1	800-1	800-1

Radar vectoring.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′; over 4-mile DME Fix or Levee Int, 1271′.
Crs and distance, facility to airport, 135°—8.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.5 miles after passing STL VORTAC make right turn, climb to 2400′ direct to Lake Int or, when directed by ATC, make left turn, climb to 1900′ direct to Steeple (ST) LOM.
MSA: 000°–090°—2100′; 090°–180°—2700′; 180°–270°—2100′; 270°–360°—2200′.
NOTE: Radar identification of Levee Int authorized.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., H-BVORTAC; Ident., STL; Procedure No. VOR Runway 12L, Amdt. 2; Eff. date, 10 Apr. 69; Sup. Amdt. No. VOR 2, Amdt. 1; Dated, 17 Sept. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Maryland Heights VORTAC	STL VORTAC	Direct	2400	T-dn	300-1	300-1	200-½
R 229°, STL VORTAC CW	R 315°, STL VORTAC	Via 7-mile DME Arc.	2400	C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
R 057°, STL VORTAC CCW	R 315°, STL VORTAC	Via 7-mile DME Arc.	2400	S-d-12R*	500-1	500-1	500-1
				S-n-12R*	500-2	500-2	500-2
7-mile DME Fix, R 315°	STL VORTAC (NOPT)	Direct	2400	A-dn	800-2	800-2	800-2
				Minimums with DME or Dual VOR receivers:			
				S-dn-12R*	400-1	400-1	400-1

Radar vectoring.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′; over 4-mile DME Fix or St. Charles Int, 1071′.
Crs and distance, facility to airport, 135°—8 miles. St. Charles Int to airport, 135°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8 miles after passing STL VORTAC, make right turn, climb to 2400′ direct to Lake Int or, when directed by ATC, make left turn, climb to 1900′ direct to Steeple (ST) LOM.
CAUTION: Trees approximately 2800′ from approach end of Runway 12R, on runway centerline, to an elevation of 649′ MSL may obscure portions of approach light system on final approach.
NOTE: Radar identification of St. Charles Int authorized.
*Reduction below 1 mile not authorized.
MSA: 000°–090°—2100′; 090°–180°—2700′; 180°–270°—2100′; 270°–360°—2200′.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., H-BVORTAC; Ident., STL; Procedure No. VOR Runway 12R, Amdt. 11; Eff. date, 10 Apr. 69; Sup. Amdt. No. VOR I, Amdt. 10; Dated, 17 Sept. 66

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Geyserville INT	STS VOR	Direct	3000	T-dn#	300-1	300-1	200-½
APC VOR	Redwood INT	Direct	3500	C-dn#	500-1	500-1	500-1½
PYE VOR	Redwood INT	Direct	3000	S-dn-32#	400-1	400-1	400-1
Redwood INT	Monroe INT/FM (NOPT)	Direct	2000	A-dn*	800-2	800-2	800-2
STS VOR	Monroe INT/FM	Direct	3000				

Procedure turn W side of crs, 126° Outbnd, 306° Inbnd, 2600′ within 10 miles of Monroe INT/FM.
Minimum altitude over Monroe INT/FM on final approach crs, 2000′; over facility, 525′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing STS VOR, turn left, climb to 3000′ on STS VOR, R 168° within 15 miles.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
%IFR departures all runways: Climb via R 168° within 15 miles to recross STS VOR at the following MCAs: Northwestbound, V–494, 3000′; northeastbound, V–301, 6000′; eastbound, V–494, 2500′; direct Napa VOR, 2500′; southbound, V–301 on crs climb authorized.
#When control zone not effective: (1) 700′ ceiling required; (2) use Hamilton AFB altimeter setting.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—3700′; 180°–270°—3700′; 270°–360°—5800′.

City, Santa Rosa; State, Calif.; Airport name, Sonoma County; Elev., 125′; Fac. Class., LVOR; Ident., STS; Procedure No. VOR–32, Amdt. 2; Eff. date, 10 Apr. 69; Sup. Amdt. No. 1; Dated, 13 Feb. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TKA NDB	TKA VOR	Direct	2300	T-d	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				A-d	800-2	800-2	800-2

Procedure turn W side of crs, 156° Outbnd, 336° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 980′.
Crs and distance, facility to airport, 346°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of TKA VOR, turn left, climb to 2300′ on R 156° within 10 miles.
CAUTION: (1) 576′ terrain, 1.1 miles S of airport. (2) Mountain range NE through SE within 2 to 4 miles of airport rises to 1400′.
MSA within 25 miles of facility: 055°–145°—7800′; 145°–235°—3500′; 235°–325°—7100′; 325°–055°—5200′.

City, Talkeetna; State, Alaska; Airport name, Talkeetna; Elev., 358′; Fac. Class., L-BVOR; Ident., TKA; Procedure No. VOR–1, Amdt. 3; Eff. date, 10 Apr. 69; Sup. Amdt. No. 2; Dated, 27 Jan. 68

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Portland, Maine—Municipal, NDB (ADF) Runway 11, Amdt. 6, 19 Aug. 1967 (established under Subpart C).
Ashland, Ky.—Ashland Boyd Co., VOR 1, Orig., 15 Jan. 1966 (established under Subpart C).
Calverton, N.Y.—Peconic River Plant (Grumman), VOR 1, Amdt. 3, 4 July 1964 (established under Subpart C.)
La Grange, Ga.—Callaway, VOR 1, Amdt. 6, 3 Apr. 1965 (established under Subpart C).
Sanford, Maine—Municipal, VOR 1, Amdt. 4, 23 July 1966 (established under Subpart C).
Twin Falls, Idaho—Twin Falls Municipal (Joslin Field), VOR–25, Amdt. 7, 1 Oct. 1966 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

St. Louis, Mo.—Lambert-St. Louis Municipal, ADF 2, Amdt. 10, 17 Sept. 1966.

4. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lakewood Int	LOM (final)	Via OBK, R 272° and NW crs ORD ILS.	2200	T-dn#	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-14R%*	200-½	200-½	200-½
ORD VOR	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Warren Int	LOM	Direct	2500				
Elgin Int	LOM	Direct	2500				
Niles Int	ORD VOR	Direct	3000				
Deerfield Int	LOM	Direct	2500				
OBK VOR	LOM	Direct	2500				

Radar available.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interceptlon Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2140′—5.3 miles; at MM, 861′–0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, turn right to a heading of 155° and climb to 1500′, then make a right-climbing turn to 3500′ and proceed to DPA VOR via R 085° or, when directed by ATC, turn right to heading of 155° and climb to 1500′, then make right-climbing turn to 2500′ and proceed to Elgin Int via ORD R 271°.
CAUTION: When conducting a parallel approach, Parallel ILS—14 R & L procedure must be used.
NOTES: (1) Runway 14R LOM named "ROMEO". (2) Back crs unusable.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000–3, climb to 2000′ MSL on runway heading prior to making left turn.
%500–¾ required when glideslope not utilized and 600–¾ authorized with operative ALS, except for 4-engine turbojets.
*RVR 2000′ for 4-engine turbojets; 1800′ for all other aircraft.
#RVR 2400′ authorized Runways 14 L and R, 32 L and R, and 27R.
MSA within 25 miles of OR LOM: 000°–090°—2500′; 090°–180°—3000′; 180°–360°—2500′.

City, Chicago; State, Ill.; Airport name, Chicago O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-ORD; Procedure No. ILS Runway 14R, Amdt. 15; Eff. date, 10 Apr. 69; Sup. Amdt. No. 14; Dated, 26 Dec. 68

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Des Moines VOR	LOM	Direct	2400	T-dn*#	300-1	300-1	200-½
Ankeny INT	LOM	Direct	2500	C-dn	400-1	400-1	400-1½
Grimes INT	LOM	Direct	2500	S-dn-30*#	200-½	200-½	200-½
Elkhart INT	LOM	Direct	2500	A-dn	600-2	600-2	600-2
Mine Int	LOM (final)	Direct	2400				
Beech INT	Mine INT	Direct	2400				
TNU VOR	Swan Int	Direct	2500				
Swan Int	Mine Int	Direct	2400				

Radar available.
Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope intercepiion Inbnd, 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2371′—4.3 miles; AT MM, 1183′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 2600′ on 305° bearing from LOM, turn left, proceed direct to DSM VOR, or when directed by ATC, climb to 3000′; proceed to Grimes Int via 305° bearing from LOM and DSM VOR R 331°.
CAUTION: When 1546′ tower, 3.2 miles NNE of airport not visible on takeoffs to N and NW, climb to 2100′ on 305° heading, and takeoffs to NE climb to 2100′ on 050° heading before turning toward tower.
**400–¾ required when glide slope not utilized; 400–½ authorized with operative ALS except for 4-engine turbojets.
#RVR 2400′. Descent below 1157′ not authorized unless ALS is visible.
##RVR 2400′ authorized Runway 30.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–180°—2300′; 180°–270°—2400′; 270°–360°—2600′.

City, Des Moines; State, Iowa; Airport name, Des Moines Municipal; Elev., 957′; Fac. Class., ILS; Ident., I–DSM; Procedure No. ILS Runway 30, Amdt. 11; Eff. date, 10 Apr. 69; Sup. Amdt. No. 10; Dated, 20 Jan. 69

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Rochelle Int	LOM (final)	Direct	2000	T-dn**	300-1	300-1	200-½
PLL VOR	LOM	Direct	2500	C-dn	400-1	400-1	400-1½
RFD VOR	LOM	Direct	2000	S-dn-36#	200-¾	200-¾	200-¾
Belvedere Int	LOM	Direct	2500	A-dn	600-2	600-2	600-2
JVL VOR	LOM	Direct	*2500				
Malta Int	LOM	Direct	2500				
Creston Int	South crs ILS (final)	Via R 150° RFD–VOR.	3000				
RFD VOR, R 240° CCW	RFD VOR, R 155°	Via 15-mile DME Arc.	2500				
15-mile DME Fix RFD VOR, R 155°	LOM (final)	Direct	2000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope intercepiion Inbnd, 2000′.
Altitude at glide slope and distance to approach end of runway at LOM, 1860′—4.1 miles; at MM, 916′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, make left-climbing turn to 2500′, proceed direct to RFD VOR or, when directed by ATC; (1) climb to 2500′ on N crs of ILS within 10 miles; (2) make left-climbing turn 3000′ direct to LOM.
CAUTION: High-tension powerline 894′, AMSL 0.7 mile N of Outer Marker.
#400–¾ required when glide slope not utilized.
*2000′ after passing RFD VOR, R 090°.
**RVR 2400′ authorized Runway 36.
$RVR 4000′.
MSA within 25 miles of RF LOM: 000°–090°—2300′; 090°–180°—2500′; 180°–270°—2300′; 270°–360°—2600′.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735′; Fac. Class., ILS; Ident., I–RFD; Procedure No. ILS Runway 36, Amdt. 16; Eff. date, 10 Apr. 69; Sup. Amdt. No. 9; Dated, 8 July 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Grimes Int	Tudor Int	ILA, R 086°	2000	T-dn%	300-1	300-1	200-½
MYV VOR	Tudor Int	MYV, R 173°	2000	C-dn*	500-1	500-1	500-1½
Newcastle Int	Tudor Int	ILA, R 086°, SAC, R 342° lead radial.	3000	S-dn-16#$	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
SAC VOR	Levee LOM	Direct	2000				
Harter Int	Tudor Int	LOC N crs	2000				
Tudor Int	Levee LOM (final)	LOC N crs	1600				

Radar available.
Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope intercept on Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1491′—5.2 miles; at MM, 214′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 4.7 miles after passing OM, climb straight ahead to 323′, turn right to heading 300°, continue climb to 2000′ and proceed to Yolo Int via SAC R 320° or, when authorized by ATC, climb to 2000′ on the S crs of the localizer and R 329° to SAC VOR.
NOTES: (1) When authorized by ATC, DME may be used at 28 miles from the SAC VOR at 3000′ between R 329° and R 030° CW to position aircraft on SMF localizer N crs for straight-in approach with elimination of procedure turn. (2) Glide slope unusable inside MM.
#RVR 2000′, 4-engine turbojet and RVR 1800′, other aircraft. Descent below 223′ not authorized unless approach lights are visible.
%RVR 2000′ authorized Runway 16 for 4-engine turbojet; RVR 1800′ authorized other aircraft.
$300-¾ required when glide slope not utilized. Reductions not authorized.
*All circling must be accomplished W of Runways 16/34 due to MCC AFB traffic.
MSA within 25 miles of LOM: 000°–180°—4100′; 180°–270°—4100′; 270°–360°—3200′.

City, Sacramento; State, Calif.; Airport name, Sacramento Metropolitan; Elev., 23′; Fac. Class., ILS; Ident., I-SMF; Procedure No. ILS Runway 16, Amdt. 1; Eff. date, 10 Apr. 69; Sup. Amdt. No. Orig.; Dated, 27 Oct. 67

MTS VORTAC	Lake Int (NOPT)	Direct	2200	T-dn)##	300-1	300-1	200-½
STL VORTAC	Lake Int	Direct	2400	C-dn	500-1	500-1	500-1½
				S-dn-6@	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring.
Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 2400′ within 10 miles of Lake Int.
Altitude over Lake Int, 2200′. Distance from Lake Int to Runway 6, 5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Lake Int, climb to 1900′ on NE crs ILS to Steeple (ST) LOM, or when directed by ATC, make left (N) turn, climb to 2400′ direct to STL VORTAC.
##RVR 2400′ authorized Runway 24.
@500-¾ authorized with operative SALS or HIRL except for 4-engine turbojets. Reduction below ¾ mile not authorized.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-STL; Procedure No. LOC (BC) Runway 6, Amdt. 18; Eff. date, 10 Apr. 69; Sup. Amdt. No. ILS-6, Amdt. 17 (back crs); Dated, 17 Sept. 66

Cardinal Int	Limestone (LM) LOM	Direct	2400	T-dn##	300-1	300-1	200-½
St. Paul Int	Limestone (LM) LOM (NOPT)	Via STL, R 277° and NW crs LMR ILS.	2400	C-dn	500-1	500-1	500-1½
				S-dn-12R@	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2
STL VORTAC	Limestone (LM) LOM	Direct	2400				
Lake Int	Limestone (LM) LOM	Direct	2400				
Steeple (ST) LOM	Limestone (LM) LOM	Direct	2400				
Staunton Int	Limestone (LM) LOM	Direct	2400				
Barracks Int	Limestone (LM) LOM	Direct	2600				
Maryland Heights VORTAC	Limestone (LM) LOM	Direct	2400				
Imperial Int	Limestone (LM) LOM	Direct	2600				
Mounds Int	Limestone (LM) LOM	Direct	2400				

Radar vectoring.
Procedure turn N side of crs, 297° Outbnd, 117° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope intercept on Inbnd, 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2208′—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LM LOM, proceed to MTS VORTAC via Cardinal Int, climbing to 2400′ or, when directed by ATC, proceed to Steeple (ST) LOM via Cardinal Int, climbing to 1900′.
CAUTION: (1) Vehicular traffic crossing perpendicular to approach crs and extending above ALS 900′ from threshold Runway 12R. (2) Trees approximately 3800′ from approach end of Runway 12R, on runway centerline, to an elevation of 649′ MSL may obscure portions of approach light system during final approach.
#RVR 2400′ authorized Runway 24.
@Reduction not authorized.
MSA within 25 miles of LM LOM: 000°–090°—2100′; 090°–180°—2700′; 180°–270°—2200′; 270°–360°—2200′.
NOTE: Glide slope inoperative minimums, ¾-1 required when glide slope not utilized.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-LMR; Procedure No. ILS Runway 12R, Amdt. 5; Eff. date, 10 Apr. 69; Sup. Amdt. No. 4; Dated, 9 Dec. 67

St. Louis VORTAC	Steeple (ST) LOM	Direct	1900	T-dn #$	300-1	300-1	200-½
Barracks Int	Steeple (ST) LOM	Direct	2600	C-dn	500-1	500-1	500-1½
Lake Int	Steeple (ST) LOM	Direct	2000	S-dn-24@	200-½	200-½	200-½
Cora Int	Steeple (ST) LOM (NOPT)	Direct	1900	A-dn	600-2	600-2	600-2
Staunton Int	Steeple (ST) LOM	Direct	1900				
Maryland Heights VORTAC	Steeple (ST) LOM	Direct	2000				
Imperial Int	Steeple (ST) LOM	Direct	2600				
Prairie Int	Steeple (ST) LOM	Direct	2000				
Mounds Int	Steeple (ST) LOM	Direct	2100				

Radar vectoring.
Procedure turn N side of crs, 066° Outbnd, 238° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope intercept on Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1865′—4.2 miles; at MM, 759′—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing ST LOM, climb to 2400′ on SW crs of ILS to Lake Int or, when directed by ATC, make right N turn, climb to 2400′ direct to STL VORTAC.
#RVR 2400′. Descent below 771′ not authorized unless approach lights are visible.
##RVR 2400′ authorized Runway 24.
@400-¾ (RVR 4000′) Required when glide slope not utilized and 400-½ (RVR 2400′) authorized with operative ALS, except for 4-engine turbojets.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS Runway 24, Amdt. 30; Eff. date, 10 Apr. 69; Sup. Amdt. No. ILS-24, Amdt. 29; Dated, 17 Sept. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TOY VORTAC	Cardinal Int (NOPT)	Via TOY, R 230°, and SE crs LMR ILS.	2000	T-dn##	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-30L#	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn not authorized. Radar required. Final approach crs, 297° Inbnd.
Minimum altitude over Cardinal Int on final approach crs, 2000′.
Crs and distance, Cardinal Int to airport, 297°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Cardinal Int, climb to 2000′ direct to Limestone (LM) LOM and hold on 297° bearing from Limestone (LM) LOM or when directed by ATC, make right turn, climb to 1900′, proceed to Steeple (ST) LOM.
NOTE: Radar identification of Cardinal Int authorized.
#Reduction not authorized.
##RVR 2400′ authorized Runway 24.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-LMR; Procedure No. LOC (BC) Runway 30L, Amdt. 2; Eff. date, 10 Apr. 69; Sup. Amdt. No. ILS-30L, Amdt. 1 (back crs); Dated, 20 Nov. 65

5. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Calverton, N.Y.—Peconic River Plant (Grumman), ILS-5, Amdt. 4, 1 May 1965 (established under Subpart C).
Portland, Maine—Municipal, ILS Runway 11, Amdt. 7, 19 Aug. 1967 (established under Subpart C).

6. By amending § 97.19 of Subpart B to amend radar procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
000°–360°	0-8		2000	T-dn#	300-1	300-1	200-½
210°–145°	8-25		2400	C-dn	500-1	500-1	500-1½
145°–210°	8-25		2000	S-dn-6, 17, 24, 30L, 35.@	500-1	500-1	500-1
				S-dn-12L, 30R.@	500-1	500-1	500-1½
				S-dn-12R@	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes: All bearings and distances are from the radar site.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2400′, proceed direct to STL VORTAC or, when directed by ATC, climb to 2400′ direct to Lake Int or climb to 1900′ direct to Steeple (ST) LOM.
NOTES: @S-dn-6 and 35—500-¾ authorized with operative SALS or HIRL, except for 4-engine turbojets. Reduction below ¾ mile not authorized. S-dn-30R, 30L, 12R, 12L, and 17—Reduction below 1 mile not authorized. S-dn-24—500-¾ (RVR 4000) authorized with operative HIRL, 500-½ (RVR 2400) authorized with operative ALS, except for 4-engine turbojets.
CAUTION: Trees approximately 3800′ from approach end of Runway 12R, on runway centerline, to an elevation of 649′ MSL may obscure portions of approach light system during final approach.
#RVR (2400′) authorized Runway 24.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Facility, St. Louis Radar; Procedure No. Radar 1, Amdt. 13; Eff date, 10 Apr. 69; Sup. Amdt. No. 12; Dated, 4 July 68

7. By amending § 97.21 of Subpart C to amend low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 miles after passing AC LFR.
AN LOM	AC LFR	Direct	1500	Climb to 1500' left turn direct to AC LFR.
ANC VORTAC	AC LFR	Direct	1500	Supplementary charting information: Radar antenna 368', 1.1 miles SW Runway 6. Antenna 275', 0.9 mile W Runway 13. TV antenna 488', 1.5 miles NE Runway 24.

Procedure turn W side of crs, 183° Outbnd, 003° Inbnd, 1500' within 10 miles of AC LFR.
FAF, AC LFR. Final approach crs, 315°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over AC LFR, 800'.
MSA: NE—9600'; SE—6100'; SW—3000'; NW—1600'.
NOTES: (1) ASR. (2) IFR departures must comply with published Anchorage SID's.
% RVR 24 authorized Runway 06.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	559	680	1	559	800	1¼	679	800	2	679
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Anchorage; State, Alaska; Airport name, Ankorage International; Elev., 121'; Facility, AC; Procedure No. LFR-1, Amdt. 11; Eff. date, 10 Apr. 69; Sup. Amdt. No. 10; Dated, 18 Apr. 68

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing Greenup Int.
EOB VOR	YRK VOR	Direct	3000	Climbing left turn to 3000' direct YRK VOR and hold; or, when directed by ATC, right-climbing turn to 2600' on crs 139° direct HT LOM. Hold W, 1 minute, right turns, 114° Inbnd.
HT LOM	YRK VOR	Direct	3000	
YRK VOR	Greenup Int (NOPT)	Direct	2000	Supplementary charting information: Hold W, 1 minute, right turns, 118° Inbnd. Final approach crs intercepts Runway 10 threshold. Chart 1028' powerline tower, 38°34'32" N./82°47'19" W.

Procedure turn S side of crs, 298° Outbnd, 118° Inbnd, 3000' within 10 miles of YRK VOR.
FAF, Greenup Int. Final approach crs, 118°. Distance FAF to MAP, 6 miles.
Minimum altitude over YRK VOR, 3000'; over Greenup Int, 2000'.
MSA: 000°–090°—2400'; 090°–180°—2300'; 180°–270°—2500'; 270°–360°—2500'.
NOTE: Use Huntington altimeter setting.
CAUTION: Transmission line towers of varying heights to 1028' MSL within 2 miles NW of airport crossing final approach crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-10	1340	1	794	1340	1¼	794	1340	1½	794	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1340	1	794	1340	1¼	794	1340	1½	824	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Ashland; State, Ky.; Airport name, Ashland-Boyd County; Elev., 546'; Facility, YRK; Procedure No. VOR Runway 10, Amdt. 1; Eff. date, 10 Apr. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 15 Jan. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing RVH VOR.
				Climbing left turn to 1800' direct to RVH VOR and hold.
				Supplementary charting information: Hold E, 1 minute, right turns, 270° Inbnd. 646' tower, 6.2 miles SW RVH VOR. 580' tower, 2 miles NW RVH VOR. 502' tower, 1.7 miles SE RVH VOR. 227' tower, 1.5 miles NNE Peconic Control Tower.

Procedure turn N side of crs, 270° Outbnd, 090° Inbnd, 1800' within 10 miles of RVH VOR.
FAF, RVH VOR. Final approach crs, 090°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over RVH VOR, 1800'.
MSA: 000°–090°—1700'; 090°–180°—1600'; 180°–270°—1700'; 270°–360°—2100'.
NOTE: Procedure authorized only during hours of airport operation 0800–1630 local Monday through Friday.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	465	540	1	465	540	1¼	465	640	2	565
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Calverton; State, N.Y.; Airport name, Peconic River Plant (Grumman); Elev., 75'; Facility, RVH; Procedure No. VOR-1, Amdt. 4; Eff. date, 10 Apr. 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 4 July 64

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing LGC VOR.
Miller Int	LGC VOR (NOPT)	Direct	2400	Climbing right turn to 2600' direct to LGC VOR and hold.
Newnan Int	LGC VOR	Direct	2400	
Big Spring Int	LGC VOR	Direct	2400	Supplementary charting information: Hold SW, 1 minute, right turns, 068° Inbnd. Final approach crs to runway threshold. LRCO, 123.6 ANB FSS. TDZ elevation, 676'.

Procedure turn S side of crs, 289° Outbnd, 109° Inbnd, 2400' within 10 miles of LGC VOR.
FAF, LGC VOR. Final approach crs, 109°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over LGC VOR, 2400'.
MSA: 090°–180°—3400'; 180°–270°—2300'; 270°–000°—3600'.
NOTES: (1) Use CSG APC altimeter setting. (2) No weather reporting.
*Night operation not authorized Runways 2/20, 7/25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-13	1280	1	604	1280	1	604	1280	1	604	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1340	1	647	1340	1	647	1340	1½	647	NA
A	Not authorized.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*			

City, La Grange; State, Ga.; Airport name, Callaway; Elev., 693'; Facility, LGC; Procedure No. VOR Runway 13, Amdt. 7; Eff. date, 10 Apr. 69; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 3 Apr. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10 miles after passing AGC VOR TAC.
				Make right-climbing turn to 3000' direct to AGC VORTAC and hold. Supplementary charting information: Hold W, 1 minute, right turns, 118° Inbnd.

Procedure turn S side of crs, 298° Outbnd, 118° Inbnd, 3000' within 10 miles of AGC VORTAC.
FAF, AGC VORTAC. Final approach crs, 118°. Distance FAF to MAP, 10 miles.
Minimum altitude over AGC VORTAC, 3000'.
MSA: 000°–090°—3100'; 090°–180°—3100'; 180°–270°—2900'; 270°–360°—3100'.
NOTES: (1) Radar vectoring. (2) Use Allegheny County altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1960	1	670	1960	1	670	NA	NA
A	Not authorized.	T 2-eng. or less—Standard.					T over 2-eng.—Not authorized.	

City, Monongahela; State, Pa.; Airport name, Rostraver; Elev., 1230'; Facility, AGC; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 10 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.2 miles after passing ENE VOR TAC.
				Make left-climbing turn to 1800' direct ENE VORTAC and hold. Supplementary charting information: Hold E of ENE VORTAC, 1 minute, left turns, 263° Inbnd. Final approach crs intercepts runway centerline extended approximately 3000' from threshold.

Procedure turn S side of crs, 083° Outbnd, 263° Inbnd, 1800' within 10 miles of ENE VORTAC.
FAF, ENE VORTAC. Final approach crs, 263°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over ENE VORTAC, 1800'.
MSA: 000°–090°—3000'; 090°–180°—1400'; 180°–270°—2500'; 270°–360°—3000'.
NOTES: (1) Use Portland altimeter setting. (2) Night operations Runways 14/32 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-26	620	1	377	620	1	377	620	1	377	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	740	1	497	740	1	497	740	1¼	497	NA
A	Not authorized.	T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Sanford; State, Maine; Airport name, Municipal; Elev., 243'; Facility, ENE; Procedure No. VOR Runway 26, Amdt. 5; Eff. date, 10 Apr. 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 23 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: TWF VOR.
BYI VORTAC	BYI 19-mile DME (NOPT)	BYI, R 230°	5700	Climbing right turn to 6000' TWF VOR, R 293° within 10 miles; or, when directed by ATC, climbing right turn to 6000' TWF VOR, R 060° within 10 miles. Supplementary charting information: LRCO, 122.1, 123.6. TDZ elevation, 4148'.
Rock Creek Int	TWF VOR	Direct	8000	
Wooden Shoe Int	TWF VOR	Direct	8000	
19-mile DME BYI, R 230°	TWF VOR (NOPT)	Direct	4620	

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 5700' within 10 miles of TWF VOR.
Final approach crs, 248°.
MSA: 000°–090°—7600'; 090°–180°—9100'; 180°–270°—8400'; 270°–360°—6000'.
NOTE: Sliding scale not authorized.
*Use Burley, Idaho, altimeter setting when control zone not effective. Circling and straight-in MDA increased 140' and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
%IFR departure procedures: Climb on R 060° TWF VOR within 10 miles to cross TWF VOR southeastbound on V-253 at or above 8000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25°	4620	1	472	4620	1	472	4620	1	472	4620	1	472
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C°	4680	1	532	4680	1	532	4680	1¼	532	4740	2	592
A	Standard.°	T 2-eng. or less—Standard.%					T over 2-eng.—Standard.%					

City, Twin Falls; State, Idaho; Airport name, Twin Falls Municipal (Joslin Field); Elev., 4148'; Facility, TWF; Procedure No. VOR Runway 25, Amdt. 8; Eff. date, 10 Apr. 69; Sup. Amdt. No. VOR-25, Amdt. 7; Dated, 1 Oct. 66

9. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.3 miles after passing ABY VORTAC.
Bronwood Int	ABY VORTAC (NOPT)	Direct	2000	Climb to 2000' on R 187° within 15 miles. Supplementary charting information: TDZ elevation, 196'.
ABY, R 027° CCW	ABY, R 324° (NOPT)	10-mile Arc	2000	
ABY, R 292° CW	ABY, R 324° (NOPT)	10-mile Arc	2000	
10-mile Arc	ABY VORTAC (NOPT)	R 324°	2000	

Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000' within 10 miles of ABY VORTAC.
FAF, ABY VORTAC. Final approach crs, 144°. Distance FAF to MAP, 8.3 miles.
Minimum altitude over ABY VORTAC, 2000'; over 4-mile DME Fix, 780'.
MSA: 000°–270°—1600'; 270°–360°—2600'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	780	1	585	780	1	585	780	1	585	780	1¼	585
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	584	780	1	584	780	1½	584	920	2	724
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	660	1	465	660	1	465	660	1	465	660	1	465
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	464	660	1	464	660	1½	464	800	2	724
A	Standard.	T 2-eng. or less—Standard.					T over 2-eng.—Standard.					

City, Albany; State, Ga.; Airport name, Albany Municipal; Elev., 196'; Facility, ABY; Procedure No. VOR Runway 16, Amdt. 15; Eff. date, 10 Apr. 69; Sup. Amdt. No. 14; Dated, 27 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
AC LFR	ANC VORTAC	Direct	1500	Climbing right turn to 1500' direct to ANC VORTAC or, when directed by ATC, climbing right turn to 1500' on 8 crs of AC LFR within 15 miles. Supplementary charting information: Final approach crs intercepts runway centerline extended at 3000'. Radar antenna 368', 1.1 miles SW Runway 6. Antenna 272', 0.9 mile W Runway 13. TV antenna 429', 1.5 miles NE Runway 24.
Delta Island Int	ANC VORTAC	Direct	1500	
R 173, ANC VORTAC CW	R 234°, ANC VORTAC (NOPT)	10-mile Arc ANC, R 224° lead radial.	1500	
R 350, ANC VORTAC CCW	R 234°, ANC VORTAC (NOPT)	10-mile Arc ANC, R 244° lead radial.	1500	

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 1500' within 10 miles of ANC VORTAC.
FAF, ANC VOR. Final approach crs, 054°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over ANC VORTAC, 1500'.
MSA: 000°–090°—8000'; 090°–180°—6100'; 180°–270°—1500'; 270°–360°—5400'.
NOTES: (1) ASR. (2) IFR departures must comply with published Anchorage SID's.
%RVR 24 authorized Runway 06.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-6	640	¾	519	640	¾	519	640	¾	519	640	1	519
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	559	800	1	559	800	1¼	579	800	2	579
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 121'; Facility, ANC; Procedure No. VOR Runway 6, Amdt. 4; Eff. date, 10 Apr. 69; Sup. Amdt. No. 3; Dated, 18 Apr. 68

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
OCF, R 128°, CW	OCF, R 170°, (NOPT)	8-mile Arc	1700	MAP: OCF VORTAC.
OCF, R 212°, CCW	OCF, R 170°, (NOPT)	8-mile Arc	1700	Left turn, climb to 2000' on the OCF R 300° within 10 miles, return to OCF VORTAC and hold. Supplementary charting information: Final approach crs intercepts centerline 2400' from threshold. Hold S, 350°-inbnd, 1 minute, left turns. LRCO, 122.1, TDZ elevation, 81'.
8-mile Arc	4-mile DME Fix	R 170°	800	

Procedure turn W side of crs, 170° Outbnd, 350° Inbnd, 1700' within 10 miles of OCF VORTAC.
Final approach crs, 350°.
Minimum altitude over 4-mile DME Fix, 800'.
MSA: 000°–270°—1400'; 270°–360°—1500'.
NOTE: Use Gainesville FSS altimeter setting.
#Alternate minimums not authorized except operators with approved weather reporting service.
*Straight-in MDA reduction of 120' approved when authorized weather service available.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-30*	600	1	519	600	1	519	600	1	519	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	600	1	510	600	1	510	600	1½	510	NA
	VOR/DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-30*	560	1	479	560	1	479	560	1	479	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	560	1	490	560	1	490	560	1½	490	NA
A	Not authorized.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Ocala; State, Fla.; Airport name, Ocala Municipal (Jim Taylor Field); Elev., 90'; Facility, OCF; Procedure No. VOR Runway 36, Amdt. 6; Eff. date, 10 Apr. 69; Sup. Amdt. No. 5; Dated, 13 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
TRM VOR	Indio Int	Direct PSP, R 112° lead radial	4200	MAP: At PSP VOR.
Cones Int	Indio Int	Direct	6000	Left-climbing turn to 5000' heading 090° intercept and climb via TRM, R 302° to TRM VOR.
Indio Int	Palms Int (NOPT)	Direct	4200	
PSP VOR	Palms Int	Direct	4200	
Spring Int	Indio Int	Direct	7000	

Procedure turn S side of crs, 105° Outbnd, 285° Inbnd, 4200' within 10 miles of Palms Int.
Final approach crs, 285°.
Minimum altitude over Palms Int., 4200'.
MSA: 000°–090°—6900'; 090°–180°—9800'; 180°–270°—12,000'; 270°–360°—13,000'.
NOTE: Use TRM altimeter setting when control zone not effective, except operators with approved weather reporting service.
%IFR departure procedures: Runway 30, right turn after takeoff to heading 090°; Runway 12, left turn after takeoff to heading 090°. Intercept and climb via the TRM, R 302° to Thermal. If not at minimum crossing altitude for direction of flight at TRM, climb in holding pattern SE of TRM on R 107°, 287° Inbnd, right turns, 1 minute.
*Circling MDA raised 105' when control zone not effective, except operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C*	2220	3	1772	2220	3¼	1772	2220	3¼	1772	2220	3½	1772
A	2000-5.#		T 2-eng. or less—Runway 12, 1800-3; Runway 30, 400-1.%				T over 2-eng.—Runway 12, 1800-3; Runway 30, 400-1.%					

City, Palm Springs; State, Calif.; Airport name, Palm Springs Municipal; Elev., 448'; Facility, PSP; Procedure No. VOR-1, Amdt. 4; Eff. date, 10 Apr. 69; Sup. Amdt. No. 3; Dated, 28 Nov. 68

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
Swanson DME Fix	R 006° ENA VOR (NOPT)	220° heading 3.5 miles	1700	MAP: 9.6 miles after passing ENA VOR.
KE LFR	ENA VOR	Direct	1700	Turn right-climbing to 1700' on R 126° to ENA VOR. Supplementary charting information: 494' tower, 2.4 miles NW of airport. 300' hills, 0.3 mile S of airport.

Procedure turn W side of crs. 006° Outbnd, 186° Inbnd, 1700' within 10 miles of ENA VOR.
FAF, ENA VOR. Final approach crs, R 126°. Distance FAF to MAP, 9.6 miles.
Minimum altitude over ENA VOR, 800'.
MSA: 000°–090°—2000'; 090°–180°—3000'; 180°–270°—1200'; 270°–360°—1500'.
NOTES: (1) Use Kenai altimeter setting, no control zone, weather observations not available. (2) All maneuvering for circling approach to be conducted N of airport.
%When departing Runway 07 turn left after takeoff; departing Runway 25 turn right after takeoff.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	780	1	673	780	1	673	780	1½	673	840	2	733
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Saldotna; State, Alaska; Airport name, Saldotna; Elev., 107'; Facility, ENA; Procedure No. VOR-1, Amdt. 1; Eff. date, 10 Apr. 69; Sup. Amdt. No. Orig.; Dated, 11 July 68

10. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP 4 miles after passing 4-mile Radar Fix.
				Climb to 2800′ direct to LUK NDB and hold.
				Supplementary charting information: Hold NE, 1 minute, right turns, 224° Inbnd. 1038′ antenna and tank, 39°03′45″/84°26′51″. 987′ antenna, 39°02′48″/84°26′35″. 1031′ tower, 1.5 miles S of airport. TDZ elevation, 481′.

Procedure turn not authorized. Approach crs (profile) starts at 4-mile Radar Fix.
FAF, 4-mile Radar Fix. Final approach crs, 021°. Distance FAF to MAP, 4 miles.
Minimum altitude over 4-mile Radar Fix, 1600′.
NOTES: (1) Radar required. (2) LOC back crs unusable beyond 10 miles.
% IFR departure procedures: Runway 2R, climb on N crs LUK LOC through 1000′ before proceeding as cleared; Runway 6, climb via direct LUK NDB through 1000′ before proceeding as cleared; Runway 20L, climb on S crs LUK LOC through 1100′ before proceeding as cleared. This departure requires a minimum rate of climb of 370′ per nautical mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2R	1300	1	819	1300	1¼	819	1300	1¼	819	1300	1¼	819
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	813	1340	1¼	852	1340	1¼	852	1340	2	852
A	900-2.			T 2-eng. or less—Standard Runways 2R, 6; Runway 20L, 400-1; all others, 600-1.%			T over 2-eng.—Standard Runways 2R, 6; Runway 20L, 400-1; all others, 600-1.%					

City, Cincinnati; State, Ohio; Airport name, Cincinnati Municipal-Lunkin Field; Elev., 488′; Facility I-LUK; Procedure No. LOC (BC) Runway 2R, Amdt. Orig.; Eff. date, 10 Apr. 69

11. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing PW LOM.
Hiram Int	Limerick Int	Direct	3500	Make right-climbing turn to 2200′ direct PW LOM and hold.
Kennebunk VORTAC	Limerick Int	Direct	2700	
Limerick Int	Burton Int	Direct	2200	
Kennebunk VORTAC	Burton Int	Direct	2200	
Burton Int	PW LOM (NOPT)	Direct	1800	
Freeport Int	PW LOM	Direct	2200	
				Supplementary charting information: Hold W of PW LOM, 112° Inbnd, 1 minute, left turns. TDZ elevation, 74′.

Procedure turn N side of crs, 292° Outbnd, 112° Inbnd, 2200′ within 10 miles of PW LOM.
FAF, PW LOM. Final approach crs, 112°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over PW LOM, 1800′.
MSA: 000°–090°—3100′; 090°–180°—1800′; 180°–270°—2700′; 270°–360°—3600′.
NOTE: Approach from a holding pattern not authorized; procedure turn required.
*Reduction not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11*	600	¾	426	600	¾	426	600	¾	426	600	1	426
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	880	1	506	880	1	506	880	1¼	506	740	2	666
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Portland; State, Maine; Airport name, Municipal; Elev., 74′; Facility, PW; Procedure No. NDB (ADF) Runway 11, Amdt. 7; Eff. date, 10 Apr. 69; Sup. Amdt. No. 6; Dated, 19 Aug. 67

12. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing AN LOM.
AC LFR	AN LOM	Direct	1500	Climbing right turn to 1500′ direct to AN LOM or, when directed by ATC, right-climbing turn to 1500′ on S crs AC LFR within 15 miles.
Delta Island Int	AN LOM (NOPT)	Direct	1500	Supplementary charting information: Radar antenna 362′, 1.1 miles SW Runway 6. Antenna 275′, 0.9 mile W Runway 13. TV antenna 488′, 1.5 miles NE Runway 24.

Procedure turn S side of crs, 244° Outbnd, 064° Inbnd, 1500′ within 10 miles of AN LOM.
FAF, AN LOM. Final approach crs, 064°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over AN LOM, 1300′.
MSA: 000°–090°—9000′; 090°–180°—6400′; 180°–270°—3000′; 270°–360°—5400′.
NOTES: (1) ASR. (2) IFR departures must comply with published Anchorage SID's.
%RVR 24 authorized Runway 06.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6	680	RVR 40	559	680	RVR 40	559	680	RVR 40	559	680	RVR 50	559
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	559	680	1	559	800	1¼	679	800	2	679
A	Standard.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 121′; Facility, AN; Procedure No. NDB (ADF) Runway 6, Amdt. 20; Eff. date, 10 Apr. 69; Sup. Amdt. No. 19; Dated, 8 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing GLU NDB.
Augusta VORTAC	GLU NDB	Direct	3000	Climb straight ahead on 042° bearing to 1500′. Make right-climbing turn to 3000′ direct to GLU NDB and hold.
Portland LOM	GLU NDB	Direct	3000	
Freeport Int	GLU NDB	Direct	3000	
Hiram Int	GLU NDB	Direct	3500	Supplementary charting information: Hold SW GLU NDB 052° Inbnd, 1 minute, left turns. TDZ elevation, 271′.

Procedure turn N side of crs, 232° Outbnd, 052° Inbnd, 3000′ within 10 miles of GLU NDB.
FAF, GLU NDB. Final approach crs, 042°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over GLU NDB, 1400′.
MSA: 000°–090°—3500′; 090°–180°—1800′; 180°–270°—3600′; 270°–360°—3600′.
NOTES: (1) Use Portland altimeter setting. (2) Approach from a holding pattern not authorized. Procedure turn required. (3) Facility must be monitored aurally during approach.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-4	980	1	709	980	1	709	980	1¼	709	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	980	1	666	1020	1	729	1020	1¼	728	NA
A	Not authorized.			T 2-eng. or less—300-1 days; 400-1 night.			T over 2-eng.—300-1 days; 400-1 night.			

City, Auburn; State, Maine; Airport name, Auburn-Lewiston Municipal; Elev., 292′; Facility, GLU; Procedure No. NDB (ADF) Runway 4, Amdt. 2; Eff. date, 10 Apr. 69; Sup. Amdt. No. 1; Dated, 26 Dec. 68

13. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 322'; LOC 7.2 miles after passing PIC NDB.
Riverhead VORTAC	Peconic NDB	Direct	2500	Climb to 1000', climbing left turn to 2500' direct PIC NDB and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 047° Inbnd. 646' tower, 6.2 miles SW RVH VOR. 560' tower, 2.1 miles NW RVH VOR. 502' tower, 1.7 miles SE RVH VOR. 227' tower, 1.5 miles NNE Peconic Control Tower. TDZ elevation, 72'.

Procedure turn S side of crs, 227° Outbnd, 047° Inbnd, 2500' within 10 miles of PIC NDB.
FAF, PIC NDB. Final approach crs, 047°. Distance FAF to MAP, 7.2 miles.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at PIC NDB, 2454'; at OM, 1729'; at MM, 320'.
Distance to runway threshold at PIC NDB, 7.2 miles; at OM, 5 miles; at MM, 0.6 mile.
MSA: 000°–090°—1600'; 090°–180°—1600'; 180°–270°—1700'; 270°–360°—1700'.
NOTE: Procedure authorized only during hours of airport operation 0800–1630 local Monday through Friday.
*Alternate minimums authorized only during hours of airport operation 0800–1630 local Monday through Friday.
#Inoperative components table does not apply to HIRLs Runway 5.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-5	322	½	250	322	½	250	322	½	250	322	½	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5#	320	1	748	320	1	748	320	1¼	748	320	1¼	748
LOC:	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	320	1	745	320	1	745	320	1¼	745	320	2	745
A	800-2.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Calverton; State, N.Y.; Airport name, Peconic River Plant (Grumman); Elev., 75'; Facility, I-CTO; Procedure No. ILS Runway 5, Amdt. 5; Eff. date, 10 Apr. 69; Sup. Amdt. No. ILS-5, Amdt. 4; Dated, 1 May 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 320'; LOC 5.1 miles after passing PW LOM.
Hiram Int	Limerick Int	Direct	3500	Make right-climbing turn to 2200' direct PW LOM and hold; or, when directed by ATC, make right-climbing turn to 3000' direct ENE VORTAC and hold. Hold W, 1 minute, left turns, 091° Inbnd. Supplementary charting information: Hold W of PW LOM, 112° Inbnd, 1 minute, left turns. TDZ elevation, 74'.
Kennebunk VORTAC	Limerick Int	Direct	2700	
Limerick Int	Buxton Int	Direct	2200	
Kennebunk VORTAC	Buxton Int	Direct	2200	
Buxton Int	PW LOM (NOPT)	Direct	1800	
Freeport Int	PW LOM	Direct	2200	

Procedure turn N side of crs, 292° Outbnd, 112° Inbnd, 2200' within 10 miles of PW LOM.
FAF, PW LOM. Final approach crs, 112°. Distance FAF to MAP, 5.1 miles.
Minimum glide slope interception altitude, 1809'. Glide slope altitude at OM, 1773'; at MM, 399'.
Distance to runway threshold at OM, 5.1 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100'; 090°–180°—1800'; 180°–270°—2700'; 270°–360°—3000'.
NOTE: Approach from a holding pattern not authorized; procedure turn required.
#800-2 for Category D aircraft.
*Reduction not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-11°*	330	½	256	330	½	256	330	½	256	330	½	256
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11°*	460	½	386	460	½	386	460	½	386	460	½	386
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	506	580	1	506	580	1½	506	740	2	666
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Portland; State, Maine; Airport name, Municipal; Elev., 74'; Facility, I-PWM; Procedure No. ILS Runway 11, Amdt. 8; Eff. date, 10 Apr. 69; Sup. Amdt. No. 7; Dated, 19 Aug. 67

14. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 321'. LOC 4 miles after passing AN LOM.
AC LFR	AN LOM	Direct	1500	Climb straight ahead to 500', turn right, climbing to 1500' on the S crs of the AC LFR within 15 miles or, when directed by ATC, climb straight ahead to 500', turn right, proceed direct to the AN LOM via the SW crs of the ANC LOC, climbing to 1500' within 15 miles of AN LOM. Supplementary charting information: Radar antenna 368', 1.1 miles SW Runway 6. Antenna 275', 0.9 mile W Runway 13. TV antenna 486', 1.5 miles NE Runway 24.
Delta Island Int	AN LOM (NOPT)	KE LFR N crs and SW crs ANC LOC.	1500	
ANC VOR	AN LOM	Direct	1500	

Procedure turn S side of crs, 244° Outbnd, 064° Inbnd, 1500' within 10 miles of AN LOM.
FAF, AN LOM. Final approach crs, 064°. Distance FAF to MAP, 4 miles.
Minimum glide slope interception altitude, 1490'. Glide slope altitude at OM, 1490'; at MM, 330'.
Distance to runway threshold at OM, 4.4 miles; at MM, 0.6 mile.
MSA: 000°–090°—8000'; 090°–180°—6400'; 180°–270°—3000'; 270°–360°—5400'.
NOTES: (1) ASR. (2) IFR departures must comply with published Anchorage SID's.
*700-2 Categories C and D.
%RVR 24 authorized Runway 06.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-6	321	RVR 24	200	321	RVR 24	200	321	RVR 24	200	321	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6	440	RVR 24	319	440	RVR 24	319	440	RVR 24	319	440	RVR 40	319
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	559	680	1	559	800	1½	679	800	2	679
A	Standard Categories A and B.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 121'; Facility, I-ANC; Procedure No. ILS Runway 6, Amdt. 17; Eff. date, 10 Apr. 69; Sup Amdt. No. 16; Dated, 8 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1224'; LOC 5.2 miles after passing AT LOM.
ATL NDB	Ladeside LOM	Direct	2700	Climb to 3000', left turn direct to Tucker Int via ATL VORTAC R 033° and hold. Supplementary charting information: Back crs unusable. Hold NE, left turns, 213° Inbnd. HIRLS Runways 9L/27R. TDZ elevation, 1024'.
ATL VORTAC	Lakeside LOM	Direct	2700	
Harrison Int	Lakeside LOM	Direct	3000	
Chattahoochee Int	Lakeside LOM (NOPT)	Direct	2700	

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2700' within 10 miles of Lakeside LOM.
FAF, Lakeside LOM. Final approach crs, 089°. Distance FAF to MAP, 5.2 miles.
Minimum glide slope interception altitude, 2700'. Glide slope altitude at OM, 2660'; at MM, 1236'.
Distance to runway threshold at OM, 5.2 miles; at MM, 0.5 mile.
MSA: 000°–090°—3100'; 090°–180°—2300'; 180°–270°—2700'; 270°–360°—2900'.
NOTE: ASR.
%RVR 24 authorized Runways 9L, 33.
%RVR 18 authorized Runway 9R for Categories A, B, and C.
%RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9L	1224	RVR 24	200	1224	RVR 24	200	1224	RVR 24	200	1224	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9L	1400	RVR 40	376	1400	RVR 40	376	1400	RVR 40	376	1400	RVR 50	376
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1½	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, I-ATL; Procedure No. ILS Runway 9L; Amdt. 33; Eff. date, 10 Apr. 69; Sup. Amdt. No. 32; Dated, 16 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

From—	Terminal routes: To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 9R—ILS DH 1216'; LOC 5 miles after passing AL LOM. 9L—ILS DH 1224'; LOC 5.2 miles after passing AT LOM.
				9R—Climbing right turn to 3000' direct to ATL VORTAC and hold. 9L—Climb to 3000', left turn, direct, Tucker Int via ATL VOR, R 033° and hold. Supplementary charting information: 9R—Hold S, 1 minute, right turns, 354° Inbnd. 9L—Hold NE, left turns, 213° Inbnd. 9L—Back crs unusable. HIRLS 9L/27R, 9R/27L, and 15/33, TDZ/CL Runway 9R. TDZ elevation, 9R—1016'; 9L—1024'.

Radar vector to intercept final approach crs at established vectoring altitudes.
Procedure turn not authorized.
FAF, AL or AT LOM. Final approach crs, 093°. Distance FAF to MAP, 9R—5 miles; 9L—5.2 miles.
Altitudes as advised by radar controller.
Minimum glide slope interception altitude, 9R—2600'; 9L—3500'.* Glide slope altitude at OM, 9R—2430'; 9L—2690'; at MM, 9R—1227'; 9L—1236'.
Distance to runway threshold at OM, 9R—5 miles; 9L—5.2 miles; at MM, 9R—0.6 mile; 9L—0.5 mile.
MSA: 000°–090°—3100'; 090°–180°—2300'; 180°–270°—2700'; 270°–360°—2900'.
NOTE: Radar required.
*Or as directed by Radar Controller.
%RVR 24 authorized Runways 9L, 33.
%RVR 18 authorized Runway 9R for Categories A, B, and C.
%RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S–9R	1216	RVR 18	200	1216	RVR 18	200	1216	RVR 18	200	1216	RVR 20	200
S–9L	1224	RVR 24	200	1224	RVR 24	200	1224	RVR 24	200	1224	RVR 24	200
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1¼	476	1580	2	556
A	Standard.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, I-ALR, I-ATL; Procedure No. Dual ILS Runways 9 L and R, Amdt. 10; Eff. date, 10 Apr. 69; Sup. Amdt. No. 9; Dated, 9 Jan. 69

From—	Terminal routes: To—	Via	Minimum altutides (feet)	Missed approach
				MAP: ILS DH, 272'; LOC 2.3 miles after passing PH LOM.
Cape Charles VORTAC	PH LOM	Direct	1600	Climb to 400', left turn climb to 1600' direct to Williamsburg Int via ORF VORTAC R 322° and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 322° Inbnd. 212' stack 1 mile S of Runway 2. TDZ elevation, 39'.
Norfolk VORTAC	PH LOM	Direct	1600	
Franklin VORTAC	Rushmere Int	Direct	1600	
Rushmere Int	PH LOM (NOPT)	PHF LOC crs 065°	1100	
Surry Int	Rushmere Int	R 305°–ORF VORTAC	1600	

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1600' within 10 miles of PH LOM.
FAF, PH LOM. Final approach crs, 065°. Distance FAF to MAP, 2.2 miles.
Minimum glide slope interception altitude, 1100'. Glide slope altitude at OM, 973'; at MM, 272'.
Distance to runway threshold at OM, 2.7 miles; at MM, 0.5 mile.
MSA: 000°–090°—1400'; 090°–270°—2100'; 270°–360°—1500'.
NOTES: (1) Radar vectoring. (2) Localizer unusable from MM Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S–6	272	RVR 24	233	272	RVR 24	233	272	RVR 24	233	272	RVR 24	233
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–6	400	RVR 24	361	400	RVR 24	361	400	RVR 24	361	400	RVR 40	361
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	479	520	1	479	520	1¼	479	600	2	559
A	Standard.			T 2-eng. or less—RVR 24', Runway 6; Standard all other runways.			T over 2-eng.—RVR 24', Runway 6; Standard all other runways.					

City, Newport News; State, Va.; Airport name, Patrick Henry; Elev., 41'; Facility, I-PHF; Procedure No. ILS Runway 6, Amdt. 17; Eff. date, 10 Apr. 69; Sup. Amdt. No. 16; Dated, 14 Nov. 68

15. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
												IFR departures must comply with published Anchorage SID's. Supplementary charting information: Radar antenna 368', 1.1 miles SW Runway 6. Antenna 275', 0.9 mile W Runway 13. TV antenna 486', 1.5 miles NE Runway 24.

Missed approach: Proceed direct to the ANC VORTAC climbing to 1500' within 10 miles utilizing the following turns: Runway 31—turn left; Runway 13, 6—turn right; or, as directed by ATC, proceed direct to the AN LOM, climbing to 1500' within 10 miles utilizing the following turns: Runway 31—turn left, Runway 13, 6—turn right or, proceed direct to the S crs of the AC LFR climbing to 1500' utilizing the following turns: Runway 31—turn left; Runway 13—straight ahead; Runway 6—turn right.
%RVR 24 authorized Runway 06.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
ASR:												
S–31	600	1	479	600	1	479	600	1	479	660	1	479
S–13	500	1	379	500	1	379	500	1	379	560	1	379
S–6	640	¾	519	640	¾	519	640	¾	519	640	1	519
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	559	680	1	559	800	1½	679	800	2	679
A	Standard.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 121'; Facility, Anchorage Radar; Procedure No. Radar-1, Amdt. 3; Eff. date, 10 Apr. 69; Sup. Amdt. No. 2; Dated, 16 May 68

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
0												
095°	235°	18	2000									1. For all runways: Descend aircraft to MDA after FAF 5 miles from threshold. 2. Components inoperative table does not apply to HIRL and REIL Runways 10R and 28R. Supplementary charting information: TDZ elevations: Runways 31, 809'; 10R, 810'; 1, 19, 23, 28R, 812'; 10L, 28L, 814'. Hold CM LOM E, 1 minute, right turns, 276° Inbnd. Hold CB LOM W, 1 minute, right turns, 096° Inbnd.
050°	050°	10	2500									
150°	360°	20	2500									
200°	360°	50	3000									

and including the area bearing 170° clockwise to 235° from the Columbus Radar within 12 miles of Lockbourne AFB minimum altitude, 2000'. Radar control will provide 1000' vertical clearance within 3-mile radius of 1165' tower, 3 miles S and 1389' tower, 9 miles SW.

Missed approach:
Runways 10R, 10L, 1, 5, 13, and 19—Climb to 2700' direct to CM LOM and hold.
Runways 28L, 28R, 23, and 31—Climb to 2500' direct to CB LOM and hold.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
ASR:												
S–28L	1360	RVR 40	546	1360	RVR 40	546	1360	RVR 40	546	1360	RVR 50	546
S–28R	1360	1	548	1360	1	548	1360	1	548	1360	1¼	548
S–10R	1300	1	490	1300	1	490	1300	1	490	1300	1¼	490
S–10L	1300	RVR 40	486	1300	RVR 40	486	1300	RVR 40	486	1300	RVR 40	486
S–1	1420	1	608	1420	1	608		NA			NA	
S–19	1300	1	488	1300	1	488		NA			NA	
S–23	1380	1	568	1380	1	568		NA			NA	
S–31	1340	1	531	1340	1	531		NA			NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	604	1420	1	604	1420	1¼	604	1420	2	604
A	Standard.			T 2-eng. or less—RVR 24', Runways 28L and 10L; Standard all other runways.			T over 2-eng.—RVR 24', Runways 28L and 10L; Standard all other runways.					

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816'; Facility, Columbus Radar; Procedure No. Radar-1, Amdt. 8; Eff. date, 10 Apr. 69; Sup. Amdt. No. 7; Dated, 6 June 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 5, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-2952; Filed, Mar. 20, 1969; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Pollution Control Administration, Department of the Interior

PART 620—WATER QUALITY STANDARDS

Adoption, Identification and Availability of State Standards; Correction

1. The document containing water quality standards established by New Hampshire and added to § 620.10 of Part 620 of Title 18 of the Code of Federal Regulations, published in the FEDERAL REGISTER on September 26, 1968, at 33 F.R. 14456 is corrected by adding at the end thereof the phrase "and except for the Androscoggin River."

2. The document containing water quality standards established by Hawaii and added to § 620.10 of Part 620 of Title 18 of the Code of Federal Regulations on July 10, 1968, at 33 F.R. 9878 is corrected by deleting the last phrase thereof, "including Chapter 37–A of the Public Health Regulations containing the water quality criteria, as amended," and by substituting therefor the following: "and which were revised on December 26, 1967, by revisions of Chapters 37 and 37–A of the Public Health Regulations, and as otherwise amended."

3. The document containing water quality standards established by Montana and added to § 620.10 of Part 620 of Title 18 of the Code of Federal Regulations on July 10, 1968, at 33 F.R. 9878, is corrected by deleting the last phrase, "as amended by 'Water Quality Standards For The Surface Waters of Montana, September 27, 1967'" and by substituting therefor the following: "as amended on September 22, 1967, by 'Water Quality Standards For The Subsurface Waters of Montana.'"

4. The document containing water quality standards established by South Dakota and added to § 620.10 of Part 620 of Title 18 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 10, 1968, at 33 F.R. 9879 is corrected by deleting therefrom the final phrase "as amended".

5. The document containing water quality standards established by Washington and added to § 620.10 of Part 620 of Title 18 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 10, 1968, at 33 F.R. 9879 is corrected by deleting therefrom the final phrase "as amended".

6. The document containing water quality standards established by Arkansas and added to § 620.10 of Part 620 of Title 18 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 10, 1968, at 33 F.R. 9877 is corrected by changing the reference therein from section "VI" to section "IV".

(Sec. 1, 70 Stat. 506, as amended; 33 U.S.C. 466l)

Dated: March 17, 1969.

RUSSELL E. TRAIN,
Under Secretary of the Interior.

[F.R. Doc. 69–3365; Filed, Mar. 20, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 100, 242, 299]

RELEASE FROM CUSTODY BY SPECIAL INQUIRY OFFICER

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code, notice is hereby given of the proposed issuance of the following rules which would authorize determinations regarding custody or bond following the denial of an application for release from custody, or release under bond, or for reduction of the amount thereof, to be made by a special inquiry officer separate and apart from any deportation hearing or proceeding under Part 242 of Title 8 of the Code of Federal Regulations, and to set forth the places where the special inquiry officers are stationed. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 100—STATEMENT OF ORGANIZATION

1. Section 100.4 is amended by adding paragraph (e) to read as follows:

§ 100.4 Field service.

* * * * *

(e) *Special inquiry officers.* Special inquiry officers are stationed at the following district headquarters: Districts 2, 3, 4, 6, 8, 9, 12, 13, 14, 15, 16, 21, and 25.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

2. Paragraphs (b) and (c) of § 242.2 are amended to read as follows:

§ 242.2 Apprehension, custody, and detention.

* * * * *

(b) *Authorized officer.* A district director, acting district director, or deputy district director may exercise the authority contained in section 242 of the Act to continue or detain an alien in, or release him from, custody, to determine whether an alien shall be released under bond, and the amount thereof, if any, and shall promptly notify the alien in writing of any determination made in his case. No appeal shall lie from such determination. Denial of an application for release from custody, or release under bond, or for reduction in the amount thereof, shall be without prejudice to the renewal of the application or request before any available special inquiry officer who is stationed in the region having administrative jurisdiction over the residence of the alien and whose official station in such region is nearest to such residence. The special inquiry officer may exercise the authority contained in section 242 of the Act to continue or detain a respondent in, or release him from, custody, and to determine whether a respondent shall be released under bond, and the amount thereof, if any. The special inquiry officer shall promptly notify the respondent and the Service of such determination. Consideration under this paragraph by the special inquiry officer of an application or request of an alien regarding custody or bond shall be separate and apart from any deportation hearing or proceeding under this part, and shall form no part of such hearing or proceeding or of the record thereof. The determination of the special inquiry officer as to custody status or bond may be based upon any available information or which is presented to him by the alien or the Service. The alien and the Service may appeal to the Board of Immigration Appeals from any such determination. Such appeal shall be taken by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is delivered in person or mailed to the alien and the Service. Upon the filing of such a notice of appeal, the district director shall immediately transmit to the Board of Immigration Appeals all records and information pertaining to the determination of the special inquiry officer. The filing of such an appeal shall not operate to disturb the custody of the alien or to stay the administrative proceedings or deportation. The foregoing provisions concerning notice, reporting, and appeal shall not apply when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose. The determination of the special inquiry officer in respect to custody status or bond shall be entered on Form I–342 at the time such determination is made and shall be accompanied by a memorandum by the special inquiry officer as to the reasons for his determination.

(c) *Revocation.* When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, or deputy district director, in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and canceled. Such revocation of release shall be without prejudice to an application for release from custody, or release under bond, to a special inquiry officer in accordance with and subject to all the provisions of paragraph (b) of this section, including an appeal to the Board of Immigration Appeals from the determination by the special inquiry officer in connection therewith.

* * * * *

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

3. The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in numerical sequence:

Form No.	*Title and description*
I–342	Determination of the Special Inquiry Officer with Respect to Custody.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: March 19, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69–3439; Filed, Mar. 20, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1064]

[Docket No. AO–23–A37]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day

after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Kansas City, Mo., on February 4, 1969, pursuant to notice thereof which was issued January 14, 1969 (34 F.R. 868).

The material issues on the record of the hearing relate to:

1. Location adjustments; and
2. Diverted milk.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Location adjustments.* The location adjustment provisions of the order should be amended by deleting paragraph (a) in § 1064.53. This will eliminate the 10-cent lower Class I and blend prices at plants located in St. Joseph, Mo., and Sabetha, Kans., as compared to plants located in Kansas City, Mo., and in Kansas City and Topeka, Kans. It will also eliminate the 10-cent adjustment as it now applies to other source milk classified as Class I.

Presently, the order provides that milk received from producers at plants located in the Kansas counties of Brown, Doniphan, or Nemaha or in the Missouri counties of Andrew, Atchison, Buchanan, Clinton, Daviess, De Kalb, Gentry, Holt, Nodaway, or Worth is priced 10 cents lower than milk received at plants located in the remainder of the marketing area. The only plants to which this provision applies are one plant located at Sabetha, Kans., and three plants located at St. Joseph, Mo.

Three cooperative associations of producers (Mid-America Dairymen, St. Joseph Milk Producers, and Sunflower Dairy) proposed the deletion of the 10-cent location adjustment at plants in St. Joseph, Mo., and Sabetha, Kans. Another cooperative and two handlers who operate pool plants in Kansas City supported the producers' proposal.

The three handlers who operate plants located in St. Joseph, Mo., opposed the deletion of the 10-cent location adjustment. They contended that a 10-cent lower Class I price has always existed under the order at St. Joseph in relation to Kansas City and that the present price level has resulted in an adequate supply of milk for St. Joseph handlers.

The Greater Kansas City marketing area and its supply area almost completely overlap. Three-fourths of the producer milk supply for the market in November 1968 came from counties within the marketing area. There were 13 counties from which producer milk deliveries to the market in November totaled more than 2 million pounds. Twelve of these counties are in the marketing area.

The metropolitan area surrounding Kansas City, Kans., and Kansas City, Mo., is the largest population center in the marketing area, but other important population centers are Topeka and Salina, Kans., and St. Joseph, Mo. The counties with the largest milk deliveries to plants regulated by the Kansas City order (except Nemaha County, Kans.) are adjacent to Topeka, Kansas City, and St. Joseph.

Since producers' farms are located relatively close to distributing plants, nearly all producer milk is hauled directly from the farms to distributing plants without being first received at a supply plant. There is one supply-balancing plant from which supplemental milk is shipped to distributing plants. This supply-balancing plant is located at Sabetha, Kans., 50 miles from both Topeka and St. Joseph and 100 miles from Kansas City.

The plant is operated by Mid-America Dairymen, Inc., a cooperative which also supplies most of the milk direct-shipped from farms to distributing plants regulated by the Kansas City order. The cooperative also ships milk from the Sabetha plant to distributing plants in Topeka, Kansas City, and St. Joseph when such plants request additional supplies to supplement their regular producer receipts.

Although the order permits a 10-cent lower Class I price at the Sabetha plant, the cooperative collects the higher Class I price applicable at Kansas City and Topeka, even on shipments to plants in St. Joseph where the 10-cent lower price is applicable under the order. Buyers also pay transportation costs from Sabetha to the point of delivery.

In paying producer-members, the cooperative also uses the same rate for members delivering to the Sabetha plant as that paid members delivering to Topeka and Kansas City plants. The cooperative takes the position that all of its member-producers delivering to the Kansas City market are so situated that they may deliver to all plants with about the same delivery costs.

The cooperative has eliminated the location adjustment at the Sabetha plant by charging the same Class I price at that plant as is applicable at Kansas City plants. As of April 1, 1969, this same cooperative will market the milk of producers now delivering milk to the three distributing plants located at St. Joseph. The cooperative proposes to supply such handlers on the same price basis as it supplies other handlers in the Greater Kansas City area, i.e., at the Class I price without location adjustment. The new members also would receive the same price f.o.b. St. Joseph plants as producers receive at plants in Kansas City and Topeka.

Since producers' farms within the marketing area are so located near the principal cities where the plants they serve are located, there is no basis for designating part of the area for a location adjustment because plants therein provide a market for producers at a generally lower delivery cost.

Although St. Joseph is located about 50 miles north of Kansas City, it is only slightly further from available alternative milk supplies in Northeast Iowa, Minnesota, and Wisconsin. This is because milk coming to either Kansas City or St. Joseph from Iowa, Minnesota, or Wisconsin would be routed through Cameron, Mo., which is only about 18 miles closer to St. Joseph than it is to Kansas City. This small difference in mileage is not sufficient to justify a lower price at St. Joseph.

The area between Kansas City and St. Joseph is growing rapidly in population. Sales of fluid milk products are expected to increase in this segment of the area. By establishing the same Class I and blend prices at St. Joseph and Kansas City, handlers in both cities will be on a comparable basis in acquiring additional milk supplies to serve this expanding area.

Handlers opposing the elimination of the 10-cent location adjustment stated that they have obtained in times past an adequate supply at the lower price level. There is no evidence that handlers in St. Joseph can obtain a milk supply under present conditions at a price level less than herein proposed.

The hearing notice contained a proposal to make St. Joseph a basing point from which to calculate location adjustments for plants located outside the marketing area. This proposal was not supported at the hearing. Hence, no basis exists for making this change.

2. *Diverted milk.* The order now provides that only milk of a producer who delivers 6 days' production during the month to a pool plant may be considered producer milk on days it is diverted to a nonpool plant. Each day's delivery normally includes 2 days' production, thus the present 6 days' production requirement represents three deliveries. This provision should be changed to require delivery to a pool plant on only 1 day per month for diversion eligibility.

The present delivery requirement has made it necessary at times to move milk to Kansas City plants from farms near Council Grove, Kans., and El Dorado Springs, Mo., when, on the same day, milk on farms nearer to Kansas City is diverted to plants in Council Grove and El Dorado Springs. The proposed change will permit the cooperative to direct the delivery of milk more efficiently to supply the market at the lowest delivery cost.

The requirement that milk be delivered to a pool plant from each producer's farm on at least 1 day during the month will be sufficient to establish that such producer's milk continues to be available to this market for fluid use.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

A ruling of the Hearing Examiner to which an objection was taken in the brief has been reviewed. An objection was raised to the ruling which excluded testimony concerning hauling rates on the basis that it was hearsay evidence and was not of the sort upon which responsible persons are accustomed to rely.

The motion was supported by an offer of proof under § 900.8(d)(6) of the rules of practice (7 CFR Part 900). In compliance with § 900.9(b) of the rules of practice, a brief was filed by the interested party which requested review of the ruling made by the Hearing Examiner. It was contended that although the testimony was hearsay evidence, such fact should go to the weight of the evidence rather than require its complete exclusion from the record.

The offer of proof and brief and the ruling of the Hearing Examiner on this motion have been reviewed. The ruling of the Hearing Examiner is hereby affirmed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Greater Kansas City marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In paragraphs (a) and (b) of § 1064.15 the language "for at least 6 days' production" is deleted and the language "for at least 1 days' delivery" is substituted therefor.

2. In § 1064.53 paragraph (a) is revoked.

Signed at Washington, D.C., on March 18, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-3402; Filed, Mar. 20, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 303; Delegation of Authority 94–1]

LEGAL ADVISER AND DEPUTY LEGAL ADVISERS

Delegation of Authority To Perform Functions Under Fishermen's Protective Act

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended (63 Stat. 111, 70 Stat. 563; 22 U.S.C. 2658), I hereby delegate to the Legal Adviser and to the Deputy Legal Advisers authority to perform all functions conferred upon the Secretary of State by sections 3 and 5 of the Fishermen's Protective Act, as amended (68 Stat. 883, 82 Stat. 729; 22 U.S.C. 1973, 1975), relating to the seizure of vessels of the United States by foreign countries on or after August 12, 1968.

Any reference in this Delegation of Authority to any Act shall be deemed a reference to such Act as amended from time to time.

Notwithstanding any provision of this Delegation of Authority, the Secretary of State may at any time exercise any function hereby delegated.

This Delegation of Authority supersedes Delegation of Authority No. 94 dated October 4, 1957, with respect to claims based upon seizures occurring on or after August 12, 1968.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

MARCH 6, 1969.

[F.R. Doc. 69–3367; Filed, Mar. 20, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 6594; Utah 7548]

UTAH

Order Opening Lands to Application, Entry and Patenting

MARCH 14, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 38 S., R. 3 W.,
Sec. 17, N½SW¼, NW¼SE¼;
Sec. 18, NE¼SE¼.
T. 39 S., R. 3 W.,
Sec. 16, all.

The areas described aggregate 800 acres.

2. The lands are located in Kane County about 10 miles southwest of Cannonville, Utah. They are semiarid in character and not suitable for farming. The lands have values for watershed, grazing, wildlife, and recreation, which can best be managed under principles of multiple use.

3. The United States did not acquire any mineral rights with the lands.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on May 1, 1969, be opened to application, petition and selection. All valid applications received at or prior to 10 a.m. on May 1, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 69–3363; Filed, Mar. 20, 1969; 8:45 a.m.]

[Utah 7680]

UTAH

Order Opening Lands to Application, Entry and Patenting

MARCH 14, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 11 N., R. 17 W.,
Sec. 13, all.

The area described contains 640 acres.

2. The lands are located in Box Elder County about 8 miles southeast of Grouse Creek, Utah. They are semiarid in character and not suitable for farming. The lands have values for watershed, grazing, wildlife, and recreation, which can best be managed under principles of multiple use.

3. The United States did not acquire any mineral rights with the lands.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on April 25, 1969, be opened to application, petition, and selection.

The lands have been classified for multiple-use management pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) by classification No. U–7041, which segregates the lands from applications under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C 334) and applications for public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All other valid applications received at or prior to 10 a.m. on April 25, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 69–3364; Filed, Mar. 20, 1969; 8:45 a.m.]

National Park Service

[Order 1]

ADMINISTRATIVE OFFICER, AMISTAD RECREATION AREA, TEX.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

The Administrative Officer may execute, approve, and administer contracts not in excess of $1,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2. Southwest Region Order No. 4 (31 F.R. 8134))

Dated: February 26, 1969.

COLEMAN C. NEWMAN,
Superintendent,
Amistad Recreation Area.

[F.R. Doc. 69–3366; Filed, Mar. 20, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

CHIEF, FRESH PRODUCTS STANDARDIZATION AND INSPECTION BRANCH

Delegation of Authority

Pursuant to the authority (33 F.R. 10750, 10752) delegated to the Director, Fruit and Vegetable Division, Consumer and Marketing Service, the delegation of authority to the Chief of the Fresh Products Standardization and Inspection Branch of the Fruit and Vegetable Division appearing at 19 F.R. 147 is hereby superseded and the following is substituted therefor:

1. Under the direction and supervision of the Director or Deputy Director, Fruit and Vegetable Division, the Chief of the Fresh Products Standardization and Inspection Branch is hereby delegated the authority to perform all the duties and to exercise all the powers and functions (including the power of redelegation) which the Director is, or may hereafter be, authorized to perform as set forth in §§ 51.1 to 51.61, inclusive, of Title 7 of the Code of Federal Regulations: *Provided, however,* No authority is delegated hereunder to enter into contracts pursuant to § 51.42 of the aforesaid regulations.

2. No delegation or authorization prescribed herein shall preclude the Director or Deputy Director from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

Issued at Washington, D.C., this 14th day of March 1969, to become effective March 21, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69–3382; Filed, Mar. 20, 1969; 8:47 a.m.]

CHIEF, PROCESSED PRODUCTS STANDARDIZATION AND INSPECTION BRANCH

Delegation of Authority

Pursuant to the authority (33 F.R. 10750, 10752) delegated to the Director, Fruit and Vegetable Division, Consumer and Marketing Service, the delegation of authority to the Chief of the Processed Products Standardization and Inspection Branch of the Fruit and Vegetable Division appearing at 19 F.R. 147 is hereby superseded and the following is substituted therefor:

1. Under the direction and supervision of the Director or Deputy Director, Fruit and Vegetable Division, the Chief of the Processed Products Standardization and Inspection Branch is hereby delegated the authority to perform all the duties and to exercise all the powers and functions (including the power of redelegation) which the Director is, or may hereafter be, authorized to perform as set forth in §§ 52.1 to 52.87, inclusive, of Title 7 of the Code of Federal Regulations: *Provided, however,* No authority is delegated hereunder to enter into contracts with applicants to perform continuous inspection service pursuant to § 52.52 of the aforesaid regulations.

2. No delegation or authorization prescribed herein shall preclude the Director or Deputy Director from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

Issued at Washington, D.C., this 14th day of March 1969, to become effective March 21, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69–3383; Filed, Mar. 20, 1969; 8:47 a.m.]

CHIEF, FRUIT BRANCH

Termination of Delegation of Authority

Pursuant to the authority (33 F.R. 10750, 10752) delegated to the Director, Fruit and Vegetable Division, Consumer and Marketing Service, the delegation of authority to the Chief of the Fruit Branch appearing at 23 F.R. 601 is hereby terminated.

Issued at Washington, D.C., this 14th day of March 1969 to become effective March 21, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69–3384; Filed, Mar. 20, 1969; 8:47 a.m.]

CHIEF, FRUIT BRANCH, ET AL.

Delegation of Authority

Pursuant to the authority (33 F.R. 10750, 10752) delegated to the Director, Fruit and Vegetable Division, Consumer and Marketing Service the delegation appearing at 25 F.R. 6932 is hereby amended by deleting the words ", and to the various Marketing Specialists of the Fruit and Vegetable Division," in paragraph 1 and by deleting paragraph 1(c) and the delegation appearing at 25 F.R. 7656 is amended by deleting the words "and c." The following delegation is hereby made:

1. Under the direction and supervision of the Director or Deputy Director, Fruit and Vegetable Division, the Chief, Fruit Branch; Chief, Vegetable Branch; and Chief, Specialty Crops Branch, are hereby delegated the authority to perform all the duties and to exercise all the powers and functions (including the power of redelegation) with respect to the commodities assigned to the respective Branches, which the Director is, or may hereafter be authorized to perform as set forth in §§ 900.1 to 900.71 inclusive, §§ 900.200 to 900.211 inclusive, and §§ 900.400 to 900.516 inclusive of Title 7 of the Code of Federal Regulations: *Provided, however,* No authority is delegated hereunder to issue rules or regulations or notice of rule making of such rules or regulations.

2. Under the direction and supervision of the Director or Deputy Director of the Fruit and Vegetable Division, the Chief, Fruit Branch; Chief, Vegetable Branch; Chief, Specialty Crops Branch shall mail, or cause to be mailed, a true copy of the notice of hearing concerning a proposed marketing order or the amendment of a marketing order with respect to the commodities assigned to their respective Branches, to each of the persons, known to be interested in such hearing, as required by the General Regulations in § 900.4(b)(1)(ii) (7 CFR Part 900), and execute or cause to be executed, the determination as therein prescribed: *Provided, however,* If for any reason the Chief, Fruit Branch; Chief, Vegetable Branch; Chief, Specialty Crops Branch, or his designee, finds it impractical or impossible to give the notice involved with respect to any hearing, he shall immediately notify the Director of such facts with the reasons for his so finding in order that a decision may be made as to the need for a determination being filed in the proceeding as prescribed in § 900.4(c) of said regulations (7 CFR Part 900).

3. No delegation or authorization prescribed herein shall preclude the Director or Deputy Director from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

Issued at Washington, D.C., this 14th day of March 1969, to become effective March 21, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69–3385; Filed, Mar. 20, 1969; 8:47 a.m.]

CHIEF, REGULATORY BRANCH

Delegation of Authority

Pursuant to the authority (33 F.R. 10750, 10752) delegated to the Director, Fruit and Vegetable Division, Consumer and Marketing Service, the delegation of authority to the Chief of the Regulatory Branch of the Fruit and Vegetable Division, appearing at 23 F.R. 3748 is hereby superseded and the following is substituted therefor:

1. Under the direction and supervision of the Director or Deputy Director, Fruit and Vegetable Division, the Chief of the Regulatory Branch is hereby delegated the authority to perform all the duties and to exercise all the functions and powers (including the power of redelegation) which the Director is, or may hereafter be authorized to perform or exercise in the administration of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.) and Produce Agency Act (7 U.S.C. 491–497): *Provided, however,* No authority is delegated hereunder to sign a moving paper (7 CFR 47.2(r)), approve the issuance of consent orders (7 CFR 47.26(b)) or to issue notices of suspension for failure to produce records (7 U.S.C. 499m(a)).

2. No delegation or authorization prescribed herein shall preclude the Director or Deputy Director from exercising any of the functions or powers or from performing any of the duties conferred

herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

Issued at Washington, D.C. this 14th day of March 1969, to become effective March 21, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-3386; Filed, Mar. 20, 1969; 8:47 a.m.]

DEPUTY DIRECTORS

Delegation of Authority

Pursuant to the authority (33 F.R. 10750, 10752) delegated to the Director, Fruit and Vegetable Division, Consumer and Marketing Service, the delegation of authority to the Deputy Directors of the Fruit and Vegetable Division, appearing at 23 F.R. 3748 is hereby superseded and the following is substituted therefor:

1. Under the direction and supervision of the Director, the Deputy Directors of the Fruit and Vegetable Division are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Director.

2. No delegation or authorization prescribed herein shall preclude the Director from exercising any of the functions or powers or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

Issued at Washington, D.C., this 14th day of March 1969, to become effective March 21, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-3387; Filed, Mar. 20, 1969; 8:47 a.m.]

DEPUTY DIRECTORS ET AL.

Delegation of Authority

Pursuant to the authority (33 F.R. 10750, 10752) delegated to the Director, Fruit and Vegetable Division, Consumer and Marketing Service, the following delegation of authority is made:

1. The following officials of this Division are hereby designated as representatives of the Secretary with authority to execute, in the name of the U.S. Department of Agriculture, contracts, agreements, or other documents within the scope of any docket heretofore or hereafter approved by the Secretary of Agriculture (or his designee) in connection with commodity programs pursuant to section 32 of the Act of August 24, 1935, or section 6 of the National School Lunch Act pursuant to which such authority was or is conferred (with power to redelegate) upon the Director of the Fruit and Vegetable Division:

Deputy Directors.
Chief, Fruit Branch.
Chief, Specialty Crops Branch.
Chief, Vegetable Branch.
Head, Marketing Programs Sections.

Provided, however, No authority is delegated hereunder to redelegate any of the authority here conferred: *Provided further,* The authority herein conferred may be exercised by any person who is serving in an acting capacity in any of the positions named above except Head, Marketing Programs Sections.

2. No delegation or authorization prescribed herein shall preclude the Director from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director. This delegation of authority replaces all previous delegations of authority to Representatives of the Secretary for section 6 and section 32 Commodity Programs which have been issued by the Director, Fruit and Vegetable Division.

Issued at Washington, D.C., this 14th day of March 1969, to become effective March 21, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-3388; Filed, Mar. 20, 1969; 8:48 a.m.]

[Marketing Agreement 146]

1968 CROP PEANUTS

Indemnification

Correction

In F.R. Doc. 69-3153 appearing at page 5306 of the issue for Saturday, March 15, 1969, in the fifth paragraph, line 9, the word "my" should read "by".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HAZLETON LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2397) has been filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, proposing that § 121.2527 *Antistatic and/or antifogging agents in food-packaging materials* (21 CFR 121.2527) be amended in paragraph (b), list of substances, to change the present item "*N,N*-Bis(2-hydroxyethyl) alkylamine, where the alkyl groups (C_{16}–C_{18}) are derived from tallow" to read "*N,N*-Bis(2-hydroxyethyl) alkylamine, where the alkyl groups (C_{12}–C_{18}) are derived from tallow or cocoamine."

Dated: March 13, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3363; Filed, Mar. 20, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-12]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

Correction

In F.R. Doc. 69-3166 appearing at page 5307 of the issue for Saturday, March 15, 1969, in column 1, page 5308, in the first line of the third paragraph under the center heading "Buoyant Cushions, Kapok or Fibrous Glass," the reference to "251" should read "250" and the word "group" should read "special".

ATOMIC ENERGY COMMISSION

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Receipt of Application for Construction Permit and Facility License

The Connecticut Light and Power Co., Selden Street, Berlin, Conn.; The Hartford Electric Light Co., 176 Cumberland Avenue, Wethersfield, Conn.; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass.; and The Millstone Point Co., 176 Cumberland Avenue, Wethersfield, Conn. (the applicants), pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, have filed an application, dated February 27, 1969, for a construction permit and facility license to authorize the construction and operation of a pressurized water nuclear reactor at the Millstone Nuclear Power Station, an approximately 500-acre site on Long Island Sound in the town of Waterford, Conn., approximately 40 miles southeast of Hartford and 3.2 miles west southwest of New London, Conn.

The proposed reactor, designated by the applicants as Millstone Nuclear Power Station Unit 2, will be located adjacent to and just north of the Millstone Unit 1 boiling water nuclear reactor which is now under construction. Millstone Unit 2 is designed for initial operation at approximately 2560 thermal megawatts with a net electrical output of approximately 828 megawatts. The proposed facility will be owned and financed by The Connecticut Light and Power Co., The Hartford Electric Light Co. and Western Massachusetts Electric Co. as tenants in common. The Millstone Point Co. will act as representative of the owners with respect to design, construction and operation of the facility.

A copy of the application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of March 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-3369; Filed, Mar. 20, 1969; 8:46 a.m.]

DELAWARE RIVER BASIN COMMISSION

LAND-FILL PROJECTS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 26, 1969, beginning at 2 p.m. The hearing will be held in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia. The hearing will be on the following matters:

I. A proposal to amend the Commission's rules of practice and procedure so as to exempt from review any land-fill project not having a substantial effect on water resources of the basin. This would be accomplished by amending section 2-3.5(a) of the Commission's rules by adding thereto a new item (14) to read as follows:

(14) Land-fill projects limited to disposal of solid inert wastes such as earth, rock, gravel, concrete, asphalt paving fragments, glass, plaster, plaster board, rubber products, steel mill slag, clay, clay products, plastics, asbestos shingles, and similar materials.

II. Docket No. D-69-11: A proposed sanitary land-fill project to be developed by Morris County Landfill, Inc., Mount Olive Township, Morris County, N.J. The project will be located on Gold Mine Road and will be operated by the area fill method.

III. Docket No. D-69-32: A proposed sanitary land-fill project to be developed by DeLorenzo Paper Stock, Inc., Hamilton Township, Mercer County, N.J. The 10-acre site will be used for the disposal of solid industrial wastes and will be located in the area known as Duck Island.

The project will be operated by the trench method.

All persons wishing to testify are requested to register in advance with the Secretary to the Commission (Telephone (609) 883-9500).

W. BRINTON WHITALL,
Secretary.

MARCH 14, 1969.

[F.R. Doc. 69-3370; Filed, Mar. 20, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 431]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 17, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

5258-C2-MP-69—Page Call, Inc.; (KEC935); Modification of C.P. to relocate facilities at location No. 3 from 280 Prospect Avenue, Hackensack, N.J., to: Hackensack Hospital, 22 Hospital Place, Hackensack, N.J., operating on frequency 35.22 MHz.

5260-C2-P-69—Francis R. Real doing business as Associated Telephone Answering Services; (New); C.P. for a new 1-way-signaling station. Frequency: 158.70 MHz. Location: Atrisco Grant, 7.5 miles west of Albuquerque, N. Mex.

5287-C2-P-69—Abe Schonfeld; (KIM906); Modification of C.P. to replace transmitter operating on base frequency 454.025 MHz at location No. 2 also correct address of location No. 2 to read: 300 Bay View Drive, North Miami Beach, Fla.

5288-C2-P-69—Cherokee Mobilphone Co.; (New); C.P. for a new 2-way station. Base frequency: 152.09 MHz. Location: Crocketts Ridge, ⅝ mile northwest of Morristown Country Club, Morristown, Tenn.

5295-C1/C2-AL-(5)-69—Lone Star State Telephone Co.; Consent to assignment of license from Lone Star Telephone Co., Assignor to Texas Telephone & Telegraph Co., Assignee. Stations: KLB517 Crockett, Tex.; KKT567 Rosebud, Tex.

5296-C2-AL-69—Wilson County Telephone Company, Inc.; (KLB763); Consent to assignment of license from Wilson County Telephone Co., Inc., Assignor to Texas Telephone & Telegraph Co., Assignee. (2-way) Station at Floresville, Tex.

5297-C2-P-69—Lewis M. Kelley, doing business as Seattle Radiotelephone Service; (New); C.P. for a new 2-way station. Frequency: 454.10 MHz. Location: Forest Park School, Everett, Wash.

5299-C2-P-69—General Telephone Co. of Illinois; (New); C.P. for a new 1-way-signaling station. Frequency: 152.84 MHz. Location: 214 West Monroe Street, Carbondale, Ill.

5300-C2-P-69—Empire Dispatch, Inc.; (New); C.P. for a new 1-way-signaling station to be located at Buckhorn Mountain, 15.5 miles west-northwest of Fort Collins, Colo., to operate on base frequency 152.24 MHz, with a control station at a site to be identified as location No. 2: 2109 South 23d Avenue, Greeley, Colo. to operate on frequency 454.35 MHz.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

5301-C2-P-(3)-69—Richard O. Deaderick and Clara Lockett, doing business as R. O. Deaderick Co.; (New); C.P. for a new 2-way station to be located at 1½ miles northwest of Morristown, Tenn., to operate on base frequency 152.09 MHz, with repeater facilities on 459.20 MHz and a control station at a site to be identified as location No. 2: 423 Depot Street, Knoxville, Tenn., to operate on frequency 454.20 MHz.

5302-C2-P-69—Southern Bell Telephone & Telegraph Co.; (KIG288); C.P. to change antenna system operating on test frequencies 157.80, 157.95, and 158.07 MHz at its test station located 115 Northeast Third Avenue, Fort Lauderdale, Fla.

2096-C2-R-69—Bell Telephone Co. of Nevada; (KD9271); Renewal of Developmental station license expiring Apr. 27, 1969. Term Apr. 27, 1969 to Apr. 27, 1970.

5306-C2-P-69—Gulf States-United Telephone Co.; (New); C.P. for a new 2-way station. Base frequency: 152.54 MHz. Location: 1318 Caddo Street, Commerce, Tex.

5322-C2-P-69—James D. and Lawrence D. Garvey, doing business as Radiofone; (KKO349); C.P. to install an additional base channel to operate on frequency 454.325 MHz at its station located at Corner O'Keefe and Howard Streets, New Orleans, La.

5323-C2-P-(4)-69—Charles E. Sackermann trading as Tra-Mar Radio Communications; (KEJ888); C.P. to install additional channels to operate on base frequency 454.325 MHz at Location No. 1: E. H. Armstrong Field Laboratory, Route No. 9W, Alpine, N.J. and at location No. 2: 26 Journal Square, Jersey City, N.J., also add a new site to be identified as location No. 3: Stone Hedge House, 8200 Boulevard East, North Bergen, N.J., to operate on base frequencies 454.20 and 454.325 MHz.

5324-C2-P-69—Liberty Communications, Inc.; (KOC485); C.P. to relocate the 152.03 MHz facilities from location No. 2: Booth Hill, Trumbull, Conn., to a new site to be identified as location No. 3: Long Hill, approximately 3½ miles north-northeast of Bridgeport, Conn.

5325-C2-P-69—The Township Telephone Co. of Chaumont, N.Y.; (New); C.P. for a new 2-way station to be located on Brownville Road, 1.25 miles north of Brownville, N.Y., to operate on base frequency 152.21 MHz.

5345-C2-AL-69—Charles E. Sackermann, trading as Tra-Mar Radio Communications; (KEJ888); Consent to assignment of license from Charles E. Sackerman, trading as Tra-Mar Radio Communications, Assignor to Tra-Mar Communications, Inc., Assignee. 2-way station at Union City, N.J.

5359-C2-(4)-69—Southwestern Bell Telephone Co.; (KKC262); C.P. to add two channels, 152.54 and 152.78 MHz, replace transmitters operating on 152.51 and 152.63 MHz and add test station to operate on 157.77, 157.80, 157.89, and 158.01 MHz and change antenna system at its station located 105 Auditorium Circle, San Antonio, Tex.

Correction

5197-C2-P-69—Mobilfone of Kansas; (New); Correct entry to read C.P. for a new 2-way station to be located at 1.5 miles west of city limits, Topeka, Kans., to operate on frequency 454.025 MHz.

5079-C2-P-(2)-69—South Central Bell Telephone Co.; (KKM580); Correct entry to read C.P. to add a second channel to operate on frequency 152.54 MHz, all other particulars remain the same as reported on public notice dated Mar. 10, 1969, Report No. 430.

Renewals of licenses expiring April 1, 1969. Term: April 1, 1969, to April 1, 1974.

CALIFORNIA

Licensee	Call sign
Auto-Phone Co	KMM626
Clearlake Radiotelephone	KMM602
Communications Engineering Co.	KMA742
Delta Mobile Radio Service	KMJ221
Ukiah Answering Service	KMM657

FLORIDA

Radio Telephone Communications, Inc.	KIR200
Do	KIT726
Do	KIT455
Spencer Communications Service	KIT446
Do	KIT743

IDAHO

Tel-Car, Inc.	KLF490
Do	KUA224

MINNESOTA

Licensee	Call sign
Jay-En, Inc.	KFJ901
Page Boy, Inc.	KAA285

MISSOURI

Certified Telephone Answering Service.	KAD925
Do	KAF240

MONTANA

Able Answering Service	KOP307

NEW JERSEY

Mueller Electronics, Inc.	KEC744
Do	KEC746

NEW MEXICO

Radio Dispatch Service	KKX716
Western Mobilphone, Inc.	KKM562

NEW YORK

Messages by Radio, Inc.	KEA200
Telephone Answering Exchange of Hempstead, Inc.	KEA255

NORTH CAROLINA

Aircall Co.	KIY776
Do	KIY779
Anserphone	KIG841
Anserphone of Durham	KIY758
Anserphone of High Point	KFL931
Communication Specialists Co.	KIY749
Raleigh Radio Paging Service, Inc.	KIY409
Two-Way Radio of Carolina, Inc.	KIY441

OHIO

Cuyahoga County Communications Co.	KLF508
Ohio Mobile Telephone Co., Inc.	KQK711
Do	KQK733

PENNSYLVANIA

Contact	KGC223

PUERTO RICO

San Juan Radio Telephone Corp.	WWA311
San Juan Radio Call	WWA335

TEXAS

Forester Radiotelephone Service	KKG409
Do	KKO344
Industrial Communications of Pecos, Inc.	KEJ454
Pocket Paging Service, Inc.	KLB716
Telephone and Radio Answering Service Co., Inc.	KKG561

UTAH

Mobile Radio Telephone Service, Inc.	KOA272
Do	KOE252

VIRGIN ISLANDS

Electronics Unlimited Corp.	WWA336

WASHINGTON

Coronet Enterprises, Inc.	KOA271
Telephone Message Exchange	KMM697

ILLINOIS

Licensee	Call sign
North Shore Radio-Telephone, Inc.	KSA256

INDIANA

South Shore Radio-Telephone, Inc.	KSB591
J. B. Wathen III	KSC870

KANSAS

Radar Paging Service	KLF479

MASSACHUSETTS

Electrocom Corp.	KCI297
Fitchburg Auto-Phone Co.	KCA745

MICHIGAN

Instant Communications, Inc.	KQA338
Do	KQD303

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

5310-C1-P-69—Indiana Bell Telephone Co.: (New); C.P. for a new fixed station. Frequency: 11,605 MHz. Location: 2.7 miles north of Warren, Ind.

5311-C1-P-69—Indiana Bell Telephone Co.: (New); C.P. for a new fixed station. Frequency: 10,875 MHz. Location: 2 miles north-northwest of Zanesville, Ind.

5312-C1-P-69—Wisconsin Telephone Co.: (KSN96); C.P. to add frequency 6356.8 MHz toward New Glarus, Wis., at its station located at 17 South Fairchild Street, Madison, Wis.

5313-C1-P-69—Wisconsin Telephone Co.: (KSN97); C.P. to add frequency 6034.2 MHz toward Madison, Wis. and 6123.1 MHz toward Dodgeville, Wis., at its station located at 516 miles northwest of New Glarus, Wis.

5314-C1-P-69—Wisconsin Telephone Co.: (KSN98); C.P. to add 6404.8 MHz toward New Glarus, Wis., and frequency 6278.8 MHz toward Walker Corner, Wis., at station located at Division Street South, Dodgeville, Wis.

5315-C1-P-69—Wisconsin Telephone Co.: (KSO26); C.P. to add frequency 5997.1 MHz toward Dodgeville, Wis., and 6041.6 MHz toward Rising Sun, Wis., at its station located 6.1 miles south of Boscobel, Wis.

5316-C1-P-69—Wisconsin Telephone Co.: (KSO27); C.P. to add frequency 6382.6 MHz toward Walker Corner, Wis., and 6304.7 MHz toward Mohawk Valley, Wis., at its station located 0.5 mile northwest of Rising Sun, Wis., also change antenna system for same.

5317-C1-P-69—Wisconsin Telephone Co.: (KSO28); C.P. to add 6100.9 MHz toward Rising Sun, Wis., and frequency 6056.4 MHz toward La Crosse, Wis., and change antenna system at its station located 8.4 miles southeast of La Crosse, Wis.

5318-C1-P-69—Wisconsin Telephone Co.: (KSO29); C.P. to add frequency 6338.1 MHz toward Mohawk Valley, Wis., at station located Fifth and Jay Streets, La Crosse, Wis.

5326-C1-P-69—Southern Bell Telephone & Telegraph Co.; (KJW92); C.P. to add frequency 11,445 MHz toward Cocoa, Fla., at its station located on State Highway No. 401, south entrance of Cape Kennedy Air Space Center, Cape Kennedy, Fla.

5327-C1-P-69—Southern Bell Telephone & Telegraph Co.: (KIU59); C.P. to add frequency 3950 MHz toward Fellsmere, Fla., at its station located 508 Palmetto Avenue, Melbourne, Fla.

5328-C1-P-69—Southern Bell Telephone & Telegraph Co.; (KJW90); C.P. to add frequency 3990 MHz toward Vero Beach, Fla., at its station located on State Route No. 507, 2.9 miles north of Fellsmere, Fla.

5329-C1-P-69—Southern Bell Telephone & Telegraph Co.; (KJW91); C.P. to add frequency 3950 MHz toward Fort Pierce, Fla., at station located on Highway No. 60, 8 miles west of Vero Beach, Fla.

5330-C1-P-69—Southern Bell Telephone & Telegraph Co.; (KJW93); C.P. to add frequency 6063.8 MHz toward Stuart, Fla., and change antenna system at its station located 713 Citrus Avenue, Fort Pierce, Fla.

5331-C1-P-69—Southern Bell Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequency: 6315.9 MHz. Location: Approximately 2 miles west-southwest of Stuart, Fla.

5332-C1-P-69—Southern Bell Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 0.1 mile west of Jupiter, Fla., to operate on frequency 6063.8 MHz.

5333-C1-P-69—American Telephone & Telegraph Co.: (KPM71); C.P. to add frequency 4190 MHz toward Milford, Utah, at station located at Cricket Mountain, 9 miles north-northeast of Black Rock, Utah.

5334-C1-P-69—American Telephone & Telegraph Co.: (KPM72); C.P. to add frequency 4198 MHz toward Cricket Mountain, Utah, and toward Lund, Utah, and change antenna system at its station located 6 miles southeast of Milford, Utah.

5335-C1-P-69—American Telephone & Telegraph Co.: (KPM73); C.P. to add frequency 4190 MHz toward Milford, Utah, and toward Enterprise, Utah, and change antenna system at station located 7.5 miles north of Lund, Utah.

5336-C1-P-69—American Telephone & Telegraph Co.: (KPM74); C.P. to add 4198 MHz toward Lund, Utah, and toward Santa Clara, Utah, at station located 5 miles southeast of Enterprise, Utah, and change antenna system for same.

5337-C1-P-69—American Telephone & Telegraph Co.: (KPM75); C.P. to add 4190 MHz toward Enterprise, Utah, and toward Mormon Mesa, Nev., and change antenna system at station located 9.5 miles west-southwest of Santa Clara, Utah.

5338-C1-P-69—American Telephone & Telegraph Co.: (KPM76); C.P. to add 4198 MHz toward Santa Clara, Utah, and toward Arrow Canyon, Nev., at station located 12.5 miles northwest of Mesquite, Nev., also change antenna system.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference and/or economic competition:

ALABAMA

Joe Cameron, doing business as KAM-RON Co.: New; File No. 2960-C2-P-69.
Stanley F. Wylie, doing business as Apex Communications; New; File No. 4794-C2-P-69.

CALIFORNIA

Jack Loperena, doing business as Tulare Radiotelephone Service; New; File No. 2967-C2-P-69.
Jack Loperena, doing business as Hanford Radiotelephone Service; New; File No. 4086-C2-P-69.
Fresno Mobile Radio, Inc.; KMA830; File No. 3510-C2-P-69.
Hanford Mobile Radio, Inc.; KMD988; File No. 83-C2-P-69.

RURAL RADIO SERVICE

5295-C1/C2-AL-(5)-69—Lone Star State Telephone Co.: (KLJ71); Consent to assignment of license from Lone Star Telephone Co., Assignor to Texas Telephone & Telegraph Co., Assignee. (Temporary fixed location.)

Correction

5249—C1-P/ML-69—Pacific Northwest Bell Telephone Co.: (KSQ46); Correct file number to read: 5240-C1-P/ML-69, all other particulars to remain the same as reported on public notice dated Mar. 10, 1969, Report No. 430.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

5261-C1-P-69—The Chesapeake & Potomac Telephone Co. of Virginia; (New); C.P. for a new fixed station to be located at 101 South Franklin Street, Christiansburg, Va., to operate on frequencies 10,775 and 11,015 MHz.

5262-C1-P-69—The Chesapeake & Potomac Telephone Co. of Virginia; (KIA68); C.P. to add frequencies 11,425 and 11,685 MHz toward new point of communication Christiansburg, Va., at its station located on Price Mountain, approximately 3.9 miles southwest of Blacksburg, Va.

5288-C1-P-69—American Telephone & Telegraph Co.; (KHL67); C.P. to replace transmitters operating on frequencies 5945.2 and 6004.5 MHz at its station located Bohemia, 0.8 mile south of MacArthur Airport, Islip, N.Y.

5289-C1-P-69—American Telephone & Telegraph Co.; (KHB47); C.P. to replace transmitters operating on frequencies 6256.5, 6301.0, 6360.8, and 6376.2 MHz at its station located at Plainview, 1.7 miles southwest of Melville, N.Y.

5291-C1-P-69—American Telephone & Telegraph Co.; (KED51); C.P. to change frequencies 5989.6 and 6152.7 MHz to 5989.7 and 6167.6 MHz toward Plainview, N.Y., and replace transmitters for same at station located 400 Hamilton Avenue, White Plains, N.Y.

5292-C1-P-69—South Central Bell Telephone Co.: (KIY23); C.P. to add frequency 3830 MHz toward Fordsville, Ky., and 4150 MHz toward Lanesville, Ind., at station located at 0.6 mile southeast of Guston, Ky.

5293-C1-P-69—South Central Bell Telephone Co.; (KIY24); C.P. to add frequency 3790 MHz toward Owensboro, Ky., and 4110 MHz toward Guston, Ky., at its station located approx. 5.8 miles northeast of Fordsville, Ky.

5294-C1-P-69—South Central Bell Telephone Co.; (KIY25); C.P. to add frequency 4150 MHz toward Fordsville, Ky., at station located 730 Frederica Street, Owensboro, Ky.

5304-C1-P-69—New York Telephone Co.; (KEK60); C.P. to add frequency 4070 MHz toward Halfhan Hill, N.Y., at its station located 20 South Hamilton Street, Poughkeepsie, N.Y.

5307-C1-P-69—Indiana Bell Telephone Co.; (KSV86); C.P. to add frequency 10,875 MHz toward Point Isabel, Ind., at its station located 1100 feet west of South 23d Street, Anderson, Ind.

5308-C1-P-69—Indiana Bell Telephone Co.; (New); C.P. for a new fixed station. Frequency: 11,605 MHz. Location: 1.1 miles southwest of Point Isabel, Ind.

5309-C1-P-69—Indiana Bell Telephone Co.; (New); C.P. for a new fixed station. Frequency: 10,875 MHz. Location: 216 West Fifth Street, Marion, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

5339–C1–P–69—American Telephone & Telegraph Co.; (KPM77); C.P. to add 4190 MHz toward Mormon Mesa, Nev., and toward Arden, Nev., and change antenna system at station located 12.4 miles southwest of Moapa, Nev.

5340–C1–P–69—American Telephone & Telegraph Co.; (KPM78); C.P. to add frequency 4196 MHz toward Arrow Canyon and Beer Bottle, Nev., and change antenna system at its station located 9.3 miles east of Sloan, Nev.

5341–C1–P–69—American Telephone & Telegraph Co.; (KPM79); C.P. to add frequency 4190 MHz toward Arden, Nev., and toward Cima, Calif., and change antenna system at its station located 10.4 miles southeast of Jean, Nev.

5342–C1–P–69—American Telephone & Telegraph Co.; (KNB54); C.P. to add frequency 4196 MHz toward Beer Bottle, Nev., and change antenna system at station located 4.5 miles east of Cima, Calif.

5343–C1–P–69—Southern Bell Telephone & Telegraph Co.; (KIB25); C.P. to add frequency 10,995 MHz toward Stone Mountain, Ga., at station located 51 Ivy Street NE., Atlanta, Ga.

5344–C1–P–69—Southern Bell Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequency: 11,445 MHz. Location: 1.5 miles east of Stone Mountain, Ga.

Point-to-Point Microwave Radio Service (Nontelephone)

5257–C1–P–69—Teleprompter Transmission of Kansas, Inc.; (KPH86); C.P. to change frequencies 6259.5 MHz and 6359.5 MHz to 6219.5 MHz and 6293.6 MHz toward Great Falls, Mont., and change frequency 6259.5 MHz to 6293.6 MHz toward Little Rockies, Mont. Station location: Highwoods Peak, Mont.

5305–C1–AL–(3)–69—Northern Microwave, Inc.; Consent to assignment of license from Northern Microwave Service, Inc., Assignor, to Maine Microwave, Inc., Assignee. Stations: KCK58, Bear Mountain, Maine; KLK59, Quoggy Joe Mountain, Maine; KCK60, Caribou, Maine.

5295–C1/C2–AL–(5)–69—Lone Star State Telephone Co.; Consent to assignment of license from Lone Star State Telephone Co., Assignor, to Texas Telephone & Telegraph Co., Assignee. Stations: KKK58, Dodge, Tex., and KLR49, Crockett, Tex.

Major Amendment

3561–C1–P–69—Western Microwave, Inc.; (New); Application amended to change frequency 6887.5 MHz to 11,035H MHz toward Nelson Peak, Utah, on azimuth of 237°38'.

3562–C1–P–69—Western Microwave, Inc.; (New); Application amended to change frequency 7062.5 MHz to 11,485 MHz toward Salt Lake City (KUED–TV), Utah, on azimuth of 57°38'. Other particulars same as reported in public notice dated Dec. 23, 1968.

[F.R. Doc. 69–3304; Filed, Mar. 20, 1969; 8:48 a.m.]

[FCC 69–235]

CERTAIN GUARD BAND APPLICATIONS ON PUBLIC NOTICE

Temporary Modification of Processing Priorities

MARCH 14, 1969.

On February 20, 1969, the U.S. Court of Appeals for the Second Circuit denied a petition for review of Commission action amending the rules to provide two new frequencies in the 150.8–162 Mc/s band for use by wireline and nonwireline companies for one-way paging service. Applications for these frequencies are therefore now ready for processing. Only two Guard Band frequencies are available to each class of carrier (wireline and nonwireline), and there is great interest in being able to provide the service. Hence, a large number of applications have been filed and many of them are apparently mutually exclusive with other applications because of electrical interference or alleged economic competitive injury.

Standard procedure would require that applications be considered in chronological order. Under normal circumstances, this procedure is desirable in the interest of fair treatment to all applicants. However, the Commission is here confronted with extraordinary circumstances presented by the large volume of applications filed in response to our amended rules. Thus, we have found it necessary to depart from our customary processing procedures with respect to the Guard Band applications on public notice between May 13, 1968, when the Commission released its report and order allocating such frequencies, and February 20, 1969, when the Court denied the petition for review. Adherence to the normal procedure would cause extended delay in processing those applications with no conflict or impediment and covering areas of the country either not served or underserved, while consideration is afforded the multiple competitive applications filed for a single community with all the accompanying complex problems. Further, it is important that the Guard Band applications not be processed at the expense of the normal processing of applications filed in other services for common carrier radio facilities. Rather, both types of applications will be processed in parallel as rapidly as possible.

In view of these considerations, the Commission is persuaded that the public interest will best be served if its processing priorities are temporarily modified as to the Guard Band applications on public notice between May 13, 1968 and February 20, 1969, as follows:

States will be reviewed in alphabetical order to determine where nonconflicting applications appear to have been filed. If the application is without impediment or protest, a grant will be made. Similarly, where wireline and nonwireline applications are pending for the same community and neither is protested, both will be afforded immediate consideration. Following this selective approach, applications which can be resolved will be spun off without delay. Applications which on initial review indicate a conflict not readily subject to resolution, will receive appropriate consideration after such initial spinning off process is completed. A major amendment of any application under this cut-off umbrella will cause removal of the application from immediate consideration consistent with the cut-off rule. Since it is obviously not possible to anticipate every situation which may be encountered during the processing phase, the exercise of discretion and judgment will be reserved for ad hoc situations as they arise. Determinations will be made in the best interest of the public.

Action by the Commission March 13, 1969.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–3395; Filed, Mar. 20, 1969; 8:48 a.m.]

[Dockets Nos. 18482, 18483; FCC 69–226]

BUCKEYE COMMUNICATIONS CO. AND MICHIGAN BELL TELEPHONE CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Buckeye Communications Co. for a Public Class III–B Coast Station at Toledo, Ohio, Docket No. 18482, File No. 4631–M–P–28; Michigan Bell Telephone Co. for renewal of Station KQB666 at Detroit, Mich., Docket No. 18483, File No. 5805–M–RL–29.

1. On February 20, 1968, an application was filed by Buckeye Communications Co. for a Public Class III–B (VHF) Coast Station to be located at Toledo, Ohio. Buckeye's application requested the use of the frequencies 161.9 (working) and 156.8 Mc/s (calling and distress), Public Class III–B Coast stations provide ship-shore radiotelephone common carrier (public correspondence) service, primarily of a local character, on VHF channels.

2. On April 30, 1968, a petition to deny the application of Buckeye was filed by Lorain Electronics Corp. One of Lorain's public coast stations is located at Lorain, Ohio (WMI), and operates on frequencies in the band 2–9 Mc/s and in the VHF band on the frequencies 161.9, 162.0, and 156.8 Mc/s employing the same primary working frequency 161.9 Mc/s as proposed by Buckeye. WMI and Buckeye's proposed station would be approximately 70 miles apart. On August 12, 1968, a petition to deny the application of Buckeye was filed by Michigan Bell Telephone Co. Michigan Bell is the licensee of a public coast station located at Detroit, Mich. (KQB–666), operating on frequencies in the 2 Mc/s band and also on 161.9 and 156.8 Mc/s in the VHF band. Station KBQ–666 is approximately 53 miles from the station proposed by Buckeye.

3. Lorain alleges that substantial interference between its station WMI and Buckeye's proposed station would occur if Buckeye were to construct and operate such station as proposed because of the proximity of the two stations and the use of the same transmitting and receiving frequencies. Lorain states that it has received interference from stations operating on the same frequencies from distances greater than that which would separate station WMI and Buckeye's proposed station. Lorain also alleges that overlap would occur between the two stations and this would reduce its effective service area and cause a reduction in revenues. Lorain further alleges that its station "can serve nearly all of the Toledo harbor area which Buckeye's proposed station could serve." In connection with this petition to deny, other responsive pleadings were filed by both the Petitioner and Buckeye. In these pleadings a question of whether the presentation by petitioner of engineering data in its reply to the opposition was consistent with § 1.45(b) of the rules was raised because the reply was allegedly not limited to matters raised in the opposition. Buckeye responded to this reply. Both these pleadings contained useful information and have been considered in the action taken herein.

4. Michigan Bell's objection is directed essentially to the anticipated interference. Michigan Bell makes no claim to be able to serve the Toledo harbor adequately from Detroit; however, it states that calls have been completed within the Toledo harbor area during periods of unusually good propagation to ships with antennas above average height above lake level. Michigan Bell indicates that it would interpose no objection if another frequency were selected by the applicant. It is noted that other frequencies are available, including one of the primary frequencies 162.0 Mc/s. However, Michigan Bell's petition to deny is not supported by an affidavit as required by section 309(d)(1) of the Communications Act of 1934, as amended. The petition, therefore, is defective and will be dismissed. The objections of Michigan Bell will be considered as informal objections. Michigan Bell presently has on file an application for renewal of Station KQB666 at Detroit, Mich. Inasmuch as Michigan Bell has based its objection on interference to its Detroit station, it is appropriate that this application be included in the proceeding so that it may be considered on a comparative basis with the station proposed by Buckeye.

5. An analysis of the pleadings filed in this matter does not establish conclusively whether, or to what extent, there is now an unfilled need for VHF public radio maritime communications service facilities to serve the local boating community at Toledo, Ohio; what the economic impact, if any, of the proposed station will be on existing stations; the extent, if any, to which the service area of the proposed station would overlap with the service areas of petitioner's stations; and whether operation of the proposed station on 161.9 Mc/s would cause mutually harmful interference to existing stations. Additionally, there is a fundamental question of whether a boating community such as Toledo, Ohio, with a population in a metropolitan area of nearly one-half million people, should be entitled to local service notwithstanding the fact that it may be within an area in which satisfactory communications can ordinarily be exchanged with a public coast station established to serve another local area. Accordingly, in view of these substantial and material questions of fact the Commission is unable to make a determination that it would be in the public interest to grant the application; therefore, an evidentiary hearing is necessary to resolve the questions of fact and to determine if the public interest would be served by a grant of the subject application. Except for the issues specified herein, the applicant is otherwise qualified.

6. On July 15, 1968, the Lake Carriers' Association filed a petition to intervene and stay this proceeding pending the outcome of a study and review of future radiotelephone communications needs on the Great Lakes. The Association asserted that its purposes included consideration and action on all general questions relating to navigation and business on the Great Lakes and that vessels of its members transport about 90 percent of the total commerce of the Great Lakes which moves in American flag vessels. On July 23, 1968, the applicant filed an Opposition and asserted, in effect, that the Association had not made a showing that the studies related specifically to the local needs of the Toledo, Ohio area, and that its general showing is insufficient to establish a standing to contest or delay action on the pending application. We believe that the Lake Carriers' Association by the very nature and purposes of its activity and in view of the composition of its membership is a party in interest and entitled to participate in a proceeding involving radio communication services or facilities available for use by its members and to this extent its Petition will be granted and the Association will be designated a party. With respect to its request to stay the proceedings, we do not consider such action appropriate. The petitioner indicated that the study would be completed in 3 months but to date no material has been submitted. The applicant and the local boating community involved are entitled to action as promptly as possible on the pending application. Furthermore, the petition filed by the Great Lakes Carriers' Association does not sufficiently show, as asserted by the applicant, how the study would directly and specifically relate to the local needs at Toledo, Ohio. Accordingly, the request to stay this proceeding will be denied.

7. In view of the foregoing: *It is ordered*, That the above-entitled applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine the extent of need in the local Toledo, Ohio area for public maritime radio communications service.

(b) To determine the extent, if any, to which the need for such services is not being satisfactorily met by existing public coast stations.

(c) To determine whether a VHF public coast station to provide service primarily of a local character should be established at Toledo, Ohio, even if Toledo lies within an area in which satisfactory maritime radio communications can ordinarily be exchanged with public coast stations established to provide service primarily to other localities.

(d) To determine the nature, amount and source of VHF traffic now handled by Station WMI and the amount of such traffic, if any, that would be lost if the proposed station is established, and the economic impact on WMI as a result of any such loss in traffic.

(e) To determine the VHF area in which Station WMI can exchange satisfactory communications with vessels and the extent, if any, to which such area overlaps with that of the proposed station.

(f) To determine the nature, amount and source of VHF traffic now handled by Station KQB666 and the amount of such traffic, if any, that would be lost if the proposed station is established, and the economic impact on KQB666 as a result of any such loss in traffic.

(g) To determine the area in which Station KQB666 can satisfactorily exchange communications with vessels, and the extent, if any, to which such area overlaps with that of the proposed station.

(h) To determine the nature and extent of cochannel interference, if any, that would arise from operation of the facility proposed by Buckeye on 161.9 Mc/s and whether such interference would be tolerable *or* mutually harmful to Stations WMI and KQB666.

(i) If it is determined that there is no need for additional service, to determine on a comparative basis which applicant would provide the public with better public coast station service based on the following considerations:

(1) Coverage area and its relationship to the greatest number of potential users;

(2) Hours of operation;

(3) Rates and charges;

(4) Personnel available to operate the station and their experience in marine communication; and

(5) Interconnection with landline facilities.

(j) To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience and necessity will be served by a grant of any or all of the subject applications.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issues (a), (b), (c), and (h) is placed upon Buckeye Communications Co. and on issues (d) and (e) upon

[1] Commissioners Hyde (Chairman), Bartley, Robert E. Lee, Cox, Wadsworth, Johnston and H. Rex Lee.

Lorain Electronics and on issues (f) and (g) upon Michigan Bell.

9. *It is further ordered,* That the coverage area will be computed on the basis of the information contained in Appendix F, "The Propagation Characteristics of the Frequency Band 152–162 Mc Which is Available for Marine Radio Communications," to the report entitled "Study of a Reliable Short Range Radiotelephone System," dated February 21, 1956, prepared by Special Committee No. 19 of the Radio Technical Commission for Marine Services (RTCM), or such other standards as may be agreed upon by all the parties.

10. *It is further ordered,* That the petition to deny, filed herein by Michigan Bell Telephone Co. is dismissed, and, considered as an informal objection.

11. *It is further ordered,* That the petition filed herein by the Lake Carriers' Association is granted to the extent indicated herein and is otherwise denied.

12. *It is further ordered,* That to avail themselves of an opportunity to be heard, Buckeye Communications Co., Michigan Bell Telephone Co., Lorain Electronics, Inc., and the Lake Carriers' Association, pursuant to § 1.221(c) of the Commission's rules, in person, or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: March 12, 1969.

Released: March 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 69-3396; Filed, Mar. 20, 1969; 8:48 a.m.]

[1] Chairman Hyde absent.

[Docket No. 17174; FCC 69-218]

SIOUX EMPIRE BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re application of Elder C. Stangland and Wallace L. Stangland, doing business as Sioux Empire Broadcasting Co., Sioux Falls, S. Dak., Docket No. 17174, File No. BP-15191; for construction permit.

1. Involved in this proceeding is the application of Elder C. Stangland and Wallace L. Stangland, doing business as Sioux Empire Broadcasting Co., for a construction permit for a new standard broadcast station to operate on the frequency 1520 kHz, 500 w, daytime only, at Sioux Falls, S. Dak.[1] The application was designated for hearing by our Order, 6 FCC 2d 707, released February 16, 1967.[2] The ultimate issues in hearing concerning Sioux Empire's application were to determine: (a) The efforts made by Sioux Empire to ascertain the programing needs and interests of the area to be served and the manner in which Sioux Empire proposes to meet such needs and interests; and (b) whether, in light of the evidence adduced pursuant to the foregoing issue, a grant of the application would serve the public interest, convenience and necessity.[3]

2. KISD, Inc., which was made a party to this proceeding, in its application for review requests the Commission to grant review of the Board's decision affirming the Hearing Examiner's grant of a construction permit to Sioux Empire. KISD focuses on two major issues: (a) Whether an experienced local broadcaster is nonetheless obligated to make a meaningful effort to ascertain the needs and interests of his local community and to propose programing designed to serve its needs and interests under the standards enunciated in Minshall Broadcasting Company, Inc., 11 FCC 2d 796 (1968); and (b) whether the Commission erred in determining, without evidentiary hearing, that Sioux Empire's proposed 1.0 mv/m contour would not overlap the 1.0 mv/m contour of KIWA, Sheldon, Iowa, in contravention of § 73.35(a) of the Commission's rules.

3. In the designation order, we refused to specify a § 73.35(a) duopoly issue, finding that the 1.0 mv/m contour of KIWA, Sheldon, Iowa, and the projected 1.0 mv/m contour of Sioux Empire's proposed station at Sioux Falls would be tangent. Accordingly no violation of § 73.35(a) of the rules was indicated. KISD objected to this conclusion in an exception to the initial decision. The Review Board considered KISD's position to be erroneous, based in part on KISD's failure to submit new data. Sioux Empire and the Broadcast Bureau argue that KISD is now precluded from seeking review of the duopoly question because KISD did not immediately seek reconsideration of the designation order.

4. We agree with KISD that its exception to the resolution of the duopoly question is properly before us in this application for review. Section 1.111 of the rules specifies the circumstances permitting reconsideration of a designation order. Pursuant to this section, reconsideration is permissible only where the petition relates to an adverse ruling with respect to the petitioner's participation or where the applicant asserts that his application should have been granted without hearing. Neither the Broadcast Bureau nor Sioux Empire argues that KISD's request for a duopoly issue falls within the scope of either of these provisions. Therefore, where the objector preserves his exception pursuant to § 1.277 of the rules, as here, review is appropriate in an application for review and KISD's exception to our failure to include the duopoly issue in the designation order is properly before us.

5. Having established KISD's right to seek review of the overlap question, we shall now consider the validity of its contentions. Section 73.35(a) of the rules specifically provides that no license for an AM station shall be granted to any party if that party has one AM station and if grant of the license will result in any overlap of the predicted or measured 1.0 mv/m contours of the existing and proposed stations. KISD claims that Sioux Empire's proposed 1.0 mv/m contour will overlap the 1.0 mv/m contour of Station KIWA, of which Elder Stangland, one of the partners in the present application, is the individual licensee. KISD also urges that the designation order failed to set forth the criteria and method used in refusing to specify a duopoly issue. Although this matter was considered previously, KISD's continuing assertion that the 1.0 mv/m contours will overlap has persuaded us that a further analysis of the data would be appropriate.

6. On the basis of the measurement data submitted by KISD and Sioux Empire prior to this hearing, we have now determined, consistent with Jeannette Broadcasting Co., that the KIWA 1.0 mv/m contour, in the direction of Sioux Empire's proposed station, extends a sufficient distance to result in an indicated overlap with the 1.0 mv/m contour of the proposed station. Thus KISD may be correct that Sioux Empire's proposal would violate § 73.35(a) of the rules. Under these circumstances, we are convinced that KISD has raised a question of fact concerning Sioux Empire's compliance with § 73.35(a) and that the present Decision in this proceeding cannot be sustained. For these reasons, we have concluded that this record should be reopened, that the issues should be enlarged, and that a further hearing should be held so that the duopoly question can be resolved on the basis of a full evidentiary showing by all of the parties.

7. KISD's second question concerns the sufficiency of Sioux Empire's showing under the Suburban Broadcasters programing issue. The Review Board, in evaluating this showing, concluded that the criteria enunciated in Minshall Broadcasting Company, Inc., 11 FCC 2d 796 (1968), were inapplicable to the instant proceeding, since the record in this proceeding was closed 4 months prior to Minshall. The Board therefore relied on Stangland's knowledge of local community needs based upon his long residence as well as his broadcast and other activities in the community. This knowledge of community needs, the Board concluded, enabled Stangland to utilize his prefiling interviews even though those persons were not told that Stangland proposed a new broadcast service for the community. Stangland's expertise was also adequate, in the Board's opinion, to override any inherent detriment indicated by the submission in this proceeding of a program proposal identical with that proposed for Stangland's AM station in Sheldon, Iowa. In light of the applicant's own statements indicating that his local contacts were not productive, it is clear that the Board resolved any doubts concerning the sufficiency of Sioux Empire's Suburban Broadcasters showing by referring to Stangland's familiarity with the community derived solely from his local residence and broadcasting experience.

8. KISD, in attacking the validity of the Board's programing conclusions, urges that Minshall is nothing more than a clarification of law in effect at the time the present application was filed and that it must be imposed in this case. Furthermore, KISD believes that Stangland's contacts were meaningless and ineffectual, since no reasonable relationship has been shown between the contacts and the program schedule submitted. KISD contends that Stangland has admitted that no major daily programs were suggested by the contacts and that his interviews were made in the context of casual conversations only bordering on a discussion of community needs. According to KISD, such a showing is not sufficient to warrant a grant of Sioux Empire's application. The Broadcast Bureau and Sioux Empire, on the other hand, support the Review Board's conclusion concerning the programing issue.

9. The focus of inquiry in a Suburban Broadcasters programing issue is to determine whether the applicant has ascertained the community's needs and interests and whether he proposes to meet those needs and interests. As early as 1960 we had occasion to indicate that "the principal ingredient of the licensee's obligation to operate his station in the public interest is the diligent, positive and continuing effort by the licensee to discover and fulfill the tastes, needs, and desires of his community, or service area for broadcast service." Report and Statement of Policy Re: Commission En Banc Programing Inquiry, FCC 60-970, released July 29, 1960, 20 RR 1901, 1915 (1960). The importance of this matter was emphasized in our report and order of 1965, amending section IV of the broadcast application form, where we stressed that "the Commission has an interest in how the licensee discovers the needs of his community and what he does to meet those needs." 1 FCC 2d 439, 442 (1965). We again stated in our report and order, 5 FCC 2d 175, 178 (1966), amending the television application form, that a broadcast applicant must make a "diligent and continuing effort to provide a program schedule designed to serve the needs and interests of the public."

10. The primary purpose of this policy is to guarantee "that the programing service will be rooted in the people whom the station is obligated to serve and who will be in a much better position to see that the obligation to them is fulfilled, thus lessening the enforcement burden of the Commission." Public Notice Relating to Ascertainment of Community Needs by Broadcast Applicants, FCC 68-847, released August 22, 1968, 13 RR 2d 1903. In that same public notice and in Minshall, supra, we have reiterated the elements that must be shown in support of each program proposal. In line with our long standing policy, each applicant is now required to show his consultations with community leaders to become informed of the real needs and interests of the area to be served, the suggestions that he received in those consultations as to community needs, and the specific programs that he has proposed to meet particular community needs, as he has evaluated them.[4]

11. We recognize that the requisite programing showing has been articulated with greater specificity in recent months and that this proceeding was tried prior to the release of Minshall. However, it is clear that Minshall was only a restatement of fundamental policy designed to clarify our general views on this matter. In Minshall, we simply stated that emphasis would be placed upon the relationship between ascertainment of community needs and their implementation in the program schedule so that we can determine whether the applicant is aware of and responsive to those needs. It would thus be anomalous to grant this application after a hearing on a Suburban Broadcasters issue in the absence of sufficient evidence to assure us that our requirements have been met, when current applications cannot be granted without a hearing unless a showing has been made which complies with Minshall.

12. For these reasons, we are persuaded that the public interest would not be served by a grant of Sioux Empire's application unless its programing showing comports substantially with the Minshall guidelines. Therefore, this case must be remanded for the preparation of a cumulative initial decision in light of the requirements set forth in Minshall. However, in view of the facts that this record was closed before the release of Minshall, that considerable time has elapsed since Sioux Empire's program proposal was originally formulated, and that this is a noncomparative proceeding, we believe that it would be appropriate to permit Sioux Empire to make a further showing under the Suburban Broadcasters programing issue. In this connection we shall afford Sioux Empire 60 days from the release date of this order to make a current study of its community's needs and interests and to amend its program proposal. Thus, Sioux Empire will have a full opportunity to demonstrate the manner in which it has ascertained its community's needs and how it proposes to meet those needs.

13. *Accordingly, it is ordered:*

(a) That the application for review filed by KISD, Inc., on October 17, 1968, is granted to the extent indicated herein and is denied in all other respects;

(b) That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether a grant of the proposal of Sioux Empire Broadcasting Co. would be in contravention of the provisions of § 73.35(a) of the Commission's rules with respect to multiple ownership of standard broadcast stations;

(c) That Sioux Empire Broadcasting Co. is afforded 60 days from the release date of this memorandum opinion and order to make a current study of its community's needs and interests and to amend its program proposal; and

(d) That this proceeding is remanded for further hearing consistent with this memorandum opinion and order and for the preparation of a cumulative initial decision.

Adopted: March 12, 1969.

Released: March 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3397; Filed, Mar. 20, 1969; 8:48 a.m.]

[1] Before us are the following matters: (a) The Initial Decision of Hearing Examiner Forest L. McClenning (FCC 68D-2, 12 FCC 2d 582) released on Jan. 19, 1968; (b) the Decision (FCC 68R-385, 14 FCC 2d 638) herein released by the Review Board on Sept. 17, 1968; (c) the application for review filed on Oct. 17, 1968, by KISD, Inc. (KISD); (d) the opposition filed Oct. 29, 1968, by Sioux Empire Broadcasting Co.; (e) the opposition filed on Nov. 1, 1968, by the Chief, Broadcast Bureau; and (f) the reply filed Nov. 14, 1968, by KISD.

[2] By memorandum opinion and order (FCC 67-916, 9 FCC 2d 683) released Aug. 10, 1967, the application of John L. Breece for a permit to construct a new standard broadcast station on 1000 kHz, with 10 kilowatts of power, daytime only at Sioux Falls, S. Dak., was consolidated for hearing in this proceeding. On Apr. 19, 1968, the Review Board released its decision (12 FCC 2d 579) severing and granting the unopposed Breece application. In so doing, the Board examined and adopted all of the Hearing Examiner's findings and conclusions relating to the Breece application.

[3] We also designated an issue concerning the adequacy of revenues to support more than three commercial broadcast stations in the area to be served. However, during the hearing KISD stated that it was no longer pressing this economic issue. Therefore, no proposed findings of fact and conclusions of law pertinent to that issue were filed by the parties.

[4] While Minshall originally required the application to disclose the applicant's evaluation of the suggestions received, we subsequently determined that such a specific showing was not necessarily required for our consideration of the application. Thus, the public notice merely indicates that the applicant is expected, at least subjectively, to evaluate the relative importance of the suggestions and to consider them in formulating the program proposal, even though a specific showing of such evaluation is no longer required in the application.

[5] Chairman Hyde absent; statement in which Commissioner Robert E. Lee concurs in part and dissents in part filed as part of original document; Commissioner H. Rex Lee not participating.

[Dockets Nos. 18381, 18382; FCC 69R-134]

VIKING TELEVISION, INC., AND CALVARY TEMPLE EVANGELISTIC ASSOCIATION

Memorandum Opinion and Order Enlarging Issues

In re applications of Viking Television, Inc., Minneapolis, Minn., Docket No. 18381, File No. BPCT-3772; Calvary Temple Evangelistic Association, Minneapolis, Minn., Docket No. 18382, File No. BPCT-4091; for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive applications of Viking Television, Inc. (Viking), and Calvary Temple Evangelistic Association (Calvary), which seek a construction permit for a new commercial television broadcast station to operate on Channel 23, Minneapolis, Minn. By order, FCC 68-1126, released November 26, 1968, these applications were designated for consolidated hearing under Suburban and financial issues against Calvary; a financial issue against Viking; and a standard comparitive issue. Presently before the Review Board is a motion to enlarge issues, filed December 16, 1968, by Viking,[1] which seeks the addition of a comparative efforts issue, expansion of the financial issue against Calvary, and the addition of real party in interest and § 1.65 issues against that applicant.

Comparative efforts. 2. In support of its request for a comparative efforts issue, Viking contends that a significant disparity, in both quantity and quality, exists with regard to the efforts of Viking and Calvary to ascertain the needs and interests of the immediate Twin Cities area (Minneapolis-St. Paul) and the outlying areas each applicant proposes to serve. Viking submits that while it has conducted three separate "in-depth" surveys of local citizens and community leaders (one survey devoted exclusively to residents of communities located beyond the immediate Twin Cities area), and has identified 122 specific programing contacts in its application, Calvary has reported only 31 program contacts and has failed to indicate its survey methodology or the specific responses elicited from its contacts. In addition, Viking submits that the Commission, in specifying a Suburban issue against Calvary, failed to discuss Calvary's efforts to ascertain the programing needs of the communities outside the Twin Cities area, and that Calvary's failure to disclose its ascertainment efforts in these areas justifies the addition of the requested issue. The Broadcast Bureau supports the addition of a comparative ascertainment of needs issue.

3. In opposition, Calvary argues that the respective efforts made by the applicants to ascertain community interests were considered by the Commission prior to designation;[2] that a comparative efforts issue was not specified in the designation of this proceeding; and that no new circumstances have been offered in the instant petition which would presently warrant the addition of this issue. Furthermore the applicant submits that the Commission's specification of a Suburban issue against Calvary and not against Viking does not, ipso facto, require the addition of a comparative efforts issue. Calvary also submits that while its application reveals at least 87 identified program contacts (as opposed to petitioner's allegation of 31 persons), any alleged numerical superiority claimed by Viking was readily apparent to the Commission at the time of designation. Finally, Calvary submits the affidavit of its president which describes some of the procedures utilized by Calvary in ascertaining community interests which, allegedly, "were just as if not more effective than those undertaken by Viking."[3]

4. Initially, it should be noted that Calvary's argument that Viking "has not alleged one fact regarding the 'efforts' of either applicant which was not readily apparent on the face of the applications at the time of designation" overlooks the fact that the designation order does not address itself to the question of comparative efforts. See Azalea Corp., 10 FCC 2d 364, 11 RR 2d 541 (1967), at footnote 11. In Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967), the Commission held that a comparative efforts issue is warranted where there appears to be a significant disparity among applicants in efforts to ascertain community needs. A review of the instant allegations reveal that there may, in fact, be a significant disparity in both the extent and quality of the efforts made by the applicants. Thus, it appears that the number of programing contacts made by Viking is significantly greater than that of Calvary.[4] More important, however, is the fact that, inasmuch as Calvary has failed to sufficiently describe the manner in which its "survey" was organized and executed, and in light of Viking's showing in this regard (including Viking's attempt to ascertain the needs of its entire service area rather than its specified station location), a substantial question is raised as to the relative quality and validity of the responses elicited as reflections of the community needs of the proposed service area. A comparative efforts issue will therefore be specified.

Financial qualifications. 5. The Commission found, in its designation order, that Calvary had demonstrated the availability of $456,400 from four proposed loans as follows: (a) $36,400 and $220,000 loans from Midwest Federal Savings; (b) a $100,000 loan from one Marvin J. Nelson; and (c) a $100,000 loan from the Midland National Bank of Minneapolis.[5] Viking contends however that there are substantial unresolved questions as to the availability of each of these loans. With respect to the Midland National Bank loan, Viking argues that there is no provision for extension of this commitment beyond the May 29, 1969, expiration date; that the bank letter is not explicit with respect to the conditions imposed on the loan and the manner in which certain bond subscriptions will secure the loan;[6] and that there is no indication as to whether Calvary's president is authorized to assign various bond subscriptions to the bank. Viking also avers that both of the Midwest Federal Savings loans are to be secured by property which has been encumbered to secure previous Calvary loans, and Viking questions whether Calvary has merely refinanced its existing obligations. Finally, Viking contends that for his $100,000 loan, Marvin J. Nelson will be relying in substantial part on a $72,000 mortgage from Midwest Federal Savings; that the mortgaged property is owned by a corporation—Nelstone, Inc.; and that there is no indication that Nelson has authority to mortgage this property.

6. In opposition, Calvary submits the joint affidavit of Marvin Nelson and his wife who indicate that they are the sole owners and principal officers of Nelstone, Inc., and are fully empowered to take whatever action is necessary in order to secure the subject loan. With respect to the Midland National Bank loan, Calvary notes that the Commission has previously determined that this loan is available. As further assurance, Calvary incorporates by reference its pleading entitled "Petition for Deletion of Issues", filed December 16, 1968, which contains the affidavit of Midland's senior vice president,[7] allegedly confirming the bank commitment. In addition, Calvary argues that under the applicant's certificate of incorporation Calvary's officers are empowered to assign the bond proceeds as required by the bank commitment.

7. The opposition further indicates that upon attempting to confirm the availability of the face values of the two Midwest Federal Savings loans, Calvary allegedly learned for the first time that the bank did, in fact, intend the commitments to reflect refinancing of existing loans. As a result Calvary will have available a net total of $199,622.11 from these two loans rather than the face value of $256,400, or a reduction in available funds of approximately $56,778. However, Calvary alleges that it has secured an additional $50,000 loan from one Marshal Dainsberg (an attachment to the Calvary opposition contains a letter from Dainsberg evidencing his willingness to extend the loan[8]), and that the Association has over $49,213 remaining from its $55,000 allocation for "fees and miscellaneous", of which $10,000 can be allocated to make up the reduction. In addition Calvary contends that it has demonstrated the availability of a minimum of $47,100 in specific first-year advertising commitments.[9]

8. Calvary's opposition resolves all questions raised by petitioner with respect to the $100,000 loan from Marvin J. Nelson. The information submitted in opposition (see par. 6, supra) adequately establishes Nelson's willingness and ability to secure the funds required for his commitment. With respect to the availability of the loan from the Midland National Bank of $100,000, in addition to recognizing that the Commission has previously determined that the loan is available, the Board is of the view that any additional questions raised by the petition have been answered by the instant opposition. Thus, the bank has indicated its general procedure pertaining to renewal of loan commitments, and there is no indication that the loan will not be renewed.[10] Moreover, the applicant has persuasively shown that its officers are empowered to execute the bond assignment required by the terms of the loan agreement. Viking's remaining allegations with respect to the Midland National Bank loan are either without factual support or relate to the "bond calling" procedure. The latter allegations are directed to issues previously specified by the Commission concerning terms of repayment and are not relevant to the question presently under consideration, i.e., availability.

9. The letter from Midwest Federal submitted with Calvary's opposition reveals that only $199,622.11 will be available to this applicant, rather than the $256,400 previously anticipated from these two loans. While Calvary submits that an additional loan of $50,000 is available (the Dainsberg loan) to offset this reduction, a substantial question exists as to Dainsberg's ability to meet this commitment. No balance sheet has been submitted demonstrating Dainsberg's ability to lend $50,000 to the applicant and the commitment letter of the Swift County Bank, Benson, Minn., to lend Dainsberg $50,000 (submitted with Calvary's opposition), fails to state the security required for the loan. Thus the Board is unable to find this loan available, and will specify an appropriate issue. See Louis Vander Plate, FCC 68-731, 13 FCC 2d 952. Furthermore, Calvary's argument that it has sufficient additional funds to meet the $56,777.89 reduction in the Midwest Savings loans is not persuasive. Thus, while Calvary asserts that $10,000 is "readily allocable" from its $55,000 estimate for "fees and miscellaneous", Viking has been afforded no opportunity to test this assertion, and there is no indication that further hearing and/or post hearing expenses will not be drawn from this allocation."[11]

Real party in interest issue. 10. Viking argues that a substantial question exists as to whether Rev. Gordon K. Peterson is the real party in interest to the Calvary application. Viking avers that Rev. Peterson is Calvary's president, one of three trustees (his wife is another),[12] one of seven directors, pastor of the church, executive director of the proposed station, and personal guarantor of the Midland National Bank loan. In addition, Rev. Peterson's importance is allegedly accentuated by the fact that, according to Calvary, 4 months elapsed prior to the appointment of a successor treasurer-trustee-director for Hiram S. Thomasson.

11. As noted in Calvary's opposition and the Bureau's comments, the interests of Rev. Peterson relied on by Viking in support of the addition of this issue are based on facts which are apparent on the face of Calvary's application. There is no indication that Rev. Peterson has any undisclosed interest in the applicant. While the Calvary application reveals that Rev. Peterson has a substantial interest in Calvary and is in a position to exert significant influence in the Association's activities, allegations which imply that the Reverend holds some unspecified additional interests in the applicant are speculative. Any doubts in this regard are adequately resolved by Rev. Peterson's submitted affidavit, wherein he denies any interest, other than that specified in the application. Moreover, there is no allegation that any of the other principals named in Calvary's application do not, in fact, exercise the interests represented. Finally, the extent to which Calvary's principals are involved in the activities of the applicant may be properly examined under the standard comparative issue.

Rule 1.65 issues. 12. As previously noted, Calvary trustee Hiram S. Thomasson died on September 1, 1968. In its supplement to motion to enlarge issues, Viking seeks a Rule 1.65 issue against Calvary for the latter's failure to report this event to the Commission until December 16, 1968. In addition, Viking's reply contains a request for a Rule 1.65 issue concerning Calvary's alleged failure to timely inform the Commission of the reduction in the amount of the two Midwest Federal Savings loans. Viking questions whether Calvary had knowledge, prior to the filing of the instant opposition, of the nature of these loans (the loans were intended to refinance preexisting obligations), and notes that an existing first mortgage held by Midwest Federal Savings is reflected in Calvary's application and that the mortgaged property consists of Calvary's headquarters and its president's residence.[13]

13. In its reply pleading, Viking concedes that "it is not the death of Mr. Thomasson which is significant * * *" but Calvary's failure to report the occurrence. As such, the Board is not persuaded that Viking has demonstrated that Calvary has failed to keep its application "complete in all significant respects" as required by Rule 1.65. The information concerning Thomasson's death was voluntarily submitted, and in light of the duration of the delay and Calvary's explanation of inadvertent error, a § 1.65 issue is not warranted. With respect to the information concerning the nature of the Midwest Federal loans, aside from the fact that the requested issue is contained in a responsive pleading, the Board is satisfied that Calvary was unaware of the reduction in the loan values prior to the filing of the instant petition. Statements to this effect contained in Rev. Peterson's affidavit have been substantiated by a letter from Midwest Federal, which is submitted with Calvary's opposition. Petitioner's allegations of prior knowledge

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[1] Also under Board consideration are: (a) Supplement to motion to enlarge issues, filed Dec. 31, 1968, by Viking (a sufficient showing of "good cause" has been made for the delay in filing, and the pleading will be considered); (b) comments, filed Jan. 31, 1969, by the Broadcast Bureau; (c) opposition, filed Feb. 6, 1969, by Calvary; and (d) reply, filed Feb. 18, 1969, by Viking.

[2] Calvary contends that the question of ascertainment efforts was specifically considered by the Commission as evidenced by the Commission's Apr. 9, 1968, letter to the applicants requesting additional information reflecting an adequate awareness and responsiveness to the needs of their proposed service area. The subsequent responses, according to Calvary, afforded the Commission "an exceptional vehicle for analyzing and weighing the showings in a comparative sense."

[3] Calvary devotes a portion of its opposition to a challenge of the effectiveness of Viking's ascertainment efforts. Thus Calvary argues that Viking submitted its program schedule in April 1966; conducted its first "formal survey" at least 1 year later; and subsequently has effected no related changes in its programing format.

[4] It appears that Viking has made 122 programing contacts through random sample telephone surveys, personal interviews, and questionnaires. While, in opposition, Calvary asserts that it has contacted 87 specifically identified individuals, a review of Calvary's application reveals that over 40 of these "program" contacts are evidenced by letters which merely reflect general endorsements of the Calvary application and organization.

[5] Although the Midland Bank loan was found to be available, the Commission specified an issue to determine the terms of repayment of this loan and the extent to which Calvary's cash requirement will be increased thereby.

[6] The May 29, 1968, letter from Midland National Bank to Calvary indicates that the Calvary loans "will be secured by the assignment of the proceeds of certain bond subscriptions."

[7] In addition, a letter from the bank vice president is attached to the instant opposition and indicates the bank practice of renewing its loan commitments, if there has been no deterioration in the financial condition of the applicant.

[8] An amendment reflecting the Dainsberg loan has been accepted by the Examiner, FCC 69M-217, released Feb. 24, 1969.

[9] An amendment containing these advertising commitments was accepted by the Examiner, FCC 69M-140, released Feb. 3, 1969.

[10] See Cosmopolitan Enterprises, Inc., 8 FCC 2d 849, 10 RR 2d 532 (1967).

[11] In addition, assuming arguendo that Calvary may rely on expected first-year revenues of $47,100, the applicant's available funds would remain insufficient. Thus, the Commission found a "cushion" of $5,531 in Calvary's available funds (assuming no first-year payments on the Midland National Bank loan). Deducting $47,100 in estimated revenues and the $5,531 "cushion" from the $56,777.89 reduction in the Midwest Savings loans, would still yield a deficiency of over $4,000.

[12] The third trustee, Hiram S. Thomasson, died Sept. 1, 1968. In its supplement to motion to enlarge issues, Viking seeks a Rule 1.65 issue against Calvary for the latter's failure to report this event to the Commission until Dec. 16, 1968.

[13] Viking also suggests the addition of an "ineptness" issue against Calvary for the latter's "repeated nondisclosure or inadvertent errors." However, as indicated hereinafter, the matters alleged in support of this issue provide an insufficient basis for the Board to add, on its own motion, the suggested issue.

on the part of Rev. Peterson are speculative and do not support the request for an additional issue.

14. *Accordingly, it is ordered,* That the motion to enlarge issues, filed December 16, 1968, and December 31, 1968, respectively, by Viking Television, Inc., is granted to the extent indicated below and is denied in all other respects; and

15. *It is further ordered,* That existing Issue 2 in this proceeding is amended to read as follows.

(2) To determine with respect to the application of Calvary Temple Evangelistic Association:

(a) The terms of repayment on the $100,000 loan from Midland National Bank of Minneapolis.

(b) In view of the evidence adduced under issue "a", the extent, if any, to which the applicant's cash requirements will be increased.

(c) The availability of the $50,000 loan from Marshall Dainsberg to this applicant.

(d) Whether, in view of the evidence adduced under issues "a", "b", and "c", the applicant has available sufficient funds to meet its cash requirements, and if not, whether the applicant will have available sufficient revenues or other available funds to meet its cash requirements.

(e) Whether, in view of the evidence adduced under the preceding issues, the applicant is financially qualified.

(Existing Issue (2)(e) is redesignated as Issue (2)(f).

16. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether, on a comparative basis, significant differences exist with respect to the efforts made by each applicant to ascertain the needs and interests of the community and area each proposes to serve.

Adopted: March 17, 1969.

Released: March 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[14]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-3396; Filed, Mar. 20, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CRESTLINE URANIUM & MINING CO.

Order Suspending Trading

MARCH 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Crestline Uranium & Mining Co., Denver, Colo., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 18, 1969, through March 27, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3375; Filed, Mar. 20, 1969; 8:46 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

MARCH 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 18, 1969, through March 27, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3376; Filed, Mar. 20, 1969; 8:46 a.m.]

[File No. 7-3058]

MARCOR, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 17, 1969.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Marcor, Inc., File No. 7-3058.

Upon receipt of a request, on or before April 1, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3377; Filed, Mar. 20, 1969; 8:46 a.m.]

[File No. 7-3063]

MARCOR, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 17, 1969.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securitie exchange:

Marcor, Inc., File No. 7-3063.

Upon receipt of a request, on or before April 1, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3379; Filed, Mar. 20, 1969; 8:47 a.m.]

[File Nos. 7-3061, 7-3062]

MARCOR, INC., AND SUN OIL CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 17, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Marcor, Inc., $2 cumulative convertible preference stock, series A, $1 par value	7-3061
Sun Oil Co., $2.25 cumulative convertible preferred stock, no par value	7-3062

Upon receipt of a request, on or before April 1, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3378; Filed, Mar. 20, 1969; 8:47 a.m.]

[File Nos. 7-3059, 7-3060]

RORER-AMCHEM, INC., AND MARCOR, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 17, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Rorer-Amchem, Inc.	7-3059
Marcor, Inc.	7-3060

Upon receipt of a request, on or before April 1, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3379; Filed, Mar. 20, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temp. Reg. F-44]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Federal Communications Commission in such proceedings as may be necessary or appropriate in connection with the filing by the Western Union Telegraph Co. of a new tariff FCC No. 254, superseding tariff FCC No. 237, scheduled to become effective April 1, 1969, relating to telegraph systems and facilities leased from the Western Union Telegraph Co. by its customers.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 14, 1969.

J. E. MOODY, *Acting Administrator of General Services.*

[F.R. Doc. 69-3361; Filed, Mar. 20, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-616 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

MARCH 13, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[14] Review Board Member Nelson dissenting in part to the framing of Issue 2.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-616..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102, Attention: Eugene C. Alford, Esq.	268	1	Natural Gas Pipeline Co. of America (Ann-Mag Field, Brooks County, Tex.) (RR. District No. 4).	$6,500	2-19-69	[2] 4-1-69	9-1-69	[3] [4] 16.0	[3] [4] 17.0	
RI69-617..	Salmon Corp., 823 South Detroit Ave., Suite 230, Tulsa, Okla. 74120, Attention: Mr. George P. Allen.	4	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Carmichael Field, Jackson County, Tex.) (RR. District No. 2).	2,007	2-20-69	[2] 3-23-69	8-23-69	[3] [5] 15.3333	[3] [4] [6] 16.3333	
RI69-618..	Shell Oil Co. (Operator), 50 West 50th St., New York, N.Y. 10020, Attention: F. C. Sweat, Manager, Natural Gas Sales.	19	17	El Paso Natural Gas Co. (TXL Plant, Ector County, Tex.) (RR. District No. 8) (Permian Basin Area).	134,200	2-13-69	[7] 3-16-69	8-16-69	13.49	[4] [8] 14.643	
RI69-619..	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001, Attention: H. W. Varner, Esq.	95	3	Mountain Fuel Supply Co. (Pioneer Field, Sweetwater County, Wyo.).	1,000	2-17-69	[2] 3-20-69	8-20-69	13.0	[3] [9] 14.0	
	do	122	2	Transwestern Pipeline Co. (Worsham-Bayer Ellenburger Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	32,695	2-14-69	[2] 3-17-69	8-17-69	14.62	[4] [10] 16.33	
	do	131	1	Kansas-Nebraska Natural Gas Co., Inc. (Flat Top Field, Converse County, Wyo.).	63	2-20-69	[7] 5-1-69	10-1-69	15.0	[3] [9] 16.0	
RI69-620..	Texaco, Inc., Post Office Box 2100, Denver, Colo. 80201, Attention: N. G. Kittrell, Assistant Division Manager.	247	3	Kansas-Nebraska Natural Gas Co., Inc. (Surveyor Creek Field, Washington County, Colo.).	504	2-17-69	[7] 4-1-69	9-1-69	13.742	[3] [9] 14.689	RI66-329.
RI69-621..	Sun Oil Co. (Operator) et al., Post Office Box 2880, Dallas, Tex. 75221.	110	11	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	900	2-19-69	[2] 3-22-69	8-22-69	[2] 18.415	[3] [4] 18.615	RI66-513.
RI69-622..	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	170	12	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla) (Panhandle Area).	114	2-19-69	[2] 3-22-69	8-22-69	[2] 18.415	[3] [4] 18.615	RI66-444.
	do	265	4	Northern Natural Gas Co. (Hugoton Field, Texas County, Okla.) (Panhandle Area).	141	2-20-69	[2] 3-23-69	8-23-69	[2] 12.0	[3] [4] 13.01	RI66-424.
RI69-623..	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75[illegible].	227	2	Panhandle Eastern Pipe Line Co. (Northwest Dombey and West Lorans Fields, Texas County, Okla.) (Panhandle Area).	8,580	2-18-69	[7] 3-21-69	8-21-69	18.19	[4] [11] 19.62	
RI69-624..	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	98	8	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	115	2-24-69	[7] 3-27-69	8-27-69	[12] 16.0	[4] [13] [14] 17.1	
	do	97	6	Transwestern Pipeline Co. (South Goodwin Field, Beaver County, Okla.) (Panhandle Area).	128	2-24-69	[7] 3-27-69	8-27-69	[2] 17.0	[4] [6] [14] 17.1	
	do	78	1	Panhandle Eastern Pipe Line Co. (South Fogan Field, Beaver County, Okla.) (Panhandle Area).	135	2-24-69	[7] 3-27-69	8-27-69	16.0	[4] [14] 17.1	
	do	120	4	Northern Natural Gas Co. (East Holland Field, Beaver County, Okla.) (Panhandle Area).	21	2-24-69	[7] 3-27-69	8-27-69	[2] 17.0	[4] [6] [14] 17.1	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Initial service rate.
[7] The stated effective date is the effective date requested by Respondent.
[8] Increase from area ceiling rate to contract rate.
[9] Pressure base is 15.025 p.s.i.a.
[10] Includes downward adjustment for 983 B.t.u. gas.
[11] Filing from initial certificate base rate of 17 cents plus upward B.t.u. adjustment to initial contract rate of 18 cents plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[12] "Fractured" rate increase. Respondent contractually due 15 cents per Mcf.
[13] Subject to upward and downward B.t.u. adjustment.
[14] "Fractured" rate increase. Respondent contractually due 10.5 cents per Mcf.
[15] "Fractured" rate increase. Respondent contractually due 18 cents per Mcf.

The Salmon Corp. requests that its proposed rate increase be permitted to become effective on March 15, 1969. The Superior Oil Co. requests an effective date of March 1, 1969, for Supplements Nos. 3 and 2 to its FPC Gas Rate Schedule Nos. 95 and 122, respectively. Sun Oil Co. (Operator) et al., requests an effective date of March 21, 1969. Sun Oil Co., DX Division, requests that Supplement No. 12 to its FPC Gas Rate Schedule No. 170 be permitted to become effective on March 21, 1969, and requests a retroactive effective date of January 1, 1969, for Supplement No. 4 to its FPC Gas Rate Schedule No. 265. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increases filed by Shell Oil Co. (Operator), and The Superior Oil Co. (Supplement No. 2 to Superior's FPC Gas Rate Schedule No. 122), in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-3304; Filed, Mar. 20, 1969; 8:45 a.m.]

[Project 2317]

APPALACHIAN POWER CO.

Order Vacating Previous Order, Granting Intervention and Setting Conference and Further Hearing

MARCH 14, 1969.

By order issued February 10, 1969, we denied the petition to intervene filed by the city of Danville, Va. (Danville), in this proceeding on the application by Appalachian Power Co. (Applicant) for a license for the proposed Blue Ridge Project No. 2317. However, this denial of intervention was without prejudice, and the order provided for the filing by Danville of an amended petition to intervene within 15 days in the event it seeks to obtain an allocation of power from the proposed project in this licensing proceeding.

On February 17, 1969, Danville filed a motion requesting (1) clarification of the order which denied intervention, (2) an extension of time in which it may file an amended petition to intervene pursuant to the order of February 10, 1969, and (3) a stay of this licensing proceeding for a reasonable period of time. According to Danville's motion, clarification of the order is needed to enable it to determine what further action it should take. The Applicant filed an answer in opposition to Danville's motion.

We stated in our order of February 10, 1969, that while Danville's express purpose in seeking intervention in this proceeding is that a "proper allocation of the power of the Blue Ridge Project No. 2317 be made for the benefit of Danville" it had indicated that this should be done "in accordance with its plan of bulk power supply" to be determined in Docket No. E-7393, Danville's pending complaint under Part II of the Federal Power Act against the Applicant. We also noted that Danville had made reference, in its petition to intervene, to other matters raised by Danville in Docket No. E-7393, relating to alleged activities by the Applicant and its parent corporation respecting elections in Danville. We concluded that pending further clarification of whether Danville was seeking to explore these matters in the present proceeding, as contrasted with Docket No. E-7393, grant of its petition was premature.

We see no need for further clarification of or elaboration upon our order of February 10, 1969. The present motion shows that it is Danville's position that the matters it has raised should be considered in the licensing proceeding, and it is clear that in any such consideration Danville's participation "may be in the public interest." We shall therefore grant Danville's application for intervention. Pursuant to the directive in our order of February 10, 1969, we shall expect Danville, at the hearing conference being ordered herein, to detail the nature of any allocation of project power to it, which it believes is required by the standards of Part I of the Act.

The Commission finds:

(1) Participation by the city of Danville, Va., in this proceeding may be in the public interest.

(2) It is appropriate and in the public interest in administering the Federal Power Act to vacate our order denying intervention issued February 10, 1969, in this proceeding, to set a conference and further hearing in this proceeding as hereinafter provided and to otherwise deny the motion filed by the city of Danville, Va., on February 17, 1969.

The Commission orders:

(A) The city of Danville, Va., is hereby permitted to become an intervenor in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters which might affect the asserted rights and interests as specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Our order denying intervention, issued February 10, 1969, in this proceeding is vacated.

(C) A conference and further public hearing before the Presiding Examiner shall be held at a time and place to be set by the Presiding Examiner. At such conference the intervenor Danville shall be prepared to state with specificity the nature of any allocation of power to Danville it believes is required by the standards of Part I of the Act.

(D) The motion filed by the city of Danville, Va., on February 17, 1969, is denied to the extent it is not granted in paragraphs (A), (B), and (C), above.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3359; Filed, Mar. 20, 1969; 8:45 a.m.]

[Docket No. CP69-234]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 12, 1969.

Take notice that on March 6, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69-234 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a 4-inch tie-over and a sales measuring station on the present Waterville, Minn., branchline to provide a new delivery point for Minneapolis Gas Co. to deliver up to 6,200 Mcf per day of natural gas from Minneapolis Gas Co.'s present entitlement. Applicant states such gas will be used by Minneapolis Gas to test and develop its underground storage reservoir in Waseca, Le Sueur, and Rice Counties, Minn.

Applicant estimates construction costs at $34,585, which will be reimbursed to Applicant by Minneapolis Gas Co. Applicant states it will absorb the cost of any necessary upgrading of the Waterville branchline and the Morristown, Minn., branchline.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 10, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3360; Filed, Mar. 20, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 21215]

SEABOARD AIR LINE RAILROAD CO. AND ATLANTIC COAST LINE RAILROAD CO.

Request for Enforcement of Order Regarding Merger

MARCH 18, 1969.

On November 7, 1968, Southern Railway Co. and affiliated lines filed with the Interstate Commerce Commission a petition in the above-entitled proceeding requesting enforcement of the Commission's order entered December 2, 1963, in Seaboard Air Line R. Co.—Merger—Atlantic Coast Line, 320 I.C.C. 122, insofar as it relates to certain routing and gateway conditions imposed therein. On December 20, 1968, Seaboard Coast Line Railroad Co. filed its reply to the described petition.

By Commission order served March 3, 1969, this matter has been set for hearing, at a time and place hereinafter to be fixed, for the purpose of adducing evidence relevant to the issues raised in the said petition and the reply thereto by the Seaboard Coast Line Railroad Co.

Interested parties may obtain copies of the petition by request in writing addressed to Henry Karlson, Esq., Post Office Box 1808, Washington, D.C. 20013, and copies of the reply from Phil C. Beverly, Esq., 500 Water Street, Jacksonville, Fla. 32202. A duplicate copy of each such request should be addressed to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3390; Filed, Mar. 20, 1969; 8:48 a.m.]

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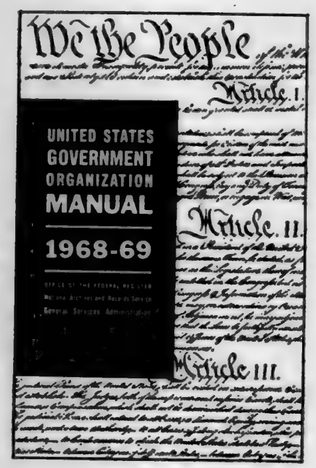
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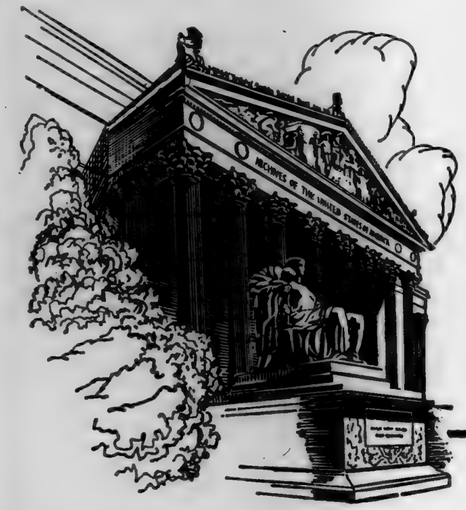
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Title 3—THE PRESIDENT

Executive Order 11460

ESTABLISHING THE PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established the President's Foreign Intelligence Advisory Board, hereinafter referred to as "the Board". The Board shall:

(1) advise the President concerning the objectives, conduct, management and coordination of the various activities making up the overall national intelligence effort;

(2) conduct a continuing review and assessment of foreign intelligence and related activities in which the Central Intelligence Agency and other Government departments and agencies are engaged;

(3) receive, consider and take appropriate action with respect to matters identified to the Board, by the Central Intelligence Agency and other Government departments and agencies of the intelligence community, in which the support of the Board will further the effectiveness of the national intelligence effort; and

(4) report to the President concerning the Board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the Government's foreign intelligence effort in meeting national intelligence needs.

SEC. 2. In order to facilitate performance of the Board's functions, the Director of Central Intelligence and the heads of all other departments and agencies shall make available to the Board all information with respect to foreign intelligence and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order. Such information made available to the Board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations.

SEC. 3. Members of the Board shall be appointed by the President from among persons outside the Government, qualified on the basis of knowledge and experience in matters relating to the national defense and security, or possessing other knowledge and abilities which may be expected to contribute to the effective performance of the Board's duties. The members of the Board shall receive such compensation and allowances, consonant with law, as may be prescribed hereafter.

SEC. 4. The Board shall have a staff headed by an Executive Secretary, who shall be appointed by the President and shall receive such compensation and allowances, consonant with law, as may be prescribed by the Board. The Executive Secretary shall be authorized, subject to the approval of the Board and consonant with law, to appoint and fix the compensation of such personnel as may be necessary for performance of the Board's duties.

SEC. 5. Compensation and allowances of the Board, the Executive Secretary, and members of the staff, together with other expenses arising in connection with the work of the Board, shall be paid from the appropriation appearing under the heading "Special Projects" in the Executive Office Appropriation Act, 1969, Public Law 90–350, 82 Stat. 195, and, to the extent permitted by law, from any corresponding appropriation which may be made for subsequent years. Such payments shall be made without regard to the provisions of section 3681 of the Revised Statutes and section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

SEC. 6. Executive Order No. 10938 of May 4, 1961, is hereby revoked.

Richard Nixon

THE WHITE HOUSE,
March 20, 1969.

[F.R. Doc. 69–3503; Filed, Mar. 21, 1969; 8:53 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service

[Interpretation 26]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Pesticides Containing Phosphorus Paste

There was published in the FEDERAL REGISTER on October 11, 1968 (33 F.R. 15214), a notice of a proposed interpretation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k) regarding the registration of economic poisons containing phosphorus paste. Under the proposed interpretation, products containing this chemical would not be eligible for registration with directions for use in or around the home. In addition, certain warnings would be required on the labels of such products bearing acceptable directions for use.

Sixty days were permitted for interested persons to submit written data, views, or arguments in connection with this matter. After thorough consideration of all relevant matters, Interpretation 26 is issued to read as follows:

§ 362.124 Interpretation with respect to labeling of phosphorus paste products.

(a) *Home use unacceptable.* Labeling for economic poisons submitted in connection with registration under the Act bearing directions for use of products containing phosphorus paste in or around the home is not acceptable.

(b) *Acceptable directions for use by Government agencies or professional pest control operators.* Products bearing acceptable directions for commercial or industrial use and marketed in channels of trade which are limited to Government agencies or pest control operators will continue to be registered. In addition to other warning and caution statements required by the Act and regulations, labels for such products must bear the following statement in a prominent position: "Do not use or store in or around the home."

Effective date. This interpretation shall become effective 60 days after publication in the FEDERAL REGISTER, on which date procedures set forth in section 4 of the Act (7 U.S.C. 135b) shall be instituted for the cancellation of the registration of any product failing to comply with this interpretation.

Done at Washington, D.C., this 19th day of March 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69–3457; Filed, Mar. 21, 1969; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Years 1968–69, and Wheat Diversion Program for the 1969 Crop Year

The regulations pertaining to farm acreage allotments, yields, wheat certificate program for crop years 1968–1969, and the wheat diversion program for the 1969 crop year, 33 F.R. 6508, as amended, are hereby further amended as follows:

1. Section 728.401(b)(7) is amended to read as follows:

§ 728.401 Requirements for eligibility.

* * * * * * *

(b) * * *

(7) No producer shall be eligible to receive wheat diversion payments with respect to any farm if he has an interest in any other commodity on such farm for which the allotment is determined to have been knowingly exceeded.

2. Section 728.406(b) is amended to read as follows:

§ 728.406 Determination of payment rates.

* * * * * * *

(b) Part or all of the acreage diverted in excess of the minimum acreage required to be diverted under § 728.401(b)(2) may be devoted to crambe, guar, mustard seed, plantago ovata, safflower, sesame, and sunflower if the farm operator authorizes in writing on a form furnished by the county committee, a reduction in farm payments. The per acre reduction rate for crambe, guar, mustard seed, plantago ovata, and sesame shall be 50 percent and for safflower and sunflower 100 percent of the wheat diversion payment rate approved for the farm.

3. Section 728.409 is amended to read as follows:

§ 728.409 Advance diversion payment.

(a) *Requirements.* Before any payment is made to a producer, the producer must sign Form 477. All producers eligible to share in the advance or final payment shall execute Form 477 before advance payments are approved in order that the proper division of payment may be determined. Producers may apply for an advance payment when Form 477 is filed for the farm.

(b) *Amount of advance payment.* The total advance payment to be made on a farm shall be one-half the estimated total diversion payment to be earned. Each producer's share of the advance payment for the farm shall be obtained by multiplying his percentage share of the diversion payment as specified on Form 477 by the total advance payment for the farm. If the amount of advance payment made to any producer with respect to any farm is greater than the total payment actually earned by such producer under the program with respect to such farm, he shall refund such excess to the Commodity Credit Corporation with interest as determined in § 728.411(g).

4. Section 728.501(c)(1) is amended to read as follows:

§ 728.501 Requirements for eligibility.

* * * * * * *

(c) Producer requirements: (1) The producer shall not knowingly exceed the allotment for the farm for any commodity in which he has an interest.

5. Section 728.501(c)(2) is amended by changing the fourth sentence thereof to read as follows: "For purposes of this subparagraph, all persons or entities in each category listed below shall be considered as the same producer and fully responsible for the actions of any person or entity in that category: (i) A partnership and any member of the partnership; (ii) a corporation and the majority stockholder of such corporation (in applying this rule, a corporation can earn no payment or certificates if two or more stockholders with a combined majority interest in the corporation exceed the wheat allotment on other farms in which they have an interest; and two or more stockholders with a combined majority interest in the corporation, each of whom is participating in the program, can earn no payment or certificates if the corporation exceeds the wheat allotment on any farm in which it has an interest); (iii) an estate and an heir of the estate with over a 50 percent interest in the estate (in applying this rule, an estate can earn no payment or certificates if two or more heirs with a combined interest in the estate of over 50 percent exceed the wheat allotment on other farms in which they

have an interest; and two or more heirs with a combined interest in the estate of over 50 percent, each of whom is participating in the program, can earn no payment or certificates if the estate exceeds the wheat allotment on any farm in which it has an interest); (iv) a trust and a beneficiary of the trust with over a 50 percent interest in the trust (in applying this rule, a trust can earn no payment or certificates if two or more beneficiaries with a combined interest in the trust of over 50 percent exceed the wheat allotment on other farms in which they have an interest; and two or more beneficiaries with a combined interest in the trust of over 50 percent, each of whom is participating in the program, can earn no payment or certificates if the trust exceeds the wheat allotment on any farm in which it has an interest); (v) minor children and the parent, guardian, or other person legally responsible for the minor unless they do not occupy the same household and share no interest in the farming operations of the minor; (vi) husband and wife, except that the husband and wife may be considered as separate producers if the spouse receiving benefits under the program does not share to any degree in crops or proceeds thereof from the other farm, managerial control of the other farm is not shared by the spouse, and there have been no changes in the operations or managerial control of the other farm which would tend to defeat the purpose of the provisions of this subparagraph."

5A. Section 728.501(c)(2) is further amended by deleting the last sentence thereof and inserting after the fifth sentence the following: "Notwithstanding the foregoing, (i) any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child, or grandchild shall be considered a producer with an interest in the trust land for purposes of this subparagraph if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land; (ii) for 1969, when the State committee, or the county committee with the approval of the State committee, determines that a corporation or trust was formed, modified, or used for the purpose of circumventing the provisions of this subparagraph, the corporation and any stockholder of the corporation, or the trust and any beneficiary of the trust, shall be considered as the same producer and fully responsible for the actions of the corporation or trust or of any stockholder or beneficiary of the corporation or trust; (iii) for 1969, different corporations or trusts or estates having common stockholders or beneficiaries with a combined majority interest shall be considered as the same producer for purposes of applying the provisions of this subparagraph."

§ 728.506 [Amended]

6. Section 728.506(e) is amended by changing the last sentence thereof to read as follows: "The operator may, upon approval of the county committee, withdraw Form 477 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Part 718 and Part 791 of this chapter, as amended."

7. Section 728.507a is amended by changing paragraphs (b), (c), and (d) to read as follows:

§ 728.507a Oats-rye base; substitution of feed grains for wheat and wheat for feed grains and oats and rye for 1969.

* * * * *

(b) *Substitution.* Producers who file intentions to participate in both the feed grain program and the wheat program shall be eligible to (1) substitute feed grains for wheat and wheat for feed grains and oats and rye and (2) receive diversion payments as provided in this section. Feed grain acreage in excess of the permitted acreage of feed grains shall be considered as wheat acreage and wheat acreage in excess of the permitted acreage of wheat shall be considered as feed grain acreage or oats-rye acreage: *Provided*, That if an oats-rye base is in effect for the farm, feed grain acreage in excess of the permitted acreage of feed grains shall not be considered as wheat acreage.

(c) *Diversion payment under substitution.* (1) Payment for diversion shall be made for the crop actually underplanted without regard to the stated intention for each commodity for a number of acres not to exceed the total acreage eligible for payment: *Provided*, That the acreage for minimum diversion payment shall be credited only to feed grains with payment for such minimum diversion limited to the actual acreage of underplanted feed grains, and acreage credited to feed grains at the additional diversion payment rate shall be limited to the actual acreage of underplanted feed grains minus the minimum feed grain acreage diversion requirement.

(2) If more than one commodity is actually underplanted, the total acreage eligible for payment, subject to the provisions of subparagraph (1) of this paragraph, shall be credited first to the commodity with the largest applicable payment rate to the extent of the actual underplanted acreage of such commodity, and the remaining acreage, if any, eligible for payment shall be credited to other commodities in high to low payment rate order to the extent of the actual underplanting of such commodities: *Provided*, That the total diversion payment for barley, corn, and grain sorghums shall not be made for an acreage in excess of the total actual underplanted acreage of such crops.

(3) When underplanted acreage is credited to oats and rye, in accordance with the provisions of subparagraphs (1) and (2) of this paragraph, a diversion payment for such acreage shall be made at a rate of payment equal to 50 per centum of the wheat diversion payment rate approved for the farm.

(d) *Applicability.* This section shall be applicable only if the farm is in total compliance with all the requirements of the regulations governing this program and all the requirements of the regulations governing the feed grain program with the exception that the acreage of wheat or feed grains may exceed the permitted acreage for the crop in accordance with this section. The provisions of this section are not applicable if excess wheat produced on the farm is stored under the provisions of § 728.513.

(Secs. 339(g), 375(b), 379j; 52 Stat. 66, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1339(g), 1375(b), 1379j)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 18, 1969.

CARROLL BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3430; Filed, Mar. 21, 1969; 8:47 a.m.]

PART 729—PEANUTS

Subpart—1969 Crop of Peanuts; Acreage Allotments and Marketing Quotas

VALENCIA SHORT SUPPLY DETERMINATION

Basis and purpose. The provisions of § 729.106 are issued under section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)(2)). The purpose of § 729.106 is to make a determination on the basis of the average yield per acre of Valencia type peanuts during the 5-year period 1964–68, adjusted for trends in yields and abnormal conditions of production affecting yields, that the supply of Valencia type peanuts for the 1969–70 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by CCC. The State allotments for States producing Valencia type peanuts are increased in order to meet such demand. The latest available statistics of the Federal Government were used in making these determinations.

Notice of the proposed determinations with respect to Valencia type peanuts under section 358(c)(2) of the act was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of February 6, 1969 (34 F.R. 1773). The recommendations received in response to such notice were considered and adopted to the extent permitted by the act. In order that peanut farmers may be notified as soon as possible of any increases of farm allotments for the 1969 crop, it is essential that § 729.106 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.106 shall be effective upon filing of this document with the Director, Office of the Federal Register.

§ 729.106 Additional allotments for Valencia type peanuts of the 1969 crop.

(a) *Determination of short supply.* The term "Valencia type peanuts" means the type of peanuts as defined in § 729.7(c) of the Allotment and Marketing Quota Regulations for Peanuts of the 1969 and Subsequent Crops (33 F.R. 18351, 18981). It is hereby determined that the supply of Valencia type peanuts for the 1969–70 marketing year (Aug. 1, 1969, through July 31, 1970) determined in accordance with section 358(c)(2) of the act will be insufficient to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(b) *State allotment increases for 1969 crop.* The State allotments for peanuts of the 1969 crop for States which produced Valencia type peanuts during any one or more of the years 1966, 1967, and 1968 shall be increased in the aggregate by 2,310 acres which is determined to be the additional acreage required to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at the price at which CCC may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of allotment increase to States for 1969 crop.* The aggregate of State allotment increases in the amount of 2,310 acres established under paragraph (b) of this section, less a national reserve of one-fourth of 1 percent (6 acres), is hereby apportioned to States on the basis of the average acreage of Valencia type peanuts in each State in 1966, 1967, and 1968. For this purpose, the term "farm allotment" means the allotment before any increase from released acreage or any additional allotment for the farm under section 358(c)(2) of the act in the 3 base years. The national reserve of 6 acres shall be used by the Deputy Administrator to adjust the State allotments of States receiving increases under this section where incomplete or inaccurate data was used in apportioning such increases. The apportionment of additional allotment under this paragraph does not increase the State allotment for any State above the 1947 harvested acreage of peanuts for such State. The following table sets forth the apportionment to States.

State	1947 harvested acreage of peanuts	1966–68 acreage harvested Valencia peanuts [1]	1969 increase in basic State allotment for Valencia type peanuts	1969 previous State allotment [2]	1969 revised State allotment
			Acres		
Alabama	463,000	25	11	217,135.0	217,146.0
Arizona				763.0	763.0
Arkansas	8,000			4,192.0	4,192.0
California				992.0	992.0
Florida	105,000	52	23	55,465.3	55,488.3
Georgia	1,124,000	9	4	529,431.7	529,435.7
Louisiana	4,000			1,949.0	1,949.0
Mississippi	13,000			7,506.0	7,506.0
Missouri				247.0	247.0
New Mexico	14,000	4,862	2,138	5,743.5	7,881.5
North Carolina	292,000			168,139.0	168,139.0
Oklahoma	325,000			138,438.4	138,438.4
South Carolina	26,000	15	6	13,914.2	13,920.2
Tennessee	5,000	6	3	3,614.0	3,617.0
Texas	836,000	270	119	357,515.9	357,634.9
Virginia	162,000			105,014.0	105,014.0
Reserve [3]			6		6.0
U.S. total	3,377,000	5,239	2,310	1,610,000.0	1,612,310.0

[1] Less increase in State allotment for Valencia short supply.
[2] Including the acreage apportioned from the reserve for new farm allotments on the basis of approved applications for new farms, as follows (acres): Florida—126.3; Georgia—742.7; New Mexico—91.5; North Carolina—13; Oklahoma—118.4; South Carolina—41.2; Texas—473.9; Virginia—3.
[3] Reserve for correcting or adjusting State allotments in error because of incomplete or inaccurate data.

(d) *No credit for future allotments.* The additional allotment apportioned under this section is in addition to the national acreage allotment, the production from such acreage is in addition to the national marketing quota and such additional allotment shall not be considered in establishing future State, county, or farm acreage allotments.

(Secs. 358(c)(2), 375, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1358(c)(2), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 18, 1969.

CARROLL BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3434; Filed, Mar. 21, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 366]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.666 Lemon Regulation 366.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part

of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 18, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 23, 1969, through March 29, 1969, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 199,950 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 20, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer Marketing Service.

[F.R. Doc. 69-3477; Filed, Mar. 21, 1969; 8:49 a.m.]

[Grapefruit Reg. 57]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.357 Grapefruit Regulation 57.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 20, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 24, 1969, through March 30, 1969, is hereby fixed at 225,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 21, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3517; Filed Mar. 21, 1969; 11:25 a.m.]

[Grapefruit Reg. 26]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.326 Grapefruit Regulation 26.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 20, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 24, 1969, through March 30, 1969, is hereby fixed at 217,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 21, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3518; Filed, Mar. 21, 1969; 11:26 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER F—POULTRY IMPROVEMENT

MISCELLANEOUS AMENDMENTS TO CHAPTER

On December 12, 1968, there was published in the FEDERAL REGISTER (33 F.R. 18445) a notice of proposed amendments

of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the 1968 Conference of representatives of the State agencies cooperating in the administration of the Plans. After due consideration of all relevant material submitted in connection with such notice, and pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), Parts 145, 146, and 147 of Title 9, Chapter I, Subchapter F, Code of Federal Regulations, are hereby amended in the following respects:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

1. Section 145.5 is amended by revising the introductory statement of subdivision (iii) of subparagraph (2) and the introductory statement of subparagraph (3) of paragraph (c) to read:

§ 145.5 Specific provisions for participating flocks.

* * * * *

(c) * * *

(2) * * *

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors: * * *

* * * * *

(3) It is a multiplier breeding flock composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean as provided in § 145.10(f)(1) or from flocks that met equivalent blood testing requirements under official supervision and is located in a State in which it has been determined by the AH Division that: * * *

2. Section 145.10 is amended by revising paragraph (a) to read:

(a) *U.S. Record of Performance.* Males and females meeting the provisions of § 145.16 and § 145.17.

3. Section 145.10 is further amended by revising the title, Figure 8, subparagraph (1), subdivision (ii) of subparagraph (2), and subparagraph (4) of paragraph (g) to read:

(g) *U.S. M. Gallisepticum Clean.* (1) Flocks in which all birds have been blood tested for M. gallisepticum when they were more than 5 months of age in accordance with the procedures prescribed in subparagraph (2) of this paragraph, and in which no M. gallisepticum reactors were found, and which are maintained in accordance with the procedures prescribed in § 147.36 of this chapter: *Provided*, That in order to retain this classification, freedom from M. gallisepticum shall be demonstrated by blood testing at intervals of not more than 60 days a random sample of 10 percent of the flock, or a number specified by the Official State Agency.

(2) * * *

(ii) The test shall be conducted using M. gallisepticum antigen approved by the Department or the Official State Agency and shall be performed in accordance with the recommendations of the producer of the antigen.

* * * * *

(4) If a participant handles products which are not classified as U.S. M. Gallisepticum Clean or U.S. M. Gallisepticum Tested, these products shall be kept separate from the U.S. M. Gallisepticum Clean and U.S. M. Gallisepticum Tested products in a manner satisfactory to the Official State Agency.



FIGURE 8

* * * * *

4. Section 145.10 is further amended by adding a new paragraph (h) to read:

§ 145.10 Terminology and classification; flock and products.

* * * * *

(h) *U.S. M. Gallisepticum Tested.* (1) A multiplier breeding flock composed entirely of birds which originated as U.S. M. Gallisepticum Clean chicks and samples comprising 10 percent of the birds in the flock, or a number specified by the Official State Agency, have been tested twice between the ages of 8 weeks and 22 weeks, with an interval of not less than 60 days between the two tests, in accordance with the procedures prescribed in subparagraph (2) of paragraph (g) of this section, and in which no M. gallisepticum reactors were found, and which are maintained in accordance with the procedures prescribed in § 147.36 of this chapter: *Provided*, That in order to retain this classification, freedom from M. gallisepticum shall be demonstrated by one of the following procedures:

(i) At intervals of not more than 90 days, a random sample of 5 percent of the flock, or a number specified by the Official State Agency, shall be tested; or

(ii) At intervals of not more than 30 days, a sample of 25 cull chicks produced from the flock shall be subjected to approved laboratory procedures for the detection and recovery of M. gallisepticum; or

(iii) At intervals of not more than 60 days, serum samples obtained from at least 100-day-old chicks produced from the flock shall be examined for M. gallisepticum antibodies.

(2) The conditions and procedures prescribed in subparagraphs (3) and (4) of paragraph (g) of this section shall apply to flocks and products in this classification.



FIGURE 9

5. Part 145 is further amended by revising §§ 145.15, 145.16, 145.17, 145.18, and 145.20, and by deleting §§ 145.19 and 145.21 to read:

§ 145.15 USROP; general.

The ROP classification may be attained through trapnesting and pedigree breeding under the supervision of an Official State Agency.

§ 145.16 USROP; qualification of females.

Females may qualify as ROP females when they have been trapnested for a period of at least 6 months and records of egg production and egg weight are maintained by the breeder.

§ 145.17 USROP; qualification of males.

A male may qualify as an ROP male when his pedigree record, maintained by the breeder, shows he was produced from a single-male mating of an ROP female and the son of an ROP female.

§ 145.18 USROP; sale of products.

When products are sold or offered for sale under the ROP classification, the breeder shall have on file evidence that such products are from single-male matings of ROP males and ROP females.

§ 145.19 [Deleted]

§ 145.20 USROP; duties of ROP Supervisor.

The ROP Supervisor shall represent the Official State Agency in its supervision of ROP participation. He shall visit and inspect the work of each breeder periodically.

§ 145.21 [Deleted]

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN TURKEYS AND CERTAIN OTHER POULTRY

6. Section 146.5 is amended by revising paragraphs (c) and (d) to read:

§ 146.5 Specific provisions for participating flocks.

* * * * *

(c) A flock shall be deemed to be a participating flock at any time only if its freedom from pullorum and typhoid has been demonstrated by one of the following criteria:

(1) It has been officially blood tested within the past 12 months and qualified for the U.S. Pullorum-Typhoid Clean

classification as provided in § 146.10(b)(1) (see § 146.14 relating to the official blood test);

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State in which all diagnostic laboratories within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(ii) The flock is composed entirely of birds that originated (a) from flocks that qualified as U.S. Pullorum-Typhoid Clean on the basis of an official blood test of all birds in the flock as provided in § 146.10(b)(1), or (b) from flocks that met equivalent blood testing requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors: *Provided*, That the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises; *And provided further*, That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year. The sample of birds tested shall be a representative sample drawn on a prorata basis from all pens or units of the flock. When reactors are found in the sample, all birds in the flock shall be tested and the qualification of the flock and any other flock on the same premises during the next 2 years shall be based on the testing of all birds; or

(3) It is a multiplier breeding flock composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean as provided in § 146.10(b)(1) or from flocks that met equivalent blood testing requirements under official supervision and is located in a State in which it has been determined by the AH Division that:

(i) All chicken and turkey hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All chicken and turkey hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for blood testing under official supervision;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean or equivalent, into the State are prohibited;

(iv) All diagnostic laboratories within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolations are promptly followed by an Official State Agency investigation to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid (a) are quarantined until marketed under the supervision of the Official State Agency, or (b) have been subsequently blood tested and all birds in such flocks failed to demonstrate pullorum or typhoid infection (The use of eggs produced by a quarantined flock for hatching purposes is prohibited. The quarantined flock or any other flock on the same premises during the next 2 years may qualify as a U.S. Pullorum-Typhoid Clean flock only on the basis of official blood tests conducted by or directly supervised by a State Inspector on all birds in the flock.);

(vii) All chickens and turkeys going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and

(viii) A monitoring program, including official blood tests of at least 25 percent of the birds in the hatchery supply flocks in the State, is systematically conducted each year. The samples tested are selected to be representative of all hatchery supply flocks in the State. The minimum requirement as to the percentage of birds tested in the monitoring program may be reduced by 5 percent of the total number of birds in all flocks following each year in which no infected birds are detected;

(d) Each bird tested shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency.

7. Section 146.10 is amended by revising subdivision (iii) of subparagraph (1) and subparagraph (3) of paragraph (c) and by revising subparagraph (1) of paragraph (d) to read:

§ 146.10 Terminology and classification; flocks and products.

* * * * *

(c) *U.S. M. Gallisepticum Tested.* (1) * * *

(iii) The tests shall be conducted using M. gallisepticum antigen approved by the Department or the Official State Agency and shall be performed in accordance with the recommendations of the producer of the antigen;

* * * * *

(3) A flock qualified as U.S. M. Gallisepticum Tested may retain the classification for 1 year, provided it is maintained in isolation and no evidence of M. gallisepticum infection is revealed. Each flock and premises shall be inspected at least once during the laying period by an Authorized Agent of the Official State Agency or the State Animal Disease Control Official. If a flock proves to be infected with M. gallisepticum, it shall be eliminated as a breeding flock under the supervision of the Official State Agency or the State Animal Disease Control Official.

(d) *U.S. Typhimurium Controlled.* (1) Flocks meeting the following requirements:

(i) (a) All birds have been officially blood tested within 12 months for S. typhimurium as provided in § 146.14 and no reactors were found on the first test or any subsequent test; or

(b) All birds are located on premises and originated from premises where U.S. Typhimurium Controlled flocks, tested in accordance with § 146.10(d)(1)(i)(a), were maintained for a two-year period with no evidence of S. typhimurium infection and no subsequent evidence of infection found. Flocks must be located within a State in which all isolations of S. typhimurium are reported promptly to both the Official State Agency and the State Animal Disease Control Official;

(ii) The flock is maintained in compliance with the provisions of § 147.31 of this chapter, and the hatching eggs are handled in compliance with the provisions of § 147.32 of this chapter in a manner satisfactory to the Official State Agency. Each flock and premises will be inspected at least once during the egg production season by a State Inspector to ascertain that these provisions are being followed. The Official State Agency shall immediately terminate the U.S. Typhimurium Controlled classification of flocks found to be in noncompliance with these provisions; and

(iii) The visibly clean eggs shall be fumigated as described in § 147.35(a) as soon as possible after collection.

* * * * *

8. Section 146.14 is amended by revising the first sentence of paragraph (g) to read:

§ 146.14 Blood testing.

* * * * *

(g) When suitable evidence, as determined by the Official State Agency and/or the State Animal Disease Control Official, indicates that poults produced by participating hatcheries are infected with organisms for which the parent flocks received an official control classification and this evidence indicates egg transmission, the Official State Agency may, at its discretion, require additional testing of the flocks involved.

* * * * *

§§ 146.15, 146.16 [Deleted]

9. Part 146 is further amended by deleting the present §§ 146.15 and 146.16.

10. Section 146.17 is amended by redesignating it as § 146.15, deleting paragraph (k), and revising paragraph (j) to read:

§ 146.15 Central turkey meat production test.

* * * * *

(j) In each test the differences between the entry averages in final live and eviscerated weights and body measurements shall be analyzed by a suitable mean separation procedure such as the Duncan's Multiple Range Test. Significance or nonsignificance (at the 5-percent level) of the differences between entries shall be shown in the report.

11. Part 146 is further amended by redesignating Figures 9, 10, 11, 12, and 13 as Figures 10, 11, 12, 13, and 14, respectively.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

§ 147.4 [Amended]

12. Section 147.4 is amended by deleting paragraphs (c) and (e).

13. Section 147.35 is amended by revising the introductory statement of the section, the introductory statement and subparagraphs (1) and (5) of paragraph (a), the introductory statement and subparagraph (3) of paragraph (b), and paragraph (c) to read:

§ 147.35 Fumigation.

Fumigation is recommended for sanitising eggs and hatchery equipment as an essential part of a sanitation program.

(a) Fumigation of clean eggs after collection should be done as follows:

(1) Provide a room or cabinet proportionate to the number of eggs to be handled. The room should be relatively tight and must be equipped with a fan to circulate the gas during fumigation and to expel it after fumigation.

* * * * *

(5) The temperature in the cabinet during fumigation should be at least 70° F. and the relative humidity above 70 percent.

(b) Eggs should be fumigated at the hatchery prior to setting or as soon as possible after setting (preferably within 12 hours). Single or repeated fumigation of eggs in the setter may be practiced, but the fumigation schedule should be such that no eggs are fumigated during the period from the 24th to the 84th hour of incubation. The following procedure should be used:

* * * * *

(3) For each cubic foot of space in the incubator, use 0.4 grams of potassium permanganate and 0.8 cc. of formalin (37.5 percent). Use an earthenware or enamelware container having a capacity of at least ten times the volume of the total ingredients.

* * * * *

(c) Eggs which have not been fumigated in the hatchery as described in paragraph (b) of this section should be fumigated after the 84th hour of incubation. The procedure described in paragraph (b) of this section should be followed.

* * * * *

14. Part 147 is further amended by adding a new § 147.37 to read:

§ 147.37 Procedures recommended to prevent the spread of disease by artificial insemination.

(a) The vehicle transporting the insemination crew shall be left as far as practical from the turkey pens.

(b) The personnel of the insemination crew should observe personal cleanliness including the following sanitary procedures:

(1) Outer clothing shall be changed between premises so that clean clothing is worn upon entering each premises. The used apparel shall be kept separate until laundered. This also applies to gloves worn while handling turkeys;

(2) Boots or footwear shall be cleaned and disinfected between premises;

(3) Disposable caps shall be provided and discarded after use on each premises.

(c) The use of individual straw technique or similar technique is highly recommended. Insemination equipment which is to be reused shall be cleaned and disinfected before reusing. Equipment used for the convenience of the workers shall not be moved from premises to premises.

(d) No obviously diseased flock shall be inseminated. If evidence of active disease is noted after insemination is begun, operations should be stopped and the hatchery notified.

(e) Care should be taken during the collection of semen to prevent fecal contamination. If fecal material is present, it should be wiped off with a piece of cotton before the semen is collected. Likewise, care should be taken not to introduce fecal material into the oviduct of the hen.

§§ 147.41–147.56 [Deleted]

16. Part 147 is further amended by deleting Subpart E.

(Sec. 101(b), 58 Stat. 734, as amended; 7 U.S.C. 429. 29 F.R. 16210, as amended; 33 F.R. 15485)

The amendments are principally based on recommendations of the 1968 National Poultry and Turkey Improvement Plans Conference of representatives of the State Agencies cooperating in the administration of the Plans. Copies of the proposed amendments were sent to representatives of each of the cooperating State agencies. Notice of rule making with respect to the amendments was published in the FEDERAL REGISTER on December 12, 1968, and all comments and suggestions received have been carefully considered. The foregoing amendments are the same in substance as the recommendations of the Conference and are the same in substance as the proposed amendments set forth in the notice of rule making published in the FEDERAL REGISTER. All affected poultrymen should be aware of the changes in their operations that will be required by the amendments. The Conference recommended that the amendments be made effective as soon as possible. Accordingly, under the Administrative Procedures Provisions of 5 U.S.C., section 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of March, 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-3456; Filed, Mar. 21, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9227, Amdt. 25-20; 121-46]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRCRAFT

PART 121—CERTIFICATION AND OPERATIONS: AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Crashworthiness and Passenger Evacuation

The purpose of these amendments of Parts 25 and 121 of the Federal Aviation Regulations is to revise the emergency evacuation requirements and related operating procedures for transport category aircraft. The amendments were proposed in Notice No. 68-28 issued on October 30, 1968 (33 F.R. 16147).

One proposal included in Notice No. 68-28 (Item No. 6 of the notice) and dealing with a revision of § 121.310(h) was already adopted on February 11, 1969, as Amendment No. 121-45 (34 F.R. 2247).

Several comments were received in response to the various proposals contained in Notice No. 68-28.

With respect to Item No. 1 of the notice—the proposed revision of § 25.785(c)—several comments went beyond the scope of the notice and will not be considered at this time. One comment, however, suggested an 18° angle instead of a 10° angle as a standard for a seat requiring protection from head injury. After conducting additional tests on sideward facing seats, the FAA has concluded that an 18° angle would provide an adequate level of safety, and this standard will be adopted.

Regarding Item No. 2 of the notice—the amendment of § 25.803—two comments objected to the way the notice specified the limit dimensions for floor level exits/doors in the side of the fuselage because the wording might exclude Type A emergency exits 76 inches high as "impractical", and also exclude exits/doors having only one dimension that is beyond the listed limits. The FAA considers these comments valid and the proposed language of § 25.803(b) will be changed accordingly. One comment also recommended that the amendment of § 25.803(b) exclude exits/doors that

lead into a baggage or cargo compartment when such compartment is not accessible from the passenger cabin. This recommendation will also be adopted in the final rule.

The comments received on the proposed revision of § 25.803(c), suggested that it would burden those persons who seek to provide exits/doors in excess of requirements, that the rule would necessitate additional emergency evacuation demonstrations, and that the proposed amendment is incompatible with current training practices which encourage the use of all exits. The FAA disagrees with these comments since excess exits need not be provided at all and, if provided, would only increase the evacuation capability of the aircraft; the rule requires no additional evacuation demonstrations since it applies only to configurations having the maximum seating capacity; and, finally, the rule does not deal with training requirements but is intentionally conservative to provide a margin of safety. The rule will thus be adopted as proposed.

With respect to Item No. 3 of the notice—the proposed revision of § 121.285 (c)—one comment suggested that no cargo whatever be carried in passenger compartments unless it is carried in approved pallets, bins, or special cargo containers. While this suggestion merits consideration, it is beyond the scope of the notice and should not affect the minor change proposed in the notice. Section 121.285(c) will, therefore, be adopted as proposed.

Regarding Item No. 4 of the notice dealing with an amendment of § 121.291, the comments received were generally favorable and the proposal will be adopted.

Favorable comments were also received on the proposal contained in Item No. 5 of the notice and § 121.310(d) will be amended as proposed. One comment, however, raised the point that the proposed rule does not make sense with respect to lights that are self-illuminated by other than electrical means since they are always armed and turned on. The proposed rule is not intended to apply to these lights such as radioactive or chemical lights on slides. It is intended to apply only to electric lights.

Concerning Item No. 7 of the notice—the suggested amendment of § 121.310 (i)—two comments dealt with exit size limits and are related to the comments made on § 25.803(b). The proposed amendment will consequently be revised to make it consistent with § 25.803(b). Moreover, one comment suggested that the phrase "* * * and that an equivalent level of safety is provided" be deleted from the waiver provision since an equivalent level of safety on some aircraft would be so cumbersome and impractical that it would defeat the purpose of the waiver. The FAA agrees and the suggestion will be adopted.

Regarding Item No. 8 of the notice—the proposed revision of § 121.391(b)—one comment objected to the deletion of the field approval provision in current § 121.391(b) pointing out that numerous approvals have already been granted. The FAA believes that these approvals should be reexamined in light of the new rule and that the exemption procedure of Part 11 would give adequate relief in cases deserving exemption from the rule. However, in order to prevent an undue hardship, the proposal will be adopted with a provision allowing approvals granted under the current § 121.391(b) to remain in effect for 1 more year.

With regard to Item No. 9 of the Notice which deals with an amendment of § 121.589(b), the comments received were generally favorable but also requested an extension of the compliance date. The FAA agrees that an extension is justified and § 121.589(b) will be revised further to extend the general compliance date to August 24, 1969, and, in special cases, until October 24, 1969.

Additionally, the proposed change of Appendix D of Part 121—Item No. 10 of the notice—will be adopted as proposed in the notice.

There remains the question of the applicability of revised §§ 25.785(c), 25.803 (b) and (c)(1) in relation to § 25.2 which deals with requirements that must be met by an applicant for a type certificate. Accordingly, § 25.2 will be revised to allow an applicant to meet either the current or revised § 25.785(c), and to require the applicant to meet the revised §§ 25.803(b) and 25.803(c)(1) as a condition for obtaining a type certificate after the effective date of this amendment.

In consideration of the foregoing, Parts 25 and 121 of the Federal Aviation Regulations are hereby amended as follows, effective April 23, 1969:

§ 25.2 [Amended]

1. Section 25.2 is amended as follows:

a. Paragraph (a) is amended to read as follows:

(a) After October 23, 1967, that the airplane concerned meets the requirements of §§ 25.783(g), 25.803(c) (2) through (9), 25.803(d), 25.807 (a), (c), and (d), 25.809 (f), and (h), 25.811 (a), (b), (d), (e), (f), and (g), 25.812 (a)(1), (b), (c), (d), (e), (h), (i), (j), and (k)(1) and (2), 25.813 (a), (b), and (c), 25.815, 25.817, 25.853 (a) and (b), 25.855 (a), 25.993(f), and 25.1359(c), in effect on October 24, 1967, or June 20, 1968, and

b. By adding the word "; and" to the end of § 25.2(b).

c. By adding new paragraphs (c) and (d) to § 25.2 to read as follows:

(c) After April 23, 1969, that the airplane concerned meets the requirements of § 25.785(c) in effect either prior to or on that date; and

(d) After April 23, 1969, that the airplane concerned meets the requirements of §§ 25.803(b) and 25.803(c)(1) in effect on that date.

2. By amending the first sentence in paragraph (c) of § 25.785 to read as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

* * * * *

(c) Each occupant of a seat that makes more than an 18° angle with the vertical plane containing the airplane centerline, must be protected from head injury by a safety belt and an energy absorbing rest that will support the arms, shoulders, head, and spine, or by a safety belt and shoulder harness that will prevent the head from contacting any injurious object. * * *

* * * * *

3. By amending § 25.803 (b) and (c)(1) to read as follows:

§ 25.803 Emergency evacuation.

* * * * *

(b) Passenger ventral and tail cone exits and any floor level door or exit in the side of the fuselage (other than those leading into a cargo or baggage compartment that is not accessible from the passenger cabin) that is 44 or more inches high and 20 or more inches wide, but not wider than 46 inches, must meet the applicable emergency exit requirements of this section and §§ 25.807 through 25.813.

(c) * * *

(1) It must be conducted either during the dark of the night or during daylight with the dark of the night simulated, utilizing only the emergency lighting system and utilizing only the minimum number of required emergency exits and the emergency evacuation equipment on one side of the fuselage with the airplane in the normal ground attitude, with landing gear extended.

* * * * *

4. By amending the introductory statement in paragraph (c) of § 121.285 to read as follows:

§ 121.285 Carriage of cargo in passenger compartments.

* * * * *

(c) All cargo may be carried forward of the foremost seated passengers and carry-on baggage may be carried alongside the foremost seated passengers, if the cargo (including carry-on baggage) is carried either in approved bins as specified in paragraph (b) of this section, or in accordance with the following:

* * * * *

5. Paragraphs (a) and (b) of § 121.291 are amended to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder must show, by actual demonstrations conducted in accordance with paragraph (a) of Appendix D to this part, that the emergency evacuation procedures for each type and model of airplane with a seating capacity of more than 44 passengers, that is used in its passenger-carrying operations, allow the evacuation of the full seating capacity, including crewmembers, in 90 seconds or less—

* * * * *

(b) Each certificate holder operating or proposing to operate one or more landplanes in extended overwater operations, or otherwise required to have certain equipment under § 121.339, must show, by a simulated ditching conducted in accordance with paragraph (b) of Appendix D to this part, that it has the ability to efficiently carry out its ditching procedures.

6. By amending the italic heading and introductory sentence of § 121.310(d) to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(d) *Emergency light operation.* Each light required by paragraphs (c) and (h) of this section must comply with the following:

* * * * *

7. By amending § 121.310(i) to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(i) *Other floor level exits.* After September 30, 1969, each floor level door or exit in the side of the fuselage (other than those leading into a cargo or baggage compartment that is not accessible from the passenger cabin) that is 44 or more inches high and 20 or more inches wide, but not wider than 46 inches, each passenger ventral exit (except the ventral exits on M-404 and CV-240 airplanes), and each tail cone exit, must meet the requirements of this section for floor level emergency exits. However, the Administrator may grant a deviation from this paragraph if he finds that circumstances make full compliance impractical and that an acceptable level of safety has been achieved.

* * * * *

8. By amending paragraph (b) of § 121.391 to read as follows:

§ 121.391 Flight attendants.

* * * * *

(b) If, in conducting the emergency evacuation demonstration required under § 121.291(a), the certificate holder used more flight attendants than is required under paragraph (a) of this section for the maximum seating capacity of the airplane used in the demonstration, he may not, thereafter, take off that airplane—

(1) In its maximum seating capacity configuration with fewer flight attendants than the number used during the emergency evacuation demonstration; or

(2) In any reduced seating capacity configuration with fewer flight attendants than the number required by paragraph (a) of this section for that seating capacity plus the number of flight attendants used during the emergency evacuation demonstration that were in excess of those required under paragraph (a) of this section.

(3) Deviations granted under this paragraph and in effect on April 22, 1969, shall remain in effect until April 23, 1970.

* * * * *

9. By amending § 121.589(b) to read as follows:

§ 121.589 Carry-on baggage.

* * * * *

(b) After August 24, 1969, no certificate holder may permit a passenger to carry any article of baggage aboard an airplane under paragraph (a)(2) of this section unless that article can be stowed under a passenger seat in such a way that it will not slide forward under crash impacts severe enough to induce the ultimate inertia forces specified in § 25.561(b)(3) of this chapter or the requirements of the Civil Air Regulations under which the aircraft was type certificated. A certificate holder may obtain an additional extension of the compliance date but not beyond October 24, 1969, from the air carrier district office charged with the overall supervision of its operation by showing that good cause exists for the extension.

* * * * *

10. Appendix D of Part 121 is amended as follows:

(1) Paragraph (a)(17) is amended as follows:

* * * * *

(a) *Aborted takeoff demonstration.*

* * * * *

(17) Not more than 50 percent of the minimum number of required emergency exits may be used for the demonstration. * * *

(2) Delete paragraph (b) in its entirety.

(3) Redesignate paragraph (c) as paragraph (b).

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423, 1424; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 18, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-3435; Filed, Mar. 21, 1969; 8:47 a.m.]

[Docket No. 9487, Amdt. 39-741]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11, 200, and 400 Series Airplanes

There have been reports of interference between the flap rear pick up fitting and the flap link assembly on certain British Aircraft Corp., Model BAC 1-11, 200, and 400 Series Airplanes. This condition could result in a jamming of the flap system. In view of the serious consequences of such a condition, and since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive (AD) is being issued to require inspection of the clearance between the flap rear pick up fitting and the flap link assembly on all British Aircraft Corp., Model BAC 1-11, 200, and 400 Series Airplanes, and modification if necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11, 200, and 400 Series Airplanes.

Compliance required as indicated, unless already accomplished.

To prevent interference between the flap rear pickup fitting and the flap link assembly, accomplish the following:

(a) For BAC 1-11, 200, and 400 Series Airplanes with flap links P/N AB09A3697 installed, accomplish the following:

(1) Within the next 160 hours' time in service after the effective date of this AD, inspect in accordance with paragraph (3) of this section to determine if a minimum clearance of 0.075 inch is provided between the flap rear pickup fitting and the flap link assembly.

(2) If the inspection reveals a clearance of less than 0.075 inch, before further flight (except that the airplane may be flown in accordance with § 21.197 of the Federal Aviation Regulations to a base where the repair can be performed), incorporate BAC Modification PM 2868, as specified in paragraph (3) of this section.

(3) Perform the inspection and modification required in paragraphs (1) and (2) of this section, in accordance with British Aircraft Corp. BAC 1-11, Alert Service Bulletin No. 27-A-PM 2245, Issue 6, dated September 16, 1968, or later ARB-approved issue, or an FAA-approved equivalent.

(b) For BAC 1-11, 200, and 400 Series Airplanes with flap links P/NAB09A3657 or P/NAB09A3697 installed, accomplish the following:

(1) Within the next 1,000 hours' time in service after the effective date of this AD, inspect in accordance with paragraph (3) of this section, the outer link positions at No. 2 and No. 3 flaps, left and right sides, for interference between the flap link and flap rear pick up fitting fork.

(2) If the inspection reveals an interference, before further flight (except that the airplane may be flown in accordance with § 21.197 of the Federal Aviation Regulations to a base where the repair can be performed), incorporate BAC Modification PM 3691, as specified in paragraph (3) of this section.

(3) Perform the inspection and modification required in paragraphs (1) and (2) of this section, in accordance with British Aircraft Corp. BAC 1-11, Alert Service Bulletin No. 27-A-PM 2245, Issue 6, dated September 16, 1968, or later ARB-approved issue, or an FAA-approved equivalent.

This amendment becomes effective March 27, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 17, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-3419; Filed, Mar. 21, 1969; 8:46 a.m.]

[Docket No. 9486, Amdt. 39-742]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley DH-125 Airplanes

Amendment 39-553 (33 F.R. 2886) requires inspection of Hawker Siddeley DH-125 airplanes for fuel leakage past the fuel filter de-icing system nonreturn

valves, and for fuel or methanol leakage from the fuel filter and windshield de-icing systems. The amendment also requires serviceability tests of the fuel filter and windshield de-icing systems, and replacement of faulty parts if necessary. However, certain modifications and inspections have now been developed which make it unnecessary to continue the preflight checks and serviceability tests. Therefore, Amendment 39-553 (33 F.R. 2886) is being amended to permit the discontinuance of the preflight checks and serviceability tests after the appropriate modifications and inspections have been accomplished.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-553 (33 F.R. 2886) is amended as follows:

1. Paragraphs (a) and (b) are amended by striking out the words "Hawker Siddeley Aviation Ltd. Service Bulletin No. 28-A23, Revision 1, dated November 20, 1967" and inserting in place thereof the words "Hawker Siddeley Aviation Ltd. Service Bulletin No. 28-A23, Revision 2, dated July 4, 1968."

2. New paragraphs (d) and (e) are added to read as follows:

(d) The preflight checks and serviceability tests required by paragraphs (a) and (b), respectively, of this AD may be discontinued after either—

(1) The fuel filter and windshield fluid de-icing systems have been inspected as specified in paragraph (e) and have revealed no evidence of corrosion for a period of at least 6 months, and the nonreturn valves P/N AWE 124-25, AWE 124-26, and AWE 124-27 have been replaced by P/N AWE 124-25A, AWE 124-26, and AWE 124-37, respectively, as specified in paragraph (e); or

(2) The aluminum alloy lines and components have been replaced with corrosion resistant lines and components, and nonreturn valves P/N AWE 124-25, AWE 124-26, and AWE 124-27 have been replaced by P/N AWE 124-25A, AWE 124-26, and AWE 124-37, respectively, as specified in paragraph (e).

(e) The inspection for corrosion, the replacement of the nonreturn valves, and the replacement of the aluminum alloy lines and components covered in paragraph (d), must be accomplished in accordance with Hawker Siddeley Aviation Ltd., Service Bulletin No. 28-A23, Revision 2, dated July 4, 1968, or a later ARB-approved revision or an FAA-approved equivalent.

This amendment becomes effective March 27, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 18, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-3420; Filed, Mar. 21, 1969; 8:46 a.m.]

[Docket No. 9489, Amdt. 39-743]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Airplanes, Serial Nos. 1 Through 701, 2001 Through 2018, 2023, 2025 Through 2029, 2040, and 2041

Evidence of internal corrosion of the support arm on the aileron mass balance unit has been discovered on certain Pilatus Model PC-6 airplanes, that could result in structural damage. In view of the possible serious consequences of this condition, and since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require inspection of the mass balance support arms for evidence of corrosion, and replacement if necessary on Pilatus Model PC-6 airplanes, Serial Nos. 1 through 701, 2001 through 2018, 2023, 2025 through 2029, 2040, and 2041.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to Model PC-6 Airplanes Serial Nos. 1 through 701, 2001 through 2018, 2023, 2025 through 2029, 2040, and 2041.

Compliance required as indicated unless already accomplished.

To prevent structural damages to the aileron mass balance unit P/N 6106.11, due to internal corrosion, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 10 hours' time in service from the last inspection, inspect the external surface of the mass balance support arms for evidence of corrosion (indicated by blistering of paint or slight discoloration).

(b) If evidence of corrosion is detected during the inspection prescribed in paragraph (a), before further flight, replace the aileron mass balance unit P/N 6106.11 with a modified aileron mass balance unit P/N 6106.11 (which is identified by a ½-inch diameter yellow colored marking), or with a new aileron mass balance unit P/N 111.45.08.001, in accordance with Pilatus Service Bulletin No. 89, dated November 1968 or later Swiss Federal Air Office approved revision or an FAA-approved equivalent.

(c) The repetitive inspections required by paragraph (a) may be discontinued after the modified or new aileron mass balance unit has been installed.

This amendment becomes effective April 1, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 601(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 18, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-3421; Filed, Mar. 21, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment is to alter the description of the Amarillo, Tex., control zone and transition area.

The present control zone and transition area descriptions include specific reference to the Amarillo Municipal Airport; however, the name of this airport has now been changed to Amarillo Air Terminal.

As this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (34 F.R. 4557) and in § 71.181 (34 F.R. 4637), the Amarillo, Tex., control zone and transition area are amended by deleting "Amarillo Municipal Airport" and substituting "Amarillo Air Terminal" therefor, wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 13, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-3422; Filed, Mar. 21, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Chattanooga, Tenn., transition area.

The Chattanooga transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the Daisy RBN 016° bearing. Since the final approach bearing of AL-79-NDB (ADF) RWY 20 and AL-79-ILS RWY 20 standard instrument approach procedures has been redefined from 016° to 017°, it is necessary to alter the description.

Since this amendment is minor, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Chattanooga, Tenn., transition area is amended as follows: "* * * Daisy RBN 016° bearing * * *" is deleted and "* * * Daisy RBN 017° bearing * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 14, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-3424; Filed, Mar. 21, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Shelbyville, Tenn., transition area.

The Shelbyville transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the Shelbyville VOR 272° radial. The instrument approach procedure, AL-5299-VOR, requiring this extension will be cancelled, effective April 24, 1969. Accordingly, it is necessary to alter the description by revoking this extension.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Shelbyville, Tenn., transition area is amended as follows: "* * * within 5 miles N and 8 miles S of the Shelbyville VOR 272° radial extending from the VOR to 12 miles W * * *" is deleted from the present description.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 14, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-3425; Filed, Mar. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 68-WE-98]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On January 16, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 625) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would extend the time of designation of Restricted Area R-2504, Camp Roberts, Calif.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received which interposed no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 73.25 (34 F.R. 4814) Restricted Area R-2504, Camp Roberts, Calif., is amended as follows: "Time of designation. 0600 to 2400 P.s.t., Monday through Friday." is deleted and "Time of designation. 0600 to 2400 P.s.t., daily." is substituted therefor.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 14, 1969.

FERRIS J. HOWLAND,
Acting Director,
Air Traffic Service.

[F.R. Doc. 69-3423; Filed, Mar. 21, 1969; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Rel. Nos. 33-4955, IC-5632]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Expedited Processing of Registration Statements and Other Procedures Adopted by the Division of Corporate Regulation

The Securities and Exchange Commission today invited the cooperation of the industry, the bar, underwriters, accountants, and other experts in a program which will assist the Commission's staff in its processing of the increased volume of investment company registration statements and applications involving registered investment companies.

As set forth in Securities Act Release No. 4944 (Jan. 15, 1969) the workload of the Commission's Division of Corporate Regulation has greatly increased recently due largely to the substantial increase in the number of companies registered under the Investment Company Act of 1940. The number of registered investment companies increased from 775 at June 30, 1966, to 967 at June 30, 1968. During the fiscal year ended June 30, 1968, a total of 167 companies registered with the Commission under the Investment Company Act, more investment companies than registered in any fiscal year since the Act was passed in 1940. In the 7-month period ended January 31, 1969, additional companies registered, bringing the number of registered companies at that date to 1,082, or an increase of 39.6 percent over the June 30, 1966, figure. Investment companies file, in addition to registration statements, proxy statements, and at least seven periodic reports with the Commission. This enormous increase in the number of investment companies and filings has been accompanied, due to budgetary cuts, by a substantial reduction of personnel in the investment company branches of the Division of Corporate Regulation. As a consequence, there have been lengthy delays in processing all investment company filings.

While proposals for meeting this problem have been under constant study by the Commission and its staff and various steps have already been taken to that end, further measures are necessary to reduce the backlog. Statutory standards, of course, remain unchanged. Because the Commission bears regulatory responsibilities under the Investment Company Act, the procedures currently used by the Division of Corporation Finance (Securities Act Release No. 4934, Nov. 21, 1968) (33 F.R. 17900) for expediting registration statements filed under the Securities Act of 1933 are not wholly appropriate for use by the Division of Corporate Regulation. However, the processing of registration statements filed by investment companies may be expedited through other procedures. Accordingly, the Division of Corporate Regulation has adopted the following procedures until such time as normal procedures may be resumed.

I. *Check lists to be furnished on behalf of all investment companies filing registration statements.* Attached to this release are check lists for Forms N-8A, N-8B-1 (17 CFR 274.10, 274.11), S-4 and 2-5[1] (17 CFR 239.14, 239.15) which are intended to serve as an aid to registrant's counsel in preparing a registration statement for an investment company, to promote greater preliminary review by registrant's counsel and to assist the staff in making an initial determination whether or not the provisions of the Investment Company Act and the Securities Act, and the rules thereunder, have been considered. It is requested that henceforth counsel complete applicable check lists for investment company registrants and file them in duplicate as supplemental material accompanying all initial registration statements filed by investment companies.

[1] Copies of the check lists have been filed as part of this document and may be obtained from the Securities and Exchange Commission.

II. *Treatment of Securities Act registration statements filed by investment companies.* Registration statements and completed check lists will be promptly referred to Division officers for cursory review. Not all such filings will be deemed appropriate for expedited treatment. In particular, expedited treatment should not be expected in situations for which there are no clear disclosure precedents or for filings which raise novel or complex questions. Counsel are requested to make every effort to pinpoint in letters of transmittal any such questions which their filings raise. After initial staff review, one of the following decisions will be made: (A) That expedited treatment is appropriate, (B) that regular review is appropriate, or (C) that further review is not justified. Depending upon the decision made, appropriate steps will be taken as described below:

A. *Expedited treatment.* If it is determined that the registration statement appears to be complete and, based largely on representations of counsel, has been properly prepared and should be accorded expedited treatment, the following steps will be taken:

1. Registrant will be advised that the staff has made only a cursory review of the registration statement; that no written or oral comments will be provided; and that review by the staff, whether extensive as is customary or cursory, as in the case at hand, may not be relied upon to indicate that the registration is true, complete or accurate.

2. Registrant will be further advised that it may request prompt acceleration pursuant to Rule 461 under the Securities Act of 1933 (17 CFR 230.461) upon furnishing, as supplemental information, letters from its chief executive officer, the auditors, and the principal underwriter, on behalf of all underwriters, which shall include representations that the respective persons are aware that the staff has made only a cursory, and not a customary, review of the registration statement, which may not be relied upon in any degree to indicate that the registration statement is true, complete or accurate, and that such persons are aware of their statutory responsibilities under the Investment Company Act and other Federal securities laws.

3. In addition, registrant will be advised that upon receipt of such supplemental information in satisfactory form, the registration statement will be immediately referred to the Commission with the notation that it has received summary review and that the registrant has requested acceleration pursuant to Rule 461. Unless directed otherwise by the Commission, the registration statement will become effective as of the date requested.

B. *Regular review.* If it is determined that expedited treatment should not be granted and that the registration statement should be fully reviewed, in most cases comments will be furnished orally, either in person or by telephone, in accordance with the practice already initiated by the Division. Such comments will be furnished in due course and each registration statement accorded regular review will be processed in turn in the order filed.

C. *Further review not justified.* If it is determined that the registration statement has been so poorly prepared or is otherwise so deficient that, in light of the Commission's workload, further review of it is not justified, comments will not be issued. Counsel will be notified that, should the registration statement become effective in such form, the Division would then decide what action, if any, to recommend to the Commission. Such action could include recommendations for examination or private investigation under section 8(e) or 20(a) of the Securities Act, a stop-order public hearing under section 8(d) of that Act, and an injunctive proceeding or criminal reference under section 20(b) of the same Act and/or sections 42(e) and 49 of the Investment Company Act.

Regardless of the procedure followed by the Division of Corporate Regulation, registrants should be aware that the statutory burden of full disclosure is on the issuer, its affiliates, the underwriter and experts, that as a matter of law this burden cannot be shifted to the Commission or its staff. Attention is directed to Escott v. BarChris Construction Corporation, et al., 283 F. Supp. 643 (D.C., S.D.N.Y., 1968).

III. *Need for full cooperation of the bar and financial community.* This program and the efforts of the staff of our Division of Corporate Regulation to reduce the record backlog of registration statements and the length of the pre-effective period in a manner consistent with its traditional high standards can only be accomplished with the full cooperation of registrants, counsel, underwriters, accountants, and others. Such persons are, therefore, urged to proceed as follows:

A. *With respect to new registration statements.* Do not file investment company registration statements with the Commission unless they fully meet statutory standards and the procedures set forth in the forms for registration and in the rules under the Investment Company Act and the Securities Act. An inadequate filing made solely to "get in line" will not be productive.

B. *With respect to amendments, post-effective amendments and proxy materials.* Rule 472(d) of the General Rules and Regulations under the Securities Act of 1933 (17 CFR 230.472(d)) provides that every amendment must be clearly marked to show changes effected by such amendment. Similarly, Securities Act Release No. 4944 recommends procedures with respect to amendments, posteffective amendments, and proxy materials. The continued cooperation of the industry is requested with respect to these procedures.

C. *With respect to applications under the Investment Company Act.* Applicants are requested to furnish at the time applications are filed, as supplemental information and for the convenience of the staff, drafts of the notice and the order which would be required to grant the requested relief. The furnishing of such drafts is not intended as a substitute for the staff's responsibilities with respect to applications but merely to serve as an initial reference to aid the staff in performing its functions.

D. *In general.* Exercise great restraint in considering whether to communicate with members of the staff, in person or by telephone.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 12, 1969.

[F.R. Doc. 69-3416; Filed, Mar. 21, 1969; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Belknap Indian Irrigation Project, Mont.

On page 2115 of the FEDERAL REGISTER of February 13, 1969, there was published a notice of intention to modify § 221.30 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Fort Belknap Indian Irrigation Project. This amendment to be effective for the irrigation season of 1969 which begins April 1, 1969, and thereafter until further notice.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change as set forth below.

Section 221.30 is amended to read as follows:

§ 221.30 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (39 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Indian Irrigation Project in Montana are hereby fixed for calendar year 1969 and each succeeding year until further order (a) for the Milk River and White Bear Units, including lands under pumping contract with the Fort Belknap Indian Irrigation Project, at $2.65 per acre against lands in Indian ownership not under lease to a non-Indian, and at $5.17 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian; (b) for the Three Mile Unit at $3.20 per acre against lands in Indian ownership not under lease to a non-Indian, and at $5.72 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian; and (c) for the Brown Unit at $2 per acre for Indian and non-Indian owned lands; and (d) for the Peoples Creek (Hays) and Ereaux Units at $2 per acre for Indian and non-Indian owned lands.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-3413; Filed, Mar. 21, 1969; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Field Grown Cut and Potted Flower Industry

On February 14, 1969, a notice was published in the FEDERAL REGISTER (34 F.R. 2208) proposing to find that the field grown cut and potted flower industry is an industry of a seasonal nature and is engaged in the handling, packing, storing, preparing, first processing, or canning of perishable agricultural or horticultural commodities in their raw or natural state, within the meaning of subsections (c) and (d) of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), as amended by the Fair Labor Standards Amendments of 1966 (Public Law 89-601).

For the purpose of the proposal, the field grown cut and potted flower industry was defined as follows: The original assembly of field grown cut and potted flowers from the growers, including the sorting, grading, handling, packing, and shipping, and transporting to carriers or to market, and any other operations necessary or incidental thereto.

Interested persons were given 30 days to submit written data, views, or argument concerning the proposal. No comments were received. Accordingly, I find in accordance with the procedure prescribed in Part 526 of Title 29 Code of Federal Regulations, that the indicated industry is seasonal in nature and is engaged in the handling, packing, storing, preparing, first processing, or canning of perishable agricultural or horticultural commodities in their raw or natural state within the meaning of subsections (c) and (d) of section 7 of the Act.

Therefore, § 526.12 of Title 29 Code of Federal Regulations, is hereby amended by adding the name of the "field grown cut and potted flower industry" to the list of industries contained in the table therein, and the volume and page of the FEDERAL REGISTER in which this document appears under the heading "Citation" contained in that table.

Effective date. This amendment, recognizing an exemption, shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 19th day of March 1969.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-3433; Filed, Mar. 21, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Contracts That Do Not Have a Direct and Immediate Connection With the National Defense

Section 1453.5(b)(12) *Corps of Engineers* is amended in the following respects:

1. The name "McGee Bend, Tex" in List A is changed to "Sam Rayburn, Tex".

2. The following projects are added to List A:

Project	*River basin*
Clarence Cannon, Mo	Salt.
Dworshak, Idaho	Clearwater.
Lost Creek, Oreg	Rogue.
New Melones, Calif	Stanislaus.
Snettisham, Alaska	Crater Lake-Long Lake.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sup. sec. 1219)

Dated: March 18, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-3414; Filed, Mar. 21, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Cedar Bluff Dam and Reservoir, Smoky Hill River, Trego County, Kans.

Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood control purposes in Cedar Bluff Reservoir on Smoky Hill River, Trego County, Kans., and the operation of Cedar Bluff Dam for flood control purposes.

§ 208.46 Cedar Bluff Dam and Reservoir, Smoky Hill River, Trego County, Kans.

The Bureau of Reclamation, Department of the Interior, represented by its appropriate Project Manager, hereinafter referred to as the Project Manager, shall operate Cedar Bluff Dam and Reservoir in the interest of flood control as follows:

(a) The flood control storage capacity of the reservoir, which initially amounts to 191,860 acre-feet between elevations 2144 and 2166, shall be regulated as follows:

(1) For local flood control on Smoky Hill River from the dam to Kanopolis Reservoir with the objective, insofar as practicable, of limiting total streamflow to a maximum of 10,000 c.f.s.

(2) In coordination with the regulation of other flood control reservoirs and projects in the Smoky Hill, Kans., and Missouri River basins, releases from and flood control operation of the reservoir will be adjusted as required for optimum effectiveness for existing and potential flood conditions during all flood periods.

(b) During flood periods and whenever the reservoir water surface is in the flood control storage zone, releases shall be made in accordance with instructions issued to the Project Manager by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer. Such instructions shall be for achievement of the necessary local flood control below the dam and coordination of flood control regulation of the reservoir with flood conditions and flood control regulation of other reservoirs and flood control projects in the Smoky Hill, Kans., and Missouri River basins. Oral instructions from the District Engineer to the Project Manager shall be confirmed in writing under date of the day issued.

(c) The discharge characteristics of the gated orifice incorporated into the spillway structure (capable of discharging 4,000 c.f.s. with reservoir level at elevation 2166) and of the gated sluiceways (capable of discharging 7,040 c.f.s. with reservoir level at elevation 2166) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC-2483 as modified by the as-built Drawing 372-D-170, revised February 10, 1964; Drawing 372-D-56, revised May 16, 1968; and Drawing 372-D-57, revised May 20, 1968).

(d) Flood control operations shall not restrict releases necessary for irrigation.

(e) Whenever the reservoir level reaches or exceeds elevation 2144 or flood discharges appear imminent, the Project Manager shall report at once to the District Engineer by telephone, telegraph, or radio and as requested thereafter until the reservoir level falls to elevation 2144 or below and flood discharges cease.

(f) Proposed schedule of irrigation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Project Manager. These data shall be tabulated daily and furnished periodically as required and shall include such items as reservoir elevation, reservoir storage, inflow, discharges, and pertinent available hydrologic data.

(g) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage or inconsistent with safe routing of the inflow design flood.

(h) All elevations stated in this section are at the Dam and Reservoir and are referred to the datum in use at that location.

[Regs., Feb. 28, 1969, ENGCW-EY]

(Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69-3403; Filed, Mar. 21, 1969; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Issuance of Certificates of Correction

On October 11, 1968, notice of proposed rulemaking regarding the amendment of §§ 1.322 and 1.323 of Title 37, Code of Federal Regulations, dealing with the issuance of certificates of correction, was published in the FEDERAL REGISTER (33 F.R. 15218). Interested persons were given 40 days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

Full consideration having been given to all comments that were received in response to the public notice, the amendments originally proposed are hereby adopted without change and are set forth below.

As a result of these rule changes it will no longer be necessary for the patentee to forward his patent to the Patent Office when requesting the issuance of a certificate of correction. Upon receipt of an appropriate request, a certificate of correction will be issued and forwarded to the patentee, with an authorization permitting the patentee to physically attach same to the patent.

In connection with this change of procedure, arrangements have been made with Shepard's Citations to indicate under its listing of patents in its set entitled "Shepard's United States Citations, Patents and Trademarks" those patents for which certificates of correction have been issued. Beginning in April of this year the information will be published in that set's quarterly cumulative supplement and will appear in the bound volume thereof, when it is released.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: March 18, 1969.

EDWARD J. BRENNER,
Commissioner of Patents.

Approved:

ALLEN V. ASTIN,
Assistant Secretary for Science and Technology.

Notice is hereby given that under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 792; 35 U.S.C. 6), the Patent Office amends Part 1 of Title 37 of the Code of Federal Regulations as follows:

(1) By amending paragraph (a) of § 1.322 to delete from the first sentence the words "and endorsed on the patent itself". As thus amended, paragraph (a) reads as follows:

§ 1.322 Certificate of correction of Office mistake.

(a) A certificate of correction under 35 U.S.C. 254 may be issued at the request of the patentee or his assignee. Such certificate will not be issued at the request or suggestion of anyone not owning an interest in the patent, nor on motion of the Office, without first notifying the patentee (including any assignee of record) and affording him an opportunity to be heard.

* * * * *

(2) By amending § 1.323 to delete therefrom the words "which shall be endorsed on the patent itself,". As thus amended, § 1.323 reads as follows:

§ 1.323 Certificate of correction of applicant's mistake.

Whenever a mistake of a clerical or typographical nature or of minor character which was not the fault of the Office, appears in a patent and a showing is made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination.

[F.R. Doc. 69-3404; Filed, Mar. 21, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-16—PROCUREMENT FORMS

Report on Procurement by Civilian Executive Agencies

In Part 8-16, § 8-16.804 is revoked.

(Sec. 205(c), 63 Stat 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

This revocation is effective immediately.

Approved: March 17, 1969.

By direction of the Administrator.

A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 69-3438; Filed, Mar. 21, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Department of the Interior

PART 33—SPORT FISHING

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; Sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the Parker River National Wildlife Refuge, Mass., is permitted from May 1, 1969, through October 15, 1969, and at other times by special permit from the Refuge Manager, in the Public Use Area on the ocean side of Plum Island, below the mean high water mark. The Public Use Area consisting of 218 acres extends from the south boundary of the Swimming and Bathing Area to the south boundary of the refuge and is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State and town regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 18, 1969.

[F.R. Doc. 69-3445; Filed, Mar. 21, 1969; 8:48 a.m.]

PART 33—SPORT FISHING

Elizabeth Alexandra Morton National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

ELIZABETH ALEXANDRA MORTON NATIONAL WILDLIFE REFUGE

Sport fishing from the shore in tidal waters and access thereto by walking is permitted on the Elizabeth Alexandra Morton National Wildlife Refuge, Sag Harbor, N.Y., through December 31, 1969. The refuge is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this sepcial regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 18, 1969.

[F.R. Doc. 69-3446; Filed, Mar. 21, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1073]

MILK IN WICHITA, KANS., MARKETING AREA

Notice of Proposed Suspension or Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension or termination of certain provisions of the order regulating the handling of milk in the Wichita, Kans., marketing area is being considered.

The provisions proposed to be suspended or terminated are § 1073.71 (f), (g), (h), (i), and (j) relating to the seasonal incentive payment plan of the order.

(1) The provisions being considered for suspension or termination are those which would reduce by 20 cents per hundredweight the uniform price to be paid producers for milk delivered in each month of April through June. Such deductions provide a fund to be used in increasing the uniform prices to be paid producers in each month of September through November. These provisions do not affect cost of milk to handlers, and the suspension will not affect overall returns to producers.

(2) Suspension of the seasonal incentive payment plan for the year 1969 was requested by Milk Producers, Inc., Kansas Division, a cooperative association representing about 95 percent of the producer milk supply for the market.

(3) Producers for the Wichita market have not been paid on the basis of the seasonal incentive plan since it was made effective September 1, 1966. These provisions were suspended for the years of 1967 and 1968 at the request of this cooperative and a predecessor cooperative association. The cooperative now requests suspension because a privately administered supply management program conflicts with the seasonal incentive plan provided by the order.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension or termination should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on March 19, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69–3431; Filed, Mar. 21, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 9490; Notice 69–13]

AIRCRAFT BY PART 121 CERTIFICATE HOLDERS

Proposed Leasing

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to require certificate holders to provide the Administrator with copies of wet lease agreements made with other persons who operate large airplanes for compensation or hire. In addition, it provides for amending operations specifications to state the applicable regulations for operations conducted under such agreements.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before May 21, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In recent years there has been a marked increase in the number of leasing agreements involving aircraft with crews which are sometimes referred to as wet lease agreements. A majority of those leases involved a U.S. supplemental air carrier or certificated all-cargo carrier providing an aircraft and crew for a foreign air carrier for flight between the U.S. and a place outside the U.S. and in several instances for flights wholly outside the U.S. However, there have also been leases of this type between two U.S. air carriers.

Many of these leases have created regulatory problems for both the FAA and the parties involved due to the lack of clarity as to which party is responsible for the safety of the operation of the leased aircraft under the Federal Aviation Regulations. If the lease agreement requires the aircraft to be operated by the U.S. air carrier or commercial operator of large aircraft, it must be operated in accordance with the detailed safety rules of Part 121. On the other hand, if the lease requires the aircraft to be operated by the foreign air carrier, the rules of Part 129 apply as well as the applicable provisions of Part 91. The substantial differences between these different regulations makes a distinction quite important to proper administration of the agreement by the parties involved and to proper surveillance by FAA personnel. In addition, confusion among operating personnel such as crewmembers, dispatchers, and mechanics in this respect could be deleterious to safety during operations under these agreements. As a consequence, the FAA believes that steps should be taken to ascertain which of the parties to the agreement will be responsible for the safety of the operation of the aircraft and the regulations that will apply to the operation before the operations begin. It is proposed that this would be ascertained by a requirement that a Part 121 certificate holder submit to the Administrator a copy of each agreement that is made with another operator of large airplanes for the lease of an airplane with crew, regardless of the duration of the lease. This would include a lease with another Part 121 certificate holder, a foreign air carrier, or any operator of aircraft (U.S. or foreign). The agreement would be reviewed by the Administrator and a determination made as to which party to the agreement is conducting the operation. The Administrator would then issue an amendment to the certificate holder's operations specifications that would describe the nature and extent of the agreement, the operations to be conducted thereunder, and, based on the determination, would clearly state the regulations to be followed. In making such a determination, consideration would be given to those elements that most directly affect the safety of a particular operation. The allocation of responsibility for airworthiness, crewmember training, dispatch (if any), scheduling, and servicing would be given the greatest weight.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by adding a new section after § 121.5 to read as follows:

§ 121.6 Leasing of aircraft.

(a) Prior to conducting operations, each certificate holder must provide the Administrator a copy or a written memorandum of the terms of any leasing arrangement under which—

(1) The certificate holder agrees to operate an aircraft for another person engaged in the carriage of persons or property for compensation or hire; or

(2) A person other than the certificate holder will operate one or more of the certificate holder's aircraft.

(b) Upon receiving a copy of an agreement, the Administrator determines which party is conducting the operation and issues an amendment to the certificate holder's operations specifications containing the following:

(1) Names of the parties to the agreement and the duration thereof.

(2) Nationality and registration numbers of each aircraft involved in the agreement.

(3) Type of operation (e.g., scheduled, passenger, etc.)

(4) Routes or areas of operation.

(5) Regulations that will apply to the operation.

(6) A statement of the economic authority, if available.

(c) In making a determination under paragraph (b) of this section, the Administrator considers the responsibility under the agreement for the following:

(1) Crewmembers and training.

(2) Airworthiness and performance of maintenance.

(3) Dispatch.

(4) Servicing of the aircraft.

(5) Scheduling.

(Secs. 313(a), 601, 604, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1424, 1427; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 18, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–3426; Filed, Mar. 21, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18452]

COMMUNITY ANTENNA RELAY STATIONS

Order Extending Time for Filing Comment

In the matter of amendment of Part 74, Subpart J, of the Commission's rules and regulations relative to community antenna relay stations.

1. In a pleading filed March 12, 1969, the General Electric Co. requested that the time for filing comments in this rulemaking proceeding be extended from March 14, 1969, to April 11, 1969.

2. General Electric cites their interest in the relationship of the frequency bands proposed for accommodating local distribution communications service (12.7–12.95 GHz) and states that they would like an opportunity to further examine the relationship of this proceeding with other matters pending before the Commission.

3. It being in the public interest to afford full opportunity for the submission of comments, pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.289 (c) of the Commission's rules and regulations, 47 CFR 0.289(c), the time for filing comments herein is extended to on or before April 11, 1969, and the time for filing reply comments is extended to on or before May 9, 1969.

Adopted: March 14, 1969.

Released: March 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] SOL SCHILDHAUSE,
Chief, CATV Task Force.

[F.R. Doc. 69–3448; Filed, Mar. 21, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 8754]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership; Correction

MARCH 17, 1969.

In F.R. Doc. 69-2623 appearing on pages 3859 and 3860 (34 F.R. 3859-3860) of the FEDERAL REGISTER issue of Wednesday, March 5, 1969, the following correction should be made:

Insert "T. 27 S., R. 22 W.," between Sec. 27, N½ and N½S½; and Sec. 12, lots 2, 3, 4, S½NE¼, and SE¼; under the land description for T. 31 S., R. 21 W., on page 3860, third column, line 19.

R. BUFFINGTON,
State Director.

[F.R. Doc. 69-3410; Filed, Mar. 21, 1969; 8:45 a.m.]

[New Mexico 9156]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 17, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 9156 for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundary of the Lincoln National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 8 S., R. 11 E.,
Sec. 35, S½.
T. 9 S., R. 11 E.,
That portion of those patented mining claims situated in Sections 4 and 9, in the Nogal Mining District and within the Lincoln National Forest described as follows:
Butcher Boy Lode, MS 1266, 18.647 acres.
Grub Stake Lode, MS 1266, 1.760 acres.
Delaware Lode, MS 387, 5.620 acres.
Bornite Lode, MS 391, 12.317 acres.
Privateer Lode, MS 392, 10.322 acres.

The areas described above aggregate 368.666 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-3411; Filed, Mar. 21, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-480]

MERLE F. RHODES

Notice of Loan Application

MARCH 18, 1969.

Merle F. Rhodes, 336 East Third Street, Juneau, Alaska 99801, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 93-foot length overall wood vessel to engage in the fishery for scallops, halibut, crab, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3447; Filed, Mar. 21, 1969; 8:48 a.m.]

Geological Survey

NEW MEXICO AND WYOMING

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Pursuant to 43 CFR 3120.2-2(b) notice is hereby given that the known geologic structures of producing oil and gas fields have been defined as follows:

NAMES OF FIELD, EFFECTIVE DATE, ACREAGE

(31) NEW MEXICO

Todd, Jan. 10, 1969, 8,412.

(50) WYOMING

Ash Creek, Dec. 6, 1968, 1,527.
Barber Creek-Dead Horse Creek, Jan. 7, 1969, 16,392.
Big Piney-LaBarge, Jan. 9, 1969, 156,255.
Fiddler Creek, Nov. 13, 1968, 14,231.

Maps and diagrams showing the boundaries of the defined structures have been filed with the appropriate land office of the Bureau of Land Management and are also of record in the Geological Survey, Washington, D.C.

Dated: March 14, 1969.

ARTHUR A. BAKER,
Acting Director.

[F.R. Doc. 69-3412; Filed, Mar. 21, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 385; File No. 22(68)-13]

CEPEHA HANDELMAATSCHAPPIJ N.V.

Notice of Related Party Determination

In the matter of Cepeha Handelmaatschappij N.V., 55B Witte De With Street, Rotterdam, The Netherlands, Case No. 385, File No. 22(68)-13.

An order dated November 6, 1968, effective as of November 12, 1968, was entered by the Office of Export Control, Bureau of International Commerce, as Rombouts Electrics, of Rotterdam, The Netherlands, denying him all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for a period of 5 years. This order was published in the FEDERAL REGISTER on November 13, 1968 (33 F.R. 16534).

Section 382.1(b) of the Export Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section the firm Cepeha Handelmaatschappij N.V., located at the above address, is a related party to said Petrus J. Rombouts. Under this determination the terms and restrictions of the order of November 6, 1968, are effective against said related party.

The said related party has been notified of this determination and has been advised that if it contends that the ruling is not justified, it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: March 19, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-3437; Filed, Mar. 21, 1969; 8:47 a.m.]

National Bureau of Standards

NBS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

Correction

In F.R. Doc. 69-2543 appearing at page 3712 in the issue for Saturday, March 1, 1969, in the second paragraph, line 4, the reference to "WWVB" should read "WWV".

Patent Office

GUIDELINES FOR INCORPORATION BY REFERENCE IN PATENT APPLICATIONS

Supplement

In clarification of the notice appearing in the FEDERAL REGISTER, 34 F.R. 883, January 18, 1969, the following amplification is made.

The filing date of any application wherein essential material is incorporated by reference to a foreign patent or to a publication will not be affected because of the presence of such reference. In such a case, as well as any other case which improperly incorporates essential material by reference, the applicant will be required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit executed by the applicant or his attorney or agent of record stating that the amendatory material consists of the same material incorporated by reference in the referencing application.

Dated: March 14, 1969.

EDWARD J. BRENNER,
Commissioner of Patents.

Approved:

ALLEN V. ASTIN
Acting Assistant Secretary for Science and Technology.

[F.R. Doc. 69-3405; Filed, Mar. 21, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

CARSON & MONTGOMERY LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Carson & Montgomery Livestock Auction, Searcy, Feb. 17, 1959.	Montgomery Livestock Auction, Dec. 31, 1968.
CALIFORNIA	
Stockton Livestock Market, Stockton, Feb. 21, 1934.	Stockton Livestock Market, Inc., Dec. 1, 1968.
CONNECTICUT	
Canaan Sales Stables, East Canaan, Jan. 14, 1959.	Madow Sales Stables, Jan. 14, 1969.
IOWA	
Perry Sale Pavilion, Perry, May 21, 1959.	Perry Sales Pavilion, Feb. 1, 1969.
KANSAS	
Atchison County Auction Company, Atchison, May 23, 1959.	Atchison County Auction Co., Inc., Apr. 1, 1968.
Cloud County Livestock Commission Co., Concordia, May 7, 1952.	Cloud County Livestock Commission Company, Inc., July 1, 1968.
MINNESOTA	
Rush City Livestock, Rush City, Apr. 11, 1960.	Rush City Livestock Sales, Inc., Dec. 1, 1968.
MISSOURI	
Nevada Sales Company, Inc., Rich Hill, Aug. 7, 1964.	Bull Shippers Incorporated, Jan. 1, 1969.
NEBRASKA	
The Sidney Livestock Sales Pavilion Inc., Sidney, Jan. 29, 1963.	Sidney Livestock Sales Pavilion, Inc., Mar. 1, 1969.
OKLAHOMA	
Ada Livestock Auction, Inc., Ada, July 21, 1958.	Ada Livestock Auction, Nov. 18, 1968.
TEXAS	
Navasota Livestock Comm. Co., Navasota, Oct. 1, 1965.	Navasota Livestock Commission Company, Inc., Nov. 1, 1967.
Ranger Auction Company, Ranger, Mar. 16, 1959.	Ranger Livestock Auction, Mar. 12, 1969.

Done at Washington, D.C., this 13th day of March 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-3432; Filed, Mar. 21, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–123; NDA No. 8–986 and 10–144]

HYNSON, WESTCOTT & DUNNING, INC., LUTREXIN TABLETS, TREXINEST TABLETS

Drug Efficacy Study Implementation; Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of May 24, 1968 (33 F.R. 7701), the holder of the new-drug applications for drugs containing lututrin and any other interested person were invited to submit adequate documentation, not previously submitted, pertinent to the question of effectiveness for the representations made for lututrin.

The additional information received, considered together with the other information available, does not provide substantial evidence of effectiveness of lututrin for its recommended uses.

Therefore, notice is hereby given to Hynson, Westcott & Dunning, Inc., Charles and Chase Streets, Baltimore, Md. 21201, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new-drug applications and all amendments and supplements thereto:

1. NDA No. 8–986 for Lutrexin Tablets; 3,000 units of lututrin per tablet.

2. NDA No. 10–144 Trexinest Tablets; 500 units of lututrin and 1.0 milligram of sodium estrone sulfate per tablet.

It is proposed to withdraw approval on the grounds that new information before the Commissioner with respect to such drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence of effectiveness of the drugs in that there is a lack of substantial evidence that lututrin, a component of both drugs, has the effect or contributes to the effect which the drugs purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant and any interested person who would be adversely affected by an order withdrawing such approvals an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approvals of new-drug application No. 8–986 and No. 10–144 should not be withdrawn. Promulgation of the proposed order will cause any drug for human use containing lututrin to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of these new-drug applications. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 17, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3409; Filed, Mar. 21, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20826 etc.; Order 69–3–68]

ALASKA

Order Regarding Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1969.

Alaska Service Investigation, Docket 20826. Applications of Alaska Airlines, Wien Consolidated Airlines, Kodiak Airways, for exemption authority pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, Dockets 19905, 19881, 19853.

The Board has decided to undertake a comprehensive review of major route patterns serving Alaska.

It has been over 10 years since the Board completed an extensive examination of intra-Alaska air transportation requirements and almost four years since we last examined the need for realignment and revision of the four-carrier air route complex between the Pacific Northwest and Alaska.[1] Significant changes in recent years suggest that the time is now ripe for a broad-scale investigation into Alaskan air transportation requirements. A sound air transportation system is vital to the Alaskan economy and the Board intends to examine the entire Alaskan air route structure to determine what changes are necessary to provide for better service to the public, improved scheduling and operational flexibility for the carriers, elimination of uneconomic and wasteful competition, and reduction of federal subsidy payments.

There are now four subsidized air carriers serving Alaska,[2] and these carriers are responsible for providing most of the federally certificated intra-Alaska service. The two largest subsidized carriers, Wien Consolidated and Alaska Airlines (ASA), have some overlapping route segments and provide competitive service in a number of markets. Additionally, the routes of both ASA and Wien now contain many duplicative segments with numerous small and medium-size points common to multiple segments.

Service between Seattle and Alaska is now provided by three nonsubsidized carriers, Western, Northwest, and Pan American, and one subsidized carrier, ASA. In a number of markets on this route the subsidized carrier competes with one or more nonsubsidized carriers.

The pattern of competition between subsidized carriers and between subsidized and nonsubsidized carriers, as described above, raises serious questions, particularly when it appear on preliminary analysis that some of the markets in which there is competitive service will not support more than one carrier. The problem is further compounded by the possibility that there may be other Alaskan markets presently served by one carrier which may be large enough to support competitive service, or which may be more effectively served by different carriers.[3]

The problems of eliminating uneconomic competition when one or both of the competitors are subsidized, and of authorizing new service, are interrelated. To give the Board flexibility in reaching a solution, the issues in this proceeding will be framed in broad terms.

The attached Appendix A[4] lists the major intra-Alaska and Pacific Northwest Alaska markets which we intend to study in this investigation.[5] In terms of historical traffic generation and future potential, these markets (plus a few others which for various reasons we do not propose to study at this time) constitute the foundation for any meaningful Alaskan air route structure. Many of these markets now receive single-plane service, some from more than one carrier, while others receive only single-carrier service, and some are not served at all. A primary focus of the present proceeding will be an examination of the air transportation requirements for each of these markets to determine whether existing operating authorities and service are sufficiently responsive to each market's service needs, whether there is a need for new or improved service or service by a different carrier, and whether there is a need to eliminate uneconomic competition, particularly where subsidized carriers are involved. The specific markets will be considered in conjunction with the Board's overall objectives of improving service and reducing subsidy.[6]

Appendix B[7] sets forth six points in Alaska at which service by more than one carrier is authorized. This results in multicarrier service in numerous markets in which it appears that competition may not be economically feasible. But more important, competitive service at the marginal traffic-generating points and in low-density markets is, in many instances, provided by subsidized air carriers in competition with each other or with a nonsubsidized air carrier. In either case, it may be inconsistent with sound regulatory policy for the markets to continue to be so served. The Board will place in issue in this proceeding the question of whether any of the carriers now authorized to serve the six points should have that authority terminated or modified.[8]

As a necessary part of considering authorization of the best and most economical service in each of the markets placed in issue in Appendices A and B, the Board will consider imposing terms, conditions, and limitations upon existing certificate authority, or upon any new authority awarded, for the purpose of insuring that service patterns are properly oriented to the particular requirements of each market. The Board will consider whether subsidized service presently provided in competitive markets listed in the Appendices should continue to be eligible for subsidy.

As previously stated, the major intra-Alaska route systems have many duplicative segments and points common to multiple segments. Such a route system may inhibit scheduling and operational flexibility, especially if the linear description of the route does not conform with traffic flow or otherwise logically assimilate the various segments into the carrier's overall route structure. As part of our investigation into Alaskan air transportation requirements, we have decided to review ASA's and Wien's entire route structures with a view toward a realignment of both routes to provide a general restructuring to conform with traffic flow and operational requirements. In this regard the Board will consider the possible elimination of uneconomic segments and the realignment of segments to eliminate the designation of points on multiple segments. The Board will also consider whether the two carriers should continue to hold irregular route authority and authority under the so-called 25-mile rule, and whether the carriers should be awarded certificate authority to serve points presently served pursuant to the foregoing authorities[9] and points presently served pursuant to temporary exemption authority. Finally, we will consider the deletion of points which are designated in a carrier's certificate but are not presently served by it with its own equipment.[10]

At the appropriate time, ASA and Wien will be expected to submit for consideration comprehensive route realignment proposals.

Applications for exemption authority to provide service in the Anchorage-Kodiak, Kenai-Kodiak, and Anchorage-Kenai markets have been filed by Kodiak Airways, Wien, and ASA. All of these markets are now served on a regular basis by Western and will be considered as part of the broad-scale investigation which the Board will institute herein. In the circumstances, we do not believe that there has been a sufficient showing that enforcement of the Act would be an undue burden on the carriers and not in the public interest. The exemption applications will therefore be denied.

Accordingly, it is ordered, That:

1. An investigation, to be designated as the Alaska Service Investigation, be and it hereby is instituted in Docket 20826, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require and the Board should order:

a. The alteration, amendment, or modification of certificates of public convenience and necessity in such a manner as to authorize, on a nonsubsidy basis, new or additional service in any of the markets set forth in Appendix A attached to this order, subject to such terms, conditions, and limitations as the public interest may be shown to require in the circumstances;

b. The alteration, amendment, or modification of certificates of public convenience and necessity in such a manner as to suspend, terminate, or otherwise modify authority to serve any of the markets set forth in Appendix A attached to this order subject to such terms, conditions, and limitations as the public interest may be shown to require in the circumstances;

c. The alteration, amendment, or modification of certificates of public convenience and necessity in such a manner as to suspend, terminate, or otherwise modify authority to serve the points set forth in Appendix B attached to this order subject to such terms, conditions, and limitations as the public interest may be shown to require in the circumstances;[11]

d. The alteration, amendment, or modification of Alaska Airlines' certificates of public convenience and necessity for routes 124, 124–F, and 138, and Wien Consolidated Airlines' certificates of public convenience and necessity for routes 126 and 126–F in such a manner as to (1) effect a realignment of the segments; (2) eliminate or modify irregular route authority and authority to provide service under the 25-mile rule; (3) award certificate authority to serve points actually served during 1968 under the

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[1] Intra-Alaska Case, 28 C.A.B. 57 (1958); Pacific Northwest-Alaska Air Service Case, Order E–21955, Mar. 26, 1965.

[2] Alaska Airlines, Wien Consolidated Airlines, Western Alaska Airlines, and Kodiak Airways.

[3] The Board is cognizant of the fact that air taxi operators play a significant role in Alaskan air transportation and, as a result of this proceeding, it may be possible for the Board to determine which markets may be better served by air taxi operators. In this connection, the Board is issuing contemporaneously herewith a notice of proposed rule making proposing amendments to the provisions of Part 298 of the Board's economic regulations which affect air taxi operations in the State of Alaska. While the Board reserves the right to go forward with the rule making independently, the present investigation could define the role of air taxi operators in Alaska in relation to federally certificated services.

[4] Filed as part of the original document.

[5] The list consists of (a) all but one of the pairings of the 10 major Alaskan points Ketchikan/Annette (which for purposes of this investigation will be treated as a single hyphenated point), Sitka, Juneau, Anchorage, Fairbanks, Nome, Kotzebue, Kenai, Homer, and Kodiak, and (b) the pairings of Seattle and Portland (as coterminals) with Ketchikan/Annette, Sitka, Juneau, Fairbanks, Nome, and Kotzebue, omitting Anchorage, Kenai, Homer, and Kodiak. Anchorage-Fairbanks is omitted since this market was the subject of a formal proceeding less than a year ago (Anchorage-Fairbanks Service Case, Docket 18552, Order E–26934, June 18, 1968) and Anchorage-Seattle/Portland is omitted because its existing service pattern appears satisfactory and its inclusion would unduly complicate an already complex proceeding.

[6] A number of carriers have applications on file for new authority in some of the markets listed in Appendix A. We have not consolidated these applications, but will await the filing of motions to consolidate new applications encompassing all the route authority in issue which a carrier wishes to apply for.

[7] Filed as part of the original document.

[8] ASA has suspended service at McGrath, and Western has suspended service at Gustavus. Orders E–26658, Apr. 15, 1968; E–26777, May 9, 1968. As is indicated in Appendix B we are not placing in issue the deletion of Reeve Aleutian Airways or Western Alaska Airlines at King Salmon.

[9] This issue is also intended to include the possible certification of points served under irregular route authority or the 25-mile rule, during the calendar 1968, either on a seasonal or year-round basis. The 25-mile rule authorizes Alaskan air carriers to serve as intermediate points any point not named in their certificate which is located within 25 miles of an airline course over the certificated route system. See condition (2), route 124; condition (5), route 124–F; and segment 9, route 124; condition (2), route 126; and condition (5), route 126–F; Orders E–26593, Mar. 28, 1968; E–26588, Mar. 28, 1968; and E–26934, June 18, 1968.

[10] Including the deletion of points presently served by air taxis exclusively, pursuant to contractual arrangements with the certificated carrier.

[11] Issues b and c include, but are not limited to, the modification of existing authority so as to require that service by a subsidized carrier in markets now authorized to be served by more than one carrier be provided on a subsidy-ineligible basis.

foregoing authorities; (4) award certificate authority to serve points presently served pursuant to a temporary exemption; and (5) delete or suspend authority to serve points not served by the certificate holder with its own equipment;

2. The applications for exemption authority filed by Alaska Airlines in Docket 19905, Wien Consolidated Airlines in Docket 19881, and Kodiak Airways in Docket 19853, be and they hereby are denied;

3. Petitions for reconsideration of this order and motions to consolidate applications falling within the scope of this investigation shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 20 days thereafter;

4. A copy of this order shall be served on Alaska Airlines, Inc., Kodiak Airways, Inc., Howard J. Mays, Northwest Airlines, Inc., Pan American World Airways, Inc., Western Air Lines, Inc., and Wien Consolidated Airlines, Inc., which are hereby made parties to this investigation;

5. A copy of this order shall be served upon the Postmaster General, the Secretary of Transportation, the Governors of the States of Alaska and Washington, the Aeronautics Departments or Commissions of the States of Alaska and Washington, and the cities set forth in Appendix C of this order.[12]

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3440; Filed, Mar. 21, 1969; 8:48 a.m.]

[Docket No. 20666]

AEROVIAS COLOMBIANAS LIMITADA (ARCA)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on March 31, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., March 18, 1969.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 69-3441; Filed, Mar. 21, 1969; 8:48 a.m.]

[Docket No. 20294]

MOHAWK AIRLINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on April 15, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Arthur S. Present.

In setting this case for hearing the Board authorized the participation of the Bureau of Operating Rights. The Bureau is requested to submit any exhibits on or before March 28, 1969, and any rebuttal exhibits thereto should be filed on or before April 7, 1969.

Dated at Washington, D.C., March 18, 1969.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 69-3442; Filed, Mar. 21, 1969; 8:48 a.m.]

[Docket No. 20768; Order 69-3-60]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on March 18, 1969.

The Postmaster General filed a notice of intent February 27, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 41.68 cents per great circle aircraft mile for the transportation of mail by aircraft between Sheridan and Casper, Wyo.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec, Model PA-23, twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters of officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefore, and the services connected therewith, shall be 41.68 cents per great circle aircraft mile between Sheridan and Casper, Wyo.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., Western Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer in not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3443; Filed, Mar. 21, 1969; 8:48 a.m.]

[Docket No. 20769; Order 69-3-58]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on March 17, 1969.

The Postmaster General filed a notice of intent February 27, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 43.01 cents per great circle aircraft mile for the transportation of mail by aircraft between Riverton, Wyo., and Denver, Colo., via Worland, Casper, and Cheyenne, Wyo.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail serivce with Beechcraft E-185, equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 43.01 cents per great circle aircraft mile between Riverton, Wyo., and Denver, Colo., via Worland, Casper, and Cheyenne, Wyo.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., Western Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3444; Filed, Mar. 21, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supplement 13]

TELEVISION WORKING ARRANGEMENT UNDER THE CANADIAN-U.S.A. TELEVISION AGREEMENT

Change in List

MARCH 12, 1969.

Amendment of Table A of the 1961 Working Arrangement for Allocation of VHF Television Broadcast Stations Under the Canadian-U.S.A. Television Agreement of 1952.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Arrangement under the Canadian-U.S.A. Television Agreement has been amended as follows:

City	Channel No. Delete	Channel No. Add
Yarmouth, N.S.		8-L*

*Limitation to protect CBHT, Halifax, N.S.

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-3449; Filed, Mar. 21, 1969; 8:48 a.m.]

[Docket No. 19484; FCC 69-228]

NELSON BROADCASTING CO.

Order Regarding Oral Argument Before the Commission En Banc

In re application of Donald P. Nelson and Wilbur E. Nelson, doing business as Nelson Broadcasting Co., for additional time to construct radio station WNDN (FM), Kingston, N.Y., Docket No. 18484, File No. (BMPH-9718).

1. The Commission has before it the above-captioned application for additional time to construct Station WNDN (FM), Kingston, N.Y. The background of this matter is set forth below.

2. On October 5, 1966, a construction permit (BPH-4211), was granted to Donald P. Nelson and Wilbur E. Nelson, doing business as Nelson Broadcasting Co. (permittee), for a new FM broadcast station (WNDN) at Kingston, N.Y. (Channel 249A). This action followed Commission affirmation of the examiner and the Review Board in Docket Nos. 15535 and 15536, in hearings on the mutually exclusive applications of the permittee and Ubiquitous Frequency Modulation, Inc. (Ubiquitous). Construction was required to be completed by June 5, 1967.

3. On March 29, 1967, the permittee applied for an extension of time to construct (BMPH-9322), advising that additional time was required for the preparation of a proposed application to change the facilities authorized by the permit, including the addition of vertical polarization. The permittee reported that inclement weather throughout the winter months had hampered or prevented any physical construction, but that much of the equipment for the studio was on hand and the remainder was on order (but not delivered pending approval of changed facilities), and that personnel were being interviewed to staff the new station. Upon these representations the extension application was granted May 22, 1967, extending time to complete construction to December 1, 1967.

4. Prior to this action, on May 10, 1967, an application (BMPH-9398), for changed facilities was filed. That application was granted June 6, 1967.

5. Subsequently, on September 18, 1967, an application (BAPH-425) was filed for consent to assign the permit to Kingston Broadcasters Inc. This application was the subject of a petition to deny filed October 30, 1967, by Ubiquitous Frequency Modulation Inc.

6. On November 9, 1967, the permittee filed an application (BMPH-9718) to extend the time for completion of construction for 6 months from the expiration date of December 1, 1967. It stated that no construction had been undertaken because of the pendency of the application for assignment. No action having been taken to date, this extension application, the application for assignment and the petition to deny are now pending before us.

7. We are of the view that the permittee has not supported its request for

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[12] Filed as part of the original document.

a grant of its extension application. While the permittee has held the construction permit for Station WNDN for more than 2 years, construction of the station has not commenced. Since it does not appear that the delay in construction has been due to any difficulty in the procurement of equipment or because of reasons beyond the permittee's control, we are unable to find that the permittee has been diligent in proceeding with construction or that causes beyond its control have prevented the permittee from completing construction. Under these circumstances, we believe that the permittee is only entitled to an oral argument on the question of whether the failure to complete construction was due to causes not under its control or that the reasons stated are sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules. The copending assignment application and the petition to deny the assignment of the construction permit will be held in abeyance pending the outcome of the oral argument.

It is ordered, That, the above-captioned application is designated for oral argument before the Commission en banc in Washington, D.C., at 9:30 a.m. on March 31, 1969, on the following issue:

To determine whether the reasons advanced by the applicant in support of its request for an extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension with the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, in person, or by attorney, shall within ten (10) days of the mailing of this order, file with the Commission, an original and 19 copies of a written appearance stating an intention to appear on the date set for the oral argument and present arguments on the issue specified and shall have until ten (10) days prior to oral arguments to file briefs or memoranda of law.

Adopted: March 12, 1969.

Released: March 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3450; Filed, Mar. 21, 1969; 8:48 a.m.]

[1] Chairman Hyde absent. Commissioners Robert E. Lee and Wadsworth dissenting.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 179]

E. J. EDWARDS INTERNATIONAL

Order of Revocation

By letter dated March 5, 1969, Edward J. Edwards d.b.a. E. J. Edwards International, 327 South La Salle Street, Chicago, Ill. 60604, returned its Independent Ocean Freight Forwarder License No. 179 to the Commission for cancellation and advised that its firm will terminate business effective March 16, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 179 of Edward J. Edwards d.b.a. E. J. Edwards International be and is hereby revoked effective March 16, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-3427; Filed, Mar. 21, 1969; 8:47 a.m.]

[Docket No. 69-10]

ATLANTIC LINE, LTD.

Order of Investigation Regarding General Increase in Rates in U.S. Atlantic/Virgin Islands Trade

There has been filed with the Federal Maritime Commission by Atlantic Line, Ltd., Seventh Revised Page 10, 14th Revised Page 11, 13th Revised Page 12, 12th Revised Page 13, Ninth Revised Page 14, and Third Revised Page 15 to Tariff FMC-F No. 3 scheduled to become effective March 22, 1969; and Tariff FMC-F No. 5 scheduled to become effective March 29, 1969. These publications generally increase rates in the subject trade.

Upon consideration of the said tariff schedules and a protest thereto, filed by Robert M. Hausman of the law firm of Ginsburg and Feldman, Attorney for the Government of the U.S. Virgin Islands, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, there is reason to believe that the above-designated increased rates should be made the subject of a public investigation and hearing to determine whether they would be unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the said increased rates contained in the aforementioned tariff filings with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedule under the Shipping Act, 1916, or the Intercoastal Act, 1933;

It is further ordered, That Atlantic Line, Ltd., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein, (II) the said respondent and protestant be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR § 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-3451; Filed, Mar. 21, 1969; 8:49 a.m.]

[No. 69-7; Agreement 5200-26]

PACIFIC COAST EUROPEAN CONFERENCE

Rescheduling of Brief Dates

MARCH 18, 1969.

At the request of counsel for Pacific Coast European Conference, and good cause appearing, time for filing opening briefs and affidavits is enlarged to and including April 4, 1969. Time for filing reply briefs and affidavits is enlarged to and including April 18, 1969.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-3452; Filed, Mar. 21, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO., ET AL.

Findings and Order

MARCH 13, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, reinstating proceeding, terminating proceeding, substituting respondent, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking and surety bond, accepting agreement and undertaking and surety bond for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

The Redan Co., Applicant in Docket No. G-3869, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Anadarko Production Co. FPC Gas Rate Schedule No. 93. Said rate schedule will be redesignated as that of Applicant. Anadarko's predecessor in interest with respect to the subject rate schedule, Ambassador Oil Corp., had filed for an increase in rate under the subject rate schedule, Ambassador Oil Corp. FPC Gas Rate Schedule No. 2. Subsequently, Ambassador filed for permission and approval to abandon the sale authorized under its FPC Gas Rate Schedule No. 1, for which an increase in rate had also been suspended in Docket No. G-16797. By order issued October 7, 1964, in Docket No. CI65-149, the abandonment was authorized and concurrently therewith the proceeding in Docket No. G-16797 was terminated because the increased rate had never been made effective. The latter proceeding should not have been terminated, however, because sales were still being made pursuant to Ambassador's FPC Gas Rate Schedule No. 2. When Ambassador's FPC Gas Rate Schedule No. 2 was redesignated as Anadarko's FPC Gas Rate Schedule No. 93, Anadarko would have been substituted as respondent in the proceeding in Docket No. G-16797 if the proceeding had not been erroneously terminated. Therefore, the proceeding will now be reinstated; and inasmuch as the increased rate still has not been made effective, Redan will be substituted as respondent and the proceeding will be redesignated accordingly.

The Angelina Corp. (Operator), et al., Applicant in Docket No. CI67-145, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Edwin Allday (Operator), et al., FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-305. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Sun Oil Co. (DX Division), Applicant in Docket No. CI69-286, proposes to continue the sale of natural gas from its own interests from which gas was heretofore authorized in Docket No. CI65-1001 to be sold pursuant to Amerada Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule No. 129. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68-120. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

R. I. Wolfson et al., Applicants in Docket No. CI69-347, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-18038 to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 199. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-475. Applicants have filed a motion to be made co-respondents in said proceeding and a surety bond to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicants will be made co-respondents in the proceeding pending in Docket No. RI65-475; the proceeding will be redesignated accordingly; and the surety bond will be accepted for filing.

Pan American Petroleum Corp., Applicant in Docket No. CI69-549, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI62-1236 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 305. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68-297. Applicant has filed a motion to be made co-respondent in said proceeding, together with an agreement and undertaking to assure the refund of any amounts collected by Applicant in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made a co-respondent in Docket No. RI68-297; said proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by The Brooklyn Union Gas Co. was filed in Docket No. CI69-549, in the matter of the application filed on December 4, 1968, in said docket. The petition to intervene has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on March 6, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act

and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application filed in Docket No. CI69–542 should be dismissed as moot.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Dockets Nos. G–3072, G–3718, G–3869, G–4831, G–11399, G–11809, G–11997, G–14327, G–18038, G–18748, CI60–592, CI61–374, CI61–1024, CI62–1236, CI63–318, CI64–425, CI64–414, CI64–799, CI65–1001, CI66–885, CI66–894, CI67–145, CI67–398, CI68–930, CI68–1021, and CI68–1255 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI64–649 should be terminated only insofar as it pertains to Carrl Oil et al., FPC Gas Rate Schedule No. 6.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding in Docket No. G–16797 should be reinstated; that The Redan Co. should be substituted as respondent; and that the proceeding should be redesignated accordingly.[1]

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that The Angelina Corp. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI64–305; that said proceeding should be redesignated accordingly; and that The Angelina Corp. should be required to file a surety bond in said proceeding.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sun Oil Co. (DX Division) should be made a co-respondent in the proceeding pending in Docket No. RI68–120; that said proceeding should be redesignated accordingly; and that Sun Oil Co. (DX Division) should be required to file an agreement and undertaking.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that R. I. Wolfson et al., should be made co-respondents in the proceeding pending in Docket No. RI65–475; that said proceeding should be redesignated accordingly; and that the surety bond submitted by them in said proceeding should be accepted for filing.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Pan American Petroleum Corp. should be made a co-respondent in the proceeding pending in Docket No. RI68–297; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Pan American in said proceeding should be accepted for filing.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI69–365 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rate, whichever is lower. If the quality of the gas delivered by Applicant deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however*, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(b) Within 90 days from the date of initial delivery Applicant in Docket No. CI69–365 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(c) In the event that Applicant in Docket No. CI69–365 under Article Fourth (b) of the subject contract exercises its options to process the gas, Applicant shall submit to the Commission for acceptance, not less than 30 nor more than 90 days prior to the commencement of such processing, a rate schedule supplement setting forth the conditions and details of the contemplated actions.

(d) In the event that any advance payments are made prior to the date of initial delivery under the subject contract, Applicant in Docket No. CI69–365 shall advise the Commission of the amount of such payments, and such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(e) The certificate issued in Docket No. CI69–365 is conditioned by limiting the buyer's daily take-or-pay obligations under the subject contract commencing January 1, 1970, to a 1 to 7,300 Mcf of reserves ratio or 20,000 Mcf per day per well, whichever is lesser.

(f) The certificates issued in Dockets Nos. CI69–365 and CI69–606 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(g) The sale authorized in Docket No. CI67–992 shall be made at the initial rate of 15 cents per Mcf at 15.325 p.s.i.a.

(h) Sales authorized in Dockets Nos. CI68–167 and CI68–1021 (Oklahoma "Other" area only) shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment.

(i) In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants in Dockets Nos. CI68–167 and CI68–1021 thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(j) The sale authorized in Docket No. G–14327 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a. Applicant shall file a revised billing statement as required by the regulations under the Natural Gas Act to reflect the 17-cent rate.

(k) The sale authorized in Docket No. CI68–1021 (Oklahoma Panhandle area only) shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment.

(l) Any increases in rate authorized in Dockets Nos. G–3718, G–4831, G–11997, CI69–357, CI69–364, and CI69–421 under the subject contract amendments in excess of the rates now in effect under the rate schedules involved herein shall not become effective until a notice of change in rate is filed with respect thereto as required under section 4 of the Natural Gas Act.

(m) Applicant in Docket No. CI69–631 shall not be relieved of any refund obligations imposed in Opinion No. 545 for amounts collected subsequent to October 26, 1965.

(F) A certificate is issued herein in Docket No. CI69–286 authorizing Sun Oil Co. (DX Division) to continue the sale of natural gas previously covered by the certificate issued to Amerada Petroleum Corp. (Operator) et al., in Docket No. CI65–1001.

(G) The order issuing a certificate in Docket No. CI65–1001 is amended by deleting therefrom the interests of Sun Oil Co. (DX Division).

(H) The application filed in Docket No. CI69–542 is dismissed as moot.

(I) The order issuing a certificate in Docket No. G–3072 is amended by authorizing the exchange of gas between Humble Oil & Refining Co. and Trunkline Gas Co. as indicated in the tabulation herein.

(J) The orders issuing certificates in Dockets Nos. G–3718, G–4831, and G–11997 are amended to revise average daily contract quantity, extend the contract term and provide for price schedule to apply during extended term pursuant to the amendatory agreement dated October 3, 1968. Further, the certificate and related rate schedule in Docket No. G–11997 is redesignated as Mobil Oil Corp. et al.

(K) The order issuing a certificate in Docket No. CI68–930 is amended by authorizing the exchange volumes of gas from 50,000 Mcf of gas per day up to 100,000 Mcf of gas per day.

(L) The order issuing a certificate in Docket No. G–18748 is amended by deleting therefrom authorization to sell gas from the acreage from which Roger M. Wheeler is authorized in Docket No. CI67–398 to sell gas.

(M) The orders issuing certificates in Dockets Nos. G–3072, G–11399, G–11809, G–14327, CI61–374, CI61–1024, CI63–318, CI64–799, CI66–894, CI67–398, CI68–1021, and CI68–1255 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(N) The orders issuing certificates in Dockets Nos. G–18038, CI60–592, CI62–1236, and CI64–425 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–347, CI69–631, CI69–549, and CI69–603, respectively.

(O) The orders issuing certificates in Dockets Nos. G–3869, CI64–414, and CI67–145 are amended by substituting the successors in interest as certificate holders.

(P) The order issuing a certificate in Docket No. CI66–885 is amended to reflect the change in operator as indicated in the tabulation herein.

(Q) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(R) Permission for and approval of the abandonment are granted in Docket No. CI67–283 and the temporary certificate heretofore issued in said docket is terminated.

(S) The certificates heretofore issued in Dockets Nos. G–3657, G–18379, CI61–123, CI61–1128, CI63–1305, CI65–411, and CI67–745 are terminated.

(T) The rate suspension proceeding pending in Docket No. RI64–649 is terminated only insofar as it pertains to Carrl Oil et al., FPC Gas Rate Schedule No. 6.

(U) The proceeding in Docket No. G–16797 is reinstated with respect to sales made pursuant to the contract heretofore designated as Ambassador Oil Corp. FPC Gas Rate Schedule No. 2 which was redesignated as Anadarko Production Co. FPC Gas Rate Schedule No. 93 and is herein designated as The Redan Co. FPC Gas Rate Schedule No. 1. The Redan Co. is substituted as respondent and the proceeding is redesignated accordingly.[1]

(V) The Angelina Corp. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI64–305 and the proceeding is redesignated accordingly.[2]

(W) Within 30 days from the issuance of this order, The Angelina Corp. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond for $1,400 in Docket No. RI64–305 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Said bond shall be accompanied by a certificate to the effect that no obligation has been assumed in connection with the bond in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, the surety bond shall be deemed to have been accepted for filing.

(X) The Angelina Corp. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the surety bond filed by The Angelina Corp. in Docket No. RI64–305 shall remain in full force and effect until discharged by the Commission.

(Y) Sun Oil Co. (DX Division) is made a co-respondent in the proceeding pending in Docket No. RI68–120 and the proceeding is redesignated accordingly.[3]

(Z) Within 30 days from the issuance of this order Sun Oil Co. (DX Division) shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in Docket No. RI68–120. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(AA) Sun Oil Co. (DX Division) shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking filed by Sun Oil Co. (DX Division) shall remain in full force and effect until discharged by the Commission.

(BB) R. I. Wolfson et al., are made co-respondents in the proceeding pending in Docket No. RI65–475; said proceeding is redesignated accordingly[4]; and the surety bond submitted by them in said proceeding is accepted for filing.

(CC) R. I. Wolfson et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the surety bond filed by them in Docket No. RI65–475 shall remain in full force and effect until discharged by the Commission.

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[1] The Redan Co.

[2] Sinclair Oil Corp., Edwin Allday (Operator) et al., and The Angelina Corp. (Operator) et al.

[3] Amerada Petroleum Corp. (Operator) et al., Samedan Oil Corp. (Operator) et al., and Sun Oil Co. (DX Division).

[4] Shell Oil Co. et al. (Due to the large number of respondents, the complete designation of the proceeding is too long to list here.)

(DD) Pan American Petroleum Corp. is made a co-respondent in the proceeding pending in Docket No. RI68–297; said proceeding is redesignated accordingly [8]; and the agreement and undertaking submitted by Pan American in said proceeding is accepted for filing.

(EE) Pan American Petroleum Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Pan American in Docket No. RI68–297 shall remain in full force and effect until discharged by the Commission.

(FF) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[8] Humble Oil & Refining Co. and Pan American Petroleum Corp.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3072 D 10–30–61 [1]	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., various fields and counties, Tex.	Supplemental agreement 10–10–61.[2]	11	[3] 23
G–3072 12–22–65 [4]	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Starr County, Tex.	Letter agreement 11–20–68.[5]	11	31
			Exchange agreement 10–28–68.[6 7]	11	32
G–3718 10–28–68 [8]	Getty Oil Co.	Natural Gas Pipeline Co. of America, Old Ocean Field (Larsen Reservoir), Brazoria County, Tex.	Amendatory agreement 10–3–68.[9 10]	22	8
			Letter agreement 10–3–68.[7 11]	22	9
G–3869 E 9–9–68	The Redan Co. (successor to Anadarko Production Co.).	Kansas-Nebraska Natural Gas Co., Inc., Padroni Field, Logan County, Colo.	Anadarko Production Co., FPC GRS No. 95.	1	.....
			Supplement Nos. 1–4	1	1–4
			Notice of succession 9–6–68.	.....	.....
			Assignment 4–30–68 [12]	1	5
			Effective date: 5–1–68.	.....	.....
G–4631 10–8–68 [8]	Pan American Petroleum Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, Old Ocean Field (Larsen Reservoir), Brazoria County, Tex.	Amendatory agreement 10–3–68.[9 10]	60	14
			Letter agreement 10–3–68.[7 11]	60	15
G–11399 D 1–13–69	Nemours Corp. (partial abandonment).	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	Release 12–18–68 [7 13]	4	18
G–11800 D 1–2–69	Marathon Oil Co. (Operator) et al. (partial abandonment).	Northern Natural Gas Co., acreage in Lea County, N. Mex.	Notice of partial cancellation 12–31–68.[7 14]	4	12
G–11997 10–8–68 [8]	Mobil Oil Corp., et al.	Natural Gas Pipeline Co. of America, Old Ocean Field (Larsen Reservoir), Brazoria County, Tex.	Amendatory agreement 10–3–68.[9 15]	62	10
			Letter agreement 10–3–68.[7 11]	62	11
G–14327 C 12–16–68 [16]	Union Oil Co. of California.[17]	Northern Natural Gas Co., Farnsworth Unit, Ochiltree County, Tex.	Agreement 11–30–64 [14 18]	24	3
CI61–374 D 12–19–68	D. H. Byrd (Operator) et al.	Texas Eastern Transmission Corp., North Lansing Field, Harrison County, Tex.	Notice of partial cancellation 12–10–68.[7 14]	1	6

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61–1024 D 1–3–69	Mobil Oil Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	Notice of partial cancellation 1–2–69.[7 19]	266	7
CI63–315 C 1–3–69 [16]	Frank A. Schultz, et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 10–3–68 [19]	8	28
CI64–414 E 1–9–69	Semco Gas, Inc. (Operator) et al. (successor to Shelton Equipment & Machine Co., Inc. (Operator) et al.).	Northern Natural Gas Co., West Follett (Cherokee) Field, Lipscomb County, Tex.	Shelton Equipment & Machine Co., Inc. (Operator) et al., FPC GRS No. 1.	1	.....
			Notice of succession (undated).	.....	.....
			Assignment 12–18–68 [21]	1	1
			Effective date: 12–18–68	.....	.....
CI64–799 D 12–18–68	Mobil Oil Corp.	El Paso Natural Gas Co., Waha Field, Pecos and Reeves Counties, Tex.	Notice of partial cancellation 12–10–68.[7 14]	341	8
CI66–883 E 12–30–68 [22 23]	Brammer Engineering, Inc., agent (Operator), et al. (successor to John Franks (Operator) et al.).	United Gas Pipe Line Co., Bourg Field, Terrebonne Parish, La.	John Franks (Operator) et al., FPC GRS No. 17.	9	.....
			Supplement Nos. 1–12	9	1–12
			Notice of change in operator.	.....	.....
CI66–894 D 1–3–69	Mobil Oil Corp. (partial abandonment).	Panhandle Eastern Pipe Line Co., Panhandle Field, Moore County, Tex.	Notice of partial cancellation 1–2–69.[7 19]	385	1
CI67–145 E 12–26–67	The Angelina Corp. (Operator) et al. (successor to Edwin Allday (Operator) et al.).	Texas Eastern Transmission Corp., Gist Area, Newton County, Tex.	Edwin Allday (Operator) et al., FPC GRS No. 2.	1	.....
			Supplement Nos. 1–17	1	1–17
			Notice of succession 12–10–68.	.....	.....
			Assignment 7–28–67 [24]	1	18
			Effective date: 6–1–67	.....	.....
CI67–283 B 1–6–69 [25]	Lone Star Production Co.	Texas Eastern Transmission Corp., Ocker Field, Refugio and Aransas Counties, Tex.	Notice of cancellation 12–31–68.[7 14]	61	1
CI67–306 C 11–12–68 [16]	Roger M. Wheeler	Northern Natural Gas Co., Cleveland Sand Formation, Ochiltree County, Tex.	Contract 7–12–66 [26 27]	2	.....
CI67–992 A 2–6–67 [27]	W. M. Connolly, et al.	United Fuel Gas Co., Johns Creek Field, Pike County, Ky.	Contract 12–9–48	1	.....
CI68–167 A 8–15–67 [28]	Robert L. Parker (Operator), et al.	Natural Gas Pipeline Co. of America, Northeast Custer City Field, Custer County, Okla.	Contract 8–16–67 [29]	1	.....
CI68–930 12–26–68 [30]	Union Texas Petroleum, a division of Allied Chemical Corp.	Michigan Wisconsin Pipe Line Co., West Lake Arthur Field, Jefferson Davis Parish, La.	Letter Agreement 10–30–68.[7]	66	2
CI68–1021 C 12–30–68 [16 30]	Ozark-Mahoning Co.	Michigan Wisconsin Pipe Line Co., acreage in Major and Woodward Counties, Okla.	Amendatory Agreement 11–25–68.[19]	11	2
CI68–1255 C 1–6–69 [16]	Continental Oil Co.	El Paso Natural Gas Co., Angels Peak, Aztec and Blanco Fields, San Juan Basin, San Juan County, N. Mex.	Supplemental agreement 11–7–68.[19]	330	2
CI69–286 A 9–19–68 [31] 12–16–68 [32] (CI65–1001)	Sun Oil Co. (DX Division) (successor to Sunray DX Oil Co.).	Natural Gas Pipeline Co. of America Rigg Unit, Dewey County, Okla.	Contract 11–4–64	202	.....
			Letter 3–1–65	202	1
			Supplement(undated) [33]	202	2
			Effective date: 10–1–68.	.....	.....
CI69–347 (G–18035) F 9–25–68	R. I. Wolfson, et al. (successor to Shell Oil Co.).	Lone Star Gas Co., Big Mineral Field, Grayson County, Tex.	Contract 1–9–59 [33]	1	.....
			Assignment 6–25–68 [34]	1	1
			Effective date: 7–1–68	.....	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI69–357 A 10–8–68 [16]	Mobil Oil Corp. et al.	Natural Gas Pipeline Co. of America, Old Ocean Field (Campbell Reservoir), Brazoria County, Tex.	Contract 10–3–68 [35]	444	.....
			Letter agreement 10–3–68.[11 19]	444	1
CI69–364 A 10–8–68 [16]	Pan American Petroleum Corp. (Operator) et al.	do	Contract 10–3–68 [35]	519	.....
			Letter agreement 10–3–68.[11 19]	519	1
CI69–365 A 10–8–68	Pan American Petroleum Corp.[36]	Natural Gas Pipeline Co. of America, Lochridge Field, Ward County, Tex.	Contract 6–1–68 [19]	518	.....
CI69–421 A 10–28–68 [16]	Getty Oil Co.	Natural Gas Pipeline Co. of America Old Ocean Field (Campbell Reservoir), Brazoria County, Tex.	Contract 10–3–68 [35]	168	.....
			Letter agreement 10–3–68.[11 19]	168	1
CI69–542 B 11–19–68 [37]	Carri Oil et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Gabrysh Field, Jackson County, Tex.	Assignment 10–26–65 [7 38]	6	5
CI69–549 (CI62–1236) F 12–4–68	Pan American Petroleum Corp. (successor to Humble Oil & Refining Co.).	Texas Gas Transmission Corp., Minden Field, Webster Parish, La.	Contract 4–10–62 [39]	520	.....
			Letter agreement 5–9–62.	520	1
			Letter agreement 6–25–62.	520	2
			Sublease 10–11–68 [40]	520	3
			Effective date: 8–21–68	.....	.....
CI69–552 (G–3857) B 11–12–68	Sun Oil Co. (Gulf Coast Division).	Transcontinental Gas Pipe Line Corp., Pine Bluff Field, Acadia Parish, La.	(7 13 41)	(41)	.....
CI69–603 (CI64–425) F 12–24–68	Texaco, Inc. (successor to Cities Service Oil Co.).	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	Contract 2–26–62 [42]	426	.....
			Amendment 9–26–63	426	1
			Letter 5–24–68 [43]	426	2
			Assignment 9–1–68 [44]	426	3
			Effective date: 9–1–68	.....	.....
(CI64–425)[45]	Cities Service Oil Co.	do	Amendment 9–1–68 [44]	288	3
			Effective date: 9–1–68	.....	.....
CI69–606 A 12–30–68 [16]	Monsanto Co.[46]	Transwestern Pipeline Co., Parsell (Lower Morrow) Field, Ochiltree County, Tex.	Contract 11–1–68	94	.....
			Letter agreement 12–24–68.[19 47]	94	1
CI69–609 A 12–27–68 [16]	A. M. Alloway et al.	Kansas-Nebraska Natural Gas Company, Inc., Red Wing Field, Washington County, Colo.	Contract 10–29–68 [19]	1	.....
CI69–610 A 12–27–68 [16]	do	do	Contract 10–31–68 [19]	2	.....
CI69–611 (CI61–123) B 12–30–68	Coastal States Gas Producing Co.	South Texas Natural Gas Gathering Co., South LaGloria Field, Brooks County, Tex.	Notice of cancellation 12–23–68.[7 13]	34	1
CI69–614 A 1–2–69 [16]	Art Machin & Associates, Inc.	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Contract 11–18–68	2	.....
CI69–615 A 1–2–69 [16]	Union Oil Co. of California.	El Paso Natural Gas Co., Pictured Cliffs Area, San Juan County, N. Mex.	Contract 12–9–68 [19]	194	.....
CI69–617 A 1–3–69 [16]	Royal Crest Oil Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Contract 10–10–68 [19]	1	.....
CI69–618 A 1–3–69	White Shield Oil & Gas Corp.	Equitable Gas Co., Otter District, Braxton County, W. Va.	Contract 11–27–68 [19]	1	.....
CI69–623 (G–18379) B 1–8–69	Helis Petroleum Corp. (Operator) et al.	Florida Gas Transmission Corp., Port Allen Field, West Baton Rouge Parish, La.	Notice of cancellation 12–4–68.[7 13]	1	1

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI69–624 (CI67–745) B 1–8–69	Pan American Petroleum Corp.	Northern Natural Gas Co., East Keenan Field, Woodward County, Okla.	Notice of cancellation 1–8–69.[7 13]	458	2
CI69–625 (CI65–411) B 1–8–69	do	El Paso Natural Gas Co., Payton (Simpson) Field, Pecos County, Tex.	Notice of cancellation 1–3–69.[7 13]	402	4
CI69–627 (CI63–1305) B 1–9–69	Flournoy Production Co. (Operator) et al.	United Gas Pipe Line Co., North McFaddin Field, Victoria County, Tex.	Notice of cancellation 1–7–69.[7 13]	2	2
CI69–631 (CI60–592) F 1–8–69	William J. Dick, Jr. et al. (successor to Carri Oil et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Gabrysch Area, Jackson County, Tex.	Contract 4–11–60 [48]	1	.....
			Agreement 4–12–60	1	1
			Assignment 10–26–65 [49]	[50] 1	2
			Effective date: 10–26–65	.....	.....
CI69–632 A 1–9–69 [16]	D. R. Lauck Oil Co., Inc. (Operator) et al.	Northern Natural Gas Co., Wil Field, Edwards County, Kans.	Contract 12–18–68 [13 51]	7	.....
CI69–633 (CI61–1128) B 1–10–69	Mobil Oil Corp.	United Gas Pipe Line Co., Gibson Field, Terrebonne Parish, La.	Notice of cancellation 1–8–69.[7 13]	268	4

[1] Certificate filing made to reflect deletion of acreage not necessary to meet contract quantity. Contract provides that any reserves dedicated in excess of 500,000,000 Mcf may be deleted from contract at seller's option.
[2] Deletes acreage located in Pita Field, Brooks County, the field was never connected for deliveries to buyer.
[3] Rate filing previously accepted for filing effective Nov. 30, 1961 by letter dated Nov. 28, 1961.
[4] Amendment to the certificate for authorization to exchange gas with Trunkline Gas Co. who will deliver equivalent volumes to Tennessee.
[5] Establishes delivery point where Tennessee will receive gas from Trunkline on Humble's account.
[6] Provides for exchange between Humble and Trunkline of a maximum 15,000 Mcf per day.
[7] Effective date: Date of this order.
[8] Amendment to the certificate to reflect terms of amendatory agreement dated Oct. 3, 1968.
[9] Extends term of basic contract from Dec. 2, 1971 to Dec. 2, 1980; decreases daily contract quantity from 114,000 Mcf to 70,000 Mcf during 1969–71, 25,000 Mcf during 1972, 20,000 Mcf during 1973, 15,000 Mcf during 1974, 13,000 Mcf during 1975 and 10,000 Mcf during 1976–80; provides for 5-year makeup period.
[10] Provides that price will be 14 cents including tax reimbursement from Dec. 2, 1966 to Jan. 1, 1969, 16.25 cents from Jan. 1, 1969 to Dec. 2, 1971, 17.25 cents from Dec. 2, 1971 to Dec. 2, 1976, and 18.25 cents from Dec. 2, 1976 to Dec. 2, 1980 (such prices do not include applicable tax reimbursement, price will also increase to any higher area rate).
[11] Provides that terms of amendatory agreement will not be effective unless acceptable authorization is received for both applications, Getty Oil Co. (Dockets Nos. G–3718, CI69–421); Pan American Petroleum Corp. (Dockets Nos. G–4631, CI69–364) and Mobil Oil Corp. (Dockets Nos. G–11997, CI69–357).
[12] Transfers interests from Anadarko Production Co. to The Redan Co.
[13] Source of gas depleted.
[14] Production of gas no longer economically feasible.
[15] Provides that price will be 16.25 cents from Dec. 2, 1966 to Dec. 2, 1971, 17.25 cents from Dec. 2, 1971 to Dec. 2, 1976 and 18.25 cents from Dec. 2, 1976 to Dec. 2, 1980 (such prices do not include applicable tax reimbursement, price will also increase to any higher just and reasonable area rate).
[16] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[17] Contract provides for 18.5 cents per Mcf rate; however, Applicant advised by telegram, dated Jan. 4, 1969, of willingness to accept permanent authorization for the additional acreage at a rate of 17 cents per Mcf.
[18] Acreage committed down to and including 8,770 feet below the surface.
[19] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[20] Deletes acreage due to cancellation or expiration of leases, as identified in the letter agreement dated Aug. 29, 1968 attached to the supplement.
[21] Assignment of acreage from Shelton Equipment & Machine Co., Inc., to Semco Gas, Inc.
[22] Amendment to the certificate to reflect change in operator.
[23] Indefinite moratorium provided by Opinion No. 546.
[24] Assigns acreage from Edwin Allday to the Angelina Corp.
[25] No permanent certificate issued; therefore, the temporary certificate issued in Docket No. CI67–283 will be terminated.
[26] Adds interest. Reflects Applicant's acquisition of Sinclair Oil & Gas Co. (now Sinclair Oil Corp.) interest in Cleveland Sand Formation under 8½ sec. 60, block 13, T. 8 N. RR. Co. Survey, released from Sinclair's contract, Docket No. G–18748.
[27] Sale being rendered on June 7, 1954.
[28] Contract provides for initial rate of 17 cents; however, Applicant has stated willingness to accept a permanent certificate at 15 cents.
[29] Amendment to the certificate to increase exchange volumes of gas from 50,000 Mcf of gas per day up to 100,000 Mcf of gas per day.
[30] Amendment to the application filed Jan. 15, 1969, to reflect a 17-cent rate for acreage in Woodward County, Okla.
[31] Applicant is filing to cover its interest in acreage previously covered under Amerada Petroleum Corp. (Operator) et al., FPC GRS No. 120.

[9] Unilateral filing providing for 5-year makeup period for prepaid gas to conform with Amerada's FPC GRS No. 129.
[10] Currently on file as Shell Oil Co., FPC GRS No. 100.
[11] Assigns acreage from Shell Oil Co. to R. L. Wolfson et al.
[12] Provides for 100 percent take-or-pay of seller's part of daily contract quantity with 5-year makeup period and a 75–125 percent swing in daily takes; daily quantity is 45,000 Mcf during 1969, 1970, and 1971, 30,000 Mcf during 1972–74, 15,000 Mcf during 1975–78 and 10,000 Mcf during 1979–88.
[13] Applicant has stated willingness to accept a permanent certificate conditioned as Opinion No. 468. By letter dated Dec. 9, 1968, Applicant agreed to accept a permanent certificate with the issues of advance payments and transportation of liquefiable hydrocarbons reserved for determination at a later date and with the conditions that the buyer's take-or-pay obligation commencing Jan. 1, 1970, shall not exceed the lesser of 20,000 Mcf per day per well or 1 Mcf for each 7,300 Mcf of reserves.
[14] The abandonment application filed by Carrl Oil et al., in Docket No. CI69-542 to terminate service authorized in Docket No. CI60-592 is being dismissed as moot. William J. Dick, Jr. et al., has filed in Docket No. CI69-631 to continue in part the sale of natural gas heretofore authorized in Docket No. CI60-592.
[15] Assigns acreage from Carrl Oil et al., to William J. Dick, Jr., to a depth of 7,149 feet; only the related rate filing is being accepted for filing by this order.
[16] Also on file as Humble Oil & Refining Co. FPC GRS No. 306.
[17] Conveys acreage from Humble to Pan American Petroleum Corp.
[18] Related rate filing submitted to cancel Sun's FPC GRS No. 39. However, that rate schedule covered a sale in Ellis Field only. The portion of Docket No. G–3657 covering Ellis Field was terminated in 1964 and FPC GRS No. 39 has been canceled. There is no rate schedule on file covering the Pine Bluff Field sale authorized in Docket No. G–3657, which ceased in 1966.
[19] Between Columbian Fuel Corp. (now Cities Service Oil Co.) and Northern Natural; also on file as Cities Service Oil Co. FPC GRS No. 288.
[20] Letter from buyer to seller which amends the contract to limit record retention to 3 years.
[21] From Cities Service Oil Co. to Texaco, Inc. (covers gas rights from the Chester Sand (Mississippian) formation.
[22] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[23] Applicant has stated willingness to accept a permanent certificate conditioned to the ultimate disposition of the proceedings in Docket No. E–338.
[24] Eliminates indefinite pricing provisions.
[25] Between Carrl Oil et al., and Tennessee Gas Pipeline Co.; on file as Carrl Oil et al., FPC GRS No. 6.
[26] Assigns acreage from Carrl Oil et al., to William J. Dick, Jr., to a depth of 7,149 feet.
[27] A rate of 16.333 cents suspended in Docket No. RI64-649 but never placed in effect. Pursuant to Opinion No. 545 Carrl Oil filed a refund report for amounts collected prior to Oct. 26, 1965. William J. Dick, Jr., shall remain liable for refunds subsequent to Oct. 26, 1965; and the rate suspension proceeding in Docket No. RI64-649 will be terminated only insofar as same pertains to Carrl Oil's FPC GRS No. 6.
[28] Acreage dedicated is all depths shallower than base of the Mississippian System.

Suggested General Undertaking in Accordance With Order No. 377:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)

GENERAL UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder and has caused this undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196--.

(Name of Respondent)
By ----------

Attest:

Suggested Surety Bond Form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas, (Name of Respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

WHEREAS, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $ ------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified;

Now, therefore, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators [1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. ------, (Name of Respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ---------- day of ----------

Attest:

By----------
Principal

By----------
Surety

[1] To be included if a noncorporate respondent.

[F.R. Doc. 69–3303; Filed, Mar. 21, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

DEPOSITORS CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Depositors Corp., which is a bank holding company located in Augusta, Maine, for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of Katahdin Trust Co., Patten, Maine.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 17th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–3405; Filed, Mar. 21, 1969; 8:45 a.m.]

DOMINION BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Dominion Bankshares Corp., which is a bank holding company located in Roanoke, Va., for the prior approval of the Board of the acquisition by Applicant of more than 80 percent of the voting shares of Security National Bank, Baileys Cross Roads, Baileys Cross Roads, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 17th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–3407; Filed, Mar. 21, 1969; 8:45 a.m.]

UNION BANK

Order Approving Merger of Banks

In the matter of the application of Union Bank for approval of merger with Oakland Bank of Commerce.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Union Bank, Los Angeles, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Oakland Bank of Commerce, Oakland, Calif., under the charter and title of Union Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger.

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 17th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–3408; Filed, Mar. 21, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B–1517]

TAX MAN, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 18, 1969.

I. The Tax Man, Inc. ("issuer"), 4 Maple Street, Quincy, Mass., a Massachusetts corporation located at 4 Maple Street, Quincy, Mass., filed with the Commission on October 16, 1968, a notification on Form 1–A and an offering circular relating to a proposed offering of 34,500 shares of its $1 par value common stock at $2.50 per share with gross proceeds to the issuer of $98,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was begun on November 18, 1968, and concluded on December 13, 1968. The shares were offered and sold by officers of the issuer.

II. The Commission has reason to believe on the basis of information reported to it by the staff that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading in the following respects:

1. Failure to disclose the name and stockholdings of a promoter;

2. False statements with respect to the stockholdings of officers and directors;

3. Failure to disclose the right to acquire options by a promoter;

4. False statements with respect to the rights of officers and directors to acquire stock pursuant to options;

5. Failure to disclose that the president of the issuer had disposed of some of his stockholdings.

B. The issuer filed a false and misleading notification on Form 1–A by failure to disclose the existence of a promoter.

C. The issuer filed a false report on Form 2–A by failing to disclose changes in stockholdings by insiders.

D. The issuer violated Rule 255 of the regulation by soliciting written purchase orders and collecting money from investors during the 10-day waiting period specified by the rule, and such period had not been shortened by the Commission.

E. The issuer violated Rule 256 of the regulation by selling stock and accepting payment prior to the delivery of an offering circular to investors.

F. The issuer effected sales of its stock by use of written sales material which was not filed as required by Rule 258.

G. The use of the offering circular by the issuer operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice,

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[2] Voting for this action: Chairman Martin and Governors Robertson, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Mitchell and Daane.

that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3417; Filed, Mar. 21, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0018]

MASSACHUSETTS CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Massachusetts Capital Corp., 225 Franklin Street, Boston, Mass. 02110, a licensed small business investment company under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration (SBA) for approval of a proposed change of control. Prior approval of change of control is required under section 107.701 of SBA regulations (13 CFR Part 107, 33 F.R. 326).

Massachusetts Capital Corp. (licensee) was licensed June 12, 1961. Its paid-in capital as of September 30, 1968, was $300,500 and all its outstanding shares (30,050) of common stock are held by Kane Financial Corp. (Kane), Boston, Mass.

On March 6, 1969, CNA Financial Corp. (CNA), a publicly owned company listed on the New York Stock Exchange, agreed to exchange its shares for all the outstanding common shares of Kane. On completion of the exchange of shares, CNA will indirectly own all the common stock of the licensee. No changes will be made in the board of directors or officers of the licensee until prior approval is obtained from SBA.

CNA has its home office at 310 South Michigan Avenue, Chicago, Ill. 60604, and, through its insurance subsidiaries, operates a multiple line insurance business, including variable annuities. Through other subsidiaries, CNA also offers mutual funds, personal loans and consumer financing to the public.

The names and addresses of the officers and directors of CNA are shown below:

Bowen Blair, 3 South Green Bay Road, Lake Forest, Ill., director.
Paul H. Brown, 1622 Palmgreen Drive, Glenview, Ill., director and vice president.
Robert Crown, 33 Canterbury Court, Wilmette, Ill., director.
Raymond M. Defosses, 3121 Plum Island Drive, Northbrook, Ill., vice president and general counsel.
Edison Dick, 612 East Woodland Road, Lake Forest, Ill., director.
Boyd N. Everett, Winnetka, Ill., senior financial vice president and director.
Robert P. Gwinn, 144 Fairbank Road, Riverside, Ill., director.
John A. Henry, 222 East Chestnut Street, Chicago, Ill., vice president and director.
Daniel P. Kedzie, 425 North Park Boulevard, Glen Ellyn, Ill., vice president and executive assistant to the president.
Homer J. Livingston, 1425 Ashland, River Forest, Ill., director.
W. J. MacGinnitie, 1436 Carson Court, Homewood, Ill., vice president.
Remick McDowell, 1550 North State Parkway, Chicago, Ill., director.
Archer O'Reilly, Jr., 1954 Spruce Drive, Glenview, Ill., secretary.
Grier D. Patterson, 505 Ridge Avenue, Kenilworth, Ill., director.
Howard C. Reeder, 1125 Sheridan Road, Wilmette, Ill., chairman of the board, president, and director.
Jacque W. Sammet, 1223 Bar Harbor Terrace, Northbrook, Ill., vice president and director.
Richard H. Samuels, 2828 Blackhawk Road, Wilmette, Ill., vice president and treasurer.
David G. Scott, 19 Rolling Ridge, Northfield Township, Ill., executive vice president and director.
John E. Stipp, 9532 North Avers Avenue, Evanston, Ill., director.
Robert D. Stuart, Jr., 1601 West Conway Road, Lake Forest, Ill., director.
Paul Thorin, Stadhausstrasse 2, Winterthur, Switzerland, director.
Gerald Tsai, Jr., 580 Fifth Avenue, New York, N.Y., executive vice president and director.
Kenneth V. Zwiener, 1287 Sunview Lane, Winnetka, Ill., director.

SBA's consideration of the application includes the general business character and business reputation of the above-named persons and their commitment to actively operate the licensee within the intent and purpose of the Act and regulations.

Interested persons should address their comments on the proposed change of control to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within 10 days after the publication of this notice.

A similar notice shall be published by CNA in a newspaper of general circulation in Boston, Mass. and in Chicago, Ill.

For SBA (under delegated authority).

Dated: March 14, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-3415; Filed, Mar. 21, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 799]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 19, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9448 (Sub-No. 6 TA), filed March 13, 1969. Applicant: A. C. BORGMANN & SONS, DIVISION OF WAYNE WAREHOUSING & CARTAGE, INC., 2323 Bowser Avenue, Fort Wayne, Ind. 46803. Applicant's representative: Donald W. Smith, Attorney at Law, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Logansport, Ind., to Fort Wayne, Ind., over U.S. Highway 24, restricted to traffic having an immediate subsequent movement over rail, for 180 days. Supporting shippers: (1) Wilson & Co., Inc., Prudential Plaza, Chicago, Ill.; (2) Norfolk & Western Railway Co., TOFC-COFC Highway Service Department, Roanoke, Va. 24011. Send protests to: District Supervisor, J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 32562 (Sub-No. 29 TA), filed March 12, 1969. Applicant: POINT EXPRESS, INC., 3535 Seventh Avenue, Post Office Box No. 10185, Station C, Charleston, W. Va. 25312. Applicant's representative: Lowell Bays (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Hamlin, W. Va., as an off-route point in connection with the present authority on West Virginia Highway 10, between Huntington, W. Va., and Logan, W. Va., for 180 days. NOTE: Applicant intends to "tack" this authority if granted with its other authorities, at all common service points, and to interline with connecting line carriers at Columbus and Cincinnati, Ohio, Lexington, Ky., and Huntington and Charleston, W. Va. Supporting shippers: Billy N. Turley & Co. Department Store, Box 384, Hamlin, W. Va. 25523; H. Leon Hager & Co., 356 Walnut Street, Hamlin, W. Va. 25523; Mullins Motor Sales, Inc., 8119 Court Street, Hamlin, W. Va. 25523; Smith's Tire & Recapping Service, Hamlin, W. Va. 25523; Ideal Chevrolet Sales, Inc., Box 368, Hamlin, W. Va. 25523. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 110420 (Sub-No. 583 TA), filed March 14, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate coating compounds*, from Burlington, Wis., to Oklahoma City, Okla., for 180 days. Supporting shipper: The Nestle Co., Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605 (J. Leonard, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203. NOTE: Applicant states it intends to tack the authority herein applied for.

No. MC 110563 (Sub-No. 42 TA), filed March 12, 1969. Applicant: COLDWAY FOOD EXPRESS, INC., Post Office Box 259, Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, pelts, and commodities in bulk), and *frozen foods, frozen dough, and frozen chicken*. Restriction: Restricted to shipments originating at the plantsite and warehouse facilities of Glidden-Durkee, Division of SCM Corp., at or near Moosic and Pittston, Pa., from the plantsite and warehouse facilities of Glidden-Durkee, Division, SCM Corp., at or near Moosic and Pittston, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, Ohio, and Wisconsin, for 150 days. Supporting shipper: Glidden-Durkee, Division of SCM Corp., 900 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 113908 (Sub-No. 198 TA), filed March 14, 1969. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa Street, Post Office Box 3180, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, in bulk, in tank vehicles, from Cicero, Ill., to Denver, Colo., for 180 days. Supporting shipper: Wagner Industries, 1331 South 55th Court, Cicero, Ill. 60650. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123415 (Sub-No. 15 TA), filed March 13, 1969. Applicant: JAMES STUFFO, INC., Post Office Box 1061, Merchantville, N.J. 08109. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal windows, metal window sections and parts and fittings incidental to the erection and installation of such metal windows and metal window sections*, from the plantsite of Pennsylvania Panel Wall Co. located in Lancaster, Pa., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Howmet Corp., Air Master Division, 8501 Hegerman Street, Philadelphia, Pa. 19136. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 129390 (Sub-No. 3 TA), filed March 14, 1969. Applicant: S. T. WICKLIFF, Route 2, Algona, Iowa 50511. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar beet pulp pellets*, from Moorhead, Minn., and Drayton, N. Dak., to points in Dixon and Dakota Counties, Nebr., for 180 days. Supporting shipper: Industrial Molasses Corp., 7100 France Avenue South, Minneapolis, Minn. 55435. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133375 (Sub-No. 2 TA), filed March 13, 1969. Applicant: CABS UNLIMITED, LTD., 997 Dana Street, Mountain View, Calif. 94040. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals and radioactive chemicals* in packages not to exceed 100 pounds, and restricted against the transportation of packages or articles weighing in the aggregate more than 200 pounds, from one consignor to one consignee on any one day, for the account of Abbott Laboratories, between points in the following named California counties, provided the shipment has a prior or subsequent movement out-of-State by air carrier: San Francisco, Marin, Sonoma, Mendocino, Lake, Colusa, Napa, Yolo, Sutter, Solano, Sacramento, San Joaquin, Contra Costa, Alameda, Santa Cruz, Santa Clara, San Mateo, Monterey, San Benito, and Stanislaus, for 180 days. Supporting shipper: Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133507 (Sub-No. 1 TA), filed March 14, 1969. Applicant: JERRY D. VAN ZOMEREN, Rural Route 3, Oskaloosa, Iowa 52577. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese scrap and trimmings*, from Fond du Lac, Wis., to Oskaloosa, Iowa, for 180 days. Supporting shipper: Catfish Charlie Bait Co., 412 South 11th Street, Oskaloosa, Iowa 52577. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133521 TA (Correction), filed March 5, 1969, published FEDERAL REGISTER, issue of March 14, 1969, and republished as corrected this issue. Applicant: CONTRACT CARRIER COMPANY, 855 Main Street, Bridgeport, Conn. 06603. Applicant's representative: Gustave D. Cederholm, Suite 329, 17 Battery Place, New York, N.Y. 10004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen raw and finished bakery products, fillings, icings, toppings, and articles used in the sale, manufacture, and distribution thereof.* NOTE: Applicant seeks to transport the above commodities in less than truckload shipments in refrigerator trucks and trailers under controlled temperatures

not exceeding minus 10° Fahrenheit. Applicant seeks no authority to transport articles in bulk or tank vehicles, between Hartford, New Haven, and Bridgeport, Conn., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, and Virginia, for 150 days. NOTE: The purpose of this republication is to include Kentucky as a destination point inadvertently omitted in previous publication. Supporting shipper: Country Home Bakers, Inc., 1700 Barnum Avenue, Post Office Box 2196, Bridgeport, Conn. 06610. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn.

No. MC 133536 TA, filed March 12, 1969. Applicant: DOVER MOVING AND STORAGE, INC., 753 North Dupont Highway, Dover, Del. 19901. Applicant's representative: J. Richard Berry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of such traffic, between points in Delaware, Northampton, and Accomack Counties, Virginia; Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, Maryland, for 180 days. Supporting shippers: Cartwright Van Lines, Inc., International Division, 4250 24th Avenue West, Seattle, Wash. 98199, Wm. F. Gremmels, Traffic Manager; Higa Fast Pac., Inc., 465 California Street, Suite 530, San Francisco, Calif., Harry T. Takahashi, General Manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3453; Filed, Mar. 21, 1969; 8:49 a.m.]

[Notice 314]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 19, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71101. By order of March 14, 1969, the Motor Carrier Board approved the transfer to McGoldrick Mine & Quarry Supply, Inc., South Windham, Maine, of the operating rights in permit No. MC-116475 (Sub-No. 1) issued January 12, 1967, to Esty's Transportation, Inc., Windham Center Road, South Windham, Maine 04082, authorizing the transportation of: *Classes A, B, and C explosives, and supplies and equipment* used and shipped therewith, from Hudson, Mass., to points in Maine; and returned shipments of the above-specified commodities, from points in Maine to Hudson, Mass. Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038, attorney for transferee.

No. MC-FC-71134. By order of March 14, 1969, the Motor Carrier Board approved the transfer to Ada M. Mucci, doing business as Winwar's Express, Andover, Mass., of the certificate of registration in No. MC-97804 (Sub-No. 1) issued January 7, 1964, to Samuel A. Mucci, doing business as Winwar's Express, Andover, Mass., authorizing the transportation of general commodities within the State of Massachusetts. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601, applicant's representative.

No. MC-FC-71157. By order of March 14, 1969, the Motor Carrier Board approved the transfer to Harold Dean Barnes, doing business as Barnes Motor Lines, Bethesda, Md., of the certificate in No. MC-127913 issued May 12, 1967, to Broadus W. Goode, doing business as Goode Motor Lines, Spindale, N.C., authorizing the transportation of used automobiles from Washington, D.C., to points in Rutherford County, N.C., and between points in Rutherford County, N.C., on the one hand, and, on the other, Bristol, Tenn. Boyce A. Whitmore, Post Office Box 908, Hendersonville, N.C. 27536, attorney for applicants.

No. MC-FC-71176. By order of March 14, 1969, the Motor Carrier Board approved the transfer to Wilson Moving & Storage Co., Inc., Buffalo, N.Y., of the certificate in No. MC-18684 issued September 17, 1959, to W. H. Wilson and C. J. Wilson, doing business as Wilson Moving & Storage Co., Buffalo, N.Y., authorizing the transportation of household goods from, to, and between points in the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Owen B. Augspurger, 720 Liberty Bank Building, Buffalo, N.Y. 14202, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3454; Filed, Mar. 21, 1969; 8:49 a.m.]

[Notice 798]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 18, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7073 (Sub-No. 6 TA), filed March 12, 1969. Applicant: EUGENE E. BOOS & RICHARD F. BOOS, doing business as BOOS GRAIN & FERTILIZER CO., Highland, Kans. 66035. Applicant's representative: D. Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Atchison, Kans., to points in Kansas, Nebraska, Missouri, and Iowa, for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, nor to interline with other carriers. Supporting shipper: Industrial Molasses Corp., Midwest Division, 7100 France Avenue South, Minneapolis, Minn. 55435. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 8535 (Sub-No. 29 TA), filed March 12, 1969. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Post Office Box 3969, 2700 Broening Highway, Baltimore, Md. 21222. Applicant's representative: Paul F. Sullivan, 913 Colorado Building, Washing, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, building panels, particleboard, and accessories* used or useful in the installation of such items, from Baltimore, Md., to points in Ohio, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, West Virginia, Indiana, Illinois, Michigan, and Kentucky, for 180 days. Supporting shipper: Evans Products Co., Post Office Box 880, Corona, Calif. 91720, Attention: Gordon T. Adams, General Traffic Manager. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 13651 (Sub-No. 11 TA), filed March 11, 1969. Applicant: PEOPLES TRANSFER, INC., Post Office Box 6367, 1400 North Black Canyon Highway, Phoenix, Ariz. 85005. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, from Long Beach, Calif., to Tyrone and Hurley, N. Mex., for 180 days. Supporting shipper: Johns-Manville Products Corp., Post Office Box 9067, Long Beach, Calif. 90810. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 52657 (Sub-No. 662 TA), filed March 12, 1969. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: Sam J. Zangri (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except those designed to be drawn by passenger automobiles), from Milwaukee, Wis., to points in the Chicago, Ill., commercial zone (except to points in Indiana), for 150 days. Supporting shipper: The Heil Co., Milwaukee, Wis. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 83539 (Sub-No. 241 TA), filed March 12, 1969. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75208. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft cargo and passenger handling equipment and machinery, and parts and accessories* used in connection therewith, from Salinas, Calif., to points in the United States (except California and Hawaii, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Cochran Western Corp., Post Office Box 890, Salinas, Calif. 93901. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 107743 (Sub-No. 10 TA) (Correction), filed February 27, 1969, published FEDERAL REGISTER, issue of March 7, 1969, and republished as corrected this issue. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway Avenue, Spokane, Wash. 99206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V, group III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Utah County, Utah, to points in Montana on and west of U.S. Highway 89; points in Idaho in and north of Idaho County; points in Washington, points in Oregon on and north of U.S. Highway 20, for 180 days. NOTE: The purpose of this republication is to include supporting shippers, inadvertently omitted in previous publication. Supporting shippers: Haskins Steel Co., Inc., Post Office Box 4215, Spokane, Wash. 99202; Stack Steel & Supply Co., 500 South Lander Street, Seattle, Wash. 98134; Alaska Steel & Supply Co., Post Office Box 2905 Terminal Annex, Spokane, Wash. 99220; Comet Corp., North 3808 Sullivan Road, Spokane, Wash. 99216; Spokane Machinery Co., Post Office Box 4306, Station B, Spokane, Wash. 99202; Pybus Steel Co., Post Office Box 678, Wenatchee, Wash. 98801; Coeur d'Alenes Co., Building No. 7, Spokane Industrial Park, Spokane, Wash. 99216; Welk Brothers Metal Products, Spokane, Wash. 99206. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 113666 (Sub-No. 33 TA), filed March 10, 1969. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Central Farmers Fertilizer Co. near Albany, Ill., to points in Iowa; from the plantsite of Central Farmers Fertilizer Co. at Kingston Mines, Ill., to points in Indiana; from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. at North Pekin, Ill., to points in Indiana; from the plantsite of the Central Nitrogen Corp. near Terre Haute, Ind., to points in Illinois and Ohio; from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. near Mount Vernon, Ind., to points in Illinois; from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. near Mount Vernon, Ind., to points in Illinois; from the plantsite of Olin near Joliet, Ill., to points in Indiana, Ohio, and Michigan, for 180 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 117823 (Sub-No. 36 TA), filed March 11, 1969. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 84115. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Thayne, Wyo., to Victor, Idaho, and Salt Lake City, Utah, and *pickles and pickle products* (when shipped with dairy products), from Salt Lake City, Utah, to points in Nevada, Idaho, and California, for 180 days. NOTE: Applicant also asks for a waiver of the usual no tacking restriction insofar as the dairy products from Thayne, Wyo., is concerned so that this authority may be tacked with applicant's MC-117823 Sub-No. 10 authority which authorizes the transportation of dairy products from named points in Idaho including Victor to points in Nevada, Utah, and California and from named points in Utah, including Salt Lake City, to points in Nevada, Idaho, and California. Supporting shipper: Nelson-Ricks Creamery Co., 314 West Third South Street, Salt Lake City, Utah 84101. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 127505 (Sub-No. 22 TA), filed March 13, 1969. Applicant: RALPH BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum shapes or molding*, from St. Charles, Ill., to Wakarusa and Monon, Ind., for 180 days. Supporting shipper: Amax Aluminum Extrusion Products, Inc., Box 468, Powis Road, St. Charles, Ill. 60174. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 Squth Dearborn Street, Chicago, Ill. 60604.

No. MC 129352 (Sub-No. 2 TA), filed March 13, 1969. Applicant: JAMES CREAGER, doing business as CREAGER TRUCKING CO., 208 Southeast Oak Street, Portland, Oreg. 97214. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Arlington, Wash., to points in California, for 180 days. Supporting shipper: Northwest Hardwoods, Inc., American Bank Building, Portland, Oreg. 97205. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 129387 (Sub-No. 6 TA), filed March 12, 1969. Applicant: BILL PAYNE,

doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Post Office Box 1271, Huron, S. Dak. 57350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and packinghouse products* as described in "*Descriptions in Motor Carrier Certificates*," 61 M.C.C. 209 and 766, sections A and C, from packinghouse plantsites or warehouse facilities at or near (within 10 miles of Huron, S. Dak.), to Los Angeles, Sacramento, Oakland, and San Francisco, Calif. and commercial zones thereof, for 180 days. Supporting shipper: Flanery Meats, Inc., Huron, S. Dak. 57350; Richard D. Flanery, President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 129708 (Sub-No. 4 TA), filed March 10, 1969. Applicant: McRAY TRUCK LINE, INC., Post Office Box 329, Springfield, Ky. 40069. Applicant's representative: George M. Catlett, Suite 703, 706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rigid polyvinyl chloride pipe, and fittings and accessories therefor*, from the plantsite of Universal Pipe and Plastic, Inc., near Springfield, Ky., to points in Texas, Arkansas, Louisiana, Oklahoma, Kansas, Missouri, Iowa, Minnesota, and points in the United States on and east of the Mississippi River; (2) *Chemicals*, in bags, from New York, N.Y., and Houston, Tex., to the plantsite of Universal Pipe and Plastic, Inc., near Springfield, Ky.; (3) *Calcium sterate*, in bags, from St. Louis, Mo., to the plantsite of Universal Pipe and Plastic, Inc., near Springfield, Ky.; (4) *Resins*, in bags, from Painesville, Ohio, to the plantsite of Universal Pipe and Plastic, Inc., near Springfield, Ky.; (5) *Advawax plastoflex*, in bags, from New Brunswick, N.J., to the plantsite of Universal Pipe and Plastic, Inc., near Springfield, Ky.; and (6) *Acryolid*, in bags, from Philadelphia, Pa., to the plantsite of Universal Pipe and Plastic, Inc., near Springfield, Ky., for 180 days. Supporting shipper: John I. Geary, General Plant Manager, Universal Pipe and Plastic, Inc., Post Office Box 328, Springfield, Ky. 40069. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 133537 TA, filed March 12, 1969. Applicant: CHARLES A. HUMMEL, doing business as HUMMEL BROS., R.F.D. No. 4, Dixon, Ill. 61021. Applicant's representative: William H. Towle, Suite 1625, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed*, in bulk, and (2) *Dry animal and poultry feed in bags* when transported in the same vehicle and at the same time as the commodities described in (1) above, from Mendota, Ill., to points in Iowa on and east of U.S. Highway 69, Wisconsin on and south of U.S. Highway 10, and Indiana on and west of U.S. Highway 31 and on and north of U.S. Highway 36, for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133542 TA, filed March 13, 1969. Applicant: FLOYD WILD, Post Office Box 91, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice drinks, imitation maple flavored syrup, pancake mixes, and frozen foods*, moving in shipper-owned trailers, from Marshall, Minn., to points in Illinois, Indiana, Iowa, Michigan, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shippers: Vita-Sun Distributing Co., 115 West College Drive, Marshall, Minn. 56258; Schwan's Sales Enterprises, Inc., 115 West College Drive, Marshall, Minn. 56258. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3400; Filed, Mar. 20, 1969; 8:48 a.m.]

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Land Management Bureau
Securities and Exchange Commission
Tariff Commission

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PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Part 52 is revised to authorize the optional use of a standard short form bill of lading for small shipments and, in limited situations, commercial shipping documents. The changes necessitate a recodification of the part.

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52.1 Scope of part.

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52.50 Voluntary refunds by carriers.

AUTHORITY: The provisions of this Part 52 issued under sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49, unless otherwise noted.

§ 52.1 Scope of part.

This part prescribes standard forms and regulations for the procurement of and billing for freight or express transportation services by rail, highway, water, or air, furnished for the account of the United States, and specifies certain information to be furnished in connection therewith. U.S. Government bill of lading forms should be utilized to procure these services except as otherwise provided herein or as specifically authorized in writing by the Comptroller General of the United States.

REGULAR U.S. GOVERNMENT BILL OF LADING FORMS

§ 52.2 Regular U.S. Government bill of lading forms.

The following standard forms are generally prescribed, except for the optional forms and procedures described in § 52.6 and § 52.16, to accomplish the shipment, transportation, and delivery of property for the account of the United States by transportation companies and are published for general use throughout the U.S. Government service:

SF 1103—U.S. Government Bill of Lading (Original).
SF 1103–A—U.S. Government Bill of Lading (Memorandum Copy).
SF 1104—U.S. Government Bill of Lading (Shipping Order).
SF 1105—U.S. Government Freight Waybill (Original).
SF 1106—U.S. Government Freight Waybill (Carrier's Copy).
SF 1109—U.S. Government Bill of Lading (Original—Continuation Sheet).
SF 1109–A—U.S. Government Bill of Lading (Memorandum—Continuation Sheet).
SF 1110—U.S. Government Bill of Lading (Shipping Order—Continuation Sheet).
SF 1111—U.S. Government Freight Waybill (Original—Continuation Sheet).
SF 1112—U.S. Government Freight Waybill (Carrier's Copy—Continuation Sheet).

The size of the above-prescribed forms will be 8½ by 11 inches and the original bill of lading, the freight waybill (original), the freight waybill (carrier's copy), and the corresponding continuation sheets will be printed on white paper. The memorandum bill of lading and its continuation sheet will be printed on yellow paper, and the shipping order and its continuation sheet on pink paper.

§ 52.3 Standard forms—temporary receipt and certificate in lieu of U.S. Government bill of lading.

The following standard forms are prescribed for use in connection with the transportation and delivery of property for the account of the United States and are published for general use throughout the U.S. Government service:

SF 1107—Temporary Receipt in Lieu of U.S. Government Bill of Lading.
SF 1108—Certificate in Lieu of Lost U.S. Government Bill of Lading (Original).
SF 1108–A—Certificate in Lieu of Lost U.S. Government Bill of Lading (Memorandum).

The size of the above-prescribed forms will be 8½ by 11 inches. The temporary receipt and the original of the certificate in lieu of lost bill of lading will be printed on white paper, and the memorandum certificate in lieu of lost bill of lading will be printed on yellow paper.

§ 52.4 Standard forms for shipments accorded transit privileges.

(a) The following standard forms covering the shipment, transportation, and delivery of property for the account of the United States by transportation companies are prescribed and published for general use throughout the U.S. Government service in connection with Government shipments accorded transit reshipment privileges:

SF 1131—U.S. Government Transit Bill of Lading (Original).
SF 1131–A—U.S. Government Transit Bill of Lading (Memorandum Copy).
SF 1132—U.S. Government Transit Bill of Lading (Shipping Order).
SF 1133—U.S. Government Transit Freight Waybill (Original).
SF 1134—U.S. Government Transit Freight Waybill (Carrier's Copy).

The size of the above-prescribed forms will be 8½ by 14 inches and the original transit bill of lading, the transit freight waybill (original), and the transit freight waybill (carrier's copy) will be printed on white paper. The memorandum transit bill of lading will be printed on yellow paper, and the transit shipping order on pink paper.

(b) The Temporary Receipt in Lieu of U.S. Government Bill of Lading, SF 1107, the Certificate in Lieu of Lost U.S. Government Bill of Lading (Original), SF 1108, and memorandum therefor, SF 1108–A, and the continuation sheets prescribed for use with the basic set of U.S. Government Bill of Lading Forms, SF 1109, SF 1109–A, SF 1110, SF 1111, and SF 1112, will be used in connection or conjointly with the set of U.S. Government Transit Bill of Lading Forms, SF 1131, SF 1131–A, SF 1132, SF 1133, and SF 1134, as required.

§ 52.5 Overprinting.

No departure from the exact specifications of the standard bill of lading forms herein prescribed will be permitted, but this will not be construed to prevent a department or establishment from ordering printed on the forms used by it, when more economical and advantageous to do so, the name of the department or establishment, name of bureau or service, place of issue, title of issuing officer, and designation of appropriation or fund chargeable.

OPTIONAL SHORT FORM U.S. GOVERNMENT BILL OF LADING

§ 52.6 Standard form for use in making small shipments.

(a) The Short Form U.S. Government Bill of Lading, Standard Form 1196, is prescribed for optional use on small shipments of property for the account of the United States by transportation companies, provided that:

(1) The total transportation charges do not exceed $100 per shipment;

(2) Both origin and destination are within the 48 conterminous States of the United States or the District of Columbia (this restriction does not apply to shipments to be subsequently reshipped for export on another bill of lading, or to imported shipments to be reshipped from an air or water port to other points in the 48 conterminous States and the District of Columbia);

(3) The property shipped is not household goods or classes A and B explosives;

(4) Special services, such as armed guard service, are not required;

(5) Continuation sheets are not required;

(6) The purpose of the issuance is not to convert a commercial bill of lading or commercial express receipt to a Government bill of lading;

(7) Two or more modes of transportation (e.g. air-truck, or rail-barge) are not involved in the movement;

(8) The consignee is a U.S. Government office (exceptions may be made for repetitive shipments to outside organizations with whom a particular Government agency has a continuous and close relationship); and

(9) The contents are not of such unusual value that, in the opinion of the shipping officer, they should only be released to carriers under the additional controls of the regular U.S. Government bill of lading.

§ 52.7 Description and distribution of optional short form.

(a) The optional short form Government bill of lading, Standard Form 1196, will be assembled into at least six-part carbon interleaved snap-out sets, which will be prepared simultaneously and will, in the exact order named, consist of:

(1) *Original.* The original bill of lading, which contains the terms and conditions of the contract of carriage, instructions, and the description of the articles comprising the shipment, and which is to be furnished the carrier's agent at shipping point for subsequent submission to the responsible finance office as supporting evidence for the voucher covering the transportation charges involved;

(2) *Copy No. 2.* The shipping order, which is also to be furnished the carrier's agent at shipping point and retained by the carrier for its internal use and accounting procedures;

(3) *Copy No. 3.* The memorandum copy/consignee copy, which contains provisions on the reverse side for the consignee to annotate exceptions to delivery in good order (that is, any damage, loss, or shrinkage), and which is to be mailed to attention of the consignee's receiving or traffic department as the Shipment and Property Received Copy;

(4) *Copy No. 4.* Memorandum copy/property shipped copy, which is to be retained by the shipper;

(5) *Copy No. 5.* Memorandum copy/fiscal copy, which is to be used by issuing office for obligation of funds; and

(6) *Copy No. 6.* Memorandum copy/issuing office copy, which is to be retained by the issuing office.

Additional memorandum copies of the short form bill of lading may be included in the form set if required for administrative purposes; however, the number of such memorandum copies should be kept to a minimum. The size of the short form bill of lading (excluding sprocket feed strips if mechanized preparation is desired) will be 8½ by 6 inches. The original bill of lading will be printed on white paper, the shipping order on pink paper, and the consignee copy and memorandum copies on yellow paper. The provisions of § 52.5 apply, insofar as conforming to the exact specifications of the optional short form and as permitting the printing of the name of department, etc.

§ 52.8 Procedure in case of loss and/or damage.

In case of exception to delivery in good order, the consignee will annotate the reverse side of the "Consignee Copy" (Copy No. 3) and the carrier's documents. The carrier will be requested to prepare a Joint Inspection Report, a copy of which will be forwarded by the consignee to the administrative office responsible for payment of charges within 20 days of receipt of the shipment or discovery of damage. In case of nondelivery or rejection of an entire shipment, a written report prepared by the consignee will be filed with the responsible administrative office within 20 days after the date of shipment.

§ 52.9 Substitute for lost original short form bill of lading.

(a) When an original short form Government bill of lading has been lost or destroyed, the only substitute form that may be issued in lieu of it is a Certified True Copy of Lost Short Form U.S. Government Bill of Lading, Standard Form No. 1197. This form will be 8½ by 7 inches printed on yellow paper in pad sets, and will contain a certification statement to be signed by the issuing officer.

(b) If the original short form Government bill of lading cannot be found after diligent effort has been made to locate it and it is evident that it has been lost or destroyed, the origin carrier will submit a written request to the issuing office requesting that it be furnished a certified true copy of the original document. Upon receipt of the written request, the issuing office will prepare in duplicate a Certified True Copy, SF 1197, from the "Property Shipped Copy" of the short form Government bill of lading. Both copies will be certified as true copies in a statement placed on the forms and signed by the issuing officer and the carbon copy will be plainly marked "Memo Copy."

(c) Certified true copies of lost original short form bills of lading will be issued only to the origin carriers. The original certified copy will be given to the origin carrier not sooner than 15 days after the shipment date, and the remaining copy and the letter of request will be attached to the "property shipped" records maintained by the issuing office.

(d) The standard form Certificate in Lieu of Lost U.S. Government Bill of Lading, SF 1108, may not be issued to replace a lost or destroyed original short form Government bill of lading, in order to avoid confusion in properly applying the billing regulations peculiar to the short form, as distinct from those applicable to the regular U.S. Government bill of lading form. Sections 52.26, 52.27, and 52.28 apply to the issuance of certified true copies of short form bills of lading as well as to the issuance of Certificates in Lieu of Lost U.S. Government Bills of Lading.

§ 52.10 Special billing requirements for optional short form.

(a) In addition to the regulations for billing in §§ 52.33 through 52.39, carriers and Government certifying officers should take particular note of the following special requirements applicable to billing for freight or express transportation services procured by use of the optional short form Government bill of lading.

(1) Charges will be paid only to the origin carrier named in the bill of lading, and they may not be waived to any other carrier.

(2) Since carriers are not required to submit receipts from the consignees in support of such bills, carriers may not present bills for payment sooner than 15 days after the date of shipment. Certifying officers will accept this 15-day period as presumptive evidence that the services ordered have been furnished, and, in the absence of any information as to damage or nondelivery, payment therefore will not be considered in violation of the statute prohibiting advance payment (31 U.S.C. 529).

§ 52.11 Applicability of regulations to use of the optional short form bill of lading.

Except as provided by specific reference to the optional short form Government bill of lading therein, the regulations in this part shall not apply to the use of the short form Government bill of lading.

ACCOUNTABILITY FOR AND PROCUREMENT OF U.S. GOVERNMENT BILLS OF LADING

§ 52.12 Accountability, procurement and control.

Appropriate accountability records must be maintained by the departments and establishments of the U.S. Government for the purpose of controlling the stock of printed bills of lading on hand and for fixing accountability upon employees responsible for their issuance and use. To facilitate such control, the bill of lading forms will be serially numbered at the time of manufacture. An alphabetical-numerical sequence will be followed in numbering these forms:

(a) Regular U.S. Government bill of lading SF 1103 assemblies (includes SF 1103–A, 1104, 1105, and 1106) will start with the number A0,000,001 and will continue through A9,999,999, after which the letter symbol will change to B, thence C, etc.

(b) The U.S. Government transit bill of lading SF 1131 assemblies (includes SF 1131–A, 1132, 1133, and 1134) will start with the number AT000,001 and continue through AT999,999, after which the letter symbols will change to BT, thence CT, etc.

(c) The optional short form U.S. Government bill of lading (SF 1196) will start with the number Z0,000,001 and will continue through Z9,999,999, after which the letter symbol will change to Y, thence, X, etc.

Departmental numbering, coding, or symbolization will not be permitted on either the regular or the optional (short) U.S. Government bill of lading forms. Government agencies should order supplies of the regular standard forms referred to in §§ 52.2, 52.3 and 52.4 and the short form bill of lading forms referred to in § 52.6, from GSA Stores Depots, Federal Supply Service, General Services Administration. The Federal Supply Service is required to report to the Transportation Division, U.S. General Accounting Office, Washington, D.C. 20548, the serial numbers of SF 1103, SF 1131, and SF 1196 assemblies issued and the names of the receiving agencies.

§ 52.13 Disposition of unused bills of lading.

Obsolete Government bill of lading forms and current forms spoiled in preparation, prepared for issuance but which will not be used, or canceled for any other reason will be returned to the office keeping the accountability records. General Records Schedule 9 of the General Services Administration provides instructions for the disposal of these forms.

BASIC SETS OF REGULAR U.S. GOVERNMENT BILLS OF LADING FORMS

§ 52.14 Description and distribution.

(a) The regular U.S. Government Bill of Lading Forms and the U.S. Government Transit Bill of Lading Forms will be arranged in sets of seven and nine parts each. These sets, all parts of which will be prepared simultaneously, will consist, respectively in the exact order named, of:

(1) The original bill of lading, which contains the terms and conditions of the contract of transportation, the description of the articles comprising the shipment, and evidence of delivery, and which will, except as hereinafter provided, be used as supporting evidence for the voucher covering the transportation charges involved;

(2) The shipping order, which is to be retained by the carrier's agent at shipping point;

(3) The freight waybill (original), which is to accompany the shipment or to be otherwise conveyed to destination in accordance with instructions of the carrier;

(4) The freight waybill (carrier's copy), which is to be disposed of in accordance with instructions of the carrier; and

(5) Three or five copies of the memorandum copy of the bill of lading, which are to be retained by the shipper for administrative purposes.

U.S. Government Bill of Lading Continuation Forms also will be arranged in seven- and nine-part sets consisting, in the following order, of SF 1109, 1110, 1111, 1112, and three or five forms 1109–A.

(b) Separate supplies of the memorandum forms, SF 1103–A, 1109–A, and 1131–A, are available for addition to the respective seven- and nine-part sets when additional copies are required for administrative purposes; however, in the interest of economy, the number of such memorandum copies should be kept at a minimum.

EXCEPTIONS TO THE USE OF U.S. GOVERNMENT BILL OF LADING FORMS

§ 52.15 Local storage, drayage, and hauling.

When local storage, drayage, and hauling services are procured under a contract, U.S. Government bill of lading forms should not be used. These forms may be used, however, when such services are provided for under established tariffs, schedules, or tenders.

§ 52.16 Limited authority to use commercial forms and procedures.

(a) *Discretionary authority to approve use of commercial forms and procedures.* When the head of a department, agency, or other establishment of the U.S. Government determines that it is more efficient and economical for particular types of small shipments to procure freight or express transportation services by the use of commercial forms and procedures, rather than by use of the regular Government bill of lading or the optional short form Government bill of lading and the related procedures prescribed, he may approve such use for the specific circumstances designated by him, subject to the limitations and instructions contained in this section. This discretionary authority is directed toward those shipping situations wherein administrative offices find it cumbersome and impractical to issue Government bills of lading at origin, and relatively expensive to convert commercial bills of lading to Government bills of lading at destination, for small shipments bearing a nominal transportation charge.

(b) *Limitations on the use of commercial forms.* The discretionary authority to direct the use of commercial bills of lading or commercial express receipts, in shipping property for the account of the United States, is subject to the following limitations:

(1) The administrative authorization to use commercial forms and procedures must clearly define and circumscribe the particular shipping circumstances and conditions in which they may be used for small shipments, following an administrative determination that commercial forms and procedures will be more efficient and economical than standard

Government forms and procedures for the particular circumstances considered. A copy of each such authorization, and of any amendments extending, curtailing, or canceling an authorization, should be sent to the Transportation Division, U.S. General Accounting Office, Washington, D.C. 20548.

(2) In no circumstances should the use of commercial forms and procedures be authorized, unless the transportation charges ordinarily do not exceed $25 per shipment and the occasional exception does not exceed this monetary limitation by an unreasonable amount.

(3) A letter of agreement must be executed and filed with the administrative agency by each participating carrier (or its agent) signifying acceptance of the arrangements. The letter should contain the following provision:

> The shipments covered by this agreement are subject to the terms and conditions set forth in the standard form of the U.S. Government bill of lading and any other applicable contract or agreement of the carrier for the transportation of shipments for the United States on Government bills of lading.

(c) *Procedures for processing bills for shipments made on commercial forms.* When small shipments have been made on commercial bills of lading or commercial express receipts, as authorized in paragraph (b) of this section, the following administrative procedures are to be observed with respect to carriers' bills for the transportation charges involved:

(1) The administrative offices involved in the use of commercial forms must have adequate procedures to: Prevent or detect duplicate payment for these shipments; properly account for the expenditures made; and, since commercial freight bills are ordinarily not accompanied by a receipt signed by the consignee to confirm delivery, verify that the services have been performed. In observing these requirements, however, administrative offices should be aware of the act of August 30, 1964, 31 U.S.C. 82b–1, which provides that, in the interest of efficiency and economy in agency disbursement operations, an agency head may prescribe the use of adequate and effective statistical sampling procedures in the examination and approval of disbursement vouchers for amounts of less than $100.

(2) The carriers transporting small Government shipments made on commercial bills of lading or express receipts will submit their bills on the commercial forms customarily used by the carriers, rather than on Public Voucher Form No. 1113 prescribed in § 52.33, in order to clearly identify bills for commercial-type shipments in the examination and certification process.

(3) In the processing of commercial-type transportation bills, administrative offices shall use the regular disbursement forms and documentation prescribed by the Treasury Department; and shall not classify them as transportation vouchers to be submitted to the Transportation Division of the General Accounting Office after payment, but shall retain them in the administrative files for subsequent audit.

(4) Administrative offices should ordinarily settle directly with the carriers any supplemental claims arising after the original bills for commercial-type shipments have been paid. However, claims involving a doubtful question of law or fact, or as to the amount properly due, may be forwarded to the Transportation Division, General Accounting Office, for direct settlement with the carriers involved. The complete record should be furnished, together with a citation to the appropriation or fund chargeable if the claim is allowed. All payments, including supplemental payments, are subject to otherwise applicable statutory limitations. See § 54.6a of this chapter.

Preparation of U.S. Government Bill of Lading Forms

§ 52.17 Preparation procedures.

In preparing the sets of Government bill of lading forms, careful attention should be given to all instructions and details in arrangements. The boxed section headed "For Use of Destination Carrier Only" on the regular form and "For Use of Origin Carrier Only" on the short form must not be covered by marks or writing, since it is for the sole use of the accounting officer of the billing carrier who inserts therein the proper class, rates, and charges. This boxed section is not ruled on the memorandum copies of the bill of lading form and the space thereon should be used by the issuing officer for showing the estimated transportation charges and for such accounting classifications as may be administratively required. The statement concerning pickup or trap car service at origin on the regular form must be initialed by the shipper or shipper's agent. On both the optional short form and the regular Government bill of lading, the issuing officer must, in every case, sign the "Certificate of Issuing Officer" even though the bill of lading is to be used by a contractor as shipper. Carbon impression signatures on the shipping order and other forms will be acceptable. When the bill of lading is to be used by a contractor as shipper, it is particularly important that the issuing officer fill in above his signature the contract or purchase order number, the date thereof, and the f.o.b. point named in such contract or purchase order, since in the absence of such data on bills of lading the carrier may refuse to accept the shipment from a contractor as shipper.

Delivery of Property to Carrier for Shipment

§ 52.18 Action of the carrier's agent and disposition of the U.S. Government bill of lading forms.

When a carrier receives property of the United States for shipment, its agents shall insert above his own signature in the designated spaces in the lower left-hand portion of the original bill of lading the date of receipt of the shipment, the name of the initial carrier, and whether that carrier in fact furnished pickup or trap car service, as shown by the shipping order. The shipper (issuing officer or contractor) will then give the carrier's agent the shipping order, the freight waybill (original) and the freight waybill (carrier's copy). Except in the circumstances listed below, the shipper will forward the original bill of lading to the consignee immediately. When the consignee receives the shipment at destination, he will complete the certificate of delivery on the original bill of lading and give it to the delivering carrier for billing. Under the circumstances described in paragraphs (a) and (b) of this section, the shipper may surrender the original bill of lading to the initial carrier's agent to accompany the shipment or to be sent to destination by a method chosen by the carrier, for accomplishment by the consignee:

(a) When it is clear to the shipper that the bill of lading, if mailed, will reach the consignee after the shipment has arrived;

(b) When it is administratively determined that to do so will serve some substantial interest of the Government. Under the circumstances described in paragraphs (c) and (d) of this section, the shipper should, if requested by the initial carrier, surrender the original bill of lading to his agent for retention by the carrier under the delivery receipt procedure provided in § 52.19;

(c) When the shipment is to be carried by air from the continental United States to a foreign destination; or

(d) When the shipment consists of unaccompanied baggage shipped as freight.

Whenever the original bill of lading is surrendered to the initial carrier's agent with the shipment, he will indicate receipt in the certificate on the bill of lading:

> Initial carrier's agent, by signature below, certifies he received the original bill of lading ☐ Yes (indicate by check).

The shipper (issuing officer) will retain one memorandum copy of the bill of lading as an office record and will immediately send one memorandum copy, certified as above, to the consignee. If the shipper is a contractor, he will retain one memorandum copy, send one to the issuing officer, and send one to the consignee, each copy certified as above.

§ 52.19 Alternative delivery receipt procedure on international airline shipments or on shipments of unaccompanied baggage.

(a) Air carriers which receive shipments in the United States for delivery at foreign destinations may elect to obtain a delivery receipt from the overseas consignee and to retain the original bill of lading instead of sending it to destination for execution of the consignee's certificate of delivery and surrender to the delivering carrier.

(b) On international and domestic shipments of unaccompanied baggage via freight, the carrier's agent may also elect to retain the original Government bill of lading and forward a delivery receipt form along with the shipment for accomplishment by the consignee.

(c) Under this alternative procedure, the delivery receipt when properly executed by the consignee, is to be returned to the billing carrier for attachment to the original Government bill of lading as proof of delivery. The following delivery receipt format must be used if there is an election to follow the procedure on international airline shipments or on shipments of unaccompanied baggage:

> Gentlemen: Our records show that under date of ---------- a shipment under GBL No. ------- and corresponding carrier waybill or freight bill No. ------- was delivered to you containing:
>
> | *Exact description of goods (as shown on GBL)* | *Number packages* | *Weight* |
> |---|---|---|
> | ---------- | ---------- | -------- |
> | ---------- | ---------- | -------- |
> | ---------- | ---------- | -------- |
>
> Pursuant to U.S. Government requirements, please acknowledge receipt of this shipment by completing the duplicate copy of this letter and returning it to us, if you have in fact received said shipment.
>
> If a shortage of or damage to the shipment was noted upon receipt, please indicate such shortage or damage in detail, in the section provided, including a statement as to the extent and value of shortage or damage, where known. Any such notation should be signed by you.
>
> Very truly, yours,
>
> *(Name of billing carrier)*
>
> ----------
>
> By ----------
>
> (Name, Title)
>
> To: (Name of billing carrier).
>
> The property described herein was received (from the following carrier) ---------- ---------- at ---------- under date of ---------- in the exact quantity and weight shown above in apparent good order and condition, except as noted below.
>
> ----------
>
> (Signature and Title of Consignee)
>
> ----------
>
> (Date)
>
> Exceptions noted upon delivery of above shipment (if any):
>
> ----------
>
> (Signature of consignee)

§ 52.20 Certificate of billing carrier in lieu of waiver from delivering carrier.

On international airline shipments to be delivered at foreign destinations or on international and domestic shipments of unaccompanied baggage, when carriers elect to use the delivery receipt procedure provided in § 52.19 and the bill is presented by other than the delivering carrier, each bill for charges must be supported with a certificate in the form set forth below, in order to protect the United States from duplicate payments and from the consequences of loss, damage, or shrinkage of the property shipped:

> Certificate of Billing Carrier in Lieu of Waiver From Delivering Carrier
>
> In consideration of payment by the U.S. Government to the undersigned, for itself and all participating carriers, of the charges set forth in the attached bill and applicable for the transportation of the property covered by U.S. Government bill of lading No. -------, the undersigned agrees and guarantees (1) to make payment to all participating carriers of charges properly due them; (2) to assume liability for any loss, damage, or shrinkage in connection with the shipment covered by said bill of lading, notwithstanding that such loss, damage, or shrinkage may have occurred on the line or lines of participating carriers, and to compensate the United States therefor; (3) to refund promptly to the United States any amount found overcharged in connection with said shipment; and (4) to refund promptly to the United States any charges paid to the undersigned which have been or might be paid by the United States directly to any carrier participating in the movement covered by said bill of lading.
>
> ----------
>
> (Name of billing carrier)
>
> By ----------
>
> (Authorized Agent)

Temporary Receipt in Lieu of U.S. Government Bill of Lading

§ 52.21 Procedures for use and disposition of temporary receipt.

The use by the consignee of the Temporary Receipt in Lieu of U.S. Government Bill of Lading, SF 1107, should be restricted to instances in which the receipt of the original U.S. Government Bill of Lading is delayed, immediate delivery of the shipment is necessary, and this form of receipt is demanded by the carrier. Under no circumstances will transportation charges be paid or certified for payment based upon a temporary receipt. In order that payment of the transportation charges may be made without undue delay, the person responsible for issuing the temporary receipt must maintain a record of each such document issued, and must replace such temporary receipt with the original U.S. Government Bill of Lading as soon as such document is received or with a certificate in lieu of lost bill of lading when such document is used. The temporary receipt should then be marked canceled, and the number of the U.S. Government Bill of Lading or the certificate in lieu of lost bill of lading which replaced it should be noted thereon. The canceled temporary receipt then should be filed with the records of the office responsible for its issuance.

Certificate in Lieu of Lost U.S. Government Bill of Lading

§ 52.22 Circumstances requiring issuance.

If the original Government bill of lading cannot be found after diligent effort has been made to locate it and it is evident that it has been lost or destroyed, the Certificate in Lieu of Lost U.S. Government Bill of Lading, SF 1108, and memorandum thereof, SF 1108–A, are provided for use only by authorized Government employees as a basis for settlement of the charges for transportation of the property shipped on the lost original bill of lading.

§ 52.23 Issuance by consignee.

When it has been ascertained that the original Government bill of lading has been either lost or destroyed, a certificate in lieu of lost bill of lading may be issued by the consignee, provided that the consignee is an agency of the Government, or an official thereof, having access to such forms and with office records which will permit the maintenance of a permanent record of the issuance of such certificates by means of the memorandum copies thereof; and that the consignee has in his possession a memorandum copy of the lost original bill of lading, SF 1103–A or SF 1131–A, or the carrier's freight waybill, SF 1105 or SF 1133, on which the shipment moved, thus enabling him to accomplish the certificate in lieu of lost bill of lading in every detail.

§ 52.24 Issuance by issuing officer.

(a) In any other circumstance, the matter of lost original Government bills of lading must be brought to the attention of the issuing officer. Such officer will then issue the necessary certificate in lieu of lost bill of lading from his memorandum copy of the lost original bill of lading, or from information on the shipping order (SF 1104 or SF 1132) which must be obtained from the initial carrier. Except as provided below, this certificate in lieu of lost bill of lading will then be forwarded immediately to the consignee for execution of consignee's certificate of delivery and prompt surrender thereof to the destination carrier for accomplishment of its certificate and waiver and for billing.

(b) On international airline shipments from the continental United States destined to foreign countries or on international and domestic shipments of unaccompanied baggage via freight, the shipper (issuing officer), at the request of the carrier or its agent will surrender the certificate in lieu of lost bill of lading to the carrier or its agent authorized to bill for the charges. Proof of good order delivery (a properly executed delivery receipt) as prescribed in § 52.19 will be furnished by the billing carrier and must accompany the certificate in lieu of lost bill of lading. When the bill is presented by other than the delivering carrier a waiver as prescribed in § 52.20 will be furnished by the billing carrier.

§ 52.25 Certificate to be signed by consignee or the issuing officer.

The following certificate, which has been incorporated in the Certificate of Issuing Officer and in the Certificate of Consignee printed on the face of the Certificate in Lieu of Lost U.S. Government Bill of Lading, SF 1108, must be executed by the consignee or the issuing officer who issues the certificate in lieu of lost bill of lading:

> Issued in exact conformity with Standard Form No. ------- in my possession.

§ 52.26 Records and controls to be maintained.

A memorandum copy of every certificate in lieu of lost Government bill of lading issued by the consignee must be immediately forwarded by him to the issuing officer, who should note the issuance thereof, as well as all other certificates in lieu of lost bills of lading issued by himself, on the bill of lading accountability record and promptly forward the memorandum copies of such certificates

to the administrative accounting office concerned, where a system of controls designed to avoid duplicate payment of the transportation charges involved must be maintained.

§ 52.27 Original bill of lading located before settlement of bill—action to be taken.

It is to be understood that, if the original bill of lading is located by either the consignee or the carrier before settlement is made on the certificate in lieu of lost bill of lading, the original bill of lading will be substituted therefor and the certificate in lieu of lost bill of lading will be immediately marked with the notation:

Canceled—Original Bill of Lading Located and Delivered to the Destination Carrier.

The canceled certificate in lieu of lost bill of lading should then be returned to the office which originally issued it.

§ 52.28 Original bill of lading located after settlement of bill—action to be taken.

If the original bill of lading is located after settlement is made on the certificate in lieu of lost bill of lading, it will be forwarded with appropriate advice to the administrative office concerned, there to be properly voided and inscribed with the disbursing office symbol number, the D.O. voucher number (or the General Accounting Office certificate of settlement number), and the date paid. The voided original bill of lading will then be transmitted to the General Accounting Office.

CONVERSION OF COMMERCIAL BILL OF LADING TO U.S. GOVERNMENT BILL OF LADING

§ 52.29 Preliminary requirements for conversion.

Except as provided for in § 52.16, every precaution should be taken to guard against the shipment of property for the account of the United States on a commercial bill of lading or commercial express receipt, since payment to the carrier of the transportation charges will not be made by the Government on such commercial document alone. When property for the account of the United States unavoidably moves on a commercial bill of lading or commercial express receipt under circumstances not authorized by § 52.16 the words:

To Be Converted to a Government Bill of Lading.

must be placed on the original commercial document and on all copies thereof in a conspicuous manner. The original commercial document must be immediately forwarded by the shipper to the Government official who authorized the shipment or may, by agreement with the carrier receiving such shipment, be surrendered to the carrier, or its agent, to accompany the shipment or, at the discretion of the carrier, to be transmitted to destination by such other means as the carrier may elect.

§ 52.30 Procedure.

The procedure to be followed by the shipper, by the Government official who authorized the shipment, and by the consignee in connection with the shipment of property for the account of the United States which unavoidably moves on a commercial bill of lading or commercial express receipt is as follows:

(a) Whenever the original commercial bill of lading or commercial express receipt is forwarded by the shipper to the Government official who authorized the shipment, the latter should immediately prepare, or cause to be prepared, a Government bill of lading covering the shipment involved, which should be signed by him as the issuing officer. The commercial document on which the property was shipped should be securely attached to the Government bill of lading and both the Government bill of lading and the commercial document should be cross-referenced and then forwarded to the consignee without delay for execution of consignee's certificate of delivery on the Government bill of lading and surrender thereof to the destination carrier upon delivery of the shipment.

(b) When the original commercial bill of lading or commercial express receipt is surrendered to a carrier, the certificate:

Initial Carrier's Agent, by Signature Below, Certifies That He Received the Original of This Document.

must be placed on the original commercial document and on all copies thereof, and a memorandum copy of the original commercial document must be immediately forwarded by the shipper to the Government official who authorized the shipment. Upon receipt of the memorandum copy of the commercial document, said official should promptly prepare, or cause to be prepared, a Government bill of lading covering the property involved, sign it as issuing officer, and forward it to the consignee without delay, retaining the memorandum copy of the commercial document for his files. When the shipment and the original commercial document are delivered to the consignee by the carrier, the consignee should:

(1) Cross-reference the original commercial document and the Government bill of lading received from the Government official who authorized the shipment;

(2) Securely attach the commercial document to the Government bill of lading;

(3) Execute consignee's certificate of delivery on the Government bill of lading; and

(4) Promptly surrender such documents to the destination carrier for billing;

(c) In either of the above cases the signature of the agent of the initial carrier will not be required on the Government bill of lading as it will appear on the commercial document.

LOST COMMERCIAL BILLS OF LADING

§ 52.31 Procedures for conversion to U.S. Government bill of lading.

If the commercial bill of lading or commercial express receipt of which property for the account of the United States was unavoidably shipped becomes lost or destroyed, the following procedures will apply:

(a) When the consignee has in his possession the carrier's "Shipping Order," the carrier's "Freight Waybill" (A.A.R. Standard Form No. AD–129—Part 3), or the Railway Express Agency "Delivery Sheet," he may convert it to a Government bill of lading which he must obtain from the Government official who authorized the shipment, provided that:

(1) Procedure in the issuing office is designed to preclude the issuance of more than one Government bill of lading for the same shipment and

(2) A system of controls, designed to avoid duplicate payment of the transportation charges involved, is maintained by the administrative accounting office concerned.

(b) When the consignee does not have in his possession the carrier's "Shipping Order," the carrier's "Freight Waybill," or the Railway Express Agency "Delivery Sheet," he will be permitted, subject to the provisions of subparagraphs (1) and (2) of paragraph (a) of this section:

(1) To convert a photostat copy of the carrier's "Shippping Order" or the Railway Express Agency "Delivery Sheet" to a Government bill of lading which he must obtain from the Government official who authorized the shipment, provided that before photostating the commercial document the carrier will place thereon the notation:

Photostat Copy of This Document Furnished Consignee on _____ (Date) To Be Converted to a Government B/L.

or (2) to convert a certified true copy of the commercial documents furnished by the carrier, provided said certified true copy contains a carbon impression obtained by typing or otherwise placing on the carrier's "Shipping Order" or the Railway Express Agency "Delivery Sheet" the statement:

Certified True Copy of This Document Furnished Consignee on _____ (Date) To Be Converted to a Government B/L.

§ 52.32 Lost original commercial bills of lading subsequently recovered.

It is to be understood that, if the lost original commercial bill of lading or lost commercial express receipt is located subsequent to the conversion of the carrier's "Shipping Order," the carrier's "Freight Waybill" (A.A.R. Standard Form No. AD–129—Part 3), or the Railway Express Agency "Delivery Sheet" to a Government bill of lading, it will be forwarded with appropriate advice to the administrative office concerned. There, after payment has been effected on the Government bill of lading prepared from the commercial documents, the recovered original commercial bill of lading or commercial express receipt will be properly voided and inscribed with the disbursing office symbol number, the D.O. voucher number (or the General Accounting Office certificate of settlement number), and the date paid; it will then be transmitted to the General Accounting Office.

BILLING FOR FREIGHT OR EXPRESS TRANSPORTATION CHARGES

§ 52.33 Standard forms for billing freight or express transportation charges.

The following standard forms of public voucher for transportation charges are prescribed and published for general use throughout the Government service:

Standard Form No.

1113—Public Voucher for Transportation Charges (Original).
1113–A—Public Voucher for Transportation charges (Memorandum).

§ 52.34 Size and color.

The original Public Voucher for Transportation Charges, SF 1113, should be printed on white paper and be 8½ by 11 inches in size with the addition of an 8½ by 3⅜6 inch tear-off slip which is to be used by the disbursing office in mailing the check covering payment of the voucher. The memorandum of the voucher, SF 1113–A, should be printed on yellow paper in the same size as the original without the tear-off slip.

§ 52.35 Use of public voucher for transportation charges.

Public Voucher for Transportation Charges, SF 1113, and memorandum copy, SF 1113–A, will be used by carriers as the standard forms on which to bill their charges against all branches of the U.S. Government service for freight or express transportation furnished under the regulations in this chapter, except as provided in § 52.16 with respect to the use of commercial bills of lading.

§ 52.36 Preparation by carriers of public voucher for transportation charges.

(a) The arrangement of the voucher form requires the listing of the complete serial number and amount of each subvoucher (bill of lading, etc.); it does not provide for descriptive details of the service rendered. Except as provided in §§ 52.37 and 52.46, carriers are requested to make a special effort, when the charges are to be billed to the same office, to include as many subvouchers as possible on each voucher form, since such practice will materially reduce the number of forms used and the number of Government checks issued, and will expedite the payment and audit of transportation charges. However, the optional short form, as prescribed in § 52.6, and the regular Government bill of lading may not be billed together on the same voucher form.

(b) In the preparation of SF 1113, the carrier must properly execute the "Payee's Certificate." A facsimile signature of the carrier's certifying officer may be used or, for carriers which mechanically prepare bills, a machine-typed officer's name and title in lieu of such facsimile signature may be substituted: *Provided*, That the facsimile signature or machine-typed officer's name and title is autographically initialed by a duly authorized clerk.

(c) In the preparation of SF 1113, the carrier must properly execute the tear-off slip. A copy of SF 1113–A may not be substituted for the tear-off slip.

(d) The carrier will furnish to the department or establishment billed only one memorandum copy, SF 1113–A, with each voucher form unless specifically authorized in advance by the General Accounting Office to furnish extra copies.

§ 52.37 Separate billing for household goods shipments.

Each household goods shipment should be billed on a separate SF 1113, Public Voucher for Transportation Charges, except that domestic shipments of crated household goods shall not be subject to this requirement.

§ 52.38 Presentation and payment of carriers' bills for transportation services.

(a) With the exception of bills supported by commercial forms as authorized in § 52.16 and those supported by the optional short form Government bill of lading, bills will be prepared as provided in § 52.36 and presented to the paying agency of the department or establishment concerned for payment to:

(1) The last carrier (including a freight forwarder) in privity with the contract of carriage as evidenced by the covering bill of lading; or

(2) A participating carrier (including a freight forwarder) in privity with the contract of carriage as evidenced by the covering bill of lading, when submitted with a waiver accomplished by the last carrier (as described in subparagraph (1) of this paragraph) in favor of the billing carrier; or

(3) A carrier (as described in subparagraph (1) of this paragraph) or its properly designated warehouse agent as authorized in § 52.42(c); or

(4) An agent of the carriers (as described in subparagraph (1) or (2) of this paragraph) so long as the bill is submitted in the name of the principal. The agent's mailing address may be shown in such bills and the checks drawn in the name of the principal may be mailed to the agent.

(b) Bills supported by the optional short form Government bill of lading will be prepared as provided in § 52.36 and, as provided in § 52.10, presented not sooner than 15 days after shipping date to the paying agency of the department or establishment concerned for payment to the origin carrier only or its agent (if submitted in the name of the principal).

(c) Any bill presented for payment that is not in conformity with the requirements of this section should be returned by the paying agency to the billing party with appropriate advice as to the reasons for nonpayment.

(Sec. 52.38 issued under sec. 11, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 322, 54 Stat. 955, as amended, 49 U.S.C. 66)

§ 52.39 Purchase or reproduction of public voucher for transportation charges.

In view of the furnishing of the U.S. Government Freight Waybill (Original), SF 1105, and U.S. Government Freight Waybill (Carrier's Copy), SF 1106, for use by the carriers, it is agreed that the carriers will bear the cost of the transportation voucher forms, SF 1113 and SF 1113–A, with the understanding that the carriers may either purchase the said forms from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or print the forms themselves or have them printed by any association of carriers. It is understood, however, that, in reproducing the voucher forms outside the U.S. Government Printing Office, the exact size, wording, and arrangement approved by the Comptroller General of the United States must be adhered to and, while no minimum as to the grade of paper will be set, this Office will rely upon the carriers to provide a paper stock of reasonable grade and reserves the right to impose such a requirement. Inquiries with respect to the cost of the voucher forms should be addressed to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FACTUAL SUPPORT OF CHARGES BILLED

§ 52.40 Support for accessorial or special charges.

In connection with its audit activities the General Accounting Office has before it only what the carrier and the administrative agency have submitted as the record upon which the carrier was paid. There can be no knowledge of services furnished which vary from those ordered on the processing documents. In all instances where additional information or facts are necessary to support higher charges because of accessorial or special services ordered and furnished incident to the line-haul transportation, the U.S. Government Bill of Lading, SF 1103, shall be indorsed to show the name of the carrier upon which the request was made and the kind and scope of the special services ordered. This indorsement may be placed on the face of the bill of lading under the "Description of Articles" or in the block reserved for "Marks," if space is available, or in the space provided on the reverse side of the bill of lading for "Special Services Ordered," and shall be signed by or for the person who ordered the services. However, if such an indorsement is impractical, the same information may be set forth in a statement bearing the number of the covering bill of lading which shall be signed by or for the person who ordered the services, and, if possible, attached to the bill of lading. If the bill of lading is not available, the original and one copy of the statement shall be surrendered to the carrier from which the services were ordered, the original for transmittal to the last line-haul carrier and presentation in connection with the bill for line-haul transportation charges. Where accessorial or special services are shown as ordered but were not furnished, the bill of lading shall be so annotated.

§ 52.41 Completion of statements concerning pickup, delivery, or trap car services.

The U.S. Government Bill of Lading provides for showing whether the carrier furnished pickup, delivery, or trap car

service. In certain instances, tariffs covering pickup, delivery, or trap car service provide for the assessment of charges therefor in addition to line-haul charges. Acordingly, when pickup, delivery, or trap car service is performed by the carrier at the request of the shipper or consignee in connection with a Less-Than-Carload or an Any Quantity rail shipment, or on shipments by other modes of transportation when a charge is to be made for the pickup and/or delivery service, the Government bill of lading and available copies should be completed to show the authorized service was requested of and furnished by the carrier. Such statements should be signed by or for the person(s) who ordered the services at origin or destination.

§ 52.42 Motor carrier or freight forwarder destination storage-in-transit of household goods or mobile dwellings (including house trailers)—payment of transportation and accessorial charges.

(a) *Application.* These instructions relate only to shipments of household goods or mobile dwellings (including house trailers) forwarded for the account of the United States on a Government bill of lading.

(b) *Carrier defined.* The term "carrier" as used herein means "motor carrier" or "freight forwarder" which has been duly authorized, under certificate or permit, to operate as such in intrastate or interstate commerce.

(c) *Required certifications.* The payment of transportation charges from the point of shipment to the destination storage point on shipments of household goods or mobile dwellings (including house trailers) forwarded for the account of the United States on a Government bill of lading and stored in transit for account of the carrier and for ultimate delivery to the consignee or owner may be made upon completion of the transportation to the carrier's destination storage point and prior to ultimate delivery to the consignee, provided the carrier hauling the shipment to the destination storage point certifies on the covering Government bill of lading over the signature of its duly authorized representative:

(1) That the described household goods were placed in the carrier's storage warehouse at _____ on _____
(Destination warehouse) (Date)

or

that the mobile dwellings (including house trailers) were placed in destination storage at _____ on _____;
(Designated location) (Date)

(2) That such shipment will be permitted to remain there for a period of _____
(Number of days)
or such shorter period as may meet the consignee's or owner's demands; and

(3) That the carrier(s) hauling the shipment to the destination storage point assumes full carrier liability for the shipment during such storage and until delivery to the consignee or owner within the designated storage period.

If space on the Government bill of lading is not available, this certificate, with appropriate reference to the Government bill of lading number, may be made on plain paper and securely attached to the bill of lading. The carrier may, at its option, include in this certificate a statement designating the warehouse the agent of the carrier to voucher and receive payment in the name of the line-haul carrier from the Government for all storage-in-transit and delivery-out charges (and other applicable related charges) authorized by the Government bill of lading to which the certificate pertains. In these situations, a signed duplicate copy of such certificate should be attached in support of the supplemental bill covering such charges. However, when the warehouse is authorized to bill these charges for the carrier, the requirement in paragraph (d) of this section that supplemental billing bear the same bill number (with a letter suffix) as the carrier's original bill for transportation charges need not be observed.

(d) *Supplemental billing for accessorial charges.* When transportation charges have been paid as authorized in the preceding paragraph, the payment of accessorial charges, if any, accruing against the shipment after delivery into storage may be made upon presentation by the carrier of a claim therefor on SF 1113, which should bear the same bill number, except as provided in the last sentence of paragraph (c) of this section as the carrier's original bill for transportation charges but should carry a letter suffix (example: No. 12345–A). The claims for accessorial charges must identify the bill of lading covering the transportation service, show the basis for the accessorial charges claimed, and be supported by a statement of the following information signed and dated by the consignee, showing:

(1) Accessorial services ordered and furnished;

(2) Receipt of the shipment by the consignee or owner; and

(3) Loss or damage to the shipment, if any.

§ 52.43 Overseas transportation of household goods and/or personal effects of U.S. Government officers and employees traveling on official business.

(a) *Required documentation.* All bills submitted by freight forwarders or household goods transporters for the payment of transportation charges for the overseas movement of household goods and/or personal effects must be supported by a copy of the ocean freight bill in addition to the Government bill of lading. See paragraphs (b) and (c) of this section.

(b) *Use of American flag vessels.* Attention is directed to the provisions of section 901(a) of the Merchant Marine Act of 1936, 49 Stat. 2015, 46 U.S.C. 1241(a), relative to the required use of American flag vessels by officers and employees of the United States for the transportation of household goods and/or personal effects.

(c) *Use of foreign flag vessels.* Foreign flag service may be used only when American flag service is unavailable or where the necessity of the traveler's mission requires its use. In any instance where foreign flag ocean service is involved in the movement, the ocean carrier, freight forwarder, or household goods transporter must submit with the bill for charges a signed certification obtained from:

(1) Any person authorized by the Military Sea Transportation Service to sign such certification if the shipment is made by a military agency; or

(2) The agency official authorizing the use of the foreign flag vessel if the shipment is made by any other agency of the Government.

This certification should be as follows:

JUSTIFICATION CERTIFICATE FOR USE OF A FOREIGN FLAG VESSEL

_____
(Date)

I certify that it (is) (was) necessary to transport the household goods and/or personal effects of _____ between _____ and _____ en route from _____ to _____ via the _____, a foreign flag vessel, for the following reasons:

_____
(A full explanation is required)
_____
_____
_____

_____
(Signature of Authorizing Officer)

_____
(Title)

_____
(Post, station, or installation)

(d) *Responsibility of certifying officers.* Certifying officers have the responsibility in the first instance of determining the acceptability of the foregoing certificate which must be attached to bills involving movements by foreign flag vessels prior to the certification of such bills.

PROCEDURES PERTAINING TO SHIPMENTS ACCORDED TRANSIT PRIVILEGES

§ 52.44 Transit records; processing and distribution.

(a) *Section 22 quotation and tariff requirements.* Government installations should handle transit shipments in accordance with the provisions of the quotations issued under section 22 of the Interstate Commerce Act, as amended, 49 U.S.C. 22, or of the carriers' tariffs providing for the transit privileges.

(b) *The outbound application of transit tonnage.* Inbound transit tonnage should be utilized in the best interests of the Government, consistent with agency requirements. SF 1131, U.S. Government Transit Bill of Lading, should be used in billing outbound transit shipments. All inbound transit information should be entered accurately in the portion of the SF 1131 marked Transit Reshipping Certificate—Inbound Billing References.

(c) *Action by the paying office.* Where specific arrangements are in effect between agencies and the General Accounting Office, the paying office should verify, enter, or correct the information shown in the portion of the SF 1131 marked Transit Reshipping Certificate—Inbound Billing References.

(d) *Furnishing transit certificates.* Government installations notified that the paying office has arranged to verify, enter, or correct the inbound information shown on each SF 1131 are not required to prepare and furnish to the General Accounting Office documents showing the record of transit tonnage and application. Installations which have not been notified of such arrangements should furnish transit certificates (recording documents) to the General Accounting Office as follows:

(1) One copy to be furnished at the time of recording the inbound tonnage; and

(2) One copy to be furnished at the time of each reshipment, partial reshipment, or cancellation.

§ 52.45 Free or surrendered Government bill of lading.

Where the transportation charges to the transit station equal or exceed the through transportation charges plus the transit charge, the outbound bill of lading, properly accomplished, should be listed on and attached to SF 1113, Public Voucher for Transportation Charges. The SF 1113, bearing the carrier's bill number, should be surrendered to the administrative office of the agency for which the service was performed, accompanied by the carrier's check for any amount due the United States. The agency should annotate its records in conformity with its fiscal procedures. The information shown in the portion of the SF 1131 marked Transit Reshipping Certificate—Inbound Billing References should be verified, entered, or corrected as provided in § 52.44(c). Agencies not party to the specific arrangements with the General Accounting Office should enter the D.O. voucher number, date of payment, and the disbursing office symbol number and show bureau voucher number, if any. Forms SF 1113, together with the surrender bills of lading and notices of any refunds, should be forwarded to the Transportation Division, General Accounting Office, separately from any other documents.

§ 52.46 Separate billing for transit shipments.

To enable the General Accounting Office to segregate transit items and to audit them more expeditiously, the word "Transit" should be typed under "Serial No., including Symbol" on each SF 1113, Public Voucher for Transportation Charges, covering transit traffic. A separate bill should be used for each outbound shipment.

CONTRACTS AND TENDERS

§ 52.47 Contracts.

The original of each contract, negotiated or otherwise, for freight transportation rates or services—excluding contracts for local storage, drayage and hauling and contracts entered into by the Military Sea Transportation Service—shall be transmitted by administrative agencies, promptly upon execution, directly to the Transportation Division, U.S. General Accounting Office, Washington, D.C. 20548.

§ 52.48 Tenders.

Quotations or tenders made by or on behalf of common or contract carriers for freight transportation rates or services, including those made under section 22 of the Interstate Commerce Act, as amended, 49 U.S.C. 22, shall be reduced to writing and promptly transmitted by administrative agencies or the negotiating agency directly to the Transportation Division, U.S. General Accounting Office, Washington, D.C. 20548.

§ 52.49 Procurement and billing.

Any services ordered under such contracts or tenders shall be: (a) Secured by the issuance of Government bills of lading, each of which shall bear reference to the pertinent contract or tender; (b) billed by the carrier on SF 1113, Public Voucher for Transportation Charges; and (c) paid in the same manner as freight transportation generally.

VOLUNTARY REFUNDS BY CARRIERS

§ 52.50 Voluntary refunds by carriers.

Voluntary refunds (other than those covered in § 52.45) made by carriers to administrative offices to cover excess amounts billed and paid for freight or express services furnished should be reported by the administrative offices to the Transportation Division of the General Accounting Office. Each such report should include (a) a reference to each involved bill of lading and the amount refunded on each, (b) a citation to the related payment by reference to the involved D.O. voucher number, bureau voucher number (if any), date of payment, and the disbursing office symbol number, and (c) the name of the carrier and the carrier's bill number.

[SEAL] R. F. KELLER,
Comptroller General of the United States.

[F.R. Doc. 69–3460; Filed, Mar. 24, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 26—GRAIN STANDARDS

Subpart A—Regulations

Correction

In F.R. Doc. 69–1610 appearing at page 1859 of the issue for Saturday, February 8, 1969, the following changes should be made:

1. In the third line of § 26.19(a), the word "gain" should read "grain".

2. In the fifth line of § 26.59(b)(20), the word "of" should read "or".

3. In the third line of § 26.72(b)(1), the word "sample" should read "section".

4. In the eighth line of § 26.96(d), the word "employes" should read "employees".

PART 29—TOBACCO INSPECTION

Subpart C—Standards

REVISION OF MARYLAND STANDARD GRADES

On February 27, 1969, notice of proposed rule making regarding a revision to the Official Standard Grades for Maryland Tobacco was published in the FEDERAL REGISTER (34 F.R. 2667). Interested persons were given 10 days in which to submit written data, views, or arguments regarding the proposed revision. After consideration of all such relevant matter as was presented by interested persons, the revision as so proposed is adopted subject to the following change: In § 29.3299, the clause "which is subject to Internal Revenue tax" is deleted.

Since the Maryland tobacco markets officially open on April 8, 1969, there is insufficient time to publish this order 30 days prior to the effective date hereof. Therefore, it is hereby found and determined that good cause exists for making this order effective as provided herein, and that it would be contrary to the public interest to delay the effective date of this revision for 30 days after its publication in the FEDERAL REGISTER.

Effective date. This revision shall become effective on April 7, 1969.

Done at Washington, D.C., this 19th day of March 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

1. Subpart C of Part 29 is revised by deleting the heading "Official Standard Grades for Maryland Broadleaf Tobacco (U.S. Type 32)" and §§ 29.3251 to 29.3407 and substituting therefor, immediately after § 29.3182, the following:

OFFICIAL STANDARD GRADES FOR MARYLAND BROADLEAF TOBACCO (U.S. TYPE 32)

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29.3253 Air-dried.
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29.3255 Class.
29.3256 Clean.
29.3257 Color.
29.3258 Color symbols.
29.3259 Condition.
29.3260 Cured.
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Sec.
29.3271 Group.
29.3272 Injury.
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29.3277 Maryland Broadleaf, Type 32.
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ELEMENTS OF QUALITY

29.3371 Elements of quality and degrees of each element.

GRADES

29.3385 Seconds (X Group).
29.3386 Bright-crop or Thin-crop (C Group).
29.3387 Dull-crop or Heavy-crop (B Group).
29.3388 Tips (T Group).
29.3389 Nondescript (N Group).
29.3390 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3395 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.3401 Key to standard grademarks.

AUTHORITY: §§ 29.3251 to 29.3401 issued under sec. 14, 49 Stat. 734; 7 U.S.C. 511m.

DEFINITIONS

§ 29.3251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3252 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent house-burn and barn-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.3253 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3254 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.3371.)

§ 29.3255 Class.

A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, or by the method of cultivation, harvesting, or curing.

§ 29.3256 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4, § 29.3335.)

§ 29.3257 Color.

The third factor of the grade based on relative hues, saturations or chromas, and color values common to the type. Basic colors of Maryland Broadleaf tobacco are red, yellow, and green. The saturation of each color determines its degree of difference in vividness of hue and is expressed as follows:

(a) *Tan.* A light reddish yellow in hue, of high saturation and medium brilliance.

(b) *Cherry red.* A yellowish red in hue; a light to medium brown color of very high saturation and medium brilliance.

(c) *Red.* A reddish red yellow in hue; a medium to dark reddish-brown color of medium saturation and low brilliance.

(d) *Brown.* A reddish red yellow in hue; a very dark shade of brown color of low saturation and low brilliance.

(e) *Greenish.* A greenish reddish yellow or a greenish yellowish red in hue. (See definition, § 29.3270, and Rule 17, § 29.3348.)

(f) *Green.* Of the color green, the hue of which is somewhat less than that of fresh-growing grass. (See definition, § 29.3269, and Rule 18, § 29.3349.)

(g) *Variegated.* Diversified in external appearance with different colors, or an off color. (See definition, § 29.3307, and Rule 16, § 29.3347.)

§ 29.3258 Color symbols.

As applied to Maryland Broadleaf tobacco color symbols are: L—Tan, F—Cherry red, R—Red, D—Brown, V—Greenish, G—Green, K—Variegated.

§ 29.3259 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged. Maryland Broadleaf is air-dried or steam-dried for storage and aging.

§ 29.3260 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.3261 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 21, § 29.3352.)

§ 29.3262 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 22, § 29.3353.)

§ 29.3263 Elements of quality.

Elements of quality and the degrees used in the specifications of the Official Standard Grades for Maryland Broadleaf, Type 32, are shown in § 29.3371. Words have been selected to describe the degrees of each element.

§ 29.3264 Finish.

The reflectance factor in color perception. As applied to tobacco colors, it is used to describe the clearness or brightness of a color or hue.

§ 29.3265 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, et cetera. Abnormal amounts of dirt or sand also are included. (See Rule 22, § 29.3353.)

§ 29.3266 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.3267 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.3268 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter to indicate color. For example, C2L means Bright-crop, second quality, and tan color.

§ 29.3269 Green (G).

A color term applied to crude or immature tobacco. Any leaf which is crude to the extent of 20 percent or more or has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 18, § 29.3349.)

§ 29.3270 Greenish or unripe (V).

A color term applied to relatively thin unripe tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 17, § 29.3348.)

§ 29.3271 Group.

A division of a type covering several closely related grades based on certain characteristics which are related to stalk position or the general quality of the tobacco. Groups in Maryland Broadleaf, Type 32, are: Seconds (X), Bright-crop or Thin-crop (C), Dull-crop or Heavy-crop (B), Tips (T), Nondescript (N), and Scrap (S).

§ 29.3272 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See defintion of Damage, § 29.3261; chart, § 29.3371; and Rule 15, § 29.3346.)

§ 29.3273 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.3274 Leaf structure.

The cell development of a leaf as indicated by its porosity or solidity. (See chart, § 29.3371.)

§ 29.3275 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See chart, § 29.3371.)

§ 29.3276 Lot.

A pile, basket, bulk, hack, burden, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.3277 Maryland Broadleaf, Type 32.

That type of air-cured tobacco also known as Southern Maryland or Maryland Air-cured tobacco produced principally in southern Maryland.

§ 29.3278 Maturity.

The degree of ripeness. (See chart, § 29.3371.) The degrees of maturity are:

(a) *Mellow.* The highest degree of maturity in Type 32 tobacco. Tobacco of a soft, dry nature which is fluffy, fairly tender, and having a very open leaf structure resulting from extreme ripeness. It may contain a material amount of injury associated with overripeness.

(b) *Ripe.* The degree of maturity under mellow. Any leaf which has reached completeness or is thoroughly ripe, somewhat firmer in leaf structure than mellow tobacco but having an open to firm leaf structure, and may show injury characteristic of ripeness.

(c) *Mature.* The intermediate degree of maturity. Any leaf which has attained full development or completeness of growth. Tobacco which is just mature but lacking in quality characteristics associated with ripe tobacco. It may have a slight greenish color and firm to close leaf structure.

(d) *Unripe.* The degree of maturity used to describe any tobacco which has not reached full development or completeness of growth, or any unripe leaf which has a pale green color affecting 20 percent or more of its leaf surface may be described as greenish or unripe. Unripe tobacco is normally characterized by its slick surface and close or tight leaf structure.

(e) *Immature.* The lowest degree of maturity which is used to describe any tobacco that is green or undeveloped. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green or immature.

(f) *Crude.* A subdegree of maturity. Crude leaves are usually hard and compact and may be grayish or off colored as a result of extreme immaturity. A similar condition may result from sunburn or sunscald. Crude tobacco may or may not be green in color. Any leaf which is crude to the extent of 20 percent or more of its leaf surface may be described as crude.

§ 29.3279 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes: (a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See Rule 22, § 29.3353.)

§ 29.3280 No-G.

A designation applied to a lot of tobacco classified as rework, nested, offtype, semicured; tobacco that is damaged 20 percent or more, abnormally dirty, or extremely wet or watered; or tobacco that contains foreign matter or has an odor foreign to the type. (See Rule 22, § 29.3353.)

§ 29.3281 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Maryland Broadleaf, Type 32. Upper Country tobacco, Type 32b, is not considered offtype. (See definitions of No-G, § 29.3280; Upper Country, § 29.3306; and Rule 22, § 29.3353.)

§ 29.3282 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.3283 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.3284 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.3285 Quality.

A division of a group or the second factor of a grade, based upon the relative degree of one or more elements of quality in tobacco.

§ 29.3286 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.3287 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market. (See definition of No-G, § 29.3280; and Rule 22, § 29.3353.)

§ 29.3288 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See Rule 22, § 29.3353.)

§ 29.3289 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.3290 Sound.

Free of damage.

§ 29.3291 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rules 10, § 29.3341; 20, § 29.3351; 21, § 29.3352.)

§ 29.3292 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by

means of a redrying machine or other steam-conditioning equipment.

§ 29.3293 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.3294 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.3295 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.3296 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.3297 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.3298 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, siftings, or dust.

§ 29.3299 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.3300 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.3301 Type 32.

That type of air-cured tobacco commonly known as Southern Maryland tobacco or Maryland Air-cured and produced principally in southern Maryland.

§ 29.3302 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.3303 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as percentages in the grade specifications. (See chart, § 29.3371; and Rule 14, § 29.3345.)

§ 29.3304 Unsound (U).

Damaged under 20 percent. (See Rule 21, § 29.3352.)

§ 29.3305 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.3306 Upper Country.

Burley strains and tobacco known as "Upper Country," which do not have the characteristics of varieties commonly grown in southern Maryland, are classified as Type 32b.

§ 29.3307 Variegated (K).

Any leaf of which 20 percent or more of its surface is pale grayish yellow, gray, mottled, bleached, or stained and does not blend with the normal colors of the type or group and is characterized by a lower degree of leaf structure and maturity than tobacco of corresponding group and quality in the normal colors. (See Rule 16, § 29.3347.)

§ 29.3308 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 20, § 29.3351.)

§ 29.3309 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.3371.)

RULES

§ 29.3331 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.3332 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.3333 Rule 2.

The determination of grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3334 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than 12 inches from the top of the package and one not more than 12 inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.3335 Rule 4.

All standard grades must be clean.

§ 29.3336 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.3337 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.3338 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3339 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3340 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.3341 Rule 10.

Any special factor symbol approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.3342 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.3343 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3344 Rule 13.

Any lot of Dull-crop or Heavy-crop tobacco or any lot of tobacco having the general characteristics of Dull-crop or Heavy-crop in which 25 percent or more of its leaves are under 16 inches in length shall be designated as Tip group (T).

§ 29.3345 Rule 14.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. (These percentages shall not affect limitations established by other rules.) The minor portion must be of a closely related group, quality, and color.

§ 29.3346 Rule 15.

The application of injury tolerance as an element of quality shall be expressed in terms of percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the percent a lot contains. In appraising injury only detrimental injury such as portions decomposed by field diseases, field-firing, pole-burning, barn-burning, or wasted portions shall be considered. Physical characteristics associated with normal ripeness shall not be construed as detrimental injury and shall be overlooked in quality determination.

§ 29.3347 Rule 16.

Variegated tobacco may be included in any group as follows: In the second quality, 10 percent; and in the third quality up to 20 percent. Any lot of tobacco containing 20 percent or more of variegated leaves that are lower in maturity and tighter in leaf structure than tobaccos of normal colors for the group shall be described as "variegated" and designated by the color symbol "K."

§ 29.3348 Rule 17.

Any lot of unripe tobacco, any lot of tobacco containing 20 percent or more of greenish leaves, or any lot which contains 20 percent of greenish and green leaves combined shall be designated by the color symbol "V."

§ 29.3349 Rule 18.

Any lot of tobacco containing 20 percent or more of immature or green leaves, or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.3350 Rule 19.

Crude leaves shall not be included in any grade of any color except green. Any lot containing 20 percent or more of crude leaves shall be designated Nondescript.

§ 29.3351 Rule 20.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.3352 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.3353 Rule 22.

Tobacco shall be identified by the grademark "No-G" when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or needs to be reworked, contains foreign matter, or has an odor foreign to the type.

ELEMENTS OF QUALITY

§ 29.3371 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value.

Elements	Degrees				
Body	Tissuey	Thin	Medium	Fleshy	Heavy.
Maturity	Mellow	Ripe	Mature	Unripe	Immature.
Leaf structure	Porous	Open	Firm	Close	Tight.
Width		Spready	Normal	Narrow	
Length	Expressed in inches when applicable.				
Uniformity	Expressed in percentages.				
Injury tolerance	Expressed in percentages.				

GRADES

§ 29.3385 Seconds (X Group).

This group consists of relatively thin leaves which show material injury characteristic of leaves grown near the ground or below the midpoint of the stalk. Cured Seconds normally have a flat, open face and are wider in relation to their length than leaves from a higher stalk position.

U.S. grades	Grade names and specifications
X1L	Choice Quality Tan Seconds Tissuey, mellow, porous, 90 percent uniformity, and 10 percent injury tolerance.
X2L	Good Quality Tan Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3L	Low Quality Tan Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X1F	Choice Quality Cherry-red Seconds Tissuey, mellow, porous, 90 percent uniformity, and 10 percent injury tolerance.
X2F	Good Quality Cherry-red Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3F	Low Quality Cherry-red Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X2R	Good Quality Red Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3R	Low Quality Red Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X2V	Good Quality Greenish Seconds Thin, unripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3V	Low Quality Greenish Seconds Thin, unripe, open, 60 percent uniformity, and 40 percent injury tolerance.
X2K	Good Quality Variegated Seconds Medium body, unripe, firm, 75 percent uniformity, and 25 percent injury tolerance.
X3K	Low Quality Variegated Seconds Medium body, unripe, close, 60 percent uniformity, and 40 percent injury tolerance.
X2G	Good Quality Green Seconds Medium body, immature, firm, 75 percent uniformity, and 25 percent injury tolerance.
X3G	Low Quality Green Seconds Medium body, immature, close, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3386 Bright-crop or Thin-crop (C Group).

This group consists of leaves usually grown at the midpoint of the stalk. Cured leaves from this stalk position roll or curl and tend to conceal the stem or midrib. These leaves are of relatively thin body compared with the average body of the type. They are spready in relation to their length and have an oblate tip. Little ground injury is found in leaves of this group. Bright-crop or Thin-crop may also be described as first-bright, first-crop, or crop.

U.S. grades	Grade names and specifications
C1L	Choice Quality Tan Bright-crop Thin, ripe, open, spready, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
C2L	Good Quality Tan Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3L	Low Quality Tan Bright-crop Thin, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C1F	Choice Quality Cherry-red Bright-crop Thin, ripe, open, spready, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
C2F	Good Quality Cherry-red Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3F	Low Quality Cherry-red Bright-crop Thin, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2R	Good Quality Red Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3R	Low Quality Red Bright-crop Medium body, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2D	Good Quality Brown-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3D	Low Quality Brown Bright-crop Medium body, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2V	Good Quality Greenish Bright-crop Thin, unripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.

U.S. grades	Grade names and specifications
C3V	Low Quality Greenish Bright-crop Medium body, unripe, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2K	Good Quality Variegated Bright-crop Medium body, unripe, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3K	Low Quality Variegated Bright-crop Medium body, unripe, close, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2G	Good Quality Green Bright-crop Medium body, immature, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3G	Low Quality Green Bright-crop Medium body, immature, close, narrow, 60 percent uniformity and 40 percent injury tolerance.

§ 29.3387 Dull-crop or Heavy-crop (B Group).

This group consists of leaves usually grown above the midpoint of the stalk. Cured leaves from the upper stalk tend to fold face in and expose the stem or midrib. Upper stalk tobacco is of relatively heavy body compared with the average body of the type. Upper stalk leaves are narrow in relation to their length and have a pointed tip. Dull-crop or Heavy-crop may also be described as second-bright, dull, or semi-crop.

U.S. grades	Grade names and specifications
B1F	Choice Quality Cherry-red Dull-crop Medium body, ripe, open, normal width, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
B2F	Good Quality Cherry-red Dull-crop Fleshy, mature, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3F	Low Quality Cherry-red Dull-crop Fleshy, mature, close, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B1R	Choice Quality Red Dull-crop Fleshy, ripe, firm, normal width, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
B2R	Good Quality Red Dull-crop Heavy, mature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3R	Low Quality Red Dull-crop Heavy, mature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2D	Good Quality Brown Dull-crop Heavy, mature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3D	Low Quality Brown Dull-crop Heavy, mature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2V	Good Quality Greenish Dull-crop Medium body, unripe, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3V	Low Quality Greenish Dull-crop Fleshy, unripe, close, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2K	Good Quality Variegated Dull-crop Fleshy, unripe, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3K	Low Quality Variegated Dull-crop Heavy, unripe, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2G	Good Quality Green Dull-crop Fleshy, immature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3G	Low Quality Green Dull-crop Heavy, immature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3388 Tips (T Group).

This group consists of leaves usually grown at the top of the stalk. These relatively narrow and sharp-pointed leaves have the general characteristics of Dull-crop or upper stalk tobacco. A slightly lower degree of maturity and leaf structure is usually associated with the normal state of underdevelopment in Tips. Slightly heavier body results from a combination of substance and lower porosity.

U.S. grades	Grade names and specifications
T1F	Choice Quality Cherry-red Tips Medium body, ripe, open, normal width, 25 percent or more 16 inches or under in length, 90 percent uniformity, and 10 percent injury tolerance.
T2F	Choice Quality Cherry-red Tips Fleshy, mature, firm, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3F	Low Quality Cherry-red Tips Fleshy, mature, firm, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T1R	Choice Quality Red Tips Fleshy, ripe, firm, normal width, 25 percent or more 16 inches or under in length, 90 percent uniformity, and 10 percent injury tolerance.
T2R	Good Quality Red Tips Heavy, mature, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3R	Low Quality Red Tips Heavy, mature, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2D	Good Quality Brown Tips Heavy, mature, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3D	Low Quality Brown Tips Heavy, mature, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2V	Good Quality Greenish Tips Fleshy, unripe, firm, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3V	Low Quality Greenish Tips Fleshy, unripe, close, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2K	Good Quality Variegated Tips Fleshy, unripe, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3K	Low Quality Variegated Tips Heavy, unripe, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2G	Good Quality Green Tips Fleshy, immature, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3G	Low Quality Green Tips Heavy, immature, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3389 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

U.S. grades	Grade names and specifications
N1L	Best Thin-bodied Nondescript From the X and C groups; 60 percent injury tolerance.
N1F	Best Medium-bodied Nondescript From the C, B, and T groups; 60 percent injury tolerance.
N1R	Best Heavy-bodied Nondescript From the B and T groups; 60 percent injury tolerance.
N1G	Best Crude or Crude Green Nondescript Tolerance, 60 percent crude leaves or injury.
N2	Substandard Nondescript Nondescript of any group, quality, or color; tolerance, over 60 percent crude leaves or injury.

§ 29.3390 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grade	Grade name and specifications
S	Scrap Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.3395 Summary of standard grades.

MATURE TO MELLOW GRADES

Seconds

X1L	X3L	X2F	X2R
X2L	X1F	X3F	X3R

Bright-crop or Thin-crop

C1L	C1F	C2R	C3D
C2L	C2F	C3R	
C3L	C3F	C2D	

Dull-crop or Heavy-crop

B1F	B3F	B2R	B2D
B2F	B1R	B3R	B3D

Tips

T1F	T3F	T2R	T2D
T2F	T1R	T3R	T3D

UNRIPE GRADES

Seconds

X2V	X3V	X2K	X3K

Bright-crop or Thin-crop

C2V	C3V	C2K	C3K

Dull-crop or Heavy-crop

B2V	B3V	B2K	B3K

Tips

T2V	T3V	T2K	T3K

IMMATURE GRADES

Seconds

X2G	X3G

Bright-crop or Thin-crop

C2G	C3G

Dull-crop or Heavy-crop

B2G	B3G

Tips

T2G	T3G

Nondescript

N1L	N1F	N1R	N1G
N2			

Scrap

S

Special factors "U" and "W" may be applied to all grades.

Tobacco not covered by the standard grades is designated No-G.

KEY TO STANDARD GRADEMARKS

§ 29.3401 Key to standard grademarks.

Groups

X—Seconds.
C—Bright-crop or Thin-crop.
B—Dull-crop or Heavy-crop.
T—Tips.
N—Nondescript.
S—Scrap.

Qualities

1—Choice.
2—Good.
3—Low.

Colors

L—Tan.
F—Cherry red.
R—Red.
D—Brown.
V—Greenish.
K—Variegated.
G—Green.

[F.R. Doc. 69-3479; Filed, Mar. 24, 1969; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 15]

PART 775—FEED GRAINS

Subpart—1966–69 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1966–69 Feed Grain Program, 31 F.R. 8339, as amended, are hereby further amended as follows:

§ 775.402 [Amended]

1. Section 775.402(d)(3) is amended by changing the last sentence thereof to read as follows: "Sweet sorghums and sorghum-grass crosses shall be considered as grain sorghums for purposes of this subparagraph when in a mixture with corn or grain sorghums."

§ 775.404 [Amended]

2. Section 775.404(c)(2) is amended by changing the eighth sentence thereof to read as follows: "For purposes of this subparagraph, all persons or entities in each category listed below shall be considered as the same producer and fully responsible for the actions of any person or entity in that category: (i) A partnership and any member of the partnership; (ii) a corporation and the majority stockholder of such corporation (in applying this rule, a corporation can earn no payment if two or more stockholders with a combined majority interest in the corporation exceed the feed grain base on other farms in which they have an interest; and two or more stockholders with a combined majority interest in the corporation, each of whom is participating in the program, can earn no payment if the corporation exceeds the feed grain base on any farm in which it has an interest); (iii) an estate and an heir of the estate with over a 50 percent interest in the estate (in applying this rule, an estate can earn no payment if two or more heirs with a combined interest in the estate of over 50 percent exceed the feed grain base on other farms in which they have an interest; and two or more heirs with a combined interest in the estate of over 50 percent, each of whom is participating in the program, can earn no payment if the estate exceeds the feed grain base on any farm in which it has an interest); (iv) a trust and a beneficiary of the trust with over a 50 percent interest in the trust (in applying this rule, a trust can earn no payment if two or more beneficiaries with a combined interest in the trust of over 50 percent exceed the feed grain base on other farms in which they have an interest; and two or more beneficiaries with a combined interest in the trust of over 50 percent, each of whom is participating in the program, can earn no payment if the trust exceeds the feed grain base on any farm in which it has an interest); (v) minor children and the parent, guardian, or other person legally responsible for the minor unless the person legally responsible for the minor does not occupy the same household as the minor and shares no interest in the farming operations of the minor; (vi) husband and wife, except that the husband and wife may be considered as separate producers if the spouse receiving benefits under the program does not share to any degree in crops or proceeds thereof from the other farm, managerial control of the other farm is not shared by such spouse, and there have been no changes in the operations or managerial control of the other farm which would tend to defeat the purpose of the provisions of this subparagraph."

2A. Section 775.404(c)(2) is further amended by changing the last sentence thereof to read as follows: "Notwithstanding the foregoing, the following shall apply for 1969: (i) Any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child, or grandchild shall be considered a producer with an interest in the trust land for purposes of this subparagraph if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land; (ii) when the State committee, or the county committee with the approval of the State committee, determines that a corporation or trust was formed, modified, or used for the purpose of circumventing the provisions of this subparagraph, the corporation and any stockholder of the corporation, or the trust and any beneficiary of the trust, shall be considered as the same producer and fully responsible for the actions of the corporation or trust or of any stockholder or beneficiary of the corporation or trust; (iii) different corporations or trusts or estates having common stockholders or beneficiaries with a combined majority interest shall be considered as the same producer for purposes of applying the provisions of this subparagraph."

3. Section 775.410(g)(1) is amended to read as follows:

§ 775.410 County projected yields, farm projected yields, and diversion and price support payment rates.

* * * * * * *

(g) * * *

(1) *1966 and 1969.* Barley, 20 cents; corn, 30 cents; and grain sorghums, 29.68 cents.

* * * * * * *

§ 775.413 [Amended]

4. Section 775.413(e) is amended by changing the first sentence thereof to read as follows: "The operator may, upon approval of the county committee, withdraw Form 477 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Parts 718 and 719 of this chapter, as amended."

5. A new § 775.432 is added to read as follows:

§ 775.432 Changes effective for 1969.

Notwithstanding any other provisions of this subpart and Part 728 of this chapter, the following changes, in addition to any other specific amendments to the regulations, shall be applicable for 1969.

(a) *Malting barley exemption.* Section 775.429 shall not be applicable for 1969.

(b) *Oats and rye.* An oats-rye base shall be established only for the purpose

of substituting wheat for oats and rye under the provisions of § 728.507a of the regulations governing the wheat program for 1968–1969 (Part 728 of this chapter). An acreage devoted to a mixture which includes oats or rye shall be considered as oats and rye acreage only when the oats and rye content is more than 50 percent by weight at harvest, and the acreage is not considered as barley or wheat acreage.

(c) *Additional acre diversion payment rates.* The additional acre diversion payment rate for a farm shall be 45 percent of the result obtained by multiplying the basic county support rate for the crop of the commodity for the year preceding the current year adjusted to reflect any change between the national average rates for such preceding year's crop and the current year's crop of the commodity (which are found in § 775.427(d)) by the projected farm yield established for the commodity as provided in § 775.410(b). Except as otherwise provided in paragraphs (e) and (f) of § 775.410, the additional acre diversion payment rate shall apply to acreage diverted for payment in excess of the minimum acreage required to be diverted under § 775.404(b)(2).

(d) *Diversion payment.* (1) No diversion payment for minimum diversion shall be made for farms with total feed grain bases in excess of 25 acres: *Provided,* That a farm with a total feed grain base in excess of 25 acres but not in excess of 125 acres shall be eligible for a diversion payment on 25 acres if the farm operator makes a request therefor, such acreage is actually diverted, and no feed grains are produced on the farm; and, for purposes of computing the diversion payment, such farms shall be deemed to have a total feed grain base of 25 acres.

(2) The total acreage eligible for payment shall be credited first to the commodity with the largest applicable payment rate to the extent of the actual underplanted acreage of such commodity, and the remaining acreage, if any, eligible for payment shall be credited to other commodities in high to low payment rate order to the extent of the actual underplanting of such commodities: *Provided,* That for farms also complying with the wheat diversion program, the total acreage eligible for payment shall be credited as provided in § 725.507a of the regulations governing the wheat program for 1968–1969 (Part 728 of this chapter).

(e) *Division of payments and additional provisions relating to tenants and sharecroppers.* Regulations relating to the division of 1969 payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

(f) *Soybeans.* Acreage devoted to soybeans shall not be considered as devoted to the production of feed grains for the purpose of determining the acreage eligible for price support payment.

(g) *Substitute crops (alternate crops).* Part or all of the acreage diverted in excess of the minimum acreage required to be diverted under § 775.404(b)(2) may be devoted to crambe, guar, mustard seed, plantago ovata, safflower, sesame, and sunflower if the farm operator authorizes in writing on a form furnished by the county committee, a reduction in farm payments. The per acre reduction rate for crambe, guar, mustard seed, plantago ovata, and sesame shall be 50 percent and for safflower and sunflower 100 percent of the applicable additional acre diversion payment rates for the farm.

(h) *CRP, CCP, CAP, and RCP.* All provisions applying in these feed grain regulations to CRP, CCP, and CAP shall apply also be RCP.

(i) *Advance payment.* The total advance payment to be made on a farm shall be one-half the estimated total division payment to be earned. Each producer's share of the advance payment for the farm shall be obtained by multiplying his percentage share of the feed grain diversion payment as specified on Form 477 by the total advance feed grain payment for the farm.

(Sec. 16(i), 79 Stat. 1190, 16 U.S.C. 590p(i); sec. 105(e), 79 Stat. 1168, as amended, 7 U.S.C. 1441 note)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 19, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3476; Filed, Mar. 24, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL

[No. 22,672]

PART 512—RULES FOR INVESTIGATIVE PROCEEDINGS AND FORMAL EXAMINATION PROCEEDINGS

MARCH 19, 1969.

Resolved that, upon the basis of consideration by it of the advisability of prescribing rules of practice and procedure governing the conduct of examinations under paragraph (2) of subsection (m) of section 407 of the National Housing Act, as amended (12 U.S.C. 1730(m)(2)) and investigations under paragraph (2) of subsection (h) of section 408 of said Act, as amended (12 U.S.C. 1730a(h)(2)) and for the purpose of providing such rules, the Federal Home Loan Bank Board hereby amends the general regulations of the Federal Home Loan Bank Board by adding a new Part 512 to read as follows, effective March 25, 1969:

Sec.
512.1 Scope of part.
512.2 Definitions.
512.3 Confidentiality of proceedings.
512.4 Transcripts.
512.5 Rights of witnesses.
512.6 Obstruction of the proceedings.
512.7 Subpenas.

AUTHORITY: The provisions of this Part 512 issued under secs. 402, 407, 48 Stat. 1256, 1260, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071.

§ 512.1 Scope of part.

This part prescribes rules of practice and procedure applicable to the conduct of investigative proceedings under section 408(h)(2) of the National Housing Act (referred to in this part as the "Act"), as amended (12 U.S.C. 1730a(h)(2)), and to the conduct of formal examination proceedings with respect to insured institutions and affiliates under section 407(m)(2) of the Act, as amended (12 U.S.C. 1730(m)(2)). This part does not apply to adjudicative proceedings as to which hearings are required by statute, the rules for which are contained in Part 509 of this chapter.

§ 512.2 Definitions.

As used in this part:

(a) "Board" means the Federal Home Loan Bank Board as the operating head of the Federal Savings and Loan Insurance Corporation;

(b) "Investigative proceeding" means an investigation conducted under section 408(h)(2) of the Act;

(c) "Formal examination proceeding" means the administration of oaths and affirmations, taking and preserving of testimony, requiring the production of books, papers, correspondence, memoranda, and all other records, the issuance of subpenas, and all related activities in connection with examinations of insured institutions and affiliates thereof conducted under section 407(m)(2) of the Act; and

(d) "Designated representative" means the person or persons empowered by the Board to conduct an investigative proceeding or a formal examination proceeding.

§ 512.3 Confidentiality of proceedings.

All formal examination proceedings shall be private and, unless ordered otherwise by the Board, all investigative proceedings shall also be private. Unless otherwise ordered or permitted by the Board, or required by law, and except as provided in §§ 512.4 and 512.5, the entire record of any investigative proceeding or formal examination proceeding, including the Board resolution authorizing the proceeding, the transcript of such proceeding, and all documents and information obtained by the designated representative during the course of said proceeding, shall be for the confidential use of only the Board and its staff, and no part of such record shall be made public.

§ 512.4 Transcripts.

Transcripts, if any, of investigative proceedings or formal examination proceedings shall be recorded solely by an official reporter or by any other person or means authorized by the designated representative. A person who has submitted documentary evidence or given testimony in an investigative proceeding or formal examination proceeding shall be entitled to procure a copy of his documentary evidence or a transcript of his own testimony on payment of the cost thereof: *Provided,* That, in a private proceeding, a person seeking a transcript of his own testimony shall file a written request with the Board stating the reason he desires to procure such transcript, and the Board may for good cause deny such request. In any event, any witness (or his counsel) upon proper identification, shall have the right to inspect the transcript of the witness' own testimony.

§ 512.5 Rights of witnesses.

(a) Any person who is compelled or requested to furnish documentary evidence or give testimony at an investigative proceeding or formal examination proceeding shall have the right to examine, upon request, the Board resolution authorizing such proceeding. Copies of such resolution shall be furnished, for their retention, to such persons only with the approval of the Director or the Deputy Director of the Office of Examinations and Supervision and the concurrence therewith of the General Counsel, the Deputy General Counsel, or an Associate General Counsel of the Board.

(b) Any witness at an investigative proceeding or formal examination proceeding may be accompanied, represented, and advised by counsel, who may be present with him during any investigative proceeding or formal examination proceeding. Such counsel may advise the witness before, during, and after the taking of his testimony and may briefly question the witness, on the record, at the conclusion of his testimony, for the sole purpose of clarifying any of the answers the witness has given. During the taking of the testimony of a witness, such counsel may make summary notes solely for the use of his client. All witnesses shall be sequestered, and, unless permitted in the discretion of the designated representative, no witness or accompanying counsel may be permitted to be present during the taking of the testimony of any other witness called in such proceeding.

(c) Unless otherwise ordered by the Board, in any public investigative proceeding (but in no other proceeding under this part), if the record shall contain implications of wrongdoing by any person, such person shall have the right to appear on the record; and in addition to the rights afforded other witnesses under this part, he shall have an opportunity to cross-examine and produce rebuttal testimony and/or documentary evidence. Such person shall be granted as full an opportunity to assert his position as may be consistent with administrative efficiency and with avoidance of undue delay, in the discretion of the designated representative.

§ 512.6 Obstruction of the proceedings.

The designated representative shall report to the Board any instances where any witness or counsel has engaged in dilatory, obstructionist, or contumacious conduct or has otherwise violated any provision of this part during the course of an investigative proceeding or formal examination proceeding; and the Board may take such action as the circumstances warrant, including the exclusion of counsel from further participation in such proceeding.

§ 512.7 Subpenas.

(a) *Service.* Service of a subpena in connection with an investigative proceeding or formal examination proceeding shall be made upon the person named in the subpena by delivering a copy of the subpena to such person and by tendering the fees for 1 day's attendance and the mileage as specified by paragraph (c) of this section. When the subpena is issued at the instance of the Board or its staff, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpena and, when appropriate, tender of the fees to a natural person may be made by handing them to such person; or by leaving them at his office with the person in charge thereof or, if there is no one in charge, by leaving them in a conspicuous place therein; or by leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; or by mailing them by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpena and tender of the fees (when appropriate) may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person; or by mailing them by registered or certified mail to any such representative at his last known address; or by any method whereby actual notice is given to any such representative and the fees are made available prior to the return date.

(b) *Motions to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance, but on no event more than 5 days after the date of service of such subpena, apply to the designated representative, or if he is unavailable, to the Board, to quash or modify such subpena, accompanying such application with a brief statement of the reasons therefor. The designated representative or the Board, as the case may be, may: (1) Deny the application; (2) quash or revoke the subpena; (3) modify the subpena; or (4) condition the granting of the application on such terms as the designated representative or the Board, as the case may be, determines, in his or its discretion, to be just, reasonable, and proper.

(c) *Attendance of witnesses.* Subpenas issued in connection with any investigative proceeding or formal examination proceeding may require the attendance and testimony of witnesses from any State or territory of the United States and the production by such witnesses of documentary or other tangible evidence at any designated place where the proceeding is being (or is to be) conducted. Witnesses summoned in any proceeding under this part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Witness fees and mileage shall be paid by the Board, except that whenever a person, during the course of a public investigative proceeding, calls witnesses on his own behalf as provided for by paragraph (c) of § 512.5, such person shall be responsible for the payment of fees and mileage with respect to those witnesses called by him.

Resolved further that the provisions of this Part 512 shall be applicable to any investigative proceeding or formal examination proceeding pending on the above effective date.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 69-3483; Filed, Mar. 24, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-34; Amdt. 4]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of March 1969.

Part 389 of the Board's Organization Regulations (14 CFR Part 389) establishes a system of filing and license fees, and fees for special services. When the Board established the fee system at the end of 1967 (OR-27), it stated that it would review fees periodically. In addition, the Board stated in Regulation SPR-28 that it would amend Part 389 to impose certain fees. The Board therefore proposes to modify Part 389 in several respects.

License fees. At present, § 389.21(b) directs that license fees be paid within 30 days of notification, or before service is begun, unless the Board specifies otherwise. The Board and the carriers have encountered problems under this formulation of the rule. Consequently, we will modify the provisions to require that unless the Board specifies otherwise, license fees shall be paid before the date when the certificate states that it shall become effective. Failure of a carrier to make payment within the required period will, in the Board's discretion, constitute a ground for rescission of the authorization.

Waiver and exemption requests under § 389.25(j). Section 389.25(j) prescribes a filing fee for a request for a waiver of the provisions of Part 208 or Part 295 of the economic regulations. At the present time, no charge is imposed on a request for a waiver of the provisions of Part 378 of the special regulations. Since the amount of work involved in processing

requests for Part 378 waivers approximates that involved in processing requests under Parts 208 and 295, we will prescribe the same fee for Part 378 requests. However, we will eliminate fees for requests under Part 295 for permission to return passengers who have missed the return flight of their charter group because of unavoidable and unforeseeable circumstances. And we shall place a $200 ceiling on fees for applications for exemptions to perform a specific number of charters.

Tour prospectus fee. For inclusive tours commencing in 1969, the Board has required the filing of a tour prospectus in lieu of a statement of authorization. In place of the fee for the latter document, we will substitute a new § 389.25(l), imposing a filing fee for each tour prospectus. By Regulation SPR–28, January 7, 1969, we indicated that we would set the fee for a prospectus relating to foreign tour operators at $5 for each tour charter described in the prospectus, subject to a minimum charge of $25 per prospectus. On further consideration, we will reduce the fee to $25 for each prospectus, regardless of the number of charters described; and we will make the fee applicable to tours operated for domestic and foreign tour operators alike.

We have also made certain changes in Subpart B, relating to Fees for Special Services, with respect to fees for copying magnetic tapes and payment of fees for certification by the Secretary.

Because this regulation is a rule of agency practice and procedure, notice and public procedure are not required and the regulation will be made effective 30 days after publication in the FEDERAL REGISTER. However, since this amendment is being issued as a final rule, we will permit interested persons to file petitions for reconsideration with respect to any new fees. Twelve (12) copies of such petitions should be filed with the Docket Section, Civil Aeronautics Board, Room 712, Universal Building, Washington, D.C. 20428, on or before April 14, 1969. Copies of any petition filed will be available for examination by interested persons in the Docket Section. The filing of petitions for reconsideration will not operate to stay the effective date of the rule.

Accordingly, the Civil Aeronautics Board hereby amends Part 389 of its Organization Regulations (14 CFR Part 389) effective April 24, 1969, as follows:

1. Amend § 389.14a to read as follows:

§ 389.14a Furnishing magnetic tapes for copying.

(a) The Director, Bureau of Accounts and Statistics, will furnish, upon written request, one or more magnetic tapes prepared by the Board from air carrier reports filed with the Board, to members of the public for copying by a reputable computer service bureau of the applicant's choosing and at applicant's expense. A fee of two hundred dollars ($200) for each 2,400-foot tape will be charged for permission to make a copy, except that such fee shall be prorated where a full tape is not required for copying. Subject to a minimum charge of twenty-five dollars ($25) per tape, a prorated fee shall be based on the tape footage required for copying the data sought. The Director, Bureau of Accounts and Statistics, shall determine the footage so required on the basis of a standard number of records per inch of tape, using the standard tape blocking factor prescribed for the type of subject matter involved. The request shall include a complete description of the data sought as well as the period or periods of time to which such data relate. The applicant shall undertake to return the tapes to the Board within such time period as may be prescribed by the Director, Bureau of Accounts and Statistics. The applicant, or his agent, shall agree to bear the cost of replacing any tape which may be damaged or destroyed.

(b) Where the tape contains data exempt from disclosure pursuant to 5 U.S.C. 552(b) or which have been withheld from public disclosure by the Board, the Director, Bureau of Accounts and Statistics, may arrange for the copying of the nonconfidential portion of the tape, at the applicant's expense, by the Board facilities or by an outside contractor selected by the Board. When the copying is performed by the Board, the charge for the copying will be seventy-five dollars ($75.00) per computer-metered hour or fraction thereof. Whenever the authority provided by this paragraph is invoked, the applicant shall also pay the fee set forth in paragraph (a) of this section for the privilege of copying.

2. Amend the second paragraph of § 389.15 to read as follows:

§ 389.15 Certification of copies of documents.

* * * * *

(a) Certification of the Secretary, $2. This fee includes clerical services involved in checking the authenticity of records to be certified. If copying of the documents to be certified is required, the copying charges provided for in § 389.14 will be in addition to the charges specified in this section.

3. Amend § 389.21(b) to read as follows:

§ 389.21 Payment of fees.

* * * * *

(b) Unless the Board specifies otherwise, the license fee required by § 389.25(a)(2) shall be paid before the date when the certificate states that it shall become effective if not postponed. Failure of a carrier to make timely payment of a license fee will, in the Board's discretion, constitute a ground for rescission of the authorization to which the fee is attributable.

* * * * *

4. Amend § 389.25(j) and (l) to read as follows:

§ 389.25 Schedule of filing and license fees.

* * * * *

(j) *Other exemptions and Parts 208, 295, and 378 waivers.* (1) Except as provided in subparagraph (2) of this paragraph, the filing fee for (i) an application for exemption under section 101(3) or section 416(b) of the Act, except applications within the provisions of paragraph (h) or (i) of this section, or (ii) a request under § 208.3a, § 295.3, or § 378.30 of this chapter for a waiver of any of the provisions of Part 208, Part 295, or Part 378 of this chapter, respectively, is $55: *Provided,* That the filing fee for an application for exemption for the performance of a specific number of charters (one-way or round-trip) is $55, plus $5 for each charter (one-way or round-trip) described, subject to a maximum fee of $200.

(2) There shall be no filing fee for a request for waiver of the provisions of Part 295 of this chapter in order to permit a carrier to transport passengers who have missed the return flight of their charter group because of illness or injury (to the passengers or members of their immediate families), weather conditions, or unforeseeable and unavoidable delays in ground transportation or connecting air transportation, if (i) the carrier's contract exempts it from responsibility to transport the passengers, and (ii) the carrier has informed the passengers both of the flight time and its lack of responsibility to transport passengers who fail to report in time. In order to qualify under this subparagraph, requests for waiver of Part 295 of this chapter must contain a detailed factual showing that this subparagraph applies, together with supporting documents such as doctors' certificates, if applicable.

* * * * *

(l) *Tour prospectus.* The filing fee for each tour prospectus filed pursuant to § 378.18 or § 378.19 of this chapter is $25.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, 72 Stat. 743, 49 U.S.C. 1324(a), 5 U.S.C. 140)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–3500; Filed, Mar. 24, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1495]

PART 13—PROHIBITED TRADE PRACTICES

John C. Hamilton et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, John C. Hamilton et al. doing business as Chinchilla Breeders of New England, Portland, Conn., Docket C–1495, Feb. 20, 1969]

In the Matter of John C. Hamilton and William Nathaniel, Individuals, Trading and Doing Business as Chinchilla Breeders of New England

Consent order requiring two Portland, Conn., sellers of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of their stock, deceptively guaranteeing the fertility of the stock, and misrepresenting services to their customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents John C. Hamilton, an individual, and William Nathaniel, an individual, trading as Chinchilla Breeders of New England, or under any other name or names and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements or garages, or other quarters or buildings or that large profits can be made in this manner: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented quarters or buildings have the requisite space, temperature, humidity, ventilation, and other environmental conditions which would make them adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis and that large profits can be made in this manner.

2. Breeding chinchillas, as a commercially profitable enterprise, can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive pedigreed or high quality chinchillas or any other grade or quality of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers do actually receive chinchillas of the represented grade or quality.

5. Each female chinchilla purchased from respondents and each female offspring will produce at least three live young per year.

6. The number of live offspring produced per female chinchilla is any number or range of numbers: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number or range of numbers of offspring are actually and usually produced by female chinchillas purchased from respondents or the offspring of said chinchillas.

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to three live offspring at 111-day intervals.

8. The number of litters or sizes thereof produced per female by respondents' chinchilla breeding stock is any number or range thereof: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number or range thereof of litters and sizes thereof are actually and usually produced by chinchillas purchased from respondents or the offspring of said chinchillas.

9. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $20 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell for from $20 to $55 each.

10. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price, average price, or range of prices are actually and usually realized for pelts produced by chinchillas purchased from respondents or by the offspring of such chinchillas.

11. A purchaser starting with four females and one male will have, from the sale of pelts, an annual income, earnings or profits of $5,000 in the fifth year after purchase.

12. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

14. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

15. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

16. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

17. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all of their obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

B. 1. Misrepresenting in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits of purchasers of respondents' chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of the respondents' products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 20, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–3464; Filed, Mar. 24, 1969; 8:45 a.m.]

[Docket No. C–1497]

PART 13—PROHIBITED TRADE PRACTICES

Lydia Kessler, Ltd., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2–5, 54 Stat. 1128–1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Lydia Kessler, Ltd., et al., New York, N.Y., Docket C–1497, Feb. 20, 1969]

In the Matter of Lydia Kessler, Ltd., a Corporation, and Lydia Kessler and Frances Van Blarcom, Individually and as Officers of Said Corporation

Consent order requiring a New York City retailer of ladies' ready-to-wear garments to cease misbranding its wool and textile fiber products, and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any such wool product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4(a)(2) of said Act.

It is further ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding such textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or causing or participating in the removal or mutilation of the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

It is further ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to keep such records when substituting a stamp, tag, label, or other identification pursuant to section 5(b) as would show the information set forth on the stamp, tag, label, or other identification that was removed, and the name or names of the person or persons from whom such textile fiber product was received.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 20, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3463; Filed, Mar. 24, 1969; 8:45 a.m.]

[Docket No. C–1496]

PART 13—PROHIBITED TRADE PRACTICES

Mandel Bros. & Rosenberg, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Mandel Bros. & Rosenberg, Inc., et al., New York, N.Y., Docket C–1496, Feb. 20, 1969]

In the Matter of Mandel Bros. & Rosenberg, Inc., a Corporation, and Albert Mandel and David Rosenberg, Individually and as Officers of Said Corporation, and Martin G. Mandel, Individually and as General Manager of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding and false invoicing its fur products and misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Mandel Bros. & Rosenberg, Inc., a corporation, and its officers, and Albert Mandel and David Rosenberg, individually and as officers of said corporation, and Martin G. Mandel, individually and as the General Manager of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Mandel Bros. & Rosenberg, Inc., a corporation, and its officers, and Albert Mandel and David Rosenberg, individually and as officers of said corporation, and Martin G. Mandel, individually and as the General Manager of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth required information, on labels attached to wool products consisting of two or more sections of different fiber content, in such a manner as to show the fiber content of each section in all instances where such marking is necessary to avoid deception.

4. Failing to set forth separately and distinctly as part of the required information on the stamp, tag, label or other mark of identification of a garment which contains an interlining, the fiber content of such interlining as required by Rule 24(b) of the rules and regulation under the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of the order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 20, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3465; Filed, Mar. 24, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Coordination Product of Zinc Ion and Maneb

A petition (PP 8F0625) was filed with the Food and Drug Administration by the Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of tolerances for residues of a fungicide that is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on various raw agricultural commodities.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances on all the commodities except: 0.5 part per million in or on onions (dry bulb) and 0.1 part per million (negligible residue) in or on asparagus.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.176 is amended by revising the last paragraph and adding a new paragraph thereafter, as follows:

§ 120.176 Coordination product of zinc ion and maneb; tolerances for residues.

* * * * *

0.5 part per million in or on corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husks removed), cottonseed, kidney, liver, onions (dry bulb), and peanuts.

0.1 part per million (negligible residue) in or on asparagus.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 18, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-3466; Filed, Mar. 24, 1969; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Hall Indian Irrigation Project, Idaho; Payments

There was published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1168–1169), a notice to amend § 221.33 of Part 221 of the Code of Federal Regulations, Title 25—Indians, by providing a grace period from April 1 to July 1, in which the landowners or water users may pay their assessments without a penalty charge.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. Accordingly, the proposed amendment is hereby adopted without change and is set forth below.

Section 221.33 is amended to read as follows:

§ 221.33 Payments.

The assessments fixed in § 221.32 shall become due on April 1 of each year and are payable on or before that date. To all assessments against lands in non-Indian ownership and against lands in

Indian ownership which do not qualify for free water under § 221.34 remaining unpaid on or after July 1 following the due date there shall be added a penalty of one-half of 1 percent per month or fraction thereof from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under § 221.34, an approved lease must be on file at the Fort Hall Agency.

ROBERT L. BENNETT,
Commissioner of Indian Affairs.

[F.R. Doc. 69-3469; Filed, Mar. 24, 1969; 8:46 a.m.]

PART 221—OPERATION AND MAINTENANCE CHARGES

Blackfeet Indian Irrigation Project, Montana; Correction

In F.R. Doc. 69-2881 appearing at page 5062 in the issue of Tuesday, March 11, 1969, the seventh line under § 221.130 *Basic assessment* should be corrected to read: "• • • lands to which water can be delivered under • • •."

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-3481; Filed, Mar. 24, 1969; 8:47 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Filing of Charges

Section 1601.7 is revised to read as follows:

§ 1601.7 Where to file.

Such charge may be filed at the offices of the Commission in Washington, D.C., or at any of its field offices or with any designated representative of the Commission.

(Sec. 713, 78 Stat. 265, 42 U.S.C. 2000e-12)

Because the amendment herein adopted is procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 554, for public notice and delay in effective date are inapplicable. Therefore, this amendment is effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 17th day of March 1969.

[SEAL] CLIFFORD L. ALEXANDER, Jr.,
Chairman.

[F.R. Doc. 69-3462; Filed, Mar. 24, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 199—DEFENSE ORGANIZATIONAL ENTITY STANDARDS (DOES) PROGRAM

The Deputy Secretary of Defense has approved the following:

Sec.

199.1 Purpose.
199.2 Applicability and scope.
199.3 Objective.
199.4 Definitions.
199.5 Policies.
199.6 Responsibilities.
199.7 Security classification.
199.8 Approved Standard Data Element and Related Features.
199.9 Table A and Table B.

AUTHORITY: The provisions of this Part 199 issued under 10 U.S.C. 125, 133, 136.

§ 199.1 Purpose.

Pursuant to DoD Directives 7000.1, August 22, 1966,[2] Directive 5000.11, December 7, 1964,[1] and Directive 5110.1, July 11, 1964 published at 29 F.R. 11539, this part establishes the Defense Organizational Entity Standards (DOES) Program and related policies and responsibilities; and authorizes the development and issuance of related procedures and systems specification.

§ 199.2 Applicability and scope.

The provisions of the program will (a) apply to all elements of the Department of Defense concerned with development, use, and maintenance of data systems; (b) govern the uniform registration and coding of Organizational Entities which must be identified by DoD; (c) govern the uniform management of Organizational Entity Attributes and Attribute Data.

§ 199.3 Objective.

To insure optimum accuracy, uniformity, and economy throughout DoD in the identification of Organizational Entities; and, in the management and provision of data about them.

§ 199.4 Definitions.

(a) *Attribute.* Any quality, characteristic, or circumstance which inheres in or directly relates to Organizational Entities; e.g., name, primary function, communications call sign, and location code.

(b) *Attribute Data.* The specific value of an Attribute as it relates to a given Organizational Entity. For example, the Attribute Data for "Primary Function" of a given OE might be "Procurement."

(c) *Organizational Entity (OE).* A unique framework of authority within which a person or persons act, or can act, towards some (extra-personal or extra-family) purpose; e.g., most things commonly called organization, part of an organization, establishment, activity, unit, enterprise, institution, company, corporation, agency, bureau, office, group, committee.

(NOTE: The definition excludes things like: Geographic locations; "fiscal account," insofar as the intended meaning of that term excludes the authority having accountability; and a mechanical contrivance and/or its function, insofar as the intended meaning excludes associated human resource.)

(d) *Registration.* The record of Attribute Data obtained and maintained about the select Attributes of an Organizational Entity to establish and maintain proof of its existence and unique identity. An Organizational Entity is registered when such a record has been established for it.

§ 199.5 Policies.

(a) The identity of each Organizational Entity which must be identified within DoD will be Registered in accordance with procedures published pursuant to this part. Each registered OE will be assigned a standard Organizational Entity Identity Code (OEI Code) in accordance with the coding criteria prescribed with the approved DoD Standard Data Element "Organizational Entity." (See § 199.8.)

(b) OEI Codes will be used in all newly developed data and communications systems. In all existing data and communications systems, OEI Codes will be implemented at the earliest practicable date, but no later than July 1, 1971. In the interim, any existing symbolic forms for representing OEs will be cross-referenced and maintained with their standard OEI Codes. This cross-reference will be maintained only until the use of existing symbolic forms is no longer required. Any exception to these provisions will require the approval of the Assistant Secretary of Defense (Comptroller).

(c) All Attributes and Attribute Data will be uniformly managed in accordance with procedures published pursuant to this part. To the greatest extent feasible, all Attribute Data for an Organizational Entity will be maintained with its registration.

(d) An Organizational Entity will be designated within each DoD Component as the Data Base Management Office (DBMO) with the functions for registering and coding Organizational Entities of that Component and for managing Attribute Data of that Component's interest. The DBMO shall provide the central point of contact within its Component for all DOES Program matters.

(e) In the interest of economy in organization and with approval of the Assistant Secretary of Defense (Comptroller) and the Secretaries of the Military Departments, the Joint Chiefs of Staff or Agency Directors concerned; one DoD Component may act for, and service, one or more other DoD Components under

See footnote at end of document.

a common service agreement (DoD Directive 4000.19, "Basic Policies and Procedures for Interservice and Interdepartmental Logistic Support (I&L)," [1] Aug. 5, 1967) on any or all matters pertaining to their responsibilities outlined in this part.

(f) Problems resulting from the implementation of provisions of this part will be referred to the Assistant Secretary of Defense (Comptroller) for resolution.

§ 199.6 Responsibilities.

(a) The Assistant Secretary of Defense (Comptroller) shall:

(1) Authorize and coordinate the development, publication and implementation of plans, procedures criteria, and systems specifications for the DOES Program, to insure their optimum interrelationship and their effective and efficient application throughout DoD.

(2) Represent DoD in Government and industry on standards and policy matters pertaining to Organizational Entity identification, coding and data management.

(3) Develop, coordinate, implement, and monitor the provisions of the program as relates to the uniform management of Attributes.

(b) The Joint Chiefs of Staff shall direct, implement and refine within existing authority the DOES Program as pertains to the identification and coding of all Government Organizational Entities of DoD interest, i.e., all those within the U.S. Federal, including the DoD, and all those of Government outside the U.S. Federal (States, Foreign, and International).

(c) The Director, Defense Supply Agency shall direct, implement and refine the DoD-wide system underlying the DOES Program for the identification and coding of all Organizational Entities of DoD interest which are non-Government, i.e., all Organizational Entities other than those specified in paragraph (b) of this section.

(d) The Assistant Secretary of Defense (Administration) shall register and code Organizational Entities established within, or assigned for administrative support to, Office of the Secretary of Defense.

(e) The Secretaries of Military Departments; the Joint Chiefs of Staff; and the Directors of Defense Agencies shall implement the provisions of this part within their Component to:

(1) Identify, register, and code Organizational Entities of that Component.

(2) Manage Organizational Entity Attribute Data for which that Component has primary interest.

(3) Cross-reference and maintain with their standard OEI Codes any existing symbolic forms of representing Organizational Entities, until the use of the existing symbolic forms is no longer required.

§ 199.7 Security classification.

The provisions of DoD Directive 5200.1, "Safeguarding Official Information in the Interests of the Defense of the United States," July 10, 1968,[1] and DoD Instruction 5210.47, "Security Classification of Official Information," December 31, 1964,[1] will apply in determining and treating classified information managed pursuant to the provisions of this part.

§ 199.8 Approved Standard Data Element and Related Features.

(a) *Data Element*—(1) *Name.* Organizational Entity.

(2) *Abbreviation.* OE.

(3) *Definition.* A unique framework of authority within which a person or persons act, or can act, towards some (extra-personal or extra-family) purpose; e.g., most things commonly called organization, part of an organization, establishment, activity, unit, enterprise, institution, company, corporation, agency, bureau, office, group, committee.

(NOTE: The definition excludes things like: Geographic locations; "fiscal account," insofar as the intended meaning of that term excludes the authority having accountability; and a mechanical contrivance and/or its function, insofar as the intended meaning excludes associated human resource.)

(b) *Data Use Identifiers (DUI).* Each separately identified requirement to represent the identity of OE's in coded form will constitute a separate DUI. The name, abbreviation and explanation of each such DUI will be forwarded to the Assigned Responsible Agency for approval and publication.

(c) *Data Item Identification.* Each OE will be uniquely identified and registered with its Name, Abbreviation (when applicable), Explanation (Basic Identification Attributes) and Data Code (Organizational Entity Identity Code, referred to as the OEI Code) in accordance with the provisions of this part.

(d) *Data Item Codes*—(1) *Length of Codes.* 6 characters.

(2) *Structure of Code.* Alpha/numeric.

(3) *OEI Coding criteria.* (i) Only one OEI Code will be assigned to each registered OE.

(ii) The OEI Code may not be assigned to anything other than a registered OE.

(iii) Every OEI Code will be unique and will be six (6) alphabetic and/or numeric characters in structure.

(iv) Alphabetic characters "I" and "O" and any combination of characters which is commonly interpreted to have objectionable meaning, will not be used in OEI Codes.

(v) The OEI Code will be the standard identity code for the OE to which it corresponds and as such may not be changed.

(vi) The OEI Code will be assigned as follows:

(*a*) For each OE established within an Authority Category of the U.S. Federal Government;

(*1*) The high order position of the OEI Code will be the appropriate character, selected from alphabetic characters A through W at Table A (§ 199.9), which designates the Authority Category to which the OE belongs.

(*2*) The second high order position of the OEI Code will be the appropriate character which designates the component of the Authority Category, to which the OE belongs.

(*i*) Designated characters for the Components of the Department of Defense (DoD) are designated at Table B (§ 199.9).

(*ii*) Designated characters for the components of an Authority Category, other than DoD will be assigned as needed in coordination with the Authority Category concerned and published as Table C to this standard.

(3) The third, fourth, fifth, and sixth order positions of the OEI Code will be unique permutation of alpha/numeric characters within the Component. The selection or formatting of the characters in such a permutation, or the ordered relationship of such permutation, will not be used to yield significance beyond unique identity of the corresponding OE within the DoD Component.

(*b*) For each OE established within an Authority Category outside the U.S. Federal Government:

(*1*) The high order position of the OEI Code will be the appropriate character selected from the range X, Y, Z, or 0-9 at Table A, which designates the Authority Category to which the OE belongs.

(*2*) The second, third, fourth, fifth, and sixth order positions of the OEI Code will be unique permutation of alpha/numeric characters within the DoD Component. The selection or formatting of the characters in such a permutation, or the ordered relationship of such permutation, will not be used to yield significance beyond unique identity of the corresponding OE within the Component.

(vii) The designated characters for Authority Categories and their Components will be established, published and maintained by the Assigned Responsible Agency for this standard.

(viii) Responsibilities for assigning and registering codes for OEs established within each of the Authority Categories and Federal Agencies specified in Tables A and B (§ 199.9) will be as prescribed in this part.

(e) *Assigned responsible agency*—(1) *Name.* Data Base Management Review Group; DASD(I), ASD(C).

(2) *Address and extension.* Pentagon, Room 3B-885, X-73142 or 73446.

(f) *Standards approval*—(1) *Approved by.* Assistant Secretary of Defense (Comptroller).

(2) *Established.* May 29, 1968.

(3) *Revised.* January 14, 1969.

§ 199.9 Table A and Table B.

TABLE A

AUTHORITY CATEGORY CODES/MEANINGS

Title	Designated characters
Agriculture	A
Labor	B
Commerce	C
Defense	D
Executive Branch Offices	E
Justice	F
Transportation	G
Health, Education, and Welfare	H
Judicial Branch	J
Interior	K
Legislative Branch	L
Housing and Urban Development	M
State	N
Post Office	P

See footnote at end of document.

TABLE A—Continued

Title	Designated characters
Treasury	Q
Reserved for Future Use	R
Independent Federal Agencies	S, T, U, V, W
State Governments	X
Foreign Governments	Y
International Organizations	Z

TABLE B

COMPONENT CODES/MEANINGS

Title	Designated characters
Department of the Army	A
Office of Civil Defense	C
Office of Secretary of Defense (and OASD's).	D
Department of the Air Force	F
National Security Agency (NSA)	G
Defense Atomic Support Agency (DASA)	H
Joint Chiefs of Staff (including the Joint Staff, Unified or Specified Commands and Joint Service Schools).	J
Defense Communications Agency (DCA)	K
Defense Intelligence Agency (DIA)	L
United States Marine Corps (USMC)	M
Department of the Navy (U.S. Navy) (USN).	N
U.S. Coast Guard	[1] P
Defense Contract Audit Agency (DCAA)	R
Defense Supply Agency (DSA)	S
Quasi-official Defense Activities	Q

[1] Authority Category Character "G", Department of Transportation, with Component Code "P", will be used in codes for Coast Guard OEs.

NOTE: Letters "I" and "O" are excluded from use.

Numeric Codes 0 through 9 are reserved for future use in coding of non-Government Organizational Entities.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-3460; Filed, Mar. 24, 1969; 8:45 a.m.]

[1] Filed as part of original document. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1022]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of March 1969.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and boxcars with inside length of 40 feet or longer with side-door openings of 8 feet or wider exists on the railroads named herein; that shippers located on lines of these carriers are being deprived of such cars required for loading, resulting in a very severe emergency thus creating a great economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1022 Service Order No. 1022.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraph (4) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 370, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length of 50 feet or longer, or with inside length 40 feet or longer and with side-door openings 8 feet or wider, or equipped with plug doors regardless of length, owned by the following railroads:

Bangor and Aroostook Railroad Co.
Great Northern Railway Co.
Illinois Central Railroad Co.
Maine Central Railroad Co.
Northern Pacific Railway Co.
Southern Pacific Co.
Union Pacific Railroad Co.

(2) Plain boxcars described in subparagraph (1) of this paragraph, owned by the Southern Pacific Co., shall be considered as being in the possession of the car owner when on the lines of any of the following subsidiary companies of the Southern Pacific Co.

Northwestern Pacific Railroad Co.
Portland Traction Co.
San Diego & Arizona Eastern Railway Co.

(3) Plain boxcars described in subparagraph (1) of this paragraph, owned by the Great Northern Railway Co. or by the Northern Pacific Railway Co., shall be considered as being in the possession of the car owner while on the lines of the Spokane, Portland and Seattle Railway Co.

(4) Boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the car owner only if routed via the car owning railroad.

(5) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (1) and (4) of this paragraph.

(6) Each common carrier by railroad must advise Mr. R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., each Wednesday, by ownership, the total number of cars loaded during the preceding week, as authorized by subparagraph (4) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 21, 1969.

(d) *Expiration date.* This order shall expire at 11:59 p.m., April 12, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3492; Filed, Mar. 24, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED APPLESAUCE

Identity Standard; Listing of Nutritive Sweeteners and Change of Label Declaration

Notice is given that a petition has been filed by National Canners Association, 1133 20th Street NW., Washington, D.C. 20036, proposing that the standard of identity for canned applesauce (21 CFR 27.80) be amended (1) to specify the nutritive sweeteners that may be used, (2) to permit their label declaration by common names or by the term "sweetener added," and (3) if the name of the food includes the word "sweetened" in accordance with the present standard, not to require any other label declaration that sweeteners have been added.

The principal support given in the petition is that compliance with the present standard requires manufacturers and distributors to maintain multiple stocks of labels that are different only in declaration by common names of the various nutritive sweeteners used in order to properly declare variations in sweetening formulas. Such variations are the consequence of: (1) Changes in relative prices of sweeteners, (2) characteristics of the fruit (moisture, maturity, and variety), and (3) the desire to satisfy different geographic markets.

Accordingly, it is proposed that § 27.80 (b)(5) and (d)(2) be revised to read as follows:

§ 27.80 Canned applesauce; identity; label statement of optional ingredients.

* * * * * *

(b) * * *

(5) One or more of the following nutritive sweeteners: Sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

* * * * * *

(d) * * *

(2) Nutritive sweeteners shall be declared by the common name or names of the sweetener or sweeteners used or, in lieu thereof, by the term "sweetener added," except that no declaration of added sweeteners is required if the name of the food includes the word "sweetened" in accordance with paragraph (c) of this section.

* * * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 17, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3467; Filed, Mar. 24, 1969; 8:45 a.m.]

[21 CFR Part 144]

ANTIBIOTIC DRUGS FOR DIAGNOSTIC USE

Exemptions From Labeling and Certification Requirements

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 144.14 be amended: (1) To clarify the fact that exemption under that section does not apply to diagnostic powders certified under two recently promulgated monographs but only to dispensing vials not filled with the precise amount of antibiotic and that such an exemption will require labeling instructions that the powder must be weighed before use, (2) to delete allowance for use of buffers and diluents in powders to be weighed, (3) to restrict vial size to 1 gram, and (4) to provide requirements for identity testing.

Accordingly, it is proposed that § 144.14 be revised to read as follows:

§ 144.14 Antibiotics for diagnostic use.

Antibiotics packaged for the withdrawal of individually weighed portions and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled shall be exempt from the certification requirements of sections 502(l) and 507 of the act if they comply with all the following conditions:

(a) The potency, moisture content, and identity comply with the standards prescribed for the antibiotic by the specific regulations issued in this chapter.

(b) It is packaged in immediate containers that are tight containers as defined by the U.S.P. Each such container shall contain not more than 1 gram.

(c) Each package bears on the label or labeling of its outside wrapper or container and the immediate container the following:

(1) The statements "For the withdrawal of individual portions of antibiotic. Each portion must be weighed before use. Diagnostic reagent. For professional use only."

(2) The number of milligrams or grams contained in each immediate container and the potency per milligram.

(3) The batch mark.

(4) The statement "Expiration date ----------," the blank being filled in with the date that does not exceed the expiration date authorized for the antibiotic by this chapter.

(d) The circular or other labeling within or attached to the package bears directions adequate for the use of such drug.

CROSS REFERENCES: For tests and methods of assay and certification of antibiotic sensitivity discs for laboratory diagnosis of disease, see §§ 147.1 and 147.2 of this chapter.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3468; Filed, Mar. 24, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 73]

[Docket No. 18495; FCC 69-253]

BROADCAST LICENSE RENEWAL APPLICATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 1.580 of the rules, governing public notice of broadcast license renewal applications, and §§ 1.227, 1.516, 1.571, and 1.591, relating to applications mutually exclusive therewith, Docket No. 18495.

1. Delays which interfere with action on broadcast license renewal applications by the time the current license term expires have in numerous cases resulted from the fact that § 1.580 of the Commission's rules requires that public notice of license renewal applications—as in

the case of other types of broadcast applications—be published and broadcast after the renewal application is filed. Verification of the giving of such public notice must subsequently be filed with the Commission before it acts on the application.

2. This sequence is not necessary for license renewal applications, which are regularly required under § 1.539(a) to be filed no later than 90 days before the current license term expires. It would make for more expeditious processing and timely action on license renewal applications if the required public notice were given during the 6-week period before the application is filed, and if verification of such public notice were filed with the application. We propose to so amend the rules, in the manner set out in the appended changes to paragraphs (c), (d), and (f) of § 1.580, and new paragraph (m) in § 1.580.[1]

3. It is desirable that we also amend the procedural rules governing the filing of applications for new broadcast stations and for modification of construction permits and licenses of existing broadcast stations which are mutually exclusive with applications for license renewal. The orderly and timely processing of such renewal applications requires that there be a date certain, prior to the expiration of the current license term, by which the Commission and the license renewal applicant may be informed concerning the filing of mutually exclusive applications.

4. Taking into account the normal scheduling of staff and Commission review of license renewal applications during the 90-day period preceding the expiration of current license terms, it would facilitate the processing of both renewal applications and any other applications mutually exclusive therewith if the latter are tendered for filing, in substantially complete form, 2 weeks before the expiration of the current license term. This would, in the case of timely filed renewal applications, enable the Commission to complete their processing and, where they are otherwise in order, to grant renewals of license before the current license term expires. It would also provide interested persons opportunity to complete and file mutually exclusive applications up to 2½ months after license renewal applications are required to be filed (they are required to be filed 90 days before license expiration). The appended amendments to §§ 1.227, 1.516, 1.571, and 1.591 so provide. The appended amendment to § 1.516(e) provides for a similar interval in the case of late-filed license renewal applications.

5. This change should cause no hardship since persons interested in filing applications mutually exclusive with license renewal applications have ample notice, in our rules, of the fixed dates when all broadcast station licenses in given geographical areas regularly expire, and of the requirement for the filing of license renewal applications 90 days before the expiration of the current license term. The established practice of the cutoff of applications mutually exclusive with applications for standard broadcast stations within 30 days after the Commission gives public notice of the cutoff date similarly enables the Commission to process such applications in an orderly manner.

6. Similar considerations warrant a simultaneous deadline for filing petitions to deny license renewal applications. It is proposed in the appended amendment to § 1.580(i).

7. Authority for the adoption of the amendments set forth below is contained in sections 4(i), 303(f), and 307 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 11, 1969, and reply comments on or before April 18, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the rules an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 19, 1969.

Released: March 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

1. Section 1.227 is amended by inserting the words "except as provided in subparagraph (5) of this paragraph," in paragraph (b)(1) after the opening phrase "In broadcast cases," and by adding new paragraph (b)(5). The amended portions of § 1.227 read as follows:

§ 1.227 Consolidations.

* * * * *

(b) (1) In broadcast cases, except as provided in subparagraph (5) of this paragraph, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended, if amended so as to require a new file number, is substantially complete and tendered for filing by whichever date is earlier: (i) The close of business on the day preceding the day the previously filed application or one of the previously filed applications is designated for hearing; or (ii) the close of business on the day preceding the day designated by public notice published in the FEDERAL REGISTER as the day any one of the previously filed applications is available and ready for processing.

NOTE: Subdivision (ii) of this subparagraph applies only to standard broadcast applications for new stations or for major changes in the facilities of authorized stations. See also §§ 1.571 (c) and (h), and 1.591(a).

* * * * *

(5) An application which is mutually exclusive with an application for renewal of license of a broadcast station will be designated for comparative hearing with such license renewal application if it is substantially complete and tendered for filing no later than the date prescribed in § 1.516(e).

2. Section 1.516 is amended by adding new paragraph (e), reading as follows:

§ 1.516 Specification of facilities.

* * * * *

(e) An application for a construction permit for a new broadcast station or for modification of construction permit or license of a previously authorized broadcast station will not be accepted for filing if it is mutually exclusive with an application for renewal of license of an existing broadcast station and is tendered for filing after the 15th day of the last full calendar month of the expiring license term: *Provided*, That if the license renewal application is not timely filed as prescribed in § 1.539(a), the deadline for filing applications mutually exclusive therewith is the 75th day after the Commission gives public notice that it has accepted the late-filed renewal application for filing: *And provided further*, That if any deadline prescribed in this subparagraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

NOTE: The dates when the licenses of standard, FM, noncommercial FM, television and TV translater broadcast stations regularly expire are listed in §§ 73.34, 73.218, 73.518, 73.630, and 74.15, respectively.

3. Section 1.571(c) is amended by changing the final period to a colon, and adding the following proviso:

§ 1.571 Processing of standard broadcasting applications.

* * * * *

(c) * * * *Provided*, That applications which are mutually exclusive with applications for renewal of license of standard broadcast stations will not be so listed in such a public notice, but will be treated as available and ready for processing upon timely filing as provided in § 1.516(e).

* * * * *

4. Section 1.580 is amended by changing the caption, changing the final period of paragraph (c) to a colon and adding an additional proviso to paragraph (c), similarly adding a proviso to the introductory portion of paragraph (d), revising the introductory portion of paragraph (f), revoking paragraph (f)(9), revising the second proviso to paragraph (i), reserving paragraph (l) and introducing new paragraph (m). The amended portions of § 1.580 read as follows:

§ 1.580 Local notice of the filing of broadcast applications, and timely filing of petitions to deny them.

* * * * *

(c) * * * *And provided further*, That in the case of applications for the renewal of station licensees, but not amendments thereof, notice shall be published prior to filing as prescribed in paragraph (m) of this section, instead of after filing, as prescribed in this paragraph.

(d) If the application seeks modification, assignment, transfer, or renewal of an operating broadcast station (except for applications for stations in the international broadcast service and for television translator stations), the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the tendering for filing of such application, or in the second week immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578: *Provided, however*, That in the case of applications for the renewal of station licenses, but not amendments thereof, notice shall be broadcast prior to filing, as prescribed in paragraph (m) of this section, instead of after filing, as provided in this paragraph. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

* * * * *

(f) The notice required by paragraphs (c) and (d) of this section shall contain the following information, except as otherwise provided in paragraph (m) of this section in the case of license renewal applications:

* * * * *

(9) [Revoked]

* * * * *

(i) Any party in interest may file with the Commission a petition to deny any such application (whether as originally filed or amended) no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto: *Provided, however*, That in the case of applications for standard broadcast facilities, petitions to deny may be filed at any time prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing; but where the Commission issues a public notice pursuant to the provisions of § 1.571(c) listing standard broadcast applications as available and ready for processing, no petitions to deny any such listed application will be accepted after the "cut off" date specified in the public notice: *And provided further*, That in the case of applications for renewal of license, petitions to deny may be filed at any time prior to the last day for filing mutually exclusive applications under § 1.516(e). Petitions to deny shall contain specific allegationss of fact sufficient to show that the petitioner is a party, in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

* * * * *

(l) [Reserved]

(m) (1) Paragraphs (a) through (k) of this section apply to applications for the renewal of station licenses except that:

(i) Notices required under paragraphs (c), (d), and (g) of this section shall be given to the public, in the prescribed manner, and at the prescribed times during the prescribed number of weeks, but during the 6-week period preceeding the date specified in § 1.539(a) for the timely filing of license renewal applications, instead of after the application is filed.

(ii) The information contained in the public notice prescribed in paragraphs (f) and (g) of this section shall reflect the prospective (rather than the previous) filing of the license renewal application.

(iii) Notices for stations subject to paragraphs (c) and (d) of this section shall include the following statement, in addition to the information required under paragraph (f) (1) and (4) of this section:

The application of this station for renewal of its license to operate in the public interest is required to be filed with the Federal Communications Commission no later than (insert here the date prescribed in § 1.539(a)). Members of the public who desire to bring to the Commission's attention facts concerning the operation of this station should write to the Federal Communications Commission, Washington, D.C. 20554, not later than (insert here the date 30 days after the last day for timely filing of the license renewal application). Letters should set out in detail the specific facts which the writer wishes the Commission to consider in passing on the application.

A copy of the license renewal application and related material will, upon filing with the Commission, be available for public inspection at (state here the the address where station records are made available for public inspection as required by § 1.526(d)) between the hours of _____ and _____. (Regular business hours)

(iv) The statement containing the information prescribed in paragraph (h) of this section shall be filed with the license renewal application.

(2) Paragraphs (a) through (k) of this section apply, without change, to major amendments to license renewal applications, to which § 1.578(a) applies.

5. Section 1.591 is amended by changing the final period of paragraph (b) to a semicolon and adding new subparagraph (3) reading as follows:

§ 1.591 Grants without hearing of authorizations other than licenses pursuant to construction permits.

* * * * *

(b) * * * or (3) the date prescribed in section 516(e) in the case of applications which are mutually exclusive with applications for renewal of license of broadcast stations.

* * * * *

§§ 73.34, 73.218, 73.518, 73.630, 74.15 [Amended]

6. The following identical note is added at the end of §§ 73.34, 73.218, 73.518, 73.630, and following paragraph (d) of § 74.15.

NOTE: For the cutoff date for the filing of applications mutually exclusive with, and petitions to deny, renewal applications, see § 1.516(e) of this chapter.

[F.R. Doc. 69-3486; Filed, Mar. 24, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18425]

OPERATION OF TELEVISION BROADCAST STATIONS BY REMOTE CONTROL

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73, Subpart E of the Commission's rules and regulations governing television broadcast stations concerning the operation of television broadcast stations by remote control, Docket No. 18425, RM-1340.

1. On January 17, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-48) inviting comments on a proposal to permit the operation of VHF television stations by remote control. The dates designated for the filing of comments and reply comments were March 28 and April 11, 1968, respectively.

2. On March 14, 1969, A. Earl Cullum, Jr., and Associates (Cullum) requested the Commission to extend, for a period of 30 days, the dates for filing comments and reply comments. Cullum calls to the attention of the Commission the fact that both the National Association of Broadcasters and the Institute of Electrical and Electronics Engineers are holding national conventions during the week of March 24. Cullum states that engineers who might otherwise be able to work on preparation of the comments will be involved in the convention activities. He further states that his firm is endeavoring to review the proposed rule making with engineering and management personnel of the television stations represented by them in order to enable their inclusion of their thinking and problems in their comments, and hope they will be able to pursue the review with engineering and management personnel at the conventions.

[1] Stations whose licenses expire Aug. 1, 1969 (renewal applications due May 1) may give public notice in accordance with the proposed new rule; proof of public notice submitted with the application will be deemed to fulfill the notice requirement of present section 1.580.

[2] Concurring statement of Commissioner Johnson filed as part of the original document.

3. It appears that the additional time requested is warranted. *Accordingly, it is ordered,* That the time for filing comments and reply comments is extended to April 25, 1969, and May 9, 1969, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(c)(8) of the Commission's rules.

Adopted: March 17, 1969.

Released: March 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-3488; Filed, Mar. 24, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-8549]

ACQUISITION OF STOCK AND OPTIONS UNDER CERTAIN STOCK BONUS, STOCK OPTION OR SIMILAR PLANS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission (pursuant to the authority contained in sections 16(b) and 23(a) of the Securities Exchange Act of 1934, 48 Stat. 896 and 901, as amended, 15 U.S.C. 78p and 78w) has under consideration a proposed amendment to Rule 16b-3 (17 CFR 240.16b-3) under the Securities Exchange Act of 1934. That rule exempts from section 16(b) of the Act the acquisition of certain securities pursuant to stock bonus, profit sharing, retirement and similar plans which meet certain specified conditions. The rule exempts the acquisition of shares of stock other than stock acquired upon the exercise of options, warrants or rights. It also exempts the acquisition of restricted, qualified and employee stock purchase plan stock options, but not the acquisition of stock upon the exercise of such options.

Paragraph (d)(3) of Rule 16b-3 provides that the term "exercise of an option, warrant or right," as used in the rule, does not include the making of an election to receive under any plan an award of compensation in the form of stock or credits therefor, subject to certain conditions. In some instances the election to receive stock under a plan is made at the time of the award and relates to stock to be received over a period of several years. Other plans provide for the making of the election annually with respect to the portion of the award relating to the particular year. It is proposed to amend paragraph (d)(3) of the rule to provide that an election made on an annual basis is not deemed to be the "exercise of an option, warrant or right," within the meaning of the rule, provided it is made not less than 15 days prior to the fulfillment of all conditions to the receipt of the compensation.

Paragraph (d)(3) of § 240.16b-3 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended to read as follows:

§ 240.16b-3 Exemption from section 16(b) of acquisition of shares of stock and stock options under certain stock bonus, stock option or similar plans.

* * * * * *

(d) * * *

(3) The term "exercise of an option, warrant or right, contained in the parenthetical clause of the first paragraph of this rule shall not include (i) the making of any election to receive under any plan compensation in the form of stock or credits therefor provided that such election is made not less than 15 days prior to the fulfillment of all conditions to the receipt of the compensation and, provided further, that such election is irrevocable until at least 6 months after termination of employment; (ii) the subsequent crediting of such stock; (iii) the making of any election as to the time for delivery of such stock after termination of employment: *Provided,* That such election is made at least 6 months prior to any such delivery; (iv) the fulfillment of any condition to the absolute right to receive such stock; or (v) the acceptance of certificates for shares of such stock.

* * * * * *

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before April 11, 1969. All such communications will be considered available for public inspection.

By the Commission, March 12, 1969.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3472; Filed, Mar. 24, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID/INDIA

Redelegation of Authority

Pursuant to the authority delegated to the Assistant Administrator, Bureau for Near East and South Asia, by Delegation of Authority No. 23, dated December 28, 1962, as amended, and to the Assistant Administrator, Office of Private Resources, by delegation of Authority No. 39, dated April 13, 1964, as amended, we hereby redelegate to each of the individuals listed above for the area within their responsibility, and to any person acting in their official capacity, authority to perform the following functions pursuant to section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended, relating to loans (hereinafter "Cooley Loans"), retaining for ourselves concurrent authority to exercise any of the functions herein redelegated:

(1) Authority to authorize Cooley Loans or increases thereof in amounts up to Rs. 15 million;

(2) Authority to negotiate Cooley Loans in accordance with the terms of the authorization of such loans;

(3) Authority to execute and deliver loan agreements and amendments thereto with respect to Cooley Loans;

(4) Authority to implement loan agreements with respect to Cooley Loans including the authority to negotiate, execute and implement all agreements and other documents ancillary to such loan agreements.

The authorities described above in paragraph 3 are also hereby redelegated to the U.S. Ambassador to India under the same terms and conditions set forth herein.

The authorities described above in paragraph 4 may be redelegated by each of the individuals listed above as appropriate.

There shall be no rupee limitation on the exercise of the authorities described above in paragraphs 2, 3, and 4.

The redelegation of authority dated June 11, 1965, from William B. Macomber, Jr., Assistant Administrator, Bureau for Near East and South Asia, to the Mission Directors and Deputy Mission Directors in India, Pakistan, and Turkey is hereby rescinded insofar as it applies to the Mission Director, Deputy Mission Director and U.S. Ambassador in India.

This redelegation of authority is effective immediately.

HERBERT SALZMAN,
Assistant Administrator, Office of Private Resources.

MARCH 10, 1969.

MAURICE J. WILLIAMS,
Assistant Administrator, Bureau for Near East and South Asia.

MARCH 10, 1969.

[F.R. Doc. 69-3476; Filed, Mar. 24, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[461.161]

SECOND CLEAR WHEAT FLOUR

Notice of Extension of Period for Submission of Material With Respect to Tariff Classification

MARCH 18, 1969.

The period set forth in the notice published in the FEDERAL REGISTER of February 28, 1969 (34 F.R. 3635), within which to submit data, views, or arguments with respect to the tariff classification of second clear wheat flour is hereby extended for an additional period of 60 days from the date of publication of this notice.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-3484; Filed, Mar. 24, 1969; 8:47 a.m.]

Internal Revenue Service

[Order No. 42 (Rev. 2)]

DIRECTOR, ALCOHOL, TOBACCO AND FIREARMS DIVISION, ET AL.

Delegation of Authority

Authority to execute consents fixing the period of limitations on assessment or collection under provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120, dated July 31, 1950; Order No. 150-2, dated May 15, 1952; 26 CFR 301.6501(c)-1; 26 CFR 301.6502-1; and 26 CFR 301.7701-9; I hereby delegate authority to sign all consents fixing the period of limitations on assessment or collection to the following officials:

a. Director, Alcohol, Tobacco and Firearms Division.

b. Assistant Regional Commissioners (Appellate).

c. Assistant Regional Commissioners (Alcohol, Tobacco and Firearms).

d. Service Center Directors.

e. District Directors.

f. Director of International Operations.

2. This authority may be redelegated but not below the following level for each activity:

a. Data Processing—Chief, Master File Accounts Section.

b. Collection—Revenue Officer.

c. Audit—Conferees and Reviewers, Grade GS-11, and Group Supervisors.

d. Intelligence—Chief, Intelligence Division.

e. Appellate—Appellate Conferee.

f. Alcohol, Tobacco and Firearms—Branch Chief, National and Regional Offices.

g. Office of International Operations—Conferees and Reviewers, Grade GS-11; Group Supervisors; Representatives at foreign posts; and Revenue Agents and Special Agents on foreign assignments; and Revenue Officers.

3. This order supersedes Delegation Order No. 42 (Rev. 1), which was effective January 6, 1969.

Issued: March 20, 1969.

Effective date: March 20, 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner.

[F.R. Doc. 69-3485; Filed, Mar. 24, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ASSISTANT AREA DIRECTORS, ABERDEEN AREA OFFICE, S. DAK.

Redelegation of Authority

1. The Assistant Area Directors for Administration, Economic Development, Community Services and Education, Bureau of Indian Affairs, Aberdeen Area Office, Aberdeen, S. Dak., are hereby authorized to exercise all the power and authority of the Area Director of the Aberdeen Area Office, within their respective areas of responsibility, as delegated by the Commissioner of Indian Affairs in line with Secretarial Order No. 2508 and as provided in 10 BIAM 3.

2. In the absence of the above-identified Assistant Area Directors, Persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

3. Delegation of authority included herein is not construed as depriving the Area Director of the authority conferred

upon him by the Commissioner of Indian Affairs.

4. The effective date of this delegation will be the date of signature by the Area Director.

MARTIN N. B. HOLM,
Area Director, Bureau of Indian Affairs, Aberdeen Area Office, Aberdeen, S. Dak.

MARCH 10, 1969.

[F.R. Doc. 69-3490; Filed, Mar. 24, 1969; 8:48 a.m.]

ASSISTANT AREA DIRECTORS, BILLINGS AREA OFFICE, MONT.

Redelegation of Authority

1. The Assistant Area Directors, Bureau of Indian Affairs, Billings Area Office, are authorized to exercise all the power and authority of the Area Director of the Billings Area Office, as delegated by the Commissioner of Indian Affairs in 10 BIAM 3. This redelegation also includes future authorities of the Commissioner to the Area Director.

2. In the absence of the Area Director and the Assistant Area Directors, persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

3. The effective date of this delegation is the date of signature by the Area Director.

Dated: March 11, 1969.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-3470; Filed, Mar. 24, 1969; 8:46 a.m.]

Bureau of Land Management

[Serial No. F-460]

ALASKA

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the settlement laws (48 U.S.C. 371-380a, 43 U.S.C. 461, 48 U.S.C. 357), and from location under the mining law (30 U.S.C. 21), and the lands shall remain open to all other applicable forms of appropriation including the mineral leasing laws.

2. The only adverse comment received following publication of the notice of proposed classification (32 F.R. 4483), was subsequently modified. No adverse comments were received at the public hearing held at Fairbanks, Alaska, on May 10, 1967. The record showing the comments received and other information is on file and can be examined in the Fairbanks District and Land Office, Fairbanks, Alaska. The public lands affected by this classification are located within the following described area, and are shown on maps in the Fairbanks District and Land Office, Post Office Box 1150 (518 Second Avenue), Fairbanks, Alaska 99701, and the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501:

NORTHERN ALASKA

TRACT A

Beginning at a point southwest of Livengood, Alaska, at latitude 65°30'45" N. and longitude 148°34'36" W., thence: N. 76°59' W., 1 mile; N. 13°01' E., 5.70 miles; N. 31°21' W., 6.50 miles; N. 70°50' W., 40.50 miles; north 9.30 miles to latitude 66°00' N., longitude 150°00' W.; east 9.90 miles on latitude 66°00' N.; S. 70°50' E., 36.30 miles; S. 31°21' E., 18.60 miles; S. 13°01' W., 9.50 miles; N. 76°59' W., 1 mile to the point of beginning; containing approximately 325,648 acres.

TRACT B

Beginning at a point found at latitude 65°52'03" N., longitude 150°00' W., thence: N. 70°50' W., 6.80 miles; N. 23°41' W., 7.80 miles to latitude 66°00' N.; east 9.50 miles; south 9.30 miles; to the point of beginning; containing approximately 11,008 acres.

TRACT C

Beginning at a point found at latitude 66°00'00" N., longitude 149°39'10" W., thence: N. 70°50' W., 10.50 miles; south 3.40 miles; east 9.92 miles to the point of beginning; containing approximately 7,494 acres.

TRACT D

Beginning at a point found at latitude 66°00'00" N., longitude 150°20'10" W., thence: N. 23°41' W., 22 miles; N. 66°06' E., 3 miles; N. 23°54' W., 13.90 miles; N. 53°33' W., 12.30 miles; N. 17°32' W., 17.20 miles; N. 69°30' W., 24.80 miles to latitude 67°00' N.; east 17.70 miles on latitude 67°00' N.; S. 16°19' E., 1.25 miles; S. 69°30' E., 11.60 miles; S. 17°32' E., 24.40 miles; S. 53°33' E., 5.40 miles; S. 23°54' E., 14.90 miles; N. 66°06' E., 3 miles; S. 23°41' E., 22.70 miles to a point at longitude 150°00' W., south 3.20 miles along longitude 150°00' W. to latitude 66°00' N.; west 9.30 miles to the point of beginning; containing approximately 311,725 acres.

TRACT E

Beginning at a point found at latitude 67°00'00" N., longitude 152°04'24" W., thence: N. 69°30' W., 1.70 miles; N. 16°19' W., 11.50 miles; N. 73°41' E., 6 miles; N. 12°05' W., 17.20 miles; N. 77°55' E., 1.50 miles; N. 23°50' W., 24.55 miles; N. 25°26' E., 18.91 miles to latitude 68°00' N.; east 3.21 miles on latitude 68°00' N.; S. 25°26' W., 18.85 miles; S. 23°50' E., 23.90 miles; N. 77°55' E., 1.50 miles; S. 12°05' E., 16.70 miles; N. 73°41' E., 6 miles; S. 16°19' E., 17.60 miles to latitude 67°00' N.; west 17.74 miles to the point of beginning; containing approximately 317,181 acres.

TRACT F

Beginning at a point found at latitude 68°00'00" N., longitude 152°11'21" W., thence: N. 25°26' E., 5.60 miles; N. 65°12' E., 13 miles; N. 16°47' E., 8.60 miles; N. 82°36' W., 2 miles; N. 07°24' E., 23.45 miles; N. 33°53' W., 20.80 miles; N. 04°37' E., 8.70 miles to latitude 69°00' N.; east 4 miles on latitude 69°00' N.; S. 04°37' W., 5.70 miles; S. 33°53' E., 34 miles; N. 41°03' E., 18.40 miles; N. 79°44' E., 16 miles to a point on longitude 150°00' W.; south 8 miles on longitude 150°00' W.; S. 79°44' W., 15.45 miles; S. 41°03' W., 33.50 miles; S. 16°47' W., 5.90 miles; S. 65°12' W., 14.80 miles; S. 25°26' W., 3.30 miles to a point on latitude 66°00' N.; west 3.40 miles to the point of beginning; containing approximately 302,112 acres.

TRACT G

Beginning at a point found at latitude 69°00'00" N., longitude 152°00'32" W., thence: N. 04°37' E., 2.70 miles; N. 57°44' W., 8.70 miles; N. 11°49' E., 19.10 miles; N. 71°00' E., 20.80 miles; S. 24°14' E., 2 miles to a point at latitude 69°26'32" N., longitude 151°19'45" W.; S. 24°14' E., 2 miles; S. 71°00' W., 16.10 miles; S. 11°49' W., 14 miles; S. 57°44' E., 7.25 miles; S. 04°37' W., 2.70 miles to a point on latitude 69°00' N.; west 4 miles, latitude 69°00' N. to the point of beginning; containing approximately 96,211 acres.

TRACT H

Beginning at a point found at latitude 68°46'20" N., longitude 150°00'00" W., thence: N. 26°13' E., 12.10 miles; N. 68°24' E., 4.60 miles; N. 08°09' E., 3.55 miles to a point at latitude 69°00' N.; east 20.50 miles on latitude 69°00' N.; S. 08°09' W., 6.70 miles; S. 68°24' W., 18.20 miles; S. 26°13' W., 12.70 miles; S. 79°44' W., 7.20 miles to a point at longitude 150°00' W.; north 9.65 miles on longitude 150°00' W.; to the point of beginning; containing approximately 243,200 acres.

TRACT I

Beginning at a point found at latitude 69°00'00" N., longitude 149°35'48" W., thence: N. 12°10' E., 41.30 miles; S. 77°50' E., 10 miles to USC&GS Station Susie; S. 77°50' E., 10 miles; S. 12°10' W., 37 miles to a point at latitude 69°00' N.; west 20.50 miles on latitude 69°00' N. to the point of beginning; containing approximately 504,102 acres.

The public lands in the area described aggregate approximately 2,436,400 acres.

3. The one adverse comment received toward the proposed classification was a general protest to the segregation of this size of an area from operation of the mining laws. Throughout the period of the proposed classification, the public, State and Federal agencies have stated their position of needing segregation from the operation of the mining laws until the engineering and construction of a surface route can be accomplished. At that time, the Bureau of Land Management will reexamine the situation and retain segregation from the mining laws only for those lands which can be shown to be of more value for uses incompatible with mining.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

BURTON W. SILCOCK,
State Director.

MARCH 20, 1969.

[F.R. Doc. 69-3516; Filed Mar. 24 1969; 8:48 a.m.]

CHIEF, DIVISION OF ADMINISTRATION/ADMINISTRATIVE OFFICER, FILLMORE DISTRICT, UTAH

Delegation of Authority Regarding Contracts and Leases

District Manager, Fillmore District, Utah, Supplement to Bureau of Land Management, Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2c, and redelegated to the District Manager by Utah State Office Manual Supplement, 1-20 dated March 21, 1968, the Chief, Division of Administration/Administrative Officer, Fillmore District, is authorized:

1. To enter into contracts with established sources for supplies, materials, and services, excluding capitalized and major noncapitalized equipment, not to exceed $1,000 per order, and

2. To enter into contracts on the open market for supplies, materials, and services (excluding capitalized and major noncapitalized equipment) not to exceed $500 per order, and

3. To enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression.

B. This authority cannot be redelegated.

This delegation cancels and replaces delegations published in the FEDERAL REGISTER, Vol. 33, No. 74, dated Tuesday, April 16, 1968.

W. D. BROUGH,
District Manager.

[F.R. Doc. 69-3471; Filed, Mar. 24, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 182-B, Amdt. 4]

BUREAU OF INTERNATIONAL COMMERCE

Organization and Functions

This material further amends the material appearing at 30 F.R. 2041 of February 13, 1965; and 33 F.R. 8553 of June 11, 1968.

Department Order 182-B of February 1, 1965, is hereby further amended as follows:

1. In section 2 *Organization*, subparagraph .01a is amended to read:

a. Director.
Deputy Director.
Assistant Director.
Executive Secretary to the Foreign-Trade Zones Board.
International Organizations Staff.
Export Strategy Staff.

2. In section 3 *Functions of Organization units:*

a. A new paragraph .06 is added to read:

.06 The Export Strategy Staff shall be responsible for the development, implementation and review of a National Export Strategy; the continuing identification and analysis of major issues affecting U.S. international trade, and the formulation of recommendations affecting exports; the long-range coordination of the Bureau's export expansion activities; the establishment of aggregate export targets for individual categories of U.S. manufactures, in cooperation with affected industries; and the staff support and analyses for carrying out the Secretary's responsibility as Chairman of the Interagency Committee on Export Expansion.

b. Existing paragraph .06 is renumbered as .07.

Effective date: March 12, 1969.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-3458; Filed, Mar. 24, 1969; 8:45 a.m.]

[Dept. Order 90-B, Amdt. 1]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

This material amends the material appearing at 33 F.R. 19255 of December 25, 1968.

Department Order 90-B of December 11, 1968 is amended as follows:

1. In section 5 *Staff support units reporting to the Deputy Director:*

(a) The section title is changed as above.

(b) Paragraphs .03 and .04 are deleted.

2. In section 10 *Institute for Basic Standards:*

(a) Subparagraphs .02c. and .02d., are revised to read, respectively:

c. The Deputy Director, Institute for Basic Standards/Boulder, assists in the direction of the Institute's programs at Boulder and reports to the Associate Director for Administration through the Director, IBS, in supervising the administrative divisions at Boulder.

d. The administrative divisions reporting to the Deputy Director, Institute for Basic Standards/Boulder include: within his own office, the Office of Program Development and Evaluation and the Office of Management Systems. The following divisions are also included:

Administrative Services Division.
Plant Division.
Instrument Shops Division.

These units provide administrative guidance, technical and public information services, physical facilities, management planning, financial management, and related technical and administrative services for the NBS organization at Boulder, Colo. The administrative divisions are also responsible for servicing, as needed, Environmental Science Services Administration units at Boulder, Colo., and appropriate field stations of the Boulder organizations of NBS and ESSA.

(b) Subparagraph .04b. is revised to read:

b. The Applied Mathematics Division conducts research in various fields of mathematics important to physical and engineering sciences, automatic data processing, and operations research, with emphasis on statistical, numerical and combinatorial analysis and systems dynamics; provides consultative services to the Bureau and other Federal agencies; and develops and advises on the use of mathematical tools, in checking mathemetical tables, handbooks, manuals, mathematical models, and computational methods.

3. In section 12 *Institute for Applied Technology*, add paragraphs .10 and .11 to read:

.10 The Instrument Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment.

.11 The Measurement Engineering Division serves the Bureau in an engineering consulting capacity in measurement technology; and provides technical advice and apparatus development supported by appropriate research, especially in electronics, and in the combination of electronics with mechanical, thermal, and optical techniques.

Effective date: March 11, 1969.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-3459; Filed, Mar. 24, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18519; Order 69-3-63]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

Order Granting Petition for Reconsideration and Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of March 1969.

By Order 69-1-63 the Board dismissed for want of prosecution an application of Louis Marx, Jr., Neil A. McConnell, Dan W. Lufkin, and F. A. Melhado (individual applicants) requesting that the Board disclaim jurisdiction under section 408 of the Federal Aviation Act of 1958, as amended (the Act), over their establishment and control of a limited partnership known as Caribe Leasing (Caribe), while members of such partnership, through their ownership of Pioneer Lands Corp. (Pioneer) and through individual stockholdings of Mr. Marx, control Overseas National Airways, Inc. (ONA). In the alternative, should the Board determine that it must exercise jurisdiction over such common control relationships, the applicants requested the Board to issue an order pursuant to the third proviso of section 408(b) of the Act approving their control of Caribe while they also control ONA. In addition, approval was requested pursuant to section 409 of interlocking relationships arising by virtue of the membership of Messrs. Marx and Lufkin as partners in Caribe while they are directors of ONA.

By petition filed February 4, 1969, as supplemented February 6, 1969, the individual applicants and ONA request reconsideration of the aforementioned order of dismissal, and issuance of an order disclaiming jurisdiction over the

common control of ONA and an investment group which is a tenancy-in-common engaged in a phase of aeronautics and has as tenants the aforementioned individual applicants (also referred to herein as the tenants). As an alternative, approval is requested of such common control pursuant to the third proviso of section 408(b) of the Act. Approval is also requested pursuant to section 409 of the Act of interlocking relationships between the individual tenants-in-common and ONA.

Caribe initially was formed to take title to two DC-9-30 aircraft previously ordered by Caribbean Atlantic Airlines, Inc. (Caribair) from McDonnell Douglas Corp., and to lease the aircraft to Caribair. Subsequent to the original application herein, according to the instant petition, the parties were advised by tax counsel of the possibility that a 29 percent Puerto Rico withholding tax on foreign partnerships might be applicable to the lease payments made by Caribair to Caribe. Since imposition of the tax would have made the lease transaction unattractive to Caribair and the partners, the original agreements were amended and rulings were requested to the effect that the transaction as clarified would not be subject to the tax. Thus, the amendment deleted all references to Caribe and substituted therefor the individual investors as tenants-in-common.

No comments relative to the petition have been received.

Since it appears that we now have the full facts surrounding the foregoing relationships, we have decided to grant the petitioners' request for reconsideration. We shall also assume jurisdiction over the relationships under sections 408 and 409 of the Act.

Upon consideration of the foregoing, we have concluded that the investment group is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act and that the control relationships thereby created between it and ONA are subject to § 408.[1] However, the Board has concluded tentatively that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is requesting a hearing, and it is concluded tentatively that the public interest does not require a hearing.

We have also concluded that the relationships resulting from the individual members of the investment group holding positions with ONA are subject to section 409 of the Act.[2] However, upon approval of the control relationships, such interlocking relationships would come within the scope of the exemption from the provisions of section 409 afforded by § 287.3 of the Board's economic regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

In accordance with section 408(b) of the Act, this order, constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered:

1. That the petition for reconsideration of Order 69-1-63 be and it hereby is approved;

2. That interested persons are hereby afforded a period of 10 days from the date of this order within which to file comments or request a hearing with respect to the Board's proposed action on the amended application in Docket 18519;[3] and

3. That the Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3501; Filed, Mar. 24, 1969; 8:48 a.m.]

[3] Comments shall conform to the requirements of the Board's rules of practice for filing documents. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Mexican List 254]

MEXICAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions and Corrections in Assignment

FEBRUARY 28, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		690 kilocycles				
XEACB (this corrects the time of operation notified in List No. 253).	Cd. Delicias, Chih.	500	ND	D	II	3-13-70 (Probable).
		1080 kilocycles				
XEAU (in operation since 2-21-69).	Monterrey, N.L.	500	ND	D	II	2-21-69.
		1340 kilocycles				
XERLK (new)	Atlacomulco, Mexico	500	ND	D	IV	3-12-70 (Probable).
XEXI (under construction—change in call letters, previously XEFS).	Ixtapan de la Sal, Mexico.	*1400 kilocycles* 250	ND	U	IV	
		1510 kilocycles				
XEQI (new)	Monterrey, N.L.	500	ND	D	II	3-10-70 (Probable)
XEQI (assignment deleted).	Monterrey, N.L.	*1530 kilocycles* 500	ND	D	II	
		1660 kilocycles				
XEVIP (change in main studio location, previously Ciudad Satelite, Mexico. PO: 500 W, ND, U).	Naucalpan, Mexico	10,000	DA-N	U	II	5-12-69 (Probable).

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-3487; Filed, Mar. 24, 1969; 8:47 a.m.]

[Docket Nos. 18485, 18486; FCC 69-231]

E.S.H. CO., INC., AND GLENDALE BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of E.S.H. Co., Inc., Glendale, Ariz., Requests: 92.3 mcs, No. 222; 100 kw(H); 100 kw(V); 120 feet, Docket No. 18485, File No. BPH-6347; Glendale Broadcasting Corp., Glendale, Ariz., Requests: 92.3 mcs, No. 222; 78.5 kw(H); 78.5 kw(V); 286.5 feet, Docket No. 18486, File No. BPH-6402; for construction permits.

1. The Commission has under consideration (a) the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference, (b) Informal Objections to both applications filed by the licensee of Station KNIX (FM), Phoenix, Ariz., and (c) Glendale Broadcasting Corp.'s response to Station KNIX(FM)'s objection.

2. Informal objections have been filed against both applications by the licensee of Station KNIX(FM), Phoenix, Ariz., and a response has been filed by Glendale Broadcasting Corp. ("GBC"). The objections which differ only slightly, make the arguments against both of the applications. Station KNIX(FM) contends that the order designating these applications for hearing should include issues regarding possible violation of the Commission's allocation rules and its 307(b) suburban policy. The need for such issues is seen in the fact that both applicants, although specifying Glendale station locations, would provide principal city coverage to Phoenix as well (GBC proposes a Phoenix transmitter site) and the fact that the Commission denied a request for rule making to assign an additional Class C channel to Phoenix.

3. In its response GBC argues that mere physical location of an antenna does not raise a question regarding a de facto change in station location. Rather, it alleges that its site was selected with the intention of achieving the purposes of a Class C assignment, viz. proving, through use of a site having a substantial height above average terrain, principal city coverage to the proposed station location and coverage to substantial surrounding areas as well. Thus, GBC notes that even if it had proposed a site in Glendale, because of its proximity, Phoenix would still have been within the proposed 3.16 mv/m contour. According to GBC, the proper test is whether the applicant has taken the proper steps to endeavor to serve the proposed principal city and this it states it has done as demonstrated in the application. GBC asserts that the station, to be operated by individuals including Glendale residents, would serve as an independent facility, the first in fact, for Glendale, a city of 31,000 persons.

4. Initially, it should be noted that the channel in question is assigned to Glendale, and both applicants propose to use it there. In addition, as the Commission has made clear, the 307(b) suburban policy is not in itself applicable to FM applications. While it is true that the considerations underlying the policy are applicable—see Berwick Broadcasting Corporation, 12 FCC 2d 8 (1968)—the factual situation here present does not call these considerations into play. In the Berwick case enlargement of the issues was had because one of the applicants proposed to locate the station not at the community to which it was assigned but instead made use of the then "25-mile" rule to propose a small community close to the central city of an urbanized area and otherwise gave evidence of a possible intention to actually serve that central city. Here the situation is notably different in that no such use is proposed and neither application contains the other indicia found significant in causing concern in the Berwick case except to the extent inevitably resulting from the assignment of the channel to Glendale.[1] Thus, in the absence of even a thresholding showing on the part of KNIX(FM), we do not find that its objections are well founded or that either requested issue is warranted. Accordingly, the objections will be denied.

5. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. E.S.H. Co. does not appear to have made an adequate survey and nor has it adequately listed the suggestions received or the programing proposed to meet these needs as evaluated. Although GBC appears to have made an adequate survey, it has failed to list the suggestions it received. Thus, we are unable at this time to determine whether any of the applicants are aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

7. Full comparison of the programing proposals is warranted when one applicant proposes a significant amount of specialized programing and the other general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, E.S.H. Co. proposes 30 percent Spanish language programing and GBC general market programing. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

8. According to its application GBC would require $42,000 to construct and operate for 1 year without reliance on revenues.[2] To meet this requirement it would rely on $250 cash, stock subscriptions totaling $8,000 and a $25,000 loan. The loan agreement, however, is defective in that it does not adequately specify the applicable interest rate or collateral requirements. In addition, two of the individuals committing themselves to acquire stock have failed to supply current balance sheets and the $2,000 from these sources cannot be credited to the applicant. Thus applicant shows only $6,250 to meet its costs and an issue will be specified to determine the availability of the balance required.

9. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

10. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Glendale Broadcasting Corp. has available to it the additional $35,750 required for construction and first-year operation, and thus demonstrate its financial qualifications.

(2) To determine the efforts made by E.S.H. Co., Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by Glendale Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine which of the proposals would better serve the public interest.

(5) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

11. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: March 12, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3489; Filed, Mar. 24, 1969; 8:47 a.m.]

[3] Chairman Hyde absent; Commissioner Robert E. Lee concurring in the result.

[1] To the extent applicable, it has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

[2] Mr. Marx holds the positions of Director and Chairman of the Board. The other three individuals each hold the position of Director.

[1] See WMID, Inc., 13 FCC 2d 412 FCC 68R-257 (1968).

[2] GBC's financial information is less than clear, but is does appear to include the following: Equipment lease—$13,500; land—$1,200; miscellaneous expenses—$5,100 and working capital—$22,200; for a total of $42,000.

[Docket Nos. 18487, 18488; FCC 69-232]

MEREDITH COLON JOHNSTON (WECP) AND FORD BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Meredith Colon Johnston (WECP), Carthage, Miss., Has: 1480 kc, 500 w, Day, Requests: 1080 kc, 250 w, Day, Docket No. 18487, File No. BP-17449; Aaron L. Ford and Gertrude C. Ford doing business as Ford Broadcasting Co., Jackson, Miss., Requests: 1080 kc, 10 kw, DA-Day, Docket No. 18488, File No. BP-17752; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications for standard broadcast construction permits.

2. As stated by the Commission in the public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, an applicant must provide full information as to the steps it has taken to become informed of the real community needs and interests of the area to be served when it seeks authority to construct increased facilities serving a substantial amount of new area or population. Although WECP's proposal would increase its service area by approximately two-thirds and its population served by approximately three-quarters, it has not submitted any programing information. In the absence of surveys, it cannot be assumed that substantial changes in programing are unnecessary. Accordingly, an appropriate Suburban issue will be added.

3. Examination of the financial portion of the Ford Broadcasting application indicates that the applicant will require $176,717 to meet estimated first-year construction and operating costs, consisting of: Down payment on equipment, $13,700; first-year payments on equipment with interest, $14,817; land, $32,200; building, $12,000; miscellaneous costs, $29,000; and working capital, $75,000. To meet these costs the applicant has available $60,000 in new capital and a $100,000 bank loan for a total of only $160,000. The partners have available liquid assets in excess of $165,000 which they state are available to meet the expenses. However, since the financial information is not current, an issue will be included to determine whether the bank loan and letter of credit from the equipment manufacturer are still available and whether the ability of the partners to meet their financial commitments has been altered.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

5. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposal of Ford Broadcasting Co. and the availability of other primary service to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WECP and the availability of other primary service to such areas and populations.

(3) To determine the efforts made by Meredith Colon Johnston to ascertain the community needs and interests of the area to be served and the means by which he proposes to meet those needs and interests.

(4) To determine, with respect to the application of Ford Broadcasting Co.:

(a) Whether the $100,000 bank loan and the letter of credit from the equipment manufacturer are still available, and if so, the terms and conditions thereof.

(b) Whether the partners will have the necessary net available current liquid assets to meet their obligations to the applicant.

(c) Whether, in the light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(6) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 12, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-3490; Filed, Mar. 24, 1969; 8:47 a.m.]

[1] Chairman Hyde absent; Commissioner Robert E. Lee concurring in the result.

[Docket No. 18481; FCC 69-225]

PROFESSIONAL ANSWERING SERVICE

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of application by Gerard T. Uht, doing business as Professional Answering Service for a Public Coast (Class III-B) radio station at Erie, Pa., Docket No. 18481, File No. 4305-M-P-117.

1. On November 20, 1967, an application was filed by Gerard T. Uht, doing business as Professional Answering Service for a Public Coast (Class III-B) radio station to be located at Erie, Pa. Uht's application requested the use of the frequency 161.9 mHz, but this was, by subsequent application for modification, changed to 161.85 mHz. The Class III-B Public Coast station provides ship-shore radiotelephone common carrier public correspondence service, primarily of a local character, on VHF channels. Except for the issues herein specified, applicant is qualified.

2. On February 5, Lorain Electronics Corp., and on February 14, 1968, Great Lakes Marine Radio, Inc., filed petitions to deny the application of Uht. Lorain is the licensee of Public Coast (Class III-B) station WMI at Lorain operating on the frequencies 161.9 and 162.0 mHz and KGB 668 at Geneva, Ohio, operating on the frequency 161.9 mHz and Great Lakes is the licensee of Public Coast (Class III-B) station WBL at Martinsville near Buffalo, N.Y., operating on the frequencies 161.9 and 162.0 mHz. Lorain's nearest station is at Geneva, Ohio, approximately 50 miles west of Erie, and Great Lakes' station is approximately 100 miles east of Erie.[1] Petitioners are found to be parties in interest.

3. The arguments advanced by the applicant for the grant of his application, as represented in his application and opposition to the petition to deny, consist essentially of the following:

(a) There is a need for the applied for station at Erie since existing similar stations of Lorain and Great Lakes at Geneva and Lorain, Ohio, and Buffalo, N.Y., are 60, 120, and 90 miles away, and most radio stations on small boats do not have the range to communicate with stations at those distances.

[1] The exact distance as asserted by the applicant and petitioners vary slightly.

(b) Neither Petitioner has established its standing to contest the pending application since there will be no electrical interference because different working frequencies will be used.

(c) Neither of the two principal existing stations have demonstrated that they serve the needs of Erie nor have they shown that the proposed service would substantially duplicate existing service, especially in a 34-mile stretch of shoreline along Lake Erie, including the city of Erie, which does not have any VHF marine service.

(d) The proposed station at Erie would encompass far less than 50 percent of the service area of either of the two closest existing stations and therefore not provide duplicate service solely to any geographical area in which such service is already provided (such duplicate service is prohibited by § 81.303 of the rules).

(e) Neither Lorain nor Great Lakes has shown in any specified manner as required by § 1.962(g) of the Commission's rules how the proposed station serving primarily the Erie area would reduce the revenues of the existing stations.

(f) Lorain and Great Lakes raise no substantial or material question of fact.

4. The reasons advanced by Great Lakes and Lorain for denial of the subject application are summarized as follows:

(a) There would be substantial interference between Great Lakes' station 90 miles away at Martinsville (Buffalo), N.Y., and the applicant's proposed station because of the proximity of the two stations and because of operation on the same frequencies.[2]

(b) There would be overlap in the area to be served by the two stations and Petitioners' service areas would be effectively modified or reduced for technical reasons.

(c) There would be financial hardship and economic interference caused by a reduction in Petitioners' revenues and return on their substantial investment in equipment to upgrade their services, and Great Lakes' station has a 25-year record of financial loss.

(d) There is insufficient need among pleasure boat operators in the Erie area to warrant an additional VHF station since such operators have not equipped their boats with VHF equipment.

(e) The communications needs of any pleasure boat operators not now adequately served by Petitioners' stations could be provided by Citizens or other radio services.

(f) Lorain's antenna at its Lorain station is 425 feet high, as compared to applicant's 207-foot antenna, and Lorain can therefore probably serve virtually all the area which applicant would serve.

(g) Based on inquiry to steamship companies, no additional service is needed.

[2] The question concerning operations on the same frequency has been eliminated by a subsequent modification of the application to specify a frequency not used by Petitioners.

5. An analysis of the pleadings filed in this matter does not establish conclusively whether, or to what extent, there is now an unfilled need for public radio maritime communications service facilities to serve the local boating community at Erie, Pa.; the economic or other impact, if any, of the proposed station on the existing stations; or the extent, if any, to which the service area of the proposed station would overlap with the service areas of Petitioners' stations. Additionally, there is a fundamental question of whether a boating community, especially a major one such as Erie, Pa., with a population in excess of one quarter of a million people, should be entitled to local service notwithstanding the fact that it may be within an area in which satisfactory communications can ordinarily be exchanged with a public coast station established to serve another local area. Accordingly, in view of these substantial and material questions of fact the Commission is unable to make a determination that it would be in the public interest to grant the application; therefore, an evidentiary hearing is required to resolve the question of fact and to determine if the public interest would be served by a grant of the subject application.

6. We note applicant's assertion that neither Petitioner has established standing in this matter because of the absence of electrical interference due to the proposed use of different frequencies, and also that applicant requested the Petitions, for this reason, be dismissed. It appears, however, from the information available that there will probably be some overlap in the areas of the proposed and existing stations in which satisfactory communications with vessels can be exchanged. In view of this, we find that Petitioners do have standing.

7. On July 15, 1968, the Lake Carriers' Association filed a petition to intervene and stay this proceeding pending the outcome of a study and review of future radiotelephone communications needs on the Great Lakes. The Association asserted that its purposes included consideration and action on all general questions relating to navigation and business on the Great Lakes and that vessels of its members transport about 98 percent of the total commerce of the Great Lakes which moves in American-flag vessels. On July 31, 1968, the applicant filed a reply and asserted that the Association had not made a showing that the studies related specifically to the local needs of the Erie, Pa., area, and that its general showing is insufficient to establish a standing to contest or delay action on the pending application. We believe that the Carriers' Association by the very nature and purposes of its activity and in view of the composition of its membership is clearly a party in interest and entitled to participate in a proceeding involving radio communication services or facilities available for use by its members and to this extent its petition will be granted and the Association will be designated a party. In respect to its request to stay the proceedings, however, we do not consider such action appropriate. The Petitioner indicates the study would be completed in 3 months but to date no material has been submitted. The applicant and the local boating community involved are entitled under the present conditions of asserted urgent and immediate needs, to action as promptly as possible on the pending application. Furthermore, the petition filed by the Carriers' Association does not sufficiently show, as asserted by the applicant, how the study would directly and specifically relate to the local needs at Erie, Pa. Accordingly, the request to stay this proceeding will be denied.

8. In the past we have cited the Commission Report No. R-6703, dated October 12, 1967, on VHF propagation curves, for use in determining coverage areas for public coast stations. That report provides estimates of curves based in part on the use of VHF for broadcasting purposes. Consideration is being given to revision of the report and until its status is clarified, we believe a study prepared by the Radio Technical Commission for Marine Services would better serve our purposes and should be used. The RTCM study, hereinafter cited, is not based on VHF broadcasting factors and is directly applicable to the mobile use of VHF for maritime radio communications purposes.

9. In view of the foregoing: *It is ordered*, That the above-entitled application of Gerard T. Uht is designated for hearing at a time and place to be specified in a subsequent order on the following issues:

(a) To determine the extent of need in the local Erie, Pa., area for public maritime radio communications service.

(b) To determine the extent, if any, to which the need for such service is not being satisfactorily met by existing public coast stations.

(c) To determine whether a public coast station to provide service primarily of a local character should be established at Erie, Pa., even if Erie lies within an area in which satisfactory maritime radio communications can ordinarily be exchanged with public coast stations established to provide service primarily to other localities.

(d) To determine the nature, amount and source of traffic now handled by Station WBL and the amount of such traffic, if any, that would be lost if the proposed station is established, and the economic impact on WBL of any such loss in traffic.

(e) To determine the area in which Station WBL can exchange satisfactory communications with vessels and the extent, if any, to which such area overlaps with that of the proposed station.

(f) To determine the nature, amount and source of traffic now handled by Stations WMI and KGB-668 and the amount of such traffic, if any, that would be lost if the proposed station is established, and the economic impact on these stations of any such loss in traffic.

(g) To determine the area in which Stations WMI and KGB-668 can satisfactorily exchange communications with

vessels, and the extent, if any, to which such area overlaps with that of the proposed station.

(h) To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience and necessity will be served by a grant of the subject application.

10. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issue (a), (b), and (c) is placed upon Gerard T. Uht and on issues (d) and (e) upon Great Lakes Marine Radio and on issues (f) and (g) upon Lorain Electronics.

11. *It is further ordered*, That the guide and reference source for preparing exhibits showing the theoretical area in which satisfactory ship-shore maritime communications can technically be exchanged will be limited to Appendix F, "The Propagation Characteristics of the Frequency Band 152–162 Mc Which is Available for Marine Radio Communications", to the report entitled "Study of a Reliable Short Range Radiotelephone System", dated February 21, 1956, prepared by Special Committee No. 19 of the Radio Technical Commission for Marine Services (RTCM), or such other authorities or standards as may be agreed upon by all the parties.

12. *It is further ordered*, That to avail themselves of an opportunity to be heard, Gerard T. Uht, Great Lakes Marine Radio, Lorain Electronics, Inc., and the Lake Carriers' Association, pursuant to § 1.221(c) of the Commission's rules, in person, or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That the petition of the Lake Carriers' Association is granted to the extent herein indicated, and is denied in all other respects.

Adopted: March 12, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-3491; Filed, Mar. 24, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. AND GENERAL MARITIME CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Ronald A. Capone, Esquire, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9620-1, between Central Gulf Steamship Corp. and General Maritime Corp., provides for modification of the basic agreement by the deletion of the following language from paragraph 7: "and shall remain in effect for a period of eighteen (18) months from the date of approval."

The basic agreement, which is now scheduled to terminate on April 23, 1969, is a cooperative working arrangement and rate agreement in the trade between the Great Lakes, Atlantic, gulf, and west coast ports of the United States, and ports in the Mediterranean, Red Sea, Persian Gulf, India, Pakistan, Ceylon, Burma, Australia, New Zealand, and the Far East including ports in Malaysia, Singapore, Indonesia, Borneo, Sarawak, Thailand, Cambodia, South Vietnam, Philippines, Hong Kong, Formosa, Okinawa, Guam, Japan, and Korea. It permits the parties to:

• • • discuss and agree on the fixing and collecting of ocean freight rates, booking and solicitation of cargo, interchanging containers, spacing sailings, settling claims, appointing service agents, husbanding of vessels and related terminal activities, and the extent to which one party may act as agent for the other party in the fixing of rates which may be but need not be the same as the agent party's rate, and in the performance of customary agency arrangements, not inconsistent with rules, regulations, limitations, and procedures of conferences of which the lines party to this agreement are members or may become members in the trade covered by this agreement.

Dated: March 20, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-3502; Filed, Mar. 24, 1969; 8:48 a.m.]

[3] Chairman Hyde absent.

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of California, dated January 28, 1969, and published February 1, 1969 (34 F.R. 1620), and amended February 5, 1969, February 8, 1969, February 13, 1969, and February 19, 1969, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 26, 1969:

Marin.

Dated: March 18, 1969.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[F.R. Doc. 69-3461; Filed, Mar. 24, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4723]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exemption From Competitive Bidding

MARCH 19, 1969.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 (a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Delmarva requests that, for the period commencing on the granting of this application and ending April 1, 1970, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased from 5 percent to approximately 10 percent of the principal amount and par value of the other securities of Delmarva at the time outstanding. Delmarva proposes, under said exemption, to issue and sell short-term notes (including commercial paper) in an aggregate face amount not to exceed $22 million to be outstanding at any one time. The proceeds from the issue and sale of the short-term notes, including the commercial paper, are to be utilized by Delmarva to finance its 1969 construction program, which is estimated at approximately $65 million.

The notes to be issued to banks will aggregate not in excess of $17 million outstanding at any one time, and will mature during the effective period of the application and not more than 180 days from the date of issue. The bank notes will bear interest at the prime commercial bank rate, in effect as of the dates the notes are executed and will be subject to prepayment at any time without penalty except that the notes may not be prepaid in whole or in part from the proceeds of any subsequent bank loan at a lower rate of interest. The proposed borrowings will be effected from among banks in maximum amounts as set forth below:

Wilmington Trust Co., Wilmington, Del	$4,200,000
Bank of Delaware, Wilmington, Del	2,500,000
Farmers Bank of the State of Delaware, Wilmington, Del	1,300,000
Delaware Trust Co., Wilmington, Del	1,000,000
First National Bank of Maryland, Salisbury and Baltimore, Md	3,750,000
Maryland National Bank, Salisbury and Baltimore, Md	4,250,000
Total	17,000,000

Delmarva also proposes to issue and sell, from time to time prior to April 1, 1970, commercial paper in the form of short-term promissory notes to an investment banker and dealer in commercial paper, A. G. Becker & Co., Incorporated ("dealer"), of up to $22 million face amount to be outstanding at one time. The total amount of commercial paper and bank loans outstanding at any one time will not exceed $22 million. The commercial paper notes will be of varying maturities, with no such notes maturing more than 270 days after the date of issue. None of such notes will mature later than the termination date of the effective period requested in the application, and none will be prepayable prior to maturity. Such notes, in denominations of not less than $50,000 and not more than $1 million, will be issued and sold by Delmarva directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers thereof to commercial paper dealers. The application states that the commercial paper will be sold by Delmarva at effective interest costs not to exceed the prime rate of commercial banks on the date of issue.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. The dealer, as principal, will reoffer such notes at a discount of one-eighth of 1 percent per annum less than the prevailing discount rate to Delmarva. The notes will be reoffered in a manner which will not constitute a public offering to no more than 100 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. No additions will be made to this customer list.

The application states that Delmarva expects to retire the bank notes and commercial paper from the net proceeds of the sale of first mortgage bonds and/or equity securities prior to April 1, 1970.

Delmarva requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. It is stated that it is not practical to invite competitive bids for commercial paper and that current rates for commercial paper for such prime borrowers as Delmarva are published daily in financial publications. The company further states that the proposed commercial paper notes will have a maturity of 270 days or less and will be sold at effective interest costs that will not exceed the bank prime rate and that it expects to sell its commercial paper at lower effective interest costs. Delmarva also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated not to exceed $1,000, including legal fees of $500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 7, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3473; Filed, Mar. 24, 1969; 8:46 a.m.]

[70-4728]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Amendment of Bond Indenture and Solicitation of Proxies

MARCH 19, 1969.

Notice is hereby given that Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), 1 Woodward Avenue, Detroit, Mich. 48226, a subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rules 62 and 65 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to amend certain provisions of its mortgage and deed of trust, dated as of September 1, 1948 ("Indenture"), to First National City Bank, successor trustee, as heretofore amended and supplemented. The purpose of the proposed amendment is to make available as bondable property, pipelines and related property of Michigan Wisconsin which are located on the outer continental shelf of the United States.

It is stated that the Indenture's present definition of the term "Property Additions," which refers to pipeline property located in a State or States of the United States, had the purpose of making certain that any proceeding for the enforcement of the Indenture or the rights of bondholders would be in the Federal or State courts of the United States and not, for example, before a Canadian or Mexican tribunal. Since execution and delivery of the Indenture, the situation has changed in that Michigan Wisconsin has acquired and is acquiring offshore pipeline properties located on the outer continental shelf in the Federal domain. The filing states that after the proposed amendment, the enforcement of the Indenture and of the rights of bondholders will still be in a State or Federal court, and, with respect to offshore property now owned by Michigan Wisconsin, the laws of Louisiana would apply.

The proposed amendment of the Indenture requires the consent of the holders of at least 66⅔ percent in principal amount of the outstanding bonds, and Michigan Wisconsin proposes to solicit consents from the bondholders.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $48,000, including legal fees of $10,500 and solicitation expense of $15,000. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 8, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact

or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3474; Filed, Mar. 24, 1969; 8:46 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

MARCH 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 20, 1969, through March 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3475; Filed, Mar. 24, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 20, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41587—*Chlorine from Memphis, Tenn.* Filed by O. W. South, Jr., agent (No. A6086), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Memphis, Tenn., to Hine, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 3 to Southern Freight Association, agent, tariff ICC S-838.

FSA No. 41588—*Newsprint paper from Dalhousie, New Brunswick, Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2938), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Dalhousie, New Brunswick, Canada, to Chicago, Ill.

Grounds for relief—Water competition.

Tariff—Supplement 31 to Canadian National Railways tariff ICC E. 543.

FSA No. 41589—*Barite (Barytes) from Potosi and Cadet, Mo.* Filed by Southwestern Freight Bureau, agent (No. B-21), for interested rail carriers. Rates on barite (barytes), ground, in carloads, from Potosi and Cadet, Mo., to points in Colorado, Utah, and Wyoming.

Grounds for relief—Carrier competition.

Tariff—Supplement 39 to Southwestern Freight Bureau, agent, tariff ICC 4703.

FSA No. 41591—*Cement from Manitowoc, Wis.* Filed by Western Trunk Line Committee, agent (No. A-2581), for interested rail carriers. Rates on cement, viz: hydraulic, masonry, mortar, natural, Portland, or tile grout, in carloads, as described in the application, from Manitowoc, Wis., to points in western trunkline territory.

Grounds for relief—Market competition; modified short-line distance formula and grouping.

Tariffs—Supplements 76 and 82 to Western Trunk Line Committee, agent, tariffs ICC A-4838 and A-4527, respectively.

FSA No. 41592—*Newsprint paper from Clermont, Quebec, Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2939), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Clermont, Quebec, Canada, to Philadelphia, Pa.

Grounds for relief—Water competition.

Tariff—Supplement 31 to Canadian National Railways tariff ICC E. 543.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41590—*Passenger fares in southern territory.* Filed by Southern Passenger Association, agent (No. 3), for interested rail carriers. This is in relation to the transportation of passengers, between points on lines of applicant carriers and between such points on the one hand, and points on lines of connecting carriers, on the other.

Grounds for relief—Establishment of increased coach fares by applicant carriers and maintenance of depressed joint through fares.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3493; Filed, Mar. 24, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 41]

LOUISVILLE AND NASHVILLE RAILROAD CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Louisville and Nashville Railroad Co., shall deliver to the Chicago & Eastern Illinois Railroad Co., a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Chicago & Eastern Illinois Railroad Co., shall deliver to the Soo Line Railroad Co., a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., March 24, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., April 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-3495; Filed, Mar. 24, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 12, Amdt. 4]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna and Western Railroad Co.) and good cause appearing therefore:

It is ordered, That:

ICC Order No. 12 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 20, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-3494; Filed, Mar. 24, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 40]

PENN CENTRAL CO. AND SOO LINE RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Penn Central Co. shall deliver to the Soo Line Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars receiving during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., March 24, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., April 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-3496; Filed, Mar. 24, 1969; 8:48 a.m.]

[Notice 800]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 20, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 23976 (Sub-No. 26 TA), filed March 14, 1969. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., doing business as TRANS WESTERN EXPRESS, 5940 North Basin Avenue, Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from Burns, Oreg., to points within 150 miles of Burns, Oreg., and return, for 180 days. NOTE: Applicant intends to tack with MC 23976. Supporting shipper: Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 26396 (Sub-No. 39 TA), filed March 14, 1969. Applicant: POPELKA TRUCKING CO., Post Office Box 958, Livingston, Mont. 59047. Applicant's representative: Jos. F. Meglen, Post Office Box 1581, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel plate and steel sheets*, from Geneva, Utah, to Billings, Mont., for 180 days. Supporting shipper: Marketing Manufacturing, Inc., Post Office Box 141, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 61396 (Sub-No. 210 TA) (Correction), filed February 3, 1969, published in the FEDERAL REGISTER issue of February 14, 1969, and republished as corrected this issue. Applicant: HERMAN BROS. INC., 2501 North 11 Street, Post Office Box 189, Downtown Station 68101, Omaha, Nebr. 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk in tank vehicles, (1) from the plantsite of MAPCO Inc., at Borger, Tex., to points in Texas, Oklahoma, New Mexico, Colorado, and Kansas; (2) from the plantsite of MAPCO, Inc., at Conway, Kans., to points in Kansas, Oklahoma, Missouri, Colorado, and Nebraska; (3) from the plantsite of MAPCO, Inc., at Greenwood, Nebr., to points in Nebraska,

Iowa, Missouri, South Dakota, Kansas, Colorado, and Wyoming: (4) from the plantsite of MAPCO, Inc., at Whiting and Earling Iowa, to points in Iowa, Nebraska, South Dakota, North Dakota, and Minnesota, and (5) from the plantsite of MAPCO, Inc., at Garner, Iowa, to points in Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, and Illinois, for 180 days. NOTE: The purpose of this republication is to include the authority sought in (2) above which was inadvertently omitted in the previous publication. Supporting Shipper: Cominco American, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Keith P. Kohrs, District Supervisior, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 97357 (Sub-No. 25 TA), filed March 17, 1969. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, from points within Los Angeles County, Calif., to Yuma, Ariz., for 180 days. Supporting shipper: Collier Carbon and Chemical Corp., Post Office Box 60455, Los Angeles, Calif. 90060. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 115162 (Sub-No. 167 TA), filed March 17, 1969. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Ridgeway, Pa., to Benton, Ark., for 180 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60603, Attention: Mr. B. M. Fischer, Eastern Traffic Manager. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala 35203.

No. MC 115826 (Sub-No. 191 TA), filed March 12, 1969. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Denver, Colo. 80217 (Terminal Annex). Applicant's representative: James F. Digby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and rugs*, from the plantsites and storage facilities utilized by Tahlequah, Inc., doing business as Chamblee Carpet Mills, at or near Poteau, Okla., to points in Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Montana, Wyoming, Colorado, Texas, North Dakota, South Dakota, Iowa, Minnesota, Wisconsin, Louisiana, Illinois, Kentucky, Virginia, Tennessee, Washington, Georgia, Alabama, South Carolina, Florida, North Carolina, Nebraska, Kansas, Arkansas, Missouri, and the District of Columbia, for 180 days. NOTE: Applicant seeks authority to interline solely within the scope of the authority here sought at major cities in the destination territory. Supporting shipper: Tahlequah, Inc., doing business as Chamblee Carpet Mills, Poteau, Okla. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119049 (Sub-No. 2 TA), filed March 14, 1969. Applicant: T. E. K. VAN LINES, INC., 9123 East Garvey Avenue, Post Office Box 54141, Terminal Annex, Los Angeles, Calif. 90054, Rosemead, Calif. 91770. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, Washington, and Oregon, for 180 days. NOTE: Applicant intends to tack with MC 119049 and Interline in California. Supporting shippers. Buena Park Transfer & Storage, Inc., 7000 Dale Street, Buena Park, Calif.; La Mesa Transfer and Storage, 8336 Case Street, La Mesa, Calif. 92042; Pacific Moving & Storage Co., 1454 Veterans Boulevard, Redwood City, Calif. 94063; Hamack's Moving Service, 2546 West Pico Boulevard, Los Angeles, Calif.; De Witt Transfer & Storage Co., 6060 North Figueroa Street, Los Angeles, Calif. 90042; Nicolai Van & Storage, 329 Couch Street, Vallejo, Calif. 94590. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128117 (Sub-No. 3 TA), filed March 14, 1969. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 477, Catawba Avenue, Old Fort, N.C. 28762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* crated or uncrated to points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas, New Mexico, and Colorado, for 180 days. Supporing shippers: Coleman Furniture Corp., Pulaski, Va.; and Pulaski Furniture Corp., Pulaski, Va. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead Street, Suite 417, B.S.R. Building, Charlotte, N.C. 28202.

No. MC 128375 (Sub-No. 27 TA) (Correction), filed March 4, 1969, published in the FEDERAL REGISTER issue of March 12, 1969, and republished in part as corrected this issue. Applicant: CRETE CARRIER CORP., 15th and Main, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. NOTE: The sole purpose of this partial republication is to reflect Humbolt, Iowa, as a destination point in Item (2) inadvertently shown as Humbolt, La., in the previous publication. The rest of the application remains as previously published.

No. MC 133485 (Sub-No. 1 TA), filed March 17, 1969. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin, and precious metals*, in armored car service, between Boston, Mass., and points in Rhode Island, for 120 days. Supporting shipper: Rhode Island Bankers Association, c/o Industrial National Bank, 111 Westminster Street, Providence, R.I. 02903, Milton Roy, Secretary and Edward B. McAlpine, Refiners of Precious Metals, 85 Ellenfield Street at Virginia Avenue, Providence, R.I. 02905. Send protests to: District Supervisor Gerald H. Curry, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 133538 TA, filed March 12, 1969. Applicant: RUFF - WALKER TRANSFER CO., INC., 930 Chattahoochee Avenue NW., Atlanta, Ga. 30325. Applicant's representative: Robert W. Walker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement beyond Atlanta, Ga., in railroad service, between points in Fulton County, Ga., and points in Clayton County and De Kalb County, Ga., within a line drawn 10 miles beyond the corporate limits of Atlanta, Ga., for 180 days. Supporting shippers: The Sherwin-Williams Co., 101 Prospect Avenue NW., Cleveland, Ohio 44101; Ray-O-Vac Division, ESB, Inc., 212 East Washington Avenue, Madison, Wis. 53703. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133550 TA, filed March 14, 1969. Application: LLOYD KNOTT TRANSPORTATION, Rural Route 2, Iowa Falls, Iowa 50126. Applicant's representative: Lloyd R. Knott (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, including prestressed and precast associated items, and accessories, reinforcing and other articles when used as an intricate part of items manufactured*, from the plantsites of Prestressed Concrete of Iowa, Inc., at or near Cedar Rapids, Des Moines, and Iowa Falls, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Prestressed Concrete of Iowa, Inc., Box 822, Iowa Falls, Iowa 50126. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133551 TA, filed March 14, 1969. Applicant: JOHN F. STEHLE, doing business as JOHN STEHLE TRUCKING, 935 East 13th Street, Albany, Oreg. 97321. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips or shavings*, from Philomath, Oreg., to Longview, Wash., from Chelachoe, Prarie, and Longview, Wash., to Albany, Oreg., for 180 days. Supporting shippers: Longview Fiber Co., Longview, Wash. 98632; International Paper Co., Box 67, Amboy, Wash. 98601; Rex Veneer Co., Post Office Box 429, Philomath, Oreg. 97370; Durafiake Co., Post Office Box 428, Albany, Oreg. 97321. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3497; Filed, Mar. 24, 1969; 8:48 a.m.]

[Notice 315]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71132. By order of March 14, 1969, the Motor Carrier Board approved the transfer to Burton R. Peterson, North Branch, Minn. 55056 of certificate No. MC–117754, issued July 20, 1959, to Burton R. Peterson and Carl K. Peterson, a partnership, doing business as Dalbo Feed and Mill Co., Cambridge, Minn. 55008, authorizing the transportation of animal and poultry feeds from New Richmond, Wis., to specified points in Minnesota. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC–FC–71143. By order of March 14, 1969, the Motor Carrier Board approved the transfer to Hull and Smith Horse Vans, Inc., Ashland, Nebr., of certificate No. MC 115663 (Sub-No. 2), issued February 20, 1959, to Laurence Harbaugh, doing business as Dalbo Feed and Mill Co., Grand Island, Nebr., authorizing the transportation of: Race horses and, in connection therewith, personal effects of attendants, and supplies and equipment used in the care and exhibition of such animals, between points in Colorado, Iowa, Kansas, Nebraska, Oklahoma, South Dakota, and points in Illinois within 25 miles of East St. Louis, Ill., subject to the restriction that this authority may not be tacked or joined in any manner to effect service in Arkansas and New Mexico other than set forth immediately following, and between points in Iowa, Kansas, Nebraska, Oklahoma, South Dakota, and points in Illinois within 25 miles of East St. Louis, Ill., on the one hand, and, on the other, points in Arkansas and New Mexico. Charles J. Kimball, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501, attorney for applicants.

No. MC–FC–71162. By order of March 14, 1969, the Motor Carrier Board approved the transfer to B & H Truckaway Co., a corporation, Maywood, California, of permit No. MC 107230 and MC 107230 (Sub-No. 4) issued October 18, 1948 and June 12, 1951, respectively in the name of David T. Hamilton and James D. Boner, a partnership doing business as B & H Truckaway Co., Maywood, Calif., authorizing the transportation of automobiles and motor vehicles from, to, or between specified points in California, Arizona, Nevada, Utah, Idaho, Oregon, Washington, and Wyoming. Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3498; Filed, Mar. 24, 1969; 8:48 a.m.]

TARIFF COMMISSION

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent U.S. Consumption of Watch Movements in 1968 and of Quotas for Duty-Free Entry in 1969 of Watches and Watch Movements

MARCH 19, 1969.

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the Tariff Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1968 was 44,384,000 units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1969 under headnote 6(b) of said subpart E of the TSUS is as follows:

	Units
Virgin Islands	4,315,500
Guam	410,836
American Samoa	205,664

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary*.

[F.R. Doc. 69-3482; Filed, Mar. 24, 1969; 8:47 a.m.]

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Wednesday, March 26, 1969 • Washington, D.C.

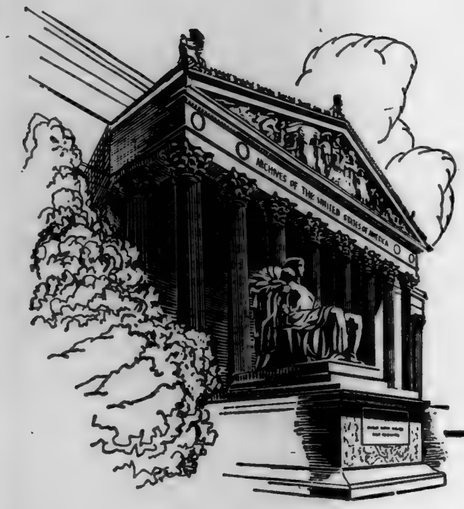
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1934

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FEDERAL REGISTER

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[Amdt. 6]

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Nonprofit Lunch Program

The regulations for the operation of the Commodity Distribution Program (31 F.R. 14297), as amended, are hereby amended as follows:

In § 250.3, paragraph (h) is revised to read as follows:

§ 250.3 Definitions.

* * * * *

(h) "Nonprofit lunch program" means a food service maintained by a school for the benefit of children, all of the income from which is used solely for the operation or improvement of the food service, and which is not operated under a fee, concession or contract arrangement unless the school has been specifically approved to operate under such an arrangement pursuant to applicable regulations of the Department.

* * * * *

This amendment shall be effective upon filing with the FEDERAL REGISTER.

RICHARD E. LYNG,
Assistant Secretary.

MARCH 21, 1969.

[F.R. Doc. 69-3560; Filed, Mar. 25, 1969; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

DEFINITION OF PRODUCER STATE

Basis and purpose. The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

A State reserve of 9 acres for new producers in Arizona was established for the 1969 crop and the State of Arizona was classified as a "producer State," §§ 730.1505, 730.1506, 34 F.R. 703. In order to carry out such classification it is necessary to add Arizona to the list of States in the definition of "producer State" in § 730.62(b)(11) and to the list of producer States in § 730.61.

Since this is the only purpose of the amendment, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and this amendment shall become effective as provided herein.

The subpart—Regulations for determination of acreage allotments for 1969 and subsequent crops of rice (33 F.R. 14520, 17764, and 34 F.R. 3733) is amended as follows:

1. The second sentence of § 730.61 is amended by inserting "Arizona," immediately preceding "California".

2. Section 730.62(b)(11) is amended by inserting "Arizona," immediately preceding "California".

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1353, 1375)

Effective date: Date of filing with the Director, Office of the FEDERAL REGISTER.

Signed at Washington, D.C., on March 20, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3519; Filed, Mar. 25, 1969; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.4 [Amended]

The first sentence of § 204.4 *Validity of approved petitions* is amended to read as follows: "The approval of a petition to classify an alien as a preference immigrant under section 203(a)(3) of the Act shall remain valid for a period of one year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act and shall be revalidated for an additional period of 1 year upon reissuance of the certification by the Secretary of Labor or his designated representative, provided the alien has retained his status as established in the petition; if a blanket certification pursuant to Schedule A, 29 CFR Part 60, has been issued covering the alien's profession or occupation, the approval shall remain valid for a period of 1 year from the date of approval, and thereafter continue to be valid for each additional year that the blanket certification is in effect on the anniversary date of the approval of the petition, provided the alien has retained his status as established in the petition."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.4 [Amended]

The first sentence of paragraph (c) *Terms of authorization* of § 212.4 *Applications for the exercise of discretion* is amended to read as follows: "Each authorization under section 212(d)(3) (A) or (B) of the Act shall specify (1) each section of law under which the alien is inadmissible; (2) the intended date of each arrival; (3) the length of each stay authorized in the United States; (4) the purpose of each stay; (5) the number of entries for which the authorization is valid; (6) the dates on or between which each application for admission at ports of entry in the United States is valid; and (7) the justification for exercising the authority contained in section 212(d)(3) of the Act."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

1. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence to the listing: "Atlantis Airlines, Limited" and "AUA Austrian Airlines."

2. The listing of transportation lines under "At Winnipeg" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Wardair Canada Ltd."

PART 282—FORMS FOR SALE TO PUBLIC

Section 282.1 is amended to read as follows:

§ 282.1 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter B of this chapter: G–28, I–20, I–92, I–94, I–95, I–129B, I–130, I–131, I–140, I–408, and I–418.

PART 299—IMMIGRATION FORMS

§ 299.2 [Amended]

1. The first sentence of § 299.2 *Forms available from the Superintendent of Documents* is amended to read as follows: "The following forms required for compliance with the provisions of subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D.C.: G–28, I–20, I–92, I–94, I–95, I–129B, I–130, I–131, I–140, I–408, and I–418."

§ 299.3 [Amended]

2. The first sentence of § 299.3 *Reproduction of forms by private parties* is amended to read as follows: "The following forms required for compliance with the provisions of subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I–20, I–92, I–94, I–95, I–408, and I–418."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 204.4 confers benefits upon persons affected thereby; the amendment to § 212.4(c) is editorial in nature; the amendments to §§ 238.3 (b) and 238.4 add transportation lines to the listings; and the amendments to §§ 282.1, 299.2 and 299.3 relate to agency management.

Dated: March 20, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69–3507; Filed, Mar. 25, 1969; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3]

PART 111—SYSTEM OF ACCOUNT CLASSIFICATIONS FOR SMALL BUSINESS INVESTMENT COMPANIES

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is revised as set forth below, Part 111 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations.

Information and effective date. On February 18, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2311–2328) concerning the revision of the System of Account Classifications for Small Business Investment Companies (Part 111). No comments have been received. No changes have been made in the text of the proposed revision to Part 111 as published on February 18, 1969. Accordingly, SBA has determined to adopt revised Part 111, set forth below, as being in furtherance of the best interests of the SBIC program.

In view of the determination made that it is necessary in the public interest that this revision should be promptly applied to the program authorized by the Small Business Investment Act of 1958, it shall become effective on March 31, 1969.

Dated: March 17, 1969.

HILARY SANDOVAL, JR.,
Administrator.

General Instructions

1. This system of account classifications for small business investment companies (effective Mar. 31, 1969) is adaptable to manual or machine accounting procedures employing the double-entry method, and is otherwise designed to meet the specific needs of companies licensed in accordance with the provisions of the Small Business Investment Act of 1958, as amended.

2. Account classifications in use by companies licensed prior to issuance of this revised system shall be converted to the classifications set forth herein as of March 31, 1969. A small business investment company which considers that it needs one or more additional accounts may submit a detailed description of the proposed account(s) to the Staff Accountant, Investment Division, SBA, for consideration, and, upon receipt of written approval thereof, may incorporate such additional accounts into its accounting system.

3. Subdivisions of any account in this system of account classifications may be kept in the general ledger provided that such subaccounts do not impair the integrity of the accounts set forth in the prescribed system. All such subaccounts shall refer by number and title to the accounts of which they are subdivisions. Use of a decimal system is required for extending the account numbers to identify such subaccounts.

4. This account classifications system provides for two-digit number designations for major categories under which accounts are listed, and three-digit number designations for individual general ledger accounts. The first two digits of an individual account number refer to the major category under which the account is classified and the third digit identifies the specific account. Digits from zero through nine are used to identify specific accounts. For example, the first deposit bank account established will be designated "100" and the second "101." It will be noted that some categories encompass individual accounts in sufficient number to require assignment of more than one two-digit number to identify the category. For example, "Cash on Hand and in Banks" has been assigned category numbers "10," "11," and "12."

5. Books of account shall be maintained on an accrual basis and, at the end of each month all transactions shall be posted to the General Ledger. Entering in the records and posting to the General Ledger of accruals applicable to each month is optional with each Licensee but SBA requires that all accruals must be entered in the records and posted as of March 31 and September 30 each year, and as of such other dates as mark the close of periods to be covered by interim or special financial reports required to be furnished to SBA.

6. It is very important that complete and accurate records of all nominal assets and contingent liabilities be maintained. This is especially true with respect to (1) outstanding commitments to finance small business concerns through loans to them or the acquisition of their equity securities and to make funds available to other lenders through deferred participations, and (2) outstanding guarantees under which the company is contingently liable to lending institutions in connection with obligations of portfolio concerns. A section providing for the maintenance of appropriate memorandum records is included herein, covering nominal assets, contingent liabilities, options on the capital stock of the small business investment company, and the actual loss experience of the company.

7. Each small business investment company shall keep its books of account, and all other books, records, and memoranda which support in any way the entries in its books of account, in such manner as to be able readily to furnish full information on any item included in any account. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, capital stock records, reports, correspondence, and memoranda which may be useful in developing the history of, or facts regarding, any transaction.

8. Nothing contained in this system of account classifications can or is intended to authorize or approve any operation or action by a Licensee, or any other, not authorized or approved by the Small Business Investment Act of 1958, as amended.

General Ledger

Account numbers	
100–299	Asset and valuation accounts.
300–399	Liability accounts.
400–499	Capital stock and surplus accounts.
500–599	Income accounts.
600–799	Expense accounts.

Memorandum Records

NA–10—NA–14	Nominal assets.
CL–15—CL–17	Contingent liabilities.
OCS–1	Options on company's stock.
AL–1	Actual (realized) losses.

Asset and Valuation Accounts

10–12—Cash on Hand and in Banks

100–108	Deposits in _____ bank.
110–112	Deposits in imprest account in _____ bank.
118	Cash items in process of collection.
120	Petty cash fund.

13—Investments in U.S. Government Securities, Insured Savings Accounts, and Time Certificates of Deposit

130	U.S. Government obligations, direct and fully guaranteed.
131	Insured savings accounts.
135–137	Time certificates of deposit in _____ bank.

14–15—Notes and Accounts Receivable

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150	Accounts receivable.
151	Allowance for uncollectible notes and accounts receivable.

16—Accrued Interest Receivable

160	Accrued interest receivable.
161	Allowance for uncollectible interest receivable.

17—Loans to Small Business Concerns

170	Loans (section 305).
171	Allowance for uncollectible loans (section 305).
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179	Funds in escrow pending closing of financing.

18—Debt Securities of Small Business Concerns

180	Debt securities, convertible, and with stock purchase warrants or options (section 304).
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185	Allowance for losses on debt securities (section 304).
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Account numbers	
190	Capital stock of SBCs, convertible, and with stock purchase warrants or options.
192	Capital stock of SBCs—other.
193	Allowance for losses on capital stock of SBCs.
196	Warrants, options, and other stock rights acquired from SBCs.
197	Allowance for losses on warrants, options, and other stock rights acquired from SBCs.

20—Assets Acquired in Liquidation of Loans and Debt Securities

200	Assets acquired in liquidation of loans and debt securities.
201	Allowance for losses on assets acquired in liquidation of loans and debt securities.
203	Accumulated depreciation on assets acquired in liquidation of loans and debt securities.

21—Amounts Due from Debtors on Sale of Assets Acquired in Liquidation of Loans and Debt Securities

210	Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.
211	Allowance for uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

22—Prepaid Expenses and Deferred Charges

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24—Corporate Premises Owned

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Liability Accounts

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301	Debentures payable issued to SBA.

31—Notes and Other Obligations Payable to Other Than SBA for Funds Borrowed

310	Loans sold with recourse.
312	Debt securities, convertible, and with stock purchase warrants or options sold with recourse.
314	Debt securities divested of stock rights sold with recourse.
315	Notes payable to other than SBA—guaranteed by SBA.
316	Notes payable to other than SBA—not guaranteed by SBA.
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318	Mortgages payable on assets acquired in liquidation of loans and debt securities.

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340	Accounts payable.

35—Accrued Expenses Payable

Account numbers	
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351	Accrued taxes on payroll.
354	Estimated income taxes accrued.
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Account numbers

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702 Loss on debt securities (section 304).
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709 Loss on other assets.

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Nominal Assets

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Contingent Liabilities

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CL–16 Guarantees outstanding.
CL–17 Other contingent liabilities.

Options on Company's Stock

OCS–1 Options on company's stock.

Actual Loss Experience

AL–1 Actual (realized) losses.

Asset and Valuation Accounts

100–108 Deposits in _____ bank.

These accounts will represent funds on demand deposit in banks which are members of the Federal Deposit Insurance Corporation.

Debit: (a) With amount of funds deposited.

Credit: (a) With amount of funds withdrawn, and charges made by bank for such items as dishonored checks, transfer of funds by wire, collection, exchange, etc.

110–112 Deposits in imprest account in _____ bank.

These accounts will represent funds on demand deposit in imprest bank accounts to be drawn upon for the payment of operating expenses and to be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on the company's general funds bank account.

Debit: (a) With amount of funds deposited.

Credit: (a) With amount of funds withdrawn.

118 Cash items in process of collection.

This account will represent the amount of cash items placed with banks for collection.

Debit: (a) With amount of such items placed with banks for collection.

Credit:

(a) With amount of items collected.

(b) With amount of uncollected items returned or withdrawn.

120 Petty cash fund.

This account will represent the imprest petty cash fund maintained for the purpose of making small disbursements.

Debit:

(a) With amount placed in the fund when established.

(b) With amount of increase in the fund.

Credit: (a) With amount of decrease in the fund.

NOTE: The petty cash fund may be reimbursed and expenditures recorded as often as circumstances require, but must be reimbursed at the close of the company's fiscal year. Checks to replenish the fund will be drawn on a general fund bank account and include "petty cash" as a payee. Debits totaling the amount of this replenishment should be made concurrently to the appropriate accounts.

130 United States Government obligations, direct and fully guaranteed.

This account will represent the cost of temporary investments made from general cash funds in direct obligations of the U.S. Government and obligations guaranteed as to principal and interest by the U.S. Government. When U.S. Government Savings Bonds redeemable at par value on maturity are purchased at less than face value, the increase in redemption value may be periodically charged to this account with concurrent credit to account No. 510—Interest on invested idle funds.

Debit:

(a) With cost of such securities acquired.

(b) With increase in redemption value of U.S. Savings Bonds.

Credit:

(a) With redemption value of U.S. Savings Bonds redeemed.

(b) With cost of such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of U.S. Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be debited to account No. 160—Accrued interest receivable, with concurrent credit to account No. 510—Interest on invested idle funds.

(See accounts Nos. 570 and 700)

131 Insured savings accounts.

This account will include the balances in subaccounts Nos. 131.1, 131.2, etc.

131.1 Insured savings in _____.

This account will represent funds invested in an insured savings account (up to the amount of the insurance) in an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Debit:

(a) With amount of funds invested.

(b) With amount of dividends earned on such invested funds.

Credit: (a) With amount of funds withdrawn.

135–137 Time certificate of deposit in _____ bank.

These accounts will represent funds in Time Certificates of Deposit, maturing not later than 1 year after issuance, in banks which are members of the Federal Deposit Insurance Corporation.

Debit: (a) With amount of funds deposited.

Credit: (a) With amount of funds withdrawn.

140 Notes receivable.

This account will represent the unpaid balance of miscellaneous notes receivable, such as notes for management consulting services. Notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities will be reflected in account No. 210.

Debit: (a) With amount of such miscellaneous notes received.

Credit:

(a) With amount collected on principal of such miscellaneous notes.

(b) With unpaid principal balance written off or disposed of otherwise.

NOTE: Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the debtor small business concern has not earned the amount of the receivable, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account, or, as an alternative, the receivable recorded as an asset should be concurrently credited as deferred income to account No. 383 as above indicated.

(See account No. 151)

150 Accounts receivable.

This account will represent the amount due on open account for management consulting, appraisal, and miscellaneous services rendered; declared dividends receivable on capital stock of small business concerns; amounts receivable representing sharings in the income (revenue) of small business concerns; amounts representing "participating" companies' portions of principal and accrued interest receivable from financed small business concerns; and miscellaneous current receivables.

The account also will include the amount of accrued compensation receivable for services rendered to "participating" companies and the amount of accrued commitment fees receivable for making funds available on a deferred basis to small business concerns and to "initiating" companies in connection with the latter's financing of small business concerns.

Accounts receivable representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities will be reflected in account No. 210.

Debit: (a) With amount due the company.

Credit:

(a) With amount collected.

(b) With amount written off or disposed of otherwise.

NOTE: Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the debtor small business concern has not earned the amount of the receivable, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account, or, as an alternative, the receivable recorded as an asset should be concurrently credited as deferred income to account No. 383 as above indicated.

(See account No. 151)

151 Allowance for uncollectible notes and accounts receivable.

This account will represent the valuation reserve provided for estimated losses on notes and accounts receivable and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on notes and accounts receivable.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of notes and accounts receivable written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on notes and accounts receivable written off.

NOTE: When a note receivable or an account receivable is recorded with respect to any debtor small business concern which has not earned the amount thereof, or the fair value of whose debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable reflected in this account should be made in an amount equivalent to the recorded receivable, or, as an alternative, the amount of the receivable recorded, as an asset should be concurrently credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting.

(See accounts Nos. 140, 150, and 680)

160 Accrued interest receivable.

This account will represent the amount of interest accrued on loans to and debt securities of small business concerns, U.S. Government obligations, direct and fully guaranteed, notes receivable, sales contracts, and other interest-bearing amounts due from debtors, including funds placed in escrow pending the closing of financing.

Debit: (a) With amount of interest accrued on all items covered by this account.

Credit:

(a) With amount of interest payments received.

(b) With amount of accrued interest transferred to assets acquired in liquidation of loans and debt securities.

(c) Upon disposition of interest-bearing obligations, with amount of accrued interest thereon included in this account.

(d) With amount of accrued interest written off or disposed of otherwise.

NOTE 1: At the option of the company, interest payments received in cash from debtors prior to the interest maturity date may be credited to account No. 374—Unapplied receipts, until the maturity date.

NOTE 2: Accrual of interest receivable should be discontinued with respect to any loan or debt security financing a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See account No. 161)

161 Allowance for uncollectible interest receivable.

This account will represent the valuation reserve provided for estimated losses of accrued interest receivable, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses of accrued interest receivable.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of accrued interest receivable written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries of accrued interest receivable written off.

NOTE: When interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable reflected in this account should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in account No. 383—Other deferred credits, pending determination of the appropriate accounting.

(See accounts Nos. 160 and 680)

170 Loans (section 305).

This account will represent the upaid principal balance of loans made to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With face amount of direct loans.

(b) With portion retained by company of loans in which participations are sold to others.

(c) With amount of participations in loans of others.

(d) With unpaid principal of loans represented by renewal notes accepted or notes taken in substitution for those held.

(e) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of direct loans.

(b) With company's share of amount collected on principal of loans in which participations are sold to others.

(c) With amount by which participations in loans of others are reduced by repayments transmitted by the "initiating" company.

(d) With amount collected on principal of loans sold with recourse as reported to the company by the purchaser (contra debit will be made to account No. 310).

(e) With unpaid principal of loans represented by notes renewed or for which other notes have been substituted.

(f) With amount transferred to assets acquired in liquidation of loans and debt securities.

(g) With unpaid principal of loans written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: It is assumed that in all loan participation arrangements the "initiating" company will service the loans.

NOTE 3: It is recommended that individual loan ledger cards or sheets be maintained for all loans. Such ledger cards or sheets should contain the detailed information needed for account No. 173—Unearned discount, fees, and other charges on loans (section 305), and for activities pertaining to participations purchased or sold.

(See accounts Nos. 171 and 310)

171 Allowance for uncollectible loans (section 305).

This account will represent the valuation reserve provided for estimated losses on loans (section 305) and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account reflects the best available estimate of probable losses on loans to small business concerns.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of such loans written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such loans written off.

(See accounts Nos. 170 and 682)

173 Unearned discount, fees, and other charges on loans (section 305).

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of loans made to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which becomes earned through collection or passage of time.

(b) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is retained by the company in connection with loans participated in by other lenders (the amount to be recorded becomes earned through collection or passage of time).

(c) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the company in connection with its participations in loans of other lenders (the amount to be recorded becomes earned through collection or passage of time).

(d) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of loans, or is closed into the asset account upon liquidation of loans at less than full amount.

Credit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of loans but withheld from disbursements to debtor small business concerns.

(b) With portion retained by the company of total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders.

(c) With portion assigned to the company of total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with its participations in loans of other lenders.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Unearned discount in this account will be transferred, as appropriate to account No. 512—Interest on loans, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Application and appraisal fees, under similar circumstances.

NOTE 3: Any fees and other charges considered earned immediately upon closing of loans will be recorded in the income account at once without first being entered in this account.

NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular loans to which they relate.

179 Funds in escrow pending closing of financing.

This account will represent the amount of funds placed in escrow pending the closing of financing for small business concerns.

Debit: (a) With amount of funds placed in escrow.

Credit: (a) With amount of funds withdrawn from escrow.

180 Debt securities, convertible, and with stock purchase warrants or options (section 304).

This account will represent the unpaid principal balance of small business concerns' debt securities, convertible, and with attached stock purchase warrants or options, acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended. If the stock purchase warrants, options, or other stock rights have a separate purchase cost, or if a separate cost has otherwise been determined for them, the warrants, options, or other stock rights will be reflected at such cost in account No. 196.

Debit:

(a) With face amount of debt securities, convertible, and with stock purchase warrants or options, acquired.

(b) With portion retained by company of debt securities, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount of participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options.

(d) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of debt securities, convertible, and with stock purchase warrants or options.

(b) With company's share of amount collected on principal of debt securities, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount by which participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options, are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal balance of debt securities, convertible, and with stock purchase warrants or options, sold with recourse paid on maturity as reported to the company by the purchaser (contra debit will be made to account No. 312).

(e) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, or portions thereof, converted into capital stock.

(f) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, which have been divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(g) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, transferred to assets acquired in liquidation of loans and debt securities.

(h) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: It is assumed that in all arrangements for participation in the purchase of debt securities, convertible, and with stock purchase warrants or options, the "initiating" company will service the financing.

NOTE 3: It is recommended that individual ledger cards or sheets be maintained for all debt securities, convertible, and with stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 187—Unearned discount, fees, and other charges on debt securities (section 304), and for activities pertaining to participations purchased or sold.

(See accounts Nos. 184, 185, 312, and memorandum record No. NA-10)

184 Debt securities divested of stock rights (section 304).

This account will represent the unpaid principal balance of small business concerns' debt securities which have been divested of stock rights through (1) the expiration of the conversion privilege of convertible debt securities, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options of debt securities, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of debt securities pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With unpaid principal of debt securities divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) With company's retained portion of debt securities participated in by others which have been subsequently divested of stock rights.

(c) With amount of participations in purchases by others of debt securities which have been subsequently divested of stock rights.

(d) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of debt securities divested of stock rights.

(b) With company's share of amount collected on principal of debt securities participated in by others which have been subsequently divested of stock rights.

(c) With full amount by which participations in purchases by others of debt securities which have been subsequently divested of stock rights are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal balance of debt securities divested of stock rights sold with recourse paid on maturity as reported to the company by the purchaser (contra debit will be made to account No. 314).

(e) With unpaid principal of debt securities divested of stock rights transferred to assets acquired in liquidation of loans and debt securities.

(f) With unpaid principal of debt securities divested of stock rights written off or disposed of otherwise.

NOTE: It is recommended that individual ledger cards or sheets be maintained for all debt securities which have been divested of stock rights. Such ledger cards or sheets should contain the detailed information needed for account No. 187—Unearned discount, fees, and other charges on debt securities (section 304), and for activities pertaining to participations purchased or sold.

(See accounts Nos. 180, 185, and 314)

185 Allowance for losses on debt securities (section 304).

This account will represent the valuation reserve provided for estimated losses on debt securities, convertible, and with stock purchase warrants or options, and debt securities divested of stock rights (all such securities section 304) and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on debt securities of small business concerns.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for debt securities which are written off, sold, or disposed of otherwise (contra credit for any portion representing an excess over losses actually incurred will be made to account No. 682).

(c) With amount of writedown of such debt securities, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When debt securities of small business concerns are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, this account will be debited for the amount of the reserve which has been established therein for such debt securities, and the appropriate investment account will be credited for the related cost value carried therein. If there is no loss, or it is less than the amount reserved for loss on the debt securities disposed of, the excess portion of the amount reserved will be credited to account No. 682. If a gain over cost is realized, such gain will be credited to account No. 572. If a loss in relation to cost is sustained which is in excess of the amount reserved therefor, that portion above the amount of the reserve provided will be debited to account No. 702.

(See accounts Nos. 180, 184, and 682)

187 Unearned discount, fees, and other charges on debt securities (section 304).

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of small business concerns' debt securities acquired pursuant to section 304 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which becomes earned through collection or passage of time.

(b) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is retained by the company in connection with purchases of debt securities participated in by other investors (the amount to be recorded becomes earned through collection or passage of time).

(c) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the company in connection with its participations in purchases of debt securities by other investors (the amount to be recorded becomes earned through collection or passage of time).

(d) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.

Credit:

(a) With amount of unearned discount (including that equivalent to the determined cost of warrants, options, and other stock rights, as explained in Note 2 of account No. 196), fees, and other charges included in the face amount of debt securities but withheld from disbursements to debtor small business concerns.

(b) With portion retained by the company of total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors.

(c) With portion assigned to the company of total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with its participations in purchases of debt securities by other investors.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Unearned discount in this account will be transferred, as appropriate, to account No. 516—Interest on debt securities, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Application and appraisal fees, under similar circumstances.

NOTE 3: Any fees and other charges considered earned immediately upon closing of financing through purchase of debt securities will be recorded in the income account at once without first being entered in this account.

NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular debt securities to which they relate.

190 Capital stock of SBCs, convertible, and with stock purchase warrants or options.

This account will represent the value at cost of small business concerns' capital stock, convertible, and with attached stock purchase warrants or options, acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended. If the stock purchase warrants, options, or other stock rights have a separate purchase cost, or if a separate cost has otherwise been determined for them, the warrants, options, or other stock rights will be reflected at such cost in account No. 196.

Debit:

(a) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, acquired.

(b) With portion retained by company of the capital stock of SBCs, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount of participations in acquisitions by others of capital stock of SBCs, convertible, and with stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, which has been divested of stock purchase rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable of detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, converted to another class of capital stock.

(c) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: It is assumed that in all arrangements for participation in the acquisition of capital stock of SBCs, convertible, and with stock purchase warrants or options, the "initiating" company will service the financing.

NOTE 3: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs, convertible, and with stock purchase warrants or options.

(See accounts Nos. 192, 193, and memorandum record No. NA-10)

192 Capital stock of SBCs—other.

This account will represent the value at cost of small business concerns' capital stock acquired by the company without conversion privileges or stock purchase warrants or options, or existing on the books as the result of (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such capital stock of SBCs—other acquired through (1) purchase (2) conversion of convertible debt securities or convertible capital stock of SBCs, or (3) exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock acquired by the company.

(b) With cost of such capital stock of SBCs—other resulting from (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns.

(c) With portion retained by company of the capital stock of SBCs—other in which participations are sold to others.

(d) With amount of participations in capital stock of SBCS—other acquired by or subsequently existing on the books of others without conversion privileges or stock purchase warrants or options.

Credit: (a) With cost of such capital stock of SBCS—other written off or disposed of otherwise.

NOTE 1: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs—other acquired or subsequently existing without conversion privileges or stock purchase warrants or options.

NOTE 2: In acquisitions of capital stock through exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock previously acquired by the company, the amount of the expenditure made by the company in the current aquisition of the capital stock will be considered the cost of the stock in those instances when the stock purchase rights surrendered have only a nominal value; otherwise, the cost of the stock will comprise the current expenditure plus the cost of the warrants or options surrendered.

NOTE 3: In conversions of convertible debt securities of small business concerns into capital stock, or in conversions of convertible capital stock of SBCs into another class of capital stock, the value at cost of the particular convertible security should be considered the cost of the capital stock received in the conversion.

(See accounts Nos. 190, 193, and 196)

193 Allowance for losses on capital stock of SBCs.

This account will represent the valuation reserve provided for estimated losses on capital stock of SBCs, convertible, and with stock purchase warrants or options, and capital stock of SBCs—other, and should be maintained in an amount not less than a conservative estimate or probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on capital stock of SBCs.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for capital stock which is written off, sold, or disposed of otherwise (contra credit for any portion representing an excess over losses actually incurred will be made to account No. 682).

(c) With amount of writedown of such capital stock, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When capital stock of SBCs is sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, this account will be debited for the amount of the reserve established therein for such capital stock, and the appropriate investment account will be credited for the related cost value carried therein. If there is no loss, or it is less than the amount reserved for loss on capital stock disposed of, the excess portion of the amount reserved will be credited to account No. 682. If a gain over cost is realized, such gain will be credited to account No. 576. If a loss in relation to cost is sustained which is in excess of the amount reserved therefor, that portion above the amount of the reserve provided will be debited to account No. 708.

(See accounts Nos. 190, 192, and 682)

196 Warrants, options, and other stock rights acquired from SBCs.

This account will represent the value at purchase price or at cost as otherwise determined of warrants, options, and other stock rights acquired by the company from small business concerns pursuant to section 304 of the Small Business Investment Act of 1958, as amended. The account will include conversion rights for which a separate cost has been determined.

Detachable stock purchase warrants or options on stock of SBCs for which no consideration is given distinct from that surrendered for the debt securities or capital stock which they accompany, or for which no separate cost has been determined, will be reflected in memorandum record No. NA-10, if retained after the financing instruments which they accompanied have been disposed of. (Reference should be made to Treasury regulations concerning the treatment of options acquired by lenders or investors in connection with investments.)

Debit:

(a) With cost of such warrants, options, or other stock rights acquired.

(b) With portion retained by company of the warrants, options, or other stock rights in which participations are sold to others.

(c) With amount of participations in acquisitions by others of warrants, options, or other stock rights.

Credit:

(a) With cost of such warrants, options, or other stock rights surrendered in exercising the stock rights.

(b) With cost of such warrants, options, or other stock rights written off or disposed of otherwise.

(c) With cost of such warrants, options, or other stock rights for which the exercise period has expired.

NOTE 1: It is recommended that individual ledger cards or sheets be maintained for all warrants, options, or other stock rights acquired from SBCs.

NOTE 2: The cost of warrants, options, and other stock rights acquired from SBCs for a separate consideration will be charged to this account, with a credit to cash. If warrants, options, or other stock rights are acquired from SBCs without a separate consideration and a cost thereof is otherwise determined, such cost will be established in this account. (The determined cost of warrants, options, and other stock rights acquired with debt securities without a separate consideration therefor shall be arrived at giving full consideration to the grade of the debt security.) The payment for the debt security or capital stock certificate which accompanied the stock rights will be allocated between the obligation or stock and the stock rights. Cash will be credited for the determined cost of the stock rights. Cash also will be credited for the amount of the debt security or stock received less the amount withheld from disbursement in relation to the debt security or stock received, which is equivalent to the determined cost of the stock rights plus (in the case of a debt security) any other withholding from net funds advanced. In the purchase of a debt security the deduction equal to the determined cost of the stock rights, plus any other withholding from net funds advanced, will be treated as unearned discount on the debt security and credited to account No. 187—Unearned discount, fees, and other charges on debt securities (section 304). In the case of a purchase of capital stock, the deduction equal to the determined cost of the stock rights will serve to reduce the cost of the stock to be recorded in account No. 190—Capital stock of SBCs, convertible, and with stock purchase warrants or options.

(See accounts Nos. 197, 577, and 707)

197 Allowance for losses on warrants, options, and other stock rights acquired from SBCs.

This account will represent the valuation reserve provided for estimated losses on warrants, options, and other stock rights acquired from SBCs, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on warrants, options, and other stock rights acquired from SBCs.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for warrants, options, and other stock rights acquired from SBCs which are written off, sold, or disposed of otherwise (contra credit for any portion representing an excess over losses actually incurred will be made to account No. 682).

(c) With amount of writedown of such warrants, options, and other stock rights acquired from SBCs, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When warrants, options, and other stock rights acquired from SBCs are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, this account will be debited for the amount of the reserve established therein for such warrants, options, and other stock rights acquired from SBCs, and the appropriate investment account will be credited for the related cost value carried therein. If there is no loss, or if it is less than the amount reserved for loss on the stock rights disposed of, the excess portion of the amount reserved will be credited to account No. 682. If a gain over cost is realized, such gain will be credited to account No. 577. If a loss in relation to cost is sustained which is in excess of the amount reserved therefor, that portion above the amount of the reserve provided will be debited to account No. 707.

(See accounts Nos. 196 and 682)

200 Assets acquired in liquidation of loans and debt securities.

This account will represent the company's investment in assets acquired by foreclosure, or otherwise, in liquidation of loans (section 305) and debt securities (section 304). Judgments, sheriffs' certificates (including property acquired subject to redemption), etc., will be reflected in this account.

The investment in property at the date of acquisition by the company should be determined by the Board of Directors on the most suitable of the following bases, but not to exceed the total amount of the related loan or debt security involved: (1) Bid-in price of the property; (2) agreed consideration for the property; (3) fair appraised value of the property. Any remaining indebtedness will be written off unless the company expects further liquidation of the debt from other sources. Insofar as practicable, investment values will be determined for each individual asset, or unit, at the time such assets are recorded in this account, and when an asset is sold only an amount equal to the investment in such asset will be credited to this account.

The company's investment in mortgaged real property acquired in liquidation of loans and debt securities should be recorded at gross value as determined by the Board of Directors, reduced as necessary to bring the net recorded value to no more than the outstanding principal balance of the related loan or debt security involved. The amount of the existing mortgage or mortgages on such property acquired by the company will be reflected in account No. 318. The balance of the latter account will not be treated as a liability on the balance sheet but will be deducted from the asset account.

The company's investment in judgments should be recorded at the face amount of the judgment. When the company acquires the underlying security to the related loan or debt security outright or subject to redemption, the investment in the property should be determined in accordance with the bases set forth in the second paragraph.

Debit:

(a) With amount of the company's investment in the assets at the time of acquisition.

(b) With amount of the company's investment in the assets at the date of judgment, sheriff's certificate, etc.

(c) With amount of participation in assets acquired by others in liquidation of loans and debt securities.

Credit:

(a) With proceeds of partial sale of the assets.

(b) With amount of the company's investment at date of sale, or other disposition of the assets.

(c) With amount written off.

NOTE 1: Collateral notes receivable acquired in the liquidation of loans and debt securities will be reflected in this account; but notes receivable that are subsequently accepted in connection with the disposition of assets acquired in the liquidation of loans and debt securities will be included in account No. 210—Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

NOTE 2: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting assets acquired in liquidation of loans and debt securities.

(See accounts Nos. 170, 180, 184, 201, and 203)

201 Allowance for losses on assets acquired in liquidation of loans and debt securities.

This account will represent the valuation reserve provided for estimated losses on assets acquired in liquidation of loans (section 305) and debt securities (section 304), and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on assets acquired in liquidation of loans and debt securities.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for assets acquired in liquidation of loans and debt securities which are written off, sold, or disposed of otherwise (contra credit for any

portion representing an excess over losses actually incurred will be made to account No. 684).

(c) With amount of writedown of such assets acquired in liquidation of loans and debt securities, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When assets acquired in liquidation of loans and debt securities are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, this account will be debited for the amount of the reserve established therein for such assets acquired in liquidation of loans and debt securities, and account No. 200 will be credited for the related cost value carried therein. If there is no loss, or it is less than the amount reserved for loss on the acquired assets disposed of, the excess portion of the amount reserved will be credited to account No. 684. If a gain over recorded investment in the assets acquired in liquidation is realized, such gain will be credited to account No. 578. If a loss in relation to recorded investment value is sustained which is in excess of the amount reserved therefor, that portion above the amount of the reserve provided will be debited to account No. 708.

(See accounts Nos. 200 and 684)

203 Accumulated depreciation on assets acquired in liquidation of loans and debt securities.

This account will represent the valuation reserve provided for depreciation of depreciable property acquired by foreclosure, or otherwise, in liquidation of loans (section 305) and debt securities (section 304). This account should be maintained in an amount not less than a conservative estimate of the expired service life of such property while owned by the company.

Debit: (a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit: (a) With the amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 200 and 710)

210 Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the unpaid balance of accounts receivable, notes receivable, sales contracts, purchase money mortgages, and similar evidences of indebtedness to the company arising from the sale of assets acquired in liquidation of loans and debt securities.

Debit:

(a) With amount of such receivables.

(b) With amount of participation in amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities of other lenders or investors.

Credit:

(a) With amount collected on principal of such receivables.

(b) With amount transferred to account No. 200—Assets acquired in liquidation of loans and debt securities. (Noncash assets other than receivables obtained on sale of assets acquired in liquidation of loans and debt securities should be reflected at cost in account No. 200.)

(c) With unpaid principal balance written off or disposed of otherwise.

NOTE: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

(See accounts Nos. 200 and 211)

211 Allowance for uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the valuation reserve provided for estimated losses on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount due from debtors on sale of assets acquired in liquidation of loans and debt securities written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such items written off.

(See accounts Nos. 210 and 686)

220 Prepaid expenses and deferred charges.

This account will represent the unexpired or unconsumed portion of expenses expressly applicable to future periods for which no specific accounts have been provided. Such expenses should be amortized over the appropriate period.

Debit: (a) With amount of prepaid or deferred expenses.

Credit: (a) With the proportional amount of such expenses applicable to the period.

NOTE: Subsidiary records should be maintained to identify the items reflected in this account and to facilitate their amortization.

230 Furniture and equipment.

This account will represent the cost of furniture, fixtures, and equipment, including automobiles, owned by the company. The cost of freight, drayage, cartage, express, etc., in connection with the purchase of such items of furniture and equipment, will be included in this account.

Debit: (a) With cost of such assets purchased.

Credit: (a) With cost of such assets at the time of sale or other disposition.

NOTE: An inventory record should be maintained for all such assets and each item should be tagged or numbered to facilitate ready identification.

(See account No. 231)

231 Accumulated depreciation on furniture and equipment.

This account will represent the valuation reserve provided for depreciation of furniture, fixtures, and equipment, including automobiles, owned by the company. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such assets while owned by the company.

Debit: (a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit: (a) With the amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 230 and 655)

240 Corporate premises owned.

This account will represent the actual cost of acquisition of the land and building used as the company's office quarters. The account also will include the actual cost of any improvements, such as street, sidewalk and other benefits, applicable to the land, and any improvements applicable to the building.

Debit:

(a) With actual cost of acquisition of the land and building.

(b) With actual cost of any improvement to the land and/or building.

Credit: (a) With the acquisition cost of the land and/or building, plus the cost of improvements made thereto, when the land and/or building is sold or disposed of otherwise.

(See account No. 241)

241 Accumulated depreciation on corporate premises owned.

This account will represent the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such building and improvements while owned by the company.

Debit: (a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit: (a) With the amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 240 and 655)

242 Leasehold improvements.

This account will represent the actual cost of improvements to leased property used as the company's office quarters. The amount of this account will be amortized through account No. 654—Cost of space occupied, over the life of the lease or the life of the improvements, whichever is the shorter.

Debit: (a) With actual cost of improvements to leasehold.

Credit: (a) With the amount necessary to amortize the cost of leasehold improvements.

255 Amounts due from directors, officers, and employees.

This account will represent the unpaid balance of amounts advanced to directors, officers, and employees.

Debit: (a) With amount of such advances made.

Credit:

(a) With amount collected on such advances.

(b) With amount transferred to appropriate expense classification upon proper authorization.

(c) With amount written off or disposed of otherwise.

(See account No. 709)

256 Organization costs.

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company.

Debit: (a) With amount of such costs incurred.

Credit: (a) With the amount necessary to amortize the orgapization costs in accordance with Treasury regulations.

(See account No. 672)

257 Other assets.

This account will represent the amount of assets of the company, at cost, not specifically provided for in other accounts, including recoverable amounts advanced for the protection and preservation of the company's investments (such as the payment of taxes on mortgaged property), but not including short-term loans or debt securities issued to protect the company's interests in previously issued long-term loans or equity securities.

Debit: (a) With amount of the company's investment in such assets.

Credit: (a) With amount of such assets sold or disposed of otherwise.

(See account No. 709)

Liability Accounts

300 Notes payable to SBA.

This account will represent the unpaid principal balance of notes payable (1) for funds borrowed and received directly from the Small Business Administration and (2) for funds borrowed from others through guaranteed loans which subsequently have been purchased by the Small Business Administration.

Debit: (a) With amount of principal payments made on such notes.

Credit:

(a) With amount of funds borrowed.

(b) With unpaid principal balance of guaranteed loans purchased by SBA (contra debit will be made to account No. 315).

301 Debentures payable issued to SBA.

This account will represent the unpaid principal balance of funds received by the company under its debentures payable issued to the Small Business Administration for funds borrowed.

Debit: (a) With amount of principal payments made to SBA on such debentures.

Credit: (a) With amount of funds received from SBA under such debentures.

310 Loans sold with recourse.

This account will represent the unpaid principal balance of loans outstanding to small business concerns which have been sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With amount collected on principal of such loans as reported to the company by the purchaser (contra credit will be made to account No. 170).

(b) With unpaid principal balance of such loans repurchased.

Credit: (a) With unpaid principal balance of such loans sold.

NOTE: This account is contra to account No. 170—Loans (section 305). For balance sheet purposes account No. 310 will be deducted from account No. 170.

312 Debt securities, convertible, and with stock purchase warrants or options sold with recourse.

This account will represent the unpaid principal balance of unmatured debt securities, convertible, and with stock purchase warrants or options, issued by small business concerns to the company, which are sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With unpaid principal balance of such debt securities, convertible, and with stock purchase warrants or options paid on maturity as reported to the company by the purchaser (contra credit will be made to account No. 180).

(b) With unpaid principal balance of such debt securities, convertible, and with stock purchase warrants or options repurchased.

Credit: (a) With unpaid principal balance of debt securities, convertible, and with stock purchase warrants or options sold with recourse.

NOTE: This account is contra to account No. 180—Debt securities, convertible, and with stock purchase warrants or options (section 304). For balance sheet purposes account No. 312 will be deducted from account No. 180.

314 Debt securities divested of stock rights sold with recourse.

This account will represent the unpaid principal balance of small business concerns' unmatured debt securities divested of stock rights which are sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With unpaid principal balance of such debt securities divested of stock rights paid on maturity as reported to the company by the purchaser (contra credit will be made to account No. 184).

(b) With unpaid principal balance of such debt securities divested of stock rights repurchased.

Credit: (a) With unpaid principal balance of such debt securities divested of stock rights sold with recourse.

NOTE: This account is contra to account No. 184—Debt securities divested of stock rights (section 304). For balance sheet purposes account No. 314 will be deducted from account No. 184.

315 Notes payable to other than SBA—guaranteed by SBA.

This account will represent the unpaid principal balance of notes payable for funds borrowed from other than the Small Business Administration and guaranteed by the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

(b) With unpaid principal balance of guaranteed loans purchased by SBA (contra credit will be made to account No. 300).

Credit: (a) With amount of funds borrowed.

316 Notes payable to other than SBA—not guaranteed by SBA.

This account will represent the unpaid principal balance of notes payable for funds borrowed from other than the Small Business Administration and not guaranteed by the Small Business Administration.

Debit: (a) With amount of principal payments made on such notes.

Credit: (a) With amount of funds borrowed.

317 Mortgages payable for funds borrowed.

This account will represent the unpaid principal balance of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company. Purchase money mortgages, conditional sales contracts, or similar documentary evidence of indebtedness given by the company in the acquisition of real property will be included in this account.

Debit: (a) With amount of principal payments made on such indebtedness.

Credit: (a) With amount of funds borrowed.

318 Mortgages payable on assets acquired in liquidation of loans and debt securities.

This account will represent the unpaid principal balance of existing mortgages payable on assets acquired by the company in liquidation of loans and debt securities. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.

Debit: (a) With amount of principal payments made on such indebtedness.

Credit: (a) With amount of such indebtedness.

(See account No. 200)

320 Notes payable—other.

This account will represent the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed. Notes payable, conditional sales contracts, and liens for the acquisition of furniture, fixtures, equipment, and automobiles will be included in this account.

Debit: (a) With amount of principal payments made on such notes.

Credit: (a) With amount of unpaid principal of such notes executed.

340 Accounts payable.

This account will represent amounts payable on open account, including amounts representing "participating" companies' portions of principal and accrued interest receivable from financed small business concerns. The account also will include accrued compensation payable for services rendered to the company on its participations in financing transactions, and accrued commitment fees payable for having funds made available on a deferred basis by "participating" companies in connection with the financing of, or commitments to finance, small business concerns.

Debit: (a) With amount of such indebtedness paid, or disposed of otherwise.

Credit: (a) With amount of such indebtedness incurred.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

(See accounts Nos. 150, 600, and 715)

350 Accrued interest payable.

This account will represent the amount of liability for interest accrued on the company's notes, mortgages and debentures payable, and on loans (section 305) and debt securities (section 304) of small business concerns sold with recourse upon the company in the event of default. The account also will include accrued interest payable on other interest-bearing obligations of the company.

Debit: (a) With amount of such interest paid or disposed of otherwise.

Credit: (a) With amount of interest accrued on all interest-bearing obligations covered by this account.

351 Accrued taxes on payroll.

This account will represent the balance of accrued taxes on payroll, such as the company's portion of social security taxes, which have not been remitted to the appropriate collectors of such taxes.

Debit: (a) With amount of such taxes paid.

Credit: (a) With amount of such taxes accrued.

(See account No. 664)

354 Estimated income taxes accrued.

This account will include the balances in subaccounts Nos. 354.1, 354.2, 354.3, etc.

354.1 Estimated Federal income taxes accrued.

This account will represent the balance of estimated Federal income taxes accrued which have not been remitted to the Internal Revenue Service.

Debit: (a) With amount of such taxes paid.

Credit: (a) With amount of such taxes accrued.

(See subaccounts Nos. 721.1 and 722.1)

354.2 Estimated State income taxes accrued.

This account will represent the balance of estimated State income taxes accrued which have not been remitted to the appropriate collector of such taxes.

Debit: (a) With amount of such taxes paid.

Credit: (a) With amount of such taxes accrued.

(See subaccounts Nos. 720.2 and 722.2)

358 Other accrued expenses.

This account will represent the amount of the company's liability for accrued expenses, such as salaries, not provided for in other accounts.

Debit: (a) With amount of such expenses paid or disposed of otherwise.

Credit: (a) With amount of such expenses accrued.

NOTE: Increases or decreases in the liability for accrued expenses, through accruals or adjustments, will be offset by increases or decreases, respectively, in the appropriate expense accounts.

360–364 Dividends payable on _____ capital stock. (Type and class)

These accounts will represent the company's liability for dividends declared by the company's Board of Directors on the respective types and classes of capital stock issued and outstanding. A separate account should be used to reflect the dividends payable for each type and class of capital stock outstanding.

Debit: (a) With amount of such dividends paid.

Credit: (a) With amount of such dividends declared payable by the company's Board of Directors.

370 Employee taxes withheld.

This account will represent the amount of income and social security taxes withheld from employees' salaries which have not been remitted to the appropriate collectors of such taxes.

Debit: (a) With amount of such taxes remitted.

Credit: (a) With amount of such taxes withheld.

374 Unapplied receipts.

This account will represent the amount of funds received by the company which have not been applied to loans (section 305), debt securities (section 304), interest receivable, etc. This account will be used only in instances when the funds received cannot be applied promptly.

Debit: (a) With amount of such funds applied or disposed of otherwise.

Credit: (a) With amount of funds received which cannot be applied promptly.

378 Miscellaneous trust receipts.

This account will represent the liability of the company for funds withheld or received in trust, for which no specific account is provided, including earnest money deposits, and funds withheld from employees' salaries for the purchase of U.S. Savings Bonds, payment of group life insurance premiums, payment of pension fund contributions, etc.

Debit: (a) With amount of such funds disbursed or disposed of otherwise.

Credit: (a) With amount of such funds withheld or received.

381 Other liabilities.

This account will represent the amount of liabilities of the company not specifically provided for in other accounts.

Debit: (a) With amount of such liabilities paid or disposed of otherwise.

Credit: (a) With amount of such liabilities incurred.

383 Other deferred credits.

This account will represent the amount of deferred credits of the company not specifically provided for in other accounts.

The account will include any gain on sale of assets which does not qualify as realized gain under SBA Rules and Regulations.

Debit: (a) With amount of such deferred credits transferred to income or gain, or disposed of otherwise.

Credit: (a) With amount of such deferred credits established.

NOTE 1: Accrual of interest receivable should be discontinued with respect to any loan or debt security financing a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in this account, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in this account as above indicated.

NOTE 2: Deferred gain in this account will be transferred to appropriate gain accounts as it is realized.

Capital Stock and Surplus Accounts

400–404 _____ capital stock authorized. (Type and class)

These accounts will represent the total par or stated value of the capital stock authorized, as provided for in the company's charter. A separate account should be provided for each type and class of capital stock authorized.

Debit: (a) With amount of reductions of such capital stock authorized.

Credit: (a) With original amount of such capital stock authorized.

(b) With additional amounts of such capital stock authorized.

(See accounts Nos. 405–409 and "Note" of accounts Nos. 415–419)

405–409 _____ unissued capital stock. (Type and class)

These accounts will represent the total par or stated value of unissued capital stock of the company. A separate account should be provided for each type and class of unissued capital stock.

Debit: (a) With original amount of such unissued capital stock, as provided for in the company's charter.

(b) With additional amounts of such unissued capital stock authorized.

(c) With par or stated value of capital stock retired.

Credit: (a) With amount of such capital stock issued (contra debit will be made to accounts Nos. 410–411).

(b) With amount of reductions of capital stock authorized.

(See accounts Nos. 400–404 and "Note" of accounts Nos. 415–419)

410–411 _____ capital stock subscribed. (Type and class)

These accounts will represent the total amount at the subscription price of the company's capital stock subscribed. A separate account should be provided for each type and class of capital stock subscribed. These accounts will reflect the company's responsibility to issue shares of its stock to subscribers who have made final payment of their capital stock subscriptions.

Debit:

(a) With amount at the subscription price of such subscribed capital stock issued (contra credits will be made to accounts Nos. 405–409 and, as appropriate, No. 420).

(b) With amount at the subscription price of such subscribed capital stock is canceled or disposed of otherwise.

Credit: (a) With amount at the subscription price of such capital stock subscribed.

(See accounts Nos. 413–414 and "Note" of accounts Nos. 415–419)

413–414 Capital stock subscriptions receivable _____. (Type and class)

These accounts will represent the total unpaid balances of capital stock subscriptions receivable from subscribers of the company's authorized capital stock. A separate subscriptions receivable account should be provided for each type and class of capital stock subscribed.

Debit: (a) With amount of such capital stock subscriptions received.

Credit:

(a) With amount collected on such capital stock subscriptions.

(b) With amount of such capital stock subscriptions canceled or disposed of otherwise.

(See accounts Nos. 410–411 and "Note" of accounts Nos. 415–419)

415–419 Treasury stock _____. (Type and class)

These accounts will represent the total amount of the company's issued capital stock which has been reacquired through purchase or donation and has not been retired. A separate account should be provided for each type and class of such capital stock held by the company.

Debit:

(a) With cost of such capital stock acquired through purchase.

(b) With amount of fair market value or par value of such capital stock acquired through donation (contra credit will be made to account No. 420).

Credit:

(a) With cost of such capital stock acquired through purchase, when sold or disposed of otherwise.

(b) With amount of fair market value or par value of such capital stock acquired through donation, when sold or disposed of otherwise.

NOTE: Appropriate subsidiary records should be maintained as deemed necessary.

420 Paid-in surplus.

This account will represent the amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value of par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; and (6) other capital equity transactions with stockholders.

Debit:

(a) With amount of loss on treasury stock sold which was acquired through purchase, but not to exceed the total of credits residing in this account relating to previous gains on treasury stock sold or retirement of capital stock at amounts less than the amounts previously paid in with respect thereto (any amount of loss in excess of the total of such credits will be charged to retained earnings, account No. 425).

(b) With amount received by the company below fair market value, or par value, whichever applicable, for treasury stock sold which was acquired through donation.

(c) With amount paid by the company in excess of par value, but not to exceed the premium received initially, for shares of capital stock retired (any amount paid in excess of par plus initial premium received will be charged to retained earnings, account No. 425).

Credit:

(a) With amount paid in (including stock dividends from retained earnings), or transferred from capital stock subscribed, representing the excess (after deduction of underwriters' fees and commissions) over par value of the company's capital stock, when shares are issued.

(b) With amount of fair market value or par value of the company's capital stock acquired through donation.

(c) With amount of discount below par value of the company's capital stock acquired through purchase, when such stock is retired.

(d) With amount received by the company in excess of cost, or in excess of fair market value or par value, whichever applicable, for treasury stock sold.

(e) With amount not to exceed fair market value of donations or gifts of assets to the company.

425 Retained earnings.

This account will represent the accumulated balance of the company's undistributed net income since incorporation.

Debit:

(a) At the end of the fiscal year, with any debit balance reflected in the profit and loss summary account, No. 429, and/or the realized gain and loss summary account, No. 430.

(b) With amount of dividends, other than stock dividends, declared payable out of retained earnings by the company's Board of Directors.

(c) With amount of stock dividends, at a per share value representing the higher of fair value or the average paid-in capital per share existing at the time that the dividend is declared (par or stated value of capital stock issued plus paid-in surplus divided by the number of shares of capital stock issued), which are declared by the company's Board of Directors and paid out of retained earnings.

(d) With appropriate amount of loss on treasury stock sold which was acquired through purchase, representing the excess of such loss over the total of credits residing in paid-in surplus, account No. 420, relating to previous gains on treasury stock sold or retirement of capital stock at amounts less than the amounts previously paid in with respect thereto.

(e) With appropriate amount paid by the company in excess of par plus initial premium received on the type and class of shares of capital stock retired.

(f) With amounts transferred to appropriated retained earnings upon approval by the Board of Directors.

Credit:

(a) At the end of the fiscal year, with the credit balances of the profit and loss summary account, No. 429, and the realized gain and loss summary account, No. 430.

(b) With amounts returned from appropriated retained earnings.

(See account No. 427)

427 Appropriated retained earnings.

This account will represent the amount of retained earnings restricted from dividend distribution and thus earmarked for some future purpose.

Debit: (a) With amounts returned to the retained earnings account after purpose has been served.

Credit: (a) With amounts transferred from retained earnings upon approval by the Board of Directors.

(See account No. 425)

429 Profit and loss summary.

This account will be used as a clearing account through which all income and expense accounts on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the debit balances of all expense and income accounts.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings).

Credit:

(a) At the end of the fiscal year, with the credit balances of all income and expense accounts.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings).

(See account No. 425)

430 Realized gain and loss summary.

This account will be used as a clearing account through which all accounts for realized gains and losses on investments on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the balances of all accounts for losses on investments.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings).

Credit:

(a) At the end of the fiscal year, with the balances of all accounts for gains on investments.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings).

(See account No. 425)

Income Accounts

500 Commitment income.

This account will represent the amount of income earned on commitments to small business concerns for loans (section 305) and equity securities (section 304). This account, on the books of the "participating" company, will include the amount of commitment income on deferred participations.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of income earned on commitments and deferred participations.

NOTE 1: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

NOTE 2: Recording as income in this account of accrued commitment fees receivable should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the small business concern has not earned the amount of accrued commitment fees, or the fair value of its debt or equity instrument held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the accrued commitment fees taken into income in this account, or, as an alternative, the commitment income should be deferred in account No. 383 as above indicated.

(See account No. 151)

510 Interest on invested idle funds.

This account will represent the amount of interest earned on (1) time certificates of deposit in banks which are members of the Federal Deposit Insurance Corporation, (2) U.S. Government obligations, direct and fully guaranteed, owned by the company, and (3) funds of the company in insured savings accounts in institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of interest earned on invested idle funds.

512 Interest on loans.

This account will represent the amount of interest earned on loans (section 305) to small business concerns.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of interest earned on loans outstanding to small business concerns.

NOTE: Accrual of interest receivable should be discontinued with respect to any loan to a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be credited to this account as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the loan as determined in good faith by the Board of Directors is less than cost or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrued interest receivable taken into income in this account, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 160, 161, 170, and 173)

516 Interest on debt securities.

This account will represent the amount of interest earned on debt securities of small business concerns owned by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit: (a) At the end of the fiscal year with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of interest earned on debt securities owned.

NOTE: Accrual of interest receivable should be discontinued with respect to any debt security of a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be credited to this account as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrued interest receivable taken into income in this account, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 160, 161, 180, 184, and 187)

520 Interest income—other.

This account will represent the amount of interest earned on miscellaneous notes receivable, funds in escrow pending closing of financing, and interest-bearing receivables not otherwise classified.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of interest earned on such receivables.

(See accounts Nos. 140, 160, and 179)

532 Management consulting service fees.

This account will represent the amount of fees charged for management consulting services rendered to small business concerns and other small business investment companies pursuant to section 308(b) of the Small Business Investment Act of 1958, as amended.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such fees charged.

NOTE: Recording as income in this account of accrued management consulting service fees receivable should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the small business concern has not earned the amount of accrued management consulting service fees, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the accrued management consulting service fees taken into income in this account, or, as an alternative, the management consulting service income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 140, 150, and 151)

534 Investigation and service fees charged other lenders.

This account will represent the amount of fees charged for investigation and services rendered to banks or other lenders or investors, pursuant to section 308(a) of the Small Business Investment Act of 1958, as amended. The account will include compensation for financial services rendered in connection with participations sold.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such fees charged.

(See accounts Nos. 140 and 150)

536 Application and appraisal fees.

This account will represent the amount of fees charged for application, appraisal, investigation, and related services rendered to small business concerns.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such fees charged.

(See accounts Nos. 173 and 187 and "Note" of accounts Nos. 140, 150 and 532)

540 Dividends on capital stock of SBCs.

This account will represent the amount of income from dividends on capital stock of small business concerns.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of income from such dividends.

(See "Note" of accounts Nos. 140, 150, and 532)

541 Sharings in income or revenue of SBCs.

This account will represent the amount of sharings or participations in the income or revenue of small business concerns which the company has financed by means of loans (section 305) or debt securities (section 304).

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such sharings.

(See "Note" of accounts Nos. 140, 150, and 532)

570 Gain on U.S. Government securities.

This account will represent the amount of gain on the sale or other disposition of U.S. Government obligations, direct and fully guaranteed, carried in account No. 130.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit: (a) With amount of gain on such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of U.S. Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be credited to account No. 510—Interest on invested idle funds, with concurrent debit to account No. 160—Accrued interest receivable.

572 Gain on debt securities (section 304).

This account will represent the amount of gain on the sale or other disposition of debt securities (section 304) of small business concerns carried in accounts Nos. 180 and 184, and will include recoveries on debt security losses previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such debt securities sold or disposed of otherwise.

(b) With amount collected on portions of debt securities previously charged to the loss account.

(See accounts Nos. 383 and 702)

576 Gain on capital stock of SBCs.

This account will represent the amount of gain on the sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190 and 192, and will include recoveries on capital stock losses previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such capital stock sold or disposed of otherwise.

(b) With amount realized on capital stock of SBCs previously charged to the loss account.

(See accounts Nos. 383 and 706)

577 Gain on warrants, options, and other stock rights acquired from SBCs.

This account will represent the amount of gain on the sale or other disposition of warrants, options, and other stock rights acquired from SBCs, and will include recoveries on stock rights losses previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such warrants, options, and other stock rights acquired from SBCs sold or disposed of otherwise.

(b) With amount realized on warrants, options, and other stock rights previously charged to the loss account.

(See accounts Nos. 196, 383, 707, and memorandum record No. NA-10)

578 Gain on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of gain on the sale or other disposition of assets acquired in liquidation of loans and debt securities of small business concerns carried in account No. 200, and will include recoveries on losses on assets acquired in liquidation previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such assets acquired in liquidation of loans and debt securities sold or disposed of otherwise.

(b) With amount realized on assets acquired in liquidation of loans and debt securities previously charged to the loss account.

(See accounts Nos. 383 and 708)

579 Gain on other assets.

This account will represent the amount of gain on the sale or other disposition of assets not specifically provided for in other accounts, and will include recoveries on losses on other assets previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such assets sold or disposed of otherwise.

(b) With amount realized on other assets previously charged to the loss account.

(See accounts Nos. 383 and 709)

582 Income from assets acquired in liquidation of loans and debt securities.

This account will represent the amount of income earned on assets acquired in liquidation of loans and debt securities, including the operation of properties, carried in account No. 200.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such income earned.

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent. Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation or the disposition of assets acquired in the liquidation

of loans and debt securities should be charged to account No. 220—Prepaid expenses and deferred charges.

584 Other income.

This account will represent the income earned not specifically provided for in other accounts.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such income earned.

Expense Accounts

600 Commitment expense.

This account will represent the amount of commitment expense on commitments from lending institutions.

On the books of the "initiating" company, this account also will include the amount of commitment expense on deferred participations.

Debit: (a) With amount of expense incurred on commitments and deferred participations.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

(See account No. 340)

610 Interest on obligations payable to SBA.

This account will represent the amount of interest expense accrued on obligations payable to the Small Business Administration for funds borrowed.

Debit: (a) With amount of such interest accrued.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 300, 302, 304, 306, and 350)

622 Interest on obligations payable to other than SBA.

This account will represent the amount of interest expense accrued on obligations payable to other than the Small Business Administration for funds borrowed.

Debit: (a) With amount of such interest accrued.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 310, 312, 314, 315, 316, 317, 320, and 350)

642 Stock record and other financial expenses.

This account will represent the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock, and will include other financial expenses not provided for elsewhere.

Debit: (a) With amount of such expenses incurred.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650–679 Operating expenses.

The accounts under this caption will represent the amounts of operating expenses incurred.

Debit appropriate account: (a) With amount of operating expenses incurred.

Credit appropriate account: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650 Advertising and promotional costs.

This account will represent the cost of advertising and promoting the company's services, including the cost of entertaining prospective borrowers and clients.

651 Appraisal and investigation costs.

This account will represent the amount of charges made by outside firms and individuals for appraisal, investigation, and related services rendered to the company.

652 Auditing and examination costs.

This account will represent the amount of charges for auditing, examination, and bookkeeping services rendered by accountants not on the company's payroll, and charges for services rendered by SBA examiners.

653 Communications.

This account will represent telephone, telegraph, and postage expense.

654 Cost of space occupied.

This account will represent the cost of space occupied such as rent, alterations, amortization of leasehold improvements, light, heat, power, janitor service, maintenance and repair expense on buildings, furniture, and equipment (other than automobiles), etc.

655 Depreciation of corporate premises owned, furniture, and equipment.

This account will represent the amount of provision applicable to the fiscal year for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters. The account also will include the amount of provision applicable to the fiscal year for depreciation of furniture and equipment (other than automobiles) owned by the company.

657 Directors' and stockholders' meetings costs.

This account will represent directors' fees and travel expense for attendance at directors' and stockholders' meetings. The account also will include the cost of holding stockholders' meetings, such as rental of the meeting hall and related expenses.

658 Insurance.

This account will represent fire, theft, employee group life insurance, and other insurance expense, including fidelity bond premiums and insurance on automobiles. The portion, if any, of employee group life insurance premiums withheld from salaries or received from employees will be reflected in account No. 378. Insurance premiums to be amortized will be charged to account No. 220.

660 Investment adviser costs.

This account will represent the amount of charges made by outside firms and individuals for furnishing consultation and advice to the company with respect to the desirability of investing in, purchasing, or selling loans, debt securities, and capital stock of small business concerns and other property.

661 Legal services.

This account will represent the cost of legal services rendered to the company.

663 Salaries.

This account will include the balances in subaccounts Nos. 663.1 and 663.2.

663.1 Salaries of officers.

This account will represent the salary cost of all officers of the company, including directors' salaries, if any, but not directors' fees for attendance at meetings.

663.2 Salaries of employees.

This account will represent the salary cost of all employees other than officers, including salaries of any temporary or part-time employees engaged for specific assignments.

664 Taxes, excluding income taxes.

This account will represent the cost of all taxes, including those on corporate premises owned, motor vehicle, and personal property, social security taxes (company's portion), and other taxes charged to the company, exclusive of income taxes.

665 Travel.

This account will represent all travel expense, including transportion charges, automobile maintenance, operating expense, and depreciation expense, meals, lodging, telephone, telegraph, and other company costs incurred by officers and employees while in a travel status.

670 Employee benefits expense.

This account will represent the cost assumed by the company in contributing to funds providing for employee retirement benefits and other types of employee benefits, except group life insurance. The portion, if any, of the cost of employee benefits withheld from salaries or received from employees will be reflected in account No. 378.

672 Organization expense.

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company, which are charged to expense (this account) as incurred or are transferred to this account periodically through the amortization of organization costs established as an asset in account No. 256.

679 Miscellaneous operating expenses.

This amount will represent the amount of operating expenses not specifically provided for in other accounts. There will be included expenses incurred under contracts for management of the company; amounts paid in connection with dues, subscriptions, donations, and similar items; charges made to the company for custodial or safekeeping services in connection with its portfolio securities; and bank service charges, exchange on checks, protest fees, etc., and the cost of office supplies such as stationery, accounting forms, binders, pencils, etc.

680 Estimated losses on receivables.

This account will represent the amount of estimated losses applicable to the fiscal year on notes and accounts receivable, and interest receivable.

Debit: (a) With amount of such estimated losses incurred.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

682 Estimated losses on portfolio securities.

This account will represent the amount of estimated losses applicable to the fiscal year on loans (section 305) and debt securities, capital stock of small business concerns, and warrants, options, and other stock rights acquired from SBCs (all section 304).

Debit: (a) With amount of such estimated losses incurred.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

684 Estimated losses on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of estimated losses applicable to the fiscal year on assets acquired in liquidation of loans and debt securities.

Debit: (a) With amount of such estimated losses incurred.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

686 Estimated losses on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the amount of estimated losses applicable to the fiscal year on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

Debit: (a) With amount of such estimated losses incurred.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

700 Loss on U.S. Government securities.

This account will represent the amount of loss on the sale or other disposition of U.S. Government obligations, direct and fully guaranteed, carried in account No. 130.

Debit: (a) With amount of loss on such securities sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

702 Loss on debt securities (section 304).

This account will represent the amount of loss in excess of that provided for in account No. 185 on the writedown or sale or other disposition of debt securities (section 304) of small business concerns carried in accounts Nos. 180 and 184.

Debit: (a) With amount of loss in excess of that provided for in account No. 185 on such debt securities written down or sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 572)

706 Loss on capital stock of SBCs.

This account will represent the amount of loss in excess of that provided for in account No. 193 on the writedown or sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190 and 192.

Debit: (a) With amount of loss in excess of that provided for in account No. 193 on such capital stock written down or sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 576)

707 Loss on warrants, options, and other stock rights acquired from SBCs.

This account will represent the amount of loss in excess of that provided for in account No. 197 on the writedown or sale or other disposition of warrants, options, and other stock rights acquired from SBCs.

Debit: (a) With amount of loss in excess of that provided for in account No. 197 on such warrants, options, and other stock rights written down or sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See accounts Nos. 196, 577, and memorandum record No. NA–10)

708 Loss on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of loss in excess of that provided for in account No. 201 on the writedown or sale or other disposition of assets acquired in liquidation of loans and debt securities of small business concerns carried in account No. 200.

Debit: (a) With account of loss in excess of that provided for in account No. 201 on such assets written down or sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 578)

709 Loss on other assets.

This account will represent the amount of loss on the sale or other disposition of assets not specifically provided for in other accounts.

Debit: (a) With amount of loss on such assets sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 579)

710 Expense on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of expense incurred on assets acquired in liquidation of loans and debt securities, including the operation and depreciation of properties, carried in account No. 200. The account also will include the amount of interest expense accrued on mortgages payable on assets acquired in liquidation of loans and debt securities.

Debit: (a) With amount of such expense incurred.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent.

Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation of or in the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 220—Prepaid expenses and deferred charges.

715 Other expenses.

This account will represent the amount of nonoperating expenses not specifically provided for in other accounts, including, on the books of the "participating" company, the amount of compensation expense for financial services received from "initiating" companies in connection with participations purchased.

Debit: (a) With amount of such expenses incurred.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 340)

720 Income taxes—net income.

This account will include the balances in subaccounts Nos. 720.1, 720.2, 720.3, etc.

720.1 Federal income taxes—net income.

This account will represent the amount of Federal income taxes applicable to net income for the current fiscal year.

Debit: (a) With amount of such taxes accrued.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See subaccount No. 354.1)

720.2 State income taxes—net income.

This account will represent the amount of State income taxes applicable to net income for the current fiscal year.

Debit: (a) With amount of such taxes accrued.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See subaccount No. 354.2)

722 Income taxes—net realized gain on investments.

This account will include the balances in subaccounts Nos. 722.1, 722.2, 722.3, etc.

722.1 Federal income taxes—net realized gain on investments.

This account will represent the amount of Federal income taxes applicable to net realized gain on investments for the current fiscal year.

Debit: (a) With amount of such taxes accrued.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See subaccount No. 354.1)

722.2 State income taxes—net realized gain on investments.

This account will represent the amount of State income taxes applicable to net realized gain on investments for the current fiscal year.

Debit: (a) With amount of such taxes accrued.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See subaccount No. 354.2)

Memorandum Records

NOMINAL ASSETS

NA–10 Stock purchase warrants or options on stock of SBCs.

This record will show the company's ownership of detachable stock purchase warrants or options on stock of SBCs, retained after the accompanying financing instruments have been disposed of, for which no consideration was given distinct from that surrendered for such financing instruments and for which no separate cost has otherwise been determined.

Each such detachable stock purchase warrant or option certificate should be entered in this record, upon detachment, at a nominal value of one dollar ($1.00). Upon sale of such a detached stock purchase warrant or option, upon exercise or expiration of rights conveyed by such a detached stock purchase warrant or option, or upon the determination of a cost to be recorded for such a detached stock purchase warrant or option, the entry establishing such certificate in the memorandum records is to be discharged through an equivalent credit.

Debit: (a) With nominal value of such detachable stock purchase warrants or options upon their detachment from capital stock certificates or debt securities.

Credit:

(a) With nominal value of such detached stock purchase warrants or options upon exercise or expiration of rights conveyed by such warrant or option certificates.

(b) With nominal value of such detached stock purchase warrants or options sold or disposed of otherwise.

(c) With nominal value of such detached stock purchase warrants or options for which a separate cost has been established.

(See accounts Nos. 180, 190, and 196)

CONTINGENT LIABILITIES

CL–15 Commitments outstanding.

This record will show the amount of financing commitments made and outstanding to small business concerns, including commitments for loans and for the acquisition of small business concern's capital stock and debt securities. This record also will show the amount of deferred participations. A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies. When funds are advanced against commitments, appropriate entry will be made in this record.

CL–16 Guarantees outstanding.

This record will show the amount for which the company is contingently liable under guarantees issued to lending institutions in connection with obligations of portfolio concerns under notes, debentures, or other evidences of indebtedness, or short-term advances to such concerns.

OPTIONS ON COMPANY'S STOCK

This record will show the amount of miscellaneous contingent obligations not otherwise classified.

OPTIONS ON COMPANY'S STOCK

OCS–1 Options on company's stock.

This record will show details of outstanding options on the company's capital stock granted in lieu of salary or in payment for services actually rendered to the company. The following data will be included:

1. Identification of person or entity holding options.
2. Number of shares optioned.
3. Type and class of stock called for by options.
4. Dates of grant and of expiration of options.
5. Price or prices at which options exercisable, with dates they apply.
6. Fair market value, per share, of stock called for at date each option was granted.
7. Price of each option as percent of fair market value of optioned stock at date option was granted.
8. Provisions for termination of options in case of death or retirement of optionees, or other circumstances.
9. Details of authorization, shares reserved for, issuance, exercise, lapse, and forfeiture of options provided for under the company's stock option plan.

ACTUAL LOSS EXPERIENCE

AL–1 Actual (realized) losses.

This record will show for each fiscal year, and also accumulatively, the amount of actual (realized) losses incurred through disposition, writedown, or writeoff of loans and investments. Losses shall be stated in total for all loans and investments and also separately for loans; debt securities; capital stock of small business concerns; warrants, options, and other stock rights of small business concerns; assets acquired in liquidation of loans and debt securities; and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities. Losses realized shall be determined in relation to cost of the assets involved without regard to the existence or nonexistence of related allowances for losses.

[F.R. Doc. 69–3550; Filed, Mar. 25, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–CE–3–AD; Amdt. 39–740]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 65–90, 65–A90, and B90 Airplanes

There have been reports of cracks of the rudder spar at the top and center hinge attach points on Beech Model 65–90 and 65–A90 airplanes. These conditions are caused by fatigue failure because of vibration and can result in loss of rudder control.

Since these conditions are likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring an initial visual inspection of the rudder spar web in the area under and adjacent to the upper and center hinge attach points for evidence of cracks. If cracks are discovered, the airworthiness directive will require modification or replacement of the rudder spar in accordance with Beechcraft Service Instructions No. 0101–135 or any other method approved as an equivalent by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region. The airworthiness directive will also require recurring visual inspections every 300 hours' time-in-service after the initial inspection until the rudder spar has been replaced or modified.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECHCRAFT. Applies to Models 65–90, 65–A90, and B90 (Serial Nos. LJ–1 through LJ–428) airplanes with 250 hours' or more time-in-service.

Compliance required as indicated.

To detect cracks in the rudder spar, within the next 50 hours' time-in-service after the effective date of this airworthiness directive, unless already accomplished, and thereafter at intervals of not to exceed 300 hours' time-in-service from the date of the last inspection, accomplish the following:

(A) Inspect visually the rudder spar web, in the area under and adjacent to the upper and center hinge attach points.

(B) If a crack is found during an inspection required by Paragraph (A), before further flight, accomplish the following:

(1) Modify the rudder spar web in accordance with the method contained in Beechcraft Instructions No. 0101–135, or any other method approved as an equivalent by the Chief, Engineering and Manufacturing Branch, FAA, Central Region; or

(2) Replace the rudder spar with one that has been modified in accordance with paragraph (B) (1) of this airworthiness directive.

(C) When either the modification or replacement described in paragraph (B) of this airworthiness directive has been accomplished, the inspections required by this airworthiness directive are no longer required.

This amendment becomes effective March 26, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; (49 U.S.C. 1354(a), 1421, 1423), of sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 17, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–3508; Filed, Mar. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 68–EA–75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Alteration, and Revocation of Transition Areas

On January 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 401) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would redescribe, revoke, and designate the controlled airspace within the State of Virginia and its coastal waters by designating such airspace as the Virginia transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

Section 71.181 (34 F.R. 4637) is amended as follows:

1. The Virginia transition area is added as follows:

VIRGINIA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Virginia including the offshore airspace within 3 nautical miles of and parallel to the shoreline of Virginia and that airspace extending upward from 2,000 feet MSL bounded on the north by lat. 37°08′00″ N., on the east by long. 75°32′00″ W., on the south by lat. 36°49′25″ and on the west by a line 3 nautical miles from and parallel to the shoreline, excluding the airspace within R–6602 and R–6606.

2. In the Charlottesville, Va., transition area, all after "* * * within 2 miles each side of a line bearing 045°" is deleted and "from a point at lat. 38°08′21″ N., long. 78°27′00″ W., extending from the 6-mile radius area to 8 miles northeast of that point." is substituted therefor.

3. In the Danville, Va., transition area, all after "* * * 8 miles northeast and 8 miles southwest of the VOR." is deleted.

4. In the Dublin, Va., transition area, all after "* * * 8 miles southwest of the VOR." is deleted.

5. In the Lynchburg, Va., transition area, all after "* * * 11 miles east of the VORTAC." is deleted.

6. In the Richmond, Va., transition area, all after "* * * Richmond ILS localizer southwest course," is deleted and "extending from the 8-mile radius area to 12 miles southwest of the OM." is substituted therefor.

7. In the Norfolk, Va., transition area, all after "* * * to lat. 37°14′40″ N., long. 76°39′50″ W.," is deleted and "thence to the point of beginning." is substituted therefor.

8. In the West Virginia transition area, all between "lat. 39°50′00″ N., long. 77°30′00″ W.; to" and "to lat. 38°-02′00″ N., long. 82°15′00″ W.;" is deleted and "lat. 38°24′10″ N., long. 77°30′00″ W.; thence westerly along the Virginia State line to lat. 37°23′00″ N., long. 82°-11′30″ W.; thence" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 18, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–3509; Filed, Mar. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 68–SO–62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area, Revocation, and Alteration of Transition Areas

On January 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 400) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would redescribe, alter, revoke, and designate controlled airspace within the State of South Carolina and its coastal waters by designating the South Carolina transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., May 29, 1969, as hereinafter set forth.

Section 71.181 (34 F.R. 4637) is amended as follows:

1. The South Carolina transition area is added as follows:

SOUTH CAROLINA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of South Carolina including the offshore airspace within 3 nautical miles of and parallel to the shoreline of South Carolina, and including the airspace outside the United States southeast of Myrtle Beach, S.C., bounded by a line beginning at lat. 33°48′10″ N., long. 78°31′45″ W.; to lat. 33°45′50″ N., long. 78°31′00″ W.; to lat. 33°40′10″ N., long. 78°40′15″ W.; thence clockwise along a 15-mile radius circle centered on the Conway TACAN to lat. 33°27′40″ N., long. 78°55′20″ W.; to lat. 33°19′40″ N., long. 79°02′10″ W.; to lat. 33°14′15″ N., long. 79°06′15″ W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and east of Charleston, S.C., bounded by a line beginning at lat. 33°04′55″ N., long. 79°13′10″ W.; to lat. 32°58′30″ N., long. 79°18′00″ W.; to lat. 32°50′40″ N., long. 79°23′15″ W.; thence clockwise along the arc of a 38-mile radius circle centered on the Charleston VORTAC to lat. 32°38′40″ N., long. 79°27′25″ W.; to lat. 32°44′00″ N., long. 79°45′10″ W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and southeast of Beaufort, S.C., bounded by a line beginning at lat. 32°15′00″ N., long. 80°30′00″ W.; to lat. 32°00′00″ N., long. 80°33′00″ W.; to lat. 32°03′25″ N., long. 80°46′30″ W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning, excluding the airspace within R–6004.

2. In the Charleston, S.C., transition area, all after "* * * within 2 miles each side of the Charleston VORTAC 135° radial," is deleted and "extending from the 8-mile radius area to 10 miles southeast of the VORTAC." is substituted therefor.

3. In the Columbia, S.C., transition area, all after "* * * and within 5 miles north and 8 miles south of the Columbia ILS localizer west course" is deleted and "extending from the 9-mile radius area

to 12 miles west of the OM." is substituted therefor.

4. In the Florence, S.C., transition area, all after "* * * within 2 miles each side of the Florence VORTAC 052° radial," is deleted and "extending from the 8-mile radius area to 8 miles northeast of the VORTAC." is substituted therefor.

5. In the Greenville, S.C., transition area, all after "* * * within a 7-mile radius of the Donaldson Center Airport" is deleted and "(latitude 34°45'30" N., longitude 82°22'35" W.)." is substituted therefor.

6. In the Greenwood, S.C., transition area, all after "* * * within 2 miles each side of the Greenwood VORTAC 099° radial," is deleted and "extending from the 8-mile radius area to 8 miles east of the VORTAC." is substituted therefor.

7. In the Myrtle Beach, S.C., transition area, all after "* * * within an 8-mile radius of the Myrtle Beach Airport" is deleted and "(latitude 33°48'40" N., longitude 78°43'30" W.)." is substituted therefor.

8. The Allendale, S.C., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 18, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3510; Filed, Mar. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 68-SO-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Areas; Alteration of Transition Areas; and Revocation of Transition Areas

On January 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 402) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would redescribe, alter, revoke, and designate the controlled airspace within the State of North Carolina and its coastal waters by designating the North Carolina transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

Section 71.181 (34 F.R. 4637) is amended as follows:

1. The North Carolina transition area is added as follows:

NORTH CAROLINA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of North Carolina including that airspace within 3 nautical miles of and parallel to the shoreline of North Carolina; and including the additional airspace bounded by a line beginning at lat. 34°09'45" N., long. 77°45'45" W., to lat. 34°03'05" N., long. 77°42'30" W., to lat. 34°01'05" N., long. 77°50'05" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace bounded by a line beginning at lat. 33°50'30" N., long. 78°23'45" W., to lat. 33°45'50" N., long. 78°31'00" W., to lat. 33°48'10" N., long. 78°31'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, excluding the portions within R-5301 A and B, R-5306 A, B, and C, R-5311, R-5313, R-5302.

2. In the Asheville, N.C., transition area, all after "* * * 6 miles east of the 159° and 339° bearings from the Biltmore RBN" is deleted and "extending from 6 miles north to 10 miles south of the RBN." is substituted therefor.

3. In the Charlotte, N.C., transition area, all after "* * * within 2 miles each side of the Charlotte 223° radial," is deleted and "extending from the 8-mile radius area to 14 miles southwest of the VORTAC." is substituted therefor.

4. The Cherry Point, N.C., transition area is revoked.

5. In the Edenton, N.C., transition area, all after "* * * within 2 miles each side of a line bearing 331° from lat. 36°-05'00" N., long. 76°36'00" W.," is deleted and "extending from the 5-mile radius area to 8 miles northwest of lat. 36°05'-00" N., long. 76°36'00" W." is substituted therefor.

6. In the Goldsboro, N.C., transition area, all after "* * * within 2 miles each side of the Seymour Johnson VOR 256° radial," is deleted and "extending from the 9-mile radius area to 12 miles west of the VOR." is substituted therefor.

7. In the Greensboro, N.C., transition area, all after "* * * within 2 miles each side of the extended centerline of Runway 5" is deleted and "extending from the 8-mile radius area to 8 miles northeast of the airport." is substituted therefor.

8. In the Hickory, N.C., transition area, all after "* * * within 2 miles each side of the Hickory VOR 114° radial," is deleted and "extending from the VOR to 14 miles southeast." is substituted therefor.

9. In the Raleigh, N.C., transition area, all after "* * * within 5 miles southeast and 8 miles northwest of the Raleigh-Durham ILS localizer southwest course," is deleted and "extending from the 9-mile radius area to 12 miles southwest of the LOM." is substituted therefor.

10. In the Wilmington, N.C., transition area, all after "* * * within 2 miles each side of the ILS localizer north course" is deleted and "extending from the 8-mile radius area to 8 miles north of Wesley Intersection." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 18, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3511; Filed, Mar. 25, 1969; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Pollution Control Administration, Department of the Interior

PART 604—STANDARDS-SETTING CONFERENCES, HEARINGS, AND NOTIFICATION OF ALLEGED VIOLATORS OF WATER QUALITY STANDARDS

On July 25, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 10574) which set forth the text of regulations, proposed to be adopted as Part 604, establishing the procedures for water quality standards-setting conferences, public hearings, and notices and hearings on violations of water quality standards pursuant to section 10(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g).

Pursuant to the above notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant matter presented. In light of the preceding, pertinent revisions have been made in the rules as proposed.

In accordance with the statement in the notice of proposed rule making, Part 604, as set forth below, is hereby adopted effective on publication.

Sec.
604.1 Applicability.
604.2 Definitions.
604.3 Initiation of proceedings for conferences; appointment of Chairman.
604.4 Organization and general procedures of the conference.
604.5 Notice of conference.
604.6 Service.
604.7 Publication of notice.
604.8 Parties.
604.9 Presentation of material by the Federal Water Pollution Control Administration of the Department of the Interior.
604.10 Conference procedure.
604.11 Record of proceedings.
604.12 Preparation, publication, and promulgation of water quality standards; effective date; petition for public hearing.
604.13 Initiation of proceedings for water quality public hearings; appointment of Hearing Board.
604.14 Organization and general procedures of the Hearing Board.
604.15 Notice of hearing.
604.16 Service.
604.17 Publication of notice.
604.18 Parties.
604.19 Presentation of standards and supporting material by the Commissioner.
604.20 Hearing procedure.
604.21 Record of proceedings.
604.22 Oral argument.
604.23 Final findings and recommendations.
604.24 Notification of alleged violators of water quality standards.

AUTHORITY: The provisions of this Part 604 issued under sec. 10, 70 Stat. 506, as amended; 33 U.S.C. 466i. Interpret or apply sec. 10(c), 79 Stat. 908, 33 U.S.C. 466g(c).

§ 604.1 Applicability.

The provisions of this part apply to proceedings under section 10(c) (2), (4), and (5) of the Federal Water Pollution Control Act, as amended (79 Stat. 908; 33 U.S.C. 466g(c) (2), (4), and (5)).

§ 604.2 Definitions.

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(b) "Chairman" means the Chairman appointed by the Secretary to conduct the conference pursuant to section 10 (c) (2) of the Act (33 U.S.C. 466g(c) (2)).

(c) "Department" means the Department of the Interior.

(d) "Secretary" means the Secretary of the Interior.

(e) "Commissioner" means Commissioner of the Federal Water Pollution Control Administration in the Department of the Interior.

(f) "Water Quality Standards" mean water quality criteria applicable to specific interstate waters and a plan for the implementation and enforcement of such criteria, all of which shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of the Act, taking into consideration the use and value of such waters for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other legitimate uses.

(g) The definitions of terms contained in subsection 10(j) and section 13 of the Act shall be applicable to such terms as used in this part unless the context otherwise requires.

§ 604.3 Initiation of proceedings for conferences; appointment of Chairman.

(a) In any case where the Secretary finds that the conditions precedent to his establishment or revision of water quality standards exist, he will give notice of his intention to do so and call a conference in connection therewith. He may fix the time and place of such conference in his notice of intention to establish or revise water quality standards or he may authorize the Commissioner to do so.

(b) The Chairman of such conference shall be the Secretary or the Commissioner of the Federal Water Pollution Control Administration in the Department of the Interior or such other employee of that Administration as the Secretary may appoint.

§ 604.4 Organization and general procedures of the conference.

(a) The Chairman shall convene the conference and schedule such other meetings as may be necessary, including meetings for the settlement or simplification of issues.

(b) The Chairman shall preside at all conference sessions and meetings called by him.

(c) The conference shall be conducted in an informal but orderly manner in accordance with this part. Questions of procedures during a conference shall be determined by the Chairman.

(d) The Federal Water Pollution Control Administration in the Department of the Interior shall provide such clerical and technical assistance as may be necessary.

(e) The Chairman shall maintain and have custody of all official records and documents pertaining to the conference and shall perform such other duties related to the functioning of the conference as may be necessary.

(f) The Chairman shall execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the conference as he may deem proper.

§ 604.5 Notice of conference.

(a) The Secretary or the Commissioner shall issue and serve notice of a conference as herein provided including the time and place of the conference.

(b) The notice of conference shall briefly describe the location and nature of the interstate waters to be covered by the conference.

(c) The notice shall include the name of the Chairman before whom the conference will be conducted upon a day and at a time and place specified not earlier than thirty (30) days after the service of the notice.

(d) Notice of the conference shall be served on representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries the Secretary or Commissioner has reason to believe are contributing to, affected by, or have an interest in water quality standards for the waters to be covered by the conference.

§ 604.6 Service.

Notice of the conference may be served by mailing a copy thereof to each person, department, or agency to be served at their residence, office or place of business as ascertained by the Secretary or Commissioner, as the case may be. Service by mail is complete upon mailing.

§ 604.7 Publication of notice.

Notice of the water quality standards-setting conference shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the conference.

§ 604.8 Parties.

(a) The parties to a conference shall include the persons, departments, and agencies specified in section 604.5(d).

(b) The Chairman shall have all the rights of a party to the conference.

(c) Upon application and good cause shown, the Chairman may permit any interested Federal departments and agencies, interstate agencies, States, municipalities, industries or other persons to appear at the conference and be admitted as parties to such extent and upon such terms as the Chairman shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the conference in response to the notice of conference shall not delay the conference and the Chairman shall proceed, hear, receive statements, make determinations and take other appropriate action affecting such party.

§ 604.9 Presentation of material by the Federal Water Pollution Control Administration of the Department of the Interior.

The Commissioner shall arrange for the presentation of material concerning the quality of waters to be covered by the conference, the uses, both existing and potential, of such waters, the criteria necessary to protect such uses, the person or persons, if any, contributing or discharging any matter affecting the quality of such waters, and remedial measures, if any, recommended by the Federal Water Pollution Control Administration.

§ 604.10 Conference procedure.

(a) Persons making statements need not be sworn or make affirmation. Each party shall be given an opportunity to make a statement concerning the water quality standards for the waters covered by the conference, an opportunity after all parties have been heard to make a further statement which may include comments on or rebuttal of other parties' views, and an opportunity to make recommendation for water quality standards in either his first or subsequent statement.

(b) When necessary, in order to prevent undue prolongation of the conference, the Chairman may limit the number of times any party may make a statement and may direct that further statements be made in writing.

(c) The Chairman shall exclude irrelevant, immaterial or unduly repetitious material.

§ 604.11 Record of proceedings.

(a) Statements given and other procedures of a formal conference shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All statements, charts, tabulations and other data shall be received in the record. If a party to a proceeding under this section objects to the admissibility of such material, the objection shall be noted and the Chairman shall have a right to rule thereon.

(c) When the statement refers to a statute, or a report or document, the Chairman shall, after satisfying himself of the identification of such statute, report or document, determine whether the same shall be produced at the conference and physically be made part of the record or shall be incorporated in the record by reference.

(d) The Chairman may take official notice of statutes of States and of duly promulgated regulations of any Federal or State agency.

(e) The Chairman shall submit to the Secretary the verbatim transcript including all charts, tabulations, and similar data which are part of the conference record.

§ 604.12 Preparation, publication, and promulgation of water quality standards; effective date; petition for public hearing.

(a) Subsequent to submission of the conference transcript and record, the Secretary shall prepare regulations setting forth water quality standards for interstate waters or portions thereof which were covered by the conference. Such regulations shall be published as part of a notice of proposed rule making in the FEDERAL REGISTER.

(b) After publication of such regulations and notice of proposed rule making, interested persons may submit written data, views, or arguments in triplicate in regard to the regulations setting forth water quality standards to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than 90 days after such publication will be considered.

(c) If, within 6 months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with section 10(c)(3) of the Act, or a petition for public hearing has not been filed under section 10(c)(4) of the Act and § 604.12(d), the Secretary shall promulgate water quality standards by publication thereof in the FEDERAL REGISTER. Such water quality standards shall be effective thirty (30) days after such publication unless a petition for public hearing has been first filed under section 10(c)(4) of the Act and § 604.12(d).

(d) At any time prior to thirty (30) days after water quality standards have been promulgated under § 604.12(c), the Governor of any State affected by such standards may petition the Secretary for a public hearing under section 10(c)(4) of the Act. A petition for a public hearing need not observe any fixed form, but it must be in writing directed to the Secretary and state that the petitioning Governor desires the Secretary to call a public hearing with respect to water quality standards under section 10(c)(4) of the Act, identifying the interstate waters with respect to which such hearing is to be called.

§ 604.13 Initiation of proceedings for water quality public hearings; appointment of Hearing Board.

(a) In any case where the Secretary finds that the conditions precedent to the calling of a water quality public hearing under the Act exist, he will call such a hearing, and may either fix the time and place thereof, or authorize the Commissioner to do so.

(b) Prior to the hearing, the Secretary will appoint a Hearing Board of five or more persons, as provided in the Act, and will designate one of the members as chairman. A majority of the Hearing Board shall be persons other than officers or employees of the Department. The Secretary may revoke appointment to the Hearing Board in the event of disability of a member or for other cause, and may fill any vacancy in the membership of the Hearing Board, or in the office of Chairman. The Secretary of Commerce, the Secretary of Health, Education, and Welfare, other affected Federal departments and agencies, and each State which would be affected by such standards shall each be given an opportunity to select a member of the Hearing Board and shall further be given an opportunity to select another person to fill any vacancy resulting from the resignation or revocation of appointment of any member originally so selected.

§ 604.14 Organization and general procedures of the Hearing Board.

(a) The Chairman shall convene the Hearing Board for hearing sessions and for such other meetings as may be necessary.

(b) The Chairman shall preside at all hearing sessions and meetings of the Hearing Board. In case of the absence or incapacity of the Chairman, the Hearing Board may elect from its members an acting chairman to preside and to perform the duties of the Chairman.

(c) The hearing shall be conducted in an informal but orderly manner in accordance with this part. A quorum of the Hearing Board for the purpose of the hearing shall consist of not less than five members. Questions of procedure during a hearing shall be determined by the Chairman. Rulings of the Chairman may be appealed to the Hearing Board.

(d) The Hearing Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses and parties, to regulate the course of the hearing, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Commissioner shall provide for the Hearing Board such clerical and technical assistance as may be necessary.

(f) The Hearing Board shall designate an executive secretary, from personnel provided by the Commissioner, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Hearing Board, and shall perform such other duties related to its functions as the Hearing Board may prescribe.

(g) The Hearing Board may authorize the Chairman and the executive secretary on its behalf to execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the Hearing Board as it may deem proper.

§ 604.15 Notice of hearing.

(a) The Secretary or Commissioner shall issue and serve notice of hearing as herein provided.

(b) The notice of hearing shall briefly describe the location and nature of the interstate waters to be covered by the hearing and the water quality regulations therefor, if any, prepared pursuant to section 10(c)(2) of the Act.

(c) The notice shall include the names of the persons constituting the Hearing Board before whom the hearing will be held and shall designate a day, a time and place therefor not earlier than thirty (30) days after the service of the notice.

(d) Notice of the hearing shall be served on representatives of Federal departments and agencies, interstate agencies, States, municipalities and industries the Secretary or Commissioner has reason to believe are contributing to, affected by, or have an interest in water quality standards for the waters to be covered by the hearing.

§ 604.16 Service.

Notice of the hearing and other documents relating to the function of the hearing may be served by mailing a copy thereof to each person, department, or agency to be served at their residence, office or place of business as ascertained by the Secretary or Commissioner, as the case may be. Service by mail is complete upon mailing.

§ 604.17 Publication of notice.

Notice of the public hearing shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the hearing.

§ 604.18 Parties.

(a) The parties to a hearing shall include the persons and agencies specified in § 604.15(d).

(b) The Commissioner shall have all the rights of a party to the hearing.

(c) Upon application and good cause shown, the Hearing Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Hearing Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Hearing Board may proceed, hear and receive evidence and take other appropriate action affecting such party.

§ 604.19 Presentation of standards and supporting material by the Commissioner.

The Commissioner shall arrange for the presentation of the regulations, if any, prepared by the Secretary and setting forth the standards of water quality for the waters covered by the hearing, and such other material as he deems relevant to the issues in the hearing.

§ 604.20 Hearing procedure.

(a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Hearing Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Hearing Board shall exclude irrelevant, immaterial or unduly repetitious evidence.

(d) Every party shall have the right to present evidence and cross-examine witnesses.

§ 604.21 Record of proceedings.

(a) Testimony given and other proceedings had at a hearing shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Hearing Board of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(c) Where the testimony of a witness refers to a statute, or a report or document, the Hearing Board shall, after satisfying itself of the identification of such statute, report or document, determine whether the same shall be produced at the hearing and physically be made a part of the record or shall be incorporated in the record by reference.

(d) The Hearing Board may take official notice of statutes of the United States or of any State and of duly promulgated regulations of any Federal or State agency.

(e) The Hearing Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 604.22 Oral argument.

Oral argument may be permitted in the discretion of the Hearing Board, and shall be reported as part of the record unless otherwise ordered by the Hearing Board.

§ 604.23 Final findings and recommendations.

(a) The Hearing Board shall make its final findings, conclusions, and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions, and recommendations, the Hearing Board shall be terminated and all records pertaining to its functions transferred to the custody of the Commissioner.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Hearing Board shall be served on all parties to the hearing by the Secretary and the Secretary shall cause their publication in the FEDERAL REGISTER.

§ 604.24 Notification of alleged violators of water quality standards.

The Secretary shall notify those persons responsible for the discharge of matter into interstate waters or portions thereof which is not in compliance with the water quality standards established under section 10 of the Act (whether the matter causing or contributing to such violation is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters) and other interested parties of the alleged violation of such standards. In all such notices, the Secretary shall designate a time when and place where any person receiving such notice may appear before and participate in an informal hearing before the Secretary, his designee, or such Board as he may appoint relative to the alleged violation of standards so that, if possible, there can be voluntary agreement reached as to appropriate remedial action.

Dated: March 20, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-3506; Filed, Mar. 25, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Miscellaneous Amendments

1. In § 536.6(a), subparagraphs (1) and (3) are revised, and new subparagraph (7) is added, as follows:

§ 536.6 Claims.

(a) *Who may present.* (1) A claim may be presented by the owner of the property, or in his name by a duly authorized agent, or legal representative.

* * * * *

(3) A claim based on death may be presented by the executor or administrator of the deceased's estate, or by any person determined to be legally or beneficially entitled. Under most regulations, a death gives rise to but a single claim. The amount allowed will, to the extent practicable, be apportioned among the beneficiaries in accordance with the law of the place where the incident giving rise to the claim occurred.

* * * * *

(7) A claim may be presented by a subrogee in his own name if authorized by the law of the place where the incident giving rise to the claim occurred provided subrogation is not barred by the regulation applicable to the type of claim involved.

* * * * *

2. Paragraphs (a) and (b) of § 536.7 are revised, and in paragraph (d), subparagraphs (1) and (2) are revoked, as follows:

§ 536.7 Determination of compensation for damage to or loss or destruction of property.

(a) *General.* Local laws generally will be followed in computing damages in tort claims involving damage to or loss or destruction of property (also see § 536.21). Awards under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240–243) will be in accordance with the provisions of § 536.27 and implementing instructions from the Chief, U.S. Army Claims Service.

(b) *Special damages.* Claimant's entitlement to special damages will be determined in accordance with local law (also see § 536.21(c)). Special damages are not under § 536.27.

* * * * *

(d) *Proof of damage.* * * *

(1) [Revoked]

(2) [Revoked]

* * * * *

3. In § 536.10(c), subparagraph (2) is revised as follows:

§ 536.10 Adjudication and notice to claimant.

* * * * *

(c) *Award in less than full amount.* * * *

(2) Request the execution of a claims settlement agreement (in triplicate), in final and complete settlement of the claim in the reduced amount. This requirement does not apply to claims cognizable under § 536.27 which are adjudicated by a settlement authority, except when in the opinion of the settlement authority good legal practice so dictates

* * * * *

4. In § 536.11b, paragraph (d) is revised, as follows:

§ 536.11b Small claims.

* * * * *

(d) *Settlement agreement.* When a claimant is available and agrees to accept a sum less than originally claimed, he will be requested to sign in ink, a statement to that effect on any open space on each copy of the claim form (SF 95). If not readily available, the claimant will be requested to sign and return in triplicate a Claims Settlement Agreement (DA Form 1666), which upon receipt will be attached to the claim form. A settlement agreement is not required in claims adjudicated by a settlement authority under § 536.27, except when in the opinion of the settlement authority good legal practice so dictates. An approving authority will obtain a settlement agreement if the claim is to be paid in an amount less than claimed.

5. In § 536.11c, paragraphs (a) and (b) are revised, as follows:

§ 536.11c Advance payments.

(a) *Purpose.* This section implements the act of September 8, 1961 (75 Stat. 488, 10 U.S.C. 2736), as amended by Public Law 90–21, September 26, 1968 (82 Stat. 874), and authorizes an advance payment not in excess of $1,000 in claims resulting in immediate hardship which are payable under §§ 536.12–536.24b, 536.26, 536.140–536.152, and AR 27–25. No new liability is created by title 10, United States Code, section 2736, which merely permits partial advance

payments on meritorious claims as specified in this paragraph.

(b) *Conditions for advance payment.* An advance payment is authorized only under the following circumstances:

(1) The claim for death, personal injury, or damage to or loss of property must be determined to be cognizable and meritorious under the provisions of either §§ 536.12–536.24b, 536.140–536.152, AR 27–25, or § 536.26.

(2) There exists an immediate need of the person who suffered the injury, damage, or loss, or of his family, for food, clothing, shelter, medical or burial expenses, or other necessities, and other resources for such expenses are not reasonably available.

(3) The payee, so far as can be determined, would be a proper claimant, or is the spouse or next of kin of a claimant who is incapacitated.

(4) The total damage sustained must exceed the amount of the advance payment.

(5) A properly executed advance payment acceptance agreement has been obtained.

* * * * *

(C1, C2, and C3, AR 27–20)
(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For The Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–3505; Filed, Mar. 25, 1969; 8:45 a.m.]

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising in Foreign Countries

In § 536.26, paragraph (a) is revised; in paragraph (k), subparagraphs (1) and (3) are revised; subparagraph (3) in paragraph (n) is revised; paragraph (o) is revised; subdivision (iv) in paragraph (p) (2) is revised; paragraph (q) is revised; and three addresses in the list in paragraph (s) are changed, as follows:

§ 536.26 Claims arising in foreign countries.

(a) *Statutory authority.* The authority for this regulation is contained in the following statutes:

(1) The act of 10 August 1956 (71A Stat. 155, 10 U.S.C. 2734), as amended by Public Law 90–521, September 26, 1968 (82 Stat. 874), commonly referred to as the Foreign Claims Act.

(2) The act of September 7, 1962 (76 Stat. 512, 10 U.S.C. 2734a), as amended by Public Law 90–521, September 26, 1968 (82 Stat. 874).

(3) The act of September 8, 1961 (75 Stat. 488, 10 U.S.C. 2736), as amended by Public Law 90–521, September 26, 1968 (82 Stat. 874).

(4) Act of March 4, 1923 (42 Stat. 1509, 36 U.S.C. 121, 138b).

* * * * *

(k) *Claims not payable.* * * *

(1) Results from action by an enemy or results directly or indirectly from an act of the Armed Forces of the United States in combat, except that a claim may be allowed if it arises from an accident or malfunction incident to the operation of an aircraft of the Armed Forces of the United States including its airborne ordinance, indirectly related to combat, and occurring while preparing for, going to, or returning from, a combat mission.

* * * * * *

(3) Falls under—

(i) The Federal Employees' Compensation Act (5 U.S.C. 8101–8150) which is an exclusive remedy against the United States; or

(ii) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901), or other workmen's compensation laws or regulations, including local law or custom, in cases where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee. If, in the opinion of an approving or settlement authority, the claim should be considered payable, e.g., the injuries did not result from a normal risk of employment or adequate compensation is not payable under workmen's compensation laws, the file will be forwarded with recommendations through claims channels to the Chief, U.S. Army Claims Service, who may authorize payment of an appropriate award. The Chief, U.S. Army Claims Service, also may specify that all or any part of any compensation received by the claimant from workmen's compensation sources as above will be deducted from the award to claimant. The claim of an insurance carrier subrogee who has received premiums paid directly or indirectly by the United States on behalf of the injured employee, however, is not allowable.

* * * * * *

(n) *Foreign claims commissions.* * * *

(3) *Qualifications of members.* Each member of a foreign claims commission must be a commissioned officer of the Armed Forces of the United States with legal training, or such other experience as is considered adequate by the appointing authority to qualify him to analyze evidence, determine facts, and apply pertinent legal principles. At least one member of each commission must be an officer of the Judge Advocate General's Corps unless the commission is authorized to settle small claims only (see sec. IV, AR 27–20). A commissioned officer of another armed force will not be appointed a member of an Army Foreign Claims Commission without prior approval by the Chief, U.S. Army Claims Service.

* * * * * *

(o) *Advance payments.* Advance payments pursuant to title 10, United States Code, section 2736, as amended, in partial payment of meritorious claims to alleviate hardship are authorized as provided in § 536.11c of this part. However, no advance payment is authorized if the incident occurs in a foreign country which, pursuant to the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty or agreement, is responsible for the settlement of claims arising therefrom.

(p) *Cross-servicing of claims.* * * *

(2) *Cross-servicing.* * * *

(iv) *Claims generated by the Coast Guard.* Claims resulting from activities, or generated by members or employees, of the Coast Guard while operating as a service of the Department of Transportation may, upon request, be settled under this regulation by a foreign claims commission appointed as authorized herein, but shall be paid from appropriations of the Coast Guard (10 U.S.C. 2734a(c)).

(q) *Reimbursements to other governments.* Reimbursements due to foreign countries of the U.S. share of claims settlement costs pursuant to the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty or agreement, are the responsibility of the Army in those countries in which the Army has been assigned single service claims responsibility (Department of Defense Directive 5515.3, June 27, 1963). The officers authorized to effect such reimbursements will report, promptly, to the Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, statistical information as to the number of claims settled, the total of amounts paid by the foreign government, and the amount reimbursed by the United States and the fiscal year funds charged. Such reimbursements, or portions thereof, which pertain to nonappropriated fund claims will be made solely from nonappropriated funds, and will be reported separately. Upon request of the Secretary of Transportation, or his designee, any payments made relating to Coast Guard generated claims covered by subsection 2734a(c) of title 10, United States Code, may be reimbursed or paid to the foreign country concerned by the authorized representative of the Department of Defense out of appropriations for claims of the Department of Defense, subject to reimbursement from the Department of Transportation (10 U.S.C. 2734a(d)).

* * * * * *

(s) *United States sending State offices and single service offices.*

ARMY ADDRESSES

* * * * * *

Dominican Republic: (Deleted)

* * * * * *

Federal Republic of Germany:
Chief, U.S. Army Claims Service, Europe, APO New York 09166.
France:
United States Claims Office, France, APO New York 09777.

* * * * * *

[C3, AR 27–28, Jan. 28, 1969]

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2734, 2736, 70A Stat. 154, 76 Stat. 767; 10 U.S.C. 2734, 2736)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO

[F.R. Doc. 69–3504; Filed, Mar. 25, 1969; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Subpart B—U.S. Military Decorations

Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 882.24 is revised; § 882.26 is amended by adding note immediately following subparagraph (1) of paragraph (d). These sections now read as follows:

§ 882.24 Special entitlements.

(a) *Increase in retired pay.* Any Regular enlisted member of the Air Force retired under 10 U.S.C. 8914 credited with extraordinary heroism in line of duty, is entitled to 10 percent increase in retired pay, provided the total retired pay does not exceed 75 percent. A determination that extraordinary heroism was or was not involved will now be made by the Secretary of the Air Force at the time the award is processed.

(1) Since extraordinary heroism is the criteria for award of the Medal of Honor, Air Force Cross, or equivalent Army or Navy decorations, to enlisted members, they will be automatically entitled to the additional retirement pay subject to the 75 percent limitation. When award of the Medal of Honor and the Air Force Cross is approved, the special order confirming the award will include a statement authorizing the 10 percent additional retirement pay. The CBPO or unit personnel record custodian will file one copy of the special order in the recipient's unit personnel records. USAFMPC (AFPMSAM) will include a copy of the special order in the recipient's master personnel records.

(2) Other decorations awarded for heroism (Silver Star, Distinguished Flying Cross, Airman's Medal, and the Bronze Star Medal with "V" device) also will be considered for the additional 10 percent retirement pay at the time the award is processed. The determination of the Secretary of the Air Force as to extraordinary heroism is conclusive for all purposes.

(3) If the final determination is made that the factor of extraordinary heroism was involved, a Department of the Air Force special order will be issued confirming entitlement to the additional retired pay. USAFMPC (AFPMSAM) will inform the major command of the Secretary's determination and include sufficient copies of the order to insure a copy for the recipient and a copy of his unit personnel records. USAFMPC (AFPMSAM) also will include a copy of the special orders in the member's master personnel records.

(4) If it is determined that extraordinary heroism was not involved, the major command will be requested to make that determination a matter of official record by filing a copy of the correspondence in the recipient's unit personnel records. A copy of the correspondence also will be included in the individual's master personnel record by AFPMSAM.

(5) Air Force commanders having final awarding authority for the Silver Star, Distinguished Flying Cross, Airman's Medal, and the Bronze Star Medal with "V" device will, when they approve the award, forward the approved recommendation, including a copy of the special order announcing the award and the citation, to USAFMPC (AFPMSAM), Randolph AFB, TX 78148, for processing to the Secretary of the Air Force for a determination. Each case will include the major command's evaluation as to whether or not extraordinary heroism in line of duty was involved in the action which resulted in award of the decoration.

NOTE: This new procedure will not preclude a member from requesting a determination on any decoration (Silver Star, Distinguished Flying Cross (Heroism), Airman's Medal, and the Bronze Star Medal with "V" device) received before this new procedure when extraordinary heroism may have been involved.

(b) *Medal of Honor Recipients*—(1) *Medal of Honor Roll.* Upon written application to the Secretary of the Air Force, each living recipient of the Medal of Honor, who has served on active duty in the armed forces of the United States, may have his name entered on the Medal of Honor Roll, if the Medal of Honor was awarded for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while so serving. Each person whose name is placed on the Roll is certified to the Veteran Administration as being entitled to receive a special pension of $100 per month for life, if he so desires, payable monthly by that agency. The payment of this special pension is in addition to, and does not deprive the pensioner of, any other pension, benefit, right, or privilege to which he is or may be thereafter entitled (38 U.S.C. 560–562). Necessary application is automatically furnished each Air Force recipient of the Medal of Honor by Hq USAF.

(2) *Air Transportation.* Living recipients of the Medal of Honor are entitled to free transportation on military aircraft within the continental limits of the United States on a "space available" basis. Identification cards for this purpose are furnished by USAFMPC (AFPMSAM). (See AFR 76–6, Responsibilities and Policies for Movement of Traffic on Other Than MAC Scheduled Aircraft.)

(3) *Admission to U.S. Service Academies.* Sons of Medal of Honor recipients, otherwise qualified, are not subject to quota requirements of admission to any of the U.S. Service Academies. (See annual catalog, U.S. Air Force Academy.)

(4) *Wearing of Air Force Uniform.* Persons awarded the Medal of Honor, are authorized to wear the uniform at any time, except as prohibited in AFM 35–10 (Service and Dress Uniforms for AF Personnel).

§ 882.26 Joint Service Commendation Medal (JSCM) (Department of Defense).

* * * * * *

(d) *Awarded by:*

(1) * * *

NOTE: Recommendations for award of the Joint Service Medal to Air Force personnel assigned to joint activities for which the Air Force has been designated as the executive agent for the Secretary of Defense, will be forwarded to USAFMPC (AFPMSAM), Randolph AFB, TX 78148, for processing through the Secretary of the Air Force to the Assistant Secretary of Defense (Administration) for approval.

Subpart E—U.S. Service Award

2. Sections 882.50, 882.51, 882.52, 882.53, 882.54, and 882.54a are revised. Section 882.67, paragraph (g) is amended by adding the word "Korea" as the last entry to the second column, and the words "1 October 1966 to a date to be announced" as the last entry in the third column. The revised sections now read as follows:

§ 882.50 Types of awards.

U.S. service awards include medals, ribbon bars, lapel buttons, and other devices (clasps, stars, clusters, arrowheads) which are described in Subpart K.

§ 882.51 Eligibility criteria.

(a) *Who is eligible.* A person generally is eligible for a service award if he:

(1) Was assigned or attached to and present for duty with a unit serving within the prescribed geographical area established for the award during the designated time period;

(2) Was assigned or attached to and present for duty with a unit designated in appropriate administrative orders as having received the award during the prescribed time period; or

(3) Otherwise meets the requirements for the award stated in the appropriate paragraph of this subpart.

(b) *Who is ineligible.* No service award will be awarded to a person whose entire service for the period covered by the award was not honorable, nor to a person whose service for the period covered by the award was terminated under other than honorable conditions. However, if a person was awarded and presented an award for service before his dishonorable behavior, the award will not be revoked unless specifically directed by Hq USAF.

§ 882.52 Number of awards a person may receive.

Only one award of a specific U.S. service medal or Philippine service ribbon will be made to the same person. Devices will be awarded to denote additional awards in those instances specified in this part.

§ 882.53 Posthumous service awards.

Next-of-kin are entitled to receive service awards and related devices which were earned but not presented before the death of the recipient. Duplicate service awards may be furnished free to the

parents of the deceased when awards are given to the widow or widower.

§ 882.54 Awards by other U.S. agencies.

Service awards are also awarded by the U.S. Army, Navy, Marine Corps, and Coast Guard. Such awards are made in conformance with the regulations of the awarding authority, and this part will not be construed to nullify them. An Air Force member who has been awarded a service award by one of the other military services may wear the award on the Air Force uniform provided that its wear is not precluded by AFM 35–10 (Service and Dress Uniforms for AF Personnel).

§ 882.54a Combat readiness medal.

(a) *Description.* Encircling a ring of stylized cloud forms, a border of concentric rays, its rim concave between 12 points, charged six arrowheads, alternating with the points of two triangular flight symbols, having center lines ridged conversely. One is pointed south and overlapping, and the other pointing north whose apex extends beyond the rim, becoming the point of suspension of the medal. The ribbon is predominantly old glory red and banded in blue, with a narrow dark blue stripe separated by two wider stripes of light blue.

(b) *Requirements for award.* Completion of an aggregate of 4 years of sustained professional performance as an Air Force combat ready aircrew or missile launch crew member or as a Weapons Director, AFSC 17xx, assigned to an operational unit subject to the Combat Readiness Rating System under the provisions of AFM 55–11. During this period, the aircrew or missile launch crew member of combat Weapons Director must have been:

(1) Certified as combat ready in accordance with Air Force and major command qualification criteria by the appropriate wing commander or commander of a group not reporting to a wing; and

(2) Serving in a missile launch crew position, or in a rated AFSC position as an aircrew member, or in an AFSC 17xx position as a Weapons Director.

(c) *Method of award.* The Wing/Group Director of Operations will notify the custodian of the unit personnel records group by letter when a crew member has fulfilled the requirements for award of the Combat Readiness Medal. The letter will be filed in the unit personnel records group and will be authority for entries on personnel records in accordance with AFMs 35–9 or 35–12.

NOTE: Aircrew members on special duty with another US military service may be credited with such service for award of the CRM provided they are designated and/or certified, while so serving, as combat ready in accordance with that service's criteria (if such criteria closely correlates to Air Force and parent major command criteria) and provided that other requirements stated above are met. A break in combat ready status (requalification, PCS, sickness, or other cause not attributed to any instance of nonprofessionalism) will be considered as qualifying service for award of the Combat Readiness Medal, provided the break is not more than 120 days and the individual returns to combat ready status.

(d) *Initial award.* All qualifying service from August 1, 1960. Individuals may claim past entitlement under new criteria established August 28, 1967. Officers must certify that they earned entitlement to the Combat Readiness Medal, as outlined in paragraph (b) of this section giving the dates when they were combat ready aircrew members and their unit(s) of assignment. Airmen claiming entitlement must execute a sworn statement providing the same information. The certificate or sworn statement will be filed in the unit personnel records group. Entries on personnel records will be in accordance with AFM 35–9 or 35–12 (Official Military Personnel Records System and Airmen Military Personnel Records System).

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted) [AFM 900–3D, Oct. 15, 1968]

By Order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69–3541; Filed, Mar. 25, 1969; 8:47 a.m.]

PART 889—ABSENCE WITHOUT LEAVE AND DESERTION

Part 889 is revised as follows:

Sec.
889.1 Purpose.
889.2 Categories of Deserters not to be apprehended.
889.3 Personnel authorized to apprehend.
889.4 Absentees and Deserters held by civil authorities.
889.5 Assistance by recruiting stations.
889.6 Expenses.

AUTHORITY: The provisions of this Part 889 issued under Sec. 8012, 70A Stat. 488, 10 U.S.C. 8012.

SOURCE: AFR 35–73, February 17, 1969.

§ 889.1 Purpose.

This part explains the conditions that determine the status of AWOL and desertion, prescribes administrative procedures required for persons in such status, and gives instructions on apprehension. It also describes which AWOL and deserter cases will be referred to the OSI for investigation and describes actions necessary when individuals are returned to military control.

§ 889.2 Categories of deserters not to be apprehended.

The following classes of deserters must not be apprehended or returned to military control:

(a) A World War I deserter.

(b) A peacetime deserter whose trial for desertion is barred by the statute of limitations under UCMJ, Art. 43;

(c) A deserter who is an alien residing in a foreign country.

§ 889.3 Personnel authorized to apprehend.

(a) Members of the armed forces and others who are authorized to apprehend are specified in MCM, 1969, paragraph 19.

(b) Any civil officer having authority to apprehend offenders under the laws of the United States or a State, territory, commonwealth, or possession, or the District of Columbia, may summarily apprehend an absentee or deserter from the armed forces and deliver him into the custody of those forces. (See UCMJ, Art. 8, and MCM, 1969, paragraph 13.) These authorities should not apprehend an absentee or deserter unless they receive either DD Form 553 or notice from military or federal law enforcement officials that the person is absent without leave and his return to military control is desired.

§ 889.4 Absentees and deserters held by civil authorities.

When information is received that a civilian official or private citizen authorized to apprehend has arrested, confined or intends to arrest a member for AWOL or desertion, the commander or the servicing CBPO of the installation who receives the information must advise the civilian by the fastest means possible that necessary action will be taken within 5 days to have the member returned to military control.

§ 889.5 Assistance by recruiting stations.

Recruiting and induction stations will not accept the surrender or delivery of absentees or deserters; however, they must take appropriate action to insure that such persons are returned to military control. Assistance will be extended to civilians who request information concerning their disposition.

§ 889.6 Expenses.

Prompt payment of reward or reimbursement must be made to a civilian entitled to a reward or reimbursement for expenses after it is determined that the person apprehended was AWOL or in desertion status. (See AFM 177–102, paragraph 10831 and 20858, for the Air Force; AFM 177–105, Volume II, part seven for Army, Navy, or Marine Corps.)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, USAF, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69–3542; Filed, Mar. 25, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 812—DELEGATION OF AUTHORITY

Overpayments of Salary; Claims of Postmasters

In § 812.9 paragraph (a) is updated in order to reflect a delegation of authority to the Assistant Postmaster General, Bureau of Finance and Administration, to administer 5 U.S.C. 5584 relative to the waiver of Government claims for overpayments of salary; and to clarify the delegation of authority to that officer to adjust certain claims of postmasters.

Accordingly, in § 812.9 *Authority for remission of fines, penalties, forfeitures, claims; and for Post Office Department fund transfers,* amend paragraph (a) to read as follows:

§ 812.9 Authority for remission of fines, penalties, forfeitures, claims; and Post Office Department fund transfers.

(a) *Delegation.* Pursuant to 39 U.S.C., Sec. 309, "Delegation of Authority" which states:

> The Postmaster General may delegate to any officer, employee, or agency of the Department such of the functions vested by law in him or in any other officer or employee of the Department as he deems appropriate.

authority is delegated to the Assistant Postmaster General, Bureau of Finance and Administration, to take final action, in his own name, with respect to all matters covered by the following:

(1) *5 U.S.C., sec. 5584.* Claims for overpayment of pay (Title 4 CFR Parts 201–203).

(2) *31 U.S.C., sec. 82a–1.* Relief of accountable officers of liability for loss.

(3) *31 U.S.C. sec. 82a–2.* Relief of accountable officers of liability for illegal, improper, or incorrect payments.

(4) *31 U.S.C. sec. 82c.* Certifying officers; bond; accountability; relief by Comptroller General.

(5) *39 U.S.C. 2202(a).* Deposit to and withdrawal from Post Office Department Fund.

(6) *39 U.S.C. 2401.* Collection of debts due the Department with the exception of those falling under the jurisdiction of the Chief Postal Inspector or the General Counsel. This redelegation includes the settlement of debts not exceeding $20,000 that may be compromised, terminated, suspended, or referred pursuant to the provisions of Public Law 89–508, with concurrence by General Counsel in cases involving doubtful questions of law or fact.

(7) *39 U.S.C. 2403.* Adjustment of claims of postmasters and armed forces postal clerks, including the loss of funds or valuable papers from their official custody resulting from burglary, fire, or unavoidable casualty, with concurrence by General Counsel in cases involving doubtful questions of law or fact.

NOTE: The corresponding Postal Manual section is 812.91.

(5 U.S.C. 301, 39 U.S.C. 309, 501)

DAVID A. NELSON,
General Counsel.

MARCH 21, 1969.

[F.R. Doc. 69–3561; Filed, Mar. 25, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter I—Federal Procurement Regulations

PART 1–12—LABOR

Labor Standards; Miscellaneous Amendments

Miscellaneous amendments hereunder with respect to Part 1–12 involve (1) the expiration of a variance regarding the administration of the Contract Work Hours Standards Act and (2) the implementation of a new procedure established by the Department of Labor (see 34 F.R. 555, Jan. 15, 1969) to apply in the event a contracting agency fails to give timely notice to the Department of an intention to enter into a service contract.

Subpart 1–12.3—Contract Work Hours Standards Act (Other Than Construction Contracts)

1. Section 1–12.302(d) is amended as follows:

§ 1–12.302 Applicability.

* * * * * *

(d) Contracts under which work is to be performed solely within a foreign country or within a territory under the jurisdiction of the United States other than a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island, and the Canal Zone.

* * * * * *

2. Section 1–12.304 is revised as follows:

§ 1–12.304 Variations and tolerances.

Variations and tolerances from the provisions of this subpart which are granted under section 105 of the Contract Work Hours Standards Act by the Secretary of Labor in the case of any contract work for which such variations and tolerances have been provided (29 CFR 5.14) shall be deemed to satisfy the requirements of § 1–1.009.

Subpart 1–12.9—Service Contract Act of 1965

Section 1–12.905–4 is revised as follows:

§ 1–12.905–4 Use of minimum wage terminations and fringe benefit specifications.

(a) *General procedures.* Invitations for bids and requests for proposals which may result in contracts in excess of $2,500 and contracts in excess of $2,500 (including any transaction for an indefinite amount, unless the contracting agency has knowledge that it will not exceed $2,500) shall contain an attachment setting forth the minimum wages and fringe benefits specified in any applicable, currently effective, determination. The attachment shall also include any determinations expressed in any communication from the Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor, responsive to the notice required by § 1–12.905–3(a), or any revision of the register of wages and fringe benefits prior to the award of the contract or contracts. However, revisions received by the Federal agency later than 10 days before the opening of bids, in the case of contracts entered into pursuant to competitive bidding procedures, shall not be effective except where the Federal agency finds that a reasonable time is available in which to notify bidders of the revision. (See § 1–12.905–10 regarding the absence of wage and fringe benefit determinations.)

(b) *Special procedure.* If the notice of intention required by § 1–12.905–3(a) is not filed within the time provided in § 1–12.905–3(b), the contracting agency shall exercise any and all of its power that may be needed (including, where necessary, its power to negotiate, its power to pay any necessary additional costs, and its power under any provision of the contract authorizing changes) to include in the contract any determinations communicated to it within 30 days of the filing of such notice or of the discovery by the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, of such omission.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: March 18, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–3521; Filed, Mar. 25, 1969; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4567]

OUTER CONTINENTAL SHELF OFF CALIFORNIA

Establishment of Santa Barbara Channel Ecological Preserve

By virtue of the authority vested in the President by the Outer Continental Shelf Lands Act (67 Stat. 462, 469; 43 U.S.C. 1341), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described lands of the Outer Continental Shelf are hereby withdrawn from all forms of disposition, including

mineral leasing, and reserved for use for scientific, recreational, and other similar uses as an ecological preserve:

The area is shown on official Outer Continental Shelf Leasing Map, Channel Islands Area Map No. 6B, approved August 8, 1966, and revised July 24, 1967, [illegible]

CALIFORNIA

Official Leasing Map, Channel Islands Area Map No. 6B.

Block	Description
51 N. 65 W.	NW¼NW¼.
51 N. 66 W.	N½.
51 N. 67 W.	Do.
51 N. 68 W.	N½N½.
52 N. 64 W.	All Federal portions thereof.
52 N. 65 W.	Do.
52 N. 66 W.	Do.
52 N. 67 W.	Do.
52 N. 68 W.	Do.
52 N. 69 W.	Do.

The following described lands of the Outer Continental Shelf will be withheld from leasing as an adjunct to the Ecological Preserve.

The area is shown on official Outer Continental Shelf Leasing Map, Channel Islands Area Map No. 6B, referred to above, as:

CALIFORNIA

Official Leasing Map, Channel Islands Area Map No. 6B.

Block	Description
50 N. 66 W.	All.
50 N. 67 W.	Do.
51 N. 66 W.	S½.
51 N. 67 W.	Do.
51 N. 68 W.	S½ and S½N½.
51 N. 69 W.	All.
51 N. 70 W.	E½ and E½W½.
52 N. 70 W.	All Federal portions of E½ and E½W½.

All persons, and particularly those engaged in commercial and sports fishing and other similar or related activities, are called upon to conduct their activities in the areas described above in a manner which will help to protect and preserve the values of this area for scientific study, recreation, and other similar uses for the benefit and enjoyment of this and future generations.

WALTER J. HICKEL,
Secretary of the Interior.

MARCH 21, 1969.

[F.R. Doc. 69-3548; Filed, Mar. 25, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Address of Engineer in Charge of Certain Radio Districts

1. The Commission has before it the desirability of making certain editorial changes in § 0.121 of its rules showing the location of the Field Engineering Bureau's field offices and monitoring stations.

2. Authority for the amendments is contained in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered*, That Part 0 of the rules and regulations is amended as set forth below, effective March 26, 1969.

Adopted: March 20, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In § 0.121(a) the addresses of the Engineer in Charge for Radio Districts 5, 11, 13, 14, and 16 are amended to read as follows:

§ 0.121 Location of field offices and monitoring stations.

(a) • • •

Radio district	Address of Engineer in Charge
5	Room 400, Federal Building, Norfolk, Va. 23510.
Suboffice	Post Office Box 8004, Room 238, Post Office Building, Savannah, Ga. 31402.
11	Room 1758, U.S. Courthouse, 312 North Spring Street, Los Angeles, Calif. 90012.
13	314 Multnomah Building, 319 Southwest Pine Street, Portland, Oreg. 97204.
14	8012 Federal Office Building, First Avenue and Marion, Seattle, Wash. 98104.
16	691 Federal Building and U.S. Courthouse, Fourth and Robert Streets, St. Paul, Minn., 55101.

• • • • •

[F.R. Doc. 69-3534; Filed, Mar. 25, 1969; 8:47 a.m.]

[Docket No. 18398; FCC 69-257]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Improvement of Capability of the Civil Air Patrol (CAP) To Participate in Search and Rescue (SAR) Operations

1. The Commission, on December 12, 1968, adopted a notice of proposed rule making in the above entitled matter (FCC 68-1177) which made provision for filing comments. The notice was published in the FEDERAL REGISTER on December 21, 1968 (33 F.R. 19084). The time for filing comments and reply comments has passed, and none were filed.

2. The notice proposed rule changes that were requested by the Civil Air Patrol (CAP) and would apply to the operation, by the CAP and others, of all Search and Rescue (SAR) stations. The requested changes would make a frequency available to SAR stations for training purposes and would relax our requirements somewhat concerning SAR land station locations and points of communication. In general, the CAP requested the changes to permit them to participate more fully and effectively in SAR operations, and we agreed, for the reasons explained in detail in our notice, that the changes would achieve the desired result.

3. In addition to the rule changes proposed in our notice, we are making editorial changes in § 87.183(h), 87.401(c), and 87.431 of our rules to delete the protection afforded the frequency 121.6 Mc/s when this frequency was available for SAR station use on a shared basis.

4. In view of the foregoing: *It is ordered*, That pursuant to authority contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 2 and 87 of the Commission's rules are amended, effective April 28, 1969, as set forth below.

5. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 19, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

I. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

In section 2.1 the definition of an Aeronautical search and rescue mobile station is deleted, and a new definition for an aeronautical search and rescue station is added, as follows:

§ 2.1 Definitions.

• • • • •

Aeronautical search and rescue station. A land or mobile station in the aeronautical mobile service used for communication with aircraft and other aeronautical search and rescue stations pertaining to search and rescue activities with aircraft.

• • • • •

II. Part 87, Aviation Services is amended as follows:

1. In § 87.5 the definition for an Aeronautical search and rescue mobile station is deleted, and a new definition for an aeronautical search and rescue station is added, as follows:

§ 87.5 Definition of terms.

• • • • •

Aeronautical search and rescue station. A land or mobile station in the aeronautical mobile service used for communication with aircraft and other aeronautical search and rescue stations pertaining to search and rescue activities with aircraft.

• • • • •

2. Section 87.183 (g) and (h) are amended to read as follows:

[1] Commissioner Johnson concurring in the result.

§ 87.183 Frequencies available.

• • • • •

(g) 122.9 and 123.1 Mc/s: These frequencies may be used by aircraft for air-to-air communications and air-to-ground communications with aeronautical search and rescue stations when engaged in search and rescue activities in accordance with Subpart K of this part.

(h) 121.60, 121.65, 121.70, 121.75, 121.80, 121.85, and 121.90 megacycles: Airport utility frequencies. In addition to their use for airport utility communications, these frequencies may be used for the control of airport lights by the transmission of brief keyed RF signals from aircraft on the condition that no harmful interference is caused to authorized voice communications.

• • • • •

3. Section 87.401(c) is amended to read as follows:

§ 87.401 Frequencies available.

• • • • •

(c) 121.60, 121.65, 121.70, 121.75, 121.80, 121.85, and 121.90 megacycles: These airport utility frequencies are available to airdrome control stations for communications with ground vehicles and aircraft on the ground at airdromes. The antenna heights shall be restricted to the minimum necessary to achieve the required coverage.

• • • • •

4. Section 87.431 is amended to read as follows:

§ 87.431 Frequencies available.

The frequencies 121.60, 121.65, 121.70, 121.75, 121.80, 121.85, and 121.90 megacycles are available for use by aeronautical utility mobile stations.

5. Subpart K is amended by deleting the word "Mobile" from the title, and in § 87.441 paragraphs (a) and (b) are amended and a new paragraph (c) is added, and § 87.443 is amended to read as follows:

Subpart K—Aeronautical Search and Rescue Stations

§ 87.441 Frequencies available.

(a) The frequency 123.1 Mc/s is available for assignment to aeronautical search and rescue stations for actual search and rescue missions. Each search and rescue station shall be equipped to operate on this frequency.

(b) 121.5 Mc/s: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless (1) a showing is made establishing a need for such services and (2) the search and rescue mobile frequency 123.1 Mc/s is assigned and available for use to accommodate normal communication needs.

(c) The frequency 122.9 Mc/s is available for assignment to aeronautical search and rescue stations for organized search and rescue training and practice search and rescue missions.

6. Section 87.443 is amended to read as follows:

§ 87.443 Scope of service.

(a) Aeronautical search and rescue stations operating as mobile stations shall be used only for communications with aircraft, and other aeronautical search and rescue stations, engaged in search and rescue activities with aircraft.

(b) Aeronautical search and rescue stations operating as land stations shall be used only for communications with aircraft and search and rescue mobile stations engaged in search and rescue activities with aircraft. Such land stations may be moved for temporary periods from a specified location to an area where actual or practice search and rescue operations are being conducted.

[F.R. Doc. 69-3535; Filed, Mar. 25, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Metropolitan Kansas City Interstate Air Quality Control Region; Notice of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Kansas City Interstate Air Quality Control Region (Missouri-Kansas) as set forth in the following new § 81.25 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Missouri and Kansas and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Office Building, Room 140, 601 East 12th Street, Kansas City, Mo., beginning at 10 a.m., April 11, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.25 is proposed to be added to read as follows:

§ 81.25 Metropolitan Kansas City Interstate Air Quality Control Region.

The Metropolitan Kansas City Interstate Air Quality Control Region (Missouri-Kansas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Missouri:

Cass County.
Clay County.
Jackson County.
Platte County.
Ray County.

In the State of Kansas:

Douglas County.
Johnson County.
Leavenworth County.
Wyandotte County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: March 21, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-3654; Filed, Mar. 25, 1969; 10:13 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-CE-88]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 1,200 feet AGL east alternate to V-73 from Wichita, Kans., to Salina, Kans., via the INT of Wichita 356° T (347° M) and Salina 169° T (160° M) radials; to Salina. This would improve flight planning and facilitate air traffic control by providing a numbered airway for the increasing volume of IFR operations between Wichita and Salina.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 18, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3514; Filed, Mar. 25, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-118]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Virginia Beach, Va., offshore transition area east of the States of Virginia and North Carolina.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

If the proposal set forth above is adopted, the Virginia Beach, Va., transition area would be designated as that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by long. 75°30'00" W.; on the south, southwest, west, and northwest by a line 3 nautical miles from and parallel to the shoreline, excluding that airspace within Control 1149 and W-50.

This transition area will provide controlled airspace for air traffic control to radar vector aircraft to and from the Norfolk, Va., and Oceana, Va., NAS complexes and en route aircraft operating east of VOR Federal airway No. 139 and Jet Route Nos. 79/121.

In conjunction with the foregoing rule-making proposal, the following ancillary non-rule-making actions are proposed:

1. Alter W-386 altitude west of long. 75°30'00" W.; to read from surface up to but not including 2,000 feet and above FL-600 to unlimited.

2. Alter W-72 altitude west of long 75°30'00" W.; to read from surface up to but not including 2,000 feet and above FL-600 to unlimited.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (25 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on March 18, 1969.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3515; Filed, Mar. 25, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[No. MC-C-258]

KANSAS CITY, MO.-KANSAS CITY, KANS. COMMERCIAL ZONE

Redefinition of Limits

MARCH 21, 1969.

Redefinition of the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone, heretofore defined in No. MC-C-258, Kansas City, Mo.-Kansas City, Kans., Commercial Zone, 105 M.C.C. 750.

Petitioner: BORG-WARNER PIPE AND PRODUCTS, DEPARTMENT OF FABRICATED PRODUCTS DIVISION, BORG-WARNER CORPORATION.

Petitioner's representative: Robert Trevisol, Traffic Manager, Carbon Chemical Division of Borg-Warner Corp., Washington, W. Va. 26182.

By petition filed March 17, 1969, Borg-Warner Pipe and Products, Department of Fabricated Products Division, Borg-Warner Corp., requests the Commission to reopen the above proceeding for the purpose of redefining the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone which were last defined on September 25, 1967, in the decision and order of the Commission, Review Board No. 2, in *Kansas City, Mo.-Kansas City, Kans., Commercial Zone*, 105 M.C.C. 750 at pages 751-752 (49 CFR 1048.8), so as to include an area located within Kansas City, Mo., not now within the limits of the zone.

As presently defined, the Kansas City, Mo.-Kansas City, Kans., commercial zone is bounded, in part, by a line commencing at the western boundary of Richards-Gebaur Air Force Base at its intersection with Missouri Highway 150, and extending west along Missouri Highway 150 to the Kansas-Missouri State line. Petitioner requests the Commission to include within the zone an area located within Kansas City, Mo., bounded by a line commencing at the western boundary of Richards-Gebaur Air Force Base at its intersection with the Kansas City, Mo., corporate boundary, and extending west along said corporate boundary to the Kansas-Missouri State line, thence north along said State line to the present limits of the zone, thence east and south along the present limits of the zone to the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before April 28, 1969. Each such statement shall contain a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3551; Filed, Mar. 25, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JAMES D. ROTRAMEL

Notice of Granting of Relief

Notice is hereby given that James D. Rotramel, 214 South First Street, Ponca City, Okla., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transport, shipment, or possession of firearms incurred by reason of his three convictions in March of 1954, in the District Courts of Kay and Osage Counties, Okla., of the crime of driving an automobile while under the influence of intoxicating liquor (second and subsequent offenses), each a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James D. Rotramel, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 United States Code, appendix) because of such conviction it would be unlawful for Mr. Rotramel, to receive, possess or transport in commerce a firearm. Notice is hereby further given that I have considered James D. Rotramel's application and have found:

(1) The convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to James D. Rotramel incurred by reason of his convictions, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c) of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that James D. Rotramel be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the convictions hereinabove described. Signed at Washington, D.C., this 20th day of March 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-3562; Filed, Mar. 25, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 17, 1969.

The Geological Survey, Department of the Interior, has filed an application, Serial No. AA-2695, for the withdrawal of the lands described herein from appropriation under the public land laws as a power site classification. The applicant states that recent field surveys and investigations indicate that the outlet of Green Lake is topographically suitable for construction of a dam to the 400-foot altitude, and it is estimated that 5,500 kw. of continuous power could be generated at this site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation, 43 CFR 2311.1-3(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

TONGASS NATIONAL FOREST

VODOPAD RIVER AND GREEN LAKE, ALASKA (ABOUT 10 MILES SOUTHEAST OF SITKA, ALASKA)

All lands adjacent to the Vodopad River and Green Lake upstream from the outlet at Silver Bay which lie below an altitude of 400 feet above sea level and not reserved by Power Site Classification No. 221. As shown on the Port Alexander (D-4) quadrangle map, the lands in Power Site Classification No. 459 (approximately 250 acres) and the lands in Power Site Classification No. 221 (approximately 845 acres) will lie wholly or in part within the following protracted land descriptions:

Copper River Meridian

T. 56 S., R. 65 E.,
Sec. 20, SE¼SE¼;
Sec. 21, S½SW¼;
Sec. 26, S½SW¼;
Sec. 27, SW¼NW¼, S½;
Sec. 28, S½NE¼, NW¼, N½SW¼, SE¼;
Sec. 29, NE¼, S½NW¼, N½SW¼;
Sec. 33, NE¼NE¼;
Sec. 34, NE¼, N½NW¼;
Sec. 35, N½, N½SW¼, N½SE¼, SE¼SE¼;
Sec. 36, SW¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼.

CURTIS W. MCVEE,
Acting State Director.

[F.R. Doc. 69-3527; Filed, Mar. 25, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18500; FCC 69-262]

CHRONICLE BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Chronicle Broadcasting Co., San Francisco, Calif., for renewal of licenses of Station KRON-FM, Station KRON-TV, San Francisco, Calif., Docket No. 18500, File No. BRH-926, File No. BRCT-94.

1. The Commission has before it for consideration: (1) The above-captioned applications of Chronicle Broadcasting Co. for renewal of the licenses of its two broadcast stations, KRON-FM and KRON-TV; (2) complaints dated September 8, 1968, and December 22, 1968 by a KRON-TV cameraman, Albert Kihn; (3) a complaint filed on September 23, 1968, by Charles Cline Moore, a San Francisco attorney, on behalf of his client, Blanche Streeter, and; (4) a "Petition Opposing Renewal of License" filed on November 8, 1968 (as amended on Dec. 2, 1968) by John F. Banzhaf III and ASH, Action on Smoking and Health.

2. The Commission has considered the allegations made in support of the complaints and petition opposing renewal of the licenses, and the licensee's responses. Because of the substantial issues raised, and unresolved questions of fact going to these issues, we are unable to find upon the applications and other papers before us that a grant of the applications would serve the public interest. Accordingly, we are designating the applications for hearing on three issues which are unresolved. In accordance with practice, a further opinion will give the specifications of these issues, and we therefore find it unnecessary at this point to recite the particulars of the pleadings before us. The applications are not being designated for hearing on the issue raised in the Banzhaf and ASH petition, since we find that while a greater effort in the maximum viewing hours is called for (see Letter to Chronicle Broadcasting Co., adopted this day) the licensee has been making substantial efforts to meet the essence of our holding that in the circumstances it must devote a significant amount of time to informing the listeners of the health issue posed by cigarette smoking (Applicability of the Fairness Doctrine to Cigarette Advertising, 9 FCC 2d 921, 939 (1967)).

3. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned renewal applications are designated for a consolidated hearing, at a time and place to be specified in a subsequent order, on the following issues:

(1) Whether Chronicle Publishing Co., the parent of the licensee, has an undue concentration of control of the media of mass communications in the San Francisco Bay area;

(2) Whether the Chronicle Publishing Co. has engaged in anticompetitive or monopolistic practices in the newspaper field in the San Francisco Bay area;

(3) Whether the licensee has used the facilities of Stations KRON-FM and KRON-TV to "manage" or slant the news and public affairs for the purpose of advancing the interests of the Chronicle Publishing Co.;

(4) Whether in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned applications would serve the public interest, convenience, and necessity.

4. *It is further ordered,* That, the complainants, Albert Kihn and Blanche Streeter, are named as parties to the hearing, and that with respect to Issues 1 and 2 above, the burden of coming forward with the introduction of evidence shall be on the complainant Streeter and the Broadcast Bureau and, with respect to Issue 3, the burden of coming forward with the introduction of evidence shall be upon complainant Kihn and the Broadcast Bureau. The burden of proof on all of the issues is on the licensee.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the licensee and complainants, pursuant to § 1.221 of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered,* That, the licensee herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

Adopted: March 19, 1969.

Released: March 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3537; Filed, Mar. 25, 1969; 8:47 a.m.]

[Docket Nos. 18496, 18497; FCC 69-259]

FORT PIERCE MARINE RADIO AND ANSERFONE OF ST. LUCIE COUNTY, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jessie W. Porter doing business as Fort Pierce Marine Radio, Fort Pierce, Fla., Docket No. 18496, File No. 5025-M-P-58; Anserfone of St. Lucie County, Inc., West Palm Beach, Fla., Docket No. 18497, File No. 5215-M-P-78; for a Public Class III-B coast station to serve the Fort Pierce, Fla., area.

1. Anserfone of St. Lucie County, Inc., and Jessie W. Porter, doing business as Fort Pierce Marine Radio have each filed an application for a new Public Class III-B coast station to serve the Fort Pierce, Fla., area. Both applicants have expressed the belief that there is no need to have two public coast VHF stations serving the Fort Pierce area. Anserfone proposes operation on 156.8 and 162.0 Mc/s. Fort Pierce Marine Radio proposes operation on 156.8 and 161.950 Mc/s. Based on the information available, the Commission is unable to find that a grant of both of the applications would be in the public interest. In addition, it appears that the proposed operations may not be consistent with restrictions on duplication of service contained in § 81.303 of the rules. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing, *It is ordered,* Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the above captioned applications are hereby designated for a hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine the area in which the station proposed by Anserfone could exchange satisfactory communications with vessels and the extent, if any, to which such area overlaps that of the station proposed by Fort Pierce Marine Radio.

(b) To determine the area in which the station proposed by Fort Pierce Marine Radio could exchange satisfactory communications with vessels and the extent, if any, to which such area overlaps that of the station proposed by Anserfone.

(c) To determine the nature, amount and source of the anticipated VHF traffic in the area and if such traffic could support both of the proposed stations.

(d) To determine which applicant would provide the public with better public coast station service based on the following considerations:

(1) Coverage area and its relationship to the greatest number of potential users;

(2) Hours of operation;

(3) Rates and charges;

(4) Personnel available to operate the station and their experience in marine communications; and

(5) Interconnection with landline facilities.

(e) To determine, in light of the evidence adduced on all the foregoing issues, whether the public interest, convenience and necessity will be served by a grant of any or all of the subject applications.

3. *It is further ordered,* That the burden of proceeding with the introduction of evidence on issue (a), is placed upon Anserfone and on issue (b) upon Fort Pierce Marine Radio and on the remaining issues in accordance with § 1.973(e).

4. *It is further ordered,* That the coverage area will be computed on the basis of the information contained in Appendix F, "The Propogation Characteristics of the Frequency Band 152-162 Mc which is available for Marine Radio Communications", to the report entitled "Study of a Reliable Short Range Radiotelephone System", dated February 21, 1956, prepared by Special Committee No. 19 of the Radio Technical Commission for Marine Services (RTCM), or such other standards as may be agreed upon by all the parties.

5. *It is further ordered,* That to avail themselves of an opportunity to be heard, Anserfone and Fort Pierce Marine Radio, pursuant to § 1.221(c) of the Commission's rules, in person, or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on

[1] Commissioners Hyde, chairman; and Robert E. Lee dissenting. Commissioner Bartley concurring in the result. Commissioner H. Rex Lee abstaining from voting.

the date set for hearing and present evidence on the issues specified in this order.

Adopted: March 19, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3536; Filed, Mar. 25, 1969; 8:47 a.m.]

[Docket Nos. 18492, 18493; FCC 69-238]

GREENCASTLE BROADCASTING CO. AND TV CABLE OF WAYNESBORO, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Benjamin F. Thomas and Roy A. Grove doing business as Greencastle Broadcasting Co., Greencastle, Pa., Docket No. 18492, File No. 17125, Requests: 1130 kc, 1 kw, DA-Day; TV Cable of Waynesboro, Inc., Waynesboro, Pa., Docket No. 18493, File No. BP-18234, Requests: 1130 kc, 1 kw, DA-Day; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications and a petition to deny the proposal of TV Cable of Waynesboro, Inc., filed by Metromedia, Inc., licensee of Station WNEW, New York, N.Y.

2. In its petition to deny, Metromedia claims that the Waynesboro proposal involves prohibited overlap of contours, under § 73.37 of the rules with the co-channel operation of WNEW. In support of this allegation, Metromedia submitted an engineering exhibit demonstrating that, based on Figure M-3 conductivities, WNEW's 0.1 mv/m contour would be overlapped by the proposed 0.005 mv/m contour and the proposed 0.5 mv/m contour would receive overlap from WNEW's 0.025 mv/m contour. Metromedia acknowledges that field intensity measurement data indicating no prohibited overlap has been included in the Waynesboro application but asserts that, since WNEW holds an outstanding construction permit to move its operation to a different transmitter site than the one referred to by the applicant in its measurements, Figure M-3 conductivities must prevail.

3. We disagree. The new WNEW site is located approximately 5.5 miles from the existing antenna site and in a direction such that a radial from the new site toward Waynesboro would pass near the licensed site. Moreover, the distances to the WNEW 0.1 and 0.025 mv/m contours are great, being well over 100 miles. Consequently, signals emanating from either site would traverse essentially the same path toward Waynesboro. Thus, we find that the measurement data indicating no prohibited overlap are to be preferred over the calculations based on Figure M-3 conductivities. Accordingly, the Metromedia petition will be denied.

4. The Waynesboro application indicates that first year construction and operating costs will total $90,695 consisting of down payment on equipment, $10,250; first year payments on equipment, including interest, $10,945; miscellaneous expense, $5,000; working capital, $64,500. Applicant has $8,200 in cash and claims $89,350 in "existing capital." However, not only does its balance sheet fail to show this amount in net current and liquid assets but it also indicates that current liabilities exceed current assets. Accordingly, a financial issue will be specified.

5. In addition to the financial matters discussed in the preceding paragraph, we note that there appears to be an irreconcilable discrepancy in section II of the Waynesboro application between the number of shares of capital stock authorized and the number of shares issued and subscribed. Likewise, there appears to be some uncertainty as to the number of actual subscribers. Accordingly, an appropriate issue will be included for the purpose of clarifying this matter.

6. Section 1.65 of the Commission's rules imposes a duty on applicants to amend their applications whenever substantial changes in status occur. At the time of filing, Greencastle Broadcasting Co. and its principals had no other broadcast interests. Since then Greencastle has become the licensee of FM Station WKSL, Greencastle, Pa. In addition, Benjamin F. Thomas, 95 percent owner of Greencastle, has also acquired all of the stock of the licensee of FM Station WFMV, Richmond, Va. Notwithstanding these facts, Greencastle failed to amend its application to reflect the acquisitions until shortly before adoption of this order. Accordingly, an issue will be included to determine the effect of this failure upon the applicant's requisite and comparative qualifications. Cf. Faulkner Radio, Inc., 15 FCC 2d 780, 15 RR 2d 285; Vernon Broadcasting Company, 12 FCC 2d 946, 13 RR 2d 245; Romac Baton Rouge Corp., 7 FCC 2d 564, 9 RR 2d 1029.

7. Except as indicated by the issues specified below the applicants are qualified. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below:

8. Accordingly, *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine whether Greencastle Broadcasting Co. has continued to keep the Commission informed of substantial changes of decisional significance as required by § 1.65 of the rules.

(3) To determine the effect of the facts adduced pursuant to the foregoing issue upon the requisite and comparative qualifications of Greencastle Broadcasting Co.

(4) To determine with respect to the application of TV Cable of Waynesboro, Inc.:

(a) The manner in which the applicant will obtain additional funds to construct and operate the proposed station for 1 year.

(b) Whether in light of the evidence adduced pursuant to the above subissue, the applicant is financially qualified.

(5) To determine with respect to TV Cable of Waynesboro, Inc., the number of shares of capital stock authorized, issued and subscribed, and the number and identity of the subscribers.

(6) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio services.

(7) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

(8) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

9. *It is further ordered*, That, the petition to deny filed by Metromedia, Inc., is hereby denied.

10. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 13, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3539; Filed, Mar. 25, 1969; 8:47 a.m.]

[1] Commissioner Johnson absent.

[Docket Nos. 18489—18491; FCC 69-237]

SUMMIT BROADCASTING ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Richard S. Genetti, Edward F. Genetti, Salvadore Gaudiano, Jr., and James Manganell (a partnership) doing business as Summit Broadcasting, Freeland, Pa., Docket No. 18489, File No. BP-16986, Requests: 1300 kc, 1 kw, DA, Day; CBM, Inc., West Hazleton, Pa., Docket No. 18490, File No. BP-17497, Requests: 1300 kc, 1 kw, DA, Day; Broadcasters 7, Inc., West Hazleton, Pa., Docket No. 18491, File No. BP-17498, Requests: 1300 kc, 5 kw, DA, Day; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned mutually exclusive applications; (b) a petition to deny the applications by The Baltimore Radio Show, Inc., licensee of Station WFBR, Baltimore, Md.; and (c) pleadings in opposition and reply thereto.

2. First, we find that the aforementioned petition is untimely since it was filed with the Commission on October 5, 1967, well beyond the published cutoff dates on the applications.[1] Secondly, we find that WFBR lacks standing as a party in interest within the purview of section 309(d) of the Act. Petitioner bases its claim of standing on the increased interference that would result to its station if either the Freeland or CBM proposal received a grant of its application, and if, subsequently, either sought and obtained authority to operate presunrise with 500 watts of power. WFBR wishes to be included as a party to this proceeding to demonstrate that the public interest would better be served by a grant of the application that would cause the least interference to its existing operation under any presunrise authority that might subsequently be granted. In WBEN v. United States and FCC, 13 RR 2d 2001, 396 F. 2d 601 (1968), the Court held that requests for presunrise authority could be treated as proposals for minor changes in existing facilities and were thus not subject to the procedural requirements (section 309(d)) applicable to requests for new facilities or for major changes in existing facilities. Subsequently, the U.S. Court of Appeals for the District of Columbia Circuit concurred with the WBEN decision, holding "that protests against such pre-sunrise requests need not be given full-dress hearings." Pacific and Southern Co., Inc. v. FCC, Case No. 21,633, decided December 10, 1968, 14 RR 2d 2111. Therefore, petitioner does not have standing even if one assumes that the applicant receiving a grant of its proposal will seek presunrise authority.

3. Examination of the financial portion of the Summit Broadcasting proposal indicates that the applicant will require $105,913 to meet estimated first-year construction and operation costs, consisting of: Down payment on equipment, $7,500; first year payments on equipment including interest, $10,213; building, $5,000; loan interest, $1,200; miscellaneous costs, $10,000; and working capital, $72,000. To meet these costs applicant has available existing capital of $3,032, a partners' loan of $75,000 and a private corporate loan of $20,000 for a total of only $98,032. Applicant fails to meet its expected financial requirements by approximately $7,881, and accordingly, a financial issue is required.

4. A Suburban issue is also required as to Summit Broadcasting. Although the applicant conducted a survey, it is impossible to determine whether a representative range of groups and leaders were consulted due to the small number (8) of individuals contacted. See Andy Valley Broadcasting System, Inc., 12 RR 2d 691 (1968). The applicant also failed to meet the programing requirements by not listing the suggestions that were given by the leaders and members of the community. Public Notice, August 22, 1968, FCC 68-847. Thus, we are unable at this time to determine whether the applicant is aware of and responsive to the needs of the area.

5. Analysis of the financial portion of the CBM, Inc., application reveals that funds in the amount of $101,705 will be needed for construction and first year operation of the proposed facility, consisting of: Down payment on equipment, $7,050; first year payments on equipment including interest, $9,013; first year payment on land lease, $1,200; first year payment on lease for transmitter and antenna property, $1,200; building, $8,000; loan curtailments including interest, $5,488; miscellaneous, $9,754; and working capital of $60,000. To meet these requirements, applicant intends to rely upon liquid assets of the corporation of $3,313, a stockholder's loan of $90,000 and a bank loan of $15,000 for a total of $108,313. However, since the bank loan is to be secured by guaranty of two of the shareholders, and there is no statement indicating that one of the individuals, Alphonse Barlett, is willing to be a guarantor, we cannot credit the applicant with the $15,000. In addition, the loan commitments and the equipment manufacturer's letter are not current. In response to a Commission request to update its financial data, the applicant prepared an amendment that included the same dated loan commitments. Whether the financial information reflects the applicant's current financial position is a matter to be decided in hearing. Accordingly, a financial issue will be included.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine, with respect to the application of Summit Broadcasting:

(a) The manner in which the applicant will obtain additional funds to construct and operate the proposed station for 1 year.

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(3) To determine the efforts made by Summit Broadcasting to ascertain the community needs and interests of the area to be served and the means by which they propose to meet those needs and interests.

(4) To determine, with respect to the application of CBM, Inc.:

(a) Whether Alphonse Barlett is willing to be a guarantor of the $15,000 bank loan.

(b) Whether the $15,000 bank loan and the credit letter from the equipment manufacturer are still available and, if so, the terms and conditions thereof.

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(6) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

8. *It is further ordered*, That the petition filed by The Baltimore Radio Show, Inc., licensee of Station WFBR, is hereby dismissed.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such

[1] The Summit Broadcasting application was cut off Oct. 27, 1966, and the remaining two proposals on May 11, 1967.

notice as required by § 1.594(g) of the rules.

Adopted: March 13, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-3540; Filed, Mar. 25, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-520 etc.]

CITIES SERVICE OIL CO.

Order Providing for Hearings and Proposed Changes in Rates; Correction

MARCH 13, 1969.

In the order providing for hearings on and suspension of proposed changes in rates, issued February 12, 1969, and published in the FEDERAL REGISTER February 20, 1969, F.R. 34(2444), in Appendix A, page 2, Docket No. RI69-520, Cities Service Oil Co.: (Opposite Rate Schedule No. 98) under column headed "Proposed Increased Rate," change "14.5" to read "15.5" and delete Footnote "8". In Appendix A, page 8, Docket No. RI69-523, Amerada Petroleum Corp. (Operator) et al., under columns headed "Rate in Effect" and "Proposed Increased Rate," change Footnote "5" to read Footnote "9" in each column. And in Appendix A, page 10, under Footnotes: Delete Footnote "8" from the list of footnotes.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3543; Filed, Mar. 25, 1969; 8:47 a.m.]

[Dockets Nos. RI69-564, RI69-575]

HORIZON OIL AND GAS COMPANY OF TEXAS AND SUN OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

MARCH 13, 1969.

Horizon Oil and Gas Co. of Texas (Operator) et al., Docket No. RI69-564 et al.; Sun Oil Co. (DX Division), Docket No. RI69-575.

In the order providing for hearings on and suspension of proposed changes in rates, issued February 20, 1969, and published in the FEDERAL REGISTER March 1, 1969, F.R. 34(3722), in Appendix A, page 5, Docket No. RI69-575, Sun Oil Co. (DX Division): (Opposite Rate Schedule No. 114) under column headed "Date Suspended Until", change "8-3-69" to read "8-21-69".

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3534; Filed, Mar. 25, 1969; 8:46 a.m.]

[2] Commissioner Robert E. Lee concurring in the result. Commissioner Johnson absent.

[Docket No. E-7471]

KANSAS GAS AND ELECTRIC CO.

Notice of Application

MARCH 19, 1969.

Take notice that on March 10, 1969, Kansas Gas and Electric Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act to issue short-term promissory notes not to exceed an aggregate principal amount of $17 million outstanding at any one time.

Applicant is incorporated under the laws of the State of West Virginia with its principal business office in Wichita, Kans., and is engaged in the electric utility business in 165 communities in southeastern Kansas.

According to the application Applicant proposes to issue notes to commercial banks with maturity dates of not more than 12 months from the date of issuance and notes to investment banking firms in the form of commercial paper with maturity of not more than 270 days. The total principal amount outstanding at any one time is not to exceed $17 million. Proceeds from the notes will be used to provide funds for the construction, completion, extension and improvement of applicant's facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3525; Filed, Mar. 25, 1969; 8:46 a.m.]

[Docket No. CP69-138]

LONE STAR GAS CO.

Notice of Amendment to Application

MARCH 18, 1969.

Take notice that on March 10, 1969, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed an amendment to the application in Docket No. CP69-138 filed on November 7, 1968,[1] by requesting modifications to the facilities to be constructed, operated, upgraded and abandoned and to construct, operate and abandon additional facilities in Bryan and Marshall Counties, Okla., and Grayson County, Tex., all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

By the original application, Applicant sought to:

(1) Construct and operate 11.2 miles of 10-inch line E5-A and 0.34-mile of 6-inch line E-5;

(2) Upgrade the designed pressure capacity, among others, of: (a) 4.77 miles of 6-inch O.D. and 4-inch line E5A-A from 400 to 800 p.s.i.g and (b) the Cumberland Field Dehydration Plant from 400 to 800 p.s.i.g.; and

(3) Abandon 4.9 miles of line E5-A and 0.34-mile of line E-5.

By this amendment, Applicant now proposes to construct and operate:

(1) 10.7 miles of 8-inch line E5-A in lieu of 11.2 miles of 10-inch line E5-A;

(2) 0.51-mile of 6-inch line E-5 in lieu of 0.34-mile of 6-inch line E-5.

(3) 4.45 miles of 4-inch line E5A-A in lieu of upgrading an existing 4.47 miles of 6-inch and 4-inch line E5A-A to operate at the design pressure of 800 p.s.i.g.;

(4) 0.21-mile of 10-inch line E-A; and

(5) Upgrade the operating pressure of the Cumberland Field Dehydration Plant to 800 p.s.i.g. after reconstruction at a new location in lieu of upgrading the proposed operating pressure of the plant at its present location.

In addition to abandoning 4.9 miles of 10-inch and 8-inch line E5-A as proposed in the original application, Applicant, by this amendment, also seeks permission and approval to abandon the following facilities:

(1) 0.51-mile of 6-inch and 4-inch line E-5 in lieu of 0.34-mile;

(2) 4.43 miles of 6-inch and 4-inch line E5A-A; and

(3) 0.10-mile of 10-inch line E-A.

The total estimated cost of the original proposal for new construction and upgrading of facilities was $296,000. Such costs in the amended proposal is estimated at approximately $419,700. The estimated value of salvage is increased from $13,000 to $29,950, and the estimated cost to remove facilities is increased from $8,600 to $9,350.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 11, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval to abandon are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] Notice of application was published in the FEDERAL REGISTER on Nov. 27, 1968 (33 F.R. 17707).

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3544; Filed, Mar. 25, 1969; 8:47 a.m.]

[Docket No. CP68-364]

MANUFACTURERS LIGHT AND HEAT CO. AND HOME GAS CO.

Order Permitting Intervention and Fixing Date of Prehearing Conference

MARCH 17, 1969.

The Manufacturers Light and Heat Co. (Manufacturers) a Pennsylvania corporation, with its principal place of business in Pittsburgh, Pa., and Home Gas Co. (Home) a New York corporation, with its principal place of business in Pittsburgh, Pa., filed a joint application with the Federal Power Commission pursuant to section 7 of the Natural Gas Act on June 20, 1968. Notice of the filing was issued July 3, 1968, and published in the FEDERAL REGISTER on July 11, 1968 (33 F.R. 9981).

The applicants seek a certificate of public convenience and necessity authorizing the coordination of their operations. They state that a coordination of their respective systems will provide greater operating flexibility, to make available the underground storage fields of both companies on a combined basis, and to permit Manufacturers to optimize gas purchases. No facilities are said to be required in the coordination of these operations.

The companies state coordination of their operations is necessary because Home's two largest customers Orange and Rockland Utilities, Inc. (Rockland), and Central Hudson Gas and Electric Corp. (Central Hudson), are planning significant increases in their purchase gas load factors. Home does not presently have the necessary supply to provide these customers with their increased annual requirements. The additional annual deliveries would increase Home's sales from an average load factor of 52 percent to 64 percent, and increase its average day sales from 75,000 Mcf per day to 93,000 Mcf per day. These significant increases would cause Home's storage pools to be utilized at a lesser degree. Home purchases gas from Manufacturers, its major supplier, at 100 percent load factor.

It is indicated that the continuation of their operations on a noncoordinated basis would require Home to increase its contract demand with Manufacturers 17,000 Mcf per day. Home would purchase this increased contract demand at 100 percent load factor at a price of 39.61 cents per Mcf. The added volume for resale to Rockland and Central Hudson would be at a rate of 31 cents per Mcf. In addition it is stated that noncoordinated operations would require Manufacturers to increase its contract demand with United Fuel Gas Co. 11,000 Mcf per day, result in the idling of Home's underground storage operations, and require Manufacturers to construct 10.1 miles of mainline loop at an estimated cost of $1.3 million. The applicants estimate that under noncoordinated operations incremental costs would be $132,600 above incremental revenues, while under coordinated operations, incremental revenues would be $318,000 above incremental costs.

It is proposed that the applicants file a joint tariff to supersede their present tariff. The tariff would reflect the same rates contained in settlement agreements in RP66-5 and RP66-6 which have been approved by the Commission. The tariff provisions would be the same as those settled upon except the companies propose a minimum annual commodity charge for the CDS schedules, this would be 60 percent effective November 1, 1968, 62½ percent November 1, 1969, and 65 percent November 1, 1970, and thereafter.

Petitions to intervene in the proceeding have been filed by the following customers: Central Hudson Gas and Electric Corp., New York State Electric and Gas Corp., Orange and Rockland Utilities, Inc., Pennsylvania Gas and Water Co., UGI Corp., and United Natural Gas Co. Additionally, the New York Commission filed an intervention.

Pennsylvania Gas and Water Co. requests formal hearing and raises the following issues: (1) Validity of the unilateral abrogation of contracts for purchase and sale of natural gas, (2) validity of the proposed minimum bill, (3) validity of the proposal under the rate standards of the Natural Gas Act, (4) ability of United Fuel Gas Co. to deliver 6.6 million Mcf to Manufacturers and the economic consequences upon United Fuel Gas Co. of such deliveries, and (5) the continued propriety of the existing rate levels, rates, zone boundaries, and rate differentials under coordinated operations.

New York State Electric and Gas Corp. is concerned about the effect of the proposed minimum annual commodity charge upon itself and its customers. Acme Natural Gas Co. filed a protest against the proposed minimum annual commodity charge, and the New York Commission has no objection to the application since the acceptance of Home's settlement in Docket No. RP66-6. An application was filed for temporary authorization to coordinate their operations in order that Home may meet its 1968-69 customer requirements. Said authorization has been granted.

The Commission finds: (1) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act. The expeditious disposition of these proceedings will be effectuated by providing for a prehearing conference prior to the filing of evidence by any of the parties.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the provisions of 1.18 of the Commission's rules of practice and procedure, a prehearing conference shall be held before a hearing examiner of the Commission to be designated by the Chief Examiner, in order to consider the means by which the conduct of the proceedings may be facilitated and in order to determine further procedures including the date for commencement of cross-examination. Such conference will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. (e.d.s.t.) on May 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3545; Filed, Mar. 25, 1969; 8:48 a.m.]

[Project 2694]

NANTAHALA POWER AND LIGHT CO.

Notice of Application for License for Constructed Project

MARCH 19, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Nantahala Power and Light Co. (correspondence to: John M. Archer, Jr., President, Nantahala Power and Light Co., Post Office Box 260, Franklin, N.C. 28734) for constructed Project No. 2694, known as Queens Creek, located on Queens Creek, a tributary of the Nantahala River, in the vicinity of Franklin in Macon County, N.C.

The existing Queens Creek Project consists of: (1) An earth and rock-fill dam 78 feet high and 382 feet long creating a reservoir having an area of 37 acres at normal pool elevation of 3,027 feet (USC & GS datum) with useful storage of 778 acre-feet; (2) a side channel spillway excavated in rock containing an earth fuse plug dam in two sections—a pilot section with crest at elevation 3,028 feet and the remaining section with crest at elevation 3,030 feet; (3) a low level conduit through the dam to a wye, one branch of which serves as an intake to the 24-inch diameter, 6,600-foot long penstock and the other as a

reservoir drain; (4) a powerhouse containing one 1,440 kw. generator; and (5) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3526; Filed, Mar. 25, 1969; 8:46 a.m.]

[Docket No. CP69-237]

UNITED CITIES GAS CO., AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

MARCH 18, 1969.

Take notice that on March 10, 1969, United Cities Gas Co. (Applicant), 1200 Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219, filed in Docket No. CP69-237 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to establish physical connection of its transportation facilities with the facilities of Applicant for the sale and delivery of natural gas to the village of Equality, Ill., and thereabouts, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests the Commission to direct Respondent to connect its existing transmission line with Applicant's facilities at a point about four miles north of Eldorado, Ill. Applicant requests up to 58,100 Mcf of natural gas per year, and up to 450 Mcf per day, by the fifth year. Applicant states it will serve the village of Equality, Ill. and service areas along the route of the proposed line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 11, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3546; Filed, Mar. 25, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

MARCH 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 21, 1969, through March 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3531; Filed, Mar. 25, 1969; 8:46 a.m.]

DUMONT CORP.

Order Suspending Trading

MARCH 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 21, 1969, through March 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3532; Filed, Mar. 25, 1969; 8:46 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

MARCH 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 21, 1969, through March 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3533; Filed, Mar. 25, 1969; 8:46 a.m.]

[70-4730]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds

MARCH 20, 1969.

Notice is hereby given that Pennsylvania Electric Co. ("Penelec"), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $28 million principal amount of first mortgage bonds, ------ percent series due May 1, 1999. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accured interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a mortgage and deed of trust dated January 1, 1942, between Penelec and Bankers Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated May 1, 1969.

The proceeds from the sale of the bonds will be used for the purpose of financing its business as a public-utility, including the reimbursement of its treasury for expenditure therefrom prior to January 1, 1969, for construction purposes and the payment of its short-term bank loans outstanding at the time of the sale of the bonds. Such bank notes are expected to aggregate $23 million at that time. Any premium realized from the sale of the bonds will be used for financing the business of Penelec, including the payment of expenses of this financing. The 1969 construction program is estimated to cost $67,700,000, part of which is to be financed by the sale of the bonds, by funds generated internally, by capital contributions to be received from GPU aggregating $20 million and by short-term bank loans.

Fees and expenses relating to the proposed transaction are estimated at $90,000, including legal fees of $30,000 and accountant's fees of $6,200. A statement of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of bonds by Penelec. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 24, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3529; Filed, Mar. 25, 1969; 8:46 a.m.]

[812-2474]

TECHNOLOGY FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Shares at Other Than the Public Offering Price

MARCH 20, 1969.

Notice is hereby given that Technology Fund, Inc. ("Applicant"), 120 South La Salle Street, Chicago, Ill. 60603, a Delaware Corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of McCoy Truck Lines, Inc. ("McCoy"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

McCoy, an Iowa Corporation, is a personal holding company, all of whose outstanding stock is owned beneficially by not more than 13 persons. McCoy is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and McCoy, assets owned by McCoy with a value of $1 million on October 31, 1968, will be transferred to Applicant in exchange for shares of Applicant's stock. The number of shares of Applicant to be issued to McCoy is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the Agreement and Plan of Reorganization) of the assets of McCoy to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the close of the New York Stock Exchange on the business day preceding the date of transfer, as defined in the agreement. If the transaction described in the agreement had taken place on October 31, 1968, McCoy would have received 94,250 shares of Applicant's stock. When received by McCoy, the shares of Applicant are to be distributed to the McCoy shareholders and McCoy will be dissolved. Applicant presently intends to sell a portion of the assets received from McCoy.

There is no affiliation or relationship between Applicant and McCoy or between the officers, directors and shareholders of McCoy and the officers and directors of Applicant. The agreement was negotiated at armslength by the two companies.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from the provisions of section 22(d) if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the granting of the application is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act and that the proposed transaction will be beneficial to the Fund because it represents an opportunity to acquire approximately $1 million additional assets in a single transaction without the expense inherent in a sales program and offering of shares to the public.

Notice is further given that any interested person may, not later than April 11, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3533; Filed, Mar. 25, 1969; 8:47 a.m.]

[70-4727]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Issue and Sale of Commercial Paper and Notes to Banks

MARCH 20, 1969.

Notice is hereby given that Western Massachusetts Electric Co. ("WMECO"), 174 Brush Hill Avenue, West Springfield, Mass., a public-utility subsidiary company of Northeast Utilities ("Northeast") a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

WMECO proposes to issue and sell up to $40 million of bank notes or commercial paper notes prior to June 30, 1970. As such notes mature, they may be renewed or repaid out of any funds then available to WMECO including funds derived from the sale of other notes to banks and/or to a dealer in commercial paper.

The funds to be derived from the issuance and sale of the notes will be applied to finance construction expenditures, to pay nuclear fuel costs, and to supply funds for investments in regional nuclear generating companies. These expenditures for the years 1969 and 1970 are estimated to be approximately as follows:

	1969	1970
Construction expenditures	$32,400,000	$30,700,000
Nuclear fuel costs	1,200,000	300,000
Investments in regional nuclear generating companies (i.e., Maine Yankee Atomic Power Co. and Vermont Yankee Nuclear Power Corp.)	800,000	700,000
Total	34,400,000	31,700,000

The commercial paper will be issued in the form of promissory notes with no maturity more than 270 days after the date of issue, and will be sold at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers thereof to commercial paper dealers. No commercial paper shall be issued having a maturity of more than 90 days after June 30, 1970 or which has an effective interest cost to the company in excess of the prime commercial bank rate at which WMECO could obtain loans from banks. The purchasing dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of not more than one-eighth of 1 percent per annum less than the prevailing discount rate to WMECO, in such manner as not to constitute a public offering. The commercial paper notes will be reoffered to no more than 100 identified and designated customers in a list (nonpublic) which will be filed with the Commission, and no additions will be made to this list.

The notes to be issued and sold to banks will mature not later than 9 months after the date of issue or renewal, will bear interest at the prime rate in effect at the lending bank on the date of issue, will be issued no later than June 30, 1970, and will be subject to prepayment at any time without premium.

WMECO will not effect any borrowings from banks pursuant to this declaration until it shall have filed an amendment thereto setting forth the name or names of the banks from which such borrowings are to be effected and such amendment shall have been granted by order of this Commission.

WMECO expects to retire the bank notes and commercial paper prior to June 30, 1970, from the net proceeds of the sale of additional first mortgage bonds and/or preferred stock and/or other securities. In the event the company effects any permanent financing prior to the repayment of all bank notes and commercial paper outstanding pursuant to this declaration, it expects to apply the net proceeds of such permanent financing in reduction of such notes.

WMECO requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a) (5) thereof. The company states that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as WMECO are published daily in financial publications. WMECO also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereinafter consummated pursuant to this proceeding on a quarterly basis.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions will not exceed $500 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 10, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3528; Filed, Mar. 25, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 21, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41593—*Various commodities—TOFC, from, to, and between points in southern territory.* Filed by O. W. South, Jr., agent (No. A6087), for interested rail carriers. Rates on various commodities—TOFC, in carloads, as described in the application, between points in southern territory; between points in southern territory, on the one hand, and points in official, Illinois Freight Association, southwestern and western trunkline territories, on the other.

Grounds for relief — Motor-truck competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3552; Filed, Mar. 25, 1969; 8:48 a.m.]

MOTOR CARRIER INTRASTATE APPLICATIONS

Notice of Filing

MARCH 21, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2429-B, filed February 26, 1969. Applicant: AIRLINE GROUND TRANSPORTATION COMPANY, Post Office Box 2527. c/o Greater Southwest International Airport, Fort Worth, Tex. 76125. Applicant's representative: Reagan Sayers, Rawlings, Sayers and Scurlock, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Certificate of public convenience and necessity sought to operate a bus service as follows: Transportation of (a) *passengers* having prior or subsequent transportation by air; and (b) *airline personnel*, limited to transportation to or from Greater Southwest International Airport, Love Field, and Dallas-Fort Worth Regional Airport, on the one hand, and, on the other, Fort Worth, Dallas, Arlington, and all intermediate points and the above-named airports over Texas Highways 183, 121, 114, 356, 360, and 157, Loops 820 and 12, U.S. Highways 80, 377, and 77, I.H. 20, 35E, and 35W, Dallas-Fort Worth Turnpike, all city streets and freeways, and all combinations thereof, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Ernest O. Thompson Building, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. H-5008, filed March 3, 1969. Applicant: ROBERT R. JACOBS, doing business as JACOBS TRUCK LINE, Lacona, Iowa 50139. Applicant's representative: Robert R. Rydell, 1020 S & L Building, Des Moines, Iowa 50309. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (1) *general commodities*, between Des Moines, Milo, Liberty Center, and Lacona, Iowa; and (2) *packinghouse products*, between Des Moines and Indianola, Iowa. Both intrastate and interstate authority sought.

HEARING: Wednesday, June 4, 1969, at 10 a.m., at Office of Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

State Docket No. 50952, filed March 12, 1969. Applicant: FRANK SPINGOLO TRUCKING CO., INC., 1011 North Broadway, Stockton, Calif. Applicant's representative: Marquam C. George, Danreco Building, 401 South Hartz Avenue, Danville, Calif. 94526. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *can goods, animal feed, food stuff for human consumption and empty containers* as described in Minimum Rate Tariff No. 2 and as further described in Frank Spingolo Trucking Co., Inc., Local Freight Tariff No. 3-A, MC-ICC No. 2, Cal PUC No. 4 and Pacific Motor Tariff Bureau, Inc., Exception Sheet No. 1 MF-ICC No. 2, Cal PUC No. 4 of Leland C. Smith, agent between East Modesto, Stockton, Sacramento, Oakland, San Francisco, Berkeley, Richmond, Alameda, and San Jose via any and all available streets and roads. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utility Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3553; Filed, Mar. 25, 1969; 8:48 a.m.]

[Notice 543]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 21, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59120 (Deviation No. 11), EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, filed March 5, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From New York, N.Y., over Interstate Highway 95 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction U.S. Highway 1; and (2) from New Haven, Conn., over Interstate Highway 91 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Interstate Highway 90 near Sturbridge, Mass., thence over Interstate Highway 90 to Boston, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Meriden, Conn., thence over Alternate U.S. Highway 6 to junction U.S. Highway 6, thence over U.S. Highway 6 to Providence, R.I., thence over U.S. Highway 1 to junction Massachusetts Highway 128; and (2) from New Haven, Conn., over U.S. Highway 5 to East Hartford, Conn., thence over Connecticut Highway 15 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 to junction U.S. Highway 20 near Sturbridge, Mass., thence over U.S. Highway 20 to Boston, Mass., and return over the same routes.

No. MC 76032 (Deviation No. 22), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed March 13, 1969. Carrier's representative: William E. Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 34 and Interstate Highway 80 near Princeton, Ill., over Interstate Highway 80 to junction U.S. Highway 41 near Gary, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to Council Bluffs, Iowa, thence over U.S. Highway 6 to Omaha, Nebr., thence over Alternate U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275 via Waterloo, Nebr., to Fremont, Nebr., thence over U.S. Highway 30 to junction U.S. Highway 138, near Big Springs, Nebr., thence over U.S. Highway 138 to Sterling, Colo., thence over U.S. Highway 6 to Denver, Colo.; and (2) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to Valparaiso, Ind., thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 33 to Elkhart, Ind., thence over U.S. Highway 33 to Fort Wayne, Ind., and return over the same routes.

No. MC 111594 (Deviation No. 13), C W TRANSPORT, INC., High Street, Wisconsin Rapids, Wis. 54494, filed March 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Stevens Point, Wis., over U.S. Highway 10 to junction Wisconsin Highway 110 near Fremont, Wis., thence over Wisconsin Highway 110 to Winchester, Wis., thence over Wisconsin Highway 150 to junction U.S. Highway 41 near Neenah, Wis.; (2) from junction U.S. Highway 10 and Wisconsin Highway 114 over Wisconsin Highway 114 to junction Wisconsin Highway 57; (3) from junction Wisconsin Highways 175 and 33 at Addison, Wis., over Wisconsin Highway 33 to West Bend, Wis.; and (4) from junction Wisconsin Highways 175 and 60 over Wisconsin Highway 60 to junction U.S. Highway 45, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Marshfield, Wis., over Wisconsin Highway 13 to junction U.S. Highway 10, thence over U.S. Highway 10 to Stevens Point, Wis., thence over U.S. Highway 51 to Plainfield, Wis., thence over Wisconsin Highway 73 to Wautoma, Wis., thence over Wisconsin Highway 21 to Oshkosh, Wis., thence over Wisconsin Highway 175 to Fond du Lac, Wis. (also from Oshkosh over U.S. Highway 45 to Fond du Lac), thence over U.S. Highway 45 to Milwaukee, Wis., thence over U.S. Highway 41 to Chicago, Ill.; (2) from Green Bay, Wis., over U.S. Highway 41 to Oshkosh, Wis.; (3) from Manitowoc, Wis., over U.S. Highway 10 to Appleton, Wis.; (4) from Green Bay, Wis., over Wisconsin Highway 57 to Milwaukee, Wis.; (5) from Minneapolis, Minn., over U.S. Highway 12 to Fairchild, Wis., thence over U.S. Highway 10 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction U.S. Highway 51, thence over U.S. Highway 51 to Portage, Wis., thence over Wisconsin Highway 33 to Addison,

Wis., thence over Wisconsin Highway 175 to Milwaukee, Wis., thence over Wisconsin Highway 32 to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to Chicago, Ill.; and (6) from Fond du Lac, Wis., over Wisconsin Highway 175 to Addison, Wis., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3554; Filed, Mar. 25, 1969; 8:48 a.m.]

[Notice 1279]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 21, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 31600 (Sub-No. 640) (Republication), filed February 20, 1969, published in FEDERAL REGISTER of March 20, 1969, and republished this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. This republication is to reflect the hearing information.

HEARING: April 16, 1969, before an examiner to be later designated, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 47142 (Sub-No. 101), filed March 14, 1969. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, Post Office Box 1633, Huntington, W. Va. 25719. Applicant's representative: William T. Croft, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, ammunition not classified as A, B, or C explosives; poisons; and tear gas ingredients*, from Sugar Cove, Va., to Dover Air Force Base, Del.; Sunny Point Army Terminal, South Port, N.C.; and Wolf Lake, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

HEARING: April 9, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before an examiner to be later designated.

No. MC 61403 (Sub-No. 188) (amendment), filed December 13, 1968, published in FEDERAL REGISTER of January 3, 1969, and amended as follows: Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of The B. F. Goodrich Co. at Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named origin and destined to points in the above-named destination area.

HEARING: April 16, 1969, before an examiner to be later designated, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 102616 (Sub-No. 832), filed March 6, 1969. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

HEARING: April 16, 1969, before an examiner to be later designated at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 107403 (Sub-No. 771) (Republication), filed February 24, 1969, published in FEDERAL REGISTER of March 20, 1969, and republished this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of B. F. Goodrich Chemical Co. at or near Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the above-mentioned plantsite and destined to the States indicated. NOTE: This republication is to reflect the hearing information.

HEARING: April 16, 1969, before an examiner to be later designated, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 110525 (Sub-No. 895) (Republication), filed February 20, 1969, published in FEDERAL REGISTER of March 20, 1969, and republished this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of B. F. Goodrich Chemical Co. at or near Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the plantsite and destined to the enumerated States. NOTE: Applicant states no duplicating authority is sought. This republication is to reflect the hearing information.

HEARING: April 16, 1969, before an examiner to be later designated, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 114301 (Sub-No. 57) (Republication), filed February 27, 1969, published in FEDERAL REGISTER of March 20, 1969, and republished this issue. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of B. F. Goodrich Chemical Co. at or near Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin. Restriction: Restricted to traffic originating at the plantsite and destined to the enumerated States. Note: This republication is to reflect the hearing information.

HEARING: April 16, 1969, before examiner to be later designated, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 123922 (Sub-No. 20) (Republication), filed February 26, 1969, published in FEDERAL REGISTER of March 20, 1969, and republished this issue. Applicant: CHARTER BULK SERVICE, INC., 80 Doremus Avenue, Newark, N.J. 07105. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of B. F. Goodrich Chemical Co. at or near Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the plantsite and destined to the enumerated States. NOTE: Applicant indicates tacking possibilities with the authority under certificates No. MC 123922 (Sub-Nos. (2), (5), and (9)). This republication is to reflect the hearing information.

HEARING: April 16, 1969, before an examiner to be later designated, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 58719 (Sub-No. 9) (Republication), filed January 22, 1968, published FEDERAL REGISTER issues of March 7, 1968, October 9, 1968, and October 23, 1968, respectively, and republished this issue. Applicant: INGRAM BUS LINES, INC., Tallassee, Ala. Applicant's representative: J. Douglas Harris, 410–412 Bell Building, Montgomery, Ala. 36104. That by application filed January 22, 1968, as amended, Ingram Bus Lines, Inc., of Tallassee, Ala.; (1) seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, (a) over regular routes, of passengers and their baggage and small packages, express, mail, and newspapers, between Wedowee, Ala., and Lineville, Ala., over Alabama Highway 48; and (b) over irregular routes, of passengers and their baggage, in special and charter operations, beginning and ending at points on the above-described route and extending to points in the United States; (II) seeks modification of its present certificate to read as follows taking into account the route described in (I) above: Passengers, their baggage and small packages, express, mail, and newspapers; (1) between Montgomery, Ala., and Columbus, Ga., from Montgomery in a northeasterly direction over Alabama Highways 14 and 15 to Opelika through Claud, Good Hope, Burlington, Tallassee, East Tallassee, Carrville, Notasulga, Loachagoka, and Auburn; thence in a southeasterly direction over U.S. Highways 280 and 431 through Bleecker, to Columbus, Ga. (also from Claud, in a northerly direction over Alabama Highway 73 to Eclectic, Ala., thence in an easterly direction over an unnumbered county road to Kent, Ala.; thence in a southeasterly direction over Alabama Highway 229 to Burlington (on Alabama Highway 14) and return);

(2) Between Eclectic and Alexander City, Ala., over Alabama Highway 63; (3) between Eclectic and Wetumpka, Ala., commencing at a point approximately 1 mile north of Eclectic on Alabama Highway 63; thence in a westerly direction over an unnumbered county road to junction Alabama Highway 14, approximately 2 miles northeast of Wetumpka, Ala., through Rushingville; thence over Alabama Highway 14, to Wetumpka, and return over the same route; (4) from Tallassee in a westerly direction over unnumbered county road to Hall's Store, through Friendship, Ala., thence in a westerly direction over unnumbered county road to junction U.S. Highway 231, at Red Land Store, and return over the same route; (5) from Dorsey's Farm to junction of Alabama Highways 37 and 169, north over Alabama Highway 169 from junction Moore's Mill Road at Dorsey's Farm to junction Alabama Highway 37, serving the off-route point of Springvilla; (6) between Opelika and Anniston, Ala.; (a) from Opelika over U.S. Highway 431 (formerly Alabama Highway 37) to junction Alabama Highway 9, thence over Alabama Highway 9 to Heflin, Ala., and thence over U.S. Highway 78 to Anniston, and return over the same route, serving all intermediate points; (b) from Opelika over U.S. Highway 431 (formerly Alabama Highway 37) to junction U.S. Highway 78, thence over U.S. Highway 78 to Anniston, and return over the same route, serving all intermediate points; and (c) over Interstate Highway 20 between Anniston and Heflin, for operating convenience only;

(7) Between Roanoke, Ala., and La Grange, Ga., from Roanoke over unnumbered highway through Standing Rock, Ala., to La Grange, and return, serving all intermediate points; and (a) Rock Mills, Ala., over Alabama Highway 22 from Roanoke, Ala., and return, serving all intermediate points; and (b) Gleen, Ga., over Georgia Highway 109 from unnumbered highway northwest of La Grange, Ga., and return over the same route, serving all intermediate points; (8) between Lafayette, Ala., and Columbus, Ga., from Lafayette over Alabama Highway 50 to Lanett, Ala., thence over U.S. Highway 29 to Fairfax, Ala., thence over unnumbered highway to junction U.S. Highway 280 (formerly U.S. Highway 241), thence over U.S. Highway 280 to Columbus, and return over the same route, serving all intermediate points between Lafayette and junction unnumbered highway and U.S. Highway 280; (9) between Wedowee, Ala., and Bowden, Ga., from Wedowee over Alabama Highway 48 (formerly unnumbered highway) through Woodland and Graham, Ala., to junction Alabama Highway 46, thence over Alabama Highway 46 to the Alabama-Georgia State line, thence over Georgia Highway 166 (formerly Georgia Highway 8A), to Bowden, and return over the same route, serving all intermediate points; (10) between Opelika, Ala., and Columbus, Ga.; from Opelika, over Alabama Highway 37 to Marvyn, thence over U.S. Highway 80 to Columbus, Ga., and return over the same route; (11) between Wedowee, and Lineville, Ala., over Alabama Highway 48; (12) between Auburn and Opelika, Ala., through Opelika Mill Village and Pepperell Mill Village, over U.S. Highway 29 and county roads and/or village streets, serving all intermediate points and the Auburn-Opelika Airport as an off-route point, over unnumbered county road;

(13) Between Columbus, Ga., and Auburn, Ala.; from Columbus over U.S. Highway 80 to junction unnumbered county highway known as Old Auburn Highway, at or near Phenix City, Ala., thence over said unnumbered county road to junction Alabama Highway 169, thence over Alabama Highway 169 to junction unnumbered highway known as Moore's Mill Road, thence over said unnumbered county road through Bush, Heaths, Duke, and Madden, Ala., to Auburn, and return over the same route, serving all intermediate points; and (III) seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, in special and charter operations, beginning and ending at points on route (11) above and extending to points in the United States. A second supplemental order of the Commission, Operating Rights Board, dated February 28, 1969, and served March 13, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers: (1) Between Montgomery, Ala., and Columbus, Ga., from Montgomery over U.S. Highway 231 to Wetumpka, thence over Alabama Highway 14 to Opelika, and thence over U.S. Highway 280 to Columbus (also from Claud, over Alabama Highway 63 to Eclectic, Ala., thence over unnumbered county

roads to Kent, Ala., and thence over Alabama Highway 229 to Burlington, Ala.), and return over the same routes, serving all intermediate points;

(2) Between Eclectic, Ala., and Alexander City, Ala., over Alabama Highway 63, serving all intermediate points; (3) between the junction of Alabama 14 and Elmore County Highway 57 and the junction of Alabama 63 and Elmore County Highway 57, over Elmore County Highway 57, serving all intermediate points; (4) between Tallassee, Ala., and the junction of U.S. Highway 231 and Elmore County Highway 8, over Elmore County Highway 8, serving all intermediate points; (5) between the junction of Alabama Highway 169 and Moore's Mill Road and the junction of Alabama Highways 169 and 37, over Alabama Highway 169, serving all intermediate points; (6) between Opelika, Ala., and Anniston, Ala.; (a) from Opelika over U.S. Highway 431 to junction Alabama Highway 9, thence over Alabama Highway 9 to Heflin, Ala., and thence over U.S. Highway 78 to Anniston, and return over the same route, serving all intermediate points; and (b) between the junction of U.S. Highway 431 and Alabama Highway 9, and the junction of U.S. Highways 78 and 431, over U.S. Highway 431, serving all intermediate points; (7) between Welch, Ala., and La Grange, Ga., from Welch over unnumbered highway through Standing Rock, Ala., to La Grange, and return over the same route, serving all intermediate points; (8) between Rock Mills and Roanoke, Ala., over Alabama Highway 22, serving all intermediate points; (9) between Glenn, Ga., and La Grange, Ga., over Georgia Highway 109, serving all intermediate points.

(10) Between Lafayette, Ala., and the junction of unnumbered highway and U.S. Highway 280, from Lafayette over Alabama Highway 50 to Lanett, Ala., thence over U.S. Highway 29 to Fairfax, Ala., thence over unnumbered highway to junction U.S. Highway 280, and return over the same route, serving all intermediate points; (11) between Wedowee, Ala., and Bowden, Ga., from Wedowee over Alabama Highway 48 to the Alabama-Georgia State line, thence over Georgia Highway 166 to Bowden, and return over the same route, serving all intermediate points; (12) between Opelika, Ala., and Columbus, Ga., from Opelika over Alabama Highway 37 to Marvyn, thence over U.S. Highway 80 to Columbus, and return over the same routes serving all intermediate points; (13) between Wedowee and Lineville, Ala., over Alabama Highway 48, serving all intermediate points; (14) between Auburn, Ala., and Opelika, Ala., over Alabama Highway 15, serving all intermediate points; (15) between Auburn, Ala., and the Auburn-Opelika Airport, over unnumbered county road serving all intermediate points; (16) between Phenix City, Ala., and Auburn, Ala., from Phenix City, over unnumbered county highway known as Old Auburn Highway to junction Alabama Highway 169 thence over Alabama Highway 169 to junction unnumbered highway known as Moore's Mill Road, thence over said unnumbered county highway to Auburn, and return over the same route, serving all intermediate points.

Irregular routes: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at authorized service points on the above-described routes and extending to points in the United States (including Alaska, but excluding Hawaii); and passengers and their baggage in the same vehicle with passengers in special operations, beginning and ending at points on route (13) above, and extending to points in the United States (including Alaska but excluding Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. A certificate was issued under MC 58719 (Sub-No. 1) on January 21, 1969, in place of a prior certificate, where applicant was granted authority substantially as sought in the application, but that, as a result of certain ambiguities in the application, restrictions were imposed in the certificate which unwarrantedly narrowed the scope of the service authorized therein. By petition filed January 30, 1969, applicant sought the issuance of a more appropriately drafted certificate; and that for the reason set forth above the certificate issued January 21, 1969, should be modified as indicated in the above appendix so as to (a) eliminate the unwarranted restrictions and (b) make applicant's charter operations authority nonseverable from the regular route authority to which it is related. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 120253 (Sub-No. 2) (Republication), filed February 23, 1966, published in the FEDERAL REGISTER issues of March 16, 1966, and March 30, 1966, and republished this issue. Applicant: CLARA A. W. McARTHUR, doing business as HEART O' TEXAS FILM LINES, 4500 Nuchols Crossing Road, Post Office Box 654, Austin, Tex. Applicant's representatives: Rogers & Sayers, 313 Perry-Brooks Building, Austin, Tex. 78701 and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin, Tex. 78701. Applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within the State of Texas. An order of the Commission, Operating Rights Board, dated March 5, 1969, and served March 11, 1969, finds that a certificate of registration shall concurrently be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, pursuant to that portion of Certificate of Public Convenience and Necessity No. 3261 authorized by order dated November 21, 1968, issued by the Railroad Commission of Texas;

General commodities to, from and between all points along the following described routes, subject to the restrictions noted below: U.S. Highway 183 between Austin, Tex., and Goldthwaite, Tex.; U.S. Highway 190 between Belton, Tex., and Brady, Tex.; U.S. Highway 81 between Belton, Tex., and Austin, Tex.; State Highway 195 between its junction with U.S. Highway 183 via Florence, Tex., to its intersection with U.S. Highway 81; State Highway 29 between Liberty Hill, Tex., and Mason, Tex., via Burnet, and Llano, Tex.; U.S. Highway 281 between Lampasas, Tex., and its intersection with State Highway 71 near Marble Falls, Tex.; State Highway 71 between its intersection with U.S. Highway 281 and Llano, Tex.; State Highway 16 between Llano, Tex., and Goldthwaite, Tex., via San Saba, Tex.; U.S. Highway 377 between Mason, Tex., and Junction, Tex.; U.S. Highway 83 between Junction, Tex., and Eden, Tex.; U.S. Highway 87 between Eden, Tex., and Brady, Tex.; U.S. Highway 377 between Mason, Tex., and Brady, Tex.; State Highway 71 between Austin, Tex., and Bastrop, Tex.; State Highway 95 between Bastrop, Tex., and Elgin, Tex.; U.S. Highway 290 between Elgin, Tex., and Austin, Tex.; F. M. Road 440 between Killeen, Tex., and Florence, Tex.; F. M. Road 1431 between its intersection with U.S. Highway 281 and its intersection with State Highway 29, via Kingsland, Tex., serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers.

Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. (3) No service will be rendered on shipments originating at Austin, Tex., destined to Belton, Tex., or any intermediate point between Austin and Belton on U.S. Highway 81, nor on shipments originating at Belton, destined to Austin, or any intermediate point on U.S. Highway 81 between Belton and Austin; nor originating at any intermediate point located on U.S. Highway 81 between Belton and Austin, destined to Belton, Austin, or any other intermediate point on such highway. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119927 (Sub-No. 2) (Republication), filed August 2, 1968, published in the FEDERAL REGISTER issue of August 29, 1968, and republished this issue. Applicant: PENN DISPATCH, INC., 368 Whitehall Street, Allentown, Pa. 18202. Applicant's representative: Harry J. Liederbach, 539 Street Road, Southampton, Pa. 18966. By application filed August 2, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities and related advertising materials, and returned shipments, and from and to the points, as indicated below, restricted against the transportation of any one shipment weighing more than 300 pounds; An order of the Commission, Operating Rights Board, dated February 28, 1969, and served March 13, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *toilet preparations, soap, and cosmetics*, (1) from Newark, Del., to the facilities of Penn Dispatch, Inc., located in Allentown, Pa., and (2) from the facilities of Penn Dispatch, Inc., in Allentown, Pa., to points in Berks, Bucks, Carbon, Lehigh, Montgomery, and Northampton Counties, Pa., subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 300 pounds, and each package or article shall be considered as a separate and distinct shipment, under a continuing contract with Avon Products, Inc., of Newark, Del., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129604 (Sub-No. 1) (Republication), filed July 5, 1968, published FEDERAL REGISTER issue of July 25, 1968, and republished this issue. Applicant: WYLIE BARNES, Post Office Box 111, Troy, Tenn. By report and order entered in the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of the commodities, to, and from points substantially as indicated below. An order of the Commission, Division 1, effective March 5, 1969, and served March 13, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes of *rough and unfinished lumber*, (1) from Bardwell and Hickman, Ky., to points in Tennessee, Missouri, and Iowa, and those in the portions of Illinois and Indiana lying on and south of U.S. Highway 50, and (2) from Hornbeak, Ridgeley, and Troy, Tenn., to points in Kentucky, Missouri, and Iowa, and those in the portions of Illinois and Indiana lying on and south of U.S. Highway 50, restricted to traffic originating at the named origin points, subject to the conditions that applicant's request for authority from and to the foregoing points, including the origin point of Hornbeak, Tenn., shall be published promptly in the FEDERAL REGISTER to allow a period of 30 days for the filing of objections by any interested party to the grant of such authority; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

No. MC 129944 (Sub-No. 1) (Republication), filed September 3, 1968, published in FEDERAL REGISTER issue of October 31, 1968, and republished this issue. Applicant: THREE-B FREIGHT SERVICE, INC., 3973 Riverside Drive, Chino, Calif. 91710. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Suite 400, Los Angeles, Calif. 90057. By application filed September 3, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of new household appliances, and new household furnishings, in pool car shipments, from all points within the area bounded as follows: Beginning at U.S. Highway 66 and Grand Avenue, near Glendora, Calif., south on Grand Avenue, to its intersection with U.S. Highway 60, east on U.S. Highway 60 to its intersection with California Highway 71, southeast on California Highway 71, to its intersection with California Highway 91, east on California Highway 91 to Hamner Avenue in Corona, Calif., north on Hamner Avenue to River Road, north on River Road to Archibald Avenue, north on Archibald Avenue to U.S. Highway 66, west on U.S. Highway 66 to point of beginning; to Victorville, Barstow, Palm Springs, Indio, and points in San Diego County, Calif., on traffic having a prior out-of-state movement, under contract with McMahan's Furniture Stores. An order of the Commission, Operating Rights Board, dated January 31, 1969, and served February 19, 1969, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of *new household appliances and new household furnishings*, from points within an area bounded as follows:

Beginning at U.S. Highway 66 and Grand Avenue, near Glendora, Calif., south on Grand Avenue to its intersection with U.S. Highway 60, east on U.S. Highway 60 to its intersection with California State Highway 71, southeast on California State Highway 91, east on California State Highway 91 to Hamner Avenue in Corona, Calif., north on Hamner Avenue to River Road, north on River Road to Archibald Avenue, north on Archibald Avenue to U.S. Highway 66, west on U.S. Highway 66 to point of beginning; to Victorville, Barstow, Palm Springs, and Indio, Calif., and to points in San Diego County, Calif., under a continuing contract with McMahan's Furniture Stores; will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER an issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced

No. MC 129931 (Sub-No. 1) (Republication), filed August 12, 1968, published in FEDERAL REGISTER issue of August 29, 1968, and republished this issue. Applicant: RATLIFF & RATLIFF, INC., Route 5, Lexington, N.C. 27292. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. By application filed August 12, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of structural glazed tile brick, in trailers equipped with loading and unloading devices, from Charlotte, N.C., to points in North Carolina and South Carolina, under contract with Ralph O. Johnson Co. A supplemental order dated February 28,

1969, and served March 12, 1969, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *structured glazed tile and bricks*, from Charlotte, N.C., to points in North Carolina and South Carolina, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 113545 (Sub-No. 5) (Notice of Filing of Petition Requesting Modification of Permit To Add Additional Shipper), filed March 3, 1969. Petitioner: CORMETT FORWARDING CO., INC., Hackensack, N.J., Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Petitioner states as here pertinent, it holds authority as a motor contract carrier of property in MC 107545 Sub 5 over irregular routes for the transportation of *paper and paper articles*, as described in appendix XI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the New York, N.Y., commercial zone, as defined by the Commission, to points in Hudson, Essex, Union, Bergen, Passaic, Morris, Somerset, Middlesex, Monmouth, and Mercer Counties, N.J., and Rockland, Westchester, Suffolk, and Nassau Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized is subject to the following conditions: (1) The authority granted is restricted to traffic having an immediately prior movement by rail. (2) The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with Crown-Zellerbach Corp., of New York, N.Y. By the instant petition, Petitioner now requests that said restriction as to named shipper in the said permit be amended, as follows: "The operations authorized herein are limited to the transportation service to be performed under a continuing contract or contracts with Crown-Zellerbach Corp. of New York, N.Y. and Fort Howard Paper Company, of Green Bay, Wisconsin." Petitioner states the rail restriction is to remain. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC-119558 (Sub-No. 1) (Notice of Filing of Petition for a Broadening of a Certificate, or, in the Alternative, Showing a Need for Additional Authority). Petitioner: A. F. TISCHER, doing business as MOBILE HOME MOVERS, 3305 Oregon Drive, Spenard, Alaska 99503. By petition (letter), filed December 30, 1968, applicant-petitioner seeks to broaden existing certificate No. MC-119558 (Sub-No. 1), in order to be authorized additionally to transport: Mobile homes between points in Alaska, or, in the alternative, that the proceedings in MC-119558 (Sub-Nos. 1 and 2) be reopened, in order for applicant-petitioner to show either (a) a need for such service or (b) that applicant-petitioner is entitled under the "grandfather" provisions of Section 206 of the Interstate Commerce Act to such additional authority. The Commission, Division 1, on March 10, 1969, ordered that the above-entitled petition be designated for oral hearing at a time and place to be hereafter fixed. Any interested person desiring to participate may file with the Commission an original and six copies, with copies to applicant-petitioner at the same time, of his written representations, views, or arguments in support of, or in opposition to, the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1-240 TO THE EXTENT APPLICABLE

No. MC 85984 (Sub-No. 2), filed March 10, 1969. Applicant: SAFEWAY TRANSPORTATION COMPANY, a corporation, 135 Murrah Drive, Rock Hill, S.C. 29730. Applicant's representatives: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, and T. LaFontine Odom, 1100 Barringer Office Tower, 427 North Tryon Street, Charlotte, N.C. 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except items of unusual value, items of highly fragile nature, petroleum products in bulk, items too heavy for trucks, and household goods, insofar as York County is concerned): (1) between points in Lancaster and York Counties, S.C.; and (2) between points in Lancaster and York Counties, S.C., and points in South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. This application is a matter directly related to docket No. MC-F-10411, published FEDERAL REGISTER issue of March 19, 1969. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 133486, filed February 14, 1969. Applicant: KENNETH C. HERRIOTT, 623 Neely Manor Boulevard, East Palestine, Ohio 44413. Applicant's representative: Paul J. Maton, 10 South La Salle Street, Suite 1149, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, dangerous and explosives articles, and liquid products, in bulk), (1) between points in Cook, De Kalb, Du Page, Grundy, Henry, Kane, Kankakee, Kendall, Lake, and Will Counties, Ill.; and (2) between points in said counties, on the one hand, and, on the other, points in Illinois. NOTE: Applicant indicates interlining at Chicago, Joliet, and Barrington, Ill., to service points in Ohio, New York, Pennsylvania, and West Virginia. Applicant, through Herriot Trucking Co., Inc., MC-7920, holds authority from Barrington, Joliet, and Chicago, Ill., which will be duplicated in this proceeding. Common control may be involved. The instant application is a matter directly related to MC-F-10400, published in the FEDERAL REGISTER of February 26, 1969, wherein applicant seeks to convert the certificate of registration of Schrieffer's Motor Service, Inc., under MC 120524 (Sub-No. 1) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10420. Authority sought for merger into CHECKER EXPRESS CO., 6801 South 13th Street, Milwaukee, Wis. 53221, of the operating rights and property of COMMERCIAL TRUCKERS, 3131 Packard Avenue, Racine, Wis. 53403, and for acquisition by HYMAN J. LEWENSOHN, also of Milwaukee, Wis., of control of such rights and property through the transaction. Applicants' attorney: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Operating rights sought to be merged: *General commodities*, except those of unusual value, and except high explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over a regular route, between Racine, Wis., and Chicago, Ill., serving the intermediate and off-route points in Kenosha, Wis., and those within the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 673, over two alternate routes for operating convenience only. CHECKERS EXPRESS CO. is authorized to operate as a *common carrier* in Wisconsin, Illinois, Iowa, Minnesota, and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: CHECKER EXPRESS CO., controls COMMERCIAL TRUCKERS, through ownership of capital stock pursuant to authority granted in Docket No. MC-F-9346, July 20, 1966, and consummated August 24, 1966.

No. MC-F-10421. Authority sought for purchase by ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102, of a portion of the operating rights of REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310, and for acquisition by JOHN R. WHITINGTON, of Memphis, Tenn., of control of such rights through the purchase. Applicants' attorney: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Canned fruits and canned fruit products*, as a *common carrier*, over irregular routes, from points in Florida in and south of Levy, Marion, Lake, and Volusia Counties, Fla., to points in Alabama (except Mobile) and Tennessee. Restriction: The authority granted herein is restricted to the transportation of shipments originating at points in the described area of Florida and destined to points in the above-named States. Vendee is authorized to operate as a *common carrier* in Tennessee, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Illinois, Missouri, Oklahoma, Texas, California, Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, West Virginia, Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10422. Authority sought for (1) control by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Interstate Business Route 1-44, Joplin, Mo. 64801, of ALASKA TRUCK TRANSPORT, INC., Post Office Box 797, Anchorage, Alaska 99501; and (2) purchase by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Interstate Business Route 1-44, Joplin, Mo. 64801, of a portion of the operating rights and property of ALASKA TRUCK TRANSPORT, INC., Post Office Box 797, Anchorage, Alaska 99501. Applicants' attorney and representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112, and Douglas Lantz, Post Office Box 797, Anchorage, Alaska 99501. Operating rights sought to be controlled and transferred: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank vehicles, as a *common carrier*, over irregular routes, between Great Falls, Mont., on the one hand, and, on the other, points in Alaska, except those east and south of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) boundary line, except Haines, Alaska; and *general commodities*, except those of unusual value, and classes A and B explosives, between points in Alaska, except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) boundary line other than Haines, Alaska (The Household Goods Portion of This Authority Is In The Process of Being Sold). TRI-STATE MOTOR TRANSIT CO. is authorized to operate as a *common carrier* in all States in the United States (except Hawaii) and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9717 (ATLAS VAN LINES, INC.—Purchase (Portion)—ALASKA TRUCK TRANSPORT, INC.) published in the April 12, 1967 issue of the FEDERAL REGISTER on page 5869.

No. MC-F-10424. Authority sought for purchase by THE OVERLAND EXPRESS OF MICHIGAN, INC., 2828 Howard, Detroit, Mich. 48216, of the operating rights of BANCROFT TRUCKING COMPANY, 3347 Torrey Road, Flint, Mich. 48507, and for acquisition by THE OVERLAND EXPRESS LIMITED, Post Office Box 460, Woodstock, Ontario, Canada, and, in turn by ROBERT D. GRANT, G. T. HEINTZMAN, F. D. LACE, I. S. WALDIE, VOTING TRUSTEES of Voting Trust of The Overland Express Limited, c/o Royal Trust Co., 119 Adelaid Street, West, Toronto, Ontario, Canada, of control of such rights through the purchase. Applicants' attorney: Arthur P. Boynton, 1600 First Federal Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Detroit, Mich., and Bay City, Mich., serving all intermediate points and certain off-route points, between Flint, Mich., and Lansing, Mich., serving no intermediate points. THE OVERLAND EXPRESS OF MICHIGAN, INC., holds no authority from this Commission. However, it is a wholly owned subsidiary of THE OVERLAND EXPRESS LIMITED, Box 460, Woodstock, Ontario, Canada, which is authorized to operate as a *common carrier* in Michigan and New York. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-10423. Authority sought for control by ERNEST A. CAPITANI, JR., 130 East Clinton Avenue, Tenafly, N.J. 07670, and AMELIA CAPITANI GERACE, 2 South Park Drive, Tenafly, N.J. 07670, of CONNECTICUT-NEW YORK AIRPORT BUS CO., INC., 1503 Post Road, Milford, Conn. 06460. Applicants' attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be controlled: Passengers and their baggage, in the same vehicle with passengers, as a *common carrier*, over regular routes, between New Haven, Conn., and the John F. Kennedy International Airport, New York, N.Y., serving certain intermediate points. ERNEST A. CAPITANI, JR. nor AMELIA CAPITANI GERACE, holds no authority from this Commission. However, they are affiliated with ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N.J., which is authorized to operate as a *common carrier* in New York, and New Jersey; NORTH BOULEVARD TRANSPORTATION CO., 9261 Hudson Boulevard, North Bergen, N.J., which is authorized to operate as a *common carrier*, in New York, N.Y., and New Jersey; THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J., which is authorized to operate as a *common carrier*, in New York and New Jersey; PARKER TOURS, INC., 125 West 43d Street, New York, N.Y., which is authorized to operate as a *broker* at New York, N.Y., and between points in the United States. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3555; Filed, Mar. 25, 1969; 8:48 a.m.]

[Notice 801]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 21, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 732 (Sub-No. 3 TA) (Amendment), filed March 6, 1969, published FEDERAL REGISTER, issue of March 15, 1969, and republished as amended this issue. Applicant: ALBINA TRANSFER COMPANY, INC., 3710 North Mississippi Avenue, Portland, Oreg. 97227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and concrete meter boxes*, from Portland, Oreg., to points in Snohomish, King, Pierce, Yakima, Cowlitz, and Clark Counties, Wash. and *lumber and plywood, and wood products*, between points in Columbia, Washington, Multnomah, Yamhill, Polk, Clackamas, Marion, Benton, and Linn Counties, Oreg., and Snohomish, King, Pierce, Yakima, Cowlitz, and Clark Counties, Wash., for 150 days. NOTE: The purpose of this republication is to add wood products to the commodities proposed to be transported. Supporting shippers: Vanport Manufacturing Co., Inc., Post Office Box 98, Boring, Oreg. 97009; Smith & Sons, Storage, Inc., 2854 Northeast Columbia Boulevard, Portland, Oreg. 97221; Stanton-Cudahy Lumber Co., Post Office Box 25200, Portland, Oreg. 97225; Tree Products Co., Post Office Box 280, Lake Oswego, Oreg. 97034; Kuzman Forest Products, Inc., Terminal Sales Building, Portland, Oreg. 97205; Brooks Products, Inc., Post Office Box 112, El Monte, Calif. 91734. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 23976 (Sub-No. 25 TA) (Clarification), filed February 25, 1969, published in the FEDERAL REGISTER issue of March 6, 1969, and republished as Clarified this issue. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., doing business as TRANS WESTERN EXPRESS, 5940 North Basin Avenue, Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Portland, Oreg., and points in Oregon and Washinton, within 50 miles of Portland, Oreg., including Portland on traffic having a prior or subsequent movement beyond said, for 180 days. NOTE: The purpose of this republication is to clarify the authority sought from that set forth in the previous publication. Supporting shipper: Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 30837 (Sub-No. 367 TA), filed March 17, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from Sturgis, Mich., to the international boundary line between the United States and Canada at Detroit, Mich., for 150 days. Supporting shipper: J. B. E. Olson Corp., 600 Old Country Road, Garden City, N.Y. 11530 (E. J. Schere ,Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 88141 (Sub-5 TA), filed March 13, 1969. Applicant: SPENCER TRANSFER, INCORPORATED, 830 Bollingbrook Street, Petersburg, Va. 23831. Applicant's representative: John C. Goddin, 200 West Grace Street, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transil oil*, in bulk, in tank vehicles, between points in Virginia and points in Grant, Greenbrier, Mercer, McDowell, Monroe, Pocahontas, Raleigh, Summers, and Wyoming Counties, W. Va., and points in Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Edgecombe, Gates, Granville, Greene, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Vance, Warren, and Washington Counties, N.C., under a continuing contract with Virginia Electric & Power Co., for 180 days. Supporting shipper: Virginia Electric & Power Co., Richmond, Va. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 106398 (Sub-No. 392 TA), filed March 17, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Concord (Merrimack) County, N.H., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York, for 180 days. Supporting shipper: Robert H. Holland, Wick Building Systems, Inc., Concord Industrial Park, Concord, N.H. 03301. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 112696 (Sub-No. 39 TA), filed March 13, 1969. Applicant: HARTMANS, INCORPORATED, 833 Chicago Avenue, Harrisonburg, Va. 22801. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, dairy products, candy, frozen foods, advertising materials, display racks and cases, equipment, and supplies* used in the preparation and serving of foods in restaurants and commissaries, *and equipment and supplies* used in the manufacture of frozen foods, between New York, N.Y., on the one hand, and, on the other, Washington, D.C., restricted to traffic originating at or destined to plants or storage facilities owned or used by Frank G. Shattuck Co. of New York, N.Y., for 150 days. Supporting shipper: Frank G. Shattuck Co., Post Office Box 270, Winchester, Va. 22601. Send protests to: Clatin M. Harmon, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 112822 (Sub-No. 96 TA), filed March 17, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard, Post Office Box 1191, Cushing, Okla. 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages and containers, from Enid, Okla., to points in California, Nevada, Oregon, and Washington, for 150 days. Supporting shipper: Champlin Petroleum Co., Post Office Box 552, Enid, Okla. 73701. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 113362 (Sub-No. 159 TA), filed March 12, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank or hopper-type vehicles), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ottumwa, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to shipments originating at John Morrell & Co. plantsite or storage facilities utilized by John Morrell & Co., Ottumwa, Iowa, for 180 days. Supporting shipper: John Morrell & Co., Ottumwa, Iowa 52501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114045 (Sub-No. 325 TA), filed March 17, 1969. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road (75240), Dallas, Tex. 75222. Applicant's representative: J. B. Stuart, Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dough*, prepared, other than frozen, from Denison, Tex., to Arkansas, Mississippi, and Tennessee, for 180 days. NOTE: Applicant states it does not intend to tack authority. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 114533 (Sub-No. 182 TA) (Clarification), filed February 28, 1969, published in the FEDERAL REGISTER issue of March 8, 1969, and republished as clarified this issue. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing systems, components, and parts*; (1) between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin (except Madison, Green Bay, Oshkosh, Appleton, Milwaukee, and Sheboygan), Michigan (except Flint, Saginaw, Kalamazoo, and Detroit), Indiana (except Fort Wayne, Indianapolis, Lafayette, South Bend, and Terre Haute), Missouri (except St. Louis), and Ohio (except Toledo and Cleveland); (2) between Detroit, Mich., on the one hand, and, on the other, points in Indiana and Ohio, for 180 days. NOTE: The purpose of this republication is to clarify the territorial scope of the application from that shown in the previous publication. Supporting shipper: International Business Machines Corp., 310 West Madison Street, Chicago, Ill. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 119317 (Sub-No. 31 TA), filed March 14, 1969. Applicant: GROSS AND SONS TRANSPORT COMPANY, Suite 812, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Applicant's representative: Frank W. Taylor, Jr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and ice cream; sherbet; ice milk, vegetable fat frozen desserts; ice cream novelties; chocolate drink; condensed and skim milk powder; orange drink; lemonade; fresh orange juice; 50 percent orange juice; fruits, fresh and frozen; margarine; dip; puddings; salads; eggs, fresh and frozen; dehydrated whey solids; sugars; stabilizers; food acids; flavors, confections; nuts; syrups; chocolate; cocoa; dry ice, ice cream and milk containers; artificial sweetening agents; emulsifiers; poly overwrap; candy*. Between points in Oklahoma, on the one hand, and, on the other, Omaha, Nebr., operations will be conducted pursuant to a continuing contract with Sealtest Food Division of National Dairy Products Corp., for 150 days. Supporting shipper: Sealtest Foods Division of National Dairy Products Corp., Post Office Box 1007, Kansas City, Mo. 64141. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 126925 (Sub-No. 4 TA), filed March 10, 1969. Applicant: MARTIN VAN & STORAGE COMPANY, INC., 901 Joy Road, Columbus, Ga. 31904. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Galveston, Houston, and Corpus Christi, Tex.; Mobile, Ala.; New Orleans, La.; Gulfport, Miss.; Savannah, Ga.; Charleston, S.C.; Tampa, Miami, and Jacksonville, Fla.; Wilmington, N.C.; Norfolk, Portsmouth, and Newport News, Va.; Baltimore, Md.; Wilmington, Del.; Elizabeth and Bayonne, N.J.; New York, N.Y.; New London, Conn.; Philadelphia, Pa.; and Boston, Mass.; on the one hand, on the other, points in Texas, Arkansas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, New York, Pennsylvania, Delaware, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, New Jersey, and Washington, D.C. Restriction: The service authorized herein is restricted to the transportation of shipments both, (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402(b)(2) of the Interstate Commerce Act, as amended, and (2) of the immediately prior or subsequent out-of-state line-haul movement by rail, motor, water or air, for 180 days. Supporting shippers: Davidson Forwarding Co., Washington, D.C.; Door to Door International, Inc., 308 Northeast 72d Street, Seattle, Wash. 98115; Empire Household Shipping Co. of New York, Inc., 160 Broadway, North, New York, N.Y. 10038; Karevan World Movers, 419 Third Avenue West, Seattle, Wash. 98119; Northwest Consolidators, Inc., 427 Third Avenue West, Seattle, Wash. 98119; Universal World-Wide Movers, Division of Universal Carloading & Distributing Co., 345 Hudson Street, New York, N.Y. 10014. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 129730 (Sub-No. 1 TA), filed March 12, 1969. Applicant: DEPENDABLE CONTAINER SERVICE, INC., Foot of 23d Street, Brooklyn, N.Y. 11232. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers full or empty*; (1) from Piers of Moore McCormack Steamship Lines located in New York Harbor, N.Y., to Moore McCormack Lines Inc., at Philadelphia, Pa.; (2) from Piers of Moore McCormack Lines at Philadelphia, Pa., to points in the New York, N.Y., commercial zone; between Millville, N.J., and Moore McCormack Steamship Piers located in New York Harbor, N.Y.; between points in the New York, N.Y., commercial zone; restricted to shipments having prior or subsequent movement over water carriers, under continuing contract with Moore McCormack Steamship Lines, for 150 days. Supporting shipper: Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 133553 TA, filed March 14, 1969. Applicant: JACK CARTER, R.F.D. 1, Box 60, Carthage, Mo. 64836. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, from quarry sites near Fort Scott, Kans. (within a 10-mile radius) to Nevada, Mo., and points in Vernon County, Mo., 1 mile either side of State Highway 43, for 180 days. Supporting shipper: Joseph L. Pohl, Contractor, Inc., Nevada, Mo. 64772. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3556; Filed, Mar. 25, 1969; 8:48 a.m.]

[Notice 316]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 21, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce

Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70837. By order of March 18, 1969, the Motor Carrier Board approved the transfer to Laflamme Trucking, Inc., West Stewartstown, N.H., of certificate No. MC–94836, issued March 13, 1969, to Starr's Transportation, Inc., North Troy, Vt., authorizing the transportation of lumber and forest products, between points in Coos and Grafton Counties, N.H., and Caledonia, Essex, Franklin, and Orleans Counties, Vt., on the one hand, and, on the other, points in New Hampshire and Vermont at the boundary of the United States and Canada. Paul R. Rexford, Newport, Vt., and Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, Attorneys for applicants.

No. MC–FC–70917. By order of March 14, 1969, the Motor Carrier Board approved the transfer to F & J Trucking, Inc., Brooklyn, N.Y., of certificate in No. MC24264, issued August 8, 1960, to H. Kohnke, Inc., Woodstock, N.Y., authorizing the transportation of: New furniture, between New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey and New York within 100 miles of Columbus Circle, New York, N.Y. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC–FC–71182. By order of March 17, 1969, the Motor Carrier Board approved the transfer to Meek Express, Inc., Buckland, Conn., of the certificate and certificate of registration in Nos. MC–121032 (Sub-No. 2) and MC–121032 (Sub-No. 1) issued April 20, 1966, and January 28, 1964, respectively to Robert Meek, doing business as Meek's Express, Buckland, Conn.; the certificate of registration evidences a right to engage in transportation in interstate or foreign commerce corresponding in scope to the authority granted in certificate No. C–1417 dated July 28, 1961, issued by the Public Utilities Commission of Connecticut, and the certificate authorizes the transportation of general commodities, with specified exceptions, between Manchester, Conn., on the one hand, and, on the other, North Haven, Conn. Thomas W. Murrett, Esq., 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

No. MC–FC–71224. By order of March 20, 1969, the Motor Carrier Board approved the transfer to M & S Transportation Co., Inc., of certificate Nos. MC–70322, MC–70322 (Sub-No. 4), and MC–70322 (Sub-No. 5), issued September 14, 1948, May 27, 1946, and December 13, 1965, respectively, to Louis Meridy, doing business as M & S Transportation Co., Hartford, Conn., authorizing the transportation of: Castings and patterns, from Plainville, Conn., to Westfield, Mass.; scrap metals, from Hartford, Conn., to Perth Amboy, N.J., household goods and general commodities, except commodities in bulk, and other specified commodities, between points in Connecticut; newspapers and newspapers supplements, from New Haven, Conn., to Hartford, Conn., and Springfield, Mass.; and magazines, magazine parts, magazine inserts, and mats, molds, plates, shells, and vinylites used in connection with the printing of magazines, from Bradley Field, Windsor Locks, to Albany, N.Y., as restricted. Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–3557; Filed, Mar. 25, 1969; 8:48 a.m.]

[Notice 316–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 21, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70894. By order of March 13, 1969, Division 3, acting as an Appellate Division, approved the transfer to Prudential Van Lines, Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC–41742 issued October 6, 1943, to Ralph Acampora, Anthony Acampora, and John Acampora, doing business as New Heights Storage Co., New York, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, New Hampshire, Pennsylvania, Delaware, Maryland, Connecticut, Massachusetts, Virginia, Rhode Island, and the District of Columbia. William D. Traub, 10 East 40th Street, New York, N.Y. 10016, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–3558; Filed, Mar. 25, 1969; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F–45]

SECRETARY OF DEFENSE

Delegation of Authority Regarding Telecommunications Service Rate Proceeding

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the State Corporation Commission of New Mexico in a proceeding involving telecommunications rates of The Mountain States Telephone and Telegraph Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

MARCH 18, 1969.

[F.R. Doc. 69–3522; Filed, Mar. 25, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

REVISED LIST OF WAREHOUSES AND WAREHOUSEMEN LICENSED UNDER THE U.S. WAREHOUSE ACT

Pursuant to section 26 of the United States Warehouse Act (7 U.S.C. 266), notice is hereby given as follows: As of December 31, 1968, the following warehouses and warehousemen were licensed and bonded under the United States Warehouse Act. This list of warehouses and warehousemen licensed and bonded under the United States Warehouse Act (7 U.S.C. 241 et seq.) supersedes the list published in the FEDERAL REGISTER of March 26, 1968 (33 F.R. 5000).

Cotton

A. For the storage of cotton:

ALABAMA

Town, Warehouse, and Warehouseman

Anniston; Farmers Union Warehouse; Farmers Union Warehouse Co. of Calhoun County.

Anniston; Robinson Brothers Warehouse; Robinson Brothers Compress & Warehouse Co., Inc.

Athens; Limestone Bonded Warehouse; Garth-Lovvorn, Inc.

Atmore; Farmers and Merchants Warehouse; Dan A. Currie, Jack A. Currie and J. Floyd Currie, copartners trading as Atmore Milling and Elevator Company.

Attalla; North Alabama Warehouse; North Alabama Warehouse Co.

Birmingham; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Cullman; Ponder's Bonded Warehouse; Elbert E. Ponder and George W. Ponder, Jr., Trustees of Trust Estate B, under the Last Will of the late George W. Ponder.

Decatur; State Bonded Warehouse; State Bonded Warehouse & Storage Co.

Decatur; Union Compress Warehouse; Union Compress & Warehouse Co.

Fort Deposit; Norman Bonded Warehouse; Norman Trading and Milling Company, Inc.

Geraldine; Geraldine Warehouse; Geraldine Warehouse & Storage Co., Inc.

Greenbrier; Elliott Bonded Warehouse; J. D. Elliott and George R. Elliott, copartners trading as J. D. Elliott and Son.

Guntersville; Guntersville Warehouse & Storage Co.; J. H. Alford, an individual trading as Guntersville Warehouse and Storage Co.

Haleyville; Haleyville Cotton Warehouse; Haleyville Mill and Gin Co.

Huntsville; Cummings Bonded Warehouse; Charles H. Cummings.

Huntsville; Huntsville Warehouse; Huntsville Warehouse Co.

Huntsville; Madison Bonded Warehouse; Madison Bonded Warehouse, Inc.

Huntsville; Planters Warehouse; Planters Warehouse and Storage Co.

McCullough; McCullough Bonded Warehouse; Frank P. Currie.

Mobile; Alabama State Docks Bonded Warehouse; Alabama State Docks Department.

Monroeville; Monroe Bonded Warehouse; Monroe Bond and Mortgage Co.

Montgomery; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Panola; Panola Bonded Warehouse; W. O. Parker and E. A. Parker, copartners, trading as Panola Bonded Warehouse.

Scottsboro; Gladish Bonded Warehouse; W. L. Gladish, Jr.

Selma; Dallas Bonded Warehouse; Dallas Compress Co.

Selma; Selma Compress Warehouse; Selma Compress Co.

Sylacauga; Sylacauga Bonded Warehouse; Parker Fertilizer Co., Inc.

Talladega; Parker Bonded Warehouse; Parker Fertilizer Co., Inc.

Talladega; Robinson Brothers Warehouse; Robinson Brothers Compress & Warehouse Co., Inc.

Troy; Thompson Company Warehouse; Thompson Co., Inc.

ARIZONA

Phoenix; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Picacho; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Yuma; Federal Compress Warehouse; Federal Compress & Warehouse Co.

ARKANSAS

Arkadelphia; Golden Cotton Warehouse; Benton Taylor.

Ashdown; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Batesville; Batesville Compress Warehouse; Southern Warehouse Co.

Blytheville; Blytheville Compress Warehouse; Blytheville Compress Co.

Blytheville; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Bradley; Bradley Bonded Warehouse; Bradley Warehouse, Inc.

Brinkley; Southern Compress Warehouse; Southern Compress Co.

Clarendon; Clarendon Warehouse; Southern Compress Co.

Cotton Plant; Cotton Plant Warehouse; Cotton Plant Warehouse Co.

Dardanelle; Dardanelle Compress Warehouse; Planters Compress Co.

Dell; Dell Compress Warehouse; Dell Compress Co. of Dell, Ark.

Dumas; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Earle; Federal Compress Warehouse; Federal Compress & Warehouse Co.

England; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Eudora; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Evadale (P.O. Wilson); Wilson Compress Warehouse; Memphis Compress & Storage Co.

Forrest City; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Fort Smith; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Helena; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Helena; Helena Compress Warehouse; Helena Compress Co.

Hope; Union Compress Warehouse; Union Compress & Warehouse Co.

Hughes; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Jonesboro; Jonesboro Compress Co.'s Warehouse; Jonesboro Compress Co.

Leachville; Arkansas Compress Warehouse; Arkansas Compress Co., Inc.

Lepanto; Lepanto Compress Warehouse; Marked Tree Compress & Warehouse Co., Inc.

Lonoke; Lonoke Bonded Warehouse; Southern Compress Co.

Magnolia; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Marianna; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Marked Tree; Marked Tree Compress Warehouse; Marked Tree Compress & Warehouse Co., Inc.

Marvell; Federal Compress Warehouse; Federal Compress & Warehouse Co.

McCrory; Federal Compress Warehouse; Federal Compress & Warehouse Co.

McGehee; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Morrilton; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Newport; Federal Compress Warehouse; Federal Compress & Warehouse Co.

North Little Rock; Federal Compress Warehouse; Federal Compress & Warehouse Co.

North Little Rock; Southern Compress Warehouse; Southern Warehouse Co.

Osceola; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Pine Bluff; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Portland; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Prescott; Pittman Cotton Warehouse; May Pittman, Lil P. Bemis, Pauline Pittman and Dan Pittman copartners, trading as Prescott Hardware Co.

Searcy; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Sparkman; P. H. Taylor Cotton Warehouse; Benton Taylor.

Trumann; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Waldo; Waldo Bonded Warehouse; Waldo Bonded Warehouse Co.

Walnut Ridge; Federal Compress Warehouse; Federal Compress & Warehouse Co.

West Memphis; Federal Compress Warehouse; Federal Compress & Warehouse Co.

West Memphis; Planters Compress Warehouse; Planters Compress Co., Inc.

Wynne; Federal Compress Warehouse; Federal Compress & Warehouse Co.

CALIFORNIA

Fresno; Allen Warehouse; Allen Warehouse Co. of California.

Fresno; Fresno Warehouse; Bayside Warehouse Co.

GEORGIA

Albany; Albany Warehouse; Albany Warehouse Co.

Americus; Farmers Bonded Warehouse; Farmers Bonded Warehouse of Sumter, Inc.

Arlington; Ward's Bonded Warehouse; Mrs. Carol Clements Ward.

Athens; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Atlanta; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Atlanta; Palmer and Gibbons Bonded Warehouse; Erma W. Palmer and Mary P. Gibbons, copartners, trading as Palmer and Gibbons Bonded Warehouse Co.

Atlanta; Exposition Warehouse; The Black Hawk Corporation.

Augusta; S. M. Whitney Warehouse; S. M. Whitney Co., Inc.

Augusta; Georgia-Carolina Warehouse; Georgia-Carolina Warehouse & Compress Co.

Augusta; Wienges & Co. Warehouse; Wienges & Co.

Augusta; Pope & Fleming Bonded Warehouse; Pope & Fleming, Inc.

Augusta; Lyon & Lyon Cotton Warehouse; Lyon, Lyon & Co., Inc.

Augusta; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Bartow; Bryant's Bonded Warehouse; Bryant's Inc.

Blakely; Farmers Warehouse; The Maddox Corp.

Brooklet; Farmers' Bonded Warehouse Farmers Bonded Warehouse, Inc.

Cairo; Graco Bonded Warehouse; Graco Supply Co., Inc.

Camilla; Camilla Cotton Oil Co. Bonded Warehouse; Camilla Cotton Oil Co.

Camilla; Walker Gin Bonded Warehouse; Walkers, Inc.

Carrollton; Martin Bonded Warehouse; J. E. Martin & Son, Inc.

Cedartown; Cedartown Bonded Warehouse; Cedartown Cotton Warehouse Co.

Cochran; Cochran Bonded Warehouse; William Carlton Lawson.

Columbus; W. C. Bradley Co. Warehouse; W. C. Bradley Co.

Conyers; Ellington's Bonded Warehouse; Jewell Aiken Ellington and The Fulton National Bank of Atlanta, Executors and Trustees of the Last Will and Testament of Vester Caswell Ellington, deceased, d.b.a. V. C. Ellington Gin Warehouse & Lumber Co.

Cordele; Nesbitt Bonded Warehouse; Nesbitt Bonded Warehouse, Inc.

Cordele; McCay Bonded Warehouse, McCay Gin and Warehouse Company, Inc.

Covington; N. S. Turner Warehouse; N. S. Turner Warehouse, Inc.

Cuthbert; Walker & Daniel Bonded Warehouse; N. M. Walker and G. A. Daniel trading as Walker & Daniel.

Davisboro; Taylor Bonded Warehouse; Taylor Bonded Warehouse, Inc.

Dawson; Dawson Compress Bonded Warehouse; Dawson Compress and Storage Co.

Dawson; Terrell County Bonded Warehouse; Stevens Industries, Inc.

DeSoto; DeSoto Bonded Warehouse; DeSoto Gin and Peanut Co.

Donalsonville; Planters Products Co.'s Warehouse; Planters Products Co.

Dublin; Dublin Bonded Warehouse; Cecil E. Carroll.

Dublin; Lovett and Brinson Bonded Warehouse; Lovett and Brinson, Inc.

Dudley; Farmers Warehouse; Mrs. Effie B. Chappell, Roy James Chappell and, John Warthen Chappell, Executors of the Last Will and Testament of Warthen T. Chappell, deceased, and The First National Bank & Trust Co. in Macon, and Gladys Combs Hogan, as Executors of the Last Will and Testament of Rupert L. Hogan deceased, partners, d.b.a. Chappell and Hogan.

Fitzgerald; Ben Hill Bonded Warehouse; Fitzgerald Oil & Fertilizer Co.

Fitzgerald; Planters Warehouse and Loan Co.'s Warehouse; Planters Warehouse and Loan Co.

Gay; Gay Bonded Warehouse; Arthur G. Estes, Jr.

Glennville; Tattnall Bonded Warehouse; Tattnall Bonded Warehouse, Inc.

Hawkinsville; Hawkinsville Bonded Warehouse; L. H. Blount.

Hogansville; Hogansville Warehouse; The Hogansville Warehouse Co.

Kingston; Kingston Bonded Warehouse; J. W. Martin.

Leslie; Sumter-Lee Warehouse; Leslie Peanut & Gin Co., Inc.

Loganville; Byrd Bonded Warehouse; J. T. Byrd.

Louisville; Planters Bonded Warehouse; Hardeman Seed Co., Inc.

Lyons; Stanley and Pughsley Bonded Warehouse; Stanley & Pughsley Gin and Warehouse Company, Incorporated.

Madison; Farmers Trading Co. Bonded Warehouse; Farmers Trading Co., Madison, Ga.

Madison; Godfrey Bonded Warehouse; Godfrey's Warehouse, Inc.

Madison; Pennington Bonded Warehouse; The Pennington Company, Inc.

McDonough; The Planters Warehouse; The Planters Warehouse and Lumber Co.

Meigs; Meigs Bonded Warehouse; B & J Company, Inc.

Metter; Farmers Union Warehouse; Farmers Union Warehouse of Metter.

Midville; Midville Bonded Warehouse; Midville Cotton Warehouse Co.

Millen; Millen Warehouse; The Millen Warehouse Co., Inc.

Monroe; Wright Bonded Warehouse; Wright Gin and Trading Co.

Monroe; Launius Bonded Warehouse; P. N. Briscoe, J. William Dickinson and Dan M. Briscoe, copartners, trading as Launius Bonded Warehouse Co.

Moultrie; C. O. Smith Warehouse; Columbia Nitrogen Corporation.

Moultrie; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor, Jr., T. Elkin Taylor and Anna T. Brewer, copartners, trading as Taylor Gin and Warehouse.

Ocilla; Murray Bonded Warehouse; Guy Murray.

Parrott; W. M. Dunn's Warehouse; W. G. Dunn.

Pineview; Pineview Bonded Warehouse; C. R. McLeod and Sons, Inc.

Pitts; Shell's Bonded Warehouse; A. C. Shell, Jr.

Plains; Carter's Bonded Warehouse; James E. Carter, Jr. and Mrs. Lillian G. Carter, copartners, trading as Carter's Warehouse.

Portal; Planters Bonded Warehouse; Planters Cotton Warehouse Co.

Rome; Georgia and Alabama Warehouse; Georgia and Alabama Warehouse Co.

Rome; Floyd County Bonded Warehouse; Floyd County Bonded Warehouse, Inc.

Rome; Rome Warehouse; Ledbetter Trucks, Inc.

Rutledge; Hollis Bonded Warehouse; J. W. Hollis.

Sandersville; Tarbutton Bonded Warehouse; Tarbutton Realty Co., Inc.

Sandersville; Gilmore's Bonded Warehouse; Thomas W. Gilmore, Jr., an individual, trading as Gilmore Brothers.

Senoia; Daniel's Bonded Warehouse; Arthur G. Estes, Jr.

Senoia; The Brick Bonded Warehouse; Paul R. McKnight, Sr. and Paul R. McKnight Jr., copartners, trading as P. R. McKnight & Son.

Social Circle; Social Circle Bonded Warehouse; Duval and Co.

Social Circle; Malcom's Bonded Warehouse; B. A. Malcom.

Soperton; Fowler Bonded Warehouse; Treutlen Gin and Seed Co., Inc.

Soperton; Waller's Bonded Warehouse; J. Treutlen Waller.

Sparta; Moate's Bonded Warehouse; Marvin E. Moate.

Statesboro; Farmers' Union Warehouse; Smith Trading Co.

Statesboro; Planters Cotton Warehouse; Planters Bonded Cotton Warehouse, Inc.

Sylvania; Farmers Bonded Warehouse; J. P. Evans, David W. Reed and H.A. Williams, Jr., copartners trading as Evans, Reed & Williams.

Sylvania; Sylvania Bonded Warehouse; Screven Oil Mill.

Sylvester; Houston Bonded Warehouse; Houston Gin & Warehouse Co.

Tennille; Planters Bonded Warehouse; W. B. Smith.

Tennille; Tennille Bonded Warehouse; Washington Ginning Co.

Thomaston; Upson Alliance Warehouse; Upson Alliance Warehouse Co.

Twin City; Twin City Bonded Warehouse; Twin City Gin Co.

Vienna; J. A. Whitehead & Co. Bonded Warehouse; J. A. Whitehead.

Warrenton; Warrenton Bonded Warehouse; H. D. O'Neal.

Warrenton; Johnson Cotton Warehouse; W. D. Johnson, an individual, trading as Johnson Cotton Warehouse.

Waynesboro; Planters Warehouse; Planters Warehouse Co. of Waynesboro.

Waynesboro; Neely Bonded Cotton Warehouse; Neely Bonded Cotton Warehouse, Inc.

Waynesboro; Burke County Bonded Warehouse; Burke County Gin & Fertilizer Co.

Winder; Smith Bonded Warehouse; Smith Bonded Warehouse, Inc.

Woodbury; Woodbury Bonded Warehouse; Woodbury Gin and Fertilizer Co.

Wrightsville; City Warehouse; T. L. Lovett and L. L. Lovett, Executors of the estate of Mrs. E. A. Lovett, deceased, and H. G. Hatcher, Mrs. H. G. Hatcher, W. H. Lovett, W. E. Lovett and L. L. Lovett, partners, d.b.a. City Warehouse.

Wrightsville; Union Warehouse; J. F. Jordan.

Wrightsville; Lovett's Bonded Warehouse; Lovett & Co., Inc.

Wrightsville; Rowland's Bonded Warehouse; Rowland's Gin and Bonded Warehouse of Wrightsville, Georgia, Inc.

Youth; Byrd Bonded Warehouse; J. T. Byrd.

LOUISIANA

Alexandria; American Compress Warehouse; Frost-Whited Co., Inc.

Bernice; Lindsey Bonded Warehouse; James D. Lindsey, Mrs. Rosalind Lindsey Albritton, et al., copartners, trading as Lindsey Bonded Warehouse Co.

Delhi; Union Compress Warehouse; Union Compress & Warehouse Co.

Ferriday; Union Compress Warehouse; Union Compress & Warehouse Co.

Franklinton; Pearl River Warehouse; Willie S. Pettit.

Haynesville; Haynesville Cotton Warehouse; Haynesville Cotton Warehouse Co., Inc.

Homer; The Peoples Cotton Warehouse; C. G. Dowies.

Lake Providence; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Mansfield; Mansfield Bonded Warehouse; Aileen D. Morgan.

Monroe; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Natchitoches; American Compress Warehouse; Frost-Whited Co., Inc.

Newellton; Federal Compress Warehouse; Federal Compress & Warehouse Co.

New Orleans; Shippers Compress Warehouse; Meta Davis Atkinson, Clifford Atkinson, Jr., and Eugene Atkinson, Jr., trading as Atkinson and Company.

Oak Grove; Union Compress Warehouse; Union Compress & Warehouse Co.

Opelousas; American Compress Warehouse; Frost-Whited Co., Inc.

Rayville; Union Compress Warehouse; Union Compress & Warehouse Co.

Shreveport; American Compress Warehouse; Frost-Whited Co., Inc.

Tallulah; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Winnsboro; Union Compress Warehouse; Union Compress & Warehouse Co.

MISSISSIPPI

Aberdeen; Monroe County Compress Warehouse; Monroe County Compress and Storage Co., Inc.

Amory; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Batesville; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Belzoni; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Booneville; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Brookhaven; Brookhaven Compress Warehouse; MFC Services (A.A.L.).

Canton; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Carthage; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Clarksdale; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Clarksdale; North Delta Compress Warehouse; North Delta Compress & Warehouse Co.

Cleveland; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Columbia; Columbia Compress Warehouse; Hattiesburg Compress Co.

Columbus; Columbus Compress Warehouse; Columbus Compress & Warehouse Co.

Como; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Corinth; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Drew; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Drew; National Compress Warehouse; MFC Services (A.A.L.).

Flora (Kearney Park); Flora Compress Warehouse; Flora Compress and Warehouse Co., Inc.

Greenville; Delta Cooperative Compress Warehouse; Delta Cooperative Compress.

Greenville; Greenville Compress Warehouse; Greenville Compress Co.

Greenville; Paxton Bonded Warehouse; Paxton Bonded Warehouse, Inc.

Greenwood; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Greenwood; Staplservice Compress Warehouse; Staple Cotton Services Association (A.A.L.).

Grenada; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Gulfport; Mississippi Gulfport Warehouses; Mississippi-Gulfport Compress & Warehouses, Inc.

Hattiesburg; Hattiesburg Compress Warehouse; Hattiesburg Compress Co.

Hollandale; Deer Creek Compress Warehouse; Deer Creek Compress Co.

Holly Springs; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Houston; Houston Compress Warehouse; Houston Compress Co., Inc.

Indianola; Sunflower Compress Warehouse; The Sunflower Compress Co.

Inverness; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Itta Bena; Itta Bena Cooperative Warehouse; Itta Bena Cooperative Compress Co.

Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Kosciusko; United Warehouse; United Warehouses, Inc.

Laurel; Laurel Compress Warehouse; Laurel Compress Co.

Leland; Leland Compress Warehouse; Leland Compress Co.

Lexington; Lexington Compress Warehouse; The Lexington Compress Company.

Macon; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Magee; Cooperative Cotton Warehouse; Magee Cooperative (AAL).

Magnolia; Magnolia Compress Warehouse; Hattiesburg Compress Co.

Marks; Federal Compress Warehouse; Federal Compress & Warehouse Co.

McComb; Federal Cotton Warehouse; The Kramertown Co., Inc.

Meridian; Meridian Compress Warehouse; Interstate Compress & Warehouse Co.

New Albany; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Newton; Newton Bonded Warehouse; Compress of Union.

Okolona; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Philadelphia; The Philadelphia Compress Warehouse; Compress of Union.

Pontotoc; Pontotoc Compress Warehouse; Pontotoc Warehouse Co.

Prentiss; Prentiss Bonded Warehouse; MFC Services (A.A.L.).

Quitman; Quitman Bonded Warehouse; Daniel Marston Bonney, Executor of the Last Will and Testament of Robert Bonney, Deceased.

Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Rolling Fork; Rolling Fork Compress Warehouse; Deer Creek Compress Co.

Rosedale; Union Compress Warehouse; Union Compress & Warehouse Co.

Ruleville; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Shaw; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Shelby; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Shuqualak; Shuqualak Bonded Warehouse; Harrison Evans, trading as E. P. Nunn & Co.

Sledge; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Summit; Federal Champion Cotton Warehouse; Federal Champion Cotton Warehouse, Inc.

Tunica; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Tupelo; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Tutwiler; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Tylertown; Tylertown Compress Warehouse; The Kramertown Co., Inc.

Union; Union Bonded Warehouse; Compress of Union.

Vicksburg; Union Compress Warehouse; Union Compress & Warehouse Co.

West Point; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Yazoo City; Federal Compress Warehouse; Federal Compress & Warehouse Co.

MISSOURI

Arbyrd; Arbyrd Compress Warehouse; Arbyrd Compress Co.

Caruthersville; Caruthersville Compress Warehouse; Southeast Missouri Compress Co.

Charleston; National Compress Warehouse; National Compress & Warehouse Co.

Gideon; Gideon Compress Warehouse; Regenold & Earls Co.

Hayti; Hayti Compress Warehouse; Southeast Missouri Compress Co.

Kennett; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Co.

Lilbourn; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Malden; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Co.

Portageville; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Sikeston; Sikeston Compress Warehouse; Sikeston Compress & Warehouse Co.

NEW MEXICO

Artesia; Artesia Compress Warehouse; Alma Sanders Francis, Leslie Paul Francis, William Kavanaugh Francis and Christine Francis Jones, copartners, trading as Artesia Compress Co.

NORTH CAROLINA

Charlotte; Charlotte Bonded Warehouse; Charlotte Bonded Warehouse Co.

Charlotte; Standard Warehouse; Standard Warehouse, Inc.

Charlotte; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Charlotte; Merchants Bonded Warehouse; Merchants Bonded Warehouse Co.

Charlotte; Standard Bonded Warehouse; Standard Bonded Warehouse Co.

Elizabeth City; Elizabeth City Bonded Warehouse; Robinson Manufacturing Co.

Gastonia; Gastonia Bonded Warehouse; Gastonia Bonded Warehouse, Inc.

Gastonia; Avon Bonded Warehouse; Avon Bonded Warehouse, Inc.

Gastonia; Peoples Bonded Warehouse; Peoples Bonded Warehouse, Inc.

Gastonia; Broad Street Bonded Warehouse; Broad Street Bonded Warehouse, Inc.

Gastonia; Central Bonded Warehouse Division of Bayside Warehouse Co.; Bayside Warehouse Co.

Shelby; Planters and Merchants Warehouse; Planters and Merchants Warehouse Co.

Battleboro; Braswell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Bethel; Bethel Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Bladenboro; Bridger Corporation Warehouse; Warehouse Superintendent of the State of North Carolina.

Butner; Hancock Bonded Warehouse—Butner Unit; Warehouse Superintendent of the State of North Carolina.

Candor; Candor Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Cherryville; Gaston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Clinton; Sampson Cotton Storage Warehouse; Warehouse Superintendent of the State of North Carolina.

Conway; Conway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Dunn; General Utility Co.'s Warehouse; Warehouse Superintendent of the State of North Carolina.

Dunn; Tart Estate Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Durham; Central Carolina Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Edenton; Edenton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Enfield; Enfield Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Enfield; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Farmville; Farmville Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Fayetteville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Fayetteville; Tolar-Hart Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Franklinton; Rose Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Gibson; Southern Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Goldsboro; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Greenville; Person-Garrett Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Henderson; Greenway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Jackson; Northampton Warehouse; Warehouse Superintendent of the State of North Carolina.

Kings Mountain; Kings Mountain Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurel Hill; Laurel Hill Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurinburg; Laurinburg Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurinburg; Dickson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lincolnton; Lincoln Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Littleton; Littleton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Louisburg; J. S. Howell Warehouse; Warehouse Superintendent of the State of North Carolina.

Louisburg; L. H. Dickens Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lumberton; National Warehouse; Warehouse Superintendent of the State of North Carolina.
Lumberton; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Maxton; Maxton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Monroe; Southern Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.
Monroe; Union County Warehouse; Warehouse Superintendent of the State of North Carolina.
Mooresville; Iredell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Morven; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Mt. Olive; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Nashville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Newton; Newton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Parkton; Parkton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Parkton; Robeson Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.
Pembroke; Pembroke Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Pinetops; Pinetops Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Rasford; Hoke Cotton Warehouse and Storage Co.'s Warehouse; Warehouse Superintendent of the State of North Carolina.
Raleigh; Capital Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Rich Square; Rich Square Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Roanoke Rapids; Farmers Warehouse of Roanoke Rapids; Warehouse Superintendent of the State of North Carolina.
Roanoke Rapids; Rosemary Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Rockingham; Rockingham Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Rowland; Barrow Warehouse; Warehouse Superintendent of the State of North Carolina.
Rowland; Rowland Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Salisbury; Salisbury Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Sanford; W. S. W. Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Sanford; Liles Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Scotland Neck; Edwards Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Scotland Neck; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Seaboard; Seaboard Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Selma; Price Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Severn; Meherrin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Shelby; Shelby Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Smithfield; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Smithfield; Farmers Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.
Southern Pines; Sandhills Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Statesville; Statesville Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
St. Pauls; McColl Cotton Warehouses; Warehouse Superintendent of the State of North Carolina.
Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Wagram; Farmers Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Wake Forest; Wake Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Warrenton; Warrenton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Washington; Beaufort County Warehouse; Warehouse Superintendent of the State of North Carolina.
Weldon; Long Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.
Weldon; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Weldon; Jenkins Warehouse; Warehouse Superintendent of the State of North Carolina.
Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Wilson; Wilson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Woodland; Woodland Cooperative Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

SOUTH CAROLINA

Abbeville; The Farmers Warehouse; The Farmers Warehouse.
Anderson; The Standard Warehouse; Standard Corporation.
Bennettsville; Marlboro Warehouses; Marlboro Warehouse Co.
Bishopville; Cotton Growers Warehouses; Cotton Growers Warehouses, Inc.
Bishopville; Farmers Bonded Warehouse; Wiley B. King.
Bishopville; King and Jordan Bonded Warehouse; W. Brent King and B. P. Jordan, copartners trading as King and Jordan Bonded Warehouse.
Clio; Clio Bonded Warehouse; B. H. Martin.
Columbia; Palmetto Compress Warehouse; Palmetto Compress and Warehouse Co.
Columbia; The Standard Warehouse; Standard Corporation.
Denmark; Denmark Bonded Warehouse; John W. Williamson.
Edgefield; Hart Bonded Warehouse; John Rainsford, Jr.
Greenville; Merchants Cotton Warehouse; W. A. Austin.
Greenville; Black Hawk Warehouse; The Black Hawk Corp.
Greenville; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Greenville; Commodity Warehouse; Commodity Warehouse Co., Inc.
Greenville; Industrial Storage Corp. Warehouse; Industrial Storage Corp.
Greenwood; Alliance Warehouse; Alliance Warehouse Co., Inc.
Greenwood; Textile Bonded Storage; Textile Bonded Storage, Inc.
Hartsville; Hartsville Bonded Warehouse; G. S. Jones.
Laurens; Merchants and Farmers Bonded Warehouse; Merchants and Farmers Bonded Warehouse.
Lynchburg; Lee Bonded Warehouse; Lee Bonded Warehouse, Inc.
Manning; United Bonded Warehouse; United Bonded Warehouse, Inc.
Newberry; Farmers Bonded Warehouse; Evelyn M. Brooks, d.b.a. Farmers Bonded Warehouse.
Newberry; The Standard Warehouse; Standard Corporation.
North Charleston; Oakdene Compress Warehouse; Oakdene Compress and Warehouse Co.
Norway; Norway Bonded Warehouse; John W. Williamson.
Orangeburg; The Standard Warehouse; Standard Corporation.
Spartanburg; Spartanburg Bonded Warehouses; Spartanburg Bonded Warehouses, Inc.
Summerton; Sumter Bonded Warehouse No. 2; Sumter Storage Co., Inc.
Sumter; Rowland Warehouse; Rowland Warehouse Co.
Sumter; Sumter Bonded Warehouse No. 1, Sumter Storage Company, Inc.
Turbeville; East Clarendon Bonded Warehouse; East Clarendon Storage Co.
Union; Union Bonded Warehouse; H. B. Richardson, Jr.

TENNESSEE

Brownsville; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Chattanooga; The Cotton Warehouse; Alford Warehouse & Storage Co., Inc.
Covington; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Dyersburg; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Five Points; Hammond Bonded Warehouse; Laura Mae Hammond.
Henderson; Henderson Compress Warehouse; Henderson Compress Co., Inc.
Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Jackson; Public Compress Bonded Warehouse; Public Compress Co.
Kingsport; Borden Warehouse; The Black Hawk Corporation.
Lawrenceburg; Gladish Bonded Warehouse; Martha E. Gladish:
Lawrenceburg; Augustin Bonded Warehouse; J. B. Augustin.
Memphis; Gulf Atlantic Warehouse (Tri-State Plant); Gulf Atlantic Warehouse Co.
Memphis; Memphis Compress Warehouse; Memphis Compress & Storage Co.
Memphis; Navy Yard Compress, Division of the Bayside Warehouse Co.; Bayside Warehouse Co.
Memphis; Federal Compress Warehouse (Bodley Avenue Plant); Federal Compress & Warehouse Co.
Memphis; Federal Compress Warehouse (South Memphis Plant); Federal Compress & Warehouse Co.
Memphis; Federal Compress Warehouse (Riverside Plant); Federal Compress & Warehouse Co.
Memphis; Producers Warehouse; Producers Warehouse & Compress Co.
Milan; Milan Compress Warehouse; Milan Compress Co.
Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Tiptonville; Federal Compress Warehouse; Federal Compress & Warehouse Co.

TEXAS

Abilene; Abilene Cotton Warehouse; National-Western Compress & Warehouse Co.
Ballinger; Ballinger Compress Warehouse; Ballinger Compress & Warehouse Co.
Brady; Brady Cotton Warehouse; Central Texas Compress Co.
Brenham; Seidel Bros. Warehouse; Grace G. Seidel, Fred Wm. Seidel, Lathel S. Schroeder and Dorothy S. Meacham, copartners, trading as Seidel Bros.
Brownsville; Gulfside Warehouse; Bayside Warehouse Co.
Brownwood; Brownwood Compress Warehouse; Brownwood Compress & Warehouse Co.
Bryan; Bryan Compress Warehouse; Hearne Cotton Compress Company, Inc.
Cameron; Cameron Compress Warehouse; Cameron Compress Co.
Corsicana; Corsicana Compress Warehouse; Exporters & Traders Compress & Warehouse Co.
Ennis; Ennis Compress & Warehouse Co.'s Warehouse; Ennis Compress & Warehouse Co.
Fort Stockton; Comanche Warehouse; Comanche Warehouse, Inc.
Hamlin; Hamlin Compress Warehouse; Hamlin Farmers Compress Co.
Hearne; Hearne Cotton Warehouse; Hearne Cotton Compress Co., Inc.
Hillsboro; Exporters & Traders Compress & Warehouse Co.'s Warehouse; Exporters & Traders Compress & Warehouse Co.
Houston; Ship Channel Compress Warehouse; Petty Terminal Corp.
Houston; Turning Basin Compress Warehouse; Turning Basin Compress Co.
Hubbard; Hubbard Compress Warehouse; Exporters & Traders Compress & Warehouse Co.
Knox City; Knox City Cotton Warehouse; Farmers Compress Co.
Marlin; Exporters & Traders Compress & Warehouse Co.'s Warehouse; Exporters & Traders Compress & Warehouse Co.
Mart; Exporters & Traders Compress & Warehouse Co.'s Warehouse; Exporters & Traders Compress & Warehouse Co.
Mexia; Mexia Cotton Warehouse; Exporters & Traders Compress & Warehouse Co.
Rosebud; Rosebud Cotton Warehouse; Cameron Compress Co.
Rule; Rule Compress Warehouse; Farmers Compress Co.
San Angelo; Angelo Compress Warehouse; Ballinger Compress & Warehouse Co.
Snyder; Snyder Cotton Warehouse; National-Western Compress & Warehouse Co.
Sweetwater; Sweetwater Compress Warehouse; National-Western Compress & Warehouse Co.
Temple; Temple Compress Warehouse; Temple Compress Warehouse Co.
Texarkana; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Waco; Exporters & Traders Compress & Warehouse Co.'s Warehouse; Exporters & Traders Compress & Warehouse Co.
Waxahachie; Waxahachie Compress Warehouse; Waxahachie Compress Warehouse Co.

VIRGINIA

Boykins; Meherrin Bonded Warehouse; Meherrin Agricultural & Chemical Co.
Brodnax; Dugger and Dugger Cotton Storage; Richmond H. Dugger, Jr., trading as Dugger and Dugger Cotton Storage.

Grain

B. For the storage of grain:

ALABAMA

Town, Warehouse, and Warehouseman

Decatur; AFC Grain Elevator; AFC Marketing Service, Inc.
Decatur; Alabama Flour Mills Elevator; Nebraska Consolidated Mills Co.
Guntersville; Cargill Guntersville Elevator; Cargill, Inc.

ARKANSAS

Altheimer; Altheimer Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Augusta; Lockhart-Thompson Elevator; Murray L. Lockhart, d.b.a. Murray L. Lockhart Warehouse Co.
Bradford; White County Grain Warehouse; Arkansas Grain Corporation.
Brinkley; Brinkley Warehouse; Riviana Foods, Inc.
Blytheville; Farmers Grain Elevator; Farmers Soybean Corp.
Carlisle; Carlisle Warehouse; Riviana Foods, Inc.
Cherry Valley; Carwell Elevator Company Warehouse; J. L. Carwell, Jr., doing business as Carwell Elevator Co.
Corning; Corning Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Delaplaine; Delaplaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Des Arc; Des Arc Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
DeWitt; Rollison Seed Company Elevator; O. G. Rollison, Rose Rollison and Robert C. Rollison, copartners, trading as Rollison Seed Co.
DeWitt; C & L Rice Mill Warehouse; C & L Rice Mill, Inc.
DeWitt; Farmers Coop. Elevator; The Farmers Co-operative Elevator Co.
DeWitt; Pioneer DeWitt Elevator; Pioneer Food Industries, Inc.
DeWitt; DeWitt Rice Warehouse; L. A. Black Rice Milling Association, Inc.
DeWitt; Growers Elevator; Growers Elevators, Inc.
DeWitt; Troy Mitchell Elevator; Troy Mitchell, DBA Troy Mitchell Elevator.
Dumas; Dumas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Elaine; Elaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
England; Federal Drier; Federal Drier and Storage Co.
Eudora; Eudora Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Eudora; Pioneer Eudora Elevator; Pioneer Food Industries, Inc.
Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Company.
Fair Oaks; Fair Oaks Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Gibson Switch (P.O. Jonesboro); Craighead Rice Milling Company's Warehouse; Crain Company.
Gillett; Gillett Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Hazen; Hazen Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Hazen; Bogard Seed Company Elevator; Bogard Seed Company.
Helena; Helena Cotton Oil Company's Warehouse; Helena Cotton Oil Company.
Helena; Helena Grain Warehouse; Arkansas Grain Corp.
Helena; Targca Rice Warehouse; The Arkansas Rice Growers Co-operative Association.
Hickory Ridge; Hickory Ridge Rice Warehouse; The Arkansas Rice Growers Co-operative Association.
Holly Grove; Holly Grove Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Indiana Switch (P.O. DeWitt); Dixie Dryer Elevator; Pioneer Food Industries, Inc.
Jonesboro; Jonesboro Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Jonesboro; Kiech Elevator; Earl C. Kiech Elevator Co.
Lonoke; Lonoke Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Marianna; Lee County Grain Warehouse; Arkansas Grain Corp.
Marked Tree; St. Francis Valley Grain Warehouse; St. Francis Valley Seed Co.
Marvell; Marvell Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
McGehee; McGehee Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Mellwood; Mellwood Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Morrilton; Stallings Brothers Elevator; Joe H. Stallings and Alan E. Stallings, copartners trading as Stallings Brothers Feed Mills.
Needham (P.O. Jonesboro), Kiech-Crafton Elevator; Kiech-Crafton Elevator Co.
Newport; Newport Rice Warehouse; Empire Rice Mills, Inc.
North Little Rock; North Little Rock Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Osceola; Osceola Products Warehouse; Osceola Products Co.
Parkdale (Route No. 1); Bayou Grain Elevator; Bayou Grain & Chemical Corporation.
Parkin; East Arkansas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Patterson; Farmers Granary; Farmers Granary, Inc.
Penjur (P.O. Hughes); Hughes Granary Elevator; Hughes Grain Corporation.
Pine Bluff; Pioneer Pine Bluff Elevator; Pioneer Food Industries, Inc.
Proctor; Craft Elevator; Continental Grain Co.
Rector; Graves Elevator; Graves Enterprises, Inc.
Stuttgart; Acme Warehouse; Riviana Foods, Inc.
Stuttgart; Bogard Elevator; Bogard Grain and Seed Co., Inc.
Stuttgart; Stuttgart Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Stuttgart; Stuttgart Grain Warehouse; Arkansas Grain Corp.
Stuttgart; Hartz Elevators; Jacob Hartz Seed Co., Inc.
Stuttgart; Producers Warehouse; Producers Rice Mill, Inc.
Tichnor; Tichnor Drier; Tichnor Drier and Storage, Inc.
Tuckerman; Tuckerman Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Van Buren; Van Buren Soybean Processing Plant; Farmland Industries, Inc.
Waldenburg; Waldenburg Warehouse; Riviana Foods, Inc.
Weiner; Weiner Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Wheatley; Wheatley Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Wilmot; Pioneer Wilmot Elevator; Pioneer Food Industries, Inc.
Wynne; Gibbs & Harris Rice Drier; Gibbs & Harris Rice Drier, Inc.

CALIFORNIA

Berenda; Valley Grain Drier Warehouse; Valley Grain Drier, Inc.

Colton; Producers Elevator; Producers Grain Corp.
East Los Angeles; Pillsbury-Globe Elevator; The Pillsbury Co.
French Camp; Continental Elevator; Continental Grain Co.
Lemoore; Continental Elevator; Continental Grain Co.
Long Beach; Koppel Bulk Terminal; Koppel Bulk Terminal.
Long Beach; Cerritos Elevator; Koppel Bulk Terminal.
Saco Siding (P.O. Bakersfield); Continental Elevator; Continental Grain Co.
San Joaquin; Cargill San Joaquin Elevator; Cargill of California, Inc.
Stockton; Stockton Elevators; Stockton Elevators.
West Sacramento; Port of West Sacramento Grain Terminal; Cargill of California, Inc.
Willows; Willows Rice Drier & Storage Company Warehouse; Pacific International Rice Mills, Inc.
Woodland; Sunset Rice Dryer Warehouse; Pacific International Rice Mills, Inc.

COLORADO

Akron; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-operative Company of Yuma, Colorado.
Amherst; Farmers Elevator; Amherst Co-operative Elevator, Inc.
Bethune; Equity Elevator; Equity Cooperative Exchange.
Burlington; Equity Elevator; Equity Co-operative Exchange.
Bristol; Bristol Elevator; South Eastern Colorado Coop.
Byers; Farmers Marketing Elevator; Farmers Marketing Association.
Campo; Stafford Elevator; Van Stafford.
Denver; Cargill Denver Elevator; Cargill, Inc.
Denver; Far-Mar-Co Denver Elevator; Far-Mar-Co., Inc.
Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.
Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners trading as Romer Mercantile and Grain Co.
Flagler; Flagler Equity Elevator; The Flagler Equity Co-Operative Co.
Holly; Southeastern Colorado Co-Op Elevator; South Eastern Colorado Coop.
Holyoke; Holyoke Cooperative Elevator; Holyoke Cooperative Association.
Hyde (P.O. Otis); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Co. of Yuma, Colo.
Lamar; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.
Otis; Washington County Grain Co., Division Elevator; Rickel, Inc.
Peets; Farmers Co-op. Elevators; The Peetz Farmers Co-operative Co.
Pleasant View; San Juan Warehouses; San Juan Bean Growers, Inc.
Roggen; Roggen Farmer's Elevator; Roggen Farmer's Elevator Association.
Schramm (P.O. Yuma); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Co. of Yuma, Colo.
Seibert; Co-Op Elevator; The Seibert Equity Co-operative Association.
Stratton; Co-Op Elevator; The Stratton Equity Cooperative Co.
Vilas; Vilas Elevator; Vilas Grain Co.
Wray; Farmers Union Elevator; The Farmers Union Cooperative Elevator Co.
Yuma; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Co. of Yuma, Colo.

DELAWARE

Seaford; Cargill Seaford Elevator; Cargill, Inc.

GEORGIA

Gainesville; Cargill Gainesville Elevator; Cargill, Inc.

IDAHO

American Falls; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.
Bancroft; Grain Growers Warehouse; Bancroft Grain Growers, Inc.
Buhl; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".
Corral; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Cottonwood; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Craigmont; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Deary; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Downey; Grain Growers Warehouse; Farmers Grain Cooperative.
Drummond; Grain Growers Warehouse; Farmers Grain Cooperative.
Estes; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Fairfield; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Ferdinand; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Grace; Grain Growers Warehouse; Farmers Grain Cooperative.
Grangeville; Union Warehouse & Supply Co.'s Warehouse; Union Warehouse & Supply Co.
Greer; Nezperce Rochdale Warehouse; Nezperce Rochdale Co.
Hill City; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Jerome; Marshall Warehouse; Marshall Warehouses, Inc.
Joel; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Kennedy Ford; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Lamont; Grain Growers Warehouse; Farmers Grain Cooperative.
Lapwai; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Lenore; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Lewiston; Lewiston Grain Growers Warehouse No. 2; Lewiston Grain Growers, Inc.
McCammon; Grain Growers Warehouse; Farmers Grain Cooperative.
Malad; Grain Growers Warehouse; Oneida County Grain Growers, Inc.
Michaud; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.
Moreland; Shields of Blackfoot Warehouse; Shields of Blackfoot, Inc.
Moscow; Dumas Seed Co. Warehouse; Dumas Seed Co.
Moscow; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".
Nezperce; Nezperce Rochdale Warehouse; Nezperce Rochdale Co.
Nezperce; Nezperce Storage Co.; Nezperce Storage Co.
Rands; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Reubens; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Ririe; Grain Growers Warehouse; Ririe Grain and Feed Cooperative, Inc.
Soda Springs; Soda Springs Elevator; Soda Springs Elevator, Inc.
Soda Springs; Grain Growers Warehouse; Farmers Grain Cooperative.
Talmage; Grain Growers Warehouse; Farmers Grain Cooperative.
Tetonia; Grain Growers Warehouse; Farmers Grain Cooperative.
Troy; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Viola; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Weston; Grain Growers Warehouse; Farmers Grain Cooperative.
Worley; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.

ILLINOIS

Alhambra; Alhambra & Marine Elevators; Madison Service Co.
Adrian; Adrian Elevator; Hancock Grain Co.
Alton; Terminal Operations; Peavey Co.
Alvin; Alvin Elevator; Jack Conard, trading as Conard Grain Co.
Amboy; Amboy Elevators; Lee County Grain Association.
Amenia Siding (P.O. Monticello); Amenia Elevator; Monticello Grain Co.
Anchor; Anchor Elevator; Anchor Grain Co.
Andres (P.O. Peotone); Andres Elevator; Andres & Wilton Farmers Grain & Supply Co.
Argenta; Dewein Grain Company Argenta Elevator; Dewein Grain Company.
Ashland; Ashland Elevator; Ashland Farmers Elevator Co.
Ashton; M. L. Ewing Grain Co.; M. L. Ewing, trading as M. L. Ewing Grain Co.
Assumption; Assumption Elevators; Assumption Cooperative Grain Co.
Atlanta; Atlanta Elevator; Forrest L. Douglas, trading as Douglas Co.
Atwood; Atwood Elevator; Atwood Grain and Supply Co.
Ballard Station; Ballard Elevator; Leonard Grain Co., Inc.
Barr Station (P.O. Athens); Amac Barr Elevator; Amac, Inc.
Bartonville; Allied Mills Peoria Elevator; Allied Mills, Inc.
Beardstown; Farmers Terminal Elevator; Farmers Terminal Grain Co.
Bellflower; Bellflower Elevator; Foosland Grain Co.
Bement; Farmers Elevator; Bement Grain Co.
Bethany; The Bethany Grain Co. Elevator; The Bethany Grain Co.
Bloomington; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Earle Hasenwinkle, Elna Hafer, Constance H. Anderson and Paul Anderson, Jr., copartners trading as Hasenwinkle Wallace Co.
Bondville; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.
Bourbon; Ullrich Grain Co. Elevator; Harvey C. Ullrich, trading as Ullrich Grain Co.
Brownwood (P.O. Delavan); Brownwood Elevator; Delavan Cooperative Elevator Co.
Broughton; L. S. Harper Grain Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.
Buckingham; Saunemin O. K. Elevator; Saunemin O. K. Grain Co.
Bushnell; O. K. Grain & Feed Co. Elevator; Bushnell O. K. Grain and Feed Co.
Cairo; Mikco Grain Co. Elevator; Bunge Corporation trading as Mikco Grain Co.
Campus; Hamilton Elevator; Hamilton Elevator Company.

Cayuga (R.R. No. 3, Pontiac); Cayuga Elevator; Jacobson Grain Co.
Centerville Township; Cargill E. St. Louis Elevator "R"; Cargill, Inc.
Chatsworth; Chatsworth and Stoddard Siding Warehouses; The Livingston of Chatsworth, Inc.
Chebanse; Hanson Bros. Grain Elevator; Arthur L. Hansen, Orval Hansen, Louie V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, Copartners, trading as Clifton Grain Co. at Clifton, Ill., and Hansen Bros. Grain Elevator at Chebanse, Ill.
Chenoa; Chenoa Elevator; Leonard Grain Co., Inc.
Chestnut; Chestnut Elevator; The Farmers Grain Company of Chestnut.
Chicago; The Cargill Elevator; Cargill, Inc.
Chicago; Continental Elevator C; Continental Grain Company.
Chicago; Continental Elevators; Continental Grain Co.
Chicago; Rialto Elevator; General Mills, Inc.
Chicago; Garvey Elevator; Garvey Grain, Inc.
Chicago; Belt Elevator; Carey Grain Corp.
Chicago; Erie Elevator; Interstate Elevator Corp.
Chicago; Gateway Elevator; Indiana Farm Bureau Cooperative Assn., Inc.
Chicago; Kensington Elevator; Garvey Grain, Inc.
Chicago; Santa Fe Elevator; Garvey Grain, Inc.
Chrisman; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.
Cisco; Cisco Grain Elevator; Cisco Co-operative Grain Co.
Clifton; Clifton Grain Elevator; Arthur L. Hansen, Orval Hansen, Louie V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, copartners, trading as Clifton Grain Co. at Clifton, Ill., and Hansen Bros. Grain Elevator at Chebanse, Ill.
Compton; Torri Grain Company Elevator; A. J. Torri, Joseph A. Torri, and Q. J. Torri, copartners, trading as Torri Grain Company.
Creve Coeur; Illinois Grain Corp. Creve Coeur Elevator; Illinois Grain Corp.
Cropsey; Farmers Elevator; Cropsey Co-operative Grain Co.
Cruger (R.R. 1, Eureka); Farmers Elevators; Farmers Grain Cooperative of Eureka.
Culver Station (P.O. Athens); Culver Elevator; Culver-Fancy Prairie Cooperative Co.
Dalton City; Farmers Co-op Grain Co. Elevator; Farmers Co-operative Grain Co. of Dalton City.
Danville; Lauhoff Elevator; Lauhoff Grain Co.
Darrow (P.O. Sheldon); Darrow Elevator; Darrow Farmers Co-operative Grain Co.
Deer Grove (R.R. No. 1); Hahnaman Station Elevator; Hahnaman Elevator, Inc.
DeLand; DeLand Farmer's Elevators; DeLand Farmer's Cooperative Grain Co.
Delavan; Delavan Elevator; Delavan Co-operative Elevator Co.
De Soto; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.
Dewey; Dewey Elevator; Fisher Farmers Grain and Coal Company.
Dorans (P.O. Mattoon); Dorans Elevator; Farmers Grain Co. of Dorans.
Downs; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Earle Hasenwinkle, Elna Hafer, Constance H. Anderson, and Paul Anderson, Jr., copartners trading as Hasenwinkle Wallace Co.
Dwight Township (P.O. Dwight); Jacobson Terminal; Jacobson Seaway Grain Terminal Co.
Earlville; Earlville Farmers' Co-operative Elevator; Earlville Farmers' Co-operative Elevator Co.
East Peoria; East Peoria Elevator, Tabor & Co.; Tabor & Co.
East St. Louis; Continental Elevator; Continental Grain Co.
East St. Louis; National Oats Elevator; National Oats Company, Inc.
Edinburg; Edinburg Grain Elevator; Edinburg Grain, Inc.
Edinburg; Rink & Scheib Elevator; Rink & Scheib, Inc.
Edwardsville; Edwardsville Elevator; Madison Service Co.
Edwardsville; Dippold Elevator; H. B. Stubbs, trading as Dippold Bros.
Effingham; Effingham Equity Elevator; Effingham Equity.
Emery (P.O. Maroa); Emery Elevator; Dewein Grain Co.
Emington; Emington O. K. Elevator; Saunemin O. K. Grain Co.
Esmond; Esmond Elevator; Farmers' Grain Co. of Esmond.
Fairbury; Farmers Grain Elevator; Farmers Grain Co. of Fairbury.
Fancy Prairie; Fancy Prairie Elevator; Culver-Fancy Prairie Cooperative Co.
Farmer City; Mitsul Elevator; Pacific Grain Co.
Fisher; Fisher Elevator; Fisher Farmers Grain and Coal Company.
Fithian; Fithian Elevator; Harold P. Izard, Kenneth W. Stotler and Howard A. Stotler, copartners, trading as Fithian Grain Co.
Foosland; Foosland Elevator; Foosland Grain Co.
Galva; Galva Elevator; Galva Co-operative Grain and Supply Company.
Genoa; Merriman & Sons Elevator; Merriman & Sons.
Georgetown; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and Williams L. Evans, Jr.
Gibson City; Farmers Elevator; The Farmers Grain Co. of Gibson City.
Gilman; Continental Elevator; Continental Grain Co.
Goodfield; Lawrence Warehouse Co. Goodfield Elevators; Lawrence Warehouse Co.
Grant Park; Grant Park Elevator; Grant Park Co-operative Grain Co.
Gridley; Gridley Elevator; Garvey Grain, Inc.
Hammond; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.
Hampshire; Hampshire Elevator; Gerstenberg and Tucker, Inc.
Hardin; Hardin Elevator; Jersey County Grain Co.
Harmon; Albrecht Elevator; Albrecht Grain Company.
Harpster (P.O. Foosland); Harpster Elevator; Harpster Grain Co.
Havana; Illinois Grain Corporation Havana Elevator; Illinois Grain Corporation.
Henkel (P.O. Mendota); Henkel Grain Co.; Henkel Grain Co., Inc.
Hennepin; Illinois Grain Corporation Hennepin Elevator; Illinois Grain Corporation.
Heyworth; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Earle Hasenwinkle, Elna Hafer, Constance H. Anderson and Paul Anderson, Jr., copartners, trading as Hasenwinkle Wallace Co.
Homer; Homer Elevators; Homer Grain Co.
Honegger (P.O. Fairbury); Fairbury Elevator; Honeggers' & Co., Inc.
Illiopolis; Mansfield-Ford Illiopolis Elevator; Mansfield-Ford Grain Co.
Illiopolis; Illiopolis Grain Co. Elevator; Illiopolis Grain Co.
Iroquois; Iroquois Farmers Elevator; Iroquois Farmers Elevator.
Ivesdale; Ivesdale Elevator; Ivesdale Co-op Grain Co.
Jamaica (R.R. 1, Fairmount); Farmers Elevator; Farmers Elevator Company of Jamaica, Illinois.
Jerseyville; Jerseyville Elevators; Jersey County Grain Co.
Kane; Kane Elevator; Jersey County Grain Co.
Kaneville; Kaneville Elevator; Kaneville Grain and Supply Co.
Kankakee; Kankakee Elevator; A. L. Book, trading as A. L. Book & Co.
Kansas; Rardin Elevator; Rardin Grain Co.
Kenney; Kenney Elevator; Forrest L. Douglas; trading as Douglas Co.
Kerrick (R.F.D. 1 Normal); Kerrick Elevator; Kerrick Grain, Inc.
Lacon; Illinois Grain Corp. Lacon Elevator; Illinois Grain Corp.
Ladd; Ladd Elevator; The Ladd Elevator Company.
Lanesville; Mansfield-Ford Lanesville Elevator; Mansfield-Ford Grain Co.
Lark Siding (P.O. Monticello); Lark Siding Elevator; Monticello Grain Co.
LaRose; LaRose Elevator; Bartlett and Co. Grain.
Lee; Schaefer Elevator; H. R. Schaefer Grain Co., Inc.
LeRoy; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Earle Hasenwinkle, Elna Hafer, Constance H. Anderson and Paul Anderson, Jr., copartners trading as Hasenwinkle Wallace Co.
LeRoy; LeRoy Elevator; LeRoy Elevator Co., Inc.
Leverett (R.R. 4 Champaign) Leverett Elevator; Lewis P. Burtis, Kenneth W. Stotler, each individually, and Sue Stotler and Kenneth W. Stotler as trustees of the Estate of Howard A. Stotler, copartners, trading as Leverett Grain Company.
Lexington; Kemp Elevator; Kemp Grain Co.
Lisbon Center (P.O. Newark); Lisbon Center Elevator; Farmers Cooperative Grain & Supply Co. of Lisbon Center.
Loami; Loami Elevator; Loami Grain Co., Inc.
Ludlow; Ludlow Elevators; Ludlow Cooperative Elevator Co.
Macon; Macon Elevator; Macon Grain Co.
Mahomet; James F. Parker Co. Elevator; James F. Parker Co.
Manteno; Farmers Elevator; Farmers Elevator Company of Manteno.
Maroa; Maroa Farmers Coop. Elevator; Maroa Farmers Cooperative Elevator Company.
McNabb; McNabb Elevator; McNabb Grain Co.
McNulta (P.O. Foosland); McNulta Elevator; Foosland Grain Co.
Meadows; Meadows Elevator; Meadows Co-operative Company.
Mechanicsburg; Mechanicsburg Elevator; Mechanicsburg Farmers Grain Co.
Mendota; Fasco Elevator; Fasco Mills Company.
Meriden; Meriden Elevator; Henkel Grain Co., Inc.
Milmine; Milmine Farmers Elevator; Milmine Grain Company.

Minier; Minier Cooperative Elevator; Minier Cooperative Grain Co.

Minooka; Minooka Elevator; The Minooka Grain, Lumber and Supply Company.

Monticello; Monticello Elevator; Monticello Grain Co.

Moweaqua; Moweaqua Elevator, Elocay, Inc.

Mulkeytown; Southern Grain Co.; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.

Murphysboro; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.

Myra (R.R. No. 3, Urbana); Myra Grain Elevator; Richard Reeser, trading as Myra Grain Elevator.

Mt. Auburn; Mt. Auburn Elevator; Blue Mound Grain and Fertilizer Co., Inc.

Mt. Carroll; Johnston Feed Service; Johnston Feed Service, Inc.

Mt. Vernon; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.

Newman; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and Williams L. Evans, Jr.

Niantic; Niantic Farmers Elevators; Niantic Farmers Grain Co.

Oakland; Miller Grain Co. Elevator; Miller Grain Co.

Ogden; Ogden Grain Co. Elevator; E. Z. Spread Fertiliser Company, trading as Ogden Grain Company.

Olive Branch; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.

Paris; Adams Elevator; Adams-English, Inc.

Paris; Paris Elevator; Illinois Cereal Mills, Inc.

Paris; Paris Grain Warehouses; Paris Warehouses, Inc.

Parnell (Farmer City Route 2); Walsh Grain Elevator; Robert E. Walsh and Elizabeth Walsh, copartners trading as Walsh Grain Elevator.

Peoria; Riverside Elevator; Riverside Elevator Co.

Perdueville (P.O. Paxton); Perdue Elevator; The Perdue Elevator Co.

Pesotum; Pesotum Elevator; Pesotum Grain Company, Inc.

Petersburg; Amac Petersburg Elevator; Amac, Inc.

Pinckneyville; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and Williams L. Evans, Jr.

Pittsfield; King Elevator; M. D. King Milling Co.

Pontiac; Pontiac Elevator; Jacobson Grain Co.

Poplar Grove; McLay Elevator; McLay Grain Company.

Rantoul; Rantoul Elevators; Ludlow Cooperative Elevator Co.

Redmon; English Elevator; Adams-English, Inc.

Ridge Farm; B. C. Christopher & Co. Elevator; B. C. Christopher & Company; a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.

Rowe (R.R. No. 3, Pontiac); Rowe-Cornell Elevator; Jacobson Grain Co.

Sadorus; Sadorus Co-op Elevators; Sadorus Co-operative Elevator Co.

St. Jacob; St. Jacob Elevator; Toberman Grain Co.

Saunemin; Saunemin O. K. Elevator; Saunemin O. K. Grain Co.

Savoy; Savoy Elevator; Savoy Grain Co.

Serena; Serena Elevator; La Salle County Farm Supply Co.

Shawneetown; T. Y. Williams Grain & Seed Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.

Sheldon; Sheldon Elevator; ADM Grain Co.

Shipman; Shipman Elevator; Shipman Elevator Co.

Sibley; Sibley Grain Co. Elevator; The Sibley Grain Co.

Sidell; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.

South Beloit; Elevator B; Beloit Grain Company.

Staley (R.F.D. 1, Champaign); Staley Elevator; Staley Grain and Supply Co.

Sterling; Galt Site Elevator; Sterling-Rock Falls Co-operative Marketing Association.

State Line; [1] State Line Elevator; State Line Elevator, Inc.

Stillman Valley; Griffith Lumber Co. Stillman Valley Elevator; Stanwood C. Griffith, trading as Griffith Lumber Co.

Stockland; Stockland Elevator; Stockland Grain Company, Inc.

Stonington; Stonington Cooperative Grain Co. Elevator; Stonington Cooperative Grain Co.

Strawn; Strawn Warehouses; The Livingston of Chatsworth, Inc.

Sullivan; Sullivan Elevator; Sullivan Grain Co.

Symerton (P.O. Wilmington) Symerton Elevator; Will-DuPage Service Company.

Taylorville; Allied Mills Taylorville Elevator; Allied Mills, Inc.

Tolono, R.R. 2; Apex Terminal Warehouses; Apex Terminal Warehouses, Inc.

Tolono; Tolono Elevator; Savoy Grain Co.

Tomlinson; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and William L. Evans, Jr.

Township 15 (P.O. Naples); Illinois Grain Corporation Naples Elevator; Illinois Grain Corporation.

[1] In Illinois and Indiana.

Trenton; Trenton Farmers Elevator; Trenton Cooperative Equity Exchange.

Union (P.O. Emden); Union Elevator; Forrest L. Douglas, trading as Douglas Co.

Ursa; Ursa Elevator; Ursa Farmers Co-operative Co.

Voorhies (R.R. 1, Bement); Voorhies Elevator; Voorhies Cooperative Grain Co.

Walton (R.R. 4, Dixon); Walton Elevator; Walton Elevator Co.

Ware; Ware Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn, and Williams L. Evans, Jr.

Warsaw; Warsaw Elevator; Hancock Grain Co.

Wapella; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Elna Hafer, Earle Hasenwinkle, Constance H. Anderson and Paul Anderson, Jr., copartners trading as Hasenwinkle Wallace Co.

Washburn; Washburn Elevator; Bartlett and Co. Grain.

Watkins (P.O. Farmer City); Watkins Elevator; Weedman Grain and Coal Company.

Weedman (R.R. 1, Farmer City); Weedman Elevator; Weedman Grain and Coal Co.

Weldon; Weldon Grain Co. Elevator; Weldon Co-operative Grain Co.

West Brooklyn; West Brooklyn Elevator; West Brooklyn Farmers Co-operative Co.

White Heath; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Wilton (P.O. Manhattan) Wilton Elevator; Andres & Wilton Farmers Grain & Supply Co.

Windsor; Neal-Cooper Grain Co. Elevator; Neal-Cooper Grain Co.

Woodford (P.O. Minonk); Woodford Elevator; Garvey Grain, Inc.

Wyanet; Wyanet Elevator; Carl Lavern Barker, trading as Barker Milling and Grain Co.

INDIANA

Bicknell; Barr Elevator; O. L. Barr Grain Co., Inc.

Brookston; Brookston Elevators; Brookston Elevators, Inc.

Burlington; Star Elevator; Star Roller Mills Corporation.

Burnettsville; Burnettsville Elevator; Allison, Steinhart & Zook, Inc.

Camden; Camden Elevator; Allison, Steinhart & Zook, Inc.

Camden (R.R. No. 1); Triangle Feeds, Inc. Elevator; Triangle Feeds, Inc.

Carlisle; Sprinkle Elevator; Ralph Sprinkle trading as Sprinkle Elevator.

Dunn (R.R. No. 2 Fowler); Dunn Grain Elevator; Dunn Grain Elevators, Inc.

East Chicago; The New York Central Elevator; Farmers Grain Dealers Association of Iowa (Cooperative).

Edinburg (R.R. No. 1); Durham Road Elevator; Community Grain, Inc.

Emporia (R.R. 1, Markleville); Emporia Elevator; Edwin O. Pasko and Elmer G. Pasko, copartners trading as Emporia Elevator Co.

Falmouth; Falmouth Elevator; Falmouth Farm Supply, Inc.

Flora; Flora Elevator; Allison, Steinhart & Zook, Inc.

Fowler; Lochiel Elevator; Lochiel Elevator Co., Inc.

Free (R.R. 2, Fowler); Free Grain Elevator; Watland Farms, Inc., trading as Free Grain Co.

Graham Siding (R.D. No. 1, Washington); Graham Elevator; Graham Brothers, Inc.

Hedrick; Hedrick Elevator; Jack Conard, trading as Conard Grain Co.

Indianapolis; Acme-Evans Elevator; General Grain, Inc.

Indianapolis; Beech Grove Elevator; The Early and Daniel Company.

Kirklin; Moore-Costlow Elevator; Moore-Costlow, Inc.

Kokomo; Kokomo Elevator; Kokomo Grain and Feed Co., Inc.

Ligonier; Lyon & Greenleaf Elevator; Lyon and Greenleaf Co., Inc.

Lyons; Sprinkle Elevator; Ralph Sprinkle, trading as Sprinkle Elevator.

Marshfield; Marshfield Elevator; Jack Conard, trading as Conard Grain Co.

Michigantown; Michigantown Elevator; Allison, Steinhart & Zook, Inc.

Millersburg; Millersburg Elevator; Lyon and Greenleaf Company, Inc.

Morristown; Morristown Elevator; Morristown Elevator Co., Inc.

Mount Ayr; Grow Elevator; Grow Farms Grain Corp.

New Market; Priscilla Opal Layne, Leland Eugene Layne, David L. Myers and Lorinda Jane Myers, Copartners, trading as Layne & Myers Grain Co.

Noblesville; General Grain Elevator; General Grain, Inc.

Orleans; Orleans Grain Elevator; Orleans Grain, Inc.

Peru; Canal Elevator; Allison, Steinhart & Zook, Inc.

Portland; Haynes Soy Elevator; Haynes Milling Co., Inc.

Raub; Raub Elevator; Raub Grain, Inc.

Reynolds; Reynolds Elevator; National Grain Storage, Inc.

Schneider; Schneider Elevator; Peavey Co.

State Line; [1] State Line Elevator; State Line Elevator, Inc.

Sullivan; Johnson Mill & Elevator; Sherell W. Johnson, Sr. and Sherell W. Johnson, Jr., copartners, trading as Johnson Feed & Supply Company.

Thorntown; Sugar Creek Elevator; Allison, Steinhart & Zook, Inc.

Vincennes; Baltic Mills, Inc. Elevator; Baltic Mills, Inc.

IOWA

Algona; Cargill Algona Elevator; Cargill, Inc.

Alta; Alta Cooperative Elevator; Alta Co-operative Elevator.

Altoona; Farmers Elevator; Farmers Elevator Co.

Barnum; Barnum Elevator; Wieston Grain Company, Incorporated.

Blencoe; Farmers Elevators; Blencoe Cooperative Co.

Blockton; M. F. A. Elevator; M. F. A. Central Cooperative.

Bondurant; Farmers Elevator "B"; Farmers Elevator Company.

Burlington; Burlington & Mississippi Elevator; ADM Grain Co.

California Junction (P.O. Missouri Valley); Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Cedar Rapids; Cargill Cedar Rapids Elevator; Cargill, Inc.

Cedar Rapids; Cargill Cedar Rapids East Elevator; Cargill, Incorporated.

Chariton; Farmers Elevator; Farmers Co-operative Association.

Clarion; Farmers Elevators; Clarion Farmers Elevator Cooperative.

Clearfield; M. F. A. Elevator; M. F. A. Central Cooperative.

[1] In Illinois and Indiana.

Cooper; Milligan Elevators; Milligan Bros. Grain Co.

Council Bluffs; Scoular-Welsh Council Bluffs Elevator; Scoular-Welsh Grain Co.

Council Bluffs; Bartlett Elevator; Bartlett and Co. Grain.

Council Bluffs; Pillsbury Co. Elevator; The Pillsbury Co.

Council Bluffs; Peavey Elevator; Peavey Co.

Cushing; Continental Elevator; Continental Grain Co.

Davenport; Pillsbury Davenport Elevator; The Pillsbury Co.

Dedham; Farmers Elevators; Dedham Co-operative Association.

Des Moines; F-G-D-A Des Moines Terminal; Farmers Grain Dealers Association of Iowa (Cooperative).

Des Moines; Cargill Des Moines Elevator; Cargill, Inc.

Dike; Farmers Cooperative Elevator; Farmers Cooperative Co.

Fort Dodge; Cargill Fort Dodge Elevator; Cargill, Inc.

Gilman; Farmers Coop Warehouse; Farmers Cooperative.

Glidden; Farmers Elevator; Farmers Co-operative Co.

Gray; Conklin Elevator; Edith Conklin, trading as Conklin Grain Co.

Hamburg; Reid Elevator; Reid Grain Co., Inc.

Harlan; Squealer Grain Elevator; Squealer Grain Co.

Jefferson; Milligan Elevators; Milligan Bros. Grain Co.

Jefferson; Farmers Elevator; Farmers Co-operative Association.

Jordan (P.O. Boone); Peavey Producer Service Elevator; Peavey Company.

Kingsley; Farmers Elevators; The Farmers Elevator Co.

Lanesboro; Farmers Elevator; Farmers Co-operative Co.

Laurel; Farmers Coop Warehouse; Farmers Cooperative.

Lidderdale; Farmers Elevator; Farmers Co-operative Co.

Loveland; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Manson; Manson Elevator; Wieston Grain Company, Incorporated.

Matlock; Farmers Elevators; Farmers Coop Elev. Assn. of Sheldon, Iowa.

McGregor; Mississippi River Terminal No. 2; Farmers Grain Dealers Association of Iowa (Cooperative).

Meekers Landing (Rt. 2, Burlington); Mississippi River Terminal; Farmers Grain Dealers Association of Iowa (Cooperative).

Missouri Valley; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Modale; Farmers Elevators; Modale Cooperative Association.

Modale; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Mondamin; Farmers Elevators; Farmers Co-operative Co.

Muscatine; Mississippi River Terminal No. 3; Farmers Grain Dealers of Iowa.

Newburg; Farmers Coop Warehouse; Farmers Cooperative.

New Hartford; Farmers Cooperative Elevator; Farmers Cooperative Co.

Osceola; Farmers Cooperative Association; Farmers Cooperative Association of Osceola.

Palmer; Farmers Elevator; Farmers Co-operative Co.

Pella; Farmers Co-operative Exchange Elevator; Farmers' Co-operative Exchange.

Portsmouth; G & R Elevator; G & R Feed and Grain Co., Inc.

Radcliffe; Farmers Cooperative Elevator; Farmers Cooperative Elevator Co.

Ralston; Farmers Elevators; Farmers Co-operative Association.

Redfield; Cargill Redfield Elevator; Cargill, Incorporated.

River Sioux; Farmers Elevator; Farmers Co-operative Co.

Shelby; Shelby Elevator; Farmers Elevator.

Sheldon; Big 4 Elevator; Farmers Regional Cooperative Inc. in the State of Iowa.

Sheldon; Farmers Elevators; Farmers Co-operative Elevator Association of Sheldon, Iowa.

Sherman; Farmers Cooperative Elevator; Farmers Cooperative Elevator Co.

Sioux City; Bartlett Elevator; Bartlett and Co. Grain.

Sioux City; Cargill Sioux City Elevator "A"; Cargill, Inc.

Sioux City; Farmers Union Elevator; Farmers Union Grain Terminal Association.

Sioux City; Terminal Grain Corp. Elevator; Terminal Grain Corp.

Sioux City; Elevator "B"; Harley G. Hall, trading as Hall Grain Co.

Sloan; Farmers Elevator; Farmers Cereal Co. (Cooperative).

Templeton; Farmers Elevator; Farmers Cooperative Co.

Walnut; Continental Elevator; Continental Grain Co.

Washington; Cargill Washington Elevator; Cargill, Inc.

Westfield; Westfield Feed and Grain Co.; Westfield Feed and Grain Co.

Wieston (P.O. Manson); Wieston Elevator; Wieston Grain Company, Incorporated.

Wightman (P.O. Lohrville); Farmers Elevator; Farmers Cooperative Co.

Williams; Farmers Cooperative Elevator; Farmers Cooperative Elevator Co.

KANSAS

Abilene; ADM Elevator; Archer-Daniels-Midland Company.

Abbyville; Abbyville Coop Elevator; The Farmers Cooperative Grain Co.

Akron (P.O. Rock); Akron Elevator; Quentin F. Waples, d.b.a. The Rock Grain Co.

Alamota; Alamota Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Albert; Pawnee Elevator; Pawnee County Cooperative Association.

Alden; Alden Elevator; The Farmers Co-operative Union.

Amy; Amy Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Andale; Farmers Elevator; The Andale Farmers Cooperative Co.

Anthony; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.

Argonia; Danville Coop. Elevator; Danville Cooperative Association.

Arkansas City; Ark City Elevator; Dixie Portland Flour Mills, Inc.

Arkansas City; New Era Mill; The New Era Milling Co.

Atchison; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc.

Atlanta; Atlanta Co-op Elevator; The Atlanta Cooperative Association.

Atwood; Equity Elevator; The Atwood Equity Co-Operative Exchange.

Baileyville; Coop Elevator; The Nemaha County Cooperative Association.
Bavaria; Farmers Elevator; The Farmers Elevator Cooperative Co.
Basine; Co-op Elevator; The Co-operative Grain & Supply Co.
Beaver; Beaver Grain Elevator; Beaver Grain Corp., Inc.
Beeler; Beeler Coop; The Beeler Cooperative Exchange.
Belpre; Farmers Elevator; The Pawnee County Cooperative Association.
Bosse Siding (P.O. Jetmore); Bosse Elevator; Bosse Grains, Inc.
Brenham (P.O. Haviland); Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa County, Kans.
Brewster; Coffey-Reid Elevator; Coffey-Reid Elevator, Inc.
Brewster; Coop Elevator; Farmers Co-operative Association.
Bucklin; Bucklin Grain Co.; Bucklin Grain Co., Inc.
Bucklin; The Bucklin Co-op Exchange Elevator; The Bucklin Cooperative Exchange.
Bunker Hill; Bunker Hill Elevator; Agco, Inc.
Cambridge; Holt Grain Co. Elevator; E. H. Holt, d.b.a. Holt Grain Co.
Carlton; Carlton Elevator; Farm Co-op Association.
Castleton; Farmers Grain Co. Castleton Elevator; The Farmers Cooperative Grain Co.
Charleston (P.O. Ingalls); Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Chase; Chase Co-operative Elevator; The Chase Co-operative Elevator, Mill and Mercantile Union.
Cheney; Cheney Co-op Elevator; The Cheney Co-operative Elevator Ass'n.
Cimarron; The Cimarron Co-operative Elevators; The Cimarron Co-operative Equity Exchange.
Cimarron; Southwestern Grain Elevator; Southwestern Grain, Inc.
Claflin; Coop Elevator; The Claflin Cooperative Association.
Clearwater; Clearwater Coop Elevator; Clearwater Cooperative Association.
Coffeyville; Coop Elevator; Farmland Industries, Inc.
Colby; Cooper Terminal; Cooper Grain, Inc.
Colby; Hi-Plains Co-op Elevator; The Hi-Plains Co-operative Association.
Coldwater; Farmers Elevator; The Protection Cooperative Supply Co.
Colwich; Farmers Elevator; The Andale Farmers Cooperative Co.
Concordia; Concordia Mill Elevator; W. Bennett, Jr. and J. D. Bennett, copartners, trading as Concordia Milling Co.
Conway Springs; Conway Springs Elevator; Charles P. Garretson, trading as Garretson Grain Co.
Conway Springs; The Farmers Cooperative Grain Association Elevator; The Farmers Co-operative Grain Association.
Coolidge; Coolidge Coop Elevator; South Eastern Colorado Co-op.
Coolidge; Sullivan Inc. Elevator; Sullivan, Inc.
Corning; Coop Elevator; The Nemaha County Co-operative Association.
Corwin; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.
Cullison; Farmers Grain Elevator; The Farmers Grain and Mercantile Company.
Culver; Culver Coop Elevator; Cooperative Sales and Services, Inc.
Danville; Danville Coop Elevator; Danville Cooperative Association.
Deerfield; Farmers Elevators; The Garden City Co-operative Equity Exchange.
Delphos; Delphos Coop Elevator; The Delphos Cooperative Association.
Dighton; Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.
Dillon (P.O. Hope); Dillon Elevator; Farm Co-op Association.
Dillwyn (P.O. Macksville); Coop Elevator; The Dillwyn Grain and Supply Co.
Dodge City; Dodge City Terminal Elevator; The Dodge City Terminal Elevator Co.
Dodge City; Casterline Elevator; Casterline Grain & Seed, Inc.
Dodge City; Grain Products Terminal Elevator; Grain Products, Inc.
Dorance; Dorance Elevator; Agco, Inc.
Douglass; Douglass Grain Co. Elevator; James L. Taylor, trading as Douglass Grain Co.
Edgerton; Coop Elevator in Edgerton; The Farmers Cooperative Association.
El Dorado; Taylor Elevators; Taylor Grain Company.
Ellsworth; Salina Terminal Elevators; The Salina Terminal Elevator Co.
Peterita (P.O. Hugoton); Peterita Co-op Elevator; The Farmers Co-Operative Grain and Supply Co.
Florence; Coop Elevator; The Burns Farmers Co-operative Union.
Fowler; Fowler Equity Elevator "B"; The Fowler Equity Exchange.
Fredonia; ADM Elevator; Archer-Daniels-Midland Company.
Furley (P.O. Valley Center); Furley Grain Elevator; The Furley Grain, Incorporated.
Galva; Galva Grain Elevator; Western Grain, Inc.
Garden City; Farmers Elevators; The Garden City Co-operative Equity Exchange.
Garden City; Lawrence Warehouse No. 8; Lawrence Warehouse Co.
Garden Plain; Farmers Cooperative Elevator; The Farmers Cooperative Elevator Co.
Garfield; Garfield Co-operative Elevator; The Garfield Co-operative Co.
Garnett; Garnett Elevator; Western Grain, Inc.
Goodland; Coffey-Ried Elevator; Coffey-Ried Grain, Inc.
Goodland; Monfort Elevator; Monfort Feeds Lots, Inc.
Grainfield; Farmers Elevator; The Gove County Cooperative Association.
Great Bend; Great Bend Elevators; The Great Bend Cooperative Association.
Green; Lippert Elevator; Maxine Lippert Friederick as an Individual and Executrix of the Estate of Warren R. Lippert, trading as Lippert Grain Co.
Greensburg; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa County, Kans.
Gypsum; Moore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.
Hardtner; O. K. Elevators; The O. K. Co-operative Grain & Mercantile Co.
Harper; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.
Haven; Farmers Grain Co.; The Farmers Co-operative Grain Co.
Haselton; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.
Hickok (P.O. Ulysses); Sullivan, Inc., Elevator; Sullivan, Inc.
Hickok (P.O. Ulysses); Co-op Elevator; The Ulysses Co-Operative Oil and Supply Co.
Hoxie; Cooper Terminal; Cooper Grain, Inc.
Hugoton; Parker Elevator; Earl Bryan, trading as Parker Grain Co.
Hugoton; Hugoton Co-op Elevator; The Farmers Co-Operative Grain and Supply Co.
Hutchinson; Kelly Elevator; The William Kelly Milling Company.
Hutchinson; Continental Elevator; Continental Grain Co.
Hutchinson; Grain Belt Elevator; The Salina Terminal Elevator Co.
Ingalls; Ingalls Grain Elevator; Ingalls Cooperative.
Inman; Chase Elevator; The Chase Grain Co., Inc.
Joy; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa County, Kans.
Junction City; Mid-Continent Elevator; Western Grain, Inc.
Kalvesta; Bosse Elevator; Bosse Grains, Inc.
Kanco (P.O. Tribune); Greeley County Coop Elevator; The Greeley County Cooperative Association.
Kanorado; Coffey-Reid, Inc. Elevator; Coffey-Reid, Inc.
Kanorado; Kanorado Co-op Elevator; The Kanorado Co-operative Association.
Kansas City; Turnpike Elevator; Seaboard Allied Milling Corp.
Kansas City; Bunge Elevator; Bunge Corp.
Kansas City; Far-Mar-Co Fairfax Elevator; Far-Mar-Co., Inc.
Kansas City; River-Rail Elevator; Bartlett and Co. Grain.
Kellogg (Route 2, Winfield); Kellogg Coop Elevator; Kellogg Farmers Union Cooperative Association.
Kensington; Kensington Coop Elevators; The Kensington Cooperative Association.
Kiowa; O. K. Elevators; The O. K. Co-operative Grain & Mercantile Co.
Kismet; Equity Elevator; The Plains Equity Exchange and Co-Operative Union.
LaCygne; Farmers Coop Elevator; The Linn County Farmers Cooperative Association.
Larned; Pawnee Elevators; The Pawnee County Cooperative Association.
Lawrence; Farmers Coop Elevator; The Farmers Cooperative Association.
Lowe (P.O. Holcomb); Farmers Elevators; The Garden City Co-operative Equity Exchange.
Lyons; Central Kansas Elevator; The Salina Terminal Elevator Co.
Lyons; Lyons Co-op Elevator; Lyons Co-operative Association.
Macksville; English Bros. Elevator; Robert H. English and William T. English, copartners, trading as English Grain Co.
Macksville; Farmers Co-op Assn. Elevator; Farmers Co-operative Association.
Maize; Maize Mills Elevator; Maize Mills, Inc.
Marienthal; West Plains Elevator; West Plains Grain, Inc.
Mayfield; Farmers' Co-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kans.
McPherson; Chase Elevator; The Chase Grain Co., Inc.
Meade; The Co-operative Elevators; The Co-Operative Elevator and Supply Co.
Milepost (P.O. Ulysses); Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Co.
Morrowville; Continental Elevator; Continental Grain Company.
Moscow; Thurow Elevator; Carl M. Thurow, trading as Carl G. Thurow & Sons.
Moscow; Brollier's C & D Elevator; C & D Grain, Inc.
Moscow; Moscow Elevator; Moscow Elevator Co., E. L. Gaskill, Inc.
Moscow; Moscow Co-op Elevator; The Farmers Co-Operative Grain and Supply Co.
Mullinville; Equity Exchange Elevator; The Equity Grain and General Merchandise Exchange.
Mulvane; Mulvane Co-op Elevator; The Mulvane Cooperative Union.
Nashville; Farmers Co-op Elevator; The Zenda Grain and Supply Co.
Neodesha; Neodesha Co-op Elevator; The Neodesha Cooperative Association.
Ness City; Co-Op Elevator; The Right Cooperative Association.

Newton; Ross Elevator; Ross Industries, Inc.
Oberlin; Decatur Co-op Elevator; The Decatur Cooperative Association.
Ottawa; Ottawa Co-op Elevator; The Ottawa Cooperative Association.
Overbrook; Overbrook Farmers Co-Op Elevator; The Overbrook Farmer's Union Co-Operative Association.
Oxford; Parity Elevator; Parity Mills, Inc.
Park; Farmers Elevator; The Gove County Cooperative Association.
Peabody; Peabody Co-op Elevator; The Peabody Cooperative Equity Exchange.
Pierceville; Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Pierceville; Christensen Elevator; Christensen Grain, Inc.
Plains; Equity Elevator; The Plains Equity Exchange and Co-operative Union.
Preston; Farmers Elevator; The Preston Grain & Mercantile Co.
Protection; Farmers Elevator; The Protection Cooperative Supply Co.
Putnam (P.O. Sedgwick); Galmeister Elevators; Frank Galmeister, trading as Galmeister Grain & Elevator.
Rock; Rock Elevator; Quentin F. Waples, d.b.a. Th. Rock Grain Co.
Rome (P.O. Wellington); Rome Elevator; McDaniel-[illegible]es, Inc.
Roxbury; [illegible]oore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.
Russell; Russell Elevator; Agco, Inc.
St. Francis; Equity Elevator; The St. Francis Mercantile Equity Exchange.
Salina; International Milling Co. Elevator; International Milling Co., Inc.
Satanta; Satanta Coop Elevator; The Satanta Cooperative Grain Co.
Scott City; Coop Elevator; The Scott Co-operative Association.
Scott City; Scott City Elevator; The Scott City Grain Co., Inc.
Sedgwick; Farmers Elevator; The Andale Farmers Cooperative Co.
Sedgwick; The Sedgwick Alfalfa Mills; Sedgwick Alfalfa Mills, Inc.
Selkirk; Greeley County Coop Elevator; The Greeley County Cooperative Association.
Sharon; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.
Sharon Springs; Sharon Elevator; The Wallace County Co-operative Equity Exchange.
Shields; Shields Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.
Shook (P.O. Anthony); Farmers Cooperative Elevators; Anthony Farmer's Cooperative Elevator Co.
South Haven; The Howell Elevator; Ray E. Howell, d.b.a. Howell Grain & Insurance.
St. John; Coop Elevator; The Dillwyn Grain and Supply Company.
Stafford; Stafford Coop; Stafford Coop.
Sterling; Farmers Elevator; The Farmers Cooperative Union.
Sublette; Haskell County Elevator; Haskell County Grain Company, Inc.
Sublette; Sublette Coop Elevator; The Co-operative Grain Dealers Union.
Syracuse; Jackson Elevator; Jackson Grain Co., Inc.
Tennis (P.O. Friend); Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Timken; Timken Coop Elevator; The Timken Cooperative Association.
Topeka; Far-Mar-Co. Topeka Elevator; Far-Mar-Co., Inc.
Tribune; Greeley County Coop Elevator; The Greeley County Cooperative Association.
Turon; Farmers Elevator; The Preston Grain & Mercantile Co.
Ulysses; Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Co.
Ulysses; Sullivan Inc. Elevator; Sullivan, Inc.
Valley Center; Valley Center Farmers Elevator, Inc.; Valley Center Farmers Elevator, Inc.
Wallace; Wallace Elevator; The Wallace County Cooperative Equity Exchange.
Wellington; Farmers' Co-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kans.
Wellington; Hunter Elevators; Ross Industries, Inc.
Weskan; Weskan Elevator; The Wallace County Cooperative Equity Exchange.
White City; Mor-Kan Elevator; Western Grain, Inc.
White Cloud; White Cloud Elevator; The White Cloud Grain Co., Inc.
Whitewater; Whitewater Elevator; The Whitewater Flour Mills Co.
Wichita; Public Terminal Elevator; Sam P. Wallingford, Inc.
Wilmore; Wilmore Elevator; The Bowersock Mills & Power Co.
Wilroads; Co-op Elevator; The Right Co-operative Association.
Wilson; Kyner Elevator; Kyner Elevators, Inc.
Wilson; Soukup Elevator; Arthur C. Soukup, trading as Soukup Grain Co.
Wolf; Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Wright; Co-op Elevators; The Right Co-operative Association.
Zenda; Farmers Co-op Elevator; The Zenda Grain and Supply Co.
Zenith; Farmers Elevator; Zenith Cooperative Grain Co.

KENTUCKY

Louisville; Kentucky Public Elevator; The Early and Daniel Co.
Louisville; Cargill Louisville Elevator; Cargill, Inc.
Louisville; Distillers' Grain Co. Elevator; Distillers' Grain Co., Inc.
Mayfield; Mayfield Milling Company Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

LOUISIANA

Abbeville; Planters Warehouse; Riviana Foods, Inc.
Ama; Farmers Export Elevator; Farmers Export Co.
Crowley; Acadia Warehouse; Riviana Foods, Inc.
Crowley; MFC Services (A.A.L.); Farmers' Warehouse.
Destrehan; Bunge Corporation Elevator; Bunge Corporation.
Destrehan; St. Charles Grain Elevator; Archer-Daniels-Midland Company, a corporation, and Garnac Grain Co., Inc., a joint venture, trading and doing business under the firm name and style of The St. Charles Grain Elevator Co.
Egan; Egan Warehouse; Riviana Foods, Inc.
Eunice; St. Landry Warehouse; Riviana Foods, Inc.
Gueydan; Gueydan Warehouse; Riviana Foods, Inc.
Kaplan; Agnes Warehouse; Riviana Foods, Inc.
Jennings; Northern Warehouse; Riviana Foods, Inc.
Lake Charles; Lake Charles Warehouse; Riviana Foods, Inc.
Lake Providence; Lake Providence Port Elevator; Lake Providence Port Elevator, Inc.
Myrtle Grove; Mississippi River Grain Elevator; Mississippi River Grain Elevator, Inc.
New Orleans; Public Grain Elevator of New Orleans; Public Grain Elevator of New Orleans, Inc.
Port Allen; Port of Baton Rouge Grain Elevator; Cargill, Inc.
Rayne; Rayne Warehouse; Riviana Foods, Inc.
Westwego; Continental Grain Elevator, Port of New Orleans; Continental Grain Co.

MARYLAND

Baltimore; Baltimore Terminal Elevator; Peavey Company.
Cambridge; Thomas Elevator; Carroll W. Thomas & Sons, Inc.
Williamsburg; Whiteley Elevator; W. O. Whiteley & Sons, Inc.

MICHIGAN

Adrian; Adrian Elevator; Adrian Grain Co.
Augusta; Knappen Elevator; Knappen Milling Co.
Dowagiac; Dowagiac Milling Co. Elevator; The Dowagiac Milling Co.
Hillsdale; Stock Elevator; DCA Food Industries, Inc.
Lowell; King Milling Co. Elevator; King Milling Co.

MINNESOTA

Breckenridge; Cargill Elevator; Cargill, Inc.
Columbia Heights; Cargill Minneapolis Flax Plant; Cargill, Inc.
Crookston; Cargill Elevator; Cargill, Inc.
Duluth; Capitol Elevator; International Milling Co., Inc.
Duluth; Cargill Duluth EHI Elevator; Cargill, Inc.
Duluth; Elevator A; General Mills, Inc.
Duluth; Peavey-Occident Elevator; Peavey Company.
Marshall; Cargill Elevator; Cargill, Inc.
Minneapolis; Belco Elevator; Burdick Grain Co.
Minneapolis; Soo Elevator; ADM Grain Co.
Minneapolis; Pillsbury "A" Elevator; The Pillsbury Company.
Minneapolis; Shoreham Elevator; Osborne-McMillan Elevator Company.
Minneapolis; Washburn Elevator; General Mills, Inc.
Minneapolis; Consolidated A; North Star Barge & Warehouse Corporation.
Minneapolis; Elevator "R"; Victoria Elevator Company of Minneapolis.
Minneapolis; Cargill Minneapolis "T"; Cargill, Incorporated.
Minneapolis; The Continental Elevator; Continental Grain Company.
Minneapolis; Midway Elevator; Bunge Corporation.
New Ulm; Burdick Elevator; Burdick Grain Co.
Port Cargill (P.O. Savage); Port Cargill Elevator C; Cargill, Inc.
Red Wing; Central Elevator; Central Soya of Minnesota.
Savage; Port Bunge; Bunge Corporation.
Savage; Port Cargill Elevator "A"; Cargill, Inc.
Savage; Port Continental Elevator; Continental Grain Company.
Shakopee; Peavey River Concrete Terminal; Peavey Company.
Sleepy Eye; Cargill Elevator; Cargill, Inc.
St. Paul; Capital B Elevator; International Milling Co., Inc.
St. Paul; Farmers Union Elevator; Farmers Union Grain Terminal Association.
St. Paul; Walsh Elevator; Walsh Grain Company.
St. Paul; Walsh River Terminal; Walsh River Terminal Corp.
St. Paul; Elevator D; ADM Grain Co.
Wesota; (P.O. Gluek); Cargill Elevator; Cargill, Inc.
Winona; Peavey Company Terminal Operations—Winona; Peavey Co.

MISSISSIPPI

Greenville; Greenville Warehouse; Riviana Foods, Inc.

Marks; Riverside Oil Mill; Riverside Oil Mill.

Natches; Cargill Natches Elevator; Cargill, Inc.

Pascagoula; Jackson County Terminal Elevator; Louis Dreyfus Corporation.

MISSOURI

Advance; Advance M.F.A. Elevator; M.F.A. Central Cooperative.

Albany; M.F.A. Elevator; M.F.A. Central Cooperative.

Armstrong; Coop Elevator; Mid-Missouri Farmers Cooperative.

Bernie; Bernie M.F.A. Elevators; M.F.A. Central Cooperative.

Bethany; M.F.A. Elevator; M.F.A. Central Cooperative.

Bethany; Bethany Elevator; Bethany Mill and Implement Company.

Boonville; Boonville M.F.A. Elevator; M.F.A. Central Coopeartive.

Brookfield; M.F.A. Elevator; M.F.A. Central Cooperative.

Brunswick; M.F.A. Central Cooperative Elevator; M.F.A. Central Cooperative.

Butler; Butler M.F.A. Elevator; M.F.A. Central Cooperative.

Callao; Callao Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Carrollton; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Caruthersville; M.F.A. Elevator; Missouri Farmers Association, Inc.

Center; Slater & Fowles Center Elevator; Slater and Fowles, Inc.

Centralia; M.F.A. Elevator; M.F.A. Central Cooperative.

Chillicothe; M.F.A. Elevator; M.F.A. Central Cooperative.

Chillicothe; Turner & Reed Elevator; Turner-Reed, Inc.

Clinton; Larabee Elevator; Archer-Daniels-Midland Co.

Columbia; Boone County M.F.A. Elevator; M.F.A. Central Cooperative.

Conception Junction; M.F.A. Elevator; Missouri Farmers Association, Inc.

Corning; Corning Elevator; Rickel, Inc.

Craig; Community Elevator; Rickel, Inc.

Dalton; Dalton Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Dearborn; Halferty Bros. Elevator; J. B. Halferty and Carl Halferty, copartners, doing business as Halferty Brothers.

Dudley; Dudley Grain Warehouse; The Arkansas Rice Growers Cooperative Association trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.

Elmo; M.F.A. Elevator; Missouri Farmers Association, Inc.

Elsberry; M.F.A. Elevator; M.F.A. Central Cooperative.

Essex; Essex M.F.A. Elevator; M.F.A. Central Cooperative.

Fayette; Coop Elevator; Mid-Missouri Farmers Cooperative.

Forest City; Cargill Elevator; Cargill, Inc.

Fortescue; Fortescue Elevator; The White Cloud Grain Company.

Gallatin; Froman Elevator; K. C. Froman, trading as Farmers Grain and Fertiliser.

Gallatin; Gallatin M.F.A. Elevator; M.F.A. Central Cooperative.

Gower; G.F.S. Elevator; Frederick L. Schuster, trading as Gower Feeders Supply.

Grant City; M.F.A. Elevator; M.F.A. Central Cooperative.

Gregory (P.O. Canton); Gregory Elevator; Gabe Logsdon & Sons, Inc.

Hamilton; Farmers Elevator; Farmers Produce and Grain Co.

Hannibal; Hannibal Terminal Elevator; Hannibal Grain Terminal, Inc.

Hardin; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Hayti; M.F.A. Elevator; Missouri Farmers Association, Inc.

Higginsville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.

Kansas City; Cargill Milwaukee Elevator; Cargill, Incorporated.

Kansas City; Chouteau Elevator; Simonds-Shields-Theis Grain Co.

Kansas City; Boulevard Elevator; Seaboard Allied Milling Corp.

Kansas City; K.C.T. Elevator; Kansas City Terminal Elevator Co.

Kansas City; Purina Soybean Elevator; Ralston Purina Company.

Kennett; Kennett Soybean Elevator; E. M. Regenold d.b.a. Kennett Soybean Co.

La Belle; M.F.A. Elevator; M.F.A. Central Cooperative.

Laddonia; M.F.A. Elevator; M.F.A. Central Cooperative.

Laddonia; Slater & Fowles Laddonia Elevator; Slater and Fowles, Inc.

Lamar; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.

Langdon; Langdon Elevator; J. Temple Bentley, d.b.a. Bentley Grain Co.

Lexington; M.F.A. Elevator; M.F.A. Central Cooperative.

Linneus; M.F.A. Central Cooperative Elevator; M.F.A. Central Cooperative.

Louisiana; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.

Macon; M.F.A. Elevator; M.F.A. Central Cooperative.

Marshall; M.F.A. Elevator; M.F.A. Central Cooperative.

Marston; E. B. Gee Cotton & Grain Co. Warehouse; E. B. Gee Cotton & Grain Co., Inc.

Marthasville; M.F.A. Elevator; M.F.A. Central Cooperative.

Martinsburg; Slater & Fowles Martinsburg Elevator; Slater and Fowles, Incorporated.

Maryville; M.F.A. Central Cooperative Elevator; Missouri Farmers Association, Inc.

Mexico; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.

Mexico; M-F-A Exchange Elevator; Missouri Farmers Association, Inc.

Moberly; M.F.A. Elevator; M.F.A. Central Cooperative.

Netherlands; MFA Elevator; Missouri Farmers Association, Inc.

New Franklin; New Franklin M.F.A. Elevator; M.F.A. Central Cooperative.

Norborne; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

North Kansas City; Monarch Elevator; Archer-Daniels-Midland Co.

North Kansas City; Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.

North Kansas City; F.M.A. Elevator; Flour Mills of America, Inc.

North Kansas City; International Milling Company Elevator; International Milling Co., Inc.

Orrick; Arnold Bros. Produce Warehouse; Arnold Bros. Produce.

Palmyra; Farmers Coop Elevator; Farmers Cooperative Services, Inc. of Palmyra, Mo.

Pattonsburg; Pattonsburg M.F.A. Elevator; M.F.A. Central Cooperative.

Perry; M.F.A. Elevator; M.F.A. Central Cooperative.

Phelps City (P.O. Rock Port); Stanton Elevator; Stanton Grain Co.

Poplar Bluff; Butler County Grain Warehouse; The Arkansas Rice Growers Cooperative Association, trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.

Osage City; Osage City Elevator; W. A. Rootes and Co.

Portageville; Cypress Supply Company Elevator; Cypress Supply Company.

Rea; Rea Elevator; Rea Grain & Feed Co.

Richmond; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Ristine (P.O. New Madrid); Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.

Salisbury; M.F.A. Elevator; M.F.A. Central Cooperative.

Senath; Senath Grain Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and Williams L. Evans, Jr.

Sedalia; M.F.A. Elevator; M.F.A. Central Cooperative.

Shelbina; M.F.A. Elevator; M.F.A. Central Cooperative.

Sheridan; M.F.A. Elevator; M.F.A. Central Cooperative.

St. Joseph; Far-Mar-Co St. Joseph Elevator; Far-Mar-Co., Inc.

St. Joseph; Bartlett Elevator; Bartlett and Co. Grain.

St. Joseph; Krause St. Joseph Elevator; Krause Milling Company.

St. Joseph; Mo-Kan Elevator; Mo-Kan Grain, Inc.

St. Joseph; Northwest Elevator; Northwest Grain Storage Corp.

St. Joseph; Burlington Elevator; The Pillsbury Co.

St. Joseph; B. & E. Elevator; The B. & E. Grain Co.

St. Louis; Missouri Pacific Elevator; Jerry W. Fowles, Trading as Fowles Grain Company.

St. Louis; Pillsbury St. Louis Elevator; The Pillsbury Company.

St. Louis; St. Louis Grain Corp. Elevator; St. Louis Grain Corp.

St. Marys; M.F.A. Elevator; M.F.A. Central Cooperative.

Stanberry; Alldredge Grain & Storage Elevator; Alldredge Grain & Storage, Inc.

Sumner; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Tebbetts; Rootes Elevator; W. A. Rootes and Co.

Trenton; Hoffman & Reed Elevator; Hoffman and Reed, Inc.

Trenton; M.F.A. Elevator; M.F.A. Central Cooperative.

Triplett; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Vandalia; M.F.A. Elevator; M.F.A. Central Cooperative.

Wakenda; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Watson; Stanton Elevator; Stanton Grain Co.

Wayland; Logsdon's Elevator; Gabe Logsdon & Sons, Inc.

NEBRASKA

Ashland; Kuhl-Reece Company's Elevator; Kuhl-Reece Co.

Aurora; Dowd Elevator; Dowd Grain Co., Inc.

Bancroft; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Beatrice; Farmers Cooperative Elevator; Farmers Cooperative Elevator Co.

Beaver Crossing; Farmers Elevators; Farmers Cooperative Co.

Bellwood; Farmers Elevator; Farmers Cooperative Grain Co.

Benedict; Farmers Grain Association Elevator; Farmers Co-Operative Grain Association of Benedict, Nebr.

Benkelman; Benkelman Elevators; Independent Elevators, Inc.

Berea (P.O. Alliance); Deaver Elevator; Deaver Grain Co., Inc.

Bertrand; Bertrand Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and Williams L. Evans, Jr.

Bixby; Bixby Cooperative Elevator; Bixby Cooperative Co.

Blair; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Bloomfield; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Brownville; Continental Elevator; Continental Grain Co.

Cambridge; Urling Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and Williams L. Evans, Jr.

Cedar Bluffs; Farmers Elevators; The Farmers Union Co-Operative Association of Cedar Bluffs, Nebr.

Central City; Levitt Elevator; Merrick County Grain Co.

Chappell; Farmers Elevators; Farmers Elevator Company, A Cooperative.

Coleridge; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Columbus; Farmers Grain Terminal; Foreman-Gammel Grain Co., Inc.

Cornlea; Continental Elevator; Continental Grain Co.

Craig; Farmers Union Elevator; Farmers Union Co-Operative Association.

Crete; Crete Mills Division Elevator; Lauhoff Grain Co.

Doane; Doane Elevators; Independent Elevators, Inc.

Dorchester; Farmers' Elevators; The Dorchester Farmers Cooperative Grain and Livestock Co.

Durant (P.O. Stromsburg); Richters Elevator; Elmer H. Richters, trading as Durant Grain Co.

Elmwood; Farmers Elevator; Farmers Cooperative Association of Elmwood, Nebr.

Elsie; Cooperative Elevator; Elsie Equity Cooperative Exchange.

Elsie; Kellogg Elevator; O. M. Kellogg Grain Co.

Fairbury; Farmers Union Co-op Elevator; Farmers Union Co-operative Association of Fairbury, Nebr.

Fremont; Far-Mar-Co., Fremont Elevator; Far-Mar-Co., Inc.

Fremont; Nebraska Consolidated Mills Elevator; Nebraska Consolidated Mills Co.

Friend; Friend Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Geneva; Koehler Elevator; A. Koehler Co.

Grand Island; Nebraska Consolidated Mills Elevator; Nebraska Consolidated Mills Co.

Grant; Co-Operative Elevator; The Grant Co-Operative Exchange.

Grant; Continental Elevator; Continental Grain Co.

Hartington; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Hartington; Hartington Elevator; Hartington Elevator Co.

Harvard; Farmers Elevators; The Farmers Union Co-operative Elevator Co.

Hastings; Garvey Elevator; Garvey Elevators, Inc.

Hemingford; Farmers Co-Operative Elevator; Farmers Co-operative Elevator Co.

Herman; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Imperial; Farmers Elevator; Frenchman Valley Farmers Cooperative, Inc.

Indianola; Urling Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Jacinto (P.O. Dix); Point of Rocks Elevator; Point of Rocks Elevators, Inc.

Laurel; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Lincoln; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc.

Lincoln; Far-Mar-Co Lincoln Elevator; Far-Mar-Co., Inc.

Lincoln; Fairchild Division Elevator; Honeggers' & Co., Inc.

Lincoln; Gooch Mill Elevators; Gooch Milling & Elevator Co.

Lincoln; ADM Elevator; Archer-Daniels-Midland Co.

Lyons; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Madrid; Madrid Elevator; Rickel, Inc.

Maywood; Farmers Elevators; Maywood Cooperative Association.

Nebraska City; Bartlett Elevator; Bartlett and Co. Grain.

Nebraska City; Mid States Terminal Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

North Bend; North Bend Elevator; North Bend Grain Co., Inc.

Oakland; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Ogallala; Cogil Elevators; Ogallala Grain, Inc.

Omaha; Allied Mills Elevator; Allied Mills, Inc.

Omaha; Far-Mar-Co Omaha Elevator; Far-Mar-Co., Inc.

Omaha; Illinois Central Elevator; ADM Grain Co.

Omaha; Nebraska Consolidated Mills Elevator; Nebraska Consolidated Mills Co.

Omaha; The Pillsbury Company Elevator "B"; The Pillsbury Company.

Omaha; Scoular-Welsh Omaha Elevator; Scoular-Welsh Grain Co.

Osceola; Farmers Grain Elevator; Farmers Cooperative Grain Co.

Osceola; Smith Elevator; Smith Grain Co.

Parks; Parks Elevator; Independent Elevators, Inc.

Potter; Point of Rocks Elevator; Point of Rocks Elevators, Inc.

Potter; Farmers Elevators; Potter Cooperative Grain Co.

Ranch Spur (P. O. Herman); Ranch Spur Elevator; H. C. Fankhouser and V. R. Fankhouser, copartners trading as Fankhouser Bros.

Red Willow; Urling Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Leslie H. Pihlblad, Robert F. Wilson, Philipp Kuhn and William L. Evans, Jr.

Rock Bluff (P.O. Plattsmouth); Far-Mar-Co Rock Bluff Elevator; Far-Mar-Co., Inc.

Rogers; Golden West Grain Co.'s Rogers Elevator; Golden West Grain Co.

Rosalie; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Roscoe; Roscoe Elevator; Roscoe Grain Company.

Schuyler; Golden West Grain Company's Elevator; Golden West Grain Co.

Scribner; Farmers Elevator; Farmers Cooperative Mercantile Co., Non-Stock.

Scribner; Scribner Elevator; Scribner Grain & Lumber Co.

Seward; Allied Mills Elevator; Allied Mills, Inc.

Shelton; Continental Elevator; Continental Grain Co.

Silver Creek; Farmers Grain Elevators; Farmers Cooperative Grain Co.

Staplehurst; Continental Elevator; Continental Grain Co.

Strang; Strang Grain Elevator; Strang Lumber and Grain Co.

Stromsburg; Farmers Elevators; Farmers Cooperative Grain Association of Stromsburg.

Superior; Scoular-Bishop Elevator; Scoular-Bishop Grain Co.

Tekamah; Farmers Elevator; Farmers Non-Stock Cooperative Grain Association.

Tekamah; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Thurston, Merry Elevator; Alvin Merry, trading as Merry Grain & Lumber Co.

Ulysses; Farmers Cooperative Elevators; Farmers Cooperative Grain & Supply Co.

Utica; Utica Co-operative Grain Company's Elevators; Utica Co-operative Grain Company.

Venango; Dudden Elevator; Dudden Elevator, Inc.

Venango; Farmers' Elevators; Farmers Union Cooperative Grain Co. of Venango, Nebr.

Verdel; Allied Mills Elevator; Allied Mills, Inc.

Wallace; Kellogg Elevator; O. M. Kellogg Grain Co.

Walthill; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Wauneta; Farmers Elevator; Farmers Cooperative Exchange.

Winnebago; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Winnebago; Merry Grain Company Elevator; Holmquist Elevator Co.

Winnetoon; Allied Mills Elevator; Allied Mills, Inc.

Winslow; Farmers Elevator; Farmers Cooperative Mercantile Company, Non-stock.

NEW MEXICO

Clovis; El Rancho Elevator; El Rancho Milling Co.

Clovis; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.

Clovis; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).

Clovis; Worley Mills Elevator; Worley Mills, Inc. (no stockholders' liability).

Grier; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.

Melrose; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.

Melrose; Melrose Elevator; Melrose Grain & Elevator Co., Inc.

Portales; Worley Mills Elevator; Worley Mills, Inc. (no stockholders' liability).

Texico; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).

Texico; State Line Elevator; State Line Grain, Inc.

Tucumcari; Farmers Elevator; Farmers Cooperative Association.

NEW YORK

Albany; Port of Albany Elevator No. 1; Cargill, Inc.

Buffalo; Cargill Electric Elevator; Cargill, Incorporated.

Buffalo; Cargill Superior Elevator; Cargill, Inc.

Buffalo; Cargill Pool Elevator; Cargill, Inc.
Buffalo; Continental Concrete Central Elevator; Continental Grain Company.
Buffalo; Standard Elevator; Standard Milling Co., d.b.a. Standard Milling Co., Inc., in New York State.

NORTH CAROLINA

Belcross; Tom Sawyer & Son Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Camden; Wood Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Elizabeth City; Continental Grain Elevator; Continental Grain Company.
Englehard; R. L. Gibbs and Co. Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Greenville; Fred Webb Elevator; James Fred Webb.
Monroe; Producers Feed Mill Warehouse; Warehouse Superintendent of the State of North Carolina.
Mooresville; Mooresville Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Newton Grove; House Grain Elevators; Warehouse Superintendent of the State of North Carolina.
Selma; Gurley Milling Co. Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Warsaw; Farmers Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Washington; Cargill Washington, N.C. Elevator; Cargill, Inc.
Wilson; Cargill Elevator; Cargill, Inc.

NORTH DAKOTA

Grand Forks; G–F Elevator; G–F Grain Co.
Jamestown; Garvey Elevator; Garvey Elevators, Inc.

OHIO

Arcanum; Continental Elevator; Continental Grain Company.
Chillicothe; Standard Elevator; The Standard Elevator and Supply Co.
Cincinnati; Fairmount and Riverside Elevators; The Early and Daniel Co.
Columbus; Farm Bureau Columbus Elevator; The Farm Bureau Cooperative Association, Inc.
Columbus; Continental Elevator; Continental Grain Co.
Columbus; Eshelman Grain Company Elevator; International Milling Co., Inc.
Coshocton; Coshocton Elevator; Coshocton Grain Co.
Fletcher; Fletcher Elevator; Shepard Grain Company, Inc.
Fostoria; Fostoria Elevator; The Ohio Farmers' Grain Corp.
Fostoria; Mennel Elevator; The Mennel Milling Co.
Glandorf; Glandorf Elevator; Glandorf Feed Company.
Green Camp; Green Camp Co-operative Elevator; The Green Camp Co-operative Elevator Company.
Harrison; J. A. Cornelius Grain Elevator; J. A. Cornelius.
Hume (R.R. No. 4, Lima); Hume Elevator; The Weiker Grain Company.
Kileville (P.O. R.R. No. 2, Plain City); Kileville Elevator; The Ohio Grain Company.
Lima; Cargill Lima Elevator; Cargill, Incorporated.
Mansfield; General Grain Elevator; General Grain, Inc.
Marysville; Marysville Elevator; The Ohio Grain Co.
Maumee; Cargill Toledo Elevator; Cargill, Inc.
Mechanicsburg; Mechanicsburg Elevator; The Ohio Grain Co.
Shelby; Shelby Equity Elevator; The Shelby Equity Exchange Co.
Spencerville; Farmers Union Co. Elevator; The Spencerville Farmers Union Co.
Thackery; Thackery Elevator; Shepard Grain Company, Inc.
Toledo; Cargill East Side Elevator; Cargill, Inc.
Troy; Troy Elevator; The Early and Daniel Company.
Van Wert; Weiker Elevator; The Weiker Grain Co.

OKLAHOMA

Afton; Afton Co-op Elevator; Afton Co-operative Association.
Apache; Apache Farmers Co-operative Apache Farmers Co-operative.
Baker; Riffe, Gilmore Elevator; Paul L. Wright, H. G. Riffe, George D. Riffe and Gerald L. Riffe, trading as Riffe, Gilmore and Co.
Beaver; Perryton Equity Elevator; Perryton Equity Exchange.
Bison; Farmers Elevator; Bison Cooperative Association.
Blackwell; Blackwell Co-op Elevator; Blackwell Co-operative Elevator Association.
Boise City; Consumer Elevators; Boise City Farmers Cooperative.
Braman; Braman Co-op Elevator; Blackwell Co-operative Elevator Association.
Broken Arrow; Farmers Co-op Elevator; Farmers Cooperative.
Buffalo; Buffalo Farmers Elevator; The Buffalo Farmers' Co-operative Elevator Co.
Cashion; Farmers Exchange Elevator; Farmers Exchange of Cashion.
Cherokee; Cherokee Mills Elevator; Flour Mills of America, Inc.
Cherokee; Farmers Elevator; Farmers Co-operative Elevator Association.
Clinton; Farmers Elevator; Farmers Co-operative Association.
Clyde; Clyde Elevator; Clyde Co-operative Association.
Cordell; Farmers Elevator; Farmers Co-operative Association.
Crescent; Crescent Cooperative Elevator; Crescent Cooperative Association.
Custer City; Farmers Elevator, Custer City Farmers Cooperative Exchange.
Deer Creek; Deer Creek Elevator; Clyde Co-operative Association.
Douglas; Farmers Elevators; Farmers Co-Operative Elevator Co. of Douglas.
Enid; Continental Elevator; Continental Grain Co.
Enid; Union Equity Co-operative Exchange Elevator; Union Equity Co-operative Exchange.
Enid; Enid Terminal Elevators; Interstate Grain Corp.
Fairview; Sooner Co-op Elevator; Sooner Cooperative, Inc.
Fargo; Farmers Elevator; Farmers Co-Operative Association.
Garber; Cooperative Elevator; Garber Co-operative Association.
Goodwell; Farmers Elevator; Farmers Elevator of Goodwell, Oklahoma, Inc.
Grandfield; Union Equity Elevator; Union Equity Co-operative Exchange.
Guymon; Knutson Elevator; Knutson Elevators, Inc.
Hardesty; Perryton Equity Elevator; Perryton Equity Exchange.
Helena; Farmers Elevator; Farmers Cooperative Association.
Hennessey; Farmers Co-operative Elevator; Farmers Elevator and Co-operative Association.
Hitchcock; Sooner Co-op Elevator; Sooner Cooperative, Inc.
Homestead; Sooner Co-op Elevator; Sooner Cooperative, Inc.
Hooker; Equity Exchange Elevator; The Hooker Equity Exchange.
Hough (P.O. Guymon); Hough Elevator; Knutson Elevators, Inc.
Hough; Riffe, Gilmore Elevator; Paul L. Wright, H. G. Riffe, George D. Riffe and Gerald L. Riffe, trading as Riffe, Gilmore and Co.
Hunter; Hunter Farmers Elevator; Farmers Grain Company.
Hydro; Farmers Elevator; Hydro Cooperative Association.
Imo; Imo Farmers Elevators; Farmers Co-operative Elevator Co.
Kingfisher; Kingfisher Cooperative Elevator; Kingfisher Cooperative Elevator Association.
Knowles; Perryton Equity Elevator; Perryton Equity Exchange.
Kremlin; Farmers Elevator; Farmers Grain Co.
Lamont; Lamont Elevator; Clyde Co-operative Association.
Lawton; Cooperative Elevator A; Lawton Cooperative Association.
Marshall; United Co-op Elevator; United Cooperative, Inc.
May; May Elevator; Woodward Cooperative Elevator Association.
Medford; Medford Elevator; Clyde Co-operative Association.
Miami; Miami Co-op Elevator; The Miami Cooperative Association.
Midway (P.O. Hooker); Midway Elevator; Knutson Elevators, Inc.
Mooreland; Farmers Co-Op Elevator; Farmers Co-operative Trading Co.
Mouser; Riffe, Gilmore Elevator; Paul L. Wright, H. G. Riffe, George D. Riffe and Gerald L. Riffe, trading as Riffe, Gilmore & Co.
Nardin; Cooperative Elevator; Clyde Co-operative Association.
Okeene; Sooner Co-op Elevator; Sooner Cooperative, Inc.
Oklahoma City; Garrison Elevator; Garrison Milling Company, Inc.
Perry; Farmers Cooperative Elevator; Farmers Cooperative Exchange.
Pond Creek; Farmers Elevator; Farmers Grain Co.
Ranch Drive (P.O. Ponca City); Ranch Drive Elevator; Farmers Cooperative Association.
Red Rock; Farmers Co-Op. Elevator; Red Rock Farmers Co-Operative.
Renfrow; Renfrow Elevator; Clyde Co-operative Association.
Saltfork; Saltfork Elevator; Clyde Co-operative Association.
Selman; Selman Farmers Elevator; The Buffalo Farmers' Co-Operative Elevator Co.
Shawnee; Shawnee Elevator; Shawnee Milling Co.
Tonkawa; Tonkawa Elevator; Farmers Co-operative Association.
Tuttle; MFC Elevator; Mid-Continent Farmers Co-op.
Vici; Farmer's Co-op. Ass'n Elevator; Farmers Cooperative Association of Vici.
Wakita; Farmers Co-operative Elevators; Farmers Co-operative Elevator Co. of Wakita.
Weatherford; Co-Op. Elevator; Farmers Co-operative Exchange.
Woodward; Woodward Elevator; Woodward Cooperative Elevator Association.
Yukon; MFC Elevator; Mid-Continent Farmers Co-op.

OREGON

Athena; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Biggs; Sherman Co-operative Grain Growers Warehouse; Sherman Co-operative Grain Growers.
Biggs; Moro Grain Growers Warehouse; Moro Grain Growers Association.
Bourbon; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc.
Condon; Condon Grain Growers Warehouse; Condon Grain Growers, Inc.
Downing; Weston Grain Growers Warehouse; Weston Grain Growers, Inc.

Dufur; Dufur Elevator; Dufur Elevator Co.
Eakin's Siding; Eakin Elevator; Eakin Co-operative Grain Growers.
Echo; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Elgin; The Elgin Flouring Mill Warehouse; The Elgin Flouring Mill Co.
Enterprise; Wallowa County Grain Growers Warehouse; Wallowa County Grain Growers.
Grass Valley; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc.
Haines; Haines Elevator; Haines Grain and Feed Co., Inc.
Helix; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.
Heppner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Hogue-Warner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Holdman; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Imbler; Grande Ronde Grain Warehouse; Grande Ronde Grain Co.
Ione; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Island City; Pioneer Flouring Mill Warehouse; Pioneer Flouring Mill Co.
Jordan; Jordan Elevator Company's Warehouse; Jordan Elevator Co.
Kent; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc.
LaGrande; LaGrande Milling Warehouse; LaGrande Milling Co.
Lakeview; Interstate Cooperative Elevator; Interstate Cooperative.
Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Maupin; Blue Line Exchange Warehouse; Blue Line Exchange.
McNab; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Mikkalo; Condon Grain Growers Warehouse; Condon Grain Growers, Inc.
Milton-Freewater; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Morgan; Morgan Elevator; John Eubanks.
Moro; Moro Grain Growers Warehouse; Moro Grain Growers Association.
North Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
North Powder; North Powder Milling and Mercantile Company's Warehouse; North Powder Milling and Mercantile Co.
Pendleton; Pendleton Grain Growers Warehouse No. 2; Pendleton Grain Growers, Inc.
Portland; Blue Line Exchange Warehouse; Blue Line Exchange.
Ruggs; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Umatilla; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Union; The Union Flouring Mill Warehouse; The Union Flouring Mill Co.
Weston; Weston Grain Growers Warehouse; Weston Grain Growers, Inc.

PENNSYLVANIA

High Spire; Highspire Flour Mills Elevator; Standard Milling Co.
Philadelphia; Girard Point Elevator; Tidewater Grain Co.

SOUTH CAROLINA

Anderson; Anderson Grain Elevator; South Carolina Farm Bureau Marketing Association.
Easley; Easley Grain Elevator; South Carolina Farm Bureau Marketing Association.
North Charleston; S.C. Farm Bureau Elevator; South Carolina Farm Bureau Marketing Association.

SOUTH DAKOTA

Aberdeen; Cargill Elevator; Cargill, Incorporated.
Beardsley; Terminal Grain Elevator; Terminal Grain Corporation.
Centerville; Centerville Grain Elevator; McMaster Grain Co.
Cresbard; Eichinger Elevator, Cresbard Grain Co.
Dallas; Farmers Elevator; Farmers Co-operative Association of Dallas, S. Dak.
Frankfort; Frankfort Elevator; Roscoe Grain and Feed Co., Inc.
Marion; Terminal Grain Elevator; Terminal Grain Corporation.
Milbank; Cargill Elevator; Cargill, Incorporated.
Monroe; Terminal Grain Elevator; Terminal Grain Corporation.
Onida; Oahe Elevator; Oahe Grain Corp.
Parker; Terminal Grain Elevator; Terminal Grain Corporation.
Redfield; Western Grain Elevator; Western Grain, Inc.
Roscoe; Roscoe Grain and Feed Co. Elevator; Roscoe Grain and Feed Co., Inc.
Trent; Cargill Elevator; Cargill, Incorporated.
Vermillion; Terminal Farm Service Elevator; Terminal Grain Corporation.
Wagner; Terminal Grain Elevator; Terminal Grain Corporation.
Winner; Deaver-Meyer Elevator; Deaver-Meyer Grain Co.
Woonsocket; Woonsocket Elevator; Roscoe Grain and Feed Co., Inc.

TENNESSEE

Chattanooga; Cargill Chattanooga Elevator; Cargill, Inc.
Franklin; Lillie Mills Elevator; Lillie Mills Elevators, Inc.
Memphis; ADM Elevator; ADM Grain Co.
Memphis; Riverside Elevator, No. 1; Bayside Warehouse Co.
Memphis; Port of Memphis Grain Elevator; Cargill, Inc.
Memphis; Cargill President Island Oil Plant; Cargill, Inc.
Memphis; Continental Memphis Elevator; Continental Grain Co.
Nashville; Continental Elevators; Continental Grain Co.
Union City; Warterfield Elevator; Warterfield Grain Co.

TEXAS

Adrian; Wheat Growers Elevator; Adrian Wheat Growers, Inc.
Amarillo; Interstate Grain Co. Warehouse; The Kearns Grain & Seed Co., Inc.
Amarillo; Producers Elevator; Producers Grain Corp.
Anna; Sherley Elevator; Norman E. Jones, trading as N. E. Jones Grain.
Beaumont; Beaumont Elevator; Continental Grain Co.
Black; Black Grain Co. Elevator; Friona Feed Yard, Inc.
Black; Tri-County Elevator; Tri-County Elevator Co., Inc.
Booker; Booker Equity Elevator: Booker Equity Union Exchange.
Bovina; Wheat Growers Elevator; Bovina Wheat Growers, Inc.
Bovina; Sherley Elevator; Sherley Grain Co.
Brownfield; Goodpasture, Inc.-Brownfield Elevator; Goodpasture, Inc.
Bushland; Neely Elevator; H. T. Neely and Wm. K. Irwin, copartners, doing business as Neely Elevator.
Canadian; Co-op Elevator; Canadian Grain Co-op.
Channelview; Cargill Houston Elevator; Cargill, Incorporated.
Comyn (P.O. Dublin); Harvest Queen Elevators; L. R. Stringer.
Conway; Coop Elevator; Conway Wheat Growers Inc.
Dalhart; Consumers Elevator; Dalhart Consumers Fuel Association, Inc.
Dalhart; Welch Elevator; T. I. Welch and Thompson Irwin Welch, copartners, trading as Welch Grain Co.
Darrouzett; Farmers Elevators; Darrouzett Cooperative Association.
Dawn; Dawn Co-op Elevator; Dawn Co-op.
Deer Park; Equity Export Elevator; Equity Export Corp., Inc.
Dimmitt; Farmers Elevator; Dimmitt Wheat Growers, Inc.
Dumas; Co-op Elevator; Dumas Co-op.
Etter (P.O. Dumas); Continental Elevator; Continental Grain Company.
Etter (P.O. Dumas); Etter Grain Company Elevator; Etter Grain Co., Inc.
Farnsworth; Batman Elevator; Batman Grain, Inc.
Farnsworth; Perryton Equity Elevator; Perryton Equity Exchange.
Farwell; Worley Grain Company Elevator; Worley Grain Co. (no stockholder's liability).
Farwell; Sherley-Anderson-Pitman Elevator; Sherley-Anderson-Pitman, Inc.
Follett; Farmers Grain & Supply Co. Elevator; Farmers Grain and Supply Co. of Follett.
Fort Worth; Katy Elevator; Bunge Corporation.
Fort Worth; Producers Elevator Section B; Producers Grain Corp.
Fort Worth; Boys Town of the Desert Elevator; Boys Town of the Desert.
Friona; Sante Fe Elevator; Continental Grain Co.
Friona; Farmers Cooperative Elevator; Friona Wheat Growers, Inc.
Frisco; Frisco Elevator; Continental Grain Co.
Galena Park; Goodpasture Elevator; Goodpasture, Inc.
Galveston; Galveston "B" Elevator; Port Richmond Elevator Company, Inc.
Groom; Wheat Growers Elevator; Groom Wheat Growers, Inc.
Groom; Wheeler-Evans Elevator; Wheeler-Evans Grain, Inc.
Hale Center; Wheat Growers Elevator; Hale Center Wheat Growers, Inc.
Hamlin; Moore Elevator; Fred B. Moore, Sr. and F. Barry Moore III, Independent Executors of the Estate of Fred B. Moore, Jr., deceased, trading as Moore Elevator.
Hart; Farmers Grain Elevator; The Farmers Grain Co., of Hart, Tex.
Hart; Hart Grain Co. Elevator; Hart Grain Co., Inc.
Hartley; Farmers Supply Company Elevators; Farmers Supply Company of Hartley, Tex.
Happy; Wheat Growers Elevator; Happy Wheat Growers, Inc.
Hereford; Farmers Co-op Elevator; Hereford Grain Corp.
Hereford; Pitman-Easley Elevator; Pitman-Easley Industries, Inc.
Hereford; Hereford Elevator; Continental Grain Co.
Higgins; Wheat Growers Elevator; Higgins Wheat Growers, Inc.
Holden Spur (P.O. Mexia); Harvest Queen Elevators; L. R. Stringer.
Huntoon; Perryton Equity Elevator; Perryton Equity Exchange.
Kaffir (P.O. Tulia); Wheat Growers Elevator; Tulia Wheat Growers, Inc.
Kress; Kress Farmers Elevator; Kress Farmers Elevator Co. of Kress, Tex.

Kress; Hipp Elevator; Geo. D. Hipp, Harold D. Hipp, Joe F. Hipp and James P. Hipp, Copartners, trading as Hipp Grain Company.
Lariat; Sherley-Anderson Elevator; Sherley-Anderson Grain Co.
Lockney; Patterson Elevator; Patterson Grain Co., Inc.
Lockney; Lockney Co-op Elevator; Lockney Cooperative Gin.
Lubbock; Goodpasture, Inc.-Lubbock Elevator; Goodpasture, Inc.
Lubbock; Producers Elevator; Producers Grain Corp.
Lubbock; Lubbock Feed Lots, Inc. Grain Elevator; Lubbock Feed Lots, Inc.
Mathis; Mathis Elevator; Mathis Grain & Elevator Corp.
McKibben (P.O. Spearman); Perryton Equity Elevator; Perryton Equity Exchange.
Morse; Perryton Equity Elevator; Perryton Equity Exchange.
Muleshoe; Muleshoe Elevator; The Kearns Grain & Seed Co., Inc.
Muleshoe; Farmers Cooperative Elevator; Farmers Cooperative Elevator of Muleshoe, Tex.
O'Donnell; Farmers Co-op Elevator; Farmers Co-Operative Association of O'Donnell, Tex.
Perryton; Perryton Equity Elevator; Perryton Equity Exchange.
Petersburg; Co-op Elevator; Petersburg Co-op Grain Co.
Plainview; Harvest Queen Elevator; L. R. Stringer.
Plainview; Plainsman Elevator; Plainsman Elevators, Inc.
Plainview; Producers Elevator; Producers Grain Corp.
Plainview; Southwestern Grain Elevator; Southwestern Grain, Inc.
Plainview; Cargill Plainview Elevator; Cargill, Inc.
Port Arthur; Cargill Port Arthur Elevator; Cargill, Inc.
Pringle; Perryton Equity Elevator; Perryton Equity Exchange.
Saginaw; Continental Elevator; Continental Grain Company.
Saginaw; Union Equity Ft. Worth Elevator; Union Equity Co-operative Exchange.
Silverton; Silverton Elevator; Silverton Elevators, Inc.
Spearman; Perryton Equity Elevator; Perryton Equity Exchange.
Sterley; Sterley Co-Op Elevator; Lockney Cooperative Gin.
Sudan; Feeders Elevator; Feeders Grain, Inc.
Suman Switch (P.O. Hearne); Harvest Queen Elevators; L. R. Stringer.
Sunray; Sunray Co-Op Elevator; Sunray Co-Op.
Texarkana; Pioneer of Texarkana Elevator; Pioneer Food Industries, Inc.
Texhoma; Wheat Growers Elevator; Texhoma Wheat Growers, Inc.
Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.
Tulia; Wheat Growers Elevator; Tulia Wheat Growers, Inc.
Tulia; Farmers Elevator; The Farmers Grain Co. of Tulia, Tex.
Tulia; Star Grain Co. Elevator; The Star Grain Co. of Tulia, Tex.
Tulia; Harvest Queen Elevators; L. R. Stringer.
Twitchell; Perryton Equity Elevator; Perryton Equity Exchange.
Vega; Wheat Growers Elevator; Vega Wheat Growers, Inc.
Vernon; Wilbarger Elevators; Wilbarger Elevators, Inc.
Waka; Perryton Equity Elevator; Perryton Equity Exchange.
Wichita Falls; Berend Bros. Elevator, Berend Brothers Feed Stores, Inc.
Wildorado; Wildorado Producers Elevator; Wildorado Producers Association.

UTAH

Cache Junction; West Cache Growers Warehouse; West Cache Growers, Inc.
Murray; Brookfield Elevator; Brookfield Products, Inc.
Richmond; Gilt Edge Flour Mills Warehouse; Gilt Edge Flour Mills, Inc.

VIRGINIA

Chesapeake; Cargill Norfolk Elevator; Cargill, Inc.
Luray; Luray Elevator; The Page Milling Co.
Norfolk; N. & W. Grain Elevator; Continental Grain Co.
Roanoke; City Mills Elevator; Roanoke City Mills, Inc.

WASHINGTON

Albion; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Asotin; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Centerville; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.
Colfax; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Connell; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Dayton; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Endicott; Wheat Growers of Endicott Warehouse; Wheat Growers of Endicott, Inc.
Fallon; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Frischnecht; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Glenwood; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Goldendale; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.
Hatton; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Huntsville; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Johnson; Johnson Union Warehouse; Johnson Union Warehouse Co.
Kahlotus; Kahlotus Cooperative Elevator; Kahlotus Cooperative Elevator Co.
Manning; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
McKay; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Mockonema; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Oakesdale; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.
Peyton; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.
Pomeroy; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.
Prescott; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Pullman; Dumas Seed Company Warehouse; Dumas Seed Co.
Pullman; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Rockford; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.
Roosevelt; Farmers Warehouse & Commission Co.; Farmers Warehouse & Commission Co.
Sperry; Washtucna Grain Growers Warehouse; Washtucna Grain Growers, Inc.
Starbuck; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Steptoe; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Sulphur; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Thornton; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Uniontown; Uniontown Co-Operative Warehouse; Uniontown Co-Operative Association.
Waitsburg; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Washtucna; Washtucna Grain Growers Warehouse; Washtucna Grain Growers, Inc.

WISCONSIN

Green Bay; Strid Grain Company Elevator; T. A. Strid and Roland G. Strid, copartners trading as Strid Grain Company.
La Crosse; Cargill La Crosse Elevator; Cargill, Inc.
Superior; Continental Elevator, Superior; Continental Grain Company.
Superior; Farmers Union Elevator; Farmers Union Grain Terminal Association.

WYOMING

Egbert; Point of Rocks Elevator; Point of Rocks Elevators, Inc.

Beans

C. For the storage of beans:

COLORADO

Town, Warehouse, and Warehouseman

Denver; Outwest Bean Warehouse; Outwest Bean, Inc.
Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners, trading as Romer Mercantile and Grain Co.
Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.
Eaton; Co-Op Bean Warehouse; The Potato Growers Co-operative Co.
Fowler; Fowler Warehouse; Fowler Cooperative Association.
Olathe; Co-op Warehouse; The Olathe Potato Growers Cooperative Association.
Pleasant View; San Juan Warehousses; San Juan Bean Growers, Inc.
Roggen; Roggen Farmer's Bean Warehouse; Roggen Farmer's Elevator Association.

IDAHO

Buhl; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".
Filer; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.
Hansen; L. W. Moore Warehouse; L. W. Moore.
Jerome; Marshall Warehouse; Marshall Warehouses, Inc.
Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".
Twin Falls; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.

TEXAS

Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.

Sirup

D. For the storage of sirup:

CALIFORNIA

Town, Warehouse, and Warehouseman

Anaheim; Anaheim Warehouse; Sioux Honey Association, Cooperative.
Stockton; Valley Honey Warehouse; Valley Honey Cooperative.

FLORIDA

Sunset Harbor (P.O. Summerfield); Sunset Harbor Warehouse; Sioux Honey Association, Cooperative.

Umatilla; Umatilla Warehouse; Sioux Honey Association, Cooperative.

GEORGIA

Waycross; Waycross Warehouse; Sioux Honey Association, Cooperative.

IDAHO

Wendell; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

IOWA

Sioux City; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

OHIO

Lima; Lima Warehouse; Sioux Honey Association, Cooperative.

TEXAS

Temple; Temple Honey Warehouse, Sioux Honey Association, Cooperative.

Wool

E. For the storage of wool:

IDAHO

Town, Warehouse, and Warehouseman

Lewiston; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "SHIELDS".

MISSOURI

Kansas City; Midwest Wool Warehouse; Midwest Wool Marketing Cooperative.

OHIO

Columbus; Ohio Wool Warehouse; The Ohio Wool Growers Cooperative Association.

SOUTH CAROLINA

Greenville; Black Hawk Warehouse; The Black Hawk Corporation.

Cottonseed

F. For the storage of cottonseed:

ARKANSAS

Town, Warehouse, and Warehouseman

Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Co.
Forrest City; Forrest City Cotton Oil Mill Warehouse; Forrest City Cotton Oil Mill, Inc.
Helena; Helena Cotton Oil Co.'s Warehouse; Helena Cotton Oil Co., Inc.
Osceola; Osceola Products Warehouse; Osceola Products Co.

LOUISIANA

West Monroe; Union Oil Mill Warehouse; The Union Oil Mill, Inc.

Nuts

G. For the storage of nuts:

NORTH CAROLINA

Town, Warehouse, and Warehouseman

Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

List of Warehouses Canceled or Terminated Since December 31, 1967

Cotton

A. For the storage of cotton.

ALABAMA

Athens; Cotton Mill Warehouse; Harold N. Lovvorn, an individual, trading as Cotton Mill Warehouse. Terminated, warehouseman elected not furnish bond.
Fort Deposit; Norman Bonded Warehouse; R. R. Norman, Sr., R. R. Norman, Jr., W. A. Norman, D. W. Norman and S. M. Norman, copartners, trading as Norman Trading & Milling Co. Terminated, failure furnish bond.
Guntersville; Guntersville Warehouse & Storage Co.; J. H. Alford and James Huston Alford, Executor of the Estate of Bennett Allae Alford, deceased, partners, d.b.a. Guntersville Warehouse and Storage Co. Canceled at warehouseman's request.
Troy; Alabama Warehouse; Alabama Warehouse Co. Canceled at warehouseman's request.

ARKANSAS

Conway; Federal Compress Warehouse; Federal Compress & Warehouse Co. Canceled at warehouseman's request.
Hope; Taylor Warehouse; Benton Taylor. Canceled at warehouseman's request.
Schumaker Base (P.O. Camden); Ordnance Plant Warehouse; Benton Taylor. Canceled at warehouseman's request.

GEORGIA

Ashburn; Strickland's Bonded Warehouse; Strickland's Warehouse Co., Inc. Terminated, warehouseman elected not furnish bond.
Doerun; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor. Canceled at warehouseman's request.
Eastman; Studstill Bonded Warehouse; S. W. Studstill. Terminated, failure furnish bond.
Elberton; Elberton Compress Warehouse; Mrs. Emily Elizabeth Asbury Jordan, James Stewart Asbury, Sr., and Maurice Beverly Asbury, Executors of the Last Will of the late J. E. Asbury, and Miss Mamie Jones and M. B. Asbury, copartners trading as Elberton Compress Co., Warehouse Division. Terminated, failure furnish bond.
Franklinton; Palmer and Gibbons Bonded Warehouse; Erma W. Palmer and Mary P. Gibbons, copartners, trading as Palmer and Gibbons Bonded Warehouse Co. Canceled at warehouseman's request.
Glennville; Glennville Bonded Warehouse; Durrence-Kicklighter Warehouse Co. Terminated, failure furnish bond.
Hawkinsville; Planters Bonded Warehouse; R. Thomas Bembry and Roger Coleman, copartners, trading as Planters Bonded Warehouse. Terminated, warehouseman elected not furnish bond.
Jefferson; Carter's Bonded Warehouse; James L. Carter, Executor of last will and testament of J. Z. Carter. Terminated warehouseman elected not furnish bond.
Jefferson; Jefferson Bonded Warehouse; James L. Carter and Vernon Carter, copartners trading as Carter's Warehouse and Fertilizer Co. Canceled at warehouseman's request.
Lawrenceville; W. O. Cooper Bonded Warehouse; John R. Cooper and H. L. Cooper, copartners trading as W. O. Cooper Cotton Warehouse. Terminated, failure furnish bond.
Locust Grove; Brown Bonded Warehouse; M. M. Brown. Terminated, warehouseman elected not furnish bond.
Milledgeville; Harrington's Bonded Warehouse; G. T. Harrington. Terminated, warehouseman elected not furnish bond.
Moultrie; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor. Canceled at warehouseman's request.
Ocilla; Planters Bonded Warehouse; A. G. Shiver. Terminated, failure furnish bond.
Rockmart; J. L. Lester & Son Bonded Warehouse; Raymond Lester, trading as J. L. Lester & Son. Terminated, failure furnish bond.
Royston; Royston Bonded Warehouse; McConnell Warehouse Co., Inc. Canceled at warehouseman's request.
Shady Dale; Banks-Kelly Bonded Warehouse; Banks-Kelly Co., Inc. Terminated, warehouseman elected not furnish bond.
Thomson; McDuffie Oil and Fertilizer Warehouse; McDuffie Oil and Fertilizer Co. Terminated, warehouseman elected not furnish bond.

MISSISSIPPI

Durant; Durant Bonded Warehouse; Claud C. Wilkes. Canceled at warehouseman's request.
Forest; Forest Compress Warehouse; Forest Compress & Ice Co. Canceled at warehouseman's request.
Greenwood; Union Compress Warehouse; Staple Cotton Services Association (A.A.L.). Canceled at warehouseman's request.
Quitman; Quitman Bonded Warehouse; Robert Bonney. Terminated, death of warehouseman.

NORTH CAROLINA

Clayton; Central Oil & Milling Co.'s Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Clayton; Cooper Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Dunn; Dunn Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Farmville; Morgan Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Gibson; Gibson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Goldsboro; Southern Cotton Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Goldsboro; Goldsboro Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Mount Gilead; Andrews Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Raleigh; Raleigh Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Red Springs; Red Springs Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Red Springs; Liberty Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Rocky Mount; Champion Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.
Tarboro; Fountain Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Canceled at warehouseman's request.

SOUTH CAROLINA

Branchville; Judy-Moorer Bonded Warehouse; Judy-Moorer Warehouse, Inc. Terminated, warehouseman elected not furnish bond.

Clinton; Clinton Bonded Warehouse, The Clinton Bonded Warehouse Co. Terminated, failure furnish bond.

Rock Hill; Anderson Cotton Warehouse; J. W. Anderson, Jr. Terminated, failure furnish bond.

Seneca; Seneca Bonded Warehouse; The Seneca Cotton Warehouse Co. Canceled at warehouseman's request.

TENNESSEE

Dyersburg; Associated W'H'SE; Associated W'H'SE Co. Canceled at warehouseman's request.

TEXAS

Bryan; Bryan Compress Warehouse; Bryan Compress & Warehouse Co. Canceled at warehouseman's request.

Marfa; Fort Russell Ranch Co. Warehouses; Fort Russell Ranch Co., Inc. Terminated, warehouseman elected not furnish bond.

O'Brien; O'Brien Cotton Warehouse; Farmers Compress Co. Canceled at warehouseman's request.

Temple; Temple Compress Warehouse; Central Texas Compress Co. Canceled at warehouseman's request.

Grain

B. For the storage of grain:

COLORADO

Denver; Garvey Elevator; Garvey Elevators, Inc. Warehouse closed.

Limon; Limon Co-op Elevator; Limon Co-operative Exchange, Inc. Failure to furnish bond.

Pritchett; Pritchett Co-op Elevator; The Springfield Co-Operative Sales Co. Failure to furnish bond.

Springfield; Co-Op Elevator; The Springfield Co-Operative Sales Co. Failure to furnish bond.

ILLINOIS

Atkinson; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Failure to furnish bond.

Birkbeck; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Failure to furnish bond.

Buffalo Hart; Young Elevator; Lloyd W. Young, trading as Lloyd W. Young Grain. Warehouse sold.

Cheneyville; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Discontinued lease.

DeWitt; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Failure to furnish bond.

Florence (P.O. Pittsfield); Pillsbury Florence Elevator; The Pillsbury Co. Warehouseman's request.

Forrest Township (P.O. Forrest); Midwest Warehouses; Midwest Grain Storage Co. Failure to furnish bond.

Gibson City; Moody Elevator; J. R. Moody, Jr., trading as Moody Feed & Farm Supply. Warehouseman's request.

Granite City; Cargill E. St. Louis Elevator "Q"; Cargill, Inc. Warehouse sold.

Indianola; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Discontinued lease.

Litchfield; Central States Elevator; Central States Grain Co. Failure to furnish bond.

Mansfield; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Failure to furnish bond.

Mattoon; Mattoon Elevator; Farmers Grain Co. of Dorans. Failure to furnish bond.

Mattoon (R.R. No. 3); Jones Switch Elevator; Dayrel Duzan, trading as Duzan Grain Co. Warehouseman's request.

Ottawa; Ottawa Coop Elevator; Ottawa Co-operative Grain Co. Warehouseman's request.

Paxton; Charles Shelby Elevator; R. L. Yancey, trading as Charles Shelby Grain Co. Failure to furnish bond.

Seymour; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Failure to furnish bond.

Waynesville; Martin Grain Company Elevator; Martin Grain Co. Warehouse sold.

INDIANA

Converse; General Grain Elevator; General Grain, Inc. Warehouse closed.

Cyclone (P.O. Frankfort); General Grain Elevator; General Grain, Inc. Discontinued lease.

Earl Park; General Grain Elevator; General Grain, Inc. Discontinued lease.

Farmland; General Grain Elevator; General Grain, Inc. Warehouse closed.

Gaston; General Grain Elevator; General Grain, Inc. Warehouse sold.

Judyville; Judyville Elevator; Judyville Grain Company. Failure to furnish bond.

Manson (P.O. Frankfort); General Grain Elevator; General Grain, Inc. Discontinued lease.

Martinsville (R.R. 6); Coleman Elevator; James K. Coleman, trading as Coleman Farm Service. Warehouseman's request.

Onward; General Grain Elevator; General Grain, Inc. Warehouse closed.

Orleans; General Grain Elevator; General Grain, Inc. Warehouse closed.

Pence; Pence Elevator; Pence Grain Company, Inc. Warehouse sold.

Reagan (P.O. Frankfort); General Grain Elevator; General Grain, Inc. Discontinued lease.

Scottsburg; General Grain Elevator; General Grain, Inc. Warehouse closed.

Seymour; Bliss Milling Co. Elevator; General Grain, Inc. Warehouse closed.

Summitville; General Grain Elevator; General Grain, Inc. Warehouse closed.

Sweetser; General Grain Elevator; General Grain, Inc. Warehouse closed.

Tab (P.O. Ambia); Tab Elevator; Tab Grain Co., Inc. Failure to furnish bond.

Westport; General Grain Elevator; General Grain, Inc. Warehouse closed.

Winchester; General Grain Elevator; General Grain, Inc. Warehouse closed.

IOWA

Bagley; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co. Failure to furnish bond.

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Fernald (P.O. Nevada); Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co. Warehouse sold.

Hayfield; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co. Warehouse sold.

Mallard; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co. Warehouse sold.

Miller; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co. Warehouse sold.

Sexton; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co. Failure to furnish bond.

Webb; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co. Warehouse sold.

KANSAS

Collyer; Coop Elevator; Collyer Cooperative Association, Inc. Warehouseman's request.

Lawrence; Concrete Elevator; The Bowersock Mills & Power Co. Warehouse closed.

Pleasanton; Pleasanton Mill Elevator; Pleasanton Mill & Elevator Co., Inc. Failure to furnish bond.

LOUISIANA

Delhi; Terrick Elevator; Lake Providence Port Elevator, Inc. Warehouseman's request.

Monticello (P.O. Lake Providence); Bayou Macon Elevator; Lake Providence Port Elevator, Inc. Warehouseman's request.

MINNESOTA

New Ulm; Valley Grain Co. Division Elevator; Fraser-Smith Co. Warehouse sold.

Storden; Terminal Grain Elevator; Terminal Grain Corporation. Warehouse sold.

MISSOURI

Browning; M. F. A. Elevator; M. F. A. Central Cooperative. Warehouseman's request.

Knob Noster; Knob Noster Elevator; W. J. Carr, Louis P. Lay and B. E. Carr, trading as Knob Noster Elevator Company. Failure to furnish bond.

Macon; Macon Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrom, Leslie H. Pihlblad and Robert F. Wilson, general partners. Discontinued lease.

Milan; M. F. A. Elevator; Missouri Farmers Association, Inc. Warehouseman's request.

NEBRASKA

Beemer; Continental Elevator; Continental Grain Co. Warehouse sold.

Lindsay; Continental Elevator; Continental Grain Co. Warehouse sold.

NORTH CAROLINA

Norwood; Norwood Grain Elevator; Lee Milling Co., Inc. Warehouseman's request.

OKLAHOMA

Alva; Alva Public Terminal Elevator; Flour Mills of America, Inc. Warehouse closed.

SOUTH DAKOTA

Lane; Lane Elevator; Roscoe Grain and Feed Co., Inc. Warehouse sold.

St. Charles; Continental Elevator; Continental Grain Co. Warehouse sold.

Wentworth; Cotton & Company Elevator; Cotton & Company. Warehouse sold.

TEXAS

Amarillo; Interstate Elevators; The Kearns Grain & Seed Co., Inc. Warehouse closed.

Chillicothe; Chillicothe Elevator; Violet Elaine Parks, Clara Miller and Bess Stewart, each individually, Violet Elaine Parks as trustee for Charles E. Robinson, Jr., and Holland Metcalf, doing business as Chillicothe Elevator. Warehouseman's request.

Dimmitt; Castro County Grain Company; Castro County Grain Company. Failure to furnish bond.

Edmonson; Wheat Growers Elevator; Edmonson Wheat Growers, Inc. Failure to furnish bond.

Plainview; Wes-Tex Elevator; Continental Grain Co. Warehouse closed.

WASHINGTON

Penawawa; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc. Warehouseman's request.

Broomcorn

C. For the storage of broomcorn:

KANSAS

Wichita; Denning Warehouse; John L. Denning & Co., Inc. Warehouseman's request.

Tobacco

D. For the storage of tobacco:

LOUISIANA

Town, Warehouse, and Warehouseman

Paulina; Louisiana Perique Tobacco Co. Warehouse; Ferrell J. Roussel, trading as Louisiana Perique Tobacco Co. Canceled at warehouseman's request.

Done at Washington, D.C., this 20th day of March 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-3520; Filed, Mar. 25, 1969; 8:46 a.m.]

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APR 1969
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Commodity Credit Corporation
Consumer and Marketing Service
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Proclamation 3903

CANCER CONTROL MONTH, 1969

By the President of the United States of America

A Proclamation

Cancer is the second greatest cause of death in the United States. And the death rate from this terrible disease is still rising.

In the past 25 years we have made progress in early diagnosis of certain types of cancer. Greater drug treatment has increased a victim's chances of survival.

While these medical advances are encouraging, it is evident that only the full-hearted commitment by all Americans to support the splendid efforts of our scientists, physicians, health administrators and volunteers will arrest this disease.

In recognition of the urgency of the cancer problem, the Congress, by a joint resolution of March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of April 1969 as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the United States flag to issue similar proclamations.

I also ask the medical and allied health professions, the communications industries, and all other interested persons and groups to unite during the appointed month in public reaffirmation of this Nation's efforts to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-3736; Filed, Mar. 26, 1969; 10:45 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Miscellaneous Amendments

Statement of considerations. On December 11, 1968, notice of proposed rule making regarding revision of the Part 68 regulations (7 CFR Part 68) was published in the FEDERAL REGISTER (33 F.R. 18380).

Interested parties were given 30 days in which to submit written data, views, or arguments regarding the proposed revision of the regulations. Written comments were received from only two parties. After consideration of all relevant matters, the revision as proposed is hereby adopted with certain minor changes made in the interests of clarity, consistency with delegations of authority, and coordination with regulations under the revised U.S. Grain Standards Act.

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), the provisions of 7 CFR Part 68 are hereby amended as follows:

1. In § 68.2, paragraphs (k), (l), and (m) are amended to read:

§ 68.2 Terms defined.

* * * * *

(k) Inspector: Any employee of the Department authorized by the Administrator, or any other person licensed by the Administrator, to inspect and certify the class, quality, quantity, or condition of specified commodities.

(l) Supervising inspector: Any employee of the Department authorized by the Administrator to inspect or certify the class, quality, quantity, or condition of specified commodities or designated by the Director to supervise the work of inspectors and official samplers.

(m) Official sampler: Any person licensed by the Administrator to draw samples of commodities for inspection or any employee of the Department authorized by the Director or by a supervising inspector to draw samples of commodities for inspection.

* * * * *

2. In § 68.4, paragraph (b) is amended to read:

§ 68.4 Kind and availability of service.

* * * * *

(b) Inspection under the regulations may be provided for commodities shipped or received in interstate commerce and may also be provided for commodities at important central markets and other places designated by the Director when he determines that such inspection will facilitate the marketing distribution, processing, and utilization of agricultural products through commercial channels.

§ 68.4a [Deleted]

3. Section 68.4a is deleted in its entirety.

§ 68.4b [Deleted]

4. Section 68.4b is deleted in its entirety.

5. Section 68.6 is amended to read:

§ 68.6 Who may inspect commodities.

The inspection of commodities shall be made by a person who has been authorized or licensed by the Administrator to perform such functions.

6. Section 68.15 is amended to read:

§ 68.15 Inspection certificate, form.

Each inspection certificate shall be approved by the Director as to form, shall state the results of the inspection, and shall embody within its written or printed terms only such statements of fact as may be required or authorized by the Director. No correction, erasure, or other change shall be made in the quality or quantity information on a certificate by official inspection personnel or any other person before or after issuance.

7. A new § 68.16a is added to read:

§ 68.16a Issuance of corrected certificate.

(a) If any error is made in an inspection certificate, a corrected inspection certificate may be issued in accordance with instructions issued by the Director. The term "error" shall be deemed to include any error of commission or error of omission.

(b) The original and copies of the corrected certificate shall be issued as promptly as possible to the same interested persons as received the incorrect certificate.

(c) The corrected certificate shall supersede the incorrect inspection certificate previously issued. The corrected certificate shall clearly identify by certificate number and date the incorrect certificate which it supersedes.

(d) The issuing inspector shall obtain the original and all copies of the superseded incorrect certificate if possible. If the inspector is unable to obtain the original and all copies of the superseded certificate, he shall, to the extent possible, notify all parties to the transaction, to prevent misuse of the superseded certificate.

§§ 68.17–68.20 [Deleted]

8. Section 68.17 is deleted in its entirety.

9. Section 68.18 is deleted in its entirety.

10. Section 68.19 is deleted in its entirety.

11. Section 68.20 is deleted in its entirety.

12. Section 68.21 is amended to read:

§ 68.21 How to obtain an appeal inspection.

An application for appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate. At the option of the appellant, an appeal inspection may be based on a new sample or an official file sample, but not both: *Provided*, That (a) if a new sample is requested, the lot can be positively identified by the Supervising Inspector as the lot which was previously inspected and the entire lot of the commodity is available and accessible for sampling and examination; and (b) the appeal inspection shall be limited to a review of the sampling procedure and analysis of the file sample when, as a result of the original inspection, the commodity was found to be contaminated with filth or to contain a deleterious substance. However, if it is determined that improper sampling procedures were followed in selecting the original sample, a new sample shall be selected and analyzed. The application for appeal inspection shall be made in writing or by telegraph and shall be filed in the office of a Supervising Inspector. The inspection certificate with respect to which the application for appeal inspection is made shall be submitted with the application or as soon thereafter as possible.

13. A new § 68.21a is added to read:

§ 68.21a When appeal inspection may be refused.

An application for an appeal inspection may be refused if (a) the reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the product has undergone a material change since the inspection covering the product on which the appeal inspection is requested; (c) a new sample is requested and the lot in question is not, or cannot be, made accessible for the inspection; (d) a new sample is requested and the lot relative to which appeal inspection is requested cannot be identified positively by the inspector as the lot which was previously inspected;

or (e) there is noncompliance with the regulations in this part. In cases under this paragraph, the applicant shall be notified promptly of the reason for refusal.

14. A new § 68.28a is added to read.

§ 68.28a Appeal to board of appeals and review.

Any party to an appeal of a grade of a graded commodity may make a further appeal to the board of appeals and review constituted for this purpose by the Director, except that if the initial appeal inspection is performed by the board of appeals and review, no further appeal may be made. If an appeal to the board is filed, a sample or samples of the commodity involved and all other evidence shall be immediately submitted to the board which shall make such examination and apply such tests as may be necessary to determine the grade of the commodity. Such board shall, if the regulations be complied with, issue or cause to be issued an appeal grade certificate showing the grade assigned by such board to the commodity, which appeal grade certificate shall supersede any grade certificate previously issued and shall be the final grade certificate.

15. Section 68.29 is amended to read:

§ 68.29 New inspection.

The provisions of §§ 68.4 to 68.28 with respect to inspections and appeal inspections shall not be construed to prevent any interested party from obtaining a new inspection on any commodity when the circumstances are such as to preclude an appeal inspection under the regulations, except that a new inspection may not be performed on an identifiable commodity lot that has been previously inspected and found to be contaminated with filth or to contain a deleterious substance. A certificate issued as a result of a new inspection shall not supersede any inspection certificate previously issued. An application for a new inspection shall not be restricted to the scope of any previous inspection and the applicant may request any or all of the inspection services provided for by the regulations in this part with the privilege of appeal inspection.

16. Section 68.35 is amended to read:

§ 68.35 Denial or withdrawal of inspection service.

(a) A denial or disciplinary withdrawal of inspection services may be made because of (1) any willful misrepresentation or deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application for inspection service; (2) any fraudulent or unauthorized use, alteration, or imitation of any certificate issued pursuant to the regulations; (3) any interference with or obstruction of any inspector or official sampler in the performance of his duties, by intimidation, threat, assault or any other improper means; or (4) any willful violation of the regulations.

(b) A conditional withdrawal of inspection services may be made for a correctable cause such as (1) failure to pay bills for inspection services, (2) insanitary plant conditions, or (3) plant conditions which would subject the inspector to unusual hazard or discomfort.

(c) The rules of practice governing denial or withdrawal of inspection and grading services (Part 50 of this chapter) shall be followed in the denial or withdrawal of service.

17. Section 68.36 is amended to read:

§ 68.36 Who may be authorized.

Any employee of the Department who has demonstrated that he possesses a thorough knowledge of a commodity and the standards, instructions, and procedures under which it is inspected may be authorized by the Administrator to inspect such commodity.

§ 68.42 [Amended]

18. In § 68.42, the item for "Reinspection" and all references to U.S. grain in Canada, and the protein and sedimentation testing of wheat are deleted from the schedule of Fees and Charges for certain Federal inspection services.

§§ 68.30–68.35 [Amended]

19. The term ", Reinspection," is deleted from the main heading for §§ 68.30 through 68.35.

§§ 68.45, 68.46, 68.51 [Amended]

20. The terms ", reinspection," and ", reinspections," are deleted from §§ 68.45, 68.46, and 68.51.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended, 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended; 33 F.R. 10750)

This document includes some changes not proposed in the notice of rule making. To conform the regulations with existing delegations of authority, the Administrator rather than the Secretary is designated as the official responsible for authorizing or licensing inspectors and samplers to perform services under these regulations. In addition, since the regulations under the United States Grain Standards Act now provide for the inspection of United States grain in Canada and the testing of wheat for sedimentation value or protein content, all references to these services have been deleted from the Part 68 regulations. Also, minor changes were made for clarity. None of these changes will adversely affect any person. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and public participation in the rulemaking procedure on the amendments are unnecessary.

Effective date. These amendments shall be effective 30 days after the date of publication in the FEDERAL REGISTER except for the deletion of all reference to the inspection of United States grain in Canada and the testing of wheat for protein content and sedimentation value. In order to allow time for the completion of outstanding contracts, these deletions shall be effective 180 days after the date of publication in the FEDERAL REGISTER.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 24th day of March 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-3648; Filed, Mar. 26, 1969; 8:52 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Cereal Leaf Beetle

On March 23, 1968, there was published in the FEDERAL REGISTER (33 F.R. 4926), a notice of hearing and proposed rule making concerning the issuance of a notice of quarantine relating to the cereal leaf beetle and regulations supplemental to said quarantine under the authority contained in sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee). It was proposed that the States of Illinois, Indiana, Michigan, Pennsylvania, and Ohio be quarantined. It was also proposed to regulate the movement therefrom of specified articles under certain conditions.

Interested persons were given an opportunity to submit written data, views, and arguments, and public hearing was held to consider the above proposals.

After due consideration of all relevant matters presented at the hearing or otherwise pursuant to the notice, and under the aforesaid authorities, Notice of Quarantine No. 84 relating to the cereal leaf beetle and regulations supplemental to said quarantine to appear in 7 CFR 301.84, 301.84–1 et seq. are hereby issued to read as follows:

QUARANTINE AND REGULATIONS

Sec.

301.84 Quarantine; restriction on interstate movement of specified regulated articles.
301.84–1 Definitions.
301.84–2 Authorization to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification, permit, or other requirements.
301.84–3 Conditions governing the interstate movement of regulated articles from quarantined States.
301.84–4 Issuance and cancellation of certificates and permits.
301.84–5 Compliance agreements; and cancellation thereof.
301.84–6 Assembly and inspection of regulated articles.
301.84–7 Attachment and disposition of certificates or permits.
301.84–8 Inspection and disposal of regulated articles and pests.
301.84–9 Movement of live cereal leaf beetles.
301.84–10 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 316, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485.

§ 301.84 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture has determined, after public hearing, that it is necessary to quarantine the States of Illinois, Indiana, Michigan, Ohio, and Pennsylvania in order to prevent the spread of the cereal leaf beetle (Oulema melanopus (L.)), a dangerous insect injurious to cereal crops, not heretofore widely prevalent or distributed within and throughout the United States. Under the authority of said provisions, the Secretary hereby quarantines the States of Illinois, Indiana, Michigan, Ohio, and Pennsylvania, with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.84–1(m) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Small grains such as barley, oats, and wheat, except grain sorghum.
(2) Soybeans.
(3) Ear corn (shelled corn is not regulated).
(4) Straw and hay, including marsh hay, except pelletized hay.
(5) Grass sod.
(6) Grass and forage seed.
(7) Fodder and plant litter.
(8) Used harvesting machinery.
(9) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (8) of this paragraph, when it is determined by an inspector that they present a hazard of spread of cereal leaf beetle, and the person in possession thereof has been so notified.

§ 301.84–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively to mean:

(a) *Cereal leaf beetle.* The insect known as the cereal leaf beetle (Oulema melanopus (L.)), in any stage of development.

(b) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(c) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(d) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(e) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.84–2.

(f) *Infestation.* The presence of the cereal leaf beetle or the existence of circumstances that make it reasonable to believe that cereal leaf beetle is present.

(g) *Inspector.* Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State, Territory, or District into or through any other State, Territory, or District of the United States (including Puerto Rico).

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertifiable regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(j) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(k) *Person.* Any individual, corporation, company, society, or association or other organized group of any of the foregoing.

(l) *Regulated area.* Any quarantined State or any portion thereof listed as a regulated area in § 301.84–2a or otherwise designated by the Director in accordance with § 301.84–2(a).

(m) *Regulated articles.* Any articles described in § 301.84(b).

(n) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(o) *Scientific permit.* A document issued by the Director to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(p) *Suppressive area.* That part of a regulated area where eradication of infestation is undertaken as an objective, as designated by the Director under § 301.84–2(a).

(q) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures To Be Used Under the Cereal Leaf Beetle Quarantine," the manual of "Procedures for Applying Soil, Surface, and Foliage Treatments for Regulatory Purposes," and the "Fumigation Procedures Manual," and any amendments thereto.[1]

§ 301.84–2 Authorization to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas.* (1) The Director shall list as regulated areas in a supplemental regulation designated as § 301.84–2a, the quarantined States, or portions thereof in which cereal leaf beetle has been found or in which there is reason to believe that cereal leaf beetle is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Director, in the supplemental regulation, may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions thereof in § 301.84–1. Less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(i) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(ii) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the cereal leaf beetle.

(2) The Director, or an authorized inspector, may temporarily designate any other premises in a quarantined State as a regulated area and a suppressive or generally infested area, in accordance with the criteria specified in subparagraph (1) of this paragraph for listing such areas, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.84–2a if a basis then exists for their designation.

(b) *Articles which are exempt from certification, permit, or other requirements.* The Director may, in a supplemental regulation designated as § 301.84–2b, list regulated articles which shall be exempt from the certification and permit or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

[1] Pamphlets containing such provisions are available, upon request from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

§ 301.84–3 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) From any regulated area, with certificate or permit issued and attached in accordance with §§ 301.84–4 and 301.84–7 if moved:

(1) From any regulated area into or through any point outside of the regulated areas; or

(2) From any generally infested area into or through any suppressive area; or

(3) Between any noncontiguous suppressive areas; or

(4) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of the spread of the cereal leaf beetle and the person in possession thereof has been so notified; or

(b) From any regulated area, without certificate or permit if moved:

(1) Under the provisions of § 301.84–2b which exempts certain articles from certificate and permit requirements; or

(2) From a generally infested area to a contiguous generally infested area; or

(3) From a suppressive area to a contiguous generally infested area; or

(4) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the cereal leaf beetle exists; or

(5) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(c) From any area outside the regulated areas, without a certificate or permit if the regulated articles are exempt under the provisions of § 301.84–2b or if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles, and if the movement is not made through any regulated area.

§ 301.84–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of circumstances involved in each specific case he determines that such movement will not result in the spread of the cereal leaf beetle and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

§ 301.84–5 Compliance agreements; and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.84–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.84–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such a manner as the inspector designates to facilitate inspection.

§ 301.84–7 Attachment and disposition of certificates or permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.84–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and cereal leaf beetles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Director.

§ 301.84–9 Movement of live cereal leaf beetles.

Regulations requiring a permit for, and otherwise governing the movement of live cereal leaf beetles in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Director.

§ 301.84–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

This document shall become effective April 1, 1969. It imposes restrictions that are necessary in order to prevent the dissemination of the cereal leaf beetle. Therefore, it should be made effective at the earliest practicable date in order to accomplish its purpose in the public interest. Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this document are unnecessary and impracticable, and good cause is found for making this document effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of March 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–3618; Filed, Mar. 26, 1969; 8:49 a.m.]

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Cereal Leaf Beetle

REGULATED AREAS

Under the authority of § 301.84–2 of the Cereal Leaf Beetle Quarantine regulations (7 CFR 301.84–2, 34 F.R. 5711), a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.84–2a, as follows:

§ 301.84–2a Regulated areas.

The civil divisions, and parts of civil divisions, described below, are designated as cereal leaf beetle regulated areas within the meaning of the provisions in this subpart:

ILLINOIS

Champaign County. Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 19 N., R. 9 E.; secs. 4, 5, 8, 9, 16, and 17, T. 20 N., R. 14 W.; and secs. 4 and 9, T. 22 N., R. 14 W.

Clark County. Secs. 22, 23, and 24, T. 12 N., R. 13 W.; and sec. 19, T. 12 N., R. 12 W.

Cook County. T. 35 N., R. 13 E.; T. 35 N., R. 14 E.; and secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 35 N., R. 15 E.

Douglas County. Secs. 28 and 33, T. 16 N., R. 14 W.

Ford County. Secs. 6, 7, 18, and 19, T. 27 N., R. 9 E.; and secs. 28 and 33, T. 23 N., R. 14 W.

Grundy County. Secs. 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 34 N., R. 7 E.; and secs. 19, 30, and 31, T. 34 N., R. 8 E.

Iroquois County. Secs. 30 and 31, T. 24 N., R. 12 W.; and secs. 25, 26, 27, 34, 35, and 36, T. 24 N., R. 13 W.

Livingston County. Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 27 N., R. 8 E.; and secs. 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 28 N., R. 8 E.

Moultrie County. Secs. 2, 3, and 4, T. 13 N., R. 4 E.; secs. 21, 22, 23, 26, 27, 28, 33, 34, and 35, T. 14 N., R. 4 E.; and sec. 11, T. 12 N., R. 5 E.

Shelby County. Secs. 9, 10, 14, 15, 16, 21, 22, 23, 26, 27, and 28, T. 12 N., R. 5 E.

Will County. T. 33 N., R. 12 E.; T. 34 N., R. 12 E.; T. 35 N., R. 12 E.; T. 33 N., R. 13 E.; T. 34 N., R. 13 E.; T. 33 N., R. 14 E.; T. 34 N., R. 14 E.; and secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 33 N., R. 15 E.; and secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 34 N., R. 15 E.

INDIANA

Adams County. The entire county.
Allen County. The entire county.
Bartholomew County. The entire county.
Benton County. The entire county.
Blackford County. The entire county.
Boone County. The entire county.
Brown County. The entire county.
Carroll County. The entire county.
Cass County. The entire county.
Clay County. The entire county.
Clinton County. The entire county.
Dearborn County. The entire county.
Decatur County. The entire county.
De Kalb County. The entire county.
Delaware County. The entire county.
Elkhart County. The entire county.
Fayette County. The entire county.
Fountain County. The entire county.
Franklin County. The entire county.
Fulton County. The entire county.
Grant County. The entire county.
Hamilton County. The entire county.
Hancock County. The entire county.
Hendricks County. The entire county.
Henry County. The entire county.
Howard County. The entire county.
Huntington County. The entire county.
Jackson County. The entire county.
Jasper County. The entire county.
Jay County. The entire county.
Jefferson County. The entire county.
Jennings County. The entire county.
Johnson County. The entire county.
Kosciusko County. The entire county.
Lagrange County. The entire county.
Lake County. The entire county.
La Porte County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Marshall County. The entire county.
Miami County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. The entire county.
Newton County. The entire county.
Noble County. The entire county.
Ohio County. The entire county.
Owen County. The entire county.
Parke County. The entire county.
Porter County. The entire county.
Pulaski County. The entire county.
Putnam County. The entire county.
Randolph County. The entire county.
Ripley County. The entire county.
Rush County. The entire county.
Shelby County. The entire county.
Starke County. The entire county.
Steuben County. The entire county.
St. Joseph County. The entire county.
Switzerland County. The entire county.
Tippecanoe County. The entire county.
Tipton County. The entire county.
Union County. The entire county.
Vermillion County. The entire county.
Vigo County. The entire county.
Wabash County. The entire county.
Warren County. The entire county.
Wayne County. The entire county.
Wells County. The entire county.
White County. The entire county.
Whitley County. The entire county.

MICHIGAN

Alcona County. The entire county.
Allegan County. The entire county.
Alpena County. The entire county.
Antrim County. The entire county.
Arenac County. The entire county.
Barry County. The entire county.
Bay County. The entire county.
Benzie County. The entire county.
Berrien County. That portion of the county lying outside the Benton Harbor Wholesale Fruit Market in Benton Harbor. The market is bounded by Territorial Road, Red Arrow Highway, and Crystal Avenue.
Branch County. The entire county.
Calhoun County. The entire county.
Cass County. The entire county.
Charlevoix County. The entire county.
Cheboygan County. The entire county.
Clare County. The entire county
Clinton County. The entire county.
Crawford County. The entire county.
Eaton County. The entire county.
Emmet County. The entire county.
Genesee County. The entire county.
Gladwin County. The entire county.
Grand Traverse County. The entire county.
Gratiot County. The entire county.
Hillsdale County. The entire county.
Huron County. The entire county.
Ingham County. The entire county.
Ionia County. The entire county.
Iosco County. The entire county.
Isabella County. The entire county.
Jackson County. The entire county.
Kalamazoo County. The entire county.
Kalkaska County. The entire county.
Kent County. The entire county.
Lake County. The entire county.
Lapeer County. The entire county.
Leelanau County. The entire county.
Lenawee County. The entire county.
Livingston County. The entire county.
Macomb County. The entire county.
Manistee County. The entire county.
Mason County. The entire county.
Mecosta County. The entire county.
Midland County. The entire county.
Missaukee County. The entire county.
Monroe County. The entire county.
Montcalm County. The entire county.
Montmorency County. The entire county.
Muskegon County. The entire county.
Newaygo County. The entire county.
Oakland County. The entire county.
Oceana County. The entire county.
Ogemaw County. The entire county.
Osceola County. The entire county.
Oscoda County. The entire county.
Otsego County. The entire county.
Ottawa County. The entire county.
Presque Isle County. The entire county.
Roscommon County. The entire county.
Saginaw County. The entire county.
Sanilac County. The entire county.
Shiawassee County. The entire county.
St. Clair County. The entire county.
St. Joseph County. The entire county.
Tuscola County. The entire county.
Van Buren County. The entire county.
Washtenaw County. The entire county.
Wayne County. The entire county.
Wexford County. The entire county.

OHIO

All counties in the State.

PENNSYLVANIA

Allegheny County. The entire county.
Armstrong County. The entire county.
Beaver County. The entire county.
Butler County. The entire county.
Clarion County. The entire county.
Crawford County. The entire county.
Erie County. The entire county.
Fayette County. The entire county.
Forest County. The entire county.
Greene County. The entire county.
Indiana County. The entire county.
Lawrence County. The entire county.
Mercer County. The entire county.
Venango County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Westmoreland County. The entire county.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.84–2)

This supplemental regulation shall become effective April 1, 1969.

The Director has determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that in each case designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the cereal leaf beetle. This determination has not been made concerning Ohio. Further, the Director of the Plant Pest Control Division has determined that infestations of the cereal leaf beetle exist or are likely to exist in the civil divisions and parts of civil divisions, in Illinois, Indiana, Michigan, and Pnnsylvania, listed above, or that it is necessary to regulate such localities bcause of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Therefore, the State of Ohio and the civil divisons and parts of civil divisions in the other States, listed above, are designated as cereal leaf beetle regulated areas.

This document imposes restrictions that are necessary in order to prevent the spread of the cereal leaf beetle. Therefore, it should be made effective at the earliest practicable date in order to accomplish its purpose in the public interest. Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are unnecessary and impracticable, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 21st day of March 1969.

D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 69-3620; Filed, Mar. 26, 1969; 8:49 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Cereal Leaf Beetle

EXEMPTIONS

Under authority of § 301.84-2 of the Cereal Leaf Beetle Quarantine regulations (7 CFR 301.84-2, 34 F.R. 5711), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.84-2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.84-2b Exempted articles.

(a) The following articles are exempt[1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains (except oats and barley), if cleaned to meet seed sales requirements of the State of origin.

(2) Grass and forage seed if cleaned to meet State seed sales requirements of the State of origin.

(3) Soybeans if transported in covered vehicles and moved to designated plants.[2]

(b) The following articles are exempt[1] from the certification, permit, and other requirements of this subpart under the applicable conditions prescribed in subparagraphs (1) through (5) of this paragraph:

(1) Small grains such as barley, oats, and wheat from December 1 of any year through the following May 31.

(2) Soybeans from March 16 of any year through the following August 31.

(3) Ear corn, other than sweet or fresh market corn, from April 1 of any year through the following July 31.

(4) Hay, except marsh hay, from January 16 of any year through the following May 31.

(5) Straw and marsh hay from March 1 of any year through the following June 30.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.84-2)

This list of exempted articles shall become effective April 1, 1969.

This document relieves certain restrictions which are not deemed necessary in order to prevent the interstate spread of the cereal leaf beetle. It should be made effective at the earliest practicable date in order to be of maximum benefit to persons subject to the restrictions being relieved. Accordingly, it is found under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are unnecessary and impracticable and good cause is found for making this document effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 21st day of March 1969.

D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 69-3619; Filed, Mar. 26, 1969; 8:49 a.m.]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Any plant is eligible for designation under this subpart if the operator thereof applies approved pesticides as outlined by an inspector, and enters a compliance agreement (as defined in § 301.84-1(c)). Information as to designated plants may be obtained from the inspector.

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 175]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.475 Navel Orange Regulation 175.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circmstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 25, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 28, 1969, through April 3, 1969, are hereby fixed as follows:

(i) District 1: 888,000 cartons;

(ii) District 2: 312,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3737; Filed, Mar. 26, 1969; 11:26 a.m.]

[Valencia Orange Reg. 268]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.568 Valencia Orange Regulation 268.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 25, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 28, 1969, through April 3, 1969, are hereby fixed as follows:

(i) District 1: 29,163 cartons;

(ii) District 2: 10,050 cartons;

(iii) District 3: 250,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as whe nused in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-3738; Filed, Mar. 26, 1969; 11:28 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1968-Crop Dry Edible Bean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968-Crop Dry Edible Bean Loan and Purchase Program

MATURITY OF LOANS

The regulations issued by the Commodity Credit Corporation published in 33 F.R. 8649 and containing specific requirements of the 1968-crop dry edible bean price support program are hereby amended as follows:

Section 1421.2482 is amended to extend the maturity date from April 30, 1969, to June 30, 1969, at the option of the producer and reads as follows:

§ 1421.2482 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1969, except that loans will mature, subject to earlier demand, on June 30, 1969, in cases where the producer requests such later maturity date no later than April 30, 1969.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 20, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-3647; Filed, Mar. 26, 1969; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,678]

PART 545—OPERATIONS

Notice Accounts and Deposits

MARCH 24, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) to authorize certain Federal savings and loan associations to issue accounts and deposits evidenced by notice books, and for the purpose of effecting such amendment, hereby amends said Part 545 as follows:

1. Subparagraph (2) of paragraph (b) of § 545.1-2 of the rules and regulations for the Federal Savings and Loan System is hereby amended to read as follows, effective June 1, 1969:

§ 545.1-2 Savings deposits.

* * * * * * *

(b) *Savings deposits.* * * *

(2) *Terms of savings deposits; membership and voting rights.* Except as provided in subparagraph (3) of this paragraph (b), savings deposits authorized by this section shall be upon the same terms and conditions and have the same characteristics as if they were savings accounts authorized by and subject to the provisions of the association's charter other than the charter provision aforesaid and the provisions of this subchapter other than this section, but, in the case of a deposit association whose charter does not include the provision set forth

in paragraph (b) of § 544.8 of this subchapter, such charter shall, for the purposes of this sentence, be deemed to include said provision. Holders of such savings deposits shall, to the same extent as if their holdings of such savings deposits were holdings of such savings accounts, be members of the association and have voting rights.

* * * * *

2. Paragraph (b) of § 545.3–1 of the rules and regulations for the Federal Savings and Loan System is hereby amended to read as follows, effective April 1, 1969:

§ 545.3–1 Distribution of earnings at variable rates.

* * * * *

(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1), (2), and (3) of this paragraph and such additional requirements as the board of directors may impose, except that the board of directors shall not authorize the issuance of accounts evidenced by notice-account books pursuant to subparagraph (2) of this paragraph unless the association's charter contains the sentence specified in paragraph (b) of § 544.8 of Part 544 of this Chapter V or the charter provision set forth in paragraph (a) of § 545.1–3 of Part 545 of this Chapter V.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b); and publication of said amendments for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–3650; Filed, Mar. 26, 1969; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68–EA–143]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 1564 of the FEDERAL REGISTER for January 31, 1969, the Federal Aviation Administration published proposed regulations which would alter the Jefferson, Ohio, transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), DOT Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on March 13, 1969.

R. M. BROWN, *Acting Director, Eastern Region.*

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Jefferson, Ohio, transition area the phrase "VOR 061° radial extending from the 5-mile radius area to 8 miles northeast of the VOR." and insert the following in lieu thereof:

VORTAC 061° radial extending from the Ashtabula-Jefferson Airport 5-mile radius area to 8 miles northeast of the VORTAC; within a 5-mile radius of the center 41°46'40" N., 80°41'30" W., of Ashtabula County Airport, Ashtabula, Ohio, and within 2 miles each side of the Jefferson, Ohio, VORTAC 243° radial, extending from the VORTAC to 8 miles southwest of the VORTAC.

[F.R. Doc. 69–3611; Filed, Mar. 26, 1969; 8:49 a.m.]

[Airspace Docket No. 69–EA–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 1566 of the FEDERAL REGISTER for January 31, 1969, the Federal Aviation Administration published proposed regulations which would designate a Bennington, Vt., transition area over Bennington Municipal Airport.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. A recent action by the State of Vermont requires changing the name of the Bennington Municipal Airport to Bennington State Airport.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on March 13, 1969.

R. M. BROWN, *Acting Director, Eastern Region.*

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Bennington, Vt., transition area described as follows:

BENNINGTON, VT.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°53'30" N., 73°14'50" W. of Bennington State Airport, Bennington, Vt., and within 2 miles each side of the Cambridge, N.Y., VOR 145° radial, extending from the 5-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

[F.R. Doc. 69–3612; Filed, Mar. 26, 1969; 8:49 a.m.]

[Airspace Docket No. 69–SO–7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

Correction

In F.R. Doc. 69–3347 appearing at page 5431 in the issue of Thursday, March 20, 1969, the docket number should read as set forth above.

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9492; Amdt. 95–178]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current change-over points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective May 1, 1969, as follows:

1. By amending Subpart C as follows:

From, To, and MEA

Section 95.1001 *Direct routes—United States* is amended to delete:

Crab INT, Fla.; Neptune INT, Fla.; **2,000. *5,000—MRA. **1,300—MOCA.
Cutler INT, Fla.; Biscayne, Fla., VOR; *1,500. *1,100—MOCA.
Egmont Keys, Fla., NDB; Crab INT, Fla.; *2,000. *1,200—MOCA.
Golden Beach INT, Fla.; Miami, Fla., VOR; 2,000.
Goshen INT, Ala.; Montgomery, Ala., VOR; 3,500.
Int. 296° M rad, BSY and 147° M rad., MIA; Miami, Fla., MFA ILS localizer; crs; *1,500. *1,300—MOCA.
Jacksonville, Fla., VOR; Gainesville, Fla., VOR; 18,000. MAA—4,500.
Key West, Fla., LFR; Sea Lion INT, Fla.; *2,000. *1,300—MOCA.
Marathon, Fla., LF/RBN; Balboa INT, Fla.; *2,000. *1,200—MOCA.
Neptune, INT, Fla.; Grand Isle, La., NDB; *2,000. *1,300—MOCA.
Nimrod INT, Fla.; Halibut INT, Fla.; 5,000.
Panama City, Fla., VOR, North Gate INT, Fla.; *1,800. *1,500—MOCA.

Panama Routes

V–2:
Juliette—2; France, Field, Canal Zone, VOR; *10,000. *1,300—MOCA.
V–3:
Quebec—3; France Field, Canal Zone, VOR; *10,500. *1,300—MOCA.
V–4:
Zulu—3; France Filed, Canal Zone, VOR; *12,500. *1,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Crab INT, Fla.; Egmont Key, Fla., NDB; *2,000. *1,200—MOCA.
Florence, S.C., VOR; via FLO 148°/CRE 277°; Myrtle Beach, S.C., VOR; *2,500. *1,600—MOCA.
Gossett INT, Ala.; La Grange, Ga., VOR; *4,000. *2,600—MOCA.
Grand Isle, La., NDB; *Neptune INT, Fla.; **2,000. *5,000—MRA. **1,300—MOCA.
Neptune INT, Fla.; Crab INT, Fla.; **2,000. *5,000—MRA. **1,300—MOCA.
Panama City, Fla., VOR; Greenhead INT, Fla.; *1,800. *1,500—MOCA.
*Redding, Calif., VOR; Tomhead INT, Calif., northeastbound 6,000; southwestbound 9,000. *5,000—MCA Redding VOR, southwestbound.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Florence, S.C., VOR; Myrtle Beach, S.C., VOR; *2,000. *1,600—MOCA.
Gainesville, Fla., VOR; Jacksonville, Fla., VOR; 2,000. 45,000—MAA.
Greenhead INT, Fla.; Marianna, Fla., VOR; 1,500.
Panama City, Fla., VOR; Greenhead INT, Fla.; *1,800. *1,500—MOCA.

Puerto Rico Routes

Route 7:
Georgia INT, P.R.; Point Tuna INT, P.R.; *6,000. *2,700—MOCA.

From, To, and MEA

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Raleigh, Durham, N.C., VOR; Harvey INT, Va.; *3,000. *1,700—MOCA.
Harvey INT, Va.; Nutbush INT, Va.; 2,500.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Cordova, Ill., VOR; Allen INT, Ill.; *2,400. *2,100—MOCA.
Allen INT, Ill.; Shabbona INT, Ill.; *2,500. *2,100—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to delete:

Omaha, Nebr., VOR via S alter.; Elliott INT, Iowa, via S alter.; *3,000. *2,400—MOCA.
Elliott INT, Iowa, via S alter.; Winterset INT, Iowa, via S alter.; *3,600. *2,600—MOCA.
Winterset INT, Iowa, via S alter.; Des Moines, Iowa, VOR via S alter.; *2,700. *2,300—MOCA.
Des Moines, Iowa, VOR via S alter.; Beech INT, Iowa, via S alter.; *2,500. *2,200—MOCA.
Beech INT, Iowa, via S alter.; Knoxville INT, Iowa, via S alter.; *2,700. *2,200—MOCA.
Knoxville INT, Iowa, via S alter.; Bussey INT, Iowa, via S alter.; *2,700. *2,200—MOCA.
Bussey INT, Iowa, via S alter.; Iowa City, Iowa, VOR via S alter.; *2,700. *2,200—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Cordova, Ill., VOR; Allen INT, Ill.; *2,400. *2,100—MOCA.
Allen INT, Ill.; Shabbona INT, Ill.; *2,500. *2,100—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Shawnee INT, Okla., via S alter.; Sapulpa INT, Okla., via S alter.; *5,500. *2,400—MOCA.
Tulsa, Okla., VOR; Adair INT, Okla.; *2,500. *2,200—MOCA.
Tulsa, Okla., VOR; via N alter.; Vinita INT, Okla., via N alter.; *2,600. *2,200—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Gage, Okla., VOR; Meade INT, Kans.; *4,400. *3,800—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Newman, Tex., VOR; *Morgan INT, N. Mex.; 9,000. *10,000—MRA.
Morgan INT, N. Mex.; Truth or Consequences, N. Mex., VOR; 10,000.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

Moline, Ill., VOR; Geneseo INT, Ill., 2,800.
Geneseo INT, Ill.; Wyanet INT, Ill.; *2,500. *2,100—MOCA.
Wyanet INT, Ill.; *Triumph INT, Ill.; **3,800. *3,800—MCA Triumph INT, westbound. **2,000—MOCA.

Section 95.6040 *VOR Federal airway 40* is amended to read in part:

Briggs, Ohio, VOR; Chester INT, W. Va.; 4,000.
Chester INT, W. Va.; Imperial, Pa., VOR; 3,000.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

Bloomer INT, Mich., via E alter.; Dyke INT, Mich., via E alter.; *2,700. *2,300—MOCA.

From, To, and MEA

Section 95.6043 *VOR Federal airway 43* is amended by adding:

Tiverton, via W alter., Ohio, VOR; Dalton INT, Ohio, via W alter.; 2,900.
Dalton INT, Ohio, via W alter.; Akron, Ohio, VOR via W alter.; 2,800.
Akron, Ohio, VOR via W alter.; Youngstown, Ohio, VOR via W alter.; 2,900.

Section 95.6064 *VOR Federal airway 64* is amended to read in part:

*Perris INT, Calif.; Coral INT, Calif.; **12,000. *11,000—MCA Perris INT, eastbound. **10,200—MOCA.
Coral INT, Calif.; *Thermal, Calif., VOR, eastbound **8,000, westbound **12,000. *12,000—MCA Thermal VOR, westbound. **7,500—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Randolph INT, Wis.; Timmerman, Wis., VOR; *3,100. *2,600—MOCA.

Section 95.6084 *VOR Federal airway 84* is amended to delete:

Malta INT, Ill.; Chicago O'Hare, Ill., VOR; *4,000. *2,500—MOCA.

Section 95.6084 *VOR Federal airway 84* is amended by adding:

Malta INT, Ill.; Northbrook, Ill., VOR; *3,000. *2,200—MOCA.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

Northbrook, Ill., VOR; Papi INT, Ill.; *2,500. *2,000—MOCA.
Papi INT, Ill.; *Sturgeon INT, Ill.; **2,500. *3,000—MRA. **1,600—MOCA.
Sturgeon INT, Ill.; *Tadpole INT, Mich.; **2,500. *3,200—MRA. **1,600—MOCA.
Tadpole INT, Mich.; Pullman, Mich., VOR; *2,500. *1,900—MOCA.
Pullman, Mich., VOR; Orangeville INT, Mich.; 2,900.
Orangeville INT, Mich.; Lansing, Mich, VOR; *2,900. *2,300—MOCA.
Peck, Mich., VOR; United States-Canadian border; *2,600. *1,900—MOCA.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Tulsa, Okla., VOR; Vinita INT, Okla.; *2,600. *2,200—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended by adding:

Chicago Heights, Ill., VOR; Joliet, Ill., VOR; *2,600. *2,300—MOCA.
Joliet, Ill., VOR; Lakewood INT, Ill.; *2,500. *2,200—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

Fort Dodge, Iowa, VOR; New Hartford INT, Iowa; *2,900. *2,700—MOCA.
Deming, N. Mex., VOR; *Morgan INT, N. Mex.; 9,000. *10,000—MRA.
Morgan INT, N. Mex.; Newman, Tex., VOR; 9,000.
Dubuque, Iowa, VOR; Lena INT, Ill.; *2,800. *2,600—MOCA.
Lena INT, Ill.; Rockford, Ill., VOR; *2,800. *2,500—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

Guthrie, Tex., VOR via S alter.; Int, 093° M rad, Guthrie VOR and 237° M rad, Wichita Falls VOR via S alter.; *5,000. *3,000—MOCA.

From, To, and MEA

Int, 093° M rad, Guthrie VOR and 237° M rad, Wichita Falls VOR via S alter.; °Wichita Falls, Tex., VOR via S alter.; °°3,000. °3,000—MCA Wichita Falls VOR, southwestbound. °°2,800—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

Fruitvale INT, Tex.; Gregg County, Tex., VOR; °2,500. °2,000—MOCA.

Section 95.6127 *VOR Federal airway 127* is amended to read in part:

Bradford, Ill., VOR; Wyanet INT, Ill.; °2,700. °2,100—MOCA.

Wyanet INT, Ill.; Polo, Ill., VOR; °2,600. °2,000—MOCA.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Peoria, Ill., VOR; Geneseo INT, Ill.; °2,500. °1,900—MOCA.

Geneseo INT, Ill.; Cordova, Ill., VOR; 2,600.

Cordova, Ill., VOR; Charlotte INT, Iowa; °2,600. °2,000—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Herndon, Va., VOR; Dayton INT, Md.; 4,500.

Dayton INT, Md.; Towson INT, Md.; 7,000.

Towson INT, Md.; Bel Air INT, Md.; 4,500.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Kinston, N.C., VOR; Rocky Mount, N.C., VOR; 2,300.

Dalton INT, Va.; Appomattox, INT, Va.; 1,800.

Appomattox, INT, Va.; Richmond, Va., VOR; 1,700.

Section 95.6176 *VOR Federal airway 176* is added to read:

Pontiac, Mich., VOR; United States-Canadian border; °3,000. °2,300—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Charlotte INT, Iowa; Lena INT, Ill.; °4,000. °2,200—MOCA.

Lena INT, Ill.; Janesville, Wis., VOR; °3,700. °2,100—MOCA.

Section 95.6223 *VOR Federal airway 223* is amended to read in part:

Herndon, Va., VOR; Mount Pleasant INT, Md.; 3,000.

Mount Pleasant INT, Md.; Keymar INT, Md.; °5,000. °2,700—MOCA.

Keymar INT, Md.; Harney INT, Md.; °5,000. °2,800—MOCA.

Harney INT, Md.; Harrisburg, Pa., VOR; 3,100..

Section 95.6224 *VOR Federal airway 224* is deleted:

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Guthrie, Tex., VOR; °Westover INT, Tex.; °°5,000. °5,000—MRA. °°3,000—MOCA.

Westover INT, Tex.; °Archer INT, Tex.; °°5,000. °4,000—MRA. °°3,000—MOCA.

Section 95.6285 *VOR Federal airway 285* is amended by adding:

Goshen, Ind., VOR; South Bend, Ind., VOR; 3,900.

Section 95.6294 *VOR Federal airway 294* is amended to read in part:

Cedar Rapids, Iowa, VOR; Solon INT, Iowa; °2,400. °2,000—MOCA.

From, To, and MEA

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

Carleton, Mich., VOR; Livingston INT, Mich.; °3,000. °2,300—MOCA.

Livingston INT, Mich.; Owosso INT, Mich.; °4,000. °2,100—MOCA.

Section 95.6337 *VOR Federal airway 337* is amended by adding:

United States-Canadian border; Dyke INT, Mich.; °2,300. °2,000—MOCA.

Dyke INT, Mich.; Bloomer INT, Mich.; °2,700. °2,300—MOCA.

Bloomer INT, Mich.; Saginaw, Mich., VOR; °3,000. °2,600—MOCA.

Section 95.6341 *VOR Federal airway 341* is amended by adding:

Cedar Rapids, Iowa, VOR; Dubuque, Iowa, VOR; 2,600.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

Honolulu, Hawaii, VOR; Palmtree INT, Hawaii; 4,000.

Palmtree INT, Hawaii; Penguin INT, Hawaii; 2,000.

Section 95.6450 *VOR Federal airway 450* is amended by adding:

Pompeii INT, Mich.; Muskegon, Mich., VOR; °4,000. °2,100—MOCA.

Section 95.6493 *VOR Federal airway 493* is amended to read in part:

Carleton, Mich., VOR; Livingston INT, Mich.; °3,000. °2,300—MOCA.

Livingston INT, Mich.; Flint, Mich., VOR; °2,800. °2,300—MOCA.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

Hattiesburg, Miss., VOR via W alter.; °Rose Hill INT, Miss., via W alter.; °°3,000. °3,000—MRA. °°2,000—MOCA.

Section 95.6475 *VOR Federal airway 475* is amended to read in part:

Deer Park, N.Y., VOR; Madison, Conn., VOR; 2,000.

Section 95.7010 *Jet Route No. 10* is amended to delete:

From, To, MEA, and MAA

Denver, Colo., VORTAC; Sidney, Nebr., VOR; 18,000; 45,000.

Sidney, Nebr., VOR; O'Neill, Nebr., VORTAC; 18,000; 45,000.

Section 95.7030 *Jet Route No. 30* is amended to delete:

Salt Lake City, Utah, VORTAC; Provo, Utah, VOR; 18,000; 45,000.

Provo, Utah, VOR; Meeker, Colo., VORTAC; 18,000; 45,000.

Meeker, Colo., VORTAC; Denver, Colo., VORTAC; 18,000; 45,000.

Denver, Colo., VORTAC; O'Neill, Nebr., VORTAC; #23,000; 45,000. #MEA is established with a gap in navigation signal coverage.

O'Neill, Nebr., VORTAC; Sioux Falls, S. Dak., VORTAC; 18,000; 45,000.

Sioux Falls, S. Dak., VORTAC; Minneapolis, Minn., VORTAC; 18,000; 45,000.

Section 95.7064 *Jet Route No. 64* is amended to read in part:

Bradford, Ill., VOR; Fort Wayne, Ind., VORTAC; 18,000; 45,000.

From, To, MEA, and MAA

Section 95.7080 *Jet Route No. 80* is amended to read in part:

Denver, Colo., VORTAC; Goodland, Kans., VORTAC; 18,000; 45,000.

Goodland, Kans., VORTAC; Hill City, Kans., VORTAC; 18,000; 45,000.

Section 95.7084 *Jet Route No. 84* is amended to read in part:

Currant, Nev., VOR; Delta, Utah, VORTAC; 18,000; 45,000.

Section 95.7114 *Jet Route No. 114* is added to read:

Salt Lake City, Utah, VORTAC; Provo, Utah, VORTAC; 18,000; 45,000.

Provo, Utah, VORTAC; Meeker, Colo., VORTAC; 18,000; 45,000.

Meeker, Colo., VORTAC; Denver, Colo., VORTAC; 18,000; 45,000.

Denver, Colo., VORTAC; O'Neill, Nebr., VORTAC; #23,000; 45,000. #MEA is established with a gap in navigation signal coverage.

O'Neill, Nebr., VORTAC; Sioux Falls, S. Dak., VORTAC; 18,000; 45,000.

Sioux Falls, S. Dak., VORTAC; Minneapolis, Minn., VORTAC; 18,000; 45,000.

Section 95.7118 *Jet Route No. 118* is amended to read in part:

Memphis, Tenn., VORTAC; Chattanooga, Tenn., VORTAC; 18,000; 45,000.

Chattanooga, Tenn., VORTAC; Spartanburg, S.C., VORTAC; 18,000; 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on March 18, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-3512; Filed, Mar. 26, 1969; 8:45 a.m.]

SUBCHAPTER I—AIRPORTS

[Docket No. 9256]

PART 169—EXPENDITURE OF FEDERAL FUNDS FOR NONMILITARY AIRPORTS OR AIR NAVIGATION FACILITIES THEREON

The purpose of this part is to implement the first two sentences of section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)) with respect to the written recommendation and certification by the Administrator, required by those provisions, that a proposed project is reasonably necessary for use in air commerce or in the interests of national defense. Section 308(a) requires such a recommendation and certification where Federal funds are to be expended for nonmilitary purposes for airports or air navigation facilities thereon. The new part does not change the established practice for issuing grants under the Federal Airport Act (49 U.S.C. 1101 through 1120).

The adoption of this part was proposed in Notice 68-30 and published in the FEDERAL REGISTER on November 22, 1968 (33 F.R. 17315). The two public comments received on the notice concurred in the proposal.

This part is now issued to facilitate the performance of the Administrator's functions under the first two sentences of section 308(a) of the Federal Aviation Act of 1958, as proposed but with one additional situation where application for recommendation and certification is unnecessary. Section 169.3(b) provides that, like approval of a project under section 9 of the Federal Airport Act, inclusion of an airport in the National Airport Plan also has the effect of a recommendation and certification. However, for this purpose, notice of construction or alteration required by Part 157 of the Federal Aviation Regulations must have been given, and the Administrator must have determined that there is no objection to the proposed construction or alteration.

Interested persons have been afforded an opportunity to participate in the rule making, and due consideration has been given to all matters presented.

In consideration of the foregoing, Title 14, Chapter I, of the Code of Federal Regulations is amended, effective April 26, 1969, by adding the following new Part 169 to Subchapter I.

Issued in Washington, D.C., on March 20, 1969.

D. D. THOMAS,
Acting Administrator.

Sec.
169.1 Applicability.
169.3 Application for recommendation and certification.
169.5 FAA determination.

AUTHORITY: The provisions of this Part 169 issued under secs. 308(a), 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1349(a), 1354(a)), and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).

§ 169.1 Applicability.

(a) This part prescribes the requirements for issuing a written recommendation and certification that a proposed project is reasonably necessary for use in air commerce or in the interests of national defense. The first two sentences of section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)): (1) Require such a recommendation and certification where Federal funds are to be expended for nonmilitary purposes for airports or air navigation facilities thereon; and (2) provide that any interested person may apply to the Administrator, under regulations prescribed by him, for a recommendation and certification.

(b) This part does not apply to projects for the expenditure of Federal funds for military purposes or for airports, or air navigation facilities thereon, operated by the Federal Aviation Administration.

§ 169.3 Application for recommendation and certification.

(a) Any interested person may apply to the Administrator for a recommendation and certification with respect to a proposed project for the acquisition, establishment, construction, alteration, repair, maintenance, or operation of an airport or an air navigation facility thereon by or in his interests, on which Federal funds are proposed to be expended for nonmilitary purposes. The application shall be filed with the Area Office in whose area the airport is located. The application must state—

(1) The name and address of the applicant, the owner of the airport, and the individual responsible for its operation and maintenance, and the interest of the applicant in the matter;

(2) The location of the airport, and of any air navigation facilities thereon;

(3) A technical description of the project;

(4) The information contained in the notice required by § 157.3 of this chapter; and

(5) All available pertinent data relating to the necessity of the airport or air navigation facility for use in air commerce including where applicable—

(i) The number and type of aircraft that use or would use the airport or facility;

(ii) The present and expected level of activity;

(iii) Any special use of the airport or facility such as its providing access to places of recreation as national forests or parks or to isolated communities where access by other means is not available or is curtailed by climatic condition; and

(iv) In the case of an airport or air navigation facility owned, operated, or maintained by a Federal agency other than the FAA, the relationship of the airport or facility to the performance of that agency's functions.

(b) Each of the following has the effect of a recommendation and certification, and a separate application under this part with respect thereto is not required:

(1) Approval of a project under section 9 of the Federal Airport Act (49 U.S.C. 1108).

(2) Inclusion of an airport in the National Airport Plan, if—

(i) Notice of construction or alteration required by § 157.3 of this chapter has been given; and

(ii) The Administrator has determined that there is no objection to the proposed construction or alteration.

§ 169.5 FAA determination.

(a) The Administrator issues a recommendation and certification if he finds that the airport or facility is reasonably necessary for use in air commerce or in the interests of national defense; that it conforms to all applicable plans and policies for, and allocations of, airspace; and that it otherwise complies with requirements of Federal law properly considered by the Administrator. The Administrator may grant the recommendation and certification subject to conditions that ensure conformity of the airport or facility with these standards.

(b) A recommendation and certification under this part, express or implied, does not extend to a modified version of an airport or facility to which it applies, or to an additional area or facility at the same airport.

(c) If the application is denied the Administrator notifies the applicant of the grounds for the denial. The Administrator may revoke a recommendation and certification for proper cause.

(d) The authority of the Administrator under this part is exercised by Area Managers as to airports or facilities located within their respective areas.

[F.R. Doc. 69-3613; Filed, Mar. 26, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Order Listing Polysorbate 60 as Optional Ingredient

In the matter of amending the definition and standard of identity for bread (21 CFR 17.1) to permit the use of polysorbate 60 as an optional ingredient:

Two comments, one favorable and one adverse, were received in response to the notice of proposed rule making in the above-identified matter that was published in the FEDERAL REGISTER of October 23, 1968 (33 F.R. 15662), and set forth a proposal by Atlas Chemical Industries, Inc., Wilmington, Del. 19899.

In the adverse comment the writer, recognizing that this compound is already authorized for use in a number of other foods, questioned whether published scientific data about the compound justify the proposed extended use. He has been informed of the scientific data available, and a copy of the letter to him is on file with the Department's Hearing Clerk.

An order amending the food additive regulation (21 CFR 121.1030) to provide for the safe use of polysorbate 60 as a dough conditioner in yeast-leavened bakery products is also published in this issue of the FEDERAL REGISTER.

Having considered the information submitted in the petition, the comments received, and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendment.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 17.1(a)(15) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) • • •

(15) Polysorbate 60, calcium stearoyl-2-lactylate, lactylic stearate, sodium stearyl fumerate, succinylated monoglycerides, ethoxylated mono- and diglycerides, alone or in combination, complying with the provisions of §§ 121.1030, 121.1047, 121.1048, 121.1183, 121.1195, and 121.1221, respectively, of this chapter; but the total quantity of such ingredient or combination is not more than 0.5 part for each 100 parts by weight of flour used.

• • • • •

Due to cross-references, this amendment to the standard for bread (§ 17.1) upon becoming effective will make polysorbate 60 a permitted ingredient of enriched bread, milk bread, rasin bread, and whole wheat bread (§§ 17.2 through 17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3590; Filed, Mar. 26, 1969; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

VERXITE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Zonolite Division, W. R. Grace & Co., Merchandise Mart Plaza, Chicago, Ill. 60654, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of verxite grits in ruminant feeds as a partial roughage replacement. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.222 is amended:

1. In paragraph (a) by revising the first sentence and subparagraphs (1)(i) and (2)(i) and by adding subparagraph (3).

2. By revising paragraph (b).

The affected portions read as follows:

§ 121.222 Verxite.

• • • • •

(a) The additive is a magnesium-aluminum-iron silicate conforming to one of the following:

(1) (i) Verxite granules: The additive contains a minimum of 98 percent of hydrobiotite; it is thermally expanded and has a bulk density of from 5 to 9 pounds per cubic foot.

• • • • •

(2) (i) Verxite flakes: The additive contains a minimum of 98 percent of hydrobiotite; it has a bulk density of from 20 to 30 pounds per cubic foot.

• • • • •

(3) (i) Verxite grits: The additive contains a minimum of 80 percent of hydrobiotite; it has a bulk density of from 40 to 50 pounds per cubic foot.

(ii) It is used or intended for use as a partial roughage replacement in ruminant feeds in an amount not to exceed that necessary to accomplish its intended effect and in no case to exceed one percent by weight of the final feed.

(b) To assure safe use of the additive, the label of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the name of the additive (verxite granules, verxite flakes, or verxite grits), adequate directions for use, and, when the additive is present in excess of 1 percent, a statement of the quantity of the additive contained therein and the term "nonnutritive" in juxtaposition therewith.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3593; Filed, Mar. 26, 1969; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SORBITAN MONOSTEARATE AND POLYSORBATE 60

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2362) filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sorbitan monostearate and polysorbate 60 as emulsifiers in formulations that contain white mineral oil and/or petroleum wax and are for use as protective coatings on raw fruits and vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. By adding to § 121.1029(c) a new subparagraph, as follows:

§ 121.1029 Sorbitan monostearate.

• • • • •

(c) • • •

(7) As an emulsifier, alone or in combination with polysorbate 60, in the minimum quantity required to accomplish the intended effect, in formulations of white mineral oil conforming with § 121.1146 and/or petroleum wax conforming with § 121.1156 for use as protective coatings on raw fruits and vegetables.

• • • • •

2. By adding to § 121.1030(c) a new subparagraph as follows:

§ 121.1030 Polysorbate 60.

• • • • •

(c) • • •

(12) As an emulsifier, alone or in combination with sorbitan monostearate, in the minimum quantity required to accomplish the intended effect, in formulations of white mineral oil conforming with § 121.1146 and/or petroleum wax conforming with § 121.1156 for use as protective coatings on raw fruits and vegetables.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3592; Filed, Mar. 26, 1969; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8J2240) filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of polysorbate 60 as a dough conditioner in yeast-leavened bakery products. Therefore, pursuant to the provision of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1030(c) is amended by adding thereto a new subparagraph, as follows:

§ 121.1030 Polysorbate 60.

• • • • •

(c) • • •

(11) As a dough conditioner in yeast-leavened bakery products in an amount not to exceed 0.5 percent by weight of the flour used.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3591; Filed, Mar. 26, 1969; 8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Carbon Tetrachloride; Scheduling of Hearing and Prehearing Conference Regarding Classifying as Banned Hazardous Substance

In the matter of classifying carbon tetrachloride and mixtures containing it (including that used in fire extinguishers) as "banned hazardous substances" (21 CFR 191.9) within the meaning of section 2(q)(1)(B) of the Federal Hazardous Substances Act:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of February 16, 1968 (33 F.R. 3076). Based on consideration given the comments received in response thereto, and other relevant information, the Commissioner of Food and Drugs published an order May 24, 1968 (33 F.R. 7685), adopting the proposal.

Thereafter, an objection to that order and request for public hearing was filed. Consequently, an order was published July 27, 1968 (33 F.R. 10715), staying the effective date of the order of May 24, 1968, pending resolution of the issues at a public hearing.

The Commissioner concludes that the objection states reasonable grounds for a hearing on the following issues:

1. Does carbon tetrachloride and mixtures containing it, when intended or packaged in a form suitable for use in the household, involve a hazard of such a degree or nature that notwithstanding cautionary labeling the protection of the public health and safety can be assured only by keeping such articles out of interstate commerce?

2. Do fire extinguishers containing carbon tetrachloride, when intended or packaged in a form suitable for use in the household, involve a hazard of such a degree or nature that notwithstanding cautionary labeling the protection of the public health and safety can be assured only by keeping such articles out of interstate commerce?

Therefore, pursuant to the provisions of said act (sec. 2(q)(1)(B), (2), 74 Stat. 372, 80 Stat. 1304; 15 U.S.C. 1261) and of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under authority delegated to the Commissioner (21 CFR 2.120), notice is hereby given that the public hearing provided for by the order of July 27, 1968 (33 F.R. 10715), will begin at 10 a.m. on Monday, April 28, 1969, in Room 5169, Health, Education, and Welfare Building North, 330 Independence Avenue SW., Washington, D.C. The hearing will continue thereafter at such times and places as directed by the hearing examiner.

A prehearing conference for the simplification of issues, exchange of documentary evidence, scheduling of witnesses, and such other matters as may aid in the disposition of the proceeding will be held in Room 5169, Health, Education, and Welfare Building North, 330 Independence Avenue SW., Washington, D.C., beginning at 10 a.m. on Monday, April 14, 1969.

Any person desiring to appear at the hearing or the prehearing conference should file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written notice of appearance (as specified in §§ 2.60 and 2.64 (21 CFR 2.60, 2.64)) setting forth his name, address, and employment. These written notices of appearance should be filed on or before April 14, 1969.

Any interested person intending to introduce documentary evidence at the hearing shall bring five copies thereof to the prehearing conference.

Mr. William E. Brennan, Food and Drug Administration, Room 3013, 200 C Street SW., Washington, D.C. 20204, is hereby designated to be the hearing examiner for this proceeding. He is authorized to conduct the hearing with full authority to administer oaths and affirmations and do all other things appropriate to the conduct of the hearing. At the conclusion of the hearing, the hearing examiner shall certify the record together with his report to the Commissioner for action.

Dated: March 21, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3627; Filed, Mar. 26, 1969; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter V—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

PART 1700—INTRODUCTION

In Title 24 a new Chapter V and Part 1700 are added as follows:

Subpart A—Authority and Organization

Sec.
1700.1 Scope of authority and purpose.
1700.5 Authority of Secretary.
1700.10 Delegation of authority.
1700.15 Establishment of office.
1700.20 Administrator.
1700.25 Principal divisions.
1700.30 Public information.

Subpart B—Delegations of Basic Authority and Functions

Sec.
1700.75 Administrator of the Office of Interstate Land Sales Registration and Deputy.
1700.80 Director of the Examination Division, Office of Interstate Land Sales Registration and Deputy.
1700.85 Director of the Administrative Proceedings Division, Office of Interstate Land Sales Registration and Deputy.

AUTHORITY: The provisions of this Part 1700 issued under sec. 1419, 82 Stat. 598, 12 U.S.C. 1718.

Subpart A—Authority and Organization

§ 1700.1 Scope of authority and purpose.

A land developer is required by the Interstate Land Sales Full Disclosure Act, Title XIV of Public Law 90-448, 82 Stat. 590, enacted on August 1, 1968 (hereafter in this part referred to as the Act) to make full disclosure in the sale or lease of certain undeveloped, subdivided land. The Act makes it unlawful (except with respect to certain exempted transactions) for any developer to sell or lease, by use of the mail or by any means in interstate commerce, any such land offered as part of a common promotional plan unless the land is registered with the Secretary of Housing and Urban Development and a printed property report is furnished to the purchaser or lessee in advance of the signing of an agreement for sale or lease.

§ 1700.5 Authority of Secretary.

Section 1416(a) of the Act vests authority and responsibility for its administration in the Secretary of Housing and Urban Development (hereafter in this part referred to as the Secretary), and authorizes the Secretary to delegate any of his functions, duties and powers thereunder to employees of the Department of Housing and Urban Development.

§ 1700.10 Delegation of authority.

(a) The Secretary has delegated to the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner (hereafter in this part referred to as the Assistant Secretary) all of the authority to exercise the power and authority vested in him under the Act with the exception of the following matters which the Secretary has retained and not redelegated:

(1) The authority to conduct hearings in accordance with 5 U.S.C. 556.

(2) The authority to issue orders or determinations after such hearings.

(3) The authority to sue and be sued.

(b) The Secretary has further authorized the Assistant Secretary to redelegate any of the delegated authority to each of the following:

(1) To employees under his jurisdictions, and to authorize successive redelegations thereof to subordinate employees.

(2) To Regional Administrators and to Deputy Regional Administrators, and to authorize successive redelegations thereof to Regional employees.

§ 1700.15 Establishment of office.

The Assistant Secretary has established, as an organizational unit of the Department of Housing and Urban Development, the Office of Interstate Land Sales Registration to administer the Act.

§ 1700.20 Administrator.

The Office of Interstate Land Sales Registration is headed by an Administrator designated by the Assistant Secretary.

§ 1700.25 Principal divisions.

The following Divisions have been established within the Office of Interstate Land Sales Registration:

(a) Examination Division.

(b) Administrative Proceedings Division.

§ 1700.30 Public information.

(a) *In general.* The identifiable records of the Office of Interstate Land Sales Registration are subject to the provisions of 5 U.S.C. 552, as implemented by Part 15—Public Information, Subtitle A, of this title.

(b) *Availability of information and records.* Information concerning land sales registrations and copies of statements of record may be obtained from the following address:

Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

In addition, statements of record may be reviewed at such address on any business day from 8:45 a.m. to 5:15 p.m.

(c) *Nonapplicability of exemptions authorized by 5 U.S.C. 552.* Section 1405(d) of the Act specifically provides that information contained in or filed with any statement of record shall be made available to the public. The exemptions from public disclosure authorized by 5 U.S.C. 552, as set forth in § 15.21 of this title, are not applicable to information contained in or filed with a statement of record.

Subpart B—Delegations of Basic Authority and Functions

§ 1700.75 Administrator of the Office of Interstate Land Sales Registration and Deputy.

To the position of Administrator of the Office of Interstate Land Sales Registration and under his supervision to the position of Deputy Administrator, there are delegated and assigned the following authorities and responsibilities.

(a) To exercise all powers vested in the Secretary of Housing and Urban Development by the Interstate Land Sales Full Disclosure Act and delegated to the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner, except the power of the Assistant Secretary to issue regulations under the act.

(b) To direct the operations of the Examination Division and the Administrative Proceedings Division.

(c) To accept and utilize on a reimbursable basis administrative, fiscal, technical, and other services of the Federal Housing Administration and of the Office of General Counsel, HUD, and the Inspection Division, HUD, as may be necessary to carry out the purposes of the Interstate Land Sales Full Disclosure Act.

§ 1700.80 Director of the Examination Division, Office of Interstate Land Sales Registration and Deputy.

To the position of Director of the Examination Division, Office of Interstate Land Sales Registration, and under his supervision to the position of Deputy Director there are delegated and assigned the following authorities and responsibilities:

(a) To receive and examine all statements of record and property reports filed under the provisions of the Interstate Land Sales Full Disclosure Act and all amendments and corrections to such statements.

(b) To determine the adequacy of disclosure of statements of record and property reports and amendments thereto and to effect corrections, additions, and deletions in such statements and reports deemed necessary to achieve the purposes of the Interstate Land Sales Full Disclosure Act.

(c) To find effective or to recommend to the Administrator that he declare not effective statements of record filed under the Interstate Land Sales Full Disclosure Act and to prepare and present evidence in connection with hearings and other administrative proceedings relative to statements of record declared not effective.

§ 1700.85 Director of the Administrative Proceedings Division, Office of Interstate Land Sales Registration and Deputy.

To the position of Director of the Administrative Proceedings Division, Office of Interstate Land Sales Registration, and under his supervision to the position of Deputy Director, there are delegated and assigned the following authorities and responsibilities:

(a) To receive, examine, and make determinations with respect to complaints arising from the alleged failure

of a developer subject to the Interstate Land Sales Full Disclosure Act to comply with the requirements of such Act and regulations issued thereunder and to negotiate resolution of such complaints and compliance by such developers.

(b) To recommend action by the Administrator to achieve compliance by developers deemed subject to the Act who have not complied with any or all of the requirements of the Act and regulations issued thereunder.

(c) To conduct, on his own initiative or in response to information received, reviews to determine the existence of such noncompliance and secure compliance with the requirements of the Interstate Land Sales Full Disclosure Act and regulations thereunder.

(d) To recommend suspension by the Administrator of statements of record on a determination of noncompliance with the requirements of the Interstate Land Sales Full Disclosure Act and regulations thereunder.

(e) To recommend action to secure permanent or temporary injunctions or restraining orders to prevent acts or practices in violation of the provisions of the Interstate Land Sales Full Disclosure Act and regulations thereunder and to require compliance therewith.

(f) To prepare and present evidence in connection with hearings or other administrative proceedings or injunctions or restraining orders in connection with suspensions of statements of record or other action in connection with noncompliance under the Interstate Land Sales Full Disclosure Act and regulations thereunder.

Issued at Washington, D.C., March 21, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-3629; Filed, Mar. 26, 1969; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

San Pablo Bay, Calif.

Section 204.216 is amended by revising the caption and by revising paragraph (b) to read as follows:

§ 204.216 San Pablo Bay, Calif.; gunnery range, Naval Inshore Operations Training Center, Mare Island, Vallejo.

* * * * *

(b) *The regulations.* The Commanding Officer, Naval Inshore Operations Training Center, Mare Island, Vallejo, will conduct gunnery practice in the area on Tuesday and Thursday of each week between 10 a.m., and 3 p.m. No vessels shall enter or remain in the danger zone during the above stated periods except those vessels connected with the gunnery practice operations. All firing will be from the southerly portion of the danger zone in a northerly direction, and only during good visibility. The area will be patrolled by boat and searched by radar to insure a clear range. A safety officer will always be aboard the firing boat to guarantee that all safety precautions are observed. The regulations in this section will be enforced by the Commandant, 12th Naval District and such agencies as he may designate.

[Regs., March 10, 1969, ENGCW-ON] (Sec. 4, 28 Stat. 362, 40 Stat. 892; 33 U.S.C. 1, 3)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69-3563; Filed, Mar. 26, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER C—UNINSPECTED VESSELS

[CGFR 69-18]

PART 24—GENERAL PROVISIONS

PART 25—REQUIREMENTS

Motorboat Definition; Rules of the Road Authority; and Fire Extinguishing Equipment

The Commandant, U.S. Coast Guard has ruled that any vessel of not more than 65 feet in length, permanently or temporarily equipped with propelling machinery, is a vessel "propelled by machinery" within the meaning of the Act of April 25, 1940, as amended (46 U.S.C. 526–526u). This document clarifies the definition of "Motorboat" contained in 46 CFR 24.10–17(a) to assure an interpretation consistent with the foregoing ruling.

The authority for 46 CFR 25.05–10 *Vessels operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road* is primarily based upon the Inland, Great Lakes, and Western Rivers Rules of the Road provisions contained in title 33, United States Code. Accordingly, this document effects a change in the authority note to include the appropriate authority from title 33, United States Code.

Effective January 1, 1965, 46 CFR 162.028–3 was amended to require that all dry chemical stored pressure type portable fire extinguishers manufactured after that date be fitted with a pressure gauge or device to provide visual indication of the range of pressure in the chamber (29 F.R. 12725–12726). Although not included in the codified language, a waiver of this new requirement was granted to extinguishers manufactured prior to January 1, 1965, provided certain maintenance and inspection requirements were met. To end confusion resulting from noncodification of the foregoing waiver, this document restates and amplifies the waiver conditions in the form of an amendment to Subchapter C of Title 46 of the Code of Federal Regulations.

Since the amendments effected by this document are interpretative rules or rules of agency procedure or practice, public rule making proceedings thereon are unnecessary. The specific amendments are as follows:

Subpart 24.10—Definition of Terms Used in This Subchapter

1. The first three sentences of § 24.10–17(a) are amended to read as follows:

§ 24.10–17 Motorboat.

(a) This term means any vessel indicated in column 6 of Table 24.05–1(a), 65 feet in length or less which is equipped with propulsion machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor, since such a boat is also subject to the Act of April 25, 1940, as amended (46 U.S.C. 526–526u), and the regulations promulgated thereunder. * * *

* * * * *

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p)

2. The authority note following the table of contents in Part 25 is amended to read as follows:

AUTHORITY: The provisions of this Part 25 issued under sec. 2, 30 Stat. 102, as amended, sec. 3, 28 Stat. 649, as amended, R.S. 4233A, as amended, R.S. 4405, as amended, R.S. 4462, as amended, sec. 17, 54 Stat. 166, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 157, 243, 353, 46 U.S.C. 375, 416, 526p, 49 U.S.C. 1655(b); 49 CFR 1.4 (a) and (g), except as otherwise noted.

Subpart 25.30—Fire Extinguishing Equipment

3. Section 25.30–10 is amended by adding the following new paragraphs:

§ 25.30–10 Hand portable fire extinguishers and semiportable fire extinguishing systems.

* * * * *

(g) The use of dry chemical, stored pressure, fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965, may be permitted on motorboats and other vessels so long as such extinguishers are maintained in good and serviceable condition. The following maintenance and inspections are required for such extinguishers:

(1) When the date on the inspection record tag on the extinguisher shows that 6 months have elapsed since last weight check ashore, then such extinguisher is no longer accepted as meeting required maintenance conditions until reweighed ashore and found to be in a serviceable condition and within required weight conditions.

(2) If the weight of the container is ¼ ounce less than that stamped on container, it shall be serviced.

(3) If the outer seal or seals (which indicate tampering or use when broken) are not intact, the boarding officer or marine inspector will inspect such extinguisher to see that the frangible disc in neck of the container is intact; and if such disc is not intact, the container shall be serviced.

(4) If there is evidence of damage, use, or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the container

shall be replaced with a new one and the extinguisher properly serviced or the extinguisher replaced with another approved extinguisher.

(h) The dry chemical, stored pressure, fire extinguishers without pressure gauges or indicating devices manufactured after January 1, 1965, shall not be labeled with the marine type label described in § 162.028-4 of this title nor shall such extinguishers manufactured after January 1, 1965, be carried on board motorboats or other vessels as required equipment.

4. *Effective date.* These amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

Dated: March 24, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-3641; Filed, Mar. 26, 1969; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18218; 20090]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Transition of Ship and Coast Radiotelegraph Stations to New Frequency Assignments; Correction

In the matter of amendment of parts 2, 81, and 83 to establish a schedule of dates, revised technical standards, frequencies and other requirements for the orderly transition of ship and coast radiotelegraph stations from present frequency assignments in the low, medium, and high frequency bands to new assignments within allotments and/or frequency usage as adopted by the ITU World Administrative Radio Conference on marine matters, Geneva, 1967; Docket No. 18218.

1. In the report and order in the above entitled matter, released January 28, 1969, FCC 69-61 (34 F.R. 1538-1551), several corrections are necessary in order that the Table of Frequency Allocations, Part 2, and the tables which appear in §§ 83.317(b), 83.318(b), and 83.319(b) set forth common band limits. Corrections are also made to § 83.316, to change the date to conform to the date appearing in § 81.207; and to § 83.319(b), in regard to frequencies set forth therein.

2. In view of the foregoing, Parts 2 and 83 are amended as set forth below.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

1. In § 2.106, the entries in Column 7–11 for the 2065–2092.5, 4172.25–4231, 6258.25–6345.5, 8341.75–8459.5, 12503.25–12689, 16660.5–16917.5, and 22184.5–22374 kc/s bands are amended to read as follows:

Band (kc/s) 7	Service 8	Class of station 9	Frequency (kc/s) 10	Nature of services 11 (of stations
• • •	• • •	• • •	• • •	• • •
2065–2068.5 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE (telephony).
2068.5–2078.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
2078.5–2089.5 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE (telephony).
2089.5–2092.5	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
• • •	• • •	• • •	• • •	• • •
4172.25–4178	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
4178–4187	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
4187–4231	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).
• • •	• • •	• • •	• • •	• • •
6258.25–6267	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
6267–6280.5	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
6280.5–6345.5	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).
• • •	• • •	• • •	• • •	• • •
8341.75–8366	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
8366–8374	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
8374–8459.5	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).
• • •	• • •	• • •	• • •	• • •
12503.25–12534	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
12534–12561	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
12561–12689	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).
• • •	• • •	• • •	• • •	• • •
16660.5–16712	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
16712–16748	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
16748–16917.5	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).
• • •	• • •	• • •	• • •	• • •
22184.5–22222.5	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
22222.5–22267.5	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
22267.5–22374	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.316, the date "March 7, 1969" in the second sentence of paragraph (c) (4) is corrected to read "April 1, 1969".

2. In § 83.319, the table of paragraph (b) is amended as follows:

(a) Opposite Symbol "L16", under the column headed: 6 Mc/s, Group "A", after March 7, 1969: the frequency 6293.75 kc/s is changed to 6293.25 kc/s.

(b) Opposite Symbols "L12" through "L17", under the columns headed: 12 Mc/s, Group "B", until 2-1-70, and after 3-7-69: the frequencies are changed to read as follows:

Symbol	Until 2-1-70	After 3-7-69
L12	12654	12654
L13	12655.5	12655.5
L14	12657	12657
L15	12658.5	12658.5
L16	12660	12660
L17	12661.5	12661.5

[F.R. Doc. 69-3636; Filed, Mar. 26, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 21; Amdt. 9]

PART 71—STANDARD TIME ZONE BOUNDARIES

Relocation of Standard Time Zone Boundary in State of Michigan

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing boundary line between the eastern time zone and the central time zone as it applies to the State of Michigan.

On February 6, 1969, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (34 F.R. 1958) requesting comments on a proposal based on petitions received from the Boards of Supervisors of a majority of the counties in the Upper Peninsula of Michigan, and from certain chambers of commerce, labor unions, and individual citizens of the Upper Peninsula. The petitions requested that the boundary line between the eastern standard and central standard time zones be relocated so as to place the entire Upper Peninsula in the eastern standard time zone, instead of the central standard time zone in which it is currently placed. The Lower Peninsula of the State is currently in the eastern time zone, so that the net effect of the proposal would be to place the entire State in the eastern standard time zone.

The petitions requested the change for the following reasons:

(1) It would provide uniform time throughout the State.

(2) Differences in time zones cause intrastate communications problems.

(3) The citizens of the area had informally indicated a preference for eastern standard time in straw ballots and polls.

(4) Historically a large portion of the Upper Peninsula had observed eastern standard time.

Interested persons were given a 40-day period within which to comment on the proposal. Comments were received from county and municipal governments, chambers of commerce, local businesses, labor unions, civic groups, and individuals. With the exception of one county (Gogebic) the comments received heavily favored the proposed change. Of the 15 counties in the Upper Peninsula, the boards of supervisors of 11 counties favored the change and three did not respond. The board of supervisors of Gogebic County indicated that it favored central time with advanced (daylight) time in the summer. Five municipal governments favored the proposal and none opposed it. Three chambers of commerce and six business firms favored the proposal and one chamber of commerce and one business firm indicated that they favored central time with advanced (daylight) time in the summer. All civic groups and labor unions responding favored the proposal. Of the responses from individual citizens 3,056 favored the proposal, 66 did not, and 50 expressed preference for central time with advanced (daylight) time in the summer. Thus, more than 96 percent of the individual comments favored the change.

Under the Uniform Time Act of 1966, each time zone in the United States is required to advance the clock 1 hour beginning at 2 a.m. on the last Sunday in April and ending at 2 a.m. on the last Sunday in October. However, the Act provides that any State may, by law, exempt itself from the requirement on a statewide basis. The Department of Transportation has been informed that the State of Michigan has, by referendum vote, so exempted itself from the advanced (daylight) requirements of the Uniform Time Act. Under this circumstance, the State of Michigan will be on nonadvanced time the year around and will not observe advanced (daylight) time in any area. The Department of Transportation has no administrative authority to change or except any part of the State from this statewide exemption. It therefore cannot act on the requests to have advanced (daylight) time in those areas indicating a preference therefor.

As a result of its evaluation of the comments, with proper weight being assigned to those who did not comment squarely on the actual issues involved in the proposal, the Department is of the opinion that the overwhelming preference in the Upper Peninsula is for eastern standard time, in accordance with the proposal.

In consideration of the foregoing and in order to permit the change to be made on the date set by law (Apr. 27, 1969) for the changeover to advanced time in other States, § 71.4(a) of Title 49 of the Code of Federal Regulations is amended, effective at 2 a.m. on April 27, 1969, to read as follows:

§ 71.4 Boundary line between eastern and central zones.

(a) *Michigan.* Beginning at a point where the western boundary of the State of Michigan intersects the boundary between the United States and Canada; thence southerly and easterly along the western boundary of the State of Michigan to a point in the middle of Lake Michigan opposite the main channel of Green Bay; thence southerly along the western boundary of the State of Michigan to its junction with the southern boundary thereof and the northern boundary of the State of Indiana.

• • • • • •

(Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-267); sec. 6(e)(5), Department of Transportation Act (49 U.S.C. 1655(e)(5)))

Issued in Washington, D.C., on March 24, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-3653; Filed, Mar. 26, 1969; 8:52 a.m.]

[OST Docket No. 20; Amdt. 8]

PART 71—STANDARD TIME ZONE BOUNDARIES

Relocation of Standard Time Zone Boundary in State of Utah

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing boundary line between the mountain time zone and the Pacific time zone as it applies to the State of Utah.

On February 4, 1969, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (34 F.R. 1656) requesting comments on a proposal, contained in a petition submitted by the Governor of Utah, to move the boundary to include the entire State of Utah in the mountain standard time zone. The present boundary line generally follows railroad lines of the Union Pacific System from a point on the Idaho-Utah border, through Brigham to Ogden, then west of Salt Lake, and then southwesterly to the Nevada border near Uvada.

The petition requested the change on the grounds that the existing boundary bisects the most thickly populated area of Utah, that the flow of commerce justifies moving the boundary to coincide with the western border of Utah, and that the proposed line would be more in conformity with the pattern of time observance actually followed in the area.

Interested persons were given a 43-day period within which to comment on the proposal. No adverse comment was received on the proposal and the Governor, on behalf of the State, has indicated that the State continues to favor the proposal. The Department therefore is adopting the proposal submitted by the Governor of Utah for the reasons stated in his petition and for the further reason that it will provide a more easily recognizable boundary line that coincides with the State boundary.

In consideration of the foregoing and in order to permit the change to be made on the date set by law (Apr. 27, 1969) for the changeover to advanced time, § 71.8(b) of Title 49 of the Code of Federal Regulations is amended, effective at 2 a.m. on April 27, 1969, to read as follows:

§ 71.8 Boundary line between mountain and Pacific zones.

• • • • • •

(b) *Utah.* Beginning at the intersection of the western boundary of the State of Utah with the southern boundary of the State of Idaho, thence southerly along the western boundary of the State of Utah to the southwest corner of the State of Utah.

• • • • • •

This amendment does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from the last Sunday in April to the last Sunday in October, but per-

mits any State to exempt itself, by law, from observing advanced time within that State. The Department has no administrative authority with respect to this requirement.

(Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); sec. 6(e)(5), Department of Transportation Act (49 U.S.C. 1655 (e)(5)).

Issued in Washington, D.C., on March 24, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 69–3652; Filed, Mar. 26, 1969; 8:52 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 412–69]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 45—STANDARDS OF CONDUCT

Transferring Executive Office for U.S. Marshals to Office of the Deputy Attorney General

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, Chapter I of Title 28 of the Code of Federal Regulations is amended as follows:

1. A new § 0.17 is added to Subpart C of Part 0, to read as follows:

§ 0.17 Executive Office for U.S. Marshals.

The Executive Office for U.S. Marshals, established in the Office of the Deputy Attorney General by Order No. 137–56 of November 23, 1956, shall be under the supervision of the Deputy Attorney General, and shall provide general executive assistance and supervision to the offices of the U.S. Marshals, coordinate and direct the relationship of agencies of the Department with such offices, and approve the staffing requirements of the offices of the U.S. Marshals.

§ 0.75 [Amended]

2. Paragraph (d) in § 0.75 of Subpart O of Part 0 is revoked.

§ 45.735–22 [Amended]

3. Section 45.735–22 of Part 45 is amended—

a. By revising the introductory text of paragraph (a) to read:

(a) Each employee occupying a position designated in paragraph (c) of this section shall submit to the head of his division a statement on a form made available through the appropriate division administrative officer, setting forth the following information:

b. By deleting "Head, Executive Office for U.S. Marshals" and "U.S. Marshals" from the list in subdivision (i) of paragraph (c).

c. By inserting "Head, Executive Office for U.S. Marshals" immediately after "Head, Executive Office for U.S. Attorneys" in subdivision (xv) of paragraph (c) and by adding "U.S. Marshals" at the end of the list in subdivision (xv).

All records, property, personnel, and funds available to the Administrative Division for these functions are hereby transferred or allocated to the Office of the Deputy Attorney General.

Order No. 386–67 of November 28, 1967, and Order No. 399–68 of July 20, 1968, are hereby superseded.

Dated: March 21, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69–3644; Filed, Mar. 26, 1969; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; recreation; for the individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle is permitted on designated travel routes for the purpose of nature study, photography and sightseeing, during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Use of the picnic area is permitted from 6 a.m. to 9:30 p.m. May 30 to October 15. Fishing and hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 4,961 acres, is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 20, 1969.

[F.R. Doc. 69–3604; Filed, Mar. 26, 1969; 8:48 a.m.]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu National Wildlife Refuge, Ariz. and Calif., is permitted on waters designated as open to fishing. These waters, comprising 6,674 acres, are delineated on a map available at the refuge headquarters, Needles, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1969, inclusive, except that the closed area in Topock Marsh is closed to fishing during the waterfowl hunting season.

(2) The taking of fish with such devices as bow and arrow, spear gun, or other mechanical devices capable of propelling pellets or shafts is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1969.

BLAYNE D. GRAVES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

MARCH 17, 1969.

[F.R. Doc. 69–3602; Filed, Mar. 26, 1969; 8:48 a.m.]

PART 33—SPORT FISHING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Iroquois National Wildlife Refuge, Basom, N.Y., is permitted on the areas designated by signs as open to fishing. These open areas, comprising 26 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The use of boats with motors is not permitted.

(2) The use of boats after October 15th is not permitted.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 20, 1969.

[F.R. Doc. 69–3603; Filed, Mar. 26, 1969; 8:48 a.m.]

PART 33—SPORT FISHING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Erie National Wildlife Refuge, Pa., is permitted on areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 20, 1969.

[F.R. Doc. 69–3605; Filed, Mar 26, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Percentage Depletion; Notice of Publication of Discussion Draft

On July 26, 1968, proposed amendments to the regulations under sections 482 (relating to allocation of income and deductions among taxpayers) and 613 (relating to percentage depletion) were proposed in the FEDERAL REGISTER (33 F.R. 10700). On October 2, 1968, certain portions of these proposed amendments were withdrawn and revisions thereunder proposed (33 F.R. 14707).

As a result of consideration of all the comments that were based on the July and October 1968 publications, a tentative draft of a revised notice of proposed rule making was prepared in January by the prior Administration and it would make significant changes in the previous proposed amendments to the regulations. The present Administration has not yet had time to evaluate the proposals contained in the January 1969 draft. In order to assist officials of the new Administration in their evaluation and review of the proposed regulations, the January 1969 draft is attached to this notice as an appendix for the purpose of obtaining further public comments with respect to the tentative revisions it contains.

Certain portions of the proposed regulations which were not revised significantly are not republished here. The comments previously received with respect to such provisions will be evaluated as a part of the future review of this proposed change in the regulations.

Therefore, consideration will be given to any comments or suggestions with respect to the provisions contained in the attached discussion draft. Such comments or suggestions should be submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

The following is a discussion draft of proposed amendments to the sections indicated herein of the Income Tax Regulations under sections 482 and 613 of the Internal Revenue Code of 1954. Except as otherwise provided, such regulations would be applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954. With respect to taxable years beginning after November 13, 1966, the regulations would give effect to the amendments made by sections 207, 208, and 209 of the Act of November 13, 1966 (Public Law 89-809, 80 Stat. 1539). With respect to taxable years beginning after December 31, 1960, the regulations would give effect to certain of the amendments made by section 302(b) of the Public Debt and Tax Rate Extension Act of 1960 (Public Law 86-564, 74 Stat. 291).

PARAGRAPH 1. Section 1.482-2 is amended by revising subdivision (ii) of paragraph (e)(1) thereof, and by adding a new subdivision (v) to paragraph (e)(1). These amended and added provisions read as follows:

§ 1.482-2 Determination of taxable income in specific situations.

* * * * *

(e) *Sales of tangible property*—(1) *In general.* * * *

(ii) Subparagraphs (2), (3), and (4) of this paragraph describe three methods of determining an arm's length price and the standards for applying each method. They are, respectively, the comparable uncontrolled price method, the resale price method, and the cost plus method. In addition, a special rule is provided in subdivision (v) of this subparagraph for use in determining an arm's length price for an ore or mineral which is sold at the stage at which mining or extraction ends. If there are comparable uncontrolled sales as defined in subparagraph (2) of this paragraph, the comparable uncontrolled price method must be utilized because it is the method likely to result in the most accurate estimate of an arm's length price (for the reason that it is based upon the price actually paid by unrelated parties for the same or similar products). If there are no comparable uncontrolled sales, then the resale price method must be utilized if the standards for its application are met because it is the method likely to result in the next most accurate estimate in such instances (for the reason that, in such instances, the arm's length price determined under such method is based more directly upon actual arm's length transactions than is the cost plus method). A typical situation where the resale price method may be required is where a manufacturer sells products to a related distributor which, without further processing, resells the products in uncontrolled transactions. If all the standards for the mandatory application of the resale price method are not satisfied, then, as provided in subparagraph (3)(iii) of this paragraph, either that method or the cost plus method may be used, depending upon which method is more feasible and is likely to result in a more accurate estimate of an arm's length price. A typical situation where the cost plus method may be appropriate is where a manufacturer sells products to a related entity which performs substantial manufacturing, assembly, or other processing of the product or adds significant value by reason of its utilization of its intangible property prior to resale in uncontrolled transactions.

* * * * *

(v) The price for a mineral product which is sold at the stage at which mining or extraction ends shall be determined under the provisions of § 1.613-3.

* * * * *

PAR. 2. Section 1.613 is amended by revising section 613 (b) and (c)(4)(G) and by adding to the historical note. These amended provisions read as follows:

§ 1.613 Statutory provisions; percentage depletion.

SEC. 613. *Percentage depletion.* * * *

(b) *Percentage depletion rates.* The mines, wells, and other natural deposits, and the percentages, referred to in subsection (a) are as follows:

(1) 27½ percent—oil and gas wells.

(2) 23 percent—

(A) Sulfur and uranium; and

(B) If from deposits in the United States—anorthosite, clay, laterite, and nephelite syenite (to the extent that alumina and aluminum compounds are extracted therefrom), asbestos, bauxite, celestite, chromite, corundum, fluorspar, graphite, ilmenite, kyanite, mica, olivine, quartz crystals (radio grade), rutile, block steatite talc, and zircon, and ores of the following metals: antimony, beryllium, bismuth, cadmium, cobalt, columbium, lead, lithium, manganese, mercury, nickel, platinum and platinum group metals, tantalum, thorium, tin, titaninum, tungsten, vanadium, and zinc.

(3) 15 percent—

(A) Metal mines (if paragraph (2)(B) does not apply), rock asphalt, and vermiculite; and

(B) If neither paragraph (2)(B), (5), or (6)(B) applies, ball clay, bentonite, china clay, sagger clay, and clay used or sold for use for purposes dependent on its refractory properties.

(4) 10 percent—asbestos (if paragraph (2)(B) does not apply), brucite, coal, lignite, perlite, sodium chloride, and wollastonite.

(5) 7½ percent—clay and shale used or sold for use in the manufacture of sewer pipe or brick, and clay, shale, and slate used or sold for use as sintered or burned lightweight aggregates.

(6) 5 percent—

(A) Gravel, peat, pumice, sand, scoria, shale (except shale described in paragraph (5)), and stone (except stone described in paragraph (7));

(B) Clay used, or sold for use, in the manufacture of drainage and roofing tile, flower pots, and kindred products; and

(C) If from brine wells—bromine, calcium chloride, and magnesium chloride.

(7) 15 percent—all other minerals (including, but not limited to, aplite, barite, borax, calcium carbonates, diatomaceous earth, dolomite, feldspar, fullers earth, garnet, gilsonite, granite, limestone, magnesite, magnesium carbonates, marble, mollusk shells (including clam shells and oyster shells), phosphate rock, potash, quartzite, slate, soapstone, stone (used or sold for use by the mine owner or operator as dimension stone or ornamental stone), thenardite, tripoli, trona, and (if paragraph (2)(B) does not apply) bauxite, flake graphite, fluorspar, lepidolite, mica, spodumene, and talc, including pyrophyllite), except that, unless sold on bid in direct competition with a bona fide bid to sell a mineral listed in paragraph (3), the percentage shall be 5 percent for any such other mineral (other than slate to which paragraph (5) applies) when used, or sold for use, by the mine owner or operator as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes. For purposes of this paragraph, the term "all other minerals" does not include—

(A) Soil, sod, dirt, turf, water, or mosses; or

(B) Minerals from sea water, the air, or similar inexhaustible sources.

(c) *Definition of gross income from property.* * * *

(4) *Treatment processes considered as mining.* * * *

(G) In the case of clay to which paragraph (5) or (6)(B) of subsection (b) applies—crushing, grinding, and separating the mineral from waste, but not including any subsequent process; and

* * * * *

[Sec. 613 as amended by sec. 36, Technical Amendments Act of 1958 (72 Stat. 1633); sec. 302, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 291); sec. 13(e), Rev. Act 1962 (76 Stat. 1034); sec. 6, Act of Sept. 2, 1964 (Public Law 88-571, 78 Stat. 860); secs. 207, 208, and 209, Act of Nov. 13, 1966 (Public Law 89-809, 80 Stat. 1579)]

PAR. 3. Section 1.613-2 is amended by revising subparagraphs (1), (2), and (3) of paragraph (a), by adding new subparagraphs (5), (6), (7), and (8) to paragraph (b), by revising paragraph (c)(2), and by adding new subparagraphs (6), (7), and (8) to paragraph (c). These amended and added provisions read as follows:

§ 1.613-2 Percentage depletion rates.

(a) *In general.* * * *

(1) *Without regard to situs of deposits.* The following rates are applicable to the minerals or mineral properties listed in this subparagraph regardless of the situs of the mineral properties or the deposits from which the minerals are produced:

(i) 27½ percent—Gas wells, oil wells, or oil and gas wells. The term "gas wells" refers to wells producing gases which, by value, are predominantly natural hydrocarbon gases. The term "oil wells" refers to wells producing liquids which, by value, are predominantly natural petroleum liquids. The term "oil and gas wells" refers to wells producing liquids and gases which, by value, are predominantly natural hydrocarbon gases and natural petroleum liquids. The term "natural hydrocarbon gases" includes gases such as butanes, ethane, methane, propane, pentanes, and hexanes, but does not include gases produced from natural deposits of other minerals such as asphalt, coal, rock asphalt, tar sands, bituminous sands, kerogen, oil shale, gilsonite, or similar deposits, nor does the term include nonhydrocarbon gases such as argon, carbon dioxide, helium, hydrogen, hydrogen sulphide, nitrogen, or oxygen. The term "natural petroleum liquids" includes paraffin base, mixed base, and asphaltic base liquid petroleum, but does not include pyrobitumens or bitumens other than liquid petroleum, nor does the term include oils produced from natural deposits of other minerals such as asphalt, coal, rock asphalt, tar sands, bituminous sands, kerogen, oil shale, gilsonite, or similar deposits, whether or not liquefied or gasified. For example, the term "natural petroleum liquids" does not include oils produced from tar sands, whether or not the bitumen contained therein is liquefied by the injection of steam into the tar sands. See paragraph (b)(8) of this section for the definition of the terms "asphalt," "rock asphalt," "tar sands," and "bituminous sands."

(ii) 23 percent—Uranium ores, and (except where sulfur is recovered from oil wells, gas wells, oil and gas wells, metal mines, or from ores or minerals which in their natural state in place in the ground do not constitute sulfur) sulfur.

(iii) 15 percent—

(*a*) Applicable to taxable years beginning either before January 1, 1961, or after December 31, 1960: Metal mines,[1][2] rock asphalt, vermiculite. The term "metal mines" refers to mines producing ores and minerals which, by value, are predominantly metal ores or metals.

(*b*) Applicable only to taxable years beginning before January 1, 1961: Refractory and fire clay.

(*c*) Applicable only to taxable years beginning after December 31, 1960, and applicable to such taxable years only if subdivision (vi)(*c*) of this subparagraph does not apply: Clay used or sold for use for purposes dependent on its refractory properties.

(*d*) Applicable to taxable years beginning before January 1, 1961, and (if neither subdivision (vi)(*c*) or (*e*) of this subparagraph nor subparagraph (2) of this paragraph applies) also applicable to taxable years beginning after December 31, 1960: Ball clay, bentonite, china clay, sagger clay.

(iv) 10 percent—Asbestos,[1] brucite, coal, lignite, perlite, sodium chloride, wollastonite.

(v) 7½ percent—For taxable years beginning after November 13, 1966, clay and shale used or sold for use in the manufacture of building or paving brick or sewer pipe, and clay, shale, and slate used or sold for use as sintered or burned lightweight aggregates.

(vi) 5 percent—

(*a*) Applicable to all taxable years beginning after December 31, 1953: Gravel, peat, pumice, sand, scoria, shale (except shale to which subdivision (v) of this subparagraph applies), stone (except dimension or ornamental stone). If from brine wells—Bromine, calcium chloride, magnesium chloride.

(*b*) Applicable only to taxable years beginning before January 1, 1961: Brick and tile clay.

(*c*) Applicable only to taxable years beginning after December 31, 1960: Clay used, or sold for use, in the manufacture of drainage and roofing tiles, flower pots, and kindred products.

(*d*) Applicable only to taxable years beginning before November 14, 1966: Mollusk shells (including clam shells and oyster shells).

(*e*) Applicable only to taxable years beginning after December 31, 1960, and before November 14, 1966: Clay used, or sold for use, in the manufacture of building or paving brick or sewer pipe.

(2) *Production from U.S. deposits.* A rate of 23 percent is applicable to the minerals listed in this subparagraph if produced from deposits within the United States:

Anorthosite.[3]	Kyanite.
Asbestos.	Laterite.[3][5]
Bauxite.	Mica.
Beryl.[4]	Nephelite Syenite.[3][5]
Celestite.	Olivine.
Chromite.	Quartz crystals (radio grade).
Clay.[3][5]	Rutile.
Corundum.	Block steatite talc.
Fluorspar.	Zircon.
Graphite.	
Ilmenite.	

Ores of the following metals—

Antimony.	Platinum.
Beryllium.[6]	Platinum group metals.
Bismuth.	Tantalum.
Cadmium.	Thorium.
Cobalt.	Tin.
Columbium.	Titanium.
Lead.	Tungsten.
Lithium.	Vanadium.
Manganese.	Zinc.
Mercury.	
Nickel.	

(3) *Other minerals.* A rate of 15 percent is applicable to the minerals listed in this subparagraph regardless of the situs of the deposits from which the minerals are produced, provided the minerals are not used or sold for use by the mine owner or operator as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes. If, however, such minerals are sold or used for the purposes described in the preceding sentence, a rate of 5 percent is applicable to any of such minerals unless sold on bid in direct competition with a bona fide bid to sell

[1] Not applicable if the rate prescribed in subparagraph (2) of this paragraph is applicable.

[2] For taxable years beginning after the publication of this provision in the FEDERAL REGISTER as a Treasury decision, the 15 percent rate of depletion for metal mines applies to sulfur bearing minerals extracted from metal mines.

[3] The rate prescribed in this subparagraph does not apply except to the extent that alumina and aluminum compounds are extracted therefrom.

[4] Applicable only for taxable years beginning before Jan. 1, 1964.

[5] Applicable only for taxable years beginning after Nov. 13, 1966.

[6] Applicable only for taxable years beginning after Dec. 31, 1963.

any of the minerals listed in subdivision (iii) of subparagraph (1) of this paragraph, in which case the rate is 15 percent. In addition, the provisions of this subparagraph are not applicable with respect to any of the minerals listed herein if the rate prescribed in subparagraph (2) of this paragraph is applicable. For purposes of the first sentence of this subparagraph, minerals used or sold for use as stucco stone, exposed aggregate, terrazzo stone, and the like, shall be considered to be minerals used or sold for use by the mine owner or operator for purposes similar to use as concrete aggregates. Accordingly, the applicable rate of depletion for such minerals shall be determined in accordance with the second sentence of this subparagraph.

Aplite.	Magnesium carbonates.
Barite.	Marble.
Bauxite.	Mica.
Beryl.[7]	Phosphate rock.
Borax.	Potash.
Calcium carbonates.	Quartzite.
Clay, refractory and fire.[8]	Shells, mollusk (including clam and oyster shells).[9]
Diatomaceous earth.	Slate.
Dolomite.	Soapstone.
Feldspar.	Spodumene.
Flake Graphite.	Stone (dimension or ornamental).[10]
Fluorspar.	Talc (including pyrophyllite).
Fullers earth.	Thenardite.
Garnet.	Tripoli.
Gilsonite.	Trona.
Granite.	All other minerals.
Lepidolite.	
Limestone.	
Magnesite.	

(b) *Definition of terms.* * * *

(5) As used in section 613(b)(2)(B) and this section, the terms "clay," "laterite," and "nephelite syenite" do not include bauxite having an aluminum oxide content of 40 percent or more.

(6) As used in section 613(b)(7)(A) and this section, the terms "soil" and "dirt" refer to conglomerate mixtures of miscellaneous mineral materials, or mineral and organic materials, generally found at or near the surface of the earth in alluvial or wind-blown deposits. The principal useful characteristic of "dirt" ordinarily is its bulk or space-filling ability. The term "dirt" includes material commonly known as "fill dirt", whether or not sold to specifications. The term "dirt" also includes conglomerate mixtures of miscellaneous mineral materials which are used or sold for use as ground fill, road bed material, subbase material for roads or airports, or core material for earthern dams, levees, or dikes, and for similar uses. The term "soil" refers to conglomerate mixtures used or sold for use for the purposes set forth in the preceding sentence, or similar uses, or for agricultural or horticultural purposes. The terms "soil" and "dirt" apply to conglomerate mixtures even though it is shown that some of the mineral materials contained in the mixture might be entitled to percentage depletion if they were not mixed with other mineral or organic materials. For example, the terms "soil" and "dirt" apply to a mineral mixture even though it is shown that some of the mineral particles in the mixture are clay particles or sand particles, and accordingly, a mixture composed of 65 percent clay particles, 30 percent sand particles, and 5 percent organic matter would constitute "soil" or "dirt." However, for purposes of this section, a mineral mixture which is composed of more than 90 percent clay particles shall not be considered "soil" or "dirt," nor shall a mineral mixture which is composed of more than 90 percent sand particles or gravel particles be considered "soil" or "dirt." For example, a mineral mixture which is composed of 91 percent clay particles shall not be considered to be "soil" or "dirt," nor shall a mixture which is composed of 91 percent sand or gravel particles be considered to be "soil" or "dirt," even though such mixtures contain some organic matter or some mineral particles other than clay particles, or sand or gravel particles, respectively.

(7) As used in section 613(b)(7)(A) and this section, the term "water" includes water found in gaseous, liquid, or solid form.

(8) As used in this section, the terms "asphalt," "bituminous sands," "tar sands," and "rock asphalt" refer to naturally occurring solid or semisolid bituminous materials, the bitumen in which is characterized (in its natural state in place in the ground) by a high viscosity and which may vary from nearly pure bitumen to an impure bitumen containing a high percentage of sand, stone, clay or similar nonbituminous materials.

(c) *Rules for application of paragraph (a) of this section.* * * *

(2) (i) If the taxpayer extracts a complex ore or mineral (that is, an ore or mineral containing two or more valuable mineral constituents), and if one or more of the valuable constituents is entitled to a percentage depletion rate under section 613(b) and this section which is different from the percentage depletion rate applicable to the other valuable constituents, then (except as provided in subdivision (v) of this subparagraph) the percentage depletion allowance shall be computed by applying the percentage rate applicable to each particular valuable constituent to the gross income from the property attributable to each such constituent. The gross income from the property attributable to each such constituent shall be determined in accordance with subdivision (ii), (iii), or (iv) of this subparagraph, as appropriate. The percentage depletion deduction so computed is subject to the limitation provided in section 613(a) and § 1.613–1, that is, 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). Such taxable income (computed in accordance with § 1.613–4) is the total taxable income resulting from the production of all the minerals produced from the mineral property.

(ii) If the complex ore or mineral is sold (or used) after the application of only mining processes, without separation of its valuable mineral constituents, the gross income from the property attributable to each valuable constituent shall be computed by fairly apportioning the actual (or constructive) selling price of the complex ore or mineral between the various valuable mineral constituents on the basis of the market or field price and relative content of each valuable constituent, or on some other reasonable basis.

(iii) If the valuable mineral constituents are separated and sold (or used) after the application of only mining processes, the gross income from the property attributable to each valuable mineral constituent shall be the actual (or constructive) selling price of each such constituent.

(iv) If the complex ore or minerals is not sold or used until after the separation of its valuable mineral constituents by the application of nonmining processes, the gross income from the property attributable to each valuable constituent shall be determined by reference to the representative market or field price or other constructive price of each constituent, prior to the application of nonmining processes, and by reference to the relative content of each such constituent.

(v) In the case of oil wells, gas wells, or oil and gas wells (as defined in paragraph (a)(1)(i) of this section), the rate of depletion for all minerals extracted from the well shall be 27½ percent. In the case of metal mines (as defined in paragraph (a)(1)(iii)(*a*) of this section), the rate of depletion for all minerals extracted from the mine shall be 15 percent, except to the extent that the provisions of section 613(b)(2)(B) and paragraph (a)(2) of this section are applicable to metalliferous ores produced from such mines. In the case of metal mines from which sulfur bearing minerals are extracted, the rule set forth in the preceding sentence shall not apply to sulfur produced and sold or used in taxable years beginning before the publication of this subdivision in the FEDERAL REGISTER as a Treasury decision. The depletion rate for ores or minerals from which sulfur is obtained, but which do not constitute sulfur in their natural state in place in the ground, shall be determined by reference to section 613(b) and this section.

(vi) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). An ore is obtained from a domestic mineral property, and a concentrate which contains both copper and zinc is obtained from that ore. The depletion rate for domestic zinc is 23 percent, and the depletion rate for copper is 15 percent. Representative market or field prices for copper concentrate or zinc concentrate are not available in the relevant marketing area, but representative market prices for refined copper and refined zinc are available. Under these circumstances, the selling price for the copper-zinc concentrate may be allocated between the copper content and the zinc content in the same ratio that the representative market price of refined copper bears to the representative market price for refined zinc, taking into account the amounts of the two metals present in the copper-zinc concentrate. If representative market or field prices for copper concentrate or zinc concentrate were available, the selling price for the copper-zinc concentrate would have been allocated on that basis, taking into account the amounts of the two metals present in the copper-zinc concentrate.

Example (2). A gas which contains both natural hydrocarbon gas and sulfur is obtained from a mineral property containing a well. Natural hydrocarbon gas constitutes the predominant mineral produced from the well, by value. Accordingly, the well constitutes a gas well, and the applicable rate of depletion is 27½ percent for all minerals produced from the well.

* * * * *

(6) The method of mining or extracting an ore or mineral does not determine the applicable rate of depletion (except in the case of minerals named in section 613(b)(6)(C)), nor does the applicable rate of depletion determine the processes to be considered as mining under section 613(c). For example, a 15 percent rate of depletion is applicable to tar sand (which is an "other mineral" within the meaning of section 613(b)(7)), whether the bitumen in the sand is recovered by surface stripping or by underground liquefication and pumping. Conversely, the rate of depletion applicable to tar sand does not determine whether underground liquefication and pumping are to be treated as mining under the provisions of section 613(c).

(7) Unless an end use test applies, the percentage rate of depletion applicable to an ore or mineral shall ordinarily be determined by reference to the chemical, mineralogical, and physical characteristics of the ore or mineral as found in its natural state in place in the ground. When applying the preceding sentence, gangue materials shall be disregarded. For example, a 15 percent rate of depletion is applicable to gypsum or anhydrite (which are "other minerals" within the meaning of section 613(b)(7)), even though sulfur may be produced from such minerals, because gypsum and anhydrite do not constitute sulfur in their natural state in place in the ground. However, in the case of ores or minerals which cannot readily be sampled in place in the ground, it may be more practical, in the particular facts and circumstances of the case, to determine the percentage rate of depletion by reference to the chemical, mineralogical, and physical characteristics of the ore or mineral after the application of extractive or mining processes. The district director shall determine whether the special rule set forth in the preceding sentence is applicable in a particular case.

(8) If the taxpayer restores or repays amounts included in gross income from the property for a prior year as part of the actual or constructive selling price of ores or minerals, then the amount of any deduction otherwise allowable on account of such restoration or repayment shall be decreased to the extent that a deduction for percentage depletion with respect to the amounts previously included in income, but subsequently restored or repaid, reduced taxable income in a prior year or years (either directly or indirectly as, for example, as part of a net operating loss deduction). See § 1.611–0. If appropriate, a corresponding adjustment shall be made to capital account. Examples of instances in which this subparagraph shall apply are payments made as a result of a court decision, the settlement of a claim, or a voluntary repayment.

PAR. 4. Section 1.613–3 is amended by revising paragraph (a) to read as follows:

§ 1.613–3 Gross income from the property.

(a) *Oil and gas wells*—(1) *Computation of gross income from the property.* (i) (*a*) The term "gross income from the property," as used in section 613, means in the case of oil wells, gas wells, or oil and gas wells, the amount for which the taxpayer sells the oil, gas, or condensate in the immediate vicinity of the well, after the application of those production processes which are associated with extraction, subject to the adjustments required by paragraph (e)(1) of this section (relating to discounts). See (*b*) of this subdivision in the case of sales between members of controlled groups. See paragraph (a)(1)(i) of § 1.613–2 and subparagraph (2) of this paragraph, respectively, for the meaning of the terms "oil wells," "gas wells," and "oil and gas wells," and the term "production processes associated with extraction."

(*b*) In the case of sales between members of a controlled group, the prices for such sales must be representative in character. In the case of those sales as to which the Commissioner has exercised his authority under section 482, and has determined the appropriate price with respect to specific sales transactions, such price shall be deemed to be representative in character with respect to those transactions. In the case of all other sales between members of a controlled group, the representative character of the prices for such sales shall be determined, in the first instance, by use of the representative market or field price method, as described in paragraph (c) of this section. If it is not possible to ascertain the representative character of such prices by use of the representative market or field price method, the representative character of such prices shall be determined by reference to paragraph (d)(2) of this section. For the definitions of the terms "controlled" and "group", see paragraph (j) of this section.

(ii) If the oil, gas, or condensate is not sold in the immediate vicinity of the well, but (prior to sale) is converted into a refined or manufactured product, or is transported away from the immediate vicinity of the well, then gross income from the property shall be computed by use of the representative market or field price of oil, gas, or condensate of like kind and grade before any such conversion or transportation. See subparagraph (3) of this paragraph for a description of the processes constituting conversion or transportation and paragraph (c) of this section for rules relating to the determination of representative market or field prices.

(iii) For taxable years beginning after the publication of this sentence in the FEDERAL REGISTER as a Treasury decision, if the oil, gas, or condensate is not sold in the immediate vicinity of the well, but is subjected to processes constituting conversion or transportation (as described in subparagraph (3) of this paragraph), and if it is impossible to determine a representative market or field price as described in paragraph (c) of this section, then gross income from the property shall be computed by reference to the provisions of paragraph (d)(2) of this section.

(2) *Production processes associated with extraction.* The production processes which are associated with extraction (and which do not constitute conversion or transportation) in the case of oil wells, gas wells, and oil and gas wells are, in general, those processes (and the processes necessary or incidental thereto) which are applied to extract oil and gas (including condensate) from the reservoir, to gather well effluent and separate it into oil, gas, and condensate, to separate and dispose of contaminants such as basic sediment and water, to measure performance and output, and to store oil prior to sale. Examples of such processes in the case of wells producing oil are: Gathering in the immediate vicinity of the well by use of flow lines, the use of mechanical separators, the use of emulsion and flow treating devices to separate oil and water, the injection of oil-treating materials into flow lines to break oil-water emulsions or to inhibit corrosion and scale formation, the control or removal of hydrogen sulphide, the storage of oil in stock tanks, the gaging, sampling, and testing of output, the treatment and disposal of water (including, for example, use of filters, tanks, pits, wells, and pumps), and assistance of production by the injection of water, gas, steam, or miscible materials into the producing formation, or by use of fireflood techniques. Examples of such processes in the case of wells producing gas are: Gathering in the immediate vicinity of the well by use of flow lines, the use of mechanical separators, techniques designed to control or remove hydrogen sulphide and to control the formation of hydrates, the removal of water or water vapor by processes such as absorption, adsorption, or refrigeration (but not that portion of such processes which constitutes conversion, such as the portion of a process which results in the recovery of products such as propane, butane, and other liquid hydrocarbons), the measurement and testing of output, the storage of condensate in stock tanks, and the injection of water or gas into producing formations to sustain reservoir pressure or assist production. See paragraph (f)(2)(iii) of this section for the definitions of the terms "necessary" and "incidental".

[7] Applicable only for taxable years beginning before Jan. 1, 1964.

[8] Not applicable for taxable years beginning after Dec. 31, 1960.

[9] Applicable only for taxable years beginning after Nov. 13, 1966.

[10] The 15-percent rate is applicable only to stone used or sold for use by the mine owner or operator as cut dimension stone or as ornamental stone blocks or slabs.

(3) *Processes constituting conversion or transportation.* (i) The processes which constitute conversion in the case of oil wells, gas wells, and oil and gas wells are, in general, those processes (and the processes necessary or incidental thereto) which are applied to convert oil or gas into a refined or manufactured product. The processes which constitute transportation in the case of such wells are, in general, those processes (and the processes necessary or incidental thereto) which are applied to transport oil or gas away from the immediate vicinity of the well. Examples of processes which constitute conversion or transportation in the case of oil are: The removal of sulfur or the recovery of sulfur for sale or industrial use, barge transportation, transportation by pipeline (including the heating or treatment of oil to reduce viscosity and thereby facilitate such transportation), and any subsequent process. Examples of processes which constitute conversion or transportation in the case of gas are: The recovery of helium or sulfur for sale or industrial use, the compression of gas for the purpose of introducing it into pipe lines, and the processes commonly applied in natural gasoline plants or cycling plants (including the recovery of products such as propane, butane, and other liquid hydrocarbons, by fractionation, absorption, adsorption, or refrigeration), and any subsequent process. See paragraph (f) (2) (iii) of this section, for the definitions of the terms "necessary" and "incidential".

(ii) Ordinarily, a process applied subsequent to a process constituting conversion or transportation (as described in subdivision (i) of this subparagraph) shall also be considered to be a process constituting conversion or transportation. However, exceptions to this rule shall be made in those instances in which the rule would discriminate between similarly situated producers of oil or gas. For example, if a process which is substantially similar in function and result to mechanical separation is performed at a cycling plant after transportation away from the immediate vicinity of the well, the process which is substantially similar to mechanical separation will be treated as a production process associated with extraction, even though it may follow transportation to the cycling plant of the kind which must be treated under the provisions of this subparagraph as transportation away from the immediate vicinity of the well: *Provided*, That such mechanical separation is necessary to bring well effluent to the same form as a competitive effluent which is subjected to mechanical separation in the immediate vicinity of the well but not transportation. The test of nondiscrimination shall be applied by reference to the U.S. nationwide pattern of production in the oil industry or gas industry, except that, if the U.S. pattern of production is shown to be unrepresentative of the pattern of production of U.S. taxpayers in the oil industry or gas industry, the determination shall be made in light of the worldwide pattern of production by U.S. taxpayers in the oil industry or gas industry. In addition, exceptions to the rule set forth in the first sentence of this subdivision shall be made in cases in which a process constituting conversion or transportation is incidental to a process specified as a production process associated with extraction. See paragraph (f) (2) (iii) of this section for the definition of the term "incidental."

(iii) If a specific item or equipment performs both a production process which is described in subparagraph (2) of this paragraph (such as dehydration) and a conversion or transportation process which is described in this subparagraph (such as fractionation), the equipment shall be deemed to perform, in part, a production process associated with extraction and, in part, a conversion process. Any allocation of costs, investment, etc., which may be necessary with respect to such equipment shall be made on a basis which is reasonable in the circumstances.

(iv) The classification of a process as a production process associated with extraction (as described in subparagraph (2) of this paragraph) or as a process constituting conversion or transportation (as described in this subparagraph) has no bearing on the determination of questions relating to the capitalization or expensing of the costs paid or incurred to perform such processes.

* * * * *

PAR. 5. Section 1.613–3 is amended by adding paragraph (b) (2) (ii) in the space reserved therefor. This added provision reads as follows:

§ 1.613–3 Gross income from the property.

* * * * *

(b) *Minerals other than oil and gas.* * * *

(2) *Sales prior to the application of nonmining processes including nonmining transportation.* * * *

(ii) In the case of sales between members of a controlled group, the prices for such sales must be representative in character. In the case of those sales as to which the Commissioner has exercised his authority under section 482, and has determined the appropriate price with respect to specific sales transactions, such price shall be deemed to be representative in character with respect to those transactions. In the case of all other sales between members of a controlled group, the representative character of the prices for such sales shall be determined, in the first instance, by use of the representative market or field price method, as described in paragraph (c) of this section. If it is not possible to ascertain the representative character of such prices by use of the representative market or field price method, the representative character of such prices shall be determined by the pricing method described in paragraph (d) (1) of this section (or paragraph (d) (2) of this section where a computation has been approved under such paragraph by the Commissioner with respect to a particular controlled group or a particular industry). For the definitions of the terms "controlled", and "group", see paragraph (j) (1) and (2) of this section.

* * * * *

PAR. 6. Section 1.613–3 is amended by revising paragraph (c) to read as follows:

§ 1.613–3 Gross income from the property.

* * * * *

(c) *Cases where a representative market or field price for the taxpayer's ore or mineral can be ascertained*—(1) *General rule.* In the case of minerals other than oil and gas, if the taxpayer processes the ore or mineral before sale by the application of nonmining processes (including nonmining transportation), gross income from the property shall be computed by use of the representative market or field price of an ore or mineral of like kind and grade as the taxpayer's ore or mineral after the application of the mining processes (if any) actually applied and before any nonmining transportation, subject to any adjustments required by paragraph (e) (1) of this section (relating to discounts). See paragraph (e) (2) (i) of this section for certain other situations in which this paragraph shall apply in the case of minerals other than oil and gas. In the case of oil and gas, if the taxpayer processes the mineral, before sale, by processes constituting conversion or transportation, gross income from the property shall be computed by use of the representative market or field price of a mineral of like kind and grade as the taxpayer's mineral after the application of the production processes associated with extraction actually applied (if any) and before any transportation away from the immediate vicinity of the well, subject to any adjustments required by paragraph (e) (1) of this section (relating to discounts). See paragraph (e) (2) (i) of this section for certain other situations in which this paragraph shall apply in the case of oil and gas. The objective in computing gross income from the property by the representative market or field price method is to ascertain, on the basis of a study of actual competitive sales by the taxpayer or others, the dollar figure or amount which most nearly represents the approximate price at which the taxpayer, in light or market conditions, could have sold his ores or minerals if, prior to the application of nonmining processes (or, in the case of oil and gas, processes constituting conversion or transportation), the taxpayer had sold the quantities and types of ores or minerals to which he applied nonmining processes (or, in the case of oil and gas, processes constituting conversion or transportation). If it is possible to determine a market or field price under the provisions of this paragraph, and if such price is determined to be representative, the taxpayer's gross income from the property shall be determined on the basis of such price and not under the provisions of paragraph (d) of this section. The taxpayer's own actual sales prices for ores or minerals of like kind and grade shall be taken into account when establishing market or field prices, provided that such sales are determined to be representative in character.

(2) *Criteria for determining whether an ore or mineral is of like kind and grade as the taxpayer's ore or mineral.* (i) In the case of all ores and minerals, an ore or mineral will be considered to be of like kind and grade as the taxpayer's ore or mineral if, in common commercial practice, it is sufficiently similar in chemical, mineralogical, or physical characteristics to the taxpayer's ore or mineral so that it is used or is economically suitable for use for essentially the same purposes as the uses to which the taxpayer's ore or mineral is put. Whether an ore or mineral is of like kind and grade as the taxpayer's ore or mineral will generally be determined by reference to industrial specifications and by consideration of chemical and physical data relating to the minerals and deposits in question.

(ii) In the case of wells producing oil, all liquid petroleums of similar gravity will be considered to be of like kind. Among the factors determining the grade of the various kinds of petroleum are pour point, sweetness or sourness, sulfur content, viscosity, boiling range, yield (including, for example, such factors as wax content, and the yields of gasoline, naphtha, middle distillates, fuel oil, and residuums), and the type of base (for example, asphaltic, paraffin, or mixed base).

(iii) In the case of wells producing gas (including condensate) all dry gas will be considered to be of like kind. For this purpose, the term "dry gas" refers to gases containing principally methane with little or no other hydrocarbons which are commercially recoverable as liquid products. In addition, all wet gas will be considered to be of like kind. For this purpose, the term "wet gas" refers to gases containing hydrocarbons (principally hydrocarbons other than methane) which are commercially recoverable as liquid products. Further, all condensate of similar gravity will be considered to be of like kind. Among the factors determining the grade of the various kinds of gases are the energy content (as expressed in BTU's) and the pressure at the delivery point. An example of factors determining grade in the case of condensate is the yield of gasoline, middle distillates, and other products.

(iv) In the case of all minerals other than oil and gas, the fact that the taxpayer applies slightly different size reduction processes or the fact that the taxpayer uses slightly different beneficiation processes will not, in itself, prevent another person's ore or mineral from being considered to be of like kind and grade as the taxpayer's ore or mineral. On the other hand, the fact that the taxpayer's ore or mineral is suitable for the same general commercial use as another person's ore or mineral will not cause the two ores or minerals to be considered to be of like kind and grade if the desirable natural constituents of the two ores or minerals are markedly different substances. For example, anthracite coal will not be considered to be of like kind as bituminous coal merely because both types of coal can be used as fuel. Similarly, bituminous coal which does not possess coking qualities will not be considered to be of like grade as bituminous coking coal. However, in the case of a taxpayer who mines and uses his bituminous coal in the production of coke, all bituminous coals in the same marketing area will be considered to be of like kind, and all such bituminous coals having the same or similar coking quality suitable for commercial use by coke producers will be considered to be of like grade as the coal mined and used by the taxpayer.

(v) In the case of all ores and minerals, an ore or mineral may be considered to be of like kind and grade as the taxpayer's ore or mineral even though the taxpayer may use his ore or mineral for a purpose which differs from the purpose for which the comparison ore or mineral is sold, and even though the chemical, mineralogical, or physical characteristics of the ore or mineral (including, for example, size, mineral content, structure, and impurities) of such ore or mineral are not precisely identical to those of the taxpayer's ore or mineral. Fine distinctions between various grades of minerals are to be avoided unless such distinctions are clearly shown to have genuine commercial significance. For example, if under industry standards, in the case of wells producing oil, differences of less than one full degree of gravity are disregarded, such differences shall also be disregarded when determining whether oils are of like kind.

(3) *Factors to be considered in determining the representative market or field price for the taxpayer's ore or mineral.* In determining the representative market or field price for the taxpayer's ore or mineral, consideration shall be given only to prices of ores or minerals of like kind and grade as the taxpayer's ore or mineral and with which, under commercially accepted standards, the taxpayer's ore or mineral would be considered to be in competition if it were sold under the conditions described in paragraph (a) (1) (i) (*a*) or (b) (2) (i) of this section. A weighted average of the competitive selling prices of ores or minerals of like kind and grade as the taxpayer's, beneficiated only by mining or extraction processes, in the taxpayer's actual or potential lines of commerce, and in the relevant markets, although not a prerequisite to the determination of the representative market or field price, is an important factor in the determination of such price. The taxpayer's own competitive sales prices for minerals which have been subjected only to mining or extraction processes shall be taken into account in computing such a weighted average. In the case of those sales as to which the Commissioner has exercised his authority under section 482, and has determined the appropriate price with respect to specific sales transactions, such price shall be deemed to be a competitive sales price for purposes of the preceding sentence with respect to those transactions. The identity of the taxpayer's actual or potential lines of commerce, the geographical extent of the relevant markets, and the price within such markets which is the representative market or field price, are necessarily factual determinations to be made on the basis of the facts and circumstances of each individual case. These facts and circumstances include the similarity of the taxpayer's ore or mineral to the ores or minerals marketed by others, the location of the mines, wells, or quarries at which the ores or minerals are produced, the frequency and volume of such sales, the functional product markets in which ores or minerals are sold, the amount of competition within the relevant markets, the date or dates at which sales take place, the prices paid by the taxpayer and by others when purchasing similar ores or minerals, and all other relevant factors.

(4) *Type of sales which may be considered in determining the representative market or field price for the taxpayer's ore or mineral.* Sales or purchases, including the taxpayer's, of ores or minerals of like kind and grade as the taxpayer's will be taken into consideration in determining the representative market or field price for the taxpayer's ore or mineral only if such sales or purchases are the result of competitive transactions. Accordingly, to the maximum extent possible, consideration will be given to sales in markets characterized by a substantial number of unrelated buyers and sellers, no one of whom controls a substantial portion of the sales or purchases in the market. For the purpose of determining the representative market or field price for the taxpayer's ore or mineral, exceptional, insignificant, unusual, tie-in, or accommodation sales shall be disregarded.

(5) *Information to be furnished by a taxpayer computing gross income from the property by use of a representative market or field price.* A taxpayer who computes his gross income from the property pursuant to the provisions of this paragraph shall attach to his return a statement indicating the price or prices used by him in computing gross income from the property under this paragraph and the source of his information as to such price or prices. However, where there are numerous operating ore or mineral properties, and where the statement containing such information is physically bulky, a summary of such information (which may take the form of a sampling of representative properties) shall be attached to the taxpayer's return, and the relevant supporting data shall be retained by the taxpayer until the expiration of the pertinent period of limitations.

(6) *Limitation on gross income from the property computed under the provisions of this paragraph.* It shall be presumed that a price is not a representative market or field price for the taxpayer's ore or mineral if the sum of such price plus the total of all costs of the nonmining processes (including nonmining transportation) (or, in the case of oil and gas, processes constituting

conversion or transportation) which the taxpayer applies to his ore or mineral regularly exceeds the taxpayer's actual sales price of his first marketable product or group of products. See paragraph (d)(1)(iv) of this section for the definition of the term "first marketable product or group of products". For example, if the total of all costs of nonmining processes applied by the taxpayer (or another member of a controlled group which includes the taxpayer) to coal for the purpose of making coke is $12 per ton, and if the taxpayer's actual sale price for such coke is $18 per ton, a price of $7 per ton shall be presumed not to be a representative market or field price for the taxpayer's coal. For a further example, if the total of all costs of conversion or transportation processes applied by the taxpayer (or another member of a controlled group which includes the taxpayer) to crude oil produced at an offshore rig and mooring is $1 per barrel, and if the taxpayer's actual sale price for such crude oil at the receiving terminal after conversion and transportation is $2.90 per barrel, a price of $2 per barrel shall be presumed not to be a representative market or field price for the taxpayer's crude oil at the offshore rig and mooring. In order to rebut the presumption set forth in the first sentence of this subparagraph, evidence must be produced to establish to the satisfaction of the district director that the loss on nonmining processes (or, in the case of oil and gas, processes constituting conversion or transportation) is directly attributable to unusual, peculiar, and nonrecurring factors rather than to the use of a market or field price which is not representative. For example, the first sentence of this subparagraph shall not apply if the taxpayer establishes in an appropriate case that the loss on nonmining operations (or conversion or transportation processes) is directly attributable to unusual, peculiar, and nonrecurring events such as a fire, flood, storm, explosion, earthquake, strike, or a similar event which is not a normal part of the operations of the taxpayer.

* * * * *

PAR. 7. Section 1.613–3 is amended by revising the heading of paragraph (d), revising subdivision (v) of paragraph (d)(1) and adding paragraph (d)(2) in the space reserved therefor. These added and amended provisions read as follows:

§ 1.613–3 Gross income from the property.

* * * * *

(d) *Cases where a representative market or field price cannot be ascertained—(1) Computation of gross income from the property by use of the proportionate profits method.* * * *

(v) (*a*) As used in this paragraph, the term "gross sales (actual or constructive)" means the total of the taxpayer's actual competitive sales to others of the first marketable product or group of products, plus the taxpayer's constructive sales of the first marketable product or group of products used or retained for use in his own subsequent operations, subject to the adjustments required by paragraph (e) of this section (relating to reductions of sales price). See (*b*) of this subdivision in the case of actual sales between members of controlled groups and in the case of constructive sales. A "constructive sale" occurs when a miner-manufacturer is deemed, for percentage depletion purposes, to be selling to himself.

(*b*) In the case of sales between members of a controlled group, and in the case of constructive sales, the prices for such sales must be representative in character. In the case of those sales as to which the Commissioner has exercised his authority under section 482, and has determined the appropriate price with respect to specific sales transactions, such price shall be deemed to be representative in character with respect to those transactions. In the case of all other sales between members of a controlled group, the representative character of the prices for such sales shall be determined by use of the principles set forth in paragraph (c) of this section, subject to the adjustments required by paragraph (e) of this section (relating to reductions of sales price). In the case of sales to which this subdivision applies, the taxpayer shall attach to his return a statement indicating the price or prices used by him in computing the representative market or field price for such product or products, and the source of his information as to such price or prices.

* * * * *

(2) *Computation of gross income from the property by use of a method of computation other than the proportionate profits method.* (i) If, for taxable years beginning after the publication of this subparagraph in the FEDERAL REGISTER as a Treasury decision, circumstances exist which make the use of the proportionate profits method inappropriate, consideration will be given to approval of the use of an alternative method of computation. The procedures described in subdivision (iv) or (v) of this subparagraph are to be followed by industry groups or particular taxpayers, respectively, in making application for permission to compute gross income from the property by use of an alternative method. Subdivision (vii) of this subparagraph pertains to use of an alternative method on the initiative of the Commissioner or district director. The objective in computing gross income from the property by means of an alternative method is to provide for those infrequent instances in which a representative market or field price is not available and in which the proportionate profits method of computation consistently fails to reflect clearly the gross income from the property, in the light of all the facts and circumstances.

(ii) The use of an alternative method shall be acceptable only if it is established that, under the particular facts and circumstances of the case, the proportionate profits method consistently fails to reflect clearly the gross income from the property (as would be the case, for example, where the costs paid or incurred to produce, sell, and transport the first marketable product or group of products are not substantial compared with the taxpayer's gross sales of that product), and the proposed alternative method consistently does reflect clearly the gross income from the property. When determining whether a method of computation clearly reflects gross income from the property, it is relevant to compare the gross income from the property produced by such method with the gross income from the property, on an equivalent amount of production, which results from the computation methods used by competitors. When determining the acceptability of proposed alternative methods, primary consideration will be given to computation methods based upon representative charges for ores, minerals, products, or services. See paragraph (c) of this section for principles determining the representative character of a charge. An alternative method of computation will not be acceptable if it results in a consistent disparity between the price received by unintegrated producers for their ores or minerals and the constructive price for similar mineral products computed by integrated producers by use of the proposed alternative method of computation.

(iii) Application for permission to compute gross income from the property by use of an alternative to the proportionate profits method shall be made by submitting a request to the Commissioner of Internal Revenue, Washington, D.C. 20224. To the extent practicable, such requests should be submitted on an industry-wide basis. See subdivision (iv) of this subparagraph for information to be submitted with a request which is submitted on behalf of an industry group. See subdivision (v) of this subparagraph for information to be submitted with a request which is submitted on behalf of a particular taxpayer.

(iv) A request for permission to use an alternative method of computation in lieu of the proportionate profits method shall, if submitted on behalf of an industry group, contain the following information:

(*a*) The names and last known addresses of the persons on whose behalf the request is submitted;

(*b*) A concise explanation of the reasons why it is impossible to determine a representative market or field price (as described in paragraph (c) of this section) for the ore or mineral to which the request relates;

(*c*) A concise statement of the reasons why it is inappropriate for the persons on whose behalf the request is submitted to compute gross income from the property for the particular ore or mineral by use of the proportionate profits method, as described in subparagraph (1) of this paragraph; and

(*d*) A concise description of the alternative method which is proposed to be used in lieu of the proportionate profits method.

In addition, there shall be submitted under separate cover—

(*e*) Computations of gross income from the property for a typical member (or, if deemed appropriate by the applicant, several typical members) of the industry group, for the three most recent completed taxable years, by the use of—

(*1*) The proportionate profits method (except in cases in which there has been a determination that use of the proportionate profits method of computation is inappropriate), and

(*2*) The alternative method proposed to be used in lieu thereof.

If computations for additional members of the industry are deemed necessary for evaluating the request, the Commissioner may request the submission of the information described in (*e*) of this subdivision by some or all of the other persons on whose behalf the request is submitted. The information described in (*e*) of this subdivision shall be treated as confidential. The Commissioner may thereafter require such other information as may be necessary to evaluate the request. Approval of such request shall be granted only if the standards set forth in subdivision (ii) of this subparagraph are satisfied.

(v) A request for permission to use an alternative method of computation in lieu of the proportionate profits method shall, if submitted on behalf of a particular taxpayer, contain the same information set forth in subdivision (iv) (*a*) through (*d*) of this subparagraph, and computations of the taxpayer's gross income from the property for his three most recent completed taxable years by use of both the proportionate profits method (except in cases in which there has been a determination that use of the proportionate profits method of computation is inappropriate) and the alternative method proposed to be used in lieu thereof. The Commissioner may thereafter require the submission by the taxpayer of such other information as may be necessary to evaluate his request. Approval of such request shall be granted only if the standards set forth in subdivision (ii) of this subparagraph are satisfied.

(vi) Approval and continued use of an alternative method of computation in lieu of the proportionate profits method (issued in response to a request submitted pursuant to either subdivision (iv) or subdivision (v) of this subparagraph) depends upon all the facts and circumstances in each case, including such terms and conditions as may be necessary in the opinion of the Commissioner to reflect clearly the gross income from the property. Accordingly, the use of such a method shall be subject to review and change in any taxable year in which it is established that there has been a substantial change in the industry's (or taxpayer's) mode of operation or technology, or in the market conditions relating to the taxpayer's crude or finished products. However, an approved alternative method will not be disturbed if such changes are merely insubstantial.

(vii) If the district director (or Commissioner) is of the opinion that the use of the proportionate profits method is inappropriate in the case of a particular taxpayer, the taxpayer will be so advised. Thereafter, the taxpayer shall, upon request, furnish such information as is necessary to determine the proper method of computation in the circumstances. The standards set forth in subdivision (ii) of this subparagraph are applicable in determining whether the use of an alternative method of computation should be required. The provisions of subdivision (vi) of this subparagraph shall apply to the use of any alternative method required pursuant to this subdivision.

(viii) Among the alternative methods of computation to the approval of which consideration will be given, provided that the requirements of this subparagraph are met, are the methods listed below. The order in which these methods are listed is not significant, and the listing of these methods does not preclude a request to make use of a method which is not listed below.

(*a*) Use of representative market or field prices for an ore or mineral which is of like kind but which is not of like grade as the taxpayer's ore or mineral, with appropriate, readily ascertainable adjustments for differences in mineral content. For example, it may be appropriate in a particular case to establish the representative market or field price for an ore having 50 percent X mineral content by reference to the representative market or field price for the same kind of ore having 60 percent X mineral content, with an appropriate adjustment for the differences in the valuable mineral content of the two ores, any differences in processing costs attributable to impurities, and any other relevant factors.

(*b*) Representative Schedule Method. The representative schedule method is a pricing formula which uses representative finished product prices, penalties, charges, and adjustments, established in arms-length transactions between unrelated parties, to determine the market or field price for a crude mineral product. The representative character of a price, penalty, charge, or adjustment shall be determined by applying the principles set forth in paragraph (c) of this section. The representative schedule method is principally intended for use in those industries in which such a schedule-type pricing method is in general use to determine the price paid to unintegrated mineral producers for their crude mineral product. For example, if unintegrated producers of copper concentrate in a particular field or market customarily sell their product at prices which are determined in accordance with a schedule-type pricing formula, consideration will be given to the determination of concentrate prices for integrated copper producers in accordance with the same pricing formula. The representative schedule method shall not be used if it is impossible to determine one or more of the elements in the representative schedule formula by reference to prices, penalties, charges, or adjustments established in representative transactions between unrelated parties. See paragraph (c) of this section for principles determining the representative character of a charge.

(c) Use of representative market or field prices established outside the taxpayer's marketing area, provided that conditions in the two marketing areas are substantially the same. For example, it may be appropriate in a particular case to establish the representative market or field price for pellets containing 60 percent iron which are produced and used in Utah, by reference to the representative market or field price for pellets containing 60 percent iron which are produced and sold in Wyoming, provided that conditions in the two marketing areas are shown to be substantially the same.

(*d*) Rate of return on investment method. The rate of return on investment method is a pricing formula which establishes gross income from the property by subcontracting from the taxpayer's gross sales (actual or constructive) of the first marketable product or group of products the sum of (*1*) the costs of nonmining processes or of processes constituting conversion or transportation, and (*2*) an amount of profit which is determined by reference to the rate of return on the taxpayer's investment in nonmining conversion, or transportation facilities. See subdivisions (iv) and (v) of subparagraph (1) of this paragraph, respectively, for the definitions of the terms "first marketable product or group of products" and "gross sales (actual or constructive)". The rate of return on investment which is appropriate in a particular case shall be determined in light of all the current facts and circumstances, including, for example, such factors as the business risks inherent in operations in particular areas of the world or under particular physical conditions, the purpose for which the facilities were installed, the rate of return required by business firms and lending institutions which conduct or directly finance operations in such areas and under such conditions, and the rate of return actually realized in U.S. industry and in the particular mineral industry in question. The rate of return to be used in a particular case shall be reviewed periodically to reflect changes in these factors, as well as changes in all other relevant facts and circumstances. Taxpayers desiring to make use of the rate of return on investment method shall submit complete information in support of the proposed rate of return on investment which they believe should be selected. Approval and continued use of the rate of return on investment method, and of a particular rate of return, shall be subject to the conditions imposed by subdivision (vi) of this subparagraph. The term "investment", as used in this subdivision, means the taxpayer's basis for property (as defined in section 1012 and the regulations thereunder).

(ix) Subdivisions (i) through (viii) of this subparagraph shall not apply with

respect to taxable years beginning before the publication of this subparagraph in the FEDERAL REGISTER as a Treasury decision. In the case of taxable years beginning before such date, if the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs clearly reflects gross income from the property, then such gross income shall be computed for such taxable years by the use of such other method.

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PAR. 8. Section 1.613–3 is amended by revising subdivisions (i) and (iii) of paragraph (e)(2) to read as follows:

§ 1.613–3 Gross income from the property.

• • • • •

(e) *Reductions of sales price in computing gross income from the property.* • • •

(2) *Purchased transportation to the customer.* (i) A taxpayer who computes gross income from the property under the provisions of paragraph (c) of this section and who sells his ore or mineral after the application of only mining processes but after nonmining transportation (or, in the case of oil or gas, after production processes associated with extraction but after transportation) shall use as the representative market or field price (as described in paragraph (c) of this section) his delivered price (if otherwise representative) reduced by costs paid or incurred by him for purchased transportation to the customer as defined in subdivision (iii) of this subparagraph. If the transportation by the taxpayer is not purchased transportation to the customer, or if the taxpayer does not sell the ore or mineral until after the application of nonmining or conversion processes, and if other producers in the taxpayer's marketing area sell significant quantities of the ore or mineral of like kind and grade after the application of only mining processes (or production processes associated with extraction) but after purchased transportation to the customer (as defined in subdivision (iii) of this subparagraph), the delivered price at which the ore or mineral is sold by such other producers (if otherwise representative) reduced by the costs of purchased transportation to the customer paid or incurred by such producers shall be used by the taxpayer as the representative market or field price for his ore or mineral. When applying the preceding sentence, appropriate adjustments shall be made to take into account differences in mode of transportation and distance. For purposes of this subdivision, any delivered price shall be adjusted as provided in subparagraph (1) of this paragraph.

• • • • •

(iii) For purposes of this section, the term "purchased transportation to the customer" means, in general, nonmining transportation from the taxpayer's mine or plant to the customer—

(*a*) Which is performed in conveyances owned or leased by persons other than the taxpayer, rather than in conveyances owned or leased by the taxpayer,

(*b*) Which is performed solely to deliver the taxpayer's minerals or mineral products to the customer, rather than to transport such minerals or products for packaging or other additional processing by the taxpayer (other than incidental storage or handling), and

(*c*) On which the taxpayer ordinarily does not earn any profit with respect to such transportation.

For purposes of the preceding sentence, transportation which is performed by a person controlling or controlled by the taxpayer (within the meaning of paragraph (a)(3) of § 1.482–1) shall be deemed to have been performed in conveyances owned or leased by the taxpayer unless it is established by the taxpayer that the price charged by the controlling or controlled person for such transportation constitutes an arm's-length charge (under the standard described in paragraph (b)(1) of § 1.482–1). The term "purchased transportation to the customer" includes transportation to a warehouse, terminal, or distribution facility owned or operated by the taxpayer, provided that such transportation is performed under the conditions described in the first sentence of this subdivision. The fact that the billing of charges for purchased transportation to the customer is not segregated from other billing, and is included in the overall selling price, is not to be considered determinative that profit was obtained on such transportation charges. In the case of taxpayers computing gross income from the property under the provisions of paragraph (d) of this section, the term "purchased transportation to the customer" refers to transportation which conforms with the other requirements of this subdivision and which is performed to transport the taxpayer's first marketable product or group of products (as defined in paragraph (d)(1)(iv) of this section) rather than to transport minerals or mineral products which do not yet constitute the taxpayer's first marketable product or group of products.

• • • • •

PAR. 9. Section 1.613–3 is amended by revising subdivision (*b*) of paragraph (f)(2)(ii), revising subdivision (iii) of paragraph (f)(3), and adding a new subparagraph (5) at the end of paragraph (f). These amended and added provisions read as follows:

§ 1.613–3 Gross income from the property.

• • • • •

(f) *Definition of mining.* • • •

(2) *Definition of mining processes.* • • •

(ii) • • •

(*b*) In the case of clay to which paragraph (5) or (6) (B) of section 613(b) applies—crushing, grinding, and separating the clay from waste, but not including any subsequent process.

• • • • •

(3) *Processes recognized as mining for ores or minerals covered by section 613(c)(4)(C).* • • •

(iii) As used in section 613(c)(4)(C) and this section, to "bring to shipping grade and form" means to bring (by the application of mining processes at the mine or concentration plant) the quality or size of an ore or mineral to the initial condition at which the major portion thereof customarily is shipped by ordinary miners for sale or for use in a manufacturing process. For purposes of the preceding sentence, the term "major portion" means more than 50 percent. The determination as to when an ore or mineral reaches shipping grade and form shall be made on the basis of U.S. nationwide mining practice, except that, in the case of a mineral industry in which the U.S. practice is shown to be unrepresentative of the mining practices of U.S. taxpayers in such industry, the determination shall be made in light of worldwide mining practice by U.S. taxpayers in such industry. A process will not be recognized as a process applied to bring a mineral to shipping grade and form if the process is applied following shipment to a facility at which processes described in paragraph (g) of this section are applied, or if such process (wherever applied) beneficiates the ore or mineral to the degree that such process constitutes smelting or refining, or any other nonmining process within the meaning of paragraph (g) of this section.

• • • • •

(5) *Processes recognized as mining under sections 613(c)(4)(C) and (H).* (i) Section 302(b) of the Public Debt and Tax Rate Extension Act of 1960 amended section 613(c)(4)(C) and added section 613(c)(4)(H) to grant authority to the Secretary or his delegate to treat as a mining process with respect to a particular ore or mineral any process not inconsistent with the principles set forth in (*a*) through (*e*) of this subdivision. The flexibility granted by the phrase "substantially equivalent processes" in section 613(c)(4)(C) and the specific regulatory authority in section 613(c)(4)(H) will be exercised particularly to deal with changes in mining technology. This authority will also be exercised to avoid discrimination in the treatment of mineral producers who use different processing techniques to accomplish the same results or who produce competing minerals, and to indicate the proper classification of processes which are not specifically named in connection with a particular mineral in section 613(c). Accordingly, for taxable years beginning after December 31, 1960, if a taxpayer desires that a particular process or processes applied by him (not otherwise provided for) be recognized as a mining process, a petition to amend the regulations to that effect must be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. The petition must set forth concisely the reason for the request and be supported by a complete statement of the facts sufficient to permit a determination. In considering such petitions, the following factors shall ordinarily be taken into account:

(*a*) No process which is considered to be a nonmining process under the provisions of section 613(c)(5), or which is necessary or incidental to such a nonmining process, shall be designated as a mining process under section 613(c)(4)(C) or (H).

(*b*) No process shall be designated as a mining process which constitutes manufacturing or packaging, or the distribution or marketing of manufactured or packaged products, or which is necessary or incidental to any such manufacturing, packaging, distribution, or marketing process.

(*c*) No process shall be designated as a mining process which effects a substantial physical or chemical change in a crude mineral product, or which transforms a crude mineral product into a new or different mineral product, or into a refined or manufactured product.

(*d*) No process shall be designated as a mining process if the effect of such designation is to create discrimination against ordinary producers of the same kind of mineral who are not integrated into manufacturing operations. The test of nondiscrimination shall be applied by reference to the U.S. nationwide pattern of production in respect to the same kind of mineral, except that, in the case of a mineral industry in which the U.S. nationwide pattern of production is shown to be unrepresentative of the pattern of production of U.S. taxpayers in such industry, the test shall be applied by reference to the worldwide pattern of production by U.S. taxpayers in such industry.

(*e*) No process (other than loading for shipment) shall be designated as a mining process if it is applied to minerals which have already reached "shipping grade and form" (as defined in subparagraph (3)(iii) of this paragraph).

(ii) Under the authority granted the Secretary or his delegate in section 613(c)(4)(H) and the flexibility granted the Secretary or his delegate in section 613(c)(4)(C), the processes, including transportation, which are described in (*a*) through (*g*) of this subdivision, and the processes necessary or incidental thereto, are recognized as mining processes for taxable years beginning after December 31, 1960. The processes described in (*a*) through (*g*) of this subdivision are in addition to the specific processes recognized as mining under section 613(c)(4). See subdivision (iii) of this subparagraph for the definitions of certain of the terms used herein.

(*a*) Crushing.

(*b*) Coarse grinding, but not fine grinding.

(*c*) Mechanical screening for size classification purposes.

(*d*) Drying to remove free water, where such drying merely accelerates natural drying processes as, for example, drying by exposure to air or sunlight. For example, the evaporation of brine or the drying of crushed stone will ordinarily constitute mining under the provisions of this subdivision.

(*e*) Washing or cleaning the surface of mineral particles, provided that such washing or cleaning does not activate or otherwise change the physical or chemical structure of the mineral particle itself. For example, the washing of sand and gravel, or the treatment of kaolin particles to remove surface stains, would ordinarily constitute mining under the provisions of this subdivision.

(*f*) Processes which are substantially equivalent to sintering, as defined in subparagraph (3)(ii) of this paragraph. For example, in the case of iron ore, pelletizing, nodulizing, extruding, and briquetting may be considered as equivalent to sintering, providing they accomplish no more than to agglomerate the concentrates to suitable shipping form.

(*g*) Transportation of the mineral from the point of extraction from the ground to the plants or mills in which the mining processes listed in (*a*) through (*f*) of this subdivision are applied (within the limits as to distance set forth in section 613(c)(2)), except in those cases in which the location at which such processes are performed has been established for the purpose of increasing the taxpayer's percentage depletion deduction rather than for a sound business purpose.

(iii) As used in section 613(c) and this section—

(*a*) The term "crushing" is used herein to describe, in general, a size reduction process applied to reduce large mineral lumps to a size that is determined by the setting of the size reduction machinery or equipment rather than by the amount of time the mineral remains in such equipment. A size reduction process will be considered as crushing if the size reduction equipment is applied so as to reduce the mineral particles introduced into the equipment to a normal topsize of not less than 0.0555 inch, which is the size opening in a No. 14 screen (U.S. Standard Sieve Series), or to some larger normal topsize. A mineral product will be considered to have a normal topsize of 0.0555 inch if at least 98 percent of the product will pass through a No. 14 screen (U.S. Standard Sieve Series) provided that at least 5 percent of the product is retained on a No. 20 screen (U.S. Standard Sieve Series). Compliance with the normal topsize test may also be demonstrated by other tests which are shown to be reasonable in the circumstances. This normal topsize test shall be applied to the product of the operation of each separate and distinct piece of size reduction equipment utilized (such as a double roll crusher) rather than to the final products for sale. The term "crushing" is sometimes referred to in the case of certain clays as "shredding". The term "crushing" includes the incidental creation of fines as a byproduct of an allowable crushing process. Separating or screening such fines for size prior to fine pulverization will be considered an allowable mining process.

(*b*) As used herein, the term "coarse grinding" refers to size reduction processes used to reduce mineral particles to a normal topsize of not less than 0.0331 inch, which is the size opening in a No. 20 screen (U.S. Standard Sieve Series). A mineral product shall be considered to have a normal topsize of 0.0331 inch if at least 98 percent of the product will pass through a No. 20 screen (U.S. Standard Sieve Series), provided that at least 5 percent of the product is retained on a No. 30 screen (U.S. Standard Sieve Series). Compliance with the normal topsize test may also be demonstrated by other tests which are shown to be reasonable in the circumstances. This normal topsize test shall be applied to the product of the operation of each separate and distinct piece of size reduction equipment utilized (such as a hammer mill), rather than to the final products for sale. The term "coarse grinding" includes the incidental creation of fines as a byproduct of an allowable coarse grinding process. Separating or screening such fines for size prior to fine pulverization will be considered an allowable mining process.

(*c*) As used herein, the term "fine grinding" refers to size reduction processes which constitute fine pulverization. See paragraph (g)(6)(v) of this section for the definition of the term "fine pulverization".

PAR. 10. Section 1.613–3 is amended by adding new subparagraphs (4), (5), and (6) at the end of paragraph (g) and adding a new paragraph (j). These added provisions read as follows:

§ 1.613–3 Gross income from the property.

• • • • • •

(g) *Nonmining process.* • • •

(4) *Manufacturing, etc.* The production, packaging, distribution, and marketing of manufactured products, and the processes necessary or incidental thereto, are nonmining processes.

(5) *Transformation processes.* Processes which effect a substantial physical or chemical change in a crude mineral product, or which transform a crude mineral product into new or different mineral products, or into refined or manufactured products, are nonmining processes, except to the extent that such processes are specifically designated as mining processes in section 613(c) or in paragraph (f) of this section.

(6) *Definitions.* As used in section 613(c)(5) and this section—

(i) The term "calcining" refers to processes used to expel the volatile portions of a mineral by the application of heat, as, for example, the burning of carbonate rock to produce lime, the heating of gypsum to produce plaster, or the heating of clays to reduce water of crystallization.

(ii) The term "thermal smelting" refers to processes which reduce or beneficiate ores or minerals by the application of heat, as, for example, the

furnacing of copper concentrate, or the heating of iron ores, concentrates, or pellets in a blast furnace to produce pig iron, or the heating of such materials in a direct reduction kiln to produce iron pellets or similar materials for direct conversion into steel.

(iii) The term "refining" refers to processes (other than mining processes designated in section 613(c)(4) or this section) used to eliminate impurities or foreign matter from metallic and nonmetallic ores and minerals, as, for example, the refining of blister copper. In general, a refining process is designed to achieve a high degree of purity by removing relatively small amounts of impurities or foreign matter from the ore or mineral which is subjected to the refining process, whereas a concentration process is designed to separate a valuable mineral from gangue material by removing substantial amounts of impurities or foreign matter, which frequently constitute the bulk of the mineral material subjected to the concentration process. Accordingly, if a process might be classified as either a refining process or a concentration process, and if the process involves complicated or highly sophisticated treatment of an ore or mineral, or if the process adds substantial value to the ore or mineral, such process shall be presumed to be a refining process within the scope of section 613(c)(5) and this paragraph, unless the taxpayer establishes to the satisfaction of the district director that such process is not properly classified as a refining process.

(iv) The term "polishing" refers to processes used to smooth the surface of minerals, as, for example, sawing applied to finish rough cut blocks of stone, sand finishing, buffing, or otherwise smoothing blocks of stone.

(v) For taxable years beginning after the publication of this subdivision in the FEDERAL REGISTER as a Treasury decision, the term "fine pulverization" refers to any grinding or other size reduction process applied to reduce the normal topsize of a mineral product to less than 0.031 inch, which is the size opening in a No. 20 Screen (U.S. Standard Sieve Series). A mineral product will be considered to have a normal topsize of 0.0331 inch if at least 98 percent of the product will pass through a No. 20 Screen (U.S. Standard Sieve Series), provided that at least 5 percent of the product is retained on a No. 30 Screen (U.S. Standard Sieve Series). Compliance with the normal topsize test may also be demonstrated by other tests which are shown to be reasonable in the circumstances. The normal topsize test shall be applied to the product of the operation of each separate and distinct piece of size reduction equipment utilized (such as a roller mill), rather than to the final products for sale. Fine pulverization includes the repeated recirculation of material through crushing or grinding equipment to accomplish fine grinding or fine pulverization. Separating or screening the product of a fine pulverization process (including separation by air or water flotation) shall be treated as a nonmining process.

(vi) The term "blending with other materials" refers to processes used to blend different kinds of minerals with one another, as, for example, blending iodine with common salt for the purpose of producing iodized table salt.

(vii) The term "treatment effecting a chemical change" refers to processes (other than designated mining processes) which transform or modify the chemical composition of a crude mineral, as, for example, the coking of coal, the retorting of oil shale, or the use of chemicals to produce magnesium compounds from brine. The term does not include the use of chemicals to clean the surface of mineral particles provided that such cleaning does not make any change in the physical or chemical structure of the mineral particle itself.

(viii) The term "thermal action" refers to processes which involve the application of artificial heat to ores or minerals, such as, for example, the burning of bricks, the coking of coal, the retorting of oil shale, the expansion or popping of perlite, the exfoliation of vermiculate, the heat treatment of garnet, and the heating of shale, clay, or slate to produce lightweight aggregates. The term does not include drying to remove free water, where such drying merely accelerates natural drying processes, as, for example, drying by exposure to air or sunlight.

(ix) As used in section 613(c)(5) and this paragraph, the terms "necessary" and "incidental" have the meanings set forth in paragraph (f)(2)(iii) of this section. If a process functions both as a necessary or incidental part of a mining process and as a necessary or incidental part of a nonmining process, such process shall be deemed to perform, in part, a mining process, and, in part, a nonmining process. Any allocation which may be necessary with respect to such equipment shall be made on a basis which the taxpayer demonstrates to be reasonable in the circumstances.

* * * * *

(j) *Definition of controlled group.* When used in this section—

(1) The term "controlled" includes any kind of control, direct or indirect, whether legally enforceable, and however exercisable or exercised. It is the reality of the control which is decisive, not its form or the mode of its exercise. A presumption of control arises if income or deductions have been arbitrarily shifted.

(2) The term "group" means the organizations, trades, or businesses owned or controlled by the same interests.

PAR. 11. Section 1.613–4 is amended by revising paragraph (a), revising example (4) in paragraph (b)(7) (to correct a typographical error), and adding a new paragraph (c). The amended and added provisions read as follows:

§ 1.613–4 Taxable income from the property.

(a) *General rule.* The term "taxable income from the property (computed without allowance for depletion)", as used in section 613 and this part, means "gross income from the property" as defined in section 613(c) and § 1.613–3, less all allowable deductions (excluding any deduction for depletion) which are attributable to extraction or mining processes, including mining transportation, with respect to which depletion is claimed. These deductible items include operating expenses, certain selling expenses, administrative and financial overhead, depreciation, taxes deductible under section 162 or 164, losses sustained, net operating loss deductions, intangible drilling and development costs, exploration and development expenditures, etc. See paragraph (c) of this section for special rules relating to discounts and to certain of these deductible items. Expenditures which may be attributable both to the mineral property upon which depletion is claimed and to other activities shall be properly apportioned to the mineral property and to such activities. Furthermore, where a taxpayer has more than one mineral property, deductions which are not directly attributable to a specific mineral property shall be properly apportioned among the several properties. In determining the taxpayer's taxable income from the property, the amount of any particular item to be taken into account shall be determined in accordance with the principles set forth in paragraph (d)(3) of § 1.613–3.

(b) *Special rule; decrease in mining expenses resulting from gain recognized under section 1245(a)(1).* * * *

(7) The provisions of this paragraph may be illustrated by the following examples:

* * * * *

Example (4). On January 1, 1963, B, who uses the calendar year as his taxable year and who normally allocates depreciation costs to mines according to the percentage of time which the depreciable asset is used with respect to the mines, acquired a truck which was section 1245 property. During 1963 the truck was used exclusively on mine No. 1, which B operated and treated as a separate property. The depreciation adjustments allowed in respect of the truck for 1963 were $1,000 (the amount allowable), which amount was allocated to mine No. 1 in computing the taxable income therefrom. On January 1, 1964, B acquired and began operating mine No. 2 and elected under section 614(c) to aggregate and treat as one property mines Nos. 1 and 2. During 1964 B used the truck 60 percent of the time for mine No. 1 and 40 percent of the time for mine No. 2. For 1964 the depreciation adjustments allowed in respect of the truck were $1,000 (the amount allowable), which amount was allocated to the aggregation of mines Nos. 1 and 2 in computing the taxable income therefrom. On December 31, 1964, B sold mine No. 2. For 1965 the depreciation adjustments allowed in respect to the truck were $1,000 (the amount allowable), which amount was allocated to mine No. 1 in computing the taxable income therefrom. On January 1, 1966, B recognized upon sale of the truck gain of $600 to which section 1245(a)(1) applied. In computing the taxable income from mine No. 1 for 1966, the expenses otherwise required to be taken into account are reduced by $600, since all the depreciation adjustments allowed with respect to the truck, including those allowed with respect to the use of the truck at mine No. 2 ($400 for 1964), relate to the same mineral property from which B had taxable income in 1966, the taxable year in which he sold the truck.

* * * * *

(c) *Treatment of particular items in computing taxable income from the property.* In determining taxable income from the property under the provisions of paragraph (a) of this section—

(1) Trade or cash discounts (or allowances determined to have the same effect as trade or cash discounts) which are actually allowed to the taxpayer in connection with the acquisition of property, supplies, or services shall not be included in the cost of such property, supplies, or services. Accordingly, only the actual net cost of such property, supplies, or services shall be taken into account when computing taxable income from the property. See paragraph (e)(1) of § 1.613–3 for additional rules relating to discounts.

(2) Intangible drilling and development costs which are deducted under section 263(c) and § 1.612–4 shall be subtracted from the gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section.

(3) Exploration and development expenditures which are deducted for the taxable year under sections 615, 616, or 617 shall be subtracted from the gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section.

(4) (i) Selling expenses, if any, paid or incurred with respect to a raw mineral product shall be subtracted from gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section. See subdivision (iii) of this subparagraph for the definition of the term "raw mineral product". For example, the selling expenses paid or incurred by a producer of raw mineral products with respect to products such as crude oil, raw gas, coal, iron ore, or crushed dolomite shall be subtracted from gross income from the property when determining the taxpayer's taxable income from the property.

(ii) A reasonable portion of the expenses of selling a refined, manufactured, or fabricated product shall be subtracted from gross income from the property when determining the taxpayer's taxable income from the property. Such reasonable portion shall be equal to the typical selling expenses which are incurred by unintegrated miners or producers in the same mineral industry, so as to maintain equality in the tax treatment of unintegrated miners or producers in comparison with integrated miner-manufacturers or producer-manufacturers. If unintegrated miners or producers in the same mineral industry do not typically incur any selling expenses, then no portion of the expenses of selling a refined, manufactured, or fabricated product shall be subtracted from gross income from the property when determining the taxpayer's taxable income from the property. For example, a reasonable portion of the selling expenses, if any, incurred by a producer of a refined, manufactured, or fabricated product such as cast iron pipe, gasoline, copper wire or bars, gypsum wallboard, calcined lime, cement, or brick and tile products shall be subtracted from gross income from the property when determining the taxpayer's taxable income from the property. If it not possible to determine, on the basis of a study of the facts and circumstances of a particular case, what portion of the expenses of selling a refined, manufactured, or fabricated product should be subtracted from gross income under the rule contained in the first sentence of this subdivision, the portion to be subtracted shall be equal to one half of the amount of the selling expenses which would be allocated to mining or extraction if such expenses were allocated on the basis of the proportion that the direct costs of mining or extractive processes and the direct costs of nonmining processes (or, in the case of oil and gas, conversion and transportation processes) bear to each other.

(iii) For purposes of this subparagraph, a product will be considered to be a raw mineral product if (in the case of oil and gas) it is sold in the immediate vicinity of the well and if (in the case of minerals other than oil and gas) it is sold under the conditions described in paragraph (b)(2) of this section. In addition, a product will be considered to be a raw mineral product if only insubstantial value is added to the product by nonmining processes (or, in the case of oil and gas, by conversion or transportation processes). For example, in the case of a producer of crushed granite poultry grit, both bulk and bagged grit will be deemed to be a raw mineral product for purposes of the selling expense rule set forth in this subparagraph.

(iv) The term "selling expenses", for purposes of this subparagraph, includes sales management salaries, rent of sales offices, sales clerical expenses, salesmen's salaries, sales commissions and bonuses, advertising expenses, sales traveling expenses, and similar expenses, together with an allocable share of the costs of supporting services, but the term does not include delivery expenses.

(5) Taxes which are taken as a credit rather than as a deduction or which are capitalized shall not be subtracted from the gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section.

(6) Trade association dues paid or incurred by a producer of crude oil or gas or a raw mineral product shall be subtracted from the gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section. See subparagraph (4) of this paragraph for the definition of the term "raw mineral product". In addition, a reasonable portion of the trade association dues incurred by a producer of a refined, manufactured, or fabricated product shall also be subtracted from gross income from the property when determining the taxpayer's taxable income from the property. One reasonable method of allocating the trade association dues described in the preceding sentence is an allocation based on the proportion that the direct costs of mining or extractive processes and the direct costs of nonmining processes (or, in the case of oil and gas, conversion and transportation processes) bear to each other. The foregoing rules shall apply even though one of the principal purposes of an association is to advise, promote, or assist in the production, marketing, or sale of refined, manufactured, or fabricated products. For example, a reasonable portion of the trade association dues paid to an association which promotes the sale of cement, refined petroleum, or copper products shall be subtracted from gross income from the property when determining taxable income from the property.

[F.R. Doc. 69–3625; Filed, Mar. 26, 1969; 8:45 a.m.]

[26 CFR Parts 46, 47]

EXCISE AND DOCUMENTARY STAMP TAXES

Policies Issued by Foreign Insurers and Sugar Act Amendments of 1965

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 4374 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 522, 917; 26 U.S.C. 4374, 7805).

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

In order to reflect section 804 of the Excise Tax Reduction Act of 1965 (79

Stat. 160), relating to the excise tax on policies issued by foreign insurers, to reflect sections 9 (b) and (c), 13, and 14 of the Sugar Act Amendments of 1965 (79 Stat. 1271), and to delete obsolete portions of existing regulations relating to the tax on the first domestic processing of coconut and palm oil, the excise tax regulations under Parts 46 and 47 are amended as follows:

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PARAGRAPH 1. Section 46.0–1 is amended by revising paragraphs (a), (b), and so much of paragraph (c) as precedes subparagraph (1) thereof, to read as follows:

§ 46.0–1 Introduction.

(a) *In general.* The regulations in this part (Part 46, Subchapter D, Chapter I, Title 26 (1954), Code of Federal Regulations) relate to (1) the tax on policies issued by foreign insurers, (2) the tax on the manufacture of manufactured sugar imposed by chapter 37 of the Internal Revenue Code of 1954, (3) the tax on circulation other than of national banks imposed by subchapter E of chapter 39 of the Internal Revenue Code of 1954, and (4) certain related administrative provisions of subtitle F of the Internal Revenue Code of 1954. References in these regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, unless otherwise indicated. References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code, as amended, unless otherwise indicated.

(b) *Division of regulations.* The regulations in this part are divided into six subparts. Subpart A of this part contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, scope of the regulations, and the extent to which the regulations in this part supersede prior regulations. Subpart A1 of this part relates to the excise tax imposed by section 4371 on policies issued by foreign insurers. Subpart B of this part relates to the excise tax on manufactured sugar. Subpart C of this part is reserved. Subpart D of this part relates to the regulatory taxes on circulation other than of national banks. Subpart E of this part relates to selected provisions of subtitle F (Procedure and Administration) of the Code which have special application to the taxes imposed by section 4371, chapter 37, and subchapter E of chapter 39 of the Code.

(c) *Arrangement and numbering.* Each section of the regulations in Subparts A1, B, D, and E of this part is preceded by the section, subsection, or paragraph of the Internal Revenue Code which it interprets. The sections of the regulations can readily be distinguished from sections of the Code since—

* * * * *

PAR. 2. Section 46.0–3 is amended to read as follows:

§ 46.0–3 Scope of regulations.

The regulations in this part which relate to the taxes imposed on the manufacture of manufactured sugar and circulation other than of national banks, except where otherwise specifically provided, have application to transactions occurring after December 31, 1954. The regulations in this part which relate to the tax imposed on policies issued by foreign insurers have application to premiums paid on or after January 1, 1966.

PAR. 3. The following new Subpart A1 is added, after Subpart A, to Part 46, Subchapter D, Chapter I:

Subpart A1—Tax on Policies Issued by Foreign Insurers

Sec.

46.4371 Statutory provisions; imposition of tax.
46.4371–1 Applicability of subpart.
46.4371–2 Imposition of tax on policies issued by foreign insurers; scope of tax.
46.4371–3 Rate and computation of tax.
46.4372 Statutory provisions; definitions.
46.4373 Statutory provisions; exemptions.
46.4374 Statutory provisions; payment of tax.
46.4374–1 Payment of tax.
46.4375 Statutory provisions; cross references.
46.4375–1 Cross references.

Subpart A1—Tax on Policies Issued by Foreign Insurers

§ 46.4371 Statutory provisions; imposition of tax.

SEC. 4371. *Imposition of tax.* There is hereby imposed, on each policy of insurance, indemnity bond, annuity contract, or policy of reinsurance issued by any foreign insurer or reinsurer, a tax at the following rates:

(1) *Casualty insurance and indemnity bonds.* Four cents on each dollar, or fractional part thereof, of the premium charged on the policy of casualty insurance or the indemnity bond, if issued to or for, or in the name of, an insured as defined in section 4372(d).

(2) *Life insurance, sickness, and accident policies, and annuity contracts.* One cent on each dollar, or fractional part thereof, of the premium charged on the policy of life, sickness, or accident insurance, or annuity contract, unless the insurer is subject to tax under section 819.

(3) *Reinsurance.* One cent on each dollar, or fractional part thereof, of the premium charged on the policy of reinsurance covering any of the contracts taxable under paragraph (1) or (2).

If the tax imposed by this section is paid on the basis of a return under regulations prescribed under section 4374, the tax under paragraphs (1), (2), and (3) shall be computed on the premium paid in lieu of the premium charged.

[Sec. 4371 as amended and in effect January 1, 1966]

§ 46.4371–1 Applicability of subpart.

The provisions of this subpart apply only to premiums paid on or after January 1, 1966. See Subpart H, Part 47 of this chapter for provisions relating to premiums paid or charged before January 1, 1966. If any portion of the tax imposed by section 4371 was paid on the basis of the premium charged before January 1, 1966, in accordance with the provisions of § 47.4371–2 of this chapter (documentary stamp tax), then, to the extent that such portion was paid by stamp, no further tax is due under the provisions of this subpart.

§ 46.4371–2 Imposition of tax on policies issued by foreign insurers; scope of tax.

(a) *Certain insurance policies, and indemnity, fidelity, or surety bonds.* Section 4371(1) imposes a tax upon each policy of insurance (other than those referred to in paragraph (b) of this section), upon each indemnity, fidelity, or surety bond, or upon each certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance or an obligation in the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer (unless the policy or other instrument is signed or countersigned by an officer or agent of the insurer in a State, Territory, or the District of Columbia in which the insurer is authorized to do business); and either

(2) To or for, or in the name of, a domestic corporation, domestic partnership, or an individual resident of the United States, against or with respect to hazards, risks, losses, or liabilities wholly or partly within the United States; or

(3) To or for, or in the name of, a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States with respect to hazards, risks, or liabilities wholly within the United States.

For definition of the term "indemnity bond," see section 4372(c).

(b) *Life insurance, sickness, and accident policies, and annuity contracts.* Unless the insurer is subject to tax under section 819, section 4371(2) imposes a tax upon each policy of insurance or annuity contract, or upon each certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance or an annuity contract is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer (unless the policy or other instrument is signed or countersigned by an officer or agent of the insurer in a State, Territory, or the District of Columbia in which such insurer is authorized to do business); and

(2) To any person with respect to the life or hazards to the person of a citizen or resident of the United States.

(c) *Reinsurance.* Section 4371(3) imposes a tax upon each policy of reinsurance, certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of reinsurance is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as reinsurer (unless the policy or other instrument is signed or countersigned by an officer or agent of the reinsurer in a State, Territory, or the District of Columbia in which such reinsurer is authorized to do business); and

(2) To any person against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts described in (whether or not taxable under) section 4371 (1) or (2).

(d) *Exempt indemnity bonds.* The tax imposed by section 4371 does not apply to any indemnity bond described in section 4373(2).

§ 46.4371–3 Rate and computation of tax.

(a) *Rate of tax.* (1) The tax under section 4371(1) is imposed at the rate of 4 cents on each dollar, or fractional part thereof, of the premium payment.

(2) The tax under section 4371 (2) and (3) is imposed at the rate of 1 cent on each dollar, or fractional part thereof, of the premium payment.

(b) *Meaning of premium payment.* For purposes of this subpart, the term "premium payment" means the consideration paid for assuming and carrying the risk or obligation, and includes any additional assessment or charge paid under the contract, whether payable in one sum or installments.

§ 46.4372 Statutory provisions; definitions.

SEC. 4372. *Definitions*—(a) *Foreign insurer or reinsurer.* For purposes of this subchapter, the term "foreign insurer or reinsurer" means an insurer or reinsurer who is a nonresident alien individual, foreign partnership, or a foreign corporation. The term includes a nonresident alien individual, foreign partnership, or foreign corporation which shall become bound by an obligation of the nature of an indemnity bond.

(b) *Policy of casualty insurance.* For purposes of section 4371(1), the term "policy of casualty insurance" means any policy (other than life) or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed.

(c) *Indemnity bond.* For purposes of this subchapter, the term "indemnity bond" means any instrument by whatever name called whereby an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed. The term includes any bond for indemnifying any person who shall have become bound or engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

(d) *Insured.* For purposes of section 4371 (1), the term "insured" means—

(1) A domestic corporation or partnership, or an individual resident of the United States, against, or with respect to, hazards, risks, losses, or liabilities wholly or partly within the United States, or

(2) A foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States, against, or with respect to, hazards, risks, losses, or liabilities within the United States.

(e) *Policy of life, sickness, or accident insurance, or annuity contract.* For purposes of section 4371(2), the term "policy of life, sickness, or accident insurance, or annuity contract" means any policy or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed with respect to the life or hazards to the person of a citizen or resident of the United States.

(f) *Policy of reinsurance.* For purposes of section 4371(3), the term "policy of reinsurance" means any policy or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts taxable under paragraph (1) or (2) of section 4371.

[Sec. 4372 as amended and in effect Jan. 1, 1966]

§ 46.4373 Statutory provisions; exemptions.

SEC. 4373. *Exemptions.* The tax imposed by section 4371 shall not apply to—

(1) *Domestic agent.* Any policy, indemnity bond, or annuity contract signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business.

(2) *Indemnity bond.* Any indemnity bond required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-saving certificate, warrant, or check, issued by the United States.

[Sec. 4373 as amended and in effect Jan. 1, 1966]

§ 46.4374 Statutory provisions; payment of tax.

SEC. 4374. *Payment of tax.* Any person to or for whom or in whose name any policy, indemnity bond, or annuity contract referred to in section 4371 is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such instrument shall affix the proper stamps to such instrument. Notwithstanding the preceding sentence, the Secretary or his delegate may, by regulations, provide that the tax imposed by section 4371 shall be paid on the basis of a return.

[Sec. 4374 as amended and in effect Jan. 1, 1966]

§ 46.4374–1 Payment of tax.

(a) *In general.* In the case of premiums paid on or after January 1, 1966, the tax imposed by section 4371 shall be paid on the basis of a return. Such tax shall be remitted by the person who makes the payment of the premium to a foreign insurer or reinsurer or to any nonresident agent, solicitor, or broker. For purposes of this paragraph, the person who makes payment means that resident person who actually transfers the money, check, or its equivalent to the foreign insurer or reinsurer (including transfers to any bank, trust fund, or similar recipient, designated by the foreign insurer or reinsurer), or to any nonresident agent, solicitor, or broker. (See section 4372(a) for definition of foreign insurer or reinsurer.) For persons liable for the tax imposed by section 4371, see section 4384 and the regulations thereunder.

(b) *When liability for tax attaches.* The liability for the tax imposed by section 4371 shall attach at the time the premium payment is transferred to the foreign insurer or reinsurer (including transfers to any bank, trust fund, or similar recipient, designated by the foreign insurer or reinsurer), or to any nonresident agent, solicitor, or broker. A person required to remit tax under this section may remit such tax before the time the tax attaches if he keeps records consistent with such practice.

(c) *Penalty for failure to pay tax.* Any person who on or after January 1, 1966, fails to comply with the requirements of paragraph (a) of this section with intent to evade the tax shall, in addition to other penalties provided therefor, pay a fine of double the amount of tax. (See section 7270.)

§ 46.4375 Statutory provisions; cross references.

SEC. 4375. *Cross references.* For penalties and other general and administrative provisions, see section 4384 and subtitle F.

[Sec. 4375 as amended and in effect January 1, 1966]

§ 46.4375–1 Cross references.

For general and administrative provisions, see Subpart E of this part and the applicable sections of subtitle F and the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 4. Section 46.4501 and the historical note thereto are amended as follows:

§ 46.4501 Statutory provisions; imposition of tax.

SEC. 4501. *Imposition of tax*—(a) *General.* * * *

(b) *Termination of tax.* No tax shall be imposed under this subchapter on the manufacture or use of sugar or articles composed in chief value of sugar after June 30, 1972. Notwithstanding the provisions of subsection (a), no tax shall be imposed under this subchapter with respect to unsold sugar held by a manufacturer on June 30, 1972, or with respect to sugar or articles composed in chief value of sugar held in customs custody or control on such date.

[Sec. 4501 as amended by sec. 10, Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec. 162(b), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 2, Act of July 6, 1960 (Pub. Law 86–502, 74 Stat. 330); sec. 2(a), Act of March 31, 1961 (Pub. Law 87–15, 75 Stat. 40); sec. 302 (a) and (b), Tariff Classification Act 1962 (76 Stat. 77); sec. 18(a), Sugar Act Amendments 1962 (76 Stat. 166); sec. 13, Sugar Act Amendments 1965 (79 Stat. 1280)]

§§ 46.4511–46.4514 [Deleted]

PAR. 5. Subpart C of Part 46 is deleted and reserved.

PAR. 6. Section 46.6001–1 is amended by revising paragraph (c) to read as follows:

§ 46.6001–1 Records in general.

* * * * * *

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which

the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section and by §§ 46.6001–2 to 46.6001–4, inclusive, which relate to the claim.

§ 46.6001–3 [Deleted]

PAR. 7. Section 46.6001–3 is deleted and reserved.

PAR. 8. A new § 46.6001–4 is added to read as follows:

§ 46.6001–4 Records required with respect to foreign insurance policies.

(a) Each person required under the provisions of § 46.4374–1 to remit the tax imposed by section 4371 shall keep or cause to be kept accurate records of all policies or other instruments subject to such tax upon which premiums have been paid. Such records must identify each such policy or other instrument in such a manner as to clearly establish the following: (1) The gross premium paid; (2) whether such policy or other instrument is (i) a policy of casualty insurance or an indemnity bond subject to tax under section 4371(1), (ii) a policy of life, sickness, or accident insurance or an annuity contract subject to tax under section 4371(2), or (iii) a policy of reinsurance subject to tax under section 4371(3); (3) the identity of the insured (as defined in section 4372(d)); (4) the identity of the foreign insurer or reinsurer (as defined in section 4372(a)); and (5) the total premium charged and, if the premium is to be paid in installments, the amount and anniversary date of each such installment.

(b) The records required under the provisions of this section must be kept on file at the place of business or at some other convenient location, for a period of at least 3 years from the date any part of the tax became due or the date any part of the tax is paid, whichever is later, in such manner as to be readily accessible to authorized internal revenue officers or employees. The person having control or possession of a policy or other instrument subject to tax under section 4371 shall retain such policy or other instrument for at least 3 years from the date any part of the tax with respect to such policy was paid.

PAR. 9. Section 46.6011(a)–1 is amended by revising paragraph (a) to read as follows:

§ 46.6011(a)–1 Returns.

(a) *In general.* Liability for tax imposed under section 4371 or 4501(a) shall be reported on Form 720. Except as provided in paragraph (b) of this section, a return on Form 720 shall be filed for a period of one calendar quarter. Every person required to make a return on Form 720 for a return period ended December 31, 1954, shall make a return for each subsequent calendar quarter, month, or semimonthly period (whether or not liability was incurred for any tax reportable on such return for such return period) until he has filed a final return in accordance with § 46.6011(a)–2. Every person not required to make a return on Form 720 for a return period ended December 31, 1954, shall make a return for the first calendar quarter thereafter in which he incurs liability for tax imposed under section 4371 or 4501(a) and shall make a return for each subsequent calendar quarter, month, or semimonthly period until he has filed a final return in accordance with § 46.6011(a)–2.

* * * * *

PAR. 10. Section 46.6109–1 is amended by revising paragraphs (a) and (b) to read as follows:

§ 46.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who performs any manufacturing or processing operation with respect to which a tax is imposed by section 4501(a), or who is required to remit the tax imposed by section 4371, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of performance, by the person who is required to make the application, of the first manufacturing or processing operation with respect to which a tax is imposed by section 4501(a). The application for an employer identification number shall be filed on or before the seventh day after the date on which the person who is required to make the application makes a premium payment (on after Jan. 1, 1966) upon which he is required to remit the tax imposed by section 4371.

(b) *Use of employer identification number.* The employer identification number assigned to a person liable for the tax imposed by section 4501(a) shall be shown in any return, statement, or other document made by such person. The employer identification number assigned to a person required to remit the tax imposed by section 4371 shall be shown in any return, statement, or other document made by such person for any period commencing on or after January 1, 1966.

* * * * *

PAR. 11. Section 46.6418 and the historical note thereto are amended to read as follows:

§ 46.6418 Statutory provisions; credits and refunds of the tax on sugar.

SEC. 6418. *Sugar*—(a) *Use as livestock feed or for distillation or production of alcohol.* Upon the use of any manufactured sugar, or article manufactured therefrom, as livestock feed, or in the production of livestock feed, or for the distillation of alcohol, or for the production of alcohol (other than alcohol produced for human food consumption), there shall be paid by the Secretary or his delegate to the person so using such manufactured sugar, or article manufactured therefrom, the amount of any tax paid under section 4501 with respect thereto.

* * * * *

[Sec. 6418 as amended by sec. 21(b), Act of May 29, 1956 (Public Law 545; 84th Cong., 70 Stat. 221); sec. 302(c), Tariff Classification Act 1962 (76 Stat. 77); sec. 9(b), Sugar Act Amendments 1965 (79 Stat. 1278)]

PAR. 12. Section 46.6418–1 is amended to read as follows:

§ 46.6418–1 Sugar used as livestock feed or for distillation or production of alcohol.

(a) *Claims for payment.* Any person using any manufactured sugar, or an article manufactured therefrom, with respect to which a tax has been paid under section 4501(a), (1) as livestock feed, (2) in the production of livestock feed, (3) for the distillation of alcohol, or (4) for the production (on or after Nov. 8, 1965) of alcohol (other than alcohol produced for human food consumption), may file a claim for payment of the amount of tax paid thereon. The claim shall be executed by the claimant on Form 843 in the manner prescribed in § 301.6402–2 of this chapter (Regulations on Procedure and Administration), except that, after June 30, 1969, any such claim shall be filed with the service center serving the internal revenue district in which the claimant's principal place of business is located. For periods prior to July 1, 1969, any such claim shall be filed with the district director of internal revenue for the district in which the claimant's principal place of business is located. Hand-carried claims may be filed in accordance with paragraph (b) of § 301.6091–1 of this chapter. No interest shall be paid in respect of any such claim.

(b) *Proof of claim.* No claim for payment under section 6418(a) of the tax paid under section 4501(a) will be allowed unless the claimant establishes to the satisfaction of the district director—

(1) That the tax with respect to the manufactured sugar upon which the claim is based was actually paid;

(2) That the manufactured sugar, or article manufactured therefrom, was actually used in the production of livestock feed, or as livestock feed, or for the distillation of alcohol, or for the production (on or after Nov. 8, 1965) of alcohol (other than alcohol produced for human food consumption);

(3) The quantity and test of the manufactured sugar upon which the claim is based; and

(4) Such other facts as may be required to determine the claimant's right to the payment.

PAR. 13. Section 46.6418–2 is amended by revising paragraph (b) to read as follows:

§ 46.6418–2 Sugar exported.

* * * * *

(b) *Claim for payment.* Claim for payment shall be executed by the claimant on Form 843, in the manner prescribed in § 301.6402–2 of this chapter (Regulations on Procedure and Administration), except that, after June 30, 1969, any such claim shall be filed with the service center serving the internal revenue district in which the claimant's principal place of business is located. For periods prior to July 1, 1969, any such claim shall be filed with the district director of internal revenue for the district in which the claimant's principal place of business is located. Hand-carried claims may be filed in accordance with paragraph (b) of § 301.6091–1 of this chapter. No interest shall be paid in respect of any such claim.

* * * * *

PAR. 14. Section 46.6511(e) is amended by revising the title of paragraph (1) of section 6511(e) and adding a historical footnote to read as follows:

§ 46.6511(e) Statutory provisions; limitations on credit or refund.

SEC. 6511. *Limitations on credit or refund.* * * *

(e) *Special rules in case of manufactured sugar*—(1) *Use as livestock feed or for distillation or production of alcohol.* * * *

[Sec. 6511(e) as amended by sec. 9(c), Sugar Act Amendments 1965 (79 Stat. 1278)]

PAR. 15. Section 46.6511(e)–1 is amended by revising the title of paragraph (a) to read as follows:

§ 46.6511(e)–1 Special rules applicable to manufactured sugar.

(a) *Use as livestock feed and for distillation or production of alcohol.* * * *

* * * * *

PART 47—DOCUMENTARY STAMP TAXES

PAR. 16. A new § 47.4371–0 is added, following § 47.4371, to read as follows:

§ 47.4371–0 Applicability of subpart.

The provisions of this subpart apply only to premiums charged or paid before January 1, 1966. See Subpart A1, Part 46 of this chapter for provisions relating to premiums paid on or after January 1, 1966.

[F.R. Doc. 69–3636; Filed, Mar. 26, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GLEN CANYON NATIONAL RECREATION AREA, UTAH-ARIZONA

Boat Sanitary Equipment

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM–I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Regional Order No. 4 (31 F.R. 8134), as amended, it is proposed to amend § 7.70 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to establish boat sanitation equipment requirements to insure conformity with § 3.17 of Title 36, Code of Federal Regulations, which deals with water sanitation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Glen Canyon National Recreation Area, Post Office Box 1507, Page, Ariz. 86040, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraph (c) of § 7.70 is amended to read as follows:

§ 7.70 Glen Canyon National Recreation Area.

* * * * *

(c) *Water sanitation.* All vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facility sealed to prevent discharge. Chemical or other type marine toilets with approved holding tanks or storage containers shall be permitted but will be discharged or emptied only at designated sanitary pumping stations.

WILLIAM J. BRIGGLE,
Superintendent,
Glen Canyon Recreation Area.

[F.R. Doc. 69–3606; Filed, Mar. 26, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 959]

[Docket No. AO–322–A2]

ONIONS GROWN IN SOUTH TEXAS

Decision With Respect to Proposed Amendment of Marketing Agreement and Order; and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900), a public hearing was held in Edinburg, Tex., December 18, 1968. The notice thereof was published in the FEDERAL REGISTER on November 23, 1968 (33 F.R. 17359) upon a proposed amendment to Marketing Agreement No. 143 and Order No. 959 both as amended (7 CFR Part 959), hereinafter collectively referred to as the "order", regulating the handling of onions grown in South Texas.

On the basis of evidence introduced at the hearing and the record thereof, a recommended decision in this proceeding was filed on March 4, 1969, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, allowing 10 days to file written exception thereto, was published in the FEDERAL REGISTER March 7, 1969 (34 F.R. 4969).

Rulings on exceptions. Within the period provided for filing exceptions to the proposed amendment, exceptions were filed by John Benson, Alexander Marketing Co., San Benito, Tex., and jointly by Don R. Black, De Bruyn Produce Co., Zeeland, Mich., and J. S. McManus, J. S. McManus Co., Weslaco, Tex., handlers of South Texas onions. Each of the points included in the exceptions was fully and carefully considered, along with the evidence in the record, the findings thereon and the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the exceptions are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with the decision.

Material issues, findings and conclusions, and general findings. The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (34 F.R. 4969) are hereby approved and adopted, and ordered to be published as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein:

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Onions Grown in South Texas" and "Order Regulating the Handling of Onions Grown in South Texas" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the

period August 1, 1967, through July 31, 1968 (which is hereby determined to be a representative period for the purpose of such referendum), have been engaged within the production area as defined in the order, in the production of onions for market to determine whether such producers approve or favor the issuance of the annexed order regulating the handling of onions.

David B. Fitz, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900, 400 et seq.; 30 F.R. 15414).

The ballots used in such referendum shall contain a summary of the proposed amendment to be voted on.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee or at any county agent's office within the aforesaid production area.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order which will be published with this decision.

Dated: March 24, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Onions Grown in South Texas

§ 959.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

[1] This order shall not become effective unless and until the requirement of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Edinburg, Tex., on December 18, 1968, upon a proposed amendment of Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959) regulating the handling of onions grown in the South Texas production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order as hereby amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor, as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The said order as hereby amended regulates the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said order as hereby amended is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order as hereby amended prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of onions grow in the South Texas production area shall be in conformity to and in compliance with, the terms and conditions of the said order as hereby amended, as follows:

1. Section 959.27 *Nomination*, is revised by adding to the end of each of paragraphs (a) and (c) thereof, the following: "or by such other date as may be specified by the Secretary."

2. Section 959.43 *Accounting*, is revised by changing the first sentence in subparagraph (2), of paragraph (a) to read as follows:

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately two fiscal periods' expenses. • • •

3. Section 959.52 *Issuance of regulations*, is revised as follows:

a. As to paragraph (b): By deleting "or" appearing at the end of subparagraph (3); by changing the period to a semicolon at the end of subparagraph (4); and by revising subparagraph (5) and adding subparagraph (6) to read as follows:

(5) Establish holidays by prohibiting throughout the entire production area, the packaging or loading, or both, of onions on Sundays;

(6) Prohibit the packaging or loading, or both, of onions except during specified consecutive hours of any calendar day or days: *Provided*, That, any handler may, upon such notice to the committee as it may prescribe with approval of the Secretary, package or load onions during a different period in such day consisting of the same number of consecutive hours: *Provided further*, That any handler who, due to conditions specified in regulations established by the committee with the approval of the Secretary as being beyond a handler's reasonable control, is prevented for more than one of such consecutive hours from so packaging or loading onions may, in accordance with such regulations, obtain permission from the committee to package or load onions, or both, during a comparable number of additional hours in the same day or a later day as specified by the committee.

b. New paragraph (d) is added as follows:

(d) No handler may handle onions that were packaged or loaded or both during any period when such packaging or loading or both was prohibited by any regulation issued pursuant to subparagraph (5) or (6) of paragraph (b) of this section, except such onions as were exempted thereunder.

4. Section 959.7 *Handle*, is revised by adding the word "load" between the words "package" and "sell."

[F.R. Doc. 69–3649; Filed, Mar. 26, 1969; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–WE–18]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego, Calif. (Montgomery Field) control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Montgomery Field control tower and effective time of the control zone are currently from 0700 to 2300 hours local time daily. It is expected however that seasonal changes in the hours of operation of the control tower may be necessary in the future due to changes in traffic volume. The use of the NOTAM is proposed to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (34 F.R. 4557) the description of the San Diego, Calif. (Montgomery Field) is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on March 18, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69–3614; Filed, Mar. 26, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–19]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego, Calif. (San Diego County-Gillespie Field) control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Gillespie Field control tower and effective hours of the control zone are currently from 0700 to 2300 hours local time daily. It is expected however, that seasonal changes in the hours of operation of the control tower may be necessary in the future due to changes in traffic volume. The use of the NOTAM is proposed to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.171 (34 F.R. 4557) the San Diego, Calif. (San Diego County-Gillespie Field) control zone is amended to read as follows:

SAN DIEGO, CALIF. (SAN DIEGO COUNTY-GILLESPIE FIELD)

Within a 5-mile radius of San Diego County-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in The Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Deparument of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on March 18, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69–3615; Filed, Mar. 26, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 378]

[Docket No. 20845; SPDR–15]

INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Permission of Inclusive Tour Contracts on Annual Basis

MARCH 24, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 378 which would provide that where a prospectus covers a series of tours pursuant to one charter contract, the elapsed time between the commencement of the first tour and the departure of the last tour shall not be over 1 year, instead of 180 days between commencement and completion as at present. The reasons for the proposal are explained in the explanatory statement below, and the proposed amendment is set out in the proposed rule. This regulation is proposed under authority of sections 204(a) and 101(33) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 82 Stat. 867; 49 U.S.C. 1324, 1301.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before April 28, 1969, will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested

persons in the Docket Section of the Board, Room 712, Universal Building, Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

Explanatory statement. Section 378.18 (a) provides that, if a series of inclusive tours is to be operated for one tour operator pursuant to one charter contract, the Tour Prospectus may cover the entire series provided the elapsed time between the commencement of the first tour and the completion of the last tour is not over 180 days. The section further provides that no inclusive tour may be advertised or performed unless an acceptable Tour Prospectus has been filed with the Board at least 60 days before commencement of the tour. During the past year, a number of waivers of the 180-day limitation have been requested, and granted on the grounds that contracts for aircraft, hotels, and surface transportation are more easily made on an annual basis and that promotion of inclusive tours is more effective over this longer period.

The time limitation on a series of tours was imposed so that the Board could exercise close surveillance of the inclusive tour program during its developmental period. The program has been successfully operated for 3 years, and we believe the tour operators have gained sufficient experience to justify some relaxation of Board control. The requirement of a Statement of Authorization for each tour or series of tours was allowed to expire December 31, 1968. We now propose to change the 180-day limitation indicated above to 1 year. Further, the year will be measured from commencement of the first tour to departure of the last tour in the series. This change will permit contracts for 52 consecutive weekly departures, which appears to be the practice of the industry.

Proposed rule. It is proposed to amend § 378.18 (14 CFR 378.18) by revising paragraph (a) to read as follows:

§ 378.18 Procedure applicable to periods on or after January 1, 1969.

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1969, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a Tour Prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year. The Tour Prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

* * * * *

[F.R. Doc. 69-3635; Filed, Mar. 26, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 18433]

ALL-CHANNEL TELEVISION BROADCAST RECEIVERS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 15 of the rules and regulations with regard to all-channel television broadcast receivers, Docket No. 18433.

1. A notice of proposed rule making in the above-captioned proceeding was adopted by the Commission on January 29, 1968 (34 F.R. 1732, Feb. 5, 1969). Comments were requested by March 21, 1969, and reply comments by April 4, 1969.

2. On March 18, 1969, the Electronics Industries Association (EIA) filed a motion requesting that the time for filing comments be extended to May 23, 1969 and that the time for filing reply comments be extended to June 6, 1969. In support of its motion, EIA states, in effect, that the television receiver industry has been requested to furnish considerable information concerning advances in receiver tuning and the effect of Commission regulation, and that additional time is required for the preparation of adequate comments.

3. The Commission's proposal is a matter of considerable importance to the television receiver industry. The information which the industry is capable of furnishing as to the current state of the art and as to the consequences of regulation is needed by the Commission; and it is of importance to the Commission and the industry that the information and views submitted be current and fully developed. The requested extension of time will therefore be granted. To the extent that regulation in this area is determined to be necessary and feasible, however, there is a need for prompt action. The television receiver industry and other interested persons are therefore urged to expedite the submission of comments. Absent the most compelling showing, further requests for extensions of time in this proceeding will not be given favorable consideration.

In view of the foregoing: *It is ordered,* Pursuant to section 5(d)(1) of the Communications Act and § 0.251(b) of the rules and regulations, that the time for filing comments in this proceeding is extended to May 23, 1969, and that the time for filing reply comments is extended to June 6, 1969.

Adopted: March 19, 1969.

Released: March 21, 1969.

[SEAL] HENRY GELLER, *General Counsel.*

[F.R. Doc. 69-3632; Filed, Mar. 26, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 504]

[Docket No. 69-6]

COLLECTION, COMPROMISE, AND TERMINATION OF ENFORCEMENT CLAIMS

Rescheduling of Filing Dates

At the request of counsel for four inbound Far East conferences, and good cause appearing, the filing schedule in this proceeding is revised as follows:

Views or comments may be filed on or before April 7, 1969.

Reply of Hearing Counsel will be filed on or before April 22, 1969.

Answers to Hearing Counsel's reply may be filed on or before May 2, 1969.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-3651; Filed, Mar. 26, 1969; 8:52 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 2257]

CALIFORNIA

Opening National Forest Lands

MARCH 19, 1969.

1. In an order issued October 16, 1968, the Federal Power Commission vacated withdrawals created pursuant to the filing on March 8, 1923, of an application for license for Project No. 396 and on January 29, 1940, filed an application for license for minor Project No. 1625, modified March 17, 1942, so far as it pertains to the following described lands:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 17 E.,
Sec. 16, SW¼NW¼;
Sec. 17, E½SW¼NE¼ and SE¼NE¼.

The areas described aggregate 100 acres in El Dorado County within the Eldorado National Forest and lie along the left bank of the South Fork of the American River. Portions of the lands are withdrawn for national forest roadside zone purposes by Public Land Order No. 3342 of March 2, 1964.

2. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to authority redelegated to me by Bureau Order No. 701 of July 23, 1964, as amended, the lands described in paragraph 1 herein are hereby open to such forms of disposition as may by law be made of national forest lands subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, rules, and regulations as of 10 a.m., April 18, 1969.

The lands have been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

ELIZABETH H. MIDTBY, *Chief, Lands Adjudication Section.*

[F.R. Doc. 69-3623; Filed, Mar. 26, 1969; 8:50 a.m.]

[S-856]

CALIFORNIA

Notice of Termination of Classification of Public Lands

MARCH 20, 1969.

Notice of a classification of public lands for multiple use management was published as F.R. Doc. 67-15087 on page 20988 of the issue for Friday, December 29, 1967. This classification is canceled insofar as it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2411.2(e)(2)(ii), such lands are hereby relieved of any segregative effect the above-mentioned classification may have had.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN

NEVADA COUNTY, CALIF.

T. 17 N., R. 8 E.,
Sec. 33.

LESTER C. DUNN, *Acting State Director.*

[F.R. Doc. 69-3624; Filed, Mar. 26, 1969; 8:50 a.m.]

[Serial No. N-2762]

NEVADA

Notice of Public Sale

MARCH 21, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered to the highest bidder at a sale to be held at 9:00 a.m., local time, on Wednesday, May 7, 1969, at the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEV.

T. 21 S., R. 61 E.,
Sec. 30, E½NE¼NE¼NW¼.

The area described contains five acres. The appraised value of the tract is $30,000 and publication costs to be assessed are estimated at $12.

The land will be sold subject to all valid existing rights, and to a reservation of rights-of-way of 50 feet along the north boundary, and 40 feet along the east boundary, for roadway and utility purposes. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any state thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108, prior to 4:00 p.m., on Tuesday, May 6, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-2762, May 7, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:00 p.m. of the day of the sale.

If no bids are received for the sale tract on Wednesday, May 7, 1969, the tract will be reoffered on the first Wednesday of subsequent months at 9:00 a.m., beginning June 4, 1969.

Any adverse claimants to the above-described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108.

ROLLA E. CHANDLER, *Manager, Nevada Land Office.*

[F.R. Doc. 69-3600; Filed, Mar. 26, 1969; 8:48 a.m.]

[Serial No. N–2566]

NEVADA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

MARCH 19, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412), it is proposed to classify the public lands described below for transfer out of Federal ownership under the Lake Mead National Recreation Area Act of October 8, 1964 (16 U.S.C. 460n).

2. This proposal has been discussed with local governmental officials and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands for exchange under appropriate authority.

3. Publication of this notice will segregate the affected lands from all other forms of appropriation including the mining laws. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

4. The public lands affected by this classification are described as:

MOUNT DIABLO MERIDIAN

NYE COUNTY

T. 5 N., R. 41 E.,
Sec. 1, All;
Sec. 2, Lot 1, SE¼NE¼, E½SE¼;
Sec. 11, E½E½;
Sec. 12, All;
Sec. 13, N½;
Sec. 14, E½NE¼.
T. 6 N., R. 41 E.,
Sec. 25, S½S½;
Sec. 26, SE¼SE¼;
Sec. 35, E½E½;
Sec. 36, All.
T. 5 N., R. 42 E., unsurveyed;
Sec. 6, W½, SW¼SE¼ except land inclusive in Mineral surveys;
Sec. 7, All except land inclusive in Mineral surveys;
Sec. 18, N½.
T. 6 N., R. 42 E.,
Sec. 30, S½S½, unsurveyed;
Sec. 31, Lots 3, 4, E½SW¼;
Sec. 31, N½, W½SE¼, unsurveyed;
Sec. 32, W½NW¼, unsurveyed.

The public lands described above aggregate approximately 5300 acres.

5. The land will be open to applicafactured sugar upon which the claim is equal opportunity basis when the lands are classified by a subsequent order. All applications for exchange must be accompanied by a statement from the Chief, Office of Land and Water Rights, National Park Service, San Francisco Planning and Service Center, that the proposal is feasible, in accordance with 43 CFR 2244.1–2(b)(1).

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Battle Mountain District Manager, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820.

For the State Director.

A. JOHN HILLSAMER,
Acting Land Office Manager.

[F.R. Doc. 69–3621; Filed, Mar. 26, 1969; 8:50 a.m.]

[New Mexico 435]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Multiple Use Management

MARCH 20, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands described below were classified for multiple use management (32 F.R. 2579–2586) on February 7, 1967.

2. Publication of this notice has the effect of further segregating the lands described below from all forms of appropriation under the public land laws, including the general mining and the mineral leasing laws. The lands have high recreational or historical values and it is necessary to protect the Government's existing and proposed recreational improvements. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

3. The public lands located within the following described areas are shown on maps designated 30–03–01, 30–03–02, and 30–03–03 on file in the Las Cruces District Office, Bureau of Land Management, 1705 North Seventh Street, Las Cruces, N. Mex. 88001, and the New Mexico Land Office, Post Office and Federal Building, Federal Place, Santa Fe, N. Mex. 87501:

NEW MEXICO PRINCIPAL MERIDIAN

ORGAN MOUNTAIN RECREATION AREA

T. 22 S., R. 4 E.,
Sec. 6, lots 17, 62, and 64 to 76, inclusive;
Sec. 8, E½;
Sec. 16, lot 1 and W½NW¼;
Sec. 17, lots 1, 2, 3, 6, 7, 8, and W½SE¼;
Sec. 20, N½ and SW¼;
Sec. 31, lots 5, 6, and E½NW¼;
Secs. 32 and 33.

BAYLOR PICNIC SITE

T. 21 S., R. 3 E.,
Sec. 13, SW¼SE¼;
Sec. 14, E½SE¼.

BAYLOR PASS SITE

T. 22 S., R. 3 E.,
Sec. 13, SW¼;
Sec. 14, lots 13, 14, 15, and 16;
Sec. 23, lot 7 and NE¼NE¼;
Sec. 24, N½ and N½SE¼.

THREE RIVERS PETROGLYPH SITE

T. 11 S., R. 9½ E.,
Sec. 17, E½SE¼;
Sec. 20, E½NE¼;
Sec. 21;
Sec. 28, N½N½.

NEEDLE'S EYE PICNIC SITE

T. 24 S., R. 3 E.,
Sec. 1;
Sec. 12, N½.

GRANITE GAP RECREATION AREA

T. 25 S., R. 21 W.,
Sec. 26, SW¼;
Sec. 27, S½;
Sec. 34, N½;
Sec. 35, NW¼.

MASSACRE PEAK PETROGLYPHS

T. 21 S., R. 8 W.,
Sec. 29, SW¼, and W½SE¼.

DONA ANA MOUNTAIN RECREATION SITE

NORTH SITE

T. 21 S., R. 1 E.,
Sec. 25, NE¼.

EAST SITE

T. 21 S., R. 2 E.,
Sec. 30, lots 24, 25, 26, and 27.

FORT CUMMINGS RECREATION AREA

T. 21 S., R. 8 W.,
Secs. 20, 21, and 22;
Sec. 23, E½, N½NW¼, SE¼NW¼, and SW¼;
Secs. 24, 25, and 26;
Sec. 27, E½, NW¼, and NW¼SW¼;
Secs. 28 and 29.

DONA ANA—NORTH RECREATION AREA

T. 21 S., R. 1 E.,
Secs. 24 and 25.

DONA ANA—EAST RECREATION AREA

T. 21 S., R. 2 E.,
Sec. 19, lots 16 to 21, inclusive and lots 23 to 31, inclusive;
Sec. 30;
Sec. 31, lots 9 to 16, inclusive.

The areas described above aggregate 13,822.11 acres.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Las Cruces District Manager, 1705 North Seventh Street, Las Cruces, N. Mex. 88001.

CLYDE R. DURNELL,
Acting State Director.

[F.R. Doc. 69–3622; Filed, Mar. 26, 1969; 8:50 a.m.]

[Utah 7493]

UTAH

Notice of Proposed Classification of Public Lands for Disposal by Exchange

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), and to the regulations in 43 CFR 2411.1–2, it is proposed to classify the lands described below for disposal through exchange, under the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR 2244), for lands within the Salt Lake District.

This proposal has been discussed with the District Advisory Board, local governmental officials and other interested parties. Information from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program."

Publication of this notice will segregate the lands from all appropriation including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

No application for an exchange will be accepted until it has first been determined that it is in the public interest for the United States to acquire the proposed offered lands and that the value of the offered lands equals or exceeds that of the selected lands.

All applications for exchange must be accompanied by a statement from the Bureau of Land Management, Salt Lake District Manager, that the proposal is feasible, in accordance with 43 CFR 2244.1–2(b)(1).

Information concerning these lands is available at the Brigham City Sub-Office, Bureau of Land Management, Brigham City, Utah 84302, and the Salt Lake District Office, 1750 South Redwood Road, Salt Lake City, Utah 84104.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments, suggestions, or objections to the District Manager of the Salt Lake District, Bureau of Land Management, 1750 South Redwood Road, Room 214, Salt Lake City, Utah 84104; or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

The lands affected by this proposal are located in Box Elder County, Utah, and are described as follows:

SALT LAKE MERIDIAN

T. 9 N., R. 14 W.,
Secs. 4, 10, 12, 14, 22, 24, 26, 28, and 34.
T. 10 N., R. 13 W.,
Secs. 14, 18, 20, 22, 24, 26, 28, 30, and 34.
T. 10 N., R. 14 W.,
Secs. 14, 18, 22, 24, 26, 28, 30, and 34.
T. 10 N., R. 15 W.,
Secs. 2, 4, 8, 12, and 20;
Sec. 6, S½SE¼;
Sec. 18, Lots 1, 2, E½NW¼.
T. 11 N., R. 14 W.,
Sec. 30, all;
Sec. 31, E½E½.
T. 11 N., R. 15 W.,
Secs. 12, 24, 26, 34;
Sec. 14, NE¼, E½NW¼, S½;
Sec. 22, E½SE¼.
T. 12 N., R. 15 W.,
Sec. 12, all.

The above-described areas aggregate 24,688.97 acres.

JAMES E. KEOGH,
Acting State Director.

[F.R. Doc. 69–3601; Filed, Mar. 26, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

COLORADO STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00418–33–46040. Applicant: Colorado State University, Purchasing Department, Fort Collins, Colo. 80521. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for instruction and research training of graduate students and faculty. The following projects are currently under study:

1. Pathogenesis of high mountain disease in cattle lungs.
2. Effects of viper venoms on skeletal muscle.
3. Virus diseases of potatoes.
4. Morphogenesis of Hamster heart muscle.
5. Morphogenesis of Hamster adrenals.
6. Virus diseases of trout pancreas.
7. Formation of ice crystal nuclei.
8. Thin metallic films.
9. Diffraction of single crystals.
10. Differentiation of bacteria.
11. Nematode parasites.
12. Chifton of Acarines.
13. Contractile vacuoles of amoebae.

Application received by Commissioner of Customs: February 13, 1969.

Docket No. 69–00422–33–79400. Applicant: V.A. Hospital, Lexington, Ky. 40507. Article: Syringes, metal and spare barrels. Manufacturer: Socorey Medical Instruments, Ltd., Switzerland. Intended use of article: The article will be used in connection with coronary angiography to inject the radiographic dye into the coronary artery. It is absolutely necessary that the syringes utilized to inject the radiographic dye into the coronary artery be free from stickiness, therefore, glass replaceable barrels are advantageous over any other type of syringe because they do not stick if blood or radiographic dye is in them. Application received by Commissioner of Customs: February 14, 1969.

Docket No. 69–00433–61–46040. Applicant: Duke University, Durham, N.C. 27706. Article: Electron microscope, Elmiskop 101 and spare parts. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for research on ultrastructure and its genetic control in biological materials (particularly cereal grains and tomato) which requires the highest possible resolution with the lowest contamination of the specimens. The article provides the only combination that will give results in the study of chloroplast initiation. Application received by Commissioner of Customs: February 24, 1969.

Docket No. 69–00443–01–70700. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Ultra-Violet recorder, Type SE. 3006/S, with matched pairs of Type B.100 galvanometers and accessories. Manufacturer: S.E. Laboratories (Engineering) Ltd., U.K. Intended use of article: The article will be used to measure oscillatory data obtained with a Weissenberg rheogoniometer already available which includes frequency responses and phase shifts of viscoelastic materials up to 60 cycles per second. This work requires that a recorder be capable of reading the high frequency end of the spectrum with extreme accuracy. Application received by Commissioner of Customs: February 27, 1969.

Docket No. 69–00444–33–16030. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Scintillation counter and accessories, Model SC–LP2. Manufacturer: Panax Equipment, Ltd., U.K. Intended use of article: The article will be used for the measurement of Na-24 radioactive isotope activity in single cells and effluent, using a new technique of plastic phosphor scintillation counting. The

article will house the plastic scintillation sandwiches over the photomultiplier and retrieve the cell via the gate of the lead castle. Application received by Commissioner of Customs: February 27, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3565; Filed, Mar. 26, 1969; 8:45 a.m.]

HEALTH RESEARCH, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00263-0041200. Applicant: Health Research Inc., Roswell Park Division, 666 Elm Street, Buffalo, N.Y. 14203. Article: Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article will be used as a component to an existing instrument for the study of radiation damage in organs and biological materials. The scope of this work extends to the study of radiation protection measures as well. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is to be used, is being manufactured in the United States. Reasons: The foreign article is a replacement for a Klystron tube incorporated in a microwave oscillator that was manufactured in the United States. However, the Klystron tube is no longer being manufactured in the United States by the manufacturer of the oscillator, but in a Canadian facility of this manufacturer. The Department of Commerce knows of no Klystron tube being manufactured in the United States, which is capable of fulfilling the technical requirements specified by the applicant, or can be adapted or modified to serve the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3566; Filed, Mar. 26, 1969; 8:45 a.m.]

JOHNS HOPKINS UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00452-00-46040. Applicant: Johns Hopkins University, Purchasing Department, Baltimore, Md. 21218. Article: Conversion kit for electron gun. (Siemens.) Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to convert the fixed high voltage electron gun cable of an existing electron microscope to a plug connection. Application received by Commissioner of Customs: March 5, 1969.

Docket No. 69-00453-85-43000. Applicant: University of Colorado, Regent Hall, Room 122, Boulder, Colo. 80302. Article: Portable nuclear precision magnetometer, Model GM-102. Manufacturer: Barringer Research, Canada. Intended use of article: The article will be used as part of a program to equip an undergraduate teaching laboratory in geophysics. The Department of Geological Sciences requires a field magnetometer of the nuclear precession type for student field use to demonstrate the principles of nuclear precession. Application received by Commissioner of Customs: March 5, 1969.

Docket No. 69-00454-50-02000. Applicant: University of Washington, Department of Atmospheric Sciences, Seattle, Wash. 98105. Article: Ultrasonic sonic anemometer with probe, Type PAT-311 Sonic anemometer and TR-31 Probe. Manufacturer: Kaijo Denki, Japan. Intended use of article: The article is intended to be used during April 1969, as part of the Barbados Oceanographic and Meteorological Experiment (BOMEX). The article will measure 3 vector wind components and temperature from which the turbulent fluxes of momentum and heat may be calculated as well as various other turbulence statistics. Application received by Commissioner of Customs: March 5, 1969.

Docket No. 69-00455-01-77030. Applicant: Macalester College, St. Paul, Minn. 55101. Article: Nuclear Magnetic Resonance Spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for instructional purposes concerning the following:

(a) Instructional use in undergraduate chemistry courses at Macalester College;

(b) Use in student-faculty research projects for structure determination;

(c) Spin decoupling studies for structure determination of reaction products, in both external and internal lock modes;

(d) Demonstration to undergraduates of both the capabilities and the limitations of different modes of n.m.r. operation;

(e) In the near future, Fluorine 19 and Carbon 13 work is planned to allow the students to become acquainted with the relationships of field and frequency chemical shifts and spin-spin splitting for nuclei other than protons;

(f) Study of the coordination of hydrogen cyanamide in transition metal complexes;

(g) The detection of hydrogen bonded to nitrogen in thionitrosyl chelates of the Group VIII metals.

Application received by Commissioner of Customs: March 6, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3567; Filed, Mar. 26, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00373-98-34040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Microwave generator, backward wave oscillator/carcinotron tube, Model CSF CO-40B. Manufacturer: Compagnie Generale de Telegraphie Sans Fil, France. Intended use of article: The article will be used as a replacement tube for three existing tubes in a polarized proton target used in high energy physics experiments in conjunction with the laboratory's Bevatron accelerator, 184-inch synchrocyclotron, and the Stanford linear accelerator (SLAC). The tube must be interchangeable with existing tubes and compatible with existing equipment. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a microwave generator tube which is to serve as a replacement in apparatus used in conjunction with a bevatron accelerator, linear accelerator and synchrocyclotron. The replacement tube must be compatible with the apparatus and interchangeable with one it replaces. Prior to ordering the foreign article, the applicant contacted known domestic manufacturers of microwave generator tubes, none of which was able and willing to furnish a tube conforming to the specifications of the foreign article.

The Department of Commerce knows of no other domestic manufacturer which is able and willing to furnish a microwave generator tube that is interchangeable with the foreign article and compatible with the apparatus with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3564; Filed, Mar. 26, 1969; 8:45 a.m.]

Office of the Secretary

[DO 90-B]

NATIONAL BUREAU OF STANDARDS

Public Information

This material supersedes the material appearing at 32 F.R. 12127 of August 23, 1967.

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the National Bureau of Standards ("NBS"), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the National Bureau of Standards which affect the public, and otherwise to comply with the requirements of section 552, title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54).

B. *Public Information Services.*—1. *Publications of the Bureau of Standards.* a. The *Journal of Research of the National Bureau of Standards* is the chief periodical of the Bureau devoted to reporting the results of its scientific activities. It is published in three sections, each of which is available separately: "Physics and Chemistry," "Mathematics and Mathematical Physics," and "Engineering and Instrumentation". The Bureau also publishes a monthly "Technical News Bulletin," and an annual report, entitled "Technical Highlights of the National Bureau of Standards."

b. The Bureau also publishes a number of nonperiodical series, covering its major fields of activity. These include the "Applied Mathematics Series," "National Standard Reference Data Series," "Building Science Series," "Technical Notes," "Product Standards," "Special Publications," "Handbooks," "Monographs," and "Federal Information Processing Standards Publications."

c. The various publications of the Bureau are listed in NBS Circular 460, NBS Miscellaneous Publication 240, and the Catalog of Commerce Publications, and in the supplements to these volumes. They are also listed, as published, in the "Business Services Checklist" of the Department of Commerce.

d. Information as to prices, frequency of issue, or other matters concerning NBS publications should be addressed to the Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234. The telephone number of this Office is 921-2318; Area Code 301. Subscriptions to periodicals, and purchases of other NBS publications, should be directed to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Many NBS publications are available at or through the Field Offices of the Office of Field Services, Department of Commerce, which are located in some 40 major cities.

2. *Clearinghouse for Federal Scientific and Technical Information.* a. The Clearinghouse serves as a focal point for the collection, announcement, and dissemination of unclassified U.S. Government sponsored research and development documents and translations of foreign technical literature to the scientific, technical and industrial communities (see section 7.03 of DO 90-B). The Clearinghouse publishes, bimonthly, the "U.S. Government Research and Development Reports" (USGRDR) abstract journal which lists each document released through the Clearinghouse by subject categories, and the "U.S. Government Research and Development Reports Index (USGRDR-Index)", published concurrently, which indexes each document listed in "USGRDR" by subject, personal author, corporate author, report number and contract number. Other announcement services include "Clearinghouse Announcements in Science and Technology", a convenient method for scientists, engineers, and businessmen to scan the flow of new technical information in any of 46 separate fields of technology, and the "Fast Announcement Service" which highlights selected reports recently received by the Clearinghouse for public sale. The announcements are compiled and mailed by a subject system of 57 categories.

b. Copies of documents available from the Clearinghouse are priced, with few exceptions, at $3 for a paper copy and 65 cents for microfiche. Prepaid document coupons in these denominations are available from the Clearinghouse. For further information about Clearinghouse products and services please contact: Clearinghouse, U.S. Department of Commerce, Springfield, Va. 22151, Telephone: Area Code 703, 321-8500.

3. *Office of Standard Reference Data.* a. As the program management vehicle of the National Standard Reference Data System, the Office of Standard Reference Data is concerned with the production and dissemination of compilations of critically evaluated data in the physical sciences. The System contains a network of 28 information and data centers which provide referral, reference, documentation and data to the American technical community. Within the Office of Standard Reference Data, the Information Services Operation serves as the direct point of contact between the users and the Standard Reference Data System as a whole. (See section 7.02 of DO 90-B).

b. Based on a data file of compilations of critically evaluated data produced throughout the world, the Information Services Operation will ultimately provide (1) referral service, which refers requests for data on specific subjects to information or data centers specializing in those subjects; (2) reference service, which provides literature references indicating where requesters might locate relevant data; (3) document service, which provides copies of documents in response to inquiries; and (4) data service, which provides detailed data as required to respond fully to requests for information. The "NSRDS News", a monthly newsletter, provides information about activities of the data centers, periodic lists of new compilations of data, and announcements of conferences and meetings of interest to users of numerical data.

c. Most of the data compilations can be obtained directly from the Government Printing Office. Information on the System, lists of compilation titles, and details of the information services provided can be obtaned by writing to: Information Services Operation, Office of Standard Reference Data, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2583; Area code 301.

4. *Other information services*—a. *General information on the mission and operation of NBS.* Address inquiries to the Office of Public Information, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2431; Area code 301.

b. *Information on NBS technical programs and publications.* Address inquiries to the Office of Technical Information and Publications, National Bureau of

Standards, Washington, D.C. 20234. Telephone 921–2316; Area code 301.

c. *Information on NBS activities at Boulder, Colo.* Address inquiries to the Technical Information Office, National Bureau of Standards, Boulder, Colo. 80302. Telephone 447–3245; Area code 303.

d. *Information on filing claims against NBS (Washington and Boulder).* Address inquiries to the Safety Office, National Bureau of Standards, Washington, D.C. 20234. Telephone 921–2600; Area code 301.

C. *Guide to published rules and regulations.* 1. Rules with respect to National Bureau of Standards services available to the public are contained in Chapter II, Title 15 of the Code of Federal Regulations. Specifically, the following Parts of Chapter II, 15 CFR, contain rules and regulations affecting the public:

a. Part 200 describes Bureau policies as to its measurement services, including calibrations and tests, and the procedures for requesting these services.

b. Parts 201, 202, 203, 205, 206, and 210 describe the various measurement services, including calibrations and tests, that are available and the costs thereof.

c. Part 230 lists standard reference materials issued by NBS and describes the procedure for ordering these materials.

d. Part 235 lists NBS motion picture films and prescribes the procedure for ordering them.

e. Part 240 describes the standards applicable to barrels and other containers for lime.

f. Part 241 describes the standards applicable to barrels for fruits, vegetables and other dry commodities, and for cranberries.

g. Part 255 describes the types of NBS fellowships in laboratory standardization and testing, and lists the qualifications needed to obtain such fellowships.

h. Part 256 describes policies and procedures concerning the Research Associate Program at NBS.

i. Part 260 describes the standard for devices to permit the opening of household refrigerator doors from the inside.

2. Certain authority for administering the operations of the voluntary standards program of the Department of Commerce has been delegated to the National Bureau of Standards. Part 10 of Title 15, CFR, sets forth procedures for the development of voluntary product standards.

D. *Submission of requests and applications.* 1. The rules and regulations of the National Bureau of Standards, as cited in section C of this Appendix, describes the procedures and identify the established places to which all requests for the various services provided by the bureau are to be submitted.

2. Any member of the public desiring to make any other type of submittal or request should direct such submittal or request to the Director, National Bureau of Standards, Washington, D.C. 20234.

E. *Final delegations of authority.* The Director, National Bureau of Standards, has made no delegation or redelegation of authority to officers or employees of the bureau to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations.

F. *Inspection and copying of opinions and orders.* All final opinions of the National Bureau of Standards made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), are made available for such purposes at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. Rules prescribing public use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, and may also be obtained from the facility.

G. *Inspection of Bureau Records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the National Bureau of Standards which are not available to the public as part of the regular public information services of the Bureau, are contained in Part 4, Subtitle A Title 15, Code of Federal Regulations. Application forms and instructions are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from any Field Office of the Office of Field Services, Department of Commerce.

Dated: March 14, 1969.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69–3628; Filed, Mar. 26, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0797) has been filed by Chevron Chemical Co., Ortho Div., 940 Hensley Street, Richmond, Calif. 94804, proposing the establishment of tolerances (21 CFR Part 120) for residues of the fungicide *cis-N*[(1,1,2,2-tetrachloroethyl) thio]-4-cyclohexene-1,2-dicarboximide in or on the raw agricultural commodities: Cherries (sour) at 50 parts per million; apricots, nectarines, and peaches at 30 parts per million; tomatoes at 15 parts per million; and cherries (sweet), cucumbers, melons, plums, and prunes at 5 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is as follows: The sample is extracted with benzene and, after appropriate cleanup, is chromatographed by a thin layer procedure. The plate is sprayed with *N,N*-dimethyl-*p*-phenylenediamine to visualize the spots and the fungicide is estimated by comparison with standards.

Dated: March 20, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–3594; Filed, Mar. 26, 1969; 8:47 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2399) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing that § 121.2599 *Vinylidene chloride copolymer coatings for nylon film* (21 CFR 121.2599) be amended to provide for the safe use of acrylic acid as an optional component of vinylidene chloride copolymers used as food-contact coatings on nylon film.

Dated: March 20, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–3595; Filed, Mar. 26, 1969; 8:48 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of July 2, 1968 (33 F.R. 9628), proposing that the food additive regulations be amended to provide for the safe use of carbarsone (not U.S.P.) in combination with bacitracin methylene disalicylate in turkey feed as an aid in the prevention of blackhead and for the prevention and treatment of infectious sinusitis and blue comb (mud fever).

Dated: March 19, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–3596; Filed, Mar. 26, 1969; 8:48 a.m.]

SUCCINIC ACID 2,2-DIMETHYLHYDRAZIDE

Notice of Extension of Temporary Tolerance

Uniroyal Inc., Bethany, Conn. 06525, was granted a temporary tolerance of 30 parts per million for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on peanuts on May 24, 1968 (notice was published in the FEDERAL REGISTER of June 5, 1968; 33 F.R. 8357).

The firm has requested a 1-year extension of the temporary tolerance for obtaining additional residue data and information on the factors involved in the yield of treated peanuts. The Commissioner of Food and Drugs concludes that such extension will protect the public health.

A condition under which this temporary tolerance is extended is that the plant regulator will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Uniroyal Inc. name.

As extended, this temporary tolerance expires May 24, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–3597; Filed, Mar. 26, 1969; 8:48 a.m.]

PROTAMIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Protamide (colloidal solution of denatured proteolytic enzyme) Injection; Sherman Laboratories, 5031 Grandy Avenue, Detroit, Mich. 48221 (NDA 5–025).

The drug continues to be regarded as a new drug (21 U.S.C. 321(p)). Supplemental applications are required to revise labeling in and to update "deemed approved" applications providing for this drug. A new-drug application is required from any person marketing such a drug without approval. The effective classification and marketing status of the drug are described below.

PROTAMIDE

A. Effectiveness classification.

1. The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that there is a lack of substantial evidence of effectiveness of the drug for the indications neuritis, herpes zoster, and tabes dorsalis.

2. The drug is regarded as possibly effective for the indication ophthalmic herpes zoster.

B. Marketing status.

1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application is requested to submit a supplement to his application to provide for labeling which deletes those indications for which the drug has been classified as lacking substantial evidence of effectiveness (paragraph A–1 above). Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. Holders of previously approved new-drug applications and any person marketing the drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness of the drug for use in ophthalmic herpes zoster.

3. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of the effectiveness of the drug for such use. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for protamide pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). Withdrawal of approval of the applications will cause any such drug on the market to be a new drug for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report for the drug. Any interested person may obtain a copy of the report by writing to the office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS–NRC Report: Press Relations Office (CE–300).

Supplements: Office of Marketed Drugs, Bureau of Medicine (MD–300).

Comments regarding this announcement: Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine (MD–16).

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 20, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3596; Filed, Mar. 26, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–21]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted as described in this document during the period from November 15, 1968, to December 5, 1968 (List No. 36–68). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

WINCHES, LIFEBOAT

Approval No. 160.015/75/0, Type 31H lifeboat winch for use with mechanical davits, fitted with wire rope not greater

than one-half inch in diameter and with not more than 7 wraps of the falls on the drums; approved for a maximum working load of 6,200 pounds pull at the drums (3,100 pounds per fall), identified by general assembly dwg. No. 1010–2E dated January 1958, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 4, 1968. (It is an extension of Approval No. 160.015/75/0 dated Dec. 11, 1963, and change of address of manufacturer.)

Approval No. 160.015/76/0, Type 31M lifeboat winch for use with mechanical davits, fitted with wire rope not greater than one-half inch in diameter and with not more than 7 wraps of the falls on the drum; approval limited to mechanical components and for a maximum working load of 6,200 pounds pull at the drums (3,100 pounds per fall), identified by general assembly dwg. No. 1011–2E dated February 1958, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 4, 1968. (It is an extension of Approval No. 160.015/76/0 dated Dec. 11, 1963, and change of address of manufacturer.)

Approval No. 160.015/78/0, Type CL–17.5B lifeboat winch, approval limited to mechanical components and for a maximum working load of 10,250 pounds pull at the drums (5,125 pounds per fall), identified by general assembly dwg. No. CL–17.5–1 dated April 4, 1950, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 4, 1968. (It is an extension of Approval No. 160.015/78/0 dated Dec. 11, 1963, and change of address of manufacturer.)

LIFEBOATS

Approval No. 160.035/262/2, 26.0′ x 8.33′ x 3.54′ steel, oar-propelled lifeboat, 46-person capacity, identified by construction and arrangement dwg. No. 26–6, Rev. F dated November 7, 1967, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective November 19, 1968. (It supersedes and reinstates Approval No. 160.035/262/1 terminated May 26, 1965, to show change of address and construction.)

Approval No. 160.035/329/3, 24.0′ x 8.0′ x 3.5′ steel, motor-propelled Class 1, lifeboat, 37-person capacity, identified by general arrangement dwg. No. G–2437D revised November 21, 1968, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective December 5, 1968. (It supersedes Approval No. 160.035/329/2 dated Aug. 31, 1964, to show changes in address and construction.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/616/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for James Bliss and Co., Inc., Route No. 128, Dedham, Mass. 02026, effective December 4, 1968.

Approval No. 160.047/617/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for James Bliss and Co., Inc., Route No. 128, Dedham, Mass. 02026, effective December 4, 1968.

Approval No. 160.047/618/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for James Bliss and Co., Inc., Route No. 128, Dedham, Mass. 02026, effective December 4, 1968.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/254/0, Type II, Model LG–62, adult unicellular plastic foam buoyant vest, dwg. No. 3 dated September 12, 1963, and bill of materials dated September 17, 1963, manufactured by Stearns Manufacturing Co., Division Street at 30th Street, St. Cloud, Minn. 56301, effective December 4, 1968. (It is an extension of Approval No. 160.052/254/0 dated December 11, 1963.)

Approval No. 160.052/255/0, Type II, Model LG–62–M, child medium unicellular plastic foam buoyant vest, dwg. No. 2, Rev. 1 dated November 27, 1963, and bill of materials dated September 17, 1963, manufactured by Stearns Manufacturing Co., Division Street at 30th Street, St. Cloud, Minn. 56301, effective December 4, 1968. (It is an extension of Approval No. 160.052/255/0 dated December 11, 1963.)

Approval No. 160.052/256/0, Type II, Model LG–62–S, child small unicellular plastic foam buoyant vest, dwg. No. 1, dated September 12, 1963, and bill of materials dated September 17, 1963, manufactured by Stearns Manufacturing Co., Division Street at 30th Street, St. Cloud, Minn. 56301, effective December 4, 1968. (It is an extension of Approval No. 160.052/256/0 dated December 11, 1963.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

NOTE: Not acceptable as required lifesaving device.

Approval No. 160.053/19/1, Model 712–VH–17.5 vinyl-dipped unicellular plastic foam work vest, dwg. list 68F5210 dated June 5, 1968, and bill of materials dated August 3, 1965, manufactured by Gentex Corporation, Carbondale, Pa. 18407, effective December 4, 1968. (It supersedes Approval No. 160.053/19/0 dated August 20, 1965 to show revised design.)

BULKHEAD PANELS

Approval No. 164.008/52/0, "Revere B–1500" bulkhead panel, consisting of extruded discontinuous face aluminum core section clad on both sides with incombustible "Style 801, K-Board" insulation, identical to that described in National Bureau of Standards Test Report No. TG10210:FR3687 dated June 22, 1967, U.S.C.G. letter dated August 21, 1967, and Revere Dwg. No. 2333 dated November 7, 1966, approved as meeting Class B–15 requirements in an overall thickness of 1.3 inch, not approved for use as a component of A–60 construction, manufactured by Revere Copper and Brass Inc., Rome, N.Y. 13440, effective November 15, 1968. (It supersedes Approval No. 164.009/52/0 dated Aug. 21, 1967 to show restriction of use.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/117/0, "TREVARNO" fibrous glass cloth faced thermal insulation board type incombustible material identical to that described in National Bureau of Standards Test Report No. TG–10210–2170: FR 3707 dated November 12, 1968 and Coast Manufacturing and Supply Co. letter dated November 18, 1968, approved in a density of 4.2 pounds per cubic foot, manufactured by Coast Manufacturing and Supply Co., Livermore, Calif. 94550, effective November 19, 1968.

Dated: March 20, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–3642; Filed, Mar. 26, 1969; 8:51 a.m.]

[CGFR 69–22]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted as described in this document during the period from November 19, 1968, to December 19, 1968 (List No. 38–68). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/36/3, Model 11PL–S, Type II embarkation-debarkation ladder, chain suspension, steel ears, dwg. dated June 15, 1965 and revised November 18, 1968, approval limited to ladders 60 feet or less in length, superseding Nos. 1 and 2 passed over as requested by Manufacturer and to agree with lot 1, manufactured by H. K. Metalcraft Manufacturing Corp., 35 Industrial Road, Post Office Box 275, Lodi, N.J. 07644, effective November 19, 1968. (It supersedes Approval No. 160.017/36/0 dated Jan. 17, 1967, to show change in length.)

DAVITS, LIFEBOAT

Approval No. 160.032/181/0, mechanical davit, steel straight boom-sheath screw, Type 22–31, MK III; approved for a maximum working load of 9,000 pounds per set (4,500 pounds per arm); identified by general arrangement dwg. DB–111R dated April 9, 1968, and drawing list GA–DB–111R dated October 31, 1968, manufactured by Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 10, 1968.

LIFEBOATS

Approval No. 160.035/92/2, 18.0′ x 6.0′ x 2.6′ aluminum, oar-propelled lifeboat, 13-person capacity, identified by general arrangement and construction dwg. No. 18–001–02, Rev. B dated November 29, 1968, approved for 18-person capacity for replacement lifeboat, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective December 9, 1968. (It supersedes Approval No. 160.035/92/1 dated Sept. 2, 1963, to show change in construction and address.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/393/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens, N.Y. 11413, effective December 18, 1968. (It is an extension of Approval No. 160.047/393/0 dated Jan. 8, 1964.)

Approval No. 160.047/394/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens, N.Y. 11413, effective December 18, 1968. (It is an extension of Approval No. 160.047/394/0 dated Jan. 8, 1964.)

Approval No. 160.047/395/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens, N.Y. 11413, effective December 18, 1968. (It is an extension of Approval No. 160.047/395/0 dated Jan. 8, 1964.)

Approval No. 160.047/565/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis, Minn. 55426, effective December 19, 1968. (It is an extension of Approval No. 160.047/565/0 dated Jan. 10, 1964.)

Approval No. 160.047/566/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis, Minn. 55426, effective December 19, 1968. (It is an extension of Approval No. 160.047/566/0 dated Jan. 10, 1964.)

Approval No. 160.047/567/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis, Minn. 55426, effective December 19, 1968. (It is an extension of Approval No. 160.047/567/0 dated Jan. 10, 1964.)

Approval No. 160.047/619/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective December 11, 1968.

Approval No. 160.047/620/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective December 11, 1968.

Approval No. 160.047/621/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective December 11, 1968.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/229/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis, Minn. 55426, effective December 19, 1968. (It is an extension of Approval No. 160.048/229/0 dated Jan. 10, 1964.)

Approval No. 160.048/230/0, special approval for 14″ x 17″ x 2″ rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, Schoellkopf dwg. No. 160.048–7(C)–1, Rev. 1, dated November 6, 1963, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis, Minn. 55426, effective December 19, 1968. (It is an extension of Approval No. 160.048/230/0 dated Jan. 10, 1964.)

Approval No. 160.048/253/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective December 11, 1968.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/60/0, special approval for P/N BSC–10, 15″ x 15″ x 4½″ (cored) rectangular vinyl-dipped unicellular plastic foam buoyant cushion, Carlon dwg. No. 5334–X dated November 4, 1963, manufactured by Carlon Rubber Co., 1 New Haven Avenue, Derby, Conn. 06418, for Elvin Salow Co., 273–285 Congress Street, Boston, Mass. 02210, effective December 13, 1968. (It is an extension of Approval No. 160.049/60/0 dated Dec. 31, 1963.)

Approval No. 160.049/61/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis, Minn. 55426, effective December 19, 1968. (It is an extension of Approval No. 160.049/61/0 dated Jan. 10, 1964.)

Approval No. 160.049/73/0, special approval 15″ x 21″ x 2″ rectangular vinyl-dipped unicellular plastic foam buoyant cushion, dwg. No. PVC–21 dated November 1, 1968, and bill of materials dated December 10, 1968, manufactured by Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective December 16, 1968.

Approval No. 160.049/78/0, special approval 15″ x 15″ x 2⅞″ rectangular vinyl-dipped unicellular plastic foam buoyant cushion, dwg. No. BC–2D dated November 6, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, effective December 19, 1968.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/274/0, Type II, Model No. 100, adult unicellular plastic foam buoyant vest, Schoellkopf dwg. Nos. 1 and 4, Rev. 1, dated March 8, 1963, and bill of materials dated February 15, 1963, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis, Minn. 55426, effective December 19, 1968. (It is an extension of Approval No. 160.052/274/0 dated Jan. 10, 1964.)

Approval No. 160.052/275/0, Type II, Model No. 200, child medium unicellular plastic foam buoyant vest, Schoellkopf dwg. Nos. 2 and 4, Rev. 1, dated March 8, 1963, and bill of materials dated February 15, 1963, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis, Minn. 55426, effective December 19, 1968. (It is an extension of Approval No. 160.052/275/0 dated Jan. 10, 1964.)

Approval No. 160.052/276/0, Type II, Model No. 300, child small unicellular plastic foam buoyant vest, Schoellkopf dwg. Nos. 3 and 4, Rev. 1, dated March 8, 1963, and bill of materials dated February 15, 1963, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis, Minn. 55426, effective December 19, 1968. (It is an extension of Approval No. 160.052/276/0 dated Jan. 10, 1964.)

Approval No. 160.052/277/1, Type II, Model SFM-300, adult molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5881-DA, revision dated February 1, 1968, and bill of materials dated December 2, 1968, manufactured by Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective December 11, 1968. (It supersedes Approval No. 160.052/277/0 dated Feb. 18, 1964, to show revised designs.)

Approval No. 160.052/278/1, Type II, Model SFM-320, child medium molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5622-BA, revision dated February 1, 1968, and bill of materials dated December 2, 1968, manufactured by Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective December 11, 1968. (It supersedes Approval No. 160.052/278/0 dated Feb. 18, 1964, to show revised designs.)

Approval No. 160.052/279/1, Type II, Model SFM-310, child small molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5623-BA, revision dated February 1, 1968, and bill of materials dated December 2, 1968, manufactured by Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective December 11, 1968. (It supersedes Approval No. 160.052/279/0 dated Feb. 18, 1964, to show revised designs.)

VALVES, PRESSURE VACUUM RELIEF AND STEAM

Approval No. 162.017/96/0, 6" vacuum relief valve, Fig. 4100-07X, cast steel impact tested for −50° F. service, with aluminum and stainless steel trim, for liquefield inflammable gas and anhydrous ammonia at a minimum temperature of −50° F., S and J Co. dwgs. No. 4100-07X, EM-1036, EM-1037; and Specification Sheet No. 10(6/13/62), manufactured by Shand & Jurs Co., 2600 Eighth Street, Berkeley, Calif. 94710, effective December 18, 1968. (It is an extension of Approval No. 162.017/96/0 dated Jan. 21, 1964.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/119/0, "Fiberglas Hull Board NC3A", fibrous glass cloth faced insulation board incombustible type material identical to that described in National Bureau of Standards Test Report TG10210-2171: FR3708, dated November 12, 1968, and U.S.C.G. letter dated December 18, 1968, the density of the basic board is 2.77 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective December 18, 1968.

Approval No. 164.009/120/0, "Fiberglas Hull Board N3A", fibrous glass insulation board incombustible type material identical to that described in National Bureau of Standards Test Report TG-10210-2171: FR3708, dated November 12, 1968, and U.S.C.G. letter dated December 18, 1968, approved in a density of 2.77 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective December 18, 1968.

Dated: March 20, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-3643; Filed, Mar. 26, 1969; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-3-78]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on March 21, 1969.

By Order 69-3-33, dated March 10, 1969, the Board deferred action with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA) relating to specific commodity rates to apply within the Western Hemisphere. The Board, in deferring action on the agreement, granted 7 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69-3-33.

Accordingly, it is ordered, That:

Agreement CAB 20806 be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3637; Filed, Mar. 26, 1969; 8:51 a.m.]

[Docket Nos. 18650, 20291; Order 69-3-80]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare and Rate Matters

Issued under delegated authority on March 21, 1969.

By Order 69-3-35, dated March 10, 1969, the Board deferred action with a view toward eventual approval on certain resolutions adopted by the International Air Transport Association (IATA) relating to (1) absorption of airport passenger service charges, (2) Buffalo/Syracuse-Bermuda 17-day excursion fares, and (3) rounding up of cargo rates and passenger fares. The Board, in deferring action on the agreement, granted 7 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69-3-35.

Accordingly, It is ordered, That:

Agreements CAB 20773, R-8, CAB 20808, R-1, and CAB 20839 be, and they hereby are, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3638; Filed, Mar. 26, 1969; 8:51 a.m.]

[Docket No. 18650; Order 69-3-79]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on March 21, 1969.

By Order 69-3-34, dated March 10, 1969, the Board deferred action with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA) relating to specific commodity rates to apply within the Western Hemisphere. The Board, in deferring action on the agreement, granted 7 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69-3-34.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-1 through R-7 be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3639; Filed, Mar. 26, 1969; 8:51 a.m.]

[Docket No. 18650; Order 69-3-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on March 21, 1969.

By Order 69-3-36, dated March 10, 1969, the Board deferred action with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 7 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69-3-36.

Accordingly, it is ordered, That:

Agreement C.A.B. 20745, R-1 through R-17, R-20 through R-41, and R-43 through R-47 be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3640; Filed, Mar. 26, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18499; FCC 69-261]

MIDWEST RADIO-TELEVISION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Midwest Radio-Television, Inc., for renewal of licenses of stations WCCO and WCCO-TV, Minneapolis, Minn., Docket No. 18499, File No. BR-659, File No. BRCT-49.

1. The Commission has before it for consideration the applications of Midwest Radio-Television, Inc. (Midwest), for renewal of licenses of stations WCCO and WCCO-TV, Minneapolis, Minn.; a statement by Garfield Clark, manager of station KSTP, St. Paul, Minn. (licensed to Hubbard Broadcasting, Inc.), submitted to the Senate Antitrust Subcommittee in March 1968; a letter, dated June 19, 1968, from Midwest to the Commission in reply to the statement of Mr. Clark; and a reply to the Midwest letter submitted by Mr. Clark in a letter to the Commission dated September 3, 1968.

2. It appears that the allegations before us raise significant questions as to whether a grant of the renewal applications would serve the public interest. We will not here set forth the detailed allegations. In line with practice, a further statement will be issued making clear the factual background to our action. It is sufficient to note that substantial questions have been raised which call for evidentiary hearing.

3. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act, the above-captioned renewal applications are designated for consolidated hearing, at a time and place to be specified in a subsequent order, on the following issues:

a. To determine whether the licensee and its owners have an undue concentration of control of the media of mass communications in the Minneapolis-St. Paul area.

b. To determine whether or not Midwest Radio-Television, Inc. has used its position in the newspaper field so as to obtain rights to broadcast sporting events, particularly in the area of professional baseball, football and hockey teams.

c. To determine whether or not newspaper ownership of broadcast facilities in the Minneapolis-St. Paul area has resulted in reciprocal advantages to Midwest Radio-Television, Inc. to the disadvantage of competing broadcast licensees.

d. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned renewal applications would serve the public interest.

4. *It is further ordered,* That Hubbard Broadcasting, Inc. (complainant) and the Broadcast Bureau are made parties to the hearing, and that with respect to issues a, b, and c, above, the burden of proceeding with the introduction of evidence shall be upon such parties, and the burden of proof with respect all issues is on Midwest Radio-Television, Inc.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the renewal applicant and the complainant, pursuant to § 1.221 of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered,* That the renewal applicant herein shall, pursuant to section 311(a)(2) of the Communications Act and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

7. *It is further ordered,* That the Chief of the Broadcast Bureau shall serve on the renewal applicant and the complainant within ten (10) days of the release of this order, a Bill of Particulars setting forth the facts on which the designated issues are based.

Adopted: March 19, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3633; Filed, Mar. 26, 1969; 8:50 a.m.]

[1] Concurring opinion of Commissioner H. Rex Lee filed as part of the original document; Commissioner Bartley concurring in result; Commissioners Hyde, chairman, and Robert E. Lee and Wadsworth dissenting.

[Report 432]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MARCH 24, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No. applicant, call sign, and nature of application

3611-C2-R-69—Pacific Northwest Bell Telephone Co.; (KON911); Renewal of developmental station license expiring Apr. 18, 1969. Term Apr. 18, 1969 to Apr. 18, 1970.

5361-C2-P-69—Haviland Telephone Co., Inc.; (New); C.P. for a new 2-way station. Frequency: 152.81 MHz. Location: Eight-tenths of a mile south of Conway Springs, Kans. (Facilities formerly licensed to Sedgwick Telephone Co.)

5362-C2-P-69—Radio Mobile Phones, Inc.; (KKG412); C.P. to install an additional channel to operate on base frequency 454.325 MHz at location No. 3: 7038 Greenville Avenue, Dallas, Tex.

5363-C2-P-69—Pacific Northwest Bell Telephone Co.; (New); C.P. for a new 1-way-signaling station. Frequency: 152.84 MHz. Locations—location No. 1: West 501 Second Avenue, Spokane, Wash., location No. 2: Fancher Beacon, 1.5 miles north of Opportunity, Wash., location No. 3: Near 22d Avenue and A Street, Spokane, Wash., and location No. 4: Brown's Mountain, 7.5 miles southeast of Spokane, Wash.

5389-C2-P-69—Wabash Telephone Cooperative, Inc.; (KSJ771); C.P. to change antenna system operating on base frequency 152.57 MHz at station located at corner of Broadway and Main Streets, Louisville, Ill.

5434-C2-P-69—Spencer Communications Service; (KIY446); C.P. to install an additional channel to operate on frequency 454.175 MHz at a new site to be identified as location No. 2: 516 South Dixie Highway, West Palm Beach, Fla.

5435-C2-P-69—Spencer Communications Service; (KIY748); C.P. to replace transmitter for base frequency 152.03 MHz at its station located Old Dixie Highway at Florida Avenue, Jupiter, Fla.

5455-C2-P-69—New England Telephone & Telegraph Co.; (KCC487); C.P. to change antenna system operating on frequency 35.66 MHz at location No. 3: Bear Hill Road, Bear Hill, Waltham, Mass.

5456-C2-P-69—Knox La Rue; (KMJ224); C.P. to establish a repeater station to operate on frequency 72.62 MHz at location No. 1: 7.5 miles northeast of Danville, Calif.

5457-C2-P-(4)-69—R. L. Mohr doing business as Radiocall; (KUA215); C.P. to relocate the 152.03 MHz facilities at location No. 1 from Hawaiian Village Hotel, 2005 Kalia Road, Honolulu, Hawaii, to 1519 Nuuanu Avenue, Honolulu, Hawaii, change antenna system and replace transmitter for same. Install an additional base channel to operate on 152.09 MHz also at location No. 1, at location No. 3: 2500 Kalakaua Avenue, Honolulu, Hawaii, replace transmitter for base frequency 152.09 MHz, at location No. 2, change antenna location from Kailua Shopping Center, Kailua, Hawaii, to 146 Aikahi Loop, Kailua, Hawaii, for base frequency 152.03 MHz, change antenna system and replace transmitter for same and install an additional channel to operate on 152.09 MHz also at location No. 2.

5458-C2-P-69—R. L. Mohr doing business as Radiocall; (KUA217); C.P. to change antenna location from Hawaiian Village Hotel, 2005 Kalia Road, Honolulu, Hawaii, to 1519 Nuuanu Avenue, Honolulu, Hawaii, operating on 35.58 MHz and change antenna system for same.

5459-C2-P-69—Intra State Telephone Co.; (New); C.P. for a new 1-way-signaling station. Frequency: 152.84 MHz. Location: northeast corner of Seminary and Knox Streets, Galesburg, Ill.

5460-C2-P-69—Rochester Telephone Corp.; (New); C.P. for a new 1-way-signaling station Frequency: 152.84 MHz. Location: 95 North Fitzhugh Street, Rochester, N.Y.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

5462-C2-MP-69—National Communications System, Inc.; (KMM703); Modification of C.P. to change antenna system operating on frequency 454.10 MHz at station located 1.3 miles south of Bojou, Calif.

5530-C2-P-69—Rochester Telephone Corp.; (New); C.P. for a new 1-way-signaling station. Frequency: 158.10 MHz. Location: 3.8 miles southwest of Fairport, N.Y.

5531-C2-P-69—Francis I. Lambert and Harry L. Brook, Jr., doing business as Advanced Communications Co.; (New); C.P. for a new 2-way station. Frequency: 454.300 MHz. Location: Tower Street, Falls Church, Va.

Major Amendment

3686-C2-P-69—William L. Eisele and Robert A. Jones, doing business as Midwest Communications Co.; (New); Application is amended to change location to read: 9355 Juliet Road, La Grange, Ill. All other particulars remain the same as reported on public notice dated Dec. 30, 1968, Report No. 420.

3519-C2-P-69—Abraham Thomy, doing business as A-Bie Answering Service; (New); Application amended to change base and mobile frequencies from 152.21 MHz and 158.67 MHz to 152.12 MHz and 158.58 MHz respectively. All other particulars to remain the same as reported on public notice dated Dec. 23, 1968, Report No. 419.

5252-C2-P-69—Delta Valley Radiotelephone Co., Inc.; (KMA743); Application amended to change frequency to 454.325 MHz. All other particulars to remain the same as reported on public notice dated Dec. 11, 1967, Report No. 365.

Correction

5325-C2-P-69—The Township Telephone Co. of Chaumont, N.Y.; (New); Correct entry to read C.P. for a new 2-way station to be located on Brownville Road, 1.25 miles north of Brownville, N.Y., to operate on base frequency 152.51 MHz, all other terms same as stated on public notice dated Mar. 17, 1969, Report No. 431.

5258-C2-MP-69—Page Call, Inc.; (KEC935); Correct entry to read operating on a frequency of 35.58 MHz. All other particulars to remain the same as reported on public notice dated Mar. 17, 1969, Report No. 431.

Renewals of licenses expiring April 1, 1969.
Term: April 1, 1969, to April 1, 1974.

Licensee	Call sign
ALABAMA	
Radio Dispatch Co	KIY504
Do	KIY733
CALIFORNIA	
Chalfont Communications	KMA251
Do	KMD995
Do	KMM581
Do	KMM652
Industrial Communications System, Inc.	KMD990
Jack Loperena	KMA261
Secretarial Telephone Answering Service.	KMD998
Victor Valley Radio-Telephone Co.	KLF557
MICHIGAN	
Tri-City Radio Dispatch Service, Inc.	KQD310
MISSOURI	
General Communications	KFQ940
MONTANA	
Capital Answering Service	KON921
NEW HAMPSHIRE	
Tovey Services, Inc	KOC482
NEW MEXICO	
Contact, Inc	KKO546
NEW YORK	
Martin J. Nunn	KEA776
NORTH CAROLINA	
Dixie Dispatch Co., Inc	KIJ344
Ormonds, Inc	KIE363
OREGON	
Curry County Communications	KOK348
Do	KOP249
SOUTH DAKOTA	
Electro-Craft, Inc	KOP323
TEXAS	
General Telephone Co. of the Southwest.	KLB578
Hearne Mobilfone	KLB569
UTAH	
Industrial Communications	KOP321
WASHINGTON	
Robert S. Ditton	KOA605
Do	KOE516
Do	KOF343
Do	KOF918
Do	KOP260
Do	KOP262

Rural Radio Service

5364-C1-P/L-69—Kerrville Telephone Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequency: 158.04 MHz, to operate (5 units) at any temporary location within the territory of the grantee.

5390-C1-P-69—E. B. and Donna W. Brownell; (New); C.P. for a new rural subscribed fixed station. Frequency: 158.58 MHz. Subscriber and location: John Rankine Ranch, approximately 8½ miles northeast of Grass Creek, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

5391-C1-P-69—American Telephone & Telegraph Co.; (KYJ61); C.P. to add frequency 3910 MHz toward Hortonville, Wis., at station located 126 North Superior Street, Appleton, Wis.

5392-C1-P-69—American Telephone & Telegraph Co.; (KYJ62); C.P. to add frequency 3870 MHz toward Appleton, Wis., and toward Fisk, Wis., at station located 2 miles east-northeast of Hortonville, Wis.

5393-C1-P-69—American Telephone & Telegraph Co.; (KYJ63); C.P. to add 3890 MHz toward Hortonville, Wis., and toward Fox Lake, Wis., at station located 2 miles east of Fisk, Wis.

5394-C1-P-69—American Telephone & Telegraph Co.; (KYJ64); C.P. to add frequency 3930 MHz toward Fisk, Wis., and toward Watertown Junction, Wis., at station located 4.5 miles east-northeast of Fox Lake, Wis.

5393-C1-P-69—American Telephone & Telegraph Co.; (KSH90); C.P. to add frequency 3890 MHz toward Fox Lake, Wis., at station located 4 miles northeast of Watertown, Wis.

5396-C1-P-69—The Pacific Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequency: 2112.4 MHz. Location: 217 West Acequia Street, Visalia, Calif.

5397-C1-P-69—The Pacific Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequency: 2162.4 MHz. Location: Park Ridge, near Wilsonia, Calif. (Informative: These facilities were formerly licensed to The Pacific Telephone & Telegraph Co. in the Rural Radio Service.)

5436-C1-P-69—Michigan Bell Telephone Co.; (KQI60); C.P. to add frequencies 10,755 and 6056.4 MHz toward Plymouth, Mich., at its station located 1365 Cass Avenue, Detroit, Mich.

5437-C1-P-69—Michigan Bell Telephone Co.; (KQA79); C.P. to add frequencies 11,405 and 6323.3 MHz toward Ann Arbor, Mich., at its station located at northeast corner of Napier and Powell Roads, Plymouth, Mich.

5438-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KPL26); C.P. to add frequencies 6226.9 and 6345.5 MHz toward Great Falls Junction, Mont., at its station located 401 First Avenue North, Great Falls, Mont., also change antenna system.

5439-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KPH89); C.P. to add frequencies 5974.8 and 6093.5 MHz toward Dutton, Mont., and 5945.2 and 6063.8 MHz toward Great Falls, Mont., and change antenna system at its station located 3.8 miles south-southwest of Vaughn, Mont.

5440-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KPI49); C.P. to add frequencies 6226.9 and 6345.5 MHz toward Conrad, Mont., frequencies 6197.2 and 6315.9 MHz toward Vaughn, Mont., and change antenna system at its station located 3 miles south of Dutton, Mont.

5441-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KPI50); C.P. to change frequencies 10,715 and 10,955 MHz directed toward Shelby Junction, Mont., to: 5974.8 and 6093.5 MHz; replace transmitters for same, also add frequencies 5945.2 and 6063.8 MHz toward Dutton, Mont., and change antenna system at its station located 6 miles east of Conrad, Mont.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

5442-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KPI51); C.P. to change frequencies 11,405 and 11,645 MHz directed toward Conrad, Mont., to 6197.2 and 6315.9 MHz, replace transmitters and change antenna system at station located 1 mile east of Shelby, Mont.

5461-C1-P-69—The Norfolk & Carolina Telephone & Telegraph Co.; (KOC33); C.P. for a new fixed developmental station. Frequency 6412.2 MHz. Location: 0.2 mile north of approximate center of Waves, N.C.

5462-C1-P-69—The Ohio Bell Telephone Co.; (KVI42); C.P. to add frequencies 6390.0 and 11,345 MHz toward Findlay, Ohio, and change antenna system at station located County Road 45, 3 miles southwest of New Riegel, Ohio.

5463-C1-P-69—The Ohio Bell Telephone Co.; (KQN71); C.P. to add frequencies 6137.9 and 11,135 MHz toward Riegel, Ohio, and change antenna system at its station located 121 West Hardin Street, Findlay, Ohio.

American Telephone & Telegraph Co.; Eighteen (18) C.P.'s to provide an additional pair of TD-3 radio relay channels for telephone service between Spring, Tex., and Pickens, Miss., as follows:

5464-C1-P-69—American Telephone & Telegraph Co.; (KGP77); Add 3870 MHz toward Willis, Tex., at its station located 2.3 miles south-southwest of Spring, Tex.

5465-C1-P-69—American Telephone & Telegraph Co.; (KGP76); Add 3910 MHz toward Spring, Tex., and toward Camilla, Tex., at station located 3 miles east-northeast of Willis, Tex.

5466-C1-P-69—American Telephone & Telegraph Co.; (KGP75); Add 3870 MHz toward Willis, Tex., and toward Camden, Tex., at station located 0.8 mile northeast of Camilla, Tex.

5467-C1-P-69—American Telephone & Telegraph Co.; (KGP74); Add 3910 MHz toward Camilla and Rockland, Tex., at its station located 1.5 miles west-southwest of Camden, Tex.

5468-C1-P-69—American Telephone & Telegraph Co.; (KGP73); Add 3870 MHz toward Camden, Tex., and toward Mayflower, Tex., at its station located 7.6 miles east-northeast of Rockland, Tex.

5469-C1-P-69—American Telephone & Telegraph Co.; (KGP72); Add 3910 MHz toward Rockland, Tex., and toward Hornbeck, La., at station located 6.8 miles west of Mayflower, Tex.

5470-C1-P-69—American Telephone & Telegraph Co.; (KGP71); Add 3870 MHz toward Mayflower, Tex., and toward Robeline, La., at station located 1.5 miles southwest of Hornbeck, La.

5471-C1-P-69—American Telephone & Telegraph Co.; (KGP70); Add 3910 MHz toward Hornbeck, La., and toward Montgomery, La., at station located 3 miles southeast of Robeline, La.

5472-C1-P-69—American Telephone & Telegraph Co.; (KGP69); Add 3870 MHz toward Robeline, La., and toward Winnfield, La., at station located 2.8 miles north-northeast of Montgomery, La.

5473-C1-P-69—American Telephone & Telegraph Co.; (KGP68); Add 3910 MHz toward Montgomery, La., and toward Clarks, La., at station located 4.4 miles southeast of Winnfield, La.

5474-C1-P-69—American Telephone & Telegraph Co.; (KGP 67); Add 3870 MHz toward Winnfield, La., and toward Mangham, La., at its station located 2.2 miles south-southwest of Clarks, La.

5475-C1-P-69—American Telephone & Telegraph Co.; (KGP66); Add 3910 MHz toward Clarks, La., and toward Delhi, La., at its station located 5.5 miles west of Mangham, La.

5476-C1-P-69—American Telephone & Telegraph Co.; (KGP65); Add 3870 MHz toward Mangham, La., and toward Transylvania, La., at station located 2.3 miles east-southeast of Delhi, La.

5477-C1-P-69—American Telephone & Telegraph Co.; (KGP64); Add 3910 MHz toward Delhi, La., and toward Cary, Miss., at station located 1.9 miles west-northwest of Transylvania, La.

5478-C1-P-69—American Telephone & Telegraph Co.; (KGP63); Add 3870 MHz toward Transylvania, La., and toward Anguilla, Miss., at station located 2 miles south-southwest of Cary, Miss.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

5469–C1–P–69—The Chesapeake & Potomac Telephone Co. of Maryland; (New); C.P. for a new fixed station. Frequencies: 6256.5, 6397.4, 6412.2, 11,405.0 and 11,686.0 MHz. Location: Grange Hall Road, Wye Mills, Md.

5470–C1–P–69—The Chesapeake & Potomac Telephone Co. of Maryland; (New); C.P. for a new fixed station. Frequencies: 6004.5, 6160.2, 6145.3, 10,755.0 and 10,955.0 MHz. Location: On Route No. 50, eight-tenths mile east of Mount Holly, Cambridge, Md.

5497–C1–P–69—The Chesapeake & Potomac Telephone Co. of Maryland; (New); C.P. for a new fixed station to be located at 620 Truitt Street, Salisbury, Md., to operate on frequencies 6256.5, 6412.2, and 11,405.0 MHz.

Major Amendment

4686–C1–P–69—West Texas Microwave Co.; (New): Application amended to change geographic coordinated from lat. 31°49'36" N., long. 103°54'36" W., to lat. 31°49'26" N., long. 103°54'18" W. All other particulars to remain same as stated on public notice dated Feb. 17, 1969, Report No. 627.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEVISION)

5451–C1–P–69—Wyoming Microwave Corp.; (New); C.P. for a new station on Casper Mountain, 7 miles south of Casper, Wyo. at lat. 42°44'03" N., long. 106°20'00" W. Frequency 4090.0 MHz on azimuth 299°59'. (Informative: Applicant proposes to provide the signal of KTWO-TV to television station KULR–TV in Billings, Mont.)

5452–C1–ML–69—West Texas, (KLB75); 5453–C1–ML–69—Microwave, (KTQ80); 5454–C1–ML–69—Company, (KZI27); Modification of license applications for purpose of adding audio subchannel which will be used by CATV subscribers in Sweetwater, Anson, Colorado City, Rotan, Hamlin, and Stamford, Tex., for carrying a control signal which will operate nonduplication switching devices.

5453–C1–AL–(4)–69—Southwest Transmission Co., Inc.; Consent to assignment of license from Southwest Transmission Co., Inc., Assignor, to Alabama Microwave, Inc., Assignee. Stations: KJG37—Edgeville, Fla.; KJG38—Fort Ogden, Fla.; KJG39—Adline, Fla., and KTP24—Verna, Fla.

5526–C1–P–69—Potomac Valley Telecasting Corp.; (KGO80); C.P. to add frequencies 11,237.5 and 11,287.5 MHz, azimuth 299°30'. Location: 3.2 miles east of Cumberland, Md.

5527–C1–P–69—Potomac Valley Telecasting Corp.; (KQX32); C.P. to add frequencies 10,712.5 and 10,762.5 MHz on azimuth 302°00'. Location: 2 miles east of Ridge, W. Va. (Informative: Applicant proposes to add two channels of service to Cumberland to provide signals of WDCA–TV and WETA–TV of Washington, D.C., on full-time basis to Cumberland, Md. Signal of WTTG(TV) of Washington, D.C., will be substituted for WDCA–TV to other subscribers in Piedmont, Keyser, and Frostburg, Md.)

5528–C1–P–69—West Texas Microwave Co.; (KLU91); C.P. to power split frequencies 6226.9, 6315.9, and 6404.8 MHz on azimuth 135°45'. Location: Davis Ranch, 8 miles west of Albany, Tex. (Informative: Applicant proposes to provide the television signals of WFAA–TV, KTVT, and KERA–TV of Fort Worth-Dallas to Clyde and Baird, Tex., for delivery to Callahan TV Cable Service, Inc.)

5532–C1–MP–69—Mountain Microwave Corp.; (KCO68); Modify C.P. to change receiver location in Vail, Colo., to lat. 39°36'56" N., long. 106°26'57" W., and add a passive reflector at lat. 39°40'43" N., long 106°29'19" W. add four new transmitters having 1 watt power output in lieu of previously authorized power split on frequencies 6234.3, 6293.6, 6352.6, and 6412.2 MHz. Azimuth 69°53' to passive reflector and 164°12' from reflector to Vail, Colo.

5533–C1–P–69—Alabama Microwave, Inc.; (New); C.P. for a new station at lat. 43°19'56" N., long. 88°15'37" W., 1 mile east of Slinger, Wis. Frequency 6405.0 MHz on azimuth 147°00'. 5534–C1–P–69—Alabama Microwave, Inc.; (New); C.P. for a new station at lat. 43°38'20" N., long. 88°31'51" W., 2.2 miles west of south Byron, Wis. Frequency 6123.0 MHz on azimuth 23°25'. (Informative: Applicant proposes to provide the television signal of station WVTV of Milwaukee, Wis., to UHF television station KFXZ–TV in Fond-Du-Lac, Wis.)

[F.R. Doc. 69–3634; Filed, Mar. 26, 1969; 8:51 a.m.]

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

5470–C1–P–69—American Telephone & Telegraph Co.; (KGP62); Add 3910 MHz toward Cary, Miss., and toward Eden, Miss., at station located 6.6 miles east of Anguilla, Miss.

5480–C1–P–69—American Telephone & Telegraph Co., (KGP61); Add 3870 MHz toward Anguilla, Miss., and toward Pickens, Miss., at station located 2.4 miles southwest of Eden, Miss.

5481–C1–P–69—American Telephone & Telegraph Co.; (KIN22); Add 3910 MHz toward Eden, Miss., at its station located 7.6 miles west of Pickens, Miss.

American Telephone & Telegraph Co.; Seven (7) C.P.'s to construct a type TD–2 channel from Odessa to Sweetwater, Tex., as the Long Lines portion of a proposed radio relay channel to be constructed from Broadcasting Station KOSA, Odessa, to Broadcasting Station KCTV, San Angelo, Tex., for Educational Television Service, as follows:

5483–C1–P–69—American Telephone & Telegraph Co.; (KLT24); Add 3990 MHz toward Tarzan, Tex., at its station located 10 miles north of Odessa, Tex.

5484–C1–P–69—American Telephone & Telegraph Co.; (KLT23); Add 3950 MHz toward Ackerly, Tex., at its station located 6.5 miles south-southwest of Tarzan, Tex.

5485–C1–P–69—American Telephone & Telegraph Co.; (KLT22); Add 3990 MHz toward Vincent, Tex., at its station located 2 miles southeast of Ackerly, Tex.

5486–C1–P–69—American Telephone & Telegraph Co.; (KLT21); Add 3950 MHz toward Snyder, Tex., at station located 2.5 miles north of Vincent, Tex.

5487–C1–P–69—American Telephone & Telegraph Co.; (KLT20); Add 3990 MHz toward McCauley, Tex., at station located 6.5 miles east-northeast of Snyder, Tex.

5488–C1–P–69—American Telephone & Telegraph Co.; (KLS69); Add 3870 MHz toward Pyron, Tex., at station located 2.2 miles south of McCauley, Tex.

5489–C1–P–69—American Telephone & Telegraph Co.; (KTF91); Add 3990 MHz toward Sweetwater, Tex. at station located at Pyron, 5.2 miles northeast of Inadale, Tex.

5472–C1–ML–69—Michigan Bell Telephone Co.; (KQH77); Modification of license to add frequencies 4090 and 4170 MHz toward Flint, Mich., and add frequency 3750 MHz toward Pine Run, Mich., at its station located Hadley Road, 1.9 miles east-northeast of Atlas, Mich. (Informative: These facilities were previously licensed to American Telephone & Telegraph Co. under Call Sign KQK42.)

5443–C1–P–69—Michigan Bell Telephone Co.; (KQH77); C.P. to change frequency and point of communication from 3750 MHz and Pine Run, Mich., to 3770 MHz and Flint, Mich., and add frequency 3850 MHz toward Flint, Mich., at station located Hadley Road, 1.9 miles east-northeast of Atlas, Mich.

5444–C1–P–69—Michigan Bell Telephone Co.; (KQG59); C.P. to add frequencies 3730, 3810, and 3890 MHz toward Pine Run, Mich., and 4060 MHz toward Atlas, Tex., and replace transmitter at its station located 502 Beach Street, Flint, Mich.

5445–C1–P–69—Michigan Bell Telephone Co.; (KQF43); C.P. to change frequency 3710 MHz to 3930 MHz toward Saginaw, Mich., and add frequencies 3770 and 3850 MHz, also toward Saginaw, Mich., add 3770 and 3850 MHz, toward Flint, Mich., at station located 1.6 miles east of Pine Run, Mich., also change antenna system.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

5446–C1–P–69—Michigan Bell Telephone Co.; (KQM41); C.P. to add frequencies 3730 and 3810 MHz toward Pine Run, Mich., and change antenna system at its station located 309 South Washington Street, Saginaw, Mich.

5492–C1–P–69—The Chesapeake & Potomac Telephone Co. of Maryland; (New); C.P. for a new fixed station. Frequency: 6004.5 MHz. Location: Gwynnbrook State Game Farm, 1.6 miles north of Owings Mills, Md.

5493–C1–P–69—The Chesapeake & Potomac Telephone Co. of Maryland; (New); C.P. for a new fixed station. Frequencies: 6256.5, 6376.2, and 11,695 MHz. Location: 320 St. Paul Place, Baltimore, Md.

5494–C1–P–69—The Chesapeake & Potomac Telephone Co. of Maryland; (New); C.P. for a new fixed station. Frequencies: 6004.5, 6128.1, 6160.2, 10,755.0 and 10,955.0 MHz. Location: On Broadneck County Road, 1 mile east of Arnold, Md.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D–13]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to lease space in Boston, Mass.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is delegated to the Secretary of Health, Education, and Welfare to perform all functions in connection with the leasing of special purpose space in Boston, Mass., for use by the Diabetes and Arthritis Field Research Laboratory, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.

b. This authorization shall include authority to contract by lease and authority thereafter to modify and amend said lease, assign and reassign the space demised, including the operation, maintenance, control, and protection thereof. This authorization shall extend to leasing space under authority contained in section 210(h) (1) of the above-cited Act for a period not to exceed 10 years.

c. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer, official, or employee of the Department of Health, Education, and Welfare.

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Economy Act of June 30, 1932 (40 U.S.C. 278a) as amended, and other applicable statutes and regulations.

Dated: March 20, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–3616; Filed, Mar. 26, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–2723, etc.]

HOLLY RESOURCES CORP. ET AL.

Findings and Order

MARCH 19, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceeding, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Nomoc Oil Co., Inc., Applicant in Docket No. CI69–629, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G–10757 to be made pursuant to Sunray DX Oil Co. [now Sun Oil Co. (DX Division)] FPC Gas Rate Schedule No. 120. The agreement comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68–444. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on March 13, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Dockets Nos. G–2723, G–3113, G–3173, G–6690, G–7160, G–8807, G–9963, G–11580, G–16218, CI63–914, CI65–790, CI65–1145, CI66–239, CI66–395, CI66–1036, CI68–518, CI68–1148, and CI68–1439 should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate und/or amendment to add acreage*
G–7526	CI66–1036
G–8816	CI66–239
G–10757	CI69–629
CI60–686	CI66–1036
CI67–1746	CI69–676
CI69–353	CI69–652

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Nomoc Oil Co., Inc., should be made a co-respondent in the proceeding pending in Docket No. RI68–444, that said proceeding should be redesignated accordingly, and that Nomoc should be required to file an agreement and undertaking in said proceeding.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. G–11580 and CI69–393 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicants in Dockets Nos. G–11580 and CI69–393 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(c) Sales authorized in Dockets Nos. CI65–1145 and CI69–513 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement. Applicant in Docket No. CI65–1145 shall file a revised billing statement for each supplement reflecting the 15 cents rate as required by the regulations under the Natural Gas Act.

(d) The authorization granted in Docket No. CI65–1145 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(e) Sales authorized in Dockets Nos. CI69–453 and CI69–565 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(f) The certificate issued in Docket No. CI69–453 is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves during the third year of the contract.

(g) The sale authorized in Docket No. CI69–260 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment. Further, the certificate is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves during the first 2 years of the contract.

(h) The sale authorized in Docket No. CI69–551 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to upward and downward B.t.u. adjustment.

(i) The sale authorized in Docket No. CI69–581 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a, subject to upward and downward B.t.u. adjustment. Further, the certificate is conditioned by limiting buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves during the first 2 years of the contract.

(F) Applicant in Docket No. CI69–664 shall file a billing statement for a recent month's service as required by the regulations under the Natural Gas Act.

(G) The orders issuing certificates in Dockets Nos. G–3113, G–3173, G–6690, G–7160, G–11580, G–16218, CI63–914, CI65–1145, CI66–239, CI66–395, CI66–1036, CI68–518, and CI68–1148 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–7526	CI66–1036
G–8816	CI66–239
G–10757	CI69–629
CI60–686	CI66–1036
CI67–1746	CI69–676
CI69–353	CI69–652

(I) The orders issuing certificates in Dockets Nos. G–2723 and G–8807 are amended to reflect the change in corporate name as indicated in the tabulation herein.

(J) The orders issuing certificates in Dockets Nos. G–9963, CI65–790, and CI 68–1439 are amended by substituting the successors in interest as certificate holders.

(K) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(L) Permission for and approval of the abandonment in Docket No. CI69–640 shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceedings pending in Dockets Nos. RI66–127, RI67–98, and RI68–184.

(M) Permission for and approval of the abandonment in Docket No. CI69–654 shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceedings pending in Dockets Nos. RI66–329, and RI68–221.

(N) Applicant in Docket No. CI67–736 shall file a notice of cancellation of its FPC Gas Rate Schedule No. 2.

(O) The certificates heretofore issued in Dockets Nos. G–4329, G–12534, G–12994, G–13543, G–15124, and CI64–1401 are terminated.

(P) Nomoc Oil Co., Inc., is made a co-respondent in the proceeding pending in Docket No. RI68–444, and the proceeding is redesignated accordingly.

(Q) Within 30 days from the issuance of this order, Nomoc Oil Co., Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI68–444 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(R) Nomoc Oil Co., Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Nomoc in Docket No. RI68–444 shall remain in full force and effect until discharged by the Commission.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–2723 1–2–69 [1]	Holly Resources Corp. (formerly Holly Oil Co.).	Mountain Fuel Supply Co., South Baxter Field, Sweetwater County, Wyo.	Holly Oil Co., FPC GRS No. 3.	3	----
			Supplements Nos. 1–5	3	1–5
			Notice of name change 12–24–68.		
			Effective date: 11–1–68		
G–3113 (CS69–16) D [2]	Humble Oil & Refining Co. (Operator) et al.	El Paso Natural Gas Co., Cooper Jal Field, Lea County, N. Mex.	Notice of partial cancellation 2–4–69.[2 4]	31	18
G–3173 D 1–2–69	Husky Oil Co. of Delaware (formerly Husky Oil Co.).	El Paso Natural Gas Co., Evensen Well, Gallegos-Gallup Pool, San Juan County, N. Mex.	Notice of partial cancellation 2–3–69.[4 5]	10	7
G–6690 C 11–12–68 [6]	Dilmur Oil Co.	Equitable Gas Co., Southwest District, Doddridge County, W. Va.	Letter agreement 7–18–68.[7]	2	6
G–7160 D 1–15–69	Gulf Oil Corp. (Operator) et al.	Northern Natural Gas Co., Eumont Pool, Lea County, N. Mex.	Notice of partial cancellation 1–13–69. [4 8]	15	37
G–8807 1–2–69 [1]	Holly Resources Corp. (formerly Holly Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	Holly Oil Co., FPC GRS No. 2.	2	----
			Supplements Nos. 1–4	2	1–4
			Notice of name change 12–24–68.		
			Effective date: 11–1–68		
G–9963 E 11–22–68 [9]	Helen Gholson Cherry et al. (successor to A. W. Cherry).	Natural Gas Pipeline Co. of America, Camrick Southeast Gas Pool, Texas County, Okla.	A. W. Cherry, FPC GRS No. 1.	1	----
			Supplement No. 1	1	1
			Notice of succession 11–20–68.		
			Court order 5–15–68 [8]	1	2
			Effective date: 5–15–68		
G–11580 C 10–14–68	Sohio Petroleum Co. (Operator) et al.[9]	Northern Natural Gas Co., Blinebry Gas Unit, Lea County, N. Mex.	Agreement 8–27–68 [7 10]	61	0
G–16218 D 12–12–68	Gulf Oil Corp. (Operator) et al.	Transwestern Pipeline Co., acreage in Beaver and Harper Counties, Okla.	Notice of partial cancellation 12–10–68.[4]	106	48
			Notice of partial cancellation 12–10–68.[4 5]	106	49
CI63–914 C 12–11–68 1–6–69 [6 11]	Getty Oil Co.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	Amendatory agreement 11–15–68.[7]	124	4
CI65–790 E 1–14–69	Crystal Oil & Land Co. (successor to W. H. Doran, Jr.).	United Gas Pipeline Co., Lou Ella Field, San Patricio County, Tex.	W. H. Doran, Jr., FPC GRS No. 1.	22	----
			Supplements Nos. 1–6	22	1–6
			Notice of succession 1–9–69.		
			Assignment 10–11–68 [12]	22	7
CI65–1145 C 12–4–68 [6]	Pan American Petroleum Corp.[13]	Arkansas Louisiana Gas Co., North McCurtain Field, Haskell County, Okla.	Supplemental agreement 10–11–68.	410	11
			Statement & agreement 12–2–68.[7 14]	419	1 to 11
CI65–1145 C 12–16–68 [6]	do [13]	Arkansas Louisiana Gas Co., South Bokoshe Field, Le Flore County, Okla.	Supplemental agreement 12–2–68.	410	12
			Statement & agreement 12–11–68.[7 14]	419	1 to 12
CI65–1145 C 1–21–69 [6]	do [13]	Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla.	Supplemental agreement 12–30–68.	410	13
			Statement & agreement 1–20–69.[7 14]	419	1 to 13
F CI66–239 (G–8816) C 12–16–68	Joseph F. Fritz (Operator) et al.	United Gas Pipe Line Co., Pistol Ridge Field, Pearl River County, Miss.	Assignment 11–15–68 [15]	1	13
			Effective date: 8–26–68		
(G–8816)[15]	Humble Oil & Refining Co.	do	Notice of partial cancellation 11–15–68.[15]	110	17
			Effective date: 2–9–69		
CI66–395 C 1–13–69[16]	H. K. Keesee et al.	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Sandoval County, N. Mex.	Assignment 8–13–68 [7 17]	1	9
F CI66–1036 (G–7526) (CI60–686) C 7–22–68	J. Gregory Merrion et al. (successor to Pan American Petroleum Corp. and Beta Development Co.).	El Paso Natural Gas Co., Flora Vista Mesa Verde, San Juan County, N. Mex.	Assignment 9–26–68 [18]	7	6
			Assignment 10–11–68 [19]	7	7
			Assignment 2–7–67 [20]	7	8
			Assignment 2–7–67 [20]	7	9
			Assignment 3–25–68 [21]	7	10
			Supplement 7–15–68 [22 23] ([24])	7 [24 2]	11
CI67–736 (G–4329) B 11–25–68	S. C. Canary et al.	Lone Star Gas Co., Katie Field, Garvin County, Okla.			
CI68–518 C 1–21–69 [6]	Parlay Oil Inc.	Michigan Wisconsin Pipe Line Co., Wildcat Field, Seward County, Kans.	Amendatory agreement 11–29–68.	1	2
CI68–1148 C 1–21–69 [6]	Appalachian Exploration & Development, Inc.	United Fuel Gas Co., Poca and Union Districts, Kanawha County, W. Va.	Supplemental agreement 12–3–68.[7]	2	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-452 (CI69-358) F 11-27-68 [2] [3] D 10-21-68 [2] [3]	Nielson Enterprises, Inc. (Operator) et al. (successor to John H. Hill (Operator) et al.).	Northern Natural Gas Co., Mocane Field, Beaver and Harper Counties, Okla.	John H. Hill (Operator) et al., FPC GRS No. 7. Notice of succession (Undated). Supplemental agreement 1-14-69. Supplemental agreement 8-18-68.	5	1
CI69-490 A 9-9-68 [4]	Exxon Oil Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Assignment 8-28-68. Assignment 9-26-68. Assignment 10-10-68 [5]. Contract 7-15-68. Compliance 1-23-69.[7] [8]	5 24 24	2 3 4 5 1
CI69-508 A 10-19-68	Getty Oil Co.[9]	El Paso Natural Gas Co., Spraberry (Dean) Field, Reagan County, Tex.	Contract 9-25-68.[7]	157	
CI69-453 A 11-4-68 [4]	J. C. Barnes Oil Co. (Operator) et al.	Panhandle Eastern Pipe Line Co., Alfalfa Field, Dewey and Custer Counties, Okla.	Contract 12-6-67. Compliance 1-27-69.[7] [8]	3 3	1
CI69-513 A 10-24-68 [4]	G. L. Vinson	Arkansas Louisiana Gas Co., North Spiro Field, Le Flore County, Okla.	Contract 3-30-64 [8] Letter agreement 3-30-64.	1	1
CI69-550 A 11-21-68 [4]	Hays & Co., agent for W. C. Wilson d.b.a. W. C. Wilson Oil & Gas Co.	Michigan Wisconsin Pipe Line Co., Woodward area, Woodward County, Okla.	Amendment 12-26-68.[7] Contract 10-25-68. Compliance (Undated).[8]	1 5 8	2 1
CI69-565 A 12-13-68 [4]	Flag Oil Corp. of Delaware.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Contract 11-20-68. Compliance 1-13-69.[7] [8]	8 8	1
CI69-581 A 12-18-68 [4]	Sinclair Oil Corp.	Natural Gas Pipeline Co. of America, East Laketon Field, Gray County, Tex.	Contract 11-1-68. Compliance 1-20-69.[7] [8]	360 330	1
CI69-618 A 12-26-68 [4] [8]	Al Greer	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	Contract 9-15-54. Letter Agreement 7-5-60.[7]	1 1	1
CI69-629 (G-15707) F 1-2-69	Nomoc Oil Co., Inc. (successor to Sun Oil Co.) (DX Division).	Cities Service Gas Co., Aetna Field, Harper County, Kans.	Agreement 7-6-66 [11] Contract 4-1-65. Agreement 1-25-67. Letter 9-11-68. Assignment 11-14-68 [5]. Effective date: 11-1-68.	1 1 1 1	1 2 3 4
CI69-640 (G-15124) B 1-15-69	Hunt Oil Co. (Operator) et al.	Texas Eastern Transmission Corp., Northeast Halsell, Northeast Halsell Field, Harrison County, Tex.	Notice of cancellation (undated).[4] [8]	[12] 30	11
CI69-641 (CI64-1401) B 1-15-69	Northern Gas Corp.	Michigan Wisconsin Pipe Line Co., Port Huron Area, Allegan County, Mich.	Notice of cancellation 1-14-69.[4] [8]	1	1
CI69-651 A 1-13-69 [4]	Mark IV Oil & Gas Producers, Inc.	Peninsoil United, Inc. (Operator), Hardin and Terminal Fields, Doddridge and Harrison Counties, W. Va.	Contract 11-1-33 [13] Assignment 10-18-67 [5]. Assignment 10-31-67 [5]. Effective date: 10-31-67	3 3 3	1 2

See footnotes at end of table.

[1] Amendment to the certificate filed to reflect the change in corporate name.
[2] Humble's assignee, James W. Rasmussen, has a small producer certificate in Docket No. CS69-16, and is not required to make any filings.
[3] Reflects transfer of certain acreage to James W. Rasmussen by assignment dated Dec. 23, 1968.
[4] Effective date: Date of this order.
[5] Production of gas no longer economically feasible.
[6] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[7] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[8] Order to vacate and dismiss. Date of termination of Estate.
[9] By letter filed Jan. 17, 1969, Applicant agreed to accept permanent authorization for the additional acreage conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[10] Also provides for elimination of indefinite pricing provisions and 5-year makeup period for gas paid for but not taken for the subject acreage.
[11] Applicant filed a revised billing statement to reflect the rate of 17 cents per Mcf subject to upward and downward B.t.u. adjustment in lieu of the originally filed rate of 15 cents.
[12] Conveys acreage from W. H. Doran, Jr., to Crystal Oil and Land Company.
[13] By letter dated Jan. 24, 1969, Applicant agreed to accept permanent authorization for the additional acreage at an initial rate of 15.0 cents per Mcf including tax reimbursement. Applicant will accept permanent authorization conditioned to the final outcome of the proceedings in Docket No. R-389.
[14] Statement complying with Orders Nos. 394 and 394-A providing for 5-year makeup.
[15] Transfers properties from Humble Oil & Refining Co. to Joseph F. Fritz. Acreage presently dedicated to contract dated Apr. 15, 1959, between Humble and United Gas Pipe Line Co., designated Humble Oil & Refining Co. FPC GRS No. 110.
[16] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[17] Conveys acreage from Cities Service Oil Co. and Reynolds Mining Corp. to H. K. Keesee to a depth of 2,999 feet.
[18] From Pan American Petroleum Corp. (on file as Pan American Petroleum Corp. FPC GRS No. 117, Docket No. G-7526) to J. Gregory Merrion et al.
[19] From Texas Eastern Transmission Corp. to J. Gregory Merrion et al.
[20] From Beta Development Co. (on file as Beta Development Co. FPC GRS No. 1, Docket No. CI60-686) to J. Gregory Merrion et al.
[21] From El Paso Natural Gas Co. to J. Gregory Merrion et al.
[22] Waives 1-cent minimum guarantee for liquid products.
[23] Effective date: Date of transfer of properties.
[24] Source of gas depleted.
[25] Notice of cancellation not submitted. Sale involved is covered by Applicant's FPC GRS No. 2.
[26] Amendment to add acreage submitted by the predecessor, John H. Hill (Operator) et al.
[27] Complies with temporary certificate issued Jan. 6, 1969; Applicant states willingness to accept a permanent certificate with a condition limiting buyer's take-or-pay obligation for the first 2 years to a quantity based on a 1 to 1,550 ratio of reserves.
[28] By letter dated Nov. 25, 1968 (filed Nov. 27, 1968), Applicant advised willingness to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[29] Complies with temporary certificate issued Nov. 27, 1968; Applicant states willingness to accept a permanent certificate conditioned to 16 cents per Mcf subject to B.t.u. adjustment, limiting buyer's take-or-pay obligation during the third year of the contract to a 1 to 7,300 ratio of takes to reserves and to the boundary change provision as in Opinion No. 446.
[30] Contract rate is 16.015 cents per Mcf; however, Applicant filed for an initial rate of 15 cents per Mcf.
[31] Complies with temporary certificate issued Jan. 17, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 17 cents including tax reimbursement and subject to upward and downward B.t.u. adjustment.
[32] Complies with temporary certificate issued Jan. 10, 1969; also advises of willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment and to the boundary change provision as in Opinion No. 446.
[33] Accepts conditioned temporary certificate issued; by letter dated Jan. 20, 1969, Applicant stated willingness to accept a permanent certificate conditioned to an initial rate of 17 cents per Mcf adjusted for B.t.u. content and limiting buyer's take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves during the first 2 contract years.
[34] Sale being rendered without prior Commission authorization. Application amended Feb. 2, 1969, to show rate of 10 cents in lieu of originally proposed 15-cent rate. Service commenced at 10-cent rate.
[35] Also on file as Sunray DX Oil Co. FPC GRS No. 120 (tentatively designated Sun Oil Co.) (DX Division) FPC GRS No. 120.
[36] Reflects transfer of acreage from Sun Oil Co. to Applicant.
[37] Rate of 15.7441 (includes 0.2441-cent tax reimbursement) in effect subject to refund in Docket No. RI68-184. Prior rates subject to refund in Dockets Nos. RI67-98 and RI66-127.
[38] Predecessors never made filings to cover the subject sale. (Sale being rendered on June 7, 1954.)
[39] Between Southern Oil Co. and Pennzoil Co. (now Pennzoil United, Inc.)
[40] From Crawthrop Oil & Gas Producers, Inc., to Clarence M. Rogers.
[41] From Clarence M. Rogers to Mark IV Oil & Gas Producers, Inc.
[42] Presently on file as W. H. Doran, Jr., FPC GRS No. 3.
[43] Conveys acreage from W. H. Doran, Jr., to Crystal Oil & Land Co.
[44] Rate increase from 11 cents to 12 cents effective subject to refund in Docket No. RI66-329; rate increase from 12 cents to 13 cents effective subject to refund in Docket No. RI68-221.
[45] Provides for a term of 18 months from date of connection. If wells are capable of producing commercial quantities a new agreement will be executed.
[46] Dedicates acreage to a depth of 8,900 feet.
[47] On file as Buttes Gas & Oil Co., FPC GRS No. 1.
[48] Conveys interest of Buttes Gas & Oil Co., to Applicant.
[49] Adds acreage.

[F.R. Doc. 69-3523; Filed Mar. 26, 1969; 8:45 a.m.]

[Docket No. AR69-1]

AREA RATE PROCEEDING

Order Instituting Investigation and Proposed Rulemaking

MARCH 20, 1969.

By Opinion Nos. 546 and 546-A and accompanying orders we established just and reasonable rates for sales of natural gas in Southern Louisiana, including the offshore areas. In Opinion No. 546 we noted that the record in that proceeding did not contain separate cost figures for the results of drilling in the Federal domain or for offshore generally. (Mimeo p. 135). We expressly invited a petition to reconsider the far offshore rates (p. 138).

On January 8, 1969, the New York Public Service Commission filed a request that the Commission institute an investigation into the adequacy of gas reserves held or controlled by the major producers and pipelines, and the claims of a shortage of natural gas. In explaining its reasons why it believes an investigation is necessary, the New York Commission referred to a December 16, 1968, letter sent by the American Gas Association to the Commission which it interprets as asserting that distributors and pipelines are being refused service by many producers on the ground that the prices found in our area decisions to be just and reasonable are inadequate. The New York Commission gave three reasons why such a refusal to serve, if it exists, is sufficiently serious to warrant formal investigation:

First, such a shortage, if proven on an evidentiary record, would require a review to determine the reasons therefor and the appropriate regulatory response thereto.

Second, to the extent that the actual or threatened withholding of gas was being used to coerce parties to FPC proceedings to modify their positions, it would be essential for the FPC to take corrective measures to protect the integrity of its processes.

Third, any group effort to fix the price at which natural gas shall be sold in interstate commerce, and any group refusal to sell gas to particular customers or groups of customers, would constitute "apparent violations of the Federal antitrust laws" which the Commission is obliged to call to the attention of the Attorney General under section 20(a) of the Natural Gas Act.

The New York Commission suggested that the scope of the investigation might appropriately be limited to the offshore area of Southern Louisiana, noting that because of the importance of this area the need for reliable information with respect thereto is especially compelling. The Secretary of the Federal Power Commission issued public notice of the investigation request on January 16, 1969, Docket No. RI69-470, inviting any interested persons to submit written comments thereon.

On January 22, 1969, certain producer-respondents in the Southern Louisiana area proceeding filed a joint motion [1] seeking a limited reopening of the record in Docket No. AR61-2. Movants ask the reopening be granted in order "to receive additional evidence demonstrating the substantial changes in supply-demand relationships for natural gas which have occurred since the record was closed over three years ago." Movants state that if a limited reopening is granted they would promptly tender evidence covering the following matters:

1. The unavailability of adequate gas supplies to satisfy present and reasonable anticipated future consumer demands.

2. The need for immediate corrective action due to the lead time required before improved producer price incentives can achieve higher levels of finding and development of new reserves.

3. The appropriate regulatory response to the present serious gas supply problem.

4. The significance and importance of revenues from flowing gas as a source of capital funds for the substantial new investments required to reverse the dangerous current trends in supply and demand.

As to the investigation requested by the New York Public Service Commission, movants ask that that investigation, if the request is granted, be consolidated in the proposed reopening of Docket No. AR61-2.

Additionally, in responding to various requests for further oral argument in Docket No. AR61-2, certain distributor interveners suggested that the Commission obtain additional evidence as to the need of revision of the offshore price applicable to future contracts.

In Opinion Nos. 546 and 546-A we noted our concern with respect to the adequacy of the evidence in the record relating to cost of gas produced in the Federal domain [2] along with our desire to encourage a continued active program of exploration in the area.[3] This in part led us to establish a series of price differentials between State domain and Federal domain production which is less than the amount of the State tax. Most importantly, however, we extended a clear invitation in the opinion for the filing of a petition to reconsider the far offshore rates whenever the parties believed that sufficient evidence was at

[1] The movants are listed in the motion as Texaco Inc., Gulf Oil Corp. and The British-American Oil Producing Co., Pan American Petroleum Corp., Shell Oil Co., Union Oil Company of California, and Humble Oil & Refining Co. Numerous other parties have subsequently filed similar motions or joined in the motion. Oppositions have also been filed.

[2] Mimeo pp. 129, 130, 135.

[3] Mimeo p. 135.

hand, or could be presented, to indicate a need for a change in price.

We observed in Opinion No. 546 that "certain input costs are higher in deep offshore waters than elsewhere" but that "Gas reserves data have not been satisfactorily correlated, however, with such costs" (mimeo p. 130). We similarly acknowledged the unsatisfactory status of available data on time lags and called on staff and interested parties "to undertake a more exhaustive inquiry • • • both nationally and for key production areas and subareas, such as the offshore Federal domain of Southern Louisiana." (Mimeo p. 38.) We believe that a further proceeding investigating the correlation between reserves found, including reserves not yet dedicated, and costs incurred in the offshore areas would be in the public interest. We shall therefore institute an investigation of offshore gas supply and costs associated therewith. The proceedings will encompass the offshore area described as Zones 2, 3, and 4 in the Interim Agreement between the United States and the State of Louisiana, dated October 12, 1956, as amended, excluding however lands awarded to the State of Louisiana by Supplemental Decree of the Supreme Court of the United States, entered December 13, 1965 (382 U.S. 288).[4]

If, as a result of this investigation and rulemaking proceeding, higher rates are established for fourth vintage gas-well gas sales from the area encompassed herein, we anticipate that we shall amend the just and reasonable ceilings to have prospective application to third vintage offshore gas-well gas rates,[5] and that such new rates will also govern refunds under contractually authorized increased rates filed for and made effective as a result of the modification of the Opinion 546 moratorium, but subject to the limits imposed in Opinion 546–A. The just and reasonable rate established by Opinion 546 and 546–A will, however, constitute a refund floor in connection with any increased rates filed as a result of the lifting of the moratorium on offshore third vintage production. As noted in Opinion No. 546–A, if a lower rate is established for fourth-vintage contracts than the third-vintage price, such lower area rate will not be applied to deliveries thereafter made under the third-vintage contracts.

The rapid growth in the offshore area has meant that large expenditures have been made for leases and drilling in this area in recent years. Production of much of the gas discovered, however, is in an early build-up stage. The data required for the correlation of gas reserves found in offshore Southern Louisiana with the costs associated therewith are in the possession of the lessees in the offshore area. For the purpose of determining the lag period between investment and production, and the unit costs incurred during the build-up period to full production, it would appear to be necessary to obtain hydrocarbon reserve, production, and cost data by leases. Rather than prescribing a procedure for reporting such data or for staff field studies, we shall provide for a conference or conferences of interested parties and the staff and after consideration of conference discussions, we shall issue further orders with respect to the matters involved in this proceeding. We are interested not only in experienced cost-finding relationships, but also in the general question of potential supply in the area.

The various pleadings filed with us assert a critical supply situation exists which requires prompt remedial action. We shall therefore expect the utmost cooperation of the parties to the end that necessary data be promptly reported and the hearings, if any, be expeditiously completed.

In order that we may have complete information respecting the Southern Louisiana area and in order to avoid cumulative evidence, we shall incorporate in this proceeding by reference the entire record in Docket No. AR61–2.

Any rule adopted as a result of this proceeding will be applicable to all future independent producer sales of natural gas from the offshore area. While we desire data from pipeline producers in the offshore area, the rate treatment accorded such production will be consistent with our treatment of such production in the Pipeline Production Area Rate Case, Docket No. RP66–24. A list of respondents including the purchasers of offshore leases natural-gas companies having rate schedules on file for this area and pipelines operating in the area is attached. Evidentiary hearings should be held to the extent that factual controversies arise.

The Commission finds: It is necessary and appropriate for purposes of carrying out the provisions of the Natural Gas Act, particularly but not in limitation of the foregoing, sections 5, 8, 10, 14, and 16 thereof, that an investigation, hearing, and rulemaking proceeding be instituted to determine whether the just and reasonable area ceiling rates prescribed in Opinion Nos. 546 and 546–A which are applicable to sales of third vintage gas-well gas from the offshore Southern Louisiana area encompassed by this proceeding should be raised and any such increased ceiling made applicable to sales of such third vintage gas-well gas being made subject to refund pursuant to increased rate filings authorized by ordering paragraph (A) of Opinion No. 546–A, and whether fourth vintage area rate ceilings should be established applicable to sales of gas-well gas from the area encompassed herein pursuant to contracts dated at some date after the final order in this proceeding to be specified herein.

The Commission orders:

(A) An investigation and rulemaking proceeding is instituted concerning the issues specified in the above finding and a conference shall be held concerning the same as hereinafter provided. Unless otherwise ordered by the Commission, the proceedings shall encompass the offshore area described as Zones 2, 3, and 4 in the Interim Agreement between the United States and the State of Louisiana, dated October 12, 1956, as amended, excluding lands awarded to the State of Louisiana by Supplemental Decree of the Supreme Court of the United States entered December 13, 1965 (382 U.S. 288).

(B) The purchasers of offshore leases, natural-gas companies having rate schedules in the area and pipelines operating in the area as listed in Appendix A are made respondents in this proceeding.

(C) A conference will be held at the Commission offices at 441 G Street NW., Washington, D.C., between respondents, interveners, and Commission staff concerning the issues and procedures to be followed. The Chief Examiner, or an Examiner designated by him, shall preside at the hearing hereby called and shall prescribe the date thereof. Upon completion of this conference and any other conferences which may be deemed necessary, a transcript thereof shall be transmitted to the Commission for further action.

(D) Any party who has intervened in Docket No. AR61–2 may become an intervener in this proceeding by filing notice thereof within 30 days of the date of issuance hereof in the manner provided by § 1.8(a)(1) of the Commission's rules of practice and procedure. Other persons may within such 30 days file petitions to intervene or notices of intervention as provided by § 1.8 of the rules of practice and procedure.

(E) In order that the issues involved herein may be properly determined, offshore lessees are hereby directed pursuant to the provisions of sections 8, 10, and 14 of the Natural Gas Act to grant to authorized members of the staff of the Federal Power Commission, during regular business hours, free access to their property and access to and the right to inspect and examine all of their accounts, records, and memoranda including, but not limited to, the books, papers, correspondence, contracts, agreements, maps, reports of engineers, logs, and other data pertinent to the investigation herein authorized and upon staff request shall furnish copies of such material to the staff.

(F) The Secretary shall cause a copy of this order to be published in the FEDERAL REGISTER and served upon each of the respondents set out in Appendix A and upon interested State Commissions as is provided for in § 1.19 of the Commission's rules of practice and procedure.

By the Commission.[1]

[SEAL] GORDON M. GRANT, *Secretary.*

[4] The parties will be free at the conference hereafter set to raise the issue whether such geographical demarcation should be changed. See Area Rate Proceeding (Texas Gulf Coast Area), 31 FPC 922; Area Rate Proceeding (Other Southwest Area), 33 FPC 1135. In case of any change of demarcation line we would, of course, consider a prospective change of the moratorium fixed in Opinion No. 546–A for on-shore third vintage gas.

[5] This provision is equally applicable to those contracts executed prior to Oct. 1, 1968, which under the special relief granted by Opinion No. 546–A are treated as having been executed on or after Oct. 1, 1968.

[1] Commissioner Carver's concurring statement filed as part of the original document.

APPENDIX A

Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 24101.
Apco Oil Corp., Liberty Bank Building, Oklahoma City, Okla. 73102.
Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.
Austral Oil Co., Inc., 2700 Humble Building, Travis at Bell, Houston, Tex. 77002.
British American Oil Producing Co., c/o W. E. Schoeneck, Vice President, Post Office Box 749, Dallas, Tex. 75221.
Cabot Corp., Post Office Box 1101, Pampa, Tex. 79066.
California Oil Co., a division of Chevron Oil Co., 800 The California Company Building, 1111 Tulane Avenue, New Orleans, La. 70112.
Cal-Ky Pipe Line Co., Fourth and Walnut Streets, Post Office Box 1446, Louisville, Ky. 40202.
Chandeleur Pipe Line Co., Starks Building, Fourth and Walnut, Louisville, Ky. 40402.
Cities Service Oil Co., Cities Service Building, Bartlesville, Okla. 74003.
Colorado Oil and Gas Corp., Box 749, Denver, Colo. 80201.
Columbia Gas System, Inc., 120 East 41st Street, New York, N.Y. 10017, Attention: John W. Partridge, President.
Columbia Gulf Transmission Co., Box 683, Houston, Tex. 77001.
Columbia Offshore Pipe Line Co., 915 Coolidge Boulevard, Lafayette, La. 70501.
Consolidated Gas Supply Corp., 445 West Main Street, Clarksburg, W. Va. 26302.
Consolidated Natural Gas Co., H. B. Grimth, Jr., Consolidated Natural Gas Service Co., 4 Gateway Center, Pittsburgh, Pa. 15222.
Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.
Diriyn Drilling Corp., Post Office Box 3427, Odessa, Tex. 79760.
El Paso Natural Gas Co., El Paso Natural Gas Building, Box 1492, El Paso, Tex. 79999.
Essex Royalty Corp., 285 Madison Avenue, New York, N.Y. 10017.
Felmont Oil Corp., 285 Madison Avenue, New York, N.Y. 10017.
Florida Gas Transmission Co., Post Office Box 44, Winter Park, Fla. 32789.
Forest Oil Corp., 1300 National Bank of Commerce Building, San Antonio, Tex. 78205.
General American Oil Company of Texas, Meadows Building, Dallas, Tex. 75206.
General Crude Oil Co., Post Office Box 2252, Houston, Tex. 77001.
Geological, Geophysical Associates, Inc., 1140 Oil and Gas Building, New Orleans, La. 70112.
Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.
Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.
Hamilton Brothers Oil Co., 1517 Denver Club Building, Denver, Colo. 80202.
Hanna Mining Co., 100 Erie View Plaza, Cleveland, Ohio 41114.
Highland Oil Co., 12th Floor, San Jacinto Building, Houston, Tex. 25276.
Humble Gas Transmission Co., 1700 Commerce Building, New Orleans, La. 70112.
Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.
Hunt Oil Co., 1401 Elm Street, Dallas, Tex. 75202, Attention: Sidney Latham, Vice President.
Jupiter Corp., 208 South La Salle Street, Chicago, Ill. 60602.
Kern County Land Co., Post Office Box 2511, Houston, Tex. 77001.
Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102.
Kewanee Oil Co., Post Office Box 2239, Tulsa, Okla. 74101.
Louisiana Land & Exploration Co., Post Office Box 60350, New Orleans, La. 70150.
Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840.
J. Ray McDermott & Co., Inc., 14th Floor, Houston Club Building, Houston, Tex. 77002.
McWood Corp., 203 Oil and Gas Building, Abilene, Tex. 79601, Attention: Ray McGlothlin, Jr., Vice President.
Metals Service Co., 1006 Southwest Tower, Houston, Tex. 77002.
Michigan Wisconsin Pipe Line Co., 1 Woodward Avenue, Detroit, Mich. 48226.
Mississippi River Corp., 9900 Clayton Road, St. Louis, Mo. 63124.
Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.
Monsanto Co., 1300 Main Street, Houston, Tex. 77002.
Murphy Oil Corp., 200 Jefferson Avenue, El Dorado, Ark. 71730.
Natural Gas and Oil Corp., 1315 Richards Building, New Orleans, La. 70112.
Natural Gas Pipe Line Company of America, 122 South Michigan Avenue, Chicago, Ill. 60603.
Newmont Oil Co., 1300 Main at Polk, Houston, Tex. 77002.
Ocean Drilling & Exploration Co., 303 Murphy Building, El Dorado, Ark. 71730.
Offshore Operators, Inc., 215 Niels Esperson Building, Houston, Tex. 77002.
Oil & Gas Futures, Inc., 2200 South Post Oak Road, Suite 700, Houston, Tex. 77027.
Pan American Petroleum Corp., Pan American Building, Post Office Box 591, Tulsa, Okla. 74101.
The Peoples Natural Gas Co., 445 West Main Street, Clarksburg, W. Va. 26302.
Phillips Petroleum Co., Phillips Petroleum Building, Bartlesville, Okla. 74004.
Placid Oil Co., 2500 First National Bank Building, Dallas, Tex. 75202.
The Preston Oil Co., Post Office Box 1350, Houston, Tex. 77001.
St. Helens Petroleum Corp., c/o Ocean Drilling and Exploration Co., Agent, Caribe Building, 2475 Canal Street, New Orleans, La. 70119.
Samedan Oil Corp., Post Office Box 959, Ardmore, Okla.
Sea Robin Pipeline Co., Box 1407, Shreveport, La. 71102.
Joseph E. Seagram & Sons, Inc. d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221.
Shell Oil Co., 50 West 50th Street, New York, N.Y. 10020.
Signal Oil & Gas Co., Post Office Box 17126, Foy Station, Los Angeles, Calif. 90017.
Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74101.
Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74101.
Sohio Petroleum Co., 970 First National Office Building, Oklahoma City, Okla. 73102.
Southern Natural Gas Co., Post Office Box 2563, Birmingham, Ala. 35202.
Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103
Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74101.
The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.
Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.
Tennessee Gas Pipeline Co., Post Office Box 2511, Houston, Tex. 77001.
Texaco, Inc., Gas Division, Post Office Box 52332, Houston, Tex. 77052.
Texas Eastern Transmission Corp., Box 2521, Houston, Tex. 77001.
Texas Gas Exploration Corp., 555 Main Building, 1212 Main Street, Houston, Tex. 77002.
Texas Gas Transmission Corp., 3800 Fredeica Street, Owensboro, Ky. 42301.
Transcontinental Gas Pipe Line Corp., Box 1396, Houston, Tex. 77001.
Trunkline Gas Co., Post Office Box 1642, Houston, Tex. 77001.
Union Carbide Petroleum Corp., 1200 Travis, Suite 912, Houston, Tex. 77002.
Union Oil Company of Calif., Manager Natural Gas & Gasoline Department, Union Oil Center, Los Angeles, Calif. 90017.
Union Producing Co., 1525 Fairfield Avenue, Shreveport, La. 71101.
Union Texas Petroleum, a Division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001. Attention: Gas Department.
United Fuel Gas Co., 1033 Quarrier Street, Charleston, W. Va. 25301.
United Gas Pipe Line Co., Post Office Box 1407, Shreveport, La. 71102.
Zapata Offshore Co., 1701 Houston Club Building, Houston, Tex. 77002. (Now Apache Oil Co.)

[F.R. Doc. 69–3569; Filed, Mar. 26, 1969; 8:45 a.m.]

[Docket No. CP67–340, CP69–75]

CITIES SERVICE GAS CO. AND CITY OF PLATTSBURG, MO.

Order Upon Reconsideration and Consolidating Proceedings for Hearing

MARCH 21, 1969.

On September 18, 1968, the City of Plattsburg, Mo. (Plattsburg), filed an application pursuant to section 7(a) of the Natural Gas Act requesting that the Commission issue an order directing Cities Service Gas Co. (Cities) to establish physical connection of its transmission facilities with the distribution system of Applicant. The Applicant further requested that Cities be required to construct certain of the connecting facilities under the latter's lateral line policy that was in effect when the Applicant filed its application.

Cities filed its answer on October 21, 1968, in which it contends that the lateral line policy contained in its FPC Gas Tariff, Fourth Revised Sheet No. 37, is not applicable to Plattsburg's application. Cities states that under the policy set forth in its Tariff that it will not build or contribute to the cost of building any sales laterals to resale customers.

On September 27, 1968, the Commission issued an order in the proceedings entitled Cities Service Gas Co., et al. Dockets Nos. CP67–340 et al., suspending the aforementioned proposed revised tariff sheet which proposes to change Respondent's lateral line policy from one that provides for a contribution to a policy of noncontribution. That order also sets the question of Cities' lateral line policy for hearing and consolidated it with the proceedings in Dockets Nos. CP67–340 et al.

By order issued September 27, 1968, the Commission also provided for the participation of Applicant, as an intervener, in the consolidated proceedings on the issue of Cities' lateral line policy.

By letter-order dated January 31, 1969, the Commission deferred hearing on the application pending resolution of the question of Cities' lateral line policy in the consolidated proceedings. This course of action was deemed desirable in view of the apparently controlling nature of the lateral line issue.

On February 27, 1969, the City of Plattsburg, Mo., filed the instant petition for rehearing and consolidation alleging, inter alia, that an emergency situation exists because it does not expect to be able to meet its needs from the existing supplies for the 1969–1970 winter heating season under normal or severe conditions. Inasmuch as Plattsburg potentially may suffer a shortage of gas due to pressure declines in its local supply of gas, and therefore needs a second supply prior to the 1969–1970 winter, the lateral line and pipeline design issues between it and Cities should be resolved as quickly as possible in the instant proceeding rather than in a future separate proceeding. Accordingly, it is appropriate to consolidate Applicant's pending 7(a) application with the above-entitled Cities' application.

The Commission orders: It is appropriate under the Natural Gas Act and the rules and regulations thereunder that the application filed by the City of Plattsburg in Docket No. CP69–75 be consolidated for hearing with the consolidated proceedings entitled Cities Service Gas Co., Docket No. CP67–340, et al., and it is so ordered.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3573; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. CP69–243]

COLORADO INTERSTATE GAS CO.

Notice of Application

MARCH 21, 1969.

Take notice that on March 14, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69–243 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of facilities to purchase natural gas from the Wind River Basin of Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct and operate approximately 111.2 miles of 12-inch pipeline and associated facilities to transport natural gas from the Wind River Basin to Applicant's main transmission line at its Rawlins Compressor Station.

Applicant estimates its initial investment at $4.6 million, which it proposes to finance from funds on hand, from operations, and from short term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 17, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3575; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. CP69–207]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Amended Application

MARCH 20, 1969.

Take notice that on March 13, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed an amendment to its application previously filed herein on January 31, 1969, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render increased natural gas storage service to an existing storage service customer. The application and amendment thereto are on file with the Commission and open to public inspection.

In its original application Applicant sought authority to increase the volume of natural gas to be stored by it for Transcontinental Gas Pipe Line Corp. (Transco) from a maximum of 13,575,000 Mcf for periods beginning April 1, 1969 to a maximum of 23,975,000 Mcf, and to increase Transco's maximum daily entitlement from 263,500 Mcf to 398,000 Mcf.

In its amended application, Applicant states that the increased volume of 23,975,000 Mcf assumed the elimination effective April 1, 1969, of a 1-year arrangement whereby an additional Storage Capacity Volume of 2 million Mcf had been made available to Transco in order to enable Transco to render an equivalent increased storage service to one of its customers. Applicant now proposes to continue this arrangement for an additional 1-year period and requests authority to store for Transco a maximum of 25,975,000 Mcf for the Storage Year beginning April 1, 1969, and a maximum of 23,975,000 Mcf for Storage Years beginning April 1, 1970, and thereafter, and to increase Transco's maximum daily entitlement to 398,500 Mcf.

Applicant further states that the construction and operation of additional Ellisburg storage pool and Finnefrock transmission compressor station facilities, for which authorization is to be sought in separate applications, are required to meet the normal growth in its winter seasonal requirements and to render the proposed increased storage service for Transco.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 17, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3574; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. CP69–242]

CONSOLIDATED GAS SUPPLY CORP. ET AL.

Notice of Application

MARCH 21, 1969.

Take notice that on March 13, 1969, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, W. Va. 26301, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, Tex. 77001, and United Natural Gas Co. (United), 308 Seneca Street, Oil City, Pa. 16301 (Applicants), filed in Docket No. CP69–242 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas storage facilities, all as more fully described in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants propose the construction and operation of a 3,400 horsepower compressor unit, with auxiliary equipment and related piping, at the Ellisburg Compressor Station in Potter County, Pa., which Applicants state is jointly owned by and used for the storage operations of Consolidated and Tennessee in the Ellisburg Storage Pool. In addition, Applicants propose the connection of 14 wells to the gathering system which is owned and used jointly by the three Applicants. Of these 14 wells, 13 would be new wells to be drilled, and one is an existing observation well.

Applicants estimate the total cost of the proposed facilities at $3,575,371. The Applicants propose to split the costs, $3,284,740 to Consolidated and $290,631 to United.

In addition, Applicants propose the addition of base gas to the Ellisburg Storage Pool in the amount of 3,111 Mcf for Consolidated and 3,389,000 Mcf for United.

The application states that additional top storage gas capacity is to be provided in amounts of 10,485,000 Mcf for Consolidated and 1 million Mcf for United. No additional capacity is proposed at this time for Tennessee. Applicants state that this proposed additional development of the Ellisburg Storage Pool is required to meet normal growth in Consolidated's and United's winter seasonal market requirements beginning in the 1969–70 winter and also to enable Consolidated to render a proposed increased storage service for Transcontinental Gas Pipe Line Corp.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 18, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3576; Filed, Mar. 26, 1969; 8:46 a.m.]

[Dockets Nos. CP67–255, CP67–256]

DELTA GAS, INC., AND PLAQUEMINES OIL AND GAS CO.

Order Consolidating Proceedings, Permitting Intervention, and Fixing Date of Prehearing Conference

MARCH 21, 1969.

Each of the above proceedings concerns an application filed pursuant to section 7(c) of the Natural Gas Act. Notice of the application in Docket No. CP67–255 was published in the FEDERAL REGISTER on March 15, 1967 (32 F.R. 4477). In Docket No. CP67–256, notice of the application was published March 16, 1967, in the FEDERAL REGISTER (32 F.R. 4514).

Delta Gas, Inc. (Delta) in Docket No. CP67–255 seeks a certificate of public convenience and necessity authorizing the transportation of natural gas for and on account of Plaquemines Oil and Gas Co., Inc. (Plaquemines), pursuant to a contract dated February 17, 1965. Plaquemines in Docket No. CP67–256 seeks a certificate of public convenience and necessity authorizing the sale of natural gas to Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), pursuant to a contract of June 14, 1956, as amended.

Delta operates solely in Plaquemines Parish, La. Its gas system consists of 117.7 miles of ¾-inch to 3-inch pipeline, stated to be distribution, and 26.3 miles of 4-inch and 6-inch pipeline claimed to be transmission. Delta purchases gas from United Gas Pipeline Co., Plaquemines and local producers. It sells gas directly to approximately 3,200 residential, commercial and industrial consumers, and to Peoples Utilities, Inc., for resale in Buras, La., in addition to transporting gas for the account of Plaquemines.

Plaquemines purchases gas at the wellhead in the Potash Field, Plaquemines Parish, from Woods Oil and Gas Co. (Woods) and Humble Oil & Refining Co. (Humble). It sells gas to Shell Pipeline Co. and to Tennessee. Plaquemines also sells gas to Delta, and the deliveries to Shell and Tennessee are made by Delta for Plaquemines' account.

Delta and Plaquemines are affiliated companies, as the owners and officials are essentially the same persons.

The Public Service Commission of the State of New York filed a timely notice of intervention in both of the dockets herein, and the Brooklyn Union Gas Co. filed a timely petition to intervene in both dockets also. The New York Commission questions the rate justification submitted by Plaquemines. The Brooklyn Union Gas Co., a contract customer of Tennessee, believes the charge to Tennessee by Plaquemines is in excess of that required by the public convenience and necessity.

In addition to the issues raised by the intervenors, there are jurisdictional questions concerning whether certificate authority is needed by Delta and Plaquemines for the following services and sales because of the fact that gas destined for intrastate commerce will be commingled with gas for interstate consumption:

1. The transportation of gas by Delta for Plaquemines' account to Tennessee, and also to the Shell Pipeline Co. for Plaquemines.

2. The sale by Delta directly to consumers, and for resale to Peoples Utilities, Inc.

3. The sale by Plaquemines to Delta for resale, and the direct sale to Shell Pipeline Co.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the matters in Dockets Nos. CP67–255 and CP67–256 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act. The expeditious disposition of these proceedings will be effectuated by providing for a prehearing conference prior to the filing of evidence by any of the parties.

The Commission orders:

(A) The above-captioned proceedings are hereby consolidated for the purpose of hearing and decision.

(B) The above-named petitioners are hereby permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the provisions of 1.18 of the Commission's rules of practice and procedure, a prehearing conference shall be held before a hearing examiner of the Commission to be designated by the Chief Examiner, in order to consider the means by which the conduct of the consolidated proceedings may be facilitated and in order to determine further procedures including the dates for the submission of evidence and commencement of cross-examination. Such conference will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on April 23, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3577; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. RP69–20]

EL PASO NATURAL GAS CO.

Order Regarding Tariff Sheets

MARCH 20, 1969.

Order rejecting revised tariff sheets, accepting for filing proposed alternative revised tariff sheets, providing for hearing on and suspension for 1 day of the alternative sheets, and allowing the proposed alternative revised tariff sheets to become effective subject to refund, subject to conditions.

El Paso Natural Gas Co. (El Paso) on February 3, 1969, tendered for filing revised tariff sheets proposing changes in its FPC Gas Tariff, Original Volume No. 1.[1] The tendered tariff sheets are designed to supersede the tariff sheets filed by El Paso on September 6, 1968, which were suspended and the use thereof deferred, by our order issued October 4, 1968, in Docket No. RP69–6, until March 7, 1969, and which were made effective by El Paso's motion. El Paso requests permission under § 154.66(b) of our regulations to file the proposed revised tariff sheets.

The proposed changes in rates, which are of a uniform amount of 1.46 cents under the affected rate schedules,[2] would result in an estimated increase in jurisdictional revenues of $15,576,115 annually above the increased jurisdictional revenues which resulted from the effectiveness of the rates suspended in docket No. RP69–6. El Paso requests an effective date of March 21, 1969.

The filing, including supporting material, indicates that El Paso is now incurring only a small portion of the potential increased purchased gas costs, which are the basis for El Paso's proposed rate increase. El Paso alleged an exposure to increased purchased gas costs of $17,569,393 annually; but as of the date of the filing El Paso had actually experienced only $36,628 of increase; and by further pleading of March 14, 1969, El Paso indicated an experienced increase of only $587,346. Almost $7 million of the claimed purchased gas cost increases have not been filed by the producers. Over $4.5 million relate to increases that have been suspended until next May through July. The remainder relates to amounts which have been suspended and, the suspension period having elapsed, may now be moved into effect; but these increases have not been so moved except for the amounts stated above. We conclude that on its face El Paso's filing shows that the proposed rate increase of 1.46 cents per Mcf should be disallowed. Accordingly, we reject the proposed revised tariff sheets.

Conceding that its proposed rate increase raised some problems, El Paso also submitted alternative tariff sheets to those identified above, which contain rates identical to its present rates, proposed and recently made effective in Docket No. RP69–6. El Paso requests that such alternative tariff sheets be suspended until March 22, 1969, 1 day beyond their proposed effective date of March 21, 1969, and that, thereafter El Paso be permitted to file revisions in those tariff sheets from time to time to compensate it only for the increase in purchased gas costs which it actually sustains, up to an aggregate increase of 1.46 cents per Mcf.

Protests or motions to reject both the revised tariff sheets and the alternative revised tariff sheets were filed by the State of California and the Public Utilities Commission of the State of California (California), the city of Los Angeles, Southern California Gas Co., and Southern Counties Gas Company of California jointly, and Pacific Gas and Electric Co. The Public Service Commission of Nevada, the New Mexico Public Service Commission, Salt River Project Agricultural Improvement and Power District, San Diego Gas and Electric Co., and Southern Union Gas Co. all filed comments stating a preference for the alternative revised tariff sheets over the revised tariff sheets. Numerous other interested persons and governmental authorities filed petitions to intervene without specific comment about the particular features of El Paso's filing. On March 14, 1969, El Paso filed a response to the various protests and motions to reject.

The main points presented by the protesters are as follows: They state that it is uncertain whether and when El Paso will experience the increases in purchased gas costs. They also state that El Paso's filing does not include a recent cost of service as required by the Commission's regulations under the Natural Gas Act. They point out that changes in facilities, some already certificated, affect the cost of service and may offset the purchased gas costs which El Paso may experience. In addition, California points out that the alternative proposal allows filings without limit as to time, it fails to afford 30 days' notice for each increase thereunder, it calculates increases using base period volumes rather than more recent volumes consistent with the increased purchase gas costs which may occur, and no adjustment appears contemplated herein for any rate decision in Docket No. RP69–6. We note also that the alternative revised tariff sheets provide for purchased gas adjustments, contrary to § 154.38(c) of our regulations under the Natural Gas Act.

On March 14, 1969, El Paso responded to the protests. In the main, El Paso makes the following arguments: El Paso urges that the Commission's regulations do not require a whole new cost of service where a recent rate increase and cost of service are on file (Docket No. RP69–6) and there are no foreseeable material changes in costs other than purchased gas costs. El Paso also points out that several pipeline rate increases have been filed reflecting unexperienced increases in purchased gas costs, but the filings were not rejected. With regard to 30 days' notice, El Paso states that California has not suggested an alternative that would afford 30 days' notice. El Paso denies that the Commission is foreclosed from adjusting the rates herein according to determinations in RP69–6.

In light of all the circumstances, it appears appropriate for us to waive the Commission's regulations and permit the filing of the alternative revised tariff sheets, subject to certain conditions. In light of potential offsets to any increased purchase gas costs, filings under the alternative revised tariff sheets should be permitted for only a limited time, until December 31, 1969. It should be made express herein that the rates filed will be subject to adjustment based on the determinations in Docket No. RP69–6. In effect, El Paso seeks to protect itself from exposure to major potential increases in purchased gas costs in its Permian supply area; that protection is most fairly afforded if based on recent volume data consistent with the occurrence of increases in producer rates, not based as El Paso proposes on volumes for the past period ending May 31, 1968. Finally, we have provided that rate increases under the alternative revised sheets would become effective only after 30 days' notice, as contemplated by the Natural Gas Act, so that our staff and other interested parties may review the filing and El Paso's customers will have some time to seek follow-up rate increases before their respective State commissions.

The rates and charges contained in the alternative revised tariff sheets, and all filings made under those alternative revised tariff sheets, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists to grant permission for the filing of the alternative revise tariff sheets tendered by El Paso on February 3, 1969.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission accept the alternative revised tariff sheets tendered for filing on February 3, 1969, and enter upon a hearing concerning lawfulness of the rates and charges contained in El Paso's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by such alternative revised tariff sheets, and that the proposed alternative revised tariff sheets be suspended and the use thereof be deferred subject to the conditions herein provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR Ch. I), the proposed alternative revised tariff sheets tendered for filing by El Paso on February 3, 1969, are hereby accepted for filing and a public hearing shall be held, on a date to be hereafter fixed, concerning the lawfulness of the rates, charges, classifications, and services contained in El Paso's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by such alternative revised tariff sheets including further filings to be made as provided in those tariff sheets.

[1] The proposed changes are set forth on the following proposed revised tariff sheets: 13th Revised Sheet No. 4; 15th Revised Sheet No. 6; 15th Revised Sheet No. 8; 17th Revised Sheet No. 10; 17th Revised Sheet No. 11; 12th Revised Sheet No. 11–A; 13th Revised Sheet No. 17; 13th Revised Sheet No. 18; 16th Revised Sheet No. 19; 10th Revised Sheet No. 27–B; 13th Revised Sheet No. 27–E; 11th Revised Sheet No. 27–I; 12th Revised Sheet No. 34, and 16th Revised Sheet No. 36.

[2] Under Rate Schedule G, applicable to contract demand service rendered by El Paso to distributor customers in the State of California, El Paso proposes to apply the 1.46-cent increase to the commodity component.

(B) Pending such hearing and decision thereon, the proposed alternative revised tariff sheets are hereby suspended and the use thereof deferred until March 22, 1969, and thereafter shall be effective upon the following conditions:

(1) El Paso may, from time to time until December 31, 1969, file with the Commission as a part of its FPC Gas Tariff, Original Volume No. 1, revised tariff sheets, in substitution for the alternative revised tariff sheets accepted hereby or for revisions therein made pursuant to this order, necessary to reflect increases or decreases in the rates thereunder based upon increases or decreases in the cost of El Paso's purchased gas, computed in accordance with the following provisions of this paragraph (B):

(2) Increases or decreases in El Paso's rates made pursuant to this order shall only reflect those changes in the cost of gas purchased by El Paso from those fields and from those sources in the Permian and adjacent areas identified in both Schedule No. N–11 of El Paso's filing herein ("Permian supply area") and under those FPC Gas Rate Schedules of suppliers now on file with this Commission and identified in Schedule No. N–11A of El Paso's filing herein ("supplier rate schedules"): *Provided, however,* That rates effective hereunder shall be adjusted to reflect any reduction of the rates effective subject to refund in Docket No. RP69–6 (which are equal to the rates initially effective in this proceeding): *Provided, further,* That otherwise only those increases under the supplier rate schedules, or any subsequent decreases thereunder, shall be used in the computation of increases or decreases in El Paso's rates made pursuant to this order; *And, provided further,* That the aggregate net increase in El Paso's rates made pursuant to this order shall not exceed 1.46 cents per Mcf (at 14.73 p.s.i.a.);

(3) No change in rates shall be made hereunder until the net change in the annualized cost of purchased gas in the Permian supply area under the supplier rate schedules, determined as herein provided, causes a total system increase in purchased gas costs of at least one-tenth of one cent (0.1¢) per Mcf (at 14.73 p.s.i.a.), based upon El Paso's total system test year gas sales for the 12-month period ending not less than 60 days and not more than 90 days preceding the effective date of El Paso's change in rate;

(4) The annualized cost of gas purchased by El Paso in the Permian supply area under each supplier rate schedule shall be determined by application of the rate then in effect thereunder to the volume of purchased gas during the 12-month period ending not less than 60 nor more than 90 days preceding the effective date of such El Paso increase or decrease, for each Permian rate schedule reflected in Schedule N–11 of El Paso's filing herein and in El Paso's filing in Docket No. RP69–6;

(5) The amount of any net change in the annualized cost of purchased gas in the Permian supply area shall be determined as the difference between the annualized cost of purchased gas, computed in accordance with the immediately preceding subparagraph (4), and the amount that would have been paid as determined by application of the last supplier rate used for a change in rates hereunder to the volume prescribed in subparagraph (4). For the purposes of the initial change in rates made hereunder, the base supplier rate to be applied to the volume prescribed above, subparagraph (4), shall be the supplier rate reflected in El Paso's Docket No. RP69–6. The amount per Mcf of any change in rates hereunder shall be determined by dividing the annual amount of the above change in costs by El Paso's total sales (Southern Division) made during the 12-month period used to determine the annualized cost of purchased gas (subparagraph (4)). Such change in rates shall be uniformly applied to all rate schedules affected by El Paso's filing herein and in the commodity component of Rate Schedule G of El Paso's FPC Gas Tariff, Original Volume No. 1, provided, however, that the aggregate net increase herein shall not exceed 1.46 cents per Mcf.

(6) Revised tariff sheets filed in accordance herewith shall become effective 30 days after filing or such later date as El Paso proposes.

(7) If, as a result of any final order of the Commission, not stayed by the Commission or the courts, El Paso shall receive refunds, including interest, under any supplier rate schedule applicable to increased rates collected thereunder which have been reflected in changes in El Paso's rates hereunder, El Paso shall refund the jurisdictional portion of all refunds received to its jurisdictional customers, without further interest, upon accumulation of $1 million or more, except for the final refund which shall be made if, but only if, the total amount remaining refundable is fifty thousand ($50,000) or more.

(C) As a condition of this order, El Paso shall execute and file in triplicate with the Secretary of this Commission, within twenty (20) days of the date of this order, its written agreement and undertaking to comply with the terms of paragraph (B)(7) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from its board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved and upon all parties of record in this proceeding, as follows:

Agreement and undertaking of El Paso Natural Gas Co. to comply with the terms and conditions of paragraph (B)(7) of Federal Power Commission's order issued March 20, 1969, in Docket No. RP69–20.

In conformity with the requirements of the order issued March 20, 1969, in Docket No. RP69–20, El Paso Natural Gas Co., hereby agrees and undertakes to comply with the terms and conditions of paragraph (B)(7) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto, this day of ——————, 1969.

El Paso Natural Gas Co.

By ——————————

Attest:

——————————
Secretary

(D) Permission is granted under § 154.66 of the Commission's regulations for the filing of the alternative revised tariff sheets accepted hereby.

(E) The other revised tariff sheets, filed herein, providing for a present increase of 1.46 cents per Mcf, are hereby rejected.

By direction of the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3572; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. CP62–154]

EL PASO NATURAL GAS CO.

Notice of Petition to Further Amend

MARCH 21, 1969.

Take notice that on March 14, 1969, El Paso Natural Gas Company (Petitioner), Box 1492, El Paso, Tex. 79999, filed in Docket No. CP62–154 a petition to further amend the order of the Commission issued in said docket on October 17, 1962, as last amended October 31, 1968, to extend the period of an authorized sale of gas, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Specifically, Petitioner was authorized to sell and deliver to Southern California Gas Company and Southern Counties Gas Company of California, under its rate schedule G–X–2, an average daily quantity of natural gas not to exceed 100,000 Mcf (14.73 psia) per day for the period continuing through April 30, 1969. Petitioner now asks that this period be extended through October 31, 1970.

Petitioner states that this authorization will enable Southern California Gas Company and Southern Counties Gas Company of California to meet their gas requirements pending commencement of deliveries authorized in the order accompanying Opinion No. 549, of October 30, 1968, in Docket No. CP67–217.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 17, 1969.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3578; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. CP65–384]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MARCH 21, 1969.

Take notice that on March 17, 1969, El Paso Natural Gas Co. (Petitioner),

Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP65–384 a petition to amend the certificate of public convenience and necessity issued to it in that docket by order dated September 17, 1968, to authorize a sale of natural gas rather than an exchange, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Specifically, Petitioner was authorized to exchange natural gas with Northern Natural Gas Co. (Northern) by delivering gas to Northern at the interconnection of their facilities in Grant County, Kans. Petitioner states that it desires to sell and deliver to Northern and Northern desires to purchase and receive from Applicant natural gas at the same interconnection, through June 30, 1970. Petitioner states that this will allow it to relieve its over-supply problem and at the same time will alleviate an over-production problem of Northern.

Petitioner proposes that the price paid by Northern for the gas delivered to it shall be the price that Petitioner pays its supplier, Sinclair Oil and Gas Co., from time to time, plus 4½ cents per Mcf, which Petitioner states will total 19½ cents initially.

Petitioner states it will make refunds to Northern if Sinclair Oil and Gas Co. should make refunds to Petitioner.

Petitioner also asks that the certificate be amended to authorize the installation at its Grant Compressor Station of one 4,000 horsepower compressor unit in lieu of the two 1,800 horsepower units now authorized. Petitioner states it has a 4,000 horsepower compressor unit in inventory which it proposes to use.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 21, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–3579; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. RI69–637]

FERGUSON OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 21, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 12, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–637..	Bill Ferguson d.b.a. Ferguson Oil Co. et al., 1505 Wichita Plaza Bldg., Wichita, Kans. 67202.	[2] 6	1	Panhandle Eastern Pipe Line Co. (Kingman County, Kans.).	$331	2–27–69	[3] 3–30–69	[4] 3–31–69	15.0	[5] [6] 16.0	

[2] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61–1, and the proposed rate does not exceed area initial rate ceiling of 16 cents per Mcf.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.

Bill Ferguson doing business as Ferguson Oil Co., et al. (Ferguson) requests a retroactive effective date of January 6, 1969, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Ferguson's rate filing and such request is denied.

The contract related to the rate filing of Ferguson was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61–1, as amended, and the proposed increased rate of 16 cents per Mcf exceeds the area increased rate ceiling of 11 cents per Mcf for the Kansas Area, but does not exceed the initial service ceiling of 16 cents per Mcf established for the area involved. We believe, in this situation, Ferguson's proposed rate filing should be suspended for 1 day from March 30, 1969, the date of expiration of the statutory notice.

[F.R. Doc. 69–3570; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. RP68–20]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Request for Approval of Stipulation and Agreement and for Acceptance of Proposed Changes in Rates and Charges

MARCH 21, 1969.

Take notice that on March 20, 1969, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), filed a request for approval of a stipulation and agreement in Docket No. RP68–20, together with revised tariff sheets designed to effectuate rate reductions and other tariff revisions provided for in the stipulation and agreement.

The stipulation and agreement resolves all issues in Docket No. RP68–20 and generally provides for specified reduced rates to become effective as of April 1, 1969 and for contingent refunds and/or rate reductions.

Copies of the stipulation and agreement and the proposed tariff changes were served on all of Michigan Wisconsin's customers and interested State commissions.

Comments or objections relating to the proposed stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 10, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–3580; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. CP69–241]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 20, 1969.

Take notice that on March 13, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69–241 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a direct sale to Cabot Corp. in Carson and Gray Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate three new tap connections, and continue operating an existing tap connection, on its gathering lines in Carson and Grey Counties, Tex.; the taps would allow the sale of an average daily quantity of 25,000 Mcf of natural gas to the Cabot Corp.

Applicant estimates the cost of these facilities at $7,665, which it intends to finance from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 16, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–3581; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. CP69–240]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 19, 1969.

Take notice that on March 12, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69–240 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities at its Spearman Compressor Station, Ochiltree County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate two 2,000 horsepower compressor units at the Spearman Compressor Station to offset declining wellhead pressure in the wells connected to its system in that area.

Applicant estimates the cost of the proposed facilities at $1,695,500, which it proposes to finance from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 14, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–3582; Filed, Mar. 26, 1969; 8:46 a.m.]

[Docket No. CP68–193, etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order Consolidating Applications for Hearing Granting Petitions To Intervene, Prescribing Procedures and Fixing Date of Prehearing Conference

MARCH 21, 1969.

Northern Natural Gas Co., CP68–193; Midwest Natural Gas, Inc., Applicant, Northern Natural Gas Co., Respondent, CP68–339; American Gas Co. of Wisconsin, Inc., Applicant, Northern Natural Gas Co., Respondent, CP69–32; Iowa Electric Light and Power Co., CP69–131.

On January 10, 1968, Applicant, Northern Natural Gas Co. (Northern), filed in Docket No. CP68–193 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to increase its system capacity by approximately 300,000 Mcf of natural gas per day to meet the requirements of existing customers and to initiate service to 61 communities in Iowa, Minnesota, and Wisconsin.[1] On June 14, 1968, and October 21, 1968, Northern was issued certificates authorizing the construction and operation of a portion of the requested facilities and to sell an additional 81,417 Mcf of gas daily to meet requirements for the 1968–69 hearing season. Facilities providing 100,000 Mcf per day of additional pipeline capacity were authorized by these certificates.

Northern's original application, filed on January 10, 1968, was amended on July 22, 1968 and October 16, 1968.[2] The latter amendment proposed deletion of 125,000 Mcf per day system capacity and division of remaining expansion into two phases. Phase I requested authorization to construct and operate facilities which would increase the applicant's mainline capacity by 75,000 Mcf per day and to provide an additional 21,711 Mcf per day to certain existing customers. Phase I was certificated by our order of March 10, 1969 in Docket No. CP68–193.

In Phase II, Northern proposes to construct and operate 354 miles of 2 to 6 inch branch line and 59 sales metering stations and to sell and deliver up to 17,445 Mcf per day to 60 communities, previously without natural gas service, located in Iowa, Minnesota, and Wisconsin. The proposed sales will be made pursuant to the "CD" Rate Schedules of Northern's FPC Gas Tariff, Second Revised Volume No. 1.

Midwest Natural Gas, Inc., in Docket No. CP68–339, and American Gas Co. of Wisconsin, Inc., in Docket No. CP69–32, have filed competitive proposals to serve the towns of Ettrick and Galesville, Wis., pursuant to section 7(a) of the Natural Gas Act, each seeking an order of the Commission requiring Northern to establish a physical connection with their proposed facilities and to sell and deliver

[1] Notice issued Jan. 25, 1968, 32 F.R. 927.
[2] Notice of the first amendment was issued on Aug. 24, 1968, 33 F.R. 12071; notice of the second amendment was issued on Nov. 5, 1968, 33 F.R. 16173.

volumes of natural gas for resale and distribution in the two towns.[3] On November 1, 1968, Iowa Electric Light and Power Co. also filed a section 7(c) application in Docket No. CP69–131 proposing to serve the communities of Garden City, McCallsburg, and Zearing, Iowa, and requesting the Commission to require Northern to construct border stations and to construct and operate 10.4 miles of 2-inch pipeline as a branch of its system.[4] In its answers to the three 7(a) applications, Northern has indicated no objection to the consolidation of the three dockets with the proceeding in Docket No. CP68–193.

A total of 22 interveners have been granted intervention in the proceedings in Docket No. CP68–193 by orders of the Commission issued on June 14, 1968, and October 21, 1968. In addition, the following persons, who have been permitted to intervene in Docket No. CP68–193, have filed separate petitions and notices to intervene in Docket Nos. CP68–339 and CP69–32: The Public Service Commission of Wisconsin (CP68–339, CP69–32); Iowa Public Service Co. (CP68–339, CP69–32); Midwest Natural Gas, Inc. (CP69–32). Petitions have also been filed in Docket No. CP63–193 by four additional persons: American Gas Co. of Wisconsin, Inc., Wisconsin Gas Co., Northern Illinois Gas Co., and Interstate Power Co. These petitioners will be permitted to intervene as requested, since no protest to their interventions have been filed and since their petitions indicate a substantial interest in the above-captioned proceedings.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the matters in Docket Nos. CP68–193, CP68–339, CP69–32 and CP69–131 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow all the petitioners to intervene in these consolidated proceedings in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) The expeditious disposition of these proceedings will be effectuated by providing for the filing of all direct presentations and all answering presentations prior to a prehearing conference.

The Commission orders:

(A) The above-captioned proceedings are hereby consolidated for the purpose of hearing and decision.

(B) The above-named petitioners are hereby permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Applicants shall file with the Commission and serve on all parties and the Examiner on or before April 16, 1969, their direct presentations. Interveners shall file with the Commission and serve on all parties and the Examiner on or before May 9, 1969, their direct presentations in support of the contentions set out in their petitions to intervene.

(D) Pursuant to the provisions of Section 1.18 of the Commission's rules of practice and procedure, a prehearing conference shall be held before a hearing examiner of the Commission to be designated by the chief examiner, in order to consider the means by which the conduct of the consolidated proceedings may be facilitated and in order to determine further procedures including the date for commencement of cross-examination. Such conference will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on May 20, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3583; Filed, Mar. 26, 1969; 8:47 a.m.]

[Project No. 2659]

PACIFIC POWER & LIGHT CO.

Notice of Application for License for Constructed Project

MARCH 21, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. (correspondence to: E. Robert DeLuccia, Senior Vice President, Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204) for constructed Project No. 2659, known as Powerdale Hydroelectric Project, located on Hood River in Hood River County, Oreg., near the town of Hood River.

The existing project consists of: (1) A concrete diversion dam 206 feet long and 11 feet high forming a pool on Hood River with surface elevation of 292 feet (USGS datum); (2) a 15,875 foot-long power conduit having a maximum capacity of 500 cfs composed of (a) a concrete lined canal, wood flume, and concrete settling basin intake section, (b) alternating sections of wood-stave and steel pipe, and (c) a penstock and surge tank; (3) a powerhouse containing one 6,000 kw. generator and one 8,700 horsepower turbine; and (4) appurtenant facilities. According to a revised Exhibit R of the application, while the recreational potential of the project is limited, Applicant plans during the period March 1971 through December 1971 to investigate the most beneficial recreational use of a parcel of company owned land designated Site 2, located on the east bank of Hood River in the vicinity of Whiskey Creek, to include a more accurate estimate of present and potential use, preparation of a topographic map, determination of exact project boundaries and a plan to indicate the ultimate development potential of the site. A site plan and construction schedule will be submitted to the Commission within 6 months of completion of the investigation.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3584; Filed, Mar. 26, 1969; 8:47 a.m.]

[Docket No. CP69–239]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MARCH 20, 1969.

Take notice that on March 11, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Tennessee Building, Houston, Tex. 77001, filed in Docket No. CP69–239 an application pursuant to section 7(c) of the Natural Gas Act for a limited term certificate of public convenience and necessity authorizing the delivery of natural gas to Algonquin Gas Transmission Co. (Algonquin), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to deliver to Algonquin up to 5,000 Mcf per day at an existing interconnection between the pipelines near Mahwah, N.J. Applicant states that Algonquin would transport the gas and deliver it to Consolidated Edison Company of New York, Inc., under authorization being sought in Docket No. CP69–187.

Applicant states it will construct no new facilities to provide this service.

In Docket No. CP69–86 Applicant has requested permanent authority for this service beginning November 1, 1969. The present application is for temporary authority until that date.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 14, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3585; Filed, Mar. 26, 1969; 8:47 a.m.]

[3] Notices of the applications were issued respectively on June 13, 1968, 33 F.R. 9099, and Aug. 23, 1968, 33 F.R. 12593.

[4] Notice of the application was issued on Nov. 7, 1968, 33 F.R. 16685.

FEDERAL RESERVE SYSTEM

CITIZENS TRUST AND SAVINGS BANK

Order Denying Acquisition of Bank's Assets

In the matter of the application of Citizens Trust and Savings Bank for approval of acquisition of assets of The West Michigan Savings Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Citizens Trust and Savings Bank, South Haven, Mich., a State member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets and assumption of deposit liabilities of The West Michigan Savings Bank, Bangor, Mich., and, as an incident thereto, Citizens Trust and Savings Bank has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment by that bank of a branch at the location of the main office of The West Michigan Savings Bank. Notice of the proposed acquisition of assets and assumption of deposit liabilities, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said applications be and hereby are denied.

Dated at Washington, D.C., this 19th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69–3586; Filed, Mar. 26, 1969; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago. Dissenting Statement of Governor Daane also filed as part of the original document and available upon request.

COMMERCE BANCSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of 80 percent or more of the voting shares of The Mechanics Bank, St. Joseph, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Mechanics Bank, St. Joseph, Mo.

As required by section 3(b) of the Act, the Board notified the Commissioner of Finance for the State of Missouri of the application and requested his views and recommendation. The Commissioner responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 3, 1968 (33 F.R. 17934), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 18th day of March 1969.

[2] Voting of this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, and Sherrill. Voting against this action: Governor Daane. Absent and not voting: Governor Brimmer.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69–3587; Filed, Mar. 26, 1969; 8:47 a.m.]

COMMERCE BANCSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of 80 percent or more of the voting shares of The Citizens National Bank of Kirksville, Kirksville, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Citizens National Bank of Kirksville, Kirksville, Mo.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 3, 1968 (33 F.R. 17933), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 18th day of March 1969.

[2] Voting for this action: Chairman Martin and Governors Robertson, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Mitchell and Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

By order of the Board of Governors.[1]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3588; Filed, Mar. 26, 1969; 8:47 a.m.]

LINCOLN FIRST BANKS, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by Lincoln First Banks, Inc., which is a bank holding company located in Rochester, N.Y., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the outstanding voting shares of the successor by merger to National Bank of Westchester, White Plains, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C., this 20th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3589; Filed, Mar. 26, 1969; 8:47 a.m.]

[1] Voting for this action: Chairman Martin and Governors Robertson, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Mitchell and Daane.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC

Entry and Withdrawal From Warehouse for Consumption

MARCH 21, 1969.

On March 13, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of the Hungarian People's Republic that it was renewing for an additional 12-month period beginning March 25, 1969, and extending through March 24, 1970, the restraint on imports into the United States of cotton textiles in Category 26 (other than duck), produced or manufactured in Hungary. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 26 (other than duck) for the preceding 12-month period.

There is published below a letter of March 20, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 26 (other than duck), produced or manufactured in Hungary, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning March 25, 1969, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

MARCH 20, 1969.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 25, 1969, and for the 12-month period extending through March 24, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 26 (other than duck[1]), produced or manufactured in Hungary, in excess of a level of restraint for the period of 336,000 square yards.

In carrying out this directive, entries of cotton textiles in Category 26 (other than duck), produced or manufactured in Hungary, which have been exported to the United States from Hungary prior to March 25, 1969, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period March 25, 1968 through March 24, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 26 (other than duck) in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian's People's Republic and with respect to imports of cotton textiles and cotton textile products from Hungary have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-3630; Filed, Mar. 26, 1969; 8:50 a.m.]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

MARCH 21, 1969.

On March 18, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Malaysia that it was renewing for an additional 12-month period beginning March 21, 1969, and extending through March 20, 1970, the restraint on imports into the United States of cotton textile products in Category 50, produced or manufactured in Malaysia. Pursuant to Annex B, paragraph 3, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 50 for the preceding 12-month period.

There is published below a letter of March 20, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 50, produced or manufactured in Malaysia which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning March 21, 1969, be limited to the designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MARCH 20, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 21, 1969, and for the 12-month period extending through March 20, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 50, produced or manufactured in Malaysia, in excess of a level of restraint of 5,513 dozen.

In carrying out this directive, entries of cotton textile products in Category 50, produced or manufactured in Malaysia, which have been exported to the United States from Malaysia prior to March 21, 1969, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods during the period March 21, 1968, through March 20, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 50 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-3631; Filed, Mar. 26, 1969; 8:50 a.m.]

[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320.--.01 through 04, 06, 08
321.--.01 through 04, 06, 08
322.--.01 through 04, 06, 08
326.--.01 through 04, 06, 08
327.--.01 through 04, 06, 08
328.--.01 through 04, 06, 08

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

MARCH 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 22, 1969, through March 31, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3607; Filed, Mar. 26, 1969; 8:48 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 23, 1969, through April 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3608; Filed, Mar. 26, 1969; 8:49 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

MARCH 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation), and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1969, through April 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3609; Filed, Mar. 26, 1969; 8:49 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MARCH 21, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 23, 1969, through April 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3610; Filed, Mar. 26, 1969; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1280]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 21, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 367), filed March 4, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Cincinnati, Ohio, and junction Indiana Highway 13 and U.S. Highway 131, from Cincinnati over U.S. Highway 27 to Fort Wayne, Ind., thence over Indiana Highway 3 to junction U.S. Highway 6, at or near Kendallville, Ind., thence over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 13, thence over Indiana Highway 13 to junction U.S. Highway 131, at or near the Indiana-Michigan State line, and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points and serving Fort Wayne, Ind., Lagrange, Ind., and junction Indiana Highway 13 and U.S. Highway 131 for joinder purposes only, restricted against the transportation of traffic moving between points in Michigan, on the one hand, and, on the other, Cincinnati, Ohio. NOTE: Applicant states that it now holds authority in its Sub 214 identical to that herein requested and that this application broadens its Sub 214 authority only to the extent that it will permit joinder at Fort Wayne, Ind., and Lagrange, Ind. Applicant further states it agrees to cancellation of its present route in MC 2202 (Sub-No. 214) provided the route sought in the present application is granted in its entirety. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 2202 (Sub-No. 368), filed February 28, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Ashtabula and Warren, Ohio, from Ashtabula over U.S. Highway 20 to junction Ohio Highway 45, thence over Ohio Highway 45 to Warren, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Applicant states the proposed route will enable applicant to transport traffic between Ashtabula and Harrisburg, as well as points east of Harrisburg, over slightly shorter routes than those now used. The proposed route will also enable the applicant's Ashtabula terminal to consolidate loads with Warren and Pittsburgh for all Roadway points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 3062 (Sub-No. 29), filed March 3, 1969. Applicant: L. A. TUCKER TRUCK LINES INCORPORATED, Post Office Box 538, Cape Girardeau, Mo. 63701. Applicant's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing* on racks; and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between Chaffee, Mo., and Rector, Ark.; and (2) between the plantsite of Thorngate, Ltd., at Rector, Ark. NOTE: Applicant states it will tack at Chaffee, Mo., for service to Missouri and Illinois points and Memphis, Tenn. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 4405 (Sub-No. 465), filed March 3, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* finished or unfinished, other than those to be drawn by passenger automobiles in initial truckaway and driveaway service, from Joliet, Ill., to points in the United States (except Alaska and Hawaii); and (2) *tractors*, in secondary movement in driveaway service only when drawing trailers in initial movements, from Joliet, Ill., to points in Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 4405 (Sub-No. 467), filed March 7, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by passenger automobiles in initial truckaway and driveaway service; from Kansas City and Glasgow, Mo., and Leavenworth, Kans., to points in the United States (including Alaska but excluding Hawaii); and (B) *tractors* in secondary movements in driveaway service only when drawing trailers in ihitial movements, from Kansas City, and Glasgow, Mo., and Leavenworth, Kans., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 11207 (Sub-No. 281), filed March 3, 1969. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and particleboard*, from the plantsite of Georgia-Pacific Corp. at or near Taylorsville, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 13250 (Sub-No. 102), filed February 27, 1969. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representatives: Thomas E. James and James M. Doherty, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported on trailers); (a) between points in Arizona and Nevada; (b) between points in Arizona and Nevada, on the one hand, and, on the other, points in Utah, Colorado, Montana, and Wyoming; (c) between points in California, on the one hand, and, on the other, points in Wyoming, Colorado, North Dakota, and South Dakota; (d) between points in Idaho; and (e) between points in Idaho, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, Arizona, and Utah. NOTE: Applicant proposes to tack with present authority in order to serve points generally west of the Mississippi River. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 28067 (Sub-No. 12), filed March 10, 1969. Applicant: WILLIAMS MOTOR TRANSFER, INC., Vine Street, Barre, Vt. 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, marble, slate, and related stone commodities;* (2) *panels faced with stone, marble, granite, and slate;* (3) *supplies, tools, machinery, and related commodities* used in the manufacture and fabrication of stone and stone related products when moving with loads of stone, marble, slate, and granite, between points in Washington, Windsor, Orleans, Caledonia, and Orange Counties, Vt., and points in New Hampshire and Maine. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Concord, N.H., or Portland, Maine.

No. MC 30844 (Sub-No. 266), filed February 28, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Huron, S. Dak., Fremont, Nebr., and Des Moines, Iowa, to points in Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, Vermont, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, and the District of Columbia. Restriction: Restricted to shipments originating at the plantsite of the Rod Barnes Packing Co. at or near Huron, S. Dak.; the plant and warehouse facilities of Geo. A. Hormel & Co., Fremont, Nebr.; and the I. C. Packing Co., Des Moines, Iowa; and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) and *foodstuffs* when transported in the same vehicle with the above commodities, from Austin, Minn., to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Vermont, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, and the District of Columbia. Restriction: Restricted to shipments originating at the plantsite and or warehouse of Geo. A. Hormel & Co., Austin, Minn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 31644 (Sub-No. 6), filed March 5, 1969. Applicant: H. G. BAUER MOVING & STORAGE, INC., 1111 Barracks Street, New Orleans, La. 70116. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Orleans, Jefferson, St. Bernard, St. Charles, Plaquemine, Lafourche, Terrebonne, St. James, St. John the Baptist, Ascension, Livingston, East Baton Rouge, and Tangipahoa Parishes, La., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 43652 (Sub-No. 2), filed February 24, 1969. Applicant: ECKDAHL WAREHOUSE CO., a corporation, 250 North Myers Street, Los Angeles, Calif. 90033. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, crates, and boxes, restricted to traffic having a prior movement by rail, water, or truck; (1) from Los Angeles Harbor, Calif., to points in Alhambra, Alpine, Alta Loma, Altadena, Anaheim, Arcadia, Arlanza, Arlington, Artesia, Arvin, Atwood, Azusa, Bakersfield, Baldwin Park, Ballard, Banning, Bassett, Beaumont, Bell, Bell Gardens, Bellflower, Bell Town, Belvedere Gardens, Beverly Hills, Bloomington, Bonds Corner, Boyle Heights, Brawley, Brea, Brentwood Park, Buellton, Buena Park, Burbank, Cabazon, Calexico, Camarillo, Camp Pendleton, Canoga Park, Cardiff, Carlsbad, Carpinteria, Casa Blanca, Castiac, Cathedral City, Charter Oak, Chatsworth, Chino, Chrisman, Chula Vista, Claremont, Coachella, Colton, Commerce, Compton, Corona, Costa Mesa, Covina, Cucamonga, Cudahy Ranch, Culver City, Cypress, Dana Point, Date City, Del Mar, Desert Hot Springs, Dominguez, Downey, Duarte, Eagle Rock, East Los Angeles, El Cajon, El Centro, El Monte, El Rio, El Segundo, Elsinore, Encinitas, Encino, Escondido, Etiwanda, Fallbrook, Fillmore, Florence, Fontana, Fountain Valley, Fullerton, Garden Grove, Gardena, Gaviota, Glendale;

Glendora, Goleta, Granada Hills, Grand Terrace, Greenfield, Harbor City, Hawaiian Gardens, Hawthorne, Hemet,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Hermosa Beach, Highland Park, Hollywood, Holtville, Huntington Beach, Huntington Park, Hyde Park, Imperial, Indio, Industry, Inglewood, Irwindale, Joshua Tree, La Canada, La Crescenta, La Habra, Laguna Beach, La Jolla, Lakeside, Lakewood Village, La Mirada, Lamont, Lancaster, La Puente, La Sierra Heights, Las Palmas, La Verne, Lawndale, Leimert Park, Lennox, Leucadia, Lemon Grove, Lomita, Lompoc, Long Beach, Los Alamitos, Los Angeles, Los Nietos, Los Olivos, Lynwood, Malibu Beach, Manhattan Beach, Marina, Maywood, Meiner Oaks, Midway City, Mira Loma, Miramonte, Monrovia, Montalvo, Monclair, Montebello, Montecito, Monterey Park, Montrose, Moorpark, Moromga Valley, Muscoy, National City, Newbury Park, Newhall, Newport Beach, Norco, North Hollywood, Northridge, Norwalk, Oakview, Ocean Park, Oceanside, Oildale, Ojai, Ontario, Orange, Oxnard, Pacific Palisades, Pacoima, Palm Desert, Palm Springs, Palmdale, Palos Verdes Ests., Paramount, Pasadena, Pedley, Perris, Pico Rivera, Placentia, Playa Del Rey, Pomona, Port Hueneme, Poway, Ramona, Rancho Mirage, Rancho Santa Fe, Redlands, Redondo Beach, Reseda, Rialto, Riverside, Rolling Hills, Rosemead, Rubidoux, San Bernardino, San Clemente, San Diego, San Dimas, San Fernando, San Gabriel, San Jacinto, San Juan Capistrano, San Luis Rey, San Marcos, San Marino, San Onofre, San Pasqual, San Pedro, Santa Ana, Santa Barbara, Santa Claus, Santa Fe Springs, Santa Monica, Santa Paula, Santa Susana, Santa Ynez, Santee, Saticoy, Saugus, Seal Beach, Sepulveda, Sherman Oaks, Sierra Madre, Signal Hill, Simi, Solano Beach, Solimar Beach, Solvang, Somis, South Gate, South Pasadena, Spring Valley, Stanton, Studio City, Summerland, Sun City, Sun Valley, Sunland, Sunset Beach, Surfside, Sylmar, Tarzana, Temple City, Terminal Island, Thousand Oaks, Thousand Palms, Toluca Lake, Torrance, Tujunga, Tustin, Twenty Nine Palms, Universal City, Upland, Valley Center, Van Nuys, Venice, Ventura, Vernon, Victorville, Villa Park, Vista, Watts, Westchester, West Covina, West Los Angeles, Westminster, Westmoreland, Whitewater, Whittier, Willow Brook, Wilmington Harbor, Woodland Hills, Yorba Linda, Yucaipa, and Yucca Valley, Calif.; and

(2) From points in San Francisco, Calif., to points in Agnew, Alameda, Alamo, Albany, Alta Mesa, Alvarado, Alviso, Antioch, Aptos, Atherton, Atwater, Bayshore, Belmont, Belvedere, Benicia, Berkeley, Black Point, Bodega, Bodega Bay, Boyes Hot Springs, Brentwood, Brisbane, Burlingame, Byron, Calistoga, Campbell, Capitola, Carmel, Carmichael, Castro Valley, Centerville, Citrus Heights, Clayton, Cloverdale, Colma, Concord, Corte Madera, Cotati, Cowell, Crockett, Crow Canyon Interchange, Cupertino, Daly City, Danville, Davis, Dixon, Dublin, Dumbarton, Dunes Beach, East Palo Alto, East Salinas, El Cerrito, El Sobrante, Emeryville, Fair Oaks, Fairfax, Fairfield, Fairfield-Suisun, Felton, Fetters Hot Springs, Folsom, Fort Baker, Fort Barry, Fort Cronkhite, Fort Ord, Fremont, Gilroy, Greenbrae, Guerneville, Half Moon Bay, Hamilton AF Base, Hayward, Healdsburg, Hercules, Hillsborough Park, Hillsdale, Ignacio, Inverness, Irvington, Kentfield, Lafayette, Lake Berryessa Junction, Larkspur, Linda Mar, Live Oak, Livermore, Lodi, Los Altos, Los Altos Hills, Los Gatos, Manteca, Mare Island, Marin City, Martinez, Menlo Park, Merced, Mill Valley, Millbrae, Milpitas, Mission San Jose, Modesto, Moffett Naval Air Station, Montara, Monterey, Morago, Morgan Hill, Moss Beach, Moss Landing, Mount Diablo, Mountain View, Muir Beach, Muir Woods, Napa, Newark, Nicasio, Niles, Niles Junction, North Sacramento, Novato, Oakland, Oakville, Orinda, Pacheco, Pacific Grove, Pacific Manor, Pacifica, Palo Alto, Petaluma, Piedmont, Pinole, Pittsburg, Pleasant Hill, Pleasanton, Point Reyes, Port Chicago, Portola Valley, Redwood City, Rheem, Richmond, Rohnert Park, Rodeo, Roseville, Ross, Sacramento, Saint Helena, Salinas, San Anselmo, San Bruno, San Carlos, San Francisco, San Jose, San Leandro, San Lorenzo, San Mateo, San Pablo, San Rafael, San Ramon, Santa Clara, Santa Cruz, Santa Rosa, Saratoga, Sausalito, Seaside, Sebastopol, Sharp Park, Sonoma, South San Francisco, Stanford Village, Stinson Beach, Stockton, Suisun, Suisun-Fairfield, Sunnyvale, Sunol, Terra Linda, Tiburon, Tracy, Treasure Island, Turlock, Union City, Vacaville, Vallejo, Vallemar, Vichy Springs, Visitacion, Walnut Creek, Warm Springs, Watsonville, Westlake, West Sacramento, Woodacre, Woodland, Woodside, Yerba Buena Island, and (Boat Island), Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 52729 (Sub-No. 21), filed March 5, 1969. Applicant: FIOROT TRUCKING, INC., West Main Street, Post Office Box 43, Pen Argyl, Pa. 18072. Applicant's representative: Morris Mindlin, 146 East Broad Street, Bethlehem, Pa. 18018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk (except in tank vehicles), from Millville, Newport, and Old Bridge, N.J., and points within 10 miles of each of said communities, to Pen Argyle, Pa., and points within 40 miles of Pen Argyle; and (2) *sand*, in bulk, in tank vehicles, from Millville, Newport, and Old Bridge, N.J., and points within 10 miles of each of said communities, to Pen Argyl, Pa., and points within 40 miles of Pen Argyl. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Easton, Allentown, or Philadelphia, Pa.

No. MC 55822 (Sub-No. 8), filed March 6, 1969. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities which because of their size and weight, require the use of special equipment), between points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsites, warehouses, and factory branches of the National Cash Register Co., under contract with National Cash Register Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Dayton, Ohio, or Washington, D.C.

No. MC 55889 (Sub-No. 31), filed March 5, 1969. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426. Applicant's representative: J. Douglas Harris, 410-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), between New Orleans, La., and Geneva, Ala., from New Orleans over U.S. Highway 90 to junction U.S. Highway 31 at Mobile, Ala., thence over U.S. Highway 31 to junction U.S. Highway 29 at Flomaton, Ala., thence over U.S. Highway 29 (U.S. Highway 31) to Brewton, Ala., thence over U.S. Highway 29 to junction U.S. Highway 84 at Andalusia, Ala., thence over U.S. Highway 84 to junction Alabama Highway 52 at Opp, Ala., and thence over Alabama Highway 52 to Geneva, Ala., and return over the same route, serving the intermediate points of Bay Minette, Atmore, Flomaton, Brewton, Andalusia, and Opp, Ala. NOTE: Applicant holds certain restrictions under its MC 55889 Sub 22. The purpose of this instant application is to remove that certain restriction as follows: "Said operations are restricted to transportation of traffic originating at or destined to New Orleans, La." If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or New Orleans, La.

No. MC 59396 (Sub-No. 19), filed March 6, 1969. Applicant: BUILDERS EXPRESS, INC., Rural Delivery, Lafayette, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bags and in bulk, between Kearny, N.J., on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (Sub-No. 456) (Amendment), filed September 9, 1968, published FEDERAL REGISTER issue of September 26, 1968, amended and republished as amended, this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite or storage facilities of Monsanto Co. at El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at said plantsite or storage facilities and destined to the above-named States in application. NOTE: The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 261), filed March 3, 1969. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal, metal alloys, ores, and chemicals* (except commodities in bulk), between New Johnsonville, Tenn., on the one hand, and, on the other, points in Arkansas, Iowa, Louisiana, Minnesota, Missouri, and Texas and all States east thereof. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 74321 (Sub-No. 35), filed February 27, 1969. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies and quartermaster supplies* (except household goods and commodities in bulk); (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above, on the one hand, and, on the other, points in the United States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states no duplication of authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 242), filed March 10, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Skylights, firedomes, and parts and accessories* used in the installation thereof, from Dallas and Garland, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 92983 (Sub-No. 531) (Amendment), filed September 9, 1968, published FEDERAL REGISTER issue of September 26, 1968, amended and republished as amended this issue. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Applicant's representative: Eldon Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from the plantsite and/or storage facilities of the Monsanto Co. at or near El Dorado, Ark., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the said plantsite and/or storage facilities, and destined to the named States. NOTE: Common control may be involved. The purpose of this republication is to change the commodity description and to delete the State of Florida. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 95540 (Sub-No. 741), filed March 3, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc., at Madison, Wis., to points in Tennessee (except Memphis), restricted to the transportation of traffic originating at the described plantsite and storage facilities. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 103993 (Sub-No. 370) (Amendment), filed January 17, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, and republished, as amended this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* in sections when transported on their own or removable wheeled undercarriages, from points in Chaves County, N. Mex., to points in the United States excluding Alaska and Hawaii. NOTE: The purpose of this republication is to more clearly set forth the commodity description and to reflect the change of origin point. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 103993 (Sub-No. 378), filed March 3, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Crittenden County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103993 (Sub-No. 379), filed March 3, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, panels, materials, parts, and accessories*, from points in Mercer County, Pa., to points in Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 103993 (Sub-No. 380), filed March 3, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal shelving, metal store fixtures, and hardware*, from Middlebury, Ind., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 103993 (Sub-No. 381), filed March 7, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514.

Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sectional buildings* on wheeled undercarriages, from Baltimore, Md., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 103993 (Sub-No. 382), filed March 7, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, buildings parts and materials*, from Phoenix, Ariz., to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, North Carolina, South Carolina, Virginia, North Dakota, and South Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 103993 (Sub-No. 384), filed March 10, 1969. Applicant: MORGAN-DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from points in Scott County, Iowa, to points in the United States excluding Hawaii and Alaska. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa.

No. MC 104881 (Sub-No. 6), filed March 3, 1969. Applicant: ROSS C. GAY, doing business as GAY TRUCK LINE, Post Office Box 54, Falkner, Miss. 38629. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed rubber, rubber compounds, and rubber compounding chemicals*, from Ripley, Miss., to Hohenwald, Tenn.; and (2) *pallets*, from Hohenwald, Tenn., to Ripley, Miss. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107002 (Sub-No. 353) (Amendment), filed September 19, 1968, published FEDERAL REGISTER issue of October 3, 1968, amended and republished this issue. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer blends*, in bulk, from the facilities of Monsanto Co. at or near El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the facilities of Monsanto Co. and destined to the named destination States. NOTE: The purpose of this republication is to show a change in authority sought. Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 173), filed February 26, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox (same address as above), and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated products*, from Grand Rapids, Mich., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking would take place in conjunction with its present authority in MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Grand Rapids, Mich.

No. MC 107295 (Sub-No. 176), filed March 3, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor arches and contractor's equipment and materials* between Miamitown, Ohio, and points in the United States (except Alaska, Hawaii, and Ohio). NOTE: Applicant states it intends to tack with its present authority where feasible. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107403 (Sub-No. 761) (Amendment), filed September 26, 1968, published FEDERAL REGISTER issue of October 10, 1968, amended and republished this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from the plantsite or storage facilities of the Monsanto Co. at or near El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the said plantsite or storage facilities and destined to the States indicated above. NOTE: The purpose of this republication is to show a change in authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 684) (Amendment), filed September 9, 1968, published FEDERAL REGISTER issue of October 10, 1968, amended and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer blends thereof*, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: The purpose of this republication is to change the commodity description. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 704) (Amendment), filed January 21, 1969, published in FEDERAL REGISTER issue of February 20, 1969, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosaqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal blood*, in bulk, (1) from Monmouth, Ill., to points in Iowa, Minnesota, Nebraska, Wisconsin, and Michigan; (2) from Cedar Rapids, Iowa, to points in Illinois, Minnesota, Nebraska, Wisconsin, and Michigan; and (3) from Minneapolis, Minn., and Milwaukee, Wis., to points in Michigan and Dubuque, Iowa. NOTE: The purpose of this republication is to broaden the scope of authority sought in (3) above. Applicant states that it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 645), filed March 6, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared food*, from Monroe City, Mo., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). Applicant indicated tacking possibilities at Ayden, N.C., with the present authority under MC 107515 (Sub-No. 515) to serve points in Virginia.

If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Atlanta, Ga.

No. MC 109398 (Sub-No. 6), filed March 7, 1969. Applicant: CHICAGO-TRI-CITIES MOTOR FREIGHT, INC., Sixth Avenue and River Street, Rock Island, Ill. 61201. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of Montgomery Elevator Co. located in Henry County, Ill., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Moline, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 110420 (Sub-No. 582), filed February 28, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cornsyrup, liquid sugar, or blends thereof*, in bulk, from Lincoln, Nebr., to points in Iowa, Kansas, and Missouri. NOTE: Applicant states tacking possibilities with its presently held authority at Iowa, Kansas, and Missouri points. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110525 (Sub-No. 880) (Amendment), filed September 3, 1968, published FEDERAL REGISTER issue September 26, 1968, amended and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the said plantsite or storage facilities and destined to the enumerated territory. NOTE: The purpose of this republication is to more clearly set forth the commodity description and reflect the restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 896), filed March 3, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from Ashland, Ohio, to Milwaukee, Wis. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify location.

No. MC 110525 (Sub-No. 897), filed March 7, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorosulfonic acid*, in bulk, in tank vehicles, from Lockland, Ohio, to Muskegon, Mich. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify location.

No. MC 111045 (Sub-No. 67) (Amendment), filed February 13, 1969, published FEDERAL REGISTER issue of March 13, 1969, amended and republished this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, liquid*, in bulk, in tank trucks, from Gainesville, Fla., to points in Alabama. NOTE: The purpose of this republication is to add "liquid" in commodity description and to show a change in territorial scope of authority sought. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 111170 (Sub-No. 126) (Amendment), filed November 1, 1968, published FEDERAL REGISTER issue of November 28, 1968, amended and republished this issue. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Fertilizer and fertilizer blends*, in bulk, from the plantsite or storage facilities of the Monsanto Co. at or near El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, and Tennessee, restricted to the transportation of traffic originating at the above-described plantsite and further restricted against the tacking of this authority with any other authority now or hereafter granted applicant, either at the point of origin or points of destination, and restricted against the interlining or interchange of any traffic with other carriers at such points. NOTE: The purpose of this republication is to show a change in authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111940 (Sub-No. 47), filed February 25, 1969. Applicant: SMITH'S TRUCK LINES, a corporation, Post Office Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes, materials, supplies, and equipment* for tire mounting and retreading and advertising materials, from Findlay, Ohio, to Williamsport, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 112713 (Sub-No. 112), filed March 5, 1969. Applicant: YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State line, Kansas City, Mo. 64114. Applicant's representative: John M. Records (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives;* (1) between Savanna, Okla., and Gallup, N. Mex., from Savanna over U.S. Highway 69, to Indian Nation Turnpike, thence over Indian Nation Turnpike to junction Interstate Highway 40, thence over Interstate Highway 40 and U.S. Highway 66 to Gallup, serving no intermediate points as an alternate route for operating convenience only; and (2) between Savanna, Okla., and Salina, Kans., from Savanna over U.S. Highway 69 to Indian Nation Turnpike, thence over Indian Nation Turnpike to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Interstate Highway 35, thence over Interstate Highway 35 to the junction of Interstate Highway 235, near Wichita, Kans., thence over Interstate Highway 235 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction Interstate Highway 35W, thence over Interstate Highway 35W to Salina, serving no intermediate points as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 112801 (Sub-No. 89), filed March 10, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil*, in bulk, in tank vehicles, from Decatur, Ill., to Birmingham, Ala., and Osceola, Ark.; and (2) *cotton seed oil*, in bulk, in tank vehicles, from Birmingham, Decatur, and Huntsville, Ala.; Osceola, Ark.; Greenwood and Marks, Miss.; Kennett and Sikeston, Mo.; to Decatur, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary,

applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 211), filed March 6, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from Gibsonburg, Ohio, to points in Missouri and points in Illinois within the commercial zone of St. Louis, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113325 (Sub-No. 126) (Amendment), filed September 9, 1968, published in the FEDERAL REGISTER issue of September 26, 1968, and republished as amended this issue. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from the plantsite or storage facilities of the Monsanto Co. at or near El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the said plantsite or storage facilities and destined to the States indicated above. NOTE: The purpose of this republication is to more clearly set forth the commodity description and to reflect the above restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113434 (Sub-No. 34), filed February 28, 1969. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Street, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, and *empty containers*, from Holland, Mich., to the facilities of H. J. Heinz Co. at or near Toledo, Fremont, and Bowling Green, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Pittsburgh, Pa.

No. MC 113495 (Sub-No. 39), filed March 4, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum lamp posts and accessories*, from Nashville, Tenn., to points in the United States (except those in Alaska, Hawaii, Washington, Oregon, Idaho, Montana, Utah, Wyoming, California, Arizona, Nevada, and New Mexico). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Washington, D.C., or Chicago, Ill.

No. MC 113666 (Sub-No. 32), filed February 28, 1969. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractories, refractory products, clay products, tile, brick, and sewer pipe*, from points in Pennsylvania and West Virginia to points in Ohio, Michigan, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Rhode Island, Connecticut, Massachusetts, Indiana, Illinois, Kentucky, Kansas, Missouri, Wisconsin, and the District of Columbia; and (2) *materials and supplies* used in the manufacture of the products described in (1) above on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113974 (Sub-No. 32), filed March 5, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Post Office Box 67, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems, including accessories used in the installation thereof*, from Philadelphia, Pa., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Oklahoma, Tennessee, Texas, Vermont, West Virginia, and Wisconsin. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 114533 (Sub-No. 184), filed March 10, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: W. W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, medical isotopes, and related products*, (1) between Portland, Oreg., on the one hand, and, on the other, points in California, Washington, Montana, Wyoming, Idaho, Utah, and Nevada; and (2) between points in California, Washington, Montana, Wyoming, Idaho, Utah, Nevada, and Oregon, restricted to shipments having an immediately prior or subsequent movement by air. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant has a pending application for contract carrier authority under Docket No. MC 128616, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 114533 (Sub-No. 185), filed March 10, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small parts, electronic components and supplies*, as used in the repair, maintenance, and operation of photocopying equipment; (1) between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, Michigan, Indiana, Missouri, and Toledo, Ohio; and (2) between St. Louis, Mo., on the one hand, and, on the other, Coffeyville, Emporia, Great Bend, Hutchinson, Junction City, Kansas City, Lawrence, Leavenworth, Manhattan, Overland Park, Pittsburg, Salina, Topeka, and Wichita, Kans. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant has a pending application for contract carrier authority under Docket No. MC 128616, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 114632 (Sub-No. 19), filed February 27, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps, Madison, S. Dak. 57042. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* described in sections A and C of appendix to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and storage facilities of Iowa Beef Packers, Inc., at or near Denison, Iowa; Dakota City, Nebr.; Emporia, Kans.; Fort Dodge and Le Mars, Iowa; Luverne, Minn.; Mason City, Iowa; West Point, Nebr.; to points in Illinois, Kansas, Missouri, and Oklahoma. NOTE: Applicant states that it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC 129706, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 115840 (Sub-No. 38), filed March 3, 1969. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and products used in the agricultural water treatment, food processing, wholesale groceries and institutional supply industries* (except in bulk), from points on the Warrior-Tombigbee-Alabama River System, located at Alabama, to points in Tennessee, Georgia, North Carolina, South Carolina, Florida, and Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify location.

No. MC 114848 (Sub-No. 42) (Amendment), filed September 19, 1968, published FEDERAL REGISTER issue of October 10, 1968, amended and republished this issue. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana Mississippi, Oklahoma, South Carolina, Tennessee and Texas. NOTE: The purpose of this republication is to show a change in commodity description. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115331 (Sub-No. 260) (Amendment), filed September 24, 1968, published FEDERAL REGISTER issue of October 10, 1968, amended February 25, 1969, and republished as amended this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63111. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Common control may be involved. The purpose of this republication is to change the commodity description. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115331 (Sub-No. 268), filed March 3, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Manitowoc County, Wis., to points in Iowa, Illinois, Indiana, Minnesota, Missouri, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 116063 (Sub-No. 112) (Amendment), filed September 10, 1968, published in FEDERAL REGISTER issue October 3, 1968, and republished as amended this issue. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116077 (Sub-No. 247) (Amendment), filed September 16, 1968, published in FEDERAL REGISTER issue of October 3, 1968, amended January 30, 1969, and republished as amended this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116254 (Sub-No. 85) (Amendment), filed September 25, 1968, published FEDERAL REGISTER issue of October 24, 1968, amended and republished as amended this issue. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and dry fertilizer blends*, originating at the plantsite and storage facilities of the Monsanto Co. at or near El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states it proposes to tack the authority sought herein, if and when required, at Sheffield, Ala., with its presently held authority in MC 116254 Sub 5, to provide service to points in Illinois, Indiana, North Carolina, and Virginia. The purpose of this republication is to more clearly set forth the commodity description and to reflect the restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., St. Louis, Mo., Memphis, Tenn., or Birmingham, Ala.

No. MC 116254 (Sub-No. 93), filed March 3, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Port Birmingham, Ala., to points in Alabama, Georgia, Mississippi, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., or Atlanta, Ga.

No. MC 116254 (Sub-No. 94), filed March 3, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack with its Sub 5 at Sheffield, Ala., and Sub 52 at Barfield, Ark., and points within 10 miles thereof. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Nashville, Tenn., or Birmingham, Ala.

No. MC 116763 (Sub-No. 147), filed February 28, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet; and items, materials, and supplies* used or useful in the manufacturing, installation, and/or distribution of carpet, between Lawrenceburg, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicating authority is sought. It further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116763 (Sub-No. 148), filed February 28, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, not frozen (except meat, meat products, and meat byproducts, and commodities in bulk), and *items used or useful in the production, processing, packaging, and/or distribution of such foodstuffs*, between the plantsite and/or warehouse

facilities of the J. M. Smucker Co., located at Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 118159 (Sub-No. 64), filed March 5, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from the plantsite and warehouse facilities of the Pillsbury Co., at or near Denison, Tex., to points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 118282 (Sub-No. 23) (Correction), filed February 6, 1969, published FEDERAL REGISTER issue of March 6, 1969, corrected and republished this issue. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representatives: Guy H. Postell and Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antennas; antenna accessories; audios; audio accessories; batteries; electronic components and accessories; intercoms; public address equipment; phonographs; phonograph accessories; radios; receivers; hobby kits; recording tape; tape recorders; tape accessories; test equipment; transceivers; tubes; musical instruments; office and store supplies, furnishings, fixtures, and equipment; timers and timing devices; tools and tool kits; hardware cabinets; lamps; books; catalogs; and uncrated furniture*, from Fort Worth, Tex., to points in Florida. Restriction: Restricted to traffic originating at or destined to facilities or franchise stores of the Radio Shack Division of the Tandy Corp. NOTE: The purpose of this republication is to separate "phonograph accessories" and "radios" by a semicolon in lieu of a comma, also, supplies and furnishings in the listing "office and store supplies, furnishings, fixtures, and equipment" by a comma in lieu of a semicolon, so as to remove any doubt as to the authority sought by applicant. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority in MC-125811 and Subs thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Fort Worth, Tex.

No. MC 118936 (Sub-No. 1) (correction), filed February 24, 1969, published FEDERAL REGISTER issue of March 13, 1969, and republished as corrected this issue. Applicant: JAMES A. MARINARI AND JOSEPH A. MARINARI, a partnership, doing business as MARINARI BROTHERS, 9 Colwell Lane, Conshohocken, Pa. 19428. Applicant's representative: Richard V. Zug, Whitcomb, Clark and Moeser, Woolson Building, Springfield, Vt. 05156. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals and other scrap materials* in connection therewith, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. NOTE: The purpose of this republication is to show correct address of applicant's representative: Applicant states no duplicating authority is being sought. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 119670 (Sub-No. 14), filed March 3, 1969. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, Post Office 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper stock*, in rolls, from Kaukauna, Wis., to Tullahoma, Tenn.; (2) *solid bleach sulphate*, in sheets, from Brewton, Ala., to Tullahoma, Tenn.; and (3) *pulpboard*, not corrugated, from Alton, Ill., to Tullahoma, Tenn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 119777 (Sub-No. 141), filed February 27, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulp board* (except commodities which because of size or weight require the use of special equipment or special handling), from points in Hancock County, Ky., to points in Minnesota, Wisconsin, Michigan, Missouri, Illinois, Arkanssa, Indiana, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Alabama, and Georgia; and (2) *wood pulp and fiber pulp* (except commodities which because of size or weight require the use of special equipment or special handling), from points in Hancock County, Ky., to points in Minnesota, Wisconsin, Missouri, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority in MC 126970 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 123048 (Sub-No. 150), filed February 28, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, Wis. 53401. Applicant's representatives: Paul L. Martinson (same address as applicant), and Paul C. Gartzke, 1212 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, storage bins, unmounted front end loaders and scraper blades;* and (2) *parts and attachments* for the commodities, described in (1) above, from Richmond, Ind., to points in the United States (excluding Hawaii); and (3) *materials, equipment, and supplies* used or useful in the manufacture and distribution of the commodities described in (1) and (2) above, from points in the United States (excluding Hawaii) to Richmond, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 48), filed March 7, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furring, studding, lathing, and ribbing and accessories and related articles, and materials and supplies* used in the installation thereof, from Chicago, Ill., to points in Arkansas, Alabama, Florida, Georgia, Iowa, Minnesota, Louisiana, Upper Peninsula of Michigan, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Wisconsin, Wyoming, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123603 (Sub-No. 3), filed March 3, 1969. Applicant: DONALD ICE BLDG. STONE, INC., 1146 Stanley Avenue, Evansville, Ind. 44711. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe, forms, rings, headers, and vibrators;* (1) between Evansville, Ind., and East St. Louis, Ill., and (2) between Evansville, Ind., and Champaign, Ill., under contract with Concrete Pipe, Inc., Evansville, Ind. NOTE: If a hearing is deemd necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 123819 (Sub-No. 19) (Amendment), filed October 21, 1968, published FEDERAL REGISTER issue November 7, 1968, amended and republished this issue. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, from El Dorado, Ark., to points in Florida, Georgia, Kentucky, South Carolina, Texas, and Oklahoma. NOTE: The purpose of this republication is to reflect a change in authority sought. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124078 (Sub-No. 364), filed March 3, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Calcium phosphate*, dry, in bulk, in tank or hopper-type vehicles, from Nashville, Tenn., to points in Illinois, Kansas, and Missouri. NOTE: Applicant states it will tack with its MC 124078 Sub 219 at Niota, Ill., to serve points in Iowa, Minnesota, Nebraska, and South Dakota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 366), filed March 7, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, from Fostoria, Ohio, to points in Indiana, Michigan, and Ohio. NOTE: Applicant states it intends to tack with it present authority under MC 124078 (Sub-No. 225) at Fort Wayne, Ind., to serve points in Illinois. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124377 (Sub-No. 11), filed March 3, 1969. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Post Office Box 1018, Denver, Colo. 80201. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C, to appendix I, to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from plantsite of Sigman Meat Co., Inc., at or near Brush, Colo., to plantsite of Glover Packing Co. at or near Roswell, N. Mex., under contract with Sigman Meat Co., Inc., Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver or Brush, Colo.

No. MC 124692 (Sub-No. 57) (Amendment), filed December 13, 1968, published FEDERAL REGISTER issue of December 28, 1968, amended March 3, 1969, and republished as amended this issue. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods and commodities in bulk in tank vehicles), between points in Indiana, Illinois, Wisconsin, Upper Peninsula of Michigan, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, Idaho, Utah, Nevada, Washington, Oregon, and California, restricted to traffic moving (1) on Government bills of lading, and (2) on commercial bills of lading containing an endorsement approved in *Interpretation of Government Rate Tariff for Eastern Central Motor Carriers Association, Inc.*, 332 I.C.C. 161, 164, 165. NOTE: The purpose of this republication is to add the State of Indiana. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124775 (Sub-No. 4), filed February 27, 1969. Applicant: HRIBAR TRUCKING, INC., 1521 Waukesha Road, Caledonia, Wis. 53108. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, from points in Rock County, Wis., to points in Minnesota, Iowa, Illinois, and Indiana; (2) *asphalt mix*, in dump vehicles; (a) from Milwaukee County, Wis., to points in Minnesota, Iowa, Illinois, Indiana, and Michigan; and (b) from Racine County, Wis., to points in Illinois. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125168 (Sub-No. 13), filed March 4, 1969. Applicant: OIL TANK LINES, INC., Box 190, Darby, Pa. 19023. Applicant's representative: G. Donald Bullock, 128 Greenwood Avenue, Wyncote, Pa. 19095. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Falling Rock, W. Va., Bradford, Pittsburgh, Reno, Rouseville, Philadelphia, and York Haven, Pa.; Brainards, Camden, Kenvil, Parlin, Paulsboro, and Seewaren, N.J.; and New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126791 (Sub-No. 4), filed March 4, 1969. Applicant: BEAR VAN LINES, 1855 East Avenue, Sand City, Calif. 93955. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to traffic having a prior or subsequent movement in containers and to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization, between points in Napa, Alameda, Sonoma, Contra Costa, San Francisco, Marin, Solano, Santa Clara, San Mateo, Stanislaus, Yolo, San Joaquin, and Sacramento Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 127319 (Sub-No. 3), filed March 6, 1969. Applicant: VERNON C. TINTINGER, doing business as VERNON TINTINGER TRUCKING, Box 7, Frenchtown, Mont. 59834. Applicant's representative: William P. Mufich, Fourth Floor, Montana Club Building, Post Office Box 1014, Helena, Mont. 59601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Portland, Oreg., to Coeur D'Alene, Idaho, and Butte, Conrad, Dillon, Great Falls, Helena, Kalispell, Libby, Livingston, Missoula, and Shelby, Mont., under contract with Blitz-Weinhard Co., Portland, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Missoula, Mont.

No. MC 127505 (Sub-No. 23), filed March 6, 1969. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Applicant's representative: Ralph H. Boelk (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sterling and Rock Falls, Ill., to points in Minnesota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 127668 (Sub-No. 3), filed March 6, 1969. Applicant: WILLIAM WELCH AND JOHN WELCH, a partnership, doing business as WELCH TRUCKING COMPANY, 1105 South Boulder, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arizona, Colorado, and New Mexico, to points in Texas; under contract with Red River Lumber Co., Oklahoma City, Okla. NOTE: If a hearing is deemed neccessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 127681 (Sub-No. 5), filed March 4, 1969. Applicant: JOE JONES, JR., doing business as JOE JONES TRUCKING CO., 2340 Bankhead Highway, Atlanta, Ga. 30318. Applicant's representative: Morris J. Levin, 910 17th Street, NW., Suite 917, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, packaged in containers and drums; (1) From the plantsite of Oxford Chemicals Division of Consolidated Foods, in Chamblee, Ga., to customers of Oxford Chemicals, located at points in the United States (excluding Alaska and Hawaii); and (2) from suppliers of Oxford Chemicals Division of Consolidated Foods, located at points in Ohio, Michigan, Pennsylvania, Massachusetts, Connecticut, New Jersey, New York, Delaware, Maryland, West Virginia, Texas, Indiana, Illinois, Missouri, and Louisiana, to the plantsite of Oxford Chemicals, at Chamblee, Ga., and to customers of Oxford Chemicals, located at points in the United States (excluding Alaska and Hawaii), under contract with Oxford Chemicals Division of Consolidated Foods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127834 (Sub-No. 31), filed March 3, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Skylights and firedomes*; and (2) *parts, attachments, and accessories* for skylights and firedomes, from Dallas and Garland, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 128058 (Sub-No. 4) (Amendment), filed December 30, 1968, published FEDERAL REGISTER, issue of January 24, 1969, under MC 128633 (Sub-No. 7), and republished as amended this issue. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Pittsburgh, Pa.; Cleveland, Columbus, Cincinnati, and Dayton, Ohio; Detroit, Mich.; Louisville, Ky.; Indianapolis, Ind.; Chicago, Ill.; St. Louis, Mo.; Nashville, Tenn.; Atlanta, Ga.; Tampa and Miami, Fla.; restricted to the transportation of shipments having either an origin or destination at a terminal of Trans-World Airlines, Inc. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to show that the application has been amended to seek authority to operate as a common carrier rather than as that of a contract carrier and to show the amended territory proposed to be served. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128707 (Sub-No. 4), filed February 27, 1969. Applicant: LLOYD W. PORSBORG, doing business as PORSBORG TRUCK LINE, 1405 6th Avenue NW., Great Falls, Mont. 59401. Applicant's representative: William P. Mufich, Fourth Floor, Montana Club Building, Post Office Box 1014, Helena, Mont. 59601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Portland, Oreg., to Billings, Glasgow, Glendive, Havre, Lewistown, Miles City, Plentywood, Mont., to Sheridan, Wyo., and Williston, N. Dak., under contract with Blitz-Weinhard Co., Portland, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Great Falls, Mont.

No. MC 128856 (Sub-No. 4), filed March 3, 1969. Applicant: LINZIE DOWNING, doing business as LIN DOWNING & SONS, Post Office Box 1771, Yuma, Ariz. 85364. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from railheads or sidings in Yuma County, Ariz., and Winterhaven, Calif., to points in Yuma and Maricopa Counties, Ariz.; Imperial County and Blythe, Calif., and points in that part of California within 25 miles of Blythe. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Yuma, Ariz.

No. MC 128878 (Sub-No. 9) (Amendment), filed November 25, 1968, published in the FEDERAL REGISTER issue of December 19, 1968, and republished, as amended, this issue. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 961, Shreveport, La. 71102. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701 and Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from the plantsite or storage facilities of the Monsanto Co. at or near El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted against tacking and interlining. NOTE: The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant does not specify location.

No. MC 128898 (Sub-No. 3), filed March 12, 1969. Applicant: STANDARD TRANSPORTATION, INC., 2450 Wall Avenue, Ogden, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Morgan, Utah, to points in California, Nevada, Oregon, Washington, Colorado, and Arizona, under a continuing contract with Four D West, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129046 (Sub-No. 7), filed February 3, 1969. Applicant: BURKS-PELZ TRANSFER, INC., 1751 West Ohio Street, Post Office Box 6014, Station B, Evansville, Ind. 47710. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses* (as defined in *Modification of Permits-Packing House Product* 46 M.C.C. 23); (1) from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Kentucky, restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above specified destinations; (2) from Evansville, Ind., to points in Kentucky on and east of U.S. Highway 231 extending from the Indiana-Kentucky State line near Owensboro, Ky., to Bowling Green, Ky., and on and east of U.S. Highway 31W extending from Bowling Green to the Kentucky-Tennessee State line; and (3) from Evansville, Ind., to points in Indiana beginning at the Illinois-Indiana State line on and south of U.S. Highway 50 to U.S. Highway 31, to the Indiana-Kentucky State line. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC 69876 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Nashville, Tenn.

No. MC 129537 (Sub-No. 5), filed March 7, 1969. Applicant: OLIVER W. REEVES AND BOBBY G. REEVES, a partnership, doing business as REEVES TRANSPORTATION, 5144 West Idlewild, Tampa, Fla. Mailing address: Post Office Box 153, Valrico, Fla. Applicant's representative: John C. Vogt., Jr., Post Office Box 21, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs*, (1) from points in Carroll, Troupe, and Muscogee Counties, Ga., to points in Sarasota, Hillsborough, Pinellas, Manatee, Polk, Pasco, Brevard, Orange, Dade, Broward, Palm Beach, Volusia, Indian River, Seminole, St. Lucie, Martin, Charlotte, Lee, and Collier Counties, Fla.; (2) from points in Floyd, Bartow, Chattooga, Gordon, Whitfield, Murray, Catoosa, Walker, Carroll, Troupe, and Muscogee Counties, Ga., to points in Volusia, Seminole, Indian River, St. Lucie, Martin, Charlotte, Lee, and Collier Counties, Fla.; (3) from points in Floyd, Bartow, Chattooga, Gordon, Whitfield, Catoosa, and Walker Counties, Ga. (except Dalton, Rome, Calhoun, and Cartersville, Ga.), to points in Hillsborough and Pinellas Counties, Fla.; and *return of all rejected and returned goods* of the commodities described in (1), (2), and (3) above. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Dalton, Ga., or Tampa, Fla.

No. MC 129863 (Sub-No. 3), filed March 3, 1969. Applicant: FREDERICK L. BULTMAN, INC., 3140 West Fond Du Lac Avenue, Milwaukee, Wis. 53210. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 52303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oils, lubricants, and chemicals*, in drums, from Milwaukee, Wis., to points in Illinois on and north of Highway 176 and on and east of Highway 23 from its junction with Highway 176 to its junction with Highway 14 and on and east of Highway 14 from said junction to the Wisconsin-Illinois State line, for the account of Topp Oil & Chemical Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 129945 (Sub-No. 2), filed December 2, 1968. Applicant: HENRY BOUWMA, doing business as H. BOUWMA TRUCKING, 3604 Four Mile Road, Racine, Wis. 53404. Applicant's representative: Paul B. Lange, Post Office Box 336, Racine, Wis. 53401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings, forgings, and semifinished metal parts*, between Racine, Wis., on the one hand, and on the other, points in Illinois on and east or north of a line beginning at the intersection of Illinois Highway 26 and the Illinois-Wisconsin border, and extending southerly along Illinois Highway 26 to junction with Illinois Highway 72, thence westerly along Illinois Highway 72 to junction with U.S. Highway 51, thence southerly along U.S. Highway 51 to junction with U.S. Highway 30, thence westerly along U.S. Highway 30 to junction with Illinois Highway 23, thence southerly along Illinois Highway 23 to junction with U.S. Highway 34, thence easterly along U.S. Highway 34 to junction with Illinois Highway 47, thence southerly along Illinois Highway 47 to junction with U.S. Highway 52, thence easterly to southerly along U.S. Highway 52 to junction of U.S. Highway 52 with Kankakee-Will County line, thence easterly along said Kankakee-Will County line to junction of said county line with Illinois-Indiana border line, under contract with Harris Metals, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., Madison, Wis., or Chicago, Ill.

No. MC 133307 (Sub-No. 1), filed March 3, 1969. Applicant: LEE HENDERSON, Route 4, Buhl, Idaho 83316. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seed, feed and feed ingredients, fertilizers* (liquid and dry, bulk and sacked), *burlap and paper bags and twine and agricultural commodities and fish* which are partially exempt under section 203(b)(6) of the Interstate Commerce Act when transported with the above-listed regulated commodities, between points in Idaho, south of the southern boundary of Idaho County, on the one hand, and, on the other, points in California, Oregon, Washington, Arizona, Utah, Nevada, New Mexico, Colorado, Wyoming, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 133466 (Amendment), filed February 5, 1969, published FEDERAL REGISTER issue of March 6, 1969, amended and republished as amended, this issue. Applicant: WILKINSON TRANSPORTATION CO., a corporation, 13th and Madison, Fort Calhoun, Nebr. 68023. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil products, and aluminum scrap;* and (2) *mortar fuses and fins*, from the plantsite of Wilkinson Manufacturing Co., at or near Fort Calhoun, Nebr., to points in the United States (except Alaska and Hawaii), and *materials, supplies, and equipment* used in the manufacture and distribution of the above, on return, under a continuing contract with Wilkinson Manufacturing Co., Fort Calhoun, Nebr. NOTE: The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133488, filed February 17, 1969. Applicant: R. F. P. TRUCKING, INC., 89 State Street, Boston, Mass. 02109. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel products; aluminum and aluminum products; rubber closures; insulation, roofing, building sidings and floorings; and paints* (except commodities in bulk), and *parts* of and *accessories* for the above mentioned commodities, (A) from the plantsite of and/or facilities utilized by Roll Form Products, Inc., at or near Malvern, Pa., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Indiana, Missouri, Nebraska, Kentucky, Tennessee, West Virginia, Virginia, District of Columbia, Maryland, Delaware, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, and Kansas; (B) from the plantsite of and/or facilities utilized by Roll Form Products, Inc., of North Carolina at or near Wilmington, N.C., to points in the same States as set forth in (1)(A) above; and (C) from the plantsite of and/or facilities utilized by Roll Form Products of New England, Inc., at or near Hingham, Mass., to points in the same States as set forth in (1)(A) above; and (2) *Materials, equipment, and supplies* used or useful in or incidental to the production, manufacture, distribution and assembly of the above named commodities in (1) above (except commodities in bulk), (A) from points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Indiana, Missouri, Nebraska, Kentucky, Tennessee, West Virginia, Virginia, District of Columbia, Maryland, Delaware, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, and Kansas to the plantsite of and/or facilities utilized by Roll Form Products, Inc., at or near Malvern, Pa.; (B) from points as specified in (2)(A) above to the plantsite and/or facilities utilized by Roll Form Products, Inc., of North Carolina, at or near Wilmington, N.C.; and (C) from points as specified in (2)(A) above to the plantsite of and/or facilities utilized by Roll Form Products of New England, Inc., at or near Hingham, Mass. Restriction: The above authority is restricted to the transportation of traffic moving under a continuing contract or contracts with Roll Form Products, Inc.; Roll Form Products, Inc., of North Carolina; and Roll Form Products of New England, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 133511, filed February 20, 1969. Applicant: SECURITIES TRANSPORTATION CO., INC., 287 Kenberma Street, Manchester, N.H. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments, including originals and copies of checks, drafts, notes, money orders, travelers checks, and canceled checks and bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine paper, deposit records, withdrawal slips, and debit and credit records*, between Boston, Mass., on the one hand, and, on the other, points in New Hampshire. NOTE: Applicant has contract carrier authority pending in MC-129824, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 133512, filed February 24, 1969. Applicant: THREE WAY TRUCKING

CO., INC., 802 Richmond Avenue, Staunton, Va. 24401. Applicant's representative: Benham M. Black, Barristers Row, Post Office Box 1206, Staunton, Va. 24401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, soap, cosmetics, premiums and related advertising materials* in cartons with the weight of articles in any one delivery to any one individual not to exceed 500 pounds, from Staunton, Va., to points in Augusta, Rockingham, Rockbridge, and Albermarle Counties, Va., and all independent cities located within said counties. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Richmond, Va., and Washington, D.C.

No. MC 133530, filed March 7, 1969. Applicant: C. & C. DELIVERY, INC., 1026 Gold SW., Albuquerque, N. Mex. 87102. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and new home furnishings*, from Raton, N. Mex., and Trinidad, Colo., to points in Arizona, Colorado, New Mexico and El Paso, Tex., under contract with Chittenden & Eastman Co. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Albuquerque, N. Mex.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130080, filed February 19, 1969. Applicant: LAURENCE O. BROWN, doing business as AAMERICAN MOVING CONTRACTORS, 10501 Greenwood Avenue North, Seattle, Wash. 98133. For a license (BMC 4) to engage in operations as a *broker* at Seattle, Wash., in arranging for the transportation in interstate or foreign commerce of *household goods*, between points in the United States.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3559; Filed, Mar. 26, 1969; 8:45 a.m.]

[Notice No. 802]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 24, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 136 TA), filed March 17, 1969. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Poydras, Post Office Box 6187, Dallas, Tex. 75202. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Lufkin, Tex., to Nacogdoches, Tex., over U.S. Highway 59, serving no intermediate points. NOTE: Applicant intends to tack with existing authority. Supporting shippers: Moore Business Forms, Inc., Nacogdoches, Tex.; Nacogdoches County Chamber of Commerce, Post Office Box 974, Nacogdoches, Tex.; Burgess Poultry Market, Inc., Post Office Drawer 907, Nacogdoches, Tex. 75961; Candy House, Inc., Post Office Drawer 1421, Nacogdoches, Tex. 75961. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood St., Dallas, Tex. 75202.

No. MC 76177 (Sub-No. 321 TA), filed March 19, 1969. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: H. E. Durden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class B propellant explosives for Cannon*, from Badger Army Ammunition Plant, Wis., to Aberdeen Proving Grounds, Md., for 150 days. Supporting shipper: Department of Defense, Washington, D.C. Attn: Leonard Hines, Military Traffic Management Terminal Service. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 82337 (Sub-No. 1 TA), filed March 17, 1969. Applicant: MOELLER TRANSFER AND STORAGE CO., a corporation, 212 Coosa Street, Montgomery, Ala. 36104. Applicant's representative: Harris & Harris, 410-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities injurious or contaminating to other lading, from points in Dallas County, Ala. to Montgomery, Ala.; restricted to shipments having an immediately prior or subsequent movement by rail, for 180 days. NOTE: Applicant intends to interline with rail service at Montgomery, Ala. Supporting shipper: Alament Division, Post Office Box 348, Selma, Ala. 36701. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107227 (Sub-No. 103 TA), filed March 19, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, Post Office Box 1697, San Leandro, Calif. 94577. Applicant's representative: L. H. Berry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree and livestock sprayers*, on wheels, from Gilroy, Calif., to Salem and Hood River, Oreg., and Wenatchee and Yakima, Wash., for 180 days. Supporting shipper: Kraus & Noonan Distributors, Post Office Box 3032, Modesto, Calif. 95353. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 107403 (Sub-No. 772 TA), filed March 18, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Isopropyl percarbonate*, unstabilized, from Lake Charles, La., to points in Connecticut, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, and West Virginia, for 150 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 112822 (Sub-No. 97 TA), filed March 17, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard, Post Office Box 1191, Cushing, Okla. 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; *fertilizer and fertilizer materials*, dry, in bulk and in bags, from the plantsite of Sinclair Oil Corp. at or near Fort Madison, Iowa to points in Arkansas, Illinois (except points in the Chicago, Ill., and East St. Louis, Ill. commercial zones), Indiana (except points in the Chicago, Ill. commercial zone), Kansas, Kentucky, Michigan, Minnesota, Missouri (except points in the St. Louis, Mo. commercial zone), Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, restricted traffic originating at the plantsite of Sinclair Oil Corp. at or near Fort Madison, Iowa, and destined to points in the named destination States, for 180 days. Supporting shipper: A. T. Weaver, Asst. Traffic Mgr., Agri. Dept., Chemical Div. Sinclair Oil Corp., 120 South Riverside Plaza, Chicago, Ill. 60606. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114106 (Sub-No. 72 TA), filed March 19, 1969. Applicant: MAYBELLE TRANSPORT COMPANY, 1820 South Main Street, Post Office Box 573, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Charlotte, N.C., to Greenville, S.C., for 150 days. Supporting shipper: Speas Co., Post Office Box 5511, Charlotte, N.C. 28205. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 E. Morehead St., Suite 417 (BSR Bldg.), Charlotte, N.C. 28202.

No. MC 114949 (Sub-No. 3 TA), filed March 18, 1969. Applicant: APPOMATTOX TRUCKING COMPANY, INCORPORATED, Post Office Box 714, Appomattox, Va. 24522. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood), from Drakes Branch, Va., to points in Connecticut, Kentucky, Illinois, Indiana (except Bargersville), Michigan, and Tennessee, under a continuing contract with Stanley Land and Lumber Corp. of Drakes Branch, Va., for 180 days. Supporting shipper: Stanley Land and Lumber Corp., Drakes Branch, Va. 23937. Send protests to: Clatin M. Harmon, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 115826 (Sub-No. 192 TA), filed March 19, 1969. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, T.A., Denver, Colo. 80217. Applicant's representative: James Digby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Denver, Colo., and its commercial zone, to points in Missouri, Arkansas, Kentucky, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, and Mississippi, for 150 days. Supporting shipper: Chef Quik, 7033 49th Avenue, Commerce City, Colo. 80022. Send protests to: Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 117565 (Sub-No. 16 TA), filed March 18, 1969. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers, and campers* designed for installation in or on trucks from the plantsite of The Snyder Trailer Co., Butler, Ohio, to points in Minnesota, Iowa, Missouri, Oklahoma, and Texas, and all States east thereof, for 180 days. Supporting shipper: The Snyder Trailer Co., 100 Elm Street, Butler, Ohio 44822. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 128814 (Sub-No. 17 TA), filed March 19, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., Operator of H. Mesick, Inc., Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Class B smokeless powder*, from the plantsite of Hercules, Inc., at Kenvil, N.J., to the Sunflower Ordnance Depot at Eudora and/or De Soto, Kans., for 180 days. Supporting shipper: Hercules, Inc., Wilmington, Del. 19899. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133555 TA, filed March 17, 1969. Applicant: BELL OIL COMPANY OF OCEAN DRIVE, INC., U.S. Highway No. 17, North Myrtle Beach, S.C., Post Office Box 161, 29577. Applicant's representative: John W. Jenrette, Jr., Ocean Drive Beach, S.C. 29582. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bags, and in bulk, from points in New Hanover and Brunswick Counties, N.C., to points in Horry, Marion, Georgetown, Williamsburg, Florence, and Charleston Counties in South Carolina, for 180 days. Supporting shippers: Washam, Warlick, and Harrelson Co., Shallotte, N.C.; W. R. Grace & Co., Post Office Box 630, Wilmington, N.C.; Wilmington Fertilizer Co., Post Office Box 700, Wilmington, N.C.; Swift Agricultural Chemicals Corp., Post Office Box 210, Wilmington, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 133558 TA, filed March 17, 1969. Applicant: HARRY CROW & SON, INC., 1808 52d Street, Kenosha, Wis. 53140. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous oxide*, used in the manufacture of ferric chloride, in bulk, in dump vehicles, from West Milwaukee, Wis., to Lemont, Ill., for the account of Steelco Chemical Co., Division of K. A. Steel Chemicals, Inc., for 180 days. Supporting shipper: K. A. Steel Chemicals, Inc., Suite 242, O'Hare Office Center North, 2720 Des Plaines Avenue, Des Plaines, Ill. 60018 (Kenneth A. Steel, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3645; Filed, Mar. 26, 1969; 8:51 a.m.]

[Notice 317]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71147. By order of March 18, 1969, the Motor Carrier Board approved the transfer to Aero Special Delivery Service, Inc., San Francisco, Calif., of the operating rights in Certificate No. MC-58486 (Sub-No. 4), issued July 29, 1964, to Peninsula Delivery Service, a corporation, doing business as Peninsula Delivery & Drayage Service, 548 Seventh Street, San Francisco, Calif. 94103, authorizing the transportation of general commodities, except petroleum products in bulk, in tank vehicles, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, livestock, commodities in vehicles equipped with mechanical refrigeration, and articles of unusual value, between Oakland and San Jose, Calif., serving all intermediate points; between Mt. Eden and San Mateo, Calif., serving no intermediate points, and between Newark and Menlo Park, Calif., serving no intermediate points. Lempres and Seyranian, 1801 Harrison Street, Oakland, Calif. 94612, attorneys for transferee.

No. MC-FC-71173. By order of March 18, 1969, the Motor Carrier Board approved the transfer to David's Express, Inc., Worcester, Mass., of Certificate of

Registration No. MC–58845 (Sub-No. 2), issued April 7, 1964, to David Nitka, doing business as David's Express, Worcester, Mass., authorizing transportation pursuant to Massachusetts Regular Route Common Carrier Certificate No. 80, dated October 15, 1957. Arthur A. Wentzell, registered practitioner, Post Office Box 720, Worcester, Mass. 01601, representative for applicants.

No. MC–FC–71184. By order of March 18, 1969, the Motor Carrier Board approved the transfer to Rocky Mountain Trucking Co., a corporation, Casper, Wyo., of the operating rights in Certificate No. MC–98527 (Sub-No. 1), issued July 8, 1959, to Gauvey Rig & Trucking, Inc., Williston, N. Dak., authorizing the transportation of: Machinery, materials, equipment and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main or trunk pipelines, between points in North Dakota, and points in described areas of South Dakota, and Montana. Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3646; Filed, Mar. 26, 1969; 8:51 a.m.]

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PART II

SMALL BUSINESS ADMINISTRATION

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Small Business Investment Companies

Records and Reports, and Audits



Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4 (Rev. 4)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Records and Reports, and Audits

On February 20, 1969, the Small Business Administration published in the FEDERAL REGISTER (34 F.R. 2422) proposed amendments to 13 CFR Part 107 which would amend Appendixes 1, 2, and 3 and make certain conforming amendments.

Interested persons were invited to submit written comments and suggestions for consideration within 15 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, it has been decided to adopt the proposed amendments with certain modifications. The text of the amendments set out below is identical with that of the proposed amendments published February 20, 1969, except that Addendum I (Fidelity Bond) and Addendum II (Realization and Use of Income and Gains) to Appendix 1 (Audit and Examination Guide for Small Business Investment Companies) are also carried over intact into the finalized amendment so as to continue them as part of the regulations; in §§ 107.2 (footnote), 107.202(b); 107.901(e), 107.1002 (c), 107.1102 (e) and (f), 107.1104 (a) and (c), references have been conformed to the references of the amended appendixes and forms; and the following changes have been made in the Program Evaluation Report (SBA Form 684) and in Appendix 3 (Instructions for Preparation of the Program Evaluation Report):

(a) Items have been added for recording information as to whether any outstanding stock of the financed small business concern has been registered under the Securities Act of 1933, and, if so, whether such registration occurred prior to the initial financing by the Licensee and whether the stock is listed on a stock exchange; (b) the item for advising as to whether or not the SBIC financing was fully secured at the time of disbursement has been eliminated; and (c) items have been added in the "Current Information" section to show dividends (if any) paid by the financed small business concern during the fiscal year and the unrealized appreciation of the assets of such concern at the end of the fiscal year.

Accordingly, pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 33 F.R. 326, and amended in 33 F.R. 11147, 33 F.R. 20035, and 34 F.R. 1234, is hereby amended as set forth below:

Effective date. In view of the determination made that it is in the public interest that these amendments be applied promptly to the Small Business Investment Company program, they shall become effective on the date of their publication in the FEDERAL REGISTER.

Dated: March 18, 1969.

HILARY SANDOVAL, JR.,
Administrator.

1. The footnote to § 107.2 is amended to read as follows:

§ 107.2 Information, forms, and instructions.

* * * * *

[1] Instructions for Preparation of the Financial Report, SBA Form 468 (3-69), and Instructions for Preparation of the Program Evaluation Report, SBA Form 684 (3-69) are printed in Appendixes 2 and 3 to Part 107.

2. Paragraph (b) of § 107.202 is amended to read as follows:

§ 107.202 SBA funds available under section 303(b)(2) of the Act based on venture capital financing.

* * * * *

(b) The term, "total funds available for investment," shall mean total short-term assets and total loans and investments of a Licensee required (in accordance with the Instructions for Preparation of the Financial Report, SBA Form 468 (3-69)) to be set forth as Items 8 and 15, respectively, on Page 1 of the Financial Report, SBA Form 468 (3-69), submitted by such Licensee. Venture capital investments, as defined in § 107.3, shall be valued on the same basis as Licensee's assets comprising its "total funds available for investment."

* * * * *

3. Paragraph (e) of § 107.901 is amended to read as follows:

§ 107.901 Control of small business concern.

* * * * *

(e) The Licensee shall furnish to SBA with its annual Financial Report (SBA Form 468 (3-69)), a statement (in triplicate) setting forth current prospects for the implementation of the divestiture plan, and additional factors, if any, affecting the status or feasibility of relinquishing control.

* * * * *

4. Paragraph (c) of § 107.1002 is amended to read as follows:

§ 107.1002 Capital impairment.

* * * * *

(c) For capital impairment purposes, gains may be recognized by SBA only to the extent permitted in Addendum II (Realization and Use of Income and Gains) to SBA's Audit and Examination Guide (Revised March 1969) printed in Appendix 1 as part of the regulations of this part.

5. Paragraphs (e) and (f) of § 107.1102 are amended to read as follows:

§ 107.1102 Records and reports.

* * * * *

(e) Forms for financial reports: The financial reports required by this section to be filed with SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468 (3-69), which shall be filed in triplicate with the Office of Investment, SBA, Washington, D.C. 20416, on or before the last day of the month immediately following the close of the period covered by the report (in the case of an unaudited report), and on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

(1) Licensees which are 1940 Act companies, as defined in § 107.3, should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, for the requirements as to financial reports to be filed with SEC and the time allowed for filing.

(2) The Financial Report filed by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the Instructions for Preparation of the Financial Report, SBA Form 468 (3-69), which are printed in Appendix 2 as part of the regulations in this part. Copies of SBA Form 468 (3-69) and of the Instructions may be obtained from SBA.

(f) Program Evaluation Reports:

(1) The Program Evaluation Report, SBA Form 684 (3-69), shall be prepared by each Licensee as of March 31 of every calendar year and filed in triplicate with SBA not later than June 30 of such year, to reflect all transactions involving Licensee's debt or equity financing of small business concerns which were outstanding at any time during the preceding 12-month period ending March 31. The report shall be prepared in accordance with Instructions for Preparation of the Program Evaluation Report, SBA Form 684 (3-69), which are printed in Appendix 3 as part of the regulations of this part. Copies of SBA Form 684 (3-69) and of the instructions may be obtained from SBA.

(2) Each Licensee shall, as a condition of all financing agreements consummated or renegotiated with small business concerns after March 25, 1966, require such concerns to furnish to the Licensee all information needed by such Licensee for the preparation and filing of SBA Form 684.

(3) The provisions of Part 102 of this chapter prohibiting the disclosure of information contained in SBA's files, documents and records, apply to Program Evaluation Reports filed with SBA. Information submitted on SBA Form 684 (3-69) is for SBA's official use in the performance of its statutory responsibilities, and not for public disclosure. It will not be published or released, as a matter of public information, except in the form of statistical totals or summaries which will not divulge the identity of the Licensee or its portfolio of small business concerns.

* * * * *

6. Paragraphs (a) and (c) of § 107.1104 are amended to read as follows:

§ 107.1104 Fidelity insurance.

(a) Each Licensee shall maintain a fidelity bond in the form and amount set forth by SBA in its Audit and Examination Guide for Small Business Investment Companies (revised March 1969) which must be executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to sections 6-13 of title 6 of the United States Code as an acceptable surety on Federal bonds. Each officer and employee who has control over or access to cash, securities or other property of the Licensee, shall be covered by such fidelity bond.

* * * * *

(c) The Audit and Examination Guide for Small Business Investment Companies (revised March 1969) is printed in Appendix 1 as part of the regulations of this part.

7. Appendixes 1, 2, and 3 of Part 107 are amended to read as follows:

APPENDIX 1—AUDIT AND EXAMINATION GUIDE FOR SMALL BUSINESS INVESTMENT COMPANIES

FOREWORD

The Small Business Investment Act of 1958, as amended, expresses the declared policy of the Congress and purpose of the Act to improve and stimulate the national economy, and particularly the small business segment thereof, by establishing a program to stimulate and add to the flow of private equity capital and long-term loan funds which small business concerns need to finance their operations and assist in their growth, expansion, and modernization, and which are not available in the amounts required: "Provided, however, That this policy shall be carried out in such manner as to insure the maximum participation of private financing sources."

The Small Business Administration, in carrying out this policy, requests the cooperation of independent public accountants engaged in the practice of public accounting to participate in their own localities in the audit (financial examination) program for small business investment companies. It is desired that the audits of such companies performed by independent public accountants selected by the individual companies will be conducted with the uniformly high degree of competency which the profession has so long striven to maintain. Through the efficient, thorough, and economical performance of the audits, the best interests of the Licensees, the Small Business Administration, and the accounting profession will be served.

This Audit and Examination Guide for Small Business Investment Companies was initially prepared by the Small Business Administration with the advice of a committee of independent certified public accountants. It has been revised primarily to take account of amendments of the Small Business Investment Act and of the regulations governing small business investment companies. Any inquiries or comments relating to the examination of financial statements of small business investment companies, or to the auditing and reporting procedure as set forth in this Audit and Examination Guide, should be directed to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

GENERAL CONSIDERATIONS

The Small Business Administration, under authority granted by the Small Business Investment Act of 1958, as amended, requires small business investment companies licensed by SBA under the Act to have an audit (financial examination) made of their accounts and records annually by independent public accountants selected or approved by SBA. SBA requires that the engagement cover a "financial examination" type of audit described hereinafter. The annual audit shall be performed as of the close of each Licensee's approved fiscal year for SBA purposes, ending March 31, unless prior written approval of SBA has been obtained for a different 12-month period to be covered by such audit. Three copies of the annual audit report should be submitted to SBA as soon as practicable after completion and no later than the last day of the third month following the close of the period covered by the audit.

Any public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, who is independent and who is duly authorized to practice as a public accountant, and is in good standing under the laws of the State or other comparable authority in which so authorized, may be considered qualified to render an opinion as an independent public accountant on behalf of an SBIC whose principal office is located in such State or authority. Also considered to be similarly qualified to audit certain Licensees in States or other political subdivisions of the United States which do not license public accountants are those independent public accountants of recognized standing with 10 or more years of public accounting experience, selected or approved by SBA prior to September 8, 1967, to audit the particular Licensees, provided such public accountants fulfill to SBA's satisfaction the requirements established by SBA.

The Small Business Administration will not recognize any public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any small business investment company with which he has, or had during the period covered by the audit (financial examination), any direct financial interest or any material indirect financial interest; or with which he is, or was during such period, connected as a promoter, underwriter, voting trustee, investment adviser, director, officer, or employee, or in the capacity of rendering bookkeeping services. In determining whether an accountant may in fact be not independent with respect to a particular SBIC, SBA will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and such SBIC or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with this Agency.

The responsibility for the selection of the independent public accountant by the SBIC is vested in the board of directors. Any accountant qualifying as an independent public accountant, as explained above, may be considered as having SBA approval to perform the annual audit (financial examination) upon selection by the board, and the filing with SBA by such accountant of an executed IPA Statement, I Form 56, certifying as to his qualification and independence, unless the SBIC is otherwise advised by SBA. It is strongly recommended that the board give thorough consideration each year to the matter of selecting the public accountant to perform that year's audit. The board under this policy selects an accountant with whom it agrees as to the engagement and basis of compensation. The SBIC then furnishes notification of the board's selection to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Notification to SBA is not necessary when the same accountant or accountants are retained for successive years.

This guide has been prepared, and made a part of the regulations, to inform Licensees under the Small Business Investment Act of 1958, as amended, and independent public accountants engaged by them as to SBA's minimum requirements concerning fidelity bonds, valuation of portfolio assets, and audits (financial examinations) of SBICs. It is not intended to be a complete manual of audit (financial examination) procedure, nor is it intended to supplant the accountant's judgment as to any additional work required to meet generally accepted auditing standards and to render adequate and appropriate reports. Through use of this guide by independent public accountants the Administration expects audits (financial examinations) of uniformly high quality to be made of all small business investment companies licensed by SBA.

The procedures set forth herein apply generally to a type of audit technically termed a "financial examination."

A financial examination is to be made in accordance with generally accepted auditing standards. The auditing procedures employed should include: (1) Review of the system of internal control and of the accounting principles followed; (2) independent sampling (through inspection, correspondence, etc.) to ascertain the existence of assets; (3) application of audit tests to determine that all liabilities are reflected in the balance sheet in actual or approximate amounts; (4) review and testing of the income and expense accounts; (5) review of the accounting records, with application of appropriate testing procedures, to determine the authenticity and general reliability of the financial statements prepared from the accounts; and (6) such other auditing procedures as the independent public accountant considers necessary in the circumstances.

SBA expects the review and testing of operating transactions during the audit to be of sufficient scope to assure disclosure and correction of any erroneous recording or classification of income and expense items in the SBIC's books that would materially distort the statement of income and expense.

SBA has prescribed a system of account classifications which is required to be used by licensed small business investment companies. The Agency requires uniform reporting and contemplates that generally accepted auditing standards will be maintained. The attainment of accounting and reporting uniformity and the maintenance of auditing standards will provide reliable information for use by SBIC management and SBA. Accountants engaged by SBICs should become familiar with:

Small Business Investment Act of 1958, as amended.

Regulations governing small business investment companies issued pursuant to the Small Business Investment Act of 1958, as amended.

System of Account Classifications for Small Business Investment Companies (Part 111, SBA Rules and Regulations).

Financial Report, SBA Form 468.

REPORT OF AUDIT (FINANCIAL EXAMINATION)

General

The financial statements referred to in this guide are those constituting the Financial Report, SBA Form 468, and should be

prepared on such form. The accountant's examination should be directed toward the expression of an opinion as to whether the statements of (a) financial condition, (b) surplus reconciliations, (c) income and expense, and (d) realized gains and losses on investments, present fairly the financial position of the SBIC as of the audit date and the results of its operations for the period then ended in conformity with generally accepted accounting principles. The schedules called for on pages 5 through 17 of SBA Form 468 should be subjected to the audit procedures applied in the accountant's examination of the basic financial statements to enable him to express an opinion as to whether these schedules are fairly stated in all material respects in relation to the basic financial statements.

If the SBIC prefers, it may have the accountant express an opinion on condensed financial statements consisting, as a minimum, of a statement of financial condition, a statement of surplus reconciliations, a statement of income and expense, and a statement of realized gains or losses on investments, and such other data as are considered necessary to disclose the SBIC's financial position at the close of the period under audit and the results of its operations for the period then ended in conformity with generally accepted accounting principles, all presented in a manner consistent with the presentation of accounts in SBA Form 468. If this optional audit report is prepared, it should be made to accompany the Financial Report, SBA Form 468, filed with SBA.

The accountant's report accompanying the Financial Report should contain narrative comments summarizing the findings on each significant balance sheet account, and on the results of operations; they should also contain an explanation of any deviation from generally accepted auditing standards. (See the scope paragraph of "Accountant's Report.")

The accountant should, when possible, provide an unqualified opinion. In cases in which he considers it necessary to qualify or disclaim an opinion, the accountant should cite, when applicable the specific loans, investments or other items causing such qualification or disclaimer, and also state the specific factors involved which led to the qualification or disclaimer.

It is expected that all audit adjustments will be recorded in the SBIC's records before completion of the audit report, so that financial statements included in the audit report will agree with the books as adjusted to the balance sheet date, giving consideration to reclassifications of account balances for report purposes. Adjustments reflected in the audited statements, but not agreed to by the SBIC and not recorded on its books, must be commented upon in the report.

The accountant's comments should be concise and meaningful. Comments stereotyped as to expression on the basis of previous reports are to be avoided.

The agreement between the SBIC and the accountant with respect to the audit (financial examination) should provide that any information in the accountant's working papers will be made available upon request to the SBIC or to SBA.

Three copies of the audit report, with SBA Form 468, properly executed by the appropriate officers of the SBIC shall be submitted to SBA by the SBIC or by the accountant if so requested by the SBIC. Any matters for SBA attention not included in the audit report are to be set forth in an accompanying letter by the Accountant.

A copy of all adjusting journal entries recommended by the accountant should be attached to the inside of the back cover of each copy of the audit report submitted to SBA. Also attached to the inside of the back cover of each copy of the audit report should be a copy of any transmittal letter, special report, or similar communication furnished to the SBIC.

All SBIC audit reports submitted to SBA should be sent to: Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Accountant's Report (Certificate)

The accountant's report shall be dated, signed, and shall identify without detailed enumeration the financial statements covered by the report. The accountant's report shall state whether the audit was made in accordance with generally accepted auditing standards; and shall designate any auditing procedures generally recognized as acceptable or deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Nothing herein shall be construed to imply authority for the omission of any procedures which independent public accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinion required as stated hereinafter. The accountant's report shall (a) state clearly the opinion of the accountant as to the fairness with which the financial statements present the financial position of the Licensee at the audit date and the results of its operations for the period then ended in conformity with generally accepted accounting principles; (b) state whether the supplemental data contained in the schedules of SBA Form 468 have been subjected to the audit procedures applied in the examination of the basic financial statements and whether, in the accountant's opinion, these data are fairly stated in all material respects in relation to the basic financial statements; and (c) make reference to the consistent application of such principles or to any material changes in accounting principles or practices or method of applying the accounting principles or practices, which affect comparability of such financial statements with those of prior and future periods. Any matter to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

The independent public accountant is expected to satisfy himself as to the reasonableness of the bases used by SBIC's Board of Directors in determining the valuation of loans and investments as presented under the pertinent headings of this Guide. The independent public accountant should determine and report in the narrative comments of his long-form report, whether the SBIC appears to have followed the valuation techniques and standards set forth in SBA Policy and Procedure Release No. 2006 dated December 31, 1965, in making the valuation. Except insofar as the valuations may affect the carrying values of investments shown on the financial statements, it shall be understood that the accountant's opinion on the financial statements contained in SBA Form 468 does not extend to the valuation of loans and investments given in the memorandum item after the end of the Statement of Financial Condition and in the memorandum columns of the applicable schedules.

Procedure for Reporting Irregularities

To meet its responsibilities SBA requires that the Investment Division be notified immediately in the event any apparent defalcation or other apparent criminal violation is disclosed. The examining accountant should determine that this has been done in every applicable case.

AUDIT OF ACCOUNTS AND REPORT OF AUDIT PROCEDURES AND FINDINGS

The audit (financial examination) referred to herein shall be conducted in accordance with generally accepted auditing standards and therefore shall include such tests of the accounting records and such other procedures as deemed necessary to enable the independent public accountant to render an opinion on the statements reported upon. Among the procedures to which particular attention should be given are the following:

Internal Control

It is expected that the independent public accountant will review the company's procedures and form an opinion on the effectiveness of the internal control. In determining the extent and nature of the testing and checking of certain accounts consideration should be given to existing internal control. It is important that the accountant set forth his observations on the effectiveness of internal control in the general comments section of his report, together with any suggestions he may have for improvement. The accountant may if he considers it more appropriate, report on internal control in a supplementary letter report rather than commenting thereon in the general comment section on this report.

Each Licensee is required to establish and maintain effective control arrangements covering its portfolio of investment securities, funds, and equipment. Dual control over disbursements of funds and withdrawals of securities from safekeeping, and the segregation of duties of employees represent key features of such arrangements.

Fidelity Bond

The independent public accountant should check the provisions of the SBIC's fidelity bond against the requirements of SBA as stated in Addendum I of this guide, and should comment in his report regarding the conformity of the bond to such requirements.

Minutes

The accountant should review the minutes, observe that they are up-to-date, and determine that appropriate actions of the SBIC are adequately covered by the minutes and that items covered in the minutes have been reflected in the financial statements to the extent applicable. Where, in the accountant's opinion, material actions of the SBIC are not adequately covered by the minutes and items covered in the minutes are not reflected in the financial statements, appropriate disclosure should be made in the accountant's report.

Cash

Cash on hand should be counted. Cash in banks should be reconciled with book balances and confirmed by correspondence. In addition to bank statements at balance sheet date of the audit, the independent public accountant should request and utilize cutoff statements as of a subsequent date to permit determination of the disposition of outstanding checks, deposits in transit, and other reconciling items.

U.S. Government Obligations, Insured Savings, and Time Deposits

Temporary investments made from the company's general cash funds in direct and/or fully guaranteed U.S. Government obligations should be verified by inspection or, when applicable, by confirmation from custodians. Verification should include ascertainment that proper interest coupons are attached to bearer bonds. The recorded cost or, in the case of U.S. bonds, the current redemption value should be verified. The accountant should ascertain that registered bonds are in the name of the SBIC or endorsed so as to be transferable to the company, or are accompanied by powers of attorney.

Temporary investments of the company's general cash funds in savings institutions should be reconciled with book balances and confirmed by correspondence. Time certificates of deposits should be examined to verify the SBIC's ownership of time deposits and to ascertain correctness of the balances per books.

Notes and Accounts Receivable, and Allowance for Uncollectibles

Miscellaneous notes on hand should be examined and the details compared with the company's records. A representative number should be confirmed by correspondence with the makers.

Accounts receivable for services rendered participating companies, for commitment fees, for declared dividends and sharings in income, and for management consulting, investigation, appraisal, and related services rendered, as shown by subsidiary records, should be reconciled to control accounts. The same should be done with respect to receivables representing participating companies' portions of principal and accrued interest receivable from financed small business concerns.

The collectibility of notes and accounts receivable should be considered on the basis of the most reliable information the auditor can obtain. Such amounts due should be discussed with the executive officers of the company. Any contractual delinquency in payments to date should be given due consideration. Items considered uncollectible should be recommended for writeoff, and those of doubtful collectibility should be adequately provided for in the allowance for uncollectible notes and accounts receivable. If considered desirable, an adjusting entry to the allowance account should be recommended by the accountant for adoption by the SBIC. Comments concerning the adequacy of the allowance account should be included in the audit report.

Accrued Interest Receivable and Allowance for Uncollectibles

Determination should be made that interest receivable is currently and correctly accrued on the SBIC's records. This involves interest accrued on U.S. Government obligations, loans to and debt securities of small business concerns, notes receivable, sales contracts, and other interest-bearing amounts due from debtors.

Comments concerning the adequacy of the allowance for uncollectible interest receivable should be included in the audit report.

Due From Directors, Officers, and Employees

Advances made to directors, officers, and employees should be reviewed for proper authorization and recording, and should be commented on if not authorized or has been outstanding more than 6 months.

Funds in Escrow and Other Current Assets

Funds in escrow pending closing of financing for small business concerns should be confirmed. Miscellaneous current assets should be reviewed for authenticity and appropriateness of classification.

Loans, Debt Securities, Loans and Debt Securities Sold with Recourse, Allowances for Uncollectibles and Losses, and Unearned Discount, Fees, and Other Charges

The independent public accountant should review notes, mortgages, and other obligation documents evidencing loans granted under section 305 of the Small Business Investment Act, as amended, and should confirm directly with the makers the amount of the unpaid balances. Debt securities of small business concerns, purchased by the SBIC under provisions of section 304 of the Act, as amended, should be subjected to a similar review and confirmation. Either type of financing instruments obtained from other SBICs through purchase or through exchange of portfolio securities should likewise be examined and confirmed with the issuers. All obligation documents should be checked for signing by authorized parties, including proper witnessing and acknowledgment, and for stated interest rate and term. Loans and debt securities pledged should be confirmed by correspondence with the holders. Determine if securities pledged are subject to SBA earmarking or nonhypothecation requirements and if so, that SBA has furnished written approval.

The System of Account Classifications provides for carrying loans and debt securities at their unpaid principal balances, including any related uncollected discounts, fees, or other charges. In the case of any such financings in which participations are sold to others, only the portion retained by the selling company is shown in the seller's books. Loans and debt securities are to be reported in the Statement of Financial Condition of SBA Form 468 on the same basis as recorded in the accounts.

Determination should be made that mortgages required to be recorded bear proper notation of such recording. The accountant should ascertain from such sources as the loan and debt security ledger cards or sheets, the collateral register, document files, minutes of board of directors' meetings, and statements of executive officers, what collateral documents should be on hand evidencing security for loans and debt securities, and should check for the presence of such collateral documents.

The accountant should inspect each participation agreement under which the company has purchased a participation interest in a loan or debt security, should inspect the documents evidencing such participation and should request confirmation from seller to the extent considered necessary. Similarly, amount reflected in subsidiary records as participations of others in loans and debt securities of the company under audit should be reviewed in relation to the pertinent participation agreements and confirmed with the purchasers to the extent warranted.

The amounts of loans and debt securities sold with recourse should be checked to the records of such sales and to the advices received from the purchasers as to payments made by the financed small business concerns.

The independent public accountant should review the current financial statements of the concerns which are financed by the SBIC and provide comments when considered significant relative to the financial position of the concern financed. When such financial statements of the concerns are not available the accountant shall so state in his report.

The board of directors of the SBIC has the responsibility of determining in good faith a realistic valuation for each specific loan and debt security, which shall be arrived at after consideration of all pertinent factors. Valuation techniques and standards for guidance of the board are set forth in SBA Policy and Procedural Release No. 2006. The independent public accountant should satisfy himself as to the reasonableness of the bases employed by the board of directors in making determinations of the value of loans and debt securities. No appreciation in value of debt securities is to be recorded in the books of account. The valuations as determined by the board of directors are to be shown in the memorandum column of the applicable schedule of the Financial Report, SBA Form 468.

The accountant should discuss all marginal loans and debt securities with the executive officers of the SBIC. Writeoffs should be recommended in instances in which the unpaid balances of loans and debt securities are considered uncollectible. The allowance for uncollectible loans and the allowance for losses on debt securities should be reviewed as to adequacy and commented upon in the report. If considered desirable, adjusting entries to the allowance accounts should be recommended by the accountant for adoption by the SBIC.

Special attention should be given by the accountant to verification of all amounts of unearned discount, fees, and other charges shown as deducted from the unpaid balances of loans and debt securities.

Capital Stock of Small Business Concerns; Warrants, Options, and Other Stock Rights Acquired from SBCs; and Allowances for Losses

All capital stock of small business concerns in the possession of the SBIC should be verified by inspection of the stock certificates. Similar capital stock on the books which is not in the possession of the company should be confirmed by direct correspondence with those having possession thereof. Capital stock of small business concerns is to be recorded on the books of the SBIC at cost. In the case of any such financings in which participations are sold to others, only the portion retained by the selling company is shown in the seller's books.

The independent public accountant should review the cost determinations made with respect to warrants, options, or other stock rights carried on the books at a monetary value. Only the selling company's portion of such stock rights is shown in its books when participations in the stock rights are sold to others.

The accountant should inspect the agreement and other documents evidencing each participation purchased, and should request confirmation from sellers to the extent considered necessary. Similarly, amounts reflected in subsidiary records as participations of others in capital stock and warrants, options, or other stock rights acquired by the company under audit should be reviewed in relation to the pertinent participation agreements and confirmed with the purchasers to the extent warranted.

It is the responsibility of the SBIC's board of directors to determine in good faith a realistic valuation for each capital stock investment and for warrants, options, or other stock rights for which a separate cost has been determined. This valuation shall be arrived at after consideration of all pertinent factors. Valuation techniques and standards for guidance of the board are set forth in SBA Policy and Procedural Release No. 2006. The independent public accountant should satisfy himself as to the reasonableness of the bases employed by the board of directors in making the value determinations. No appreciation in the value of capital stock or stock rights investments is to be recorded in the books of account. The valuations of the stock and stock rights as determined by the board of directors are to be shown in the memorandum column of the applicable schedule of the Financial Report, SBA Form 468.

The financial position and earnings of the financed small business concerns are important factors in the board of director's determination of the real value of the stock and stock rights issued by such concerns. The independent public accountant should review the current financial statements of the concerns which are financed by the SBIC and provide comments when considered

significant relative to the financial position of the concern financed. When financial statements of the concerns are not available the accountant shall so state in his report. Any material decrease in value of capital stock or stock rights, as determined by the board of directors, that is not obviously of a transistory nature should be compensated for by an increase in the allowance for losses on capital stock of small business concerns, or in the allowance for losses on their warrants, options, and other stock rights, as appropriate. These allowance accounts should be reviewed as to adequacy by the accountant and commented upon in his report. An adjusting entry to effect any necessary increase should be recommended by the accountant for adoption by the company. Likewise, entries should be recommended to write off any established loss on capital stock of small business concerns or on stock rights of such concerns.

Venture Capital

Under the Small Business Investment Act of 1958, as amended, SBICs are entitled to borrow additional funds from SBA if they have a qualifying amount of combined paid-in capital and paid-in surplus and maintain a minimum percentage of total funds available for investment in small business concerns invested or committed in "venture capital," as defined in § 107.3 of the regulations. The independent public accountant, referring to the official definition of venture capital and reviewing the lending instruments and related documents, should determine that the total amount of venture capital as indicated in the Financial Report, SBA Form 468, is substantially correct.

Assets Acquired in Liquidation of Loans and Debt Securities, Accumulated Depreciation, Mortgages Payable, and Allowance for Losses

These assets may include a wide variety of things of value, as, for example, collateral notes receivable, accounts receivable, judgments, sheriffs' certificates, and various types of real and personal property. Property taken in liquidation should be recorded at an amount determined by the board of directors on the basis of bid-in-price, agreed consideration, or fair appraised value, as deemed most suitable: *Provided*, That the net amount recorded shall not exceed the total amount of the related loan or equity security indebtedness involved. In the case of mortgaged real property acquired in liquidation of loans and debt securities, the property should be recorded at gross value as determined by the board of directors, reduced as necessary to bring the net recorded value within the above-stated limitation. The amount of the existing mortgage or mortgages on such property should be included among the SBIC's liabilities. The accountant should verify each asset through application of procedures generally accepted for audit of the particular class of assets involved. Board authorization for recording these assets at the amounts shown should be ascertained. The amount recorded will correctly represent only the selling company's portion of any such assets in which participations are sold to others.

It is the board of directors' responsibility to determine in good faith a realistic valuation for each security or other item of property comprising assets acquired through liquidation of loans and debt securities. Such valuation shall be arrived at after consideration of all pertinent factors. Valuation techniques and standards for guidance of the board are set forth in SBA Policy and Procedural Release No. 2006. The independent public accountant should satisfy himself as to the reasonableness of the bases employed by the board in determining the values. Unappreciation in the original recorded value of assets acquired in liquidation of loans and debt securities is to be recorded in the books of account. The valuations as determined by the board of directors are to be shown in the memorandum column of the applicable schedule of the Financial Report, SBA Form 468.

The accumulated depreciation on assets acquired in liquidation of loans and debt securities should be reviewed by the accountant to assure that it is not less in amount than a conservative estimate of the expired service life of such property while owned by the SBIC. Insurance coverage should be reviewed.

Such acquired assets should be discussed with the executive officers of the company. Writeoff should be recommended for items considered worthless. The allowance for losses on assets acquired in liquidation of loans and debt securities should be reviewed as to adequacy and commented upon in the report. If considered desirable, adjusting entries to the allowance account should be recommended by the accountant for adoption by the SBIC.

Amounts Due from Debtors on Sale of Assets Acquired in Liquidation of Loans and Debt Securities, Participation by Others, and Allowance for Uncollectibles

Accounts and notes receivable, sales contracts, mortgages, and similar evidences of indebtedness to the SBIC arising from the sale of assets acquired in liquidation of loans and debt securities, as shown by subsidiary records, should be reconciled to the control account. Current and past-due accounts receivable should be confirmed as the independent public accountant may deem appropriate, considering the relative significance of such accounts in the financial statements. The accountant should check all notes, sales contracts, mortgages, and other documents evidencing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities, and should confirm directly with the makers the unpaid balances of such of these obligations as he considers necessary. Sales contracts and mortgages should be examined to ascertain that such documents required to be recorded bear proper notation of recording.

The collectibility of the amounts due should be estimated on the basis of the most reliable information the auditor can obtain. Such amounts due should be discussed with the executive officers of the company. Any contractual delinquency in payments to date should be given due consideration. Items considered uncollectible should be recommended for write-off, and those of doubtful collectibility should be adequately provided for in the allowance for uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities. If considered desirable, an adjusting entry to the allowance account should be recommended by the accountant for adoption by the SBIC. Comments concerning the adequacy of the allowance account should be included in the audit report.

Corporate Premises Owned, Furniture and Equipment, and Accumulated Depreciation

The independent public accountant, during the first audit of the SBIC, should examine the documents showing title to the property owned as corporate premises. It should be ascertained that the land is carried at acquisition cost, plus the cost of subsequent benefit assessments and improvements (other than buildings and improvements related thereto), and that the charging of such additional costs to the land account has been proper. The building owned as a part of the corporate premises should be recorded at acquisition cost plus cost of subsequent improvements thereto. Improvements to leased property used as the company's office quarters should be recorded at cost. The basis for recorded cost should be verified and capital additions should be checked to ascertain that only properly capitalizable items have been added to book cost. Vouchers and invoices covering such additions should be examined. Retirements and sales should be reviewed to see that all transactions have been properly reflected in the accounts. Insurance coverage should be reviewed.

The accumulated depreciation on the building and related improvements owned as a part of the corporate premises should be reviewed to assure that it is not less in amount than a conservative estimate of the expired service life of such building and improvements. The basis for amortization of leasehold improvements should be examined for appropriateness.

On occasion, an SBIC may be found operating in the same or communicating office or building with a bank or other financial institution. Sometimes both institutions are managed by the same individuals and the same facilities may be used for transacting business. The accountant should satisfy himself that safeguards are maintained which effectively segregate the books, records, and assets of the separate institutions at all times.

The accountant should ascertain that furniture and equipment, including automobiles, are recorded on the books at cost. Documents showing ownership of automobiles by the company should be inspected and invoices for all major additions to furniture and equipment during the audit period should be examined. Sales and trade-ins of furniture and equipment should be tested to determine that they have been appropriately recorded. Insurance coverage should be reviewed.

The accumulated depreciation on furniture and equipment, including automobiles, should be reviewed for adequacy.

The report should contain comments concerning unusual conditions, if any, found with respect to these assets.

Organization Costs

Legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other charges which may comprise organization costs on the books should be audited for propriety as capital charges pending amortization or writeoff to the organization expense account. Following the first audit, the review of organization costs will ordinarily be concerned chiefly with a determination and evaluation of the basis for amortization and the consistency with which the planned elimination of this balance sheet item is being accomplished. The audit report comments on organization costs (at the first audit) should describe the components of this asset.

Other

Insurance prepayments, and other prepayments and deferred items should be reviewed. All significant items should be examined for propriety, for applicability to future periods, and for appropriateness of the basis for writeoff. Particular note should be taken of any amounts deferred as the result of improper accounting or failure to identify the correct purposes of the charges.

In reviewing insurance prepayments the independent public accountant should prepare for inclusion in his report a summary of insurance coverage.

The audit report should contain adequate description of prepayments and deferred charges and should contain comments concerning any large or unusual amounts.

Miscellaneous assets of the company not included under other captions should be shown here. Miscellaneous assets should be reviewed for validity and for propriety of their retention on the books.

Accounts Payable

Accounts payable for participating companies' portions of principal and accrued interest receivable from financed small business concerns, compensation for services rendered on participations purchased, for commitment fees on deferred participations by others, and for other values received, as shown by subsidiary records, should be verified and reconciled to control accounts. The accruals of compensation payable and commitment fees payable should be reviewed with reference to the related participation agreements. Unusually large amounts and a reasonable proportion of other amounts due on open account should be confirmed by correspondence with the creditors.

Other Current and Accrued Liabilities

Subsidiary records on other current and accrued liabilities, including those for interest, salaries, taxes, dividends, unapplied receipts, trust receipts, amounts due directors, officers, and employees (other than salaries), and other deferred credits, should be checked and reconciled with the control accounts. A certificate, signed by an executive officer of the company, should be obtained stating that all actual liabilities have been entered in the books and that all existing contingent liabilities have been reported to the auditor. The accountant should communicate with the SBIC's attorney to determine the existence of any claims in litigation or pending against the company for the purpose of reporting any contingent liability.

The accountant should (following upon the fact) state in the report that certificates were received from the executive officer and the attorney concerning the recording of actual liabilities and the existence of any claims in litigation or pending against the company.

The report should also present pertinent information concerning unusual current and accrued liabilities. Special attention and comment should be directed to any amounts due directors, officers, and employees, and to any contingent liabilities, including commitments and guarantees.

Funds Borrowed and Other Liabilities

Indebtedness to SBA should be reconciled to the current statements from the Small Business Administration. Direct confirmation from SBA is required and should be requested on the basis of a statement, submitted in triplicate to the Director, Office of Budget and Finance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, showing the unpaid balances of principal and interest at the balance sheet date of the audit. Adequate identification of each obligation, using execution date and SBA loan symbols, should be given.

Debt to others than SBA for funds borrowed likewise should be confirmed by correspondence. Loan agreements, contracts and mortgages, and minutes of board meetings pertaining thereto should be examined in relation to SBA financing and loans from others to determine whether there has been compliance with such of their terms as have direct bearing on the financial position as represented in the audited statements.

The other liabilities and deferred credits should be checked for validity. If these items are material in amount, appropriate comments thereon should be included in the report. Special attention and comment should be directed to any amounts due directors, officers, and employees, and to any contingent liabilities, including commitments and guarantees.

The independent public accountant should ascertain that the appropriate schedule of the Financial Report, SBA Form 468, reflects all commitments, guaranteed obligations, and other contingent liabilities, and that the total of all contingent liabilities is shown as a footnote at the bottom of page 2 of SBA Form 468.

Capital Stock and Surplus

Verification of capital stock should be carried out by examination of the stock records and the stock certificate books, or by direct confirmation from the registrar and transfer agent, if applicable. Cash records or other records showing the consideration received for capital stock should be reviewed in connection with capital stock transactions during the period. Authorizations of the board of directors and also the charter and bylaws should be referred to. Determination should be made as to the existence of stock options, warrants, rights, conversion privileges, sales of stock on special terms, or reservations of shares of stock for sale to particular groups or for options and other rights. It should also be determined that all such transactions have been appropriately recorded and set forth in the statement of financial condition, notes thereto, or schedules as applicable. The independent public accountant should look for and disclose the existence of any arrearages in the payments on capital stock subscribed or in the payment of dividends on outstanding capital stock. Treasury stock transactions should be analyzed and determination made that appropriate accounting has been effected.

The audit report should contain thoroughly informative comments regarding capital stock transactions during the period.

Changes in the surplus accounts during the period should be reviewed for propriety of the accounting entries effecting the changes. Although all earnings for the year are ultimately transferred to a single retained earnings account, it should be determined that appropriate distinction has been made in classifying items in the Profit and Loss Summary and the Realized Gain and Loss Summary accounts as between (1) income and expense from operations and (2) realized gains and losses on investments. Paid-in surplus debits and credits must also be checked for appropriateness of classification.

Loans and Investments at Market or Fair Value

Review should be made of the valuation of loans and investments. The independent public accountant should determine whether the SBIC has followed the instructions for the memorandum item following the Statement of Financial Condition in SBA Form 468 in making the valuation.

Income and Expense and Gain and Loss Accounts

Appropriate tests should be made of income and expense and gain and loss accounts for the period under review. The tests should be sufficient, when combined with information obtained in other phases of the audit, to satisfy the accountant that transactions summarized in these accounts are genuine and have been properly authorized and accurately recorded.

The verification procedures applied to income and expense and gain and loss accounts should be based on the same test-check principles as are applied to the balance sheet accounts. After examining representative transactions for the period or periods he has selected for testing, the accountant should scan the accounts and examine any entries which appear unusual. Special attention should be given to transactions contributing to the recorded gain or loss realized on sale of investments. In this connection, reference should be made to SBA requirements concerning the realization and use of income and gains, as set forth in Addendum II of this guide. The accountant should include in his comments information as to the latest year through which Federal income tax returns of the SBIC have been audited by the Internal Revenue Service.

ADDENDUM I—FIDELITY BOND

1. NEED FOR BOND

Each Licensee shall obtain and maintain a fidelity bond which must be executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to sections 6–13 of title 6 of the United States Code as an acceptable surety on Federal bonds. Each officer and employee who has control over or access to cash, securities or other property of the Licensee shall be covered by such fidelity bond. The form of bond must meet the provisions of paragraphs 2 and 6 below.

2. TYPE OF BOND

Each Licensee shall be covered by a Brokers Blanket Bond, Standard Form No. 14, revised March 28, 1949. A Licensee may be covered by Bankers Blanket Bond, Standard Form No. 24, if it meets the provisions of paragraph 3 following. In general, riders to such standard form bonds are unacceptable and should not be used unless they patently increase the benefits under the policy. SBA has held the following riders to be unacceptable with respect to Brokers Blanket Bond, Standard Form No. 14:

SR 5307, Valuation Clause Rider;
SR 5568, Discovery Rider (Form 14);
SR 5571, Rider-Discovery Form, or
SR 5771, Rights after Termination or Cancellation;
SR 5301, Delete Misplacement Rider.

3. BANKS

A Licensee, the majority (more than 50 percent) of whose voting stock is owned by one or more commercial banks that are members of the Federal Deposit Insurance Corporation, or the majority of whose voting stock is owned by a single bank holding company whose subsidiary banks are members of the Federal Deposit Insurance Corporation, may be included as a joint insured under a Bankers Blanket Bond, Standard Form No. 24, which insures the parent commercial bank(s) or the parent bank holding company. In those instances when and to the extent that coverage under Bankers Blanket Bond, Standard Form No. 24, has been restricted by the use of one or more deductible insuring clauses which would apply to the Licensee also, a Brokers Blanket Bond, Standard Form No. 14, must be employed to furnish coverage for the deductible amounts.

4. APPROVAL OF BANK DIRECTORS

In order for the provisions of paragraph 3 above to be applicable, the board of directors of the commercial bank(s) or the bank holding company must approve extending the Bankers Blanket Bond, Standard Form No. 24, to include the Licensee as a joint insured. They also must approve any Brokers Blanket Bond, Standard Form No. 14, needed to furnish the coverage restricted by deductible insuring clauses as set forth in paragraph 3. A certified copy of the minutes of the meeting(s) of the board of directors of such parent organization(s) at which such bond or bonds were approved shall be retained in the permanent records of the Licensee.

5. APPROVAL OF LICENSEE'S DIRECTORS

The board of directors of the Licensee must approve the fidelity bond or bonds of the Licensee. A certified copy of the minutes of

the meeting(s) of the board of directors at which such approval was given must be retained in the permanent files of the Licensee. In addition, the Licensee must obtain from the issuer of such fidelity bond a statement in writing certifying that the bond or bonds, as provided, fulfill the requirements set forth herein to the best of the issuer's knowledge and belief.

6. CANCELLATIONS AND CLAIMS

Each Licensee, at least 30 days prior to making any request to the surety to terminate or cancel such bond, shall notify SBA in writing of its intent to terminate or cancel the bond. Each Licensee shall have as a part of its verified bond a rider or endorsement providing that the surety will notify SBA of its intent to cancel the fidelity bond at least 30 days in advance of the effective date of the cancellation. Each Licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the surety. Such notifications to SBA shall be by certified mail addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

7. AMOUNTS

The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee plus the unpaid balance of loans and investments which the Licensee has contracted to service for others, as follows:

Assets plus loans and investments serviced for others:	*Minimum coverage*
Up to $400,000	$25,000
$400,001 to $500,000	30,000
$500,001 to $750,000	40,000
$750,001 to $1,000,000	50,000
$1,000,001 to $2,000,000	75,000
$2,000,001 to $3,000,000	100,000
$3,000,001 to $4,000,000	125,000
$4,000,001 to $5,000,000	150,000
$5,000,001 to $7,500,000	175,000
$7,500,001 to $10,000,000	200,000
$10,000,001 and over	(1)

[1] $200,000 plus $10,000 for each $1 million or fraction thereof over $10 million, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than $1 million.

8. BANK CUSTODIAN

Notwithstanding the provisions of paragraph 7 above, if a Licensee's portfolio securities are held by a commercial bank, which is a member of the Federal Deposit Insurance Corporation, as cutodian under a custodianship agreement, such commercial bank's fidelity bond may be construed as furnishing the Licensee with adequate surety protection for securities and funds in its custody: *Provided*, That the amount of assets, as defined in paragraph 7, in the possession of the Licensee at any one time, or $400,000, whichever is greater, is covered by a Brokers Blanket Bond, Standard Form No. 14.

ADDENDUM II—REALISATION AND USE OF INCOME AND GAINS

1. PURPOSE

This addendum provides guidance to SBICs for the determination of the realization of operating income and gains on investments and the use of such profits for various corporate purposes.

2. RECOGNITION OF PROFIT

a. *Income From Operations.* Licensees may, provided the collection of such income is reasonably assured:

(1) Treat income from dividends and fees as realized when a transaction is effected in the ordinary course of business, and

(2) Treat commitment income and interest income as realized when a transaction is effected, or through the passage of time.

b. *Gains From Sales of Assets.* Assets here considered include portfolio securities, assets acquired in liquidation of loans and debt securities (including successor assets to those originally acquired in such liquidation), and those classified as other assets.

(1) Gain on the sale of assets when the sale represents a final transaction may be recognized as realized gain immediately when received by a Licensee in cash (money, checks, or negotiable money orders), demand certificates of deposit issued by banks which are members of the Federal Deposit Insurance Corporation, and/or negotiable direct obligations of the U.S. Government.

(2) That portion of cash installment payments representing gain may also be recognized as realized gain immediately as such payments are received when the installment feature is all that prevents characterisation of the transaction as final.

(3) Any transaction with recourse upon the Licensee or involving any understanding, agreement, option, privilege, or other rights to repurchase by and/or resell to the Licensee shall not be considered a final transaction.

(4) Any reacquisition of the assets by the Licensee, whether or not the result of prior agreement or rights, shall be construed by SBA as a nullification of the finality of the original sale transaction.

(5) Any gain on sale of assets which does not qualify as realized gain in accordance with the foregoing shall be deferred pending such realization.

3. USE OF PROFITS

a. Only profits realized in accordance with the foregoing may be:

(1) Used for obtaining loan funds from SBA.

(2) Used for payment of dividends, or

(3) Treated as realized profits for improvement of bargaining position in mergers.

b. Profits realized as above may be used also for correcting capital impairment. In addition, noncash gain on the sale of assets to a bona fide purchaser, which gain has been deferred, may be recognized by SBA for the purpose of correcting capital impairment. This recognition will not be granted if uncertainty as to the ultimate realization of profit is so great that business prudence, as well as generally accepted accounting principles, would preclude such recognition of gain. Circumstances such as any of the following would raise a serious question as to the propriety of the current recognition of any gain:

(1) Consideration received in exchange for assets disposed of consists of capital stock having no quoted market value, or other noncash real or personal property which cannot be reasonably evaluated.

(2) Evidence of financial weakness of the purchaser.

(3) Substantial uncertainty as to the amount of costs and expenses to be incurred.

(4) Substantial uncertainty as to the amount of proceeds to be realized because of form of consideration or method of settlement; for example, nonrecourse notes, noninterest-bearing notes, purchaser's stock, and notes with optional settlement provisions, all of indeterminal value.

(5) Amount and/or time of payment indeterminate, being dependent upon future sales or other action.

(6) Retention of effective control of the asset by the Licensee.

(7) Limitations and restrictions on the purchaser's profits and on development or disposition of the asset.

(8) Simultaneous sale and repurchase by the same or affiliated interests.

(9) Concurrent loan to or other financing of the purchaser.

(10) Small, or no down payment.

(11) Simultaneous sale and leaseback of asset.

4. PROCEDURE FOR OBTAINING SBA RECOGNITION OF NONCASH GAIN FOR THE PURPOSE OF CORRECTING CAPITAL IMPAIRMENT

The Licensee should submit to SBA, in triplicate, a summary statement identifying each sale transaction involved, giving the following particulars:

a. Portfolio securities, acquired (or successor) assets, or other assets parted with and their cost less allowance for losses, proceeds obtained, and net gain or loss.

b. Name of purchaser and affiliation (if any) with Licensee,

c. Description and value of consideration received, including terms and collateral (if any) of any debt instruments, and

d. Provisions of any rights or privileges obtained or granted by the Licensee.

5. ACCOUNTING REQUIREMENTS

a. *Income From Operations.* Restrictions on the classification of income as realized and procedures to be followed when such amounts are not to be considered as realized are found in the notes to income accounts Nos. 500, 512, 516, 532, in the System of Account Classifications for Small Business Investment Companies (Part 111 of the regulations).

b. *Gains From Sales of Assets.*

(1) Any profit on the sale of assets which does not qualify as realized gain in accordance with section 2.b. of this addendum should be credited to account No. 383, Other Deferred Credits, pending such realization.

(2) SBA recognition of noncash gain on sales of assets shall not constitute approval to transfer the amount involved from account No. 383 to the appropriate gain accounts, as such action shall remain dependent on meeting the qualifications in section 2.b. of this addendum.

APPENDIX 2—INSTRUCTIONS FOR PREPARATION OF THE FINANCIAL REPORT, SBA FORM 468 (3-69)

GENERAL

There are set forth herein the instructions for preparation of the Financial Report, SBA Form 468, which report is required by Small Business Administration regulations to be filed with SBA by each licensed small business investment company at the end of the first 6-month period of each fiscal year and at the end of each fiscal year, such fiscal year being, for SBA purposes, the period beginning April 1 and ending March 31, and at such other times as SBA may request. The Financial Report filed by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with these instructions. The accounts referred to by account number in these instructions are those prescribed by SBA in the System of Account Classifications for Small Business Investment Companies as set forth in Part 111 of this chapter.

The Financial Report, SBA Form 468, shall be filed in triplicate with the Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, on or before the last day of the month immediately following the close of the period covered by the report (in the case of an unaudited report), and on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

Licensees which are registered investment companies should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, for the official requirements as to financial reports to be filed with SEC and the time allowed for filing.

The Financial Report, SBA Form 468, requires a statement of financial condition, statement of surplus reconciliations, statement of income and expense, statement of realized gain or loss on investments, and supporting schedules 1 through 15. If any statement or schedule is not applicable, it is still required to be filed but should be marked "N/A" or "Not Applicable."

When the Licensee has a wholly owned subsidiary organized solely for the purpose of rendering management consulting services, financial reports submitted to SBA by the parent Licensee shall reflect consolidated figures covering the activities of both the parent Licensee and its subsidiary corporation.

When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a combination of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules shall be expressed in whole dollars. Appropriate adjustments of individual amounts shall be made for the fractional part of a dollar so that the items will add to the totals shown.

HEADING

Set forth in the appropriate spaces the information called for representing the identification and the principal office address of the Licensee. As the employer identification number, enter the number assigned to the Licensee by the U.S. Treasury Department. If such number has not yet been assigned, an Application for Employer Identification Number, Form SS-4, shall be submitted to the U.S. Director of Internal Revenue with whom the Licensee's Federal tax and employee withholding returns are filed.

STATEMENT OF FINANCIAL CONDITION

Assets

Items:

1. *Cash.* State the total of the balances contained in accounts Nos. 100 through 120.

2. *U.S. Government obligations, insured savings, and time certificates of deposits.* State the total of the balances contained in accounts Nos. 130 through 137.

3. *Notes receivable.* State the balance contained in account No. 140.

4. *Accounts receivable.* State the balance contained in account No. 150.

(a) *Less: Allowance for uncollectibles* (applicable to items 3 and 4). State the balance contained in account No. 151.

5. *Accrued interest receivable.* State the balance contained in account No. 160.

(a) *Less: Allowance for uncollectibles.* State the balance contained in account No. 161.

6. *Due from directors, officers, and employees.* State the balance contained in account No. 255.

7. *Funds in escrow and other current assets.* State the balance contained in account No. 179 and the current portion of account No. 220.

8. *Total short-term assets.* Enter the total of the appropriate amounts opposite items 1, 2, 4(a), 5(a), 6, and 7.

9. *Loans (section 305).* State the balance contained in account No. 170.

(a) *Less: Amount sold with recourse.* State the balance contained in account No. 310.

(b) *Less: Allowance for uncollectibles.* State the balance contained in account No. 171.

(c) *Less: Unearned discount, fees, etc.* State the balance contained in account No. 173.

10. *Debt securities of SBCs (section 304).* State the total of the balances contained in accounts Nos. 180 and 184.

(a) *Less: Amount sold with recourse.* State the total of the balances contained in accounts Nos. 312 and 314.

(b) *Less: Allowance for losses.* State the balance contained in account No. 185.

(c) *Unearned discount, fees, etc.* State the balance contained in account No. 187.

11. *Capital stock of SBCs (section 304).* State the total of the balances contained in accounts Nos. 190 and 192.

(a) *Less: Allowance for losses.* State the balance contained in account No. 193.

12. *Warrants, options, and other stock rights, acquired from SBCs (section 304).* State the balance contained in account No. 196.

(a) *Less: Allowance for losses.* State the balance contained in account No. 197.

13. *Assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 200.

(a) *Less: Accumulated depreciation.* State the balance contained in account No. 203.

(b) *Less: Mortgages payable.* State the balance contained in account No. 318.

(c) *Less: Allowance for losses.* State the balance contained in account No. 201.

14. *Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 210.

(a) *Less: Allowance for uncollectibles.* State the balance contained in account No. 211.

15. *Total Loans and Investments.* Enter the total of the appropriate amounts opposite items 9(c), 10(c), 11(a), 12(a), 13(c), and 14(a).

16. *Corporate premises owned and furniture and equipment.* State the total of the balances contained in accounts Nos. 230, 240, and 242.

(a) *Less: Accumulated depreciation.* State the total of the balances contained in accounts Nos. 231 and 241.

17. *Organization costs.* State the balance contained in account No. 256.

18. *Other.* State the total of the balances contained in accounts Nos. 140, 220 (noncurrent portions), and 257.

19. *Total Other Assets.* Enter the total of the appropriate amounts opposite items 16(a), 17, and 18.

20. *Total.* Enter the total of items 8, 15, and 19.

Liabilities, Capital Stock, and Surplus

21. *Accounts payable.* State the balance contained in account No. 340.

22. *Accrued interest payable.* State the balance contained in account No. 350.

23. *Accrued taxes on income.* State the total of the balances contained in accounts Nos. 354.1, 354.2, etc.

24. *Other accrued expenses.* State the balance contained in account No. 358.

25. *Dividends payable.* State the total of the balances contained in accounts Nos. 360 through 364.

26. *Employee taxes withheld.* State the balance contained in account No. 370.

27. *Unapplied receipts and trust receipts.* State the total of the balances contained in accounts Nos. 374 and 378.

28. *Other.* State the total of the balances contained in accounts Nos. 320, 381, and 383 (portions applicable).

29. *Total Short-Term Liabilities.* Enter the total of items 21 through 28.

30. *Notes payable to SBA.* State the balance contained in account No. 300.

31. *Notes payable to other than SBA, guaranteed by SBA.* State the balance contained in account No. 315.

32. *Notes payable to other than SBA, not guaranteed by SBA.* State the balance contained in account No. 316.

33. *Mortgages payable for funds borrowed.* State the balance contained in account No. 317.

34. *Other.* State the total of the balances contained in accounts Nos. 320, 381, and 383 (portions applicable).

35. *Debentures payable issued to SBA.* State the balance contained in account No. 301.

36. *Total Liabilities.* Enter the total of the appropriate amounts opposite items 29, 30, 33, 34, and 35.

37. *Capital stock.* State the total of the balances contained in accounts Nos. 400 through 404 minus the balances contained in accounts Nos. 405 through 409.

38. *Paid-in surplus.* State the balance contained in account No. 420.

39. *Less: ------ shares of treasury stock at cost.* State the total of the balances contained in accounts Nos. 415 through 419.

40. *Total.* Enter the total of items 37 and 38 minus item 39.

41. *Capital stock subscribed.* State the total of the balances contained in accounts Nos. 410 and 411.

(a) *Less: Subscriptions receivable.* State the total of the balances contained in accounts Nos. 413 and 414.

42. *Total Stockholders' Paid-In Capital and Paid-In Surplus.* Enter the total of the appropriate amounts opposite items 40 and 41(a).

43. *Retained earnings.* State the balance contained in the account No. 425.

44. *Appropriated retained earnings.* State the balance contained in account No. 427.

45. *Total Capital Stock and Surplus.* Enter the total of the appropriate amounts opposite items 42 and 44.

46. *Total.* Enter the total of items 36 and 45.

Memorandum footnote. Show in the space provided the market or fair value of loans and investments (shown at cost less allowance for losses in item 15 of the Statement of Financial Condition). In determining the market or fair value of portfolio securities (including securities which may be readily acquired through exercise of rights), securities for which market quotations are readily available shall be valued at the market bid price, provided the securities are registered, or readily registrable, and salable: *And further provided*, That, in the opinion of the board of directors, the bid price could be realized on immediate liquidation of the investment.

Securities other than those referred to above shall be at cost less allowance for probable losses unless, because of steady progress in the affairs of the portfolio company, an increase above cost to the small business investment company is clearly indicated in the SBIC's equity in the book value of the portfolio company's securities as shown on the portfolio company's books. In the latter case the securities may be valued at fair value as determined in good faith by the board of directors.

The value of loans and investments determined in accordance with the foregoing shall be reduced for purposes of this report by the amount of what would be an appropriate provision for taxes in respect of the unrealized appreciation included in the determined value.

In column (13) of Schedule 1, column (12) of Schedule 2, and column (8) of Schedule 5, identify with an asterisk each

security which was valued above cost in arriving at the amount shown as market or fair value of loans and investments.

Footnote on contingent liabilities. Complete the footnote on page 2, at the end of the Statement of Financial Condition, which indicates the total amount of all contingent liabilities of the company. This amount shall be the same as the grand total of Schedule 9 of the report.

STATEMENT OF SURPLUS RECONCILIATIONS

Set forth in this statement all activities in accounts for paid-in surplus, retained earnings, and appropriated retained earnings during the fiscal year to date, showing opening balances, additions and deductions, and balances at close of the period. State separately the various additions and deductions, describing clearly the nature of the transactions out of which the items arose. Net income or loss from page 3 should be labeled "from net income," and realized gain or loss on investments from page 4 should be labeled "from net realized gain (or loss) on investments."

STATEMENT OF INCOME AND EXPENSE FOR THE FISCAL YEAR TO DATE

Income

Item:

1. *Commitment income.* State the balance contained in account No. 500.

2. *Interest on loans.* State the balance contained in account No. 512.

3. *Interest on debt securities.* State the balance contained in account No. 516.

4. *Interest on invested idle funds.* State the balance contained in account No. 510.

5. *Interest income—other.* State the balance contained in account No. 520.

6. *Management consulting service fees.* State the balance contained in account No. 521.

7. *Investigation and service fees charged other lenders.* State the balance contained in account No. 534.

8. *Application and appraisal fees.* State the balance contained in account No. 536.

9. *Dividends on capital stock of SBCs.* State the balance contained in account No. 540.

10. *Sharings in income or revenue of SBCs.* State the balance contained in account No. 541.

11. *Income less expense of $_____ from assets acquired in liquidation of loans and debt securities.* State the balance in account No. 582 minus the balance in account No. 710. Show the balance contained in account No. 710 as a separate item in the space provided for the expense.

12. *Other income.* State the balance contained in account No. 584.

13. *Total income.* Enter the total of the appropriate amounts opposite items 1, 2, 8, 10, and 12.

Expenses

14. *Commitment expense.* State the balance contained in account No. 600.

15. *Interest on obligations payable to SBA.* State the balance contained in account No. 610.

16. *Interest on obligations payable to other than SBA.* State the balance contained in account No. 622.

17. *Stock record and other financial expenses.* State the balance contained in account No. 642.

18. *Total Financial Expenses.* Enter the total of items 14 through 17.

19. *Advertising and promotional costs.* State the balance contained in account No. 650.

20. *Appraisal and investigation costs.* State the balance contained in account No. 651.

21. *Auditing and examination costs.* State the balance contained in account No. 652.

22. *Communications.* State the balance contained in account No. 653.

23. *Cost of space occupied.* State the balance contained in account No. 654.

24. *Depreciation of corporate premises owned, furniture, and equipment.* State the balance contained in account No. 655.

25. *Directors' and stockholders' meetings costs.* State the balance contained in account No. 657.

26. *Insurance.* State the balance contained in account No. 658.

27. *Investment adviser costs.* State the balance contained in account No. 660.

28. *Legal services.* State the balance contained in account No. 661.

29. *Salaries of officers.* State the balance contained in account No. 663.1.

30. *Salaries of employees.* State the balance contained in account No. 663.2.

31. *Taxes, excluding income taxes.* State the balance contained in account No. 664.

32. *Travel.* State the balance contained in account No. 665.

33. *Employee benefits expense.* State the balance contained in account No. 670.

34. *Organization expense.* State the balance contained in account No. 672.

35. *Miscellaneous operating expenses.* State the balance contained in account No. 679.

36. through 39. (For unclassified items.)

40. *Total Operating Expenses.* Enter the total of items 19 through 39.

41. *Other expenses.* State the balance contained in account No. 715.

42. *Total Expenses.* Enter the total of items 18, 40, and 41.

43. *Net Operating Income before provision for probable losses and income taxes.* Enter the balance resulting from the deduction of item 42 from item 13.

44. *Provision for probable losses on receivables.* State the balance contained in account No. 680.

45. *Provision for probable losses on portfolio securities.* State the balance contained in account No. 682.

46. *Provision for probable losses on assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 684.

47. *Provision for probable losses on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 686.

48. *Net Operating Income before provision for income taxes.* Enter the balance resulting from the deduction of the appropriate amount opposite item 47 from item 43.

49. *Provision for Federal income taxes—net income.* State the balance contained in account No. 720.1.

50. *Provision for State and other income taxes.* State the balance contained in account No. 720.2.

51. *Net Income (Loss) From Operations.* Enter the balance resulting from the deduction of the appropriate amount opposite item 50 from item 48.

STATEMENT OF REALIZED GAIN OR LOSS ON INVESTMENTS

1. *U.S. Government securities.* Show the aggregate cost, aggregate net proceeds, and net gain or net loss on the sale or other disposition of U.S. Government obligations, direct and fully guaranteed.

2. *Debt securities of SBCs.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of debt securities of small business concerns.

3. *Capital stock of SBCs.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of capital stock of small business concerns.

4. *Warrants, options, and other stock rights acquired from SBCs.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of warrants, options, and other stock rights acquired by the company from small business concerns.

5. *Assets acquired in liquidation of loans and debt securities.* Show the aggregate cost less allowance for losses and mortgages payable, aggregate net proceeds, and net gain or loss on the sale or other disposition of assets acquired in liquidation of loans and debt securities of small business concerns. The aggregate cost shown for this item shall be the same as that recorded in the books of account on the basis determined by the board of directors from among (1) bid-in price of the property, (2) agreed consideration for the property, and (3) fair appraised value of the property, but not to exceed the total amount of the related loan or debt security involved.

6. *Other.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of any investments not included in items 1 through 5.

7. *Net Gain and/or Loss on Investments.* Enter the net total of items 1 through 6.

8. *Combined Net Gain (Loss) on Investments.* Enter the balance resulting from the deduction of item 7, column (5) from item 7, column (4).

9. *Add realized gain for current year from prior sales of investments (Deferred Credits).* State the amount of deferred gain of prior years transferred to gain accounts in the current year.

10. *Less portion of gain not realized in cash, demand certificates of deposit issued by FDIC-member banks, and/or negotiable direct obligations of the U.S. Government.* State the amount of the above gain represented by proceeds other than cash, demand certificates of deposit issued by FDIC-member banks, and/or negotiable direct obligations of the U.S. Government.

11. *Net Realized Gain (Loss) on Investments before provision for income taxes.* Enter the balance resulting from the addition of item 9 and deduction of item 10 from item 8.

12. *Federal income taxes—net realized gain on investments.* State the amount of estimated Federal income taxes applicable to net realized gain on investments for the fiscal year to date.

13. *State and other income taxes—net realized gain on investments.* Show the amount of estimated State and other non-Federal income taxes applicable to net realized gain on investments for the fiscal year to date.

14. *Total provision for income taxes.* Enter the total of items 12 and 13.

15. *Net Realized Gain (Loss) on Investments.* Enter the balance resulting from the deduction of item 14 from item 11.

NOTE: Describe the transactions in this Statement in accordance with the instructions set forth in the note at bottom of the form.

SCHEDULE 1—LOANS AND DEBT SECURITIES

Furnish in this schedule a summary of all loans (section 305) and debt securities (section 304), setting forth the pertinent data indicated by the column headings. The items to be listed shall include: (1) All loans held, made, or otherwise obtained, or disposed of by the company during the fiscal year to date, and (2) all debt securities held, acquired, converted, or disposed of during such period. Participations purchased in loans and debt securities shall be included, but only the reporting company's portion of loans and debt securities in which participations have been sold to others shall be shown.

List each loan and debt security by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined; and (7) Others—including whites; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, ZIP code, and county in which located; type (loan or debt security); financing number; interest rate; date and maturity date; principal balance at beginning of period; additions during period; deductions during period; and principal balance at close of period. The total in column (11) for loans shall agree with item 9 of the Statement of Financial Condition and the total in column (11) for debt securities shall agree with item 10 of such Statement.

Show in column 12 for each loan and debt security any allowance for losses established for such item on the basis of the estimated realizable value of the individual item, or any portion of an overall allowance established on a percentage or other basis which has been allocated to the individual item.

Show in column 13 the market value, or fair value as determined by the board of directors, of each debt security which is determined to be worth more than the cost amount shown for it in column (11) and each loan or debt security which is determined to be worth less than the cost amount shown for it in column (11), minus any allowance for losses established for it as shown in column (12). Any loan or debt security for which an allowance for losses has been established shall not be listed in column (13) at any value higher than cost less such allowance.

An explanatory notation or footnote shall be entered in the schedule with respect to any loan or debt security (or any interest therein) obtained from another Licensee.

The notes referred to on the form, and which must be carefully observed in preparation of Schedule 1, are as follows:

(a) Group together the financing for each small business concern and classify each financing by category (loan or debt security) in column (4), treating multiple disbursements under the same financing agreement as a single financing. Show the totals of each category of financing and the grand totals of all loan and/or debt security financing on the last sheet of this schedule.

(b) In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS–4 with the U.S. Director of Internal Revenue with whom its Federal tax and employee withholding returns are filed. Insert the appropriate owner group code number, in parentheses, following the employer identification number of each small business concern. In column (2) enter for each listed small business concern the 4-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

(c) If the Licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with Mar. 31, 1966, outstanding balances), each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in column (5) on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

(d) In column (11) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital. Show the total of all venture capital amounts immediately under the "Grand Totals" line at the foot of column (11). Show the total of all special discretionary portfolio amounts immediately under the "Total Venture Capital".

(e) Show in column (14) opposite each debt security financing the percentage of the financed small business concern's voting securities which has been and/or can be obtained by the Licensee through exercise of conversion privileges and/or stock purchase warrants or options received in connection with the specific financing. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Whenever a Licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by consideration of only the Licensee's action. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth, together with an explanation including the names of the other investors who are likely to exercise their rights, the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

SCHEDULE 2—CAPITAL STOCK OF SBCS AND WARRANTS, OPTIONS AND OTHER STOCK RIGHTS ACQUIRED FROM SBCS

Furnish in this schedule a summary of all investments (section 304), other than debt securities, setting forth the pertinent data indicated by the column headings. The items to be listed shall include: (1) All capital stock of small business concerns held, acquired, converted, or disposed of during the fiscal year to date and (2) all warrants, options, and other stock rights acquired from SBCs (for which a cost has been determined separate from that of the financing instruments which they accompanied and/or for which there exists a market value, or a fair value as determined by the board of directors) which were held, obtained, surrendered, expired, or sold during such period. Participations purchased in investments shall be included, but only the reporting company's portion of investments in which participations have been sold to others shall be shown.

List each investment by employer identification number; Owner Group Code number; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; type (stock, or warrant or option); financing number; dated; balance at cost at beginning of period; cost of additions during period; cost of deductions during period; and balance at cost at close of period.

The total in column (10) for capital stock of SBCs shall agree with item 11 of the Statement of Financial Condition and the total in column (10) for warrants, options, and other stock rights acquired from SBCs shall agree with item 12 of such Statement.

Show in column (11) for each investment any allowance for losses established for such item on the basis of the estimated realizable value of the individual item, or any portion of an overall allowance established on a percentage or other basis which has been allocated to the individual item.

Show in column (12) the market value, or fair value as determined by the board of directors, of each investment which is determined to be worth more than the cost amount shown for it in column (10) and each investment which is determined to be worth less than the cost amount shown for it in column (10), minus any allowance for losses established for it as shown in column (11). Any investment for which an allowance for losses has been established shall not be listed in column (12) at any value higher than cost less such allowance.

An explanatory notation or footnote shall be entered in the schedule with respect to any investment (or any interest therein) obtained from another Licensee.

The notes referred to on the form, and which must be carefully observed in preparation of Schedule 2, are as follows:

(a) Group together the financings for each small business concern; classify each financing by category (stock or warrants or options) in column (4), treating multiple disbursements under the same financing agreement as a single financing. Show the totals of each category of financing and the grand totals of all capital stock and/or stock rights financing on the last sheet of this schedule.

(b) In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS–4 with the U.S. Director of Internal Revenue with whom its Federal tax and employee withholding returns are filed. Enter the appropriate Owner Group Code number in parentheses. In column (2) enter for each listed small business concern the 4-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

(c) If the Licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with Mar. 31, 1966, outstanding balances), each such similar financing number (1–2–3, etc.) for identification purposes, and this number should be shown in column (5) on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

(d) In column (10) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital. Show the total of all venture capital amounts immediately under the "Grand Totals" line at the foot of column (10). Show the total of all special discretionary portfolio amounts immediately under the "Total Venture Capital".

(e) Show in column (13) opposite each financing item the percentage of the financed small business concern's voting securities which has been and/or can be obtained by the Licensee through exercise of conversion privileges and/or stock purchase warrants or options received in connection with the specific financing, or which is represented by the financing item itself. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Whenever a Licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by consideration of only the Licensee's action. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth, together with an explanation including the names of the other investors who are likely to exercise their rights, the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

SCHEDULE 3—DETAILS OF CERTAIN LOANS (SECTION 305) AND INVESTMENTS (SECTION 304) LISTED IN SCHEDULE 1 AND SCHEDULE 2

Enter in this schedule all loans and debt securities shown in Schedule 1 and all investments shown in Schedule 2 concerning which any one or more of the following conditions exist:

1. New or additional financing has been furnished during the fiscal year to date, as shown in column (9) of Schedule 1 or column (8) of Schedule 2.

2. The terms of existing financing have been amended and/or the related collateral has been changed during the fiscal year to date.

3. Any rescheduling, refinancing, or refunding of principal and/or interest has occurred, or conversion of a delinquent item has taken place, during the fiscal year to date. (Full details on such events are to be furnished in column (6) or on an attached sheet.)

4. Installment payments of principal and/or interest on loans or debt securities are past due more than 1 month.

List the items by employer identification number in column (1) and identify them by name of small business concern, type of financing, and financing number in columns (2), (3), and (4). In column (5) show the original principal amount or other cost. Details of the amortization plan and other significant provisions of the financing instruments, including a precise description of capital stock of SBCs, shall be set forth in column (6). The value and description of collateral are to be set forth in columns (7) and (8), respectively. Information as to the portion of such collateral assigned as security for the financing granted by the Licensee is required to be presented in column (8).

If any loans or debt securities earmarked or pledged to SBA are in default as to payment of principal or interest, or with respect to any other covenants of the financing agreements, the repayment delinquencies will, of course, be included in Schedule 4. Any other defaults are to be described in column (6) of Schedule 3. Such earmarked or pledged loans and debt securities shall be identified in the schedule by the letter (E) or (P), as appropriate. If no earmarked loans or debt securities are in default as to principal or interest payments, or as to any other covenants in the financing agreements, a statement to that effect shall be placed on Schedule 3.

SCHEDULE 4—ALLOWANCE FOR LOSSES ON PORTFOLIO SECURITIES—DELINQUENT LOANS AND DEBT SECURITIES

List in this schedule all loans and investments for which an allowance for losses has been established or allocated on a specific item basis and/or which (if loans or debt securities) are delinquent to the extent of having installment payments past due more than 1 month. Identify each item in column (1) by the employer identification number and name of the financed small business concern; indicate by appropriate letter in column (2) the type of financing (loan, debt security, stock warrants and options); and record the financing number in column (3) if there has been more than one financing of the same type with respect to the same small business concern.

In columns (4) through (8), show the opening balance of the allowance for losses on each security, the additions and deductions pertaining to such allowance, and the closing balance, all relating to the fiscal year to date. If there exists an overall allowance for losses, established on a percentage or other basis and not allocated to individual securities, the beginning and ending balances thereof, together with changes during the period, shall be shown appropriately on the "General allowance" line at the bottom of the schedule. The grand total of column (8) shall equal the sum of items 9(b), 10(b), 11(a), and 12(a) in the Statement of Financial Condition.

Show in column (9) the principal balance or other cost, as of the close of the period, of each security listed on the schedule. In columns (10) and (11) show all installments of principal and/or interest past due more than 1 month on loans and debt securities. Such portfolio items shall be identified and classified in columns (1), (2), and (3), and any allowances for losses related thereto shall be included appropriately in the columns provided therefor. Any loans or debt securities earmarked or pledged to SBA shall be identified in the schedule by the letter (E) or (P), as appropriate. Show the totals of columns (10) and (11).

SCHEDULE 5—ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR LOSSES

List and describe in this schedule, by former debtors (small business concerns), all assets carried during the fiscal year to date in the account for assets acquired in liquidation of loans (section 305) and debt securities (section 304). This will correctly represent only the reporting company's portion of such assets. The balance at the beginning of the reporting period, additions and deductions during the period, and balance at the close of the period shall be shown in columns (3), (4), (5), and (6). The allowance for losses established for the reporting company's portion of the assets held with reference to each small business concern shall be recorded in column (7). Current market value, or fair value as determined by the board of directors at the close of the period shall be shown in column (8). The totals of columns (6) and (7) shall agree with items 13 and 13(c), respectively, of the Statement of Financial Condition.

In column (6) identify by the letter (V) each asset acquired in liquidation of a portfolio security which original security qualified under the regulations as venture capital. Show the total of all such secondary venture capital amounts in the space provided at the foot of column (6).

SCHEDULE 6—PARTICIPATIONS AND JOINT FINANCINGS

Show in this schedule all financings in which the reporting company participated and all financings made jointly by the reporting company and one or more other lenders or investors during the fiscal year to date, or which were outstanding at any time during such period. Identify each item in column (1) by the employer identification number and name of the financed small business concern; indicate by appropriate letter in column (2) the type of financing (loan, debt security, stock, warrants, and options); and enter the financing number in column (3) if there has been more than one financing of the same type by the reporting company to the same small business concern.

In column (4) show the original total amount contributed by all parties in the participation or joint financing. The names of such participating or joint financing entities (including the name of the reporting company) shall be shown in column (5) with appropriate indication as to which is the initiating (sponsoring) entity.

Show in column (6), (7), or (8), as appropriate, the reporting company's outstanding principal balance, or other cost, of participation purchased, participation sold, or joint financing, as of the close of the period covered in the report. Enter in column (9) a description of collateral pertaining to each financing, together with information as to the percentage applicable to each party and as to any preferences agreed upon.

SCHEDULE 7—CASH, U.S. GOVERNMENT OBLIGATIONS, INSURED SAVINGS, AND THE CERTIFICATES OF DEPOSIT

Show in Schedule 7a all cash on hand and in general funds demand deposits; funds in imprest bank accounts. Demand deposits are balances subject to withdrawal without notice and shall be in commercial banks which are members of the Federal Deposit Insurance Corporation. Cash items in process of collection represent those cash items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund.

List in Schedule 7b(1) all securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issuer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at par of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost of the securities shall be shown in column (6) and the current market value thereof in column (7).

Show in Schedule 7b(2) all funds invested in insured savings accounts and all funds on time deposit evidenced by time certificates of deposit. Savings accounts shall be in institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Time deposits shall include all time certificates of deposit held by the company in commercial banks which are members of the Federal Deposit Insurance Corporation.

SCHEDULE 8—DUE FROM DIRECTORS, OFFICERS, AND EMPLOYEES

Show in this schedule amounts due from directors, officers, and employees for advances made to them (listing name and title of debtor in column (1)). The unpaid balance of each amount due at the beginning of the fiscal year shall be shown in column (2); additions, writeoffs, and collections during the fiscal year to date shall be set out in columns (3), (4), and (5); and the balance at the close of the period shall be shown in column (6). The total of column (6) shall agree with item 6 in the Statement of Financial Condition. An explanation shall be furnished for any amount written off or for any collection other than in cash.

SCHEDULE 9—COMMITMENTS, GUARANTEES, AND OTHER CONTINGENT LIABILITIES

Furnish in Schedule 9a, (1) commitments to small business concerns for equity financing under section 304 of the Act, as amended, (2) commitments to small business concerns for loans under section 305 of the Act, as amended, and (3) commitments to banks or other lenders for deferred participations in loans or commitments to small business concerns. Show the total amount of all commitments outstanding. Show the total of all venture capital commitments outstanding immediately under "Total commitments outstanding". Enter license number in the space alloted and enter owner group code number in parenthesis alongside name of small business concern.

Furnish in Schedule 9b all obligations of portfolio concerns guaranteed by the company, showing (1) date of guarantee, (2) name of debtor small business concern, (3) name of lender, owner group code number, and (4) outstanding amount of guarantee. Show the total outstanding amount of all guarantees.

Set forth separately in Schedule 9c, with total, all other contingent liabilities.

Show at the bottom of the schedule the grand total of all commitments, guarantees, and other contingent liabilities. This amount shall be the same as that given in the footnote on page 2 at the end of the Statement of Financial Condition.

SCHEDULE 10—OBLIGATIONS PAYABLE

Show in this schedule, by creditors, all obligations payable representing (1) debentures payable to SBA, (2) SBA direct loans, (3) guaranteed loans purchased by SBA, (4) loans guaranteed by SBA, (5) loans not guaranteed by SBA, (6) mortgages payable for funds borrowed, and (7) mortgages payable on assets acquired in liquidation of loans and debt securities. Such liabilities shall be grouped by the foregoing categories, and described in column (2), but subtotals are not required. Guaranteed loans purchased by SBA represent loans, originally financed by banks, which have been transferred to SBA through reassignment, transfer, and delivery of the notes to SBA.

The interest rate and other terms of each obligation shall be recorded in columns (3) and (4); the unpaid balance at the beginning of the fiscal year and additions and deductions during the fiscal year to date shall be shown in columns (5), (6), and (7); and the balance payable at the close of the period, segregated between (a) amounts owed to SBA for funds borrowed and (b) amounts owed to others for funds borrowed and/or amounts representing mortgages payable on assets acquired in liquidation of loans and debt securities, shall be reflected in columns (8) and (9).

The total of column (8) shall agree with the total of items 30 and 35 of the Statement of Financial Condition, and the total of column (9) shall agree with the total of items 13(b), 31, and 32, and the appropriate amount opposite item 33 of such statement.

Furnish in this schedule a complete description of the company's capital stock authorized, capital stock issued and outstanding, and data relating to special transactions involving capital stock.

In column (1) shall be described the type and class of each issue, such as common—$5 par, preferred (7 percent Series of 1969), etc. The par value or, for no-par stock, the stated value shall also be reported in column (1).

The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or canceled shall be reported in columns (3) and (4). The total of column (4) shall agree with item 37 of the Statement of Financial Condition. The number of shares held as treasury stock shall be shown in column (5). Column (6) will represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the subscription price and shall agree with item 41 of the Statement of Financial Condition.

In column (9) shall be reported the amount of subscriptions receivable, which shall agree in total with item 41(a) of the Statement of Financial Condition.

Column (10) shall show the number of shares (other than those under option) reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights.

SCHEDULE 12—OPTIONS ON LICENSEE'S CAPITAL STOCK

Furnish in this schedule full information concerning outstanding capital stock options which have been granted by the company.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common—$5 par, preferred (7 percent Series of 1969), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together with the period during which each price applies.

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors.

SCHEDULE 13—OWNERSHIP OF EQUITY SECURITIES OF SBIC

Furnish in this schedule the information as required by the form regarding equity securities issued by the Licensee and regarding the Licensee's officers, directors, and employees.

In column (1) list:

(a) Each person or company directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting securities of the company.

(b) Each person or company owning of record or being known to own beneficially more than 10 percent of any other class of equity securities of the company.

(c) Each officer and director of the SBIC. (List and identify all officers and directors regardless of whether or not they own any equity securities of the company.)

(d) Each employee of the company. (List all employees, including salaried officers and directors, regardless of whether or not they own any equity securities of the company and show whether they are full-time or part-time employees.)

Show in column (2) whether each natural person listed in column (1) is an officer, director, employee, or specific combination of any of the three. Indicate in column (3) the type of business in which each listed person or company is engaged. Column (4) show the title of each class of stock owned by any person or company and column (5) shall indicate whether the securities of the specific class are owned both of record and beneficially, of record only, or beneficially only.

In columns (6), (7), and (8), respectively, show the number of shares of each class owned by each listed person or company, the total par or stated value of such shares, and the percentage of the total number of shares of this class outstanding which is represented by the shares owned by the particular person or company.

Summarize the foregoing information by class of equity security at the bottom of the schedule.

SCHEDULE 14—SUNDRY ASSETS

Show and explain in this schedule, by appropriate classification, the amounts of all sundry assets. Such assets will include: (1) Notes receivable; (2) accounts receivable, including dividends receivable; (3) accrued interest receivable; (4) funds in escrow pending closing of financing, and prepayments or deferred charges; and (5) unamortized organization costs.

Identify each item and describe the transaction out of which it arose, giving names of debtors and terms of debt instruments.

SCHEDULE 15—AMOUNTS DUE FROM DEBTORS ON SALE OF ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR UNCOLLECTIBLES

Show in this schedule, by debtors, all accounts receivable, notes receivable, sales contracts, purchase money mortgages, etc., carried during the period in the account for amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304). The interest rate and other terms shall be given. The balances at the beginning and close of the period shall be shown, together with additions and deductions during such reporting period. Allowances for uncollectibles based upon an evaluation of the reporting company's portion of individual amounts due shall be recorded in column (9) opposite the name of the debtor. If a general allowance is utilized instead of individual allowances, it shall appear only at the bottom of column (9). The totals of columns (8) and (9) shall agree with items 14 and 14(a), respectively, of the Statement of Financial Condition. Under column (2) identify the asset or assets originally acquired in liquidation to which the amount due relates.

VERIFICATION OF THE FINANCIAL REPORT, SBA FORM 468

The verification of the the Financial Report, SBA Form 468, shall bear the signature of the chief financial officer of the Licensee, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. A secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the board of directors show that the Financial Report, SBA Form 468, has been reviewed and approved by the board of directors. The date on which each signature is affixed shall be shown. All signatures on all copies of the Financial Report, SBA Form 468, submitted to SBA shall be original signatures in ink.

VERIFICATION OF LICENSEE'S STATEMENT ON IMPLEMENTATION OF PLAN FOR DIVESTITURE OF CONTROL OF SMALL BUSINESS CONCERNS

The verification of the Licensee's statement concerning prospects for divestiture of control, which is required by § 107.901(e) of the regulations to be furnished to SBA in triplicate with the annual financial report (SBA Form 468), shall bear the signature of a secretarial officer of the Licensee attesting to the fact that the minutes of a meeting of the board of directors show that such statement has been reviewed and approved by the board of directors. The date on which such signature is affixed shall be shown. The secretarial officer's signature on all copies of the Licensee's statement concerning prospects for divestiture of control submitted to SBA shall be an original signature in ink.

APPENDIX 3—INSTRUCTIONS FOR PREPARATION OF THE PROGRAM EVALUATION REPORT, SBA FORM 684 (3-69)

Section 107.1102(f) of the regulations governing small business investment companies includes a provision requiring each Licensee to submit a Program Evaluation Report, SBA Form 684, as of March 31 of each year. The report is required to be filed with the Small Business Administration on or before June 30 of the same calendar year. Three executed copies of the report shall be furnished to SBA.

Each such report as of March 31 shall reflect all Licensee financings of small business concerns which were outstanding at any time during the preceding 12-month period.

If the Licensee has engaged in more than one financing of a single small business concern (for example: Two loans made at different times evidenced by separate financing instruments, or one loan, one debt security with warrants, and one purchase of capital stock of the SBC), each such financing shall be entered in a separate column of the form. Make the appropriate entry opposite each numbered line for the first such financing, and make entries only on lines 1, 2, 8 through 11, and 32 for other financings of the same small business concern.

Multiple disbursements under a single financing agreement to a small business concern are to be treated as one financing, and only one entry shall be made on line 10 to include all such disbursements to the small business concern. If as of the date of this report the total amount of the financing provided for in a multiple-disbursement agreement has not yet been fully disbursed, the total financing provided for in the agreement shall be entered on line 10, rather than the amount actually disbursed.

Except as noted above with respect to more than one financing of a single small business concern, entries shall be made in the report on each line (1 through 33) for each financing outstanding at any time during the 12-month period ended March 31. Except when the additional column is needed to show an additional financing of the same concern, two separate small business concerns may be listed on each sheet of SBA Form 684, thus reducing the bulk of the report.

In entering financings in which participation by others is a factor, an "initiating" Licensee shall show on line 10 only its own share of total funds disbursed (net of participations sold), and a Licensee which has purchased a participation shall enter on line 10 the amount represented by its participation in total funds disbursed. Both the "initiating" company and the "participating" company shall complete all lines (1 through 33) of the report for such financings. A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

The spaces for license number and name of Licensee, and lines 1 through 10 and 21 through 32 must be filled out in each year's report. Lines 11 through 20 are required to be filled out only if the specific information called for has not been furnished in a prior report. Line 33, if applicable, should be filled out only once for any one small business concern.

If the "current information," represented by entries on lines 21 through 31, is either impossible to obtain or misleading with respect to small business concerns which (a) have been merged into other companies since the financing, (b) are presently inactive, or (c) are insolvent, the Licensee may write the word "merged," "inactive," or "insolvent," as appropriate, on lines 21 through 31 rather than make detailed entries for these items.

Entries of all dollar amounts shall be rounded to the nearest dollar.

Instructions covering each line of the report are as follows:

A. Entries to be made on each page of the report:

1. Page number, and total number of pages in the report. (Examples: Page 1 of 4 pages, or page 3 of 6 pages.)

2. SBIC license number.

3. Name of Licensee.

B. Entries to be made for each financing outstanding during the 12-month period covered by the report, or for each small business concern financed:

Line members

1. *Employer identification number* of the small business concern (SBC) financed. The small business concern will have an employer identification number or must obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue with whom its Federal tax and employee withholding returns are filed.

2. *Name of small business concern financed.*

3. *Date business established.* Enter the month and year that the small business concern commenced business in its present form.

4. *Form of business.* Show whether the financed concern is a corporation, partnership, proprietorship, etc.

5. *Stock registered (Yes or No).* Indicate by "yes" or "no" whether or not any of the presently issued and outstanding stock of the financed small business concern has been registered with the Securities and Exchange Commission under the Securities Act of 1933. (For this purpose a filing under Regulation A of SEC shall be considered a registration.) If the small business concern is not a corporation, enter "N/A" (not applicable).

5. *Prior to initial financing by Licensee (Yes or No).* Indicate by "yes" or "no" whether or not the registration under the Securities Act of 1933 of any of the presently issued and outstanding stock of the small business concern took place before the date of the first disbursement of funds in the Licensee's initial financing of such concern. If the small business concern is not a corporation or has not registered any of its presently issued and outstanding stock under the Securities Act of 1933, enter "N/A" (not applicable).

6. *Stock on exchange (Yes or No).* Indicate by "yes" or "no" whether or not any of the presently issued and outstanding stock of the financed small business concern is listed on any national or regional stock exchange. If the small business concern is not a corporation or has not registered any of its presently issued and outstanding stock under the Securities Act of 1933, enter "N/A" (not applicable).

7. *Emerging industries (code).* Enter the code number indicating which of the following emerging industries (if any) is the field of activity in which the financed small business concern is principally engaged. If more than one industry is applicable, select the single most important industry and enter only one code number. If the SBC is not operating in any of these fields, enter Code No. 9 for "Other."

Aeronautics (Code No. 1). Includes aerodynamics; aeronautics; aircraft; aircraft flight control and instrumentation; air facilities.

Learning aids (Code No. 2). Includes audiovisual devices; teaching machines; programed instruction.

New medical technology (Code No. 3). Includes electro-diagnostic systems; ultrasonics; electronic monitoring systems; electronic pacemakers; heart-lung machines; defibrillators.

Nuclear science and technology (Code No. 4). Includes thermonuclear fusion devices; isotopes; nuclear explosions; nuclear instrumentation; nuclear power plants; radiation shielding and protection; radioactive wastes and fission products; reactor engineering and operation; reactor materials; reactors.

Oceanography (Code No. 5). Includes biological oceanography; physical oceanography; submersible vehicles; offshore production of oil and natural gas; extraction of minerals from the oceans; desalination of sea water.

Pollution control (Code No. 6). Includes pollution detection and measuring instruments; air pollution abatement devices and facilities; water treatment facilities.

Propulsion and fuels (Code No. 7). Includes air-breathing engines; combustion and ignition; electric propulsion; fuels; jet and gas turbine engines; nuclear propulsion; reciprocating engines; rocket motors; rocket propellants.

Space technology (Code No. 8). Includes astronautics; spacecraft and equipment; launch vehicles and equipment; ground support equipment.

Other (Code No. 9). Includes any industry or activity other than those given in code numbers 1 through 8.

If the Licensee has financed small business concerns in one or more emerging industries not listed here, the Licensee's cooperation in providing SBA by letter with a description of such industries is requested, in order that this form may be revised to identify such additional emerging industries in the future.

8. *Type of investment and financing number.* Types of investment include loans, debt securities, capital stock, and stock rights (including warrants or options). If the Licensee has had more than one financing of the same type outstanding with the same small business concern, each such financing shall be entered in the form in the manner described in the third paragraph of this appendix. Each such similar financing shall be assigned a financing number for purposes of identification, and this financing number shall be shown on future reports setting forth the same financing. Typical entries on this line would be: Loan–1, loan–2, debt security, etc. (If there has been only one financing of a given type for the small business concern, no financing number need be assigned.)

9. *Initial disbursement date.* Enter the date of the first disbursement applicable to the specific financing made to the small business concern.

10. *Total funds disbursed.* Show the total amount of funds disbursed, including the amount of any discount, fees, and other charges, to the small business concern applicable to each specific financing. Refer to the fourth paragraph of this appendix for instruction regarding the treatment of multiple disbursements under a single financing agreement to a small business concern.

11. *Use of proceeds (code).* Enter the code number indicating which of the following was the primary purpose of the small business concern in obtaining the financing. If it had multiple purposes, select the single most important purpose. Enter only one code number for each financing:

Operating capital (Code No. 1).
Plant modernization (Code No. 2).
Acquisition of all or part of an existing business (Code No. 3).
Consolidation of obligations, debt refunding, etc. (Code No. 4).
New building or plant construction (Code No. 5).
Acquisition of machinery and equipment (Code No. 6).
Land acquisition (Code No. 7).
Marketing activities (Code No. 8).
Research and development (Code No. 9).
Other (Code No. 10).

12 and 21. *Fiscal year ended immediately prior to financing (date) and latest fiscal year ended (date).* Enter the date of the close of the financed small business concern's latest fiscal year which ended prior to the initial date of disbursement of funds related to the financing (line 12) and the date of the close of the financed concern's most recently completed fiscal year for which amounts are entered in the current information section of the report (line 21). If current fiscal year information is not available from the small business concern, enter the date of the close of the financed concern's latest fiscal year for which information is available, and enter

such information on the appropriate lines of the current information section of the report.

The respective fiscal years ended on the dates shown on lines 12 and 21 are the ones referred to in the following instructions for lines 13 and 22, 14 and 23, 15 and 24, 16 and 26, 17 and 27, 18 and 29, 19 and 30, and 20 and 31. The fiscal year ended on the date shown on line 21 is the one referred to in the following instructions for lines 25 and 28.

13 and 22. *Number of employees: Total.* Enter the financed small business concern's total number employees at the close of the respective fiscal years.

13 and 22. *Number of employees: Managerial.* Enter the financed small business concern's number of managerial employees at the close of the respective fiscal years. Managerial employees are administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. They include executives, middle management, plant managers, department managers and superintendents, salaried foremen who are members of management, purchasing agents and buyers, and kindred workers.

13 and 22. *Number of employees: Skilled.* Enter the financed small business concern's number of skilled employees at the close of the respective years. Skilled employees include professional workers, technicians, sales representatives, office and clerical workers, and craftsmen (manual workers of relatively high skill level who exercise considerable independent judgment and usually receive an extensive period of training).

13 and 22. *Number of employees: Unskilled and semiskilled.* Enter the financed small business concern's number of unskilled and semiskilled employees at the close of the respective fiscal years. Unskilled employees are laborers in manual occupations which generally require no special training and embrace elementary duties that may be learned in a few days and require the application of little or no independent judgment. Semiskilled employees are workers who operate machines or processing equipment or perform other duties of intermediate skill level which can be mastered in a few weeks and require only limited training.

14 and 23. *Gross revenue for the year.* Enter the amount of total sales or other gross revenues of the financed small business concern for the respective fiscal years.

15 and 24. *Profit or (loss) for the year.* Enter the amount of net profit or (loss), before taxes, of the financed small business concern for the respective fiscal years. In determining profit or loss for the year, disregard any loss carryovers from previous years.

25. *Corporate dividends paid.* Enter the total amount of dividends paid by the financed small business concern to its stockholders during the fiscal year. If the small business concern is not a corporation, enter "N/A" (not applicable).

16 and 26. *Taxes for the year: Federal.* Enter the amount of Federal income and other taxes applicable to the financed small business concern for the respective fiscal years, but not including taxes withheld or collected from others or the employer's portion of social security and unemployment taxes.

16 and 26. *Taxes for the year: State.* Enter the amount of State income and other taxes applicable to the financed small business concern for the respective fiscal years, but not including taxes withheld or collected from others or the employer's portion of unemployment taxes.

16 and 26. *Taxes for the year: Local.* Enter the amount of local income and other taxes (including property taxes) applicable to the financed small business concern for the respective fiscal years, but not including taxes withheld or collected from others.

17 and 27. *Total assets.* Enter the total amount of all assets, but net of valuation reserves, held by the financed small business concern as of the close of the respective fiscal years.

28. *Unrealized appreciation of assets.* Enter the amount resulting from the subtraction of "total assets" as recorded on the small business concern's books (and shown on line 27) from "total assets" based on their estimated market value or fair value as of the close of the fiscal year.

18 and 29. *Net worth (deficit).* Enter the amount of the net worth or (deficit net worth) of the financed small business concern as of the close of the respective fiscal years.

19 and 30. *Retained earnings (deficit).* Enter the amount of the retained earnings or (retained earnings deficit) of the financed small business concern as of the close of the respective fiscal years.

20 and 31. *Borrowing: Short-term.* Enter that portion of the financed small business concern's outstanding borrowing which was due within 1 year from the close of the respective fiscal years. This entry shall cover fund borrowing of all types, such as bank loans, mortgages, amounts borrowed from SBICs, etc.

20 and 31. *Borrowing: Long-term.* Enter that portion of the financed small business concern's outstanding borrowing which was due after 1 year from the close of the respective fiscal years. This entry shall cover borrowing of all types, such as bank loans, mortgages, amounts borrowed from SBICs, etc.

32. *Status of financing (code).* Enter the appropriate code number to indicate the current status of the financing:

Repayment or other investment recovery of the full amount of principal and interest or cost of other investment appears to be reasonably assured (Code No. 1).

Repayment or other investment recovery of the full amount of principal and interest or cost of other investment is possible, but not assured pending improvement in the performance of the small business concern financed (Code No. 2).

Repayment or other investment recovery is in jeopardy and some loss is probable (Code No. 3).

The financing has been paid off in full by the financed small business concern or has been disposed of otherwise at cost or at a profit to the Licensee (Code No. 4).

The financing has been liquidated through sale, partial repayment and writeoff, or foreclosure, and Licensee has either absorbed a loss on the financing or may absorb a loss in the future when collateral is liquidated (Code No. 5).

The financing instrument was exchanged for another financing instrument of the same small business concern prior to the reporting date (Code No. 6). NOTE: The new financing instrument should be reflected in entries in another column of the report.

The financing instrument was exchanged through merger, etc., for a financing instrument of a different business concern prior to the reporting date (Code No. 7). NOTE: The new financing instrument, if considered to evidence financing of an eligible small business concern, should be reflected in entries in another column of the same report.

33. *SBC discontinuances (code).* If the financed small business concern has discontinued business during the period covered by the report, enter the code number designating the reason for its discontinuance. If the concern has not discontinued business, enter "N/A" (not applicable). Enter only one code or "N/A" for each financed small business concern.

Discontinuance codes are:

Insolvency and/or bankruptcy (Code No. 1).

Merger with, or sale to, another business concern, the resulting firm being eligible for further SBIC financing (Code No. 2).

Merger with, or sale to, another business concern, the resulting firm not being eligible for further SBIC financing (Code No. 3).

Voluntary liquidation, for reasons such as retirement of concern's principal (Code No. 4).

Involuntary liquidation, for reasons other than insolvency such as fire, death of a principal, or condemnation of business location (Code No. 5).

Other causes (Code No. 6).

C. Verification.

The chief financial officer of the Licensee shall sign in ink the verification section on the last page of each copy of the report submitted to SBA. The date on which the report is signed and the title of the signer shall be entered in the spaces provided.

[F.R. Doc. 69–3549; Filed, Mar. 26, 1969; 8:45 a.m.]

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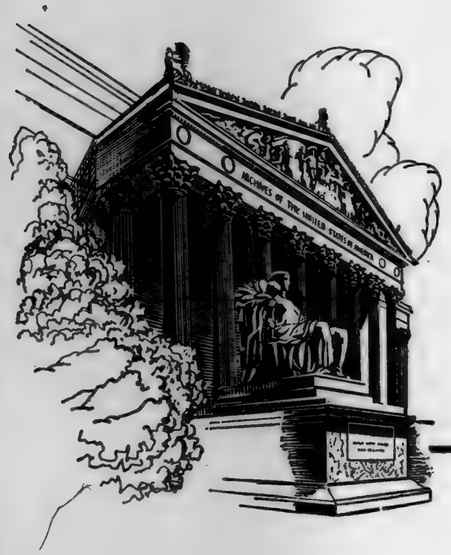
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(As of January 1, 1969)

Title 41—Public Contracts and Property Management
(Chapters 5–5D) (Revised)---------- $1.25

Title 41—Public Contracts and Property Management
(Chapter 101–End) (Revised)---------- 1.75

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Title 3—THE PRESIDENT

Proclamation 3904

LOYALTY DAY, 1969

By the President of the United States of America

A Proclamation

At the founding of our Republic, the signers of the Declaration of Independence pledged their mutual trust and sacred honor to the common ideals of freedom and equality that have brought greatness to our Nation.

Loyalty to our country and its flag must rest on understanding of our great national values which they have represented—individual freedom under the law, equality of opportunity in all walks of life, justice and protection of the law for all. Each of us has an obligation to fulfill these ideals and to preserve them for our children and for succeeding generations.

It is the function of government in a democracy to provide an orderly framework through which together we can all work constructively toward redeeming the enduring promise of our forefathers' faith. This can be achieved only with the unity and determination of our people. For freedom, justice, and equality are not ideals forever secure, once won. They require our unswerving devotion and our continued vigilance.

In recognition of the heritage of American freedom, the Congress by a joint resolution of July 18, 1958, designated May 1 of each year as Loyalty Day and requested the President to issue a proclamation inviting the people of the United States to observe such day with appropriate ceremonies.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do call upon the people of the United States, and upon all patriotic, civic, and educational organizations, to observe Thursday, May 1, 1969, as Loyalty Day, with appropriate ceremonies in which all of us may join in a reaffirmation of our loyalty to the United States of America.

I also call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of March, in the year of our Lord nineteen hundred and sixty-nine and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-3776; Filed, Mar. 26, 1969; 4:55 p.m.]

Rules and Regulations

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER D—TRANSPORTATION

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

EDITORIAL NOTE: In F.R. Doc. 69-3480 which begins on page 5581 in the issue of Tuesday, March 25, 1969, the title following the signature should read *"Acting Comptroller General of the United States."*

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see section 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide miscellaneous changes to the republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676).

Provisions of this amendment comprise in part those provisions which were published as Proposed Amendments 1 and 2 to the republication of the Processor Wheat Marketing Certificate Regulations (34 F.R. 397 and 34 F.R. 2051 respectively).

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) consideration has been given to written suggestions submitted during the 30-day periods subsequent to the printing of Proposed Amendments 1 and 2.

It has been determined that the increase in the rate of interest published in Proposed Amendment 2 makes it unnecessary at this time to reduce the period after processing during which marketing certificates may be purchased interest-free.

Accordingly, the proposal as published in Proposed Amendment 1 requiring that marketing certificates be acquired and surrendered on or before the 30th calendar day after the end of the processing report period by processor with an undertaking has not been made a part of this amendment. Similarly, the proposal as published in Proposed Amendment 2 specifying the 30-day limitation with respect to processors of beverage distilled spirits is also excluded.

The amendment provides the following miscellaneous changes:

(1) Increases the minimum ash requirement to 1.35 percent for flour second clears produced from Durum wheat or from a mixture which includes more than 20 percent Durum wheat.

(2) No longer requires the registration of plants at which wheat is processed solely into nonfood products.

(3) Specifies that a registered processor is required to notify the Director when the ownership of his plant is changed.

(4) Provides that processors reporting in the absence of an undertaking shall compute any applicable interest on the cost of certificates from the first day of the reporting period in which the food products were either sold, removed for sale, or removed for consumption (whichever occurred first) irrespective of when such food products were processed.

(5) Changes the period during which a processor reporting in the absence of an undertaking can acquire and surrender certificates without interest.

(6) Incorporates within one section all of the requirements for processors reporting in the absence of an undertaking.

(7) Changes the rate of interest charges applicable under the regulations to 8 percent per annum.

The basis for these changes was set forth in the notices of the proposed amendments previously published in the FEDERAL REGISTER.

The Processor Wheat Marketing Certificate Regulations are amended as follows:

1. The third sentence of § 777.3(u) is changed to read:

§ 777.3 Definitions.

* * * * * *

(u) "Flour second clears," means * * *. Flour second clears produced from Durum wheat or from a mixture which includes more than 20 percent Durum wheat shall have an ash content of 1.35 percent or more. * * *

* * * * * *

2. Section 777.6(a) is amended to read as follows:

§ 777.6 Registration of processors.

(a) *Time of registration.* Any person who processes wheat into a food product (except a person who processes wheat in his home solely for family use in his home and a person who processes wheat on a farm solely for use on such farm), shall register with the Director by making the report required by paragraph (b) of this section by May 30, 1964. Any such person who begins such processing operations subsequent to May 30, 1964, and who is not registered, shall register not later than the date he commences operations. Any person who has registered with the Director and who modifies his operations, such as by opening and closing plants subsequent to the date of his registration, or beginning to process food products, shall give notice of such change to the Director not later than the date he modifies his operations. Notification shall also be given the Director if there is a change in ownership of the plant, such notification to be made not later than the date the change is effective. An extension in time for registering with the Director or providing the notice required by this paragraph may be approved in writing by the Director for good cause shown.

* * * * * *

3. Section 777.11 is amended by changing paragraph (c) to read as follows:

§ 777.11 Time and manner of acquiring and surrendering certificates.

* * * * * *

(c) *Purchase of certificates in absence of undertaking.*

(1) Except as provided in paragraph (b) of this section, the food processor must acquire certificates and surrender such certificates to CCC on or before the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown, for all food products sold, or removed for sale or consumption from the processing plant, during the processing report period. (Where reference is made to all food products sold or removed for sale or consumption in this section, it shall be deemed to refer to all food products sold, removed for sale or removed for consumption from the processing plant (whichever occurred first).)

(2) The cost of certificates acquired from CCC shall be as provided in subdivision (i) and (ii) of this subparagraph.

(i) The food processor may acquire certificates from CCC at face value to the extent that he acquires and surrenders certificates not later than the last day of each processing report period (as determined under § 777.12) to cover the estimated quantity of wheat used in the processing of food products sold or removed for sale or consumption during the report period. If the certificates acquired and surrendered as provided in this subparagraph are equal to 90 percent or more of the certificates required to cover the wheat used in processing food products sold or removed for sale or consumption during the report period, any additional certificates may be acquired from CCC at face value if acquired and surrendered to CCC not later than the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown. The cost of any certificates purchased from CCC after such date to cover wheat used in processing the food

products sold or removed for sale or consumption during the report period shall be the face value thereof plus interest at 8 percent per annum starting on the first day of the processing report period in which the food products were sold or removed for sale or consumption until the date of surrender of the certificates.

(ii) If the certificates acquired and surrendered to CCC by the food processor as provided in subdivision (i) of this subparagraph are less than 90 percent of the certificates required to cover the wheat used in processing food products sold or removed for sale or consumption during the processing report period, or if the food processor does not acquire and surrender certificates as provided in subdivision (i) of this subparagraph, the cost of any certificates purchased from CCC subsequent to the last day of the processing report period to cover the wheat used in processing food products sold or removed for sale or consumption during the processing report period shall be the face value of the certificates plus interest at 8 percent per annum from the first day of the report period in which the food products were sold or removed for sale or consumption until the date of surrender of the certificates.

(3) Additional reports in absence of an undertaking.

(i) *Processors reporting on the weight of wheat basis.* Food processors purchasing certificates in accordance with paragraph (c) of this section and reporting the quantity of wheat processed into food products on the basis of the weight of wheat processed shall supplement each Form CCC–160 with a statement showing: (*a*) the quantity (in cwt.) and name of food products processed in the reporting period covered by the form, (*b*) the quantity (in cwt.) and name of food products sold and removed for sale or consumption during such period, (*c*) the reporting period in which the food product(s) specified in Item (*b*) were processed, and (*d*) the wheat equivalent in bushels of such food product(s) calculated by using the actual conversion factor experienced in the reporting period in which processed (bushels of wheat processed into food products divided by cwt. of food products produced). The processor's Form CCC–160 for the first period not covered by an undertaking shall also include a statement showing the quantity of food products remaining in inventory from the previous reporting period(s) and the wheat equivalent of such product(s). For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis. The face value of the certificates and the interest charges shall be shown separately on the report.

(ii) *Processors reporting on the conversion factor basis.* Food processors who purchase certificates in accordance with paragraph (c) of this section and who report the quantity of wheat processed into food products on a food product conversion factor basis shall supplement each Form CCC–159 with a statement showing (*a*) the quantity (in cwt.) and name of food products sold or removed for sale or consumption during the period covered by the form, (*b*) the quantity of wheat used in the production of such food products, (*c*) the conversion factor(s) used in making such determination, and (*d*) the reporting period in which the food products were processed. The processor's Form CCC–159 for the first period not covered by an undertaking shall include a statement showing the products and the wheat equivalent in bushels of the products in inventory at the beginning of the period. For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis. The face value of the certificates and the interest charges shall be shown separately on the report.

* * * * *

4. Section 777.13 is amended by changing paragraph (b) to read as follows:

§ 777.13 Weight of wheat basis or reporting.

* * * * *

(b) *Additional reports in absence of an undertaking.* Food processors purchasing certificates in accordance with § 777.11(c) shall supplement each Form CCC–160 with a statement containing the information required by such section.

5. Section 777.14 is amended by changing paragraph (f) to read as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(f) *Additional reports in absence of an undertaking.* Food processors who purchase certificates in accordance with § 777.11(c) shall supplement each Form CCC–159 with a statement containing the information required by such section.

§§ 777.7, 777.11, 777.12, 777.19 [Amended]

6. The interest rate is changed to read "eight percent per annum" rather than "six percent per annum" in the applicable sections as follows:

Section 777.7(b), the last sentence;
Section 777.11(b), subparagraph (2);
Section 777.11(e), subparagraph (2);
Section 777.12(g), the sixth sentence;
Section 777.19(f), subparagraph (2);
Section 777.19(j), the last sentence.

Effective date: The change in the rate of interest shall be applicable with respect to payments for certificates on which interest first starts on and after the 31st day following the date of publication of this amendment in the FEDERAL REGISTER. All other provisions of this amendment shall be effective with the first processing report period beginning 30 days following the date of publication of this amendment in the FEDERAL REGISTER.

Signed at Washington, D.C. on March 21, 1969.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–3681; Filed, Mar. 27, 1969; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

James River, Va.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.152a is hereby prescribed establishing and governing the use and navigation of a restricted area in the James River off Camp Wallace, Va., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.152a James River off Camp Wallace, Va.; Army Transportation School Training Area.

(a) *The restricted area.* Beginning at latitude 37°13′10″ N., longitude 76°39′-20″ W.; thence northeasterly about 300 yards to the shore line at latitude 37°13′-17.5″ N., longitude 76°39′12″ W.; thence southeasterly along the shore line to latitude 37°12′58″ N., longitude 76°38′30″ W.; thence southwesterly about 300 yards to latitude 37°12′51″ N., longitude 76°-38′40″ W.; and thence northwesterly about 1200 yards to the point of beginning.

(b) *The regulations.* (1) No vessels other than Department of the Army vessels, and no persons other than persons embarked in such vessels, shall remain in or enter the restricted area during periods of its actual use by the Army for training purposes.

(2) Government vessels shall patrol the vicinity to warn other vessels to vacate or keep out of the restricted area when it is about to be or is being used by Army vessels.

(3) The Commander, U.S. Army Transportation Center and Fort Eustis, Fort Eustis, Va., will, to the extent possible, give public notice from time to time through local news media of the schedule of intended Army use of the area.

(4) The continuation of the restricted area for more than 3 years after the date of its establishment shall be dependent upon the outcome of the consideration of a request for its continuance submitted to the District Engineer, U.S. Army Engineer District, Norfolk, Va., by the using agency at least 3 months prior to the expiration of the 3 years.

(5) The regulations in this section shall be enforced by the Commander, U.S. Army Transportation Center and Fort Eustis, Fort Eustis, Va., or such agencies as he may designate.

[Regs., Mar. 13, 1969, 1507–32 (James River, Va.)–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69–3657; Filed, Mar. 27, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9484; Amdt. 642]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Appleton, Wis.—Outagamie County, NDB (ADF) Runway 11, Amdt. 1, 17 Aug. 1967 (established under Subpart C).
Appleton, Wis.—Outagamie County, NDB (ADF) Runway 29, Amdt. 2, 17 Aug. 1967 (established under Subpart C).
Ashland, Wis.—John F. Kennedy Memorial, NDB (ADF) Runway 2, Amdt. 1, 8 July 1967 (established under Subpart C).
Winston-Salem, N.C.—Smith Reynolds, NDB (ADF) Runway 33, Amdt. 11, 27 May 1967 (established under Subpart C).
Alexandria, Minn.—Alexandria Municipal, VOR 1, Amdt. 7, 1 Feb. 1964 (established under Subpart C).
Atlanta, Ga.—Dekalb-Peachtree, VOR–1, Amdt. 6, 27 May 1967 (established under Subpart C).
Clarksville, Tenn.—Outlaw Field, VOR Runway 34, Orig., 18 Nov. 1967 (established under Subpart C).
Hattiesburg, Miss.—Municipal, VOR Runway 13, Amdt. 2, 23 Dec. 1967 (established under Subpart C).
International Falls, Minn.—Falls International, VOR Runway 13, Amdt. 3, 12 Aug. 1967 (established under Subpart C).
International Falls, Minn.—Falls International, VOR Runway 31, Amdt. 3, 12 Aug. 1967 (established under Subpart C).
Tupelo, Miss.—Municipal, VOR Runway 4, Orig., 6 Nov. 1965 (established under Subpart C).
Urbana, Ill.—Illini, VOR–1, Amdt. 1, 20 Jan. 1968 (established under Subpart C).

2. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Devils Lake, N. Dak.—Devils Lake Municipal, TerVOR–13, Amdt. 1, 16 Apr. 1966 (established under Subpart C).

3. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Winston-Salem, N.C.—Smith Reynolds, ILS Runway 33, Amdt. 11, 27 May 1967 (established under Subpart C).

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.3 miles after passing AXN VOR.
				Make left-climbing turn to 3000′, return to AXN VOR. Supplementary charting information: TDZ Elevation, 1428′.

Procedure turn W side of crs, 044° Outbnd, 224° Inbnd, 3000′ within 10 miles of AXN VOR.
FAF, AXN VOR. Final approach crs, 224°. Distance FAF to MAP, 8.3 miles.
Minimum altitude over AXN VOR, 3000′.
MSA: 000°–090°—2700′; 090°–180°—3600′; 180°–360°—2800′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–22	2900	1	575	2900	1	575	2900	1	575	2900	1¼	575
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2900	1	635	2900	1	635	2900	1¼	635	2900	2	635
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Alexandria; State, Minn.; Airport name, Alexandria Municipal; Elev., 1425′; Facility, AXN; Procedure No. VOR Runway 22, Amdt. 8; Eff. date, 17 Apr. 69; Sup.Amdt. No. VOR 1, Amdt. 7; Dated, 1 Feb. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 9.7 miles after passing OCR VORTAC.
R 330°, OCR VORTAC CW	R 061°, OCR VORTAC	7-mile DME Arc	3000	Climb on heading 300° to intercept ATL R 006° thence to Crabapple Int and hold.
R 155°, OCR VORTAC CCW	R 061°, OCR VORTAC	7-mile DME Arc	3000	
7-mile DME Arc	OCR VORTAC (NOPT)	OCR R 061°	3000	Supplementary charting information: Hold N, 1 minute, left turns, 186° Inbnd. Final approach crs to runway threshold. TDZ elevation, 1002'.

Procedure turn not authorized. One minute holding pattern NE of OCR VORTAC 241° Inbnd, right turns, 3000'.
FAF, OCR VORTAC. Final approach crs, 241°. Distance FAF to MAP, 9.7 miles.
Minimum altitude over OCR VORTAC, 3000'; over 5-mile DME Fix or Harold Int, 1640' (1680' when control zone not effective).
MSA: 090°-270°—3000'; 270°-090°—3100'.
NOTES: (1) Radar vectoring. (2) When control zone not effective, use FTY County altimeter setting, and circling/straight-in MDA increased 40'. (3) No weather reporting. (4) Inoperative table does not apply to HIRL Runway 27.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-27	1640	1	638	1640	1	638	1640	1¼	638	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1660	1	658	1660	1	658	1660	1½	658	NA
	Dual VOR VOR/DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-27	1460	1	458	1460	1	458	1460	1	458	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1480	1	478	1480	1	478	1480	1½	478	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Atlanta; State, Ga.; Airport name, Dekalb-Peachtree; Elev., 1002'; Facility, OCR; Procedure No. VOR Runway 27, Amdt. 7; Eff. date, 17 Apr. 69; Sup. Amdt. No. VOR-1, Amdt. 6; Dated, 27 May 67

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: CKV VOR.
				Climbing left turn to 2200' to CKV VOR and hold.
				Supplementary charting information: Hold S, 1 minute, right turns, 348° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold. LRCO 122.1R, 126.7R. Depict restricted areas (R-3702 and R-3703) W of CKV. TDZ elevation, 549'.

Procedure turn E side of crs, 168° Outbnd, 348° Inbnd, 2200' within 10 miles of CKV VOR.
Final approach crs, 348°
MSA: 000°-270°—2200'; 270°-360°—2100'.
NOTES: (1) Radar vectoring. (2) Night minimums not authorized Runways 5/23. (3) Use Campbell approach control altimeter setting.
$Alternate minimums not authorized except operators with approved weather reporting service.

DAY AND NIGHT MINIMUM

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-34	960	1	411	960	1	411	960	1	411	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	960	1	411	1000	1	451	1000	1¼	451	NA
A	Not authorized.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Clarksville; State, Tenn.; Airport name, Outlaw Field; Elev., 549'; Facility, CKV; Procedure No. VOR Runway 34, Amdt. 1; Eff. date, 17 Apr. 69; Sup. Amdt. No. Orig.; Dated, 18 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: DVL VOR.
				Climb to 2900' on R 133° within 10 miles, return to VOR.
				Supplementary charting information: Final approach crs intercepts runway centerline 3550' from threshold. 1599' tower 0.9 mile ENE. LRCO 122.1R 123.6R. TDZ elevation, 1451'.

Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2000' within 10 miles of DVL VOR.
Final approach crs, 133°.
MSA: 000°-090°—3000'; 090°-270°—3100'; 270°-360°—2700'.
NOTE: Use Grand Forks altimeter setting when Devils Lake control zone not effective.
*Circling and straight-in MDA increases 320' when Devils Lake control zone not effective except for operators with approved weather reporting service.
$Alternate minimums not authorized when Devils Lake control zone not effective except for operators with approved weather reporting service.
CAUTION: Runways 3/21 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13*	1900	1	449	1900	1	449	1900	1	449	1960	1	449
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1900	1	449	1920	1	469	1920	1½	469	2020	1½	569
A	Standard.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Devils Lake; State, N. Dak.; Airport name, Devils Lake Municipal; Elev., 1454'; Facility, DVL; Procedure No. VOR Runway 13, Amdt. 2; Eff. date, 17 Apr. 69; Sup. Amdt. No. Ter VOR-13, Amdt. 1; Dated, 16 Apr. 66

From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 9.7 miles after passing HBG VORTAC.
R 257° HBG VORTAC CW	R 331°, HBG VORTAC (NOPT)	7-mile DME Arc	2000	Climbing left turn to 2000' direct to HBG VORTAC and hold.
R 020° HBG VORTAO CCW	R 331°, HBG VORTAC (NOPT)	7-mile DME Arc	2000	
				Supplementary charting information: Hold NW, 1 minute, right turns, 151° Inbnd. Airspace restricted area (R-4401 A and B), 5 miles SE of airport. LRCO 122.1, 123.6. TDZ elevation, 151'.

Procedure turn W side of crs, 331° Outbnd, 151° Inbnd, 2000' within 10 miles of HBG VORTAC.
FAF, HBG VORTAC. Final approach crs, 151°. Distance FAF to MAP, 9.7 miles.
Minimum altitude over HBG VORTAC, 2000'; over ALEX Int, 840'.
MSA: 000°-360°—1800'.
NOTES: (1) Use MCB FSS altimeter setting between hours of 1700-0800 local and all MDA's increased 300' and visibility increased ½ mile for Category A; ½ mile for Categories B and C. VOR/DME and VOR/NDB visibility increased ¼ for Category B and ½ for Category C.
(2) Inoperative table does not apply to HIRL Runway 13.
*Operators with approved weather reporting service authorized standard alternate minimums.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-13	840	1	689	840	1	689	840	1¼	689	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	840	1	689	840	1	689	840	1½	689	NA
	VOR/DME—VOR/NDB Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-13	560	1	409	560	1	409	560	1	409	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	640	1	489	640	1	489	640	1½	489	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hattiesburg; State, Miss.; Airport name, Municipal; Elev., 151'; Facility, HBG; Procedure No. VOR Runway 13, Amdt. 3; Eff. date, 17 Apr. 69; Sup. Amdt. No. 2; Dated, 23 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: INL VOR.
			Climb to 2600′ on INL VOR R 123°, within 10 miles, return to VOR. Supplementary charting information: TDZ elevation, 1177′.

Procedure turn S side of crs, 314° Outbnd, 134° Inbnd, 2600′ within 10 miles of INL VOR.
Final approach crs, 134°.
Minimum altitude over Crosier Int, 1740′.
MSA: 000°–090°—2600′; 090°–180°—2700′; 180°–270°—2500′; 270°–360°—3000′.
CAUTION: Runways 4/22 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	1740	1	563	1740	1	563	1740	1	563	1740	1¼	563
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	560	1740	1	560	1740	1½	560	1740	2	560
	VOR/ADF Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	1580	1	403	1580	1	403	1580	1	403	1580	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1640	1	460	1640	1	460	1700	1½	520	1740	2	560
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, International Falls; State, Minn.; Airport name, Falls International; Elev., 1180′; Facility, INL; Procedure No. VOR Runway 13, Amdt. 4; Eff. date, 17 Apr. 69; Sup. Amdt. No. 3; Dated, 12 Aug. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: INL VOR.
			Climb to 2600′ on INL VOR R 314° within 10 miles, return to VOR. Supplementary charting information: TDZ elevation, 1167′.

Procedure turn N side of crs, 123° Outbnd, 303° Inbnd, 2600′ within 10 miles of INL VOR.
Final approach crs, 303°.
MSA: 000°–090°—2600′; 090°–180°—2700′; 180°–270°—2500′; 270°–360°—3000′.
CAUTION: Runways 4/22 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–31	1540	1	373	1540	1	373	1540	1	373	1540	1	373
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1640	1	460	1640	1	460	1700	1½	520	1740	2	560
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, International Falls; State, Minn.; Airport name, Falls International; Elev., 1180′; Facility, INL; Procedure No. VOR Runway 31, Amdt. 4; Eff. date, 17 Apr. 69; Sup. Amdt. No. 3; Dated, 12 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3 miles after passing TUP VOR.
Guntown Int	TUP VOR	Direct	2000	Climbing left turn to 2000′ to TUP VOR and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 030° Inbnd. TDZ elevation, 360′.

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 2000′ within 10 miles of TUP VOR.
FAF, TUP VOR. Final approach crs, 030°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over TUP VOR, 1200′.
MSA: 000°–090°—1900′; 090°–180°—1700′; 180°–270°—1900′; 270°–360°—2000′.
NOTE: Use Columbus, Miss. APC altimeter setting.
*Air carrier with approved weather service authorized standard alternate minimums and decrease straight-in MDA 180′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–4	840	1	459	840	1	459	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	940	1	579	940	1	579	NA	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Tupelo; State, Miss.; Airport name, Municipal; Elev., 361′; Facility, TUP; Procedure No. VOR Runway 4, Amdt. 1; Eff. date, 17 Apr. 69; Sup. Amdt. No. VOR 1, Orig. Dated, 6 Nov. 65

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.4 miles after passing CMI VOR TAC.
Mansfield Int	CMI VORTAC	Direct	2700	Climbing right turn to 2300′ direct to CMI VORTAC.
R 090°, CMI VORTAC CW	R 207°, CMI VORTAC	7-mile DME Arc	2300	
R 330°, CMI VORTAC CCW	R 207°, CMI VORTAC	7-mile DME Arc	2700	
CMI 7-mile DME Arc	CMI VORTAC (NOPT)	Direct	2300	Supplementary charting information: Towers: 1060′, 2.5 miles W of airport; 1140′, 4 miles WSW of airport; 937′, 2.5 miles SW of airport; 1146′, 4 miles SW of airport.

Procedure turn W side of crs, 207° Outbnd, 027° Inbnd, 2300′ within 10 miles of CMI VORTAC.
FAF, CMI VORTAC. Final approach crs, 027°. Distance FAF to MAP, 7.4 miles.
Minimum altitude over CMI VORTAC, 2300′; over 5-mile DME Fix, 1520′.
MSA: 000°–180°—3000′; 180°–360°—2800′.
NOTES: (1) Use Champaign altimeter setting. (2) Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1520	1	785	1520	1	785	1520	1¼	785	NA
	VOR/DME Minimums:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1200	1	465	1200	1	465	1200	1¼	465	NA
A	Not authorized.		T 2-eng. or less—300–1 all runways.				T over 2-eng.—300–1 all runways.			

City, Urbana; State, Ill.; Airport name, Illini; Elev., 735′; Facility, CMI; Procedure No. VOR–1, Amdt. 2; Eff. date, 17 Apr. 69; Sup. Amdt. No. 1; Dated, 20 Jan. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 18.5 mile DME Fix R 253°.
R 282°, BRL VORTAC CCW	R 253°, BRL VORTAC	8-mile DME Arc	2300	Climbing right turn to 2300′, return to BRL VORTAC and hold.
R 192°, BRL VORTAC CW	R 253°, BRL VORTAC	8-mile DME Arc	2300	
BRL VORTAC	8-mile DME Fix	BRL, R 253°	2300	Supplementary charting information: Hold E, 1 minute, right turns, 288° Inbnd.
8-mile DME Fix	14-mile DME Fix	BRL, R 253°	1600	

Procedure turn not authorized. Approach crs (profile) starts at BRL VORTAC.
Final approach crs, 253°.
Minimum altitude over BRL VORTAC, 2300′; over 8-mile DME Fix, 2300′; over 14-mile DME Fix, 1600′.
MSA: 090°–180°—2300′; 180°–090°—2200′.
NOTE: Use Burlington, Iowa, altimeter setting.
#Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1200	1	476	1200	1	476	1200	1½	476	NA
A	Not authorized.#	T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Fort Madison; State, Iowa; Airport name, Municipal; Elev., 724′; Facility, BRL; Procedure No. VOR/DME–1, Amdt. Orig.; Eff. date, 17 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 11-mile DME Fix R 194° UBG VORTAC.
North Plains Int	UBG VORTAC (NOPT)	Direct	3000	Climbing left turn to 3000′ direct to UBG VORTAC.
PDX VORTAC	UBG VORTAC (NOPT)	Direct	3000	
Oswego Int	UBG VORTAC (NOPT)	Direct	3000	Supplementary charting information: LRCO 122.1.

Procedure turn W side of crs, 014° Outbnd, 194° Inbnd, 3100′ within 10 miles of UBG VORTAC.
Final approach crs, 194°.
Minimum altitude over UBG VORTAC, 3000′; over UBG R 194°, 5-mile DME Fix, 2000′; over UBG R 194°, 8.5-mile DME Fix, 1500′.
MSA: 000°–090°—3100′; 090°–180°—3800′; 180°–360°—4600′.
NOTE: Use Salem altimeter setting.
%IFR departure procedures: Climb direct to UBG VORTAC before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	544	700	1	544	700	1¼	544	840	2	684
A	Not authorized.	T 2-eng. or less—Standard.%					T over 2-eng.—Standard.%					

City, McMinnville; State, Oreg.; Airport name, McMinnville Municipal; Elev., 159′; Facility, UBG; Procedure No. VOR/DME Runway 21, Amdt. Orig.; Eff. date, 17 Apr. 69

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMI VOR.
McLean Int	BMI VOR	Direct	2400	Climb to 2400′ direct to BMI VOR.
Twin Grove Int	BMI VOR	Direct	2400	Supplementary charting information: Final approach crs intercepts runway centerline 600′ from runway threshold. TDZ elevation, 870′. LRCO 122.1.

Procedure turn E side of crs, 316° Outbnd, 136° Inbnd, 2400′ within 10 miles of BMI VOR.
Final approach crs, 136°.
MSA: 000°–090°—2300′; 090°–180°—2800′; 180°–360°—2300′.
NOTES: (1) Use Peoria altimeter setting when control zone not effective, except operators with approved weather reporting service. (2) Inoperative component table does not apply to HIRL Runway 11.
$Circling and straight-in MDA becomes 1560′ when control zone not effective.
#Alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–11$	1400	1	530	1400	1	530	1400	1	530	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C$	1400	1	525	1400	1	525	1400	1½	525	NA
A	Standard.#	T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Bloomington; State, Ill.; Airport name, Bloomington-Normal; Elev., 875′; Facility, BMI; Procedure No. VOR Runway 11, Amdt. 1; Eff. date, 17 Apr. 69; Sup. Amdt. No. Orig.; Dated, 25 Apr. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMI VOR.
McLean Int	BMI VOR	Direct	2400	Climbing left turn to 2400′ to BMI VOR.
Twin Grove Int	BMI VOR	Direct	2400	Supplementary charting information: Elevation 962′, 9500′ NE Runway 21 on centerline. Final approach crs intercepts runway centerline 3000′ from threshold. TDZ elevation, 875′. LRCO 122.1R.

Procedure turn E side of crs, 040° Outbnd, 220° Inbnd, 2400′ within 10 miles of BMI VOR.
Final approach crs, 220°.
Minimum altitude over BMI VOR, *1300′. (*1460′ when control zone not effective.)
MSA: 000°–090°—2300′; 090°–180°—2800′; 180°–360°—2300′.
NOTE: Use Peoria altimeter setting when control zone not effective.
$Circling and straight-in MDA increased 160′ when control zone not effective, except operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–21$	1300	1	425	1300	1	425	1300	1	425	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C$	1300	1	425	1340	1	465	1340	1¼	465	NA
A	Standard.#	T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Bloomington; State, Ill.; Airport name, Bloomington-Normal; Elev., 875′; Facility, BMI; Procedure No. VOR Runway 21, Amdt. 7; Eff. date, 17 Apr. 69; Sup. Amdt. No. 6; Dated, 25 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMI VOR.
McLean Int	BMI VOR	Direct	2400	Climb to 2400′ direct to BMI VOR
Twin Grove Int	BMI VOR	Direct	2400	Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. TDZ elevation, 871′. LRCO 122, 1 R.

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2400′ within 10 miles of BMI VOR.
Final approach crs, 280°.
MSA: 045°–135°—2300′; 135°–225°—2800′; 225°–045°—2300′.
NOTES: (1) Use Peoria altimeter setting when control zone not effective except operators with approved weather reporting service. (2) Inoperative component table does not apply to HIRL Runway 29.
$Circling and straight-in MDA increased 100′ when control zone not effective, except operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-29$	1320	1	440	1320	1	440	1320	1	440	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C$	1320	1	445	1340	1	465	1340	1¼	465	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ill.; Airport name, Bloomington-Normal; Elev., 875′; Facility, BMI; Procedure No. VOR Runway 29, Amdt. 1; Eff. date, 17 Apr. 69; Sup. Amdt. No. Orig.; Dated, 25 Apr. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.2 miles after passing DAK VOR.
Fayetteville VORTAC	Drake VOR	Direct	3500	Turn right, climbing to 3000′ on DAK R 179° within 15 miles.
Cherokee Int	Drake VOR	Direct	3000	
Gentry Int	Drake VOR	Direct	3000	
Elkins Int	Drake VOR	Direct	3300	
Lincoln Int	Drake VOR	Direct	3000	

Procedure turn W side of crs, 321° Outbnd, 141° Inbnd, 3000′ within 10 miles of DAK VOR.
FAF, DAK VOR. Final approach crs, 138°. Distance FAF to MAP, 2.2 miles.
Minimum altitude over DAK VOR, 2200′.
MSA: 090°–180°—3500′; 180°–090°—3100′.
NOTE: Sliding scale not authorized.
°Category A, 1000–2; Category B, 1100–2; Category C, 1200–2.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	2040	1	789	2160	1	909	2220	1¼	909	NA
A	°		T 2-eng. or less—800-2.				T over 2-eng.—800-2.			

City, Fayetteville; State, Ark.; Airport name, Fayetteville Municipal-Drake Field; Elev., 1251′; Facility, DAK; Procedure No. VOR-1, Amdt. 7; Eff. date, 17 Apr. 69; Sup. Amdt. No. 6; Dated, 21 Mar. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing Farmington FM.
Gladstone Int	UBG VORTAC (NOPT)	Direct	3000	Right climbing turn to 3000′ direct UBG VORTAC and hold.
Aurora Int	UBG VORTAC (NOPT)	Direct	3000	
McCoy Int	UBG VORTAC (NOPT)	Direct	3000	Supplementary charting information: Chart 11.1-mile DME Fix, R 346° at missed approach point.
10-mile DME Fix, R 204°	UBG VORTAC (NOPT)	Direct	3000	

Procedure turn W side of crs, 166° Outbnd, 346° Inbnd, 3000′ within 10 miles of UBG VORTAC.
FAF, 6-mile DME, R 346°/FM. Final approach crs, 346°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over UBG VORTAC, 3000′; over Farmington FM/6-mile DME, R 346°, 2000′.
MSA: 000°–090°—3100′; 090°–180°—3800′; 180°–360°—4600′.
NOTES: (1) Use Portland altimeter setting when control zone not effective. (2) DME or Fan Markers required.
°Circling MDA 900′ when control zone is not effective.
%IFR departure procedures: Climb direct to UBG VORTAC before proceeding on crs or as directed by ATC.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C°	680	1	476	680	1	476	680	1½	476	NA
A	Standard.#		T 2-eng. or less—Runway 2, Standard; all others 200-1.%				T over 2-eng.—Runway 2, Standard; all others 200-1.%			

City, Hillsboro; State, Oreg.; Airport name, Portland-Hillsboro; Elev., 204′; Facility, UBG; Procedure No. VOR-1, Amdt. 7; Eff. date, 17 Apr. 69; Sup Amdt. No. 6; Dated, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.2 miles after passing MLU VORTAC.
R 067°, MLU VORTAC CW	R 216°, MLU VORTAC	7-mile Arc MLU, R 200° lead radial.	1600	Climb to 2000′ on MLU R 036° within 20 miles.
R 202°, MLU VORTAC CCW	R 216°, MLU VORTAC	7-mile Arc MLU, R 232° lead radial.	1600	Supplementary charting information: TDZ elevation, 77′.
7-mile Arc	MLU VORTAC (NOPT)	Direct	1200	

Procedure turn S side of crs, 216° Outbnd, 036° Inbnd, 1400′ within 10 miles of MLU VORTAC.
FAF, MLU VORTAC. Final approach crs, 036°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over MLU VORTAC, 1200′.
MSA: 140°–230°—3100′; 230°–140°—1900′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-4	480	½	403	480	½	403	480	½	403	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	480	1	401	540	1	461	540	1¼	461	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Monroe; State, La.; Airport name, Monroe Municipal; Elev., 79′; Facility, MLU; Procedure No. VOR Runway 4, Amdt. 11; Eff. date, 17 Apr. 69; Sup. Amdt. No. 10; Dated, 3 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MLU R 272°, 26-mile DME Fix.
MLU VORTAC	Tremont Int (NOPT)	Direct	2000	Climbing right turn to 2000′ heading 092°.
R 262°, MLU VORTAC CW	R 272°, MLU VORTAC (NOPT)	16-mile arc MLU, R 267° lead radial.	2000	Hold E of Tremont DME Int.
R 320°, MLU VORTAC CCW	R 272°, MLU VORTAC (NOPT)	16-mile arc MLU, R 277°, lead radial.	2000	Supplementary charting information: Hold E of Tremont DME Int on MLU VORTAC R 272°, right turns 4-mile pattern. Depict 697′ tower 0.9 mile NW of airport.

Procedure turn not authorized. Approach crs (profile) starts at Tremont Int (21-mile DME).
Final approach crs, 272°.
Minimum altitude over Tremont Int. (21-mile DME), 2000′.
MSA: 140°–230°—3100′; 230°–140°—1900′.
NOTE: Use Monroe, La., FSS altimeter setting.
CAUTION: Maneuvering not authorized W of airport defined by extension of runway centerline.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	900	1	573	900	1¼	573	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.			T over 2-eng.—Standard.		

City, Ruston; State, La.; Airport name, Ruston Municipal; Elev., 327′; Facility, MLU; Procedure No. VOR/DME–1, Amdt. 2; Eff. date, 17 Apr. 69; Sup. Amdt. No. 1; Dated, 13 Feb. 69

6. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing River Int.
Castleton Int	River Int (NOPT)	Direct	2500	Climb to 2400′ and proceed direct to in LOM.
IND VORTAC	River Int	Direct	2800	Supplementary Charting Information: VASI Runway 22R. TDZ elevation, 797′.
Quincy Int	River Int	Direct	2800	

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2800′ within 10 miles of River Int.
FAF, River Int. Final approach crs, 224°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over River Int, 2500′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–22–R	1160	½	363	1160	½	363	1160	½	363	1160	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	443	1240	1	463	1240	1½	463	1240	2	563
A	Standard.		T 2-eng. or less—RVR 24′, Runways 4L and 31L; Standard all other runways.				T over 2-eng.—RVR 24′, Runways 4L and 31L; Standard all other runways.					

City, Indianapolis; State, Ind.; Airport name, Indianapolis Municipal (Weir-Cook); Elev., 797′; Facility, I–IND; Procedure No. LOC (BC) Runway 22R, Amdt. 9; Eff. date, 17 Apr. 69; Sup. Amdt. No. 8; Dated, 9 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing Stone Int.
PIE VORTAC	Stone Int	Direct	2000	Climb to 2000′ left turn to R 330°, PIE VORTAC within 15 miles.
Picnic NDB	Stone Int	Direct	2000	Supplementary charting information: TDZ elevation, 10′.
R 132°, PIE VORTAC CW	LOC crs (NOPT)	9-mile Arc PIE, R 158° lead radial.	2000	
9-mile Arc	Stone Int (NOPT)	LOC crs	2000	

Procedure turn W side of crs, 170° Outbnd, 350° Inbnd, 2000′ within 10 miles of Stone Int.
FAF, Stone Int. Final approach crs, 350°. Distance FAF to MAP, 6 miles.
Minimum altitude over Stone Int, 2000′; over Sawgrass Int, 1400′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	400	¾	390	400	¾	390	400	¾	390	400	1	390
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	489	500	1	489	500	1½	489	500	2	569
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, St. Petersburg-Clearwater; State, Fla.; Airport name, St. Petersburg-Clearwater International; Elev., 11′; Facility, I–PIE; Procedure No. LOC (BC) Runway 35, Amdt. 8; Eff. date, 17 Apr. 69; Sup. Amdt. No. 7; Dated, 28 Nov. 68

7. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AIK NDB.
AGS VORTAC	AIK NDB	Direct	2100	Climb to 2100′, right turn, direct to AIK NDB and hold.
Collier Int	AIK NDB	Direct	2100	Supplementary charting information: Holds NE, 1 minute, right turn, 229° Inbnd.
Monetta Int	AIK NDB	Direct	2100	
Sam Int	AIK NDB	Direct	2100	
Langley Int	AIK NDB	Direct	2100	

Procedure turn N side of crs, 049° Outbnd, 229° Inbnd, 2100′ within 10 miles of AIK NDB.
Final approach crs, 229°.
MSA: 090°–180°—2100′; 180°–270°—2900′; 270°–090°—2000′.
NOTES: (1) No weather reporting service. (2) Use AGS altimeter setting. (3) Night minimums not authorized on Runways 18–36.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1080	1	550	1080	1	550	1080	1	550	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Aiken; State, S.C.; Airport name, Aiken Municipal; Elev., 530′; Facility, AIK; Procedure No. NDB (ADF)–1, Amdt. Orig.; Eff. date, 17 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing AT LOM.
Sherwood Int	AT LOM	Direct	2500	Climb to 2500′ on 028° from AT LOM within 10 miles, return to LOM.
Little Chute Int	AT LOM	Direct	2500	
OSH VOR	AT LOM	Direct	2500	Supplementary charting information: RTO 119.4. TDZ elevation, 888′.
Bear Creek Int	AT LOM	Direct	2500	

Procedure turn E side of crs, 208° Outbnd, 028° Inbnd, 2500′ within 10 miles of AT LOM.
FAF, AT LOM. Final approach crs, 028°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over LOM, 2500′.
MSA: 000°–090°—3100′; 090°–180°—2700′; 180°–270°—2300′; 270°–360°—2200′.

NOTES: (1) Use Green Bay altimeter setting when control zone not effective. (2) Circling and straight-in MDA increased 80′ when control zone not effective except for operators with approved weather reporting service. (3) Radar vectoring.
°Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2	1280	1	392	1280	1	392	1280	1	392	1280	1	392
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	392	1380	1	462	1380	1½	462	1480	2	562
A	Standard.°	T 2-eng. or less—Standard.					T over 2-eng.—Standard.					

City, Appleton; State, Wis.; Airport name, Outagamie County; Elev., 918′; Facility, AT; Procedure No. NDB (ADF) Runway 2, Amdt. Orig.; Eff. date, 17 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FXV NDB.
Bear Creek Int	FXV NDB	Direct	2600	Climb to 2600′ on 104° from NDB within 10 miles, return to NDB.
Little Chute Int	FXV NDB	Direct	2600	
Sherwood Int	FXV NDB	Direct	2600	Supplementary charting information: Final approach crs intercepts runway-centerline 3000′ from threshold. RTO 119.4. TDZ elevation, 918′.
OSH VOR	FXV NDB	Direct	2600	

Procedure turn S side of crs, 284° Outbnd, 104° Inbnd, 2600′ within 10 miles of FXV NDB.
Final approach crs, 104°.
Minimum altitude over Medina Int, 1340′.
MSA: 000°–090°—3100′; 090°–180°—2700′; 180°–270°—2300′; 270°–360°—2200′.
NOTES: (1) Use Green Bay altimeter setting when control zone not effective. (2) Circling and straight-in MDA increased 80′ when control zone not effective, except for operators with approved weather reporting service.
°Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	1340	1	422	1340	1	422	1340	1	422	1340	1	422
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1340	1	422	1380	1	462	1380	1½	462	1480	2	562
	ADF/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	1280	1	362	1280	1	362	1280	1	362	1280	1	362
A	Standard.°	T 2-eng. or less—Standard.					T over 2-eng.—Standard.					

City, Appleton; State, Wis.; Airport name, Outagamie County; Elev., 918′; Facility, FXV; Procedure No. NDB (ADF) Runway 11, Amdt. 2; Eff. date, 17 Apr. 69; Sup. Amdt. No. 1; Dated, 17 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FXV NDB.
Bear Creek Int	FXV NDB	Direct	2600	Climb to 2600′ on 195° from NDB within 10 miles, return to NDB.
Little Chute Int	FXV NDB	Direct	2600	
Sherwood Int	FXV NDB	Direct	2600	Supplementary charting information: Final approach crs intercepts runway centerline 4610′ from threshold. RTO 119.4. TDZ elevation, 918′.
OSH VOR	FXV NDB	Direct	2600	

Procedure turn W side of crs, 015° Outbnd, 195° Inbnd, 2600′ within 10 miles of FXV NDB.
Final approach crs, 195°.
MSA: 000°–090°—3100′; 090°–180°—2700′; 180°–270°—2300′; 270°–360°—2200′.
NOTES: (1) Use Green Bay altimeter setting when control zone not effective. (2) Circling and straight-in MDA increased 80′ when control zone not effective, except for operators with approved weather reporting service.
°Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	1340	1	422	1340	1	422	1340	1	422	1340	1	422
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1340	1	422	1380	1	462	1380	1½	462	1480	2	562
A	Standard.°	T 2-eng. or less—Standard.					T over 2-eng.—Standard.					

City, Appleton; State, Wis.; Airport name, Outagamie County; Elev., 918′; Facility, FXV; Procedure No. NDB (ADF) Runway 20, Amdt. Orig.; Eff. date, 17 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FXV NDB.
Bear Creek Int	FXV NDB	Direct	2600	Climb to 2600′ on 314° from NDB within 10 miles, return to NDB.
Little Chute Int	FXV NDB	Direct	2600	
Sherwood Int	FXV NDB	Direct	2600	Supplementary charting information: Final approach crs intercepts runway centerline 3650′ from threshold. RTO 119.4. TDZ elevation, 875′.
OSH VOR	FXV NDB	Direct	2600	

Procedure turn S side of crs, 134° Outbnd, 314° Inbnd, 2600′ within 10 miles of FXV NDB.
Final approach crs, 314°.
Minimum altitude over Menasha Int, 1340′.
MSA: 000°–090°—3100′; 090°–180°—2700′; 180°–270°—2300′; 270°–360°—2200′.
NOTES: (1) Use Green Bay altimeter setting when control zone not effective. (2) Circling and straight-in MDA increased 80′ when control zone not effective, except for operators with approved weather reporting service.
°Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-29	1340	1	465	1340	1	465	1340	1	465	1340	1	465
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1340	1	422	1380	1	462	1380	1½	462	1480	2	562
	ADF/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-29	1260	1	385	1260	1	385	1260	1	385	1260	1	385
A	Standard.°	T 2-eng. or less—Standard.					T over 2-eng.—Standard.					

City, Appleton; State, Wis.; Airport name, Outagamie County; Elev., 918′; Facility, FXV; Procedure No. NDB (ADF) Runway 29, Amdt. 3; Eff. date, 17 Apr. 69; Sup. Amdt. No. 2; Dated, 17 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ASX NDB.
Grandview Int	ASX NDB	Direct	3100	Make left-climbing turn to 3100′ on 205° from ASX NDB, return to NDB.
Washburn Int	ASX NDB	Direct	3100	Supplementary charting information: Final approach crs intercepts runway centerline 2300′ from threshold. TDZ elevation, 824′.

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 3100′ within 10 miles of ASX NDB.
Final approach crs, 025°.
MSA: 000°–090°—2300′; 090°–180°—3000′; 180°–270°—2900′; 270°–360°—2600′.
NOTE: Circling and straight-in MDA based on 1680′ when using Duluth altimeter setting.
*Use Ironwood altimeter setting. When Ironwood control zone not effective, use Duluth altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–2°	1580	1	750	1580	1¼	756	1550	1½	756	1580	1¾	756
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C°	1580	1	754	1580	1¼	754	1580	1½	754	1580	2	754
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Ashland; State, Wis.; Airport name, John F. Kennedy Memorial; Elev., 826′; Facility, ASX; Procedure No. NDB (ADF) Runway 2, Amdt. 2; Eff. date, 17 Apr. 69; Sup. Amdt. No. 1; Dated, 8 July 67

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 2.7 miles after passing HHB NDB.
HBG VORTAC	HHB NDB	Direct	2000	Climbing right turn to 2000′ direct to HHB NDB and hold. Supplementary charting information: Hold NW, 1 minute, right turns, 130° Inbnd. Airspace restricted area (R–4401 A and B), 5 miles SE of airport. LRCO 122.1, 123.6. TDZ elevation, 151′.

Procedure turn W side of crs, 325° Outbnd, 145° Inbnd, 2000′ within 10 miles of HHB NDB.
FAF, HHB NDB. Final approach crs, 325°. Distance FAF to MAP, 2.7 miles.
Minimum altitude over HHB NDB, 1060′.
MSA: 000°–360°—1800′.
NOTE: Use MCB FSS altimeter setting between hours of 1700–0800 local and all MDA's increased 300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–13	620	1	469	620	1	469	620	1	469	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	640	1	489	660	1	509	700	1½	549	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hattiesburg; State, Miss.; Airport name, Municipal; Elev., 151′; Facility, HHB; Procedure No. NDB (ADF) Runway 13, Amdt. Orig.; Eff. date, 17 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.9 miles after passing IN LOM.
King Int	IN LOM	Direct	2400	Climb to 3000′ to King Int via 328° bearing from IN LOM and hold, or when directed by ATC, climbing left turn to 3000′ to Yadkin Int via R 283° GSO VORTAC and hold SW, 1 minute, right turns, 067° Inbnd.
Pine Hall Int	IN LOM	Direct	2400	
Thomas Int	IN LOM (NOPT)	Direct	2200	
Wallburg Int	IN LOM (NOPT)	Direct	2200	Supplementary charting information: King Int hold SW, 1 minute, right turns, 067° Inbnd. Final approach crs to runway threshold. 1500′ SALS/SFL Runway 33. HIRL Runways 15–33, 3–21. TDZ elevation, 938′.

Procedure turn W side of crs, 148° Outbnd, 328° Inbnd, 2400′ within 10 miles of IN LOM.
FAF, IN LOM. Final approach crs, 328°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over IN LOM, 2200′.
MSA: 000°–090°—3500′; 090°–180°—4000′; 180°–270°—3400′; 270°–360°—5100′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–33	1300	1	362	1300	1	362	1300	1	362	1300	1	362
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	531	1500	1	531	1500	1¼	531	1520	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Winston-Salem; State, N.C.; Airport name, Smith Reynolds; Elev., 969′; Facility, IN; Procedure No. NDB (ADF) Runway 33, Amdt. 12; Eff. date, 17 Apr. 69; Sup. Amdt. No. 11; Dated, 27 May 67

8. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.2 miles after passing ML LOM.
MLU VORTAC	ML LOM	Direct	1400	Climb to 2000′ on bearing 039° from ML LOM within 15 miles. Supplementary charting information: TDZ elevation, 77′.

Procedure turn S side of crs, 219° Outbnd, 039° Inbnd, 1400′ within 10 miles of ML LOM.
FAF, ML LOM. Final approach crs, 039°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over ML LOM, 1300′.
MSA: 140°–230°—3100′; 230°–140°—1900′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–4	540	¾	463	540	¾	463	540	¾	463	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	540	1	461	540	1	461	540	1½	461	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Monroe; State, La.; Airport name, Monroe Municipal; Elev., 79′; Facility, ML; Procedure No. NDB (ADF) Runway 4, Amdt. 7; Eff. date, 17 Apr. 69; Sup. Amdt. No. 6; Dated, 3 Oct. 68

9. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 1138'; LOC 5.8 miles after passing AT LOM.
Sherwood Int	AT LOM	Direct	2500	Climb to 2500' on NE crs of ATW ILS within 10 miles, return to AT LOM. Supplementary charting information: RTO 119.4. TDZ elevation, 888'.
Little Chute Int	AT LOM	Direct	2500	
OSH VOR	AT LOM	Direct	2500	
Bear Creek Int	AT LOM	Direct	2500	
OSH VOR	Mace Int	OSH, R 321°	2500	
Mace Int	AT LOM (NOPT)	LOC crs	2500	

Procedure turn E side of crs. 205° Outbnd, 025° Inbnd, 2500' within 10 miles of AT LOM.
FAF, AT LOM. Final approach crs, 025°. Distance FAF to MAP, 5.8 miles.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2462'; at MM, 1086'.
Distance to runway threshold at OM, 5.8 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100'; 090°–180°—2700'; 180°–270°—2300'; 270°–360°—2200'.

NOTES: (1) Use Green Bay altimeter setting when control zone not effective. (2) Circling and straight-in LOC MDA and ILS DH increased 80' when control zone not effective except for operators with approved weather reporting service. (3) Radar vectoring. (4) Inoperative component tables do not apply.

*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

#One mile required Category D with inoperative OM or MM.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-26	1138	¾	250	1138	¾	250	1138	¾	250	1138	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2	1220	1	332	1220	1	332	1220	1	332	1220	1	332
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	392	1380	1	462	1380	1¼	462	1480	2	562
A	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Appleton; State, Wis.; Airport name, Outagamie County; Elev., 918'; Facility, I-ATW; Procedure No. ILS Runway 2, Amdt. Orig.; Eff. date, 17 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 1238; LOC 3.9 miles after passing IN LOM.
King Int	IN LOM	Direct	2400	Climb to 3000' to King Int via 328° bearing from IN LOM and hold, or when directed by ATC, climbing left turn to 3000' to Yadkin Int via R 283° GSO VORTAC and hold SW, 1 minute, right turns, 067° Inbnd. Supplementary charting information: King Int hold SW, 1 minute, right turns, 067° Inbnd. 1500' SALS/SFL Runway 33. HIRL Runways 15-33, 3-21. TDZ elevation, 938'.
Pine Hall Int	IN LOM	Direct	2400	
Thomas Int	IN LOM (NOPT)	Direct	2200	
Wallburg Int	IN LOM (NOPT)	Direct	2200	

Procedure turn W side of crs. 148° Outbnd, 328° Inbnd, 2400' within 10 miles of IN LOM.
FAF, IN LOM. Final approach crs, 328°. Distance FAF to MAP, 3.9 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2200'; at MM, 1120'.
Distance to runway threshold at OM, 3.9 miles; at MM, 0.5 mile.
MSA: 000°–090°—3500'; 090°–180°—4000'; 180°–270°—3400'; 270°–360°—5100'.

NOTES: (1) Radar vectoring. (2) LOC back crs unusable. (3) Glide slope unusable below 1069'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-33	1238	¾	550	1238	¾	550	1238	¾	550	1238	¾	550
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	1260	¾	572	1260	¾	572	1260	¾	572	1260	¾	572
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	531	1500	1	531	1500	1¼	531	1520	2	551
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Winston-Salem; State, N.C.; Airport name, Smith-Reynolds; Elev., 969'; Facility, I-INT; Procedure No. ILS Runway 33, Amdt. 12; Eff. date, 17 Apr. 69; Sup. Amdt. No. 11; Dated, 27 May 67

10. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 202'. LOC 6.6 miles after passing MS LOM.
Sally Int	LOM	Direct	1800	Climb to 2000' on E crs ILS within 15 miles, or when directed by ATC, (1) climb to 1500', left turn via R 030° MSY VOR to Snail Int, or (2) climb to 1500', right turn via R 175° MSY VOR to Sally Int. Supplementary charting information: TDZ elevation, 2'.
Wave Int	LOM	Direct	1800	
MSY VOR	LOM	Direct	1800	
French Int	LOM	Direct	1800	
Tibby VOR	Turtle Int	Direct	1800	
Turtle Int	LOM (NOPT)	Direct	1800	

Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 1800' within 10 miles of MS LOM.
FAF, LOM. Final approach crs, 099°. Distance FAF to MAP, 6.6 miles.
Minimum altitude over LOM, 1800'.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1842'; at MM, 209'; at IM, 103'.
Distance to runway threshold at OM, 6.6 miles; at MM, 0.6 mile; at IM, 0.18 mile.
MSA: 000°–360°—2100'.

NOTE: ASR.

*When determined through New Orleans approach control that booms of pile drivers NW of airport are in lowered position, circling MDA's for Categories A, B, and C may be reduced to 460'.
%RVR 18 authorized Runway 10 for Categories A, B, and C.
%RVR 20 authorized Runway 10 for Category D.
%RVR 24 authorized Runway 28.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-10	202	RVR 18	200	202	RVR 18	200	202	RVR 18	200	202	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	360	RVR 24	358	360	RVR 24	358	360	RVR 24	358	360	RVR 40	358
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	*520	1	517	*520	1	517	*520	1¼	517	560	2	557
	Category II—Special Authorization Required:											
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-10	152	RVR 16	150	152	RVR 16	150	152	RVR 16	150	152	RVR 16	150
	RA152			RA152			RA152			RA152		
S-10	102	RVR 12	100	102	RVR 12	100	102	RVR 12	100	102	RVR 12	100
(Night only)	RA102			RA102			RA102			RA102		
A	Standard.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 3'; Facility, I-MSY; Procedure No. ILS Runway 10, Amdt. 21; Eff. date, 17 Apr. 69; Sup. Amdt. No. 20; Dated, 22 Aug. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 12, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-3325; Filed, Mar. 27, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 610—FEDERAL LAND BANKS GENERALLY

Interest Rates on Loans and Overdue Items

Part 610 of Title 12 of the Code of Federal Regulations is amended by revising § 610.41(b) (32 F.R. 20703), to read as follows:

§ 610.41 Interest rates on loans and overdue items.

* * * * *

(b) *Overdue items.* The rate of interest specified in the mortgage or note for loan payments that are in default and in the mortgage for payments made by the bank for taxes, liens, judgments, or assessments against the mortgaged property not paid when due or for insurance premiums covered by the mortgage, shall be as determined by the board of directors of the bank with the approval of the Farm Credit Administration.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 69-3687; Filed, Mar. 27, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[File 206-9-1]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Fiber Content of Special Types of Products

On August 3, 1966, the Commission issued a notice of proposed rule making which was published in the FEDERAL REGISTER on August 6, 1966.

The notice provided that the matter to be considered was a proposed amendment of § 303.10 (Rule 10) of Part 303, *Rules and Regulations under the Textile Fiber Products Identification Act*, "Fiber Content of Special Types of Products", to provide for the manner and form of disclosing the required fiber content information of textile fiber products which contained two or more chemically distinct manufactured fibers the components of which are blended or combined at or prior to the time of initial extrusion or fiber formation.

Such notice set forth proposed language in connection with such proposed amendment and provided interested parties could submit their written views, arguments and other data to the Federal Trade Commission on or before September 13, 1966 and written rebuttal until September 27, 1966. However, upon application of certain interested parties and good cause shown, the Commission by notice dated October 11, 1966 and published in the FEDERAL REGISTER on October 14, 1966, suspended the proceedings pending further order of the Commission.

On June 18, 1968, published in the FEDERAL REGISTER on June 20, 1968, the Commission issued a notice of proposed rule making relating to a proposed amendment of Part 303, *Rules and Regulations under the Textile Fiber Products Identification Act*, to specify the manner and form of disclosing the required fiber content information of textile fiber products which contain two or more chemically distinct components which are combined at or prior to the time of fiber formation and which if separately extruded would fall within existing definitions of textile fibers as set forth in the rules and regulations under the Textile Fiber Products Identification Act.

The notice provided that the Commission on August 14, 1968, would give further consideration to amendment of the rules and regulations under the Textile Fiber Products Identification Act dealing with the subject matter of the August 3, 1966, notice of proposed rule making.

The notice provided that interested parties could participate by submitting in writing on or before such date, their views, arguments, or other pertinent data to the Federal Trade Commission, Washington, D.C. 20580, or they could be given orally at such time. The notice further provided that any party wishing to submit further views, arguments, or data in response to that submitted as a result of this notice or at the hearing could do so in writing at any time within 45 days after such hearing closed.

On application of certain interested parties and for good cause shown, the date for presentation of oral views, arguments and data was postponed to September 11, 1968, by notice dated August 8, 1968, and published in the FEDERAL REGISTER on August 10, 1968.

The notice provided that interested parties could participate by submitting in writing on or before September 11, 1968, their views, arguments, or other pertinent data to the Federal Trade Commission, Washington, D.C. 20580 or they could be given orally at such time. It was further provided that any party wishing to submit further views, arguments, or data in response to that submitted as a result of this notice or at the hearing could do so in writing at any time within 45 days after such hearing closed.

After consideration of all views, arguments and other data submitted pursuant to the aforesaid notices of proposed rule making and of all pertinent information available to the Commission, the Commission has determined to amend § 303.10 (Rule 10) of Title 16, Part 303, Rules and Regulations under the Textile Fiber Products Identification Act so as to provide a method of describing fiber content information as to textile fibers which are physical mixtures of two or more chemically distinct components combined at or prior to the time of extrusion and which components if separately extruded would fall within existing definitions of textile fibers as set forth in § 303.7 (Rule 7) of the rules and regulations under the Textile Fiber Products Identification Act.

Section 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act, Fiber Content of Special Types of Products, is amended by adding a new paragraph thereto designated as paragraph (c) which reads as follows:

§ 303.10 Fiber content of special types of products.

* * * * *

(c) (1) Where a manufactured textile fiber is essentially a physical mixture of two or more chemically distinct components combined at or prior to the time of extrusion, which components is separately extruded would fall within existing definitions of textile fibers as set forth in Rule 7 of the Regulations, the fiber content disclosure as to such fiber, shall for all purposes under these rules state that the fiber is a bicomponent or multicomponent fiber, as the case may be, set out the components contained in the fiber in the order of their predominance by weight, and set out the respective percentages of such components by weight.

(2) If the components of such fibers are of a matrix-fibril configuration, the term "matrix-fibril fiber" or "matrix fiber" may be used in lieu of the designation "bicomponent fiber" or "multicomponent fiber". Examples of proper fiber content designations under this paragraph are:

100% Bicomponent Fiber
(65% Nylon, 35% Polyester)

80% Matrix Fiber (60% Nylon, 40% Polyester)
15% Polyester
5% Rayon

All of the provisions as to fiber content disclosures contained in the Act and regulations including the provisions relative to fiber content tolerances and as to disclosures of fibers present in amounts of less than 5 per centum of the total fiber weight shall also be applicable to the designations and disclosures prescribed by this paragraph for bicomponent or multicomponent fibers.

Statement of Basis and Purpose. It is determined that the process of physically mixing polymers which are chemically distinct and which if separately extruded would yield fibers falling within existing generic categories of fibers defined in § 303.7 (Rule 7) may logically be considered as an extension of the process of combining or blending fibers after extrusion. Heretofore, in the textile field different fibers have been blended or combined by a variety of methods prior to the completion of the finished textile fiber product. For example, yarns of different fibers are woven into a single fabric.

Continuous filaments of spun yarns containing different fibers are twisted into a single yarn. Staple fibers of different chemical compositions are mixed together before the yarn is constructed to produce an intimate blend of different fibers.

In the opinion of the Commission two chemically distinct polymeric compositions contained in a single filament which are blended or combined prior to the time of extrusion may logically be considered in the same manner as separately extruded fibers which are thereafter blended with varying degrees of intimacy.

It is clear that there was no general knowledge of so-called multiconstituent or multipolymer fibers at the time of the enactment of the Textile Fiber Products Identification Act. The development of multipolymer or multiconstituent fibers is, in effect, a logical extension of the process of blending or combining different manufactured fibers after fiber formation. Variations in properties of products of this nature may be achieved by varying the percentages of the various polymers present in the product as variation in properties of yarns or fabrics may be achieved by varying the percentages of conventional fibers present in such product. In effect, the blending or combination takes place at an earlier stage of the manufacturing process than was the case in previous methods of production.

There appears to be no doubt that textile research at the present time is directed toward the development of these multiconstituent or multipolymer fibers and it is reasonable to assume that this type of research and development will increase in the immediate future.

Among other reasons, the Textile Fiber Products Identification Act was passed to alleviate the confusion caused the consumer by the proliferation of fiber trademarks, trade names, etc. The Act requires the designation of each natural or manufactured fiber in the textile fiber product by its generic name, and the percentage of each fiber present.

With the present advancing fiber technology, it becomes increasingly apparent that any number of the fiber-forming substances which are the basis of the various generic names contained in § 303.7 (Rule 7) of the regulations under the Textile Fiber Products Identification Act might be physically blended prior to extrusion and extruded in the form of a single filament.

It would not be proper to substitute the proliferation of generic names for the proliferation of fiber trademarks and trade names, thus confusing the consumer with an overabundance of generic names, rather than confusing him with an overabundance of fiber trademarks and trade names. It is, therefore, a logical application of the Textile Fiber Products Identification Act to consider the so-called multiconstituent or multicomponent fibers in the same light as a conventional mixture of two or more individual fibers blended or combined after extrusion and to require that such constituents be so identified.

Through the developments of modern polymer chemistry the blending process can be more sophisticated and moved back to a stage prior to the formation of the fiber. In effect, there is involved an additional form of blending fiber producing materials which is more sophisticated and ingenious than has heretofore been attempted. This process nevertheless involves a matter of mixing or blending and it is consistent with the provisions of the Textile Fiber Products Identification Act and its legislative history to provide for the form of disclosure with respect to such products as are hereinbefore set forth in this notice.

The point was raised in the comments invited by the notices in this proceeding that the Commission should not proceed in the manner proposed in its notice of proposed rulemaking, but should formulate new generic names for multicomponent fibers on the ground that the chemical composition of such fibers will be different from any one generic classification. While there would be some merit to this as a general statement applicable to conventional fibers, it has no applicability to multicomponent fibers, since a difference only in the sense of mixing from different generic classifications is not a chemical difference of the sort we regard as demonstrative of a new generic classification.

The argument is made that in the case of multicomponent fibers blended or combined prior to or at the time of extrusion, such fibers are extruded as a single filament or fiber and consequently must be assigned a separate generic name under section 7(c) of the Textile Fiber Products Identification Act which provides that "The Commission is authorized and directed to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement".

In the view of the Commission, two separate and chemically distinct polymeric compositions which if separately extruded fall within existing generic definitions of fibers when extruded together may be considered either as constituting separate fibers or as constituting a single fiber. However, even if such multicomponent fibers are regarded as a single fiber, section 7(c) of the Act does not amount to a mandate for the establishment of separate generic names for such fibers. Any regulation promulgated by the Commission must be predicated on the proposition that the Commission in its discretion finds such regulation "necessary and proper for administration and enforcement" of the Textile Fiber Products Identification Act.

The Commission has, for the purposes of the instant rule, treated the aforesaid types of multicomponent fibers as single fibers. The Commission determines that it is in the interest of the public and specifically in the interest of the consumer and the trade to promulgate the instant regulation and further determines that the form of disclosure provided therein is necessary and proper for administration and enforcement of the Act.

It is also entirely reasonable to interpret the term "generic name" as used in the Act and regulations as broad enough to cover the type of designation prescribed herein, which is the nearest thing to a generic name that can rightfully be assigned to something which we believe cannot be a new and separate generic classification. Such designation may be treated in the same manner as a generic name in making fiber content disclosures while at the same time the public is informed of the composition of the product.

It is observed that nothing in the Textile Fiber Products Identification Act nor the rules and regulations promulgated thereunder in any way inhibits the truthful labeling, invoicing and advertising of multicomponent fibers in such a manner as to truthfully describe such fibers and to advise the public of the properties and characteristics which they possess.

Authority. This action is taken pursuant to authority given to Federal Trade Commission under section 7(c) of the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70) which provides:

(c) The Commission is authorized and directed to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

Specification of effective date and period for comment: Paragraph (c) of § 303.10 (Rule 10) shall become effective 45 days after publication in the FEDERAL REGISTER. Interested parties may submit written comments within 20 days of the publication of paragraph (c) of § 303.10 (Rule 10) in the FEDERAL REGISTER but this shall not affect the effective date unless the Commission shall so order.

Issued: March 27, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-3683; Filed, Mar. 27, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COLORANT NAME CHANGE

No comments were received in response to the notice published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 260), proposing that the colorant name

"copper phthalocyanine" be changed for specified reasons to "phthalocyanine blue" in §§ 121.2514, 121.2522, and 121.2562. The Commissioner of Food and Drugs concludes that the amendments should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. In § 121.2514(b)(3)(xxvi), by deleting "Copper phthalocyanine" and alphabetically inserting therefor a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * * * *

(b) * * *

(3) * * *

(xxvi) * * *

Phthalocyanine blue (C.I. pigment blue 15, C.I. No. 74160).

* * * * * * *

2. In § 121.2522(b), by deleting "Copper phthalocyanine" and alphabetically inserting therefor a new item, as follows:

§ 121.2522 Polyurethane resins.

* * * * * * *

(b) * * *

List of substances	*Limitations*
* * *	* * *
Phthalocyanine blue (C.I. pigment blue 15, C.I. No. 74160).	As a pigment.
* * *	* * *

* * * * * * *

3. In § 121.2562(c)(4)(vi), by deleting "Copper phthalocyanine" and alphabetically inserting therefor a new item, as follows:

§ 121.2562 Rubber articles intended for repeated use.

* * * * * * *

(c) * * *

(4) * * *

(vi) *Colors (total not to exceed 10 percent by weight of rubber product).*

* * * * * * *

Phthalocyanine blue (C.I. pigment blue 15, C.I. No. 74160).

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: March 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3659; Filed, Mar. 27, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9H2349) filed by the Diversey Corp., 212 West Monroe Street, Chicago, Ill. 60606, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of a sanitizing solution, as set forth below, on food-processing equipment and utensils and on beverage containers, including those used for milk, with the provision that the treated rinse water can be recirculated.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2547(b)(8) is revised to read as follows:

§ 121.2547 Sanitizing solutions.

* * * * * * *

(b) * * *

(8) An aqueous solution containing elemental iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a minimum average molecular weight of 2,400, and α-lauroyl-*omega*-hydroxypoly (oxyethylene) with an average 8–9 moles of ethylene oxide and an average molecular weight of 400, together with components generally recognized as safe. In addition to use on food-processing equipment and utensils, this solution may be used on beverage containers, including milk containers or equipment. Rinse water treated with this solution can be recirculated as a preliminary rinse. It is not to be used as final rinse.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3660; Filed, Mar. 27, 1969; 8:45 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Blasting Caps; Exemption From Certain Labeling Requirements

The Commissioner of Food and Drugs has received a request, submitted pursuant to section 3(c) of the Federal Hazardous Substances Act and § 191.62 of the regulations thereunder, to exempt blasting caps from certain of the labeling requirements of section 2(p)(1) of the act.

Based on information submitted in the request, and other relevant material, the Commissioner concludes that the exemption can be granted under certain conditions. Because of the small size of the individual blasting caps it is necessary to select the limited wording that would be of the most value if the product falls into the hands of household users or children. On this basis, the wording set forth below must be used on the individual blasting caps and full labeling, including the statement "Keep out of the reach of children," or its practical equivalent, must be placed on the cartons and on any accompanying literature that bears directions for use.

Accordingly, pursuant to the provisions of the act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under authority delegated to the Commissioner (21 CFR 2.120), § 191.63(a) is amended by adding a new subparagraph, as follows:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

(a) * * *

(35) Individual blasting caps are exempt from bearing the statement "Keep out of the reach of children" or its practical equivalent: *Provided*, That:

(i) Each cap bears conspicuously in the largest type size practicable the statement "DANGEROUS—BLASTING CAPS—EXPLOSIVE."

(ii) The outer carton and any accompanying printed matter bear appropriate complete cautionary labeling.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: March 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3658; Filed, Mar. 27, 1969; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter III—Peace Corps

PART 302—ORGANIZATION

Miscellaneous Amendments

Part 302 of Title 22 of the Code of Federal Regulations is amended to read as follows:

1. In § 302.2(a)(1), strike subparagraph (ii) and insert in lieu thereof:

(ii) *Regional Offices for Africa; East Asia and Pacific; Latin America; and North Africa, Near East and South Asia.* These offices are responsible for the negotiation, establishment, and operation of Peace Corps projects overseas and for the training of Peace Corps Volunteers for such projects. They also provide, on behalf of the Director, policy guidance and immediate supervision to Peace Corps staff and operations overseas.

2. In § 302.2(a)(1), strike subparagraphs (iv) and (v); redesignate subparagraph (vi) as (iv) and subparagraphs (vii), (viii), and (ix) as (vi), (vii), and (viii), respectively; and insert the following as subparagraph (v):

(v) *Office of Financial Management.* This office is responsible for all budget and fiscal matters and negotiates and administers Peace Corps contracts for such purposes as training, the development of training materials, overseas support, and research.

3. In § 302.2(a)(1), strike redesignated subparagraph (vii) and insert in lieu thereof:

(vi) *Office of Medical Programs.* This office is responsible for providing or monitoring medical and dental evaluation, care and clearance of volunteers and trainees, and maintaining liaison with the Bureau of Employees' Compensation. It is also responsible for developing medical policy, providing technical advice on training and implementation of health projects (including family planning) and recruiting of overseas medical staff.

4. In § 302.2(a)(1), strike subparagraph (x) and insert in lieu thereof as subparagraph (ix):

(ix) *Office of Planning, Program Review and Research.* This office is responsible for long-range planning, review of programs and training plans and for research. It advises the Director regarding the world-wide allocation of Volunteers and supervises the integrated planning, programing and budgeting system. It also serves as a staff resource in providing technical specialists, coordinates language training and testing for volunteers and staff, and is responsible for coordinating institutional relations.

5. In § 302.2(a)(1), strike subparagraph (xv) and redesignate subparagraphs (xi), (xii), (xiii), (xiv), and (xvi) as (x), (xi), (xii), (xiii), and (xiv), respectively.

6. In § 302.2(a), strike paragraph (2) and insert in lieu thereof:

(2) *Domestic Field Organization*—(i) *Regional Peace Corps Public Affairs Offices.*

Midwest Peace Corps Public Affairs Office, 205 West Wacker Drive (Room 1510), Chicago, Ill. 60606.
Northeast Peace Corps Public Affairs Office, 406 Atlantic Avenue (Room 211), Boston, Mass. 02110.
Southern Peace Corps Public Affairs Office, 275 Peachtree Street NE. (Room B 70), Atlanta, Ga. 30303.
Western Peace Corps Public Affairs Office, 681 Market Street (Room 630), San Francisco, Calif. 94105.

The above offices, under the direction of the Office of Public Affairs, provide regional recruiting services for the Peace Corps.

(ii) *Training Centers.*

Escondido Peace Corps Training and Development Center, Post Office Box 2000, Route 2, Escondido, Calif. 92025.
Puerto Rico Peace Corps Training Center, Federal Government Building (Room 225), Post Office Box 3166, San Juan, P.R. 00904.
Virgin Islands Peace Corps Training Center, Frederiksted, St. Croix (Box 1517), U.S. Virgin Islands 00840.

These centers are operated directly by the Peace Corps, under the direction of the appropriate regional office. These training facilities are designed to provide field experiences in community development, practice teaching, and related activities for Peace Corps trainees.

7. In § 302.2(a)(3), strike subparagraphs (i), (ii), and (iii) and insert in lieu thereof:

(i) *Africa Region.*

Botswana, Gaberones.
Cameroon, Yaounde.
Chad, Fort Lamy.
Congo (Democratic Republic of), Kinshasa.
Ethiopia, Addis Ababa.
Gambia, Bathurst.
Ghana, Accra.
Guinea, Conakry.
Ivory Coast, Abidjan.
Kenya, Nairobi.
Lesotho, Maseru.
Liberia, Monrovia.
Malawi, Blantyre.
Niger, Niamey.
Nigeria, Lagos.
Senegal, Dakar.
Sierra Leone, Freetown.
Somali Republic, Mogadiscio.
Swaziland, Moabane.
Tansania, Dar es Salaam.
Togo, Lome.
Uganda, Kampala.
Upper Volta, Ouagadougou.

(ii) *East Asia and Pacific Region.*

Fiji, Suva.
Korea, Seoul.
Malaysia, Kuala Lumpur.
Trust Territory of the Pacific Islands, Saipan.
Philippines, Manila.
Thailand, Bangkok.
Tonga, Nuku'alofa.
Western Samoa, Apia.

(iii) *Latin America Region.*

Bolivia, La Paz.
Brazil, Rio de Janeiro.
British Honduras, Belize.
Chile, Santiago.
Colombia, Bogata.
Costa Rica, San Jose.
Dominican Republic, Santa Domingo.
Ecuador, Quito.
El Salvador, San Salvador.
Guatamala, Guatamala City.
Guyana, Georgetown.
Honduras, Tegucigalpa.
Jamaica, Kingston.
Nicaragua, Managua.
Panama, Panama City.
Paraguay, Asuncion.
Peru, Lima.
Uruguay, Montevideo.
Venezuela, Caracas.
Windward-Leeward Islands, Bridgetown (Barbardos).

8. In § 302.3, strike item 1, and insert in lieu thereof:

1. Application for Peace Corps volunteer service.	Office of Public Affairs.	Peace Corps, 806 Connecticut Ave. NW., Washington, D.C. 20525.
	Peace Corps Public Affairs Offices.	Midwest Peace Corps Public Affairs Office, 205 West Wacker Dr., Room 1510, Chicago, Ill. 60606. Northeast Peace Corps Public Affairs Office, 406 Atlantic Ave., Room 211, Boston, Mass. 02110. Southern Peace Corps Public Affairs Office, 275 Peachtree St., Room B 70, Atlanta, Ga. 30303. Western Peace Corps Public Affairs Office, 681 Market St., Room 630, San Francisco, Calif. 94105.

M. DOUGLAS STAFFORD,
Director of Administration.

MARCH 10, 1969.

[F.R. Doc. 69-3667; Filed, Mar. 27, 1969; 8:46 a.m.]

PART 304—CLAIMS AGAINST GOVERNMENT UNDER FEDERAL TORT CLAIMS ACT

Part 304 is added to Chapter III of Title 22 of the Code of Federal Regulations to read as follows:

GENERAL PROVISIONS

Sec.
304.1 Scope; definitions.

PROCEDURES

304.2 Administrative claim; when presented; appropriate Peace Corps Office.
304.3 Administrative claim; who may file.
304.4 Administrative claim; evidence and information to be submitted.
304.5 Investigations.
304.6 Claims investigation.
304.7 Authority to adjust, determine, compromise, and settle claims.
304.8 Limitations on authority.
304.9 Referral to Department of Justice.
304.10 Review of claim.
304.11 Final denial of claim.
304.12 Action on approved claim.

AUTHORITY: The provisions of this Part 304 issued under 28 U.S.C. 2672; 28 CFR 14.11; secs. 4 and 5(h), 75 Stat. 612, 22 U.S.C. 2503; E.O. 11041, as amended, 3 CFR, 1959–1963 Comp.; Sec. 2(6), State Department Delegation of Authority No. 85–11A, as amended.

GENERAL PROVISIONS

§ 304.1 Scope; definitions.

(a) This subpart applies to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an officer or employee of the Peace Corps, a person serving the Peace Corps under invitational travel orders, or a Peace Corps Volunteer or trainee while acting within the scope of his office or employment.

(b) This subpart is not applicable to claims arising in a foreign country; it is applicable to claims arising in Puerto Rico and the Virgin Islands.

(c) This subpart is issued subject to and consistent with applicable regulations on administrative claims under the Federal Tort Claims Act issued by the Attorney General (31 F.R. 16616; 28 CFR Part 14).

(d) For the purposes of this subpart, the term "General Counsel" means the General Counsel of the Peace Corps or his designee.

PROCEDURES

§ 304.2 Administrative claim; when presented; appropriate Peace Corps Office.

(a) For purposes of this subpart, a claim shall be deemed to have been presented when the Peace Corps receives, at a place designated in paragraph (b) of this section, an executed "Claim for Damages or Injury," Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, for personal injury, or for death alleged to have occurred by reason of the incident. A claim which should have been presented to the Peace Corps, but which was mistakenly addressed to or filed with another Federal agency, is deemed to have been presented to the Peace Corps as of the date that the claim is received by the Peace Corps. If a claim is mistakenly addressed to or filed with the Peace Corps, the Peace Corps shall forthwith transfer it to the appropriate Federal agency, if ascertainable, or return it to the claimant.

(b) A claimant shall mail or deliver his claim to the General Counsel, Peace Corps, 806 Connecticut Avenue NW., Washington, D.C. 20525.

§ 304.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. Claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant.

§ 304.4 Administrative claim, evidence and information to be submitted.

(a) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed or designated by the Peace Corps or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request provided that he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Peace Corps any other physician's report previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost;

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(b) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at the time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of decedent's survivors, including identification of those survivors who were dependent for support upon decedent at the time of his death.

(4) Degree of support afforded by decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(c) *Property damage.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information.

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) Two or more itemized written estimates of the cost of such repairs and any itemized receipt of payment for necessary repairs.

(4) A statement listing date of purchase, purchase price, and salvage value where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 304.5 Investigations.

The Peace Corps may investigate, or the General Counsel may request any other Federal agency to investigate, a claim filed under this subpart.

§ 304.6 Claims investigation.

(a) When a claim has been filed with the Peace Corps, the General Counsel will send a copy of the claim to the head of the office concerned and ask him to designate one employee of that office who shall act as, and who shall be referred to herein as, the Claims Investigating Officer for that particular claim. The Claims Investigating Officer shall, with the advice of the General Counsel, where necessary:

(1) Investigate as completely as is practicable the nature and circumstances of the occurrence causing the loss or damage of the claimant's property.

(2) Ascertain the extent of loss or damage to the claimant's property.

(3) Assemble the necessary forms with required data contained therein.

(4) Prepare a brief statement setting forth the facts relative to the claim (in the case of motor vehicle accidents, facts should be recorded on Standard Form 91–A), a statement whether the claim satisfies the requirements of this subpart, and a recommendation as to the amount to be paid in settlement of the claim.

(5) The head of the office concerned will be responsible for assuring that all necessary forms, statements, and all supporting papers have been procured for the file and will transmit the entire file to the General Counsel.

§ 304.7 Authority to adjust, determine, compromise, and settle claims.

The authority to consider, ascertain, adjust, determine, compromise, and settle claims under section 2672 of title 28, United States Code, and this subpart, subject to § 304.8, has been retained by the Director of the Peace Corps.

§ 304.8 Limitations on authority.

(a) An award, compromise, or settlement of a claim under section 2672 of title 28, United States Code, and this subpart in excess of $25,000 may be effected only with the prior written approval of the Attorney General or his designee. For the purpose of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled only after consultation with the Department of Justice when, in the opinion of the General Counsel:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party, and the Peace Corps is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled only after consultation with the Department of Justice when the Peace Corps is informed or is otherwise aware that the United States or an officer, employee, agent, or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 304.9 Referral to Department of Justice.

When Department of Justice approval or consultation is required under § 304.8, the referral or request shall be transmitted to the Department of Justice by the General Counsel pursuant to 28 CFR 14.7 (1968).

§ 304.10 Review of claim.

(a) Upon receipt of the claim file from the head of the office concerned, the General Counsel will ascertain that all supporting papers are contained in the file.

(b) After legal review and recommendation by the General Counsel, the Director of the Peace Corps will make a written determination on the claim.

§ 304.11 Final denial of claim.

The General Counsel will send notification of the final denial of an administrative claim to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Peace Corps action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 304.12 Action on approved claim.

(a) Payment of a claim approved under this subpart is contingent on claimant's execution of (1) a "Claim for Damage or Injury," Standard Form 95; and (2) a "Voucher for Payment," Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate the claimant and his attorney as copayees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent, or legal representative of an award, compromise, or settlement made under section 2672 or 2677 of title 28, United States Code, is final and conclusive on the claimant, his agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented, and constitutes a complete release of any claim against the United States and against any officer or employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Effective date: Date of publication in the FEDERAL REGISTER.

JACK VAUGHN,
Director.

[F.R. Doc. 69–3668; Filed, Mar. 27, 1969; 8:46 a.m.]

PART 305—ELIGIBILITY AND SELECTION FOR PEACE CORPS VOLUNTEER SERVICE

Part 305 is added to Chapter III of Title 22 of the Code of Federal Regulations to read as follows:

Sec.
305.1 Purpose and general guideline.
305.2 Eligibility.
305.3 Selection standards.

AUTHORITY: The provisions of this Part 305 issued under secs. 4, 5(a) and 22, 75 Stat. 612, 22 U.S.C. 2503; E.O. 11041, as amended, 3 CFR, 1959–1963 Comp.; Sec. 2(6), State Department Delegation of Authority No. 85–11A, as amended.

§ 305.1 Purpose and general guideline.

The purpose of this subpart is to state the requirements of eligibility for Peace Corps Volunteer Service and to discuss the factors considered in the assessment and selection of eligible applicants for training and service. In carrying out this subpart, as required by section 5(a) of the Peace Corps Act, as amended, "no political test shall be required or taken into consideration, nor shall there be any discrimination against any person on account of race, creed, or color."

§ 305.2 Eligibility.

The Peace Corps invites to Peace Corps training programs those eligible applicants who skills, personal attributes and aptitudes fit those required for available Volunteer assignments. The following are the basic requirements that an applicant must satisfy to be eligible for Peace Corps Volunteer service:

(a) *Citizenship.* Be a citizen or national of the United States or have made such arrangements satisfactory to the Offices of Selection and of the General Counsel to be naturalized during the U.S. training period or shortly thereafter. (See section 5(a) of the Peace Corps Act, as amended.)

(b) *Age.* Be at least 18 years of age. However, if the parents of an 18- to 21-year-old applicant advise the Peace Corps that they disapprove of his application, the application shall be held in abeyance, and the Office of Selection shall, after receiving an opinion from the Office of the General Counsel, and considering all the facts of the case, decide whether to issue an invitation.

(c) *Marital status.* (1) If the applicant is married and living with his or her spouse (or intends to marry prior to or during Peace Corps service), both husband and wife (or fiance and fiancee) must apply and qualify for assignment

at the same location. A married applicant qualified for assignment as a Volunteer Leader may, however, be accepted for training and service and accompanied overseas by a non-Volunteer spouse.

(2) If the applicant (whether male or female) is married but legally or in fact separated from his spouse, he must, prior to being issued an invitation to training, satisfy the Director of the Office of Selection and the General Counsel that (i) he will be an effective Volunteer; (ii) his participation in the Peace Corps will not further disrupt the marital relationship; and (iii) he has acted to ensure that any obligation of his to support his separated spouse will be met during his training and service.

(d) *Dependents.* If the applicant (whether male or female) has any dependents and has not been designated a Volunteer Leader applicant, he must, prior to being issued an invitation to training, satisfy the Director of Selection and the General Counsel:

(1) As to any dependent other than children under age 18, that his absence for training and service will not deprive his dependent(s) of any care or support which he may be obligated to provide; and

(2) As to any dependent child under age 18—whether or not living with the applicant—that (i) he has arranged satisfactorily for the support of the child during his training and service; (ii) the separation of him and the child will not adversely affect their relationship; and (iii) he is not using Peace Corps service to escape responsibility for the child's welfare.

(e) *Legal status.* Not be on parole or probation (other than a summary probation) to any court or have any court-established or acknowledged financial or other legal obligation which, in the opinion of the Office of the General Counsel, could not be satisfied or postponed during the individual's participation in the Peace Corps.

(f) *Medical status.* Be able to satisfy the Peace Corps' rigorous physical and mental health requirements.

(g) *Absence of intelligence background.* Not have worked for or served in any intelligence agency, civilian or military, or have been associated with any intelligence operations.

§ 305.3 Selection standards.

To qualify for selection for overseas service as a Volunteer, a trainee must demonstrate by the end of training that he or she meets the following selection standards, and that his enrollment as a Volunteer must be clearly consistent with the interests of the national security.

(a) Motivation indicating commitment to serve a full term (usually 2 years) as a Volunteer despite periods of stress.

(b) Intelligence sufficient to meet the needs of a particular program and to cope with other challenges of Peace Corps service, including rapid learning in a short training period.

(c) Personal qualities including initiative, determination, friendliness, patience, ability to communicate and respect for other people regardless of race, religion, nationality, social standing or political persuasion.

(d) Competence in the skills and proficiencies needed for the particular job assignment overseas.

(e) Such reasonable proficiency in the host country language as his overseas assignment requires. (See section 23 of the Peace Corps Act.)

(f) Adequate knowledge of both the host country and the United States.

Effective date: February 13, 1969.

JACK VAUGHN,
Director.

[F.R. Doc. 69-3669; Filed, Mar. 27, 1969; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Glacier National Park, Mont.; Fishing

A proposal was published on page 18444 of the FEDERAL REGISTER of December 12, 1968, to revise § 7.3 of Title 36 of the Code of Federal Regulations. The effect of the proposal is to eliminate material on speed limits, camping restrictions, housetrailer limitations, dogs, cats, and domestic pets restrictions, pack and saddle animal restrictions, limitations on eating, drinking, and lodging establishments, and regulations on water supply and sewage disposal systems; to close certain streams to fishing in order to protect spawning grounds; to limit the catch on Arctic grayling in order to protect populations of a rare species; to perpetuate native fish that are not specifically designated as sport fish; to coordinate the closure of waters bordering Canada with Canadian closures; to close other park waters ahead of the Montana general closure due to early winter storms; to coordinate the opening and closure of the North Fork River with the Montana fishing regulations; to coordinate the opening and closure of waters along the boundary with the Blackfeet Indian Reservation; and to provide a quality type fishing in certain waters for artificial fly fishermen.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. As a result of the comments received, the proposed regulations are adopted with the following change: The closure to fishing at 11 p.m. on July 31 on the tributaries of the Middle Fork of the Flathead River in paragraph (a)(4) was revised to exclude Harrison Lake, Lake Ellen Wilson, and Lincoln Lake from this restriction. The following changes are also made in this final notice of rulemaking:

The limitations on eating, drinking, and lodging establishments and regulations on water supply and sewage disposal systems are retained.

The above changes from the proposal of rulemaking of December 12, 1968, impose no additional restrictions on the public. Therefore, the changed revision will become effective 30 days after the publication of this notice in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 38 Stat. 354; 16 U.S.C. 162; 38 Stat. 700; 16 U.S.C. 170)

Section 7.3 is revised to read as follows:

§ 7.3 Glacier National Park.

(a) *Fishing; open season.* All waters within the park shall be open to fishing from 5 a.m. on the third Sunday of June to 11 p.m. on October 15, except as otherwise provided by the following restrictions:

(1) That portion of Waterton Lake that is in the park shall be open to fishing in conformance with the season established by Canada for this lake.

(2) Kintla Creek between Kintla Lake and Upper Kintla Lake shall be closed to fishing at all times.

(3) Logging Creek upstream from the head of Logging Lake, Grace Lake, Quartz Creek between Lower Quartz Lake and Quartz Lake, and Old Man Lake shall be open to fishing at 5 a.m. on July 1.

(4) Tributaries of the Middle Fork of the Flathead River including Lincoln Creek, Harrison Creek, Nyack Creek, Coal Creek, Pinchot Creek, Muir Creek, Park Creek, Ole Creek, and McDonald Creek upstream from head of Lake McDonald to McDonald Falls shall be closed to fishing at 11 p.m. on July 31. Tributary lakes including Harrison Lake, Lake Ellen Wilson, and Lincoln Lake are excluded from this restriction.

(5) Two Medicine Lake, St. Mary Lake, McDonald Creek below Lake McDonald, and Lake McDonald shall be open to fishing at 5 a.m. on the third Sunday of May, except for those portions of Lake McDonald that are located 300 feet in any direction from the mouth of any stream entering the lake, which portions shall open at 5 a.m. on the third Sunday of June.

(6) The North Fork of the Flathead River, except for its tributaries, shall be open to fishing in conformance with the seasons and regulations established by the State of Montana for this river.

(7) Lower Two Medicine Lake shall be open to fishing in conformance with the season established for the Blackfeet Indian Reservation for this lake.

(b) *Fishing; daily limit of catch and possession limit.* The limit of sport fish a person shall take per day, or shall have in possession at any time, shall not exceed ten (10) pounds plus one fish, and shall not exceed a total of ten (10) fish, of which no more than five (5) may be Arctic grayling. (Weight limits will be computed by dressed weight of fish with heads and tails intact, provided that two (2) fish may be taken per day or possessed regardless of weight limitations.) Sport fish are herein defined as cutthroat trout, rainbow trout, brook trout, lake trout, Dolly Varden, Kokanee salmon, Arctic grayling, mountain whitefish, lake whitefish, northern pike, and burbot (ling). All other species are defined as nonsport fish and may not be kept or killed.

(c) *Fishing; restriction on use of bait and lures.* Only artificial flies, with a single hook, may be used as lures in Rogers Lake, Trout Lake, Arrow Lake, Camas Lake, Lake Evangeline, Ruger Lake, and those sections of Camas Creek interconnecting these lakes.

(d) *Eating, drinking, and lodging establishments.* (1) No eating, drinking, or lodging establishment offering food, drink, or lodging for sale may be operated on any privately owned lands within Glacier National Park unless a permit for the operation thereof has first been obtained from the Superintendent.

(2) The Superintendent will issue a permit only after an inspection of the premises and a determination that the premises comply with the substantive requirements of State and county health and sanitary laws and ordinances and rules and regulations promulgated pursuant thereto which would apply to the premises if the privately owned lands were not subject to the jurisdiction of the United States.

(3) No fee will be charged for the issuance of such a permit.

(4) The Superintendent or his duly authorized representative shall have the right of inspection at all reasonable times for the purpose of ascertaining that the premises are being maintained and operated in compliance with State and county health laws and ordinances and rules and regulations promulgated pursuant thereto.

(5) Failure of the permittee to comply with all State and county substantive laws and ordinances, and rules and regulations promulgated pursuant thereto applicable to the establishment for which a permit is issued, or failure to comply with any Federal law or any regulation promulgated by the Secretary of the Interior for governing the park, or with the conditions imposed by the permit, will be grounds for revocation of the permit.

(6) The applicant or permittee may appeal to the Regional Director, Midwest Region, National Park Service, from any final action of the Superintendent, refusing, conditioning, or revoking a permit. Such an appeal, in writing, shall be filed within 30 days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Regional Director may be appealed to the Director, National Park Service, within 30 days after receipt of notice by the applicant or permittee of the Regional Director's decision. During the period in which an appeal is being considered by the Regional Director or the Director, the establishment for which a permit has been denied or revoked shall not be operated.

(7) The revocable permit for eating, drinking, and lodging establishments issued by the Superintendent shall contain general regulatory provisions as hereinafter set forth, and will include such reasonable special conditions relating to the health and safety of visitors both to the park and to the establishments as the Superintendent may deem necessary to cover existing local circumstances, and shall be in a form substantially as follows:

(Front of Permit)

U.S. DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

REVOCABLE PERMIT FOR OPERATION OF EATING OR DRINKING AND LODGING ESTABLISHMENTS

Permission is hereby granted _____ who resides at _____ to operate during the period of _____, 19-- to _____, 19--, inclusive a _____ within _____
(Specify type of establishment)
Glacier National Park on lands privately owned or controlled by him (her) over which the United States exercises exclusive jurisdiction. This permit is subject to the general provisions and any special conditions stated on the reverse hereof.

Issued at Glacier National Park, Mont., this _____ day of _____, 19--.

_____
Superintendent

I, _____, the permittee named herein, accept this permit subject to the terms, convenants, obligations, and reservations expressed or implied.

Copartnership—permittees sign as "Members of firm".

Corporation—the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal in lieu of witness.

_____
Permittee

Witness:

_____
Name

_____
Address

_____
Name

_____
Address

(Reverse of Permit)

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the Park.

2. Any building or structure used for the purpose of conducting the business herein permitted shall be kept in a safe, and sightly condition.

3. The permittee shall dispose of all refuse from the business herein permitted as required by the Superintendent.

4. Permittee, his agents, and employees shall be responsible for the preservation of good order within the vicinity of the business operations herein permitted.

5. Failure of the permittee to comply with all State and county substantive laws and ordinances and rules and regulations promulgated pursuant thereto applicable to eating, drinking, and lodging establishments or to comply with any law or any regulation of the Secretary of the Interior governing the Park, or with the conditions imposed by this permit, will be grounds for revocation of this permit.

6. This permit may not be transferred or assigned without the consent, in writing, of the Superintendent.

7. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Department of the Interior, shall be admitted to any share or part of this permit or derive, directly or indirectly, any pecuniary benefit arising therefrom.

8. Standard Equal Employment Provision to be set out in full as provided for by Executive Orders 10925 and 11114.

9. The following special provisions are made a part of this permit: _____
_____
_____
_____
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(24 F.R. 11032, Dec. 30, 1959, as amended at 26 F.R. 5751, June 28, 1961; 29 F.R. 12464, Sept. 1, 1964; 30 F.R. 2951, Mar. 6, 1965; 30 F.R. 6861, May 20, 1965)

(e) *Water supply and sewage disposal systems.* The provisions of this paragraph apply to the privately owned lands within Glacier National Park. The provisions of this paragraph do not excuse compliance by eating, drinking, or lodging establishments with § 5.10 of the chapter.

(1) *Facilities.* (i) Subject to the provisions of subparagraph (3) of this paragraph, no person shall occupy any building or structure intended for human habitation, or use, unless such building is served by water supply and sewage disposal systems that comply with the standards prescribed by State and county laws and regulations applicable in the county within whose exterior boundaries such building is located.

(ii) No person shall construct, rebuild or alter any water supply or sewage disposal system without a written permit issued by the Superintendent. The Superintendent will issue such permit only after receipt of written notification from the appropriate Federal, State, or county officer that the plans for such system comply with State or county standards. There shall be no charge for such permits. Any person aggrieved by an action of the Superintendent with respect to any such permit or permit application may appeal in writing to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240.

(2) *Inspections.* (i) The appropriate State or county health officer, the Superintendent, or their authorized representatives or an officer of the U.S. Public Health Service, may inspect any water supply or sewage disposal system, from time to time, in order to determine whether such system complies with the State and county standards: *Provided, however,* That inspection shall be made only upon consent of the occupant of the premises or pursuant to a warrant.

(ii) Any water supply or sewage disposal system may be inspected without the consent of the occupant of the premises or a warrant if there is probable

cause to believe that such system presents an immediate and severe danger to the public health.

(3) *Defective systems.* (i) If upon inspection, any water supply system or sewage disposal system is found by the inspecting officer not to be in conformance with applicable State and county standards, the Superintendent will send to the ostensible owner and/or the occupant of such property, by certified mail, a written notice specifying what steps must be taken to achieve compliance. If after one year has elapsed from the mailing of such written notice the deficiency has not been corrected, such deficiency shall constitute a violation of this regulation and shall be the basis for court action for the vacation of the premises.

(ii) If upon inspection, any water supply or sewage disposal system is found by the inspecting officer not to be in conformance with established State and county standards and it is found further that there is immediate and severe danger to the public health or the health of the occupants, the Superintendent shall post appropriate notices at conspicuous places on such premises and thereafter, no person shall occupy the premises on which the system is located until the Superintendent is satisfied that remedial measures have been taken that will assure compliance of the system with established State and county standards.

(5 U.S.C. 553; 30 Stat. 535; 16 U.S.C. 3)

KEITH NEILSON,
Superintendent,
Glacier National Park.

[F.R. Doc. 69-3664; Filed, Mar. 27, 1969; 8:46 a.m.]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Olympic National Park, Wash.; Fishing, Boating, Dogs and Cats, Firearms

A proposal was published at page 15912 of the FEDERAL REGISTER of October 29, 1968 to amend § 7.28 of Title 36 of the "Code of Federal Regulations". The effect of this amendment is to revise and clarify special regulations on fishing and boating, to prohibit dogs and cats on backcountry trails in the park, and to prohibit possession of firearms and other dangerous weapons except on public roads, in campgrounds, and in special hunting camps and designated access roads to these camps.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions or objections have been received and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 52 Stat. 1241, 16 U.S.C. 254; 56 Stat. 136, 16 U.S.C. 256b)

Paragraphs (a) through (d) of § 7.28 are amended and paragraph (e) is retained to read as follows:

§ 7.28 Olympic National Park.

(a) *Fishing*—(1) *Open waters.* Except as provided for below all waters within Olympic National Park are open to fishing in conformance with State seasons and limits applicable in adjoining counties. (i) During the winter fishing seasons, as established in State regulations, only the following streams or portions thereof, exclusive of tributaries, are open to steelhead, other trout, and whitefish fishing:

Bogachiel River.
Dosewallips River below the falls east of Dosewallips Campground.
Hoh River, including the South Fork. In addition, the Hoh River below its confluence with the South Fork is open for steelhead fishing from February 28 to March 31.
Queets River below Tshletshy Creek.
Quillayute River.
Quinault River below Graves Creek, including the North Fork below Rustler Creek.
Soleduck River below the North Fork.
All other streams passing through the Pacific Coast Area in which the State of Washington permits fishing in adjoining waters.

(ii) Salmon fishing shall be permitted year round only on the following park waters, exclusive of tributaries, whenever the State of Washington under its regulations designates the adjoining waters as open for year round salmon fishing:

Hoh River below the South Fork.
Queets River below Tshletshy Creek.
Quinault River below the bridge connecting the North Fork and Graves Creek roads.

(2) *Closed waters.* That portion of the Morse Creek watershed within the park (except Lake Angeles and P. J. Lake) and that section of Kalaloch Creek utilized as a domestic water supply (as posted) are closed to fishing.

(3) *Fishing gear.* Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers or like attractions or with more than one rudder, or more than two hooks (single, double, or treble barbed) attached to such line, gear, or tackle is prohibited.

(4) *Bait.* The use of nonpreserved fish eggs is permitted.

(b) *Boating.* All vessels are prohibited on park waters except as provided for below:

(1) Hand-propelled vessels and sailboats are permitted on the following waters or portions thereof.

Bogachiel River.
Dickey River.
Hoh River.
Irely Lake.
Lake Crescent.
Lake Cushman.
Lake Mills.
Ozette River.
Queets River below Tshletshy Creek.
Quillayute River.
Quinault River below Graves Creek, including the North Fork below Rustler Creek.

(2) Motorboats are permitted on the following waters:

Lake Crescent.
Lake Mills.
Lake Cushman.
Queets River only at the designated elk hunter access routes during the general bull elk season.
Quinault River below the bridge connecting North Fork and Graves Creek roads.
Those streams within the Pacific Coast Area which are open to boating on adjoining State controlled waters.

(c) *Dogs and cats.* Dogs and cats are prohibited on all park trails except within one-quarter mile of an established campground.

(d) *Hunting and possession of weapons*—(1) *Closed areas.* In addition to the restrictions provided for in § 2.11(a) of this chapter, the possession of a firearm or any other weapon which is capable of destroying animal life, and of lawfully taken wildlife or game is prohibited, except in campgrounds, on public roads, in parking areas, or in those areas described below in paragraph 2.

(2) *Special hunting camps* (i) In those parts of Olympic National Park known as the Queets Corridor and the Pacific Coast Area, which were added to the park by Proclamation 3003 (18 F.R. 169; 3 CFR 1949–1953 Comp., p. 178) hunters may, during the State authorized open hunting seasons for deer and elk, establish camps at locations designated by the Superintendent, for the purpose of hunting outside the park.

(ii) The Superintendent may prescribe the conditions under which the camping areas and access routes may be used by hunters and others by posting appropriate signs and instructions relating to such use. Such restrictions may include mandatory registration, time of travel, methods of travel and other reasonable administrative requirements.

(iii) Hunters shall use only the designated access roads or trails while traveling to and from legal hunting areas outside the park.

* * * * *

BENNETT T. GALE,
Superintendent,
Olympic National Park.

[F.R. Doc. 69-3665; Filed, Mar. 27, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

Preparation of Invitations for Bids

In § 8-2.201(f), subparagraph (3) is amended to read as follows:

§ 8-2.201 Preparation of invitations for bids.

* * * * *

(f) * * *

(3) Solicitations for construction contracts which solicit prices on an item and alternate item basis (when it is intended that a single aggregate award will be made for all items in the solicitation within certain fiscal limitations) will contain a statement as to the order of priority in which the alternate items will be awarded. This priority will be based on the relative importance of an item, the Veterans Administration estimate, and the amount of funds available. Such schedules will be substantially as follows:

Item No. 1—Furnish all labor, material, equipment, etc., to paint buildings No. 1, 2, and 3, $_____.
Alternate items in order of priority. Furnish all labor, material, equipment, etc. to paint:
Item No. 2—Building No. 1 only $_____.
Item No. 3—Building No. 2 only $_____.
Item No. 4—Building No. 3 only $_____.
A single award will be made on Item No. 1, but in the event the offer exceeds the funds available, a single award will be made on Item No. 2, or a combination of Items Nos. 2 and 3. Offerors should quote a price on each item listed.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114; 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: March 21, 1969.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 69-3684; Filed, Mar. 27, 1969; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chief Benefits Director and His Designee

§ 2.87 Chief Benefits Director and his designee delegated authority to take any necessary action as to programs of vocational rehabilitation, education, or special restorative training under 38 U.S.C. chapters 31, 34, 35, and 36 for the purpose of implementing Title VI, Civil Rights Act of 1964, as provided in Part 18 of this chapter.

This delegation of authority is identical to § 21.4001(d) of this chapter.

W. J. DRIVER,
Administrator.

[F.R. Doc. 69-3685; Filed, Mar. 27, 1969; 8:47 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

Subpart E—Nondiscrimination in Vocational Rehabilitation and Education Programs—Title VI, Civil Rights Act of 1964

NONDISCRIMINATION IN VOCATIONAL REHABILITATION AND EDUCATION PROGRAMS

1. In § 21.4001, paragraph (d) is added to read as follows:

§ 21.4001 Delegations of authority.

* * * * *

(d) The Chief Benefits Director is designated as the responsible agency official as to programs of vocational rehabilitation, education, and special restorative training. Authority is delegated to him and his designee to take any necessary action as to programs of vocational rehabilitation, education, or special restorative training under 38 U.S.C. chapters 31, 34, 35, and 36 for the purpose of implementing Title VI, Civil Rights Act of 1964, as provided in Part 18 of this chapter.

2. In Part 21, a new Subpart E is added to read as follows:

Subpart E—Nondiscrimination in Vocational Rehabilitation and Education Programs—Title VI, Civil Rights Act of 1964

GENERAL

Sec.
21.4300 Civil rights assurances; Title VI, Public Law 88-352.
21.4301 Institutions of higher learning; elementary and secondary schools; medical institutions.
21.4302 Proprietary vocational schools and training establishments.
21.4303 State Approving agencies.
21.4304 Assurance of compliance received—institutions of higher learning; elementary and secondary schools; medical facilities.
21.4305 Noncompliance; complaints; initial action.

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21.4310 Records to be public.
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21.4312 Suspension of rules.

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21.4314 Authority for representation.
21.4315 Exclusion from hearing for misconduct.

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PROCEEDINGS BEFORE HEARING

21.4330 Notice of hearing or opportunity for hearing.
21.4331 Answer to notice.
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RESPONSIBILITIES AND DUTIES OF PRESIDING OFFICER

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21.4341 Designation of hearing examiner.
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21.4365 Appeals from ruling of presiding officer.

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21.4366 Official transcript.
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POSTHEARING PROCEDURES—DECISIONS

21.4370 Posthearing briefs; proposed findings and conclusions.
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21.4376 Service on amici curiae.

POSTHEARING AGENCY ACTIONS

21.4377 Final agency action.
21.4378 Payments after final agency action.
21.4379 Posttermination compliance.

JUDICIAL STANDARDS OF PRACTICE

21.4390 Conduct.
21.4391 Improper conduct.
21.4392 Ex parte communications.
21.4393 Expeditious treatment.
21.4394 Matters not prohibited.
21.4395 Filing of ex parte communications.

NOTICE TO COMMITTEES

21.4399 Posttermination proceedings.

AUTHORITY: The provisions of this Subpart E are issued under 5 U.S.C. 301, 38 U.S.C. 210 (c)(1) and 38 CFR 18.9(d) and Appendix A, Part 18.

Subpart E—Nondiscrimination in Vocational Rehabilitation and Education Programs—Title VI, Civil Rights Act of 1964

General

§ 21.4300 Civil rights assurances; Title VI, Public Law 88–352.

(a) Payments under 38 U.S.C. chapters 31, 34, 35, and 36 are subject to the provisions of Part 18 of this chapter. See § 21.4001(d).

(b) Evidence that a school or training establishment has enrolled or would enroll students without regard to race, color, or national origin will be considered as meeting the status of compliance for Veterans Administration purposes. See § 18.4(a) of this chapter.

(c) The term "responsible agency official" as used in this subpart means the Chief Benefits Director or his designee. See § 21.4001(d).

§ 21.4301 Institutions of higher learning; elementary and secondary schools; medical institutions.

For the purpose of this subpart, the term "institution of higher learning" includes post-high-school institutions which offer nondegree courses for which credit is given and which would be accepted on transfer by a degree-granting institution towards a baccalaureate or higher degree.

(a) Authority has been delegated to the Secretary, Department of Health Education, and Welfare to perform responsibilities of the Veterans Administration and the responsible Veterans Administration official under Title VI of the Civil Rights Act of 1964 and the Veterans Administration regulations issued thereunder (Part 18 of this chapter) with respect to institutions of higher learning, hospitals and other health facilities and elementary and secondary schools and school systems in connection with either providing or seeking approval to provide vocational rehabilitation to eligible persons under chapter 31 of title 38, United States Code, or education or training to eligible persons under chapters 34, 35, or 36 of title 38, United States Code.

(1) The compliance responsibilities so delegated include:

(i) Soliciting, receiving, and determining the adequacy of assurances of compliance under § 18.4 of this chapter;

(ii) Mailing, receiving, and evaluating compliance reports under § 18.6(b) of this chapter; and

(iii) All other actions related to securing voluntary compliance or related investigations, compliance reviews, complaints, determinations of apparent failure to comply and resolutions of matters by informal means.

(2) The Veterans Administration specifically reserves to itself responsibilities for effectuation of compliance under §§ 18.8, 18.9, and 18.10 of this chapter. Not included in the delegation to the Secretary, Department of Health, Education, and Welfare and specifically reserved to the Veterans Administration is the exercise of compliance responsibilities with respect to:

(i) Postsecondary schools which do not offer a program or courses leading, or creditable, toward the granting of at least a bachelor's degree, or its equivalent;

(ii) Privately owned and operated proprietary technical, vocational, and other private schools at the elementary or secondary level; and

(iii) Those institutions of higher learning and elementary and secondary schools and school systems which, as of January 3, 1969, have already been subjected to formal noncompliance proceedings by the Department of Health, Education, and Welfare and have had their right to receive Federal financial assistance from that agency terminated for noncompliance with Title VI of the Civil Rights Act of 1964.

The Veterans Administration also retains the right to exercise delegated compliance responsibilities itself in special cases with the agreement of the appropriate official in the Department of Health, Education, and Welfare.

(b) Any institution of higher learning or a medical institution which is listed by the Department of Health, Education, and Welfare as having filed an assurance of compliance will be accepted as having met the requirements of the law for the purpose of payment of benefits under 38 U.S.C. chapters 31, 34, 35, or 36. Any elementary or secondary school which is not on the Department of Health, Education, and Welfare list of noncomplying institutions will also be accepted as having met the requirements.

(c) If the Department of Health, Education, and Welfare finds that a school which has signed an assurance of compliance is apparently in noncompliance, action will be initiated by that Department to obtain compliance by voluntary means. If voluntary compliance is not achieved, the Veterans Administration will join in subsequent proceedings.

(d) An institution which is on the Department of Health, Education, and Welfare list of noncomplying institutions will be considered to be in a status of compliance for Veterans Administration purposes if an assurance of compliance is filed with the Veterans Administration and actual compliance is confirmed. Certificates of eligibility may be issued and enrollments approved until such time as the Veterans Administration has made an independent determination that the institution is not in compliance.

Cross References: See § 8.12(c) of this chapter and § 21.4304(c).

§ 21.4302 Proprietary vocational schools and training establishments.

Each institution and training establishment having veterans enrolled under 38 U.S.C. chapters 31, 34, or 35 will be requested to sign an assurance of compliance. The responsible agency official will conduct periodic compliance reviews, receive and investigate complaints, determine whether there is a failure to comply and whether compliance can be obtained by informal means.

§ 21.4303 State approving agencies.

(a) *General.* State approving agencies will request an assurance of compliance when approval is initially requested from each institution other than those for which the Department of Health, Education, and Welfare has been delegated authority in § 21.4301(a).

(b) *Vocational schools and training establishments.* State approving agencies will request an assurance of compliance from each institution on the list of noncomplying institutions, and from each proprietary vocational, trade, technical, or other institution and such schools not a part of a public elementary or secondary school, and from employers offering apprentice or other on-job training.

(c) *Approval of courses.* Courses may be approved notwithstanding that the institution may fail or refuse to sign an assurance of compliance. The State approving agency may take this matter into consideration in determining whether the course should be approved and may, if it chooses, make evidence of compliance with Title VI of the Civil Rights Act an added criterion for approval.

§ 21.4304 Assurance of compliance received—institutions of higher learning; elementary and secondary schools; medical facilities.

(a) *Signed assurance.* The original of the signed assurance of compliance will be sent to the Department of Health, Education, and Welfare. If the institution is on the Department of Health, Education, and Welfare list of noncomplying institutions, action will be taken as provided in paragraph (b) of this section.

(b) *Confirmation of compliance.* If an assurance of compliance is received from an institution which is on the Department of Health, Education, and Welfare list of noncomplying institutions, a Veterans Administration representative will visit the school to ascertain whether the school is actually in compliance. If the school is found to be in compliance for Veterans Administration purposes, the Department of Health, Education, and Welfare will be so notified.

(c) *Noncompliance.* If the school is found to be in noncompliance for Veterans Administration purposes, the Department of Health, Education, and Welfare will be requested to furnish a copy of their records, including a transcript of hearing reports, leading to the finding of noncompliance by that agency. When this data has been received, action will be taken as prescribed in §§ 21.4330 through 21.4399.

§ 21.4305 Noncompliance; complaints; initial action.

(a) *Veterans Administration action.* If an institution or employer not in a category for which compliance responsibility has been delegated to the Secretary, Department of Health, Education, and Welfare fails or refuses to sign an assurance of compliance or a complaint is received, a Veterans Administration employee will visit the institution and attempt to secure compliance. If the institution or employer is unwilling to sign the assurance of compliance or to remedy the complaint, action will be taken as outlined in §§ 21.4330 through 21.4399.

(b) *Institutions of higher learning; elementary and secondary schools; medical institutions.* If the institution is unwilling to sign an assurance of compliance or if a complaint indicative of noncompliance is received, the matter will be referred to the Department of Health, Education, and Welfare to initiate procedure to obtain compliance by informal means. This action will not be taken when that Department has previously found the institution to be in noncompliance. If the Department reports that it has been unable to obtain compliance through voluntary means, the action outlined in §§ 21.4330 through 21.4399 will be taken.

Hearings—General Rules

§ 21.4310 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the Civil Rights hearing clerk. Inquiries may be made at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420.

§ 21.4311 Use of gender and number.

As used in this subpart, words importing the singular number may extend and be applied to several persons or things, and vice versa. Words importing the masculine gender may be applied to females or organizations.

§ 21.4312 Suspension of rules.

Upon notice to all parties, the responsible agency official or the presiding officer, with respect to matters pending before them, may modify or waive any rule upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

Appearance and Practice

§ 21.4313 Appearance.

A party may appear in person or by counsel and participate fully in any proceeding. A State agency or a corporation may appear by any of its officers or by any employee it authorizes to appear on its behalf. Counsel must be members in good standing of the bar of a State, territory, or possession of the United States or of the District of Columbia or the Commonwealth of Puerto Rico.

§ 21.4314 Authority for representation.

Any individual acting in any proceeding may be required to show his authority to act in such capacity.

§ 21.4315 Exclusion from hearing for misconduct.

Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person at any hearing before a presiding officer shall constitute grounds for immediate exclusion of such person from the hearing by the presiding officer.

Parties

§ 21.4316 Parties.

The term party shall include an applicant or recipient or other person to whom a notice of hearing or opportunity for hearing has been mailed naming him as respondent. The agency shall also be deemed a party to all proceedings.

§ 21.4317 Amici curiae.

(a) Any interested person or organization may file a petition to participate in a proceeding as an amicus curiae. Such petition shall be filed prior to the prehearing conference, or if none is held, before the commencement of the hearing, unless the petitioner shows good cause for filing the petition later. The presiding officer may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, that such participation will not unduly delay the outcome, and may contribute materially to the proper disposition thereof. An amicus curiae is not a party and may not introduce evidence at a hearing.

(b) An amicus curiae may submit a statement of position to the presiding officer prior to the beginning of a hearing, and shall serve a copy on each party. The amicus curiae may submit a brief on each occasion a decision is to be made or a prior decision is subject to review. His brief shall be filed and served on each party within the time limits applicable to the party whose position he deems himself to support; or if he does not deem himself to support the position of any party, within the longest time limit applicable to any party at that particular stage of the proceedings.

(c) When all parties have completed their initial examination of a witness, any amicus curiae may request the presiding officer to propound specific questions to the witness. The presiding officer, in his discretion, may grant any such request if he believes the proposed additional testimony may assist materially in elucidating factual matters at issue between the parties and will not expand the issues.

§ 21.4318 Complainants not parties.

A person submitting a complaint pursuant to § 18.7(b) of this chapter is not a party to the proceedings governed by this subpart, but may petition, after proceedings are initiated, to be come an amicus curiae.

Documents

§ 21.4320 Form of documents to be filed.

Documents to be filed shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall show the title, if any, and address of the signatory. Copies need not be signed but the name of the person signing the original shall be reproduced. Documents shall be legible and shall not be more than 8½ inches wide and 12 inches long.

§ 21.4321 Signature of documents.

The signature of a party, authorized officer, employee or attorney constitutes a certificate that he has read the document, that to the best of his knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may proceed as though the document had not been filed. Similar action may be taken if scandalous or indecent matter is inserted.

§ 21.4322 Filing and service.

All notices by a Veterans Administration official, and all written motions, requests, petitions, memoranda, pleadings, exceptions, briefs, decisions, and correspondence to a Veterans Administration official from a party, or vice versa, relating to a proceeding after its commencement shall be filed and served on all parties. Parties shall supply the original and two copies of documents submitted for filing. Filings shall be made with the Civil Rights hearing clerk at the address stated in the notice of hearing or notice of opportunity for hearing, during regular business hours. Regular business hours are every Monday through Friday (legal holidays in the District of Columbia excepted) from 8 a.m. to 4:30 p.m., eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time. Originals only of exhibits and transcripts of testimony need be filed. For requirements of service on amici curiae, see § 21.4376.

§ 21.4323 Service; how made.

Service shall be made by personal delivery of one copy to each person to be served or by mailing by first-class mail, properly addressed with postage prepaid. When a party or amicus has appeared by attorney or other representative, service upon such attorney or representative, will be deemed service upon the party or amicus. Documents served by mail preferably should be mailed in sufficient time to reach the addressee by the date on which the original is due to be filed, and should be air mailed if the addressee is more than 300 miles distant.

§ 21.4324 Date of service.

The date of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person, except that the date of service of the initial notice of hearing or opportunity for hearing shall be the date of its delivery, or of its attempted delivery if refused.

§ 21.4325 Certificate of service.

The original of every document filed and required to be served upon parties to a proceeding shall be endorsed with a certificate of service signed by the party making service or by his attorney or representative, stating that such service has been made, the date of service, and the manner of service, whether by mail or personal delivery.

TIME

§ 21.4326 Computation.

In computing any period of time under the rules in this subpart or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

§ 21.4327 Extension of time or postponement.

Requests for extension of time should be served on all parties and should set forth the reasons for the application. Applications may be granted upon a showing of good cause by the applicant. From the designation of a presiding officer until the issuance of his decision such requests should be addressed to him. Answers to such requests are permitted, if made promptly.

§ 21.4328 Reduction of time to file documents.

For good cause, the responsible agency official or the presiding officer, with respect to matters pending before them, may reduce any time limit prescribed by the rules in this subpart, except as provided by law or in Part 18 of this chapter.

PROCEEDINGS BEFORE HEARING

§ 21.4330 Notice of hearing or opportunity for hearing.

Proceedings are commenced by mailing a notice of hearing or opportunity for hearing to an affected applicant or recipient, pursuant to § 18.9 of this chapter.

§ 21.4331 Answer to notice.

The respondent, applicant or recipient may file an answer to the notice within 20 days after service thereof. Answers shall admit or deny specifically and in detail each allegation of the notice, unless the respondent party is without knowledge, in which case his answer should so state, and the statement will be deemed a denial. Allegations of fact in the notice not denied or controverted by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the respondent to file an answer within the 20-day period following service of the notice may be deemed an admission of all matters of fact recited in the notice.

§ 21.4332 Amendment of notice or answer.

The Veterans Administration may amend the notice of hearing or opportunity for hearing once as a matter of course before an answer thereto is served, and each respondent may amend his answer once as a matter of course not later than 10 days before the date fixed for hearing but in no event later than 20 days from the date of service of his original answer. Otherwise a notice or answer may be amended only by leave of the presiding officer. A respondent shall file his answer to an amended notice within the time remaining for filing the answer to the original notice or within 10 days after service of the amended notice, whichever period may be the longer, unless the presiding officer otherwise orders.

§ 21.4333 Request for hearing.

Within 20 days after service of a notice of opportunity for hearing which does not fix a date for hearing the respondent, either in his answer or in a separate document, may request a hearing. Failure of the respondent to request a hearing shall be deemed a waiver of the right to a hearing and to constitute his consent to the making of a decision on the basis of such information as is available.

§ 21.4334 Consolidation.

The responsible agency official may provide for proceedings in the Veterans Administration to be joined or consolidated for hearing with proceedings in other Federal departments or agencies, by agreement with such other departments or agencies. All parties to any proceeding consolidated subsequent to service of the notice of hearing or opportunity for hearing shall be promptly served with notice of such consolidation.

§ 21.4335 Motions.

Motions and petitions shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing, these matters shall be in writing. If made at the hearing, they may be stated orally; but the presiding officer may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Motions, answers, and replies shall be addressed to the presiding officer, if the case is pending before him. A repetitious motion will not be entertained.

§ 21.4336 Responses to motions and petitions.

Within 8 days after a written motion or petition is served, or such other period as the responsible agency official or the presiding officer may fix, any party may file a response thereto. An immediate oral response may be made to an oral motion.

§ 21.4337 Disposition of motions and petitions.

The responsible agency official or the presiding officer may not sustain or grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however,* That prehearing conferences, hearings and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately. Motions and petitions submitted to the responsible agency official or the presiding officer, respectively, and not disposed of in separate rulings or in their respective decisions will be deemed denied. Oral arguments shall not be held on written motions or petitions unless the presiding officer in his discretion expressly so orders.

RESPONSIBILITIES AND DUTIES OF PRESIDING OFFICER

§ 21.4340 Who presides.

A hearing examiner assigned under 5 U.S.C. 3105 or 3344 (formerly section 11 of the Administrative Procedure Act) shall preside over the taking of evidence in any hearing to which these rules of procedure apply.

§ 21.4341 Designation of hearing examiner.

The designation of the hearing examiner as presiding officer shall be in writing, and shall specify whether the examiner is to make an initial decision or to certify the entire record including his recommended findings and proposed decision to the responsible agency official, and may also fix the time and place of hearing. A copy of such order shall be served on all parties. After service of an order designating a hearing examiner to preside, and until such examiner makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness, disqualification or unavailability of the designated hearing examiner, another hearing examiner may be designated to take his place.

§ 21.4342 Authority of presiding officer.

The presiding officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time, and place of hearings, or, upon due notice to the parties, to change the date, time, and place of hearings previously set.

(b) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(c) Require parties and amici curiae to state their position with respect to the various issues in the proceeding.

(d) Administer oaths and affirmations.

(e) Rule on motions, and other procedural items on matters pending before him.

(f) Regulate the course of the hearing and conduct of counsel therein.

(g) Examine witnesses and direct witnesses to testify.

(h) Receive, rule on, exclude or limit evidence.

(i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.

(j) Issue initial or recommended decisions.

(k) Take any action authorized by the rules in this subpart or in conformance with the provisions of 5 U.S.C. 551–559 (the Administrative Procedure Act).

HEARING PROCEDURES

§ 21.4350 Statements of position and trial briefs.

The presiding officer may require parties and amici curiae to file written statements of position prior to the beginning of a hearing. The presiding officer may also require the parties to submit trial briefs.

§ 21.4351 Evidentiary purpose.

(a) The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received in evidence; rather it should be presented in statements, memoranda, or briefs, as determined by the presiding officer. Brief opening statements, which shall be limited to statement of the party's position and what he intends to prove, may be made at hearings.

(b) Hearings for the reception of evidence will be held only in cases where issues of fact must be resolved in order to determine whether the respondent has failed to comply with one or more applicable requirements of Part 18 of this chapter. In any case where it appears from the respondent's answer to the notice of hearing or opportunity for hearing, from his failure timely to answer, or from his admissions or stipulations in the record, that there are no matters of material fact in dispute, the responsible agency official or presiding officer may enter an order so finding, vacating the hearing date if one has been set, and fixing the time for filing briefs under § 21.4370. Thereafter the proceedings shall go to conclusion in accordance with §§ 21.4370 through 21.4376. The presiding officer may allow an appeal from such order in accordance with § 21.4365.

§ 21.4352 Testimony.

Testimony shall be given orally under oath or affirmation by witnesses at the hearing; but the presiding officer, in his discretion, may require or permit that the direct testimony of any witness be prepared in writing and served on all parties in advance of the hearing. Such testimony may be adopted by the witness at the hearing, and filed as part of the record thereof. Unless authorized by the presiding officer, witnesses will not be permitted to read prepared testimony into the record. Except as provided in §§ 21.4354 and 21.4355, witnesses shall be available at the hearing for cross-examination.

§ 21.4353 Exhibits.

Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing if the presiding officer so requires. Proposed exhibits not so exchanged may be denied admission as evidence. The authenticity of all proposed exhibits exchanged prior to hearing will be deemed admitted unless written objection thereto is filed prior to the hearing or unless good cause is shown at the hearing for failure to file such written objection.

§ 21.4354 Affidavits.

An affidavit is not inadmissible as such. Unless the presiding officer fixes other time periods affidavits shall be filed and served on the parties not later than 15 days prior to the hearing; and not less than 7 days prior to hearing a party may file and serve written objection to any affidavit on the ground that he believes it necessary to test the truth of assertions therein at hearing. In such event the assertions objected to will not be received in evidence unless the affiant is made available for cross-examination, or the presiding officer determines that cross-examination is not necessary for the full and true disclosure of facts referred to in such assertions. Notwithstanding any objection, however, affidavits may be considered in the case of any respondent who waives a hearing.

§ 21.4355 Depositions.

Upon such terms as may be just, for the convenience of the parties or of the Veterans Administration, the presiding officer may authorize or direct the testimony of any witness to be taken by deposition.

§ 21.4356 Admissions as to facts and documents.

Not later than 15 days prior to the scheduled date of the hearing except for good cause shown or prior to such earlier date as the presiding officer may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters of which an admission is requested shall be deemed admitted, unless within a period designated in the request (not less than 10 days after service thereof, or within such further time as the presiding officer or the responsible agency official if no presiding officer has yet been designated may allow upon motion and notice) the party to whom the request is directed serves upon the requesting party a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny such matters. Copies of requests for admission and answers thereto shall be served on all parties. Any admission made by a party to such request is only for the purposes of the pending proceeding, or any proceeding or action instituted for the enforcement of any order entered therein, and shall not constitute an admission by him for any other purpose or be used against him in any other proceeding or action.

§ 21.4357 Evidence.

Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded.

§ 21.4358 Cross-examination.

A witness may be cross-examined on any matter material to the proceeding without regard to the scope of his direct examination.

§ 21.4359 Unsponsored written material.

Letters expressing views or urging action and other unsponsored written material regarding matters in issue in a hearing will be placed in the correspondence section of the docket of the proceeding. These data are not deemed part of the evidence or record in the hearing.

§ 21.4360 Objections.

Objections to evidence shall be timely and briefly state the ground relied upon.

§ 21.4361 Exceptions to rulings of presiding officer unnecessary.

Exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is sought, makes known the action which he desires the presiding officer to take, or his objection to an action taken, and his grounds therefor.

§ 21.4362 Official notice.

Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded an opportunity to show the contrary.

§ 21.4363 Public document items.

Whenever there is offered (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice, as a public document item by specifying the document or relevant part thereof.

§ 21.4364 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 21.4365 Appeals from ruling of presiding officer.

Rulings of the presiding officer may not be appealed to the responsible agency official prior to his consideration of the entire proceeding except with the consent of the presiding officer and where he certifies on the record or in writing that the allowance of an interlocutory

appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party, or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief with the responsible agency official within such period as the presiding officer directs. No oral argument will be heard unless the responsible agency official directs otherwise. At any time prior to submission of the proceeding to him for decision, the responsible agency official may direct the presiding officer to certify any question or the entire record to him for decision. Where the entire record is so certified, the presiding officer shall recommend a decision.

THE RECORD

§ 21.4366 Official transcript.

The responsible agency official will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith shall be filed with the Veterans Administration. Transcripts of testimony in hearings may be obtained from the official reporter by the parties and the public at rates not to exceed the maximum rates fixed by the contract between the Veterans Administration and the reporter. Upon notice to all parties, the presiding officer may authorize corrections to the transcript which involve matters of substance.

§ 21.4367 Record for decision.

The transcript of testimony, exhibits, and all papers and requests filed in the proceedings, except the correspondence section of the docket, including rulings and any recommended or initial decision shall constitute the exclusive record for decision.

POSTHEARING PROCEDURES—DECISIONS

§ 21.4370 Posthearing briefs; proposed findings and conclusions.

(a) The presiding officer shall fix the time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law, and, if permitted, reply briefs.

(b) Briefs should include a summary of the evidence relied upon together with references to exhibit numbers and pages of the transcript, with citations of authorities relied upon.

§ 21.4371 Decisions following hearing.

When the time for submission of posthearing briefs has expired, the presiding officer shall certify the entire record, including his recommended findings and proposed decision, to the responsible agency official; or if so authorized he shall make an initial decision. A copy of the recommended findings and proposed decision, or of the initial decision, shall be served upon all parties, and amici, if any.

§ 21.4372 Exceptions to initial or recommended decisions.

Within 20 days after the mailing of an initial or recommended decision, any party may file exceptions to the decision, stating reasons therefor, with the responsible agency official. Any other party may file a response thereto within 30 days after the mailing of the decision. Upon the filing of such exceptions, the responsible agency official shall review the decision and issue his own decision thereon.

§ 21.4373 Final decisions.

(a) Where the hearing is conducted by a hearing examiner who makes an initial decision, if no exceptions thereto are filed within the 20-day period specified in § 21.4372, such decision shall become the final decision of the Veterans Administration, and shall constitute "final agency action" within the meaning of 5 U.S.C. 704 (formerly section 10(c) of the Administrative Procedure Act), subject to the provisions of § 21.4375.

(b) Where the hearing is conducted by a hearing examiner who makes a recommended decision or upon the filing of exceptions to a hearing examiner's initial decision, the responsible agency official shall review the recommended or initial decision and shall issue his own decision thereon, which shall become the final decision of the Veterans Administration, and shall constitute "final agency action" within the meaning of 5 U.S.C. 704 (formerly section 10(c) of the Administrative Procedure Act), subject to the provisions of § 21.4375.

(c) All final decisions shall be promptly served on all parties, and amici, if any.

§ 21.4374 Oral argument to the responsible agency official.

(a) If any party desires to argue a case orally on exceptions or replies to exceptions to an initial or recommended decision, he shall make such request in writing. The responsible agency official may grant or deny such requests in his discretion. If granted, he will serve notice of oral argument on all parties. The notice will set forth the order of presentation, the amount of time allotted, and the time and place for argument. The names of persons who will argue should be filed with the agency hearing clerk not later than 7 days before the date set for oral argument.

(b) The purpose of oral argument is to emphasize and clarify the written argument in the briefs. Reading at length from the brief or other texts is not favored. Participants should confine their arguments to points of controlling importance and to points upon which exceptions have been filed. Consolidations of appearances at oral argument by parties taking the same side will permit the parties' interests to be presented more effectively in the time allotted.

(c) Pamphlets, charts, and other written material may be presented at oral argument only if such material is limited to facts already in the record and is served on all parties and filed with the agency hearing clerk at least 7 days before the argument.

§ 21.4375 Review by the Administrator.

Within 20 days after an initial decision becomes a final decision pursuant to § 21.4373(a) or within 20 days of the mailing of a final decision referred to in § 21.4373(b), as the case may be, a party may request the Administrator to review the final decision. The Administrator may grant or deny such request, in whole or in part, or serve notice of his intent to review the decision in whole or in part upon his own motion. If the Administrator grants the requested review, or if he serves notice of intent to review upon his own motion, each party to the decision shall have 20 days following notice of the Administrator's proposed action within which to file exceptions to the decision and supporting briefs and memoranda, or briefs and memoranda in support of the decision. Failure of a party to request review under this section shall not be deemed a failure to exhaust administrative remedies for the purpose of obtaining judicial review.

§ 21.4376 Service on amici curiae.

All briefs, exceptions, memoranda, requests, and decisions referred to in §§ 21.4370 through 21.4376 shall be served upon amici curiae at the same times and in the same manner required for service on parties. Any written statements of position and trial briefs required of parties under § 21.4350 shall be served on amici.

POSTHEARING AGENCY ACTIONS

§ 21.4377 Final agency action.

(a) The final decision of the hearing examiner or responsible agency official that a school or training establishment is not in compliance will be referred by the responsible agency official to the Administrator for approval as required by § 18.10(e) of this chapter. The finding will be accompanied by letters from the Administrator to the House Veterans' Affairs Committee and the Senate Committee on Labor and Public Welfare containing a full report on the circumstances as required by § 18.8(c) of this chapter, the reasons for the proposed action and a statement that the proposed action will become the final agency action 30 days after the date of the letter.

(b) A copy of the letters to the Congressional Committees will be sent to all parties to the proceedings.

§ 21.4378 Payments after final agency action.

When there has been a final agency determination that a school or training establishment is not in compliance:

(a) *Certificates of eligibility.* No new certificates of eligibility will be issued for courses in that institution.

(b) *Enrollments.* For a veteran or eligible person who was pursuing an approved program of education or training on the day before the date the agency decision became final, payments may be continued and reenrollment authorized until his program is completed. Initial enrollment may be authorized only if the commencing date of benefits is earlier than the date of final agency action.

(c) *Chapter 31.* Payments under 38 U.S.C. chapter 31 to a school or training establishment may be authorized only through the date of the enrolled veteran's program.

(d) *Reporting fees.* The annual reporting fee authorized by § 21.4206 is payable to a school which is found not to be in compliance only for those veterans or eligible persons continued in enrollment, as authorized by paragraph (b) of this section, as of October 31 of each year.

§ 21.4379 Posttermination compliance.

When an institution has been found by the Veterans Administration not to be in compliance, and subsequently is found to be in a status of compliance, payments otherwise in order may be authorized commencing the date certified by the responsible agency official.

JUDICIAL STANDARDS OF PRACTICE

§ 21.4390 Conduct.

Parties and their representatives are expected to conduct themselves with honor and dignity and observe judicial standards of practice and ethics in all proceedings. They should not indulge in offensive personalities, unseemly wrangling, or intemperate accusations or characterizations. A representative of any party whether or not a lawyer shall observe the traditional responsibilities of lawyers as officers of the court and use his best efforts to restrain his principal from improprieties in connection with a proceeding.

§ 21.4391 Improper conduct.

With respect to any proceeding it is improper for any interested person to attempt to sway the judgment of the responsible agency official by undertaking to bring pressure or influence to bear upon him or any officer having a responsibility for a decision in the proceeding, or his decisional staff. It is improper that such interested persons or any members of the Veterans Administration's staff or the presiding officer give statements to communications media, by paid advertisement or otherwise, designed to influence the judgment of any officer having a responsibility for a decision in the proceeding, or his decisional staff. It is improper for any person to solicit communications to any such officer, or his decisional staff, other than proper communications by parties or amici curiae.

§ 21.4392 Ex parte communications.

Only persons employed by or assigned to work with the responsible agency official who perform no investigative or prosecuting function in connection with a proceeding shall communicate ex parte with the responsible agency official or the presiding officer, or any employee or person involved in the decisional process in such proceedings with respect to the merits of that or a factually related proceeding. The responsible agency official, the presiding officer, or any employee or person involved in the decisional process of a proceeding shall communicate ex parte with respect to the merits of that or a factually related proceeding only with persons employed by or assigned to work with them and who perform no investigative or prosecuting function in connection with the proceeding.

§ 21.4393 Expeditious treatment.

Requests for expeditious treatment of matters pending before the responsible agency official or the presiding officer are deemed communications on the merits, and are improper except when forwarded from parties to a proceeding and served upon all other parties thereto. Such communications should be in the form of a motion.

§ 21.4394 Matters not prohibited.

A request for information which merely inquires about the status of a proceeding without discussing issues or expressing points of view is not deemed an ex parte communication. Such requests should be directed to the Civil Rights hearing clerk. Communications with respect to minor procedural matters or inquiries or emergency requests for extensions of time are not deemed ex parte communications prohibited by § 21.4392. Where feasible, however, such communications should be by letter with copies to all parties. Ex parte communications between a respondent and the responsible agency official or the Administrator with respect to securing such respondent's voluntary compliance with any requirement of Part 18 of this chapter are not prohibited.

§ 21.4395 Filing of ex parte communications.

A prohibited communication in writing received by the Administrator, the responsible agency official, or by the presiding officer shall be made public by placing it in the correspondence file of the docket in the case and will not be considered as part of the record for decision. If the prohibited communication is received orally, a memorandum setting forth its substance shall be made and filed in the correspondence section of the docket in the case. A person referred to in such memorandum may file a comment for inclusion in the docket if he considers the memorandum to be incorrect.

NOTICE TO COMMITTEES

§ 21.4399 Posttermination proceedings.

(a) An applicant or recipient adversely affected by the order terminating, discontinuing, or refusing Federal financial assistance in consequence of proceedings pursuant to this title may request the responsible agency official for an order authorizing payment, or permitting resumption, of Federal financial assistance. Such request shall be in writing and shall affirmatively show that since entry of the order, it has brought its program or activity into compliance with the requirements of the Act, and with the Regulation thereunder, and shall set forth specifically, and in detail, the steps which it has taken to achieve such compliance. If the responsible agency official denies such request the applicant or recipient shall be given an expeditious hearing if it so requests in writing and specifies why it believes the responsible agency official to have been in error. The request for such a hearing shall be addressed to the responsible agency official and shall be made within 30 days after the applicant or recipient is informed that the responsible agency official has refused to authorize payment or permit resumption of Federal financial assistance.

(b) In the event that a hearing shall be requested pursuant to paragraph (a) of this section, the hearing procedures established by this subpart shall be applicable to the proceedings, except as otherwise provided in this section.

These VA regulations are effective upon publication in the FEDERAL REGISTER.

Approved: March 20, 1969.

[SEAL] W. J. DRIVER,
Administrator.

[F.R. Doc. 69-3686; Filed, Mar. 27, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4588]

[Montana 10680]

MONTANA

Establishment of the UL Bend National Wildlife Refuge Revocation of Executive Order No. 7509 of December 11, 1936

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the public lands in the following described areas, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the UL Bend National Wildlife Refuge, provided, that the nonpublic lands described in this paragraph shall become a part of said refuge and subject to all laws, rules and regulations applicable thereto, upon acquisition of title thereto, by the United States:

PRINCIPAL MERIDIAN

T. 21 N., R. 28 E.,
Sec. 1;
Sec. 2, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 11, NE¼NE¼, NE¼NW¼;
Sec. 12, NE¼NE¼, N½NW¼.
T. 22 N., R. 28 E.,
Sec. 35, E½E½;
Sec. 36, E½, E½W½.

T. 21 N., R. 29 E.,
Sec. 1, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 2, lots 1, 2, 3, 4, S½NW¼;
Sec. 3;
Sec. 4, lots 1, 2, 3, 4, S½N½, N½S½, S½, SE¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, N½S½, SW¼ SW¼;
Sec. 6, lots 1, 2, 3, 4, SE¼NE¼, NE¼SE¼;
Sec. 7, E½NE¼;
Sec. 8, NW¼NE¼, S½NE¼, NW¼, NE¼ SW¼, N½SE¼;
Sec. 9, lot 1, NE¼, S½NW¼, SW¼, N½ SE¼, SW¼SE¼;
Sec. 10, lots 1, 2, 3, N½, N½S½, SE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, N½NE¼;
Sec. 13, N½NW¼, NW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 14, lot 1, NE¼NE¼, E½NW¼, NW¼ NW¼, NE¼SE¼;
Sec. 15, lots 1 and 2;
Sec. 23, lot 2;
Sec. 24, lot 1;
Sec. 25, lot 3.

T. 22 N., R. 29 E.,
Secs. 31, 32, 33, 34, 35, and 36.

T. 20 N., R. 30 E.,
Sec. 4, lot 4;
Sec. 8, lot 1;
Sec. 22, lots 1, 2, and 3, E½SW¼, W½SE¼;
Sec. 27, lot 1, NW¼NE¼, NE¼NW¼;
Sec. 28, NW¼NE¼;
Sec. 29, lot 3;
Sec. 34, lot 3.

T. 21 N., R. 30 E.,
Secs. 1, 2, 3, 4, and 5;
Sec. 6, lot 7;
Sec. 7, lot 1, E½NE¼, NE¼NW¼;
Sec. 8, N½, N½SE¼;
Sec. 9, N½N½, SW¼NE¼, S½NW¼, SE¼ SE¼;
Sec. 10;
Sec. 11, E½, E½W½, NW¼NW¼;
Sec. 12 and 13;
Sec. 14, E½, E½W½, SW¼NW¼, W½ SW¼;
Sec. 15, S½, NW¼;
Sec. 16;
Sec. 17, NW¼NE¼, NW¼NW¼, S½N½, S½;
Sec. 18, lots 3, 4, E½, E½W½;
Sec. 19, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼;
Sec. 20;
Sec. 21, E½E½, NW¼NE¼, NE¼NW¼;
Secs. 22, 23, and 24;
Sec. 25, NE¼NE¼, W½NE¼, NW¼;
Sec. 26, N½NE¼, SW¼NE¼, NW¼, N½ SW¼, SW¼SW¼, NW¼SE¼;
Sec. 27;
Sec. 28, E½NE¼, S½;
Sec. 29;
Sec. 30, NE¼SE¼, S½SE¼;
Sec. 31, lots 3 and 7, E½E½, W½NE¼;
Sec. 32;
Sec. 33, NW¼, W½SW¼;
Sec. 34, NE¼, E½NW¼, NE¼SW¼, N½ SE¼;
Sec. 35, lots 2, 3, and 7, N½NW¼, SW¼ NW¼.

T. 22 N., R. 30 E.,
Sec. 12, NW¼NE¼, N½NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 13, E½, E½W½, W½SW¼;
Sec. 14, NE¼NE¼, NW¼NW¼, E½SE¼;
Sec. 15, N½NE¼, W½W½, E½SW¼, SW¼ SE¼;
Sec. 22, W½, SW¼NE¼, NW¼SE¼, S½ SE¼;
Sec. 23, E½, E½NW¼, NE¼SW¼;
Secs. 24 and 25;
Sec. 26, N½NE¼, SE¼NE¼, NE¼SE¼;
Secs. 27, 31, 32, 33, and 34;
Sec. 35, S½NE¼, W½, SE¼;
Sec. 36.

T. 22 N., R. 31 E.,
Sec. 6, lots 3 to 7, inclusive, SW¼NE¼, SE¼SW¼, E½SW¼, SE¼;
Sec. 7, lots 3 and 4, E½, E½W½;
Secs. 18, 19, and 30.

The areas described aggregate 39,455.68 acres in Phillips County, of which 2,880 acres are nonpublic.

2. Executive Order No. 7509 of December 11, 1936, establishing the Fort Peck Game Range, now known as the Charles M. Russell National Wildlife Range, is hereby revoked so far as it affects the lands described in paragraph 1 of this order.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

MARCH 25, 1969.

[F.R. Doc. 69-3726; Filed, Mar. 27, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Part 310]

IDENTIFICATION OF CATTLE CARCASSES

Proposed Procedure

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act (21 U.S.C., Supp. III, section 601 et seq.), proposes to amend § 310.2 of the Meat Inspection Regulations (9 CFR 310.2).

Statement of considerations. This proposed amendment would provide a procedure for relating identifying devices (ear tags, backtags, etc.) with the carcasses of cattle slaughtered at official establishments, until post mortem inspection is completed. This would provide inspectors with information regarding an animal that would assist in determining the wholesomeness of the carcass.

When indicated by post mortem findings, these identifying devices could be related to the cattle and reviewed to develop information which would aid in making a disposition of the carcass or a decision with respect to the desirability of further testing.

The present provisions of § 310.2 would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 310.2 Identification of carcass with certain severed parts thereof and with animal from which derived.

* * * * *

(b) The official State-Federal Department backtag on any cattle carcass shall:

(1) (i) Be removed from the hide of the animal by an establishment employee and placed in a clear plastic bag. The bag containing the tag shall be affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Program Inspector at the point where such inspector conducts the viscera inspection.

(2) (i) Brucellosis and tuberculosis ear tags, herd identification ear tags, sales tags, ear bangles, and similar identification devices shall be removed from the animal's hide or ear by an establishment employee and shall be placed in a clear plastic bag and affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Program Inspector at the point where such inspector conducts the viscera inspection.

(3) In cases where both types of devices described in subparagraphs (1) and (2) of this paragraph are present on the same animal, both types may be placed in the same plastic bag or in two separate bags.

(4) The Officer in Charge may allow the use of any alternate method proposed by an establishment for handling the type of devices described in subparagraph (2) of this paragraph if such alternate method would provide a ready means of identifying a specific carcass with the corresponding devices by a Program Inspector during the post mortem inspection.

(5) Disposition and use of identifying devices.

(i) The official State-Federal Department backtags will be collected by a Program inspector and handled according to instructions in § 322.10 of the Manual of Meat Inspection Procedures or used to obtain traceback information necessary for proper disposition of the animal or carcass.

(ii) The devices described in paragraph (2) shall be collected by the Program inspector when required to obtain traceback information necessary for proper disposition of the animal or carcass and for controlling the slaughter of reactor animals. Devices not collected for these purposes shall be discarded after the post mortem examination is complete.

(6) Plastic bags used by the establishment for collecting identifying devices will be furnished by the Department.

(Sec. 21, 34 Stat. 1260, as amended by 81 Stat. 584, 21 U.S.C., Supp. III, sec. 621; 29 F.R. 16210, as amended; 33 F.R. 10750)

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so, by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 24th day of March 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-3682; Filed, Mar. 27, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

VHF TELEVISION BROADCAST CHANNEL; MOUNT VERNON, ILL.

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606 (b) of the Commission's rules and regulations to add a VHF television broadcast channel to Mount Vernon, Ill., Docket No. 18453, RM-1372.

1. The dates for filing comments and reply comments herein, specified in the notice of proposed rule making issued February 14, 1969, are March 24, and April 3, 1969, respectively. In a "Motion for Extension of Time To File Comments", filed on March 20, 1969, Mid-America Television Co., the licensee of Station KRGC (TV), Jefferson City, Mo. (Channel 13), asks that these dates be extended for 2 weeks.

2. Mid-America cites as reasons for the requested extension what it claims to be substantial questions and problems involved in the proposed assignment of Channel 13 to Mount Vernon, Ill.—very close separations to three existing Channel 13 stations (including KRCG), possible air hazard considerations entailed in the tall antenna tower which the proposed station would have to have in order to cover Mount Vernon with a principal city signal, UHF impact, and need for the facility. It is stated that these problems require additional time to study, particularly in view of the length of the petition requesting the assignment (well over 100 pages). The N.A.B. convention in Washington late in March is cited as another time-consuming factor.

3. It appears that good cause exists for the requested extension and the public interest would be served thereby. *Accordingly, it is ordered,* That the time for filing comments and reply comments in this proceeding is extended to April 7, and April 17, 1969, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 21, 1969.

Released: March 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-3688; Filed, Mar. 27, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

ALBERT SCHWEITZER FELLOWSHIP, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Albert Schweitzer Fellowship, 866 United Nations Plaza, New York, N.Y. 10017.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

MARCH 20, 1969.

[F.R. Doc. 69-3673; Filed, Mar. 27, 1969; 8:46 a.m.]

UNITED STATES FOUNDATION FOR INTERNATIONAL SCOUTING, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

U.S. Foundation for International Scouting, 1 Wall Street, Room 2600, New York, N.Y. 10005.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

MARCH 20, 1969.

[F.R. Doc. 69-3674; Filed, Mar. 27, 1969; 8:47 a.m.]

Office of the Secretary

[Public Notice 308]

AMERICAN BRINE, INC.

Notice of Application for Presidential Permit

The Department of State has received an application dated March 6, 1968, from American Brine, Inc., a Delaware corporation having its main office at 110 North Wacker Drive, Chicago, Ill. (a wholly owned subsidiary of Morton International, Inc., of the same address), requesting amendment of its existing Presidential Permit to construct, connect, operate, and maintain two pipelines and one electric cable appurtenant thereto under the Detroit River at Detroit, Mich., to a point on the international boundary line between the United States and Canada, near Windsor, Ontario, and to connect said pipelines and cable with like facilities in Canada. The existing Presidential Permit authorizes the transmission of brine through the pipelines. The application requests only that the Permit be amended to permit the transmission of all commercial fluids other than oil, natural gas, and other hydrocarbons.

Notice is hereby given that a new Permit was granted by the Secretary of State on March 13, 1969, incorporating the amendment requested in the application.

For the Secretary of State.

[SEAL] MURRAY J. BELMAN,
Deputy Legal Adviser.

[F.R. Doc. 69-3672; Filed, Mar. 27, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order No. 701, Amdt. No. 7]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701, dated July 23, 1964, is further amended as follows:

1. Paragraph (d) of section 1.3 is amended to read as follows:

Section 1.3 *Fiscal Affairs.*

* * * * *

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands, and dispose of resources recovered in trespass cases for not less than the appraised value thereof; recommend to the Field or Regional Solicitor:

(1) Institution of suits arising out of trespass where the money judgment sought is not in excess of $5,000, and

(2) Compromise of such suits where the amount is not in excess of $20,000.

2. A new sub-paragraph (8) is added to section 1.7(a) as follows:

1.7 *Range Management.*—(a) *Grazing District Administration.*

* * * * *

(8) Refunds pursuant to 43 CFR 4115.2–1.

3. Paragraph (d) of section 3.3 is amended to read as follows:

Section 3.3 *Fiscal Affairs.*

* * * * *

(d) *Trespass.* Determine liability for trespass on the public lands. Dispose of resources recovered in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $5,000.

4. Paragraph (a) of section 3.7 is amended to read as follows:

Section 3.7 *Range Management.*

* * * * *

(a) *Grazing District Administration.*

(1) Licenses and permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) The expenditure of funds appropriated by Congress, or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

* * * * *

(8) Refunds pursuant to 43 CFR 4115.2–1(k)(2).

JOHN O. CROW,
Associate Director.

MARCH 25, 1969.

[F.R. Doc. 69-3727; Filed, Mar. 27, 1969; 8:49 a.m.]

UTAH

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10 a.m. on April 28, 1969.

SALT LAKE MERIDIAN

Plats of survey accepted April 22, 1968:

T. 9 S., R. 7 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1, 5, 6, 7, S½SW¼, W½SE¼.

Plats of survey accepted July 16, 1968:

T. 12 S., R. 7 W.,
Sec. 1, lots 1 to 8, inclusive, S½N½, S½;
Sec. 3, lots 1 to 8, inclusive, S½N½, S½;
Sec. 4, lots 1 to 8, inclusive, S½N½, S½;
Sec. 5, lots 1 to 8, inclusive, S½N½, S½;
Sec. 6, lots 1 to 11, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Secs. 33 to 35, inclusive.

Plats of survey accepted May 9, 1968:

T. 11 S., R. 8 W.,
Sec. 3, lots 1 to 8, inclusive, N½, N½S½;
Sec. 4, lots 1 to 8, inclusive, N½, N½S½;
Sec. 5, lots 1 to 8, inclusive, N½, N½S½;
Sec. 6, lots 1 to 11, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼.

Plats of survey accepted August 13, 1968:

T. 39 S., R. 3 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Secs. 33 to 35, inclusive.
T. 40 S., R. 3 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Secs. 33 to 35, inclusive.
T. 38 S., R. 4 E.
Sec. 1, lots 1 to 4, inclusive, S½;
Sec. 3, lots 1 to 4, inclusive, S½;
Sec. 4, lots 1 to 4, inclusive, S½;
Sec. 5, lots 1 to 4, inclusive, S½;
Sec. 6, lots 1 to 6, inclusive, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Secs. 33 to 35, inclusive.
T. 38 S., R. 5 E.,
Sec. 1, lots 1 to 4, inclusive, S½;
Sec. 3, lots 1 to 4, inclusive, S½;
Sec. 4, lots 1 to 4, inclusive, S½;
Sec. 5, lots 1 to 4, inclusive, S½;
Sec. 6, lots 1 to 6, inclusive, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Secs. 33 to 35, inclusive.
T. 39 S., R. 5 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4 inclusive, E½, E½W½;
Secs. 33 to 35, inclusive.

Plats of survey accepted July 11, 1968:

T. 19 S., R. 26 E.,
Sec. 4, lots 1 to 4, inclusive;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 4, inclusive, S½N½, S½;
Secs. 7 and 8;
Sec. 9, lots 1 to 4, inclusive;
Sec. 16, lots 1 to 4, inclusive;
Secs. 17 to 20, inclusive;
Sec. 21, lots 1 to 4, inclusive;
Sec. 28, lots 1 to 4, inclusive;
Sec. 29, lots 8, 9, N½, N½SE¼;
Sec. 30, N½, SW¼;
Sec. 32, lot 3;
Sec. 33, lot 5.

The area described aggregates 132,412.78 acres.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Utah upon the acceptance of plats of survey:

SALT LAKE MERIDIAN

T. 19 S., R. 26 E.
Sec. 16, lots 1 to 4, inclusive;
Sec. 32, lot 3.

3. The following lands were withdrawn July 1, 1910, by Proclamation 1059 for the Wasatch National Forest.

T. 9 S., R. 7 W.
Sec. 1, S½;
Sec. 2, S½;
Sec. 3, lots 6, 7, W½SE¼.

4. The following lands are within State Exchange application Utah 3297, and are not open to application, selection, and petition unless it is withdrawn or finally rejected, in which event these lands will become open as provided by 43 CFR 2244.2–3(c):

T. 38 S., R. 4 E.
Sec. 29;
Sec. 31, lots 1 to 4 inclusive, E½, E½W½.

5. The following lands were withdrawn May 6, 1942, by the Bureau of Reclamation for the Dewey Reservoir Site:

T. 19 S., R. 26 E.
Secs. 19 and 20;
Sec. 28, lots 1 to 4, inclusive;
Sec. 29, lots 8, 9, N½, N½SE¼;
Sec. 30, N½, SW¼;
Sec. 33, lot 5.

6. The following lands were withdrawn March 9, 1910, for Power Site Reserve No. 119;

T. 19 S., R. 26 E.,
Sec. 28, lots 1 to 4, inclusive;
Sec. 29, lots 8, 9, N½SE¼;
Sec. 30, NE¼SW¼, S½SW¼;
Sec. 33, lot 5.

7. The following lands were withdrawn April 10, 1946, for Power Site Classification No. 377;

T. 19 S., R. 26 E.,
Sec. 29, S½NW¼;
Sec. 30, NE¼NE¼, S½NE¼.

8. The lands in Tps. 9 and 12 S., R. 7 W., T. 11 S., R. 8 W., and T. 19 S., R. 26 E., have been classified for Multiple-Use under the Act of September 19, 1964 (43 U.S.C. 144–18) and are segregated from appropriation under the agriculture land laws (43 U.S.C. parts 7 and 9; 25 U.S.C., sec. 334), and from Public Sales under sec. 2455 R.S. (43 U.S.C. 1171).

9. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the remaining lands are open to the operation of the public land laws. All valid applications received at or prior to 10 a.m. on April 28, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These lands are semi-arid in character and not suitable for farming. The lands have values for watershed, grazing, wildlife, and recreation, which can best be managed under principles of multiple-use.

10. Inquires concerning the lands should be addressed to the Manager, Utah Land Office, Post Office Box 11505, Salt Lake City, Utah 84111.

J. E. KEOGH,
Manager, Utah Land Office.

MARCH 19, 1969.

[F.R. Doc. 69-3677; Filed, Mar. 27, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. S-463]

COMMANDER, INC.

Notice of Loan Application

Commander, Inc., Room 610, Forth & Pike Building, Seattle, Wash. 98101, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 74.9-foot registered length wood vessel to engage in the fishery for bottomfish, shrimp, scallops, hake, king crabs, Dungeness crabs, and salmon.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the

contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,
Acting Director.

[F.R. Doc. 69-3678; Filed, Mar. 27, 1969; 8:47 a.m.]

[Docket No. B-456]

CHARLES A. FOLLETT, JR.

Notice of Loan Application

Charles A. Follett, Jr., 7 Elm Street, Wakefield, R.I. 02879, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 72-foot leigth over-all steel vessel to engage in the fishery for flounders, scup, butterfish, groundfish, lobster, and industrial species.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,
Acting Director.

[F.R. Doc. 69-3679; Filed, Mar. 27, 1969; 8:47 a.m.]

Office of the Secretary

EDGAR A. WEYMOUTH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 25, 1969.

Dated: March 5, 1969.

E. A. WEYMOUTH.

[F.R. Doc. 69-3666; Filed, Mar. 27, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF ALASKA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket Number: 69-00464-89-44630. Applicant: University of Alaska, Geophysical Institute, College, Alaska 99701. Article: Meteorological apparatus. Manufacturer: Rauchfuss Instruments & Staff Pty., Ltd., Australia. Intended use of article: The article will be used to record meteorological parameters on a year-around basis. The long-period strip-chart recorders are the only meteorological instruments available which have the capability of unattended operation for up to 12 months. This requirement is essential for the project intended, since access to the field site in the Brooks Range in Northern Alaska is restricted to a few weeks in summer only. Application received by Commissioner of Customs: March 13, 1969.

Docket Number: 69-00465-33-46040. Applicant: University of Nebraska, College of Medicine, 42d and Dewey Avenue, Omaha, Nebr. 68105. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics Co., The Netherlands. Intended use of article: The principal intended uses of the article will include training of graduate students, research work by staff members and the production of teaching materials for use in the various teaching missions of the Basic Science Department. Research will include the study of retinal and renal changes in hypophysectomized diabetic Rhesus monkeys, and the study of Letospira pomona organisms and their reaction in hamsters.

For graduate teaching, it will allow each student to become familiar with at least two major microscopes; and for production of teaching materials, it will provide self-study or review materials covering various human diseases. Application received by Commissioner of Customs: March 13, 1969.

Docket No. 69-00469-33-78095. Applicant: University of Miami, Coral Gables, Fla. 33124. Article: Fluorescence spectrophotometer, Model MPF-2A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in connection with the study of the mechanism of the production of cancer of the urinary bladder. A major specific aim of the research is to determine the nature of the active carcinogens present in the urine of a dog. The applicant intends to use spectrophotofluorometry to detect and identify these carcinogenic metabolites in urine and in the bladder mucosa, which are all highly fluorescent, and fluorescence spectrometry should be a powerful tool for this purpose. Application received by Commissioner of Customs: March 17, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3655; Filed, Mar. 27, 1969; 8:45 a.m.]

MEDICAL COLLEGE OF SOUTH CAROLINA

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00445-33-54500. Applicant: Medical College of South Carolina, William W. Vallotton, M.D., 80 Barre Street, Charleston, S.C. 29401. Article: Slit lamp, Model R-900 and accessories. Manufacturer: Haag-Streit, Switzerland. Intended use of article: The article will be used in depicting lens changes in patients on phospholine iodide. Depth of patient's anterior chambers will also be measured. The desired model, however, has an easier to use and more reproducible tonometer which is important in studying intraocular pressure in pesticide and phospholine iodide exposed individuals. Application received by commissioner of customs: February 27, 1969.

Docket No. 69-00446-01-11000. Applicant: Texas A. & M. University, Department of Biology, College Station, Tex. 77843. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with a research program dealing with the biology, chemistry, and biochemistry of two classes of compounds; hormones and pheromones of insects. An integral part of this program is the structural identification of the hormones and pheromones, their precursors and metabolites. A second aspect consists of the synthesis of the hormones, pheromones, and their analogues. Application received by Commissioner of Customs: February 28, 1969.

Docket No. 69-00447-33-46500. Applicant: University of Pennsylvania, Department of Neurology, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the ultrastructure and cytochemistry of large numbers of muscle biopsies from patients with human muscle disease. These studies are necessary to gain a better understanding of the etiology and pathogenesis of these disorders. To perform these studies, specimens must be prepared for electron microscopy, which requires ultrathin sections in long series for dimensional reconstruction of structure. Application received by Commissioner of Customs: February 28, 1969.

Docket No. 69-00448-82-84200. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Water tunnel and accessories, Model K23. Manufacturer: Kempf and Remmers, West Germany. Intended use of article: The article will be used for classroom instruction in cavitation testing. Application received by Commissioner of Customs: March 3, 1969.

Docket No. 69-00449-99-80700. Applicant: Cornell University, Purchasing Department, Ithaca, N.Y. 14850. Article: Terragraph plotter, including connection for EZ-2 tracing table; SMK stereometric camera and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The articles will be used to bridge the gap in photogrammetry and surveying instruction between classical ground survey methods suitable for small distances at large scales and aerial photogrammetric methods suitable for large distances at small scales.

They will also be used for instruction in terrestrial mapping principles for objects at distances from 10 feet to 500 feet. Application received by Commissioner of Customs: March 3, 1969.

Docket No. 69-00450-01-77040. Applicant: Oregon State University, Corvallis, Oreg. 97331. Article: Mass spectrometer, Model CH-7. Manufacturer: Varian Mat GmbH., West Germany. Intended use of article: The article will be used as a general analytical tool for measurement of molecular weights, scanning of ion fragmentation spectra, measurement of isotope abundance ratios, observation of metastable ions and analyses for trace components of mixtures in research programs in organic, biological and analytical chemistry. The article will also serve as a training instrument for both graduate and undergraduate instruction in organic and analytical chemistry. Application received by Commissioner of Customs: March 3, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3656; Filed, Mar. 27, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0809) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 80540, proposing the establishment of a tolerance (21 CFR Part 120) of 0.4 part per million for negligible residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthio) methyl phosphorodithioate) in or on the raw agricultural commodity hops.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a microcoulometric detector with a sulfur titration cell.

Dated: March 20, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-3661; Filed, Mar. 27, 1969; 8:45 a.m.]

FOOD AND DRUG RESEARCH LABORATORIES, INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9H2398) has been filed by Food and Drug Research Laboratories, Inc., Maurice Avenue at 58th Street, Maspeth, N.Y. 11378, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of ethylene oxide as a fumigant for the control of microorganisms and insect infestation in ground spices and other processed natural seasoning materials except mixtures with added salt.

Dated: March 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3662; Filed, Mar. 27, 1969; 8:45 a.m.]

FORMETANATE HYDROCHLORIDE

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

On the basis of a petition from the Morton Chemical Co., Woodstock, Ill. 60098, a temporary tolerance of 4 parts per million is established for residues of the insecticide formetanate hydrochloride (*m*-[[(dimethylamino)methylene]amino]phenyl methylcarbamate hydrochloride) in or on the raw agricultural commodity group citrus fruits. The Commissioner of Food and Drugs has determined that this temporary tolerance is safe and will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Morton Chemical Co. name.

This temporary tolerance expires on March 21, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3663; Filed, Mar. 27, 1969; 8:45 a.m.]

Office of Education

COLLEGE LIBRARY RESOURCES PROGRAM

Notice of Establishment of Closing Date for Receipt of Applications for Grants for Library Materials

Title II–A of the Higher Education Act of 1965, as amended, authorizes the U.S. Commissioner of Education to make basic, supplemental, and special purpose grants to institutions of higher education to assist them in the acquisition of books and other materials to be used for library purposes.

Notice is hereby given that April 28, 1969, is established as the closing date upon which applications for basic, supplemental, and special purpose grants may be filed with and received by the U.S. Commissioner of Education.

Application forms, instructions, and other pertinent information will be sent to all institutions which have previously participated in the program. Other institutions desiring to participate in the program may obtain such application forms, instructions, and other information from the Division of Library Programs, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

Dated: March 24, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69–3680; Filed, Mar. 27, 1969; 8:45 a.m.]

Office of the Secretary

CERTAIN OFFICIALS

Delegation of Authority Regarding Certification of True Copies of Documents, Records, Extracts From Records, or Nonexistence of Records

Under the authority vested in me by the Secretary, 32 F.R. 17550, I hereby redelegate to the following the authority to certify true copies of any books, records, papers, or other documents, extracts from such, or to certify the nonexistence of records on file within the Department in the area of authority set forth after the name of each delegatee and to cause the Seal of the Department to be affixed to such certifications.

These same officials are authorized to cause the Seal to be affixed to agreements, awards, citations, diplomas, and similar documents.

This authority may be redelegated. The previous delegation dated December 8, 1967, and redelegations thereunder shall remain in effect until appropriate redelegations are made.

To whom delegated	*Area of authority*
General Counsel	Department.
Executive Officer, Office of the Secretary.	Office of the Secretary.
Administrator, Social and Rehabilitation Service.	Social and Rehabilitation Service.
Commissioner of Education.	Office of Education.
Commissioner of Social Security.	Social Security Administration.
Administrator, Consumer Protection and Environmental Health Service.	Consumer Protection and Environmental Health Service.
Administrator, Health Services and Mental Health Administration.	Health Services and Mental Health Administration.
Director, National Institutes of Health.	National Institutes of Health.

Dated: March 24, 1969.

BERNARD SISCO,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69–3691; Filed, Mar. 27, 1969; 8:48 a.m.]

Public Health Service

BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishments are licensed as of January 1, 1969, for the production of the biological products set forth under each establishment. Such licenses are effective until suspended or revoked in accordance with such Act and regulations.

This notice will be amended from time to time in the FEDERAL REGISTER to indicate any suspensions or revocations of licenses as well as the licensing of additional establishments and products.

Part I. Establishments Arranged by License Number Showing the Products for Which Each Establishment Is Licensed

LICENSED ESTABLISHMENTS

License No. 1—Parke, Davis & Co., Detroit, Mich.

Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Dysentery Antitoxin, Shiga.
Perfringens, Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Blood and Blood Derivatives

Fibrinolysin and Desoxyribonuclease Combined (Bovine).
Fibrinolysin and Desoxyribonuclease Combined (Bovine) with Chloramphenicol.
Histamine Azoprotein.
Immune Serum Globulin (Human).
Measles Immune Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).
Thrombin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Phosphate Adsorbed.
Typhoid and Paratyphoid Vaccine.
Two polyvalent bacterial vaccines with "No U.S. Standard of Potency."

Bacterial Antigens

Two polyvalent bacterial antigens with "No U.S. Standard of Potency."

Modified Bacterial Antigens

One polyvalent modified bacterial antigen with "No U.S. Standard of Potency."

Bacterial Vaccines and Antigens Combined

Two polyvalent bacterial vaccines and bacterial antigens with "No U.S. Standard of Potency."

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Aluminum Phosphate Adsorbed and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Poliomyelitis Vaccine Aluminum Phosphate Adsorbed.
Rabies Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Blastomycin.
Diphtheria Toxin for Schick Test.
Histoplasmin.
Tuberculin, Old.
Tuberculin, Purified Protein Derivative.

Diagnostic Substances for Laboratory Tests

Anti-Human Chorionic Gonadotropic Serum.
Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.
Influenza Virus Hemagglutinating Antigen.

Miscellaneous

Allergenic Extracts.
Oxophenarsine Hydrochloride.
Poison Ivy Extract.

License No. 2—Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa.

Antitoxins

Tetanus Antitoxin.

Blood and Blood Derivatives

Fibrinogen (Human).
Fibrinogen with Antihemophilic Factor (Human).
Fibrinolysin and Desoxyribonuclease Combined (Bovine).
Fibrinolysin (Human).
Immune Serum Globulin (Human).
Normal Bovine Serum.
Normal Horse Serum.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).

Bacterial Vaccines

Cholera Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Sensitized Bacterial Vaccines

Typhoid and Paratyphoid Vaccine.
Three polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency".

Bacterial Antigens

Three polyvalent bacterial antigens with "No U.S. Standard of Potency".

Toxoids and Toxins for Immunization

Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Aluminum Phosphate Adsorbed and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Measles-Smallpox Vaccine, Live.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Measles Virus Vaccine, Live, Attenuated.
Mumps Virus Vaccine, Live.
Poliomyelitis Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

Diagnostic Substances for Dermal Tests

Tuberculin, Purified Protein Derivative.

Miscellaneous

Antivenin (*Latrodectus mactans*).
Blood Group Specific Substances A and B.
Poison Ivy Extract.

License No. 3—Wyeth Labor ies, Inc., Marietta, Pa.

Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

Blood and Blood Derivatives

Normal Horse Serum.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliovirus Vaccine, Live, Oral, Trivalent.
Poliovirus Vaccine, Live, Oral, Type 1.
Poliovirus Vaccine, Live, Oral, Type 2.
Poliovirus Vaccine, Live, Oral, Type 3.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.

Miscellaneous

Antivenin (Crotalidae) Polyvalent.
Antivenin (Micrurus fulvius).

License No. 8—Cutter Laboratories, Inc., Berkeley, Calif.

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Factor IX Complex (Human).
Fibrinogen (Human).
Fibrinogen with Antihemophilic Factor (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Serum Albumin (Human).
Pertussis Immune Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).
Thrombin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Hydroxide Adsorbed.
Plague Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Two polyvalent bacterial vaccines with "No U.S. Standard of Potency."

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Adsorbed.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria Toxoid and Pertussis Vaccine Combined.
Tetanus Toxoid and Pertussis Vaccine Combined.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).

Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern).
Equine Encephalomyelitis Vaccine (Western).
Poliomyelitis Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Coccidioidin.
Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

Miscellaneous

Allergenic Extracts.
Poison Ivy Extract.
Poison Oak Extract.

License No. 17—Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y.

Antitoxins

Botulism Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

Therapeutic Immune Serums

Antirabies Serum.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Measles Immune Globulin (Human).
Tetanus Immune Globulin (Human).

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid and Paratyphoid Vaccine.
Four polyvalent bacterial vaccines with "No U.S. Standard of Potency."

Toxoids and Toxins for Immunization

Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Measles Virus Vaccine, Live, Attenuated.
Mumps Vaccine.
Poliovirus Vaccine, Live, Oral, Trivalent.
Poliovirus Vaccine, Live, Oral, Type 1.
Poliovirus Vaccine, Live, Oral, Type 2.
Poliovirus Vaccine, Live, Oral, Type 3.
Rabies Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

Diagnostic Substances for Dermal Tests

Histoplasmin.
Lymphogranuloma Venereum Antigen.
Tuberculin, Tine Test.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

Miscellaneous

Allergenic Extracts.
Streptokinase—Streptodornase.
Trichinella Extract.

License No. 21—Swiss Serum and Vaccine Institute Berne, Berne, Switzerland.

Distributors-Norgine Laboratories, Inc., New York, and Serums and Vaccines of America, Assoc., Division of Mural Laboratories, Inc., Miami, Fla.

Antitoxins

Tetanus Antitoxin.

License No. 43—Abbott Laboratories, Detroit, Mich.

Bacterial Vaccines

Eight Polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

Miscellaneous

Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Poison Oak Extracts Combined.

License No. 43—Abbott Laboratories, North Chicago, Ill., and Courtland Scientific Products Division of Abbott Laboratories, Chicago, Ill.

Blood and Blood Derivatives

Aggregated Radio-Iodinated (I^{131}) Albumin (Human).
Radio-Iodinated (I^{125}) Serum Albumin (Human).
Radio-Iodinated (I^{131}) Serum Albumin (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-M Serum.
Anti-Human Serum.

License No. 51—The Upjohn Co., Kalamazoo, Mich.

Blood and Blood Derivatives

Thrombin.

License No. 52—E. R. Squibb & Sons, Inc., New Brunswick, N.J.

Blood and Blood Derivatives

Aggregated Radio-Iodinated (I^{131}) Albumin (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Radio-Chromated (Cr^{51}) Serum Albumin (Human).
Radio-Iodinated (I^{125}) Serum Albumin (Human).
Radio-Iodinated (I^{131}) Serum Albumin (Human).
Tetanus Immune Globulin (Human).

Multiple Antigen Preparations

Staphylococcus Toxoid and Bacterial antigen made from Staphylococcus (Albus and Aureus).

Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.

License No. 56—Eli Lilly & Co., Indianapolis, Ind.

Antitoxins

Diphtheria Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Blood and Blood Derivatives

Measles Immune Globulin (Human).

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Six polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Bacterial Antigens

Seven polyvalent bacterial antigens with "No U.S. Standard of Potency".

Toxoids and Toxins for Immunization

Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Measles Virus Vaccine, Inactivated.
Measles Virus Vaccine, Live, Attenuated.
Mumps Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Mumps Skin Test Antigen.
Schick Test Control.
Tuberculin, Old.

Miscellaneous

Allergenic Extracts.

License No. 64—Massachusetts Public Health Biologic Laboratories, Boston, Mass.

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Blood and Blood Derivitives

Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Precipitated.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipiated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated.
Tetanus and Diphtheria Toxoids (Combined Aluminum Phosphate Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 69—Sterling Drug, Inc., Rensselaer, N.Y.

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.

License No. 73—Connaught Medical Research Laboratories, University of Toronto, Willowdale, Ontario, Canada.

Antitoxins

Botulism Antitoxin.
Diphtheria Antitoxin.
Staphylococcus Antitoxin.
Tetanus Antitoxin.

Blood and Blood Derivatives

Normal Serum Albumin (Human).

Bacterial Vaccines

BCG Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

Viral and Rickettsial Vaccines

Poliomyelitis Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Tuberculin, Purified Protein Derivative. Distributor—Panray-Parlam Corp., Englewood, N.J.

License No. 77—Mallinckrodt Chemical Works, Maryland Heights, Mo.

Blood and Blood Derivatives

Aggregated Radio-Iodinated (I^{131}) Albumin (Human).
Radio-Iodinated (I^{125}) Serum Albumin (Human).
Radio-Iodinated (I^{131}) Serum Albumin (Human).

License No. 84—Terrell's Laboratories, Fort Worth, Tex.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

Miscellaneous

Allergenic Extracts.

License No. 91—Hollister-Stier Laboratories, Spokane, Wash.; Downers Grove, Ill.; Yeadon, Pa.; Los Angeles, Calif.; Atlanta, Ga.; and Dallas, Tex.

Bacterial Vaccines

Two polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Miscellaneous

Allergenic Extracts.
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Poison Oak Extracts Combined.

License No. 97—Behringwerke AG., Marburg-Lahn, Germany.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

Miscellaneous

Streptokinase—Streptodornase.

License No. 99—Bureau of Laboratories, Michigan Department of Public Health, Lansing, Mich.

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum.

Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Horse Serum.
Normal Rabbit Serum.
Normal Serum Albumin (Human).
Tetanus Immune Globulin (Human).
Whole Blood (Human).
ACD.

Bacterial Vaccines

Pertussis Vaccine.
Pertussis Vaccine, Adsorbed.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.

Viral and Rickettsial Vaccines

Rabies Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Schick Test Control.
Tuberculin, Old.

Diagnostic Substances for Laboratory Tests

Pneumococcus Typing Serum.

License No. 101—The National Drug Co., Division of Richardson-Merrell, Inc., Philadelphia, Pa., and Swiftwater, Pa.

Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus-Gas Gangrene Polyvalent Antitoxin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Two polyvalent vaccines with "No U.S. Standard of Potency".

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Streptococcus Erythrogenic Toxin.
Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Staphylococcus Toxoid and Bacterial Vaccine made from Staphylococcus (Aureus).
Staphylococcus Toxoid—Streptococcus Toxin—Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus and Hemophilus Influenzae.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine.
Yellow Fever Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Shick Test.
Schick Test Control.

License No. 102—Mulford Colloid Laboratories, Philadelphia, Pa.

Miscellaneous

Poison Ivy Extract.
Poison Oak Extract.
Tincture Poison Ivy.

License No. 103—Allergy Laboratories, Inc., Oklahoma City, Okla.

Miscellaneous

Allergenic Extracts.

License No. 107—Porro Biological Laboratories, Tacoma, Wash.

Miscellaneous

Allergenic Extracts.

License No. 110—Pitman-Moore, Division of The Dow Chemical Co., Zionsville, Ind.

Antitoxins

Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Measles Virus Vaccine, Live, Attenuated.
Poliomyelitis Vaccine.
Rabies Vaccine.
Typhus Vaccine.

License No. 113—Michael Reese Research Foundation, Chicago, Ill.

Therapeutic Immune Serums

Mumps Immune Serum (Human).

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Normal Human Plasma.
Normal Human Serum.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-N Serum.
Anti-U Serum (Anti-Ss).
Anti-Human Serum.
Reagent Red Blood Cells (Human).

Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.
Blood Group Specific Substances A and B.

License No. 119—Barry Laboratories, Inc., Detroit, Mich.

Bacterial Vaccines

Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Miscellaneous

Allergenic Extracts.
Poison Ivy Extracts.
Poison Ivy Extract Alum Precipitated.
Poison Ivy-Oak-Sumac Extracts Combined.
Poison Sumac Extract.

License No. 120—Bureau of Biologic Products, Division of Laboratories, Illinois Department of Public Health, Chicago, Ill.

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.

Multiple Antigen Preparations

Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

Viral and Rickettsial Vaccines

Rabies Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 125—Hynson, Westcott & Dunning, Baltimore, Md.

Miscellaneous

Cobra Venom Solution.
Cobra Venom with Silicic and Formic Acids.

License No. 129—The Wellcome Foundation, Ltd., Wellcome Research Laboratories, Beckenham, Kent, England.

Antitoxins

Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.

Diagnostic Substances for Laboratory Tests

Anti-Human Chorionic Gonadotropic Serum.

Miscellaneous

Russell Viper Venom.

License No. 139—The Philadelphia Blood Center, Philadelphia, Pa.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Poliomyelitis Immune Globulin (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Reagent Red Blood Cells (Human).

License No. 140—Travenol Laboratories, Inc., Morton Grove, Ill., and Cleveland, Miss.; Hyland Division Travenol Laboratories, Inc., Los Angeles, Calif.

Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum.

Blood and Blood Derivatives

Antihemophilic Factor (Human).
Antihemophilic Plasma (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Measles Immune Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Packed Red Blood Cells (Human).
Pertussis Immune Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).
Vaccinia Immune Globulin (Human).
Whole Blood (Human).
ACD.
CPD.

Bacterial Antigens

Pseudomonas Polysaccharide.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh'rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^v (Anti-C^v).
Anti-Fy^a Serum (Anti-Duffy).
Anti-I Serum.
Anti-K Serum (Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-N Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Chorionic Gonadotropic Serum.
Anti-Human Serum.
Haemophilus influenzae Typing Serum.
Reagent Red Blood Cells (Human).

License No. 147—Endo Laboratories, Inc., Garden City, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 149—Armour Pharmaceutical Co., Chicago, Ill., Kankakee, Ill.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

License No. 152—Gotham Pharmaceutical Co., Inc., Brooklyn, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 154—John Elliott Blood Bank of Dade County, Inc., Miami, Fla.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 155—Wiener Serum Laboratory, Brooklyn, N.Y.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-rh^v and Anti-K Serum (Anti-(C^v+Kell)).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

License No. 156—Ortho Pharmaceutical Corp., Raritan, N.J.

Blood and Blood Derivatives

Fibrinogen (Human).
Fibrinolysin (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Profibrinolysin (Human).
Rh$_o$ (D) Immune Globulin (Human).
Thrombin.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^v (Anti-C^v).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Serum.
Reagent Red Blood Cells (Human).

License No. 157—Certified Blood Donor Service, Inc., Woodbury, N.Y.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^v (Anti-C^v).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Serum.
Reagent Red Blood Cells (Human).

License No. 158—Washington Blood Laboratory, Washington, D.C.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C)
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 159—Blood Grouping Laboratory of Boston, Inc., Boston, Mass.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.

Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e)
Anti-rh^w (Anti-C^w).
Anti-Rh$_o$+Rh$_o$ (Anti-D+D^e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Gr (V$_w$) Serum.
Anti-Jk^a Serum (Anti-Kidd).
Anti-K Serum (Anti-Kell).
Anti-Kp^a Serum (Anti-Penney).
Anti-Kp^b and Anti-K Serum (Anti-Rautenberg and Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-Le^b Serum.
Anti-M Serum.
Anti-M^s Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Wr^a Serum (Anti-Wright).
Anti-Human Serum.

License No. 163—High Titer Serum Laboratory, New York, N.Y.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).

License No. 164—Chas. Pfizer & Co., Inc., New York, N.Y., Terre Haute, Ind., and Philadelphia, Pa.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Alum Precipitated.
Tetanus Toxoid Alum Precipitated.

Multiple Antigen Preparations

Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Measles Virus Vaccine, Inactivated.
Measles Virus Vaccine, Live, Attenuated.
Poliomyelitis Vaccine.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-hr^v (Anti-V).
Anti-rh^w (Anti-C^w).
Anti-Di^a Serum (Anti-Diego).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Fy^b Serum.
Anti-Jk^a Serum (Anti-Kidd).
Anti-Jk^b Serum.
Anti-K Serum (Anti-Kell).
Anti-Kp^a Serum (Anti-Penney).
Anti-Kp^b Serum (Anti-Rautenberg).
Anti-k Serum (Anti-Cellano).
Anti-Le^a Serum (Anti-Lewis).
Anti-Lu^a Serum (Anti-Lutheran).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-U Serum (Anti-Su).
Anti-Human Serum.
Reagent Red Blood Cells (Human).

Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.

License No. 165—Blood Bank Foundation, Nashville, Tenn.

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 166—Belle Bonfils Memorial Blood Bank, Denver, Colo.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.
Reagent Red Blood Cells (Human).

License No. 167—J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 168—Mount Sinai Medical Research Foundation, Chicago, Ill.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Reagent Red Blood Cells (Human).

License No. 169—Chicago Blood Donor Service, Inc., Chicago, Ill.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 170—Jackson Blood Bank, Jackson, Tenn.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 171—Courtland Laboratories, Los Angeles, Calif.

Therapeutic Immune Serums

Chickenpox Immune Serum (Human).
Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

Blood and Blood Derivatives

Antihemophilic Factor (Human).
Antihemophilic Plasma (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Whole Blood (Human).
ACD.

License No. 173—Interstate Blood Bank, Inc., Memphis, Tenn., and Philadelphia, Pa.

Blood and Blood Derivatives

Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 175—Inter-County Blood Banks, Inc., Rockville Centre, N.Y.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.

License No. 178—California Transfusion Service, Los Angeles, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 179—Dade Reagents, Inc., Miami, Fla.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$rh'rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Fy^b Serum.
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-Le^b Serum.
Anti-M Serum.
Anti-M^s Serum.
Anti-N Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Serum.
Reagent Red Blood Cells (Human).

Miscellaneous

Reagent Blood Group Specific Substances A and B.

License No. 181—Jacksonville Blood Bank, Inc., Jacksonville, Fla.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Human Serum.

License No. 182—Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif.

Blood and Blood Derivatives

Normal Human Plasma.
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 183—Blood Services, Scottsdale, Ariz.

This establishment license includes the following locations:

Blood Services of Arizona, Phoenix, Ariz.
Blood Services of Fort Smith, Fort Smith, Ark.
Blood Services of Arkansas, Little Rock, Ark.
Blood Services of El Paso, El Paso, Tex.
Blood Services of Harlingen, Harlingen, Tex.
Blood Services of Houston, Houston, Tex.
Blood Services of Las Vegas, Las Vegas, Nev.
Blood Services of Louisiana, Lafayette, La.
Blood Services of Lubbock, Lubbock, Tex.
Blood Services of Mississippi, Meridian, Miss.
Blood Services of Montana, Billings, Mont.
Blood Services of Butte, Butte, Mont.
Blood Services of Reno, Reno, Nev.
Blood Services of New Mexico, Albuquerque, N. Mex.
Blood Services of North Dakota, Fargo, N. Dak.
Blood Services of Minot, Minot, N. Dak.
Blood Services of San Antonio, San Antonio, Tex.
Blood Services of South Dakota, Rapid City, S. Dak.
Blood Services of Texarkana, Texarkana, Tex.
Blood Services of Wyoming, Cheyenne, Wyo.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 185—Minneapolis War Memorial Blood Bank, Minneapolis, Minn.

Blood and Blood Derivatives

Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).

License No. 187—Milwaukee Blood Center, Inc., Milwaukee, Wis.

Blood and Blood Derivatives

Normal Human Plasma.
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-rh'' rh' rh'' (Anti-CDE).
Anti-Human Serum.

License No. 188—Research Foundation and University of Illinois, Chicago, Ill.

Bacterial Vaccines

BCG Vaccine.

License No. 190—The American National Red Cross, Washington, D.C.

This establishment license includes the following locations:

Albany, N.Y.
Asheville, N.C.
Atlanta, Ga.
Baltimore, Md.
Birmingham, Ala.
Boise, Idaho.
Boston, Mass.
Buffalo, N.Y.
Burlington, Vt.
Charleston, S.C.
Charlotte, N.C.
Chicago, Ill.
Cleveland, Ohio.
Columbia, S.C.
Columbus, Ohio.
Daytona Beach, Fla.
Detroit, Mich.
Flint, Mich.
Fort Wayne, Ind.
Galesburg, Ill.
Great Falls, Mont.
Hartford, Conn.
Huntington, W. Va.
Johnstown, Pa.
Lansing, Mich.
Little Rock, Ark.
Los Angeles, Calif.
Louisville, Ky.
Madison, Wis.
Mobile, Ala.
Muskegon, Mich.

Nashville, Tenn.
New Brighton, Pa.
New York, N.Y.
Norfolk, Va.
Omaha, Nebr.
Peoria, Ill.
Philadelphia, Pa.
Portland, Oreg.
Rio Piedras, P.R.
Roanoke, Va.
Rochester, N.Y.
Salt Lake City, Utah.
San Jose, Calif.
Savannah, Ga.
Springfield, Mo.
St. Louis, Mo.
St. Paul, Minn.
Syracuse, N.Y.
Toledo, Ohio.
Tulsa, Okla.
Tucson, Ariz.
Waco, Tex.
Washington, D.C.
Waterloo, Iowa.
Wichita Falls, Tex.
Wichita, Kans.
Wilkes-Barre, Pa.
Yakima, Wash.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 191—Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 192—King County Central Blood Bank, Inc., Seattle, Wash.

Blood and Blood Derivatives

Normal Human Plasma.
Whole Blood (Human).
ACD.

License No. 193—Center Laboratories, Port Washington, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 194—Sacramento Medical Foundation Blood Bank, Sacramento, Calif.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 195—Peninsula Memorial Blood Bank, Burlingame, Calif.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.

License No. 197—Sonoma County Community Blood Bank, Santa Rosa, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 198—Tri-Counties Blood Bank, Inc., Santa Barbara, Calif.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 199—Blood Bank of Hawaii, Honolulu, Hawaii.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 201—San Diego Blood Bank, San Diego, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 202—Tacoma-Pierce County Blood Bank, Tacoma, Wash.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 203—Spokane & Inland Empire Blood Bank, Spokane, Wash.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 204—Virginia Blood Bank, Inc., Richmond, Va.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

Diagnostic Substances for Laboratory Tests

Anti-B Blood Grouping Serum.

License No. 209—Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 212—District of Columbia General Hospital, Washington, D.C.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.

License No. 213—Blood Bank of the Washington Hospital Center, Washington, D.C.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 214—Doctors Hospital Blood Bank, Washington, D.C.

Whole Blood (Human).
ACD.
CPD.

License No. 215—Blood Grouping Laboratory, Washington, D.C.

Blood and Blood Derivatives

Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Whole Blood (Human).
ACD.
CPD.

License No. 218—Providence Hospital Blood Bank, Washington, D.C.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 220—Broome County Blood Center, Binghamton, N.Y.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 221—Essex County Blood Bank, East Orange, N.J.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 222—Aurora Area Blood Bank, Aurora, Ill.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 224—Community Blood and Plasma Service, Inc., Birmingham, Ala.; Mobile, Ala.; Jackson, Miss.; and New York, N.Y.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 226—Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 227—Central Florida Blood Bank, Inc., Orlando, Fla.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 228—Southwest Florida Blood Bank, Inc., Tampa, Fla.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.
CPD.

License No. 230—Northern California Community Blood Bank, Eureka, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 231—Dubuque Blood Bank Association, Dubuque, Iowa.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 233—Ochsner Foundation Hospital Blood Bank, New Orleans, La.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.

License No. 234—Central Blood Bank of Pittsburgh, Pittsburgh, Pa.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 235—University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Reagent Red Blood Cells (Human).

License No. 237—Shreveport Emergency Blood Bank, Inc., Shreveport, La.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.

License No. 238—Istituto Sieroterapico Vaccinogeno Toscano Sclavo, Siena, Italy.

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Therapeutic Immune Serums

Antirabies Serum.

Bacterial Vaccines

Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

License No. 239—Houchin Community Blood Bank, Bakersfield, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 240—Memphis Blood Center, Inc., Memphis, Tenn.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 241—Community Blood and Plasma Service, Inc. of Texas, Houston, Tex., Dallas, Tex., and Los Angeles, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
Heparin.

License No. 244—Travis County Medical Society Blood Bank, Austin, Tex.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 246—Coffee Memorial Blood Center, Inc., Amarillo, Tex.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 248—Central Blood Bank, Inc., South Bend, Ind.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.

License No. 249—Northern Illinois Blood Bank, Inc., Rockford, Ill.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 250—St. Luke's Hospital Blood Bank, Aberdeen, S. Dak.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 251—Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 254—Knoxville Blood Center, Inc., Knoxville, Tenn.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 258—Osterreichisches Institut für Haemoderivate, Vienna, Austria.

Distributor—Philips Roxane, Inc., Columbus, Ohio

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).

License No. 259—Holston Valley Community Hospital Blood Bank, Kingsport, Tenn.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.

License No. 260—St. Francis Hospital Blood Bank, Trenton, N.J.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 261—Hospital Blood Service, Inc., Detroit, Mich.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 263—The Community Blood Bank of Norton, Inc., Norton, Va.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 265—W. E. and Lela I. Stewart Blood Services, Inc., Tyler, Tex.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No 266—Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 267—Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 268—Interstate Blood Bank, Inc., St. Louis, Mo.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
Heparin.

License No. 269—Beverly Blood Center, Inc., Chicago, Ill.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 270—Marietta Memorial Hospital, Marietta, Ohio.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.

License No. 271—St. Luke's Memorial Hospital Blood Bank, Racine, Wis.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 272—Michigan Community Blood Center, Detroit, Mich., Grand Rapids, Mich., and Saginaw, Mich.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 273—Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 274—Bergen Community Blood Bank, Paramus, N.J.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 276—Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 277—Community Memorial General Hospital, La Grange, Ill.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 278—Pioneer Blood Service, Inc., Brooklyn, N.Y.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 279—Menolasino Laboratories, Chicago, Ill.

Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 283—Hoffmann Laboratories, Inc., Fair Lawn, N.J.

Bacterial Antigens

One bacterial antigen with "No U.S. Standard of Potency".
Five polyvalent bacterial antigens with "No U.S. Standard of Potency".

License No. 284—Rhode Island Hospital Blood Bank, Providence, R.I.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 285—Marathon County Blood Bank, Inc., Wausau, Wis.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 286—Edgewater Hospital Blood Bank, Chicago, Ill.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 288—Delta Blood Bank, Stockton, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 289—Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 290—Pineview General Hospital Blood Bank, Valdosta, Ga.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 295—Community Blood Bank and Serum Service, Hoboken, N.J.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 296—Midwest Blood Service, Inc., Detroit, Mich.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 298—Lewiston-Clarkston Blood Bank, Lewiston, Idaho.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 299—Delmont Laboratories, Inc., Swarthmore, Pa.

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 300—Massachusetts General Hospital Blood Bank, Boston, Mass.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 301—Cleveland Biologicals, Inc., Cleveland, Ohio, and Akron, Ohio.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.
Heparin.

License No. 302—Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
CPD.
Heparin.

License No. 304—Lane Memorial Blood Bank, Eugene, Oreg.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 305—Interstate Blood Bank, Inc., of Chicago, Illinois, Chicago, Ill.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 306—Purex Laboratories, Inc., Staten Island, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 308—Greer Laboratories, Inc., Lenoir, N.C.

Miscellaneous

Allergenic Extracts.

License No. 309—Suburban Hospital Blood Bank, Bethesda, Md.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 310—Arlington Hospital Blood Bank, Arlington, Va.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 312—World Blood Bank, Inc., Kansas City, Mo., and Tulsa, Okla.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
Heparin.

License No. 313—Southeastern General Hospital, Inc., Lumberton, N.C.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 314—Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 315—Central California Blood Bank, Fresno, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 316—Maine Medical Center Blood Bank, Portland, Maine.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 317—St. Vincent Hospital Blood Bank, Erie, Pa.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 318—Chicago Wesley Memorial Hospital Blood Bank, Chicago, Ill.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 320—Garden State Blood Bank, Newark, N.J.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 321—National Blood Bank, Inc., New York, N.Y.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 325—A/B Kabi, Stockholm, Sweden.

Miscellaneous

Streptokinase.

License No. 326—New Hanover Memorial Hospital Blood Bank, Wilmington, N.C.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 327—The Elizabeth General Hospital and Dispensary, Elizabeth, N.J.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.

License No. 332—Tri-Cities Blood Service, Inc., Johnson City, Tenn.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 333—Central Blood Service, Inc., Baltimore, Md.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 334—Berkeley Biologicals, Berkeley, Calif.

Miscellaneous

Allergenic Extracts.

License No. 336—Eastern Blood Bank, Jersey City, N.J.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 337—Glaxo Laboratories, Ltd., Greenford, Middlesex, England.

Distributors—Eli Lilly & Co., Indianapolis, Ind., and Scientific Instrument Company, Inc., Bay Shore, New York, N.Y.

Bacterial Vaccines

BCG Vaccine

Diagnostic Substances for Dermal Tests

Tuberculin, Purified Protein Derivative.

License No. 338—Pfizer, Ltd., Sandwich, Kent, England.

Distributor—Pfizer Laboratories, New York, N.Y.

Viral and Rickettsial Vaccines

Poliovirus Vaccine, Live, Oral, Trivalent.
Poliovirus Vaccine, Live, Oral, Type 1.
Poliovirus Vaccine, Live, Oral, Type 2.
Poliovirus Vaccine, Live, Oral, Type 3.

License No. 339—Harrison County Blood Bank, Clarksburg, W. Va.

Blood and Blood Derivitives

Whole Blood (Human).
ACD.

License No. 343—Specific Serums, Inc., Hoboken, N.J.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum (Human).
Anti-Human Serum.
Reagent Red Blood Cells (Human).

License No. 344—Spectra Biologicals Division Becton-Dickinson & Co., East Brunswick, N.J.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Di^a Serum (Anti-Diego).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Fy^b Serum.
Anti-Jk^a Serum (Anti-Kidd).
Anti-Js^a Serum (Anti-Sutter).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-Kp^a Serum (Anti-Penney).
Anti-Kp^b Serum (Anti-Rautenberg).
Anti-M Serum.
Anti-M^i Serum (Anti-Miltenberger).
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Serum.
Reagent Red Blood Cells (Human).

License No. 345—Scientific Blood Bank, Inc., Chicago, Ill.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 346—Ohio Valley Blood Service, Inc., Evansville, Ind.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.

License No. 347—Banco de Sangre Metropolitano, Inc., Santurce, P.R.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 348—Des Moines County Medical Society Blood Bank, Inc., Burlington, Iowa.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 349—National Bio Serums, Inc., Port Reading, N.J.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.

Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-Rh$_o$' (Anti-CD).
Anti-rh'' (Anti-E).
nAti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Jk^a Serum (Anti-Kidd).
Anti-Jk^b Serum.
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Serum.
Reagent Red Blood Cells (Human).

License No. 350—Cambridge Nuclear Corporation, Cambridge, Mass.

Blood and Blood Derivatives

Radio-Iodinated (I^{125}) Serum Albumin (Human).

License No. 351—Evans Medical Limited, Speke, Liverpool, England.

Diagnostic Substances for Dermal Tests

Tuberculin, Purified Protein Derivative.

License No. 354—New Orleans Blood Bank, New Orleans, La.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.
Heparin.

License No. 355—Alexandria Hospital Blood Bank, Alexandria, Va.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 356—Dayton Biologicals, Inc., Dayton, Ohio.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 357—Greenville General Hospital Blood Bank, Greenville, S.C.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 358—Institute Plant Employees' Blood Bank, Union Carbide Corp., Institute, W. Va.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 359—Princeton Laboratory Products Co., Princeton, N.J.

Diagnostic Substances for Laboratory Tests

Anti-Human Chorionic Gonadotropic Serum.

License No. 360—Merced County General Hospital Blood Bank, Merced, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 361—Blood Bank of Alaska, Inc., Anchorage, Alaska.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 362—Miles Laboratories, Inc., Elkhart, Ind.; Ames Company Division, Miles Laboratories, Inc., Billerica, Mass., and Dome Laboratories Division, Miles Laboratories, Inc., West Haven, Conn., and New York, N.Y.

Blood and Blood Derivatives

Radio-Iodinated (I^{125}) Serum Albumin (Human).
Radio-Iodinated (I^{131}) Serum Albumin (Human).

Miscellaneous

Allergenic Extracts.
Allergenic Extracts Alum Precipitated.
Poison Ivy Extract Alum Precipitated.

License No. 363—Organon, Inc., West Orange, N.J.

Diagnostic Substances for Laboratory Tests

Anti-Human Chorionic Gonadotropic Serum.

License No. 364—Beecham Group Ltd., Worthing, Sussex, England.

Miscellaneous

Allergenic Extracts.

License No. 365—Fairfax Hospital Blood Bank, Falls Church, Va.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 366—Scott County Medical Society Blood Bank, Inc., Davenport, Iowa.

Blood and Blood Derivatives

Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 368—Dunklin County Memorial Hospital, Kennett, Mo.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.

License No. 369—Holy Cross Hospital of Silver Spring Blood Bank, Silver Spring, Md.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.

License No. 371—United Biologics Corp., San Francisco, Calif.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.

License No. 372—Broemmel Pharmaceuticals, San Francisco, Calif.

Miscellaneous

Poison Ivy Extract.
Poison Oak Extract.

License No. 373—Rock Island County Blood Bank, Inc., Rock Island, Ill.

Blood and Blood Derivatives

Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
CPD.

License No. 374—Atlantic Clinical Laboratory Blood Bank, Miami Beach, Fla.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 375—Blood Bank of the Maryland General Hospital, Baltimore, Md.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 376—Philips Roxane, Inc., St. Joseph, Mo.

Viral and Rickettsial Vaccines

Measles Virus Vaccine, Live, Attenuated.

License No. 378—N. V. Organon, Oss, The Netherlands.

Diagnostic Substances for Laboratory Tests

Anti-Human Chorionic Gonadotropic Serum.

License No. 379—Central Laboratory of The Netherlands Red Cross, Blood Transfusion Service, Amsterdam, The Netherlands.

Blood and Blood Derivatives

Immune Serum Globulin (Human).

License No. 380—Sibley Memorial Hospital, Washington, D.C.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.
Heparin.

License No. 381—The Roosevelt Hospital, New York, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 382—Nyegaard & Co. A/S, Oslo, Norway.

Blood and Blood Derivatives

Modified Plasma (Bovine).

License No. 383—Agricultural Biologicals Corp., Lynbrook, N.Y.

Miscellaneous

Collagenase.

License No. 384—Institut Merieux, Lyon, France.

Diagnostic Substances for Dermal Tests

Tuberculin, Old.

License No. 386—Community Blood Council of Greater New York, Inc., The New York Blood Center, New York, N.Y.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 387—Phoebe Putney Memorial Hospital Blood Bank, Albany, Ga.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.

License No. 388—Medical Center Blood Bank, Columbus, Ga.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 389—Community Blood Bank of Central Iowa, Des Moines, Iowa.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 390—St. Barnabas Hospital for Chronic Diseases, Bronx, N.Y.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 391—Medix, Inc., Chicago, Ill.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 392—Washington Homoeopathic Pharmacy, Washington, D.C.

Miscellaneous

Poison Ivy Extract.

License No. 393—N. V. Philips-Duphar, Weesp and Olst, The Netherlands.

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.

License No. 394—Community Blood Center, Dayton, Ohio.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.

License No. 395—Perth Amboy General Hospital, Perth Amboy, N.J.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 396—National Blood Service, Inc., Baltimore, Md.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
Heparin.

License No. 397—Laboratorio y Banco de Sangre Arreche, Santurce, P.R.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 398—Community Blood Bank of Marion County, Inc., Indianapolis, Ind.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.

License No. 399—Blood Bank of Deaconess Hospital, Inc., Evansville, Ind.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 400—National Blood Service of Philadelphia, Inc., Philadelphia, Pa.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 401—Chattanooga Blood Center, Inc., Chattanooga, Tenn.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Whole Blood (Human).
ACD.
Heparin.

License No. 402—Stanford University Hospital Blood Bank, Palo Alto, Calif.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.
CPD.
Heparin.

License No. 403—St. Joseph Hospital, Inc., Baltimore, Md.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 404—Blood Bank and Serum Service, Inc., New York, N.Y.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 405—Harrisburg Polyclinic Hospital, Harrisburg, Pa.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 406—Las Americas Laboratory and Blood Bank, Inc., Hato Rey, P.R.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 407—Allergy Laboratories of Ohio, Inc., Columbus, Ohio.

Miscellaneous

Allergenic Extracts.

License No. 408—United Laboratories, Inc., Atlanta, Ga.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 409—Andren, Inc., Fort Myers, Fla.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
CPD.

License No. 410—Tri-Cities Blood Service of Augusta, Inc., Augusta, Ga.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 411—Mid-South Blood Service, Inc., Memphis, Tenn.

Blood and Blood Derivatives

Whole Blood (Human).
ACD.

License No. 412—Allergy Specifics, Inc., New York, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 413—North American Biologicals, Inc., Fort Lauderdale, Fla.

Blood and Blood Derivatives

Packed Red Blood Cells (Human).
Single Donor Plasma (Human).
Whole Blood (Human).
CPD.

License No. 414—American Blood Components, Inc., Memphis, Tenn.

Blood and Blood Derivatives

Single Donor Plasma (Human).

License No. 415—Metabolic Research Foundation, Inc., Houston, Tex.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Human Serum.

License No. 416—Bioproducts Research Laboratories, Inc., Tempe, Ariz.

Diagnostic Substances for Dermal Tests

Coccidioidin.

Part II. List of Biologic Products With License Numbers of Establishment Licensed for Each Product

Antitoxins

B. *oedematiens* Antitoxin—1.
Botulism Antitoxin—17, 73.
Diphtheria Antitoxin—1, 3, 8, 17, 56, 64, 73, 99, 101, 238.
Dysentery Antitoxin, Shiga—1.
Gas Gangrene Polyvalent Antitoxin—3, 17, 101, 129.
Perfringens Antitoxin—1, 56, 110.
Staphylococcus Antitoxin—73.
Tetanus Antitoxin—1, 2, 3, 8, 17, 21, 56, 64, 73, 99, 101, 110, 129, 238.
Tetanus and Gas Gangrene Polyvalent Antitoxin—1, 3, 17, 56, 101, 110.
V. *septique* Antitoxin—1, 56, 110.

Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum—99, 140.
Antirabies Serum—17, 238.
Chickenpox Immune Serum (Human)—171.
Measles Immune Serum (Human)—171.
Mumps Immune Serum (Human)—113, 171.
Pertussis Immune Serum (Human)—171.
Scarlet Fever Immune Serum (Human)—171.

Blood and Blood Derivatives

Aggregated Radio-Iodinated (I^{131}) Albumin (Human)—43, 52, 77.
Antihemophilic Factor (Human)—140, 171.
Antihemophilic Globulin (Human)—8, 89.
Antihemophilic Plasma (Human)—113, 140, 165, 171.
Factor IX Complex (Human)—8.
Fibrinogen (Human)—2, 8, 52, 99, 140, 156.
Fibrinogen with Antihemophilic Factor (Human)—2, 8.
Fibrinolysin (Human)—2, 156.
Fibrinolysin and Desoxyribonuclease Combined (Bovine)—1, 2.
Fibrinolysin and Desoxyribonuclease Combined (Bovine) with Chloramphenicol—1.
Histamine Azoprotein—1.
Immune Serum Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 140, 149, 156, 171, 258, 379.
Measles Immune Globulin (Human)—1, 17, 56, 140.
Modified Plasma (Bovine)—382.
Mumps Immune Globulin (Human)—8, 140.
Normal Bovine Serum—2.
Normal Horse Serum—2, 3, 99.
Normal Human Plasma—8, 113, 140, 165, 171, 182, 185, 187, 192, 215.
Normal Human Serum—113.
Normal Rabbit Serum—99.
Normal Serum Albumin (Human)—1, 2, 8, 52, 64, 73, 99, 110, 140, 149, 156, 171.
Packed Red Blood Cells (Human)—113, 139, 140, 164, 165, 166, 168, 169, 171, 175, 181, 182, 183, 185, 187, 190, 191, 194, 195, 198, 202, 203, 212, 215, 221, 222, 224, 228, 234, 235, 240, 254, 269, 272, 274, 276, 278, 289, 295, 302, 305, 314, 321, 336, 345, 346, 369, 371, 386, 394, 400, 401, 409, 413.
Pertussis Immune Globulin (Human)—8, 140.
Plasma Protein Fraction (Human)—8, 64, 140, 171, 258.
Poliomyelitis Immune Globulin (Human)—1, 2, 8, 52, 64, 110, 139, 140, 149, 171, 258.
Profibrinolysin (Human)—156.
Radio Chromated (Cr^{51}) Serum Albumin (Human)—52.
Radio-Iodinated (I^{125}) Serum Albumin (Human)—43, 52, 77, 362.
Radio-Iodinated (I^{131}) Serum Albumin (Human)—43, 52, 77, 350, 362.
Resuspended Red Blood Cells (Human)—113, 165, 166, 185, 191, 215, 235.
Rh_o (D) Immune Globulin (Human)—156.
Single Donor Plasma (Human)—113, 139, 164, 165, 166, 169, 173, 182, 183, 185, 187, 190, 191, 194, 198, 202, 203, 221, 222, 224, 234, 235, 240, 254, 269, 272, 274, 276, 278, 289, 295, 302, 305, 314, 321, 336, 345, 366, 373, 386, 394, 400, 409, 413, 414.
Tetanus Immune Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 140, 258.
Thrombin—1, 8, 51, 156.
Vaccinia Immune Globulin (Human)—140.
Whole Blood (Human):
ACD—84, 99, 113, 139, 140, 154, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 175, 178, 181, 182, 183, 185, 187, 190, 191, 192, 194, 195, 197, 198, 199, 201, 202, 203, 204, 209, 212, 213, 214, 215, 218, 220, 221, 222, 224, 226, 227, 228, 230, 231, 233, 234, 235, 237, 239, 240, 241, 244, 246, 248, 249, 250, 251, 254, 259, 260, 261, 263, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 284, 285, 286, 288, 289, 290, 295, 296, 298, 300, 301, 302, 304, 305, 309, 310, 312, 313, 314, 315, 316, 317, 318, 320, 321, 326, 327, 332, 333, 336, 339, 345, 346, 347, 348, 354, 355, 356, 357, 358, 360, 361, 365, 366, 368, 369, 371, 373, 374, 375, 380, 386, 387, 388, 389, 390, 391, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 413.
CPD—140, 214, 215, 228, 233, 237, 248, 259, 269, 270, 301, 302, 327, 354, 368, 373, 380, 387, 398, 402, 409, 413.
Heparin—113, 164, 165, 166, 169, 173, 182, 185, 190, 191, 221, 222, 224, 240, 241, 254, 268, 269, 272, 274, 295, 301, 302, 305, 312, 321, 336, 345, 354, 380, 386, 396, 400, 401, 402.

Bacterial Vaccines

BCG Vaccine—73, 188, 337.
Cholera Vaccine—1, 2, 3, 8, 17, 56, 101.
Pertussis Vaccine—1, 3, 8, 17, 30, 56, 64, 99, 101, 110, 120, 121.
Pertussis Vaccine, Adsorbed—99.
Pertussis Vaccine Aluminum Hydroxide Adsorbed—8.
Pertussis Vaccine Aluminum Phosphate Adsorbed—1.
Plague Vaccine—8.
Typhoid Vaccine—2, 3, 8, 56, 64, 99, 101, 110, 120, 121.
Typhoid and Paratyphoid Vaccine—1, 2, 3, 8, 17, 56, 64, 99, 101, 110, 120, 238.
Polyvalent bacterial vaccines with "No U.S. Standard of Potency"—1, 8, 17, 30, 56, 91, 101, 119.

Sensitized Bacterial Vaccines

Typhoid and Paratyphoid Vaccine—2.
Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency"—2.

Bacterial Antigens

Pseudomonas Polysaccharide—140.
Bacterial antigens with "No U.S. Standard of Potency"—283.
Polyvalent bacterial antigens with "No U.S. Standard of Potency"—1, 2, 30, 56, 283, 299.

Modified Bacterial Antigens

Polyvalent modified bacterial antigens with "No U.S. Standard of Potency"—1.

Toxoids and Toxins for Immunization

Diphtheria Toxoid—1, 3, 8, 64, 73, 101, 110, 120, 121, 238.
Diphtheria Toxoid Alum Precipitated—164.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed—8, 97, 238.
Diphtheria Toxoid Aluminum Hydroxide Precipitated—121.
Diphtheria Toxoid Aluminum Phosphate Adsorbed—1, 3, 99, 238.
Scarlet Fever Streptococcus Toxin for Immunization—101.
Staphylococcus Toxoid—1, 17, 73, 101, 110, 238.
Streptococcus Erythrogenic Toxin—101.
Tetanus Toxoid—1, 2, 3, 8, 17, 56, 64, 73, 101, 110, 121, 238.
Tetanus Toxoid Alum Precipitated—164.
Tetanus Toxoid Aluminum Hydroxide Adsorbed—8, 97, 238.
Tetanus Toxoid Aluminum Hydroxide Precipitated—121.
Tetanus Toxoid Aluminum Phosphate Adsorbed—1, 3, 17, 99.
Tetanus Toxoid Aluminum Phosphate Precipitated—64.

Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed—110.
Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed—1.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed—1, 110.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine—2, 56.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Aluminum Phosphate Adsorbed and Poliomyelitis Vaccine—1, 2.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined—1, 8, 56, 101.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated—2, 8, 56, 110.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined—3, 101.

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1, 2, 3, 17, 99, 110.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated—64.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined—8.
Diphtheria and Tetanus Toxoids and Poliomyelitis Vaccine—110.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Precipitated—121.
Diphtheria and Tetanus Toxoids Combined—1, 8, 56.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated—3, 56, 101, 110.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Hydroxide Precipitated—121.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed—1, 3, 17, 99.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated—64.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria Toxoid and Pertussis Vaccine Combined—8.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined—101, 110, 120.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1.
Measles-Smallpox Vaccine, Live—2.
Staphylococcus Toxoid and Bacterial Vaccine made from Staphylococcus (Aureus)—101.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus)—1, 52.
Staphylococcus Toxoid—Streptococcus Toxin-Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus and Hemophilus Influenzae—101.
Tetanus Toxoid and Pertussis Vaccine Combined—8.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use)—2, 3, 56, 101, 164.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use)—8.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Precipitated (For Adult Use)—121.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use)—3, 17.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Precipitated (For Adult Use)—64.

Viral and Rickettsial Vaccines

Adenovirus Vaccine—1, 3, 110.
Equine Encephalomyelitis Vaccine (Eastern)—8.
Equine Encephalomyelitis Vaccine (Western)—8.
Influenza Virus Vaccine—1, 2, 3, 17, 56, 69, 101, 110, 164, 393.
Measles Virus Vaccine, Inactivated—56, 164.
Measles Virus Vaccine, Live, Attenuated—2, 17, 56, 110, 164, 376.
Mumps Vaccine—17, 56.
Mumps Virus Vaccine, Live—2.
Poliomyelitis Vaccine—1, 2, 8, 56, 73, 110, 164.
Poliovirus Vaccine, Live, Oral, Trivalent—3, 17, 338.
Poliovirus Vaccine, Live, Oral, Type 1—3, 17, 338.
Poliovirus Vaccine, Live, Oral, Type 2—3, 17, 338.
Poliovirus Vaccine, Live, Oral, Type 3—3, 17, 338.
Poliomyelitis Vaccine Aluminum Phosphate Adsorbed—1.
Rabies Vaccine—1, 17, 56, 99, 101, 110, 120, 121.
Rocky Mountain Spotted Fever Vaccine—17.
Smallpox Vaccine—1, 2, 3, 8, 17, 56, 64, 73, 99, 101.
Typhus Vaccine—2, 17, 56, 101, 110.
Yellow Fever Vaccine—101.

Diagnostic Substances for Dermal Tests

Blastomycin—1.
Coccidioidin—8, 416.
Diphtheria Toxin for Schick Test—1, 3, 8, 56, 64, 99, 101, 120, 121.
Histoplasmin—1, 17, 99.
Lymphogranuloma Venereum Antigen—17, 52.
Mumps Skin Test Antigen—56.
Scarlet Fever Streptococcus Toxin for Dick Test—3.
Schick Test Control—8, 56, 64, 99, 101, 121.
Tuberculin, Old—1, 8, 56, 64, 99, 110, 121, 384.
Tuberculin, Purified Protein Derivative—1, 2, 73, 337, 351.
Tuberculin, Tine Test—17.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum—8, 17, 43, 113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 166, 167, 168, 179, 181, 185, 187, 235, 289, 343, 344, 349, 415.
Anti-B Blood Grouping Serum—8, 17, 43, 113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 166, 167, 168, 179, 181, 185, 187, 204, 235, 289, 343, 344, 349, 415.
Anti-A,B Blood Grouping Serum—17, 43, 113, 139, 140, 156, 157, 158, 164, 165, 167, 179, 289, 343, 344, 349.
Absorbed Anti-A Serum—113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 179, 344.
Anti-Rh Typing Serums:
Anti-Rh_o (Anti-D)—17, 43, 113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 166, 167, 168, 179, 181, 185, 187, 235, 289, 343, 344, 349.
Anti-Rh_o' (Anti-CD)—17, 43, 113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 166, 179, 185, 187, 343, 344, 349.
Anti-Rh_o" (Anti-DE)—113, 139, 140, 155, 156, 157, 158, 163, 164, 165, 179, 343, 344, 349.
Anti-Rh_o rh'rh" (Anti-CDE)—17, 43, 113, 139, 140, 156, 157, 158, 164, 165, 179, 187, 343, 344, 349.
Anti-rh' (Anti-C)—17, 43, 113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 167, 179, 185, 343, 344, 349.
Anti-rh" (Anti-E)—17, 43, 113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 166, 167, 179, 185, 343, 344, 349.
Anti-hr' (Anti-c)—17, 43, 113, 139, 140, 155, 156, 157, 158, 159, 164, 165, 166, 167, 179, 185, 343, 344, 349.
Anti-hr" (Anti-e)—17, 43, 113, 139, 140, 155, 156, 157, 159, 164, 165, 166, 179, 343, 344, 349.
Anti-hr^v (Anti-V)—164.
Anti-rh^w (Anti-C^w)—17, 140, 156, 157, 159, 164, 179, 343, 344, 349.
Anti-Rh_o+Rh_o (Anti-D+D^u)—159.
Anti-Di^a Serum (Anti-Diego)—164, 344.
Anti-Fy^a Serum (Anti-Duffy)—139, 140, 155, 156, 157, 159, 164, 166, 179, 343, 344, 349.
Anti-Fy^b Serum—164, 179, 344.
Anti-Gr (V_w) Serum—159.
Anti-I Serum—140.
Anti-Jk^a Serum (Anti-Kidd)—159, 164, 344, 349.
Anti-Jk^b Serum—164, 349.
Anti-Js^a Serum (Anti-Sutter)—344.
Anti-k Serum (Anti-Cellano)—155, 156, 157, 164, 179, 343, 344.
Anti-K Serum (Anti-Kell)—17, 113, 139, 140, 155, 156, 157, 159, 164, 165, 166, 179, 289, 343, 344, 349.
Anti-Kp^a Serum (Anti-Penny)—159, 164, 344.
Anti-Kp^b Serum (Anti-Rautenberg)—164, 344.
Anti-Kp^b and Anti-K Serum (Anti-Rautenberg and Anti-Kell)—159.
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell))—155.
Anti-Le^a Serum (Anti-Lewis)—113, 140, 159, 164, 179.
Anti-Le^b Serum—159, 179.
Anti-Lu^a Serum (Anti-Lutheran)—164.
Anti-M Serum—43, 113, 139, 140, 155, 156, 157, 159, 164, 168, 179, 343, 344, 349.
Anti-M^z Serum—159, 179.
Anti-Mi^a Serum (Anti-Miltenberger)—344.
Anti-N Serum—113, 139, 140, 155, 156, 157, 164, 168, 179, 349.
Anti-N Serum (Human)—343.
Anti-P Serum—156, 157, 159, 164, 179, 344, 349.
Anti-S Serum—140, 156, 157, 159, 164, 179, 344, 349.
Anti-s Serum—140, 156, 159, 164, 179, 344, 349.
Anti-U Serum (Anti-Ss)—113, 164.
Anti-Wr^a Serum (Anti-Wright)—159.
Anti-Human Chorionic Gonadotropic Serum—1, 129, 140, 156, 359, 363, 378.
Anti-Human Serum—17, 43, 113, 139, 140, 155, 156, 157, 158, 159, 164, 165, 167, 168, 179, 181, 187, 279, 289, 343, 344, 349, 415.
Haemophilus influenzae Typing Serum—140.
Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test—1.
Influenza Virus Hemagglutinating Antigen—1.

Pneumococcus Typing Serum—99.
Reagent Red Blood Cells (Human)—113, 139, 140, 156, 157, 164, 168, 179, 235, 343, 344, 349.

Miscellaneous

Allergenic Extracts—1, 8, 17, 56, 84, 91, 103, 107, 119, 147, 152, 193, 305, 308, 334, 362, 364, 381, 407, 412.
Allergenic Extracts Alum Precipitated—362.
Antivenin (*Latrodectus mactans*)—2.
Antivenin (Crotalidae) Polyvalent—3.
Antivenin (Micrurus fulvius)—3.
Blood Group Specific Substance A—113, 164.
Blood Group Specific Substance B—113, 164.
Blood Group Specific Substances A and B—2, 113.
Cobra Venom Solution—125.
Cobra Venom with Silicic and Formic Acids—125.
Collagenase—383.
Oxophenarsine Hydrochloride—1.
Poison Ivy Extract—1, 2, 8, 30, 91, 102, 119, 372, 392.
Poison Ivy Extract Alum Precipitated—119, 362.
Poison Ivy-Poison Oak Extracts Combined—30, 91.
Poison Ivy-Oak-Sumac Extracts Combined—119.
Poison Oak Extract—8, 30, 91, 102, 372.
Poison Sumac Extract—119.
Reagent Blood Group Specific Substances A and B—179.
Russell Viper Venom—129.
Streptokinase—325.
Streptokinase-Streptodornase—17, 97.
Tincture Poison Ivy—102.
Trichinella Extract—17.

Part III. Licensed Establishments Arranged Alphabetically

A. Domestic Establishments

	U.S. license number
Abbott Laboratories, North Chicago, Ill. and Chicago, Ill.	43
Agricultural Biologicals Corp., Lynbrook, N.Y.	383
Alexandria Hospital Blood Bank, Alexandria, Va.	355
Allergy Laboratories, Inc., Oklahoma City, Okla.	103
Allergy Laboratories of Ohio, Inc., Columbus, Ohio	407
Allergy Specifics, Inc., New York, N.Y.	412
American Blood Components, Inc., Memphis, Tenn.	414
American National Red Cross, Washington, D.C.	190
Andren, Inc., Fort Myers, Fla.	409
Arlington Hospital Blood Bank, Arlington, Va.	310
Armour Pharmaceutical Co., Chicago, Ill., Kankakee, Ill.	149
Atlantic Clinical Laboratory Blood Bank, Miami Beach, Fla.	374
Aurora Area Blood Bank, Aurora, Ill.	222
Banco de Sangre Metropolitano, Inc., Santurce, P.R.	347
Barry Laboratories, Inc., Detroit, Mich.	119
Belle Bonfils Memorial Blood Bank, Denver, Colo.	166
Bergen Community Blood Bank, Paramus, N.J.	274
Berkeley Biologicals, Berkeley, Calif.	334
Beverly Blood Center, Inc., Chicago, Ill.	269
Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif.	191
Blood Bank of Alaska, Inc., Anchorage, Alaska	361
Blood Bank of the Bryn Mawr Hospital, Bryn Mawr, Pa.	266
Blood Bank of Deaconess Hospital, Inc., Evansville, Ind.	399
Blood Bank Foundation, Nashville, Tenn.	165
Blood Bank of Hawaii, Honolulu, Hawaii	199
Blood Bank of the Maryland General Hospital, Baltimore, Md.	375
Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C.	314
Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn.	267
Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif.	226
Blood Bank and Serum Service, Inc., New York, N.Y.	404
Blood Bank of the Washington Hospital Center, Washington, D.C.	213
Blood Grouping Laboratory, Washington, D.C.	215
Blood Grouping Laboratory of Boston, Inc., Boston, Mass.	159
Blood Services, Scottsdale, Ariz.	183
Broemmel Pharmaceuticals, San Francisco, Calif.	372
Broome County Blood Center, Binghamton, N.Y.	220
California Transfusion Service, Los Angeles, Calif.	178
Cambridge Nuclear Corp., Cambridge, Mass.	350
Center Laboratories, Inc., Port Washington, N.Y.	193
Central Blood Bank, Inc., South Bend, Ind.	248
Central Blood Bank of Pittsburgh, Pittsburgh, Pa.	234
Central Blood Service, Inc., Baltimore, Md.	333
Central California Blood Bank, Fresno, Calif.	315
Central Florida Blood Bank, Incorporated, Orlando, Fla.	227
Certified Blood Donor Service, Inc., Woodbury, N.Y.	157
Chas. Pfizer & Co., Inc., New York, N.Y.; Terre Haute, Ind.; Philadelphia, Pa.	164
Chattanooga Blood Center, Inc., Chattanooga, Tenn.	401
Chicago Blood Donor Service, Inc., Chicago, Ill.	169
Chicago Wesley Memorial Hospital Blood Bank, Chicago, Ill.	318
Cleveland Biologicals, Inc., Cleveland, Ohio, and Akron, Ohio	301
Coffee Memorial Blood Center, Inc., Amarillo, Tex.	246
Community Blood Bank of Central Iowa, Des Moines, Iowa	389
Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo.	302
Community Blood Bank of Marion County, Inc., Indianapolis, Ind.	398
Community Blood Bank of Norton, Inc., Norton, Va.	263
Community Blood Bank and Serum Service, Hoboken, N.J.	295
Community Blood Center, Dayton, Ohio	394
Community Blood Council of Greater New York, Inc., The New York Blood Center, New York, N.Y.	386
Community Blood and Plasma Service, Inc., Birmingham, Ala.; Mobile, Ala.; Jackson, Miss.; and New York, N.Y.	224
Community Blood and Plasma Service, Inc., of Texas, Houston, Tex., Dallas, Tex., and Los Angeles, Calif.	241
Community Memorial General Hospital, La Grange, Ill.	277
Courtland Laboratories, Los Angeles, Calif.	171
Cutter Laboratories, Inc., Berkeley, Calif.	8
Dade Reagents, Inc., Miami, Fla.	179
Dayton Biologicals, Inc., Dayton, Ohio	356
Delmont Laboratories, Inc., Swarthmore, Pa.	299
Delta Blood Bank, Stockton, Calif.	288
Des Moines County Medical Society Blood Bank, Inc., Burlington, Iowa	348
District of Columbia General Hospital, Washington, D.C.	212
Doctors Hospital Blood Bank, Washington, D.C.	214
Dubuque Blood Bank Association, Dubuque, Iowa	231
Dunklin County Memorial Hospital, Kennett, Mo.	368
Eastern Blood Bank, Jersey City, N.J.	336
Edgewater Hospital Blood Bank, Chicago, Ill.	286
Eli Lilly and Co., Indianapolis, Ind.	56
Elizabeth General Hospital and Dispensary, Elizabeth, N.J.	327
Endo Laboratories, Inc., Garden City, N.Y.	147
E. R. Squibb & Sons, Inc., New Brunswick, N.J.	52
Essex County Blood Bank, East Orange, N.J.	221
Fairfax Hospital Blood Bank, Falls Church, Va.	365
Garden State Blood Bank, Newark, N.J.	320
Gotham Pharmaceutical Co., Inc., Brooklyn, N.Y.	152

	U.S. license number
Greenville General Hospital Blood Bank, Greenville, S.C.	357
Greer Laboratories, Inc., Lenoir, N.C	308
Harrisburg Polyclinic Hospital, Harrisburg, Pa.	405
Harrison County Blood Bank, Clarksburg, W. Va.	339
High Titer Serum Laboratory, New York, N.Y.	163
Hoffmann Laboratories, Inc., Fair Lawn, N.J.	283
Hollister-Stier Laboratories, Downers Grove, Ill.; Yeadon, Pa.; Spokane, Wash.; Los Angeles, Calif.; Atlanta, Ga.; Dallas, Tex.	91
Holston Valley Community Hospital Blood Bank, Kingsport, Tenn	259
Holy Cross Hospital of Silver Spring Blood Bank, Silver Spring, Md.	369
Hospital Blood Service, Inc., Detroit, Mich.	261
Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa	289
Houchin Community Blood Bank, Bakersfield, Calif.	239
Hynson, Westcott and Dunning, Baltimore, Md.	125
Illinois Department of Public Health, Bureau of Biologic Products, Division of Laboratories, Chicago, Ill.	120
Institute Plant Employees' Blood Bank, Union Carbide Corp., Institute, W. Va.	358
Inter-County Blood Banks, Inc., Rockville Centre, N.Y.	175
Interstate Blood Bank, Inc., Memphis, Tenn., and Philadelphia, Pa	173
Interstate Blood Bank, Inc., St. Louis, Mo.	268
Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill.	305
Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif.	182
J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex.	167
Jackson Blood Bank, Jackson, Tenn	170
Jacksonville Blood Bank, Inc., Jacksonville, Fla.	181
Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill	251
John Elliott Blood Bank of Dade County, Inc., Miami, Fla.	154
King Country Central Blood Bank, Inc., Seattle, Wash.	192
Knoxville Blood Center, Inc., Knoxville, Tenn.	254
Laboratorio y Banco de Sangre Arreche, Santurce, P.R.	397
Lane Memorial Blood Bank, Eugene, Oreg.	304
Las Americas Laboratory and Blood Bank, Inc., Hato Rey, P.R.	406
Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y.	17
Lewiston-Clarkston Blood Bank, Lewiston, Idaho	298
Maine Medical Center Blood Bank, Portland, Maine	316
Mallinckrodt Chemical Works, Maryland Heights, Mo.	77
Marathon County Blood Bank, Inc., Wausau, Wis.	285
Marietta Memorial Hospital, Marietta, Ohio	270
Massachusetts General Hospital Blood Bank, Boston, Mass.	300
Massachusetts Public Health Biologic Laboratories, Boston, Mass	64
Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill.	209
Medical Center Blood Bank, Columbus, Ga.	388
Medix, Inc., Chicago, Ill.	391
Memphis Blood Center, Inc., Memphis, Tenn.	240
Menolasino Laboratories, Chicago, Ill	279
Merced County General Hospital Blood Bank, Merced, Calif.	360
Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa.	2
Metabolic Research Foundation, Inc., Houston, Tex.	415
Michael Reese Research Foundation, Chicago, Ill.	113
Michigan Community Blood Center, Detroit, Mich., Saginaw, Mich. and Grand Rapids, Mich.	77
Michigan Department of Public Health, Bureau of Laboratories, Lansing, Mich.	99
Mid-South Blood Service, Inc., Memphis, Tenn.	411
Midwest Blood Service, Inc., Detroit, Mich.	296
Miles Laboratories, Inc., Elkhart, Ind	362
Milwaukee Blood Center, Inc., Milwaukee, Wis.	187
Minneapolis War Memorial Blood Bank, Minneapolis, Minn.	185
Mount Sinai Medical Research Foundation, Chicago, Ill.	168
Mulford Colloid Laboratories, Philadelphia, Pa.	102
National Bio Serums, Inc., Port Reading, N.J.	349
National Blood Bank, Inc., New York, N.Y.	321
National Blood Service, Inc., Baltimore, Md.	396
National Blood Service of Philadelphia, Inc., Philadelphia, Pa.	400
National Drug Co., Division of Richardson-Merrell Inc., Philadelphia, Pa., and Swiftwater, Pa	101
New Hanover Memorial Hospital Blood Bank, Wilmington, N.C	326
New Orleans Blood Bank, New Orleans, La.	354
North American Biologicals, Inc., Fort Lauderdale, Fla.	413
Northern California Community Blood Bank, Eureka, Calif.	230
Northern Illinois Blood Bank, Inc., Rockford, Ill.	249
Ochsner Foundation Hospital Blood Bank, New Orleans, La.	233
Ohio Valley Blood Service, Inc., Evansville, Ind.	346
Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla	273
Organon Inc., West Orange, N.J.	363
Ortho Pharmaceutical Corp., Raritan, N.J.	156
Parke, Davis & Co., Detroit, Mich	1
Peninsula Memorial Blood Bank, Burlingame, Calif.	195
Perth Amboy General Hospital, Perth Amboy, N.J.	395
Philadelphia Blood Center, Philadelphia, Pa.	139
Philips Roxane, Inc., St. Joseph, Mo	376
Phoebe Putney Memorial Hospital Blood Bank, Albany, Ga.	387
Pineview General Hospital Blood Bank, Valdosta, Ga.	290
Pioneer Blood Service, Inc., Bronx, N.Y.	278
Pitman-Moore, Division of The Dow Chemical Co., Zionsville, Ind	110
Porro Biological Laboratories, Tacoma, Wash.	107
Princeton Laboratory Products, Co., Princeton, N.J.	359
Providence Hospital Blood Bank, Washington, D.C.	218
Purex Laboratories, Inc., Staten Island, N.Y.	306
Research Foundation and University of Illinois, Chicago, Ill.	188
Rhode Island Hospital Blood Bank, Providence, R.I.	284
Rock Island County Blood Bank, Inc., Rock Island, Ill.	373
Roosevelt Hospital, New York, N.Y	381
Sacramento Medical Foundation Blood Bank, Sacramento, Calif.	194
St. Barnabas Hospital for Chronic Diseases, Bronx, N.Y.	390
St. Francis Hospital Blood Bank, Trenton, N.J.	260
St. Joseph Hospital, Inc., Baltimore, Md.	403
St. Luke's Hospital Blood Bank, Aberdeen, S. Dak.	250
St. Luke's Memorial Hospital Blood Bank, Racine, Wis.	271
St. Vincent Hospital Blood Bank, Erie, Pa.	317
San Diego Blood Bank, San Diego, Calif	201
Scientific Blood Bank, Inc., Chicago, Ill.	345
Scott County Medical Society Blood Bank, Inc., Davenport, Iowa	366
Sherman Laboratories, Detroit, Mich	30

	U.S. license number
Shreveport Emergency Blood Bank, Inc., Shreveport, La	237
Sibley Memorial Hospital, Washington, D.C	380
Sonoma County Community Blood Bank, Santa Rosa, Calif	197
Southeastern General Hospital, Inc., Lumberton, N.C	313
Southwest Florida Blood Bank, Inc., Tampa, Fla	228
Specific Serums, Inc., Hoboken, N.J	343
Spectra Biologicals Division, Becton-Dickinson & Co., East Brunswick, N.J	344
Spokane & Inland Empire Blood Bank, Spokane, Wash	203
Stanford University Hospital Blood Bank, Palo Alto, Calif	402
Sterling Drug, Inc., Rensselaer, N.Y	69
Suburban Hospital Blood Bank, Bethesda, Md	309
Tacoma-Pierce, County Blood Bank, Tacoma, Wash	202
Terrell's Laboratories, Fort Worth, Tex	54
Texas State Department of Health, Austin, Tex	121
Travenol Laboratories, Inc., Cleveland, Miss., Los Angeles, Calif., and Morton Grove, Ill	140
Travis County Medical Society Blood Bank, Austin, Tex	244
Tri-Cities Blood Service, Inc., Johnson City, Tenn	332
Tri-Cities Blood Service of Augusta, Inc., Augusta, Ga	410
Tri-Counties Blood Bank, Inc., Santa Barbara, Calif	198
United Biologics Corp., San Francisco, Calif	371
United Laboratories, Inc., Atlanta, Ga	225
University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio	51
Upjohn Co., Kalamazoo, Mich	204
Virginia Blood Bank, Inc., Richmond, Va	265
W. E. and Lela I. Stewart Blood Services, Inc., Tyler, Tex	158
Washington Blood Laboratory, Washington, D.C	392
Washington Homoeopathic Pharmacy, Washington, D.C	276
Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa., and Wheeling, W. Va	155
Wiener Serum Laboratory, Brooklyn, N.Y	312
World Blood Bank, Inc., Kansas City, Mo., and Tulsa, Okla	3
Wyeth Laboratories, Inc., Marietta, Pa	325
B. FOREIGN ESTABLISHMENTS	
A/B Kabi, Stockholm, Sweden	97
Behringwerke AG., Marburg-Lahn, Germany	364
Beecham Group, Ltd., Worthing, Sussex, England	379
Central Laboratory of The Netherlands Red Cross, Blood Transfusion Service, Amsterdam, The Netherlands	408
Connaught Medical Research Laboratories, University of Toronto, Willowdale, Ontario, Canada	73
Evans Medical Limited, Speke, Liverpool, England	351
Glaxo Laboratories, Ltd., Greenford, Middlesex, England	337
Institut Merieux, Lyon, France	384
Istituto Sieroterapico Vaccinogeno Toscano Sclavo, Siena, Italy	238
N. V. Organon, Oss, The Netherlands	378
N. V. Philips-Duphar, Amsterdam, The Netherlands	393
Nyegaard & Co. A/S, Oslo, Norway	382
Osterreichisches Institut für Haemoderivate, Vienna, Austria	258
Pfizer, Ltd., Sandwich, Kent, England	338
Swiss Serum and Vaccine Institute Berne, Berne, Switzerland	21
Wellcome Foundation Limited, Wellcome Research Laboratories, Beckenham, Kent, England	129

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

C. F. JOHNSON,
Director of Information, for the Director, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 69-3599; Filed, Mar. 27, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-409]

ACCIDENT AT CHICAGO, ILL.

Notice of Hearing

In the matter of investigation of accident involving North Central Airlines, Inc., Convair 580, of U.S. Registry N2045, Chicago, Ill., December 27, 1968, Docket No. SA-409.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m. (local time) on April 15, 1969, in the Lafayette Room, O'Hare Concord Motor Inn, Des Plaines, Ill.

Dated this 25th day of March 1969.

[SEAL] WILLIAM R. HENDRICKS,
Hearing Officer.

[F.R. Doc. 69-3675; Filed, Mar. 27, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20838]

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

MARCH 25, 1969.

Notice is hereby given that the Civil Aeronautics Board on March 21, 1969, received an application, Docket No. 20838, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 to authorize it to engage in nonstop service between Norfolk, Va., and New York, N.Y. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3698; Filed, Mar. 27, 1969; 8:49 a.m.]

NOVO INDUSTRIAL CORP. AND FREESLATE INTERNATIONAL CORP.

Notice of Proposed Approval Regarding Control Relationships

Application of Novo Industrial Corp. and Freeslate International Corp. for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 20775.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 24, 1969.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Novo Industrial Corp. and Freeslate International Corp., Docket 20775; for approval pursuant to section 408 of the Federal Aviation Act.

By application filed February 28, 1969, Novo Industrial Corp. (Novo) and Freeslate International Corp. (Freeslate) request approval, under section 408 of the Federal Aviation Act of 1958, as amended (the Act) of the acquisition by Novo of Freeslate by means of a tax free exchange of Novo and Freeslate stock.

Novo is a diversified company with manufacturing and service divisions in the United States and Canada. It has acquired three air freight forwarders in the past several years and also currently controls two interstate common carriers.[1]

Freeslate is a privately owned New York corporation and currently holds domestic and international air freight forwarder operating authorizations.

The applicants state the approval of the instant merger agreement is in the public interest. In support of this contention they point to the fact that Freeslate's gross revenue for calendar 1968 amounted to only $513,491.82; that Freeslate has engaged in no domestic freight forwarder operations, and that Freeslate's international operation has been confined to originations at New York to only seven destinations. The applicants state that upon consummation of the agreement, Freeslate operating authorizations will be surrendered to the Board and that its customers will be able to benefit from the broad domestic and international air freight forwarder services provided by Air Dispatch, Inc., a subsidiary of Novo.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Freeslate is an air carrier and that Novo's acquisition of Freeslate while controlling ADI and Air Expediting is subject to section 408 of the Act. However, it is further concluded that such control relationships do not affect the control of a direct air carrier, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[2] Freeslate has not been engaged in any domestic air freight forwarding activities. Its international shipments in 1968 all originated in New York. ADI is primarily engaged in domestic operations and Air Expediting's primary international market is comprised of shipments originating in California. Furthermore, Barnett was never a significant competitor in either the domestic or international air freight forwarding markets. Thus, it does not appear that the instant transaction will have any adverse competitive effect on the air freight forwarding industry.[3] Consequently, approval of the instant control relationships will not be adverse to the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

1. That the acquisition of Freeslate by Novo and the resultant control relationships be and they hereby are approved; and

2. That the operating authorizations currently held by Freeslate be surrendered to the Board within 10 days of the effective date of this order.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3636; Filed, Mar. 27, 1969; 8:45 a.m.]

[1] See Orders E-24429, Nov. 21, 1966; E-26863, June 3, 1968, 68-10-181, Oct. 31, 1968; 68-11-61, Nov. 14, 1968.

[2] See Order 68-10-181, Oct. 31, 1968.

[3] Of those forwarders now controlled by Novo, only ADI ranked among the top 25 (tenth) in forwarding revenues generated during calendar 1967. None ranked among the top 10 in international revenues for that same year.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18498; FCC 69-260]

ALL CITY TELEPHONE ANSWERING SERVICE, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of application of All City Telephone Answering Service, Inc., for a construction permit for a new public coast (Class III-B) radio station at Milwaukee, Wis., Docket No. 18498, File No. 4875-M-P-48.

1. On April 12, 1968, All City Telephone Answering Service, Inc., filed an application for a construction permit for a new public coast station at Milwaukee, Wis., to operate on the distress and calling frequency 156.8 and the working frequency 161.95 Mc/s. The proposed station would provide a common carrier communication service to commercial and pleasure vessels operating in the vicinity of that port city. Except for the issues specified herein, the applicant is otherwise qualified for the applied for authorization.

2. On June 20, 1968, Lorain Electronics Corp., licensee of four public coast stations on the Great Lakes, including Station WAD located about 22 miles north of Milwaukee, filed a petition to deny the application. On August 13, 1968, the applicant filed an opposition to the petition to deny. The Petitioner has not filed a reply to the opposition.

3. The arguments advanced by the applicant for the grant of its application, as represented in the application and opposition to the petition to deny, consist essentially of the following:

a. There is a need for a public coast station in Milwaukee to handle local calls from vessels that now must place such calls through the nearest public coast stations at Port Washington and Chicago which involves connecting land line long distance charges.

b. There is a large area in the Milwaukee Harbor and south from Milwaukee along the west shore of Lake Michigan that is shielded by land from the Port Washington station or is otherwise not within vessel communication range of either the Chicago or Port Washington coast stations.

c. The public interest would be served by the establishment of the proposed station because it would provide rapid, reliable communications in the Milwaukee Harbor area.

4. In its petition to deny, Lorain Electronics has represented essentially as follows:

a. There would be substantial technical and economic interference between the proposed station and Petitioner's station 22 miles away at Port Washington.

b. There would be overlap in the service areas of the proposed station and Petitioner's station at Port Washington and the service area of that station would be effectively modified and reduced by applicant's proposed station.

c. Petitioner's Port Washington station can probably serve virtually all of the Milwaukee area which would be served by the applicant.

5. In its opposition the applicant urged that the petition to deny be denied because it did not meet the minimum requirements of section 309 of the Communications Act in that it did not contain specific allegations of fact sufficient to show that: (1) Petitioner is a party in interest; and (2) a grant of the application would be prima facia inconsistent with the public interest, convenience and necessity. Applicant asserted that the petition is vague and contained no, or insufficient, information concerning the revenues, traffic, source of customers and investment for the Commission to determine whether Lorain would suffer economic injury. Finally, applicant submitted that the Commission should establish that the filing of a petition to deny places the responsibility upon the Petitioner to supply the Commission with facts necessary to determine the merits of the Petition, especially since the mere filing of the petition tends to delay action on the application and deprive the public of service.

6. An analysis of the pleadings filed in this matter does not establish conclusively whether, or to what extent, there is now an unfilled need for public radio maritime communications service facilities to serve the local boating community at Milwaukee; the economic or other impact, if any, of the proposed station on the existing station at Port Washington; or the extent, if any, to which the service area of the proposed station would overlap with the service area of Petitioner's station. Additionally, there is a fundamental question of whether a boating community, especially at a major commercial and communication center such as Milwaukee, Wis., should be entitled to local service notwithstanding the fact that it may be within an area in which satisfactory communications can ordinarily be exchanged with a public coast station located in another locality when to use the facilities of the distant public coast station may be to the economic, operational or other disadvantage of the boating public in the locality of the proposed station.[1] Accordingly, in view of these substantial and material questions of fact the Commission is unable to make a determination that it would be in the

[1] A Class III Coast Station is defined in § 81.3(j) of our rules, in part, as a station "* * * licensed to provide * * * service, primarily of a local character."

public interest to grant the application; therefore, an evidentiary hearing is required to resolve the questions of fact and to determine if the public interest would be served by a grant of the subject application.

7. With respect to the applicant's arguments that the petition to deny should be denied, we do not agree that the petition is inadequate to meet the requirements of section 309 of the Act. Section 309(d) of the Act provides, as asserted by the applicant, in substance, that a party filing a petition to deny must furnish sufficient specific allegations to show that the Petitioner is a party in interest and that the grant of the application would be prima facie inconsistent with the public interest, convenience and necessity. The Petitioner in this matter asserts that it operates a public coast station approximately 22 miles from the location of the proposed station and that a part of the service area of the proposed station would be included as a part of the service area of the existing station. Since the effective service area of a VHF coast radio station ordinarily extends to more than 22 miles from the station, it is clear that there will be some overlap of coverage in the service areas of these stations. In view of this overlap of service areas and the probable economic impact of the proposed station on the existing station, we find that the Petitioner is a party in interest. Additionally, until the issues set forth in subparagraphs (a) through (g) of paragraph 11 below are resolved, we are unable to find that a grant of the pending application would serve the public interest, convenience and necessity. Accordingly, the applicant's request that the petition to deny be denied will be refused and the petition to deny will be granted to the extent that the matter is designated for hearing as hereinafter provided. We agree with the applicant that the petition to deny could be more clear and detailed in the manner as outlined by the applicant in its opposition. However, the thrust of the substantive argument seems unmistakable concerning the relative and pertinent issues brought to our attention.

8. On July 15, 1968, the Lake Carriers' Association filed a petition for leave to intervene and stay this proceeding pending the outcome of a study and review of future radiotelephone communications needs on the Great Lakes. The Association anticipated that the study would be completed within 3 months. The Association asserted that its purposes included consideration and action on all general questions relating to navigation and business on the Great Lakes and that vessels of its members transport about 98 percent of the total commerce of the Great Lakes which moves in American-flag vessels. On July 24, 1968, the applicant filed an opposition to the petition and asserted that the Association could not be a party in interest prior to a designation of the application for hearing and that the petition should be dismissed and not allowed to delay action on the subject application. We believe the Carriers' Association by the very nature and purposes of its activity, and in view of the composition of its membership, is clearly a party in interest and entitled to participate in a proceeding involving radio communication services or facilities available for use by its members and to this extent its petition will not be dismissed, as requested, but will be granted and the Association will be afforded an opportunity to appear in this proceeding. With respect to its request for a stay in the proceedings, however, we do not consider such action appropriate. It has been more than 7 months since the filing of the Association's petition and no study has been submitted by the Association. The applicant and the boating community involved are entitled under the present conditions and asserted urgent and immediate needs, to action as promptly as possible on the pending application. Furthermore, the petition filed by the Carriers' Association does not sufficiently show, as implied by the applicant, how the study would directly and specifically relate to the local needs of Milwaukee, Wis. Accordingly, so much of the petition of the Great Lakes Carriers' Association as requests a stay in this proceeding will be denied.

9. *It is ordered*, That in view of the foregoing, the petition to deny filed by Lorain Electronics Corp. is granted to the extent that this matter is designated for hearing as hereinafter provided.

10. *It is further ordered*, That the petition for leave to intervene and stay this proceeding filed by the Lake Carriers' Association is granted to the extent that the Association is made a party in this proceeding, and is otherwise denied.

11. *It is further ordered*, That the above entitled application of All City Answering Service, Inc., is designated for hearing at a time and place to be specified in a subsequent order on the following issues:

(a) To determine the extent of need in the local Milwaukee, Wis., area for public maritime radio communications service.

(b) To determine the extent, if any, to which any need for such services is not being satisfactorily met by the Public Coast station at Port Washington, Wis.

(c) To determine whether a Public Coast station to provide service primarily of a local character should be established at Milwaukee, Wis., even if Milwaukee lies within an area in which satisfactory maritime radio communications can ordinarily be exchanged with a public coast station which may have been established to provide service primarily to another locality.

(d) To determine whether the locality which Public Coast station WAD at Port Washington primarily serves includes the port area of Milwaukee.

(e) To determine the nature, amount and source of traffic now handled by station WAD and the amount of such traffic, if any, that would be lost if the proposed station is established, the economic impact on station WAD of any such loss of traffic and whether any adverse economic impact would be detrimental to the public interest.

(f) To determine the area in which station WAD can ordinarily exchange satisfactory communications with vessels and the extent, if any, to which such area overlaps with such area of the proposed station.

(g) To determine the probable area in which the proposed station could ordinarily exchange satisfactory communications with vessels.

(h) To determine whether the public interest, convenience and necessity would be served by the grant of the subject application.

12. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issues (a), (b), (c), and (g) is placed upon All City Answering Service, Inc., and on issues (d), (e), and (f) upon Lorain Electronics Corp. Issue (h) is conclusory.

13. *It is further ordered*, That, the guide and reference source for preparing exhibits showing the theoretical area in which satisfactory ship-shore communications can technically be exchanged will be limited to Appendix F, "The Propagation Characteristics of the Frequency Band 152–162 Mc Which is Available for Marine Radio Communications", to the report entitled "Study of a Reliable Short Range Radiotelephone System", dated February 21, 1956, prepared by Special Committee No. 19 of the Radio Technical Commission for Marine Services (RTCM), or such other authorities or standards as may be agreed upon by all the parties.

14. *It is further ordered*, That to avail themselves of an opportunity to be heard, All City Answering Service, Inc., Lorain Electronics Corp. and Lake Carriers' Association, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in the order.

Adopted: March 19, 1969.

Released: March 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3689; Filed, Mar. 27, 1969; 8:48 a.m.]

[Docket No. 18360]

TYPE APPROVAL OF RADIO FREQUENCY AMPLIFIERS FOR MODULATION MONITORS IN STANDARD BROADCAST AND FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. The notice of inquiry in this proceeding was adopted October 16, 1968; January 17, 1969 and February 17, 1969, were set as deadlines for filing comments and reply comments, respectively.

2. The present closing dates for comments and reply comments are March 17, 1969 and April 17, 1969, as established by an order adopted January 23, 1969, in response to a petition for additional time filed by Electronic Industries Association (EIA) on January 16, 1969.

3. In a petition dated March 17, 1969, EIA indicates that the study for which it previously requested an extension of the filing time has not been completed, and requests an additional 30 days for the preparation and coordination of its written comments.

4. We find it in the public interest to grant the moderate additional amount of time requested by EIA.

5. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended from March 17, 1969, to April 17, 1969, and the time for filing reply coments is extended from April 17, 1969, to May 19, 1969.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 21, 1969.

Released: March 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-3690; Filed, Mar. 27, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2978 etc.]

SUN OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 18, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2978 D 1-27-69	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74120.	El Paso Natural Gas Co., Spraberry Trend Field, Midland County, Tex.	(1)	----
G-3329 E 2-5-69	Estate of Francis W. Scott (successor to Francis W. Scott), c/o Eleanor S. Scott, 403 Petroleum Tower, Shreveport, La. 71101.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex. Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	11.9004 11.6288	14.65 14.65
G-4091 C 2-24-69	Penova Interests, c/o H. R. Jackson, Trustee, Jackson Bldg., 8222 Perry Highway, Pittsburgh, Pa. 15237.	Consolidated Gas Supply Corp., Various Districts, Ritchie, Calhoun, and Wirt Counties, W. Va.	27.0	15.025
G-9579 E 2-28-69	Midhurst Oil Corp. (successor to Rycade Oil Corp.), 1030 Bank of the Southwest Bldg., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Nelsonville Field, Austin County, Tex.	[3] 19.11402	14.65
G-13103 D 2-25-69	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	Declined to prosecute.	----
G-15079 C 2-27-69	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Southern Union Gathering Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	15.0	15.025
G-17795 C 2-24-69	Continental Oil Co.,[4] Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Garaldine Ford Area (Ramsey Plant), Reeves and Culberson Counties, Tex.	[5] 17.13	14.65
G-20182 E 2-14-69	Sinclair Oil Corp. (successor to Reuben W. Mayronne, Jr. d.b.a. Riverside Oil Co., (Operator) et al.), Post office Box 521, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., North Duson Field, Lafayette Parish, La.	20.625	15.025
CI61-1233 E 2-26-69	ZRN Co. (successor to Appell Petroleum Corp.), c/o Larry Robinson, Esq., 9822 Leopard St., Corpus Christi, Tex. 78409.	The Altex Corp., West Alice Field, Jim Wells County, Tex.	13.5452	14.65
CI61-1462 E 2-26-69	ZRN Co. (successor to Appell Petroleum Corp. (Operator) et al.).	The Altex Corp., Tsesmelis Field, Jim Wells County, Tex.	13.5542	14.65
CI61-1578 E 2-26-69	do	The Altex Corp., Tom Graham Field, Jim Wells County, Tex.	13.5542	14.65
CI62-272 D 2-13-69	Elton A. Bayer, Trustee, d.b.a. Bayer Gas Co., (successor to Paul H. Ash et al. d.b.a. A. & C. Oil and Gas Co.), 123 East Second St., Weston, W. Va. 26452.	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Assigned	----
CI62-585 E 2-25-69	Palm Resource Corp. (Operator) et al. (successor to Palm Petroleum Corp. (Operator) et al.), 18th floor, Vaughn Plaza Corpus Christi, Tex.	Kansas-Nebraska Natural Gas Co., Inc.,[6] Camrick Field, Texas County, Okla. Panhandle Eastern Pipe Line Co.,[6] Camrick Field, Texas County, Okla.	[7] 17.0 [8] 17.0	14.65 14.65
CI62-655 D 2-13-69	Paul H. Ash et al., d.b.a. A. & C. Oil and Gas Co., c/o John R. Haller, 123 East Second St., Weston, W. Va. 26452.	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Assigned	----
CI63-603 (CI64-754) C 2-24-69 [9]	Sinclair Oil Corp.	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	15.0	14.65
CI63-603 (CI65-691) E 2-26-69 [10]	do	do	15.0	14.65
CI65-228 D 2-28-69	Horizon Oil & Gas Co. of Tex., 1216 Hartford Bldg., Dallas, Tex. 75201 (partial abandonment.)	Baca Gas Gathering System, Inc., Flank, Greenwood, and Midway Fields, Baca County, Colo.	(11)	----
CI65-375 E 2-17-69 [12]	J. D. King Operating Co. (successor to W. E. Hughey Operating Co. et al.), Route 2, Bivens, Tex. 75555.	Arkansas Louisiana Gas Co., Clinton Lake Field, Marion County, Tex.	[13] 13.763	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C165-1145..... C 2-24-69	Pan American Petroleum Corp., Box 2099, Palos Verdes Peninsula, Calif. 90274.	Arkansas Louisiana Gas Co., Cartersville Field, Le Flore County, Okla.	[4] [5] 15.0	14.65
C169-1077..... C 2-24-69	John C. Oxley et al., 800-A Enterprise Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., South Pocola Field, Le Flore County, Okla.	15.0	14.65
C167-490..... E 2-19-69	A. C. Radford and J. W. Frame (successor to Zoog & Zoog, Inc.), Box 6, Winfield, W. Va. 25213.	United Fuel Gas Co., Louden District, Kanawha County, W. Va.	18.0	15.325
C167-1050..... C 2-27-69	Continental Oil Co.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis and Roger Mills Counties, Okla.	[3] 17.85 [7] 15.75	14.65
D 2-27-69		Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	(10)	
C169-666..... C 2-25-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Panhandle Eastern Pipe Line Co., West Lorena Field, Texas County, Okla.	[3] [9] 19.72	14.65
C169-1148..... C 2-25-69	Appalachian Exploration & Development, Inc., Post Office Box 1478, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	26.0	15.325
C169-799..... (C162-272) (C162-655) F 2-13-69	Andover Oil & Gas Co., A-Ltd. (successor to Pan Am Oil & Gas Co. et al.), c/o C. & C. Oil & Gas Co. et al., c/o John R. Haller, agent, 123 East Second St., Weston, W. Va. 26452.	Equitable Gas Co., Skin Creek Field, Lewis County, W. Va.	26.0	15.325
C169-800..... B 2-24-69	Midwest Oil Corp. (Operator) et al.	United Fuel Gas Co., South Thornwell Field, Jefferson Davis Parish, La.	Depleted	
C169-801..... B 2-20-69	Atlantic Richfield Co.	Transcontinental Gas Pipe Line Corp., Chegby Field, Lafourche Parish, La.	Depleted	
C169-802..... A 2-26-69	The Preston Oil Co., Post Office Box 1350, Houston, Tex. 77001.	United Fuel Gas Co., Block 272 and Block 292 Fields, Eugene Island Area, Offshore Louisiana.	[3] 20.0	15.025
C169-806..... A 2-26-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Trunkline Gas Co., Vermilion Block 120 Field Area, Offshore Louisiana.	19.5	15.025
C169-807..... A 2-26-69	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Northern Natural Gas Co., Kiowa Creek (Upper Morrow Oil) Field, Lipscomb County, Tex.	[3] 19.38	14.65
C169-808..... A 2-24-69	Phillcon Development Co., c/o Charles J. McPherren, attorney, 302 Bank of the Southwest Bldg., Amarillo, Tex. 79105.	do	[3] 19.38	14.65
C169-809..... A 2-27-69	Charles T. McCord, Jr., 1705 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Southwest Bourg Field, Terrebonne Parish, La.	20.0	15.025
C169-810..... A 2-24-69	E. H. Klein (Operator) et al., 501 S. Jackson St., Amarillo, Tex. 79101.	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	14.0	14.65
C169-811 (C161-1269) F 2-25-69	David A. Paschket (successor to Wenco Drilling Co., Inc.), 4495 Warner Bldg., Mich. 49633.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	25.0	15.325
C169-812 (G-10383) F 2-27-69	Sinclair Oil Corp., Mail to: Humble Oil & Refining Co., Post Office Box 521, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Moosne Field, Beaver County, Okla.	[3] 17.0	14.65
C169-813..... A 2-24-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Hassie Hunt Trust, Lisbon Field, Claiborne Parish, La.	Depleted	
C169-814..... A 2-28-69	Forest Oil Corp., 1500 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	United Fuel Gas Co., Block 272 and Block 292 Fields, Eugene Island Area, Offshore Louisiana.	[3] 20.0	15.025
C169-817..... B 2-28-69	Trice Production Co. (Operator) et al., Post Office Drawer 2232, Longview, Tex. 75601.	Florida Gas Transmission Co., West Helen Gohlke Field, De Witt County, Tex.	Depleted	
C169-818..... A 3-3-69	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Texas Eastern Transmission Corp., Block 160 and Block 245 Fields, East Cameron Area and Block 304 Field Vermilion Area, Offshore Louisiana.	21.25	15.025
C169-819..... A 3-3-69	Union Oil Co. of California	Texas Eastern Transmission Corp., Tigre Lagoon (Deep) Field, Vermilion and Iberia Parishes, La.	21.25	15.025
C169-820..... B 2-24-69	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	Depleted	

See footnotes at end of table.

[1] Partially abandons service due to loss of lease.
[2] Rate in effect subject to refund in Docket No. RI64-444.
[3] Includes 0.21931 cent dehydration charge.
[4] Applicant agrees to accept certificate subject to the conditions imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[5] Includes 0.63 cent upward B.t.u. adjustment.
[6] 62.929 percent of gas unit is dedicated to Kansas-Nebraska Natural Gas Co., Inc. and 37.071 percent is dedicated to Panhandle Eastern Pipe Line Co.
[7] Rate is effective subject to refund in Docket No. RI66-364 as to 28.266 percent of the gas from subject unit, the remaining 34.663 percent dedicated to Kansas-Nebraska being without refund obligation.
[8] Rate effective subject to refund in Docket No. RI66-365.
[9] Adds acreage acquired from Warren Shear, Docket No. CI64-754.
[10] Adds acreage acquired from Ines Calmes, Executrix of Estate of Kermit W. Calmes, Deceased.
[11] Acreage deleted due to cessation of production.
[12] Application previously noticed Mar. 4, 1969, in Docket Nos. G-7670 et al., at a total initial price of 13.27 cents, subject to deduction for compression.
[13] Includes tax reimbursement. Rate also subject to deduction for compression.
[14] Contract provides for 16 cents per Mcf; however, Applicant proposes a rate of 15 cents per Mcf.
[15] Subject to deduction for compression and/or treating charge, if applicable.
[16] Production from Ellis County. Subject to upward and downward B.t.u. adjustment.
[17] Production from Roger Mills County. Subject to upward and downward B.t.u. adjustment.
[18] Deletes certain acreage due to expiration of leases.
[19] Includes 2.72 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[20] If Purchaser installs desulfurizing equipment to process the gas to meet the contract sulfur or hydrogen sulfide content standards, Seller to pay Purchaser Purchaser's actual costs of desulfurizing the gas but no more than 2 cents per Mcf.
[21] Application erroneously assigned Docket No. C869-21 for small-producer application. Further review of the application revealed that sales are not in the Permian Basin area; therefore, the application was reassigned Docket No. C169-742. Docket No. C869-21 is canceled.
[22] Well ceased to produce March 1968 and has been plugged and abandoned.
[23] If compression is required and Seller does not elect to install facilities, Buyer may install such facilities and Seller shall reimburse Buyer 1 cent per Mcf for each stage of compression.
[24] Same application was erroneously assigned Docket No. C169-793; however, the application will be processed under Docket No. C169-781 and Docket No. C169-793 is canceled.
[25] Applicant proposes rate of 20 cents per Mcf or area rate, whichever is higher.
[26] For gas well gas; subject to upward and downward B.t.u. adjustment.
[27] For casinghead gas.
[28] Subject to upward and downward B.t.u. adjustment.
[29] Contract provides for 21.25 cents per Mcf; however, Applicant filed for rate of 19.5 cents per Mcf.
[30] Wells no longer produce gas and have been plugged and abandoned.
[31] Temporary certificate issued in Docket No. CI67-1602.
[32] Includes 2.38 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[33] Subject to upward and downward B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI68-2.

[F.R. Doc. 69-3547; Filed, Mar. 27, 1969; 8:45 a.m.]

[Docket No. RI69-625, etc.]

DUGAN PRODUCTION CORP.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 21, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 12, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-625..	Dugan Production Corp., Post Office Box 234, Farmington, N. Mex. 87401, Attention: Mr. Thomas A. Dugan.	1	4	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$496	2-25-69	[2] 3-28-69	8-28-69	[3] 14.0536	[3] [4] 15.0619	RI64-400.
RI69-626..	Thomas A. Dugan (Operator) et al., Post Office Box 234, Farmington, N. Mex. 87401.	1	5	El Paso Natural Gas. Co. (South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	40 40	2-25-69	[2] 3-28-69	8-28-69	[3] 12.0495 [7] 14.0578	[3] [4] 13.0536 [3] [7] 15.0619	RI64-775. RI64-775.
RI69-627..	do	2	4	El Paso Natural Gas Co. (Fulcher Kutz Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	50	2-25-69	[2] 3-28-69	8-28-69	12.0495	[3] [4] 13.0536	
	do	4	7	El Paso Natural Gas Co. (Blanco Mesa Verde and Tapacito Pictured Cliffs Field, Rio Arriba County, N. Mex.). (San Juan Basin Area).	525	2-25-69	[2] 3-28-69	8-28-69	14.0578	[3] [4] 15.0619	RI65-531
	do	5	6	El Paso Natural Gas Co. (Gavilan Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	114	2-25-69	[2] 3-28-69	8-28-69	12.0495	[3] [4] 13.0536	
	do	8	5	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	312	2-25-69	[2] 3-28-69	8-28-69	13.0	[4] [8] 15.0	
	do	7	1	El Paso Natural Gas Co. (Ojo Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	952	2-25-69	[2] 3-28-69	8-28-69	13.0	[3] [4] 14.0578	
	do	9	2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	72	2-25-69	[2] 3-28-69	8-28-69	13.0	[4] [8] 15.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-628..	Thomas A. Dugan et al.	8	6	El Paso Natural Gas Co. (Bisti Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	$399	2-25-69	[2] 3-28-69	8-28-69	[3] 14.2678	[4] [5] 15.0619	RI65-600.
RI69-629..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102, Attention: Eugene C. Alford, Esq.	108	3	Natural Gas Pipeline Co. of America (Indian Basin Area, Eddy County, N. Mex.) (Permian Basin Area).	19,740	2-24-69	[10] 3-27-69	8-27-69	16.659	[11] [12] 17.646	
RI69-630..	H. R. Jackson et al., Trustee, d.b.a. Penova Interests, 8222 Perry Highway, Pittsburgh, Pa. 15237, Attention: Mr. H. R. Jackson.	1	[13] 4	Consolidated Gas Supply Corp. (acreage in Ritchie and Wirt Counties, W. Va.).	5,100	2-24-69	[14] 4-1-69	9-1-69	[15] 26.519	[15] [16] [17] 27.539	[18]
RI69-631..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020, Attention: F. C. Sweat, Manager Natural Gas Sales.	16	11	El Paso Natural Gas Co. (Monahans Field, Ward and Winkler Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	13,709	2-24-69	[14] 3-27-69	8-27-69	14.78	[11] [13] 16.7228	
	----do----	318	4	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.) (Permian Basin Area).	8,883	2-24-69	[14] 3-27-69	8-27-69	[19] 16.659	[11] [12] [13] 17.646	
	----do----	310	4	Natural Gas Pipeline Co. of America (South Taloga Field, Dewey County, Okla.) (Oklahoma "Other" Area).	530	2-24-69	[14] 5-19-69	10-19-69	[20] 17.0	[12] [20] [21] 18.515	RI67-382.
RI69-632..	Signal Oil & Gas Co. (Operator) et al., 1010 Wilshire Blvd., Los Angeles, Calif. 90017, Attention: Michael P. Kelly, Esq.	7	7	El Paso Natural Gas Co. (University Lease, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	11	2-24-69	[2] 3-27-69	8-27-69	14.5	[12] [22] 15.0	RI68-6.
RI69-633..	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	288	4	Northern Natural Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	([23]) ([23])	2-24-69	[14] 3-27-69	8-27-69	[24] 12.0 [24] 12.0	[13] [15] [24] [24] 15.0 [15] [16] [24] [24] 17.0	RI68-424. RI68-424.
RI69-634..	The Sinclair Oil Co., Post Office Box 1521, Houston, Tex. 77001.	93	4	Transwestern Pipeline Co. (Lipscomb (Morrow) Field, Lipscomb County, Tex.) (RR. District No. 10).	5,750	2-25-69	[2] 3-28-69	8-28-69	[25] 17.0	[3] [12] [24] 19.5	
RI69-635..	Bill Ferguson d.b.a. Ferguson Oil Co. (Operator) et al., 1505 Wichita Plaza Bldg., Wichita, Kans. 67202.	7	28	Colorado Interstate Gas Co. (Sparks and Greenwood Field, Morton County, Kans.).	341	2-27-69	[2] 3-30-69	8-30-69	[26] 17.0	[3] [12] [26] 18.0	RI67-431.
RI69-636..	Joseph E. Seagrams & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al., 1700 One Main Place, Dallas, Tex. 75250.	66	10	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	185	2-27-69	[14] 3-30-69	8-30-69	[24] [27] 17.5	[3] [12] [24] [27] 18.5	RI63-175.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1 cent per Mcf minimum guarantee for liquids.
[6] For gas delivered at 250 p.s.i.g.
[7] For gas delivered at 500 p.s.i.g.
[8] Respondent filing for periodic increase plus 1 cent per Mcf minimum guarantee for liquids.
[9] Includes partial reimbursement for full 2.5 percent New Mexico Emergency School Tax.
[10] Date of filing pursuant to paragraph (B) of Commission order implementing Opinion Nos. 468 and 468–A issued Aug. 9, 1968.
[11] Increase from applicable area ceiling rate to current contract rate.
[12] Pressure base is 14.65 p.s.i.a.
[13] Applicable only to acreage covered by basic contract.
[14] The stated effective date is the effective date requested by Respondent.
[15] Renegotiated rate increase.
[16] Pressure base is 15.325 p.s.i.a.
[17] Converted from proposed rate of 27 cents per Mcf at 15.025 p.s.i.a.
[18] Rate effective subject to refund in Docket No. G–18183 and converted from contract rate of 26 cents per Mcf at 15.025 p.s.i.a.
[19] Subject to downward adjustment for B.t.u. content below 1,036 B.t.u. per cubic foot.
[20] "Fractured" rate increase. Seller contractually due 19.5-cent base rate plus 0.015-cent tax reimbursement.
[21] Subject to a downward B.t.u. adjustment.
[22] Increase from fractured rate to current contract rate.
[23] No present production.
[24] Applicable to formations below the base of the Wolfcamp Series of the Permian System and above the Top of the Morrowan Series of the Pennsylvanian System.
[25] Applicable to formations below the Top of the Morrowan Series.
[26] Subject to upward and downward B.t.u. adjustment.
[27] Includes 1 cent per Mcf paid to seller for relinquishing right to process gas.

Dugan Production Corp., Thomas A. Dugan (Operator) et al., Thomas A. Dugan, and Thomas A. Dugan, et al., request a retroactive effective date of January 1, 1969, for their proposed rate increases. Signal Oil and Gas Co. (Operator), et al., request waiver of the statutory notice to permit an effective date of March 1, 1969 for their proposed rate increase. The Superior Oil Co. requests an effective date of March 1, 1969, and Bill Ferguson doing business as Ferguson Oil Co. (Operator) et al., request that their proposed rate increase be permitted to become effective as of January 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided by section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–3566; Filed, Mar. 27, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

TEXAS URANIUM CORP.

Order Suspending Trading

MARCH 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 25, 1969, through April 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3670; Filed, Mar. 27, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–6 (Rev. 5), Southwestern Area, Dallas, Tex.]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Southwestern Area

Correction

In F.R. Doc. 69–2822 appearing at page 5043 in the issue of Saturday, March 8, 1969, and corrected on page 5404 in the issue of Wednesday, March 19, 1969, the headings should read as set forth above.

MERCHANTS INVESTMENT CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for approval of the transfer of control of Merchants Investment Corp., 4531 Daley Street, Charleston Heights, S.C. 29411, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), License No. 05/04–0014.

Merchants Investment Corp. was licensed October 23, 1959, with a paid-in capital and surplus of $155,000. Its present paid-in capital and surplus is $305,000. It presently has SBA authorization to invest 100 percent of its portfolio in retail grocery stores. It is a wholly owned subsidiary of Thomas and Howard Company of Charleston, Inc., 4531 Daley Street, Charleston Heights, S.C.

On January 31, 1969, all the outstanding stock of Thomas and Howard Company of Charleston, Inc., was transferred to Wetterau Foods, Inc., in exchange for stock of Wetterau Foods, Inc. Wetterau Foods, Inc., is a Missouri corporation having its principal place of business at 8400 Pershall Road, Hazelwood, Mo. Its primary business is that of a wholesale food distributor. No individual owns 10 percent or more of its outstanding stock.

Merchants Investment Corp. is to remain a subsidiary of Thomas and Howard Company of Charleston, Inc., which in turn is a wholly owned subsidiary of Wetterau Foods, Inc. There is to be no change of management in either Thomas and Howard Company of Charleston, Inc., or Merchants Investment Corp.

In order for Merchants Investment Corp. to continue to operate as a small business investment company, the Small Business Administration (SBA) must approve the transfer of ownership.

Matters involved in SBA's consideration of the application for the transfer of ownership include the general business reputation and character of the new owner, and the probability of successful operations of the company under its control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is hereby given that any interested person may not later than 10 days from the date of this notice, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice should be published by the proposed transferees in a newspaper of general circulation in Charleston Heights, S.C., and Hazelwood, Mo.

Dated: March 20, 1969.

For Small Business Administration.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69–3671; Filed, Mar. 27, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 25, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41594—*Corn gluten feed to gulf ports for export.* Filed by Southwestern Freight Bureau, agent (No. B–20), for interested rail carriers. Rates on corn gluten feed, in carloads, as described in the application, from points in Arkansas, Colorado, Iowa, Kansas, Missouri (including East St. Louis, Ill.), Nebraska, Oklahoma, Texas, and Wyoming, to gulf ports, Pensacola, Fla., to Corpus Christi, Tex., for export.

Grounds for relief—Rate relationship and truck-barge competition.

Tariffs—Supplement 50 to The Atchison, Topeka and Santa Fe Railway Company tariff ICC 15044, and eight other tariffs named in the application.

FSA No. 41595—*Fertilizer compounds between points in I.F.A. territory.* Filed by Illinois Freight Association, agent (No. 341), for interested rail carriers. Rates on fertilizer compounds, as described in the application, in carloads, between points in Illinois Freight Association territory.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 2 to Illinois Freight Association, agent, tariff ICC 1179.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3692; Filed, Mar. 27, 1969; 8:48 a.m.]

[No. 35083]

SOUTHERN RAILWAY CO.

Detention Charges at East St. Louis, Ill., and St. Louis, Mo.

MARCH 18, 1969.

Notice is hereby given that Southern Railway Co., by its attorney, Duncan B. Phillips, Post Office Box 1808, Washington, D.C. 20013, has filed a petition with the Interstate Commerce Commission praying that the Commission enter a declaratory order construing items 475–A and 115100 of Southern Freight Tariff Bureau's tariff 913–I, I.C.C. No. S–727 and item 370 of Southern Freight Tariff Bureau's tariff 913–J, I.C.C. No. S–819. Petitioner asserts that it considers trailers to be available when grounded but that other carriers construe the tariff as allowing sufficient time for customs inspection.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon the above-named attorney for the petitioner.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3693; Filed, Mar. 27, 1969; 8:48 a.m.]

[No. 34974]

WHEATON VAN LINES, INC.

Declaratory Order Regarding Use of Good Housekeeping Consumers' Guaranty

MARCH 18, 1969.

Notice is hereby given that Wheaton Van Lines, Inc., by their attorney, Alan F. Wohlstetter, Denning & Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006, has filed a petition with the Interstate Commerce Commission praying that the Commission enter a declaratory order, pursuant to section 5(d) of the Administrative Procedure Act, determining whether the use of the "Good Housekeeping Consumers' Guaranty" by Wheaton Van Lines, Inc., in its advertisements, is misleading to the public, or is a violation of section 217(b) or any other section of the Interstate Commerce Act.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon the petitioner's attorney at the above address.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3694; Filed, Mar. 27, 1969; 8:48 a.m.]

[Notice 803]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 25, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub-No. 218 TA) (Correction), filed February 10, 1969, published the FEDERAL REGISTER issue of February 15, 1969, and republished as corrected this issue. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney, Post Office Box 1440, Houston, Tex. 77001. Applicant's representative: J. B. McCarty (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities, including classes A and B explosives* (except commodities in bulk and household goods as defined by the Commission), when moving (a) on Government bills of lading and (b) on commercial bills of lading, containing endorsements approved in interpretation of Government Rate Tariff-Eastern Central, 332, ICC 161, 164, 165, between Louisiana Ordnance Plant at Doyline, La., on the one hand, and, on the other, Anniston Ordnance Depot, Anniston, Ala. (2) *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles (as adopted by the Department of Transportation), *ammunition* not included in classes A, B, and C explosives and *component parts of ammunition and classes A, B, and C explosives*, (a) between Louisiana Ordnance Plant, Doyline, La., on the one hand, and, on the other, Military Installations at Flagstaff and Yuma, Ariz., and Herlong, Concord (Port Chicago), Sharp General Depot, and Stockton, Calif., and (b) Between Louisiana Ordnance Plant, Doyline, La., on the one hand, and, on the other, Red River Army Depot and Lone Star Ordnance Plantsite, Defense, Tex., and (3) *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing transportation of explosives and other dangerous articles (as adopted by the Department of Transportation), and *ammunition* not included in classes A, B, and C explosives, between Louisiana Ordnance Plant, Doyline, La., on the one hand, and, on the other, Military Installations at Fort Sill and McAlester (Savanna), Okla., for 180 days. NOTE: Applicant states that it intends to tack the authority applied for with all authority presently held in MC-1124 and subs and at all terminal points if necessary. Supporting shipper: MTMTS, Washington, D.C. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061. NOTE: The purpose of this republication is to add the tacking information inadvertently omitted from previous publication.

No. MC 4883 (Sub-No. 38 TA), filed March 20, 1969. Applicant: THE GUYOTT COMPANY, 176 Forbes Avenue, New Haven, Conn. 06512. Applicant's representative: Paul J. Goldstein, 109 Church Street, New Haven, Conn. 96510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank, and hopper type vehicles, from Bridgeport, Conn., to Southwick, Mass., with no return movement except for rejected shipments, for 180 days. Supporting shipper: Allentown Portland Cement Co., Division National Gypsum Co., Seventh Street, Allentown, Pa. 18105. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 6031 (Sub-No. 41 TA), filed March 19, 1969. Applicant: BARRY TRANSFER & STORAGE COMPANY, 120 East National Avenue, Milwaukee, Wis. 53204. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial plumbing and heating materials and supplies*, from Appleton, Wis., to Escanaba and Cornell Township, Gladstone, Kingsford, Menominee, Iron Mountain, and Munising, Mich.; (2) *scrap metals*, from Munising, Mich., to Appleton, Wis., for the account of I. Bahcall, Inc., Appleton, Wis., for 180 days. Supporting shipper: I. Bahcall, Inc., 975 North Meade Street, Post Office Box 1064, Appleton, Wis. 54911 (Alvin B. Ziven, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 85012 (Sub-No. 6 TA), filed March 19, 1969. Applicant: CAPITOL TRANSFER & STORAGE COMPANY, 1545 Hansford Street, Charleston, W. Va. 25311. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in West Virginia, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, Calif. 94103; Attention: Lon B. Williams, Executive Vice President; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133; Attention: George R. Hansen, Manager Agency Relations. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 103993 (Sub-No. 389 TA), filed March 20, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers and camp coaches*, designed to be installed on pickup trucks, from points in Josephine County, Oreg., to points in Oregon, Washington, California, Idaho, Colorado, Utah, and Montana, for 180 days. Supporting shipper: Caveman Camper, Inc., Post Office Box 1129, Grant's Pass, Oreg. 97526. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 115924 (Sub-No. 17 TA), filed March 19, 1969. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, Ga. 31407. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and mixtures of molasses and feed supplements*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, for 180. Supporting shipper: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Corp., Post Office Box 246, Savannah, Ga. 31402. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 119531 (Sub-No. 111 TA), filed March 19, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, washing and cleaning compounds, toilet preparations*, and *advertising materials and supplies* used in connection therewith, from the plant and warehouse sites of Procter & Gamble Co., and its subsidiaries at Cincinnati, Ohio, and points in its commercial zone, to Detroit, Mich., and its commercial zone, and *damaged and rejected shipments* on return, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Sixth and Main Streets, Cincinnati, Ohio 45201. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 124377 (Sub-No. 12 TA), filed March 19, 1969. Applicant: REFRIGERATED FOODS, INC., Post Office Box 1018, Denver, Colo. 80201. Applicant's representative: Truman Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C appendix I, to report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from York, Nebr., to Loveland, Colo., for 180 days. Supporting shippers: York Packing Co., Inc., Post Office Box 5244 T.A., Denver, Colo. 80217; Loveland Packing Co., Inc., Post Office Box 178, Loveland, Colo. 80573. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 127799 (Sub-No. 5 TA), filed March 20, 1969. Applicant: LUPPES TRANSPORT COMPANY, INC., Post Office Box 152, Webster City, Iowa 50595. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (other than liquid), from Webster City, Iowa, to points in Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 129809 (Sub-No. 3 TA), filed March 19, 1969. Applicant: A & H, INC., Footville, Wis. 53537. Applicant's representative: David J. MacDougall, 1 East Milwaukee, Suite 305, Janesville, Wis. 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and butter*, from Brodhead, Clayton, Cumberland, and Campbellsport, Wis., to New York, N.Y., Boston, Mass., and Philadelphia, Pa., for 180 days. Supporting shipper: Universal Foods Corp., 433 East Michigan Street 53203. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 129973 (Sub-No. 1 TA), filed March 17, 1969. Applicant: FIELD MARKETING SERVICE, INC., 235 East 42d Street, New York, N.Y. 10017. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, and toilet articles and sundries;* and (2) *premiums, equipment and supplies* used in connection with the sale of commodities described in (1) above (except commodities in bulk), under a continuing contract with Avon Products, Inc., Rye, N.Y., from warehouses (break points) in Metropolitan Boston (Somerville and other locations) to the homes of Avon sales representatives thoughout the State of Massachusetts, for 180 days. Supporting shipper: Avon Products, Inc., Rye, N.Y. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 133492 TA (Correction), filed February 20, 1969, published the FEDERAL REGISTER issue of March 11, 1969, and republished as corrected, this issue. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31906. Applicant's representative: William Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages*, from Miami, Fla., to Macon, Ga.; Dublin, Ga.; Phoenix City, Ala.; and Waycross, Ga.; from Newark, N.J., to Savannah, Ga.; from Peoria, Ill., to Dublin, Ga.; from Milwaukee, Wis., to Waycross, Ga.; from Baltimore, Md., to Phoenix City, Ala.; and, from Norfolk, Va., to Macon, Ga.; from Evansville, Ind., to Macon, Ga.; (b) *wines* from Atlanta, Ga., to Phoenix City, Ala.; and (c) *empty containers* on return in connection with (a) and (b), for 150 days. NOTE: The purpose of this republication is to reflect a correction in the commodity and territorial descriptions. Supporting shippers: Coastal Beverage Co., 731 Wheaton Street, Savannah, Ga.; M & N Distributing Co., 1820 Seventh Street, Macon, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133556 TA, filed March 17, 1969. Applicant: HAROLD W. REEDY, doing business as REEDY TRUCKING CO., 6041 East Lake Drive, Haslett, Mich. 48840. Applicant's representative: Harold Reedy, given above. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Noncarbonated beverages*, from Lansing, Mich., to points in Lake, Cook, Du Page, and Will Counties, Ill.; Lake and Porter Counties, Ind.; and Lucas and Wood Counties, Ohio, with return of *empty wood pallets*, for 180 days. Supporting shipper: Dale K. Weber, President, Orchard Grove Co., wholly owned subsidiary of Heatherwood Farms Co., 2701 East Michigan Avenue, Post Office Box 2007, Lansing, Mich. 48912. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3695; Filed, Mar. 27, 1969; 8:48 a.m.]

[Notice 318]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71180. By order of March 19, 1969, the Motor Carrier Board approved the transfer to Ogilby Transfer and Storage Company, Rockford, Ill., of Certificate No. MC–80570, issued June 21, 1955, to Roy Ogilby, doing business as Roy Ogilby Transfer, Rockford, Ill., authorizing the transportation of household goods, between points in Winnebago County, Ill., on the one hand, and, on the other, points in that part of Wisconsin on and south of Wisconsin Highway 33. Mr. John L. Heaslip, 615 Rockford Trust Building, Rockford, Ill. 61101, attorney at law.

No. MC–FC–71190. By order of March 19, 1969, the Motor Carrier Board approved the transfer to Earl T. Schulte, Dorchester, Iowa, of the certificate in No. MC–114724, issued September 20, 1963, to LeRoy M. Winters, Postville, Iowa, authorizing the transportation of cheese, from Postville, Iowa, to Fennimore, Wis.; semiprocessed cheese from named points in Iowa to Fennimore, Wis.; and damaged shipments and empty cheese containers from Fennimore, Wis., to named points in Iowa. William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3696; Filed, Mar. 27, 1969; 8:49 a.m.]

[Notice 318A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70498. By order of March 18, 1969, Division 3, acting as an Appellate Division, approved the transfer to W. H. Christie & Sons, Inc., Kane, Pa., of Certificates Nos. MC–53841 and MC–53841 (Sub-No. 1) issued to W. H. Christie, doing business as W. H. Christie & Sons, Kane, Pa., authorizing the transportation of: General commodities, including household goods, and various specified commodities, but excluding the usual exceptions, between points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3697; Filed, Mar. 27, 1969; 8:49 a.m.]

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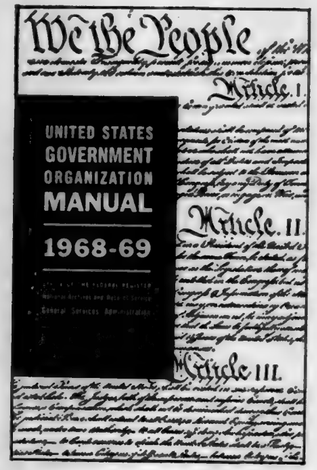
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Title 3—THE PRESIDENT

Proclamation 3905

SMALL BUSINESS WEEK, 1969

By the President of the United States of America

A Proclamation

From its beginnings this Nation has honored the common man and has given him unprecedented freedom. It has drawn its strength, in turn, from the determination of the common citizen to use that freedom in his own unique way—from his capacity to be uncommon.

It was over three centuries ago that small bands of free men laid the foundations of our economic and political system. But the spirit which characterized their efforts is still the essence of the American character. The small businessmen of America best manifest this tradition of individual enterprise.

The American economy has grown affluent beyond the visions of our forefathers. Yet a very important part of it is still represented by the self-owned business: the little shop, the small factory, the family enterprise. They encompass all creeds and races; they exercise their imaginations and pursue their aspirations in a wide variety of enterprises. They provide goods and services of the highest quality; they offer employment opportunities to millions. Their prosperity is fundamental to our economic well-being.

We should recognize, however, that the continued vitality of small business is a matter of political and social concern; a society which encourages free competition cannot easily be subjected to arbitrary control from the top. And a society which opens constructive business opportunities to all of its citizens can liberate and uplift the isolated minorities at the bottom.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning May 11, 1969, as Small Business Week. I encourage chambers of commerce, boards of trade, and other public and private organizations to observe this week by recognizing the contributions which small business enterprises have made to our national development. I urge them to find appropriate means for paying tribute to the accomplishments of small business, and I trust they will encourage small businessmen to achieve new successes in the future.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of March, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-3851; Filed, Mar. 27, 1969; 5:01 p.m.]

Proclamation 3906

THE TWENTIETH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANIZATION

By the President of the United States of America

A Proclamation

Twenty years ago, on April 4, 1949, twelve sovereign nations, determined to safeguard the freedom, common heritage, and civilization of their peoples, signed the North Atlantic Treaty. In later years, Greece, Turkey, and the Federal Republic of Germany became parties to that agreement and members of the North Atlantic Treaty Organization, which was established to effect the Treaty's goals.

For twenty years, NATO has furthered the cause of Atlantic unity by achieving a spirit of solidarity on many common military, political, and economic problems. By promoting international security through collective defense arrangements and by fostering cooperation in the political realm, NATO has contributed to unprecedented peace and prosperity for all the peoples of the Treaty area. It has provided a stabilizing influence during times of crisis and has been a vigilant guardian in the face of threats to world peace. At the same time, NATO has steadfastly pursued the quest for improved relations between East and West, dedicated always to a peaceful settlement of European differences and to effective measures for disarmament and arms control.

Now, as NATO begins its third decade, committed still to a viable Atlantic community, to the resolution of differences between East and West, and to the stability and tranquillity of our entire planet, America's commitment to NATO remains firm and vital.

THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby direct the attention of the Nation to this twentieth anniversary of the signing of the North Atlantic Treaty; and I call upon all agencies and officials of the Federal Government, upon the Governors of the States, and upon the officers of local governments to encourage and facilitate the suitable observance of this notable event throughout this anniversary year with particular attention to April, the month which marks the historic signing ceremony.

I also urge all citizens to participate in appropriate activities and ceremonies in recognition of the achievements of the North Atlantic Treaty Organization and its contributions to America's security and well-being.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-3882; Filed, Mar. 28, 1969; 1:49 p.m.]

Proclamation 3907

ANNOUNCING THE DEATH OF DWIGHT DAVID EISENHOWER

By the President of the United States of America

A Proclamation

TO THE PEOPLE OF THE UNITED STATES:

I have the sad duty to announce officially the death of Dwight David Eisenhower, the thirty-fourth President of the United States, on March 28, 1969.

In London, in 1945, this great soldier received the Freedom of the City of London. At that time, he said: "* * * we should turn to those inner things, call them what you will—I mean those intangibles that are the real treasures free men possess."

As a soldier, he was guided by those inner things. As a President, he was strengthened by their wisdom and by the knowledge that the ancient virtues, intangible but unconquerable, could offer comfort and solace even during the darkest hours.

And so it should be with us who today mourn his death. The memory of his greatness is now one of those "real treasures free men possess"; it belongs now to all Americans, and in its simplicity, its devotion, its courage, and its compassion, his life will shape the future as it shaped our time.

As long as free men cherish their freedom, Dwight Eisenhower will stand with them, as he stood during war and peace; strong, confident, and courageous. Even in death he has left us a great spirit that will never die.

NOW, THEREFORE, I, RICHARD M. NIXON, President of the United States of America, in honor and tribute to the memory of this great and good man, and as an expression of public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all buildings, grounds, and Naval vessels of the United States for a period of thirty days from the day of death. I also direct that for the same length of time the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half-staff over their Embassies, Legations, and other facilities abroad, including all military facilities and stations.

I hereby order that suitable honors be rendered by units of the Armed Forces under orders of the Secretary of Defense on the day of the funeral.

I also do appoint Monday, March 31, 1969 to be a National Day of Mourning throughout the United States. I earnestly recommend that the people assemble on that day in their respective places of divine worship, there to bow down in submission to the will of the Almighty God, and to pay their homage of love and reverence to the memory of President Eisenhower. I invite the people of the world who share our grief to join us in this day of mourning and rededication.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March in the year of our Lord nineteen hundred and sixty-nine and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-3891; Filed, Mar. 28, 1969; 3:28 p.m.]

Executive Order 11461

INSPECTION OF INCOME, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON PUBLIC WORKS, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, estate, or gift tax return for the years 1956 to 1970, inclusive, shall, during the Ninety-first Congress, be open to inspection by the Committee on Public Works, House of Representatives, or any duly authorized subcommittee thereof, in connection with its investigation of the policies, procedures, and practices involved in the administration of the Federal-Aid Highway Program, pursuant to House Resolution 189, 91st Congress, agreed to February 19, 1969. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6132, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

Richard Nixon

THE WHITE HOUSE,
March 27, 1969.

[F.R. Doc. 69-3850; Filed, Mar. 27, 1969; 5:01 p.m.]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Livestock From Mexico

Pursuant to the provisions of the Act of August 30, 1890, as amended, and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 102–105, 111), paragraph (c) of § 92.3, Title 9, Code of Federal Regulations, is hereby amended to read as follows:

§ 92.3 Ports designated for the importation of animals.

* * * * *

(c) *Mexican border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Mexico: Brownsville, Hidalgo, Rio Grande City, Roma, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Tex.; Douglas, Naco, Nogales, and San Luis, Arizona; and Calexico and San Ysidro, Calif.

* * * * *

(Secs. 6, 7, 8, 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended, 21 U.S.C. 102–105, 111; and 29 F.R. 16210, as amended, 33 F.R. 15485)

Effective date. The amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds San Luis, Ariz., to the list of ports designated as quarantine stations for the entry of animals into the United States from Mexico.

The amendment relieves certain restrictions presently imposed and will facilitate the handling of animals to be imported into the United States from Mexico. The amendment should be made effective as soon as possible to be of maximum benefit to persons subject to the restrictions which are relieved. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of March 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-3739; Filed, Mar. 28, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER D—WHALING

PART 230—WHALING PROVISIONS

Change in Dates of Season for Taking Baleen Whales

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 12 of the Whaling Convention Act of 1949 (16 U.S.C. 916j), which authority was delegated to the Director of the Bureau of Commercial Fisheries on June 17, 1965 (30 F.R. 8114), the dates of the season for taking baleen whales are changed. These dates, prescribed in 50 CFR 230.20(a), are changed from April 16 to May 1 for the opening date, and from October 15 to October 31 for the closing date.

The change in dates is made at the request of the one remaining U.S. commercial whaling company and is made pursuant to the above cited authority. The change does not affect any other entities and no objections are anticipated. For good cause found, the following change will be effective upon the date of publication.

The introductory text of paragraph (a) of § 230.20 of Title 50 CFR is amended as follows:

§ 230.20 Whale catchers attached to land stations taking baleen whales.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing any baleen whales, except during the period May 1 to October 31 following, both days inclusive: *Provided,* That it is forbidden to kill or attempt to kill blue whales, by any means, in the following areas:

* * * * *

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated March 26, 1969.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3741; Filed, Mar. 28, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Proclamation, Determinations and Announcements of National Marketing Quotas and Referendum Results

MARKETING QUOTA REFERENDUM RESULTS

Sec.
724.26 Cigar binder (types 51 and 52) tobacco—1969–70, 1970–71, and 1971–72 marketing years.
724.27 Cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco—1969–70, 1970–71, and 1971–72 marketing years.

AUTHORITY: §§ 724.26 and 724.27 issued under secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375.

Basis and purpose. Sections 724.26 and 724.27 are issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the results of the cigar binder (types 51 and 52) and cigar filler and binder (types 42–44, 53–55) tobacco marketing quota referenda for the three marketing years beginning October 1, 1969, October 1, 1970, and October 1, 1971. Under the provisions of the same section of the act, the Secretary proclaimed national marketing quotas for these kinds of tobacco for the 1969–70, 1970–71, and 1971–72 marketing years, and announced the amounts of the national marketing quotas for such kinds of tobacco for the 1969–70 marketing year (34 F.R. 1629). The Secretary announced (34 F.R. 1699) that referenda would be conducted by mail ballots during the period February 24 to 27, 1969, each inclusive, to determine whether cigar binder (types 51 and 52) and cigar filler and binder (types 42–44, 53–55) tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1969, October 1, 1970, and October 1, 1971. Since the only purpose of this document is to proclaim the results of

the referenda, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of 5 U.S.C. 553 is unnecessary.

§ 724.26 Cigar binder (types 51 and 52) tobacco—1969–70, 1970–71, and 1971–72 marketing years.

In a referendum of farmers engaged in the production of the 1968 crop of cigar binder (types 51 and 52) tobacco held during the period February 24 to 27, 1969, each inclusive, 462 farmers voted. Of those voting, 425 or 92.0 percent, favored quotas for a period of 3 years beginning October 1, 1969; 37 or 8 percent were opposed to quotas. Therefore, the national marketing quota of 11.7 million pounds for this kind of tobacco proclaimed January 30, 1969 (34 F.R. 1629) for the 1969–70 marketing year will be in effect for such year, and marketing quotas on such kind of tobacco will be in effect for the 3 marketing years beginning October 1, 1969, October 1, 1970, and October 1, 1971.

§ 724.27 Cigar filler and binder (types 42–44, 53–55) tobacco—1969–70, 1970–71, and 1971–72 marketing years.

In a referendum of farmers engaged in the production of the 1968 crop of cigar filler and binder (types 42–44, 53–55) tobacco held during the period February 24 to 27, 1969, each inclusive, 4,381 farmers voted. Of those voting, 4,072 or 84.6 percent, favored quotas for a period of 3 years beginning October 1, 1969; 741 or 15.4 percent were opposed to quotas. Therefore, the national marketing quota of 34.2 million pounds proclaimed January 30, 1969 (34 F.R. 1629) for this kind of tobacco for the 1969–70 marketing year will be in effect for such year, and marketing quotas on such kind of tobacco will be in effect for the 3 marketing years beginning October 1, 1969, October 1, 1970, and October 1, 1971.

Signed at Washington, D.C., on March 25, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3768; Filed, Mar. 28, 1969; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

PART 862—WAGE RATES; SUGAR BEETS

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearings held during December 1968, the following determination is hereby issued:

Sec.
862.9 General requirements.
862.10 Wage rates.
862.11 Compensable working time.
862.12 Applicability of wage requirements.
862.13 Payment of wages.
862.14 Evidence of compliance.
862.15 Employment of workers through a labor contractor or crew leader.
862.16 Subterfuge.
862.17 Claim for unpaid wages.
862.18 Failure to pay all wages in full.
862.19 Child labor.
862.20 Checking compliance.

AUTHORITY: §§ 862.9 to 862.20 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 862.9 General requirements.

A producer of sugarbeets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugarbeets, as provided in § 862.12, shall have been paid in accordance with the following:

§ 862.10 Wage rates.

All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, but not less than the following, which shall become effective on April 7, 1969, and shall remain in effect until amended, superseded, or terminated:

(a) When employed on a time basis: For the hand labor operations of Thinning, Hoeing, Hoe-Trimming, Blocking and Thinning, Weeding, Pulling, Topping, Loading, or Gleaning: $1.65 per hour: *Provided*, That for workers 14 or 15 years of age the hourly rate specified herein may be reduced by not more than 15 percent.

(b) When employed on a piecework basis for the hand labor operations in the following table:

Hand labor operations	*Rate per acre*
A. Thinning: Removing excess beets with a hoe only	$12.00
B. Hoeing: Removing weeds and excess beets with a hoe only	15.50
C. Hoe-Trimming: Removing weeds with a hoe and by hand and removing excess beets with a hoe only	18.75
D. Weeding: Removing weeds with a hoe and by hand following either A, B, or C above, E below, or following the operation specified in paragraph (c) of this section	10.00
Hand labor operations	*Rate per acre*
and in the State of California only: E. Blocking and Thinning: Removing weeds and excess beets with a hoe and by hand	26.50

Wide row planting: The above rates may be reduced by not more than the indicated percentages for the following row spacing: 28 inches or more, but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

(c) In the fields that have been completely machine-thinned and on which chemical herbicides have been applied, removing weeds with a hoe only may be employed as a first operation: *Provided*, That the applicable piecework rate therefor shall be not less than $10 per acre.

(d) When employed on a piecework basis for hand labor operations not specified or defined, or for harvesting: The piecework rate for blocking and thinning in States other than California, weeding not qualified as a first operation under paragraph (c) of this section or not preceded by A, B, C, or E in the table of paragraph (b) of this section, and any other hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning, shall be as agreed upon between the producer and the worker: *Provided*, That the average hourly rate of earnings of each worker for each operation shall be not less than $1.65 per hour computed on the basis of the total time such worker is employed on the farm for such operation.

(e) When employed on a time or piecework basis for other operations: For all other operations in the production, cultivation, or harvesting of sugarbeets for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

§ 862.11 Compensable working time.

For work performed under § 862.10, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central labor recruiting point or labor camp to the farm is not compensable working time.

§ 862.12 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugar beets on any acreage from which sugar beets are marketed or processed for the production of sugar, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by a custom operator who performs the above services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged by the producer only in hauling sugar beets; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 862.13 Payment of wages.

Workers shall be paid in cash for all work performed. Deductions from cash payments are permitted and may be made for cash advances to workers and, in the amounts agreed upon, for items furnished such as meals and transportation and for mandatory deductions or withholdings required by law. Deductions may not be made for payments to a labor contractor or supervisor for their services, or for any items which the producer agreed to furnish the worker free of charge.

§ 862.14 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 862.15 Employment of workers through a labor contractor or crew leader.

If a producer employs workers through a labor contractor or crew leader and makes payment of workers' wages to him, the producer shall obtain from such contractor or crew leader (a) a copy of his authorization signed by each worker to collect wages due each such worker; (b) a wage record sheet showing the amounts earned and due each worker; and (c) a written representation that he will pay to each worker the wage rates agreed upon by the contractor and the producer but in no event less than those provided by this part. Where State or Federal law requires the labor contractor to furnish the worker with a statement of earnings, the producer shall obtain a written agreement from the contractor to furnish the producer with a copy of such statements.

§ 862.16 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined herein, through any subterfuge or device whatsoever.

§ 862.17 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the county ASCS office. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the county ASCS office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service fice. The address of the State ASCS Office will be furnished by the local county ASCS office. Upon receipt of the appeal the State ASC committee shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title.

§ 862.18 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this section, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims cont[illegible]

record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 862.19 Child labor.

Notwithstanding any of the foregoing provisions of this part, the act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day (except a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed), will result in a deduction from Sugar Act payments to the producer.

§ 862.20 Checking compliance.

The procedures to be followed by ASCS county offices in checking compliance with the wage requirements of this part are set forth under the applicable sections of Handbook 1–SU issued by the Deputy Administrator, State and County Operations, ASCS. Copies of Handbook 1–SU may be inspected at local county ASCS offices and copies may be obtained from State Agricultural Stabilization and Conservation Service offices. The address of the State ASCS office will be furnished by the local county ASCS office.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugar beets as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work; and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugar beets and cost of production), and the differences in conditions among the various sugar producing areas.

Wage determination. This determination differs from the prior determination in the following respects: (1) The minimum hourly wage rate for specified hand labor operations is increased 15 cents per hour to $1.65; (2) minimum piecework rates for the operations of Hoeing and Weeding are increased $1 per acre, for Hoe-Trimming $1.25 per acre, and for Blocking and Thinning (applicable in the State of California only) $2 per acre; (3) the hand labor operation of Trimming is eliminated; and (4) a new operation specified as Thinning, at a piecework rate of $12 per acre, is introduced. In addition, a provision is included which permits the use of weeding, with a hoe only, as a primary hand labor operation at a piecework rate of $10 per acre. When used as a primary hand labor operation (i.e., when not preceded by another specified hand labor operation), weeding with a hoe only is restricted to fields that have been machine-thinned and treated with chemical herbicides for weed population control.

Public hearings were held in Portland, Oreg.; Presque Isle, Maine; Detroit, Mich.; St. Paul, Minn.; San Francisco, Calif.; and San Antonio, Tex., during the period December 5 through December 19, 1968. These hearings afforded interested persons the opportunity to present testimony and make recommendations relating to fair and reasonable wage rates for sugar beet workers.

Producer representatives generally recommended that there be no increase in minimum hourly or piecework rates. A producer in one region recommended an additional piecework operation—"Weeding following electronic thinning with hoe only". Producers in several regions recommended establishment of a new weeding operation for use in fields that require only one hand labor operation due to improved cultural practices performed by the producer, while others recommended designation of the present operation of Weeding as a primary hand labor operation rather than as an operation following prior hand work. One producer recommended that piecework operations be rescheduled as (a) Thinning, (b) Thinning and weeding, and (c) Weeding; and that producers be permitted to agree on any piecework rate so long as the hourly minimum wage rate is guaranteed. Producers in one region recommended a graduated scale of wage rates for the thinning operation, based upon an average count of plants to be removed per 100 feet of row as agreed upon between the producer and worker; and flexible rates for the weeding operation to be agreed upon at the same time as the thinning rate. One producer recommended reductions in piecework rates for hand labor following standard mechanical thinning or electronic thinning. A representative of California producers recommended that the Department make a study in California of worker productivity in the hand labor operations of Hoe-Trimming and Blocking and Thinning.

Workers in one region recommended increases ranging from 15 to 50 cents in the minimum hourly wage rate, while workers in another region indicated that wage rates were satisfactory but that any increase would be helpful. Several workers recommended that producers be required to make certain that labor contractors pay established wages to each worker. One family worker recommended that piecework rates be eliminated from the determination.

Representatives of workers recommended that the minimum hourly wage be increased to amounts ranging from $2 to $2.25. A number of worker representatives recommended that workers employed on the piecework basis be guaranteed a minimum hourly wage. Several representatives recommended that producers be required to pay workers directly rather than through labor contractors, and one worker representative recommended that the grower assure the Secretary that he will pay, and actually did pay, each worker in the crew at least the minimum wage.

Consideration has been given to the recommendations made at the public hearings, to the returns, costs, and profits of producing sugarbeets in recent years and under conditions likely to prevail for the 1969 crop, and to other pertinent factors. Analysis of these data indicate that the increases in the minimum rates established in this determination are fair and reasonable and are within the producers' ability to pay.

In recent years there have been significant technological improvements in mechanical stand reduction devices. Chemical herbicides are being used extensively in most areas, and labor requirements in fields which are relatively free of weeds and which do not require the removal of beets are significantly different from those in fields with a heavy population of weeds and beets. The development and wide-spread adoption of improved cultural practices indicate the need for changes in the wage structure to make it more responsive to present and prospective practices.

This determination includes a provision which permits the employment of weeding with a hoe only as a first hand labor operation in fields that have been completely machine-thinned and on which chemical herbicides have been applied. The provision specifically excludes the removal of weeds by hand. The rate for weeding as a primary hand labor operation is the same as that for the removal of weeds with a hoe and by hand following one of the other specified hand labor operations.

The operation of Trimming provided in the 1968 determination has not been continued in this determination and is replaced by the operation of Thinning. The definition of this operation includes the removal of excess beets with a hoe only, but excludes the removal of weeds.

Other recommendations for changes in the basic hand labor operations and related work tasks have not been adopted. The Department believes that the structure of piecework rates established in this determination will encourage innovation and hasten the development and adoption of technology to reduce the need for unskilled hand labor, and at the same time will increase the remaining workers' seasonal earnings and make their tasks easier to perform.

A recommendation by representatives of workers that a minimum hourly wage be guaranteed to all workers employed on the piecework basis has not been adopted. Both workers and producers generally agree, and evidence available to the Department indicates that higher hourly wages than the minimum hourly determination rate are earned at established piecework rates by the average competent worker. Furthermore, there is mutual agreement that the incentive feature of piecework rates is desirable and should be retained.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: April 7, 1969.

Signed at Washington, D.C., on March 25, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69–3769; Filed, Mar. 28, 1969; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 35, Amdt. 2]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE RIVER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on March 19, 1969, to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an unassembled meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received on March 24, 1969; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.335 (Grapefruit Regulation 35, 33 F.R. 15295) the provisions of paragraph (a)(1) preceding (a)(1)(i) are amended to read as follows:

§ 909.335 Grapefruit Regulation 35.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period March 30, 1969, through August 30, 1969, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this section shall include the requirement that the grapefruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point on the peel): *Provided,* That in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade, not more than a total tolerance of 20 percent, by count, shall be allowed for fruit which fail to meet the requirements of such grade but included in such tolerance (*a*) not more than 15 percent, by count, shall be allowed for serious damage caused by dryness; (*b*) not more than 10 percent, by count, shall be allowed for defects other than serious damage caused by dryness; and (*c*) not more than 5 percent, by count, shall be allowed for grapefruit having peel more than 1 inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 27, 1969, to become effective March 30, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3845; Filed, Mar. 28, 1969; 8:50 a.m.]

[Lemon Reg. 367]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.667 Lemon Regulation 367.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting infor-

mation for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 25, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 30, 1969, through April 5, 1969, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 190,650 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 27, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3808; Filed, Mar. 28, 1969; 8:50 a.m.]

[Grapefruit Reg. 58]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.358 Grapefruit Regulation 58.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 27, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 31, 1969 through April 6, 1969, is hereby fixed at 225,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 28, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3877; Filed, Mar. 28, 1969; 11:26 a.m.]

[Grapefruit Reg. 27]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.327 Grapefruit Regulation 27.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 27, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 31, 1969, through April 6, 1969, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 28, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–3878; Filed, Mar. 28, 1969; 11:26 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 61]

PART 1061—MILK IN THE SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

Order Regulating Handling

FINDINGS AND DETERMINATIONS

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1061.46 (a) (4) and (8) and the corresponding steps of § 1061.46 (b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than April 1, 1969, and fully effective not later than May 1, 1969. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued December 3, 1968, and the decision of the Under Secretary containing all the provisions of this order was issued February 27, 1969. The provisions other than those relating to prices and payments must become effective prior to the fully effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to the order provisions. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective April 1, 1969, and fully effective May 1, 1969, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations

CLASSIFICATION OF MILK

Sec.
1061.40 Skim milk and butterfat to be classified.
1061.41 Classes of utilization.
1061.42 Shrinkage.
1061.43 Responsibility of handlers and reclassification of milk.
1061.44 Transfers.
1061.45 Computation of skim milk and butterfat in each class.
1061.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1061.50 Basic formula price.
1061.51 Class prices.
1061.52 Butterfat differentials to handlers.
1061.53 Equivalent prices.

APPLICATION OF PROVISIONS

1061.60 Plants subject to other Federal orders.
1061.61 Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

1061.70 Computation of the net pool obligation of each handler.
1061.71 Computation of uniform price.

PAYMENTS FOR MILK

1061.80 Time and method of payment.
1061.81 Butterfat differential to producers.
1061.82 Producer-settlement fund.
1061.83 Payments to the producer-settlement fund.
1061.84 Payments out of the producer-settlement fund.
1061.85 Adjustment of accounts.
1061.86 Statement to producer.

MISCELLANEOUS

1061.90 Expense of administration.
1061.91 Marketing services.
1061.92 Adjustment of overdue accounts.
1061.93 Termination of obligations.
1061.94 Agents.
1061.95 Separability of provisions.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1061.100 Effective time.
1061.101 Suspension or termination.
1061.102 Continuing power and duty of the market administrator.
1061.103 Liquidation after suspension or termination.

AUTHORITY: The provisions of this Part 1061 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1061.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1061.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1061.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1061.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1061.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1061.6 Southeastern Minnesota-Northern Iowa (Dairyland) marketing area.

"Southeastern Minnesota-Northern Iowa (Dairyland) marketing area", hereinafter called the "marketing area" means all the territory within the boundaries of the counties listed below, including all territory within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

MINNESOTA COUNTIES

Blue Earth.	Mower.
Brown.	Nicollet.
Cottonwood.	Olmsted.
Dodge.	Redwood.
Faribault.	Rice.
Fillmore.	Steele.
Freeborn.	Wabasha.
Goodhue.	Waseca.
Le Sueur.	Watonwan.
Martin.	Winona.

IOWA COUNTIES

Howard.	Winnebago.
Kossuth.	Winneshiek.
Mitchell (except city of Osage).	Worth.

§ 1061.7 Fluid milk product.

"Fluid milk product" means milk, cream, skim milk, buttermilk, unsterilized concentrated milk or skim milk, eggnog and eggnog flavored milk, and mixtures combining milk, skim milk, and/or cream, including the aforesaid products sweet, sour, cultured, or acidified and such products reconstituted from or fortified with milk products. The term includes the aforesaid products to which flavors, sweeteners, stabilizers, emulsifiers, vitamins, minerals, and similar ingredients have been added. The term does not include products which are sterilized and disposed of in hermetically sealed metal or glass containers.

§ 1061.8 Route disposition.

"Route disposition" means a delivery from a plant (including delivery from a retail store at such plant and delivery through vendors or distribution points) of any fluid milk product classified as Class I under § 1061.41(a) to a retail or wholesale outlet other than a milk plant. A delivery through a vendor or through a distribution point shall be considered a route disposition of the plant at the location of the wholesale or retail outlet to which delivery is made.

§ 1061.9 Distributing plant.

"Distributing plant" means a plant from which a Grade A fluid milk product that is packaged in such plant is disposed of during the month in the marketing area on routes, either directly or through another plant.

§ 1061.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to another plant.

§ 1061.11 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section, except an exempt distributing plant, the plant of a handler exempted pursuant to § 1061.60 or the plant of a producer-handler: *Provided*, That if a portion of a plant is operated separately from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section: *And provided further*, That facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be part of a pool plant pursuant to this section.

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in subparagraphs (1) and (2) of this paragraph of the total Grade A fluid milk products received during the month at such plant, including producer milk diverted under § 1061.17(b), but excluding receipts of packaged fluid milk products from other pool distributing plants and receipts from unregulated supply plants and other order plants which are assigned pursuant to § 1061.46(a)(5)(i)(a) and (ii) and the corresponding step of § 1061.46(b):

(1) Not less than 10 percent of such receipts is disposed of from such plant as Class I milk in the marketing area either on routes or moved as packaged fluid milk products to other plants from which it is disposed of in the marketing area on routes. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants; and

(2) Not less than 15 percent during the months February–August and 20 percent during the months September–January of such receipts is disposed of as Class I milk either on routes or moved in the form of packaged fluid milk products to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant from which not less than 15 percent of its total Grade A milk receipts from dairy farmers during the month is delivered as fluid milk products to pool plants pursuant to paragraph (a) of this section subject to subparagraphs (1), (2) and (3) of this paragraph:

(1) Any plant which qualified pursuant to this paragraph in each of the immediately preceding months of September through November shall be a pool plant for the months of December through August unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant;

(2) In determining the pool plant qualifications of a cooperative association's plant, member producer milk of such association which is delivered directly to plants described in paragraph (a) of this section may be considered for purposes of this paragraph as having been first received at the cooperative's plant; and

(3) During the period from the effective date of this part through August 1969, the monthly percentage shall be not less than 10 percent, except that a plant which would have qualified on the basis of 10 percent shipments to a plant which would have qualified under paragraph (a) of this section during the month of November 1968 shall be a pool plant unless nonpool status is requested in accordance with subparagraph (1) of this paragraph.

§ 1061.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and

pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant and from which a Grade A fluid milk product is shipped during the month to a pool plant.

(e) "Exempt governmental plant" means a distributing or supply plant operated by a governmental agency.

§ 1061.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s);

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool plant of another handler to a nonpool plant;

(c) Any cooperative association with respect to milk of its producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person in his capacity as the operator of an other order plant from which during the month fluid milk products are either distributed on routes in the marketing area or shipped to a pool plant; or

(f) A producer-handler.

§ 1061.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant from which Class I milk of his own production is distributed on routes in the marketing area, and who receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts by plant transfer from pool plants and who receives no nonfluid milk products from any source for use in reconstituted fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk and milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are wholly the personal enterprise and risk of such person.

§ 1061.15 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received as producer milk at a pool plant, or diverted pursuant to § 1061.17 from a pool plant to a nonpool plant.

§ 1061.16 Producer milk.

"Producer milk" means the skim milk and butterfat in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, except that milk received by diversion from other order plants which is assigned pursuant to § 1061.46(a)(5)(ii) and the corresponding step of § 1061.46(b);

(b) Received at a pool plant from a cooperative association handler pursuant to § 1061.13(c);

(c) Received by a cooperative association handler pursuant to § 1061.13(c) from producers in excess of the quantity delivered to pool plants; and

(d) Subject to the provisions of § 1061.17, diverted from a pool plant to a nonpool plant that is not an other order plant, or to a nonpool plant that is an other order plant if diverted as Class II milk and such milk is not producer milk under such other order.

§ 1061.17 Diverted milk.

"Diverted milk" means, for any month, milk produced by a dairy farmer which a pool plant handler or a handler pursuant to § 1061.13(b) caused to be moved from the farm to a nonpool plant (subject to the conditions set forth in § 1061.16(d)) if such milk is claimed as producer milk and the conditions of paragraphs (a) or (b), and (c) of this section have been met.

(a) During the months of February through August a cooperative association handler pursuant to § 1061.13(b) may divert for its account, without limit on the remaining days, the milk of any member who was a producer during the previous month or whose milk is delivered to a pool plant on at least 1 day during the current month. During the months of September through January such handler may divert as producer milk the milk of any member producer whose milk is delivered to a pool plant described in § 1061.11(a) on at least 1 day during the month except that the aggregate quantity of producer milk diverted by such handler shall not exceed the quantity of milk delivered during that month by all its member producers to pool plants described in § 1061.11(a).

(b) During February through August a handler in his capacity as the operator of a pool plant may divert for his account without limit on the remaining days the milk of any dairy farmer who was a producer during the previous month or whose milk is received at his pool plant on at least 1 day during the current month. During the months of September through January such handler may divert as producer milk the milk of any producer whose milk is received at his pool plant on at least 1 day during the month except that the aggregate quantity of producer milk diverted by such handler shall not exceed the quantity of milk received during the month at his pool plant from all producers except the member producers of a cooperative which diverted milk during the month pursuant to paragraph (a) of this section.

(c) If milk receipts from dairy farmers are diverted in excess of the quantities allowed pursuant to paragraphs (a) and (b) of this section the diverting handler shall specify the dairy farmers whose milk was overdiverted. If the diverting handler does not specify the dairy farmers whose milk was overdiverted, only the milk of dairy farmers which is received at a pool plant during the month shall be producer milk for such month.

§ 1061.18 Other source milk.

"Other source milk" means all skim milk and butterfat in:

(a) Fluid milk products from any source other than:

(1) Producer milk;

(2) Fluid milk products received from pool plants; or

(3) Fluid milk products in inventory on hand at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month.

MARKET ADMINISTRATOR

§ 1061.20 Designation.

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1061.21 Powers.

The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 1061.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 1061.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 1061.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1061.30 and 1061.31 or has not made payments pursuant to §§ 1061.80, 1061.83, and 1061.85;

(f) Verify each handler's reports and payments by inspection of such handler's records and the records of any person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(g) Prepare and disseminate to the public such statistics and information concerning the operations under this order as he deems advisable and as do not reveal confidential information;

(h) On or before the fifth day of each month, mail to all handlers and make public announcement of the Class I price computed pursuant to § 1061.51(a), and the butterfat differential computed pursuant to § 1061.52(a) for the current month, and the Class II price computed pursuant to § 1061.51(b) and the butterfat differential computed pursuant to § 1061.52(b) for the preceding month;

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and notify each handler of his obligations to the producer-settlement fund;

(j) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1061.46(a)(9) and the corresponding step of § 1061.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(k) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1061.46 pursuant to such report and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(l) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler and as necessary, any changes in such classification arising in the verification of such report.

Reports, Records, and Facilities

§ 1061.30 Monthly reports of receipts and utilization.

On or before the eighth day after the end of each month each handler who operates a pool plant shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his pool plants as follows:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Milk received from producers including milk received from farms and diverted pursuant to § 1061.17 for such handler's account;

(2) Producer milk received from handlers pursuant to § 1061.13(c);

(3) Fluid milk products received from other pool plants;

(4) Other source milk; and

(5) Inventories of fluid milk products at the beginning and end of the month, showing separately the quantities in bulk and in packages;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk inside and outside the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1061.31 Other reports.

(a) Each producer-handler and each handler who operates an other order plant shall report the receipts and disposition of skim milk and butterfat at such plant at such time and in such manner as the market administrator may require.

(b) Each handler pursuant to § 1061.13 (b) and (c) shall report to the market administrator on or before the eighth day after the end of the month in detail and on forms prescribed by the market administrator, the total quantity of skim milk and butterfat in milk received by such handler from all producer member farms for which it is the handler pursuant to § 1061.13 (b) and (c); and

(1) For milk for which it is the handler pursuant to § 1061.13(b), report the quantities of skim milk and butterfat in milk diverted for its account during the month from each pool plant and the utilization of such skim milk and butterfat; and

(2) For milk for which it is the handler pursuant to § 1061.13 (c), report the quantities of skim milk and butterfat in milk delivered to each pool plant during the month.

(c) Each handler operating a partially regulated distributing plant shall report for each such plant the information required of pool plant operators pursuant to § 1061.30 substituting receipts from dairy farmers for producer milk.

(d) Each handler receiving milk from producers' farms shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment together with the price paid and the amount and nature of any deductions.

§ 1061.32 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary to enable the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and tests for butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month;

(d) Payments to dairy farmers and cooperative associations, including the nature of any deductions and the disbursement of money so deducted; and

(e) Whether or not a person claiming producer-handler status meets the criteria set forth in § 1061.14.

§ 1061.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8(c)(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further

written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification of Milk

§ 1061.40 Skim milk and butterfat to be classified.

(a) The skim milk and butterfat which are required to be reported pursuant to §§ 1061.30 and 1061.31 shall be classified each month by the market administrator pursuant to the provisions of §§ 1061.41 through 1061.46; and

(b) If any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk utilized or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1061.41 Classes of utilization.

Subject to the conditions set forth in §§ 1061.42 through 1061.46, inclusive, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product except as provided in subparagraphs (2), (3), and (4) of paragraph (b);

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce butter, butteroil, anhydrous milkfat, plain or sweetened condensed milk or skim milk, and condensed buttermilk; nonfat dry milk, dry whole milk, dried buttermilk, dried whey, and blends of dried milk products including dry ice cream mix; cheese and cheese foods; ice cream, ice milk and frozen desserts including mixes for freezing; sterile products in hermetically sealed metal or glass containers;

(2) Represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(3) Disposed of in bulk in the form of a fluid milk product to any commercial food processing establishment where food products are prepared only for consumption off the premises;

(4) Dumped or disposed of for animal feed;

(5) In inventory of bulk fluid milk products on hand at the end of the month;

(6) In shrinkage of the skim milk and butterfat, respectively, assigned pursuant to § 1061.42(a) but not in excess of:

(i) Two percent of producer milk described in § 1061.16(a) and producer milk diverted pursuant to § 1061.17(b) by a pool plant operator;

(ii) Plus 1.5 percent of milk received in bulk tank lots from other pool plants;

(iii) Plus 1.5 percent of producer milk described in § 1061.16(b) except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent;

(iv) Plus 1.5 percent of milk received in bulk tank lots from other order plants exclusive of the quantity for which Class II use was requested by the operators of both plants;

(v) Plus 1.5 percent of milk in bulk tank lots from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler;

(vi) Less 1.5 percent of milk in bulk tank lots transferred from pool plants to other plants; and

(vii) Less 1.5 percent of producer milk diverted pursuant to § 1061.17(b) except that if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent;

(7) In shrinkage of skim milk and butterfat allocated pursuant to § 1061.42 (b); and

(8) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which the cooperative association is the handler pursuant to § 1061.13 (b) and (c) not being delivered to nonpool plants and pool plants, but not in excess of one-half percent of the quantity received by the cooperative association from producers as determined by farm weights exclusive of the quantity for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1061.42 Shrinkage.

The market administrator shall prorate shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk at each pool plant between the following:

(a) The net quantity of producer milk and other fluid products specified in § 1061.41(b)(6); and

(b) Other source milk exclusive of that specified in § 1061.41(b)(6).

§ 1061.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise, however as to milk delivered to a pool plant by a cooperative association handler pursuant to § 1061.13(c), said pool plant operator shall have the burden of proving the classification of such skim milk and butterfat defined in § 1061.16 (b) and the cooperative association handler shall have the burden of proving the classification of the skim milk and butterfat defined in § 1061.16(c).

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1061.13 (c), shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1061.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1061.44 Transfers.

Skim milk or butterfat transferred in the form of a fluid milk product from a pool plant to another plant or diverted in such form to a nonpool plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1061.46(a)(9) and the corresponding step of (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1061.46(a)(4) and the corresponding step of (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1061.46(a) (8) or (9) and the corresponding steps of § 1061.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk if transferred from a pool plant in packaged form to a nonpool plant that is not an other order plant;

(d) As Class I milk if transferred or diverted in bulk to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1061.30 or § 1061.31;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment

of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid products received from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivision (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk;

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If both the transferor and transferee handlers so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1061.41; and

(f) As Class I milk, if transferred or diverted to an exempt governmental plant.

§ 1061.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the reports submitted pursuant to §§ 1061.30 and 1061.31 by each handler and compute the total pounds of skim milk and butterfat in each class for each handler as follows:

(a) The market administrator shall combine the receipts and utilization in each of the respective classes at all pool plants of a handler including diversions from such pool plants by the handler and shall allocate such combined utilization pursuant to § 1061.46 and shall compute the obligation of such handler pursuant to § 1061.70 based on the combined utilization; and

(b) The market administrator shall allocate pursuant to § 1061.46 and compute the obligation pursuant to § 1061.70 of a cooperative association on producer milk pursuant to § 1061.16 (c) and (d) for which it is the handler pursuant to § 1061.13 (b) and (c) separately from the operations of any pool plant operated by such cooperative association.

§ 1061.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1061.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1061.41(b)(6);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from an exempt governmental plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II utilization; or

(b) The pounds of skim milk in receipts which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts of fluid milk products from pool plants of other handlers, and receipts of fluid milk products in bulk from other order plants; and

(ii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the transferee handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month this order is effective, in packaged fluid milk products) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger

of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1061.22(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1061.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1061.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices, the basic formula price shall be not less than $4.33.

§ 1061.51 Class prices.

Subject to the provisions of § 1061.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $0.86 for the first 18 months from the effective date of this order, and plus an additional 20 cents.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1061.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1061.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the preceding month by 0.12.

(b) *Class II price.* Multiply the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the U.S. Department of Agriculture for the month by 0.115.

§ 1061.53 Equivalent prices.

If for any reason a price quotation or other pricing factor required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price quotation or price factor determined by the Secretary to be equivalent to that required.

Application of Provisions

§ 1061.60 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to the plant of a handler that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1061.11 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

§ 1061.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1061.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1061.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1061.70(f) and a credit in the amount specified in § 1061.83(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1061.31(c) a similar report with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1061.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and,

(4) From the value of such milk at the Class I price, subtract its value at the uniform price pursuant to § 1061.71.

Determination of Uniform Prices to Producers

§ 1061.70 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1061.13(a) and of each cooperative association handler with respect to its producer milk pursuant to § 1061.16 (c) and (d), shall be a sum of money computed for each

month by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1061.46(c) by the respective class prices;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1061.46(a)(11) and the corresponding step of § 1061.46(b) by the respective class prices;

(c) Add an amount equal to the difference between the value at the Class II price for the preceding month and the value at the Class I price for the current month with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(6) and the corresponding step of § 1061.46(b);

(d) Add (or subtract, pursuant to the proviso of this paragraph) an amount equal to the difference between the value at the Class I price of the preceding month and the value at the Class I price of the current month with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(3) and the corresponding step of § 1061.46(b): *Provided*, That if the value at the Class I price for the current month is less than the value at the Class I price for the preceding month, the result shall be a minus amount;

(e) Add an amount equal to the difference between the value at the Class I price and the value at the Class II price, with respect to skim milk and butterfat from other source milk subtracted from Class I pursuant to § 1061.46(a)(4) and the corresponding step of § 1061.46(b); and

(f) Add an amount equal to the value at the Class I price with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b).

§ 1061.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1061.70 for all handlers who filed reports pursuant to §§ 1061.30 and 1061.31(b) for the month and who made the payments pursuant to §§ 1061.80 and 1061.83 for the preceding month;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (d) of this section is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1061.81 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1061.70(f); and

(e) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS FOR MILK

§ 1061.80 Time and method of payment.

Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To each producer for whom payment is not made pursuant to paragraph (b) and (c) of this section:

(1) On or before the 20th day of the following month not less than the uniform price, adjusted by the butterfat differential computed pursuant to § 1061.81 and less the following amounts:

(i) The payments made pursuant to subparagraph (2) of this paragraph;

(ii) Marketing service deductions pursuant to § 1061.91; and

(iii) Any proper deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1061.84 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(2) A partial payment on or before the fifth day of the following month to each producer who had not discontinued shipping milk to such handler at not less than the Class II price for the preceding month for producer milk received during the first 15 days of the month (without deduction for hauling);

(b) Payments required in paragraph (a) of this section shall be made on or before the second day prior to the dates set forth in paragraph (a) of this section to a cooperative association (except as specified in paragraph (c) of this section) qualified under § 1061.5, or its duly authorized agent, if the cooperative association so requests and the market administrator determines it is authorized by its members to collect payments for their milk. Payments to the cooperative association under this paragraph shall be made subject to the condition that the association has provided the handler with a promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association; and

(c) On or before the 11th day after the end of the month, each handler shall pay a cooperative association which is a handler with respect to all skim milk and butterfat received by him from a pool plant operated by such cooperative association not less than the applicable class prices.

§ 1061.81 Butterfat differential to producers.

The uniform price pursuant to § 1061.71 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I milk and Class II milk pursuant to § 1061.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1061.82 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1061.61, 1061.83, and 1061.85 and out of which he shall make all payments due handlers pursuant to §§ 1061.84 and 1061.85: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1061.83 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1061.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1061.80; and

(2) The value of such handler's receipts of other source milk for which a value is computed pursuant to § 1061.70 (f) at the uniform price.

§ 1061.84 Payments out of the producer-settlement fund.

On or before the 16th day after the end of each month, the market administrator shall pay, subject to the proviso of § 1061.82, to each handler the amount, if any, by which the amount computed pursuant to § 1061.83(b) exceeds the amount computed pursuant to § 1061.83 (a).

§ 1061.85 Adjustment of accounts.

When verification by the market administrator of reports or payment of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the

date for making payment next following such disclosure.

§ 1061.86 Statement to producer.

In making payment to individual producers as required by § 1061.80, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month involved, and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk received from the producer;

(c) The minimum rate at which payment to the producer is required pursuant to § 1061.80;

(d) The rate used in making the payment if such rate is other than the applicable minimum;

(e) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1061.91, together with a description of the respective deductions;

(f) The net amount of the payment to the producer.

MISCELLANEOUS

§ 1061.90 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b), other source milk allocated to Class I pursuant to § 1061.46(a) (4) and (8) and the corresponding steps of § 1061.46(b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1061.91 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1061.80 shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such monies shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of member producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions as are authorized by such producers and, on or before the 18th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1061.92 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to § 1061.83 shall be increased four-tenths of 1 percent for each month or portion thereof that such payment is overdue.

§ 1061.93 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notified a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1061.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1061.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1061.100 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1061.101.

§ 1061.101 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1061.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market

administrator, or such persons, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1061.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Effective date. Sections 1061.1 through 1061.46, and 1061.94 through 1061.103 shall be effective on and after April 1, 1969, and all of the remaining provisions shall be effective on and after May 1, 1969.

Signed at Washington, D.C., on March 26, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-3747; Filed, Mar. 28, 1969; 8:45 a.m.]

[Milk Order No. 68]

PART 1068—MILK IN THE MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1068.46(a) (3) and (6) and the corresponding steps of § 1068.46(b) and (iii) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

DEFINITIONS

Sec.
1068.1 Act.
1068.2 Secretary.
1068.3 Department.
1068.4 Minneapolis-St. Paul, Minn., marketing area.
1068.5 Market administrator.
1068.6 Person.
1068.7 Route.
1068.8 Plant.
1068.9 Pool plant.
1068.10 Nonpool plant.
1068.11 Producer.
1068.12 Producer milk.
1068.13 Handler.
1068.14 Cooperative association.
1068.15 Producer-handler.
1068.16 Other source milk.
1068.18 Chicago butter price.
1068.19 Fluid milk product.

MARKET ADMINISTRATOR

1068.20 Designation.
1068.21 Powers.
1068.22 Duties.

REPORTS, RECORDS, AND FACILITIES

1068.30 Monthly reports of receipts and utilization.
1068.31 Reports of producer-handlers.
1068.32 Reports as to producers and cooperative associations of producers.
1068.33 Records and facilities.
1068.34 Retention of records.

CLASSIFICATION

1068.40 Skim milk and butterfat to be classified.
1068.41 Classes of utilization.
1068.42 Shrinkage.
1068.43 Responsibility of handlers and reclassification of milk.
1068.44 Transfers.
1068.45 Computation of milk in each class.
1068.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1068.50 Class prices.
1068.51 Basic formula price.
1068.52 [Reserved]
1068.53 Class I price.
1068.54 Class II price.
1068.55 Location differential to handlers.
1068.56 Butterfat differentials to handlers.
1068.57 Equivalent price provision.

APPLICATION OF PROVISIONS

1068.60 Application to producer-handlers.
1068.61 Producer-handlers.
1068.62 Milk under more than one Federal order.
1068.63 Butterfat in fluid skim milk.
1068.64 Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

1068.70 Computation of the net pool obligation of each handler.
1068.71 Computation of uniform price.

Sec.
1068.72 [Reserved]
1068.73 Notification of handlers.

PAYMENTS FOR MILK

1068.80 Time and method of payment.
1068.81 Butterfat differential to producers.
1068.82 Location differential to producers and on nonpool milk.
1068.83 Producer-settlement fund.
1068.84 Payments to the producer-settlement fund.
1068.85 Payments out of the producer-settlement fund.
1068.86 Adjustments to payments.
1068.87 Statement to producers.

MISCELLANEOUS

1068.90 Expense of administration.
1068.91 Marketing services.
1068.92 Adjustment of overdue accounts.
1068.93 Termination of obligation.
1068.94 Agents.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1068.100 Effective time.
1068.101 Suspension or termination.
1068.102 Continuing power and duty of the market administrator.
1068.103 Liquidation after suspension or termination.

AUTHORITY: The provisions of this Part 1068 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1068.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1068.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1068.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1068.4 Minneapolis-St. Paul, Minn., marketing area.

"Minneapolis-St. Paul, Minn., marketing area" (referred to in this part as the "marketing area") means all the territory within the boundaries of the townships and counties listed below. The marketing area shall include all territory that is now, or in the future, occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishment if any part of such territory is within the designated geographical limits of the marketing area.

MINNESOTA COUNTIES

Anoka.	Mille Lacs.
Benton.	Pine.
Carver.	Ramsey.
Chisago.	Renville.
Dakota.	Scott.
Hennepin.	Sherburne.
Isanti.	Sibley.
Kanabec.	Stearns.
Kandiyohi.	Washington.
McLeod.	Wright.
Meeker.	

WISCONSIN COUNTIES

In Pierce County, the townships of:

Clifton.	River Falls.

In St. Croix County, the townships of:

Hudson.	Stanton.
Kinnickinnic.	Star Prairie.
Richmond.	Troy.
St. Joseph.	Warren.
Somerset.	

§ 1068.5 Market administrator.

"Market administrator" means the person designated pursuant to § 1068.20 as the agency for the administration of this part.

§ 1068.6 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1068.7 Route.

"Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop, including any governmentally operated institution, but excluding any disposition of skim milk or butterfat not eligible for sale in fluid form as Grade A milk or cream in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 1068.8 Plant.

"Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. Under this definition any separate portion of a premises or facilities qualified under § 1068.9(b) used to receive, process, or otherwise handle milk shall be deemed to be a separate plant. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

§ 1068.9 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraphs (a) or (b) of this section, but not any plant withdrawn pursuant to paragraph (c) of this section, any plant exempt pursuant to § 1068.62, or the plant of a producer-handler.

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area, is equal to 30 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or to 50 percent or more of such total receipts in any of the months of July through December; or

(b) Any plant from which during any month 40 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of August, September, and October 40 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following July: *And provided further*, That any deliveries of milk by a cooperative association during the months of August, September, and October directly from a farm(s) of its producer member(s) to a plant(s) described in paragraph (a) of this section may be considered, for purposes of this paragraph, as having been received first at a plant of such cooperative association.

(c) Upon notice by the handler in writing received by the market administrator, or postmarked, on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month: *Provided however*, That any such plant withdrawn from pool plant status may not regain status prior to the next August 1 and then only by meeting the requirements set forth prior to the first proviso in paragraph (b) of this section in the manner of a plant qualifying for pool plant status for the first time.

§ 1068.10 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products eligible for sale as

Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a Grade A fluid milk product is shipped during the month to a pool plant.

§ 1068.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Received from the farm at a pool plant; or

(b) Moved in accordance with the conditions of § 1068.44(c) but allotted to a pool plant by listing on the payroll report of such plant pursuant to § 1068.32, which milk shall be deemed to be received at such pool plant.

§ 1068.12 Producer milk.

"Producer milk" or "milk received from producers" means milk produced by one or more producers (as defined in § 1068.11).

§ 1068.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s): *Provided*, That any cooperative association qualifying as a handler pursuant to this paragraph shall be, for the purposes of making payments pursuant to § 1068.84, the handler also with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s);

(b) Any person in his capacity as the operator of a partially regulated distributing plant. This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities;

(c) Any person in his capacity as the operator of an other order plant from which during the month fluid milk products are either distributed on routes in the marketing area or shipped to a pool plant; or

(d) A producer-handler.

(e) Any person in his capacity as the operator of an unregulated supply plant.

§ 1068.14 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1068.15 Producer-handler.

Producer-handler means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distribution plant at which Grade A milk of his own production is processed and packaged, and disposed of as Class I milk on routes in the marketing area;

(b) Receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts of not more than 50,000 pounds of milk (3.5 percent milk equivalent of butterfat) during the month by transfer from pool plants of other handlers;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products;

(d) Has route disposition consisting only of skim milk and butterfat obtained from his own farm production except that received pursuant the exception set forth in paragraph (b) of this section; and

(e) The maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging, or distribution of such milk are the personal enterprise, and the personal risk, of such person.

§ 1068.16 Other source milk.

"Other source milk" means all skim milk and butterfat:

(a) Other than that contained in producer milk or received from a pool plant(s); and

(b) Contained in products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month.

§ 1068.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

§ 1068.19 Fluid milk product.

"Fluid milk product" means milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk, cream or milk drinks in metal containers hermetically sealed), cream (sweet or sour, including "Smetana" and similar sour cream products and mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream): *Provided*, That when nonfat milk solids are added for "fortification" the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

MARKET ADMINISTRATOR

§ 1068.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1068.21 Powers.

The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 1068.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 1068.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 1068.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 1068.30 or (2) made payments pursuant to §§ 1068.80, 1068.84, and 1068.86; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's reports and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this order as he deems advisable and as do not reveal confidential information;

(g) On or before the fifth working day of each month, mail to all handlers and

make public announcement of the Class I price computed pursuant to § 1068.53, and the butterfat differential computed pursuant to § 1068.56(a) for the then current month, and the Class II price computed pursuant to § 1068.54 and the butterfat differential computed pursuant to § 1068.56(b) for the preceding month; and

(h) On or before the 15th day after the end of each month, mail to all handlers and make public announcement of the uniform price computed pursuant to § 1068.71;

(i) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1068.46(a)(7) and the corresponding step of § 1068.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(j) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1068.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(k) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1068.30 Monthly reports of receipts and utilization.

(a) On or before the 10th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 1068.13(a) shall report, separately for each pool plant, to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handler's and other pool plants.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including on a skim milk equivalent basis any nonfat milk solids used to fortify (or as an additive to) any milk product as described in § 1068.45, and including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) [Reserved]

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Each handler specified in § 1068.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk;

(c) Each handler specified in § 1068.13 (e) who operates an unregulated supply plant shall report as required in paragraph (a) of this section, except that the receipts in Grade A milk shall be reported in lieu of those in producer milk.

§ 1068.31 Reports of producer-handlers.

Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

§ 1068.32 Reports as to producers and cooperative associations of producers.

On or before the last day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

§ 1068.33 Records and facilities.

Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other contents, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 1068.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1068.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received by each handler during each month which is required to be reported pursuant to § 1068.30 (a) and (b) shall be classified by the market administrator pursuant to the provisions of §§ 1068.41 through 1068.46.

§ 1068.41 Classes of utilization.

Subject to the conditions set forth in §§ 1068.42 through 1068.46, inclusive, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) (3) and (4) of this section.

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section;

(2) Skim milk and butterfat stored in a public cold storage warehouse as frozen cream;

(3) Skim milk and butterfat contained in any item included under paragraph (a) of this section disposed of as animal feed;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition; and

(5) In shrinkage assigned pursuant to § 1068.42(b)(1) of skim milk and butterfat, respectively, but not in excess of:

(i) Two percent of producer milk; plus

(ii) 1.5 percent of milk received in bulk tank lots from other pool plants; plus

(iii) 1.5 percent of milk received in bulk from a cooperative association which is a handler by virtue of the delivery of producer milk for its account from the farms of producers directly to the pool plant, except that if the handler operating the pool plant files notice with the market administrator, prior to the first day of the month, that the purchase of such milk is on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable maximum percentage shall be 2 percent; plus

(iv) 1.5 percent of milk received in bulk tank lots from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operators of both plants; plus

(v) 1.5 percent of milk in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of milk in bulk tank lots transferred to other plants; (if the receipt of milk is on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage shall be 2 percent); less

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1068.42(b)(2).

§ 1068.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other milk specified in § 1068.41(b)(5); and

(2) Other source milk exclusive of that specified in § 1068.41(b)(5).

§ 1068.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1068.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1068.46(a)(7) and the corresponding step of § 1068.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1068.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1068.46(a)(6) or (7) and the corresponding steps of § 1068.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk if moved to a nonpool plant by a cooperative association directly from the farm of the producer and the nonpool plant is one from which milk is disposed of in fluid form on routes;

(d) As Class I milk, if transferred to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located beyond a 150-mile radius from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., except that cream so transferred in bulk form shall be Class II if no fluid milk products are distributed on routes from the receiving plant;

(e) As Class I milk, if transferred in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is within a radius of 150 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1068.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(f) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for puposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk products is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1068.41.

§ 1068.45 Computation of milk in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided*, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (b) for disposition by a handler in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

§ 1068.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1068.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1068.41(b)(5);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association as a handler pursuant to the proviso of § 1068.13(a), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(i) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1068.22(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1068.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1068.50 Class prices.

Each handler shall pay, at the time and in the manner set forth in §§ 1068.80 through 1068.84, not less than the prices set forth in §§ 1068.53 and 1068.54 for all milk received during each month from producers and cooperative associations: *Provided*, That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 1068.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

§ 1068.52 [Reserved]

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month plus $0.86, and plus 20 cents.

§ 1068.54 Class II price.

The price per hundredweight for Class II milk shall be the basic formula price.

§ 1068.55 Location differential to handlers.

The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant located a radius of 15 miles and beyond the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., shall be reduced by the amount indicated below. Such deduction shall be based on the mileage as computed by the market administrator:

Location of plant (miles)	*Amount of deduction (cents)*
Less than 15	0
15 but less than 20	3
20 but less than 30	6
30 but less than 40	9
40 but less than 50	12

Distances 50 miles and beyond, an additional 1 cent for each 10 miles or fraction thereof.

§ 1068.56 Butterfat differentials to handlers.

If the average butterfat content of the Class I milk or Class II milk, computed pursuant to § 1068.46(c), for any handler for the month is more or less than 3.5 percent, there shall be added to, or subtracted from as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120 and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply by 0.115, the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department for the month.

§ 1068.57 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

APPLICATION OF PROVISIONS

§ 1068.60 Application to producer-handlers.

Sections 1068.40 through 1068.46, 1068.50 through 1068.56, 1068.62 through 1068.64, 1068.70 through 1068.73, 1068.80 through 1068.87, and 1068.90 through 1068.93 shall not apply to the handling of milk by producer-handlers.

§ 1068.61 Producer-handlers.

Any handler claiming producer-handler status shall furnish to the market administrator, for verification, evidence of his qualifications as a producer-handler pursuant to § 1068.15 and shall furnish evidence of subsequent changes made in the manner of producing, securing, or distributing milk that affect such qualifications as a producer-handler; such verification by the market administrator shall be made within 15 days of receipt of the evidence and shall be effective as of the first day of the month during which verification is made.

§ 1068.62 Milk under more than one Federal order.

Milk received at a plant qualified as a pool plant under § 1068.9 shall be exempt from the provisions of this order if the conditions of paragraphs (a) and (b) of this section are met: *Provided,* That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 1068.33:

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on routes or through plants regulated by such other marketing agreement or order than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or through other pool plants; and

(b) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

§ 1068.63 Butterfat in fluid skim milk.

For classification purposes, pursuant to §§ 1068.40 through 1068.46, butterfat in skim milk either disposed of to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.065 percent, unless the handler has adequate records of the actual butterfat content of such skim milk.

§ 1068.64 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1068.30(b) and the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1068.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant for an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1068.70(d) and a credit in the amount specified in § 1068.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1068.30(b) a similar report with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1068.9(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler of Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1068.71 at the same location or at the Class II price, whichever is higher.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1068.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association), as computed pursuant to § 1068.46(c), by the applicable class prices:

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1068.46(a)(9) and the corresponding step of § 1068.46(b) by the applicable class prices;

(c) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1068.46(a)(3) and the corresponding step of § 1068.46(b); and

(d) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1068.46(a)(6) and the corresponding step of § 1068.46(b).

§ 1068.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1068.70 for all handlers who filed reports pursuant to § 1068.30 for the month and who made the payments pursuant to §§ 1068.80 and 1068.84 for the preceding month;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1068.81 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1068.82;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1068.70(d); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1068.72 [Reserved]

§ 1068.73 Notification of handlers.

On or before the 15th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class computed pursuant to §§ 1068.46 and 1068.70, and the totals of such amounts and values;

(b) The uniform price (§ 1068.71);

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The amounts to be paid by each handler pursuant to §§ 1068.80, 1068.84, 1068.86, 1068.90, 1068.91, and 1068.92.

PAYMENTS FOR MILK

§ 1068.80 Time and method of payment.

Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) On or before the 11th day after the end of the month in which the skim milk or butterfat was received, to a cooperative association which is a handler, at not less than the applicable class prices for all skim milk and butterfat received from a pool plant(s) operated by such cooperative association or caused by it to be delivered to such handler from producers' farms, less the amount of payment made pursuant to paragraph (c) of this section.

(b) On or before the 21st day after the end of the month during which the milk was received, to each producer for milk not caused to be delivered to such handler by a cooperative association which is a handler, as follows: *Provided,* That such payment shall be made, upon request, to a cooperative association which is not a handler, or to its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 20th day after the end of such month.

(1) At not less than the uniform price computed pursuant to § 1068.71, subject to the butterfat and location differentials set forth in §§ 1068.81 and 1068.82, and less the amount of payment made pursuant to paragraph (c) of this section; and

(c) Handlers (other than cooperative associations) shall make partial payments to producers and cooperative associations pursuant to subparagraphs (1) and (2) of this paragraph: *Provided,* That in the event any producer discontinues shipping to such handler during the month, such partial payment shall not be made and full payment for all milk received from such producer during such month shall be made pursuant to paragraphs (a) and (b) of this section.

(1) On or before the 25th day of each month, each handler shall make payment, except as set forth in subparagraph (2) of this paragraph, to each producer, at not less than the applicable uniform price computed pursuant to § 1068.71(f) for the preceding month, for the milk of such producer received by such handler during the first 15 days of the current month;

(2) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is not a handler for milk of producers from whom such association has received written authorization to collect payment, at not less than such uniform price for the preceding month, for all such milk received by such handler during the first 15 days of the current month; and

(3) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is a handler, at not less than the applicable Class I price for the current month pursuant to § 1068.53, for all skim and butterfat received from a pool plant(s) operated by such cooperative association, or caused by such association to be delivered from the producers' farms to such handler, during the first 15 days of the current month.

(4) All payments made pursuant to this paragraph shall be subject to the butterfat and location differentials pursuant to §§ 1068.81 and 1068.82.

§ 1068.81 Butterfat differential to producers.

The uniform price pursuant to § 1068.71 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1068.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1068.82 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1068.80 (b) and (c) for milk received at a pool plant located a radius of 15 miles and beyond the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., each handler shall deduct from the applicable price payable to such producers the amount indicated below. Such deduction shall be based on the mileage as computed by the market administrator:

Location of plant (miles)	*Amount of deduction (cents)*
Less than 15	0
15 but less than 20	3
20 but less than 30	6
30 but less than 40	9
40 but less than 50	12

Distances 50 miles and beyond, an additional 1 cent for each 10 miles or fraction thereof.

(b) For the purpose of computations pursuant to §§ 1068.84 and 1068.85, the uniform price shall be adjusted at the rates set forth in paragraph (a) of this section applicable at the location of the nonpool plant from which the milk was received.

§ 1068.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1068.64, 1068.84, and 1068.86 and out of which he shall make all payments due handlers pursuant to §§ 1068.85 and 1068.86: *Provided,* That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1068.84 Payments to the producer-settlement fund.

On or before the 18th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided,* That payment made by a cooperative association as a handler pursuant to this paragraph with respect to milk transferred to another handler from the pool plant of such cooperative association or caused to be delivered to such handler from the farms of producers for the account of such cooperative association shall not relieve the

transferee handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 1068.80 through 1068.92, inclusive:

(a) The net pool obligation computed pursuant to § 1068.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1068.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1068.70(d).

§ 1068.85 Payments out of the producer-settlement fund.

On or before the 19th day after the end of each month, the market administrator shall pay, subject to the proviso of § 1068.83, to each handler the amount, if any, by which the amount computed pursuant to § 1068.84(b) exceeds the amount computed pursuant to § 1068.84(a).

§ 1068.86 Adjustments to payments.

(a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 1068.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payment to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 1068.80, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 1068.87 Statement to producers.

In making payment to individual producers as required by § 1068.80, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month involved, and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk received from the producer;

(c) The minimum rate at which payment to the producer is required pursuant to § 1068.80;

(d) The rate used in making the payment if such rate is other than the applicable minimum;

(e) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1068.91, together with a description of the respective deductions; and

(f) The net amount of the payment to the producer.

MISCELLANEOUS

§ 1068.90 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1068.46(a) (3) and (6) and the corresponding steps of § 1068.46 (b) and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1068.91 Marketing services.

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1068.80, shall make a deduction of 6 cents per hundredweight, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 18th day after the end of such month. Such monies shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 1068.92 Adjustment of overdue accounts.

Any balance of payment due from a handler pursuant to §§ 1068.80 (a) and (b), 1068.84, 1068.86, and this section for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased four-tenths of 1 percent, and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid.

§ 1068.93 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose except an obligation involved in an action instituted before August 1, 1949, under section 8c(15)(A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, by the handler against whom the obligation is sought to be imposed; and

(d) Any obligation of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment

is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

§ 1068.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1068.100 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1068.101.

§ 1068.101 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1068.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such persons pursuant thereto.

§ 1068.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Effective date: May 1, 1969.

Signed at Washington, D.C., on March 26, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-3748; Filed, Mar. 28, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305(a), is amended to show that the title of the positions of Assistant to the Secretary (National Security Affairs) and one Deputy Assistant to the Secretary (National Security Affairs) have been changed to Special Assistant to the Secretary (National Security Affairs) and one Deputy Special Assistant to the Secretary (National Security Affairs). Effective on publication in the FEDERAL REGISTER, subparagraphs (8) and (29) of paragraph (a) are amended as set out below.

§ 213.3305 Department of Treasury.

(a) *Office of the Secretary.* • • •

(8) Special Assistant to the Secretary (National Security Affairs).

• • • • • •

(29) One Deputy Special Assistant to the Secretary (National Security Affairs).

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3762; Filed, Mar. 28, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the positions of one Confidential Assistant to the Under Secretary and of one Confidential Secretary to an Assistant Secretary are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (36) and (37) are added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* • • •

(36) One Confidential Assistant to the Under Secretary.

(37) One Confidential Secretary to an Assistant Secretary.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3822; Filed, Mar. 28, 1969; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show the revocation of the Schedule C exception for the abolished position of Private Secretary to the Director of the Office of Equal Opportunity and to show that the position of Private Secretary to the Assistant Secretary for Equal Opportunity is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (28) of paragraph (a) is revoked and paragraph (f) is added to § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(28) [Revoked]

• • • • • •

(f) *Office of the Assistant Secretary for Equal Opportunity.* (1) One Private Secretary to the Assistant Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3763; Filed, Mar. 28, 1969; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Publication of Reports of Condition

1. Effective immediately, subparagraphs (1) and (3) of § 208.9(a) are amended to read as follows:

§ 208.9 Publication of reports of member banks and their affiliates.

(a) *Reports of member banks.* (1) Each report of condition made by a member State bank to its Federal Reserve Bank pursuant to a call therefor by the Board shall be published by such member bank within 20 days from the date the call is issued, unless such time is extended by the Reserve Bank as provided in § 265.2(f)(16) of this chapter (Rules Regarding Delegation of Authority).

* * * * *

(3) The copy of the report for the use of the printer for publication should be prepared on the form supplied or authorized for the purpose by the Federal Reserve Bank. Except as permitted in the instructions for preparation of reports of condition (Form F.R. 105a), the published information shall agree in every respect with that shown on the face of the report of condition submitted to the Federal Reserve Bank. All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve Bank, but the signatures may be typewritten or otherwise copied on the report for publication.

* * * * *

2a. The purposes of these amendments are (1) to authorize Reserve Banks, for good cause shown, to extend for 10 days the time for publishing reports of condition and to grant such extensions for longer periods in very unusual circumstances beyond control of the reporting bank and (2) to permit or require published reports of condition to differ from the report submitted to the Reserve Bank in the various respects detailed in the Instructions for preparation of such reports (Form F.R. 105a).

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of these amendments, because the Board found that such actions would result in delays that would be contrary to the public interest.

Dated at Washington, D.C., this 18th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3708; Filed, Mar. 28, 1969; 8:45 a.m.]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Specific Functions Delegated to Board Employees and Federal Reserve Banks

1. Effective immediately, § 265.2(f) is amended by adding subparagraph (16).

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district:

* * * * *

(16) Under § 208.9(a) of this chapter (Regulation H), for good cause shown, to extend the time for publication of reports of condition, such extensions not ordinarily to be for more than 10 days except in very unusual circumstances beyond control of the reporting bank.

2a. The purpose of this amendment is to delegate to Reserve Banks the authority to extend the time for publishing reports of condition in certain limited circumstances.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because the rules contained therein are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., this 18th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3709; Filed, Mar. 28, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SW-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Shreveport, La. (Downtown Airport), control zone.

The existing control zone extension is based on the Shreveport Downtown VOR 318° true (311° magnetic) radial. An amendment to the VOR instrument approach procedure, changing the final approach course from the 318° radial to the 313° true (306° magnetic) radial is required to meet current criteria.

Action is being taken herein to change the control zone extension from the 318° radial to the 313° radial to provide controlled airspace for aircraft executing the amended approach procedure. This will not increase the amount of controlled airspace.

Since this amendment will impose no undue burden on the public, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., May 29, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4625), the Shreveport, La. (Downtown Airport), control zone is amended by deleting "* * * within 2 miles each side of the Shreveport Downtown VOR 318° radial * * *" and substituting "* * * within 2 miles each side of the Shreveport Downtown VOR 313° radial * * *" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 18, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-3720; Filed, Mar. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-121]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airways, Revocation of Reporting Points

On January 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1053) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter and revoke certain VOR Federal airways in the vicinity of Evansville, Scotland, West Point, and Indianapolis, Ind., and revoke low altitude reporting points.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V-7 all between "12 AGL Evansville, Ind.;" and "12 AGL Lafayette, Ind.;" is deleted and "12 AGL INT Evansville 015° and Lewis, Ind., 198° radials; 12 AGL Lewis; 12 AGL Terre Haute, Ind., including a 12 AGL W alternate from Evansville to Terre Haute via INT Evansville 360° and Terre Haute 215 radials;" is substituted therefor.

b. In V-11 all between "12 AGL Evansville, Ind.;" and "12 AGL Fort Wayne, Ind.," is deleted and "12 AGL Indianapolis, Ind., including a 12 AGL E alternate from Evansville to Indianapolis via INT Evansville 046° and Bloomington, Ind., 205° radials, Bloomington, INT of Bloomington 025° and Indianapolis 185° radials;" is substituted therefor.

c. In V-53 all between "12 AGL Indianapolis;" and "12 AGL Peotone;" is deleted and "12 AGL INT Indianapolis 312° and Lafayette, Ind., 159° radials; 12 AGL Lafayette; 12 AGL INT Lafayette 313° and Peotone, Ill., 152° radials;" is substituted therefor.

d. In V-128 all between "12 AGL Peotone;" and "12 AGL Indianapolis 137°" is deleted and "12 AGL INT Peotone 152° and Indianapolis, Ind., 312° radials; 12 AGL Indianapolis;" is substituted therefor.

e. In V-171 all before "12 AGL Danville, Ill.;" is deleted and "From Louisville, Ky., 12 AGL Lewis, Ind., including a 12 AGL N alternate from Louisville to Lewis via INT Louisville 312° and Bloomington 153° radials, and Bloomington;" is substituted therefor.

f. In V-227 all before "12 AGL Roberts, Ill.;" is deleted and "From Lafayette, Ind.," is substituted therefor.

g. In V-243 "12 AGL Scotland, Ind." is deleted and "12 AGL Lewis, Ind." is substituted therefor.

h. V-491 is revoked.

2. In § 71.203 (34 F.R. 4792) "Scotland, Ind." and "West Point, Ind." are revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 24, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3730; Filed, Mar. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 15880 of the FEDERAL REGISTER dated October 26, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Portland, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Steed Field coordinates recited in the Portland, Ind., transition area designation as "latitude 40°27'05" N., longitude 84°59'20" W." are changed to read "latitude 40°27'00" N., longitude 84°-59'15" W.".

This amendment shall be effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 11, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

PORTLAND, IND.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Steed Field (latitude 40°27'00" N., longitude 84°59'15" W.); and within 2 miles each side of the 100° bearing from Steed Field, extending from the 6-mile radius area to 8 miles East of the airport.

[F.R. Doc. 69-3731; Filed, Mar. 28, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-35; Amdt. 4]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Miscellaneous Amendments

Correction

In F.R. Doc. 69-3500 appearing at page 5597 in the issue of Tuesday, March 25, 1969, the bracket should read as set forth above.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

TYLOSIN

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Elanco Products Co., Division of Eli Lilly and Co., Indianapolis, Ind. 46206, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of tylosin in the feed of broiler chickens as an aid in the control of chronic respiratory disease caused by *Mycoplasma gallisepticum*. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.217(d) is amended by adding a new item to table 3, as follows:

§ 121.217 Tylosin.

* * * * *

(d) * * *

TABLE 3—TYLOSIN IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
7. Tylosin	800-1,000			For broiler chickens; as tylosin phosphate; withdraw 5 days before slaughter; administer in feed to chickens 0 to 5 days of age, follow with second administration in feed for 24-48 hours at 3 to 5 weeks of age.	To aid in the control of chronic respiratory disease caused by *Mycoplasma gallisepticum*.

B. Based upon an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner concludes that the existing zero tolerance for residues of tylosin in edible products of treated animals should be changed to negligible residues of the additive as set forth below. The negligible tolerances are the basis upon which the zero tolerances were formerly established. Therefore, § 121.1049 is revised to read as follows:

§ 121.1049 Tylosin.

Tolerances are established for residues of tylosin in edible products of animals as follows:

(a) In poultry (chickens and turkeys): 0.2 part per million (negligible residue) in fat, muscle, liver, and kidney.

(b) In cattle: 0.2 part per million (negligible residue) in fat, muscle, liver, and kidney.

(c) In swine: 0.2 part per million (negligible residue) in fat, muscle, liver, and kidney.

(d) In milk: 0.05 part per million (negligible residue).

(e) In eggs: 0.2 part per million (negligible residue).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied

by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

* * * * *

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: March 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3711; Filed, Mar. 28, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ADJUVANTS FOR PESTICIDE USE DILUTIONS

The following petitions were filed proposing the issuance of a regulation to provide for the safe use of the indicated adjuvants in pesticide use dilutions by a grower or applicator:

1. A petition (FAP 4H1478) by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19195, proposing safe use of polyglyceryl phthalate ester of edible coconut oil fatty acids diluted with ethylene dichloride.

2. A petition (FAP 4H1481) by Olin Mathieson Chemical Corp., 1730 K Street NW., Washington, D.C. 20006, on behalf of itself, The Dow Chemical Co., General Aniline & Film Corp., Jefferson Chemical Co., Inc., Monsanto Co., Rohm & Haas Co., Union Carbide Corp., and Wyandotte Chemicals Corp., proposing safe use of alkyl (C_9-C_{15}) phenoxypolyethoxyethanol (4–10, 30–50 moles)

3. A petition (FAP 6H1917) by Olin Mathieson Chemical Corp., 1730 K Street NW., Washington, D.C. 20006, on behalf of itself, The Dow Chemical Co., General Aniline & Film Corp., Jefferson Chemical Co., Inc., Monsanto Co., Rohm & Haas Co., Union Carbide Corp., and Wyandotte Chemical Corp., proposing safe use of alkyl (C_9-C_{15}) phenoxypolyethoxyethanol (11–15 moles).

The Commissioner of Food and Drugs, having evaluated the data in the above petitions and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of the surfactants and related adjuvants shown below in pesticide use dilutions by a grower or applicator prior to application to the growing crop. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart D a new section, as follows:

§ 121.1225 Adjuvants for pesticide use dilutions.

The following surfactants and related adjuvants may be safely added to pesticide use dilutions by a grower or applicator prior to application to the growing crop:

α-(p-Dodecylphenyl)-*omega*-hydroxypoly (oxyethylene) produced by the condensation of 1 mole of dodecylphenol (dodecyl group is a propylene tetramer isomer) with an average of 4–14 or 30–70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 4–14 or 30–70.

Ethylene dichloride.

α-(p-Nonylphenyl)-*omega*-hydroxypoly (oxyethylene) produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 or 30–70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 4–14 or 30–70.

Polyglyceryl phthalate ester of coconut oil fatty acids.

α-[p-(1,1,3,3-Tetramethylbutyl)phenyl]-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of p-(1,1,3,3-tetramethylbutyl)phenol with an average of 4–14 or 30–70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 4–14 or 30–70.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 24, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3710; Filed, Mar. 28, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter V—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

PART 1710—LAND REGISTRATION

On January 25, 1969, the Office of Interstate Land Sales Registration published in the FEDERAL REGISTER (34 F.R. 1259) proposed regulations under the authority contained in section 1419 of the Housing and Urban Development Act of 1968, effective April 28, 1969, which may be cited as the "Interstate Land Sales Full Disclosure Act" (82 Stat. 598; 15 U.S.C. 1718). The Act gives the Secretary of Housing and Urban Development the authority to require full disclosure in the sales or lease of certain undeveloped land in interstate commerce or through the mails.

Interested persons were invited to submit written comments and suggestions for consideration within 30 days after publication of the proposed regulations in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, it has been decided to adopt the proposed regulations with certain modifications.

Accordingly, pursuant to the authority contained in section 1419 of the Housing and Urban Development Act of 1968, such regulations are hereby codified as set forth below.

In Title 24, Chapter V, a new Part 1710 is added as follows:

Subpart A—General Requirements

Sec.
1710.1 Definitions.
1710.5 General applicability.
1710.10 Exemptions.
1710.15 Exemption advisory opinions.
1710.20 Statement of record and property report.
1710.25 State filings.
1710.30 Amendments.
1710.35 Payment of fees.
1710.40 Early effective date for sales in progress.
1710.45 Suspensions.

Subpart B—Reporting Requirements

1710.101 Claim of exemption—Affirmation.
1710.105 Statement of record—Format and instructions.
1710.110 Property report and lease addendum.
1710.115 State property report disclaimer.
1710.120 Statement of record—State filing.
1710.125 Partial statement of record—Request for exemption.

AUTHORITY: The provisions of this Part 1710 issued under sec. 1419, 82 Stat. 598, 15 U.S.C. 1718.

Subpart A—General Requirements

§ 1710.1 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

(a) "Act" means the Interstate Land Sales Full Disclosure Act, Title XIV of Public Law 90-448, 82 Stat. 590, enacted on August 1, 1968.

(b) "Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell or a trust agreement, affecting a subdivision or affecting more than one lot offered within a subdivision, except that such term shall not include any lien or other encumbrance arising as the result of the imposition of any tax assessment by any public authority.

(c) "Developer" means any person who, directly or indirectly, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots in a subdivision.

(d) "Interstate commerce" means trade or commerce among the several states.

(e) "Offer" means any inducement, solicitation, or attempt to encourage a person to acquire a lot in a subdivision.

(f) "Person" means an individual, or an unincorporated organization, partnership, association, corporation, trust, or estate.

(g) "Purchaser" means an actual or prospective purchaser or lessee of a lot in a subdivision.

(h) "Rules and regulations" refer to all rules and regulations adopted pursuant to the Act, including the general requirements and the report requirements published in this part.

(i) "Secretary" means the Secretary of Housing and Urban Development or his duly authorized representatives.

(j) "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(k) "Subdivision" means any land which is divided or proposed to be divided into 50 or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan and where subdivided land is offered for sale or lease by a single developer or a group of developers acting in concert, and such land is contiguous or is known, designated, or advertised as a common unit or by a common name, such land shall be presumed, without regard to the number of lots covered by each individual offering as being offered for sale or lease as part of a common promotional plan.

(l) "Unimproved land" means a lot or lots which are located in a subdivision and upon which there are no residential, commercial or industrial buildings.

§ 1710.5 General applicability.

Except in the case of an exempt transaction as provided in § 1710.10, a developer may not sell or lease unimproved land in a subdivision, making use of any means or instruments of transportation or communication in interstate commerce or of the mails, unless a statement of record is in effect in accordance with the provisions of this part; and the developer furnishes each purchaser with a printed property report, meeting the requirements of the provisions of this part, in advance of the signing of any contract or agreement for sale or lease by the purchaser. As used in this part, "unimproved land" shall include lots located in a foreign country if the offer to sell or lease the lots is made from within a State, making use of any means or instruments of transportation or communication in interstate commerce or of the mails.

§ 1710.10 Exemption.

Unless a method of sale, lease or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act, the rules and regulations in this part shall not apply to the following transactions.

(a) The sale or lease of real estate not pursuant to a common promotional plan to offer to sell 50 or more lots in a subdivision.

(b) The sale or lease of lots in a subdivision all of which are 5 acres or more in size.

(c) The sale or lease of any lots on which there is a residential, commercial, or industrial building, or to the sale or lease of land under a contract obligating the seller to erect such a building thereon within a period of 2 years.

(d) The sale or lease of real estate under or pursuant to court order.

(e) The sale of evidences of indebtedness secured by a mortgage or deed of trust on real estate.

(f) The sale of securities issued by a real estate investment trust.

(g) The sale or lease of real estate by any government or government agency.

(h) The sale or lease of cemetery lots.

(i) The sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease of such lots to persons engaged in such business.

(j) The sale or lease of real estate which, at the time of sale or leasing, is free and clear of all liens, encumbrances, and adverse claims (except property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed and taxes and assessments which, under applicable State or local law, constitute liens on the property before they are due and payable), and where each and every purchaser or his or her spouse will have personally inspected the lot which he purchases prior to the signing of a contract to purchase or lease and where the developer files with the Secretary an affirmation in the form set forth in § 1710.101. The time of sale or leasing shall be deemed to be the date the sales contract or lease is signed except that the time of sale shall be deemed to be the effective date of the conveyance if each of the following requirements is met:

(1) That the contract of sale will require delivery of a deed to the purchaser within 120 days following the signing of the sales contract.

(2) That any earnest money deposit or other payment on account of the purchase price made by the purchaser prior to the effective date of the conveyance will be placed in a trust account fully protecting the interest of the purchaser with an established institution or organization having trust powers under the laws of the jurisdiction in which the property is located.

(k) The sale or lease of lots each of which exceeds 10,000 square feet and each of which will be sold for less than $100, including closing costs.

(l) The sale or lease of lots where the offering is entirely or almost entirely intrastate.

(m) The lease of lots for a term not to exceed 5 years, provided the terms of the lease do not obligate the lessee to renew.

§ 1710.15 Exemption advisory opinions.

A developer may obtain an advisory opinion from the Secretary as to whether an offer is exempted from the Act and the regulations in this part. Such opinion may be obtained in either of the following ways:

(a) By filing a statement of record as provided in § 1710.20 and in the form prescribed in § 1710.105, accompanied by the filing fees required by § 1710.35 and a statement of facts and applicable law under which the developer believes the offer to be exempt. Unless the developer receives an opinion that the offer is exempted, the provisions of § 1710.20 shall apply with respect to the effective date of the statement of record.

(b) By filing a partial statement of record in the form prescribed in § 1710.125, accompanied by the filing fee required by § 1710.35(g) and a statement of facts and applicable law under which the developer believes the offer to be exempt.

§ 1710.20 Statement of record and property report.

(a) Except as otherwise provided in this section, the statement of record shall be in the form set forth in § 1710.105 and shall meet each of the following requirements:

(1) Include a property report in the form set forth in § 1710.110.

(2) Be supported by complete information and supporting documentation as indicated in the prescribed form.

(3) Be filed in duplicate with the Secretary by personal delivery or by certified mail, return receipt requested, addressed to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, Washington, D.C. 20411.

(b) The form of the statement of record and property report may be as required by State authorities if filed in accordance with the provisions of § 1710.25 and if the property report or similar instrument approved by the State is accompanied by a statement in the form set forth in § 1710.115. This statement shall be delivered to the purchaser simultaneously with the State property report.

(c) If an offering relates to lots which will be offered pursuant to the same common promotional plan as lots previously offered and covered by an effective statement of record, a developer shall file a new statement of record covering the additional lots. The developer may consolidate the new statement of record with the prior statement by incorporating by reference the information in the prior statement. The developer shall include in the consolidated statement of record any material changes which have occurred since the original filing and the consolidated statement of record must conform to all pertinent rules and regulations applicable to an original statement of record. Such consolidated statement of record shall be treated as a new statement of record for the purpose of determining the date of filing and the effective date thereof.

(d) The date of filing of a statement of record is the date the statement, accompanied by the required fee, is received by the Secretary.

(e) Except as provided in §§ 1710.40 and 1710.25 and unless the effective date is suspended by the Secretary in accordance with the provisions of § 1710.45, the effective date of the statement of record shall be the thirtieth day after the date of filing or such earlier date as the Secretary may determine.

§ 1710.25 State filings.

Except as provided in paragraph (c) of this section, if a developer complies with the requirements of § 1710.115 with respect to the property report and the requirements of § 1710.120 with respect to the statement of record, a copy of material filed with State authorities and allowed to become effective by such authorities shall be an effective statement of record, an amendment thereto, or an effective consolidation of a subsequent statement of record into an earlier statement of record, as of the date of filing such copy together with the required fee with the secretary, as follows:

(a) With respect to a subdivision located in California, Florida, New York, or Hawaii, where the material is filed in full compliance with the laws and requirements of the authorities of such State, with the exception that material filed with the State of Hawaii will not be acceptable if it was filed with that State prior to the enactment of Act 223, Session Laws of Hawaii 1967, and material filed with the State of Florida will not be acceptable if it was filed with that State prior to the enactment of section 478, Florida statutes, effective August 1, 1967.

(b) With respect to a subdivision located outside of California, Florida, New York, or Hawaii and covered by material filed with any such State, if all lots and tracts in such subdivision have been made the subject of the State filing and if there has been full compliance with the laws and requirements of the authorities in such State, with the exception that material filed with the State of Hawaii will not be acceptable if it was filed with that State prior to the enactment of Act 223, Session Laws of Hawaii 1967 and material filed with the State of Florida will not be acceptable if it was filed with that State prior to the enactment of section 478, Florida statutes, effective August 1, 1967.

(c) A statement of record or similar instrument filed in a State which is not named in paragraph (a) or (b) of this section and which has been allowed to become effective as a filing by the authorities in a State named in paragraph (a) or (b) of this section may not be filed with the Secretary for the purpose of complying with this section.

§ 1710.30 Amendments.

(a) An amendment to a statement of record shall be filed if any change occurs affecting any material fact required to be contained in a statement of record filed with the Secretary except that additional lands offered for disposition pursuant to the same common promotional plan shall not be incorporated into an effective statement of record by amendment. A statement of record for such an offering may be consolidated with an effective statement of record as provided in § 1710.20.

(b) If an amendment to a statement of record is filed prior to the effective date of the statement, the statement shall be deemed to have been filed when such amendment was filed unless such amendment is filed with the consent of or pursuant to an order of the Secretary.

(c) If an amendment to the statement of record is filed prior to the effective date of the statement and with the consent of or pursuant to an order of the Secretary, such amendment shall be treated as being filed as of the date of filing of the statement of record. Any such amendment shall be deemed to have been filed pursuant to the Secretary's consent or order only when the Secretary so advises.

(d) Any amendment to a statement of record shall be accompanied by a letter fully explaining its purpose. The letter shall identify the statement of record by OILSR filing number and shall include any and all changes to the original statement. Each change set forth in the letter shall be prefaced by an identification of the part or subpart of the statement of record to which the change relates. If the amendment requires a change in the property report, the developer shall also include a revised property report.

(e) The date of filing an amendment shall be the date the amendment is received by the Secretary.

(f) Except as provided in paragraph (c) of this section, and §§ 1710.25 and 1710.40, and unless the effective date is suspended by the Secretary in accordance with the provisions of § 1710.45, the effective date of the amendment shall be the 30th day after the date of filing or such earlier date as the Secretary may determine.

§ 1710.35 Payment of fees.

(a) Except as provided in paragraphs (b) and (c) of this section, a filing fee, not to exceed $1,000, shall be paid with the filing of a statement of record and shall be computed as follows:

(1) A basic fee in the amount of $250, plus

(2) An additional fee of $50 for each 50 lots or fraction thereof included in the offering.

(b) A filing fee, not to exceed $1,000, shall be paid with the filing of a statement of record consolidating additional lots with a prior statement of record filed on lots in a subdivision and shall be computed as follows:

(1) A basic fee in the amount of $200, plus

(2) An additional fee of $50 for each 50 lots or fraction thereof included in the offering.

(c) If a developer files pursuant to § 1710.25, a filing fee, not to exceed $1,000, shall be paid with the filing and shall be computed as follows:

(1) In the case of an initial filing:

(i) A basic fee in the amount of $200, plus

(ii) An additional fee of $25 for each 50 lots or fraction thereof included in the offering.

(2) In the case of a State filing pursuant to § 1710.25 which involves a statement of record consolidating additional lots with a prior statement of record filed in a State:

(i) A basic fee in the amount of $100, plus

(ii) An additional fee of $25 for each 50 lots or fraction thereof included in the offering.

(3) If a State will not permit a developer to consolidate a filing on additional lots into a previous statement of record filed in the State, the filing shall be treated as an initial filing and the filing fee shall be paid and computed in accordance with subparagraph (1) of this paragraph.

(d) No fee shall be required in connection with the filing of an amendment to a statement of record.

(e) Fees shall be paid by certified or cashier's check or postal money order made payable to the Treasury of the United States.

(f) If the developer files pursuant to § 1710.105 and includes a request for an exemption advisory opinion pursuant to § 1710.15(a) and the Secretary advises that the offering is exempt, the filing fee submitted by the developer except for an amount of $100 shall be refunded.

(g) If a developer files a partial statement of record-request for exemption pursuant to §§ 1710.15(b) and 1710.125, a filing fee, in the amount of $100, shall be paid with the filing. If the Secretary advises that the filing is not exempt, this fee shall apply as a credit toward the payment of the fee required for filing a complete statement of record.

§ 1710.40 Early effective date for sales in progress.

(a) A developer, who is or will be selling lots in a subdivision which has been subdivided or which has been platted of record and who is or will be engaged in an active sales program prior to May 28, 1969, may file a statement of record prior to that date. Such statement of record shall become effective on April 28, 1969, or on the date of its filing with the Secretary, whichever is the later, if the developer has complied with the requirements of paragraph (b) of this section. In no event may a developer subsequent to April 28, 1969, and prior to May 28, 1969, continue or begin a sales program until a statement of record has been filed with the Secretary.

(b) To qualify for an early effective date in accordance with the provisions of this section, the developer shall submit with the statement of record a letter stating that he is or will be selling lots in a subdivision which has been subdivided or which has been platted of record and that he is or will be engaged in an active sales program prior to May 28, 1969.

(c) Qualification for an early effective date hereunder shall not preclude the Secretary from making a review of the statement of record subsequent to the effective date thereof to determine its completeness and accuracy nor does the acceptance of such statement of record constitute a waiver of the right of the Secretary to make such review and to require such additional information as may be necessary to bring the statement or record into conformity with the Act and these rules and regulations.

§ 1710.45 Suspensions.

(a) *Suspension notice—prior to effective date.* (1) A suspension notice with respect to a statement of record or an amendment may be issued to a developer within 30 days after receipt by the Secretary if any of the following occurs:

(i) Prior to its effective date, the Secretary has reasonable grounds to believe that a statement of record is on its face incomplete or inaccurate in any material respect.

(ii) Prior to its effective date, the Secretary has reasonable grounds to believe that an amendment is on its face incomplete or inaccurate in any material respect.

(2) Suspension notices issued pursuant to this section shall suspend the effective date of the statement or the amendment until 30 days, or such earlier date as the Secretary may determine, after the developer files such additional information as the Secretary shall require.

(3) A developer, upon receipt of a suspension notice may request a hearing, and such hearing shall be held within 20 days of receipt of such request by the Secretary.

(b) *Notice of proceeding; suspension orders—subsequent to effective date.* (1) A notice of proceedings to suspend an effective statement of record may be issued to a developer if any of the following occurs:

(i) The Secretary has reasonable grounds to believe that an effective statement of record includes an untrue statement of a material fact, or omits a material fact required by the Act or the rules and regulations, or omits a material fact which is necessary to make the statements therein not misleading.

(ii) The Secretary undertakes an examination of a developer or his records to determine whether a suspension order should be issued and the developer fails to cooperate with the Secretary, or obstructs, or refuses to permit the Secretary to make such examination.

(iii) Upon receipt of an amendment to an effective statement of record, the Secretary has reasonable grounds to believe that in the public interest or for the protection of purchasers, the statement of record should be suspended.

(2) The Secretary may, after notice, and after opportunity for a hearing, issue an order suspending the statement of record.

(3) In the event that a suspension order is issued, such order shall remain in effect until the developer has amended the statement of record or otherwise complied with the requirements of the order. When the developer has complied with the requirements of the order, the Secretary shall so declare and thereupon the suspension order shall cease to be effective.

Subpart B—Reporting Requirements

§ 1710.101 Claim of exemption—affirmation.

A claim of exemption from the Interstate Land Sales Full Disclosure Act as provided in section 1403(a)(10) of the Act and pursuant to § 1710.10(j) shall be made to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development and shall be supported by an affirmation as follows:

CLAIM OF EXEMPTION

I hereby affirm on this ------ day of ----------, 19--, as follows:

That, I am the developer, or the duly authorized agent of the developer, of the subdivision known as ----------, located at ----------, in the State of ----------, County of ----------.

That, each and every purchaser or lessee of a lot to be covered by this exemption, or his or her spouse, will have personally inspected the lot which he purchases or leases prior to the time of sale or leasing of the lot.

That, at the time of sale or leasing, the lot will be free and clear of all liens, encumbrances, and adverse claims. The terms "liens," "encumbrances," and "adverse claims" are not intended to refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed nor to taxes and assessments which, under applicable State or local law, constitute liens on the property before they are due and payable.

That, for the purposes of this claim of exemption, the undersigned agrees that the "time of sale or leasing" shall be deemed to be the date the sales contract or contract to lease is signed, except that the "time of sale" shall be deemed to be the effective date of the conveyance or lease if the following requirements are met:

(i) The contract of sale or contract to lease will require delivery of a deed to the purchaser or a lease to the lessee within 120 days following the signing of the sales contract or contract to lease, and

(ii) Any earnest money deposit or other payment on account of the purchase price made by the purchaser prior to the effective date of the conveyance or lease will be placed in a trust account fully protecting the interests of the purchaser with an established institution or organization having trust powers under the laws of the jurisdiction in which the property is located.

(Title)

(If the affirmation is made by an agent of the developer of the subdivision, submit written authorization to act as agent.)

§ 1710.105 Statement of record—format and instructions.

The statement of record required by § 1710.20 shall be prepared in accordance with the format and instructions as follows:

Employer's IRS No.: ------
Developer: ----------
Owner: ----------

STATEMENT OF RECORD

Name of subdivision: ----------
Location: ----------
Name of developer: ----------
Developer's address: ----------
Authorized agent: ----------
Authorized agent's address: ----------

PART I. ADMINISTRATIVE INFORMATION

A. Identification and filing information:
1. ----------
2. ----------
3. ----------
B. General information:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. *Acres owned* ----------
Acres under option or other similar arrangement ----------
Total ----------
C. Filings with State authorities:
1. ----------
2. ----------
D. Supporting documentation:
1. ----------
2. ----------

PART II. DEVELOPERS AND HOLDERS OF OWNERSHIP INTERESTS IN LAND

A. Holder of ownership interest ----------
Type of legal entity ----------
Extent and type of interest ----------
B. Holder of interest in developer ----------
Type of legal entity ----------
Extent and type of interest ----------
C. Supporting documentation ----------

PART III. IDENTITY OF INTEREST IN MORE THAN ONE FILING

A. Subdivision ----------
Location ----------
OILSR number ----------
Date of filing ----------
B. Suspensions ----------

PART IV. LEGAL DESCRIPTION, TOPOGRAPHY, CLIMATE, SUBDIVISION MAP

A. Legal description ----------
B. Topography and physical characteristics:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. ----------
7. ----------
C. Climate and temperature:
1. ----------
2. ----------
D. Environmental factors:
1. ----------
2. ----------
E. Subdivision map:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. ----------
F. Supporting documentation:
1. ----------
2. ----------

PART V. CONDITION OF TITLE, ENCUMBRANCES, DEED RESTRICTIONS, AND COVENANTS

A. ----------
B. ----------
C. ----------
D. ----------

PART VI. GENERAL TERMS AND CONDITIONS OF OFFER, PROPOSED RANGE OF SELLING PRICES OR RENTS

A. Summary of General Terms and Conditions of Offer:
1. ---
2. ---
3. ---
B. Proposed range of selling prices or rents ---
C. Supporting documentation:
1. ---
2. ---
3. ---

PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN THE SUBDIVISION

A. Access—Nearby communities:
1. ---
2. ---
3. Name of community---
Population ---
Distance over paved roads---
Distance over unpaved roads---
Total ---
B. Road system within the subdivision:
1. ---
2. ---
3. ---
C. Supporting documentation:
1. ---
2. ---
3. ---

PART VIII. UTILITIES

A. Water:
1. ---
2. ---
3. ---
4. ---
5. ---
6. ---
7. ---
8. Supporting documentation:
a. ---
b. ---
c. ---
d. ---
B. Electricity:
1. ---
2. ---
3. ---
4. ---
5. ---
6. Supporting documentation:
a. ---
b. ---
c. ---
C. Gas:
1. ---
2. ---
3. ---
4. ---
5. ---
6. Supporting documentation:
a. ---
b. ---
c. ---
D. Telephone:
1. ---
2. ---
3. ---
4. ---
5. ---
6. Supporting documentation:
a. ---
b. ---
c. ---
E. Sewage disposal:
1. ---
2. ---
3. ---
4. ---
5. ---
6. ---
7. ---
8. ---
9. ---
10. Supporting documentation:
a. ---
b. ---
F. Drainage and flood control:
1. ---
2. ---
3. ---
4. ---
5. Supporting documentation:
a. ---
b. ---
G. Television:
1. ---
2. ---

PART IX. RECREATIONAL AND COMMON FACILITIES

A. ---
1. ---
2. ---
3. ---
4. ---
B. ---

PART X. MUNICIPAL SERVICES

A. Fire protection:
1. ---
2. ---
3. ---
B. Police protection---
C. Garbage and trash collection:
1. ---
2. ---
3. ---
D. Public schools
1. Elementary school:
a. ---
b. ---
c. ---
2. Junior high school:
a. ---
b. ---
c. ---
d. ---
3. High school:
a. ---
b. ---
c. ---
d. ---
E. Medical and dental facilities:
1. Hospital facilities:
a. ---
b. ---
c. ---
d. ---
e. ---
2. Physicians and dentists:
a. ---
b. ---
F. Public transportation:
1. ---
2. ---
3. ---
4. ---

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

A. ---
B. ---

PART XII. OCCUPANCY STATUS

A. ---
B. ---
C. ---

PART XIII. SHOPPING FACILITIES

A. ---
B. ---

PART XIV. FINANCIAL STATEMENT

A. ---
B. ---

PART XV. AFFIRMATION

AFFIRMATION

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this statement of record and any supplement thereto, together with any documents submitted herewith, are full, true, complete, and correct;

That the fees accompanying this application are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

(Date) (Signature)

(Corporate seal if applicable) (Title)

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (Title XIV of P.L. 90-448, 82 Stat. 590, enacted on Aug. 1, 1968) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact * * *, shall upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both."

INSTRUCTIONS FOR COMPLETION OF STATEMENT OF RECORD

These instructions must be followed in completing the statement of record. All spaces in the specified format must be completed. The format must not be changed in any respect, except as follows:

a. Spaces provided in the format may be enlarged or extended for the purpose of providing a comprehensive explanation.

b. In addition to the information expressly required to be stated in the statement of record, there shall be added such further material information, if any, as may be necessary to make the required statements in the light of the circumstances under which they are made, not misleading.

c. If a filing is to be consolidated pursuant to § 1710.20(c), the present filing may incorporate by reference any of the material in the previous filing. This shall be accomplished by placing after the applicable Part or Subpart in the format the OILSR number of the previous filing and the appropriate Part, Subpart or exhibit and page number.

To facilitate proper filing, statements of record shall be filed on good quality, unglazed, white paper, approximately 8½ by 13 inches in size, with a 2-inch margin at the top and a 1½-inch margin on each side. They shall be in black ink in standard elite or pica type. They may be printed, lithographed, mimeographed, or typewritten; but the standard size of elite or pica type must be used. Deeds, title policies, subdivision maps or plats, and other supporting documents may be on different size paper but should be folded to the 8½- by 13-inch size. A copy of the property report in the form that it will be given to the purchaser must be attached to the statement of record.

Statements of record shall be filed in duplicate and at least one copy shall be signed.

In the upper right hand corner, the developer shall give his Employer's IRS number as well as that of the owner of the subdivision, if the developer is not the owner. The name at the heading of the statement of record shall be the common promotional name used for the subdivision. The name and address of the authorized agent shall be the name and address of the party designated by the developer to receive correspondence and to receive service of process or notice of any action taken by OILSR. In all filings, including filings by foreign developers, the authorized agent shall be a resident of the United States.

The supporting documents required by the various parts of these instructions shall be attached as exhibits at the back of the statement of record. Each exhibit shall be identified by affixing a tab on the right side of the cover sheet of the exhibit and by identifying thereon the applicable Part and Subpart by Roman numeral, letter and Arabic number. The pages of each exhibit shall be numbered beginning with the number one for the first page in each exhibit and numbering the remaining pages in the exhibit sequentially. If, at a later time, additional data is furnished to be incorporated into, or to amend, an exhibit, the pages of the additional data shall be numbered beginning with the number following the last page number in the exhibit and following sequentially therefrom. If the information in an exhibit is applicable to more than one part, the developer may incorporate that information by reference to the appropriate exhibit and to the applicable page or pages within that exhibit.

The developer shall mark the property report filed with the Office of Interstate Land Sales Registration with references to the appropriate information in the statement of record and in the exhibits attached thereto. If a statement in the property report is supported by both an item in the statement of record and in an exhibit, reference shall be made to both sources. This shall be accomplished by placing the appropriate part and subpart number or the appropriate exhibit number and the page number in the right margin immediately adjacent to the applicable statement in the property report.

If an item in the statement of record is supported by information in an exhibit, place the appropriate exhibit and page number in the right margin immediately adjacent to the item. Whenever the statement of record requires a summary or statement of terms or items, such summary or statement must be presented in a clear and concise manner.

Where the documentation required by the statement of record cannot be obtained, a letter stating the reasons therefore must be furnished by the developer, along with the best alternative assurance available.

The following instructions correspond to the Part and Subpart letters and numbers set forth in the statement of record format.

PART I. ADMINISTRATIVE INFORMATION

A. Identification and filing information.

1. State whether the filing is an initial filing with the Office of Interstate Land Sales Registration on the subdivision or an additional offering of lots to be consolidated with a statement of record previously filed for lots offered under the same common promotional plan. If the filing is to be consolidated, identify the OILSR filing number assigned to the original statement of record.

2. Do you intend to make subsequent filings for additional lots within the subdivision?

3. Are you submitting documentation to support a claim of exemption? If so, see instruction in D.1 of this part.

B. General information.

1. Name the State, Commonwealth, territory, or possession of the United States or the country in which the subdivision is located.

2. Name the county or counties or other political subdivision or subdivisions within which the subdivision is located.

3. State the number of lots in this offering.

4. If more than one offering of lots in the subdivision has been made or will be made, state the number of lots to be offered in the entire subdivision. See instruction D.2 of this part.

5. State the number of acres included in this offering.

6. If more than one offering of lots in the subdivision has been made or will be made, state the number of acres owned, the number of acres under option or other similar arrangement for acquisition of title to the land and the total number of acres to be offered pursuant to the same common promotional plan.

C. Filings with State authorities.

1. If a statement of record or similar instrument for the subdivision has been filed in any State or States, list the State or States.

2. If any of the States listed in answer to fig. 1 above has not permitted the filing to become effective or has suspended the filing, give reasons cited by the State and also the developer's reasons, if different from those cited by the State.

D. Supporting documentation.

1. If you are requesting an Exemption Advisory Opinion pursuant to section 1710.15 of these rules and regulations, your request should be entitled "Request for Exemption" and include a statement of applicable facts and law. The statement shall include all information necessary for the consideration of the merits of the proposed offering in relation to the Interstate Land Sales Full Disclosure Act. Except for requests for exemption made prior to April 28, 1969, relating to sales programs that are in progress, the offering must be prospective; and the information submitted must affirmatively disclose that both the offering and the operations contemplated thereunder will not be inconsistent with the provisions of the Interstate Land Sales Full Disclosure Act.

2. If the present offering is a subdivision which is or will be offered with one or more additional subdivisions having recreational and/or other common facilities, submit the general or total plan. Include a map showing the total land owned or under option or other similar arrangement for acquisition of title to the land; and delineate thereon the land included in this offering.

PART II. DEVELOPERS AND HOLDERS OF OWNERSHIP INTERESTS IN LAND

A. List the name and address and the type and extent of interest of each holder of any ownership interest in the land included in this offering. (Individual lot owners or lessees who have purchased or leased lots from the developer need not be listed.) If the holder is other than an individual, name the type of legal entity and list the interest and the extent thereof, of each principal. For the purposes hereof, "principal" shall mean any person or entity having a 10 percent or more financial interest.

B. If the developer does not own an interest in the land, list name and address of each individual or entity having an ownership interest in the developer. If the developer is other than an individual, name the type of legal entity and list the interest, and the extent thereof, of each principal. For the purposes hereof, principal shall mean any person or entity having a 10 percent or more financial interest.

C. If the developer is a corporation, submit a copy of the Articles of Incorporation, with all amendments thereto; and a list of the officers and directors of the corporation.

If the developer is a trust, submit copies of the instruments creating the trust.

If the developer is a partnership, unincorporated association, joint stock company, or any other form of organization, submit copies of articles of partnership or association and all other documents relating to its organization.

If the holder of any ownership interest in the land being offered is a person or entity other than the developer, submit copies of the above documents for such holder. (For purposes of this Subpart C, it is not necessary to include the sales agent if the sales agent is a legal entity other than a holder of an ownership interest in the land.)

PART III. IDENTITY OF INTEREST IN MORE THAN ONE FILING

A. Are any of the holders of an ownership interest in the land or the developer, or any principals in the holder or developer, directly or indirectly involved in any other subdivision or development which has been filed with the Office of Interstate Land Sales Registration? If so, identify by subdivision name, location, OILSR number or numbers, and date of filing. If not applicable, state "None."

B. Has a suspension order been issued with respect to any statement of record identified in Subpart A? If so, give reasons. (Do not include the suspension of a statement of record prior to its effective date or the suspension of an amendment prior to its effective date.)

PART IV. LEGAL DESCRIPTION, TOPOGRAPHY, CLIMATE, SUBDIVISION MAP

A. Legal description. Include an adequate legal description acceptable in the political subdivision for conveyancing of the land included in this offering; and if additional offerings have been made or will be made pursuant to a common promotional plan, include a legal description of the total area offered or to be offered pursuant to the common promotional plan.

B. Topography and physical characteristics.

1. Describe the general topography and physical characteristics of the subdivision; for example, level, hilly, rocky, etc.; soil conditions, for example, loose sand, alkaline, etc.

2. State whether any of the lots or portion thereof, in the offering, are covered by water at any time of the year.

3. Is the property subject to a flood control easement?

4. What percentage of the land in the subdivision will require corrective work, other than fill, before construction of a one-story residential structure? If any, describe type of work and plans for correction; and state the estimated cost to buyer or lessee.

5. Will any unusual construction techniques be necessary to build on any part of land? If so, describe.

6. What percentage of the land will require fill before construction? If any, describe plans for fill, including composition, and estimated cost to lot buyer or lessee.

7. State elevation of the highest and lowest lots in the subdivision.

C. Climate and temperature.

1. Describe general weather conditions of the area and state whether the area is subject to sandstorms, windstorms, or any other unusual weather phenomena.

2. State temperature ranges for summer and winter, including high, low and mean.

D. Environmental factors.

1. Is the land subject to any unpleasant odors, noises, pollutants or other nuisances? If so, describe.

2. Do you know of any proposed plans, private or governmental, for construction of any facility which may create a nuisance or adversely affect the use of the land?

E. Subdivision map.

1. State whether a subdivision map has been filed with and accepted for recording by local authorities. If so, give recording data.

2. Has each lot in the subdivision been surveyed?

3. Has each individual lot been staked or marked so that the buyer can identify the boundary lines of his lot? If not, state estimated cost to purchaser or lessee to obtain a survey and to have boundary lines staked or marked.

4. Will all streets shown on the tract map, if any, be public streets?

5. Has legal access been provided to each of the individual lots within the subdivision?

6. State minimum width of legal access to the lots.

F. Supporting documentation.

1. Copy of an accurate map prepared to scale showing the dimensions of the lots and their relation to existing streets and roads. (To comply with this requirement, supply a map or maps which have been submitted to local authorities, if available.) If the land has not been divided, include a map showing the proposed division, lot dimension and their relationship to existing streets and roads.

2. Copy of the current Geological Survey Topographic Map or Maps of the largest scale available from the U.S. Geological Survey, Washington, D.C., with an outline of the subdivision area clearly indicated thereon.

PART V. CONDITION OF TITLE, ENCUMBRANCES, DEED RESTRICTIONS AND COVENANTS

A. State condition of the title to the land comprising the subdivision, including all encumbrances, easements, covenants, conditions, reservations, limitations or restrictions applicable thereto. This requirement may be met only by submission of title evidence in the form of (1) an original or copy of a fee or owners policy of title insurance, a guaranty or guarantee of title, or a certificate of title, or an interim title binder or commitment for title insurance, or similar instrument issued by a title company, duly authorized by law to issue such instruments in the State in which the subdivision is located; or (2) a legal opinion, stating the condition of title, prepared and signed by an attorney at law experienced in the examination of titles and a member of the Bar in the State in which the property is located.

The title evidence shall be dated as of a date no earlier than 30 business days preceding the date of this filing and shall include:

1. A legal description of all of the property included in this offering together with a legal description of the property upon which there is or will be located any common areas or facilities which will be advertised as being available for the benefit or use of purchasers of lots. (Where the legal description does not specifically describe as individual parcels each of the lots included in this offering, an affirmative statement, to the effect that each of the lots included in the offering is encompassed by the description, is required.)

2. The name of the person(s) or other legal entity(ies) holding fee title to the property described.

3. The name of any person(s) or other legal entity(ies) holding a leasehold estate or other interest of record in the property described.

4. A listing of any and all exceptions or objections to the title, estate or interest of the person(s) or legal entity(ies), referred to in (2) or (3) above, including any encumbrances, easements, covenants, conditions, reservations, limitations, restrictions of record. (Any reference to exceptions or objections to title shall include specific references to the instruments in the public records upon which the exception is based.) When an objection or exception to title affects less than all of the property included in this offering, the title evidence should specifically note which lots are affected.

5. Copies of all instruments in the public records specifically referred to in (4) above. (Abstracts of such instruments are acceptable if prepared by an attorney or professional or official abstracter qualified and authorized by law to prepare and certify to abstracts and if the abstracts contain the material portion of the recorded instruments to determine the nature and effect of such instruments.)

Where the title evidence is dated earlier than 30 days prior to the date of filing, the requirement for a statement of the condition of title may be met by submitting that evidence together with an attorney's opinion of title covering the period from the date of the title evidence to a date no earlier than 30 business days preceding the date of the filing. The attorney's opinion shall be prepared and signed by an attorney at law experienced in the examination of titles and a member of the Bar in the State in which the property is located.

B. Describe and furnish copies of any instrument, not of public record, known to the developer, which if recorded, would affect the condition of title. (Copies of instruments to individual lot owners or lessees who have purchased or leased lots from the developer need not be described or furnished.)

C. State the consequences for an individual purchaser of a failure, by the person or persons bound, to fulfill obligations under any instrument or instruments, referred to under A or B, above, which create a blanket encumbrance upon the property, or any portion thereof, described under A, above.

D. Describe and furnish copy(ies) of any trust deed(s), deed(s) in trust, escrow agreement(s) or other instrument(s) which purport to protect the purchaser in the event of default by the person or persons bound to fulfill obligations under any instrument or instruments, referred to under A or B, above, which create a blanket encumbrance upon the property or any portion thereof, described under A, above.

PART VI. GENERAL TERMS AND CONDITIONS OF OFFER, PROPOSED RANGE OF SELLING PRICES OR RENTS

A. Summarize the terms and conditions of the offer and of the contract of sale or lease. The summary must include, but shall not be limited to:

1. A statement of the terms of release of lots from the blanket encumbrance, if the subdivision, or any portion thereof, is subject to a blanket encumbrance. If there is no provision for release, describe any legal steps taken to protect the purchaser or lessee in the event the obligor on the blanket encumbrance defaults.

2. A statement of the disposition which will be made of earnest money or good faith deposits and downpayments or other payments received from buyers or lessees including any steps taken to protect the buyer or lessee in the event the seller or lessor does not perform his obligations under the contract.

3. A statement of the disposition which will be made of earnest money or good faith deposits and downpayments and other payments received from buyers or lessees who default under the terms of the contract.

B. State the range of selling prices or rents for lots in the subdivision.

C. Supporting documentation.

1. A copy of all forms of contracts or agreements to be used in selling or leasing lots. (The contracts or agreements must contain language (a) giving the purchaser the option to void the contract or agreement if he does not receive a property report prepared pursuant to the rules and regulations of the U.S. Department of Housing and Urban Development, in advance of, or at the time of, his signing the contract or agreement; and (b) giving the purchaser the right to revoke the contract or agreement within 48 hours after signing the contract or agreement if he did not receive the property report at least 48 hours before signing the contract or agreement. [The contract or agreement may stipulate that the revocation authority shall not apply in the case of a purchaser who (1) has received the property report and inspected the lot to be purchased or leased in advance of signing the contract or agreement, and (ii) acknowledges by his signature that he has made such inspection and has read and understood such report.])

2. A copy of the agreement, if not included in the sales contract, in which seller agrees with buyer to release lots from any blanket encumbrance.

3. Copies of deeds and leases by which the developer will lease or convey title to the lots to purchasers or lessees.

PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN THE SUBDIVISION

A. Access—nearby communities.

1. Describe present condition of access routes to the subdivision, including type and width of road surface and number of lanes.

2. Are any improvements proposed to access routes? If so, state who will bear the cost of the improvements and the estimated completion date. If the improvements are to be made by a local governmental authority, state the name of the authority, and the source of funds to complete the improvements. If lot owners will be subject to a special assessment or similar charge for such improvements which shall be a lien on the lots in the subdivision, so state.

3. List nearest large cities and the county seat, and the population of each. List the total distance to the center of the subdivision from each and the portion of that distance which is paved and unpaved. If the geographical center of the subdivision is located more than 50 miles from a large city or the county seat, list also the nearest established community or communities.

B. Road system within the subdivision.

1. Describe the present condition of the road system within the subdivision, including the type and width of road surface, number of lanes and approximate dedicated width of roads. State whether all of the lots in the subdivision can be reached by conventional automobile.

2. State any proposed improvements to the road system within the subdivision, the percentage completed, and the estimated schedule for completion. State who will bear the cost of the improvements; and if any of the cost is to be borne by the purchaser, state the estimated cost to the purchaser.

3. State whether the roads within the subdivision have been dedicated to and accepted by a public authority responsible for maintenance. If not dedicated and accepted, state who will be responsible for maintenance. If the lot owner will be responsible for maintenance state the estimated cost to the purchaser.

C. Supporting documentation.

1. If the developer is to complete access routes, submit copies of contracts and copy of any bonds or escrow agreements to guarantee completion thereof. If the access routes are to be completed by the local government, a copy of a letter from the local authorities setting forth the plan for the completion of access routes and maintenance thereof.

2. Copies of contracts for the completion of the road system within the subdivision and copy of the bond or escrow agreements to assure completion thereof.

3. Copy of letter from local authority setting forth the plan for maintenance of the road system with the subdivision.

PART VIII. UTILITIES

A. Water.

1. State the availability of the water supply and whether the supply will be adequate to serve the anticipated population of the area.

2. Is the water supplied or to be supplied by a public or private utility company? If so, state the name and address and whether the company is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. State whether the water lines will be extended to the individual lots. If they are to be extended, state the estimated schedule for the extension and the assurance of completion.

4. State estimated cost of installation or construction to be borne by the purchaser, if any.

5. Is the water supply to be obtained from private well? If so, indicate (1) probable depth and (2) results of test borings or other data establishing that a sufficient quantity of potable water is available to each buyer or lessee and (3) estimated total completion cost to buyer or lessee.

6. If water is provided by a supplier not regulated by a public body, state the rate schedule.

7. If privately supplied water or individual wells are to be the source of water for human use, has the cognizant State or county health authority issued a report on the quality of the water?

8. Supporting documentation.

a. Copy of a letter from water company stating that it will supply the water.

b. Copy of the contract for construction, if any, and the bond or escrow agreement to assure completion of the facility, if any.

c. If available, copy of engineer's report or geological report or any other data indicating the source and quantity of water.

d. Copy of letter or report from cognizant health officer on quality and purity of water.

B. Electricity.

1. State whether electricity is available and, if so, the name and address of the supplier from which it may be obtained.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the electrical facilities been extended to the individual lots?

4. If the electrical facilities have not been extended to the individual lots, what is the estimated schedule for installation and what estimated costs, if any, will be borne by the purchaser?

5. State the assurance of completion if the electrical facilities are to be installed by the developer.

6. Supporting documentation.

a. Copy of a letter from the electric company stating that it will supply the electricity.

b. If electricity is provided by a supplier not regulated by a public body state the rate schedule.

c. Copy of the contract for construction of electrical facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

C. Gas.

1. State the availability of gas including the name and address of the supplier.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have gas lines been extended to the individual lots?

4. If the gas facilities have not been extended to the individual lots, what is the estimated schedule for installation and what estimated cost will be borne by the purchaser?

5. State the assurance of completion if the gas facilities are to be installed by the developer.

6. Supporting documentation.

a. Letter from the gas supplier stating that it will provide the service.

b. If gas is provided by a supplier not regulated by a public body, state rate schedule for the service.

c. Copy of the contract for construction of the gas facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

D. Telephone.

1. State the availability of telephone service including the name and address of the supplier.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the telephone facilities been extended to the individual lots?

4. If the telephone facilities have not been extended to the individual lots, what is the estimated schedule for installation and what cost will be borne by the purchaser?

5. State the assurance of completion of the telephone facilities if those facilities are to be installed by the developer.

6. Supporting documentation.

a. Copy of a letter from the telephone company stating that the company will supply the service.

b. If telephone service is provided by a supplier not regulated by a public body, state the rate schedule.

c. Copy of the contract for the construction of the telephone services, if any, and any bond or escrow arrangements to assure completion of the facilities.

E. Sewage disposal.

1. State whether sewers are available and, if so, the name and address of the entity responsible for installation and maintenance.

2. Is the entity a public or private utility company? State whether entity is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the sewage facilities been extended to the individual lots?

4. If the sewage facilities have not been extended to the individual lots, what is the estimated schedule for their installation and what estimated costs will be borne by the purchaser, including construction, installation and connection costs?

5. State the assurance of completion if the sewage facilities are to be installed by the developer.

6. If public sewers are not now installed and are not to be installed, state the alternate sewage disposal method to be used, such as septic tanks or cesspools.

7. If a public sewer is not or will not be installed, state the estimated cost of installing the alternate method of sewage disposal.

8. Will the local health authorities approve the use of an alternate method of sewage disposal? Has such approval been obtained?

9. If use of septic tanks is contemplated, state whether the land is suitable for the use of septic tanks; include in your statement the results of any percolation tests.

10. Supporting documentation.

a. Copy of the contract for construction of the sewage disposal facilities, if any, and any bond or escrow arrangements to assure the completion of the facilities.

b. Copy of a letter from local health authorities stating the methods of sewage disposal which will or will not be permitted.

F. Drainage and flood control.

1. State whether there has been or will be any drainage required to render any of the lots suitable for construction purposes. If so, list the lots, and state estimated cost to purchaser.

2. Have artificial drains, storm sewers, or flood control channels been installed?

3. If these facilities have not been installed, what is the estimated schedule for completion, if any, and what estimated costs or other assessments will the purchaser be expected to pay?

4. If the developer is to install these facilities state the assurance of completion.

5. Supporting documentation.

a. Copy of the contract for the construction of the artificial drains, storm sewers, or flood control channels, if any, and any bonds or escrow agreements to assure completion of the facilities.

b. If drainage is provided or to be provided by a public or private company, submit a letter from the company stating that it will provide the service.

G. Television.

1. Is television reception available to the lots within the subdivision without reception cost?

2. If not, state estimated cost to user.

PART IX. RECREATIONAL AND COMMON FACILITIES

List any common or recreational facilities which have been or are to be installed for the beneficial use and enjoyment of the owners of lots in the subdivision which have not been discussed in the previous parts of the statement of record. Identify each facility and answer the following questions for each:

A. (Name of facility.)

1. If the facility has not been installed, what is the percentage of completion, the estimated schedule for completion and what estimated costs will the purchaser have to pay?

2. What provisions have been made for the maintenance and operation of the facility and what is the estimate of the assessments or other recurring charges to be paid by the purchaser?

3. Include a statement of the assurance of completion of the facility if the developer is responsible for construction.

4. Supporting documentation. Copy of the contract for construction of the facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

B. (Name of facility.)

PART X. MUNICIPAL SERVICES

A. Fire protection.

1. State the availability of fire protection and list the name and address of the particular force exercising jurisdiction over the subdivision.

2. State whether the service is provided by the municipality or by a volunteer organization.

3. State the distance in terms of road miles from the geographical center of the subdivision to the nearest fire station or substation.

B. Police protection.

State the availability of police protection and list the name and address of the particular force exercising jurisdiction over the subdivision.

C. Garbage and trash collection.

1. State the availability of garbage and trash collection service and the name and address of the company which presently furnishes the service. If garbage and trash collection service is not presently available, state whether such service is proposed; and if it is, give the date on which it will become effective.

2. State whether the cost of the service is to be paid directly by the lot owner or whether the service is to be provided by a municipal agency.

3. If the cost of the service is to be paid directly by the lot owners, state the estimated monthly cost per lot.

D. Public schools.

1. Elementary school.

a. State name and address of the nearest elementary school available to residents of the subdivision.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

2. Junior high school.

a. State name and address of the nearest junior high school available to residents of the subdivision.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

3. High school.

a. State name and address of the nearest high school available to residents of the subdivision.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

E. Medical and dental facilities.

1. Hospital facilities.

a. State the availability of hospital facilities and the name and address of the particular hospitals available to residents of the subdivision.

b. State whether the hospital is publicly or privately owned and whether the services are general or specialized.

c. State the bed capacity of the hospital.

d. State the distance in terms of road miles from the geographical center of the subdivision to the nearest general hospital.

e. State the availability of ambulance service and specify whether this service is furnished by the hospital(s) or by a volunteer organization.

2. Physicians and dentists.

a. State the distance in terms of road miles from the geographical center of the subdivision to physicians' and dentists' offices.

b. State whether or not public transportation is available from the subdivision to the general physicians' and densists' offices.

F. Public transportation.

1. State whether public transportation is available from the subdivision to nearby municipalities including the frequency, type and estimated cost of service.

2. If no such transportation is available, state whether it will be available and give estimated date of availability.

3. Include in your statement the proposed frequency of service and estimated cost.

4. If public transportation is not presently available from the subdivision, state the distance in road miles to nearest public transportation.

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

A. Is the buyer or lessee to pay taxes, special assessments, or to make payments of any kind for the maintenance of common facilities in the subdivision before taking title or signing the lease? If so, state the amount and to whom they must be paid.

B. Is the buyer or lessee to pay taxes, special assessments, or to make payments of any kind for the maintenance of common facilities in the subdivision after taking title? If so, state the amount and to whom they must be paid.

PART XII. OCCUPANCY STATUS

A. State the approximate number of dwellings in the subdivision at the time of filing.

B. State the number of dwellings which are proposed and the estimated completion date of those dwellings.

C. State the approximate number of dwellings presently occupied, if any.

PART XIII. SHOPPING FACILITIES

A. State what shopping facilities are available to the subdivision. Include available types of stores and consumer services and the distance in terms of road miles from the geographical center of the subdivision to the facilities.

B. State whether public transportation is available to the facility, the frequency of the service and the estimated cost.

PART XIV. FINANCIAL STATEMENT

A. Submit a copy of the latest financial statement of the developer. Such financial statement shall not be more than 12 months old.

B. State the means by which the developer will finance the obligations undertaken or proposed and as set forth in this statement of record. A statement of past performance in completing obligations undertaken by the developer may be included.

PART XV. AFFIRMATION

§ 1710.110 Property report and lease addendum.

The property report and, if applicable, the lease addendum to be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, as a part of the statement of record, and as provided in § 1710.20 shall be prepared in accordance with the instructions and format as follows:

INSTRUCTIONS FOR COMPLETING PROPERTY REPORT AND LEASE ADDENDUM

These instructions must be followed in completing the property report and lease addendum. All spaces must be completed. This format may not be changed in any respect, except as follows:

a. All references to leases, lessees and rents should be deleted if no leasing is proposed and the offering is exclusively for sales. In this event, the lease addendum may be disregarded.

b. Spaces provided in the format may be enlarged or extended for the purpose of providing a summary explanation of the subject under discussion but may not be used to insert promotional or advertising matter designed to counteract facts adverse to the interests of the buyer or lessee.

c. If this filing is made pursuant to the provisions of Section 1710.40 of these regulations, then the following paragraph shall be added as a new paragraph immediately after the fourth paragraph of the notice and disclaimer:

"Although a statement of record has been filed with the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, the filing has not been examined or verified."

d. Questions on the property report must be answered in concise, plain language but should disclose all pertinent facts.

e. The property report shall contain information in addition to that elicited by the questions appearing therein if at any time it appears to the Secretary that the inclusion of additional information is necessary or appropriate in the public interest, and the Secretary so advises the developer.

The instructions below correspond to the numbered paragraph in the property report:

Paragraph 3. List the nearest large city or county seat and the population of each. List the total distance to the center of the subdivision from each and the portion of that distance which is paved and unpaved. If the subdivision is located more than 50 miles from either, list also the nearest established community or communities.

Paragraph 4. If the buyer or lessee is exposed to the risk of losing his investment in the event of the developer's failure or bankruptcy, this fact must be made unmistakably clear in this paragraph. Explanations should include any measures designed to protect the buyer's interests, and they must disclose any circumstances under which the buyer would lose his investment either because of his own default or the developer's inability to perform under the sales contract. If there is any prohibition or penalty against the buyer recording the sales contract or lease, so state. A statement can be included by the developer describing his past performance in conveying free and clear titles to buyers upon their payment of the full purchase price.

Paragraph 5. Whether the offering includes only cash sales, or installment contracts and leases, explain fully how the buyer or lessee is to be protected against loss of his investment. If a blanket mortgage or other lien is foreclosed against the developer, will the holder of such mortgage or other lien be obligated to perform the agreement with the purchaser or lessee? If not, are the buyer's or lessee's payments and investments in improving the property protected through an escrow or by other means? The buyer or lessee must be told of the possible consequences in the explanation of the answer to this question.

Paragraph 7. Buyers and lessees must be told when their obligation to pay taxes, special assessments and similar charges begins. They should also be made aware of the approximate amount of buyer's or lessee's annual payments, but the items for indicating the amount of taxes and special assessments may be answered by the statement "Consult local taxing authorities."

Paragraph 8(b). Include all limitations upon the buyer's use or enjoyment of the property, including mineral rights reservations.

Paragraph 10. Describe arrangements made (contracts supported by completion bonds or escrows, for example) designed to assure completion of the improvements. If no arrangements have been made, state "None." If it later becomes evident that an improvement will not be completed on or before the specified date, amendments of the statement of record and property report are required. If no sewage disposal arrangements are contemplated, state if land is suitable for the use of septic tanks, describing the results of any percolation tests. State estimated cost to buyer for septic tank. If water is to be provided by private well, indicate (1) estimated completion cost and (2) any other data establishing that a sufficient quantity of potable water is available to each buyer or lessee. If water is to be provided by a private utility, describe assurances for continuous service at reasonable rates.

Paragraph 14. The number of homes occupied can be amended to reflect periodic increases subsequent to the initial filing date.

Paragraph 15. Include statement as to nature of terrain (flat, rolling, hilly, mountainous, etc.), type of soil (sandy, swampy, rocky, etc.) and vegetation (cactus, trees, grass, etc.).

PROPERTY REPORT

NOTICE AND DISCLAIMER BY OFFICE OF INTERSTATE LAND SALES REGISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

This report is not a recommendation or endorsement of the offering herein by the Office of Interstate Land Sales Registration, nor has that office made an inspection of the property nor passed upon the accuracy or adequacy of this report or any promotional or advertising materials used by the seller.

It is in the interest of the buyer or lessee to inspect the property and carefully read all sale or lease documents.

Prospective buyers and lessees are notified that unless they have received this property report prior to, or at the same time they enter into a contract, they may void the contract by notice to the seller.

Unless a buyer or lessee acknowledges in writing that he has read the report and personally inspected the lot prior to signing his contract, he may revoke his contract within 48 hours from the signing of his contract, if he has received the property report less than 48 hours prior to signing such contract.

1. Name(s) of developer _____
   Address _____
2. Name of subdivision _____
   Location _____ County, State of _____
3. List names and populations of surrounding communities and list distances over paved and unpaved roads to the subdivision.

Name of community	Population	Distance over paved roads	Unpaved roads	Total
a.				
b.				
c.				
d.				
e.				

4. If periodic payments are to be made by a buyer (as in the case of installment sales contracts) complete all items under this paragraph 4. If not, enter "Not Applicable."

a. Will the sales contract be recordable? Yes or No?

b. In the absence of recording, could the developer's creditors or others acquire title to the property free of any obligation to deliver a deed to the buyer when final payment has been made under the sales contract? Yes or No? If yes, explain.

c. What provision, if any, has been made for refunds if buyer defaults?

d. State prepayment penalties or privileges, if any.

5. Is there a blanket mortgage or other lien on the subdivision or portion thereof in which the subject property is located? Yes or No? If yes, list below and describe arrangements, if any, for protecting interests of the buyer or lessee if the developer defaults in payment of the lien obligation. If there is such a blanket lien, describe arrangements for release to a buyer of individual lots when the full purchase price is paid.

	(Type of lien)	(Effect on buyers if developer defaults)
a.		
b.		
c.		

6. Does the offering contemplate leases of the property in addition to, or as distinguished from, sales? Yes or No? If yes, a lease addendum must be completed, attached, and made a part of the property report.

7. Is buyer or lessee to pay taxes, special assessments, or to make payments of any kind for the maintenance of common facilities in the subdivision (a) before taking title or signing of lease or (b) after taking title or signing of lease? If either answer is yes, complete the schedule below:

	Approximate amount of buyer's or lessee's annual payments
Taxes	
Special assessments	
Payments to property owner's association	
Other	
Specify	

8. (a) Will buyer's downpayment and installment payments be placed in escrow or otherwise set aside? Yes or No? If yes, with whom? If not, will title be held in trust or in escrow?

(b) Except for those property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, will buyer receive a deed free of exceptions? Yes or No? If no, list all restrictions, easements, covenants, reservations and their effect upon buyer.

(c) Buyer should determine permissible uses of the property from local zoning authorities.

9. (a) List all recreational facilities currently available (e.g., television, sports, beaches, etc.) State any costs or assessments to buyer or lessee.

(b) If facilities are proposed or partly completed, state promised completion date, provisions to insure completion, and all estimated cost or assessments to buyer or lessee.

10. State whether the following are now available in the subdivision: Garbage and trash collection, sewage disposal, paved streets, electricity, gas, water, telephone. If yes, state any estimated costs to buyer or lessee. If proposed or partly completed, state promised completion date, provisions to insure completion and give estimate of all costs including maintenance costs to buyer or lessee.

11. Will the water supply be adequate to serve the anticipated population of the area?

12. Is any drainage of surface water, or use of fill necessary to make lots suitable for construction of a one story residential structure? Yes or No? If yes, state whether any provision has been made for drainage or fill and give estimate of any costs buyer would incur.

13. State whether any of the following are currently available in the subdivision: Schools; medical facilities (hospitals, doctors, dentists); shopping facilities. List availability of public transportation to, and distance of facility from geographical center of subdivision.

If facility is proposed or partly completed, state promised completion date and any provisions to insure completion.

14. Approximately how many homes were occupied as of _____ (insert date of filing)?

15. State elevation of the highest and lowest lots in the subdivision and briefly describe topography and physical characteristics of the property.

16. Will any subsurface improvement, or special foundation work be necessary to construct one story residential or commercial structures on the land? Yes or No? If yes, state if any provision has been made and estimate any costs buyer would incur.

17. Are all lots and common facilities legally accessible by public road or street? Yes or No? If not, explain.

18. Has land in the subdivision been platted of record? Yes or No? If not, has it been surveyed? Yes or No? If not, state estimated cost to buyer to obtain a survey.

19. Are lots staked or marked so that buyer can locate his lot(s)? Yes or No?

LEASE ADDENDUM

1. State term of lease.

2. Will the lease be recordable? Yes or No?

3. Is there any prohibition or penalty against the lessee for recording the lease? Yes or No? If yes, explain.

4. Can the owner's or developer's creditors or others acquire title to the property free of any obligation to continue the lease? Yes or No? Explain.

5. Describe whether rental payments are flat sums or graduated. Describe any provisions for increase of rental payments during the term of the lease.

6. Are there any provisions in lease prohibiting assignment and/or subletting? Yes or No? If yes, describe.

7. Summarize termination provisions in the lease.

8. Does the lease prohibit the lessee from mortgaging or otherwise encumbering the leasehold? Yes or No?

9. Will lessee be permitted to remove improvement when lease expires?

§ 1710.115 State property report disclaimer.

If the developer is filing with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, pursuant to § 1710.25, the following statement must be delivered to each purchaser simultaneously with the delivery of the State property report:

STATE PROPERTY REPORT DISCLAIMER

NOTICE AND DISCLAIMER BY OFFICE OF INTERSTATE LAND SALES REGISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

This report is not a recommendation or endorsement of the offerings herein by the Office of Interstate Land Sales Registration, nor has that Office made an inspection of the property nor passed upon the accuracy or adequacy of this report or of any promotional or advertising materials used by the seller. Information contained herein has been filed with the State of _____ and the Office of Interstate Land Sales Registration.

It is in the interest of the buyer to inspect the lot and to read all contract documents before signing the contract to purchase or lease.

Prospective buyers and lessees are notified that unless they have received this property report prior to, or at the same time they enter into a contract, they may void the contract by notice to the seller.

Unless a buyer or lessee acknowledges in writing that he has read the report and personally inspected the lot prior to signing his contract, he may revoke his contract within 48 hours from signing his contract if he has received the property report less than 48 hours prior to signing such contract.

Although a statement of record has been filed with the Office of Interstate Land Sales Registration, the filing has not been examined or verified.

§ 1710.120 Statement of record—State filing.

If the developer is filing pursuant to § 1710.25, there shall be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, a statement as follows:

SECTION I. State Filings—The following information shall preface the State statement of record or similar instrument and shall be done in accordance with the general instructions set forth in § 1710.105 for Part I, Administrative Information, and Part III, Identity of Interest in More than one Filing, and shall be set forth in the following format. Statements of record shall be filed in duplicate and at least one copy shall be signed.

Employer's IRS number _____
Developer: _____
Owner: _____

STATEMENT OF RECORD

Name of subdivision: _____
Location: _____
State of filing: _____
Name of developer: _____
Developer's address: _____
Authorized agent: _____
Authorized agent's address: _____

ADMINISTRATIVE INFORMATION

A. Identification and filing information:

1. _____
2. _____
3. _____

B. General information:

1. _____
2. _____
3. _____
4. _____
5. _____
6. Acres owned _____
Acres under option or other similar arrangement _____
Total _____

C. Filings with State authorities:

1. _____
2. _____

IDENTITY OF INTEREST IN MORE THAN ONE FILING

Subdivision _____
Location _____
OILSR number _____
Date of filing _____

SEC. II. A. Submit all of the information, documentation, and certifications or affirmations submitted to the State.

B. If the State does not require the information and documentation required in Part II, C. of § 1710.105, submit such information and documentation.

C. The contract of sale or lease which will be executed by prospective purchasers or lessees must contain language (a) giving the purchaser the option to void the contract or agreement if he does not receive a property report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of, or at the time of, his signing the contract or agreement, and (b) giving the purchaser the right to revoke the contract or agreement within 48 hours after signing the contract or agreement if he did not receive the property report at least 48 hours before signing the contract or agreement. (The contract or agreement may stipulate that the revocation authority shall not apply in the case of a purchaser who (1) has received the property report and inspected the lot to be purchased or leased in advance of signing the contract or agreement, and (2) acknowledges by his signature that he has made such inspection and has read and understood such report.)

D. Consolidation—Incorporation by Reference: If a filing is for an offering of lots to be sold pursuant to a common promotional plan and there has been an earlier filing with the OILSR for lots offered under the same promotional plan, the developer may incorporate by reference the information included in the earlier filing by identifying the earlier filing by OILSR filing number and reference to the appropriate sections, parts or pages thereof. This may be done for the purpose of meeting the requirements of the rules and regulations although the State law does not permit such consolidation.

The material incorporated by reference must be an exact copy of all material filed with the State.

SEC. III. *Affirmation.* I hereby affirm that I am the developer of the lots herein described or will be the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this statement of record and any supplement thereto, together with any documents submitted herewith, are full, true, complete and correct;

That I have complied with the land development and disclosure requirements of the State of _____ (state of filing):

That the material submitted is a true and accurate copy of the material filed with the State of _____; and

That the fees accompanying this application are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

_____ _____
(Date) (Signature)

_____ _____
(Corporate seal if applicable) (Title)

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (Title XIV of Public Law 90-448, 82 Stat. 590, enacted on Aug. 1, 1968) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact * * * shall upon conviction be fined not more than $5,000 or imprisoned not more than five years, or both."

§ 1710.125 Partial statement of record—request for exemption.

Requests for an exemption advisory opinion, pursuant to § 1710.15(b) shall be prepared in accordance with the following instructions:

INSTRUCTIONS FOR COMPLETION OF PARTIAL STATEMENT OF RECORD—REQUEST FOR EXEMPTION

The developer may file Part I, Administrative Information, in the form set forth in § 1710.105 and the affirmation and agreement as set forth below as a partial statement of record.

The filing of this information does not preclude a developer from filing a complete statement of record. If the developer files the material necessary to complete the statement of record, the date of filing shall be the date the complete statement of record is received by the Secretary.

AFFIRMATION AND AGREEMENT

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time the lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this partial statement of record and any supplement thereto, together with any documents submitted are full, true, complete, and correct;

That the fee accompanying this application are in the amount required by the regulations of the Office of Interstate Land Sales Registration;

That I agree that this filing is a partial statement of record and that the receipt of this filing by the Secretary shall not be the date of filing of a statement of record for the purpose of determining the effective date thereof; and

That if the Secretary advises that the offering is not exempt, I agree to file the remaining portions of the statement of record as set forth in § 1710.105 of these rules and regulations prior to any offering and that the date of the receipt of the complete statement of record by the Secretary shall be the date of filing for the purpose of determining the effective date of the statement of record.

_____ _____
(Date) (Signature)

_____ _____
(Corporate seal if applicable) (Title)

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (Title XIV of Public Law 90-448, 82 Stat. 590, enacted on Aug. 1, 1968) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact * * *, shall upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both."

Effective date. The regulations in this part are effective on April 28, 1969. Filings and requests for exemption advisory opinions will be accepted upon publication of these regulations in the FEDERAL REGISTER.

Dated: March 25, 1969.

WILLIAM B. ROSS,
Acting Assistant Secretary for Mortgage Credit.

[F.R. Doc. 69-3749; Filed, Mar. 28, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.51—Research Agreements and Contracts With Educational Institutions

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

The principal revisions in AECPR 9-4.51 and 9-16.5002-8 are to provide for a change in the Special Research Support Agreement to remove the requirement that the contract be financially "closed out" after each annual period of performance. The revisions provide that AEC support and the Contractor's charges to the AEC will be accumulated over the total life of the contract, with a financial adjustment made at the termination or expiration of the project. AEC funds to support a project are to continue to be obligated on a periodic (generally annual) basis, and with each renewal the amount of new AEC support would be added to the previous

Support Ceiling. The Contractor's charges to the AEC (Support Cost) are to continue to be reported for each pertinent period of the contract specified in Appendix A (generally an annual period), and the Support Cost determined for each such period will be accumulated for all periods of contract performance. The monetary obligation of the AEC will not exceed the accumulated Support Ceiling, or the Cumulative Support Cost, whichever is less. The Contractor's charges to the AEC will be limited by the cumulative Support Ceiling, and not by the amount of new support that may be provided in a given contract year.

The revision to AECPR 9-4.5107-2(c) provides additional guidance on the use of proportionate cost-sharing, including guidance as to when proportionate cost-sharing should not be used because it could be detrimental to the interests of AEC and the contractor. When a contract provides for proportionate cost-sharing, the AEC will pay only the specified percentage of the actual cost of items under Article A-II(a) incurred during the pertinent contract period specified in Appendix A, subject to the other limitations and provisions of the contract.

In conjunction with the change to a cumulative Support Ceiling and Support Cost approach, an additional approval requirement has been added to provide that the Contractor must obtain AEC's approval to incur costs during the pertinent contract period stated in Appendix A, for items set forth in Article A-II(a), in excess of 110 percent of the total estimated cost specified in Article A-III for the specified contract period.

There are several other changes that are minor or editorial.

1. Section 9-4.5107-2, *Special research support agreements*, is revised as follows:

§ 9-4.5107-2 Special research support agreements.

(a) The special research support agreement, outlined in AECPR 9-16.5002-8, is generally used for basic research with educational institutions when the annual AEC support under the agreement does not exceed $250,000. It provides that AEC's monetary obligation will be a specified amount, which is referred to as the Support Ceiling, or a lower adjusted amount (referred to as the Cumulative Support Cost) if actual costs chargeable to the AEC during the total period of the contract are less than expected. The ceiling on AEC's monetary support will be determined and established as a Support Ceiling at the outset of the initial contract period, generally an annual period; the initial Support Ceiling will be the amount of AEC support made available in connection with the initial contract period. In the event the AEC and the Contractor agree to extend the contract for an additional period or periods of performance, the ceiling on AEC's monetary support (Support Ceiling) would be increased to reflect any increased support by reason of the extended period or periods. The costs chargeable to the AEC (Support Cost) will be reported for each pertinent period of the contract specified in Appendix A (generally an annual period) in accordance with paragraphs (b) and (c) of this section, and the Support Cost determined for each such contract period will be accumulated for all periods of contract performance, as will the Support Ceiling. The monetary obligation of the AEC to the Contractor will not exceed the Cumulative Support Cost or the accumulated Support Ceiling, whichever is less. Upon termination, or expiration of the total period of performance, the Contractor will refund to the AEC, or make such other disposition as the AEC may direct, any funds advanced by the AEC to the Contractor in excess of the Cumulative Support Cost incurred under the contract. Payment shall be made in consideration for the Contractor's performance of research activities described in the contract and in accordance with the provisions of the contract. The Contractor shall have the right to discontinue performance of research under the contract, upon written notice to the AEC, at any time when or after the total costs chargeable to the AEC equal or exceed the Support Ceiling. Certain deviations in performance and other actions require AEC approval as stated in AECPR 9-4.5112-5; among other approval requirements, the Contractor must obtain AEC's approval to incur costs for items set forth in Article A-II(a), during the pertinent contract period stated in Appendix A, in excess of 110 percent of the total estimated cost specified in Article A-III for the specified contract period. In those cases in which there is to be proportionate sharing of costs, the percent of the cost to be borne by the AEC will be set forth in Article A-III of the contract (see paragraph (c) of this section).

(b) The Contractor will be required to furnish a certified statement (within 3 months after the expiration of the pertinent contract period set forth in Appendix A—and at the termination or expiration of the contract) signed by the principal investigator and an official of the institution showing the Support Cost (see definition of "Support Cost" in AECPR 9-16.5002-8, Article B-XXVII) of the project during the prior contract period. The statement should follow the format of Appendix C of the contract and provide a basis for comparison with the approved budget as provided in Appendix A of the contract.

(c) It is expected that in many cases the Contractor will propose to contribute to the cost of the research work. Such proposed contribution shall be set forth in Appendix A of the contract, either (1) as items under (b) or (c) of Article A-II which will be contributed solely by the Contractor without charge to the AEC, or (2) as a proportionate cost-sharing agreement in Article A-III which will provide that the Contractor will charge AEC only a specified percentage of the actual cost incurred for items under (a) of Article A-II. Proposed Contractor contributions should ordinarily be listed under (b)(1) of Article A-II when (1) the contribution is the principal investigator or other senior personnel who are likely to be involved in the research work to the same extent whether their cost is included in or excluded from proportionate cost-sharing, (2) the proposed contribution to the work is being paid for by a third party, e.g., personnel or equipment the cost of which is being reimbursed under another contract or grant from public or private sources, and (3) the proposed contribution does not involve any cash expenditure by the Contractor. Only those items, the cost of which are to be charged to the AEC or proportionately shared by the parties, should be listed under Article A-II(a). Proportionate sharing of the cost of items under Article A-II(a) should be provided for only when the Contractor agrees to pay a specified percentage of the cost of all such items, and when such sharing is expected to be of financial benefit to the AEC. In those cases in which there is to be proportionate cost-sharing, the Contractor should generally be encouraged to continue the same sharing ratio throughout the life of the contract so as to provide for ease of administration and to avoid difficulties in determining proper charges to the AEC. When the contract provides for proportionate cost-sharing, it should be understood that the AEC will pay only the specified percentage of the actual cost of items under Article A-II(a) incurred during the pertinent contract period specified in Appendix A, up to a maximum of 110 percent of the estimated Support Cost set forth in Article A-III for the pertinent contract period unless otherwise specifically approved by the AEC, and subject to the Support Ceiling set forth in Article III.

(d) If the Contractor proposes to contribute the cost of the principal investigator(s) on the project and requests that the contribution be excluded from A-II(b), the contributed time or effort should be shown in A-II(c). In any event, Article A-I should include a statement regarding the approximate percentage of time or effort that the principal investigator(s) expects to devote to the contract work. If the principal investigator(s) is included under A-II(c), the Contractor would not be required to maintain records regarding the amount of effort contributed by the principal investigator, and the Contractor would not be required to certify in accordance with Appendix C of the contract regarding the amount of effort contributed by the principal investigator. The principal investigator may be included in Article A-II(a) for purposes of obtaining AEC reimbursement of his costs during the summer months, and excluded from Article A-II(a) for the academic year if the Contractor proposes to contribute the costs for that period. The contract generally will not require the Contractor's commitment that any particular amount of time or effort by the principal investigator(s) or other personnel will be devoted to the work under the contract. In the event a proposed Contractor contribution is included in Article A-II(b)(1), the contract should reflect the nature and extent of the Contractor's intent to contribute the item, and the Contractor

shall maintain records adequate to permit the AEC to determine the extent of the contribution. The Contractor shall certify, in accordance with Appendix C of the contract, the extent to which the item or items under Article A–II(b)(1) have been contributed. Government-owned property to be procured, fabricated, or furnished under Article V or Article B–IX of the contract and other Government-furnished equipment, supplies, materials, or services should be excluded from Article A–II(a) and listed under Article A–II(b)(2). If items of Government-owned equipment are to be furnished to a Contractor by the Government, with title to be vested in the Contractor, the Consideration article (Article III) should be modified to provide that the items of equipment are being provided in consideration of the Contractor providing a specified contribution to the cost of the work, and the specified Contractor's contribution should be listed under A–II(b)(1).

(e) If the special research support agreement outlined in AECPR 9–16.5002–8 is to be used for not-for-profit organizations other than educational institutions, Article B–XXVII, Determination of Support Cost, should be revised to provide that the AEC's commercial cost principles (AECPR 9–15.50) will be used in determining actual cost, or the contract provisions may be revised at the direction of the cognizant AEC Headquarters Division or Office to provide for a lump-sum payment to the Contractor in consideration for its performance of particular research at a specified level of effort. The special research support agreement outlined in AECPR 9–16.5002–8 may also be used for supporting research at educational institutions in foreign countries; however, at the discretion of the cognizant AEC Headquarters Division or Office or Field Office, the outline of AECPR 9–16.5002–8 may be revised to provide for a lump-sum payment to the foreign institution in consideration for its performance of particular research at a specified level of effort, and to limit approval requirements to those considered consistent with the nature of the support to the foreign institution. All such agreements with foreign institutions should provide that any unused AEC funds available to the foreign institution at the end of the contract term shall be used in a renewal period of the contract, returned to the AEC, or otherwise disposed of, in accordance with AEC instructions.

2. Section 9–4.5111, *Extension of contracts*, is revised to read as follows:

§ 9–4.5111 Extension of contracts.

§ 9–4.5111–1 Renewal of proposals.

(a) Where additional time, beyond the current expiration period, is required to continue or complete the work, the Contractor should submit six copies of a renewal proposal to the AEC Field Office that has administrative jurisdiction of the existing contract, not later than 3 months nor earlier than 6 months before the date of expiration of the contract.

(b) The renewal proposal should outline and justify a proposed program and budget for the succeeding year, showing in detail the estimated cost of the project, together with an indication of the items for which the Contractor is requesting AEC reimbursement or proportionate cost-sharing, the percentage of any such costs to be shared by the Contractor, and any items to be contributed solely by the Contractor. It should include the same type of information as that required for initial proposals or reference this information to the extent contained in earlier proposals. Any contemplated change in program or scope for the ensuing period should be justified and explained clearly, and the cost estimates and other items should be based upon past experience. Any deviation from the contract during the current period requiring AEC approval as provided for in the contract, which has not received such AEC approval, should be explained in detail, and the AEC's right to approve or disapprove shall be the same as for a request timely made by the Contractor.

(c) The renewal proposal should include a financial statement of the work under the current contract, including:

(1) Total project costs for the current period to date, indicating the amount chargeable to the AEC;

(2) An estimate of the total costs to be incurred during the remainder of the current contract period, indicating the amount chargeable to the AEC; and

(3) Under special research support agreements, the anticipated difference, if any, between the accumulated Support Cost at the end of the current contract period and the cumulative AEC Support Ceiling.

§ 9–4.5111–2 Evaluation of requests for renewals.

(a) Requests for renewals are evaluated by the appropriate AEC Headquarters Program Division in the light of:

(1) Progress report submitted by the Contractor;

(2) Research results published in scientific media;

(3) Field visits to the research site by technical personnel;

(4) Contractor's performance; and

(5) Availability of funds and relative importance of projects in relation to other proposed research.

(b) Requests for renewals generally follow the same process of review and evaluation of technical aspects and funding, preparation, and execution of the contract, and administration as a new project, although less use would normally be made of outside consultants. Contracts authorized by AEC Headquarters Program Divisions shall not be extended for a new term or on an interim basis or modified in scope without specific prior authorization from the appropriate AEC Headquarters Program Division, except as provided in AECPR 9–4.5111–3.

§ 9–4.5111–3 Authorization to renew.

(a) When a determination has been made to extend a contract, the sponsoring AEC Headquarters Program Division shall provide the appropriate AEC Field Office with an authorizing directive early enough (usually about 4 weeks in advance of expiration) to permit an orderly completion of the extension agreement before the expiration date. The authorizing directive should include generally the same type of information provided in the authorization of a new contract, including pertinent information concerning any changes in scope of work, level of funding, scheduled dates for completion of certain phases of work, target dates for submission of reports, etc.

(b) An authorization to renew a special research support agreement shall also state the estimated total cost of items to be included under Article A–II (a) of Appendix A for the renewal period, the percentage of such costs to be reimbursed by the AEC, and the amount of new funds authorized to increase the AEC Support Ceiling.

(c) The AEC Field Office that has administrative jurisdiction of an existing contract, may extend the term of an existing contract without authorization from the cognizant Headquarters Program Division, provided that:

(1) Any such extension does not provide for an increase in the AEC's monetary obligation under the contract;

(2) That the scope of work is not revised by such extension;

(3) That such extension is necessary to permit completion of the scope of work authorized by Headquarters, including preparation of required reports; and

(4) That any such extension will not be for a period in excess of 90 days.

§ 9–4.5112–1 [Amended]

3. Section 9–4.5112–1, *Responsibilities of AEC Headquarters Program Divisions*, is revised by deleting and reserving (b)(3).

§ 9–4.5112–2 [Amended]

4. Section 9–4.5112–2, *Responsibilities of AEC Field Offices*, is revised by deleting and reserving (c), (d)(2), and (d)(3).

5. Section 9–4.5112–3, *Payments under special research support agreements*, is revised to read as follows:

§ 9–4.5112–3 Payments under special research support agreements.

(a) Payments will be made to contractors under a special research support agreement in accordance with the contract provisions (see Article B–XI of AECPR 9–16.5002–8). The letter of credit procedure, as provided for by Treasury Department Circular No. 1075, Revised, of February 13, 1967, will generally be used when the total of AEC contracts with advance financing at an institution provide for a continuing annual level of support of $250,000 or more. When the total AEC contracts with advance financing provide for an annual level of AEC support of less than $250,000, AEC will generally make advance payments covering the first 90 percent of the amount of the estimated AEC Support Cost as set forth in Article A–III of the contract. The Field Office may revise Article B–XI of AECPR 9–16.5002–8, regarding the timing and amounts of advance payments, in accordance with the following provisions. The advance payments may be made at times and in amounts determined by the Field Office, provided that no single payment will exceed 45 percent of the estimated AEC Support Cost for the pertinent contract period except on the basis of a request from the Contractor evidencing that a specified amount is required in connection with expenditures or commitments made under the contract. The timing and amounts of payments should be determined on the basis of limiting the amount of advances to the extent feasible consistent with effective and efficient contract administration and performance of the research, for the purpose of slowing the rate of cash withdrawals from the Treasury and thereby decreasing the financing costs to the Federal Government. In determining the timing and amounts of payments, consideration should be given to funds already available to the Contractor, the expected expenditures under the contract, any information from the Contractor regarding the need for funds, and the administrative cost of additional payments.

(b) The final payment under both of the procedures referred to in paragraph (a) of this section shall be made on the basis of determinations by the contracting officer that; (1) the required reports are satisfactory, (2) that the research was performed in accordance with the provisions of the contract, and (3) that an additional payment is required to reimburse for all costs chargeable to the AEC. If necessary in making the determinations, the contracting officer should obtain advice from the technical personnel of the AEC Headquarters Program Division based upon their visits to and other contacts with the research project during the contract period as well as their technical review of the report. It is expected that the annual progress and final reports and the Contractor's certified cost statements will provide an adequate basis for making the determinations required by subparagraphs (2) and (3) of this paragraph. If the determinations cannot be made on the basis of a consideration of the reports, visits to and other contacts with the research project during the contract period, and the Contractor's certified statements, the contracting officer may invoke the audit provision of the contract. In the event the contracting officer determines that the Contractor has not satisfied the contractual undertakings, appropriate steps shall be taken to protect the Government's interests.

6. Section 9–4.5112–5, *AEC approval of deviations in performance and other specified actions*, is revised by modifying paragraph (a) to read as follows:

§ 9–4.5112–5 AEC approval of deviations in performance and other specified actions.

(a) Contractors will be asked to inform the cognizant AEC Field Office as soon as possible of such contemplated deviations and other actions which require AEC approval. Specific deviations and actions which will require such AEC approval under special research support agreements include the following:

(1) A change of the principal investigator, or continuation of the research work without direction by an approved principal investigator. The principal investigator may increase or decrease the amount of effort which he devotes to the project without obtaining Commission approval; however, the principal investigator shall consult with the appropriate AEC Headquarters program representative if he plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in Article A–I. The purpose of such consultation will be to determine what effect, if any, the anticipated change will have on the research work;

(2) Acquisition of:

(i) An item of equipment which is not specifically itemized in the contract, if the acquisition cost is in excess of $1,000 or 2 percent of the estimated cost specified in Article A–III of the contract, whichever is greater, unless such equipment is merely a different model of an item listed in the contract, or

(ii) Any equipment which is not specifically itemized in the contract, if the cost of acquisition will cause the total equipment dollar level shown in Article A–II(a) of Appendix A of the contract to be increased by $500 or more. (If plant and capital equipment funds are provided for the acquisition of equipment, with title to be vested in the Government, the total cost of such equipment acquisitions shall not exceed the amount budgeted for such equipment unless prior AEC approval has been obtained).

(3) Purchase of any general-purpose equipment, such as office furniture, air conditioning, etc., not specifically provided for in Appendix A of the contract, except that purchased without cost to the AEC;

(4) Incurring costs for items set forth in Article A–II(a), during the pertinent contract period stated in Appendix A, in excess of 110 percent of the estimated cost specified in Article A–III. Charges to the AEC for any such costs incurred with the approval of the AEC shall also be subject to the limitations of Article III;

(5) Any proposed foreign travel; and

(6) Such other items as in the judgment of the Program Division or the Field Office, in specific cases need to be separately identified in the contract. (When plant and capital equipment funds are provided for the acquisition of Government property, the Headquarters Program Divisions may require, in specific cases, that such funds shall be used only for acquiring the equipment designated in the contract unless prior AEC approval has been obtained.)

* * * * * *

7. In § 9–7.5006–11, *Allowable costs (research and development contracts with educational institutions)*, subparagraph (a)(1) and the note following are revised to read as follow:

§ 9–7.5006–11 Allowable costs (research and development contracts with educational institutions).

(a) * * *

(1) Subpart 1–15.3 of the Federal Procurement Regulations, as that text is amended by the amendments to Bureau of the Budget Circular No. A–21 as of the date of commencement of the pertinent contract period set forth in Appendix A; and

NOTE: Subpart 1–15.3 of the FPR, along with the latest amendments to Bureau of the Budget Circular No. A–21, as of the date of execution of the contract, may be appended to the contract.

* * * * * *

8. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, Article III—CONSIDERATION, is revised.

9. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, Article V—GOVERNMENT PROPERTY, is revised.

10. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, Appendix A is revised.

11. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, Article B–XI—PAYMENTS, is revised.

12. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, Article B–XXVII—DETERMINATION OF TOTAL COSTS, is revised.

13. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, Article B–XXVIII—ADDITIONAL APPROVALS, is revised by modifying paragraph (a).

14. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, Appendix C is revised.

The affected portions of § 9–16.5002–8 read as follows:

§ 9–16.5002–8 Outline of special research support agreement for educational institutions.

* * * * * *

ARTICLE III—CONSIDERATION

(a) In full consideration of the Contractor's performance hereunder, the Commission shall furnish the equipment, supplies, materials, and services, if any, listed in Article A–II(b)(2) and pay the Contractor the sum of $_____, hereinafter called the "Support Ceiling" which sum shall be subject to adjustment as hereinafter provided.

(b) Payments to the Contractor shall equal the "Cumulative Support Cost" of performance of this contract, as the term "Cumulative Support Cost" is defined in Ar-

ticle B–XXVII[1]: *Provided, however,* And notwithstanding any other provision of this contract, that the Government's monetary liability under this contract shall not exceed the Support Ceiling specified in (a) above. The Commission shall not pay more than the Support Ceiling or an amount equal to the Cumulative Support Cost, whichever is less. The Contractor shall be obligated to perform under this contract throughout the agreed-upon period of performance, and to bear all costs which the Commission has not agreed to pay: *Provided, however,* That the Contractor shall have the right to cease to perform the research provided for in this contract, upon written notice to the Commission to that effect, at any time when or after the Cumulative Support Cost equals or exceeds the Support Ceiling.

(c) The Support Ceiling specified in (a) above may be revised as the parties may mutually agree in writing. In the event the stated period of contract performance is extended, the Support Ceiling will be revised to reflect any increased Commission support for the extended period or periods.

(d) Upon termination, or expiration of the total period of performance, the Contractor shall promptly refund to the Commission (or make such disposition as the Commission may in writing direct) any sums paid by the Commission to the Contractor under this contract, through direct payment or under letter of credit, in excess of the Cumulative Support Cost incurred in performance under the contract.

• • • • •

ARTICLE V—GOVERNMENT PROPERTY

The following items of property procured or fabricated by the Contractor are hereby listed as "Government Property." [List all property and equipment, title to which is to remain in the Government. Insert the word "none" if title to all of the property is to be vested in the Contractor. If title to property procured or fabricated by the Contractor is to remain in the Government, add appropriate provisions for payment for such property from plant and equipment funds. Such funds should be in addition to, and not a part of, the "Support Ceiling" funds provided under Article III.]

• • • • •

[1] The term Cumulative Support Cost refers to the cost of items under A–II(a) of Appendix A, for the initial contract period plus any extension periods, that may be properly chargeable to the AEC. If proportionate cost-sharing is involved, the Support Cost is the AEC's share of such costs, and it does not include the cost of items excluded from Article A–II(a), such as items to be contributed solely by the Contractor or property to be furnished by the Government. Charges to the AEC will be reported after the conclusion of each contract period set forth in Appendix A (generally an annual period); in addition to the limitations on charges to the AEC provided for by this Article III, charges to the AEC for a specified contract period may not exceed 110 percent of the estimated Support Cost for that contract period except as approved by the AEC (see Article B–XXVIII). The estimated Support Cost for each pertinent period of contract performance will be set forth in Article A–III. If Article A–III of Appendix A provides that the cost of the items listed under Article A–II(a) is to be proportionately shared by the parties, the charges to the AEC shall be determined by applying the AEC's sharing percentage set forth in Article A–III to the cost for items under Article A–II(a) incurred during the specified contract period; such charges to the AEC shall also be subject to the 110 percent limitation mentioned above as well as to the provisions of this Article III.

APPENDIX A

For the contract period ---------- through ----------.

Article A–I. *Research to be performed by Contractor.* [Insert description of research activity and state the approximate percentage of time or effort which the principal investigator(s) expects to devote to the work.]

Article A–II. *Ways and means of performance:*

[The listings under (a), (b), and (c) below should be in a form to permit determination of which items of cost are to be chargeable to AEC or proportionately shared, and which items are to be contributed solely by the Contractor or solely by the AEC; the listing should also permit application of the approval requirements of the contract. Excessive detail in listing should be avoided.]

(a) Items for which support will be provided as indicated in A–III, below. [Do not include in this paragraph (a) any items which are to be contributed solely by the Contractor; see AECPR 9–4.5107–2(c).]

(1) Salaries and wages. [List categories of personnel, according to scientific discipline or other designation, and the number of personnel in each category expected to participate in the research work. If any stipulated salary support amounts for professorial staff members are established in accordance with AECPR 9–4.5106–3a, the stipulated amounts, along with any limitations or requirements on the use of such stipulated amounts (see AECPR 9–4.5106–3a(c)) should be provided for in the contract.]

(2) Supplies and materials. [List separately any significant items of a special nature.]

(3) Equipment to be purchased or fabricated by the Contractor. [List equipment to be purchased or fabricated by the Contractor and for which title is to remain in the Contractor and state the total dollar amount budgeted for such equipment. Such equipment may be set forth in general classifications as specifically as possible if it is not feasible to list them individually. However, any individual piece of equipment, the estimated cost of which is over $1,000, will be separately identified. Except where the contract may otherwise specifically provide, equipment for the purpose of this paragraph A–II shall mean an item of personal property having a useful life expectancy in excess of one year and an acquisition cost in excess of $100.]

(4) Publications.

(5) Travel.

(6) Other.

[List separately each significant type of cost included in this category. Indicate briefly the kinds of costs that will not be separately identified.]

(7) Indirect costs based upon predetermined rate of ------ percent.

[Show factor or factors of cost to which rate applies—generally, direct salaries and wages.]

(b) Items, if any, significant to the performance of this contract, but excluded from computation of Support Cost and from consideration in proportioning costs. [See AECPR 9–4.5107–2(c).]

(1) *Items to be contributed by the Contractor.* In accordance with Article B–II(c), if a proposed Contractor contribution is included in this paragraph (b)(1), the Contractor shall maintain records adequate to permit the Commission to determine the extent of the contribution. If the time or effort of the principal investigator(s) is to be contributed by the Contractor and excluded from A–II(a) and A–II(b), the contributed time or effort should be listed under A–II(c).

(2) *Items to be contributed by the Government.*

(c) Time or effort of principal investigator(s) contributed by Contractor but excluded from computation of Support Cost and from consideration in proportioning costs. [Where covered under A–II(a) or A–II(b)(1) above, state: "None." See AECPR 9–4.5107–2(d).]

Article A–III. The total estimated cost of items under A–II(a) above for the contract period stated in this Appendix A is $------; the Commission will pay ------ percent of the actual costs of these items incurred during the contract period stated in this Appendix A, subject to the provisions of Article III and Article B–XXVII. The estimated AEC Support Cost for the contract period stated in this Appendix A is $------.

Contractor: ---------- Contract No. -------

• • • • •

ARTICLE B–XI—PAYMENTS

(a) The Commission shall make payments to the Contractor with respect to the amount of consideration prescribed in Article III of this contract as follows:

(1) A maximum of 45 percent of the estimated AEC Support Cost as set forth in Article A–III of this contract following execution of this contract (and following the effectuation of each extended period).

(2) A maximum of an additional 45 percent of the estimated AEC Support Cost as set forth in Article A–III of this contract upon receipt of a request or requests from the Contractor evidencing that the amount requested is then required in connection with the work under the contract.

[NOTE: Subparagraphs (1) and (2) of this paragraph (a) may be revised, as deemed appropriate by the field office, in accordance with AECPR 9–4.5112–3(a).]

(3) If, following submission of an annual progress report, the contract is to be extended for an additional period of performance, an additional payment may be made at the time of execution of the extension which, when added to the payments already made under (1) and (2) above for the expiring period, will not exceed the currently estimated AEC Support Cost for the expiring period; a concluding payment for the pertinent period, if appropriate, may be made following submission of a certified statement showing the AEC Support Cost and evidencing the Contractor's performance under the contract.

(4) If the contract is not to be extended, the final payment of the consideration provided for in Article III of this contract shall be made following submission by the Contractor of a final report required by Article B–XXI, in form and content satisfactory to the Commission, and submission of a certified statement showing the AEC Support Cost and evidencing the Contractor's performance under the contract.

(b) The payments made pursuant to paragraph (a) above shall not prejudice or otherwise affect adversely any of the Government's rights under the contract. For purposes of settlement in the event of termination pursuant to Article B–X hereof, these payments shall not be construed as evidentiary, and any excess payment in the light of Article B–X shall be promptly returned to the Commission.

(c) The Commission, at its option, may invoke the following with respect to any amount of the contract consideration remaining to be paid at any given time:

(1) The Commission shall issue a letter of credit as provided for by Treasury Department Circular No. 1075, Revised, of February 13, 1967, under which payments to the Contractor with respect to the amount of consideration provided for in Article III of this contract will be made. The Contractor agrees that the first ninety (90) percent of the estimated AEC Support Cost as set forth in Article A–III of the contract will be under the letter of credit and will be subject to the submission by the Contractor of a Payment Voucher on Letter of Credit (TUS 5401), in accordance with procedures based upon Treasury Department Circular No. 1075, Revised, of February 13, 1967, which are agreed to by the parties. Following submission by the Contractor of a final report provided for in Article B–XXI, in form and content satisfactory to the Commission, and submission of a certified statement showing the total expenditures and evidencing the Contractor's performance under the contract, and upon submission by the Contractor to the Commission of such invoices or vouchers as are satisfactory to the Commission, the Commission shall pay the Contractor the concluding payment of the consideration provided for in Article III of this contract, or said concluding payment will be included under the letter of credit and will be subject to submission by the Contractor of a Payment Voucher on Letter of Credit, in accordance with the procedure described above. If, following submission of an annual report, the contract is extended for an additional period of performance, an additional payment may similarly be made at the time of execution of the extension which, when added to the payments already made for the expiring period, will not exceed the currently estimated AEC Support Cost for the expiring period; a concluding payment for the pertinent period, if appropriate, may be made following submission of a certified statement showing the AEC Support Cost for the pertinent period and evidencing the Contractor's performance under the contract.

(2) The Commission reserves the right to increase, decrease, or cancel the amount covered by the letter of credit, provided that such action is required because of a change in the amount of consideration provided for in Article III or is taken pursuant to subparagraph (c)(1) of this article. The issuance and use of a letter of credit and receipt of funds pursuant thereto shall not prejudice or otherwise adversely affect any of the Government's rights under the contract.

• • • • •

ARTICLE B–XXVII—DETERMINATION OF SUPPORT COSTS

(a) The term "Support Cost" as used in this contract means the Commission's share[1] of the sum of costs incurred by the Contractor for items included under Article A–II(a) of Appendix A which are in furtherance of the work hereunder, which are incurred in accordance with the provisions of this contract, and which are reported to the AEC in accordance with (b) below. The term "Cumulative Support Cost" as used in this contract means the total of the Support Cost incurred during the initial contract period plus any extension periods of the contract.

(b) Within 3 months after the end of each contract period set forth in Appendix A, and within 3 months after the termination or expiration of the total period of performance, the Contractor shall furnish a certified statement, executed by an official of the Contractor and also signed by the principal investigator, showing the Contractor's cost, and evidencing its performance under the contract, during the contract term just completed. The statement shall show all costs incurred during the pertinent contract term set forth in Appendix A for items under Article A–II (a) of Appendix A, including the Contractor's share, if any, of such costs, and show the extent of the Contractor's contribution of items listed under Article A–II(b)(1) of Appendix A. Costs included in the certified statement may include the following: Expenditures of cash; the cost of material and supplies transferred from stores inventory; and the amount due the Contractor for indirect costs in accordance with the rate and factor or factors shown in Appendix A of the contract for the pertinent contract period. The costs for the pertinent contract period shall be consistent with the principles of the Bureau of the Budget Circular A–21, as constituted on the effective commencement date of said period. The certified statement shall be in the form set forth in Appendix C.

(c) The Contractor understands that the Commission expects to rely on this certified statement for determining the Support Cost for the pertinent contract period. With respect to any period in which proportionate cost-sharing is applicable, the Support Cost for the pertinent period will be determined by applying the percentage figure included in Article A–III for the pertinent period, to the certified cost of items included under Article A–II(a) incurred during the pertinent contract period. All charges to the AEC shall be subject to the approval requirements of this contract. The Contractor is expected to maintain auditable records as contemplated by Article B–II(c) to substantiate the costs incurred for items under Article A–II(a) and to show the extent of the Contractor's contribution of items listed under Article A–II(b)(1).

ARTICLE B–XXVIII—ADDITIONAL APPROVALS

(a) In addition to such approvals as are specifically required by other provisions of this contract, the Contractor shall obtain the Commission's approval for:

(1) Acquisition of:

(i) An item of equipment, not itemized in Appendix A, involving an acquisition cost in excess of $1,000 or 2 percent of the total estimated cost specified in A–III of Appendix A, whichever is greater, unless such equipment is merely a different model of an item listed in Appendix A. [When plant and equipment funds are provided for the acquisition of Government property, the Headquarters Program Divisions may require, in specific cases, that such funds be used only for acquiring the equipment designated in Article V, unless prior AEC approval has been obtained.]

(ii) Any equipment not itemized in Appendix A, the acquisition cost of which will cause the equipment dollar level shown in Article A–II(a) of Appendix A to be increased by $500 or more. (If plant and equipment funds are provided for the acquisition of equipment, with title to be vested in the Government, the total cost of such equipment acquisitions shall not exceed the amount budgeted for such equipment unless prior AEC approval has been obtained.)

(2) Purchase of any general-purpose equipment, such as office furniture or air conditioning, not specifically provided for in Appendix A, except that purchased without cost to the Commission.

(3) Incurring costs during the pertinent contract period set forth in Appendix A, for items set forth in Article A–II(a), in excess of 110 percent of the estimated cost specified in Article A–III for the pertinent contract period; charges to the Commission for any such costs incurred with the approval of the Commission shall also be subject to the limitations of Article III.

(4) A change of the principal investigator, or continuation of the research work without direction by an approved principal investigator. The principal investigator may increase or decrease the amount of effort which he devotes to the project without obtaining Commission approval; however, the principal investiagtor shall consult with the appropriate AEC Headquarters program representative if he plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in Article A–I. The purpose of such consultation will be to determine what effect, if any, the anticipated change will have on the research work.

(b) No change in the phenomenon or phenomena under study, i.e., broad category of the research under this contract, shall be made without the specific written approval of the Commission; ordinarily, such changes, if approved by the Commission, will be accomplished through a new contract or a mutually agreed-to modification. The Contractor may change the specific objectives in the research work described in this contract, provided it gives the Commission prompt notification of such changes; and the Contractor may continue to follow the new objectives while the Commission determines whether it wishes to continue the program under the changed approach.

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APPENDIX C

U.S. ATOMIC ENERGY COMMISSION

Statement of Costs

1. Name and address of Contractor: ------

2. Contract number: ----------

3. Beginning and ending date of pertinent contract period: ----------

4. Costs incurred during the pertinent contract period. (List only those costs which are to be reimbursed by the AEC or proportionately shared by the parties in accordance with Article A–II(a) and Article A–III.)

Cost categories[1]	*Amount*
a. *Salaries and wages*---------- (List personnel included in Article A–II(a) of Appendix A in same detail as shown in the Contractor's payroll distribution or time and attendance records.)	$------
b. *Supplies and materials*---------- (Show in same detail as in Appendix A.)	------
c. *Equipment*---------- (List separately the cost of each piece of equipment separately listed in Appendix A to the contract or for which separate approval was obtained from AEC.)	------
d. *Publications*----------	------
e. *Travel*----------	------
f. *Other*---------- (List separately each type of cost included in this category.)	------
g. *Total Direct Expenditures*----------	------
h. *Indirect Charges*---------- (Indicate percent and expenditures to which percent is applied.)	------
5. *Total Costs* for items under Article A–II(a) for pertinent contract period----------	------

[1] In those cases in which there is no proportionate sharing of costs, the Commission's "share" will be 100 percent. With respect to any period in which proportionate cost-sharing is applicable pursuant to Article A–III, it is understood that the Support Cost for that specified period will equal the stipulated percent of the sum of costs incurred by the Contractor during the stated period for items under A–II(a) of Appendix A, not to exceed 110 percent of the estimated Support Cost set forth in Article A–III for that contract period except as otherwise approved by the AEC.

[1] The listing of categories should be consistent with the itemization in Appendix A.

Cost categories	Amounts
6. *Support Cost* for the pertinent contract period set forth in Appendix A, as defined in Article B–XXVII of the contract, chargeable to AEC for the pertinent contract period (percent of Total Costs using percent shown in Article A–III of Appendix A for pertinent period of contract)	$
7. *Cumulative Support Cost* (Support Cost under this statement plus Support Cost for previous periods of the contract)	
8. *Accumulated Support Ceiling* in Article III of the contract	
9. Provide information regarding contributions by the Contractor of items listed in Article A–II(b) of Appendix A during pertinent contract period. State the extent of the Contractor's actual contribution; the measure of such contributions should be in the same terms as the Contractor's commitment under Article A–II(b), e.g., time, dollar, etc.	

I hereby certify that this report is true and correct to the best of my knowledge and belief and that the costs listed herein were incurred in connection with the performance of the research provided for under this contract and in accordance with the terms and conditions set forth therein.

Name and title of principal investigator

Signature Date

Name and title of business officer

Signature Date

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments shall be effective September 1, 1969, but may be observed earlier.

Dated at Germantown, Md., this 21st day of March 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 69–3744; Filed, Mar. 26, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14710; FCC 69–289]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Public Inspection of Network Affiliation Contracts

Report and order. 1. The Commission has before it for consideration the notice of proposed rule making in the captioned proceeding, released July 16, 1962 (FCC 62–745) which proposed public inspection of the network affiliation contracts, agreements or understandings filed with the Commission pursuant to § 1.613 (47 CFR 1.613).[1]

The 1962 comments. 2. Comments were filed initially in September and October 1962 by Columbia Broadcasting System, Inc.; the Journal Co. (The Milwaukee Journal), licensee of Stations WTMJ, WTMJ–TV, and WTMJ–FM, Milwaukee, Wis.; National Broadcasting Co., Inc.; NBC Television Affiliates; Storer Broadcasting Co.; Pierson, Ball, and Dowd, on behalf of eight named licensees; Dow, Lohnes, and Albertson, on behalf of 15 licensees; Rock Island Broadcasting Co.; Meredith Broadcasting Co.; National Association of Broadcasters; Columbia Pictures Electronics Co., Inc.; Greater Rockford Television, Inc.; and American Broadcasting Co. Reply comments were filed by Storer and The Houston Post. These comments, save those of Columbia Pictures which strongly endorses the Commission's proposal, uniformly oppose the adoption of the rule by the Commission. Generally speaking, the commenters assert that information of the kind contained in affiliation contracts traditionally in competitive commercial enterprise has been handled in a confidential and restricted manner. They assert that as licensed broadcasters are commercial competitors their "business" information should be treated no differently, especially since in their view there is no public interest in its disclosure.

Further order and 1968 comments. 3. The Commission by order (FCC 68–954; 20299) released September 20, 1968, invited further comment and ordered oral argument to be held on November 18, 1968, to bring the record herein to date and to afford interested persons opportunity to draw the Commission's attention to arguments now deemed relevant. This latter action was taken because of the passage of time and the need of the Commission to consider the relevance of certain events since 1962—particularly the enactment by Congress of the Public Information amendment of the Administrative Procedure Act (5 U.S.C. 552) and the policy favoring public availability of government records enunciated by Congress in connection therewith.

4. Additional or further comments were filed by NBC Television Affiliates; Columbia Broadcasting System, Inc.; National Broadcasting Co., Inc.; Mutual Broadcasting System, Inc.; American Broadcasting Co., Inc.; and Columbia Broadcasting System Network Affiliates Association. All of these additional comments, except those of Mutual Broadcasting Co., opposed the Commission's proposed action. Mutual argues that the Public Information Amendments to the Administrative Procedure Act leave the Commission no choice but to permit public inspection. It believes that "network affiliation contracts are not the type of document which was intended to be exempted from the public disclosure provisions of the Act." The proposed action, it says, is in the public interest as, among other things, it will enable interested licensees to detect and bring to the Commission's attention violations of its rules and policies.

Background; notice of proposed rule making. 5. The Commission's original notice of proposed rule making was brief. Among other things, it noted the recommendation made in 1957 by the Antitrust Subcommittee of the House Committee on the Judiciary[2] that the Commission "consider the advisability of making public the network affiliation contracts filed with it." About the same time the Staff Report of the Senate Committee on Interstate and Foreign Commerce[3] recommended that affiliation contracts should be a matter of public record in order to improve competitive conditions in the industry and promote "fair and uniform treatment for all affiliates." The House Committee stated that its study of affiliation agreements "reveals widespread, arbitrary and substantial differences in the terms accorded by each network to its individual affiliates, particularly in respect to station compensation for network broadcasting services," which differences "primarily favor large multiple station licensees vis a vis the small independent operators." In 1957, the Commission's Network Study Staff recommended in its report[4] that the Commission enact a rule making public the network affiliation contract.

6. In all three cases, the industry put forward essentially the same arguments against publication as are presented to us in this proceeding.[5] In each case these arguments were carefully considered and rejected. All three bodies—both Congressional Committees and the Commission's Network Study Committee—made exhaustive studies of network broadcasting and were particularly concerned with the network-affiliate relationship and the public interest in broadcast service. Against this informed background they were unanimous in their view that competitive conditions in the industry would be substantially improved and station independence fortified by making public the network affiliation contracts.

Amendment of Commission disclosure rule since 1962. 7. After the issuance of the original notice and the filing of the 1962 comments, the Commission's rules and procedures as to public availability of information generally (including contracts required to be filed under § 1.613) were revised from time to time. Section 0.406 (later renumbered § 0.417), the original rule proposed to be amended by the Commission's notice of proposed rule making herein, is no longer in force. It was superseded in 1967. Quite different procedures have been prescribed by the Commission with regard to exposure of documents such as network affiliation contracts filed with it when its rules with regard to disclosure were substantially revised to conform to the Public Information Amendments to the Administrative Procedure Act (5 U.S.C. 552).[6] (See §§ 0.457–0.461 of the Commission's rules). These new enactments, in effect, place the burden on the one who asserts that material affecting the public interest filed with the Commission ought to be held confidential. The rules require disclosure unless nondisclosure can be justified by the applicant. (See § 0.459). Specific exemptions are limited to (a) materials required by executive order to be kept secret in the interest of the national defense or foreign policy; (b) those related solely to the internal personnel rules and practices of the Commission; (c) materials that are specifically exempted from disclosure by statute (5 U.S.C. 552 (b)(3)); (d) trade secrets and financial information obtained by any person and privileged or confidential (5 U.S.C. 552 (b)(4); (e) inter- or intra-agency memoranda or letters (5 U.S.C. 552(b)(5)); (f) personnel, medical and other files whose disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552(b)(6)); (g) investigatory files compiled for law enforcement purposes, except to the extent available by law to a private party.

8. In 1967 when the Commission's rules were amended to reflect the new policies established by the Public Information section of the Administrative Procedure Act, for the first time since 1948 network affiliation contracts were not specifically exempted from disclosure. Section 0.457(d) incorporates a specific exemption for financial reports submitted by licensees and networks under § 1.611 but does not specifically exempt network contracts filed pursuant to § 1.613, as was formerly the case under §§ 0.406 and 0.417.

Discussion. 9. Most of the commenters say that to require public disclosure of affiliation contracts—particularly network rates—will result in "competitive injury" to licensee-affiliates without any compensating benefit to the public; that in the commercial community such information is normally handled as confidential and restricted and that "there is no reason for treating such information differently in broadcasting." They appear to argue that the same tests should be applied ipso facto to the retention and disclosure of information in the field of broadcasting as in ordinary commercial enterprise. This line of argument, of course, is wide of the mark and overlooks the unique nature of broadcasting.

10. It is true that business aspects of broadcasting, including rates, are established by private initiative and regulated by the interplay of competitive forces rather than by governmental fiat. It is equally true, however, that simply to be an adequate commercial competitor does not discharge a broadcaster's responsibility as a licensee of this Commission under the Communications Act. The differences between a broadcaster and an ordinary commercial entrepreneur stem from the terms of his license and the nature of his calling. As we have said recently:[7]

> The license to operate a broadcast station is a limited or quasi-monopoly granted by the government in the general public interest rather than for the primary benefit of the licensee * * *. The limited monopoly granted by a broadcasting license cannot be used by the licensee to gain a competitive advantage with respect to any transaction or matter other than the operation of the licensed facility within the specified terms of the license.

The essential nature of the broadcaster's calling and the terms of his license within which he must operate have been generally described by the Court of Appeals of the District of Columbia:

> [Broadcasting] is not a public utility in the same sense as strictly regulated common carriers or purveyors of power, but neither is it a purely private enterprise like a newspaper or an automobile agency. A broadcaster has much in common with a newspaper publisher but he is not in the same category in terms of public obligations imposed by law. A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforceable public obligations. A newspaper can be operated at the whim or caprice of its owners; a broadcast station cannot. (Office of Communication of the Church of Christ v. F.C.C. 359 F. 2d 994 123 U.S. App., D.C. 328, 337.)

In terms of the present matter, the result is that while an ordinary commercial entrepreneur may withhold information from his competitor and the public at his "whim or caprice" a broadcaster may be required to disclose information which he considers to be competitive if the public interest of which he is trustee will be served by such action.

11. It is, of course, a truism that the Commission should not use its statutory powers to forward the "private interests" of licensees or others when no public interest will be served. However, such will not be the result of making these contracts public. Our action will directly serve the public interest in the fostering and maintaining of a national competitive broadcast structure. We believe that publication of affiliation contracts will make a major contribution toward this objective. It will enhance and intensify competition among broadcasters and will equip licensees and the public with additional information relevant to the public interest. We cannot, of course, delineate with precision and in detail all the benefits to the public interest which will flow from opening up the affiliation contracts to general scrutiny. Our system assumes that private ingenuity will create innovations and plot new courses when the opportunity is opened to willing competitors.[8]

12. With respect to the information about which most of the discussion in the comments centered—details of the network-station compensation arrangements, including percentage returned to the station and "free hours" (if any)—the Commission's Network Study Staff concluded in 1957 that disclosure of such information would be in the public interest. It would aid stations in their bargaining with the networks by making information available to one side to the same extent it is to the other. Also it would tend to decrease variations in compensation arrangements except where they can be justified by the networks on the basis of cost differences, as, for example, variations based on earlier scarcities of facilities which have long since disappeared.[9] We find these considerations significant in furtherance of free competition and the public interest. Moreover, opening this type of information to the scrutiny of informed persons may assist the Commission in taking action, where necessary and appropriate, to remove unwarranted barriers on such competition and adopt regulations to further the public interest. Moreover, aside from whatever significance disclosure to other components of the industry may have, these matters relate to the public

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[1] Formerly § 1.342. By order Aug. 2, 1945, in Docket 6572 the Commission ordered that "network and transcription contracts" should not be open to public inspection. All other contracts and agreements required to be filed under the section (now § 1.613) are public.

[2] Report of Antitrust Subcommittee of House Committee on the Judiciary, 85th Cong., first sess., Mar. 13, 1957, page 141.

[3] The Television Inquiry Staff Report Committee on Interstate and Foreign Commerce, 85th Cong., first sess., June 26, 1957, page 95.

[4] Network Broadcasting, Report of the Network Study Staff to the Network Study Committee, FCC, Washington, D.C., 1957, printed as House Report No. 1297, 85th Cong., second sess., Report of the Committee on Interstate and Foreign Commerce (page 467).

[5] For instance, the following from the record of the Magnuson Committee (Transcript. The Television Inquiry, pp. 2438, 2439).

Mr. Cox. Would you have any objection to having the copies of your affiliation contracts which are filed with the Federal Communications Commission made a matter of public record?

Mr. Sarnoff. I would have an objection on the basis that I don't think these matters are matters of public information. I think they are arrangements by private parties. I see no purpose in making them public * * *. [W]e are opposed * * *.

[6] Network affiliation contracts and some "transcription" contracts were the only contracts filed pursuant to § 1.613 which were not routinely available for public inspection under former §§ 0.406 and 0.417. The present rule (§ 0.457) does not specifically exclude network affiliation contracts from public disclosure. But as a matter of practice they are not at present routinely available for public inspection.

[7] In re Complaint of Jim Crockett, WFLI, Lookout Mountain, Tenn. 13 F.C.C. 2d 846 (FCC Document 68–59).

[8] "In the nature of things the possible benefits of competition do not lend themselves to detailed forecast * * *. [It is sufficient] that there be ground for reasonable expectation that competition may have some beneficial effect." F.C.C. v. RCA Communications, 346 U.S. 86, 97; 97 L. ed. 1470, 1479, 73 S. Ct. 998 (1953). The relevance of the network contracts to the public interest is clear. The need of the Commission to have the affiliation contracts available to it in order to determine and protect the public interest in network service is uniformly conceded in the comments.

[9] See Network Broadcasting Report (footnote 4 supra), pp. 467–468. The Report noted earlier in its discussion (p. 462) that multiple owners are sometimes in a position to exact higher compensation from networks, by virtue of their relatively strong bargaining positions.

interest and the availability of this information is important to the public in its continuing interest in the nature and quality of broadcast service. For instance, were the decision by a licensee to affiliate with a particular network, or to present a particular network program rather than another program, made solely on the basis of the compensation received, the public interest would not be served. Indeed, a broadcaster who makes a decision as to what network he will present to the public solely on the basis of a "clearance auction" among networks abandons his responsibility and violates his trust as a community broadcaster. The public is entitled to have access to information bearing on the extent to which this may be a consideration in program selection.

13. Moreover, an affiliation contract also includes other terms and conditions which may materially affect the broadcast service which will be provided to a particular community. These include means of interconnection and the delivery of programs to the community, the acceptance or rejection of programming by licensees as well as the use of sustaining programs, presentation of national and local commercial messages, delayed broadcast arrangements, provision for preemption of programming under certain conditions and a number of other matters which have a direct bearing on the amount and type of network service which the community will receive. In the radio field these contracts also define the amount and placement of option time being used by a particular station. The public has a legitimate interest in knowing the terms upon which its network service is provided, in these respects just as with respect to compensation terms. The basic right of the public to access to information kept by Government agencies, in the absence of very substantial reasons to the contrary, was emphasized by Congress in adopting the 1966 "Public Information" amendments to the Administrative Procedure Act. The particular importance of an informed public in broadcast regulation has been emphasized recently in decisions such as United Church of Christ v. F.C.C. (supra), as well as by Congress in adopting the 1960 amendments to the Communications Act concerning local notice. In light of these principles we do not find the reasons urged for confidentiality substantial enough to be controlling here.

14. Incidental competitive or commercial injury sustained by individuals because of the Commission's exercise of its duty to protect the public interest in broadcasting cannot be pleaded as a bar to the Commission's exercise of its statutory authority to make public information deemed essential or relevant to the public interest.[10] This is in accord with long established principles of administrative law. However, it does not appear probable that making these contracts public will unduly damage networks and licensees in their legitimate competive contest. The extent of "competitive advantage" which will be gained by less-advantaged affiliates through disclosure of rates and arrangements afforded "preferred" affiliates in competively advantageous markets appears to have been exaggerated in some of the comments. A principal argument put forward is that, should the terms and conditions under which affiliates operate in favored markets become known to other affiliates they would demand equal treatment and the networks—particularly ABC because of its peculiar competitive circumstances—would be materially injured. We do not believe that this is as serious an obstacle to disclosure as some of the comments would appear to indicate. Indeed, it is doubtful that the legitimate competitive bargaining ability of affiliates will be affected to the public harm by disclosing the rate and compensation arrangements in affiliation contracts. It is well known in the industry that there are markets—so-called two-VHF communities, for instance—where licensee affiliates enjoy favorable bargaining positions and hence are able to command "premium compensation," fewer or no "free hours," etc. The Commission has commented at length on this situation in various opinions and these markets have been identified.[11] Indeed, as long ago as 1956, John S. Hayes, President of the Washington Post Broadcasting Co., testified before the Magnuson Committee that within the industry there is a "kinship" among affiliates and broadcasters and they can tell "pretty accurately" what happens, and Robert Sarnoff of NBC agreed that affiliates are reasonably well informed as to compensation paid other affiliates.[12] Hence, the fact that some affiliates are paid premium rates and do not provide free hours will not—except, perhaps, as to the detail—come as a shock or even be "news" to their competitors. The actualities of competitive advantage based on physical restrictions on the spectrum cannot be removed by publicity. These eccentric situations and their other "competitive commercial consequences" are well known.

15. Several commenters seem to say that the Supreme Court has held that disclosure or exchange of price information, in and of itself, constitutes an impediment to free competition. It is argued that since voluntary agreements to exchange price information between networks and stations raise serious antitrust questions, action by the Commission to require publication of information of the same type should be "against public policy because of the dangerous tendencies that its circulation might unduly hinder competition." This line of argument is based on what is at least a forced interpretation of several cases in the field of antitrust law as it relates to price fixing. These cases involve situations where combinations or agreements to fix prices were to be effectuated through voluntary exchange of information, patent licensing agreements, basing point agreements, etc. These cases do not stand for the proposition for which they are cited and from which the analogy to the Commission's action is drawn. Far from condemning all voluntary exchange of "information" among competitors the Supreme Court in the principal case cited stated: [13]

> • • • the dissemination of information is normally an aid to commerce. As free competition means a free and open market among both buyers and sellers, competition does not become less free merely because of the distribution of knowledge of the essental factors entering into commercial transactions. The natural effect of the acquisition of the wider and more scientific knowledge of business conditions on the minds of those engaged in commerce, and the consequent stabilizing of production and price cannot be said to be an unreasonable restraint or in any respect unlawful.

The court further said that in the absence of compulsory price fixing "provision for publicity may be helpful in promoting fair 'competition' " [14] and that the antitrust laws do not: [15]

> prevent the adoption of reasonable means to protect interstate commerce from destructive or injurious practices and to promote competition upon a sound basis • • •. A cooperative enterprise otherwise free from objection which carries with it no monopolistic menace, is not to be condemned as an undue restraint merely because it may effect a change in market conditions where the change would be in mitigation of recognized evils and would not impair, but rather foster fair competitive opportunities.

16. It is argued that to permit publication of these contracts would violate section 1905 of the U.S. Criminal Code.[16] We do not believe such to be the case. That section prohibits disclosure of certain types of financial and business information by government officers or employees "in any manner and to any extent not authorized by law." We are fully authorized by the Communications Act to require disclosure of these contracts upon our finding that the public interest in broadcasting so requires. This flows from our authority and duty under the act to take such actions and make such rules and regulations as may be necessary to provide a broadcast service in the public interest, and to promote the "public interest • • • in the larger and more effective use of radio." [17] Competitive opportunity is an essential ingredient of the public interest in broadcast service; [18] is necessary to promote the larger more effective use of radio in the public interest and to permit "maximum utilization of radio facilities." [19]

17. The Public Information Amendment to the Administrative Procedure Act expresses an overall policy of Congress favoring maximum disclosure to the public of government records. There are certain specific types of materials to which the mandatory disclosure requirements of the Act do not apply. These exemptions are reflected in our current rules enacted in 1967 to conform our practices and procedures to the new disclosure policy. (See §§ 0.451–0.461.) Included in the categories to which the new Act does not apply is "• • • commercial or financial information obtained from a person and privileged or confidential." It is argued that the legislative history of the Public Information Act indicates that it intended to exempt competitive information from disclosure.[20] Indeed, one commenter seems to argue that under the new Act the statement by one providing such information that he would not usually make it public should be the sole test. We think it is clear that Congress did not so intend. As indicated in our rules (§ 0.457), this exemption simply makes clear that the Commission is not required under the Act to make such information publicly available. As an example, absent a finding that the public interest requires disclosure of network affiliation contracts, it appears probable that we would be permitted under this exemption to refuse to permit their inspection. Conversely, however, the "exemption" from the Act in no way changes or inhibits the Commission's authority to take such actions and issue such rules and regulations as the public interest may require. The suggestion in the comments that this exemption to the Public Information Act affirmatively exempts such information from disclosure is erroneous.

18. The proposal put forward by Storer in its comments would not be adequate to accomplish the public interest objective here involved. Storer would make the contracts available only to other affiliates of the same network for the limited purpose of network-affiliate bargaining. As we have said, there is a high degree of public interest in affiliation arrangements. This interest is much broader than the very limited use of compensation information envisaged by Storer and includes not only details of that sort but all of the matters bearing on the basis upon which network program service—a principal component of all broadcast service—is provided in communities throughout the land. Hence, such arrangements are of concern to television and radio audiences.

19. To accomplish our purposes we do not believe that we need to make public the material already filed with us under the safeguard of our former rules. Therefore we are making our order prospective in effect. Also to facilitate inspection we are requiring that each contract initially filed after the effective date hereof be composed of one document without reference to other papers by incorporation or otherwise. Subsequent filings may simply set forth renewal, extension, amendment, as the case may be, of any one-document contract previously filed subsequent to the effective date hereof.

20. Therefore, in view of the foregoing: *It is ordered*, That effective May 1, 1969, and pursuant to authority contained in sections 303 (c), (g), (i) and (r), 307 (a), (d) and 309(a) of the Communications Act of 1934, as amended, § 0.455(b) of the Commission's rules and regulations is amended by adding a new subparagraph (3) as follows:

§ 0.455 Other locations at which records may be inspected.

• • • • • •

(b) *Broadcast Bureau.* • • •

(3) Contracts relating to network service filed on or after the 1st day of May 1969, under § 1.613 of this chapter.

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21. *It is further ordered*, That § 1.613 of the Commission's rules and regulations be amended by striking out the first sentence of paragraph (a) thereof and substituting the following:

§ 1.613 Filing of contracts.

• • • • • •

(a) Contracts relating to network service: All network affiliation contracts, agreements or understandings between a station and a national, regional or other network shall be reduced to writing and filed. Each such filing on or after May 1, 1969 initially shall consist of a written instrument containing all the terms and conditions of such contract, agreement, or understanding without reference to any other paper or document by incorporation or otherwise. Subsequent filings may simply set forth renewal, extension, amendment, or change, as the case may be, of a particular contract previously filed in accordance herewith. • • •

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22. *It is further ordered*, That this proceeding is terminated.

(Secs. 303, 307, 309, 48 Stat., as amended, 1082, 1083, 1085; 47 U.S.C. 303, 307, 309)

Adopted: March 21, 1969.

Released: March 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[21]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3772; Filed, Mar. 28, 1969; 8:50 a.m.]

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[10] See F.C.C. v. Cohn 154 F. Supp. 891, 906–7; "The public interest to be served • • • would necessarily outweigh any intrusion on the private rights of respondents • • •." P. 904: "The rights of the individual businessman to privacy in his business affairs must yield to the paramount public interest." See Fleming v. Montgomery Ward (7 Cir.) 114 Fed. 2d 384 cert. den. 311 U.S. 690; 61 S. Ct. 71; 85 L. Ed. 446; American Sumatra Tobacco Corp. v. S.E.C. 110 F. 2d 117, 120; Utah Fuel Co. v. Nat'l Bituminous Coal Comm. 306 U.S. 56; 59 S. Ct. 409, 412; Electric Bond & Share v. S.E.C. 303 U.S. 419, 82 L. Ed. 936, 58 S. Ct. 678; Bank of America Trust & Sav. Ass'n v. Douglas 70 App. D.C. 221; 108 F. 2d 100. Bowles v. Willingham 321 U.S. 503; 64 S. Ct. 649.

[11] See, for instance, Amendment of § 3.658 (d) and (e), etc. (Option Time) 34 F.C.C. 1103; 1124–1125; In the Matter of Assignment of Additional VHF Channels 25 R.R. 1607 (particularly Dissenting Opinion of Commissioner Cox 1700–1708).

[12] The Television Inquiry (see note 3 ante). Hearings pp. 2437–2438; 2534–2535.

[13] Sugar Institute v. United States, 297 U.S. 596, 598.

[14] Ibid. p. 602.

[15] Ibid. p. 598.

[16] 18 USCA 1905.

[17] Communications Act Sec. 303(g), 308(r) National Broadcasting Co. v. U.S. 319 U.S. 190, 216.

[18] In the Matter of Amendment of 3.658 (d) and (e) etc. (Option Time) 34 F.C.C. 1103, 1127–1129.

[19] NBC v. United States 319 U.S. 190, 215, 223–224, F.C.C. v. Sanders Bros. 309 U.S. 470, 475.

[20] Senate Report No. 813 (to accompany S. 1160) 89th Cong., 1st sess., p. 9; House Report No. 1497 (to accompany S. 1160), 89th Cong., 2d sess., p. 10.

[21] Commissioners Bartley, Robert E. Lee, and H. Rex Lee absent.

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

[Docket No. MC-6; Notice 68-6]

PART 394—RECORDING AND REPORTING OF ACCIDENTS

Public Availability of Accident Reports; Decision on Petitions for Reconsideration and Stay of Effective Date

On January 17, 1969, after due notice and the opportunity for public participation, the Administrator issued a rule which revoked § 394.1 of the Motor Carrier Safety Regulations (34 F.R. 1152). That section had provided that motor carrier accident reports in the files of the Federal Highway Administration were not available for public inspection. In his order, the Administrator announced that accident reports filed after March 31, 1969 would be made available to the public.

A number of regulated motor carriers and trade associations composed of such carriers have filed petitions for reconsideration of the January 17 rule. Some of the petitions also ask that the rule's March 31, 1969, effective date be stayed pending determination of whether it should be revoked or modified.

Upon consideration and analysis of the petitions for reconsideration, the Administrator has determined that they contain nothing of substance that was not considered before the rule was issued and rejected on the merits or that justifies withdrawing the rule or suspending its effective date. Therefore, the petitions for reconsideration are denied.

Inasmuch as the use of motor carrier accident reports is governed by section 220(f) of the Interstate Commerce Act, 49 U.S.C. 320(f), which restricts their use in litigation, the Administrator has directed that administrative measures be taken to insure that those restrictions are brought to the attention of persons who seek, and are granted, access to accident reports in the files of the Administration.

(Secs. 204, 220, and 224, Interstate Commerce Act, 49 U.S.C. 304, 320, 324, 49 CFR 1.4(c))

Issued on March 27, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-3811; Filed, Mar. 28, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 230]

U.S. WHALING REGULATIONS

Proposed Catch Quota for North Pacific

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 9, 1950 (the Whaling Convention Act of 1949 (64 Stat. 421; 16 U.S.C. 916 et seq.)) which has been subsequently delegated to the Director of the Bureau of Commercial Fisheries on June 17, 1965 (30 F.R. 8114; sec. 241.3.1, Departmental Manual), it is proposed to amend 50 CFR Part 230 by adding a new § 230.25 setting a catch quota. The Whaling Convention Act of 1949 authorizes the Secretary of the Interior to adopt such regulations as may be necessary to carry out the purposes and objectives of the International Whaling Commission.

The new § 230.25 establishes a catch quota for U.S. citizens for fin and sei whales taken in the waters of the North Pacific. The need for this quota was demonstrated by data presented at meetings of the International Whaling Commission. At the 20th meeting of this Commission the United States agreed, along with other member nations, to set quotas for these two whale species for the North Pacific.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Whaling Regulations to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, within thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

The new section will be added following the existing § 230.22, and the new section reads as follows:

CATCH QUOTAS

§ 230.25 Fin and sei whale quotas for the North Pacific.

Beginning with the 1969 season for taking baleen whales, it is forbidden for U.S. citizens to take more than 46 fin whales, plus or minus 10 percent, and 60 sei whales from the waters of the North Pacific Ocean.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated March 24, 1969.

H. R. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3745; Filed, Mar. 28, 1969; 8:48 a.m.]

[50 CFR Part 280]

EASTERN PACIFIC TUNA FISHERIES

Yellowfin Tuna

Amendments to the regulations prescribing the restrictions on the taking of yellowfin tuna from a defined area of the eastern Pacific Ocean are needed to carry into effect a change in the existing regulatory system recommended by the Inter-American Tropical Tuna Commission in a resolution adopted on March 22, 1969.

The proposed amendments are to be issued under the authority contained in subsection (c) of section 6 of the Tuna Convention Act of 1950, as amended (16 U.S.C. 955(e)).

The resolution adopted by the Inter-American Tropical Tuna Commission at its annual meeting held in San Diego, Calif., March 18–22, 1969, reads as follows:

RESOLUTION

The Inter-American Tropical Tuna Commission

Taking note that the reports of the scientific staff of the Commission indicate that although the 1968 catch of about 113,000 short tons of yellowfin tuna exceeded the estimated maximum equilibrium yield (using the purse-seine model of the fishery), it did not reduce the apparent abundance of yellowfin tuna to a level below which the yield could be maintained under average conditions at 100,000 short tons, and

Taking note that the present techniques of estimating maximum equilibrium yield in the circumstances of the present fishing do not provide complete assurance that greater yields are unattainable, and

Having considered the various alternative schemes of empirically testing for higher maximum equilibrium yields, prepared by the Commission staff,

Concludes that it is desirable to proceed with a program of experimental fishing for a period of 3 years beginning in 1969, which will be at a rate sufficient to create on the average a measurable reduction in adundance, if present assessments are correct, but not at a rate sufficient either to produce strongly adverse economic effects, or serious consequences to conservation of stocks.

Therefore recommends, subject to review in 1970 and 1971, to the High Contracting Parties, that they take joint action to:

1. Establish an annual catch limit (quota) on the total catch of yellowfin tuna for the calendar years 1969, 1970, and 1971, of 120,000 short tons from the regulatory area defined in the resolution adopted by the Commission on May 17, 1962; *Provided,* That if the annual catch rate falls below 3 short tons per standard day's fishing, measured in purse seine units, adjusted to levels of gear efficiency previous to 1962, as estimated by the Director of Investigations, the unrestricted fishing for yellowfin tuna in the regulatory area shall be curtailed so as not to exceed the estimate of the then current equilibrium yield and shall be closed on a date to be fixed by the Director of Investigations.

2. Reserve a portion of the annual yellowfin tuna quotas for allowances for incidental catches of tuna fishing vessels when fishing in the regulatory area for species normally taken mingled with yellowfin tuna, after the closure of the unrestricted fishery for yellowfin tuna. The amount of this portion should be determined by the scientific staff of the Commission at such times in 1969, 1970, and 1971 as the catches of yellowfin tuna approach the recommended quota for the year.

3. Open the fishery for yellowfin tuna on First January 1969, First January 1970, and First January 1971; during the open season vessels should be permitted to enter the regulatory area with permission to fish for yellowfin without restriction on the quantity until the return of the vessels to port.

4. Except if the catch rate falls below 3 short tons per standard day's fishing, close the fishery for yellowfin tuna in 1969, 1970, and 1971 at such date as the quantity already caught plus the expected catch of yellowfin tuna by vessels which are at sea with permission to fish without restriction reaches 120,000 short tons less the portion reserved for incidental catches in Item 2 above, and for the year 1969 only, the portion reserved for vessels of 300 short tons capacity and less provided for in Item 6, such date to be determined by the Director of Investigations.

In order not to curtail their fisheries, those countries whose governments accept the Commission's recommendations but whose fisheries of yellowfin tuna are not of significance will be exempted of their obligations of compliance with the restrictive measures.

Under present conditions, and according to the information available, an annual capture of 1,000 tons of yellowfin tuna is the upper limit to enjoy said exemption.

5. For 1969 only, permit each vessel over 300 short tons capacity (determined from tables prepared by the Commission on the basis of existing information and additional data provided by the various governments which relate capacity to gross and/or net tonnage) fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishery to land an incidental catch of yellowfin tuna taken in catches of other species in the regulatory area on each trip commenced during such closed season. The amount each vessel is permitted to land as an incidental catch of yellowfin tuna shall be determined by the Government which regulates the fishing activities of such vessel: *Provided, however,* That the aggregate of the incidental catches of yellowfin tuna taken by all such vessels of a country so permitted shall not exceed 15 percent of the combined total catch taken by such vessels during the period these vessels are permitted to land incidental catches of yellowfin tuna.

6. For 1969 only, permit the flag vessels of each country of 300 short tons capacity and less (determined from tables prepared by the Commission on the basis of existing information and additional data provided by the various governments which relate capacity to gross and/or net tonnage) fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishery to fish freely until 4,000 short tons of yellowfin tuna are taken as a combined catch by such vessels or to fish for yellowfin tuna under such restrictions as may be necessary to limit the combined catch of yellowfin tuna by such vessels to 4,000 short tons; and thereafter to permit each such vessel to land an incidental catch of yellowfin tuna taken in the catch of other species in the regulatory area on each trip commenced after 4,000 short tons have been caught. The amount each vessel is permitted to land as an incidental catch shall be determined by the Government which regulates the fishing activities of such vessel: *Provided, however,* That the aggregate of the incidental catches of yellowfin tuna taken by such vessels of each country so permitted shall not exceed 15 percent of the total catch taken by such vessels during trips commenced after 4,000 short tons of yellowfin tuna have been caught.

7. The species referred to in Items 5 and 6 are: Skipjack, bigeye tuna, bluefin tuna, albacore tuna, bonito, billfishes, and sharks.

8. Obtain by appropriate measures the cooperation of those governments whose vessels operate in the fishery, but which are not parties to the Convention for the establishment in an Inter-American Tropical Tuna Commission, to put into effect these conservation measures.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 300 South Ferry Street, Terminal Island, Calif. 90731, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, unless the closure comes before this time, in which case regulations could be adopted as an emergency measure. Interested persons will also be afforded an opportunity to comment orally on the proposed amendments at a public hearing to be held at the United Portuguese Club, 2818 Addison Street, San Diego, Calif., beginning at 9:30 a.m., April 10, 1969. Any person who intends to present views orally at this hearing is requested to furnish in writing his name and the name of the organization he represents, if any, to the said Regional Director.

The public hearing of April 10, 1969, will take the place of the hearing called for in 34 F.R. 5258 of April 2, 1969. Proposed amendments contained in 34 F.R. 5258 will be considered at the April 10, 1969 public hearing.

The proposed amendments, in tentative form, are described below:

1. Amend paragraph (b) of § 280.2 and subparagraph (3) of the said paragraph to read, respectively, as follows:

§ 280.2 Basis and purpose.

* * * * *

(b) At annual meetings held at Quito, Ecuador, May 16–18, 1962; at Panama City, Panama, April 16–17, 1963; at San Diego, Calif., March 18–19, 1964; at Mexico City, Mexico, March 23–24, 1965; at Guavaquil, Ecuador, April 19–20, 1966; at San Jose, Costa Rica, April 4–6, 1967; at Panama City, Panama, April 2–4, 1968; and at San Diego, Calif., March 18–22, 1969; the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

* * * * *

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the following fishes, usually caught mingled with yellowfin tuna, that are taken on a fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

* * * * *

2. Amend paragraph (c) of § 280.6 and add a new subparagraph (1) to the said paragraph to read, respectively, as follows:

§ 280.6 Restrictions applicable to fishing vessels.

* * * * *

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season may possess on board such vessel and land in any port or place yellowfin tuna taken as an incident to fishing for those species normally taken mingled with yellowfin tuna and listed in § 280.2(b)(3), but in no event shall the yellowfin tuna so permitted to be possessed or landed by tuna fishing vessels of over 300 short tons capacity exceed fifteen percent (15%) or so permitted to be possessed or landed by tuna fishing vessels of 300 short tons capacity or less exceed some percent in excess of 15 (the precise figure to be determined from data now being analyzed and from comments received in written briefs and testimony received at the public hearing) by round weight when included with those species listed in § 280.2(b)(3): *Provided,* That when the catch of yellowfin tuna made on trips begun after the yellowfin season by tuna fishing vessels of 300 short tons capacity or less reaches 4,000 short tons, their incidental catch rate will revert to fifteen percent (15%). A notice of revision which will apply to tuna fishing vessels of 300 short tons capacity or less leaving port after a selected date will be published in the FEDERAL REGISTER: *Provided, also,* That the Director by appropriate notice in the FEDERAL REGISTER may further adjust the incidental catch rates to assure that the United States incidental catch of fifteen percent (15%) is neither exceeded nor underutilized. Any quantity of yellowfin tuna possessed or landed in excess of the incidental catch limitations prescribed by this paragraph shall be subject to seizure pursuant to section 10(e) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(e)).

(1) The short ton capacity of vessels shall be determined from tables prepared by the Commission which relate capacity to gross and/or net tonnage.

* * * * *

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated March 26, 1969.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-3742; Filed, Mar. 28, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Conversion Factor Basis of Reporting

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue an Amendment to the Republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed in duplicate with the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 15-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

A request has been received by a processor reporting on the conversion factor basis to provide a conversion factor for a product produced in his plant which differs from any other product listed in § 777.14. This product is produced by blending of a part of the middling streams into the flour streams during the total course of processing. The resultant product contains approximately 90 percent straight grade flour and 10 percent middlings. Accordingly, a conversion factor for wheat flour-middlings blend is provided.

The proposed amendment of 7 CFR Part 777 would read as follows:

Section 777.14(c) is amended by adding a conversion factor for wheat flour-middlings blend as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors.* • • •

A—Food Product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
• • •	• • •
Wheat flour-middlings blend (extraction rate approximately 80 percent, produced in a continuous operation whereby a portion of the middling streams are fed back into the flour streams; the product contains approximately 90 percent straight grade flour and 10 percent middlings).	2.083
• • •	• • •

Signed at Washington, D.C., on March 25, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3770; Filed, Mar. 28, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 133]

WHOLE BLOOD (HUMAN), RED BLOOD CELLS (HUMAN), AND ALLERGENIC PRODUCTS

Drugs Subject to Licensing by Division of Biologics Standards, National Institutes of Health; Current Good Manufacturing Practice in Manufacture, Processing, Packing, or Holding

The principles of current good manufacturing practice in manufacture, processing, packing, and holding of whole blood (human), red blood cells (human), and allergenic products are set forth in Part 73 (42 CFR Part 73). The Division of Biologics Standards, National Institutes of Health, has administered for many years the licensing requirements and controlled compliance with the standards of current good manufacturing practice established in these regulations under the terms of the Public Health Service Act of 1944, as amended.

The drugs are also subject to the provisions of the Federal Food, Drug, and Cosmetic Act of 1938, as amended, administered by the Food and Drug Administration. Among other things, such drugs are subject to sections 501(a)(2)(B) and (b) and 502(g) of that act.

The official compendia (that is, the United States Pharmacopeia and the National Formulary) recognize the necessity of the licensing control of the subject products by the Division of Biologics Standards of the National Institutes of Health and the necessity for the standards with respect to identity, purity, potency, packaging, storage, and labeling requirements for these drugs in Part 73 of the Public Health Service regulations (42 CFR Part 42).

The legal validity of the licensing requirements, practices, standards, etc., established with respect to whole blood (human), red blood cells (human), and allergenic products described in Part 73 has been drawn into question by a recent decision of the Court of Appeals for the Fifth Circuit, Blank v. United States, 400 F. 2d 302. Accordingly, in view of the public health importance of continuing in effect the licensing requirements, practices, standards, and other controls with respect to such products administered by the Division of Biologics Standards, National Institutes of Health, the Commissioner of Food and Drugs concludes that a new regulation should be proposed for Part 133.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(2)(B) and (b), 502(g), 701(a), 52 Stat. 1049–51, as amended, 1055; 21 U.S.C. 351(a)(2)(B) and (b), 352(g), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that a new section be added to Part 133, as follows:

§ 133.— Whole blood (human), red blood cells (human), and allergenic products; drugs subject to licensing by the Division of Biologics Standards, National Institutes of Health.

(a) The methods used in, or the facilities or controls used for, the manufacture, processing, packing, or holding of the drugs whole blood (human), red blood cells (human), and allergenic products do not conform to, or are not operated or administered in conformity with, current good manufacturing practice to assure that any such drug meets the requirements of the act as to safety and has the identity and strength and meets the quality and purity characteristics, which it purports or is represented to possess, unless the manufacture, processing, packing, and holding of such drugs conform to the licensing and other requirements as to such drugs and the practices and standards of manufacture, processing, packing, and holding applicable to such drugs set forth in Part 73 of Title 42. Applications for licensing shall be submitted to the Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014.

(b) The criteria in §§ 133.3–133.14, inclusive, shall also apply in determining whether the manufacture, processing, packing, or holding of any such drug conforms to, or is operated or administered in conformity with, current good manufacturing practice to the extent that these criteria are not inconsistent with the provisions of Part 73 of Title 42.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3714; Filed, Mar. 28, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9502]

AIRWORTHINESS DIRECTIVE

Pilatus Model PC–6 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Pilatus Model PC–6 Airplanes, Serial Nos. 1 through 701, 2001 through 2018, 2023, 2025 through 2029, 2040, and 2041. It has been determined that the pivot bolt located at the hatch door operating bellcrank on certain Pilatus Model PC–6 Airplanes is not sufficiently secured against rotating. In the event that the pivot bolt is torqued to below the required value, the pivot bolt may rotate out of the correct position, resulting in an incorrect indication of the hatch door locking mechanism. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed airworthiness directive would require installation of a new pivot bolt on Pilatus Model PC–6 Airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 28, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PILATUS. Applies to Model PC–6 Airplanes, Serial Nos. 1 through 701, 2001 through 2018, 2023, 2025 through 2029, 2040, and 2041.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent rotation of pivot bolt P/N 6203.25 located at the hatch door operating bellcrank, replace with a new pivot bolt P/N 112.40.06.120 in accordance with Pilatus Service Bulletin No. 88, dated December 1968, or later Swiss Federal Air Office approved issue, or an FAA-approved equivalent.

Issued in Washington, D.C., on March 21, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-3726; Filed, Mar. 26, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SW–14]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Waco, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The U.S. Air Force has proposed an amendment to the JAL 439 TACAN/ILS RWY 18 instrument approach procedure to the Waco Municipal Airport, Waco, Tex., to eliminate the ILS final approach. It requires changing the 10-nautical-mile arc to the 15-nautical-mile arc and changing the final approach course to the Waco VORTAC 321° (magnetic) radial. Further, it requires that a portion of the arc be flown at less than 1,500 feet above the surface which would be outside controlled airspace. Alteration of the Waco transition area as proposed would provide airspace protection for aircraft executing the amended approach procedure.

The Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4780), the Waco, Tex., transition area 700-foot portion is amended in part by deleting "• • • lat. 31°27'00" N., long. 97°34'00" W.; to lat. 31°33'00" N., long. 97°28'00" W.; to lat. 31°46'00" N., long. 97°30'00" W.; to lat. 31°59'00" N., long. 97°24'00" W. • • •" and substituting therefor "• • • lat. 31°27'00" N., long. 97°34'00" W., to lat. 31°46'30" N., long. 97°41'50" W., to lat. 31°59'00" N., long. 97°24'00" W. • • •."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 18, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-3732; Filed, Mar. 28, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cedar Springs, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Cedar Springs transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Great Northern Airport; within 2 miles each side of the Dothan VORTAC 110° radial, extending from the 5-mile radius area to 15 miles east of the VORTAC.

The proposed transition area is required for the protection of IFR operations at Great Northern Airport. A prescribed instrument approach procedure to this airport, utilizing the Dothan VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 21, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-3733; Filed, Mar. 26, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–29]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Centerville, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Centerville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Centerville Municipal Airport; within 2 miles each side of the Graham, Tenn., VOR 177° radial, extending from the 5-mile radius area to 8 miles south of the VOR.

The proposed transition area is required for the protection of IFR operations at Centerville Municipal Airport. A

prescribed instrument approach procedure to this airport, utilizing the Graham VOR, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 21, 1969,

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-3734; Filed, Mar. 28, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18345; RM-1236]

FM BROADCAST STATIONS

Table of Assignments, Bay Shore, N.Y.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Bay Shore, N.Y., Lake Havasu City, Ariz., Eupora, Miss., Sledge, Miss., South Haven, Mich., Marksville, La., Waverly, Tenn., Livermore and Hayward, Calif., North East, Pa., Lawrenceburg, Ky., and Bardstown, Ky.); Docket No. 18345; RM-1235, RM-1320, RM-1321, RM-1322, RM-1325, RM-1327, RM-1328, RM-1329, RM-1331, RM-1333, RM-1334, RM-1336.

1. In a notice of proposed rule making, released October 4, 1968, in this proceeding (FCC 68-995), the Commission invited comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 276A to Bay Shore, N.Y. The time for filing comments was designated as November 12, 1968, and that for replies as November 22, 1968. Subsequent extensions have been granted for the filing of reply comments, the present date being March 24, 1969.

2. On March 19, 1969, WGLI, Inc. (proponent of above assignment) filed a request for an extension of time to and including April 3, 1969, in which to file reply comments. WGLI, Inc., states that in addition to continuing the investigations and studies mentioned in the previous requests, it also has in the past few weeks retained the services of a Bay Shore law firm to prepare the showings to be made in the rebuttal concerning the Fire Island National Seashore Act, etc., as grounds for denial of this proposal. It further states that the Annual Convention of the National Association of Broadcasters will require the presence of Washington counsel and work with other clients who also will attend. It therefore finds it necessary to request a further extension to and including April 3, 1969, in which to file reply comments. Counsel for WTFM, Inc., has consented to a grant of this request.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments in this proceeding in the matter of RM-1236 only is extended to and including April 3, 1969. However, since several requests for extension of time for filing reply comments have been complied with in the past, no further extensions will be granted.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: March 25, 1969.

Released: March 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-3773; Filed, Mar. 28, 1969; 8:50 a.m.]

[47 CFR Part 91]

[Docket No. 18406; FCC 69-290]

FREQUENCY COORDINATION IN BUSINESS RADIO SERVICE

Memorandum Opinion and Order Regarding Filing of Comments

In the matter of amendment of Part 91 of the Commission's rules to require frequency coordination in the Business Radio Service, Docket No. 18406; petition of Central Station Electrical Protection Association, and controlled companies, American District Telegraph Co. and Baker Industries, Inc., to amend Part 91 of the Commission's rules to establish an Industrial Protection Radio Service and to require coordination of frequencies allocated to the Central Station Protection Industry, RM-1267; petition of National Association of Business and Educational Radio, Inc. (NABER), to amend § 91.8 of the Commission's rules to require frequency coordination for applications requesting assignment of frequencies in the 450-470 MHz band allocated for use in the Business Radio Service, RM-1302.

1. We have before us for consideration comments filed in the above-captioned proceeding by Aeronautical Radio, Inc. (ARINC); jointly, by the Central Station Electrical Protection Association, the Controlled Companies, American District Telegraph Co. and Baker Industries, Inc. (hereinafter referred to collectively as "CESPA"); Florida Security Systems, Inc. (Florida Security); Special Industrial Radio Service Association, Inc. (SIRSA); and the National Association of Business and Educational Radio, Inc. (NABER).

2. In its comments, NABER requests special relief, asking that we issue a "Further Notice of Proposed Rule Making" to clarify the scope of the matters encompassed by items (4) and (5) in paragraph 13 of our December 12, 1968, notice of proposed rule making (FCC 68-1179),[1] and extend the time for filing comments and replies to permit interested persons to address themselves with greater particularity to these two points.[2] SIRSA supports NABER's requests, but also asks that the time for filing comments be extended on all aspects of the proceeding relating to establishment of frequency coordination in the Business Radio Service, except those pertaining to the air terminal and central protection frequencies. These pleas are disposed of in accordance with our opinion herein.

3. The clarification which NABER requests is directed to our requests for information at items (4) and (5) of paragraph 13 of our notice. In item (4), we sought to have interested parties give us their views as to the way in which a frequency advisory committee in the Business Radio Service would or should formulate its recommendation as to "the specific frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area."[3] In this connection, we were specific, asking the parties to give us their suggestions on: (a) How coordination should and would be performed; (b) what they believed should be the criteria for a favorable or an unfavorable recommendation; (c) the procedures to be followed in the selection of the "optimum" frequency (the one, that is, which would result in the least amount of interference to existing stations in the area); and (d) the disposition that should or would be made of controversial (disputed) requests, where, for example, the coordinator does not favor the frequency specified by the applicant.

4. As to item (5), we asked, in substance, whether it was contemplated that each coordination request would be examined on an engineering basis, and, if this is to be the case, whether the coordinators would take into account such things as the technical parameters of a proposed system (that is, the input power to the final stage of RF amplification, antenna height and efficiency, and the effective radiated power of the station) in fitting each new operation into the existing technical environment.

5. We have reviewed these items in the light of NABER's comments and find them sufficiently clear. We see no basis for NABER's observation that the matters set forth at item (5) carry with them the inference that the services of professional engineers will be needed to make a complete and intensive study of each coordination request. There, we merely ask to what degree technical considerations would play a part in the coordination process. If none, then the appropriate response would be simply, "none." If considered at all, then we want to know to what degree, i.e., what technical factors are to be taken into account and how this is to be done—by whom (a technician, or engineer or a person with other qualifications) and in what manner.

6. As to item (4), NABER finds ambiguity in the phrases and terms: "favorable" and "unfavorable" recommendations; "optimum" frequencies; and "controversial requests." It feels the use of this wording indicates a concept of coordination that differs from our present policies as to existing committees. To a limited extent, we have amplified our intent as to these phrases and terms, above; however, we find no justification or need for further clarification by way of the "Further Notice of Proposed Rule Making" NABER asks. In passing, we note that the frequency coordinator's recommendation would be advisory only. There should be no confusion at all on this point. That concept does not, nor could it, change. Here, we merely ask what plans exist, if any, for handling disputed ("controversial") requests. Will they be automatically referred to the Commission for consideration? Will the coordinator's recommendation accompany them? Or, prior to referral, is it planned to negotiate the differences between the parties? And, if so, what steps are contemplated in accomplishing this?

7. In the foregoing respects, then, we indicate our areas of interest under items (4) and (5). Since we believe it is important to have the full views of all interested persons on all aspects of this rule making and because a reasonable extension of time to permit interested parties to respond to points on which there may have been some confusion would appear to prejudice no one, we are disposed to grant NABER's plea in this regard. This being so, and because SIRSA has indicated it has meaningful data to present on the other aspects of the rule making pertaining to frequency coordination in the Business Radio Service, except those relating to the air terminal and central protection frequencies, we believe the interests of all concerned would be served by permitting SIRSA, and other interested persons, to file comments and replies within the time limits we specify below for such purpose and in response to NABER's request.

Accordingly, consistent with the views expressed in the opinion above: *It is ordered*, That, the time for filing comments as to those aspects of the proceeding pertaining to the establishment of frequency coordination requirements in the Business Radio Service, except those relating to the air terminal and central protection frequencies, is extended to April 14, 1969, with replies to be filed on or before April 28, 1969, and that the request for "Further Notice of Proposed Rule Making," for clarification purposes, is denied.

Adopted: March 21, 1969.

Released: March 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3774; Filed, Mar. 28, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 504]

[Docket No. 69-6]

COLLECTION, COMPROMISE, AND TERMINATION OF ENFORCEMENT CLAIMS

Rescheduling of Filing Dates

At the request of counsel, and good cause appearing, time within which comments may be filed in this proceeding is enlarged to and including April 25, 1969. Reply of Hearing Counsel shall be filed on or before May 12, 1969. Answers to Hearing Counsel's reply may be filed on or before May 22, 1969.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-3767; Filed, Mar. 28, 1969; 8:49 a.m.]

[1] Our notice was published in the FEDERAL REGISTER on Dec. 21, 1968, 33 F.R. 19087.

[2] NABER also asks us to sever and finalize that part of this proceeding that concerns itself with the establishment of frequency coordination requirements for the central protection and air terminal industries. In their comments, ARINC and CESPA advance similar requests. These matters will be considered separately at a later date.

[3] See § 91.8(a)(3) of the rules which sets out this norm for required coordination in the Industrial Radio Services, where in force.

[4] Commissioners Bartley and Robert E. Lee absent; Commissioner Johnson concurring in the result.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 5641; Survey Group 151]

FLORIDA

Notice of Filing of Plat of Survey

1. The plat of survey of the following described lands, accepted February 10, 1969, will be officially filed in this office effective at 10 a.m. on May 1, 1969:

TALLAHASSEE MERIDIAN, FLORIDA

T. 11 S., R. 9 E.,
Tract 37, sec. 23;
Tract 38, secs. 23, 24, 25, 26;
Tract 39, sec. 25.

The tracts described aggregate 127.39 acres.

2. These island tracts, known as Pepperfish Keys, in the Gulf of Mexico, were omitted from the original survey of 1826. The formations are in all regards similar to the opposing mainland with an elevation from 0 to 4 feet above sea level. The soil is sandy loam with considerable organic matter therein. There is no evidence of improvements, present use or occupancy of the islands.

3. The character of each of the islands and timber growth thereon attest to their existence prior to 1845, the year Florida was admitted into the union. The islands are over 50 percent swamp in character within the interpretation of the Swamp and Overflow Act of September 28, 1850 (9 Stat. 510). Title to the lands inured to the State of Florida as of that date, and the lands are therefore open only to application by the State of Florida under the 1850 act. They will not be open to any applications for use or disposition under the public land laws, including the mining and mineral leasing laws.

4. All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager.

MARCH 25, 1969.

[F.R. Doc. 69-3746; Filed, Mar. 28, 1969; 8:48 a.m.]

Office of the Secretary

[Order 2508, Amdt. 82]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Funds and Fiscal Matters

Order 2508, as amended, is further amended in section 11 by the revision of paragraph (l), to read as follows:

SEC. 11. *Funds and fiscal matters.* The Commissioner may exercise the authority of the Secretary in relation to the following classes of matters:

* * * * *

(l) The deposit of tribal and individual trust funds in banks, and/or the investment of these funds in public debt obligations of the United States, and in bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, as provided by the act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a), and the investment of funds of Osage Indians as provided by section 4 of the act of March 3, 1921 (41 Stat. 1250), and section 1 of the act of February 27, 1925 (43 Stat. 1008-1009).

* * * * *

RUSSELL E. TRAIN,
Under Secretary of the Interior.

MARCH 24, 1969.

[F.R. Doc. 69-3717; Filed, Mar. 28, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

UPLAND COTTON

Notice of Referenda on Out-of-County Transfers by Sale or Lease of 1970 Farm Acreage Allotments

Notice is hereby given that individual county referenda pursuant to section 344a(b)(ii) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1344b(b)(ii)) on the question of transfers out-of-county but within the same State by sale or lease of upland cotton allotments to take effect in 1970 shall be conducted by mail ballot during the period May 5-9, 1969, each inclusive, in accordance with Part 717 of Chapter VII (33 F.R. 18345; 7 CFR Part 717) in each county receiving upland cotton allotments for the 1969 crop as set forth in § 722.471 (33 F.R. 17754).

Since the record of each transfer of allotment is required under section 344a of the act to be filed with the county committee only during the period beginning June 1, and ending December 31, it is desirable to determine prior to the beginning of such period which counties will permit out-of-county transfers of upland cotton allotments so that farmers may make arrangements for transfers to take effect during 1970. Section 344a of the act provides that these referenda shall be held in conjunction with the upland cotton marketing quota referendum, insofar as practicable. It is not practicable to proclaim an upland cotton national marketing quota for the 1970 crop under section 342 of the act prior to June 1, 1969. The national marketing quota referendum under section 343 of the act cannot be held until the quota has been proclaimed. Accordingly, it is hereby determined to be impracticable to hold the out-of-county transfer referenda in conjunction with the 1970 national marketing quota referendum.

Signed at Washington, D.C., on March 25, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3771; Filed, Mar. 28, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 385; File No. 22(68)-13]

CEPEHA HANDELMAATSCHAPPIJ N.V.

Notice of Related Party Determination; Correction

In the matter of Cepeha Handelmaatschappij N.V., 55B Witte De With Street, Rotterdam, The Netherlands.

In F.R. Doc. 69-3437, filed March 21, 1969, appearing on pages 5554-5555, in the issue of the FEDERAL REGISTER dated Saturday, March 22, 1969, the following line was omitted from the first sentence, "against Petrus J. Rombouts doing business". The first sentence should read as follows:

An order dated November 6, 1968, effective as of November 12, 1968, was entered by the Office of Export Control, Bureau of International Commerce, against Petrus J. Rombouts, doing business as Rombouts Electrics of Rotterdam, The Netherlands, denying him all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for a period of 5 years.

BERNARD D. LEVINSON,
Compliance Commissioner, Bureau of International Commerce.

MARCH 24, 1969.

[F.R. Doc. 69-3743; Filed Mar. 28, 1969; 8:48 a.m.]

Business and Defense Services Administration

AGRICULTURAL RESEARCH SERVICE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00457-33-46040. Applicant: U.S. Department of Agriculture, ARS, Southern Administrative Division, 701 Loyola Avenue, New Orleans, La. 70150. Article: Electron Microscope, Model HU-11E-2 and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The electron microscope will be used for: (1) ultrastructure studies of pathogens of mosquitoes and other medically important insects including studies of the chemical, physical, and pathologic changes which occur at the cellular and subcellular level of such infected insects; (2) investigations of the cyclic development of viral, bacterial, fungal, and protozoal organisms pathogenic to mosquitoes and other medically important arthropods; (3) ultrastructure studies of digestive and reproductive tissues of insects in relation to the effects of treatments with insecticides, chemosterilants, and ionizing radiation; (4) studies concerning physiologic changes at the subcellular level due to neurosecretory activity and hormone production in relation to behavioral responses and pheromone production, and metabolism studies at the subcellular level utilizing ultrastructure and autoradiography techniques; and (5) cytologic studies of chromosomes, microsomes, and other chromosomal bodies in relation to investigations of the genetics of mosquitoes. Application received by Commissioner of Customs: March 6, 1969.

Docket No. 69-00459-86-01110. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30332. Article: Electronic control unit for an Automatic Amino Acid Analyzer. Manufacturer: Nuclear Research Establishment (Julich), West Germany. Intended use of article: The article will be used for the automation of high resolution-high sensitivity ion exchange chromatography of amino acids. The article is a part of a self-constructed amino acid analyzer, which uses microbore ion exchange columns and a high sensitivity photometer equipped with a micro flow cell. Application received by Commissioner of Customs: March 11, 1969.

Docket No. 69-00460-33-79300. Applicant: Veterans' Administration Hospital, 3495 Bailey Avenue, Buffalo, N.Y. 14215. Article: Multi-channel stethoscope, Type 16100. Manufacturer: Amplivox Exports Limited, U.K. Intended use of article: The article will be used in group teaching of third and fourth year medical students specializing in cardiology. The objective is to teach the students to recognize and differentiate between the various heart sounds, using their personal stethoscopes through the artificial chests which are simulated by rubber diaphragms incorporated in the multichannel stethoscope. The multichannel stethoscope is actually an artificial chest. Application received by Commissioner of Customs: March 11, 1969.

Docket No. 69-00461-33-46040. Applicant: The University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Electron Microscope, Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to enhance and extend a research program on molecular organization of cell membranes and derivatives, as well as in space molecular biology. The article will also be used for combined electron microscopy and microchemical studies. Application received by Commissioner of Customs: March 11, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3701; Filed, Mar. 28, 1969; 8:45 a.m.]

CARNEGIE-MELLON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00231-65-46070. Applicant: Carnegie-Mellon University, Mellon Institute, 4400 Fifth Avenue, Pittsburgh, Pa. 15213. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used by five engineering departments deeply concerned with materials research. Collectively, this work ranges from studies of the relation between atomic and microstructure and mechanical properties, to application of solid state physics, to the production of improved semiconductors. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States and was available to the applicant within a reasonable delivery time as defined in § 602.1(f)(2) of above-cited regulations. Reasons: At the time the applicant decided to purchase the foreign article, the only scanning electron microscope being manufactured in the United States was the Model SM-1 manufactured by the K Square Corp. (K Square), which provided a guaranteed resolution of 500 angstroms. The guaranteed resolution of the foreign article is 250 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) In addition, the foreign article provided continuously variable accelerating voltages up to 50 kilovolts, whereas the K Square Model SM-1 provided accelerating voltages up to 30 kilovolts. We have been advised by the National Bureau of Standard (NBS) that for the purposes for which the foreign article is intended to be used, the best attainable resolution and the widest available accelerating-voltage range are pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured at the time the applicant decided to place the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3700; Filed, Mar. 28, 1969; 8:45 a.m.]

Maritime Administration

[Report 95]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through March 20, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are

ineligible to carry U.S. Government-financed cargoes from the United States.

Flag of Registry and Name of Ship	Gross tonnage
Total, all flags (177 ships)	1,364,886
British (48 ships)	**385,706**
Antarctica	9,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,695
Hemisphere	8,718
Ho Fung	7,121
Huntsland	9,353
Huntsville	9,486
Inchstuart	7,043
**Jeb Lee (trip to Cuba under ex-name Garthdale—British)	7,542
Jollity	8,819
**Kali Eipis (trip to Cuba under ex-name Ardmore—British)	4,664
**Kelso (trip to Cuba under ex-name Ardgem—British)	6,961
Kinross	5,398
Magister	2,330
**Meadow Court (trip to Cuba under ex-name Ardrossmore—British)	5,830
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,642
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba under ex-name Arditara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trip to Cuba under ex-name Vercharmian—British)	7,365
Southgate (previous trips to Cuba under ex-name Arlington Court—British)	9,663
**Tetrarch (trips to Cuba under ex-name Ardrowan—British)	7,300
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Cypriot (39 ships)	**238,736**
Acme	7,173
Aegis Hope (previous trips to Cuba under ex-name Huntsmore—British)	5,678
Akmeon (tanker)	11,105
Alda	7,292
Alice (previous trips to Cuba—Greek)	7,189
Amfithea (previous trip to Cuba under ex-name Antonia—Greek)	5,171
Angeliki	11,453
Anka	7,314

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Antonia II (previous trip to Cuba under ex-name Stylianos N. Vlassopulos—Greek)	7,281
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
Captain Papalios (tanker)	11,676
Claire (previous trips to Cuba—Lebanese)	5,411
*Coolady	2,867
Degedo	9,000
Dolphin	3,550
Dorine Papalios (previous trips to Cuba under ex-name Formentor—British)	8,424
E. D. Papalios	9,431
El Toro	5,949
Free Navigator (previous trips to Cuba under ex-name Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
*Glee	7,237
Huntsfield (previous trips to Cuba—British)	9,483
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
**Kounistra (trips to Cuba under ex-names Nicolaos Frangistas and Nicolaos F.—Greek	7,199
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Newmoor (previous trips to Cuba—British)	7,168
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
Suerte	7,267
Sunrise (previous trips to Cuba under ex-name Anatoli—Greek)	7,216
Tina (previous trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
Polish (21 ships)	**150,590**
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Calads	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Lebanese (12 ships)	**84,610**
Antonis	6,259
Astir	5,324
Atticos	7,257
Ciannis	5,270
Giorgos Tsakiroglou	7,240

Flag of Registry and Name of Ship	Gross tonnage
Lebanese—Continued	
Ilena	5,925
Marichristina	7,124
Mousse	9,307
Noelle	7,251
Tony	7,176
Toula	6,426
Yanzilas	10,051
Greek (11-ships)	**73,531**
*Aliartos (trip to Cuba under ex-name Loradore—British)	8,078
Andromachi (previous trips to Cuba under ex-name Penelope—Greek)	6,712
**Anna Maria (trips to Cuba under ex-name Heika—British)	2,111
Barbarino	7,084
Eftyhia	9,044
**Gold Land (trip to Cuba under ex-name Amfred—Swedish)	2,838
Irena	7,232
**Lambros M. Fatsis (trips to Cuba under ex-name La Hortensia—British)	9,436
**Parabos (trip to Cuba under ex-name Agios Therapon—Greek)	7,205
Redestos	5,911
Sophia	7,030
Panamanian (7 ships)	**45,065**
**Ampuria (trips to Cuba under ex-name Roula Maria—Greek)	10,608
**Avranchoise (trips to Cuba under ex-name Avranches—French)	7,199
**Chung Thai (trip to Cuba under ex-name Somalia—Italian)	3,352
**Renown Trader (trips to Cuba under ex-name Suva Breese—British)	4,996
**Robertina (trips to Cuba under ex-name Anacreon—Greek)	6,935
**Tynlee (trip to Cuba under ex-name Ardenode—British)	7,036
**Yu Lee (trips to Cuba under ex-name Dairen—British)	4,939
Yugoslav (7 ships)	**46,150**
Agrum	2,449
Bar	8,776
Kolasin	7,217
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
French (6 ships)	**19,316**
**Atlanta (trip to Cuba under ex-name Enee—French)	1,232
Circe	2,874
Foulaya	2,739
Mungo	4,820
Nelee	2,874
Penja	3,777
Somali (6 ships)	**37,746**
Aragon	7,248
Aria	5,059
**Atlas (trip to Cuba—Finnish)	3,916
Erato (previous trips to Cuba under ex-name Eretria—Greek)	7,199
Stevo (previous trips to Cuba—Lebanese)	7,066
Thice Costas	7,258
Italian (4 ships)	**33,275**
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692

Flag of Registry and Name of Ship	Gross tonnage
Moroccan (4 ships)	**32,746**
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Finnish (3 ships)	**20,966**
Augusta Paulin	7,098
Ragni Paulin	6,823
Verna Paulin	7,047
Maltese (3 ships)	**19,793**
Ispahan	7,169
Soclyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Netherlands (2 ships)	**1,615**
Meike	500
Tempo	1,115
Guinean (1 ship)	**852**
**Drame Oumar (trip to Cuba under ex-name Neve—French)	852
Japanese (1 ship)	**8,627**
Chokyu Maru	8,627
Pakistani (1 ship)	**8,708**
**Maulabakah (trip to Cuba under ex-name Phoenician Dawn and East Breese—British)	8,708
Singapore (1 ship)	**8,854**
**Rama Lesmana (trip to Cuba under ex-name Glaisdale—British)	6,854

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship	Gross tonnage
a. Since last report:	
None.	
b. Previous reports:	
Flag of registry (total)	**124**
British	44
Cypriot	8
Danish	1
Finnish	4
French	1
German (West)	1
Greek	30
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, etc.

a. since last report:

Flag of registry	Gross tonnage
Aiolos II (Cypriot)	7,256
b. Previous reports:	
Flag of registry:	**Broken up, sunk or wrecked**
British	15
Cypriot	17
Finnish	2
French	1
Greek	18
Italian	4
Lebanese	31
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	2
South African	2
Swedish	1
Yugoslav	6
Total	100

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through March 20, 1969.

Flag of registry	Number of trips											
	1963	1964	1965	1966	1967	1968			1969			Total
						Jan. thru Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	
British	133	180	126	101	78	53	5	4	2	1		683
Lebanese	64	91	58	25	16	13	1	2			1	271
Greek	99	27	23	27	29	6		1				212
Cypriot		1	17	27	42	57	4	7	6	7	3	170
Italian	16	20	24	11	11	8		2	1	1		94
Yugoslav	12	11	15	10	14	7	1	1				71
French	8	9	9	10	10	3	1		1		1	52
Finnish	1	4	8	11	12	8	2					41
Spanish	8	17										25
Norwegian	14	10										24
Moroccan	9	13	1									23
Maltese		2	6	1	4	7		1				21
Somali					2	8	1	2	1	1		15
Netherlands		4	2									6
Swedish	3	3										6
Kuwaiti		2	1									3
Israeli			2									2
Japanese	1					1						2
Danish	1											1
German (West)	1											1
Haitian			1									1
Monaco				1								1
Subtotal	370	394	290	224	215	169	15	20	11	10	4	1,725
Polish	18	16	12	10	11	7						74
Grand total	388	410	302	234	229	176	15	20	11	10	4	1,799

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Rept. 94, appearing in the FEDERAL REGISTER issue of March 4, 1969.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: March 24, 1969.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-3751; Filed, Mar. 26, 1969; 8:45 a.m.]

PUBLIC INFORMATION

Delegations of Authority; Withdrawal of Notices

Since part "E *Final delegations of authority*" in Appendix A—Public Information [Department of Commerce Order 117-B] (32 F.R. 12864, Sept. 8, 1967) advises of the availability of all redelegations of authority for inspection and copying in the Office of Public Information (see also 46 CFR 380.33), notice is

hereby given that the Maritime Subsidy Board and the Maritime Administrator are hereby withdrawing those notices appearing in F.R. Docs. 62–10543 (27 F.R. 10335, 10/23/62); 62–10674 (27 F.R. 10419, 10/25/62); 63–12179 (28 F.R. 12330, 1/21/63); 63–3241 (28 F.R. 3059, 3/28/63); 63–3912 (28 F.R. 3875, 4/13/63); 63–4323 (28 F.R. 4040, 4/24/63); 66–542 (31 F.R. 542, 1/15/66); 66–668 (31 F.R. 770, 1/20/66); 66–1632 (31 F.R. 2786, 2/16/66); 66–4725 (31 F.R. 6551, 4/30/66); 67–7936 (32 F.R. 10221, 7/11/67).

By order of the Maritime Subsidy Board and Maritime Administrator.

Dated: March 27, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–3847; Filed, Mar. 28, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COMBINATION DRUGS CONTAINING OXALIC ACID AND MALONIC ACID OR THEIR ETHYL ESTERS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs marketed by Chatham Pharmaceuticals, Inc., 901 Broad Street, Newark, N.J. 08102:

1. Koagamin Parenteral Hemostat; contains per cubic centimeter 5 milligrams of oxalic acid and 2.5 milligrams of malonic acid (NDA No. 1 and 4336).

2. Koagamin Dental Sublingual Hemostat; contains per 4 minim unit 0.0324 gram of ethyl oxalate and 0.0154 gram of ethyl malonate.

The Food and Drug Administration concludes that:

1. There is a lack of substantial evidence that Koagamin Parenteral Hemostat is effective for any of the claims made in its labeling; that is, for use as a systemic hemostatic agent, for the prophylaxis and control of capillary and venous bleeding that may occur with exodontia, for control of venous capillary bleeding in general surgery, for profuse hemorrhage secondary to accidental trauma, for profuse hemorrhages, minor hemorrhages, post partum hemorrhage, and hemorrhagic diathesis.

2. Koagamin Dental Sublingual Hemostat lacks substantial evidence of effectiveness for its labeled indication: To reduce bleeding and seepage following extractions, immediate dentures, and oral surgery. No new-drug application has been approved or is deemed approved for this dosage form. Since the drug is not effective for its labeled indications, it is regarded as misbranded and as a new drug for which there is no approved new-drug application and accordingly subject to regulatory proceedings if shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for the drug Koagamin Parenteral Hemostat.

Prior to initiating such action, however, the Commissioner invites that holder of the new-drug applications for this drug, and any interested person who may be adversely affected by removal of this drug from the market, to submit any pertinent data bearing on the proposal within 30 days following the date of publication of this announcement in the FEDERAL REGISTER.

This announcement of the proposed action and implementation of the NAS–NRC report for Koagamin Parenteral Hemostat is made to give notice to persons who might be adversely affected by withdrawal of this drug from the market. Promulgation of an order withdrawing approval of the new-drug applications will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holder of the new-drug applications for Koagamin Parenteral Hemostat has been mailed a copy of the NAS–NRC reports. Any interested person may obtain a copy of the reports on oxalic acid and malonic acid or their ethyl esters by a request to the office named below.

Communications forwarded in response to this announcement should be directed to the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS–NRC report: Press Relations Office (CE–300).

Comments or data regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3715; Filed, Mar. 28, 1969; 8:46 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of the antibiotic substance monensin in combination with 3-nitro-4-hydroxyphenylarsonic acid in chicken feeds as an aid in the prevention of coccidiosis, for growth promotion and feed efficiency, and for improved pigmentation.

Dated: March 21, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–3716; Filed, Mar. 28, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–250, 50–251]

FLORIDA POWER & LIGHT CO.

Notice of Amendment of Provisional Construction Permits

Please take notice that pursuant to a supplemental initial decision of the Atomic Safety and Licensing Board dated February 27, 1969, the Director, Division of Reactor Licensing has issued Amendment No. 1 to Construction Permits Nos. CPPR–27 and CPPR–28 amending paragraph 1 of each permit to read as follows:

1. Pursuant to section 104b of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Florida Power & Light Co. (the Applicant) for a utilization facility (the facility), described in the application and amendments thereto filed in this matter by the Applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Turkey Point Nuclear Generating Unit No. 3, (4), will be located at Turkey Point, Dade County, Fla., about 25 miles south of Miami, Fla.

A copy of the Atomic Safety and Licensing Board's Supplemental Initial Decision is on file in the AEC Public Document Room at 1717 H Street NW., Washington, D.C., where it may be inspected by interested persons.

Dated at Bethesda, Md., this 24th day of March 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 69–3609; Filed, Mar. 28, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18505; FCC 69–288]

INTERNATIONAL EXCHANGE OF TELEVISION PROGRAMS

Notice of Inquiry Regarding Possible Change in Certain Signal Specifications

In the matter of inquiry into possible change in certain TV signal specifications contained in §§ 73.682 and 73.699 of the rules to facilitate international program exchange; Docket No. 18505.

1. The purpose of this inquiry is to examine the possibility of adoption of more uniform technical specifications for television broadcast signals to facilitate the international exchange of programs by satellite and other means.

2. It appears desirable that the United States, and other countries using 525 line television standards, similar to those contained in §§ 73.682 and 73.699 of our rules, agree to assign particular television scanning lines during the vertical blanking interval for transmission of signals for testing the performance of international circuits. The waveforms of these signals should preferably be the same for all countries, and they would be in addition (and similar in function) to those already in use in the United States and other countries for testing the performance of national distribution networks. As provided for in § 73.682(a)(21), test signals have come into everyday use by the major broadcast network companies, in cooperation with the American Telephone & Telegraph Co. and individual television stations affiliated with the networks, for the purpose of measuring during program time the quality of signals transmitted through the nationwide network. The Network Transmission Committee, a group composed of representatives of the major TV networks and the American Telephone & Telegraph Co., have agreed upon the vertical interval test signal specifications which are in use. They have also agreed upon levels of degradation of the test signals, resulting from transmission through common carrier networks, which levels are to be used as the bases for reporting needs for corrective action. The use of these test signals has resulted in significant improvements in network transmission performance, and hence in the technical quality of TV signals radiated to the general public. Future improvements may reasonably be expected as test signals are further developed to measure more completely the characteristics of color video signals.

3. To facilitate the choice of particular scanning lines for international test signals, we consider that signals for testing national distribution networks should be transmitted on the same scanning lines in different countries using similar standards. Japan uses lines 17 and 18 for this purpose, whereas in the United States and Canada, networks are using lines 18 and 19.

4. A particular question which could affect existing rules is the matter of selection of specific lines for international test signals. Because of different practices in some countries, it may become necessary to place the international test signals on scanning lines which are not presently permitted by § 73.682(a)(21). It will be recalled that the terms of this section were based in part on a report by an E.I.A. receiver committee, which pointed out that in 1957 some TV sets would display test lines during their vertical retrace periods if the test signals occupied any time before the last 12 microseconds of line 17. Since that time the trend in receiver design has been to equip receivers with vertical retrace blanking. Today it appears that most new sets have this feature, which tends to make them immune to signals transmitted on earlier lines. Further, by the time required to reach international agreement and to implement the outcome by necessary domestic rule-making, it may be anticipated that only a small percentage of receivers will be of types affected by test signals transmitted on earlier lines. We invite comments and evidence relating to the possibility of transmission of test signals on lines other than those now permitted in § 73.682(a)(21) of the rules.

5. In addition to the above, it should be noted that although countries using C.C.I.R. 525 line standards have the same basic scanning standards, certain of their signal specifications are different. It would appear that international compatibility in TV broadcasting could be improved if these differences were eliminated or minimized. Although we have no intention of considering variations which would have substantial adverse effects on our domestic broadcasting operations, we invite comment and evidence relating to the possibility of minor modification of § 73.682(a)(6), (12), (13), (16), (17), (18), and also § 73.699, Figures 6 and 7, to achieve greater uniformity of TV signal specifications between countries using C.C.I.R. 525 line standards.

6. We consider that the best channels through which to seek solutions of international TV technical problems are the International Radio Consultative Committee (C.C.I.R.) and the Joint Commission for Television Transmissions (C.M.T.T.). These organizations already have existing questions and study programs on these subjects. Under the supervision of the Department of State, The United States C.C.I.R. National Organization provides to U.S. interests the means to be informed of C.C.I.R. and C.M.T.T. discussions, and to assist in the formulation of U.S. proposals. Because there is active participation by FCC staff members and by representatives of groups who are engaged in most aspects of broadcasting, it is to be expected that later rule-making proceedings seeking to implement the international conclusions would be relatively simple.

7. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this Notice of Inquiry may file comments on or before April 21, 1969, and reply comments on or before April 29, 1969. An original and fourteen copies of each response must be filed as required by § 1.419 of the Commission's rules.

Adopted: March 21, 1969.

Released: March 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–3775; Filed, Mar. 28, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Congressional Liaison Officer, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3764; Filed, Mar. 28, 1969; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Administrator, Office of Interstate Land Sales Registration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3765; Filed, Mar. 28, 1969; 8:49 a.m.]

[1] Commissioners Bartley, Robert E. Lee, and H. Rex Lee absent; Commissioner Cox concurring in the result.

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3766; Filed, Mar. 28, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3620, etc.]

J. R. WELCH ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 21, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 14, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3620 ..... E 3-10-69	J. R. Welch (successor to Carl D. and Edith Rhyne Jackson d.b.a. Jackson Brothers), c/o J. Edward Litz, attorney, Post Office Box 1473, Charleston, W. Va. 25326.	Cabot Corp., Murphy District, Ritchie County, W. Va.	12.0	15.325
G-3621 ..... E 3-10-69	do	do	12.0	15.325
G-3894 ..... C 2-6-69	Atlantic Richfield Co.,[1] Post Office Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	10.00	14.65
G-4971 ..... E 3-10-69	Wm. Berl Wright, M.D. (successor to W. H. Mosser et al., d.b.a. Frederick Oil & Gas Co.), c/o J. Edward Litz, attorney, Post Office Box 1473, Charleston, W. Va. 25325.	Cabot Corp., Murphy District, Ritchie County, W. Va.	12.0	15.325
G-7222 [1] ..... C 2-5-69	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	10.0	14.65
G-7535 ..... C 2-3-69	Pan American Petroleum Corp.,[1] Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Langlie-Mattix and other Fields, Lea County, N. Mex.	10.0	14.65
G-7858 ..... E 3-10-69	Oral D. Smith (successor to McIntosh and Grimm), c/o J. Edward Litz, attorney, Post Office Box 1473, Charleston, W. Va. 25325.	Cabot Corp., Sherman District, Calhoun County, W. Va.	12.5	15.325
G-9358 ..... 3-6-69 [2]	Monsanto Co. et al., 1300 Main St., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Old Ocean Field (Larsen Reservoir), Brazoria and Matagorda Counties, Tex.	14.0	14.65
G-11181 ..... C 2-4-69	Gas Gathering Corp., Post Office Box 519, Hammond, La. 70401.	Transcontinental Gas Pipe Line Corp., Bayou Des Glaise Field, St. Martin Parish, La.	22.5	15.025
G-11479 ..... C 2-7-69	Pan American Petroleum Corp. (Operator) et al.[1]	El Paso Natural Gas Co., Justis Field, Lea County, N. Mex.	[3] 10.0	14.65
G-20138 ..... C 3-6-69	Pubco Petroleum Corp., Post Office Box 860, Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
CI60-176 ..... E 3-10-69	David E. Scull (successor to Richard A. Teichman, Jr., Operator), c/o J. Edward Litz, attorney, Post Office Box 1473, Charleston, W. Va. 25325.	Cabot Corp., Burning Springs District, Wirt County, W. Va.	14.96	15.775
CI62-193 ..... E 2-24-69	Betz Oil, Inc. (Operator) et al. (successor to Occidental Petroleum Corp.4), c/o Betty J. Carrillo, assistant secretary, 370 West Fourth St., Tustin, Calif. 92680.	Kansas-Nebraska Natural Gas Co., Inc., Flat Top Field, Converse County, Wyo.	13.6154	15.025
CI64-151 ..... E 3-10-69	E. A. Dawson et al. (successor to Smith & Barker Oil & Gas Co., Inc.), c/o J. Edward Litz, attorney, Post Office Box 1473, Charleston, W. Va. 25325.	Cabot Corp., Sheridan District, Calhoun County, W. Va.	13.824	15.325
CI65-317 ..... D 2-14-69	Jack W. Grigsby (Operator) et al., 1108 Commercial National Bank Bldg., Shreveport, La. 71101 (partial abandonment).	United Gas Pipe Line Co., Southwest Bourg Field, Terrebonne Parish, La.	Depleted	.....
CI65-1159 ..... C 3-10-69	Tenneco Oil Co. et al., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co.; San Juan Basin, San Juan County, N. Mex.	15.0	15.025
CI68-156 ..... C 2-24-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Northeast Custer City Field, Custer County, Okla.	[5] 15.062	14.73
CI69-31 ..... C 3-10-69	Mobil Oil Corp., Operator	Panhandle Eastern Pipe Line Co., Selling Field, Dewey County, Okla.	[6] 15.53	14.65
CI69-405 ..... C 2-27-69	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Natural Gas Pipeline Co. of America, Lorena, West Field, Texas County, Okla.	[7] 17.0	14.65
CI69-583 ..... E 2-24-69	Prudent Resources Trust (successor to J. R. McDonald), c/o MacNaughton & McWhorter, 614 Southwest Tower, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Placedo Field, Victoria County, Tex.	[8] 15.0	14.65
CI69-591 ..... C 3-3-69	J. C. Baker & Son, Inc., Gassaway, W. Va. 26624.	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	25.0	15.325
CI69-778 ..... (CI64-298) B 11-19-68 [9]	Riddle and Gottlieb (successor to Humble Oil & Refining Co.), c/o Harry C. Winslow, agent, Post Office Box 1178, San Antonio, Tex. 78206.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Labbe Field, Duval County, Tex.	Uneconomical	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-844 ..... A 3-10-69	Pan American Petroleum Corp.	Kansas-Nebraska Natural Gas Co., Inc., Cedardale Field, Ellis County, Okla.	[9] 17.0	14.65
CI69-844 ..... A 3-10-69	Crown Petroleum, Inc., 505 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Northern Natural Gas Co., Hansford (Lower Morrow) Field, Hansford County, Tex.	[9] 17.5	14.65
CI69-845 ..... A 3-3-69	General Petroleum Corp., 1636 Denver Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ignacio Area, La Plata County, Colo.	14.0	15.025
CI69-846 ..... B 2-7-69	Shelly Oil Co., Post Office Box 1660, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Carnick Field, Beaver County, Okla.	Depleted	.....
CI62-847 ..... B 3-10-69	Lyons & Logan (Operator), et al.	Texas Eastern Transmission Corp., Woodlawn Field, Harrison County, Tex.	[10]	.....
CI69-848 ..... B 3-6-69	Vinson & Cochran, c/o Mr. Hugh F. Cochran, Suite 200, 6666 Box 280, Columbus, Ohio 74405.	Cities Service Gas Co., acreage in Grant County, Okla.	Depleted	.....
CI69-849	International Nuclear Corp., 420 Lincoln Tower Bldg., Denver, Colo. 80203.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Meeker Field, Fremont and Natrona Counties, Wyo.	[11] 15.0	14.65
CI69-850 ..... A 3-3-69	Union Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Depleted	.....
CI69-851 ..... A 3-6-69	Monsanto Co. et al.	Natural Gas Pipeline Co. of America, Old Ocean Field (Campbell Reservoir), Brazoria and Matagorda Counties, Tex.	17.0	14.65
CI69-852 ..... B 3-7-69	Amerada Petroleum Corp.	Panhandle Eastern Pipe Line Co., Southwest Laredo Field, Reno County, Kans.	Depleted	.....
CI69-854 ..... (CI60-1050) F 3-10-69	Paul B. Bowser, d.b.a. Lora Oil & Gas Co., (successor to Cabot Corp.), 100 Elizabeth Ave., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., acreage in Roane County, W. Va.	28.0	15.325
CI69-855 ..... B 3-7-69	Sabinana Oil Co., Inc., et al.	United Gas Pipe Line Co., Panola Field, Panola County, Tex.	Depleted	.....
CI69-856 ..... B 3-10-69	Tenneco Oil Co.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	[12]	.....
CI69-857 ..... B 3-10-69	do	do	[12]	.....
CI69-858 ..... A 3-10-69	Union Carbide Petroleum Corp., 270 Park Ave., New York, N.Y. 10017.	Trunkline Gas Co., South Timbalier Blocks 179 and 187, Offshore, Southern Louisiana.	21.25	15.025
CI69-859 ..... A 3-10-69	Warren E. Pinney, Jr. (successor to Humble Oil & Refining Co.), Room 1208, 211 North Ervay Bldg., Dallas, Tex. 75201.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Kohler Field, Duval County, Tex.	14.0	15.025
CI69-860 ..... A 3-10-69	Pennzoil United, Inc., 900 Southwest Towers, Houston, Tex. 77002.	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	[13] 15.88	14.65
CI69-861 ..... A 3-3-69	Stetco '68, Ltd.,[1] Post Office Box 1828, Midland, Tex. 79701.	Southern Natural Gas Co., High Island Field, Cameron Parish, La.	[13] 15.88	14.65
CI69-862 ..... A 2-28-69	Mobil Oil Corp.	Northern Natural Gas Co., Kermit Field, Winkler County, Tex.	20.0	15.025
CI69-863 ..... A 2-28-69	do.[1]	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah and Le Flore Counties, Okla. and Franklin, Logan, and Yell Counties, Ark.	[14] 15	14.65
CI69-921 ..... A 3-3-69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Cities Service Gas Co., Northeast Rhodes Field, Barber County, Okla.	16.0	14.65
CI69-922 ..... B 3-4-69	Pan American Petroleum Corp.	Southern Natural Gas Co., Pollock Field, Grant Parish, La.	Depleted	.....
CI69-923 ..... A 3-3-69	Van Oil Co., Box 348, Beaver, Pa. 15009.	Pennsylvania Gas Co., Wetmore Township, McKean County, Pa.	27.0	15.025
CI69-924 ..... A 3-4-69	Rogers and Scull, c/o Lemdol Rogers, co-owner, Arnoldsburg, W. Va. 25234.	United Fuel Gas Co., Washington District, Calhoun County, W. Va.	28.0	15.325
CI69-925 ..... A 3-4-69	TransOcean Oil, Inc., 2100 First City National Bank Bldg., Houston, Tex. 77002.	Trunkline Gas Co., South Timbalier Blocks 179 and 187, Offshore, Southern Louisiana.	21.25	15.025
CI69-926 ..... A 3-3-69	Texaco, Inc.	Southern Natural Gas Co., Share Field, Hansford County, Tex.	[13] 15.88	14.65
CI69-928 ..... B 3-4-69	Pan American Petroleum Corp.	Jernigan & Morgan Transmission Co., East Vicker Field, Lincoln County, Okla.	Depleted	.....
CI69-929 ..... A 3-4-69	Pan American Petroleum Corp.	Michigan Wisconsin Pipe Line Co., Boston Bayou Field, Vermilion Parish, La.	21.25	15.025
CI69-930 ..... B 3-4-69	J. C. Trahan, Drilling Contractor, Inc., c/o Bernard A. Foster, III, Roe, Marsh & Foster, Washington, D.C. 20005.	Texas Eastern Transmission Corp., West Monroe Field, Union, Ouachita, and Morehouse Parishes, La.	Uneconomical	.....
CI69-931 ..... A 3-4-69	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 17 Field, East Cameron Area, Offshore Louisiana.	21.25	15.025
CI69-932 ..... A 3-3-69 [15]	do	Texas Eastern Transmission Corp., Block 14 Field, East Cameron Area, Offshore Louisiana.	21.25	15.025
CI69-933 ..... A 3-4-69	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102.	Diamond Shamrock Corp., Farnsworth Field, Ochiltree County, Tex.	[16] 14.9	14.65
CI69-934 ..... (CI67-60) F 2-27-69	James W. Staples, operator (successor to James E. Strand) Post Office Box 78, Tuleta, Tex. 78162.	United Gas Pipe Line Co., Fortitude (Petrus) Field, Bee County, Tex.	[16] 12.0	14.65
CI69-937 ..... (CI67-561) F 2-28-69	Holly Corp. (successor to Pan American Petroleum Corp.), c/o Chandler Lloyd, Bigger, Baker, Lloyd & Carver, 2606 Republic National Bank Tower, Dallas, Tex. 75201.	El Paso Natural Gas Co., Gomez Area, Pecos County, Tex.	[16] 14.0	14.65
CI69-938 ..... A 3-4-69	Kroger Oil & Gas Co. (Operator) et al., 1200 Oil and Gas Bldg., New Orleans, La. 70112.	Gas Gathering Corp., South Kinder Field, Iberville Parish, La.	15.0	15.025
CI69-939 ..... A 3-7-69	Brookwood Oil Co. (Operator) et al., 800 Community Insurance Center, Tulsa, Okla. 74103.	Northern Natural Gas Co., Ivanhoe Field, Beaver County, Okla.	[17] 17.0 [18] 15.0	14.65
CI69-940 ..... A 3-4-69	Exchange Oil & Gas Co.	Southern Natural Gas Co., Diamond Field Area, Plaquemines Parish, La.	28.0	15.025
CI69-941 ..... A 3-7-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Arkansas Louisiana Gas Co., Northeast Mayfield Field, Beckham County, Okla.	[19] 15.88	14.65
CI69-942 ..... A 3-7-69	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	United Gas Pipe Line Co., Atchafalaya Bay Area, St. Mary and Terrebonne Parishes, La.	27.00	15.025

See footnotes at end of table.

[1] Applicant has agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[2] Application to amend certificate to revise average daily contract quantity, extend the contract term and provide for the schedule to apply during extended term.
[3] Rate in effect subject to refund in Docket No. RI67-273.
[4] Successor to McWood Corp. (Operator) et al. Occidental Petroleum Corp. never made filings to cover subject acreage.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Includes 1.53 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[7] Applicant has agreed to accept certificate conditioned to an initial rate of 17 cents per Mcf, plus B.t.u. adjustment.
[8] Rate in effect subject to refund in Docket No. RI67-278.
[9] Applicant proposes to abandon sale of gas from acreage acquired from Humble Oil & Refining Co., Docket No. CI64-298 (successor to Humble's FPC GRS No. 841). Riddle and Gottlieb never received certificate authorization to cover subject sale.
[10] Includes 1.53 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[11] For sale and exchange of gas.
[12] At delivery pressure over 500 p.s.i.g.
[13] At delivery pressure 200 to 500 p.s.i.g.
[14] At delivery pressure below 200 p.s.i.g.
[15] Gas well gas. Subject to upward and downward B.t.u. adjustment.
[16] Includes 2.88 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[17] Whenever a well is connected to Purchaser's low pressure system and the wellhead pressure is less than that of the high pressure system, Applicant shall reimburse Purchaser for cost of compression at the rate of 2 cents per Mcf.
[18] Includes 0.5 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[19] Well has been reclassified as an oil well.
[20] Lease assigned to EPL Oil Co.

[F.R. Doc. 69-3571; Filed, Mar. 28, 1969; 8:45 a.m.]

[Docket No. RI69-544 etc.]

LAMAR HUNT ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

MARCH 20, 1969.

Lamar Hunt, Docket No. RI69-544, et al.; Caroline Hunt Sands, et al., Docket No. RI69-553.

In the order providing for hearings on and suspension of proposed changes in rates, issued February 19, 1969, and published in the FEDERAL REGISTER, March 1, 1969 (34 F.R. 3724), in Appendix A, page 4, Docket No. RI69-553, Caroline Hunt Sands, et al.: Under column headed "Rate Schedule No." change "15" to read "16". Under column headed "Supp. No." change "1" to read "7".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3704; Filed, Mar. 28, 1969; 8:45 a.m.]

[Docket No. E-7472]

INTERSTATE POWER CO.

Notice of Application

MARCH 25, 1969.

Take notice that on March 20, 1969, Interstate Power Co. (Applicant), filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue and sell at competitive bidding $8 million principal amount of 30-year First Mortgage Bonds and 100,000 shares of new preferred stock of the par value of $50 per share; or in the alternative that the Board of Directors of Applicant determines to postpone or reject bids for the bonds and/or new preferred stock, seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale of unsecured promissory notes to evidence bank borrowings up to but not exceeding $17 million in principal amount.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Dubuque, Iowa, and is engaged in the electric utility business in three counties in Illinois, 21 counties in Iowa, 21 counties in Minnesota and one county in South Dakota. Applicant proposes to issue the new bonds under a 12th Supplemental Indenture to be dated as of May 1, 1969.

The proceeds from the sale of the new bonds and the new preferred stock will be applied first, to discharge $6,265,000 in outstanding promissory notes and secondly, towards payment of the $13,065,000 construction program of the Applicant for 1969. The principal items in this program include $3,773,000 for the completion of a 15.5-mile segment to be owned by the Applicant of a 345,000 volt transmission line extending from Minneapolis to Kansas City, Mo., and a 345,000/161,000 volt substation to connect the Company's transmission system to that line; $940,000 construction at its Hazelton, Iowa, substation for an additional connection to the Minneapolis-St. Louis 345,000 volt line; $600,000 for additions and improvements to its gas distribution systems in Albert Lea, Minnesota, Mason City and Clinton, Iowa; and $60,000 to purchase right-of-way for a third gas supply line from Hooppole, Ill., to Clinton, Iowa.

Under the alternative issuance of the notes, the issuance thereof would be to refund or renew the outstanding notes above mentioned and to apply towards payment of said 1969 construction program. The proceeds would also be applied towards payment of the $13,349,000 construction program of the Applicant for 1970. The principal items in this program include $800,000 to complete a 345,000 volt substation at Hazelton, Iowa; $1,300,000 for various projects to strengthen and increase the capacity of its underlying 69,000 volt transmission system and $1,500,000 for a third gas supply line from Hooppole, Ill., to Clinton, Iowa.

The interest rate to be borne by the bonds, the dividend rate of the new preferred stock and the prices to be paid for each such security are proposed to be determined by competitive bidding pursuant to the Commission's regulations. Applicant plans to open sealed, written bids for the purchase of the bonds and of the new preferred stock on May 20, 1969. The bank borrowings would be evidenced by notes to be dated the dates of their respective deliveries and expressed to mature 1 year from the date of their respective dates, or September 30, 1970, whichever date shall be earlier. The rate of interest would be the prime commercial rate of interest of the lending bank for unsecured borrowings prevailing from time to time.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3702; Filed, Mar. 28, 1969; 8:45 a.m.]

[Docket No. CP69-244]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MARCH 24, 1969.

Take notice that on March 17, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP69-244, an application pursuant to section 7(c) of the Natural Gas Act, for authority to construct and operate certain natural gas facilities to deliver gas from the Buffalo Wallow area, Hemphill County, Tex., to the plant of Panhandle Eastern Pipe Line Co. in Dewey County, Okla., all as more particularly set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct a 20-inch line from Hemphill County, Tex., approximately 64 miles eastward to the Aledo Sweetening Plant in Dewey County, Okla.; to construct field laterals and various gathering facilities in the Buffalo Wallow area; and to transmit to Panhandle Eastern Pipe Line Co. an estimated maximum daily delivery for the first year of 200,000 Mcf, eventually reaching a peak day delivery of 280,000 Mcf.

Applicant estimates the cost of the proposed line at $5,200,000, and the cost of the field gathering facilities at $800,000. Applicant proposes to finance the proposed facilities by current working capital or from interim bank loans to be funded through a securities issue at a later date.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 18, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3703; Filed, Mar. 28, 1969; 8:45 a.m.]

[Docket No. CP64-218]

TENNESSEE GAS TRANSMISSION CO.

Notice of Proposed Transfer of Deferred Federal Income Tax Reserve To Subsidiary

MARCH 24, 1969.

Notice is hereby given that Tennessee Gas Pipeline Co. has requested permission to transfer to a subsidiary (Channel Industries Gas Co.) the deferred Federal income tax reserve ($2,681,600) attributable to the 316 miles of 30-inch transmission line extending from Agua Dulce, Tex. to the Sabine River (commonly known as the A-S Line). The line was transferred from Tennessee Gas to Channel Industries as authorized by Commission order issued January 12, 1965, in Docket No. CP64-218 (33 FPC 55).

The company states that the aforementioned accumulated deferred tax amount is the delayed portion of the tax resulting from the different tax effect of the use of straight line basis depreciation accruals for book purposes and liberalized depreciation for income tax purposes.

Protests, petitions or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 11, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3705; Filed, Mar. 28, 1969; 8:45 a.m.]

[Docket No. CP69-186]

UNITED GAS PIPE LINE CO.

Order Permitting Intervention, Setting Hearing Date, and Prescribing Procedure

MARCH 25, 1969.

United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La. 71102 filed on January 2, 1969, pursuant to section 7(c) of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 120 feet of 2-inch pipeline, two sales meter stations and appurtenant facilities to supply natural gas to the City of Huxley, Shelby County, Tex., for resale in rural areas in Shelby County and in San Augustine County, Tex.

It is estimated that the facilities will cost $23,600 to be financed out of funds on hand.

Huxley's 3d year annual natural gas requirements are estimated at 141,800 Mcf at 14.9 p.s.i.a. with an estimated peak day gas requirement of 2600 Mcf.

United proposes to sell natural gas to Huxley under United's rate schedule G-C or any applicable superseding rate schedule.

Notice of United's application, setting February 5, 1969, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on January 16, 1969 (34 F.R. 651).

Timely petitions to intervene were filed by the City of Huxley, Shelby County, Tex., supporting United's application and, opposing, by Texas Butane Dealers Association, Post Office Box 3176, Austin, Tex. 78704.

A timely protest to United's application was filed by National Liquified Petroleum Gas Association, 79 West Monroe Street, Chicago, Ill., on behalf of its 3700 member companies and its affiliated associations. On February 12, 1969, United filed an answer in opposition to the petition for leave to intervene filed by Texas Butane Dealers Association (BDA) and on February 19, BDA filed a response to United's said answer.

In its petition to intervene BDA stated that it is a nonprofit corporation organized under the laws of Texas for the purpose, among other things, of promoting liquefied petroleum gas usage and other lawful activities affecting the liquefied petroleum gas industry in the State of Texas for the benefit of the members of the association, and that its membership includes several liquefied petroleum gas retail distributors located and operating in the area proposed to be served by Huxley's proposed natural gas system. It alleged that such members will be directly affected by the proposed distribution of natural gas by the City of Huxley, since it is intended that such natural gas will replace liquefied petroleum gas and that, therefore, the association and its members have an interest in this proceeding which may be directly affected and which is not adequately represented by any other party.

BDA and the National Liquified Petroleum Gas Association in its memorandum of protest raised serious questions regarding the economic feasibility of the gas system proposed by the City of Huxley.

The Commission finds: Good cause exists to allow the petitioners named above to intervene in this proceeding subject to their compliance with the terms of this order, in order that they may establish the facts and law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The petitioners named above are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; provided however that they shall comply with the terms of this order and that their participation shall be limited to matters affecting rights and interests expressly asserted in the petitions to intervene; and provided further that permission to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(B) A public hearing on the issues presented by the application in the above-entitled case will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on May 27, 1969.

(C) The applicant and each of the interveners shall file with the Commission and serve on all parties and the Commission's staff the proposed evidence comprising its case in chief, including prepared testimony of witnesses and exhibits.

By United and the City of Huxley, Tex., on or before April 21, 1969;

By Texas Butane Dealers Association on or before May 5, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3706; Filed, Mar. 28, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 747]

GLENNON DRAYAGE & WAREHOUSE CO., INC.

Order of Revocation

On February 11, 1969, the American Employers' Insurance Co., notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. SK-319505, underwritten in behalf of Glennon Drayage & Warehouse Co., Inc., 416 Common Street, New Orleans, La. 70130, would be canceled effective March 16, 1969.

Glennon Drayage & Warehouse Co., Inc., was notified that unless a new surety bond was submitted to the Commission, its Independent Ocean Freight Forwarder License No. 747 would be canceled effective March 16, 1969, pursuant to General Order 4, Amendment 12 (46 CFR 510.9).

Glennon Drayage & Warehouse Co., Inc., has failed to submit a valid surety bond in compliance with the above rule.

It is ordered, That the Independent Ocean Freight Forwarder License No. 747 is revoked effective March 16, 1969; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 747 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-3735; Filed, Mar. 28, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF. CO.

Order Suspending Trading

MARCH 25, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 26, 1969 through April 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3718; Filed, Mar. 28, 1969; 8:46 a.m.]

[812-2382]

BUILDERS RESOURCES CORP.

Notice of Filing of Application for Order Declaring Company Exempt

MARCH 24, 1969.

Notice is hereby given that Builders Resources Corp. ("Applicant"), 6151 West Century Boulevard, Suite 928, Los Angeles, Calif. 90045, a corporation organized under the laws of the State of Delaware, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from the provisions of the Act. All interested persons are referred to the application which is on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized under the laws of the State of Delaware in August 1967. Its primary function is to provide equity financing for residential construction, through the formation of limited partnerships or joint ventures with builders throughout the country. A separate partnership will be organized for each project with the builder, the general partner, and Applicant, the limited partner. In some situations, Applicant may use a joint venture instead of a limited partnership.

Applicant has eight stockholders as follows:

Name	Shares of common stock	Shares of preferred stock
American Standard, Inc.	1,350	1,670
CNA Realty Corp.	1,350	1,670
National Gypsum Co.	1,350	1,670
The Stanley Works	1,350	1,670
Whirlpool Corp.	1,350	1,670
U.S. Plywood-Champion Papers, Inc.	1,350	1,670
Donaldson, Lufkin & Jenrette, Inc.	980	None
Property Research Corp.	980	None
Total	10,000	10,020

All of the foregoing shares of common and preferred stock were purchased for $100 per share. In addition, each of the first six stockholders listed has subscribed for $1 million of Applicant's 7 percent sinking fund debentures to be issued prior to June 30, 1969. The investments in Applicant of the above first six publicly held corporations, will each amount to $1,302,000. This investment in Applicant represents approximately 1 percent or less of the total assets or stockholders' equity of each of these corporations.

Property Research Corp. and Donaldson, Lufkin & Jenrette, Inc., the other stockholders of Applicant, are each privately owned companies, substantially all of the stockholders of which are active in the management of each company. These two stockholders organized the Applicant. Applicant represents that its eight stockholders are each financially sophisticated companies.

Applicant and its stockholders have a right of first refusal with respect to proposed transfers of securities by any stockholder. Applicant also has the right to redeem Preferred Stock after September 1, 1973. Stockholders of Applicant have the right to have all their security holdings in Applicant redeemed after July 1, 1973.

Applicant's shareholders have adopted a Qualified Stock Option Plan pursuant to section 422 of the Internal Revenue Code. The plan provides for options to purchase Applicant's common stock to be granted to key employees, for an aggregate of not more than 1,000 shares of such stock, to a total of not more than 20 officers and area managers. As of the present date, Applicant has granted options to the president (200 shares), and the vice president (100 shares).

Applicant states that each formation by it of a joint venture or a limited partnership with a builder may be deemed to constitute the investment by Applicant in a "security" as defined in section 2(a)(35) of the Act and that hence Applicant may be deemed an investment company.

Applicant submits that in view of the fact that its publicly held corporate stockholders will have only a minimal part of their assets invested in Applicant and in view of the financial sophistication and size of all of Applicant's stockholders, regulation of Applicant is not necessary and that therefore Applicant should be exempted from all the provisions of the Act pursuant to section 6(c) of the Act.

Section 6(c) of the Act, provides in part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant consents to the granting of the requested order subject to the following conditions:

(a) Applicant shall not issue securities, and Applicant's stockholders shall not transfer any securities of Applicant held by such stockholders, to any persons other than Applicant's present stockholders or pursuant to options granted under Applicant's Qualified Stock Option Plan to Officers of Applicant and any subsequently acquired subsidiaries of Applicant and to Area Managers of Applicant, not exceeding a total of 20 persons, unless Applicant shall notify the staff of the Commission at least 30 days prior to such issuance or transfer, although such period may be reduced by the staff on request of Applicant, and if, within 25 days of receipt of such notice, the staff shall notify Applicant that a substantial question exists whether the proposed issuance or transfer affects the grounds upon which the requested order was granted, Applicant shall not issue any security to any such person, and no stockholder of Applicant shall transfer to such person any security of Applicant held by such stockholder, unless the Commission has entered an order permitting the proposed issuance or transfer of securities pursuant to an application under the Act filed by Applicant.

(b) Any stockholder of Applicant which has a stock that is publicly traded shall not invest more than 5 percent of its total assets in Applicant: *Provided, however*, That if any stockholder of Applicant does not have a publicly traded stock but is a subsidiary of a publicly held corporation, that the total assets of such publicly held corporation shall be considered for purpose of this condition.

Notice is further given that any interested person may, not later than April 14, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3719; Filed, Mar. 28, 1969; 8:46 a.m.]

[812-2434]

CAPITAL SOUTHWEST CORP.

Notice of Filing of Application for Order Exempting Certain Proposed Transactions

MARCH 25, 1969.

Notice is hereby given that Capital Southwest Corp. ("Applicant"), 750 Hartford Building, Dallas, Tex. 75201, a Texas corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission for certain exemptions from sections 12(e), 17(a), and 17(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant was organized and commenced operations in 1961 when it first offered its shares to the public at $11 a share. Applicant has 3,500 shareholders and as of September 30, 1968, it had total net assets of $39,030,496, taking those securities for which market quotations are readily available at market value and the remaining securities and assets at their fair value as determined by the board of directors.

In order to provide a framework within which it can retain and operate a portion of its assets under the Small Business Administration program and at the same time free the major portion of its assets to enable it to take advantage of investment opportunities not contemplated under that program, Applicant proposes, subject to stockholder approval, to cause its license as a small business investment company to be transferred to a wholly owned subsidiary, CSC Capital Corp. ("CSCC"), a Texas corporation organized in August 1968. CSCC will register as a closed-end, nondiversified investment company upon the issuance of an order of the Commission pursuant to this notice. Applicant will then and from time to time in the future transfer certain assets to CSCC and thereafter will operate as a closed-end, nondiversified, management type investment company. Applicant further proposes to continue to engage, and to cause CSCC to engage, in the business of furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities. As an exhibit to the application, Applicant has attached a copy of a letter from the Small Business Administration ("SBA") which indicates that the SBA has no objection to the proposal.

Applicant has agreed that the order of the Commission that may issue pursuant to this notice may be conditioned upon the following:

1. Applicant will at all times own and hold, beneficially and of record, all of the outstanding capital stock of CSCC.

2. Applicant will not cause or permit CSCC to change any of its fundamental investment policies, unless such action shall have been authorized by Applicant as the holder of all of the outstanding voting securities of CSCC after approval of such action by the vote of a majority (as defined in the Act) of Applicant's outstanding voting securities.

3. Applicant will not cause or permit CSCC to enter into, renew or perform any investment advisory or underwriting contracts or agreements, written or oral, as contemplated by section 15 of the Act, unless the terms of such contracts or agreements and any renewal thereof shall have been approved in compliance with section 15 of the Act. Any vote of the stockholders of CSCC as required by section 15 of the Act will be deemed to require a vote of Applicant's stockholders. Any action of the directors of CSCC as required by section 15 of the Act, will be deemed to require a vote of the directors of Applicant, including a majority of those directors who are not parties to any such contract or agreement or affiliated persons of any such party.

4. The officers and directors of Applicant and CSCC will be in all respects identical.

5. Subject always to Applicant, individually, and Applicant and CSCC on a consolidated basis, having the asset coverage required by section 18(a) of the Act immediately after the issuance or sale of any senior securities, (a) Applicant may issue and sell to one or more banks, and/or to one or more insurance companies its promissory notes or other evidences of indebtedness in consideration of any loan, extension or renewal thereof made by private arrangement, provided that such notes or evidences of indebtedness are not intended to be publicly distributed, and provided further that such notes or evidences of indebtedness are not convertible into, exchangeable for, or accompanied by any options to acquire, any equity security, and (b) CSCC may borrow from the SBA or from institutional lenders whose loans are guaranteed by SBA, on whatever basis the SBA may from time to time establish for lending or providing guarantees for senior indebtedness for small business investment companies and as may be permitted under the Act and applicable rules thereunder, provided that Applicant will not guarantee any such borrowings by CSCC. Applicant will not itself, and will not cause or permit CSCC to, otherwise issue any class of senior security.

6. Applicant will not make any investment in CSCC if the aggregate value of any existing investment plus the cost of any additional investment in CSCC would exceed 25 percent of the value of Applicant's total assets on a corporate basis.

7. Applicant will file with the Commission and transmit to its stockholders reports prescribed and required by section 30 of the Act, including separate financial statements of CSCC. Applicant will also cause CSCC to file with the Commission copies of all reports which CSCC will be required to file with the SBA. Any independent public accountant who signs a financial statement filed by Applicant or CSCC with the Commission shall be selected and approved for Applicant in compliance with section 32(a) of the Act by a majority (as defined in the Act) of Applicant's outstanding voting securities.

Section 12(d)(1), as here pertinent, prohibits the acquisition by a registered investment company of more than 5 percent of the total outstanding voting stock of any other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries, or more than 3 percent of such stock, if the policy is not so to concentrate.

Section 12(e) of the Act provides, among other things, that notwithstanding the provisions of section 12(d)(1), a registered investment company may utilize up to 5 percent of the value of its assets to purchase or otherwise acquire any securities issued by another investment company engaged in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence and reorganizing companies or similar activities, provided that the securities issued by such other investment company consist solely of one class of common stock. An exemptive order from section 12(e) of the Act is necessary in order to enable Applicant to invest more than 5 percent of the value of its assets in CSCC which, as noted, will be a 100 percent owned subsidiary of Applicant and permit CSCC to issue two classes of securities, viz. common stock to be held by Applicant and debt to be held or guaranteed by the SBA.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company any securities or other property. Since CSCC is an affiliated person of Applicant, a registered investment company, section 17(a) makes it unlawful for any transfer of assets to be effected between the two companies, as presently contemplated, in the absence of an exemptive order of the Commission.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, among other things, that it shall be

unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. Applicant has requested an order exempting it from the provisions of section 17(d) of the Act to permit it to participate with CSCC in any possible joint transactions with third persons having no affiliation with Applicant, CSCC or with their affiliates.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the requested exemptions are necessary to enable it to contemporaneously implement the congressional intent recited in the Small Business Investment Act of 1958 and to engage in the furnishing of venture capital as contemplated by section 12(c) of the Act. The application, as amended, states that this proposed arrangement would be favorable to Applicant's stockholders.

Notice is further given that any interested person may, not later than April 15, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3721; Filed, Mar. 28, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

MARCH 25, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capital Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 26, 1969, through April 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3720; Filed, Mar. 28, 1969; 8:46 a.m.]

[812–2484]

EATON & HOWARD BALANCED FUND

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

MARCH 25, 1969.

Notice is hereby given that Eaton & Howard Balanced Fund ("applicant"), 24 Federal Street, Boston, Mass. 02110, a common law trust existing under the laws of Massachusetts registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of the Metal Mouldings Corp. ("Metal").

All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Metal, a Michigan corporation, is an investment company, all of the outstanding stock of which is owned by three stockholders, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Metal, substantially all of the cash and securities owned by Metal, with a value of approximately $4,470,425 as of February 5, 1969, will be transferred to applicant in exchange for shares of its capital stock. The shares of applicant are to be sold at net asset value. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Metal to be transferred to applicant by the net asset value per share of applicant both to be determined as of a valuation time, as defined in the agreement. If the valuation under the agreement had taken place on February 5, 1969, Metal would have received 372,846 shares of applicant's stock.

When received by Metal, the shares of applicant, which are registered under the Securities Act of 1933, are to be distributed to the Metal stockholders on the liquidation of Metal. Applicant has been advised by the management of Metal that the stockholders of Metal have no present intention of redeeming any of applicant's shares following the proposed transaction.

There is no affiliation between applicant and Metal, Metal is not an affiliated person of any affiliated person of applicant, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Trustees approved the agreement as being beneficial to its shareholders, because among other things, applicant will be able to acquire at one time substantial additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The current public offering price of the shares (redeemable) of applicant as described in applicant's prospectus is net asset value plus a sales charge. Thus, section 22(d) prohibits the proposed sale of applicant's shares at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act other than section 22(d) and submits that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 15, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3722; Filed, Mar. 28, 1969; 8:46 a.m.]

[File No. 1–3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

MARCH 25, 1969.

The common stock, 1 cent par value, of Mountain States Development Co. being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 26, 1969, through April 4, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3723; Filed, Mar. 28, 1969; 8:46 a.m.]

[812–2325]

TELECOM CORP. AND TEXAS CAPITAL CORP.

Notice of Filing of Application for Order Declaring That Company Is Not Investment Company and Exempting Subsidiary From all Provisions of Act

MARCH 24, 1969.

Notice is hereby given that TeleCom Corp. ("TeleCom") (formerly Texas Capital Corp.), a Texas corporation registered as a closed-end, non-diversified, management investment company under the Investment Company Act of 1940 ("Act"), and its wholly-owned subsidiary, Texas Capital Corp. ("Texas Capital"), Post Office Box 139, Georgetown, Tex. 78626, have filed an application for an order pursuant to section 8(f) of the Act declaring that TeleCom has ceased to be an investment company and for an order pursuant to section 6(c) of the Act exempting Texas Capital from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

TeleCom commenced operation in 1958 under the name "Texas Capital Corporation" as a small business investment company ("SBIC") licensed under the Small Business Investment Act of 1958. Thereafter the company acquired a number of majority owned subsidiaries which the company controlled and operated. After being informed by the Small Business Administration ("SBA") that in order to maintain its license as an SBIC the company would have to divest itself of these control positions, a plan of reorganization was adopted by shareholders on August 29, 1968 pursuant to which the company's name, SBIC license and investments which qualified as SBIC assets were transferred to a wholly owned subsidiary. The subsidiary took the name Texas Capital Corporation and the parent corporation changed its name to TeleCom Corporation. The subsidiary assumed outstanding debts of the parent corporation of $5,399,785 to the SBA and is also indebted in the amount of $344,334 to TeleCom.

TeleCom represents that, based on fair value as determined by the TeleCom Board of Directors, as of October 18, 1968, TeleCom's holdings of investment securities, consisting solely of its investment in its subsidiary Texas Capital, were no more than $4,884,973 or 26.9 percent of its total assets of $18,155,642 (exclusive of government securities and cash items) on an unconsolidated basis. For the year ended September 30, 1968, the adjusted net income of Texas Capital was 1.68 percent of the total adjusted net income of TeleCom and its consolidated subsidiaries. The application also states that TeleCom is and will be primarily engaged in the business of operating its majority owned subsidiaries other than Texas Capital and that more than 75 percent of the time of its personnel is occupied with the internal affairs of these companies.

Section 8(f) of the act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order which may be made upon appropriate conditions necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

TeleCom has undertaken to mail a copy of the notice of application to all of its stockholders of record as of the date of the notice.

On the ground that it is a wholly-owned subsidiary of TeleCom, a company which is represented not to be an "investment company," Texas Capital, which does come within the definition of that term contained in section 3(a) of the Act, applies pursuant to section 6(c) of the Act for an order exempting it from all of the provisions of the Act. Texas Capital claims that but for its outstanding debts and any future indebtedness to the SBA it would come within section 3(b)(3) of the Act which excepts from the definition of "investment company" any issuer all of the outstanding securities of which (other than short-term paper and directors qualifying shares) are directly or indirectly owned by a company primarily engaged either directly or indirectly in a business or businesses other than that of investing, owning, holding, or trading in securities.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

TeleCom and Texas Capital contend that the statutory conditions for an exemption pursuant to section 6(c) would be met upon a finding that TeleCom is not an investment company and if any order of exemption is conditioned on among other things: (1) All of Texas Capital's outstanding capital stock being owned by TeleCom, and (2) Texas Capital's indebtedness being limited to (a) indebtedness to the SBA, which TeleCom and Texas Capital assert is in a position to protect its investment, and (b) indebtedness of $344,334 to TeleCom.

TeleCom and Texas Capital have therefore consented that any order exempting Texas Capital from the provisions of the Act may be issued subject to the following conditions:

1. Texas Capital shall:

(a) Not issue any securities (other than short-term paper as defined in section 2(a)(36) of the Act) except to TeleCom or the SBA unless such order is modified expressly by another order of the Commission to permit such transaction;

(b) File with the Commission within 120 days after the close of each fiscal year of Texas Capital the data required by Items 5, 6, 7, and 8 of the annual report on Form N–5R adopted by the Commission pursuant to section 30(a) of the Act;

(c) File with the Commission within 120 days after the close of each fiscal year of Texas Capital and TeleCom (i) a balance sheet of each company showing assets in reasonable detail as of the close of such fiscal year, with a schedule showing such assets at value (taking securities for which market quotations are readily available at market value and taking other securities and assets at value as determined in good faith by the board of directors) and (ii) a statement of income for such fiscal year and a statement of paid-in surplus and retained earnings as of the close of such fiscal year for Texas Capital and TeleCom. Texas Capital may incorporate by reference in any material filed to meet the requirements of this condition any document or part thereof previously or concurrently filed with the Commission pursuant to any of the Acts administered by the Commission.

2. No person other than TeleCom or the SBA shall at any time own any outstanding security of Texas Capital (other than short-term paper).

Notice is further given that any interested person may, not later than April 14, 1969, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon TeleCom and Texas Capital. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Deputy Administrator for Investments, Small Business Administration, Washington, D.C. 20416.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3724; Filed, Mar. 28, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

MARCH 25, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 26, 1969, through April 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–3725; Filed, Mar. 28, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Corrected Car Distribution Direction 38, Amdt. 1]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 38, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 38 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–3753; Filed, Mar. 28, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 33, Amdt. 1]

NORFOLK AND WESTERN RAILWAY CO. ET AL.

Car Distribution

To: Norfolk and Western Railway Co., Chicago, Rock Island and Pacific Railroad Co., Minneapolis, Northfield and Southern Railway, and Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 33, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 33 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–3752; Filed Mar. 28, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 32, Amdt. 1]

ERIE-LACKAWANNA RAILWAY CO. ET AL.

Car Distribution

To: Erie-Lackawanna Railway Co., Chicago, Burlington & Quincy Railroad Co., and Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 32, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 32 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–3753; Filed, Mar. 28, 1969; 8:48 a.m.]

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–3754; Filed, Mar. 28, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 34, Amdt. 1]

PENN CENTRAL CO. ET AL.

Car Distribution

To: Penn Central Co., Chicago, Burlington & Quincy Railroad Co., and Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 34, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 34 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–3755; Filed, Mar. 28, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 35, Amdt. 1]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. ET AL.

Car Distribution

To: St. Louis-San Francisco Railway Co., Chicago, Burlington & Quincy Railroad Co., and Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 35, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 35 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–3756; Filed, Mar. 28, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 36, Amdt. 1]

PENN CENTRAL CO. ET AL.

Car Distribution

To: Penn Central Co., Chicago, Burlington & Quincy Railroad Co., and Northern Pacific Railway Co.

Upon further consideration of Car Distribution Direction No. 36, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 36 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–3757; Filed, Mar. 28, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 37, Amdt. 1]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., Chicago, Burlington & Quincy Railroad Co., and Northern Pacific Railway Co.

Upon further consideration of Car Distribution Direction No. 37, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 37 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–3758; filed, Mar. 28, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 39, Amdt. 1]

SOUTHERN RAILWAY CO. AND CHICAGO & EASTERN ILLINOIS RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 39, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 39 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–3759; Filed, Mar. 28, 1969; 8:49 a.m.]

[Notice 804]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 26, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 83083 (Sub-No. 1 TA), filed March 20, 1969. Applicant: HOWARD D. BAKER, doing business as DON BAKER, 925 North Central Street, Paris, Ill. 61944. Applicant's representative: W. L. Jordan, 205 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial-Coal*, crushed, ground, or slack, from Sycamore Temple and Hawthorn mines in Green County, Ind., and Old Glory mine in Owen County, Ind., to plantsite of Illinois Cereal Mills, Inc., Paris, Ill., for 180 days. Supporting shipper: Illinois Cereal Mills, Inc., 614 South Jefferson Avenue, Paris, Edgar County, Ill. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 96500 (Sub-No. 6 TA), filed March 24, 1969. Applicant: HARRY'S EXPRESS COMPANY, INC., 545 West 25th Street, New York, N.Y. 10001. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stuffed toy animals, dolls, and musical cases*, from carrier's terminal at New York, N.Y., and steamship piers located in the New York, N.C. commercial zone, to Deer Park, N.Y., for 150 days. Supporting shipper: R. Dakin & Co., 111 West Industry Court, Deer Park, N.Y. 11007. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 107295 (Sub-No. 179 TA), filed March 20, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber products and hardwood flooring*, from Ishpeming, Mich., and White Lake, Wis., to points in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, for 180 days. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113024 (Sub-No. 73 TA), filed March 19, 1969. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, and accessories, and attachments therefor*, in rack-equipped or High-Cube equipment (3,000 cubic foot capacity or more), for account of Universal-Rundle Corp., (1) from plantsites of Universal-Rundle Corp., at New Castle, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (2) between plantsites of U-R Corp., at New Castle, Pa., and Camden, N.J., and points in Illinois on and north of Illinois Highway 24 (except Moline), Decatur, Ill.; St. Louis, Mo., and Monroe, Ga., for 180 days. Supporting shipper: Universal-Rundle Corp., 217 North Mill Street, Post Office Box 960, New Castle, Pa. 16103 (Robert L. Gardner, Traffic Manager). Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Maine Street, Salisbury, Md. 21801.

No. MC 113666 (Sub-No. 33 TA) (Correction), filed March 10, 1969 published the FEDERAL REGISTER issue of March 22, 1969, and republished as corrected this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Central Farmers Fertilizer Co. near Albany, Ill., to points in Iowa; from the plantsite of Central Farmers Fertilizer Company at Kingston Mines, Ill., to points in Indiana; from the plantsite of Agrico Chemical Company, a division of Continental Oil Corp. at North Pekin, Ill., to points in Indiana; from the plantsite of the Central Nitrogen Corp. near Terre Haute, Ind., to points in Illinois and Ohio; from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp., near Mt. Vernon, Ind., to points in Illinois; from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. at Wilder, Ky., to points in Ohio and Michigan; from the plantsite of Olin near Joliet, Ill., to points in Indiana, Ohio and Michigan, for 180 days. NOTE: The purpose of this republication is to correctly set forth the authority requested. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 113678 (Sub-No. 343 TA), filed March 20, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products* from Austin, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115491 (Sub-No. 115 TA), filed March 24, 1969. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Jacksonville, Fla., to points in Georgia, on and south of U.S. Highway 80, and to points in Effingham County, Ga., for 180 days. Supporting shipper: United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest 1st Avenue, Miami, Fla. 33130.

No. MC 116077 (Sub-No. 262 TA), filed March 20, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue 77023, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, in pneumatic tanks, from the plant of Celanese Chemical Co., South Bay City, Tex., to B. F. Goodrich Co., Avon Lake, Ohio, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Celanese Chemical Co. (A. DeRouen, Traffic Manager), 6601 Gulf Freeway, Suite A-153, Houston, Tex. 77023. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 117119 (Sub-No. 413 TA), filed March 21, 1969. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dough*, prepared, other than frozen, from Denison, Tex., to points in Tennessee, for 180 days. Supporting shipper: The Pillsbury Co., 608 2d Avenue S., Minneapolis, Minn. 55402. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 118127 (Sub-No. 11 TA), filed March 24, 1969. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East 7th Street, Los Angeles, Calif. 90021. Applicant's representative: William J. Augello, Jr., Bar Building, 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Boston, Mass., and Philadelphia, Pa., to points in Los Angeles County, Calif., for 150 days. Supporting shipper: Ever-Freez Food Distributors, Inc., 904 West Whittier Boulevard, Montebello, Calif. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 120791 (Sub-No. 2 TA), filed March 21, 1969. Applicant: HORTON AUSTON KEY, doing business as CARTHAGE FREIGHT LINE, Post Office Box 194, Carthage, Tenn. 37030. Applicant's representative: Charles H. Hudson, Jr., Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the following points as off-route points, Brush Creek, Gordonsville, Hickman, Carthage Junction, Lancaster, New Middleton, and Stonewall, Tenn., in connection with applicant's regular-route authority between Nashville and Carthage, Tenn., for 180 days. Supporting shippers: Nashville District Corps of Engineers, Nashville, Tenn.; Nixon and Paschall, Hickman, Tenn.; H & H Grocery, Carthage Junction, Tenn.; Neal Hunt Grocery, Hickman, Tenn.; Gordonsville Supply, Gordonsville, Tenn.; Gordonsville High School, Gordonsville, Tenn.; J. L. Bass Funeral Home, Gordonsville, Tenn.; J. C. Maggart & Son, Gordonsville, Tenn.; Gordonsville American, Gordonsville, Tenn.; Welsh Co., St. Louis, Mo.; Dicks Market, Lancaster, Tenn.; Stauffley Medley, Lancaster, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 133569 TA, filed March 20, 1969. Applicant: CAROLINA FREIGHTWAYS, INC., Post Office Box 8665, Charlotte, N.C. 28208. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, piling, and rail*, between the plantsite and warehouse facilities of L. B. Foster Co. in Mecklenburg County, N.C., on the one hand, and, on the other, points in Virginia, South Carolina, Georgia, Florida, Alabama, Kentucky, Tennessee, and Wilmington, N.C., for 180 days. Supporting shipper: L. B. Foster Co., Post Office Box 47367, Doraville, Ga. 30340. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-3760; Filed, Mar. 28, 1969; 8:49 a.m.]

[Notice 319]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 26, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70768. By order of March 19, 1969, the Motor Carrier Board approved the transfer to five Moving & Storage Co., a corporation, Houston, Pa.; of a portion of the operating rights in certificate No. MC-85390, issued January 23, 1941, to Raymond E. Fife, Houston, Pa.; authorizing the transportation of: Household goods, between points in Washington County, Pa.; on the one hand, and, on the other, points in Ohio, Maryland, and West Virginia. Howard O. Stevens, Mellon Bank Building, Cannonsburg, Pa. 15317, attorney for applicants.

No. MC-FC-70847. By order of March 20, 1969, the Motor Carrier Board approved the transfer to Carpenter Bros. Trucking, Inc., Las Animas, Colo., of the certificates in Nos. MC-117867, MC-117867 (Sub-No. 4) and MC-117867 (Sub-No. 7), issued November 29, 1965, June 14, 1967 and June 14, 1967, respectively to Smith Banana Transport, Inc., 901 West Fourth Street, Pueblo, Colo. 81003, authorizing the transportation of bananas from Freeport, Tex., and New Orleans, La., to named points in Colorado and New Mexico. Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202, attorney for transferee.

No. MC-FC-71071. By order of March 20, 1969, the Motor Carrier Board approved the transfer to David L. Gould, doing business as David Gould Trucking Co., Holly Springs, Miss., of the operating rights in certificate No. MC-30808 issued April 22, 1952, to John W. Forester, doing business as Parker Truck Line, Holly Springs, Miss., authorizing the transportation of general commodities, with usual exceptions, between Holly Springs, Miss., and Memphis, Tenn., via U.S. Highway 78, serving all intermediate points in Mississippi, and charcoal furnaces, in truckload lots, from Holly Springs, Miss., to points in Mississippi and Tennessee within 250 miles of Holly Springs, Miss. James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103, attorney for applicants.

No. MC-FC-71097. By order of March 25, 1969, the Motor Carrier Board approved the transfer to Jenkins-Simmons Transportation Co., Inc., North Abington, Mass., of certificate No. MC-75381, issued April 12, 1955, to Manning's Express, Inc., East Brookfield, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Boston, Mass., and Ware, Mass., over regular routes, serving intermediate points, and specified off-route points, and those within 15 miles of Boston. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601, registered practitioner.

No. MC-FC-71146. By order of March 18, 1969, the Motor Carrier Board approved the transfer to Carpenter Bros. Trucking, Troy, N.Y., of certificate No. MC-115059 and certificate of registration No. MC-115059 (Sub-No. 2), both issued February 1, 1967, to Lester M. Gundrum and Charles Bothwell, a partnership, doing business as P. & E. Buehler Trucking, Troy, N.Y. certificate No. MC-115059 authorizes the transportation of: General commodities, with the usual exceptions, between Cherryplain, N.Y., and Albany, N.Y., from Cherryplain over New York Highway 22 to Petersburg, thence over New York Highway 2 to Troy, thence over New York Highway 32 to Albany, and from Cherryplain over New York Highway 22 to Stephentown, thence over New York Highway 43 to West Sand Lake, thence over New York Highway 150 to Troy, thence over New York Highway 32 to Albany, and return over the same routes, serving all intermediate points. Certificate of registration No. MC-115059 (Sub-No. 2) embraces the right to engage in operations pursuant to certificate of public convenience and necessity No. 7364 dated April 26, 1955, and reissued January 25, 1966, by the New York Public Service Commission. John J. Brady, Jr., 75 State Street, Albany, N.Y., 12207, attorney for applicants.

No. MC–FC–71154. By order of March 25, 1969, the Motor Carrier Board approved the transfer to Alfred Santini & Co., Inc., Bronx, New York, N.Y., of certificate No. MC–21313, issued September 28, 1959, to Anthony Cuneo, doing business as Alfred Santini & Co., Bronx, New York, N.Y., authorizing the transportation of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, and Pennsylvania, and between New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, and the District of Columbia. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC–FC–71188. By order of March 20, 1969, the Motor Carrier Board approved the transfer to Albert L. Derby, Whitewood, S. Dak., of the permit in No. MC–123420 (Sub-No. 2), issued February 21, 1967, to Joseph C. Werlinger, Whitewood, S. Dak., authorizing the transportation of pressure treated post, poles, and piling and other pressure treated wood products when transported in the same vehicle at the same time with the described post, poles, and piling from the site of the treating plant of the Wheeler Lumber Bridge & Supply Co., at or near Whitewood, S. Dak., and points within 1 mile thereof, to points in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota (with exceptions), and Wyoming for the account of Wheeler Lumber Bridge & Supply Co., Keith R. Smit, Box 29, Sturgin, S. Dak. 57785, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3761; Filed, Mar. 28, 1969; 8:49 a.m.]

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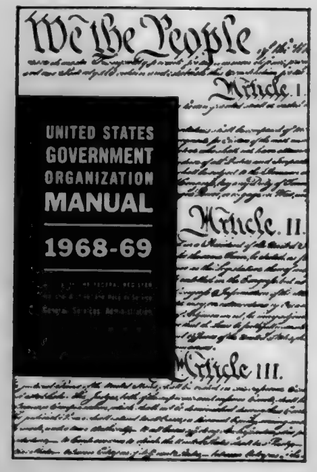
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The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the *Code of Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1969. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.

Daily numerical guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

A subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

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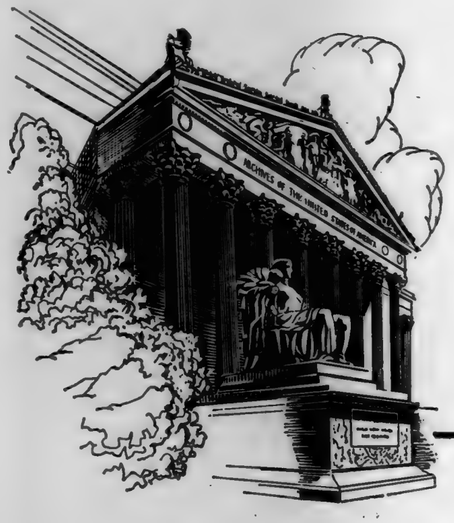
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Executive Order 11462

PROVIDING FOR THE CLOSING OF GOVERNMENT DEPARTMENTS AND AGENCIES ON MARCH 31, 1969, AND FOR THE GRANTING OF ADMINISTRATIVE LEAVE ON MARCH 28, 1969

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. All executive departments, independent establishments, and other governmental agencies, including their field services, shall be closed on Monday, March 31, 1969, as a mark of respect for General of the Army Dwight David Eisenhower, the thirty-fourth President of the United States.

SEC. 2. Section 1 of this order shall not apply to those offices and installations, or parts thereof, in the Department of State, the Department of Defense, or other departments, independent establishments, and governmental agencies which the heads thereof determine should remain open for reasons of national security or defense or other public reasons.

SEC. 3. The heads of executive departments, independent establishments, and other Government agencies may excuse from duty for the remainder of his tour of duty on Friday, March 28, 1969, without charge to leave, any employee engaged in the performance of his duty at the time of the death of General Eisenhower at 12:25 p.m. on that day.

Richard Nixon

THE WHITE HOUSE,
March 28, 1969.

[F.R. Doc. 69-3945; Filed, Apr. 1, 1969; 10:53 a.m.]

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Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1969 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1969. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (as of Jan. 1, 1969):		Price
3	1936–1938 Compilation	$6.00
	1968 Compilation	.75
4	(Rev.)	.50
12	Parts:	
	1–299 (Rev.)	2.00
	300–end (Rev.)	2.00
13	(Rev.)	1.25
16	Parts 150–end (Rev.)	2.00
26	Parts:	
	2–29 (Rev.)	1.25
	500–599 (Rev.)	1.50
30	(Rev.)	1.50
32	Parts:	
	400–589 (Rev.)	2.00
	1600–end (Rev.)	1.00
41	Chapters:	
	5–5D (Rev.)	1.25
	19–100 (Rev.)	1.00
	101–end (Rev.)	1.75
43	Parts 1000–end (Rev.)	2.75
46	Parts 146–149 (Rev.)	3.75

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the position of Private Secretary to the Special Assistant to the Secretary for Communications is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (26) is added to paragraph (a) of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(26) One Private Secretary to the Special Assistant to the Secretary for Communications.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3825; Filed, Apr. 1, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Special Assistant to the Under Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(13) One Special Assistant to the Under Secretary.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3826; Filed, Apr. 1, 1969; 8:49 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Determining Entitlement

Paragraph (c) of § 550.803 is revised to make clear that any court having jurisdiction in a civilian pay or personnel action, including the United States Court of Claims, is considered an "appropriate authority" as that term is used in 5 U.S.C. 5596 and Subpart H of Part 550 of Chapter I of Title 5 of the Code of Federal Regulations. As revised the paragraph reads as follows:

§ 550.803 Determining entitlement.

• • • • •

(c) The appropriate authority referred to in section 5596 of title 5, United States Code, and this subpart is (1) the agency or the office or official in an agency authorized under applicable law or regulation to correct, or to direct the correction of, the unjustified or unwarranted personnel action, or (2) a court having jurisdiction to make a determination that a personnel action is unjustified or unwarranted.

• • • • •

(5 U.S.C. 5596)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3823; Filed, Apr. 1, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–EA–145]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 1910 of the FEDERAL REGISTER for February 8, 1969, the Federal Aviation Administration published proposed regulations which would alter the Batavia, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 19, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Batavia, N.Y., transition area "4-mile radius" wherever it appears and insert in lieu thereof "5-mile radius"; delete the name "Batavia Airport" and insert in lieu thereof "Genesee County Airport". Following the words "miles S of the airport" add "and within 2 miles each side of the Geneseo, N.Y., VORTAC 302° radial, extending from the 5-mile radius area to 20 miles NW of the Geneseo, N.Y., VORTAC".

[F.R. Doc. 69–3806; Filed, Apr. 1, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment and Control Zone

The purpose of this amendment is to alter the descriptions of the VOR Federal airway No. 94 and the Shreveport, La. (Barksdale AFB), control zone.

The present descriptions include specific references to the Barksdale VOR navigational facility; however, the name of this facility has been changed to the Elm Grove VOR effective April 3, 1969.

As this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective April 3, 1969.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 3, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

In V-94 "12 AGL Barksdale AFB, La.;" is deleted and "12 AGL Elm Grove, La.;" is substituted therefor.

In § 71.171 (34 F.R. 4625) the Shreveport, La. (Barksdale AFB), control zone is amended by deleting "Barksdale VOR" and substituting "Elm Grove VOR" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 24, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-3801; Filed, Apr. 1, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the U.S. segment of Blue Federal airway No. 40 from the Haines, Alaska, RBN 1,200 feet AGL Robinson, Yukon Territory, Canada, RBN. This airway is designated at the request of the Canadian Department of Transport to facilitate air traffic control procedures in the Whitehorse, Yukon Territory, Canada, terminal area. The amount of new airspace to be designated will be minimal.

Since this amendment is minor in nature and one in which the public is not particularly interested, notice and public procedure thereon is unnecessary. However, since it is necessary to allow sufficient time to make the changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

In § 71.109 (34 F.R. 4508) the following is added:

B-40 From the Haines, Alaska, RBN, 12 AGL Robinson, Yukon Territory, Canada, RBN, excluding the portion within Canada.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 25, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3802; Filed, Apr. 1, 1969; 8:47 a.m.]

[Airspace Docket No. 69-PC-1]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the boundaries and the designated altitudes of the Humuula, Hawaii, Restricted Area R-3103.

A review of the annual utilization report for R-3103 has disclosed that portions of the danger impact area extend outside of the present restricted area boundaries and that the upper 6,000 feet of the area has not been used. Therefore, the Department of the Army has agreed to the alteration of R-3103 which will result in a reduction of 47 square miles in area and a lowering of the ceiling from 36,000 feet MSL to 30,000 feet MSL.

Since this amendment is minor in nature and is immediately needed to insure the safety of the operations being conducted therein, notice and public procedure hereon is both unnecessary and impractical. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

In § 73.31 (34 F.R. 4824) the Humuula, Hawaii, Restricted Area R-3103 is amended to read:

R-3103 HUMUULA, HAWAII

Boundaries. Beginning at lat. 19°48'25" N., long. 155°37'30" W.; thence to lat. 19°43'30" N., long. 155°29'20" W.; thence to lat. 19°35'00" N., long. 155°34'30" W.; thence to lat. 19°35'00" N., long. 155°40'25" W.; thence to lat. 19°40'15" N., long. 155°43'45" W.; thence to lat. 19°46'40" N., long. 155°42'20" W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Hilo Combined Station/Tower.

Using agency. Commanding General, U.S. Army, Hawaii, Schofield Barracks, Hawaii.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 25, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3799; Filed, Apr. 1, 1969; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-91]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Ski-Lifts From Italy

Notice of reduction of countervailing duties imposed under section 303, Tariff Act of 1930, by reason of the payment or bestowal of a bounty or grant on exportation of ski-lifts from Italy.

In Treasury Decision 68-288, published in the FEDERAL REGISTER on November 22, 1968, notice was given that ski-lifts and parts thereof from Italy are subject to bounties or grants within the meaning of section 303 of the Tariff Act, 1930, as amended (19 U.S.C. 1303). The net amount of such bounty or grant was that specified in a listing attached as Annex A.

Information now available indicates that certain of the net amounts of the bounty or grant specified in Annex A to the notice of November 22, 1968, should be revised, effective January 10, 1969, as indicated below.

Accordingly in accordance with section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) the net amounts of the bounty or grant on ski-lifts or parts thereof from Italy have been ascertained and determined or estimated, and such net amounts are declared to be as follows:

ANNEX A

Stations	11.19 lire per kilo.
Electric motor	35.00 lire per kilo.
Gasoline engine	35.00 lire per kilo.
Panel	11.19 lire per kilo.
Towers	13.63 lire per kilo.
Sheave	11.19 lire per kilo.
Chairs	8.63 lire per kilo.
Cable	14.73 lire per kilo.
Launching	11.19 lire per kilo.
Monorail	13.63 lire per kilo.
Other metal parts	11.19 lire per kilo.
Nonmetallic parts	None.

Effective with respect to all dutiable ski-lifts or parts thereof imported directly or indirectly from Italy and entered, or withdrawn from warehouse, for consumption on or after January 10, 1969, and which benefit from such bounty or grant, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

With respect to importations of a complete ski-lift, countervailing duties will be collected on the basis of the countervailing duties applicable to the component parts thereof.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Italy—ski-lifts and ski-lift parts * * *" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New Rate" in the column headed "Action."

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: March 27, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-3849; Filed, Apr. 1, 1969; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

Tea Standards 1969-70

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the regulations for the enforcement of the act (21 CFR Part 281) are amended by revising § 281.19(a) to read as follows:

§ 281.19 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 12, 1969, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1969, and ending April 30, 1970:

(1) Formosa oolong.

(2) Ceylon-India-Indonesia black (all black tea except Formosa and Japan black).

(3) Formosa black (Formosa black and Japan black).

(4) Green tea.

(5) Canton type (all Canton type teas including scented Canton and Canton oolong types).

These standards apply to tea shipped from abroad on or after May 1, 1969. Tea shipped prior to May 1, 1969, will be governed by the standards that became effective May 1, 1968 (33 F.R. 4462).

* * * * *

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of tea experts drawn from the Food and Drug Administration and the tea trade to be representative of the trade as a whole.

Effective date. This order shall become effective May 1, 1969.

(Secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50)

Dated: March 26, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3784; Filed, Apr. 1, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 198—TECHNICAL MANUAL (TM) MANAGEMENT

The Assistant Secretary of Defense (Installations and Logistics) approved the following on January 24, 1969:

Sec.
198.1 Purpose and objective.
198.2 Applicability.
198.3 Definitions.
198.4 Policies.
198.5 Responsibilities.
198.6 Technical Manual cost reduction goals and reporting requirements.

AUTHORITY: The provisions of this Part 198 are issued under 5 U.S.C. 301.

§ 198.1 Purpose and objective.

(a) This part establishes policies and procedures for the management of technical manuals (TMs) used by the Department of Defense.

(b) The objectives of this part are to (1) improve the adequacy, utility and pertinency of the technical content of TMs, (2) assure their timely delivery to using activities, (3) reduce costs, and (4) accelerate information feedback to effect necessary corrections, changes and revisions.

§ 198.2 Applicability.

The provisions of this part apply to all DoD Components.

§ 198.3 Definitions.

As used in this part, the following definitions apply:

(a) Technical manuals (TMs) are defined as publications and other forms of documentation containing a description of equipment, weapons, or weapons systems, with instructions for effective use, including one or more of the following sections as required: Instructions covering initial preparation for use; operational instructions; maintenance instructions; overhaul instructions; parts list or parts breakdown; and related technical information or procedures exclusive of those procedures of an administrative nature. Categories of publications technical in nature, but containing general stockpile reporting and supply procedures for certain materiel, such as nuclear items, may be included within the scope of this definition upon determination by using DoD Components.

(b) Engineering Review is a desk top review of a proposed TM conducted by contractor and DoD Component engineering and technical personnel familiar with the equipment system, without performing the operations or maintenance on the equipment system for which the TM was written.

(c) In-process reviews are held during the preparation of the TM primarily to provide guidance to the contractor (by the cognizant DoD Component) to assure that TMs are written in conformance with contract requirements. In-process reviews may be conducted at the contractor's facility or at his source facility at any time during the development of the TM, but normally prior to preparation of final copy or negatives.

(d) Validation is the process by which the contractor (or as otherwise directed by the DoD Component procuring activity) tests a TM for technical accuracy and adequacy, and is accomplished by actual performance of the maintenance and operating instructions on the equipment/system for which the TM was written. It is conducted at the contractor's facility or at the operational site, and entails the actual performance of operating and maintenance procedures (including checkout, calibration, alignment, scheduled removal and replacement instructions and associated checklists) to insure technical accuracy and adequacy. Disassembly and reassembly or unscheduled removal and replacement procedures are validated by actual performance or simulation. Other data such as part numbers or Source, Maintenance and Recoverability Codes in Illustrated Parts Breakdowns (IPBs); and hardware depiction, schematic diagrams, and wiring data contained in TMs are checked against current source data.

(e) Verification is the process by which a TM is tested and proved (under DoD Component jurisdiction) to be adequate for operation and maintenance of equipment procured for operational units. Verification is conducted by using personnel and consists of actual performance of selected operating and maintenance procedures and associated checklists (including checkout, calibration, alignment and scheduled removal and replacement instructions). The items are selected with regard to criticality and complexity.

§ 198.4 Policies.

(a) The acquisition of TMs shall be scheduled to insure their availability in (1) preliminary form for the prototype and early production stage of the system or equipment and for use in advance training of personnel when required and (2) completed form for the programed operational date for the system or equipment. Such efforts are to be related to DoD Directive 4100.35, "Development of Integrated Logistic Support for Systems and Equipments," June 19, 1964,[1] as appropriate.

(b) To assure technical accuracy and adequacy of TM contents, plans shall be developed for each new group of TMs to

See footnotes at end of document.

support an equipment or a weapon system. This plan will provide, as applicable, for (1) input from specialists representing various military functions (i.e.; Engineering, Operations, Maintenance, Supply, Training, etc.) as required; (2) optimum number and types of conventional publications, with consideration of other media (e.g., audiovisual systems), for presentation of information for the same purposes; (3) engineering review; (4) in process reviews; (5) validation; (6) verification; and (7) acceptance.

(c) As a rule, TMs shall be validated for accuracy and effectiveness of content against the related system or equipment by either contractor or DoD Component specialists, depending on assigned responsibility.

(1) Where excessive cost and/or technical reasons preclude validation as a separate effort, this essential step will be accomplished by other checking methods to the extent practical with results documented on a case by case basis.

(2) Contractual coverage for TMs will define the role of Contractor and/or DoD Component participation in validation/verification requirements.

(3) In all cases, management should provide for validation/verification to extent appropriate to importance of equipment covered in the TMs.

(d) Management attention shall be directed toward controlling and reducing the cost of TM acquisition, distribution and revisions with emphasis on the following:

(1) To facilitate management control and to permit more precise negotiation of TM costs, DoD Components shall (i) establish procedures to determine and record acquisition costs of TMs, and (ii) make appropriate use of Armed Services Procurement Regulation (ASPR) guidance on contract ordering of technical data and cost or price analysis. Such cost data on TMs shall be made available, on request, to all DoD Components for purposes of making cost comparisons.

(2) To reduce costs, the following actions shall be taken wherever practical:

(i) Review TM requirements with user activities as a basis for buying what is needed and avoiding overspecification.

(ii) Standardize specifications for TM preparation with emphasis on effectiveness of content and reduction of costs which do not aid such effectiveness.

(iii) Increase competition in TMs acquisition by procurement of TMs from document contractors when such competition is determined practicable based on consideration of effectiveness such as: (*a*) Contractual responsibility for design control placed upon the weapons system or equipment contractors thereby limiting the source of requisite technical information; (*b*) availability of adequate detailed TM specifications and necessary data to support competitive bidding; and (*c*) sufficient procurement lead time to attain the objective of timely availability of manuals for support of systems in accordance with paragraph (a) of this section. Where consideration of design control responsibility requires procurement of TMs from the weapon system or equipment contractor, those contractors should be encouraged to seek economies of competition through subcontracting preparation of portions of the publication.

(iv) Increase use of commercially available manufacturer's TMs when satisfactory for Military Service requirements (e.g. accomplishment of operation, maintenance, feedback of equipment behavior, respective activity publication change procedures).

(v) Use previously available publications where pertinent to avoid duplication in preparation of TMs for equipment used by several DoD Components. For common-use systems, subsystems and components, TMs for joint use shall be developed whenever practical to meet needs of the users. When such joint TMs will not meet minimum needs, maximum use will be made of common basic engineering and logistic source data for the separate TMs.

(vi) Maintain contract change controls capable of obtaining savings from reductions in requirements reflecting configuration management (DoD Directive 5010.19, "Configuration Management," July 17, 1968 (published at 33 F.R. 13017) and DoD Instruction 5010.21, "Configuration Management Implementation Guidance," August 6, 1968 (published at 33 F.R. 13020).

(e) DoD Components shall develop and implement procedures governing (1) the maintenance of an information system which will assure rapid feedback of reports on deficiencies in TMs; (2) timely issuance of changes and revisions to TMs (reflecting configuration management (DoD Directive 5010.19 (33 F.R. 13017) and DoD Instruction 5010.21 (33 F.R. 13020)), engineering changes, new instructions resulting from equipment modification concurrent with issuance of modification directives); and (3) updating of IPBs and other parts lists used in repair procedures.

(f) TMs shall be printed in compliance with the requirements of the Government Printing and Binding Regulations implemented in DoD Instruction 5330.1, "Printing, Binding and Related Equipment Programs," July 6, 1954.[1]

(g) DoD Components shall maintain data files (including indexes as necessary) describing the contents of existing DoD and pertinent commercial TMs for those areas of materiel where there is a reasonable possibility of intra- or interdepartmental commonality in TM content to permit "ready exchange of information and to eliminate duplication of effort and resources" as provided in DoD Directive 5100.36, "DoD Technical Information," December 31, 1962.[1]

(h) DoD Components shall accelerate action to consolidate the number of their specifications and other contractual documents related to the preparation of TMs. This effort shall augment interdepartmental standardization under the Technical Manual Specifications and Standards (TMSS) standardization area assignment established in accordance with DoD Directive 4120.3, "Defense Standardization Program," April 23, 1965.[1]

§ 198.5 Responsibilities.

(a) Overall responsibilities for management of technical data and standardization (including TMs) are set forth in DoD Instruction 5010.13, "Technical Data and Standardization Management," December 28, 1964.[1]

(b) Each Military Department and Defense Agency shall, under applicable provisions of DoD Instruction 5010.12, "Management of Technical Data," December 5, 1968: [1]

(1) Furnish appropriate TM management support including programing, budgeting, funding, accounting, and reporting;

(2) Identify an organizational unit to act as the principal point of contact regarding TM management responsibilities; and

(3) Assist the Office of the Secretary of Defense in developing TM management policies, programs, and procedures.

§ 198.6 Technical Manual cost reduction goals and reporting requirements.

TM cost reduction savings will be sought and reported in accordance with DoD Directive 5010.6, "DoD Cost Reduction and Management Improvement Program," May 21, 1968.[1]

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-3779; Filed, Apr. 1, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-16]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

KINGS POINT, N.Y.

1. The Commander, 3d Coast Guard District, New York, N.Y., by letter dated February 14, 1969, requested the establishment of a special anchorage area in Kings Point Harbor, in General Anchorage No. 4, in the vicinity of Stepping Stones Light, N.Y. A public notice dated October 24, 1968, was issued by Commander, 3d Coast Guard District, New York, N.Y., describing the proposed anchorage. All known interested parties were notified and requested to comment on the proposal. No objections were received. Therefore, the request is granted and the establishment of a special anchorage area as described in 3 CFR 110.60(j-1) below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. The purpose of this document is to establish and describe the special anchorage area in Kings Point Harbor, in General Anchorage No. 4, in the vicinity of Stepping Stones Light, N.Y., as described in 33 CFR 110.60(j-1) below, wherein vessels not more than 65 feet in length, when at anchor in such special anchorage area, are not required to carry or exhibit anchor lights. The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors in place are allowed. Fixed mooring piles or stakes are prohibited. An ordinance of the Village of Kings Point, N.Y., regulates mooring and anchoring in the area which includes this special anchorage area.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), 33 CFR Part 110 is amended as follows, to become effective 30 days after publication of this document in the FEDERAL REGISTER:

Section 110.60 is amended by adding a new paragraph (j-1) following paragraph (j), to read as follows:

§ 110.60 Port of New York and vicinity.

* * * * *

(j-1) *Kings Point.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) beginning on the shoreline at latitude 40°49'00.3", longitude 73°45'43.5"; thence to latitude 40°49'03.9", longitude 73°45'47.1"; thence to latitude 40°49'12.9", longitude 73°45'41.2"; thence to latitude 40°49'18.7", longitude 73°45'30.3"; thence to latitude 40°49'08.2", longitude 73°45'19"; thence along the shoreline to the point of beginning.

NOTE: Temporary floats or buoys for marking anchors in place are allowed. Fixed mooring piles or stakes are prohibited. An ordinance of the village of Kings Point regulates mooring and anchoring in the area which includes this special anchorage area.

This special anchorage area is within the limits of Long Island Sound Anchorage No. 4 as described in § 110.155(a)(6).

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: March 25, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Guard, Acting Commandant.

[F.R. Doc. 69-3798; Filed, Apr. 1, 1969; 8:47 a.m.]

SUBCHAPTER J—BRIDGES

[CGFR 69-15]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Wappinger Creek, N.Y.

1. The Penn Central Railroad Co. by letter dated August 29, 1968, requested the Commander, 3d Coast Guard District to revise the special operating regulations for its drawbridge across Wappinger Creek at New Hamburg, N.Y. A public notice dated December 10, 1968, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 3d Coast Guard District and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal, the revision is accepted. The purpose of this document is to revise the requirements in 33 CFR 117.190(f)(10).

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.190(f)(10) reads as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

* * * * *

(10) Wappinger Creek; Penn Central Railroad bridge at New Hamburg. The draw shall be opened promptly upon signal from 11:30 a.m. to 7:30 p.m. from May 15 to October 15. At all other times at least 12 hours' advance notice shall be given to the Chief Train Dispatcher, Penn Central Railroad Company, New York, N.Y.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v))

Dated: March 5, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-3833; Filed, Apr. 1, 1969; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 822—BUREAUS AND OFFICES

Office of the General Counsel

Section 822.2 is amended as follows to update the organization statement of the Office of the General Counsel. These amendments reflect a recent transfer of functions and reassignment of personnel in the Office. Changes are also made due to the enactment of Public Law 90-590, which amended 39 U.S.C. 4005 relating to false representations in the mails. Other minor amendments are made for purposes of clarification.

Accordingly, in § 822.2 *Office of the General Counsel*, make the following changes:

1. In paragraph (a) make the following changes:

a. In subparagraph (2) strike out the word "fraud" appearing in the first sentence and insert in lieu thereof the words "false representation".

b. In subparagraph (7) strike out the word "fraud" and insert in lieu thereof the words "false representation".

c. In subparagraph (8) strike out the words "regional counsel" and insert in lieu thereof the words "regional legal officers".

d. Subparagraph (10) is amended to read as follows:

(10) Initiates and prosecutes, in his name or by his designee, mailability proceedings under laws prohibiting the mailing of obscene articles, matter relating to lotteries, concealable weapons, extortive or threatening matter, and schemes for obtaining money or property by means of false representations.

e. Subparagraph (11) is amended to read as follows:

(11) Initiates and prosecutes, in his name or by his designee, cases seeking the issuance of orders prohibiting delivery of mail to persons or firms engaged in the use of the mails under fictitious names, those seeking remittances in the mail under false representations, and persons or firms engaged in the seeking of remittances in the mail for obscene matter.

f. Subparagraph (15) is amended to read as follows:

(15) Provides legal services to regional officers either directly or through regional legal officers. Reviews their work and furnishes policy and technical guidance to regional legal officers in performing their functions. Advises Regional Directors on employment and professional development of these officials.

g. Subparagraph (19) is amended to read as follows:

(19) As Contract Compliance Officer for the Post Office Department, directs nationwide contract compliance program (Executive Orders 11246 and 11375), to promote and insure equal employment opportunity for all qualified persons without regard to race, color, religion, sex, or national origin employed by or seeking employment with Government contractors and subcontractors.

2. Paragraph (b) is amended to read as follows:

(b) *Deputy General Counsel.* (1) Exercises direct professional and administrative supervision over the staff of the Office of the General Counsel.

(2) Provides the General Counsel with recommended interpretations, opinions, regulations, and procedures on matters requiring legal action, and provides policy and technical guidance to regional legal officers.

(3) Represents and acts for the General Counsel in his absence or at his request.

3. In paragraph (d) make the following changes:

a. Amend subparagraph (2) to read as follows:

(2) *Mailability Division.* (i) Prepares interpretations as to mailability of matter under statutes relating to obscenity, pandering advertisements, solicitations in the guise of bills or statements of account, master keys, false representations, lotteries, subversive, defamatory, extortious and threatening material, firearms, and poisons, drugs, and other harmful matter.

(ii) Prepares and tries before hearing examiners and the Judicial Officer cases arising under statutes covering obscene matter, lotteries, defamations, false representations, and second-class mail matters involving questions of obscenity.

(iii) Oversees all administrative proceedings concerning the use of mails by pandering advertisers, and acts as appellate official for pandering appeal cases heard by field officials.

(iv) Conducts all administrative proceedings governing solicitations in the guise of bills or statements of account.

(v) Considers and recommends to the General Counsel the closing of post office boxes used for deceptive or other purposes prohibited by postal regulations.

(vi) Assists and collaborates with the Department of Justice in the handling of court proceedings brought against the Post Office Department involving subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph.

b. Amend subparagraph (4) to read as follows:

(4) *Opinions Division.* (i) Prepares interpretations of laws, regulations, treaties, and conventions. Prepares opinions as requested.

(ii) Renders legal advisory services concerning labor standards and employment policy provisions of contracts, including equal employment opportunity under Executive Orders 11246 and 11375, and is the liaison on such matters with the Department of Labor on behalf of the General Counsel.

(iii) Recommends disposition of questions arising from application of the Private Express Statutes.

(iv) Recommends approval of procedures and actions under laws and executive orders relating to personnel security.

(v) Prepares and tries before hearing examiners and the Judicial Officer cases involving the denial of entry or revocation of entry of second-class mail when obscenity questions are not involved.

(vi) Aids and assists in the negotiation of and interpretation of agreements made with organizations which are the representatives of postal employees.

(vii) Performs all legal services in the procurement of and interpretation of contracts, laws, and regulations for:

(a) The training of postal personnel;

(b) The services of experts and consultants;

(c) Contracts awarded by the Bureau of Research and Engineering; and

(d) The banklet position surety bond, and cafeterias and vending machines.

(viii) Aids and assists in the interpretation and implementation of laws affecting personnel in the Postal Service and Headquarters.

(ix) Assists and collaborates with the Department of Justice in the institution and defense of civil suits involving the Department, other than those handled by other divisions of the Office of the General Counsel.

(x) Acts for the General Counsel in rendering final decisions on behalf of the Department on appeals from the denial of access to records maintained in the Department or in the postal field service.

(xi) Through the Deputy Assistant General Counsel, who reports directly to the General Counsel on such matters, assists and acts for the General Counsel in all matters relating to his function of Ethical Conduct Counselor for the Department.

c. Amend subparagraph (5) to read as follows:

(5) *Real Property and Procurement Division.* (i) Prepares legal opinions and documents, approves contracts as to legal sufficiency, and performs all other legal services arising from the acquisition, management, disposal, and leasing of real property or space by the Post Office Department.

(ii) Performs the legal services in connection with the acquisition, construction, alteration, extension, moderization, and management of federally owned buildings used primarily for postal purposes.

(iii) Performs the legal services in connection with contracting for procurement of services and supplies in all procurement matters, except those specifically assigned to other divisions of the Office of the General Counsel.

(iv) Assists and collaborates with the Department of Justice in all matters pertaining to subdivisions (i), (ii), and (iii) of this subparagraph.

(v) Acts as Departmental Counsel in all Board of Contract Appeals cases arising from contracts made under subdivisions (i), (ii), and (iii) of this subparagraph.

4. Paragraph (e) is amended to read as follows:

(e) *Contract Compliance Office.* Directs nationwide contract compliance program (Executive Orders 11246 and 11375), to promote and insure equal employment opportunity for all qualified persons without regard to race, color, religion, sex, or national origin employed by or seeking employment with Government contractors and subcontractors.

NOTE: The corresponding Postal Manual Section is 822.2.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-3790; Filed, Apr. 1, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5-53—CONTRACT ADMINISTRATION

Subpart 5-53.6—Disputes

MISCELLANEOUS AMENDMENTS

This amendment deletes § 5-53.602 since the provisions therein were superseded by the requirements of § 1-1.318-1.

1. The table of contents for Part 5-53 is amended by deleting the entry for § 5-53.602 and by substituting therefor the new entry "Reserved," as follows:

Sec.
5-53.602 [Reserved]

2. Section 5-53.601 is revised as follows:

§ 5-53.601 General.

Questions of fact arising under contracts which are not disposed of by agreement shall be decided by the contracting officer and the contractor shall be informed of the decision in accordance with § 1-1.318-1.

3. Section 5-53.602 is deleted and the caption designated "Reserved," as follows:

§ 5-53.602 [Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 25, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-3832; Filed, Apr. 1, 1969; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 40—REIMBURSEMENT FOR DAMAGE OR DESTRUCTION OF PERSONAL BELONGINGS OF OFFICERS AND EMPLOYEES

Revocation

Part 40, entitled Reimbursement for Damage or Destruction of Personal Belongings of Officers and Employees, which includes §§ 40.1 through 40.7 published in 14 F.R. 3815 on July 12, 1949, is revoked in its entirety.

Dated: March 25, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-3844; Filed, Apr. 1, 1969; 8:51 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 104]

PART 255—PAYMENTS FROM CAPITAL RESERVE FUND

Subpart B—Expenses for Research, Development, and Design

Effective upon date of publication hereof in the FEDERAL REGISTER, Part 255 is hereby amended (1) by changing the heading to read as set forth above, (2) by designating §§ 255.1-255.8 (30 F.R. 12036, Sept. 21, 1965) as Subpart A—Purchase or Reconstruction of Cargo Containers, and (3) by adding a new Subpart B to read as follows:

Subpart B—Expenses for Research, Development, and Design

Sec.
255.21 Purpose.
255.22 Definitions.
255.23 Application.
255.24 Fund availability.
255.25 Accounting procedures.
255.26 Subsidies and grants.
255.27 Exceptional proposals.

AUTHORITY: The provisions of this Subpart B issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; sec. 607(b) 46 U.S.C. 1177; Public Law 87-271, 75 Stat. 270.

Subpart B—Expenses for Research, Development, and Design

§ 255.21 Purpose.

The purpose of this subpart is to establish the policy and procedure to be followed by the Maritime Administration and by the subsidized operators for the payment from the Capital Reserve Fund for research, development, and design expenses incident to new and advanced ship design, machinery and equipment pursuant to section 607(b), Merchant Marine Act, 1936, as amended by Public Law 87-271.

§ 255.22 Definitions.

(a) The term "research" means the process of investigation which leads to the discovery and establishment of new scientific facts, physical laws, or techniques.

(b) The term "development" means the experimental application of science or technology to create novel systems, equipment or techniques, resulting in a workable, practical end product or process.

(c) The term "design" means the conversion of basic engineering data, including those resulting from research, into a proposed item for development.

(d) The term "new and advanced ship design" means the designing of a ship which will embody novel and unique concepts and techniques so as to provide improved functional or economical capabilities such as: greater ease of handling; better sea-keeping qualities; more efficient cargo handling; or greater efficiency of operation.

(e) The term "new and advanced ship machinery" means novel machinery which is to become a part of the ship to provide one or more of the capabilities included under "new and advanced ship design".

(f) The term "new and advanced ship equipment" means novel equipment which is to become a part of the ship to provide one or more of the capabilities included under "new and advanced ship design".

§ 255.23 Application.

Where it is proposed to use the Capital Reserve Fund to pay for research, development, and design expenses incident to new and advanced ship design, machinery and equipment, a program to accomplish such ends should be developed by the subsidized operator and application for the use of such funds should be submitted to the Maritime Administration at least sixty (60) days in advance of the date the operator plans to commit funds for such purposes, unless specifically waived in individual cases by the Maritime Administration. If practicable, the application shall furnish a description of the proposed project, the end result sought to be attained, the estimated costs or budgeted items, the subsidized vessel or vessels on which to be used, the method of accomplishment (e.g., contract with an outside organization or use of own facilities and personnel), and indication of whether direct payment from the reserve fund or reimbursement for general fund expenditures is contemplated. In the event the operator proposes to use general funds for these purposes with the intention of reimbursement from the Capital Reserve Fund at a later date, upon approval of the Maritime Administration of the expenses involved, the application shall serve as a timely notice for expenditures from the Capital Reserve Fund at a future date.

§ 255.24 Fund availability.

The Maritime Administration will authorize use of the Capital Reserve Fund for research, development, and design expenses, for use in connection with subsidized vessels (determined in accordance with Article II-37(a) of the Operating-Differential Subsidy Agreement), only if the applicant demonstrates to the satisfaction of the Maritime Administration that such research development, and design expenses are fair and reasonable, and the Maritime Administration determines that the proposal does not duplicate or overlap any known prior or continuing project and that the applicant's resources are adequate to meet the requirements and purposes of the applicant's Capital Reserve Fund (and with respect to any transfer of funds from the applicant's Special Reserve Fund, the requirements and purposes of that fund) taking into account the applicant's current and (to the extent deemed appropriate) future ship construction and reconstruction programs, methods of financing, ship mortgage indebtedness, and other pertinent factors in the particular case.

§ 255.25 Accounting procedures.

Costs authorized to be reimbursed from the Capital Reserve Fund for research, development, and design projects authorized by the Maritime Administration shall be accounted for as follows:

(a) Research, development, and design expenses incident to new and advanced ship design, machinery, and equipment shall be charged to Account 389—"Deferred prepayments and other deferred charges". These expenses shall be reviewed and analyzed annually and if the end product is incorporated in the operator's fleet, the expenses shall be allocated to the proper physical asset account. Such capitalized costs shall be subject to approval of the Maritime Administration as to the fair and reasonable amount and the allocation thereof to the units of the fleet.

(b) If it is determined that any project has not produced its originally projected benefits, the expenses shall be transferred to Account 979—"Miscellaneous deductions from income" in the year in which such determination is made.

§ 255.26 Subsidies and grants.

This Subpart B establishes the regulations authorized by Public Law 87-271 covering the availability of Capital Reserve Funds for research, development, and design expenses incident to new and advanced ship design, machinery, and equipment. Nothing contained in §§ 255.21 to 255.25 shall be construed as altering or amending the administration of the subsidy (operating-differential and construction-differential) and research and development grant programs by the Maritime Administration.

§ 255.27 Exceptional proposals.

In the event any proposal submitted is not embraced in the provisions of this subpart, the Maritime Administrator will determine each application on its merits in light of the provisions of section 607 (b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1177).

Dated: March 27, 1969.

By order of the Maritime Administrator, Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-3848; Filed, April 1, 1969; 8:51 a.m.]

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 20th Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Sections 309.1-309.101 of this part are hereby revised to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.2 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

Sec.
309.5 Adjustments for condition, equipment and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Values effective January 1, 1969.

AUTHORITY: Secs. 309.1 through 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 964; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209 (a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 3 of Department Order No. 117-A, effective May 20, 1966 (31 F.R. 8087), and redelegated to the Ship Valuation Committee (28 F.R. 12330, Nov. 21, 1963).

§ 309.2 Scope.

(a) *Vessels included.* (1) This part establishes values for self-propelled oceangoing iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281–1294). The values established by §§ 309.1–309.101 represent the maximum amounts for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid by the Maritime Administration with respect to insurance attaching during the period January 1, 1969, to June 30, 1969, inclusive, under the standard forms of war risk hull insurance interim binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., as amended); *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period.

(2) It is contemplated that the next revised values will be published as soon as practicable after July 1, 1969, to be effective with respect to insurance attaching during the period July 1, 1969, to December 31, 1969, inclusive.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b) shall be specifically determined by the Maritime Administration and set forth in § 309.101, revised, as provided therein.

(c) *Fuel, stores, and supplies.* Values for fuel, stores, and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 F.R. 2944, Mar. 4, 1964; 29 F.R. 3706, Mar. 25, 1964).

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value
VC2-S-C1	$150,000
VC2-S-AW1	150,000
VC2-S-AP2	365,000
C1-M-AV1	145,000
C1-A and B (Steam)	210,000
C1-A and B (Diesel)	200,000
C2-S-B1	380,000
C3-S-A2	775,000
C4-S-B5	1,400,000
T1-M-BT	170,000
T2-SE-A1	650,000
T3-S-BZ1	965,000
T3-S-A1	600,000

(2) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value
VC2-S-AP2	$310,000
T2-SE-A1	375,000

(3) The values of the standard types of war-built vessels under foreign-flag listed in this subparagraph (3) (which are the lower of (i) the restricted world market values, or (ii) the domestic market values of comparable U.S.-flag vessels which do not have the lawful right to engage in the coastwise trade of the United States, as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value.
T2-SE-A1	$295,000
T3-S-A1	270,000

(4) The values of the standard subtypes of war-built vessels listed in this subparagraph (4) shall be determined as follows:

(i) If the subtype vessel is under U.S. flag and has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(ii) If the subtype vessel is under the U.S. flag but does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(iii) If the subtype vessel is under foreign flag, by multiplying the basic value of the standard type vessel listed in subparagraph (3) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4).

TABLE

Subtype	Factor
VC2-S-AP3	106%—VC2-S-AP2
C2-S-A1	80%—C2-S-B1
C2-S-AJ1	100%—C2-S-B1
C2-S-AJ2	100%—C2-S-B1
C2-S-AJ3	100%—C2-S-B1
C2-S-AJ5	100%—C2-S-B1
C2	88%—C2-S-B1
C2-S-E1	102%—C2-S-B1
C2-F	100%—C2-S-B1
C2-S	92%—C2-S-B1
C3	90%—C3-S-A2
C3-S-A1	100%—C3-S-A2
C3-S-A3	76%—C3-S-A2
C3-S-A4	106%—C3-S-A2
C3-S-A5	106%—C3-S-A2
C3-E	71%—C3-S-A2
C3-M	100%—C3-S-A2
C3-S-BH1	100%—C3-S-A2
C3-S-BH2	100%—C3-S-A2
C4-S-A4	100%—C4-S-B5
T1-M-BT1	100%—T1-M-BT
T1-M-BT2	100%—T1-M-BT
T2-SE-A2	108%—T2-SE-A1
T2-SE-A3	108%—T2-SE-A1

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

§ 309.4 Vessels built prior to 1939.

The values of vessels built prior to 1939 shall be specifically determined by the Maritime Administration and set forth in § 309.101.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (c) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administration determines that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there will be subtracted from the basic value of such vessel, as determined pursuant to § 309.3, the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of $50,000, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment, shall be added to the basic value.

(c) *Government installations.* The values provided by §§ 309.1–309.101 shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1966, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts, and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Rev.).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than 12 passengers.

(e) *Vessel.* The stated valuation of a vessel in this part applies to a vessel in Class A-1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the U.S. Coast Guard, Department of Transportation, with all outstanding requirements and recommendations necessary for retention of class accomplished, without regard to any grace period; and so far as due diligence can make her so, tight, staunch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to § 309.5(a). The stated valuation of a vessel provided in this part does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and Maritime Administration Books Forms MA-4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Revision, as amended) shall be accompanied by information relating to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, N.Y. 10038, or the Chief, Division of Insurance, Maritime Administration, Washington, D.C. 20235.

(b) *Vessels of 1,500 gross tons or more.* Vessel data for all vessels of 1,500 gross tons or more shall be submitted on Form MA-510.

(c) *Vessels under 1,500 gross tons.* Vessel data for all vessels under 1,500 gross tons shall be submitted on Form MA-511.

(d) *Modification to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by 5 percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Values effective January 1, 1969.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) The Maritime Administration has found that the values established in accordance with §§ 309.3–309.5 constitute just compensation for the vessel to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of the vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed by Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of January 1, 1969, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period January 1, 1969, to June 30, 1969, inclusive: *Provided, however,* That the Assured shall have the right within 60 days after date of publication of these sections 309.1–309.101 or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
870	Achilles	281702	$5,210
1660	Adabelle Lykes	291660	3,565
2144	Afoundria	244018	1,800
1426	African Comet	289281	4,425
720	African Crescent	250941	775
1683	African Dawn	291791	4,590
722	African Glade	245035	380
723	African Glen	247294	380
724	African Grove	244877	380
725	African Lightning	251451	775
1558	African Mercury	290145	4,520
1508	African Meteor	289792	4,460
726	African Moon	251175	775
1607	African Neptune	290055	4,520
730	African Planet	249890	775
731	African Rainbow	250116	775
732	African Star	249351	775
1656	African Sun	291026	4,590
1751	Aimee Lykes	292014	3,565
1269	Alaska Bear	246004	387
2452	Albany	600657	1,535
1790	Alcoa Commander	248327	380
1703	Alcoa Explorer	248335	380
1620	Alcoa Mariner	247572	380
1748	Alcoa Marketer	245539	380
1711	Alcoa Master	253072	380
1802	Alcoa Trader	248144	380
1749	Alcoa Voyager	253289	380
1828	Allison Lykes	293817	3,565
1552	Alma Victory	248301	387
370	Almeria Lykes	248696	775
362	Aloha Slate	243287	775
2266	America Bear	252443	380
1493	American Challenger	289699	4,520
1618	American Champion	290824	4,520
1557	American Charger	290069	4,520
1652	American Chieftain	291020	4,520
531	American Clipper	249106	380
1072	American Condor	252347	775
1670	American Corsair	291629	4,520
1605	American Courier	290225	4,520
831	American Eagle	278527	6,180
1769	American Falcon	252524	775
534	American Forester	249074	380
535	American Forwarder	248046	380
1791	American Hawk	243969	775
540	American Importer	250047	380
2446	American Lancer	514261	9,060
541	American Leader	249517	380
2466	American Legion	516185	9,060
2485	American Liberty	516464	9,060
2518	American Lynx	517430	9,060
940	American Mail	247321	775
545	American Miller	243873	380
1688	American Oriole	292304	775
546	American Packer	243982	380
547	American Pilot	248491	380
2236	American Pride	247252	387
550	American Producer	254616	380
1924	American Racer	297001	5,150
1989	American Ranger	298270	5,150
2039	American Reliance	298371	5,150
2082	American Resolute	600529	5,150
1679	American Robin	242941	775
1955	American Rover	297353	5,150
554	American Scientist	254653	380
555	American Scout	249122	380
1902	American Trader	244855	4,875
560	American Traveler	240123	380
2285	Amerigo	246798	380
272	Ames Victory	247202	387
1485	Amoco Connecticut	242851	1,850
1488	Amoco Delaware	243258	1,795
1768	Amoco Louisiana	244379	2,000
1494	Amoco New York	244801	650
1486	Amoco Virginia	243518	2,000
641	Amtank	247968	995
1914	Anchorage	246736	2,905
2211	Andrew Jackson	247308	388
1040	A. N. Kemp	149	750
2212	Antinous	243679	388
678	Arizona	265284	7,700
2115	Aripa	251507	1,800
1444	Arizona Standard	248736	650
1716	Ashley Lykes	292191	3,565
1039	Atholl McBean	141	745
232	Atlantic Communicator	268196	8,775
233	Atlantic Endeavor	277623	8,825
234	Atlantic Engineer	301167	3,230
1004	Atlantic Enterprise	276911	5,465
1006	Atlantic Navigator	301423	3,200
2209	Atlantic Trader	248007	1,980
418	Attleboro Victory	247475	310
1435	Austin	247455	2,615
2063	Australian Galaxy	249813	380
2093	Australian Gem	249815	380
2094	Australian Gulf	249913	380
2090	Australian Isle	256787	398
2040	Australian Reef	244720	398
210	Avila	267181	1,445
259	Azalea City	243426	1,800
707	Badger State	245136	380
2067	Baltimore Trader	249455	650

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
980	Barbara	248079	$1,125
347	Barbara Jane	278103	6,150
708	Bayou State	254012	250
949	Bay State	254130	700
1915	Beauregard	251508	1,800
1755	Beloit Victory	248863	387
2482	Bennington	242406	550
607	Bethflor	256034	1,900
608	Bethtex	255539	1,900
419	Biddeford Victory	248433	310
261	Bienville	243438	1,800
710	Blue Grass State	253866	250
2107	Boise Victory	248786	387
1986	Bowling Green	244750	280
1816	Bradford Island	247640	650
1490	Brazos	247583	3,775
1593	Brighton	4445-59	2,550
1414	Brinton Lykes	288699	3,565
2322	Brooklyn Heights	247872	365
353	Buckeye State	244577	775
1348	California	282222	4,775
425	California Bear	266977	2,700
297	Californian	249239	2,300
963	California Standard	262403	240
1949	Calmar	294756	4,050
428	Canada Bear	247385	387
1974	Canada Mail	297570	5,180
2390	Canterbury Falcon	247590	700
1370	Cantigny	247452	2,380
07	Carbide Seadrift	241851	1,950
08	Carbide Texas City	242532	1,950
1600	C. E. Dant	290262	4,775
2455	Centerville	244881	[illegible]
1931	Chancellorsville	244460	2,345
573	Charles Lykes	248487	380
1753	Charlotte Lykes	292782	3,565
2456	Chatham	247366	[illegible]
2507	Chatham	252493	380
243	Chena	242704	162
597	Cherry Valley	242531	650
984	Chevron	250641	170
1041	Chevron Transporter	132	735
1586	Chevron Venice	2076-47	690
610	Chilore	253219	1,900
1408	China Bear	288604	5,485
2508	Choctaw	242785	380
1788	Christopher Lykes	293220	3,565
1637	Cibao	251966	480
1813	Cities Service Baltimore	271866	5,305
1814	Cities Service Miami	272077	5,330
1815	Cities Service Norfolk	272320	5,430
1080	Cities Service Valley Forge	401	1,405
2214	City of Alma	247592	388
2410	Claiborne	242378	380
1967	Cleveland	243450	650
266	Coeur d'Alene Victory	247113	387
273	Coe Victory	247894	387
186	Colina	242775	650
2237	Colorado	245104	650
2134	Columbia	247519	2,380
2377	Columbia Banker	248942	388
2479	Columbia Baron	245377	380
2474	Columbia Tiger	252445	380
1978	Columbia Trader	247765	365
1628	Comayagua	249059	550
1907	Commander	245309	2,330
2227	Connecticut	277291	6,000
1588	Conoco Dubai	1650	915
1589	Conoco Sopi	1695	915
2372	Container Despatcher	249749	5,810
2373	Container Forwarder	250117	5,810
712	Copper State	244137	775
2426	Corco El Tigre	2600	1,565
2302	Cortes	253116	380
2468	Cornell	244878	280
713	Cotton State	248440	365
704	Cottonwood Creek	246864	1,375
1306	Council Grove	247896	2,495
1051	Cradle of Liberty	467	1,425
1538	C. E. Musser	246754	250
127	Cynthia Olson	253441	80
1343	David D. Irwin	242354	5,700
212	David E. Day	249880	2,175
2440	DaGama	249174	380
318	Del Alba	244965	280
221	Delaware Getty	267997	3,400
165	Delaware Sun	264853	3,475
319	Del Campo	241923	200
320	Del Mar	251452	500
323	Del Monte	246628	200
321	Del Mundo	245376	380
322	Del Norte	250953	500
1225	Del Oro	286185	4,100
326	Del Rio	284680	4,100
327	Del Sol	285171	4,100
328	Del Sud	251453	900
2500	Delta Argentina	512953	4,950
2497	Delta Brasil	514758	4,950
2498	Delta Paraguay	515910	4,950
2499	Delta Uruguay	516600	4,950
329	Del Valle	245373	380
2215	De Soto	245306	388
375	Dick Lykes	248488	380
376	Doctor Lykes	249063	775
377	Dolly Turman	249747	350
2330	Dolly Turman	508378	5,515
1681	Duval	246641	220
700	Eagle Courier	277561	5,700
699	Eagle Transporter	277710	5,690
697	Eagle Traveler	278442	6,600
698	Eagle Voyager	278624	6,625
167	Eastern Sun	270925	3,950
2520	Eastern Star	247865	365
187	Eclipse	267144	3,140
2420	Eldorado	252567	385
378	Elizabeth Lykes	247822	380
2086	Elizabeth Lykes	500702	5,230
1017	Elizabethport	297001	4,145
2223	Elwell	245837	380
705	Empire State	248312	380
2451	Ericson	249283	380
330	Erna Elizabeth	280193	6,425
1329	Esparta	248253	550
983	Esso Baltimore	282272	9,020
987	Esso Bangor	264791	3,275
1112	Esso Bogota	249283	690
994	Esso Boston	283784	9,755
989	Esso Chester	264445	3,090
1378	Esso Colon	248253	700
988	Esso Dallas	259248	2,640
990	Esso Florence	266855	3,295
1007	Esso Gettysburg	273362	6,565
991	Esso Gloucester	265336	3,190
993	Esso Huntington	266329	3,275
994	Esso Jamestown	275519	6,850
995	Esso Lexington	276270	6,975
996	Esso Lima	259142	2,625
992	Esso Miami	259357	2,615
1013	Esso Montevideo		655
997	Esso Newark	264231	3,065
998	Esso New York	259610	2,685
1015	Esso Santos		695
1014	Esso Scranton	245830	650
1016	Esso Seattle	277935	6,100
2317	Esso Spain		5,365
1009	Esso Washington	273896	6,660
779	Eugene Lykes	249051	250
2079	Evanthie	240203	698
454	Evergreen State	257827	775
942	Exbrook	249173	589
946	Excelsior	243891	589
948	Exchequer	244129	589
949	Exchester	248120	589
950	Executor	248747	589
951	Exemplar	239865	550
953	Exford	249454	589
955	Exilona	252303	589
957	Exminster	245078	589
958	Expeditor	251971	589
960	Export Adventurer	284034	3,430
961	Export Agent	283936	3,430
962	Export Aide	284516	3,430
963	Export Ambassador	283150	3,430
1296	Export Banner	286124	4,375
1354	Export Bay	286965	4,375
1372	Export Builder	287381	4,375
1401	Export Buyer	288076	4,375
1709	Export Challenger	292227	4,595
1711	Export Champion	292669	4,640
1712	Export Commerce	291731	4,580
1691	Export Courier	289947	4,490
964	Exporter	249062	589
965	Express	252376	589
1998	Express Virginia	249290	895
2315	Fairisle	245627	387
262	Fairland	242073	1,800
2236	Fairport	249072	388
2451	Fairview	247570	380
2447	Falmouth	246897	896
2549	Fanwood	252355	380
1536	F. E. Weyerhaeuser	245564	230
113	Floridian	282733	1,025
1890	Flower Hill	252446	380
1449	Flying Clipper	252991	380
1450	Flying Cloud	247000	380
1470	Flying Endeavor	241026	450
1479	Flying Enterprise II	245734	380
1474	Flying Fish	241099	350
2245	Flying Foam	239905	775
1472	Flying Hawk	240832	350
1481	Flying Trader	248750	895
584	Fort Fetterman	244935	1,910
1214	Fort Hoskins	248735	2,520
247	Fortuna	245880	150
180	Fort Worth	247276	4,345
498	Four Lakes	244971	2,000
1630	Fra Berlanga	247102	650
389	Frank Lykes	245540	389
2301	Frederick Lykes	506612	5,460
2142	Free America	244794	890
962	F. S. Bryant	250827	695
1035	Gage Lund	217	835
595	Gaines Mill	244464	1,880
1839	Garden City	252444	380
949	Garden State	248057	387
264	Gateway City	251505	1,800
2421	Genevieve Lykes	513140	5,770
1539	George S. Long	245913	250
384	Gibbes Lykes	245182	$380
1885	Glory of the Seas	245169	380
428	Golden Bear	289028	3,000
714	Golden State	246544	905
355	Gopher State	244979	775
2073	Green Bay	248912	1,535
885	Green Cove	247268	380
1129	Green Dale	251748	380
2408	Green Forest	508061	1,565
886	Green Harbour	247760	855
887	Green Island	247079	855
2036	Green Lake	248700	1,535
950	Green Mountain State	247158	905
1901	Green Ridge	247322	775
2409	Green Port	510015	1,565
2406	Green Springs	248701	1,565
889	Green Valley	247950	855
2407	Green Wave	508060	1,565
2290	Grethe	243575	590
1863	Gulf Banker	295249	3,705
790	Gulfbear	247309	1,785
791	Gulfbeaver	243657	1,800
792	Gulfcrest	279334	5,790
793	Gulfdeer	245727	1,880
1849	Gulf Farmer	294625	3,705
794	Gulfjaguar	246972	1,880
795	Gulfking	275193	5,720
796	Gulfknight	277183	5,980
797	Gulflion	246990	1,955
808	Gulflube	254406	635
1952	Gulf Merchant	297329	3,875
798	Gulfoil	283424	5,890
799	Gulfpanther	246543	1,865
800	Gulfpride	270789	5,600
801	Gulfprince	276034	5,860
802	Gulfqueen	275583	5,780
805	Gulfseal	247557	1,995
811	Gulfservice	264224	1,340
1902	Gulfshipper	296880	3,875
803	Gulfsolar	280223	5,610
806	Gulfspray	282848	5,815
1358	Gulfsupreme	287186	6,710
804	Gulftiger	247767	1,965
1888	Gulf Trader	296404	3,875
1659	Halcyon Panther	245922	387
2335	Halcyon Tiger	245474	387
646	Hampton Roads	248748	985
2423	Hans Isbrandtsen	277703	6,050
412	Harry Culbreath	247824	380
2510	Hastings	246617	188
1421	Hawaii	289119	4,775
298	Hawaiian	249353	2,300
300	Hawaiian Builder	247386	775
985	Hawaiian Citizen	252149	3,100
303	Hawaiian Farmer	245860	775
304	Hawaiian Merchant	248845	775
308	Hawaiian Rancher	246204	775
309	Hawaiian Refiner	245594	775
1445	Hawaii Standard	248802	650
965	H. D. Collier	248737	650
873	Helen H	245029	2,250
1631	Heredia	251777	590
634	Hess Bunker	243804	2,345
638	Hess Petrol	244735	2,345
1373	Hess Refiner	248244	2,375
639	Hess Trader	246104	2,320
1638	Hibuerar	254599	680
961	Hillyer Brown	266233	1,400
431	Hong Kong Bear	264428	2,700
706	Hoosier State	247762	1,400
1540	Horace Irvine	246933	230
176	Houston	242636	2,615
2387	Houston	245542	4,125
2306	Howell Lykes	507344	5,515
1252	Hudson	244463	1,375
2472	Hurricane	257262	775
2511	Iberville	248489	150
670	Idaho	252271	775
968	Idaho Standard	245461	650
249	Illamna	248648	163
677	Illinois	264957	2,700
432	Indian Bear	252598	380
1787	Inger	248011	3,150
387	James Lykes	280564	3,280
414	James McKay	247997	380
433	Japan Bear	270296	3,000
1418	Japan Mail	287976	4,680
945	Java Mail	252478	775
1304	J. L. Lykes	282733	3,425
1285	J. E. Dyer	274440	5,640
2516	Jeff Davis	248742	775
274	Jefferson City Victory	247345	387
388	Jesse Lykes	247992	380
970	J. H. MacGuregill	248896	590
973	J. H. Tuttle	242955	645
967	J. L. Hanna	248531	650
2512	John B. Waterman	249234	286
1017	John F. Shea	247095	855
389	John Lykes	282772	3,280
1535	John Weyerhaeuser	245356	230
390	Joseph Lykes	281326	3,280
686	Julesburg	243523	2,025
1632	Junior	248767	550
413	Kendall Fish	248490	380

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
415	Kenneth McKay	247581	$380
598	Keystoner	266730	1,435
356	Keystone State	247763	1,400
599	Keytanker	255544	1,470
600	Keytrader	257905	1,475
1996	Kings Point	236334	638
434	Korea Bear	289608	3,000
2223	Kyska	248654	388
2515	Lafayette	252476	775
2470	La Salle	257231	775
1382	Leslie Lykes	287416	3,425
2403	Letitia Lykes	512187	5,700
1082	Liberty Bell	510	1,440
1633	Limon	247552	550
392	Lipscomb Lykes	248897	775
2374	Lompoc	248653	650
715	Lonestar State	242765	775
267	Longview Victory	247077	397
1918	Los Angeles	241153	4,145
393	Louise Lykes	247582	380
2062	Louise Lykes	299638	5,135
2224	Madaket	246992	388
716	Magnolia State	247144	365
2089	Maiden Creek	248998	388
2233	Mallory Lykes	504077	5,315
1356	Manhattan	287253	16,400
275	Mankato Victory	248739	387
2105	Marathon Victory	248563	387
1809	Margaret Lykes	293558	3,565
2284	Marine Chemical Transporter	244942	900
2087	Marine Clipper	248655	650
2393	Marine Eagle	245495	650
1510	Marine Electric	245675	2,700
92	Marine Transport	247991	150
93	Marine Victory	247980	1,300
1513	Marjorie Lykes	289873	3,565
614	Monroe	249314	1,720
168	Maryland Sun	246101	650
664	Maryland Trader	247178	2,125
1940	Marymar	294730	4,050
2260	Mason Lykes	506406	5,375
2448	Maury	249077	380
1739	Mayo Lykes	293224	3,565
1512	Meadowbrook	289879	2,625
969	M. E. Lombardi	240228	315
1980	Merrimac	245673	2,550
1634	Metapan	252158	580
1286	Meteor	247331	220
681	Michigan	240590	775
587	Mill Spring	244468	1,975
2033	Missouri	248885	1,710
1530	M. M. Dant	289587	4,775
188	Mobil Aero	278471	5,800
189	Mobil Fuel	274588	4,955
190	Mobilgas	271449	4,620
2483	Mobilian	246388	775
191	Mobil Lubee	275651	5,090
192	Mobiloil	279064	5,575
193	Mobil Power	274966	5,000
2405	Mohawk	246913	1,490
2095	Mona Pass	2389	295
1265	Monticello Victory	286819	9,320
1447	Montpelier Victory	289745	9,380
2024	Morazan	255793	600
1985	Mormacaltair	293129	5,150
1890	Mormacargo	296216	5,150
29	Mormacbay	283541	4,100
30	Mormaccape	294185	4,175
1383	Mormaccove	286749	4,260
31	Mormacdawn	250160	822
2031	Mormacdrake	299008	5,150
33	Mormacelm	248393	387
34	Mormacfir	248650	387
1241	Mormacglen	286263	4,175
37	Mormacgulf	296098	822
39	Mormacisle	249812	822
40	Mormaclake	284802	4,175
41	Mormacland	250161	822
1937	Mormaclynx	296947	5,150
42	Mormacmail	250539	822
44	Mormacoak	245955	387
46	Mormacpenn	250541	822
47	Mormacpine	287477	387
48	Mormacpride	282295	4,050
1963	Mormacrigel	297384	5,150
50	Mormacrio	248745	775
51	Mormacsaga	250540	822
1762	Mormacscan	285890	4,175
1384	Mormacstar	287900	4,175
1904	Mormacvega	296532	5,150
281	Mount Vernon Victory	284178	9,130
2430	Mystic Mariner	248143	380
250	Nadina	245864	158
588	Naeco	244063	1,300
1243	Nancy Lykes	286650	3,425
648	Nashbulk	247307	650
1758	National Defender	279338	11,325
2034	Neches	244235	650
251	Nenana	267015	150
1441	Nevada Standard	247758	640
621	Newberry Victory	248460	901
169	New Jersey Sun	265748	3,550
2038	New Yorker	283030	1,025
2278	New York City	267198	3,360
389	Norman Lykes	249018	$775
2119	Northfield	243253	2,345
2383	North Hills	245040	380
208	Northwestern Victory	247492	387
1466	Norwalk	245848	220
2356	Observer	505883	3,205
2458	Oceanic Ondine	247031	365
2460	Oceanic Tide	244612	380
2461	Oceanic Victory	247440	365
170	Ohio Sun	244089	650
2381	Old Westbury	245338	380
1375	Oregon	257875	4,775
435	Oregon Bear	264497	2,700
1947	Oregon Mail	296779	5,110
971	Oregon Standard	246773	650
1805	Oswego Defender	1586	2,790
1807	Oswego Freedom	1448	2,565
2088	Oswego Independence	2345	3,825
2071	Oswego Liberty	2804	3,825
1806	Oswego Reliance	1522	2,680
2235	Oswego Venture	2545	4,000
1825	Our Lady of Peace	247571	380
1827	Overseas Anna	266619	3,510
2344	Overseas Carrier	243503	2,250
2112	Overseas Dinny	244215	380
2443	Overseas Edgar	243882	1,400
931	Overseas Evelyn	249217	1,400
1764	Overseas Explorer	297748	2,360
2411	Overseas Horace	244544	775
2444	Overseas Jason	248884	1,400
01	Overseas Joyce	254049	9,130
2427	Overseas Lena	244049	775
2352	Overseas Progress	244888	2,345
1905	Overseas Rebecca	281777	9,245
782	Overseas Rose	245923	775
2343	Overseas Traveler	280436	2,560
932	Overseas Ulla	280004	7,100
1933	Pacific Bear	242315	380
717	Palmetto State	247823	365
1635	Parismina	251313	590
181	Pasadena	248894	2,925
1037	Paul Pigott	162	760
1272	P. C. Spencer	254993	2,915
1638	Peary	247468	2,590
2121	Pecos	243929	775
718	Pelican State	245354	387
1592	Penn Carrier	246908	650
339	Penn Challenger	280318	6,855
2320	Penn Exporter	247099	1,375
1954	Pennmar	295108	4,050
1715	Pioneer Contractor	291968	4,520
1774	Pioneer Crusader	292930	4,520
562	Pioneer Cove	249746	380
566	Pioneer Main	266181	2,700
567	Pioneer Mart	267275	2,700
568	Pioneer Mill	266832	2,700
569	Pioneer Ming	268243	2,700
570	Pioneer Minx	266256	2,700
571	Pioneer Mist	267444	2,700
1432	Pioneer Moon	293253	4,520
572	Pioneer Moor	265143	2,700
574	Pioneer Myth	267033	2,700
578	Pioneer Tide	249030	380
2122	Platte	248133	2,555
1987	Plymouth Victory	245628	387
1991	Point Fermin	241327	885
1754	Point Loma	244982	650
1953	Point Sur	243263	650
1999	Portmar	294731	4,050
1505	Potomac	248800	2,250
1390	Prairie Grove	246660	2,615
499	President Adams	286697	3,000
500	President Arthur	264704	3,000
501	President Buchanan	226017	3,000
502	President Coolidge	257732	3,000
2447	President Fillmore	513860	6,350
505	President Garfield	266092	3,000
2360	President Grant	511226	6,350
521	President Harding	248273	822
2146	President Harrison	502569	5,200
509	President Hayes	264446	3,000
506	President Hoover	248424	822
511	President Jackson	266060	3,000
512	President Jefferson	250262	822
516	President Johnson	249953	822
514	President Lincoln	285311	5,900
517	President Madison	249863	822
2416	President McKinley	512868	6,350
2113	President Monroe	501712	5,200
519	President Pierce	249619	822
2084	President Polk	500494	$5,100
2398	President Taft	511653	6,350
522	President Taylor	266027	3,000
1208	President Tyler	286222	5,900
2359	President Van Buren	509581	6,350
919	Producer	245888	2,250
228	Providence Getty	254689	170
2210	Prudential Oceanjet	504015	5,315
2130	Prudential Seajet	502726	5,280
2064	Pure Oil	248537	600
1273	P. W. Thirtle	270179	3,400
1640	Quisqueya	252301	680
2341	Rachel V	248785	387
1301	Rainbow	247026	220
2450	Raleigh	249291	380
1869	Ranger	244508	380
264	Raphael Semmes	242074	1,800
2164	Rappahannock	253230	380
417	Reuben Tipton	247530	380
09	R. E. Wilson	244090	715
1038	Robert Watt Miller	172	785
155	Robin Goodfellow	247254	775
156	Robin Gray	252626	775
157	Robin Hood	247255	775
158	Robin Kirk	254272	775
159	Robin Locksley	240353	350
160	Robin Mowbray	255316	775
161	Robin Sherwood	240605	350
162	Robin Trent	254641	775
400	Ruth Lykes	247503	380
2162	Ruth Lykes	502928	5,205
172	Sabine Sun	241558	615
1879	Sacramento	245407	2,380
2256	Sagamore Hill	252351	380
2459	Salisbury	245245	380
1919	San Francisco	261220	4,145
1636	San Jose	247934	550
1920	San Juan	242653	4,145
891	Santa Adela	242243	380
2296	Santa Alicia	252747	775
2259	Santa Ana	252746	775
2297	Santa Anita	252748	775
2370	Santa Barbara	509186	5,475
2296	Santa Clara	506249	5,475
2257	Santa Cruz	504681	5,475
2314	Santa Elena	507696	5,475
2287	Santa Eliana	251812	775
899	Santa Fe	246602	210
2175	Santa Flavia	242762	380
2376	Santa Isabel	510670	5,475
903	Santa Juana	242111	380
2155	Santa Lucia	502774	5,475
1574	Santa Magdalena	290270	7,525
906	Santa Malta	245459	380
211	Santa Maria	263781	1,320
1756	Santa Maria	292838	7,525
1678	Santa Mariana	291811	7,525
1830	Santa Mercedes	293943	7,525
2286	Santa Regina	240345	668
903	Santa Victoria	245120	210
1641	Santo Cerro	252820	680
419	Santore	254624	1,980
1822	Sasstown	1876	785
2355	Seafarer	506676	3,145
1970	Seamar	294729	4,050
2304	Seatrain Carolina	246066	5,830
2291	Seatrain Delaware	245662	2,485
2309	Seatrain Florida	503329	5,830
65	Seatrain Georgia	262556	970
66	Seatrain Louisiana	262835	970
2346	Seatrain Maine	504714	5,830
2329	Seatrain Maryland	245283	5,830
67	Seatrain New Jersey	239688	405
68	Seatrain New York	331905	295
2305	Seatrain Puerto Rico	246005	5,830
2279	Seatrain San Juan	245629	4,000
69	Seatrain Savannah	231914	295
70	Seatrain Texas	239549	295
2357	Seatrain Washington	245460	5,830
1921	Seattle	247275	2,955
1610	Sheldon Lykes	290508	3,565
1428	Shirley Lykes	289283	3,565
336	Sierra	247831	775
2464	Silver Falcon	246055	310
1266	Sister Katingo	277936	6,090
1642	Sixaola	254211	680
202	Socony Vacuum	268801	3,610
982	Solon Turman	285880	3,425
337	Sonoma	252413	775
357	Sooner State	247129	380
2521	Southern Star	251664	380
1803	Southport II	245153	380
1049	Statue of Liberty	430	1,415
1016	Steel Admiral	252408	775
439	Steel Advocate	245731	775
440	Steel Age	244161	775
441	Steel Apprentice	252466	775
442	Steel Architect	247168	775
443	Steel Artisan	247833	775
444	Steel Chemist	252037	775
445	Steel Designer	247832	775
446	Steel Director	244978	775
447	Steel Executive	248843	775
448	Steel Fabricator	251781	775

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
449	Steel Flyer	244831	$775
450	Steel King	252499	775
451	Steel Maker	247221	775
452	Steel Navigator	248846	775
453	Steel Recorder	251847	775
454	Steel Rover	252500	775
455	Steel Scientist	245730	775
456	Steel Seafarer	248738	775
457	Steel Surveyor	244968	775
458	Steel Traveler	247198	775
459	Steel Vendor	246464	775
460	Steel Voyager	252501	775
461	Steel Worker	247834	775
402	Stella Lykes	247504	380
2248	Stella Lykes	504982	5,360
2261	St. Joan	247316	387
403	Sue Lykes	248145	380
2431	Susquehanna	248334	380
404	Sylvia Lykes	247841	380
203	Syosset	247458	600
1415	Tampico	246344	2, 615
255	Tatalina	247995	1,05
1430	Texaco Bristol	3481–GE	695
463	Texaco California	286910	1, 880
464	Texaco Colorado	261758	380
465	Texaco Connecticut	266501	1, 800
466	Texaco Florida	271820	2, 075
1867	Texaco Georgia	293819	6, 165
469	Texaco Illinois	246993	2, 320
471	Texaco Kansas	244230	2, 200
1077	Texaco Kentucky	2439–50	700
1218	Texaco London	1166	685
473	Texaco Louisiana	245053	650
1596	Texaco Maine	4500–59	2, 475
1823	Texaco Maryland	292735	6, 025
1824	Texaco Massachusetts	290306	5, 815
475	Texaco Minnesota	243202	2, 695
476	Texaco Mississippi	245082	2, 695
2028	Texaco Montana	298918	8, 900
478	Texaco Nebraska	242845	2, 260
479	Texaco Nevada	245175	2, 085
480	Texaco New Jersey	245831	2, 060
481	Texaco New York	265981	1, 845
483	Texaco North Dakota	265006	1, 835
1081	Texaco Ohio	2447–50	700
1873	Texaco Oklahoma	275882	8, 500
1083	Texaco Pennsylvania	2438–50	695
1899	Texaco Rhode Island	296380	8, 300
1085	Texaco Texas	2448–50	700
1270	Texaco Wisconsin	277805	6, 075
489	Texaco Wyoming	243048	2, 345
209	Texan	249352	1, 370
695	Texas	240541	775
2140	Texas Getty	2443	4, 430
174	Texas Sun	283897	9, 820
2422	Thailand Bear	257213	775
2147	Thalia	248127	2, 375
497	The Cabins	246143	2, 055
925	Thetis	279827	7, 950
2096	Thomas A	260954	3, 405
2412	Thomas M	266338	2, 995
405	Thompson Lykes	283413	3, 280
2517	Thunderbird	247092	365
1622	Thunderhead	246038	380
406	Tillie Lykes	248461	775
1797	Timbo	1778	700
256	Tonsina	252547	180
2222	Topa Topa	247906	1,000
881	Transboriquen	246540	210
1722	Transcaribbean	248749	365
2362	Transchamplain	506148	700
231	Transeastern	279438	8, 500
2253	Transhartford	241992	570
1456	Transhatteras	242942	650
2252	Transhudson	248910	650
2254	Transnorthern	245244	387
2337	Transontario	244545	700
1455	Transorleans	243223	650
2463	Transpanama	257381	2, 500
2519	Transseneca	241939	445
2255	Transwestern	251767	775
2251	Transyork	239271	698
1598	Trinidad	4336–58	2, 480
1492	Trinity	246600	4, 150
22	Trojan	247177	7,000
590	Tullahoma	246662	2, 285
407	Tyson Lykes	248066	380
1644	Ulua	255135	400
2432	U.S. Adventurer	247220	387
2433	U.S. Builder	247121	387
2434	U.S. Caper	247194	387
2435	U.S. Defender	248013	387
2436	U.S. Explorer	248565	387
2437	U.S. Mate	252492	380
2438	U.S. Navigator	248751	365
2439	U.S. Pilot	245016	380
2440	U.S. Tourist	248171	387
2441	U.S. Victory	245754	387
966	Utah Standard	251140	595
2340	Vantage Progress	245623	385
2339	Vantage Venture	242676	670
408	Velma Lykes	247584	380
2354	Velma Lykes	509652	5, 575
2477	Venetia V	245635	280
625	Venore	248225	$1, 720
338	Ventura	252533	775
666	Virginia Trader	244769	728
719	Volunteer State	247792	365
1946	Volusia	245415	220
1701	Walter Rice	248203	3, 150
1208	Washington	288603	4, 775
437	Washington Bear	264252	2, 700
2097	Washington Getty	2371	4, 560
1349	Washington Mail	287238	4, 680
974	Washington Standard	246203	650
667	Washington Trader	245566	728
1713	Wellesley Victory	247564	387
1770	Western Clipper	268288	3, 650
1780	Western Comet	266365	3, 490
1302	Western Hunter	287156	12, 150
1781	Western Planet	268078	3, 635
173	Western Sun	268798	3, 840
1900	Whitehall	256964	380
1537	W. H. Peabody	246065	230
2225	Wild Ranger	249518	380
410	William Lykes	247998	380
1009	Windsor Victory	247843	387
1511	Wingless Victory	247243	365
358	Wolverine State	248740	1, 400
2290	Yaka	246335	388
1645	Yaque	251684	480
2068	Yellowstone	248883	1, 710
2030	Yorkmar	296281	4, 050
2103	Young America	243034	380
2481	Yukon	257115	2, 550
411	Zoella Lykes	282126	3, 280

(b) *Vessels of less than 1,500 gross tons—As of January 1, 1969.* (1) The Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed in Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of January 1, 1969, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period January 1, 1969, to June 30, 1969, inclusive: *Provided, however,* That the Assured shall have the right within 60 days after date of publication of this section or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
732	A. H. Dumont	239224	$84
1908	Ahi	251250	210
1686	Atlantic	262007	142
1198	Barge 118		7
1197	Barge 120		7
1196	Barge 123		21.5
1199	Barge 124		8.5
1256	Blue Line 107	263055	175
1158	Britton	119	18
1562	Challenger	283862	345
1165	Dammam 7		12
1166	Dammam 8	255059	13
1170	Dammam 12		50
1171	Dammam 13		92.5
1172	Dammam 14		50
1564	Everglades	279677	$343
24	George S	282206	87
764	George Whitlock II	241390	95
1150	Habib	112	14
1942	H. J. Sheridan	236802	50
1565	Hollywood		88
1151	Horne	115	15
765	Hygrade No. 2	270766	190
767	Hygrade No. 8	176732	165
768	Hygrade No. 14	250807	165
769	Hygrade No. 18	272741	190
771	Hygrade No. 20	252977	165
772	Hygrade No. 28	253996	165
773	Hygrade No. 30	264104	170
774	Hygrade No. 32	267113	180
1908	Isleways No. 1	251436	42
1909	Isleways No. 2	251519	42
1910	Isleways No. 3	251682	42
1911	Isleways No. 4	251773	42
1912	Isleways No. 5	251859	42
1554	Lewis No. 8	244276	65
741	Ocean King	248921	90
742	Ocean Prince	276461	365
1907	Ono	252117	210
1502	Perth Amboy No. 1	171776	165
1503	Perth Amboy No. 2	171686	165
759	Phillip Lemler	251390	46
1719	Ponce De Leon	244296	65
744	Port Jefferson	274512	355
1176	Qatif 7		60
1177	Qatif 8		60
1148	Sandy	114	15
1278	Saratoga	254128	75
1263	Spartan	273515	403
1152	Swigart	118	16
18	Virginia Phillips	239971	53
763	W. A. Weber	251392	65

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: March 24, 1969.

L. C. HOFFMANN,
Chairman,
Ship Valuation Committee.

[F.R. Doc. 69–3750; Filed, Apr. 1, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18422; FCC 69–301]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Flagstaff, Ariz.

Report and order. In the matter of amendment of § 73.606 *Table of Assignments,* Television Broadcast Stations (Flagstaff, Ariz.), Docket No. 18422, RM–1332.

1. The Commission has before it for consideration its notice of proposed rule making, released January 17, 1969 (FCC 69–44) proposing to amend § 73.606 of its rules by substituting Channel 2 for Channel 9 at Flagstaff, Ariz. Interested parties were to supply comments on or before February 14, 1969, and reply comments on or before February 28, 1969.

2. In the notice it was stated that Grand Canyon Television Co., Inc. (Grand Canyon), had filed a petition (RM–1332) requesting that the Commission delete the presently assigned Channels 9 and 13 at Flagstaff, Ariz., and in their place assign Channels 2 and 11. The purpose of the change was to permit Grand Canyon, a potential applicant at Flagstaff, to locate its transmitter on Mormon Mountain (some 18 miles south-southeast of Flagstaff), much the most desirable location in the area, which could not be used by a Channel 9 or 13 operation without short spacing to stations at Tucson. Channels 2 and 11 could be used at this location consistent with the rules. KOOL Radio-Television, Inc. (KOOL), licensee of television broadcast Station KOOL, Phoenix, Ariz., filed a partial opposition to the Grand Canyon petition for rule making, opposing the substitution of Channel 11 for Channel 13. It argued that this was not necessary to satisfy the needs of Grand Canyon, and that KOOL proposes to file an application for a 100-watt translator on Channel 13 at an early date. If Channel 11 were assigned in place of Channel 13 it would preclude the operation of the translator because of adjacent channel interference between the received signal (Channel 10) and the transmitted signal on Channel 11.

3. In the notice the Commission agreed that merely substituting Channel 2 for Channel 9 would solve petitioner's site problems, and that it was not necessary at this time to substitute Channel 11 for Channel 13. If in the future an applicant for a television station should desire a channel other than 13 the advisability of making a change can be considered at that time.

4. The only comments filed were those of Grand Canyon, endorsing the proposal on which comments were invited and requesting that Channel 2 be substituted for Channel 9 at Flagstaff. The proposal would make possible the more effective use of the Flagstaff assignment, would be consistent with our rules, and does not appear to result in any impairment of overall allocation efficiency in the area.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered,* That, effective May 2, 1969, the Table of Assignments in § 73.606(b) of the Commission's rules is amended, insofar as the city listed below is concerned, to read as follows:

City	*Channel*
Flagstaff, Ariz.	2, 13, *16

6. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 26, 1969.

Released: March 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–3842; Filed, Apr. 1, 1969; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1008, Amdt. 1]

PART 1033—CAR SERVICE

Illinois Terminal Railroad Co. Authorized To Operate Over Tracks of Illinois Central Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of March 1969.

Upon further consideration of Service Order No. 1008 (33 F.R. 14959), and good cause appearing therefor:

It is ordered, That:

Section 1033.1008 *Service Order No. 1008* (Illinois Terminal Railroad Co., authorized to operate over tracks of Illinois Central Railroad Co.) be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p.m., June 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–3828; Filed, Apr. 1, 1969; 8:49 a.m.]

[1] Commissioner Robert E. Lee absent; Commissioner Cox abstaining from voting.

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 132]

WHAT MAY BE MAILED AS SECOND-CLASS MAIL; ENCLOSURES, ADVERTISING, AND NOVELTY PAGES

Notice of Extension of Time To Submit Written Data, Views, and Arguments

The Department published a notice of proposed rule making in the daily issue of the FEDERAL REGISTER of March 8, 1969 (34 F.R. 5013). That notice announced a proposal to amend subparagraph (1) of § 132.4(g) for the purpose of restricting enclosures of receipts and orders for subscriptions to the publications with which they are enclosed. It further proposed amendments to subparagraph (3) of § 132.4(g) and to § 132.4 (h) to require that novelty pages and advertising pages in publications mailed at second-class postage rates be no less than the size of the regular pages of the copy, part, section, or supplement in which they are carried, and to clarify the requirements for printed illustrations attached to pages as well as the requirements for coupons, applications or order forms which occupy a part of a page.

The notice advised that all interested persons might submit written data, views, and arguments concerning the proposed amendments at any time prior to the 30th day following the date or publication of the notice in the FEDERAL REGISTER.

The Department now finds that the public interest would be served by delaying final action on the proposed rule in order to give interested parties further time to present material to the Department relating to the proposed amendments, and by announcing the Department's intention that, if adopted, the amendments will have a delayed effective date.

Accordingly, the Department will receive written data, views, and arguments, concerning the proposed amendments at any time prior to July 8, 1969, and will thereafter determine whether to adopt the proposed amendments. Such written data, views, and arguments should be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260.

It is the Department's intention that if the proposed amendments are adopted, they will not become effective prior to January 1, 1970.

(5 U.S.C. 301; 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-3846; Filed, Apr. 1, 1969; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1103]

[Docket No. AO-346-A9]

MILK IN MISSISSIPPI MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jackson, Miss., on March 5, 1969, pursuant to notice thereof issued on February 25, 1969 (34 F.R. 3633).

The material issues on the record of the hearing relate to:

1. Whether the base-excess payment provisions of the order should be deleted, and if temporarily continued prior to deletion whether special base computation should be provided for certain producers who delivered to a plant which lost pool status during the base-forming period September 1968–January 1969.

2. Whether the proposed changes with respect to the base-excess provisions require emergency procedure.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and record thereof:

1. *Deletion of base-excess payment plan.* The base-excess payment provisions should be deleted from the order effective September 1, 1969.

The Mississippi Federal milk order provides payments to producers under a base-excess plan for their deliveries of milk in each of the months of March through July. The daily base of each producer is his daily average production in the prior September–January period, except for any producer who failed to deliver in part of such period.

In other months, August through February, producers are not paid on base and excess deliveries. In these months each producer is paid the uniform price for all milk he delivers during the month.

Dairymen, Inc., a cooperative association in the market, proposed that the base-excess plan be deleted from the order effective with March 1969 milk deliveries. Without the base-excess plan, payments to each producer would be calculated at the uniform price.

This proposal involves two questions: (1) Whether the base-excess plan should be deleted from the order, and (2) if the base-excess plan should be deleted, whether this should be done during the base-paying months of March through July 1969 or at the end of such period. In this connection consideration is given to the claims of certain producer groups that the base-excess plan, at least for the months of March through July 1969, provides them monetary benefits they would lose by deletion of the plan.

It is concluded that the record does not show compelling need for immediate deletion of the base-excess plan. However, after the plan has operated March through July this year, deletion of the plan would be appropriate.

The purpose of the base-excess payment plan is to provide incentive for the individual producer to manage his production so that it is relatively even throughout the year. Market receipts tend to be highest in April and May compared to the rest of the year. The month of highest production exceeds the level of the lowest production month by 15 to 20 percent.

The cooperative which proposed that the base-excess plan be deleted contended that the plan will have little effect in further improving the production pattern for the market as a whole and will be an impediment to marketing plans of the cooperative which represents about 84 percent of the producers on the market. Specifically, this cooperative holds that the plan interferes with the efficient movement of milk and reduces opportunities for it to make Class I sales outside the market.

But it is not evident from examples cited by proponent that the base-excess plan will inhibit the efficient handling of milk during the March–July period this year. In these flush production months there is the least need seasonally to furnish milk from this market to other markets for Class I use. Moreover, there is considerable flexibility under the order for movement of milk to other regulated markets or to unregulated plants. The milk of a producer-member may be diverted to unregulated outlets. A producer's milk may be diverted, for example, on any day of the month (December through August) if the producer held producer status during the entire two preceding months or if his milk production were delivered to a pool plant for at least 10 days in each of the two preceding months. Under this arrangement the member may retain his producer status and any advantage of payment on base.

It is possible also to shift producer-members temporarily to other regulated markets and return them to this market as producers without loss of base for the days of production actually delivered to this market.

Because the proponent cooperative operates pool plants, it has this further means of using member producer milk to fulfill sales to other markets.

The proponent cooperative also described the particular situation of 58 producer-members who earned base only during part of the September through January base-earning period. Thirty-four earned base only during September 1968 and the other 24 earned base in October also at another fully regulated plant. Most of the deliveries of the 58 producers during the base earning period were to the first plant which became a partially regulated plant for the months October through December and ceased operation at the end of the year.

The 58 producers have been assigned bases by the market administrator computed from their deliveries to pool plants during the base forming period. Since deliveries by these producers were to pool plants at most in 2 of the 5 base forming months the bases received were smaller than could have been earned if the plant to which they regularly delivered had been a pool plant continuously during the September-January period.

The bases earned by the 58 producers were affected by circumstances beyond their control: First because the plant to which they delivered became a partially regulated plant for the period of October through December 31, 1968, and secondly because the plant ceased operations at the end of December 1968. If the plant had continued in operation and again became a pool plant for any of the months of the base operating period of March through July 1969, the order presently provides that these producers would be assigned bases computed from all their deliveries to the plant during the entire base earning period.

A further consideration in favor of some adjustment of bases for these producers is that their continued deliveries to the plant represented a continuing association with the market while the plant was partially regulated. In this situation, also, they could have no knowledge as to whether or not the plant might subsequently regain pool status which circumstance would result in bases comparable with those of other producers.

Proponent cooperative suggested that the situation of the 58 producers would be remedied if the base plan were deleted as proposed so that all producers including the 58 claimed to be disadvantaged would be paid the uniform price. This plan is not adopted for reasons stated elsewhere in this decision.

Provisions should be made, however, during remaining base-payment months of April through July 1969 for such 58 producers to provide them bases comparable to those of other producers. Their situation is unique in the market and can be provided for through a temporary provision amending the base-excess provisions for the balance of the current base-paying period.

The provision should state that any producer who also was a producer in September 1968 delivering to a pool distributing plant which in the subsequent base-forming months did not quality as a pool plant shall be assigned a base calculated from his deliveries during the September 1968 through January 1969 period as if he were a producer during the entire such base-forming period. In view of the time element it is not practical to make this change effective for March 1969.

Nearly as many other producers (as those who were disadvantaged through being considered off the market during part of the base-forming period) claim that they would be disadvantaged by removal of the base-excess plan prior to the end of this base paying period. Representatives of a number of dairy farmers testified to costs incurred in establishing bases to be effective for this flush production season. In particular, they stated that they arranged their breeding programs, purchases of herd additions or replacements, and feeding and pasture programs to achieve the best possible returns under the base and excess provisions.

They alleged that they thus geared their production program to the base-excess plan and that it would take additional time for them to adjust to payment at the uniform price each month of the year. Although these dairy farmers are in the minority, there is not sufficient justification in the reasons given for immediate deletion of the base plan to compel such deletion in the face of the fact that producers in planning their operations had reason to expect that the base-excess plan would operate this year.

It is concluded from the foregoing circumstances that payments to producers should be made under the base-excess plan during the current March–July period.

With respect to the application of the base-excess plan in periods after base-excess payments are made this year, it is recognized that a large majority of producers in the market, speaking through their cooperative association, favor discontinuance of the plan in order that payments may be for the great majority of producers on some other basis.

The problem of avoiding extreme seasonal production changes, which the present base and excess plan is intended to resolve, is not a serious problem in this market. As pointed out previously the highest monthly production is about 15 to 20 percent more than the lowest monthly production. It is impractical also to expect that seasonal changes in production could be completely eliminated. In any event in a market such as this where the large majority of producers prefer to be paid on a different basis, it is not desirable that this type of seasonal incentive plan be maintained.

Moreover, the proponent cooperative association in asking for removal of the base plan stated that it is developing a different method of payment designed to meet the needs of its total marketing program. Its contention that the base plan tends to interfere with efficient movement of milk and opportunities for sales in other markets would have considerable significance with respect to the fall months when bases are formed. In the months of base formation there is loss of earned base if producers are shifted to other markets. Deletion of the plan prior to the next base-earning period therefore should facilitate the efficient movement of milk so as to maximize total returns in Class I which action would be of benefit to producers generally.

2. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of the recommended decision and opportunity for filing exceptions thereto on the proposed amendment of the base-excess plan affecting payment for milk deliveries in the months of April, May, June, and July of 1969 and subsequent deletion of the plan.

The conditions in this marketing area are such that it is urgent that remedial action be taken as soon as possible. The issuance of a recommended decision would delay unnecessarily the date on which this entire decision and order could be made effective and would preclude relief for the month of April 1969. Since the base-paying period for 1969 already has begun, remedy should be provided at the earliest possible date for certain producers whose bases were reduced by unusual circumstances relating to the plant to which they delivered their milk in the base-forming period. Further, all producers should be informed as soon as possible that the base-excess plan will continue to apply through July 1969 on a modified basis although pursuant to this decision the plan would be deleted effective September 1, 1969, before the beginning of the next base-forming period.

It is therefore found that good cause exists for omission of the recommended decision and opportunity for filing exceptions thereto.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and

conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Mississippi Marketing Area" and "Order amending the order, regulating the handling of milk in the Mississippi Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the amendments to the base and excess plan of payment to producers and the subsequent deletion of the plan, as amended, as specified in the attached order regulating the handling of milk in the Mississippi Marketing Area, is approved or favored by dairy farmers who were producers as defined under the terms of the order during the representative period.

The month of February 1969 is hereby determined to be the representative period for the conduct of such referendum.

Cleo C. Taylor is hereby designated agent of the Secretary to conduct a referendum in which each individual producer may cast an individual ballot as specified in sec. 608c(5)(B) of the Agricultural Marketing Agreement Act of 1937 in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on March 26, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending Order Regulating the Handling of Milk in the Mississippi Marketing Area

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Mississippi Marketing Area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

§ 1103.82 [Amended]

1. In § 1103.82(a), change the semicolon at the end of the paragraph (preceding the word "and") to a period and insert the following sentence: "In addition for the months of April, May, June and July 1969, a producer who was also a producer in September 1968 delivering to a pool distributing plant which in subsequent months of the September 1968 through January 1969 base forming period did not qualify as a pool plant shall be assigned a base calculated from his milk deliveries to plants during the September 1968 through January 1969 period as if he were a producer during such entire base forming period".

§ 1103.83 [Amended]

1a. In § 1103.83 add the following sentence: "In the case of any producer for whom it is necessary to calculate a base subsequent to March 1, the market administrator shall provide such notification at the earliest possible date."

Amendments with respect to the deletion of the base-excess plan. The following amendments, if approved, are proposed to be effective September 1, 1969:

§ 1103.22 [Amended]

2. In § 1103.22(i), the word "and" appearing at the end of subparagraph (2) is deleted and subparagraph (3) is revoked.

3. In § 1103.22(i), subparagraph (2) is revoked.

4. Section 1103.30(a)(1)(i) is revised to read as follows:

§ 1103.30 Reports of receipts and utilization.

(a) • • •

(1) • • •

(i) Receipts of producer milk, including such handler's own production;

• • • • • •

5. In § 1103.31, paragraph (a)(2) and (b)(2)(i) are revised to read as follows:

§ 1103.31 Payroll reports.

(a) • • •

(2) The daily and total pounds of milk received from such producer;

• • • • • •

(b) • • •

(2) • • •

(i) The daily and total pounds of milk received during the month and the average butterfat test thereof; and

• • • • • •

6. In § 1103.71, revise the sentence following paragraph (f) to read as follows:

§ 1103.71 Computation of the weighted average price and uniform price.

• • • • • •

(f) • • •

The result shall be the "weighted average price" or the "uniform price" for milk received from producers.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met for amendments Nos. 2 through 9 and the requirements of 608c(5)(b)(ii)(d) of the Agricultural Marketing Agreement Act of 1937 as amended have been met for amendments Nos. 1 and 1a.

§§ 1103.72, 1103.80, 1103.81, 1103.82, 1103.83 [Revoked]

7. Sections 1103.72, 1103.80, 1103.81, 1103.82, and 1103.83 and the centerheading "Base Rating" preceding § 1103.80 are revoked.

8. In § 1103.90(a), the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1103.90 Time and method of payment.

• • • • • •

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price pursuant to § 1103.71 adjusted by the producer butterfat differential computed pursuant to § 1103.91, subject to the location adjustment to producers pursuant to § 1103.92, and less the following amounts:

• • • • • •

9. Section 1103.92(a) is revised to read as follows:

§ 1103.92 Location differential to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1103.90, the uniform price pursuant to § 1103.71 to be paid for milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1103.53; and

• • • • • •

[F.R. Doc. 69-3809; Filed, Apr. 1, 1969; 8:48 a.m.]

[7 CFR Part 1138]

[Docket No. AO-335-A13]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area, which was issued March 13, 1969 (34 F.R. 5334), is hereby extended from April 2, 1969, to April 16, 1969.

Signed at Washington, D.C., on March 26, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-3810; Filed, Apr. 1, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-16]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Vernon, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

VERNON, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (lat. 34°14'00" N., long. 99°17'30" W.), and within 2 miles each side of the Altus VOR 182° radial extending from the 6-mile radius area to 7 miles north of the airport.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Wilbarger County Airport, Vernon, Tex. The extension to the proposed transition area is based on the Altus VOR 182° true (172° magnetic) radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 24, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-3803; Filed, Apr. 1, 1969; 8:47 a.m.]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-3]

BRAKES

Oral Hearing

The Federal Highway Administrator published in the FEDERAL REGISTER on November 2, 1968 (33 F.R. 16125), a notice of proposed rule making, Docket No. MC-3, proposing to amend §§ 393.40 and 393.41 (formerly §§ 293.40 and 293.41) of the Motor Carrier Safety Regulations. As a result of a number of requests received, the Administrator announces a decision to hold a public hearing to give all interested persons an opportunity to orally state their views on the proposed regulations. The hearing will be held at 9:30 a.m., April 29, 1969, at the Federal Highway Administration, Room 2A, Donohoe Building, Sixth and D Streets SW., Washington, D.C. 20591.

The hearing will be an informal one conducted by the Administration. It will not be a judicial or evidentiary type of hearing. There will be no cross-examination of persons presenting statements. A member of the staff of the Federal Highway Administration will make an opening statement presenting in brief a history of the problem at hand. Interested persons will then have an opportunity to present their initial oral statements. Statements should focus on the issues raised by the notice published in the November 2, 1968, FEDERAL REGISTER. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for the conduct of the hearing will be announced at the hearing.

Interested persons are invited to attend the hearing and present oral or written statements on the matters set for hearing. These statements will be made a part of the record of the hearing, the transcript of which will be a matter of public record. Any person who wishes to make oral statement at the hearing should notify the Director of the Bureau of Motor Carrier Safety by April 25, 1969, stating the amount of time required for his initial statement.

All communications concerning this hearing should be addressed to the Bureau of Motor Carrier Safety, Federal Highway Administration, Room 302A, Donohoe Building, Sixth and D Streets SW., Washington, D.C. 20591.

The notice is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegation of authority by the Secretary to

the Federal Highway Administrator, 49 CFR 1.4(c).

Issued in Washington, D.C. on March 27, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-3873; Filed, Apr. 1, 1969; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 1, 2, 50, 115]

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Extension of Time for Filing Comments

By notice of proposed rule making published January 18, 1969 (34 F.R. 869), the Atomic Energy Commission gave notice that it was considering the establishment of an atomic safety and licensing appeal board. Interested persons were invited to file comments or suggestions within sixty (60) days after publication of the notice in the FEDERAL REGISTER.

The Commission is hereby extending the time for filing comments to April 30, 1969.

Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 26th day of March 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-3777; Filed, Apr. 1, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF COMMERCE

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

MARCH 21, 1969.

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no adjustment in the phase of coordinate seconds pulses emitted from the low frequency radio station WWVB, Fort Collins, Colo., on May 1, 1969. The carrier frequency of WWVB is 60 kHz and is broadcast without offset with respect to standard coordinate frequency. These emissions are made following the Stepped Atomic Time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no adjustments in the phases of time pulses emitted from the high frequency radio stations WWVB, Fort Collins, Colo., and WWVH, Maui, Hawaii, on May 1, 1969. These pulses at present occur at intervals which are longer than one coordinate second by 300 parts in 10^{10}, and will occur at these intervals throughout 1969. This is due to the offset maintained in the carrier frequencies of these stations following the Coordinated Universal Time (UTC) system as coordinated by the BIH.

A. V. ASTIN,
Director.

[F.R. Doc. 69-3827; Filed, Apr. 1, 1969; 8:49 a.m.]

Patent Office

DISCLOSURE DOCUMENT PROGRAM

On November 23, 1968, a notice proposing a Disclosure Document Program was published in the FEDERAL REGISTER (33 F.R. 17370). Interested persons were given over 30 days in which to submit written comments, suggestions, or objections regarding the proposed program. Full consideration has been given to all comments that were received in response to the public notice.

Effective immediately and until further notice, the Patent Office will accept and preserve for a period of at least 2 years "Disclosure Documents" which may be used as evidence of conception of an invention. A Disclosure Document may be any paper which discloses an invention and is signed by the inventor(s) and is forwarded to the Patent Office by any one of the inventor(s), the owner or the attorney or agent of the inventor(s) or owner. It is not a patent application, nor will its receipt date in the Patent Office in any way become the effective filing date of a later-filed application. However, like patent applications, these documents will be retained in confidence by the Patent Office.

The value of the conventional properly witnessed and notarized records as evidence of conception of an invention is not diminished. This program is being made available as a service to those persons desiring to use it. A Disclosure Document should be a more creditable form of evidence than the "self-addressed envelope" form of evidence often used by inventors.

Although there are no restrictions as to its content and claims are unnecessary, the benefits obtainable from a Disclosure Document will depend directly upon the content and adequacy of its disclosure. Therefore, it is strongly urged that the document contain a clear and complete explanation of the manner and process of making and using the invention in sufficient detail, that at least a person having ordinary knowledge in the field of the invention would be able to make and use the invention. When the nature of the invention admits, a drawing or sketch should be furnished. The use or utility of the invention should be described, especially in chemical inventions.

A Disclosure Document will be destroyed 2 years after its receipt date unless it is referred to in a separate paper filed in a related patent application within said 2-year period. In a new patent application, the Disclosure Document may be referred to in the letter of transmittal. Disclosure Documents, if accepted, will not be returned. Unless it is desired to rely upon a Disclosure Document as evidence, it need not be referred to in the file of a later filed patent application. However, if the Disclosure Document is referred to, the Document will be preserved by the Patent Office similarly to patent applications.

The Disclosure Document must be limited to written matter or drawings on paper or other thin flexible material, such as linen or plastic drafting material, having dimensions, or being folded to a size, not to exceed 8½ by 13 inches. Photographs will also be acceptable. Each page should be numbered and have permanent indicia sufficiently dark to allow copying by ordinary reproducing equipment.

In addition, each Disclosure Document, when submitted, must include a fee of $10, a stamped, self-addressed envelope and a separate paper, in duplicate, signed by the inventor stating that he is the inventor and requesting that the enclosed material be received for processing under the Disclosure Document Program. The papers will be stamped by the Office with an identifying number and receipt date, and the duplicate request returned in the self-addressed envelope together with a notice. This notice will indicate that the Disclosure Document may be relied upon only as evidence and that a patent application should be diligently filed if patent protection is desired.

The request may take the following form:

> The undersigned, being the inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for at least a period of 2 years.
>
> EDWARD J. BRENNER,
> *Commissioner of Patents.*

Approved: March 26, 1969.

ALLEN V. ASTIN,
Acting Assistant Secretary for Science and Technology.

[F.R. Doc. 69-3805; Filed, Apr. 1, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AZACYCLONOL HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by The Wm. S. Merrell Co., Division of Richardson-Merrell Inc., Hackladd Station, Cincinnati, Ohio 45215:

1. Frenquel Injection containing 5 milligrams of azacyclonol hydrochloride per cubic centimeter (NDA 10-248).

2. Frenquel Tablets containing 20 milligrams of azacyclonol hydrochloride per tablet (NDA 10-042).

3. Frenquel Tablets containing 100 milligrams of azacyclonol hydrochloride per tablet (NDA 10-715).

The Academy concludes that the above-listed products are ineffective:

A. For their labeled indications—the treatment of acute conditions characterized by hallucinations and confusion that may be seen in patients with acute schizophrenic reactions or toxic psychoses such as postoperative psychosis and alcoholic hallucinosis; and

B. For their labeled drug actions—the partial or complete blocking against development of LSD-25 and mescaline experimental psychosis and the reduction or elimination of false perceptions (delusions, hallucinations) resulting from acute schizophrenic reactions or toxic psychoses such as postoperative psychosis and alcoholic hallucinosis.

The Food and Drug Administration concurs that there is a lack of substantial evidence that the drug is effective for any of the claims made in the labeling. Accordingly the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for these drugs.

Prior to initiating such action, however, the Commissioner invites the holders of new-drug applications for these drugs and any interested person who may be adversely affected by their removal from the market to submit any pertinent data bearing on the proposal within 30 days after publication of this notice in the FEDERAL REGISTER.

This announcement of the proposed action and implementation of the NAS-NRC report for these drugs is made to give notice to persons who might be adversely affected by their withdrawal from the market. Promulgation of an order withdrawing approval of the new-drug applications will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holder of the subject new-drug applications has been mailed a copy of the NAS-NRC reports, and any interested person may obtain a copy on request from the office named below.

Communications forwarded in response to this announcement should be directed to the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS–NRC report: Press Relations Office (CE–300). Comments or data regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3785; Filed, Apr. 1, 1969; 8:46 a.m.]

MERCK & CO., INC.

Notice of Withdrawal of Petition for Food Additives Amprolium-Ethopabate, 3-Nitro-4-Hydroxyphenylarsonic Acid, Bacitracin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of June 8, 1968 (33 F.R. 8513), proposing that the food additive regulations be amended to provide for the safe use in chicken feed of a combination of amprolium (0.0125 percent), ethopabate (0.004 percent), and 3-nitro-4-hydroxyphenylarsonic acid (0.005 percent) plus bacitracin (4–50 grams per ton of feed, as zinc bacitracin), for specified indications for use in broiler chickens or in replacement chickens intended for use as caged layers only.

Dated: March 25, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–3786; Filed, Apr. 1, 1969; 8:46 a.m.]

[Docket No. FDC–D–124; NDA No. 30–517V, 34–765V, F–3197]

STANDARD MILLING CO., INC.

Notice of Opportunity for Hearing Regarding Medicated Animal Feeds

Notice is hereby given to Standard Milling Co., Inc., 1501 Fourth Street, Lubbock, Tex. 79408, that in the matter of the following new-drug applications:

1. No. 30–517V for medicated animal feeds containing diethylstilbestrol;

2. No. 34–765V for medicated animal feeds containing medroxyprogesterone acetate; and

3. No. F–3197 for medicated animal feeds containing diethylstilbestrol and chlortetracycline;

the Commissioner of Food and Drugs proposes to withdraw their approvals and all approved supplements thereto under provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) on the grounds that:

The methods used in and the facilities and controls used for the manufacture, processing, and packaging of the medicated feeds are inadequate to assure and preserve their identity, strength, quality, and purity, and have not been made adequate in response to written notice in letters of May 22 and July 19, 1968, in that:

1. Nonmedicated feeds were adulterated with new-drug substances.

2. Medicated feeds containing new-drug substances below and in excess of the labeled amount were distributed.

3. Medicated feeds containing diethylstilbestrol and a combination of diethylstilbestrol and chlortetracycline were mislabeled as medroxyprogesterone acetate feeds.

4. Medicated feeds were not assayed in accordance with new-drug application commitments.

5. Spillage and floor sweepings are used in feeds without regard to contaminant in such spillage.

6. Inaccurate microscales are used to weigh drugs.

7. The weight of macroingredients is estimated rather than determined.

8. Discrepancies exist between master and working formulae.

9. The actual yield of each batch of medicated feed is not determined.

10. The dust control system is inadequate.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant named above an opportunity for a hearing at which time the applicant may produce evidence and arguments on the question of whether the subject applications and supplements should be withdrawn.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail himself of the opportunity for a hearing; or

2. Not to avail himself of the opportunity for a hearing.

Failure of the applicant to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by the applicant not to avail himself of the opportunity for a hearing.

If the applicant elects not to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications and all supplements thereto.

If the applicant elects to avail himself of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the applicant specifies otherwise in his appearance.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3787; Filed, Apr. 1, 1969; 8:46 a.m.]

CHLORTETRACYCLINE-SULFONAMIDE COMBINATION PREPARATION FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following product of Lederle Laboratories, Division of American Cyanamid Co., Pearl River, N.Y. 10965: Aureomycin with Triple Sulfas Tablets containing chlortetracycline hydrochloride, sulfadiazine, sulfamerazine, and sulfamethazine.

The Academy has evaluated the above product and found it ineffective as a fixed combination for all labeled indications. The Food and Drug Administration concurs with the Academy's evaluation and concludes that there is a lack of substantial evidence that each component of the drug listed above makes a contribution to the total effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Part 146c), as necessary, to delete from the list of drugs acceptable for certification those that contain the above-specified combination.

Prior to initiating such action, however, the Commissioner invites all interested persons who may be adversely affected by removal of this drug from the market to submit pertinent data bearing on the proposal within 30 days following publication of this notice in the FEDERAL REGISTER. Such data should be addressed to the Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC report for this drug is made to give notice to persons who might be adversely affected by its removal from the market.

The firm listed above has been mailed a copy of the NAS-NRC report, and any interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1051–52, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3813; Filed, Apr. 1, 1969; 8:48 a.m.]

CERTAIN ERYTHROMYCIN-TRIPLE SULFA COMBINATION PRODUCTS FOR ORAL ADMINISTRATION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Erythrosulfa Tablets; contain erythromycin, sulfadiazine, sulfamerazine, and sulfamethazine; marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

2. Ilosone Sulfa, For Oral Suspension; contains erythromycin estolate, sulfadiazine, sulfamerazine, and sulfamethazine; marketed by Eli Lilly & Co., Box 618, Indianapolis, Ind. 46206.

3. Ilosone Tulfa Tablets; contain erythromycin estolate, sulfadiazine, sulfamerazine, and sulfamethazine; marketed by Eli Lilly & Co.

4. Ilotycin Ethyl Carbonate-Sulfa, Pediatric for Oral Suspension; contains erythromycin ethylcarbonate, sulfadiazine, sulfamerazine, and sulfamethazine; marketed by Eli Lilly & Co.

5. Ilotycin-Sulfa Tablets; contain erythromycin, sulfadiazine, sulfamerazine, and sulfamethazine; marketed by Eli Lilly & Co.

The Academy has evaluated the above-listed drugs and found them ineffective as a fixed combination for their labeled indications: Mixed infections, infections more susceptible to the combination than to either erythromycin or sulfonamides alone, and gram-negative or mixed infections of the urinary tract.

The Food and Drug Administration concurs with the views expressed by the Academy and concludes that there is a lack of substantial evidence that each of the above-listed drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Part 148e) where necessary to delete from the list of drugs acceptable for certification those that contain the above-listed antibiotic combinations.

Prior to initiating such action, however, the Commissioner invites all interested persons who may be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following date of publication of this notice in the FEDERAL REGISTER. Such data should be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by removal of these drugs from the market.

The firms listed above have been mailed a copy of the NAS-NRC reports. Any interested person may obtain a copy of the reports on the above-named drugs by writing to the Food and Drug Administration, Press Relations Office (CE–300), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3814; Filed, Apr. 1, 1969; 8:48 a.m.]

NEOMYCIN SULFATE-KAOLIN-PECTIN-SULFAGUANIDINE-HOMATROPINE METHYLBROMIDE ORAL SUSPENSION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Diapec Suspension; contains per each 15 milliliters—105 milligrams of neomycin (as the sulfate), 1.5 grams of sulfaguanidine, 2.25 milligrams of homatropine methylbromide, 1.5 grams of kaolin, and 150 milligrams of pectin; by Charles Pfizer & Co. (International), 235 East 42d Street, New York, N.Y. 10017.

The Academy has evaluated the above product and found it to be ineffective for all indications claimed in the labeling. The Food and Drug Administration concurs with the Academy's evaluation and concludes that there is a lack of substantial evidence that the drug listed above will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Part 148i) where necessary to delete from the list of drugs acceptable for certification the above-listed drug combination.

Prior to initiating such action, however, the Commissioner invites all interested persons who may be adversely affected by removal of this drug from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this announcement in the FEDERAL REGISTER. Any data should be addressed to the Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC report for this drug is made to give notice to persons who might be adversely affected by removal of this drug from the market.

The firm listed above has been mailed a copy of the NAS-NRC report, and any interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat.

1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3815; Filed, Apr. 1, 1969; 8:48 a.m.]

CERTAIN PENICILLIN-STREPTOMYCIN COMBINATION PRODUCTS FOR INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Durycin F.A. (for aqueous injection); contains procaine penicillin G, buffered penicillin G crystalline-sodium, and streptomycin sulfate; marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206.

2. Durycin A.S. (aqueous suspension); contains procaine penicillin G and streptomycin sulfate; marketed by Eli Lilly & Co.

3. Mycillin; contains procaine penicillin G and streptomycin sulfate; marketed by Maurry Biological Co., Inc., 6109 South Western Avenue, Los Angeles, Calif. 90047.

4. PenStrep 4:1 and PenStrep 4:½; contain procaine penicillin G, penicillin G potassium, and streptomycin sulfate; marketed by Merck & Co., Inc., Rahway, N.J. 07065.

5. Strep-Combiotic Aqueous Suspension (multidose); contains procaine penicillin G and streptomycin sulfate; marketed by Charles Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

6. Strep-Combiotic for Aqueous Suspension (single dose); contains procaine penicillin G, potassium penicillin G, and streptomycin sulfate; marketed by Charles Pfizer & Co., Inc.

7. Strep-Combiotic Aqueous Suspension—Isojet; contains procaine penicillin G and streptomycin sulfate; marketed by Charles Pfizer & Co., Inc.

8. Streptomycin-Bipenicillin; contains procaine penicillin G, sodium penicillin G, and streptomycin sulfate; by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

9. Pentocin; contains procaine penicillin G, potassium penicillin G, and streptomycin sulfate; marketed by Pure Laboratories, Inc.

10. Procaine Penicillin in Streptomycin Sulfate Solution; contains procaine penicillin G and streptomycin sulfate; marketed by Roehr Products Co., Inc., A Subsidiary of Brunswick Corp., 2010 New Daytona Road, De Land, Fla. 32720.

11. Strep-Dicrysticin, Strep-Dicrysticin-800, Strep-Dicrysticin Fortis, and Strep-Dicrysticin Fortis-800 (four strengths, for suspension); contain procaine penicillin G, sodium penicillin G, and streptomycin sulfate; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

12. Strep-Distrycillin A.S. (sterile suspension); contains procaine penicillin G and streptomycin sulfate; marketed by E. R. Squibb & Sons, Inc.

13. Penicillin-Streptomycin Readimixed Sterile Aqueous Suspension; contains procaine penicillin G and streptomycin sulfate; marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

14. Cer-O-Strep—ONE-HALF and Cer-O-Strep—ONE (sterile powders); contain chloroprocaine penicillin O, sodium penicillin O, and streptomycin sulfate; marketed by The Upjohn Co.

15. Bicillimycin All-Purpose Injection; contains benzathine penicillin G, potassium penicillin G, procaine penicillin G, and streptomycin sulfate; marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

16. Wycillin SM Injection 400 and Wycillin SM Injection 600; contain procaine penicillin G and streptomycin sulfate; marketed by Wyeth Laboratories, Inc.

The Academy has evaluated the above-listed products and found them ineffective or ineffective as a fixed combination for those indications in the labeling that were specific enough to be evaluated. The Food and Drug Administration concurs with the views expressed by the Academy and concludes that there is a lack of substantial evidence that each of the above-listed drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Parts 141a et seq.) where necessary to delete from the list of drugs acceptable for certification those that contain the above-listed antibiotic combinations.

Prior to initiating such action, however, the Commissioner invites all interested persons who may be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such data should be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by removal of these drugs from the market.

Firms listed above have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the reports on these drugs by writing to the Food and Drug Administration, Press Relations Office (CE–300), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3816; Filed, Apr. 1, 1969; 8:48 a.m.]

CERTAIN PENICILLIN-SULFONAMIDE COMBINATION PRODUCTS FOR ORAL ADMINISTRATION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

A. Combination drugs containing potassium penicillin G and sulfisoxazole: Gantricillin "100" tablets, Gantricillin "200" Tablets, and Gantricillin "300" Tablets; marketed by Hoffmann-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110.

B. Combination drugs containing potassium penicillin G, sulfadiazine, sulfamerazine, and sulfamethazine:

1. Neopenzine Suspension; marketed by Eli Lilly & Co., Indianapolis, Ind. 46206.

2. Neopenzine "150" Tablets and Neopenzine "300" Tablets; marketed by Eli Lilly & Co.

3. Trisem-Pen Powder; marketed by S. E. Massengill Co., Bristol, Tenn. 37620.

4. Trisem-Pen Tablets; marketed by The S. E. Massengill Co.

5. Penicillin with Triple Sulfas Tablets; marketed by Biocraft Laboratories, Inc., 92 Route 46, East Paterson, N.J. 07407.

6. K-cillin Sulfa Powder for Syrup; by Biocraft Laboratories, Inc.

7. Sulfa-Sugracillin 125M Granules and Sulfa-Sugracillin 250M Fortified Granules; marketed by The Upjohn Co., Kalamazoo, Mich. 49002.

8. Flavocillin-CS Powder; marketed by Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114.

9. Potassium Penicillin G with Triple Sulfonamides Tablets; Philadelphia Laboratories, Inc.

10. Biosulfa 125M and 250M Tablets; marketed by The Upjohn Co.

11. Pell-Biotic-250 Tablets; by Richlyn Laboratories, Inc., Castor Avenue at Kensington Avenue, Philadelphia, Pa. 19124.

12. Penicillin with Triple Sulfas No. 1, No. 2, and No. 3; marketed by Richlyn Laboratories, Inc.

13. Potassium Penicillin G Tablets with Triple Sulfonamides; by Vitamix Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pa. 19132.

14. Penicillin 100,000 (also 200,000, 250,000, and 300,000) Units with Triple Sulfonamides Tablets; marketed by Zenith Laboratories, Inc., 150 South Dean Street, Englewood, N.J. 07631.

15. Penicillin with Triple Sulfas Tablets; marketed by Supreme Pharmaceutical Co., Inc., 354 Mercer Street, Jersey City, N.J. 07302.

16. Pentid-Sulfas Tablets; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

17. Pentid-Sulfas for Syrup and Pentid "400" Sulfas for Syrup; marketed by E. R. Squibb & Sons, Inc.

18. Penicillin-Three Sulfonamide Tablets "100" and Penicillin-Three Sulfonamide Tablets "300"; marketed by Nysco Laboratories, Inc., 34–24 Vernon Boulevard, Long Island City, N.Y. 11106.

19. Buffered Potassium Penicillin G with 3 Sulfas Powder for Syrup; marketed by Nysco Laboratories, Inc.

C. Combination drugs containing potassium penicillin G, sulfadiazine, sulfamerazine, and sulfacetamide:

1. Flavored Penicillin G Powder with Triple Sulfonamides; by Vitamix Pharmaceuticals, Inc.

2. Penicillin with Sulfonamides Powder for Solution; marketed by Biocraft Laboratories, Inc.

D. Combination drugs containing phenoxymethyl penicillin (as the base or benzathine salt), sulfadiazine, and sulfamerazine:

1. Pen-Vee Sulfas, Tablets; marketed by Wyeth Laboratories, Inc., Philadelphia, Pa. 19101.

2. Pen-Vee Sulfas, Suspension; marketed by Wyeth Laboratories, Inc.

E. Combination drugs containing phenoxymethyl penicillin (as the base or potassium or benzathine salt), sulfadiazine, sulfamerazine, and sulfamethazine:

1. Compocillin VK with Sulfas Filmtab; marketed by Abbott Laboratories, North Chicago, Ill. 60064.

2. Compocillin-VK with Sulfas Granules for Oral Suspension; marketed by Abbott Laboratories.

3. V-Cillin Sulfa Tablets; marketed by Eli Lilly & Co.

4. V-Cillin Sulfa Pediatric for Oral Suspension; marketed by Eli Lilly & Co.

5. V-Cillin K Sulfa Tablets; marketed by Eli Lilly & Co.

6. V-Cillin K Sulfa Pediatric for Oral Suspension; marketed by Eli Lilly & Co.

F. Combination drugs containing benzathine penicillin G, sulfadiazine, sulfamerazine, and sulfamethazine:

1. Bicillin-Sulfas Suspension; marketed by Wyeth Laboratories, Inc.

2. Bicillin-Sulfas Tablets; marketed by Wyeth Laboratories, Inc.

The Academy has evaluated the above-listed products and found them ineffective as fixed combinations for those indications in the labeling that were specific enough to be evaluated. The Food and Drug Administration concurs with the views expressed by the Academy and concludes that there is a lack of substantial evidence that each of the above-listed drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Parts 141a et seq.) where necessary to delete from the list of drugs acceptable for certification those that contain the above-listed penicillin-sulfonamide combinations.

Prior to initiating such action, however, the Commissioner invites all interested persons who may be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such data should be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by removal of these drugs from the market.

Firms listed above have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the reports on these drugs by writing to the Food and Drug Administration, Press Relations Office (CE–300), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3817; Filed, Apr. 1, 1969; 8:48 a.m.]

COMBINATION DRUGS CONTAINING TETRACYCLINE HYDROCHLORIDE WITH VITAMINS AND OXYTETRACYCLINE WITH VITAMINS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Achromycin SV Capsules; contain tetracycline hydrochloride, ascorbic acid, thiamine mononitrate, niacinamide, pyridoxine hydrochloride, folic acid, calcium pantothenate, menadione, cyanocobalamin, and riboflavin; by Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965.

2. Terramycin S.F. Capsules; contain oxytetracycline, ascorbic acid, thiamine mononitrate, riboflavin, niacinamide, pyridoxine hydrochloride, calcium pantothenate, cyanocobalamin, vitamin K, and folic acid; by Chas. Pfizer & Co. (International), 235 East 42d Street, New York, N.Y. 10017.

The Academy has evaluated the above-listed products as ineffective as fixed combinations for their labeled indications. The Food and Drug Administration concludes that there is a lack of substantial evidence that each component of such combination drugs makes a contribution to the total effect the drug purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner of Foods and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Parts 141c, 146c) where necessary to delete from the list of drugs acceptable for certification those that contain the tetracycline hydrochloride-vitamin combination.

Prior to initiating such action, however, the Commissioner invites all interested persons who may be adversely affected by removal of this tetracycline hydrochloride-vitamin combination from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such data should be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC report for this drug is made to give notice to persons who might be adversely affected by removal of this drug from the market.

There is no monograph in the regulations under section 507 of the Federal Food, Drug, and Cosmetic Act which provides for certification of the oxytetracycline-vitamin combination. Samples of such drug will not be acceptable for certification.

The firms listed above have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the report on the above-named drugs by writing to the Food and Drug Administration, Press Relations Office (CE–300), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3818; Filed, Apr. 1, 1969; 8:48 a.m.]

CERTAIN TETRACYCLINE-NYSTATIN, OXYTETRACYCLINE-NYSTATIN, AND DEMETHYL-CHLORTETRACYCLINE-NYSTATIN COMBINATION PREPARATIONS FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National

Research Council, Drug Efficacy Study Group, on the following products:

A. Combination drugs containing tetracycline, tetracycline hydrochloride, or tetracycline phosphate complex with nystatin:

1. Mysteclin-V Capsules; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

2. Tetrastatin for Oral Suspension; Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

3. Tetrastatin Capsules; Chas. Pfizer & Co., Inc.

4. Comycin Half-Strength Capsules; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

5. Comycin Capsules; The Upjohn Co.

6. Achrostatin V for Oral Suspension; Lederle Laboratories, Division of American Cyanamid Co., West Middletown Road, Pearl River, N.Y. 10965.

7. Achrostatin V Capsules; Lederle Laboratories, Division of American Cyanamid Co.

B. Combination drugs containing oxytetracycline and nystatin:

1. Terrastatin for Oral Suspension; Chas. Pfizer & Co., Inc.

2. Terrastatin Capsules; Chas. Pfizer & Co., Inc.

C. Combination Drugs containing demethyl chlortetracycline and nystatin:

1. Declostatin for Oral Suspension; Lederle Laboratories, Division of American Cyanamid Co.

2. Declostatin Capsules; Lederle Laboratories, Division of American Cyanamid Co.

The Academy has evaluated the above-listed drugs and found them ineffective as fixed combinations for simultaneous antimicrobial therapy and monilial prophylaxis. Adequate documented evidence that the fixed combinations are useful during therapy in preventing clinical disease due to monilial superinfection is lacking.

The Food and Drug Administration concurs with the Academy's evaluation and concludes that there is a lack of substantial evidence that each of the above-listed drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Parts 141c, 146c, 148k, 148n), as necessary, to delete from the list of drugs acceptable for certification those that contain the above-listed antibiotic combinations.

Prior to initiating such action, however, the Commissioner invites all interested persons who may be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following publication of this notice in the FEDERAL REGISTER. Such data should be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by removal of these drugs from the market.

The firms listed above have been mailed a copy of the subject NAS-NRC reports, and any interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Office (CE-300), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3819; Filed, Apr. 1, 1969; 8:49 a.m.]

COMBINATION DRUGS CONTAINING TETRACYCLINE WITH OLEANDOMYCIN OR TRIACETYLOLEANDOMYCIN

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following oral preparations marketed by Chas. Pfizer & Co. (International) or by J. B. Roerig & Co., Division of Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017:

1. Signemycin Syrup containing tetracycline and triacetyloleandomycin.

2. Sigmamycin Syrup containing tetracycline and triacetyloleandomycin.

3. Signemycin Pediatric Drops containing tetracycline and triacetyloleandomycin.

4. Sigmamycin Pediatric Drops containing tetracycline and triacetyloleandomycin.

5. Signemycin Capsules containing tetracycline hydrochloride and triacetyloleandomycin.

6. Sigmamycin Capsules containing tetracycline and oleandomycin phosphate.

The Academy has evaluated these products and found them ineffective as a fixed combination for all specific indications appearing in their labeling. The Food and Drug Administration concurs with the views expressed by the Academy and concludes that there is no available evidence that the clinical efficacy of the combination is greater than that of either ingredient used alone.

On the basis of the lack of substantial evidence that each ingredient in the combination drugs listed above contributes to the total effects which the drugs are purported or represented to have under the conditions of use prescribed, recommended, or suggested in their labeling, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Part 141c et al.) where necessary to discontinue certification of those products that contain the above-listed antibiotic combinations.

Prior to initiating such action, however, the Commissioner invites all interested persons who may be adversely affected by the removal of these drugs from the market to submit pertinent data relative to this proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such data should be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The purpose of this announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is to notify all persons who might be adversely affected by the removal of these drugs from the market.

The firms listed above have been mailed a copy of the NAS-NRC reports. Any interested person may obtain a copy of these reports by writing to the Food and Drug Administration, Press Relation Office (CE-300), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3820; Filed, Apr. 1, 1969; 8:48 a.m.]

CERTAIN TETRACYCLINE-SULFONAMIDE COMBINATION PREPARATIONS (WITH AND WITHOUT ANALGESIC) FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following products of Bristol Laboratories, Inc., Post Office Box 657, Syracuse, N.Y. 13201:

1. Tetrex Syrup with Triple Sulfonamides; contains tetracycline, sulfadiazine, sulfamerazine, and sulfamethazine.

2. Azotrex Syrup; contains tetracycline and sulfamethizole.

3. Polycycline Suspension with Triple Sulfonamides; contains calcium tetracycline, sulfadiazine, sulfamerazine, and sulfamethazine.

4. Azotrex Capsules; contains tetracycline phosphate complex, sulfamethizole, and phenazopyridine hydrochloride.

The Academy concludes that the above-listed products are ineffective or ineffective as a fixed combination for labeled indications and that adequate clinical documentation of efficacy is lacking.

The Food and Drug Administration concurs with the Academy's evaluation and concludes that there is a lack of substantial evidence that each of the drugs listed above will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Parts 141c, 146c) where necessary to delete from the list of drugs acceptable for certification those that contain the above-listed antibiotic combinations.

Prior to initiating such action, however, the Commissioner invites all interested persons who may be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following date of publication of this notice in the FEDERAL REGISTER. Such data should be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by removal of these drugs from the market.

The firm listed above has been mailed a copy of the reports. Any interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office (CE-300), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3821; Filed, Apr. 1, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-315, 50-316]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Issuance of Provisional Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated March 21, 1969, the Director of the Division of Reactor Licensing has issued Provisional Construction Permits Nos. CPPR-60 and CPPR-61 to the Indiana & Michigan Electric Co. for the construction of two pressurized water nuclear reactors, designated as Donald C. Cook Nuclear Plant Units 1 and 2, on the applicants site on the eastern shore of Lake Michigan in Lake Township, Berrien County, Mich., about 11 miles south-southwest of Benton Harbor, Mich. The reactors are each designed for initial operation at approximately 3,250 megawatts (thermal).

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of March 1969.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 69-3778; Filed, Apr. 1, 1969; 8:45 a.m.]

[Docket No. 50-294]

MICHIGAN STATE UNIVERSITY

Notice of Issuance of Facility License

No request for a hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Facility License No. R-114 to Michigan State University ("MSU"). The license authorizes MSU to operate a TRIGA Mark I nuclear reactor on its campus in East Lansing, Mich.

The facility license was issued in the form published in the Notice of Proposed Issuance of Facility License in the FEDERAL REGISTER on February 18, 1969, 34 F.R. 2334. The Technical Specifications issued with the license contain an additional reporting requirement that was not in the proposed Technical Specifications.

Dated at Bethesda, Md., this 21st day of March 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-3884; Filed, Apr. 1, 1969; 8:50 a.m.]

[Docket No. 50-124]

VIRGINIA POLYTECHNIC INSTITUTE

Notice of Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 2, as set forth below, to Facility License No. R-62. The license authorizes the Virginia Polytechnic Institute to possess and operate the Argonaut-type nuclear research reactor facility located on its campus in Blacksburg, Va. The amendment, which revises the license in its entirety, incorporates revised Technical Specifications for operation of the facility and extends to November 16, 1979, the expiration date of the license in accordance with applications for license amendment dated February 18, and March 11, 1969, respectively. The amended license more precisely sets forth the reporting requirements and expands the record keeping section to include records on maintenance operations, and tests and measurements performed.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's applications for license amendment dated February 18, and March 11, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of March 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License R-62; Amdt. 2]

1. The Atomic Energy Commission ("the Commission") has found that:

A. The applications for license, as amended, dated February 18, 1969, and March 11, 1969, comply with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter 1;

B. There is reasonable assurance that (i) the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the application and rules and regulations of the Commission;

C. The Institute is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the Commission's regulations;

D. The Institute is a nonprofit educational institution and will operate the reactor for the conduct of educational activities, and is therefore exempt from the financial protection requirement of subsection 170a of the Act. The licensee has executed an indemnity agreement pursuant to 10 CFR Part 140;

E. The issuance of this license, as amended, for possession, use and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by the licensee in its application will not be inimical to the common defense and security or to the health and safety of the public; and

F. Prior public notice of proposed issuance of this license amendment is not required since the operation of the reactor in accordance with the terms of the license, as amended, does not involve significant hazard considerations different from those previously evaluated.

2. Facility License No. R-62 is hereby amended in its entirety to read as follows:

A. This license applies to the Argonaut-type nuclear reactor (herein "the reactor") which is owned by the Virginia Polytechnic Institute (herein "the licensee" or "the Institute"), located on the Institute's campus in Blacksburg, Va., described in the application for license dated February 5, 1959, and subsequent amendments thereto, including the amendments dated February 18, 1969, and March 11, 1969 (herein referred to as "the application"), and which was authorized for construction under Construction Permit No. CPRR-43.

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Institute:

(1) Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess, use, and operate the reactor as a utilization facility at the designated location in Blacksburg, Va., in accordance with the procedures and limitations described in the application and in this license.

(2) Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess and use in connection with operation of the reactor 16 grams of plutonium contained in an encapsulated plutonium-beryllium neutron source, and up to 8 kilograms of contained uranium-235.

(3) Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

C. This license shall be deemed to contain and be subject to the conditions, specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) *Maximum power level.* The Institute is authorized to operate the reactor at steady-state power levels up to a maximum of 100 kilowatts (thermal).

(2) *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter, "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

(3) *Reports.* In addition to reports otherwise required under this license and applicable regulations:

a. The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the Hazards Summary Report (hereinafter, "safety analysis report"). For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, "the Director, DRL"), with a copy to the Regional Compliance Office.

b. The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the safety analysis report or the Technical Specifications.

c. The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis as described in the safety analysis report.

(4) *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

a. Reactor operating records, including power levels and periods of operation at each power level.

b. Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation, and any unusual events involved in their performance and in their handling.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

d. Records of emergency reactor shutdowns and inadvertent scrams, including reasons therefor.

e. Records of maintenance operations involving substitution or replacement of reactor equipment or components.

f. Records of tests and measurements performed pursuant to the Technical Specifications.

3. This license, as amended, is effective as of the date of issuance and shall expire at midnight November 16, 1979, unless sooner terminated.

Enclosure: Appendix A—Technical Specifications.[1]

Date of issuance: March 20, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-3835; Filed, Apr. 1, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20666]

AEROVIAS COLOMBIANAS LIMITADA (ARCA)

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding, now scheduled for March 31, 1969, is postponed to April 14, 1969 at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., March 27, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-3837; Filed, Apr. 1, 1969; 8:50 a.m.]

[Docket No. 20580]

GROUP INCLUSIVE TOUR BASING FARES TO HAWAII

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the public hearing in the above-entitled matter now assigned to be held on April 1, 1969, is hereby postponed to April 14, 1969, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., March 27, 1969.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 69-3838; Filed, Apr. 1, 1969; 8:50 a.m.]

[Docket No. 20335; Order 69-3-99]

MOHAWK AIRLINES, INC.

Order Setting Application for Hearing Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March 1969.

Mohawk Airlines, Inc., has filed an application under Subpart M of the Board's rules of practice (14 CFR 302.1301) for amendment of its certificate to permit Mohawk to provide nonstop service between Boston and Syracuse and one-stop service between Boston and Cleveland via Syracuse. These three points are all on Segment 5 of Mohawk's Route 94. Under the "on-segment" provision of § 302.1305(a), since the Board did not take action to dismiss summarily the application within the 10-day period, the provisions of Subpart M have become automatically applicable.

An answer supporting Mohawk's application was filed by the Massachusetts Port Authority. Answers opposing the application were filed by American Airlines and The Flying Tiger Line, to which Mohawk filed a reply.

Upon consideration of the foregoing pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting Mohawk's application for hearing. Specifically, we reject Flying Tiger's request for dismissal of any all-cargo aspects of Mohawk's application. The question of whether Mohawk should be awarded unlimited property authority is more properly raised and considered at the hearing on the basis of the evidence adduced by the parties.

Accordingly, it is ordered, That:

1. The application of Mohawk Airlines, Inc., in Docket 20335 be and it hereby is set for hearing before an Examiner of the Board at a time and place to be hereafter designated; and

2. This order shall be served upon all parties served by Mohawk.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3839; Filed, Apr. 1, 1969; 8:51 a.m.]

[Docket No. 18807, etc.]

NORTH CENTRAL AIRLINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 15, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served on March 26, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 27, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-3840; Filed, Apr. 1, 1969; 8:51 a.m.]

[Docket No. 20855; Order 69-3-94]

UNITED AIR LINES, INC.

Order of Investigation and Suspension Regarding Increased General Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March 1969.

By tariff revisions[1] bearing the posting date of February 17, 1969, and marked to become effective April 3, 1969, United Air Lines, Inc. (United), proposes to increase its general commodity rates at selected shipment weights in numerous markets. The increases are to apply to shipments under 100 pounds and to those with a minimum weight of 100 pounds. In addition, the carrier proposes to establish rates for shipments of 200–999 pounds below rates proposed for those with minimum weights of 100 pounds, although, in many markets, they would be above the current rates for such shipments. The rates for shipments of 1,000 pounds and over would not be affected by the instant proposals.

The filing contains three proposed levels of rates depending upon direction of traffic for shipments with minimum weights of 100 and 200 pounds. (The rates for shipments under 100 pounds would be the same regardless of direction.) The highest rate level applies to westbound movements in all markets and to movements other than westbound for distances below approximately 1,000 miles. The lowest rate level involves eastbound movements of approximately 1,000 miles or longer,[2] and ranges between about 10 asd 23 percent below the westbound proposals. An intermediate level applies to markets of above 1,000 miles, other than westbound or eastbound. This level is approximately 5 to 6 percent below the westbound level.

In support of its proposal, United refers to the justification presented on behalf of the previous proposal involving increases in general commodity rates.[3] In that justification, United claimed that its returns from all-cargo services were inadequate and that the general commodity rates for small shipments were insufficient to yield satisfactory profits. As the basis for the proposed westbound directional rates for 100-pound minimum weight shipments, the carrier stated it adhered closely to the fully allocated costs (including a return element) of DC-8F aircraft, except that rate increases have been limited to 33⅓ percent; that rates for other than westbound shipments would be below fully allocated costs because of directional imbalances; and that many shippers who will be faced with higher charges as a result of the proposal will continue to have the alternative of using air freight forwarders and air express, and receive the cost benefits resulting from consolidation. United forecasts a maximum increase of $3.5 million in revenues from its proposal, but claims that this increase will not produce adequate returns for all-cargo operations.

Complaints requesting investigation and suspension of the proposal were submitted by Consolidated Flower Shipments, Inc., Drug and Toilet Preparation Traffic Conference, Emery Air Freight Corp., Florida Flower Association, Inc., National Fisheries Institute, Inc., Secretary of the Interior, Society of American Florists and Ornamental Horticulturists, and Western Regional Floral Traffic Conference, Inc.[4]

The complaints variously assert, inter alia, that the proposed increases (1) would significantly raise their air transportation charges and have a considerable impact upon the floral and seafood industries, (2) would divert traffic to competitive sources of supply and to surface transport, (3) are not justified by cost or other data submitted by the carrier, which should be carefully scrutinized, and (4) would result in unjust discrimination since they will affect only general commodity shipments less than 1,000 pounds while not raising rates for larger shipments or for specific commodities.

Emery Air Freight Corp. (Emery), an air freight forwarder, in addition requests, inter alia, the Board to suspend the proposal at least until other major airlines and forwarders have filed their own increases. Such action would enable the Board to evaluate all of the revisions together and to require the same effective date.

Upon consideration of the complaints and all other relevant matters, the Board finds that the proposed rate increases may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated.

The proposal involves increases in general commodity rates for shipments under 100 pounds ranging up to 33 percent above current rates for distances up to approximately 2,000 miles. Rates for shipments of 100–199 pounds would be increased in all markets by between 4 and 33 percent. The new weight break at 200 pounds would effect increases between 1 and 25 percent.

By Order 68-12-115, supra, the Board suspended and set for investigation increases in general commodity rates proposed by United, as well as by American Airlines, Inc., and Braniff Airways, Inc. Those increases also involved rates for shipments below 1,000 pounds, but would have amounted to increases of 120 percent as a maximum. The Board explained its action suspending the foregoing proposals as follows, "In view of the very substantial rate increases to be effected by these filings at one time, and since it appears the proposal will have a significant impact upon many shippers, we believe a careful study is required of the costs of service, as well as other relevant factors relating to the rates in question, before they became effective."

The Board added that it would not rule out, however, "all increases pending completion of the investigation and will be willing to consider moderate increases where appropriate." United's current proposal is apparently an attempt to meet the Board's earlier statement. The maximum increases to be effected by the current proposal, 33 percent, are much less than the 120 percent in the previous proposal. Nevertheless, according to complaints received, the current proposals, too, may have a significant

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 8 (Agent J. Aniello series).

[2] Eastbound directional rates apply from Denver and all points west to midwestern, eastern, and southern destinations and from west coast points to Denver.

[3] The previous proposal, marked to become effective Jan. 1, 1969, was suspended and set for investigation by the Board in Order 68-12-115, dated Dec. 20, 1968. The suspended rates were subsequently canceled by United.

[4] In addition, a number of communications, not qualifying as formal complaints in accordance with the Board's regulations, were received on behalf of various shippers in opposition to the proposals.

impact upon certain shippers.[5] Although the carrier may be entitled to some revenue increases from air freight, we are not prepared to permit the proposals as high as those now before us to become effective and will suspend them pending investigation.[6]

In connection with United's expressed need for higher revenues, it should be noted that the Board, by Order 68-8-77, dated August 19, 1968, permitted United and several other carriers to raise their dollar minimum charges from-66 to as much as $10 per shipment but set the charges for investigation.[7] The carriers had based their proposals on higher costs for small shipments. Although we have no recent data indicating the increased freight revenues resulting from the higher minimum charges, such increases may be significant.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates described in Appendix A and Appendix B attached hereto[8] (including subsequent revisions and reissues of rates described in Appendix B), and rules, regulations, and practices affecting such rates, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, and rules, regulations, or practices affecting such rates;

2. Pending hearing and decision by the Board, the rates described in Appendix A attached hereto (except rates applying to or from Canadian points) are suspended and their use deferred to and including July 1, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Consolidated Flower Shipments, Inc., National Fisheries Institute, Inc., and Society of American Florists and Ornamental Horticulturists in Docket 20783, Drug and Toilet Preparation Traffic Conference in Docket 20795, Emery Air Freight Corp. in Docket 20785, Florida Flower Association, Inc., in Docket 20782, Secretary of the Interior in Docket 20784, and Western Regional Floral Traffic Conference, Inc., in Docket 20778 are hereby dismissed;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon United Air Lines, Inc., Consolidated Flower Shipments, Inc., National Fisheries Institute, Inc., Society of American Florists and Ornamental Horticulturists, Drug and Toilet Preparation Traffic Conference, Emery Air Freight Corp., Florida Flower Association, Inc., Secretary of the Interior, and Western Regional Floral Traffic Conference, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary*.

[F.R. Doc. 69-3841; Filed, Apr. 1, 1969; 8:51 a.m.]

[5] Subsequent to the filing of United's proposal and the complaints against it, the carrier filed an application to establish, on less than statutory notice at certain points, specific commodity rates on floral products and seafood at the level of the existing general commodity rates. We have no knowledge of the extent to which these new proposals would reduce the impact upon shippers of these commodities. Furthermore, these proposals would not affect other rates currently proposed for other commodities against which a complaint was filed.

[6] The increases proposed range from 33 percent to as little as 1 percent. We have decided to suspend the entire proposal, even though the increases at the lower range of the scale are small, because the suspension of only the higher increases may disturb the interrelationship inherent in the filing.

[7] The minimum charges for shipments at general commodity rates were the charges for 50 pounds but not less than as much as $10 per shipment, and for specific commodity rate shipments, the charges for the applicable minimum weights, generally 100 pounds, but not less than as much as $10.

[8] Appendices A and B filed as part of the original document.

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Advisor to the Deputy Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners*.

[F.R. Doc. 69-3824; Filed, Apr. 1, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2978 etc.]

SUN OIL CO.

Order Amending Orders

MARCH 21, 1969.

Order amending orders issuing certificates of public convenience and necessity, accepting notices of succession for filing, redesignating FPC gas rate schedules, substituting respondent, redesignating proceedings, and accepting agreement and undertaking for filing.

On December 6, 1968, Sun Oil Co. (DX Division) filed in Docket No. G-2978 et al., a petition to amend the orders issuing certificates of public convenience and necessity to Sunray DX Oil Co. pursuant to section 7(c) of the Natural Gas Act by substituting Sun in lieu of Sunray as certificate holder, all as more fully set forth in the petition to amend and in the appendix hereto.

Sun merged Sunray effective October 25, 1968, and proposes to continue the sales of natural gas heretofore authorized by the Commission to be made by Sunray. Sun has filed notices of succession to te FPC gas rate schedules of Sunray, a motion to be substituted as respondent in Sunray's rate proceedings, and an agreement and undertaking to assure the refund of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings.

The Commission's staff has reviewed the petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the petition to amend have been received.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issuing certificates to Sunray should be amended as hereinafter ordered, that the notices of succession should be accepted for filing, that the related FPC gas rate schedule should be redesignated, that Sun should be substituted in lieu of Sunray in the latter's rate proceedings, that said proceedings should be redesignated accordingly, and that the agreement and undertaking submitted by Sun should be accepted for filing.

The Commission orders:

(A) The orders issuing temporary and permanent certificates of public convenience and necessity to Sunray DX Oil Co. are amended by substituting Sun Oil Co. (DX Division) as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Sun Oil Co. (DX Division) is substituted in lieu of Sunray DX Oil Co. as applicant in all pending certificate proceedings, including those in which temporary certificates have been issued.

(C) The notices of succession to the FPC gas rate schedules of Sunray DX Oil Co. are accepted for filing effective as of October 25, 1968, and the FPC gas rate schedules are redesignated as those of Sun Oil Co. (DX Division) without change in numerical designation.

(D) Sun Oil Co. (DX Division) is substituted in lieu of Sunray DX Oil Co. as respondent in the latter's rate proceedings, said proceedings are redesignated accordingly, and the agreement and undertaking submitted by Sun in said proceedings is accepted for filing.

(E) Sun Oil Co. (DX Division) shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Sun shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

SUN OIL COMPANY (DX DIVISION) (SUCCESSOR TO SUNRAY DX OIL COMPANY)

Certificate Docket No.	FPC gas rate schedule No.	Rate suspension Docket No.
G-3884	1	
G-3885	2	
G-3886	3	
G-5123	5	
G-5031	7	RI68-405.
G-5032	9	
G-6193	11	
G-6194	12	
G-6048	13	RI68-424.
G-5139	17	RI68-405.
G-4952	18	
G-4948	19	
G-5175	20	
G-4954	21	
G-4946	22	RI68-444.
G-5135	23	
G-4912	24	
G-4949	25	
G-4950	26	
G-5130	27	RI68-401.
G-4915	28	R162-51 and RI66-109.
G-5128	29	RI68-402.
G-4945	30	
G-5127	32	RI68-402.
G-5131	33	RI68-401.
G-4947	36	
G-5125	37	
G-4918	39	
G-4914	40	
G-4917	41	
G-5134	42	
G-4951	43	
G-4953	45	RI68-443.
G-6050	47	
G-6057	51	
G-6052	53	
G-5182	57	RI68-444 and RI69-221.
G-5180	59	
G-5179	60	RI68-454.
G-5178	61	RI68-424.
G-5177	62	RI60-20, RI63-482, and RI64-804.
G-5174	64	G-19090, RI60-14, RI63-482 and RI64-804.
G-5172	66	RI64-177.
G-6045	68	
G-6046	69	
G-6873	70	
G-6053	72	RI65-182.
G-6711	73	RI68-444 and RI69-221.
G-6791	74	
G-6825	75	RI68-443.
G-6826	76	RI68-444.
G-6056	78	
G-6043	80	RI68-424.
G-2978	81	G-13160, G-16884, RI60-14, and RI64-804.
G-2979	83	RI61-55, RI61-385 and RI66-301.
G-2991	86	
G-3810	92	G-13160, G-16884, RI60-14, and RI65-7.
G-3811	93	G-13160, G-16884, RI60-14, and RI65-7.
G-3812	94	G-13160, G-16884, RI60-14, and RI65-7.
G-3813	95	RI64-517.
G-3817	97	
G-4416	101	G-19090, RI60-14, RI63-482, and RI64-804.
G-4268	102	RI68-424 and RI69-221.
G-4511	103	G-19090, RI60-101, and RI64-804.
G-3816	106	
G-9257	109	RI63-482 and RI69-265.
G-6606	111	RI68-444 and RI69-221.
G-9782	112	RI68-424.
G-10325	114	RI68-424.
G-10370	116	RI68-424 and RI69-221.
G-10621	118	RI68-405.
G-10776	119	RI68-444.
G-10757	120	RI68-444.
G-10825	121	RI68-402.
G-10775	122	
G-10943	123	RI68-444.

SUN OIL COMPANY (DX DIVISION) (SUCCESSOR TO SUNRAY DX OIL COMPANY)—Continued

Certificate Docket No.	FPC gas rate schedule No.	Rate suspension Docket No.
G-11661	126	
G-11662	127	
G-11762 and G-16010	129	RI68-405.
G-11877	132	RI68-424.
G-12113	133	RI64-102 and RI64-804.
G-10706	134	RI68-405.
G-12400	135	RI68-444.
G-12794	137	
G-11122	138	RI68-405.
G-12901	141	RI68-424.
G-12902	142	G-19090, RI60-14, RI63-482 and RI64-804.
G-12959	143	RI68-444.
G-13125	145	RI68-424.
G-13094	146	
G-12900	149	G-20537, RI63-482 and RI64-804.
G-4281	150	RI68-444.
G-13349	151	
G-13634 [1]	152	RI68-405.
G-13641	153	RI68-444.
G-13365	154	
G-14143	155	RI68-424.
G-15199	156	
G-15468	158	RI60-415 and RI65-383.
G-12211	159	
G-15800	161	RI63-488 and RI68-454.
G-15520	162	RI68-444.
G-16109	163	RI68-424.
G-14288	164	RI68-424.
G-14347	165	RI68-424.
G-16104	166	RI68-444 and RI69-110.
G-16134	167	RI68-444 and RI69-221.
G-17032	170	RI68-444.
G-17461	171	RI68-405.
G-17555	173	
G-3806	174	RI68-424.
G-3807	175	RI65-182 and RI68-405.
G-18630	176	RI68-405.
G-18614	177	RI68-424 and RI69-221.
G-13011	178	RI68-405.
G-18294	179	RI68-424.
G-3808	180	
G-19051	182	RI68-424.
G-14755	183	
G-19409	184	RI68-424.
G-19511	185	RI68-405 and RI69-179.
G-6053	186	
G-14861	187	
G-20092	188	
G-18774	189	RI68-444.
CI60-42	190	
CI60-85	191	RI68-424.
CI60-94	192	RI65-226 and RI69-147.
CI60-163	193	RI68-444 and RI69-77.
CI60-205	194	RI68-454.
CI60-250	196	RI68-601.
CI60-353	197	RI68-424.
G-17899	201	RI68-424 and RI69-77.
CI60-543	202	RI68-444.
CI60-800	203	RI68-424.
G-5176	204	RI66-250.
G-18142	206	RI68-405.
G-3815	207	RI68-444.
G-9530	208	
CI61-1088	209	
CI61-1147	211	RI68-405.
CI61-1201 [1]	212	RI69-77.
CI61-1229	213	
CI62-462	214	RI68-424.
G-8268	215	RI68-406.
G-9265	216	RI65-424.
CI61-1385	217	RI68-424.
CI61-1395	218	RI68-429.
CI61-1819	219	RI68-444.
CI62-286	220	RI68-429.
CI62-1412	222	RI68-454 and RI69-11.
CI63-151	223	RI68-405.
CI63-150	224	RI68-444.
CI63-721	227	
CI63-889	228	RI68-444.
CI63-1118	229	RI68-454.
CI63-1154	230	RI68-424.
CI63-1502	231	RI64-804.
CI64-40	232	RI69-77.
CI64-32	233	RI68-444.
CI64-33	234	RI68-668.
CI64-34	235	RI68-444.
CI64-106	236	
CI64-137	237	RI68-444 and RI69-77.
CI64-158	238	RI68-444.
CI64-201	239	RI68-444.
CI64-535	240	RI68-454.
CI64-543	241	RI68-454.
CI63-1407	242	RI69-225.
CI64-835	244	
CI64-875	245	
CI64-1462	246	
CI65-134	247	
CI65-164	248	RI69-59.
CI65-432	249	

SUN OIL COMPANY (DX DIVISION) (SUCCESSOR TO SUNRAY DX OIL COMPANY)—Continued

Certificate Docket No.	FPC gas rate schedule No.	Rate suspension Docket No.
CI64-1247	250	
CI65-851 [1]	251	
CI65-1053	252	
CI65-1189	253	RI69-77.
CI65-1228	254	
CI65-1243	255	RI69-273.
CI66-19 [1]	256	RI68-418.
CI66-154	257	
CI66-172 [1]	258	
CI66-470	259	RI69-77.
CI66-485	260	
CI66-651	261	RI69-24.
CI66-723	262	
CI66-418 [1]	263	
CI66-873	264	
CI65-419 [1]	265	
CI66-877	266	RI69-221.
CI66-864	267	RI68-424.
CI66-1328	268	RI68-231.
CI67-41	269	
G-4919	270	
CI67-230 [1]	271	
CI67-1005	272	
CI63-1286	273	
CI67-1085	274	RI67-379, RI68-708, and RI68-678.
CI61-763	275	RI68-424.
CI68-45	276	
CI68-520	277	
CI68-680	278	
CI68-788	279	
CI68-963	280	RI68-22.
CI68-966	281	
CI67-1856	282	
CI68-1140	283	
CI68-1141	284	
G-5173 and G-5181	285	RI68-424.
G-5173 and G-5181	286	RI68-424.
CI69-5	287	
CI69-6	288	
CI64-761	289	RI69-175.
CI64-1135	290	RI69-175.
CI66-7	291	RI69-181.
CI69-295	292	
CI69-328	293	
CI69-438 [1]	294	
G-18133 [2]		
CI68-1111 [2]		

[1] Temporary certificate.
[2] Pending certificate application.

[F.R. Doc. 69-3707; Filed, Apr. 1, 1969; 8:45 a.m.]

[Docket No. CP69-4]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MARCH 26, 1969.

Take notice that on March 19, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-4 a petition to amend the order issued in said docket on October 14, 1968, authorizing certain facilities in Pinal County, Ariz., all as more fully set forth in the petition on file with the Commission and open to public inspection.

The order of October 14, 1968, authorized the construction of a loop on Petitioner's 8⅝-inch O.D. line from Tucson Station to San Manuel, and the construction of 12.6 miles of 4½-inch pipeline from Petitioner's 8⅝-inch O.D. Hayden Compressor Line to a connection with an Arizona Public Service Co. line in the SW quarter of Section 17, Township 4 South, Range 14 East, Pinal County, Ariz., and the construction of a metering station at the start of that line. Petitioner requests the order be amended to authorize that the first 2.6 miles of

12.6-mile pipeline be 6⅝-inch O.D. rather than 4½-inch O.D., and that the metering station be at the end of this line rather than the start of it. Petitioner estimates the cost of these modifications at $6,000, and states they are necessary because of rugged terrain.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 24, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3780; Filed, Apr. 1, 1969; 8:45 a.m.]

[Docket No. CP69-246]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MARCH 26, 1969.

Take notice that on March 20, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-246 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain natural gas facilities in Orange and Osceola Counties in Florida, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 4.2 miles of 6-inch and 8.8 miles of 4-inch pipeline from a point on its existing 18-inch main transmission line in Osceola County to two points in Orange County, Fla., where delivery will be made to the Reedy Creek Improvement District (District) for sale and general distribution in the Theme Park and Residential Community areas of Walt Disney World. Applicant also proposes to install additional metering facilities at the Theme Park delivery point for direct sale of gas to the District for use in its Theme Park Central Energy Plant.

Applicant states that the District estimates its annual and maximum daily requirements of natural gas for resale at approximately 198,071,000,000 B.t.u. and 851,000,000 B.t.u., respectively. Applicant proposes to sell the District for its own use, on a preferred interruptible basis, up to 755,000,000,000 B.t.u., 869,000,000,000 B.t.u. and 900,000,000,000 B.t.u. in the first, second, and third years of service, respectively.

Applicant estimates the cost of the proposed facilities at $448,700, which it proposes to finance by cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 24, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3781; Filed, Apr. 1, 1969; 8:45 a.m.]

[Docket No. CP65-389]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

MARCH 26, 1969.

Take notice that on March 19, 1969, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP65-389 a petition to amend the order of the Commission issued August 15, 1967, in that docket, to authorize a purchase of gas from El Paso Natural Gas Co. (El Paso), all as more fully set forth in the petition on file with the Commission and open to public inspection.

The Commission's order of August 15, 1967 (with Opinion No. 527) authorized, among other things, Petitioner to construct and operate a 10-inch side valve on its 24-inch Hugoton-Tate pipeline in Grant County, Kans., and to exchange natural gas with El Paso. Petitioner states its wells in the Hugoton Field of Kansas are over-produced, and that El Paso has an over-supply situation. Petitioner therefore proposes that the authorized exchange of gas be postponed through June 30, 1970, and that Petitioner be authorized during that time to purchase approximately 55,000 Mcf per day from El Paso through the same facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 21, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3782; Filed, Apr. 1, 1969; 8:45 a.m.]

[Docket No. R163-391]

PETROLEUM, INC., ET AL.

Order Accepting Notices of Change in Rate, Requiring Refunds, Severing and Terminating Proceeding in Part

MARCH 25, 1969.

On January 17, 1968, Petroleum, Inc. (Operator), et al. (Petroleum), filed notices of change in rate under its FPC Gas Rate Schedules Nos. 2, 3, and 6 involving sales of natural gas to Cities Service Gas Co. (Cities) in the Kansas-Hugoton field. These sales are made pursuant to the terms and conditions contained in the basic contract included in Pan American Petroleum Corp.'s (Pan American) FPC Gas Rate Schedule No. 84, because Petroleum has executed contracts with Cities adopting such terms and conditions.

On April 13, 1966, we issued an order in Pan American Petroleum Corporation, Dockets Nos. G-9279 et al., 35 FPC 502, approving a company-wide settlement proposal filed by Pan American, which, inter alia, included a settlement rate of 12.5 cents per Mcf of natural gas 14.65 p.s.i.a. for the sale by Pan American under its FPC Gas Rate Schedule No. 84. Pan American also proposed to amend its contracts with Cities to eliminate the price redetermination provision therefrom for 25 years and to provide for a definite price escalation of 1 cent per Mcf every 5 years commencing June 23, 1971.

Petroleum here seeks the same terms as we approved for Pan American's sale to Cities. It has filed for a 12.5-cent per Mcf rate, and has tendered executed amendatory agreements which conform its contracts to the provisions of Pan American settlement. The amendatory agreements and the 12.5-cent rates are designated as Supplements Nos. 6 and 7 to Petroleum's FPC Gas Rate Schedule No. 2, Supplements Nos. 11 and 12 to its Rate Schedule No. 3, and Supplements Nos. 5 and 6 to its Rate Schedule No. 6, respectively.

Petroleum has been charging, and collecting from Cities a rate of 14.5 cents per Mcf of natural gas at 14.65 p.s.i.a., subject to refund in Docket No. RI63-391, since September 5, 1963.[1] It proposes to refund such monies above the settlement rate, with interest at 7½ percent per annum to Cities. Such refunds will approximate $21,000, exclusive of interest. For the reasons set forth in our orders issued in Northern Pump Company (Operator) et al., Dockets Nos. RI63-9 et al., 36 FPC 800 and Foster Petroleum Corporation et al., Dockets Nos. RI65-427 et al., 36 FPC 917, we think it appropriate to accept the notices of change filed. Our action should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules in accordance with any reservation contained therein of the right to file increases under the subject rate schedules, and is without prejudice to any findings or orders of the Commission in any future rate proceedings, or similar proceedings, involving Petroleum's rates and rate schedules.

The Commission orders:

(A) The notices of change in rate and contract amendments filed by Petroleum to 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. for the subject sales to Cities are accepted, and made effective as of the date of issuance of this order.

(B) Petroleum shall compute the difference between the rates collected by it subject to refund in Docket No. RI63-391, and the settlement rate of 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a., with interest at 7½% per annum, to the date of this order, and shall, within 15 days from the date of issuance of this order, submit a report to the Commission, with a copy to Cities, setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination, the period covered, and ten days thereafter shall submit to the Commission a copy of a letter from Cities agreeing to the correctness of such amounts.

(C) Petroleum shall retain the amounts shown in the report required under paragraph (B) above, subject to further action of the Commission directing the disposition of those amounts.

(D) Petroleum shall retain the refunds amounts, comprising the principal monies collected subject to refund, and applicable interest, and at its option may: (1) Use the funds in its own operations, in which event it shall pay interest on the amounts retained at the current prime interest rate of 7½ percent per annum from the date of this order until the date of their disposition pursuant to Commission action; or (2) deposit such funds in an escrow account, and, within 30 days after the date of this order, tender for filing an executed escrow agreement. Unless notified to the contrary by the Secretary, within 30 days from the date of such tender, the escrow agreement shall be deemed to be satisfactory, and to have been accepted for filing. The escrow agreement shall be entered into between Petroleum and any bank or trust company used as a depository for funds of the U.S. Government, and it shall include such terms and provisions as are comparable to those set forth for such an agreement in the Commission's order issued in Atlantic Refining Co. et al., 32 FPC 933, 937.

(E) Upon compliance by Petroleum with the terms and provisions of this order, the proceeding in Docket No. RI63-391, insofar as it relates to Petroleum, shall be severed from the Area Rate Proceeding, Docket No. AR64-1, and shall be terminated without further order of the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3836; Filed, Apr. 1, 1969; 8:50 a.m.]

[1] Docket No. RI63-391 also involves John A. Hairford's FPC Gas Rate Schedule No. 1 and is not covered by the subject offer. Hairford is a partial successor to Petroleum.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 1390]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 24, 1969.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described below for multiple-use management.

2. Publication of this notice has the effect of segregating (a) all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C. ch. 2). The lands shall remain open to all other applicable forms of appropriation. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The following described lands located within Imperial and Riverside Counties are proposed for classification for multiple-use management.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 2 S., R. 3 E.,
Sec. 1, N½;
Sec. 2, W½;
Secs. 3, to 11, inclusive;
Sec. 15, N½, SW¼, and E½SE¼;
Secs. 16, 17, and 18;
Sec. 19, N½NE¼, SW¼NE¼, W½, and NW¼SE¼;
Secs. 20 and 21;
Sec. 22, W½, W½SW¼SE¼, and E½SE¼-SE¼;
Secs. 23 and 24;
Sec. 25, N½, SW¼, and S½SE¼;
Sec. 26;
Sec. 27, W½ and SE¼;
Secs. 28 and 29;
Sec. 30, NW¼NE¼, S½NE¼, and SE¼;
Sec. 31, N½, N½SW¼, and SE¼;
Sec. 32, N½NE¼, N½SW¼NE¼, SE¼NE¼, N½NW¼, N½S½NW¼, S½SW¼SW¼, and NE¼SE¼;
Secs. 33 and 34;
Sec. 35, NE¼ and E½SE¼;
Sec. 36.

T. 2 S., R. 4 E.,
Secs. 2, 4, 6;
Sec. 8, SE¼NE¼;
Secs. 10 and 12;
Sec. 14, N½.

T. 3 S., R. 3 E.,
Sec. 4, that portion north of the Colorado River Aqueduct;
Sec. 12, S½SE¼NE¼, N½S½, and S½SE¼;
Sec. 14, E½E½;
Sec. 18, lots 1 and 2, NE¼, and E½NW¼;
Sec. 24, lots 1, 2, 8, 17, 18, 19, and 20, and N½N½.

T. 3 S., R. 4 E.,
Sec. 30, N½NE¼, SE¼NE¼, and NE¼SE¼.

T. 4 S., R. 4 E.,
Sec. 16.

T. 2 S., R. 5 E.,
Secs. 4, 6, 8, and 18;
Sec. 34, S½NW¼, N½SW¼, and SW¼SW¼.

T. 3 S., R. 5 E.,
Sec. 34, S½NW¼, N½SW¼, and SW¼
Sec. 30, lots 1 and 2 of SW¼, and SE¼;
Sec. 32, NE¼SW¼ and SE¼.

T. 5 S., R. 5 E.,
Secs. 22 and 34;
Sec. 36, NE¼NE¼SE¼NE¼.

T. 6 S., R. 5 E.,
Sec. 2, lots 1 to 4 inclusive, S½N½, NE¼SW¼, and N½SE¼;
Sec. 4, lots 1 and 2, S½NE¼, and SE¼;
Sec. 10, S½NW¼, and SW¼;
Sec. 12, S½NE¼, SE¼SW¼, and SE¼;
Sec. 14;
Sec. 36, N½NE¼, SE¼NE¼, NW¼, and SE¼.

T. 8 S., R. 5 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 16, 20, 22, 24, 26, 28, 30, 32, and 34;
Sec. 36, SW¼.

T. 3 S., R. 6 E.,
Sec. 6, N½N½NE¼, SE¼NE¼NE¼, a portion of N½N½NW¼, S½NW¼NW¼, S½S½SE¼SE¼NW¼, SW¼NW¼, 0.034 acres of E½NE¼NE¼SE¼, and S½NE¼SE¼;
Secs. 30 and 32.

T. 4 S., R. 6 E.,
Sec. 4, lots 1 to 4 inclusive, S½N½ and S½;
Sec. 10.

T. 6 S., R. 6 E.,
Secs. 2, 10, and 14;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½NW¼, SE¼SW¼, and SE¼;
Secs. 22, 26, and 28;
Sec. 30, NE¼ and S½;
Secs. 32, 34, and 36.

T. 7 S., R. 6 E.,
Secs. 2, 4, 6, 12, 14, 24, and 36.

T. 8 S., R. 6 E.,
Sec. 2, N½ and N½S½;
Secs. 4, 8, 10, 12, and 14;
Sec. 16, N½, SW¼, and E½SE¼;
Sec. 18;
Sec. 20, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 22, 24, 26, 28, 30, 32, 34, and 36.

T. 6 S., R. 7 E.,
Secs. 18 and 30;
Sec. 32, N½NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, S½SE¼NE¼, W½, and SE¼.

T. 7 S., R. 7 E.,
Secs. 4, 6, and 8;
Sec. 10, W½NW¼NE¼, SE¼NW¼NE¼, SW¼NE¼, W½SE¼NE¼, W½, W½NE¼SE¼, W½SE¼, and SE¼SE¼;
Secs. 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, and 34;
Sec. 36, N½, NE¼SW¼, S½SW¼, and SE¼.

T. 8 S., R. 7 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, and 36.

T. 4 S., R. 8 E.,
Secs. 2, 4, 6, and 8;
Sec. 10, N½, N½SW¼, W½SW¼SW¼, and SE¼;
Secs. 12, 14, 18, 20, 22, 24, 26, 28, and 34.

T. 5 S., R. 8 E.,
Secs. 2, 12, 14, 22, 24, and 26.

T. 6 S., R. 8 E.,
Sec. 12, E½.

T. 8 S., R. 8 E.,
Secs. 16, 18, 22, 26, 30, 32, and 36.

T. 4 S., R. 9 E.,
Secs. 6, 8, 10, 16, 18, 20, 22, 24, 26, 28, 30, 32, and 34.

T. 5 S., R. 9 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, and 20;
Sec. 22, N½NE¼, NE¼SE¼NE¼, S½SE¼NE¼, N½NW¼, SW¼NW¼, W½SE¼NW¼, W½E½SE¼NW¼, and S½;
Secs. 24, 26, 28, 30, 32, and 34.
T. 6 S., R. 9 E.,
Secs. 2, 4, 6, 8, and 10;
Sec. 16, N½;
Sec. 20, N½NW¼ and E½;
Sec. 22;
Sec. 28, N½, N½SW¼, SE¼SW¼, and SE¼.
T. 11 S., R. 9 E.,
Secs. 2, 4, 6, and 10;
Sec. 12, S½;
Secs. 14, 22, 24, and 26.
T. 12 S., R. 9 E.,
Secs. 2, 4, and 6.
T. 13 S., R. 9 E.,
Sec. 5, lots 3 to 7, inclusive, and SW¼;
Sec. 8, lots 1 to 6, inclusive, N½NW¼, and E½SE¼;
Sec. 9, lots 1 to 7, inclusive, NE¼NE¼, and SW¼;
Sec. 16, lots 1 to 6, inclusive, and N½NW¼;
Sec. 17, lots 1 to 8, inclusive, NE¼NE¼, and SW¼;
Sec. 19, lots 3 to 6 and 11 to 16, inclusive, N½NE¼, E¼NW¼, and NE¼SW¼;
Sec. 20, NE¼, E½NW¼, E½NE¼SW¼, and SE¼;
Sec. 21, lots 1, 2, and 3, NE¼NW¼, S½NE¼NW¼NW¼, W½NW¼NW¼, SE¼NW¼NW¼, S½NW¼, and S½;
Sec. 28, N½, NE¼SW¼, and SE¼;
Sec. 29, lots 1, 2, 3, 4, and 6, NW¼SW¼, and S½SW¼;
Sec. 30, lots 8 to 14, inclusive, lots 17, 18, 19, and 24, SW¼NE¼SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 31, lots 11, 16, 19, 26, and 27, NE¼, N½SE¼NW¼, SE¼SE¼NW¼, and E½SE¼;
Sec. 32, lots 2 to 6, inclusive, W½NE¼, NW¼, and N½S½;
Sec. 33, lots 3, 5, 6, 7, and 8, N½NE¼, SE¼NE¼, NW¼SW¼, and NE¼SE¼;
Secs. 34 and 35;
Sec. 36, lots 1, 3, 5, 6, 7, 8, 9, and 10, NW¼NW¼, S½NW¼, and N½SW¼.
T. 14 S., R. 9 E.,
Sec. 1, lots 2, 3, and 4, S½N½, and S½;
Secs. 2, 3, and 4;
Sec. 5, lots 1 to 4, inclusive, S½N½, N½SW¼, E½SE¼SW¼, and SE¼;
Sec. 6, lots 1, 4, 5, 6, 7, 8, 11, 12, and 15, SE¼NE¼, and W½E½SW¼;
Secs. 11, 12, 13, and 14.
T. 15 S., R. 9 E.,
Secs. 19 to 24, inclusive;
Secs. 25 and 26, excluding patented M.S. 5874;
Secs. 27 to 30, inclusive;
Sec. 31, lots 5 to 28, inclusive and NE¼;
Sec. 32, N½ and SE¼;
Secs. 33 to 35, inclusive;
Sec. 36, excluding patented M.S. 5874.
T. 16 S., R. 9 E.,
Sec. 1, excluding patented M.S. 6012;
Secs. 2 to 4, inclusive;
Sec. 5, lots 5, 6, S½N½, and S½;
Sec. 6, lots 10 to 33 inclusive, S½NE¼, and NE¼;
Secs. 7 to 9, inclusive;
Sec. 10, W½SW¼NE¼ and W½W½SE¼;
Secs. 11 and 12;
Sec. 13, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14;
Sec. 15, lots 1 and 8, N½, E½SE¼, and lots 2, 3, 4, 5, 6, and 7 of Tract 37;
Sec. 16, lots 1 and 2, E½SE¼, and lots 3, 4, 5, and 6 of Tract 37;
Sec. 17, lots 1, 2, 6, and 7, NW¼, and lots 3, 4, 5, 8, 9, and 10 of Tract 40;
Secs. 18, 19, and 20;
Sec. 21, lots 1, 2, 11, 12, 13, and 14 of Tract 49, Tract 48, lots 6, 7, 18, and 19 of Tract 47;
Sec. 22, lots 1, 2, 11, and 12, Tracts 50, 52–D, and 52–E, lots 6, 7, and 18 of Tract 49, and those portions of Tracts 52–C and 52–F located in sec. 22;
Sec. 23, lots 1, 8, 9, and 16, E½E½, Tracts 52–A and 52–H, and those portions of Tracts 51, 52–C, and 52–F located in sec. 23;
Sec. 24, lots 1, 4, 5, and 8, N½, SW¼, and that portion of Tract 53 located in sec. 24;
Sec. 26, lots 13, 14, 25, and 26 of Tract 58, lots 6, 7, 19, and 20 of Tract 61, Tracts 59 and 60;
Secs. 29 to 32, inclusive;
Sec. 33, lots 7, 8, 14, 15, 16, 17, 19, and 20 of Tracts 63, lot 18, SW¼SW¼, lots 13 and 22 of Tract 66, lots 1 and 2 of Tract 65, lots 3, 4, 9, and 10 of Tract 59, lots 5 and 6 of Tract 62.
T. 17 S., R. 9 E.,
Sec. 1;
Sec. 2, lots 5 and 8, S½N½, and S½;
Secs. 3 to 14, inclusive;
Sec. 15, NE¼, NE¼NW¼, N½NW¼NW¼, SE¼NW¼NW¼, S½NW¼, and S½;
Sec. 16, N½NE¼NE¼, SW¼NE¼NE¼, W½NE¼, W½SE¼NE¼, W½, and NW¼SE¼;
Secs. 17 and 18;
Sec. 19, lots 5, 6, 7, 11, and 12;
Sec. 20, lots 1, 3, 4, 5, 6, 7, 10, and 11, N½NE¼, SW¼NE¼, NE¼NW¼, SE¼SW¼, and W½SE¼;
Sec. 21, lots 1 to 7, inclusive, and N½N½;
Secs. 22 to 27, inclusive;
Sec. 28, lots 1 to 5, inclusive, and S½;
Sec. 29;
Sec. 30, lots 5, 6, 7, 8, and 20;
Sec. 31;
Sec. 32, N½;
Secs. 33 to 36, inclusive.
T. 18 S., R. 9 E.,
Sec. 1, lots 2 to 5, inclusive;
Secs. 2 and 3;
Sec. 7, lots 6 to 9, inclusive, and N½NE¼;
Sec. 10, lots 1 to 4, inclusive;
Sec. 11, lots 1, 2, and 3.
T. 16½ S., R. 9½ E.,
Sec. 1, lots 5 to 8, inclusive, S½N½, and S½;
Sec. 2.
T. 4 S., R. 10 E.,
Secs. 20, 28, 30, 32, and 34.
T. 5 S., R. 10 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 6 S., R. 10 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 20, 22, 24, 26, and 28;
Sec. 30, NE¼ and S½;
Secs. 32 and 34.
T. 7 S., R. 10 E.,
Secs. 2, 4, 6, 8, 10, 12, and 14;
Sec. 22, N½NE¼, N½SW¼NE¼, SE¼SW¼NE¼, SE¼NE¼, N½NE¼NW¼, and NE¼NE¼SE¼;
Sec. 24;
Sec. 26, NE¼, NE¼NW¼, E½NW¼NW¼, N½SE¼NW¼, NE¼SE¼, N½NW¼SE¼; SE¼NW¼SE¼, NE¼SW¼SE¼, NE¼SW¼SE¼, and SE¼SE¼.
T. 11 S., R. 10 E.,
Secs. 6, 8, 18, 20, 22, 26, 28, 30, 32, and 34.
T. 14 S., R. 10 E.,
Secs. 6 and 7.
T. 15 S., R 10 E.,
Secs. 6, 7, 19, 20, 21, 28, 29, 30;
Sec. 31, lots 1, 2, 3 NE¼, E½NW¼, NE¼SW¼;
Secs. 32 and 33.
T. 16 S., R. 10 E.,
Sec. 4;
Sec. 5, NE¼, N½NW¼, SE¼NW¼, and S½;
Sec. 6, S½SW¼NE¼, S½SE¼NW¼, S½ excluding patented M.S. 6010;
Secs. 7, 8, 9, 17, 18, and 19;
Sec. 20, lots 1, 3, 7, 8, 10, and 12, N½NE¼, NW¼, N½SW¼, and lots 2 and 4 of Tract 37;
Sec. 21, lots 1, 3, 5, 7, 12, and 14, lots 2, 4, 6, 9, 10, 11, 18, 19, and 20 of Tract 38, lots 8 and 21 of Tract 37, and those portions of Tracts 39 and 59 located in sec. 21, and NE¼NE¼;
Sec. 22, lot 2 of Tract 39;
Sec. 28, lots 22 and 24, and those portions of Tracts 42, 59, and 62 located in sec. 28;
Sec. 33, lots 2, 3, 8, 9, 12, and 16, W½SE¼, and that portion of Tract 62 located in sec. 33;
Sec. 35.
T. 16½ S., R. 10 E.,
Sec. 1;
Sec. 2, lots 1 to 8, inclusive, N½S½NE¼, S½NW¼, SW¼, S½SE¼, and E½NE¼SE¼;
Sec. 3;
Sec. 4, lots 1, 2, 7, and 8, S½NE¼, S½SW¼, and SE¼;
Sec. 5, S½S½.
T. 17 S., R. 10 E.,
Secs. 1 and 2;
Sec. 3, N½, SW¼, and N½SE¼;
Sec. 4, lots 1 and 2, S½NE¼, and E½SE¼;
Sec. 5, SW¼ and E½SE¼;
Secs. 6 to 9, inclusive;
Sec. 10, S½NE¼, NW¼, and S½;
Sec. 11, NW¼, and S½;
Secs. 12 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 5 S., R. 11 E.,
Secs. 20, 28, 30, and 32.
T. 6 S., R. 11 E.,
Sec. 2, that portion south of the Colorado River Aqueduct;
Sec. 4, lot 2, W½ of lot 4, SW¼NE¼, S½NW¼, and S½;
Secs. 6, 8, 10, 12, and 14;
Sec. 18, W½, and SE¼;
Secs. 20, 22, 24, 26, 30, 32, and 34.
T. 7 S., R. 11 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 8 S., R. 11 E.,
Sec. 2, lot 2 of NE¼, lot 2 of NW¼, NE¼SW¼, S½SW¼, and SE¼;
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 17 S., R. 11 E.,
Secs. 1 to 5;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, NE¼NW¼, S½SW¼, and SE¼;
Secs. 7 to 15, inclusive;
Sec. 17;
Sec. 18, lot 4, N½NW¼NE¼, E½NE¼, SE¼SW¼, E½NE¼SE¼, and S½SE¼;
Secs. 19 to 25, inclusive.

The lands described above aggregate approximately 398,941 acres.

4. Publication of this notice has the effect of further segregating the following described lands from appropriation under the mining laws (30 U.S.C. ch. 2) but not the mineral leasing laws.

SAN BERNARDINO MERIDIAN, CALIFORNIA

RIVERSIDE AND IMPERIAL COUNTIES

Dead Indian Creek Area

T. 5 S., R. 5 E., SBM.,
Sec. 34.
T. 6 S., R 5 E, SBM.,
Sec. 2, lots 1 to 4, inclusive, S½N½, NE¼SW¼, and N½SE¼;
Sec. 4, lots 1 and 2, S½NE¼; and SE¼;
Sec. 10, S½NW¼ and SW¼;
Sec. 12, S½NE¼, SE¼SW¼, and SE¼;
Sec. 14.
T. 6 S., R. 6 E., SBM.,
Sec. 18, lots 1 to 4, inclusive, NE¼, E½NW¼, SE¼SW¼, and SE¼.

Mecca Hills Recreation Area

T. 6 S., R. 9 E, SBM.,
Sec. 22;
Sec. 28, N½, N½SW¼, SE¼SW¼, and SE¼.
T. 6 S., R. 10 E., SBM.,
Secs. 20, 26, and 28;
Sec. 30, lots 3 and 4, NE¼, E½SW¼, and SE¼;
Secs. 32 and 34.
T. 7 S., R. 10 E., SBM.,
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 8, 10, and 12.

Coyote Canyon Spring

T. 8 S., R. 5 E., SBM.,
Sec. 30, SE¼.

Santa Rosa Cahuilla Indian Ruins

T. 8 S., R. 6 E., SBM.,
Sec. 20, N½SE¼, and SW¼SE¼.

Painted Gorge Recreation Site

T. 16 S., R. 10 E., SBM.,
Sec. 6, S½SE¼NW¼, and S½SW¼NE¼.

Fossil Canyon Natural Area

T. 16 S., R. 9 E., SBM.,
Sec. 10, W½SW¼NE¼, and W½W½SE¼.

Mineral Material Site

T. 16 S., R. 9 E., SBM.,
Sec. 10, W½SW¼NE¼, and W½W½SE¼.

Mineral Material Site

T. 16 S., R. 9 E., SBM.,
Sec. 14, NW¼;
Sec. 15, NE¼.

Indian Intaglios Natural Area

T. 16½ S., R. 10 E., SBM.,
Sec. 2, lots 1, 2, 7, and 8, and SW¼SE¼.

Cruciflxion Thorn Protective Natural Area

T. 17 S., R. 10 E., SBM.,
Sec. 12, S½SE¼SE¼;
Sec. 13, N½NE¼NE¼, and SE¼NE¼NE¼.
T. 17 S., R. 11 E., SBM.,
Sec. 7, S½ of lot 4.

The areas described above aggregate approximately 12,807 acres of public land.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with this proposed classification, may present their views in writing to the Manager, Riverside District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

6. A public hearing on the proposed classification will be held on April 10, 1969 in Room 15 in the County Administration Building, Indio, Calif.

JACK WILSON,
Acting State Director.

[F.R. Doc. 69-3788; Filed, Apr. 1, 1969; 8:46 a.m.]

[R 1390–A]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

MARCH 24, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described in paragraph 3 for transfer out of Federal ownership under the appropriate statute as indicated below.

2. Publication of this notice has the effect of segregating the following described public lands from all forms of disposal under the public land laws, including the mining laws, except the form of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their mineral and vegetative resources, other than under the mining laws.

3. The public lands described below and proposed for classification in this notice are shown on the Imperial and Coachella Planning Unit maps, which are on display in the District and Land Office, Bureau of Land Management, 1414 University Avenue, Riverside, Calif.

a. The public lands described below are proposed for classification for disposal through public sale under the Public Land Sale Act of September 19, 1964 (78 Stat. 998; 43 U.S.C. 1421–1427):

SAN BERNARDINO MERIDIAN, CALIFORNIA

RIVERSIDE AND IMPERIAL COUNTIES

T. 3 S., R. 3 E.,
Sec. 2, lots 1 and 4, SE¼NE¼, S½NW¼, and all public lands in S½;
Sec. 4, that portion of section lying south of the Colorado River Aqueduct;
Sec. 6, E½SW¼SE¼, NW¼SE¼SE¼, W½SW¼SE¼SE¼, NE¼SW¼SE¼SE¼, N½SE¼SW¼SE¼SE¼, and NW¼SE¼SE¼SE¼;
Sec. 10, N½N½NE¼, S½NW¼NE¼, SW¼NE¼NE¼, SW¼NW¼, E½NW¼NW¼, E½NE¼SW¼NW¼, E½NE¼SW¼NW¼, and W½NW¼NW¼SE¼;
Sec. 18, lots 3 and 10, NE¼, and E½NW¼;
Sec. 20, W½NE¼, NW¼, and W½SW¼;
Sec. 22, N½SE¼SE¼;
Sec. 36, NE¼NW¼, SW¼NW¼, SW¼NW¼, SW¼SW¼, and NW¼SE¼.
T. 2 S., R. 4 E.,
Sec. 8, W½NE¼ and NW¼;
Sec. 14, all public lands in NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 18, all public lands in lots 1 and 2 of SW¼, SE¼NE¼, NE¼SE¼, S½NW¼SE¼, and S½SE¼.
T. 3 S., R. 4 E.,
Sec. 30, lots 4 to 7, inclusive, and NW¼SE¼;
Sec. 32, lots 1 to 7, inclusive, W½NE¼SE¼NW¼, W½SE¼NW¼, SE¼SE¼NW¼, NE¼SW¼, and N½SE¼.
T. 2 S., R. 5 E.,
Sec. 18, all public lands in lots 1 to 4, inclusive, NE¼, E½W½, N½SE¼, and SW¼SE¼;
Sec. 20, all public lands in NE¼, NE¼NW¼, N½NW¼NW¼, SE¼NW¼NW¼, E½SW¼NW¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 26, that portion of section lying south of the Colorado River Aqueduct;
Sec. 28, N½, N½SW¼, N½NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, NE¼SW¼SW¼, N½SE¼SW¼, N½SW¼SE¼SW¼, N½SE¼SE¼SW¼, SE¼SE¼SW¼, and SE¼;
Sec. 34, all public lands in N½N½ and S½NE¼;
Sec. 36, all public lands lying southwest of the Colorado River Aqueduct.
T. 3 S., R. 5 E.,
Sec. 12, S½ of lots 29, 30, and 31, N½ of lots 34 and 35, and lot 38;
Sec. 28, E½NE¼NE¼, E½W½NE¼NE¼, W½NE¼SE¼NE¼, E½NW¼SE¼NE¼, S½SE¼NE¼, E½NE¼NE¼SE¼, W½NE¼SE¼, SE¼NE¼SE¼, NE¼NW¼SE¼, E½NW¼NW¼SE¼, S½NW¼SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 30, NE¼NE¼;
Sec. 32, N½NE¼, SE¼NE¼;
Sec. 34, NE¼, E½NW¼, and NE¼SE¼.
T. 3 S., R. 6 E.,
Sec. 4, that portion of SW¼SW¼ lying south of the Colorado River Aqueduct;
Sec. 6, lots 8, 9, 10, 11, and 12;
Sec. 8, NE¼, NE¼SE¼, N½NW¼SE¼, and S½SE¼;
Sec. 10, all public lands lying south of the Colorado River Aqueduct;
Sec. 14, all public lands lying south of the Colorado River Aqueduct;
Sec. 24.
T. 4 S., R. 6 E.,
Sec. 6, lots 3 to 7, inclusive, lot 2 of SW¼, SE¼NW¼.
T. 3 S., R. 7 E.,
Sec. 20, all public lands lying south of the Colorado River Aqueduct;
Sec. 28, all public lands lying south of the Colorado River Aqueduct;
Sec. 30, lots 5 to 16, inclusive, N½N½NE¼, N½NE¼NW¼, SW¼NE¼NW¼, and NW¼SE¼NW¼;
Sec. 34, all public lands lying south of the Colorado River Aqueduct.
T. 4 S., R. 7 E.,
Sec. 2, lots 2, 3, and 4, SW¼NE¼, S½NW¼, and S½;
Sec. 10, N½SW¼SW¼NW¼;
Sec. 12;
Secs. 20, 22, and 26.
T. 5 S., R. 7 E.,
Sec. 2, lots 3, 6, and 7, and lots 1 and 2 of NW¼, SW¼NW¼NE¼, S½SW¼NE¼.
T. 4 S., R. 8 E.,
Sec. 32, NE¼SW¼.
T. 6 S., R. 8 E.,
Sec. 2, E½ of lot 2 of NE¼.
T. 10 S., R. 9 E.,
Sec. 24, E½.
T. 16 S., R. 9 E.,
Sec. 25, lots 3 and 4, and lots 1, 2, 5, and 6 of Tract 53;
Sec. 26, lots 12, 13, 14, and 15 of Tract 55;
Sec. 27, lots 20, 21, and 22 of Tract 57;
Sec. 34, lots 1, 2, 10, and 11 of Tract 67, lots 3, 4, and 5 of Tract 65, lot 6 of Tract 64, lots 7, 8, and 9 of Tract 66;
Sec. 35, lots 4 and 5 of Tract 67.
T. 7 S., R. 10 E.,
Sec. 22, S½NW¼SW¼.
T. 16 S., R. 10 E.,
Sec. 28, lots 5, 18, 19, 20, and Tract 43;
Sec. 29, lots 6, 7, 13, and 14;
Sec. 30, lots 3, 5, 9, 10, 20, 22, 24, and 26, Tract 61, and lots 4, 6, 13, 14, 16, 17, and 25 of Tract 60;
Sec. 31, lots 15, 16, 21, and 22, SE¼SW¼, Tract 64, and lots 23 and 24 of Tract 50;
Sec. 32, lots 4, 11, and 12 of Tract 50;
Sec. 33, lots 4, 5, 6, 7, 13, 14, and 15.
T. 16½ S., R. 10 E.,
Sec. 4, lot 3;
Sec. 6, lots 2, 3, 4, and 5, SE¼NE¼, and E½SE¼.

T. 8 S., R. 11 E.,
Sec. 8, N½ and SW¼;
Sec. 12, E½;
Sec. 14, S½;
Sec. 20, N½;
Sec. 24, E½.
T. 9 S., R. 11 E.,
Sec. 2, S½.
T. 8 S., R. 12 E.,
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 30, lots 1 and 2 of SW¼, and SE¼;
Sec. 32, NE¼ and S½;
Sec. 34, N½.
T. 9 S., R. 12 E.,
Sec. 4, W½ and S½SE¼;
Sec. 6, S½;
Sec. 8, E½;
Sec. 10, SW¼SW¼;
Sec. 14, S½NW¼;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 20;
Sec. 24;
Sec. 26, NE¼ and N½SW¼.
T. 12 S., R. 12 E.,
Sec. 32, SW¼SW¼.
T. 13 S., R. 12 E.,
Sec. 9, lot 1, S½NE¼, and SE¼;
Sec. 10, SE¼SW¼;
Sec. 15, W½;
Sec. 26, SW¼SE¼.
T. 15 S., R. 12 E.,
Sec. 13, lots 7 and 8, and S½ of Tract 206;
Sec. 35, lots 2 and 3, SW¼NE¼, and S½NW¼.
T. 16 S., R. 12 E.,
Sec. 2, lot 4;
Sec. 3, lot 4;
Sec. 10, E½NE¼;
Sec. 11, that portion of the W½ of Tract 63 located in sec. 11;
Sec. 14, that portion of the W½ of Tract 63 located in sec. 14;
Sec. 16, lot 1;
Sec. 23, Tract 58.
T. 9 S., R. 13 E.,
Sec. 28;
Sec. 32, N½;
Sec. 34.
T. 10 S., R. 13 E.,
Sec. 10, E½NE¼.
T. 14 S., R. 13 E.,
Sec. 14, lots 3 and 8, and W½ of Tract 80;
Sec. 23, lots 1, 3, 4, and 5;
Sec. 26, lots 1 and 2, and NE¼ of Tract 85;
Sec. 34, lot 6.
T. 15 S., R. 13 E.,
Sec. 3, lot 2;
Sec. 5, Tract 149;
Sec. 6, lots 7 and 8, and NW¼SE¼.
T. 16 S., R. 13 E.,
Sec. 20, lot 5;
Sec. 21, lots 30 and 32;
Sec. 28, lot 2;
Sec. 30, lot 29;
Sec. 31, lot 39;
Sec. 32, lot 27;
Sec. 33, lot 20;
Sec. 35, lot 33;
Sec. 36, lot 53.
T. 10 S., R. 14 E.,
Sec. 28, NE¼SE¼.
T. 11 S., R. 14 E.,
Sec. 12, NE¼NE¼.
T. 14 S., R. 14 E.,
Sec. 29, lots 19 and 20.
T. 16 S., R. 14 E.,
Sec. 31, E½ of Tract 292;
Sec. 32, lots 1 and 2;
Sec. 33, lots 1 and 2;
Sec. 34, lot 1;
Sec. 36, lot 2.
T. 14 S., R. 15 E.,
Sec. 7, W½E½ of Tract 171;
Sec. 24, lot 20;
Sec. 25, lot 1.
T. 13 S., R. 16 E.,
Sec. 5, lots 3, 6, and 18;
Sec. 9, W½SW¼;
Sec. 34, SW¼NE¼, and NE¼SE¼.
T. 14 S., R. 16 E.,
Sec. 2, lot 4;
Sec. 14, SE¼SW¼;
Sec. 23, E½NW¼.
T. 15 S., R. 16 E.,
Sec. 2, lots 8 and 9;
Sec. 11, lot 1 and NE¼NW¼;
Sec. 14, lot 6 and W½SE¼;
Sec. 16, lot 30;
Sec. 21, lots 1 and 16.
T. 16 S., R. 16 E.,
Sec. 1, lot 4, and lots 5 and 6 of Tract 99;
Sec. 25, SE¼NW¼.

The lands described above aggregate approximately 24,349 acres.

b. The public lands described below are proposed for classification for disposal for Bureau of Land Management benefiting exchanges only.

SAN BERNARDINO MERIDIAN, CALIFORNIA

RIVERSIDE COUNTY

T. 5 S., R. 5 E.,
Sec. 8, NW¼ and S½;
Sec. 16;
Sec. 20, E½W½ and E½;
Secs. 26, 28, and 32.
T. 6 S., R. 5 E.,
Sec. 4, W½.
T. 5 S., R. 6 E.,
Sec. 26, lots 1 and 2, S½NE¼, N½SE¼;
Sec. 20, lots 3 to 10, 22 to 25, and 30–32, inclusive, lots 55, 56, 63, and 64.
T. 6 S., R. 6 E.,
Sec. 6, NW¼SE¼ and S½SE¼.

The lands described above aggregate approximately 4,454 acres.

The public lands described below are proposed for classification for lease or sale under the Recreation and Public Purpose Act of June 14, 1926 (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) as amended:

T. 9 S., R. 11 E.,
Sec. 18, lots 1 and 2 NW¼, and SE¼;
Sec. 20, N½SE¼;
Sec. 22;
Sec. 26, NE¼.
T. 9 S., R. 11 E.,
Sec. 14, NE¼;
Sec. 24, NE¼.

The lands described above aggregate approximately 2,801 acres.

c. The public lands described below are proposed for classification for disposal through public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

SAN BERNARDINO MERIDIAN, CALIFORNIA

RIVERSIDE COUNTY

T. 5 S., R. 7 E.,
Sec. 30, N½ of lot 2 of SW¼.

The lands described above aggregate approximately 40 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with the proposed classification, may present their views in writing to the Manager, Riverside District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

5. A public hearing on the proposed classification will be held on April 10, 1969 in Room 15, in the County Administration Building, Indio, Calif.

JACK WILSON,
Acting State Director.

[F.R. Doc. 69-3789; Filed, Apr. 1, 1969; 8:46 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

By notice in the FEDERAL REGISTER of February 25, 1969, at page 2582, there was published a list of the properties included in the National Register of Historic Places.

Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following corrections are to be made:

1. DISTRICT OF COLUMBIA

Army Medical Museum changed to Medical Museum (temporarily closed, will reopen in early 1971) Armed Forces Institute of Pathology.

2. HAWAII

Honolulu County

Haleiwa vicinity, Island of Oahu, *Puu o Makuku Heiau should read Puu o Mahuka Heiau.*

3. MICHIGAN

Oakland County

Franklin, *Village of Franklin Historic District.* The north boundary extends 300 feet north of and parallel to Fourteen Mile Road.

4. MINNESOTA

Adams and Lafayette counties are in Mississippi.

5. NEW JERSEY

Land in Somerset County has been added to Morristown National Historical Park.

6. NEW YORK

The following properties were incorrectly listed in New York County; the correct addresses are given:

Bronx County

The Bronx, *New York Botanical Gardens,* Southern and Bedford Park Boulevards.
The Bronx, *Van Cortlandt (Frederick) House,* Van Cortlandt Park at 242d Street.

Kings County

Brooklyn, *Brooklyn Bridge (also in New York County),* across the East River, connecting Brooklyn and Manhattan.
Brooklyn, *Brooklyn Heights Historic District,* bounded by Atlantic Avenue, Court Street, Fulton Street, and the East River.

7. PENNSYLVANIA

Cumberland County

Carlisle, *Carlisle Indian School,* east edge of Carlisle on U.S. 11.

8. UTAH

Salt Lake County

Salt Lake City vicinity, *Bingham Canyon Open Pit Copper Mine,* 16 miles southwest of Salt Lake City on Utah 48.

WEST VIRGINIA

Marshall County

Moundsville, *Grave Creek Mound,* Tomlinson and Ninth Streets.

The following properties have been added to the National Register since February 20, 1969:

DISTRICT OF COLUMBIA

Adas Israel Synagogue, 619 Sixth Street NW.
Arts Club of Washington, 2017 I Street NW.
Pierce Mill, Rock Creek Park, northwest corner of Tilden Street and Beach Drive NW.
Pension Building, F and G Streets between Fourth and Fifth Streets.
Renwick Museum, northeast corner of Pennsylvania Avenue and 17th Street NW.
Rhodes' Tavern (hotel), 601–3 15th Street and 1431 F Street NW.
Tariff Commission Building, E and F Streets between Seventh and Eighth Streets NW.
Union Station, Massachusetts and Delaware Avenues NW.
Winder Building, 604 17th Street NW. (northwest corner 17th and F Streets).

MINNESOTA

Ramsey County

St. Paul, *Old Federal Courts Building,* 109 West Fifth Street.

MISSOURI

Cole County

Jefferson City, *Lohman's Landing Building,* west corner, intersection of Jefferson and Water Streets.

NEBRASKA

Washington County

Missouri Valley, Iowa, vicinity, *Bertrand* (steamboat), De Soto National Wildlife Refuge.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 69-3676; Filed, Apr. 1, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

PLANNING PROCEDURES AND ANNUAL PLANNING REVIEW CONFERENCE

Notice of Establishment

The Secretary of Transportation, John A. Volpe, announced the selection of a new date, April 23–25, 1969, for the First Annual Planning Review Conference, to be held in Washington.

Planning procedures were announced in 33 F.R. 19205, establishing a policy of regular consultation with aviation users, the aviation industry, State and local governments, other Government agencies, and the general public concerning the future planning of the national aviation system.

Interested persons who have registered for the conference previously will receive a revised conference agenda and a copy of the National Aviation System Plan 1970–79.

Issued in Washington, D.C., on March 25, 1969.

OSCAR BAKKE,
Associate Administrator for Plans.

[F.R. Doc. 69-3804; Filed, Apr. 1, 1969; 8:47 a.m.]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

TITLE, SELECTION, AND TRAINING OF HEARING EXAMINERS, THE CAREER DEVELOPMENT OF GOVERNMENT ATTORNEYS, AND CREATION OF A FEDERAL ATTORNEY CENTER FOR CONTINUING LEGAL EDUCATION OF GOVERNMENT LAWYERS AND PRIVATE LAWYERS ENGAGED IN ADMINISTRATIVE LAW PRACTICE

Notice of Public Hearings on Proposals

Notice is hereby given to all Federal departments and agencies and to all interested members of the public that the Committee on Personnel of the Administrative Conference is considering the development of recommendations concerning the following matters:

1. Change of title of hearing examiners appointed pursuant to section 11 of the Administrative Procedure Act.

2. Establishment of a special position in the Federal service for attorney assistants to examiners, for the purpose of providing the training and experience required for appointment to examiner positions.

3. Elimination of selective certification and the "rule of three" in the appointment of examiners, and the substitution of specialized examinations and specialized registers.

4. Development of continuing legal education programs for examiners and Government attorneys.

5. Establishment by departments and agencies of Career Service Boards for Attorneys, to recommend means of improving the career development of Government attorneys.

6. Creation of a Federal Attorney Center to develop training courses and materials relating to applied problems in administrative law for Government lawyers and private lawyers practicing before Federal administrative agencies.

The Committee will hold public hearings on these matters on April 14–16 and 21–23, 1969, beginning at 9:30 a.m. in Hearing Room B, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

Departments, agencies, and members of the public desiring to testify relative to any of these matters may contact the office of the Chairman of the Committee on Personnel, Commissioner Dale W. Hardin, at 737–9765, extension 7151, by April 7, 1969.

Written comments and proposals relating to these matters may be mailed by April 18, 1969, to the Committee on Personnel, Administrative Conference of the United States, 726 Jackson Place NW., Washington, D.C. 20506.

JERRE S. WILLIAMS,
Chairman.

MARCH 28, 1969.

[F.R. Doc. 69-3946; Filed, Apr. 1, 1969; 11:01 a.m.]

FEDERAL RESERVE SYSTEM

B.N.Y. CO., INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The B.N.Y. Co., Inc., New York, N.Y., for approval of action to become a bank holding company through the acquisition of all of the outstanding voting shares of seven banks in the State of New York.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The B.N.Y. Co., Inc., New York, N.Y., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of all of the outstanding voting shares of the following seven banks located in the State of New York: The Bank of New York, New York City; The County Trust Co., White Plains; Mechanics and Farmers Bank of Albany, Albany; Endicott Bank of New York, Endicott, the successor, by conversion to State charter, of The Endicott National Bank, Endicott; The Exchange Bank of Olean, the successor, by conversion to State charter, of The Exchange National Bank of Olean, Olean; Metropolitan Bank of Syracuse, the successor, by conversion to State charter, of Metropolitan National Bank of Syracuse, Syracuse; and Niagara Frontier Bank of New York, Buffalo, a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the New York Superintendent of Banks, and requested his views and recommendation thereon. The New York State Banking Board advised the Board of its action, consistent with a recommendation made to it by the Superintendent, approving an application, filed pursuant to the New York Banking Law with respect to the same transaction.

Since three of the banks whose voting shares would be acquired by Applicant are presently national banks, the Board also invited an expression of views by

the Comptroller of the Currency. The Comptroller's office responded that it had no comment to offer with respect to the proposal.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 6, 1968 (33 F.R. 12697), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[2] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of March 1969.

By order of the Board of Governors.[3]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3783; Filed, Apr. 1, 1969; 8:45 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

ORGANIZATION AND AVAILABILITY OF PUBLIC INFORMATION; AMENDMENT

Regulations on organization and availability of information pursuant to 5 U.S.C. 552 were published by the National Commission on Product Safety on October 8, 1968, 33 F.R. 15041.

Section 4 *Public information*, of said regulations is hereby amended to read as follows:

"(d) Written communications from members of the public claiming that a household product is hazardous and responses of manufacturers and others to such communications, unless such communications request confidentiality;"

(Pub. Law 90-146; 81 Stat. 466)

Dated: March 26, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-3806; Filed, Apr. 1, 1969; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Voting against this action: Governor Robertson.

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4 (Rev. 1), Amdt. 4]

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation on Lease Guarantee

Delegation of Authority No. 4 (Revision 1) (32 F.R. 178), as amended (33 F.R. 7603, 33 F.R. 8793, 33 F.R. 11569), is hereby further amended by adding new item I.L. thereto, to read as follows:

I. To approve the investment of moneys in the Lease Guarantee revolving fund not needed for the payment of current operating expenses or for the payment of claims arising under the Lease Guarantee program, in bonds or other obligations guaranteed as to principal and interest by the United States.

Effective date: March 20, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-3795; Filed, April 1, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 702]

MONTANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Dawson County, Mont.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about March 20, 1969.

OFFICE

Small Business Administration Regional Office, Corner Main and Sixth Avenue, Helena, Mont. 59601.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1969.

Dated: March 24, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-3796; Filed, Apr. 1, 1969; 8:47 a.m.]

SOUTH TEXAS SMALL BUSINESS INVESTMENT CO.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of South Texas Small Business Investment Co., 204 North Brownson Street, Post Office Box 1638, Victoria, Tex. 77901, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), License No. 10/10-0019.

South Texas was licensed on May 8, 1961, and as of September 30, 1968, had paid-in capital and paid-in surplus from private sources amounting to $152,000. It has 76,000 shares of issued and outstanding common stock. Victoria Loan & Investment Co. (Victoria), proposes to purchase the 76,000 shares held by the present six owners, which will give Victoria one hundred percent (100%) stock ownership. There are 419 owners of stock in Victoria and this company holds no securities issued by South Texas. The proposed transaction is subject to and contingent upon approval of SBA.

The proposed new officers and directors are as follows:

President, Director	David Richard Blackburn.
Vice President, Director.	Page Kindred Stubblefield.
Vice President, Director.	G. C. Pittman.
Vice President, Director.	Roger Clarence Hamel, Jr.
Vice President, Director.	Warren Alfred Nelson.
Treasurer, Director	Arthur Earl Buckert.
Secretary, Director	Charles Ray White.

The above persons are also officers and directors of Victoria Bank & Trust Co. The operations of the Licensee will use the premises presently occupied by Victoria at 121 South Main Street, Victoria, Tex. 77901. When loan demand indicates the need, additional capitalization will be raised through the sale of stock to Victoria Bank & Trust Co.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner, and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any interested person may not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in Victoria, Tex.

For SBA (pursuant to delegated authority).

Dated: March 25, 1969.

JAMES T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-3797; Filed, Apr. 1, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

MARCH 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Comstock-Keystone Mining Co., now known as Memory Magnetics International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 27, 1969, through April 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3791; Filed, Apr. 1, 1969; 8:46 a.m.]

DYNA RAY CORP.

Order Suspending Trading

MARCH 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp., New York, N.Y., and all other securities of Dyna Ray Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 27, 1969 through April 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3792; Filed, Apr. 1, 1969; 8:46 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

MARCH 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 27, 1969, through April 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3794; Filed, Apr. 1, 1969; 8:46 a.m.]

[File No. 7-3064]

WESTATES PETROLEUM CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 26, 1969.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Westates Petroleum Co., File No. 7-3064.

Upon receipt of a request, on or before April 10, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3793; Filed, Apr. 1, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 27, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41596—*Soda ash to Chattanooga and Tyner, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-26), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, in carloads, as described in the application, from Lake Charles and West Lake Charles, La., and Corpus Christi, Freeport, and Houston, Tex., to Chattanooga and Tyner, Tenn.

Grounds for relief—Market competition.

Tariffs—Supplements 149 and 56 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4773, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3829; Filed, Apr. 1, 1969; 8:49 a.m.]

[Notice 805]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 27, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rule of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made.

The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3062 (Sub-No. 30 TA), filed March 20, 1969. Applicant: L. A. TUCKER TRUCK LINES, INCORPORATED, 321 North Spring Avenue, Post Office Box 538, Cape Girardeau, Mo. 63701. Applicant's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Chaffee, Mo., to Rector, Ark., and return, from Rector, Ark., to Chaffee, Mo. (serving only the plantsites of Thorngate, Ltd., at both points), for 180 days. Supporting shipper: Thorngate, Ltd., 234 North Main Street, Chaffee, Mo. 63740. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 30319 (Sub-No. 137 TA), filed March 24, 1969. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Poydras, Post Office Box 6187, Dallas, Tex. 75222. Applicant's representative: R. B. Coghlan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading); (1) between Dallas, Tex., on the one hand, and Bryan, Tex., and/or College Station, Tex., on the other hand, over Interstate Highway 45, Texas Highways 14 and 6, and return over the same route, serving only termini and no intermediate points; (2) between Houston, Tex., on the one hand, and Bryan, Tex., and/or College Station, Tex., on the other hand over U.S. Highway 290 and Texas Highway 6, and return over the same route, serving only termini and no intermediate points; (3) between San Antonio, Tex., on the one hand, and Bryan, Tex., and/or College Station, Tex., on the other hand, over Interstate Highway 290 and Texas Highway 21, and return over the same route, serving only termini and no intermediate points, for 180 days. NOTE: Applicant states it does intend to tack authority applied for to authority held by it. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 85465 (Sub-No. 16 TA), filed March 21, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, 709 Mill Drive, Scottsbluff, Nebr. 69361. Applicant's representative: Truman Stockton, 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh hams*, from points in Ohio, Missouri (except Kansas City, St. Louis, and Trenton), Minnesota (except Austin), Iowa (except Ottumwa, Cedar Rapids, Des Moines, Fort Dodge, Cherokee, Sioux City, Mason City, Davenport, and Storm Lake), to Scottsbluff, Nebr., and thence to Delphos, Ohio, for 180 days. Supporting shipper: Great Western Packing Co. of Nebraska, Post Office Box 675, Scottsbluff, Nebr. 69361. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 94350 (Sub-No. 219 TA), filed March 24, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Wilmington, N.C., to points east of the Mississippi River, including Louisiana and Minnesota, for 180 days. Supporting shipper: Crisp Manufacturing Co., Wilmington, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 107295 (Sub-No. 167 TA) (Correction), filed February 13, 1969, published the FEDERAL REGISTER issue of February 26, 1969, and republished as corrected, this issue. Applicant: PREFAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building parts; heating, cooling, and air handling systems and materials, supplies, and accessories* used in the installation of such systems (except commodities which because of their size and weight require special equipment and special handling), from Rockford, Ill., to points in Colorado, Montana, and Wyoming, for 180 days. NOTE: Applicant intends to tack with authority in MC 107295 where feasible. The purpose of this republication is to include tacking information, which was inadvertently omitted in previous publication. Supporting shipper: United Sheet Metal, 1122 Milford Avenue, Rockford, Ill. 61109. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC114273 (Sub-No. 39 TA), filed March 21, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk in tank or hopper type vehicles) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from John Morrell & Co., plantsite at Ottumwa, Iowa, to points in Michigan, Ohio, New York, and Pennsylvania, for 180 days. Supporting shipper: John Morrell & Co., Ottumwa, Iowa 52501. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 123887 (Sub-No. 3 TA), filed March 21, 1969. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Avenue, Huntington, W. Va. 25703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, moving on commercial bills of lading, using van type semitrailers, from Detroit, Mich., and Columbus, Ohio, to Bluefield and Welch, W. Va., and from Columbus, Ohio, and Fort Wayne, Ind., to Beckley, W. Va., for 180 days. Supporting shippers: Tri County Distributing Co., Bluefield and Welch, W. Va.; Attention: J. B. Conner, President; Wilkes Distributing Co., Beckley, W. Va.; Attention: James E. Wilkes, Owner. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 126600 (Sub-No. 4 TA), filed March 21, 1969. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials handling and processing equipment, elevator equipment, power transmission equipment, foundry castings, and materials and supplies used in the manufacture of such commodities*, between Concordia, Kans., on the one hand, and, on the other, points in the United States including Alaska and excluding Hawaii, for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: The Ehrsam Co., Abilene, Kans. 67410; (A wholly owned subsidiary of Combustion Engineering, Inc., Windsor, Conn.). Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 127799 (Sub-No. 6 TA), filed March 24, 1969. Applicant: LUPPES TRANSPORT COMPANY, INC., Post Office Box 152, Webster City, Iowa 50595. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from East Dubuque, Ill., to points in Iowa, for 180 days. Supporting shippers: W. R. Grace & Co., Post Office Box 277, Memphis, Tenn. 38101; Apple River Chemical Co., Post Office Box D, East Dubuque, Ill. 61025. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128117 (Sub-No. 3 TA) (Correction), filed March 14, 1969, published FEDERAL REGISTER issue of March 25, 1969, and republished as corrected, this issue. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 477, Catawba Avenue, Old Fort, N.C. 28762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* crated or uncrated, from points in Pulaski County, Va., to points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas, New Mexico, and Colorado, for 180 days. NOTE: The purpose of this republication is to include origin point which was inadvertently omitted in previous publication. Supporting shippers: Coleman Furniture Corp., Pulaski, Va.; and Pulaski Furniture Corp., Pulaski, Va. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead Street, Suite 417, B.S.R. Building, Charlotte, N.C. 28202.

No. MC 128857 (Sub-No. 2 TA), filed March 24, 1969. Applicant: G. L. GIBBONS, doing business as G. L. GIBBONS TRUCKING SERVICE, Post Office Box 5861, Tucson, Ariz. 85703. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk; (1) from Arrolime, Nev., to points in Arizona and New Mexico; and (2) from Henderson and Sloan, Nev., to points in New Mexico, for 180 days. Supporting shipper: The Flintkote Co., U.S. Lime Division, 2244 Beverly Boulevard, Los Angeles, Calif. 90057. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129102 (Sub-No. 1 TA), filed March 24, 1969. Applicant: EDMIER TRANSPORTATION, INC., 1500 South Cicero Avenue, Cicero, Ill. 60650. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in the Chicago, Ill., commercial zone, as defined by the Commission, and Lemont, Ill., to points in Indiana and Wisconsin, for 180 days. Supporting shippers: (1) Missouri Portland Cement Co., 7751 Carondelet Avenue, St. Louis, Mo. 63105; (2) Marquette Cement Manufacturing Co., 20 North Wacker Drive, Chicago, Ill. 60606; (3) Penn-Dixie Cement Corp., Allentown, Pa.; (4) Dundee Cement Co., Dundee, Mich. 48131. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133549 (Sub-No. 1 TA), filed March 24, 1969. Applicant: STANLEY L. BERVEN, 1233 Third Avenue SW., Le Mars, Iowa 51031. Applicant's representative: Wallace Huff, 314 Security Bank Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry food supplements*, from the plantsite of O. A. Copper Co. of South Sioux City, Nebr., to points in Iowa on and west of Highway 69, excluding Des Moines, Iowa, and points in South Dakota on and south of Highway 18 east of the Missouri River, for 180 days. Supporting shipper: O. A. Cooper Co., South Sioux City, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 133568 TA, filed March 20, 1969. Applicant: WHITE'S DELIVERY SERVICE, INC., 155 North Front Street, Philadelphia, Pa. 19106. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, J. F. Kennedy Boulevard at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toilet preparations and materials* used and useful in the manufacture and distribution of cosmetics and toilet preparations, between the plantsite and facilities of Kolmar Manufacturing Laboratories in Port Jervis, N.Y., on the one hand, and, on the other, the plantsite and facilities of the Menley & James Division of Smith, Kline & French Laboratories in Bellmawr, N.J., under a continuing contract with the Menley & James Division of Smith, Kline & French Laboratories, for 180 days. Restriction: No single shipment shall exceed 10,000 pounds in weight. The transportation authorized hereunder is restricted to that in which delivery is made on the same day as pickup. Supporting shipper: Smith, Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133579 TA, filed March 24, 1969. Applicant: BENNETT FORD (a Utah Corporation), 47 West Sixth South Street, Salt Lake City, Utah 84101. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, damaged, stolen, repossessed and abandoned vehicles, and replacements thereof, together with parts and cargoes related to such vehicles*, by use of wrecker equipment, between points in Wyoming, Utah, Nevada, Idaho, and California, for 180 days. Supporting shippers: Western Greyhound Lines, Division of Greyhound Lines, Inc., 160 West South Temple Street, Salt Lake City, Utah 84101 (Palmer O. Borseth, Supervisor of Maintenance); IML Freight, Inc., 2175 South 3270 West Street, Post Office Box 2277, Salt Lake City, Utah 84110 (Wendell C. Nielsen, Shop Superintendent). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3830; Filed, Apr. 1, 1969; 8:49 a.m.]

[Notice 320]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 27, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71037. By order of March 20, 1969, the Motor Carrier Board on reconsideration approved the transfer to Carolina Storage Corp., Raleigh, N.C., of the operating rights in certificate No. MC-15992 and the certificate of Registration No. MC-15992 (Sub-No. 4), issued June 20, 1957, and January 28, 1965, respectively, to Carolina Storage & Distributing Co., Raleigh, N.C., the former authorizing transportation of general commodities, with usual exceptions, from Raleigh, N.C., to points in North Carolina within 100 miles of Raleigh, and the latter evidencing a right to engage in transportation in interstate or foreign commerce within the limits of irregular

route common carrier certificate No. C–118, dated August 15, 1958, issued by the North Carolina Utilities Commission. J. Ruffin Bailey, Bailey, Dixon and Wooten, Post Office Box 2246, Raleigh, N.C. 27602; Samuel Leager, Harris, Poe, Cheshire and Leager, Post Office Box 2454, Raleigh, N.C. 27602; attorney for applicants.

No. MC–FC–71072. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Arthur W. Heidke & Sons, Inc., Readville, Mass., of certificate of registration in No. MC–96815 (Sub-No. 1), issued September 4, 1964, to Dominic F. Tracey, doing business as Tracey Trans., Woburn, Mass., authorizing the transportation of: General commodities in Massachusetts. Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, attorney for applicants.

No. MC–71186. By order of March 21, 1969, the Motor Carrier Board approved the transfer of control to Union Street Railway Co., a corporation, New Bedford, Mass., of license No. MC–12714, issued February 1, 1960, to Lake Shore Motor Coach Lines, Inc., doing business as Lake Shore Tours, 602 East Fifth South, Post Office Box 2609, Salt Lake City, Utah 84110, authorizing the conduct of brokerage operations at Salt Lake City, Utah, of passengers and their baggage beginning and ending at specified counties in Utah to all points in the United States, except Hawaii. Neal Holland, 225 Franklin Street, Boston, Mass. 02110, attorney for transferor.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–3831; Filed, Apr. 1, 1969; 8:49 a.m.]

[Notice 320A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 28, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71159. By order of March 27, 1969, the Motor Carrier Board approved the transfer to Buffalo Van & Storage, Inc., Buffalo, N.Y., of the certificate in No. MC–75238, issued April 27, 1966, to Kenmore Moving & Storage Co., Inc., Kenmore, N.Y., authorizing the transportation of household goods, as defined by the Commission, between points in Erie County, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Virginia, and the District of Columbia. Richard S. Ewing, 1229 19th Street NW., Washington, D.C. 20036, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–3874; Filed, Apr. 1, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 253]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

FEBRUARY 21, 1969.

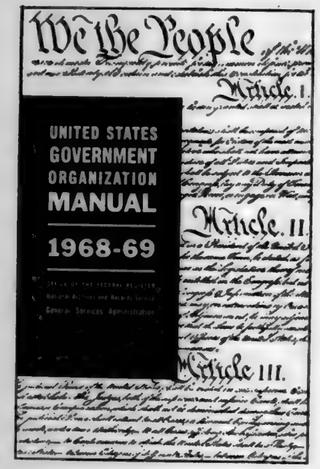
List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Expected date of commencement of operation
		560 kilocycles							
CFNB (correction of transmitter co-ordinates shown in recapitulative list—Dec. 31, 1968).	Fredericton, New Brunswick, N. 45°48'08" W. 66°38'16".	50	DA-2	U	III				
		790 kilocycles							
CFDR (now in operation at new location as notified in List 240).	Dartmouth, Nova Scotia, N. 44°42'09" W. 63°41'26".	5	DA-1	U	III				
		910 kilocycles							
CKLY (PO: 910 kc/s 1 kw DA–1).	Lindsay, Ontario, N. 44°16'41" W. 78°41'57".	*10D/5N*	*DA-2*	U	III				E.I.O. 2-15-70.
		1160 kilocycles							
CJRC (now in operation)	Ottawa, Ontario, N. 45°16'14" W. 75°40'49".	10D/5N	DA-2	U	III				
		1190 kilocycles							
CFSL (now in operation on new frequency with increased power).	Weyburn, Saskatchewan, N. 49°27'57" W. 103°50'33".	10D/5N	DA-N ND–D–157	U	II				
		1240 kilocycles							
CFSL (delete assignment—vide 1190 kc/s).	Weyburn, Saskatchewan	1 D/0.25N	ND	U	IV				
		1480 kilocycles							
CHRT (correction re antenna system data shown in recapitulative list—Dec. 31, 1968).	St. Eleuthere, Quebec, N 47°28'45" W. 69°16'39".	0.25	ND–*135*	U	IV	*140*	120	*271*	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69–3843; Filed, Apr. 1, 1969; 8:51 a.m.]



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FEDERAL REGISTER

VOLUME 34 • NUMBER 63

Thursday, April 3, 1969 • Washington, D.C.

Pages 6025–6070

OF MICHIGAN

APR 7 - 1969

REFERENCE

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Agricultural Stabilization and Conservation Service
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Civil Service Commission
Consumer and Marketing Service
Federal Aviation Administration
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Food and Drug Administration
Foreign Assets Control Office
Immigration and Naturalization Service
Interstate Commerce Commission
Land Management Bureau
Public Health Service
Securities and Exchange Commission

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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FEDERAL REGISTER

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Executive Order 11463

PLACING AN ADDITIONAL POSITION IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(22) General Counsel, Office of the Special Representative for Trade Negotiations.

Richard Nixon

THE WHITE HOUSE,
April 1, 1969.

[F.R. Doc. 69-4022; Filed, Apr. 2, 1969; 12:31 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.7, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1969

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended), hereinafter called the "Act", for the purpose of allotting the 1969 sugar quota for the Mainland Cane Sugar Area among persons who process sugar from sugarcane and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on February 12, 1969 (34 F.R. 2051), of a public hearing to be held in New Orleans, La., at the Whitney Bank Building on February 27, 1969, beginning at 10 a.m., c.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient, and equitable allotment of the 1969 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, and (c) substituting revised or corrected data where such data becomes a part of the official records of the Department, and (4) to make provision for transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Omission of a recommended decision and effective date. The record of the hearing shows that the supply of sugar available for marketing is substantially in excess of the quota of 1,152,000 tons and that 1969 marketings of mainland cane sugar, unless restricted, would substantially exceed the 1969 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of allotting the quota for the Mainland Cane Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments and the fact that several allottees have ample sugar to market their entire 1969 allotment, it is imperative that these processors know as soon as possible the approximate quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of 5 U.S.C. (80 Stat. 378) is impractical and contrary to the public interest, and consequently, this order shall become effective when filed for public inspection in the Office of the Federal Register.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent parts as follows:

> • • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. • • • The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That • • • the marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made: • • • *Provided further*, That the total increases in marketing allotments made pursuant to this sentence • • • to processors in the mainland cane sugar area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. • • •

The record of the hearing indicated that the prospective supply of mainland cane sugar available for marketing in 1969 exceeds the quota for that area to an extent that allotment of the quota is necessary (11).

The Government witness introduced for the record annual data on processings, marketings, and inventories for the most recent 5-year period (R. 11, 12, Ex. 6).

The three factors of "processings," "past marketings," and "ability to market," the adverse effect of storm, freeze, and other similar abnormal conditions and the provision of section 205(a) of the Act added by the Sugar Act Amendments of 1965 which provides for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area have been considered by the allotment method herein adopted as set forth in Finding 5.

The allotment method adopted is the same as that proposed by the Government witness at the hearing. The substantive features of the method adopted was also supported by the witnesses representing the 49 Mainland Cane processors.

The Government witness proposed that the factor "processings from proportionate shares" should be measured for each processor by the higher of either its production of sugar from 1968 crop sugarcane or 82 percent of his average production from the 1966 and 1967 crops of sugarcane in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent. The primary purpose for using an alternative measure of "processings" (82 percent of his average production from the 1966 and 1967 crops of sugarcane) is to give protection against a crop failure or some

other unavoidable occurrence which reduced processings of the crop used for the measure of processings.

Giving consideration to "past marketings" by using the average annual marketings for each processor for the 3-year period 1966 through 1968 and giving this factor a weighting of 20 percent in determining allotments contributes to an orderly rate of change in the marketings of each processor relative to others. Measuring the factor "ability to market" as herein adopted and giving this factor a weighting of 20 percent in determining allotments gives recognition to the sugar produced from 1968 crop sugarcane which each processor will have available for marketing within the 1969 quota and also recognizes the relative sharing of each processor in past new-crop marketings within the quota.

The allotment method adopted herein gives consideration to the provision in section 205(a) of the Act which provides for increasing allotments for any processor to avoid unreasonable carryover of sugar in relation to other processors in the area. Processors' basic allotments which are less than their January 1, 1969 effective inventories of sugar are subject to upward adjustments by an aggregate of not more than 16,000 tons. Such adjustments reduce the quantity of 1968 crop sugar which could not otherwise be marketed under 1969 allotments and would have to be carried in inventory or marketed under bond for refining and storage until January 1, 1970.

An allotment of 50 short tons, raw value, is established herein for Louisiana State University as proposed by the witness representing the Louisiana processors.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) The quantity of sugar available for marketing in 1969, consisting of January 1, 1969, effective inventories of mainland cane sugar of approximately 1,075,000 tons plus 1969 crop sugar produced before January 1, 1970, of between 700,000 and 800,000 tons would substantially exceed the current 1,152,000-ton quota established for the area.

(2) The supply situation makes necessary the allotment of the 1969 sugar quota for the Mainland Cane Sugar Area to assure an orderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) It is desirable to postpone the allotment of the entire 1969 calendar year sugar quota for the Mainland Cane Sugar Area until final processings from 1968 crop sugarcane are known for all allottees. Therefore, to prevent any allottee from marketing a quantity of sugar larger than eventually may be allotted to it, when the entire 1969 quota is allotted on the basis of final 1968 crop data, allotments herein shall be limited to 95 percent of the allotments determined under finding (5) for all allottees.

(4) Fifty short tons, raw value, shall be set aside from the quota, and an allotment of 50 short tons, raw value, shall be established for the Louisiana State University.

(5) The remainder of the 1969 Mainland Cane Sugar Area quota for consumption within the continental United States, after setting aside 50 tons as provided in finding (4) shall be allotted to processors other than Louisiana State University by measuring and weighting each of the three factors of "processings," "past marketings," and "ability to market" specified in section 205(a) of the Act; and by giving consideration to the need for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area (within specified limits) as provided in section 205(a) of the Act; and by determining allotments as follows based on data in the hearing record and any revised or corrected final data of which official notice will be taken:

(a) The factor "processings" shall be measured for each processor by either his production of sugar from 1968 crop sugarcane in short tons, raw value, or 82 percent of his average crop-year production from the 1966 and 1967 crops of sugarcane in short tons, raw value, whichever is higher, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent.

(b) The factor "past marketings" shall be measured for each processor by his average annual quota marketings for the years 1966 through 1968 in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted 20 percent.

(c) The factor "ability to market" shall be measured by the sum of (i) each processor's January 1, 1969, effective inventory, and (ii) his share of the difference between the 1969 quota in short tons, raw value, for the Mainland Cane Sugar Area after deducting 50 tons set aside under finding (4) and the total of the effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1966 through 1968 new-crop marketings were of the total average new-crop marketings of all processors for such years. The sum of (i) and (ii) in short tons, raw value, expressed for each processor as a percentage of the total of the measure for all processors shall be weighted 20 percent.

(d) To determine each processor's basic allotment in short tons, raw value, the total percentage for each processor derived by measuring and weighting the three factors as heretofore proposed shall be multiplied by the quota for the Mainland Cane Sugar Area in short tons, raw value, less 50 tons set aside under finding (4).

(e) Basic allotments established pursuant to paragraph (d) of this finding which are less than the respective processors' January 1, 1969, effective inventories are subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having January 1, 1969, effective inventories less than their basic allotments shall be reduced proportionately as necessary to make total adjusted allotments equal to the area quota in short tons, raw value, less 50 tons set aside under finding (4), except, that no processor's basic allotment shall be reduced to a level less than the respective processor's January 1, 1969, effective inventory. The basic allotments of those processors having January 1, 1969, effective inventories larger than their basic allotments are subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (i) The basic allotments of processors having January 1, 1969, physical inventories in excess of basic allotments shall be increased to the level of the physical inventories, (ii) The remainder of the 16,000 tons or lesser quantity (if such lesser quantity will provide adjusted allotments equal to Jan. 1, 1969, effective inventories) shall be added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its January 1, 1969, effective inventory by the use of this adjustment than other processors. No increased allotment established pursuant to this subdivision shall be larger than the respective processor's January 1, 1969, effective inventory.

(f) Any revision in allotments made to give effect to any increase or decrease in the Mainland Cane Sugar Area quota shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (e) of this finding (5).

(g) Any revision in allotments made to give effect to a release of all or a part of an allotment by an allottee shall be determined by prorating such release or deficit to all other allottees to the extent they are able to market additional sugar on the basis of adjusted allotments computed pursuant to paragraph (e) of this finding.

(6) Final adjustments in the data for the 1968 crop including January 1, 1969, effective inventories, will be made on the basis of sugar production and marketing reports covering the period ending April 30, 1969.

(7) The quantity of sugar and the percentages referred to in finding (5) based on data involving some estimates for 1968 crop processings and January 1, 1969, inventories which shall be used in determining allotments pending the availability and substitution of revised data are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings within allotments 1966–68		Ability to market					Processor's basic allotment [4]		Processor's adjusted allotment [5] short tons, raw value
					Effective inventory Jan. 1, 1969 [2]	New crop quota marketings		Measures used				
						Average 1966–68	Shares of difference [3]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	10,481	0.850	10,076	0.871	4,850	7,956	1,754	6,604	0.573	0.799	9,204	8,885
Alma Plantation, Ltd.	11,562	.938	10,088	.872	5,978	8,142	1,795	7,773	.675	.872	10,045	9,997
J. Aron & Co., Inc.	17,334	1.406	13,480	1.165	8,381	12,054	2,657	11,038	.958	1.268	14,607	14,101
Billeaud Sugar Factory	11,185	.908	9,534	.824	6,385	6,365	1,403	7,788	.676	.845	9,734	9,397
Breaux Bridge Sugar Co-op.	11,771	.955	9,267	.801	8,872	5,289	1,166	10,038	.871	.907	10,448	10,085
Wm. T. Burton Industries, Inc.	7,337	.595	7,026	.607	3,416	5,413	1,193	4,609	.400	.559	6,439	6,216
Caire & Graugnard	6,459	.524	5,814	.503	4,047	4,156	916	4,963	.431	.501	5,771	5,571
Cajun Sugar Co-op. Inc.	26,529	2.153	23,174	2.003	26,611	14	3	26,614	2.310	2.154	24,813	[6] 26,611
Caldwell Sugar Co-op., Inc.	17,667	1.433	13,381	1.157	10,907	10,544	2,325	13,232	1.149	1.321	15,217	14,690
Columbia Sugar Co.	10,057	.816	8,459	.731	6,257	5,736	1,265	7,522	.653	.767	8,836	8,530
Cora-Texas Manufacturing Co., Inc.	11,296	.917	8,168	.706	11,262	1,799	397	11,659	1.012	.894	10,298	[6] 11,262
Dugas & LeBlanc, Ltd.	20,859	1.692	15,534	1.343	13,639	10,821	2,386	16,025	1.391	1.562	17,995	17,372
Duhe & Bourgeois Sugar Co.	11,602	.941	10,091	.872	5,928	8,256	1,820	7,748	.673	.874	10,068	9,719
Erath Sugar Co., Ltd.	6,662	.541	6,515	.563	2,575	5,234	1,154	3,729	.324	.502	5,783	5,583
Evan Hall Sugar Co-op., Inc.	29,402	2.386	23,115	1.998	17,877	17,725	3,908	21,785	1.891	2.209	25,447	24,566
Frisco Cane Co., Inc.	2,532	.205	2,602	.225	854	2,182	481	1,335	.116	.191	2,200	2,124
Glenwood Co-op., Inc.	21,918	1.778	16,249	1.405	13,727	12,539	2,764	16,491	1.432	1.634	18,823	18,171
Helvetia Sugar Co-op., Inc.	15,881	1.289	12,401	1.072	10,420	8,812	1,943	12,363	1.073	1.202	13,846	13,366
Iberia Sugar Co-op., Inc.	24,425	1.982	19,022	1.644	17,871	10,476	2,310	20,181	1.752	1.868	21,518	20,773
Lafourche Sugar Co.	21,518	1.746	18,316	1.583	12,533	13,546	2,986	15,519	1.347	1.634	18,823	18,171
Harry L. Laws & Co., Inc.	18,608	1.510	15,710	1.358	10,859	10,668	2,352	13,211	1.147	1.407	16,208	15,647
Levert-St. John, Inc.	16,125	1.308	13,101	1.133	7,400	11,479	2,531	9,931	.862	1.184	13,639	13,167
Little Texas, Inc.	5,881	.477	5,160	.446	4,621	2,619	577	5,198	.451	.466	5,368	5,182
Louisa Sugar Co-op., Inc.	13,153	1.067	11,485	.993	7,981	7,723	1,703	9,684	.841	1.007	11,600	11,198
Louisiana State Penitentiary	3,827	.311	4,124	.357	3,360	962	212	3,572	.310	.320	3,686	3,558
Mecker Sugar Co-op, Inc.	12,497	1.014	11,756	1.016	12,945	1,298	286	13,231	1.149	1.041	11,992	[6] 12,437
Milliken & Farwell, Inc.	13,358	1.084	10,535	.911	8,876	7,261	1,601	10,477	.910	1.015	11,692	11,287
M. A. Patout & Son, Ltd.	18,285	1.484	15,782	1.364	9,951	11,940	2,632	12,583	1.092	1.382	15,920	15,369
Poplar Grove Planting & Refining Co.	11,202	.909	8,871	.767	7,774	5,599	1,235	9,009	.781	.855	9,849	9,508
Savoie Industries	21,070	1.710	15,448	1.335	14,453	10,821	2,386	16,839	1.462	1.585	18,268	17,626
St. James Sugar Co-op, Inc.	25,647	2.081	19,927	1.723	24,834	5,415	1,194	26,028	2.260	2.045	23,557	[6] 24,834
St. Mary Sugar Co-op., Inc.	17,980	1.435	14,861	1.285	10,181	11,164	2,461	12,642	1.097	1.337	15,402	[7] 14,868
South Coast Corp.	74,209	6.021	63,855	5.520	73,549	11,283	2,487	76,036	6.601	6.037	69,543	[6] 73,549
Southdown, Inc.	43,167	3.503	37,092	3.207	28,617	22,370	4,932	33,549	2.912	3.326	38,314	36,987
Sterling Sugars, Inc.	32,644	2.649	26,485	2.290	19,126	19,639	4,330	23,456	2.036	2.455	28,280	27,300
J. Supple's Sons Planting Co., Inc.	6,214	.504	5,719	.494	4,203	3,375	744	4,947	.429	.487	5,610	5,416
Valentine Sugars, Inc.	14,321	1.163	10,677	.923	8,150	8,554	1,886	10,036	.871	1.057	12,176	11,754
Vida Sugars, Inc.	5,403	.438	5,436	.470	1,866	4,464	984	2,850	.247	.406	4,677	4,515
A. Wilbert's Sons Lumber & Shingle Co.	10,595	.860	10,563	.913	5,776	7,389	1,625	7,401	.643	.827	9,527	9,197
Young's Industries, Inc.	7,225	.586	6,977	.603	3,885	4,333	955	4,840	.420	.556	6,405	6,183
Louisiana subtotal	667,588	54.169	55,876	48.053	460,797	325,355	71,729	532,526	46.228	51.358	591,618	584,473
Atlantic Sugar Association, Inc.	30,739	2.494	35,352	3.056	29,897	0	0	29,897	2.595	2.627	30,262	29,897
Florida Sugar Corp.	20,490	1.663	18,031	1.559	23,125	1,637	361	23,486	2.039	1.717	19,779	[7] 21,174
Glades County Sugar Growers Co-op, Association	39,547	3.209	43,701	3.778	44,343	0	0	44,343	3.849	3.451	39,754	[7] 40,601
Osceola Farms Co.	48,935	3.971	50,609	4.375	55,754	0	0	55,754	4.840	4.225	48,670	[7] 51,050
South Puerto Rico Sugar Co., Inc.	72,239	5.861	77,099	6.665	76,543	2,567	566	77,109	6.694	6.188	71,283	71,283
Sugarcane Growers Co-op of Florida	99,424	8.067	110,397	9.543	109,612	0	0	109,612	9.515	8.682	99,667	[7] 100,363
Talisman Sugar Corp.	40,410	3.279	44,255	3.826	42,559	0	0	42,559	3.695	3.472	39,995	39,995
United States Sugar Corp.	213,050	17.287	221,474	19.145	232,754	17,734	3,910	236,664	20.545	18.310	210,922	[7] 213,114
Florida subtotal	564,834	45.831	600,918	51.947	614,587	21,938	4,837	619,424	53.772	48.642	560,332	567,477
Total all mainland cane	1,232,422	100.000	1,156,794	100.000	1,075,384	347,293	76,566	1,151,950	100.000	100.000	1,151,950	1,151,950

[1] The higher of either the production of sugar from the 1968 crop sugarcane or 82 percent of the average production from the 1966 and 1967 crops of sugarcane.

[2] Effective inventory, Jan. 1, 1969, is the physical inventory Jan. 1, 1969, plus processings from 1968 crop cane in 1969.

[3] The difference between 1,151,950 tons (quota for 1969 established by S.R. 811, less 50 tons reserve for Louisiana State University) and the total average 1966–68 new-crop marketings prorated on the basis of the 1966–68 average new crop marketings shown in col. 6.

[4] Column (10) was determined by weighting "processings" col. (2) by 60 percent, "marketings" col. (4) by 20 percent, and "ability" col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less 50 tons reserved for Louisiana State University, by Col. (10).

[5] Basic allotments (col. 11) which were less than the respective processors' Jan. 1, 1969, effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1969, effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 50 tons reserved for Louisiana State University, except, that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1969, effective inventory. The basic allotments of those processors having Jan. 1, 1969, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotment of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1969, effective inventory by the use of this adjustment than other affected processors.

[6] Adjusted allotment established to equal Jan. 1, 1969, physical inventory.

[7] Adjusted allotment established to permit each processor affected to market 91.5621 percent of its Jan. 1, 1969, effective inventory.

(8) The order shall be revised without further notice or hearing for the purpose of (a) alloting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, (b) revising allotments by the substitution of revised or corrected data which have become a part of the official records of the Department; and (c) revising allotments to give effect to any increase or decrease in the quota made by the Secretary pursuant to the provisions of the Sugar Act of 1948, as amended. Any

revision in allotments made to give effect to (a) of this finding (8) shall be made by increasing proportionately the allotments as provided in finding (5)(g), except that the quantity prorated to any allottee releasing allotments in excess of a specified quantity should be limited in accordance with the written statement of release by any such allottee. In making changes under (b) and (c) of this finding (8) allotments shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (e) of finding (5).

(9) Official notice will be taken of (a) written notification to the Agricultural Stabilization and Conservation Service by an allottee that he is unable to fill all or a part of his allotment when the notification becomes a part of the official records of the Department, (b) substitution of revised or corrected data where such data becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary, after publication in the FEDERAL REGISTER, which changes the 1969 Mainland Cane Sugar Area quota.

(10) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such sugarcane as he would normally process, if operating, is processed by other allottees.

(11) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of any 1969 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered that § 814.7 be amended to read as follows:

§ 814.7 Allotment of the 1969 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1969, until the date allotments of the entire 1969 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, 1,094,400 short tons, raw value, of the 1969 quota for the Mainland Cane Sugar Area is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotment (Short tons, raw value)
Alpania Sugar Co.	8,441
Alma Plantation, Ltd.	9,212
J. Aron & Co., Inc.	13,396
Bulleaud Sugar Factory	8,927
Breaux Bridge Sugar Co-op	9,582
Wm. T. Burton Industries, Inc.	5,905
Caire & Graugnard	5,292
Cajun Sugar Co-op, Inc.	25,280
Caldwell Sugars Co-op, Inc.	13,955
Columbia Sugar Company	8,103
Cora-Texas Manufacturing Co., Inc	10,699
Dugas & LeBlanc, Ltd.	16,503
Duhe & Bourgeois Sugar Co.	9,233
Erath Sugar Co., Ltd.	5,304
Evan Hall Sugar Co-op, Inc.	23,338
Fresco Cane Co., Inc.	2,018
Glenwood Co-op, Inc.	17,262
Helvetia Sugar Co-op, Inc.	12,698
Iberia Sugar Co-op, Inc.	19,734
Lafourche Sugar Co.	17,262
Harry L. Laws & Co., Inc.	14,865
Levert-St. John, Inc.	12,509
Little Texas, Inc.	4,923
Louisa Sugar Co-op, Inc.	10,638
Louisiana State Penitentiary	3,380
Louisiana State University	48
Meeker Sugar Co-op, Inc.	11,815
Milliken & Farwell, Inc.	10,723
M. A. Patout & Son, Ltd.	14,601
Poplar Grove Planting & Refining Co	9,033
Sawgie Industries	16,745
St. James Sugar Co-op, Inc.	23,592
St. Mary Sugar Co-op, Inc.	14,125
South Coast Corp.	69,872
Southdown, Inc.	35,138
Sterling Sugars, Inc.	25,935
J. Supple's Sons Planting Co., Inc.	5,145
Valentine Sugars, Inc.	11,166
Vida Sugars, Inc.	4,289
A. Wilbert's Sons Lumber & Shingle Co.	8,737
Young's Industries, Inc.	5,874
Louisiana Subtotal	555,297
Atlantic Sugar Association	28,402
Florida Sugar Corp.	20,115
Glades County Sugar Growers Co-op Association	38,571
Osceola Farms Co.	48,498
South Puerto Rico Sugar Co., Inc.	67,719
Sugarcane Growers Co-op of Florida	95,345
Talisman Sugar Corp.	37,995
United States Sugar Corp.	202,458
Florida Subtotal	539,103
Unallotted	57,600
Total, all mainland cane	1,152,000

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 through 816.9 of this chapter (33 F.R. 8495).

(c) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other persons, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1969 crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Administrator, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) *Delegation.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of revised or corrected data, (2) the reallocation of any quantity of an allotment released by an allottee, and (3) any change in the Mainland Cane Sugar Area quota.

(Secs. 205, 209, 403, 61 Stat. 926 as amended, 928, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. This docket will become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on March 27, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-3876; Filed, Apr. 2, 1969; 11:05 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Naval Orange Reg. 176]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.476 Navel Orange Regulation 176.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Naval oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Naval Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 1, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 4, 1969, through April 10, 1969, are hereby fixed as follows:

(i) District 1: 924,000 cartons;

(ii) District 2: 276,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4020; Filed, Apr. 2, 1969; 12:06 p.m.]

[Valencia Orange Reg. 269]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.569 Valencia Orange Regulation 269.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 1, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 4, 1969, through April 10, 1969, are hereby fixed as follows:

(i) District 1: 71,498 cartons;

(ii) District 2: 36,430 cartons;

(iii) District 3: 250,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4021; Filed, Apr. 2, 1969; 12:06 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3111 is amended to reflect in Schedule A the abolishment of previously excepted assistants in Regional Offices of the Department. Effective on publication in the FEDERAL REGISTER, subparagraphs (4), (5), and (10) of paragraph (a) of § 213.3111 are revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3889; Filed, Apr. 2, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that seven positions of Legislative Liaison Specialist and four positions of Legislative Research Assistant are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (20) and (21) are added to paragraph (a) of § 213.3311 as set out below.

§ 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* * * *

(20) Seven Legislative Liaison Specialists.

(21) Four Legislative Research Assistants.

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-3888; Filed, Apr. 2, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the positions of one Confidential Assistant to the Deputy Administrator, and of one Special Assistant and one Confidential Assistant to the Associate Administrator for Procurement and Management Assistance are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (i), (j), and (k) are added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(i) One Confidential Assistant to the Deputy Administrator.

(j) One Special Assistant to the Associate Administrator for Procurement and Management Assistance.

(k) One Confidential Assistant to the Associate Administrator for Procurement and Management Assistance.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3890; Filed, Apr. 2, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the positions of one Special Assistant to the Administrator and of one additional Confidential Assistant to the Administrator are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is amended, and subparagraph (7) is added to paragraph (a) of § 213.3337 as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator* * * *

(6) Two Confidential Assistants to the Administrator.

(7) One Special Assistant to the Administrator.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3885; Filed, Apr. 2, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy Assistant Secretary for Equal Opportunity is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (34) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(34) Deputy Assistant Secretary for Equal Opportunity.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3886; Filed, Apr. 2, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Metropolitan Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (11) of paragraph (d) of § 213.3384 is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(11) Two Special Assistants to the Assistant Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–3887; Filed, Apr. 2, 1969; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 214—NONIMMIGRANT CLASSES

The third sentence of paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* is amended to read as follows:

"A separate application must be executed and submitted for each alien seeking an extension of temporary stay; however, regardless of whether they accompanied the applicant to the United States, the minor, unmarried children of any applicant and the spouse of any applicant who is a section 101(a)(15)(F)(i) nonimmigrant may be included in the application of the principal applicant and may be granted the same extension without fee."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

The listing of transportation lines under "At Nassau" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Executive Jet Aviation, Inc."

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

The listing of American institutions of research in § 316a.2 *American institutions of research* is amended by adding the following institution of research in alphabetical sequence: "Louisiana State University."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 214.1(a) confers a benefit upon persons affected thereby and the amendments to §§ 238.4 and 316a.2 add a transportation line and an American institution of research to the listings, respectively.

Dated: March 27, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69–3866; Filed, Apr. 2, 1969; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The present provisions of Part 50 of the Atomic Energy Commission's regulations require the filing of 19 copies of an application for a license for a production or utilization facility (other than a license for export only or an amendment thereto) in addition to three signed originals, except that 40 copies of the safety analysis report are required (§ 50.30(c)).

The Commission has adopted an amendment of § 50.30(c) which changes the number of copies of an application for a license, including amendments to an application, which must be submitted for the different types of facilities. The amendment also requires that updated copies of applications for licenses for power and test reactors be served upon the members and alternates of the atomic safety and licensing board designated to conduct the hearing required by the Atomic Energy Act for the issuance of a construction permit, the Chairman of the Atomic Safety and Licensing Board Panel, the Director, Division of Reactor Licensing, and the Office of the Secretary. An updated copy is also required to be made available at an appropriate office near the site of the proposed facility for inspection by the public and production at the hearing for the use of any other parties to the proceeding. This requirement has been reflected in an amendment to Appendix A of Part 2.

Sections 50.33 and 50.34 have also been amended to provide that information relating to the technical qualifications of the applicant shall be included in the safety analysis report as described in § 50.34 rather than in the general information described in § 50.33. Amendments similar to those described above have also been made to Part 115.

Because these amendments relate to minor, nonsubstantive matters, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedures thereon as unnecessary.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of 10 CFR Parts 2, 50, and 115 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

PART 2—RULES OF PRACTICE

1. The last sentence of section I(a) of Appendix A of 10 CFR Part 2 is amended to read as follows:

I. Preliminary Matters

(a) * * * The notice of hearing also states the procedures whereby persons may seek to intervene or make a limited appearance, explains the differences between those forms of participation in the proceeding, and states the times and places of the availability, in an appropriate office near the site of the proposed facility, of the notice of hearing, an updated copy of the application, the report of the Advisory Committee on Reactor Safeguards, the applicant's summary of the application, and the staff safety analysis.

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

2. Paragraph (c) of § 50.30 of 10 CFR Part 50 is revised to read as follows:

§ 50.30 Filing of applications for licenses; oath or affirmation.

* * * * *

(c) *Number of copies of applications.* (1) Each filing of an application for a license to construct and operate a production or utilization facility (including amendments to such applications) should include, in addition to the three signed originals, the following number of copies:

(i) For an application for a license for a facility described in § 50.21(b) or § 50.22, or a testing facility: 25 copies of that portion of the application containing the information required by § 50.33 (general information) and 70 copies of that portion of the application containing the information required by § 50.34 (safety analysis report);

(ii) For an application for an amendment to a license for a facility described in § 50.21(b) or § 50.22, or a testing facility: 19 copies of that portion of the application containing the information required by § 50.33 (general information) and 40 copies of that portion of the application containing the information required by § 50.34 (safety analysis report);

(iii) For an application for a license for any other facility, or an amendment to a license for such facility: 19 copies of both that portion of the application containing the information required by § 50.33 (general information) and that portion of the application containing the information required by § 50.34 (safety analysis report);

(iv) Application for a license or an amendment to a license authorizing export only: three copies.

(2) With respect to an application for a license described in subdivision (1)(i) of this paragraph, the applicant shall update 10 copies of the application and, upon notification of the appointment of an atomic safety and licensing board to conduct the public hearing required by the Atomic Energy Act for the issuance of a construction permit, serve such updated copies of the application, eliminating all superseded information, together with an index of the updated application, as follows:

(i) Each atomic safety and licensing board member and alternate—one copy.

(ii) Chairman of the Atomic Safety and Licensing Board Panel—one copy.

(iii) Office of the Secretary—one copy.

(iv) Director, Division of Reactor Licensing—two copies.

Any subsequent amendments to the application filed prior to the public hearing shall be served in the same manner. At the time of filing of such an application, one copy shall be made available in an appropriate office near the site of the proposed facility for inspection by the public and updated as amendments to the application prior to the public hearing may be made. This updated copy shall be produced at the public hearing for the use of any other parties to the proceeding. The applicant shall certify that the updated copies of the application contain the current contents of the application submitted in accordance with the requirements of this part. The applicant shall also update and serve copies of the application and make available a copy of such updated application in an appropriate office near the site of the facility for inspection by the public at such time as the Commission may issue a notice of public hearing concerning the issuance of an operating license.

* * * * *

§ 50.33 [Amended]

3. Paragraph (g) of § 50.33 of 10 CFR Part 50 is deleted.

4. New (a)(9) and (b)(7) are added to § 50.34 of 10 CFR Part 50 to read as follows:

§ 50.34 Contents of applications: technical information.

(a) *Preliminary safety analysis report.* * * *

(9) The technical qualifications of the applicant to engage in the proposed activities in accordance with the regulations in this chapter.

(b) *Final safety analysis report.* * * *

(7) The technical qualifications of the applicant to engage in the proposed activities in accordance with the regulations in this chapter.

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

5. Paragraph (c) of § 115.20 of 10 CFR Part 115 is amended to read as follows:

§ 115.20 Application for authorizations.

* * * * *

(c) *Number of copies of applications.* (1) Each filing of any application for an authorization to construct and operate a nuclear reactor (including amendments to such applications) should include, in addition to the three signed originals, 25 copies of that portion of the application containing the information required by § 115.22 (general information) and 70 copies of that portion of the application containing the information required by § 115.23 (safety analysis report). Each application for an amendment to an authorization should include, in addition to the three signed originals, 19 copies of that portion of the application containing the information required by § 115.22 (general information) and 40 copies of that portion of the application containing the information required by § 115.23 (safety analysis report).

(2) The applicant for an authorization to construct and operate a nuclear reactor shall update 10 copies of the application and, upon notification of the appointment of an atomic safety and licensing board to conduct a public hearing on the issuance of a construction authorization, serve such updated copies of the application, eliminating all superseded information, together with an index of the updated application, as follows:

(i) Each atomic safety and licensing board member and alternate—1 copy.

(ii) Chairman of the Atomic Safety and Licensing Board Panel—1 copy.

(iii) Office of the Secretary—1 copy.

(iv) Director, Division of Reactor Licensing—2 copies.

Any subsequent amendments filed prior to the hearing shall be served in the same

manner. At the time of filing the application, one copy shall be made available in an appropriate office near the site of the proposed reactor for inspection by the public and periodically updated as amendments to the application prior to the public hearing on the issuance of the construction authorization are made. This updated copy shall be produced at the public hearing for the use of any other parties to the proceeding. The applicant shall certify that the updated copies of the application contain the current contents of the application submitted in accordance with the requirements of this part. The applicant shall also update and serve copies of the application and make available a copy of such updated application in an appropriate office near the site of the facility for inspection by the public at such time as the Commission may issue a notice of public hearing concerning the issuance of an operating authorization.

6. Paragraph (e) of § 115.23 is deleted.

7. A new paragraph (j) is added to § 115.23 to read as follows:

§ 115.23 Contents of application: technical information safety analysis report.

Each application shall state the following technical information:

* * * * *

(e) [Deleted]

* * * * *

(j) The technical qualifications of the applicant to engage in the proposed activities.

(Secs. 103, 104, 161, 182, 68 Stat. 936, 937, 948, 953; 42 U.S.C. 2133, 2134, 2201, 2232)

Dated at Germantown, Md., this 12th day of March 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-3852; Filed, Apr. 2, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Oxford, Miss., transition area.

The Oxford transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the 257° bearing from the University-Oxford Airport. Since the final approach radial of the NDB (ADF) RWY 9 special instrument approach procedure has been changed from the 257° bearing from the airport to the 276° bearing from the Oxford RBN, it is necessary to alter the description accordingly.

Since this amendment is minor in nature and does not require additional airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Oxford, Miss., transition area is amended to read:

OXFORD, MISS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (lat. 34°23'05" N., long. 89°32'10" W.); within 2 miles each side of the 276° bearing from the Oxford RBN (lat. 34°23'00" N., long. 89°32'30" W.), extending from the 5-mile radius area to 8 miles West of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on March 25, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-3870; Filed, Apr. 2, 1969; 8:46 a.m.]

[Airspace Docket No. 68-SO-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Areas

On January 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 401) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would redescribe, alter, revoke, and designate the controlled airspace within the State of Georgia and its coastal waters by designating the Georgia transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

Section 71.181 (34 F.R. 4637, 3796) is amended as follows:

1. The Georgia transition area is added as follows:

GEORGIA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Georgia including the offshore airspace within 3 nautical miles from the parallel to the shoreline of Georgia and including the additional airspace outside the United States southeast of Savannah bounded by a line beginning at lat. 32°03'25" N., long. 80°46'30" W.; to lat. 32°00'00" N., long. 80°33'00" W.; to lat. 31°30'00" N., long. 80°51'05" W.; to lat. 31°30'00" N., long. 80°47'30" W.; to lat. 31°11'30" N., long. 81°01'10" W.; to lat. 30°44'00" N., long. 81°18'10" W.; to lat. 30°43'05" N., long. 81°21'00" W.; thence north via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, and including the airspace extending upward from 2,000 feet MSL southeast of Brunswick bounded by a line beginning at lat. 31°11'30" N., long 81°01'10" W.; to lat. 30°45'15" N., long. 80°58'50" W.; to lat. 30°44'00" N., long. 81°18'10" W.; thence northeast to point of beginning. Excluding the portion within R-3001, R-3002A, and R-6004.

2. In the Albany, Ga., transition area, all after "* * * within 2 miles each side of the 194° bearing from the Sylvester RBN (latitude 31°33'27" N., long. 83°53'34" W.)," is deleted and "extending from the 5-mile radius area to 8 miles south of the RBN." is substituted therefor.

3. In the Augusta, Ga., transition area, all after "* * * within 2 miles each side of the 346° bearing from the Emory RBN," is deleted and "extending from the Daniel Field 5-mile radius area to 8 miles north of the RBN." is substituted therefor.

4. The Blakely, Ga., transition area is revoked.

5. In the Brunswick, Ga., transition area, all after "* * * extending from the VORTAC to 8 miles southwest of the VORTAC," is deleted and "excluding the portion outside of the continental limits of the United States." is substituted therefor.

6. In the Cordele, Ga., transition area, all after "* * * within 2 miles each side of the Vienna 226° radial" is deleted and "extending from the 9-mile radius area to the VORTAC." is substituted therefor.

7. In the Dublin, Ga., transition area, all after "* * * extending from the 5-mile radius area to the VORTAC." is deleted.

8. In the Eastman, Ga., transition area, all after "* * * Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°07'42" W.)." is deleted.

9. In the Hazlehurst, Ga., transition area, all after "* * * within 2 miles each side of the Alma VORTAC 342° radial" is deleted and "extending from the 5-mile radius area to 18 miles north of the VORTAC." is substituted therefor.

10. In the Macon, Ga., transition area, all after "* * * within 8 miles southeast and 5 miles northwest of the Macon ILS localizer southwest course," is deleted and "extending from the Lewis B. Wilson Airport 10-mile radius area to 12 miles southwest of the OM." is substituted therefor.

11. In the Rome, Ga., transition area, all after "* * * within 2 miles each side of the 165° bearing from the Rome RBN," is deleted and "extending from the 8-mile radius area to 8 miles south of the RBN." is substituted therefor.

12. In the Savannah, Ga., transition area, all after "* * * within 2 miles each side of the Savannah ILS localizer east course," is deleted and "extending from the Savannah Municipal Airport 8-mile radius area to 8 miles east of the INT of the ILS localizer east course and the Savannah VORTAC 179° radial." is substituted therefor.

13. In the Toccoa, Ga., transition area, all after "* * * within 2 miles each side of the 180° and 360° radials of the Toccoa VOR" is deleted and "extending from the 4-mile radius area to 6 miles north of the VOR." is substituted therefor.

14. In the Valdosta, Ga., transition area, all after "* * * within 2 miles each side of the Valdosta VOR 187° radial," is deleted and "extending from the VOR to 8 miles south of the VOR." is substituted therefor.

15. In the Vidalia, Ga., transition area, all after "* * * Vidalia, Ga., RBN (latitude 32°11'48.8" N., longitude 82°22' 16.7" W.)," is deleted and "extending from the 6-mile radius area to 8 miles east of the RBN." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on March 26, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3871; Filed, Apr. 2, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1499]

PART 13—PROHIBITED TRADE PRACTICES

Consumers Food, Inc., and George Sharkey

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-100 Usual as reduced, special, etc.; § 13.230 *Size or weight.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1743 *Size or weight;* Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Consumers Food, Inc., et al., Washington, D.C., Docket C-1499, Feb. 25, 1969]

In the Matter of Consumers Food, Inc., a Corporation, and George Sharkey, Individually and as an Officer of said Corporation

Consent order requiring a Washington, D.C., distributor of freezers and food to cease using false pricing and savings claims and failing to disclose that its sales contracts may be sold to a finance company.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Part I. *It is ordered,* That respondents Consumers Food, Inc., a corporation, and its officers, and George Sharkey, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of freezers, freezer food plans, food or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of terms such as "Anniversary Sale Special" or in any other manner, that any price is a special or reduced price unless such price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities or offered for sale in good faith for a reasonably substantial period of time, by respondents in the recent, regular course of their business.

2. Falsely representing, in any manner, that savings are available to purchasers of prospective purchasers of respondents' merchandise, or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

3. Representing, directly or by implication, in any manner, that the price per pound of meat is a net weight price when in fact the price per pound of meat is based on the weight of the meat before trimming.

4. Failing to clearly and conspicuously disclose, in the body of any advertisement for meat that is to be sold by gross weight, the average percentage of weight loss that results from trimming.

5. Representing, directly or by implication, that purchasers of respondents' freezer food plan can buy their usual food requirements and a freezer for the same or a lesser amount of money than they have been paying for said food requirements alone.

6. Representing, directly or by implication, that food prices charged by respondents are significantly lower than the prices which they have been paying.

7. Representing, directly or by implication, that purchasers cannot buy food under respondents' food plan unless a freezer is purchased from respondents.

8. Failing to disclose orally, prior to the time of sale, and in writing with such conspicuousness and clarity as is likely to be observed and read by such purchaser:

A. On any conditional sale contract, and

B. On a separate document presented to a purchaser of respondents' merchandise concurrent with the execution of any promissory note or other instrument of indebtedness executed by such purchaser,

that such conditional sale contract, promissory note or other instrument of indebtedness, at respondents' option and without notice to the purchaser, may be discounted, negotiated or assigned to a finance company or other third party to whom the purchaser will thereafter be indebted and against whom the purchaser's claims or defenses may not be available.

Part II. *It is further ordered,* That respondents Consumers Food, Inc., a corporation, and its officers, and George Sharkey, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of food, or any purchasing plan involving food, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1 through 7 of Part I of this order.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any food or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in paragraphs 1 through 7 of this order.

Part III. *It is further ordered,* That respondents Consumers Food, Inc., a corporation, and its officers, and George Sharkey, individually and as an officer of said corporation, do forthwith deliver a copy of this order to cease and desist to each of its operating divisions and to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 25, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-3860; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. C-1498]

PART 13—PROHIBITED TRADE PRACTICES

M. Levy Co. Inc. of Shreveport, et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary. Subpart—Invoicing products falsely:

§ 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, M. Levy Co. Inc. of Shreveport, et al., Shreveport, La., Docket C–1498, Feb. 20, 1969]

In the Matter of M. Levy Co. Inc. of Shreveport, a Corporation, Trading as M. Levy, and Albert N. Elmer, Individually and as an Officer of Said Corporation

Consent order requiring a Shreveport, La., retailer of ready-to-wear garments for men, women, children, and infants to cease falsely advertising and invoicing its fur products and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents M. Levy Co. Inc. of Shreveport, a corporation, and its officers, trading as M. Levy or any other name, and Albert N. Elmer, individually and as an officer of said corporation, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

B. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Represents, directly or by implication, that any price, whether accompanied or not by descriptive terminology is the respondents' former price of such fur product unless such price is the price at which such fur product has been sold or offered for sale in good faith by the respondents in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondents.

2. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

3. Falsely or deceptively represents that the price of any such fur product is reduced.

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

C. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations under the Fur Products Labeling Act are based.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 20, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–3861; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. C–1500]

PART 13—PROHIBITED TRADE PRACTICES

Mrs. E. J. Wahlie and Wahlie's Floret and Gift Shop

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mrs. E. J. Wahlie trading as Wahlie's Floret and Gift Shop, Lima, Ohio, Docket C–1500, Feb. 25, 1969]

In the Matter of Mrs. E. J. Wahlie, an Individual Trading as Wahlie's Floret and Gift Shop

Consent order requiring a Lima, Ohio, operator of a gift shop to cease marketing dangerously flammable fabric including wood fiber chips.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent, Mrs. E. J. Wahlie, individually and trading as Wahlie's Floret and Gift Shop, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric as "commerce" and "fabric" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondent herein shall within ten (10) days after service upon her of this order, file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric which gave rise to the complaint, (1) the amount of such fabric in inventory, (2) any action taken to notify customers of the flammability of such fabric and the results thereof and (3) any disposition of such fabric since August 2, 1968. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or made of cotton or rayon or combinations thereof with a raised fiber surface fabric. Respondent will submit samples of any such fabric, product or related material with this report.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon her of this order, file with the Commission a report, in writing, setting forth in detail the manner and form of her compliance with this order.

Issued: February 25, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–3862; Filed, Apr. 2, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N-(Mercaptomethyl)Phthalimide *S*-(*O*,*O*-Dimethyl Phosphorodithioate)

A petition (8F0699) was filed with the Food and Drug Administration by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances for residues of the insecticide *N*-(mercaptomethyl)-phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) in on on the raw agricultural commodities: Alfalfa at 40 parts per million; apples, peaches, and pears at 10 parts per million; and meat and fat of meat of cattle, goats, hogs, and sheep at 0.2 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

The Commissioner of Food and Drugs referred the petition to an advisory committee, as provided by section 408 (d) and (g) of the Federal Food, Drug, and Cosmetic Act, with the request that it make a report and recommendation thereon. The advisory committee unanimously recommended that the tolerances be established as proposed.

Based on consideration given the data submitted in the petition, the report and recommendations of the advisory committee, and other relevant material, the Commissioner concludes that:

1. The tolerances established by this order will protect the public health.

2. The insecticide and its oxygen analog should be added to the list of members of the class of cholinesterase-inhibiting pesticides.

3. Tolerances regarding milk, eggs, or poultry are unnecesary since the proposed usage is not reasonably expected to result in residues of the insecticide in these commodities. The usage is classified in the category specified in § 120.6(a)(3).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides two new items, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * * *

(e) * * *

(5) * * *

N-(Mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate).

N-(Mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorothioate).

* * * * * *

2. The following new section is added to Subpart C:

§ 120.261 *N*-(Mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.

Tolerances are established for the cholinesterase-inhibiting residues of the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*,-dimethyl phosphorothioate) in or on raw agricultural commodities as follows:

40 parts per million in or on alfalfa.

10 parts per million in or on apples, peaches, and pears.

0.2 part per million in meat and fat of meat of cattle, goats, hogs, and sheep.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 26, 1969.

HERBERT L. LEY, JR., *Commissioner of Food and Drugs.*

[F.R. Doc. 69–3864; Filed, Apr. 2, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Surfactants

In response to the notice published in the FEDERAL REGISTER of June 18, 1968 (33 F.R. 8847), proposing that § 120.1001 (c) and (d) be amended to exempt certain surfactants and related adjuvants from the requirement of a tolerance when used in pesticide formulations, individuals and organizations submitted 35 comments. No requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act. The comments questioned the need for petitions, fees, and data. Some referred to toxicity data on certain surfactants previously presented for other purposes as a basis for exemption when used in pesticide formulations.

The U.S. Department of Agriculture has reported that the surfactants and related adjuvants in this order are useful in pesticide formulations.

Having considered the comments received and other relevant information, the Commissioner of Food and Drugs concludes that the proposal should be adopted as set forth below. Some of the proposed items have been changed and/or regrouped and one new item, guar gum, has been added.

Requests to add other surfactants and related adjuvants to § 120.1001 should be presented as petitions submitted in accordance with § 120.7 and should be accompanied by a deposit for fees as prescribed by § 120.33.

In general the minimum toxicity data requirement shall be 90-day subacute oral feeding studies in two mammalian species (preferably the rat and the dog) for listing in § 121.1001(d) and 2-year chronic oral feeding studies in two mammalian species (preferably the rat and the dog) for listing in § 120.1001(c). Residue data and toxicity data requirements will vary with the toxicity of the ingredient. On request, scientists of the Food and Drug Administration will furnish information on data requirements for petitions on specific compounds. No petition is necessary, however, if upon written request and without the presentation of new toxicity data the Commissioner can conclude that a certain inert ingredient that has been shown to be useful in pesticide formulations is generally recognized as safe for the purpose.

Surfactants and other adjuvants that are active or inert ingredients used in pesticide chemical formulations should have clearance by December 31, 1969, unless evidence is presented to show that enough progress has been made in the investigation to warrant the conclusion that continued use would be without undue hazard to the public health. In no event should use without clearance be continued beyond December 31, 1970.

Section 121.102 *Adjuvants for pesticide chemicals* of the food additive regulations (21 CFR 121.102) exempts substances listed in § 120.1001 (c) and (d) from the requirement of a food additive tolerance under section 409 of the act for use as adjuvants added to pesticides by growers or applicators prior to application to the raw agricultural commodity. Accordingly, the substances shown below are exempted from such a food additive tolerance.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.1001 is amended by alphabetically inserting in paragraphs (c) and (d) new items, as follows:

§ 120.1001 Exemptions from the requirement of a tolerance.

* * * * * *

Inert ingredients	Limits	Uses
• • •	• • •	• • •
α-cis-9-Octadecenyl-*omega*-hydroxypoly(oxyethylene); the octadecenyl group is derived from oleyl alcohol and the poly(oxyethylene) content averages 20 moles.		Do.
Oleic acid diester of α-hydro-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) has an average molecular weight 400.		Do.
β-Pinene polymers	• • •	• • •
Polyglyceryl phthalate ester of coconut oil fatty acids		Surfactants related adjuvants, of surfactants.
Poly(oxypropylene) block polymer with poly(oxyethylene); molecular weight 1,800–9,000.		Do.
Poly (vinylpyrrolidone); molecular weight 40,000 or over		Do.
• • •	• • •	• • •
Rosin, partially dimerized (as defined in § 121.1069)		Surfactants, related adjuvants of surfactants.
Rosin, partially hydrogenated (as defined in § 121.1069)		Do.
Rosin, wood		Do.
• • •	• • •	• • •
Sodium carboxymethylcellulose		Surfactants, related adjuvants of surfactants.
Sodium cetyl sulfate		Do.
Sodium dioctylsulfosuccinate		Do.
Sodium dodecylphenoxybenzenedisulfonate		Do.
• • •	• • •	• • •
Sodium *N*-lauroyl-*N*-methyltaurine		Surfactants, related adjuvants of surfactants.
Sodium lauryl glyceryl ether sulfonate		Do.
Sodium octyl sulfate		Do.
Sodium *N*-oleoyl-*N*-methyltaurine		Do.
Sodium oleyl sulfate		Do.
Sodium *N*-palmitoyl-*N*-methyltaurine		Do.
• • •	• • •	• • •
Sodium salt of sulfated oleic acid		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Sorbitan fatty acid esters (fatty acids limited to C_{12}, C_{14}, C_{16} and C_{18} containing minor amounts of associated fatty acids) and their poly(oxyethylene) derivatives; the poly(oxyethylene) content averages 20 moles.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
α-Stearoyl-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) content averages either 8 moles or 40 moles; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be either 8 or 40.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Tall oil: fatty acids not less than 58 percent, rosin acids not more than 44 percent, unsaponifiables not more than 8 percent		Surfactants, related adjuvants of surfactants.
α-[*p*-(1,1,3,3-Tetramethylbutyl)phenyl-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of *p*-(1,1,3,3-tetramethylbutyl) phenol with an average of 4–14 or 30–70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 4–14 or 30–70.		Do.
• • •	• • •	• • •
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding sodium salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 6–10 moles.		Do;
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene)sulfate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4 moles.		Do.

(c) • • •

(d) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
N,N-Bis(2-hydroxyethyl)alkylamine, where the alkyl groups (C_{16}-C_{18}) are derived from tallow.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
α-(Di-*sec*-butyl)phenyl-poly(oxypropylene) block polymer with poly (oxyethylene); the poly(oxypropylene) content averages 4 moles, the poly(oxyethylene) content averages 5 moles, the molecular weight averages 600.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
α-Dodecyl-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters; the poly(oxyethylene) content averages 4–4.5 moles.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Ethyl methacrylate		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Methyl methacrylate		Surfactants, related adjuvants of surfactants.
Mono-, di-, and triethanolamine salts and dimethylaminopropylamine salt of alkyl (C_8-C_{18}) benzenesulfonic acid.		Do.
Morpholine salt of dodecylbenzenesulfonic acid		Do.
Naphthalenesulfonic acid-formaldehyde condensate and its sodium salt		Do.
• • •	• • •	• • •
Polyoxyethylated-sorbitol fatty acid esters; the polyoxyethylated sorbitol solution containing 15 percent water is reacted with fatty acids limited to C_{12}, C_{14}, C_{16}, and C_{18} containing minor amounts of associated fatty acids; the poly(oxyethylene) content averages 20 moles.		Surfactants, related adjuvants of surfactants.
Sodium butyl naphthalenesulfonate		Do.
Sodium mono- and dimethylnaphthalenesulfonate; molecular weight 245–260.		Do.
Sodium mono- di-, and trilsopropylnaphthalenesulfonate		Do.
Sodium salt of partially or completely saponified dark wood rosin (as defined in § 121.2562(a)(1)(v)).		Do.
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate		Do.
• • •	• • •	• • •
α-Tridecyl-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters; the poly(oxyethylene) content averages 5.5–10 moles.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e))

Dated: March 24, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3712; Filed, Apr. 2, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

1,2-DIHYDRO-2,2,4-TRIMETHYLQUINOLINE, POLYMERIZED; DELETION

Two comments were received expressing objections to an order published in the FEDERAL REGISTER of April 7, 1967 (32 F.R. 5675), which amended the food additive regulations (21 CFR 121.2520, 121.2526, 121.2562, 121.2571) by deleting provision for use of 1,2-dihydro-2,2,4-trimethylquinoline, polymerized, as a component of food-contact articles. The deletions were based upon newly received information (that is, an article published in "Toxicology and Applied Pharmacology," 9:583–596 (1966)) reporting that the substance induces cancer when ingested by test animals.

In comments submitted in support of these objections, one of the five authors of the above-referenced article expressed the opinion that the information discussed in the article did not support the authors' published conclusion that the substance is a carcinogen. This author acknowledged unexplained discrepancies between the incidence of lymphoma (number of animals with lymphoma divided by the total number examined) stated in the published article and the incidence of lymphoma stated in the unpublished report of the study of rats maintained for 2 years on diets containing 0, 0.01, 0.1, or 1.5 percent of polymerized 1,2-dihydro-2,2,4-trimethylquinoline. The incidence of lymphoma for rats fed 0 percent of this substance and those fed dietary levels of 0.01, 0.1 and 1.5 percent, respectively, were 2/23, 1/20, 3/23, and 6/18 according to the unpublished report of the feeding study rather than 1/9, 1/10, 3/15, and 8/8 as stated in the published article.

The Commissioner of Food and Drugs has evaluated these comments and concludes that:

1. The available data do not permit a finding that the subject substance has been demonstrated to be a carcinogen; however, it should be considered to be at least a "probable carcinogen."

2. The available data fail to establish that the previously permitted uses of the food additive are safe.

3. The previous authority for the food additive use of this substance should not be reinstated.

4. The food additive regulations should be amended to delete provision for use of trimethyl dihydroquinoline, polymerized, as a component of food-contact articles since this nomenclature would include 1,2-dihydro-2,2,4-trimethylquinoline, polymerized.

Therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520 *Adhesives* is amended by deleting the item "Trimethyl dihydroquinoline, polymerized" from the list of substances in paragraph (c)(5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended, 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a))

Dated: March 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3863; Filed, Apr. 2, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 138—DRUGS; OFFICIAL NAMES

New Names

In the FEDERAL REGISTER of September 27, 1968 (33 F.R. 14547), a notice was published proposing that § 138.2 be amended by adding certain additional items to the list therein as official names for drugs.

Having considered the comments received in response to the proposal and other relevant information, the Commissioner of Food and Drugs concludes that:

1. The proposed names "dextran 70" and "furazosin" should not be adopted at this time pending further study.

Official name	Chemical name or description	Molecular formula
Methoxyflurane	2,2-Dichloro-1,1-difluoroethyl methyl ether	$C_3H_4Cl_2F_2O$
• • •	• • •	• • •
Metoserpate	Methyl 11,17α,18α-trimethoxy-3β,20α-yohimban-16β-carboxylate	$C_{24}H_{32}N_2O_5$
Metronidazole	2-Methyl-5-nitroimidazole-1-ethanol	$C_6H_9N_3O_3$
Miamserin	1,2,3,4,10,14b-Hexahydro-2-methyldibenzo[c,f]pyrazino[1,2-a] azepine.	$C_{19}H_{20}N_2$
• • •	• • •	• • •
Mitotane	1,1-Dichloro-2-(o-chlorophenyl)-2-(p-chlorophenyl)ethane	$C_{14}H_{10}Cl_4$
• • •	• • •	• • •
Nalidixic acid	1-Ethyl-1,4-dihydro-7-methyl-4-oxo-1,8-naphthyridine-3-carboxylic acid.	$C_{12}H_{12}N_2O_3$
• • •	• • •	• • •
Nandrolone	17β-Hydroxyestr-4-en-3-one	$C_{18}H_{28}O_2$
• • •	• • •	• • •
Niridazole	1-(5-Nitro-2-thiazolyl)-2-imidazolidinone	$C_6H_6N_4O_3S$
• • •	• • •	• • •
Nortriptyline	10,11-Dihydro-N-methyl-5H-dibenzo[a,d]cycloheptene-Δ5,γ-propylamine.	$C_{19}H_{21}N$
• • •	• • •	• • •
Opipramol	4-[3-(5H-dibenz[b,f]azepin-5-yl)propyl]-1-piperazineethanol	$C_{23}H_{29}N_3O$
• • •	• • •	• • •
Panthenol	2,4-Dihydroxy-N-(3-hydroxypropyl)-3,3-dimethylbutyramide; pantothenyl alcohol.	$C_9H_{19}NO_4$
• • •	• • •	• • •
Pargyline	N-Methyl-N-2-propynylbenzylamine	$C_{11}H_{13}N$
• • •	• • •	• • •
Pentazocine	1,2,3,4,5,6-Hexahydro-cis-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol.	$C_{19}H_{27}NO$
• • •	• • •	• • •
Poncuronium	1,1'-(3α,17β-Dihydroxy-5α-androstan-2β,16β-ylene)bis[1-methylpiperidinium]diacetate.	$C_{34}H_{56}N_2O_4$
• • •	• • •	• • •
Propranolol	1-(Isopropylamino)-3-(1-naphthyloxy)-2-propanol	$C_{16}H_{21}NO_2$
• • •	• • •	• • •
Thioridazine	10-[2-(1-Methyl-2-piperidyl)ethyl]-2-(methylthio)phenothiazine	$C_{21}H_{26}N_2S_2$
• • •	• • •	• • •
Tolasamide	1-(Hexahydro-1H-azepin-1-yl)-3-(p-tolylsulfonyl)urea	$C_{14}H_{21}N_3O_3S$
• • •	• • •	• • •
Tromethamine	2-Amino-2-(hydroxymethyl)-1,3-propanediol	$C_4H_{11}NO_3$

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Sec. 508, 76 Stat. 1789; 21 U.S.C. 358)

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3713; Filed, Apr. 2, 1969; 8:45 a.m.]

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

PART 148v—CANDICIDIN

Candicidin, Candicidin Vaginal Tablets, Candicidin Vaginal Ointment

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the antibiotic drug regulations are amended as follows to provide for certification of the subject antibiotic drugs:

1. Section 145.2 is amended by adding to paragraph (a) a new subparagraph, as follows:

§ 145.2 Definitions of antibiotic substances.

(a) • • •

(30) *Candicidin.* Each of the heptane antibiotic substances produced by the growth of *Streptomyces griseus* and each of the same substances produced by any other means is a kind of candicidin.

• • • • • •

2. Section 145.3 is amended by adding to paragraphs (a) and (b) a new subparagraph each, as follows:

§ 145.3 Definitions of master and working standards.

(a) • • •

(32) *Candicidin.* The term "candicidin master standard" means a specific lot of candicidin that is designated by the Commissioner as the standard of comparison in determining the potency of the candicidin working standard.

• • • • • •

(b) • • •

(32) *Candicidin.* The term "candicidin working standard" means a specific lot of a homogeneous preparation of candicidin.

• • • • • •

3. Section 145.4 is amended by adding to paragraph (b) a new subparagraph, as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(b) • • •

(33) *Candicidin.* The term "microgram" applied to candicidin means the candicidin activity (potency) contained in 1.0 microgram of the candicidin master standard when dried for 3 hours at 40° C. and a pressure of 5 millimeters or less.

• • • • • •

4. The following new Part 148v is added to Title 21, Chapter I:

Sec.
148v.1 Candicidin.
148v.2 Candicidin vaginal tablets.
148v.3 Candicidin vaginal ointment.

AUTHORITY: The provisions of this Part 148v issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148v.1 Candicidin.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Candicidin is a brown to yellow powder. It is sparingly soluble in water; very slightly soluble in ethyl alcohol, butyl alcohol, and acetone. It is so purified and dried that:

(i) Its potency is not less than 1,000 micrograms of candicidin per milligram on an anhydrous basis.

(ii) Its moisture content is not more than 4 percent.

(iii) Its pH is not less that 8.0 nor more than 10.0 in a 1 percent aqueous suspension.

(iv) It exhibits absorption maxima within ±3 mμ at wavelengths of 342, 359, 378, and 397 mμ and absorption minima within ±3 mμ at wavelengths of 348, 366, and 390 mμ.

Its ultraviolet absorption spectrum is characteristic of a conjugated heptaene.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, moisture, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(4) *Fees.* $4 for each package in the samples submitted in accordance with subparagraph (3) (ii) of this paragraph.

(b) *Tests and methods of assay—(1) Potency—(i) Culture media.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F., if the articles are so recognized.

(*a*) Make nutrient agar for carrying the test organism as follows:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distiller water, q.s. pH 6.5–6.6 after sterilization	1,000.0 ml.

(*b*) Make nutrient broth for preparing an inoculum of the test organism as follows:

Peptone	10 gm.
Dextrose	20 gm.
Distilled water, q.s. pH 5.6–5.7 after sterilization	1,000 ml.

In lieu of preparing the media from the individual ingredients specified in this subdivision, they may be made from a dehydrated mixture that, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the individual ingredients specified in this subdivision are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(ii) *Preparation of the inoculated broth.* The test organism is *Saccharomyces cerevisiae* (ATCC[a] 9763) which is maintained on slants of nutrient agar, prepared as described in subdivision (i) (*a*) of this subparagraph, and transferred once a month. After transfer, the culture is incubated at 37° C. for 24 hours and then stored under refrigeration. Using 3 milliliters of sterile U.S.P. saline T.S. wash the overnight growth from a freshly inoculated slant onto a large nutrient agar surface such as that provided by a Roux bottle containing 300 milliliters of the nutrient agar. Spread the suspension of the organism evenly over the entire nutrient agar surface with the aid of sterile glass beads, and incubate for 24 hours at 37° C. Suspend the resulting growth from the nutrient agar surface with 30 milliliters of sterile U.S.P. saline T.S. The suspension may be used for 1 month if kept under refrigeration. Prepare the daily inoculated broth by adding an appropriate aliquot of the suspension (usually 0.1 to 0.3 milliliter per each 100 milliliters of nutrient broth) to the nutrient broth prepared as described in subdivision (i) (*b*) of this subparagraph.

(iii) *Preparation of working standard solutions.* Use sterile equipment for all stages of this assay. Dry an appropriate amount of the working standard for 3 hours at 40° C. and a pressure of 5 millimeters or less. Accurately weigh a portion of the dried standard and dissolve in sufficient dimethylsulfoxide to give a stock solution of 1,000 micrograms of candicidin per milliliter. The stock solution should be prepared simultaneously with the samples to be tested and should be used for 1 day only. Prepare the daily standard curve by diluting the stock solution in sterile distilled water to the following final concentrations: 0.03, 0.043, 0.06, 0.085, 0.12 microgram of candicidin per milliliter. The 0.06 microgram per milliliter concentration is the reference concentration. Add 1 milliliter of each final concentration to each of four sterile test tubes having outside dimensions of 16 millimeters x 125 millimeters.

(iv) *Preparation of the sample solution.* Dissolve a portion of the sample in sufficient dimethylsulfoxide to yield an estimated concentration of 1,000 micrograms of candicidin per milliliter. Further dilute an aliquot in sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter. Add 1 milliliter of this sample solution to each of four sterile test tubes having outside dimensions of 16 millimeters x 125 millimeters.

(v) *Procedure.* Add 9 milliliters of the inoculated broth prepared as directed in subdivision (ii) of this subparagraph to each tube containing sample and standard solutions and incubate at 25° C. for 16–18 hours. Keep the tubes covered. After incubation, add 0.5 milliliter of 12 percent formaldehyde to each tube. Using a suitable photoelectric colorimeter at the wavelength of 530 mμ, set the instrument at zero absorption with clear, uninoculated broth prepared as described in subdivision (i) (*b*) of this subparagraph. Determine the absorption value for each sample and standard tube.

(vi) *Estimation of potency.* Plot the standard response line on semilogarithmic graph paper with absorption values on the arithmetic scale and concentrations on the logarithmic scale. Draw the straight line of best fit through the points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L = Calculated absorption value for the lowest concentration of the standard curve.

H = Calculated absorption value for the highest concentration of the standard curve.

a, b, c, d, e = Average absorption value for the 0.03, 0.043, 0.06, 0.085, 0.12 microgram per milliliter concentrations of the standard curve, respectively.

Plot the values obtained for *L* and *H* and connect with a straight line. Using the average absorption value for each sample solution, determine the concentration of the sample solution from the standard response line. Multiply the concentration by the appropriate dilution factor to determine the content of candicidin in the sample.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(3) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a 1 percent aqueous suspension.

(4) *Identity*—(i) *Preparation of aqueous alcohol solution.* Prepare an aqueous alcohol solution by mixing 53 volumes of ethyl alcohol and 47 volumes of water.

(ii) *Preparation of the sample solution.* Triturate 10 milligrams of the candicidin sample with a few drops of the aqueous alcohol solution or dissolve 10 milligrams in 5 milliliters of dimethylsulfoxide. Transfer the solution to a 100-milliliter volumetric flask and bring to volume with the aqueous alcohol solution. Transfer a 25-milliliter aliquot to a 100-milliliter volumetric flask and bring to volume with the aqueous alcohol solution.

(iii) *Procedure.* Using a suitable recording spectrophotometer, determine the absorption between the wavelengths of 340 mμ and 400 mμ of the 25 micrograms of candicidin per milliliter solution in a 1-centimeter silica cell with a blank of the aqueous alcohol solution or if dimethylsulfoxide was used, a dimethylsulfoxide-aqueous alcohol blank.

§ 148v.2 Candicidin vaginal tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal tablets are tablets composed of candicidin with suitable binders, diluents, and lubricants. Each tablet contains 3 milligrams of candicidin. The tablets shall disintegrate within 30 minutes. The moisture content is not more than 1 percent. The candicidin used in making the batch conforms to the standards of § 148v.1 (a)(1). Each other substance used in making the batch, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* The drug shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The candicidin used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) *Samples required.* (*a*) The candicidin used in making the batch: 10 packages each consisting of approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except disintegration time: A minimum of 50 tablets.

(*2*) For disintegration time: six tablets.

(*c*) In case of an initial request for certification, each other substance used in making the batch: One package of each, containing approximately 5 grams.

(4) *Fees.* $4.00 for each package in the samples submitted in accordance with the requirements of subparagraph (3) (ii) (*a*) and (*c*) of this paragraph; $.75 for each tablet in the sample submitted in accordance with subparagraph (3) (ii) (*b*) (*1*) of this paragraph; $3.00 for all tablets in the sample submitted in accordance with subparagraph (3) (ii) (*b*) (*2*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Weigh a pool of five tablets and grind in a mortar to a very fine powder. Suspend an accurately weighed aliquot (of approximately 2 grams) in 10 milliliters of dimethylsulfoxide. Centrifuge for 5 minutes at 20,000 revolutions per minute. Carefully decant the supernatant solution into a sterile 250-milliliter volumetric flask. Wash the residue three times with 5-milliliter portions of dimethylsulfoxide, centrifuging each time. Add the washes to the 250-milliliter volumetric flask and fill to volume with sterile distilled water. Using sterile distilled water, further dilute to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated). Proceed as directed in § 148v.1(b)(1). The candicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of candicidin that it is represented to contain.

(2) *Disintegration time.* Proceed as directed in the U.S.P. using sterile distilled water as the immersion fluid.

(3) *Moisture content.* Proceed as directed in § 141a.5(a) of this chapter.

§ 148v.3 Candicidin vaginal ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal ointment is composed of candicidin and a suitable ointment base. It contains 0.6 milligram of candicidin per gram. Its moisture content is not more than 0.1 percent. The candicidin used conforms to the requirements of § 148v.1(a)(1). Each other substance used in making the batch, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The candicidin used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The candicidin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(*c*) In case of an initial request for certification, each other substance used in making the batch. One package of each, containing approximately 5 grams.

(4) *Fees.* $4 for each package or immediate container in the sample submitted in accordance with subparagraph (3) (ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Accurately weigh approximately 3 grams of the ointment into a 50-milliliter centrifuge tube. Dissolve the ointment in 30 milliliters of *n*-hexane by warming the centrifuge tube with hot water. Centrifuge for 15 minutes at 20,000 revolutions per minute. Carefully decant the supernatant, leaving all sediment in the tube. Repeat the suspending and centrifuging operation three times or until all the ointment base is washed out. After the final wash, evaporate off the *n*-hexane by air evaporation. Dissolve the sediment in 10 milliliters of dimethylsulfoxide, quantitatively transfer to a sterile 200-milliliter volumetric flask, and fill to volume with sterile distilled water. Further dilute with sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated). Proceed as directed in § 148v.1(b)(1). The candicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of candicidin that it is represented to contain.

(2) *Moisture content.* Proceed as directed in § 141a.8(b) of this chapter.

Since the manufacturer has presented data establishing the safety and efficacy of the subject antibiotic drugs and since it is in the public interest not to delay in providing for their certification, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 25, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3865; Filed, Apr. 2, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 76]

HOG CHOLERA

Interstate Movement of Vaccines and Swine Treated With Such Vaccines; Notice Regarding Proposed Amendments and of Hearing Thereon

On November 20, 1968, there was published in the FEDERAL REGISTER (33 F.R. 17180) a notice with respect to proposed amendments of Part 76, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, relating to the interstate movement of hog cholera vaccines and swine treated with such vaccines.

I. Certain of the proposed amendments included effective dates with respect to various provisions. Notice is hereby given that a proposal that such dates be modified as indicated below is being considered:

1. In proposed paragraph (e) of § 76.1, the date "September 1, 1969" would be changed to "December 1, 1969," and in proposed paragraph (x) of said section the dates "March 1, 1969" and "August 31, 1969" would be changed to "June 1, 1969" and "November 30, 1969," respectively;

2. In proposed § 76.4, the date "March 1, 1969" would be changed to "June 1, 1969";

3. In paragraphs (c), (d), (e), and (f) of proposed § 76.5, the date "March 1, 1969" would be changed to "June 1, 1969," and the date "September 1, 1969" would be changed to "December 1, 1969";

4. In subparagraph (2) of paragraph (a) of proposed § 76.9, the date "September 1, 1969" would be changed to "December 1, 1969," and in subparagraph (1) of paragraph (b) of proposed § 76.9, the date "September 1, 1969" would be changed to "December 1, 1969," and the date "March 1, 1969" would be changed to "June 1, 1969";

5. In the proposed amendments of § 76.10, the dates "March 1, 1969" and "September 1, 1969," wherever they appear therein, would be changed to "June 1, 1969" and "December 1, 1969," respectively; and

6. In the proposed amendment of paragraph (b) of § 76.16, the date "September 1, 1969" would be changed to "December 1, 1969," and in the proposed amendment of paragraph (c) of said section, the date "February 28, 1969" would be changed to "May 31, 1969."

The proposed amendments would affect the interstate movement of hog cholera vaccines and of swine vaccinated with such vaccines. They would not affect present requirements concerning the interstate movement or use of anti-hog-cholera serum or hog cholera antibody concentrate. Information available to the Department indicates that the current inventory of such products is approximately 70 million cc's (4½ to 5 million doses). The proposed amendments contain provisions for the shipment of hog cholera vaccines for exportation from the United States. The volume of production for export purposes is estimated, on the basis of currently available information, to be in excess of 5 million doses per year. Provision is also made in the proposed amendments for the interstate shipment of vaccines for research purposes and biologics production.

II. Consideration is also being given to making all provisions of the proposed amendments of the regulations, other than those referred to in Part I of this document, if adopted, effective on June 1, 1969.

III. Notice is further given that an oral public hearing will be held beginning at 10 a.m., e.s.t., on April 15, 1969, in Room 2096 of the South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C., at which time all interested persons will be given an opportunity to express their views with respect to the proposed amendments of the regulations published in the FEDERAL REGISTER on November 20, 1968, as amended by the proposals set forth above in this document. The hearing will be open to the public and a stenographic transcript will be made of the hearing. The presiding officer at the hearing will be a hearing examiner from the Office of Hearing Examiners of the Department designated for that purpose.

Any person who wishes to submit written data, views, or arguments on such proposals, in addition to or in lieu of oral presentation at the hearing, may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before April 18, 1969. All written submissions made pursuant to this notice and the notice published in the FEDERAL REGISTER on November 20, 1968, and the transcript of the above hearing, will be available for public inspection in the office of said Director, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

All relevant data, views, and arguments presented at the hearing and submitted in writing, and any other information in the possession of the Department will be evaluated, and a determination made as to what action should be taken with respect to such proposals.

Done at Washington, D.C., this 1st day of April 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-3954; Filed, Apr. 2, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards; Rubella Virus Vaccine, Live

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity and potency for Rubella Virus Vaccine, Live. The proposed standards limit the manufacture of rubella vaccine in duck embryo or canine renal cell cultures. When sufficient evidence is available which demonstrates that other cell culture systems capable of producing rubella vaccine meet the same or equivalent standards for safety, purity and potency as those proposed by these additional standards, these standards will be amended to permit the use of such other cell systems.

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendment that is adopted effective on the date of publication in the FEDERAL REGISTER.

1. Add to the table of contents in numerical order, the following:

ADDITIONAL STANDARDS: RUBELLA VIRUS VACCINE, LIVE

Sec.	
73.190	The product.
73.191	Production.
73.192	Test for safety.
73.193	Potency test.
73.194	General requirements.
73.195	Clinical trials to qualify for license.
73.196	Equivalent methods.

§ 73.74 [Amended]

2. Amend § 73.74(a)(2) by inserting "Rubella Virus Vaccine, Live" after "Measles Virus Vaccine, Live, Attenuated".

§ 73.86 [Amended]

3. Amend § 73.86 by inserting after "Rocky Mountain Spotted Fever Vaccine—18 months (5° C., 1 year.)" the following:

Rubella Virus Vaccine, Live—1 year. § 73.84 does not apply.

4. Add to Part 73 the following:

ADDITIONAL STANDARDS: RUBELLA VIRUS VACCINE, LIVE

§ 73.190 The product.

(a) *Proper name and definition.* The proper name of this product shall be Rubella Virus Vaccine, Live, which shall consist of a preparation of live, attenuated rubella virus.

(b) *Criteria for acceptable strains of attenuated rubella virus.* Strains of attenuated rubella virus used in the manufacture of vaccine shall be identified by (1) historical records including origin and manipulation during attenuation and (2) antigenic specificity as rubella virus as demonstrated by tissue culture neutralization tests.

(c) *Extraneous agents.* Seed virus used for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

(d) *Field studies with experimental vaccines.* (1) Strains used for the manufacture of Rubella Virus Vaccine, Live, shall have been shown in field studies with experimental vaccines to be safe and potent in the group of individuals inoculated, which must include at least 10,000 susceptible individuals. Susceptibility shall be shown by the absence of neutralizing or hemagglutination-inhibiting antibodies against rubella virus or by other appropriate methods.

(2) The virus strain used in the field studies shall be propagated in the same cell culture system that will be used in the manufacture of the product.

(3) The field studies shall be so conducted that at least 5,000 of the susceptible individuals must reside when inoculated in areas where mortality and morbidity data are regularly compiled in accordance with procedures such as those used by the U.S. Bureau of Vital Statistics in death certificates. Data in such form as will identify each inoculated person shall be furnished to the Director, Division of Biologics Standards.

(4) Inoculated persons shall be shown not to be contagious for contacts through surveillance of rubella susceptible contacts of the inoculated persons.

(e) *Neurovirulence safety test of the virus seed strain in monkeys—(1) The test.* A demonstration shall be made in monkeys of the lack of neurotropic properties of the seed strain of attenuated rubella virus used in manufacture of rubella vaccine. For this purpose, vaccine from each of the five consecutive lots used by the manufacturer to establish consistency of manufacture of the vaccine shall be tested in monkeys shown to be serologically negative for rubella virus antibodies by following the procedures prescribed in § 73.140(c)(1) or § 73.162(c), except that histologic examination shall be made of appropriate sections of the brain in addition to such examination of the spinal cord.

(2) *Test results.* The rubella virus seed has acceptable neurovirulence properties for use in vaccine manufacture if for each of the five lots; (i) 80 percent of the monkeys survive the observation period and (ii) there is no clinical or histopathologic evidence of central nervous system involvement attributable to the replication of the virus.

(3) *New seed lots—test for neurovirulence.* The neurovirulence properties of each new seed shall be tested as prescribed in subparagraphs (1) and (2) of this paragraph. Only seed lots which meet the neurovirulence requirement shall be used for rubella vaccine manufacture. The test need not be repeated as long as the same seed lot of virus is used.

§ 73.191 Production.

(a) *Virus cultures.* Rubella virus shall be propagated in duck embryo cell cultures or canine renal cell cultures.

(b) *Virus propagated in duck embryo tissue cell cultures.* Embryonated duck eggs used as a source of duck embryo tissue for the propagation of rubella virus shall be derived from flocks certified by the supplier to be free of avian tuberculosis, the avian leucosis-sarcoma group of viruses and other agents pathogenic for ducks. Only ducks so certified and in overt good health and which are maintained in quarantine shall be used as a source of duck embryo tissue used in the propagation of rubella virus. Ducks in the quarantined flock that die shall be necropsied and examined for evidence of significant pathologic lesions. If any such signs or pathologic lesions are observed, eggs from that flock shall not be used for the manufacture of Rubella Virus Vaccine, Live. Control vessels shall be prepared, observed and tested as prescribed in § 73.141(g).

(c) *Virus propagated in canine renal tissue cell cultures.* When canine renal cell cultures are used for the propagation of rubella virus the renal tissue shall be obtained from dogs meeting the requirements specified in § 73.141(c). Control vessels shall be prepared, observed and tested as prescribed in § 73.141(g).

(d) *Reference Rubella Virus.* A Reference Rubella Virus, Live, shall be obtained from the Division of Biologics Standards as a control for correlation of virus titers.

(e) *Passage of virus strain in vaccine manufacture.* Virus in the final vaccine shall represent no more than five cell culture passages beyond the passage used as the seed strain for the manufacture of the vaccines used to perform the field studies (§ 73.190(d)), which qualified the manufacturer's vaccine strain for license.

(f) *Cell cultures in vaccine production area.* Only the cell cultures used in the propagation of rubella virus vaccine shall be introduced into rubella virus vaccine production areas.

(g) *Test samples.* Test samples of rubella virus harvests or pools shall be withdrawn and maintained by following the procedures prescribed in § 73.141(h).

§ 73.192 Test for safety.

(a) *Tests prior to clarification of vaccine manufactured in duck embryo cell cultures.* Prior to clarification, the following tests shall be performed on each rubella virus pool prepared in duck embryo cell cultures:

(1) *Inoculation of adult mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(1), and the virus pool is satisfactory only if equivalent test results are obtained.

(2) *Inoculation of suckling mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(2), and the virus pool is satisfactory only if equivalent test results are obtained.

(3) *Inoculation of monkey tissue cell cultures.* A rubella virus pool shall be tested for adventitious agents in the volume and following the procedures prescribed in § 73.142(a)(3), except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(4) *Inoculation of other cell cultures.* The rubella virus pool shall be tested for adventitious agents in the volume and following the procedures prescribed in § 73.142(a)(3), in rhesus or cynomolgus monkey kidney, in chick embryo, duck embryo, and in human cell cultures, except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if results equivalent to those in § 73.142(a)(3) are obtained.

(5) *Inoculation of embryonated chicken eggs.* A suspension of each undiluted rubella virus pool shall be tested in the volume and following the procedures prescribed in § 73.142(a)(5) except that the virus need not be neutralized by antiserum. The virus pool is satisfactory only if there is no evidence of advantitious agents.

(6) *Inoculation of embryonated duck eggs.* A suspension of each undiluted rubella virus pool shall be tested in embryonated duck eggs, in the volume and following the procedures prescribed in § 73.142(a)(5) except that the virus need not be neutralized by antiserum. The virus pool is satisfactory only if there is no evidence of adventitious agents.

(7) *Bacteriological tests.* In addition to the tests for sterility required pursuant to § 73.73, bacteriological tests shall be performed on each rubella virus pool for the presence of M. tuberculosis, both avian and human, by appropriate culture methods. The virus pool is satisfactory only if found negative for M. tuberculosis, both avian and human.

(8) *Test for avian leucosis.* The vaccines shall be tested for avian leucosis, in the volume and following the procedures prescribed in § 73.142(a)(8). The cultures are satisfactory for vaccine manufacture if found negative for avian leucosis.

(9) *Inoculation of cell cultures and embryonated eggs after neutralization of the virus with antiserum.* Each of the tests prescribed in subparagraphs (3), (4), (5), and (6) of this paragraph shall be carried out also with rubella virus that has been neutralized by the addition of high titer antiserum of nonhuman, nonsimian, and nonavian origin except that the volume of virus suspension of each undiluted virus pool tested shall be no less than 5 ml. The rubella antiserum shall have been prepared by using a rubella virus propagated in a cell culture system other than that used for the manufacture of the vaccine under test, and the cell culture system shall be free of extraneous agents which might elicit antibodies that could inhibit growth of any known extraneous agents which might be present in the vaccine under test. These tests may be performed either before or after clarification of the virus. The virus pool is satisfactory only if the results obtained are equivalent to those required in those subparagraphs.

(b) *Tests prior to clarification of vaccine manufactured in canine renal cell cultures.* Prior to clarification each rubella virus pool prepared in canine renal cell cultures shall be tested as follows:

(1) *Inoculation of adult mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(1), and the virus pool is satisfactory only if equivalent test results are obtained.

(2) *Inoculation of suckling mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(b)(2), and the virus pool is satisfactory only if equivalent test results are obtained.

(3) *Inoculation of monkey tissue cell cultures.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(3), except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(4) *Inoculation of other cell cultures.* The tests shall be performed in the volume and following the procedures prescribed in § 73.142(a)(3) except that the types of other cell cultures employed shall be those prescribed in § 73.142(b)(4) and except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(5) *Inoculation of embryonated chicken eggs.* The tests shall be performed in the volume and following the procedures prescribed in § 73.142(a)(5) except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(6) *Bacteriological tests.* In addition to the tests for sterility required pursuant to § 73.73, bacteriological tests shall be performed on each rubella virus pool for the presence of M. tuberculosis, both avian and human, by appropriate culture methods, except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if found negative for M. tuberculosis, both avian and human.

(7) *Tests for adventitious agents.* Tests shall be performed for the presence of adventitious agents as prescribed in § 73.142(b)(8), and the rubella virus pool is satisfactory only if equivalent test results are obtained.

(8) *Inoculation of cell cultures and embryonated eggs after neutralization of the virus with antiserum.* Rubella virus propagated in canine renal cell cultures shall be tested in rhesus or cynomolgus monkey kidney cell cultures and human cell cultures, following the procedures and in the volume prescribed in paragraph (a)(9) of this section, except that the test in embryonated duck eggs need not be performed. The virus pool is satisfactory only if the results obtained are equivalent to those required by that subparagraph.

(c) *Clarification.* The rubella virus fluids shall be clarified by following the procedures prescribed in § 73.142(c).

(d) *Test after clarification-neurovirulence safety test in monkeys for neurotropic agents.* Before final dilution for standardization for live rubella virus content each lot of rubella vaccine shall be tested for neurotropic agents following the procedures prescribed in § 73.102(e) except that appropriate sections of the brain and spinal cord shall be examined histologically. The test shall be performed before the product is placed in final containers and prior to the addition of an adjuvant. Signs suggestive of any neurotropic agent shall be recorded during the observation period of 17 to 19 days. The lot is satisfactory if the histologic examinations and other studies produce no evidence of changes in the central nervous system attributable to the presence of an extraneous neurotropic agent in the vaccine.

§ 73.193 Potency test.

The concentration of live rubella virus shall constitute the measure of potency. The titration shall be performed in a suitable cell culture system, using either the Reference Rubella Virus, Live, or a calibrated equivalent strain as a titration control. The concentration of live rubella virus contained in the vaccine of each lot under test shall be no less than the equivalent of 1,000 $TCID_{50}$ of the reference virus per human dose.

§ 73.194 General requirements.

(a) *Final container tests.* In addition to the tests required pursuant to § 73.75, an immunological and virological identity test shall be performed on the final container if it was not performed on each pool or on the bulk vaccine prior to filling.

(b) *Dose.* These standards are based on an individual human immunizing dose of no less than 1,000 $TCID_{50}$ of Rubella Virus Vaccine, Live, expressed in terms of the assigned titer of the Reference Rubella Virus, Live.

(c) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, single dose container labeling for vaccine which is not protected against photochemical deterioration shall include a statement cautioning against exposure to sunlight.

(d) *Photochemical deterioration; protection.* Rubella Virus Vaccine, Live, in multiple dose containers, shall be protected against photochemical deterioration in accordance with the procedures prescribed in § 73.144(g).

(e) *Samples; protocols; official release.* For each lot of vaccine, the following shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the history of the manufacture of each lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

(2) A total of no less than 120 ml. in 10 ml. volumes, in a frozen state (−60° C.), of preclarification bulk vaccine containing no preservative or adjuvant, and no less than 100 ml. in 10 ml. volumes, in a frozen state (−60° C.), of post-clarification bulk vaccine containing stabilizer but no preservative or adjuvant, taken prior to filling into final containers.

(3) A total of no less than 200 recommended doses of the vaccine in final labeled containers distributed equally between the number of fillings made from each bulk lot, except that the representation of a single filling shall be no less than 30 final containers.

The product shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Division of Biologics Standards.

§ 73.195 Clinical trials to qualify for license.

To qualify for license, the antigenicity of Rubella Virus Vaccine, Live, shall be determined by clinical trials that follow the procedures prescribed in § 73.145 except that the immunogenic effect shall be demonstrated by establishing that a protective antibody response has occurred in at least 90 percent of each of the five groups of rubella susceptible individuals, each having received the parenteral administration of a virus vaccine dose which is not greater than that which was demonstrated to be safe in field studies when used under comparable conditions.

§ 73.196 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Rubella Virus Vaccine, Live, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: March 13, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: April 1, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-3966; Filed, Apr. 2, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 69-WE-20]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary restricted area overlying the current Camp Roberts, Calif., Restricted Area R-2504, to provide a training range for Reserve Units during their annual active duty training encampments from June 14, through July 26, 1969.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The primary training area for Reserve Units is at the Hunter-Liggett Military Reservation (HLMR), however, it is anticipated that experimental commitments by the Combat Developments Combat Experimentation Command will severely limit the availability of ranges at this installation this summer. Weather conditions during the winter have severely hampered experiments and have set test schedules well in arrears. Two artillery battalions assigned for active duty training are in direct support of Selected Reserve Force Readiness Status units. As such they are required to maintain a high degree of combat readiness, necessitating a great amount of live firing.

Planned usage of the proposed area will permit release of the airspace for air traffic control purposes approximately 70 percent of the 6-week period. No firing is planned for weekends.

If action is taken to adopt this proposal, a new temporary Restricted Area, R-2504A will be designated at Camp Roberts, Calif., as follows:

R-2504A CAMP ROBERTS, CALIF.

Boundaries.—Beginning at lat. 35°42'18" N., long. 120°47'55" W.; to lat. 35°42'18" N., long. 120°47'20" W.; to lat 35°42'58" N., long. 120°45'33" W.; to lat. 35°46'38" N., long. 120°44'38" W.; to lat. 35°47'18" N., long. 120°44'45" W.; to lat. 35°47'54" N., long. 120°45'49" W.; to lat. 35°49'10" N., long. 120°45'40" W.; to lat. 35°51'00" N., long. 120°46'25" W.; to lat. 35°51'11" N., long. 120°47'55" W.; to lat. 35°48'50" N., long. 120°49'58" W.; to lat. 35°46'00" N., long. 120°49'55" W.; to lat. 35°44'03" N., long. 120°48'08" W.; to lat. 35°43'08" N., long. 120°49'00" W.; to lat. 35°42'44" N., long. 120°48'48" W.; to point of beginning.

Designated altitudes. 5,000 feet MSL to 10,000 feet MSL.

Time of designation. Monday through Friday, June 14 through July 26, 1969.

Controlling agency. FAA, Oakland ARTC Center.

Using agency. Commanding General, Fort Ord, Calif.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 1, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3957; Filed, Apr. 2, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 14)]

DEFINITION OF THE ATLANTA, GA., COMMERCIAL ZONE

Extension of Time for Filing Comments

MARCH 28, 1969.

Petitioners: East Texas Motor Freight, Inc., T.I.M.E. Freight, Inc., Akers Motor Lines, Inc., and Alterman Transport Lines, Inc. Petitioners' representatives: Paul M. Daniel and Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. At the request of an interested party, anyone wishing to make representations in favor of, or against, the above-proposed specific definition of the boundary of the Atlanta, Ga., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before April 28, 1969. Each such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representatives.

This extends the time on or before which such statements may be filed, from March 31, 1969, as set forth in the previous publication of February 26, 1969.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3893; Filed, Apr. 2, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

CAMEL HAIR, SORTED

Importation Directly From Czechoslovakia; Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Foreign Trade of the Government of Czechoslovakia under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Czechoslovakia of the following commodity:

Camel hair, sorted.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-3951; Filed, Apr. 2, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagrams

Correction

In F.R. Doc. 69-3310 appearing at page 5446 in the issue of Thursday, March 20, 1969, in the California Protraction Diagram No. 170 under "T. 42 N., R. 6 E.,", a line following "Sec. 21, W½;" should be added to read "Sec. 28, W½;". In California Protraction Diagram No. 171 under "T. 43 N., R. 3 E.," the second line should read "Sec. 19, W½;".

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Reconvening Hearing

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Unit 3); Docket No. 50-286.

On March 26, 1969, during the course of the hearing in this proceeding, the intervenor Citizens Committee for the Protection of the Environment made a motion for a continuance of the hearing after a recess, in order to reconvene on April 28, 1969. The grounds of the motion were that more time was needed in order to adequately prepare for a consideration of the evidence adduced and proposed to be presented in the proceeding.

Upon a consideration of the motion, and the answers by all of the parties to the proceeding and responses made in connection therewith:

It is ordered, In accordance with the Atomic Energy Act, as amended, and the Commission's rules of practice, that the hearing in this proceeding, now in recess, shall resume and reconvene at 10 a.m., on Monday, April 28, 1969, in the auditorium at Spring Vale Inn, on Highway Route 9A at Crueger, N.Y. (which is near Buchanan, N.Y., the site of the proposed nuclear facility).

This order is supplementary to and in confirmation of the oral order to this effect issued on the record and reflected in the transcript of the proceeding during the hearing before its recess on March 27, 1969.

Issued: April 1, 1969, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 69-3964; Filed, Apr. 2, 1969; 8:48 a.m.]

[Dockets Nos. 50-317, 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Hearing on Application for Provisional Construction Permits

In the matter of Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant, Unit Nos. 7 and 2); Dockets Nos. 50-317, 50-318.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held at 10 a.m., local time, on May 12, 1969, in the Calvert County Courthouse, Route 2, Prince Frederick, Md., to consider the application filed under § 104 b of the Act by Baltimore Gas and Electric Co. (the applicant) for provisional construction permits for two pressurized water reactors, each designed to initially operate at 2440 megawatts (thermal), to be located at the applicant's site along the western shore of the Chesapeake Bay in Calvert County, Md., about 10 miles southeast of Prince Frederick, Md.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Mr. Arthur W. Murphy, Chairman, New York City; Mr. Reuel C. Stratton, Hartford, Conn.; and Dr. Clarke Williams, Upton, N.Y. Dr. A. Dixon Callihan, Oak Ridge, Tenn., has been designated as a technically qualified alternate, and Mr. Valentine B. Deale, Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 10 a.m., local time on April 29, 1969, in the Federal Office Building No. 7, Room 2008, 726 Jackson Place NW., Washington, D.C., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix "A" to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Numbers 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of provisional construction permits to the applicant substantially in the form proposed in Appendices "A" and "B" hereto.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information, as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis reports;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for the construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined

by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether the provisional construction permits should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the application and the regulatory staff's Safety Evaluation will also be available at the Calvert County Courthouse, Route 2, Prince Frederick, Md., for inspection by members of the public during regular business hours. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice, 10 CFR Part 2. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by April 24, 1969.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, 10 CFR Part 2, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than April 24, 1969, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, 10 CFR Part 2, must be filed by the applicant on or before April 24, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, 10 CFR Part 2, an original and 20 conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 28th day of March 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[Docket No. 50-317]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. ------

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to the Baltimore Gas and Electric Co. (the applicant) for a utilization facility (the facility), designed to operate at 2440 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Calvert Cliffs Nuclear Power Plant, Unit No. 1, will be located at the applicant's site along the western shore of the Chesapeake Bay in Calvert County, Md., about 10½ miles southeast of Prince Frederick, Md.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is April 1, 1972, and the latest date for completion of the facility is April 1, 1973.

B. The facility shall be constructed and located at the site as described in the application in Calvert County, Md.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[Docket No. 50-318]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. ------

1. Pursuant to § 104 b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to the Baltimore Gas and Electric Co. (the applicant) for a utilization facility (the facility), designed to operate at 2,440 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicant as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Calvert Cliffs Nuclear Power Plant, Unit No. 2, will be located at the applicant's site along the western shore of the Chesapeake Bay in Calvert County, Md., about 10½ miles southeast of Prince Frederick, Md.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is April 1, 1973, and the latest date for completion of the facility is April 1, 1974.

B. The facility shall be constructed and located at the site as described in the application in Calvert County, Md.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 69-3899; Filed, Apr. 1, 1969; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 19847, 19858; Order 69-3-97]

CITY OF LOS ANGELES, CALIF., ET AL.

Order Issuing Amended Certificates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March 1969.

Application of city of Los Angeles, Calif. and Los Angeles area Chamber of Commerce for amendments of certificates of certain named air carriers so as to designate Ontario International Airport as a hyphenated point with Los Angeles International Airport, Docket 19847; application of city of Long Beach, Calif. and Long Beach Chamber of Commerce for amendments of certificates of certain named air carriers so as to designate Long Beach Airport as a hyphenated point with Los Angeles International Airport, Docket 19858.

By Order 68-8-118, dated August 29, 1968, the Board directed all interested parties to show cause why the certificates of certain air carriers[1] should not be amended so as to designate Ontario and Long Beach as a hyphenated point with Los Angeles. The order required that any interested persons having objections to the issuance of an order making final these findings and conclusions file such objections within 20 days. All air carriers filing certificate amendment applications pursuant to Order 68-8-118 (hereinafter referred to as the show cause order) were directed to file such applications within the same period of time.

Responsive pleadings have been received from Airlift International, Inc. (Airlift), Air West, Continental, Delta, National, TWA, Western, World Airways, Inc. (World), and the city of Long Beach, Calif., and the Long Beach Chamber of Commerce (the Long Beach Parties). World has also filed a motion to consolidate its application in Docket 18468[2] into Dockets 19847 and 19858, and/or with the applications of American, United, and TWA filed pursuant to the show cause order. Answers to World's motion were filed by American and TWA.[3] Certificate amendment applications pursuant to the show cause order have been received from Airlift, Air West, American, Continental, Delta, Flying Tiger, National,[4] TWA, United, and Western.

On December 17, 1968, the Long Beach Parties filed a motion seeking a temporary deferral of Board action for a period of 90 days with respect to the designation of Long Beach as a hyphenated point with Los Angeles. The petitioners allege that there has been strong opposition to the finalization of the show cause order by a large number of Long Beach residents and that this postponement will enable the city council to reassess its position as to the future of Long Beach Airport and to study the possibility of building an offshore airport. The Long Beach Parties also state that they would have no objection to the severance of their application from that of the Los Angeles Parties and/or to the issuance of an order making final the tentative findings and conclusions in the show cause order with respect to the proposed hyphenation of Ontario with Los Angeles. The Los Angeles Parties filed an answer stating that they have no objection to the temporary deferral of action as to the hyphenation of Long Beach if this would not delay the granting of their application. Subsequently, on January 23, 1969, the city of Long Beach filed another motion requesting permission to withdraw its application and for dismissal of proceedings as to the city of Long Beach. In support of this motion the city of Long Beach states that a policy decision as to the future development of Long Beach Airport will require more time and that, consequently, the Long Beach city council voted to withdraw its application. No answers have been filed in response to this motion. Upon consideration of these pleadings we have decided to dismiss the application of the Long Beach Parties.[5]

We conclude that the tentative findings and conclusions contained in Order 68-8-118, dated August 29, 1968, should be made final,[6] to the extent that they propose that Ontario be made a hyphenated point with Los Angeles, and (a) except with respect to amending the certificate of Air West for route 76 insofar as they would enable the carrier to schedule nonstop service on segments 7 and 11 between Ontario and San Diego, and insofar as they would authorize the carrier to provide nonstop service on segment 12 between Ontario and Salt Lake City; (b) except with respect to amending the certificates of American, TWA, and United insofar as they would enable these carriers to provide single-plane service between Ontario, on the one hand, and New York, Newark, Washington, and Baltimore, on the other hand, and (c) except with respect to amending Western's certificate for route 35. We further conclude that the public convenience and necessity require the amendment of the certificates of public convenience and necessity of the carriers listed in footnote one of this order, other than Western, in the form and manner set forth in the attached certificates.

Western objects to the proposed amendment of Air West's certificate for route 76 insofar as it would amend segment 11 so as to permit nonstop service between San Diego and Ontario, and amend segment 12 so as to permit service between Salt Lake City and Ontario. World objects to the Board's tentative findings and conclusions insofar as they would grant operating authority to American, TWA, and United to conduct transcontinental services between New York/Newark and Washington/Baltimore, on the one hand, and Ontario, on the other hand. Western and World both request a hearing on their respective objections. Under these circumstances, we have decided not to make final the authority proposed with respect to the above markets.[7] Moreover, no purpose will be served by amending Western's certificate for route 35 in the manner proposed by the show cause order. Los Angeles is presently named on this route only as a terminal point on segment 4, and our preset restriction against single-plane service between Ontario and Phoenix would effectively nullify the hyphenation of Ontario with Los Angeles on this segment.

Continental seeks to alter the procedure proposed in the show cause order,

[1] Air West, Inc., for route 76 (segments 7, 11, and 12 only); American Airlines, Inc., for route 4; Continental Air Lines, Inc., for route 29; Delta Air Lines, Inc., for route 24; The Flying Tiger Line, Inc., for route 100; National Airlines, Inc., for route 39; Trans World Airlines, Inc., for route 2; United Air Lines, Inc., for route 1; and Western Air Lines, Inc., for route 35.

[2] World's application in Docket 18468 requests certificate authority between the coterminal points Oakland/San Francisco and Los Angeles/Long Beach/Ontario, on the one hand, and the coterminal points New York/Newark and Washington/Baltimore, on the other hand.

[3] TWA also filed a motion for leave to file an unauthorized document. We will accept TWA's late-filed answer since just cause was shown.

[4] National's application was filed on February 17, 1969. We will accept National's late-filed application.

[5] Consequently, we will not discuss the objections to making final the authority proposed in the Long Beach markets. The various responses to the show cause order, to the extent that they concern the hyphenation of Ontario with Los Angeles, are discussed below.

[6] Restrictions proposed in ordering paragraph 2(b) of the show cause order are only applicable to an award in the proceeding and are clearly inapplicable to existing authority.

[7] We note that while Western objected to the amendment of segment 11 insofar as that amendment would permit Air West to provide nonstop service between San Diego and Ontario, it didn't object to Air West providing nonstop service between San Diego and Ontario pursuant to the proposed amendment of segment 7. We will, however, also prohibit the scheduling of nonstop service by Air West between San Diego and Ontario over this latter segment.

and TWA seeks to broaden the authority we have proposed. We will deny the requests of these carriers. Continental seeks modification of the show cause order so as to provide for designation of Ontario as a hyphenated point only after submission of specific service proposals for specific markets by carriers already authorized to serve the prime market. We do not believe that this procedure suggested by Continental is appropriate or required in the present situation. TWA requests that a long-haul restriction rather than a restriction against single-plane service be imposed in the markets listed in ordering paragraph 2(b) of the show cause order. We believe that such a long-haul restriction would not be a sufficient protection for the local service carrier, Air West.

Certificate amendment applications seeking the authority proposed in the Board's Show Cause order were submitted by all carriers listed in footnote one of this order. All of these carriers, with the exception of TWA and National, estimate that their gross annual transport revenue increases for the first full year of operations would fall within the range of $0–$100,000. TWA submitted an estimate within the $100,000–$1,000,000 range and National did not submit any estimate at all. The Board does not accept as reasonable the estimates of American, Continental, Delta, and United. In addition to other authority these carriers will be receiving, American and United will be able to provide service to Ontario from such points as Boston, Philadelphia, Cleveland, and Chicago; Continental will receive authority to provide service to Ontario from such points as Chicago, Kansas City, and Denver; and Delta will be able to provide service to Ontario from such points as Atlanta and New Orleans. National will be authorized to serve Ontario from New Orleans and Miami. The Board accepts as reasonable the estimates of Air West and Flying Tiger, which will be receiving more limited authority than the other carriers involved, and also accepts as reasonable the estimate of TWA.

Consequently, we find that the increases in gross annual transport revenues for the first full year of operations for American, Continental, Delta, National, TWA, and United will be within the $100,000–$1,000,000 range as set forth in § 389.25 (Schedule of Filing and Licensing Fees), and that the revenues of Air West and Flying Tiger will fall within the range of $0–$100,000.

Air West filed a petition for reconsideration in which the carrier states that it has no objection to the show cause order as currently framed but urges that more effective authority should be conferred upon it. Specifically, Air West seeks amendment of its certificate for route 76 so as to redesignate the intermediate point Los Angeles as Los Angeles-Ontario on segment 2(b) (iii) and to redesignate the terminal point Los Angeles as Los Angeles-Long Beach on segments 8 and 9.

Airlift, while not objecting to the Board's show cause order, requests the inclusion of Long Beach and Ontario as a hyphenated point with Los Angeles in its certificate. Airlift states that its authorization to serve Los Angeles (Order E–26810, dated May 20, 1968) and its implementation of such authority on August 19, 1968, were both subsequent to the basic application in this proceeding, and therefore its name did not appear in either of the original applications.

Upon consideration of these pleadings we are now persuaded that additional authority should be proposed for Air West, Airlift, and United. We tentatively find that the public convenience and necessity require the redesignations requested by Air West[8] and Airlift to the extent that these carriers propose that Ontario be made a hyphenated point with Los Angeles. In addition, we tentatively find that the public convenience and necessity require amending United's certificate for route 1 so as to redesignate the intermediate point Los Angeles-Long Beach as Los Angeles-Ontario-Long Beach on segment 7 subject to the restrictions set forth in ordering paragraph 6 of this order and further subject to a restriction prohibiting single-plane service between Ontario and Tacoma.[9] Amending the certificates of Air West and United in this manner will allow both carriers to provide service to Ontario from points they are now authorized to serve through Los Angeles.[10]

The findings and conclusions contained in Order 68–8–118, to the extent that they relate to Ontario being made a hyphenated point with Los Angeles, apply with equal force in this instance and are incorporated herein by reference. We shall grant interested persons 20 days in which to show cause: (1) Why the certificate of public convenience and necessity held by Airlift should not be amended so as to redesignate the intermediate point Los Angeles on segment 4 of route 120 as Long Angeles-Ontario, subject to the restrictions set forth in ordering paragraph 6 of this order; (2) why the certificate of public convenience and necessity held by Air West for route 76 should not be amended so as to redesignate the intermediate point Los Angeles as Los Angeles-Ontario on segment 2(b) (iii), subject to a restriction prohibiting single-plane service over this segment between Ontario and either San Jose or San Diego;[10a] and (3) why the certificate of public convenience and necessity held by United for route 1 should not be amended so as to redesignate the intermediate point Los Angeles-Long Beach as Los Angeles-Ontario-Long Beach on segment 7, subject to the restrictions set forth in ordering paragraph 6 of this order and further subject to a restriction prohibiting single-plane service between Ontario and Tacoma.

Accordingly, it is ordered, That:

1. The motion of Trans World Airlines, Inc., for leave to file an unauthorized document be and it hereby is granted;

2. The application in Docket 19858 of the city of Long Beach, Calif., and the Long Beach Chamber of Commerce for amendments of the certificates of certain named air carriers so as to designate Long Beach Airport as a hyphenated point with Los Angeles International Airport be and it hereby is dismissed;

3. The findings and conclusions set forth in Order 68–8–118, dated August 29, 1968, be and they hereby are made final, to the extent that they proposed that Ontario be made a hyphenated point with Los Angeles, and (a) except with respect to amending the certificate of public convenience and necessity of Air West, Inc. for route 76 insofar as they would enable the carrier to schedule nonstop service on segments 7 and 11 between Ontario and San Diego, and insofar as they would authorize the carrier to provide nonstop service on segment 12 between Ontario and Salt Lake City; and (b) except with respect to amending the certificates of American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., insofar as they would enable these carriers to provide single-plane service between Ontario on the on hand, and New York, Newark, Washington, and Baltimore on on the other hand;

4. Amended certificates of public convenience and necessity in the forms attached hereto be issued to Air West, Inc., for route 76; American Airlines, Inc., for route 4; Continental Air Lines, Inc., for route 29; Delta Air Lines, Inc., for route 24; The Flying Tiger Line, Inc., for route 100; National Airlines, Inc., for route 39; Trans World Airlines, Inc., for route 2; and United Air Lines, Inc., for route 1;

5. Said certificates shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board, and shall be effective on April 11, 1969: *Provided, however,* That the effective date of said certificates shall automatically be postponed until further Board order if the appropriate license fees are not paid pursuant to § 389.21(b) of the regulations;

6. Any service operated by any carrier except Air West, Inc., pursuant to the authority granted herein shall be subject to a restriction prohibiting single-plane service between Ontario, on the one hand, and Las Vegas, Los Angeles, Fresno, Bakersfield, Reno, Portland, Santa Barbara, San Diego, Monterey, Sacramento, Stockton, Long Beach, Phoenix, Tucson, Seattle, San Francisco/Oakland, San Jose, or Salt Lake City, on the other hand;[11]

7. The motion of World Airways, Inc., to consolidate its application in Docket 18468 into Dockets 19847 and 19858, and/or into the applications of American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., filed pursuant to Order 68–8–118, dated August 29, 1968, be and it hereby is denied;

8. The petition of Air West, Inc., for reconsideration of Order 68–8–118, dated August 29, 1968, except to the extent granted herein, be and it hereby is denied;

9. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein with respect to the request of Airlift International, Inc., and issue at the appropriate time an amended certificate to Airlift International, Inc., redesignating the intermediate point Los Angeles on segment 4 of route 120 as Los Angeles-Ontario, subject to the single-plane restriction referred to in ordering paragraph 6 above;

10. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein with respect to the request of Air West, Inc., and issue at the appropriate time an amended certificate to Air West, Inc., for route 76 redesignating the intermediate point Los Angeles-Ontario on segment 2(b) (iii), subject to a restriction prohibiting single-plane service over this segment between Ontario and either San Jose or San Diego;

11. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein with respect to amending the certificate of Continental Air Lines, Inc., and issue at the appropriate time an amended certificate to United Air Lines, Inc., for route 1 redesignating the intermediate point Los Angeles-Long Beach as Los Angeles-Ontario-Long Beach on segment 7, subject to the restriction set forth in ordering paragraph 6 of this order and further subject to a restriction prohibiting single-plane service between Ontario and Tacoma;

12. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth in paragraphs 9, 10, and 11 shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; all motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained:

13. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

14. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

15. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Air West, Inc.; American Airlines, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; The Flying Tiger Line, Inc.; Los Angeles Airways, Inc.; National Airlines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; the city of Los Angeles, Calif.; and Los Angeles Area Chamber of Commerce, the city of Long Beach, Calif., and Long Beach Chamber of Commerce; and the city of Ontario, Calif.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–3900; Filed, Apr. 2, 1969; 8:48 a.m.]

[Docket No. 20812; Order 69–3–43]

HOUSEHOLD GOODS AIRFREIGHT FORWARDER INVESTIGATION

Order Instituting Investigation and Consolidating Applications

Correction

In F.R. Doc. 69–3226 appearing at page 5344 in the issue of Tuesday, March 18, 1969, the following corrections should be made in footnote 2:

1. The word "stroes" in the sixth line should read "stores".

2. The ninth line should read "equipment or supply of such stores, or offices,".

[Docket No. 20863; Order 69–3–117]

RUTAS AEREAS NACIONALES, S.A. (RANSA)

Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of March 1969.

Rutas Aereas Nacionales, S.A. (RANSA), holds a foreign air carrier permit which authorizes foreign air transportation with respect to persons, property, and mail between the coterminal points Maiquetia (Caracas), Maracaibo, and Barcelona, Venezuela; the intermediate points Aruba and Curacao, N.W.I.; Kingston, Jamaica, B.W.I.; and the terminal point Miami, Fla.[1] On January 6, 1969, the United States was informed by the Government of Venezuela that on June 12, 1967, it canceled all the permits issued to RANSA, including the designation of the carrier under the bilateral agreement between the United States and Venezuela to operate the foregoing route.

In view of the fact that the Government of Venezuela has canceled RANSA's permits and withdrawn RANSA's designation under the Air Transport Agreement between the United States and Venezuela, effective August 22, 1953, the Board has tentatively concluded that, subject to the approval of the President, the foreign air carrier permit held by RANSA should be canceled.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permits held by Rutas Aereas Nacionales, S.A. (RANSA).

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order;[2]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the following: Rutas Aereas Nacionales, S.A.; and the Ambassador of the Government of Venezuela.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–3902; Filed, Apr. 2, 1969; 8:48 a.m.]

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[1] Order E–8001, approved by the President on Dec. 24, 1953.

[2] Since provision is made for response to this order, petitions for reconsideration of this order will not be entertained.

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[8] We will not, however, include the issue of service between Ontario and San Diego or San Jose because service between these points is in issue in the Pacific Northwest-California Service Investigation (Orders E–25504, dated August 8, 1967, and 68–9–78, dated September 18, 1968).

[9] Service between Ontario and Tacoma and in some of the markets which are the subject of the restriction of ordering paragraph 6 of this order are in issue in the Pacific Northwest-California case.

[10] These Ontario markets in which we are proposing authority for Air West are Reno, Sacramento, Stockton, Monterey-Salinas, Fresno, Bakersfield, Santa Barbara, Lake Tahoe, San Luis Obispo-Paso Robles, Santa Maria, Oxnard-Ventura, and Palmdale-Lancaster. In the following Ontario markets we are proposing authority for United: Visalia, Merced, Modesto, Medford, Eugene, Salem, and Spokane.

[10a] This restriction will not, of course, affect Air West's existing authority to operate between Ontario and either San Jose or San Diego over a combination of segments.

[11] In the certificates which are filed as part of the original document, as in any which may hereafter be issued in this proceeding, this restriction is made applicable to only those markets where otherwise the holder would acquire effective single-plane authority. It does not affect any authority the holder may already possess to operate between the points named.

FEDERAL COMMUNICATIONS COMMISSION

[Report 433]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 31, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

5644–C2–P–69—The Mountain States Telephone & Telegraph Co.; (KOE511); C.P. to install an additional channel to operate on base frequency 152.69 MHz and change antenna system at station located 14.2 miles northeast of Tenaleep, Wyo.

5645–C2–P–69—Radiopaging, Inc.; (KIE367); C.P. to replace transmitter operating on base frequency 43.58 MHz and to add a standby transmitter to operate on base frequency 43.58 MHz at its station located 111 Northeast Second Avenue, Miami, Fla.

5647–C2–P–(3)–69—Washington Mobile Telephone Co.; (New); C.P. for a new 2-way station to be located at 5217 19th Road, North Arlington, Va., to operate on base frequencies: 454.125, 454.175, and 454.325 MHz.

5648–C2–P–69—General Telephone Co. of California; (New); C.P. for a new 2-way station, Frequency: 454.375 MHz. Location: 415 South Brand Boulevard, San Fernando, Calif.

5649–C2–P–69—Home Telephone Co., Inc.; (New); C.P. for a new 2-way station to be located ¼ mile west of intersections at South Carolina Highway 52 and U.S. Highway Alternate 17 on Road No. S–8–365, Moncks Corner, S.C., to operate on base frequency 152.60 MHz.

5650–C2–P–69—The Mountain States Telephone & Telegraph Co.; (KOA791); C.P. to change base frequency from 152.63 MHz to 152.54 MHz at its station located 3 miles northwest of Wolf Point, Mont.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

5620–C2–P–69—Vincent W. Elliott, Phil B. Ford, and James F. Sproule, doing business as Salem Radio Paging; (New); C.P. for a new 1-way-signaling station, to be located 7.5 miles southwest of Salem, Oreg., to operate on frequency 43.22 MHz.

5621–C2–P–69—General Telephone Co. of the Southwest; (KLB791); C.P. to install a third channel to operate on base frequency 152.60 MHz at its station located 3.3 miles west of Texarkana, Tex.

5622–C2–P–69—Virginia Telephone & Telegraph Co.; (New); C.P. for a new 1-way-signaling station. Frequency: 152.84 MHz. Location: On State Route No. 631, 0.3 mile east of U.S. Highway No. 29, 1 mile north of Charlottesville, Va.

4387–C2–R–69—The C. & P. Telephone Co. of Virginia; (KWA641); Renewal of developmental station license expiring May 14, 1969. Term: May 14, 1969, to May 14, 1970.

5666–C2–P–69—Southern Bell Telephone & Telegraph Co.; (KIQ998); C.P. to change base station location from 4 miles west of Ormond, Fla., to 368 North Ridgewood Avenue, Daytona Beach, Fla., and change antenna system operating on base frequency 152.57 MHz.

5711–C2–P–69—Gerard T. Uht; (KGH857); C.P. to install an additional base channel to operate on frequency 152.06 MHz at its station located on U.S. Route No. 19, 5 miles south of Erie, Pa.

Major Amendment

2710–C2–P–69—Southwestern Bell Telephone & Telegraph Co.; (KAA818); Application amended to add a test station at 1010 Pine Street, St. Louis, Mo., to operate on frequencies 459.375, 459.425, 459.450 and 459.550 MHz, all other particulars to remain same as listed on public notice dated Nov. 12, 1968.

Correction

4605–C2–P–69—Peacock Radio Service; (New); Correct entry to read: C.P. for a new 1-way signaling station. Frequency 152.24 MHz. Location No. 1: Pierce and Lincoln Streets, Clearwater, Fla., and location No. 2: 1660 Central Avenue, St. Petersburg, Fla. All other particulars to remain as listed on public notice dated Feb. 10, 1969. Report No. 426.

Renewals of licenses expiring Apr. 1, 1969. Term: Apr. 1, 1969, to Apr. 1, 1974.

Licensees	*Call sign*
ALASKA	
Communications Engineering, Inc.	KWA633
CALIFORNIA	
Stockton Mobiliphone, Inc.	KMA616
Do	KMD347
COLORADO	
Mobile Radio-Telephone Service, Inc.	KAA276
IOWA	
Electronic Engineering Co.	KLF554
KANSAS	
The Allied Companies, Inc.	KAL873
KENTUCKY	
Bluegrass Radiotelephone	KIY761
LOUISIANA	
Southern Message Service, Inc.	KLF528
MISSISSIPPI	
Doctors' Exchange and Telephone Answering Service, Inc.	KLB510
MISSOURI	
Atlas Security Service, Inc.	KPL946
MONTANA	
General Electronics Co.	KLF492
WASHINGTON	
Tele-Comm, Inc.	KON925
Do	KOP246
Do	KOP253
WEST VIRGINIA	
Capitol Radio Telephone Co.	KQD614

RURAL RADIO SERVICE

5546–C1–P/L–69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequency: 157.95 MHz. Subscriber and location: Marathon Oil Co., 20.5 miles south of Kemmerer, Wyo.

5551–C1–P/L–69—The Pacific Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequencies: 157.77 and 157.89 MHz. Subscriber and location: Parachute Test Range, El Centro NAF, 10 miles northwest of Imperial, Calif.

RURAL RADIO SERVICE—continued

4612–C1–R–68—General Telephone Co. of the Southwest; (KKA93); Renewal of license expiring Nov. 1, 1968. Term Nov. 1, 1968, to Nov. 1, 1973.

5623–C1–P–69—General Telephone Co. of the Southwest; (KYS98); C.P. to change frequency 158.01 MHz to 157.92 MHz at its station located 17 miles southwest of Whites City, N. Mex.

5667–C1–P/L–69—Radio Telephone Communications, Inc.; (KJC93); C.P. and license to reinstate expired station. Frequency: 158.55 MHz. Location: (15 units) operating at any temporary fixed location within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

5552–C1–P–69—The Mountain States Telephone & Telegraph Co.; (New); C.P. for a new fixed station, frequencies: 10,955 and 5937.8 MHz. Location: In Idaho directly across Snake River from Copperfield, Oreg.

5553–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPY64); C.P. to add frequencies 11,405 and 6189.8 MHz via passive reflector toward Snake River, change azimuth length of path toward Hells Canyon and change antenna system at its station located 2 miles west of Cuprum, Idaho.

5554–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPY65); C.P. to change antenna location from Hell's Canyon, 9.5 miles north of Cuprum, Idaho, to: 11 miles north-northwest of Cuprum, Idaho. Frequencies: 6056.4 and 10,795 MHz.

American Telephone & Telegraph Co.—C.P.'s (16) sixteen to construct one pair of telephone channels and one pair of protection channels on a new radio relay route between Albuquerque Junction, N. Mex., and Phoenix, Ariz., utilizing Western Electric type TH–3 equipment, also one pair of Farinon Electric Co. Type SS2000T2 plant maintenance channels will be provided in the Los Lunas-Las Nutrias, N. Mex., section and one pair of Farinon Type SS4000A in the Las Nutrias-Casa Grande, Ariz., section of the proposed new route, these channels will be operated on hot standby basis as follows:

5641–C1–P–69—American Telephone & Telegraph Co.; (KKP86); Add 6286.2 and 6404.8 MHz toward Los Lunas, N. Mex., at station located 11 miles west-southwest of Albuquerque, N. Mex.

5642–C1–P–69—American Telephone & Telegraph Co.; (KKW32); Add 6034.2 and 6152.8 MHz toward Albuquerque Junction, 6286.2, 6404.8 and 2129.0 MHz toward Las Nutrias, N. Mex., and change antenna system at station located 4.8 miles west of Los Lunas, N. Mex.

5643–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, 2179.0, and 4198 MHz. Location: 4.2 miles southeast of Las Nutrias, N. Mex.

5644–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 10.5 miles west-northwest of La Joya, N. Mex.

5645–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, 4190, and 4198 MHz. Location: 12.5 miles southwest of Magdalena, N. Mex.

5646–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 9.7 miles northwest of Datil, N. Mex.

5647–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, and 4198 MHz. Location: 6.7 miles northwest of Quemado, N. Mex.

5648–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, and 4198 MHz. Location: 6.2 miles northwest of Greer, Ariz.

5649–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 3 miles west-southwest of McNary, Ariz.

5650–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, and 4198 MHz. Location: 7 miles southwest of Seneca, Ariz.

5651–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 11.2 miles south of Globe, Ariz.

5652–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, and 4198 MHz. Location: 16.5 miles southwest of Kearny, Ariz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

5653–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 4 miles west of Casa Grande, Ariz.

5654–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station: Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 6.4 miles southwest of Red Hill, N. Mex.

5655–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, 6286.2, 6404.8 MHz. Location: 5.2 miles southwest of Guadalupe, Ariz.

5656–C1–P–69—American Telephone & Telegraph Co.; (KPV22); C.P. add 6034.2, 6152.8 MHz toward Phoenix, Ariz., and 6286.2, 6404.8, MHz toward South Phoenix and change antenna system at station located 228 West Adams Street, Phoenix, Ariz.

5626–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3730, 4110, 4130 MHz. Location: 7.6 miles north-northeast of Vale, Oreg.

5627–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3770, 4150, and 4170 MHz. Location: 6.7 miles west of Brogan, Oreg.

5628–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3730, 4110, and 4130 MHz. Location: 11.1 miles south-southeast of Bates, Oreg.

5629–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3730, 4110, and 4130 MHz. Location: 4.3 miles southwest of John Day, Oreg.

5630–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 3730, 4110, and 4130 MHz. Location: 3.7 miles east of Dayville, Oreg.

5631–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3770, 4150, and 4170 MHz. Location: 6.8 miles east-northeast of Mitchell, Oreg.

5632–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3730, 4110, and 4130 MHz. Location: 7.4 miles south-southeast of Antelope, Oreg.

5633–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3770, 3910, 3990, 4070, 4150, 4170 MHz. Location: 9.7 miles south-southeast of Maupin, Oreg.

5634–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 4030 and 4110 MHz. Location: 4.2 miles north-northwest of Grass Valley, Oreg.

5635–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3870 and 3950 MHz. Location: 7 miles west-southwest of Wapinitia, Oreg.

5636–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3910 and 3990 MHz. Location: 3 miles northeast of Government Camp, Oreg.

5637–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3870 and 3950 MHz. Location: 1.6 miles north-northwest of Boring, Oreg.

5638–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3910 and 3990 MHz. Location: 819 Southwest Oak Street, Portland, Oreg. (Informative: Applicant proposes to acquire these facilities from Pacific Northwest Bell Telephone Co. and to take over the services presently provided thereby by that company. This transaction involves assignment of some, but not all, transmitters authorized for stations now licensed to Pacific Northwest Bell at the above locations.)

5639–C1–P–69—Indiana Bell Telephone Co.; (KSP57); C.P. to change point of communication for frequency 11,075 MHz and change antenna system at station located 133 Northwest Fifth Street, Evansville, Ind.

5640–C1–P–69—Indiana Bell Telephone Co.; (KSP58); C.P. to add frequency 11,605 MHz toward new point of communication at Indiana State University Campus at its station located Bayou Road, 6 miles west-southwest of Evansville, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

5657–C1–P–69—Indiana Bell Telephone Co.; (KSJ45); C.P. to add frequencies 6360.3 and 10,795 MHz toward Noblesville, Ind., at its station located 240 North Meridian Street, Indianapolis, Ind.

5658–C1–P–69—Indiana Bell Telephone Co.; (KSV55); C.P. to add frequencies 6108.3, 11,245 MHz toward Indianapolis, Ind., and 6019.3, 11,565 MHz toward Anderson, Ind., at station located 2.8 miles southeast of Noblesville, Ind.

5659–C1–P–69—Indiana Bell Telephone Co.; (KSV86); C.P. to add 6390.0 and 11,075 MHz toward Noblesville, Ind., and 10,755 and 11,155 MHz toward Muncie, Ind., at station located 1100 feet west of South 23d Street, Anderson, Ind.

5660–C1–P–69—Indiana Bell Telephone Co.; (KSV87); C.P. to add frequencies 11,605 and 11,685 MHz toward Anderson, Ind., at station located 329 East Jackson Street, Muncie, Ind.

5661–C1–P–69—United Telephone Co. of Florida; (KIP60); C.P. to delete frequencies 5974.8, 6093.5 and point of communication Baco Grande, Fla., delete 5945.2 and Fort Myers Beach, Fla., as point of communication, add 5989.6 and 6108.3 MHz toward Cape Coral, Fla., and change antenna system at its station located 1517 Jackson Street, Fort Myers, Fla.

5662–C1–MP–69—United Telephone Co. of Florida; (KYO80); Modification of C.P. to add frequencies 6241.7, 6360.3, toward Fort Myers, Fla., 6271.3, 6390.0 toward Fort Myers Beach, Fla., 6212.0, 6330.7 MHz toward Pine Island, Fla., and change antenna system at its station located 5 miles southwest of Fort Myers, Fla.

5663–C1–MP–69—United Telephone Co. of Florida; (KJC40); Modification of C.P. to delete frequency 6197.2 and point of communication Fort Myers, Fla., and add frequencies 6049.0 and 6193.2 MHz toward new point of communication Cape Coral, Fla., and change antenna system at station located Estero Boulevard, Fort Myers Beach, Fla.

5664–C1–P–69—United Telephone Co. of Florida; (KJK49); C.P. to add frequencies 5960.0 and 6078.6 MHz toward Cape Coral, Fla., at its station located Tipton Drive, Pine Island, Fla.

5665–C1–ML–69—United Telephone Co. of Florida; (KIW80); Modification of license to delete frequencies 6226.9 and 6345.5 and Fort Myers, Fla., as point of communication at its station located corner of East Avenue and Fourth Street, Boca Grande, Fla.

5694–C1–P/L–69—New York Telephone Co.; (New); C.P. and license for a new fixed station. Frequency: 10,795 MHz. Location: 350 Fifth Avenue, New York, N.Y.

Major Amendment

4334–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPV88); Change the point of reception for frequencies 6256.5 and 6375.2 MHz from Glendive, Mont., to Sidney, Mont., and change point of reception for frequencies 6271.4 and 6390.0 MHz from Sidney, Mont., to Glendive, Mont., at station located 8 miles north-northwest of Intake, Mont.

4335–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPV89); Change the point of reception for frequencies 6004.5 and 6123.1 MHz from Intake, Mont., to Fairview, Mont., and change point of reception for frequencies 6034.2 and 6152.8 MHz from Fairview, Mont., to Intake, Mont., at station located 3.6 miles south-southeast of Sidney, Mont. All other particulars same as reported in public notice dated Feb. 3, 1969, Report No. 425.

Correction

4686–C1–P–69—West Texas Microwave Co.; (New); Correct Applicant to read: West Texas Telephone Co. All other particulars to remain as stated on public notice dated Mar. 24, 1969, Report No. 432.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4184–C1–P–69—Penn Service Microwave Co.; (New); C.P. for a new station on Bald Eagle Mountain, approximately 3 miles south of Williamsport, Pa., at lat. 41°12'31" N., long. 76°57'30" W. Frequencies 11,300, 11,350, and 11,400 MHz on azimuth 325°30'. (Informative: Applicant proposes to provide the television signals of WNEW–TV, WOR–TV, and WPIX of New York City to ReTel Co. in Cogan Station, Pa.)

5624–C1–MP–69—Garden State Micro Relay, Inc.; (KEM56); Modification of C.P. to change frequencies 6389.9, 6330.7, and 6271.4 MHz to 6019.3, 6078.6, and 6137.9 MHz toward Millville, N.J., on azimuth of 259°05'. Location: 0.55 mile west of Milmay, N.J.

Major Amendment

553–C1–P–68—Wyoming Microwave Corp.; (KYO89); Application amended to change frequency 6123.1 MHz to 11,115 MHz toward Billings (KULR–TV), Mont., and Billings (CATV), Mont., on azimuth of 30°14' and 13°31', respectively. Location: Greeno, 11.5 miles southeast of Laurel, Mont. Other particulars same as reported in public notice dated Aug. 14, 1967 and Feb. 10, 1969.

Correction

5526 and 5527–C1–P–69—Potomac Valley Telecasting Corp.; (KGO30 and KQX32); Correct informative note appearing on page 13 of Commission's public notice dated Mar. 24, 1969 to show that the off-the-air pickup point for WTTG(TV) is being moved to Station KGO30 to improve signal presently delivered to Piedmont, Cumberland, Keyser, and Frostburg, Md. Signal is not replacing signal of WDCA–TV as previously noted.

[F.R. Doc. 69–3883; Filed, Apr. 2, 1969; 8:46 a.m.]

[Docket No. 18499]

MIDWEST RADIO-TELEVISION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues; Correction

In re applications of Midwest Radio-Television, Inc., Docket No. 18499, File No. BR–659, File No. BRCT–49; for renewal of licenses of stations WCCO and WCCO–TV, Minneapolis, Minn.; erratum regarding designation order (34 F.R. 5757).

The order (FCC 69–261) in the above matter adopted March 19, 1969, is corrected to change paragraph 7 on page 2 to read as set forth below:

7. *It is further ordered,* That a further specification of facts on which the designated issues are based will be issued within twenty (20) days of the release of this order.

Released: March 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–3884; Filed, Apr. 2, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

NONVESSEL OPERATING COMMON CARRIERS BY WATER (NVOCCs) IN FOREIGN AND DOMESTIC OFFSHORE COMMERCE OF UNITED STATES

Staff Investigation and Informal Conferences

The notice issued by the Commission on February 4, 1969, inviting written or oral statements containing evidence, opinions or recommendations relating to the above entitled staff investigation is amended to permit any such statements to be submitted not later than May 15, 1969.

Notice is also given that the Commission staff will conduct a series of informal discussions with interested parties at New York, N.Y., and San Francisco, Calif. The staff hopes to interview the following groups of persons (1) nonvessel operating common carriers by water, (2) steamship lines which have or expect to have business with nonvessel operating common carriers by water and (3) steamship conferences. Each group will be interviewed separately.

DISCUSSION SCHEDULE

At New York, N.Y., 45 Broadway, Room 705, Time 10 a.m.
Monday, April 21, 1969, Nonvessel operating common carriers by water participants.
Tuesday, April 22, 1969, Steamship Lines participants.
Wednesday, April 23, 1969, Conference Group participants.
At San Francisco, Calif., 450 Golden Gate Avenue, Federal Building, Room 9207, Time 10 a.m.
Monday, April 28, 1969, Nonvessel operating common carriers by water participants.
Tuesday, April 29, 1969, Steamship Lines participants.
Wednesday, April 30, 1969, Conference Group participants.

The purpose of these meetings is to afford the opportunity to parties wishing to orally present their views. Written statements, however, will also be accepted at these meetings. Subsequent to these meetings, a third informal proceeding will be held at a time and place to be hereafter announced, which all interested parties will be invited to attend. This meeting will afford parties the opportunity to present their position in greater detail and to submit whatever additional statements they deem relevant to the investigation. The opportunity for rebuttal will also be afforded parties in the subsequent meeting. The issues of this subsequent meeting will be determined, in part, by the responses received at the New York and San Francisco conferences. Interested shippers are invited to all conferences.

It would be helpful, therefore, if attending parties at the New York, N.Y., and San Francisco, Calif., conferences are prepared to discuss the following questions:

1. *Should NVO's be permitted to be a member of a steamship conference?*

a. What would be the result of such permissiveness?

b. Assuming that conferences predicate rates on the operating cost and economics inherent to vessel operation, what do you believe the results would be if the conferences were open to persons whose costs are determined by the steamship rate rather than vice versa?

c. What competitive influences exist or may potentially exist with respect to NVO's versus steamship lines and conferences?

d. What impact does this competition have on steamship lines or conferences?

e. Assuming that the NVO's and steamship lines perform an entirely different type of service, should not a completely different type of rate structure evolve, unrelated to steamship lines or conferences?

f. What are the basic reasons for NVO participation in the steamship lines tariff or conference membership?

g. What public benefits would accrue in the event joint participation in tariffs was permitted between the NVO and the steamship line?

h. Should any regulatory limitations be drawn with respect to NVO participation in conference or steamship lines tariffs?

To Be Answered by NVO's Only

i. Does your company hold any operating authority from the ICC. If so (check one) ☐ Express ☐ Motor ☐ Broker ☐ Water ☐ Freight Forwarder ☐ Exempt Household Goods Freight Forwarder.

j. Does your company enter into joint rates or participate in any through joint services with any other carrier?

k. Does your company issue through bills of lading from inland points involving intermodal services? If so, do you take single responsibility for the movement?

l. Does your company only operate port-to-port?

m. Does your company participate in air traffic? If so, is participation by virtue of joint rates with air common carrier? As an air forwarder? Through other arrrangements?

n. Does your company own or operate ☐ over-the-road equipment? ☐ terminal facilities? ☐ warehouses?

o. What percentages of your overall traffic is a. export traffic _____; b. import traffic _____; c. domestic offshore traffic _____; d. contiguous states interstate traffic _____?[1]

p. Is your NVO operation seasonal or steady in nature? If the former what are the peak months?[1]

q. Describe the nature and extent of facilities owned or controlled by your firm which are involved in your NVO operations. For example, terminal facilities; number of owned containers; over-the-road equipment, etc.[1]

r. Are any of your NVO operations performed by agents of yours? ☐ Yes ☐ No[1]

s. Do you carry insurance designed to cover your common carrier liability? Describe coverage and amount.[1]

t. Do you carry insurance against a failure to perform a common carrier undertaking? Describe coverage and amount.[1]

u. What is the present amount of your working capital?[1]

v. What is your present working capital ratio of assets to liabilities?[1]

2. *Should NVO's be permitted to sign dual rate contracts?*

a. What revisions in present conference regulations would be necessary for NVO participation as a contract shipper?

b. Would the NVO be restricted to member lines in conducting its operation if such dual rate contracts were signed?

c. What public benefits would accrue from such permissiveness?

d. Would NVO operations be less flexible?

e. Should all NVO's be permitted to sign dual rate contracts without discrimination?

f. Would it be possible to devise a dual rate contract focused on the NVO operations as opposed to the normal shipper?

g. Would divisions of a through rate between the NVO and the water carrier accomplish the same ends? If so, would not this be a better practical method of operation?

h. What would be the effect on the conference system if NVO's solicited traffic from conference lines' contract shippers?

3. *Should NVO's be permitted to enter into agreements with underlying water carriers pursuant to the provisions of section 15 and if so, what specific types of agreements should the Commission consider approvable?*

a. Should rate (divisional) agreements between NVO's and steamship lines be permitted on through traffic, i.e., inland origin points to destination port?

b. Should they be permitted with respect to local port-to-port traffic, i.e., that traffic originating at a port destined to a foreign port without prior or subsequent movements? If not, why not?

c. Assuming that some NVO's are also certificated equipment owning carriers insofar as land movements are concerned, then should section 15 arrangements be permitted on through traffic?

d. Should section 15 rate divisional arrangements be permitted between NVO's who are also express companies with respect to inland traffic?

e. Should section 15 agreements be permitted between NVO's and underlying water carriers which provide that each will perform certain services for each other such as space allocations, number of trailers tendered, etc.? If so, please comment on the discriminatory aspects of such an arrangement.

4. *Should the Commission require the NVO to be licensed, bonded, or otherwise made to show financial responsibility?*

a. Should statistical reports be required from NVO's which set forth information as to their financial status and operational practices?

b. Should minimal amounts of insurance for the protection of the public be required? If so, in what amounts?

c. Should minimum periods be fixed by the FMC with respect to the time within which freight bills must be paid to the underlying carrier?

d. Should regulations be imposed with respect to the acquisition by a freight forwarder of a water carrier or vice versa?

e. Should affiliations between NVO's and water carriers be permitted or prohibited?

5. • • •

6. *Should the NVO be permitted or required to file its through single factor rate with the Commission?*

a. Would it be feasible to require an NVO to identify the underlying carrier's rates on which it predicates its own rates?

b. Is there any regulatory effectiveness in requiring the filing of tariffs from NVO's on port-to-port movements which only involve a segment of a through movement, and which a prior or subsequent inland movement is exempt from the tariff filing requirements of other regulatory agencies?

HERBERT K. GREER,
Chairman,
Investigating Committee.

[F.R. Doc. 69–3903; Filed, Apr. 2, 1969; 8:48 a.m.]

[1] Answers to these questions will be treated in confidence if requested.

[Independent Ocean Freight Forwarder License No. 179]

E. J. EDWARDS INTERNATIONAL

Order of Revocation; Correction

On March 22, 1969, there was published in the FEDERAL REGISTER an order of revocation revoking, without prejudice to reapplication at a later date, Independent Ocean Freight Forwarder License No. 179 previously issued to Edward J. Edwards, doing business as E. J. Edwards International, 327 South La Salle Street, Chicago, Ill. 60604.

The aforesaid order of revocation, in the first paragraph, stated that E. J. Edwards International advised that the firm would "terminate business effective

March 16, 1969." However, by letter dated March 20, 1969, E. J. Edwards called our attention to the fact that his previous advice as to termination of business referred only to the ocean freight forwarder operations rather than to his entire business. Accordingly, the first paragraph of the aforesaid order is hereby amended to read:

By letter dated March 5, 1969, Edward J. Edwards, doing business as E. J. Edwards International returned its Independent Ocean Freight Forwarder License No. 179 to the Commission for cancellation and advised that in order to devote a greater measure of time to his customs house broker operations, its firm will terminate Independent Ocean Freight Forwarder operations effective March 16, 1969.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-3904; Filed, Apr. 2, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-657]

SUPERIOR OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 27, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before May 14, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-657	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	[2] 111	7	Kansas-Nebraska Natural Gas Co. (Bradshaw Field, Hamilton County, Kans.).	$1,603	2-7-69	[3] 4-7-69	[4] 4-8-69	[7] 12.5	[5] [7] 13.5	

[2] Contract dated after Sept. 28, 1960, the date of issuance of General policy statement No. 61-1, and the proposed rate does not exceed the initial service ceiling rate of 16 cents per Mcf.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.

The Superior Oil Co. (Superior) requests that its proposed rate increase be permitted to become effective as of March 15, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Superior's rate filing and such request is denied.

The contract related to the rate filing of Superior was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate of 13.5 cents per Mcf exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas, but does not exceed the service ceiling established for the area involved. We believe, in this situation, Superior's proposed rate filing should be suspended for 1 day from April 7, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-3859; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. CP69-191]

CUMBERLAND AND ALLEGHENY GAS CO. AND MANUFACTURERS LIGHT AND HEAT CO.

Order Granting Intervention, Prescribing Procedures, and Setting Date for Prehearing Conference

MARCH 27, 1969.

The Manufacturers Light and Heat Co. (Manufacturers) and Cumberland and Allegheny Gas Co. (C&A) filed a joint application on January 10, 1969, pursuant to section 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction, and operation of certain natural gas facilities, the establishment of additional points of delivery, the sale of additional volumes of gas, and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application and in the notice of application issued January 16, 1969, which also set February 13, 1969, as the date by which all petitions and notices to intervene were to be filed with this Commission.

A petition to intervene was timely filed February 12, 1969, by Pennsylvania Gas and Water Co. (Penn Gas) requesting permission to intervene in the event a hearing is ordered and alleging that it purchases 29,387 Mcfd of natural gas from Manufacturers for resale in several Pennsylvania counties and that since it is not adequately represented by any other party it could be adversely affected by the Commission's final order in these proceedings.

It appears that petitioner has alleged sufficient interest in the above-captioned application to warrant intervention in this proceeding.

Notices of Intervention were timely filed by the Public Service Commission of West Virginia on February 12, 1969, and the Maryland Public Service Commission on February 13, 1969.

Based upon our experience in other similar proceedings, we shall herein set forth procedures for a prehearing conference for the purpose of determining factual and legal issues arising from the application, to provide for the filing of evidence, and to set dates for the filing of briefs on legal issues should no issues of fact appear in order to insure an early and expeditious termination of these matters.

The Commission finds:

(1) It is desirable and in the public interest to allow the above named petitioner to intervene in this proceeding in order that it may establish the facts and the law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The expeditious disposition of these proceedings will be effected by holding a prehearing conference on March 20, 1969.

The Commission orders:

(A) The above-named petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, the applicant shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on April 10, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of effectuating the expeditious disposition of this proceeding. The purpose of such conference shall be to consider all matters at issue in the above docket, the manner in which evidence shall be presented, to fix dates for the commencement of hearings or for the filing of briefs should no issues of fact be raised, and to consider any and all matters which might contribute to an expeditious disposition of this proceeding. The applicant, the Commission Staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on a date to be fixed by the presiding examiner in accordance with paragraph (c) above, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3853; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. CP69-245]

NORTH CENTRAL PUBLIC SERVICE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 27, 1969.

Take notice that on March 19, 1969, North Central Public Service Co. (Applicant), 1080 Montreal Avenue, St. Paul, Minn. 55102, filed in Docket No. CP69-245 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Natural Gas Pipeline) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant the natural gas requirements of the town of Afton, Iowa, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks an order of the Commission directing Natural Gas Pipeline to construct and operate a sales measuring station to provide a delivery point for Applicant at Natural Gas Pipeline's present Creston, Iowa, delivery point. Applicant proposes to distribute natural gas in the town of Afton, Iowa.

Applicant estimates its 3d year peak day and annual gas requirements at 680 Mcf and 78,620 Mcf respectively. Applicant estimates its costs for these facilities at $201,630, which it proposes to finance through short term bank loans under an existing line of credit with the First National Bank of St. Paul.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3854; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. E-7348]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Application

MARCH 27, 1969.

Take notice that on March 19, 1969, Orange and Rockland Utilities, Inc. (Applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $75 million in short-term unsecured promissory notes including $13 million of commercial paper notes.

Applicant is incorporated under the laws of the State of New York with its principal business office at Nyack, N.Y., and is engaged in the electric utility business in three counties in the State of New York.

The notes are to be issued from time to time to commercial banks or similar institutions and will mature within 1 year from their dates of issuance and in any event not later than December 31, 1970.

The proceeds from the issuance of the notes will be used to finance the Applicant's 1969-1970 construction program. The principal items in this program are the construction of a 195 mw fifth unit at the Lovett Steam Plant and the Company's portion of the interconnection of Pennsylvania, New Jersey, Maryland Power Pool (PJM) with the New York Power Pool (NYPP).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3855; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. RI69-331, etc.]

UNION PRODUCING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

MARCH 20, 1969.

Union Producing Co. (Operator), et al., Docket Nos. RI69-331, etc.; Union Producing Co. (Operator), et al., Docket No. RI69-331; Union Producing Co., Docket No. RI69-333.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued February 11, 1969 and published in the FEDERAL REGISTER, February 20, 1969 (34 F.R. 2450), with respect to "Appendix 'A', page 4, Docket No. RI69-331, Union Producing Co. (Operator), et al." delete

everything after the colon and in lieu thereof insert: "Opposite Rate Schedule No. 207) under column headed 'Rate in Effect' (last portion of rate) change '12.0757' to read '12.0252'."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3856; Filed, Apr. 2, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

OTTO BREMER CO. AND OTTO BREMER FOUNDATION

Order Granting Determinations Under Bank Holding Company Act

In the matter of the applications, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, by Otto Bremer Co., and Otto Bremer Foundation, both of St. Paul, Minn., for determinations re the proposed nonbank subsidiaries, State Agency of Redwood Falls, Inc., American State Agency of Watertown, Inc., Cassabanka Insurance Agency, Inc., Elk Valley Agency, Inc., and Citizens Insurance Agency, Inc. (Dockets Nos. BHC-83, BHC-84, BHC-85, BHC-86, BHC-87).

Otto Bremer Company and Otto Bremer Foundation, both of St. Paul, Minn., both of which are bank holding companies within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(a)), have filed requests for determinations by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by five proposed nonbank subsidiaries (State Agency of Redwood Falls, Inc., American State Agency of Watertown, Inc., Cassabanka Insurance Agency, Inc., Elk Valley Agency, Inc., and Citizens Insurance Agency, Inc.) are of the kind described in section 4(c)(8) of the Act (12 U.S.C. sec. 1843(c)(8) and § 222.4(a) of the Board's Regulation Y (12 CFR 222.4(a)) so as to make it unnecessary for the prohibitions of section 4(a) of the Act, respecting ownership of shares in nonbanking companies, to apply in order to carry out the purposes of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act, and in accordance with the provisions of §§ 222.4(a) and 222.5(a) of the Board's Regulation Y (12 CFR 222.4(a) and 222.5(a)), a hearing was held on these matters on August 28, 1968. The hearing examiner filed his report and recommended decision[1] wherein he recommended that the Board decline to make the requested determinations; Applicants filed exceptions and a brief in support thereof. For the reasons set forth in a statement[1] of this date, and on the basis of the entire record,

It is hereby ordered, That the activities planned to be undertaken by each of the proposed subsidiaries named hereinabove are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act; provided, however, that the determination with respect to each such subsidiary is subject to revocation if the facts upon which it is based change in any material respect.

Dated at Washington, D.C., this 25th day of March 1969.

By order of the General Counsel of the Board of Governors, acting on behalf of the Board pursuant to delegated authority (12 CFR 265.2(b)(2)).

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3875; Filed, Apr. 2, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

SECURITIES AND EXCHANGE COMMISSION

[70-4707]

COLUMBIA GAS OF PENNSYLVANIA, INC., AND COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Transactions Related to Acquisition of Assets of Nonassociate Public-Utility Company by Public-Utility Subsidiary Company of Holding Company

MARCH 26, 1969.

Notice is hereby given that The Columbia Gas System, Inc ("Columbia"), a registered holding company, and its gas utility subsidiary company, Columbia Gas of Pennsylvania, Inc. ("Pennsylvania"), 120 East 41st Street, New York, N.Y. 10017, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9, 9(b)(1), 10, and 12(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia and Pennsylvania have entered into a Reorganization Agreement and Plan ("Agreement"), dated September 12, 1968, with York County Gas Co. ("York"), a nonassociate gas utility company, providing for the acquisition by Pennsylvania of all of the assets of York, the sale of which was approved by the holders of 86 percent of the common stock of York. Pennsylvania will assume substantially all of the liabilities of York on the closing date, including first mortgage bonds and notes payable to banks which amounted to $8,668,000 and $1,870,000, respectively, as of September 30, 1968. Pennsylvania will deliver to York 620,890 shares of the common stock of Columbia in exchange for the equity of the common stockholders in the net assets of York. The closing price of the Columbia common stock on the New York Stock Exchange on March 10, 1969, was $30¼ per share. At this price, less an allowance for selling costs, the shares being given in exchange for the equity of the common stockholders of York have an aggregate value of approximately $18,162,000. This amount, plus the $8,668,000 principal amount of first mortgage bonds and $1,870,000 of notes payable to be assumed, aggregates $28,700,000 and may be considered to be an estimate of the total purchase price to be paid for the assets of York. The application-declaration states that the Agreement was executed after arm's-length bargaining between the parties.

To enable Pennsylvania to make the proposed acquisition, Columbia will deliver the requisite number of shares of its common stock to Pennsylvania. In exchange, Pennsylvania will issue its common stock (par value $25 per share) to Columbia in an aggregate par amount equal to the book value of the net assets of York to be acquired. Pennsylvania will pay cash to Columbia in lieu of issuing fractional shares. As of September 30, 1968, a total of 296,074 shares of Pennsylvania's common stock, having an aggregate par value of $7,401,850, would be delivered to Columbia.

As of September 30, 1968, gross property, plant, and equipment of York was recorded at original cost in the amount of $23,066,000, with a related reserve for depreciation and depletion of $4,795,000. The assets, when acquired, and the liabilities, when assumed, will be reflected on the books of Pennsylvania at their recorded amounts on the books of York. Columbia will record its additional investment in the common stock of Pennsylvania at underlying book value, which was $7,401,850 as of September 30, 1968. York's operating revenues for the 12 months ended September 30, 1968, amounted to $11,675,683; income before interest on long-term debt was $1,184,273, and net income was $681,628.

York, which purchases the bulk of its gas requirements from The Manufacturers Light and Heat Co., a wholly owned subsidiary company of Columbia, distributes gas, at retail, to approximately 52,000 customers in most of York County, including the cities of York, Red Lion, and Hanover, and in a small portion of Adams County, which county lies immediately to the west of York County. The remaining customers in Adams County who are not served by York are served by Pennsylvania, which also serves customers in a portion of York County. York's service area is, therefore, asserted to be a logical extension of Pennsylvania's own service area.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over certain of the proposed transactions. It is also stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses related to the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than April 25, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3867; Filed, Apr. 2, 1969; 8:46 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

MARCH 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 28, 1969, through April 6, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3869; Filed, Apr. 2, 1969; 8:46 a.m.]

CRESTLINE URANIUM & MINING CO.

Order Suspending Trading

MARCH 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Crestline Uranium & Mining Co., Denver, Colo., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 28, 1969, through April 6, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3868; Filed, Apr. 2, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 28, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41597—*Iron or steel pipe and related articles from Burnham, Pa.* Filed by Southwestern Freight Bureau, agent (No. B-19), for interested rail carriers. Rates on iron or steel pipe, and related articles, as described in the application, in carloads, from Burnham, Pa., to points in Texas.

Grounds for relief—Market competition.

Tariff—Supplement 117 to Southwestern Freight Bureau, agent, tariff ICC 4620.

FSA No. 41598—*Iron or steel pipe and related articles from Cedar Springs, Ga.* Filed by Southwestern Freight Bureau, agent (No. B-22), for interested rail carriers. Rates on iron or steel pipe, and related articles, as described in the application, in carloads, from Cedar Springs, Ga., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 117 to Southwestern Freight Bureau, agent, tariff ICC 4620.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3894; Filed, Apr. 2, 1969; 8:47 a.m.]

[Notice 1281]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 28, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 107515 (Sub-No. 647), filed March 25, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative, Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in mixed loads with meats, meat products and meat byproducts as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766 (as otherwise authorized), from Austin, Minn., and Fremont, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the plantsite and/or warehouse facilities, Geo. A. Hormel & Co., Austin, Minn., and Fremont, Nebr., and destined to points in the named States. NOTE: Applicant states no duplicating authority is being sought.

HEARING: April 16, 1969, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Frank J. Mahoney.

No. MC 114552 (Sub-No. 35) (Republication), filed August 5, 1968, published FEDERAL REGISTER issue of August 22, 1968 and republished this issue. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. By report and order entered in the above-entitled proceeding, the examiner recommended the

granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below. An order of the Commission, division 1, effective March 20, 1969, and served February 18, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *composition wood and composition wood products*, from the plant and warehouse sites of Weyerhaeuser Co., at Adel, Ga., to points in Alabama, Florida, Kentucky, Mississippi, South Carolina, and Tennessee, restricted to traffic originating at the plant and warehouse sites of Weyerhaeuser Co., at Adel, Ga.; that applicant is fit, willing, and able properly to perform such services and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 115841 (Sub-No. 139) (Notice of Filing of Petition To Modify Certificate), filed March 7, 1969. Petitioner: COLONIAL REFRIGERATED TRANSPORTATION, INC., Birmingham, Ala. Petitioner's representatives: C. E. Wesley, Post Office Box 2169, Birmingham, Ala., and Harry C. Ames, Jr., and E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Petitioner states it holds a certificate issued February 19, 1964, authorizing operations as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: Frozen foods (except frozen berries, frozen fruits, frozen vegetables, and meat, packinghouse products, and commodities used by packinghouse, as described in appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Florida with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein shall not be tacked, joined, or combined with other authority held by carrier for the purpose of performing a through service to points in Florida. The purpose of this petition is to remove the exception in the commodity description as to meats, packinghouse products, and commodities used by packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766. Thus, petitioner seeks to modify its certificate so that it will read as follows: Frozen Foods (except frozen berries, frozen fruits, and frozen vegetables), in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Florida. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115841 (Sub-No. 280) (Notice of Filing of Petition To Modify Existing Certificate), filed March 7, 1969. Petitioner: COLONIAL REFRIGERATED TRANSPORTATION, INC., Birmingham, Ala. Petitioner's representatives: C. E. Wesley, Post Office Box 2169, Birmingham, Ala. and Harry C. Ames, Jr., and E. Stephen Heisley, 529 Transportation Building, Washington, D.C. Petitioner states it holds a certificate, issued October 10, 1968, authorizing operations as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: Foodstuffs (except in bulk), and advertising matter, display racks and premiums when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Kentucky, Missouri, and Oklahoma, with no transportation for compensation on return except as otherwise authorized. Nonfrozen foodstuffs (except in bulk), when moving at the same time and in the same vehicle with frozen foods, and advertising matter, display racks, and premiums, when moving at the same time and in the same vehicle with nonfrozen foodstuffs and frozen foods, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, and Texas, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to the respective above-named destination points. The purpose of the instant petition for modification is directed solely to a portion of the certificate, specifically that portion of the certificate which restricts the transportation of nonfrozen foodstuffs to movements in mixed shipments with frozen foods. As specifically requested herein, petitioner seeks to modify its certificate by removing the restriction: "When moving at the same time and in the same vehicle with frozen foods." Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC–124090 (Notice of Filing of Petition for Revision of Certificate To Add Laredo, Tex., as a Port of Entry and Exit), filed March 21, 1969. Petitioner: TRANSPORTES AZTECA, Dover, N.J. Petitioner's representative: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C. 20015. Petitioner holds a certificate in No. MC–124090 to engage in transportation in foreign commerce, as a common carrier, by motor vehicle, transporting, over irregular routes, general commodities, except commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and classes A and B explosives, between Newark, N.J., and Brownsville, Tex. By the instant petition, petitioner prays that the Commission revise its certificate so as to permit it to use Laredo, Tex., as an alternate port of entry and exit in the transportation of general commodities, with certain exceptions, between Newark, N.J., and points in the Republic of Mexico. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10377 (Amendment) (NELSON DISTRIBUTION CORP.—Control—A & B GARMENT DELIVERY, et al.) published in the February 5, 1969, issue of the FEDERAL REGISTER, on page 1753. Amendment filed March 24, 1969, shows the joining in of NELSON RESOURCE CORP., 441 Ninth Avenue, New York, N.Y. 10001, as an additional party in control of NELSON DISTRIBUTION CORP.

No. MC–F–10425. Authority sought for purchase by TODDMAN TRANSPORT CO., 8000 Trinity Boulevard (Post Office Box 13426), Fort Worth, Tex. 76118, of the operating rights of MAGNOLIA TRANSPORTATION CO., INC., 8222 Market Street Road, Houston, Tex. 77029, and for acquisition by NEWMAN BROS. TRUCKING COMPANY, Post Office Box 13302, Fort Worth, Tex. 76118, and DON C. TODD, 8000 Trinity Boulevard, Post Office Box 13426, Fort Worth, Tex. 76118, of control of such rights through the purchase. Applicants' attorney: Reagan Sayers, c/o Rawlings, Sayers & Sourlock, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120750 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Texas. TODDMAN TRANSPORT CO., hold no authority from this Commission. However, one of its controlling stockholders, NEWMAN BROS. TRUCKING COMPANY, is authorized to operate under a certificate of registration, in intrastate commerce within the State of Texas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10426. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, of the operating rights of ARTHUR R. FAUGHN, doing business as FAUGHN'S TRANSPORTATION, Post Office Box 127, Empire, Calif. 95319, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY, and, in turn by DAVID H. RATNER, both of 310 South Michigan Avenue, Chicago, Ill. 60604, of control of such rights through the purchase. Applicants' attorneys: Frank Loughran, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104, and William E. Kenworthy, 1205 South Platte River Drive, Denver, Colo. 80223. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC–120842 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Iowa, Nebraska, Oklahoma, Nebraska, Indiana, Kansas, Utah, Louisiana, Virginia, Maryland, Florida, New York, Tennessee, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10427. Authority sought for control by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203, of W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., and for acquisition by INTERNATIONAL UTILITIES, INC., and, in turn INTERNATIONAL UTILITIES CORP., both of 1500 Walnut Street, Philadelphia, Pa. 19102, of control of W. T. BYRNS MOTOR EXPRESS, INC., through the acquisition by RYDER TRUCK LINES, INC. Applicants' attorneys: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, Larry D. Knox, 2050 Kings Road, Jacksonville, Fla. 32203, Spencer and Wise, 112 Clinton Building, Watertown, N.Y. 13601. Operating rights sought to be controlled: *General commodities*, excepting, among other, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Syracuse, N.Y., and Rouses Point, N.Y., between Moira, N.Y., and Lake Clear Junction, N.Y., serving all intermediate points and certain off-route points; between Sycracuse, N.Y., and Philadelphia, Pa., serving no intermediate points, between Sycracuse, N.Y., and Watertown, N.Y., with service to all intermediate points on northbound traffic and from all intermediate points on southbound traffic, between Watertown, N.Y., and Utica, N.Y., serving all intermediate points and the off-route points in Lewis and Jefferson Counties, N.Y.; between Albany, N.Y., and Elizabethtown, N.Y., serving no intermediate points; between junction U.S. Highway 9 and New York Highway 28 and Blue Mountain Lake, N.Y., serving no intermediate points, and serving junction U.S. Highway 9 and New York Highway 28 for the purpose of joinder only; between Syracuse, N.Y., and Rochester, N.Y., serving all intermediate points, and the off-route points of Shortsville and Penn Yan, N.Y., between Syracuse, N.Y., and Oswego, N.Y., serving certain intermediate points, between Boston, Mass., and Brockton, Mass., serving all intermediate points, and the off-route points of Rockland and Stoughton, Mass., and points within 5 miles of Boston, between Brockton, Mass., and Worcester, Mass., serving all intermediate points, between Providence, R.I., and Taunton, Mass., serving certain intermediate and off-route points; between Springfield, Mass., and New York, N.Y., serving certain intermediate and off-route points, between Potsdam, N.Y., and Massena, N.Y., serving all intermediate points, with restriction; between Amsterdam, N.Y., and New York, N.Y., between Albany, N.Y., and New York, N.Y., between Amsterdam, N.Y., and Catskill, N.Y., serving all intermediate points and certain off-route points, with restrictions; between New York, N.Y., and Philadelphia, Pa., serving no intermediate points in Pennsylvania except Philadelphia and the off-route points of Gloucester and Palmyra, N.Y., between Philadelphia, Pa., and points in New Jersey, serving no intermediate points and the off-route points in Pedricktown, N.J., with restriction; numerous alternate routes for operating convenience;

General commodities, except those of unusual value, classes A and B explosives, fertilizers, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Utica, N.Y., and Boston, Mass., serving certain intermediate points, between Utica, N.Y., and Schenectady, N.Y., serving certain intermediate points, purposes of joinder only between Utica, N.Y., and Albany, N.Y., serving no intermediate points, and serving Albany, N.Y., for purposes of joinder only, between junction U.S. Highway 20 and Massachusetts Highway 9 and Boston, Mass., serving no intermediate points, and serving junction U.S. Highway 20 and Massachusetts Highway 9 for purposes of joinder only, between junction U.S. Highway 20 and New York Highway 22 and junction Massachusetts Highway 102 and U.S. Highway 20, between Albany, N.Y., and junction Massachusetts Highway 41 and U.S. Highway 20, serving no intermediate points, and serving the termini for purposes of joinder only, with restriction: *Paper*, from Fort Edward, N.Y., to New York, N.Y., serving the intermediate point of Mechanicville, N.Y., restricted to pickup only, and serving certain intermediate and off-route points restricted to delivery only, from Mechanicville, N.Y., to Philadelphia, Pa., from Mechanicville, N.Y., to Boston, Mass., from Mechanicville, N.Y., to New Haven, Conn., serving certain intermediate and off-route points restricted to delivery; *Paper mill supplies* and *paper stock*, from New York, N.Y., to Fort Edward, N.Y., serving the intermediate point of Mechanicville, N.Y., restricted to delivery only, and serving certain intermediate and off-route points, restricted to pickup only; *cores* on which such paper is rolled, from New York, N.Y., to Mechanicville, N.Y., serving no intermediate points; *wallpaper*, from Glens Falls, N.Y., to New York, N.Y.; *materials* used in the manufacture of wallpaper, from New York, N.Y., to Glens Falls, N.Y.; serving certain intermediate and off-route points, with restriction;

Paperboard, from Thomson, N.Y., to New York, N.Y.; *Paper mill supplies and materials* used in the manufacture of paperboard, from New York, N.Y., serving certain intermediate points, to Thomson, N.Y., with restriction; *general commodities*, excepting, among other, household goods and commodities in bulk, over regular and irregular routes, between points in New York and Buffalo, N.Y., and contiguous communities; *general commodities*, excepting, among other, household goods and commodities in bulk, over irregular routes, between Massena, N.Y., on the one hand, and, on the other, port of entry on the United States-Canada boundary line at or near Rooseveltown, N.Y., with restriction; between Springfield, Mass., on the one hand, and, on the other, points in Massachusetts, between Albany, N.Y., on the one hand, and, on the other, certain points in New York; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and nursery stock, seeds, bulbs, plants, and accessories and supplies used or useful in the planting or exhibition of such plants, between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania and New Jersey within 20 miles of City Hall in Philadelphia, between Philadelphia, Pa., and Kennett Square, Pa.; *paper, paper products, paperboard, and boxboard* from certain intermediate points in New York to points in Massachusetts, Rhode Island, Connecticut, New York and those in New Jersey on and north of Jersey Highway 33; and

Equipment, materials, and supplies used in the manufacture of paper, paper products, paperboard, and boxboard, from points in the next above-destination territory to certain specified points in New York, except points in Berkshire County, Mass., to Albany, N.Y.; *paperboard*, from Chatham and Mellenville, N.Y., to points in Rhode Island, and those in New Jersey within 25 miles of Newark, including Newark; *waste paper and empty paper skids*, from the next above specified destination points to

Chatham and Mellenville, N.Y., *paperboard and boxboard*, from Chatham and Mellenville, N.Y., to points in Massachusetts and Connecticut; *scrap or waste paper*, from points in Massachusetts and Connecticut to Chatham and Mellenville, N.Y.; *liner paper*, from Fitchburg, Mass., to Chatham and Mellenville, N.Y.; *paper mill machinery*, from Boston, Mass., and Woonsocket, R.I., to Chatham and Mellenville, N.Y.; *cores and spools*, made of wood, iron, or steel, loose or in packages, from Binghamton and Johnson City, N.Y., to points in Berkshire County, Mass.; *wood pulp*, from Albany, N.Y., and Boston, Mass., to points in Berkshire County, Mass.; *paper and paper products*, from points in Berkshire County, Mass., to Hartford and Waterbury, Conn., to certain points in New York, N.Y., Newark, N.J., from certain specified points in New York, to points in that part of New Jersey on and north of New Jersey Highway 33, from certain specified points in New York, to New York, N.Y., Pawtucket, and Providence, R.I., certain specified points in Pennsylvania, Baltimore, Md., Chicago, Ill., Detroit, Mich., certain specified points in Ohio, and Washington, D.C., and points in Connecticut, Massachusetts and Pennsylvania;

Equipment, materials, and supplies used in the manufacture of paper and paper products, between points in Berkshire County, Mass., on the one hand, and, on the other, Waterbury, Conn., and Troy and Rochester, N.Y., with restriction; *amusement park equipment, tools, sleds, toboggans, skis, and farm implements*, between Philadelphia, Pa., on the one hand, and on the other, New York, N.Y., Baltimore, Md., and points in Delaware and New Jersey; *cheese*, from certain points in New York, to New York, N.Y., from points in Jefferson County, N.Y., to points in Massachusetts, Pennsylvania, and New Jersey; *paper mill machinery and parts, paper mill supplies, and paper*, from certain points in Pennsylvania to points in Massachusetts to certain points in New Jersey, Pennsylvania, New Jersey and specified points in New York; *paint*, from Newark, N.J., to Watertown, N.Y.; *sugar*, from Boston, Mass., to Watertown, N.Y.; *petroleum products*, in drums and containers, from Bradford, Pa., to Theresa and Heuvelton, N.Y., from Oil City, Pa., to Felts Mills, N.Y.; *fresh cream and powdered milk*, from points in Jefferson County, N.Y., to Philadelphia, Pa., and points in Connecticut, Massachusetts, and Rhode Island; *asphalt, clay, and wax* (except in bulk, in tank vehicles), and *cotton, woolen, and rubberized cloth, paper products, benches, and tables*, between Stoughton, Mass., and points in Massachusetts within 15 miles of Stoughton, on the one hand, and, on the other certain points in Rhode Island, with restriction; *boilers and boiler parts*, from Westfield, Mass., to New York, N.Y., and points on Long Island, N.Y., and points in New York and New Jersey within 60 miles of New York, N.Y.;

Soap and soap products, from New York, *ski lifts and materials, supplies, equipment and parts* used in the installation of ski lifts, from Watertown, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, and Vermont; *materials, supplies and equipment* used in the manufacture of ski lifts, from points in Massachusetts, New Jersey, Ohio, and points in Pennsylvania west of U.S. Highway 309, to Watertown, N.Y., *printing paper*, from Newton Falls, N.Y., to Bennington, Vt., with restriction; RYDER TRUCK LINES, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Applicant has not filed for temporary authority under section 210a(b).

No. MC–F–10428. Authority sought for merger into MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629, of the operating rights and property of INTERSTATE TRUCK SERVICE, INC., 605 South First Street, Martins Ferry, Ohio 43935, and for acquisition by MILTON D. RATNER, also of Chicago, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be merged: *General commodities*, excepting among others, commodities in bulk, but not excepting household goods, as a *common carrier*, over regular routes, between Glencoe, Ohio, and Wheeling, W. Va., serving all intermediate points, and the off-route points of Willow Grove, and Warnock, Ohio; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk, and (except when moving from or to Martins Ferry, Ohio), commodities requiring special equipment and dry commodities in bulk, between Cleveland, Ohio, and New York, N.Y., between Cleveland, Ohio, and junction U.S. Highway 21 and Interstate Highway 80 at or near Richfield, Ohio, between Harrisburg, Pa., and Philadelphia, Pa., between Martins Ferry, Ohio, and Ebensburg, Pa., serving certain intermediate and off-route points, and for purposes of joinder only Harrisburg, Pa., and Ebensburg, Pa., and junction U.S. Highway 21 and Interstate Highway 80, with restriction;

General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and liquid commodities in bulk, over irregular routes, between points in above origin territory in Ohio and West Virginia, on the one hand, and, on the other, certain specified points in Pennsylvania, Sparrows Point, Md., and certain specified points in New York, between points in West Virginia in the above origin territory, on the one hand, and, on the other, points in Ohio, with restriction; *general commodities*, excepting, among others, household goods, and commodities in bulk, between points in Ohio and West Virginia within 2 miles of the Ohio River northerly from Sistersville, W. Va., and Fly, Ohio, extending to junction West Virginia-Ohio-Pennsylvania State lines, on the one hand, and, on the other, Baltimore, Md., and Philadelphia, Pa., from Lancaster, Pa., to points in the origin territory in Ohio and West Virginia as above, between certain specified points in Ohio, on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa., and points within 30 miles of each and Baltimore, Md., with restrictions; between points in Belmont County, Ohio (with exceptions), on the one hand, and, on the other points in West Virginia and Pennsylvania (with exceptions); *general commodities*, excepting among others, commodities in bulk, but not excepting household goods, between Glencoe, Ohio, and points within 5 miles of Glencoe, on the one hand, and, on the other, Pittsburgh, Pa., and Parkersburg, W. Va.; *iron and steel articles, wire, rolling mill rolls, rolling mill machinery, and matches*, from points in Ohio and West Virginia within 2 miles of the Ohio River northerly from Sistersville, W. Va., and Fly, Ohio, and extending to junction West Virginia-Ohio-Pennsylvania State lines to certain specified points in Pennsylvania, with restriction;

Iron and steel articles, from points in the above-specified origin territory to Hagerstown, Md., and Frederick, Md., with restriction; *rigid conduit, electric cable, iron and steel articles, and armored cable*, from points in the above-specified origin territory to Washington, D.C., with restriction; *petroleum products and soap*, from Marcus Hook, Pa., and Baltimore, Md., to Parkersburg and Orma, W. Va., and points in Ohio within 80 miles of Wheeling, W. Va., except those points in Ohio included in the above-specified origin territory, with restriction; *iron and steel articles, lanterns, lamp burners, metal tubes, and bottle caps*, from points in the above-specified origin territory in Ohio and West Virginia to certain specified points in Indiana, with restriction; *iron and steel articles, lanterns, lamp burners, metal tubes, bottle caps, rolling mill rolls, rolling mill machinery and boat davits*, from points in the above-specified origin territory to Louisville, Ky., and Ashland, Ky., with restriction; *iron and steel articles*, from points in Ohio in the above-specified origin territory to Dunbar, W. Va., with restriction; *evaporated milk*, from Barnesville, Ohio, to Baltimore, Md., Washington, D.C., and certain specified points in Pennsylvania, with restriction; *sugar*, from Baltimore, Md., to Parkersburg and Orma, W. Va., and points in Ohio within 80 miles of Wheeling, W. Va., except those points in Ohio included in the above-specified origin territory, with restriction; *milk*, containers, from Waterford, Ohio, to points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia, from Barnesville, Ohio, to points in Delaware, Massachusetts, New Jersey, New York, and the District of Columbia; and *milk*, fresh and processed, in containers, from Barnesville, Ohio, to points in Maryland,

from Waterford and Barnesville, Ohio, to points in Kentucky, Tennessee, and Virginia. MIDWEST EMERY FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: MIDWEST EMERY FREIGHT SYSTEM, INC., controls INTERSTATE TRUCK SERVICE, INC., through ownership of capital stock pursuant to authority granted December 28, 1965, by a Division 3 report and order, and consummated September 27, 1966.

No. MC–F–10429. Authority sought for purchase by RAYMOND LONG, INC., 100 West Tenth Street, Wilmington, Del. 19899, of the operating rights and property of RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa. 18971, and for acquisition by CARMEN A. DANELLA, NICHOLAS C. DANELLA, both of 250 Diamond Avenue, Norristown, Pa. 19401, and PAUL YERK, JR., Ridge Road, Tylersport, Pa. 18971, of control of such rights and property through the purchase. Applicants' attorney: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: *Coal*, as a *common carrier*, over irregular routes, from Mahanoy City and Tamaqua, Pa., and points within 10 miles of each, to Palisades Park, N.J., and points in Bronx, Kings, and New York Counties, N.Y., from points in Schuylkill County, Pa., to points in Middlesex, Union, and Essex Counties, N.J., from points in Schuylkill County, Pa. (except Mahanoy City and Tamaqua, Pa., and points within 10 miles of each), to points in Bronx, Kings, and New York Counties, N.Y., and the site of Sea View Hospital located on Staten Island (Richmond County), N.Y.; *coal*, in bulk, in dump vehicles, from Lansford, Pa., to the site of the Sea View Hospital on Staten Island (Richmond County), N.Y.; *such bulk commodities* as are transported in dump trucks, between points in Philadelphia, Delaware, Chester, and Montgomery Counties, Pa., on the one hand, and, on the other, points in New Jersey; *building and road construction materials*, in bulk, between points in Bucks County, Pa., on the one hand, and, on the other, points in New Jersey within 35 miles of Bristol, Pa., *vinyl plastic coated stone and sand and gravel*, from points in Northampton County, Pa., to points in Delaware, Maryland, New York, North Carolina, Virginia, West Virginia, and the District of Columbia; *vinyl plastic coated stone*, from points in Northampton County, Pa., to points in New Jersey; *sand and gravel*, from points in Northampton County, Pa., to points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties); and *ore*, in dump vehicles, from points in Essex County, N.J., to points in Bucks and Montgomery Counties, Pa. RAYMOND LONG, INC. holds no authority from this Commission. However, two of its controlling stockholders, CARMEN A. DANELLA and NICHOLAS C. DANELLA, control DANELLA BROS., INC., 250 Diamond Avenue, Norristown, Pa., which is authorized to operate as a *common carrier*, in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10430. Authority sought for control by NELSON RESOURCE CORP., 441 Ninth Avenue, New York, N.Y. 10001, of BRADLEY'S EXPRESS, INCORPORATED, Atcheson Drive, Middletown, Conn. 06457, and for acquisition by WILLIAM A. NELSON, JR., also of New York, N.Y., and BENJAMIN ALPERT, 810 Broad Street, Newark, N.J. 07102, of control of BRADLEY'S EXPRESS, INCORPORATED, through the acquisition by NELSON RESOURCE CORP. Applicants' attorneys: Bowes & Millner, 744 Broad Street, Newark, N.J. 07102, and Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Middletown, Conn., and New York, N.Y., serving the intermediate point of New Haven, Conn., the off-route points of East Hampton, Portland, Moodus, and Higganum, Conn., and Newark, N.J., and the intermediate and off-route points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, between Middletown, Conn., and Hartford, Conn., serving the intermediate points of Cromwell, Rocky Hill, and Weathersfield, Conn., between Bridgeport, Conn., and Middletown, Conn., serving the intermediate and off-route points of Stratford, Milford, West Haven, New Haven, North Haven, Wallingford, and Meriden, Conn.; *cotton cloth*, over irregular routes, from Fonda and Broadalbin, N.Y., Woonsocket, R.I., and Canton, Mass., to Middletown, Conn.; *rubber footwear and empty cartons*, from Middletown, Conn., to Utica, N.Y.; *paper and fiber cases*, from East Walpole, Mass., to Middletown, East Hampton, Rocky Hill, and Cromwell, Conn.; *Mica*, between Portland, Conn., and Boston, Mass.; and *general commodities*, excepting, among others, household goods and commodities in bulk, between Middletown, Conn., on the one hand, and, on the other, Ilion, N.Y., and Boston, Mass. NELSON RESOURCE CORP. holds no authority from this Commission. However, it is affiliated with CARGO DISTRIBUTION CORPORATION, 441 Ninth Avenue, New York, N.Y. 10001, which is authorized to operate as a *common carrier* in New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10431. Authority sought for purchase by WHEATON VAN LINES, INC., 2525 East 56th Street (Post Office Box 55191), Indianapolis, Ind. 46205, of the operating rights of CENTURY VAN LINES, INC., 901 North Columbia Boulevard, Portland, Oreg. 97217, and for acquisition by E. S. WHEATON and MARJORIE A. WHEATON, both also of Indianapolis, Ind., of control of such rights through the purchase. Applicants' attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between points in Jackson County, Oreg., on the one hand, and, on the other, points in California, between Medford, Oreg., on the one hand, and, on the other, points in Coos, Curry, Douglas, Josephine, and Klamath Counties, Oreg. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under Section 210a(b). NOTE: If a hearing is deemed necessary, Applicants request that it be held in Denver, Colo.

No. MC–F–10432. Authority sought for control by BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901, of SAFEWAY FREIGHT LINES, INC., Post Office Box 6752, W. T. Station, Toledo, Ohio 43612, and for acquisition by MOHIO LEASING CORPORATION, 2425 South Wood Street, Chicago, Ill. 60608, and, in turn by JOSEPH B. FOLLADORI, JR., also of Kokomo, Ind., of control of SAFEWAY FREIGHT LINES, INC., through the acquisition by BRADA MILLER FREIGHT SYSTEM, INC. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Theodore Markwood, Suite 955 Spitzer Bldg., Toledo, Ohio 43604. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC–120420 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. BRADA MILLER FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Michigan, Ohio, Indiana, Illinois, Kentucky, Missouri, Wisconsin, Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Pennsylvania, Virginia, West Virginia, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10433. Authority sought for purchase by PACIFIC NATIONAL LINES, INCORPORATED, Post Office Box 117, Building 2197, Fort Lewis, Wash., of a portion of the operating rights of NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth Avenue, St. Paul, Minn., and for acquisition by PAUL HARMON, 15011 47th Avenue, East, Tacoma, Wash., WILLIAM WEAVER, 7630 Emerald Drive SW., Tacoma, Wash., and JAMES I. DAVIDSON, 3200 Capitol Boulevard, Olympia, Wash., of control of such rights through the purchase. Applicants' attorney and representative, Jack R. Davis and George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Operating rights sought to be transferred: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Auburn, Wash., to Tacoma, Wash., serving the intermediate points of Sumner and Puyallup, between Auburn,

Wash., and Buckley, Wash., serving the intermediate point of Enumclaw, Wash., between Buckley, Wash., and Sumner, Wash., serving no intermediate points; over three alternate routes for operating convenience only. PACIFIC NATIONAL LINES, INCORPORATED hold no authority from this Commission. However, two of its controlling stockholders, WILLIAM P. WEAVER and JAMES I. DAVIDSON, hold one-third of the capital stock of TACOMA SUBURBAN LINES, INC., Post Office Box 117, Building 2197, Fort Lewis, Wash. 98401, which is authorized to operate under a certificate of registration within the State of Washington. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–120075 Sub-4 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3895; Filed, Apr. 2, 1969; 8:47 a.m.]

[Notice 544]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 28, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Deviation No. 17), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed March 20, 1969. Carrier's representative: William E. Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Wisconsin Highway 20 and U.S. Highway 45 and junction U.S. Highway 45 and Illinois Highway 21, over U.S. Highway 45, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Milwaukee, Wis., over unnumbered highway to junction Wisconsin Highway 100, thence over Wisconsin Highway 100 to junction Wisconsin Highway 32, thence over Wisconsin Highway 32 to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to junction Illinois Highway 173, thence over Illinois Highway 173 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and (2) from Chicago, Ill., over Illinois Highway 21 to junction Illinois Highway 83 (formerly portion Illinois Highway 21), thence over Illinois Highway 83 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 83 to junction Wisconsin Highway 20 near Beaumont, Wis., thence over Wisconsin Highway 20 to junction U.S. Highway 45, thence over U.S. Highway 45 to Durham, Wis., thence over Wisconsin Highway 36 to Milwaukee, Wis., and return over the same route.

No. MC 76032 (Deviation No. 23), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed March 20, 1969. Carrier's representative: William E. Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 50 and Interstate Highway 5–580 near Tracy, Calif., over Interstate Highway 5–580 to junction California Highway 132, thence over California Highway 132 to Modesto, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Barstow, Calif., over California Highway 58 (formerly U.S. Highway 466) to Bakersfield, Calif., thence over California Highway 99 (formerly U.S. Highway 99) to junction California Highway 120 near Manteca, Calif., thence over California Highway 120 via Manteca, Calif., to junction U.S. Highway 50, thence over U.S. Highway 50 via Oakland, Calif., to San Francisco, Calif., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 514) (Cancels Deviation Nos. 207 and 245), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed March 20, 1969. Carrier's representative: W. D. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from junction unnumbered highway and U.S. Highway 50 (Union Hill Junction), over U.S. Highway 50 to junction unnumbered highway (East Camino Junction), (2) from junction unnumbered highway and U.S. Highway 50 (East Camino Junction), over U.S. Highway 50 to junction unnumbered highway (West Camino Junction), (3) from junction unnumbered highway and U.S. Highway 50 (West Placerville Junction), over U.S. Highway 50 to junction unnumbered highway (El Dorado Fairgrounds Overcrossing), (4) from junction unnumbered highway and U.S. Highway 50 (Missouri Flat Road Junction), over U.S. Highway 50 to junction unnumbered highway (Shingle Springs Junction), and (5) from junction unnumbered highway and U.S. Highway 50 (West Folsom Junction), over U.S. Highway 50 to junction unnumbered highway (Citrus Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the point where U.S. Highway 50 intersects the Nevada-California State line, over U.S. Highway 50 to junction unnumbered highway (Union Hill Junction), thence over unnumbered highway to junction U.S. Highway 50 (West Camino Junction), thence over U.S. Highway 50 to junction unnumbered highway west of Placerville (West Placerville Junction), thence over unnumbered highway to junction U.S. Highway 50 (El Dorado Fairgrounds Overcrossing), thence over U.S. Highway 50 to junction unnumbered highway (Missouri Flat Road Junction), thence over unnumbered highway to junction U.S. Highway 50 (Shingle Springs Junction), thence over U.S. Highway 50 to junction unnumbered highway southeast of Folsom (East Folsom Junction), thence over unnumbered highway via Folsom and Nimbus to junction U.S. Highway 50 southwest of Citrus (Citrus Junction), thence over U.S. Highway 50 to Sacramento, Calif. (Connects with Nevada route 4).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3897; Filed, Apr. 2, 1969; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 28, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T–263, Sub 5 filed March 14, 1969. Applicant: JAMES B. ALEXANDER, doing business as ALEXANDER TRUCKING COMPANY, South Main Street, Post Office Box 103, Davidson, N.C. Applicant's representative: Vaughn S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between points and places in the following Counties in the State of North Carolina: Union, Mecklenburg, Cabarrus, Gaston, Cleveland, Lincoln, Rowan, Davie, Iredell, Wilkes, Surry, Guilford, Stanley, Davidson, Forsyth, Yadkin, Alexander, Catawba, Burke, Caldwell, Rutherford, Anson, Montgomery, Randolph, and Alamance. NOTE: The purpose of this application is to remove the truck load limitation now on this carrier, to add counties through which it now has to operate to reach all parts of its operating authority and to add certain counties which are in the trade areas of its present authority. Both intrastate and interstate authority sought.

HEARING: Thursday, May 15, 1969, 2 p.m., Ruffin Building, 1 West Morgan Street, Raleigh, N.C. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C. 27602, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. MT–405 filed March 10, 1969. Applicant: TORREY DELIVERY, INC., 219 Brigham Road, Dunkirk, N.Y. 14048. Applicant's representative: Collesano, Sommer & Daley, 11 East Main Street, Fredonia, N.Y. 14063. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General Commodities and refrigerated commodities*, as defined in 15 NYCRR 800.1, between all points in Chautauqua County, between Buffalo and Jamestown via U.S. Highway 62 and New York Highway 17, including service to and from and between all intermediate points and the following off-route points: Cattaraugus, Little Valley, Randolph, and South Dayton. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York State Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. 16169 filed March 17, 1969. Applicant: ALABAMA FREIGHT, INC., Post Office Box 611, Birmingham, Ala. 35201. Applicant's representative: R. S. Richard, Post Office Box 2069, 57 Adams Avenue, Montgomery, Ala. 36103. To amend APSC Certificate No. 720 so as to remove restrictions as to truckload lots and minimums to the end that said certificate, when amended, would read as follows: *Household goods*, such as personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and articles including objects of arts, displays, and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods: Between points and places in Alabama. *Coal and lumber:* Between points located in Alabama within a radius of 50 miles from Birmingham, Ala., and including Birmingham, *clay, concrete and shale products, iron and steel articles, cotton* (in bales), *cottonseed meal and hulls:* Between Birmingham and points within a 25 mile radius of Birmingham, on the one hand, and all points and places in Alabama, on the other hand. NOTE: The effect of the sought amendment would be to delete the words, "in truckload lots only with a minimum of 4,000 pounds", from the household goods authority, and to delete the words, "in truckload lots only with a minimum of 10,000 pounds", from the coal and lumber authority. In all other respects the certificate remains unchanged. Both intrastate and interstate authority sought.

HEARING: Contact the Alabama Public Service Commission for this information. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. 23600–Extension (Clarification), filed February 3, 1969, published in FEDERAL REGISTER issue of March 12, 1969, and republished as clarified this issue. Applicant: RICHARD H. ESHE AND LOIS MAE ESHE, co-partners, doing business as SOUTH PARK MOTOR LINES, 48 East 56th Avenue, Denver, Colo. 80216. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, in scheduled service over regular routes, between Denver, Colo., and points within 5 miles thereof, on the one hand, and, on the other hand, the east portal of Straight Creek Tunnel (located in Clear Creek County, Colo.), and the west portal of Straight Creek Tunnel (located in Clear Creek County, Colo.), and the west portal of Straight Creek Tunnel (located in Summit County, Colo.) over U.S. Highway 6, Interstate Highway 70, and Colorado Highway 9, serving no intermediate points. Both intrastate and interstate authority sought.

HEARING: Thursday, April 3, 1969, at 10 a.m., in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Colorado Public Utilities Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should *not* be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is to clarify authority sought and to show docket number as *23600* in lieu of *26300*, as erroneously published.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3896; Filed, Apr. 2, 1969; 8:47 a.m.]

[Notice 321]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 28, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71131. By order of March 21, 1969, the Motor Carrier Board approved the transfer to R. Blinderman Motor Lines, Inc., Norwich, Conn., of Certificate No. MC–29737, issued January 18, 1960, to Sydney Blinderman, doing business as Blinderman Motor Lines, Norwich, Conn., authorizing the transportation of: Household goods, between Norwich, Conn., and points in Connecticut within 20 miles of Norwich, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New York, and New Jersey. Lawrence J. Greenberg, 302 State Street, New London, Conn. 06320, attorney for applicants.

No. MC–FC–71193. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Betty J. Strauss, doing business as West Side Transfer & Storage Co., Marietta, Ohio, of the certificate in No. MC–472, issued January 14, 1953, to R. M. Weinstock, doing business as West Side Transfer & Storage Co., Marietta, Ohio, authorizing the transportation of household goods between points in Ohio, on the one hand, and on the other, points in West Virginia and Pennsylvania; and general commodities, with exceptions between Marietta, Ohio, on the one hand, and, on the other, points in Ohio and West Virginia within 35 miles of Marietta. James M. Burtch, Columbus Center, 100 Broad

Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-71194. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Arthur Shelley, Dallas, Pa., of the operating rights in Permits Nos. MC-126381 (Sub-No. 2) and MC-126381 (Sub-No. 6) issued April 1, 1966, and November 9, 1967, respectively, to Frank Riviello, Old Forge, Pa., authorizing the transportation of rags, in bales, from Wilkes Barre, Pa., to Norfolk, Va., and East Point, Savannah, and Dosaga, Ga., and rags, in bales, from the plantsite of the Scranton Wiping Cloth Company, at or near Scranton, Pa., to Dosaga and Savannah, Ga., and Norfolk, Va. Dual operations were approved. Kenneth R. Davis, Registered Practitioner, 1106 Dartmouth Street, Scranton, Pa. 18504, representative for applicants.

No. MC-FC-71195. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Esbit Transportation & Storage Co., Inc., Brooklyn, N.Y., of the operating rights in Certificate No. MC-29796 issued November 14, 1962, to Joseph Esbit, doing business as Esbit Transportation & Storage Co., Brooklyn, N.Y., authorizing the transportation of new furniture, from New York, N.Y., to points in New York and New Jersey within 50 miles of the New York, N.Y., Commercial Zone, as defined by the Commission, and refused, damaged, or rejected shipments of new furniture, on return. Martin Werner, Werner & Alfano, 2 West 45th Street, New York, N.Y., 10036, attorney for applicants.

No. MC-FC-71196. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Herbert D. Smith, 2nd, doing business as T. E. Smith & Son, West Chester, Pa., of the certificate in No. MC-3106 issued February 6, 1937 to Herbert D. Smith, doing business as T. E. Smith & Son, West Chester, Pa., authorizing the transportation of household goods between points within a radius of 10 miles of West Chester, Pa., on the one hand, and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, and the District of Columbia, on the other. Joseph F. Harvey, 11 South High Street, West Chester, Pa., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3898; Filed, Apr. 2, 1969; 8:47 a.m.]

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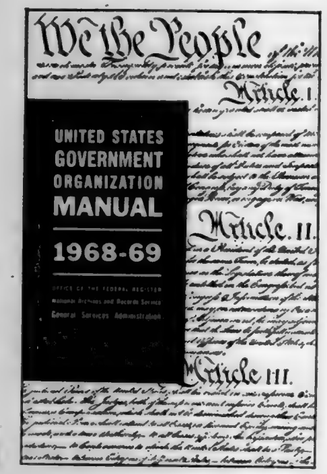
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OF MICHIGAN

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 20, Amdt. 1]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit.

Order. The provisions of paragraph (a) (1) (ii) of § 906.341 Grapefruit Regulation 20 (33 F.R. 14068) are amended to read as follows:

§ 906.341 Grapefruit Regulation 20.

(a) *Order.* (1) • • •

(i) • • •

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3$^{9}/_{16}$ inches in diameter: *Provided*, That during the period April 1 through April 18, 1969, grapefruit grading at least U.S. No. 1, and not smaller than 3$^{9}/_{16}$ inches in diameter, with not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot smaller than 3$^{9}/_{16}$ inches in diameter, may be handled; or

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 1, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4017; Filed, Apr. 3, 1969; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-SO-118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones, Transition Area, and Designation of Transition Area

On January 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1054) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the terminal airspace in the vicinity of Pensacola, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, the proposed amendments are hereby adopted, effective, 0901 G.m.t., May 29, 1969, subject to the following changes:

In Item 1, delete "(33 F.R. 2058)" and substitute "(34 F.R. 4557)" therefor. Also, delete "control zone" following "Pensacola, Fla. (Municipal Airport)", "Pensacola, Fla. (NAS Saufley Field)", "Pensacola, Fla. (NAS Pensacola-Forrest Field" and "Milton, Fla. (NAS Whiting Field (North))". In Item 2, delete "(33 F.R. 2137 and 138)" and substitute "(34 F.R. 4637)" therefor. In the Pensacola, Fla., transition area, delete "to lat. 30°18'00" N., long. 87°00'00" W.,". These coordinates are superfluous.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9596; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 1, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

1. In § 71.171 (34 F.R. 4557) control zones are amended as follows:

PENSACOLA, FLA. (MUNICIPAL AIRPORT)

Within a 5-mile radius of Pensacola Municipal Airport (lat. 30°28'25" N., long. 87°11'10" W.); within 2 miles each side of the 167° bearing from Pickens RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; within 2 miles each side of the 331° bearing from the Brent LOM, extending from the 5-mile radius zone to 8 miles northwest of the LOM; and within the portion of a 4-mile radius of NAS Ellyson Field (lat. 30°31'30" N., long. 87°11'45" W.); extending clockwise from a line 2 miles northeast of and parallel to the 331° bearing of the Brent LOM to the 5-mile radius zone.

PENSACOLA, FLA. (NAS SAUFLEY FIELD)

Within a 5-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 2 miles each side of the 214° bearing from Navy Saufley RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; and within 2 miles each side of the Saufley VOR 234° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, excluding the portions within the Pensacola (Municipal Airport) and NAS Pensacola (Forrest Sherman Field) control zones.

PENSACOLA, FLA. (NAS PENSACOLA-FORREST SHERMAN FIELD)

Within a 5-mile radius of NAS Pensacola (Forrest Sherman Field) (lat. 30°21'15" N., long. 87°19'00" W.); within 2 miles each side of the 219° bearing from NAS Pensacola LF RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the 174° bearing from NAS Pensacola UHF RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; within 2 miles each side of NAS Pensacola TACAN 235° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the TACAN.

MILTON, FLA. (NAS WHITING FIELD (NORTH))

Within a 5-mile radius of NAS Whiting Field (North) (lat. 30°43'15" N., long. 87°01'45" W.); within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

2. In § 71.181 (34 F.R. 4637) the Milton, Fla., transition area is added, and the Pensacola, Fla., transition area is amended as follows:

MILTON, FLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of NAS Whiting Field (North) (lat. 30°43'15" N., long. 87°01'45" W.); within 2 miles each side of the 315° bearing from Navy Whiting RBN, extending from the 6-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of Navy Whiting TACAN 309° radial, extending from the 6-mile radius area to 8 miles northwest of the TACAN, and within a 1.5-mile radius of Mil-

ton "T" (Private) Field (lat. 30°38'15" N., long. 86°59'20" W.).

PENSACOLA, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Pensacola Municipal Airport (lat. 30°28'25" N., long. 87°11'10" W.); within 8 miles southwest and 5 miles northeast of the 331° bearing from the Brent LOM, extending from the 8-mile radius area to 12 miles northwest of the LOM; within a 6-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 8 miles southeast and 5 miles northwest of Saufley VOR 234° radial, extending from the 6-mile radius area to 12 miles southwest of the VOR; within a 9-mile radius of NAS Pensacola (Forrest Sherman Field) (lat. 30°21'15" N., long. 87°19'00" W.); within 7 miles each side of the NAS Pensacola (Forrest Sherman Field) Runways 6/24 and 18/36 extended centerlines, extending from the 9-mile radius area to 12 miles northeast, south and southwest of the airport; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at lat. 30°15'00" N., long. 87°41'00" W., thence north to lat. 30°50'00" N., long. 87°48'00" W., thence to the southeast boundary of V-208 and lat. 31°00'00" N., thence northeast along the southeast boundary of V-208 to and counterclockwise along the arc of a 14-mile radius circle centered at Monroeville, Ala. VOR, to and east along the south boundary of V-70, to and south along the west boundary of V-115 to lat. 30°50'00" N., to lat. 30°42'45" N., long. 86°45'45" W., to lat. 30°38'45" N., long. 86°55'00" W., to lat. 30°35'35" N., long. 86°56'40" W., thence clockwise along the arc of a 25-mile radius circle centered at NAS Saufley Field to lat. 30°22'05" N., thence to lat. 30°21'15" N., long. 87°00'50" W., to lat. 30°18'20" N., long. 87°00'00" W., to lat. 29°54'00" N., long. 87°15'17" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola LF RBN, to lat. 30°02'50" N., long. 87°42'20" W., to lat. 30°04'00" N., long. 87°41'20" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola TACAN, to lat. 30°09'45" N., long. 87°45'45" W., to point of beginning.

[F.R. Doc. 69-3977; Filed, Apr. 3, 1969; 8:50 a.m.]

[Airspace Docket No. 68-SO-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Revocation and Extension of Federal Airway Segments; Alteration of Transition Areas

On January 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1170) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airways Nos. 16 and 57; extend VOR Federal airway No. 49 and alter portions of the Hopkinsville, Ky., and Nashville, Tenn., transition areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Although not mentioned in the notice, action is taken herein to make additional amendments which are editorial to segments of V-57 and V-209, and to redescribe portions of the boundaries of the Birmingham, Ala., and Muscle Shoals, Ala., transition areas. These editorial amendments would extend V-209 from Birmingham to Bowling Green as a direct replacement for V-57 between these points and would substitute V-209 for V-57 in the descriptions of the Birmingham and Muscle Shoals transition area. These amendments are being made to provide safety and eliminate potential traffic conflictions which may arise through use of similar phonic sounding airway numbers (V-7 and V-57) in the vicinity of the Atlanta/Memphis Air Traffic Control Center Boundary north of Birmingham. The extent of controlled airspace will not be altered by these additional amendments.

Since these additional editorial amendments are minor in nature, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V-16 "INT Jacks Creek 044° and Nashville 284° radials;" is deleted and "INT Jacks Creek 049° and Nashville 288° radials;" is substituted therefor.

b. In V-49 "From Bowling Green, Ky.," is deleted and "From Jacks Creek, Tenn., 12 AGL Bowling Green, Ky.;" is substituted therefor.

c. In V-57 all before "From Lexington, Ky." is deleted.

d. In V-209 "; 12 AGL Decatur, Ala., including a 12 AGL E alternate via INT Birmingham 013° and Decatur 130° radials, and a 12 AGL W alternate via INT Birmingham 335° and Decatur 205° radials; 12 AGL Graham, Tenn.; 12 AGL INT Graham 006° and Bowling Green, Ky., 230° radials; 12 AGL to Bowling Green." is added to the end of text.

2. Section 71.181 (34 F.R. 4637) is amended as follows:

a. In the description of "Birmingham, Ala." whenever "V-57E" appears "V-209E" is substituted therefor.

b. In the description of "Muscle Shoals, Ala." whenever "V-57" appears "V-209" is substituted therefor.

c. In the description of "Nashville, Tenn." all after "to 12 miles southeast of the Sewart RBN;" is deleted and "and that airspace extending upward from 1,200 feet above the surface beginning at the intersection of the southeast boundary of V-209 and the arc of a 36-mile circle centered at the Nashville Metropolitan Airport, thence clockwise along this arc to and southeast along the southwest boundary of V-243, to and clockwise along the arc of a 43-mile circle centered at Sewart Air Force Base to long. 86°20'00" W., thence south to the intersection of a line 5 miles north of and parallel to the Muscle Shoals, Ala., VORTAC 066° radial and the arc of a 31-mile circle centered at lat. 34°46'30" N., long. 86°36'30" W., thence counterclockwise along this arc to and north along the east boundary of V-209 to and east along the south boundary of V-16, to and clockwise along the arc of a 30-mile circle centered at the Nashville Metropolitan Airport, to and west along the north boundary of V-16N, to and northeast along the southeast boundary of V-209 to the point of beginning." is substituted therefor.

d. In the description of "Hopkinsville, Ky." "on the southeast by V-57, on the south by V-16N and V-140," is deleted and "on the southeast by V-49 and on the south by V-140," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 1, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3960; Filed, Apr. 3, 1969; 8:49 a.m.]

[Airspace Docket No. 68-WA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Alteration, and Revocation of Transition Areas, and Additional Control Area

On January 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 402) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would redescribe, alter, revoke and designate the controlled airspace within the State of Florida and its coastal waters by designating the Florida transition area.

On January 23, 1969, a notice of proposed rule making (Airspace Docket No. 67-SO-118), was published in the FEDERAL REGISTER (34 F.R. 1054) which proposed, in part, the alteration of the Pensacola, Fla., transition area. That airspace action has been coordinated with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854. This final rule will include the 1200-foot floor portion of that proposal which would extend more than 3 nautical miles offshore.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

1. In § 71.163 (34 F.R. 4549) the Avon Park, Fla., additional control area is revoked.

2. Section 71.181 (34 F.R. 4637, 4942) is amended as follows:

a. The Florida transition area is added as follows:

FLORIDA

That airspace extending upward from 1,200 feet above the surface: within the boundary of the State of Florida including the airspace within 3 nautical miles of and parallel to the shoreline of Florida; that airspace east of Jacksonville, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from lat. 30°43'05" N., long. 81°21'00" W., thence to lat. 30°44'00" N., long. 81°18'10" W., thence clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and east along lat. 30°17'30" N., to long. 81°01'30" W., thence to lat. 30°09'00" N., long. 81°02'15" W., to lat. 29°54'00" N., long. 81°02'15" W., to lat. 29°56'00" N., long. 81°14'50" W.; that airspace east of Melbourne, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline, and the arc of a 25-mile radius circle centered on Patrick AFB, Cocoa, Fla. (lat. 28°14'05" N., long. 80°36'35" W.); that airspace east of Palm Beach, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 30-mile radius circle centered on the Palm Beach VORTAC; that airspace east and south of Miami, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 50-mile radius circle centered on the Miami International Airport (lat. 25°47'35" N., long. 80°17'10" W.); that airspace surrounding Key West, Fla., beginning at lat. 25°04'05" N., long. 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered on the Key West VORTAC to lat. 24°08'50" N., long. 82°04'35" W., to lat. 24°13'00" N., long. 82°02'30" W., to lat. 24°13'00" N., long. 82°21'00" W., to lat. 24°25'00" N., long. 82°32'00" W., to lat. 24°45'00" N., long. 82°32'00" W., to lat. 24°45'00" N., long. 81°56'50" W., to lat. 24°49'00" N., long. 81°55'00" W., to point of beginning; that airspace northeast of Key West bounded on the west by B-19, on the south and east by V-35 and on the north by the arc of a 50-mile radius circle centered on the Miami International Airport; that airspace southwest of Fort Myers, Fla., bounded by a line 3 nautical miles from the shoreline and the arc of a 20-mile radius circle centered on the Fort Myers VORTAC; that airspace north, west, and south of Tampa, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from lat. 26°30'00" N., and a point 3 nautical miles from the shoreline, thence west along lat. 26°30'00" N., to the east boundary of W-168, thence north and west along the boundary of W-168, to long. 83°42'00" W., thence to the north boundary of Control 1226 at long. 83°47'50" W., thence east along the north boundary of Control 1226, to and clockwise along the arc of a 42-mile radius circle centered on MacDill AFB (lat. 27°51'05" N., long. 82°31'15" W.) to a point 3 nautical miles from the shoreline; that airspace south of Panama City, Fla., bounded by a line 3 nautical miles from the shoreline and a line extending from lat. 29°43'10" N., long. 85°27'00" W., to lat. 30°04'00" N., long. 85°56'00" W., to lat. 30°11'10" N., long. 85°56'00" W.; that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from lat. 30°19'45" N., long. 86°23'45" W., to lat. 29°54'00" N., long. 86°16'00" W., to lat. 29°54'00" N., long. 86°-45'50" W., to lat. 30°20'50" N., long. 86°-38'50" W.; that airspace south of Pensacola, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from lat. 30°18'20" N., long. 87°00'00" W., to lat. 29°54'00" N., long. 87°15'17" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola LF RBN, to lat. 30°02'50" N., long. 87°42'20" W., to lat. 30°04'00" N., long. 87°41'20" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola TACAN, to lat. 30°09'45" N., long. 87°45'45" W., to lat. 30°11'20" N., long. 87°44'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to lat. 30°13'15" N., long. 87°32'55" W.; that airspace southwest of Miami extending upward from 1,700 feet MSL bounded on the northeast by a line 3 nautical miles from and parallel to the shoreline, on the southeast by V-51, on the south by the arc of a 35-mile radius circle centered on the Key West VORTAC and on the west by V-225E; that airspace extending upward from 2,000 feet MSL: east of Jacksonville beginning at lat. 30°44'00" N., long. 81°18'10" W., to lat. 30°45'15" N., long. 80°58'50" W., to lat. 30°17'30" N., long. 81°01'30" W., thence west along lat. 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC to point of beginning; that airspace south of Marathon, Fla., bounded on the north by V-35, on the east by long. 80°25'00" W., on the south by lat. 24°20'00" N., and on the west by Control 1233; that airspace southwest of Fort Myers, Fla., bounded on the south by Control 1230, on the east by V-225, on the northeast by the arc of a 25-mile radius circle centered on the Fort Myers VORTAC, on the north by lat. 26°30'-00" N., and on the west by W-168 and a line extending from lat. 26°10'00" N., long. 82°17'00" W., to the north boundary of Control 1230 at long. 82°15'00" W.; that airspace northwest of Tampa bounded on the east by V-35W, on the southwest and northwest by V-97E; that airspace west of Tampa extending upward from 4,700 feet MSL bounded on the northeast by V-97 and V-97W, on the southeast by the arc of a 42-mile radius circle centered on MacDill AFB, on the south by Control 1226, on the northwest by the Cross City VOR 212° radial from the southwest boundary of V-97 to the St. Petersburg VORTAC 280° radial, then west along this radial to Control 1226, excluding: That portion within W-151 east of the INT of the north boundary of Control 1226, and the St. Petersburg VORTAC 280° radial; that portion within R-2909; that portion southeast of a line extending from lat. 29°43'35" N., long. 84°39'00" W., to lat. 29°47'00" N., long. 84°40'00" W., to lat. 29°52'30" N., long. 84°34'40" W., thence to the west boundary of V-7W at lat. 29°52'30" N.

b. In the Daytona Beach, Fla., transition area, all after "• • • excluding that airspace outside of the continental limits of the United States." is deleted.

c. In the Eglin AFB, Fla., transition area, all after "• • • and within a 7-mile radius of Hurlburt AFB, Fla." is deleted and "(lat. 30°25'40" N., long. 86°41'20" W.)." is substituted therefor.

d. In the Fort Myers, Fla., transition area, all after "• • • within 2 miles each side of the 219° bearing from the Fort Myers RBN" is deleted and "extending from the 8-mile radius area to 8 miles southwest of the RBN." is substituted therefor.

e. In the Gainesville, Fla., transition area, all after "• • • Stengel Field Airport" is deleted and "(lat. 29°37'30" N., long. 82°22'35" W.)." is substituted therefor.

f. In the Jacksonville, Fla., transition area, all after "• • • within an 8-mile radius of NAS Cecil Field" is deleted and "(lat. 30°13'05" N., long. 81°52'45" W.)." is substituted therefor.

g. In the Key West, Fla., transition area, all after "• • • within 2 miles each side of the Navy Key West TACAN 246° radial," is deleted and "extending from the 7-mile radius area to 16 miles southwest of the TACAN." is substituted therefor.

h. In the Melbourne, Fla., transition area, all after "• • • within an 8-mile radius of Patrick AFB, Cocoa, Fla." is deleted and "(lat. 28°14'05" N., long. 80°36'35" W.)." is substituted therefor.

i. In the Miami, Fla., transition area, all after "• • • within 2 miles each side of the Homestead ILS localizer northeast course," is deleted and "extending from the 7-mile radius area to 9 miles northeast of Homestead AFB." is substituted therefor.

j. In the Ocala, Fla., transition area, all after "• • • within 2 miles each side of the Ocala VORTAC 171° radial," is deleted and "extending from the 9-mile radius area to 9 miles south of the VORTAC." is substituted therefor.

k. In the Orlando, Fla., transition area, all after "• • • within 5 miles east and 8 miles west of the McCoy ILS localizer south course" is deleted and "extending from McCoy AFB to 12 miles south of the LOM." is substituted therefor.

l. In the Pahokee, Fla., transition area, all after "• • • within 2 miles each side of the Pahokee VORTAC 342° radial" is deleted and "extending from the 5-mile radius area to 9 miles north of the VORTAC." is substituted therefor.

m. In the Palm Beach, Fla., transition area, all after "• • • Palm Beach International Airport" is deleted and "(lat. 26°41'05" N., long. 80°05'35" W.)." is substituted therfor.

n. In the Panama City, Fla., transition area, all after "• • • within an 8-mile radius of Tyndall AFB (lat. 30°04'15" N., long. 85°34'30" W.);" is deleted and "excluding that airspace outside of the continental limits of the United States." is substituted therefor.

o. In the Stuart, Fla., transition area, all after "• • • WSTU Commercial Broadcast Station (lat. 27°12'58" N., long. 80°15'19" W.)" is deleted and "• • • extending from the 5-mile radius area to 11 miles northwest of the WSTU Commercial Broadcast Station." is substituted therefor.

p. In the Tampa, Fla., transition area, all after "• • • extending from the Peter O. Knight 5-mile radius area to 8 miles northeast of the LOM." is deleted.

q. In the Vero Beach, Fla., transition area, all after "• • • within 2 miles each side of the Vero Beach VORTAC 150° radial" is deleted and "extending from the 5-mile radius area to the Vero Beach VORTAC." is substituted therefor.

r. The Marathon, Fla., transition area is revoked.

s. The Sanibel, Fla., transition area is revoked.

t. The Taylor, Fla., transition area is revoked.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 28, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3961; Filed, Apr. 3, 1969; 8:49 a.m.]

[Airspace Docket No. 68-SO-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway and Reporting Point

On January 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1172) stating that the Federal Aviation Administration was considering the revocation of Blue Federal airway No. 48 from Gulfstream INT (INT Bimini, Bahamas, RBN 216° and Portland, Fla., RBN 145° bearings); to the Portland RBN. It was also proposed to revoke the Gulfstream INT as a designated reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

1. In § 71.109 (34 F.R. 4508) the following change is made: "B-48 From INT Bimini, Bahamas, RBN 216° and Portland, Fla., RBN 145° bearings; 12 AGL Portland, RBN." is deleted.

2. In § 71.209 (34 F.R. 4802) the following change is made: "Gulfstream INT: INT 216° bearing Bimini, Bahamas, RBN, 145° bearing Portland, Fla., RBN." is deleted.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 1, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3962; Filed, Apr. 3, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WA-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Addition of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Harriet, Alaska, Intersection and Shemya, Alaska, RBN as high altitude reporting points and add Saint Paul, Alaska, RBN as a high altitude reporting point.

Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alteration of airway and jet route configurations. Recent changes obviate the requirements for Harriet Intersection and Shemya RBN as high altitude reporting points but necessitate the addition of Saint Paul RBN as a reporting point.

Since this amendment is minor in nature and one in which the public is not particularly interested, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

In § 71.213 (34 F.R. 4805) "Harriet INT:" and "Shemya, Alaska, RBN" are deleted and "Saint Paul, Alaska, RBN" is added.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 1, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3963; Filed, Apr. 3, 1969; 8:49 a.m.]

[Airspace Docket No. 68-WE-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On January 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1401) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Visalia, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

1. The NPRM stated in part the Visalia control zone was amended by deleting "* * * from 0700 to 2100 hours local time daily." This should be changed to read "* * * effective from 0800 to 1900 hours local time daily."

2. Change the FEDERAL REGISTER citation to read "In § 71.171 (34 F.R. 4557) * * *"

Since these changes are mionr in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., May 1, 1969.

Issued in Los Angeles, Calif., on March 25, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the Visalia, Calif., control zone is amended by deleting "* * * from 0800 to 1900 hours." and substituting therefor, "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-3935; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the descriptions of the Pullman Wash., control zone and transition area.

Amendments to the approach procedure for Pullman-Moscow Airport are proposed utilizing the 047° T (027° M) radial in lieu of the current 049° T (029° M) final approach radial. In addition the procedure turn and holding radial will be changed from the current 229° T (209° M) radial to the 232° T (212° M) radial. Action is taken herein to reflect these changes to provide controlled airspace for aircraft executing the revised instrument procedures.

In view of the foregoing in § 71.171 (34 F.R. 4557) the Pullman, Wash., control zone is amended by deleting "* * * 049° * * *" where it appears in the text and substitute "* * * 047° * * *" therefor.

In § 71.181 (34 F.R. 4637) the Pullman, Wash., transition area is amended to read as follows:

PULLMAN, WASH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR (latitude 46°40'25" N., longitude 117°13'30" W.) 232° and 047° radials extending from the 5-mile radius area to 8 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9 miles northwest and 6 miles southeast of the Pullman VOR 052° and 232° radials extending from 17.5 miles southwest to 7.5 miles northeast of the VOR.

Since these changes are minor in nature and impose no additional burden on any person, notice and public procedures hereon are unnecessary.

Effective date. These amendments shall be effective 0901 G.m.t., May 29, 1969.

Issued in Los Angeles, Calif., on March 25, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-3936; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to realign a segment of V-214 from the INT of Appleton, Ohio, 236° T (238° M) and Zanesville, Ohio, 274° T (277° M) radials; 1,200 feet AGL to Zanesville. This segment is designated in part from the Columbus, Ohio, Port Columbus Airport ILS localizer 1,200 feet AGL to Zanesville. Because this segment of V-214 is predicated in part on the ILS localizer, the maximum authorized altitude of the airway is 4,000 feet MSL. Although this action would align V-214 only 1 degree, basing it on VORTAC radials would permit use of the airway above 4,000 feet MSL.

Since this amendment is minor in nature notice and pubic procedure hereon is unnecessary. However, since it is necessary to allow sufficient time to permit the appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

In V-214 "From Columbus, Ohio, Port Columbus Airport ILS localizer, 12 AGL Zanesville, Ohio;" is deleted and "From INT Appleton, Ohio, 236° and Zanesville, Ohio, 274° radials; 12 AGL Zanesville;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3937; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-117]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway and Transition Area Revocation of Federal Airway

On January 16, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 625) stating that the Federal Aviation Administration was considering the realignment of V-100 from Medicine Bow, Wyo., 12 AGL, Scottsbluff, Nebr.; 12 AGL Alliance Nebr.; 12 AGL Ainsworth, Nebr.; 12 AGL O'Neill, Nebr. It was also proposed to revoke V-168 from Scottsbluff to O'Neill and to alter the Douglas, Wyo., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V-100 all before "12 AGL O'Neill, Nebr.;" is deleted and "From Medicine Bow, Wyo., 12 AGL Scottsbluff, Nebr.; 12 AGL Alliance, Nebr.; 12 AGL Ainsworth, Nebr.;" is substituted therefor.

b. V-168 is revoked.

2. Section 71.181 (34 F.R. 4637) is amended as follows:

In the Douglas, Wyo., transition area "on the south by V-524," is deleted and "on the south by V-100," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3938; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area and Alteration of Continental Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke the McGregor, N. Mex., Restricted Area R-5103B and to delete this area from the continental control area.

The Department of the Army has advised the Federal Aviation Administration that Restricted Area R-5103B is no longer required. Accordingly, action is taken herein to revoke this restricted area.

Since these amendments are minor in nature, notice and public procedure hereon are unnecessary and for that reason may be made effective in less than 30 days.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 73.51 (34 F.R. 4837) Restricted Area R-5103B McGregor, N. Mex., is revoked.

2. In § 71.151 (34 F.R. 4546) "R-5103B McGregor, N. Mex.," is deleted.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3942; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 68-SW-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Designation of Federal Airways and Jet Routes

On September 26, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 14469) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter and designate certain VOR Federal airways and jet routes in the Greater Houston, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the Notice, the FAA has determined that several minor airway alignments within the Houston terminal area should be made to further the safe and expeditious movement of terminal air traffic. These adjustments would not alter the extent of controlled airspace. Accordingly, action is taken herein to effect the following airspace actions:

1. Realign V-20N alternate segments from Palacios, Tex., to Houston, and from the Crosby, Tex., intersection to Beaumont, Tex. The realignments would utilize the Houston 251° T (243° M) radial and the Beaumont 271° T (264° M) radials in lieu of the Houston 252° T (244° M) and Beaumont 272° T (265° M) radials. These realignments would adjust V-20N alternate segment between Palacios and Houston to intersect at the centerline of V-180 at the Rosenberg, Tex., intersection, and adjust V-20N alternate segment between Crosby Intersection and Beaumont to overlie the centerline of V-222 airway.

2. Realign V-13W segment between Humble, Tex., and Lufkin, Tex., and V-477E segment between Leona, Tex., and Humble by use of the Lufkin 218° T (210° M), Leona 139° T (131° M), and Humble 002° T (354° M) radials in lieu of the radials proposed in the notice. These realignments would provide for a more accurate intersection of the airways at the New Waverly, Tex., intersection.

3. Designate V-15E segment from Houston via Humble to Navasota, Tex. This alternate segment designation would preclude the designation of the airway segment from Navasota via Humble to Sabine Pass, Tex., as proposed in the notice.

Since these realignments and designations are minor and the public is not particularly interested in these changes, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation

Regulations are amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V–13, all before "12 AGL Shreveport, La.," is deleted and "From Houston, Tex., 12 AGL Humble, Tex.; 12 AGL Lufkin, Tex., including a 12 AGL east alternate from Houston to Lufkin via Daisetta, Tex., and a 12 AGL west alternate from Humble to Lufkin via INT Humble 002° and Lufkin 218° radials;" is substituted therefor.

b. In V–15 all between "12 AGL via Houston, Tex.;" and "12 AGL Waco, Tex.;" is deleted and "12 AGL Navasota, Tex., including a 12 AGL east alternate from Houston to Navasota via Humble, Tex.; 12 AGL College Station, Tex., including a 12 AGL west alternate from Houston to College Station via the INT of Houston 287° and College Station 149° radials;" is substituted therefor.

c. In V–20 all between "12 AGL Houston, Tex.," and "12 AGL Lake Charles, La.," is deleted and "including a 12 AGL north alternate via INT Palacios 035° and Houston 251° radials, and a 12 AGL south alternate via INT Palacios 064° and Houston 201° radials; 12 AGL Beaumont, Tex., including a 12 AGL north alternate via INT Houston 045° and Beaumont 271° radials;" is substituted therefor.

d. V–22 is revoked.

e. In V–70, "12 AGL Sabine Pass, Tex.;" is deleted and "12 AGL Sabine Pass, Tex., including a 12 AGL north alternate from Palacios to Sabine Pass via Humble, Tex.;" is substituted therefor.

f. In V–198, "12 AGL Houston, Tex." is deleted and "12 AGL Houston, Tex.; 12 AGL INT Houston 090° and Sabine Pass, Tex., 265° radials; 12 AGL Sabine Pass, including a 12 AGL north alternate from Eagle Lake to Sabine Pass via Humble, Tex.; 12 AGL White Lake, La.; 12 AGL Tibby, La.; 12 AGL Harvey, La.; 12 AGL INT Harvey 073° and Brookley, Ala., 240° radials; 12 AGL Brookley; 6 miles wide 12 AGL Navy Saufley, Fla.; 6 miles wide 12 AGL INT Navy Saufley 047° and Crestview, Fla., 251° radials; 6 miles wide 12 AGL Crestview; 12 AGL Marianna, Fla.; 12 AGL Tallahassee, Fla.; 12 AGL Greenville, Fla.; 18 miles, 6 miles wide, 12 AGL Taylor, Fla.; 12 AGL Jacksonville, Fla." is substituted therefor.

g. In V–222, all between "12 AGL Industry;" and "12 AGL McComb, Miss.;" is deleted and "12 AGL Humble, Tex.; 12 AGL Beaumont, Tex.; 12 AGL Lake Charles, La., including a 12 AGL north alternate from Humble to Lake Charles via Daisetta, Tex.;" is substituted therefor.

h. In V–477, all between "From Houston, Tex.," and "12 AGL INT Leona 338°" is deleted and "12 AGL Humble, Tex.; 12 AGL Leona, Tex., including a 12 AGL east alternate from Humble to Leona via INT of Humble 002° and Leona 139° radials, and a 12 AGL west alternate from Houston to Leona via Navasota, Tex.;" is substituted therefor.

2. Section 75.100 (34 F.R. 4856) is amended as follows:

a. In the text Jet Route No. 2, "Houston, Tex.;" is deleted and "Humble, Tex.;" is substituted therefor.

b. The caption Jet Route No. 15 is amended to read "(Humble, Tex., to Portland, Oreg.)" and in the text Jet Route No. 15 "From Houston, Tex., via INT of the Houston 287° and the Austin, Tex., 113° radials; Austin;" is deleted and "From Humble, Tex., via Austin, Tex.;" is substituted therefor.

c. In the text Jet Route No. 29, "Lufkin, Tex.;" is deleted and "INT of Houston 348° and Lufkin, Tex., 204° radials; Lufkin;" is substituted therefor.

d. In the text Jet Route No. 86, all between "Austin, Tex.;" and "Grand Isle, La.;" is deleted and "Humble, Tex.;" is substituted therefor.

e. In the caption and text Jet Route No. 87 "Houston" is deleted and "Humble" is substituted therefor.

f. In the caption and text Jet Route No. 101 "Houston" is deleted and "Humble" is substituted therefor.

g. In the caption Jet Route No. 138 "San Antonio, Tex." is deleted and "Humble" is substituted therefor.

and in the text Jet Route No. 138 "to San Antonio, Tex." is deleted and "San Antonio, Tex.; to Humble, Tex." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 1, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–3959; Filed, Apr. 3, 1969; 8:49 a.m.]

[Airspace Docket No. 68–SW–93]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R–6303, Matagorda Island, Tex, by lowering the designated ceiling.

A review of the utilization reports for Restricted Area R–6303, covering the period from October 1, 1965, through September 30, 1968, revealed that the altitude extending from flight level 450 to flight level 600 was not used by the using agency. The Federal Aviation Administration has determined that the ceiling of Restricted Area R–6303 should be lowered to include only that airspace required to fulfill the known operational requirements of the using agency.

Since this amendment reduces the burden on the public and is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective March 27, 1969, as hereinafter set forth.

In § 73.63 (34 F.R. 4846), the Matagorda Island, Tex., Restricted Area R–6303 is amended by deleting the present designated altitude and substituting the following therefor:

Designated altitude. Surface to flight level 450.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348., sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–3939; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69–SW–1]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R–3803, Fort Polk, La., by lowering the designated ceiling.

A review of the annual utilization report for Restricted Area R–3803, covering the period from October 1, 1967, through September 30, 1968, revealed that the altitude between 15,000 feet MSL and 20,000 feet MSL is not needed by the using agency to fulfill its operational requirement.

The Federal Aviation Administration has determined that the ceiling of Restricted Area R–3803 should be lowered to 15,000 feet MSL. The Department of the Army concurs in this determination.

Since this amendment is minor in nature, notice and public procedure hereon is unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective March 27, 1969, as hereinafter set forth.

In § 73.38 (34 F.R. 4829), the Fort Polk, La., Restricted Area R–3803 is amended by deleting the present designated altitude and substituting the following therefor:

Designated altitude. Surface to 15,000 feet MSL.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348; Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–3940; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69–SW–2]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R–3804C, Fort Polk, La., by lowering the designated ceiling.

A review of the annual utilization report for Restricted Area R–3804C, covering the period from October 1, 1967, through September 30, 1968, revealed that the altitude between 18,000 feet MSL and 29,000 feet MSL is not needed by the using agency to fulfill its operational requirement.

The Federal Aviation Administration has determined that the ceiling of Restricted Area R–3804C should be lowered to 18,000 feet MSL. The Department of the Army concurs in this determination.

Since this amendment is minor in nature, notice and public procedure hereon is unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective March 27, 1969, as hereinafter set forth.

In § 73.38 (34 F.R. 4829), the Fort Polk, La., Restricted Area R–3804C is amended by deleting the present designated altitude and substituting the following therefor.

Designated altitude. 18,000 feet MSL to 18,000 feet MSL.

Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–3941; Filed, Apr. 3, 1969; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–566]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of March 1969.

Pursuant to authority delegated to the undersigned in § 385.19(f) of the Board's Organization Regulations, Part 208 is hereby reissued, effective April 6, 1969, to incorporate all amendments which were in effect on the date of adoption of this ER–566.

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

Subpart A—General Provisions

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Subpart D—Provisions Relating to Single Entity Charters

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Subpart E—Provisions Relating to Mixed Charters

208.400 Applicable rules.

AUTHORITY: The provisions of this Part 208 issued under sec. 204, 72 Stat. 743, 766, secs. 401(d)(3), 401(n), 407, 417, 76 Stat. 143, 144, 145, 146; 49 U.S.C. 1324, 1371(d)(3), 1371(n), 1377, 1387.

Subpart A—General Provisions

§ 208.1 Applicability.

This part contains terms, conditions and limitations on the operating authority of supplemental air carriers, including substantive regulations implementing paragraphs (1), (2), (3) of section 401(n) of the Act. The requirements of this part shall constitute terms, conditions, and limitations attached to certificates issued pursuant to section 401(d)(3) of the Act. The requirements shall also attach to special operating authorizations issued under section 417 of the Act, and to interim certificates or authorizations issued pursuant to section 7 of Public Law 87–528.

§ 208.2 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 208.3 Definitions.

For the purposes of this part:

(a) "Filing" shall mean filing in compliance with § 302.3(a) of this chapter except that provisions in this part which require filing with Board offices other than the Docket Section shall be controlling.

(b) "Supplemental air carrier" shall mean any air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority issued pursuant to section 7 of Public Law 87–528.

(c) "Supplemental air transportation" (other than operations subject to Part 295 of this subchapter) means charter flights in air transportation performed pursuant to (1) an interim certificate or authorization issued under section 7 of Public Law 87–528, or (2) a certificate of public convenience and necessity issued under section 401(d)(3) of the Act authorizing the holder to engage in supplemental air transportation of persons and property between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia (exclusive of air transportation within the State of Alaska) or in foreign or overseas supplemental air transportation.

(d) "Agreement" means any oral or written agreement, contract, understanding, or arrangement, and any amendment, revision, modification, renewal, extension, cancellation, or termination thereof.

(e) "Cargo agent" means any person (other than a supplemental air carrier or one of its bona fide regular employees or an indirect air carrier lawfully engaged in air transportation under authority conferred by any applicable part of the economic regulations of the Board) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, property or consolidated shipments of property for transportation upon the aircraft of supplemental air carriers; or (2) procures or arranges for air transportation of property or consolidated shipments of property upon aircraft of a supplemental air

carrier by charter, lease, or any other arrangement.

(f) [Reserved]

(g) "Ticket agent" means any person (other than a supplemental air carrier or one of its bona fide regular employees) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, passengers or groups of passengers for transportation upon the aircraft of a supplemental air carrier; or (2) procures or arranges for air transportation of passengers or groups of passengers upon aircraft of a supplemental air carrier by charter, lease, or any other arrangement.

(h) "Pro rata charter" means a charter, the cost of which is divided among the passengers transported.

(i) "Single entity charter" means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(j) "Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(k) "Person" means any individual, firm, association, partnership, or corporation.

(l) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(m) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(n) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(o) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(p) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (1) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (1) of this subparagraph: *Provided*, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization not constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(q) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a study group. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(r) "Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least 4 weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (i) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 states of the United States, the District of Columbia, a U.S. territory or possession or a foreign country and (ii) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more study group participants: *And provided, further*, That the entire aircraft is chartered to a single study group charterer.

(s) "Charter flight" (other than transportation pursuant to authority conferred under section 7 of Public Law 87-528) means—

(1) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department, and

(2) Air transportation performed by a direct air carrier on a time, mileage or trip basis where—

(i) The entire capacity of one or more aircraft has been engaged for the movement of persons and property—

(*a*) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic);

(*b*) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group;

(*c*) By two or more persons acting jointly for the transportation of themselves and/or their property or a group of persons and/or their property;

(*d*) By an airfreight forwarder or international air freight forwarder holding a currently effective letter of registration under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation, or by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense;

(*e*) By a tour operator or a foreign tour operator as defined in Part 378 of this chapter; or

(ii) Less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage—

(*a*) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic);

(*b*) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and their personal baggage, as agent or representative of such group;

(*c*) By two or more persons acting jointly for the transportation of themselves and their personal baggage or a group of persons and their personal baggage;

Provided, That, with respect to subdivision (ii), a maximum of three groups may be chartered on one aircraft and each group shall consist of 40 or more passengers; and *Provided, further*, That subdivision (ii) shall not be construed to apply to movements of property and shall not be construed to apply to the charter of less than the entire capacity of an aircraft by an indirect air carrier or a tour operator or a foreign tour operator.

(*1*) In the case of air carriers authorized pursuant to section 7 of Public Law 87-528, the term "charter flights" means charter trips as defined in such carriers' interim certificates or authorizations.

(*2*) A supplemental air carrier may utilize any unused space for the transportation of the carrier's own personnel and property, with the consent of the charterer or charterers.

(t) "Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for the Department of Defense and when the performance of such air transportation is not to take place during a period longer than 3 weeks.

(u) "Indirect air carrier" means any citizen of the United States who engages indirectly in air transportation including air freight forwarders, persons authorized by the Board to transport by air used household goods of personnel of the Department of Defense, and tour operators.

§ 208.3a Waiver

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 208.4 Passenger names and addresses.

Each supplemental air carrier shall maintain a record of the names and addresses of all passengers transported by it on each pro rata charter trip operated in interstate or overseas air transportation. Such record shall be retained in accordance with Part 249 except that it may be maintained at either the principal office or principal operations base of the carrier.

Liability Insurance Requirements

§ 208.10 Applicability of liability insurance requirements.

(a) No supplemental air carrier shall engage in air transportation unless such carrier has and maintains in effect liability insurance coverage evidenced by a currently effective certificate of liability insurance filed with and accepted by the Board as complying with the requirements of this part; and no supplemental carrier shall operate in air transportation any aircraft, or perform services within any geographical area, to which such insurance does not apply. "Insurance certificate," as used herein, means one or more than one certificate, evidencing one or more than one policy of aircraft liability insurance properly endorsed, issued by one or more than one insurer, which alone or in combination provides the minimum coverage prescribed in § 208.11. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance.

(b) The insurance coverage and certificate required by this part shall be obtained from a reputable and financially responsible insurance company or association which is legally authorized to issue aircraft liability policies in one or more States of the United States or in the District of Columbia.

§ 208.11 Minimum limits of liability.

The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:

(a) Liability for bodily injury to or death of aircraft passengers: A limit for any one passenger of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars ($75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(b) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least seventy-five thousand dollars ($75,000) for any one person in any one occurrence, and a limit of at least five hundred thousand dollars ($500,000) for each occurrence.

(c) Liability for loss of or damage to property: A limit of at least five hundred thousand dollars ($500,000) for each occurrence.

§ 208.12 Terms and conditions of insurance coverage.

With respect to insurance required by this part:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured supplemental air carrier, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay as damages for bodily injury to or death of any person, or for loss of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.

(b) The liability of the insurer shall apply to all operations by the insured carrier in air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured carrier, of any applicable safety or economic provision of the Federal Aviation Act of 1958, as amended, or Public Law 87-528; or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Agency or the Civil Aeronautics Board, respectively.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence, and any payment made under the policy because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be indivdiually approved by the Board. Cancellation of an approved policy shall be effected only upon written notice to the Board, in accordance with § 208.14(d).

(e) Except for the geographical exclusions authorized in § 208.13 (g) and (h), the coverage shall be worldwide. For good cause shown, however, the Board may waive this requirement or amend the certificate or other operating authority to describe the geographical areas actually served by the supplemental air carrier. Authority for any general restriction (e.g., North American continent, Western Hemisphere, etc.) shall be recited in any endorsement containing a general restriction.

§ 208.13 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(a) Any loss against which the Named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance up to the limits certified in a Certificate of Insurance issued to the Civil Aeronautics Board in Washington, D.C., but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance, or use of any aircraft not declared to the Insurer in accordance with the terms and conditions of this policy;

(c) Liability assumed by the Named Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish, or death of any employee of the Named Insured while engaged in the duties of his employment, or any obligation for which the Named Insured or any company as his Insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by, or in the care, custody, or control of the Named Insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating, or defending against an actual impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, or use

of any weapon of war employing atomic fission or atomic fusion, or radio-active materials; insurrection, rebellion, revolution, civil war, or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

(g) Any loss arising from operations by the Named Insured within any country of the Sino-Soviet bloc or Cuba: *Provided*, That a loss caused by mere misadventure in flying over or landing in such territory shall not be excluded. The "Sino-Soviet bloc" is defined to include Lithuania, Latvia, Estonia, Czechoslovakia, Bulgaria, Rumania, Hungary, Poland, Albania, East Germany (Soviet zone of Germany and Soviet sector of Berlin), Communist China, North Korea, North Vietnam, Outer Mongolia, and the Union of Soviet Socialist Republics;

(h) Any loss arising from operations by the Named Insured to or from installations of the Distant Early Warning System (DEW line) or the Ballistic Missile Early Warning System (BMEWS).

§ 208.14 Filing of certificates, endorsements, and notices.

(a) Certificates of insurance, endorsements, and notices of cancellation shall be filed in duplicate on forms prescribed and furnished by the Board. All documents shall be signed in ink by an authorized officer or agent of the insurer; no facsimile signatures will be accepted.

NOTE: CAB Forms 606, 607, 608, and 609 are available, upon request, from the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

(b) Endorsements that add previously unlisted aircraft to coverage or that delete listed aircraft from coverage shall be filed with the Board not more than five (5) days after the effective date of such endorsement: *Provided, however*, That aircraft shall not be listed in the carrier's operations specifications with the Federal Aviation Agency and shall not be operated unless liability insurance coverage has attached.

(c) A supplemental carrier which intends to operate a charter flight to or from a country of the Sino-Soviet bloc or Cuba or to or from a DEW line or BMEWS installation and whose approved insurance coverage excludes operations within such areas shall file an endorsement waiving the applicable exclusion, or a separate certificate of insurance expressly applicable to such flight, at least 30 days before the proposed flight date, unless the Board finds that waiver of this requirement is in the public interest.

(d) Certificates of insurance approved by the Board shall not be canceled by the insurer upon less than thirty (30) days' notice to the Board and the insured carrier by registered mail. An insured carrier shall not cancel an approved certificate during the effectiveness of any operating authorization from the Board unless the notice of cancellation is accompanied by a replacement certificate of insurance, complying in all respects with this part and effective upon the date of cancellation of the approved certificate and policy, or by a notice that the carrier has ceased operations.

(e) If any certificate of insurance endorsement, notice of cancellation, or other document relating to liability insurance required to be filed with the Board does not comply with these regulations, the Board will notify the air carrier and the insurer by registered mail, or by telegram, stating the deficiencies. If the carrier is not notified of objections by the Board within 20 days after filing of any document, such document shall be deemed approved by the Board as complying with the requirements of this part, but such approval may be rescinded by the Board upon reasonable notice.

(f) All documents required to be filed with respect to liability insurance shall be filed with the Civil Aeronautics Board, Attention of Bureau of Accounts and Statistics, B-42b, Washington, D.C. 20428.

§ 208.15 Compliance.

In addition to all other applicable sanctions provided by law or the regulations of the Board, operation in air transportation of any aircraft, or performance of services within any geographical area, to which Board-approved liability insurance does not apply shall be cause for immediate suspension of all operating authority, pursuant to section 401(n)(5) of the Act and Subpart J of Part 302 of this chapter.

MINIMUM EXTENT OF SERVICE

§ 208.25 Minimum service requirements.

Each supplemental air carrier shall perform services authorized by its certificate or authority to engage in supplemental air transportation for at least 500 hours of revenue flight in any two consecutive calendar quarters. Failure to perform such minimum services will be deemed to constitute a prima facie case for suspension of the carrier's operating authority pursuant to the provisions of section 401(n)(5) of the Act: *Provided*, That the carrier may, within 15 days after the end of the two consecutive calendar quarters in which such failure occurred, show unusual circumstances constituting good cause why its operating authority should not be suspended.

OPERATIONS AND TARIFFS

§ 208.30 Prohibited advertising.

(a) No supplemental air carrier shall advertise its services or hold itself out to the public as an air carrier authorized to engage in air transportation unless it includes the words "supplemental air carrier" in such advertising.

(b) No supplemental air carrier shall conduct business in any name other than that set forth in its certificate, except as expressly authorized by the Board.

§ 208.31 Prohibited control of a supplemental air carrier.

Control of a supplemental air carrier shall not, without prior application to and approval by the Board, be transferred, directly or indirectly, by assignment, transfer of voting stock, or otherwise, to any person who controlled, or participated in control of, as a partner, officer, or director, any air carrier theretofore found by the Board to have committed knowing and willful violations of the Civil Aeronautics Act of 1938, as amended, the Federal Aviation Act of 1958, or any order, rule, or regulation issued pursuant to said Acts during the period such person controlled or participated in the control of said air carrier. Any such application may be approved by the Board with or without hearing. No such application shall be denied unless the Board finds, after notice to said supplemental air carrier and the parties to the proposed transfer, and after opportunity for hearing, that, in the event the proposed transfer is consummated, said supplemental air carrier will thereby be rendered unfit, unwilling, or unable to conform to the provisions of the Federal Aviation Act of 1958, and the rules, regulations, and requirements of the Board thereunder. For the purposes of this section, a transfer of 20 percent or more of the voting stock of the supplemental air carrier shall be deemed to constitute prima facie evidence of a transfer of control so as to require the filing of an appropriate application with the Board.

§ 208.31a Written agreements with ticket agents.

Each agreement between a supplemental air carrier and any ticket or cargo agent shall be reduced to writing and signed by all the parties thereto, if it relates to any of the following subjects:

(a) The furnishing of persons or property for transportation;

(b) The arranging for flights for the accommodation of persons or property;

(c) The solicitation or generation of passenger or cargo traffic to be transported;

(d) The charter or lease of aircraft.

§ 208.31b Written contracts with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the supplemental air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

§ 208.32 Tariffs and terms of service.

(a) No air carrier shall perform any supplemental air transportation unless such air carrier shall have on file with the Board, pursuant to Part 221 of this chapter, a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity or less than the entire capacity (as defined in § 208.3(s)) of one or more aircraft in such supplemental air transportation and showing all rules, regulations, practices, and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

(b) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity or for less than the entire capacity (as defined in § 208.3(s)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(c) Reserved.

(d) Each and every contract for a charter to be operated hereunder shall incorporate the provisions of §§ 208.10 through 208.15, inclusive, and 208.32a, 208.33, and 208.33a, where applicable, concerning insurance and substitute transportation.

(e) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(f) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each planeload or each plane-load group shall move as a unit in both directions.

§ 208.32a Flight delays and substitute air transportation (foreign).

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in foreign air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) *Substitute air transportation.* (1) On all charter flights, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 48th hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this paragraph.

(2) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than 48 hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other carrier or foreign air carrier.

(3) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of 48 hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the cost of such air transportation to the substitute air carrier or foreign air carrier.

(4) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this paragraph, periods of delay caused by the prohibition of flights to or from the airport of departure because of weather or other operational conditions affecting such airport shall be excluded if, and while, the air carrier has available an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness.

(b) *Incidental expenses.*[5] (1) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 6th hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this paragraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares.

(2) Such payments shall be made at the rate of $16 for each full 24-hour period of delay following the scheduled departure time. However, the sum of $8 shall be paid for each passenger delayed 6 hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of $8 shall be paid for each passenger delayed in installments of $4 for the first and second succeeding 6-hour period of delay, or any fractional part thereof. If the delay continues beyond a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of $4 for each further 6-hour period of delay, or any fractional part thereof: *Provided, however*, That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of paragraph (a) of this section.

§ 208.33 Flight delays and substitute air transportation (interstate and overseas).

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in interstate and overseas air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) In case of flight delays of more than 6 hours beyond the departure time stated in the charter contract or 4 hours beyond the time of departure stated on an individual flight ticket, the carrier, upon request and at the passenger's or charterer's option (or in case of the engagement by one charterer of less than the capacity of an aircraft, at the option of any one charterer), must provide alternative air transportation at no additional cost to the passenger or charterer, or immediately refund the full value of the unused ticket or the unperformed charter contract.

(b) In case of additional flight delays en route exceeding 6 hours for charter flights or 2 hours for individually ticketed flights, the carrier must, upon request and at the passenger's or charterer's option (or in case of the engagement by one charterer of less than the capacity of an aircraft, at the option of any one charterer), furnish alternative transportation to the specified destination, or immediately refund the full value of unperformed transportation. The en route

[5] Although the requirements with respect to providing incidental expenses are made expressly applicable only to the return leg of a charter flight, the air carriers are expected, in the case of delay in departure of the originating leg of a flight, to furnish such incidental expenses to charter passengers whose homes are not located within a reasonable distance from the point of origination of the charter.

delays shall be calculated without inclusion of any delay at departure but all additional delays at intermediate stops en route shall be added up in determining whether the limit of delay has been reached.

(c) In case of flight cancellations or flight delays, refunds shall be paid immediately upon presentation of an unused flight coupon or upon demand of the charterer or his representative (or in case of the engagement by one charterer of less than the capacity of an aircraft, upon demand of any one charterer or his representative) to the air carrier or its agent.

(d) The rules and regulations in the carrier's tariffs governing immediate refunds or alternative transportation may provide for an exception in case of unavoidable delays due solely to weather.

§ 208.33a Substitution or subcontracting.

Supplemental air carriers may subcontract the performance of services which they have contracted to perform only to air carriers authorized by the Board to perform such services.

§ 208.34 Record retention.

Each carrier operating pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this subchapter, as amended.

§ 208.35 Payments, gratuities, and donations.

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of §§ 208.202 and 208.302) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

Subpart B—Provisions Relating to Military Charters

§ 208.100 Applicability of subpart.

This subpart sets forth the special rules applicable to military charters.

§ 208.101 Minimum rates and compensation for air transportation performed for the military establishment.

The authority conferred upon a supplemental air carrier pursuant to section 7 of Public Law 87-528, and/or a certificate of public convenience and necessity issued under section 401(d)(3) of the Act, insofar as it encompasses the right to provide air transportation pursuant to contract with the military establishment of the United States or any branch thereof in foreign and overseas air transportation, and air transportation between the 48 contiguous States on the one hand and the States of Alaska and Hawaii on the other hand, shall be subject to the condition that the rate or compensation received by the carrier for any such air transportation is not less than that set forth in § 288.7 of this chapter, irrespective of whether such contract falls within the definition of short notice MATS charter service contained in § 288.1 of this chapter.

§ 208.102 Substitute service.

Supplemental air carriers are authorized to provide "substitute service" as defined in this part, subject to the provisions of Part 288 of this chapter.

§ 208.103 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (e) and (f) and the second sentence of paragraph (b) of such section shall not be applicable.

Subpart B1—Provisions Relating to Military Backhaul Charters

§ 208.150 Military backhaul exemption.

Subject to the provisions of this part, Part 295 of this chapter, and all other applicable rules, regulations, conditions, or requirements, supplemental air carriers are hereby exempted from the provisions of section 401 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to engage in overseas or foreign "supplemental air transportation" and "transatlantic supplemental air transportation" on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

Subpart C—Provisions Relating to Pro Rata Charters

§ 208.200 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters, other than those subject to Part 295 of this subchapter.

REQUIREMENTS RELATING TO AIR CARRIERS

§ 208.200a Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 208.201 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 208.[6] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 208.215.

§ 208.202 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 208.203 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charter for the same service.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 208.210 Solicitation of charter participants.

As the following terms are defined in § 208.3, members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

§ 208.211 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 208.212), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[7] Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer. Where the charterer is engaging in round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 208.32(f). When more than one round trip is contracted for, intermingling between flights or reforming of plane-load or less than plane-load charter groups shall not be permitted and each such group must move as a unit in both directions.

§ 208.212 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however,* That this section shall not apply to study group charters as defined herein (§ 208.3(r)).

§ 208.213 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 208.202), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 208.214 Statements of charges.

Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be paid separately for air transportation, for the land tour, and for the administrative expenses of the charterer.

§ 208.215 Passenger manifests.

Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the air carrier showing the names and addresses of persons to be transported in interstate or overseas air transportation.

Subpart D—Provisions Relating to Single Entity Charters

§ 208.300 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters, other than those subject to Part 295 of this subchapter.

§ 208.301 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (e) and (f) and the second sentence of paragraph (b) of such section shall not be so applicable.

§ 208.302 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

Subpart E—Provisions Relating to Mixed Charters

§ 208.400 Applicable rules.

The rules set forth in Subpart C of this part shall apply in the case of mixed charters, other than those subject to Part 295 of this subchapter.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 69-3970; Filed, Apr. 3, 1969; 8:51 a.m.]

[Reg. ER-567]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

Pursuant to authority delegated to the undersigned in § 385.19(f) of the Board's Organization Regulations, Part 214 is hereby reissued, effective April 6, 1969, to incorporate all amendments which were in effect on the date of adoption of this ER-567.

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

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Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

214.60 Advisory opinion.

AUTHORITY: The provisions of this Part 214 issued under secs. 204, 402, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

§ 214.1 Applicability.

This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation of persons pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only.

§ 214.2 Definitions.

(a) "Charter foreign air transportation of persons" means charter flights in air transportation performed pursuant to a permit which is issued under section 402 of the Act (other than permit expressly made subject to Part 212 of this chapter) and which authorizes the holder to engage in charter transportation only.

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[6] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

[7] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency, or college will suffice to meet the requirement.

(b) "Charter flight" means air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where

(1) The entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage

(i) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency); or

(ii) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for transportation or in the solicitation or sale of transportation services); or

(2) Less than the entire capacity of an aircraft has been engaged:

(i) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and their personal baggage, as agent or representative of such group;

(iii) By two or more persons acting jointly for the transportation of themselves and their personal baggage or a group of persons and their personal baggage;

Provided, That the definition of "charter flight" in subparagraph (2) of this paragraph shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons: *Provided, also*, That with respect to subparagraph (2) of this paragraph, a maximum of three groups may be chartered on one aircraft and each group shall consist of 40 or more passengers: *And provided further*, That with the consent of the charterer, the direct foreign air carrier may utilize any unused space for the transportation of (i) the carrier's own personnel and property and/or (ii) the directors, officers, and employees of an air carrier or another foreign air carrier traveling pursuant to a pass interchange arrangement.

(c) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(d) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(e) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(f) "Person" means any individual, firm, association, partnership, or corporation.

(g) "Travel agent" means any person engaged in the formation of groups for transportation, or in the solicitation or sale of transportation services.

(h) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(i) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(j) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless they have actually been members for a minimum period of 6 months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a study group. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(l) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by a foreign air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations and college newspapers shall not be considered advertising in mass media to the extent that—

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (1) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph:

Provided, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(m) "Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least 4 weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (i) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 States of the United States, the District of Columbia, a U.S. territory or possession or a foreign country and (ii) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more study group participants: *And provided, further*, That the entire aircraft is chartered to a single study group charterers.

§ 214.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 214.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 214.6 Record retention.

(a) Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents for a period of 2 years at its principal or general office and shall make them available in the United States upon request at any proper time by an authorized representative of the Board or the Federal Aviation Agency: Every charter contract, all passenger manifests including those filed by charterers, and proof of the commission paid to any travel agent by the carrier.

(b) Each foreign air carrier operating pursuant to this part shall pursuant to Part 221 of this subchapter, maintain at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs. Each tariff shall be retained until 3 years after the expiration or cancellation thereof.

(c) Each foreign air carrier operating pursuant to this part shall, pursuant to Part 223 of this subchapter, maintain for 3 years in its general offices a record of all passes issued by it and used for free or reduced-rate transportation over its routes.

Subpart A—Provisions Relating to Pro Rata Charters

§ 214.10 Applicability of this subpart.

This subpart sets forth the special rules applicable to pro rata charters.

Requirements Relating to Foreign Air Carriers

§ 214.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 214.12 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 214.[1] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 214.35.

§ 214.13 Tariffs to be on file.

Prior to performing any foreign air transportation governed by this part, a foreign air carrier shall have on file with the Board a currently effective tariff filed in accordance with Part 221 of the economic regulations (Part 221 of this subchapter) showing all rates, fares, and charges for the use of the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft in such foreign air transportation and showing all rules, regulations, practices, and services in connection with such foreign air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

[1] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

§ 214.13a Written contracts with charterers.

(a) Every agreement to perform a charter trip shall be in writing and signed by an authorized representative of the foreign charter air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type of aircraft and number of passenger seats available; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

§ 214.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(c) In the case of a round-trip charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each planeload group, or less than planeload group as defined in § 214.2(b)(2), shall move as a unit in both directions.

§ 214.15 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 214.16 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 214.15) to a member of a chartering organization if such member is its agent, or restrict a carrier from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

Requirements Relating to Travel Agents

§ 214.20 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct foreign air carrier and the charterer for the same service.

§ 214.21 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

Requirements Relating to the Chartering Organization

§ 214.30 Solicitation of charter participants.

As the following terms are defined in § 214.2, members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public.

§ 214.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 214.32), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection

by the carrier or Board representative, which shows the date each person became a member.[3] Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 214.14(c). When more than one trip is contracted for, intermingling between flights or reforming of planeload groups, or less than planeload groups as defined in § 214.2(b)(2), shall not be permitted and each such group must move as a unit in both directions.

§ 214.32 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however,* That this section shall not apply to study group charters as defined herein (§ 214.2(m)).

§ 214.33 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 214.15), or prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 214.34 Statements of charges.

Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charter.

§ 214.35 Passenger manifests.

(a) Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the foreign air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address, and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the organization first gave notice to its members of firm charter plans and will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child, or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or a college campus, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus group, or from a Government agency, industrial plant, or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading:

> The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or merchantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.
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> ---
> (Signature)

Subpart B—Provisions Relating to Single Entity Charters

§ 214.39 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 214.40 Tariffs to be on file.

The provisions of § 214.13 shall apply to charters under this subpart.

§ 214.41 Terms of service.

The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft.

§ 214.42 Commissions paid to travel agents.

No direct foreign air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

Subpart C—Provisions Relating to Mixed Charters

§ 214.50 Applicable rules.

The rules set forth in Subpart A of this part shall apply in the case of mixed charters.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

§ 214.60 Advisory opinion.

A foreign air carrier or prospective charterer may request an advisory opinion from the Bureau of Operating Rights, Civil Aeronautics Board, Washington, D.C. 20428, regarding the eligibility of the prospective charterer to obtain charter service in accordance with this part. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board in any proceeding in which the lawfulness of the respective charter may be in issue. Such representations should

[3] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency, or college will suffice to meet this requirement.

include complete information as to the chartering organization (purposes, activities, date founded, membership requirements, and fees); the purpose of the charter trip; the requirements for participation in the charter; how charter participants were solicited; and the anticipated charges to the participants.

NOTE: The reporting and record-retention requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 69-3971; Filed, Apr. 3, 1969; 8:51 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-36; Amdt. 10]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Dismissal of Applications Upon Applicant's Request

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of April 1969.

Part 385 provides that delegated authority to grant applications for relief carries with it authority to determine any procedural matters that may arise including, inter alia, dismissal of applications upon the applicant's request and moot applications. Occasionally, however, the Board receives requests to dismiss applications with respect to which the Board's function has not been delegated. Thus, requests for permission to withdraw a petition for reconsideration or a petition for rule making must be disposed of at present by Board order rather than by staff action.

It would be impracticable to itemize every type of document that might be subject to dismissal upon request in delegations to specific staff members. Therefore, authority to dismiss such moot applications will be delegated to the heads of the respective bureaus and offices responsible for internal processing of the applications.[1]

Certificates of public convenience and necessity provide that the effective date specified therein shall be automatically postponed until further Board order if the appropriate license fee is not paid. The Board is delegating to the Associate General Counsel, Routes Division, authority to issue the Board order effectuating such certificates where he finds that the appropriate license fee has been paid.

Also, delegated authority to issue foreign air carrier permits to reflect changes in the names of carriers or points specified therein is transferred from the Associate General Counsel, Routes Division, to the Associate General Counsel, International and Legislation Division, as a result of organizational changes in the Office of General Counsel.

Since this amendment is a matter relating to agency management, notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Board hereby amends Part 385 (14 CFR Part 385), effective April 1, 1969, as follows:

1. Amend the Table of Contents by adding titles for new §§ 385.21a and 385.23 to read as follows:

Sec.

* * * * *

385.21a Delegation to Associate General Counsel, International and Legislation Division.

* * * * *

385.23 Delegation to Heads of Bureaus and Offices.

2. Amend § 385.21 by revising paragraph (a) and by adding new paragraph (e) to read as follows:

§ 385.21 Delegation to Associate General Counsel, Routes Division.

The Board hereby delegates to the Associate General Counsel, Routes Division, the authority to:

(a) Issue Certificates of Public Convenience and Necessity when revisions thereof are necessitated by a change in the name of the carrier or of points specified in the certificate: *Provided,* That no issue of substance concerning the operating authority of a carrier is involved.

* * * * *

(e) Issue orders effectuating certificates of public convenience and necessity which have been issued by the Board but have not become effective on the date specified therein because of recipient's failure to pay the appropriate license fee, where he finds that the license fee has been paid. Such orders shall not be subject to review procedures of this part.

3. Add new § 385.21a, to read as follows:

§ 385.21a Delegation to Associate General Counsel, International and Legislation Division.

The Board hereby delegates to the Associate General Counsel, International and Legislation Division, the authority to:

(a) Issue Foreign Air Carrier Permits when revisions thereof are necessitated by a change in the name of the carrier or of points specified in the permit: *Provided,* That no issue of substance concerning the operating authority of a carrier is involved.

4. Add new § 385.23, to read as follows:

§ 385.23 Delegation to Heads of Bureaus and Offices.

The Board hereby delegates to the Heads of Bureaus and Offices authority to grant requests for permission to withdraw petitions, applications, motions, complaints, or other pleadings or documents which the respective Bureau or Office has responsibility for processing (as set out in sections 110 through 195 of the CAB Manual), where such authority has not otherwise been delegated in this regulation.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3972; Filed, Apr. 3, 1969; 8:51 a.m.]

[1] The respective staff responsibilities and functions are summarized in § 384.7 of the Organization Regulations and set out in detail in sections 110 through 195 of the CAB Manual.

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Amdt. 21]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 372, 373, 379, and 385 of the Code of Federal Regulations are amended as follows:

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: March 25, 1969.

RAUER H. MEYER, *Director, Office of Export Control.*

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

In § 372.12 *Reexport* paragraphs (c)(2) and (d) are hereby revised to read as follows:

§ 372.12 Reexport.

* * * * *

(c) *Reexport request subsequent to submission of license application.* * * *

(2) *Additional special requirements.* In addition to the provisions of subparagraph (1) of this paragraph, the request for authority to reexport shall include the following:

(i) If the export was made, or will be made, from the United States to Switzerland or Liechtenstein under a validated export license, and the commodity(ies) or technical data covered are to be reexported from Switzerland or Liechtenstein, the request shall include the name and address of each person or firm to whom reexport will be made, the quantity and value of the commodities to be reexported to each such person or firm, and the number and date of the Swiss Blue Import Certificate(s) which was submitted in support of the application for license to export the commodities from the United States.

(ii) If the reexport is to be made to a destination specified in (a) of this subdivision, regardless of the country to which the commodities or technical data

were originally shipped from the United States, additional information shall be furnished as set forth in (b) and (c) of this subdivision:

(a) Cambodia, Laos, Lebanon, Liechtenstein, Malaysia, Singapore, South Africa (Republic of), Sweden, Switzerland, Thailand, Vietnam (Republic of), Yugoslavia; or any destination in Country Group S, W, X, Y, or Z (see § 370.1 (g) of this chapter);

(b) The name and address of each person or firm to whom reexport will be made, and the commodity description, quantity, and value of the commodities which will be reexported to each such person or firm; and

(c) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by Part 373 of this chapter if the reexport were a direct export from the United States to the new country. Where this document is a Yugoslav End-Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexport will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexport. The order requirements of § 372.4(f) also apply to these reexports. If the required documentation or order cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Regulations. (See § 373.65(b)(6) of this chapter for waiver of a Consignee/Purchaser Statement; § 373.2(j) for waiver of an Import Certificate; § 373.67(d) of this chapter for a waiver of a Swiss Blue Import Certificate; and § 373.70(d) of this chapter for a waiver of a Yugoslav End-Use Certificate.)

• • • • •

(d) *Permissive reexports.* The following reexports of U.S. origin commodities or technical data may be made without the need for obtaining prior authorization from the Office of Export Control (for reexport of technical data see § 385.6 of this chapter):

(1) Reexports between Switzerland and Liechtenstein.

(2) Reexports between ultimate consignees covered by the terms of a Project License, see § 374.10 of this chapter.

(3) For export control purposes the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore, a reexport authorization issued by the Office of Export Control which permits reexport to Italy automatically includes the area of Trieste under Italian civil administration. Similarly, an authorization issued by the Office of Export Control which permits reexport to Yugoslavia automatically includes the area of Trieste under Yugoslav civil administration.

(4) Any commodity or technical data which has been exported from the United States may be reexported from any destination to any other destination; provided that at the time of reexport the commodities or technical data to be reexported may be exported directly from the United States to the new country of destination either (i) under General License G–DEST, GTDA, or GTDR, or (ii) where the value of the reexport, other than the reexport of a commodity exported under the provisions of § 373.3 or § 373.4 of this chapter, does not exceed the GLV dollar-value limit shown on the Commodity Control List with reference to the country of destination.

The permissive reexport provisions set forth above relating to the reexport of commodities within the established GLV dollar value limits do not apply to exports, reexports, or distributions made under the Form FC–43 procedure or the Form FC–243 procedure. (See §§ 373.3(b)(8) and 373.4(c)(5) of this chapter).

• • • • •

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Section 373.20 is hereby revised to read as follows:

§ 373.20 Copper ores, concentrates, matte, and blister copper.

(a) *General policy of denial.* As a general policy, applications for licenses to export any of the following commodities will be denied, except as indicated in paragraph (b) of this section:

Export Control Commodity Number and Commodity Description	
28311	Copper ores and concentrates.
28312	Copper matte.
68211	Blister copper and other unrefined copper.

(b) *Exception to general policy of denial.* Consideration will be given to approval of applications covering the proposed export of commodities described in paragraph (a) of this section which, because of technological or economic reasons, cannot be processed commercially in the United States. Such an application shall include:

(1) A statement describing the commodities, an analysis of the mental content, and an explanation of the difficulty in processing the commodity in the United States;

(2) The following certification:

I (We) certify that to my (our) best knowledge and belief the commodities described on this application cannot be commercially processed in the United States;

(3) The identification of the foreign consumer by setting forth one of the following applicable statements in the space on the license application entitled "Additional Information" or on an attachment thereto:

The foreign consumer of the commodities covered by this application is the same as that shown in the "ultimate consignee in foreign country" space on this license application.

or, if the foreign consumer is not the same as that shown in the space on the license application entitled "Ultimate Consignee in Foreign Country":

The name and address of the foreign consumer is ----------;

and

(4) A Single Transaction Statement by Consignee and Purchaser, Form FC–842, submitted in accordance with the provisions of § 373.65 and bearing the endorsement of the designated representative of the U.S. Agency for International Development (AID) Mission, Saigon, if the proposed shipment, regardless of value, is destined for the Republic of Vietnam (area not under Communist control). To obtain this endorsement, the consignee and/or purchaser shall submit his Statement, in original and two copies, to the U.S. AID Mission, Saigon, Vietnam. Upon endorsement, the original of the Statement will be returned to the consignee or purchaser, for forwarding to the U.S. exporter; the copies will be retained by the U.S. AID Mission.

Section 373.21 is hereby revised to read as follows:

§ 373.21 Copper and copper-base alloy waste and certain nickel scrap.

(a) *Scope.* The following commodities are subject to the provisions of this § 373.21:

Export Control Commodity Number and Commodity Description	
28401	Copper bearing ash and residues.
28402	Copper or copper-base alloy waste and scrap.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.

(b) *Shipments to Canada*—(1) *Basis for exporter's eligibility.* Any of the above commodities or copper-base alloy ingots, Export Control Commodity No. 68212, that are licensed for export to Canada during January–June 1969 will be charged against the quota for Canada. To qualify for a share of this quota, an exporter shall submit to the Office of Export Control no later than February 11, 1969: (i) A written statement setting forth the aggregate quantity of copper base scrap and ingots (in copper content short tons) for which he has outstanding orders for Canada (see subdivision (ii) of subparagraph (2) of this paragraph); and (ii) a copy of each such order. If the exporter did not receive a written order, he may furnish a certification from the Canadian purchaser giving the details of the order, such as quantity, date of order, whether the order is still outstanding, etc.

(2) *"Outstanding export order."* For purposes of this regulation the copper described on an "outstanding export order" shall not have been exported before midnight January 3, 1969, and such order shall:

(i) Provide for export of copper base scrap or copper-base alloy ingots from the United States to Canada during January 1–June 30, 1969;

(ii) Be dated on or before December 31, 1968; and

(iii) Not have been canceled by either party to the transaction.

(c) *Shipments not commercially processable in the United States.* An application for a license to export any of the commodities described in paragraph (a) of this section that for any technological or economic reason cannot be processed commercially in the United States will be considered for licensing without a charge against the copper export quota. If the reason is technological, the application shall be accompanied by a copy(ies) of a letter(s) received by the applicant from a recognized scrap processor(s) who has declined to process the scrap described on the application as well as by the documentation set forth in § 373.20(b). If the reason is economic, the application shall include a statement detailing such reason.

(d) *Other shipments.* Commodities described in paragraph (a) of this section that cannot be licensed under the provisions of paragraph (b) or (c) of this section will be considered for licensing under the Past Participation in Exports licensing method (see § 373.8). To qualify as a historical exporter, an exporter shall submit a statement of past participation in exports, setting forth the quantity (in copper content pounds) and total dollar value, by country of ultimate destination, that he exported during the calendar year 1964 and during the first three calendar quarters of 1965, i.e., January–March, April–June, and July–September, as well as the grand total for the period January 1, 1964, through September 30, 1965. However, the statement shall not include the types of shipments covered by § 373.8(c)(1), or those not commercially processable in the United States as described above. An application for license to export commodities covered by this § 373.21(d) shall be submitted in accordance with the provisions of subparagraph (1), (2), or (3) of this paragraph.

(1) *Nonhistorical exporter.* An exporter who has not submitted a statement of past participation in exports, or who does not otherwise qualify as a historical exporter shall submit an application and obtain an individual validated license. In addition, the foreign consumer shall be identified on the license application in the manner set forth in § 373.20(b)(3); and if the proposed shipment, regardless of value, is destined for the Republic of Vietnam, the application shall be supported by a Single Transaction Statement, Form FC–842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in § 373.20(b)(4).

(2) *Historical exporter.* An exporter who has been informed, in writing, by the Office of Export Control that he qualifies as a historical exporter may apply for and obtain a Bulk Quota License (see subparagraph (3) of this paragraph).

(3) *Bulk Quota License*—(i) *Definition.* A Bulk Quota License is a validated license authorizing the export by a historical exporter of his total share of the quota established for a short supply commodity to approved ultimate consignees.

(ii) *License application.* Each application for a Bulk Quota License, shall include:

(a) Form FC–420, Application Processing Card, prepared in accordance with § 372.5(a)(5) of this chapter except that "Bulk Quota License" shall be entered in the Export Control Commodity Number space.

(b) Form FE–419, Application for Export License, prepared in accordance with § 372.5 of this chapter, except:

(1) Enter "Bulk Quota License," as well as the date, under "Date of Application."

(2) Enter, in copper content pounds, the exporter's total quota for all commodities in paragraph (a) of this section under "Quantity to be Shipped." (The Office of Export Control will inform him of his quota in time for him to complete his application.)

(3) Enter "copper scrap" under "Commodity Description." Thus the application covers any or all of the commodities in paragraph (a) of this section.

(4) Enter only the processing number under "Export Control Commodity Number and Processing Number." Omit the commodity number.

(5) Where there is more than one ultimate consignee, write "see attached list" in the space "Ultimate Consignee in Foreign Country" and attach to the application a list of the names and addresses of all proposed ultimate consignees.

(6) Enter the following certification concerning consignee documentation (see (c) of this paragraph (d)(3)(ii)) in the "Additional Information" space or on an attachment:

I (We) certify that a currently valid (insert name(s) of the supporting consignee document(s) as appropriate in accordance with paragraph (c) below) is on file with the Office of Export Control for each ultimate consignee covered by this application, except (enter either "none" or the names of ultimate consignees for whom new documentation is attached to the application).

(c) Appropriate documentation for each proposed consignee, either currently valid and on file with the Office of Export Control or furnished for approval with the application, as follows:

(1) Except as provided in (2) and (3) of this (c), a Multiple Transactions Statement, Form FC–843.

(2) For a consignee in Switzerland or Yugoslavia, a Swiss Blue Import Certificate or Yugoslav End-Use Certificate. Where a currently valid certificate is on file with the Office of Export Control, the application shall include the certification(s) set forth in §§ 373.67(a)(1) and 373.70(a)(1).

(3) For a consignee in the Republic of Vietnam, a Single Transaction Statement, Form FC–842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in § 373.20(b)(4). Where a currently valid statement is on file with the Office of Export Control, the application shall include the certification set forth in § 373.65(d)(2).

(iii) *Consignee quantity restrictions.* The total quantity that may be shipped to any consignee in Switzerland, Yugoslavia, or the Republic of Vietnam, is limited to the quantity shown on the Swiss Blue Import Certificate, Yugoslav End-Use Certificate, or Single Transaction Statement from that consignee.

(iv) *Export license.* The license will be validated and bear the identifying words "Bulk Quota License" below the validation stamp. The list of approved ultimate consignees will also be validated, attached to and become a part of the license.

(v) *Validity period.* Each license will be valid for the quota period to which it applies plus three additional calendar months.

(vi) *Export clearance*—(a) *Notification to Customs Offices.* The Office of Export Control will notify all Customs Offices of the issuance of a Bulk Quota License, including the names and addresses of ultimate consignees, within 15 calendar days after the issuance of license. An exporter should not plan to clear exports earlier unless he verifies that the notification has reached Customs. The license need not be filed with the Customs Office, but the licensee shall, on demand, show to the Customs Officer either the original or a photocopy of the license.

(b) *Tolerance.* In addition to the quantity licensed, a shipping tolerance of 5 percent of the total quantity licensed is allowed as set forth in § 379.2(h)(5) of this chapter.

(c) *Shipper's Export Declaration.* The Shipper's Export Declaration shall be prepared according to standard instructions and presented to the Customs Officer or Postmaster at the place of export. Both the gross weight of the copper scrap and the copper content pounds shall be given. Although the license refers only to "copper scrap," the commodity description on the Declaration shall be specific, conforming to the applicable Commodity Control List description, and incorporating any additional information required by Schedule B, such as type, size, or name of specific commodity. The Schedule B Number shall also be included.

(vii) *Reports.* The exporter shall furnish the Office of Export Control, no later than the 15th of each month, a report on all exports made during the preceding month under his Bulk Quota License. As a minimum, the report shall include the license number and, for each commodity exported, the full description as shown on the Commodity Control List, the Export Control Commodity Number, quantity exported in both copper content pounds and gross amount, date of shipment, and name and address of ultimate consignee. The report shall be sent to the Office of Export Control (Attention: 862), U.S. Department of Commerce, Washington, D.C. 20230.

NOTE: 1. See § 373.43 for special provisions covering other copper commodities.

2. See §§ 373.18 and 373.39 for special provisions covering other nickel commodities.

Section 373.22 is hereby revised to read as follows:

§ 373.22 Molybdenum commodities.

(a) *Scope.* The following commodities are subject to the provisions of this § 373.22:

Export Control Commodity Number and Commodity Description	
28393	Molybdenum ores and concentrates.
51369	Molybdenum oxide.
51470	Molybdenum disulfide, 86 percent content or higher.
51470	Ammonium, calcium, potassium, and sodium molybdates.
67160	Ferromolybdenum.
68942	Molybdenum or molybdenum alloys, unwrought.
68942	Molybdenum or molybdenum alloy waste and scrap.
68942	Molybdenum or molybdenum alloy metal powders.

(b) *Certification by supplier.* An application for a license to export any of the commodities listed in paragraph (a) above shall include or be accompanied by the following certification by the supplier of the commodities, regardless of whether the supplier is the applicant:

I (We) certify that the following molybdenum commodities, which are available to (*name of applicant*) for export, have not been and will not be supplied from commodities released from the United States National Stockpile:

Export Control Commodity Number	Commodity Description	Quantity

(*Name of supplier*)

NOTE: 1. As used in the above certification, a commodity is "available" only if the supplier or the applicant has present legal title to the commodities and has access to such commodities for export purposes.

2. If the applicant is not the producer of the commodities, the certification shall be signed by the supplier shown on the application in the space entitled "If applicant is not the producer of commodity to be exported, give name and address of supplier."

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

In § 379.2 *Presentation and use of validated license* paragraph (h) is hereby revised to read as follows:

§ 379.2 Presentation and use of validated license.

* * * * *

(h) *Shipping tolerance*—(1) *When tolerance is allowed.* A shipping tolerance is allowed over the quantity specified on a validated export license or on a Customs Office release against the license approved in accordance with paragraph (e) of this section, unless such tolerance is limited or prohibited by the terms of the license or by any of the provisions set forth in subparagraph (2), (3), (4), or (5) of this paragraph.

(2) *Amount of tolerance allowed*—(i) *Ten percent tolerance.* Except as set forth in subdivision (ii) of this subparagraph, a shipping tolerance of 10 percent is allowed when the quantity called for on the license or a Customs Office release is in the terms set forth below, or if no quantity is specified on the license or release, the tolerance will be allowed on the total price shown for each entry on the license or release:

Avoirdupois ounce.	M (1,000) board feet.
Bale.	Milligram.
Barrel.	Oxford unit.
Bushel.	Pound.
Content pound.	Proof gallon.
Cubic foot.	Short ton (2,000 pounds).
Gallon.	Square foot.
Gram.	Square yard.
Hundredweight (100 pounds).	Troy ounce.
Linear foot.	U.S.P. unit.
Linear yard.	
Long ton (2,240 pounds).	

(ii) *Five percent tolerance.* A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license for shipments of all of the commodities listed below except 28401 (1st item only), 28402 and 28403 for which the 5 percent applies to the total amount licensed as explained more fully in subparagraph (5) of this paragraph.

Export Control Commodity Number and Commodity Description	
28300	Alloy steel scrap containing 5 percent or more nickel by weight.
28311	Copper ores and concentrates.
28312	Copper matte.
28401	Copper bearing ash and residue.
28401	Nickel bearing residues and dross.
28402	Copper or copper-base alloy waste and scrap.
28403	Other nickel or nickel alloy waste and scrap.
51369	Nickel oxide.
51470	Nickel sulphate.
51470	Master alloys of copper containing 8 percent or more phosphor.
67160	Ferronickel containing 90 percent or less nickel.
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212	Copper-base alloy ingots.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper or copper alloy foil, including paper-backed.
68224	Copper and copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68226	Tube and pipe fittings of copper or copper-base alloy.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.
69892	Copper or copper-base alloy articles: (a) Fabricated anodes, and (b) cores (mold inserts).
69892	Copper or copper-base alloy castings and forgings.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external overpressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors as follows: (a) Submarine cable, or (b) cable containing fluorocarbon polymers or copolymers.
72310	Other communications cable containing more than one pair of conductors *and* containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.

(iii) *Tolerance inapplicable.* The tolerance provisions of this section shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream.
Gross.	Roll.
Number.	Round.
Pack.	Square.
Pair.	Set.

(3) *Maximum tolerance allowed.*[1] In all cases, except partial shipments as provided in subparagraph (4) of this paragraph, the tolerance shall be allowed on the basis of the actual quantity (or total price if applicable) stated on the license, or on a Customs Office's release against the license, approved in accordance with paragraph (e) of this section. In no case shall the tolerance exceed 10 percent of the stated quantity (or total price if applicable). For example, if the quantity shown on the license or the release as applicable, is "100,000 bales", not more than 110,000 bales may be exported. Similarly, if no quantity is shown on the license or on the release, as applicable, and the total price for an entry shown thereon is $50,000, not more than $55,000 may be exported.

(4) *Partial shipments.*—(i) *Tolerance on unshipped balance.* Whenever one or more partial shipments of the licensed commodity has been made, the 5 or 10 percent tolerance, as applicable, is allowed on only the unshipped balance, except as provided in subdivision (ii) of this subparagraph.

[1] See paragraph 375.4(d) for tolerance provisions relating to shipments under Blanket (BLT) License.

(ii) *Tolerance on total quantity.* In the case of shipments of iron and steel products and tin-plate, the tolerance of 10 percent is allowed on the basis of the actual quantity stated on the license or the Customs Office's release.

(iii) *Tolerance inapplicable after total shipped.* Where the quantity (or total price if applicable) stated on the license or the Customs Office's release has been shipped, no further shipment may be made under the license or the Customs Office's release.

(5) *Bulk Quota License.* For shipments under a Bulk Quota License, a shipping tolerance of 5 percent above the actual quantity stated in the license shall be allowed. For example, if the quantity shown on the license is "10,000 copper content pounds" up to 10,500 copper content pounds may be exported. However, once an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license; that is, the 5 percent tolerance may not be used to make a separate shipment after previous shipments have already totaled 10,000 content pounds.

In § 379.10 *Destination control* paragraph (c) is hereby revised to read as follows:

§ 379.10 Destination control.

* * * * *

(c) *Statement regarding ultimate destination on declaration, bill of lading, and commercial invoice*—(1) *Applicability.* The provisions of this § 379.10(c) apply to:

(i) A shipment made under a validated license; and

(ii) A shipment made under a general license where a Declaration is required to be presented to the Customs Office, except for a shipment: (*a*) Of any commodity identified by the word "None" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below"; and (*b*) of any commodity or technical data made under the provisions of General Licenses BAGGAGE, TOOLS OF TRADE, GIT, and GTDA.

NOTE: 1. *U.S. Territories and Possessions.* While the Bureau of the Census requires Shipper's Export Declarations in order to obtain statistical information regarding shipments to certain territories and possessions of the United States, these shipments are not exports controlled by the office of Export Control. Therefore, the provisions of this § 379.10 (c) are inapplicable to shipments to such territories and possessions of the United States as Puerto Rico or the Panama Canal Zone.

2. *Shipments to Canada.* The provisions of paragraph (c) of § 379.10 are not applicable to any exports intended for consumption in Canada, except shipments of the technical data described in § 385.2(c)(3)(v) and (vi); since all other exports to Canada require neither a general nor a validated license. However, these provisions are applicable to shipments of any commodities through Canada to other foreign countries.

(2) *Destination control statements.* An appropriate destination control statement[1] shall be entered on all copies of the Declaration presented for authentication to the Customs Office, in accordance with the provisions set forth below, for all shipments subject to the provisions of this § 379.10(c).

(i) The following statement shall be entered on the Declaration covering an export under either a validated or general license, other than the exceptions set forth in subparagraph (1)(ii) of this paragraph, with the blank space filled in with the name of the country of ultimate destination set forth in the Declaration[1]; unless, instead of this statement, an appropriate statement as provided in subdivision (ii) or (iii) of this subpargraph has been entered:

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

NOTE: 1. *Notification of permissive reexports.* In some instances the destination control statement used by an exporter or his agent for a specific shipment may indicate that the shipment cannot be reexported to a destination to which the ultimate consignee or purchaser wishes to sell or distribute the commodities. The reexport provisions of the Export Regulations (§§ 371.4 and 372.12) may nevertheless permit the reexport.

In this situation the exporter, without obtaining written approval of the Office of Export Control, may inform the foreign importer or other party in possession of the commodities, that distribution or resale may be made in accordance with the reexport provisions where applicable. In all other instances, written approval shall be obtained from the Office of Export Control.

2. *Effect of foreign laws.* Reexport authority contained in a destination control statement does not relieve any person from complying with foreign laws. See §§ 371.4(d), 372.12(f), and 385.6(d).

(ii) Instead of the statement set forth in paragraph subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below, except where the shipment is made under General License GMS:

These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name of country or countries). Diversion contrary to United States law prohibited.

(*a*) If the export is made under a general license other than General License GMS and the exceptions set forth in subparagraph (1)(ii) of this paragraph, insert the name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination, except Soviet Bloc,[2] Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States".

(*b*) If the commodity being exported requires a validated license for shipment to Poland (including Danzig), Rumania, or the Republic of South Africa, these countries shall be included in the list of prohibited destinations set forth in the last blank space of the statement.

(2) If the commodity being exported does not require a validated license for shipment to any destination included in the list of prohibited destinations, the destination may be deleted from the list of prohibited destinations set forth in the last blank space of the statement.

(*b*) If the export is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

NOTE: The Note following the destination control statement set forth in § 379.10(c)(2)(i) of this section is also applicable to requests for permission to distribute or resell where the statement set forth in (c)(2)(ii) of this section is used.

(iii) Where a shipment is made under a general license, other than General License GMS and the exceptions set forth in subparagraph (1)(ii) of this paragraph, the following statement[1] may be entered on the Declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph.

U.S. law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

(*a*) If the commodity being exported requires a validated license for shipment to Poland (including Danzig) and Rumania, these countries shall be included in the list of prohibited destinations set forth in the above statement.

(*b*) If the commodity being exported does not require a validated license for shipment to a destination(s) included in the list of prohibited destinations, such destination(s) may be deleted from the list of prohibited destinations set forth in the above statement.

NOTE: The Note following the destination control statement set forth in paragraph (c)(2)(i) of this section is also applicable to requests for permission to distribute or

[1] Where the country of ultimate destination is Vietnam, the destination control statement shall be filled in as required by § 373.68, regardless of the country designation shown on the Shipper's Export Declaration, and regardless of whether the shipment is made under a validated or a general license.

[2] As used in the destination control statement, the term "Soviet Bloc" means all destinations in Country Group Y (see § 370.1(g)). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Country Group Y.

[1] As used in the destination control statement, the term "Soviet Bloc" means all destinations in Country Group Y (see § 370.1(g)). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Country Group Y.

The words "and Laos" may be inserted at the exporter's discretion in the destination control statement after the entry of "Vietnam."

resell where the statement set forth in paragraph (c)(2)(iii) of this section is used.

(3) *Statement on Bill of Lading.* (i) No carrier by water, land, or air shall issue (and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure) a Bill of Lading covering an export of a commodity with respect to which a Declaration has been authenticated by a Customs Office containing the applicable statement set forth in subparagraph (2) of this paragraph; unless all copies of such Bill of Lading, including all nonnegotiable and office copies, except as provided in subdivision (ii) of this subparagraph, shall contain the same statement in clearly legible form. The destination control statement provisions apply to all exports by mail for which a Declaration is required. However, since Bills of Lading are not issued for exports by mail, a destination control statement is required only on the Declaration and the commercial invoice.

(ii) In the case of shipments by air (other than airmail or air parcel post) the provisions of subdivision (i) of this subparagraph are applicable to: (*a*) Any Air Waybill issued by a consolidator (indirect carrier) for an export included in a consolidated shipment or (*b*) any Air Waybill issued by a carrier or other person covering an export not included in a consolidated shipment. The provisions of subparagraph (2) of this paragraph do not apply to a "Master" Air Waybill issued by a carrier to cover a consolidated shipment.

(4) *Statement on commercial invoice.* No licensee, shipper, or consignor, exporter, or agent thereof, or any other person, shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this paragraph (c), including shipments by mail, unless such invoice or invoices and all copies thereof shall contain on the face thereof the same destination control statement in clearly legible form. This statement shall be an applicable statement as set forth in subparagraph (2) of this paragraph.

(5) *Release of custody by carrier.* No carrier shall release custody of commodities covered by the provisions of this paragraph (c) to any party (including an agent, on-carrier, or any other person) without surrender by that party, to the carrier, of a copy of the Bill of Lading bearing on its face the applicable destination control statement set forth in subparagraph (2) of this paragraph, unless either:

(i) Simultaneously with the release of the commodities, the carrier delivers to such party a written copy of the destination control statement, contained in the carrier's copy of the Bill of Lading covering the shipment. The written copy shall identify the shipment by Bill of Lading number, name of carrier, voyage or flight number, date, and port of arrival. In addition, the carrier shall secure either a signed receipted copy of the written statement or other equivalent written evidence that the statement has been delivered by the carrier; or,

(ii) The regulations of the importing country require the carrier to deliver the commodities directly into the physical possession and control of Customs or other government agency for delivery to the consignee or his agent. Under these circumstances the carrier need not give to or receive from the Customs or other government agency, or the consignee or his agent, any document bearing the destination control statement.

(6) (i) *Documents not requiring statements.* Shipper's Export Declarations, Bills of Lading, and commercial invoices prepared and issued in the United States to cover exports are the only shipping documents affected by the destination control provisions. Such documents as consular invoices, Inland Bills of Lading covering movements to port, letters of credit, ship's manifests, packing lists, dock receipts, and warehouse receipts do not require the destination control statement.

(ii) The exporter has the primary responsibility for assuring the entry of the destination control statement on the Declaration, the Bill of Lading, and the commercial invoice whether or not he prepares all of these documents. If a forwarder, carrier, or other party prepares or issues these documents he also is responsible for seeing that a correct statement is placed on the documents.

(7) *Determination by agent of appropriate statement.* (i) Where a freight forwarder, carrier, or other agent of the exporter undertakes to prepare a Declaration or a Bill of Lading without having in his possession a copy of the commercial invoice, the determination as to which destination control statement is applicable will depend on whether the shipment is being exported under a validated or a general license. Where the shipment is made under a validated export license, the appropriate statement to be used may be determined from the license.

(ii) For a shipment made under a general license, an understanding must be reached between the exporter and his carrier, forwarder or other agent as to which destination control statement shall be used. While a carrier has no obligation to determine which destination control statement, if any, is required on a Declaration, he must see that the same destination control statement which appears on the latter document also appears on the corresponding Bill of Lading before the contract of carriage is issued. Since the primary purpose of the destination control statement is to provide notice to the importer of the U.S. reexport provisions which apply to a specific transaction, the effectiveness of the regulation will be lessened if one statement appears on the commercial invoice and a different statement appears on the Bill of Lading.

(8) *Preprinted statement.* A destination control statement may be preprinted on Shipper's Export Declarations, Bills of Lading, or commercial invoices. However, only one of the three destination control statements in this paragraph (c) of the Comprehensive Export Schedule may be preprinted on any one of these documents.

(9) *Two or more statements applicable to a shipment.* If one Bill of Lading is issued for two or more individual shipments and two or more destination control statements are applicable to these shipments, the applicable destination control statement should be entered beneath each shipment or group of shipments to which it applies. However, in some cases a Bill of Lading may use a single freight tariff classification to describe several commodities which, for export control purposes, require the use of more than one form of the destination control statement. If in such a case it is impracticable to attempt to separate the commodities on the Bill of Lading into the different export control groups and enter the appropriate destination control statement below each group, the most restrictive form of statement applicable to any of the groups shall be used on the Bill of Lading for the entire shipment. The commercial invoice and Shipper's Export Declaration should, nevertheless, segregate the commodity groups and contain the proper destination control statement for each group. If the face of the export license indicates that the commodities are licensed only for the country of ultimate destination, the shipper may use the first statement (see subparagraph (2)(i) of this paragraph). If he prefers to do so, however, he may use the second statement (see subparagraph (2)(ii) of this paragraph) with the word "none" inserted in the last blank space. If the face of the export license indicates that the commodities are licensed for country of ultimate destination, and for distribution or resale to other countries, the shipper should use the second statement with the names of the countries to which distribution or resale is authorized inserted in the last blank space. In all cases the countries shown in the last blank space shall include only those authorized on the face of the license.

PART 385—EXPORTS OF TECHNICAL DATA

§ 385.3 [Amended]

The footnote following § 385.3 is revised to read as follows:

[1] The term "early publication country" used in this sentence and in this context only refers to Belgium, Costa Rica, Denmark, Ecuador, Finland, France, Honduras, Iceland, Jamaica, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Portugal, Sweden, Trinidad, Turkey, Republic of South Africa, Uruguay, Venezuela, and West Germany (Federal Republic of Germany).

In § 385.4 *General license GTDR: Technical data under restriction* paragraph (d) is hereby revised and (e)(1)(iii)(*z*) and (*aa*) are added to read as follows:

§ 385.4 General license GTDR: Technical data under restriction.

* * * * *

(d) *Restrictions applicable to all destinations except Canada.* No technical data relating to the following, other than data described in paragraph (b) of this section,[2] may be exported under this General License GTDR, and exports of these technical data to all destinations, except Canada,[3] require a validated export license:

(1) Civil aircraft, civil aircraft equipment, parts, accessories, or components; and

(2) The following electronic commodities:

(i) Electrical and electronic instruments, Export Control Commodity Nos. 72952 and 72999, specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment described in Export Control Commodity Nos. 72499 and 72952;

(ii) Airborne transmitters, receivers, and transceivers, Export Control Commodity No. 72499;

(iii) Airborne direction finding equipment, Export Control Commodity No. 72499; and

(iv) Airborne electronic navigation and radar equipment, Export Control Commodity Nos. 72499 and 72952.

(3) Watercraft of hydrofoil and hovercraft (air bubble) design (Export Control Commodity No. 73550).

(4) Any other commodity under the export control jurisdiction of the Office of Export Control, if such commodity is not covered by an entry on the Commodity Control List.

(e) *Written Assurance Requirements*—(1) *Requirement of written assurance for certain data, services, and materials.* * * *

(iii) Technical data relating to the following materials and equipment:

* * * * *

(*z*) Off-shore drilling platforms (except fixed, non-floating types); specially designed parts and components (Export Control Commodity No. 73593).

(*aa*) Methyl methacrylate, cross-linked, hot stretched, clear, film, sheeting, or laminates (Export Control Commodity No. 58120).

* * * * *

In § 385.5 *Validated license applications* paragraph (e)(2) is hereby revised to read as follows:

§ 385.5 Validated license applications.

* * * * *

(e) *Special provisions.* * * *

(2) *Other commodities.* For all applications for licenses to export to any destination other than Country Group W, Y, or Z technical data relating to any of the commodities in subdivision (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph, an applicant shall attach to the license application a written statement from his foreign importer assuring that unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly reexport the technical data to any destination or export the direct product of the technical data directly or indirectly to Country Group W, Y, or Z. However, if the U.S. exporter is not able to obtain the required statement from his importer the exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained. The special provisions set forth in this paragraph (e)(2) are applicable to technical data concerning the following:

(i) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear tests, as described in § 373.7(b) of this chapter;

(ii) Neutron generators, employing the electrostatic acceleration of ions and designed for operation without an external vacuum system and specially designed parts and accessories for such neutron generators, Export Control Commodity No. 72970;

(iii) Porous nickel;

(iv) Civil aircraft, civil aircraft equipment, parts, accessories, or components not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter); and

(v) The following electronic commodities:

(*a*) Electrical and electronic instruments, Export Control Commodity Nos. 72952 and 72999, specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment described in Export Control Commodity Nos. 72499 and 72952;

(*b*) Airborne transmitters, receivers and transceivers, Export Control Commodity No. 72499;

(*c*) Airborne direction finding equipment, Export Control Commodity No. 72499; and

(*d*) Airborne electronic navigation and radar equipment, Export Control Commodity Nos. 72499 and 72952.

(vi) Watercraft of hydrofoil and hovercraft (air bubble) design (Export Control Commodity No. 73550).

(vii) Any other commodity under the export control jurisdiction of the Office of Export Control, if such commodity is not covered by an entry on the Commodity Control List.

* * * * *

In § 385.6 *Exports under a validated license.* Paragraph (b)(2) is hereby revised to read as follows:

§ 385.6 Exports under a validated license.

* * * * *

(b) *Reports on exports.* * * *

(2) *Country Group W or Y.* With respect to a license used to export technical data to Country Group W or Y when the license is returned, the exporter shall submit a statement indicating the following:

(i) When the technical data were exported or when the technical services were rendered;

(ii) Whether the export or service was total or partial;

(iii) The nature of the transaction (e.g., a sale of technical data, performance of technical services, a technical licensing agreement, a technology exchange agreement);

(iv) The nature of the payment received or to be received by the U.S. exporter (e.g., pecuniary or other consideration); and

(v) The actual or estimated price of the technical data exported, or services rendered, or the actual or estimated dollar value of any other consideration received or to be received. (This should include the payment received or to be received for engineering and for any other services when rendered, as well as for the royalty or other payment received or to be received for a design or process authorized to be used.)

[F.R. Doc. 69-3807; Filed, Apr. 3, 1969; 8:45 a.m.]

[2] Data included in the foreign filing of a patent is also excluded from the restrictions set forth in this paragraph 385.4(d) if such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office.

[3] Only the restrictions set forth in paragraph 385.4(c) apply to exports of technical data for use in Canada. In all other cases, an export of technical data for use in Canada may be made without either a validated or a general license. For reexport provisions applicable to Canada and other countries, see paragraphs 385.8 (b) and (c).

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 6485]

PART 13—PROHIBITED TRADE PRACTICES

B. F. Goodrich Co. and Texas Co.

Subpart—Cutting off access to customers or market: § 13.535 *Contracts restricting customers' handling of competing products.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* § 13.670–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, The B. F. Goodrich Co. et al., New York, N.Y., Docket 6485, Mar. 12, 1969]

In the Matter of The B. F. Goodrich Co., a Corporation, and The Texas Co., a Corporation

Order modifying a cease and desist order, dated January 14, 1966, 31 F.R. 5443, pursuant to a decision and remand of the Supreme Court, 393 U.S. 223, by deleting numbered paragraphs 5 and 6 of the order directed against Texaco, Inc.

The modified order to cease and desist, is as follows:

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified by deleting numbered paragraphs 5 and 6 of that portion of the order directed against Texaco.

It is further ordered, That respondents, The B. F. Goodrich Co., a corporation, and The Texas Co., a corporation, shall within sixty (60) days after service upon them of this order, file with the Commission reports in writing, setting

forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 12, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3911; Filed, Apr. 3, 1969; 8:45 a.m.]

[1] Chairman Dixon not participating.

[Docket No. C-1057]

PART 13—PROHIBITED TRADE PRACTICES

Broadway-Hale Stores, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order to cease and desist, Broadway-Hale Stores, Inc., Los Angeles, Calif., Docket C-1057, Mar. 5, 1969]

In the Matter of Broadway-Hale Stores, Inc., a Corporation

Order modifying an earlier consent order, dated April 14, 1966, 31 F.R. 7056, which prohibited for 5 years any acquisition by the respondent of any department or GMAF (General Merchandise, Apparel and Furniture) store without prior Commission approval, by extending the ban for an additional 3 years.

The modified order to cease and desist, is as follows:

Now, therefore, it is hereby ordered, That Part I of the order of April 14, 1966, be, and it hereby is, modified as follows:

It is ordered, That, for five (5) years from the effective date of this modified order, respondent, Broadway-Hale Stores, Inc., shall cease and desist from acquiring, directly or indirectly, without first notifying the Federal Trade Commission and obtaining its consent, any department store or other GMAF store, or any interest in capital stock or other share capital, or any assets constituting a substantial part of all of the assets, of any concern engaged in the department store or other GMAF store business in the United States, other than The Emporium Capwell Co.

Issued: March 5, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3912; Filed, Apr. 3, 1969; 8:45 a.m.]

[1] Commissioners Elman and Nicholson not concurring.

[Docket No. 8736]

PART 13—PROHIBITED TRADE PRACTICES

Connell Rice & Sugar Co., Inc., et al.

Subpart—Combining or conspiring: § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes;* § 13.475 *To restrict competition in buying.* Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.810 *Buyers' corporate or other agent;* § 13.820 *Direct buyers;* Knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13) [Cease and desist order, Connell Rice & Sugar Co., Inc., Westfield, N.J., Docket 8736, Feb. 20, 1969]

In the Matter of Connell Rice & Sugar Co., Inc., a Corporation, Foremost-McKesson, Inc., a Corporation (Formerly Foremost Dairies, Inc., a Corporation), and Standard Brands Inc., a Corporation

Consent order requiring one of the Nation's largest dealers in corn products, syrups and sweeteners to refrain from a common course of action involving certain full-requirements purchase agreements, accepting illegal brokerage payments, and knowingly inducing or receiving discriminatory prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Connell Rice & Sugar Co., Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase of corn products, sugar or any other commodity in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any agreement, understanding, combination, conspiracy or planned common course of action, between or among any of said respondents named in the caption hereof or between said respondent and others not parties hereto to do or perform any of the following acts or things:

1. Directly or indirectly negotiating as a buyer's agent for the purchase of the buyer's entire requirements of any commodity for unreasonably long periods of time or when based upon the respondent's receipt for itself or receipt by the buyer respondent represents, of direct or indirect price discriminations prohibited by section 2 of the Clayton Act, as amended;

2. Requiring a seller, as a condition precedent to doing business with a buyer for whom respondent is an agent, to patronize sources of supply specified by respondent, or the buyer respondent represents, for commodities to be used in the manufacture or production of goods, wares or merchandise to be sold to said buyer unless such specification of source is based upon factors other than direct or indirect price discriminations prohibited by section 2 of the Clayton Act, as amended;

3. To violate any of the remaining provisions of this order.

It is further ordered, That respondent Connell Rice & Sugar Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of corn products, sugar or any other commodity in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of said commodities where respondent is the agent, representative, or other intermediary acting for, or in behalf of, or is subject to, the direct or indirect control of, any buyer.

It is further ordered, That respondent Connell Rice & Sugar Co., Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase by any third party buyer of corn products, or any other commodity in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Knowingly inducing any discrimination in price for commodities, by directly or indirectly inducing from any seller, a net price which respondent knows or should know is lower than the net price at which commodities of like grade and quality are being sold by such seller to other purchasers who are in competition with said buyer, where respondent is the agent, representative or other intermediary acting for, or in behalf of, or is subject to the direct or indirect control of, said buyer.

For the purpose of determining "net price" there shall be taken into account all discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are affected.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 20, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3913; Filed, Apr. 3, 1969; 8:45 a.m.]

[1] Commissioner Elman not concurring.

[Docket No. 8736]

PART 13—PROHIBITED TRADE PRACTICES

Foremost-McKesson, Inc., et al.

Subpart—Combining or conspiring: § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes;* § 13.475 *To restrict competition in buying.* Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.810 *Buyers' corporate or other agent;* § 13.820 *Direct buyers;* knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13) [Cease and desist order, Foremost-McKesson, Inc., San Francisco, Calif., Docket 8736, Feb. 20, 1969]

In the Matter of Connell Rice & Sugar Co., Inc., a Corporation, Foremost-McKesson, Inc., a Corporation (Formerly Foremost Dairies, Inc., a Corporation), and Standard Brands Inc., a Corporation

Consent order requiring one of the Nation's largest dealers in corn products, syrups, and sweeteners to refrain from a common course of action involving certain full-requirements purchase agreements, accepting illegal brokerage payments, and knowingly inducing or receiving discriminatory prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Foremost-McKesson, Inc., a corporation (formerly Foremost Dairies, Inc., a corporation), and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase of commodities as defined herein, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any agreement, understanding, combination, conspiracy, or planned common course of action, between or among any of said respondents named in the caption hereof or between said respondent and others not parties hereto to do or perform any of the following acts or things:

1. Directly or indirectly negotiating for the purchase of respondent's entire requirements of any commodity for unreasonably long periods of time or when based upon the receipt by respondent, or its agent, of direct or indirect price discriminations prohibited by section 2 of the Clayton Act, as amended:

2. Requiring a seller, as a condition precedent to doing business with respondent to patronize sources of supply specified by respondent for commodities to be used in the manufacture or production of goods, wares or merchandise to be sold to respondent unless such specification of source is based upon factors other than direct or indirect price discriminations prohibited by section 2 of the Clayton Act, as amended;

3. To violate any of the remaining provisions of this order.

It is further ordered, That respondent Foremost-McKesson, Inc., a corporation (formerly Foremost Dairies, Inc., a corporation), and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering to purchase or purchase of commodities as defined herein, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of commodities as defined herein for respondent's own account.

It is further ordered, That respondent Foremost-McKesson, Inc., a corporation (formerly Foremost Dairies, Inc., a corporation), and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering to purchase or purchase of commodities as defined herein, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Knowingly inducing and receiving or knowingly receiving or accepting any discrimination in price for commodities, by directly or indirectly inducing and receiving or receiving or accepting, from any seller, a net price which respondent knows or should know, is lower than the net price at which commodities of like grade and quality are being sold by such seller to other purchasers who are in competition with respondent.

For the purpose of determining "net price" there shall be taken into account all discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are affected.

"Commodities" as defined herein includes tires and all commodities purchased by respondent for resale, with or without further processing, in the form of frozen food products, ice cream or other dairy products, including all components and packaging materials.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 20, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3914; Filed, Apr. 3, 1969; 8:46 a.m.]

[1] Commissioner Elman not concurring.

[Docket No. C-1501]

PART 13—PROHIBITED TRADE PRACTICES

General Mills, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, General Mills, Inc. Minneapolis, Minn., Docket C-1501, Mar. 11, 1969]

In the Matter of General Mills, Inc., a Corporation

Consent order prohibiting a large food processing corporation headquartered in Minneapolis, Minn., from acquring any manufacturer or wholesaler of potato or corn chips and other food products for the next 10 years without prior approval of the Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That for a period of ten (10) years from the date this order becomes final, respondent, General Mills, Inc., a corporation, shall cease and desist from entering, without prior approval of the Federal Trade Commission, into any arrangement with another party, corporate or noncorporate as a result of which respondent obtains, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock or other share capital, or the assets (other than products purchased or sold in the ordinary course of business), of any concern, corporate or noncorporate (other than respondent's distributors) engaged at the time of such acquisition in the United States in the manufacture or wholesale distribution of wheat or oat flour; ready-to-eat, or hot farina-type, breakfast cereals; hot casseroles or flour-based baking and dessert mixes; potato chips; corn chips; cereal-based or corn-based snacks of the "Bugles", "Whistles" and "Daisy*s" type; peanuts and cashews; salad dressing; tea; pickles; peanut, hard and moulded starch-processed candies; cracker sandwiches with white sugar or butter-based filling; crackers, peanut or cheese filled; cellulose sponges; ready-to-eat popcorn; porkskins; dry condiments; powdered soft drinks and prepared sandwiches of the fruit filled "Toastwitches" type, designed for toaster heating. As used in this paragraph, the acquisition of assets includes any arrangement by respondent with any other party, pursuant to which such other party discontinues manufacturing any of said products under a brand name or label owned by such other party and thereafter distributes any of said products under any of respondent's brand names or labels.

II. *It is further ordered,* That within sixty (60) days after this Order becomes final, and annually thereafter, respondent shall furnish to the Federal Trade Commission a verified written report setting forth the manner and form in which it intends to comply, is complying, or has complied with paragraph I of this order.

III. *It is further ordered,* That in the event the Commission issues any order or rule which is less restrictive than the provisions of paragraph I of this order, in any proceeding involving the merger or acquisition of a snack food or milling or cereal company, then the Commission shall, upon the application of General Mills reconsider this order and may reopen this proceeding in order to make

whatever revisions, if any, are necessary to bring the foregoing paragraph into conformity with the less stringent restrictions imposed upon respondent's competitors.

IV. *It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: March 11, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3915; Filed, Apr. 3, 1969; 8:41 a.m.]

[Docket No. C-1502]

PART 13—PROHIBITED TRADE PRACTICES

Green & Rothman et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Green & Rothman et al., New York, N.Y., Docket C-1502, Mar. 11, 1969]

In the Matter of Green & Rothman, a Partnership, and William Green and Zoltan Rothman, Individually and as Copartners Trading as Green & Rothman

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products and furnishing false guaranties that its fur products are not misbranded or falsely invoiced.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Green & Rothman, a partnership, and William Green and Zoltan Rothman, individually and as copartners trading as Green & Rothman or any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication, on a label that the fur contained in such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in an abbreviated form on a label affixed to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondents Green & Rothman, a partnership, and William Green and Zoltan Rothman, individually and as copartners trading as Green & Rothman or any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 11, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3916; Filed, Apr. 3, 1969; 8:46 a.m.]

[Docket No. C-1503]

PART 13—PROHIBITED TRADE PRACTICES

Wassner Sportswear Mfg., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719 as amended, secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Wassner Sportswear Mfg., Inc., et al., New York, N.Y., Docket C-1503, Mar. 13, 1969]

In the Matter of Wassner Sportswear Mfg., Inc., Gotham Men's & Boys' Wear, Inc., Olympic Shirts, Inc. and Lustberg, Nast & Co., Inc., Corporations, and Isidor Wassner, David Wassner and Joseph Wassner, Individually and as Officers of Said Corporations

Consent order requiring four affiliated New York City importers and manufacturers of wearing apparel to cease misbranding their wool products and falsely advertising their textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Wassner Sportswear Mfg., Inc., Gotham Men's & Boys' Wear, Inc., Olympic Shirts, Inc., and Lustberg, Nast & Co., Inc., corporations, and their officers, and Isidor Wassner, David Wassner and Joseph Wassner, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the character or amount of constituent fibers contained therein.

2. Failing to securely affix to or place on each such wool product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the generic names of manufactured fibers established in Rule 7 of the regulations promulagted under the Textile Fiber Products Identification Act, in naming such fibers in required informations on stamps, tags, labels, or other means of identification attached to wool products.

It is further ordered, That respondents Wassner Sportswear Mfg., Inc., Gotham Men's & Boys' Wear, Inc., Olympic Shirts, Inc., and Lustberg, Nast & Co., Inc., corporations, and their officers, and Isidor Wassner, David Wassner and Joseph Wassner, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from falsely and deceptively advertising textile fiber products by:

1. Making any representations, directly or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in an advertisement without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of the order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 13, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-3917; Filed, Apr. 3, 1969; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8556]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Acquisitions, Tender Offers, and Solicitations

The Securities and Exchange Commission has amended its temporary rules under sections 13(d), 13(e), 14(d), and 14(f) of the Securities Exchange Act of 1934 to specify the number of copies of material to be filed with the Commission. Previously, the number of copies to be filed was not specified and the number filed in many cases was not sufficient for the use of the staff in the expeditious examination of the material filed.

The sections of the Act referred to relate to matters such as the acquisition of equity securities by the issuer thereof or other persons, the invitation of tender offers, and changes in the majority of the directors of a company.

Commission action. I. Section 240.13d-1 is amended by adding at the end thereof the following sentence: "Eight copies of the statement shall be filed with the Commission."

II. Section 240.13d-2 is amended by adding at the end thereof the following sentence: "Eight copies of each such amendment shall be filed with the Commission."

III. The introductory clause of paragraph (a) of § 240.13e-1 is amended to read as follows:

(a) The issuer has filed with the Commission eight copies of a statement containing the information specified below with respect to the proposed purchases:

(1) * * *

IV. Section 240.14d-1 is amended by adding thereto a new paragraph (e) reading as follows:

(e) Eight copies of the statement required by paragraph (a), every amendment to such statement, and all other material required by this section, shall be filed with the Commission.

V. Section 240.14f-1 is amended by adding at the end thereof the following sentence: "Eight copies of such information shall be filed with the Commission."

(Secs. 13, 14, 23; 62 Stat. 454, 48 Stat. 901, as amended; 15 U.S.C. 78m, 78n, and 78w)

Effective date: The Commission finds that the foregoing rules relate to procedure rather than matters of substance and that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) is not necessary. In view of the nature of the rules, the Commission finds that they may be made effective less than 30 days after publication. Accordingly, the rules shall be effective with respect to material filed with the Commission on or after April 1, 1969.

By the Commission, March 24, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3929; Filed, Apr. 3, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

PART 832—REWARDS

Payment of Rewards

The Post Office Department is adding a new Part 832 to Title 39, Code of Federal Regulations, reading as set out below. With this addition present § 201.82, which appears under Subpart I of Subchapter B, of Title 39 CFR, is hereby revoked.

§ 832.1 Postal offenses covered.

Rewards will be paid in the amounts and under the conditions mentioned in Sign 32, *Notice of Reward,* for the arrest and conviction of persons accused of the following postal offenses:

(a) Robbery or attempted robbery.

(b) Mailing bombs or poison.

(c) Post office burglary.

(d) Stealing or unlawful possession of mail or money or other property of the United States.

NOTE: The text of Sign 32, referred to above, reads as follows:

Subject to the availability of funds, the Post Office Department pays a reward for the arrest and conviction of any person for the following offenses:

ROBBERY

1. Not to exceed $3,000 for robbery or attempted robbery of any custodian of any mail, or money or other property of the United States under the control and jurisdiction of the Post Office Department, if such custodian is wounded or his life jeopardized with a dangerous weapon; but not to exceed $1,500 if the custodian is not wounded, or his life jeopardized with a dangerous weapon.

MAILING OF BOMBS OR POISON

2. Not to exceed $3,000 for mailing or causing to be mailed any poison, bomb, device, or composition, with the intent to kill or harm another, or injure the mails or other property.

3. Not to exceed $300 for mailing or causing to be mailed any poison, bomb, device, or composition which may kill or harm another, or injure the mails or other property.

BURGLARY OF POST OFFICE

4. Not to exceed $300 for breaking into or attempting to break into a post office, station, branch, or building used wholly or partially as a post office with intent to commit a larceny or other depredation in that part used as a post office.

THEFT OF MAIL

5. Not to exceed $300 for the theft of any mail, the contents thereof, or money or any other property of the United States under the custody and control of the Post Office Department, from any custodian, postal vehicle, railroad depot, airport, or other transfer point, post office or station or receptacle or depository established, approved, or designated by the Postmaster General for the receipt of mail.

EMBEZZLEMENT OF MAIL

6. Not to exceed $300 for embezzlement of mail or the contents thereof by a mail carrier on a mail messenger or star route.

OFFENSES INVOLVING MONEY ORDERS

7. Not to exceed $300 for the altering, forging, uttering or passing of blank money order forms stolen from a post office, station, branch or postal custody.

GENERAL PROVISIONS

8. The Post Office Department also pays rewards as stated above for the arrest and conviction of any person:

(a) as an accessory to any of the above crimes;

(b) for receiving or having unlawful possession of any mail, money or property secured through the above crimes;

(c) for conspiracy to commit any of the above crimes.

9. When a person has been adjudged a juvenile delinquent for having committed any of the above crimes the same reward may be paid as though such person had been convicted of such crime.

10. The term "custodian" as used herein includes any person having lawful charge, control, or custody of any mail matter, or any money or other property of the United States under the control and jurisdiction of the Post Office Department.

11. A reward may be paid for the conviction of a person for an offense listed above, even though arrested for committing another offense.

12. When an offender is killed while committing a crime listed above or in resisting lawful arrest, the same reward may be paid as though he had been convicted.

13. The amount of the reward to be paid will be based on the importance of services rendered, character of the offender, risks and hazards involved, time spent, and expenses incurred. Maximum rewards will be paid only when services were of the maximum value.

14. The Department will reject a claim where there has been collusion, or improper methods have been used to effect an arrest or to secure a conviction. It has the right to allow only one reward where several persons were convicted of the same offense, or one person was convicted of several offenses.

15. A written claim must be submitted to the Postal Inspector in Charge of the division in which the crime was committed within 6 months from the date of conviction of an offender or the date of his death, if killed in committing a crime or resisting arrest. Applications for the filing of claims may be obtained from the Inspector in Charge.

NOTE: The corresponding Postal Manual Part is Part 832.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

MARCH 28, 1969.

[F.R. Doc. 69-3928; Filed, Apr. 3, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS [1]

Motor Vehicle Safety Standard No. 109; New Pneumatic Tires—Passenger Cars; Correction

In 34 F.R. 2252 published on February 15, 1969 (Docket No. 69-5), Table I-B of Appendix A should have inserted between the tire size designation L70-14 and D70-15 the following C70-15 tire size data:

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD No. 109

TABLE I-B

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	20	22	24	26	28	30	32	34	36	38	40			
C70-15	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5½	32.75	7.50

Issued April 1, 1969.

H. M. JACKLIN, Jr.,
Acting Director,
Motor Vehicle Safety Performance Service.

[F.R. Doc. 69-3958; Filed, Apr. 3, 1969; 8:45 a.m.]

[1] Formally contained in 23 CFR 255.

[Docket No. 69-8; Notice No. 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS [1]

Motor Vehicle Safety Standard No. 110 Tire Selection and Rims—Passenger Cars

Appendix A of Standard No. 110, as amended (34 F.R. 1909), provides an abbreviated rule making procedure for adding alternative rim sizes to Standard No. 110 whereby the requested addition may become effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR 353) [2] is followed.

The Ford Motor Co. has petitioned for the addition of 4J as an alternative rim size for the 5.60–13 and 6.00–13 tire size designations and 4½J as an alternative rim size for the 165–13 tire size designation; the General Motors Corp. has petitioned for the addition of 5J as an alternative rim size for the 155R13 and 155–13/6.15–13 tire size designations; the American Honda Motor Co., Inc. has petitioned for the addition of 3.50B as an alternative rim size for the 145–10 tire size designation; the Rubber Manufacturers Association has petitioned for the addition of 8JJ as an alternative rim size for the F70–15 tire size designation, the 7JJ as an alternative rim size for the E70–14, G78–14, and E70–15 tire size designations, 6JJ as an alternative rim size for the 8.55–15 and 8.25–15 tire size designations and 5½JJ as an alternative rim size for the 8.25–15 and 9.15–15 tire size designations; the Standard-Triumph Motor Co., Ltd., has petitioned for the addition of the 4½J alternative rim size for the 5.20–13, 145–13, and 185–15 tire size designations and 3½J as an alternative rim size for the 5.60–13 and 145–13 tire size designations; and Volkswagen Company of America has petitioned for the addition of 5K as an alternative rim size for the 5.60–15 tire size designation.

On the basis of the data submitted by the Ford Motor Co., the General Motors Corp., American Honda Motor Co., Inc., the Rubber Manufacturers Association, the Standard-Triumph Motor Co., Ltd., and Volkswagen Company of America indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted, Motor Vehicle Safety Standard No. 110 is being amended in accordance with the procedural guidelines set forth in Appendix A of Standard No. 110.

In consideration of the foregoing, § 371.21 of Part 371, Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 110 (33 F.R. 17918) is amended as set forth below effective May 5, 1969.

These amendments are issued under authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), the delegation from the Secretary of Transportation, Part I of the Regulations of the Office of the Secretary (49 CFR 1.4(c)), and the delegation from the Federal Highway Administrator, 49 CFR 371.21, Appendix A of Standard No. 110 (33 F.R. 14969).

Issued on April 1, 1969.

H. M. JACKLIN, Jr.,
Acting Director, Motor Vehicle Safety Performance Service.

1. Table I of Appendix A is deleted and inserted is the following new Table I.

FMVSS No. 110

APPENDIX A, TABLE I

(Alternative Rims)

Tire size	Rim [1]
6.40–15	*4½–JK, 4½–J, 4½–K, 4.50E,* 4–J, 5.00E, 5–J, 5–K, 5–JK, 5½–J.
7.00–15	*5.00F, 5–K.*
8.25–15	*6–JK, 6–K, 6–L, 6–JJ,* 5½–JJ.
8.55–15	*6–JK, 6–JJ, 6–K, 6–L,* 5½–JK, 5½–JJ, 5½–J.
8.90–15	5½–L, 6–JK, 6–JJ, 7–L.
9.15–15	5½–JJ.
E50C–16	3½.
F50C–16	3½.
H50C–17	3½.
F60–15	6½–JJ, 7–JJ.
D70–13	*5½–JK,* 5½–JJ, 5½–J, 5½–K.
E70–14	7JJ.
F70–14	7JJ.
C70–15	5½–JJ.
E70–15	7JJ.
F70–15	8JJ.
G70–14	7JJ.
5.0–15	*4J,* 3.50B, 3.50D, 3½–J, 4.00C.
5.5–15	*4J,* 3½–J, 3.50D, 4½–J.
145–10	3.50B.
145–13	4½–J, 3½–J.
165–13	4½–J.
185–15	4½–J.
5.20–13	4½–J.
5.60–13	4J, 3½–J.
6.00–13	4J.
5.60–15	5–K.
155R13	5–J.
155–13/6.15–13	5J.

See footnotes at end of table.

[1] Italicized designations denote Test Rims.

[F.R. Doc. 69-3969; Filed, Apr. 3, 1969; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

DeSoto National Wildlife Refuge, Iowa-Nebr.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

IOWA-NEBRASKA

DESOTO NATIONAL WILDLIFE REFUGE

Public recreational activities are permitted on the DeSoto National Wildlife Refuge subject to the following special conditions:

(1) *Authorized activities.* Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) *Open season.* The open season for general public recreational use is from May 1, 1969 through September 15, 1969. During this period the public recreational use area is open daily between the hours of 4:30 a.m. and 10 p.m., c.d.s.t. Two separate mushroom picking areas are open daily to the public during the month of May; hours of use are the same as for the general use area.

(3) *Open area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Maps of the open areas are also posted or available for handout at entrance points and at concession buildings on the area.

(4) *Access.* Entry to the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *Entrance fees.* Entry to the public use area shall be subject to fee charging for an entrance permit, as required for all designated areas under the Land and Water Conservation Fund Act of 1965. The types of entry permits available and the fees therefor shall be as determined by the Secretary. Permits will be available at refuge headquarters and at fee collection stations located at two entrance points.

(6) *Other provisions.* (a) The use of air matresses, innertubes, beach balls and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted in grills only.

(d) Access to refuge waters with airboats or houseboats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(g) The lake being long and narrow requires that all boaters keep to the right and maintain a highway-type traffic pattern. Turns shall always be made to the operator's left, except when beaching or docking a boat.

(h) A portion of the refuge lake is posted as a "No Wake Zone." Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through September 15, 1969.

KERMIT D. DYBESTTER,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

MARCH 28, 1969.

[F.R. Doc. 69-3919; Filed, Apr. 3, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Sport fishing and entrance on foot for this purpose are permitted on the Great Meadows National Wildlife Refuge, Concord, Mass.

These open areas are delineated on maps available at Refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 26, 1969.

[F.R. Doc. 69-3920; Filed, Apr. 3, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, near Dunn Center, N. Dak., is permitted only on the area designated by signs as open to fishing. The open area comprising 400 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions.

(1) The refuge shall be open to the taking of fish from May 3 to September 30, 1969, daylight hours only. The refuge shall then be closed to the taking of fish from October 1 to December 14 and open to fishing from December 15 to December 31, 1969, daylight hours only.

(2) One outboard motor of not more than 10 horsepower can be attached to any floating craft and to be used for fishing purposes only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1969.

HOMER L. BRADLEY,
Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak.

MARCH 28, 1969.

[F.R. Doc. 69-3921; Filed, Apr. 3, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 10,000 acres are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 3, 1969, through September 14, 1969, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1969.

MARVIN MANSFIELD,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

MARCH 28, 1969.

[F.R. Doc. 69-3922; Filed, Apr. 3, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in Lake Champlain and the Missisquoi River from the Missisquoi National Wildlife Refuge, Vt., in accordance with all applicable State regulations. The refuge is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 27, 1969.

[F.R. Doc. 69-3923; Filed, Apr. 3, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 21, 1969, through September 15, 1969, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1969.

ROBERT S. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

MARCH 28, 1969.

[F.R. Doc. 69-3924; Filed, Apr. 3, 1969; 8:47 a.m.]

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas are Lake Tewaukon and Mann Lake, comprising 1,164 acres, and are shown on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 3, 1969, through September 30, 1969, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1969.

HERBERT G. TROESTER,
Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak.

MARCH 27, 1969.

[F.R. Doc. 69-3949; Filed, Apr. 3, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

[Interpretation 18]

ECONOMIC POISONS

Warning, Caution, and Antidote Statements on Labels

Notice is hereby given that pursuant to the authority of § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended; 7 U.S.C. 135–135k) consideration is being given to the revision of Interpretation 18, Revision II, to read as follows:

§ 362.116 Interpretation with respect to criteria for determining warning, caution, and antidote statements required to appear on labels of economic poisons to prevent injury to man.

An economic poison may be hazardous to man because of its toxicity; irritancy; corrosiveness; sensitizing ability; flammability; or because it is under pressure in its container or is capable of generating pressure through decomposition, exposure to heat, or other means; or for other reasons. A review of currently registered labels reveals many differences in the wording by which such hazards are identified and by which instructions are given to avoid injury from them. Such differences arise inevitably where no standard of uniform precautionary labeling exists. The Director believes that the effectiveness of precautionary labeling will be improved and the protection of the public, therefore, enhanced if the same hazards are described in the same terms. Accordingly, this interpretation undertakes to define, to the extent possible, those hazards that are most commonly associated with economic poisons, and to set forth the signal words, statements of hazard, precautionary measures, and first aid statements that are considered acceptable for these hazards insofar as they are likely to cause injury to man. Nothing in this interpretation relieves an applicant of his responsibility under the Act to warn against any other hazards associated with his product.

(a) *Requirements of the Act.* Section 2s(2)(d) of the Act provides than an economic poison is misbranded if its label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals. Section 3(a)(3) of the Act requires that any economic poison which contains any substance or substances in quantities highly toxic to man must bear on the label the skull and crossbones, the word "POISON" (in red) on a contrasting background, and an antidote statement.

(b) *Definitions*—(1) *Antidote.* Section 2r of the Act (7 U.S.C. 135(k)) defines an antidote as "a practical immediate treatment in case of poisoning and includes first aid treatment." In this Interpretation, when the term "antidote" is used, it has reference only to specific therapeutic measures that may or may not require the services of a physician. When the term "first aid" is used, it has reference to nonspecific, general supportive measures that can be taken by the victim or other nonmedical persons. In general, first aid measures are aimed principally at termination of the exposure.

(2) *Combustible liquid.* A liquid that has a flashpoint above 80° F. to and including 150° F. as determined by Tagliabue's Open Cup Method.

(3) *Corrosive.* A substance that causes destruction or irreversible alteration of living tissue at the site of contact. A test for a corrosive is whether by human experience, such tissue destruction occurs at the site of contact. A substance will be considered to be a corrosive if when tested on the intact skin of the albino rabbit by the method described in paragraph (c) of this section or in the eye of the albino rabbit by the method described in paragraph (d) of this section, the structure of the tissue at the site of contact is destroyed or changed irreversibly in 24 hours or less.

(4) *Dust.* Airborne solid particles generated by handling, crushing, grinding, rapid impact, detonation, or decrepitation of larger aggregates of a substance.

(5) *Extremely flammable liquid.* (i) An extremely flammable liquid is one that has a flash point of 20° F. or less as determined by Tagliabue's Open Cup Method.

(ii) The contents of a self-pressurized container are "extremely flammable" if, when tested by the method described in paragraph (e) of this section, a flashback (a flame extending back to the container) is obtained at any degree of valve opening, and the flash point is 20° F. or less as determined by Tagliabue's Open Cup Method.

(6) *Flammable gas.* A gas that is classified as a "flammable compressed gas" for shipping purposes under regulations of the U.S. Department of Transportation.

(7) *Flammable liquid.* (i) A flammable liquid is one that has a flashpoint above 20° F. to and including 80° F. as determined by Tagliabue's Open Cup Method.

(ii) The contents of a self-pressurized container are "flammable" if, when tested by the method described in paragraph (e) of this section, a flame projection exceeding 18 inches is obtained at full valve opening, or a flashback (a flame extending back to the container) is obtained at any degree of valve opening.

(8) *Gas.* A normally formless fluid that occupies the space of enclosure and that can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

(9) *Highly toxic substance.* Economic poisons (substances) highly toxic to man are defined in § 362.8 of the regulations (§ 362.8 of this chapter).

(10) *Irritant.* A substance that causes inflammation, but not destruction or irreversible alteration, of living tissue at the site of contact. A test for an irritant is whether by human experience, such inflammation occurs at the site of contact. A substance will be considered to be an irritant if when tested on the skin of the albino rabbit by the method described in paragraph (c) of this section a Primary Irritation Score of 5 or more is obtained, or if when tested in the eye of the albino rabbit by the method described in paragraph (d) of this section a positive test is obtained.

(11) *Mist.* Airborne liquid particles generated by condensation of a substance from the gaseous state, or by the breaking up of a liquid into a dispersed state as by splashing, foaming, or atomizing.

(12) *Mixture.* A physical commingling of two or more substances that have not reacted chemically with one another.

(13) *Nonflammable gas.* A gas that is classified as a "nonflammable compressed gas" for shipping purposes under regulations of the U.S. Department of Transportation.

(14) *Slightly toxic substance.* A substance falling within any of the following categories:

(i) A substance or mixture of substances that has a single dose LD_{50} greater than 500 milligrams per kilogram of body weight when administered orally to both male and female rats which have been fasted for a period of 24 hours.

(ii) A substance or mixture of substances that has an LC_{50} greater than 5 milligrams per liter when administered by continuous inhalation for 1 hour to both male and female rats, if the Director finds that it is reasonably foreseeable that such concentration will be encountered by man. If the substance is administered to the animals as a dust or mist, more than 90 percent of the particles available for inhalation in the test shall have a diameter of 10 microns or less.

(iii) A substance or mixture of substances that has an LD_{50} greater than 2 grams per kilogram of body weight when administered by continuous contact for 24 hours with the bare skin of rabbits.

(15) *Strong oxidizer.* A substance that yields oxygen readily to stimulate the combustion of organic matter.

(16) *Strong sensitizer.* A substance that human experience shows to be capable of inducing an allergic or photodynamic reaction in a substantial number of persons who come into contact with it, and which is designated as such by the Director.

(17) *Substance under pressure.* (i) A substance that comprises the contents of a self-pressurized container.

(ii) A substance that decomposes to release gas in its container.

(18) *Toxic substance.* A substance falling within any of the following categories:

(i) A substance or mixture of substances that has a single dose LD_{50} or more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to both male and female rats which have been fasted for a period of 24 hours.

(ii) A substance or mixture of substances that has an LC_{50} or more than 2 milligrams per liter but not more than 5 milligrams per liter when administered by continuous inhalation for 1 hour to both male and female rats, if the Director finds that it is reasonably foreseeable that such concentration will be encountered by man. If the substance is administered to the animals as a dust or mist, more than 90 percent of the particles available for inhalation in the test shall have a diameter of 10 microns or less.

(iii) A substance or mixture of substances that has an LD_{50} greater than 200 milligrams per kilogram but not more than 2 grams per kilogram of body weight when administered by continuous contact for 24 hours with the bare skin of rabbits.

(19) *Vapor.* The gaseous form of a substance that is normally in the solid or liquid state.

(c) *Method of testing for skin irritants.* Primary irritation to the skin is measured by a patch-test technique on the abraded and intact skin of the albino rabbit, clipped free of hair. A minimum of six subjects is used in abraded and intact skin tests. Introduce under a square patch such as surgical gauze measuring 1 inch x 1 inch, two single layers thick, 0.5 milliliter (in the case of liquids) or 0.5 gram (in the case of solids and semisolids) of the test substance. Dissolve solids in an appropriate solvent and apply the solution as for liquids. The animals are immobilized with patches secured in place with adhesive tape. The entire trunk of the animal is then wrapped with an impervious material such as rubberized cloth for the 24-hour period of exposure. This material aids in maintaining the test patches in position and retards the evaporation of volatile substances. After 24 hours of exposure, the patches are removed and the resulting reactions evaluated on the basis of the designated values in Table 1. Readings are again made at the end of a total of 72 hours (48 hours after the first reading). An equal number of exposures is made on areas of skin that have been previously abraded. The abrasions are minor incisions through the stratum corneum that are not sufficiently deep to disturb the derma or to produce bleeding. The reactions of the abraded skin are evaluated at 24 hours and at 72 hours, as indicated in Table 1. The values for erythema and eschar formation at 24 and at 72 hours for intact skin are added to the values at 24 hours and at 72 hours for abraded skin (four values). Similarly, the values for edema formation at 24 hours and at 72 hours for both intact and abraded skin (four values) are totaled. The total of the eight values is divided by four to give the Primary Irritation Score.

(d) *Method of testing for eye irritants.* (1) Six albino rabbits are used for each test substance. Animal facilities for this procedure are to be so designed and maintained as to exclude sawdust, wood chips, or other extraneous materials that might produce eye irritation. Both eyes of each animal in the test group are examined before testing, and only those animals without eye defects or irritation are to be used. The animal is held firmly but gently until quiet. The test material is placed in one eye of each animal by gently pulling the lower lid away from the eyeball to form a cup into which the test substance is dropped. The lids are then gently held together for 1 second and the animal is released. The other eye, remaining untreated, serves as a control. For testing liquids, 0.1 milliliter is used. For solids or pastes, 100 milligrams of the test substance is used, except that for substances in flake, granule, powder, or other particulate form the amount that has a volume of 0.1 milliliter (after compacting as much as possible without crushing or altering the individual particles, such as by tapping the measuring container) are to be used whenever this volume weighs less than 100 milligrams. In such a case, the weight of the 0.1 milliliter test dose is recorded. The eyes are not washed following instillation of the test material except as noted below.

(2) The eyes shall be examined and the grade of ocular reaction recorded at 24, 48, and 72 hours. Reading of reactions is facilitated by use of a binocular loupe, hand slit-lamp, or other expert means. After the recording of observations at 24 hours, any or all eyes may be further examined after applying fluorescein. For this optional test, one drop of fluorescein sodium ophthalmic solution U.S.P., or its equivalent, is dropped directly on the cornea. After flushing out the excess fluorescein with sodium chloride solution U.S.P., or its equivalent, injured areas of the cornea appear yellow; this is best visualized in a darkened room under ultraviolet illumination. Any or all eyes may be washed with sodium chloride solution U.S.P., or its equivalent, after the 24-hour reading.

(3) An animal shall be considered as exhibiting a positive reaction if the test substance produces at any of the readings (i) ulceration of the cornea (other than a fine stippling), or (ii) opacity of the cornea (other than a slight dulling of the normal luster), or (iii) inflammation of the iris (other than a slight deepening of the folds (or rugae) or a slight circumcorneal injection of the blood vessels) or (iv) if such substance produces in the conjunctivae (excluding the cornea and iris) an obvious swelling with partial eversion of the lids or a diffuse crimson-red with individual vessels not easily discernible.

(4) The test shall be considered positive if four or more of the animals in the test group exhibit a positive reaction. If only one exhibits a positive reaction, the test shall be regarded as negative. If two or three animals exhibit a positive reaction, the test shall be repeated using a different group of six animals. The second test shall be considered positive if three or more of the animals exhibit a positive reaction. If only one or two animals in the second test exhibit a positive reaction, the test shall be repeated with a different group of six animals. Should a third test be needed, the substance will be regarded as an irritant if any animal exhibits a positive response.

(e) *Method of testing self-pressurized containers for flame projection.* (1) The test equipment consists of a base 8 inches wide and 2 feet long, marked in 6-inch intervals. A rule 2 feet long and marked in inches is supported horizontally on the side of the base and about 6 inches above it. A paraffin candle 1 inch or more in diameter, and of such height that the top one-third of the flame is at the height of the horizontal rule, is placed at a zero point in the base.

(2) The test is conducted in a draft-free area that can be ventilated and cleared after each test. The self-pressurized container is placed at a distance of 6 inches from the flame. Spray for periods of 15 seconds to 20 seconds (with one observer noting the extension of the flame and the other operating the container) through the top one-third of the flame and at a right angle to the flame. The height of the flame should be approximately 2 inches. Take three readings for each test, and average them. As a precaution, do not spray large quantities in a small, confined space. Free space of previously discharged material.

(f) *Categories of hazard.* (1) Three categories of hazard of economic poisons are recognized on the basis of toxicity. The first is the highly toxic category as defined in paragraph (b)(9) of this section. The second is the toxic category as defined in paragraph (b)(18) of this section. The third is the slightly toxic category as defined in paragraph (b)(14) of this section. A summary of these is given in Table 2.

(2) Three categories of hazard of economic poisons capable of causing local effects on living tissue are recognized. The first is the corrosive category as defined in paragraph (b)(3) of this section. The second is the irritant category as defined in paragraph (b)(10) of this section. The third is the strong sensitizer category as defined in paragraph (b)(16) of this section.

(3) Three categories of hazard of liquid economic poisons are recognized on the basis of flammability. The first is the extremely flammable category as defined in paragraph (b)(5) of this section. The second is the flammable category as defined in paragraph (b)(7) of this section. The third is the combustible category as defined in paragraph (b)(2) of this section.

(4) A category of flammable gases, as defined in paragraph (b)(6) of this section, is recognized as a fourth category of economic poisons constituting a fire hazard.

(5) A category of strong oxidizers, as defined in paragraph (b)(15) of this section, is recognized as a fifth category of

economic poisons constituting a fire hazard.

(6) Three categories of hazard of economic poisons under pressure are recognized. The first is the category of substances which comprise the contents of self-pressurized containers. The second is the category of compressed gases as defined in paragraph (b)(6) and (13) of this section. The third is the category of substances which may decompose to release gas in the container.

(g) *Label language applicable to categories of hazard.* (1) The signal words, statements of hazard, precautionary measures, and first-aid statements required for each of the various categories of hazard enumerated in paragraph (f) of this section are set forth in Table 3 through Table 8. These words and statements are in addition to the statement "Keep out of reach of children" required by § 362.9(a) of the regulations (§ 362.9(a)) on the label of every economic poison.

(2) Section 3a(3) of the Act (7 U.S.C. 135(a)(3)) requires that an economic poison highly toxic to man must bear on the label the skull and crossbones, the word "POISON" (in red) on a contrasting background, and an antidote statement.

(3) The applicant must use any added warning, caution, or antidote statements which any special characteristics or uses of his product indicate are necessary to prevent injury to man.

(h) *Condensation of label information for economic poisons with multiple hazards.* Many economic poisons have more than one hazard. Labels of such products must bear the aggregate of all of the label information that appears in Table 3 through Table 8 for each category of hazard into which the product may be classified. However, some condensation of this information along with the following lines is permissible:

(1) Only one signal word need be used and this shall be the signal word corresponding to the category of greatest hazard.

(2) In the toxicity categories, statements of hazard may be combined where the product is equally toxic by more than one route of exposure. Examples of such combinations are: "Harmful or Fatal If Swallowed or Inhaled," "Harmful or Fatal If Swallowed, Inhaled or Absorbed Through Skin," "Prolonged or Repeated Inhalation or Contact with Skin May be Harmful."

(3) When the same precautionary measure is applicable to more than one category of hazard, it need not be repeated.

(4) When more than one first-aid statement is required, the words "First Aid" and the phrase "Call a Physician" need not be repeated, provided the statements are grouped under a general heading of "First Aid" in boldface type and the phrase "Call a Physician" is printed in boldface type and positioned in such a way as to be clearly applicable to all first-aid statements. Similarly, the instruction "Never give anything by mouth to an unconscious person" may appear in more than one statement, and this need not be repeated if it is printed in boldface type and positioned in such a way as to be clearly applicable to all of the statements that would otherwise include it.

(i) *Antidotes that may be administered by a nonmedical person.* (1) An antidote, as the term is defined in paragraph (b)(1) of this section, that may be administered by a nonmedical person shall be presented on the label under the heading "Antidote."

(2) Examples of acceptable antidote statements are as follows:

(i) For acid corrosive substances that are not toxic or highly toxic by ingestion:

Antidote. If swallowed, do NOT induce vomiting or pass stomach tube. Give large quantities of water. Give at least 1 ounce of milk of magnesia or aluminum hydroxide gel in an equal amount of water. If these are not available, the whites of two or three eggs may be used. Never give anything by mouth to an unconscious person. Call a physician.

(ii) For alkaline corrosive substances that are not toxic or highly toxic by ingestion:

Antidote. If swallowed, do NOT induce vomiting or pass stomach tube. Give large quantities of water. Give at least 1 ounce of vinegar in an equal amount of water. Never give anything by mouth to an unconscious person. Call a physician.

(iii) For cyanides and cyanide-like substances:

Antidote. Always have on hand a cyanide first-aid kit. Break an amyl nitrite pear in a cloth and hold lightly under nose for 15 seconds. Repeat 5 times at about 15-second intervals. Call a physician.

(iv) For soluble barium salts:

Antidote. If swallowed, give epsom salt or sodium sulfate in water. Never give anything by mouth to an unconsciousness person. Call a physician.

(j) *Antidotes that must be administered by a physician.* (1) An antidote, as the term is defined in paragraph (c)(1) of this section, that can be administered only by a physician shall be presented on the label under the heading of "Note to Physicians."

(2) Examples of acceptable notes to physicians are as follows:

(i) For anticoagulant substances:

Note to Physicians. If swallowed, this material may reduce the clotting ability of the blood and cause bleeding. In such case, intravenous and oral administration of Vitamin K, combined with blood transfusions, if necessary, are indicated.

(ii) For soluble arsenic compounds:

Note to Physicians. If swallowed, give gastric lavage followed by saline cathartic. Force fluids. In all cases, give dimercaptrol (BAL) in recommended dosages.

(iii) For cholinesterase-inhibiting compounds that are highly toxic as defined in paragraph (b)(9) of this section:

Note to Physicians. Warning symptoms include weakness, headache, tightness of chest, blurred vision, nonreactive pinpoint pupils, salivation, sweating, nausea, vomiting, diarrhea, and abdominal cramps. Give atropine intramuscularly or intravenously, 2 to 4 milligrams (3 to 6 tablets, 1/100 grain each) at once and every hour as required until pupils dilate. Twenty to 30 milligrams, or more, may be required during the first 24 hours. Never give morphine or phenothiazine tranquilizers. Clear chest by postural drainage. Artificial respiration or oxygen administration may be necessary. Observe patient continuously 48 hours. Repeated exposure to cholinesterase inhibitors may, without warning, cause increasing susceptibility to very small doses of any cholinesterase inhibitor. Allow no further exposure until cholinesterase regeneration has taken place as determined by blood tests.

(iv) For cholinesterase-inhibiting substances that are toxic as defined in paragraph (b)(18) of this section:

Note to Physicians. Prolonged or repeated exposure may cause cholinesterase inhibition. Atropine is antidotal.

(v) For cyanides and cyanide-like substances:

Note to Physicians. If patient has not responded to amyl nitrite, inject intravaneously 10 milliliters of a 3 percent solution of sodium nitrite at a rate not greater than 2.5 to 5.0 milliliters per minute. Follow directly with 50 milliliters of a 25 percent solution of sodium thiosulfate at the same rate by the same route. Keep patient under observation. If signs of poisoning persist to reappear, repeat nitrite and thiosulfate injections one hour later in one-half the original doses.

(vi) The methemoglobin-inducing compounds:

Note to Physicians. Absorption of this product into the body leads to the formation of methemoglobin which, in sufficient concentration, causes cyanosis. Since reversion of methemoglobin to hemoglobin occurs spontaneously after termination of exposure, moderate degrees of cyanosis need be treated only by supportive measures such as bed rest and oxygen inhalation. Thorough cleansing of the entire contaminated area of the body including scalp and nails is of utmost importance. If cyanosis is severe, intravenous injection of methylene blue, 1 milligram per kilogram of body weight, may be of value.

(k) *Products presenting special hazards.* (1) Human experience as reported in the scientific literature and to the Poison Control Centers and the National Clearinghouse for Poison Control Centers, together with the opinions of informed medical experts, established that the following substances are more hazardous to man than the results of tests on animals indicate:

(i) Benzene (also known as benzol), toluene (also known as toluol), xylene (also known as xylol), and petroleum distillates such as kerosene, mineral seal oil, naphtha, gasoline, mineral spirits, and stoddard solvent.

(ii) Carbon tetrachloride.

(iii) Diethylene glycol.

(iv) Ethylene glycol.

(v) Inorganic compounds of trivalent arsenic.

(vi) Methyl alcohol.

(vii) Turpentine including gum turpentine, gum spirits of turpentine, steam-distilled wood turpentine, sulfate wood turpentine, and destructive distilled wood turpentine.

(2) These substances present special hazards and the precautionary labeling that might otherwise be required by the

Act and regulations is not adequate to prevent injury to man. Therefore, the following provisions are deemed necessary in the precautionary labeling of economic poisons containing these substances:

(i) Because blood dyscrasias can result from the breathing of vapor of benzene, this compound and mixtures containing 5 percent or more, by weight, of benzene shall bear on the label the signal word "Danger," the statement of hazard "Vapor harmful," and the word "POISON" (in red), and the skull and crossbones in addition to any other precautionary labeling that is called for by this Interpretation. If the product contains 10 percent or more, by weight, of benzene, and is not "highly toxic" or "toxic" as defined in paragraph (b) of this section, the label shall bear the additional statement of hazard "Harmful or fatal if swallowed" and the first-aid statement "First aid. If swallowed, do NOT induce vomiting. Call a physician."

(ii) Because systemic poisoning can result from the ingestion of or breathing of vapor of carbon tetrachloride, this compound and mixtures containing 1 percent or more, by weight, of carbon tetrachloride shall bear on the label the precautionary labeling set forth in Tables 3 and 4 for economic poisons that are highly toxic by ingestion and inhalation, respectively. The label shall also bear the statement "Avoid contact with flame or hot surface."

(iii) Because systemic poisoning can result from the ingestion of ethylene glycol or diethylene glycol and mixtures containing more than 10 percent, by weight, of either ethylene glycol or diethylene glycol or a mixture of the two, such products that are not "highly toxic" or "toxic" as defined in paragraph (b) of this section shall bear on the label the signal word "Warning." The label shall also bear the statement of hazard "Harmful or fatal if swallowed" if ethylene glycol is present, and the statement of hazard "Harmful if swallowed" if only diethylene glycol is present.

(iv) Because products containing 10 percent or more, by weight, of toluene, xylene, or any of the other substances listed in subparagraph (1)(i) of this paragraph, may be aspirated into the lungs with resulting chemical pneumonitis, such products that are not "highly toxic" or "toxic" as defined in paragraph (b) of this section shall bear on the label the signal word "Danger," the statement of hazard "Harmful or fatal if swallowed," and the first-aid statement "First aid. If swallowed, do NOT induce vomiting. Call a physician."

(v) Because systemic poisoning can result from the ingestion of inorganic compounds of trivalent arsenic, products containing more than 1.15 percent of such compounds, calculated as elemental arsenic, shall bear on the label the precautionary labeling set forth in Table 3 for an economic poison that is highly toxic by ingestion. In addition, the label shall bear the precautionary instructions "Do not use or store in or around the home" and "Do not allow domestic animals to graze treated area" and the note of physicians *"Note to Physicians.* If swallowed, give gastric lavage followed by saline cathartic. Force fluids. In all cases, give dimercaprol (BAL) in recommended dosages."

(vi) Because blindness or death can result from the ingestion of methyl alcohol, this compound and mixtures containing 4 percent or more, by weight, of methyl alcohol shall bear on the label the precautionary labeling set forth in Table 3 for an economic poison that is highly toxic by ingestion. In addition, the statement of hazard shall include the statement "Vapor harmful" and "May cause blindness if swallowed." The label shall also bear the statement "Cannot be made nonpoisonous."

(vii) Because systemic poisoning can result from the ingestion of turpentine, products containing more than 10 percent, by weight, of turpentine that are not "highly toxic" as defined in paragraph (b) of this section shall bear on the label the signal word "Danger" and the statement of hazard "Harmful or fatal is swallowed."

(l) *Products acceptable for use only by Government personnel or licensed pest control operators.* Some products in certain uses are limited to use only by Government personnel or licensed pest control operators. Government personnel include qualified personnel in Federal, State, or local governments. Labels and other labeling for such products or uses shall bear, in addition to any other precautionary labeling required by this Interpretation, a statement to the effect that the product is for use only by Government agencies or by licensed pest control operators, as the case may be. The label shall also bear a warning against sale to the general public. Products and uses which require these additional statements are as follows:

(1) Products containing thallium compounds and intended for use in or around the home.

(2) Certain indoor fogging operations.

(3) Use of 1080.

(m) *Placement, conspicuousness, and contrast of precautionary labeling.* (1) All items of label information dealt with in this Interpretation shall appear together on the front panel or that part of the label displayed under customary conditions of purchase. Such information shall be placed together and distinctively apart from other wording or designs. The necessary prominence shall be achieved by placement within the borders of a square or rectangle with or without a borderline, and by use of suitable contracts with the background achieved by distinctive typography or color, and by both color and typography when needed.

(2) If space does not permit the inclusion of all precautionary labeling on the front panel or that part of the label displayed under customary conditions of purchase, all items of such labeling may be placed elsewhere on the label with the exception of the following:

(i) The word "POISON" if the economic poison is one that is highly toxic to man or if the word is required for special hazards.

(ii) The skull and crossbones in immediate proximity to the word "POISON" when the latter is required.

(iii) The signal word "DANGER," "WARNING," or "CAUTION."

(iv) The statement of principal hazard.

(v) The statement "KEEP OUT OF REACH OF CHILDREN."

(vi) An instruction to read carefully any precautionary information that may be placed elsewhere on the label, such as "See other warnings on (back, side) panel."

(3) The signal word and the word "POISON" when required shall be in boldface capital or upper case letters. The word "POISON" when required shall be in red on a contrasting background, along with the skull and crossbones.

(4) Statements of hazard shall be in all capital or upper case letters.

(5) All words, statements, and symbols required by the Act and regulations to appear on the label must be easily legible by a person with normal vision. The type used for such words and statements as are required on the front panel, or that part of the label displayed under customary conditions of purchase, shall be of a size bearing a reasonable relationship to the other type on that panel. The signal word and principal statement of hazard shall be not less than 18-point type, and the precautionary measures, first-aid and antidote statements, and note to physicians shall be not less than 12-point type unless the label is too small to accommodate such type sizes. When the size of the label necessitates a reduction in type size, the minimum type sizes set forth in Table 9 shall be used.

(6) Letter heights pertain to upper case or capital letters. When the upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(7) The ratio of height to width of a letter shall not exceed a ratio of 3 units to 1 unit, respectively. In other words, the letter shall be no more than 3 times as high as it is wide.

(n) *Testing of mixtures.* The determination of whether a product is hazardous is necessarily based on the physical, chemical, or pharmacological properties of the product itself. A mixture may be less hazardous or more hazardous than any of its components because of synergistic or antagonistic interactions. It may not be possible to reach a satisfactory decision on the toxic, irritant, corrosive, flammable, or sensitizing properties of a mixture from what is known about its components. It is necessary to test the mixture as it is to be marketed.

(o) *Precautionary labeling for cumulative toxic effects.* The precautionary labeling detailed in Table 3 through Table 8 is directed primarily toward the avoidance of injury to man from a single, accidental exposure to an economic poison. Some economic poisons, however,

produce cumulative effects from repeated exposures. When a knowledge of cumulative effects exists, a statement of the hazard together with suitable instructions for the avoidance of such injury shall be included with the other label information required by this Interpretation.

(p) *Limiting statements appropriate in directions for use.* When an economic poison is to be registered for more than one use, it is possible that the circumstances of use may necessitate one or more precautionary statements that are more appropriately included in the directions for use than in the precautionary text. For example, when an economic poison is intended for use on or around feed or food products and contamination of the food with harmful residues may occur, the label should bear specific statements adequate to avoid the danger of contaminating such feed or foodstuffs. When directions for use of sprays in food-handling establishments are otherwise acceptable, a statement such as "Cover or remove all exposed food, utensils, and containers before spraying" may be required. In order to avoid contamination of milk or meat, certain economic poisons must bear directions against application in dairy barns, to dairy animals or animals being finished for slaughter, or to forage crops to be used as feed for dairy animals or animals being finished for slaughter. Examples of acceptable limiting statements that may be appropriate in directions for use are as follows:

(1) Do not apply in dairy barns.

(2) Do not allow livestock to graze treated areas.

(q) *Listing of "strong sensitizers."* The Director, having considered the frequency of occurrence and severity of reactions, finds that the following substances have a significant potential for causing hypersensitivity and, therefore, meet the definition of a strong sensitizer in paragraph (b) (16) of this section.

(1) Paraphenylenediame.

(2) Phenothiazines.

(3) Formaldehyde.

(4) Halogenated salicylanilides.

(5) Tetracyclines.

(r) *Disclosure of hazardous inert ingredients.* When an inert ingredient of an economic poison contributes substantially to a hazard of the product, and the hazard is one other than flammability or generation of pressure, such inert ingredient shall be given by its common or usual name (or by chemical name if it has no common or usual name) in the ingredient statement or as a footnote on the label. The percentage of such ingredient present need not be specified.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 25th day of March 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

TABLE 1

SCORING OF SKIN REACTIONS IN TEST FOR IRRITANTS

Skin reaction	*Value*[1]
Erythema and eschar formation:	
No erythema	0
Very slight erythema (barely perceptible)	1
Well-defined erythema	2
Moderate to severe erythema	3
Severe erythema (beet redness) to slight eschar formation (injuries in depth)	4
Edema formation:	
No edema	0
Very slight edema (barely perceptible)	1
Slight edema (edges of area well defined by definite raising)	2
Moderate edema (raised approximately 1 millimeter)	3
Severe edema (raised more than 1 millimeter and extending beyond the area of exposure)	4

[1] The value recorded for each reading is the average value of six or more animals subject to the test.

TABLE 2

CATEGORIES OF HAZARD BASED ON TOXICITY OF BIUNIDMIC POISONS

Category	Route of exposure		
	Ingestion (LD_{50}, mg/kg)	Inhalation (LC_{50}, mg/l)	Skin contact (LD_{50}, mg/kg)
Highly toxic	≤ 50	≤ 2	≤ 200
Toxic	>50 ≤ 500	>2 ≤ 5	>200 $\leq 2,000$
Slightly toxic	>500	>5	$>2,000$

TABLE 3

LABEL CLASSIFICATION OF ECONOMIC POISONS HAZARDOUS BY INGESTION

Category of hazard	LD_{50} (mg/kg)	Signal word	Statements of hazard	Precautionary measures	First aid
Highly toxic	≤ 50	Danger!	Harmful or fatal if swallowed.	Wash thoroughly after handling. Do not store near food or feed.	O—POISON—O FIRST AID. If swallowed, induce vomiting by sticking finger down throat or by giving soapy or strong salty water to drink. Repeat until vomit is clear. Call a physician. Never give anything by mouth to an unconscious person. Do.
Toxic	>50 ≤ 500	Warning!	do	do	Do.
Slightly toxic	>500	Caution!	Harmful if swallowed.	(1)	(1).

[1] Instructions of this type may or may not be necessary depending upon the properties of the product.

TABLE 4

LABEL CLASSIFICATION OF ECONOMIC POISONS HAZARDOUS BY INHALATION

Category of hazard	LC_{50} (mg/liter)	Signal word	Statements of hazard	Precautionary measures	First aid
Highly toxic	≤ 2	Danger!	Harmful or fatal if inhaled.	Do not breathe (dust, vapor, mist, gas).[1] Wear an approved respirator.[2] Keep container closed. Use with adequate ventilation.	O—POISON—O FIRST AID. If inhaled, remove to fresh air. If not breathing give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician. Do.
Toxic	>2 ≤ 5	Warning!	do	Avoid breathing (dust, vapor, mist, gas).[1] Keep container closed. Use with adequate ventilation.	
Slightly toxic	>5	Caution!	Prolonged or repeated inhalation of (dust, vapor, mist, gas).[1] May be harmful.	(3)	(3).
Strong sensitizer, lungs.[4]	----------	Warning!	May cause allergic respiratory reaction.	Avoid breathing (dust, vapor, mist, gas).[1] Keep container closed. Use with adequate ventilation.	(3).

[1] Select the applicable word or words in parentheses.
[2] It is the responsibility of the applicant to specify an approved respirator.
[3] Instructions of this type may or may not be necessary depending upon the properties of the product.
[4] These substances are so designated by the Director.

TABLE 7

LABEL CLASSIFICATION OF ECONOMIC POISONS PRESENTING FIRE HAZARDS

Category of hazard	Flashpoint[1]	Signal word	Statements of hazard	Precautionary measures
Extremely flammable liquid.	≤ 20	Danger!.....	Extremely flammable....	Keep away from heat, sparks, and open flame. Keep container closed. Use with adequate ventilation.
Extremely flammable contents of self-pressurized container.	≤ 20[2]	do.....	Extremely flammable contents under pressure.	Do not use near fire, sparks or flame. Use with adequate ventilation. Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 120° F.
Flammable liquid	>20 ≤ 80	Warning!...	Flammable.....	Keep away from heat, sparks, and open flame. Keep container closed. Use with adequate ventilation.
Flammable contents of self-pressurized container.	Not applicable.	do.....	Flammable contents under pressure.	Do not use near fire, sparks, or flame. Use with adequate ventilation. Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 120° F.
Flammable gas	.....	do.....	Extremely flammable (Gas) (Liquid and Gas)[3] under pressure.	Keep away from heat, sparks, and open flame. Use with adequate ventilation. Do not drop cylinder. Keep out of sun and away from heat.
Combustible liquid	>80 ≤ 150	Caution!...	Combustible.....	Keep away from heat and open flame.
Strong oxidizer	Not applicable.	Danger!.....	Strong oxidizer contact with other material may cause fire.	Keep from contact with clothing and other combustible materials. Do not store near combustible materials. Store in tightly closed container. Remove and wash contaminated clothing promptly.

[1] Degrees Fahrenheit, Tagliabue Open Cup.
[2] Also, provided a "flashback" is obtained at any degree of valve opening.
[3] Use "liquid and gas" when there is a liquid phase in the container.

TABLE 8

LABEL CLASSIFICATION OF ECONOMIC POISONS UNDER PRESSURE

Category of hazard	Signal word	Statements of hazard	Precautionary measures
Nonflammable contents of self-pressurized container.	Warning!....	Contents under pressure.....	Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 120° F.
Nonflammable gas	.....	do.....	(Gas) Liquid and Gas)[1] under pressure	Do not drop cylinder. Keep out of sun and away from heat.
Substance which may decompose to release gas in the container.	.....	do.....	May contain gas under pressure.	Keep away from heat. Loosen closure cautiously before opening.

[1] Use "liquid and gas" when there is a liquid phase in the container.

TABLE 5

LABEL CLASSIFICATION OF ECONOMIC POISONS HAZARDOUS BY CONTACT (SYSTEMIC EFFECTS)

Category of hazard	LD_{50} (mg/kg)	Signal word	Statements of hazard	Precautionary measures	First aid
Highly toxic	≤ 200	Danger!.....	Harmful or fatal if absorbed through skin.	Do not get in eyes, on skin, on clothing. Wash thoroughly after handling.	O—POISON—O FIRST AID. In case of contact, immediately remove contaminated clothing and shoes. Flush eyes or skin with plenty of water for at least 15 minutes. Call a physician. Wash clothing before reuse. (Discard contaminated shoes.)[1]
Toxic	>200 ≤ 2000	Warning!	do	do	Do.[1]
Slightly toxic	>2000	Caution!	Prolonged or repeated contact with skin may be harmful.	(2)	(2).

[1] Use instruction in parentheses only when shoes cannot be decontaminated.
[2] Instructions of this type may or may not be necessary depending upon the properties of the product.

TABLE 6

LABEL CLASSIFICATION OF ECONOMIC POISONS HAZARDOUS BY CONTACT (LOCAL EFFECTS)

Category of hazard	Signal word	Statements of hazard	Precautionary measures	First aid
Corrosive, eye	Danger!.....	Causes (severe)[1] eye burns.	Do not get in eyes. Wear goggles. Avoid breathing (dust, vapor, mist).[1] Keep container closed. Use with adequate ventilation. Wash thoroughly after handling.	FIRST AID. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.
Corrosive, skin	.....	do.....[1]	Do not get in eyes, on skin, on clothing. Wear goggles and rubber gloves. Avoid breathing (dust, vapor, mist).[1] Keep container closed. Use with adequate ventilation. Wash thoroughly after handling.	FIRST AID. In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes. For eyes, call a physician. Remove and wash contaminated clothing before reuse. (Discard contaminated shoes.)[1]
Irritant, eye	Warning!....	Causes eye irritation.	Avoid contact with eyes. Wash thoroughly after handling.	FIRST AID. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.
Irritant, skin	.....	do.....	Causes irritation..	Avoid contact with eyes, skin, and clothing. Wash thoroughly after handling.	FIRST AID. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician. Flush skin with plenty of water.
Strong sensitizer, skin.	.....	do.....	May cause allergic skin reaction.	Avoid prolonged or repeated contact with skin. Wash thoroughly after handling.	FIRST AID. In case of contact, immediately wash skin with soap and plenty of water.
Irritant gas	.....	do.....	Gas extremely irritating.	Avoid breathing gas. Use with adequate ventilation.	FIRST AID. If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician.

[1] Select the applicable word or words in parentheses.
[2] Use instruction in parentheses only when shoes cannot be decontaminated.

TABLE 9

MINIMUM TYPE SIZE FOR PRECAUTIONARY WORDS AND STATEMENTS REQUIRED ON THE FRONT PANEL OF THE LABEL OF AN ECONOMIC POISON, OR ON THAT PART OF THE LABEL DISPLAYED UNDER CUSTOMARY CONDITIONS OF PURCHASE

Size of panel (square inches)	Signal words and statements of hazard	Keep out of reach of children
Less than 5	6 point [1]	6 point.
6–10	10 point	6 point.
11–15	12 point	8 point.
16–30	14 point	10 point.
More than 30	18 point	12 point.

There are 72 "points" to 1 inch.

[F.R. Doc. 69–3740; Filed, Apr. 3, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 61, 121]

[Docket No. 9509; Notice 69–14]

TRAINING PROGRAMS, AIRPLANE SIMULATORS, AND CREWMEMBER AND DISPATCHER QUALIFICATIONS; FLIGHT MANEUVERS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 61 and 121 of the Federal Aviation Regulations by revising Subparts N and O of Part 121 and by making certain changes to the required flight maneuvers for the following reasons: To update procedures for the approval and revision of training programs; to provide for more extensive use of airplane simulators in the conduct of this training; to permit improvements in the operation of training programs and the quality of training provided for crewmembers and dispatchers; and generally to update and clarify these requirements.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 2, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In 1954 the first requirements for air carrier training programs became effective under the Civil Air Regulations. Since that time there have been 15 separate amendments to these requirements and the related crewmember qualifications, including recodification in 1965 and a revision of Subpart N later that same year. Eight of those amendments have occurred since that revision. In addition, there have been numerous interpretations of these requirements and, although many of these were reflected in the subsequent amendments, a number were not. This period has also seen radical changes in both the size and complexity of aircraft and in the technology of airplane simulators and other training devices. The FAA believes that the industry is on the threshold of even greater changes in these respects.

During the next few years the jumbo jets, the SST, the air buses, and a number of large VTOL and STOL aircraft can be expected to be placed in commercial service. These aircraft are larger and more complex and improved methods of training are essential to maintain crewmember proficiency. Many technological advances are being made in the construction and use of airplane simulators, particularly with respect to the addition of a visual capability, and the FAA has been studying the use of these newer simulation devices in air carrier training programs. It appears that a combination of simulator/airplane training results in a pilot who is better trained than one trained in the airplane alone. Simulators permit more concentrated training without waste of time and effort and the trainees can be allowed to see and correct their mistakes without any detrimental effect on safety of flight. Therefore, it becomes more and more worthwhile to utilize ground training devices, particularly aircraft simulators, for training purposes.

For these reasons, i.e., the number of amendments and interpretations, the increased practicability of using simulation devices, and also to provide for improved administration and operation of training programs, the FAA is proposing to substantially revise the training requirements and associated regulations of Parts 61 and 121.

In general, the major substantive changes are as follows:

1. Approval of training programs or revisions thereto would become a two step process. Initial approval would be granted for an indefinite interim period while the program or revision was evaluated. After adjustments to correct deficiencies, if any, and improve the effectiveness, final approval would be granted. There would be greater flexibility permitted in the reduction of training time for proven and effective training programs.

2. Appendix E would be eliminated and the number of hours required would be set forth in those sections pertaining to each category of crewmember. A grouping of airplanes based on the number and kinds of powerplants would be established.

3. The present standards for check airmen and flight instructors would be spelled out and they would also have to complete specified training requirements.

4. In addition to the existing requirements, airplane simulators, and other training devices as well, would have to be specifically approved for the certificate holder, the airplane, and the particular procedure, maneuver, or function involved.

5. The training program requirements and the crewmember qualification requirements would be completely separated into appropriate subparts. Subpart N would contain only those requirements applicable to the certificate holder for establishing and operating the training program. Subpart O would contain all crewmember qualifications (including those for flight attendants) such as the requirements and time periods for completion of checks and various types of training. Dispatchers would be handled similarly in Subpart P.

6. Some additional subjects are added for ground training, but requirements are essentially unchanged. However, flight training has been broken down into three basic categories which would permit greater utilization of simulators and training devices. These categories are:

(a) Training that must be performed inflight, i.e., during actual flight or ground operations of an airplane.

(b) Training that may be performed inflight or in an airplane simulator.

(c) Training that may be performed inflight, in a static airplane, in an airplane simulator, or in another training device.

7. Differences, transition, and upgrade training would be specifically provided for in the regulations.

8. The initial line assignment would be redesignated as initial operating experience (or initial operating familiarization in the case of dispatchers) and placed in Subpart O.

9. A type rating flight test under Part 61 would satisfy the proficiency check requirements.

10. Appendix A to Part 61 and Appendix F to Part 121 would be amended to clarify the requirements and to provide greater flexibility in the conduct of flight tests and checks. Additional authority would be included for using airplane simulators and for the waiver of certain maneuvers. The additional use of simulators in Part 61 ATPC checks would also require successful completion of a line evaluation program subsequent to the flight test. During line evaluation, a check airman would observe the applicant in line operations for eight flight legs with at least two of these flight legs also being observed by the Administrator. If the applicant's performance of pilot in command duties was satisfactory, he would be issued his certificate or additional type rating. The FAA is also considering a proposal to require the line evaluation whether or not airplane simulators are used as proposed herein.

Some of the proposed sections are discussed in more detail below. The section numbers in the paragraph headings refer to the sections as they appear in the proposed regulations.

Section 121.400. This section is derived from present § 121.410 and also contains the definitions of airplane groups which are based on present Appendix E.

Section 121.401. Based primarily on present § 121.411, this section also includes present §§ 121.413 and 121.414(c)(1) and a new provision to avoid unnecessary repetition of ground training subjects.

Section 121.403. This section contains specific requirements for training program curricula in order to clarify present §§ 121.412 and 121.414 which provide very little detail as to the contents of a curriculum.

Section 121.405. The existing provisions on approval of training programs are contained in § 121.412. This proposed section would add to these the two step approval procedure discussed above. It would also contain the provisions for reductions in hours now contained in § 121.414 with some specific criteria for such reductions.

Section 121.407. This section is based on present § 121.442(a) with the addition of a requirement for specific approval of the simulator for the certificate holder, the airplane, and the maneuver. It would also require approval of training devices other than simulators. These requirements would be applicable to all simulators and training devices that are used in training programs and checks.

Section 121.409. The simulator training courses that are presently covered by §§ 121.414(c)(2) and 121.442(b) would be placed in this section without substantive change. The qualifications for a simulator instructor would be found in § 121.411.

Sections 121.411 and 121.413. These proposed sections would contain qualifications and training requirements for instructors and check airmen. These standards are essentially the same as those now in use and would be set forth in detail in the regulations to provide more uniform application for approval of check airmen and the qualification of flight and simulator instructors. The additional training requirements will not be applicable to persons designated as instructors or check airmen before the date of issuance of this notice except for check airmen who supervise the line evaluation program.

Section 121.415. This section would establish the basic requirements for the training of crewmembers and dispatchers that must be provided in each training program, including in paragraphs (a) initial ground training, (b) initial flight training, (c) recurrent ground and flight training, (d) differences training, (e) additional training as necessary, (f) transition training, and (g) upgrade training. Paragraphs (a), (b), and (c) are amplified considerably in subsequent sections.

Sections 121.417 through 121.427. These sections would have the same general coverage as present §§ 121.416 through 121.424 although they would be substantially rearranged. The material to be covered during the various types of training for crewmembers and dispatchers is set forth in specific detail.

Section 121.432. Paragraphs (a) and (b) of this new section are found in present § 121.433. Paragraph (c) is designed to remove the present repetitious stating of requirements for the second in command of a crew of three or more pilots. Paragraph (d) would be added to the regulations to specifically set forth the flight training and flight checks that may be accomplished during Part 121 operations and to state when the person being checked can be used as a required crewmember. This paragraph is derived from several provisions now contained in §§ 121.421(d), 121.422(c), 121.451(b), and 121.453(a).

Section 121.433. The requirements for recurrent training and differences training which are presently contained in Subpart N would be added to this section in new paragraphs (b) and (c).

Section 121.434. The initial line assignment as required by § 121.424 would be renamed "initial operating experience" and included in this new section. While acquiring initial operating experience all crewmembers except pilots in command could serve as crewmembers in the position for which they have been trained. Pilots in command could serve only as second in command although they would actually perform the duties of a pilot in command. Flight time acquired during a line evaluation program, as proposed for § 61.147, could be credited towards meeting this requirement.

Section 121.440. The provisions for line checks would be separated from § 121.441 and placed in this new section without substantive change.

Section 121.441. Paragraphs (a), (b), (c), and (d) would be substantially rewritten to clarify the proficiency check requirements and incorporate several interpretations. The existing provisions relating to pilots who do not make takeoffs or landings would be deleted as unnecessary.

Section 121.442. This section would be deleted since all of its provisions would be incorporated in other regulations.

Section 121.451. The flight check for navigators that is required as a part of recurrent training makes this section unnecessary and it would be deleted.

Appendix A to Part 61. Since item VIII–JUDGMENT is not really a maneuver or procedure, it is inappropriate to place it in the body of the appendix. Therefore it would be deleted and its substance incorporated in the foreword. The index would also be deleted and the asterisks denoting simulated instrument maneuvers would be placed in the body of the appendix. Most of the other changes involve rewriting to clarify the requirements for certain maneuvers. However, some substantive changes are proposed. Due to the number of accidents involving nonprecision approaches which have occurred recently, it is proposed to require the performance of at least one such approach in an airplane instead of a synthetic trainer. Other significant changes proposed would involve allowing the performance of the rejected takeoff in a nonvisual simulator and giving the examiner discretion as to a simulated engine failure during a missed approach. The additional authority to use simulators in the conduct of ATPC or additional type rating checks, as mentioned above, would not be stated in the appendix but would be placed in § 61.147 in order to relate to the proposed line evaluation program.

Appendix F. This appendix would generally have the same changes as Appendix A except that the additional authority to use a simulator in the conduct of a proficiency check would be stated in the appendix itself. The foreword of Appendix F contains blanket authority to perform all maneuvers and procedures in a simulator except those specifically required to be performed in flight. Therefore, a number of repetitious references to simulators would be deleted and they would be mentioned in Appendix F only when a visual simulator is required.

Although this notice sets forth a number of specific steps to provide increased flexibility in the conduct of Part 121 training programs, the FAA is also considering even further steps in this direction which are not specifically delineated in the proposed rules. One such step would involve not requiring a fixed number of flight training hours for a pilot in command but rather establishing an overall flight time requirement in the particular type airplane, together with a certain minimum number of landings and instrument approaches. For example, a pilot who is transitioning from pilot in command of one Group VI airplane to pilot in command of another Group VI airplane might be required to have 35 hours actual flight time and a minimum of 35 landings in the new type airplane. Up to 20 percent of the flight time could be acquired as a copilot and the balance would be derived from the flight training, flight check, line evaluation, and initial operating experience. The only requirement for the landings would be that they were actually made by the transition pilot. A minimum of 20 instrument approaches would also be required, with at least 10 in the airplane. The balance could be accomplished in an approved airplane simulator. In the case of upgrading a pilot in a Group VI airplane, the requirements would be similar except that the flight time would be about 50 hours. The amendments that result from this notice may contain a requirement to this effect in lieu of the required flight training hours in proposed §§ 121.424 and 121.425. Therefore, all interested persons are requested to address their comments to such a requirement in addition to the specific amendments proposed hereinafter.

In consideration of the foregoing it is proposed to amend Parts 61 and 121 of the Federal Aviation Regulations as follows:

1. By revising Subpart N of Part 121 to read as follows:

SUBPART N—CREWMEMBER AND AIRCRAFT DISPATCHER TRAINING PROGRAM

Sec.

121.400 Applicability and terms used.
121.401 Training program: General.
121.403 Training program: Curriculum.
121.405 Training program: Approval and revisions.
121.407 Training program: Approval of airplane simulators and other training devices.

Sec.
121.409 Training courses using airplane simulators and synthetic trainers.
121.411 Training program: Check airmen and instructor qualifications.
121.413 Check airmen and flight instructors: Initial training.
121.415 Crewmember and dispatcher training requirements.
121.417 Crewmember emergency training.
121.419 Pilots and flight engineers: Initial ground training.
121.420 Flight navigators: Initial ground training.
121.421 Flight attendants: Initial ground training.
121.422 Aircraft dispatchers: Initial ground training.
121.424 Pilots: Initial flight training.
121.425 Flight engineers: Initial flight training.
121.427 Recurrent training.

§ 121.400 Applicability and terms used.

(a) This subpart prescribes requirements applicable to each certificate holder for establishing and maintaining a training program for crewmembers and aircraft dispatchers and for approval and use of training devices in the conduct of the program.

(b) As used in this subpart, airplane groups are as follows:

(1) *Group I.* Airplanes with two reciprocating powerplants.

(2) *Group II.* Airplanes with three or more reciprocating powerplants.

(3) *Group III.* Airplanes with two turboprop powerplants.

(4) *Group IV.* Airplanes with three or more turboprop powerplants.

(5) *Group V.* Airplanes with two turbojet powerplants.

(6) *Group VI.* Airplanes with three or more turbojet powerplants.

§ 121.401 Training program: General.

(a) Each certificate holder shall—

(1) Establish, obtain the appropriate initial and final approval of, and provide, a training program that meets the requirements of this subpart and Appendix F and that ensures that each crewmember, aircraft dispatcher, flight instructor and check airman is adequately trained to perform his assigned duties;

(2) Provide adequate ground and flight training facilities and properly qualified ground instructors for the training required by this subpart;

(3) Provide and keep current with respect to each airplane, appropriate training material, examinations, forms, instructions, and procedures for use in conducting the training and checks required by this part; and

(4) Provide enough flight instructors, check airmen, and simulator instructors to conduct the flight training, flight checks, and simulator training courses required under this part.

(b) Whenever a crewmember or aircraft dispatcher who is required to take recurrent training, a flight check, or a competence check, takes the check or completes the training in the calendar month before or after the calendar month in which that training or check is required, he is considered to have taken or completed it in the calendar month in which it was required.

(c) Each instructor, supervisor, or check airman who is responsible for a particular ground training subject, segment of flight training, course of training, flight check, or competence check under this part shall certify as to the proficiency and knowledge of the crewmember, aircraft dispatcher, flight instructor, or check airman concerned upon completion of that training or check. That certification shall be made a part of the crewmember or dispatcher's record.

(d) Training subjects that are applicable to more than one airplane or crewmember position and that have been satisfactorily completed in connection with prior training for another airplane or another crewmember position, need not be repeated during subsequent training other than recurrent training.

(e) A person who progresses successfully through flight training, is recommended by his instructor or a check airman, and successfully completes the appropriate flight check for a check airman or the Administrator, need not complete the required hours of flight training for the particular airplane. However, whenever the Administrator finds that 20 percent of the flight checks given at a particular base of operation during the past 6 months under this paragraph are unsuccessful, this paragraph may not be used by the certificate holder at that base until the Administrator finds that the effectiveness of the flight training there has improved.

§ 121.403 Training program: Curriculum.

(a) Each certificate holder must prepare and keep current a written training program curriculum for each type airplane with respect to dispatchers and each crewmember required for that type airplane. The curriculum must include ground and flight training required by this subpart.

(b) Each training program curriculum must include:

(1) A list of principal ground training subjects, including emergency training subjects, that are provided.

(2) A list of devices, mock-ups, systems trainers, or other training aids that will be used in ground training.

(3) Detailed descriptions or pictorial displays of the approved normal, abnormal, and emergency maneuvers, procedures and functions that will be performed during each flight training phase or flight check, indicating those maneuvers, procedures and functions that are to be performed during the inflight portions of flight training and flight checks.

(4) A list of approved airplane simulators or other training devices that will be used for flight training or flight checks, including approvals for particular maneuvers, procedures and functions.

(5) The minimum hours of training that will be applied to each phase of training.

(6) A copy of each statement issued by the Administrator under § 121.405(d) for reduction of minimum hours of training.

§ 121.405 Training program: Approval and revisions.

(a) The Administrator grants final approval of a training program or a revision to an approved training program if the certificate holder shows that the proposed training program or revision thereto complies with this subpart and ensures that each person who successfully completes the program is adequately trained to perform his assigned duties. In determining whether the training program is adequate, the Administrator considers recommendations for particular type airplanes developed by the FAA with participation by representatives of industry.

(b) To obtain approval set forth in paragraph (a) of this section, each certificate holder must submit—

(1) An outline of the proposed program or revision, including a curriculum, that provides enough information for a preliminary evaluation of the proposed training program or revision thereto; and

(2) Additional information, training records, or other relevant material as may be requested by the Administrator.

(c) If the proposed program or revision complies with this subpart, the Administrator grants initial approval in writing after which the certificate holder may conduct training in accordance with the program. The Administrator then evaluates the effectiveness of that training and advises the certificate holder of deficiencies, if any, that must be corrected. Upon correction of deficiencies, the Administrator grants final approval of the training program or revision.

(d) The Administrator may, in granting initial and final approval, permit reductions (in addition to reductions permitted under § 121.409(c)) in the hours of training required by this subpart, based on the following:

(1) The experience with, and effectiveness of, the certificate holder's previously approved training programs.

(2) Training requirements for the particular airplane.

(3) Training aids, devices, methods, and procedures that increase the effectiveness of the teaching-learning process. However, airplane simulators may not be considered if the hours of flight training have been reduced under § 121.409(c).

(4) Previous training and experience in similar airplanes.

If approval of reduced hours of training is granted, the Administrator provides the certificate holder with a statement of the basis for the approval.

(e) Whenever the Administrator finds that revisions are necessary for the continued adequacy of a training program that has been granted final approval the certificate holder shall, after notification by the Administrator, make any changes in the program that are found necessary by the Administrator. Within 30 days after the certificate holder receives such notice, it may file a petition to reconsider the notice with the FAA Air Carrier District Office charged with the overall inspection of the certificate holder's operations. The filing of a petition to reconsider stays the notice pending a decision by the Administrator. However, if the Administrator finds that there is an emergency that requires immediate action in the interest of safety in air transportation, he may, upon a statement of the reasons, require a change effective without stay.

§ 121.407 Training program: Approval of airplane simulators and other training devices.

(a) Each airplane simulator that is used in a training program approved under this subpart, in checks required under Subpart O of this part, or as permitted in Appendix F to this part, must—

(1) Meet the requirements of Appendix B to this part;

(2) Be specifically approved for—

(i) The certificate holder;

(ii) The type airplane and, if applicable, the particular variation within type, for which the training or check is being conducted; and

(iii) The particular maneuver, procedure, or crewmember function involved;

(3) Maintain the performance, functional, and other characteristics that are required for approval;

(4) Be modified to conform with any modification to the airplane being simulated that resulted in changes to performance, functional, or other characteristics required for approval;

(5) Be given a daily functional preflight check before being used; and

(6) Have a daily discrepancy log kept with each discrepancy entered in that log by the appropriate instructor or check airman at the end of each training or check flight.

(b) Each training device (other than an airplane simulator), that is used in a training program approved under this subpart, in checks required under Subpart O of this part, or as permitted in Appendix F to this part, must be approved as provided in paragraph (a)(2) of this section.

(c) An airplane simulator or other training device that is approved for some but not all of the required maneuvers, procedures, and crewmember functions, or an approved airplane simulator or other approved training device that has malfunctioned, may be used in connection with a simulator course of training or a proficiency check if the maneuvers, procedures and crewmember functions affected by the malfunction are conducted inflight in the appropriate airplane (or in another approved device if available).

(d) A particular airplane simulator or other training device may be approved for use by more than one certificate holder.

§ 121.409 Training courses using airplane simulators and synthetic trainers.

(a) Training courses utilizing airplane simulators and synthetic trainers may be included in the certificate holder's approved training program for use as provided in this section.

(b) A course of training in an airplane simulator may be included for use as provided in § 121.441 if that course—

(1) Provides at least 4 hours of training at the pilot controls of an airplane simulator as well as a proper briefing before and after the training;

(2) Provides training in at least the procedures and maneuvers set forth in Appendix F to this Part; and

(3) Is given by an instructor who meets the appropriate requirements of § 121.411.

The satisfactory completion of the course of training must be certified by either the Administrator or a check airman.

(c) The hours of initial inflight training may be reduced by up to 25 percent if the training program includes a course of training in an airplane simulator or a synthetic trainer (flight engineers only) to provide at least the following hours of training in the procedures and maneuvers required by §§ 121.424 or 121.425, as appropriate:

(1) For Group I airplanes, 10 hours.

(2) For Groups II, III, IV, and V airplanes, 15 hours.

(3) For Group VI airplanes, 20 hours.

§ 121.411 Training program: Check airman and instructor qualifications.

(a) No certificate holder may use a person nor may any person serve as a flight instructor or check airman in a training program established under this subpart unless, with respect to the particular airplane type involved, that person—

(1) Holds the airman certificates and ratings that must be held in order to serve as a pilot in command, a flight engineer, or a flight navigator, as appropriate, in operations under this part;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required in order to serve as a pilot in command, flight engineer, or flight navigator in operations under this part;

(3) Has satisfactorily completed the appropriate proficiency or competence checks that are required in order to serve as a pilot in command, flight engineer, or flight navigator in operations under this part;

(4) Has satisfactorily completed the applicable training requirements of § 121.413;

(5) In the case of a check airman, has been approved for the airplane and the check airman duties involved; and

(6) Holds at least a Class III medical certificate. However, pilot check airmen who have passed their 60th birthday or check airmen who do not hold an appropriate medical certificate may not serve as a flight crewmember in operations under this part.

(b) No certificate holder may use a person nor may any person serve as a simulator instructor for a course of training given in an airplane simulator as provided in § 121.409(b) unless that person—

(1) Holds an airline transport pilot certificate; and

(2) Has satisfactorily completed for a check airman or for the Administrator—

(i) Appropriate initial pilot ground training and ground training for a flight instructor as provided in § 121.413; and

(ii) A simulator flight training course in the type airplane simulator in which that person instructs as provided by § 121.409(c).

(c) Notwithstanding paragraphs (a) and (b) of this section, a person who was designated as a check airman, a flight instructor, or a simulator instructor before March 28, 1969, may continue to serve as such without completing the training specified in § 121.413. However, a pilot check airman who continues to serve under this paragraph may not supervise a line evaluation program under § 61.147 of this chapter.

§ 121.413 Check airmen and flight instructors: Initial training.

(a) The initial ground training for pilot check airmen must include the following:

(1) Pilot check airman duties, functions and responsibilities.

(2) The appropriate Federal Aviation Regulations and the certificate holder's policy and procedures.

(3) The appropriate methods, procedures and techniques for conducting the required checks.

(4) Proper evaluation of pilot performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics that could adversely affect safety.

(5) The appropriate corrective action in the case of unsatisfactory checks.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane.

(b) The initial ground training for pilot flight instructors must include—

(1) The fundamental principles of the teaching-learning process.

(2) Teaching methods and procedures.

(3) The instructor-student relationship.

(4) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane type.

However, subparagraphs (1), (2), and (3) are not required for the holder of a flight instructor certificate.

(c) The initial flight training for pilot check airmen and pilot flight instructors must include—

(1) Enough inflight training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency maneuvers to ensure his competence to conduct the pilot flight checks and flight training required by this Part.

(2) The appropriate safety measures to be taken from either pilot seat for emergency situations that are likely to develop in training.

(3) The potential results of improper or untimely safety measures during training.

(d) The initial ground and flight training for flight engineer and flight navigator flight instructors and check airmen must be adequate to ensure competence to perform their assigned duties.

§ 121.415 Crewmember and dispatcher training requirements.

(a) Each training program must provide the following initial ground training as appropriate to the crewmember's or dispatcher's particular assignment:

(1) Duties and responsibilities of crewmembers and dispatchers.

(2) Appropriate provisions of the Federal Aviation Regulations.

(3) Contents of the certificate holder's operating certificate and operations specifications (not required for flight attendants).

(4) Appropriate portions of the certificate holder's manual.

(5) Emergency training as specified in § 121.417 (not required for dispatchers).

(6) Ground training specified in §§ 121.419 through 121.422, as applicable.

(b) Each training program must provide initial flight training as follows:

(1) For pilots and flight engineers, the training specified in §§ 121.424 and 121.425, as applicable.

(2) For flight navigators, flight training and a flight check that are adequate to ensure his proficiency in the performance of assigned duties. Both the training and checks may be performed inflight or in a synthetic trainer.

(c) Each training program must provide recurrent ground and flight training as provided in § 121.427.

(d) Each training program must provide differences training for crewmembers and dispatchers if the Administrator finds that, due to differences between airplanes of the same type operated by the certificate holder, additional training is necessary to ensure that each crewmember and dispatcher is adequately trained to perform his assigned duties. The differences training must consist of at least—

(1) Instruction in each appropriate subject or part thereof required for initial ground training in the airplane unless the Administrator finds that particular subjects are not necessary;

(2) Flight training in each appropriate maneuver or procedure required for itial ground training in the airplane unless the Administrator finds that particular maneuvers or procedures are not necessary; and

(3) The number of hours of ground and flight training determined by the Administrator to be necessary for the airplane, the operation, and the crewmember or aircraft dispatcher involved.

Differences training for all variations of a particular type airplane may be included in initial and recurrent training for the airplane.

(e) In addition to initial, recurrent, and differences training, each training program must also provide ground and flight training, instruction and practice as necessary to ensure that each crewmember and dispatcher—

(1) Remains adequately trained and currently proficient with respect to each airplane, crewmember position, and type of operation in which he serves; and

(2) Qualifies in new equipment, facilities, procedures, and techniques, including modifications to airplanes.

(f) Transition training may be included in the training program for crewmembers and dispatchers who have qualified and served in the same capacity on another airplane of the same group. This training must consist of the appropriate initial ground and flight training except to the extent the Administrator finds that—

(1) Particular subjects, procedures, maneuvers, or parts thereof may be omitted; or

(2) The hours of ground instruction or inflight training may be reduced.

(g) Upgrade training for a particular type airplane may be included in the training program for crewmembers who have qualified and served as a second in command pilot or flight engineer on that airplane. Ground and flight training must be provided as follows:

(1) For a second in command pilot who is upgrading to a pilot in command, initial training for a pilot in command, including all required subjects, procedures, and maneuvers and consisting of at least 50 percent of the specified hours of ground and inflight training.

(2) For a flight engineer who is upgrading to a second in command, initial training for a second in command including all required subjects, procedures, and maneuvers and consisting of at least 50 percent of the specified hours of ground and inflight training.

§ 121.417 Crewmember emergency training.

(a) Each training program must provide the emergency training set forth in this section with respect to each airplane type, model, and configuration, each required crewmember, and each kind of operation conducted, insofar as appropriate for the certificate holder.

(b) Emergency training must provide—

(1) Instruction in emergency assignments and procedures, including coordination among crewmembers;

(2) Individual instruction in the location, function, and operation of emergency equipment including—

(i) Equipment used in ditching and evacuation;

(ii) First aid equipment and its proper use; and

(iii) Portable fire extinguishers, with emphasis on the type of extinguisher to be used on different classes of fires; and

(3) Instruction in the handling of emergency situations including—

(i) Rapid decompression;

(ii) Fire in flight or on the surface;

(iii) Ditching and other evacuations;

(iv) Illness, injury, or other abnormal situations involving passengers or crewmembers; and

(v) Hijacking and other unusual situations.

(c) Each crewmember must perform at least the following emergency drills, utilizing the proper equipment and procedures, unless the Administrator finds that, with respect to a particular drill, the crewmember can be adequately trained by demonstration:

(1) Ditching.

(2) Gear up and gear down evacuations.

(3) Fire extinguishing and smoke control.

(4) Operation and use of emergency exits, including deployment and use of evacuation chutes.

(5) Use of crew and passenger oxygen.

(6) Removal of life rafts from the airplane, inflation of the life rafts, use of life lines and boarding of passengers and crew.

(7) Donning and inflation of lifevests and the use of other individual flotation devices.

(d) Crewmembers who serve in operations above 25,000 feet must receive instruction in the following:

(1) Respiration.

(2) Hypoxia.

(3) Duration of consciousness without supplemental oxygen at altitude.

(4) Gas expansion.

(5) Gas bubble formation.

(6) Physical phenomena and incidents of decompression.

§ 121.419 Pilots and flight engineers: Initial ground training.

(a) Initial ground training for pilots and flight engineers must include instruction in at least the following:

(1) General subjects:

(i) The certificate holder's dispatch or flight release procedures.

(ii) Principles and methods for determining weight and balance, and runway limitations for takeoff and landing.

(iii) Enough meteorology to insure a practical knowledge of weather phenomena, including the principles of frontal systems, icing, fog, thunderstorms and high altitude weather situations.

(iv) Air traffic control systems, procedures, and phraseology.

(v) Navigation and the use of navigation aids, including instrument approach procedures.

(vi) Normal and emergency communication procedures.

(vii) Visual cues prior to and during descent below DH or MDA.

(viii) Other instruction as necessary to ensure his competence.

(2) For each airplane type:

(i) General description.

(ii) Performance characteristics.

(iii) Engines and propellers.

(iv) Major components.

(v) Major airplane systems (i.e., flight controls, electrical, hydraulic); other systems as appropriate; principles of normal, abnormal, and emergency operations; appropriate procedures and limitations.

(vi) Procedures for avoiding severe weather situations and for operating in or near thunderstorms (including best penetrating altitudes), turbulent air (including clear air turbulence), icing, hail, and other potentially hazardous meteorological conditions.

(vii) Operating limitations.

(viii) Fuel consumption and cruise control.

(ix) Flight planning.

(x) Each normal and emergency procedure.

(xi) The approved Airplane Flight Manual.

(b) Initial ground training for pilots and flight engineers must consist of at least the following hours of instruction in the required subjects specified in paragraph (a) of this section and in § 121.415(a):

(1) Group I airplanes, 64 hours.

(2) Group II and III airplanes, 80 hours.

(3) Group IV, V, and VI airplanes, 120 hours.

§ 121.420 Flight navigators: Initial ground training.

(a) Initial ground training for flight navigators must include instruction in the subjects specified in § 121.419(a) as appropriate to his assigned duties and responsibilities and in the following with respect to the particular type airplane:

(1) Limitations on climb, cruise, and descent speeds.

(2) Each item of navigational equipment installed including appropriate radio, radar, and other electronic equipment.

(3) Airplane performance.

(4) Airspeed, temperature, and pressure indicating instruments or systems.

(5) Compass limitations and methods of compensation.

(6) Cruise control charts and data, including fuel consumption rates.

(7) Any other instruction as necessary to ensure his competence.

(b) Initial ground training for flight navigators must consist of at least the following hours of instruction in the subjects specified in paragraph (a) of this section and in § 121.415(a):

(1) Group I and II airplanes, 16 hours.

(2) Group III, IV, V, and VI airplanes, 32 hours.

§ 121.421 Flight attendants: Initial ground training.

(a) Initial ground training for flight attendants must include instruction in at least the following:

(1) General subjects:

(i) The authority of the pilot in command.

(ii) Passenger handling, including the procedures to be followed in the case of deranged persons or other persons whose conduct might jeopardize safety.

(2) For each airplane type:

(i) A general description of the airplane emphasizing physical characteristics that may have a bearing on ditching, evacuation, and inflight emergency procedures and on other related duties.

(ii) The use of both the public address system and the means of communicating with other flight crewmembers, including emergency means in the case of attempted hijacking or other unusual situations.

(iii) Proper use of electrical galley equipment and the controls for cabin heat and ventilation.

(b) Initial ground training for flight attendants must include a competence check to determine ability to perform assigned duties and responsibilities.

(c) Initial ground training for flight attendants must consist of at least the following hours of instruction in the subjects specified in paragraph (a) of this section and in § 121.415(a):

(1) Group I airplanes, 8 hours.

(2) Group II, III, IV, and V airplanes, 10 hours.

(3) Group VI airplanes, 16 hours.

§ 121.422 Aircraft dispatchers: Initial ground training.

(a) Initial ground training for aircraft dispatchers must include instruction in at least the following:

(1) General subjects:

(i) Use of communications systems including the characteristics of those systems and the appropriate normal and emergency procedures.

(ii) Meteorology, including various types of meteorological information and forecasts, interpretation of weather data (including forecasting of en route and terminal temperatures and other weather conditions), frontal systems, wind conditions, and use of actual and prognostic weather charts for various altitudes.

(iii) The NOTAM system.

(iv) Navigational aids and publications.

(v) Joint dispatcher-pilot responsibilities.

(vi) Characteristics of appropriate airports.

(vii) Prevailing weather phenomena and the available sources of weather information.

(viii) Air traffic control and instrument approach procedures.

(2) For each airplane:

(i) A general description of the airplane emphasizing operating and performance characteristics, navigation equipment, instrument approach and communication equipment, emergency equipment and procedures, and other subjects that have a bearing on dispatcher duties and responsibilities.

(ii) Flight operation procedures including procedures specified in § 121.419(a)(2)(vi).

(iii) Weight and balance computations.

(iv) Basic airplane performance dispatch requirements and procedures.

(v) Flight planning including track selection, flight time analysis, and fuel requirements.

(vi) Emergency procedures.

(3) Emergency procedures must be emphasized, including the alerting of proper governmental, company, and private agencies during emergencies to give maximum help to an airplane in distress.

(b) Initial ground training for aircraft dispatchers must include a competence check given by an appropriate supervisor or ground instructor that demonstrates knowledge and ability with the subjects set forth in paragraph (a) of this section.

(c) Initial ground training for aircraft dispatchers must consist of at least the following hours of instruction in the subjects specified in paragraph (a) of this section and in § 121.415(a):

(1) Group I airplanes, 30 hours.

(2) Groups II, III, IV, V, and VI airplanes, 40 hours.

§ 121.424 Pilots: Initial flight training.

(a) Initial flight training for pilots must include at least the following:

(1) Inflight training and practice in the procedures and maneuvers set forth in Appendix F to this part, except that item III(a) and item III(b) may be performed in an airplane simulator.

(2) Training and practice in the procedures and maneuvers set forth in paragraphs (b), (c), and (d) of this section, conducted as specified therein.

(b) Inflight training and practice must be provided in the following:

(1) Takeoffs and landings during day and night.

(2) Pretakeoff checks.

(3) Zero flap approaches.

(4) For a pilot-in-command, zero flap landings if the Administrator finds that maneuver appropriate for training in the aircraft.

(5) Turns with and without spoilers.

(6) Landing and go-around with the horizontal stabilizer out of trim.

(7) Tuck and Mach buffet.

(8) Manual reversion (if appropriate).

(c) Training and practice must be provided in the following either inflight or in an airplane simulator:

(1) Operation of systems and controls at the flight engineer station.

(2) Procedures for—

(i) Runaway and jammed stabilizer; and

(ii) Maximum endurance and maximum range.

(d) Training and practice must be provided in the following, either inflight, in a static airplane, in an airplane simulator, or in an appropriate training device:

(1) As appropriate to the airplane, normal and emergency operation of the following systems:

(i) Pressurization.

(ii) Pneumatic.

(iii) Air conditioning.

(iv) Fuel and oil.

(v) Electrical.

(vi) Hydraulic.

(vii) Flight control.

(2) As appropriate to the airplane, flight emergency procedures, including—

(i) Powerplant, heater, cargo compartment, cabin flight deck, wing, and electrical fires;

(ii) Smoke control;

(iii) Electrical, hydraulic, flight control, and flight instrument system malfunction or failure; and

(iv) Fuel jettisoning.

(e) The initial flight training required by this section must include at least the following hours of inflight training and

practice unless reduced under § 121.405 (d) or § 121.409(c):

(1) Group I airplanes, pilot in command 8 hours, second in command 5 hours.

(2) Group II and III airplanes, pilot in command 10 hours, second in command 6 hours.

(3) Group IV and V airplanes, pilot in command 15 hours, second in comamnd 7 hours.

(4) Group VI airplanes, pilot in command 20 hours, second in command 10 hours.

The hours specified for a pilot in command are not required for pilots who satisfactorily complete a line evaluation as set forth in § 61.147(e) of this chapter.

§ 121.425 Flight engineers: Initial flight training.

(a) Initial flight training for flight engineers must include at least the following:

(1) Training and practice in procedures related to the carrying out of flight engineer duties and functions. This training and practice may be accomplished either in flight, in an airplane simulator, or in a training device.

(2) A flight check that includes—

(i) Preflight inspection;

(ii) Inflight performance of assigned duties accomplished from the flight engineer station during taxi, runup, takeoff, climb, cruise, descent, approach, and landing;

(iii) Accomplishment of other functions such as fuel management and preparation of fuel consumption records and normal and emergency or alternate operation of all airplane flight systems, performed either inflight, in an airplane simulator, or in a training device.

(b) Initial flight training required by paragraph (a) of this section must include at least the same number of hours of inflight training and practice that are required for a second-in-command pilot under § 121.424(c) unless reduced under § 121.405(d) or § 121.409(c).

§ 121.427 Recurrent training.

(a) Recurrent training must ensure that each crewmember or dispatcher is adequately trained and currently proficient with respect to the type airplane (including differences training, if applicable) and crewmember position involved.

(b) Recurrent ground training for crewmembers and dispatchers must include at least the following:

(1) A quiz or other review to determine the state of the crewmember's or dispatcher's knowledge with respect to the airplane and position involved.

(2) Instruction as necessary in the subjects required for initial ground training by § 121.415(a), as appropriate, including emergency training.

(3) Instruction and practice in the performance of emergency procedures (not required for aircraft dispatchers).

(4) For flight attendants and dispatchers, a competence check as required by §§ 121.421(b) and 121.422(b), respectively.

(c) Recurrent ground training for crewmembers and dispatchers must consist of at least the following number of hours:

(1) For pilots and flight engineers:

(i) Group I airplanes, 16 hours.

(ii) Group II, III, IV, and V airplanes, 20 hours.

(iii) Group VI airplanes, 25 hours.

(2) For flight navigators:

(i) Group II airplanes, 12 hours.

(ii) Group IV airplanes, 16 hours.

(iii) Group VI airplanes, 16 hours.

(3) For flight attendants:

(i) Group I, II, and III airplanes, 4 hours.

(ii) Group IV and V airplanes, 5 hours.

(iii) Group VI airplanes, 12 hours.

(4) For aircraft dispatchers:

(i) Group I airplanes, 8 hours.

(ii) Group II and III airplanes, 10 hours.

(iii) Group IV, V, and VI airplanes, 20 hours.

(d) Recurrent flight training for flight crewmembers must include at least the following:

(1) For pilots, flight training as provided by § 121.424(a)(1), except that the specified number of inflight hours is not required.

(2) For flight engineers, flight training as provided by §121.425(a) except that the specified number of inflight hours is not required and the flight check, other than the preflight inspection, may be conducted in an airplane simulator or other training device.

(3) For flight navigators, enough inflight training and an inflight check to ensure competency with respect to operating procedures and navigation equipment to be used and familiarity with essential navigation information pertaining to the certificate holder's routes that require a flight navigator.

3. By amending the title of Subpart O and § 121.431 to read as follows:

Subpart O—Crewmember Qualifications

§ 121.431 Applicability.

This subpart prescribes crewmember qualifications for all certificate holders except where otherwise specified.

3. By adding a new section at the end of § 121.431 to read as follows:

§ 121.432 General.

(a) When a flight crewmember completes a check required by this subpart, the check airman who is responsible for the particular check shall certify as to the flight crewmember's proficiency. This certification shall be made a part of the flight crewmember's record.

(b) A flight crewmember who takes a check in the calendar month before, or the calendar month after, the month in which it becomes due, is considered to have taken that check during the month it became due.

(c) A pilot who serves as second in command of an operation that requires three or more pilots must be fully qualified to act as pilot in command of that operation.

(d) No certificate holder may conduct a check or any required training in operations under this Part except for the following:

(1) Line checks for pilots in command.

(2) Flight navigator training conducted under the supervision of a flight navigator flight instructor.

(3) Flight navigator flight checks.

(4) Flight engineer checks (except for emergency procedures), if the person being checked is qualified and current in accordance with § 121.453(a).

(5) Flight attendant training and competence checks. Except for pilot line checks and flight engineer flight checks, the person being trained or checked may not be used as a required crewmember.

(e) As used in this subpart, airplane groups are as follows:

(1) *Group I.* Airplanes with two reciprocating powerplants.

(2) *Group II.* Airplanes with three or more reciprocating powerplants.

(3) *Group III.* Airplanes with two turboprop powerplants.

(4) *Group IV.* Airplanes with three or more turboprop powerplants.

(5) *Group V.* Airplanes with two turbojet powerplants.

(6) *Group VI.* Airplanes with three or more turbojet powerplants.

4. By amending § 121.433 to read as follows:

§ 121.433 Training required.

(a) *Initial training.* No certificate holder may use any person nor may any person serve as a required crewmember on an airplane unless that person has satisfactorily completed, in a training program approved under Subpart N of this part, initial ground and flight training for that type airplane and for the particular crewmember position, except as follows:

(1) A second in command who has satisfactorily completed pilot in command initial ground training may serve as pilot in command if, upon initially serving as such, he is currently qualified and has served as second in command within the past 12 calendar months, and, within the past 30 days, has completed pilot in command recurrent training.

(2) Crewmembers who have qualified and served as second in command or flight engineer on a particular type airplane may serve as pilot in command or second in command, respectively upon completion of upgrade training for that airplane.

(3) Crewmembers who have qualified and served as a crewmember on another type airplane of the same Group may serve in the same crewmember capacity upon completion of transition training as provided in § 121.415(b).

(b) *Differences training.* No certificate holder may use any person nor may any person serve as a required crewmember on an airplane of a type for which differences training is included in the certificate holder's approved training program unless that person has satisfactorily completed, with respect to both the crewmember position and the particular variation of the airplane in which he serves, either initial ground and flight training or differences training.

(c) *Recurrent training.* No certificate holder may use any person nor may any person serve as a required crewmember on an airplane unless, within the preceding 12 calendar months, he has satisfactorily completed recurrent ground and flight training for that type airplane and crewmember position. In addition, no person may be used nor serve as a pilot in command unless, within the preceding 6 calendar months, he has satisfactorily completed recurrent flight training in an airplane for which he holds a type rating. The requirement for recurrent training may be met by satisfactory completion, within the specified period, of the appropriate initial training. In the case of pilots, a proficiency check as provided in § 121.441 may be substituted for recurrent flight training.

5. By adding a new section at the end of § 121.433 to read as follows:

§ 121.434 Initial operating experience.

(a) No certificate holder may use any person nor may any person serve as a required crewmember on an airplane unless he has completed, on that type airplane and in that crewmember position, the initial operating experience required by this section, except as follows:

(1) Crewmembers other than pilots in command may serve as provided herein for the purpose of meeting the requirements of this section.

(2) Pilots who are meeting the pilot in command requirements of this section or who are performing a line evaluation program under § 61.147(e) of this chapter may serve as a second in command.

(b) In acquiring that initial operating experience crewmembers must comply with the following:

(1) In the case of a flight crewmember, he must hold the appropriate certificate and ratings for the flight crewmember position and the airplane.

(2) The experience must be acquired after satisfactory completion of the appropriate ground and flight training for the airplane and crewmember position.

(3) The experience must be acquired inflight during operations under this part.

However, separate initial operating experience is not required for variations within the same type airplane.

(c) A pilot must perform the duties of a pilot in command or of a second in command, as appropriate, under the supervision of a check airman. Second in command may also observe the performance of these duties on the flight deck in lieu of actual performances of those duties. At least the following number of hours are required for all pilots.

(1) Group I airplanes, 15 hours.

(2) Group II and III airplanes, 20 hours.

(3) Group IV, V, and VI airplanes, 25 hours.

However, the number of hours for a pilot who has qualified and served in the same crewmember position on another airplane of the same Group is 12 hours in Group I, 16 hours in Groups II and III, or 20 hours in Groups IV, V, or VI. In addition, the flight hours acquired in conducting a line evaluation program under § 61.147(e) of this chapter may be credited towards the hours of initial operating experience required by this paragraph.

(d) A flight engineer must perform the duties of a flight engineer under the supervision of a check airman or a qualified flight engineer for at least the following number of hours:

(1) Group II airplanes, 10 hours.

(2) Group IV, V, and VI airplanes, 12 hours.

(e) A flight attendant must, for at least 5 hours, either perform the duties of a flight attendant under the supervision of a flight-attendant supervisor or observe the performance of these duties. However, initial operating experience is not required for a flight attendant who has previously acquired such experience on an airplane of greater passenger capacity if the certificate holder shows that he has received sufficient ground training and practice for the airplane in which he is to serve.

(f) The hours of initial operating experience are not subject to reduction other than as provided in this paragraph. The hours of initial operating experience may be reduced to 50 percent of the hours required by this section by the substitution of one additional takeoff and landing for each hour of flight.

6. By adding a new section at the end of § 121.439 to read as follows:

§ 121.440 Line checks.

(a) No certificate holder may use any person as pilot in command of an airplane unless, within the preceding 12 calendar months, that person has passed a line check in which he satisfactorily performs the duties and responsibilities of a pilot in command in one of the types of airplanes he is to fly.

(b) A pilot in command line check for domestic and flag air carrier pilots must—

(1) Be given by a pilot check airman who is qualified on both the route and the airplane; and

(2) Consist of at least a scheduled flight over a typical part of the air carriers route to which the pilot is normally assigned.

(c) A pilot in command line check for supplemental air carriers and commercial operators must—

(1) Be given by a pilot check airman who is qualified on the airplane; and

(2) Consist of at least one flight over a part of a Federal airway, foreign airway, or advisory route over which the pilot may be assigned.

7. By amending § 121.441 to read as follows:

§ 121.441 Proficiency checks.

(a) No certificate holder may use any person nor may any person serve as a required pilot flight crewmember unless that person has satisfactorily completed either a proficiency check, or an approved simulator course of training under § 121.409, as follows:

(1) For a pilot in command, a proficiency check within the preceding 12 calendar months and, within the preceding 6 calendar months, either a proficiency check or the simulator training.

(2) For all other pilots, a proficiency check within the preceding 24 calendar months and, within the preceding 12 calendar months, either a proficiency check or the simulator training.

The satisfactory completion of a type rating flight check under § 61.147 of this chapter satisfies the requirement for a proficiency check if Item V(d) is performed in accordance with Appendix F to this part.

(b) Except as provided in paragraphs (c) and (d) of this section, a proficiency check must meet the following requirements:

(1) It must include at least the procedures and maneuvers set forth in Appendix F to this part unless otherwise specifically provided in that appendix.

(2) It must be given by the Administrator or a pilot check airman.

(c) An approved airplane simulator or an approved synthetic trainer may be used in the conduct of a proficiency check as provided in Appendix F to this part.

(d) A person giving a proficiency check may, in his discretion, waive any of the maneuvers or procedures for which a specific waiver authority is set forth in Appendix F to this part if—

(1) The Administrator has not specifically required the particular maneuver or procedure to be performed;

(2) The pilot being checked is, at the time of the check, employed by a certificate holder as a pilot; and

(3) The pilot being checked is currently qualified for operations under this part in the particular type airplane and crewmember position (i.e., PIC, SIC) involved.

(e) If the pilot being checked fails any of the required maneuvers, the person giving the proficiency check may give additional training to the pilot during the course of the proficiency check. In addition to repeating the maneuvers failed, the person giving the proficiency check may require the pilot being checked to repeat any other maneuvers he finds are necessary to determine the pilot's proficiency. If the pilot being checked is unable to demonstrate satisfactory performance to the person conducting the check, the certificate holder may not use him nor may he serve in operations under this part until he has satisfactorily completed a proficiency check.

(f) No person may serve as a pilot in command on any airplane unless within the preceding 12 calendar months he has passed either a proficiency check or line check in that type airplane.

§ 121.442 [Deleted]

8. By deleting § 121.442.

§ 121.451 [Deleted]

9. By deleting § 121.451.

10. By amending § 121.453 to read as follows:

§ 121.453 Flight engineer qualification.

(a) No certificate holder may use any person nor may any person serve as a flight engineer on an airplane unless, within the preceding 6 calendar months, he has had at least 50 hours of flight time as a flight engineer on that type airplane or the certificate holder or the Administrator has checked him on that type airplane and determined that he is familiar and competent with all essential current information and operating procedures.

(b) A flight check given in accordance with § 121.425(a)(2) satisfies the requirements of paragraph (a) of this section.

11. By amending § 121.463(a) to read as follows:

§ 121.463 Aircraft dispatcher qualifications.

(a) No domestic or flag air carrier may use any person nor may any person serve as an aircraft dispatcher for a particular type aircraft unless that person has, with respect to that aircraft, satisfactorily completed the following:

(1) Initial dispatcher training, except that a person who has satisfactorily completed such training for another type airplane of the same Group need only complete the appropriate transition training.

(2) Differences training, if applicable.

(3) Within the preceding 12 calendar months, recurrent training unless the requirements of subparagraph (a)(1) of this paragraph have been met during that period.

(4) Operating familiarization consisting of at least 5 hours observing from the flight deck operations under this part, except that a person may serve as an aircraft dispatcher without meeting this requirement for 90 days after completion of initial dispatcher training. In addition, this requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight.

* * * * *

12. By deleting Appendix E to Part 121.

13. By amending Appendix F to Part 121 as follows:

a. By amending the paragraph immediately preceding the index to read as follows:

APPENDIX F

The procedures and maneuvers set forth in this appendix must be performed in a manner that satisfactorily demonstrates knowledge and skill with respect to—

(1) The airplane, its systems and components;

(2) Proper control of airspeed, configuration, direction, altitude, and attitude in accordance with procedures and limitations contained in the approved Airplane Flight Manual, the certificate holder's operation manual, check lists, or other approved material appropriate to the airplane type; and

(3) Compliance with approved en route, instrument approach, missed approach, ATC, or other applicable procedures.

Throughout the maneuvers prescribed in this appendix, good judgment commensurate with a high level of safety must be demonstrated. In determining whether such judgment has been shown the person conducting the check considers adherence to approved procedures, actions based on analysis of situations for which there is no prescribed procedure or recommended practice, and qualities of prudence and care in selecting a course of action.

The items indicated by an asterisk (*) must be performed under simulated instrument conditions. An airplane simulator (with a visual system where specifically required) that meets the requirements of § 121.407 may be used to conduct all of the maneuvers and procedures of a proficiency check except those items marked below by a double asterisk (**).

b. By deleting the index to Appendix F.

c. By deleting the paragraph between the index to Appendix F and the body of Appendix F.

d. By amending Item I(b) and Item II(d) to read as follows:

I. *Preflight.*

* * * * *

(b) *Preflight inspection.* The pilot must—

(1) Conduct an actual visual inspection of the exterior and interior of the airplane, locating each item and explaining briefly the purpose for inspecting it; and

(2) Demonstrate the use of the prestart check list, appropriate control system checks, starting procedures, radio and electronic equipment checks, and the selection of proper navigation and communications radio facilities and frequencies prior to flight.

If a flight engineer is a required crewmember for the particular type airplane, the actual visual inspection may either be waived under § 121.441(d) or it may be replaced by using an approved pictorial means that realistically portrays the location and detail of inspection items.

* * * * *

(d) *Powerplant checks.* As appropriate to the airplane type.

e. By amending Item II to read as follows:

II. *Takeoffs.*

(a) *Normal.* One normal takeoff which, for the purpose of this maneuver, begins when the airplane is taxied into position on the runway to be used.

(b) *Instrument.* One takeoff with instrument conditions simulated at or before reaching an altitude of 100 feet above the airport elevation.*

(c) *Crosswind.* One crosswind takeoff, if practicable under the existing meteorological, airport, and traffic conditions.

(d) *Powerplant failure.* One takeoff with a simulated failure of the most critical powerplant—

(1) At a point after V_1 and before V_2 that in the judgment of the person conducting the check is appropriate to the airplane type under the prevailing conditions;

(2) At a point as close as possible after V_1 when V_1 and V_2 (or V_1 and V_r) are identical or

(3) At the appropriate speed for nontransport category airplanes.

If this maneuver is performed in an airplane simulator, the simulator must have a visual system. At the discretion of the check pilot the maneuver may also be required to be performed in the airplane.

(3) *Rejected.* A rejected takeoff which may be performed in an airplane during a normal takeoff run after reaching a reasonable speed determined by giving due consideration to aircraft characteristics, runway length, surface conditions, wind direction and velocity, brake heat energy, and any other pertinent factors that may adversely affect safety or the airplane. This maneuver may be waived as provided in § 121.441(d).

f. By amending Item III(a) and Item III(b) by adding an asterisk (*) in the left hand margin and by amending Item III(c), the flush paragraph at the end of Item III(d), and Item III(e) to read as follows:

III. *Instrument procedures.*

*(a) * * *

*(b) * * *

(c) *ILS and other instrument approaches.* There must be the following:

(1) At least one normal ILS approach. If this maneuver is performed in an airplane simulator, the simulator must have a visual system.*

(2) At least one manually controlled ILS approach with a simulated failure of one powerplant. The simulated failure should occur before initiating the final approach course and must continue to touchdown or through the missed approach procedure.***

(3) Demonstration of approach and missed approach procedures on each letdown aid in addition to ILS that the applicant is likely to use. At least one nonprecision approach procedure must be performed in an airplane or in an airplane simulator with a visual system. The other instrument approach and missed approach procedures may be accomplished in a synthetic instrument trainer, if observed by a check airman or an approved instructor.*

Each instrument approach must be performed according to any procedures and limitations approved for the approach facility used. The instrument approach begins when the airplane is over the initial approach fix for the approach procedure being used (or turned over to the final approach controller in the case of GCA approach) and ends when the airplane contacts the runway or when transition to a missed approach configuration is completed. Instrument conditions need not be simulated below 100 feet above touchdown zone elevation.

(d) *Circling approaches.*

* * * * *

If this maneuver is performed in an airplane simulator, the simulator must have a visual system. If local conditions beyond the control of the pilot prohibit the maneuver or prevent it from being performed as required, it may be waived as provided in § 121.441(d): *Provided, however,* That the maneuver may not be waived under this provision for two successive proficiency checks. In addition, this maneuver may be waived for a second in command if the certificate holder's manual prohibits a second in command from performing a circling approach in operations under this Part.

(e) *Missed approach.*

(1) Each pilot must perform at least one missed approach from an ILS approach.***

(2) Each pilot in command must perform at least one additional missed approach. If this maneuver is performed in an airplane simulator, the simulator must have a visual system.*

A complete approved missed approach procedure must be accomplished at least once. At the discretion of the person conducting the check, a simulated powerplant failure may be required during any of the missed approaches. These maneuvers may be performed either independently or in conjunction with maneuvers required under sections III or V of this appendix.

g. By amending Item IV(a) and (b) by adding an asterisk in the left hand margin as follows:

IV. *Inflight maneuvers.*

*(a) *Steep turns.** * *

*(b) *Approaches to stalls.** * *

h. By amending Item V(e), Item V(f), and the flush paragraph at the end of Item V to read as follows:

V. *Landings and approaches to landings.*

* * * * *

(e) If the certificate holder is approved for circling minimums below 1000–3, a landing under simulated circling approach conditions. If this maneuver is performed in an airplane simulator, the simulator must have a visual system. However, when performed in an airplane, if circumstances beyond the control of the pilot prevent a landing, the person conducting the check may accept an approach to a point where in his judgment a landing to a full stop could have been made.

(f) A rejected landing, including a normal missed approach procedure, that is rejected approximately 50 feet over the runway and approximately over the runway threshold. This maneuver may be combined with instrument, circling, or missed approach procedures, but instrument conditions need not be simulated below 100 feet above the runway. If this maneuver is performed in an airplane simulator, the simulator must have a visual system.

Notwithstanding the authorizations for combining and waiving of maneuvers and for the use of a simulator, for the use of a simulator, for all pilot in command and initial second in command proficiency checks at least two actual landings (one to a full stop) must be made.

i. By deleting the flush paragraph at the end of Item VI.

j. By deleting the last sentence of Item VII.

k. By deleting Item VIII.

14. By amending § 61.147 by adding new paragraphs (d) and (e) at the end thereof.

§ 61.147 Airplane rating: aeronautical skill.

* * * * *

(d) In addition to using an airplane simulator as permitted in Appendix A to this part, a simulator may be used as provided in subparagraphs (1) and (2) of this paragraph if the applicant also satisfactorily completes a line evaluation as set forth in paragraph (e) of this section.

(1) The following may be performed in an airplane simulator that meets the requirements of § 121.407 of this chapter:

(i) Item III(a)—Area arrival and departure.

(ii) Item III(b)—Holding.

(iii) Item IV(a)—Steep turns.

(iv) Item IV(b)—Approaches to stalls.

(v) Item IV(c)—Specific flight characteristics.

(2) The following may be performed in an airplane simulator with a visual system that meets the requirements of § 121.407 of this chapter.

(i) Item II(b)—Instrument takeoff.

(ii) Item II(d)—Takeoff with powerplant failure.

(iii) Item III(c)(1)—Normal ILS approach.

(iv) Item III(e)—One missed approach.

(v) Item V(e)—Circling approach to landing.

(vi) Item V(f)—Rejected landing.

(vii) Item V(g)—No flap landing.

The FAA inspector or designated examiner may require any of the maneuvers listed in subdivisions (i), (ii), (vi), or (vii) to be performed in the airplane if he feels that this is necessary to determine the applicant's competence with respect to that maneuver.

(e) An applicant for an airline transport pilot certificate or additional type rating who performs part of the practical test in an airplane simulator as permitted by paragraph (d) of this section must, before receiving that certificate or type rating, complete a line evaluation consisting of eight flight legs (each of which includes a takeoff and landing) in operations under Part 121 of this chapter during which the applicant performs the duties of a pilot in command under the supervision of a pilot check airman. At least two of these legs must be observed by the Administrator. This flight time may be credited toward the initial operating experience required by § 121.434 of this chapter.

15. By amending Appendix A to Part 61 as follows:

a. By amending the paragraph immediately preceding the index to read as follows:

APPENDIX A

PRACTICAL TEST REQUIREMENTS FOR AIRLINE TRANSPORT PILOT CERTIFICATES AND ASSOCIATED CLASS AND TYPE RATINGS

The procedures and maneuvers set forth in this appendix must be performed in a manner that satisfactorily demonstrates knowledge and skill with respect to—

(1) The airplane, its systems and components;

(2) Proper control of airspeed, configuration, direction, altitude, and attitude in accordance with procedures and limitations contained in the approved Airplane Flight Manual, check lists, or other approved material appropriate to the airplane type; and

(3) Compliance with approved en route, instrument approach, missed approach, ATC, or other applicable procedures.

Throughout the maneuvers prescribed in this appendix, good judgment commensurate with a high level of safety must be demonstrated. In determining whether such judgment has been shown the FAA inspector or designated examiner who conducts the check considers adherence to approved procedures, actions based on analysis of situations for which there is no prescribed procedure or recommended practice, and qualities of prudence and care in selecting a course of action.

The items indicated by an asterisk (*) must be performed under simulated instrument conditions. All simulators or training devices used in the conduct of the practical test as permitted in this Appendix must meet the requirements of § 121.407 of this chapter.

b. By deleting the index to Appendix A.

c. By deleting the paragraph between the index to Appendix A and the body of Appendix A.

d. By amending Item I(b) to read as follows:

I. *Preflight.*

* * * * *

(b) *Preflight Inspection.* The pilot must—

(1) Conduct an actual visual inspection of the exterior and interior of the airplane, locating each item and explaining briefly the purpose of inspecting it; and

(2) Demonstrate the use of the prestart check list, appropriate control system checks, starting procedures, radio and electronic equipment checks, and the selection of proper navigation and communications radio facilities and frequencies prior to flight.

If a flight engineer is a required crewmember for the particular type airplane, the actual visual inspection may either be waived under § 61.147(c) or it may be replaced by using an approved pictorial means that realistically portrays the location and detail of inspection items.

* * * * *

e. By amending Item II to read as follows:

II. *Takeoffs.*

(a) *Normal.* One normal takeoff which, for the purpose of this maneuver, begins when the airplane is taxied into position on the runway to be used.

(b) *Instrument.* One takeoff with instrument conditions simulated at or before reaching an altitude of 100 feet above the airport elevation.*

(c) *Crosswind.* One cross wind takeoff, if practicable under the existing meteorological, airport, and traffic conditions.

(d) *Powerplant failure.* One takeoff with a simulated failure of the most critical powerplant—

(1) At a point after V_1 and before V_2 that in the judgment of the person conducting the check is appropriate to the airplane type under the prevailing conditions;

(2) At a point as close as possible after V_1 when V_1 and V_2 (or V_1 and V_r) are identical; or

(3) At the appropriate speed for nontransport category airplanes.

(e) *Rejected.* A rejected takeoff performed in an airplane during a normal takeoff run after reaching a reasonable speed determined by giving due consideration to aircraft characteristics, runway length, surface conditions, wind direction and velocity, brake heat energy, and any other pertinent factors that may adversely affect safety or the airplane. This maneuver may be waived as provided in § 61.147(c) or may be performed in an airplane simulator.

f. By amending Item III(a) and Item III(b) by adding an asterisk in the left hand margin and by amending Item III (c), the flush paragraph at the end of Item III(d), and Item III(e) to read as follows:

III. *Instrument procedures.*

*(a) * * *

*(b) * * *

(c) *ILS and other instrument approaches.* There must be the following:

(1) At least one normal ILS approach.*

(2) At least one manually controlled ILS approach with a simulated failure of one powerplant. The simulated failure should occur before initiating the final approach course and must continue to touchdown or through the missed approach procedure.*

(3) Demonstration of approach and missed approach procedures on each letdown aid in addition to ILS that the applicant is likely to use. At least one nonprecision approach procedure must be flown in the airplane or in an airplane simulator with a visual system. The other instrument approach and missed approach procedures may be accomplished in a synthetic instrument trainer, if observed by the person conducting the flight check or if the applicant has completed an approved training course under Part 121 of this chapter for the airplane type involved and is observed by a person qualified to act

as an instructor or check airman under that approved training program.*

Each instrument approach must be performed according to any procedures and limitations approved for the approach facility used. The instrument approach begins when the airplane is over the initial approach fix for the approach procedure being used (or turned over to the final approach controller in the case of GCA approach) and ends when the airplane contacts the runway or when transition to a missed approach configuration is completed. Instrument conditions need not be simulated below 100 feet above touchdown zone elevation.

(d) *Circling approaches.*

* * * * *

This maneuver may be performed in an airplane simulator with a visual system or, if local conditions beyond the control of the pilot prohibit the maneuver or prevent it from being performed as required, it may be waived as provided in § 61.147(c).

(e) *Missed approaches.**

Each applicant must perform at least two missed approaches, with at least one missed approach from an ILS approach. A complete approved missed approach procedure must be accomplished at least once and, at the discretion of the FAA inspector or designated examiner, a simulated powerplant failure may be required during any of the missed approaches. These maneuvers may be performed either independently or in conjunction with maneuvers required under sections III or V of this appendix.

g. By amending Item IV(a) and Item IV(b) by adding an asterisk in the left hand margin as follows:

IV. *Inflight maneuvers.*
*(a) * * *
*(b) * * *

h. By amending Item V(f) to read as follows:

V. *Landings and approaches to landings.*

* * * * *

(f) A rejected landing, including a normal missed approach procedure, that is rejected approximately 50 feet over the runway and approximately over the runway threshold. This maneuver may be combined with instrument, circling, or missed approach procedures, but instrument conditions need not be simulated below 100 feet above the runway.

i. By deleting Item VIII.

These amendments are proposed under the authority of sections 313(a), 601, 602, 604, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422, 1424, and 1427), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 28, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69-3944; Filed, Apr. 3, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-49]

DESIGNATION OF CONTROL AREA

Withdrawal of Notice of Proposed Rule Making

In a notice of proposed rule making published as Airspace Docket No. 68-WE-49 on October 19, 1968 (33 F.R. 15558), it was stated that the Federal Aviation Administration proposed to designate an additional control area with a 1,200 foot AGL floor from Baker, Oreg., VORTAC via Walla Walla, Wash., VOR to the Ephrata, Wash., VOR.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Several comments were received.

Subsequent to the publication of the notice, the FAA has restudied the control area coverage which presently exists along the alignment of the proposed control area. It has been determined that the area to be served by the proposed control area could be adequately served by minor extensions of existing transition areas.

Accordingly, action is taken herein to withdraw the proposal to designate the additional control area between Baker and Ephrata. The FAA, by separate action, will propose the designation of controlled airspace through the extension of existing transition areas when an adequate level of en route traffic exists.

Withdrawal of a notice of proposed rule making constitutes only such action, and does not preclude the FAA from issuing another notice in the future, nor commit the FAA to any course of action in the future.

In consideration of the foregoing, Airspace Docket No. 68-WE-49 (33 F.R. 15558), is hereby withdrawn.

This withdrawal shall become effective upon publication in the FEDERAL REGISTER.

This withdrawal is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-3943; Filed, Apr. 3, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 76]

PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION FROM FEDERAL GOVERNMENT ACTIVITIES: PERFORMANCE STANDARDS AND TECHNIQUES OF MEASUREMENT

Sulfur Oxide Emissions and Disposal of Waste

Notice is hereby given that the Secretary, pursuant to section 5 of Executive Order 11282, proposes to amend the standards which implement the Executive Order.

The proposal, in addition to prescribing opacity standards for visible emissions from incinerators operated at Federal facilities, includes measurement techniques for determining whether such incinerators meet the emission standards for particulate matter set forth in this part. The proposal also replaces the term "refuse" with the term "waste" and provide standards for sanitary landfill operation.

It is proposed to delete the requirement that incinerators be equipped with smoke detectors, recorders or alarms, since such devices have been found ineffective and serve no practical purpose on incinerators. Finally, the proposal redefines the geographic areas presently set forth in § 76.5(c), to conform with certain designated interstate air quality control regions and amends the definition section by defining "unit", "particulate matter", "standard conditions" and "waste".

Interested persons may submit written data, views or arguments (in triplicate) regarding the proposal to the Commissioner, National Air Pollution Control Administration, Ballston Center Tower No. 2, 801 North Randolph Street, Arlington, Va. 22203. Federal officials who desire consultation in addition to, or in lieu of, the submission of written data, views, or arguments may arrange for such consultation by filing a written request with the Commissioner not later than 10 days after publication of this notice in the FEDERAL REGISTER. All relevant material received not later than 30 days after publication of this notice will be considered.

Part 76 would be amended as follows:

1. Section 76.1 would be amended by revising paragraph (c) and adding paragraphs (g), (h), (i), and (j), as follows:

§ 76.1 Definitions.

* * * * *

(c) "Ringelmann Scale" means the Ringelmann Scale as published in the latest U.S. Bureau of Mines Information Circular entitled "Ringelmann Smoke Chart".

* * * * *

(g) "Unit" means all indirect heat exchangers connected to a single stack.

(h) "Particulate matter" means any material, except uncombined water, that exists as a solid or liquid at standard conditions.

(i) "Standard conditions" means a temperature of 70° Fahrenheit and a pressure of 14.7 pounds per square inch, absolute.

(j) "Waste" means any solid, liquid, or gaseous substance, the disposal of which may create an air pollution problem.

2. Section 76.5 would be amended by revising paragraph (c)(1) to read:

§ 76.5 Sulfur oxides.

* * * * *

(c)(1) Effective October 1, 1969, combustion units of all Federal facilities or buildings located in the following areas shall comply with applicable emission limitations and control measures set out below:

(i) In the New Jersey-New York-Connecticut Interstate Air Quality Control Region as defined by 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.35 pounds per million B.t.u. (gross value) heat input.

(ii) In the Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois) and in the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) as defined in 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.65 pounds per million B.t.u. (gross value) heat input.

* * * * *

3. Section 76.8 would be revised to read as follows:

§ 76.8 Disposal of waste.

(a)(1) Waste shall not be burned in open fires in urban areas.

(2) In nonurban areas, there shall not be burned in open fires, within a 24-hour period, more than 25 pounds of waste at a single site nor more than 500 pounds of waste at any number of sites within a 1-mile radius, except that these quantities may be exceeded in the case of on-site burning of waste produced in connection with operations performed at railroad rights-of-way, interurban highways, irrigation canals, forests, agricultural sites, etc., and provided that care is exercised to prevent creation of localized air pollution which endangers health or welfare. Deteriorated or unused explosives, munitions, rocket propellants, and certain hazardous wastes may be burned in open fires, in accordance with recognized procedures.

(3) Wastes shall not be left in open dumps.

(4) Wastes that are disposed of in sanitary landfills shall be disposed of in accordance with procedures described in "Sanitary Landfill Facts" (PHS publication No. 1792, 1968) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(b)(1) Waste shall be burned only in facilities especially designed for that purpose, except as provided in paragraph (a) of this section.

(2) For incinerators acquired on or after June 3, 1966 the density of any emission to the atmosphere shall not exceed number 1 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(3) For incinerators acquired prior to June 3, 1966 the density of any emission to the atmosphere shall not exceed number 2 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(c)(1) In addition, for installations burning more than 200 pounds of waste per hour, emissions shall not exceed 0.2 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test procedures described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October, 1967) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center or Regional Office Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(2) For installations burning 200 pounds of waste per hour or less, emissions shall not exceed 0.3 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test specifications described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October 1967) and any amendments or revisions thereof.

(3) Test procedures which are approved by the Commissioner, National Air Pollution Control Administration, as equivalent to those prescribed by paragraphs (c)(1) and (c)(2) of this section may be used for the purpose of determining an installation's compliance with the emission standards for particulate matter contained in such paragraphs.

Dated: March 28, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-3918; Filed, Apr. 3, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. No. 11]

CENTURY INDEMNITY COMPANY

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $463,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Century Indemnity Company
Hartford, Conn.
Connecticut

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 28, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-3952; Filed, Apr. 3, 1969; 8:49 a.m.]

[Dept. Circ. 570, 1968 Rev., Supp. No. 12]

PEKIN INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $134,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Pekin Insurance Company
Pekin, Ill.
Illinois

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 28, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-3953; Filed, Apr. 3, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-2404]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

MARCH 27, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described in paragraph 4 below are classified for multiple use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below in paragraph 4 from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands described in paragraph 5 from appropriation under the mining laws (30 U.S.C. ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. No adverse comments were received following publication of the notice of proposed classification (34 F.R. 1191, Jan. 24, 1969), or at the public hearing at Minden, Nev., which was held on February 11, 1969. No changes have been made in the list of lands included in this classification. The record showing reaction to the classification made by members of the public attending or interested in the hearing is on file and can be examined in the Folsom District Office, Folsom, Calif.

4. The public lands affected by this classification are located within Alpine and Mono Counties. For the purpose of this classification, the lands have been analyzed in detail and described in documents and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, and in the Sacramento Land Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825. The overall descriptions of the lands are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

All public lands in:

T. 11 N., R. 19 E.,
Sec. 25.
T. 12 N., R. 19 E.,
Secs. 26 and 35.
T. 10 N., R. 20 E.,
Secs. 3 to 15, inclusive, secs. 17, 20, 22, 23, and secs. 26 to 29, inclusive.
T. 11 N., R. 20 E.,
Secs. 6, 7, 9, 15, 16, 17, secs. 20 to 23, inclusive, sec. 28, and secs. 29 to 32, inclusive.
T. 8 N., R. 21 E.,
Sec. 1.
T. 9 N., R. 21 E.,
Secs. 1, 2, 3, secs. 10 to 14, inclusive, secs. 23 to 26, inclusive, and secs. 34 and 35.
T. 10 N., R. 21 E.,
Secs. 1, 2, and 7.
T. 8 N., R. 22 E.,
Secs. 1, 12, 13, 14, 23, 25, 26, 35, and 36.
T. 9 N., R. 22 E.,
Secs. 1 to 11, inclusive, secs. 14, 15, 17, 18, 19, 22, 23, 25, 26, 27, 30, 31, 34, and 35.
T. 10 N., R. 22 E.,
Secs. 7, 8, 17, 18, 20, 21, 22, 26, 27, 28, 34, 35, and 36.
T. 8 N., R. 23 E.,
Secs. 3, 4, 9, 10, 15, 18, 19, 21, 22, and secs. 28 to 32, inclusive.
T. 9 N., R. 23 E.,
Secs. 21, 28, and 33.
Except the following public lands:
T. 10 N., R. 20 E.,
Sec. 8, SE¼SW¼ and SW diagonal ½ of SE¼;
Sec. 17, N½NE¼NE¼.
The public lands proposed to be classified aggregate approximately 38,815 acres.

5. As provided in paragraph 2, the following lands are further segregated from appropriation under the mining laws (totaling approximately 2,735 acres):

MOUNT DIABLO MERIDIAN, CALIFORNIA

All public lands in:

T. 10 N., R. 20 E.,
Sec. 3, lots 2 and 3, W½ lot 9, W½E½ lot 9, lots 10 to 14, inclusive, W½SW¼, and W½E½SW¼;
Sec. 4, lots 5 to 8, inclusive, E½ lot 9, E½ lot 10, E½ lot 11, lots 17 and 18, and S½SE¼;
Sec. 8, NE diagonal ½ of SE¼;
Sec. 9, SW¼;
Sec. 10, E½SE¼SE¼;
Sec. 11, W½NW¼NE¼, NE¼NW¼, E½NW¼NW¼, E½SW¼NW¼, W½SE¼NW¼, W½NE¼SW¼, E½NW¼SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 14, W½NW¼NW¼;
Sec. 15, NE¼NE¼, E½NE¼SW¼;
Sec. 22, SW¼SE¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼.

T. 11 N., R. 20 E.,
Sec. 32, W½SW¼.
T. 9 N., R. 22 E.,
Sec. 5, S½SW¼NW¼ and NW¼SW¼;
Sec. 6, S½S½NE¼ and N½N½SE¼.
T. 8 N., R. 23 E.,
Sec. 29, SE¼SW¼;
Sec. 31, S½S½NE¼, SE¼SW¼, and SE¼;
Sec. 32, lots 3, 4, 5, and 12, and W½SW¼SW¼.

6. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 69-3926; Filed, Apr. 3, 1969; 8:47 a.m.]

[New Mexico 8754]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership; Correction

MARCH 27, 1969.

In F.R. Doc. 69-2623 appearing on pages 3859 and 3860 (34 F.R. 3859–3860) of the FEDERAL REGISTER issue of Wednesday, March 5, 1969, the following correction should be made:

The land description "T. 23 S., R. 19 W., Sec. 19, NE¼SW¼" should be changed to "T. 23 S., R. 19 W., Sec. 19, NE¼SE¼."

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-3927; Filed, Apr. 3, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain Texas Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 251), as amended, 16 U.S.C. 668a, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, and in response to the written request from the Governor of Texas, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from December 20, 1968, through April 30, 1969, in Texas. Subject to the conditions in the October 16, 1968, F.R. Doc. 68-12865; filed October 22, 1968, as published in the FEDERAL REGISTER, Volume 33, Number 207, page 15674, October 23, 1968, item 4 is amended to include Menard County.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

MARCH 27, 1968.

[F.R. Doc. 69-3925; Filed, Apr. 3, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (34 F.R. 2330 and 5084) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90–201) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Pioneer Packing Co., establishment 372, and the reference to swine with respect to such establishment are deleted. The reference to calves with respect to DeWitt Packing Corp., establishment 456, is deleted. The reference to cattle with respect to Ridley Packing Co., establishment 2265 is deleted. The reference to Jack Agee & Co., establishment 2281, and the reference to swine with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Safford Packing Co.	226		(*)			(*)		
Dutterer's of Manchester, Inc.	316-A		(*)					
State Packing Co., Inc.	344					(*)		
Frederick Packing Co., Inc.	386							
Broadway Packing Co., Inc.	2264		(*)					
Western Meat Packers, Inc.	7028		(*)			(*)		
Beef Packers of Amarillo, Inc.	7073		(*)					
New establishments reported: 7.								
Bub Davis Packing, Inc.	171				(*)	(*)		
City Custom Packing Co., Inc.	387					(*)		
Carteret Abattoir, Inc.	639				(*)			
Joe Doctorman & Son Packing Co., Inc.	949					(*)		
Longhorn Meat Packers, Inc.	976			(*)				
Clayton Packing Co.	2373			(*)				
Johnston Dressed Beef & Veal, Inc.	5300					(*)		
Maple Brook Packing Co.	5301				(*)	(*)		
Species added: 11.								

Done at Washington, D.C., on March 28, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-3947; Filed, Apr. 3, 1969; 8:48 a.m.]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following second quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act be imported during calendar year 1969 is 1,035 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1969 is 988 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1969 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

Done at Washington, D.C., this 29th day of March 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-3948; Filed, Apr. 3, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

GULF COAST RESEARCH LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c)

of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00267–33–46500. Applicant: Gulf Coast Research Laboratory, Post Office Box AG, Ocean Springs, Miss. 39564. Article: Ultramicrotome, Model LKB 4800A Ultrotome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning heart tissues from various invertebrate and vertebrate classes. Heart muscle and nerve tissues are sectioned very thin for observation in the electron microscope. They are studied from the viewpoint of comparative ultrastructure. Therefore, the thickness of these sections must be chosen by the operator so as to obtain maximum information from the tissues.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT–2, manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the better is the resolution attainable with the electron microscope for which the sections are being prepared. Since the applicant requires the best attainable resolution to achieve the research objectives, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) In order to locate the particular ultrastructures and membrane attachments which are of interest to the program, the applicant requires long series of ultrathin sections (less than 100 angstroms), of uniform thickness and consistent accuracy. We are advised by the Department of Health, Education, and Welfare that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." (Memorandum dated February 26, 1969.) The foreign article is equipped with a thermal advance, whereas the Sorvall Model MT–2 employs a gear driven mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–3905; Filed, Apr. 3, 1969; 8:45 a.m.]

NORTH CAROLINA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00234–33–46500. Applicant: North Carolina State University, Post Office Box 5935, Raleigh, N.C. 27607. Article: Ultramicrotome, Model LKB 8800, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with the fine structure or differentiation in a malaria parasite in its blood and insect host. To search for exerythrocytic stages of the parasite, thick sections (2 microns) are cut, stained, and examined for a parasitized cell. When one is discovered, serial sections are cut beginning with the first section. Exoerthrocytic forms at various stages of the infection will be examined in an effort to discover structural differences between merozoites that infect tissue cells and merozoites that infect blood cells. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Feb. 26, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT–2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–3906; Filed, Apr. 3, 1969; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00257–81–65500. Applicant: State University of New York at Stony Brook, N.Y., Stony Brook, N.Y. 11790. Article: Direct current comparator potentiometer, Model 9930. Manufacturer: Guildline Instruments Ltd., Canada. Intended use of article: The article will be used as an essential potentiometric system required to support the graduate research program in aiding both faculty and students for the College of Engineering. The second important function of this article will be to establish a DC Standard System directly traceable to National Bureau of Standards. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Applicant's research program requires a direct current potentiometer with a range from 0.2 to 2.0 volts, accuracy of 0.05 parts per million, long term drift less than 0.1 part per million per year, and an overall resolution of one part in 2×10^{-7} of full scale deflection. We are advised by the National Bureau of Standards (NBS) (memorandum dated Feb. 19, 1969) that it knows of no direct current potentiometer being manufactured in the United States, which fulfills the applicant's technical requirements, which NBS further advises are pertinent to the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–3907; Filed, Apr. 3, 1969; 8:45 a.m.]

YESHIVA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00357–00–46040. Applicant: Yeshiva University, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: 70mm Roll Film Camera, an accessory to a Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing Elmiskop IA electron microscope for taking series micrographs of up to 40 exposures on a roll of film with daylight loading cassette. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory to an electron microscope manufactured by the supplier of the foreign article, which is now in the possession of the applicant. We know of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adapted to the electron microscope with which it is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–3908; Filed, Apr. 3, 1969; 8:45 a.m.]

Maritime Administration

[Docket No. S–233]

STATES STEAMSHIP CO.

Notice of Application

Notice is hereby given that States Steamship Co. has applied for the following increase in service in its subsidized freight ship services on Trade Route No. 29 (U.S. Pacific/Far East):

1. An increase in the overall maximum number of subsidized sailings from 74 per annum to an aggregate maximum of 84 sailings per annum for all its services.

2. Flexibility in assigning sailings made in excess of the aggregate minimum of 52 sailings per annum to any of its three services: *Provided*, That at least the minimum sailings are made on each service (annual minimum sailing requirements are: 10 sailings on Service A, 20 sailings on Service B, and 22 sailings on Service C). In the event that all excess sailings were assigned to a single service, the following increases in each service could result:

(A) Between the Pacific Northwest (Washington/Oregon) and the Far East: From present maximum of 16 sailings to new maximum of 42 sailings per annum.

(B) Between the Pacific Northwest, California and the Far East: From present maximum of 30 sailings to new maximum of 52 sailings per annum.

(C) Between California and the Far East: From present maximum of 28 sailings to new maximum of 54 sailings per annum.

3. Eliminate the present limitations on the number of calls permitted at certain specified areas to permit ships operating as described above to call at such areas within the proposed maximum number of sailings permitted. The present restrictions which the applicant seeks to have removed are:

(1) For vessels operating as described under (A) and (B) above, between Washington/Oregon and:

Korea and Okinawa—36 voyages per annum.

Indo-China, Thailand, Hong Kong, and Sarawak—16 voyages per annum.

Philippines—16 outbound and 24 inbound sailings per annum.

(2) For vessels operating as described under (B) and (C) above, between California and:

Korea and Okinawa on not more than 48 outbound and 40 inbound sailings.

The Philippine Islands, Indo-China, Thailand, Hong Kong, and Sarawak on not more than 44 outbound and 40 inbound sailings.

4. Permit vessels operating as described under (A) above to call at Hawaii outbound to load cargo to ports in the Far East; these vessels are presently restricted to calling at Hawaii inbound.

5. Eliminate the restriction that vessels operating as described under (B) above may call at California port(s) inbound on not to exceed a total of 12 inbound sailings.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c), 46 U.S.C. 1175, of the Merchant Marine Act, 1936, as amended (the "Act"), should, by the close of business on April 17, 1969, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board/Maritime Administration (46 CFR Part 201).

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board.

Dated: April 1, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–3976; Filed, Apr. 3, 1969; 8:50 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ATTESTING OFFICERS

Designation; Delegation of Authority To Cause Department Seal To Be Affixed and To Authenticate Copies of Documents

The designation and delegation of authority published at 33 F.R. 19092, December 21, 1968, is amended by adding at the end of section A, with respect to documents in the files of the Department of Housing and Urban Development, the following:

5. Myrtle R. Hough.

(Sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This document is effective as of April 4, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69–3950; Filed, Apr. 3, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-23]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, fire-fighting and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted as described in this document during the period from December 30, 1968 to January 9, 1969 (List No. 1–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.002/66/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 90805, effective January 9, 1969. (It is an extension of Approval No. 160.002/66/1 dated March 6, 1964.)

Approval No. 160.002/84/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 14037, Post Office Annex, Cincinnati, Ohio 45214, for Lifo Products Co., 315 East 15th Street, Covington, Ky. 41011, effective January 9, 1969. (It is an extension of Approval No. 160.002/84/0 dated March 12, 1964, and change of address of distributor.)

Approval No. 160.002/85/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 14037, Post Office Annex, Cincinnati, Ohio 45214, for Lifo Products Co., 315 East 15th Street, Covington, Ky. 41011, effective January 9, 1969. (It is an extension of Approval No. 160.002/85/0 dated March 12, 1964 and change of address of distributor.)

WINCHES, LIFEBOAT

Approval No. 160.015/79/2, Type R55–G lifeboat winch; approval is limited to mechanical components only and for a maximum working load of 11,120 pounds pull at the drums (5,560 pounds per fall); identified by general assembly drawing No. 1013–2R–2 (Sheets 1 and 2) dated October 16, 1967, and drawing list dated November 7, 1967, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective January 3, 1969. (It supersedes Approval No. 160.015/79/1 dated November 17, 1967 to show change in address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/144/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y. 11205, effective January 9, 1969. (It is an extension of Approval No. 160.048/144/0 dated March 14, 1964.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/79/0, special approval 15" x 15" x 2⅞" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, Martin Industries dwg. No. BC–2D dated November 6, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective December 30, 1968.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/58/0, telephone station identification panel, 2-circuit, manual reset, splashproof, dwg. No. 28–02, Alt. 0 dated June 16, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, N.Y. 10011, effective January 3, 1969. (It is an extension of Approval No. 161.005/58/0 dated March 6, 1964 and change of address of manufacturer.)

Approval No. 161.005/59/0, telephone station identification panel, 3-circuit, manual reset, splashproof, dwg. No. 28–03, Alt. 0 dated June 23, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, N.Y. 10011, effective January 3, 1969. (It is an extension of Approval No. 161.005/59/0 dated March 6, 1964 and change of address of manufacturer.)

Approval No. 161.005/60/0, sound-powered telephone station, selective ringing, common talking, 11 stations maximum, nonwatertight, with self-contained hand generator bell, Model SHD, bulkhead mounting, dwg. No. 57–01, Alt. 0 dated July 2, 1958, for use in officer's quarters and radio room, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, N.Y. 10011, effective January 3, 1969. (It is an extension of Approval No. 161.055/60/0 dated March 6, 1964 and change of address of manufacturer.)

Approval No. 161.005/61/0, telephone station identification panel, single-circuit, manual reset, splashproof, dwg. No. 28–01, Alt. 0 dated June 11, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, N.Y. 10011, effective January 3, 1969. (It is an extension of Approval No. 161.005/61/0 dated March 6, 1964 and change of address of manufacturer.)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/6/2, figure No. 94300 flame arrester, cast iron or aluminum body, and aluminum, copper, or stainless steel tube bank, dwg. No. ST–10616, dated August 28, 1956, approved for 3", 4", 6", and 8" sizes, for use with inflammable or combustible liquids of Grade A or lower, formerly Shand and Jurs Co., 2630 8th Street, Berkeley, Calif. manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.016/6/2 dated November 30, 1966 to show change of name and address of manufacturer.)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/68/1, figure No. 240, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85–5–5–5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 240–A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured by Mechanical Marine Co., Inc., 45–15 37th Street, Long Island City, N.Y. 11101, effective January 3, 1969. (It is an extension of Approval No. 162.017/68/1 dated Mar. 3, 1964.)

Approval No. 162.017/70/1, figure No. 260, pressure only relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85–5–5–5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 260–A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured by Mechanical Marine Co., Inc., 45–15 37th Street, Long Island City, N.Y. 11101, effective January 3, 1969. (It is an extension of Approval No. 162.017/70/1 dated Mar. 3, 1964.)

Approval No. 162.017/91/0, 6" pilot-operated relief valve (pressure only), Fig. 4154–04, for propane, butane, and ammonia, at a minimum temperature of −50° F. and maximum pressure of 4 p.s.i.g., formerly Shand and Jurs Co., 2630 Eighth Street, Berkeley, Calif., manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.017/91/0 dated Nov. 30, 1966 to show change of name and address of manufacturer.)

Approval No. 162.017/92/0, 4" vacuum breather valve, Fig. 4103–05 for propane, butane, and ammonia at a minimum temperature of −50° F. and maximum pressure of 4 p.s.i.g., formerly Shand and Jurs Co., 2630 Eighth Street, Berkeley, Calif., manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.017/92/0 dated Nov. 30, 1966 to show change of name and address of manufacturer.)

Approval No. 162.017/96/0, 6" vacuum relief valve, Fig. 4100–07X, cast steel impact tested for −50° F. service, with aluminum and stainless steel trim, for liquefied inflammable gas and anhydrous ammonia at a minimum temperature of −50° F., S and J Co. dwgs. No. 4100–07X, EM–1036, EM–1037; and Specification Sheet No. 10(6/13/62), formerly Shand and Jurs Co., 2600 Eighth Street, Berkeley, Calif. 94710, manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.017/96/0 dated Dec. 18, 1968 to show change in name and address of manufacturer.)

Approval No. 162.017/97/1, 6" pilot operated relief valve (pressure only), figure 94156–04–3 dated November 15, 1963, for propane, butane, and ammonia, at a minimum temperature of −60° F., a maximum set pressure of 10 p.s.i.g., and a flow capacity as noted on S and J drawings EM–1056–1 dated February 27, 1964, and EM–1038 dated December 10, 1963, modified, increases maximum set pressure to 10 p.s.i.g., formerly Shand and Jurs Co., 2600 Eighth Street, Berkeley, Calif., manufacturer by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.017/97/0 dated Dec. 9, 1965 to show change of name of manufacturer and address.)

VALVES, SAFETY RELIEF LIQUEFIED COMPRESSED GAS

Approval No. 162.018/64/0, general precision Model No. 94610 pilot operated safety relief valve for liquefied compressed gas service, dwg. 9461–10020 dated November 8, 1967, approved for inlet diameter of 6", a maximum set pressure of 20 p.s.i.g. and for temperatures not less than −260° F., formerly General Precision Inc., Industrial Controls Division, manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.018/64/0 dated April 25, 1968 to show change in name of manufacturer.)

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/27/1, Model No. 92014 liquid level gauge for ammonia, propane and butane at a minimum temperature of −50° F. and a maximum pressure of 4 p.s.i.g., formerly General Precision Inc., Industrial Controls Division, manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.019/27/1 dated April 29, 1968 to show change in name of manufacturer.)

Approval No. 162.019/34/0, Model No. 92154–03 liquid level gage for refrigerated ammonia and propane service, Shand and Jurs Co. dwg. No. 92154–03 Rev. B, is approved for use above −50° F. minimum operating temperature, formerly General Precision Inc., Industrial Controls Division, manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.019/34/0 dated Nov. 7, 1967, to show change of name of manufacturer.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/90/0, Model 3 Truscale boiler water level indicator, remote reading, 1500 p.s.i. maximum pressure, dwg. No. T–70, Rev. A dated November 17, 1958; dwg. No. T–51, Rev. D dated July 12, 1956; and dwg. No. GD–1102, Alt. 3 dated February 1, 1957, manufactured by Jerguson Gage and Valve Co., 15 Adams Street, Burlington, Mass. 01803, effective January 3, 1969. (It is an extension of Approval No. 162.025/90/0 dated Mar. 6, 1964.)

Dated: March 28, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69–3965; Filed, Apr. 3, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20831]

INTERNACIONAL DE AVIACION, S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 9, 1969, at 10 a.m. e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., March 28, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–3973; Filed, Apr. 3, 1969; 8:50 a.m.]

[Docket No. 20866; Order 69–4–2]

JOYCE EXPEDITING SERVICE, INC.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of April 1969.

By tariff revision filed February 28, 1969, and marked to become effective April 3, 1969, Joyce Expediting Service, Inc. (Joyce), an air freight forwarder, proposes a rule providing for the substitution of other means of transportation for air transportation under any circumstances deemed necessary by the forwarder.[1]

Joyce has not submitted any justification for its proposal. By Order E–26605, dated April 2, 1968, the Board instituted an investigation of similar rules in effect for certain air freight forwarders (Docket 19797) on the ground that it may be unjust and inequitable to require a shipper to pay air freight rates when he is receiving surface transportation. By Order E–26929, dated June 17, 1968, the Board denied reconsideration of Order E–26605 and extended the foregoing investigation to the rule filed by another air forwarder and to the rules in effect for all domestic direct certificated air carriers. The evidentiary hearing in this investigation has already been completed.

Upon consideration of all relevant matters, the Board finds that Joyce's proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise unlawful, and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 160 on 5th Revised Page 12 of Joyce Expediting Service, Inc.'s Tariff CAB No. 1, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

3. A copy of this order be served upon Joyce Expediting Service, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–3974; Filed, Apr. 3, 1969; 8:50 a.m.]

[1] Revision to Joyce Expediting Service, Inc.'s Tariff CAB No. 1, Rule No. 160.

FEDERAL POWER COMMISSION

[Docket No. CP69-250]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 1, 1969.

Take notice that on March 25, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-250 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate facilities for the receipt into its system of natural gas from reserves in the Washita Creek Field, Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct approximately 6.5 miles of 14-inch pipeline from the Washita Creek Field to Applicant's existing treating facility in the Buffalo Wallow Field, Hemphill County; approximately 5.8 miles of 12-inch pipeline partially looping Applicant's existing 12-inch lateral from the Buffalo Wallow Field to Applicant's 26-inch Oklahoma extension; and miscellaneous measurement and appurtenant facilities.

Applicant estimates cost of the proposed facilities at $607,000, which Applicant proposes to finance from funds on hand.

Applicant also states that it will construct, at an estimated cost of $2,723,000 dehydration and acid gas treating facilities which Applicant states will be auxiliary installations within the meaning of § 2.55(a) of the Commission's Statements of General Policy.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and, therefore, protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 11, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3967; Filed, Apr. 3, 1969; 8:50 a.m.]

[Docket No. CI69-900]

PHILLIPS PETROLEUM CO.

Notice of Application

APRIL 1, 1969.

Take notice that on March 25, 1969, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74003, filed in Docket No. CI69-900 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to Natural Gas Pipeline Co. of America natural gas produced in the Washita Creek Field, Hemphill County, Tex. The gas will be sold at a price of 19.25 cents per Mcf plus 1 cent per Mcf gathering charge.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and, therefore, protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 11, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3968; Filed, Apr. 3, 1969; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

DENVER U.S. BANCORPORATION, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Denver U.S. Bancorporation, Inc., Denver, Colo., for approval of the acquisition of 80 percent or more of the voting shares of Arkansas Valley Bank, Pueblo, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Denver U.S. Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Arkansas Valley Bank, Pueblo, Colo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Colorado State Banking Board, and requested its views and recommendation. The State Banking Board recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 3, 1968 (33 F.R. 14799), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3909; Filed, Apr. 3, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, and Sherrill. Absent and not voting: Governors Maisel and Brimmer.

DENVER U.S. BANCORPORATION, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Denver U.S. Bancorporation, Inc., Denver, Colo., for approval of acquisition of 80 percent or more of the voting shares of The Poudre Valley National Bank of Fort Collins, Fort Collins, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Denver U.S. Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Poudre Valley National Bank of Fort Collins, Fort Collins, Colo.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 11, 1968 (33 F.R. 9979), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3910; Filed, Apr. 3, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governor Robertson. Absent and not voting: Governors Maisel and Brimmer.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN TRINIDAD AND TOBAGO

Entry and Withdrawal From Warehouse for Consumption

MARCH 28, 1969.

On December 24, 1968, the U.S. Government requested the Government of Trinidad and Tobago to enter into consultations concerning exports to the United States of cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago. In that request, the U.S. Government indicated a specific level at which it considered that exports in this category from Trinidad and Tobago should be restrained for the 12-month period, beginning December 24, 1968, and extending through December 23, 1969. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on Februafy 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level indicated in that request. This restraint does not apply to cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago and exported to the United States prior to the beginning of the applicable 12-month period designated above.

There is published below a letter of March 27, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning December 24, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile tile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MARCH 27, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning December 24, 1968, and extending through December 23, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago, in excess of a level of restraint for the period of 20,000 dozen.[1]

In carrying out this directive, entries of cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago and which have been exported to the United States from Trinidad and Tobago prior to December 24, 1968, shall not be subject to this directive. In addition, cotton textile products in Category 52, which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 52, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Trinidad and Tobago and with respect to imports of cotton textiles and cotton textile products from Trinidad and Tobago have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet, Textile Advisory Committee.

[F.R. Doc. 69-3901; Filed, Apr. 3, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

MARCH 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period

[1] This level has not been adjusted to reflect any entries made on or after Dec. 24, 1968.

March 31, 1969, through April 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3930; Filed, Apr. 3, 1969; 8:47 a.m.]

DUMONT CORP.

Order Suspending Trading

MARCH 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Dumont Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 31, 1969, through April 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3931; Filed, Apr. 3, 1969; 8:47 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

MARCH 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 31, 1969, through April 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3932; Filed, Apr. 3, 1969; 8:47 a.m.]

[70-4731]

NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

MARCH 28, 1969.

Notice is hereby given that New Jersey Power & Light Co. ("NJP&L"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

NJP&L has outstanding $2,300,000 principal amount of unsecured promissory notes issued to banks pursuant to the provisions of the first sentence of section 6(b) of the Act. NJP&L proposes to issue and sell, from time to time not later than June 30, 1970, additional notes, the aggregate principal amount of which outstanding at any one time will not exceed $10,300,000. All the notes will mature not later than 9 months from the respective dates of issue and may be prepaid at any time without premium. The interest rate on the notes will be the prime commercial rate in effect at each bank on the date of issuance.

Although no commitments or agreements for such borrowings have been made, NJP&L expects that, as and to the extent that its cash needs require, borrowings will be effected in the specified maximum amount to be outstanding at any one time from among the following banks:

The Chase Manhattan Bank NA, New York, N.Y.	$4,000,000
Fidelity Union Trust Company, Newark, N.J.	2,300,000
First Merchants National Bank, Asbury Park, N.J.	600,000
The First National Iron Bank of New Jersey, Morristown, N.J.	800,000
The Hunterdon County National Bank, Lambertville, N.J.	300,000
The National Union Bank of Dover, Dover, N.J.	600,000
New Jersey National Bank & Trust Company, Asbury Park, N.J.	700,000
Trust Company National Bank, Morristown, N.J.	1,000,000
	10,300,000

The proceeds from the sale of the notes will be used by NJP&L for construction expenditures and/or to repay other short-term borrowings, the proceeds from which having been so applied. The company estimates its construction expenditures for 1969 to be $18 million. NJP&L states that if any permanent debt securities are issued and sold by it prior to the maturity of all the notes proposed to be issued under this filing, the net proceeds thereof will be applied in reduction of or in total payment of such notes, and that the maximum amount of notes authorized to be outstanding hereunder will be reduced by the amount of such net proceeds.

NJP&L estimates that its expenses incident to the proposed transactions will be approximately $3,000, including counsel fees of $2,600, and it states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility Commissioners of the State of New Jersey will be required for a renewal, extension, or replacement of any notes issued by NJP&L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the orignal date of the note or notes.

Notice is further given that any interested person may, not later than April 21, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3933; Filed, Apr. 3, 1969; 8:47 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

MARCH 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 30, 1969 through April 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3934; Filed, Apr. 3, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1282]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 28, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 304), filed March 14, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: Richard N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alkaline oxidizer solution*, in bulk, in tank vehicles, from Santa Fe Springs, Calif., to Springfield, Mo.; Cedar Rapids, Iowa; and Minneapolis, Minn.; and (2) *spent alkaline oxidizer solution*, in bulk, in tank vehicles, from Springfield, Mo.; Cedar Rapids, Iowa; and Minneapolis, Minn., to Sante Fe Springs, Calif. NOTE: Applicant has contract carrier authority pending under MC 133094, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 989 (Sub-No. 15) (Correction), filed January 16, 1969, published in FEDERAL REGISTER issue of March 6, 1969, and republished, as corrected this issue. Applicant: IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Kansas City, Kansas/Missouri commercial zone and Ogallala, Nebr., from points in the Kansas City, Mo.-Kans., commercial zone as defined by the Commission over Interstate Highway 29 to its intersection with U.S. Highway 36, thence west over U.S. Highway 36 to its intersection with U.S. Highway 75, thence north over U.S. Highway 75 to its intersection with U.S. Highway 34, thence west over U.S. Highway 34 to its intersection with U.S. Highway 281 *thence north via U.S. Highway 281* to its intersection with U.S. Highway 30 thence west over U.S. Highway 30 to Ogallala, Nebr., and return over the same route with service to intermediate points of Lincoln and those on U.S. Highway 30 between Grand Island and Ogallala, Nebr., including Grand Island and Ogallala, Nebr. NOTE: The purpose of this republication is to include portion of highway description in italic above, which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 1459 (Sub-No. 5), filed March 6, 1969. Applicant: ROYAL MOTOR EXPRESS, INC., 410 West Silver Street, Lebanon, Ohio 45036. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Ohio, on the one hand, and, on the other, St. Louis, Mo., and points in Indiana, Illinois, Kentucky, and West Virginia, under contract with The Standard Oil Company of Ohio and its subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 1585 (Sub-No. 8), filed March 10, 1969. Applicant: BARNES TRUCK LINE, a corporation, 1320 Highway 13 North, Columbia, Miss. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of The St. Regis Paper Co. near Monticello, Miss., to Vicksburg, Miss., restricted to shipments having an immediately subsequent movement by water. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 1872 (Sub-No. 71), filed March 13, 1969. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special handling or special equipment; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies*, (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above on the one hand, and, on the other, points in the United States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction if warranted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Washington, D.C., Boise, Idaho, Denver, Colo., or San Francisco, Calif.

No. MC 5470 (Sub-No. 54), filed March 10, 1969. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Applicant's representative: Don Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, metal alloys, minerals, ores, and silicon metals*, in dump vehicles, from Monaca, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, South Carolina, Tennessee, and Vermont. NOTE: Applicant states that it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 14252 (Sub-No. 24), filed March 3, 1969. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Applicant's representative: R. L. Ratchford, 3400 Refugee Road, Columbus, Ohio 43227. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, Ind., and Toledo, Ohio, over U.S. Highway 24 as an alternate route for operating convenience only, in connection with applicant's presently authorised regular-route operations, serving no intermediate points and serving Fort Wayne and Toledo for purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 15511 (Sub-No. 26), filed March 7, 1969. Applicant: CARSTENSEN FREIGHT LINES, INC., Post Office Box 578, Clinton, Iowa 53732. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), serving the plantsite of Montgomery Elevator Co., in Henry County, Ill., as an off-route point in connection with carriers presently authorized regular route operations to and from Moline, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 19553 (Sub-No. 31), filed March 7, 1969. Applicant: KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), serving the plantsite of Montgomery Elevator Co., in Henry County, Ill., as an off-route point in connection with applicant's regular route operations to and from Moline, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 27144 (Sub-No. 6), filed March 19, 1969. Applicant: MASSELINK BROTHERS TRUCKING SERVICE, INC., 901 Freeman Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Milton E. Diehl, 3610 Arlington Boulevard, Arlington, Va. 22204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives), between points in Allegan, Clinton, Eaton, Gratiot, Ingham, Ionia, Isabella, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, and Van Buren Counties, Mich. Restriction: Proposed service will be limited to shipments having an immediate prior or subsequent movement by Chesapeake & Ohio Railway in trailer on flat car service. (Piggyback) NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Grand Rapids or Lansing, Mich.

No. MC 51146 (Sub-No. 121), filed January 20, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, and products produced by manufacturers and converters of plastic products*, from Appleton, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *equipment, materials, and supplies*, from the destination States in (1) above, to Appleton, Wis. NOTE: Applicant states that the authority sought herein could be tacked with pending Finance Application MC-F 10050 to serve points such as Green Bay, Neenah, Menasha, Oshkosh, and Fond du Lac, Wis. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 122), filed January 24, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as above) also Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products* produced or distributed by manufacturers and converters of paper and paper products, and *materials, equipment, and supplies* used in the manufacture and distribution of the named commodities, between Marshall, Mich., on the one hand and on the other, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that it would tack in conjunction with its Sub 32 providing service from Cheboygan, Wis., to destination points beyond that presently held in Sub 32; with its Sub 14 over plantsite of Diana Manufacturing Co., at Green Bay, Wis., to serve North Dakota and South Dakota. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 123), filed January 24, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories;* and *materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from Chicago, Ill., to points in Arkansas, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that tacking would take place in conjunction with its Sub 85 to provide service to points in Arkansas, Iowa, Kansas, Kentucky, Nebraska, North Dakota, and South Dakota; with its pending Sub 101 to provide service to points in Arkansas, Iowa, Kansas, Kentucky, Nebraska, North Dakota, and South Dakota and with its Sub 86 to provide service to all States in instant application. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 124), filed January 24, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Donald F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Wisconsin to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina,

Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states tacking possibilities with the authority under MC 51146 (Sub-No. 72), wherein service could be conducted from Hoopeston, Ill., via Wisconsin to the destination States involved. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 125) (Amendment), filed February 3, 1969, published in FEDERAL REGISTER issue of March 6, 1969, amended March 17, 1969 and republished as amended, this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, (1) from Green Bay, Wis., and Rockford, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia, (2) from Green Bay, Wis., to Chicago and Rockford, Ill., and Hopkins, Minn., and (3) from Rockford, Ill., to Green Bay, Janesville, La Crosse, and Madison, Wis. NOTE: Applicant states it would tack with its Sub 123 at Chicago, Ill., to enable service to points in Arkansas, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Virginia, and West Virginia and with its Sub-No. 84 at Cleveland, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, and Wisconsin. Applicant states no duplicating authority is being sought. The purpose of this republication is to show tacking information. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 126) (Clarification), filed FEDERAL REGISTER issue of March 13, 1969, and republished as clarified this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products; products produced or distributed by manufacturer and converters of paper and paper products*, from Eau Claire, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials and supplies*, used in the manufacture and distribution of the above-described commodities, *also returned and rejected shipments*, from the above destination States to Eau Claire, Wis. NOTE: Applicant states that tacking would take place in conjunction with its pending Sub 88, wherein service could be performed from Minneapolis, St. Paul, Minn., to point in instant application. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. The purpose of this republication is to clarify tacking information as shown in note above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 128), filed March 7, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products; and materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment); (1) between points in Portage and Wood Counties, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming; and (2) between points in Little River County, Ark., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states tacking possibilities with the following authority: MC 51146 to provide service between Peshtigo, Green Bay, De Pere, Kaukauna, Appleton, Menasha, Neenah, and Milwaukee, Wis.; MC 51146 (Sub-No. 15) to provide service from Plymouth, N.C.; MC 51146 (Sub-No. 16) to provide service from Miquon, Pa., and Fitchburg, Mass.; MC 51146 (Sub-No. 32) to provide service from Cheboygan, Mich.; MC 51146 (Sub-No. 42) to provide service from Wilmington, Ill.; and MC 51146 (Sub-No. 74) to provide service from Luke, Md., and Covington, Va. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 59800 (Sub-No. 21), filed March 5, 1969. Applicant: THE WEICKER TRANSFER & STORAGE COMPANY, a corporation, 2900 Brighton Boulevard, Denver, Colo. 80217. Applicant's representative: Joseph F. Nigro, 400 Hilton Office Building, 1515 Cleveland Place, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starches, edible syrups, sugar and blends thereof*, in bulk, from points in Colorado (exclusive of Rocky Ford and Swink in Otero County, Colo.), to points in Kansas, Oklahoma, and Nebraska. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC-128723, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 60987 (Sub-No. 13), filed March 17, 1969. Applicant: ARKIN TRUCK LINE, INCORPORATED, 1600 South Indiana, Chicago, Ill. 60616. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies and equipment* used or useful in the maintenance and operation of printing houses, between the plantsite of R. R. Donnelley & Sons, Inc., at or near Dwight, Ill., on the one hand, and, on the other, points in Indiana, Ohio, and Louisville, Ky., and St. Louis, Mo., under contract with R. R. Donnelley & Sons, Inc., of Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61403 (Sub-No. 194), filed March 17, 1969. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representatives: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006 and Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical coatings*, in bulk, from Baltimore, Md., to Lynchburg and Richmond, Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82063 (Sub-No. 24), filed March 17, 1969. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Dupo, Ill., to points in Missouri, Illinois, Iowa, Indiana, Kentucky, Tennessee, Arkansas, and Kansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 83539 (Sub-No. 243), filed March 10, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222 and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors excavating and trailers, including tractor and trailer parts and attachments therefor*, when moving in connection with the above named commodities, from Perry, Okla., to points in the United States (except Hawaii and Oklahoma). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 86099 (Sub-No. 3) (Correction), filed January 31, 1969, published in FEDERAL REGISTER issue of February 27, 1969, and republished as corrected this issue. Applicant: CARL VAUGHT, 107 Kansas Avenue, Hiawatha, Kans. 66434. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment) between points in Nemaha, Brown, Doniphan, and Atchison Counties, Kans., and that part of Jackson County on and north of Kansas Highway 16 and that part of Marshall County on and east of Kansas Highway 99. NOTE: By this instant application, applicant seeks to convert certain authority from its certificate of registration to a Certificate of Public Convenience and Necessity. The purpose of this republication is to reflect that Nemaha, Brown, Doniphan, and Atchison are Counties, within the State of Kansas. If a hearing is deemed necessary, applicant requests it be held at St. Joseph, Mo.

No. MC 96929 (Sub-No. 2), filed February 24, 1969. Applicant: MAUVERDENE ROBINSON, doing business as K & K TRANSFER CO., 12th and Kansas Streets, Springfield, Colo. 81073. Applicant's representative: Edward C. Hastings, 666 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (a) between Springfield and Lamar, Colo., over U.S. Highway 287 to Lamar, Colo., and return over the same route, serving all intermediate points; (b) between Springfield and Walsh, Colo., over U.S. Highway 160 to Walsh, Colo., and return over the same route, serving all intermediate points; (c) between Springfield and Campo, Colo., over U.S. Highway 287 to Campo, Colo., and return over the same route, serving all intermediate points; and (d) to and from all points described in (a), (b), and (c) above, and the off-route points of Two Buttes and Stonington, Colo., and Alamo Chemical Co. and Colorado Interstate Gas Co. Plants located in Kansas 2 miles north of Kansas Highway 51 and 6 miles west of Junction of Kansas Highways 27 and 51. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Lamar, or Pueblo, Colo.

No. MC 103191 (Sub-No. 25), filed March 13, 1969. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, Charleston, S.C. 29403. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, from points in Screven County, Ga., to points in South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Washington, D.C.

No. MC 103880 (Sub-No. 407), filed March 13, 1969. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the storage facilities of Central Farmers Fertilizer Co., located at or near Frankfort, Ind., to points in Illinois, Indiana, Michigan, and Ohio; and (2) from Cowden, Ill., to points in Illinois, Indiana, Iowa, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105556 (Sub-No. 51), filed March 14, 1969. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Post Office Box 559, Glendive, Mont. 59330. Applicant's representative: Albert C. Houck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, between points in North Dakota, on the one hand, and, on the other, points in Montana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Bismarck or Minot, N. Dak.

No. MC 105865 (Sub-No. 2) (Clarification), filed February 12, 1969, published FEDERAL REGISTER issue of March 6, 1969, clarified and republished in part this issue. Applicant: ALVIN SMART, Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. NOTE: The purpose of this partial republication is to correctly set forth applicant's address as Beattie, Kans. 66406, in lieu of Summerfield, Kans. The rest of the application remains as previously published.

No. MC 106117 (Sub-No. 13), filed March 10, 1969. Applicant: RUMPF TRUCK LINE, INC., 424 South Maumee Street, Tecumseh, Mich. 49286. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Michigan: (a) From Ann Arbor over Saline Road to junction with Pleasant Lake Road thence westward on Pleasant Lake Road to junction with Michigan Highway 52, thence over Michigan Highway 52 to junction with Austin Road on the eastern edge of Manchester, Mich., thence over Austin Road to junction with Clinton Road, thence over Clinton Road to Clinton, Mich., thence over Tecumseh-Clinton Road to Tecumseh, and return over the same route, serving all intermediate points; and those off-route points within 5 miles of the routes, and (b) from Ann Arbor over Michigan Highway 17 to Ypsilanti, Mich., thence over U.S. Highway 12 to Clinton, and return over the same route, serving all intermediate points; and those off-route points within 5 miles of the route. Alternate routes for operating convenience only: (1) From Tecumseh, Mich., over Michigan Highway 50 to junction with Michigan Highway 52, thence over Michigan Highway 52 to Manchester, Mich., and return over the same route, serving no intermediate or off-route points not otherwise authorized; (2) from Tecumseh, Mich., over unnumbered Highway (Tecumseh-Clinton Road) to junction with U.S. Highway 12, thence over U.S. Highway 52, thence tion with Michigan Highway 52, thence over Michigan Highway 52 to Manchester, Mich., and return over the same route, serving no intermediate or off-route points not otherwise authorized; (3) from Toledo, Ohio, to Ann Arbor, Mich., over U.S. Highway 23 and return over the same route, serving no intermediate or off-route points not otherwise authorized; (4) from Toledo, Ohio, over U.S. Highway 23 to junction with Michigan Highway 50 at Dundee, Mich., thence over Michigan Highway 50 to Tecumseh, Mich., and return over the same route, serving no intermediate or off-route points not otherwise authorized. NOTE: Applicant states it seeks no duplicating operating authority. The sole purpose of this application is to describe by name and number, roads and highways described as "unnumbered" in its certificate and to provide for alternate route operating convenience only. Applicant further states it intends to continue to interlink and interchange freight with various carriers at common points. If a hearing is deemed necessary, applicant requests it be held at Detroit, Lansing, Mich., or Chicago, Ill.

No. MC 106398 (Sub-No. 393), filed March 14, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Merrimack County, N.H. and Pottawatomie County, Okla. to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 394), filed March 14, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles; and (2) *buildings* in sections, equipped with hitchball connector, in initial movements, from points in Claiborne Parish, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 107002 (Sub-No. 367), filed March 10, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80), Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant) and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry pentachlorophenol*, in bulk, in tank vehicles, from Port Neches, Tex., to points in Alabama, Arkansas, Louisiana, and Mississippi. NOTE: Applicant states although tacking is not contemplated at this time, the authority sought could be tacked at points in Mississippi, Alabama, and Arkansas with authority presently held, so as to perform through service to points in Georgia, Tennessee, Florida, South Carolina, North Carolina, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107500 (Sub-No. 105), filed March 10, 1969. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. 61401. Applicant's representative: R. J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill. 60607. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, commodities in bulk, those requiring special equipment, household goods, and those injurious or contaminating to other lading), serving the plantsite of Montgomery Elevator Co., located in Illinois approximately 5 miles east of junction U.S. Highways 6 and 150, as an off-route point in connection with applicant's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Davenport, Iowa, or Moline or Rock Island, Ill.

No. MC 108987 (Sub-No. 13), filed March 7, 1969. Applicant: POOLE TRANSFER, INC., 807 East Fourth Street, Muscatine, Iowa. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), serving the plantsite of Montgomery Elevator Co., in Henry County, Ill., as an off-route point in connection with carrier's presently authorized regular-route operations to and from Moline, Ill. If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 109612 (Sub-No. 23), filed March 10, 1969. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rejected and returned shipments of glass containers*, and (2) *pallets, skids, and cartons*, from Milwaukee, Racine, and Oconomowoc, Wis., to the plant and warehouse sites of Anchor Hocking Glass Corp., at Gurnee, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 109637 (Sub-No. 357), filed March 3, 1969. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that it would tack with any of its authorities now held by it, especially in its Sub 165, whereas applicant is authorized to serve points in Kentucky, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 109637 (Sub-No. 358), filed March 10, 1969. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, in Government-owned trailers, from Speedway, Ind., to Newark (Heath), Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 893) (Amendment), filed January 21, 1969, published in FEDERAL REGISTER issues of February 20, 1969, and March 13, 1969, and republished, as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above) and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, from the plantsite of the E. I. Du Pont de Nemours & Co., at or near Woodstock, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MC 110525 (Sub-No. 898), filed March 13, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005 and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, from Bryan and Wapakoneta, Ohio, to points in Illinois and Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111401 (Sub-No. 275), filed March 5, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, from Granite City, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is

apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Kansas City, Mo.

No. MC 111812 (Sub-No. 377), filed February 27, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except those commodities in bulk and hides), from (A) Huron, S. Dak. to points in North Dakota, Minnesota, Fremont, Nebr., Illinois (with exception of Cook County, Ill.), Indiana, Michigan, Ohio, New York, Pennsylvania, Vermont, District of Columbia, New Hampshire, Maine, Massachusetts, Connecticut, Delaware, New Jersey, Maryland, and Rhode Island. The authority sought to be restricted to traffic originating at the plantsite and/or warehouse facilities of Geo. A. Hormel and Co. and/or Rod Barnes Packing Company and destined to the named States. (2) *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except those commodities in bulk and hides) from (a) Austin, Minn. and Fremont, Nebr. to points in New York, west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line and points in Pennsylvania west of U.S. Highway 15. (b) From Austin, Minn., to points in North Dakota and points in South Dakota west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 281 through Aberdeen, Redfield, Plankinton, Wheeler, and Fairfax, S. Dak., to the South Dakota-Nebraska State line. (c) (1) From Mitchell, S. Dak., and Fort Dodge, Iowa, to Algona, Iowa.

(2) From Algona, Iowa, to Austin, Minn., (d) from Mitchell, S. Dak., to points in New York, Pennsylvania, Vermont, Maryland, District of Columbia, New Hampshire, Maine, Massachusetts, Connecticut, Delaware, New Jersey, Rhode Island, Iowa, Illinois, Indiana, Michigan, and Ohio. (3) *Foodstuffs*, except meats and packinghouse products as described in Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 but when moving in the same vehicle at the same time with meats and packinghouse products as described in Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766. (a) From Austin, Minn., to points in Oregon, Washington, Idaho, Montana, California, Utah, Nevada, New York, Pennsylvania, Vermont, District of Columbia, New Hampshire, Maine, Massachusetts, Connecticut, Delaware, New Jersey, Maryland, and Rhode Island. (b) From Fort Dodge, Iowa, to points in Oregon, Washington, Idaho, Montana, California, Utah, and Nevada. (c) From Fremont, Nebr., to points in Oregon, Washington, Idaho, Montana, New York, Pennsylvania, Vermont, District of Columbia, New Hampshire, Maine, Massachusetts, Connecticut, Delaware, New Jersey, Maryland, and Rhode Island. The authority sought in paragraphs (2) and (3) to be restricted to traffic originating at the plantsite and/or warehouse of Geo. A. Hormel and Co., and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 111839 (Sub-No. 8), filed March 7, 1969. Applicant: BEE LINE EXPRESS, INC., Post Office Box 388, Albertville, Ala. 35950. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Albertville, and Scottsboro, Ala., from Albertville, over U.S. Highway 431 to Guntersville, Ala., thence over Alabama Highway 79 to Scottsboro, and return over the same route serving all intermediate points. (2) Between Albertville, Ala., and Chattanooga, Tenn., from Albertville over Alabama Highway 75 to junction Alabama Highway 68, thence over Alabama Highway 68 to Collinsville, Ala., thence over Interstate Highway 59 or U.S. Highway 11 to Chattanooga, and return over the same route serving the intermediate points of Collinsville, and Fort Payne, Ala. (3) Between Albertville, Ala., and junction of Alabama Highway 168 with Alabama Highway 68, from Albertville over Alabama Highway 205 to junction with Alabama Highway 168, thence over Alabama Highway 168 to junction with Alabama Highway 68, and return over the same route serving all intermediate points, and also serving the junction of Alabama Highways 168 and 68 for the purpose of joinder with the regular route authority sought over Alabama Highway 68 in No. 2 above. (4) Between Scottsboro, and Ider, Ala., from Scottsboro over Alabama Highway 35 to Section, Ala., thence over Alabama Highway 71 to junction Alabama Highway 117, thence over Alabama Highway 117 to Ider, and return over the same route serving all intermediate points. (5) Authority is sought to serve Albertville, Ala., as an intermediate point on applicant's presently authorized route over Alabama Highway 75 (NOTE: Applicant is presently authorized to serve Albertville, Ala. as such an intermediate point on Alabama Highway 75 with such service at Albertville restricted to shipments moving from, to, or through Chattanooga, Tenn. Applicant seeks to eliminate that restriction). NOTE: Applicant intends to tack or join the authority sought herein with applicant's existing authority and thereafter perform through service. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Chattanooga, Tenn.

No. MC 113861 (Sub-No. 47), filed March 11, 1969. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, from Memphis, Tenn., to points in Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113996 (Sub-No. 8), filed March 10, 1969. Applicant: T. C. DUNLEVY, Post Office Box 325, Johnston, S.C. 29832. Applicant's representative: William Addams, Suite 527, 1776, Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobile parts*, unpackaged, (1) from points in Illinois, Indiana, and Michigan to the Distribution Center N.A.P.A., Chicago, Ill.; (2) from points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin to the Distribution Center N.A.P.A., Minneapolis, Minn.; and (3) from points in Kansas, Oklahoma, and Texas to the Distribution Center N.A.P.A., Little Rock, Ark., under contract with Rayloc Division, Genuine Parts Company, Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 114045 (Sub-No. 326), filed March 17, 1969. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: Carl. L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of the Pillsbury Co., at or near Denison, Tex., to points in Arkansas, Colorado, Kansas, Mississippi, Nebraska, New Mexico, Oklahoma, and Tennessee. NOTE: Applicant states it does not intend to tack, and is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114087 (Sub-No. 10), filed March 14, 1969. Applicant: DECATUR PETROLEUM HAULERS, INC., 159 First Avenue NE., Decatur, Ala. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank trailers, from Port Birmingham, Ala., to points in Alabama, Georgia, Mississippi, and Tennessee, under contract with Allied Chemical Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 114301 (Sub-No. 56) (Clarification), filed February 26, 1969, published FEDERAL REGISTER issue of March 6, 1969, clarified and republished this issue. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, germicides, fungicides, insecticides, vermifuges, disinfectants, weed-killing compounds and garden sprayers and dusters*, from Wilmington, Del., to points in New Jersey north of U.S. Highway 22 from the New Jersey-Pennsylvania State line to Newark, N.J., excluding Newark, N.J.; and (2) *animal and poultry feed ingredients*, (a) from Allentown and Nazareth, Pa., to points in Delaware, Maryland, New Jersey, Virginia, and the District of Columbia, and (b) from the commercial zone of Camden, N.J. (except points in Pennsylvania in the commercial zone of Philadelphia, Pa.), to Wilmington, Del. NOTE: Applicant states it intends to tack with its presently held authority. The purpose of this republication is to reflect applicant's intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114334 (Sub-No. 18), filed March 10, 1969. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points along the Arkansas River, within Arkansas, to points in Arkansas, Oklahoma, Texas, and Louisiana. NOTE: Applicant states it could tack the authority sought with its Sub 4 and provide service through West Memphis, Ark., to points in Tennessee and Mississippi. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114457 (Sub-No. 78), filed March 17, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories;* and *materials and supplies* used in connection with the manufacture and distribution of metal containers, from Kankakee, Ill., to points in Minnesota, Iowa, Missouri, Illinois, Kansas, Nebraska, North Dakota, South Dakota, Ohio, Tennessee, Kentucky, Wisconsin, and Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 79), filed March 17, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories; and materials and supplies* used in connection with the manufacture and distribution of metal containers, from Chicago and Rockford, Ill.; Green Bay, Wis.; Minneapolis and Fairbault, Minn.; and St. Louis, Mo., to points in Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Kansas, Nebraska, North Dakota, South Dakota, Texas, Colorado, Louisiana, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115162 (Sub-No. 168), filed March 10, 1969. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Escambia County, Fla., to points in Alabama, Arkansas, Delaware, Georgia, Kentucky, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Michigan, Missouri, Minnesota, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Pensacola or Jacksonville, Fla., or Mobile, Ala.

No. MC 115162 (Sub-No. 169), filed March 10, 1969. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and particleboard*, from the plantsite of Georgia-Pacific Corp., at or near Taylorsville, Miss., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Vermont, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Memphis Tenn., or Birmingham, Ala.

No. MC 115311 (Sub-No. 98), filed March 12, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representatives: T. Baldwin Martin, Home Federal Building, Macon, Ga. 31201, and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, malt: ale, beer, beer tonic, porter, stout, and related advertising matter*, from Pabst, Houston County, Ga., to points in Alabama, Mississippi, North Carolina, South Carolina, Florida, and those in Tennessee on and east of Interstate Highway 65 and *empty containers, returned refused and rejected shipments, and returned wooden pallets* on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 344), filed March 3, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago and Deerfield, Ill., to points in Alabama, Georgia, Tennessee, Mississippi, Louisiana, Arkansas, Kentucky, and the Lower Peninsula of Michigan. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by the Kitchens of Sara Lee at Deerfield and Chicago, Ill. NOTE: Applicant states it intends to tack at points in North Carolina, South Carolina, and Florida, if necessary. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., or Atlanta, Ga.

No. MC 115841 (Sub-No. 345), filed March 10, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, and foodstuffs, and advertising equipment, premiums, materials, and supplies* when shipped therewith (except in bulk), from Philadelphia, Pa.; Wilmington, Del.; and

points in Bucks, Montgomery, Delaware, Chester, Lancaster, Dauphin, Lebanon, and Berks Counties, Pa., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, West Virginia, and points in Pennsylvania on and west of U.S. Highway 219. NOTE: Applicant states tacking possibilities under its lead certificate and Subs 4, 7, 78, 92, 110, 115, and many others. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 116773 (Sub-No. 114), filed March 10, 1969. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products* (except coal tar chemicals), in bulk, in tank vehicles, from points in the Milwaukee, Wis., commercial zone, as defined by the Commission, to points in the Chicago, Ill., commercial zone as defined by the Commission. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 143), filed March 10, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Champaign, Ill., to points in Iowa, restricted to traffic originating at Champaign, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118482 (Sub-No. 8), filed March 7, 1969. Applicant: SMYTH OVERSEAS VAN LINES, INC., 11616 Aurora Avenue N., Seattle, Wash. 98133. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square S., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Alaska. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Anchorage, Alaska.

No. MC 118989 (Sub-No. 26), filed March 6, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and plastic containers; container components and ends; and supplies* used in the manufacture and distribution of metal and plastic containers and container ends that move with metal and plastic containers and container ends; and *steel plastic, tin and aluminum tops and closures*, from Peoria, and Danville, Ill.; St. Louis, Mo.; Mankato, Minn., Milwaukee and Racine, Wis.; and Elwood, Ind., and points in Cook, and Kane Counties, Ill., to points in Illinois, Indiana, Ohio, Michigan, Kentucky, Missouri, Iowa, Wisconsin, Minnesota, and to Omaha, Nebr. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 118989 (Sub-No. 27), filed March 6, 1969. Applicant: CONTAINER Transit, Inc., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and incidental parts thereof*, from Ligonier, Ind., to points in Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119777 (Sub-No. 144), filed March 12, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe*, (2) *plastic molded* and *extruded parts*, (3) *parts, attachments and accessories* for (1) and (2) above, and (4) *materials and supplies* used in the manufacture of the commodities in (1), (2) and (3) above (except commodities in bulk in hopper or tank type vehicles), between points in Washington County, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant has contract carrier authority in MC 129670 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119778 (Sub-No. 121), filed March 12, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from points in Alabama to points in Alabama, Georgia, Mississippi, and Tennessee. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 119830 (Sub-No. 3), filed March 13, 1969. Applicant: L. A. LAMBRECHT TRUCKING CO., a corporation, Post Office Box 273, Sterling, Ill. 61981. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, from Sterling and Rock Falls, Ill., to points in Kansas, Minnesota, Missouri, and Nebraska. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119974 (Sub-No. 24), filed March 12, 1969. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Post Office Box 949, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packinghouses* as described in sections A, C and D of Appendix I to the report in *Motor Carriers Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from Des Moines, Iowa to Algona, Iowa and (2) between Algona, Iowa and Austin, Minn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Minneapolis, Minn.

No. MC 121338 (Sub-No. 2), filed March 3, 1969. Applicant: PADRE FREIGHT LINES, a corporation, 1400 East Anaheim Street, Post Office Box 546, Wilmington, Calif. 90744. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, motor vehicles, and livestock) (1) between points in the San Diego, Calif., territory (as described below), on the one hand, and, on the other, points in the Los Angeles, Calif., territory (as described below), and intermediate points located on U.S. Highways 101 and 101 Alternate, Interstate Highway 5 and California Highway 1; (2) between points in the San Diego territory, and Los Angeles territory and points located on

U.S. Highways 101 and 101 Alternate, Interstate Highway 5 and California Highway 1 intermediate to these two territories, on the one hand, and, on the other, points in the Los Angeles, Calif., basin territory (as described below); (3) between points in the Los Angeles basin and San Diego territories, on the one hand, and, on the other, points on and within 15 miles of U.S. Highway 80 and Interstate Highway 8, extending from the eastern boundary of the San Diego territory to the California-Arizona State boundary.

Description of territories: San Diego territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway (State Highway 67); thence southerly to Bostonia on U.S. Highway 80; thence southeasterly to Jamul on State Highway 94; thence due south to the international boundary line, west to the Pacific Ocean and north along the coast to point of beginning. Los Angeles territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101 Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the city of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the city of Pasadena; easterly along U.S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue to the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Ximono Street; southerly along Ximono Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northerly along an imaginary line to a point of beginning.

Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard, northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 123057 (Sub-No. 7), filed March 14, 1969. Applicant: JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y. 10301. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between points in the New York, N.Y., commercial zone as defined by the Commission, in trailer or containers, on traffic having a prior or subsequent movement by water. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123067 (Sub-No. 77), filed March 13, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Birmingham and Mobile, Ala., to points in Georgia, (2) *rags and cotton waste*, from points in Georgia, to points in Chatham County, Ga., restricted to shipments having a subsequent movement by water, and (3) *animal and poultry feed and animal and poultry feed ingredients* used in the manufacture of animal and poultry feed, from points in Georgia to Fernadina Beach, Fla., and from Fernadina Beach, Fla., to points in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123294 (Sub-No. 16), filed March 13, 1969. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, Ind. 46580. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment and supplies* used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and further restricted against the transportation of commodities in bulk. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 123407 (Sub-No. 49), filed March 10, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502

First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board*, from the plantsite of Georgia-Pacific Corp., at or near Taylorsville, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 124078 (Sub-No. 367), filed March 12, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats, greases, and tallows*, in bulk, from points in Wisconsin to points in that part of Indiana within the Chicago, Ill., commercial zone, as defined by the Commission and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124221 (Sub-No. 23), filed March 7, 1969. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between the plantsite and warehouse facilities of The Kroger Co., at or near Hazelwood, Mo., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Michigan, Nebraska, Ohio, Tennessee, and Wisconsin, restricted to movements under a continuing contract or contracts with The Kroger Co. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Indianapolis, Ind.

No. MC 124373 (Sub-No. 7), filed March 7, 1969. Applicant: NELMAR TRUCKING CO., a corporation, 735 Rahway Avenue, Union, N.J. 07083. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and beverage preparations*, other than malt, and *equipment, materials, and supplies* used or useful in the sale of beverages and operations of a beverage plant, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, the District of Columbia, Vermont, West Virginia, North Carolina, and Kentucky, under contract with Yoo Hoo Beverage Co., Carlstadt, N.J. NOTE: Applicant states it seeks only one operating right for this shipper. If the authority is granted, applicant states it will surrender its present operating rights for this shipper. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124555 (Sub-No. 2), filed March 17, 1969. Applicant: FRANCIS E. REAVER, GEORGE W. REAVER, AND FRANKLIN R. REAVER, doing business as CHARLES B. REAVER & SONS, R.F.D. No. 2, Taneytown, Md. 21787. Applicant's representative: Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from West Providence Township (Bedford County), Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; under contract with Van Hessen & Co., of Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 59), filed March 6, 1969. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk, in tank vehicles), from Dubuque, Iowa, to points in Colorado, Idaho, Kansas, Montana, Nebraska, Utah, and Wyoming. NOTE: Applicant states it could tack the sought authority with its Sub 25 in Utah for service to Oregon on roofing and related commodities and its Sub 41 could be tacked in Wyoming for service to Washington and Oregon. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 125035 (Sub-No. 17), filed March 12, 1969. Applicant: RAY E. BROWN TRUCKING, INC., 1132 55th Street NE., Canton, Ohio 44721. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc. Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections and water ice confections*, from Wheeling, W. Va., to points in Ohio, Pennsylvania, and Detroit, Mich., under contract with The Ziegenfelder Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.; Cleveland, Ohio, or Washington, D.C.

No. MC 127164 (Sub-No. 3), filed March 17, 1969. Applicant: ELMER MILLER, doing business as MILLER TRUCKING CO., 509 Jackson Street, Archbold, Ohio 43502. Applicant's representative: Lewis S. Witherspoon, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from points in Lucas and Fulton Counties, Ohio, to points in Indiana and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus or Toledo, Ohio, or Detroit, Mich.

No. MC–127207 (Amendment) (see special footnote), filed April 23, 1965, published FEDERAL REGISTER, issue of May 19, 1965, amended March 17, 1968, and republished as amended this issue. Applicant: CACHE VALLEY DAIRY ASSOCIATION, a corporation, Smithfield, Utah. Applicant's representative: Harry D. Pugsley, Suite 600 El Paso National Gas Building, 315 East Second S., Salt Lake City, Utah 84111. Authority sought as amended (see special footnote), to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries and articles sold in retail grocery stores;* (2) *floor coverings and related articles* and (3) *packaged chemicals*, from points in Alameda, Los Angeles, San Francisco, San Mateo, and Santa Clara Counties, Calif., to points in Cache, Davis, Salt Lake, and Weber Counties, Utah. Restriction: Service is restricted to back haul of said commodities from California to Utah following the forward transportation of cheese and other dairy products by applicant as a bona fide nonprofit agricultural cooperative association. NOTES: (1) Applicant states that it reserves to itself the right also to continue to transport, on the return from marketing its products in California, commodities for itself, for its members as farmers, and for other bona fide agricultural cooperative associations or federations thereof. (2) Applicant further states that if by reason of the granting of a certificate for the transportation of the commodities from and to the points requested in the application, additional authority would also be necessary for the transportation of the commodities in note (1) above, then applicant seeks that authority also.

SPECIAL FOOTNOTE: The publication of the application immediately above reflects the scope of the application as filed by applicant and attention is directed to the "Special Notice" preceding this publication which states in part that "The publications—may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the applications as filed, but also will eliminate any restrictions which are not acceptable to the Commission." If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 127210 (Sub-No. 1), filed March 6, 1969. Applicant: T AND R CARTAGE CO., a corporation, 901 West 115th Street, Chicago, Ill. 60643. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, Ill. 60608. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated furniture*, from Chicago, Ill., to points in Cook, Du Page, Kane, Kankakee, Lake, McHenry, and Will Counties, Ill.; and points in Lake, La Porte, Porter, St. Joseph, and Starke Counties, Ind., under contract with Heady & Conners, Inc., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127505 (Sub-No. 24), filed March 13, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam articles*, from Belvidere, Ill., to points in Wisconsin, Illinois, Missouri, Arkansas, Louisiana, and all States east thereof, including the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128196 (Sub-No. 5), filed March 10, 1969. Applicant: KARL ARTHUR WEBER, 2408 North 20th Drive, Phoenix, Ariz. 85009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, and wood building materials, paper and paper products, fiber, and fiber products, gypsum and gypsum products, and building materials in board*, laminated, *plyboard*, roll, sheet or plank form, constructed of one or more, or a combination of the above-named products, and including movement of *baled waste products, or damaged materials* for salvage or reprocessing, between points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, and Washington on the one hand, and, on the other, Arizona, Arkansas, California, Colorado, Louisiana, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eureka, Calif.

No. MC 128696 (Sub-No. 4), filed March 19, 1969. Applicant: GRANTHAM TRUCKING COMPANY, a corporation, 114 Bell Street, Warner Robins, Ga. 31093. Applicant's representative: Carl E. Westmoreland, 713 Bankers Building, Macon, Ga. 31201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pressure tanks*, from Macon, Ga., to points in Nebraska, North Dakota, and South Dakota; under contract with Delta Tank Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133075 (Sub-No. 1), filed February 26, 1969. Applicant: BREMERTON TRANSFER AND STORAGE CO., INC., 221 Bruenn Avenue, Bremerton, Wash. 98310. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kitsap, Mason, Pierce, Jefferson, and Grays Harbor Counties, Wash. Restriction: The service sought herein is restricted to the transportation of shipments both (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402(b)(2) of the Interstate Commerce Act, as amended, and (2) having an immediately prior or subsequent out-of-State line-haul movement by rail, motor, water, or air. NOTE: Applicant states its does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133226 (Sub-No. 1) (Republication), filed February 10, 1969, published in the FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: TENNIS HARROLD, doing business as TENNIS TRANSFER AND STORAGE CO., 1153 Commercial Avenue, Oxnard, Calif. 93030. Applicant's representative: Ernest D. Salm, 3846 Evans Street. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in the Los Angeles harbor, Calif., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Santa Barbara and Ventura Counties, Calif.; (2) between Oxnard, Calif., on the one hand, and, on the other, points in Los Angeles County, Calif.; (3) between points in Santa Barbara and Ventura Counties, Calif.; and (4) between China Lake, Calif., on the one hand, and, on the other, points in Kern and Los Angeles Counties, Calif.; restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. This republication is for the purpose of reflecting the new tacking information. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133341 (Sub-No. 1), filed March 6, 1969. Applicant: WALTER C. STRAUB AND FRANK J. RAMOS, a partnership, doing business as HAYS MOVING & STORAGE, 2750 Adeline Street, Berkeley, Calif. 94700. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Alameda, Contra Costa, San Francisco, Maria, San Mateo, and Santa Clara Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Berkeley or San Francisco, Calif.

No. MC 133485 (Sub-No. 2), filed March 14, 1969. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bonds, bullion, jewelry, legal tender, monies, negotiable and non-negotiable instruments and securities, postage or revenue stamps, precious metals, precious stones, rare objects, stocks, and other valuable documents and/or articles*, requiring transportation by armored vehicle, between points in Rhode Island, on the one hand, and, on the other, points in Barnstable, Bristol, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 133531, filed March 7, 1969. Applicant: DENNIS L. SMITH, doing business as SMITH TRANSPORTATION CO., Box 307, Rosalie, Nebr. 68055. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm equipment* (except self-propelled equipment), from the plantsite or warehouse facilities of Campbell Manufacturing Co., Inc., located at or near Walthill, Nebr., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment and supplies* used or useful in the manufacture of farm equipment (except self-propelled), on return, under contract with Campbell Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 133532 (Sub-No. 1), filed March 6, 1969. Applicant: BEN RUSHEFSKY, doing business as BENRUS TRUCKING DIVISION, 58–55 56th Drive, Maspeth, N.Y. 11378. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallet and storage racks, shelving and shelving sections; metal tubing, panels, grating and angles; parts and components of the aforesaid commodities; supplies and equipment used in the erection thereof; and advertising materials and displays*, from Newburgh, N.Y.,

and points in the New York, N.Y., commercial zone as defined by the Commission to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia under contract with Dexion, Inc., and Dexion Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133545, filed March 5, 1969. Applicant: DAVID LEMONS, doing business as LEMONS HOUSE MOVING, 1250 Houston, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses or buildings*, set up or in sections, other than knocked down flat and not including mobile homes or buildings designed for transportation in tow-away service, from points in Idaho south of the Salmon River, to points in Montana and points in Teton, Sublette, Lincoln, Uinta, Sweetwater, Park, and Fremont Counties, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 133547, filed March 6, 1969. Applicant: WESTERN STORAGE & WAREHOUSE, INC., 2410 Vinewood Street, Detroit, Mich. 48216. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Department store merchandise and supplies* as used in the course of retail business, (1) from Detroit, Mich., to points in the Lower Peninsula of Michigan, Toledo, and Tiffin, Ohio, and *damaged, rejected, or traded-in merchandise* on return, and (2) from Detroit, Mich., to ports of entry on the international boundary line between the United States and Canada at or near Port Huron, Mich., and at or near Detroit, Mich., under contract with Arlan's Department Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 133548, filed March 12, 1969. Applicant: LESLIE GARNETT WARD, doing business as WARD TRUCKING COMPANY, Route 2, Post Office Box 145, Selma, N.C. Applicant's representative: Herman Wolff, Jr., 401 Oberlin Road, Raleigh, N.C. 27605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk and explosives), between points in Johnston County, N.C., and points in North Carolina in an area bounded on the west by U.S. Highway 29 and on the east by U.S. Highway 17, restricted to traffic having a prior or subsequent movement by trailer on flatcar service to or from points on Seaboard Coastline Railroad. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 133557, filed March 13, 1969. Applicant: BEVERAGE TRUCK LINE, INC., Goodland, Ind. Applicant's representative: James L. Beattey, 130 East Washington Street No. 1021, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from St. Louis, Mo., Milwaukee and LaCrosse, Wis., Peoria and Belleville, Ill., Louisville and Newport, Ky., Cincinnati, Ohio, and St. Paul, Minn., to Hebron, Michigan City, and Fowler, Ind., and (2) from Belleville, Ill., Newport, Ky., and St. Paul, Minn., to Goodland, Rensselaer, Monticello, and Delphi, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133559, filed March 14, 1969. Applicant: CHARLOTTE TRUCK SERVICE, INC., 4109 Thrift Road, Charlotte, N.C. 28206. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked vehicles and able vehicles* in replacement thereof, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 133560, filed March 10, 1969. Applicant: RUDZINSKI TRANSPORTATION, INC., 1258 Union Avenue, Laconia, N.H. 03246. Applicant's representative: Paul L. Normadin, 189 Union Avenue, Laconia, N.H. 03246. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, between Laconia, N.H., on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and New York, restricted to transportation performed under a continuing contract with Lemay's Garage, Inc., Gilford, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 133561, filed March 7, 1969. Applicant: BRIGILL TRUCKING CO., INC., 16751 Merriman Road, Romulus, Mich. 48174. Applicant's representative: William B. Elmer, 22544 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk in dump vehicles, from Toledo, Ohio, to Detroit, Mich., under contract with H. H. Dickinson Co. of Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 133564, filed March 17, 1969. Applicant: CONRAD CYR, 198 St. Jean-Baptiste Street, St. Guillaume, County of Yamaska, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James West, Suite 1010, Montreal, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles* (no commodities in bulk, in tank vehicle), from ports of entry on the international boundary line between the United States and Canada, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Iowa, Missouri, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Oklahoma, New Mexico, Colorado, Wyoming, Utah, Idaho, Montana, California, Oregon, Washington, and Alaska; under contract with Featherweight Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt. or Albany, N.Y.

No. MC 133566, filed March 17, 1969. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, a partnership, doing business as GANGLOFF AND DOWNHAM, Post Office Box 676, Logansport, Ind. 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Logansport, Ind., to points in Kentucky, Michigan, and Ohio, restricted to traffic originating at the above named origin and destined to the above named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133567, filed March 17, 1969. Applicant: ARTHUR JOHN McCASHIN, JR., doing business as CAROLINA HORSE TRANSPORTS, Box 296, Clemmons, N.C. 27012. Applicant's representative: A. W. Flynn, Jr., 1006 Wachovia Building, Post Office Box 127, Greensboro, N.C. 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary livestock, and in connection therewith, *personal effects of attendants, and supplies and equipment used in the care of exhibition of such animals*, between points in North Carolina and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, Greensboro, or Raleigh, N.C.

No. MC 133571, filed March 18, 1969. Applicant: NESTLERODE TRUCKING CO., INC., 615 West Walnut Street, Lock Haven, Pa. 17745. Applicant's representatives: Harry H. Frank and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cattaraugus and Allegany Counties, N.Y., to points in Cameron, Elk, McKean, and Potter Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub-No. 60), filed March 7, 1969. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip, special operations, during the authorized racing seasons at Dover Downs Race Track, Dover, Del., beginning and ending at New York, N.Y., and extending to Dover Downs Race Track, Dover, Del. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 15364 (Sub-No. 13), filed March 5, 1969. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith Street, Green Bay, Wis. 54302. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Ashland and Rhinelander, Wis., (1) from Ashland, over U.S. Highway 2 to Hurley, Wis., thence over U.S. Highway 51 to junction with Wisconsin Highway 47 at Woodruff, Wis., thence over Wisconsin Highway 47 to Rhinelander, and return over the same route, serving all intermediate points, and (2) between Hurley, Wis., and Ironwood, Mich., over U.S. Highway 2 and Highway BR2, restricted to the period of the day after Labor Day through May 31 of each year in Nos. (1) and (2) above. NOTE: Applicant states that the purpose of this application is to authorize seasonal operations to replace those authorized to be abandoned by the Chicago & North Western Railway Co. by the Public Service Commission of Wisconsin during the winter months between Ashland and Green Bay, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 133573, filed March 19, 1969. Applicant: CHEETAH CHARTER BUS SERVICE COMPANY, INC., doing business as CHEETAH TOURS, 40 West 135th Street, New York, N.Y. 10037. Applicant's representatives: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, and George Donald Covington, 209 West 125th Street, New York, N.Y. 10027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and extending to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., and Newark, N.J.

No. MC 133535, filed March 7, 1969. Applicant: KENT FROST CANYONLAND TOURS, a corporation, doing business as KENT FROST CANYONLAND TOURS, INC., 295 Blue Mountain Drive, Monticello, Utah 84535. Applicant's representative: Thomas M. Burton, Suite 300, 141 East First South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, over off-highway irregular routes of overland travel, between points in Kane, Garfield, San Juan, Grand, Wayne, Emery, Iron, and Washington Counties, Utah; Apache, Greenlee, Graham, Cochise, Navajo, Gila, Pinal, Santa Cruz, Coconino, Yavapai, Pima, Mohave, Maricopa, and Yuma Counties, Ariz., Hinsdale, San Miguel, Mesa, Archuletta, Ouray, Delta, La Plata, Montezuma, Montrose, Delores, and San Juan Counties, Colo., Lincoln and Clark Counties, Nev.; Luna, San Juan, Catron, Valencia, Rio Arriba, Hidalgo, McKinley, and Grant Counties, N. Mex. NOTE: Applicant states that operations are conducted to and through off-highway, natural scenic attractions and wilderness areas in specially equipped, high-traction vehicles. Regular highway travel is used only as necessary to reach the areas. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Phoenix, Ariz.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130082, filed February 27, 1969. Applicant: WILLIAM SCHWAMBERT, doing business as UNITED TRAVEL SERVICE, 710 Third Avenue, Seattle, Wash. For a license (BMC-5) to engage in operations as a *broker* at Seattle, Wash., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage* in one-way and round trip charter operations, between points in Washington, Nevada, California, and Alaska.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 107558 (Sub-No. 10), filed March 13, 1969. Applicant: ARROW TRANSPORTATION CO., INC., 288 Kinsley Avenue, Providence, R.I. 02903. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* (except liquid commodities, in bulk, in tank vehicles), as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Boston, Mass., to Florence, N.J. NOTE: Applicant states it could tack the sought authority with authority presently held, at Boston, Mass.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3892; Filed, Apr. 3, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 1, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41599—*Cement from Manitowoc, Wis.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2943), for interested rail carriers. Rates on cement, viz.: common, hydraulic, masonry, mortar, natural or Portland, in bulk, in carloads, as described in the appliaction, from Manitowoc, Wis., to points in central territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 93 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-435.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3965; Filed, Apr. 3, 1969; 8:49 a.m.]

[Notice 806]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 1, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can

and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1798 (Sub-No. 5 TA), filed March 21, 1969. Applicant: WILLIAM F. CONRAD, doing business as HUB CITY TRANSFER & STORAGE CO., 200 East Third Street, Centralia, Wash. 98531. Applicant's representative: Maurice H. Greene, Post Office Box 1554, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Centralia and Chehalis, Wash., on the one hand, and, on the other, Centralia Steam Electric Plantsite and the Skookuchuck Damsite of Pacific Power and Light Co., located about 5 miles northeast of Centralia and about 6 miles east of Bucoda respectively, for 180 days. NOTE: Applicant proposes to tack and interchange at Centralia and Chehalis. Supporting shippers: Pacific Power and Light Co., Public Service Building, Portland, Oreg. 97204; Bechtel Corp., 50 Beale Street, San Francisco, Calif. 94119. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 50069 (Sub-No. 417 TA), filed March 26, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank vehicles, from Detroit, Mich., to Morganton, N.C., for 180 days. Supporting shipper: Interchemical Corp., 5935 Milford Avenue, Detroit, Mich. 48210. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 51146 (Sub-No. 129 TA), filed March 20, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solid core door blocks, wood products, accessories, materials and supplies* used in connection with the manufacture and distribution of the above-described commodities and *products* manufactured or distributed by manufacturers or distributors of the above-described commodities, (1) from Park Falls, and Marshfield, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, (2) from Ridgway, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. *Returned, rejected, and damaged shipments* of the above-described commodities and *materials equipment and supplies* used in the manufacture and distribution of the above-described commodities from the destination points named above to the above named origin points, for 180 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606 (Bert M. Fischer, Eastern Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 116077 (Sub-No. 264 TA), filed March 26, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Odessa, Tex., to points in New Mexico, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Diamond Shamrock Chemical Co. (Mr. E. E. Bracken, Manager, Truck Transportation), 610 Euclid Avenue, Cleveland, Ohio 44114. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 126489 (Sub-No. 3 TA), filed March 26, 1969. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth, Post Office Box 1066, Hutchinson, Kans. 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Hutchinson, Kans., to points in Oklahoma; points in Colorado on and east of Highway 85, for 150 days. Supporting shipper: Pay Way Feed Mills, Inc., Third and Broadway, Kansas City, Mo. 64105. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 127689 (Sub-No. 26 TA), filed March 26, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., Post Office Box 1326, 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns or jars, and closures*, between the plantsite of Gulfport Glass Corp., Gulfport, Miss., and points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee, and Texas, for 180 days. Supporting shipper: The Gulfport Glass Corp., Bottle Manufacturers, Post Office Box 2365, Gulfport, Miss., 39501. Send protests to: District Supervisor Alan C. Tarrant, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 128909 (Sub-No. 10 TA), filed March 21, 1969. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile homes, tent campers, and motor homes;* and (2) *Parts, appliances, furniture and accessories when moving in the commodities described* in (1) above, between Corsicana, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) and ports of entry on the international boundary line between the United States and Canada, in Michigan, Minnesota, Montana, New York, North Dakota, and Washington; service restricted to traffic originating or terminating at plantsites of The Commodore Corp. of Texas, a Texas corporation, for 150 days. Supporting shipper: Commodore Corp. of Texas, Corsicana, Tex. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133576 TA, filed March 21, 1969. Applicant: BUSHBOOM TRUCKING, INC., Filley, Nebr. 68357. Applicant's representative: Clarence E. Danley, Beatrice, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins, steel buildings, wet grain tanks, silos, and silo unloaders*, from Galesburg, Ill., and/or Kansas City, Mo., to points in Nebraska, bounded on the north by U.S. Highway 34; on the west by U.S. Highway 281; on the south by the Kansas-Nebraska borderline; and on the east by the Missouri River, under continuing contract with Farmers Building & Equipment, for 180 days. Supporting shipper: Farmers Building & Equipment, Plymouth, Nebr. Send protests to: District Supervisor, Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3956; Filed, April 3, 1969; 8:49 a.m.]

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PART II

DEPARTMENT OF LABOR

Bureau of Labor Standards

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Safety and Health Regulations for Longshoring



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

On August 6, 1968, a proposal was published at 33 F.R. 11135 to amend 29 CFR Part 1504, Safety and Health Regulations for Longshoring. Interested persons were given an opportunity to participate in the rule making through submission of written and oral comments. After consideration of all relevant matter submitted and pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) 29 CFR Part 1504 is revised as set forth below:

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Appendix I—Cargo Gear Register and Certificates

AUTHORITY: The provisions of this Part 1504 and Appendix I, issued under sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941.

Subpart A—General Provisions

§ 1504.1 Purpose and authority.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks. Public Law 85–742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85–742.

(b) Pursuant to Public Law 85–742 the regulations of this part do not make determinations with respect to matters under the control of the U.S. Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim), including, but not restricted to, the master, ship's officers, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the U.S. Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the U.S. Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

§ 1504.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1504.3(c).

(b) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

§ 1504.3 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in longshoring operations or related employments, as defined herein within the Federal maritime jurisdiction on the navigable waters of the United States.

(d) The term "employee" means any longshoreman, or other person engaged in longshoring operations or related employments, within the Federal maritime jurisdiction on the navigable waters of the United States, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to load or unload any vessel under 18 net tons.

(e) The term "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special purpose floating structures not primarily designed for

or used as a means of transportation on water.

(f) The term "public vessel" means a vessel owned and operated by a government and not regularly employed in merchant service.

(g) For the purposes of §§ 1504.11, 1504.23, 1504.35, 1504.37, 1504.43(f)(2), and 1504.106, the term "barge" means an unpowered, flat bottom, shallow draft vessel including river barges, scows, carfloats, and lighters. For the purposes of these sections the term does not include ship shaped or deep draft barges.

(h) For purposes of §§ 1504.11 and 1504.23, the term "river towboat" means a shallow draft, low freeboard, self propelled vessel designed to tow river barges by pushing ahead. For purposes of these sections the term does not include other towing vessels.

(i) The term "longshoring operations" means the loading, unloading, moving, or handling of cargo, ship's stores, gear, etc., into, in, on, or out of any vessel on the navigable waters of the United States.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman.

(k) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel, including accommodation ladders, gangplanks and brows.

(l) The term "bulling" means the horizontal dragging of cargo across a surface with none of the weight of the cargo supported by the fall.

(m) For the purpose of § 1504.12 the term "ship's cargo handling gear" includes that gear which is a permanent part of the vessel's equipment and which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ship's stores or handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(n) For purposes of the regulations in this part the terms "beam" or "strongback" mean a portable transverse or longitudinal beam which is placed across a hatchway and acts as a bearer to support the hatch covers.

(o) For the purposes of §§ 1504.23(b)(2) and 1504.106(b) the term "Mississippi River System" includes the Mississippi River from the head of navigation to its mouth, and navigable tributaries including the Illinois Waterway, Missouri River, Ohio River, Tennessee River, Allegheny River, Cumberland River, Green River, Kanawha River, Monongahela River, and such others to which barge operations extend.

(p) For the purpose of § 1504.106(b) the term "Gulf Intracoastal Waterway" means the system of that name extending from St. Marks, Fla., to Brownsville and Harlingen, Tex., and including the Pearl River, Tombigbee River, Apalachicola River, Flint River, and such other navigable tributaries to which barge operations extend.

(q) The term "small trimming hatch" means a small hatch or opening, pierced in the tween deck or other intermediate deck of a vessel and intended for the trimming of dry bulk cargoes. It does not refer to the large hatchways through which cargo is normally handled.

(r) For the purpose of § 1504.13 only—

(1) The term "crane" means a mechanical device intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(2) The term "derrick" means a mechanical device intended for lifting, with or without a boom supported at its head by a topping lift from a mast, fixed A frame, or similar structure. The mast or equivalent member may or may not be supported by guys or braces. The boom, where fitted, may or may not be controlled in the horizontal plane by guys (vangs). The term shall include shear legs.

(3) The term "bulk cargo spout" means a spout, which may or may not be telescopic and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a thrower or trimming machine. A grain loading spout is an example of spouts covered by this definition.

(4) The term "bulk cargo sucker" means a pneumatic conveyor which utilizes a spout-like device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the grain sucker used to discharge grain from barges.

(5) Unless otherwise specifically required, the terms defined in this paragraph shall not include, and the provisions of § 1504.13 shall not apply to, the following equipment:

(i) Small industrial crane trucks as described and illustrated in United States of America Standards Institute, B56.1, 1959, "Safety Code for Powered Industrial Trucks".

(ii) Huletts.

(iii) Bridge cranes including steeple towers and dock-leg elevators.

(iv) Ore and taconite loading facilities of such type that failure could not cause injury to an employee as defined in paragraph (d) of this section.

(v) Bulk coal loading facilities.

(vi) Vertical pocket conveyors such as banana, sugar, or other similar marine legs.

(s) The term "hazardous cargo" includes:

(1) Any packaged commodity in the "List of explosives and other dangerous articles and combustible liquids" of the "dangerous cargoes" regulations of the U.S. Coast Guard (46 CFR 146.04–5) requiring a label, without regard to the exemptions mentioned at the foot of the list;

(2) Any packaged commodity in the list identified in subparagraph (1) of this paragraph, not requiring a label but classed as a combustible liquid;

(3) Any packaged liquid commodity in the list identified in subparagraph (1) of this paragraph not requiring a label but classed as a hazardous article; or

(4) Any article not properly described by a name in that list but which is properly classified under the definition of those categories of dangerous articles given in 46 CFR 146.03–8 and is included in subparagraph (1), (2), or (3) of this paragraph.

§ 1504.4 Penalty.

As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part, and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000. The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoreman's and Harbor Workers' Compensation Act.

§ 1504.5 Variation from the regulations of this part.

As provided in Public Law 85–742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act

(ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

§ 1504.6 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part, as listed below, to the extent specified in the text, form a part of these regulations:

Convention Concerning the Protection Against Accidents to Workers Loading or Unloading Ships, International Labor Organization, Convention No. 32 (Revised, 1932). Subpart B, § 1504.12(a).

Underwriters' Laboratories, Incorporated, 207 East Ohio Street, Chicago, Illinois. Subpart G, § 1504.69(d) and Subpart I, § 1504.92(b)(3).

American Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, American Standards Association, Incorporated, 70 East 45th Street, New York 17, N.Y. Subpart J, §§ 1504.101(a), 1504.105(a).

§ 1504.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

§ 1504.8 Amendment of this part.

The Secretary may at any time upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of this part.

Subpart B—Gangways and Gear Certification

§ 1504.11 Gangways.[1]

The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(a) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface, and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor straight ladder can be used, a Jacob's ladder meeting the requirements of § 1504.22 may be used.

(b) Each side of such gangway, and the turntable, if used, shall have a railing with a minimum height of 33 inches measured perpendicularly from rail to walking surfaces at the stanchion, with a mid-rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times. Portable stanchions supporting railings shall be so supported or secured as to prevent accidental dislodgment.

(c) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessels' regular gangway is not being used.

§ 1504.12 Gear certification.[2]

(a) The employer shall not use the vessel's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates which in form and content are in substantial accordance with the recommendations of the International Labor Office, as set forth in Appendix I of this part, and as provided by International Labor Organization Convention No. 32, and which indicates that the cargo gear has been tested, examined and heat treated by or under the supervision of persons or organizations defined as competent to make register entries and issue certificates pursuant to paragraphs (c) and (d) of this section.

(b) Public vessels and vessels holding a valid Certificate of Inspection issued by the U.S. Coast Guard are deemed to meet the requirements of paragraph (a) of this section.

(c) With respect to U.S. vessels not holding a valid Certificate of Inspection issued by the U.S. Coast Guard, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be only those persons currently accredited by the Bureau of Labor Standards, U.S. Department of Labor, as provided in Part 1505 of this chapter.

(d) With respect to vessels under foreign registry, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be: (1) those acceptable as such to any foreign nation, (2) those acceptable to the Commandant of the U.S. Coast Guard, or (3) those currently accredited by the Bureau of Labor Standards, U.S. Department of Labor, as provided in Part 1505 of this chapter.

§ 1504.13 Certification of shore-based material handling devices.

(a) An employer shall not use in vessel-to-shore, shore-to-vessel, or in vessel-to-vessel cargo handling any crane, derrick, bulk cargo spout, or bulk cargo sucker, as defined in § 1504.3(r), which—

(1) Is not part of a vessel's permanent equipment and is either located ashore or placed aboard a vessel only temporarily; and

(2) Is used to transfer cargo or materials other than bulk liquids directly between the shore and a vessel or between vessels; and

(3) Is so located that its failure could cause injury to an employee, as defined in § 1504.3(d);

until he has ascertained that the device has been certificated as evidenced by current and valid documents attesting to compliance with the requirements specified in paragraph (b) of this section.

(b) The certification required by paragraph (a) of this section must have been performed—

(1) In accordance with the standards of Part 1505 of this chapter, by persons then currently accredited by the Bureau of Labor Standards as provided in Part 1505 of this chapter; or

(2) In accordance with standards established and enforced by the State in which the device is located, or by a political subdivision thereof, which have been found by the Director of the Bureau of Labor Standards, U.S. Department of Labor,

to be compatible with the standards of Part 1505 of this chapter, by persons designated as competent to perform such certification by competent state authority and recognized as such by the Director.

(c) Cranes and derricks shall have been tested as a unit, inspected and/or examined, at the intervals required by, and in accordance with applicable requirements set forth in, paragraph (b) of this section. Appropriate documentation, acceptable for the purpose, shall be available for inspection at the worksite.

(d) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers associated therewith which support them vertically, need not be tested, but shall be subject to an annual examination in accordance with applicable requirements as set forth in paragraph (b) of this section. Certificates attesting to the required examination and acceptable for the purpose shall be available for inspection.

(e) Disassembly and reassembly of equipment, which is necessary for movement from job to job, or which becomes necessary during the normal course of operations as a routine matter, does not nullify existing certification nor require additional certification functions to be carried out.

(f) Where equipment which is certificated in accordance with paragraph (b) of this section is transferred for use in another state, the then current and valid certification shall remain valid until the next survey becomes due.

[1] See also § 1504.21.

[2] See also § 1504.51.

(g) In the case of seasonal operations, initial certification required by this section may be deferred until the end of the current season. Subsequent annual and/or quadrennial requirements will then become applicable during normally idle periods.

(h) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year, which shall be carried out as usual by operating and maintenance personnel.

§ 1504.14 Container cranes.

The provisions of § 1504.13 requiring certification of certain shore-based material handling devices shall apply to any crane utilized to handle containers in containerized operations between the vessel and the shore.

§ 1504.15 Effective date of §§ 1504.13 and 1504.14.

Sections 1504.13 and 1504.14 shall become effective February 1, 1970.

Subpart C—Means of Access

§ 1504.21 Gangways and other means of access.

(a) The gangway shall be kept properly trimmed at all times.

(b) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(c) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(d) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings with a minimum height of approximately 33 inches with mid-rails on both sides.

(e) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(f) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps, properly secured and equipped with at least one substantial hand rail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(g) Obstructions shall not be laid on or across the gangway.

(h) The means of access shall be adequately illuminated for its full length.

(i) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event loads shall not be passed over the means of access while employees are on it.

§ 1504.22 Jacob's ladders.

(a) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(b) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1504.23 Access to barges and river towboats.

(a) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp meeting the requirements of paragraph (a) of this section or a safe walkway meeting the requirements of § 1504.21(d) shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of § 1504.22 may be used: *Provided, however,* That when these requirements cannot reasonably be met, by reason of local conditions, in respect to barges operating on the Mississippi River System, other safe means of access shall be provided.

(c) When a barge, raft or log boom is being worked alongside a larger vessel, a Jacob's ladder meeting the requirements of § 1504.22 shall be provided for each gang working alongside unless other safe means of access are provided.

(d) When longshoring operations are in progress on barges, the barges shall be securely made fast to the vessel, wharf, or dolphins.

§ 1504.24 Bridge plates and ramps.

(a) Bridge or car plates used afloat shall be of adequate strength, equipped with side boards along the space bridged, well maintained, and secured against movement.

(b) Ramps for access of vehicles to or between vessels shall be of adequate strength, provided with side boards, well maintained and properly secured.

§ 1504.25 Ladders.

(a) There shall be at least one safe and accessible ladder for each gang working in a hatch. However, no more than two such ladders are required in any hatch. An adequate means of gaining a handhold shall be provided at or near the head of each vertical fixed ladder in cases where any coaming or other structural features are such that they cannot serve this purpose.

(b) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(c) Straight ladders of adequate strength, of sufficient length to extend at least 36 inches above the coaming, and suitably secured against shifting or slipping, shall be provided as necessary when fixed hold ladders do not meet the requirements of paragraph (a) of this section, except that when conditions are such that a straight ladder cannot be used, jacob's ladders meeting the requirements of § 1504.22 may be used.

(d) When 4 inches of clearance does not exist in back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(e) When necessary to obtain access to or from a stowed deckload or other cargo and no other safe means is available, ladders or steps of adequate strength, and positively secured against shifting or slipping, shall be furnished. Where portable straight ladders are used they shall be of sufficient length to extend at least 36 inches above the upper landing surface. Adequate steps formed by the cargo itself are acceptable when the nature of the cargo and the type of stowage permits. This paragraph shall not apply to the circumstances covered by § 1504.54(f).

(f) Portable straight ladders used by employees for any purpose not otherwise specifically covered by this part shall be of adequate strength and lashed, blocked, or otherwise secured against shifting or slipping.

Subpart D—Working Surfaces

§ 1504.31 Hatch coverings.

(a) No cargo, dunnage, or other material shall be loaded or unloaded by means requiring the services of employees at any partially opened intermediate deck unless either the hatch at that deck is sufficiently covered or an adequate landing area suitable for the prevailing conditions exists: *Provided, however,* That in no event shall such work be done unless the working area available for such employees extends for a distance of 10 feet or more fore and aft and athwartships.

(b) Cargo shall not be landed on or handled over a covered hatch or tween deck unless all beams are in place under the hatch covers.

(c) Missing, broken, split, or poorly fitting hatch covers that would jeopardize the safety of employees shall be reported at once to the officers in charge of the vessel. Pending replacement or repairs by the vessel, work shall not be performed in the section containing the unsafe covers or in adjacent sections unless the flooring is made safe.

(d) When the hatch covers and beams are not of uniform size, they shall be placed only in the hatch, deck, and section in which they fit properly.

(e) Small trimming hatches located in intermediate decks shall be adequately covered or guarded while work is proceeding in the hatch in which they are located, unless they are actually in use.

§ 1504.32 Stowed cargo and temporary landing platforms.

(a) Temporary tables on which loads are to be landed shall be of sufficient size and strength to permit the employees thereon to work in safety.

(b) When an edge of a hatch section or of stowed cargo more than 8 feet high is so exposed that it presents a danger of an employee falling, the edge shall be guarded by a safety net of adequate strength to prevent injury to a falling employee, or by other means providing equal protection under the existing circumstances.

(c) When two gangs are working in the same hatch on different levels, a safety net shall be rigged and securely fastened so as to prevent men or cargo from falling.

§ 1504.33 Deck loads.

(a) Employees shall not be permitted to pass fore and aft over or around deck loads unless there is a safe passage.

(b) Signalmen shall not be permitted to walk over deckloads from rail to coaming unless there is a safe passage. If it is necessary to stand at the outboard or inboard edge of the deckload where less than 24 inches of bulwark, rail, coaming, or other protection exists, any signalman shall be provided with a suitable means of protection against falling from the deckload.

§ 1504.34 Skeleton decks.

No cargo shall be worked on a skeleton deck, mechano deck or other superstructure unless temporary flooring is provided, when necessary, to make a safe working surface.

§ 1504.35 Open hatches.

Open weather deck hatches around which longshoremen must work which are not protected to a height of 24 inches by coamings, shall be guarded by taut lines at a height of 36 to 42 inches above the deck except on the side on which cargo is being worked. Any portable stanchions or uprights used shall be so supported or secured as to prevent accidental dislodgement; *Provided, however,* That the requirements of this section shall not be deemed to apply to barges or to Great Lakes type bulk carriers.

§ 1504.36 Weather deck rails.

Removable weather deck railings shall be kept in place except when cargo operations require them to be removed, in which case they shall be replaced as soon as such cargo operations are completed.

§ 1504.37 Barges.

(a) Employees shall not be permitted to walk along the sides of covered lighters or of barges with coamings more than 5 feet high unless there is a 3-foot clear walkway or a grab rail or taut handline is provided.

(b) Employees shall not be permitted to walk or work on the decks of barges to be loaded unless and until the walking or working surfaces have been determined by visual inspection to be sound structurally and maintained properly. If in the course of discharging a barge an unsound deck surface is discovered, work shall be discontinued and shall not be resumed until temporary means to ensure a safe work surface, or to avoid the unsound surface, shall have been taken.

§ 1504.38 Freshly oiled decks.

If decks are wet with fresh paint or oil, the employer shall not permit employees to engage in longshoring operations until necessary walking and working areas have been made safe by the use of suitable non-skid materials.

Subpart E—Opening and Closing Hatches

§ 1504.41 Coaming clearances.

(a) Weather deck: If a deck load of lumber or other smooth sided deck cargo over 5 feet high is stowed within 3 feet of the hatch coaming and employees handling beams and hatch covers are not protected by at least a 24-inch height of the coaming, a taut handline shall be provided along the side of the deckload for their protection. The requirements of § 1504.35(a) are not intended to apply in this situation.

(b) Intermediate deck: (1) Before intermediate deck hatch covers and beams are removed or replaced by employees, there shall be a 3-foot working space between the stowed cargo and the coaming at both sides and at one end of the hatches with athwartship beams, and at both ends of those hatches with fore and aft beams, except that a reasonable tolerance will be permitted in circumstances where adherence to a 3-foot working space would create undue hardship.

(2) The 3-foot clearance required by subparagraph (1) of this paragraph is not required on the covered portion of a partially opened hatch, nor is it required when lower decks have been filled to beam height with cargo of such a nature as to provide a safe surface upon which employees may work.

(3) For purposes of subparagraph (1) of this paragraph, banana or other fitted gratings which are in good condition shall be considered a part of the decking when properly placed within the 3-foot area.

(c) Trunk hatches and other permanent or semi-permanent structures and spare parts: When bulkheads, lockers, reefer compartments or large spare parts are within 3 feet of the coaming, grab rails or taut handlines shall be provided for the protection of employees handling beams and hatch covers.

(d) The provisions of this section regarding coaming clearances do not apply to hatches which are opened by hydraulic or other mechanical means, but in all cases in which the 3-foot clearance does not exist, means shall be taken to prevent stowed cargo which is likely to shift from falling into the hold.

§ 1504.42 Beam and pontoon bridles.

Beam and pontoon bridles shall not be used unless they meet the following requirements:

(a) Bridles shall be long enough to easily reach the holes, rings, or other lifting attachments on the beams and pontoons. The bridles shall be of adequate strength and properly maintained, including covering or blunting or protruding ends in wire rope splices.

(b) Bridles for lifting hatch beams shall be equipped with toggles, shackles, or hooks or other devices of such design that they cannot become accidentally dislodged from the beams with which they are used. Hooks other than those herein described may be used only when they are hooked into the standing part of the bridle. Toggles, when used, shall be at least 1 inch longer than twice the longest diameter of the holes into which they are placed.

(c) Bridles used for lifting pontoons and plugs shall have the number of legs required by the design of the pontoon or plug, and all legs shall be used. Where any use of a bridle requires fewer than the number of legs provided, idle legs shall be hung on the hook or ring, or otherwise prevented from swinging free.

(d) At least two legs of all strongback and pontoon bridles shall be equipped with a substantial fiber rope lanyard at least 8 feet long and in good condition. The bridle end of the lanyard may be of chain or wire.

§ 1504.43 Handling beams and covers.

Only paragraphs (f)(2), (h), and (i) of this section apply to folding, sliding, or hinged metal hatch covers or to those hatch covers handled by cranes carried for that purpose.

(a)(1) When hatch covers or pontoons are stowed on the weather deck abreast of hatches they shall be arranged in stable piles not closer than 3 feet from the hatch coaming and, when on the working side of the deck, not higher than the coaming, unless they are spread one high between coaming and rail with no space between them and with not less than a 24-inch height of hatch coaming maintained.

(2) When, in the case of pontoons, the requirements of subparagraph (1) of this paragraph cannot be met due to the narrowness of the available deck area, pontoons may be stowed more than one high against the coaming, provided that not less than a 24-inch height of hatch coaming is maintained on the working side of the vessel. If pontoons must be stowed closer than 3 feet to and higher than the coaming on the idle side, they shall be secured against movement.

(3) When some, but not all, conventional small weather deck hatch boards or similar covers on seagoing vessels are removed from the beams in a section of a partially opened hatch during cargo handling, cleaning or other operations, those removed shall not be stowed on those left in place within that section.

(b) Beams shall be laid on their sides, or stood on edge close together and lashed: *Provided, however,* That this paragraph shall not apply in cases where beams are of such design that (1) the width of the flange is 50 percent or more of the height of the web and (2) that when a beam is stood upright the flange rests flat on the deck.

(c) Strongbacks, hatch covers and pontoons shall be so placed as not to interfere with a safe walkway from rail to hatch coaming or fore and aft, and

so secured that they cannot be tipped over or dragged into hatches or overboard by drafts or gear. Dunnage or other suitable material shall be used under and between tiers of strongbacks and pontoons.

(d) Hatch covers unshipped in an intermediate deck shall be placed at least 3 feet from the coaming or they shall be removed to another deck. Strongbacks unshipped in an intermediate deck shall not be placed closer than 6 inches to the coaming, and if placed closer than 3 feet, they shall be so secured that they cannot be tipped or dragged into a lower compartment. If this is not possible they shall be removed to another deck.

(e) Any beam or pontoon left in place adjacent to a section through which cargo, dunnage, equipment, or any other material is being worked, shall be lashed, locked, or otherwise secured so that it cannot be displaced by accident. All portable, manually handled hatch covers, including those bound together to make a larger cover, shall be removed from any working section.

(f) (1) The roller hatch beam at the edge of the open section of the hatch shall be lashed or pinned back so that it cannot be moved toward the open section.

(2) Rolling, sectional or telescopic hatch covers of barges which open in a fore and aft direction shall be secured against unintentional movement while in the open position.

(g) When a hatch is to be covered, hatch covers or night tents shall be used. Any partial hatch covering, such as alternate hatch covers or strips of dunnage, shall not be covered by a tarpaulin.

(h) Hinged or folding hatch covers normally stowed in an approximately vertical position shall be positively secured when in the upright position.

(i) Hatches shall not be opened or closed while employees are in the square of the hatch below.

Subpart F—Ship's Cargo Handling Gear

§ 1504.51 General requirements.[1]

(a) Neither the safe working load as specified in the cargo gear certification papers, nor any safe working load marked on the booms, shall be exceeded. Any limitations imposed by the certificating authority shall be adhered to.

(b) Any component of cargo handling gear, including tent gantlines and other associated rigging, which is visibly unsafe shall not be used until made safe.

(c) The following limitations shall apply to the use of wire rope as a part of the ship's cargo handling gear:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited;

(2) Except for eye splices in the ends of wires, each wire rope used in hoisting or lowering, in guying derricks, or as a topping lift, preventer, segment of a multipart preventer, or pendant, shall consist of one continuous piece without knot or splice; and

(3) Wire rope shall not be used for the ship's cargo gear if, in any length of 8 diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

§ 1504.52 Specific requirements.

Gear which does not comply with the following requirements shall not be used:

(a) *Preventers.* (1) When preventers are used they shall be of sufficient strength for the intended purpose and secured to the head of the boom independent of working guys except when, in the case of cast fittings, the strength of the fitting exceeds the total strength of all lines secured to it. Any tails, fittings, or other means of making the preventers fast on deck shall provide strength equal to that of the preventer itself.

(2) Wire rope clips or knots shall not be used to form eyes in, or to join sections of, preventer guys.

(b) *Stoppers.* (1) When used, chain topping lift stoppers shall be in good condition, equipped with manila tails, and of a length to allow not fewer than three half-hitches in the chain.

(2) When used, chain stoppers shall be shackled or otherwise secured in such a manner that their links are not bent by being passed around fittings. The point of attachment shall be of sufficient strength and so located that the stoppers are reasonably in line with the normal topping lift lead at the time the stopper is applied.

(3) When used, patent stoppers of the clamp type shall be suited to the size of the rope used. Clamps shall be in good condition and free of paint and dirt which would prevent their being drawn tight.

(c) *Falls.* (1) The end of the winch fall shall be secured to the drum by clamps, U-bolts, shackles, or some other equally strong method. Fiber rope fastenings shall not be used.

(2) Winch falls shall not be used with fewer than three turns on the winch drum.

(3) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(4) When the design of the winch permits, the fall shall be so wound on the drum that the control mechanism moves in the same direction as the load.

(d) *Heel blocks.* (1) When employees are required to work in the bight formed by the heel block, a preventer of at least ¾-inch diameter wire rope, rove reasonably snug and adequately secured, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail. Where physical limitations prohibit the fitting of a wire rope preventer of the required size or of other equally effective means, the maximum possible protection shall be provided.

(2) If the heel block is not so rigged as to prevent its falling when not under strain, it shall be secured to prevent alternate raising and dropping of the block: *Provided, however,* That this requirement shall not apply when the heel block is so located as to be at least 10 feet above the deck when at its lowest point.

(e) *Coaming rollers.* When used, portable coaming rollers, whether provided by the ship or by the employer, shall be secured by wire preventers in addition to the regular coaming clamps.

(f) *Cargo hooks.* Cargo hooks shall be as close to the junction of the falls as the assembly permits, but in no case farther than two feet from it, except that this provision shall not apply when the construction of the vessel and the operation in progress are such that fall angles in excess of 120 degrees do not normally occur. Overhaul chains shall not be shortened by bolting or knotting.

§ 1504.53 Cargo winches.

(a) *General.* (1) When moving parts of winches or other deck machinery present a hazard, they shall be guarded.

(2) Winches shall not be used if control levers operate with excessive friction or excessive play.

(3) Double gear winches or other winches equipped with a clutch shall not be used unless a positive means of locking the gear shift is provided.

(4) When changing gears on a two gear winch, there shall be no load other than the fall and cargo hook assembly on the winch.

(5) Any defect or malfunction of winches shall be reported immediately to the officer in charge of the vessel.

(6) Temporary seats and shelters for winch drivers which create a hazard to the winchmen or other employees shall not be used.

(7) Except for short handles on wheel type controls, winch drivers shall not be permitted to use winch control extension levers unless they are provided by either the ship or the employer. Such levers shall be of adequate strength and securely fastened with metal connections at the fulcrum and at the permanent control lever.

(b) *Steam winches.* (1) Means shall be taken to prevent escaping steam from obscuring any part of the decks or other work places or from otherwise hindering or injuring any employee.

(2) Access shall be maintained to the steam valve between each winch and the deck steam line. If this valve is not operative with normal hand pressure, the winch shall not be used.

(3) Extension control levers which tend to fall of their own weight shall be counterbalanced.

(4) When winches are left unattended, control levers shall be secured in the neutral position.

[1] See also § 1504.12.

(c) *Electrical winches.* (1) When the electro-magnetic or other service brake is unable to hold the load, the winch shall not be used.

(2) Winches shall not be used when one or more control points, either hoisting or lowering, is not operating properly. Employees shall not be permitted to tamper with or adjust electric control circuits.

(3) When winches are left unattended, control levers shall be placed in the neutral position and, whenever possible, the power shall be shut off or control levers locked at the winch or the operating controls.

§ 1504.54 Rigging gear.

(a) When alternate positions for securing guys are provided, the guys shall be so placed as to produce a minimum stress without permitting the boom to jackknife.

(b) The head of the midship boom shall be spotted no farther outboard of the coaming than is necessary for control of the load.

(c) Preventers: When preventers are used, the following shall apply:

(1) Preventers shall be properly secured to suitable fittings, other than those to which the guys are secured, and shall be as nearly parallel to the guys as available fittings permit.

(2) Unless the cleat is also a chock and the hauling part is led through the chock opening, the leads of preventers to cleats shall be such that the direction of the line pull of the preventer is as nearly as possible parallel to the plane of the surface on which the cleat is mounted.

(3) Guys and associated preventers shall be adjusted so as to share the load as nearly equally as practicable where cargo operations are being conducted by burtoning; *Provided, however,* That where guys are designed and intended for trimming purposes only and the preventer is intended to perform the function of the guy, the guy shall be left slack.

(d) Cargo falls under load shall not be permitted to chafe on any standing or other running rigging: *Provided, however,* That this shall not be construed to mean hatch coamings or other similar structural parts of the vessel.

(e) (1) Where a bull wire is taken to a gypsy head for the purpose of lowering or topping a boom, the bull wire shall be secured to the gypsy head by shackle or other equally strong method. Securing by fiber rope fastening will not be considered adequate.

(2) When, in lowering or topping a boom, it is not possible to secure the bull wire to the gypsy head, or when the topping lift itself is taken to the gypsy head, sufficient turns, in no case less than five (5), shall be used.

(f) When deck loads extend above the rail and there is less than 8 inches horizontal clearance between the edge of the deck load and the inside of the bulwark or rail, employees shall not be permitted to go overside unless adequate precautions are taken to prevent them from falling.

§ 1504.55 Cranes.

Unless permanently guarded, the accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

Subpart G—Cargo Handling Gear and Equipment Other Than Ship's Gear

§ 1504.61 General.

(a) All gear and equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.

(b) All special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in the following manner before initially being put into use:

(1) Gear intended to handle lifts up to and including 20 short tons (40,000 lbs.) shall be tested to 25 percent in excess of its safe working load.

(2) Gear intended to handle lifts over 20 short tons (40,000 lbs.) but not exceeding 50 short tons (100,000 lbs.) shall be tested to 5 short tons (10,000 lbs.) in excess of its safe working load.

(3) Gear intended to handle lifts over 50 short tons (100,000 lbs.) shall be tested to 10 percent in excess of its safe working load.

(4) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly identifiable. The records shall be available for examination by representatives of the Bureau of Labor Standards.

(c) The safe working load of gear as specified in §§ 1504.61 through 1504.66 shall not be exceeded.

(d) The weight shall be plainly marked on any article of stevedoring gear hoisted by ship's gear and weighing in excess of 2,000 lbs.

§ 1504.62 Fiber rope and fiber rope slings.

(a) Table G–1 shall be used to determine the safe working load of various sizes of manila rope and rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) Where synthetic fiber ropes are substituted for manila ropes of less than three (3) inches circumference, the substitute shall be of equal size. Where synthetic fiber ropes are substituted for manila ropes of three (3) inches circumference or more, the size of the synthetic rope is to be determined from the formula:

$$C = \sqrt{0.6C_s^2 + 0.4C_m^2}.$$

Where C = the required circumference of the synthetic rope in inches.

C_s = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than the breaking strength of the size manila rope that would be required by paragraph (a) of this section.

C_m = the circumference of manila rope in inches which would be required by paragraph (a) of this section.

TABLE G–1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.

§ 1504.63 Wire rope and wire rope slings.

(a) Tables G–2 through G–5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

TABLE G–2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) – Socket or Swaged Terminal attachment.
(B) – Mechanical Sleeve attachment.
(C) – Hand Tucked Splice attachment.

TABLE G–3.
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia., Inches	TWO – LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.69	.66	.63
3/8"	2.8	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.8	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.8	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	12.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) – Socket or Swaged Terminal Attachment.
(B) – Mechanical Sleeve Attachment.
(C) – Hand Tucked Splice Attachment.

TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.80	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Where "U" bolt wire rope clips are used to form eyes, Table G-6 shall be used to determine the number and spacing of clips. The "U" bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(d) Wire rope shall not be secured by knots, except on haul back lines on scrapers.

(e) The following limitations shall apply to the use of wire rope:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(2) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in bulling cargo, shall consist of one continuous piece without knot or splice.

(3) Eyes in wire rope bridles, slings, or bull wires shall not be formed by wire rope clips or knots.

(4) Wire rope shall not be used as cargo handling gear if, in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/4	3	4	3
5/16	3	4	3 1/4
3/8	4	5	4 1/2
7/16	4	5	5 1/4
1/2	4	6	6
9/16	5	6	6 3/4
5/8	5	7	7 1/2
3/4	6	7	8 3/4
7/8	6	8	9

§ 1504.64 Chains and chain slings.

(a) Tables G-7 and G-8 shall be used to determine the maximum safe working loads of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products. Proof coil steel chain, also known as common or hardware chain, or other chain not recommended for slinging or hoisting by the manufacturer, shall not be used for hoisting purposes.

(b) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.9	81.5	62.0	47.0

(c) Interlink wear, not accompanied by stretch in excess of five (5) percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G-9, has been reached.

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	9/64
3/8	9/64
1/2	7/64
5/8	9/64
3/4	9/32
7/8	11/64
1	3/16
1 1/8	7/32
1 1/4	1/4
1 3/8	9/32
1 1/2	5/16
1 3/4	11/32

(d) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(e) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective, as described in paragraph (d) of this section, shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(f) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding 6 months when recommended by the manufacturer. The chain manufacturer shall be consulted

for recommended procedures for annealing or normalizing. Alloy chains shall not be annealed.

(g) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1504.65 Shackles.

(a) Table G–10 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

TABLE G–10

SAFE WORKING LOADS FOR SHACKLES

[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
¼	⅜	1.4
⅜	½	2.2
½	⅝	3.2
⅝	¾	4.3
¾	1	6.3
⅞	1⅛	8.8
1	1¼	6.7
1¼	1⅜	8.2
1½	1⅝	10.0
1¾	1⅞	11.9
2	2	16.2
2½	2½	21.2

(b) Screw pin shackles provided by the employer and used aloft, except in cargo hook assemblies, shall have their pins moused.

§ 1504.66 Hooks other than hand hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employers shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(c) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

(d) Teeth of case hooks shall be kept in good condition.

(e) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

§ 1504.67 Pallets.

(a) Pallets shall be of such material and construction and so maintained as to safely support and carry loads being handled on them. Fastenings of reusable pallets shall be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent strength.

(b) Wing or lip type pallets hoisted by means of bar bridles shall have an overhanging wing or lip at least 3 inches long.

(c) Loaded pallets which on visual examination do not meet the requirements of this section, shall be placed on pallets meeting the requirements before being hoisted into or out of the vessel.

(d) Bridles used to handle flush end or box type pallets shall be of such a design as to prevent them from becoming disengaged from the pallet under load.

§ 1504.68 Chutes, gravity conveyors and rollers.

(a) Chutes used in the manual handling of cargo shall be of adequate length and strength for the use to which they are put and shall be kept free of splinters and sharp edges.

(b) Chutes shall be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections shall be firmly placed or secured to prevent displacement.

(d) Gravity rollers shall be of sufficient strength for the weight of material which is placed upon them. Rollers shall be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames shall be kept free of burrs and sharp edges.

(f) When necessary for safe operation, provision shall be made for braking objects at the delivery end of the roller or chute.

§ 1504.69 Powered conveyors.

(a) Readily accessible stop controls shall be provided for use in an emergency. Whenever the operation of any power conveyor requires personnel to work in the immediate vicinity of the conveyor, the conveyor controls shall not be left unattended while the conveyor is in operation.

(b) Electric motors and controls on grain trimmers shall be of the explosion-proof type approved by the Underwriters' Laboratories, Incorporated, for use in hazardous locations, Class II, Group G.

(c) All conveyor and trimmer drives which create a hazard shall be adequately guarded.

(d) Each grain trimmer shall have a control box located on the weather deck in close proximity to the spout feeding the trimmer.

(e) Power cables between the deck control box and the grain trimmer shall be used only in continuous lengths without splice or tap between connections.

§ 1504.70 Portable stowing winches.

(a) Portable stowing winches shall be used only with the knowledge and consent of the officer in charge of the vessel.

(b) Portable stowing winches used in connection with operations shall at all times be properly secured to prevent shifting.

(c) When internal combustion powered stowing winches are located below the weather deck or in other enclosed spaces, the exhaust shall be led topside to open air and away from the hatch opening.

§ 1504.71 Rain tents.

When using rain tents, lanyards shall be secured to padeyes or other fixed structures of the vessel which are strong enough or to objects which are heavy enough to withstand the breaking stress of all lanyards attached.

§ 1504.72 Tools.

(a) *General.* Employers shall not issue or permit the use of visibly unsafe tools.

(b) *Portable electric tools.* (1) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in a closed position.

(2) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

§ 1504.73 Mechanically-powered vehicles used aboard vessels.

(a) All automotive equipment shall be maintained in good working order and safety devices shall not be removed or made inoperative, except as otherwise provided.

(b) Overhead guards for fork lift trucks:

(1) Except as noted in subparagraph (5) of this paragraph, fork lift trucks shall be equipped with overhead guards securely attached to the machines. The guards shall be of such design and construction as to protect the operator from boxes, cartons, packages, bagged material, and other similar individual items of cargo which may fall from the load being handled or from stowage.

(2) The guard shall be of such construction that it does not interfere with good visibility, but openings in the top of the guard must not exceed six inches in one of the two dimensions, width or length. Larger openings may be permitted provided no opening is larger than the smallest unit of cargo that is likely to fall on the guard.

(3) The guard shall be large enough to extend over the operator in all normal circumstances of truck operation, including forward tilt.

(4) In fork lift trucks equipped with a single tilt cylinder, provision shall be made so that failure of this cylinder or associated parts will not cause the overhead guard to injure the operator.

(5) The overhead guard may be removed only at times when the construction of the truck is such that the

presence of such a guard would prevent the truck from entering working spaces, and if the operator cannot be injured by low overhead obstructions.

(c) Guards for bulk cargo-moving vehicles:

(1) Every crawler type, rider operated, bulk cargo-moving vehicle shall be equipped with an operator's guard of such design and construction as to protect the operator, when seated, against injury from contact with a projecting overhead.

(2) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(3) Guards shall not be required when the vehicle is used in situations in which the possibility of the seated operator coming in contact with projecting overheads does not exist.

(d) End platform guards:

(1) Every truck operated from an end platform or pedal position shall be equipped with an operator's platform guard of such design that it permits rapid and unobstructed egress.

(2) Guards shall be so designed as to be able to withstand, without excessive deflection, a load equal to the weight of the loaded machine.

(e) Forks, fork extensions or other attachments shall be suitably secured to prevent unintentional disengagement.

(f) Weights and loads:

(1) The vehicle weight, with and without removable counterweights, shall be clearly posted on all mechanically-powered vehicles which are lifted aboard vessels.

(2) The rated capacity of every fork lift truck, with and without removable counterweights, shall be posted on the vehicle in such a manner as to be readily visible to the operator.

(3) Loads in excess of the rated capacity shall not be lifted or carried by lift trucks.

(4) If loads are lifted by two or more trucks working in unison, the total weight shall not exceed the combined safe lifting capacity of all the trucks.

(g)(1) Steering knobs, when furnished on vehicles where the driver is not in a sitting position, shall be of a mushroom type unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(2) Steering knobs or similar ancillary devices shall not be used on the steering wheels of trucks in which the driver is in a sitting position.

(h) No load on a fork lift truck or industrial crane truck shall be suspended or swung over any employee.

(i) When mechanically-powered vehicles are used, adequate provisions shall be made to ensure that the working surface can support the vehicle and load, and that hatch covers, truck plates, or other temporary surfaces cannot be dislodged by movement of the vehicle.

(j) When mechanically-powered vehicles are left unattended, the controls shall be neutralized, power shut off, brakes set, and the forks, blade, or scoop shall be placed in the lowered position.

(k) When lift trucks or other mechanically powered vehicles are being operated on open deck type barges, the edges of the barges shall be suitably guarded by railings, sideboards, timbers or other means sufficient to prevent vehicles from rolling overboard. When operated on covered lighters where door openings other than those being used are left open, adequate means shall be taken as necessary to prevent vehicles from rolling overboard through such openings.

§ 1504.74 Cranes and derricks other than vessel's gear.

(a) The following requirements shall be met in the use of cranes, whether hoisted aboard a vessel for use thereon or used to service a vessel from the dock, shore, or another vessel, and in the use of any other crane or derrick not a part of a vessel's permanent equipment, but used in longshoring operations:

(1) The crane weight shall be posted on all mobile cranes hoisted aboard vessels for temporary use thereon.

(2) All types of cranes shall be equipped with a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings and for which they are certificated, where required. The rating chart shall include all operating radii for all permissible boom lengths and jib lengths as applicable, with and without outriggers which may be fitted, and alternate ratings with optional equipment affecting such ratings. Necessary precautions or warnings shall be included. Operating controls shall be marked, or an explanation posted, at the operator's position to indicate function.

(3) A boom angle or radius indicator shall be fitted where applicable.

(4) All shore-based derricks shall be clearly marked to indicate all applicable capacity ratings, based on manufacturer's (or design) data for which certificated. Such ratings, and any necessary precautions or warnings shall be visible to the operator. Operating controls shall be marked, or an explanation posted at the operator's position to indicate function.

(5) The rated safe working loads of each crane and derrick, for the conditions of use, shall not be exceeded.

(6) No counterweights in excess of manufacturer's (or design) specifications shall be fitted. All equipment shall be used in accordance with manufacturer's (or design) specifications and recommendations.

(7) Pulling of barges or rail cars, and bulling of cargo in such a way as to exert side loading stresses upon crane booms shall not be permitted.

(8) No crane or derrick shall be used in any case where a visible defect affecting safe use exists.

(9) Where cranes are used to load or discharge rough logs into or out of a vessel, such cranes shall be fitted with load indicating devices in proper working condition.

(10) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

(11) During the hours of darkness, illumination provided shall be sufficient under the prevailing circumstances so that an operator can see clearly the work area and any signalmen associated with the operation.

(b) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(c) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

§ 1504.75 Notifying ship's officers before using certain equipment.

(a) The employer shall notify the officer in charge of the vessel before bringing aboard ship internal combustion or electric powered tools, equipment or vehicles.

(b) The employer shall also notify the officer in charge of the vessel before using the ship's electric power for the operation of any of his electric tools or equipment.

§ 1504.76 Grounding.

(a) The frames of portable electric equipment and tools, except double insulated tools approved by Underwriters' Laboratories, Inc., shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the equipment is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

Subpart H—Handling Cargo [4]

§ 1504.81 Slinging.

(a) Drafts shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed.

[4] 46 CFR Parts 146–147 contains regulations of the U.S. Coast Guard pertaining to the handling of explosives and other dangerous cargo.

(b) Cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(c) Drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, shall be slung in such a manner as to prevent sliders. Double slings shall be used on unstrapped dunnage, except when, due to the size of hatch or deep tank openings, it is impractical to use them.

(d) Case hooks shall not be used for handling cases into or out of the vessel, unless the cases are specifically designed to be handled by this means.

(e) Bales of cotton, wool, cork, wood pulp, gunny bags or other similar articles shall not be hoisted into or out of the vessel by their straps unless the straps are of sufficient strength to support the weight of the bale and two hooks, each in a separate strap, are used.

(f) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(g) No draft shall be hoisted unless the winch or crane operator(s) can clearly see the draft itself or see the signals of any signalman associated with the operation.

§ 1504.82 Building drafts.

(a) Drafts shall be so built or such means shall be taken as to prevent cargo from falling from the draft.

(b) Hand loaded buckets or tubs used in handling bulk cargo shall not be loaded above their rims.

§ 1504.83 Stowed cargo, tiering and breaking down.

(a) When necessary, cargo shall be secured or blocked to prevent its shifting or falling.

(b) In breaking down, precautions shall be taken, when necessary, to prevent the remaining cargo from falling.

(c) Employees trimming bulk cargo shall be checked in and out by the foreman. Before securing any reefer compartment, a check shall be made to ensure that no employee remains inside. Frequent checks shall be made to ensure the safety of any employee working alone in a tank or cargo compartment.

§ 1504.84 Bulling cargo.

(a) Bulling cargo shall be done with the bull line led directly from the heel block, except that bulling may be done from the head of the boom when the nature of the cargo and the surface over which it is dragged are such as to avoid stalling the load, or when the winch actually does not have sufficient strength, with the purchase used, to overload the boom.

(b) Snatch blocks shall be used to provide a fair lead for the bull line so as to avoid unnecessary dragging of the bull line against coamings and obstructions.

(c) Falls led from cargo booms of vessels shall not be used to move scows, lighters or railroad cars.

(d) Snatch blocks shall not be used with the point of the hook resting on the flange of a beam, but shall be hung from padeyes, straps or beam clamps. Snatch blocks or straps shall not be made fast to batten cleats or other insecure fittings.

(e) Beam or frame clamps shall be so secured to the beam as to minimize the possibility of their slipping, falling or being pulled from the beam.

§ 1504.85 Containerized cargo.

(a) The gross maximum allowable weight shall be permanently marked on every reusable cargo container. The gross maximum allowable weight shall be considered the weight of the container at the time of hoisting, except when the actual gross weight is plainly marked or otherwise indicated on the container or when the container is empty.

(b) The provisions of paragraph (a) of this section are not intended to require containers to be weighed to ascertain the actual gross weight when other means of obtaining this information is available.

(c) Actual gross weight markings or indications shall be identified on the container by date, voyage number, or other suitable means. Those referring to prior shipments shall be removed or obliterated.

(d) All outbound containers shall be inspected before loading for any visible defects in structural members and fittings, which would render unsafe their handling in loading. To the extent it is reasonably possible, inbound containers shall be similarly inspected before discharge. Any outbound container found to have such a defect shall not be loaded until the defect is corrected. Any inbound container found to have such a defect shall either be discharged by such special means as ensure safety or shall be emptied before discharge.

(e) For the purpose of this section, the term "container" means a reusable cargo container of rigid construction and rectangular configuration, intended to contain one or more articles of cargo or bulk commodities for shipment aboard a vessel, and capable of utilization for this purpose by one or more other modes of transport without intermediate reloading. The term includes completely enclosed units, open top units, half or other fractional height units, units incorporating liquid or gas tanks, and any other variations serving the same basic purpose and fitting into the container system, demountable or with attached wheels. The term, however, does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other of the usual forms of packaging.

§ 1504.86 Hazardous cargo.

(a) Prior to the start of cargo handling operations a responsible representative of the employer shall ascertain from labels on the cargo, from the dangerous cargo manifest, or from other shipping documents, what hazardous cargoes, if any, are to be handled and the general nature of the hazard. He shall inform employees of the general nature of the hazard, the importance to the employees of preventing damage to the cargo, and the special precautions to be taken. The responsible representative of the employer aboard the vessel shall instruct the employees to notify him of any leaks or spills.

(b) Drafts of cargo ascertained by the employer to be hazardous shall be so slung and secured that neither the draft nor individual packages can fall as a result of tipping the draft or slacking the supporting gear.

(c) If a cargo ascertained by the employer to be hazardous is spilled or any of its containers has or develops a serious leak, the employees shall be removed from the hold or compartment until the employer has ascertained the specific hazards, has provided such personal protective equipment and clothing and such ventilation and fire protective equipment as may be necessary to avoid, or protect against, the hazard, and has instructed the employees as to the safe method of cleaning up and disposing of a spill or handling and disposing of the leaking containers. The actual work of clean up or disposal shall be carried out under the personal supervision of a responsible representative of the employer aboard the vessel.

Subpart I—General Working Conditions

§ 1504.91 Housekeeping.

(a) Weather deck walking and working areas shall be kept reasonably clear of lines, bridles, dunnage and all other loose tripping or stumbling hazards.

(b) Gear or equipment, when not in use, shall be removed from the immediate work areas, or shall be so placed as not to present a hazard.

(c) Slippery conditions shall be eliminated as they occur.

(d) Loose paper, dunnage and debris shall be collected as the work progresses and be kept clear of the immediate work area.

(e) Dunnage shall not be placed on deck where it interferes with the free movement of the drafts.

(f) Dunnage racked against sweat battens shall not be used when the levels of such racks are above the safe reach of employees.

(g) Dunnage, hatch beams, tarpaulins or gear not in use shall be stowed no closer than 3 feet to the port and starboard sides of the weather deck hatch coaming, except that a reasonable tolerance shall be permitted where strict adherence is rendered impracticable due to the circumstances.

(h) Nails: (1) Nails which are protruding from shoring or fencing in the immediate work areas shall be bent over or otherwise rendered harmless.

(2) Dunnage, lumber, or shoring material in which there are visibly protruding nails shall be removed from the immediate work area, or, if left in that area, the nails shall be bent over or otherwise rendered harmless.

(i) Employees shall not be exposed to ice which may fall from aloft under conditions where the accumulation of such ice and the circumstances at the time are such as to constitute a hazard.

§ 1504.92 Illumination.

(a) All walking and working areas shall be adequately illuminated.

(b) Portable lights shall meet the following requirements:

(1) Portable lights shall be equipped with substantial reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is deeply recessed.

(2) Portable lights shall be equipped with heavy duty electric cords and may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections. All connections and insulation shall be maintained in safe condition.

(3) Lighting wires and fixtures for portable lights shall be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

(4) Portable lights shall be so arranged that they do not shine in the eyes of winchdrivers or hatchtenders.

(5) Portable cargo lights furnished by the employer for use aboard vessels and purchased after September 1, 1966, shall be listed as approved by the U.S. Coast Guard or shall bear the Underwriters Laboratories, Inc., Marine Label.

(c) Employees shall not be permitted to enter dark holds, compartments, decks or other places without a flashlight or other suitable portable light. The use of matches or open flame lights is prohibited.

§ 1504.93 Ventilation and atmospheric conditions.

(a) Ventilation requirements with respect to carbon monoxide:

(1) (i) When internal combustion engines exhaust into a hold, an intermediate deck, or any other compartment, the employer shall see that tests of the carbon monoxide content of the atmosphere are made with such frequency as is found by test to be necessary in the type and location of the operation, and under the conditions existing, to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which employees are working, by persons competent in the use of the test equipment and procedure. Where operations are located in a deep tank or refrigerated compartment the first test shall be made within one half hour of the time the machine(s) start.

(ii) The carbon monoxide content of the atmosphere shall be maintained at not more than 50 parts per million (0.005%) as a time weighted average, and employees shall be removed from the compartment if the carbon monoxide concentration exceeds 100 parts per million (0.01%). The term "time weighted average" means that for any period of time in which the concentration exceeds 50 parts per million, it shall be maintained at a corresponding amount below 50 parts per million for an equal period of time.

(iii) When neither natural ventilation nor the vessel's ventilating system, where fitted, is adequate to keep the carbon monoxide concentration within the allowable limits set forth in this paragraph, the employer shall use supplementary means of portable ventilation in such size and number and so arranged as to bring such concentration within such limits before work is resumed.

(2) A record of the date, time, location, and results of the tests required by subparagraph (1) of this paragraph shall be maintained for at least 30 days after the work is completed. The record shall be available for examination by representatives of the Bureau of Labor Standards.

(3) The intakes of portable blowers and any exposed belt drives shall be guarded adequately by screens.

(4) The frames of portable blowers shall be grounded at the source of the current either through a third wire in the cable containing the circuit conductors or through a separate wire. When the vessel is the source of the current the ground shall be made to the structure of the vessel. Electric cords used shall be free of visible defects.

(5) The employer shall not permit the use of shore electrical circuits unless they have been checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When the vessel is the source of the current, it is required only that a check be made to ensure good electrical contact between the ground wire and the vessel's structure.

(b) (1) Before commencing to load grain which has been fumigated, the employer shall ascertain from the elevator operator that the cargo is free from hazardous concentrations of fumigants.

(2) The employer shall not load tobacco until the carrier has provided written notification as to whether or not the cargo has been fumigated. If the tobacco has been fumigated with any toxic fumigant, the employer shall not commence loading until written warranty has been received from the fumigation facility that the aeration of the cargo has been such as to reduce the concentration of the fumigant to a safe limit. Such notification and warranty shall be maintained for at least 30 days after the loading of the tobacco has been completed, and shall be available for examination by representatives of the Bureau of Labor Standards.

(3) Before commencing to load cargo other than cargo mentioned in subparagraph (1) or (2) of this paragraph, which has been fumigated at the loading port, the employer shall ascertain that such cargo does not contain a hazardous concentration of fumigants.

(c) Before employees are permitted to enter or work in any stowage space or tank, the employer shall ascertain from the officer in charge of the vessel, or the vessel's agent or operator, whether explosive, poisonous, noxious, or gaseous cargoes have been carried or are stowed therein, or whether dry ice has been used as a refrigerant therein, or whether such places have been fumigated, or whether there is a possibility of oxygen deficiency. Upon establishing that any of such conditions may exist, the employer shall ascertain from the officer in charge of the vessel, if he is properly equipped and qualified so to evaluate, the condition of the work place with respect to atmospheric contaminants or deficiencies. If the officer in charge of the vessel is not equipped or qualified to carry out such evaluation, this shall be done by another person qualified and equipped to do it.

(d) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working is immediately dangerous to life, or if the atmosphere becomes immediately dangerous to life during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmospheric condition has been made safe. Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or the high concentration of contaminants, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(e) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working contains dangerous gaseous contaminants not immediately dangerous to life, or if the atmosphere becomes so contaminated during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmosphere is made safe, or the employees are protected by suitable respiratory protective equipment in accordance with the requirements of § 1504.102 (a) and (b). Dangerous gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period of time without endangering the life of a person breathing them, but might produce discomfort and injury after a prolonged single exposure or repeated short exposures.

(f) When employees are exposed to heavy concentrations of dusts, as in loading bulk grain, they shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 1504.102 (a) and (c).

§ 1504.94 Sanitation and drinking water.

(a) Longshoring operations shall not be carried on in the immediate vicinity of uncovered garbage or in the way of overboard discharges from sanitary lines unprotected by a baffle or splash boards.

(b) Clean drinking water in clean, covered containers shall be provided. Individual sanitary drinking cups or some other equally sanitary device shall be conveniently available.

§ 1504.95 Longshoring operations in the vicinity of repair and maintenance work.

(a) Longshoring operations shall not be carried on when chipping or scaling of decks, bulkheads or sides of vessels creates excessive noise which interferes with communication of warnings or instructions.

(b) Longshoring operations shall not be carried on in the hold or on deck beneath men working in the rigging overhead when such overhead work creates a hazard of falling objects.

(c) Longshoring operations shall not be carried on where employees are exposed to injurious light rays, hot metal, or sparks, any of which result from welding or cutting.

(d) Longshoring operations shall not be carried on where employees are exposed to unsafe concentrations of dust or vapors from sand blasting or spray painting.

§ 1504.96 First aid and life saving equipment.

(a) Unless a first aid room is close at hand and a qualified attendant is prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier only one kit shall be required. The kit shall be kept in the immediate vicinity of the vessel and at least one employee holding a currently valid first aid certificate shall be close at hand.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall include a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job to ensure that all expended items have been replaced.

(d) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that there need be no more than two stretchers on each pier. Stretchers shall be kept close to the vessels.

(e) The employer shall ensure that there is in the vicinity of each vessel being worked at least one U.S. Coast Guard approved 30-inch lifering with not less than 90 feet of line attached and at least one portable or permanent ladder which will reach from the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the vessel. When working a barge, scow, raft, lighter, log boom, or carfloat alongside a ship, a U.S. Coast Guard approved 30-inch lifering, with not less than 90 feet of line, shall be provided either on the floating unit itself or aboard the ship in the immediate vicinity of each floating unit being worked.

(f) When employees are working on log booms or cribs, lifelines shall be furnished and hung overside to the water's edge.

§ 1504.97 Qualifications of machinery operators.

(a) Only those employees considered by the employer to be competent by reason of training or experience, and who understand the signs, notices, and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated hoisting apparatus, or any power-operated vehicle, or to give signals to the operator of any hoisting apparatus.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him shall be permitted to operate a crane, winch or other power-operated hoisting apparatus or a power-operated vehicle.

(c) No minor under 18-years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

§ 1504.98 Grain fitting.

(a) Where employees are engaged in work on longitudinal bulkheads or shifting boards (other than longitudinal bulkheads of feeders) at a distance of eight (8) feet or more above any ceiling, tank top or deck, the following shall apply:

(1) If working off portable straight ladders the provisions of § 1504.25(f) of this Part shall apply.

(2) If working off staging, any lumber used in the construction thereof shall be sound, straight grained, free from cross grain, shakes, and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength. Platform planking used as a work surface shall not be less than 2 x 10 lumber and the width of the platform shall not be less than 18 inches.

(3) If working from other elevated positions, employees shall be protected from falling by safety belt and lifeline or other equivalent protection.

(b)(1) When grain fitting operations are in progress in the square of an intermediate deck, the hatch covering at that deck shall be such as to cover the hatch except for the minimum open spaces necessary to perform the work.

(2) When coverings used to provide a temporary work surface are other than the vessels' hatch covers placed in their normal positions, they shall be of adequate strength and so placed or secured that they cannot be accidentally dislodged.

(c) When the erection of grain fittings requires employees to work on surfaces immediately adjacent to or between open deep tanks, either the deep tank covers shall be put in place, the opening covered by a net, or the opening guarded by a line, railing or net rigged as a railing, or by other suitable means.

(d) When removing hatch coverings from the interiors of feeders at the completion of their construction, or when removing or replacing hatch coverings in the interiors of feeders for any purpose at other times, employees engaged in this work shall be protected from falling by the use of adequate individual lifelines, properly tended, or by nets or other means suitable for the purpose. Except for the minimum open spaces necessary, hatch coverings shall not be removed within feeders under construction until such construction is completed.

(e) When repair or other work is carried out in the interior of an existing feeder and circumstances do not allow the covering of the hatch at that deck, employees shall be protected from falling by the use of adequate individual lifelines, properly secured and if necessary tended, or by nets or other means suitable for the purpose.

(f) Such other sections of this part as are applicable to grain fitting operations shall be adhered to.

Subpart J—Personal Protective Equipment

§ 1504.101 Eye protection.

(a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z-2.1.

(b) Eye protection equipment shall be maintained in good condition.

(c) Eye protection equipment which has previously been used shall be cleaned and disinfection before it is issued by the employer to another employee.

(d) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

§ 1504.102 Respiratory protection.

(a) *General.* (1) Except as provided in subparagraph (c)(3) of this section, respiratory protective equipment required by this part shall carry U.S. Bureau of Mines approval for the use intended. In cases where the U.S. Bureau of Mines does not issue approval against canisters and chemical cartridges shall be acceptable to the Bureau of Labor Standards. Respiratory protective equipment shall be used only for the purpose intended and no modification of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees required to use respiratory protective equipment shall be instructed in its use.

(b) *Protection against gaseous contaminants not immediately dangerous to life.* (1) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister shall be used. Different canisters are approved for use against the following gases and groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide or combinations of the above.

(2) In low concentrations (less than 0.1 percent by volume, but above the Threshold Limit Value of the gas), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subparagraph (1) of this paragraph shall be used.

(c) *Protection against dusts.* (1) For protection against pneumoconiosis producing dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(2) For protection against toxic dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(3) For protection against nuisance dusts, a respirator equipped with the type of filter required in subparagraph (1) of this paragraph or a suitable dust mask shall be used.

§ 1504.103 Protective clothing.

(a) When employees are handling cargo which, due to ruptured, leaking or inadequate containers, may cause burns, skin irritation or be otherwise injurious to health, they shall be protected by suitable protective clothing.

(b) Protective clothing which has been previously worn shall be cleaned and disinfected before it is issued by the employer to another employee.

§ 1504.104 Foot protection.

The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use.

§ 1504.105 Head protection.

(a) When employees are handling cargoes of loose scrap metal, bulk ores which contain ore in a chunky form, or bulk commodities of a similar nature, they shall be protected by protective hats meeting the specifications contained in the American Standard Safety Code for Head, Eye, and Respiratory Protection. Z-2.1.

(b) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

§ 1504.106 Protection against drowning.

(a) Employees working on log booms shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(b) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(c) Buoyant vests and work vests shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being properly fastened.

Appendix I

CARGO GEAR REGISTER AND CERTIFICATES

The cargo gear register, designated Form I by the ILO, is a booklet containing instructions and forms on which the following information is recorded:

Part I. Annual Inspection and Quadrennial Thorough Examination of Derricks and Permanent Attachments (including Bridle Chains) to the Derricks, Masts and Decks.

Part II. Annual Thorough Examination of Cranes, Winches, Hoists, and Accessory Gear other than Derricks and Permanent Attachments Thereto.

Part III. Annual Thorough Examination of Gear which is Exempt from Heat Treatment.

Part IV. Heat Treatment of Chains, Rings, Hooks, Shackles and Swivels which Require such Treatment.

The following are the sample forms of certificates recommended by the ILO.

Test Certificate No. ------

Form No. 2

CERTIFICATE OF TEST AND EXAMINATION OF WINCHES, DERRICKS AND THEIR ACCESSORY GEAR, BEFORE BEING TAKEN INTO USE

(Form prescribed by ----------)

Name of ship on which machinery is fitted----------

(1) Situation and description of machinery and gear, with distinguishing number or mark (if any)	(2) Angle to the horizontal of derrick boom while the load was applied (degrees)	(3) Proof load applied (tons)	(4) Safe working load at the angle shown in column 2 (tons)

(5) Name and address of public service, association, company or firm making the test and examination ----------

(6) Position of signatory in public service, association, company, or firm ----------

I certify that on the ------ day of ----------, 19--, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Signature) ----------

(Date) ----------

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 2]

INSTRUCTIONS

Every winch with the whole of the gear accessory thereto (including derricks, goosenecks, eye plates, eye bolts, or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

The proof load shall be lifted with the ship's normal tackle with the derrick at an angle which should not be more than 15 degrees to the horizontal, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made should be stated in the certificate of test. After the proof load has been lifted, it should be swung as far as possible in both directions.

As a general rule, all tests should be carried out in this way by dead load, and no exception should be allowed in the case of gear on new ships. In the case of replacements or renewals, however, spring or hydraulic balances may be used where dead loads are not available. Where a spring or hydraulic balance is used it shall be accurate, and the test should not be regarded as satisfactory unless the indicator remains constant for a period of at least five minutes.

After being tested as aforesaid, all lifting machinery, with the whole of the gear accessory thereto shall be examined to see whether any part has been injured or permanently deformed by the test.

The safe working load shown in column 4 is applicable only to a swinging derrick. When using fixed derricks, such as "union purchase" rigs, the safe working load should as a general rule be reduced; in any case, it should be determined with due regard to the actual conditions of use.

In the case of heavy derricks, care should be taken that the appropriate shrouds and stays are rigged.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. _____ Form No. 3

CERTIFICATE OF TEST AND EXAMINATION OF CRANES OR HOISTS, AND THEIR ACCESSORY GEAR BEFORE BEING TAKEN INTO USE

(Form prescribed by _____)

Name of ship on which machinery is fitted _____

(1) Situation and description of crane or hoist, with distinguishing number or mark (if any)	(2) For jib cranes radius at whic the proof load was applied	(3) Proof load applied (tons)	(4) Safe working load (for jib cranes at radius shown in column 2) (tons)

(5) Name and address of public service, association, company or firm making the test and examination _____

(6) Position of signatory in public service, association, company or firm _____

I certify that on the _____ day of _____ 19__, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Signature) _____

Date _____

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 3]

INSTRUCTIONS

Every crane and other hoisting machine, with its accessory gear, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

The proof load shall be lifted and swung as far as possible in both directions. If the jib of the crane has a variable radius, it should be tested with a proof load, as defined above, at the maximum and minimum radii of the jib. With hydraulic cranes where, owing to the limitation of pressure, it is impossible to lift a load 25 percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

After being tested, each crane or hoist, with the whole of the gear accessory thereto, shall be examined to see whether any part has been injured or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. _____ Form No. 4

CERTIFICATE OF TEST AND EXAMINATION OF CHAINS, RINGS, HOOKS, SHACKLES, SWIVELS AND PULLEY BLOCKS

(Form prescribed by _____)

(1) Distinguishing number or mark (if any)	(2) Description of gear*	(3) Number tested	(4) Date of test	(5) Proof load applied (tons)	(6) Safe working load (tons)

* The dimensions of the gear, the type of material of which it is made and, where applicable, the heat treatment received in manufacture should be stated (unless Form No. 6 is used for the purpose).

(7) Name and address of makers or suppliers _____

(8) Name and address of public service, association, company or firm making the test and examination _____

(9) Position of signatory in public service, association, company or firm _____

I certify that on the _____ day of _____ 19__, the above gear was tested and examined by a competent person in the manner set forth on the reverse side of this certificate; that the examination showed that the said gear withstood the proof load without injury or deformation; and that the safe working load of the said gear is as shown in Column 6.

(Signature) _____

(Date) _____

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 4]

INSTRUCTIONS

Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load equal to that shown against the article in the following table:

Article of gear	*Proof load*
Chain, ring, hook, shackle or swivel	100 percent in excess of the safe working load.
Pulley blocks:	
Single-sheave block	300 percent in excess of the safe working load.
Multiple-sheave block with safe working load up to and including 20 tons.	100 percent in excess of the safe working load.
Multiple-sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple-sheave block with safe working load over 40 tons.	50 percent in excess of the safe working load.
Pitched chains used with hand-operated pulley blocks and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.
Hand-operated pulley blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.

After being tested, all the gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see whether any part has been damaged or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 Kg or 2,200 lb.

Test Certificate No. _____ Form No. 5

CERTIFICATE OF EXAMINATION AND TEST OF WIRE ROPE BEFORE BEING TAKEN INTO USE

(Form prescribed by _____)

Name and address of maker or supplier of rope _____

Circumference/diameter* of rope _____

Number of strands _____

Number of wires per strand _____

Lay _____

Quality of wire _____

Date of test of sample of rope _____

Load at which sample broke _____

Safe working load, subject to any stated qualifying conditions such as minimum pulley diameter, direct tensile load, etc _____

Name and address of public service, association, company or firm making the examination and test _____

Position of signatory in public service, association, company or firm making the examination and test _____

I certify that the above particulars are correct, and that the examination and test were carried out by a competent person.

(Signature) _____

(Date) _____

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

*Delete what does not apply.

[Reverse of Form No. 5]

INSTRUCTIONS

Wire rope shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes shall not exceed one-fifth of the breaking load of the sample tested.

Certificate No. _____ Form No. 6

CERTIFICATE OF HEAT TREATMENT OF CHAINS, RINGS, HOOKS, SHACKLES AND SWIVELS WHICH REQUIRE SUCH TREATMENT

(Form prescribed by _____)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Number heat treated	(5) Date of heat treatment	(6) Nature of heat treatment given	(7) Defects found at inspection after heat treatment

*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(8) Name and address of public service, association, company or firm carrying out the heat treatment and inspection _____

(9) Position of signatory in public service, association, company or firm _____

I certify that on the date shown in Column 5, the gear referred to in Columns 1 to 4 was heat-treated (indicated in Column 6) under my supervision; that after being so heat-treated every article was carefully inspected, and that no defects affecting its safe working condition were found other than those indicated in Column 7.

(Signature) _____

(Date) _____

NOTES: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

For requirements as to heat treatment, see reverse side.

[Reverse of Form No. 6]

INSTRUCTIONS

ANNEALING

Chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles and swivels made of wrought iron, used in hoisting or lowering, shall be annealed at the following intervals:

	If used on lifting machinery driven by power	If used solely on lifting machinery worked by hand
Half-inch (12.5 mm) and smaller chains, rings, hooks, shackles and swivels in general use.	6 months	12 months.
All other chains, rings, hooks, shackles and swivels in general use	12 months	2 years.

OTHER HEAT TREATMENT

Chains, rings, hooks, shackles and swivels made of material other than wrought iron shall be heat treated in accordance with procedures approved by the competent authority.

Certificate No. ------ Form No. 7

CERTIFICATE OF ANNUAL THOROUGH EXAMINATION OF GEAR WHICH DOES NOT REQUIRE TO BE PERIODICALLY HEAT TREATED

(Form prescribed by ----------)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Remarks

*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(5) Name and address of public service, association, company or firm making the test and examination ----------

(6) Position of signatory in public service, association, company, or firm ----------

I certify that on the ------ day of ---------- 19--, the above gear was thoroughly examined by a competent person, and that no defects affecting its safe working condition were found other than those indicated in Column 4.

(Signature) ----------

(Date) ----------

NOTES: This certificate is optional. The above particulars may be entered in Part III of the Register (Form No. 1).

"Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

For list of gear not required to be heat-treated and definition of "thorough examination", see reverse side.

[Reverse of Form No. 7]

INSTRUCTIONS

Gear not required to be heat treated, but required to be thoroughly examined by a competent person once at least in every twelve months:

Plate-link chains.

Pitched chains.

Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines.

Hooks and swivels having ball bearings or other case-hardened parts.

Bordeaux connections.

Other gear exempted by the competent authority, as follows:

NOTE: "Thorough examination" means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined; if necessary for the purpose, parts of the machines or gear must be dismantled.

Effective date. This revision shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except §§ 1504.13 and 1504.14, which shall become effective on February 1, 1970.

Signed at Washington, D.C., this 21st day of March 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-3617; Filed, Apr. 3, 1969; 8:45 a.m.]

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OF MICHIGAN

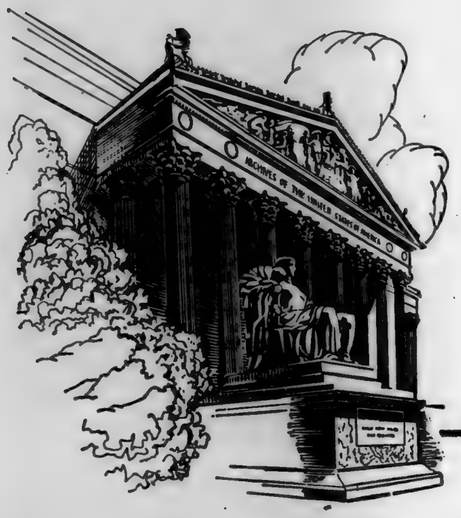
APR 7 1969

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Census Bureau
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Consumer and Marketing Service
Federal Aviation Administration
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Post Office Department
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Detailed list of Contents appears inside.



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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68–SW–74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On November 14, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 16601) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter the Houston, Tex. (Ellington AFB), control zone.

Interested persons were given 30 days in which to submit written data, views, or arguments.

No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete "In § 71.171 (33 F.R. 2090) * * *" and substitute "In § 71.171 (34 F.R. 4590) * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 18, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

The above amendment reads as follows:

In § 71.171 (34 F.R. 4590), the Houston, Tex. (Ellington AFB), control zone is amended to read:

HOUSTON, TEX. (ELLINGTON AFB)

Within a 5-mile radius of Ellington AFB (lat. 29°36'25" N., long. 95°09'20" W.), within a 3-mile radius of Clear Lake City Stolport (lat. 29°33'27" N., long. 95°06'21" W.), within 2 miles each side of the Ellington VOR 209° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR, within 2 miles each side of the Ellington TACAN 213° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN, within 2 miles each side of the Houston VORTAC 142° radial extending from the William P. Hobby Airport (lat. 29°38'40" N., long. 95°16'30" W.) 5-mile radius zone to 11.5 miles southeast of the VORTAC, and within 2 miles each side of the Houston VORTAC 126° radial extending from the William P. Hobby Airport 5-mile radius zone to 13.5 miles southeast of the VORTAC, excluding the portions within the Houston, Tex. (William P. Hobby), control zone.

[F.R. Doc. 69–4001; Filed, Apr. 4, 1969; 8:47 a.m.]

[Airspace Docket No. 69–WE–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On January 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1401) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter description of the Lake Tahoe, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

1. The NPRM stated, in part, that the Lake Tahoe control zone was amended by deleting "* * * 0600 to 2200 hours, local time daily."; this should be changed to read ", * * * effective from 0600 to 2200 hours, local time daily."

2. Change the FEDERAL REGISTER citation to read "In § 71.171 (34 F.R. 4557) * * *".

Since these changes are minor in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., May 29, 1969.

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Lake Tahoe, Calif., control zone is amended by deleting ", * * * effective from 0600 to 2200 hours, local time daily" and substituting therefor "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69–4002; Filed, Apr. 4, 1969; 8:47 a.m.]

[Airspace Docket No. 69–WE–7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On February 15, 1969, a notice of proposed rulemaking was published in the FEDERAL REGISTER (34 F.R. 2255) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Oxnard, Calif. (Ventura County Airport), control zone.

Interest persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Change the FEDERAL REGISTER citation to read "In § 71.171 (34 F.R. 4557) * * *".

Effective date. This amendment shall be effective 0901 G.m.t., May 29, 1969.

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Oxnard, Calif. (Ventura County Airport), control zone is amended by deleting "* * * from 0600 to 2200 hours, local time, daily." and substituting therefor "* * * during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69–4003; Filed, Apr. 4, 1969; 8:47 a.m.]

[Airspace Docket No. 68–WE–89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On February 8, 1969, F.R. Doc. 69–1583 was published in the FEDERAL REGISTER adopting a proposal to alter the description of the Portland, Oreg., transition area. The issuance of this final rule created some questions both from an editorial and charting standpoint. This document is issued to clarify these points.

In consideration of the foregoing, F.R. Doc. 69–1583 is amended by changing the description of the Portland, Oreg., transition area to read as follows:

PORTLAND, OREG.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.), within a 5-mile radius of Kelso-Longview, Wash., airport (latitude 46°07'12" N., longitude 122°53' 58" W.) and within 2 miles each side of the 012° bearing from the Kelso, Wash. RBN (latitude 46°09'14" N., longitude 122°54'40" W.) extending from the 5-mile radius area to 8 miles north of the RBN; that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Portland International Airport;

that airspace northwest of Portland extending from the 30-mile radius area bounded on the south by latitude 45°38'00" N., on the west by longitude 123°17'00" W., on the north by V-112, that airspace north of the Kelso RBN bounded on the north by latitude 46°26'00" N., on the east by a line 6 miles east of and parallel to the 021° bearing from RBN, on the south by latitude 46°09'00" N., on the southwest by a line 5 miles southwest of and parallel to the 336° bearing from the RBN; that airspace south of the Kelso RBN bounded on the north by latitude 46°09'00" N., on the northeast by a line 6 miles northeast of and parallel to the 151° bearing from the RBN, on the south by the 30-mile radius area and the north edge of V-112, on the northwest by a line 5 miles northwest of and parallel to the 216° bearing from the RBN, and within 5 miles east and 8 miles west of the 012° bearing from the Kelso RBN extending from the RBN to 12 miles north of the RBN; that airspace extending upward from 4,500 feet MSL northwest of Portland bounded on the south by V-112, on the west by longitude 123°17'00" W; on the north by latitude 46°11'00" N., and on the east by V-165; that airspace extending upward from 8,500 feet MSL west of Portland extending from the 30-mile radius area bounded on the southeast by V-287W, on the west by V-27, and on the north by V-112; that airspace north of Portland extending from the 30-mile radius area bounded on the west by V-287, on the north by the arc of a 30-nautical-mile radius circle centered on McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'05" W.), and on the east by longitude 122°16'00" W.; that airspace extending upward from 8,500 feet MSL northeast, east, and southeast of Portland within a 60-mile radius of the Portland Airport, extending from the 30-mile radius area clockwise from the Portland VORTAC 036° radial to the east boundary of V-23E, excluding the airspace within Federal airways and the airspace within the arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the north by the Portland VORTAC 118° radial and on the south by the Newberg, Oreg., VORTAC 092° radial.

Since these changes are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date as originally adopted may be retained.

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-4004; Filed, Apr. 4, 1969; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9501; Amdt. 643]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums		
					2-engine or less	
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Palmtree Int	Laau Point Int	Direct	1900	T-dn%*	300-1	300-1	300-1
Laau Point Int	MKK VOR	Direct	1900	C-dn	700-1	700-1	700-1½
				A-dn*	NA	NA	NA

Procedure turn N side of crs, 251° Outbnd, 071° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, #1900'. Maintain 1700' until 2 miles past MKK VOR or MKK R 069°/LNY R 327°.
Crs and distance, facility to airport, 069—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing MKK VOR, turn left and climb to 3000' on MKK VOR R 030° within 20 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
#Do not descend below 1700' until 2 miles past MKK VOR or LNY VOR R 327.°
*Alternate minimums of 900-2 authorized for air carriers with weather reporting service at airport.
%Takeoffs all runways; climbing left turn to 360° to 2000', proceed as cleared.
MSA: 045°–135°—7000'; 135°–225°—5400'; 225°–315°—3400'; 315°–045°—3000'.

City, Kaunakakai Molokai; State, Hawaii; Airport name, Molokai; Elev., 454'; Fac. Class., H-BVOR; Ident., MKK; Procedure No. VOR-1, Amdt. 1; Eff. date, 24 Apr. 69; Sup. Amdt. No. VOR-1, Orig.; Dated, 9 Jan. 65

Penguin Int	LNY R 288°/MKK R 162°	Direct	2000	T-d**	300-1	300-1	200-½
LNY R 288°/MKK R 162°	Rose Int	Via MKK, R 162°.	2000	C-d	700-1	700-1	700-1½
Sampan Int	Rose Int	Direct	2000	A-d*	800-2	800-2	800-2
Rose Int	LNY VOR (final)	Direct	2000				

Procedure turn N side of crs, 274° Outbnd, 094° Inbnd, 2800' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 025°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums over the LNY VOR or if landing not accomplished, make right turn, climb to 4000' on LNY R 274° within 20 miles.
NOTES: (1) No airport lighting. (2) Control zone operates 1430-1815 local standard time only. (3) Warning area 5 miles S of VOR. (4) Reductions not authorized.
CAUTION: Terrain rises sharply 2 miles NE of airport. Lee side turbulence may be encountered throughout approach.
*Alternate minimums authorized only for air carriers with approved weather reporting service.
**Takeoffs Runway 3: Westbound V-28, V-16, V-2, turn left, climb on crs; northwestbound on V-7, turn left to 300°, climb to 2500' prior to proceeding on crs; eastbound on V-2; V-16, turn left, climb eastbound S of R 006° to 3000' prior to joining airway. Runway 21: Northwestbound to V-7, turn right to 300°, climb to 2500' prior to proceeding on crs; eastbound aircraft turn left, climb S of R 096° to 3000' prior to joining airway.
MSA: 000°–090°—7800'; 090°–180°—3500'; 180°–270°—3300'; 270°–360°—5200'.

City, Lanai City; State, Hawaii; Airport name, Lanai; Elev., 1309'; Fac. Class., H-BVOR; Ident., LNY; Procedure No. VOR-1, Amdt. 3; Eff. date, 24 Apr. 69; Sup. Amdt. No. 2; Dated, 29 Oct. 66

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Fitchburg, Mass.—Fitchburg Municipal, ADF 1, Amdt. 3, 10 Oct. 1964 (established under Subpart C).
Columbus, Miss.—Columbus-Lowndes County, VOR-1, Amdt. 6, 23 Dec. 1967 (established under Subpart C).
Cut Bank, Mont.—Cut Bank, VOR 1, Amdt. 6, 18 June 1966 (established under Subpart C).
Shelbyville, Tenn.—Bomar Field, VOR Runway 36, Amdt. 3, 18 Mar. 1967 (established under Subpart C).
Waycross, Ga.—Waycross-Ware County, VOR-1, Amdt. 1, 27 May 1967 (established under Subpart C).

3. By amending § 97.13 of Subpart B to cancel terminal very high frequency omnirange (TerVOR) procedures as follows:

Shelbyville, Tenn.—Bomar Field, TerVOR (R-270), Orig., 24 July 1965, canceled, effective 24 Apr. 1969.

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing UBS VORTAC.
R 187°, UBS VORTAC CW	R 277° (NOPT)	8-mile Arc UBS	1800	Climbing right turn to 2000' direct to UBS VORTAC and hold.
R 007°, UBS VORTAC CCW	R 277° (NOPT)	8-mile Arc UBS	1800	Supplementary charting information: Hold W, 1 minute, right turns, 097° Inbnd. Final approach crs to center of airport. LECO 122.1, 123.6 TCL FSS.

Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 1800' within 10 miles of UBS VORTAC.
FAF, UBS VORTAC. Final approach crs, 097°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over UBS VORTAC, 1800'; over 8-mile DME Fix, 760'.
MSA: 000°–180°—1800'; 180°–360°—1900'.
NOTES: (1) Radar vectoring. (2) Use Columbus approach control altimeter setting.
*Standard alternate minimums authorized for air carrier with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS	
C	760	1	572	760	1	572	760	1¼	572		NA	
VOR/DME Minimums:												
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	680	1	492	680	1	492	680	1¼	492		NA	
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Miss.; Airport name, Columbus-Lowndes County; Elev., 188'; Facility, UBS; Procedure No. VOR-1, Amdt. 7; Eff. date, 24 Apr. 69; Sup. Amdt. No. 6; Dated, 23 Dec. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 miles after passing CTB VORTAC.
R 152°, CTB VORTAC CCW	R 130°, CTB VORTAC	10-mile Arc	5300	Climb to 5300' on CTB VOR R 311° within 8 miles, return to VORTAC.
10-mile DME Fix, R 130°	CTB VORTAC (NOPT)	Direct	5300	Supplementary charting information: TDZ elevation, 3837'.

Procedure turn N side of crs, 130° Outbnd, 310° Inbnd, 5300' within 10 miles of CTB VOR.
FAF, CTB VOR. Final approach crs, 311°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over CTB VOR, 4500'.
MSA: 000°–180°—6300'; 180°–270°—6000'; 270°–360°—5500'.
NOTE: Final approach from holding pattern at VOR not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	4100	1	323	4100	1	323	4100	1	323	4100	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4320	1	366	4320	1	466	4320	1¼	466	4420	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cut Bank; State, Mont.; Airport name, Cut Bank; Elev., 3854'; Facility, CTB; Procedure No. VOR Runway 31, Amdt. 7; Eff. date, 24 Apr. 69; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 18 June 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	MAP: SYI VOR.
Walterhill Int	SYI VOR	Direct	2500
Summitville Int	SYI VOR	Direct	2500

Climbing left turn to 2500′ on R 290° SYI VOR to SYI VOR and hold.
Supplementary charting information: Hold S, 1 minute, left turns, 013° Inbnd. LRCO 122.1, 123.6. TDZ elevation, 800′.

Procedure turn W side of crs, 193° Outbnd, 013° Inbnd, 2500′ within 10 miles of SYI VOR.
Final approach crs, 013°.
Minimum altitude over Bomar FM, 1360′.
MSA: 000°–090°—3300′; 090°–270°—2500′; 270°–360°—2300′.
NOTE: Use Nashville FSS altimeter setting when local altimeter setting not available and increase MDA 160′.
*Standard alternate minimums authorized operators with approved weather reporting service.
%CAUTION: Due to high terrain NE and SE of airport, departing aircraft with limited climb capability should climb to 3000′ on a westerly heading before continuing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–36	1360	1	560	1300	1	560	1300	1	560	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1360	1	558	1300	1	558	1360	1¼	558	NA
	VOR/FM Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–36	1160	1	360	1160	1	360	1160	1	360	NA
A	Not authorized.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802′; Facility, SYI; Procedure No. VOR Runway 36, Amdt. 4; Eff. date, 24 Apr. 69; Sup. Amdt. No. 3; Dated, 18 Mar. 67

Terminal routes			Missed approach
From—	To—	Via	MAP: 8.1 miles after passing AYS VORTAC.
AYS R 126°, CW	AYS, R 296°	8-mile Arc	2200
AYS R 009°, CCW	AYS, R 296°	8-mile Arc	2200
8-mile Arc	AYS VORTAC (NOPT)	AYS, R 296°	1900

Climbing left turn to 2200′ direct to AYS VORTAC, and hold.
Supplementary charting information: Hold NW, 1 minute, left turns, 116° Inbnd. Final approach crs to center of airport. LRCO 122.1, 123.6.

Procedure turn N side of crs, 296° Outbnd, 116° Inbnd, 2200′ within 10 miles of AYS VORTAC.
FAF, AYS VORTAC. Final approach crs, 099°. Distance FAF to MAP, 8.1 miles.
Minimum altitude over AYS VORTAC, 1900′; over 8-mile DME Fix, 800′.
MSA: 000°–360°—2300′.
NOTES: (1) Use Alma, Ga., altimeter setting. (2) This procedure authorized only between the hours of 0600 and 2200 when Alma FSS is in operation, expect operators with approved weather and communication service.
*Night operations Runways 18–36 only authorized.
% Takeoff minimums Runways 4–22 and 13–31, 500–1.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAT
C*	800	1	658	800	1	658	800	1½	658	980	1	537
	DME Minimums:									MDA	VIS	HAA
C*	700	1	558	700	1	558	700	1½	558	1080	1	612
A	Not authorized.		T 2-eng. or less—Runways 18–36, Standard. %				T over 2-eng.—Runways 18–36, Standard. %			Standard.		T 2-eng. or less—Standard.%
										T over 2-eng.—Standard.%		

City, Waycross; State, Ga.; Airport name, Waycross-Ware County; Elev., 142′; Facility, AYS; Procedure No. VOR-1, Amdt. 2; Eff. date, 24 Apr. 69; Sup. Amdt. No. 1; Dated, 27 May 67

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.6 miles after passing OCN VOR (9.6 DME).
				Climbing right turn to 3000′ heading 240° to intercept OCN R 148° direct SAN VOR. Supplementary charting information: LRCO, 122. 1R.

Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500′ within 10 miles of OCN VORTAC.
FAF, OCN VORTAC. Final approach crs, 110°. Distance FAF to MAP, 9.6 miles.
Minimum altitude over OCN VORTAC, 2500′.
MSA: 000°–090°—6800′; 090°–180°—4000′; 180°–270°—2100′; 270°–360°—6700′.
NOTE: Use Miramar (NKX) altimeter setting.
%IFR departure procedures: Runway 6, left turn after takeoff. Westbound, northbound and eastbound (280° clockwise through 120°) departures require a minimum climb rate of 200′ per mile to 2000′ MSL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1000	1	672	1000	1	672	1000	1¼	672	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Carlsbad; State, Calif.; Airport name, Palomar; Elev., 328′; Facility, OCN; Procedure No. VOR–1, Amdt. 2; Eff. date, 24 Apr. 69; Sup. Amdt. No. 1; Dated, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.2 miles after passing FSM VORTAC.
R 359°, FSM VORTAC CW	R 046°, FSM VORTAC	8-mile Arc FSM, R 032° lead radial.	3000	Climb to 3000′ on FSM VORTAC R 232°, to Spiro Int and hold.
R 195°, FSM VORTAC CCW#	R 046°, FSM VORTAC	8-mile Arc FSM, R 060° lead radial.	2000	Supplementary charting information: Hold SW of Spiro Int on R 232°–052° Inbnd, right turns, 1 minute/4 miles. TDZ elevation, 443′.
8-mile Arc	FSM VORTAC (NOPT)	FSM, R 046°	2000	
Spiro Int	FSM VORTAC	Direct	3000	

Procedure turn N side of crs, 046° Outbnd, 226° Inbnd, 3000′ within 10 miles of FSM VORTAC.
Final approach crs, 226°.
Minimum altitude over FSM VORTAC, 2000′.
MSA: 000°–090°—3500′; 090°–270°—3700′; 270°–360°—3000′.
NOTE: Inoperative table does not apply to HIRL or ALS Runway 25.
%IFR departure procedures: Runway 25 maintain runway heading until reaching 1200′ prior to starting right turn.
#Not authorized when restricted areas R–2401 and R–2402 in effect.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–25	980	1	537	980	1	537	980	1	537	980	1	537
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	612	1080	1	612	1080	1¼	612	1080	2	612
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Fort Smith; State, Ark.; Airport name, Fort Smith Municipal; Elev., 468′; Facility, FSM; Procedure No. VOR Runway 25, Amdt. 12; Eff. date, 24 Apr. 69; Sup. Amdt. No. 11; Dated, 13 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	
		Minimum altitudes (feet)	MAP: 10.1 miles after passing HKY VOR.
			Climb to 4000', right turn, to HKY VOR via R 224° and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 240° Inbnd. REIL, Runway 24. TDZ elevation, 1176'.

Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 3500' within 10 miles of HKY VOR.
FAF, HKY VOR. Final approach crs, 224°. Distance FAF to MAP, 10.1 miles.
Minimum altitude over HKY VOR, 3000'; over Taylorsville FM, 2400'.
MSA: 000°–090°—4700'; 090°–180°—3600'; 180°–270°—5000'; 270°–360°—8000'.
*Standard minimums for VOR/FM equipped aircraft. For VOR only aircraft, Categories A and B, 1300-2, Category C, 1300-2¼.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24	2400	1¼	1224	2400	2	1224	2400	2¼	1224	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2400	1¼	1224	2400	2	1224	2400	2¼	1224	NA
	VOR/FM:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-24	1560	1	384	1560	1	384	1560	1	384	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1640	1	464	1640	1	464	1640	1½	464	NA
A	Standard*		T 2-Eng. or less—Standard.				T over 2-Eng.—Standard.			

City, Hickory; State, N.C.; Airport name, Hickory Municipal; Elev., 1176'; Facility, HKY; Procedure No. VOR Runway 24, Amdt. 10; Eff. date, 24 Apr. 69; Sup. Amdt. No. 9; Dated, 27 Mar. 69

6. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FIT NDB.
Gardner VOR	FIT NDB	Direct	3100	Make right-climbing turn to 2500'; return to FIT NDB and hold.
Manchester VOR	FIT NDB	Direct	2800	
Hollis Int	FIT NDB	Direct	2900	Supplementary charting information: Hold NW of FIT NDB, 140° Inbnd, 1 minute, right turns. 1230' antenna 4 miles NW of airport.

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2200' within 10 miles of FIT NDB.
Final approach crs, 320°.
MSA: 000°–090°—3400'; 090°–180°—2400'; 180°–270°—3100'; 270°–360°—4200'.
NOTES: (1) Use Worcester altimeter setting. (2) Facility must be monitored aurally during approach. (3) Approach from a holding pattern not authorized; procedure turn required.
%IFR departure after takeoff, depart airport climbing to [illegible]' on 140° magnetic bearing from FIT NDB prior to proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1080	1	720	1320	1½	970	1360	1¾	1010	NA
A	Not authorized.		T 2-eng. or less—700–1 all runways.%				T over 2-eng.—700–1 all runways.%			

City, Fitchburg; State, Mass.; Airport name, Fitchburg Municipal; Elev., 350'; Facility, FIT; Procedure No. NDB (ADF)–1, Amdt. 4; Eff. date, 24 Apr. 69; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 10 Oct. 64

7. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.9 miles after passing BRY NDB.
LOU VORTAC	Bardstown NDB	Direct	2500	Climb to 2500', left turn to Bardstown NDB.
Bourbon Int	Bardstown NDB	Direct	2500	
EWO VORTAC	Bardstown NDB	Direct	2500	Supplementary charting information: Hold N, 1 minute, left turns, 201° Inbnd. Chart: 930' antenna 37°49'46" N./85°27'59" W.

Procedure turn E side of crs, 021° Outbnd, 201° Inbnd, 2500' within 10 miles of Bardstown NDB.
FAF, BRY NDB. Final approach crs, 201°. Distance FAF to MAP, 1.9 miles.
Minimum altitude over Bardstown NDB, 1400'.
MSA: 000°–090°—2500'; 090°–180°—2300'; 180°–270°—2300'; 270°–360°—2500'.
NOTE: Use Louisville altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-20	1340	1	675	1340	1	675	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1340	1	675	1340	1	675	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Bardstown; State, Ky.; Airport name, Samuels Field; Elev., 665'; Facility, BRY; Procedure No. NDB (ADF) Runway 20, Amdt. 1; Eff. date, 24 Apr. 69; Sup. Amdt. No. Orig.; Dated, 6 June 68

8. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1902'. LOC 6.8 miles after passing BGM NDB.
BGM VORTAC	BGM NDB/River Int	Direct	3600	Climb to 3600' left turn direct BGM VORTAC and hold.
Greene Int	BGM NDB	Direct	3600	
Tyler Int	BGM NDB	Direct	3600	Supplementary charting information: Hold W, 1 minute, right turns, 095° Inbnd. 2549' tower, 3.9 miles SW BGM NDB. 1949' tower, 2.1 miles NE BGM NDB. TDZ elevation, 1602'.

Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 3600' within 10 miles of BGM NDB.
FAF, BGM NDB/River Int. Final approach crs, 338°. Distance FAF to MAP, 6.8 miles.
Glide slope altitude at NDB, 3552'.
Minimum glide slope interception altitude, 3600'. Glide slope altitude at OM, 2708'; at MM, 1819'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.5 mile.
MSA within 25 miles of BGM NDB: 000°–090°—3600'; 090°–180°—3800'; 180°–360°—3600'.
NOTES: (1) ASR. (2) Back crs unusable. (3) Inoperative components or visual aids table not applicable to ALS or HIRLS; 1 mile visibility required. (4) Glide slope touchdown point 2103' from threshold.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-34	1902	1	300	1902	1	300	1902	1	300	1902	1	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	1920	1	318	1920	1	318	1920	1	318	1920	1	318
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2040	1	411	2080		451	2080	1¼	451	2180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Binghamton; State, N.Y.; Airport name, Broome County; Elev., 1629'; Facility, I-BGM; Procedure No. ILS Runway 34, Amdt. 11; Eff. date, 24 Apr. 69; Sup. Amdt. No. 10; Dated, 2 May 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 19, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-3513; Filed, Apr. 4, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that 20 positions of Program Assistant are excepted under Schedule A when filled by persons whose current service in agricultural programs at the State level has provided specialized knowledge and experience needed by the Department. All appointments to these positions must be made by December 31, 1969. Effective on publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (a) of § 213.3113 as set out below.

§ 213.3113 Department of Agriculture.

(a) *General.* * * *

(9) Not to exceed 20 positions of Program Assistant GS-13-15 when filled by persons whose current service in agricultural programs of the Department at the State level has provided specialized knowledge and experience needed by the Department for the more efficient administration of its programs. No new appointments may be made under this authority after December 31, 1969.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4029; Filed, Apr. 4, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Confidential Secretary to the General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (p) is added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(p) *Office of the General Counsel.* (1) One Confidential Secretary to the General Counsel.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4030; Filed, Apr. 4, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (35) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(35) Deputy General Counsel.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4031; Filed, Apr. 4, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Certification of Standards), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Globe Artichokes [1]

On December 4, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18040) regarding the revision of U.S. Standards for Grades of Globe Artichokes (7 CFR 51.3785-51.3795). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

After consideration of all relevant matters presented by interested persons, the revision as so proposed is hereby adopted, subject to the following changes: In § 51.3789 the words, "short and smoothly cut" are changed to read "smoothly cut and not excessively long".

These standards shall become effective on May 15, 1969, and will thereupon supersede the U.S. Standards for Grades of Globe Artichokes which have been in effect since February 10, 1926 (7 CFR 51.3785-51.3795).

Dated: April 1, 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

The standards, as revised, are as follows:

GRADES

Sec.
51.3785 U.S. No. 1.
51.3786 U.S. No. 2.

TOLERANCES

51.3787 Tolerances.

APPLICATION OF TOLERANCES

51.3788 Application of tolerances.

DEFINITIONS

51.3789 Properly trimmed.
51.3790 Fairly well formed.
51.3791 Fairly compact.
51.3792 Overdeveloped.
51.3793 Damage.
51.3794 Fairly uniform in size.
51.3795 Serious damage.

METRIC CONVERSION TABLE

51.3796 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.3785 U.S. No. 1.

"U.S. No. 1" consists of artichokes which meet the following requirements:
(a) Basic requirements:
(1) Properly trimmed;
(2) Fairly well formed;

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(3) Not overdeveloped; and,
(4) Fairly compact.
(b) Free from decay.
(c) Not damaged by any other cause.
(d) Fairly uniform in size.
(e) For tolerances see § 51.3787.

§ 51.3786 U.S. No. 2.

"U.S. No. 2" consists of artichokes which meet the following requirements:
(a) Basic requirements:
(1) Not overdeveloped; and,
(2) Not badly spread.
(b) Free from decay.
(c) Not seriously damaged by any other cause.
(d) Fairly uniform in size.
(e) For tolerances see § 51.3787.

TOLERANCES

§ 51.3787 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) 10 percent for artichokes in any lot which fail to meet the requirements for the grade, including not more than 2 percent for artichokes affected by decay.

APPLICATION OF TOLERANCES

§ 51.3788 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) For a tolerance of 10 percent or more, individual packages shall have not more than 1½ times the tolerance specified, and for a tolerance of less than 10 percent individual packages shall have not more than double the tolerance specified: *Provided,* That at least one defective specimen may be allowed in any package: *And provided further,* That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.3789 Properly trimmed.

"Properly trimmed" means that the stem is smoothly cut and not excessively long.

§ 51.3790 Fairly well formed.

"Fairly well formed" means that the artichoke is not excessively long and pointed.

§ 51.3791 Fairly compact.

"Fairly compact" means that the artichoke is reasonably firm and not more than slightly spread.

§ 51.3792 Overdeveloped.

"Overdeveloped" means that the artichoke has a brownish color; that the scales are tough, leathery, and stringy; and, that the flower in the center of the bud has turned dark pink or purple and become fuzzy.

§ 51.3793 Damage.

"Damage" means any defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the artichoke.

§ 51.3794 Fairly uniform in size.

"Fairly uniform in size" means that not more than 10 percent, by count, of the artichokes in any container may vary more than one-half inch in diameter.

(a) "Diameter" means the greatest dimension measured at right angles to a line from the stem to the opposite end of the artichoke.

§ 51.3795 Serious damage.

"Serious damage" means any defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the artichoke.

METRIC CONVERSION TABLE

§ 51.3796 Metric conversion table.

Inches		*Millimeters (mm)*
⅛	equals	3.2
¼	equals	6.4
½	equals	12.7
¾	equals	19.1
1	equals	25.4
1½	equals	38.1
2	equals	50.8
3	equals	76.2
4	equals	101.6
5	equals	127.0
6	equals	152.4
7	equals	177.8
8	equals	203.2
9	equals	228.6

[F.R. Doc. 69-4048; Filed, Apr. 4, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 368]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.668 Lemon Regulation 368.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 1, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 6, 1969, through April 12, 1969, are hereby fixed as follows:

(i) District 1: 11,160 cartons;
(ii) District 2: 198,090 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 3, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4089; Filed, Apr. 4, 1969; 8:50 a.m.]

[Grapefruit Reg. 59]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.359 Grapefruit Regulation 59.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information

submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 2, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period April 7, 1969 through April 13, 1969, is hereby fixed at 150,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–4119; Filed, Apr. 4, 1969; 11:20 a.m.]

[Grapefruit Reg. 28]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.328 Grapefruit Regulation 28.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 3, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period April 7, 1969 through April 13, 1969, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–4120; Filed, Apr. 4, 1969; 11:20 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 133]

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area (7 CFR Part 1133), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the period through November 30, 1969:

1. In § 1133.71(f), the provision "except for the months specified below,"; and

2. In § 1133.71, paragraphs (g), (h), (i), (j), and (k) in their entirety.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The provisions being suspended are those which would reduce by 30 cents per hundredweight the uniform price to be paid producers for milk delivered in each of the months of April through June to provide a fund to be used in increasing the uniform price to be paid producers in each of the months of September through November. These provisions do not affect the cost of milk to handlers and the suspension will not effect the annual level of returns to producers.

Cooperative associations representing a substantial majority of the milk supply for the market requested that the seasonal incentive payment plan be inoperative for the remainder of 1969. They state that because of an unusually severe winter resulting in a very short hay crop and an extra long feeding season, producers need the additional 30 cents this spring to pay the feed bills. They further state suspension would preclude the incentive payment plan from overlapping with a Class I base plan for the market should such a plan be adopted during the year. A hearing to consider such a plan has been requested by the associations and other interested persons.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (34 F.R. 5383). All those that were filed favored the proposed suspension.

Therefore, good cause exists for making this order effective April 1, 1969.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period April 1, 1969, through November 30, 1969.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1969.

Signed at Washington, D.C., on April 1, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–4019; Filed, Apr. 4, 1969; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Time of Presentation of Shipper's Export Declarations

Pursuant to title 13, United States Code, section 302, the following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 F.R. 11368) (15 CFR Part 30). In accordance with administrative procedure, 5 U.S.C. 553, notice and hearing on these amendments and postponement of the effective date thereof are unnecessary because (1) the amendment is a change in the substantive rules which grant or recognize exemptions or relieve restrictions, and (2) is an interpretive rule and statement of policy.

Effective date. This amendment to the Foreign Trade Statistics Regulations is effective on the date of publication in the FEDERAL REGISTER.

Section 30.12 is amended to read as follows:

§ 30.12 Time and place Shipper's Export Declarations required to be presented.

For shipments by mail, the Shipper's Export Declaration as required in § 30.1 shall be presented to the Postmaster with the packages at the time of mailing. For shipments other than by mail, the Shipper's Export Declaration in the number of copies required by § 30.5 shall be presented to the Customs Director at the port of exportation, as defined below in this section. For shipments by vessel or air to foreign countries, except Canada, the Shipper's Export Declaration must be presented to the Customs Director and authenticated by the Customs Director in accordance with the procedure outlined in § 30.14(a) prior to placing the goods on board the exporting vessel or aircraft. For all other shipments, except by pipeline, the Shipper's Export Declaration must be presented in accordance with the applicable procedures outlined in § 30.14 (a) or (b) prior to exportation. For exports by pipeline, Shipper's Export Declarations may be presented after exportation, at the end of each month, in accordance with procedures outlined in § 30.14(c). For purposes of these regulations, the port of exportation is defined as the Customs port at which or nearest to which the land surface carrier transporting the merchandise crosses the border of the United States into foreign territory, or, in the case of exportation by vessel or air, the Customs port where the merchandise is loaded on the vessel or aircraft which is to carry the merchandise to a foreign country or to a nonforeign area of ultimate destination. Except as otherwise specifically provided,[1] declarations should not be filed at the place where the shipment originates if it is to be transshipped within the United States area before being dispatched to a foreign country or its final destination in a nonforeign area. This applies to shipments originating in Puerto Rico or the Virgin Islands of the United States being forwarded to the United States for transshipment to another destination, and to shipments originating in the United States and being forwarded to Puerto Rico or the Virgin Islands of the United States for transshipment, as well as to merchandise being transshipped in Customs Districts within the States of the United States. In such cases, the declarations should be filed only with the Customs Director at the actual port of exportation. It is permissible for exporters to arrange for presentation of the declaration by the carrier, as authorized above in this section, and for this purpose the declarations may be delivered by the exporter to the carrier at the original port of lading.

A. ROSS ECKLER,
Director, Bureau of the Census.

FEBRUARY 26, 1969.

I concur: March 14, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69–4010; Filed, Apr. 4, 1969; 8:48 a.m.]

[1] For provisions permitting the filing of declarations at other ports, see § 30.36.

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart J—Equal Employment Opportunity

NOTICE TO PUBLIC AND AGREEMENT OF APPLICANT

Section 200.405 is amended to read as follows:

§ 200.405 Notice to public.

Participants in insurance programs under the National Housing Act shall be informed, as early as possible upon indicating their interest in any such program, of the established policy of nondiscrimination in employment in construction, repair or rehabilitation work financed with assistance under the Act.

Section 200.415 is amended to read as follows:

§ 200.415 Agreement of applicant.

An applicant shall, prior to the Commissioner's issuance of any commitment or other loan approval, agree (in a form prescribed by the Commissioner) that there shall be no discrimination against anyone who is employed in carrying out work receiving assistance pursuant to this chapter, or against an applicant for such employment, because of race, color, religion, sex or national origin.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., March 25, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69–3992; Filed, Apr. 4, 1969; 8:46 a.m.]

SUBCHAPTER Q—1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Eligibility Requirements

In Part 242, Subpart A is amended to read as follows:

Subpart A—Eligibility Requirements

Sec.	
242.1	Definitions.
242.3	Applications.
242.5	Certification by State agency.
242.7	Commitments.
242.9	Inspection fee.
242.11	Fees on increases.

Sec.
242.13 Reopening of expired commitments.
242.15 Transfer fee.
242.17 Refund of fees.
242.19 Maximum fees and charges by mortgagee.
242.21 Eligible hospitals.
242.23 Eligible mortgagors.
242.25 Eligible mortgagees.
242.27 Maximum mortgage amounts.
242.29 Adjusted and reduced mortgage amounts.
242.31 Mortgage form and disbursement of mortgage proceeds.
242.33 Maximum interest rate.
242.35 Maturity.
242.37 Payment requirements.
242.39 Application of payments.
242.41 Accumulation of accruals.
242.43 Covenant for fire insurance.
242.45 Racial restriction covenant.
242.47 Issuance of bonds secured by trust indenture.
242.49 Mortgage lien.
242.51 Prepayment privileges, prepayment and late charges.
242.53 Insured advances—building loan agreement.
242.55 Funds and finances—deposits and letters of credit.
242.57 Funds and finances—insured advances—general requirements.
242.59 Funds and finances—offsite utilities and streets.
242.61 Funds and finances—insured advances—assurance of completion.
242.63 Prevailing wage determination.
242.65 Wage certificates and payroll records.
242.67 Labor standards.
242.69 Construction contracts.
242.71 Ineligible contractors.
242.73 Discrimination in employment prohibited.
242.75 Supervision of mortgagor—form of regulation.
242.77 Supervision of mortgagor—maintenance of project.
242.79 Supervision of mortgagor—books and accounts.
242.81 Supervision of mortgagor—inspection of facilities by Commissioner.
242.83 Supervision of mortgagor—nondiscrimination.
242.85 Zoning, deed or building restrictions.
242.87 Property requirements.
242.89 Title requirements.
242.91 Title evidence.
242.93 Miscellaneous mortgages—existing hospitals.
242.95 Loans to cover 2-year operating losses.
242.240 Amendment of regulations.

AUTHORITY: The provisions of this Subpart A issued under sec. 211, 52 Stat. 23, as amended, sec. 242, 82 Stat. 5999, as amended; 12 U.S.C. 1715b, 1715z–7.

Subpart A—Eligibility Requirements

§ 242.1 Definitions.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(b) "Hospital" means a facility—

(1) Which provides community service for inpatient medical care of the sick or injured (including obstetrical care);

(2) Where not more than 50 percent of the total patient days during any year are customarily assignable to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis; and

(3) Which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

(c) "Mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with any credit instrument secured thereby. The mortgage may be in the form of one or more trust mortgages or mortgage indentures or deeds of trust securing notes, bonds, or other credit instruments; and by the same instrument or by a separate instrument, it may create a security interest in initial equipment whether or not the equipment is attached to the realty.

(d) "Mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

(e) "Mortgagor" means the original borrower under a mortgage and its successors and assigns.

(f) "Project" means a hospital which has been approved by the Commissioner under the provisions of this subpart.

(g) "State" includes the several states, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

§ 242.3 Applications.

(a) *Prior approval.* An application for insurance of a mortgage under this part shall be considered only in connection with a hospital proposal which has been approved by the Secretary of Health, Education, and Welfare, or his designee, as substantially in accord with those provisions of title VI of the Public Health Service Act and regulations issued thereunder relating to determination of need for the facility and general standards of construction and equipment.

(b) *Filing of application.* An application for insurance of a mortgage on a project shall be submitted on an approved FHA form by an approved mortgagee and by the sponsors of such project through the local FHA office.

(c) *Application fee.* An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application.

§ 242.5 Certification by State agency.

Every application for insurance under this part shall be accompanied by a certificate of the State agency designated in accordance with section 604(a)(1) of the Public Health Service Act for the State in which the project is or will be located, which certificate shall indicate that:

(a) There is a need for the hospital.

(b) There are in force in the state or other political subdivision of the State in which the proposed hospital will be located reasonable minimum standards of licensure and methods of operation for hospitals and such standards and methods of operation will be applied and enforced with respect to the hospital.

§ 242.7 Commitments.

(a) *Issuance of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the mortgage will be insured.

(b) *Types of commitments.* The commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage after completion of the improvements.

(c) *Term of commitment.* (1) If the commitment fee is paid as required, a commitment shall have a term which is determined as follows:

(i) A commitment to insure advances shall be effective for a period of not more than 180 days from the date of issuance.

(ii) A commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and if construction is begun as required, for such additional period as the Commissioner deems necessary for completion of construction.

(2) The term of a commitment may be extended in such manner as the Commissioner may prescribe.

(d) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $3 per thousand dollars of the amount of the loan set forth in the commitment, shall be paid within 30 days after the date of the commitment. If the payment of a commitment fee is not received by the Commissioner within 30 days after the date of issuance of a commitment, the commitment shall expire on the 30th day.

§ 242.9 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5 per thousand dollars of the commitment. Such inspection fee shall be paid at the time of initial endorsement, if the case involves the insurance of advances, or prior to the date construction is begun, if the case involves insurance upon completion.

§ 242.11 Fees on increases.

(a) *Increase in commitment prior to endorsement.* Upon an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3 per thousand dollars of the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount will expire and the previous commitment will be reinstated. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5 per thousand dollars of the amount of increase in commitment. Where insurance of advances is involved, the additional inspection fee shall be paid at the time of initial endorsement. Where insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or within 30 days after the date of the issuance of the amended commitment, if construction has begun.

(b) *Increase in mortgage between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by amendment or by substitution of a new mortgage, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. The approval of any increase in the amount of the mortgage shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3 per thousand dollars of the amount of the increase granted. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5 per thousand dollars of the amount of the increase granted. The additional commitment and inspection fees shall be paid within 30 days after the increase is granted.

§ 242.13 Reopening of expired commitments.

An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

§ 242.15 Transfer fee.

A transfer fee of 50 cents per thousand dollars of the original face amount of the mortgage shall be paid upon application for approval of a transfer of physical assets or the substitution of a mortgagor.

§ 242.17 Refund of fees.

Commitment, inspection, and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that the construction or financing of the project has been prevented because of condemnation proceedings or other legal action taken by a government body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

§ 242.19 Maximum fees and charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart. The mortgagee may also collect from the mortgagor an initial service charge not to exceed 2 percent of the original principal amount of the mortgage to reimburse the mortgagee for the cost of closing the transaction. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

§ 242.21 Eligible hospitals.

The hospital to be financed with a mortgage insured under this part shall involve the construction of a new hospital or the rehabilitation of an existing hospital.

§ 242.23 Eligible mortgagors.

The mortgagor shall be a nonprofit corporation or association approved by the Commissioner and which possesses the legal powers necessary and incidental to operating a hospital.

§ 242.25 Eligible mortgagees.

The provisions of §§ 203.1 through 203.4 of this chapter and §§ 203.6 through 203.9 of this chapter shall govern the eligibility, qualifications and requirements of mortgagees under this subpart.

§ 242.27 Maximum mortgage amounts.

The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(a) $25 million; or

(b) 90 percent of the Commissioner's estimate of the replacement cost of the hospital, including the equipment to be used in its operation when the proposed improvements are completed and the equipment is installed.

§ 242.29 Adjusted and reduced mortgage amounts.

(a) *Adjusted mortgage amount—rehabilitation projects.* A mortgage financing the rehabilitation of an existing hospital shall be subject to the following limitations, in addition to those set forth in § 242.27:

(1) *Property held unencumbered.* If the mortgagor is the fee simple owner of the property and the ownership is not encumbered by an outstanding indebtedness, the mortgage shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed rehabilitation.

(2) *Property subject to existing mortgage.* If the mortgagor owns the property subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the mortgage shall not exceed the total of the following:

(i) The Commissioner's estimate of the cost of rehabilitation, plus

(ii) Such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to rehabilitation.

(3) *Property to be acquired.* If the property is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the mortgage shall not exceed 90 percent of the total of the following:

(i) The Commissioner's estimate of the cost of rehabilitation, plus

(ii) The actual purchase price of the land and improvements or the Commissioner's estimate (prior to rehabilitation) of the fair market value of such land and improvements, whichever is the lesser.

(b) *Reduced mortgage amounts—leaseholds.* If the mortgage is on a leasehold estate rather than a fee simple holding, the maximum mortgage amount based upon the limitations of this part is subject to reduction by an amount equal to the capitalized value of the ground rent.

(c) *Reduced mortgage amounts—costs.* The Commissioner may require a reduction in the mortgage amount after completion if 90 percent of the actual cost of development of the project is less than the mortgage amount stated in the commitment.

§ 242.31 Mortgage form and disbursement of mortgage proceeds.

(a) *Mortgage form.* The mortgage shall be in a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, which form shall not be changed without the prior written approval of the Commissioner.

(b) *Disbursement of mortgage proceeds.* The mortgagee shall be obligated, as a part of the mortgage transaction, to disburse the principal amount of the mortgage to (or for the account of) the mortgagor or to his creditors for his account and with his consent.

§ 242.33 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 7½ percent. Interest shall be payable in monthly installments on the principal then outstanding.

§ 242.35 Maturity.

The mortgage shall have a maturity not to exceed 25 years from the date amortization begins.

§ 242.37 Payment requirements.

The mortgage shall provide for payments on the first day of each month on

account of interest and for payments to principal in accordance with an amortization plan or sinking fund provisions agreed upon by the mortgagor, the mortgagee and the Commissioner.

§ 242.39 Application of payments.

All payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply each payment received to the following items in the order set forth:

(a) Premium charges under the contract of mortgage insurance.

(b) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums.

(c) Interest on the mortgage.

(d) Amortization of the principal of the mortgage.

§ 242.41 Accumulation of accruals.

(a) The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water charges, special assessments, and fire and other hazard insurance premiums, within a period ending 1 month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such items before they become delinquent. The mortgage shall also make provision for adjustments in case such estimated amounts shall prove to be more, or less, than the actual amounts so paid therefor by the mortgagor.

§ 242.43 Covenant for fire insurance.

The mortgage shall contain a covenant requiring the mortgagor to keep the property insured against fire and such other hazards as the Commissioner may indicate. Such insurance shall be in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner to be the value of the project at the time of its completion. The policies evidencing such insurance shall have attached thereto standard mortgagee clauses making losses payable to the mortgagee and the Commissioner, as interests may appear.

§ 242.45 Racial restriction covenant.

The mortgage shall contain a covenant that, until the mortgage has been paid in full or the contract of insurance otherwise terminated, the mortgagor will not execute or file for record any instrument which imposes a restriction upon the sale or use of the mortgaged property on the basis of race, color, or creed. This covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

§ 242.47 Issuance of bonds secured by trust indenture.

In the event that bonds or other obligations are to be issued as a part of the insured mortgage transaction, the form of bonds and the form of trust indenture shall be subject to the approval of the Commissioner, and shall be subject to the following conditions:

(a) The Trustee named in such trust indenture shall be a banking institution or trust company (authorized to act in a fiduciary capacity and which is a mortgagee approved by the Commissioner); and

(b) The Trustee shall be the holder of record of the insured mortgage (represented by the trust indenture) and shall be authorized to act on behalf of the holders of such bonds or other obligations in all matters concerning the mortgage insurance contract; and

(c) The holders of the bonds or other obligations shall look solely to the Trustee for the benefits of the contract of mortgage insurance and the trust indenture shall expressly authorize the Commissioner to make payment of any claim under the contract of mortgage insurance to the Trustee, without liability or accountability to the bond holders to see to the application of the mortgage insurance contract benefits; and

(d) The bonds or other obligations shall be issued only to holders meeting the following qualifications:

(1) A mortgagee approved by the Commissioner;

(2) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trustee or trustees, which has lawful authority to acquire the bonds of other obligations; or

(3) A charitable or nonprofit organization.

§ 242.49 Mortgage lien.

The mortgagor shall certify at the final endorsement of the mortgage for insurance as to each of the following:

(a) That the mortgage is the first lien upon and covers the entire project including the equipment financed with mortgage proceeds.

(b) That the property upon which the improvements have been made or constructed and the equipment financed with mortgage proceeds are free and clear of all liens other than the insured mortgage and such other liens as may be approved by the Commissioner.

(c) That the certificate sets forth all unpaid obligations in connection with the mortgage transaction, the purchase of the mortgaged property, the construction or rehabilitation of the project or the purchase of the equipment financed with mortgage proceeds.

§ 242.51 Prepayment privilege, prepayment and late charges.

(a) *Prepayment privilege.* The mortgage indebtedness shall not be prepaid in full and the Commissioner's controls shall not be terminated unless the Commissioner gives his prior consent to such prepayment.

(b) *Prepayment charge.* The mortgage may contain a provision for such additional charge, in the event of prepayment of principal, as may be agreed upon between the mortgagor and the mortgagee. However, the mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any one calendar year without any such additional charge. Any reduction in the original principal amount of the mortgage which the Commissioner may require pursuant to § 242.29(c) shall not be construed as a prepayment of the mortgage.

(c) *Late charge.* The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 242.53 Insured advances—building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

§ 242.55 Funds and finances—deposits and letters of credit.

(a) *Deposits.* Where the Commissioner requires the mortgagor to make a deposit of cash or securities, such deposit shall be with the mortgagee or a depository acceptable to the mortgagee. The deposit shall be held by the mortgagee in a special account or by the depository under an appropriate agreement approved by the Commissioner.

(b) *Letter of credit.* Where the use of a letter of credit is acceptable to the Commissioner in lieu of a deposit of cash or securities, the letter of credit shall be issued to the mortgagee by a banking institution and shall be unconditional and irrevocable. The mortgagee shall be responsible to the Commissioner for collection under the letter of credit. In the event a demand for payment thereunder is not immediately met, the mortgagee shall forthwith provide a cash deposit equivalent to the undrawn balance of the letter of credit.

§ 242.57 Funds and finances—insured advances—general requirements.

(a) *Establishment of funds.* If the commitment provides for insurance of advances during construction, the mortgagor shall, prior to initial endorsement, make each of the following deposits:

(1) An amount determined by the Commissioner as sufficient (when added to the proceeds of the insured mortgage) to assure completion of the project and to pay the initial service charge, the carrying charges, and the legal and organization expenses incident to the project. The deposit shall be in cash and shall be held by the mortgagee under an appropriate agreement, approved by the Commissioner, requiring that prior to the advance of any mortgage money, all the cash be disbursed for work and material on the physical improvements and for any other charges and expenses which are payable.

(2) An amount representing all fees and charges to be paid by the mortgagor in connection with financing which are in excess of the initial service charge and which have been approved by the Commissioner.

(b) *Letter of credit.* The mortgagee may accept a letter of credit in lieu of the cash deposit required by paragraph (a) (2) of this section.

§ 242.59 Funds and finances—offsite utilities and streets.

The Commissioner may require a cash deposit in such amount as may be necessary to complete offsite public utilities and streets. The mortgagee may accept a letter of credit in lieu of any such cash deposit.

§ 242.61 Funds and finances—insured advances—assurance of completion.

The mortgagor shall furnish assurance of completion of the project in a form and amount satisfactory to the Commissioner.

§ 242.63 Prevailing wage determination.

After the filing of the application for insurance and prior to the beginning of construction, the Commissioner shall obtain from the Secretary of Labor a determination as to the wages prevailing for the various classes of laborers and mechanics in the area where the project is to be constructed.

§ 242.65 Wage certificates and payroll records.

No advance under the mortgage shall be eligible for insurance unless there has been filed such wage certificates and payroll records as may be required by the Commissioner to determine that laborers and mechanics employed in the construction of the project have been paid not less than the prevailing wages determined by the Secretary of Labor and any overtime wages at a rate not less than one and one-half times the basic rate of pay for all work time in excess of 8 hours during any workday or in excess of 40 hours during any workweek.

§ 242.67 Labor standards.

(a) *Contract requirements.* Any contract, subcontract, or building loan agreement, executed for the performance of construction or rehabilitation of the hospital, shall contain provisions covering the following requirements:

(1) A requirement for compliance with all applicable regulations of the Secretary of Labor relating to the payment of prevailing wages.

(2) A requirement that each laborer or mechanic employed in the construction or rehabilitation receive compensation at a rate not less than one and one-half times his basic rate of pay for all work time in excess of 8 hours during any workday or in excess of 40 hours during any workweek.

(b) *Waiver of compliance with contract requirements.* The Commissioner may waive the requirement for compliance with the contract provisions prescribed in paragraph (a) of this section in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction or rehabilitation of the hospital, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and where the Commissioner determines that full credit has been received by the mortgagor for any amounts saved through such donated services.

§ 242.69 Construction contracts.

(a) *Awarding of contract.* A contract for the construction or rehabilitation of a hospital shall be entered into by a mortgagor with a builder selected by a competitive bidding procedure acceptable to the Commissioner.

(b) *Form of contract.* The construction contract shall be a lump sum form providing for payment of a specified amount.

§ 242.71 Ineligible contractors.

(a) Contracts relating to the construction of the project shall not be made with a general contractor or a subcontractor (or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest), the name of which is on the list of ineligible contractors or subcontractors established by the Commissioner, or by the Comptroller General under the applicable regulations of the Secretary of Labor.

(b) If the Commissioner determines that a contract has been made contrary to the requirements of paragraph (a) of this section and so notifies the mortgagee, the Commissioner may refuse to insure any subsequent advances of mortgage proceeds.

§ 242.73 Discrimination in employment prohibited.

Any contract or subcontract for the construction or rehabilitation of the project shall contain a provision that there shall be no discrimination against any employee, or applicant for employment because of race, color, religion, sex, or national origin.

§ 242.75 Supervision of mortgagor—form of regulation.

As long as the Commissioner is the insurer or holder of the mortgage, he may regulate the mortgagor by means of a regulatory agreement, corporate charter or such other means as the Commissioner may prescribe.

§ 242.77 Supervision of mortgagor—maintenance of project.

The mortgagor shall maintain the project's grounds and buildings and the equipment financed with mortgage proceeds in good repair and shall promptly complete such repairs and maintenance as the Commissioner considers necessary.

§ 242.79 Supervision of mortgagor—books and accounts.

The mortgagor's books and accounts relating to the operation of the physical facilities of the project shall be established in a manner satisfactory to the Commissioner, and shall be kept in accordance with the requirements of the Commissioner as long as the mortgage is insured or held by the Commissioner. The mortgagor shall file with the Commissioner such financial reports as the Commissioner may require.

§ 242.81 Supervision of mortgagor—inspection of facilities by Commissioner.

The mortgaged property (including buildings and equipment) and the books, record and documents relating to the operation of the physical facilities of the project shall be subject to inspection and examination by the Commissioner or his authorized representative at all reasonable times.

§ 242.83 Supervision of mortgagor—nondiscrimination.

The mortgagor shall deal with employees and applicants for employment and shall make the hospital facilities available for use without discrimination based on race, color, religion, sex, or national origin.

§ 242.85 Zoning, deed or building restrictions.

The project when completed shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental regulations and requirements.

§ 242.87 Property requirements.

A mortgage to be eligible for insurance shall cover real estate in which the mortgagor has one of the following interests:

(a) A fee simple title.

(b) A lease for not less than 99 years which is renewable.

(c) A lease having a term of not less than 50 years to run from the date the mortgage is executed.

§ 242.89 Title requirements.

In order for the mortgaged property to be eligible for insurance, the Commissioner shall determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is

filed for record. The title evidence shall be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 242.91 Title evidence.

Upon insurance of the mortgage, the mortgagee shall furnish to the Commissioner a survey of the mortgage property, satisfactory to him, and a policy of title insurance covering such property, as provided in paragraph (a) of this section. If, for reasons the Commissioner deems satisfactory, title insurance cannot be furnished, the mortgagee shall furnish such evidence of title in accordance with paragraph (b) or (c) of this section, as the Commissioner may require. Any survey, policy of title insurance, or evidence of title required under this section shall be furnished without expense to the Commissioner. The types of title evidence are:

(a) A policy of title insurance issued by a company and in a form satisfactory to the Commissioner. The policy shall name as the insureds the mortgagee and the Secretary of Housing and Urban Development, as their respective interests may appear. The policy shall provide that upon acquisition of title by the mortgagee or the Secretary, it will become an owner's policy running to the mortgagee or the Secretary, as the case may be.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

§ 242.93 Miscellaneous mortgages—existing hospitals.

(a) The Commissioner may, under such terms and conditions as he may prescribe, insure a mortgage given to finance or refinance an existing hospital that does not have permanent financing, if the construction of such hospital was completed between January 1, 1966, and August 1, 1968.

(b) The aggregate principal balance of all mortgages insured under paragraph (a) of this section and outstanding at any time shall not exceed $20 million.

§ 242.95 Loans to cover 2-year operating losses.

(a) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(b) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(c) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, but in no case shall such rate exceed the rate in effect under this subpart on the date of the commitment to insure such loan. Interest shall be payable in monthly installments on the principal then outstanding.

(d) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

(e) *Fee.* A combined application and commitment fee of $3 per thousand dollars of the amount of the loan set forth in the commitment shall be paid within 30 days of the date of the commitment.

§ 242.249 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Issued at Washington, D.C., March 25, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-3993; Filed, Apr. 4, 1969; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS–1, 11th Rev.)]

INS–1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Effective as of March 31, 1969, midnight, e.s.t., INS–1 is hereby revised to read as follows:

Sec.
1. Purpose.
2. Insurer.
3. Assured.
4. Vessels insured and terms of insurance.
5. Assumption of risk by owner and attachment and cancellation dates of commercial insurance.
6. Issuance of policies or certificates by Underwriter.
7. Insurance premiums.
8. Reports of accidents and occurrences.
9. Settlement of claims.
10. Litigation and employment of counsel.
11. Report of claims.
12. Application and interpretation of this order.

AUTHORITY: Secs. 1 to 12, issued under sec. 204, 49 Stat. 1967, as amended; 46 U.S.C. 1114.

Sec. 1 Purpose.

Effective as of March 31, 1969, midnight, e.s.t., this order prescribes instructions with respect to the placing of commercial marine protection and indemnity (referred to as "P & I") insurance and the handling of claims of a P & I insurance nature, required to be followed by General Agents and Berth Agents under General Agency Agreements and Berth Agency Agreements, respectively, with the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce (referred to as "Owner").

Sec. 2 Owner.

National Indemnity Co. (hereinafter referred to as "underwriter"), entered into an insuring agreement with the owner covering the period from March 31, 1969, midnight, e.s.t., to March 31, 1970, midnight, e.s.t.

Sec. 3 Assured.

The assureds are (a) the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce, and (b) its General Agents and Berth Agents, and Subagents acting on behalf of either.

Sec. 4 Vessels insured and terms of insurance.

The underwriter has agreed to provide P & I insurance with respect to General Agency vessels operated in the employment of the Military Sea Transportation Service (referred to as "MSTS"), for a period of 1 year from midnight, e.s.t., March 31, 1969, at an annual rate of $5.915 per gross registered ton on a daily pro rata basis, attaching as provided in section 5 (a), (b), (c), (d), (e), and (g) and terminating as of midnight, e.s.t., March 31, 1970, or in accordance with section 5 (c) and (f). This insurance covers the vessel's liability of a P & I insurance nature except for any loss, damage or expense in respect to cargo, including baggage and personal effects of passengers, if any, or cargo's proportion of general average or special charges, or in any other way relating to cargo which is to be carried, is being carried, or has been carried on board such vessels. The limit of liability in any claim shall be $250,000 for each accident or occurrence resulting in personal injury, illness, or death, and $500 for each accident or occurrence of other types except "putting in," burial expenses, and damage to docks, buoys, etc. Claims for "putting in," burial expenses, and damage to docks, buoys, etc. are not subject to any deduction. The underwriter has agreed to accept liability not to exceed $500 for burial expenses.

Sec. 5 Assumption of risk by owner and attachment and cancellation dates of commercial insurance.

(a) *Vessels allocated and delivered to General Agents at fleet site under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* When vessels are allocated and delivered to General Agents at fleet site, the owner will assume the risks of a P & I insurance nature from the date and hour of the vessel's delivery to the General Agent at fleet site to 12:01 a.m. (local time) of the day the vessel is accepted by MSTS, or until 12:01 a.m. (local time) of the date of initial signing on of crew under articles (not the effective date in the event articles are dated prior to or later than the initial signing on), or until 12:01 a.m. (local time) of the day the vessel leaves the reactivation yard for the purpose of undergoing sea trials, whichever shall occur first. As of that time, the P & I risks shall be commercially insured with the underwriter, and the General Agents shall arrange to have the insurance so attached.

(b) *Vessels delivered from bareboat charter and allocated for operation under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* When vessels are delivered from bareboat charter and delivered to General Agents for operation under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto, the P & I insurance risks shall be commercially insured with the Underwriter and the General Agents shall arrange to have P & I insurance attached as of the date and hour of the vessel's delivery under the agreement.

(c) *Vessels transferred from one General Agent to another under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* When a vessel is withdrawn from operation under one General Agent and allocated to another for operation, the respective General Agents shall, unless advised to the contrary, arrange with the underwriter for the termination and reattachment of P & I insurance as of the respective dates and hours of redelivery and delivery of the vessel from and to the respective General Agents.

(d) *New vessels allocated and delivered under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* When new vessels are allocated and delivered to General Agents directly from the builder's yard, the General Agents shall, unless advised to the contrary, arrange for commercial P & I insurance with the underwriter to have the insurance attach as of the date and hour of the vessel's delivery under the agreement.

(e) *Vessels presently in operation under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* In respect to the vessels in operation on the effective date of the new P & I insurance contract, the General Agents shall immediately declare such vessels to the underwriter, and the insurance shall attach on each such vessel in accordance with the new P & I insurance contract as of midnight, e.s.t., March 31, 1969.

(f) *Vessels redelivered to reserve fleets.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight (local time) of the day the vessel is redelivered to the fleet site, whether in reduced operational status or for permanent layup.

(g) *Vessels in reduced operational status and again delivered to General Agents for operation.* General Agents shall reattach the commercial P & I insurance on those vessels as of 12:01 a.m. (local time) of the day that the vessels are delivered to the General Agents at fleet site.

(h) *Notice of attachment and termination of insurance.* General Agents shall promptly notify the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, of the date and hour of the attachment or of the termination of P & I insurance after either is effected in accordance with paragraphs (a), (b), (c), (d), (e), (f), and (g) of this section.

Sec. 6 Issuance of policies or certificates by Underwriter.

The underwriter, upon receipt of applications from General Agents, will arrange for execution and delivery of the policies and/or certificates to such General Agents with respect to each vessel named in such applications. The underwriter will also furnish such copies of policies and/or certificates as may be required by the owner and the General Agents. The original of all policies and/or certificates shall be promptly forwarded by each General Agent to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Department of Commerce, Washington, D.C. 20235. Upon cancellation of this insurance, the Underwriter will issue an endorsement with respect to such cancellation, showing the cancellation date and amount of return premium.

Sec. 7 Insurance premiums.

(a) *Payment of premiums.* Premiums for P & I insurance provided under the policies shall be paid by each General Agent quarterly, in advance, for the period from the date of attachment of such insurance to the date of expiration. Brokerage, if any, shall be allowed, but in no event to exceed ½ percent of the annual premiums for each commenced quarter.

(b) *Return premiums.* Each General Agent shall be responsible for collection or obtaining credit for return premiums provided for in the current policy for all vessels insured with the underwriter pursuant to this order. Such return premiums shall be computed in accordance with the provisions of such policy. Statements or credit memoranda shall be obtained in duplicate from the underwriter; the originals thereof shall be filed in the General Agent's office subject to inspection by the owner's auditors, and shall be retained until completion of audit. The duplicate copies thereof shall be forwarded to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235.

Sec. 8 Reports of accidents and occurrences.

(a) *Reports to underwriter.* All accidents and occurrences of a P & I insurance nature, arising subsequent to the attachment of P & I insurance, as provided in section 5 hereof, shall be promptly reported by General Agents to the underwriter, together with all available information. The General Agents shall also obtain the names of the underwriter's outport representatives and supply such information to the Master of each vessel so that he may report to and/or obtain from these representatives such information and assistance as may be required under the circumstances.

(b) *Reports to owner.* All accidents and occurrences of a P & I insurance nature, arising prior to the attachment and subsequent to the termination of this insurance, as provided in section 5 hereof, shall be reported to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235.

Sec. 9 Settlement of claims.

(a) *On risks insured under commercial marine protection and indemnity policies.* General Agents of vessels described are hereby authorized to settle without prior approval, all claims of a P & I insurance nature where the settlement amounts do not exceed the applicable deductions set forth in the P & I policy. When the proposed settlement amounts of such claims exceed the applicable deductions, General Agents shall obtain the underwriter's approval of the proposed settlements and, immediately after payment in full, or of any portion thereof over the applicable deductions, make formal claim for reimbursement from the underwriter. All claims which do not exceed the deduction in the policy are chargeable to vessel expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim, the General Agent shall advise the claimant that such settlement is not to be construed as an admission of liability by or in behalf of the owner, or its General Agents and Berth Agents or their Subagents, but that the settlement is a compromise of a disputed claim. General Agents shall be expected to apply sound judgment and follow standard practices of vessel operators in the settlement or other disposition of P & I claims and shall avail themselves of the advice and assistance of the underwriter, and may also consult with the appropriate District Counsel of the Maritime Administration, and the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235. Berth Agents shall furnish reports and render all necessary assistance to the General Agents in handling P & I insurance claims. A claim shall be settled only when the amount of the settlement is reasonable under the circumstances, is

adequately supported, and is in the best interests of the United States.

(b) *On risks assumed by the owner.* General Agents are hereby authorized to settle claims of a P & I insurance nature, arising under conditions where the risk is assumed by the Maritime Administration, as set forth in section 5 hereof, without prior approval, provided the proposed settlement amount of each claim does not exceed $1,000. If the proposed settlement amount of any such claim exceeds $1,000, the General Agent shall, prior to payment, obtain the approval of the proposed settlement from the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235. The amounts and costs of these settlements are chargeable to vessel operating expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim hereunder, General Agents shall be governed by the procedure and instructions set forth in paragraph (a) of this section insofar as applicable.

(c) *Claims declined by underwriters.* Any claim of a P & I insurance nature, which has been declined by this underwriter, or by any other underwriters under prior insuring agreements, shall be forwarded to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, for review and further instruction.

Sec. 10 Litigation and employment of counsel.

(a) As to any suit arising out of the activities of a General Agent in the course of his official duties, wherein the General Agent is named a party or one of the parties defendant, and whether or not the risk is covered by P & I insurance, such General Agent shall immediately, by air mail, forward copies of the pleadings and all other related legal documents to the General Counsel, Maritime Administration, Department of Commerce, Washington, D.C. 20235 and to the Attorney General, Admiralty and Shipping Section, Department of Justice, Washington, D.C. 20530. No General Agent, Berth Agent, or Subagent, shall incur any legal expenses in connection with any claim covered by P & I insurance unless approved in advance by the underwriter, or in connection with any other claim unless approved in advance by the General Counsel, Maritime Administration, except in an emergency where time will not permit such approval to be obtained.

(b) In addition to the foregoing, in the case of any attachment or seizure of a vessel, whether or not the risk is covered by P & I insurance, the General Agent shall immediately, by telegram, radio, or cable, notify the nearest Maritime Administration representative or the General Counsel, Maritime Administration, Washington, D.C. 20235.

Sec. 11 Report of claims.

(a) All General Agents shall submit to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, quarterly reports of all claims, listed separately by vessel, as per the attached form.

(b) The first of such reports shall cover the period from April 1, 1969 through June 30, 1969, and shall be submitted within thirty (30) days after said period. Subsequent reports shall be submitted within thirty (30) days after the conclusion of each quarterly period thereafter. A claim previously reported as closed need not be reported on subsequent statements unless it is reopened.

Sec. 12 Application and interpretation of this order.

General Agents shall communicate directly with the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, regarding all questions of application, interpretation, or intent of this order.

Since the foregoing, without material change, was sent direct to interested persons it is found, for good cause shown, to be impracticable and unnecessary to delay the effective date; therefore, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 553), this 11th Revision shall be effective as aforesaid.

By order of the Acting Director, National Shipping Authority, Maritime Administration.

Dated: March 28, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

Vessel	Name of injured or claimant	Nature and date of injury, loss, or damage	Amount(s) paid if any	Date and amount of billing to underwriter	Date and amount of reimbursement received from underwriter	Estimated future cost	Status and/or remarks
		Insured claims paid or pending during reporting period					
		Assumed risk claims paid or pending during reporting period					

[F.R. Doc. 69-3975; Filed, Apr. 4, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 542—INTERNATIONAL AIR TRANSPORTATION

Miscellaneous Amendments

I. Section 542.1 is amended to show that Part 542 applies to both United States and foreign air carriers when carrying airmail from the United States to other countries; to show that airmail will be given preference of dispatch over all other mail; and to establish policy for dispatching military space available mail.

Accordingly, in § 542.1 *Authority,* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Applicability.* These rules and regulations apply to United States air carriers and foreign air carriers engaging in overseas or international air transportation of mail on FAM numbered routes assigned by the Post Office Department to the extent noted herein, and they supplement the provisions of the convention of the Universal Postal Union.

NOTE: The corresponding Postal Manual section is 542.11.

2. In paragraph (b) subparagraphs (1) and (6) are amended to read as follows:

(b) *Definitions (as used in Part 542)*—(1) *Air Carrier (also called American-flag carrier).* Any citizen or company of the United States authorized by the Civil Aeronautics Board to engage in overseas or international air transportation.

* * * * *

(6) *Mail.* United States origin and international transit mail.

NOTE: The corresponding Postal Manual section is 542.12.

3. Amend paragraph (c) to read as follows:

(c) *Authority to engage in air transportation of mail*—(1) *American-flag air carriers.* Air carriers shall not engage in air transportation of mail unless a certificate has been issued by the Civil Aeronautics Board authorizing them to do so. Each such certificate states the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation.

(2) *Foreign-flag air carriers.* Foreign air carriers shall not engage in air transportation of mail from U.S. soil without a permit issued by the Civil Aeronautics Board authorizing such transportation:

NOTE: The corresponding Postal Manual section is 542.13.

4. In paragraph (d) make the following changes:

a. Amend subdivision (ix) of subparagraph (1) to read as follows:

(ix) Airmail (civil and military) will be given preference of dispatch over all other categories of mail. If the airmail load must be reduced, letter mail and the military air registers will be the last to be removed or refused.

NOTE: The corresponding Postal Manual section is 542.1411.

b. In subparagraph (2) amend subdivisions (i) through (v) by deleting the words "Military ordinary mail" wherever they appear therein, and insert in lieu thereof "MOM".

NOTE: The corresponding Postal Manual section is 542.142.

c. Add new subparagraph (3) to read as follows:

(3) *Policy for dispatch of military space available mail (SAM/PAL).* (i) Military SAM/PAL mail will be transported via U.S. carriers only, unless special arrangements have been made otherwise, on a space available basis after all other revenue traffic has been accommodated.

(ii) SAM/PAL to competitive points will be tendered on an equitable basis insofar as practicable with regard to available space.

NOTE: The corresponding Postal Manual section is 542.143.

5. In paragraph (e), second sentence, delete the words "and International Services".

NOTE: The corresponding Postal Manual section is 542.15.

II. Section 542.2 *Carrier operations,* is amended as follows for purposes of clarification, with no substantive changes involved.

a. In paragraph (b) delete the words "and International Services" from the bureau title in the second sentence.

b. In paragraph (f) insert "Bureau of Transportation" before "Post Office Department" in the second sentence.

c. In paragraph (i) amend the first sentence to read as follows:

(i) *Accidents.* Carriers will immediately inform the Director, International Service Division, Bureau of Transportation, Post Office Department, Washington, D.C. 20260, of any accident resulting in possible damage to or loss of United States mail. * * *

NOTE: The corresponding Postal Manual sections are 542.22, 542.26, and 542.29.

III. Section 542.3, *Transportation of mail,* is amended as stated below.

a. Subparagraphs (2), (4), and (5), of paragraph (b) are revised and updated to furnish a new priority schedule for dispatching airmail.

(b) *Priority of mail and estimates.* * * *

(2) *Priority.* Air carriers are required to give the following priority to airmail:

(i) The normal mail load for each trip must be given priority over all other traffic on each trip designated for the transportation of mail.

(ii) The normal mail load will be determined on the basis of the mail tendered to that trip on the same day of the week for the 5 previous weeks. When computing the average, exclude mail tendered under abnormal conditions.

(iii) Mail in excess of normal mail load must be given priority over all other traffic except confirmed revenue passengers and their baggage. Mail aboard a plane must not be removed to accommodate local boarding passengers or extra fuel.

(iv) On cargo aircraft, all airmail offered must be given priority over any other traffic.

(v) In the event of refusal or removal priority as outlined in subparagraph (4) of this paragraph will prevail.

* * * * *

(4) *Removal or refusal.* (i) When it is necessary to reduce the load of an aircraft due to weather or other emergency reasons, the following order or removal shall prevail:

(*a*) Military space available mail (SAM/PAL).

(*b*) Air express and airfreight and also diplomatic pouches moved as air cargo and "not" as first-class mail.

(*c*) MOM.

(*d*) Airmail (civil LC/AO/CP and military).

(*e*) LC mail after removal of all other traffic except revenue passengers with space confirmed prior to knowledge that the load must be reduced.

(ii) Air carriers must comply with the provisions of subdivisions (i), (ii), (iii), and (iv) of subparagraph (2) of this paragraph and any failure to do so will constitute a refusal.

(iii) Postal personnel will report, in detail, on Form 2759 all instances of refusals and removals. Form 2760 will be obtained as soon as possible from the carriers in all instances of refusal or removal.

(iv) Refusal or mail by a carrier may result in diversion of the mail to another carrier and/or the imposition of a fine.

(5) *Nonpriority mail.* Normally MOM moves on the same priority as air cargo, that is, on a first-in, first-out basis. Carriers accepting MOM do so with the understanding that transportation is assured to the destination indicated on the AV-7.

NOTE: The corresponding Postal Manual sections are 542.322, 542.324, and 542.325.

b. Paragraphs (c)(1), (d)(1), (e), and (g) are amended to provide additional information on the preparation and processing of Form 2942, AV-7 Delivery List. These amendments are as follows:

1. Amend paragraph (c)(1) to read as follows:

(1) *Documentation.* (i) The postal unit dispatching civil mail must prepare the AV-7s listing the origin, destination, dispatch number and weight in the proper columns. One set AV-7s must be prepared to cover the mail for each stop point on the flight. The heading of each AV-7 will indicate the stop point, using the appropriate three letter code, on the first line, and the second line will show the carrier and flight number as well as the additional routing information when transfers are involved.

(ii) Military airmail and MOM must be documented on separate AV-7s designed for each category. Military space available mail (SAM/PAL) will be documented on MOM AV-7s endorsed "SAM" centered on the two top lines of the form. The notation "Military Ordinary Mail" just above the body of the form, will be deleted when the MOM AV-7 is used to document "SAM" mail. Military nonregistered mail will be bulk billed on appropriate AV-7s, whereas military registered mail will be documented individually on appropriate separate AV-7s.

(iii) FCM mail destined for Mexico will be documented on Civil AV-7s endorsed "FCM" centered on the two top lines of the form.

(iv) A set of AV-7s normally consists of seven copies and five copies are tendered to the carrier with the relative mail. One copy is maintained in the local files and the other copy forwarded to the appropriate processing unit. (See Transportation Handbook, Series T-1).

(v) Special instructions are issued governing those situations where additional copies of AV-7s are required in excess of the normal set of seven.

2. In paragraph (d)(1), first sentence, change "imminent departure" to "scheduled departure".

3. Paragraph (e) is amended to read as follows:

(e) *Transfer between flights.* Each carrier must transfer mail between its own flights and flights of other carriers whenever the transfer is shown on the AV-7s. It must transfer mail at points in the United States, its territories or possessions with domestic air carriers as directed by the Department.

4. Paragraph (g)(1) is amended to read as follows:

(1) *Prompt delivery.* Upon arrival of a flight, the carrier must unload the mail and make delivery as soon as possible to the authorized postal representative at such point as may be designated. The postal representatives must promptly verify that all mail manifested on the AV-7s is received.

5. In paragraph (g)(3) the last sentence of subdivision (ii) is amended to read as follows, to show that civil airmail must be listed descriptively: "However, registered military mail and civil airmail must be descriptively listed."

6. In paragraph (g)(7), subdivision (ii) change "July 4, 1962, FRA" to "July 4, 1968, FRA"; and change "July 4, 1962, BDL" to "July 4, 1968, BDL".

NOTE: The corresponding Postal Manual sections are 542.33, 542.34, 542.35, and 542.37.

c. New subparagraph (8) is added to paragraph (g) to state that Canadian air carriers must obtain a receipt for Canadian mail delivered to airport mail facilities.

(8) *Mail received from Canada on Canadian air carriers.* Canadian air carriers must obtain a receipt on Form 2753-A, Mail Delivery Record, for Canadian mail delivered to airport mail facilities. Canadian air carrier employees will complete Form 2753-A in accordance with § 533.6(b)(2) of this chapter.

NOTE: The corresponding Postal Manual section is 542.378.

d. Paragraph (l) is deleted.

IV. Section 542.4 is amended as follows to state that fines on carriers will be based on results of a monthly, rather than quarterly review, when no improvement is apparent. Accordingly, in § 542.4 *Mail transportation irregularities*, make the following changes in paragraph (e):

a. In the second sentence delete "and International Services".

b. Amend the fifth sentence to read as follows: "Fines will be based on results of monthly reviews when no improvement is apparent".

NOTE: The corresponding Postal Manual section is 542.45.

V. Section 542.5 *Form 2759, Report of Irregular Handling of Airmail*, is hereby revoked; and §§ 542.6, 542.7, and 542.8 are redesignated as §§ 542.5, 542.6, and 542.7, respectively.

(5 U.S.C. 301, 39 U.S.C. 501, 6301, 6304)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-4016; Filed, Apr. 4, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PUBLICIZING SPECIAL HIRING PROGRAMS

Government agencies and federally supported private organizations having an interest in reducing national unemployment through special training and hiring programs have requested the General Services Administration to assist them by inviting the attention of prospective Government contractors to these programs in invitations for bids and requests for proposals. Accordingly, this amendment of the General Services Administration Procurement Regulations establishes procedures for participation by GSA in publicizing these special hiring programs primarily through the use of a new GSA Form 1714B, Announcements Publicizing Special Hiring Programs.

PART 5–1—GENERAL

The table of contents for Part 5–1 is amended by the addition of the following new entries:

Subpart 5–1.55—Publicizing Special Hiring Programs

Sec.
5–1.5500 Scope of subpart.
5–1.5501 Descriptions of programs.
5–1.5502 Procedure.

AUTHORITY: The provisions of this Subpart 5–1.55 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Part 5–1 is amended by adding Subpart 5–1.55, as follows:

Subpart 5–1.55—Publicizing Special Hiring Programs

§ 5–1.5500 Scope of subpart.

This subpart establishes a procedure to be followed in invitations for bids and requests for proposals for publicizing special hiring programs sponsored by the Government and private industry which are available to Government contractors.

§ 5–1.5501 Descriptions of programs.

The special hiring programs about which this subpart is concerned are:

(a) *War on Poverty Programs.* These programs comprise the Job Corps Placement Program of the Office of Economic Opportunity and the Neighborhood Youth Corps Program of the Department of Labor. Their objective is to help young people and adults to become productive, self-supporting citizens through training, education, and job placement.

(b) *President's Youth Opportunity Campaign.* This program is sponsored by the President's Council on Youth Opportunity, Department of Commerce. Its objective is to secure jobs for youth during summer months.

(c) *"JOBS" Program.* This program, also known as the President's Job Opportunities in the Business Sector Program, is a partnership between Government and private industry. Its objective is to train and hire the hard-core unemployed and find productive summer jobs for needy youth. Private industry is represented by the National Alliance of Businessmen, established as a working group of the Nation's leading business executives to operate the program.

§ 5–1.5502 Procedure.

The contracting officer shall include one copy of GSA Form 1714B, Announcements Publicizing Special Hiring Programs, as a flyer with all invitation for bid or request for proposal mailings issued for the procurement of personal property and nonpersonal services (including construction). Since this form publicizes the programs described in § 5–1.5501 and does not constitute a contract requirement, it should not be physically attached to the invitation.

PART 5–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5–2 is amended by the addition of the following new entry:

Sec.
5–2.201–57 Publicising special hiring programs.

Subpart 5–2.2—Solicitation of Bids

Section 5–2.201–57 is added as follows:

§ 5–2.201–57 Publicising special hiring programs.

All invitations for bids issued for the procurement of personal property and nonpersonal services (including construction) shall include GSA Form 1714B, Announcements Publicizing Special Hiring Programs, as set forth in Subpart 5–1.55.

PART 5–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5–3 is amended by the addition of the following new entry:

Sec.
5–3.102–51 Publicizing special hiring programs.

Subpart 5–3.1—Use of Negotiation

Section 5–3.102–51 is added as follows:

§ 5–3.102–51 Publicizing special hiring programs.

All requests for proposals issued for the procurement of personal property and nonpersonal services (including construction) shall include GSA Form 1714B, Announcements Publicizing Special Hiring Programs, as set forth in Subpart 5–1.55.

NOTE: The form referenced in § 5–1.5502 is filed as part of the original document.

Effective date. These regulations are effective 60 days after publication in the FEDERAL REGISTER.

Dated: March 28, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-4043; Filed, Apr. 4, 1969; 8:50 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–19—MANAGEMENT OF BUILDINGS AND GROUNDS

Firesafety

The regulations in Subpart 101–19.1 concerning firesafety involving occupants of buildings operated by the General Services Administration are amended to set forth more complete guidelines and rules.

The table of contents for Part 101–19 is amended as follows:

Sec.
101–19.109 Firesafety.
101–19.109–1 Definitions.
101–19.109–2 Exits.
101–19.109–3 Housekeeping and orderliness.
101–19.109–4 Occupancy hazards.
101–19.109–5 Draperies and curtains.
101–19.109–6 Decorations and displays.
101–19.109–7 Movable partitions.
101–19.109–8 Regulation of smoking.

Subpart 101–19.1—Operation and Maintenance

Sections 101–19.109 through 101–19.109–5 are revised as follows:

§ 101–19.109 Firesafety.

§ 101–19.109–1 Definitions.

(a) *Flame retardant.* For the purposes of this section the term "flame-retardant" shall mean fabrics or films (e.g., thin plastic sheets, cellophane, etc.) that are difficult to ignite, do not spread flame beyond the area exposed, and do not drop flaming parts. Flame-retardant materials shall meet the performance described for the small scale test in National Fire Protection Association Standard No. 701, Standard Method of Fire Test for Flame-Resistant Textile Fabrics or Films. Fabrics or films tested by the National Bureau of Standards or an independent testing laboratory meeting the above requirements using the small scale test as described in NFPA Standard No. 701, or using the test method described in Method No. 5903, Federal Specification CCC–T–191b, Textile Test Methods, are flame-retardant by this definition. In addition, materials labeled as flame-retardant fabrics by Underwriters' Laboratories, Inc., conform with this definition. In any instance where flame-retardance has been provided by chemical treatment, retesting is required after each laundering or cleaning.

(b) *Noncombustible.* For the purposes of this section the term "noncombustible" includes all of the following:

(1) Those materials universally accepted as noncombustible such as iron, steel, aluminum, brick, concrete, glass, plaster, and asbestos. Such materials are accepted as noncombustible without proof.

(2) Rigid materials all surfaces of which have fire hazard ratings not exceeding 25 for flame spread or 100 for smoke development when tested in accordance with American Society for Testing and Materials, Test E 84, Surface Burning Characteristics of Building Materials. For materials to be in the building permanently or for extended periods of time, the fire hazard rating requirements also apply to any core materials. Materials bearing the label of Underwriters' Laboratories, Inc., as having flame spread ratings of not over 25 and smoke development ratings of not over 100 meet these requirements.

(3) Fabrics and films which do not burn, propagate flame, or drop flaming particles when tested in accordance with paragraph (a) of this section.

Noncombustible fabrics may be determined by the use of the test method described in paragraph (a) of this section, or if labeled as noncombustible fabrics by Underwriters' Laboratories, Inc.

§ 101–19.109–2 Exits.

All exits, accesses to exits, and accesses to emergency equipment shall be accessible and clear at all times the building is open for business.

§ 101–19.109–3 Housekeeping and orderliness.

Each agency shall maintain its assigned space and conduct its operations in such a manner as to maintain a neat and orderly facility, avoiding increased potential of fire initiation, fire propagation, or fire severity.

§ 101–19.109–4 Occupancy hazards.

Hazardous, explosive, flammable, or combustible materials which exceed that normal to the type of operation indicated in the agency's initial space assignment shall not be brought into the building or shall not be utilized unless authorized by GSA and any additional protective procedures, arrangements, or devices determined by GSA to be needed have been provided.

§ 101–19.109–5 Draperies and curtains.

All draperies, curtains, and similar hanging materials shall be of a noncombustible or flame-retardant fabric.

§ 101–19.109–6 Decorations and displays.

(a) Decorations and displays within assigned space shall conform to the general use of space, as appropriate. Where large groups of persons are expected to view displays, adequate provision shall be made for emergency egress.

(b) Except as noted in subparagraphs (1) through (3) of this paragraph, all decorations and displays in corridors, lobbies, or other public spaces and in cafeterias, auditoriums, or other places of assembly shall be constructed of noncombustible or flame-retardant materials and kept completely free and clear of any exit or access to an exit.

(1) Limited amounts of combustible or flammable materials shall be permitted for small displays or for elements in larger size displays where, in the judgment of GSA, such materials do not present a hazard to life or property.

(2) Traditional Christmas decorations on office doors may contain limited amounts of combustible or flammable materials.

(3) Natural Christmas trees may be brought into buildings for not more than 2 weeks provided they are not over 4 feet in height, stand in water, and are clear of any exitway or exit lobby. Noncombustible artificial Christmas trees are permitted in any size provided they do not interfere with any exit or access to an exit.

(c) Decorations and displays shall not involve lighted candles or other open flame or other high heat producing devices unless such use is determined safe by GSA.

§ 101–19.109–7 Movable partitions.

All movable partitions including partial-height (bank-type) partitions shall be of noncombustible construction.

§ 101–19.109–8 Regulation of smoking.

Each agency shall post and enforce "no smoking" rules in any location involving flammable liquids, flammable gases, or flammable vapors or in other locations where there is a collection of readily ignitible combustible materials. Adequate noncombustible ash trays or receptacles shall be provided in locations where smoking is permitted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: April 1, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-3991; Filed, Apr. 4, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

LABELING CLAIMS INVOLVING USE OF TERM "GERM PROOF" AND RELATED TERMS IN LABELING OF ECONOMIC POISONS

Proposed Interpretation Under Federal Insecticide, Fungicide, and Rodenticide Act

The term "proof" is commonly defined as "providing a resistant quality;" however, experience has shown that claims in labeling with the word "germ" in combination with the word "proof' as it relates to environmental surfaces, materials and articles clearly implies (1) value against germs of public health significance in environmental sanitation programs, and (2) a level of protection against germs equivalent to that offered by germicides and disinfectants.

Therefore, notice is hereby given that pursuant to the authority of § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended; 7 U.S.C. 135–135k) consideration is being given to the issuance of Interpretation 27 as a new § 362.15 of Title 7, Code of Federal Regulations, to read as follows:

§ 362.15 Interpretation with respect to the term "germ proof" and related terms used in labeling of economic poisons.

For the purposes of the Act, the following terms shall have the meanings stated below:

(a) The terms "germ proof" and "germ proofed", referring to any surfaces, materials or articles, indicate the existence of actively germicidal or self disinfecting properties.

(b) The terms "germ proofs" and "germ proofer" means that, when applied as directed, the economic poison will provide a germicidal or disinfecting result, and also provide treated surfaces, articles or materials with germ proof or germ proofed properties.

(c) The term "germ proofing" means a process that will, when followed, disinfect and provide germ proof and germ proofed surfaces, materials and articles.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same in duplicate with the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 45 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 1st day of April 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69–4047; Filed, Apr. 4, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES; CYCLAMIC ACID AND ITS SALTS

Safe Usage

Calcium cyclamate (calcium cyclohexyl sulfamate), magnesium cyclamate (magnesium cyclohexyl sulfamate), potassium cyclamate (potassium cyclohexyl sulfamate), and sodium cyclamate (sodium cyclohexyl sulfamate) have been used in small amounts as nonnutritive sweeteners in a large number of foods. Current regulations, however, do not place limits on many of these uses, and current labeling practices are not regarded as sufficient to provide consumers with enough information to enable them to safely use the cyclamate-containing products.

The Commissioner of Food and Drugs, considering the changing pattern of consumption of these substances within recent years, and other relevant information, requested the National Academy of Sciences, through a committee of the National Research Council, to review the safety of nonnutritive sweeteners, including the cyclamates, in the light of uses and use patterns and of current toxicological knowledge. This ad hoc Committee on Nonnutritive Sweeteners has provided the Commissioner an interim report in which a number of recommendations are made for additional studies needed to correct certain deficiencies in the knowledge of use patterns and of toxicological characteristics of these sweeteners. The committee concluded that totally unrestricted use of the cyclamates is not warranted at this time and that daily intakes of 70 milligrams or less per day per kilogram of body weight are safe. This limit is in relatively close agreement with the limit of 50 milligrams per kilogram per day which has been suggested by the Food and Agriculture Organization and World Health Organization of the United Nations.

The Commissioner concludes that the recommendations of this interim report should be implemented through the issuance of a formal regulation under section 409 of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to the provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to issue a food additive regulation (21 CFR Part 121) for cyclamic acid and its salts that will provide for:

1. A label declaration of cyclamate content of the food in terms of the number of milligrams of cyclamate (as calcium cyclamate) supplied by the amount of the product normally consumed as a serving. In the case of beverages, however, the declaration shall be in terms of the entire contents of the container.

2. A label statement that adults should not ingest more cyclamate than 3,500 milligrams per day and children should not ingest more than 1,200 milligrams per day.

3. A limit of cyclohexylamine not to exceed 25 parts per million in the cyclamate.

4. The following analytical method to be used to determine the cyclohexylamine content of the additive:

CYCLOHEXYLAMINE IN CYCLAMATES

A. *Apparatus.* 1. Evaporative concentrator—Kuderna-Danish, 250-milliliter capacity with 24/40 column connection and 19/22 lower joint.

2. Concentrator tube—size 425, 19/22 joint, 4-milliliter capacity, subdivision 0 to 2 x 0.1, with pennyhead stopper 19/22.

3. Distilling column—Snyder, size 121, column length 150 millimeters with 24/40 joint.

4. Funnel—Buchner, 60-milliliter capacity, coarse porosity disc.

5. Separatory funnels—250-milliliter capacity with Teflon stopcocks.

6. Microliter syringes—10- and 100-microliter capacity.

7. Gas chromatograph—equipped with dual flame ionization detectors and effluent-splitters (5:1 ratio).

Column and conditions: 12' x ⅛'' stainless steel column packed with 10 percent Carbowax 20 M (solid polyethylene glycols) plus 2.5 percent NaOH on Anakrom SD 90/100 mesh support. Condition columns for 16 hours at 200° C. while maintaining a carrier gas (nitrogen) flow of 40 milliliters per minute. Maintain the following parameters throughout the analyses: Column temperature 100° C.; injector temperature 180° C.; detector temperature 175° C.; carrier gas flow rate, 72 milliliters per minute; hydrogen flow rate, 35 milliliters per minute; air flow rate, 550 milliliters per minute; and attenuation range X5 to X50 at 1×10^{-11} amperes into 1 millivolt full scale recorder.

For trapping and confirmation, insert effluent splitters and adjust the parameters to coincide with the following: Carrier gas flow rate, 75 milliliters per minute through column and 62 milliliters per minute through splitter; and attenuation range X640 at 2×10^{-11} amperes into 1 millivolt full scale recorder.

8. Infrared spectrophotometer and accessories—double beam type equipped with 6X beam condenser and micro KBr attachment.

9. Septa-Silicone rubber—triple laminated, 0.75'' diameter.

B. *Reagents.* 1. Methylene chloride—redistill and check the purity prior to use as described below.

Purify by distilling in all glass apparatus with an air-cooled reflux condenser (approximately 30 centimeters long) between the reservoir and the water-cooled condenser. Provide the collection flask with a drying tube to protect the distilled solvent from moisture. Distill the solvent in 2-liter lots, discard the first 200 milliliters of distillate and collect the next 1,500 milliliters for use.

The methylene chloride is purified to meet the specifications of the following test: Place 80 milliliters (volume used in actual extraction procedure) of the distilled methylene chloride into a 250-milliliter Kuderna-Danish concentrator fitted with a 4-milliliter concentrator tube and concentrate to a volume of 0.5 milliliter as specified in the method. Inject 1 microliter into the gas chromatograph (apparatus 7). The solvent must be free of interfering peaks.

2. Sodium sulfate—analytical reagent, anhydrous, granular.

3. Carbon disulfide—spectroquality grade.

4. Sodium hydroxide—10 *N* (approx.), analyzed reagent grade; add 60 milliliters of distilled water to 40 grams of sodium hydroxide.

5. Cyclohexylamine—99.6 percent, 133°–135° C. Prepare standard solutions as follows: Weigh 62.5 milligrams of cyclohexylamine into a 50-milliliter volumetric flask and dilute to volume with redistilled methylene chloride (concentration=1.25 milligrams per milliliter).

6. Nitrogen—ultrahigh purity.

7. Indicator papers—pH ranges 9–14 and 0–11.

8. Disodium ethylenediaminetetraacetate (EDTA, disodium salt)—ACS reagent grade.

9. Boiling aid—silicon carbide granules (Carborundum Grit No. 20 or equivalent).

C. *Determination of cyclohexylamine*—1. *Sodium cyclamate.* Weigh 25 grams of a well-mixed sample in a 100-milliliter beaker. Using powder funnel, transfer salt to a 250-milliliter separatory funnel. Wash beaker two times with 25 milliliters of hot distilled water (ca 90° C.) and transfer each portion to the funnel. Add 50 milliliters more of hot water and shake funnel to dissolve cyclamate completely. Add enough 10*N* NaOH (approximately 5 milliliters) to obtain pH of 14 as determined with pH paper. Cool funnel under tap to about 30° C.

Add 20 milliliters of methylene chloride to the separatory funnel and shake for 2 minutes. Let layers separate. Filter methylene chloride layer through 30 grams of sodium sulfate (prewetted with 25 milliliters of methylene chloride) into a Kuderna-Danish evaporator with 4-milliliter concentrator attached. Immediately pass 20 milliliters of methylene chloride wash through the sodium sulfate. Repeat extraction two additional times, each with 10 milliliters of methylene chloride. As before, follow passage of each extract through sodium sulfate immediately with 10-milliliter portions of methylene chloride. Place boiling aids in concentrator tube and insert distilling column into fitting of Kuderna-Danish evaporative concentrator and carefully concentrate solvent to approximately 4 milliliters in steam bath. Remove apparatus from bath; let cool and drain any remaining solvent in distilling column and evaporative concentrator into the concentrator tube. Concentrate solvent in concentrator tube to 1.0 milliliter under a stream of nitrogen and reserve for injection into the gas chromatograph and for confirmation.

2. *Calcium cyclamate.* Weigh 25 grams of a well-mixed sample in a 100-milliliter beaker. Using powder funnel, transfer salt to a 250-milliliter separatory funnel. Wash beaker three times with 25-milliliter portions of hot distilled water (approximately 90° C.) and transfer each portion to funnel. Shake funnel to dissolve cyclamate completely. Dissolve 25 grams of EDTA (disodium salt) in 65 milliliters of water and 10 milliliters of 10*N* NaOH on steam bath. Pour this solution into separatory funnel and mix. Add sufficient 10*N* NaOH (approximately 12 milliliters) to obtain pH of 14 as determined with pH paper. Cool funnel under tap water to approximately 30°C. Proceed with methylene chloride extraction and concentrate combined extracts as directed above for sodium cyclamate.

D. *Gas chromatography and confirmation by infrared spectophotometry.* For quantitation of cyclohexylamine in the cyclamate, inject 1 microliter of the standard solution (1.25 milligrams per milliliter of cyclohexylamine in methylene chloride) directly into the gas chromatograph, set at an attenuation resulting in 50 percent scale deflection. At this predetermined sensitivity, inject 1 microliter of the sample solution concentrated to 1 milliliter in methylene chloride as described above. Calculate the amount of cyclohexylamine present by either the peak height or peak area technique. If the calculated amount does not exceed that of the standard, the cyclamate meets the prescribed limit of not more than 25 parts per million of cyclohexylamine in the cyclamate.

To confirm identity of the compound, install effluent splitters (5:1, vent:detector) and special triple-laminated septa and assemble collection trap. (NOTE: All glassware and associated equipment must be scrupulously clean.) For samples containing 50 parts per million of cyclohexylamine or greater, inject 40 microliters of the methylene chloride solution into the column. Collect peak effluent corresponding to cyclohexylamine in 100 microliters of carbon disulfide (previously cooled in dry ice). Rinse connection tube two times with 10 microliters of carbon disulfide into collection trap; stopper and place in desiccator for 10 minutes. Remove collection trap, add 3 milligrams of anhydrous potassium bromide and remove excess carbon disulfide under vacuum at 25 inches.

Prepare micro potassium bromide disc as described in JAOAC 48, 380–384 (1965). (NOTE: It is essential that the walls of the collection tube (trap) be rubbed with an additional 2 milligrams of potassium bromide to insure complete removal of the reaction product. In the preparation of the disc, the pressure of 10,000 pounds per square inch should be maintained for only one-half minute to avoid possible decomposition.) Record infrared spectrum and confirm the identity of the cyclohexylamine by comparison with reference spectra prepared under identical conditions.

The Commissioner further proposes to find that § 125.7 of the regulations for food for special dietary uses (21 CFR 125.7) is currently in effect pending the issuance of a final order following the conclusion of the public hearing (notice of which was published in the FEDERAL REGISTER of April 2, 1968; 33 F.R. 5268) on the orders amending the regulations for foods for special dietary uses published June 18, and December 14, 1966 (31 F.R. 8521, 15730). The Food and Drug Administration will refrain from recommending regulatory proceedings under the act on the ground that a food for special dietary use containing cyclamate fails to conform to the requirements of § 125.7 if such food bears the statements required under 1 and 2 above and a statement, in juxtaposition with the common or usual name of the artificial sweetener present, that such sweetener is nonnutritive.

Any interested person within 30 days from the date of publication of this notice in the FEDERAL REGISTER may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) on this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Proposals are invited for an effective date of the labeling provisions reasonably required to accommodate the necessary label changes.

Dated: April 1, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–3812; Filed, Apr. 4, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 135]

[Docket No. 9323; Notice 68–37A]

AIRPLANES CAPABLE OF CARRYING MORE THAN TEN OCCUPANTS

Additional Airworthiness Standards; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 68–37, published in the FEDERAL REGISTER on January 7, 1969 (34 F.R. 210), to amend Part 135 of the Federal Aviation Regulations to require that reciprocating or turbopropeller engine powered airplanes certificated to carry more than 10 occupants to be used in operations under Part 135 on and after June 1, 1972, meet certain additional airworthiness standards, and to require that certain airplanes certificated to carry more than 10 occupants and operated under Part 135 be operated in compliance with specified performance operating limitations.

The Aerospace Industries Association of America, Inc., and the National Air Transportation Conference have requested a 30-day extension of time for submission of comments. The extension is requested to enable the Aerospace Industries Association of America, Inc., to provide technical data showing the effect of the proposed regulation on specific airplane designs. The National Air Transportation Conference requests the extension to enable its new organization of commuter airlines and air taxis to evaluate the comments of its individual members.

I find that petitioners have shown a substantive interest in the proposed rule, that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 68-37 will be received is extended to May 3, 1969.

Issued in Washington, D.C., on April 1, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4008; Filed, Apr. 4, 1969; 8:47 a.m.]

[14 CFR Parts 29, 91, 121, 127]

[Docket No. 9511; Notice 69-15]

COCKPIT VOICE RECORDERS IN HELICOPTERS

Installation

The Federal Aviation Administration is considering amending Parts 91, 121 and 127 of the Federal Aviation Regulations to require the installation and use of approved cockpit voice recorders in large transport category helicopters that are operated under Part 121 or 127 and amending Part 29 to prescribe standards governing cockpit voice recorder installations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C 20590. All communications received on or before June 2, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The requirement for cockpit voice recorders in large airplanes used by air carriers and commercial operators was adopted on August 11, 1964, to enable accident investigators to obtain additional information to establish the cause of an emergency and the procedures used by the crew to cope with it. A number of airplane accidents characterized by sudden extreme emergencies, in which the crew could not communicate with ground facilities, gave rise to a need for a record of the flight crew's observation and analysis of conditions aboard the airplane and the procedures used by them in the emergency. The cockpit voice recorder has been found to be a most valuable tool in the investigation of airplane accidents. In many accidents, the determination of the cause would have been extremely difficult, expensive, and time consuming, if not impossible, without the voice recorder.

Several helicopter accidents have occurred in which sudden extreme emergencies have prevented the flight crew from transmitting a description of the circumstances to ground facilities, and information they may have been able to give concerning the cause of the emergency has been lost. Since July 1960, at least four helicopters used by scheduled air carriers have crashed. The investigation of the cause of each of these four accidents has been most difficult and the cause is undetermined in one of them. The FAA believes that the use of cockpit voice recorders on helicopters used by air carriers will significantly increase the probability that the cause of an accident can be quickly and economically isolated and corrected so that a similar accident can be prevented.

The regulations proposed in this notice are similar to those presently applying to the installation of cockpit voice recorders in large airplanes operated under Part 121, with minor differences from the airplane installation requirements necessitated by the design of helicopters.

Section 91.35 presently requires that, while conducting certain operations under Part 91 with airplanes, air carriers and commercial operators comply with the voice recorder and flight recorder requirements of the part under which their certificate was issued. Section 91.35 would be amended to apply to helicopters as well as airplanes.

The FAA proposes to make the proposed amendments effective no later than 6 months after their adoption, but an earlier effective date may be specified in the final rule if availability of equipment and installation schedules permit.

In consideration of the foregoing, it is proposed to amend Parts 29, 91, 121, and 127 of the Federal Aviation Regulations as follows:

1. By adding a new § 29.1441 to read as follows:

§ 29.1441 Cockpit voice recorders.

(a) Each cockpit voice recorder required by the operating rules of this chapter must be approved and must be installed so that it will record the following:

(1) Voice communications transmitted from or received in the rotorcraft by radio.

(2) Voice communications of flight crewmembers on the flight deck.

(3) Voice communications of flight crewmembers on the flight deck, using the rotorcraft's interphone system.

(4) Voice or audio signals indentifying navigation or approach aids introduced into a headset or speaker.

(5) Voice communications of flight crewmembers using the passenger loudspeaker system, if there is such a system and if the fourth channel is available in accordance with the requirements of paragraph (c)(4)(ii) of this section.

(b) The recording requirements of paragraph (a)(2) of this section must be met by installing a cockpit-mounted area microphone, located in the best position for recording voice communications originating at the first and second pilot stations and voice communications of other crewmembers on the flight deck when directed to those stations. The microphone must be so located and, if necessary, the preamplifiers and filters of the recorder must be so adjusted or supplemented, that the intelligibility of the recorded communications is as high as practicable when recorded under flight cockpit noise conditions and played back. Repeated aural or visual playback of the record may be used in evaluating intelligibility.

(c) Each cockpit voice recorder must be installed so that the part of the communication or audio signals specified in paragraph (a) of this section obtained from each of the following sources is recorded on a separate channel.

(1) For the first channel, from each microphone, headset, or speaker used at the first pilot station.

(2) For the second channel, from each microphone, headset, or speaker used at the second pilot station.

(3) For the third channel, from the cockpit-mounted area microphone.

(4) For the fourth channel, from—

(i) Each microphone, headset, or speaker used at the stations for the third and fourth crewmembers; or

(ii) If the stations specified in subdivision (i) of this subparagraph are not required or if the signal at such a station is picked up by another channel, each microphone on the flight deck that is used with the passenger loudspeaker system, if its signals are not picked up by another channel.

(iii) Each microphone on the flight deck that is used with the rotorcraft's loudspeaker system, if its signals are not picked up by another channel.

(d) Each cockpit voice recorder must be installed so that—

(1) It receives its electric power from the bus that provides the maximum reliability for operation of the cockpit voice recorder without jeopardizing service to essential or emergency loads;

(2) There is an automatic means to simultaneously stop the recorder and prevent each erasure feature from functioning, within 10 minutes after crash impact; and

(3) There is an aural or visual means for preflight checking of the recorder for proper operation.

(e) The record container must be located and mounted to minimize the probability of rupture of the container as a result of crash impact and consequent heat damage to the record from fire.

(f) If the cockpit voice recorder has a bulk erasure device, the installation must be designed to minimize the probability of inadvertent operation and actuation of the device during crash impact.

(g) Each recorder container must be either bright orange or bright yellow.

§ 91.35 [Amended]

2. Section 91.35 would be amended by striking out the words "airplane" and "airplanes" wherever they appear and inserting the word "aircraft" in place thereof.

§ 121.13 [Amended]

3. Section 121.13(b) would be amended by inserting the new section number 127.127 between the section numbers 127.125 and 127.145.

4. A new § 127.127 would be added to read as follows:

§ 127.127 Cockpit voice recorders.

(a) No certificate holder may operate a large transport category helicopter after _____, 196__, unless an approved cockpit voice recorder is installed in that helicopter and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight) to completion of the final checklist at the termination of the flight.

(b) Each cockpit voice recorder must be installed in accordance with the requirements of Part 29 of this chapter.

(c) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise obliterated.

(d) In the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 430 of this title, which results in the termination of the flight, the certificate holder shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with investigations under Part 430 of this title. The Administrator does not use the record in any civil penalty or certificate action.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 28, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4005; Filed, Apr. 4, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-25]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a control zone for Arapahoe County Airport, Greenwood Village, Colo.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

On or about August 21, 1969, the FAA proposes to establish instrument approach and departure procedures at Arapahoe County Airport, Greenwood Village, Colo. Weather reporting, communications, and air traffic service will be available. The proposed control zone will be required to provide controlled airspace below 700 feet above the surface for aircraft executing prescribed instrument procedures. Instrument flight rule procedures at altitudes above 700 feet above the surface will be protected by the currently designated Denver, Colo., transition area.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the following control zone is added:

GREENWOOD VILLAGE, COLO.

Within a 5-mile radius of Arapahoe County Airport (latitude 39°34'28" N., longitude 104°51'02" W.), excluding that airspace within the Denver, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-4006; Filed, Apr. 4, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-15]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Garfield County Airport, Colo.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A restricted instrument approach and departure procedure have been developed for Aspen Airways at Garfield County Airport utilizing the Aspen Airways privately owned radiobeacon. The proposed transition area will provide controlled airspace for aircraft executing the prescribed instrument procedures.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (34 F.R. 4637) the following transition area is added:

RIFLE, COLO.

That airspace extending upward from 8,200 feet MSL within 2 miles south and 4 miles north of the 099° and 279° bearing from the Rifle radiobeacon (latitude 39°31'34" N., longitude 107°43'37" W.) extending from 4 miles west to 8 miles east of the radiobeacon; that airspace extending upward from 9,700 feet MSL within 6 miles south and 9 miles north of the 099° and 279° bearings from the Rifle radiobeacon extending from 8 miles west of the radiobeacon to longitude 107°-30'00" W., that airspace east of Rifle bounded by a line beginning at latitude 39°37'45" N., longitude 107°30'00" W., to latitude 39°37'-00" N., longitude 107°26'00" W., to latitude 39°30'00" N., longitude 107°21'00" W., to latitude 39°24'00" N., longitude 107°30'00" W., thence to point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal

Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-4007; Filed, Apr. 4, 1969; 8:47 a.m.]

[14 CFR Parts 121, 127, 135]

[Docket No. 8041; Notice 69-4A]

ADDITIONAL OPERATING RULES APPLICABLE TO OPERATIONS FOR COMPENSATION OR HIRE WITH SMALL AIRCRAFT

Extension of Comment Period

The Federal Aviation Administration proposed in Notice 69-4, published in the FEDERAL REGISTER on January 30, 1969 (34 F.R. 1443), to amend Parts 121, 127, and 135 of the Federal Aviation Regulations to establish certain additional operating requirements for air taxi and commercial operators conducting operations with small aircraft under Part 135, and to require that certificate holders under Parts 121 or 127 conducting operations with small airplanes conduct those operations in accordance with Part 135.

The National Air Transportation Conference has requested a 30-day extension of time for submission of comments. The National Air Transportation Conference requests the extension to enable its new organization of commuter airlines and air taxis to evaluate the comments of its individual members.

I find that petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 69-4 will be received is extended to May 31, 1969.

Issued in Washington, D.C., on April 1, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-4009; Filed, Apr. 4, 1969; 8:48 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Advertising of Interest on Deposits

Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation is considering amending Part 329 in the following respects:

1. The heading of the part would be amended to read as follows:

PART 329—INTEREST ON DEPOSITS

§ 329.0 [Amended]

2. In § 329.0, "§§ 329.7 and 329.8" would be substituted for "§ 329.7".

3. In § 329.3 the heading, paragraph (a) and paragraph (e) would be amended to read as follows:

§ 329.3 Interest on time and savings deposits.

(a) *Maximum rate.* Except as provided in this section, no insured nonmember bank shall, directly or indirectly, by any device whatsoever, pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe from time to time in § 329.6. In determining the maximum amount of interest permitted to be paid, the effects of compounding may be disregarded.

* * * * *

(e) *Technical grace periods in computing interest on certain time deposits.* Where a time deposit matures in 30 days, 90 days, 180 days, 360 days, or even multiples of these periods, or where a time deposit matures in 1 month, 3 months, 6 months, 12 months, or even multiples of these periods, insured nonmember banks may pay interest for such periods at one-twelfth of the maximum rate, one-quarter of the maximum rate, one-half of the maximum rate, or at the maximum rate, or even multiples thereof, respectively. In the case of any other time deposit no insured nonmember bank shall pay interest at the maximum rate based on more days than the number of days the funds are actually on deposit.

* * * * *

§ 329.6 [Amended]

4. The last two sentences in § 329.6 would be revoked.

§ 329.7 [Amended]

5. The last sentence of § 329.7(c) would be revoked, and the first sentence would be amended to read: "In determining the maximum amount of interest or dividends permitted to be paid, the effects of compounding may be disregarded."

6. A new § 329.8 would be added to read as follows:

§ 329.8 Advertising of interest on deposits.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on deposits in insured nonmember banks (including insured nonmember mutual savings banks) shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised which is in excess of the applicable maximum rate for the particular deposit.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No insured nonmember bank shall advertise a percentage yield based on the effect of grace periods permitted such banks in this part.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year, unless the annual rate of simple interest and the required number of years for such advertised yield are stated with equal prominence, together with a reference to the basis of compounding. No insured nonmember bank shall advertise any average annual percentage yield achieved by compounding interest during a period in excess of a year unless such yield is clearly qualified by the following language: "This yield is an average annual yield which will be attained only if the deposit is held until the final indicated maturity, and only if interest is not withdrawn until such final maturity."

(d) *Time or amount requirements.* If an advertised rate is payable only on deposits that meet time or amount requirements, such requirements shall be clearly stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the deposit is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest or dividends paid on deposits.

(f) *Advertising must be accurate.* No insured nonmember bank shall make any advertisement, announcement or solicitation relating to the interest or dividends paid on deposits which is inaccurate in any particular or which in any way misrepresents its deposit contracts.

(g) *Solicitation of deposits for banks.* Any person or organization other than an insured nonmember bank which solicits deposits for an insured nonmember bank shall be bound by the rules contained in this section with respect to any advertisement, announcement or solicitation relating to such deposits. No such person or organization shall advertise a percentage yield on any deposit it solicits for an insured nonmember bank which is not authorized to be paid and advertised by such bank.

§ 329.101 [Revoked]

7. Section 329.101 would be revoked.

The principal purpose of the proposed amendment is to implement the authority contained in section 2(b) of the Act of September 21, 1968 (Public Law 90-505), 82 Stat. 856, which amended section 18(g) of the Federal Deposit Insurance Act, 12 U.S.C. 1828(g), giving the Federal Deposit Insurance Corporation the authority to prescribe rules governing the advertisement of interest on deposits. The proposed advertising rules are intended to replace advertising guidelines set forth in the Corporation's letter of December 16, 1966, to insured nonmember banks. The new rules would incorporate the existing guideline requirements that interest rates be in terms of annual rates of simple interest; that the annual rate of simple interest be stated with equal prominence where a total or average annual percentage yield is advertised; and that time and amount requirements for an advertised rate be stated. In addition the proposed rules would require that where any advertised percentage yield is based on a period in excess of a year (such as average annual yields achieved by compounding), or where any time requirement for an advertised rate is in excess of a year, the number of years required for such yield or rate must also be stated with equal prominence. As a further measure designed to avoid misleading advertising, average annual percentage yields must be explained by language indicating that the yield is attained only if the deposit is held until final maturity and only if interest is not withdrawn until final maturity. Also, the regulations are made expressly applicable to persons or organizations who solicit deposits for insured nonmember banks in advertisements relating to such deposits. This requirement would prevent brokers from advertising a percentage yield on deposits solicited for insured nonmember banks which is in excess of the percentage yield which such banks themselves are permitted to advertise.

The proposed amendments also effectuate various technical changes necessitated by the proposed advertising regulation, or designed to clarify and simplify existing provisions in the interest regulations.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 302.1 of the rules of procedure of the Federal Deposit Insurance Corporation.

To aid in the consideration of these matters by the Board of Directors of the Federal Deposit Insurance Corporation, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, to be received not later than 30 days after the publication of this notice in the FEDERAL REGISTER.

Dated at Washington, D.C., this 28th day of March 1969.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-3879; Filed, Apr. 4, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 526]

[No. 22,680]

FEDERAL HOME LOAN BANK SYSTEM

Limitations on Rate of Return; Advertising

MARCH 27, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) as set forth below, for the purpose of implementing an amendment to section 5B of the Federal Home Loan Bank Act, contained in Public Law 90-505, 82 Stat. 856, approved September 21, 1968, giving the Board the authority to prescribe rules governing the advertisement of interest or dividends on savings accounts. The proposed advertising rules, which would replace existing advertising guidelines promulgated by Board Resolution No. 20,344, dated December 14, 1966, would incorporate the existing guideline requirements that interest or dividend rates be in terms of annual rates of simple interest; that the simple interest rate per annum be stated with equal prominence where total or average annual percentage yields are stated; and that time and amount requirements for an advertised rate be stated. In addition, the proposed rules would require that where any percentage yield based on a period in excess of a year is advertised, such as average annual yields achieved by compounding, or where any time requirement for a rate is in excess of a year, the number of years required for such yield or rate must also be stated with equal prominence. As a further measure designed to avoid misleading advertising, average annual percentage yields must be explained by language indicating that the yield is not attained unless the savings account is held until final maturity and unless interest or dividends are not withdrawn until final maturity. Also, the regulations are made expressly applicable to persons or organizations who solicit savings accounts for member institutions in their advertisements relating to such savings accounts. This requirement would prevent brokers from advertising a percentage yield on savings accounts solicited for member institutions which is in excess of the percentage yield such institutions themselves are permitted to advertise.

Accordingly, it is proposed to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) by adding thereto, immediately after § 526.6, the following new section:

§ 526.7 Advertising of interest on savings accounts.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on savings accounts in member institutions shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised which is in excess of the applicable maximum rate for the particular savings account.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest or dividends during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No member institution shall advertise a percentage yield based on the effect of grace periods permitted such institutions in this part.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year, unless the annual rate of simple interest and the required number of years for such advertised yield are stated with equal prominence, together with a reference to the basis of compounding. No member institution shall advertise any average annual percentage yield achieved by compounding interest during a period in excess of a year unless such yield is clearly qualified by the following language: "This yield is an average annual yield which will be attained only if the savings account is held until the final indicated maturity, and only if interest or dividends are not withdrawn until such final maturity".

(d) *Time or amount requirements.* If an advertised rate is payable only on savings accounts that meet time or amount requirements, such requirements shall be clearly stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the savings account is withdrawn at an earlier maturity.

(e) *Profit.* No reference shall be made to "profit" to the savings account holder for the use of his funds over a period of time.

(f) *Advertising must be accurate.* No member institution shall make any advertisement, solicitation or announcement relating to the interest or dividends paid on savings accounts which is inaccurate in any particular or which in any way misrepresents its savings account contracts.

(g) *Solicitation of savings accounts for member institution.* Any person or organization other than a member institution which solicits savings accounts for a member institution shall be bound by the rules contained in this section with respect to any advertisement, announcement or solicitation relating to such savings accounts. No such person or organization shall advertise a percentage yield on any savings account it solicits for a member institution which is not authorized to be paid and advertised by such institution.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by May 2, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-3880; Filed, April 4, 1969; 8:45 a.m.]

[12 CFR Part 569]

[No. 22,681]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Limitations on Rate of Return; Advertising

MARCH 27, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 569 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 569) as set forth below, for the purpose of implementing an amendment to section 5B of the Federal Home Loan Bank Act, contained in Public Law 90–505, 82 Stat. 856, approved September 21, 1968, giving the Board the authority to prescribe rules governing the advertisement of interest or dividends on savings accounts. The proposed advertising rules, which would replace existing advertising guidelines promulgated by Board Resolution No. 20,344, dated December 14, 1966, would incorporate the existing guideline requirements that interest or dividend rates be in terms of annual rates of simple interest; that the simple interest rate per annum be stated with equal prominence where total or average annual percentage yields are stated; and that time and amount requirements for an advertised rate be stated. In addition, the proposed rules would require that where any percentage yield based on a period in excess of a year is advertised, such as average annual yields achieved by compounding, or where any time requirement for a rate is in excess of a year, the number of years required for such yield or rate must also be stated with equal prominence. As a further measure designed to avoid misleading advertising, average annual percentage yields must be explained by language indicating that the yield is not attained unless the savings account is held until final maturity and unless interest or dividends are not withdrawn until final maturity. Also, the regulations are made expressly applicable to persons or organizations who solicit savings accounts for member institutions in their advertisements relating to such savings accounts. This requirement would prevent brokers from advertising a percentage yield on savings accounts solicited for member institutions which is in excess of the percentage yield such institutions themselves are permitted to advertise.

Accordingly, it is proposed to amend Part 569 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 569) by adding thereto, immediately after § 569.6, the following new section:

§ 569.7 Advertising of interest on savings accounts.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on savings accounts in insured institutions shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised which is in excess of the applicable maximum rate for the particular savings account.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest or dividends during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No insured institution shall advertise a percentage yield based on the effect of grace periods permitted such institutions in this part.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year, unless the annual rate of simple interest and the required number of years for such advertised yield are stated with equal prominence, together with a reference to the basis of compounding. No insured institution shall advertise any average annual percentage yield achieved by compounding interest during a period in excess of a year unless such yield is clearly qualified by the following language: "This yield is an average annual yield which will be attained only if the savings account is held until the final indicated maturity, and only if interest or dividends are not withdrawn until such final maturity".

(d) *Time or amount requirements.* If an advertised rate is payable only on savings accounts that meet time or amount requirements, such requirements shall be clearly stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the savings account is withdrawn at an earlier maturity.

(e) *Profit.* No reference shall be made to "profit" to the savings account holder for the use of his funds over a period of time.

(f) *Advertising must be accurate.* No insured institution shall make any advertisement, solicitation or announcement relating to the interest or dividends paid on savings accounts which is inaccurate in any particular or which in any way misrepresents its savings account contracts.

(g) *Solicitation of savings accounts for an insured institution.* Any person or organization other than an insured institution which solicits savings accounts for an insured institution shall be bound by the rules contained in this section with respect to any advertisement, announcement or solicitation relating to such savings accounts. No such person or organization shall advertise a percentage yield on any savings account it solicits for an insured institution which is not authorized to be paid and advertised by such institution.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by May 2, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-3881; Filed, Apr. 4, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

PAYMENT OF INTEREST ON DEPOSITS

Advertising Interest on Deposits

The Board of Governors is considering amending Part 217 (Regulation Q) in the following respects:

1. The heading of the part would be amended to read as follows:

PART 217—INTEREST ON DEPOSITS

2. The last two sentences of § 217.6 would be revoked and the remainder of that section redesignated as § 217.7.

3. Section 217.3 (a) and (e) would be amended to read as follows:

(a) *Maximum rate.* Except as provided in this section, no member bank shall, directly or indirectly, by any device whatsoever, pay interest on any time or savings deposit at a rate in excess of such applicable maximum rate as the Board of Governors of the Federal Reserve System shall prescribe from time to time in § 217.7. In ascertaining the rate of interest paid, the effects of compounding of interest may be disregarded.

* * * * *

(e) *Technical grace periods in computing interest on certain time deposits.* Where a time deposit matures in 30 days, 90 days, 180 days, 360 days, or even multiples of these periods, or where a time deposit matures in 1 month, 3 months, 6 months, 12 months, or even multiples of these periods, member banks may pay interest for such periods at one-twelfth of the maximum rate, one-quarter of the maximum rate, one-half of the maximum rate, or at the maximum rate, or even multiples thereof, respectively. In the case of any other time deposit no member bank shall pay interest at the maximum rate based on more days than the number of days the funds are actually on deposit.

4. In § 217.3(g) the reference to "§ 217.6" would be amended to refer to "§ 217.7."

5. A new § 217.6 would be added to read as follows:

§ 217.6 Advertising of interest on deposits.

Every advertisement, announcement, or solicitation relating to the interest paid on deposits in member banks shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest rates shall be stated in terms of the annual rate of simple interest. In no case shall a rate be advertised that is in excess of the applicable maximum rate for the particular deposit.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominance, together with a reference to the basis of compounding. No member bank shall advertise a percentage yield based on the effect of grace periods permitted in § 217.3.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year, unless the annual rate of simple interest and the required number of years for such advertised yield are stated with equal prominence, together with a reference to the basis of compounding. No member bank shall advertise any average annual percentage yield achieved by compounding interest during a period in excess of a year unless such yield is clearly qualified by the following language: "This yield is an average annual yield that will be attained if the deposit is held until the final indicated maturity and if interest is not withdrawn until such maturity."

(d) *Time or amount requirements.* If an advertised rate is payable only on deposits that meet time or amount requirements, such requirements shall be clearly stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate to apply shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the deposit is withdrawn at an earlier maturity.

(e) *Profit.* No reference shall be made to "profit".

(f) *Advertising must be accurate.* No member bank shall make any advertisement, announcement, or solicitation relating to the interest paid on deposits that is inaccurate in any particular or that in any way misrepresents its deposit contracts.

(g) *Solicitation of deposits for banks.* Any person or organization other than a member bank that solicits deposits for a member bank shall be bound by the rules contained in this section with respect to any advertisement, announcement, or solicitation relating to such deposits. No such person or organization shall advertise a percentage yield on any deposit it solicits for a member bank that is not authorized to be paid and advertised by such bank.

6. Sections 217.104 and 217.145 would be revoked.

These proposed amendments are designed to implement the authority granted to the Board by section 2 of the Act of September 21, 1968 (82 Stat. 856) and would supersede the statement of principles on bank advertising for funds set forth in the Board's letter to member State banks of December 16, 1966.

The principal purpose of the proposed amendments is to add a new rule governing advertising of interest on deposits under which a member bank that advertises the average annual percentage yield on deposits would be required to include an equally prominent statement of the simple interest rate and the number of years required to achieve the yield, together with a reference to the basis for compounding and an explanatory statement on average annual yield. In addition, the proposed amendments would add a rule making the advertising rules expressly applicable to persons or organizations who solicit deposits for member banks in their advertisements relating to such deposits. The effect of this latter requirement would be to prevent brokers from advertising percentage yields on deposits solicited for member banks that are in excess of yields member banks themselves are permitted to advertise.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 28, 1969.

Dated at Washington, D.C., this 28th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-3986; Filed, Apr. 4, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JAMES A. McCLIMANS

Notice of Granting of Relief

Notice of granting of relief pursuant to section 925(c), title 18, United States Code.

Notice is hereby given that James A. McClimans, Rural Delivery No. 2, Aliquippa, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 31, 1955, in the Court of Quarter Sessions of the Peace for the County of Mercer, Pa., of involuntary manslaughter, a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James A. McClimans, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 United States Code, Appendix) because of such conviction it would be unlawful for Mr. McClimans, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered James A. McClimans' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to James A. McClimans from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that James A. McClimans be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 1st day of April 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-4027; Filed, Apr. 4, 1969; 8:49 a.m.]

[Order 67 (Rev. 7)]

CERTAIN AUTHORIZED OFFICIALS

Signing Commissioner's Name or on His Behalf

Effective as of 12:01 p.m., e.s.t., April 1, 1969, all outstanding authorizations to sign the name of, or on behalf of, William H. Smith, Acting Commissioner of Internal Revenue, are hereby amended to authorize the signing of the name of, or on behalf of, Randolph W. Thrower, Commissioner of Internal Revenue.

This order supersedes Delegation Order No. 67 (Rev. 6), issued January 21, 1969.

Issued: April 1, 1969.

Effective date: April 1, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69-4028; Filed, Apr. 4, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

SALEM MARITIME NHS

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Salem Maritime NHS, proposes to issue a concession permit to Edward B. Rushford, authorizing him to sell antiques to the public at the Rum Shop, 170 Derby Street, Salem, for a period of 5 years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed his obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Salem Maritime NHS, Customhouse, Derby Street, Salem, for information as to the requirements of the proposed permit.

Dated: January 3, 1969.

EDWIN W. SMALL,
Acting Superintendent.

[F.R. Doc. 69-3994; Filed, Apr. 4, 1969; 8:46 a.m.]

Office of the Secretary

DARIUS N. KEATON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 13, 1969.

Dated: March 21, 1969.

D. N. KEATON.

[F.R. Doc. 69-3995; Filed, Apr. 4, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

April Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced today the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale beginning at 3 p.m., e.s.t., on March 31, 1969, and, subject to amendment, continuing until superseded by the April Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, butter, cheese, and nonfat dry milk.

Cottonseed meal is deleted from the list of commodities.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-4) for April 1969 are 6⅜ percent for U.S. bank obligations and 7⅛ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Upland cotton produced on "export market acreage" is eligible for financing. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS-1, as amended; tobacco under Announcement PS-3; cottonseed oil and soybean oil under Announcement PS-2; and upland and extra long staple cotton under Announcement PS-4; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of Barter and Stockpiling, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. Storable. All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. Nonstorable. At not less than market price, as determined by CCC.

C. Markup and examples (dollars per bushel in-store).[3]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.15; $1.95. Portland—No. 1 SW ($1.44) 115 percent +$0.15; $1.81. Kansas City—No. 1 HRW ($1.44) 115 percent +$0.15; $1.81. Chicago—No. 1 RW ($1.46) 115 percent +$0.15; $1.83.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price

See footnotes at end of document.

levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

B. CCC will sell wheat for export under Announcement GR–261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

C. CCC will not sell wheat under Announcement GR–346 until further notice.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate [2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate [2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.13	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.13; $1.42. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.13; $1.50.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate [2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rate [2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Cass County, N. Dak. ($0.86); 115 percent +$0.17½; $1.17½. Minneapolis, Minn. ($1.10); 115 percent +$0.15; $1.42.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent [3] of the applicable 1968 price-support rates [2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markup and example (dollars per bushel in-store [1] Basis No. 2 XHWO).*

Markup in-store	Example
$0.17½	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.17½; $0.90½.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent [3] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Rollete County, N.Dak. ($0.80); 115 percent +$0.17½; $1.20½. Minneapolis, Minn. ($1.23); 115 percent +$0.15; $1.57.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent plus 38 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369, Revision III, as amended, Rice Export Program.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2) and Announcement NO–C–10 (Revised). Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current loan rate for such cotton plus reasonable carrying charges, or (b) the market price as determined by CCC.

Export.

CCC Disposals for Barter. Competitive offers under the terms and conditions of Announcement CN–EX–29 (Acquisition of American-Egyptian Cotton for Export under the Barter Program), as amended, and Announcement NO–C–6 (Revision 2), at not less than the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate [2] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.16½	$0.13¾	Minneapolis, Minn. ($3.16) 105 percent + $0.12¾; $3.44¼.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 53.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean, and the Gulf of Mexico. All other States 52.75 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

See footnotes at end of document.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556–6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 228–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on April 2, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-4016; Filed, Apr. 4, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(67)-7]

OLAVI LAURI SUNDSTROM AND OY SKANDINAVIAN METAL AB

Order Denying Export Privileges for Indefinite Period

In the matter of Olavi Lauri Sundstrom and Oy Skandinavian Metal AB, Kaisanienmenkatu 1 C 78, Helsinki, Finland, respondents; File No. 23(67)-7.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Olavi Lauri Sundstrom of Helsinki, Finland, was the owner of the respondent firm Oy Skandinavian Metal AB also of Helsinki and that the respondents were engaged as dealers in commodities including the importation and exportation thereof.

The said Investigations Division is conducting an investigation under the Export Control Act relating to respondents' participation in transactions involving strategic U.S.-origin commodities. In one instance certain commodities were exported from the United States to respondents and in other instances certain commodities were exported to a designee of respondents as ultimate consignee. In still other instances the commodities were ordered by respondents from U.S. suppliers but the exportations were prevented by U.S. Government action. The said Investigations Division is seeking to obtain the facts and circumstances regarding respondents ordering of said commodities, the use or intended use of the commodities and in those instances where the commodities were exported, their disposition.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly; (a) apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on April 4, 1969.

Dated: April 1, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-4023; Filed, Apr. 4, 1969; 8:48 a.m.]

Business and Defense Services Administration

SAN FRANCISCO STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00199–01–77030. Applicant: San Francisco State College, 1600 Holloway Avenue, San Francisco, Calif. 94132. Article: Nuclear magnetic resonance spectrometer, Model JNM–C–60HL. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used as a multipurpose educational-research instrument. It will be operated by undergraduate and graduate students in the following courses:

Physical-Organic Instrumental Methods.
Spectroscopic Methods.
Special Studies.
Research.

The article will also be operated by a laboratory assistant to provide spectra of unknowns given to our students in the organic qualitative analysis course. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has both an internal and external lock. The most closely comparable domestic nuclear magnetic resonance spectrometer is the Model HA–60–IL, manufactured by Varian Associates (Varian), which offers either an external or internal lock but not both in the same instrument. For some purposes for which the foreign article is intended to be used, such as routine proton studies, low temperature studies of carbon 13 labeled carbonium ions, and studies of rate processes, an internal lock is required. (See memorandum from National Bureau of Standards (NBS) dated Jan. 27, 1969 and memorandum from Department of Health, Education, and Welfare (HEW) dated Feb. 27, 1969.) For other studies for which the foreign article is intended to be used, such as studies of substances at very low temperatures, only an external lock can be employed. (See memoranda from NBS and HEW cited above.) Therefore, the availability of both an internal and external lock in the same instrument is a pertinent characteristic. NBS and HEW also concur in the pertinency of the wider and more sweep capability available with the foreign article. For the foregoing reasons, we find that the Varian Model HA–60–IL is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3978; Filed, Apr. 4, 1969; 8:45 a.m.]

UNIVERSITY OF FLORIDA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00456–33–46040. Applicant: University of Florida, Gainesville, Fla. 32601. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for teaching and research. In teaching, the article will be used exclusively by students in a course offered during one quarter of each year in the use of an electron microscope. It is important that the instrument be simple and convenient to operate, because achieving competence in its use is difficult in any case. For research, the electron microscope will be used heavily by graduate students for thesis and dissertation research. Because of the wide variety of materials which will be examined and the high volume demands on the instrument, a microscope combining simplicity of operation with productivity and reliability is essential. Application received by Commissioner of Customs: March 6, 1969.

Docket No. 69–00473–00–61800. Applicant: Pittsylvania County Schools, Educational and Cultural Center, Chatham, Va. 24531. Article: Geocentric earth accessory for an existing Goto Planetarium. Manufacturer: Goto Manufacturing Co., Japan. Intended use of article: The article will be used as an accessory to an existing Goto Planetarium installed in the school last year. Application received by Commissioner of Customs: March 17, 1969.

Docket No. 69–00475–33–46500. Applicant: Texas Technological College, Lubbock, Tex. 79409. Article: Ultramicrotome, Model LKB 8800A, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in teaching and research programs to produce ultrathin sections

of biological materials for electron microscopy. The major research program concerns a study of the host-parasite complex consisting of a higher plant and its fungal parasite. In teaching, it will be necessary to use a wide variety of embedding media in order to match the hardness of the specimen. It is well known that harder blocks require slow cutting speeds and that softer plastics are best sectioned at higher cutting speeds. Thus a wide range of cutting speeds is required in order to produce thin sections suitable for electron microscopic examination. Application received by Commissioner of Customs: March 18, 1969.

Docket No. 69–00476–33–46500. Applicant: Methodist Hospital of Brooklyn, 506 Sixth Street, Brooklyn, N.Y. 11215. Article: Ultramicrotome, Reichert Model OmU2. Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: The article will be used for serial sectioning tissue in uniform thickness of about 50 angstroms for study under the electron microscope. The research concerned is a study of the fine structure of tumors produced in lungs of mice exposed to air polluted by ozone, as well as a study to compare the changes in cells of bladder tumors of patients as compared to those produced in animals by chemical means. Application received by Commissioner of Customs: March 18, 1969.

Docket No. 69–00477–33–46040. Applicant: San Jose State College, 125 South Seventh Street, San Jose, Calif. 95114. Article: Electron microscope, Model JEM–T7 and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for teaching purposes and graduate student research projects. Projects presently underway include the investigation and study of ultrastructure of frog skin and other epithelial type ion pumping organs. Also, studies will be undertaken on immuno chemistry work using rat kidney tissue. The program involves studies of the ultrastructure of various biological specimens with particular emphasis on histochemical and immuno chemical properties of these specimens. Application received by Commissioner of Customs: March 18, 1969.

Docket No. 69–00479–33–46500. Applicant: The University of Kansas, Lawrence, Kans. 66044. Article: Ultramicrotome, Model LKB 4800A, Ultrotome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to obtain exceedingly thin sections of embedded biological materials for visualization in the electron microscope. The need for an article capable of cutting sections as thin as 50 angstroms is related to studies of filaments of DNA (deoxyribonucleic acid), the genetic material, and cytoplasmic microtubules. Since the dimensions of DNA filaments and microtubules are at the macromolecular and molecular levels, a need exists to obtain sections as thin as possible. Application received by Commissioner of Customs: March 19, 1969.

Docket No. 69–00480–25–41200. Applicant: University of Colorado, Regent Hall, Room 122, Boulder, Colo. 80302. Article: Klystron oscillator, type VC 742. Manufacturer: Varian Associates of Canada, Ltd. Intended use of article: The article will be used in a research effort to develop a 94GHz Maser Receiver that would be useful in radio astronomy applications. Application received by Commissioner of Customs: March 19, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Operations Administration.

[F.R. Doc. 69–3979; Filed, Apr. 4, 1969; 8:45 a.m.]

UNIVERSITY OF ILLINOIS ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00458–00–77040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Field ion source, Type EF04B. Manufacturer: Atlas Mass und Analysen Technik, GMBH, West Germany. Intended use of article: The article will be used to determine two types of mass spectra without removing the ion course and breaking vacuum. Domestically manufactured similar items are not interchangeable nor compatible with the foreign items for which the foreign article is intended. Application received by Commissioner of Customs: March 11, 1969.

Docket No. 69–00462–33–46040. Applicant: Case Western Reserve University, Institute of Pathology, 2085 Adelbert Road, Cleveland, Ohio 44106. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for specific projects concerning the following:

1. An investigation of the morphological effects of several antimalarial drugs on malarial parasites.

2. A study of hepatic nuclear membranes in malignancy.

3. A study of pathogenesis of arteriosclerosis.

Application received by Commissioner of Customs: March 12, 1969.

Docket No. 69–00466–40–30600. Applicant: Florida Atlantic University, 500 Northwest 20th Street, Boca Raton, Fla. 33432. Article: Hydrodynamic system—dealing with fluid motion problems confronting hydraulic engineers, Model 9093. Manufacturer: Armfield Engineering, Ltd., U.K. Intended use of article: The article will be used in a course in fluid mechanics. It permits students to carry out experimental investigations in characteristics of laminar and turbulent flow, boundary layer studies, flow around airfoils, cylinders and other objects, three dimensional flows, formation of shock-waves, and other problems relating to fluids in motion. Application received by Commissioner of Customs: March 10, 1966.

Docket No. 69–00470–33–33300. Applicant: The University of Texas M. D. Anderson Hospital and Tumor Institute, 6723 Bertner, Houston, Tex. 77025. Article: Fibergastroscope, "Machida Type B". Manufacturer: Shoei Industries Co., Ltd., Japan. Intended use of article: The article will be used for clinical cancer research. A unique specification of the article is that of direct vision biopsy of the stomach by which gastric cancer can frequently be diagnosed without surgery in the living human. Application received by Commissioner of Customs: March 17, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–3980; Filed, Apr. 4, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CLINICAL LABORATORIES IMPROVEMENT ACT OF 1967

Notice of Effective Date; Submittal of Applications

The Clinical Laboratories Improvement Act of 1967, section 5, Public Law No. 90–174, amended the Public Health Service Act by adding a new section 353, 42 U.S.C. 263a, relating to the licensing of clinical laboratories. Section 5(b) of Public Law No. 90–174 provides that the amendment to the Public Health Service Act made thereby shall become effective on the first day of the 13th month after the month of its enactment, but authorizes the Secretary of Health, Education, and Welfare to postpone the effective date of such amendment for such additional period as he finds necessary, but not beyond the first day of the 19th month after the month of its enactment.

According to the notice published December 31, 1968, 33 F.R. 20049, the Act would be made effective April 1, 1969. In order to provide laboratories and accrediting organizations a sufficient period of time in which to conform to the requirements of the law and regulations, I find it necessary to postpone the effective date of the Act for an additional period of time, and, pursuant to the authority contained in section 5(b) of Public Law No. 90–174, do hereby postpone such effective date until July 1, 1969.

Notice is also given that in order to assure review prior to the effective date of July 1, 1969, complete applications (1) for licenses and (2) for letters of exemption (in the case of laboratories accredited by an approved accreditation body, whose standards have been determined to be equal to or more stringent than the provisions of section 353 of the Public Health Service Act, as amended, 42 U.S.C. 263a, and the regulations issued thereunder, 42 CFR Part 74), must be filed on or before May 1, 1969.

Dated: March 14, 1969.

[SEAL] JOSEPH T. ENGLISH,
Administrator, Health Services and Mental Health Administration.

Approved: March 31, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–4084; Filed, Apr. 4, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–8]

KANSAS CITY, MO., AND OMAHA, NEBR.

Proposed Revocation of Designations as Ports of Documentation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designations of Kansas City, Mo., and Omaha, Nebr., as ports of documentation and to conduct at and from the office of the Commander, 2d Coast Guard District, 1520 Market Street, Federal Building, St. Louis, Mo. 63103, such documentation activities as have been performed heretofore at Kansas City and Omaha.

2. Accordingly, notice is given that under authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designations of Kansas City, Mo., and Omaha, Nebr., as ports of documentation; and

(b) Transfer the documentation records at Kansas City and Omaha, to the office of the Commander, 2d Coast Guard District, 1520 Market Street, Federal Building, St. Louis, Mo. 63103; and

(c) Make St. Louis the home port of all vessels now having Kansas City and Omaha as their home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before May 5, 1969, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (May 5, 1969). The acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel are not available to handle the necessary correspondence involved. The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine Council, Room 4211, Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that they may become part of the record.

Dated: April 1, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–4040; Filed, Apr. 4, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18659]

BUFFALO-TWIN CITIES NONSTOP SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 10, 1969, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 26, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 1, 1969.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[F.R. Doc. 69–4049; Filed, Apr. 4, 1969; 8:50 a.m.]

[Docket No. 20541]

TRANSPORTES AEREOS DE CARGA, S.A. (TRANSCARGA)

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 10, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 1, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69–4050; Filed, Apr. 4, 1969; 8:50 a.m.]

[Docket No. 19956]

TRANSPORTES AEREOS NACIONALES, S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearconference in the above-entitled matter is assigned to be held on April 22, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., April 2, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–4051; Filed, Apr. 4, 1969; 8:50 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

PEOPLES TRUST AND SAVINGS CO., FORT WAYNE, IND.

Notice of Application for Exemption

Pursuant to authority granted the Corporation under sections 12(h) and 12(i) of the Securities Exchange Act of

1934, as amended, notice is hereby given to all interested parties that The Peoples Trust and Savings Co., Fort Wayne, Ind., has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it, its officers and directors from the requirements of sections 12, 13, 14, and 16 of the Act.

Interested persons are given the opportunity to present their written views or comments on this application within 20 days following the date of publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

Dated this 28th day of March 1969.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-3981; Filed, Apr. 4, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

NURSES, GALVESTON, TEX.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has adjusted the special salary rates previously authorized for certain nurse positions as follows:

GS-610 NURSE SERIES

Geographic coverage: Galveston, Tex.
Effective date: First day of the first pay period beginning on or after April 6, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881	$8,052	$8,223
GS-5	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416	8,608	8,800
GS-6	7,168	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,447	7,660	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544
GS-8	7,966	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269

[1] Corresponding statutory rates: GS-4—tenth; GS-5—eighth; GS-6—fifth; GS-7—third; GS-8—second.

NOTE: Special rates for GS-6 have not been changed. They are repeated for convenience.

All new employees in the specified occupational levels will be hired at the new minimum rates. If there is no special rate range for a grade that previously had a special range, the regular rates apply.

As of the effective date, the agency will process a pay adjustment for employees on the rolls in the affected occupational levels as follows:

Employees in grades GS-4 and GS-5 (the rates for these grades are increased). An employee who immediately prior to the effective date was receiving basic compensation at one of the prior special rates shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Employees in grades GS-7 through GS-11 (the rates for these grades are reduced). Employees in these grade levels shall be converted to the new special or regular salary rates in accordance with § 530.306 of the Commission's regulations. This section of the regulations provides that no employee shall have his pay reduced because of adjustments in special salary rates.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4032; Filed, Apr. 4, 1969; 8:48 a.m.]

NURSES, LUBBOCK, TEX.

Notice of Cancellation of Special Salary Rates

Under the provisions of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has canceled the special salary rates authorized for positions of Nurses GS-610-5, 6, and 7, Lubbock, Tex. (including Reese Air Force Base). This cancellation is effective the first day of the first pay period beginning on or after March 24, 1969.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4033; Filed, Apr. 4, 1969; 8:49 a.m.]

MEDICAL EQUIPMENT REPAIRER, VETERANS ADMINISTRATION HOSPITAL, IOWA CITY, IOWA

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on March 14, 1969, for the single position of Medical Equipment Repairer, WG-4805-11, Veterans Administration Hospital, Iowa City, Iowa. This finding is self-canceling when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4034; Filed, Apr. 4, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the positions of Assistant to the Secretary and of Deputy Director, Office of Minority Business Enterprise.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4035; Filed, Apr. 4, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4036; Filed, Apr. 4, 1969; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment the position of Deputy General Counsel. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4039; Filed, Apr. 4, 1969; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive asignment has been changed from "Assistant Deputy Attorney General for Litigation" to "Associate Deputy Attorney General".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4037; Filed, Apr. 4, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of Government Liaison, Office of Assistant Secretary for Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4038; Filed, Apr. 4, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18503, 18504; FCC 69-280]

UNITED COMMUNITY ENTERPRISES, INC., AND SALUDA BROADCASTING CO., INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of United Community Enterprises, Inc., Greenwood, S.C., Docket No. 18503, File No. BP-17439; Requests: 1090 kc, 1 kw, Day; Saluda Broadcasting Co., Inc., Saluda, S.C., Docket No. 18504, File No. BP-17529; requests: 1090 kc, 500 w, Day; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications for standard broadcast construction permits.

2. An analysis of the financial section of the United Community application reveals that the applicant will require $57,879 to meet first-year construction and operation costs, consisting of: Down payments on equipment, $4,360; first-year payments on equipment with interest, $4,719; land, $1,800; building, $5,000; miscellaneous costs, $2,000; and working capital, $40,000. The applicant proposes to meet these requirements with existing capital of $30,000 and a shareholder's loan of $30,000 for a total of $60,000. However, the balance sheet of the lender-shareholder does not provide a basis to determine whether he will have the necessary net available current liquid assets to meet his loan commitment since it is impossible to ascertain whether his stock investments can be converted to provide the necessary capital. The financial information must be updated to determine whether the line of credit from the equipment manufacturer is still available and whether there have been any changes in the financial position of the parties involved. Thus, a financial issue will be included.

3. The two 50 percent shareholders of United Community have interests in the licensee of station WESC (AM and FM), Greenville, S.C. John Y. Davenport is the vice president, secretary, director, general manager, and 1 percent shareholder of the licensee.[1] Wallace A Mullinax is the station and sales manager of WESC. Since there is mutual 1 mv/m overlap between WESC and the proposed facility, an issue will be specified to determine whether a grant of the proposal would be in contravention of § 73.35(a) of the Commission's rules.

4. A Suburban[2] issue is required as to United Community Enterprises, Inc. The Commission has stated that an applicant must provide full information as to the steps it has taken to become acquainted with the needs and interests of the area to be served and how it proposes to meet those needs. Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903. Although the applicant conducted a survey of individuals in the proposed service area, it did not give the identity by name, position, and organization of the individuals contacted. It also failed to list the suggestions that it received as to how the station could help meet the area's needs. Accordingly, a programing issue will be included.

5. Examination of the financial portion of the Saluda proposal indicates that the applicant will need $60,173 to meet estimated first-year construction and operation costs, consisting of: Down payment on equipment, $3,523; first-year payments on equipment with interest, $3,806; land, $720; building, $5,000; miscellaneous costs, $5,000; repayment on the bank loan with interest, $16,404; and working capital, $25,720. To meet these costs, the applicant intends to rely on existing capital of $1,000, new capital in the form of stock subscriptions of $13,000, and a bank loan of $30,000 for a total of only $44,000. In addition, one of the stockholders, C. Bruce Barksdale Jr., has agreed to loan any additional funds required to meet any first-year commitments. Examination of the balance sheet of 50 percent stockholder C. Bruce Barksdale, Jr., shows that he has sufficient net current and liquid assets to meet both his $6,500 stock subscription commitment and the balance of the applicant's first-year operating costs. The remaining 50 percent stockholder, Ted B. Wyndham, relies on a $7,000 bank loan to meet his $6,500 stock subscription commitment. However, neither this bank loan commitment, nor the $30,000 bank loan commitment is current. Likewise, the letter of credit from the applicant's equipment manufacturer is not current. Finally, the proposed $25,720 proposed first-year operating figure appears, in the absence of a detailed breakdown, to be inordinately low. Accordingly, an appropriate issue will be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below:

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine, with respect to the application of United Community Enterprises, Inc.:

(a) Whether John Y. Davenport is able to meet his $30,000 loan commitment to the applicant.

(b) Whether the $30,000 shareholder's loan and the letter of credit from the equipment manufacturer are still available and, if so, the terms and conditions thereof.

(c) Whether, in light of the evidence adduced pursuant to the above subissues, the applicant is financially qualified.

(3) To determine whether a grant of the application of United Community Enterprises, Inc., would be in contravention of the provisions of § 73.35(a) of the Commission's rules with respect to the multiple ownership of standard broadcast stations.

(4) To determine the efforts made by United Community Enterprises, Inc., to ascertain the community needs and interests of the area to be served and the manner by which the applicant proposes to meet such needs and interests.

(5) To determine, with respect to the application of Saluda Broadcasting Co., Inc.:

(a) The basis of the applicant's estimated operating costs for the first year and whether such estimate is reasonable.

[1] John Y. Davenport, holds only one qualifying share. Robert A. Schmit, 90 percent shareholder of the licensee, is the beneficial owner.

[2] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961).

(b) Whether the bank loans and the equipment manufacturer's credit are still available and, if so, the terms and conditions thereof.

(c) Whether, in light of the evidence adduced pursuant to the above subissues, the applicant is financially qualified.

(6) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(7) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

(8) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 21, 1969.

Released: April 2, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4041; Filed, Apr. 4, 1969; 8:50 a.m.]

WARREN COUNTY RADIO AND RADIO VOICE OF WARRENTON

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James Hartwell Mayes, Jr., trading as Warren County Radio, Warrenton, N.C., Docket No. 18501, File No. BP-17527; requests: 1520 kc, 1 kw, Day; Vernon H. Steed and Frances L. Steed, doing business as Radio Voice of Warrenton, Warrenton, N.C., Docket No. 18502, File No. BP-17751; requests: 1520 kc, 1 kw, Day; for construction permit.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications for standard broadcast construction permits.

2. Examination of the financial portion of the Warren County application indicates that $43,725 will be required to meet estimated first-year construction and operation costs, consisting of: Down payment on equipment, $3,517; first-year payments on equipment with interest, $2,748; building, $500; miscellaneous costs, $1,850; payments on bank loan with interest, $5,110; and working capital, $30,000. To meet these costs, the applicant intends to rely on prepaid expenses of $1,200; liquid assets of the partners of approximately $5,000; a bank loan of $20,000; and expected revenues of $37,243 for a total of $63,443. However, the statement made in support of the revenue claim of $37,243 does not provide a realistic basis for concluding that this amount would be available. Furthermore, neither the bank loan letter nor the equipment manufacturer's letter is current. Finally, the estimate of construction costs ($16,417) appears to be inordinately low. Accordingly, a financial issue will be included.

3. With respect to the engineering portion of the Warren County application, there is a discrepancy in that the proposed coordinates do not appear to describe accurately the location of the proposed antenna site. Moreover, this discrepancy casts doubt on the validity of the applicant's tower clearance by the Federal Aviation Administration. Thus, we will specify appropriate issues with respect thereto.

4. A Suburban[1] issue is required as to both applicants. The Commission has stated that an applicant must provide full information as to the steps he has taken to become informed of the real community needs and interests of the area to be served. Public notice, August 22, 1968, 13 FCC 2d 391, 13 RR 2d 1903. Warren County Radio contacted 11 people identified by name, position, and organization, but failed to list the suggestions that these people offered as to community needs and interests. In addition, in the light of the small number of individuals contacted, it cannot be assumed that a representative cross section of the community was consulted. The survey by Radio Voice of Warrenton also fails to list the suggestions received. Finally, as in the case of Warren County Radio, the number of persons interviewed is too low. Therefore, programing issues will be included as to both applicants.

5. Examination of the financial portion of the Radio Voice application reveals that $29,675 will be needed to meet first year construction and operation costs, consisting of: First year payments on equipment with interest, $2,840; land, $200; building, $925; miscellaneous costs, $2,850; and working capital, $22,860. To meet these costs, the applicant has available cash and liquid assets of $2,000 and a loan from an individual of $20,000 for a total of only $22,000. Applicant fails to meet the first year commitments by $8,000. Although the applicant provided some itemization of used equipment and operating expenses, it does not provide an adequate basis to justify the estimates of construction costs ($16,870) and annual operating expenses ($22,860) in view of the modest figures proposed. In addition, the loan commitment and letter of credit from the equipment manufacturer are not current. Accordingly, a financial issue will be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below:

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which they propose to meet those needs and interests.

(2) To determine with respect to the application of Warren County Radio:

(a) The basis for the estimated construction costs.

(b) The basis of the applicant's estimated first year revenues, if it will depend upon operating revenues to meet fixed costs and operating expenses.

(c) Whether the $20,000 bank loan and letter of credit from the equipment manufacturer are available, and, if so, the terms and conditions thereof.

(d) Whether in the light of the evidence adduced pursuant to (a) and (b) and (c) above, the applicant is financially qualified.

(3) To determine the actual coordinates of the transmitter site proposed by Warren County Radio.

(4) To determine whether the antenna tower proposed by Warren County Radio would constitute a hazard to air navigation.

(5) To determine, with respect to the application of Radio Voice of Warrenton:

(a) The manner in which the applicant will obtain additional funds to construct and operate the station for 1 year.

(b) The basis of the estimated construction costs and the estimated operating expenses for the first year.

(c) Whether the $20,000 loan and letter of credit from the equipment manufacturer are still available, and, if so, the terms and conditions thereof.

(d) Whether, in the light of the evidence adduced pursuant to (a), (b), and (c) above, the applicant is financially qualified.

(6) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

11. *It is further ordered*, That, in the event of a grant of the application of Warren County Radio, the construction permit shall contain the following condition: Before program tests are authorized permittee shall submit sufficient field intensity measurement data to establish that the inverse distance field is essentially 176 mv/m/kw, as proposed.

12. *It is further ordered*, That, in the event of a grant of the application of Radio Voice of Warrington, the construction permit shall contain the following conditions: Before program tests are authorized permittee shall submit sufficient field intensity measurement data to establish that the inverse distance field is essentially 175 mv/m/kw, as proposed.

Before program tests are authorized permittee shall install approved modulation monitor.

Adopted: March 21, 1969.

Released: April 2, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4042; Filed, Apr. 4, 1969; 8:50 a.m.]

[2] Commissioners Bartley and Robert E. Lee absent.

[1] Suburban Broadcasters, 30 FCC 1021, 20 RR 951.

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND UNICORN SHIPPING LINES (PTY.) LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement No. 9789, between Farrell Lines, Inc., and The Unicorn Shipping Lines (Pty.) Ltd., establishes a through billing arrangement for cargo in the trade between ports in Mauritius, Reunion, Malagasy Republic (Madagascar), Mozambique, Comoro, and Seychelles Islands, and United States Atlantic ports with transhipment at ports in the Republic of South Africa in accordance with the terms and conditions set forth in the Agreement.

Dated: April 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4044; Filed, Apr. 4, 1969; 8:50 a.m.]

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic & Gulf Freight Conference, Sumitomo Seimei Yaesu Bldg., 3, Yaesu 4-Chome, Chuo-Ku, Tokyo, Japan.

Agreement No. 3103-37, between the member lines of the Japan-Atlantic and Gulf Freight Conference amends Article 1 of the basic agreement (3103, as amended) by providing that the Conference Agreement is not applicable to cargo moving on through bills of lading where the originating or destination ports are outside of the trade embraced by the Conference Agreement.

Dated: April 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4045; Filed, Apr. 4, 1969; 8:50 a.m.]

WILHELMSEN LINE JOINT SERVICE AND FERN-VILLE LINE JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Seymour H. Kligler, Esq., Herman Goldman, Attorneys & Counselors at Law, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7668-5, between Wilhelmsen Line Joint Service and Fern-Ville Line Joint Service, amends the basic agreement by providing that the lines may freely contribute vessels to and remove vessels from the joint service, that dues, expenses and any deposits required by a conference, pooling or other agreement the service joins shall be shared equally and that Fearnley & Egers Befragtningsforretning A/S shall cease to be a member of the Fern-Ville Line.

By order of the Federal Maritime Commission.

Dated: April 2, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4046; Filed, Apr. 4, 1969; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION AND ATLANTIC NATIONAL BANK OF JACKSONVILLE

Notice of Applications for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Atlantic Bancorporation and the Atlantic National Bank of Jacksonville, which are bank holding companies located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicants of at least 60 percent of the voting shares of Normandy Atlantic Bank, Jacksonville, Fla., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 28th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3987; Filed, Apr. 4, 1969; 8:46 a.m.]

BANKERS TRUST NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Bankers Trust New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of 100 percent of the voting shares of Bank of Jamestown, Jamestown, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C., this 28th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3988; Filed, Apr. 4, 1969; 8:46 a.m.]

FIRST NATIONAL BANK OF FORT WORTH

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The First National Bank of Fort Worth, Fort Worth, Tex., for approval of acquisition of 24.9 percent of the voting shares of Great Southwest National Bank of Arlington, Arlington, Tex., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The First National Bank of Fort Worth, Fort Worth, Tex., a registered bank holding company, for the Board's prior approval of the acquisition of 24.9 percent of the voting shares of Great Southwest National Bank of Arlington, Arlington, Tex., a proposed new bank.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 28, 1968 (33 F.R. 19967), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas, pursuant to delegated authority, and that Great Southwest National Bank of Arlington shall be open for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 27th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3989; Filed, Apr. 4, 1969; 8:46 a.m.]

SOUTHEAST BANCORPORATION, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Southeast Bancorporation, Inc., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of Everglades Bank and Trust Co., Fort Lauderdale, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Everglades Bank and Trust Co., Fort Lauderdale, Fla.

As required by section 3(b) of the Act, the Board notified the Florida Commissioner of Banking of the application and requested his views and recommendation. The Commissioner advised the Board of his action approving the same proposal under provisions of State law.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 13, 1968 (33 F.R. 18534), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 27th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3990; Filed, Apr. 4, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Chairman Martin and Governor Brimmer.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, and Sherrill. Absent and not voting: Governors Maisel and Brimmer.

SECURITIES AND EXCHANGE COMMISSION

[70-4732]

ALABAMA POWER CO.

Notice of Issuance of First Mortgage Bonds for Improvement Fund Purposes

MARCH 31, 1969.

Notice is hereby given that Alabama Power Co. (Alabama), 600 North 18th Street, Birmingham, Ala. 35202, a public utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes, on or prior to June 1, 1969, to issue $4,756,000 principal amount of its First Mortgage Bonds, 4⅝ percent Series due 1987, under the provisions of its Indenture dated as of January 1, 1942, between Chemical Bank New York Trust Co., as Trustees, as supplemented, and to surrender such bonds to the Trustees in accordance with the improvement fund provisions. The bonds are to be identical with those authorized by the Commission on April 30, 1957 (Holding Company Act Release No. 13457), and are to be issued on the basis of property additions, thus making available for construction purposes cash which would otherwise be required to satisfy improvement fund provisions or to purchase bonds for such purpose.

It is stated that the issuance of the bonds has been expressly authorized by the Alabama Public Service Commission and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be paid in connection with the proposed transaction are estimated at $1,750, including legal fees of $500.

Notice is further given that any interested person may, not later than April 25, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate), should be filed with the request. At any time after said date the declaration may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3996; Filed, Apr. 4, 1969; 8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

APRIL 1, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 1, 1969, through April 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3997; Filed, Apr. 4, 1969; 8:47 a.m.]

[70-4733]

MISSISSIPPI POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

MARCH 31, 1969.

Notice is hereby given that Mississippi Power Co. (Mississippi), 2500 14th Street, Gulfport, Miss. 39501, a public-utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Mississippi proposes, on or prior to June 1, 1969, to issue $976,000 principal amount of its First Mortgage Bonds, 4⅝ percent Series due 1987, under the provisions of its Indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Company of New York, as Trustee, as amended and supplemented, and to surrender such bonds to the Trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on April 3, 1957 (Holding Company Act Release No. 13437), and are to be issued on the basis of property additions, thus making available for construction and other purposes cash which would otherwise be required

to satisfy the sinking fund requirement or to purchase bonds for such purpose.

The fees and expenses to be paid by Mississippi in connection with the issuance of the bonds are estimated at $750, including counsel fee of $250. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 25, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate), should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3996; Filed, Apr. 4, 1969; 8:47 a.m.]

[File No. 24W-2823]

PROFESSIONAL ACCEPTANCE CORP.

Order Temporarily Suspending Exemption, Statement or Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 1, 1969.

I. Professional Acceptance Corp. (issuer), Law & Finance Building, 429 Fourth Avenue, Pittsburgh, Pa., incorporated in the State of Delaware on April 4, 1967, filed with the Commission on June 30, 1967, a notification on Form 1-A and an offering circular relating to an offering of 2,890 shares of its $100 par value preferred stock at $100 per share and 1,039,000 shares of its $0.01 par value common stock for an aggregate offering price of $299,390, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was to be sold in units of 10 preferred shares and 1,000 common shares for a unit price of $1,010 per unit.

II. The Commission has reason to believe from information reported to it by its staff that the notification and offering circular of Professional Acceptance Corp. contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The jurisdiction in which said securities would be offered and sold;

(2) The extent to which securities would be issued on other than a cash basis;

(3) The true financial condition of the issuer at the time of the commencement of the offering;

(4) The amount of the "faithful performance deposits" which would be obtained from franchisees;

(5) Sales of the issuer's securities during the course of the offering in a different common stock to preferred stock ratio than that in which it was offered to the public; and

(6) The sale of a large amount of the public offering to a wholly owned subsidiary of the issuer.

The offering has been made in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commisison, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-3999; Filed, Apr. 4, 1969; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

APRIL 1, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 2, 1969, through April 11, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4000; Filed, Apr. 4, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 2, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41600—*Lumber and related articles from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-25), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, South Dakota, and Wisconsin on the CMStP&P, MN&S and SooLine RR; also between points in southwestern territory, on the one hand, and points in Missouri on the CMStP&P, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 122 to Southwestern Freight Bureau, agent, tariff ICC 4600.

FSA No. 41601—*Grain and grain products to San Diego, Calif.* Filed by Pacific Southcoast Freight Bureau, agent (No. 261), for interested rail carriers. Rates on grain, grain products and related articles, in carloads, from specified points in Montana, to San Diego, Calif.

Grounds for relief—Unregulated truck and truck-barge competition.

Tariff—Supplement 69 to Pacific Southcoast Freight Bureau, agent, tariff ICC 1783.

FSA No. 41602—*Asphalt and residual fuel oil to points in Colorado and Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2583), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), and residual fuel oil, in tank carloads, as described in the application, from points in Colorado and Wyoming, to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief—Carrier competition.

Tariff—Supplement 71 to Western Trunk Line Committee, agent, tariff ICC A-4572.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4024; Filed, Apr. 4, 1969; 8:48 a.m.]

[Notice 807]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 2, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 269 TA), filed March 26, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles as are dealt in by retail discount stores*, except foodstuffs and articles, in bulk, restricted to transportation originating at or destined to the facilities of Arlans Department Stores, from New York City, N.Y., and the commercial zone thereof, to points in Iowa, and Freeport, Rockford, Peru, Galesburg, Peoria, Pekin, Mattoon, and Moline, Ill., for 180 days. Supporting shipper: Arlan's Department Stores, Inc., New York, N.Y. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 83539 (Sub-No. 244 TA), filed March 24, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Low speed motor vehicles* not suitable for general highway transportation, *accessories, attachments and parts* when moving in connection therewith, from the plantsite of Ottawa Steel Products, Ottawa, Kans., to points in the United States (except Alaska, Hawaii, and Kansas), for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: Ottawa Steel Products, 1313 North Hickory Street, Ottawa, Kans. 66067. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 109172 (Sub-No. 5 TA), filed March 25, 1969. Applicant: NATIONAL TRANSFER, INC., doing business as NATIONAL MOTOR FREIGHT, 4100 East Marginal Way, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 609-11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers;* (1) between points in Oregon, on the one hand, and on the other, points in Washington; and (2) between points in Washington, for 180 days. NOTE: Applicant intends to tack with MC 109172 and subs thereunder. Supporting shipper: American Mail Line, 1010 Washington Building, Seattle, Wash. 98101. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 110525 (Sub-No. 902 TA), filed March 26, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19355. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine solution*, in bulk, from Lake Charles, La., to Marinette, Wis., for 150 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford, Conn. 06905. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 114789 (Sub-No. 22 TA), filed March 28, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled and packaged food products*, from points in New York, New Jersey, Pennsylvania, Massachusetts, and Ohio to St. Paul, Minn., for 180 days. Supporting shipper: Gourmet Foods, Inc., 1020 Raymond Avenue, St. Paul, Minn. 55114. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 116077 (Sub-No. 263 TA), filed March 26, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral springs water*, in bulk, in tank vehicles, from the wellsite of the Caddo Valley Mineral Springs Corp. 10 miles west of Norman, Ark., to Houston Distilled Water Co., Houston, Tex., for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Houston Distilled Water Co. (Mr. Victor B. Bond, president), 2801 Polk Avenue, Houston, Tex. 77003. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 123057 (Sub-No. 8 TA), filed March 24, 1969. Applicant: JAMES RICCIARDI & SONS, INC., 203 Filmore Street, Staten Island, N.Y. 10301. Applicant's representative: Morton Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between points in the New York, N.Y., commercial zone as defined by the Commission. In trailers or containers, on traffic having a prior or subsequent movement by water, for 180 days. Supporting shipper: Transamerican Trailer Transport, Inc., 358 St. Marks Place, Staten Island, N.Y. 10301. Send protests to: Paul W. Assenza, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124078 (Sub-No. 372 TA), filed March 28, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: David S. Harris, Commerce Department (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Sylvania, Ga., to points in South Carolina, for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006 (B. M. LaMonica, Manager, Rates). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126838 (Sub-No. 4 TA), filed March 25, 1969. Applicant: EARNEST J. RUSH, JR., doing business as CLARENCE F. GUTHRIE HAULING SERVICE, Box 341, Rural Delivery 2, Canonsburg, Pa. 15317. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed limestone*, in bags, from Dry Run, Pa., to Triadelphia, Short Creek, and Moundsville, W. Va.; (2) *crushed limestone*, in bulk, from the facilities of New Castle Lime & Stone Co., Inc., located in Mahoning Township, Lawrence County, and the facilities of New Enterprise Stone & Lime Co., Inc., located in Ashcom, Pa., to Benwood, the District of Clay and the District of Meade, Marshall County, W. Va., for 180 days. Supporting shipper: New Enterprise Stone & Lime Co., Inc., New Enterprise, Pa. 16664. Send protests to: District Supervisor Frank L. Calvary, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 128495 (Sub-No. 1 TA), filed March 25, 1969. Applicant: AARID VAN LINES, INC., 1329–1337 South Hanover Street, Baltimore, Md. 21230. Applicant's representative: Anthony C. Vance, Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Baltimore City, Md.; U.S. Naval Training Center, Bainbridge, Md.; Army Chemical Center, Edgewood, Md.; Aberdeen Proving Ground, Aberdeen, Md.; and points in Lancaster and Chester Counties, Pa., and Kent County, Md., and New Castle County, Del. *Restriction:* Restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. NOTE: Applicant intends to tack MC 128495, to extent required at authorized joinder points such as Baltimore, Md. and named military installations. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 129092 (Sub-No. 1 TA), filed March 24, 1969. Applicant: HARVEY TRANSPORT LIMITED, Post Office Box 638, Rue Du Pont, Alma, Lake St. John, Province of Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, rough or polished, in blocks or slabs, semi-finished or finished, motor vehicle in interstate or foreign commerce, from the ports of entry on the international boundary line between the United States and Canada, located at or near Derby Line, Norton, Highgate Springs, and Morses Line, Vt. and Jackman, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, and Rhode Island for 180 days. Supporting shipper: National Granite Ltd., Alma, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133526 (Sub-No. 1 TA), filed March 24, 1969. Applicant: DICKSON'S TRANSPORT AND COACH LINES (NAPANEE) LIMITED, Rural Route No. 5, Napanee, Ontario, Canada. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel sewage treatment plants* on specially built semi-trailers, from ports of entry on the United States-Canadian Boundary at or near Ogdensburg, Alexandria Bay, Niagara Falls, and Buffalo, N.Y.; and Detroit and Port Huron, Mich.; to points in New York, Pennsylvania, Michigan, Ohio, Vermont, Maryland, New Jersey, New Hampshire, Connecticut, Rhode Island, Delaware, West Virginia, and Massachusetts. Restricted to shipments originating at Napanee, Ontario, Canada, for 150 days. Supporting shipper: Napanee Industries (1962) Ltd., 51 Ann Street, Box 700, Napanee, Ontario, Canada. Attn: H. W. Wreford, Materials Manager. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 133582 TA, filed March 24, 1969. Applicant: LAURA GAIL KUTZLER, doing business as GLADSTONE CARRIERS, Waukegan, Ill. 60085. Applicant's representative: Richard A. Kerwin, 33 North Dearborn, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plant and warehouse sites of the Kitchens of Sara Lee, a division of Consolidated Foods at Deerfield, Ill., and the warehouse sites of the Kitchens of Sara Lee, a division of Consolidated Food Company at Chicago, Ill., to points in Indiana, Ohio, Kentucky, and Iowa, for 180 days. Supporting shipper: Charles Michel, Kitchens of Sara Lee Division of Consolidated Food Co., 500 Waukegan Road, Deerfield, Ill. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133583 TA, filed March 25, 1969. Applicant: CENTRAL MOVING & STORAGE, INC., Post Office Box 18305, 7801 North Pan Am Expressway, San Antonio, Tex. 78218. Applicant's representative: J. D. Albright, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* between San Antonio, Tex., on the one hand, and, on the other, points in Bexar County, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, Calif. 94604; Vanpac Carrier, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94801. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4025; Filed, Apr. 4, 1969; 8:49 a.m.]

[Notice 322]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 2, 1969.

Synposes of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70960. By order of March 21, 1969, the Motor Carrier Board approved the transfer to John Welch, William Welch, and W. D. Welch, a partnership, doing business as Welch Bros. Trucking Co., Portales, N. Mex., of the operating rights in permit No. MC-119883 issued January 11, 1963, to Joe R. Welch, Portales, N. Mex., authorizing the transportation of lumber from points in Arizona, Colorado, and New Mexico, to points in Texas on and west of U.S. Highway 75. Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101, attorney for applicants.

No. MC-FC-71108. By order of March 25, 1969, the Motor Carrier Board approved the transfer to Leonard L. Carpenter, doing business as Carpenter Van Lines, 6301 East 120th Street Terrace, Kansas City, Mo. 64030, of the certificate in No. MC-128838, issued August 16, 1967, to Armond B. Dillon, doing business as Dillon Moving & Storage Co., 10 North Broadway, Aurora, Ill. 60504, authorizing the transportation of household goods between Glassport, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in New York, Ohio, West Virginia, and Maryland; and between Greensburg, Pa., on the one hand, and, on the other, points in Ohio and West Virginia.

No. MC-FC-71178. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Pack Transport, Inc., Idaho Falls, Idaho, of certificate No. MC-104816 (Sub-No. 2) issued November 27, 1968, to Hayes Truck Line, Inc., Jackson, Wyo., authorizing the transportation of building materials and other specified commodities from, to, or between specified points in Wyoming and Idaho. Max D. Eliason, 3015 Bonnie Brea Avenue, Post Office Box 2602, Salt Lake City, Utah 84110, attorney for applicants.

No. MC-FC-71192. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Monk's Express, Inc., Binghamton, N.Y., of certificate of registration No. MC-84565 (Sub-No. 7) issued to Leslie F. Hicks, doing business as L. F. Hicks Trucking Co., Cortland, N.Y., evidencing a right to engage in interstate or foreign commerce, between points within the State of New York. Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202, attorney for applicants.

No. MC-FC-71198. By order of March 25, 1969, the Motor Carrier Board approved the transfer to Dillon Moving and Storage Co., a corporation, 10 North Broadway, Aurora, Ill. 60504, of a portion of the certificate in No. MC-105854, issued July 18, 1968, to Leonard L. Carpenter, doing business as Carpenter Van Lines, 6301 East 120th Street Terrace, Kansas City, Mo. 64030, authorizing the transportation of household goods as defined by the Commission between points in Greene, Lawrence, Monroe, and Orange Counties, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, and Ohio; and between points in Lawrence, Monroe, Orange, and Greene Counties, Ind., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Maryland, Virginia, Wisconsin, Missouri, New York, Iowa, and the District of Columbia.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4026; Filed, Apr. 4, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-638, etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Accepting Supplemental Agreement and Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 27, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-638..	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	158	4	Natural Gas Pipeline Co. of America (Northeast Quinlaw Field, Woodward County, Okla.) (Panhandle Area).	$14,121	2-28-69	[2] 4-8-69	9-8-69	[3] 18.256	[3] [4] 20.402	R166-128.
RI-69-639.	Glover Hefner Kennedy Oil Co. (Operator) et al., 1010 Kermac Bldg., Oklahoma City, Okla. 73102.	1	5	Arkansas Louisana Gas Co. (Canute Field, Washita and Custer Counties, Okla.) (Oklahoma "Other" Area).	4,021	3-3-69	[2] 4-3-69	9-3-69	15.0	[3] 17.00	
RI69-640..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	82	1	Natural Gas Pipeline Co. of America (Thomas Area, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	500	3-3-69	[2] 4-3-69	9-3-69	15.0	[4] [5] 15.0	
	----do----	83	4	Panhandle Eastern Pipe Line Co. (Northwest Oakdale Field, Woods County, Okla.) (Oklahoma "Other" Area.)	1,722	3-3-69	[2] 4-3-69	9-3-69	[6] 16.41	[4] [6] [7] 21.23	
RI69-641..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	299	2	Natural Gas Pipeline Co. of America (Thomas Plant Area, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	3,045	3-5-69	[2] 6-1-69	11-1-69	[3] 15.0	[4] [5] 16.015	
	----do----	33	14	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.) (Permian Basin Area).	151	3-10-69	[2] 4-10-69	9-10-69	13.83	[4] [8] 16.0215	
	----do----	17	19	El Paso Natural Gas Co. (Monshane Field, Ward and Winkler Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	9,492	2-28-69	[2] 3-31-69	8-31-69	14.12	[4] 12 15.3893	
	----do----	134	16	El Paso Natural Gas Co. (University Block 9, Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	8,725	2-28-69	[2] 3-31-69	8-31-69	12.81	[4] [8] 13.5183	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-642..	Shell Oil Co. (Operator) et al.	267	3	Panhandle Eastern Pipe Line Co. (Elk City Plant, Beckham County, Okla.) (Oklahoma "Other" Area).	[2]277,103	3-6-69	[3] 4-6-69	9-6-69	18.055	[4] [14] [15] 19.092	
	do	268	32	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey, Woods and Major Counties, Okla.) (Oklahoma "Other" Area).	23,323	3-10-69	[3] 4-10-69	9-10-69	[16] 19.135	[4] [16] [20] 19.792	RI65-649, RI67-383.
	do	280	7	Arkansas Louisiana Gas Co. (North Carter Field, Beckham County, Okla.) (Oklahoma "Other" Area).	138	3-10-69	[3] 4-10-69	9-10-69	17.9	[4] [6] 18.015	RI67-19.
	do	332	8	Panhandle Eastern Pipe Line Co. (South Bishop Field, Roger Mills County, Okla.) (Oklahoma "Other" Area.)	1,680	3-10-69	[3] 4-10-69	9-10-69	[16] 15.0	[4] [15] [19] 17.0	
	do	41	22	El Paso Natural Gas Co. (Tubb-Blinebry et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	[25] 671	3-10-69	[3] 4-10-69	9-10-69	14.55	[4] [20] 16.6318	
RI69-689..	Shell Oil Co. (Operator).	315	4	El Paso Natural Gas Co. (Northwest Ozona Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	[21] 98,485 [23] 1,004	[2] 2-25-69 [2] 2-25-69	[3] 3-31-69 [3] 3-31-69	8-31-69 8-31-69	[21] 15.33 [23] 17.44	[4] [21] [21] 18.1566 [4] [21] [23] 18.1566	
RI69-643..	Forest Oil Corp., 1200 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	22	5	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	5,120	3-7-69	[3] 4-7-69	9-7-69	[9] [23] 13.5	[4] [9] [23] 14.5	RI64-285.
RI69-644..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	200	11	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	540	3-10-69	[3] 5-10-69	10-10-69	[9] 17.0	[4] [9] [24] 18.615	RI68-2.
	do	342	1	Natural Gas Pipeline Co. of America (Pledger Miocene Fields, Brazoria County, Tex.) (RR. District No. 3).	10,230	3-10-69	[3] 5-1-69	10-1-69	[9] [26] 17.0	[4] [9] [9] 18.0	
RI69-645..	The Stevens County Oil & Gas Co., 302 American Savings Bldg., 201 North Main St., Wichita, Kans. 67202.	28	5	Northern Natural Gas Co. Hugoton Field, Kans.).	50	3-10-69	[3] 4-10-69	9-10-69	[9] 12.0	[4] [9] [9] 13.0	RI65-95.
RI69-646..	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	124	[28] 5	Michigan Wisconsin Pipe Line Co. (Callaway State 1-16 Unit, Northeast Cedardale Field, Major County, Okla.) (Oklahoma "Other" Area).	1,547	3-3-69	[3] 4-3-69	9-3-69	[10] 15.0	[4] [10] [27] 17.1	
	do	127	3	Arkansas Louisiana Gas Co. (Burmah Field, Custer County, Okla.) (Oklahoma "Other" Area).	1,012	3-3-69	[3] 4-3-69	9-3-69	15.0	[4] [24] 17.1	
	do	128	4	Arkansas Louisiana Gas Co. (North Carter Field, Beckham County, Okla.) (Oklahoma "Other" Area).	386	3-3-69	[3] 4-3-69	9-3-69	15.0	[4] [20] 17.1	
	do	151	2	Natural Gas Pipeline Co. of America (West Cruse Field, Custer and Dewey Counties, Okla.) (Oklahoma "Other" Area).	82	3-3-69	[3] 4-3-69	9-3-69	[9] 15.0	[4] [9] [9] 16.0	
RI69-647..	Getty Oil Co. (Operator) et al.	161	3	Panhandle Eastern Pipe Line Co. (Northwest Tangier Field Woodward County, Okla.) (Panhandle Area).	12	3-3-69	[3] 4-3-69	9-3-69	[29] 17.0	[4] [19] [20] 17.1	
	do	142	9	Northern Natural Gas Co. (Anadarko Basin Area, Dewey County, Okla.) (Oklahoma "Other" Area) and Ellis and Woodward Counties, Okla. (Panhandle Area).	[30] 586	[30] 3-3-69	[3] 4-3-69	9-3-69	[19] [20] 15.0 [19] [23] 17.0	[4] [19] [21] [22] 17.1 [4] [19] [21] [23] 17.1	
RI69-648..	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052. Attention: R. E. Wright, Division Manager, Gas Division. William R. Slye, Esq.	140	5	Colorado Interstate Gas Co. (Table Rock Field, Sweetwater County, Wyo.).	86,142	3-6-69	[3] 4-6-69	9-6-69	[20] 15.384	[20] [24] 17.435	
RI69-649..	Texaco Inc. (Operator) et al.	111	12	El Paso Natural Gas Co. (La Barge Field, Lincoln and Sublette Counties, Wyo.).	46,763	3-6-69	[3] 4-6-69	9-6-69	[20] 15.384	[24] [26] 17.435	
RI69-650..	Sohio Petroleum Co. (Operator) et al., 970 First National Annex, Oklahoma City, Okla. 73102. Attention: Gas-Gasoline Division	45	43	El Paso Natural Gas Co. (Spraberry Area, Midland, Upton, Reagan, and Glasscock Counties, Tex.) (R.R. District Nos. 7-C and 8—Permian Basin Area).	30,429	3-10-69	[3] 4-10-69	9-10-69	14.50	[4] [20] [27] 18.243	
	do	64	13	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin Area).	7,249	3-10-69	[3] 4-10-69	9-10-69	13.93	[4] [20] [27] [28] 16.8793	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	+ Purchaser and producing area	Amount of j + annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-651..	Union Texas Petroleum, a division of Allied Chemical Corp. et al., Post Office Box 2120, Houston, Tex. 77001. Attention: Mr. Elliott Flowers.	18	[31] 12	Northern Natural Gas Co. (Monument Field, Lea County, N. Mex.) (Permian Basin Area).		3-3-69	[1] 4-3-69	(Accepted)			
		18	13		3,066	3-3-69	[3] 4-3-69	9-3-69	12.7406	[4] [6] 13.7606	
RI69-652..	McCulloch Oil Corp. of California (Operator) et al., 6151 West Century Blvd., Los Angeles, Calif. 90045. Attention: W. James Saul, Vice President.	7	9	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	3,100	3-5-69	[3] 4-5-69	9-5-69	[6] 14.0	[4] [6] 15.0	RI64-475.
RI69-653..	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001. Attention: R. E. Galbraith, Manager, Natural Gas Division.	85	27	El Paso Natural Gas Co. (Various Fields, Lea and Eddy Counties, N. Mex.) (Permian Basin Area).	88,000 3,827	3-6-69 3-6-69	[3] 4-6-69 [3] 4-6-69	9-6-69 9-6-69	14.12 [6] [13] 13.02	[4] [15] [20] [22] 16.8793 [4] [20] [6] 15.3448	
	do	92	16	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	388	3-6-69	[3] 4-6-69	9-6-69	14.29	[4] [15] [20] [22] 16.8793	
	do	104	16	do	5	3-6-69	[3] 4-6-69	9-6-69	13.54	[4] [15] [20] [22] 16.8793	
	do	109	14	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin Area).	56,504	3-6-69	[3] 4-6-69	9-6-69	14.07	[4] [15] [20] [22] 16.8793	
	do	180	7	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	[6] 4,107 [6] 100,385 [6] 13,877	3-6-69	[3] 4-6-69	9-6-69	[6] 13.91 [6] 13.94 [6] 14.25	[4] [6] 15.250 [4] [6] 15.288 [4] [6] 15.280	
	do	160	5	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	5,950	3-6-69	[3] 4-6-69	9-6-69	14.20	[4] [20] 18.0	
	do	214	16	El Paso Natural Gas Co. (Jalmat and Eumont Fields, Lea County, N. Mex.) (Permian Basin Area).	17,364	3-6-69	[3] 4-6-69	9-6-69	13.93	[4] [20] [22] 16.8793	
RI69-654..	Continental Oil Co. (Operator).	178	6	Transwestern Pipeline Co. (Maljamar Area, Lea County, N. Mex.) (Permian Basin Area).	75,804	3-6-69	[3] 4-6-69	9-6-69	14.40	[4] [20] 18.0	
	do	176	4	Transwestern Pipeline Co. (Crawar Field, Ward, and Crane Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	21,454	3-6-69	[3] 4-6-69	9-6-69	14.07	[4] [20] 18.0	
	do	177	6	Transwestern Pipeline Co. (El Mar Area, Lea County, N. Mex.) (Permian Basin Area).	12,189	3-6-69	[3] 4-6-69	9-6-69	15.65	[4] [20] 18.0	
	do	190	[32] 6	El Paso Natural Gas Co. (Todd Ranch Plant, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	2,569	3-6-69	[3] 4-6-69	9-6-69	15.25	[4] [20] 17.2295	
RI69-655..	Continental Oil Co.	163	8	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	1,824	3-6-69	[3] 4-6-69	9-6-69	13.66	[4] [20] [22] 16.879	
	do	145	9	El Paso Natural Gas Co. (Wemac Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	32,707	3-6-69	[3] 4-6-69	9-6-69	12.81	[4] [20] 15.3025	
	do	181	7	El Paso Natural Gas Co. (Brown-Bassett Field, Terrell County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	5,734	3-6-69	[3] 4-6-69	9-6-69	12.29	[4] [20] 18.0	
	do	253	9	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	32	3-6-69	[3] 4-6-69	9-6-69	14.5	[4] [20] 18.342	
RI69-656..	Reserve Oil and Gas Company et al., 1806 Fidelity Union Tower, Dallas, Tex. 75201.	24	[33] 11	United Gas Pipe Line Co. (Burnell-North Pettus Fields, Karnes, Bee and Goliad Counties, Tex.) (RR. District No. 2).		3-6-69	[1] 4-6-69	(Accepted)			
		24	12		10,416	3-6-69	[3] 4-6-69	9-6-69	[20] 14.6	[4] [9] [20] 16.0	

[2] The stated effective date is the effective date requested by Respondent.
[3] "Fractured" rate increase. Respondent contractually due 19.5 cents per Mcf.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 17 cents base rate plus upward B.t.u. adjustment and 0.015 cent tax reimbursement before increase and 19 cents base rate plus upward B.t.u. adjustment and 0.015 cent tax reimbursement after increase (1,073 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[6] Periodic rate increase.
[7] Pressure base is 14.73 p.s.i.a.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] Subject to a downward B.t.u. adjustment.
[10] Respondent filing from initial certificated rate to first periodic increase rate under contract. Initial contract base rate is 17 cents.
[11] Includes 15 cents base rate plus upward B.t.u. adjustment before increase and 19.5 cents base rate plus upward B.t.u. adjustment after increase (1,094 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[12] Increase from applicable area ceiling rate to contract rate adjusted for quality.
[13] Subject to 0.4467 cent reduction for gas delivered below 600 p.s.i.g.
[14] "Fractured" rate increase. Respondent contractually due 23 cents base rate.
[15] Includes base rate of 16 cents plus upward B.t.u. adjustment (1,037 B.t.u. gas) and 2.5 cents for gathering, dehydration and compression before increase, and gas rate of 16 cents plus upward B.t.u. adjustment and 2.5 cents for gathering, dehydration and compression after increase. Base rate subject to upward and downward B.t.u. adjustment.
[16] "Fractured" rate increase which includes 0.015 cent tax reimbursement. Contractually due 22.015 cents per Mcf.
[17] Includes base rate of 17.9 cents plus upward B.t.u. adjustment before increase (1,069 B.t.u. gas) and base rate of 18.5 cents plus upward B.t.u. adjustment and 0.015 cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[18] Filing from initial certificated rate to initial contract rate.
[19] Subject to upward and downward B.t.u. adjustment.
[20] Increase from applicable area ceiling rate to contract rate.
[21] Applicable to residue gas not derived from new gas-well gas.
[22] Applicable to residue gas derived from new gas-well gas.
[23] Production above the base of The Chase Series.
[24] 6-Step periodic increase plus 0.015 cent tax reimbursement.
[25] Initial rate.
[26] Not applicable to production from acreage located in Woodward County, Okla., Panhandle Area, which is also covered by Rate Schedule No. 126.
[27] "Fractured" rate increase. Respondent contractually due 23 cents per Mcf rate.
[28] "Fractured" rate increase. Respondent contractually due 18 cents per Mcf rate.
[29] Dewey County, Okla., production. There is no present production from such acreage.
[30] Filing completed on Mar. 10, 1969, by correction letter dated Mar. 7, 1969.
[31] "Fractured" rate increase. Respondent contractually due 18 cents per Mcf rate.
[32] Woodward and Ellis Counties, Okla., production.
[33] Increase from settlement rate to contract rate.
[34] Pressure base is 15.025 p.s.i.a.
[35] Settlement rate pursuant to Commission order issued Dec. 30, 1963.

[36] Fractured increase from settlement rate. Current contract rate is 20.5 cents per Mcf.
[37] Subject to 0.4467 cent reduction for gas delivered below 600 p.s.i.g.
[38] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[39] Supplemental agreement dated Feb. 5, 1969, provides, among other things, a base rate of 13.8456 cents at 15.025 p.s.i.a. for the fourth 5-year period of delivery in lieu of 12.82 cents.
[40] Renegotiated rate increase.
[41] Includes 1 cent minimum guarantee for liquids.
[42] Spent gas lift gas.
[43] Applicable to old gas-well gas from Devonian Formation in School District No. 8.
[44] Applicable to old gas-well gas from Devonian Formation in School Distric No. 19.
[45] Applicable to old gas-well gas from Pennsylvanian Formation.
[46] Applicable to casinghead gas only.
[47] Subject to reduction of up to 4.5 cents per Mcf for processing by buyer.
[48] Amendment dated Oct. 3, 1968, provides, among other things, for a renegotiated rate of 16 cents for the 5-year period commencing Oct. 1, 1968, with 1 cent increases every 5 years thereafter. Deletes redetermination provisions, provides for downward B.t.u. adjustment and seller's right to file for any higher applicable area rate established by the Commission.
[49] Settlement rate as approved by Commission order issued Mar. 2, 1966, in Dockets Nos. G–18570 et al.

Union Oil Company of California and Getty Oil Co. (Supplement No. 2 to Getty's FPC Gas Rate Schedule No. 133) request that their proposed rate increases be permitted to become effective on April 1, 1969. The Stevens County Oil & Gas Co. and McCulloch Oil Corporation of California (Operator) et al., request an effective date of January 1, 1969, for their proposed rate increases. Texaco, Inc. (Operator) et al., request fective date of October 1, 1968, and Texaco, Inc. (Operator) et al., request an effective date of November 1, 1968, for their proposed rate increase. Reserve Oil and Gas Co. et al., request waiver of the statutory notice to permit an effective date of March 6, 1969, for their rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Supplement No. 13 to Sohio Petroleum Co. (Operator) et al., FPC Gas Rate Schedule No. 64; six rates of Continental Oil Co. (Operator) et al., and Supplement No. 8 to Continental Oil Co.'s FPC Gas Rate Schedule No. 163, reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso) in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file protests to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its proposed rate increases that the suspension periods with respect thereto be shortened to 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension periods with respect to its rate filings and such request is denied.

Concurrently with the filings of their rate increases, Union Texas Petroleum, a division of Allied Chemical Corp. et al. (Union Texas), submitted a supplemental agreement dated February 5, 1969,[50] and Reserve Oil and Gas Co. et al. (Reserve), submitted a contract amendment dated October 3, 1968;[51] which provide the basis for Union Texas and Reserve's rate increases. We believe that it would be in the public interest to accept for filing Union Texas and Reserve's contract amendments to become effective on April 3, 1969 (Union Texas), and April 6, 1969 (Reserve), the expiration dates of the statutory notice, but not the proposed rates contained therein which are suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Union Texas' supplemental agreement and Reserve's contract amendment, as set forth above, and for permitting such supplements to become effective on the dates indicated in the "Effective Date" column listed above.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 12 to Union Texas' FPC Gas Rate Schedule No. 18, and Supplement No. 11 to Reserve's FPC Gas Rate Schedule No. 24, are accepted for filing and permitted to become effective on April 3, 1969 (Union Texas), and April 6, 1969 (Reserve), the expiration dates of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 14, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–3857; Filed, Apr. 4, 1969; 8:45 a.m.]

[50] Designated as Supplement No. 12 to Union Texas' FPC Gas Rate Schedule No. 18.
[51] Designated as Supplement No. 11 to Reserve's FPC Gas Rate Schedule No. 24.

[Docket No. G–8785 etc.]

JAMES E. KEMP ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 26, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 24, 1969.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–8785 E 2–12–69	James E. Kemp et al. (successor to Four States Drilling Co., Inc., et al.), Mercantile Bank Bldg., Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., North Scottsville Field, Harrison County, Tex.	12.6324	14.65
G–15987 (G–17024) C and D 11–2–60 I	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	13.0	15.025
G–16546 C 2–13–69	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	do	14.0378	15.025
G–17024 (G–15987) C and D 7–29–60 I 7568 10–10–60 I C 2–13–69	Phillips Petroleum Co. (Operator) et al., Bartlesville, Okla. 74003.	do	13.0	15.025
C161–516 D 2–14–69	Shelly Oil Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	12.0405	15.025
C161–517 A 2–14–69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102 (partial abandonment).	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	Uneconomical	
C161–1024 C 2–14–69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Custer County, Okla.	17.5969	14.65
C162–230 D 2–14–69	Mobil Oil Corp. (partial abandonment).	Arkansas Louisiana Gas Co., West Marlow Field, Stephens County, Okla.	(2)	
C169–669 C 2–17–69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Michigan Wisconsin Pipe Line Co., West Chester Field, Woodward County, Okla.	17.0	14.65
C169–1159 C&D 2–13–69	Shell Oil Co.	Southern Natural Gas Co., South Texas Natural Gas Area, Hidalgo County, Tex.	17.0	14.65
C169–672 A 2–17–69	Stonestreet Oil & Gas Co., Box 250, Spencer, W. Va. 25276.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	17.0	15.325
C169–673 B 2–17–69	Phillips Petroleum Co.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Depleted	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C164–557 E 2–17–69	Midhurst Oil Corp. (successor to Camerina Petroleum Corp.), 1030 Bank of the Southwest Bldg., Houston, Tex. 77002.	Cities Service Gas Co., acreage in Woods and Woodward Counties, Okla.	18.0	14.65
C164–877 3–18–69 I	Stevens County Oil & Gas Co., Inc., North Shawnee Flat Trap Field, Converse County, Wyo.	Kansas-Nebraska Natural Gas Co., Inc., North Shawnee Flat Trap Field, Converse County, Wyo.	18.0	15.025
C165–942 C 2–12–69	Pan American Petroleum Corp. (Operator) et al.	Northern Natural Gas Co., North Baker Field, Ellis County, Okla.	19.85	14.65
C168–1077 C 2–13–69	John C. Oxley et al., 800–A Enterprise Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg and Latimer Counties, Okla.	15.0	14.65
C167–717 E 2–12–69	Midhurst Oil Corp. et al. (successor to Camerina Petroleum Corp. et al.).	Northern Natural Gas Co., Gate Lake (North) Field, Harper County, Okla.	17.0	14.65
C169–49 (C167–90) I 2–13–69	John C. Oxley	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	15.0	14.65
C169–534 B 2–5–69	Mobil Oil Corp.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Depleted	
C169–650 A 2–11–69	McMoRan Properties, Inc., 1012 Pere Marquette Bldg., New Orleans, La. 70112.	Southern Natural Gas Co., Diamond Field Area, Plaquemines Parish, La.	20.0	15.025
C169–660 F 2–10–69	Jerome P. McHugh et al. (successor to Petro-Lewis Corp. et al.), 1600 Petroleum Club and Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., San Juan Basin, Rio Arriba, N. Mex., Blanco, Basin Dakota and Gallup Fields, Rio Arriba County, N. Mex.	14.0505	15.025
C169–861 (G–4547) F 2–10–69	Jerome P. McHugh et al. (successor to Sinclair Oil & Gas Co.).	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	13.0	15.025
C169–862 A 2–12–69	Gas Marketing, Inc., c/o James W. Williams, attorney, Box 1587, Ardmore, Okla. 73401.	Panhandle Eastern Pipe Line Co., acreage in Kiowa County, Kans.	16.0	14.65
C169–863 B 2–13–69	Shell Oil Co.	Southern Natural Gas Co., Loisel Field, Iberia and St. Mary Parishes, La.	Depleted	
C169–864 A 2–14–69	Ashland Oil & Refining Co.	Michigan Wisconsin Pipe Line Co., North Freedom Field, Woods County, Okla.	17.0	14.65
C169–865 A 2–14–69	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	13.4001	14.65
C169–866 A 2–13–69	Stonehenge Oil Co., Inc., (Operator) et al., c/o Robert Earl McCormack, agent, 3007 South 94th East Ave., Tulsa, Okla. 74129.	Kansas-Nebraska Natural Gas Co., Inc., Madden Field, Fremont and Natrona Counties, Wyo.	15.75	14.65
C169–867 A 2–14–69	Highland Resources, Inc., c/o J. L. Bianchi, attorney, 1201 Main Tower Bldg., Houston, Tex. 77002.	Trunkline Gas Co., South Timbalier Area, Offshore La.	21.25	15.025
C169–868 A 2–13–69	Clearfield Trust Co., agent for Mazie Cole Berger et al., 11 North Second St., Clearfield, Pa. 16830.	Consolidated Gas Supply Corp., Driftwood Field, Cameron County, Pa.	27.5	15.325
C169–869 B 2–17–69	Milton B. Yunker (Operator) et al., 1530 Sweetser St., Owensboro, Ky. 42301.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	Depleted	
C169–870 B 2–14–69	Mobil Oil Corp.	Panhandle Eastern Pipe Line Co., Hugoton Field, Seward County, Kans.	Depleted	
C169–872 A 2–17–69	Stonestreet Oil & Gas Co., Box 250, Spencer, W. Va. 25276.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	27.0	15.325
C169–873 B 2–17–69	Phillips Petroleum Co.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Depleted	

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-874..... B 3-17-69	E. O. Thompson, 586 Gulf Building Addition, Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Fairbanks Field, Harris County, Tex.	(12)	.....
CI69-875..... B 3-17-69	Shell Oil Co.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Atchafalaya Bay (Deep) Field, St. Mary and Terrebonne Parishes, La.	Depleted	.....
CI69-876..... A 3-17-69	R. C. Wynn, 1825 Republic Bank Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Blanco Mesa Verde Pool, San Juan County, N. Mex.	13.0	15.025
CI69-877..... A 3-17-69	do.....	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
CI69-878..... A 3-18-69	Nielson Enterprises, Inc., Post Office Box 370, Cody, Wyo. 82414.	Michigan Wisconsin Pipe Line Co., North West Quinlan Field, Woodward County, Okla.	[13] 19.5	14.65
CI69-879..... A 3-18-69	Mareva Oil Corp., Post Office Box 1228, Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Lincoln District, Tyler County, W. Va.	25.0	15.325

[1] Add and delete acreage pursuant to an exchange agreement between Shell Oil Co. and Phillips Petroleum Co.
[2] Includes 0.5369 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[3] Gas can not be delivered at sufficient pressure to enter Buyer's line.
[4] Plus B.t.u. adjustment.
[5] Amendment to certificate filed to reflect change in corporate name.
[6] Includes 2.55 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[7] Applicant agrees to accept certificate conditioned to 15 cents per Mcf.
[8] Adds acreage acquired from Amax Petroleum Corp., Docket No. CI67-90.
[9] Seller pays 1.5 cents per Mcf for transportation of plant volume reduction.
[10] Rate effective subject to refund in Docket No. RI67-273. An increase in rate to 15.0541 cents has been suspended in Docket No. RI68-430.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Subject to deduction for compression and sweetening charge.
[13] Includes 0.75 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[14] If compression is necessary and not done by Seller, Buyer may do so and charge 1 cent per Mcf per stage.
[15] Leases dedicated to the subject contract have expired and have reverted back to the lessor.
[16] Contract provides for base rate of 19.5 cents per Mcf; however, Applicant states its willingness to accept certificate at 17 cents per Mcf, subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 69-3858; Filed, Apr. 4, 1969; 8:45 a.m.]

[Docket No. RI69-546]

H. L. HUNT

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Accepting Other Rate Filings

MARCH 28, 1969.

On January 23, 1969, H. L. Hunt (Hunt) filed with the Commission two proposed changes in rates, among others, designated as Supplement Nos. 10 and 9 to Hunt's FPC Gas Rate Schedule Nos. 27 and 28, respectively, which pertain to Hunt's jurisdicitional sales of natural gas from the Amacker-Tippett Field, Upton County, Tex. (Railroad District No. 7–C) (Permian Basin Area) to El Paso Natural Gas Co. and Pecos Co. (El Paso). The Commission by order issued February 19, 1969, in Docket No. RI69–546, suspended for 5 months Hunt's rate filings until July 23, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On February 28, 1969, Hunt tendered for filing a letter agreement dated November 6, 1968, proposing to change delivery of the gas from the Barnett-Amacker No. 2 Gas Well (covered by the high pressure gas contract with El Paso designated as Hunt's FPC Gas Rate Schedule No. 27) from El Paso's high pressure gathering system to El Paso's low pressure gathering system and provide for payment for the gas under the pricing provisions of the low pressure gas contract with El Paso (Hunt's FPC Gas Rate Schedule No. 28). The effective date of the change in delivery is November 1, 1968, and Hunt proposes to decrease the current rate of 15.64 cents (applicable area ceiling rate for gas produced under the high pressure contract) for gas from the subject well to 12.51 cents, the applicable area ceiling rate for gas produced under Hunt's low pressure contract, effective as of November 1, 1968. Concurrently, Hunt filed a rate increase from 12.51 cents to 15.2025 cents per Mcf for the subject gas, which is the current suspended rate for gas sold under the low pressure contract. Hunt's rate filings are set forth in Appendix A hereof.

An increased rate of 15.2025 cents for the low pressure contract was suspended in Docket No. RI69–546 until July 23, 1969. Under the circumstances, we believe that it would be in the public interest to suspend Hunt's proposed 15.2025 cents per Mcf rate increase, designated as Supplement No. 13 to Hunt's FPC Gas Rate Schedule No. 27, in Docket No. RI69–546, for the same period (July 23, 1969) as the original rate filing relating to low pressure gas.

We shall also accept Hunt's letter agreement and related rate decrease, designated as Supplement Nos. 11 and 12 to Hunt's FPC Gas Rate Schedule No. 27, to become effective as of November 1, 1968, the effective date of the letter agreement.

The Commission orders:

(A) The suspension order issued February 19, 1969, in Docket No. RI69–546, is amended so as to suspend the proposed rate increase, designated as Supplement No. 13 to Hunt's FPC Gas Rate Schedule No. 27, for the same period (July 23, 1969) presently in effect in said docket for Hunt's earlier filing under the low pressure contract.

(B) Hunt's letter agreement dated November 6, 1968, and related rate decrease designated as Supplement Nos. 11 and 12 to Hunt's FPC Gas Rate Schedule No. 27, are accepted effective as of November 1, 1968.

(C) In all other respects, the order issued by the Commission on February 19, 1969, in Docket No. RI69–546, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-546..	H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202. Attention: Donald K. Young, Esq.	27	[1] 11	El Paso Natural Gas Co. and Pecos Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. District No. 7–C) (Permian Basin Area).	----------	[2] 2-28-69	[3] 11-1-68	(Accepted)	----------	----------	----------
		27	12		Decrease $31.	[2] 2-28-69	[3] 11-1-68	(Accepted)	[4] 15.64	[5] 12.51	
		27	13		Increase $27.	[2] 2-28-69	[7] 3-31-69	(Accepted, subject to refund).	12.51	[8] 15.2025	

[1] Letter agreement dated Nov. 6, 1968, which changes delivery of gas from the Barnett Amacker No. 2 gas well from a high pressure gathering system to a low pressure gathering system and provides for payment under the terms of a casinghead gas contract (H. L. Hunt FPC Gas Rate Schedule No. 28).
[2] Additional information obtained by telephone calls made on Mar. 6, 19, and 25, 1969.
[3] The stated effective date is the effective date of letter agreement.
[4] Decrease from applicable area ceiling rate for high pressure gas to applicable area ceiling rate for gas produced at low pressure from the Barnett No. 2 Well.
[5] Pressure base is 14.65 p.s.i.a.
[6] Rate of 16.7228 cents suspended in Docket No. RI69-546 until July 23, 1969.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Increase from applicable area ceiling rate to contract rate.

[F.R. Doc. 69-4011; Filed, Apr. 4, 1969; 8:45 a.m.]

[Docket No. RI69–658, etc.[1]]

BANQUETE GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, Allowing Rate Change To Become Effective Subject to Refund, Permitting Withdrawal of Rate Supplements, Severing and Terminating Rate Suspension Proceedings

MARCH 28, 1969.

On February 28, 1969, Banquete Gas Co., a division of Crestmont Oil & Gas Co. (Banquete)[2] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of change, dated February 26, 1969.
Purchaser and producing area: United Gas Pipe Line Co. (Spartan and Odem Fields, San Patricio County, Tex.) (R.R. District No. 4).
Rate schedule designation: Supplement No. 6 to Banquete's FPC Gas Rate Schedule No. 2.
Effective date: March 31, 1969.[3]
Amount of annual increase: $6,195.
Effective rate: 13.1664 cents per Mcf.[4 5]
Proposed rate: 14 cents per Mcf.[5 6]
Pressure base: 14.65 p.s.i.a.

Banquete requests that its proposed rate increase be permitted to become effective as of March 9, 1969, the contractually due date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Banquete's rate filing and such request is denied.

Banquete proposes an increase in rate, from 13.1664 cents to 14 cents per Mcf under its FPC Gas Rate Schedule No. 2, for gas sold to United Gas Pipe Line Co. (United) in the Spartan and Odem Fields, San Patricio County, Tex. (Railroad District No. 4). The proposed 0.8336 cent increase, considered a "fractured" rate increase since Banquete is contractually entitled to 15.1920 cents, amounts to $6,195 annually. Although the proposed rate of 14 cents per Mcf does not exceed the area ceiling for Texas Railroad District No. 4 as announced in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), it should be suspended since Banquete did not submit a waiver of its right to file for the remaining increment of its contractually due rate. Banquete has advised that it does not wish to submit such a waiver. Consistent with prior Commission action on similar "fractured" rate increases, we conclude that Banquete's proposed rate increase should be suspended for 1 day from March 31, 1969, the expiration date of the statutory notice.

The proposed changed rate and charge may be unjust, unreasonable, unduly, discriminatory, or preferential, or otherwise unlawful.

Banquete's sales under its Rate Schedule Nos. 1 and 2 were permanently certificated at initial rates of 12.1536 cents and 13.1664 cents, respectively. Increases of 0.185 cent to reflect partial reimbursement of the Dedicated Reserve Tax were filed under the above rate schedules[7] and such reimbursement increases became effective, subject to refund, in Docket No. RI62–388 on April 15, 1962. Subsequent increases[8] in the applicable reimbursement of the Dedicated Reserve Tax, from 0.185 cent to 0.255 cent under Banquete's Rate Schedule No. 1 and from 0.185 cent to 0.2375 cent under Rate Schedule No. 2, became effective, subject to refund, in Docket No. RI64–7 on July 13, 1963. These increases were suspended because of the questionable validity of the subject tax. Both Dockets Nos. RI62–388 and RI64–7 were consolidated in the Texas Gulf Coast Area Rate Proceeding, Docket No. AR64–2. On February 4, 1964, the Supreme Court of Texas declared the Dedicated Reserve Tax unconstitutional and United discontinued payment of such tax reimbursement. Banquete had previously submitted a letter dated May 15, 1964, from United acknowledging receipt of refund amounts paid by Banquete relative to the invalidation of the Texas Dedicated Reserve Gas Tax that was being collected subject to refund under its FPC Gas Rate Schedule Nos. 1 and 2.

Since the amounts collected subject to refund have been refunded, we believe that it would be in the public interest that the Commission, on its own motion, terminate the rate proceedings in Dockets Nos. RI62–388 and RI64–7 and consider the related increases as being withdrawn. Dockets Nos. RI62–388 and RI64–7 should also be severed from the Texas Gulf Coast Area Rate Proceeding, Docket No. AR64–2.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 6 to Banquete's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

(2) Good cause exists for the withdrawal of Supplement Nos. 2 and 3 to Banquete's FPC Gas Rate Schedule No. 1, and Supplement Nos. 4 and 5 to Banquete's FPC Gas Rate Schedule No. 2, and for severing and terminating the related rate suspension proceedings in Dockets Nos. RI62–388 and RI64–7.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Banquete's FPC Gas Rate Schedule No. 2.

(B) Supplement Nos. 2 and 3 to Banquete's FPC Gas Rate Schedule No. 1 and Supplement Nos. 4 and 5 to Banquete's FPC Gas Rate Schedule No. 2 are deemed to be withdrawn and the suspension proceedings in Dockets Nos. RI62–388 and RI64–7 are severed from the Texas Gulf Coast Area Rate Proceeding in Docket No. AR64–2 and terminated.

(C) Pending such hearing and decision thereon, Supplement No. 6 to Banquete's FPC Gas Rate Schedule No. 2 is hereby suspended and the use thereof deferred until April 1, 1969, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Banquete, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Banquete shall execute and file under Docket No. RI69–658, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon United Gas Pipe Line Co., the purchaser. Unless Banquete is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[9]

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

[1] Dockets Nos. RI62–388 and RI64–7 are consolidated with the Texas Gulf Coast Area Rate Proceeding, Docket No. AR64–2.
[2] Address is: 2622 Mission St., San Marino, Calif. 91108.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Subsequent increases to 13.3514 cents and 13.4089 cents per Mcf reflecting reimbursement by United of the Texas Dedicated Reserve Tax were collected subject to refund in Dockets Nos. RI62–388 and RI64–7, respectively. Such tax was ultimately invalidated and United ceased reimbursement of the tax.
[5] Subject to a downward B.t.u. adjustment.
[6] "Fractured" rate increase. Contractually due 15.1920 cents (15 cents base rate plus 0.1920 cent tax reimbursement) for the 10-year period commencing Mar. 9, 1969.
[7] Supplement Nos. 2 and 4 to Banquete's FPC Gas Rate Schedule Nos. 1 and 2, respectively.
[8] Supplement Nos. 3 and 5 to Banquete's FPC Gas Rate Schedule Nos. 1 and 2, respectively.
[9] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by Banquete, then it will not be necessary for Banquete to file an agreement and undertaking as provided herein. In such circumstances, Banquete's proposed increased rate will become effective as of the expiration of the suspension period without any further action by Banquete.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before May 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4012; Filed, Apr. 4, 1969; 8:48 a.m.]

[Dockets Nos. CP68-231, CP68-253]

COLUMBIA OFFSHORE PIPELINE CO. AND COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend, Second Amendment to Application, and Withdrawal of Application

MARCH 28, 1969.

Take notice that on March 20, 1969, Columbia Gulf Offshore Pipeline Co. (Columbia Offshore), 915 Coolidge Boulevard, Lafayette, La. 70501, and Columbia Gulf Transmission Co. (Columbia Gulf), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP68-231 a joint petition to amend the order issued in that docket on March 6, 1969, by substituting Columbia Gulf for Columbia Offshore as the certificate holder in that docket to construct and operate the facilities certified by the aforementioned order of March 6, 1969. The two companies also filed a second amendment to the application in Docket No. CP68-231 requesting that Columbia Gulf become the Applicant for the Phase I facilities in that docket insofar as the proper representations may require. Concurrently with the aforementioned filings, Columbia Gulf filed a notice of withdrawal of application in Docket No. CP68-253. The proposals of the parties are more fully set forth in the documents which are on file with the Commission and open to public inspection.

By the aforementioned joint petition to amend, the parties request that the Commission substitute Columbia Gulf for Columbia Offshore as the certificate holder in Docket No. CP68-231 of the Phase I facilities authorized by the order issued in that docket on March 6, 1969, namely, 43.2 miles of 30-inch onshore pipeline from the Pecan Island Field, Vermillion Parish to Egan, La.

Columbia Gulf by its filing of the second amendment to the application in Docket No. CP68-231 seeks to make all necessary representations in that docket for Phase I in lieu of representations heretofore made regarding that phase by Columbia Offshore. The Phase II facilities, those facilities to be constructed offshore, will still be constructed by Columbia Offshore.

The notice of the withdrawal of the application filed by Columbia Gulf in Docket No. CP68-253 results from the authorization of the Phase I facilities in Docket No. CP68-231 which, in turn, obviated the necessity of the construction of the facilities requested in Docket No. CP68-253.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 28, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4013; Filed, Apr. 4, 1969; 8:48 a.m.]

[Project 2656]

CORDOVA PUBLIC UTILITIES

Notice of Application for License for Unconstructed Project

MARCH 28, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Cordova Public Utilities, Post Office Box 20, Cordova, Alaska 99574, for unconstructed Project No. 2656, to be known as Power Creek Hydroelectric Project, to be located on Power Creek, about 4 miles upstream from its outlet into Eyak Lake, a tributary of the Gulf of Alaska, in the Third Judicial Division, near the city of Cordova, and affecting lands within the Chugach National Forest.

The proposed Power Creek Hydroelectric Project would consist of: (1) A 46-foot high, 1,180-foot long earth dam about 4 miles upstream of Eyak Lake; (2) an overflow type spillway cut in rock at the right abutment of the dam together with an outlet works; (3) a 1-mile long reservoir with normal maximum water surface elevation at 442 feet (mean sea level datum); (4) a conduit system consisting of a 720-foot long tunnel, a 5,031-foot long steel pipeline, a surge tank, and a 782-foot long steel penstock; (5) a powerhouse containing two 1,250 kw generating units with provision for the addition of a third unit; (6) a 3,000 kva substation and 7½ mile transmission line to Cordova; and (7) appurtenant facilities. A boat launching and picnicking area is proposed at the reservoir.

A preliminary permit for the proposed project was issued under the Federal Power Act to Cordova Public Utilities on December 10, 1968 for a period of 24 months, effective as of December 1, 1968. No project construction was authorized by the permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4014; Filed, Apr. 4, 1969; 8:48 a.m.]

[Docket No. CP69-247]

DECATUR COUNTY, GA., AND SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

MARCH 28, 1969.

Take notice that on March 21, 1969, Decatur County, Ga. (Applicant), Bainbridge, Ga. 31717, filed in Docket No. CP69-247 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Co. (Respondent), Post Office Box 1279, Thomasville, Ga. 31792, to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant the volumes of natural gas required for distribution in the Decatur County Industrial Air Park, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant proposes to construct and operate a gas distribution system in the Decatur County Industrial Air Park, and that it estimates its peak day requirements at 343 Mcf, 358 Mcf, and 374 Mcf (14.73 p.s.i.a.) for the first, second, and third years respectively, and its annual requirements at 35,253 Mcf, 36,959 Mcf, and 38,665 Mcf (14.73 p.s.i.a.) for the first, second, and third years respectively.

Applicant estimates the total cost of its proposed project at $78,800.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 25, 1969.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4015; Filed, Apr. 4, 1969; 8:48 a.m.]

[Docket No. E-7473]

MISSISSIPPI POWER & LIGHT CO.

Notice of Application

APRIL 1, 1969.

Take notice that on March 24, 1969 Mississippi Power & Light Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire certain electric transmission facilities from Magnolia Electric Power Association (Association).

Applicant is incorporated under the laws of the State of Mississippi with its principal business office at Jackson, Miss., and is engaged in the electric utility business in parts of 45 of the 82 counties in the State.

The Association is an electric power association organized under the laws of Mississippi and owns and operates other facilities for the transmission, distribution and sale of electric energy at retail.

The Applicant proposes, subject to regulatory approval, to perform its agreement of August 22, 1968, with the Association to construct for the account of Association, to lease, operate, maintain, and to purchase at the end of 10 years (or earlier) approximately 7.95 miles of 115-kv. transmission line to be located in Pike and Walthall Counties, Miss.

Applicant will pay an annual lease rental equal to 2½ percent of the original cost of said line and will make ten annual payments each equal to 7½ percent of said cost toward the purchase of the line. Upon the completion of said ten payments Association will convey title of said line to the Applicant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3982; Filed, Apr. 4, 1969; 8:45 a.m.]

[Docket No. CP69-248]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

APRIL 1, 1969.

Take notice that on March 24, 1969, Panhandle Eastern Pipe Line Co. (Applicant), 3000 Bissonnet, Houston, Tex. 77001, filed in Docket No. CP69-248 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing with the date of issuance, and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which may be available in the area of Applicant's existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of the instant application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas coextensive with its system.

Applicant states that the total cost of the proposed facilities, which may include gathering lines, lateral lines, valves, metering facilities, compressor stations, and treatment facilities, will not exceed a cost of $2 million and no single project would exceed a cost of $500,000. Applicant proposes to finance this through funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 28, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3983; Filed, Apr. 4, 1969; 8:45 a.m.]

[CI66-1056, etc.]

RIVER CORP.

Notice of Petition To Amend

APRIL 1, 1969.

River Corp. (formerly Natural Gas and Oil Corp.), CI66-1056, CI66-1057, CI66-1058, CI66-1059, CI66-1060, CI66-1062, CI66-1063, CI66-1064, CI66-1065, CI66-1066, CI66-1068, CI66-1069, CI66-1070.

Take notice that on March 7, 1969, as amended March 18, 1969, River Corp., 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CI66-1056 et al., a petition to amend the order issuing certificates of public convenience and necessity to Natural Gas and Oil Corp., by changing the name of the certificate holder to River Corp., to reflect a change in corporate name, with no change in corporate structure, effective November 26, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant further requests that its FPC Gas Rate Schedule No. 11 and the related certificate in Docket No. CI66-1066 be amended to reflect Texas Gas Transmission Corp. as purchaser in lieu of Consolidated Gas Supply Corp., pursuant to an assignment dated December 10, 1968, wherein Consolidated Gas Supply Corp. assigned its interest under said contract to Texas Gas Transmission Corp.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1969.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3984; Filed, Apr. 4, 1969; 8:45 a.m.]

[Docket No. CP67-286]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

APRIL 1, 1969.

Take notice that on March 24, 1969, Transcontinental Gas Pipe Line Corp. (Transco), 3100 Travis Street, Houston, Tex. 77001, and United Gas Pipe Line Co. (United), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP67-286 a petition to amend the certificate of public convenience and necessity issued in this docket July 24, 1967, to authorize an additional delivery point, all as more fully set forth in the petition on file with the Commission and open to public inspection.

The order of July 24, 1967, authorized the construction of certain facilities and the exchange of gas between Transco and United. Presently, Transco and United state, Transco is receiving substantially all its deliveries under this agreement at a point on its Southwest Louisiana lateral. Transco states it needs the capacity of this line for other purposes and would prefer to receive its exchange gas from United at Transco's Compressor Station No. 062 in Terrebonne Parish, La. No other change in the exchange is proposed.

Transco estimates the total cost of facilities it would construct to carry out

the proposed exchange at $58,200; United estimates the cost of its proposed facilities at $13,300.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 28, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3985; Filed, Apr. 4, 1969; 8:45 a.m.]

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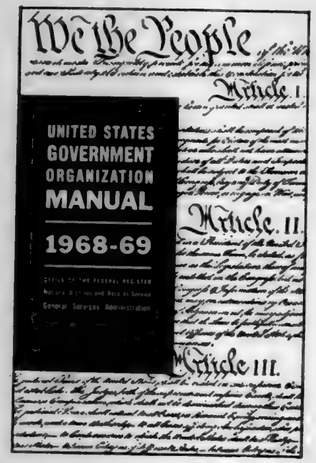
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Title 3—THE PRESIDENT

Executive Order 11464

MODIFYING RATES OF INTEREST EQUALIZATION TAX

WHEREAS, I have determined that the rates of tax prescribed under section 1 of Executive Order No. 11368, dated August 28, 1967, with respect to acquisitions of stocks of foreign issuers and debt obligations of foreign obligors made after August 29, 1967, are higher than the rates of tax necessary to limit the acquisitions by United States persons of stocks of foreign issuers and debt obligations of foreign obligors within a range consistent with the balance-of-payments objectives of the United States;

NOW, THEREFORE, by virtue of the authority vested in me by section 4911(b)(2) of the Internal Revenue Code of 1954, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Section 1 of Executive Order No. 11368, dated August 28, 1967, is hereby amended to read as follows:

"SECTION 1. *Rates of Tax.*

"(a) *Rates applicable to acquisitions of stock.* The tax imposed by section 4911 of the Internal Revenue Code of 1954 on the acquisition of stock shall be equal to 11.25 percent of the actual value of the stock.

"(b) *Rates applicable to acquisitions of debt obligations.* The tax imposed by section 4911 of the Internal Revenue Code of 1954 on the acquisition of a debt obligation shall be equal to a percentage of the actual value of the debt obligation measured by the period remaining to its maturity and determined in accordance with the following table:

If the period remaining to maturity is:	*The tax, as a percentage of actual value, is:*
At least 1 year, but less than 1¼ years	0.79 percent
At least 1¼ years, but less than 1½ years	0.98 percent
At least 1½ years, but less than 1¾ years	1.13 percent
At least 1¾ years, but less than 2¼ years	1.39 percent
At least 2¼ years, but less than 2¾ years	1.73 percent
At least 2¾ years, but less than 3½ years	2.06 percent
At least 3½ years, but less than 4½ years	2.66 percent
At least 4½ years, but less than 5½ years	3.26 percent
At least 5½ years, but less than 6½ years	3.83 percent
At least 6½ years, but less than 7½ years	4.35 percent
At least 7½ years, but less than 8½ years	4.88 percent
At least 8½ years, but less than 9½ years	5.33 percent
At least 9½ years, but less than 10½ years	5.78 percent
At least 10½ years, but less than 11½ years	6.23 percent
At least 11½ years, but less than 13½ years	6.83 percent
At least 13½ years, but less than 16½ years	7.73 percent
At least 16½ years, but less than 18½ years	8.51 percent
At least 18½ years, but less than 21½ years	9.19 percent
At least 21½ years, but less than 23½ years	9.79 percent
At least 23½ years, but less than 26½ years	10.31 percent
At least 26½ years, but less than 28½ years	10.76 percent
28½ years or more	11.25 percent"

SEC. 2. With respect to acquisitions of stock of foreign issuers and debt obligations of foreign obligors made under the rules of a national securities exchange registered with the Securities and Exchange Commission or under the rules of the National Association of Securities Dealers, Inc., this order shall be effective for acquisitions made after April 4, 1969, but only if the trade-date was after April 4, 1969. In the case of other acquisitions of stock of foreign issuers and debt obligations of foreign obligors, this order shall be effective for acquisitions made after April 4, 1969.

Richard Nixon

THE WHITE HOUSE,
April 3, 1969.

[F.R. Doc. 69-4127; Filed, Apr. 4, 1969; 2:59 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Miscellaneous Amendments

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of adding rules for handling certain cases where measured wheat acreage on the farm exceeds the acreage certified to by the farm operator; revising certain crop disposition dates; and designating certain additional counties as certification counties.

Since farmers need to know of these changes in the rules as soon as possible, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 383) is impracticable and contrary to the public interest. Accordingly, these changes will be effective upon publication of this amendment in the FEDERAL REGISTER. The Regulations Governing Determination of Acreage and Compliance, as amended (32 F.R. 9069, 9507, 11755, 17513, and 33 F.R. 8722, 15857), are further amended as follows:

1. Section 718.21 is amended by changing paragraph (g)(2) and adding a new paragraph (h) to read as follows:

§ 718.21 Reports of acreage in certification counties.

* * * * *

(g) *Overstatement of crop acreage under certification.* (1) * * *

(2) If the acreage certified by the farm operator under the wheat, feed grain, or upland cotton program exceeds the actual acreage planted to the crop by more than the larger of 2 acres or 10 percent of such certified acreage, and such overstated acreage would have resulted in the producers' receiving wheat marketing certificates or price support payments to which they are not entitled, no price support payment, or wheat marketing certificate shall be made with respect to the farm except as may be authorized under the provisions of Part 791 of this chapter, as amended.

(h) *Understatement of crop acreage under certification for farms enrolled in both the wheat and feed grain programs.* (1) If the farm operator, in advance of his certification of acreage for corn or grain sorghums, files a certification of acreage for wheat which is less than the actual acreage planted to the crop, he may be considered to have made a good faith effort to file an accurate certification of wheat acreage, provided the actual wheat acreage does not exceed the certified acreage by more than the larger of 2 acres or 5 percent of such certified acreage, not to exceed 15 acres.

(2) If the wheat acreage certified by the farm operator, in advance of his certification of acreage for corn or grain sorghums, is less than the actual acreage planted to the crop by more than the larger of 2 acres or 5 percent of the certified acreage, not to exceed 15 acres, no wheat marketing certificate or diversion payment under the wheat program shall be made with respect to the farm except as may be authorized under the provisions of Part 791 of this chapter, as amended.

2. Paragraph (b) of § 718.27 is amended by revising, deleting and adding the following subparagraphs and subdivisions for certain States:

Alabama—revise entire subparagraphs (2) and (3).
Connecticut—revise all subparagraphs.
Delaware—revise subparagraphs (1) and (2) and add a new subparagraph (3).
Iowa—revise subparagraphs (1), (2), and (3) and add a new subparagraph (4).
Louisiana—revise subparagraphs (1) and (2) and add new subparagraphs (3) and (4).
Maine—revise all subparagraphs.
Maryland—revise subparagraphs (1), (2), and (3) and add a new subparagraph (4).
Mississippi—revise entire subparagraph (3).
Nebraska—revise entire subparagraph (3).
New Mexico—revise all subparagraphs.
Oregon—revise all subparagraphs.
Rhode Island—revise all subparagraphs.
Tennessee—revise entire subparagraphs (1) and (2).
Texas—revise entire subparagraphs (1), (2), (3), and (4) and delete subparagraph (5).
Virginia—revise entire subparagraph (4).
Washington—revise all subparagraphs.

The revised provisions listed above read as follows:

§ 718.27 Crop disposition dates.

* * * * *

(b) *Crop disposition dates.*

ALABAMA

* * * * *

(2) *Cotton, corn, and grain sorghums.* (i) *July 1.* Autauga, Baldwin, Barbour, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pickens, Pike, Russell, Sumter, Tallapoosa, Tuscaloosa, Washington, and Wilcox.

(ii) *July 15.* Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Colbert, Cullman, De Kalb, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph; St. Clair, Shelby, Talladega, Walker, and Winston.

(3) *Flue-cured tobacco. June 1.* All counties.

* * * * *

CONNECTICUT

(1) *Wheat and rye. June 1.* All counties.
(2) *Oats and barley. May 15.* All counties.
(3) *Corn and grain sorghums. August 15.* All counties.

DELAWARE

(1) *Wheat, barley, oats (winter), and rye. May 31.* All counties.

(2) *Oats (spring-seeded). June 15.* All counties.

(3) *Corn and grain sorghums. August 1.* All counties.

* * * * *

IOWA

(1) *Wheat, barley, and rye. June 10.* All counties.
(2) *Oats (winter). June 25.* All counties.
(3) *Spring-seeded oats. July 10.* All counties.
(4) *Corn and grain sorghums. July 15.* All counties.

* * * * *

LOUISIANA

(1) *Wheat, barley, oats, and rye. April 15.* All parishes.
(2) *Corn and cotton. August 1.* All parishes.
(3) *Rice. July 10.* All parishes.
(4) *Grain sorghums. July 15.* All parishes.

MAINE

(1) *Fall-seeded wheat, barley, and rye. June 15.* All counties.
(2) *Spring-seeded wheat, barley, oats, and rye. July 15.* All counties.
(3) *Corn and grain sorghums. August 1.* All counties.

MARYLAND

(1) *Wheat.* (i) *June 15.* Allegany, Baltimore, Carroll, Frederick, Garrett, Harford, Howard, Montgomery, and Washington.
(ii) *May 31.* All other counties.
(2) *Barley, oats, and rye.* (i) *June 15.* Garrett County.
(ii) *May 31.* All other counties.
(3) *Spring-seeded oats. June 30.* Garrett County.
(4) *Corn and grain sorghums. August 1.* All counties.

* * * * *

MISSISSIPPI

* * * * *

(3) *Rice. June 25.* All counties.

* * * * *

NEBRASKA

* * * * *

(3) *Corn and grain sorghums. July 15.* All counties.

* * * * *

NEW MEXICO

(1) *Wheat, barley (except spring-seeded), oats, and rye.*

(i) *May 20.* Chaves, Curry, De Baca, Dona Ana, Eddy, Guadalupe, Hidalgo, Lea, Lincoln, Luna, Otero, Quay, Roosevelt, and Sierra.
(ii) *June 15.* Bernalillo, Catron, Colfax (except August 10 for oats), Grant, Harding, McKinley, Mora, Rio Arriba, Sandoval, San

Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, and Valencia.

(2) *Barley (spring-seeded). June 30.* Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Harding, Hidalgo, Lea, Luna, Otero, Quay, Roosevelt, Sierra, Socorro, and Valencia.

(3) *Corn and grain sorghums.* (i) *August 10.* Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Sierra, and Soccorro.

(ii) *September 1.* Bernalillo, Catron, Colfax, Curry, De Baca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Torrance, Union, and Valencia.

(4) *Cotton.* (i) *August 10.* Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Sierra, and Socorro.

(ii) *September 1.* Curry, De Baca, Harding, Quay, and Roosevelt.

* * * * *

OREGON

(1) *Wheat, barley, oats (winter), and rye.* (i) *June 15.* Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill.

(ii) *July 1.* Baker (early area), Gilliam (under 2,000 feet elevation), Malheur (under 3,000 feet elevation), Morrow (under 2,000 feet elevation), Sherman (under 2,000 feet elevation), Umatilla (under 2,000 feet elevation), Union (early area), and Wasco (except Antelope, Bakeoven, and Warm Springs communities).

(iii) *July 15.* Baker (late area), Gilliam (over 2,000 feet elevation), Jefferson, Malheur (over 3,000 feet elevation), Morrow (over 2,000 feet elevation), Sherman (over 2,000 feet elevation), Umatilla (over 2,000 feet elevation), Union (late area), and Wasco (Antelope, Bakeoven, and Warm Springs communities).

(iv) *August 1.* Crook, Deschutes, Grant, Harney, Klamath, Lake, Wallowa, and Wheeler.

(2) *Oats (spring). July 15.* Counties listed in (1) (i) above.

(3) *Corn and Grain Sorghums. August 1.* All counties.

* * * * *

RHODE ISLAND

(1) *Wheat, Barley, Oats, and Rye. July 1.* All counties.

(2) *Corn and Grain Sorghums. August 1.* All counties.

* * * * *

TENNESSEE

(1) *Wheat, barley, oats, and rye. May 31.* All counties.

(2) *Corn, cotton, grain sorghums, and rice. July 31.* All counties.

TEXAS

(1) *Wheat, barley, oats, and rye.* (i) *May 15.* Armstrong, Carson, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, and Sherman.

(ii) *May 1.* All other counties.

(2) *Corn, cotton, and spring-seeded grain sorghums.* (i) *May 15.* Cameron, Hidalgo, Starr, and Wallacy.

(ii) *June 1.* Aransas, Bee, Brooks, Duval, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, and Zapata.

(iii) *June 15.* Atascosa, Austin, Bexar, Brazoria, Caldwell, Calhoun, Colorado, Comal, DeWitt, Dimmit, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Harris, Hays, Jackson, Karnes, Kinney, La Salle, Lavaca, Live Oak, McMullen, Matagorda, Maverick, Medina, Uvalde, Val Verde, Victoria, Waller, Webb, Wharton, Wilson, and Zavala.

(iv) *July 1.* Bastrop, Bell, Bosque, Brazos, Burleson, Ellis, Falls, Fayette, Freestone, Grimes, Hill, Johnson, Lee, Limestone, McLennan, Milam, Navarro, Robertson, Tarrant, Travis, Washington, and Williamson.

(v) *July 15.* Anderson, Angelina, Bandera, Blanco, Bowie, Camp, Cass, Chambers, Cherokee, Collins, Cooke, Crockett, Dallas, Delta, Denton, Edwards, Fannin, Franklin, Gillespie, Grayson, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Kendall, Kerr, Kimble, Lamar, Leon, Liberty, Madison, Marion, Menard, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Real, Red River, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Sutton, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, and Wood.

(vi) *August 1.* Borden, Brewster, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Coryell, Culberson, Eastland, El Paso, Erath, Fisher, Garza, Hamilton, Hood, Howard, Hudspeth, Jack, Jeff Davis, Jones, Lampasas, Llano, Loving, McCulloch, Mason, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Pecos, Presidio, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Taylor, Terrell, Tom Green, Ward, Winkler, Wise, and Young.

(vii) *August 15.* Andrews, Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, Floyd, Foard, Gaines, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hutchinson, Irion, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Midland, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Reagan, Roberts, Sherman, Stonewall, Swisher, Terry, Throckmorton, Upton, Wheeler, Wichita, Wilbarger, and Yoakum.

(3) *Summer-seeded grain sorghums.* (i) *September 1.* Anderson, Andrews, Angelina, Bastrop, Bell, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Brown, Burleson, Burnet, Caldwell, Callahan, Camp, Cass, Cherokee, Coke, Coleman, Collins, Comal, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Culberson, Dallas, Dawson, Delta, Denton, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Franklin, Freestone, Gaines, Garza, Gillespie, Glasscock, Grayson, Gregg, Grimes, Hamilton, Hardin, Harrison, Hayes, Henderson, Hill, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Irion, Jack, Jasper, Jeff Davis, Johnson, Jones, Kaufman, Kendall, Kerr, Kimble, Kinney, Lamar, Lampasas, Lee, Leon, Limestone, Llano, Loving, Lynn, McCulloch, McLennan, Madison, Marion, Martin, Mason, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nolan, Palo Pinto, Panola, Parker, Pecos, Polk, Presidio, Rains, Reagan, Real, Red River, Reeves, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Smith, Somervell, Stephens, Sterling, Sutton, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Val Verde, Van Zandt, Walker, Ward, Washington, Williamson, Winkler, Wise, Wood, Yoakum, and Young.

(ii) *September 15.* Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Brazoria, Brooks, Calhoun, Cameron, Chambers, Colorado, De Witt, Dimmit, Duval, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Harris, Hidalgo, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, La Salle, Lavaca, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Nueces, Orange, Refugio, San Patricio, Starr, Uvalde, Victoria, Waller, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala.

(4) *Rice.* (i) *June 15.* Austin, Brazoria, Calhoun, Colorado, Fort Bend, Galveston, Harris, Jackson, Lavaca, Matagorda, Victoria, Waller, and Wharton.

(ii) *July 1.* Bastrop, Travis, and Washington.

(iii) *July 15.* Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Polk, and Walker.

(iv) *September 1.* Bowie.

* * * * *

VIRGINIA

* * * * *

(4) *Grain sorghums. August 1.* All counties.

* * * * *

WASHINGTON

(1) *Wheat, barley, oats, and rye.* (i) *June 20.* Benton (area 1), Franklin, and Klickitat (area 2).

(ii) *June 25.* Adams, Asotin (area 2), Benton (area 2), Columbia (area 1), Garfield (area 1), Grant, Kittitas (area 2), Lincoln (area 1), Walla Walla (under 1,205 feet elevation), and Yakima.

(iii) *July 10.* Douglas (area 1), and Whitman (area 1).

(iv) *July 15.* Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas (area 1), Klickitat (area 1), Lincoln (area 2), Mason, Okanogan (area 2), Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Spokane, Thurston, Wahkiakum, Walla Walla (over 1,205 feet elevation), and Whatcom.

(v) *July 20.* Chelan, Columbia (area 2), and Lewis.

(vi) *July 25.* Asotin (area 1), Garfield (area 2), and Whitman (area 2).

(vii) *August 1.* Douglas (area 2), Pend Oreille, and Stevens.

(viii) *August 15.* Asotin (area 3), Ferry, and Okanogan (area 1).

(2) *Spring-seeded oats. August 10.* Pend Oreille, Spokane, and Stevens.

(3) *Corn and grain sorghums. August 15.* All counties.

* * * * *

3. Section 718.28 is revised to read as follows:

§ 718.28 Designation of certification counties.

The following counties are designated as certification counties.

ALABAMA

All counties.

ARIZONA

All counties.

ARKANSAS

All counties.

CALIFORNIA

All counties except Alpine, Amador, Calaveras, Del Norte, El Dorado, Humboldt, Inyo, Mariposa, Mono, Nevada, San Francisco, San Mateo, Santa Cruz, Trinity, and Tuolumne.

COLORADO

All counties.

DELAWARE

All counties.

FLORIDA

Alachua, Baker, Bradford, Calhoun, Columbia, Dixie, Escambia, Gadsden, Gilchrist, Glades, Hamilton, Hendry, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Palm Beach, Putnam, Santa Rosa, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington.

GEORGIA

All counties except Camden, Chattahoochee, Glynn, Jones, McIntosh, Muscogee, and Quitman.

IDAHO

All counties.

ILLINOIS

All counties.

INDIANA

All counties.

IOWA

All counties.

KANSAS

All counties.

KENTUCKY

All counties except Anderson, Bath, Bell, Bourbon, Boyle, Bracken, Breathitt, Carroll, Casey, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Garrard, Grant, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Madison, Magoffin, Marion, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Nelson, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Robertson, Rockcastle, Scott, Trimble, Washington, Whitley, Wolfe, and Woodford.

LOUISIANA

All parishes except Jefferson, Orleans, Plaquemines, and St. Bernard.

MARYLAND

All counties.

MICHIGAN

All counties.

MINNESOTA

All counties except Aitkin, Beltrami, Big Stone, Carlton, Clearwater, Cook, Crow Wing, Itasca, Koochiching, Lake, Lake of the Woods, Pine, St. Louis, Traverse, and Wadena.

MISSISSIPPI

All counties except Alcorn, Benton, Calhoun, Chickasaw, Clay, Itawamba, Lafayette, Marshall, Monroe, Panola, Tippah, and Tishomingo.

MISSOURI

All counties.

MONTANA

All counties.

NEBRASKA

All counties.

NEVADA

Churchill, Humboldt, Nye, and Pershing.

NEW JERSEY

All counties except Bergen, Essex, Hudson, Passaic, and Union.

NEW MEXICO

All counties except Bernalillo, Catron, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Sandoval, San Miguel, and Taos.

NEW YORK

All counties except Bronx, Hamilton, Kings, Nassau, New York, Putnam, Queens, Richmond, Rockland, Suffolk, Warren, and Westchester.

NORTH CAROLINA

All counties.

NORTH DAKOTA

All counties.

OHIO

All counties.

OKLAHOMA

All counties.

OREGON

All counties.

PENNSYLVANIA

All counties.

SOUTH CAROLINA

All counties except Beaufort and Charleston.

SOUTH DAKOTA

All counties.

TENNESSEE

All counties except Campbell, Carter, Cheatham, Claiborne, Clay, Cocke, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Macon, Maury, Monroe, Montgomery, Overton, Pickett, Putnam, Robertson, Sevier, Smith, Sullivan, Sumner, Unicoi, Union, Washington, White, and Williamson.

TEXAS

All counties except Hidalgo and Starr.

UTAH

All counties.

VIRGINIA

All counties.

WASHINGTON

All counties.

WEST VIRGINIA

All counties except Boone, Clay, Lincoln, Logan, McDowell, Mingo, Webster, and Wyoming.

WISCONSIN

All counties except Menominee.

WYOMING

All counties except Albany.

(Secs. 373, 374, 375, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1378, 1374, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 2, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-4069; Filed, Apr. 7, 1969; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[§ 849.2, Rev. 3, Amdt. 1]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1967 AND SUBSEQUENT CROPS

Prevented Acreage Credit, Scope, Purpose, and Procedure

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, § 849.2 (32 F.R. 6432 as amended) is amended by adding to paragraph (e)(2) the following sentence:

§ 849.2 Prevented acreage credit, scope, purpose, and procedure.

* * * * *

(e) * * *

(2) * * * "Notwithstanding the foregoing provisions of this subparagraph, for Orange and Riverside Counties, Calif., information of prevented acreage for the 1968 crop shall be reported or brought to the attention of the ASC county committee not later than April 15, 1969."

* * * * * *

Statement of bases and considerations. Because of unusual weather conditions during the planting season in Orange and Riverside Counties, Calif., the period for planting 1968 crop sugar beets in the two counties was extended from December 31, 1968, to February 28, 1969 (34 F.R. 3737).

This amendment extends the period for reporting information of prevented acreage for the 1968 crop of sugar beets in the two counties to April 15, 1969.

Accordingly, I hereby find and conclude that this amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Secs. 302, 403, 61 Stat. 930, as amended, 932; 7 U.S.C. 1132, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on April 2, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-4070; Filed, Apr. 7, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart F—Public Hearings

SUBCHAPTER C—DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

Hearing Procedures for the Issuance, Amendment, or Repeal of Antibiotic Drug Regulations

The rulemaking provisions of section 507 of the Federal Food, Drug, and Cosmetic Act are intended to provide for swift promulgation of regulations relating to the certification of antibiotic drugs with the consultation and advice of interested persons. The provisions of section 507(f) of the act are intended, primarily, to insure the right of protest to all interested parties who have reasonable grounds for dissatisfaction with the proposed issuance, amendment, or repeal of antibiotic drug regulations by providing opportunity to file objections, request public hearings, and obtain judicial review of orders issued by the Commissioner of Food and Drugs. The amendments below establish the procedure for informal and formal rulemaking including the procedure for public hearings under the provisions of section 507 of the act.

Therefore, pursuant to the provisions of the act (secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463, as amended; 21 U.S.C. 357, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 2 and 146 are amended as follows:

§ 2.48 [Amended]

1. Section 2.48 *Purpose of holding public hearings* is amended by inserting in the second sentence immediately after "cited" the phrase "above and in section 507(f) of the Federal Food, Drug, and Cosmetic Act".

2. In § 2.52, paragraphs (i) and (j) are revised to read as follows:

§ 2.52 Definitions.

* * * * *

(i) The term "proceeding" means any action taken pursuant to sections 507(f) and 701(e)(1) of the act for the issuance, amendment, or repeal of any regulation issued pursuant to sections 201(v)(2)(C) and (3), 401, 403(j), 404(a), 406, 501(b), 502 (d), (h), and (n), 506(c), 507, and 706 (b), (c), and (d) of the act, and sections 4 and 5 of the Fair Packaging and Labeling Act, and sections 2(q)(1)(B) and 3(a)(2) of the Federal Hazardous Substances Act.

(j) The term "hearing" means any hearing held pursuant to sections 507(f) and 701(e)(3) of the act.

§ 2.61 [Amended]

3. Section 2.61 *Practice defined* is amended by inserting "507(f) and section" immediately after the word "section".

§ 2.65 [Amended]

4. Section 2.65 *Procedure for filing petitions* is amended:

a. In paragraph (a) by inserting "section 507(f) and" immediately prior to "section 701(e)".

b. In paragraph (b), in the first sentence of the form, by inserting "section 507(f) or" immediately prior to "section 701(e)(1)(B)" and by changing "or (n);" to read "or (n), or 507(f);".

c. In paragraph (c) by changing "section 701(e) of" in the last sentence to read "sections 507(f) and 701(e) of".

§ 2.66 [Amended]

5. Section 2.66 *Proposals and petitions* is amended in paragraph (a) by inserting "507(f)," immediately after "506(c),".

§ 2.68 [Amended]

6. Section 2.68 *Hearings under section 701(e) of the act* is amended:

a. By revising the section heading to read *"Hearings under sections 507(f) and 701(e) of the act"*.

b. By changing in paragraph (a) "2.67 to any proposal" to read "§ 2.67 to any order" and by inserting "507(f)," immediately following "506(c),".

7. The section heading of § 146.1 is revised and the section is established as follows:

§ 146.1 Procedure for the issuance, amendment, or repeal of regulations.

(a) The procedures for the issuance, amendment, or repeal of regulations under section 507 of the act are designed to permit swift action whenever the factual situation makes such action necessary or desirable. Ordinarily, such regulations are developed by the Food and Drug Administration with the consultation and advice of the interested persons. This permits the publication of regulations that become effective on the date of publication when they are in the public interest and present no significant points of controversy. Regulations that become effective immediately may also be published when the Commissioner finds they are necessary to deal with an imminent hazard to the public health. Proposed regulations are published with opportunity for written comment and informal conferences whenever such proposals have not been made the subject of prior consultation with and the agreement of interested persons. Section 507(f) and the review provisions of section 701(f) and (g) of the act are applicable (1) to proposals to amend or repeal regulations providing for certification or exemption from certification of antibiotic drugs subject to the provisions of section 507(h) on the grounds of lack of substantial evidence of effectiveness and (2) as needed to insure the right of protest and a public hearing to all interested persons who have reasonable grounds for dissatisfaction with the Food and Drug Administration's action with respect to regulations.

(b) An order issuing, amending, or repealing any regulation contemplated by section 507 of the act may be made effective on the date of its publication in the FEDERAL REGISTER whenever the Commissioner finds that:

(1) Such an order has been prepared in consultation with the interested persons, is in the public interest, and presents no significant points of controversy; or

(2) Such an order is necessary to deal with an imminent hazard to the public health.

(c) Such regulations may be initiated by any interested person on the basis of applications, request, or data submitted, including for example a request to provide for certification of a new antibiotic product (§ 146.13, form 5). Such regulations may be initiated by the Commissioner on the basis of information such as records and reports submitted under § 146.14 or reports from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, or other information. An order issued under the provisions of paragraph (b)(2) of this section shall furnish interested persons who are adversely affected by such order opportunity to file objections to it, within 30 days after its publication, specifying with particularity the changes desired and stating reasonable grounds therefor, and to request a public hearing upon the objections. The filing of such objections and requests shall not stay the order, but the Commissioner shall thereupon, after due notice, provide for such public hearing. In such cases, the provisions of Subpart F of Part 2 of this chapter shall apply to such hearings, except as modified by paragraph (f) of this section, and to judicial review in accord with section 701 (f) and (g) of the act.

(d) The Commissioner on his own initiative or on the application or request of any interested person may publish in the FEDERAL REGISTER a proposal to issue, amend, or repeal any regulation contemplated by section 507 of the act, with opportunity for interested persons to submit written comment and to request an informal conference on matters pertinent to the proposal (unless such notice and opportunity for comment and informal conference have already been provided to the person who will be adversely affected) whenever the conditions for promulgation of an order effective on date of publication as set forth in paragraph (b) of this section have not been met. After considering any such written comment and conference, if the Commissioner finds that the conditions of paragraph (b)(1) of this section have been met and the proposed action does not require procedure specified in section 507(f) pursuant to section 507(h) of the act, he may publish a final order that becomes effective on the date of publication. If the Commissioner finds that there are unresolved significant points of controversy, or that the procedure specified in section 507(f) is required by section 507(h), he may publish a final order with opportunity to file objections to such action and to request a public hearing upon such objections in accord with the provisions of section 507(f) of the act. In such cases, the provisions of Subpart F of Part 2 of this chapter shall apply to such hearing, except as modified by paragraph (f) of this section, and to judicial review in accord with section 701 (f) and (g) of the act.

(e) Whenever any interested person submits an application or request pursuant to provisions of section 507 of the act, or regulations promulgated thereunder, which application or request contemplates the issuance, amendment, or repeal of any regulation, and such person has been informed in writing that such application or request is not approvable, or whenever such person has received no written communication advising whether or not such application is approvable by the 180th day after its submission, such interested person may file a petition proposing the issuance, amendment, or repeal of such regulation under the provisions of section 507(f) of the act and Subpart F of Part 2 of this chapter. The Commissioner shall cause the regulation proposed in such petition to be published in the FEDERAL REGISTER within 60 days of the receipt of an acceptable petition and further proceedings shall be in accord with the provisions of sections 507(f) and 701 (f) and (g) of the act and Subpart F of Part 2 of this chapter except as modified by paragraph (f) of this section.

(f) The provisions of Subpart F of Part 2 of this chapter shall be applicable to proceedings under the provisions of section 507(f) of the act as therein set forth with the following modification: The provisions of § 2.63(a) notwithstanding, at any hearing held pursuant to section 507(f) of the act which involves a question of the safety or effectiveness of an antibiotic drug, the burden of proof of safety and substantial evidence of effectiveness under the questioned conditions shall be on the parties contending that the drug is safe and effective for the conditions for which it is prescribed, recommended or suggested in the labeling thereof.

Effective date: This order shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463, as amended; 21 U.S.C. 357, 371(a))

Dated: April 1, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4071; Filed, Apr. 7, 1969; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dicamba

A petition (PP 8F0725) was filed with the Food and Drug Administration by the Velsicol Chemical Co., Chicago, Ill., 60611, proposing the establishment of tolerances for residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the raw agricultural commodities pasture grasses, rangeland grasses, and grass hay at 40 parts per million.

The petitioner subsequently amended the petition to propose a tolerance of 0.05 part per million for residues of dicamba and its metabolite in milk.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Residues of dicamba and/or its metabolite in meat from the proposed use are in the category set forth in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120) § 120.227 is revised to read as follows to establish the subject tolerances:

§ 120.227 Dicamba; tolerances for residues.

Tolerances are established for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on raw agricultural commodities as follows:

40 parts per million in or on grasses (pasture and rangeland) and grass hay.

0.5 part per million in or on corn grain and corn fodder and forage; grain and straw of barley, oats, and wheat; and sorghum grain and sorghum fodder and forage.

0.05 part per million (negligible residue) in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4064; Filed, Apr. 7, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

BUQUINOLATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of buquinolate for specified conditions when administered in the feed of replacement chickens intended for use as caged layers.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.291(a) is amended by adding to the table a new item, as follows:

§ 121.291 Buquinolate.

(a) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.4 Buquinolate..	75 (0.0082%)			For replacement chickens intended for use as caged layers; withdraw 24 hours before slaughter; do not feed to laying chickens; do not feed to chickens over 16 weeks of age.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix, E. brunetti,* and *E. acervulina.*

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4057; Filed, Apr. 7, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2305) filed by Geigy Industrial Chemicals, Div. of Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of tetrakis[methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane as an antioxidant and/or stabilizer in ethylene-methacrylic acid copolymers and in ethylene-acrylic acid copolymers used in the manufacture of articles intended for food-contact use.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended in the list of substances by revising the item "Tetrakis[methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane" to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Tetrakis[methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane.	*Limitations* * * * For use only: 1. At levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4. 2. At levels not to exceed 0.05 percent by weight of ethylene-methacrylic acid copolymers complying with § 121.2582 and ethylene-acrylic acid copolymers complying with § 121.2564. The average thickness of such copolymers in the form in which they contact food shall not exceed 0.005 inch.

* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4053; Filed, Apr. 7, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYMER MODIFIERS IN SEMIRIGID AND RIGID VINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2364) filed by Allied Chemical Corp., Post Office Box 405, Morristown, N.J. 07960, and other relevant material, concludes that § 121.2597 of the food additive regulations should be amended to provide for the safe use of the polymer modifiers listed therein as components of semirigid and rigid vinyl chloride plastic food-contact articles prepared from vinyl chloride-lauryl vinyl ether copolymers regulated under § 121.2608, therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2597 is amended by revising the section heading, the introductory text, and paragraphs (b) (1) and (2), and (c) to read as follows:

§ 121.2597 Polymer modifiers in semirigid and rigid vinyl chloride plastics.

The polymers identified in paragraph (a) of this section may be safely admixed, alone or in mixture with other permitted polymers, as modifiers in semirigid and rigid vinyl chloride plastic food-contact articles prepared from vinyl chloride homopolymers and/or from vinyl chloride copolymers complying with § 121.2608, in accordance with the following prescribed conditions:

* * * * *

(b) * * *

(1) Not less than 80 weight-percent of polymer units derived from the vinyl chloride polymers identified in the introduction to this section and not more than 5 weight-percent of polymer units derived from polymers identified in paragraph (a)(1) of this section and may optionally contain up to 15 weight-percent of polymer units derived from butadiene-styrene copolymers; or

(2) Not less than 50 weight-percent of polymer units derived from the vinyl chloride polymers identified in the introduction to this section and not more than 50 weight-percent of polymer units derived from homopolymers and/or copolymers of ethyl acrylate and methyl methacrylate and may optionally contain up to 15 weight-percent of polymer units derived from butadiene-styrene copolymers.

(c) No chemical reactions, other than addition reactions, occur among the vinyl chloride polymers and the modifying polymers present in the polymer mixture used in the manufacture of the finished plastic food-contact article.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4055; Filed, Apr. 7, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Sodium Colistimethate Diagnostic Sensitivity Powder

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 147.5 *Sodium colistimethate diagnostic sensitivity powder* is amended as follows in paragraph (a):

1. Subparagraph (1) is amended by deleting "(ii)," from "by § 148c.4(a)(1)(i), (ii),".

2. Subparagraph (4)(i)(a) is amended by deleting "sterility,".

This order deletes the sterility requirement for the bulk form of the subject drug used in the manufacture of vials because the test for sterility as applied to the finished product is deemed adequate. Since this order is noncontroversial and nonrestrictive in nature and protects the public health, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date: This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 26, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4056; Filed, Apr. 7, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising From Activities of National Guard Personnel While Engaged in Duty or Training

1. Sections 536.140(b), 536.141 (b) and (c), 536.142(e), and 536.443(e) are revised, and § 536.143(x) is added, as follows:

§ 536.140 Definitions.

* * * * *

(b) *Army National Guard personnel.* A member of the Army National Guard engaged in training or duty under title 32, United States Code, sections 316, 502, 504, or 505, or any other provision of law for which he is entitled to pay under title 37, United States Code, section 206, or for which he has waived that pay.

* * * * *

§ 536.141 Scope.

* * * * *

(b) Caused by the negligence of a member normally employed as a technician under title 32, United States Code, section 709a, but who, at the time of the incident, was engaged in duty or training under one of the sections of title 32 listed in paragraph (a) of this section.

(c) Otherwise incident to noncombat activities of the Army National Guard under one of the above-enumerated sections. Since National Guard personnel continue in the status of State employees until called to active Federal service, §§ 536.140–536.152 provide a secondary source of recovery (see Maryland ex. rel. Levin v. United States, 381 U.S. 41 (1965)). Claims are to be paid under §§ 536.140–536.152 whenever primary sources of recovery are either nonexistent or inadequate.

§ 536.142 Claims payable.

* * * * *

(e) *Advance payments in aircraft and missile incidents.* Advance payments pursuant to title 10, United States Code, section 2736, as amended by Public Law 90–521, 26 September 1968 (82 Stat. 874), in partial settlement of meritorious claims to alleviate immediate hardship are authorized as provided in § 536.11c of this part.

§ 536.143 Claims not payable.

* * * * *

(e) Falls under—

(1) The Federal Employees' Compensation Act (5 U.S.C. 8101–8150) which is an exclusive remedy against the United States; or

(2) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901), or other workmen's compensation laws or regulations, including local law or custom, in cases where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee. If, in the opinion of an approving or settlement authority, the claim should be considered payable, e.g., the injuries did not result from a normal risk of employment or adequate compensation is not payable under workmen's compensation laws, the file will be forwarded with recommendations through claims channels to the Chief, U.S. Army Claims Service, who may authorize payment of an appropriate award. The Chief, U.S. Army Claims Service, also may specify that all or any part of any compensation received by the claimant from workmen's compensation sources as above will be deducted from the award to claimant. The claim of an insurance carrier subrogee, who has received premiums paid directly or indirectly by the United States on behalf of the insured employee, however, is not allowable.

* * * * *

(x) Resulted from an act or omission which occurs on or after 1 January 1969 within the scope of employment of an Army National Guard technician employed under 32 United States Code, section 709a. See Public Law 90–486, 13 August 1968, 82 Stat. 755.

2. Sections 536.146(c) and 536.148 are revised to read as follows:

§ 536.146 Investigation.

* * * * *

(c) *Where a State has waived sovereign immunity or carries liability insurance on National Guard vehicles.* If the State has waived sovereign immunity for tort claims, or if it carries liability insurance on vehicles used by its National Guard, the claims officer's report will contain a statement from the appropriate State officials as to the nature of the remedy against the State, the extent of insurance coverage, and the status of any claim made. If there is no remedy against the State and no insurance coverage, the claims officer's report will so indicate. Inquiry should be made as to any existing or anticipated claim or lawsuit against or by the driver of the National Guard vehicle or his insurer. If a claim or lawsuit has been (or will be) filed, further inquiry should be made as to probable outcome. This could be accomplished, for example, by discussion with the driver and an examination of the driver's insurance policy, which, if procured, should be included in the file.

§ 536.148 Procedures.

(a) *General.* So far as not inconsistent with §§ 536.140–536.152, the procedures set forth in § 536.9 of this part will be followed as to a claim under §§ 536.140–536.162.

(b) *Claims covered by insurance.* Where there is a remedy against the State as a result of either waiver of sovereign immunity or where there is liability insurance coverage.

(1) When a vehicle used by the National Guard, or a privately owned vehicle operated by a member or employee of the National Guard, is involved in an incident, under circumstances which make §§ 536.140–536.152 applicable to the disposition of administrative claims against the United States, and results in personal injury, death, or property damage and a remedy against the State or its insurer is indicated, the responsible claims supervisory authority will monitor the action against the State or its insurer and encourage direct settlement between the claimant and the State or its insurer. Where the State is insured, direct contact with State or National Guard officials rather than the insurer is desirable. Recovery by claimant from any insurer (other than claimant's insurer who has obtained no subrogated interest against the United States) will be deducted from the amount otherwise payable.

(2) If there is a remedy against the State or its insurer, advise the claimant to pursue the remedy against the State and/or the insurer. If the payment by the State or its insurer does not fully compensate claimant, an additional payment may be made under §§ 536.140–536.152. If liability is clear and claimant settles with the State or its insurer for less than the maximum amount recoverable, the difference between the maximum amount recoverable from the State

or its insurer and the settlement normally will be also deducted from the payment by the United States.

(3) If the State or its insurer desires to pay less than their maximum jurisdiction or policy limit on a basis of 50 percent or more of the actual value of the entire claim, any payment made by the United States must be made directly to the claimant. This can be accomplished by either having the United States pay the entire claim and have the State or its insurer reimburse its portion to the United States, or by having each party pay its agreed share directly to the claimant. If the State or its insurer desires to pay less than 50 percent of the actual value of the claim, the procedure set forth in subparagraph (4) of this paragraph will be followed.

(4) If there is a remedy against the State and the State refuses to make payment, or there is insurance coverage and the insurer refuses to make payment, and the claimant has filed an administrative claim against the United States, forward file with seven-paragraph memorandum to the Chief, U.S. Army Claims Service, including information as to the status of any judicial or administrative action the claimant has taken against the State or its insurer. The Chief, U.S. Army Claims Service, will determine whether the claimant will be required to exhaust his remedy against the State or its insurer, or whether the claim against the United States can be settled without such requirement. If he determines to follow the latter course of action, he will also determine whether an assignment of the claim against the State or its insurer will be obtained and whether recovery action will be taken. The State or its insurer will be given appropriate notification in accordance with State law necessary to obtain contribution or indemnification.

3. Section 536.151b is revised to read as follows:

§ 536.151b Delegation of authority.

(a) *Settlement authority.* (1) Subject to appeal to the Secretary of the Army, the Judge Advocate General and the Assistant Judge Advocate General are delegated authority to pay up to $5,000 in settlement of claims, and to disapprove claims regardless of amount claimed.

(2) Subject to appeal to the Secretary of the Army as to claims in excess of $2,500, or to the Judge Advocate General or the Assistant Judge Advocate General as to claims of $2,500, or less, and subject to such limitations as may be imposed by the Judge Advocate General, the Chief, U.S. Army Claims Service, and all officers of the Judge Advocate General's Corps assigned to the U.S. Army Claims Service, subject to such limitations as may be imposed by the Chief of that Service, are delegated authority to pay up to $2,500 in settlement of claims, and to disapprove claims regardless of the amount claimed.

(3) Subject to such limitations as may be imposed by the Judge Advocate General and appeal to the Chief, U.S. Army Claims Service, the commander or the staff judge advocate of each of the commands listed in subdivisions (i)–(v) of this subparagraph is delegated authority to approve and pay in full, or in part, or disapprove, claims presented for $2,500 or less; and to pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(i) Each of the numbered armies within the continental United States.

(ii) Military District of Washington, U.S. Army.

(iii) U.S. Army Forces Southern Command.

(iv) U.S. Army, Alaska.

(v) U.S. Army, Pacific.

(4) Subject to appeal to the Chief, U.S. Army Claims Service, and such limitations as may be imposed by the staff judge advocate of the command, the chief of a command claims service is delegated authority to approve and pay in full, or in part, or disapprove, claims presented for $2,500 or less; and to pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(b) *Approving authority.* (1) Each of the following is delegated authority to—

(i) Approve any pay in full or in part claims presented for $2,500 or less.

(ii) Pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(a) The commander of the staff judge advocate of any command authorized to exercise general courts-martial jurisdiction.

(b) An officer of the Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the Chief, U.S. Army Claims Service, or the commander of a command listed in § 536.4a of this part, subject to such limitations as the designating authority may prescribe.

(c) The claims judge advocate of any command authorized to exercise general courts-martial jurisdiction, subject to such restrictions as may be imposed by a command staff judge advocate.

(2) Each of the following is delegated authority to—

(i) Approve and pay in full or in part claims presented for $1,000 or less, and

(ii) Pay claims regardless of the amount claimed, provided an award of $1,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(a) The commanding officer of a command not authorized to exercise general courts-martial jurisdiction, but having a judge advocate assigned to his staff, or his judge advocate.

(b) A district or division engineer, Corps of Engineers, or the Chief of Engineers.

(c) *Special delegations of authority.* The Judge Advocate General may delegate claims settlement authority, paragraph (a) of this section, or claims approving authority, paragraph (b) of this section, to other authorities where the need for such authority can be demonstrated. Request for delegation of authority will be forwarded through command channels to The Judge Advocate General, ATTN: Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, with justification and recommendations.

[C1, AR 27–24, Jan. 28, 1969]

(Secs. 715, 2736, 3012, 76 Stat. 767, 70A Stat. 157, 74 Stat. 878; 10 U.S.C. 2736, 3012, 32 U.S.C. 715)

For The Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–4052; Filed, Apr. 7, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12—Department of Transportation

[OST Docket No. 19; Amdt. 12–3–1]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of the following amendment is to revise the wording of § 12–3.151 and to add two new parts to the Department's procurement regulations.

Since these amendments relate to Departmental management, procedures and practices, notice and public procedure thereon is unnecessary.

These amendments are made under authority of section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)) and the Armed Services Procurement Act (10 U.S.C. Chapter 137).

In consideration of the foregoing, Title 41 of the Code of Federal Regulations is amended by revising § 12–3.151 to read as follows and by adding the following new Part 12–7—Contract clauses, and Part 12–15—Contract cost principles and procedures, effective April 30, 1969.

Issued in Washington, D.C., on April 1, 1969.

JAMES W. WILLIAMS,
Acting Assistant Secretary for Administration.

PART 12–3—PROCUREMENT BY NEGOTIATION

Section 12–3.151 is revised as follows:

§ 12–3.151 Late proposals and modifications.

(a) Proposals which are received in the office designated in the request for proposals after the time specified for their submission are "Late Proposals". Late proposals shall not be considered for award except under the circumstances set forth in FPR 1–2.303 relating to late bids or where only one proposal is received. (For the purpose of applying the late bid rules to late proposals, unless a specified time for receipt of proposals is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals). Exceptions may be authorized only by the head of the procuring activity, and only where consideration of a late proposal is of extreme importance to the Government, as for example, where it offers some important technical or scientific breakthrough or a substantially lower price. To determine the possible existence of such extreme importance, all late proposals shall be opened prior to award and if not considered for award shall be returned to the Offeror. Accordingly, in these cases, the procedures of FPR 1–2.303–6 and 1–2.303–7 regarding the disposition of late bids will not apply.

(b) The clause set forth in § 12–7.101–35 shall be included in each request for proposal.

(c) Offerors submitting late proposals or modifications shall be notified in accordance with FPR 1–2.303–6, except that the notices provided for therein shall be appropriately modified to relate to the request for proposals.

(d) The provisions of paragraph (a) of this section are also applicable to late quotations. In the case of a request for quotation, the provision set forth in § 12–7.101–35 will be appropriately modified.

(e) In the exceptional circumstances where the head of the procuring activity concerned authorizes an exception from paragraph (a) of this section, the contracting officer shall resolicit all firms (including late offerors) which have submitted proposals and are determined to be capable of meeting current requirements. Such resolicitation shall specify a date for submission of new proposals and include the "Late Proposals" provision set forth in § 12–7.101–35.

(f) The normal revisions of proposals by selected offerors occurring during the usual conduct of negotiations with such offerors are not to be considered as late proposals.

(g) Modifications of proposals (other than the normal revision of proposals by selected offerors during the usual conduct of negotiations with such offerors) which are received in the office designated in the requests for proposals after the time specified for submission of proposals are "Late Modifications." Late modifications shall be subject to the rules applicable to late proposals set forth in this section. However, a modification received from an otherwise successful offeror which is favorable to the Government shall be considered at any time that such modification is received. The provisions of this section are also applicable to late modifications to quotations.

PART 12–7—CONTRACT CLAUSES

Subpart 12–7.1—Fixed Price Supply Contracts

§ 12–7.101–35 Late proposals and modifications.

The following clause is prescribed for use in accordance with § 12–3.151:

LATE PROPOSALS AND MODIFICATIONS

(a) Except as provided in 41 CFR 12–3.151, proposals and modifications of proposals received at the office designated in the solicitation after the exact hour and date specified for receipt will not be considered unless: (1) They are received before award is made; and either (2) they are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained and it is determined by the Government that the late receipt was due solely to delay in the mails, for which the offeror was not responsible; or (3) if submitted by mail (or by telegram if authorized) it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it. However, a modification of a proposal which makes the terms of an otherwise successful proposal more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Offerors using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late offer was timely mailed.

(c) The time of mailing of late proposals submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the post mark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (1) Where the Receipt for Certified Mail identifies the post office station of mailing, evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (2) an entry in ink on Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the proposal shall not be considered.

(Sec. 205(c) of the Federal Property and Administrative Services Act of 1949; 40 U.S.C. 486(c) and the Armed Services Procurement Act, 10 U.S.C. Chapter 137)

PART 12–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 12–15.1—Applicability

Sec.

12–15.102 Cost-reimbursement supply and research contracts with concerns other than educational institutions.

12–15.104 Cost-reimbursement construction and architect-engineer contracts.

AUTHORITY: The provisions of this Part 12–15 issued under section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)) and the Armed Services Procurement Act, 10 U.S.C. Chapter 137.

§ 12–15.102 Cost-reimbursement supply and research contracts with concerns other than educational institutions.

(a) The cost principles and procedures set forth in FPR 1–15.2 shall be incorporated (by reference, if desired) in cost-reimbursement supply and research contracts with other than educational institutions, as the basis for the actions listed in FPR 1–15.102.

§ 12–15.104 Cost-reimbursement construction and architect-engineer contracts.

The cost principles and procedures set forth in FPR 1–15.4 shall be incorporated (by reference, if desired) in cost-reimbursement construction and architect-engineer contracts, as the basis for the actions listed in FPR 1–15.104.

[F.R. Doc. 69–4067; Filed, Apr. 7, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 41]

SCHEDULE OF TAXABLE GROSS WEIGHTS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 15-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 4482 (b) and 7805 of the Internal Revenue Code of 1954 (70 Stat. 390, 68A Stat. 917; 26 U.S.C. 4482(b), 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to revise the schedule of taxable gross weights prescribed under section 4482(b) of the Internal Revenue Code, the following amendment to 26 CFR Part 41 is made:

EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

Section 41.4482(b)–1 is amended by revising so much of paragraph (c) as precedes the use tax schedule, and by adding a new paragraph (d), to read as follows:

§ 41.4482(b)–1 Definition of taxable gross weight.

* * * * *

(c) *Schedule of taxable gross weights for periods before July 1, 1969.* The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed for taxable periods beginning before July 1, 1969:

* * * * *

(d) *Schedule of taxable gross weights for periods after June 30, 1969.* The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed for taxable periods beginning on or after July 1, 1969. Any highway motor vehicle which falls in one of the categories shown in the following schedule shall be considered, for purposes of the regulations in this part, to have the taxable gross weight assigned to such category. Any highway motor vehicle which does not fall in one of the categories shown in the following schedule shall be considered, for purposes of the regulations in this part, to have a taxable gross weight of 26,000 pounds or less.

USE TAX SCHEDULE

		Taxable gross weight (in pounds)
1.	Single units:	
(a)	2 axled truck equipped for use as a single unit with actual unloaded weight of 13,000 pounds or more	27,000
(b)	3 axled truck equipped for use as a single unit with actual unloaded weight of 13,000 pounds or more and less than 16,000 pounds	30,000
(c)	3 axled truck equipped for use as a single unit with actual unloaded weight of 16,000 pounds or more	40,000
(d)	4 axled truck equipped for use as a single unit with actual unloaded weight of less than 22,000 pounds	55,000
(e)	4 axled truck equipped for use as a single unit with actual unloaded weight of 22,000 pounds or more and less than 30,000 pounds	68,000
(f)	4 axled truck equipped for use as a single unit with actual unloaded weight of 30,000 pounds or more	80,000
(g)	More than 4 axled truck equipped for use as a single unit	(1)
(h)	2 axled truck-tractor with actual unloaded weight of 5,500 pounds or more and less than 7,000 pounds	30,000
(i)	2 axled truck-tractor with actual unloaded weight of 7,000 pounds or more and less than 9,500 pounds	40,000
(j)	2 axled truck-tractor with actual unloaded weight of 9,500 pounds or more and less than 11,000 pounds	50,000
(k)	2 axled truck-tractor with actual unloaded weight of 11,000 pounds or more	60,000
(l)	3 or 4 axled truck-tractor with actual unloaded weight of less than 13,000 pounds	65,000
2.	Tractor-trailer combinations:	
(m)	3 or 4 axled truck-tractor with actual unloaded weight of 13,000 pounds or more and less than 17,000 pounds	70,000
(n)	3 or 4 axled truck-tractor with actual unloaded weight of 17,000 pounds or more	74,000
(o)	More than 4 axled truck-tractor	(2)
3.	Truck-trailer combinations:	
(p)	2 axled truck with actual unloaded weight of 9,000 pounds or more and less than 12,000 pounds and equipped for use in combinations	40,000
(q)	2 axled truck with actual unloaded weight of 12,000 pounds or more and equipped for use in combinations	55,000
(r)	3 or 4 axled truck with actual unloaded weight of less than 14,000 pounds and equipped for use in combinations	65,000
(s)	3 or 4 axled truck with actual unloaded weight of 14,000 pounds or more and less than 19,000 pounds and equipped for use in combinations	74,000
(t)	3 or 4 axled truck with actual unloaded weight of 19,000 pounds or more and equipped for use in combinations	76,000
(u)	More than 4 axled truck equipped for use in combinations	(3)
4.	Buses: Actual unloaded weight of vehicle plus 150 pounds for each unit of seating capacity provided for passengers and driver.	

[1] 2.5 times actual unloaded weight.
[2] 4.5 times actual unloaded weight.
[3] 4.5 times actual unloaded weight.

[F.R. Doc. 69-4118; Filed, Apr. 7, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 28]

COTTON SAMPLES

Submission

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amendment of § 28.25(g) of the regulations under the United States Cotton Standards Act (7 CFR Part 28, Subpart A) to revise that portion of the regulations dealing with the submission of cotton samples by warehouses to Boards of Cotton Examiners, pursuant to authority contained in the U.S. Cotton Standards Act, as amended (Sec. 10, 42 Stat. 1519; 7 U.S.C. 61).

Statement of considerations. The purpose of this amendment is to delete from the regulations the requirement that cotton samples be mailed, shipped or delivered no later than the close of the next business day after sampling is completed. This requirement has been found to be impracticable and has created a hardship on some warehouses.

It is proposed that paragraph (g) of § 28.25 be revised to read as follows:

§ 28.25 Samples for Form A Determination.

* * * * *

(g) Samples shall be addressed to and mailed, shipped, or delivered direct to the Board serving the territory in which the warehouse is located. Samples shall in no case be consigned or routed through the owner or custodian of the cotton. Samples mailed or shipped shall be prepaid.

* * * * *

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

It is proposed that this amendment would be made effective about July 1, 1969.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice of rule making shall be made available for public inspection in said office during regular business hours and in a manner convenient to the public business (7 CFR 1.27).

Dated: April 3, 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69-4090; Filed, Apr. 7, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1907]

STATE REIMBURSEMENT REQUIREMENT

Notice of Proposed Rule Making

Pursuant to title XII of the National Housing Act (added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb–21), 5 U.S.C. 553, and delegation of authority by the Secretary of Housing and Urban Development (34 F.R. 2680, Feb. 27, 1969), the Federal Insurance Administrator proposes to issue the regulation set forth below as a new Part 1907 of Chapter VII of Title 24. Interested persons may submit written comments or suggestions on the proposed regulation, in duplicate, to the Federal Insurance Administration, Department of Housing and Urban Development, Washington, D.C. 20410. Prior to adoption of the regulation, consideration will be given to comments or suggestions received within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Proposed Part 1907 of Chapter VII of Title 24 reads as follows:

PART 1907—STATE REIMBURSEMENT REQUIREMENT

Sec.
1907.1 State reimbursement requirement in general.
1907.2 Amount of State share.
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1907.4 Source of State share.
1907.5 Timing of State payments.
1907.6 Effect of failure to enact State legislation.
1907.7 Notification of enactment.

AUTHORITY: The provisions of this Part 1907 issued under Title XII of National Housing Act, added by Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb–21; 5 U.S.C. 553; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968.

§ 1907.1 State reimbursement requirement in general.

(a) Section 1223(a)(1) of the National Housing Act (12 U.S.C. 1749bbb–9), added by the Urban Property Protection and Reinsurance Act of 1968, hereinafter referred to as the "Act," generally prohibits the Secretary of Housing and Urban Development from offering riot loss reinsurance with respect to any line of insurance in a State which does not by August 1, 1969, adopt legislation, retroactive to August 1, 1968, which enables it to reimburse him annually (to the extent necessary) for a portion of the claims he pays in connection with excessive losses which may occur in that State with respect to the line of insurance reinsured. While in many States no actual payment may be required, legislation providing for such payment, if needed, is required for the continued provision of Federal riot loss reinsurance.

(b) The minimum lines of insurance for which State reimbursement legislation is required as a condition of continued Federal reinsurance for any line are: (1) Fire and extended coverage, (2) vandalism and malicious mischief, (3) other allied lines of fire insurance, (4) burglary and theft, and (5) those portions of multiple peril policies covering similar perils to those provided in (1), (2), (3), and (4). Optional lines of insurance for which State reimbursement legislation may be enacted on either a group basis or an individual basis are inland marine, glass, boiler and machinery, ocean marine, and aircraft physical damage. But no line of insurance will be eligible for Federal reinsurance in any State after the specified date unless it is included, either explicitly or implicitly, within the State reimbursement legislation.

§ 1907.2 Amount of State share.

(a) The actual State share is limited to the amount by which the Secretary's total reinsured losses in the State during the current year exceed the total reinsurance premiums received for the same year, and such State share is reduced by (1) any excess of net reinsurance premiums over reinsured losses realized from business in that State since the year for which reimbursement was last required, and (2) any assessments of reinsured companies made under the Federal Standard Reinsurance Contract with respect to the current year.

(b) The maximum State share in any 1 year is an amount equal to 5 percent of the aggregate or total property insurance premiums earned in the State during the preceding calendar year on all lines of insurance for which any reinsurance is provided by the Secretary in the State during the current year, regardless of the number of companies actually purchasing Federal reinsurance.

§ 1907.3 Timing of State legislation.

To enable companies doing business within a State to continue to participate in the Federal reinsurance program, the State must enact the necessary reimbursement legislation within a year after August 1, 1968, when the Federal Act became law. However, if the legislature of a particular State does not meet in regular session between August 1, 1968, and August 1, 1969, the deadline for enactment is extended until the end of the State's next regular legislative session commencing after August 1, 1969.

§ 1907.4 Source of State share.

Funds for the State share may be raised in any constitutional manner consistent with the intent of the Federal Act to place appropriate responsibility upon the State to share in property insurance losses resulting from riots or civil disorders. The Federal Act provides that the Secretary is to be reimbursed by the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law. Thus, the State share should be financed out of general revenues or in some other manner which broadly distributes the burden of property insurance losses resulting from riots or civil disorders.

§ 1907.5 Timing of State payments.

It is not required that funds for the State share be made available in advance of the year in which the losses occur. However, the State legislation must provide for a method of financing the State share which will assure timely reimbursement of the Secretary. It is anticipated that notification by the Secretary as to the amount of the State share due with respect to losses in any given year will not be made until the third quarter of the succeeding year. The State payment will be due and payable approximately 60 to 90 days thereafter.

§ 1907.6 Effect of failure to enact State legislation.

If appropriate legislation is not enacted in a given State within the time specified, no Federal reinsurance may thereafter be offered or made applicable to insurance policies written in that State until such legislation is enacted. However, Federal reinsurance on insurance policies written prior to the specified date for the enactment of the State's reimbursement legislation may be continued for the remainder of the current Federal contract year, which ends on April 30.

§ 1907.7 Notification of enactment.

In order to prevent unnecessary lapses in Federal reinsurance coverage, each State Insurance Authority is requested promptly to notify the Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. 20410, of the date on which the State's reimbursement legislation is effective and to provide him with a copy of the enacted legislation.

Dated: April 8, 1969.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-4073; Filed, Apr. 7, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Notice of Proposed Rule Making

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). Thus, all sections of the regulations contained in the CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" prefix has for convenience been eliminated from the section references contained in this notice. The term "part" when used in the regulations means Part 1000 of the Code of Federal Regulations. References to sections of General Bulletins published by the Office are preceded by the designation "B" (e.g., § B201). The section numbers used in the bulletins correspond to sections of the regulations which are discussed in the bulletins. The terms "DI" and "AFN" are used in the General Bulletins and this notice to refer to "direct investor" and "affiliated foreign national".

Notice is hereby given that the Office of Foreign Direct Investments proposes to amend the Foreign Direct Investment Regulations (the "regulations"). On December 4, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18041). Those proposals set forth amendments to §§ 503 and 504 of the regulations which deal with the amount of positive direct investment generally authorized to DIs. The proposals were based on a target ceiling for 1969 of direct investment by all DIs of approximately $2,950,000,000. After review, the target ceiling has been increased to $3,350,000,000. Because of this increase, and after consideration of comments received, the amendments as originally proposed are hereby withdrawn and are superseded by the proposals set forth below. The present proposals contain the following changes from the former proposals:

a. Section 312(c)(1) has been amended to conform to revised §§ 503 and 504.

b. Subpart E has been restructured by combining old §§ 501 and 502 and by adding a new § 502 providing that a DI must elect annually either the minimum allowable under § 503, or the historical allowable under § 504 (a) and (c), or the earnings allowable under § 504(b).

c. Section 503 has been amended to increase to $1,000,000 the previously proposed minimum allowable of $300,000. Further, the provision of § 503 which prohibited the offsetting of positive direct investment in one scheduled area against negative direct investment in another scheduled area is eliminated. Section 503 also now provides that if all AFNs, whether incorporated or unincorporated, when considered together, have aggregate annual losses, such losses shall be disregarded in computing direct investment for purposes of § 503.

d. Section 504(b) has been revised to increase the earnings allowable from 20 percent, as previously proposed, to 30 percent of the immediately preceding year's earnings. The election of the 30 percent earnings allowable under § 502 (a)(3) is binding and effective only for the year for which the election is made and not for all succeeding years as previously proposed.

e. The amount of the "upstream" adjustments to the historical allowable under § 504(c) (assuming the DI does not elect the earnings allowable or the minimum allowable) is also changed by increasing the applicable percentage limitation to 30 percent of the immediately preceding year's earnings in the "upstream" scheduled area. Section 504(c) is also rewritten to make the "upstream" adjustment to the historical allowables of § 504(a) (1), (2), and (3) automatic. The latter revision is not a change in substance from § 504(c) as originally proposed but is intended to clarify the effect of the "upstream" provisions of § 504.

f. Certain conforming and clarifying amendments have been made to § 506.

g. Section 602 has been amended to define more clearly reports which may be required and to describe basic reporting forms required of all DIs unless exempted by the instructions to particular forms.

h. Section 805(a) has been amended to clarify information and reports received from direct investors which the Office will treat as confidential. Section 805(b), dealing with where forms may be obtained, has been deleted and a new § 602(c) has been added to take its place.

i. Sections 905(b)(2) and 906(b)(3)(ii) have been amended to conform to revised § 503.

j. Conforming amendments have been made in §§ 1002 (b) and (c) and 1003 (b), (c), and (d). The time within which a certificate must be filed under § 1002 (b) has been changed. It is proposed that such certificates need not be filed until 10 days after the date of a borrowing or guarantee. The provisions for reduction of allowables in § 1003(c) have been amended to reflect the new election provisions and the increased emphasis on worldwide allowables.

In addition to the above changes to the proposed regulations, and as described in paragraph 8 of this notice, it is proposed that (with certain exceptions) direct investors who have not made direct investment (whether positive or negative) of $1,000,000 or more in any year, beginning with 1968, be exempt from making quarterly reports on Form FDI-102. For the purpose, direct investment includes direct investment in Canada and transfers of proceeds of long-term foreign borrowing to AFNs and allocations of such proceeds to such transfers.

The principal proposals are described in greater detail below:

1. *Election of 1969 Allowables.* New § 502 requires a DI to elect either the minimum allowable under § 503, the historical allowable under § 504 (a) and (c), or the earnings allowable under § 504(b). Once this election is made, the allowables not elected are inapplicable and unavailable to the DI. The election is made annually on Form FDI-102F (Annual Report) filed for the year with respect to which the election is made. Accordingly, DIs will be required to make their election for 1969 on the FDI-102F due April 30, 1970. However, Form FDI-102F for 1968 will require a tentative indication of the allowable which the DI believes it will elect for 1969, and reporters required to file FDI-102 quarterly reports during 1969 will be required to indicate any change in this tentative decision during 1969 on their quarterly reports.

2. *§ 503 Minimum allowable.* The revisions to § 503 are intended to give increased investment leeway to small and medium-size firms without substantial historical or earnings allowables by increasing the minimum allowable from $200,000 to $1,000,000. Section 503(a) has also been amended to remove the provisions prohibiting the offset of positive direct investment in one scheduled area against negative direct investment in another scheduled area. Section 503(b), however, now provides that if a DI's AFNs have "aggregate annual losses", such losses shall be disregarded in computing direct investment under § 503. The term "aggregate annual losses" means the excess of the sum of the DI's share of losses of all incorporated and unincorporated AFNs on a worldwide basis (excluding Canadian AFNs) which have losses over the sum of the DI's share of earnings of all AFNs which have earnings. That is, the earning results of all AFNs are, in effect, consolidated, and if those results are negative, that negative amount cannot be used to offset transfers of capital from the DI to AFNs. Formerly, § 503(b) only required that net losses (i.e., "total losses") of incorporated AFNs in Schedule C be disregarded. The effect of these changes in § 503(a) and (b) is to eliminate the schedular concept from § 503 and, as a result, the relevance of § 505 (interschedular transfers between AFNs) for DIs who elect § 503.

As previously provided, any § 503 allowable not used in the current year may not be carried forward to a succeeding year and, since an election for 1969 of § 503 makes § 504 inapplicable, there are no § 504 allowables (including those arising from negative direct investment) to be carried forward into 1970 and succeeding years. Also, a DI who elects § 503 for 1969 will lose any § 504 allowable which might otherwise have been carried forward from 1968. However, DIs who made positive direct investment authorized by § 503 in 1968 and who elect either the § 504 earnings allowable or historical allowable for 1969 may carry forward from 1968 unused § 504 allowables into 1969, reduced as provided in § 503(d) by the amount of positive direct investment made under § 503 in 1968. The reduction is first made in the scheduled area where the positive direct investment was made in 1968, and then in the remaining scheduled areas, first in Schedule C and thereafter in Schedules B and A in that order.

The following examples assume that DI has elected the § 503 allowable as provided in § 502(a)(1) and illustrate the provisions of § 503(a) and (b):

Example (1). DI has two AFNs—a corporation (X) in the United Kingdom and a corporation (Y) in Venezuela. During 1969, X has a loss of $50,000, and Y has earnings of $1,050,000 and pays no dividends. There are no other relevant transactions in 1969. DI has made positive direct investment, calculated as provided in § 503(b), of $1,000,000, all of which is authorized by § 503(a).

Example (2). DI has two AFNs, X and Y. X is incorporated in France and Y is incorporated in Argentina. During 1969, DI makes a positive net transfer of capital of $500,000 to X and X has earnings of $1,000,000 and pays no dividends. DI also makes a negative net transfer of capital of $500,000 to Y and Y has losses of $500,000. There are no other relevant transactions during 1969. DI has made positive direct investment, calculated as provided in § 503(b), of $500,000, which is authorized by § 503(a). The $500,000 loss of Y may be offset against the $1,000,000 in earnings of X. The negative net transfer of capital of $500,000 to Y may be offset against either the positive net transfer of capital of $500,000 to X or the earnings of $500,000 of X.

Example (3). During 1969, DI makes a positive net transfer of capital to its wholly owned incorporated AFN (X) of $750,000. X earns $300,000 and pays no dividends. DI also has a branch (Y) which has losses of $500,000 which result in a decrease in net branch assets of $500,000. DI also makes a negative net transfer of capital of $50,000 to a second incorporated AFN (Z). There are no other relevant transactions during 1969. DI's positive direct investment, calculated as provided in § 503(b), of $700,000 during 1969 is authorized by § 503. The positive net transfer of capital to X of $750,000 is offset by the negative net transfer of capital of $50,000 to Z, and the earnings of $300,000 of X are offset by $300,000 of the $500,000 losses of Y. The aggregate annual losses of $200,000 are disregarded.

Example (4). DI has a wholly owned incorporated AFN (X) which in turn has a wholly owned incorporated AFN (Y). During 1969 X has earnings (excluding dividends received from Y) of $2,000,000 and pays a dividend to DI (before withholding taxes) of $1,500,000. Also during 1969, Y has losses of $3,000,000 but nevertheless pays a dividend to X of $250,000 (before withholding taxes). In addition DI makes a positive net transfer of capital of $2,500,000 to a third wholly owned incorporated AFN (Z). There are no other relevant transactions during 1969. DI has aggregate annual losses of $1,000,000 ($3,000,000 in losses offset against only $2,000,000 in earnings). The $1,000,000 losses are disregarded and may not be offset against the positive net transfer of capital to Z. DI has positive direct investment of $1,000,000 calculated as provided in § 503 (b), which is authorized by § 503(a). DI has reinvested earnings in X of $750,000 ($2,000,000 less $1,500,000 plus $250,000) negative reinvested earnings in Y of $3,250,000 ($3,000,000 plus $250,000), and a positive net transfer of capital to Z of $2,500,000. Calculated without regard to § 503(b), this would give DI direct investment of zero. But after the $1,000,000 in aggregate net losses is disregarded—which means in effect adding the aggregate net losses to direct investment calculated first without regard to § 504(b)—DI has positive direct investment of $1,000,000.

Example (5): DI has a wholly owned Schedule B incorporated AFN (B) which has a Schedule A branch (A). During 1969, DI invests $5,000,000 in proceeds of a long-term foreign borrowing in B, B has earnings of $1,500,000, and pays a dividend to DI of $500,000 (before withholding taxes). Also during 1969, A transfers $500,000 to B, A has zero earnings during the year, and A's net assets decrease by $500,000. There are no other relevant transactions during 1969. DI has made positive direct investment, calculated as provided in § 503(b), of $1,000,000 which is authorized by § 503. DI has made a negative net transfer of capital of $500,000 to Schedule A (the decrease in A's net assets of $500,000) which offsets the positive net transfer of capital of $500,000 to Schedule B. The transfer of $5,000,000 to B is reduced in like amount by virtue of § 313(d)(1). This leaves DI with reinvested earnings in B of $1,000,000 after the dividends paid by B to DI of $500,000.

The following examples illustrate the provisions of § 503 as applied to § 503 allowables not used in 1968 or 1969, and as applied to the carry forward of § 504 historical allowables by a DI electing § 503 in 1969:

Example (6). In 1969, DI has allowables under § 504 of $50,000 in Schedule C, $500,000 in Schedule B, and $200,000 in Schedule A. A portion of the allowables in Schedule A and B are carry forwards of § 504 allowables not used in 1968. In 1969, DI, in order to make positive direct investment in Schedule C in excess of its § 504 allowable of $50,000, elects § 503 and makes worldwide positive direct investment, calculated as computed in § 503(b), of $600,000. In 1970, DI will have no carry forward of any § 503 allowable not used in 1969 nor will it have any portion of its § 504 allowables carried forward into 1970.

Example (7). In 1968, DI had allowables under § 504 of $50,000 in Schedule C, $50,000 in Schedule B, and $200,000 in Schedule A. During 1968, DI made positive direct investment of $100,000 in Schedule C and $50,000 in Schedule B under § 503 as then in effect. DI also in 1968 made negative direct investment of $50,000 in Schedule A which under § 504(f) may be carried forward to succeeding years together with any other unused Schedule A allowables. While not authorized under § 504, DI's positive direct investment in 1968 was authorized under § 503 since total direct investment in all scheduled areas, when added together, was $200,000 or less (in this case $150,000), and positive direct investment in any one scheduled area did not exceed $200,000. If DI does not elect the § 503 minimum allowable for 1969, DI will carry forward to 1969 § 504 allowables not used in 1968 of $200,000, after the reductions provided for in § 503(d), distributed in the scheduled areas as follows: Zero in Schedule C, zero in Schedule B, and $200,000 in Schedule A. The carry forward of $200,000 is in addition to any § 504 earnings allowables or § 504 historical allowables which DI may have for 1969. The above calculations are set forth in tabular form as follows:

	(000 omitted)		
	Schedule C	Schedule B	Schedule A
(1) 1968 § 504 allowables	50	50	200
(2) Direct investment under § 503 in 1968	100	50	(50)
(3) Reductions to § 504 allowables under § 503(d)	50	50	50
(4) § 504 carry-forwards to 1969	0	0	200

If DI elects to make positive direct investment in 1969 under § 503, DI will lose its $200,000 carry-forward in Schedule A for 1969 and succeeding years under § 503(c).

3. *§ 504 allowables.* Under revised § 504(a), a DI computes its historical allowables for Schedules A, B, and C in the same manner as provided in § 504(a)(1)(i), (2)(i), and (3)(i) of the regulations as in effect for 1968. Section 504(c), however, now provides an "upstream" adjustment of § 504(a) historical allowables (that is, an adjustment of allowables from Schedule B to Schedule C and from Schedule A to Schedule B and/or C). Section 504(b) is also new and provides for an earnings allowable in each scheduled area in the amount of 30 percent of the immediately preceding year's annual earnings as an alternative to the adjusted historical allowable or the § 503 minimum allowable. These new provisions afford options not available in 1968 to DIs who have unusually low historical allowables in relation to earnings of their AFNs or whose historical allowables are not distributed among the three scheduled areas in amounts proportional to earnings in the three scheduled areas.

Both the "upstream" adjustment of historical allowables in § 504(c) and the earnings allowable in § 504(b) are based on 30 percent of the DI's share of 1968 "annual earnings" in each scheduled area of both incorporated AFNs (subsidiaries) and unincorporated AFNs (such as branches, partnerships and joint ventures). Earnings of Canadian AFNs are excluded in calculating "annual earnings" in Schedule B. To calculate "annual earnings", losses of both incorporated and unincorporated AFNs in any scheduled area should be netted against earnings of both incorporated and unincorporated AFNs in such schedule area. "Annual earnings" of AFNs in a scheduled area do not include dividends paid to, or earnings remitted to, such AFNs from AFNs in other scheduled areas.

A distinction between § 503 and § 504 allowables should be noted: As already stated, in calculating positive direct investment made under § 503, a DI must disregard aggregate annual losses incurred by AFNs on a worldwide basis. Thus, if one AFN had earnings and another AFN had losses, the losses may be offset up to the amount of the earnings in determining the amount of reinvested earnings under § 503 but may not be offset against transfers of capital from a DI to AFNs. (See examples (3) and (4) supra.) Under § 504, on the other hand,

only aggregate losses of incorporated AFNs (i.e., "total losses") in Schedule C are so disregarded. Thus, if the algebraic sum of earnings and losses of all incorporated AFNs in Schedule C is negative, that negative amount may not be offset against positive net transfers of capital to Schedule C or used "downstream" in Schedules A or B to offset positive direct investment in those scheduled areas.

The major features of amended § 504 (b) and (c) are described below:

(a) *30 percent earnings allowable.* A DI may elect under § 502(a)(3) a "30 percent earnings allowable" for 1969 for each of the three scheduled areas in an amount equal to 30 percent of its share of the 1968 annual earnings of its AFNs in each scheduled area. This election, if made, must be made with respect to all three scheduled areas and, if made for 1969, must be made on the annual report for 1969 (Form FDI–102F) filed with the Office on or before April 30 1970.

The following example is illustrative of the "30 percent earnings allowable":

Example (8). DI's share of the 1968 "annual earnings" of its Schedule C AFNs is $1,000,000 and of its Schedule A AFNs is $1,500,000; its Schedule B AFNs incurred in the aggregate losses of $200,000. If DI elects the 30 percent earnings allowable for 1969 under § 502(a)(3), its 1969 § 504(b) allowables will be $300,000 in Schedule C (30 percent of $1,000,000), zero in Schedule B (since DI had losses in Schedule B in 1968), and $450,000 in Schedule A (30 percent of $1,500,000).

(b) *§ 504 Historical allowable after upstream adjustment.* If the DI elects under § 502(a)(2) the historical allowable, § 504 (a) and (c) will govern. A DI with historical allowables in Schedule B and/or A may then be eligible under new § 504(c) to have all or part of those allowables readjusted "upstream". Historical allowables will not, however, be adjusted "upstream" unless, and only to the extent that, 30 percent of the DI's share of 1968 "annual earnings" in the "upstream" scheduled area exceeds the § 504(a) historical allowable in the "upstream" scheduled area. Note that for purposes of § 504(c), a DI may not adjust "upstream" an amount in excess of its downstream historical allowables, and that the amount of historical allowables which may be adjusted "upstream" does not include § 504 allowables carried forward from previous years. Like any other § 504 allowable in an upstream scheduled area, allowables in Schedule B or C which arise from "upstream" adjustment may be used downstream or carried forward into subsequent years under § 504(d).

The following examples are illustrative of the § 504(b) 30 percent earnings allowable and the § 504(c) "upstream" adjustment of § 504(a) historical allowables.

Example (9). In 1969, DI has § 504(a) historical allowables in each of the scheduled areas as shown on line (1) of the table below. DI also has a carry forward of unused allowables from 1968 in Schedule A of $1,000,000 (see line (2) below). In 1968, DI's share of annual earnings of its AFNs in each scheduled area was as shown on line (3) below. If DI elects under § 502(a)(2) for 1969, DI's historical allowables under § 504 (a) are adjusted under § 504(c) to increase its Schedule C allowable by $2,000,000, of which $1,500,000 is moved upstream from Schedule A to Schedule C and $500,000 is moved upstream from Schedule B. Corresponding reductions are made in the Schedule A and B historical allowables.

	(000 omitted)			
	Schedule C	Schedule B	Schedule A	Total
(1) § 504(a) historical allowables	1,000	2,500	1,500	5,000
(2) § 504(f) carry-forward allowable	0	0	1,000	1,000
(3) 1968 annual earnings	10,000	4,000	2,000	16,000
(4) 30 percent of line (3)	3,000	1,200	600	4,800
(5) 1969 § 504(a) historical allowables after § 504(c) "upstream" adjustments	3,000	2,000	0	5,000
(6) § 504(f) carry-forward allowable	0	0	1,000	1,000

Presumably, DI will elect to use its adjusted historical allowables rather than elect the 30 percent earnings allowable under § 504(b), since the total historical allowables ($5,000,000) under § 504(a) exceed the total allowables available to DI ($4,800,000 as shown on line (4)) if DI elected the 30 percent earnings allowable. While no part of the $1,000,000 carry forward allowable in Schedule A from 1968 can be adjusted upstream, DI may use that $1,000,000 carry forward allowable in Schedule A.

Under § 504(d), DI may use any portion of its Schedule C adjusted historical allowable downstream in Schedule B or A, thereby, in effect, returning those allowables to their original scheduled areas.

Since DI has an unadjusted historical allowable in Schedule C of $1,000,000, the amount moved to Schedule C from Schedules A and B is $2,000,000, i.e., the difference between 30 percent of 1968 earnings in Schedule C and the historical allowable in Schedule C. The total amount of adjusted historical allowable of $3,000,000 can be used in Schedules C, B, or A in 1969 or in Schedules C, B, or A in succeeding years in the same manner as is generally permitted for § 504 allowables in Schedule C.

Example (10). In 1969, DI has § 504(a) historical allowables in each of the scheduled areas as shown on line (1) of the table below, and DI's share of annual earnings in 1968 in each of the scheduled areas is as shown on line (2) of that table. Presumably, DI will elect under § 502(a)(3) the 30 percent earnings allowable (see line (3) below):

	(000 omitted)			
	Schedule C	Schedule B	Schedule A	Total
(1) § 504(a) historical allowables	500	2,000	4,000	6,500
(2) 1968 annual earnings	10,000	8,000	10,000	28,000
(3) 30 percent of line (2)	3,000	2,400	3,000	8,400
(4) 1969 § 504(a) historical allowables after § 504(c) upstream adjustments	3,000	2,400	1,100	6,500

Note that the total allowables available to DI under the 30 percent earnings allowable ($8,400,000) exceed the total historical allowables available to DI ($6,500,000) under § 504 (a) and (c) and that the 30 percent earnings allowables are divided among the scheduled areas to reflect DI's share of 1968 annual earnings in each schedule. Note also that whether the earnings or the adjusted historical allowable is elected, DI may use such allowables "downstream" under § 504(d). Thus, for example, all of the above allowables could be used in Schedule A.

Example (11). DI has no historical allowables under § 504(a) as shown on line (1) of the table below. In 1968, DI had earnings in each of the scheduled areas as shown on line (2) of that table. Presumably, DI will elect under § 502(a)(3) to compute its 1969 allowables based on the 30 percent earnings allowable under § 504(b) (see line (3) below):

	(000 omitted)			
	Schedule C	Schedule B	Schedule A	Total
(1) § 504(a) historical allowables	0	0	0	0
(2) 1968 annual earnings	10,000	6,000	1,000	17,000
(3) 30 percent of line (2)	3,000	1,800	300	5,100
(4) 1969 § 504(a) historical allowable after § 504(c) upstream adjustments	0	0	0	0

Section 504 (a) and (c) would not be elected since DI has no historical allowable. During 1969, however, DI may (as also provided by previous regulations) make positive direct investment in Schedule B or Schedule A in excess of the amounts indicated in those scheduled areas in line (3) above if DI uses the downstream provisions of § 504(d). In other words, DI may carry down all or part of its Schedule B earnings allowable to Schedule A under § 504(d)(2), and all or part of its Schedule C earnings allowable to Schedules B or A under § 504(d)(3).

4. *Downstream use of allowables in 1969 under § 504.* While there is a limit under § 504(c) on the "upstream" adjustment of § 504(a) historical allowables, § 504(d) (2) and (3) preserve the provisions in the prior regulations for use downstream of the entire amount of § 504 allowables (that is, Schedule B allowables may be used in Schedule A, and Schedule C allowables may be used in Schedules B or A). As in the prior regulations, the one exception is that "total losses" of incorporated AFNs in Schedule C may only be used under § 504 in succeeding years in Schedule C for reinvestment of earnings. However, § 504(f)(3)(i) now permits a positive net transfer of capital to Schedules A, B or C in 1969 if DI had an "excess dividend" carry forward from 1968; under the prior regulations, DI was only authorized to reinvest additional earnings in Schedule C in such circumstances.

5. *Positive direct investment in Schedule C.* Under revised § 504, it is no longer necessary for a DI to have an incorporated AFN in Schedule C in order to make a positive net transfer of capital to, or to reinvest earnings in, Schedule C. During 1968, a DI was not authorized by § 504 to make a positive net transfer of capital to, or to reinvest any part of its share in the earnings of incorporated AFNs in, Schedule C unless the DI had incorporated AFNs which had 1968 "total earnings" or incorporated AFNs which had no "total earnings" but which, nevertheless, paid a dividend. In 1969, because of the earnings allowable in § 504(b) and the upstream adjustment of historical allowables in § 504(c), DIs will have greater Schedule C flexibility. Thus, a DI who elects the earnings allowable and whose AFNs had "annual earnings" due to a profitable Schedule C branch in 1968 is authorized by § 504(b) to make a postive net transfer of capital to, or to reinvest earnings of its incorporated AFNs in, Schedule C in an amount equal to 30 percent of the 1968 annual earnings. If it elects the historical allowable, on the other hand, it may shift part or all of its Schedule A or Schedule B historical § 504 allowables to Schedule C up to an amount equal to 30 percent of the 1968 annual earnings in Schedule C.

The following examples are illustrative:

Example (12). DI's sole Schedule C AFN is a branch which had earnings of $100,000 in 1968. DI had no historical allowables under § 504(a)(3). Positive direct investment in the branch was not authorized under § 504 in 1968 since § 504(a)(3), as effective for that year, limited positive direct investment to reinvestment of current earnings of incorporated AFNs except in "excess dividend" cases. In 1969, however, DI is authorized to make a positive net transfer of capital to its Schedule C branch of $30,000 (30 percent of $100,000) under the 30 percent earnings allowable of § 504(b). Alternatively, if DI elects the adjusted historical allowable under § 502(a)(2), it may make a positive net transfer of capital to Schedule C if it has Schedule B or A historical allowables which are moved "upstream" under § 504(c).

Example (13). DI's sole Schedule C AFN is a corporation which had $1,000,000 in earnings 1968 but has $500,000 in losses in 1969. Therefore, DI has no § 504(a)(3) allowable in 1969 because under § 504(a)(3) the Schedule C historical allowable is calculated as the lesser of (a) 35 percent of annual average direct investment in 1965–66, and (b) the annual average percent of earnings reinvested in 1964, 1965, and 1966 times current (i.e., 1969) total earnings of incorporated AFNs, and under the latter test the allowable is zero. In 1969, however, DI is authorized to make a postive net transfer of capital to its Schedule C AFN of $300,000 (30 percent of $1,000,000) under the 30 percent earnings allowable of § 504(b), or, if that allowable is not elected, it may adjust "upstream" under § 504(c) up to $300,000 of Schedule A or B § 504(a) historical allowables. In 1970, DI may use its 1969 "total losses" of $500,000 in Schedule C to reinvest an additional $500,000 of earnings (but for no other purpose) under § 504(e). Note that in 1970, no positive net transfer of capital may be made in Schedule C under the 30 percent earnings allowable nor will any "upstream" adjustment of any Schedule B or A allowable be possible since there are no 1969 earnings upon which such earnings allowable or "upstream" adjustment of historical allowables can be based.

6. *Comparison of "aggregate annual losses" and "total losses;" "annual earnings," "aggregate annual earnings," "total earnings" and "reinvested earnings."* The terms "annual earnings," "aggregate annual earnings and losses," "total earnings and losses," and "reinvested earnings" are related in concept. They differ in that some are schedular calculations ("annual earnings," "total earnings and losses") and others are worldwide calculations ("aggregate annual earnings and losses"). They also differ in that some apply only to incorporated AFNs ("total earnings and losses," "reinvested earnings") and others apply to both incorporated and unincorporated AFNs ("annual earnings," "aggregate annual earnings and losses"). "Reinvested earnings" is both a schedular and worldwide calculation depending upon whether positive direct investment is being calculated under § 504 or under §§ 503 and 506, and differs from the other terms in that it is calculated after payment of dividends to the DI and interschedular dividends and remittances.

Viewed in the context of the regulations, the terms may also be compared as follows: Section 503(b) requires that all "aggregate annual losses" of AFNs be disregarded in computing the amount of direct investment made under the minimum allowable. Sections 504(e) and 506(d) require that "total losses" of incorporated AFNs in Schedule C be disregarded in computing the amount of direct investment made under the allowables provided for in §§ 504 and 506. As illustrated in the example below, the term "aggregate annual losses" in § 503 refers to consolidated losses of all AFNs where losses of AFNs which have losses exceed earnings of AFNs which have earnings whether they are incorporated or unincorporated. "Aggregate annual losses" under § 503 are calculated in the same manner as "aggregate annual earnings" under § 506, except the former is always negative.

The term "total losses," on the other hand, as defined in § 306(c), refers to the excess of the sum of the losses of all incorporated AFNs which had losses over the sum of the earnings of all AFNs which had earnings in a particular scheduled area. For all practical purposes, DIs need only be concerned with "total losses" in Schedule C, since it is only in Schedule C that "total losses" are disregarded in computing positive direct investment for purposes of §§ 504 and 506.

Example (15). DI has two incorporated AFNs and one unincorporated AFN in Schedule C, an unincorporated AFN in Schedule B and an incorporated AFN in A. (In the table below, "c" indicates an incorporated AFN and "b" indicates an unincorporated AFN.) In 1969, DI's AFNs have the earnings and losses shown on line (1) below. Schedular "total losses" are shown on line (2) below. "Aggregate annual losses" to be disregarded under § 503(b) are shown on line (3). Assuming no other relevant transactions other than the earnings and losses given in the table, and that no earnings are remitted or dividends paid, total positive direct investment under § 503, if elected, is shown on line (4) below. If § 504 earnings or historical allowables were elected, schedular positive direct investment under that section would be computed as shown on line (5) below, again assuming no earnings are remitted or dividends paid:

	(000 omitted)				
	Schedule C			Schedule B	Schedule A
	c	c	b	b	c
(1) 1969 earnings or losses of each AFN	200	(300)	(400)	600	(400)
(2) "Total losses"		(100)			(500)
(3) "Aggregate annual losses" (worldwide)				(500)	
(4) Direct investment under § 503 (worldwide)				0	
(5) Direct investment under § 504		(400)		500	(400)

Section 504 (b) and (c) and § 506 provide for allowables, and adjustment of allowables, calculated as a percentage of "annual earnings" and "aggregate annual earnings". Section 504(a)(3) provides for an historical allowable in Schedule C calculated in part as a percentage of "total earnings" in Schedule C, the percentage itself being calculated by dividing average "reinvested earnings" during the base period years of 1964, 1965, and 1966 by average "total earnings" during those years. "Reinvested earnings" are added to net transfers of capital to determine the amount of direct investment during any year as provided in § 306(a). "Total earnings" are calculated on a schedular basis and in the same manner as "total losses" except, of course, the result is positive rather than negative. "Total earnings" and "total losses" are calculated without regard to dividends paid to the DI and interschedular dividends and remittances while "reinvested earnings" take account of such dividends and remittances. "Total earnings," "total losses" and "reinvested earnings" are

defined in § 306 (b) and (c) and are fully explained in General Bulletin No. 1 § B306 (c) and (d). Their application to the computation of the historical allowable in Schedule C is set forth in General Bulletin No. 1 § B504(c). "Annual earnings" is similiar to "total earnings" and "total losses" in that they are all computed on a schedular basis and do not take into account dividends paid to the DI and interschedular dividends or remittances. However, "annual earnings" includes the earnings of unincorporated as well as incorporated AFNs, and unlike "total earnings" it may be a negative amount though for purposes of calculating the earnings allowable under § 504 any negative amount is treated as if it were zero. "Aggregate annual earnings" and "aggregate annual losses" are the same as "annual earnings" except that they are computed on a worldwide and not a schedular basis; that is, they are the positive and negative sum of "annual earnings" in the three scheduled areas.

The following example illustrates the distinctions between "total earnings," "reinvested earnings," "annual earnings," and "aggregate annual earnings":

Example (16). DI has incorporated and unincorporated AFNs in each of the scheduled areas as shown in the table below. (Incorporated AFNs are shown as "c"; incorporated AFNs with branches or subsidiaries in other scheduled areas are shown as "c[1]"; incorporated AFNs which are subsidiaries of other incorporated AFNs are shown as "c[2]"; unincorporated AFNs are shown as "b"; and unincorporated AFNs which are branches of incorporated AFNs in other scheduled areas are shown as "b[2]".) Line (1) of the table shows annual earnings or losses of each of the AFNs calculated without regard to dividends or remittances. Line (2) shows schedular "total earnings". Line (3) shows "reinvested earnings"; that is, line (2) after adjustments for interschedular dividends and remittances and dividends paid to the DI. In this case, "c" paid dividends (calculated before deducting foreign withholding taxes) to DI of $100,000 and received dividends from "c[2]" of $20,000 and remittances from "b[2]" of $50,000 (before deducting foreign withholding taxes). Line (4) shows schedular "annual earnings." Line (5) shows "aggregate annual earnings."

(000 omitted)

	Schedule C			Schedule B		Schedule A	
	c[1]	c	b	c	b[2]	c[2]	b
(1) Earnings or losses	500	(100)	50	200	100	40	50
(2) "Total earnings"	400			300		60	
(3) "Reinvested earnings"	370			200		20	
(4) "Annual earnings"	450			300		120	
(5) "Aggregate annual earnings"	570						

7. Conforming and technical amendments. Amendments have been made to §§ 312(c)(1), 506, 602, 805, 905(b)(2), 906(b)(3)(ii), 1002 (b) and (c), and 1003 (b), (c), and (d) in large part to conform those provisions to the amendments to §§ 503 and 504.

Proposed § 312(c)(1) provides, in effect, that a DI who acquires an equity interest in an AFN from another DI also acquires the historical and earnings allowables (but not the carry forward allowables) associated with that AFN to the extent reasonably allocable to the acquired equity interest. The acquiring DI also assumes the divesting DI's current direct investment position with respect to the AFN. Because of the amendment to § 312(c)(1), the previous provisions of § 506(e)—passing on incremental allowables to acquiring DIs—is unnecessary and has been deleted.

Sections 1002 and 1003 of Subpart J have been amended to conform to revised § 504 and to proposed Subpart M. (Proposed M is being published in the FEDERAL REGISTER at the same time as the present notice.) Section 1002(b) has also been revised to allow DIs 10 days after the date of a borrowing or guarantee within which to file certificates under Subpart J. Section 1003(c) has been amended to conform to the election provisions of § 502 and to recognize the greater emphasis given to worldwide allowables by the proposed amendments. As amended, § 1003(c) provides that repayments of long-term foreign borrowing reduce allowables first in the scheduled area to which the proceeds of the borrowing were transferred or allocated and thereafter in all other scheduled areas, beginning in Schedule C and thereafter in Schedules B and A in that order.

Section 506(a)(4) and (d) has been amended to conform to amended § 504 (a)(3), (b)(3), and (e) which now permit positive direct investment in Schedule C subject to the qualification that "total losses" of incorporated AFNs in that scheduled area may not be used to offset a positive net transfer of capital. Changes in defined terms also have been made in § 506 to make those terms more descriptive. Finally, a provision has been added to § 506(c) to make clear that where a DI has both §§ 503 and 506 allowables, or both §§ 504 and 506 allowables, and it does not make positive direct investment up to the total amount of those allowables, the unused portion carried forward into succeeding years is considered to be the more usable and desirable § 506 allowable to the extent that such unused portion is not in excess of that allowable.

Former § 504(a)(3) as in effect December 31, 1968 contained a parenthetical statement explaining the calculation of the historical allowable for Schedule C. That provision said, in effect, that no allowable existed in Schedule C if average direct investment or average reinvested earnings in the base period was zero or a negative amount. That provision has been deleted as unnecessary and no change in substance is involved.

8. Exemptions from quarterly reporting. The Office proposes to amend the instructions for completing quarterly reports on Form FDI–102 to exempt from filing such reports DIs who meet all of the following requirements:

(a) The DI has not made direct investment (whether positive or negative) in the years 1968, 1969, and any succeeding year in excess of $1,000,000. For this purpose, direct investment in Canada will be included and no deduction will be made for proceeds of long term foreign borrowing expended in, or allocated to, transfers of capital to AFNs even though deducted under § 313(d)(1) for purposes of determining compliance under § 201(a).

(b) The DI is and at all times has been in compliance with the program.

(c) The DI has received no specific authorization to make positive direct investment during 1969 or succeeding years in excess of the amounts generally authorized by the regulations.

The exemption will cease to apply if at any time during the year any of the above conditions are not met, and a quarterly report will thereafter be required.

9. Effect on General Bulletins Nos. 1 and 2. General Bulletins Nos. 1 and 2, as amended and modified in the notice published in the FEDERAL REGISTER on November 9, 1968 (33 F.R. No. 16441), interpret the regulations as in effect for 1968, and will continue to do so for 1969 to the extent not affected by these proposed amendments. Because of the central importance of the proposals, if adopted, however, those General Bulletins will need to be used in 1969 with care until such time as a revised General Bulletin is issued.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments to the Chief Counsel, Legal Division, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230. Communications concerning the proposed amendments will be considered if received within 30 days after publication of this notice in the FEDERAL REGISTER. Subsequent to such time, the amendments will be published in the FEDERAL REGISTER in final form as proposed or as changed in the light of comments received.

The text of the proposed amendments is as follows:

1. Subparagraph (1) of paragraph (c) of § 1000.312 is amended to read as follows:

§ 1000.312 Transfers of capital.

* * * * * * *

(c) * * *

(1) An acquisition by a direct investor described in paragraph (a)(1) of this section if the acquisition is from a person within the United States acting for its own account and such person is, immediately prior to the time of acquisition, a direct investor in the affiliated foreign national. If the acquisition is of an equity interest, and if the person from whom the acquisition is made ceases, as a result of the acquisition, to be a direct investor in the affiliated foreign national, (i) the net transfer of capital (calculated without regard to § 1000.313(d)(1)) made by the divesting direct investor to the affiliated foreign national in the year of the acquisition shall be deemed to have been made by the acquiring direct investor, (ii) the direct investment made by the divesting direct investor in the affiliated foreign national during the years 1965 and 1966 shall be deemed to have been made by the acquiring direct investor, and (iii) the divesting direct investor's share in earnings or losses in the affiliated foreign national prior to the acquisition shall be deemed attributable to the acquiring direct investor. If the divesting direct investor does not, as a result of the acquisition, cease to be a direct investor in the affiliated foreign national, only that portion of such net transfer of capital, direct investment, and share in earnings or losses reasonably allocable to the interest acquired shall be deemed to have been made by or attributed to the acquiring direct investor. Any net transfer of capital, direct investment, or share in earnings or losses deemed made by or attributed to an acquiring direct investor under this subparagraph shall be excluded in the computation of net transfers of capital, direct investment, or earnings or losses of the divesting direct investor.

2. Sections 1000.501 and 1000.502 are consolidated and revised to read as follows:

§ 1000.501 Exclusion from authorization or exemption.

(a) No authorization or exemption contained in this part, or issued by or under the direction of the Secretary pursuant to this part, shall be deemed to authorize or validate any direct investment made prior to the issuance thereof, unless such authorization or other exemption specifically so provides.

(b) The Secretary reserves the right to exclude transactions or property or classes thereof from the operation of any authorization or exemption or from the privileges therein conferred, or to restrict the applicability thereof with respect to particular persons. Such action shall be binding upon all persons receiving actual notice or constructive notice thereof.

3. A new § 1000.502 is added to read as follows:

§ 1000.502 Elections with respect to §§ 1000.503 and 1000.504.

(a) A direct investor shall elect for each year, commencing with the year 1969, to be governed by the provisions of

(1) Section 1000.503, or

(2) Section 1000.504 (a) and (c), or

(3) Section 1000.504(b).

(b) The election made pursuant to this paragraph shall be binding and effective as to all (and not less than all) scheduled areas and as to the year for which the election is made, and shall be made on Form FDI–102F timely filed by the direct investor pursuant to § 1000.602(b)(3) for the year for which the election is made.

4. Section 1000.503 is revised to read as follows:

§ 1000.503 Positive direct investment not exceeding $1,000,000; minimum allowable.

(a) If for any year commencing with the year 1969 a direct investor elects under § 1000.502(a)(1), positive direct investment is authorized for such year in an aggregate amount not exceeding $1,000,000.

(b) For the purposes of this section, aggregate annual losses of incorporated and unincorporated affiliated foreign national during any year shall be disregarded in calculating direct investment made by a direct investor during such year. The term "aggregate annual losses" means the algebraic sum of a direct investor's annual earnings in all scheduled areas as defined in § 1000.504(b)(4) if such sum is negative.

(c) If positive direct investment is made during any year commencing with the year 1969 under this section, no positive direct investment shall be authorized in such year under § 1000.504 and any positive direct investment which would otherwise have been authorized in such year under § 1000.504 (d) or (f) shall, notwithstanding those provisions, not be authorized in such year or succeeding years.

(d) Positive direct investment made during the year 1968 which was authorized by § 1000.503 as in effect for such year shall reduce the amount of positive direct investment authorized to be made in succeeding years under § 1000.504(f). Such reduction shall first be made in the scheduled area in which such positive direct investment was made, and to the extent that the amount of positive direct investment made in such scheduled area exceeds the amount of positive direct investment authorized to be made in such scheduled area under § 1000.504(f), further reductions shall be made in the amount of positive direct investment authorized under § 1000.504(f) in Schedules C, B, and A, in that order, until such reductions shall equal in the aggregate the total amount of positive direct investment made or the total amount of positive direct investment authorized under § 1000.504(f), whichever is less.

5. Section 1000.504 is revised to read as follows:

§ 1000.504 Authorized positive direct investment in scheduled areas; schedular allowables.

(a) *Historical allowables.* If for any year commencing with the year 1969 a direct investor elects under § 1000.502(a)(2), positive direct investment for such year is authorized as follows:

(1) In Schedule A, in an amount not exceeding 110 percent of the average of direct investment by the direct investor in Schedule A during the years 1965 and 1966;

(2) In Schedule B, in an amount not exceeding 65 percent of the average of direct investment by the direct investor in Schedule B during the years 1965 and 1966;

(3) In Schedule C, in an amount not exceeding the lesser of (i) 35 percent of the average of direct investment by the direct investor in Schedule C during the years 1965 and 1966, or (ii) an amount computed by multiplying the direct investor's share in the total earnings (calculated as provided in § 1000.306(c)) of all incorporated affiliated foreign nationals in Schedule C during such year by a fraction, the numerator of which is the portion of the direct investor's share in the total earnings of all incorporated affiliated foreign nationals in Schedule C which was reinvested during the years 1964, 1965, and 1966, and the denominator of which is the direct investor's share in the total earnings during such years of such incorporated affiliated foreign nationals.

(b) *Earnings allowable.* If for any year commencing with the year 1969 a direct investor elects under § 1000.502(a)(3), positive direct investment for such year is authorized as follows:

(1) In Schedule A, in an amount not exceeding 30 percent of the annual earnings of the direct investor in Schedule A during the immediately preceding year.

(2) In Schedule B, in an amount not exceeding 30 percent of the annual earnings of the direct investor in Schedule B during the immediately preceding year;

(3) In Schedule C, in an amount not exceeding 30 percent of the annual earnings of the direct investor in Schedule C during the immediately preceding year.

(4) The term "annual earnings" means the algebraic sum of a direct investor's share of total earnings or total losses during a year of all the direct investor's incorporated affiliated foreign nationals in a scheduled area (excluding Canadian affiliates as defined in § 1000.1101(a) from Schedule B) determined in accordance with the provisions of § 1000.306(c) and the direct investor's share of net earnings or losses during such year of all the direct investor's unincorporated affiliated foreign nationals in such scheduled area (excluding Canadian affiliates as defined in § 1000.1101(a) from Schedule B) determined in accordance with accounting principles generally accepted in the United States consistently applied: *Provided*, That annual earnings of less than zero shall for purposes of this section be treated as zero.

(c) *Adjustment to historical allowable.* If for any year commencing with the year 1969 a direct investor elects under § 1000.502(a)(2),

(1) The amount of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section shall be increased by the lesser of either the amount by which 30 percent of annual earnings in Schedule C during the immediately preceding year is in excess of positive direct investment authorized in Schedule C under said paragraph (a)(3) during the current year or by the amount of positive direct investment authorized

in Schedule A under paragraph (a)(1) of this section: *Provided*, That the amount of positive direct investment authorized in Schedule A under said paragraph (a)(1) shall be reduced by the amount of such increase;

(2) The amount of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section shall be increased by the lesser of either the amount by which 30 percent of annual earnings in Schedule C during the immediately preceding year is in excess of positive direct investment authorized in Schedule C under paragraphs (a)(3) and (c)(1) of this section during the current year or by the amount of positive direct investment authorized in Schedule B under paragraph (a)(2) of this section: *Provided*, That the amount of positive direct investment authorized in Schedule B under said paragraph (a)(2) shall be reduced by the amount of such increase; and

(3) The amount of positive direct investment authorized in Schedule B under paragraph (a)(2) of this section shall be increased by the lesser of either the amount by which 30 percent of annual earnings in Schedule B during the immediately preceding year is in excess of positive direct investment authorized in Schedule B under said paragraph (a)(2) during the current year or by the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section (calculated after the reduction provided in subparagraph (1) of this paragraph): *Provided*, That the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section shall be reduced by the amount of such increase.

(d) *Carry-forward allowables and use of schedular allowables in other scheduled areas.* (1) If, during any year commencing with the year 1969, the amount of positive direct investment authorized to a direct investor in Schedule A under paragraphs (a)(1) and (c) of this section or paragraph (b)(1) of this section exceeds the amount of direct investment (whether positive or negative) made by the direct investor during such year in Schedule A, or if no positive direct investment is so authorized to the direct investor in Schedule A during such year but the direct investment by the direct investor in Schedule A during such year is negative, the direct investor is authorized to make additional positive direct investment in Schedule A during succeeding years in an aggregate amount of not more than the amount of such excess, or the amount of such negative direct investment, as the case may be.

(2) If, during any year commencing with the year 1969, the amount of positive direct investment authorized to a direct investor in Schedule B under paragraphs (a)(2) and (c) of this section or paragraph (b)(2) of this section exceeds the amount of direct investment (whether positive or negative) made by the direct investor during such year in Schedule B, or if no positive direct investment is so authorized to the direct investor in Schedule B during such year but the direct investment by the direct investor in Schedule B during such year is negative, the direct investor is authorized to make additional positive direct investment in Schedule B during succeeding years in an aggregate amount of not more than the amount of such excess, or the amount of such negative direct investment, as the case may be.

(3) If, during any year commencing with the year 1969, the amount of positive direct investment authorized to a direct investor in Schedule C under paragraphs (a)(3) and (c) of this section or paragraph (b)(3) of this section exceeds the amount of direct investment (whether positive or negative) made by the direct investor during such year in Schedule C, or if no positive direct investment is so authorized to the direct investor in Schedule C during such year but the direct investment by the direct investor in Schedule C during such year is negative, the direct investor is authorized to make additional positive direct investment in Schedule A or B during such year, and, to the extent additional positive direct investment in Schedules A or B is not made during such year, the direct investor is authorized to make additional positive direct investment Schedules A, B, or C during succeeding years: *Provided*, That the aggregate of additional postive direct investment authorized by this subparagraph shall not be more than the amount of such excess, or the amount of such negative direct investment, as the case may be.

(e) *Schedule C total losses; reinvestment allowable.* If the incorporated affiliated foreign nationals of a direct investor in Schedule C have total losses during any year commencing with the year 1969 (calculated as provided in § 1000.306(c)), such losses shall, for purposes of this section, be disregarded in calculating the direct investment (whether positive or negative) made by the direct investor in Schedule C for such year: *Provided*, That the direct investor shall be authorized to reinvest additional earnings of incorporated affiliated foreign nationals in Schedule C during succeeding years in an aggregate amount of not more than the direct investor's share of such total losses.

(f) *Carry forward allowables from 1968.* (1) A direct investor authorized under former § 1000.504(b)(1), as in effect on December 31, 1968, to make positive direct investment in Schedule A during 1969 and succeeding years in positive direct investment in Schedule A during 1969 and succeeding years in an aggregate amount not to exceed the amount of positive direct investment so authorized to be made during 1969 under said former § 1000.504(b)(1).

(2) A direct investor authorized under former § 1000.504(b)(2), as in effect on December 31, 1968, to make positive direct investment in Schedule B during 1969 is authorized to make positive direct investment in Schedule A or B during 1969 and succeeding years in an aggregate amount not to exceed the amount of positive direct investment so authorized to be made during 1969 under said former § 1000.504(b)(2).

(3)(i) A direct investor authorized to make positive direct investment, to make a positive net transfer of capital, or to reinvest additional earnings of incorporated affiliated foreign nationals under former § 1000.504(c)(1) and (2), as in effect on December 31, 1968, is authorized to make positive direct investment in Schedules A, B, or C during 1969 and succeeding years in an aggregate amount not to exceed the aggregate amount of positive direct investment, positive net transfer of capital, and additional reinvested earnings so authorized to be made under said former §1000.54(c)(1) and (2).

(ii) A direct investor authorized under former § 1000.504(c)(3), as in effect on December 31, 1969, to reinvest earnings of incorporated affiliated foreign nationals in Schedule C during 1969 shall be authorized to reinvest earnings of incorporated affiliated foreign nationals in Schedule C during 1969 or succeeding years in an aggregate amount not to exceed the amount of earnings so authorized to be reinvested during 1969 under said former § 1000.504(c)(3).

6. Section 1000.506 is revised to read as follows:

§ 1000.506 Additional authorized positive direct investment in any one or more scheduled areas; incremental earnings allowable.

(a) For the purposes of this section:

(1) The term "aggregate annual earnings" means the algebraic sum of a direct investor's annual earnings in all scheduled areas as defined in § 1000.504(b)(4).

(2) The term "base period aggregate annual earnings" means an amount equal to 50 percent of the sum of the aggregate annual earnings for the years 1966 and 1967: *Provided*, That the base period aggregate annual earnings shall in no event be less than zero.

(3) The term "incremental earnings" means, with respect to each year beginning with the year 1970, the amount, if any, by which the aggregate annual earnings for such year exceed the base period annual earnings.

(4) The term "incremental earnings allowable" means, with respect to each year beginning with the year 1970 in which there are incremental earnings, a sum equal to the amount, if any, by which 40 percent of the incremental earnings for such year exceeds the greatest of the following (computed without regard to the reduction provisions of § 1000.1003 and without regard to any election made under § 1000.502(a)): (i) The aggregate amount of positive direct investment authorized to be made by the direct investor during such year in all scheduled areas under § 1000.503, or (ii) the amount of positive direct investment, if any, authorized to be made by the direct investor during such year in all scheduled areas under § 1000.504(a)(1), (2), and (3), or (iii) the amount of positive direct investment, if any, authorized to be made by the direct investor during such year in all scheduled areas under § 1000.504(b)(1), (2), and (3).

(b) Positive direct investment by a direct investor during any year commencing with the year 1970 is authorized: *Provided*, That the positive direct investment made by the direct investor during such year pursuant to this paragraph in any one scheduled area shall not exceed the incremental earnings allowable for such year: *And provided further*, That the positive direct investment made by the direct investor in each scheduled area during such year pursuant to this paragraph, when added together, shall not exceed the incremental earnings allowable for such year.

(c) If, during any year commencing with the year 1970, the incremental earnings allowable authorized to a direct investor under paragraph (b) of this section exceeds the aggregate of positive direct investment made by the direct investor during such year in all scheduled areas under paragraph (b) of this section, the direct investor is authorized to make additional positive direct investment, during succeeding years, in each scheduled area: *Provided*, That the positive direct investment made by the direct investor during any year pursuant to this paragraph in any one scheduled area shall not exceed the amount of such excess: *And provided further*, That the positive direct investment made by the direct investor in each scheduled area in all years pursuant to this paragraph, when added together, shall not exceed the amount of such excess. To the extent that any positive direct investment made by a direct investor in any year is authorized by § 1000.503 or § 1000.504, it shall be deemed to have been made pursuant to said sections and not pursuant to this section.

(d) If the incorporated affiliated foreign nationals of a direct investor in Schedule C have total losses during any year commencing with 1970 (calculated as provided in § 1000.306(c)), such total losses shall, for purposes of this section, be disregarded in computing the amount of positive direct investment made by the direct investor in Schedule C during the years involved.

7. Section 1000.602 is revised to read as follows:

§ 1000.602 Reports.

(a) Every person is required to furnish under oath, in the form of reports or otherwise, from time to time and at any time as may be required by the Secretary, complete information relative to any transaction with respect to which records are required to be kept under this part or information otherwise reasonably related to direct investment or the purposes of Executive Order 11387 or of this part. The Secretary may require that such reports include the production of any books of account, contracts, letters, or other papers, relevant to direct investment or transactions related thereto in the custody or control of persons required to make such reports. Complete information with respect to transactions related to direct investment may be required either before or after such transactions are completed. The Secretary may, through any person or agency, investigate any such transaction or any violation of the provisions of this part, regardless of whether any report has been required or filed in connection therewith.

(b) Unless a direct investor is exempt from filing a report as provided in the instructions to said report, the following periodic reports are required to be filed by direct investors with the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230, in addition to such other reports as may be required under paragraph (a) of this section:

(1) Form FDI–101, Base Period Report: This report must be filed by March 15, 1968, or if the reporter first becomes a direct investor after January 1, 1968, such direct investor shall file a Form FDI–101 on or before the end of the month following the close of the calendar quarter during which it became a direct investor. If a direct investor is exempt from reporting as provided in the instructions to Form FDI–101, and if the exemption subsequently ceases to apply, such direct investor shall file a Form FDI–101 on or before the end of the month following the close of the calendar quarter during which the exemption ceases to apply.

(2) Form FDI–102, Cumulative Quarterly Report: This report must be filed within 45 days after the close of each quarter of a year.

(3) Form FDI–102F, Annual Report: This report must be filed for years commencing with 1968 by April 30 of the year succeeding the year for which the report is made.

(c) Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230, or from any Field Office of the Department.

8. Section 1000.805 is revised to read as follows:

§ 1000.805 Rules governing availability of information.

Completed Forms FDI–101, –102, –103, –103A, –104, –105 or any other completed forms filed with the Office, applications and requests for specific authorizations exemptions or interpretations, petitions for reconsideration, appeals, materials submitted thereunder, and decisions thereon are considered to be matters covered by 5 U.S.C. 552(b). Other information, records, and material of the Office of Foreign Direct Investments if required by 5 U.S.C. 552 to be made available to the public shall be available in accordance with the provisions of Department Order 64 of the Secretary of Commerce (32 F.R. 9643, July 4, 1967) and in accordance with the provisions of Part 4 of this title (32 F.R. 9643, July 4, 1967).

9. Section 1000.905(b) is amended by deleting the figure "$200,000" in subparagraph (2) thereof and by substituting therefor the figure "$1,000,000." As amended, said subparagraph (2) reads as follows:

§ 1000.905 Associated groups.

* * * * * *

(b) * * *

(2) Notwithstanding the provisions of § 1000.503, no positive direct investment made during any year, commencing with the year 1969, by any member of an associated group in a group affiliated foreign national of the associated group shall be authorized by § 1000.503 if the positive direct investments made during the year by all members of the associated group in all such group affiliated foreign nationals, when added together, exceed $1,000,000.

10. Section 1000.906(b)(3) is amended by deleting the figure "$200,000" in subdivision (ii) thereof and by substituting therefore the figure "$1,000,000." As amended, said subdivision (ii) reads as follows:

§ 1000.906 Ownership of direct investors.

* * * * * *

(b) * * *

(3) * * *

(ii) Notwithstanding the provisions of § 1000.503, no positive direct investment made (or deemed to have been made under subdivision (i) of this subparagraph) during any year, commencing with the year 1969, by a consenting owner in an affiliated foreign national of the principal direct investor shall be authorized by § 1000.503 if the positive direct investments made or deemed to have been made during the year by all consenting owners in all affiliated foreign nationals of the principal direct investor, when added together exceed $1,000,000.

11. Paragraphs (b) and (c) of § 1000.1002 are revised as follows:

§ 1000.1002 Transfers of capital in connection with repayment of borrowings.

* * * * *

(b) The certificate required by subparagraphs (5) and (6) of paragraph (a) of this section shall, except as otherwise provided in paragraph (e)(3) of this section, be delivered to the Secretary within 10 days after the date of the borrowing by the direct investor or the date of the guarantee of the borrowing by the affiliated foreign national, as the case may be. It shall be executed by the direct investor or a duly authorized representative of the direct investor, shall state the amount of the borrowing, and the amount and the terms for required principal repayments (calculated on the basis of the aggregate principal amount due in each calendar year), shall identify the lender (or the managing underwriter, if the borrowing involves a public offering), and shall certify as follows:

* * * * *

(2) If the direct investor believes, on the basis of all facts and circumstances existing when the certificate is delivered to the Secretary, that it will make transfers of capital in connection with repayment of the borrowing within the aforesaid 7-year period, but also believes, on the basis of such facts and circumstances, that no positive direct investment by the direct investor in any scheduled area during any year will result in whole or in part from such transfers, or that any positive direct investment in any scheduled area which does result from such transfers will be authorized by this part (otherwise than by this section), the certificate shall state such beliefs and the reasons therefor.

(c) In determining whether a transfer of capital in connection with the repayment of a borrowing will be made within 7 years from the date of the borrowing or the gaurantee thereof, as the case may be, and whether any such transfer will result in unauthorized positive direct investment during any year:

* * * * *

(3) A direct investor must consider, if a guaranteed borrowing by an affiliated foreign national is involved, whether the borrowing affiliated foreign national is reasonably likely to have sufficient financial resources to repay the borrowing after such affiliated foreign national (and all other affiliated foreign nationals in the same scheduled area) have paid all dividends or remittance which they may be required to pay by virtue of the limitations which the regulations impose on positive direct investment.

12. Section 1000.1003 (b), (c), and (d) are revised to read as follows:

§ 1000.1003 Effect of transfers of capital in repayment of borrowings.

* * * * *

(b) The amount of positive direct investment authorized to be made by a direct investor under Subparts E and M of this part shall be reduced as provided in paragraphs (c) and (d) of this section until reductions equal in the aggregate to the repayment charge shall have been made.

(c) (1) In any year in which a repayment charge is incurred, the amount of positive direct investment authorized to be made by the direct investor shall be reduced as follows: Reduction shall first be made in the amount of positive direct investment authorized under Subparts E and M of this part in the scheduled area in which the positive direct investment under § 1000.1002 was made and to the extent that the repayment charge exceeds the amount of positive direct investment so authorized in such scheduled area, further reduction shall be made in the amount of positive direct investment authorized under Subpart E of this part in Schedules C, B, and A, in that order: *Provided*, That the amount of the reduction shall not exceed the repayment charge and that such reduction shall not reduce authorized positive direct investment in any year to an amount less than zero.

(2) Reductions under subparagraph (1) of this paragraph in the amount of positive direct investment authorized in Schedule C pursuant to § 1000.504 shall be made first in the amount of authorized positive direct investment under § 1000.504 (a) or (b) and then in the amount of authorized reinvested earnings under § 1000.504(e).

(3) Reductions in the amount of authorized positive direct investment under subparagraph (1) of this paragraph for a repayment charge attributable to transfers of capital primarily related to operations in foreign air transportation by direct investors described in § 1000.1302(a) shall be made first in the amount of authorized positive direct investment under Subpart M of this part and then in the amount of positive direct investment authorized under § 1000.504 (a) or (b).

(d) If the repayment charge incurred in any year exceeds the amount of positive direct investment authorized to be made by the direct investor for such year, reductions shall be made in each succeeding year in the same manner and order as set forth in paragraph (c) of this section.

13. The amendments hereby adopted shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all direct investment occurring during 1969 and succeeding years.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

DON D. CADLE,
Acting Director, Office of Foreign Direct Investments.

APRIL 4, 1969.

[F.R. Doc. 69-4125; Filed, Apr. 7, 1969; 8:49 a.m.]

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Affiliated Foreign Nationals of Air Carriers Engaged in Foreign Air Transportation

Notice is hereby given that the Office of Foreign Direct Investments (the "Office") proposes to amend Subpart M of the Foreign Direct Investment Regulations to add new §§ 1000.1302 and 1000.1303.

The amendments to Subpart M give U.S. flag air carriers a 30 percent of earnings allowable for use in 1969 and succeeding years in their foreign air transport operations analogous to the 30 percent earnings allowable available to all direct investors under § 1000.504(b). Because of the impracticality of segregating foreign air transport earnings on a schedular basis, however, this earnings allowable is worldwide and not on a schedular basis. This allowable is not elective and is in partial substitution for both the historical and earnings allowables provided by § 1000.504. That is, so far as foreign air transport operations are concerned (but not other operations), U.S. flag carriers may not elect to have § 1000.504 (a) and (c) or § 1000.504(b) apply rather than proposed § 1000.1302. If, however, the direct investor elects the worldwide $1,000,000 minimum allowable of § 1000.503, then § 1000.1302 is inapplicable and the minimum allowable applies to all of the direct investor's operations. A U.S. flag carrier's choices are therefore as follows: (1) § 1000.503 minimum allowable for all operations; (2) an adjusted § 1000.504(a) historical allowable for all operations plus a § 1000.1302 allowable for foreign air transport operations only; (3) an adjusted § 1000.504(b) earnings allowable for all operations plus a § 1000.1302 allowable for foreign air transport operations only.

The earnings from which the Subpart M allowable is calculated are defined largely in terms of Civil Aeronautics Board income statement accounts. For this purpose, there is deducted from territorial and international operating profit reported to the Civil Aeronautics Board all related air transport interest and amortization charges, substantially all non-air transport net operating revenues (such as profits or losses from hotels, foreign flag air transport operations, and other corporate investments) and relevant foreign taxes. U.S. flag carriers may make positive direct investment worldwide, without regard to scheduled area, in an amount up to 30 percent of such earnings in the previous year, so long as the investment is in equipment, inventory or facilities primarily related to the carrier's own operations in foreign air transportation.

Carrier investments which are not related to foreign air transportation operations are treated separately for all years (including the base period years 1964–66). With respect to such operations, a carrier may make positive direct investment, as provided in § 1000.504, in the same manner, and subject to the same limitations, as other direct investors except that the historical and earnings allowables under § 1000.504 are adjusted by § 1000.1302(d) to exclude consideration of the carrier's foreign air transportation operations. While proposed § 1000.1302 allowables may not be used to authorize positive direct investment in non-air transport operations, § 1000.504 allowables may, if the direct investor so chooses, be added to the § 1000.1302 allowables for use in foreign air transport operations.

The proposed amendments also redefine a U.S. flag air carrier's aggregate annual earnings and aggregate annual losses for purposes of computing the incremental allowable provided by § 1000.506 and for purposes of computing the losses which must in effect be added to direct investment under § 1000.503. Positive direct investment authorized under those sections, however, may be used for any investment, not solely air transport related investment, and no separate incremental earnings or minimum allowable is given for foreign air transport.

Each U.S. flag air carrier engaged in foreign air transportation will be required to file on or before May 31, 1969, a revised Form FDI–101, indicating its historical investment in non-air transport ventures. Separate Forms FDI–102 and Forms FDI–102F for air transport investment and earnings and for other investment and earnings will thereafter also be required to be filed by such direct investors.

The following examples are illustrative of the operations of § 1000.1302:

Example (1). During 1968, a U.S. flag airline ("DI") has foreign air transport earnings of $25,000,000 and unrelated, non-air transport, earnings in Schedule A of $5,000,000. DI has historical allowables under § 1000.504(a) of $3,000,000 in Schedule A as a result of equity investment in and loans to hotels, and ground transportation operations associated therewith, in the base period years of 1965 and 1966. Under § 1000.1302, DI would have a worldwide air transport earnings allowable of $7,500,000 (30 percent of $25,000,000) and a non-air transport earnings allowable in Schedule A of $1,500,000 (30 percent of $5,000,000). During 1969, the carrier may make air transport related positive direct investment worldwide of $7,500,000 and, assuming that the historical allowable under § 504(a) is elected, unrelated positive direct investment in Schedule A of $3,000,000. Any unused non-air transport allowable may be used by DI worldwide for air transport related activities as well as on a schedular basis for operations not related to foreign air transport. Any unused carry forward of air transport allowable may only be used in succeeding years for foreign air transportation operations. Any unused carry forward of allowables under § 504(f) may be used either worldwide if devoted to foreign air transportation or in the appropriate scheduled areas if used for other operations.

Example (2). A U.S. flag air carrier has non-air transport allowables under § 1000.504 of zero. For 1969, the carrier elects § 1000.503 and during 1969 it transfers $1,000,000 to Schedule C as a contribution to the capital of its wholly owned hotel corporation in that scheduled area. No other relevant transactions occur. Such investment is authorized by § 1000.503. No further positive direct investment is authorized during 1969 either in air transport or non-air transport activities.

Interested persons are invited to submit written comments, suggestions or objections concerning the proposed amendments to the Chief Counsel, Legal Division, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230. Communications concerning the proposed amendments will be considered if received within 30 days after publication of this notice in the FEDERAL REGISTER. Subsequent to such time, the amendments will be published in the FEDERAL REGISTER in final form as proposed or as changed in the light of comments received.

The text of the proposed amendments is as follows:

1. Subpart M is amended to add §§ 1000.1302 and 1000.1303 to read as follows:

§ 1000.1302 Foreign air transport allowable.

(a) Positive direct investment by a direct investor who is an "air carrier" or "supplemental air carrier" engaged in "foreign air transportation" as those terms are defined in the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1301 (3), (21), and (32), and who elects under § 1000.502(a) (2) or (3), is authorized during any year commencing with the year 1969 in an amount not to exceed 30 percent of aggregate annual foreign air transport earnings for the immediately preceding year: *Provided*, That such positive direct investment is primarily related to the direct investor's operations in foreign air transportation.

(b) "Aggregate annual foreign air transport earnings" for any year shall mean operating profit as properly reported by the direct investor for such year for Civil Aeronautics Board (CAB) income statement account number 7999 minus (1) annual interest or amortization charges related to investment in international and territorial route operations as properly reported on and included in CAB Schedule P–3 or comparable nondivisional report; (2) taxes assessed by foreign countries and primarily related to the direct investor's operations in foreign air transportation; and (3) federal subsidy as properly reported in CAB account number 4100.

(c) (1) If, during any year commencing with the year 1969, the amount of positive direct investment authorized under § 1000.504 to a direct investor governed by this section exceeds the amount of direct investment (whether positive or negative) not primarily related to the direct investor's operations in foreign air transportation made by the direct investor during such year under § 1000.504, the direct investor is authorized to make additional positive direct investment as provided in paragraph (a) of this section during such year or succeeding years: *Provided*, That the aggregate amount of additional positive direct investment authorized by this subparagraph shall not be more than the amount of such excess, and that the amount of positive direct investment authorized to the direct investor under § 1000.504 shall be reduced by the amount of additional positive direct investment made under this subparagraph.

(2) If, during any year commencing with the year 1969, the amount of positive direct investment authorized to a direct investor under paragraph (a) of this section exceeds the amount of direct investment (whether positive or negative) made by the direct investor during such year under paragraph (a) of this section, the direct investor is authorized to make additional positive direct investment as provided in paragraph (a) of this section during succeeding years in an aggregate amount of not more than the amount of such excess.

(d) A direct investor governed by this section shall recalculate the amount of positive direct investment authorized to be made in any year commencing with the year 1969 under § 1000.504 (a) and (b) to exclude from the calculation of "direct investment", "total earnings", and "reinvested earnings" during the years 1964, 1965, and 1966 under § 1000.504(a), and from the calculation of "annual earnings" during any year under § 1000.504(b)(4), transfers of capital primarily related to the direct investor's operations in foreign air transportation, aggregate annual foreign air transport earnings and all component accounts and charges associated with such earnings, and all reserves or charges against earnings associated with such transfers.

(e) A direct investor governed by this section shall file on or before May 31, 1969, a revised Base Period Report on Form FDI–101 to exclude any direct investment primarily related to foreign air transportation, and shall thereafter file separate Cumulative Quarterly Reports and Annual Reports on Forms FDI–102 and FDI–102F as provided in § 1000.602(b) (2) and (3) with respect to direct investment governed by this section and with respect to direct investment not so governed.

§ 1000.1303 Adjustments to minimum and incremental earnings allowables.

(a) For direct investors governed by § 1000.1302, "aggregate annual earnings" under § 1000.506(a)(1) and "aggregate annual losses" under § 1000.503(b) shall mean the positive or negative sum, respectively, of "aggregate annual foreign air transport earnings" as defined in § 1000.1302(b) plus the algebraic sum of such direct investor's annual earnings (as calculated under §§ 1000.504(b)(4) and 1000.1302(d)) during a year in all scheduled areas.

(b) All reference to § 1000.504 in § 1000.506(a)(4) and (c) shall be deemed to include reference to § 1000.1302(a).

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

2. The amendments hereby adopted shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all direct investment occurring during 1969 and succeeding years.

DON D. CADLE,
Acting Director, Office of Foreign Direct Investments.

APRIL 4, 1969.

[F.R. Doc. 69-4124; Filed, Apr. 7, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 20627; EDR-157]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS AIR TAXI SERVICE IN ALASKA

Notice of Proposed Rule Making

MARCH 19, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 298 of its Economic Regulations (14 CFR Part 298) which would permit (1) regular service by Alaskan air taxi operators between points where no certificated carrier schedules regular service, and (2) the carriage of mail in noncompetitive markets by Alaskan air taxi operators subject to the same conditions imposed on air taxi operators within the 48 contiguous States and Hawaii.

The principal features of the proposed amendment are described in the attached explanatory statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a), 406, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 763, as amended by 76 Stat. 145, 80 Stat. 942, 49 U.S.C. 1376; 72 Stat. 771, 49 U.S.C. 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before April 21, 1969, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the docket section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Section 298.21 (c) prohibits the rendering of regularly scheduled air taxi service between points within the State of Alaska and between points in Alaska and points in Canada. The prohibition applies regardless of whether the service is between points where a certificated carrier schedules regular service. Similar restrictions against regular service were formerly included in Part 298 for air taxis in territories and possessions of the U.S. and in Hawaii, but the Board found that there no longer was a need for the limitations and, accordingly, amended Part 298 to lift them.[1]

[1] See ER-429, effective April 3, 1965, and ER-481, effective February 17, 1967.

The Board believes that liberalization of the restrictions on Alaskan air taxis is likewise desirable, and the amendment to § 298.21(c) proposed herein would prohibit regularly scheduled air taxi service only between points where a certificated carrier schedules regular service. This amendment would thus still preclude Alaskan air taxis from competing directly with certificated Alaskan carriers and pose no threat to the subsidy need, profit/loss status or operational flexibility of such carriers. On the other hand, by authorizing regular air taxi service between points where no certificated carrier schedules regular service, the traveling public and Alaskan air taxis should benefit.

The Board also notes that § 298.3(a) does not by its terms authorize air taxi operators in Alaska to engage in the transportation of mail as a basic right, as it does in all other States.[2] There is no apparent reason why Alaskan air taxi operators should not have the same basic right to carry mail as exists in the other States. Accordingly, it is proposed to amend § 298.3(a) to place Alaskan air taxi operators on an equal footing in this respect.

Proposed rule. It is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298) as follows:

1. Amend § 298.3(a) to read as follows:

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in the direct air transportation of passengers and/or property and/or in the transportation within the 48 contiguous States, Alaska [2] or Hawaii of mail by aircraft and which:

(1) Do not, directly or indirectly, utilize in air transportation large aircraft (other than turbojet aircraft authorized for use by air taxi operators pursuant to § 298.21 of this part),

(2) Do not hold a certificate of public convenience and necessity or other economic authority issued by the Board, and

(3) Have and maintain in effect liability insurance coverage in compliance with the requirements set forth in Subpart D of this part. *Provided, however,* That any authority granted in this part to engage in the transportation of mail is limited to the carriage of mail on a nonsubsidy basis; i.e., on a service mail rate to be paid entirely by the Postmaster General, and the air taxi operator shall not be entitled to any subsidy payment with respect to any operations conducted pursuant to any authority granted in this part.

* * * * *

[2] Section 298.21(c) does permit Alaskan air taxi operators to carry mail in regular or frequent service, but only over routes specifically designated by the Postmaster General as "gratuitous routes."

[2] The authority of air taxis to carry mail in Alaska is limited to the markets where regular service may be provided under this part.

2. Amend the second proviso of § 298.13 so that the section reads as follows:

§ 298.13 Duration of exemption.

The exemption from any provision of Title IV of the Act provided by § 298.11 shall continue in effect only until such time as the Board shall find that enforcement of such provision would be in the public interest or would no longer be a burden on air taxi operators: *Provided,* That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators: *And provided further,* That the authorizations to air taxi operators to engage in the transportation of mail by aircraft within the 48 contiguous States and Hawaii and Alaska shall terminate on June 30, 1969.

3. Amend paragraphs (c) and (f) of § 298.21 to read as follows:

§ 298.21 Scope of service authorized.

* * * * *

(c) *Air taxi service in Alaska.* No service in air transportation shall be offered or performed by an air taxi operator between points both of which are in the State of Alaska, or one of which is in Alaska and the other in Canada, unless the air taxi operator also holds authority from the State of Alaska to operate aircraft of a maximum takeoff weight not over 12,500 pounds as a common carrier in intrastate commerce, or has applied to the Board for, and received, special exemption authority (see Subpart D of Part 302 of the Procedural Regulations): *Provided,* That the operator is prohibited from rendering the above authorized service in air transportation, or holding out to the public expressly or by course of conduct that it renders such service, regularly or with a reasonable degree of regularity between points where a certificated carrier schedules regular service.

* * * * *

(f) *Limitations on carriage of mail within the 48 contiguous States, Alaska and Hawaii.* Within the 48 contiguous States and Alaska and Hawaii, an air taxi operator shall not be authorized to carry mail between any pair of points (1) when there is no final mail rate, or agreed-upon mail rate filed pursuant to § 298.24(e) for such carriage; (2) when an air carrier holds a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which authorizes service between such pair of points and such authority has not been suspended; or (3) when an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act has authortiy to serve between such pair of points by reason of an exemption authorization issued pursuant to section 416(b)(1) of the Act: *Provided, however,* That with respect to a market which a certificated helicopter carrier is authorized to serve under an area exemption

order, an air taxi operator will be prohibited from carrying mail therein only if there is an approved flight pattern with respect to such market under Part 376 of this chapter (Board's special regulations): *Provided further,* That this subsection shall not preclude an air taxi operator (other than an Alaskan air taxi operator) from carrying mail between any pair of points regarding which there is in effect a notice of intent to use air taxi mail service, as provided in § 298.24. The rules applicable to final mail rate proceedings set forth in Part 302 of this chapter shall govern the procedure for establishing a final mail rate of an air taxi operator for purposes of this part. (See §§ 302.300 through 302.321, excluding § 302.310 of this chapter.)

[F.R. Doc. 69-4093; Filed, Apr. 7, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

FOUNDATION FOR THE PEOPLES OF THE SOUTH PACIFIC, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration[1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

The Foundation for the Peoples of the South Pacific, Inc., 125 West 55th Street, New York, N.Y. 10019.

Dated: April 1, 1969.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 69-4072; Filed, Apr. 7, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket S-234]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd. has applied for permission for its passenger ships, SSs President Cleveland, President Wilson, and President Roosevelt, which are now authorized to call at only San Francisco and Los Angeles on the Line A-1, Trans-Pacific Passenger-Freight Service (Trade Route No. 29), to call at all other U.S. Pacific Coast ports and Mexican Pacific Coast ports for passengers, their automobiles and baggage only. The application does not involve any new domestic trade rights beyond those which are presently authorized.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on April 16, 1969, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board.

Dated: April 3, 1969.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 69-4077; Filed, Apr. 7, 1969; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc., a wholly owned subsidiary of Lykes Corp., has filed application dated March 17, 1969, for a waiver under section 804 of the Merchant Marine Act, 1936, as amended, with respect to certain anticipated foreign flag activities as described below.

Lykes Corp. proposes to merge with Youngstown Sheet and Tube Co. The latter named company owns a stock interest in Carryore, Ltd., and Iron Ore Transport Co., Ltd., which companies in turn own ships operating under foreign flags.

Carryore, Ltd., has two ships operating under Canadian flag between Canadian ports or between Canadian ports, and U.S. ports. Iron Ore Transport Co., Ltd., owns two ships operating under Liberian flag in the worldwide tramp trades.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, General Accounting Office Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having an interest in the application who desires to offer views and comments thereon for consideration by the Maritime Administration should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by the close of business on April 18, 1969.

The Maritime Administration will consider these views and comments and take such actions with respect thereto as may be deemed appropriate.

By order of the Maritime Administrator.

Dated: April 3, 1969.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 69-4078; Filed, Apr. 7, 1969; 8:47 a.m.]

[Docket No. S-235]

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc., has filed an application, dated March 17, 1969, requesting that when and if a proposed merger of the Lykes Corp., parent of Lykes Bros. Steamship Co., Inc., with the Youngstown Sheet and Tube Co. is consummated so as to form Lykes-Youngstown Corp., the applicant be granted written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, for (a) Pickands Mather & Co. and Labrador Steamship Co., Ltd.—subsidiaries of Diamond Shamrock Corp.—to continue to operate 19 and two United States flag-vessels, respectively, on the Great Lakes and St. Lawrence Seaway in the carriage of iron ore, limestone, coal, and bulk cargo and (b) for Mr. Robert E. Williams and Mr. J. R. Dilworth to continue to serve as directors of Diamond Shamrock Corp. after becoming directors of Lykes-Youngstown Corp. (When and if the proposed merger is consummated, Diamond Steamship Corp., Pickands Mather & Co., and Labrador Steamship Co., Ltd., will be affiliated or associated companies of Lykes Bros. Steamship Co., Inc.)

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, General Accounting Office Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit a written statement with reference to the application must, by close of business on April 18, 1969, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business April 18, 1969, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such actions as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for April 24, 1969, at 10 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether, in the event the merger is consummated, the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the proposed domestic service involved or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: April 3, 1969.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 69-4079; Filed, Apr. 7, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COOPER LABORATORIES, INC.

Notice of Filing of Petition for Food Additive Nitrodan

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Cooper Laboratories, Inc., 229 Cleveland Avenue, Harrison, N.J. 07029, proposing the issuance of a food additive regulation (21 CFR Part 121, Subpart C) to provide for safe use of nitrodan to aid in the control of dog hookworms (*Ancylostoma caninum* and *Uncinaria stenocephala*) and the common dog ascarid (*Toxocara canis*).

Dated: April 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4059; Filed, Apr. 7, 1969; 8:45 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additive Ronnel

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48641, proposing that § 121.209 *Ronnel* (21 CFR 121.209) be amended:

1. To reduce to 10 days the withdrawal periods for ronnel which are currently specified as 60, 28, and 21 days.

2. To substitute "nonlactating dairy animals" for "dairy heifers."

3. To provide for the use of ronnel for beef cattle and nonlactating dairy animals in feed supplements at 0.0009 pound (0.41 gram) per 100 pounds of animal weight per day for 14 days for control of grubs.

4. To provide for the use of ronnel for beef cattle and nonlactating dairy animals at 0.012 pound (5.5 grams) in mineral supplements per month for not less than 75 days for the control of grubs and hornflies.

Dated: April 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4060; Filed, Apr. 7, 1969; 8:45 a.m.]

CUPRIC GLYCINATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Cumol; contains 20 grams of cupric glycinate, anhydrous, per 100 cubic centimeters (equivalent to a copper content of 60 milligrams per cubic centimeter); marketed by Cutter Laboratories, Berkeley, Calif. 94704.

The Academy concludes that this drug is effective for prevention of copper deficiency resulting from molybdenum poisoning or copper deficiency from any cause in pastured cattle, but that more information is needed regarding dosage-animal size relationship. The Food and Drug Administration concurs with the conclusions of the Academy.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided that they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 28, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4061; Filed, Apr. 7, 1969; 8:45 a.m.]

NYSTATIN FOR FEED FORMULATION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Mycostatin-20; each pound contains 20 grams (56,000,000 units) of nystatin reference standard; by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

The Academy concluded that:

1. This preparation is probably not effective for growth promotion and improved feed efficiency when used in swine, but that documentation is adequate to show the drug to be effective for control of mycosis in chickens and turkeys.

2. Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of". The disease claims for this preparation must be restricted to diseases involving the gastrointestinal tract because of the pharmacologic and chemical properties of the active ingredients.

3. Each disease claim should be properly qualified by naming the disease and the causative pathogen that is sensitive to nystatin. If the disease can not be so qualified, the claim must be dropped.

The Food and Drug Administration concurs with the conclusions of the Academy. Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present

[1] Filed as part of the original document.

the conditions of use substantially as follows:

INDICATIONS FOR USE

For use as an aid in the control and the treatment of crop mycosis and mycotic diarrhea (*Candida albicans*) in turkeys and chickens.

DOSAGE

Aid in the control: Feed 50 grams per ton continuously.

Treatment: Feed 100 grams per ton for 7–10 days.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 28, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4063; Filed, Apr. 7, 1969; 8:46 a.m.]

DEXTRAN 6 PERCENT W/V IN SALINE (PLASMA VOLUME EXPANDER)

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Pharmatran, aqueous 6 percent solution of hydrolyzed fractionated dextran with 0.9 percent sodium chloride; marketed by Pharmachem Corp., Bethlehem, Pa. 18018.

The Academy concludes that this drug is effective as a plasma volume expander, and the Food and Drug Administration concurs with the Academy's evaluation.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For the maintenance of plasma volume and blood pressure in the treatment of burns and moderate blood loss in small and large animals.

DOSAGE AND ADMINISTRATION

Intravenous administration: Small animals up to approximately 250 cubic centimeters; large animals 500 to 2,000 cubic centimeters, depending upon the size of the animal.

CONTRAINDICATIONS

Do not use in animals with hypovolemia and a low hematocrit.

Dextran is not be be regarded as a blood substitute.

SIDE EFFECTS

May consist of wheezing, hypotension, nausea, and vomiting.

PRECAUTIONS

Administer slowly.

Symptoms and signs of adverse systemic reactions may be relieved by parenteral administration of antihistaminics, epinephrine, or ephedrine.

CAUTION: Federal law restricts this drug to sale by or on the order of a licensed veterinarian.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 28, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4062; Filed, Apr. 7, 1969; 8:45 a.m.]

SODIUM PROPIONATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Impedex; contains sodium propionate; marketed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898.

2. Whit Pro; contains sodium propionate; marketed by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067.

3. Keenate; contains 90 percent sodium propionate; marketed by Anchor Serum Co., Division of Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502.

The Academy concludes that these products are probably effective, but that more information is needed to substantiate claims as an aid in the prevention and treatment of primary bovine ketosis. The Food and Drug Administration concurs with the Academy's conclusions.

This evaluation of the drugs is concerned only with their effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the new-drug applications for the drugs listed above have been mailed copies of the NAS-NRC reports. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to those drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 28, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4064; Filed, Apr. 7, 1969; 8:46 a.m.]

SULFADIMETHOXINE INJECTABLE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Bactrovet Injection 10 percent; each cubic centimeter contains 100 milligrams of sulfadimethoxine; by Pitman-Moore, Division of The Dow Chemical Co., Research Center, Box 10, Zionsville, Ind. 46007.

2. Symbio; each cubic centimeter contains 80 milligrams of sulfadimethoxine (W-T); by Warren-Teed Pharmaceuticals, Inc., subsidiary of Rohm & Haas Co., 582 West Goodale Street, Columbus, Ohio 43215.

The Academy concluded that:

1. These products are probably effective for treatment of some bacterial infections in dogs, cats, horses, and pigs under 6 weeks of age.

2. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to sulfadimethoxine." If the disease can not be so qualified, the claim must be dropped.

3. More information is needed on frequency of administration and time concentration curves.

4. There is a lack of information to demonstrate efficacy of the recommended dosage level.

The Food and Drug Administration concurs with the Academy's conclusions.

This evaluation of these drugs is concerned only with their effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Wilmington, D.C. 20204.

The holders of the new-drug applications for the drugs listed above have been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 28, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4065; Filed, Apr. 7, 1969; 8:46 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0812) has been filed by American Cyanamid Co., Agricultural Div., Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of a tolerance (21 CFR 120.204) of 0.1 part per million for negligible residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) and its oxygen analog in or on the raw agricultural commodity pecans.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a flame-photometric detector and a phosphorus filter. Residues are calculated by direct comparison of peak areas to those of standards.

Dated: April 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner, for Compliance.

[F.R. Doc. 69-4096; Filed, Apr. 7, 1969; 8:48 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0811) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR 120.214) for residues of the insecticide *O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate and its cholinesterase-inhibiting metabolites in poultry tissues at 0.1 part per million; and in eggs and milk at 0.01 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a procedure in which the residues are extracted, oxidized to the oxygen analog sulfone, and determined by thermionic-emission flame-gas chromatography or a gas chromatographic technique with an electron-capture detector.

Dated April 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4099; Filed, Apr. 7, 1969; 8:48 a.m.]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0814) has been filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of a tolerance (21 CFR Part 120) of 0.2 part per million for negligible residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodity group fruiting vegetables.

The analytical method proposed in the petition for determining residues of the insecticide is the method of H. L. Pease and J. J. Kirkland, published in the "Journal of Agricultural and Food Chemistry," vol. 16, pp. 554–7 (1968).

Dated: April 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4100; Filed, Apr. 7, 1969; 8:48 a.m.]

UNIROYAL INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0813) has been filed by Uniroyal Chemical Div., Uniroyal Inc., Bethany, Conn. 06525, proposing the establishment of tolerances (21 CFR 120.246) for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodities peaches and sweet cherries at 30 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a colorimetric method in which the residue is hydrolyzed with 50 percent sodium hydroxide, distilled, and reacted with trisodium pentacyanoamine ferroate to form a specific red color at pH 5.0. The color is measured spectrophotometrically.

Dated: April 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4101; Filed, Apr. 7, 1969; 8:48 a.m.]

HIGH MOLECULAR WEIGHT DEXTRAN 6 PERCENT

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs used for intravenous infusion as plasma volume expanders:

1. 6 percent Dextran 70 in sodium chloride solution; marketed as Plasdex by Cutter Laboratories, 4th and Parker Streets, Berkeley, Calif. 94710 (NDA 8-716).

2. 6 percent Dextran 75 in sodium chloride solution; marketed as Dextran 6 percent by Pharmachem Corp. (former applicant, R. K. Laros Co.), Bethlehem, Pa. 18015 (NDA 8-564).

3. 6 percent Dextran 70 in sodium chloride solution and 6 percent Dextran 70 in invert sugar solution; marketed as Gentran by Baxter Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, Ill. 60053 (NDA 8-788).

4. 6 percent Dextran 75 in dextrose solution and 6 percent Dextran 75 in sodium chloride solution; marketed as Dextran 6 percent by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 8-819).

5. 6 percent Dextran 70 in sodium chloride solution; marketed as 6 percent Dextran in normal saline by Don Baxter, Inc., 1015 Grandview Avenue, Glendale, Calif. 91201 (NDA 9-024).

6. 6 percent Dextran 75 in sodium chloride solution; marketed as 6 percent Dextran by Sherman Laboratories, 5031 Grandy Avenue, Detroit, Mich. 48211 (NDA 11-951).

These drugs continue to be regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such a drug without approval. The effective classification and marketing status of the drugs are described below.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

DEXTRAN 70; DEXTRAN 75

A. Effectiveness classification.

1. The Food and Drug Administration has considered reports of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and regards dextran 70 and dextran 75 as effective for emergency treatment of shock or impending shock due to hemorrhage, burns, surgery, or other trauma.

2. The Food and Drug Administration regards dextran 70 and dextran 75 as "possibly effective" for nephrosis, toxemia of late pregnancy, and emergency treatment of hypotension resulting from neurogenic shock and concludes that substantial evidence of effectiveness is needed to support these indications.

3. The Academy has evaluated these drugs as ineffective for the too inclusive claim—treatment of shock due to any cause. The Food and Drug Administration concurs that substantial evidence of effectiveness of these drugs for this indication is lacking.

B. Form of drug. Dextran 70 and dextran 75 are 6 percent solutions suitable for intravenous administration.

C. Labeling conditions.

1. The label bears the statement "Caution: Federal Law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

The colloidal properties of dextran 6 percent approximate those of human albumin. Intravenous infusion of dextran results in an expansion of plasma volume slightly in excess of the volume infused and decreases from this maximum over the succeeding 24 hours.

This expansion of plasma volume improves the hemodynamic status for 24 hours or longer. Dextran molecules below 50,000 molecular weight are eliminated by renal excretion with approximately 40 percent appearing in the urine in 24 hours. The remaining dextran is ensymatically degraded to glucose at a rate of about 70 to 90 milligrams per kilogram of body weight per day. This is a variable process.

INDICATIONS

This product is indicated for use in the treatment of shock or impending shock due to hemorrhage, burns, surgery, or other trauma.

Dextran is intended for emergency treatment only when whole blood or blood products are not available and must not be regarded as a substitute for whole blood or plasma proteins.

CONTRAINDICATIONS

Dextran is contraindicated in patients with severe bleeding disorders, with known hypersensitivity to dextran, and with severe congestive cardiac and renal failure.

WARNINGS

Severe and fatal anaphylactoid reactions consisting of marked hypotension have been reported. These reactions occurred in patients not previously exposed to intravenous dextran and early in the infusion period. It is strongly recommended, therefore, that patients not previously exposed to dextran be observed closely during the first minutes of the infusion period.

Because of the seriousness of anaphylactoid reactions, it is recommended that the infusion of intravenous dextran be stopped at the first sign of an allergic reaction provided that other means of sustaining the circulation are available. Resuscitative measures should be readily available for emergency administration in the event such a reaction occurs.

Dextran may interfere to some extent with platelet function and should be used with caution in cases with thrombocytopenia. Transient prolongation of bleeding time may occur with the administration of doses greater than 1000 milliliters. Care should be taken to prevent a depression of hematocrit below 30 percent by volume. When large volumes of dextran are administered, plasma protein levels will be decreased.

PRECAUTIONS

The possibility of circulatory overload should be kept in mind. Special care should be exercised in patients with impaired renal clearance of dextran. When the risk of pulmonary edema and/or congestive heart failure may be increased, dextran should be used with caution.

Since increased rouleau formation may occur in the presence of dextran, it is recommended that blood samples be drawn for typing and cross-matching prior to the infusion of dextran and reserved for subsequent use if necessary. If blood is drawn after infusion of dextran, the cells may be washed with isotonic sodium chloride, or other techniques may be employed to avoid rouleau formation.

ADVERSE REACTIONS

Allergic reactions include urticaria, nasal congestion, wheezing, tightness of chest, or mild hypotension. Antihistamines may be effective in relieving these symptoms. Other adverse reactions including nausea, vomiting, fever, and joint pains may occur. If a reaction develops, administration of dextran should be discontinued and patient appropriately treated.

DOSAGE AND ADMINISTRATION

Dextran is administered by intravenous infusion only. Total dosage and rate of infusion depends upon the magnitude of fluid loss and the resultant hemoconcentration.

It is recommended that total dosage not exceed 20 milliliters per kilogram of body weight during the first 24 hours. In adults, the amount usually administered is 500 milliliters (30 grams) which may be given at a rate of from 20 to 40 milliliters per minute.

In children the best guide to dosage is the body weight or surface area of the patient; total dosage should not exceed 20 milliliters per kilogram of body weight.

D. Claims permitted during extended period for obtaining substantial evidence. Those claims for which the drug is described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for 6 months following publication hereof in the FEDERAL REGISTER to allow additional time for holders of previously approved applications, or persons marketing the drug without approval, to obtain and submit to the Food and Drug Administration data providing substantial evidence of effectiveness.

E. Previously approved applications.

1. Each holder of a "deemed approved" application (that is, an application which became effective on the basis of safety prior to Oct. 10, 1962), for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting a supplement containing:

a. Revised labeling as needed to conform with the labeling conditions described herein for the drug; however, such labeling may continue to include those indications for which the drug is classified as possibly effective as described in paragraph D above.

b. Updating information as needed to make the application current.

2. Such supplements should be submitted within the following time periods after date of publication hereof in the FEDERAL REGISTER.

a. Sixty days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d), (e)) which permit certain changes to be put into effect at the earliest possible time.

b. Sixty days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accordance with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after publication hereof in the FEDERAL REGISTER the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described herein (it may include the indications described in paragraph D above).

F. New applications.

1. Any other person who distributes or intends to distribute such drug intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit a new-drug application containing full information required by the new-drug application form FD-356H (21 CFR 130.4(c)).

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from date of publication hereof in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the act is in accord with the labeling conditions described herein (it may include the indications described in paragraph D above).

b. The manufacturer, packer, or distributor of such drug submits, within 60 days from date of publication hereof, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. Exemption from periodic reporting. The periodic reporting requirements of §§ 130.35(e) and 130.13(b) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded to be effective as described herein.

H. Opportunity for a hearing.

1. An applicant or any person who would be adversely affected by an order requiring deletion of the claims for which the drug lacks substantial evidence of effectiveness as described in paragraph A–3 above may request a hearing within 30 days after publication hereof in the FEDERAL REGISTER.

2. If no request for a hearing is received, the approval of all previously approved applications providing for such claims will be regarded as withdrawn and the applications will be approved as supplemented in accordance with this announcement. If such request is filed, an announcement will be published in the FEDERAL REGISTER setting forth the provisions of section 505(e) of the Act on the basis of which the Commissioner proposes to withdraw approval of such new-drug applications and all amendments and supplements thereto, and staying those parts of this announcement which direct that labeling deleting such claims shall be in use within 60 days after publication hereof in the FEDERAL REGISTER.

I. Unapproved use or form of drug.

1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it will be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication hereof in the FEDERAL REGISTER.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject drugs or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS–NRC report: Press Relations Office (CE–300).

Supplements: Office of Marketed Drugs (MD–300), Bureau of Medicine.

Original new-drug applications: Office of New Drugs (MD–100), Bureau of Medicine.

Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug,

and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 1, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4102; Filed, Apr. 7, 1969; 8:48 a.m.]

PROPOXYPHENE HYDROCHLORIDE; PROPOXYPHENE HYDROCHLORIDE WITH ASPIRIN; PROPOXYPHENE HYDROCHLORIDE WITH ASPIRIN, PHENACETIN, AND CAFFEINE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following analgesic preparations marketed by Eli Lilly & Co., 740 South Alabama Street, Indianapolis, Ind. 46206:

1. Darvon; 32 and 65 milligrams of propoxyphene hydrochloride per capsule (NDA 10-997).

2. Darvon Compound; 32 milligrams of propoxyphene hydrochloride, 227 milligrams of aspirin, 162 milligrams of phenacetin, and 32.4 milligrams of caffeine, per capsule (NDA 10-996).

3. Darvon Compound-65; 65 milligrams of propoxyphene hydrochloride, 227 milligrams of aspirin, 162 milligrams of phenacetin, and 32.4 milligrams of caffeine per capsule (NDA 10-996).

The Food and Drug Administration concludes that these drugs when given in adequate dosage are effective for the relief of mild to moderate pain, but that there is lack of substantial evidence of effectiveness of a 32-milligram dose of propoxyphene hydrochloride. Although the labeling of Darvon with A.S.A. (65 milligrams of propoxyphene hydrochloride with 325 milligrams of aspirin (NDA 10-995)), was not submitted for review by the Academy, the Food and Drug Administration also concludes that this combination is effective for relief of mild to moderate pain. Because of the close relationship of this combination to the other preparations reviewed by the Academy, it is appropriate to include it in this announcement.

The drugs continue to be regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previous approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

PROPOXYPHENE HYDROCHLORIDE; PROPOXYPHENE HYDROCHLORIDE WITH ASPIRIN; AND PROPOXYPHENE HYDROCHLORIDE WITH ASPIRIN, PHENACETIN, AND CAFFEINE

A. *Effectiveness classification.* The Food and Drug Administration has considered reports of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that propoxyphene hydrochloride, propoxyphene hydrochloride with aspirin, and propoxyphene hydrochloride with aspirin, phenacetin, and caffeine are effective for the relief of mild to moderate pain when administered in adequate dosages as described in the labeling guidelines in paragraph E below.

B. *Form of drug.* Propoxyphene hydrochloride preparations are in capsule form suitable for oral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Previously approved applications.*

1. Each holder of a "deemed approved" new-drug application (that is, an application that became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting a supplement containing:

a. Revised labeling as needed to conform with the labeling conditions described herein for the drug.

b. Adequate data to assure the biologic availability of the drug in the formulation marketed; if such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components) and 7 (composition) of new-drug application form FD-356H and, to the extent described below for new applications, item 8 (methods, facilities, and controls) of FD-356H.

2. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER:

a. Sixty days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. One hundred and eighty days for biologic availability data.

c. Sixty days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accordance with the preceding paragraphs C-1 and C-2 are acted upon, provided that within 60 days after the date of this publication the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described in this announcement.

D. *New applications.*

1. Any other person who distributes or intends to distribute such drug intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit a new-drug application meeting the conditions specified in this announcement.

2. Such applications should include:

a. Proposed labeling in accord with the labeling conditions herein.

b. Adequate data to assure the biologic availability of the drug in the formulation marketed or proposed for marketing.

c. Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (R_x or OTC statement), 6 (components), and 7 (composition), of new-drug application form FD-356H and, in lieu of full information described under item 8 (methods, facilities, and controls) of FD-356H, brief statements that:

i. Identify the place where the drug will be manufactured, processed, packaged, and labeled.

ii. Identify any person other than the applicant who performs a part of those operations and designate the part.

iii. Include certification from the applicant and from any person identified in ii above that the methods used in, and the facilities and controls used for, the manufacture, processing, packing, and holding of the drug are in conformity with current good manufacturing practice in accord with Part 133 (21 CFR Part 133).

iv. Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or if not listed, or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity.

v. Outline the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.

3. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication hereof in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of publication hereof, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

E. *Labeling conditions.*

1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Propoxyphene hydrochloride is an analgesic estimated to be approximately one-half to two-thirds as effective on a milligram basis as codeine. The combination of propoxyphene hydrochloride with aspirin and/or phenacetin results in greater analgesia than that achieved by either drug administered alone. Propoxyphene hydrochloride is structurally closely related to the narcotic analgesics methadone and isomethadone, and its general pharmacologic properties are those of the narcotics as a group.

INDICATION

For the relief of mild to moderate pain.

CONTRAINDICATIONS

Hypersensitivity to propoxyphene hydrochloride or to the other ingredients (aspirin, phenacetin, caffeine) in the propoxyphene hydrochloride combination products.

Concomitant administration with orphenadrine-containing compounds.

WARNINGS

Salicylates should be used with caution in the presence of peptic ulcer.

Phenacetin may damage the kidneys when used in large amounts or taken over a long period of time.

USAGE IN PREGNANCY: The safety of the use of this agent during pregnancy has not been established. The potential hazards of the drug must be weighed against the possible benefits.

USAGE IN CHILDREN: This agent should not be used in children since adequate data to establish safe conditions of use are lacking.

DRUG DEPENDENCE: Tolerance, psychological dependence, and physical dependence have been reported; the abuse liability of propoxyphene hydrochloride is qualitatively similar to that of codeine although quantitively less.

This agent may impair the mental and/or physical abilities required for the performance of potentially hazardous tasks such as driving a car or operating machinery, especially during the first few days of therapy. Therefore, the patient should be cautioned accordingly.

PRECAUTIONS

Patients who have received narcotic drugs for long periods of time may have developed physical dependence, and the sudden substitution of ordinary doses of propoxyphene hydrochloride may result in an acute withdrawal syndrome. These symptoms may be avoided by gradually reducing the dose of the prior medication as propoxyphene hydrochloride is substituted.

ADVERSE REACTIONS

Dizziness, headache, sedation, somnolence, paradoxical excitement, insomnia, skin rashes, gastrointestinal disturbances (including nausea, vomiting, abdominal pain, and constipation) may occur with the recommended doses of the drug.

Euphoria may occasionally occur.

DOSAGE AND ADMINISTRATION

Propoxyphene hydrochloride is given orally. The usual dose is 65 milligrams three to four times daily.

Propoxyphene hydrochloride with aspirin is given orally. The usual dose is 65 milligrams of propoxyphene hydrochloride and 325 milligrams of aspirin three to four times daily.

Propoxyphene hydrochloride with aspirin, phenacetin, and caffeine is given orally. The usual dose is 65 milligrams of propoxyphene hydrochloride, 227 milligrams of aspirin, 162 milligrams of phenacetin, and 32.4 milligrams of caffeine three or four times daily.

OVERDOSAGE

Manifestations of accidental or intentional overdosage with propoxyphene are similar to those of narcotic overdosage and include convulsions (more common than is usually noted in cases of narcotic poisoning), coma, respiratory depression, and circulatory collapse. When combination products containing salicylates as well as propoxyphene have been ingested, the clinical picture may be complicated by salicylism:

Analeptic drugs (for example, caffeine or amphetamine) should NOT be used because of their tendency to precipitate fatal convulsions. Narcotic antagonists (nalorphine and levallorphan) are the drugs of choice to reverse signs of intoxication. Gastric lavage may also be helpful. In addition, supportive measures such as assisted ventilation and intravenous fluids should be used as indicated.

Dialysis is of limited value with respect to propoxyphene alone; salicylate and phenacetin are dialyzable.

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to applications approved for this drug for the conditions of use described herein.

G. *Unapproved use or form of drug.*

1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it will be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication hereof in the FEDERAL REGISTER.

A copy of the subject NAS-NRC reports has been furnished to the firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the drugs listed above or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC reports: Press Relations Office (CE-300).

Supplements: Office of Marketed Drugs (MD-300), Bureau of Medicine.

Original new-drug applications: Office of Marketed Drugs (MD-300), Bureau of Medicine.

Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 1, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4103; Filed, Apr. 7, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

CHARLES WINTER

Certification

Pursuant to the proviso contained in section 207 of title 18 U.S.C. (Public Law 87-849, 76 Stat. 1124), having found that Charles Winter, formerly Deputy Director of the Division of Military Application, Atomic Energy Commission, and presently an employee of the Sandia Corp., possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Charles Winter acting as agent for or appearing personally before the Atomic Energy Commission on behalf of the Sandia Corp. in connection wth the performance of work under the Sandia Corp.-Western Electric Co., Inc., Contract No. AT(29-1)-789 with the Atomic Energy Commission, on matters in which he participated personally and substantially as an employee of the Atomic Energy Commission or which were under his official responsibility as an AEC employee.

This publication is directed to be published in the FEDERAL REGISTER.

Dated: March 26, 1969.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 69-4068; Filed, Apr. 7, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20797; Order 69-4-13]

GRAND FORKS AIRMOTIVE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on April 2, 1969.

The Postmaster General filed a notice of intent March 7, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 54.9 cents per great circle aircraft mile for the transportation of mail by aircraft between Thief River Falls, Detroit Lakes, and AMF Twin Cities, Minneapolis, Minn.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model C-45-H aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Grand Forks Airmotive, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54.9 cents per great circle aircraft mile between Thief River Falls, Detroit Lakes, and AMF Twin Cities, Minneapolis, Minn.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Grand Forks Airmotive, Inc., the Postmaster General, North Central Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Grand Forks Airmotive, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Grand Forks Airmotive, Inc., the Postmaster General, and North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4085; Filed, Apr. 7, 1969; 8:48 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20796; Order 69-4-14]

PHELPS AERO CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on April 2, 1969.

The Postmaster General filed a notice of intent March 7, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 54 cents per great circle aircraft mile for the transportation of mail by aircraft between Bemidji, Brainerd, and AMF Twin Cities, Minneapolis, Minn.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model 18, aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Phelps Aero Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54 cents per great circle aircraft mile between Bemidji, Brainerd, and AMF Twin Cities, Minneapolis, Minn.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Phelps Aero Corp., the Postmaster General, North Central Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Phelps Aero Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Phelps Aero Corp., the Postmaster General, and North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4086; Filed, Apr. 7, 1969; 8:48 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20798; Order 69-4-15]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on April 2, 1969.

The Postmaster General filed a notice of intent March 7, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 52.4 cents per great circle aircraft mile for the transportation of mail by aircraft between Sioux Falls, S. Dak., Windom and Willmar, Minn. and AMF Twin Cities, Minneapolis, Minn.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E 18, aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 52.4 cents per great circle aircraft mile between Sioux Falls, S. Dak., Windom and Willmar, Minn., and AMF Twin Cities, Minneapolis, Minn.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville, Stage Line, Inc., the Postmaster General, North Central Airlines, Inc., Ozark Air Lines, Inc., Western Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, North Central Airlines, Inc., Ozark Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4087; Filed, Apr. 7, 1969; 8:48 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20799; Order 69-4-12]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on April 2, 1969.

The Postmaster General filed a notice of intent March 7, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 87.8 cents per great circle aircraft mile for the transportation of mail by aircraft between AMF Twin Cities, Minneapolis, Minn., and Des Moines, Iowa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model 99, aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 87.8 cents per great circle aircraft mile between AMF Twin Cities, Minneapolis, Minn., and Des Moines, Iowa.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4088; Filed, Apr. 7, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

WSUP ALLOCATION AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward D. Ransom, attorney, Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104.

Agreement No. T-2188-1 between Castle and Cooke Terminals, Ltd., C. Brewer Corp., McCabe, Hamilton & Renny Co., Ltd., Alexander & Baldwin, Inc. (successor to Kahului Trucking & Storage, Inc.), Kauai Sugar Storage Corp., Kawaihae Terminals, Inc., Oahu Transport Co., Ltd., Matson Terminals, Inc., Honolulu Terminals Co., Ltd., and Theo. H. Davies & Co., Ltd. (Employers) is an amendment to the basic agreement which provides for an allocation among the Employers of the costs of a Work Stabilization and Utilization Program (WSUP) Fund for their employees in Hawaii. An amendment to the basic agreement provided that, pursuant to principles laid down by the U.S. Supreme Court in Volkswagenwerk Aktiengesellschaft v. Federal Maritime Commission dated March 6, 1968, the interim Employer contributions would ultimately be adjusted to conform with an arbitrator's decision as it may be approved by this Commission. The method of allocating assessments provided for in agreement No. T-2188 between the members has now been determined by an impartial arbitrator and agreement No. T-2188-1 will make such changes in the agreement as are necessary to include the revised formula determined by the arbitrator. The revised tonnage assessment contributions are as follows:

1. Bulk cargoes—one-seventh (1/7) of the amount of assessments per revenue ton applicable to the handling of general cargo.

2. Automobiles and trucks exclusive of trailers—one-fifth (1/5) of the amount of assessments per revenue ton applicable to the handling of general cargo.

3. Cargoes carried in containers—seven-tenths (7/10) of the amount of assessments per revenue ton applicable to the handling of general cargo.

Dated: April 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4080; Filed, Apr. 7, 1969; 8:47 a.m.]

REDERIAKTIEBOLAGET CLIPPER

Order of Revocation

Certificate of financial responsibility for indeminification of passengers for nonperformance of transportation No. P-2 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,024.

Whereas, Rederiaktiebolaget Clipper (Clipper Steamship Co.) (Clipper Line), 277 Park Avenue, New York, N.Y. 10017, has ceased to operate the passenger vessel MS *Stella Polaris* to and from U.S. ports; and

Whereas, Rederiaktiebolaget Clipper (Clipper Steamship Co.) (Clipper Line), has returned Certificate [Performance] No. P-2 and Certificate [Casualty] No. C-1,024 for revocation.

It is ordered, That Certificate [Performance] No. P-2 and Certificate [Casualty] No. C-1,024 be and are hereby revoked effective April 2, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on certificant.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4081; Filed, Apr. 7, 1969; 8:47 a.m.]

[Docket No. 69-12]

SOUTH ATLANTIC & CARIBBEAN LINE, INC.

Order of Investigation Regarding General Increase in Rates in U.S. Atlantic/Puerto Rico Trade

There has been filed with the Federal Maritime Commission by South Atlantic & Caribbean Line, Inc., Freight Tariffs, FMC-F No. 9, 10, and 11 scheduled to become effective April 4, 1969. Tariff FMC-F No. 10 contains amended rules and regulations and governs Tariff FMC-F No. 9 which generally increases rates southbound in the subject trade by 10 percent Northbound Tariff FMC-F No. 11 is also governed by the amended rules tariffs.

Upon consideration of the said tariffs, including amendments thereto, there is reason to believe that the increased rates, and the governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether they would be unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916; and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the said tariffs with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said tariffs under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It is further ordered, That South Atlantic & Caribbean Line, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein, (II) the said respondent be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedures [46 CFR 502.72] with a copy to all parties to this proceeding.

Respondent: South Atlantic & Caribbean Lines, Inc., c/o John Mason, Esq., Ragan & Mason, 900 17th Street NW., Washington, D.C. 20006.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-4082; Filed, Apr. 7, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

APRIL 2, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 3, 1969, through April 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4066; Filed, Apr. 7, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 3, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41603—*Canned goods from and to western trunk-line territory.* Filed by Western Trunk Line Committee, agent (No. A-2582), for interested rail carriers. Rates on canned goods and related articles, in carloads, as described in the application, between specified points in Colorado and Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 26 to Western Trunk Line Committee, agent, tariff ICC A-4674.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4074; Filed, Apr. 7, 1969; 8:47 a.m.]

[Notice 806]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 3, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 190 TA), filed March 24, 1969. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Post Office Box 4048, Pocatello, Idaho 83201. Applicant's representative: Maurice H. Greene, Post Office Box 4402, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except classes A and B explosives), household goods as defined by the Commission, petroleum products in tank vehicles, and commodities requiring special equipment (other than such equipment for use in transporting machinery, tanks, and other commodities requiring the use of flat bed trucks), serving the Centralia Steam Electric plantsite and the Skookumchuck Damsite of Pacific Power and Light Co., located about 5 miles northeast of Centralia and about 6 miles east of Bucoda respectively, in the State of Washington, as off-route points in connection with applicants' presently authorized regular route authority between Portland, Oreg., and Tacoma, Wash., over U.S. Highway 99, for 180 days. NOTE: Applicant intends to tack with its existing authority at Chehalis, Wash. Supporting shippers: Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204; Bechtle Corp., 50 Beale Street, San Francisco, Calif. 94119. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 60012 (Sub-No. 78 TA), filed March 28, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representative: Warren D. Braucher, 1531 Stout Street, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Pueblo Army Depot, at or near Avondale, Colo., as an off-route point in connection with carrier's regular-route operations, for 180 days. NOTE: Applicant does intend to interline with other carriers at Denver, Colo., Pueblo, and Grand Junction, Colo., and Salt Lake City, Utah, and to tack with present authority in MC 60012 and Subs 29, 30, 32, and 58. Supporting shipper: Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: District Supervisor Charles W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 107227 (Sub-No. 104 TA), filed March 28, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: Howard Berry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles and used trucks* not exceeding three-quarter ton capacity (excepting embezzled, repossessed, abandoned, stolen or wrecked vehicles), in secondary movements, in single driveaway service by means of casual drivers only, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan,

Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted against the transportation of any traffic (1) having a prior movement by rail or (2) moving on Government bills of lading. Supporting shippers: Automotive Rentals, Inc., 7411 Maple Avenue, Pennsauken, N.J. 08109; Faddis Leasing Corp., 6228 Main Street, Kansas City, Mo. 64113; Feld Auto Rental, Inc., 2401 Summit, Kansas City, Mo. 64108; Midway Motor Co., 3701 Troost Avenue, Kansas City 9, Mo.; The Diplomat, Executive Offices, Denver 3, Colo. Send protests to: District Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 117765 (Sub-No. 75 TA), filed March 28, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, carpet remnants* and *padding*, (1) from Davis and Pawhuska, Okla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming; and (2) from Anadarko, Okla., to points in Arkansas, Illinois, Indiana, Louisiana, Missouri (Kansas City, St. Louis, and Springfield, Mo., and that part of Missouri south and east of U.S. Highway 66), Tennessee, Texas, and Wisconsin (that part south of a line beginning at Sheboygan, Wis., and extending along Wisconsin Highway 23 through Fond de Lac, Ripon, Endeavor, Wisconsin Dells, and Spring Green, Wis., to Mineral Point, Wis., and thence along U.S. Highway 151 to the Wisconsin-Iowa State line near Dubuque, Iowa), for 180 days. Supporting shipper: James H. Savage, Traffic Manager, Sequoyah Industries, Inc., 4545 North Lincoln Boulevard, Oklahoma City, Okla. 73105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133533 (Sub-No. 1 TA), filed March 26, 1969. Applicant: B G A TRANSPORT, INC., 13544 Settlement Acres Drive, Brookpark, Ohio 44142. Applicant's representative: B. S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin cans* with or without tops, *plastic pipe and fittings, plastic articles*, such as pails, dishes, and fabricated plastic articles; *injected molding machines; infrared gas heaters*, from warehouses and all plants of The Van Dorn Co. at Cleveland, and Conneaut, Ohio, Leetsdale, Pa., Elizabeth, N.J., and Tampa, Fla., on the one hand, to points in Connecticut, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia, on the other hand, and on return, *materials, supplies and equipment* used in the manufacture of the above commodities from the above destination points to the above origin points, for 180 days. Supporting shipper: The Van Dorn Co. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 133588 TA, filed March 26, 1969. Applicant: KENNETH C. PAGE, doing business as KEN PAGE TRANSFER, 5570 Arrowhead Road, Duluth, Minn. 55811. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, nonradially, between the points indicated below, restricted to traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing or unpacking, crating or uncrating, or containerization or de-containerization of such traffic, between points in Aitkin, Carlton, Cass, Cook, Crow Wing, Itasca, Kanabec, Lake, Pine, St. Louis, Wadena, and Lake of the Woods Counties, Minn.; and points in Ashland, Bayfield, Burnett, Douglas, Iron, Oneida, Price, Rusk, Sawyer, Vilas, and Washburn Counties, Wis., for 180 days. Supporting shipper: Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 132 TA), filed March 28, 1969. Applicant: GREYHOUND LINES, INC., Western Greyhound Lines Division, 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations only, between Yermo, and Calico, Calif., over unnumbered highway, for 180 days. NOTE: Applicant intends to tack with MC 1515 (Sub-No. 7). Supporting shipper: Escapades Enterprises, Inc., 60 Broadhollow Road, Melville, N.Y. 11745. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4075; Filed, Apr. 7, 1969; 8:47 a.m.]

[Notice 323]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 3, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71153. By order of March 26, 1969, the Motor Carrier Board approved the transfer to J. H. Boyd, doing business as Boyd Bros., Shellman, Ga., of the operating rights in Certificate No. MC-126441 (Sub-No. 3) issued June 6, 1968, to J. T. Dailey, doing business as J. & J. Co., Cuthbert, Ga., authorizing the transportation of lumber (except plywood and veneer) and wooden pallets, from Cuthbert, Ga., to points in Alabama and Florida. Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309, attorney for applicants.

No. MC-FC-71179. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Murphy Transportation, Inc., Anniston, Ala., of Certificates Nos. MC-115691, MC-115691 (Sub-No. 5), MC-115691 (Sub-No. 6), MC-115691 (Sub-No 9), MC-115691 (Sub-No. 11), MC-115691 (Sub-No. 16), and MC-115691 (Sub-No. 17), issued April 18, 1958, April 3, 1959, June 30, 1959, January 22, 1960, November 17, 1960, August 29, 1966, and September 30, 1966, respectively, to R. J. Coker, doing business as Coker Trucking Co., Holt, Ala., authorizing the transportation of: Lumber, from specified counties in Alabama, to points in Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Missouri, Mississippi, Ohio, Oklahoma, Pennsylvania, Tennessee, and West Virginia; metal bleachers, pipe, and pipe fittings, from Demopolis, Ala., to points in Georgia and Florida; fibre conduit and fibre pipe, and couplings and fittings, from Orangeburg, N.Y., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Mississippi; conduit and pipe, and fittings and attachments, as restricted, from Glen Dale, W. Va., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Mississippi; cast iron soil pipe and fittings and bituminized fibre pipe and fittings, from Holt, Ala., to points in West Virginia, and points in Pennsylvania on and west of U.S. Highway 219; and asbestos-cement pipe and pipe fittings, and plastic pipe and pipe fittings, as restricted, from plantsite of Orangeburg Manufacturing Company, located near Ravenna, Ohio, to points in Tennessee, Florida, and Georgia. Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203, attorney for applicants.

No. MC-FC-71206. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Glen R. Riechmann, doing business as Riechmann Truck Service, Rural Route No. 2, Alhambra, Ill. 62001, of the operating rights in Certificate No. MC-90870 issued May 20, 1949, to A. P. Hencke, Pierron, Ill. 62273, authorizing the transportation of livestock, poultry, and used farm machinery, from Pierron, Ill., and points within 8 miles thereof, to St. Louis, Mo.; building material, farm implements, feed, and fencing, from St. Louis, Mo., to Pierron, Ill., and points within 8 miles thereof; and, general commodities, from St. Louis, Mo., to Pierron, Ill.

No. MC-FC-71209. By order of March 26, 1969, the Motor Carrier Board approved the transfer of License No. MC-12543 to Travel Systems International, Ltd., doing business as Vanderbilt Better Tours, Chicago, Ill., issued December 29, 1950, to John F. Healy and Romona Hayes Healy, doing business as Vanderbilt Better Tours, Chicago, Ill., authorizing the holder to engage in operations as a broker, at Chicago, Ill., in arranging for the transportation of passengers, and their baggage, between points in the United States. David G. Elmore, 222 West Adams Street, Chicago, Ill. 60606, attorney for applicants.

No. MC-FC-71210. By order of March 28, 1969, the Motor Carrier Board approved the transfer to The Paul J. Buccheri Co., a corporation, Rocky Hill, Conn., of the operating rights in Certificates Nos. MC-14977, MC-14977 (Sub-No. 2), MC-14977 (Sub-No. 3), and MC-14977 (Sub-No. 4) issued May 28, 1941, January 15, 1947, January 15, 1947, and November 4, 1952, respectively, acquired by transferor Alfred Coco pursuant to consummation of No. MC-FC-70499 on October 31, 1968, authorizing the transportation, over irregular routes, of fertilizer, agricultural lime, hay and straw, tobacco and tobacco warehouse equipment, livestock, stone, sand, gravel, dirt, and cement, and road building and grading materials and road construction equipment from and to, or between, various points in Connecticut, Massachusetts, and New York. John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4076; Filed, Apr. 7, 1969; 8:47 a.m.]

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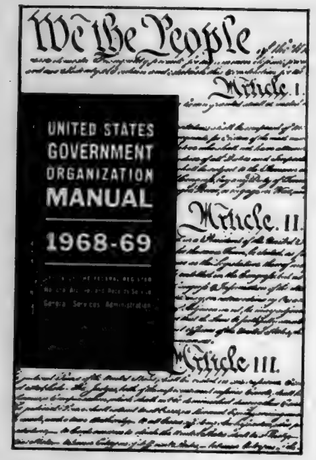
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Coast Guard
Consumer and Marketing Service
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Federal Home Loan Bank Board
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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Hazard Pay Differential

Schedule 2 of Appendix A to Subpart I of Part 550 of Chapter I of Title 5 of the Code of Federal Regulations is amended by adding items (8) and (9) under the heading "Flying" and adding descriptions of two new hazardous duties under the headings "Experimental Parachute Jumps" and "Ground Work Beneath Hovering Helicopter". The amendments, which are effective on the date shown in the schedule, read as follows:

SCHEDULE 2 OF PAY DIFFERENTIALS AUTHORIZED UNDER AUTHORITY OF § 550.904 (a) and (b)

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
	Percent	
Flying. Participating in, • • • (8) Flight Tests of Expandable Aircraft Tires. Landing to test aircraft tires designed to deflate upon retraction, undertaken to appraise the normal deflate-reinflate cycle and also to evaluate the capability to make a satisfactory landing with the tires deflated.	25	First pay period beginning after April 9, 1969.
(9) Landing and Takingoff in Polar Areas. Landing in polar areas on unprepared snow or ice surfaces and/or takingoff under the same conditions.	25	Do.
• • •	• • •	• • •
Experimental Parachute Jumps. Participating as a jumper in field exercises to test and evaluate new types of jumping equipment and/or jumping techniques.	25	First pay period beginning after April 9, 1969.
Ground Work Beneath Hovering Helicopter. Participating in ground operations to attach external load to helicopter hovering just overhead.	25	Do.

(5 U.S.C. 5545(d))

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4140; Filed, Apr. 8, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 62, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. In § 905.512 (Orange Regulation 62; 33 F.R. 18227; 34 F.R. 246, 925, 5374, 5481), the provisions of paragraph (a)(2)(vii) are amended to read as follows:

§ 905.512 Orange Regulation 62.

(a) • • •
(2) • • •

(vii) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, April 4, 1969, to become effective April 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4121; Filed, Apr. 8, 1969; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 73—PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL IN TRANSIT

The Atomic Energy Commission has adopted a new regulation "Physical Protection of Special Nuclear Material in Transit," 10 CFR Part 73, which imposes requirements for the physical protection of special nuclear material in transit.

In a notice of proposed rule making concerning proposed requirements for control and physical inventory of special nuclear material published in the FEDERAL REGISTER on May 27, 1966 (31 F.R. 7634), the Commission stated that it was not, at that time, proposing to impose physical security requirements, but that the adequacy of the physical security of special nuclear material possessed by licensees would be carefully observed during routine AEC health and safety inspections, material surveys, and periodic security surveys. The Commission stated that it would take whatever additional measures appeared necessary to assure that special nuclear material is adequately safeguarded.

The Commission has now adopted specific requirements for the protection of special nuclear material in transit.

The requirements of this Part 73 apply to licensees shipping more than 5,000 grams of uranium 235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope), uranium 233, or plutonium, or any combination thereof, and to licensees authorized to export such quantities of special nuclear material. The regulation provides that such special nuclear material shall be either transported by the licensee under the continuous personal custody of an authorized individual or protected by signature service of a common or contract carrier. Requirements for records of shipments and reports of lost or unaccounted for shipments are also provided.

The requirements do not apply to:

a. Uranium 235 contained in uranium enriched to less than 20 percent in the U^{235} isotope;

b. Special nuclear material delivering an external dose in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding; and

c. Special nuclear material that is protected pursuant to security procedures prescribed by the Commission or another Government agency for classified material.

In the interest of the common defense and security, the Commission has found that general notice of proposed rule making and public procedures thereon are contrary to the public interest and good cause exists why this regulation should be made effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following new 10 CFR Part 73 is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions in connection with the regulation to send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given such submission with the view to possible amendments. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

. GENERAL PROVISIONS

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73.2 Resolution of conflict.
73.3 Definitions.
73.4 Interpretations.
73.5 Communications.

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73.12 Specific exemptions.
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PHYSICAL PROTECTION REQUIREMENTS

73.31 Physical protection of special nuclear material in transit.

RECORDS AND REPORTS

73.41 Records.
73.42 Reports of suspected theft, unlawful diversion, or unlawful intrusion.
Appendix A—U.S. Atomic Energy Commission District Safeguards Offices.

AUTHORITY: The provisions of this Part 73 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 53, 183, 68 Stat. 930, 954; 42 U.S.C. 2073, 2233.

GENERAL PROVISIONS

§ 73.1 Purpose and scope.

This part prescribes requirements for the physical protection of special nuclear material in transit by any person who is licensed pursuant to the regulations in Part 70 of this chapter and who ships more than 5,000 grams of uranium 235 (contained in uranium enriched to 20 percent of more in the U^{235} isotope), uranium 233, or plutonium, or any combination thereof.

§ 73.2 Resolution of conflict.

The requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In any conflict between the requirements in this part and a specific requirement in another part of the regulations in this chapter, the specific requirement applies.

§ 73.3 Definitions.

As used in this part:

(a) Terms defined in Part 70 of this chapter have the same meaning when used in this part.

(b) "Authorized individual" means any individual, including an employee, a consultant, or an agent of a licensee, who has been designated in writing by a licensee to have surveillance responsibility over special nuclear material.

§ 73.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized as binding upon the Commission.

§ 73.5 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part should be addressed to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 7920 Norfolk Avenue, Bethesda, Md.; or at Germantown, Md.

EXEMPTIONS

§ 73.12 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

§ 73.13 Exemptions for certain quantities and kinds of special nuclear material.

A licensee is exempt from the requirements of this part to the extent he transports or delivers to a carrier for transport the following special nuclear material:

(a) Uranium 235 contained in uranium enriched to less than 20 percent in the U^{235} isotope.

(b) Special nuclear material delivering an external radiation dose in excess of 100 rems per hour, at a distance of 3 feet from any accessible surface, without intervening shielding.

(c) Special nuclear material that is protected pursuant to security procedures prescribed by the Commission or another Government agency for the protection of classified material.

PHYSICAL PROTECTION REQUIREMENTS

§ 73.31 Physical protection of special nuclear material in transit.

Each licensee shall protect special nuclear material in transit as follows:

(a) In the continuous personal custody of an authorized individual, or

(b) Under the established procedures of a common or contract carrier which provide a system for the physical protection of valuable material in transit and require an exchange of hand-to-hand receipts at origin and destination and at all points en route where there is a transfer of custody.

RECORDS AND REPORTS

§ 73.41 Records.

Each licensee shall keep the following records:

(a) Names and addresses of all individuals who have been designated as authorized individuals.

(b) Records of all shipments of special nuclear material subject to the requirements of this part, including the means employed to protect such material while in transit.

§ 73.42 Reports of suspected theft, unlawful diversion, or unlawful intrusion.

(a) Each licensee shall immediately report to the Director of the appropriate Atomic Energy Commission District Safeguards Office, Division of Nuclear Materials Safeguards, listed in Appendix A, by telephone, telegram, or teletype any shipment of special nuclear material that is lost or unaccounted for after the expected time of arrival.

(b) Each licensee shall report promptly to the Director, Division of Nuclear Materials Safeguards, by telephone, telegram, or teletype any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which he is licensed to possess and which is subject to the regulations of this part. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this section, a licensee shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to the licensee, concerning an attempted or apparent theft or unlawful diversion of special nuclear material.

APPENDIX A

UNITED STATES ATOMIC ENERGY COMMISSION

DISTRICT SAFEGUARDS OFFICES

Address	Telephone	
	Daytime	Nights and holidays
District I, Division of Nuclear Materials Safeguards, USAEC, 970 Broad Street, Newark, N.J. 07102.	201-645-3450	212-969-1000
District II, Division of Nuclear Materials Safeguards, USAEC, Post Office Box E, Oak Ridge, Tenn. 37830.	615-483-8611 Ext. 4783	615-483-8611 Ext. 3-4167
District III, Division of Nuclear Materials Safeguards, USAEC, 2111 Bancroft Way, Berkeley, Calif. 94704.	415-841-3655	415-841-9244

DISTRICT

I

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except for the Nuclear Materials and Equipment Corporation's plants at Apollo and Leechburg, Pa., which are under the jurisdiction of District II), Rhode Island, and Vermont.

II

Alabama, Arkansas, Canal Zone, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania (Nuclear Materials and Equipment Corporation's plants at Apollo and Leechburg, Pa., only), Puerto Rico, South Carolina, South Dakota, Tennessee, Virginia, Virgin Islands, West Virginia, and Wisconsin.

III

Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 4th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4196; Filed, Apr. 8, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,699]

PART 563—OPERATIONS

Reports and Bond Coverage

APRIL 3, 1969.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 18711) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) for the following purposes:

(1) To amend § 563.18 of said regulations (12 CFR 563.18) to require reports from institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation whenever the institution suffers a loss due to dishonesty of a director, officer, attorney, agent, or employee, and to require a report whenever a deductible amount in a bond is increased above the basic permissible deductible amount specified in § 563.19 of said regulations (12 CFR 563.19);

(2) To permit bonds maintained by institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation to provide for higher "deductibles" than now permitted by regulations;

(3) To require that any data processing organization that maintains and services the accounting records of an insured institution be covered as an employee under the institution's bond while it is performing such data processing services;

(4) To make technical changes of language in the present provisions of the Rules and Regulations for Insurance of Accounts relating to bond requirements (12 CFR 563.19).

Resolved further that, for such purposes, the Federal Home Loan Bank Board hereby amends said Part 563 as follows, effective May 9, 1969:

1. Amend § 563.18 to read as follows:

§ 563.18 Reports to the Corporation.

(a) *Monthly and semiannual reports.* Each insured institution shall make a semiannual report of its affairs as of the end of each half of its fiscal year on forms prescribed by the Corporation. Within 30 days following the date as of which such report is made, the original and one copy thereof shall be forwarded to the Supervisory Agent for the Federal Home Loan Bank district in which the institution's home office is located. An insured institution which files the reports required by § 523.15 of this chapter thereby meets the requirements of the first two sentences of this section. Within 10 days following the last business day of each month, each insured institution shall make a report of such month's activities on forms prescribed by the Corporation. The original and one copy of each such monthly report shall be forwarded to the Corporation, Washington, D.C. 20552, and one copy shall be forwarded to the Federal Home Loan Bank of which the institution is a member.

(b) *Reports of loss.* Whenever an insured institution suffers a loss due to dishonesty of a director, officer, attorney, agent, or employee, or whenever a deductible amount specified in a bond is increased above the permissible deductible amount specified in the table in paragraph (b) of § 563.19, such insured institution shall report promptly the facts concerning such loss or increase in writing to the Board's Chief Examiner for the Federal Home Loan Bank district in which the home office of such institution is located.

2. Amend § 563.19 to read as follows:

§ 563.19 Bonds for directors, officers, employees, and agents; form of and amount of bonds.

(a) Each insured institution shall maintain bond coverage with a bonding company acceptable to the Corporation, and such bond shall be in form known as Standard Form No. 22 or its equivalent or in other form acceptable to the Corporation. The bond shall cover each director, officer, employee, and agent who has control over or access to cash or securities of such institution. Such coverage shall be maintained in the minimum amount set forth below, computed on a base consisting of the total assets of the insured institution plus the unpaid balance of loans which it has contracted to service for others, as follows:

Base	*Minimum Bond*
Not over $300,000	$15,000 plus $7,500 for each $100,000 or fraction thereof over $100,000.
$300,001 to $1,000,000	$45,000 plus $15,000 for each $100,000 or fraction thereof over $400,000.
$1,000,001 to $10,000,000	$150,000 plus $30,000 for each $1,000,000 or fraction thereof over $2,000,000.
$10,000,001 to $30,000,000	$450,000 plus $60,000 for each $5,000,000 or fraction thereof over $15,000,000.
$30,000,001 to $60,000,000	$705,000 plus $75,000 for each $10,000,000 or fraction thereof over $40,000,000.
$60,000,001 to $100,000,000	$945,000 plus $90,000 for each $15,000,000 or fraction thereof over $70,000,000.
$100,000,001 and over	$1,230,000 plus $105,000 for each $25,000,000 or fraction thereof over $125,000,000.

(b) No insured institution shall be required to maintain such bond coverage in an amount greater than $3,000,000. Such bond coverage may contain provision for a deductible amount from any loss which, except for such deductible provision, would be recoverable from the bonding company. A deductible shall not be in excess of the following amounts in relation to the following bond bases:

Base	Permissible deductible
Under $1,000,000	$500
$1,000,001 to $10,000,000	1,000
$10,000,001 to $50,000,000	1,500
$50,000,001 to $100,000,000	2,500
$100,000,001 to $150,000,000	5,000
$150,000,001 to $200,000,000	7,500
$200,000,001 and over	10,000

The permissible deductible amount specified in this paragraph may be increased by an insured institution to a maximum of 3 times the above-specified permissible amount whenever losses under the bond exceed 50 percent of the premium payable for the current premium term. A deductible amount may be applied separately to one or more insuring agreements. The bond shall not provide that there may be more than one deductible amount from all losses caused by the same person or caused by the same persons acting in collusion or combination in cases in which such losses result from dishonesty of employees (as defined in the bond).

(c) If the accounting records of an insured institution are maintained and serviced by a data processing organization, that organization, while performing such data processing services, must be covered as an employee under the institution's bond.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–4126; Filed, Apr. 8, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–SW–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Control Zones and Alteration of Transition Area

On August 13, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11462) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Houston, Tex., terminal area. This included the designation of the Houston, Tex. (Intercontinental Airport), control zone, an alteration of the Houston, Tex. (William P. Hobby) control zone description, and an amendment of the Houston, Tex., 700-foot transition area which would encompass the Houston, Tex., Intercontinental Airport.

Interested persons were given 30 days in which to submit written data, views or arguments.

Subsequent to the issuance of the notice, it was determined that an easterly control zone extension would be required to provide airspace protection for aircraft executing back course ILS approaches to the Houston Intercontinental Airport. The likelihood of designation of additional controlled airspace to accommodate other procedures to serve the Houston, Tex., terminal complex was specifically stated in the notice.

No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

The FEDERAL REGISTER volume and page references are amended by deleting "• • • (33 F.R. 2058) • • • (33 F.R. 2090) • • • (33 F.R. 2196) • • •" and substituting "• • • (34 F.R. 4557) • • • (34 F.R. 4590) • • • (34 F.R. 4702) • • •" therefor. The Houston, Tex. (Intercontinental Airport), control zone designation is amended.

Effective date. This amendment shall be effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on March 24, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

In § 71.171 (34 F.R. 4557), the following control zone is added:

HOUSTON, TEX. (INTERCONTINENTAL AIRPORT)

That airspace within a 5-mile radius of Houston Intercontinental Airport (lat. 29°58'51" N., long. 95°20'30" W.), within 2 miles each side of the Humble VORTAC 339° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC, within 2 miles each side of the Houston Intercontinental ILS localizer W course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Houston Intercontinental ILS localizer E course extending from the 5-mile radius zone to 7.5 miles E of the airport.

In § 71.171 (34 F.R. 4590), the Houston, Tex. (William P. Hobby), control zone is amended in part by deleting "• • • the Houston ILS localizer • • •" and substituting therefor "• • • the Houston William P. Hobby ILS localizer • • •" wherever it appears.

In § 71.181 (34 F.R. 4702), the 700-foot portion of the Houston, Tex., transition area is amended by deleting "• • • lat. 29°32'00" N., long. 95°00'00" W., to point of beginning; within a 4-mile radius of Spaceland Airpark • • •" and substituting therefor "• • • lat. 29°-32'00" N., long. 95°00'00" W., to point of beginning; within an 8-mile radius of Houston Intercontinental Airport (lat. 29°58'51" N., long. 95°20'30" W.); within a 4-mile radius of Spaceland Airpark • • •."

[F.R. Doc. 69–4112; Filed, Apr. 8, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69–38]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Jamaica Bay, N.Y.

1. Peter Kiewit Sons' Co., Slattery Associates, Inc. (JV) by letter dated March 17, 1969, requested the Commander, 3d Coast Guard District to revoke the special operation regulations for the city of New York highway bridge and the city of New York Transit Authority railroad bridge across North Channel, Jamaica Bay, and require that these drawbridges be opened at any time on signal pending the completion of the Cross Bay Parkway bridge across Beach Channel, Jamaica Bay. The estimated period required for the work would be from April 10, 1969, to September 11, 1969.

2. A change in the requirements set forth in that portion of 33 CFR 117.175 (b) which refers to "city of New York highway bridge across North Channel (Grassy Bay) at Jamaica Bay Boulevard" and 33 CFR 117.190(f) (7) "Jamaica Bay, North Channel; New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, N.Y.," is required. As time is of the essence, it has been determined that public rule making procedure would be impractical and omission thereof has been deemed to be in the public interest.

3. The purpose of this document is to revoke the requirements in that portion of 33 CFR 117.175(b) which refers to "City of New York highway bridge across North Channel (Grassy Bay) at Jamaica Bay Boulevard" and 33 CFR 117.190(f) (7) "Jamaica Bay, North Channel; New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, N.Y.," and require these drawbridges to be opened at any time on signal. When the Cross Bay Parkway bridge is completed and full navigational clearances are available, the desirability of restoring special operation regulations to these bridges will be evaluated and appropriate action will be taken at that time.

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.175 (b) and (c) and 117.190(f)(7) reads as follows and shall be effective on April 10, 1969:

§ 117.175 Jamaica Bay and connecting waterways, New York.

• • • • • •

(b) *City of New York highway bridges across North Channel (Grassy Bay) at Shellbank Basin at Nolins Avenue and Hawtree Basin at Nolins Avenue.* • • •

(c) *City of New York highway bridges across North Channel (Grassy Bay) at Jamaica Bay Boulevard and Jamaica Bay, North Channel, New York Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, N.Y.* The draws of these bridges shall be opened at any time on signal.

• • • • • •

§ 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

• • • • • •

(f) • • •

(7) [Revoked]

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v))

Dated: April 7, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–4216; Filed, Apr. 8, 1969; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 121—GRANTS TO STATES FOR THE EDUCATION OF HANDICAPPED CHILDREN

Copyrights and Patents

The following amendment to Part 121 is issued to reflect the policy of the Office of Education with respect to the copyright of materials under Title VI, Part A, a State-administered, formula grant program.

Paragraph (a) of § 121.36 is revised to read as follows:

§ 121.36 Copyrights and patents.

(a) If a copyright is obtained on materials produced with financial assistance under Title VI–A of the Act, the Federal Government shall be granted a nonexclusive, irrevocable, royalty-free license to reproduce and publish the materials so copyrighted, including the power to sublicense for all governmental purposes.

• • • • • •

(5 U.S.C. 301)

Dated: March 10, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: April 2, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69–4159; Filed, Apr. 8, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1023]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 2d day of April 1969.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for loading, unloading, or instructions for movement, in excess of the free time periods established by the applicable demurrage tariffs; that such practices immobilize large numbers of freight cars needed by shippers for transportation of other freight; and that the existing demurrage rules, regulations and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1023 Service Order No. 1023.

(a) Demurrage on freight cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations and practices with respect to its demurrage rules, practices and charges.

(b) Description of cars subject to this order: Except as otherwise provided in paragraphs (c), (d), and (e) of this paragraph shall apply to freight cars which are subject to demurrage rules applicable to detention of cars.

(c) Exception: The provisions of this order shall not apply to freight cars listed in the Official Railway Equipment Register, ICC R.E.R. 370 issued by E. J. McFarland, or reissues thereof, as having the following descriptions and mechanical designations:

Refrigerator Cars—Mechanical Designation: RA, RAM, RCD, RS, RSB, RSM, RSTC, and RSTM.

Stock Cars—Mechanical Designation: SA, SC, SD, SF, SH, SM, SP, and ST.

Tank Cars—Mechanical Designation: TA, TAI, TG, TGI, THI, TL, TLI, TM, TMI, TMU, TMUI, TP, TPI, TPA, TPAI, TR, TRI, TVI, TW, and TWI.

(d) Exception: The provisions of this order shall not apply to cars exempt from demurrage rules, regulations and charges as provided in Item 30 of Freight Tariff 4–I, ICC H–36, issued by B. B. Maurer.

(e) Exception: The charges and provisions of Rule 8, Item 935 of Freight Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto or reissues thereof, or of similar rules or items in other demurrage tariffs lawfully in effect, will remain in effect for the periods defined in such rules or items.

(f) Cars subject to section A of Rule 7, Item 930, section 1 of Freight Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto or reissues thereof, after expiration of free time, or without free time where none is provided, shall be subject to demurrage charges at the following rates:

$5 per car per day or fraction of a day for each of the first 4 days.
$25 per car per day or fraction of a day for each of the next 4 days.
$50 per car per day for each subsequent day.

(g) Cars subject to section A of Rule 9, Item 940, section 1 of Freight Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto or reissues thereof:

When a car has accrued four debits, a charge of $25 per car per day, or fraction of a day, will be made for each of the next 4 days or fraction of a day and $50 per car per day, or fraction of a day will be made for all subsequent detention.

(h) Cars subject to Items 1320, 1322, 1355, 1357, 1360, and 1362 of section 3 of Freight Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto or reissues thereof, after expiration of free time, shall be subject to demurrage charges at the following rates:

$5 per car per day or fraction of a day for each of the first 4 days.
$25 per car per day or fraction of a day for each of the next 4 days.
$50 per car per day or fraction of a day for each subsequent day.

(i) Cars subject to Items 1325 and 1327 of section 3 of Freight Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto or reissues thereof, after expiration of free time, shall be subject to demurrage charges at the following rates:

$5 per car per day or fraction of a day for each of the first 2 days.
$25 per car per day or fraction of a day for each of the next 4 days.
$50 per car per day or fraction of a day for each subsequent day.

(j) Cars subject to Items 1330, 1332, 1350, 1352, 1365, and 1367 of section 3 of Freight Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto or reissues thereof, after expiration of free time, shall be subject to demurrage charges at the following rates:

$7 per car per day or fraction of a day for each of the first 2 days.
$25 per car per day or fraction of a day for each of the next 4 days.
$50 per car per day or fraction of a day for each subsequent day.

(k) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(l) Regulations suspended—announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(m) Effective date: This order shall become effective at 7 a.m., April 15, 1969.

(n) Expiration date: This order shall expire at 6:59 a.m., July 1, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4) and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–4146; Filed, Apr. 8, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Portions of the Salt Plains National Wildlife Refuge, Okla., are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, and the public use area is designated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103, and subject to the following special conditions:

(1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals. Vehicles will be allowed only along such travel lanes and parking areas as are posted for such activity.

(2) Each individual may collect for his personal use up to a maximum of 10 pounds plus one crystal or crystal cluster per day.

(3) Digging for crystals will be confined to areas posted for such activity.

(4) The period of use shall be on Saturdays, Sundays, and holidays, from April 1 through October 15, 1969, inclusive. Gates will be opened to the collecting area at 8 a.m. and closed at 6 p.m.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through October 15, 1969.

WILLIAM T. KRUMMES,
Regional Director,
Albuquerque, N. Mex.

APRIL 2, 1969.

[F.R. Doc. 69–4104; Filed, Apr. 8, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Sport fishing in tidal waters from the sand beach on Holgate Peninsula and Little Beach Island is permitted on the Brigantine National Wildlife Refuge, N. J., through December 31, 1969, except in those areas posted as closed. Fishing from the South Dike in the West freshwater Pool is permitted during daylight hours from July 20 through September 21. The possession of live fish or minnows for use as bait is prohibited. Parking by freshwater fishermen is permitted at the headquarters and the south tower parking areas.

The open areas, comprising 7.5 miles of tidal shoreline and 1 mile of freshwater shoreline, are delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

APRIL 3, 1969.

[F.R. Doc. 69–4128; Filed, Apr. 8, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK, WYO.

Traffic Control

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), and the Act of May 7, 1894 (28 Stat. 73, as amended, 16 U.S.C. 26), 245 DM–I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), as amended, Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, it is proposed to amend § 7.13 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to add additional roads to those roads restricted to one direction of travel as they are not adequately wide for two-way traffic or are too congested with present day two-way traffic. These roads are without exception relatively short side roads that leave from the major road system and reconnect with that same road system at a further point. Surfaces vary from unsurfaced to asphalt.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Yellowstone National Park, Wyo. 83020, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 7.13 of Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(b) *Traffic control.* (1) * * *

(ii) Twenty-five miles per hour: Upon that portion of a park road which passes through or borders on park road repair or construction; visitor-use developments at Mammoth Hot Springs, Tower Falls, Canyon, Lake Area, Fishing Bridge, West Thumb, and Grant Village; and one-way drives.

* * * * *

(2) Travel shall be restricted to one direction when posted on the following roads:

(i) Virginia Cascades Drive.
(ii) Bunsen Peak Drive.
(iii) Mammoth Terrace Drive.
(iv) Firehole Canyon Drive.
(v) Firehole Lake Drive.
(vi) Fountain Flats Drive.
(vii) Canyon Rim Drive.
(viii) Slide Lake Drive.
(ix) Blacktail Plateau Drive.
(x) Silver Gate Turnout.

* * * * *

F. B. ELLIOTT,
Acting Superintendent,
Yellowstone National Park, Wyo.

[F.R. Doc. 69–4106; Filed, Apr. 8, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Labeling Requirements, Standards of Composition, and Definitions

Notice is hereby given that the Consumer and Marketing Service of the U.S. Department of Agriculture is considering amending, as indicated below, the Regulations Governing the Inspections of Poultry and Poultry Products (7 CFR Part 81), pursuant to authority contained in the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.).

Statement of considerations. The Poultry Products Inspection Act requires that poultry products subject to its provisions be labeled to show specified information and prohibits false or misleading labeling. The following amendments are proposed to assure that deboned poultry products will be labeled in accordance with the Act. They would provide a definition and standard of composition and labeling requirements for boneless poultry products, revise the definition and standard for canned shredded poultry, and define the term "poultry byproduct." The amendments would supplement amendments of the regulations under the Federal Meat Inspection Act proposed concurrently herewith (*infra*).

All persons who desire to submit written data, views or comments in connection with the proposal, shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 45 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Section 81.1 would be amended to include the following definition in its correct alphabetical position:

§ 81.1 Definitions.

* * * * *

Poultry byproduct. Poultry byproduct means the skin, fat, gizzard, heart or liver of any poultry.

* * * * *

2. In § 81.131, a new paragraph (g) would be added to read:

§ 81.131 False or deceptive terms or devices; and other labeling requirements.

* * * * *

(g) Boneless poultry products shall be labeled in a manner that accurately describes their actual form and composition. The product name shall specify the form of the product (e.g. emulsified, finely chopped, etc.), and the kind name of the poultry, and if the product does not consist of natural proportions of meat, skin and fat as they occur in the whole carcass, shall also include terminology that describes the actual composition. If the product is cooked it shall be so labeled. Boneless poultry product shall not have a residual bone content of more than 0.5 percent. For the purposes of this part, natural proportions of skin, as found on a whole carcass, will be considered to be as follows:

	Raw	Cooked
	Percent	
Chicken	20	25
Turkey	15	20

3. In § 81.134, paragraph (c) (2) (iii) would be amended to read as follows:

§ 81.134 Product specifications for labeling purposes.

* * * * *

(c) *Poultry meat content of poultry food products.* * * *

(2) *Canned boned poultry.* * * *

(iii) Canned shredded poultry (Shredded (Kind)), consists of poultry meat reduced to a shredded appearance, from the kind of poultry indicated, with natural whole carcass proportions of light and dark meat, and with skin and fat not in excess of the natural whole carcass proportions. Canned shredded poultry from specific parts may include skin or fat in excess of the proportions normally found on a whole carcass, but not in excess of the proportions of skin and fat normal to the particular part or parts; and such product shall be labeled in accordance with § 81.131(g). Product within this subdivision (iii) shall be prepared as set forth in Table II, items 1, 2, 3, or 4, whichever is applicable.

* * * * *

Done at Washington, D.C., this 3d day of April 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69–4122; Filed, Apr. 8, 1969; 8:46 a.m.]

[9 CFR Part 317]

MEAT INSPECTION

Use of Poultry Products in Cooked Sausage

Notice is hereby given that the Consumer and Marketing Service of the U.S. Department of Agriculture is considering amending, as indicated below, the Meat Inspection Regulations pursuant to authority contained in the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C., Supp. III, sec. 601 et seq.).

Statement of considerations. The Department has been petitioned to amend the Federal Meat Inspection Regulations (9 CFR, Chapter III, Subchapter A), to permit the use of poultry products in the cooked sausage products that are designated as frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages.

Information concerning the use of poultry products in this manner has been developed by the Department and obtained from other sources. Information presently available shows that product characteristics are not changed by amounts of poultry up to 15 percent, and that the nutritional qualities of poultry compare favorably with those of other ingredients used in cooked sausage.

The information concerning the use of poultry products in cooked sausage has been available for some time. Nothing further, in the public interest, would be gained by withholding consideration of this proposed regulation change pending receipt of possible further information on the proposed comprehensive standard for cooked sausage (33 F.R. 19251). Therefore, this proposal with respect to the use of poultry products in cooked sausage can be considered without additional delay.

Information relating to the proposed amendment is on file in the office of the Hearing Clerk, Room 112A of the U.S. Department of Agriculture, Washington, D.C. 20250, where it is available for review from 9 a.m. to 5:30 p.m., Mondays through Fridays, except holidays.

Any persons who wish to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 45 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available there for public inspection during normal office hours (9 a.m. to 5:30 p.m., Mondays through Fridays, except holidays).

The following provisions would be added at the end of § 317.8(c)(40) of the regulations:

§ 317.8 False or deceptive labeling and practices.

* * * * *

(c) * * *

(40) * * * Products labeled frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages may contain poultry products which, individually or in combination, are not in excess of 15 percent of the total ingredients excluding water, in the sausage. Such poultry products must be free of kidneys and sex glands, and the amount of skin present must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage, as specified in the regulations under the Poultry Products Inspection Act (7 CFR 81.131(g)). For purposes of this subparagraph, poultry products means chicken or turkey, chicken or turkey meat, or chicken or turkey byproducts as defined in the regulations under the Poultry Products Inspection Act (7 CFR Part 81). They shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of said regulations. However, these sausage products if labeled "all meat," shall contain only beef, pork, veal, mutton, lamb, or goat meat, or chicken or turkey meat (without skin but otherwise as provided in this section), or any combination thereof, and condiments, curing agents and water as permitted by this section and § 318.7 of this subchapter. If labeled "all (species)," e.g., "all beef franks" or "all pork franks," these sausages shall contain only meat of the specified species, with condiments, curing agents and water as permitted by this section and § 318.7 of this subchapter.

Done at Washington, D.C., this 4th day of April 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-4123; Filed, Apr. 8, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 141c, 146c, 146d, 146e]

ANTIBIOTICS

Use in Animals

In accordance with the statement of policy regarding antibiotics used in food-producing animals (21 CFR 3.25) published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5616), amendments to the food additive and antibiotic drug regulations are proposed as follows to provide for the safe use of certain antibiotics in food-producing animals:

A. Pursuant to the provisions of the Federal Food, Drug, Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 121 be amended:

1. In § 121.208(d) by adding to table 4 new items 8, 9, and 10 and to table 5 a new item 6, as follows:

§ 121.208 Chlortetracycline.

* * * * *

(d) * * *

TABLE 4—CHLORTETRACYCLINE IN DRINKING WATER

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per gal.				
* * *	* * *	* * *	* * *	* * *	* * *
8. Chlortetracycline	100–200			For swine; as chlortetracycline hydrochloride; administer for not more than 46 days; do not slaughter animals for food within 24 hours of treatment; prepare a fresh solution daily; as sole source of chlorotetracycline.	As an aid in prevention of bacterial enteritis.
9. Chlortetracycline	200–400			do	As an aid in prevention of bacterial pneumonia; for treatment of bacterial enteritis.
10. Chlortetracycline	400–800			For swine; as chlortetracycline hydrochloride; administer for not more than 24 days; do not slaughter animals for food within 24 hours of treatment; prepare a fresh solution daily; as sole source of chlortetracycline.	For treatment of bacterial pneumonia.

TABLE 5—MISCELLANEOUS

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
6. Chlortetracycline	2 mg. per pound body weight.			For calves; as chlortetracycline hydrochloride; as a drench administer 2 mg. per pound body weight per day for not more than 5 days; do not slaughter animal for food within 3 days of treatment; prepare fresh solution daily; as sole source of chlortetracycline.	For treatment of bacterial pneumonia, bacterial diarrhea, and shipping fever.

2. By adding to Subpart C a new section, as follows:

§ 121.___ Tetracycline.

The food additive tetracycline may be safely used in accordance with the following prescribed conditions:

(a) Tetracycline is the antibiotic substance produced by the hydrogenation of chlortetracycline and each of the same substances produced by any other means is a kind of tetracycline.

(b) The antibiotic activity authorized is expressed in terms of the weight of the appropriate antibiotic standard.

(c) It is used or intended for use as follows:

TABLE 1—TETRACYCLINE POWDER

	Amount	Limitations	Indications for use
1. Tetracycline	52 mg. per day.	For newborn pigs; as tetracycline hydrochloride in water or milk; administer for not more than 3 days; do not slaughter animals for food within 4 days of treatment; prepare a fresh solution daily, as sole source of tetracycline.	For treatment of bacterial enteritis and bacterial pneumonia.
2. Tetracycline	100–200 mg. per gal.	For swine; as tetracycline hydrochloride in drinking water; administer for not more than 21 days; do not slaughter animals for food within 4 days of treatment; prepare a fresh solution daily, as sole source of tetracycline.	As an aid in prevention of bacterial enteritis.
3. Tetracycline	200–400 mg. per gal.	do	As an aid in prevention of bacterial pneumonia; for treatment of bacterial enteritis.
4. Tetracycline	400 mg. per gal.	do	For treatment of bacterial pneumonia.
5. Tetracycline	100–200 mg. per gal.	For calves; as tetracycline hydrochloride in drinking water; administer for not more than 5 days; do not slaughter animals for food purposes within 5 days of treatment; prepare fresh solution daily; as sole source of tetracycline.	As an aid in prevention of bacterial diarrhea, bacterial pneumonia, and shipping fever (hemorragic septicemia).
6. Tetracycline	200–400 mg. per gal.	For calves; as tetracycline hydrochloride in drinking water; administer for not more than 5 days; do not slaughter animals for food purposes within 5 days of treatment; prepare fresh solution daily; as sole source of tetracycline.	For treatment of bacterial diarrhea, bacterial pneumonia, and shipping fever (hemorrhagic septicemia).
7. Tetracycline	100–200 mg. per gal.	For turkeys and chickens; as tetracycline hydrochloride in drinking water; administer for not more than 21 days; do not slaughter birds for food within 4 days of treatment; not for laying chickens; prepare fresh solution daily; as sole source of tetracycline.	As an aid in prevention of chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (nonspecific enteritis), infectious sinusitis, and synovitis.
8. Tetracycline	200–400 mg. per gal.	do	For treatment of chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (nonspecific enteritis), infectious sinusitis, and synovitis.

TABLE 2—TETRACYCLINE BOLUS

	Amount	Limitations	Indications for use
1. Tetracycline	600 mg. per bolus.	For calves; as tetracycline hydrochloride; administer orally 10 mg. per pound of body weight per day divided in four daily doses for not more than 5 days; do not slaughter animals for food within 12 days of treatment; as sole source of tetracycline; for sale by or on the order of a licensed veterinarian.	For treatment of pneumonia, shipping fever, and pneumoenteritis.
2. Tetracycline	300 mg. per bolus.	For sheep; as tetracycline hydrochloride; administer orally 10 mg. per pound of body weight per day divided in four daily doses for not more than 4 days; do not slaughter animals for food within 5 days of treatment; as sole source of tetracycline.	For treatment of pneumonia, shipping fever, pneumoenteritis complex, and bacterial enteritis (scours).

(d) To assure safe use, the label and labeling of the additive in a combination of additives, or final dosage form prepared therefrom, shall bear in addition to the other information required by the act the following:

(1) The name of the additive.

(2) A statement of the quantity contained therein.

(3) Adequate directions and warnings for use.

B. The Commissioner concludes, with reference to the preceding, that the food additive regulations should also be amended to establish safe tolerances for negligible residues of tetracycline in uncooked edible tissues of treated animals. The negligible tolerances proposed reflect conclusions reached by the ad hoc Committee on the Veterinary Medical and Nonmedical Uses of Antibiotics as well as available data showing that such negligible residues are expected from the permitted conditions of use. Therefore, pursuant to said provisions of the Act and under authority delegated as cited above, the Commissioner proposes that Part 121 be amended by adding to Subpart D a new section, as follows:

§ 121.___ Tetracycline.

A tolerance of 0.25 part per million is established for negligible residues of tetracycline in uncooked edible tissues of calves, swine, sheep, turkeys, and chickens.

C. Pursuant to the provisions of the act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated as cited above, the Commissioner proposes that Parts 141c, 146c, 146d, and 146e be amended:

§ 141c.256 [Revoked]

1. By revoking § 141c.256 *Chlortetracycline hydrochloride in oil oral veterinary.*

2. By revising § 146c.204(c)(2) to read as follows:

§ 146c.204 Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

3. In § 146c.205 by deleting paragraph (f) and revising paragraph (c)(2) to read as follows:

§ 146c.205 Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder.

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it is intended for use in animals raised for food production, it shall also be labeled in accordance with the requirements of food additive regulations in Part 121 of this chapter.

• • • • •

(f) [Deleted]

4. By revising § 146c.207(a) to read as follows:

§ 146c.207 Chlortetracycline hydrochloride tablets; tetracycline hydrochloride tablets; tetracycline tablets.

(a) Chlortetracycline hydrochloride tablets, tetracycline hydrochloride tablets, and tetracycline tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.204 for chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, and tetracycline capsules, except that:

(1) The average moisture content of the tablets is not more than 3.0 percent, unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content not exceeding 6.0 percent.

(2) If it is intended for use in animals raised for food production, it shall be labeled in accordance with the requirements of food additive regulations in Part 121 of this chapter.

In addition to the requirements prescribed by § 146c.204, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of six tablets. The fee for the tablets submitted for disintegration-time studies shall be $3.

• • • • •

5. By revising § 146c.211(c)(2) to read as follows:

§ 146c.211 Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder.

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and, if it is intended for other than topical use, the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

6. By revising § 146c.212(c)(2) to read as follows:

§ 146c.212 Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories.

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

7. By revising § 146c.215(c)(2) to read as follows:

§ 146c.215 Chlortetracycline with vasoconstrictor (chlortetracycline hydrochloride with vasoconstrictor); chlortetracycline with ------ (chlortetracycline hydrochloride with ------) (the blank being filled in with the established name of the vasoconstrictor).

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

8. By revising § 146c.217(c)(2) to read as follows:

§ 146c.217 Chlortetracycline calcium syrup (chlortetracycline calcium oral drops); tetracycline syrup (tetracycline oral drops); tetracycline magnesium syrup (tetracycline magnesium oral drops).

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

9. In § 146c.219 by deleting paragraph (f) and by revising paragraphs (a) and (c)(2) to read as follows:

§ 146c.219 Crude chlortetracycline oral veterinary.

(a) *Standards of identity, strength, quality, and purity.* Crude chlortetracycline oral veterinary is crude chlortetracycline with suitable and harmless diluents, with or without buffer substances and suspending and dispersing agents and with or without one or more essential vitamins and mineral substances for nutritive purposes. It contains not less than 2 grams of chlortetracycline activity per pound, except it shall contain 100 grams of chlortetracycline activity per pound if it is intended for use in the treatment of psittacosis in psittacine birds (parrots, macaws, and cockatoos). Its moisture content is not more than 6 percent.

• • • • •

(c) • • •

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such drug by the laity. If it is intended for use in animals raised for food production, the labeling shall comply with the requirements prescribed for this drug by food additive regulations in Part 121 of this chapter.

• • • • •

(f) [Deleted]

10. By revising § 146c.222(c)(2) to read as follows:

§ 146c.222 Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension.

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

11. By revising § 146c.226(c)(2) to read as follows:

§ 146c.226 Tetracycline and vasoconstrictor suspension; tetracycline and ------ (the blank being filled in with the established name of the vasoconstrictor) suspension.

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

12. By adding to § 146c.228 a new paragraph (b), as follows:

§ 146c.228 Chlortetracycline hydrochloride-neomycin tablets veterinary; tetracycline hydrochloride-neomycin tablets veterinary.

• • • • •

(b) If it is intended for use in animals which are raised for food production, it shall also be labeled in accordance with the requirements of § 121.208 of this chapter.

• • • • •

13. By revising the introductory text of § 146c.233 to read as follows:

§ 146c.233 Tetracycline-oleandomycin phosphate for oral suspension.

Tetracycline-oleandomycin phosphate for oral suspension conforms to all requirements and procedures prescribed by § 146c.205 for tetracycline powder intended for use by man, except that:

• • • • •

14. By revising the introductory text of § 146c.236 to read as follows:

§ 146c.236 Tetracycline-nystatin for oral suspension.

Tetracycline-nystatin for oral suspension conforms to all requirements and procedures prescribed by § 146c.205 for tetracycline powder intended for use by man, except that:

• • • • •

15. By revising the introductory text of § 146c.239 to read as follows:

§ 146c.239 Tetracycline-novobiocin for oral suspension.

Tetracycline-novobiocin powder for oral suspension conforms to all requirements and procedures prescribed by § 146c.205 for tetracycline powder intended for use by man, except that:

• • • • •

16. By revising § 146c.252(c)(2) to read as follows:

§ 146c.252 Capsules demethylchlortetracycline hydrochloride.

• • • • •

(c) • • •

(2) *If it is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

§ 146c.256 [Revoked]

17. By revoking § 146c.256 *Chlortetracycline hydrochloride in oil oral veterinary.*

18. By revising the introductory text of § 146c.257 to read as follows:

§ 146c.257 Tetracycline-amphotericin B for oral syrup; tetracycline-amphotericin B for oral drops.

Tetracycline-amphotericin B for oral syrup and tetracycline-amphotericin B for oral drops conform to all requirements and procedures prescribed by § 146c.205 for tetracycline powder intended for use by man, except that:

• • • • •

19. In § 146c.265(a) by deleting subparagraph (1)(iv) and by adding a new subparagraph (2), as follows:

§ 146c.265 Chlortetracycline bisulfate soluble powder veterinary.

• • • • •

(c) • • •

(1) • • •

(iv) [Deleted]

• • • • •

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. If it is intended for use in animals raised for food production, the labeling shall comply with the requirements prescribed for this drug by food additive regulations in Part 121 of this chapter.

• • • • •

20. By revising § 146d.302(c)(2) to read as follows:

§ 146d.302 Chloramphenicol capsules.

• • • • •

(c) • • •

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (ii), and in lieu of the statement "Caution: Federal Law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and bear on its label and labeling the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

21. By revising § 146d.303(c)(2) to read as follows:

§ 146d.303 Chloramphenicol ointment (chloramphenicol cream).

• • • • •

(c) • • •

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and bear on its label and labeling the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

By revising § 146d.306(c)(2) to read as follows:

§ 146d.306 Chloramphenicol palmitate and suspension.

• • • • •

(c) • • •

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (ii), and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and bear on its label and labeling the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

23. By revising § 146e.403(c)(2) to read as follows:

§ 146e.403 Bacitracin tablets; zinc bacitracin tablets; bacitracin methylene disalicylate tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use); bacitracin implantation pellets; zinc bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals).

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

24. By revising § 146e.405(c)(2) to read as follows:

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§ 146e.405 Bacitracin with vasoconstrictor; bacitracin with (the blank being filled in with the established name of the vasoconstrictor).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

25. By revising § 146e.416(c)(2) to read as follows:

§ 146e.416 Bacitracin methylene disalicylate.

* * * * *

(c) * * *

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of the drug by the laity. If it is intended for use in animals raised for food production, the labeling shall comply with the requirements prescribed for this drug by food additive regulations in Part 121 of this chapter.

* * * * *

26. In § 146e.417(c)(1) by redesignating subdivision (v) as (vi) and adding a new subdivision (v). The affected portions read as follows:

§ 146e.417 Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary.

* * * * *

(c) * * *

(1) * * *

(v) The statement "Warning: Not for use in animals which are raised for food production."

(vi) If it contains adsorbent ingredients, the name of each.

* * * * *

27. In § 146e.423 by deleting paragraph (c) and by revising paragraph (b) to read as follows:

§ 146e.423 Soluble bacitracin methylene disalicylate.

* * * * *

(b) *Packaging; labeling; requests for certification, samples; fees.* Soluble bacitracin methylene disalicylate conforms to all requirements and procedures prescribed for bacitracin methylene disalicylate by § 146e.416 (b), (c), (d), and (e), except that the person who requests certification of a batch shall submit with his request (unless previously submitted) a sample consisting of five immediate containers, each containing approximately 5 grams, of the bacitracin methylene disalicylate used in making the batch, and except that its label shall bear the statement "Warning: Not for use in animals raised for food production."

(c) [Deleted]

28. In § 146e.425 by deleting paragraph (f) and by adding to paragraph (c) (1) a new subdivision, as follows:

§ 146e.425 Bacitracin powder.

* * * * *

(c) * * *

(1) * * *

(v) The statement "Warning: Not for use in animals which are raised for food production."

* * * * *

(f) [Deleted]

29. By revising § 146e.427(b) to read as follows:

§ 146e.427 Feed grade bacitracin powder oral veterinary (crude bacitracin powder oral veterinary, unrefined bacitracin powder oral veterinary); feed grade zinc bacitracin powder oral veterinary (crude zinc bacitracin powder oral veterinary, unrefined zinc bacitracin powder oral veterinary).

* * * * *

(b) *Packaging; labeling; requests for certification, samples; fees.* Feed grade bacitracin powder oral veterinary and feed grade zinc bacitracin powder oral veterinary conform to all requirements and procedures prescribed for bacitracin powder by § 146e.425 (b), (c), (d), and (e), except that the statement listed in § 146e.425(c)(1)(v) is not required and an expiration date of 24 months or 36 months may be used if the manufacturer has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section. Its labeling complies with the requirements of food additive regulations for these drugs in Part 121 of this chapter.

30. By revising § 146e.431(b) to read as follows:

§ 146e.431 Feed grade manganese bacitracin powder oral veterinary.

* * * * *

(b) *Packaging; labeling; requests for certification, samples; fees.* Feed grade manganese bacitracin powder oral veterinary conforms to all requirements and procedures prescribed for feed grade zinc bacitracin powder oral veterinary by § 146e.427(b), except:

(1) Its expiration date shall be 12 months.

(2) Its labeling is such that when it is mixed with animal feed according to the directions contained therein such medicated feed complies with the requirements of § 144.24 of this chapter and the requirements of food additive regulations in Part 121 of this chapter for manganese bacitracin medicated feed.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 1, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4058; Filed, Apr. 8, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Columbus, Ohio Control Zone and Transition area.

The VOR-1 standard instrument approach procedure authorized for the Licking County Airport, Newark, Ohio, requires alteration of the Columbus, Ohio, 700 foot floor transition area to provide airspace protection for aircraft executing the instrument approach procedure. The description of the transition area and control zone must also be amended to reflect the correct name of the Port Columbus International Airport, Columbus, Ohio.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, ATTN: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Columbus, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Columbus, Ohio, control zone the name "Columbus Municipal Airport" and insert in lieu thereof "Port Columbus International Airport."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to insert in the description of the Columbus, Ohio, 700 foot transition area, following the phrase "8 miles W of the RBN;" the words "within a 6-mile radius of the center 40°01'25" N., 82°27'40" W., of Licking County Airport, Newark, Ohio; within 2 miles each side of the Licking County Airport Runway 8 centerline extended from the Licking County Airport 6-mile radius area to 7 miles E of the end of the runway; within 2 miles each side of the Appleton, Ohio, VORTAC 320° radial and 140° radial extending from the Licking County Airport 6-mile radius area to 8 miles NW of the Appleton VORTAC;". Delete "Columbus Municipal Airport" and insert in lieu thereof "Port Columbus International Airport."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on March 24, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4114; Filed, Apr. 8, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-18]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Doylestown, Pa., 700 foot transition area over Central Bucks County Airport, Doylestown, Pa.

A new VOR Runway 23 instrument approach procedure has been authorized for Central Bucks County Airport, Doylestown, Pa., and will require designation of a part time 700 foot floor Doylestown, Pa., transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Doylestown, Pa., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Dolyestown, Pa., transition area described as follows:

DOYLESTOWN, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (40°20'20" N., 75°07'20" W.), of Central Bucks County Airport, Doylestown, Pa.; within 2 miles each side of the runway 5 centerline extended from the Doylestown, Pa., 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Solberg, N.J., VORTAC 229° radial extending from the Doylestown, Pa., 5-mile radius area to 10 miles southwest of the VORTAC, excluding the portions which coincide with the North Philadelphia, Pa., and Readington, N.J., transition areas. This transition area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 21, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4116; Filed, Apr. 8, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700 foot transition area over Holmes County Airport, Millersburg, Ohio.

A new VOR-1 standard instrument approach procedure has been authorized for Holmes County Airport, Millersburg, Ohio, predicated on the Tiverton, Ohio, VOR which will require designation of a 700 foot floor transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Millersburg, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Millersburg, Ohio, transition area described as follows:

MILLERSBURG, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°32'15" N., 81°57'10" W. of Holmes County Airport, Millersburg, Ohio, and within 2 miles each side of the Tiverton, Ohio, VOR 059° radial extending from the 5-mile radius area to the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on March 24, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4117; Filed, Apr. 8, 1969; 8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-EA-50]

REPORTING POINT AND JET ROUTES

Proposed Designations, Modification, and Revocation; Supplemental Notice

The Federal Aviation Administration (FAA) is considering amending Parts 71

and 75 of the Federal Aviation Regulations to alter certain jet routes in the general vicinity of Cleveland, Ohio, Pittsburgh, Pa., and Washington, D.C.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may change in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

On July 23, 1968, a notice of proposed rule making published in the FEDERAL REGISTER (33 F.R. 10460), stated that the Federal Aviation Administration proposed the following: Modification to Jet Route Nos. 30, 34, 49, 80, and 110; revocation of Jet Route No. 12 and a portion of Jet Route No. 49; and designation of a new Jet Route No. 145. On November 30, 1968, amendments to the Federal Aviation Regulations were published in the FEDERAL REGISTER (33 F.R. 17851), which accomplished the following: Altered Jet Route No. 30 as proposed; altered a portion of Jet Route No. 34 as proposed, but deferred action on most of Jet Route No. 34; retained Jet Route Nos. 49 and 12 without change in alignment but with a change in description; and deferred action on Jet Route Nos. 80, 110, and 145, pending further study of air traffic flow patterns and procedures in order to arrive at the optimum jet route structure in that area.

On July 25, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 10580), stating that the FAA was considering alteration to several jet routes including Jet Route No. 518 between Toronto, Ontario, Canada, and Westminster, Md. On November 28, 1968, amendments to the Federal Aviation Regulations were published in the FEDERAL REGISTER (33 F.R. 17767), but no action was taken on Jet Route No. 518 pending further study of air traffic flow patterns and procedures.

The study of air traffic flow patterns and procedures has been completed, and the FAA now makes the following supplemental proposals:

1. Realignment of Jet Route No. 34 in part from Cleveland, Ohio, VORTAC via Bellaire, Ohio, VORTAC; to the INT of Bellaire VORTAC 104° T (108° M) and Westminster, Md., VORTAC 247° T (255° M) radials.

2. Realignment of Jet Route Nos. 80 and 110 in part from Indianapolis, Ind., VORTAC via Bellaire, Ohio, VORTAC; to Coyle, N.J., VORTAC.

3. Realignment of Jet Route No. 518 from Cleveland, Ohio, VORTAC via INT of Cleveland VORTAC 120° T (123° M) and Westminster, Md., 288° T (296° M) radials; to Westminster VORTAC.

4. Designation of a new Jet Route No. 145 from Charleston, W. Va., VORTAC to Bellaire, Ohio, VORTAC.

5. Designation of a new Jet Route No. 162 from Cleveland, Ohio, VORTAC via Bellaire, Ohio, VORTAC; INT of Bellaire VORTAC 142° T (146° M) and Front Royal, Va., VORTAC 283° T (289° M) radials; to Front Royal VORTAC.

6. Revocation of Jet Route No. 12.

7. Revocation of Jet Route No. 49 between Charleston, W. Va., VORTAC and Philipsburg, Pa., VORTAC.

8. Designation of Bellaire, Ohio, VORTAC as a domestic high altitude reporting point.

Normal intented use of these proposed jet routes would be as follows:

1. Jet Route No. 34 for aircraft departing the Washington metropolitan area en route to northwestern terminals.

2. Jet Route No. 518 for aircraft departing Cleveland en route to Baltimore.

3. Jet Route No. 162 for aircraft departing Cleveland and en route to Dulles and Washington National. (Jet Route No. 30 is proposed for realignment in a separate proposal to coincide with Jet Route No. 162 as proposed herein between Jet Route No. 78 and Front Royal.)

4. Jet Route No. 145 for northbound aircraft landing at Pittsburgh.

5. Jet Route Nos. 80/110 for eastbound traffic east of Bellaire, and for east and westbound traffic west of Bellaire.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 3, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-4115; Filed, Apr. 8, 1969; 8:46 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-19; Notice 69-7]

TRANSPORTATION OF METHYL CHLORIDE

Use of Certain Multiunit Tank Car Tanks

The Hazardous Materials Regulations Board is considering amending 49 CFR 173.314(c) to authorize the use of DOT-110A500W multiunit tank car tanks for the transportation of methyl chloride.

The Hazardous Materials Regulations Board has recently issued a special permit authorizing the transportation of methyl chloride in specification DOT-110A500W multiunit tank car tanks. The basic justification for the permit is that this tank is at least equivalent to a DOT-106A500 tank car tank which is presently authorized for the shipping of methyl chloride. In addition, on February 21, 1966, a special permit was issued by the Interstate Commerce Commission authorizing the use of 110A500W multiunit tank car tanks for the shipment of methyl chloride, and no adverse experiences were reported under that permit.

In consideration of the foregoing, the Hazardous Materials Regulations Board proposes to amend § 173.314(c) as indicated above.

Interested persons are invited to give their views on the proposal discussed herein. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 6, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of Title 18 United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on April 1, 1969.

J. B. MCCARTY, Jr.,
Capt. U.S.C.G., by direction of Commandant, U.S. Coast Guard.

P. C. TURNER,
Administrator, Federal Highway Administration.

JAMES H. MACANANNY,
Acting Administrator, Federal Railroad Administration.

[F.R. Doc. 69-4160; Filed, Apr. 8, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 18509; FCC 69-314]

APPLICATIONS OF TELEPHONE COMPANIES FOR CERTAIN CERTIFICATES FOR CHANNEL FACILITIES

Notice of Inquiry and Notice of Proposed Rule Making Regarding Community Antenna Television Systems

In the matter of applications of telephone companies for section 214 certificates for channel facilities furnished to affiliated community antenna television systems, Docket No. 18509.

1. The Commission has before it for consideration 17 formal applications that have been submitted pursuant to Part 63 of our rules and our interim procedures adopted August 7, 1968, 33 F.R. 11559. These applications request the Commission to certify that, within the meaning of section 214 of the Communications Act of 1934, the present or future public convenience and necessity require or will require the construction or operation of the facilities described therein. Appendix A hereof identifies the applications in question.

2. All of these applications have two things in common. In each case the applicant is an existing and established telephone company already providing interstate or foreign communications services of some kind and each is proposing by these applications to construct or operate or to construct and operate channel facilities to be furnished under a published tariff to a Community Antenna Television System (CATV) in which there exists some degree of ownership affiliation between the telephone company applicants and the CATV customers to be served.

3. For purposes of our discussion herein, these applications may be divided into the following five groups:

One, the three applications of Carolina Telephone and Telegraph Co. (P–C–7088, 7211, and 7216), wherein the applicant has a one-half ownership interest in the CATV customer to be served, namely Jefferson-Carolina CATV Corp., with the other one-half ownership interest thereof in a broadcast entity, namely Jefferson Standard Broadcasting Co., and wherein Southern Bell Telephone and Telegraph Co. (Southern Bell), and South Central Bell Telephone Co. (South Central), together have an ownership interest of about 13 percent in the applicant Carolina Telephone and Telegraph Co.;[1]

Two, the three applications of Southern Bell (P–C–7231, 7233, 7225), wherein this applicant has an ownership interest of about 7 percent in Carolina[1] Telephone and Telegraph Co., which, as heretofore stated has a 50-percent ownership interest in one of the CATV customers to be served, namely the aforementioned Jefferson-Carolina TV Corp., and wherein the other CATV customer to be served, Cablevision Inc., is wholly owned by the aforesaid Jefferson-Carolina CATV Corp.;

Three, the four applications of the United Companies (P–C–7174, 7200, 7205, and 7212), wherein each of these applicants is wholly owned by the same company (United Utilities, Inc.), that also wholly owns the CATV customer to be served in each case, namely United Transmission, Inc.

Four, the applications of the General Companies (P–C–7213, 7295, 7333, 7334, 7347), and the one application of the Western California Telephone Co. (P–C–7260) wherein 90 percent or more of the stock in each applicant is owned by General Telephone & Electronics Corp., which in turn owns 100 percent of the CATV customer to be served in each case (G.T. & E. Communications, Inc.).

Five, the application of Heins Telephone Co., wherein it appears that Mr. James E. Heins, Jr. is an officer, director and stockholder of the applicant, owning 250 out of the 5,000 shares outstanding and is also a director and stockholder of the CATV customer to be served (Lee Cablevision, Inc.), owning 241 of the 3,420 shares outstanding.

4. All of these applications were filed following our June 26, 1968, decision in Docket No. 17333 wherein we held that the construction of lines by a telephone company for the purpose of providing channel service to a CATV system must be certified pursuant to the provisions of section 214 of the Communications Act, General Telephone Company of California et al., 13 F.C.C. 2d, 448, 461. In that decision, we expressed concern over cases in which the proposed CATV operator and the telephone company serving a particular community were affiliated (e.g., a parent-subsidiary relationship or where both are under common control). Among other things, we stated:

> • • • By reason of its control over utility poles, or other local advantages resulting from its status as an existing common carrier in the community, the telephone company is in a position to preclude or to substantially delay an unaffiliated CATV system from commencing service and thereby eliminate competition. Furthermore, construction by a telephone company for an affiliated CATV operator calls for careful scrutiny on the part of the Commission in order to insure against wasteful duplication or unnecessary construction • • • 13 F.C.C. 2d, 462–463.

5. Responsive pleadings have been submitted with respect to some of these applications. For example, responsive pleadings to the application of United Telephone Company of Indiana (P–C–7174), Heins Telephone Co. (P–C–7198), United Telephone Company of Ohio (P–C–7200), General Telephone Company of Illinois (P–C–7213), and Southern Bell Telephone & Telegraph Co. (P–C–7231), allege, among other things, that the respective telephone companies have discriminated in favor of their affiliated customers and against unaffiliated CATV customers desiring pole line space or have otherwise improperly extended their existing monopoly in the telephone field to CATV services. No responsive pleadings have been filed with respect to some of these pending applications. For example, although the time has expired under our interim procedures for the filing of responsive pleadings to (a) the applications of Carolina Telephone & Telegraph Co. for Tarboro, Dunn, Erwin, Whitefield and Chadbourn, N.C., (b) United Telephone Company of Missouri for Waynesville, Mo., and (c) Southern Bell for Gastonia, N.C., no objections have been filed that are directed to such pending applications.

6. We believe that all of the pending applications listed in appendix A, raise certain significant policy or legal questions that should be resolved by the Commission before such applications may be appropriately considered in other respects. This is true with respect to those applications that are presently unopposed by responsive pleadings as well as those that are opposed.[2] Written comments from interested persons on these questions will be helpful to the Commission in carrying out its statutory obligations with respect to all such pending and future affiliation applications. Foremost among such questions is whether telephone companies, either directly or through their owned or controlled affiliates, should be permitted to engage in furnishing CATV service to the public and, if so, what conditions should be attached to any authorizations therefor issued by the Commission under section 214 to such companies to insure that rendition of the service will serve the public convenience and necessity. At the same time, we seek to determine whether we should depart from our existing policy of considering each section 214 application on an ad hoc basis and on its own merits, whether we should decline to entertain any and all such applications or whether we should entertain only certain applications which fall within predetermined exemptions.

7. Necessarily, this inquiry substantively relates to the pending notice of proposed rule making and notice of inquiry in Docket No. 18397, 15 F.C.C. 2d 417, in which comments on Part V are due initially on June 15, 1969. The first general question posed for comments in Part V of Docket 18397 is: "What is the appropriate relationship between CATV, communications common carriers, and other entities (e.g., the broadcasters, computer industry, etc.), which now provide, or may in the future provide communications services in the locality?"

The specific applications now before us involve ownership relationships between CATV and communications common carriers and comments thereon would, of course, be pertinent to the inquiry in Docket No. 18397. However, we believe that it will better enable the Commission to carry out its duties if comments are focussed on the questions raised herein and submitted separately from those in Docket 18397 and at an earlier date. We stated in our notice of inquiry in Docket 18397 that "further notices expanding or altering the scope of this rule making and inquiry may subsequently be issued as necessary or appropriate", 15 F.C.C. 2d 418. Attention is also directed to the Commission's memorandum opinion and order of February 8, 1967 in Docket Nos. 16933 et al., 6 F.C.C. 2d 860. We there discuss the various issues that are involved in the pending consolidated CATV Channel Service tariff case in Dockets 16928 et al., 6 F.C.C. 2d 175, 433, 434, 440, 441 and make reference to alleged anticompetitive activities

[1] Southern Bell and South Central have announced publicly (on or about Mar. 11, 1969), their agreement to sell their interest in Carolina Telephone and Telegraph Co., near the end of March 1969, prior to the merger of the latter with United Utilities.

[2] To illustrate, the unopposed applications of Southern Bell and Carolina Tel., raise a question, among others, as to the relevance, if any, of the Western Electric Consent Decree, 13 RR 2143, to the Bell System's ownership interest in the CATV customer to be served.

of telephone companies in connection with both pole line attachment practices and tariffs. The proceeding in the consolidated tariff case is now in recess pending judicial review of our decision in Docket 17333 with respect to section 214 of the Act. However, we wish to make it clear that, although these alleged anticompetitive practices are in issue in the consolidated tariff case and will remain so, they may be pertinent to our inquiry herein. Accordingly, comments are invited thereon insofar as those practices may have a bearing on the questions we are seeking to resolve in this proceeding.

8. Comments should be addressed to (but not necessarily limited to), the following questions and issues:

(a) What effect, if any, would the existence of Commission policies in this area have upon the Commission's expressed long range concern about a common carrier acting as a program originator (See, CATV; notice of proposed rule making and notice of inquiry; Docket No. 18397, 15 F.C.C. 2d 417, 421 and cf. 427)?

(b) What effect would Commission policies regarding ownership relationships between CATV and communications common carriers have upon the concentration of control of CATV systems? (We note, for example, that, by one kind of reckoning, multiple CATV owner United Transmission, Inc., is reportedly ranked No. 18 in the country, serving about 35,387 homes out of an estimated total of 3.7 million homes; that multiple CATV owner Jefferson-Carolina CATV Corp. is reportedly ranked No. 32, serving about 24,060 homes out of the same total; and that multiple CATV owner G.T. & E. Communications is reportedly ranked No. 36, serving about 19,143 homes out of the total, Television Digest, February 3, 1969, at pages 3 and 4. The same report shows that Continental Telephone, another telephone interest which has no section 214 applications pending before us, is ranked No. 28, serving approximately 26,924 homes. We do not suggest what weight should be given to these reported estimates. However, it will be helpful for the Commission to receive comments that will assist it in considering what policies may be adopted to avoid undue concentration of control of CATV systems by telephone companies. It should be noted that the notice in Docket No. 18397 proposes rulemaking in the area of multiple ownerships of CATV systems generally, with comments on this aspect now due on April 3, 1969. (15 F.C.C. 2d at 426, 444.) The comments there filed may also be considered in connection with the questions raised by this paragraph.

(c) Should the Commission adopt specific policies and regulations to protect against any potential unfair or anticompetitive practices that might arise as a result of the affiliated relationship between telephone companies and CATV systems? In this connection consideration should be given to such potential problems as:

(i) Possible discriminatory treatment between affiliated and nonaffiliated CATV systems in the construction or furnishing of CATV facilities;

(ii) Possible unfair competitive advantages that the affiliates of telephone companies may have over nonaffiliated entities in establishing CATV systems;

(iii) The possibility that telephone companies might subsidize the cost of construction and services required by their affiliates out of revenues derived by the telephone companies from their other services, thereby resulting in the underpricing or undercosting of services furnished by the affiliates, to the competitive detriment of nonaffiliated CATV systems;

(iv) The possibility that ownership affiliation might unduly constrain the full development of non-TV CATV services (e.g., data services), that could be substituted for traditional telephone services.

(d) Should the Commission adopt specific policies and regulations to protect against potential detrimental effects upon regular telephone service consumers occasioned by telephone company supply of CATV service to affiliated companies. In this connection, consideration should be given to such questions as:

(i) Will the telephone company's investments in an affiliated CATV system enhance or impair its ability to raise the capital necessary to expand and improve services required by the regular customers of the telephone company?

(ii) How will the overall risk condition of the telephone company and its cost of capital be affected by investments in CATV systems?

(iii) To what extent will the telephone company's requirement to supply specialized services to its CATV affiliates be in conflict with its requirements to furnish new or expanded services and facilities to its regular customers for such services as wide spectrum and video telephone switched services?

(iv) How will telephone company ownership affiliation with CATV systems affect the policies, programs, priorities, and decisions of investment in facilities, research, and development that are undertaken by the telephone companies?

(e) Will there be (and to what extent), cases where a substantial segment of the public would be deprived of CATV service unless a telephone company is permitted to furnished facilities to an affiliate?

(f) How should Commission policies in regard to affiliated CATV's take into account the legitimate role of local or state governmental agencies in their choice of who should be licensed or franchised to be CATV operators?

(g) What effect would Commission policies in this area have on the incentives for CATV operators to operate also as common carriers on any of their channels not utilized for carriage of broadcast signals or CATV origination?

(h) What effect will Commission policies (or the lack thereof), in this area have upon incentives for CATV program origination in the interest of meeting local public needs?

(i) Should the Commission prohibit telephone company ownership affiliation with CATV's, or, alternatively, what conditions might be imposed on certificates granted in affiliation cases to further the public interest objectives of the Act?

(j) Should the Commission impose policies or conditions retroactively (and if so, in what nature), on presently operating telephone company-affiliated CATV systems that are not now the subject of section 214 applications?

9. Attention is also directed to the fact that some of the applications listed in appendix A are for a certificate to construct or operate channel facilities that will be used to provide "wide spectrum" services under published tariffs. Under such service offering the facilities would be offered not only for CATV purposes but for any other services, such as high speed data, where the availability of wide spectrum facilities may be necessary or desirable. Although the principal customer of the requested facilities in such "wide spectrum" applications is expected to be the named affiliated CATV customer rather than other users, it is requested that the comments herein give consideration to and appropriately discuss the policy implications, if any, of such proposal as contrasted with the proposals to serve only CATV customers.

10. Notice is also given of proposed rule making. It may be that the Commission's determinations as to some of the policy questions involved in this proceeding should be embodied in rules. In order to be in a position to take any rule making action found appropriate at the conclusion of this proceeding, without conducting new proceedings, we put all interested persons on notice that rules may be adopted incorporating any general policies established herein.

11. Authority for the inquiry and proposed rule making instituted herein is contained in sections 2, 3, 4 (i) and (j), 214, 301, 303, and 403 of the Commuications Act.

12. Accordingly, interested persons are invited to comment on the questions indicated above. In view of the need for early resolution of these questions, comments shall be filed on or before May 2, 1969, and reply comments on or before May 16, 1969. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited in this notice.

13. An original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission, 47 CFR 1.419.

Adopted: April 2, 1969.

Released: April 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[2] Commissioner Wadsworth absent.

Line No.	File No.	Applicant	Area	CATV operator	Estimated costs
1	P-C-7088	Carolina Telephone and Telegraph Co.	Tarboro, N.C.	Jefferson-Carolina CATV Corp.	$211,000
2	P-C-7211	do	Dunn and Erwin, N.C.	do	211,000
3	P-C-7216	do	Whiteville and Chadbourn, N.C.	do	233,000
4	P-C-7231	Southern Bell Telephone and Telegraph Co.	Charlotte, N.C.	do	2,109,725 [1] 1,124,000 [1]
5	P-C-7233	do	Greensboro, N.C.	do	1,565,619 [1] 502,445
6	P-C-7225	do	Gastonia, N.C.	Cablevision, Inc.	773,865 [1] 210,000
7	P-C-7174	United Telephone Co. of Indiana.	Union City, Ind. Union City, Ohio	United Transmission Inc.	196,000
8	P-C-7200	United Telephone Co. of Ohio.	Ottawa, Ohio	do	80,000
9	P-C-7205	United Telephone Co. of Missouri.	Waynesville, Mo.	do	69,000
10	P-C-7212	United Inter-Mountain Telephone Co.	Erwin, Tenn.	do	124,000
11	P-C-7213	General Telephone Co. of Illinois.	Bloomington, Ill. Normal, Ill.	GT&E Communications Inc.	879,419
12	P-C-7260	Western California Telephone Co.	Novato, Calif.	GT & E Communications Inc.	176,000
13	P-C-7295	General Telephone Co. of the Southwest.	Little Field, Tex.	do	91,000
14	P-C-7333	General Telephone Co. of Michigan.	South Haven, Mich.	do	400.00 112,000
15	P-C-7334	do	Adrian and Tecumseh, Mich.	do	129,097 395,332
16	P-C-7198	Heins Telephone Co.	Sanford, N.C.	Lee Cablevision Inc.	130,000
17	P-C-7347	General Telephone Co. of the Midwest.	Columbia, Mo.	GT & E Communications Inc.	693,170

[1] Existing facilities.

[F.R. Doc. 69-4135; Filed, Apr. 8, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18453]

ADDITION OF VHF TELEVISION BROADCAST CHANNEL TO MOUNT VERNON, ILL.

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b) of the Commission's rules and regulations to add a VHF television broadcast channel to Mount Vernon, Ill., Docket No. 18453, RM-1372.

1. The Commission has before it for consideration a request, filed jointly on March 24, 1969 by Plains Television Corp., licensee of station WICS(TV), Springfield, Ill. (Channel 20), and station WICD(TV), Champaign, Ill. (Channel 15), and Turner-Farrar Association, licensee of station WSIL-TV, Harrisburg, Illinois (Channel 3), for a further extension of time for filing comments and reply comments herein, to April 24, and May 3, 1969, respectively. For good cause shown, the original dates for filing comments and reply comments (originally March 24 and April 3, 1969, see notice of proposed rule making adopted February 12, 1969; 34 F.R. 2359) had been extended and the present due dates are April 7 and April 17 respectively (see order adopted March 21, 1969, Mimeo 29910). On March 25, 1969, Soillcom, Inc., the petitioner that requested the institution of this rule making proceeding, looking toward the assignment of Channel 13 to Mt. Vernon, Ill., filed an opposition to an extension of time.

2. In support of the request for an extension of time, the parties contend that, in view of the lengthy petition for rule making and the complex questions involved with respect to the proposed assignment, the period of time specified in the notice is insufficient to permit adequate review and analysis of the material contained in the petition. Soillcom, in its opposition, points out that the subject petition was filed without knowledge that the previous extension of time had been granted, and contends that the period of time, as extended to April 7 and 17, 1969, for filing comments and reply comments, respectively, is sufficient to permit adequate review and analysis of Soillcom's petition for rule making.

3. Soillcom's petition for rule making was filed on November 18, 1969 and public notice of the filing was given on November 25, 1968 (Public Notice No. 651, Mimeo 28479). However, we will grant a short final extension of 1 week to enable the parties to complete their review and analysis of the material contained in Soillcom's petition for rule making.

4. *Accordingly, It is ordered,* That the time for filing comments and reply comments in this proceeding is extended to April 14 and April 25, 1969, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 27, 1969.

Released: April 2, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-4136; Filed, Apr. 8, 1969; 8:47 a.m.]

[47 CFR Part 95]

[Docket No. 18507; FCC 69-312]

CITIZENS RADIO SERVICE

Station Identification

In the matter of amendment of § 95.95 of the Commission's rules to permit Class A citizens radio stations to be identified in the manner provided for other land mobile stations, Docket No. 18507.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The provisions of § 95.95, which apply to all classes of stations in the Citizens Radio Service, require station identification by each participating unit at the beginning and end of each series of transmissions. With the exception of Class A stations, all transmitters in the Citizens Radio Service are considered mobile units and operate with relatively low power which may be heard only over relatively short distances. Class A stations, however, may consist of a base station, one or more fixed (control) stations at another location, and associated mobile stations. In this respect, Class A stations operate in a manner similar to stations in other land mobile services. There appears to be no valid reason why the Class A stations cannot identify in a similar manner as stations in other land mobile services which permit the higher powered base stations to give the required station identification and the associated mobile units, operating on the same frequency, to identify with unit designators. Therefore, it would be appropriate to make similar rule provisions governing other land mobile services applicable to Class A stations.

3. Accordingly, we propose, consistent with enforcement needs, to revise § 95.95 so that the station identification requirement for Class A stations will more closely parallel the provisions in the other land mobile radio services. Under our proposal, an alternative method of identification will require the base and fixed station of a Class A radio system to transmit the call signal at the end of each transmission or exchange of transmission or once each 15-minute period of a continuous exchange of transmission. Mobile units which transmit on the same frequency as the base station they are communicating with will be required to identify by transmitting, once during each exchange of transmission, any unit identifier which is on file in the station records of such base station. Mobile stations which transmit on a different frequency from the base station, they are communicating with will be required to identify by transmitting their call sign at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

4. Authority for the proposed amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may

file comments on or before May 12, 1969, and reply comments on or before May 22, 1969. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: April 2, 1969.

Released: April 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 95 of the Commission's rules is proposed to be amended as follows:

Section 95.95 is amended by the addition of a new paragraph (e) to read:

§ 95.95 Station identification.

* * * * *

(e) In lieu of complying with the requirements of paragraph (c) of this section, Class A stations may identify as follows:

(1) Base stations and fixed stations of a Class A radio system shall transmit their call signs at the end of each transmission or exchange of transmission or once each 15-minute period of a continuous exchange of communications.

(2) A mobile unit of a Class A station communicating with a base station of a Class A radio system on the same frequency shall transmit once during each exchange of transmission any unit identifier which is on file in the station records of such base station.

(3) A mobile unit of Class A stations communicating with a base station of a Class A radio system on a different frequency shall transmit its call sign at the end of each transmission or exchange of transmission or once each 15-minute period of a continuous exchange of communications.

[F.R. Doc. 69-4137; Filed, Apr. 8, 1969; 8:47 a.m.]

[1] Commissioner Wadsworth absent.

[47 CFR Part 97]

[Docket No. 18506; FCC 69-311]

AMATEUR RADIO SERVICE

Mobile Operation

In the matter of amendment of § 97.95 (b) (2) of the amateur radio service rules concerning mobile operation, Docket No. 18506, RM-981.

1. A petition for rule making in the Amateur Radio Service has been filed by Richard F. Ackerman. Petitioner proposes that § 97.95(b) (2) of the rules be amended to permit amateurs to operate in any amateur band between 3.5 MHz and 148 MHz while located anywhere in Region 2 and, in addition, to permit operation in the bands 3.5 to 3.8 MHz and 7.0 to 7.1 MHz outside Region 2.

2. Section 97.95(b) (2) presently permits amateur operation when outside the jurisdiction of any foreign government in any amateur band, between 7.0 and 148 MHz, inclusive, in Region 2 and only in the 14.00–14.35 MHz, 21.00–21.45 MHz, and 28.0–29.7 MHz bands outside Region 2. Region 2 which is defined precisely in the Geneva Radio Regulations (GRR) and § 97.95 of the rules, includes the continents of North and South America, the western portion of the Atlantic Ocean, and the eastern portion of the Pacific Ocean.

3. Petitioner's request would extend the present operating authority to include the world-wide use of 3.5–3.8 MHz and 7.0–7.1 MHz while outside the jurisdiction of foreign governments. By international agreement, in all regions the 3.5–3.8 MHz band is allocated for shared use by the Amateur, Fixed, and Mobile Services; and the band 7.0–7.1 MHz is allocated exclusively to the Amateur Service in all regions.

4. In support of his request, petitioner states that the extension of operating privileges would permit amateurs operating mobile aboard ships and aircraft to contact and meet fellow amateurs throughout the world; it would also permit these same amateurs to more readily maintain contact with United States amateurs. Petition also cites the usefulness of the 3.5–3.8 MHz band for domestic contacts by amateurs operating in the area surrounding the East and Gulf Coasts of the United States.

5. In view of the world-wide exclusive availability of the 7.0–7.1 MHz band to the Amateur Service, the Commission proposes to amend its rules to permit U.S. amateurs, when outside the jurisdiction of a foreign government, to operate in that band when in Regions 1 and 3. Such operation is now permitted in Region 2.

6. The Commission, in Docket 12307 (FCC 66-105), denied a petition to make the band 3.5 to 4.0 MHz available to amateurs operating aboard ships "sailing between ports on the East coast; between ports of the Gulf coast; or between ports of these coasts; or between ports of the Pacific coast; and the Hawaiian coast," because the proposal, if adopted, would provide no specific boundaries within which such operations would be permitted and would be so indefinite as to preclude effective administration.

7. The instant proposal for extension of operating privileges in the 3.5 to 4.0 MHz band presents additional problems since it would permit amateur mobile operation throughout Region 2. In Region 2 this band is allocated by the 1959 Geneva Radio Regulations to the Amateur, Fixed, and Mobile Services. However, all administrations do not permit amateur operation in identical segments of the band. Thus, mobile operation aboard ships of the United States could significantly increase the possibility of causing harmful interference to certain stations using this frequency band in accordance with the Geneva Radio Regulations and prior notification to the International Frequency Registration Board. Accordingly, the request to amend the rules to permit mobile operation in the 3.5 to 3.8 MHz anywhere in Region 2 while outside the jurisdiction of foreign governments is not included in this proposal.

8. The rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 11, 1969, and reply comments on or before June 23, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: April 2, 1969.

Released: April 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is proposed to be amended as follows:

Section 97.95(b) (2) is revised as follows:

§ 97.95 Operation away from the authorized permanent station location.

* * * * *

(b) * * *

(2) When outside the jurisdiction of a foreign government, operation may be conducted within Region 2 on any amateur frequency band between 7.0 MHz and 148 MHz, inclusive; and when not within Region 2, operation may be conducted only in the amateur bands 7.0–7.1 MHz, 14.00–14.35 MHz, 21.00–21.45 MHz, and 28.0–29.7 MHz.

NOTE: Region 2 is defined as follows: On the east, a line (B) extending from the North Pole along meridian 10° west of Greenwich to its intersection with parallel 72° north; thence by Great Circle Arc to the intersection of meridian 50° west and parallel 40° north; thence by Great Circle Arc to the intersection of meridian 20° west and parallel 10° south; thence along meridian 20° west to the South Pole. On the west, a line (C) extending from the North Pole by Great Circle Arc to the intersection of parallel 65°30' north with the international boundary in Bering Strait; thence by Great Circle Arc to the intersection of meridian 165° east of Greenwich and parallel 50° north; thence by Great Circle Arc to the intersection of meridian 170° west and parallel 10° north; thence along parallel 10° north to its intersection with meridian 120° west; thence along meridian 120° west to the South Pole.

* * * * *

[1] Commissioner Wadsworth absent.

[F.R. Doc. 69-4138; Filed, Apr. 8, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

State Exemption Procedures and Criteria

The Board of Governors of the Federal Reserve System is considering the adoption of the following Supplement II to Part 226 (Regulation Z), containing procedures and criteria under which any State may apply for an exemption from Chapter 2 of the Truth in Lending Act, which is Title I of the Consumer Credit Protection Act (Public Law 90-321, 82 Stat. 146).

The Federal Truth in Lending Act, which becomes effective on July 1, 1969, provides in section 123 that the Board shall exempt from the requirements of Chapter 2 of the Act "any class of credit transactions within any State if it determines that under the law of that State that class of transactions is subject to requirements substantially similar to those imposed," by the Federal law, and "that there is adequate provision for enforcement." The Truth in Lending provisions relating to the advertising of credit do not fall within Chapter 2 of the Act, and consequently will remain subject to Federal jurisdiction although a State may otherwise have obtained an exemption for a class of credit transactions.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Such comments should be submitted in writing to the Board by April 30, either directly or through the 12 Federal Reserve Banks.

(15 U.S.C. 1601–1605)

Dated at Washington, D.C., this 1st day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

SUPPLEMENT II TO REGULATION Z

PROCEDURES AND CRITERIA UNDER WHICH ANY STATE MAY APPLY FOR EXEMPTION PURSUANT TO PARAGRAPH (A) OF § 226.12

(a) *Procedure.* Any State may make application to the Board for its determination that under the laws of that State,[1] any class of transactions within that State is subject to requirements substantially similar to those requirements imposed under Chapter 2 of the Act[2] and that there is adequate provision for enforcement. Such determination shall constitute an exemption of such class of transactions from the requirements of Chapter 2 of that Act. Any such application shall be:

(1) Made with respect to any class of transactions described in subparagraph (c) (1) which involves creditors who extend, arrange to extend, offer to extend, or offer to arrange to extend consumer credit in connection with such transactions within the State; and

(2) Made by letter addressed to the Board, signed by an appropriately authorized officer of the State, and submitted in triplicate of which only the original need be signed.

(b) *Supporting documents.* Each copy of the application shall be accompanied by:

(1) A copy of the authorization under which the application is filed;

(2) A copy of the laws of the State which the applicant maintains to be substantially similar in requirements to those requirements imposed under Chapter 2 of the Act;

(3) A statement by legal counsel for the State setting forth detailed comparisons of the requirements of State law and the requirements of Chapter 2 of the Act with supporting opinions and reasons showing that applicable requirements of State law are substantially similar to those imposed under Chapter 2 of the Act, that any differences are not inconsistent with the requirements of Chapter 2 of the Act, and that there are no other State laws which are inconsistent with the requirements of Chapter 2 of the Act.

(4) A copy of the laws of the State which provide for enforcement of the State laws referred to in subparagraph (2) of this paragraph; and

(5) A statement by legal counsel for the State with supporting opinion and reasons showing that provisions of State law referred to in subparagraph (4) of this paragraph with regard to administrative enforcement, criminal liability for willful and knowing violation, civil liability for failure to make required disclosures, and remedies for incorrect disclosures constitute adequate provision for enforcement.

(c) *Criteria for determination.* The Board will consider the following criteria in making a determination of whether the law of a State imposes requirements substantially similar to those requirements imposed under Chapter 2 of the Act, and whether there is adequate provision for enforcement of such laws:

(1) A class of transactions shall be:

(i) Transactions under open end consumer credit plans which are subject to the requirements of section 127 of the Act;

(ii) Consumer credit sale transactions not under open end credit plans which are subject to the requirements of section 128 of the Act; or

(iii) Consumer loan transactions not under open end credit plans which are subject to the requirements of section 129 of the Act.

(2) In order for requirements of State law to be substantially similar to requirements imposed under Chapter 2 of the Act, the provisions of State law[3] shall require that:

(i) Creditors make disclosures and deliver notices in form, content, and terminology and under definitions and rules of construction prescribed in this part;

(ii) Creditors make disclosures of the finance charge determined as prescribed in § 226.4;

(iii) Creditors make disclosures of the annual percentage rate determined as prescribed in § 226.5;

(iv) Customers shall have a right to rescind certain transactions and will be afforded remedies in event of rescission as provided in § 226.9;

(v) Creditors make delivery of required disclosures and notices in the circumstances and at the time prescribed in §§ 226.7, 226.8, and 226.9, as applicable, and if the Comparative Index of Credit Cost is permitted or required to be disclosed, in accordance with § 226.11; and

(vi) Creditors comply with general disclosure requirements prescribed in accordance with paragraphs (a), (d), and (i) of § 226.6.

(3) In determining whether provision for enforcement of State law referred to in subparagraph (2) of this paragraph is adequate, consideration will be given to the extent to which State law provides for:

(i) Administrative enforcement;

(ii) Criminal liability for willful and knowing violation;

(iii) Civil liability for falure to make required disclosures; and

(iv) Remedies for incorrect disclosures.

(d) *Exemption from requirements of Chapter 2.* If the Board determines that under the law of a State any class of transactions is subject to requirements substantially similar to those requirements imposed under Chapter 2 of the Act and that under the law of that State there is adequate provision for enforcement, the Board will exempt such class of transactions in that State from the requirements of Chapter 2 of the Act in the following manner and subject to the following conditions:

(1) The proposed exemption will be published as a notice of proposed rule making in the FEDERAL REGISTER, and time will be allowed for written comments to be submitted to the Board;

(2) If and when the Board issues its exemption of a class of transactions within any State from the requirements imposed under Chapter 2 of the Act, the official who made application for such exemption will be so notified in writing, and notice of the exemption will be published in the FEDERAL REGISTER;

(3) During the time that any such exemption is in effect, in order that the Board may be in a position to determine whether the State law continues to impose requirements substantially similar to those requirements imposed under Chapter 2 of the Act with respect to the class of transactions to which the exemption applies, and that there continues to be adequate provision for enforcement of such law, any State which receives an exemption shall inform the Board within 30 days of the occurrence of any change in its related law, and shall file with the Board from time to time such reports as the Board may require. The report of any such change shall contain copies of that change together with statements setting forth the information and opinions with respect to that change as specified in subparagraphs (3) and (5) of paragraph (b).

(4) The Board will inform any State which receives an exemption of any subsequent amendments to Chapter 2 of the Act (or the implementing provisions of this part) which might call for amendment of State law or regulations;

(5) The Board reserves the right to revoke any such exemption issued to a State if upon

[1] Any reference to State law in Supplement II includes a reference to any regulations which implement State law, and to applicable judicial decisions.

[2] Any reference to Chapter 2 of the Act or any section thereof in Supplement II includes a reference to the implementing provisions of this part.

[3] This paragraph is not to be construed as indicating that the Board would consider adversely any additional requirements of State law which are not inconsistent with the purpose of the Act or the requirements imposed under Chapter 2 of the Act.

review it finds that the law of that State no longer imposes requirements which are substantially similar to those requirements imposed under Chapter 2 of the Act or that under State law there is no longer adequate provision for enforcement; and

(6) In the event of revocation of any such exemption, notice of such revocation shall be published in the FEDERAL REGISTER and communicated to an appropriate State official, and the class of transactions affected within that State shall then be subject to the requirements of Chapter 2 of the Act.

[F.R. Doc. 69-4092; Filed, Apr. 8, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte No. MC-77]

RESTRICTIONS ON SERVICE BY MOTOR COMMON CARRIERS

Notice of Proposed Rule Making

APRIL 4, 1969.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of March 1969.

Common carriers by motor vehicle are a public institution upon which the general public must depend for adequate, economical, and efficient transportation. They are engaged in what has always been regarded as a public calling, and by reason of that fact they are subject to specific legal obligations. They must, according to their abilities, serve all who seek their services, and serve them equally and fairly. They may not pick and choose. This Commission's regulatory powers over motor common carriers under the Interstate Commerce Act are designed to enforce these basic obligations comprehensively and strictly. Motor common carrier authority to serve imports a corresponding duty and obligation to serve.

The National Transportation Policy (49 U.S.C., preceding section 1 of the Interstate Commerce Act), declares it to be the purpose of Congress:

> • • • to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this Act, so administered as to recognize and preserve the inherent advantages of each; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers; to encourage the establishment and maintenance of reasonable charges for transportation services, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; • • •—all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense.

All of the provisions of the Act are to be administered and enforced with a view to carrying out this congressional policy. In furtherance of these goals it has been the consistent practice of this Commission to insist that a motor common carrier provide service to the full extent of its operating authority and to discourage the filing of any tariff that would be more limiting or restrictive on the carrier's obligation or undertaking than the terms of its operating authority.

Section 217(a) of the Act requires every common carrier by motor vehicle to file with this Commission tariffs showing all the rates and all services in connection therewith for transportation of property in interstate or foreign commerce. In addition, this Commission has ample authority to require motor common carriers to observe reasonable practices in connection with their rates and services and to consider complaints alleging unreasonable practices in the publication of rates or the conduct of operations. See sections 204(c) and 216(b) of the Act. These and other provisions of the statute establish the comprehensive jurisdiction and broad powers of this Commission to regulate the transportation of property by motor common carriers engaged in interstate or foreign commerce and to establish and enforce reasonable requirements with respect to the provision of continuous and adequate service by such carriers.

We have recently become aware of what appears to be an increasing practice of motor common carriers of property limiting the service rendered or held out to the public. This is accomplished in several ways. For example, a carrier holding a certificate of public convenience and necessity or a certificate of registration, which contains no restriction as to the size or measurement of shipments which may be accepted, nevertheless by tariff publication advises shippers that it will not accept shipments of less than a certain size or weight. Another such carrier provides in its tariffs that certain points on its line will be "served only on shipments of _____ pounds or more." Still other carriers require, by tariff rule or other provision, that charges on all small size shipments be based on a stated minimum weight. In many such instances, an embargo is thereby imposed in effect on small shipments. At the same time, this Commission's records fail to reveal that written embargoes, which properly may only be temporary, have been issued by the carriers imposing such restrictions although the regulations outstanding require:

> Whenever any motor common carrier of property subject to the Interstate Commerce Act finds that because of a lack of facilities or personnel, or because it is required to give preference and precedence to other traffic legally entitled to such priority, or because of other compelling circumstances not within the control of the carrier, it is or will be unable to perform all authorized transportation services requested of it, and that it will be necessary for it temporarily to suspend the offering of services in the transportation of any commodity, commodities, or class of traffic, to or from any territory, point, shipper, consignee, or connecting carrier, or over any route, it shall immediately give public notice of such fact by a written notice of an embargo, specifying the extent thereof, the date the embargo is to become effective, its duration, if known, and the reasons why the placing of the embargo is necessary.

See 49 CFR 1059.1, 1059.2, and 1059.3.

Representative examples of limitations on service imposed by tariff provisions are shown in appendix A to this order. Most, if not all, of these tariff limitations appear in reissuances of or supplements to tariffs previously on file; and the extent to which, if at all, such limitations or restrictions might prevent the rendition of any service authorized and required to be performed by the carriers' operating rights has not been readily ascertainable. Such restrictions, it seems safe to say, would have been questioned had it been known that the scope of the carriers' service obligations under their authorities would thereby be materially lessened.

In these circumstances, it appears that a feasible way in which to achieve sound and impartial regulation, and to be certain that motor common carriers and their customers understand and are constantly aware of the carriers' responsibilities under the Interstate Commerce Act and their respective certificates, is by the adoption of an appropriate tariff rule which will reflect these essential common carrier obligations by forbidding the filing of any tariff restricting the scope of the carriers' authorized operations. A proposed tariff regulation designed to accomplish this purpose is set forth in Appendix B to this order. Under that proposed rule all of the service limitations and restrictions described in this order and in Appendix A thereto would be precluded save where specifically included in the carrier's underlying certificate. We recognize, of course, that a number of existing tariffs would have to be supplemented or reissued for the purpose of eliminating the prohibited restrictions or limitations, and the proposed regulation provides a reasonable time period within which this may be accomplished. Any tariffs or supplements filed after the effective date of the considered regulation, however, would be subject to its requirements.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) including more specifically sections 204(a)(1), 204(a)(6), 208(a), 212(a), 216, and 217, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant the making of the proposed regulation, or other regulations of similar purport applicable to motor common carriers of property operating in interstate or foreign commerce subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of property operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they

are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless need therefor should later appear, but that respondents or any other interested person or persons may participate in the proceeding by submitting for consideration written statements of facts, views, and arguments by filing with the Commission at its office in Washington, D.C., on or before May 5, 1969, 15 copies of such statement, one copy of which shall be signed and verified statements of fact. Replies to such statements are not contemplated at this time.

And it is further ordered, That a copy of this order be mailed to the Governor of every State and to the Public Utilities Commissioners or Boards of each State having jurisdiction over motor transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to respondents and to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

APPENDIX A

SOUTHERN MOTOR CARRIERS RATES CONFERENCE, AGENT

Tariff 508-H, MF-ICC No. 1476—Eastern Rate Group Tariff

Notes referred to in listing of points and carriers serving them:

1—Served only on shipments of 5,000 pounds or more.
2—Served only on shipments of 10,000 pounds or more.
3—Served only on shipments of 15,000 pounds or more.
4—Served only on shipments of 2,000 pounds or more.
6—Served only on shipments of 6,000 pounds or more.
7—Served only on shipments of 4,000 pounds or more.
11—Served only on shipments of 3,000 pounds or more.
19—Served only on shipments of 20,000 pounds or more.
21—Served only on shipments of 1,000 pounds or more.
23—Served only on shipments of 2,500 pounds or more.
24—Served only on shipments of 3,500 pounds or more.
25—Served only on shipments of 8,000 pounds or more.
30—Served only on shipments of 23,000 pounds or more.
16—Direct service performed on truckload shipments only.
18—Served only on shipments of 10,000 lbs. or more, except traffic in any quantity will be accepted to points bearing this reference mark from May 25th until Labor Day.
89—Served only on volume shipments.

MIDDLE ATLANTIC CONFERENCE, AGENT

Tariff 14-Q, MF-ICC A-1869—Class rate tariff

Item 1015:

(a) Direct service will be given to the following points in New Hampshire only on shipments weighing each 10,000 pounds or more or when billed each on the basis of a minimum weight of 10,000 pounds.

Alexandria.	Hopkinton.
Amherst.	Litchfield.
Ashland.	New Boston.
Beebe River.	Tracking Station.
Campton.	New Hampton.
Canterbury.	Pelham.
Chester.	Plaistow.
Contoocook.	Plymouth.
Farmington.	Rumney.
Hampstead.	Salisbury.
Hebron.	Webster.
Holderness.	Windham.

(b) Shipments weighing each less than 10,000 pounds will not be accepted to any points in New Hampshire named below except shipments moving under any quantity rates will be accepted from May 25 to Labor Day.

Alton.	Meridith.
Alton Bay.	Moultonboro.
Barnstead.	Northwood.
Central Harbor.	Pittsfield.
Chichester.	Tuftenboro.
Gilmanton.	Weirs.
Gilmanton Iron Works.	Wolfeboro.
Melvin Village.	Wolfeboro Falls.

THE NEW ENGLAND MOTOR RATE BUREAU, INC., AGENT

Tariff No. 11-M, MF-ICC No. A-242

Item No. 95:

On traffic moving from or to Dover, Medfield, Medway, Millis, and Upton, Mass., for account of this carrier, the minimum weight will be 10,000 lbs.

Item No. 103:

Rates and charges for the account of this carrier will be subject to a minimum of 5,000 lbs. at the applicable rate thereon on shipments from or to the following points in Massachusetts: (M)

Barnstable, Bourne, Brewster, Chatham, Chilmark, Edgartown, Dennis, Eastham, Falmouth, Gay Head, Harwich, Kingston, Mashpee, Nantucket, Oak Bluffs, Orleans, Plymouth, Provincetown, Sandwich, Tisbury, Truro, Vineyard Haven, Wareham, Wellfleet, West Tisbury, and Yarmouth (O-NIA 66-43-1).

MOTOR CARRIERS TARIFF BUREAU, INC., AGENT

Motor Freight Tariff No. 39.3, MF-ICC 149

Item 455:

L.T.L. rates named in this Tariff on shipments weighing less than 5,000 pounds will not apply via this carrier. Such L.T.L. shipments weighing less than 5,000 pounds as are accepted shall be charged for on a minimum weight of 5,000 pounds at the rate applicable thereto.

APPENDIX B

PROPOSED RULE

That 49 CFR be amended by adding thereto § 1307.27(k) as follows:

§ 1307.27 Contents of tariffs.

• • • • • •

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority. No provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the carrier's full operating authority or which exceeds such authority. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of subparagraph (1) of this paragraph which do not conform to those requirements shall be brought into conformity therewith on or before _____.

[F.R. Doc. 69-4147; Filed, Apr. 8, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 190 (Rev. 6)]

SUPERVISION OF BUREAUS AND PERFORMANCE OF FUNCTIONS

1. The following officials shall be under the direct supervision of the Secretary:

The Under Secretary.
The Under Secretary for Monetary Affairs.
The Assistant to the Secretary Director, Executive Secretariat.

2. The following officials shall be under the direct supervision of the Under Secretary:

Assistant to the Under Secretary.
Special Assistant to the Secretary (National Security Affairs).
Special Assistant to the Secretary (Public Affairs).
Special Assistant to the Secretary (Congressional Relations).
Internal Revenue Service.
Comptroller of the Currency.

3. The following officials shall be under the direct supervision of the Under Secretary and shall exercise supervision over those offices, bureaus, and other organizational units indicated thereunder:

A. General Counsel:
Legal Division.
Office of Director of Practice.
Office of Employment Policy Program.
B. Assistant Secretary (Tax Policy):
Office of Tax Legislative Counsel.
Office of Tax Analysis.
C. Assistant Secretary (Enforcement and Operations):
Special Assistant to the Secretary (for Enforcement).
U.S. Secret Service.
Bureau of Customs.
Bureau of Engraving and Printing.
Bureau of the Mint.
D. Assistant Secretary for Administration.
Office of Administrative Services.
Office of Budget and Finance.
Office of Management and Organization.
Office of Personnel.
Office of Planning and Program Evaluation.
Office of Security.

4. The following officials will be under the direct supervision of the Under Secretary for Monetary Affairs:

Deputy Under Secretary for Monetary Affairs.
Special Assistant to the Secretary (Debt Management).

5. The following officials shall be under the direct supervision of the Under Secretary for Monetary Affairs and shall exercise supervision over those offices, bureaus, and other organizational units indicated thereunder:

A. Assistant Secretary (International Affairs).
Office of Administration.
Office of Latin America.
Office of Developing Nations.
Office of International Gold and Foreign Exchange Operations.
Office of Balance of Payments Programs, Operations and Statistics.
Office of Financial Policy Coordination and Operations.
Office of Industrial Nations.
Office of International Economic Affairs.
Office of Foreign Assets Control.
B. Assistant Secretary (Economic Policy).
Office of Financial Analysis.
Office of Domestic Gold and Silver Operations.
Office of Debt Analysis.
C. Fiscal Assistant Secretary.
Bureau of Accounts.
Bureau of the Public Debt.
Office of the Treasurer of the United States.
D. U.S. Savings Bonds Division.

6. The Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which actions should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of, or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

7. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

A. Under Secretary.
B. Under Secretary for Monetary Affairs.
C. General Counsel.
D. Presidentially appointed Assistant Secretaries in the order in which they took the oath of office as Assistant Secretary.

8. Treasury Department Order No. 190 (Revision 5) is rescinded, effective this date.

Dated: April 1, 1969.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-4083; Filed, Apr. 8, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Riverside 1249]

CALIFORNIA

Opening of Land From Waterpower Withdrawals

APRIL 2, 1969.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to authority delegated to me by Bureau Order 701 of July 23, 1964, as amended June 25, 1968 (33 F.R. 9308) and October 9, 1968 (33 F.R. 10578), it is ordered as follows:

1. In an order issued October 29, 1968, the Federal Power Commission vacated EP-371-California, for the following described lands, all within the Inyo National Forest, with the exception of lands in T. 3 S., R. 29 E., M.D.M.:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 26 E.,
Sec. 5, lots 2 and 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 17, NW¼NE¼;
Sec. 20, E½SE¼;
Sec. 21, N½NW¼, SW¼NW¼, and W½SW¼;
Sec. 28, W½W½;
Sec. 29, E½E½;
Sec. 32, E½E½;
Sec. 33, W½W½.
T. 2 S., R. 26 E.,
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, and NW¼SE¼;
Sec. 5, lot 1, SE¼NE¼, and SE¼;
Sec. 8, lots 1 and 2, NE¼, and N½SE¼;
Sec. 9, W½W½;
Sec. 13, S½;
Sec. 14, lots 2 and 3, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 15, S½N½ and S½;
Sec. 16, NW¼NW¼, S½N½, and S½;
Sec. 17, lots 1, 2, 4, and 6, SE¼NW¼, SW¼SE¼, and E½SW¼;
Sec. 20, NW¼NE¼ and S½NE¼;
Sec. 21, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 23, N½N½;
Sec. 24, N½N½.
T. 2 S., R. 27 E.,
Sec. 15, S½S½;
Sec. 16, S½S½;
Sec. 17, S½;
Sec. 18, S½;
Sec. 19, N½N½;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N½ and N½S½;
Sec. 24, N½ and N½S½.
T. 2 S., R. 28 E.,
Sec. 19, lots 1, 2, and 3, E½NW¼, NW¼NE¼, S½NE¼, and NE¼SE¼;
Sec. 20, SE¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 21, S½N½ and N½S½;
Sec. 22, S½N½ and N½S½;
Sec. 23, S½NE¼, SW¼NW¼, and NW¼SW¼;
Sec. 24, S½NW¼;
Sec. 25, S½NW¼ and NW¼SE¼;
Sec. 26, S½NE¼ and NW¼NW¼;
Sec. 27, N½N½;
Sec. 28, N½N½;
Sec. 29, NE¼NE¼.
T. 2 S., R. 29 E.,
Sec. 19, lot 4 and SE¼SW¼;
Sec. 29, SW¼NW¼, NW¼SW¼, and SE¼SW¼;
Sec. 30, SE¼NE¼;
Sec. 31, SW¼NE¼;
Sec. 32, NW¼NE¼ and W½SW¼.
T. 3 S., R. 29 E.,
Sec. 4, NE¼SW¼;
Sec. 5, E½ of lots 1 and 2 of NW¼;
Sec. 10, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 15, E½NE¼.

2. The order issued October 29, 1968, by the Federal Power Commission also vacated EP-1828-California, for the following described lands within the Inyo National Forest:

MOUNT DIABLO MERIDIAN

All portions of the following subdivisions lying within 25 feet of the centerline survey of the dam, ditch, flume, penstock, power house, tailrace, and transmission line location as shown on map designated "Exhibit P" and entitled "Minor Power Project of Vernon A. Meacham, Bishop—Mono County—Calif., Mono National Forest, Calif.," and filed in the office of the Federal Power Commission on January 27, 1941:

T. 2 S., R. 26 E.,
Sec. 21, S½NE¼ and NW¼SE¼.
T. 2 S., R. 26 E.,
Sec. 21, S½NE¼ and NW¼SE¼.

3. All of the lands described in paragraph 1 hereof except Secs. 17, 20, 29, and 32, T. 1 S., R. 26 E., and Secs. 5, 8, 17, 20, and 21, T. 2 S., R. 26 E., M.D.M., are in proposed withdrawal R-411, effective February 8, 1967, as amended March 22, 1967, for the Mono-Long Valley Geothermal Area.

4. The lands described under T. 3 S., R. 29 E., M.D.M., are withdrawn by the Act of March 4, 1931 (46 Stat. 1530) (Public No. 864), 71st Congress, approved April 6, 1931, for protecting watersheds for the city of Los Angeles and other cities in California.

5. Lands which were withdrawn for transmission line purposes only have been subject to the general determination of the Federal Power Commission issued April 17, 1922.

6. At 10 a.m., May 14, 1969, the following described lands are hereby opened to such forms of disposal as may by law be made of national forest lands, subject to valid existing rights and the requirements of applicable laws and regulations:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 26 E.,
Sec. 32, E½ SE¼.
T. 2 S., R. 26 E.,
Sec. 5, lot 1, SE¼NE¼, and NW¼SE¼;
Sec. 17, E½SW¼;
Sec. 21, S½NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼.

WALTER F. HOLMES,
Assistant Manager,
Riverside Land Office.

[F.R. Doc. 69-4105; Filed, Apr. 8, 1969; 8:45 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 2, 1969.

Notice of a Forest Service, U.S. Department of Agriculture, application Sacramento 050595 for withdrawal and reservation of land for the Hampshire Rocks Recreation Area, was published as F.R. Doc. 62-11996, on pages 12004, 12005, and 12006 of the issue for December 5, 1962. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

T. 17 N., R. 13 E.,
Sec. 27, N½S½NE¼, N½S½NW¼SW¼SW¼NE¼, N½N½SW¼SW¼NE¼, and N½SW¼NE¼SW¼SW¼SE¼.

The areas above-described aggregate approximately 43 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on May 1, 1969, will be relieved of the segregative effect of the above-mentioned application.

ELIZABETH H. MIDTBY,
Chief, Lands
Adjudication Section.

[F.R. Doc. 69-4164; Filed, Apr. 8, 1969; 8:49 a.m.]

DISTRICT MANAGERS, EASTERN OREGON DISTRICTS, ET AL.

Delegation of Authority Regarding Procurement

State Director, Oregon, supplement to Bureau of Land Management Manual 1510.

1510.03C *Redelegations.* Pursuant to the delegation of authority contained in Bureau Manual 1510.03C, the purchasing authorities delegated to the Oregon State Director in BLM 1510.03B2d are redelegated as follows:

1. *Negotiated contracts.* a. For emergency fire suppression the following classes of employees may enter into negotiated contracts pursuant to the section 302(c)(2) of the Federal Property and Administrative Services Act, as amended, for necessary procurements in the case of emergency fire suppression work for the rental of equipment and aircraft and the procurement of supplies and materials (excluding capitalized equipment), required in such operations:

District Managers, Eastern Oregon Districts.
Chief, Branch of Resource Services, State Office.

b. For perishable subsistence items the following classes of employees may enter into negotiated contracts pursuant to section 302(c)(9) of the FPAS Act, for perishable subsistence items, regardless of amount, for Job Corps Civilian Conservation Centers under their jurisdiction:

Center Director, JC CCC.
Administrative Officer, JC CCC.

2. *Open market purchasing.* The following classes of employees may enter into contracts pursuant to section 302(c)(3) of the FPAS Act as amended, for supplies and services, excluding capitalized property, not to exceed $2,500; and contracts for construction not to exceed $2,000: *Provided,* That the requirement is not available from established sources of supply. The same classes of employees may procure necessary supplies and services, except capitalized property, available from established sources of supply regardless of amount. The classes of employees who may make such procurement are:

District Managers.
Center Director, JC CCC
Chief, Division of Administration, State Office.
Chiefs, Division of Administration, District Offices.
Administrative Officer, JC CCC.
Area Manager, Tillamook Resource Area.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 69-4129; Filed, Apr. 8, 1969; 8:47 a.m.]

National Park Service

FIRE ISLAND NATIONAL SEASHORE

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Fire Island National Seashore proposes to issue a concession permit to Howard T. Rose Company, Inc., authorizing it to continue to provide concession services for the public at Fire Island National Seashore, N.Y., for a period of 2 years from May 15, 1969 through May 14, 1971.

The foregoing concessioner has performed its obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Fire Island National Seashore, P.O. Box 229, Patchogue, N.Y. 11772 for information as to the requirements of the proposed permit.

Dated: February 7, 1969.

THOMAS F. NORRIS, Jr.,
Acting Superintendent,
Fire Island National Seashore.

[F.R. Doc. 69-4107; Filed, Apr. 8, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-31]

SAN FRANCISCO BAY

Security Zone

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), and 49 CFR 1.4(a)(2), I hereby affirm the order of Rear Admiral C. R. Bender, U.S. Coast Guard, Commander, 12th Coast Guard District, which reads as follows:

SPECIAL NOTICE, SAN FRANCISCO BAY

Pursuant to request of Commander, San Francisco Bay Naval Shipyard, U.S. Navy, and acting under authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Chapter I, Title 33, Code of Federal Regulations, I hereby order that the waters of Mare Island Strait, Napa River, Calif., between the Mare Island Causeway (38°06'44" N., 122°16'14.5" W. to 38°06'36" N., 122°16'32" W.), and a line extending in the direction 245° true from the end of the Naval Reserve Pier, Vallejo, Calif. (38°05'36.5" N., 122°15'22" W.), to the opposite shore of the Napa River (38°05'32" N., 122°15'35" W.) be closed to all persons and vessels on Saturday, 12 April 1969, from 0845 P.s.t., until after the USS *Hawkbill* (SSN 666), takes the water and is alongside the seawall at San Francisco Bay Naval Shipyard, after the launching of said vessel. The southern line of demarcation is otherwise described as a line extending between the end of the Naval Reserve Pier, Vallejo, and the southernmost smokestack in the area of Mare Island generally opposite said pier. Limits of this area will be clearly posted by signs and by Coast Guard patrol boats.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, San Francisco, Calif., and by U.S. Coast Guard vessels under his command. Personnel, facilities and equipment of other Federal, State, and municipal agencies may be utilized to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows:

"If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: April 7, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-4209; Filed, Apr. 8, 1969; 8:50 a.m.]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

APRIL 2, 1969.

Pursuant to Docket No. HM-1, rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of Department of Transportation Special Permits upon which Board action was completed during March 1969:

Special Permit No.	Issued to—Subject	Mode or modes of transportation
AA206	ASM Enterprises, Inc., for the use of twin U-69 type cargo tanks in liquefied petroleum gas service.	Highway.
AA207	ASM Enterprises, Inc., for the use of a U-69 cargo tank in liquefied petroleum gas service.	Do.
5987	National Water Lift Co., for the shipment of helium in a squib equipped small pressure vessel equipment component.	Cargo-only aircraft, highway, and rail.
5985	Westinghouse Electric Corp., for the shipment of fissile radioactive material in the Yankee Fuel Container.	Do.
5916	Monsanto Research Corp., for the shipment of fissile and Type B quantities of radioactive material in the Model 2501 shipping container.	Do.
5918	International Chemical Corp., for the shipment of methyl bromide in a non-Department of Transportation specification nonrefillable spherical pressure vessel of not over 1450 cubic inch capacity.	Highway and rail.
5919	Chemetron Noury Corp., for the shipment of t-butyl hydroperoxide in a Department of Transportation-21P/2U composite container, of not over 15-gallon capacity.	Do.
5971	U.S. Atomic Energy Commission and its contractors (upon specific registration with the Board), for the shipment of fissile radioactive material in the Model TW Foamglas shipping container.	Cargo-only aircraft, highway, and rail.
5922	Union Carbide Corp., for the shipment of a flammable heptane mixture in plant equipment type vessels.	Highway.
5926	General Electric Co. and Mitsui and Co., Inc., for the shipment of fissile and large quantities of radioactive material in the Model 100 or F001 shielded container.	Cargo-only aircraft, highway, rail, and water.
5927	U.S. Atomic Energy Commission, for the shipment of not more than 10,000 curies cobalt-60 in the USAEC Foreign Exhibit Cobalt Source Cask.	Highway, rail, and water.
5928	U.S. Atomic Energy Commission, for the shipment of not more than 600 grams U^{235}, as contained in 4 irradiated MTR type fuel elements, in the USAEC Foreign Exhibit Irradiated Fuel Cask.	Do.
5929	Mitsubishi International Corp., for one shipment of fissile radioactive material in the Model NFSC (New fuel shipping container) C-02.	Cargo-only aircraft, and highway.
5930	Union Carbide Corp. and Goodyear Atomic Corp., for the shipment of uranium hexafluoride in the 10-ton or 14-ton UF-6 cylinders.	Highway, and rail.
5931	Westinghouse Electric Corp., for the shipment of fissile and large quantities of radioactive material in the Model ELC-12-115 shipping container.	Do.
5932	Rogers Cartage Co., for the transportation of sulfuric acid in three Department of Transportation specification MC 312 cargo tanks having specially designed bottom outlets.	Highway.
5933	Pacific Oxygen Co., for the shipment of argon, helium, hydrogen, nitrogen, oxygen, compressed air, and mixtures thereof, in Department of Transportation 3A and 3AA cylinders having a 10-year retest period.	Highway, and rail.
5934	Shippers upon specific registration with this Board, for the shipment of unirradiated fissile radioactive material in the Model A1W3 Power package shipping container.	Do.
5941	Shawinigan Chemicals Ltd., for the shipment of liquefied ethylene in a specially designed and insulated cargo tank.	Highway.
5943	Cardox Division of the Chemetron Corp., for the shipment of liquefied carbon dioxide in insulated steel portable tanks.	Do.

WILLIAM A. BROBST,
Chairman, Hazardous Materials
Regulations Board.

[F.R. Doc. 69-4161; Filed, Apr. 8, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-337]

WESTINGHOUSE ELECTRIC INTERNATIONAL CO.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that Westinghouse Electric International Co., a division of the Westinghouse Electric Corp., 200 Park Avenue, New York, N.Y. 10017, has submitted an application dated March 10, 1969, for a license to authorize the export of a 810 megawatt electric nuclear power reactor to Statens Vattenfallsverk, Stockholm, Sweden.

Upon finding that the reactor components proposed for export are within the scope of and consistent with the terms of the Agreement for Cooperation between the Governments of the United States of America and Sweden and, unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will cause to be issued to Westinghouse Electric International Co., a facility export license containing the authority set forth in the text below and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Secretary will issue a notice of hearing or an appropriate order.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor components proposed to be exported are a utilization facility as defined in said act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated March 10, 1969, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of March 1969.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of
State and Licensee Relations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, Westinghouse Electric International Co., a division of Westinghouse Electric Corp., is authorized to export components of a 810 megawatt electric nuclear power reactor to Statens Vattenfallsverk, Stockholm, Sweden, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on March 31, 1974.

For the Atomic Energy Commission.

[F.R. Doc. 69-4091; Filed, Apr. 8, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20802; Order 69-4-18]

AIR ENTERPRISES

Order To Show Cause

Issued under delegated authority on April 2, 1969.

The Postmaster General filed a notice of intent March 7, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 40.28 cents per great circle aircraft mile for the transportation of mail by aircraft between Moab and Salt Lake City, Utah via Price and Provo, Utah.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Aero-Commander, Model 680, or Piper Turbo Aztec, both twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Hugh M. Lyman, Jr., doing business as Air Enterprises, in its entirety by the Postmaster General pursuant to section 406 of the act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 40.28 cents per great circle aircraft mile between Moab and Salt Lake City, Utah via Price and Provo, Utah.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Hugh M. Lyman, Jr., doing business as Air Enterprises, the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair reasonable rate of compensation to be paid to Air Enterprises;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Hugh M. Lyman, Jr., doing business as Air Enterprises, the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4133; Filed, Apr. 8, 1969; 8:47 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20883; Order 69-4-29]

ALASKA AIRLINES, INC., AND WESTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1969.

By tariff [1] revisions filed on February 26, 1969, Alaska Airlines, Inc., (ASA) proposes to cancel, effective April 12, 1969, its Seattle-Anchorage/Fairbanks night first-class and coach fares. The carrier also proposes to decrease its day coach fare between Seattle and Anchorage from $99 to $97, and its day first-class fare in this market from $124 to $121. The present first-class roundtrip discount in the Seattle-Anchorage/Fairbanks market would also be

[1] Revisions to Airline Tariff Publishers, Inc., CAB No. 101.

eliminated. On March 13, 1969, Western Air Lines, Inc. (Western), filed tariff revisions matching ASA's proposal in the Seattle-Anchorage market (Western does not serve Fairbanks).

The present States-Alaska fare structure is comprised of jet first-class and coach fares, with day and night differentials as follows:

	Seattle-Anchorage	Seattle-Fairbanks
Day Fares:		
First-Class	$124.00	$124.00
Coach	99.00	99.00
Night Fares:[2]		
First-Class	99.00	105.00
Coach	75.00	79.50

[2] The night fares apply between 7 p.m. and 3:59 a.m., except Pan American's night coach fare between Seattle and Fairbanks which applies between 10 p.m. and 3:59 a.m.

In support of its proposal, ASA asserts that the night coach fares divert a substantial amount of traffic from regular fare service and have caused unwarranted dilution in revenue. Further, it asserts that the night coach fares are economically unsound and, as such, imperil its existence. ASA believes that the night coach fare has altered the travel habits of a large number of passengers, with substantial numbers now electing to travel during evening hours. As it affects ASA, the night coach fare has in a real sense become the normal fare, as night fare traffic represents over 65 percent of the total passengers carried over the segments in which this type of fare is in effect. Other carriers in the market also carry a substantial amount of night fare traffic.

ASA has consistently opposed the night fares in this market since their introduction by Northwest Airlines, Inc. (Northwest), in February 1967, and as recently as January 10, 1969, it filed a petition seeking an investigation of the night coach fares. Western has not submitted any justification in support of its proposal to match ASA's fares. However, we note that Western has in the past complained about the hours of applicability of the night coach fares (7 p.m.–3:59 a.m.) in the Seattle-Anchorage market.[3]

No formal complaints have been filed against the proposals; however, the Anchorage Chamber of Commerce has sent a telegram stating its opposition to the proposed cancellation of the night fares.

Upon consideration of all relevant matters, the Board has determined that the proposed fare adjustments of ASA and Western may be unjust or unreasonable, or unjustly discriminatory, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

The Board is not convinced that the new fare structure proposed by ASA, particularly the elimination of night coach fares, is in the best interest of the traveling public or Alaska Airlines. On the other hand, we recognize that the operating factors underlying the current night operations may warrant a reexamination of the night coach fare level in this market. The cost of operating this night coach service has increased since its inception in February 1967, and there is evidence to indicate that the unit costs of providing States-Alaska service are somewhat higher than those incurred in the lower 48 States. We note that Pan American World Airways, Inc. (Pan American), recently testified in a proceeding before the Board[4] that it is not realizing revenue sufficient to cover fully allocated costs for its Seattle-Fairbanks operation.

In view of the foregoing, we believe an economic basis exists for the revision of night coach fares in this market. Accordingly, we would consider the refiling of tariffs by ASA and Western, which would reflect an increase in the present night first-class and coach fares up to $10 each way, with fares to Fairbanks to be the same as Anchorage, and a restatement of their day first-class and coach fares at their present levels. In addition, we feel that the economics of the night coach fares in this market would be improved if their availability were limited to the traditional night coach hours of 10 p.m. to 3:59 a.m., rather than the present hours of 7 p.m. to 3:59 a.m.

We are not unsympathetic toward ASA's current financial plight and fully realize that the carrier needs a better relationship between its revenues and expenses. However, we believe it particularly important that travelers to and from Alaska should continue to have the benefit of a reduced night coach fare, since these markets must rely heavily upon air transport. Moreover, it appears that ASA's financial problems may go beyond the question of its general fare level, and as a means of exploring the overall situation, we have recently instituted an investigation of the route patterns serving Alaska.[5]

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 102, 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[6] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[6] are suspended and their use deferred to and including July 10, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. That the petition of Alaska Airlines, Inc., in Docket 20647, be and hereby is dismissed; and

5. A copy of this order will be filed with the aforesaid tariffs and be served on Alaska Airlines, Inc., Pan American World Airways, Inc., Northwest Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4130; Filed, Apr. 8, 1969; 8:47 a.m.]

[3] Order 68-9-139, dated Sept. 27, 1968.

[4] Alaska Airlines, Inc., Dockets 20465 and 20467. This is a proceeding to determine whether the conditions contained in ASA's route certificates, which set a ceiling on subsidy payments, require alteration, amendment, modification, or suspension.

[5] Order 69-3-68, dated Mar. 19, 1969.

[6] Filed as part of the original document.

[Docket No. 20881; Order 69-4-26]

ASTRO AIR EXPRESS, INC., AND COMET AIR FREIGHT

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1969.

By tariff revisions[1] marked to become effective April 5, 1969, and April 11, 1969, respectively, Astro Air Express, Inc. (Astro), and Silver Fleet, Inc., doing business as Comet Air Freight (Comet), air freight forwarders, propose to increase excess valuation rates for air freight shipments. Astro proposes to increase its rate from 15 to 40 cents for each $100 (or fraction thereof), by which the declared value exceeds 50 cents per pound or $50 per shipment, whichever is higher. Comet proposes to increase its excess valuation charges from 10 to 20 cents for each $100 (or fraction thereof), by which the declared value of a shipment exceeds (1) 20 cents per pound, but not less than $20, for perishable shipments and (2) 50 cents per pound, but not less than $50, for all other shipments.

The forwarders do not present any justification in support of their proposals.

Upon consideration of all relevant matters, the Board finds that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Astro's proposals involve increasing its rate by almost 170 percent and Comet's proposals would increase its charges by 100 percent. But no basis has been advanced by the forwarders for such sharp increases.[2] With relatively few exceptions, the air freight forwarders publish excess valuation rates for general domestic traffic amounting to $0.10 or $0.15 per $100 of declared value in excess of $0.50 per pound, subject to a minimum of $50 per shipment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions and charges in Rule No. 30(A) on 2d Revised Page 7 of Astro Air Express, Inc.'s CAB No. 2 and Rule No. 17(c) on 2d Revised Page 12 of Silver Fleet, Inc., doing business as Comet Air Freight's CAB No. 1, and rules, regulations, and practices affecting such provisions and charges, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges, and rules, regulations, or practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the provisions and charges in Rule No. 30(A) on 2d Revised Page 7 of Astro Air Express, Inc.'s CAB No. 2 and Rule No. 17(c) on 2d Revised Page 12 of Silver Fleet, Inc., doing business as Comet Air Freight's CAB No. 1 are suspended and their use deferred to and including July 3, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Astro Air Express, Inc., and Silver Fleet, Inc., doing business as Comet Air Freight, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4131; Filed, Apr. 8, 1969; 8:47 a.m.]

[1] Revisions to Astro Air Express, Inc.'s Tariff CAB No. 2 and Comet Air Freight's Tariff CAB No. 1, filed Mar. 5, 1969, and Mar. 12, 1969, respectively.

[2] Cf., "Increased valuation and c.o.d. charges proposed by Railway Express Agency, Inc.," 27 CAB 542 (1958). The Board after investigation found REA's proposed increases in excess valuation and c.o.d. charges unjust and unreasonable chiefly on the ground that REA had failed to sustain the burden of coming forward with evidence to show what the increased costs of such services are. In similar actions, the Board suspended, pending investigation, (1) increased excess valuation charges proposed by REA (Order E-13820, May 1, 1959); (2) revision to its liability rule for parcel post shipments proposed in 1965 by WTC (Order E-22846, Nov. 4, 1965); (3) increased excess valuation charges proposed by Bekins Airvan Co. of $1.50 per $100 (Order E-23746, May 27, 1966), and (4) increased excess valuation rates for parcel post shipments proposed by WTC Air Freight (Order 69-2-10, Feb. 3, 1969).

[Docket No. 20781; Order 69-4-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1969.

By order 69-3-1, the Board, among other things, established procedural dates for the receipt of documentation, complaints and answers[1] relating to an agreement embodied in resolutions of the International Air Transport Association (IATA) establishing transatlantic fares for the period May 1, 1969, through March 31, 1971.

By petition filed March 7, 1969, the member carriers of the National Air Carrier Association (NACA) requested the Board to reconsider its Order 69-3-1, and to institute immediately an evidentiary investigation of the resolutions. Subsequently, by motion filed March 18, 1969, NACA modified its position by requesting that the Board extend the procedural schedule to afford 14 days for complaints and objections, the period to run from the date upon which the IATA carriers supplied full documentation, or until they have complied with the subpena duces tecum which had been applied for by NACA. In the motion filed March 18, NACA requests a full evidentiary investigation of the challenged fare agreements only in the event deferral of procedural dates is not granted. Pan American has filed an answer requesting denial of NACA's initial petition for reconsideration, and has expressed opposition to the subsequent NACA motion, especially if it would delay the Board's decision beyond May 1.

On March 18, 1969, the Board's Chief Hearing Examiner issued a subpena duces tecum to Trans World Airlines, Inc. (TWA), Pan American World Airways, Inc. (Pan American), Seaboard World Airlines, Inc. (Seaboard), and to IATA, directing them to produce, inter alia, documents relating to negotiations and deliberations of IATA or any of its committees prior to the adoption of the resolutions.[2] Subsequently, the Chief Hearing Examiner deferred the March 27 date for filing complaints to April 4, and the April 7 date for filing answers to complaints to April 11, thus substantially responding to NACA's request. At the same time, NACA's motion to suspend the procedural schedule established by Order 69-3-1 was denied.

Hertz International, Ltd., filed a motion on March 25 requesting suspension of the procedural schedule pending clarification by the carriers as to the scope and intent of the resolutions with respect to the exclusion of car rentals as part of regular tour packages.[3] Also, comments in support of and in opposition to the agreement have been filed by other organizations, agents, and individuals.[4]

The pleadings and the comments raise issues of discrimination, reasonableness, adverse impact on supplemental carriers and third parties, and public interest in general. Nevertheless, we are not persuaded at this time that a full evidentiary hearing is required to resolve the public interest considerations. However, in light of the considerable controversy surrounding the agreement the Board has concluded that the public interest warrants setting the matter for oral argument. Since we are herein setting oral argument, and in view of the relatively short period of time available for consideration of the agreement, we do not believe a further extension of present procedural dates would serve a useful purpose.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 201, 204(a), and 412 of the Act:

[1] The procedural dates established by the Board were:

Full documentation and economic justification from the carriers, Mar. 13, 1969.

Complaints and objections from interested parties, Mar. 27, 1969.

Answers to complaints, Apr. 7, 1969.

[2] The carriers and IATA supplied certain data in response to the subpena on Mar. 25.

[3] In this respect, it is stated, among other things, that: "• • • it appears clear that the movants cannot be fairly expected to know whether the subject IATA resolutions, or any of them, do exclude car rentals from the required tour package for fare eligibility." Also this firm contends "there has not been the slightest scintilla of evidence presented by the carriers to justify the exclusion of rental cars from the required tour package."

[4] The Creative Tour Operators Association (CTOA) supports the contract bulk fare, but suggests that the Board consider imposing a condition restricting the purchasing of capacity for tours sold and originating in the United States to that purchased by IATA-approved agencies; some agents have protested the contract bulk fares, primarily because they are noncommissionable; the city of Philadelphia and the Greater Philadelphia Chamber of Commerce oppose the agreement, alleging, in effect, that the pattern of North Atlantic fares discriminates against Philadelphia in favor of New York; the National Industrial Traffic League opposes approval of the agreement, alleging, inter alia, that the elimination of the 5-percent round-trip discount discriminates against business travelers; and complaints have been received from individuals and from agents protesting the elimination of the round-trip discount. Also, a question has been raised by the comments as to the reasonableness of the refund provisions of the bulk fares.

It is ordered, That:

1. On April 16, 1969, at 10:00 a.m., the Board will receive oral argument on the question of approval of the subject resolutions,

2. Interested persons who desire to participate in such oral argument shall advise the Board in writing of their desire to participate. Complaints and objections from interested parties or persons in affidavit form shall be filed with the Board's Docket Section in an original and 19 copies on or before April 4, 1969, and answers thereto on or before April 11, 1969,

3. Except to the extent otherwise granted, NACA's petition of March 7 and motion of March 18 are denied, and

4. Except to the extent otherwise granted, the motion of Hertz International, Ltd., to suspend the procedural schedule is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4133; Filed, Apr. 8, 1969; 8:47 a.m.]

[Docket No. 16285, etc., Order 69-4-27]

NORTHEAST AIRLINES, INC.

Order Regarding Certificate of Public Convenience and Necessity and for Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1969.

Application of Northeast Airlines, Inc., for amendment of its certificate of public convenience and necessity and for exemption or order to show cause, Dockets 16285 and 20311; service to Fort Myers, Sarasota, and Orlando case, Docket 20582.

On October 2, 1968, Northeast Airlines, Inc. (Northeast), filed a motion for immediate hearing on its amended application in Docket 16285. The application requests amendment of Northeast's certificate for Route 27 to add to segments 1, 2, and 5, the intermediate points of Orlando, Titusville, Sarasota, Fort Myers, and West Palm Beach, Fla.; and to extend segment 5 from Hartford, Conn./Springfield, Mass., to the additional terminal point Boston, Mass. Simultaneously, Northeast filed an application in Docket 20311 for an exemption from section 401 of the act, to enable it to serve Fort Myers and Sarasota, Fla., as additional intermediate points on Route 27, pending final decision on its application in Docket 16285. Alternatively, Northeast requests the latter authority by show cause procedures.

Answers in support of Northeast's motion and exemption application were filed by the Board of County Commissioners of Lee County, the City and Chamber of Commerce of Orlando, the Sarasota-Manatee Airport Authority, and the City, Chamber of Commerce, and Freight Traffic Bureau of West Palm Beach. Answers in opposition were filed by Eastern Air Lines, Inc. (Eastern) and National Airlines, Inc. (National), and Northeast filed a reply.

Upon consideration of the pleadings and all the relevant facts, we have decided to set Northeast's application for hearing insofar as it requests authority to serve Sarasota, Fort Myers, and Orlando.[1] In support of its application Northeast proposes to provide single-plane service to Orlando, Fort Myers, and Sarasota from East Coast points, such as Boston, Hartford, Philadelphia, and New York. Upon consideration of the existing service patterns and authorizations in these markets, we have concluded that these portions of Northeast's application hold sufficient promise of improved service to the public and profitable operations for Northeast to warrant an investigation.[2]

We will not order an immediate hearing on Northeast's application to serve Titusville and West Palm Beach. In reaching this determination we have taken account of the existing service patterns in the West Palm Beach-East Coast markets and of the fact that additional service to Titusville is in issue in Southern Airways Route Realignment Investigation, Docket 18610.

Finally, we will deny Northeast's application for an exemption or a show cause order authorizing service at Fort Myers and Sarasota. The markets involved are presently served by National and will be considered in the investigation instituted herein. We do not believe that there has been a sufficient showing to warrant a finding that the enforcement of the act would be an undue burden on the carrier and not in the public interest, or to warrant use of show cause procedures.

Accordingly, it is ordered, That:

1. An investigation designated Service to Fort Myers, Sarasota, and Orlando Case, be and it hereby is instituted in Docket 20882 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require (1) the alteration, amendment, or modification of the certificate of Northeast Airlines, Inc., for Route 27 so as to add to segments 1, 2, and 5 the new intermediate points Sarasota, Fort Myers, and Orlando, and (2) the extension of segment 5 from Hartford/Springfield to Boston, subject to the condition that flights operating nonstop between Boston and Hartford/Springfield shall originate or terminate south of Washington, D.C.;

2. To the extent that it falls within the scope of the proceeding as heretofore delineated, Northeast's application in Docket 16285 be and it hereby is consolidated with the above investigation;

3. Petitions for reconsideration and motions to consolidate applications in this proceeding shall be filed no later than 20 days after the date of service of this order, and answers to such motions shall be filed no later than 10 days thereafter;

4. The investigation instituted herein shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated;

5. To the extent not granted herein, the application of Northeast for exemption or order to show cause, Docket 20311, and its motion for immediate hearing on the application in Docket 16285, be and they hereby are denied; and

6. A copy of this order shall be served upon the Cities and Chambers of Commerce of Fort Myers, Sarasota, Orlando, Miami, West Palm Beach, Titusville, Boston, Hartford, Springfield, Philadelphia, and New York, and the carriers certificated to serve such cities.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4134; Filed, Apr. 8, 1969; 8:47 a.m.]

[1] We are also setting for hearing Northeast's request for extension of segment 5 from Hartford/Springfield to Boston, subject to the restriction that flights operating nonstop between Boston and Hartford/Springfield shall originate or terminate south of Washington, D.C. Northeast has exemption authority under Order 68-9-81, dated September 19, 1968, to conduct nonstop operations between Hartford/Springfield and Boston, subject to the long-haul condition imposed herein.

[2] We do not intend to consider in this proceeding the award of improved authority between Miami and East Coast points presently served by Northeast, such as Boston and New York. This restriction is essential to keep the proceeding focused on the needs of Fort Myers, Sarasota, and Orlando. Northeast already has nonstop and one-stop authority in major East Coast-Miami markets, and the authority in issue herein would only give Northeast additional one-stop routings, via Orlando, Fort Myers, and Sarasota.

FEDERAL MARITIME COMMISSION

BLUE SEA LINE JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Thomas K. Roche, Esq., Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 8529-3 redefines the area to be served by the Blue Sea Line Joint Service to include the trade between United States and Canadian ports and ports in Southwest, South, Southeast, and East Africa as well as islands in the Indian Ocean including Madagascar, Reunion, Mauritius, the Comores and Seychelles, and the islands of Ascension and St. Helena.

Dated: April 7, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4217; Filed, Apr. 8, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

REVENUE OFFICER, CALIFORNIA

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for the following positions:

GS-1169 REVENUE OFFICER

Geographic coverage: State of California.
Effective date: First day of the first pay period beginning on or after April 20, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777

[1] Corresponding statutory rates: GS-5—seventh; GS-7—fourth.

All new employees in the specified occupational levels wil be hired at the new minimum rates.

As of the effective date, agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4141; Filed, Apr. 8, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of General Sales Manager, Export Marketing Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4142; Filed, Apr. 8, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Associate General Sales Manager, Export Marketing Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4143; Filed, Apr. 8, 1969; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to Assistant Secretary of Defense (International Security Affairs).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4144; Filed, Apr. 8, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Secretary (Individual and Family Services)" to "Deputy Assistant Secretary (Community and Field Services)."

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4145; Filed, Apr. 8, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project 2668]

DUKE POWER CO.

Corrected Notice of Application for Withdrawal of Application for License for Constructed Project

APRIL 2, 1969.

Public notice is hereby given that application has been filed under the rules of practice and procedure of the Federal Power Commission by Duke Power Co. (correspondence to: Carl Horn, Jr., Vice President Finance and General Counsel, Duke Power Co., Post Office Box 2178, Charlotte, N.C. 28201) for withdrawal of its application for license for constructed Project No. 2668, known as the Tumbling Shoals Station, located on Reedy River in the vicinity of the town of Laurens, in Laurens County, South Carolina, and not in North Carolina, as was recited in our notice issued February 27, 1969.

According to the application, Applicant intends to abandon the Tumbling Shoals Station, breach the dam, remove the rubble, and open the stream.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8

or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4094; Filed, Apr. 8, 1969; 8:45 a.m.]

[Docket No. G-3173, etc.]

HUSKY OIL COMPANY OF DELAWARE ET AL.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity

APRIL 2, 1969.

On February 6, 1969, Husky Oil Company (Operator) et al., filed in Docket No. G-3173 et al., a petition to amend the orders listed in the appendix below issuing certificates of public convenience and necessity by substituting Husky Oil Company of Delaware as the certificate holder thereof and by redesignating the corresponding rate schedules and rate proceedings. The petition to amend was supplemented on February 26, 1969.

The proposed change is one of name only, and does not involve a change in corporate structure. The change was effective as of September 3, 1968.

The Commission orders: The orders listed in the appendix below heretofore issued to Husky Oil Co. (Operator) et al., in Docket No. G-3173 et al., are amended to reflect Husky Oil Company of Delaware as the certificate holder thereof and by redesignating the related rate schedules and rate proceedings. In all other respects, said orders remain in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX

Docket No.	FPC gas rate schedule No.	Related rate proceedings
G-8052	1	
G-8053	4	RI60-98.
CI61-186	[1] 10	
CI61-1274	[1] 11	
CI64-1097	12	
CI65-1240	13	
G-3173	14	
G-3173	15	
G-3173	16	
G-17254	17	RI64-120, RI64-651, RI60-459.
G-17780	18	RI64-120, RI64-319.
CI61-1130	19	
CI61-1140	[1] 20	
CI62-414	21	
CI65-97	22	
C166-33		G-19722, RI60-12, B185-34.

[1] (Operator), et al.

[F.R. Doc. 69-4095; Filed, Apr. 8, 1969; 8:45 a.m.]

[Docket No. CP69-249]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

APRIL 2, 1969.

Take notice that on March 25, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-249 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to perform a transportation service for Texas Gas Transmission Corp. (Texas Gas), and United Fuel Gas Co. (United Fuel), and the construction and operation of facilities required to render such transportation service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport through its Louisiana offshore pipeline system, under a long term contract with Texas Gas, 75,000 Mcf of gas per day which Texas Gas has contracted to purchase in the Block 272 and 292 Fields, Eugene Island Area, which Texas Gas would deliver to Applicant at Block 250, Eugene Island Area; 15,000 Mcf of gas per day which Texas Gas has contracted to purchase in Block 276, Eugene Island Area, which Texas Gas would deliver to Applicant at Block 259, Eugene Island Area; and 15,000 Mcf of gas per day which Texas Gas has contracted to purchase in Block 11, South Marsh Island Area, which Texas Gas would deliver to Applicant at Block 10, South Marsh Area. Applicant proposes to transport these volumes for delivery to Texas Gas onshore at Calumet, La., where Texas Gas would redeliver up to 45,000 Mcf per day for further transportation onshore to North Tepetate, La., under a long term transportation agreement.

Applicant also proposes to transport through its Louisiana offshore pipeline system, under a short term contract with United Fuel, 75,000 Mcf of gas per day which United Fuel has contracted to purchase in the Block 272 and 292 Fields, Eugene Island Area, which United Fuel would cause to be delivered to Applicant at Block 250, Eugene Island Area, for redelivery onshore at Calumet, La.

The rate proposed for offshore transportation is a monthly demand charge of $1.37 per Mcf of contract demand and for onshore transportation 1.5¢ per Mcf transported.

To render the transportation service, Applicant requests authorization to construct and operate 12.3 miles of 30-inch loop line extending north from the Louisiana coastline to Calumet, La.; 16,500 horsepower of compression at a new compressor station to be located at Calumet; 2200 horsepower of compression at Applicant's existing St. Martinville Compressor Station; and related measurement facilities. Applicant estimates the total cost of the proposed facilities at $14,477,000, which it proposes to finance with borrowings from banks, together with retained earnings and other funds generated internally.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), and the regulations under the Natural Gas Act (§ 157.10) on or before April 28, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4096; Filed, Apr. 8, 1969; 8:45 a.m.]

[Docket No. CP68-190]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

APRIL 2, 1969.

Take notice that on March 24, 1969, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP68-190 a petition to amend the certificate of public convenience and necessity issued in this docket April 15, 1968, to modify the size of compression units authorized, all as more fully set forth in the petition on file with the Commission and open to public inspection.

The order of April 15, 1968, authorized installation of single 7300 horsepower reciprocating compressor units at Petitioner's Greenville, Jasper, Shelbyville and Defiance Compressor Stations, and a 7500 horsepower turbine compressor unit at the Brownsville Compressor Station. Petitioner states it has found it more economical to install a 7840 horsepower compressor unit at the Jasper Compressor Station, and two 5950 horsepower compressor units at the Defiance Compressor Station, in place of the units authorized. Petitioner asks that the certificate be amended accordingly.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), and the regulations under the Natural Gas Act (§ 157.10) on or before April 28, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4097; Filed, Apr. 8, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

J & M INVESTMENT CORP.

Notice of Application for License as Small Business Investment Corporation

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) ("Regulations"), under the name of J & M Investment Corp., 712 Mill Street, Reno, Nev. 89502, for a license to operate in the State of Nevada as a small business investment company under the provisions of the Smal Business Investment Act of 1958, as amended ("Act"). (15 U.S.C. 661 et. seq.)

The proposed Officers and Directors are as follows:

Jacques J. Morvay, 647 West Third Street, Reno, Nev.	President, General Manager and Chairman of the Board.
Muriel H. Decker, 742 Monroe Street, Reno, Nev. 89502.	Vice President and Director.
Ethel Morvay, 647 West Third Street, Reno, Nev.	Secretary-Treasurer and Director.

All the stock of the company will be owned by J & M Lumber, Inc., 647 West Third Street, Reno, Nev., which is wholly-owned by Jacques J. Morvay and Ethel Morvay.

The company will begin operations with a capitalization of $306,000 and proposes to aid in the financial development of qualified small business concerns in the communities it serves, with concentration in the lumber industry.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may not later than 5 p.m. on the 15th day from the date of this publication submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. A copy of this notice shall be published in a newspaper of general circulation in Reno, Nev.

Dated: March 25, 1969.

For SBA (pursuant to delegated authority).

J. T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-4111; Filed, Apr. 8, 1969; 8:46 a.m.]

[License No. 02/02-0254]

JUSTER CAPITAL CORP.

Notice of Surrender of License

Notice is given hereby that the Small Business Administration (SBA) accepted on March 24, 1969, the surrender of the license issued to Juster Capital Corp. (Juster), New York, N.Y. (incorporated in New York).

By notice published March 7, 1969, in the FEDERAL REGISTER, SBA invited comments regarding the pending request of Juster to surrender its license. SBA received no comments. Juster satisfied all conditions for license surrender, including repayment of all indebtedness to SBA.

The corporation no longer is licensed to operate as a small business investment company.

Dated: April 1, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-4110; Filed, Apr. 8, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 1, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 2, 1969, through April 11, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4108; Filed, Apr. 8, 1969; 8:45 a.m.]

TEXAS URANIUM CORP.

Order Suspending Trading

APRIL 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section (15)(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 4, 1969, through April 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4109; Filed, Apr. 8, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 27, Amdt. 4]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 27 (Florida East Coast Railway Co.; Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 27 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 5, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 3, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4148; Filed, Apr. 8, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 28, Amdt. 4]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 28 (Louisville and Nashville Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car distribution Direction No. 28 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 5, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 3, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4149; Filed, Apr. 8, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 30, Amdt. 3]

SEABOARD COAST LINE RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 30 (Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 30 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., April 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 5, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 3, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4150; Filed, Apr. 8, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 42]

SOUTHERN RAILWAY CO. AND COLUMBUS AND GREENVILLE RAILWAY CO.

Car Distribution

Pursuant to section 1(15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Southern Railway Co. shall deliver to the Columbus and Greenville Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44'8" and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., April 7, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., April 27, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 3, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4151; Filed, Apr. 8, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 26, Amdt. 4]

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 26 (Terminal Railroad Association of St. Louis; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 26 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This Direction shall expire at 11:59 p.m. April 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 5, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 3, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4152; Filed, Apr. 8, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 4, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41604—*Phosphatic fertilizer solution from and between points in southern territory.* Filed by O. W. South, Jr., agent, (No. A6089), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, between points in southern territory; also from points in southern territory, on the one hand, to points in Wyoming, on the other.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplements 49 and 23 to Southern Freight Association, agent, tariffs ICC S-762 and S-754, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4153; Filed, Apr. 8, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 4, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40), and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41605—*Vinylidene chloride, inhibited to Kingsport, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-27), for interested rail carriers. Rates on vinylidene chloride, inhibited, in tank cars, as described in the application, from Lake Charles, Plaquemine, and West Lake Charles, La., to Kingsport, Tenn.

Grounds for relief—Rate relationship.

Tariff—Supplement 151 to Southwestern Freight Bureau, agent, tariff ICC 4568.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4154; Filed, Apr. 8, 1969; 8:49 a.m.]

[Notice 545]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 4, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)), at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2401 (Deviation No. 28), MOTOR FREIGHT CORPORATION, 2345 13th Street, Terre Haute, Ind. 47802, filed March 27, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 65, thence over Interstate Highway 65 to Nashville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Illinois Highway 49 to Kansas, Ill., thence over Illinois Highway 16 to Paris, Ill., thence over Illinois Highway 1 to Marshall, Ill., thence over U.S. Highway 40 to Terre Haute, Ind. (also from Paris, Ill., over U.S. Highway 150 to Terre Haute, Ind.), thence over U.S. Highway 41 to Evansville, Ind., thence over U.S. Highway 41 to Henderson, Ky., thence over Kentucky Highway 54 to Owensboro, Ky., thence over U.S. Highway 431 via South Carrollton, Ky., to Springfield, Tenn., thence over U.S. Highway 41 to Nashville, Tenn., and return over the same route.

No. MC 2401 (Deviation No. 29), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, filed March 27, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 64 to junction Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction U.S. Highway 42, thence over U.S. Highway 42 to junction Ohio Highway 142, thence over Ohio Highway 142 to junction U.S. Highway 40, thence over U.S. Highway 40 to Columbus, Ohio, and return over the same route.

No. MC 35334 (Deviation No. 9), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051, filed March 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 80 to Hubbard (Youngstown), Ohio, (2) from Chicago, Ill., over Interstate Highway 90 to Buffalo, N.Y., (3) from Hubbard (Youngstown), Ohio, over Interstate Highway 80 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 90, thence over Interstate Highway 90 to Buffalo, N.Y., and (4) from Pittsburgh, Pa., over Interstate Highway 79 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to Hubbard (Youngstown), Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 6 to junction U.S. Highway 20 at or near Fremont, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 44, thence over Ohio Highway 44 to Mantua Corners, Ohio, thence over Ohio Highway 82 to Warren, Ohio, thence over U.S. Highway 422 to Youngstown (Hubbard), Ohio, (2) from Chicago, Ill., to Cleveland, Ohio, as described above, thence over Ohio Highway 283 to junction Ohio Highway 640, thence over Ohio Highway 640 to Willoughby, Ohio, thence over U.S. Highway 20 to Kirtland Hills, Ohio, thence over Ohio Highway 84 to junction Ohio Highway 534, thence over Ohio Highway 534 to Geneva, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., (3) from Hubbard (Youngstown), Ohio, over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 82 to Mantua Corners, Ohio, thence over Ohio Highway 44 to Painesville, Ohio, thence over Ohio Highway 84 to junction Ohio Highway 534, thence over Ohio Highway 534 to Geneva, Ohio, thence over the route described above to Buffalo, N.Y., and (4) from Pittsburgh, Pa., over Pennsylvania Highway 65 to Rochester, Pa., thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to junction Ohio Highway 7, thence over Ohio Highway 7 to Hubbard (Youngstown), Ohio, and return over the same routes.

No. MC 35334 (Deviation No. 10), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051, filed March 24, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Hubbard (Youngstown), Ohio, over Interstate Highway 80 to junction Interstate Highway 81E, thence over Interstate Highway 81E to junction Interstate Highway 84, thence over Interstate Highway 84 to Hartford, Conn., (2) from Hubbard (Youngstown), Ohio, over Interstate Highway 80 to New York, N.Y., (3) from Hubbard (Youngstown), Ohio, over Interstate Highway 80 to junction North East Extension of the Pennsylvania Turnpike, thence over the Northeast Extension of the Pennsylvania Turnpike to Philadelphia, Pa., and (4) from Hubbard (Youngstown), Ohio, over Ohio Highway 7 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 70N,

thence over Interstate Highway 70N to Baltimore, Md., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Hubbard (Youngstown), Ohio, over Ohio Highway 7 to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 via Newark, N.J., to New York, N.Y., thence over U.S. Highway 1 via Greenwich and Norton, Conn., to junction unnumbered highway, thence over unnumbered highway via Darien, Conn., to junction U.S. Highway 1, thence over U.S. Highway 1 to North Haven, Conn., thence over U.S. Highway 5 and Alternate U.S. Highway 5 to Hartford, Conn, (2) from Hubbard (Youngstown), Ohio to Pittsburgh, Pa., as described above, thence over U.S. Highway 22 to junction U.S. Highway 230, thence over U.S. Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., and (3) from Hubbard (Youngstown), Ohio, to Pittsburgh, Pa., as described above, thence over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Baltimore, Md., and return over the same routes.

No. MC 42487 (Deviation No. 75), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed March 26, 1969. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from a point approximately 12 miles south of Saginaw, Mich., over Interstate Highway 75 (formerly relocated U.S. Highway 23) to junction Michigan Highway 78 west of Flint, Mich., (2) from Chicago, Ill., over Interstate Highway 94 to Detroit, Mich., (3) from Lansing, Mich., over Interstate Highway 96 to Detroit, Mich., (4) from junction Interstate Highway 75, U.S. Highway 23 and Michigan Highway 78 near Flint, Mich., over Interstate Highway 75 to Bay City, Mich., (5) from Detroit, Mich., over Interstate Highway 96 to junction U.S. Highway 23, thence over U.S. Highway 23 to Flint, Mich., (6) from Detroit, Mich., over Interstate Highway 75 to Flint, Mich., (7) from junction Interstate Highway 94 and U.S. Highway 27 at Marshall, Mich., over U.S. Highway 27 to junction Interstate Highways 80–90 (Indiana Turnpike), thence over Interstate Highways 80–90 to Chicago, Ill., (8) from Kalamazoo, Mich., over U.S. Highway 131, to junction Interstate Highways 80–90 (Indiana Turnpike), thence over Interstate Highways 80–90 to Chicago, Ill., and (9) from Marshall, Mich., over Interstate Highway 94 to junction U.S. Highway 127, thence over U.S. Highway 127 to Lansing, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows:

(1) From Saint Johns, Mich., over Michigan Highway 21 to Flint, Mich., thence over Michigan Highway 54 (formerly portion U.S. Highway 10) to junction unnumbered highway (formerly portion U.S. Highway 10), thence over unnumbered highway to junction Business Route Interstate Highway 75 (formerly portion U.S. Highway 10), thence over Business Route Interstate Highway 75 to Saginaw, Mich., thence over Michigan Highway 13 (formerly portion U.S. Highway 23) to Bay City, Mich., (2) from Chicago, Ill., over U.S. Highway 12 to junction Interstate Highway 94 (formerly portion U.S. Highway 12), near New Buffalo, Mich., thence over Interstate Highway 94 to junction unnumbered highway (Columbia Ave.) (formerly portion U.S. Highway 12), thence over unnumbered highway to Battle Creek, Mich., thence over Michigan Highway 78 via Lansing, Mich., to Flint, Mich., and thence over Business Route Michigan Highway 54 (formerly portion U.S. Highway 23) to junction unnumbered highway (formerly portion U.S. Highway 23) to junction unnumbered highway (formerly portion U.S. Highway 23), thence over unnumbered highway to junction Business Route Interstate Highway 75 (formerly shown as portion U.S. Highway 23), thence over Business Route Interstate Highway 75 to Saginaw, Mich., thence over Michigan Highway 13 (formerly portion U.S. Highway 23), to Bay City, Mich.

(3) From Detroit, Mich., over Michigan Highway 14 (formerly portion U.S. Highway 12) to Ann Arbor, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12), to junction Interstate Highway 94 (formerly portion U.S. Highway 12), near Lima Center, Mich., thence over Interstate Highway 94 to junction unnumbered highway (formerly portion U.S. Highway 12), near Parma, Mich., thence over unnumbered highway via Albion and Marshall, Mich., to junction Business Route Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Business Route Interstate Highway 94 to Battle Creek, Mich., thence over unnumbered highway (Columbia Ave.) (formerly portion U.S. Highway 12) to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway, one mile east of Galesburg, Mich., thence over unnumbered highway to Galesburg, Mich., thence over Michigan Highway 96 to Kalamazoo, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12) via Paw Paw and Watervliet, Mich., to Benton Harbor, Mich., thence over Business Route Interstate Highway 94 (formerly portion U.S. Highway 12) to junction unnumbered highway (formerly portion U.S. Highway 12) near Stevensville, Mich., thence over unnumbered highway via Bridgeman and Union Pier, Mich., to junction U.S. Highway 12, near New Buffalo, Mich., thence over U.S. Highway 12 to Chicago, Ill.;

(4) From Detroit, Mich., over unnumbered highway (formerly portion U.S. Highway 16) via Brighton, Mich., to junction Michigan Highway 43 (formerly portion U.S. Highway 16), thence over Michigan Highway 43 to Lansing, Mich., thence over Michigan Highway 78 to Battle Creek, Mich., thence to Chicago, Ill., as specified above, (5) from Detroit, Mich., over U.S. Highway 10 to junction unnumbered highway (formerly portion U.S. Highway 10), thence over unnumbered highway to junction Michigan Highway 54 (formerly portion U.S. Highway 10), thence over Michigan Highway 54 to Flint, Mich., (6) from Chicago, Ill., to Lansing, Mich., as specified above, thence over U.S. Highway 27 via St. Johns, Mich., to junction unnumbered highway (formerly portion U.S. Highway 27), thence over unnumbered highway to St. Louis, Mich., thence over Michigan Highway 46 to Saginaw, Mich., (7) from Chicago, Ill., to St. Johns, Mich., as specified above, thence over Michigan Highway 21 to Owosso, Mich., thence over Michigan Highway 47 to junction Michigan Highway 81 (formerly portion Michigan Highway 47), thence over Michigan Highway 81 to Saginaw, Mich., and (8) from Marshall, Mich., over U.S. Highway 27 to Charlotte, Mich., and return over the same routes.

No. MC 42487 (Deviation No. 76), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed March 27, 1969. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60689. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 94 and U.S. Highway 12 at or near New Buffalo, Mich., over U.S. Highway 12 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follows: from Detroit, Mich., over Michigan Highway 14 (formerly portion U.S. Highway 12) to Ann Arbor, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12) to junction Interstate Highway 94 (formerly portion U.S. Highway 12), near Lima Center, Mich., thence over Interstate Highway 94 to junction unnumbered highway (formerly portion U.S. Highway 12), near Parma, Mich., thence over unnumbered highway via Albion and Marshall, Mich., to junction Business Route Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Business Route Interstate Highway 94 to Battle Creek, Mich., thence over unnumbered highway (Columbia Avenue) (formerly portion U.S. Highway 12) to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence

over Interstate Highway 94 to junction unnumbered highway, one mile east of Galesburg, Mich., thence over unnumbered highway to Galesburg, thence over Michigan Highway 96 to Kalamazoo, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12) via Paw Paw and Watervliet, Mich., to Benton Harbor, Mich., thence over Business Route Interstate Highway 94 (formerly portion U.S. Highway 12) to junction unnumbered highway (formerly portion U.S. Highway 12) near Stevensville, Mich., thence over unnumbered highway via Bridgeman and Union Pier, Mich., to junction U.S. Highway 12, near New Buffalo, Mich., thence over U.S. Highway 12 to Chicago, Ill.

No. MC 43421 (Deviation No. 26), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed March 27, 1969. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30S and Ohio Highway 117 at or near Lima, Ohio, over Ohio Highway 117 to junction U.S. Highway 33 at or near Bellefontaine, Ohio, thence over U.S. Highway 33 to junction Ohio Highway 31 at or near Marysville, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to Elkhart, Ind., thence over U.S. Highway 33 to Fort Wayne, Ind., thence over U.S. Highway 30 to Delphos, Ohio, thence over U.S. Highway 30S via Kenton, Ohio, to Marion, Ohio, thence over U.S. Highway 23 to Columbus, Ohio (also from Kenton over Ohio Highway 31 to Marysville, Ohio, thence over U.S. Highway 33 to Columbus), and return over the same routes.

No. MC 77404 (Deviation No. 6), MOHAWK MOTOR, INC., 733 North Sandusky Street, Tiffin, Ohio 44883, filed March 26, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 75 and Interstate Highway 70 north of Dayton, Ohio, over Interstate Highway 70 to junction Interstate Highway 71 at Columbus, Ohio, thence over Interstate Highway 71 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dayton, Ohio, over Interstate Highway 75 to Findlay, Ohio, thence over U.S. Highway 224 to Tiffin, Ohio, thence over Ohio Highway 18 to Bellevue, Ohio, thence over U.S. Highway 20 to Cleveland, Ohio, and return over the same route.

No. MC 106904 (Deviation No. 3), TOPEKA MOTOR FREIGHT, INC., 4490 Lower Silver Lake Road, Topeka, Kans. 66618, filed March 25, 1969. Carrier's representative: Earl H. Scudder, Jr., Post Office Box 2928, Lincoln, Nebr. 68501. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Mo., and St. Joseph, Mo., over Interstate Highway 29, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Marysville, Kans., over U.S. Highway 36 to St. Joseph, Mo., (2) from Marysville, Kans., over U.S. Highway 36 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction Kansas Highway 9, thence over Kansas Highway 9 to Netawaka, Kans., thence over U.S. Highway 75 to Topeka, Kans., thence over U.S. Highway 24 to Kansas City, Mo., (3) from Marysville, Kans., over U.S. Highway 36 to Fairview, Kans., thence over U.S. Highway 75 to Topeka, Kans., thence over U.S. Highway 40 to Kansas City, Mo., and (3) from Kansas City, Mo., over U.S. Highway 40 to Topeka, Kans., and return over the same route.

Motor Carrier of Passengers

No. MC 1515 (Deviation No. 515) (Cancels Deviation No. 427), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed March 26, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers over deviation routes as follows: (1) from junction U.S. Highway 25 and Interstate Highway 75 at or near Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25 (2 miles east of Mt. Vernon, Ky.) with the following access routes: (a) from junction Interstate Highway 75 and Kentucky Highway 338 over Kentucky Highway 338 to Richwood, Ky., (b) from junction Interstate Highway 75 and Kentucky Highways 14–16 over Kentucky Highways 14–16 to Walton, Ky., (c) from junction Interstate Highway 75 and Kentucky Highway 491 over Kentucky Highway 491 to Crittenden, Ky., (d) from junction Interstate Highway 75 and Kentucky Highway 22 over Kentucky Highway 22 to Dry Ridge, Ky., (e) from junction Interstate Highway 75 and Kentucky Highway 36 over Kentucky Highway 36 to Williamstown, Ky., (f) from junction Interstate Highway 75 and Kentucky Highway 1032 over Kentucky Highway 1032 to Corinth, Ky., (g) from junction Interstate Highway 75 and U.S. Highway 62 over U.S. Highway 62 to Georgetown, Ky., (h) from junction Interstate Highway 75 and Kentucky Highway 922 over Kentucky Highway 922 to Lexington, Ky., (i) from junction Interstate Highway 75 and Kentucky Highway 169 over Kentucky Highway 169 to Richmond, Ky., (j) from junction Interstate Highway 75 and Kentucky Highway 595 over Kentucky Highway 595 to Berea, Ky., and (k) from junction Interstate Highway 75 and Kentucky Highway 21 over Kentucky Highway 21 to junction U.S. Highway 25, and (2) from junction U.S. Highway 25 and unnumbered State access highway (approximately 1 mile north of Corbin, Ky.), over Interstate Highway 75 to junction U.S. Highway 25W (approximately 1 mile north of Lake City, Tenn.), with the following access routes: (a) from junction Interstate Highway 75 and Kentucky Highway 312 to Corbin, Ky., and (b) from junction Interstate Highway 75 and unnumbered access highway (approximately 1 mile north of Corbin), over unnumbered access highway to junction U.S. Highway 25W, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) from Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky. (also from Cincinnati across the Ohio River to Covington, Ky., thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington), and thence over U.S. Highway 27 to Chattanooga, Tenn., and (2) from Lexington, Ky., over U.S. Highway 25 via Livingston, Oakley and East Bernstadt, Ky., to Corbin, Ky., thence over U.S. Highway 25W to Knoxville, Tenn., and return over the same routes.

No. MC 1515 (Deviation No. 516), (Cancels Deviation No. 156), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed March 26, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from junction old U.S. Highway 41 and new U.S. Highway 41 at a point approximately 2 miles north of Madisonville, Ky., over new U.S. Highway 41 to junction with Pennyrile Parkway approximately 2 miles south of Nortonville, Ky., with the following access routes: (a) from junction new U.S. Highway 41 and Kentucky Highway 281 over Kentucky Highway 281 to junction old U.S. Highway 41, and (b) from junction new U.S. Highway 41 and the Western Kentucky Turnpike, over the Western Kentucky Turnpike to junction old U.S. Highway 41, and (2) from junction Alternate U.S. Highway 41 and the Pennyrile Parkway, south of Hopkinsville, Ky., over the Pennyrile Parkway to junction U.S. Highway 41 south of Nortonville, Ky., with the following access route: from junction of the Pennyrile Parkway and Kentucky Highway 80 over Kentucky Highway 80 to Hopkinsville, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Evansville, Ind., over U.S. Highway 41 via Hopkinsville, Ky., and Springfield and Goodlettsville, Tenn., to Nashville, Tenn. (also from

Hopkinsville over Alternate U.S. Highway 41 to Nashville), and return over the same routes.

By the Commision.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4156; Filed, Apr. 8, 1969; 8:49 a.m.]

[Notice 1283]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 4, 1969.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations, which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub-No. 159), filed March 26, 1969. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reisterstown, Md. 21136. Applicant's representatives: W. Wilson Corroum, 49 Main Street, Post Office Box 55, Reisterstown, Md. 21136, and Leonard A. Jackiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

HEARING: April 16, 1969, before an examiner to be later designated, at the Offices of the Interstate Commerce Commerce Commission, Washington, D.C.

No. MC 52458 (Sub-No. 217), filed March 27, 1969. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., Post Office Box 1047 (4107 Bells Lane), Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of B. F. Goodrich Chemical Co., at or near Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the plantsite and destined to the enumerated States. NOTE: Despite the above restriction which would preclude tacking, applicant indicates that it "would tack with any appropriate authorities held * * *."

HEARING: April 16, 1969, before an examiner to be later designated, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 61592 (Sub-No. 138), filed March 28, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Door Fixtures and accessories*, from Lisbon, Ohio, to points in Alaba a, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

HEARING: May 7, 1969, before Examiner Donald R. Sutherland, in Room 228, New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio.

No. MC 40446 (Sub-No. 2) (Republication), filed January 12, 1968, published FEDERAL REGISTER issue of January 25, 1968, and republished this issue. Applicant: BERNARD BARON, JR., 137-155 Blanchard Street, Newark, N.J. 07105. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of such commodities as are dealt in by manufacturers of sewing machines, from the warehouse facilities of The Singer Co. at Warwick, N.Y., to Newark, N.J., restricted to traffic destined to retail stores of said shipper at points in New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., to which exceptions were filed. A decision and order of the Commission, Review Board No. 1, dated March 24, 1969, and served March 28, 1969, as modified, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle in interstate or foreign commerce, over irregular routes, of (1) *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities the transportation of which because of their size or weight requires the use of special equipment), from the warehouse facilities of The Singer Co. at Warwick, N.Y., to Newark, N.J., restricted to the transportation of shipments originating at the said warehouse facilities and destined to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and (2) of *returned shipments* in the reverse direction: that the evidence considered in the light of the pleadings does not warrant a result different from that reached by the examiner; and that upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act and with the Commission's rules and regulations thereunder, within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, subject to prior publication in the FEDERAL REGISTER of the authority actually granted herein, in order that any party adversely affected by the said grant may file within 30 days and appropriate pleading setting forth the manner in which it has been prejudiced, an appropriate certificate will be issued.

No. MC 41706 (Sub-No. 7) (Republication), filed March 4, 1968, published FEDERAL REGISTER issues of March 21, 1968, May 23, 1968, and May 30, 1968, and republished this issue. Applicant: TOSE, INC., 64 West 4th Street, Bridgeport, Pa. 19405. Applicant's representative: Desmond J. McTighe, 11 East Airy Street, Norristown, Pa. 19401. In the above-titled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, the commodities, to, and from points substantially as indicated below. An Order of the Commission, Division 1, effective by operation of law, March 20, 1969, and served February 18, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, over irregular routes, in interstate or foreign commerce, (a) of *parcels and packages* (no single parcel or package to exceed 50 pounds in weight), (b) of *garments and furs on hangers*, for storage, and (c) of *damaged, defective, refused or exchanged merchandise* on return, between points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., Camden, Gloucester, Salem, Cumberland, Atlantic, and Cape May Counties, N.J., that part of Burlington and Mercer Counties, N.J., bounded by a line beginning at the Delaware River at Washington Crossing, N.J., and extending through Hamilton Square, N.J., Allentown, N.J., to Camden County line at New Jersey Highway 534, and New

Castle County, Del., restricted to transportation between retail department stores, specialty shops, mail order houses, premium redemption stores and other retail stores and the branches and warehouses of such stores, on the one hand, and, on the other, the customers thereof; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 10302 (Sub-No. 1), Notice of Filing of Petition for Waiver of Rule 101(e) of the General Rules of Practice and Acceptance for Filing of Petition To Reopen Proceeding for Revision of Authority Granted. Petitioner: THE CHIEPPO BUS COMPANY, New Haven, Conn. Petitioner's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Petitioner states that on April 15, 1947, in Docket No. MC 10303 (Sub-No. 1), it was issued a certificate as a common carrier by motor vehicle of passengers and their baggage, in special operations in all-expense, round-trip sightseeing, or pleasure tours, over irregular routes, beginning and ending at New Haven, Hartford, and Southington, Conn., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, with no pickup or discharge of passengers or baggage en route. Petitioner further states that it was, at the time, and is, Petitioner's belief that such operating authority was intended to, and did, authorize Petitioner to transport passengers in round-trip operations to race tracks, athletic events, and other places of amusement which entailed only the cost of transportation and, when involved, admission tickets. Petitioner further states that in recent years on several occasions its operations were questioned informally in the light of the decision of the Commission in Ashbury Park-New York Transit Corp. v. Binker Tours, Inc., et al., 62 M.C.C. 731 (1954). By the instant petition, petitioner requests its certificate be revised to avoid the possibility of future interpretive problems, in light of decisions of the Commission since the issuance of petitioner's certificate, and the service description in its Sub 1 certificate be changed to read "Passengers and their baggage in special operations, over irregular routes * * *." Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10435. Authority sought for purchase by DORN'S TRANSPORTATION, INC., Railroad Avenue Extension, Albany, N.Y. 12205, of a portion of the operating rights of WORSTER MOTOR LINES, INC., Northeast, Pa. 16428, and for acquisition by WALTER A. DORN, also of Albany, N.Y. 12205, of control of such rights through the purchase. Applicants' attorneys: Irving Klein, 280 Broadway, New York, N.Y. 10007, and William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes between Jamestown, and New York, N.Y., serving certain intermediate points and the off-route points of Camden and Carteret, N.J., between junction New York Highway 305 (formerly New York Highway 16), near Portville, and New York, N.Y., serving the intermediate point of Passaic, N.J., and the off-route points of Kearny and Newark, N.J., between Buffalo, N.Y., and Lewis Run, Pa., serving Buffalo, N.Y., and Lewis Run, Pa., and all intermediate points, and the off-route points of Derrick and Rew City, Pa., between junction U.S. Highway 219 and New York Highway 353 (portion formerly New York Highway 18), and Franklinville, N.Y., serving Franklinville, and all intermediate points; over two alternative routes for operation convenience only; *general commodities*, excepting, among others, household goods and commodities, in bulk, over irregular routes between New York, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, with restriction. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, New York, Connecticut, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10436. Authority sought for purchase by FOGARTY BROS. TRANSFER, INC., 1103 Cumberland Avenue (Post Office Box 3402), Tampa, Fla. 33601, of the operating rights of BRADFORD TRANSFER & STORAGE COMPANY, 224 East Vickery Street (Post Office Box 2288), Fort Worth, Tex. 76101, and for acquisition by J. E. FOGARTY, 1505 River Nells Drive, Tampa, Fla., of control of such rights through the purchase. Applicants' attorney: Reagan Sayers, c/o Rawlings, Sayers, & Scurlock, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Dallas, Fort Worth, and Houston, Tex., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Tennessee, Kentucky, Ohio, Indiana, Illinois, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New York, New Jersey, Connecticut, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Wisconsin, Arkansas, Maine, New Hampshire, Rhode Island, New Hampshire, Oklahoma, Texas, Vermont, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10437. Authority sought for merger into ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, of the operating rights and property of ROADWAY EXPRESS, INC. OF S.C., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, and for acquisition by GALEN J. ROUSH, also of Akron, Ohio, of control of such rights and property through the transaction. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be merger: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Charleston County, S.C., between certain specified points in South Carolina, on the one hand, and, on the other, points in South Carolina, between points in Richland County, S.C., and points in Lexington County, S.C., east of U.S. Highway 176, and all points within 5 miles of West Columbia, and Cayce, S.C., between points in Richland County, S.C., and those in that part of Lexington County, S.C., described above, on the one hand, and, on the other, points in South Carolina; *cotton*, in bales, between points in South Carolina; *cotton piece goods*, finished and unfinished, between certain specified points in South Carolina; *petroleum products*, in bulk, in tank vehicles, and *crated household goods, furniture, and furnishings*, from North Charleston, S.C., and points within 5 miles of North Charleston, to points in South Carolina, between points in Charleston County, S.C., between certain specified points in South Carolina, on the one hand, and, on the other, points in South Carolina. ROADWAY EXPRESS, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas,

Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: ROADWAY EXPRESS, INC., controls ROADWAY EXPRESS, INC. of S.C. (formerly FULLER MOTOR EXPRESS, INC.), through ownership of capital stock pursuant to authority granted in MC-F-10003, dated June 25, 1968, by Review Board No. 5, and consummated July 31, 1968.

No. MC-F-10438. Authority sought for purchase by PRATT'S DRAY STORAGE, INC., 222 West Illinois Street, Spearfish, S. Dak. 57783, of a portion of the operating rights of HOUCK TRANSPORT COMPANY, Box 559, Glendive, Mont. 59330, and for acquisition by VICTOR R. PRATT, 720 10th Street, Spearfish, S. Dak., of control of such rights through the purchase. Applicants attorney: John R. Davidson, Room 805 Midland Bank Bldg., Billings, Mont. 59101. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Crook County, Wyo., on the one hand, and, on the other, points in Lawrence and Butte Counties, S. Dak.; *Livestock, wool, grain, lumber, and ties*, from points in Crook County, Wyo., to rail heads in Crook County; and *feed and farm machinery*, from Rapid City and Belle Fourche, S. Dak., to points in Crook County, Wyo. Vendee is authorized to operate as a *common carrier* in South Dakota, Montana, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10439. Authority sought for control by KODIAK OILFIELD HAULERS, INC., doing business as HOMER FREIGHT LINES, Box 4-467, Anchorage, Alaska, of ARCTIC MOTOR FREIGHT INC., Box 6243 Annex, Anchorage, Alaska, and for acquisition by KENAI TRUCKING LTD., 10544 115th Street, Edmonton, Alberta, Canada, of control of ARCTIC MOTOR FREIGHT INC., through the acquisition by KODIAK OILFIELD HAULERS, INC., doing business as HOMER FREIGHT LINES. Applicants' attorney: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Alaska, except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) boundary line, other than Haines, Alaska; and *drilling mud compounds*, in bulk, between points in Alaska. KODIAK OILFIELD HAULERS, INC., doing business as HOMER FREIGHT LINES, is authorized to operate as a *common carrier* in Alaska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10434. Authority sought for control by CHROMALLOY AMERICAN CORPORATION, 120 Broadway, New York, N.Y. 10005, and AMERICAN TRANSIT CORP., 120 South Central, St. Louis, Mo. 63105, of METROPOLITAN TRANSIT CORP., Seattle, Wash., and for acquisition by JOSEPH FRIEDMAN, 120 Broadway, New York, N.Y. 10005, DOMINICK J. GIACOMA, PETER J. GIACOMA, A. JAMES de MAYO, HENRY R. DeTOURNAY, PATRICK J. DUCEY, and R. C. JOHNSON, all of 120 South Central Avenue, St. Louis, Mo. 63105, of control of METROPOLITAN TRANSIT CORP., through the acquisition by CHROMALLOY AMERICAN CORPORATION and AMERICAN TRANSIT CORP. Applicants' attorney: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Seattle, and Auburn, Wash., serving all intermediate points, between Seattle, and Everett, Wash., serving all intermediate points and the off-route point of Richmond Beach, Wash., between junction U.S. Highway 99 and Washington Highway 147 and Tacoma, Wash., over U.S. Highway 99, serving all intermediate points, and serving junction U.S. Highway 99 and Washington Highway 147 for purposes of joinder only, between Seattle, and Redmond, Wash., serving all intermediate points, between junction U.S. Highway 99 and Washington Highway 104 and Edmonds, Wash., over Washington Highway 104, serving all intermediate points, and serving junction U.S. Highway 99 and Washington Highway 104 for purposes of joinder only, between Seattle, Wash., and Renton, Mass., over Washington Highway 167, serving all intermediate points. (No certificate has been issued yet.) CHROMALLOY AMERICAN CORPORATION, nor AMERICAN TRANSIT CORP., hold authority from this Commission. However, they are affiliated with (1) TEXAS MOTOR COACHES, INC., 710 Davis Street, Post Office Box 959, Grand Prairie, Tex. 75050, which is authorized to operate as a *common carrier* in Texas; (2) KENTUCKY BUS LINES, INC., 218 East Main Street, Louisville, Ky. (Mailing Address: 615 North 9th Street, St. Louis, Mo. 63101), which is authorized to operate as a *common carrier* in Kentucky; and (3) CHICAGO & CALUMET DISTRICT COMPANY, INC., 4923 Columbia Avenue, Hammond, Ind. 46327, which is authorized to operate as a *common carrier* in Illinois, and Indiana. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4157; Filed, Apr. 8, 1969; 8:49 a.m.]

[Notice 809]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 272 TA), filed March 28, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Presque Isle, Maine, to points in New York on and west of New York Highway 30, for 180 days. NOTE: Applicant intends to tack with MC 30844, canned goods and groceries, between points in Iowa, on the one hand, and, on the other, points in Missouri, Nebraska, Kansas, Oklahoma, Colorado, and Texas. Supporting shipper: Potato Service, Inc., Presque Isle, Maine 04769. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 103490 (Sub-No. 63 TA), filed March 28, 1969. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium nitrate*, in bulk, from Reynolds, Pa. to points within 5 miles of Marbletown, N.Y., for 150 days. Supporting shipper: Atlas Chemical Industries, Inc., Wilmington, Del. 19899. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 117765 (Sub-No. 76 TA), filed April 1, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Longview, Tex., to Guthrie, Okla., for 180 days. Supporting shipper: Lone Star Sales Co., Joseph C. Ruhl, owner, 109 West Vilas, Guthrie, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 121489 (Sub-No. 4 TA), filed April 1, 1969. Applicant: NEBRASKA-Iowa Express, Inc., 525 Jones Street, Omaha, Nebr. 68100. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated Containers and parts thereof*, from Omaha, Nebr., to points in Colorado, Iowa, Kansas, South Dakota, and Wyoming, and to points in that part of Missouri on and west of U.S. Highway 63, for 150 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 123993 (Sub-No. 7 TA), filed April 1, 1969. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, Crowley, La. 70526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel*, from Fairfield and Gadsden, Ala., to Crowley, La., for 180 days. Supporting shipper: Bayou Culvert Mfg., Inc., Post Office Box 202, Crowley, La. 70526. Send Protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124679 (Sub-No. 22 TA), filed April 1, 1969. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Syracuse, N.Y., to points in Connecticut, Rhode Island, Massachusetts, Maine, Vermont, and New Hampshire, for 180 days. Supporting shipper: Empire Freezers of Syracuse, Inc., Post Office Box 770, Syracuse, N.Y. 13201. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 124951 (Sub-No. 31 TA), filed April 1, 1969. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb bodies and bomb body parts*, between the plantsite of National Gypsum Co., Kansas Army Ammunition Plant, Parsons, Kans., and the plantsite of Gibbs Die-Casting Aluminum Co., Federal Division, Henderson, Ky., for 180 days. Supporting shipper: Ernestine Whelan, Secretary-Treasurer, Gibbs Die-Casting Aluminum Corp., Federal Division, Post Office Box 698, Henderson, Ky. 42420. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4155; Filed, Apr. 8, 1969; 8:49 a.m.]

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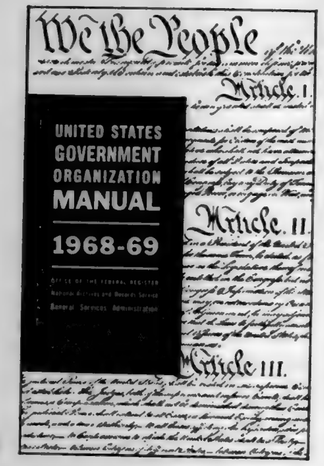
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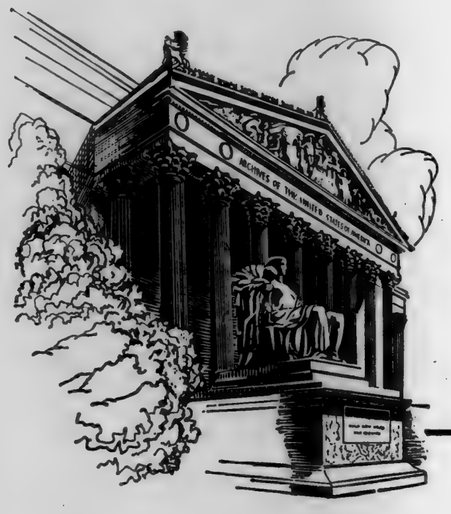
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Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Second Apportionment of the School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1969

Pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1969, are reapportioned among the States as follows in order to effect a further apportionment of funds.

State	Total apportionment	State agency	Withheld for private schools
Alabama	$97,412	$95,413	$1,999
Alaska	5,891	5,891	
Arizona	57,555	57,163	392
Arkansas	49,707	49,707	
California	159,880	159,880	
Colorado	47,474	42,626	4,848
Connecticut	57,598	57,598	
Delaware	1,185	1,185	
District of Columbia	51,347	51,347	
Florida	103,236	103,236	
Georgia	180,794	180,794	
Guam	15,793	11,612	4,181
Hawaii	52,626	52,186	440
Idaho	542		542
Illinois	75,236	75,236	
Indiana	70,343	70,343	
Iowa	75,849	70,027	5,822
Kansas	60,192	60,192	
Kentucky	74,867	74,867	
Louisiana	84,473	84,473	
Maine	50,667	48,588	2,079
Maryland	59,406	59,406	
Massachusetts	70,089	70,089	
Michigan	69,664	66,260	3,404
Minnesota	54,721	46,819	7,902
Mississippi	72,527	72,527	
Missouri	120,214	120,214	
Montana	23,035	19,725	3,310
Nebraska	36,742	28,752	7,990
Nevada	25,410	25,410	
New Hampshire	27,729	27,729	
New Jersey	85,336	78,848	6,488
New Mexico	49,312	49,312	
New York	105,837	105,837	
North Carolina	196,975	196,975	
North Dakota	10,297	8,575	1,722
Ohio	158,135	150,452	7,683
Oklahoma	90,039	90,039	
Oregon	17,694	17,694	
Pennsylvania	84,106	74,711	9,395
Puerto Rico	73,693	73,693	
Rhode Island	51,493	51,493	
South Carolina	75,362	75,362	
South Dakota	53,532	53,532	
Tennessee	74,951	74,951	
Texas	141,217	138,164	3,053
Utah	12,454	12,454	
Vermont	12,529	12,529	
Virginia	74,255	73,806	456
Virgin Islands			
Washington	34,279	32,142	2,137
West Virginia	83,523	83,523	
Wisconsin	45,980	34,052	11,928
Wyoming	21,386	21,386	
Samoa, American	15,411	15,411	
Total	3,500,000	3,414,326	85,674

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885-890; 42 U.S.C. 1771, 1773, 1775, 1777-85)

Dated: April 4, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-4163; Filed, Apr. 9, 1969; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.6]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1969

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the Act, for the purpose of allotting the 1969 sugar quota for the Domestic Beet Sugar Area among persons who process sugar from sugarbeets and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on December 31, 1968 (33 F.R. 20051), of a public hearing to be held in Washington, D.C., Room 4711, South Building, U.S. Department of Agriculture, on January 23, 1969, beginning at 10 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient, and equitable allotment of the 1969 quota for the Domestic Beet Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, and (c) substituting revised estimates or final actual data for estimates of such data when such data become a part of the official records of the Department, and (4) to provide how certain marketings shall apply to allotments.

The hearing was held at the time and place specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice.

In arriving at the findings, conclusions and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Omission of a recommended decision and effective date. The record of the hearing shows that the prospective supply of sugar available for marketing will be substantially in excess of the quota of 3,168,000 tons and that 1969 marketings of beet sugar, unless restricted, would substantially exceed the 1969 quota for the Domestic Beet Sugar Area. The proceeding to which this order relates was instituted for the purpose of allotting the quota for the Domestic Beet Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments, it is imperative that processors know as soon as possible the approximate quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impractical and contrary to the public interest; consequently, this order shall become effective upon publication in the FEDERAL REGISTER.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to

market or import that portion of such quota or proration thereof allotted to him. * * * The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processings, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugar beets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That the marketing allotment of any such processor of sugar beets shall not be increased under this provision above an allotment of 25,000 short tons, raw value, * * *: *Provided further*, That the total increases in marketing allotments made pursuant to this sentence to processors in the domestic beet sugar area shall be limited to 25,000 short tons of sugar, raw value, for each calendar year * * *. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. * * *

The record of the hearing indicates that the prospective supply of domestic beet sugar available for marketing in 1969 exceeds the quota for that area to an extent that allotment of the quota is necessary to prevent disorderly marketing and to provide all processors of beet sugar equitable marketing opportunities within the limitations of the quota (R. 5, 6).

The allotment method set forth in this order follows the proposal made by the government witness and is the same as the allotment method recommended by the Beet Sugar Industry Task Force in their letter of August 8, 1968, to the Director of the Sugar Policy Staff, Agricultural Stabilization and Conservation Service, USDA, which was accepted in evidence at the hearing as Exhibit 7 (R. 10), except for one minor variation in the procedure of giving special consideration to Buckeye Sugars, Inc., a nonaffiliated single plant processor of sugar beets. Such method of allotting the quota provides for consideration of all of the factors cited in section 205(a) of the Act.

The substantive features of the allotment method are the calculation of "base allotments" by weighing the "processings" factor by 75 percent and the "past marketings" factor by 25 percent and the adjustment of base allotments when appropriate for inventory imbalances. Except as otherwise provided for, "processings" are measured by using 1968 crop processings and "past marketings" are measured by using average annual quota marketings for the year 1965 through 1968 (R. 14, 15).

Provision is made for an alternative measure of 1968 crop processings and January 1, 1969 "effective inventories", to give consideration for adverse crop conditions (R. 15 and Ex. 7). A provision is also included which gives consideration to establishing allotments as necessary for the reasonably efficient operation of Buckeye Sugars, Inc., and National Sugar Manufacturing Co. which are nonaffiliated single plant processors (R. 17) of sugar beets. Instead of computing allotments for Maine Sugar Industries, Inc., and New York Sugar Industries, Inc., by the basic allotment formula, allotments are provided for both processors that would permit each to market in 1969 its January 1, 1969, effective inventory plus 25 percent of the sugar that each will produce from the 1969 crop. New York Sugar Industries, Inc., began processing sugar beets in 1965 and Maine Sugar Industries began in 1966. Since commencing operations, growers of sugar beets in the areas served by the factories of these processors have not grown sufficient sugar beets under contract with such processors to enable effective operations of their processing plants. In view of this situation, the measures of the factors of "processings", "past marketings", and "ability to market" as used in the basic allotment formula would not result in allotments that would be fair, efficient, and equitable for these processors. By permitting each processor to market its January 1, 1969, effective inventory gives consideration to the sugar each processes and has the ability to market from the 1968 crop. Permitting additional marketings of 25 percent of the sugar produced from the 1969 crop makes it possible for them to market a percentage of the sugar each processes from the 1969 crop which is approximately the percentage of the 1968 crop marketed in 1968 by the beet sugar industry (R. 15, 16).

Production of sugar from 1968 crop sugar beets is the most up-to-date measure of the processings factor available to represent the operations for a year for each processor. A weighting of 75 percent to the processings factor in determining base allotments appear consistent with the importance of this factor considering that sugar produced from the 1968 crop will represent over 75 percent of the sugar to be marketed within the 1969 quota (R. 14, 15). Processing of the 1968 crop continues well into the 1969 calendar year. However, processings from the 1968 crop after August 31, 1969, will be relatively insignificant. In order to permit adequate time for processors to plan for orderly marketing within their respective allotments during the last quarter of the year, it is necessary to establish August 31, 1969, as the final termination date through which 1968 crop processings may be used in determining 1969 allotments (R. 12).

The factor "past marketings" when measured by the 1965–68 average annual marketings within allotments and weighted 25 percent in determining base allotments and when considered in conjunction with other provisions of the allotment method herein adopted, which are applicable to 1969, contributes to an orderly rate of change in marketings of each processor relative to the marketings of others (R. 15). The base period is long enough to incorporate a variety of experiences representative of the sharing of marketings during the immediate past.

The ability to market factor is reflected in the above measures of the other two factors (R. 15). When appropriate, additional consideration is given this factor by providing for adjusting base allotments for January 1, 1969, inventory imbalances as set forth in detail in Finding (3).

The basic allotment method adopted herein is similar to the allotment method set forth in the 1966 order in the manner in which the alternative measure of processings is determined and also in the manner in which the alternative effective inventory is determined for use in adjusting base allotments. The year 1966 was the most recent year allotments were in effect. The steps in determining such alternative measures are set forth in Finding (3).

The record of the hearing contains only a single proposal or recommendation on each of the matters with respect to which a finding or conclusion is made in this order, and each such proposal or recommendation was concurred in by all interested persons and no alternative proposal was made.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1969 Domestic Beet Sugar processors will have available for marketing from 1968 crop sugar beets about 2,662,500 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1969 crop beets, will result in a supply of sugar available for marketing in 1969 sufficiently in excess of the anticipated 1969 quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested person from having equitable opportunities to market sugar.

(2) The allotment of the 1969 Domestic Beet Sugar Area quota for consumption within the continental United States is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) To assure a fair, efficient and equitable distribution of the 1969 Domestic Beet Sugar Area quota for consumption within the continental United States, the factors specified in section 205(a) of the Act shall be given consideration, and allotments of such quota shall be determined by applying the basic allotment method, set forth in Part I of this finding, for all processors except for Maine Sugar Industries, Inc., New York Sugar Industries, Inc., and National Sugar Manufacturing Co., whose allotments shall be determined as set forth in Part II of this finding as follows:

PART I. BASIC ALLOTMENT METHOD

(a) Base allotments shall first be determined by giving consideration to the processing and past marketing factors as follows:

(i) The factor processings from proportionate shares shall be measured by each processor's actual processings of sugar from 1968 crop sugar beets through August 31, 1969, or the alternative measure of processings provided for herein, expressed as a percentage of the total of such actual or alternative processings for all applicable processors, and weighted by 75 percent. To give consideration to the provision in section 205 (a) of the Act for making allowance for abnormal and uncontrollable conditions, the alternative measure of processings derived as follows shall be used for any processor when the quantity so derived exceeds such processor's actual 1968 crop year processings: (Processor's average crop year processings for 1966 and 1967 crops) × (Industry total 1968 crop year processings divided by Industry average crop year processings for 1966 and 1967 crops) × 85 percent, except that such alternative measure shall not exceed 125 percent of such processor's actual 1968 crop processings. In making the above computation for the alternative measure of processings, sugar processed from nonproportionate share sugar beets shall be excluded, and the total Industry processings from the 1966, 1967, and 1968 crops shall exclude the production of all processors which receive allotments in 1969, determined under Part II.

(ii) The factor past marketings shall be measured by each processor's average annual quota marketings for the years 1965 through 1968, expressed as a percentage of the total of the measures of all applicable processors, and weighted by 25 percent.

(iii) The total of the percentage resulting from (i) and (ii), above, for each applicable processor shall be multiplied by the Domestic Beet Sugar Area quota in short tons, raw value (excluding total quantities set aside for allotments for other processors determined under Part II) to determine his base allotment in short tons, raw value.

(b) The factor "ability to market" shall be given consideration, in addition to that which is inherent in the consideration given to the other factors, by adjusting the base allotments, as determined in (a)(iii), above, for January 1, 1969, inventory imbalances to the extent as determined below: *Provided, however*, That in such determination the January 1, 1969, effective inventory to be used for individual processors shall include: (1) The January 1, 1969, physical inventory of sugar, (2) the sugar processed in 1969 prior to the end of August 1969 from 1968-crop beets, and (3) for any processor for which the alternative measure of processings is used in (a)(i) above, the quantity by which such alternative measure of processings exceeds his actual 1968-crop year processings:

(i) Compute the "plus" or "minus" January 1, 1969, inventory imbalance for each processor, by subtracting from his January 1, 1969, effective inventory his January 1, 1965–68, average effective inventory adjusted proportionately so that the total of such adjusted average inventories of all processors is equal to the total January 1, 1969, effective inventories of all processors.

(ii) The "plus" adjustment applicable to the base allotment for each processor having a "plus" inventory imbalance, as determined in (b)(i), shall be the quantity by which such imbalance exceeds 10 percent of his adjusted January 1, 1965–68, average effective inventory and such excess multiplied by 25 percent. Such adjustment for any processor shall not exceed 10 percent of his base allotment.

(iii) The "minus" adjustments applicable to the base allotments for processors having "minus" inventory imbalances shall be computed by prorating the total of the "plus" adjustments, as determined in (ii), among such processors on the basis of their "minus" inventory imbalances. Such adjustment for any processor shall not exceed 10 percent of his base allotment, and, if, as a result of this limitation, the sum of the "minus" adjustments is less than the sum of the "plus" adjustments, as determined in (ii) such "plus" adjustments shall be reduced proportionately to a total equal to the total "minus" adjustments.

(iv) The adjustments determined pursuant to (ii) and (iii) representing hundredweight of refined sugar shall be multiplied by the factor 0.0535 to express such adjustments in short tons, raw value.

(c) Allotments for individual processors, in short tons, raw value, shall be the base allotment quantity as determined in (a)(iii) adjusted upward or downward, respectively, on the basis of "plus" or "minus" adjustments as determined in (b)(iv), except, That if the allotment so established for Buckeye Sugars, Inc., is less than 25,000 short tons, raw value, its allotment shall be increased to 25,000 short tons, raw value, and such increase shall be deducted proportionately from allotments of the other allottees receiving allotments under the basic allotment method.

PART II. SPECIAL METHOD

Allotments shall be established for Maine Sugar Industries, Inc., and New York Sugar Industries, Inc., equal to their January 1, 1969, effective inventories plus 25 percent of the estimated quantity of sugar that each will produce from 1969 crop sugar beets. For the purpose of determining such allotments, estimates of 1969 crop sugar production will be determined by multiplying the number of acres of 1969 crop beets contracted by each processor and planted prior to July 1, 1969, by 1.6 tons of sugar. In the event National Sugar Manufacturing Co., a nonaffiliated single plant processor, processes sugar beets from the 1969 crop an allotment shall be established for it representing 25 percent of the estimated quantity of sugar it will produce from 1969 crop sugar beets. Such estimated quantity shall be determined by multiplying the number of acres of 1969 crop beets contracted by National and planted prior to July 1, 1969, by 1.6 tons of sugar.

(4) The determination of allotments in finding (3), are set forth in the following table. They are based on data as provided for in the hearing record including estimates for 1968 crop processings, January 1, 1969, inventories and estimated acreage planted to beets set forth in finding (5) of this order which data shall be used pending availability and substitution of revised estimates or final data for such estimates and as applied to the Domestic Beet Sugar Area quota of 3,168,000 short tons, raw value. Allotments of the 1969 quota as established by this order are 90 percent of the allotments as shown in column (12).

Processors	Estimated processings of sugar from 1968-crop beets		Average marketings within the quota 1965–67		Percent of total (col. 2 × 0.75+ col. 4 × 0.25)	Base allotments short tons, raw value (col. 5 × quota)[1]	January 1, effective inventories hundredweight refined			Adjustments to base allotments[2]		Allotments short tons, raw value (col. 6 + or − col. 11)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total			1969 estimated	1965–67 adjusted average to col. 7 total	Inventory imbalances col. 7 − col. 8	Hundredweight refined	Short tons, raw value	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., the	8,700,000	13.2161	7,183,460	12.8881	13.1341	411,647	7,489,210	6,724,594	+764,616	+23,039	+1,233	412,880
American Crystal Sugar Co	8,845,297	13.4369	7,032,062	12.6164	13.2318	414,710	6,709,606	5,934,769	+774,837	+45,340	+2,426	417,136
Buckeye Sugars, Inc	544,420	.8270	429,134	.7699	.8127	25,472	251,353	208,101	+43,252	+5,610	+300	25,772
Great Western Sugar Co	15,530,354	23.5971	13,173,193	23.6344	23.6027	739,753	11,908,717	12,117,149	−210,432	−9,373	−501	739,252
Holly Sugar Corp	10,853,740	16.4879	9,296,686	16.6795	16.5358	518,263	8,467,251	8,830,648	−363,397	−16,185	−866	517,397
Layton Sugar Co	371,938	.5650	339,329	.6088	.5760	18,053	333,125	344,476	−11,351	−506	−27	18,026
Maine Sugar Ind., Inc.[3]												21,819
Michigan Sugar Co	2,342,543	3.5585	1,887,426	3.3863	3.5154	110,179	1,758,529	1,707,597	+50,932			110,179
Monitor Sugar Co.[4]	1,003,763	1.5248	939,362	1.6853	1.5649	49,047	706,837	853,965	−147,128	−6,553	−351	48,696
New York Sugar Ind., Inc.[3]												11,992
Spreckels Sugar Co	8,403,798	12.7662	7,366,728	13.2169	12.8789	403,640	4,819,198	5,613,545	−794,347	−35,379	−1,893	401,756
Union Sugar Division, Consolidated Foods Corp	2,873,809	4.3656	2,367,972	4.2485	4.3363	135,908	2,167,805	1,937,975	+229,830	+9,008	+482	136,390
Utah-Idaho Sugar Co	6,368,963	9.6799	5,721,958	10.2659	9.8114	307,508	4,900,549	5,237,361	−336,812	−15,001	−803	306,705
Total	65,828,625	100.0000	55,737,310	100.0000	100.0000	3,134,189	49,510,180	49,510,180	±1,864,467	±82,997	±4,441	3,168,000

[1] Column (5) × quota less allotments of 21,819 tons for Maine Sugar Industries, Inc., and 11,992 tons for New York Sugar Industries, Inc.

[2] Plus (+) adjustments in col. 10=(Extent (+) quantities in col. 9 exceeds 10 percent of col. 8) × (25 percent); Minus (−) adjustments in col. 10=total of (+) adjustments in col. 10, prorated to processors on the basis of minus (−) quantities in col. 9. Plus (+) and minus (−) adjustments in col. 11=(col. 10 adjustments) × (0.0385).

[3] These processors not included in the basic allotment method computations (an allotment will also be established for National Sugar Manufacturing Co. in the event it processes sugar beets from the 1969 crop). The allotments established for Maine Sugar Industries, Inc., and New York Sugar Industries, Inc., are based on their respective effective inventories on January 1, 1969 of 11,819 tons and 5,992 tons plus 25 percent of their estimated 1969 crop beet sugar production. Estimated 1969 crop sugar production is based on an estimated 25,000 acres planted for Maine and 15,000 acres planted for New York.

[4] Without the application of the alternative measure of "processings", 1968-crop processings were 927,468 hundredweights and Jan. 1, 1969, effective inventory was 630,547 hundredweights for Monitor Sugar Co.

(5) Based on information available to the Department as of March 14, 1969, 25,000 acres and 15,000 acres, respectively, will be contracted for and planted to 1969 crop sugar beets for Maine Sugar Industries, Inc., and New York Sugar Industries, Inc., prior to July 1, 1969. Also on the basis of information available to the Department the National Sugar Manufacturing Co. will not process sugar beets from the 1969 crop.

(6) The order shall be revised without further notice or hearing for the purpose of (a) substituting revised estimates or final data for estimated data on 1968 crop processings, January 1, 1969, effective inventories and acreage planted to 1969 crop beets used in the determination of allotments when such data become part of the official records of the Department, (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees when the written notification to the Director of the Policy and Program Appraisal Division of such release becomes a part of the official records of the Department, and (c) revising allotments to give effect to any change in the quota for the area made by the Secretary pursuant to the provisions of the Sugar Act. In making revisions to give effect to a change in the quota for the area, allotments shall be made by the full application of the allotment procedure adopted herein.

(7) Official notice will be taken of (a) final or revised estimated data for 1968 crop processings, January 1, 1969 inventories and 1969 crop acreage planted to beets submitted by processors in written from when such data become a part of the official records of the Department, (b) any written notice to the Department by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the 1969 Domestic Beet Sugar Area quota.

(8) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(9) Allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of any 1969 Domestic Beet Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

(10) To assure that an allottee will not market a quantity of sugar in excess of his final 1969 allotment to be established later on the basis of final data, allotments established by this order should be limited to 90 percent of the quota pending the allotment of the quota based upon final data.

(11) The name of the former allottee Empire State Sugar Co. is herein changed to New York Sugar Industries, Inc.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the Findings and Conclusions heretofore made, it is hereby ordered:

§ 813.6 Allotment of the 1969 sugar quota for the Domestic Beet Area.

(a) *Allotments.* For the period January 1, 1969, until the date allotments of the entire 1969 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, 90 percent of the 1969 quota for the Domestic Beet Sugar Area is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., the	371,592	6,945,645
American Crystal Sugar Co	375,422	7,017,234
Buckeye Sugars, Inc	23,195	433,551
Great Western Sugar Co., the	665,327	12,436,019
Holly Sugar Corp	465,657	8,703,869
Layton Sugar Co	16,224	303,252
Maine Sugar Industries, Inc	19,637	367,047
Michigan Sugar Co	99,161	1,853,477
Monitor Sugar Co	43,826	819,177
New York Sugar Industries, Inc	10,793	201,738
Spreckels Sugar Co	361,580	6,758,505
Union Sugar Division, Consolidated Foods Corp	122,751	2,294,411
Utah-Idaho Sugar Co	276,035	5,159,533
Subtotal	2,851,200	53,293,458
Unallotted	316,800	5,921,495
Total	3,168,000	59,214,953

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, such delivery at the time it occurs shall constitute a marketing which shall be effective for filling the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 to 816.9 of this chapter (Sugar Regulation 816 (33 F.R. 8495)).

(d) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other person, within the allotment established for another allottee upon relinquishments by such allottee of a commensurate quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1969 crop sugar beets which the allottee relinquishing allotment has become unable to process.

(e) *Delegation.* The Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing,[1] to give effect to (1) the substitution of revised estimates or final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the Domestic Beet Sugar Area quota.

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. This order will become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 4, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-4162; Filed, Apr. 9, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 177]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.477 Navel Orange Regulation 177.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 8, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 11, 1969, through April 17, 1969, are hereby fixed as follows:

(i) District 1: 936,000 cartons;

(ii) District 2: 264,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 9, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4300; Filed, Apr. 9, 1969; 11:22 a.m.]

[1] In accordance with the findings and conclusions set forth under (6) accompanying this order.

[Valencia Orange Reg. 271]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.571 Valencia Orange Regulation 271.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date

hereof. Such committee meeting was held on April 8, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 11, 1969, through April 17, 1969, are hereby fixed as follows:

(i) District 1: 128,427 cartons;

(ii) District 2: 91,464 cartons;

(iii) District 3: 250,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 9, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4301; Filed, Apr. 9, 1969; 11:22 a.m.]

[Valencia Orange Reg. 270]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.570 Valencia Orange Regulation 270.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting on March 25, 1969, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period April 11, 1969, through January 31, 1970, no handler shall handle any Valencia oranges grown in District 2 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4223; Filed, Apr. 9, 1969; 8:49 a.m.]

[966.306 Amdt. 4]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because (1) the time intervening between the date when the information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Act is insufficient, (2) more orderly marketing than would otherwise prevail will be promoted by regulating the handling of tomatoes in the manner set forth in this amendment, (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended.

In § 966.306 (33 F.R. 16330, 17310, 19161; 34 F.R. 128), paragraph (a) is hereby amended to read as follows:

§ 966.306 Limitation of shipments.

* * * * *

(a) *Minimum grade, size, and maturity requirements.* No person shall handle any lot of tomatoes for shipment outside of the regulation area unless they meet the following minimum requirements:

(1) For mature green tomatoes: U.S. No. 3, or better grade, over $2\frac{11}{32}$ inches in diameter.

(2) For all other tomatoes: U.S. No. 3, or better grade, over $2\frac{20}{32}$ inches in diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Dated April 9, 1969, to become effective April 14, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4303; Filed, Apr. 9, 1969; 11:27 a.m.]

[980.203 Amdt. 4]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Pursuant to the requirements of section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), Tomato Import Regulation § 980.203, as amended (33 F.R. 16440, 17310, 19161; 34 F.R. 128) is hereby further amended as set forth below.

Order, as amended. In § 980.203, *Tomato import regulation,* paragraph (a) is amended to read as follows:

§ 980.203 Tomato import regulation.

(a) *Minimum grade, size, and maturity requirements.*

(1) For mature green tomatoes—U.S. No. 3, or better grade, over $2\frac{11}{32}$ inches in diameter.

(2) For all other tomatoes—U.S No. 3, or better grade, over $2\frac{20}{32}$ inches in diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter. Any lot of mature green tomatoes may contain not more than 10 percent of tomatoes which have reached a more advanced stage than "green" as defined in § 51.1864 of the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title). "All other tomatoes" are those advanced in maturity beyond mature-greens.

* * * * *

Findings. This amendment conforms with a simultaneous amendment to the limitation of shipments effective on domestic shipments of tomatoes (§ 966.306 Amdt. 4) under Marketing Order No. 966, as amended (7 CFR Part 966) regulating the handling of tomatoes grown in Florida. It is hereby found that it is impracticable and unnecessary to give preliminary notice or engage in public rule-making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of § 608e–1 of the Act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) notice hereof is hereby determined to be reasonable and in accordance with the requirements of the Act in that the notice for imports from Canada and Mexico include the minimum period of 3 days required by the Act plus an additional day, or a total of 4 days, for transportation and entry into the United States after picking, and 2 additional days' notice are given for imports from all other points of origin.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated April 9, 1969 to become effective April 14, 1969, for imports from Canada or Mexico, and to become effective April 16, 1969, for imports from all other points of origin.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4302; Filed, Apr. 9, 1969; 11:27 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 6]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

PAYMENT AND DEDUCTION RATES FOR 1968 MARKETING YEAR

It is necessary to include the payment rates for the 1968 marketing year and to provide for use of a new application form in the regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool), as amended (31 F.R. 4582, 15234; 32 F.R. 4568, 16391; 33 F.R. 5208, 18009). Accordingly, 7 CFR Part 1472 is further amended as follows:

1. Section 1472.1208 is amended by adding a new paragraph (d) reading as follows:

§ 1472.1208 Rate of payment.

* * * * *

(d) The national average price received by producers for shorn wool marketed during the 1968 marketing year was 40.5 cents a pound, grease basis, which was 26.5 cents a pound below the price support level of 67 cents announced for that year. Therefore, the rate of payment for the 1968 marketing year is 65.4 percent.

§ 1472.1210 [Amended]

2. Section 1472.1210(a) is amended by deleting the first sentence and substituting the following language therefor: "The application for payment on the sale of shorn wool in the 1969 and later marketing years shall be prepared on Form CCC–1155, 'Application for Payment (National Wool Act).' The application for payment on sales in the marketing years 1966 through 1968 shall be prepared on Form CCC–1155 (8–30–66), 'Application for Payment—Shorn Wool or Unshorn Lambs (Pulled Wool).'"

3. Section 1472.1221 is amended by adding a new paragraph (e) reading as follows:

§ 1472.1221 Price support payments.

* * * * *

(e) *1968 marketing year.* The rate of payment on unshorn lambs sold during the 1968 marketing year is $1.06 per hundredweight of live lambs based on a difference of 26.5 cents a pound between the announced price support level of 67 cents and the national average price of 40.5 cents a pound received by producers for shorn wool during the 1968 marketing year (§ 1472.1208(d)).

4. Section 1472.1224(a) is revised to read as follows:

§ 1472.1224 Preparation of application.

(a) *Preparation.* The application for payment on the sale or slaughter of unshorn lambs in the 1969 and later marketing years shall be made on Form CCC–1155, "Application for Payment (National Wool Act)." The application for payment on sales or slaughter in the marketing years 1966 through 1968 shall be made on Form CCC–1155 (8–30–66), "Application for Payment—Shorn Wool or Unshorn Lambs (Pulled Wool)."

§ 1472.1244 [Amended]

5. Section 1472.1244(a) is amended by substituting at the end of the first sentence the words "Form CCC–1155, as required by § 1472.1210(a) or § 1472.1224(a)" for the words "Form CCC–11551."

6. Section 1472.1246 is amended by adding a new paragraph (d) reading as follows:

§ 1472.1246 Deductions for promotion.

* * * * *

(d) For the 1968 marketing year, a deduction will be made from each shorn wool payment at the rate of 1.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 7.5 cents per hundredweight of live lambs. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

7. Section 1472.1253 is revised to read as follows:

§ 1472.1253 Forms.

Form CCC–1155, "Application for payment (National Wool Act)," Form CCC–1155 (8–30–66), "Application for Payment—Shorn Wool or Unshorn Lambs (Pulled Wool)," Form CCC–1157, "Assignment of Payment Under the National Wool Act of 1954," Form ASCS–325 "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," and other forms issued by the U.S. Department of Agriculture for use in connection with this program may be obtained from county ASCS offices.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781–1787, as amended)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 3, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-4221; Filed, Apr. 9, 1169; 8:49 a.m.]

[Amdt. 6]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair

PAYMENT AND DEDUCTION RATES FOR 1968 MARKETING YEAR

It is necessary to include the payment rate for the 1968 marketing year and to provide for use of a new application form in the regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for mohair, as amended (31 F.R. 5817, 15234; 32 F.R. 4568, 16391; 33 F.R. 5208, 18009). Accordingly, 7 CFR Part 1468 is further amended as follows:

1. Section 1468.258 is amended by adding a new paragraph (d) reading as follows:

§ 1468.258 Rate of payment.

* * * * *

(d) The national average price received by producers for mohair marketed during the 1968 marketing year was 45.2 cents a pound, grease basis, which was 32.2 cents a pound below the price support level of 77.4 cents announced for that year. Therefore, the rate of payment for the 1968 marketing year is 71.2 percent.

§ 1468.260 [Amended]

2. Section 1468.260(a) is amended by deleting the first sentence and substituting the following language therefor: "The application for payment on the sale of mohair in the 1969 and later marketing years shall be prepared on Form CCC–1155, 'Application for Payment (National Wool Act)'. The application for payment on sales in the marketing years 1966 through 1968 shall be prepared on Form CCC–1152, 'Application for Payment—Mohair.'"

§ 1468.265 [Amended]

3. Section 1468.265(a) is amended by deleting the period at the end of the first sentence thereof and adding the following new language: "or Form CCC–1155 as required by § 1468.260(a)."

4. Section 1468.267 is amended by adding a new paragraph (d) reading as follows:

§ 1468.267 Deductions for promotion.

* * * * *

(d) For the 1968 marketing year, a deduction will be made from each payment at the rate of 1.5 cents a pound of mohair, grease basis. Those funds will be used to finance advertising and sales promotion programs approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

5. Section 1468.274 is revised to read as follows:

§ 1468.274 Forms.

Form CCC–1152, "Application for Payment—Mohair," Form CCC–1155, "Application for Payment (National Wool Act)," Form CCC–1157, "Assignment of Payment Under the National Wool Act of 1954," Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," and other forms issued by the U.S. Department of Agriculture for use in connection with this program may be obtained from county ASCS offices.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781–1787, as amended)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 3, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–4223; Filed, Apr. 9, 1969; 8:49 a.m.]

Chapter XVI—Consumer and Marketing Service (Food Stamp Program), Department of Agriculture

PART 1601—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Certification of Households and Plans of Operation

The regulations for the operation of the Food Stamp Program are hereby amended to provide that classes of households such as those whose income is from pensions, may be certified on an annual basis, and to include a provision for a hearing in the State Plan of Operation.

1. Section 1601.4(a)(2) is revised to read as follows:

§ 1601.4 Certification of households.

(a) * * *

(2) Make periodic reviews of certification of households to determine changes in status which would affect the continued eligibility of the household, the amount of its coupon allotment, or its purchase requirement. In the case of households of the category described in § 1601.3(c) reviews shall be made at least on a quarterly basis, except that a Plan of Operation may be submitted for approval which provides a different schedule of review for certain categories of such households based upon the probability of changes in the status of such households. If submitted, such different schedules shall provide for reviews no less often than once every 6 months: *Provided, however,* That an annual review schedule may be submitted for households which derive their income from farming or employment on farms and for classes of households consisting of unemployable persons who derive their income from pensions or similar sources. Reviews for households of the category described in § 1601.3(b) shall be made whenever there is a redetermination of such household's assistance grant. The schedule of reviews for households of the category described in § 1601.3(d) shall be specifically approved by C&MS.

2. Section 1601.8(b) is revised to read as follows:

§ 1601.8 Plans of operation.

* * * * *

(b) The proposed Plan of Operation of each State agency shall be prepared and submitted to C&MS in accordance with instructions issued by C&MS. Such C&MS instructions shall, among other things, require that the State agency: (1) Agree to carry out the program in accordance with the provisions of this chapter; (2) specify the standards to be used by it in determining the eligibility of applicant households and the policies, procedures, and methods it will follow, and the forms and records it will use in carrying out the administrative responsibilities assigned to it under the provisions of this chapter; (3) provide for a fair hearing before the State agency to any individual whose claim for assistance under the plan is denied, is not acted upon with reasonable promptness, or who is aggrieved by an Agency's interpretation of any provision of the plan as it affects his situation; (4) specify safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act of 1964 or this chapter; (5) agree to keep such records and submit such reports and other information as may from time to time be required by C&MS; (6) agree that such program records shall be available for review or audit by C&MS or the Department for a period of 3 years following the close of the Federal fiscal year to which they pertain; except, that State agencies or project areas using Authorization to Purchase cards, may destroy such signed and executed cards 1 year following the close of the Federal fiscal year, to which they pertain: *Provided,* That a list containing the name, address, and case number of the household, amount of purchase requirement and total coupon allotment, and the expiration date and transaction date of the Authorization to Purchase cards redeemed each month is available for review and audit by C&MS or the Department for a period of 3 years following the close of the Federal fiscal year to which they pertain: And *provided further,* That executed Authorization to Purchase cards shall not be so destroyed when the State agency has been instructed in writing by C&MS or the Department to retain the documents; and (7) specify the project areas within the State in which it desires to conduct the program and the effective dates on which it proposes to begin operation of the program in each such project area.

* * * * *

Effective date. This amendment shall become effective on July 1, 1969.

RICHARD E. LYNG,
Assistant Secretary.

APRIL 7, 1969.

[F.R. Doc. 69–4197; Filed, Apr. 9, 1969; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

1. Effective April 17, 1969, § 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 Supplement.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (b) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve city—

(i) 3 percent of (A) its savings deposits and (B) its time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; plus

(ii) 3 percent of its other time deposits up to $5 million, plus 6 percent of such deposits in excess of $5 million; plus

(iii) 12½ percent of its net demand deposits up to $5 million, plus 13 percent of such deposits in excess of $5 million.

(2) If in a reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

(i) 3 percent of (A) its savings deposits and (B) its time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; plus

(ii) 3 percent of its other time deposits up to $5 million, plus 6 percent of such deposits in excess of $5 million; plus

(iii) 17 percent of its net demand deposits up to $5 million, plus 17½ percent of such deposits in excess of $5 million.

(b) *Currency and Coin.* The amount of a member bank's currency and coin shall be counted as reserves in determining compliance with the reserve requirements of paragraph (a) of this section.

2a. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act to set reserve ratios (12 U.S.C. 461). The change is to increase by one-half percentage point the ratio of reserves that must be maintained by a member bank against its demand deposits.

b. There was no notice and public participation with respect to this amendment as such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective date was deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code, because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the date adopted.

Dated at Washington, D.C., the 3d day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–4165; Filed, Apr. 9, 1969; 8:45 a.m.]

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 650—PRODUCTION CREDIT ASSOCIATIONS

PART 654—DELEGATION TO FEDERAL INTERMEDIATE CREDIT BANKS OF FARM CREDIT ADMINISTRATION AUTHORITY OVER ASSOCIATIONS

Miscellaneous Amendments

Subchapter D of Chapter VI of Title 12 of the Code of Federal Regulations is amended as hereinafter provided.

1. Paragraphs (a) and (b) of § 650.163 (33 F.R. 18613) are revised to read as follows:

§ 650.163 "Official" loans.

(a) Loans to the following shall be subject to prior approval by the Bank:

(1) A director or officer of the association.

(2) A director of the Bank.

(3) A member of the Federal Farm Credit Board.

(b) Loans to the following shall be subject to prior approval by the board of directors of the Bank:

(1) An officer, employee, or agent of the Bank.

* * * * *

(Sec. 6, 47 Stat. 14, as amended, sec. 20, 48 Stat. 259, as amended, sec. 8, 67 Stat. 394, as amended; 12 U.S.C. 636g, 665, 1131d)

2. Part 654 and the heading thereof (33 F.R. 2990) are revised to include a table of contents immediately after the new heading, to renumber former § 654.501 as § 654.505 and revise its heading, and to insert new §§ 654.501, 654.502, 654.503, and 654.504. As so amended, Part 654 reads as follows:

Sec.
654.501 Statutory provisions.
654.502 Bank responsibility for regulations issued by Administration.
654.503 Additional regulations issued by Bank with Administration approval.
654.504 Further instructions by Bank.
654.505 Removal of association personnel by Bank.

AUTHORITY: The provisions of this Part 654 issued under sec. 6, 47 Stat. 14, as amended, sec. 20, 48 Stat. 259, as amended, sec. 8, 67 Stat. 394, as amended; 12 U.S.C. 636g, 665, 1131d.

§ 654.501 Statutory provisions.

Section 8 of the Farm Credit Act of 1953, as amended (12 U.S.C. 636g), includes the following:

The Farm Credit Administration is authorized and directed, by order or rules and regulations, * * * to delegate to a Federal intermediate credit bank such of the duties, powers, and authority of the Farm Credit Administration with respect to and over production credit associations, their officers and employees, in the farm credit district wherein such Federal intermediate credit bank is located, as may be determined to be in the interest of effective administration; and, * * * the duties, powers, and authority so delegated shall be performed and exercised under such conditions and requirements and upon such terms as the Farm Credit Administration may specify. Any * * * Federal intermediate credit bank to which any such duties, powers, or authority may be delegated is authorized and empowered to accept, perform, and exercise such duties, powers, and authority as may be so delegated to it.

§ 654.502 Bank responsibility for regulations issued by Administration.

Each Federal intermediate credit bank is authorized and directed to make available to the production credit associations in its farm credit district all rules and regulations and any other directives or instructions issued by the Farm Credit Administration which are applicable to such associations, their officers and employees, and each such Bank is authorized and directed to assume responsibility to assure compliance therewith by such associations, their officers and employees.

§ 654.503 Additional regulations issued by Bank with Administration approval.

If the board of directors of any Federal intermediate credit bank determines that it would be in the interest of effective administration, with respect to or over production credit associations, their officers and employees, in its district, to issue additional rules and regulations, they may be submitted for approval by the Farm Credit Administration. Upon such approval, which shall be recited in the additional rules and regulations when issued by the Federal intermediate credit bank, they shall be of the same force and effect as if issued by the Farm Credit Administration directly.

§ 654.504 Further instructions by Bank.

Further directives or instructions, not inconsistent with law or the rules and regulations or directives or instructions issued directly or approved by the Farm

Credit Administration, may be issued by each Federal intermediate credit bank in the form of letters, guides, handbooks, manuals, or otherwise as may be designed to assist and govern the production credit associations, their officers or employees, in its district, in the conduct of their business and the fulfillment of their function.

§ 654.505 Removal of association personnel by Bank.

For violation of rules and regulations approved or prescribed by the Farm Credit Administration and applicable to a production credit association or its personnel (including but not limited to Subpart A of Part 605, Part 650, and Part 652 of this chapter) and for violation of any other directives or instructions duly issued to a production credit association or its personnel by the Farm Credit Administration or by the Federal intermediate credit bank of the farm credit district in which the production credit association is located, the Federal intermediate credit bank of the farm credit district in which a production credit association is located is authorized to remove any officer, employee, or agent of such association when, in the judgment of the board of directors of the Federal intermediate credit bank, any such violation by him reasonably may be considered to require or warrant his removal in the interest of effective administration.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 69-4210; Filed, Apr. 9, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-4-AD; Amdt. 39-744]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 99 Airplanes

An airworthiness directive was adopted on March 28, 1969, and made effective immediately as to all known owners of Beech Model 99 airplanes. This airworthiness directive was issued because there have been instances of cracks in the elevator spar web at the outboard hinge attach fitting on these model airplanes, which can result in loss of elevator control. In order to prevent this condition, the airworthiness directive requires visual inspection of the forward face of the elevator spar web adjacent to the outboard hinge bracket on both elevators prior to further flight and thereafter at intervals of not to exceed 25 hours' time-in-service from the date of the previous visual inspection. The directive further requires that if cracks are found as a result of these inspections the elevator must be repaired in accordance with Beechcraft Service Instructions No. 0190-133 or replaced with a serviceable part before further flight.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to the owners of Beech Model 99 airplanes by individual telegrams dated March 28, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Model 99 airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent possible loss of elevator control, accomplish the following:

Prior to further flight and thereafter at intervals of not to exceed 25 hours' time-in-service from the date of the previous visual inspection, visually inspect the forward face of the elevator spar web adjacent to the outboard hinge bracket on both elevators. If cracks are found as a result of the visual inspection, the elevator must be repaired in accordance with Beechcraft Service Instructions No. 0190-133, or replaced with a serviceable part prior to further flight, except that this airplane may be flown in accordance with Federal Aviation Regulation 21.197 to a base where the repair can be performed. The above visual inspections required by this airworthiness directive will no longer be applicable when the reinforcements described in Beechcraft Service Instructions No. 0190-133 are installed.

This amendment becomes effective April 15, 1969, for all persons except those to whom it was made effective by telegram dated March 28, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on April 1, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-4193; Filed, Apr. 9, 1969; 8:47 a.m.]

[Docket No. 69-EA-25; Amdt. 39-745]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive concerning F-27 and FH-227 type airplanes.

There have been reports of cracks being found in the horizontal stabilizer rear spar fittings on the F-27 type airplanes. Cracking of the fittings results in a hazardous condition with a potential loss of longitudinal control.

Since a situation exists that requires expeditious adoption of this regulation, it is found that notice and public procedure herein are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD HILLER. Applies to F-27 type and FH-227 type airplanes certificated in all categories and incorporating horizontal stabilizer rear spar fittings, P/N 27-210501-3, -4, -5, or -6.

Compliance required as indicated:

To detect cracks in the horizontal stabilizer rear spar fittings, accomplish the following:

(a) Within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the last 250 hours time in service, and thereafter at intervals not to exceed 300 hours time in service after the last inspection comply with (b).

(b) Inspect for cracks all four horizontal stabilizer rear spar fittings, P/N 27-210501-3, -4, -5, and -6, using a penetrant method with a glass of at least 10 power. Particular attention should be given to cracks originating from the lower bolt hole for the elevator inboard hinge truss support on the fore and aft leg of the outboard fitting (P/N's 27-210501-5 and -6; refer to Figure 3, section 55-4 of Fairchild Hiller Illustrated Parts Catalog). It is not necessary to remove the bolts to perform this inspection. Replace cracked parts before further flight except that the airplane may be flown in accordance with FAR 21.197 to a base where the replacement can be performed.

(c) The inspections required by (a) need not be accomplished when all four Fairchild Hiller fittings, P/N 27-210501-13, -14, -15, and -16, are incorporated. When replacing fittings, shim clearance between the truss assembly support tube bushings and fittings, as close to zero as possible.

(d) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(Fairchild Hiller Service Bulletins No. F27-55-17 and FH-227-55-7, both dated Feb. 10, 1969, cover this subject).

This amendment is effective April 16, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 28, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4194; Filed, Apr. 9, 1969; 8:47 a.m.]

[Airspace Docket No. 67-SO-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Areas

Correction

In F.R. Doc. 68-1424 appearing at page 2627 in the issue of Wednesday, February 7, 1968, in the last amendment to § 71.181, the figure in the sixth line should read "061°" instead of "661°".

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Olympic National Park, Wash.; Water Supplies and Sanitary Disposal of Sewage on Privately Owned Lands

A proposal was published at page 863 of the FEDERAL REGISTER of January 18, 1969 to amend § 7.28 of Title 36 of the Code of Federal Regulations. The effect of this amendment is to establish sanitary regulations governing water supplies and the disposal of sewage, including household waste, on privately owned lands within Olympic National Park, and to prescribe the manner in which such regulations will be administered.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 52 Stat. 1241; 16 U.S.C. 254; 56 Stat. 136; 16 U.S.C. 256b)

Paragraph (e)(1) of § 7.28 of Title 36 of the Code of Federal Regulations is amended to read as follows:

§ 7.28 Olympic National Park.

* * * * * *

(e) *Privately owned lands*—(1) *Water supply and sewage disposal systems.* The provisions of this paragraph apply to the privately owned lands within Olympic National Park. The provisions of this paragraph do not excuse compliance by eating, drinking, or lodging establishments with § 5.10 of this chapter.

(i) *Facilities.* (*a*) Subject to the provisions of subdivision (iii) of this subparagraph, no person shall occupy any building or structure, intended for human habitation or use, unless such building is served by water supply and sewage disposal systems that comply with the standards prescribed by the State and county laws and regulations applicable in the county within whose exterior boundaries such building is located.

(*b*) No person shall construct, rebuild or alter any water supply or sewage disposal system without a written permit issued by the Superintendent. The Superintendent will issue such permit only after receipt of written notification from the appropriate Federal, State, or county officer that the plans for such system comply with the State or county standards. There shall be no charge for such permits. Any person aggrieved by an action of the Superintendent with respect to any such permit or permit application may appeal in writing to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

(ii) *Inspections.* (*a*) The appropriate State or county officer, the Superintendent, or their authorized representatives or an officer of the U.S. Public Health Service, may inspect any water supply or sewage disposal system, from time to time, in order to determine whether such system complies with the State and county standards: *Provided, however,* That inspection shall be made only upon consent of the occupant of the premises or pursuant to a warrant.

(*b*) Any water supply or sewage disposal system may be inspected without the consent of the occupant of the premises or a warrant if there is probable cause to believe that such system presents an immediate and severe danger to the public health.

(iii) *Defective systems.* (*a*) If upon inspection, any water supply system or sewage disposal system is found by the inspecting officer not to be in conformance with applicable State and county standards, the Superintendent will send to the ostensible owner and/or the occupant of such property, by certified mail, a written notice specifying what steps must be taken to achieve compliance. If after 1 year has elapsed from the mailing of such written notice the deficiency has not been corrected, such deficiency shall constitute a violation of this regulation and shall be the basis for court action for the vacation of the premises.

(*b*) If upon inspection, any water supply or sewage disposal system is found by the inspecting officer not to be in conformance with established State and county standards and it is found further that there is immediate and severe danger to the public health or the health of the occupants or users, the Superintendent shall post appropriate notices at conspicuous places on such premises, and thereafter, no person shall occupy or use the premises on which the system is located until the Superintendent is satisfied that remedial measures have been taken that will assure compliance of the system with established State and county standards.

BENNETT T. GALE,
Superintendent,
Olympic National Park.

[F.R. Doc. 69-4178; Filed, Apr. 9, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4582]

ALASKA

Modification of Public Land Order No. 4582

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1968, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska, is hereby modified to the extent necessary to permit appropriations of the lands for rights-of-way for highways, or materials sites, under section 317 of the Federal-Aid Highway Act of August 27, 1958 (72 Stat. 317; 23 U.S.C. 317).

WALTER J. HICKEL,
Secretary of the Interior.

APRIL 4, 1969.

[F.R. Doc. 69-4174; Filed, Apr. 9, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations: Recreation; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Entry to the parking area during daylight hours on foot, bicycle, or by motor vehicle is permitted. Entry by foot or bicycle during daylight hours is permitted on travel routes designated by signs for the purpose of nature study, photography, hiking, or skating. Pets are permitted on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,200 acres, is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife,

U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 2, 1969.

[F.R. Doc. 69-4169; Filed, Apr. 9, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minn.

The following special regulation is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to fishing. This posted area comprising 50 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 17, 1969, through September 30, 1969, during daylight hours only.

(2) The use of motors on boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1969.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn.

APRIL 3, 1969.

[F.R. Doc. 69-4170; Filed, Apr. 9, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Sport fishing in State waters in compliance with State regulations will be permitted from refuge lands from January 1, through December 31, 1969. The 3 acres open to access to fishing are designated by signs and delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 3, 1969.

[F.R. Doc. 69-4171; Filed, Apr. 9, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Sport fishing on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres or 8 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport Fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from May 3, 1969, through September 14, 1969, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1969.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

APRIL 4, 1969.

[F.R. Doc. 69-4172; Filed, Apr. 9, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 41]

SCHEDULE OF TAXABLE GROSS WEIGHTS

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations relating to the tax on highway motor vehicles and revising the schedule of taxable gross weights prescribed under section 4482(b) of the Internal Revenue Code was published in the FEDERAL REGISTER of April 8, 1969.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, April 24, 1969, at 10 a.m., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by April 22, 1969. Notification of intention to attend or comment at the hearing may be given by telephone, 202-964-3935.

RICHARD M. HAHN,
Acting Chief Counsel

[SEAL] By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 69-4243; Filed, Apr. 9, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 9516; Notice No. 69-16]

COMMERCIAL OPERATORS

Proposed Financial Reporting Requirements and Duration of Operating Certificates

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to provide for indefinite certification of commercial operators after 4 years continuous operation under annually renewed certificates and to change the financial reporting requirements for all holders of commercial operator operating certificates.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 9, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The annual renewal requirement for supplemental air carrier and commercial operator operating certificates was adopted in 1950 (Amendment 42-5, 14 F.R. 4263). The preamble to Amendment 42-5 states: "This provision is designed to provide a specific recurrent period for proving qualification for an operating certificate. Such provision is deemed necessary, in view of the fact that experience has shown that operators who satisfactorily show their ability to perform air carrier operations safely at the time of original issuance of an operating certificate often fail to maintain the necessary facilities and personnel thereafter." The annual renewal requirement was dropped for supplemental air carriers in 1967 (Amendment 121-27, 31 F.R. 14596).

Since 1966, the FAA has noted overall improvement in the safety record of commercial operators. This is attributed, in part, to the financial responsibility requirements. Many commercial operators have established a record of financially sound operations. However, a new commercial operation is based on a limited number of contracts and, after commencing operations, remains susceptible to unexpected economic setbacks and operating problems. The FAA is proposing to continue annual renewal of commercial operator operating certificates, but to issue renewed certificates of indefinite duration to an applicant who has held operating certificates continuously for at least four years immediately before the date of application for renewal.

The amendments proposed in this notice would also change the financial reporting requirements as follows:

1. Present regulations require the submission of signed financial statements, but do not indicate an acceptable signature. A new section would be added to require that the financial information must be certified by an owner or partner of the applicant or certificate holder or by an authorized officer of a corporation applying for or holding a certificate.

2. Under present regulations, a commercial operator is required to submit a profit and loss statement for the 4-month period after his certificate is issued or renewed. The FAA is proposing to delete the present 4-month report and require holders of certificates, whether of indefinite or 1 year duration, to submit a financial report for the first 6 months of the certificate holder's fiscal year and for the complete fiscal year. These reports would be submitted within 60 days of the last day of the reporting period.

3. Supplemental financial reports would be required of any certificate holder whose certificate is suspended for more than 29 days as of the end of the calendar month in which the certificate is reinstated.

4. Present regulations require applicants for a commerical operator operating certificate to estimate amounts of revenue and expenses for the first 3 months of operation after the possible issue or renewal of a certificate. The FAA believes a longer period is needed to better evaluate an applicant's financial ability, and is proposing a 6-month estimate. The 6-month estimate will allow a meaningful comparison with the 6-month periodic financial report.

5. The FAA is proposing to add a requirement that a schedule of insurance coverage be submitted to supplement the financial data. This requirement would apply to applications for issuance of a certificate and to the periodic report.

6. Some minor changes are proposed in the language of the paragraphs requiring financial information to clarify reporting dates and kinds of information.

In consideration of the foregoing, it is proposed to amend Part 121 as follows:

1. The following new section would be added after § 121.47:

§ 121.48 Commercial operator: Financial statement preparation and certification.

Each financial statement containing financial information required by §§ 121.49 and 121.55 must be based on accounts prepared and maintained on an accrual basis in accordance with generally accepted accounting principles applied on a consistent basis, and must contain the name and address of the applicant's public accounting firm, if any. Information submitted must be certified as being complete and accurate to the best knowledge of an officer, owner, or partner of the applicant or certificate holder.

2. Section 121.49 would be amended to read as follows:

§ 121.49 Commercial operator: Financial information required for original issue or renewal.

Each applicant for the original issue or renewal of a commercial operator certificate must submit the following financial information:

(a) A balance sheet that shows assets, liabilities, and net worth, as of a date

not more than 60 days before the date of application.

(b) In the case of an application for renewal, the most recent profit and loss statement required to be submitted under § 121.55. Also, if the application for renewal is filed more than 60 days after the date of the applicant's most recent profit and loss statement submitted under § 121.55, the applicant must submit a supplementary profit and loss statement covering the period from the date of the most recent statement to a date not more than 60 days before the date of application for renewal. The applicant shall submit a list of each contract that gave rise to operating income on the supplementary profit and loss statement, including the names and addresses of the contracting parties and the nature, scope, date, and duration of each contract.

(c) An itemization of liabilities more than 60 days past due on the balance sheet date, if any, showing each creditor's name and address, a description of the liability, and the amount and due date of the liability.

(d) An itemization of claims in litigation against the applicant as of the date of application, if any, showing each claimant's name and address and a description and the amount of the claim.

(e) A detailed projection of the proposed operation covering 6 complete months after the month in which the certificate is expected to be issued or renewed, including—

(1) Estimated amount and source of both operating and nonoperating revenue, including identification of its existing and anticipated income producing contracts and estimated revenue per mile or hour of operation by aircraft type;

(2) Estimated amount of operating and nonoperating expenses by expense objective classification; and

(3) Estimated net profit or loss for the period.

(f) An estimate of the cash that will be needed for the proposed operations during the first 6 months after the month in which the certificate is expected to be issued, including—

(1) Acquisition of property and equipment (explain);

(2) Retirement of debt (explain);

(3) Additional working capital (explain);

(4) Operating losses other than depreciation and amortization (explain); and

(5) Other (explain).

(g) An estimate of the cash that will be available during the first 6 months after the month in which the certificate is expected to be issued, from—

(1) Sale of property or flight equipment (explain);

(2) New debt (explain);

(3) New equity (explain);

(4) Working capital reduction (explain);

(5) Operations (profits) (explain);

(6) Depreciation and amortization (explain); and

(7) Other (explain).

(h) A schedule of insurance coverage in effect on the balance sheet date showing insurance companies; policy numbers; types, amounts, and periods of coverage; and special conditions, exclusions, and limitations.

(i) Any other financial information that the Administrator requires to enable him to determine that the applicant has sufficient financial resources to conduct his operations with the degree of safety required in the public interest.

3. Section 121.53 would be amended to read as follows:

§ 121.53 Duration of certificate.

(a) A supplemental air carrier operating certificate issued under this subpart is effective until termination of the certificate of public convenience and necessity or other economic authority issued by the Civil Aeronautics Board to the air carrier or until it is surrendered or the Administrator suspends, revokes, or otherwise terminates it.

(b) A commercial operator operating certificate is effective for 1 year. However, a certificate issued to an applicant who has held operating certificates continuously for at least 4 years immediately preceding the date of application for renewal, is issued without a specific expiration date.

(c) The Administrator may suspend or revoke a certificate under § 609 of the Federal Aviation Act of 1958 and the applicable procedures of Part 13 for any cause that, at the time of suspension or revocation, would have been grounds for denying an application for a certificate.

(d) Any certificate issued under this subpart ceases to be effective if it is surrendered, suspended, or revoked.

(e) If the Administrator suspends or revokes a certificate or it is otherwise terminated, the holder of that certificate shall return it to the Administrator.

4. Section 121.55 would be amended to read as follows:

§ 121.55 Commercial operator: periodic financial reports.

(a) Each holder of a commercial operator operating certificate shall submit a financial report covering the first 6 months of the holder's fiscal year and the holder's complete fiscal year. If a commercial operator operating certificate is suspended for more than 29 days, the certificate holder shall submit a financial report as of the last day of the month in which the suspension is terminated. The reports required to be submitted by this section shall be submitted within 60 days of the last day of the period covered by the report and must include—

(1) A balance sheet that shows assets, liabilities, and net worth on the last day of the reporting period;

(2) The information required by § 121.49 (c), (d), (h), and (i);

(3) A profit and loss statement with separation of items relating to applicant's commercial operator activities from his other business activities, if any; and

(4) A list of each contract that gave rise to operating income on the profit and loss statement, including the names and addresses of the contracting parties and the nature, scope, date, and duration of each contract.

These amendments are proposed under the authority of sections 313(a), 601, and 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1429), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on April 4, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4195; Filed, Apr. 9, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 97]

[Docket No. 18508; FCC 69-313]

AMATEUR RADIO SERVICE

Frequencies and Emissions

In the matter of amendment of § 97.61 (a) of the Commission's rules concerning frequencies and emissions in the Amateur Radio Service, Docket No. 18508, RM-886, RM-950.

1. The Commission has under consideration two petitions for rule making in the above-entitled matter submitted by the American Radio Relay League (ARRL). In RM-886 ARRL requests that the rules be amended to allow only A1 emission in the 144.0–144.1 MHz portion of the 144–148 MHz band. By RM-950 ARRL requests that F1 emission be permitted in the 28.0–28.5 MHz portion of the 28.0–29.7 MHz band.

2. In support of its request in RM-886, ARRL states that propagation studies and long distance communications in the very high frequency (VHF) portion of the spectrum are usually conducted by the use of A1 emission. ARRL further states that such studies and communications are susceptible to interference because of their very low signal strength, and for these reasons, the Commission on December 3, 1958, amended its rules to permit only A1 emission in the band 147.9–148.0 MHz (Docket 12485, FCC 58-1164).

3. In 1963 an Extraordinary Administrative Radio Conference amended the Radio Regulations, Geneva, 1959, to specifically authorize amateur satellite operation in the band 144.0 to 146.0 MHz. Petitioner states that two-way contacts via amateur satellite were made using A1 emission, and it is expected that A1 emission will continue to be widely used for that purpose.

4. The Commission believes that clearance of a portion of the 144–146 MHz band is desirable for continued experimentation in space techniques by amateurs. Since the present segment of the band available exclusively for A1 emission is not available for satellite operation, it is proposed to amend the rules to permit only A1 emission in the band 144.0–14.1 MHz and to permit A0, A2, A3, A4, A5, F0, F1, F2, F3, and F5 emissions in the band 144.1–148.0 MHz.

5. Section 97.61(a) of the rules authorizes F1 emission in those portions of the 3500 kc/s, 7000 kc/s, 14 MHz, and 21 MHz bands which are reserved for telegraphy only. However, F1 is not permitted in the exclusive telegraphy portion of the 28 MHz band.

6. In RM-950 ARRL requests that the rules be amended to permit F1 emission in the band 28.00–28.5 MHz which is now available only for A1 emission. ARRL cites the usefulness of the 28.0 MHz band for long distance communications and the expanding use of radioteletype operation by amateurs in support of its request.

7. Since F1 emission is permitted in the exclusive telegraphy portions of the lower bands and there appears to be no valid reason why similar provisions should not be made in the 28.0 MHz, it is proposed to amend the rules to permit the use of F1 emission in the band 28.0–28.5 MHz and to delete the permissive use of F1 emission in the band 29.0–29.7 MHz.

8. The rule changes proposed herein are set forth below. Authority for the proposals is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 11, 1969, and reply comments on or before June 23, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: April 2, 1969.

Released: April 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is amended.

In § 97.61, paragraph (a) is revised to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) Following are the frequency bands and associated emissions available to amateur stations, subject to the limitations stated in paragraph (b) of this section and § 97.65.

Frequency band	Emissions	Limitations
kc/s		*See paragraph (b)*
1800–3500	A1, A3	1, 2
3500–4000	A1	
3500–3800	F1	
3800–3850	A5, F5	
3850–3900	A5, F5	3
3900–4000	A3, F3	4
7000–7300	A1	
7000–7200	F1	
7200–7225	A5, F5	
7225–7250	A5, F5	3
7200–7300	A3, F3	
14000–14350	A1	
14000–14200	F1	
14200–14235	A5, F5	
14235–14275	A5, F5	3
14300–14350	A3, F3	
Mc/s		
21.00–21.45	A1	
21.00–21.25	F1	
21.25–21.30	A5, F5	
21.30–21.35	A5, F5	3
21.25–21.45	A3, F3	
28.0–29.7	A1	
28.0–28.5	F1	
28.5–29.7	A3, A5, F3, F5	
50.0–54.0	A1	
50.1–54.0	A2, A3, A4, A5, F1, F2, F3, F5.	
51.0–54.0	A0	
144–148	A1	
144.1–148.0	A0, A2, A3, A4, A5, F0, F1, F2, F3, F4.	
220–225	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5, 6
420–450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5, 7
1215–1300	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
2300–2450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 8
3300–3500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	8
5650–5925	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 9
10000–10500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	8
21000–22000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
Above 40000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	

[1] Commissioner Wadsworth absent.

[F.R. Doc. 69-4139; Filed, Apr. 9, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-572]

CALIFORNIA

Notice of Amendment to Final Classification of Public Land for Multiple-Use Management

APRIL 1, 1969.

The notice appearing in F.R. Doc. 67-14813, pages 20660 and 20661, of the issue of December 21, 1967, is changed as follows:

Paragraph 3: Add the following described lands to provide for their segregation from the mining laws but not the mineral leasing laws, totaling approximately 201.88 acres of public lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

EL DORADO COUNTY

All public lands in:

T. 12 N., R. 10 E.,
Sec. 7, lots 15, 23, 24, 26, and 29;
Sec. 17, lots 3 and 15.

All the above lands are found to have high recreational values and require the protection afforded by the above segregations.

For a period of 30 days from date of publication of this notice of amendment in the FEDERAL REGISTER, the classification amendment shall be subject to the exercise of administrative review and modification by the Secretary of the Interior.

J. R. PENNY,
State Director, Bureau of Land Management, Department of the Interior.

[F.R. Doc. 69-4175; Filed, Apr. 9, 1969; 8:45 a.m.]

[C-3357]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

Paragraph 1 of F.R. Doc. 69-2892, appearing in the issue of March 11, 1969, at page 5082 is hereby amended to read:

* * * segregating the described lands from all forms of appropriation under the public land laws including the U.S. Mining laws (30 U.S.C. ch. 2) but not the mineral leasing laws.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-4176; Filed, Apr. 9, 1969; 8:45 a.m.]

[New Mexico 9289]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Land

APRIL 3, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 9289, for the withdrawal of the land described below. The land was conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. It lies within the exterior boundary of the Cibola National Forest. It has not been open to entry under the public land laws. The applicant desires the land for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals, Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 N., R. 13 W.,
Sec. 16.

The area described aggregates 640 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-4177; Filed, Apr. 9, 1969; 8:46 a.m.]

DISTRICT MANAGERS, UTAH, ET AL.

Delegation of Authority Regarding Procurement

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2d, I hereby redelegate to the following employees of the Bureau of Land Management for the State of Utah, effective this date, authority to make purchases within the following limitations:

District Managers:	
Contracts for construction and land treatment services	$2,000 per contract.
Purchase of supplies and materials, excluding capitalized equipment, from established sources, such as GSA Stores Stock, Federal Supply Schedules, etc.	Unlimited.
Open market purchases of supplies, excluding capitalized equipment, materials, and services.	$1,000 per order.
Director, CVCCC:	
Contracts to secure perishable subsistence	$1,000 per contract.
Contracts for construction and land treatment services	$2,000 per contract.
Purchase of supplies and services, excluding capitalized equipment, from established sources, such as GSA Stores Stock, Federal Supply Schedules, etc.	Unlimited.
Open market purchases of supplies and materials, and services, excluding capitalized equipment.	Not to exceed $1,000 per order.
Administrative Officer, CVCCC:	
Contracts to secure perishable subsistence	$1,000 per contract.
Purchase of supplies and services, excluding capitalized equipment, from established sources, such as GSA Stores Stock, Federal Supply Schedules, etc.	$1,000 per order.
Open market purchases of supplies and materials, and services, excluding capitalized equipment.	$1,000 per order.

State Administrative Officer:	
Purchases of supplies and materials from established sources, excluding capitalized equipment.	Unlimited.
Purchases of supplies, materials, and services, excluding capitalized equipment, on the open market.	$1,000 per order.
Cadastral Engineering Survey Party Chiefs:	
Open market purchases of supplies and materials, excluding capitalized equipment.	$200 per order.
Other Employees of the Utah State Office as follows: Division Chiefs, Natural Resource Specialists, Realty Specialists, Mining Engineers, Recreation Specialists, and Resource Utilization Specialist:	
Open market purchases of materials and supplies in emergency situations only.	$100 per order.
District Administrative Officers:	
Purchases of supplies and materials, excluding capitalized equipment, from established sources.	$1,000 per order.
Open market purchases of supplies and materials, and services, excluding capitalized equipment.	$500 per order.
Other Employees of District Offices as designated by District Managers:	
Open market purchases of supplies, materials, and services, excluding capitalized equipment.	$100 per order.

This authority shall be exercised in accordance with applicable limitations set forth in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and control prescribed by the General Services Administration.

This delegation cancels and replaces delegations published in the FEDERAL REGISTER, Vol. 32, No. 46, dated Thursday, March 9, 1967 (document 67-2621).

R. D. NIELSON,
State Director.

[F.R. Doc. 69-4207; Filed, Apr. 9, 1969; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. G-421]

LOUIS EDWARD WILLIAMS

Notice of Loan Application

APRIL 4, 1969.

Louis Edward Williams, 1507 Kathryn Street, Mount Pleasant, S.C. 29464, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 80-foot length overall wood vessel to engage in the fishery for shrimp, crabs, flounders, black sea bass, snappers, and groupers.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 69-4173; Filed, Apr. 9, 1969; 8:45 a.m.]

National Park Service

BLUE RIDGE PARKWAY

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent of the Blue Ridge Parkway, proposes to issue a concession permit to Homer Harris authorizing him to continue to provide concession facilities and services for the public at the Mabry Mill site within the Blue Ridge Parkway for a period of two (2) years from January 1, 1969, through December 31, 1970.

The foregoing concessioner has performed his obligations under an expired permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Blue Ridge Parkway, Post Office Box 1710, Roanoke, Va. 24008, for information as to the requirements of the proposed permit.

Dated: April 2, 1969.

R. B. MOORE,
Acting Associate Director, National Park Service.

[F.R. Doc. 69-4179; Filed, Apr. 9, 1969; 8:46 a.m.]

GLEN CANYON NATIONAL RECREATION AREA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Lake Powell Ferry Service, Inc., authorizing it to continue to provide concession facilities and services for the public at the Hall's Crossing Site, Lake Powell, Glen Canyon National Recreation Area, for a period of five (5) years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 2, 1969.

R. B. MOORE,
Acting Associate Director, National Park Service.

[F.R. Doc. 69-4180; Filed, Apr. 9, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOREIGN AGRICULTURAL SERVICE

Organization and Functions

In accordance with Reorganization Plan No. 2 of 1953, the Department of Agriculture gave advance notice in the FEDERAL REGISTER of February 28, 1969 (Vol. 34, page 3638), concerning the proposed establishment of the Export Marketing Service, and transfer of functions of existing agencies. Comments of interested persons and groups have been favorable. The advance notice stated that Foreign Agricultural Service would provide certain management support activity. It has now been determined that such services will be provided by Agricultural Stabilization and Conservation Service.

Effective March 28, 1969:

1. There is established the Export Marketing Service under the direction

of a General Sales Manager who will report to the Secretary through the Assistant Secretary for International Affairs and Commodity Programs.

2. There is transferred to the Export Marketing Service, from the Foreign Agricultural Service, all of the functions administered by the General Sales Manager, the Barter and Stockpiling Manager, the Program Operations Division, and the Ocean Transportation Division.

3. There is transferred to the Export Marketing Service, from the Agricultural Stabilization and Conservation Service, all of the functions administered by the Wheat Subsidy and Market Branch of the Commodity Operations Division.

4. There is transferred to the Foreign Agricultural Service, under the direction of the Administrator who will report to the Secretary through the Assistant Secretary for International Affairs and Commodity Programs, all of the functions administered by the International Agricultural Development Service.

5. The Agricultural Stabilization and Conservation Service will provide for the Export Marketing Service, such accounting, budget, personnel, and other administrative services as are required by the Export Marketing Service, in connection with the functions transferred from the Foreign Agricultural Service to the Export Marketing Service and provide for the Export Marketing Service such accounting and contract administration services previously furnished Foreign Agricultural Service and Agricultural Stabilization and Conservation Service with respect to functions transferred.

6. All previously effective rules, regulations, licenses, approvals, orders, forms, certificates, and other official documents relating to functions transferred shall continue to be effective until further notice, except that any delegations or authorizations inconsistent with the assignments made herein shall be construed to conform to the assignments made herein.

Done at Washington, D.C., this 4th day of April 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-4224; Filed, Apr. 9, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-236]

OCEANIC STEAMSHIP CO.

Notice of Application

Notice is hereby given that The Oceanic Steamship Co. has applied for permission for its combination ships, SSs Mariposa and Monterey, on its Combination Passenger-Freight Service (Trade Route No. 27), to call at Seattle, Wash., and Pacific coast ports of Canada and Alaska. The application does not include any new domestic trading privileges.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on April 18, 1969, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: April 4, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-4206; Filed, Apr. 9, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NITROFURANTOIN AND NITROFURANTOIN SODIUM

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated the reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Nitrofurantoin, marketed as Furadantin Tablets; 50 and 100 milligrams per tablet; by Eaton Laboratories, Division of The Norwich Pharmacal Co., 17 Eaton Avenue, Norwich, N.Y. 13815 (NDA 8-693).

2. Nitrofurantoin, marketed as Furadantin Oral Suspension; 5 milligrams per milliliter; by Eaton Laboratories, Division of The Norwich Pharmacal Co. (NDA 9-175).

3. Nitrofurantoin Tablets; 100 milligrams per tablet; marketed by Zambon S.p.A., Via L. del Duca 12, Bressa, Milano, Italy; American agent; Gyma Laboratories of America, Inc., 118-21 Queens Boulevard, Forest Hills, N.Y. 11375 (NDA 12-435).

4. Nitrofurantoin Sodium, marketed as Furadantin Sodium, Sterile, for Intravenous Use; equivalent to 180 milligrams of nitrofurantoin per vial; by Eaton Laboratories, Division of The Norwich Pharmacal Co. (NDA 12-402).

The Food and Drug Administration concludes that:

Nitrofurantoin and nitrofurantoin sodium are effective in the treatment of pyelonephritis, pyelitis, and cystitis when due to susceptible *E. Coli*, enterococci, *S. aureus* (without associated abscesses), and certain strains of *Klebsiella-Aerobacter, Proteus*, and *Pseudomonas*. When these urinary tract infections are caused by other gram-negative aerobic or anaerobic bacteria, the drugs are probably effective. The drugs lack substantial evidence of effectiveness for other types of genitourinary tract infections, such as prostatitis.

These drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update applications providing for these drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

NITROFURANTOIN AND NITROFURANTOIN SODIUM

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered reports of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and regards nitrofurantoin and nitrofurantoin sodium as effective in the treatment of pyelonephritis, pyelitis, and cystitis due to susceptible *E. Coli*, enterococci, *S. aureus* (without associated abscesses), and, although less predictably, pyelonephritis, pyelitis, and cystitis due to certain strains of *Klebsiella-Aerobacter, Proteus*, and *Pseudomonas*.

2. The Academy evaluated the drugs as probably effective in the treatment of pyelonephritis, pyelitis, and cystitis due to gram-negative aerobic bacilli other than those listed in paragraph A-1 above or due to anaerobic bacteria. The Food and Drug Administration concludes that substantial evidence of effectiveness is needed to support these indications.

3. The Academy evaluated the drugs as ineffective for other types of genitourinary tract infection, such as prostatitis. The Food and Drug Administration concludes that substantial evidence of effectiveness of these drugs for these indications is lacking.

B. *Drug forms.* Preparations of nitrofurantoin are in tablet or suspension form suitable for oral use and preparations of nitrofurantoin sodium are in sterile, crystalline form suitable for reconstitution and subsequent intravenous administration; each contains per dosage unit an amount suitable for administration in the dosage ranges described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drugs are labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder and those parts of their labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

NITROFURANTOIN

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Nitrofurantoin is an antibacterial agent for specific urinary tract infections. It is bacteriostatic in low concentrations (1: 100,000 to 1: 200,000) and in vitro is considered to be bacteriocidal in higher concentrations. Its presumed mode of action is based upon its interference with several bacterial enzyme systems. Nitrofurantoin is rapidly excreted in the urine. It is highly soluble in urine to which it may impart a brown color.

INDICATIONS

This drug is indicated for the treatment of pyelonephritis, pyelitis, and cystitis due to the following organisms, when demonstrated to be susceptible to the drug by susceptibility testing (disk or dilution techniques): *E. coli*, enterococci, and *Staph. aureus* (however it is not indicated for the treatment of associated renal cortical or perinephric abscesses).

This drug is also indicated for the treatment of pyelonephritis, pyelitis, and cystitis due to some strains of *Klebsiella-Aerobacter* and *Proteus*. In vitro susceptibility testing (disk or dilution techniques) may not be helpful in predicting patient response. This is probably related to marginal susceptibility of these organisms and variability in urine (and presumably renal medullary) levels of the drug achieved in various patients. There may well be differences related to whether the infecting organism is *Klebsiella-Aerobacter* or *Proteus* and whether it is related to subgroups as well.

This drug is also indicated for the treatment of pyelonephritis, pyelitis, and cystitis due to a small percentage of strains of *Pseudomonas* (in vitro susceptibility testing may be helpful in selecting patients for therapy).

Nitrofurantoin is not indicated for therapy of any systemic infections or for use in prostatitis or in any genitourinary tract infections other than pyelonephritis, pyelitis, and cystitis.

CONTRAINDICATIONS

Anuria, oliguria, or significant impairment of renal function are contraindications to therapy with this compound. Treatment of this type of patient carries an increased risk of toxicity because of impaired excretion of the drug. For the same reason, the drug is much less effective under these circumstances.

The drug is contraindicated in pregnant patients at term as well as infants under 3 months of age because of the possibility of hemolytic anemia due to immature enzyme systems (glutathione instability).

WARNINGS

Cases of hemolytic anemia of the primaquine sensitivity type have been induced by nitrofurantoin. The hemolysis appears to be linked to a glucose-6-phosphate dehydrogenase deficiency in the red blood cells of the affected patients. This deficiency is found in 10 percent of Negroes and a small percentage of ethnic groups of Mediterranean and Near-Eastern origin. Any sign of hemolysis is an indication to discontinue the drug.

Pseudomonas is the organism most commonly implicated in superinfections in patients treated with nitrofurantoin.

USAGE IN PREGNANCY: The safety of nitrofurantoin during pregnancy and lactation has not been established. It should not be used in women of childbearing potential unless the expected benefits outweigh the possible hazards.

PRECAUTIONS

Peripheral neuropathy may occur with nitrofurantoin therapy; this may become severe or irreversible. Fatalities have been reported. Predisposing conditions such as renal impairment, anemia, diabetes, electrolyte imbalance, vitamin B deficiency, and debilitating disease may enhance such occurrence.

ADVERSE REACTIONS

Nausea, emesis, and, less frequently, diarrhea may occur; reduction in dosage may alleviate these symptoms.

Sensitization appearing as an erythematous, maculopapular cutaneous eruption, urticaria, eczematoid eruption, or pruritus.

Hypersensitivity reactions resulting in nonfatal anaphylaxis, angioedema, pulmonary infiltration with pleural effusion, and eosinophilia. Other reactions are chills, fever, jaundice, asthmatic symptoms, and hypotension.

Occasional minor reactions such as headache, dizziness, nystagmus, vertigo, drowsiness, malaise, and muscular aches.

Transient alopecia has been reported.

Tooth staining from direct contact of the drug with the teeth (oral suspension only).

Granulocytopenia.

As with other antimicrobial agents, superinfections by resistant organisms may occur. In the case of nitrofurantoin, these are limited to the genitourinary tract because suppression of normal bacterial flora elsewhere in the body does not occur.

DOSAGE AND ADMINISTRATION

DOSAGE—tablets and oral suspension:

Adult: 50-100 milligrams four times a day.

Children: Should be calculated on the basis of 5-7 milligram per kilogram of body weight per 24 hours to be given in divided doses four times a day (contraindicated under 3 months).

ADMINISTRATION: Nitrofurantoin may be given with food or milk to minimize gastric upset.

The drug should be continued for at least 3 days after sterility of the urine is obtained. Continued infection indicates the need for reevaluation.

If the drug is to be used for long-term suppressive therapy, reduction of dosage should be considered.

NITROFURANTOIN SODIUM

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Nitrofurantoin is an antibacterial agent for specific urinary tract infections. It is bacteriostatic in low concentrations (1: 100,000 to 1: 200,000) and in vitro is considered to be bacteriocidal in higher concentrations. Its presumed mode of action is based upon its interference with several bacterial enzyme systems. Nitrofurantoin is rapidly excreted in the urine It is highly soluble in urine to which it may impart a brown color.

INDICATIONS

This drug should be used only in patients with clinically significant urinary tract infections when oral therapy cannot be given and when nitrofurantoin can be shown to be the drug of choice.

This drug is indicated for the treatment of pyelonephritis, pyelitis, and cystitis due to the following organisms, when demonstrated to be susceptible to the drug by susceptibility testing (disk or dilution techniques): *E. coli*, enterococci, and *Staph. aureus* (however it is not indicated for the treatment of associated renal cortical or perinephric abscesses).

This drug is also indicated for the treatment of pyelonephritis, pyelitis, and cystitis due to some strains of *Klebsiella-Aerobacter* and *Proteus*. In vitro susceptibility testing (disk or dilution techniques) may not be helpful in predicting patient response. This is probably related to marginal susceptibility of these organisms and variability in urine (and presumably renal medullary) levels of the drug achieved in various patients. There may well be differences related to whether the infecting organism is *Klebsiella-Aerobacter* or *Proteus* and whether it is related to subgroups as well.

This drug is also indicated for the treatment of pyelonephritis, pyelitis, and cystitis due to a small percentage of strains of *Pseudomonas* (in vitro susceptibility testing may be helpful in selecting patients for therapy).

Nitrofurantoin is not indicated for therapy of any systemic infections or for use in prostatitis or in any genitourinary tract infections other than pyelonephritis, pyelitis, and cystitis.

CONTRAINDICATIONS

Anuria, oliguria, or significant impairment of renal function are contraindications to therapy with this compound. Treatment of this type of patient carries an increased risk of toxicity because of impaired excretion of the drug. For the same reason, the drug is much less effective under these circumstances.

The drug is contraindicated in pregnant patients at term as well as infants under 3 months of age because of the possibility of hemolytic anemia due to immature enzyme systems (glutathione instability).

WARNINGS

Cases of hemolytic anemia of the primaquine sensitivity type have been induced by nitrofurantoin. The hemolysis appears to be linked to a glucose-6-phosphate dehydrogenase deficiency in the red blood cells of the affected patients. This deficiency is found in 10 percent of Negroes and a small percentage of ethnic groups of Mediterranean

and Near-Eastern origin. Any sign of hemolysis is an indication to discontinue the drug.

Pseudomonas is the organism most commonly implicated in superinfections in patients treated with nitrofurantoin.

Safety of this drug has not been established in children under 12.

USAGE IN PREGNANCY: The safety of nitrofurantoin during pregnancy and lactation has not been established. It should not be used in women of childbearing potential unless the expected benefits outweigh the possible hazards.

PRECAUTIONS

Peripheral neuropathy may occur with nitrofurantoin therapy; this may become severe or irreversible. Fatalities have been reported. Predisposing conditions such as renal impairment, anemia, diabetes, electrolyte imbalance, vitamin B deficiency, and debilitating disease may enhance such occurrence.

ADVERSE REACTIONS

Nausea, emesis, and, less frequently, diarrhea may occur; reduction in dosage may alleviate these symptoms.

Sensitization appearing as an erythematous, maculopapular cutaneous eruption, urticaria, eczematoid eruption, or pruritus.

Hypersensitivity reactions resulting in nonfatal anaphylaxis, angioedema, pulmonary infiltration with pleural effusion, and eosinophilia. Other reactions are chills, fever, jaundice, asthmatic symptoms, and hypotension.

Occasional minor reactions such as headache, dizziness, nystagmus, vertigo, drowsiness, malaise, and muscular aches.

Transient alopecia has been reported.

Granulocytopenia.

As with other antimicrobial agents, superinfections by resistant organisms may occur. In the case of nitrofurantoin, these are limited to the genitourinary tract because of suppression of normal bacterial flora elsewhere in the body does not occur.

DOSAGE AND ADMINISTRATION

DOSAGE: Patients weighing over 120 pounds: 180 milligrams of nitrofurantoin in 500 cubic centimeters of diluent twice daily.

Patients weighing less than 120 pounds: 3 milligrams per kilogram of body weight per day in two equal doses. Safety has not been established in children under 12 years.

ADMINISTRATION (include instructions for dilution):

The drug should be continued for at least 3 days after sterility of the urine is obtained. Continued infection indicates the need for reevaluation.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which these drugs are described in paragraph A above as probably effective may continue to be used for 12 months following the date of publication hereof in the FEDERAL REGISTER to allow additional time for holders of previously approved applications or persons marketing the drug without approval to obtain and submit to the Food and Drug Administration data providing substantial evidence of effectiveness.

E. *Marketing status.* 1. Previously approved applications.

a. Each holder of a previously approved application should bring the application into conformance by submitting a supplement containing:

i. Revised labeling as needed to conform with the labeling conditions described herein for the drug.

ii. Adequate data to assure the biologic availability of the drug in the formulation marketed; if such data are already included in the application, specific reference thereto may be made.

iii. Updating information as needed to make the application current in regard to items 6 (components) and 7 (composition) of new-drug application form FD–356H and, to the extent described below for new applications, item 8 (methods, facilities, and controls) of FD–356H.

b. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER:

i. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d), (e)) which permit certain changes to be put into effect at the earliest possible time.

ii. 180 days for biologic availability data.

iii. 60 days for updating information.

c. Marketing of the drug may continue until the supplemental applications submitted in accordance with the preceding subparagraphs a and b are acted upon provided that within 60 days after publication hereof, the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described herein.

2. *New applications.*

a. Any other person who distributes or intends to distribute such drug intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit a new-drug application meeting the conditions specified in this announcement.

b. Such applications should include:

i. Proposed labeling in accord with the labeling conditions herein.

ii. Adequate data to assure the biologic availability of the drug in the formulation marketed or proposed for marketing.

iii. Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (Rx or OTC statement), 6 (components), and 7 (composition) of new-drug application form FD–356H and, in lieu of full information described under item 8 (methods, facilities, and controls) of FD–356H, brief statements that:

a. Identify the place where the drug will be manufactured, processed, packaged, and labeled.

b. Identify any person, other than the applicant, who performs a part of those operations and designate the part.

c. Include certification from the applicant and from any person identified in ii above that the methods used in, and the facilities and controls used for, the manufacture, processing, packing, and holding of the drug are in conformity with current good manufacturing practice prescribed by Part 133 (21 CFR Part 133).

d. Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or if not listed, or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity.

e. Outline the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.

c. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

1. Within 60 days after the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the act is in accord with the labeling conditions described herein.

ii. The manufacturer, packer, or distributor of such drug submits, within 180 days after publication hereof, a new-drug application to the Food and Drug Administration.

iii. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

iv. The application has not been ruled incomplete or unapprovable.

F. *Opportunity for a hearing.* 1. An applicant or any person who would be adversely affected by an order requiring deletion of the claims for which the drug lacks substantial evidence of effectiveness, as described in paragraph A–3 above, may within 30 days following publication date of this announcement request a hearing.

2. If no request for a hearing is received, the approval of all previously approved applications providing for such claims will be regarded as withdrawn and the applications will be approved as supplemented in accord with this announcement. If such request is filed, an announcement will be published in the FEDERAL REGISTER setting forth the provisions of section 505(e) of the act on the basis of which the Commissioner proposes to withdraw approval of such new-drug applications, and all amendments and supplements thereto, and staying those parts of this announcement which provide for labeling deleting such claims to be in use within 60 days after publication hereof.

G. *Unapproved use or form of drug.* 1. If the articles are labeled or advertised for use in any condition other than those provided for in this announcement, they will be regarded as unapproved new drugs subject to regulatory proceedings until such recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

2. If the articles are proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drugs are safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication hereof in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject drugs or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Requests for NAS-NRC report: Press Relations Office (CE–300).
Supplements: Office of Marketed Drugs (MD–300), Bureau of Medicine.
Original new-drug applications: Office of New Drugs (MD–100), Bureau of Medicine.
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 2, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–4182; Filed, Apr. 9, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–33]

DELAWARE RIVER

Security Zone

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), and 49 CFR 1.4(a)(2), I hereby affirm the order of Rear Admiral Mark A. Whalen, U.S. Coast Guard, Commander, 3d Coast Guard District, which reads as follows:

SPECIAL NOTICE, DELAWARE RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191 and Executive Order 10173 as amended, I declare that from 2:30 p.m., e.s.t., on Saturday, April 19, 1969, until completion of the launching at approximately 4 p.m., e.s.t., on Saturday, April 19, 1969, the following area is a security zone and I order that it be closed to any person or vessel due to the launching of hull No. 649, the *American Leader*.

The waters of the Delaware River, Chester, Pa., within the coordinates of latitude 39°50'55" N., longitude 75°20'46" W. at the shoreline of Chester, Pa., thence southeasterly to latitude 39°50'34" N., longitude 75°20'33" W., thence northeasterly to latitude 39°50'45" N., longitude 75°19'29" W., thence north to latitude 39°51'22" N., longitude 75°19'32" W.

No person or vessel may remain in or enter this security zone.

The Captain of the Port, Philadelphia, Pa., shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the Customs Revenue Laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: April 7, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–4211; Filed, Apr. 9, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11278; Order 69–4–32]

AIRLIFT INTERNATIONAL, INC.

Order Regarding Container Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1969.

By petition filed July 16, 1968, Airlift International, Inc. (Airlift), requests the Board to modify the outstanding minimum rate order in the New York-San Juan market[1] and permit the introduction of the container discounts previously approved by the Board for domestic traffic.[2] The agreement is applicable to the carrier-owned Type A pallet-igloo container in two sizes, e.g., a 425-cubic-foot contoured container (Type A–3) designed to fit the Boeing 727–QC (Quick-Change) aircraft, and a 625-cubic-foot box-like container (Type A–11) designed to fit the L–100 Lockheed Hercules freighter aircraft. Airlift operates both aircraft in the San Juan market. The minimum loads for these container units are set at 3,786 and 5,567 pounds, respectively, representing a density minimum of 8.9 pounds per cubic foot (lb./cu. ft.).[3] As in the domestic container agreement, Airlift would charge a container rental fee of 2 cents per cubic foot, or $8.50 and $12.50, respectively, for these two units, and would grant free tare weight (empty weight of container), along with the standard $1 per 100 pounds unitization discount, and a further one-third off for poundage in excess of 10 lb./cu. ft.

In support of its petition, Airlift points to the fact that the geographical scope of the cited domestic container agreements specifically included Puerto Rico, that Airlift had previously attempted to file a container tariff to Puerto Rico but that the tariff had been rejected because of the referenced minimum rate order,[4] that Airlift has suffered substantial claim losses in the San Juan market, and is experiencing sharp increases in insurance costs which containerization will correct, and that nothing more than a recitation of the foregoing is necessary to secure modification of the Board's minimum rate order. Trans Caribbean has filed an answer supporting Airlift, and Eastern Air Lines, Inc. (Eastern), and Pan American oppose the grant of the petition. Airlift and Pan American have subsequently filed a succession of rebuttal replies.

Trans Caribbean states it intends to offer jet freighter service (Boeing 727–100C) in the market in the very near future which will accommodate cargo pallets, and wants the benefits of the container program to be available at that time.[5] The opponents state, in essence, that the Board's approval of the domestic container agreements, including the application thereof to Puerto Rico, does not

[1] Order E–23840, dated June 21, 1966.

[2] Order E–26320, dated Feb. 6, 1968, in Docket 16080; Airlift implemented the container agreement throughout its domestic system (continental United States), effective June 23, 1968.

[3] The minimum density rule embodied in the Board's minimum rate order in the San Juan market is 7.3 lb./cu. ft.; however, an 8.9 lb./cu. ft. minimum is applied by all carriers except Trans Caribbean Airways, Inc. (Trans Caribbean), for all traffic between New York and San Juan.

[4] See Order E–26961, dated June 21, 1968, dismissing as moot Pan American World Airways, Inc.'s (Pan American), complaint against Airlift's container tariff because the tariff had been rejected.

[5] In the interim, Trans Caribbean has introduced jet freighter aircraft in the market; Airlift operates daily schedules in each direction in the market, with each of its aircraft (B–727 and L–100); Pan American operates B–707 service twice a week in each direction; Eastern does not offer any freighter service.

constitute an automatic or even a pro forma approval of reduced container rates in the market; and that the operating costs in the market, and particularly those of Airlift, do not warrant the proposed rate reductions.

In the latter respect, Pan American cites a reported operating loss of $519,000 ($418,000 after taxes) for calendar year 1967 by Airlift in its territorial operation.[6] Pan American and Eastern also state that significant diversion of, or revenue dilution on, their present traffic will result if the proposed container rates are permitted.

Upon consideration of the petition, replies, and other relevant information and matters, the Board will partially grant the petition. We will require, however, that any tariffs filed pursuant to this order contain an expiry date of March 1, 1970.

Airlift is and has been the major cargo carrier in the New York-San Juan market.[7] The container discounts are potentially applicable to regular service shipments of 3,000 pounds and over,[8] representing 91.7 percent of Airlift's traffic in the market, 18.3 percent of Eastern's, and 34.7 percent of Pan American's.

While the market has tended to stabilize since the issuance of the minimum rate order in 1966, and carrier yields are at or higher than forecast in that proceeding, Airlift reports its current international division operating loss at 1.59 cents per ton-mile, and at ninety-five one hundredths of a cent on its jet freighters. It is doubtful that Airlift could reduce its traffic servicing and claims expense enough to offset the estimated revenue reduction resulting from the proposed $1 per 100 pounds unitization discount, with the result being a net increase in its operating loss.

In view of the fact that Airlift's current operation in the market is marginal, and the effect of the container program on costs and revenue cannot be determined in advance, we will approach with caution proposals which would reduce the carrier's yield. For these reasons, the Board will amend its outstanding minimum rate order in the New York-San Juan market only to permit the assessment of rental charges, the proposed density discount, and a free tare weight allowance for shipper-loaded/consignee-unloaded containerized shipments in carrier-owned Type A containers, on an experimental basis. The Board will not, however, authorize the granting of the $1 per 100 pounds unitization discount at this time.[9]

[6] For the 12 months ending June 30, 1968, Airlift reported an operating loss of $286,000 (after taxes) (CAB Press Release 68-130, of Nov. 15, 1968).

[7] Airlift transported 45.6, 53.8, and 51.4 percent of the total pounds in 1965, 1966, and 1967, respectively.

[8] The available data do not permit a determination of the traffic at 3,786 pounds and over, i.e., the actual minimum weight for the smaller igloo.

[9] The Board will also require a minimum density of not less than the 7.3 pounds per cubic foot previously established.

Airlift's proposed one-third density discount for containerized shipments is well within the parameters of discounts with which Pan American has concurred in the domestic container agreement, and the discounts Eastern is presently providing in its domestic tariffs. With due regard for differences in markets, we nevertheless have no reason to believe that our limited action will result in discounts in excess of the savings which will accrue by reason of receiving shipments already containerized. Accordingly, in light of the foregoing, and in consideration of the power the Board has reserved in Order E-23840 to make modifications in the minimum rate without hearing, and of the fact that no hearing has been requested by any party, we have determined to grant Airlift's request to the extent indicated above.

While it is true that the density discount will reduce the average rate per pound and per ton-mile on containers loaded in excess of 10 lb./cu. ft., such reduction will be partially offset by container rental revenues. In addition, the over-10 lb./cu. ft. excess traffic poundage will be contained within the same cubic unit (the container). This additional weight without increasing the cube should improve the utilization of the carriers' containers and aircraft, and result in an improved load factor, reduced unit costs, and increased revenue. This limited container program should also reveal whether containerization has any attraction for the shipping public as a claim preventative measure. Both San Juan traffic and container traffic are currently being reported to the Board (CAB Forms T-94 and T-103 in Dockets 11278 and 16080, respectively), and it should be possible, at a future date, to determine the impact of containers in this market. Should the carriers desire to extend the program beyond the experimental period provided, the Board will expect the carriers to be prepared to furnish additional factual data as to traffic handling and claim costs in the market to permit a more complete analysis of these factors at the conclusion of the experimental period, and in order that a determination may be made as to extension or expansion of the relief herein granted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The motions of Airlift International, Inc., dated August 5, and November 18, 1968, and Pan American World Airways, Inc., dated August 13, 1968, for leave to file unauthorized documents in Docket 11278 are granted;

2. The petition of Airlift International, Inc., dated July 16, 1968, to modify the minimum rate order in Docket 11278 is denied, except to the extent granted herein;

3. Order E-23431 dated March 28, 1966, as amended by Order E-23840 dated June 21, 1966, is hereby amended as follows:

(a) The transportation of carrier-owned shipper-loaded/consignee-unloaded Type A containers may be performed without charging for the empty (tare) weight of such containers;

(b) A density incentive discount of 33⅓ percent of the otherwise applicable rate on such container may be applied to poundage therein in excess of 10 pounds per cubic foot;

(c) A minimum payload for such containers shall be imposed at not less than 7.3 pounds per cubic foot;

(d) Rental and detention charges shall be assessed on such containers; and

4. Direct air carriers which elect to transport containers in accordance with paragraph 3 above shall publish appropriate tariff provisions therefor bearing an expiry date of March 1, 1970, and shall report such container traffic to the Board on a monthly basis on CAB Form T-103.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-4226; Filed, Apr. 9, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[File No. 5862-C2-P-68; FCC 69-315]

CHESAPEAKE AND POTOMAC TELEPHONE CO.

Memorandum Opinion and Order Regarding Assignment of 152.48 Mc/s

1. The Commission has under consideration the application filed on May 24, 1968, by The Chesapeake and Potomac Telephone Co. (C&P) for authorization to provide one-way signaling service in the District of Columbia and suburban areas on frequency 152.84 Mc/s.

2. On October 10, 1962, the Commission granted C&P a construction permit on a developmental basis to establish and operate its one-way signaling (Bellboy) facilities in Washington, D.C., on frequency 152.486 Mc/s. Subsequently, the 152.48 Mc/s frequency was assigned for use by Business Radio Service applicants.[1] Because the frequency used by C&P is immediately adjacent to the 152.48 Mc/s frequency, the Business Radio Service is unable to avail itself of its assigned frequency. Accordingly, the Commission in its report and order in the above-entitled proceeding (released May 13, 1968, FCC 68-515 in paragraph 20) directed that C&P make appropriate application for change in frequency of its "Bellboy" operation to one of the frequencies specified for wireline common carriers in the "guard band" rule making proceeding within fifteen (15) days from the release date of the report and order. On May 24 C&P filed its application.

3. In addition to the C&P application for the wireline frequencies, applications have been filed for the non-wire-line frequencies in the area. A comparative hearing will, in all probability, be required on these applications. However, for the following reasons, we find that a grant of the C&P requested construction permit is warranted at this time. C&P has been rendering service in the area for approximately 7 years and as of February 20, 1969, has 3,388 receivers in operation. Such service cannot now be removed from the public without creating a grave injustice. Hence, the practical alternatives facing the Commission are (a) permit C&P to continue rendering the service on its present frequency, preventing the Business Radio Service from making proper use thereof while the wireline guard band frequency lies fallow; or (b) permit C&P to construct and operate on the newly allocated frequency. We believe the latter to be the more realistic approach for the service would continue to be made available and all frequencies utilized. However, in order to avoid the accrual of any undue competitive advantage to C&P, we will require that C&P hold its subscription to 3,388 receivers until any comparative proceeding is completed.

4. We believe this action to be fully in keeping with the position enunciated by the U.S. Court of Appeals for the Second Circuit.[2] The court in denying a request that no license authorizing operation on one of the new higher frequencies be granted to a wireline carrier prior to the granting of such license to non-wire-line carriers where the licensing of the non-wire-line operator is to be preceded by a comparative hearing, stated that the imposition of such an absolute and inflexible condition in the rule for granting of any license to a wire-line carrier would be "an unnecessarily rigid and drastic measure," and that "in some communities the Commission may find that the immediate public need for additional paging services over-balances the possible anticompetitive effect of allowing the wire-line carrier to enter the market before the non-wire-line carriers." In the instant situation the service is, and has been rendered to the public—the public need requires its continuance.

Accordingly, it is ordered, That the application filed by The Chesapeake and Potomac Telephone Co. (D.C.), File No. 5862-C2-P-68 (KGC 590) filed May 24, 1968, for authorization to operate on frequency 152.84 Mc/s is granted, and that a construction permit be issued pursuant to such application.

It is further ordered, That The Chesapeake and Potomac Telephone Co. (D.C.), proceed with construction of the new facilities so that the complete requisite change may be accomplished on or before November 30, 1969.

It is further ordered, That The Chesapeake and Potomac Telephone Co. (D.C.), shall limit to 3,388 the number of receivers to be utilized on the regularized facilities pending completion of any comparative hearing on other applications for service in the community.

Adopted: April 2, 1969.

Released: April 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-4212; Filed, Apr. 9, 1969; 8:49 a.m.]

[1] By report and order in Docket 16777, released Aug. 16, 1967 (FCC 67-958), the Commission amended Parts 2 and 74 of the rules with respect to three 30 kc channels centered on 152.480, 157.740, and 158.460 Mc/s making these frequencies available for assignment to qualified applicants in the Industrial Radio Service.

[2] Radio Relay Corporation, et al. v. FCC, et al. ------ F. 2d ------ (Second Cir. 1969) Docket No. 32691.

[3] Commissioner Wadsworth absent. Commissioner Johnson concurring in the result.

FREQUENCY AVAILABILITY FOR ASSIGNMENT IN WASHINGTON, D.C. AREA

Order Regarding Further Delay of Frequency Assignment

1. The Commission, by memorandum opinion and order, FCC 69-315, released this date, has authorized the Chesapeake and Potomac Telephone Co., among other things, to continue to operate in Washington, D.C., its common carrier radio paging system, commonly known as Bellboy, on the frequency 152.486 Mc/s until November 30, 1969. This frequency is only 6 kc/s removed from the frequency 152.480 Mc/s which has been allocated for private radio systems. See report and order in Docket 16777, released on August 16, 1967, FCC 67-958, 9 FCC 2d 666. To avoid conflict between the Bellboy system and potential private systems, the Commission by its memorandum opinion and order released on May 13, 1968, in Docket 16777 delayed the availability of the frequency 152.480 Mc/s for private operations in the Washington, D.C., area until January 31, 1969, FCC 68-518, 33 F.R. 7271.

2. In view of the foregoing, we believe that the availability of the frequency 152.480 Mc/s for private systems should be delayed further.

3. *Accordingly, it is ordered*, That the frequency 152.480 Mc/s will not be available for assignment within 75 miles from the center of Washington, D.C., until November 30, 1969.

Adopted: April 2, 1969.

Released: April 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-4213; Filed, Apr. 9, 1969; 8:49 a.m.]

[1] Commissioner Wadsworth absent. Commissioner Johnson concurring in the result.

[Report 434]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

APRIL 7, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

RURAL RADIO SERVICE

6920–C1–F/ML–69—Mountain States Telephone & Telegraph Co.: (KPZ94); C.P. and modification of license to change the antenna system located at 7 miles southwest of Roosevelt, Ariz., operating on frequency 197.98 MHz communicating with station KOA807, Phoenix, Ariz.

6937–C1–ML–69—Mountain States Telephone & Telegraph Co.: (KOQ76); Modification of license to delete Cooper-Morgan Ranch, Ariz., as a point of communication operating on 152.81 MHz. All other terms of the existing license to remain the same.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

American Telephone and Telegraph Co.; Six applications for C.P.'s to construct Raytheon Type KTR-3A radio relay channels over a proposed new route between Andover and Brunswick, Maine, and additional Western Electrical Type TB-2 radio channels over an existing route between Brunswick and Portland, Maine, as follows:

5715–C1–P–69—American Telephone and Telegraph Co.; (KCK64): Add 10,855 and 11,015 MHz toward Swains Notch, Maine. Location: 2.6 miles east of Andover, Maine.

5716–C1–P–69—American Telephone and Telegraph Co.; (New); New station to be located at Swains Notch, 4.8 miles northwest of Rumford, Maine. Frequencies: 11,385 and 11,545 MHz toward Andover and Canton, Maine.

5717–C1–P–69—American Telephone and Telegraph Co.; (New); New station to be located at 2.5 miles northwest of Canton, Maine. Frequencies: 10,855 and 11,015 MHz toward Swains Notch, Maine, and 6315.9 and 6375.2 MHz toward West Minot, Maine.

5718–C1–P–69—American Telephone and Telegraph Co.; (New): New station to be located at 1.3 miles southeast of West Minot, Maine. Frequencies: 6068.8 and 6129.1 MHz toward Canton and Brunswick, Maine.

5719–C1–P–69—American Telephone and Telegraph Co.; (KOB82); Add 6315.9 and 6375.2 MHz toward West Minot, Maine, and 3910 and 4050 MHz toward Portland, Maine. Location: Brunswick, 4.7 miles north of Topsham, Maine.

5720–C1–P–69—American Telephone and Telegraph Co.; (KCB81); Add 3850 and 4000 MHz toward Brunswick, Maine. Location: 45 Forest Avenue, Portland, Maine.

5921–C1–MP–69—Illinois Bell Telephone Co.: (KZI33); Modification of C.P. to change frequency from 6301.0 to 6390.0 MHz toward Eola, Ill., at station located at 225 West Randolph Street, Chicago, Ill.

5922–C1–MP–69—Illinois Bell Telephone Co.; (KXR54); Modification of C.P. to change frequency from 6,106.3 to 6,137.9 MHz and add 6,078.6 and 11,305 MHz toward De Kalb, Ill., at station located at 1.53 miles north of Eola, Ill.

5923–C1–P/L–69—New Jersey Bell Telephone Co.: (New); C.P. and license for a new fixed station to be located at 810 31st Street, Union City, N.J., to operate on 11,565 MHz toward (350 Fifth Avenue) New York, N.Y.

5924–C1–P/L–69—New Jersey Bell Telephone Co.: (New); C.P. and license for a new fixed station to be located at Keyport Holmdel Turnpike, 0.2 mile north of Beers Road, Holmdel Township, N.J., to operate on 10,360.3 MHz toward Bell Labs Crawford Corners and Everett Roads, Holmdel Township, N.J.

5925–C1–P/L–69—New Jersey Bell Telephone Co.; (New); C.P. and license for a new fixed station to be located at Crawford Corners Road, 0.8 mile west of Everett Road, Holmdel Township, N.J., to operate on 6167.8 MHz toward Bell Labs Keyport-Holmdel Turnpike near Beers Road, Holmdel Township, N.J.

5938–C1–P–69—New England Telephone & Telegraph Co.; (KTF47); C.P. to change frequency from 10,715 to 11,135.0 MHz toward Goffstown, N.H., at station located at 1.6 miles south of Littleton, Mass.

5939–C1–MP–69—New England Telephone & Telegraph Co.; (KCL84); Modification of C.P. to change frequencies from 11,525 and 11,605 to 11,285 and 11,645 MHz toward Manchester, N.H., and add 11,545 MHz toward Littleton, Mass., at station located at South Uncanoonuc Mountain, Goffstown, N.H.

5940–C1–P–69—New England Telephone & Telegraph Co.; (KCL85); C.P. to add frequencies 10,835.0 and 10,715.0 MHz toward Goffstown, N.H., at station located at 25 Concord Street, Manchester, N.H.

American Telephone & Telegraph Co.: Renewal of license for seven developmental stations expiring Apr. 14, 1969. Term: Apr. 14, 1969 to Apr. 14, 1970. KKH66, KKH67, KKH68, KKH69, KKH70, KKH71, KKH72.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

5712–C2–P–69—Sunrise Communications, Inc.; (New); C.P. for a new 2-way station to be located at Sunrise Mountain, 8 miles northwest of Branchville, N.J., to operate on frequency 454.85 MHz.

5713–C2–P–69—Tri-Cities Answering Service, Inc.; (New); C.P. for a new 2-way station to be located near Andrews and Meeker Roads, Binghamton, N.Y., to operate on base frequency 158.70 MHz.

5714–C2–P–69—Cincinnati Radio Telephone Systems Inc.; (KQK710); C.P. to add a second base channel to operate on frequency 152.15 MHz at location No. 1: Eighth and Matson Avenue, Cincinnati, Ohio.

5740–C2–P–69—Airsignal International, Inc.; (New); C.P. for a new 1-way station to be located at the Dermon Building, 46 North Third Street, Memphis, Tenn., to operate on frequency 152.24 MHz.

5741–C2–P–69—Minnesota Communications Corp.; (New); C.P. for a new 1-way station to be located at 7450 Oxford Street, St. Louis Park, Minn., to operate on frequency 158.70 MHz.

5761–C2–P–(5)–69—Boston Mobile Telephone Co., Inc.; (New); C.P. for a new 2-way station to be located at 0.5 mile north-northwest of Lexington and Winter Streets, Waltham, Mass., to operate on base frequencies 454.025, 454.075, 454.175, 454.375, 454.325 MHz.

5762–C2–MP–69—Electropage, Inc.; (KMD988); Modification of C.P. to change frequency to 43.22 MHz and replace transmitter operating on same located at 1127 11th Street, Sacramento, Calif.

5763–C2–ML–69—Electropage, Inc.; (KMD986); Modification of license to change base frequency from 43.22 to 43.58 MHz. All other terms of existing license to remain the same.

5917–C2–P–69—Cayuga Telephone Co.; (New); C.P. for a new 1-way station to be located at Quarry Road, 2 miles southeast of Austin, N.Y., to operate on base frequency 152.24 MHz.

5918–C2–AL–69—Alexander Telephone Answering Service, Memphis, Tenn.; (KIF663); Consent to assignment of license from J. J. Freke-Hayes and Calvin H. Rich, doing business as Alexander Telephone Answering Service, Assignor, to Airsignal International, Inc., Assignee.

5934–C2–P–69—Telephone Answering Service of Owensboro, Inc.; (New); C.P. for a new 1-way station to be located near intersection of Leitchfield Road and 19th Street, Owensboro, Ky., to operate on 152.24 MHz.

5935–C2–P–69—Caprock Radio Dispatch; (New); C.P. for a new 1-way station to be located at 2302 South Main Street, Roswell, N. Mex., to operate on 152.24 MHz.

5936–C2–MP–69—Relay Communications Corp.; (KLF579); Modification of C.P. to add a new transmitter site described as location No. 2: 2.5 miles southwest of Coram, N.Y., to operate on 152.09 MHz.

Renewals of licenses expiring April 1, 1969. Term: April 1, 1969, to April 1, 1974.

Licensee	*Call sign*
CALIFORNIA	
Delta Valley Radiotelephone Co....	KMA743
Knox La Rue.....	KMJ224
Tracy Mobilphone.....	KMM690
Valley Mobile Communications Inc.	KMD690
INDIANA	
Lafayette Radiotelephone Co....	KSJ767
MASSACHUSETTS	
F & L Telephone Secretarial Service.	KCC480
MISSOURI	
Communication Service Co.....	KAH672
NEVADA	
Telephone Answering Bureau....	KOK384

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

5930–C1–AL–(4)–69—Columbia Basin Microwave; Consent to assignment of license from Columbia Basin Microwave, Inc., Assignor, to Microwave Transmission Corp., Assignee. Stations: KOY40 Ephrata, Wash.; KPR32 Ravens Roost, Wash.; KPR33 Mission Ridge, Wash.; KPZ25 Jump-Off-Joe Butte, Wash.

5931–C1–TC–(10)–69—Southwest Texas Transmission Co.; Consent to transfer of control from Telesystems Corp., Transferor, to Telesystems Services Corp., Transferee. Stations: KJK31 Smarr, Ga.; KKK27 Beeler Farms, Tex.; KKY45 Uvalde, Tex.; KKY46 Las Moras, Tex.; KLP99 Wardlaw Ranch, Tex.; KLR36 Mayfield Ranch, Tex.; KLR37 Sonora, Tex.; KLR38 D'Hanis, Tex.; KSP97 Vandalia, Ill.; KSP98 Effingham, Ill.

5932–C1–TC–(2)–69—New England Microwave Corp.; Consent to transfer of control from Telesystems Corp., Transferor, to Telesystems Services Corp., Transferee. Stations: KCE79 Lennox Mountain, Richmond, Mass.; KCE80 Hoosac Tunnel, North Adams, Mass.

5933–C1–P–69—United Video, Inc.; (KGB96); C.P. to change transmitters to Collins type MW–608D and MW–609E respectively at station located 1 mile northwest of Rolla City, Mo. Azimuth 248°24'.

5737–C1–P/L–69—Microwave Service Co.; (New); C.P. and license to operate six transmitters in the 5925–6425 MHz frequency band at temporary fixed locations in the States of Illinois, Iowa, and Wisconsin. (Informative: Primarily, such service is requested for the transmission of timely special television programing such as sports events, parades, political rallies, religious services, and educational presentations from remote locations to the customers premises.)

5738–C2–P/L–69—Alabama Microwave, Inc.; (New); C.P. and license to operate eight transmitters in the 5925–6425 MHz frequency band at temporary fixed locations in the States of Alabama, Florida, Kentucky, Mississippi, and Tennessee. (Informative: Primarily, such service is requested for the transmission of timely special television programing such as sports events, parades, political rallies, religious services, and educational presentations from remote locations to the customers premises.)

5739–C1–P–69—Mid-Kansas, Inc.; (KBI91); C.P. to replace transmitters on frequencies 6197.2, 6315.9, and 6375.2 MHz at station located 5 miles west of Lawrence, Kans. Azimuth 293°15'. Equipment: Collins MW–108D with power output 2 watts.

[F.R. Doc. 69–4214; Filed, Apr. 9, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[First Supplemental Order; Docket No. 69–10]

ATLANTIC LINES, LTD.; GENERAL INCREASES IN RATES IN THE U.S. ATLANTIC/VIRGIN ISLANDS TRADE

Order of Suspension

By order served March 19, 1969, the Commission entered into an investigation of the subject increased rates. Atlantic Lines, Ltd., Freight Tariff FMC–F No. 5, among other tariff schedules, was included in the order of investigation.

Atlantic Lines, Ltd., has filed the following revised pages to its Tariff FMC–F No. 5, which pursuant to the provisions of the original order are thereby included in the subject investigation:

First Revised Page No. 20 (effective Apr. 9, 1969).
Second Revised Page No. 20 (effective Apr. 18, 1969).
First Revised Page No. 22 (effective Apr. 9, 1969).
Second Revised Page No. 22 (effective Apr. 12, 1969).
First Revised Page No. 24 (effective Apr. 9, 1969).
First Revised Page No. 25 (effective Apr. 9, 1969).
First Revised Page No. 26 (effective Apr. 9, 1969).
First Revised Page No. 27 (effective Apr. 9, 1969).
First Revised Page No. 28 (effective Apr. 9, 1969).

Upon consideration of these revised tariff pages, the Commission is of the belief that the changes contained therein may result in rates and practices which are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore, it is ordered, That, pursuant to section 3 of the Intercoastal Shipping Act, 1933, the above-designated changes are suspended, and the use thereof is deferred to and including August 8, 1969, unless otherwise ordered by this Commission.

It is further ordered, That there shall be filed immediately with the Commission by Atlantic Lines, Ltd., a consecutively numbered supplement to the aforesaid tariff FMC–F No. 5, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until August 9, 1969, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (1) a copy of this order shall forthwith be served on Atlantic Lines, Ltd., respondent in the above investigation; and (2) this order be published in the FEDERAL REGISTER.

By the Commission, April 7, 1969.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69–4218; Filed, Apr. 9, 1969; 8:49 a.m.]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elkan Turk, Jr., Burlingham Underwood Wright White and Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 7100–7, between the member lines of the North Atlantic United Kingdom Freight Conference, amends Article 13 of the basic agreement to provide that changes in the level of freight rates on specific commodities (excluding General Cargo N.O.S. rates) will require an affirmative vote of three-fourths of the quorum, i.e., a majority of the membership entitled to vote.

Dated: April 7, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–4219; Filed, Apr. 9, 1969; 8:49 a.m.]

STRAITS STEAMSHIP CO., LTD., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C.

20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Straits Steamship Co., Ltd., N. V. Koninklijkepaketvaart - Maatschappij, Heap Eng Moh Steamship Co., Pte Ltd., and the Shipping Corporation of India, Ltd.

Notice of agreement filed for approval by:

Mr. F. W. Pickell, Norton, Lilly & Co., Inc., 90 West Street, New York, N.Y. 10006.

Agreement No. 9790 between Straits Steamship Co., Ltd., N. V. Koninklijkepaketvaart-Maatschappij, Heap Eng Moh Steamship Co., Pte Ltd., and the Shipping Corporation of India, Ltd., has been filed for approval under section 15 of the Shipping Act, 1916. The agreement is an exclusive transshipment arrangement for the carriage of rubber under through bills of lading from ports on the east coast of south Thailand to U.S. ports in California, Oregon, and Washington with transshipment at Singapore in accordance with the terms and conditions set forth therein. The exclusive feature of Agreement No. 9790 provides that the Shipping Corporation of India, Ltd., will transship cargo subject to the agreement at Singapore exclusively with the other signatories unless they are unable to place a vessel on berth at required dates.

Dated: April 7, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4220; Filed, Apr. 9, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7474]

PACIFIC POWER & LIGHT CO.

Notice of Application

APRIL 7, 1969.

Take notice that on April 2, 1969, Pacific Power & Light Co. (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho and with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of $25 million in principal amount of its first mortgage bonds.

The new bonds are to be issued under and pursuant to Applicant's presently existing mortgage and deed of trust dated as of July 1, 1947 to Morgan Guaranty Trust Company of New York and Oliver R. Brooks, as trustees, as supplemented and as proposed to be supplemented by a 20th Supplemental Indenture thereto. The new bonds are to be dated May 1, 1969, and are to bear interest at a rate per annum to be fixed by competitive bidding and will mature on May 1, 1999. Applicant proposes to sell the new bonds at competitive bidding in accordance with applicable requirements of section 34.1a of the Commission's regulations under the Federal Power Act.

The net proceeds from the issuance and sale of the new bonds are proposed to be applied to the payment of $25 million in promissory notes outstanding under a credit agreement, dated October 1, 1963, as last amended on April 1, 1968. The issuance of the new bonds is the first step pursuant to which Applicant will finance its construction expenditures for 1969, presently estimated at $79 million, part of which it is contemplated will be raised through cash to be internally generated, through sale of additional bonds late in 1969, and through short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4199; Filed, Apr. 9, 1969; 8:48 a.m.]

[Docket No. RP69-27]

TRANSWESTERN PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

APRIL 7, 1969.

Take notice that Transwestern Pipeline Co. on April 1, 1969, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective on May 16, 1969. The proposed rate changes would increase charges for jurisdictional services by approximately $3,916,400 per year based on sales for the 12-month period ending November 30, 1968, as adjusted. The proposed increase would be accomplished by raising the commodity charge of Transwestern's CDQ-1 and CDQ-2 rate schedules by 1.45 cents per Mcf.

Transwestern states that the proposed changes in rates are made solely to cover increases in the cost of purchased gas occasioned by supplier rate increase filings.

Since some of the purchased gas cost increases sought to be included in Transwestern's cost of service are not currently effective, Transwestern has proposed an "alternative procedure" for the filing of revised tariff sheets. If authorized to do so by the Federal Power Commission, Transwestern agrees to withdraw the revised tariff sheets included in its filing, and in lieu thereof to file from time to time alternative revised tariff sheets increasing and decreasing its CDQ-1 and CDQ-2 rates up to a net aggregate increase of 1.45 cents per Mcf above its presently effective CDQ-1 and CDQ-2 rates. Such revised tariff sheets would reflect increases in the cost of purchased gas actually sustained by Transwestern above the 16.14 cents per Mcf cost of purchased gas reflected in its most recent rate filing made pursuant to the stipulation and agreement filed in Docket No. RP67-8 and made effective on October 1, 1968. Transwestern states that all increases in rates made effective in accordance with this alternative proposal will be collected by Transwestern subject to the condition that it refund to customers purchasing gas under its CDQ-1 and CDQ-2 Rate Schedules the jurisdictional portion of any producer refunds including interest received by Transwestern which are attributable to increases in supplier rates utilized for increases under its filing of April 1, 1969.

Copies of the proposed tariff changes were served on all of Transwestern's customers and the California Public Utilities Commission.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before April 25, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4200; Filed, Apr. 9, 1969; 8:48 a.m.]

[Docket No. CP64-99]

EL PASO NATURAL GAS CO.

Notice of Petition To Further Amend

APRIL 3, 1969.

Take notice that on March 26, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP64-99 a petition to amend the certificate of public convenience and necessity issued to it in this docket on February 18, 1964, as previously amended August 7, 1964, October 21, 1964, December 15, 1964, June 2, 1965, June 27, 1966, April 11, 1967, and July 8, 1968, all as more fully set forth in the petition on file with the Commission and open to public inspection.

The certificate authorizes Petitioner, with others, to construct and operate certain facilities for the purpose of testing capability for underground natural gas storage in the Jackson Prairie area of Lewis County, Wash. As amended the testing activities are to cease June 30, 1969, or upon divestiture of El Paso's Northwest Division System, whichever first occurs, and the total expenditure is limited to $12,900,000. A volumetric inventory of 12,000,000 Mcf (at 14.73 p.s.i.a.) is authorized.

Petitioner requests that the certificate be further amended to increase to $14,700,000 the total expenditure limitation, and to extend the time for testing and storage activities through June 30, 1970. Petitioner states its share of the investment would increase from the presently authorized $4,300,000 to $4,900,000. Petitioner states that upon transfer to Northwest Pipeline Corp. of the Northwest Division System of Petitioner, Petitioner will assign its rights and obligations as to the testing operations to Northwest Pipeline Corp.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 2, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4201; Filed, Apr. 9, 1969; 8:49 a.m.]

[Docket No. CP67-51]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

APRIL 3, 1969.

Take notice that on April 1, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-51 a petition to amend the order of the Commission issued in the said docket on December 13, 1966, as amended, to extend the authorization of the sale and delivery of up to 100,000 Mcf of natural gas per day (at 14.73 p.s.i.a.) to Pacific Gas and Electric Co. through October 31, 1970, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner states that Pacific Gas and Electric Co. requires deliveries under this authority until deliveries authorized by the order with Opinion No. 549, issued October 30, 1968, Docket No. CP67-217, can commence. Petitioner states it is anticipated that such deliveries cannot commence as soon as was planned, and for this reason extension of the authority in this docket is requested.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 24, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4202; Filed, Apr. 9, 1969; 8:48 a.m.]

[Docket No. CP69-251]

MICHIGAN WISCONSIN PIPE LINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 3, 1969.

Take notice that on March 26, 1969, Michigan Wisconsin Pipe Line Co., 1 Woodward Avenue, Detroit, Mich. 48226 (Michigan Wisconsin), and Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Ill. 60603 (Natural) (jointly referred to as Applicants), filed in Docket No. CP69-251 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing them to exchange for a 5-year term an average daily quantity of one hundred thousand (100,000) Mcf of gas during the months of April through October, and twenty-five thousand (25,000) Mcf of gas during the months of November through March, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Michigan Wisconsin proposes to deliver gas to Natural in Cameron Parish, La., and Natural proposes to deliver gas to Michigan Wisconsin in Hansford County, Tex. The exchange would be on an equivalent thermal content basis and no monetary compensation would be paid by either party.

Applicants also seek authority to construct and operate the facilities necessary for the exchange.

The facilities to be constructed and operated by Michigan Wisconsin would be tap connections and appurtenant facilities, at an estimated cost of $140,740.

The facilities to be constructed and operated by Natural would be approximately 0.6 mile of various size pipeline, tap connections, and appurtenant facilities at an estimated cost of $116,000. Applicants propose to finance these costs from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 2, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4203; Filed, Apr. 9, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

ASSOCIATED BANK SERVICES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Associated Bank Services, Inc., Green Bay, Wis., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Kellogg-Citizens National Bank of Green Bay, Green Bay; Manitowoc Savings Bank, Manitowoc, and The First National Bank of Neenah, Neenah, all in Wisconsin.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Associated Bank Services, Inc., Green Bay, Wis., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of the following three banks in Wisconsin: Kellogg-Citizens National Bank of Green Bay, Green Bay; Manitowoc Savings Bank, Manitowoc; and The First National Bank of Neenah, Neenah.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency and the Commissioner of Banks of the State of Wisconsin of receipt of the application and requested their views and recommendations. The Comptroller recommended approval of the application; the Commissioner of Banks advised that he would not disapprove the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 27, 1968 (33 F.R. 17708), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 3d day of April 1969.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4166; Filed, Apr. 9, 1969; 8:45 a.m.]

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

CENTRAL BANKING SYSTEM, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Central Banking System, Inc., Oakland, Calif., for approval of acquisition of 80 percent or more of the voting shares of Peninsula National Bank of Burlingame, Burlingame, Calif.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Central Banking System, Inc., Oakland, Calif., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Peninsula National Bank of Burlingame, Burlingame, Calif.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Acting Comptroller of the Currency recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 2, 1968 (33 F.R. 16130), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 2d day of April 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4167; Filed, Apr. 9, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

CENTRAL BANKING SYSTEM, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Central Banking System, Inc., Oakland, Calif., for approval of acquisition of 80 percent or more of the voting shares of Livermore National Bank, Livermore, Calif.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Central Banking System, Inc., Oakland, Calif., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Livermore National Bank, Livermore, Calif.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Deputy Comptroller of the Currency recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 19, 1968 (33 F.R. 14196), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 2d day of April 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4168; Filed, Apr. 9, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-14]

SECRETARY OF TRANSPORTATION

Delegation of Authority Regarding Parking Facilities

1. *Purpose.* This regulation delegates authority to the Secretary of Transportation to manage the parking facilities in Federal Office Building 10A, Washington, D.C.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is delegated to the Secretary of Transportation to perform all functions in connection with the management of the parking facilities located in Federal Office Building 10A, Washington, D.C.

b. This authorization shall include authority to contract directly or indirectly through others for the management of such parking facilities with such organizations, corporations, trustees, or other entities as the Secretary may deem appropriate.

c. The Secretary of Transportation may redelegate this authority to any officer, official, or employee of the Department of Transportation.

d. This delegation of authority is temporary and may be revoked or changed at such time as legislation is enacted which authorizes an overall parking program, or at any other time the Administrator of General Services determines that revocation or change is in the best interest of the Government.

e. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, and policies, procedures, and controls prescribed by the General Services Administration.

Dated: April 3, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-4181; Filed, Apr. 9, 1969; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN THE HUNGARIAN PEOPLE'S REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

APRIL 7, 1969.

On October 24, 1968, the U.S. Government requested the Government of the Hungarian People's Republic to enter into consultations concerning exports to the United States of cotton textiles in Category 19, produced or manufactured in Hungary. In that request the U.S. Government indicated a specific level at which it considered that exports in this category from Hungary should be restrained. Following consultations, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3, and Article 6(c) which relate to nonparticipants, is establishing a restraint at the level of 500,000 square yards for the 12-month period beginning April 1, 1969, and extending through March 31, 1970. Cotton textiles in Category 19, produced or manufactured in Hungary and exported to the United States during the period of October 25, 1968, through March 31, 1969, will not be charged against the above level of restraint except to the extent that exports during that period exceed 1,111,446 square yards, in which case the excess will be charged against the designated level of 500,000 square yards. Notice of any such charge will be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee. This restraint action does not apply to cotton textiles in Category 19, produced or manufactured in Hungary and exported to the United States prior to October 25, 1968.

There is published below a letter of April 1, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 19, produced or manufactured in Hungary which may be entered or withdrawn from warehouse for consumption in the United States for the above period be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 1, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning April 1, 1969, and extending through March 31, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 19, produced or manufactured in Hungary, in excess of a level of restraint for the period of 500,000 square yards.

In carrying out this directive, entries of cotton textiles in Category 19, produced or manufactured in Hungary and exported to the United States from Hungary prior to April 1, 1969, shall not be charged against the level set forth in the first paragraph of this directive unless you are specifically requested to do so by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of Category 19, in terms of T.S.U.S.A. numbers, was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian People's Republic and with respect to imports of cotton textiles and cotton textile products from Hungary have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-4198; Filed, Apr. 9, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

APRIL 4, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia - Baltimore - Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 5, 1969, through April 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4183; Filed, Apr. 9, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

APRIL 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 5, 1969, through April 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4184; Filed, Apr. 9, 1969; 8:46 a.m.]

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

APRIL 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Comstock-Keystone Mining Co., now known as Memory Magnetics International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 6, 1969, through April 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4185; Filed, Apr. 9, 1969; 8:46 a.m.]

CRESTLINE URANIUM & MINING CO.

Order Suspending Trading

APRIL 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Crestline Uranium & Mining

Co., Denver, Colo., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 7, 1969, through April 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4186; Filed, Apr. 9, 1969; 8:46 a.m.]

DYNA RAY CORP.

Order Suspending Trading

APRIL 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp., New York, N.Y., and all other securities of Dyna Ray Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 6, 1969, through April 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4187; Filed, Apr. 9, 1969; 8:47 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

APRIL 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 7, 1969, through April 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4188; Filed, Apr. 9, 1969; 8:47 a.m.]

[File No. 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

APRIL 4, 1969.

The common stock, 1 cent par value, of Mountain States Development Co. being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 5, 1969, through April 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4189; Filed, Apr. 9, 1969; 8:47 a.m.]

[812-2476]

SLICK CORP.

Notice of Filing of Application for Order Declaring Company is not Investment Company

APRIL 4, 1969.

Notice is hereby given that The Slick Corp. ("Applicant"), a Delaware corporation, 522 Fifth Avenue, New York, N.Y. 10036, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Applicant is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant's operations are conducted through two wholly owned subsidiaries, Drew Chemical Corp. ("Drew") and Slick Industrial Co. ("Industrial"). Drew's activities involve the production of specialty chemicals and food products for sale to the industrial and consumer fields. Industrial's activities are conducted through two divisions, the Pulverizing Machinery Division, a manufacturer of dust-collecting equipment for air pollution control and product recovery and of pulverizing machinery for particle reduction, and the Illinois Shade Division, a manufacturer of coated fabrics and one of the largest producers of window shades in the United States.

Applicant has made an offer to exchange its $1.75 Cumulative Convertible Preferred Stock for any or all of the outstanding common stock of Filtrol Corp. ("Filtrol"). The exchange offer was approved by the shareholders of Applicant at a special meeting on February 3, 1969, and was made by a prospectus and accompanying Letter of Tender and Proxy dated February 7, 1969.

As part of the exchange offer Applicant filed the following undertaking in its registration statement:

> The undersigned registrant hereby undertakes, at such time as it acquires 30 percent of the outstanding common stock of Filtrol Corp., immediately to file an application for an exemption under section 3(b)(2) of the Investment Company Act of 1940 which will afford the Company an automatic exemption from such act for a period of 60 days. If the Company has not acquired 50 percent or more of the outstanding common stock of Filtrol at the end of such 60-day period and the Company has not at the termination of the 60-day period obtained an order pursuant to section 3(b)(2) that it is primarily engaged in a business or businesses other than that of investing in securities either directly or through majority owned subsidiaries or controlled companies, the Company will dispose of sufficient of the Filtrol shares held by the Company so that the value of the Filtrol stock left unsold plus the value of the Company's other investment securities would be no more than 35 percent of the fair value of the Company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. To effectuate this, the Company will consent to a court injunction against it by the Securities and Exchange Commission and to the appointment of a receiver for its Filtrol stock who will be required to dispose of the necessary amount of Filtrol stock within 60 days of his appointment.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For the purpose of section 3(a)(3), "investment securities" includes all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Applicant does not deny that it falls within the definition of an investment company as defined in section 3(a)(3), but maintains that it is exempt from the Act by virtue of section 3(b)(1) because it is primarily engaged in its industrial enterprises. That section excludes from the definition of an investment company, any issuer primarily engaged, directly or through a wholly owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

Pursuant to the undertaking in its registration statement, Applicant filed the 3(b)(2) application on February 20, 1969, when it appeared that the acquisition of 30 percent of the outstanding shares of Filtrol was imminent.

Applicant asserts that the exchange offer for Filtrol common stock is consistent with the past operations of Applicant and is part of Applicant's continuing effort to operate an industrial enterprise. Applicant states that there is a presumption that it controls Filtrol and further states that Filtrol is clearly engaged in a business similar to that of Applicant; namely, the production of various types of catalysts of a complementary but noncompeting nature as well as in many other chemical activities. Applicant intends that Filtrol will be part of its overall business and presently intends to operate it as such. Applicant represents that its interest in Filtrol is solely the enhancement and improvement of Applicant's industrial operations.

In addition to its Filtrol shares, Applicant holds warrants to purchase shares of Airlift International, Inc. ("Airlift"), which Applicant received as part of transactions wherein Applicant transferred to Airlift operating assets of its Slick Airways Division and its certificate of public convenience and necessity. Applicant has the right to designate two persons for election to the Airlift Board and has received warrants to purchase 547,200 shares of Airlift common stock at $3½ per share and 437,760 shares at $4⅛ per share or an aggregate exercise price of $3,648,000. One-fourth of each set of warrants expires if not exercised before the end of each 12-month period following June 30, 1968. The warrants cannot be transferred without Airlift's consent. In addition, Applicant will receive (a) 10-year warrants to purchase 1,392,311 shares of Airlift common exercisable at $3¼ per share during the first 5 years and $4⅛ during the second 5 years, (b) warrants to purchase $3,125,000 principal amount of Airlift debentures (convertible into 559,722 shares of Airlift common (c) warrants to purchase 59,566 shares of Airlift common at various prices and (d) warrants to purchase an amount equal to 10 percent of Airlift's common stock and convertible securities to be issued during the 10-year exercise period.

Section 3(b)(2) provides that the Commission may, upon application by an issuer, find and by order declare such issuer to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than April 18, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4190; Filed, Apr. 9, 1969; 8:47 a.m.]

TELSTAR, INC.

Order Suspending Trading

APRIL 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 5, 1969, through April 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4191; Filed, Apr. 9, 1969; 8:47 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

APRIL 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 6, 1969, through April 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4192; Filed, Apr. 9, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4.1 (Rev. 1) Amdt. 4]

DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation on Lease Guarantee

Delegation of Authority No. 4.1 (Revision 1) (32 F.R. 938), as amended (33 F.R. 8624, 33 F.R. 9317, and 33 F.R. 12765), is hereby further amended by adding new item I.K. and revising item I.I. to read as follows:

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Financial Assistance in Delegation of Authority No. 4, Revision 1 (32 F.R. 178) as amended (33 F.R. 7603, 33 F.R. 8793, 33 F.R. 11569, and 34 F.R. 6020) there is hereby redelegated to the Deputy Associate Administrator for Financial Assistance the following authority:

* * * * *

K. To approve the investment of moneys in the Lease Guarantee revolving fund not needed for the payment of current operating expenses or for the payment of claims arising under the Lease Guarantee program, in bonds or other obligations guaranteed as to principal and interest by the United States.

II. The authority delegated herein may be redelegated with the exception of that contained in items I.E., I.G., I.H., I.I., I.J., and I.K.

* * * * *

Effective date: March 20, 1969.

L. B. HENDRICKS, *Associate Administrator for Financial Assistance.*

[F.R. Doc. 69-4208; Filed, Apr. 9, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1284]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 4, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1872 (Sub-No. 70), filed March 13, 1969. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting materials, agents and supplies*, moving on Government bills of lading, between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Washington, California, Nevada, Utah, and Arizona. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Washington, D.C., Boise, Idaho, Denver, Colo., or San Francisco, Calif.

No. MC 2153 (Sub-No. 41), filed February 28, 1969. Applicant: MIDWEST MOTOR EXPRESS, INC., 12th Street and Front Avenue, Bismarck, N. Dak. 58501. Applicant's representative: F. J. Smith, Box 1436, 418 East Rosser Avenue, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment), (1) between Beach, N. Dak., and Glendive, Mont., from Beach over U.S. Highways 10 and Interstate Highway 94, to Glendive, Mont., and return over the same route serving Wibaux, Mont., as an intermediate point, (2) between Wilton and Mercer, N. Dak., from Wilton over North Dakota Highways 41 and 7, to Mercer, thence over North Dakota Highway 7 to Bowdon, N. Dak., and return over the same routes serving McClusky, Denhoff, Goodrich, Hurdsfield, and Chaseley, N. Dak. as intermediate points, and (3) between Hurdsfield and Steele, N. Dak., from Hurdsfield over North Dakota Highways 7 and 3 to Steele and return over the same route serving Tuttle, N. Dak. as an intermediate point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 2280 (Sub-No. 2), filed March 25, 1969. Applicant: SMITH'S TRANSFER AND STORAGE COMPANY, INCORPORATED, 1313 You Street NW., Washington, D.C. 20009. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the District of Columbia, the cities of Baltimore, Md., and Alexandria, Va., points in Baltimore, Charles, Montgomery, Howard, Prince Georges, Anne Arundel, St. Mary's, and Calvert Counties, Md., Arlington, Fairfax, Prince William, Loudoun, Stafford, and Fauquier Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 466), filed March 6, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Kansas, Louisiana, Michigan, Missouri, Mississippi, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Ohio, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and (2) *General commodities* (except household goods and commodities in bulk) *including ordnance and quartermaster supplies and equipment*, (a) between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Kansas, Louisiana, Michigan, Missouri, Mississippi, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, restricted to those moving with (and in or on the same vehicle) as commodities named in (1) above, and (b) between points in Oregon, Washington, Idaho, Montana, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Utah, Wyoming, Maryland, Delaware, New Jersey, New York, Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and Washington, D.C. and between points in states named in (a), only on commodities named above when moving in connection with (and in or on the same vehicle) applicant's existing authority on the movement of trailers, other than those designed to be drawn by passenger automobiles, in initial and secondary truckaway and driveaway service. Restriction: Authority sought to herein is restricted to traffic moving (1) On Government bills of lading, and (2) on commercial bills of lading containing an endorsement approved in Interpretation of Government Rate Tariff for Eastern Central Motor Carriers Association, 322 ICC 161. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 8535 (Sub-No. 30), filed March 7, 1969. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, a corporation, Post Office Box 3969, Baltimore, Md. 21222. Applicant's representative: Paul F. Sullivan, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood; hardboard, particleboard; and accessories* used or useful in the installation of these commodities, from Baltimore, Md., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, D.C., and West Virginia. NOTE: Applicant states that it presently holds authority to transport building and contractors materials and supplies, heavy and bulky articles, etc., between all points in Maryland, Delaware, Kentucky, New York, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, over irregular routes. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 9448 (Sub-No. 7), filed March 12, 1969. Applicant: A. C. BORGMANN & SON, DIVISION OF WAYNE WAREHOUSING & CARTAGE, INC., 2323 Bowser Avenue, Fort Wayne, Ind. 46803. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Fort Wayne, Ind., and Logansport, Ind., over U.S. Highway 24, serving all intermediate points, and restricted to traffic having an immediately prior or subsequent movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 18088 (Sub-No. 49), filed March 21, 1969. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Gavin W. O'Brien, 2800 L Street NW., Suite 815, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products and materials and supplies* used or consumed in the production thereof, and *textile machinery and parts* (except commodities in bulk, in tank vehicles, and except commodities which because of size or weight require special equipment), between points in Escambia and Santa Rosa Counties, Fla., on the one hand, and, on the other, Bowling Green, Ky., and the site of the Firestone Synthetic Fibers & Textiles Co., Division of the Firestone Tire & Rubber Co., located north of Bowling Green, Ky. NOTE: Applicant states it intends to tack the authority requested in this application with points common to its certificated authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 29079 (Sub-No. 52), filed March 14, 1969. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Post Office Box 935, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit, metallic tubing and fittings therefor*, from Ambridge, Carnegie, and New Kensington, Pa., Niles, Ohio, and Glendale, W. Va., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29120 (Sub-No. 105), filed March 17, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk or in tank vehicles), (1) from the plantsite and/or warehouse of John Morrell & Co., located at or near Estherville, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota; (2) from the plantsite and/or warehouse of John Morrell & Co., located at or near Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, and (3) from the plantsite and/or warehouse of John Morrell & Co., located at or near Madison and Sioux Falls, S. Dak., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. Restriction: The authority sought is to be restricted to the transportation of the commodities named originating at the plantsites and/or warehouses of John Morrell & Co., located at or near Ottumwa, Iowa, Estherville, Iowa, Sioux Falls, S. Dak., and Madison, S. Dak., and destined to points in the States named, and to the extent that it may duplicate any authority heretofore granted to or now held by the applicant it shall not be construed as conferring more than one operating right. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.; Des Moines, Iowa, or Chicago, Ill.

No. MC 30837 (Sub-No. 366), filed March 7, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except those designed to be drawn by passenger automobiles), from Bellevue, Ohio, and Ebensburg, Pa., to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 30844 (Sub-No. 267), filed March 17, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from plantsite and storage facilities of Comstock-Greenwood Foods, Borden, Inc., Foods Division or plantsite and facilities of Borden, Inc., at Waterloo, New York, Red Creek, Rushville, Egypt, Penn Yan, Fairport, Newark and Lyons, N.Y., to points in Indiana, Michigan, Kentucky, and Tennessee; and (2) from plantsite and storage facilities of Comstock-Greenwood Foods, Borden, Inc., Foods Division or plantsite and facilities of Borden, Inc., at Westchester, Pa., to points in Michigan, Kentucky, Indiana, Tennessee, Texas, Oklahoma, Arkansas, Kansas, Illinois, Missouri, Iowa, Nebraska, Minnesota, and Wisconsin. NOTE: Applicant states that no duplicating authority is being sought. Applicant further states that it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 31533 (Sub-No. 9), filed March 12, 1969. Applicant: SOUTH BEND FREIGHT LINES, INC., Box 545, South Bend, Ind. 46624. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, Ill. 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85, and (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and further restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 32562 (Sub-No. 28), filed March 3, 1969. Applicant: POINT EXPRESS, INC., Box 10185, Charleston, W. Va. 25312. Applicant's representative: Jacob P. Billig, 1107 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between the junction of U.S. Highway 23 and Kentucky Highway 1 near Louisa, Ky., and the junction of Kentucky Highway 3 and U.S. Highway 23 south of Catlettsburg, Ky.: from the junction of Kentucky Highway 1 (formerly portion of U.S. Highway 23) and U.S. Highway 23 (formerly Kentucky Highway 3) near Louisa, Ky. over U.S. Highway 23 to junction Kentucky Highway 3 (formerly U.S. Highway 23) and U.S. Highway 23 (formerly Kentucky Highway 3) south of Catlettsburg, Ky., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, or Huntington, W. Va., or Lexington, Ky.

No. MC 53965 (Sub-No. 63), filed March 20, 1969. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, Kans. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, dry acids, and chemicals, in bulk, and liquid commodities, in bulk, in tank vehicles), (1) from Liberal, Kans., to points in Arkansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, and points in Colorado on and east of the Continental Divide, (2) from Kansas City, Kans., to points in Arkansas, Lousiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, and points in Colorado on and east of the Continental Divide. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 59117 (Sub-No. 33), filed March 17, 1969. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box No. 1, Vinita, Okla. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* from Coffeyville, Kans., to points in Craig County, Okla.; and (2) *liquefied petroleum gas* from Carthage Terminal at or near Jasper, Mo., to points in Craig County, Okla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 61592 (Sub-No. 137), filed March 10, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (1) from the plantsite of Central Farmers Fertilizer Co., at Albany, Ill., to points in Illinois, Indiana, Iowa, Minnesota, and Wisconsin, and (2) from the plantsite of Central Farmer's Fertilizer Co., at or near Palmyra, Marion County, Mo., to points in Illinois and Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66746 (Sub-No. 13), filed March 10, 1969. Applicant: JOHN L. KERR AND G. O. KERR, JR., a partnership, doing business as SHIPPERS EXPRESS, 1651 Kerr Drive, Post Office Box 8365, Jackson, Miss. 39204. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives and household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), from Meridian, Crystal Springs, Hazlehurst, Brookhaven, Summit, and McComb, Miss., and points within the commercial zones of each, and from points in that part of Mississippi south of U.S. Highway 80 and east of U.S. Highway 51 within 100 miles of Jackson, to Jackson, Miss. NOTE: Applicant states it could tack the requested certificate with the certificate requested in MC-66746 (Sub-No. 12) (now pending) at Jackson, Miss. Applicant further states the purpose of this application is to remove the restriction contained in its MC-66746 (Sub 5) certificate. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 69116 (Sub-No. 123), filed March 7, 1969. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Montgomery Elevator Co., Henry County, Ill., as an off-route points in connection with carrier's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 72243 (Sub-No. 24), filed March 6, 1969. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Road SE., Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials, and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except points in Washington, Idaho, Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Nevada, Oregon, California, Arizona, New Mexico, Maine, New Hampshire, Vermont, Alaska, and Hawaii), and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except points in Washington, Idaho, Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Nevada, Oregon, California, Arizona, New Mexico, Maine, New Hampshire, Vermont, Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73688 (Sub-No. 31), filed March 10, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points along the Arkansas River and its tributaries, on the one hand, and, on the other, points in Arkansas, Louisiana, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 74416 (Sub-No. 7), filed March 14, 1969. Applicant: LESTER M. PRANGE, INC., Post Office Box 1, Kirkwood, Pa. 17536. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal boat pumps, fabricated sheet metal products, sheet metal building materials, metal heating and cooling materials and accessories, fittings, supplies, and tools* used in the installation of the above-named commodities (except commodities in bulk), from Philadelphia, Pa., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against

tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Camden, N.J.

No. MC 76032 (Sub-No. 239), filed March 10, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, and household goods as defined by the Commission), between Chicago, La Salle, and Rock Island, Ill., on the one hand, and, on the other, that part of Cook County, Ill., north of Illinois Highway 58; that part of Kane County, Ill., north of a line beginning at the junction of Illinois Highway 64 and the western boundary of Kane County, and extending in an easterly direction along Illinois Highway 64 to the junction of Illinois Highway 47; thence northerly along Illinois Highway 47 to the junction of Interstate Highway 90; thence easterly along Interstate Highway 90 to the eastern boundary of Kane County; and points in Lake, McHenry, Boone, Winnebago, DeKalb, Putnam, Marshall, and Ford Counties, Ill. Restriction: Service at Rock Island, Ill. shall be for the purpose of joinder only with applicant's existing regular routes. NOTE: Applicant states it intends to join the proposed authority at points in Illinois which it is presently authorized to serve, so as to provide service between all points presently authorized to be served by it, and the authority sought. Applicant further states its entire certificate would be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 78118 (Sub-No. 19), filed March 14, 1969. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *Prepared food products and materials, equipment and supplies* used in, or incidental to, the preparation, packing, and sale thereof, restricted to shipments moving from, to, or between plants, warehouses or other facilities of food processing and manufacturing plants, (1) serving H. J. Heinz Co. Distribution Center, in the Borough of Mechanicsburg, Pa., as an off-route point in connection with applicant's present regular routes between Salem, N.J., and Pittsburgh, Pa., and (2) serving H. J. Heinz Co. Distribution Center in the Borough of Mechanicsburg, Pa., as an off-route point in connection with applicant's present regular routes between Washington, D.C., and Pittsburgh, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 78687 (Sub-No. 24), filed March 5, 1969. Applicant: LOTT MOTOR LINES, INC., routes 6 and 92, Rural Delivery 4, Tunkhannock, Pa. 18657. Applicant's representative: E. Stephen Heisley, Suite 705, McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Milo Township, N.Y., to points in New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Vermont, Maine, and New Hampshire. NOTE: Common control may be involved. Applicant holds contract authority under MC-2505, therefore dual operations may also be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 79080 (Sub-No. 10), filed March 6, 1969. Applicant: AUSTGEN EXPRESS & STORAGE COMPANY, a corporation, Post Office Box 1528, Aurora, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and plastic containers; container components and ends; and supplies* used in the manufacture and distribution of metal and plastic containers and container ends that move with metal and plastic containers and container ends; and *steel, plastic, tin and aluminum tops and closures*, from points in Cook and Kane Counties, Ill.; Peoria and Danville, Ill.; St. Louis, Mo.; Mankato, Milwaukee, and Racine, Wis.; and Elwood, Ind.; to points in Illinois, Indiana, Ohio, Michigan, Kentucky, Missouri, Iowa, Wisconsin, Minnesota, and Omaha, Nebr. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82841 (Sub-No. 55), filed March 10, 1969. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm and stock trailers*, set up, and *parts thereof, cattle guards*, iron or steel, and *component parts thereof*, from Lincoln, Nebr., to points in Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, New Mexico, North Dakota, Ohio, South Dakota, Utah, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 89684 (Sub-No. 72), filed March 13, 1969. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 2d West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, having a prior or subsequent movement by aircraft (restricted to 500 pounds or less), between the Salt Lake City, Utah airport and the site of the Thiokol Chemical Corp., located approximately 20 miles northwest of Brigham City, Utah, from the Salt Lake City airport over U.S. Highway 90 (Interstate Highway 15), to Brigham City, thence over Utah Highway 83 to the site of the Thiokol Chemical Corp., and return over the same route, serving the intermediate points of Hill Air Force Base and Ogden, Utah airports. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 94350 (Sub-No. 217), filed March 10, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Harnett County, N.C., to all points east of the Mississippi River including Louisiana and Minnesota, but excluding Detroit, Flint, and Mount Clemens, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro, Winston-Salem or Charlotte, N.C.

No. MC 94350 (Sub-No. 218), filed March 14, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Leflore County, Miss., to points in the United States (except Alaska and Hawaii, and excluding Detroit, Mount Clemens, and Flint, Mich.). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 101940 (Sub-No. 3), filed March 12, 1969. Applicant: WHALENS, INC., 102 North 6th Street, Grand Forks, N. Dak. 58201. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Grand Forks, Walsh, Trail, Steele, Griggs, and Nelson Counties, N. Dak., and Polk, Marshall, Norman, and Pennington Counties, Minn., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerisation or

unpacking, uncrating and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Grand Forks, N. Dak.

No. MC 103051 (Sub-No. 227) (Clarification), filed February 13, 1969, published in FEDERAL REGISTER issue of March 6, 1969, and republished, as clarified this issue. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue, North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reymolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Sylvania, Ga., to points in South Caroline. NOTE: The purpose of this republication is to redescribe tacking information. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103051 (Sub-No. 228) (Clarification), filed February 13, 1969, published in FEDERAL REGISTER issue of March 13, 1969, and republished, as clarified this issue. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food and animal food supplements*, in bulk, in tank vehicles, from Bainbridge, Ga., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to redescribe tacking information. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 103993 (Sub-No. 385), filed March 12, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems, including accessories used in the installation thereof*, from Philadelphia, Pa., Keyser, W. Va., and Junction City, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 386), filed March 12, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from points in Prairie County, Ark., to points in the United States (excluding Hawaii and Alaska). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103993 (Sub-No. 387), filed March 12, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements from Scott County, Minn., to points in the United States (excluding Alaska and Hawaii), (2) *truck campers*, from Scott County, Minn., to points in the United States (excluding Hawaii); and (3) *buildings* in sections transported on their own or removable wheeled undercarriages, from Scott County, Minn., to points in California, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, Wyoming, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103993 (Sub-No. 388), filed March 12, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Perry County, Ohio, to points east of the Mississippi River, including Missouri, but except Louisiana and Minnesota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 103993 (Sub-No. 391), filed March 20, 1969. Applicant: MORGAN DRIVE-AWAY INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles and (2) *buildings* in sections mounted on their own or removable wheeled undercarriages in initial movement, from points in Harnett County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 103993 (Sub-No. 392), filed March 20, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani (same address as above) and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized, vinyl or aluminized chain link fencing, fencing fixtures and accessories, tubing, fence pipe and standard weight pipe* in cut lengths and mill length, *reinforcement (concrete) wire mesh*, from Bladensburg, Md., Toledo, Ohio, and Rock Hill, S.C., to points in Michigan, Missouri, Ohio, Indiana, Alabama, Illinois, Iowa, Kentucky, Wisconsin, Tennessee, Arkansas, Mississippi, South Carolina, North Carolina, Georgia, West Virginia, Virginia, Pennsylvania, New Jersey, New York, Delaware, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 393), filed March 20, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani (same address as above) and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers and camp coaches* designed to be installed on pickup trucks, from Virginia Beach, Va., to points in the United States east of the Mississippi River, except Louisiana and Minnesota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104004 (Sub-No. 179), filed March 12, 1969. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, N.Y. 11227. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities injurious or contaminating to other lading), serving the plantsite of

International Nickel Co., Inc., Huntington Alloy Products Division, located in Boyd County, Ky., on U.S. Highway 23 (approximately 11 miles south of Catlettsburg, Ky.) as an off-route point in connection with applicant's authorized regular-route operations to and from Huntington, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106194 (Sub-No. 27), filed March 13, 1969. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, including cast iron soil pipe and fittings*, from Kansas City, Glasgow, and Grain Valley, Mo., and Hutchinson and Bonner Springs, Kans., to points in Nebraska, South Dakota, North Dakota, Minnesota, Wyoming, Montana, Idaho, Utah, New Mexico, and Colorado on and west of U.S. Highway 85. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107295 (Sub-No. 177), filed March 10, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, hardwood flooring, hardwood flooring blocks, wood moldings*, and when shipped with any of the commodities named, *accessories*, such as *adhesives, mastic, flooring cement, decorative strips, fasteners, nails, trowels, stains, putty, and advertising materials*, between Center, Tex., Shreveport, La., Little Rock, Ark., Cairo, Ill., Bruce, Miss., White Lake, Wis., Ishpeming, Mich., Jackson, Memphis, Monterey, and Nashville, Tenn., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (2) *lumber, hardwood flooring, hardwood flooring blocks, wood moldings, plywood, paneling, hardboard, composition board*, and when shipped with any of the commodities named, *accessories* such as *adhesives, mastic, flooring cement, decorative strips, fasteners, nails, trowels, stains, putty and advertising materials*, between Covington, Tenn., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant indicates tacking where feasible with the authority under MC 107295, wherein applicant is authorized to serve points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Maryland, Michigan, Missouri, New Jersey, New York, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107295 (Sub-No. 178), filed March 12, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 301 North 2d Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Systems, suspension, acoustical ceiling tile, and necessary fittings, fixtures and hardware* for installation and completion; and *furring or studding* including necessary *clips, couplings, and locks and mouldings* for installation, from Chicago, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico (except Illinois). NOTE: Applicant indicates tacking where feasible with the authority under MC 107295, wherein applicant is authorized to serve points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Maryland, Michigan, Missouri, New Jersey, New York, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 180), filed March 17, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials, and materials* used in the installation and application of such commodities (except iron and steel and commodities in bulk), from East St. Louis, Ill.; Chicago Heights, Ill.; Kansas City, Mo.; and Avery, Ohio, to points in Illinois, Indiana, Michigan, Wisconsin, Ohio, Arkansas, Iowa, Kentucky, Missouri, Tennessee, Alabama, Florida, Georgia, Kansas, Louisiana, Minnesota, Mississippi, Nebraska, North Carolina, Virginia, West Virginia, the District of Columbia, New York, Oklahoma, Pennsylvania, Texas, Delaware, Maryland, and New Jersey. NOTE: Applicant states it intends to tack with its present authority where feasible. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 107295 (Sub-No. 181), filed March 19, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing wire mesh*, from Baltimore, Md., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states it will tack with its MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 182), filed March 19, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood panels, flooring, furniture dimension parts, prestologs (firewood), millwork, hardwood, paneling and moulding, and accessories therefor*, from Memphis, Tenn.; Cotton Plant, Ark.; and Grenada, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it intends to tack with its present authority where feasible. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107295 (Sub-No. 183), filed March 20, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products; composition boards; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies, and accessories incidental thereto;* from Dubuque and Fort Dodge, Iowa, L'Anse, Mich., Port Clinton, Ohio, and points in Henry County, Tenn., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states it intends to tack with its present authority where feasible. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107295 (Sub-No. 184), filed March 20, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products; composition boards; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies, and accessories incidental thereto*, from Carteret and Edgewater,

N.J., Chester, W. Va., Deposit, N.Y., Philadelphia, Pittsburgh, and Sunbury, Pa., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states it intends to tack with its present authority where feasible. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107295 (Sub-No. 185), filed March 20, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 391 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies, and accessories incidental thereto*, from Fairfield, Ala., Hamlin and San Antonio, Tex., and Marrero, La., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, restricted against authority sought from Marrero, La., to points in Arkansas, Kansas, Minnesota, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, and Texas. NOTE: Applicant states it would tack with its MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107295 (Sub-No. 186), filed March 20, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products; composition boards; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies, and accessories incidental thereto*, from Camden, Ark., Chicago and Peoria, Ill., and Lagro, Ind., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico (except Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin). NOTE: Applicant states it would tack with its MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107295 (Sub-No. 187), filed March 21, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox (same address as above) and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floors, floor systems, elevated floors, floor components*, and accessories, from Jessup, Md., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it will tack with its MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 646), filed March 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station "A," Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese food, cheese spread and cheese dips*, in vehicles equipped with mechanical refrigeration; (1) from Fort Worth, Tex., to points in Alabama, Georgia, Florida, Tennessee (except Memphis), North Carolina, South Carolina, and Kentucky, and (2) from Hilbert, Wis., to points in Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108449 (Sub-No. 296), filed March 19, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Mylenbeck (same address as above), also Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (1) from the storage facilities of Gulf Central Pipeline Co., located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin, and (2) from the storage facilities of Central Farmers Fertilizer Co., located at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin. NOTE: Common control may be involved. Applicant states that tacking could take place in regards to (1) above at Bellevue, Iowa, in conjunction with its Sub 257; at Garner, Iowa, with its Sub 228 and Clinton, Iowa, with Sub 161 to serve points in Indiana, Michigan, North Dakota, and South Dakota and in (2) above, tacking could take place at Bellevue, Iowa, in conjunction with its Sub 257 and Clinton, Iowa, with its Sub 161 to serve points in Illinois, Indiana, Michigan, Missouri, Ohio, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108859 (Sub-No. 50), filed March 6, 1969. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, Mich. 49829. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk), between St. Ignace and Cheboygan, Mich., from St. Ignace over Interstate Highway 75 to junction U.S. Highway 23, thence over U.S. Highway 23 to Cheboygan, and return over the same route, restricted against service at points intermediate to St. Ignace and Cheboygan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Escanaba, Mich.

No. MC 108859 (Sub-No. 51), filed March 20, 1969. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue, North Escanaba, Mich. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood dimension stock*, from the plantsite and warehouse sites of the Northern Hardwoods Division, Cooper Range Co., located in Adams Township, Houghton County, Mich., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, and (2) *rejected or refused shipments* on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109593 (Sub-No. 3), filed March 19, 1969. Applicant: H. R. HILL, 2007 West Shawnee, Muskogee, Okla. 74401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street (Post Office Box 75124), Oklahoma City, Okla. 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles, carboys, demijohns, and jars, with and without caps, covers, stoppers and tops*, from Ada, Okla. to points in Texas, under contract with Brockway Glass Company, Inc., of Ada, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 109637 (Sub-No. 359), filed March 13, 1969. Applicant: SOUTHERN TANK LINES, INC., Post Office Box TANK LINES, INC., Post Office Box 1047 1047 (4107 Bells Lanes), Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, (1) from the plantsite of GAF Corp., Calvert City, Ky., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina; and (2) from the plantsite of GAF Corp., Chattanooga, Tenn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. Restricted in each instance to traffic originating at the indicated origins in (1) and (2). NOTE: Applicant apparently intends to tack wherever possible, but is unable to explain the extent thereof. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 584), filed March 17, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow and/or grease, vegetable oils, and mixtures and blends thereof*, from Hammond, Ind., to points in Georgia, Mississippi, Louisiana, Kentucky, Tennessee, Virginia, North Carolina, South Carolina, West Virginia, Florida, and Alabama. NOTE: Applicant states authority can be tacked to serve Cedar Rapids and Clinton, Iowa, Cudahy, Wis., Minneapolis and Red Wing, Minn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 899), filed March 14, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005 and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, from Kentucky Asphalt Terminal at or near Louisville, Ky., to points in Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 111045 (Sub-No. 67) (Correction), filed February 13, 1969, published FEDERAL REGISTER issues of March 13, 1969, and March 27, 1969, corrected and republished this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, liquid, in bulk, in tank vehicles, from Gainesville, Fla., to points in Alabama; and (2) *chemicals*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and to Charleston, W. Va.; Taft, La., and Texas City, Tex. NOTE: The purpose of this republication is to correctly set forth the commodities sought to be transported and to correctly describe the territorial authority sought. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., on Washington, D.C.

No. MC 111401 (Sub-No. 276), filed March 20, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk, dairy products, animal fats and greases and blends thereof); (1) from Dodge City, Kans., to points in Missouri, Arizona, California, and New Mexico; and (2) from Great Bend, Kans., to points in Alabama, Arkansas, Arizona, Colorado, California, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Jersey, Illinois, Indiana, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Utah. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 111636 (Sub-No. 6), filed March 12, 1969. Applicant: JEFF MOTOR LINES, INC., Box 123, Orangeburg, N.Y. 10962. Applicant's representative: John J. Antonelli, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber conduit, fiber sewer-pipe, uncrated and junction boxes, fittings*, for the installation of *fiber conduit and fiber sewer-pipe, cement and asbestos fiber conduit, cement and asbestos fiber pipe and attachments, parts, and fittings* for preceding commodities, *plastic pipe, plastic tubing, and plastic pipe fittings*, from Orangeburg, N.Y., to points in Maine, New Hampshire, Vermont, and Virginia, under contract with The Flintkote Co., Inc., of Orangeburg, N.Y. NOTE: Applicant states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York City or Albany, N.Y.

No. MC 112801 (Sub-No. 90), filed March 19, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (1) from the storage facilities of Central Farmers Fertilizer Co. located at or near Spencer, Iowa; Cowden, Ill.; and Frankfort, Ind.; and (2) from the storage facilities of Gulf Central Pipeline Co. located at or near Marshalltown, Iowa, to points in Illinois, Indiana, Michigan, Ohio, Iowa, Missouri, Minnesota, Wisconsin, North Dakota, South Dakota, and Nebraska. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 160), filed March 12, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (other than commodities in bulk and meats, packinghouse products, and commodities used by packinghouses as described in appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, but when moving in the same vehicle at the same time with meats, meat products, meat byproducts, and articles distributed by meat packinghouses), from Austin, Minn., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, West Virginia, Pennsylvania, Indiana, Ohio, Virginia, and the District of Columbia; (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, S. Dak., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, West Virginia, Pennsylvania, Indiana, Ohio, Virginia, and the District of Columbia; (3) *meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Austin, Minn., to Erie, Pa.; and (4) *meats, packinghouse products, and commodities used by packinghouses*, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Algona, Iowa, on the one hand, and, on the other, Fremont, Nebr.; Fort Dodge and Des Moines, Iowa; and Austin, Minn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 113666 (Sub-No. 34), filed February 28, 1969. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire clays, mold coatings, plastic firebrick, ramming mixes, mortars (dry and wet), carbonaceous materials, refractory products and brick;* (1) from points in Ohio, Pennsylvania, West Virginia, and Kentucky, to ports of entry on the international boundary line between the United States and Canada located along the Niagara River, Detroit River, St. Clair River, and ports of entry located in New York, Vermont, New Hampshire, and Maine; and (2) from Canfield, Ohio, and Hillsville, Pa., to points in Michigan, Indiana, Illinois, Kentucky, Ohio, West Virginia, Pennsylvania, and New York. NOTE: Applicant states it does not intend to tack,

and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113678 (Sub-No. 345), filed March 26, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles* distributed in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Ottumwa, Iowa, Estherville, Iowa, Sioux Falls and Madison, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouse facilities of John Morrell & Co., at or near points named above and destined to the named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 192), filed March 12, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Franklin J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rollers, compactors, mobile aerial lifts, asphalt pavers, loading and grading equipment, and truck hitches* for asphalt pavers, from Salem, Oreg., to points in California, Nevada, and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., Seattle, Wash., or San Francisco, Calif.

No. MC 113855 (Sub-No. 193), filed March 21, 1969. Applicant: INTERNATIONAL TRANSPORT, INC, South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, and materials and supplies* used in the installation thereof, from points in Santa Clara County, Calif., to points in the United States (except points in Alaska, California, Hawaii, Illinois, Indiana, Iowa, Kentucky, Lower Peninsula of Michigan, Ohio, Wisconsin, and those points in Missouri on and east of U.S. Highway 65). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 76), filed March 6, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and byproducts, and such materials, supplies, and equipment* as are incidental to the production, packaging, and sale of points in Illinois, Indiana, Ohio; Waukasha, Milwaukee, Mount Horeb, Kansasville, and Madison, Wis. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 114457 (Sub-No. 77), filed March 13, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's representative: James C. Hardman, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Minneapolis, Minn., to points in Wisconsin, Upper Peninsula of Michigan, Iowa, Illinois, North Dakota, and South Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 80), filed March 16, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories; and materials and supplies* used in connection with the manufacture and distribution of metal containers, from Detroit, Mich.; and Cleveland, Marion, and Hamilton, Ohio; to points in Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Kansas, Nebraska, North Dakota, South Dakota, Texas, Colorado, Louisiana, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 114533 (Sub-No. 186), filed March 13, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents, and written instruments, audit media, and other business records*, except coins, currency, and negotiable securities, as are used in the conduct and operation of banks and banking institutions, between points in Elkhart County, Ind., on the one hand, and, on the other, points in Berrien, Cass, and St. Joseph Counties, Mich., and (2) *audit media and other business records*, between Indianapolis, Ind., on the one hand, and, on the other, Grand Rapids, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds a pending contract authority under MC 128616. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 114533 (Sub-No. 187), filed March 25, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Aurora, Ill., on the one hand, and, on the other, points in Indiana, Michigan, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114632 (Sub-No. 20), filed March 17, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps, Madison, S. Dak. 57042. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk or in tank vehicles), (1) from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Estherville, Iowa, to points in Minnesota, Illinois, Missouri, Indiana, Nebraska, Kansas, and Oklahoma and (2) from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Ottumwa, Iowa, Sioux Falls, S. Dak., and Madison, S. Dak., to points in Minnesota, Illinois, Missouri, Indiana, Nebraska, Kansas, Oklahoma, and Wisconsin, restricted to the transportation of the commodities named originating at the plantsites and/or warehouses of John Morrell & Co., located at or near Ottumwa, Iowa; Estherville, Iowa; Sioux Falls, S. Dak.; and Madison, S. Dak., and destined to points in the named States. NOTE: Applicant has contract carrier authority in MC 129706, therefore dual operations might be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 115818 (Sub-No. 10), filed March 14, 1969. Applicant: WESTBURY TRANSPORT, INC., 397 East 54th Street, East Paterson, N.J. 07407. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, in retail delivery service, (a) from New York, N.Y., to points in Litchfield and New Haven Counties, Conn., and (b) from Bridgeport, Conn., to points in Fairfield, Litchfield, and New Haven Counties, Conn., and *returned shipments* of the commodities described above, on return, under a continuing contract, or contracts, with Gimbel Brothers, Inc., of New York, N.Y. NOTE: Applicant states that it is presently serving shipper to points in Connecticut under its present permit. The purpose of this application is to furnish shipper with complete service. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117517 (Sub-No. 2), filed March 6, 1969. Applicant: GEISE TRANSFER & STORAGE, INCORPORATED, 8 Franklin Street, Olean, N.Y. 14760. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Cattaraugus, Erie, Wyoming, Steuben, and Allegany Counties, N.Y., and McKean, Elk, Cameron, Potter, and Tioga Counties, Pa., restricted to traffic having a prior or subsequent movement beyond said points, and to pickup and delivery service in connection with packing, crating, and containerization and unpacking, uncrating and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 117765 (Sub-No. 74), filed March 21, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising matter* when moving with malt beverages, (1) from Belleville, Ill., to Ardmore, Lawton, and Shawnee, Okla., and (2) from Kansas City, Mo., and Longview, Tex., to Guthrie, Okla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119099 (Sub-No. 7), filed March 19, 1969. Applicant: BJORKLUND TRUCKING, INC., First Avenue NE. and Eighth Street, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic burial vault liners;* (1) from Little Hocking, Ohio, to points in Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California; and (2) from St. Paul, Minn., to points in the United States (except points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119140 (Sub-No. 3), filed March 12, 1969. Applicant: P. CALLAHAN, INC., Comly Street at the Delaware River, Philadelphia, Pa. 19135. Applicant's representative: Edward F. Kane, 522 Swede Street, Norristown, Pa. 19401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beds, couches, bed springs, mattresses, and parts thereof*, from Philadelphia, Pa., to points in Maryland, New York, Virginia, and the District of Columbia, and *returned (reshipped) shipments* of the above-described commodities, on return. NOTE: Applicant states it presently holds authority under MC 119140 Sub 1, to transport the commodities named above, as a contract carrier, from Philadelphia, Pa., to points in Delaware and New Jersey, with reshipped shipments in the reverse direction, for the same shipper. This application seeks authority to conduct the same operation with respect to the States of Maryland, New York, Virginia, and the District of Columbia. Applicant also is authorized to operate as a common carrier under MC 20894, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 119777 (Sub-No. 145), filed March 19, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *lumber*, and (2) *plywood* finished or unfinished; (a) from Cotton Plant, Ark., to points in Tennessee, Kentucky, Alabama, Mississippi, Texas, Oklahoma, Missouri, Illinois, Indiana, Kansas, Louisiana, Florida, Georgia, Michigan, and Ohio; and (b) from Memphis, Tenn., to points in Arkansas, Kentucky Alabama, Mississippi, Texas, Oklahoma, Missouri, Illinois, Indiana, Kansas, Louisiana, Florida, Georgia, Michigan, and Ohio. NOTE: Applicant holds contract carrier permit MC 126970 and Subs, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119923 (Sub-No. 10), filed March 17, 1969. Applicant: LOMAR TRANSPORTATION CO., INC., 2440 East Ontario Street, Philadelphia, Pa. 19134. Applicant's representative: Martin Haefele (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper mill products, fiberboard, fiberboard boxes, and paper machine rolls*, from the plantsite of West Virginia Pulp & Paper Co., Gloucester City, N.J., to Dunmore, Frackville, Harrisburg, Lancaster, Lebanon, Leola, Lititz, Mechanicsburg, Milton, Minersville, Mount Joy, Myerstown, Shamokin, and Watsontown, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 119990 (Sub-No. 8), filed March 16, 1969. Applicant: MERCHANTS DELIVERY CO., a corporation, 1212 East 19th Street, Kansas City, Mo. 64108. Applicant's representatives: Leonard Rose, 1011 Commerce Building, Kansas City, Mo. 64106, and Donald Hults, Lawrence National Bank Building, Lawrence, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Kansas and Missouri in that area bounded by a line beginning at the junction of U.S. Highway 77 and the Kansas-Nebraska State line, thence southerly along U.S. Highway 77 to the Kansas-Oklahoma State line, thence along the Kansas-Oklahoma State line to the Missouri-Kansas State line, thence along the Kansas-Missouri State line to the Missouri-Arkansas State line, thence along the Missouri-Arkansas State line to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, thence along the Iowa-Missouri State line to the Missouri-Nebraska State line, thence along the Missouri-Nebraska State line to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to the point of beginning, including points on the described boundary lines. Restriction: The service sought herein is subject to the following conditions:

No service shall be provided in the transportation of packages or articles weighing separately more than 100 pounds or in the aggregate more than 200 pounds from any one consignor at one location to one consignee at one location on any one day. No service shall be provided in the transportation of motion picture film, materials, equipment, and supplies used in connection with the exhibition of motion pictures, and confections sold in motion picture theaters. No service shall be rendered between department stores, mail order stores, specialty shops, and retail stores and the branches or warehouses of such stores, or between department stores, mail order stores, specialty shops, and retail stores or the branches of warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. No delivery service shall be provided under the authority granted herein to the premises of persons who or which have entered into contracts with Merchants Contract Deliveries, Inc., and are served by it pursuant to permits issued by the Commission. NOTE: Applicants present authority under MC 119990 (Sub 4) include the States of Kansas and Missouri and to that extent duplicates the territory sought in this application. Applicant states the purpose of the instant application is to seek an increase in its aggregate weight authority to 200 pounds in Kansas and Missouri. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 123048 (Sub-No. 149), filed February 28, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul Martinson, Post Office Box A, Racine, Wis. 53401 and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ordnance equipment, materials, and supplies;* and (2) *quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Hawaii); and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack if authority is granted in entirety, and is apparently willing to accept a restriction against tacking if warranted. However, applicant further states if authority is granted in part only, tacking would be done at any authorized common point with present authority held under MC–123048 and subs thereto. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123415 (Sub-No. 16), filed March 13, 1969. Applicant: JAMES STUFFO, INC., Box 1061 (Route 130 and Prince Avenue, Pennsauken, N.J.), Merchantsville, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal windows, metal window sections and parts and fittings* incidental to the erection and installation of such metal windows and metal window sections, from the plantsite of Pennsylvania Panel Wall Co., located in Lancaster, Pa., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123952 (Sub-No. 10), filed March 17, 1969. Applicant: RENTAR TRUCKING, INC., 66–05 Woodhaven Boulevard, Rego Park, N.Y. 11374. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and *materials, supplies, equipment, and fixtures* used in the operation of such stores, between New York, Carle Place, West Islip, Huntington, Smithtown, Colonie, Nanuet, Lawrence, Scarsdale, and Port Chester N.Y., North Brunswick, East Paterson, Watchung, Woodbridge, Audubon, Trenton, West Orange, Bayonne, and Paramus, N.J., Hartford, and Trumbull, Conn., Camp Hill, Springfield, Philadelphia, and King of Prussia, Pa., Towson, Glen Burnie, Baltimore, Rockville, and Jessup, Md., and Baileys Cross Roads and Alexandria, Va. Restriction: Said operations are to be limited to shipments moving from, to or between, suppliers, wholesale or retail outlets, warehouses, and other facilities of, or used by E. J. Korvette, Division of Spartans Industries, Inc., of New York, N.Y. NOTE: Applicant states it would agree to revocation of its permit in Docket No. MC 123952 Sub 8, upon grant of authority in the above sought application. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Newark, N.J., or Washington, D.C.

No. MC 124004 (Sub-No. 13), filed March 17, 1969. Applicant: RICHARD DAHN, INC., Rural Delivery 1, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients*, and (2) *pesticides and insecticides* (except in bulk), from Warwick, N.Y., to points in Bradford, Lackawanna, Luzerne, Monroe, Pike, Susquehanna, Wayne and Wyoming Counties, Pa.; and points in Bergen, Essex, Hudson, Morris, and Middlesex Counties, N.J.; and points in Passaic, Sussex, Union, and Warren Counties, N.J. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124004 (Sub-No. 14), filed March 17, 1969. Applicant: RICHARD DAHN, INC., Rural Delivery 1, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quarry products, artificial stone, slate, stone, marble, granite, precast concrete products, quarry machinery and machinery and supplies* used in the installation of terrazzo flooring, between points in West Virginia, Michigan, Louisiana, Connecticut, Delaware, District of Columbia, Maine, Maryland, Illinois, Texas, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Kentucky, Indiana, Pennsylvania, Rhode Island, Virginia, Vermont, North Carolina, South Carolina, Georgia, Florida, Mississippi, Alabama, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124078 (Sub-No. 368), filed March 17, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., and points within a radius of 10 miles thereof, to points in Indiana south of U.S. Highway 40. NOTE: Applicant states it would tack with its MC 124078 Sub 225 at Louisville, Ky., to serve points in Indiana from Nashville, Tenn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 369), filed March 17, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Indianapolis, Ind., to points in Illinois and Michigan. NOTE: Applicant states it would tack with its MC 124078 Sub 225 at Chicago, Ill., to serve southeastern Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 370), filed March 20, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Port Birmingham, Ala., to points in Alabama, Georgia, Mississippi, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 124078 (Sub-No. 371), filed March 20, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevete (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Sylvania, Ga., to points in South Carolina. NOTE: Applicant states it would tack with its MC 124078 Sub 225 at Sylvania, Ga., to serve points in South Carolina. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124154 (Sub-No. 26) (Amendment), filed December 30, 1968, published in the FEDERAL REGISTER issues of January 24, 1969, and March 13, 1969, and republished as amended, this issue. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel pipe, conduit, and fittings, and necessary attachments;* (2) *aluminum and plastic pipe, conduit, and fittings, and necessary attachments;* and (3) *combinations of metallic and plastic materials*, from the plantsite of Jackson Tubing & Conduit Corp. located in Early County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant holds contract carrier authority under MC 117504 (Sub-No. 1), therefore dual operations may be involved. The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Albany, or Columbus, Ga.

No. MC 124947 (Sub-No. 8), filed March 11, 1969. Applicant: MACHINERY TRANSPORTS, INC., 617 Chicago Street, East Peoria, Ill. 61611. Applicant's representative: J. G. Dail, Jr., Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials, and supplies, and quartermaster supplies* (except household goods and commodities in bulk); (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above, on the one hand, and, on the other, points in the United States. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125624 (Sub-No. 11), filed March 12, 1969. Applicant: EVERGREEN FREIGHT LINES, INC., 5205 East Union, Spokane, Wash. 99211. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring special equipment, commodities in bulk, classes A and B explosives, articles of unusual value, and household goods as defined by the Commission); (1) between Devenport and Nespelem, Wash., over U.S. Highway 2 to Wilbur, Wash., thence over Washington Highway 174 to Grand Coulee, Wash., thence over Washington Highway 155 to Nespelem, Wash., serving the intermediate points of Grand Coulee, Coulee Dam, and Elmer City, Wash.; (2) between Grand Coulee and Moses Lake, Wash., from Grand Coulee, over Washington Highway 155 to junction with U.S. Highway 2, thence over U.S. Highway 2 to junction with Washington Highway 17, thence over Washington Highway 17 to junction with Washington Highway 28, thence over Washington Highway 28 to Ephrata, Wash., thence over Washington Highway 282 to junction with Washington Highway 17 thence over Washington Highway 17 to Moses Lake, Wash., serving the intermediate points of Ephrata and Moses Lake, Wash., and return over the same routes for the purpose of handling joinder traffic only from authorized Interstate Common Carriers serving these points; (3) between Adrian, Wash., over Washington Highway 28 to Soap Lake, Wash., and return over the same route for the joinder purposes only; (4) between Wilbur and Coulee City, Wash., from Wilbur over U.S. Highway 2 to Coulee City, and return over the same route, serving the intermediate points of Almira, Hartline, Lincoln, Preston, Coulee City, and Electric City, Wash. NOTE: Applicant desires to tack its regular route operations at Davenport, Wilbur, and Adrian, Wash., and interchange traffic with other carriers at Moses Lake, Ephrata, and Spokane, Wash. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 125708 (Sub-No. 110), filed March 3, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles;* (1) from Webb City, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, and Texas; and (2) from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, and Texas, to Webb City, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Joplin, Mo., or Washington, D.C.

No. MC 125708 (Sub-No. 111), filed March 10, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* such as is handled in wholesale and retail stores and discount houses, from points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia to points in Greene and Macoupin Counties, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 125785 (Sub-No. 6), filed March 6, 1969. Applicant: SATURN EXPRESS, INC., Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Applicant's representative: J. Max Harding (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal grain silos*, from Buckner, Ky., to points in Nebraska, Iowa, Kansas, Missouri (except St. Louis and its commercial zone), and Colorado, east of the Continental Divide; (2) *grain moving equipment*, from Springfield, Ohio, to points in Nebraska, Iowa, Kansas, Missouri (except St. Louis and its commercial zone), and Colorado, east of the Continental Divide; (3) *forage wagons and silage blowers*, from Allenton, Wis., to points in Nebraska, Iowa, Kansas, Missouri (except St. Louis and its commercial zone), and Colorado, east of the Continental Divide; (4) *cattle feeding equipment* from George, Iowa, to points in Nebraska, Iowa, Kansas, Missouri (except St. Louis and its commercial zone), and Colorado, east of the Continental Divide; (5) *hog houses and component parts therefor*, from Storm Lake, Iowa, to points in Nebraska, Iowa, Kansas, Missouri (except St. Louis and its commercial zone), and Colorado, east of the Continental Divide; and (6) *metal buildings and component parts therefor*, from Oklahoma City, Okla., to points in Nebraska, Iowa, Kansas, Missouri (except St. Louis and its commercial zone), and Colorado, east of the Continental Divide, under contract with Schweitzer Sealed Storage & Equipment Co., at Seward, Nebr. NOTE: If a

hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 126243 (Sub-No. 5), filed March 17, 1969. Applicant: ROBERTS TRUCKING CO., INC., 111 North McKenna Street, Poteau, Okla. 74953. Applicant's representative: Dean Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Heavener, Okla., and Hugo, Okla.: From Heavener over U.S. Highway 59 to junction with U.S. Highway 259, thence over U.S. Highway 259 to Broken Bow, Okla., thence over U.S. Highway 70 to Hugo, Okla., and return over the same route, serving the intermediate points of Broken Bow, Broken Bow Dam, Idabel, and points between Idabel and Hugo, Okla.; (2) between Hugo, Okla., and Poteau, Okla.: From Hugo over U.S. Highway 271 to Poteau and return over the same route, serving all intermediate points; and (3) between the junction of U.S. Highway 271 and Oklahoma Highway 2 near Clayton, Okla., and Wilburton, Okla.: From the junction of U.S. Highway 271 and Oklahoma Highway 2, over Oklahoma Highway 2 to Wilburton, and return over the same route, serving no intermediate points. Restriction: Interchange at Hugo, Okla., shall be restricted to traffic having either a destination or origin in the State of Oklahoma. NOTE: Applicant states it intends to tack the sought authority with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark., or Oklahoma City, Okla.

No. MC 126276 (Sub-No. 15), filed March 6, 1969. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container components and ends; and steel, tin, and aluminum tops and closures*, from the plantsite and/or facilities of Crown Cork & Seal Co., Inc., at Kankakee and Bradley, Ill., to points in Indiana, Michigan, Kentucky, Missouri, Iowa, and Wisconsin, under contract with Crown Cork & Seal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128279 (Sub-No. 7), filed March 14, 1969. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, Albuquerque, N. Mex. 87108. Applicant's representative: Jerry R. Murphy, 708 La Veta Drive NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those described in Mercer Extension Oil Field Commodities, 74 M.C.C. 459), from Pueblo, Colo., to Albuquerque, N. Mex. NOTE: Applicant states that if its pending Finance applications are approved, that authority could be joined at Albuquerque, N. Mex., with that here sought but only insofar as the iron and steel articles require special equipment. Joinder would permit service on those between points in Arizona, Colorado, and New Mexico, within 200 miles of Albuquerque. If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 129973 (Sub-No. 2), filed March 13, 1969. Applicant: FIELD MARKETING SERVICE, INC., 235 East 42d Street, New York, N.Y. 10017. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics and toilet preparations, articles and sundries*, and (2) *premiums, equipment, and supplies* used in connection with the sale of commodities described in (1) above (except commodities in bulk), between points in Massachusetts, under a continuing contract with Avon Products, Inc., of Rye, N.Y., and restricted to home deliveries to Avon sales representatives. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; New York, N.Y., or Boston, Mass.

No. MC 133049 (Sub-No. 1), filed March 14, 1969. Applicant: JOHNNY MASON, doing business as MASON TRUCKING, Box 4, West, Miss. 39192. Applicant's representative: Calvin R. King, Post Office Drawer 392, Durant, Miss. 39063. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burlap bagging* for cotton bales, and *metal ties* for cotton bales, from Port of Gulfport, Miss., to points in Louisiana, Arkansas, Tennessee, Missouri, and Alabama, under contract with Ludlow Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 133240 (Sub-No. 1), filed March 14, 1969. Applicant: WEST END TRUCKING CO., INC., 8 Couchan Drive, Little Ferry, N.J. 07643. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, Garden City, Warren, Detroit, Southgate, Taylor, Southfield, Troy, St. Clair Shores, and Westland, Mich., restricted to a transportation service to be performed under contract with Holly Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133375 (Sub-No. 3), filed March 10, 1969. Applicant: CABS UNLIMITED, INC., 997 Dana Street, Mountain View, Calif. 94040. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals and radioactive chemicals*, in packages not to exceed 100 pounds, and restricted against the transportation of packages or articles weighing in the aggregate more than 200 pounds, between points in San Francisco, Marin, Sonoma, Mendocino, Lake, Colusa, Napa, Yolo, Sutter, Solano, Sacramento, San Joaquin, Contra Costa, Alameda, Santa Clara, San Mateo, Santa Cruz, Monterey, San Benito, and Stanislaus Counties, Calif., on traffic having a prior or subsequent movement out of State by air carrier under contract with Mallinckrodt Nuclear, New England Nuclear Corp., and Abbott Laboratories. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 133425, filed January 17, 1969. Applicant: BAYLESS & ROBERTS, INC., Copper Center, Alaska 99573. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and articles of unusual value), between Seattle, Wash., on the one hand, and, on the other, Haines, Alaska, via the Alaska Marine Ferry System, serving Haines, Alaska, for purposes of tacking and joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., and Anchorage and Fairbanks, Alaska.

No. MC 133470 (Sub-No. 1), filed March 13, 1969. Applicant: S. J. DURRANCE COMPANY, INC., Room 207, Administration Building, Forest Park, Ga. Applicant's representatives: Guy H. Postell and Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods, between points in Glynn and Chatham Counties, Ga., and points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Brunswick or Atlanta, Ga., or Jacksonville, Fla.

No. MC 133521 (Sub-No. 1), filed March 3, 1969. Applicant: CONTRACT CARRIER COMPANY, a corporation, C–O Leonard Shine, Statutory Agent, 855 Main Street, Bridgeport, Conn. 06603. Applicant's representative: Gustave D. Cederholm, 67 Avenue A, Newark, N.J. 07114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, raw, and finished bakery products, fillings, icings, toppings, and articles* used

in the sale, manufacture, and distribution thereof, in less than truck load shipments in refrigerator trucks and trailers under controlled temperatures not exceeding minus 10° fahrenheit (excluding articles in bulk or in tank vehicles), between Hartford, New Haven, and Bridgeport, Conn., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, and Virginia, under contract with Country Home Bakery, Inc., and Store Bake Corporation of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bridgeport, Conn., or New York, N.Y.

No. 133541, filed February 28, 1969. Applicant: McKIBBEN MOTOR SERVICE, INC., 415 John Street, Cincinnati, Ohio 45215. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 45215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Cincinnati, Ohio, to Detroit, Mich., and *empty malt beverage containers and pallets*, on return, under contract with Burger Brewing Co., Cincinnati, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 133543, filed March 6, 1969. Applicant: D. F. HOLBROOK, INC., National Bank Building, Lebanon, N.H. 03766. Applicant's representative: Ridler W. Page, 24 Hanover Street, Lebanon, N.H. 03766. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, from West Lebanon, N.H., to Lebanon, Newport, Franklin, Laconia, and Concord, N.H.; under contract with Holbrook Grocery Co. (IGA wholesaler in Keene, N.H.) and affiliated IGA grocery stores in Lebanon, Newport, Laconia, Franklin, and Concord, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 133546, filed March 4, 1969. Applicant: BILLY D. SAYERS, Route 1, Box 107, Sarepta, La. 71071. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone, rock, and hot mix asphalt* in bulk, between points in Columbia, Miller, Little River, and Lafayette Counties, Ark., and Caddo, Bossier, and Webster Parishes, La.; under contract with Madden Contracting, Braswell Sand & Gravel Co., Winford Co., Inc., and J. W. Daniel Sand & Gravel. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Little Rock, Ark.

No. MC 133552, filed March 12, 1969. Applicant: KOEHLER TRANSFER, INCORPORATED, 206 West Seminole Street, Dwight, Ill. 60420. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone directories*, from Dwight, Ill., to Chicago, Ill., restricted to shipments having a subsequent movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133570, filed March 14, 1969. Applicant: MELVIN A. ATKIN, doing business as ATKIN'S TRUCKING, Box 27, Hamilton, Ind. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of axles, from Lansing, Detroit, and Muskegon, Mich.; Toledo, Dayton, and Minerva, Ohio; Chicago, Ill.; South Bend and Gary, Ind.; to Forsyth, Ga., under a continuing contract with Hammer Blow, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133574, filed March 17, 1969. Applicant: TERRILL TRUCKING COMPANY, a corporation, 1016 Genesco Street, Storm Lake, Iowa. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles* distributed by meat packinghouses as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Estherville, Iowa, to points in Illinois, Indiana, Nebraska, Minnesota, Kansas, and Missouri, restricted to traffic originating at the plantsite and/or warehouse facilities of John Morrell & Co. at or near points named above and destined to the named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 133575, filed March 17, 1969. Applicant: HAROLD E. GRANING, 1712 Parkside Terrace, Champaign, Ill. 61820. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain dryers*, in truckaway, between Gibson City, Ill., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Tennesssee, Virginia, West Virginia, and Wisconsin; under contract with M & W Gear Co., Gibson City, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill., or St. Louis, Mo.

No. MC 133577, filed March 17, 1969. Applicant: H. LEROY JOHNSON, doing business as ROY'S MARINA, East 2708 Providence Avenue, Spokane, Wash. 99207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, between points in Washington, Idaho, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 133580, filed March 19, 1969. Applicant: FRED HIRSCHAUER TRUCKING, INC., 6600 Madison Road, Cincinnati, Ohio 45227. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete roof tile and equipment, machinery, and materials* used in the manufacture of concrete roof tile, between points in Symmes Township, Hamilton County, Ohio, on the one hand, and, on the other, Woburn, Mass., Fort Lauderdale, Fla., and Oklahoma City, Okla., under continuing contract with Adams/Powel International, Inc., Adams/Powel Tile Co. Division, (2) *concrete roof tile and equipment, machinery, materials, and supplies* used in the installation of concrete roof tile, from points in Symmes Township, Hamilton County, Ohio, to points in Kentucky, Indiana, Illinois, Pennsylvania, West Virginia, Tennessee, Massachusetts, and New York, under contracts with Adams Powel International Inc., Adams/Powel Tile Co. Division, and Shelter Sales, Inc., (3) *roofing materials, vinyl siding, gutters, and shutters, and other building materials*, from points in Symmes Township, Hamilton County, Ohio, to points in Kentucky, Indiana, and West Virginia, under contract with Shelter Sales, Inc., and (4) *sewer pipe*, clay, and concrete, and *related materials and supplies* used in the installation of sewer pipe, from points in Anderson Township, Hamilton County, Ohio, to points in Indiana, Kentucky, and West Virginia, under contract with United States Concrete Pipe Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 133586, filed March 20, 1969. Applicant: W. ROY ANDERSON, doing business as ANDERSON MOVING & STORAGE CO., Post Office Box 74, 1955 Industrial Park Avenue, Redlands, Calif. 92373. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Redlands, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub-No. 61), filed March 12, 1969. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate

as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, between Teaneck, N.J., and Ridgefield Park, N.J.: From Teaneck over junction of Queen Anne Road and Cedar Lane, thence over Cedar Lane to the junction of Teaneck Road, and thence over Teaneck Road to the junction of Teaneck Road and Mount Vernon Street in Ridgefield Park, N.J., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61598 (Sub-No. 50), filed March 3, 1969. Applicant: SMOKY MOUNTAIN STAGES, INC., 417 West Fifth Street, Charlotte, N.C. 28201. Applicant's representative: Gavin W. O'Brien, 2000 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Passengers and their baggage, light express and newspapers*, in the same vehicle with passengers, between Dellwood, N.C., and Gatlinburg, Tenn.: From Dellwood over North Carolina Highway 284 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Wilton Springs Road (County Road 2484), thence over Wilton Springs Road to junction Tennessee Highway 32, thence over Tennessee Highway 32 to junction Tennessee Highway 73, thence over Tennessee Highway 73 to Gatlinburg and return over the same route, serving all intermediate points; and (2) irregular routes: *Passengers and their baggage, light express and newspapers* in the same vehicle with passengers in charter operations, beginning and ending at points named in (1) above and extending to points in the United States. NOTE: Applicant states the authority herein sought will simply allow applicant to continue its Asheville-Knoxville service as applicants old or present route is being virtually negated by the U.S. Department of Interior closing the Smoky Mountains National Park to its scheduled service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111960 (Sub-No. 4), filed February 27, 1969. Applicant: WILKES TRANSPORTATION CO., INC., Post Office Box 1022, North Wilkesboro, N.C. 28659. Applicant's representative: H. P. Eller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers; (1) between Winston-Salem and Morganton, N.C., from Winston-Salem over North Carolina Highway 67 to Elkin, N.C., thence over North Carolina Highway 268 to North Wilkesboro, N.C., and thence over North Carolina Highway 18 to Morganton, N.C., and return over the same route serving all intermediate points; and (2) between Winston-Salem and Elkin, N.C., from Winston-Salem, over North Carolina Highway 67 to its junction with Forsyth County Road No. 1525, thence over Forsyth County Road No. 1525, via Pfafftown, to its junction with Yadkin County Road No. 1605, thence over Yadkin County Road 1605 to Yadkinville, thence over Yadkin County Road No. 1314 to Brooks Cross Roads, thence over U.S. Highway 21 to Elkin, N.C., and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 133563, filed March 7, 1969. Applicant: METROPOLITAIN PROVINCIAL (1967) Inc., 1390 William Street, Montreal, Quebec, Canada. Applicant's representative: Dudley J. Egan, 495 Cote Sainte-Catherine, Outremont, Montreal, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at points of entry on the United States-Canada boundary line, located in Maine, New Hampshire, Vermont, and New York, and extending to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Plattsburg, N.Y., Burlington, Vt., Albany, N.Y., or Montpelier, Vt.

APPLICATION OF FREIGHT FORWARDER

No. FF-368 KINGS VAN & STORAGE OF OKLAHOMA CITY, INC., Freight Forwarder Application, filed March 24, 1969. Applicant: KINGS VAN & STORAGE OF OKLAHOMA CITY, INC., 918 North Broadway, Oklahoma City, Okla. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, or motor vehicle in the transportation of *household goods*, as defined by the Commission, between all points in the United States, including Alaska and Hawaii.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 12942 (Sub-No. 2), filed March 7, 1969. Applicant: METRIC TEEN TOURS, INC., 2 Overhill Road, Scarsdale, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. For a license (BMC 5) to engage in operations as a broker at Scarsdale, Larchmont, and New Rochelle, N.Y., in arranging for the transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, restricted to youth groups, accompanied by tour conductors, supervisors, or chaperones, in round-trip, all expense tours, beginning at Denver, Colo., New Orleans, La., Los Angeles, Calif., and Chicago, Ill., and extending to all points in the United States (except Hawaii and Alaska). Restriction: The transportation proposed herein is subject to the prior or subsequent movement by interstate air or interstate railroad commerce from Scarsdale, Larchmont, New Rochelle, Yonkers, and New York, N.Y., of passengers and their baggage to the points of origin above set out.

No. MC 130084, filed March 17, 1969. Applicant: ALL NATIONS TRAVEL, INC., 141 North Main, Suite, 300, Sioux Falls, S. Dak. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. For a license (BMC-5) to engage in operations as a *broker*, in Sioux Falls, S. Dak., in arranging for transportation in interstate or foreign commerce of *passengers in groups or parties and their baggage*, in round-trip tours, beginning and ending at points in South Dakota and extending to all points in the United States (except Hawaii) including ports of entry on the United States-Canadian and United States-Mexican boundaries.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub. No. 131), filed March 17, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operation, (19) between Phoenix and Flagstaff, Ariz., from Phoenix over Interstate Highway 17 to Flagstaff, Ariz., as an alternate route to be used for operating convenience only, with no service at intermediate points, subject to the restriction that said route shall not be used in the transportation of passengers moving over carrier's authorized routes in interstate commerce solely, between Phoenix, Ariz., on the one hand, and, on the other, Flagstaff, Ariz., and Amarillo, Tex., and intermediate points on U.S. Highway 66 between Flagstaff and Amarillo, Tex. (*20) between the Nevada-Arizona State line and Kingman, Ariz., from the Nevada-Arizona State line over U.S. Highway 93 to Kingman. (Connects with Nevada route 9) (*21) between Flagstaff and Phoenix, Ariz., (a) from Flagstaff over alternate U.S. Highway 89 to junction Arizona Highway 279, thence over Arizona Highway 279 to junction Interstate Highway 17, and (b) from junction Interstate Highway 17 and Arizona Highway 279 over Interstate Highway 17 to Phoenix, Ariz. Service is authorized to be conducted in special operations only in all expense tours, originating at Phoenix, Ariz., or points beyond, destined to Las Vegas, Nev., or points beyond, on the reverse. Each tour must include: (1) A leisurely trip including sightseeing stops at points of interest on route, and (2) at least one overnight stop en route. NOTE: Applicant has alternate route authority for operating convenience only, between Phoenix and Flagstaff, Ariz., over Interstate Highway 17. If the Commission determines that duplicating authority is involved, applicant requests that Part (b) of route 21 be dismissed and applicant be granted Part (a) as an alternate route for purposes of joinder only, with No. 19 at junction of Interstate Highway 17 and Arizona Highway 279. Applicant states present operating authority of applicant, so far as affects the territory and subject matter herein involved, is contained in sixth Revised Certificate of Public Convenience and Necessity No. MC 1515 (Sub-No. 7), dated August 7, 1967. Routes proposed to be added are indicated by an asterisk (*).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4158; Filed, Apr. 9, 1969; 8:45 a.m.]

[Notice 810]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 7, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Sub-No. 85 TA), filed April 1, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward Hegarty, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Garfield, Utah, to New York, N.Y., for 180 days. Supporting shipper: Kennecott Copper Corp., Metal Mining Division, 161 East 42d Street, New York, N.Y. 10017. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 83885 (Sub-No. 9 TA), filed April 2, 1969. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. 10007. Applicant's representative: Zelby & Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bars*, from New York, N.Y., to Colwyn, Pa., under contract with Minnesota Mining & Manufacturing Co., for 150 days. Supporting shipper: Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 103993 (Sub-No. 396 TA), filed April 3, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel containers, and storage racks, and materials* used in the erection and completion thereof, from Macedonia, Ohio, to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Car-Rack Corp., Macedonia, Ohio. Send protests to: District Supervisor Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106398 (Sub-No. 395 TA), filed April 3, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, in initial movements, from Pendleton and La Grande, Oreg., to points in Washington, Idaho, Montana, and Rapid City, S. Dak., for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., Roark V. Moudy, General Okla. 74151. Applicant's representative: Manager, Post Office Box 7638, Riverside, Calif. 92503. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107002 (Sub-No. 368 TA), filed April 1, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, sodium nitrate, and water solution*, in bulk, in tank vehicles, from McAdory, Ala., to New Orleans, La., for 180 days. Supporting shipper: Hercules Inc., Wilmington, Del. 19899. Send protests to: District Supervisor Alan C. Tarrant, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 107295 (Sub-No. 191 TA), filed April 1, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and accessories*, from Dollar Bay, Mich., to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia, for 180 days. Supporting shipper: Horner Flooring Co., Dollar Bay, Mich. 49922. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107496 (Sub-No. 716 TA), filed April 1, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855 (50304), Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in pneumatic tank vehicles, from Chicago, Des Plaines, and Lemont, Ill., to points in Wisconsin and Indiana, for 150 days. Supporting shipper: Dundee Cement Co., Dundee, Mich. 48131. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 717 TA), filed April 1, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855 (50304), Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk, in pneumatic tank vehicles, from the Nilo terminal at or near Joliet, Ill., to points in Wisconsin, Indiana, Ohio, and Lower Peninsula of Michigan, for 150 days. Supporting shipper: Olin Mathieson Chemical Corp., Post Office Box 991, Little Rock, Ark. 72203. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 718 TA), filed April 1, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855 (50304), Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizer solutions*, in bulk, in tank vehicles, from Vinton, Iowa, to points in Wisconsin and Illinois north of Interstate Highway 80, for 150 days. Supporting Shipper: Cornland Fertilizers, Inc., 1709 West Main Street, Sun Prairie, Wis. 53590. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 108676 (Sub-No. 26 TA), filed April 3, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, and related parts therefor*, which because of size and weight require use of special equipment, from Murfreesboro, Tenn., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Cummings & Co., Inc., Post Office Box 1237, Murfreesboro, Tenn. 37130. Send protests to: Joe T. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 114848 (Sub-No. 43 TA), filed March 28, 1969. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Post Office Box 13068 (Riverside Station 38113), Memphis, Tenn. 38106. Applicant's representative: Terry T. Wharton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas and Mississippi, for 180 days. Supporting shipper: Mobil Chemical Co., Agricultural Chemicals Division, Industrial Chemicals Division, 401 East Main Street, Richmond, Va. 23208. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 114848 (Sub-No. 45 TA), filed April 3, 1969. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel, Post Office Box 13068, Riverside Station 38113, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Memphis, Tenn., to points in Alabama, Arkansas, Kentucky, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shipper: International Salt Co., Clarks Summit, Pa. (John F. Roth, Jr., Southern Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 124174 (Sub-No. 69 TA), filed April 3, 1969. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Post Office Box 309, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products*, from Austin, Minn., to points in West Virginia and that portion of Virginia on and west of Interstate Highway 95 and on and south of U.S. Highway 33, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 127047 (Sub-No. 7 TA), filed April 1, 1969. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, Kans. 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Axles, wheels, axle parts, hub and drum assemblies, wheel rims, and related parts and accessories*, from Newton, Kans., to points in Georgia and Mississippi, for 180 days. Supporting shipper: Foreman Manufacturing Co. (a division of Motor Wheel Corp., Chicago, Ill.), Newton, Kans. 67114. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4215; Filed, Apr. 9, 1969; 8:49 a.m.]

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No. MC 108676 (Sub-No. 26 TA), filed April 3, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, and related parts therefor*, which because of size and weight require use of special equipment, from Murfreesboro, Tenn., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Cummings & Co., Inc., Post Office Box 1237, Murfreesboro, Tenn. 37130. Send protests to: Joe T. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

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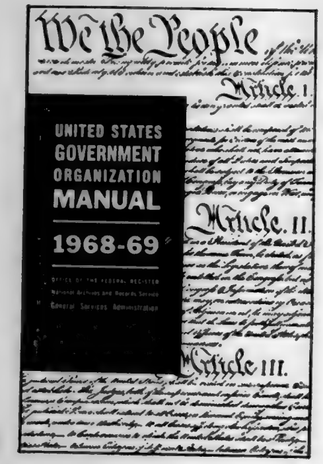
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[90th Cong., 1st Sess.]

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Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-95]

PART 1—GENERAL PROVISIONS

Hours of Business of Customs Offices

In order to authorize all principal field officers of the Customs Service to excuse customs employees from work on State or local holidays, without the prior approval of a regional commissioner of customs, § 1.7(d) of the Customs Regulations is amended to read as follows:

§ 1.7 Hours of business.

* * * * *

(d) Each customs office shall be open for the transaction of business on all State and local holidays occurring on days other than Saturdays, Sundays, and national holidays. If a State or local holiday interferes with the performance of work in a customs office by any customs employee or employees, the appropriate principal field officer may excuse such employee or employees from duty without charge to leave.

(R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: April 2, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4257; Filed, Apr. 10, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

[DoD Instructions 4005.3, 12/24/68]

PART 200—INDUSTRIAL MOBILIZATION PRODUCTION PLANNING SYSTEMS AND PROCEDURES

The Assistant Secretary of Defense (Installations and Logistics) has approved the following:

Sec.
200.1 Purpose.
200.2 Applicability.
200.3 Responsibilities.

AUTHORITY: The provisions of this Part 200 issued under 5 U.S.C. 301.

§ 200.1 Purpose.

This part authorizes the publication of a single Department of Defense Industrial Mobilization Production Planning Manual (DoD 4005.3-M)[1] containing supplemental guidance to the policies and principles established in DoD Directive 4005.1, "Department of Defense Industrial Mobilization Production Planning Program—Limited War," dated June 23, 1967,[2] governing:

(a) Development and maintenance of the industrial production base; and

(b) Planning necessary to insure that the base will be responsive to military procurement actions during a Limited War.

§ 200.2 Applicability.

The provisions of this part and the DoD Manual[1] apply to (a) the Military Departments and the Defense Supply Agency; (b) other participating Federal Agencies; and (c) that portion of the industrial community which is, or may become, engaged in planning for the fulfillment of DoD requirements under the provisions of the DoD Manual.[1]

§ 200.3 Responsibilities.

(a) The Deputy Assistant Secretary of Defense (Installations and Logistics) for Materiel will:

(1) Publish and maintain the DoD Industrial Mobilization Production Planning Manual (DoD 4005.3-M)[1] and will (i) assign functional responsibilities to participating organizational elements; (ii) establish principles and procedural systems governing the operational aspects of mobilization production planning; (iii) define terms; (iv) prescribe DD Forms and instructions for their use; (v) specify records to be maintained by users; (vi) establish security standards for the protection of planning in process and planning completed; and

(2) Maintain overall surveillance to insure continuous implementation of the provisions of this part and the DoD Manual[1] throughout the Department of Defense.

(b) The Military Departments and the Defense Supply Agency will (1) designate an individual and an alternate to act as the single point of contact with the DASD(I&L) Materiel and represent its interest on all industrial mobilization production planning program matters; and (2) assist the DASD(I&L) Materiel or his designee concerning program improvements and changes.

(c) Other participating Federal Agencies are invited to designate an individual and an alternate to represent their Agencies' interests in the program on a basis comparable to those who will represent the Military Departments and the Defense Supply Agency as provided in paragraph (b) of this section.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-4227; Filed, Apr. 10, 1969; 8:45 a.m.]

[1] Filed as part of original document. Copies available at Government Printing Office (GPO), Mar. 27, 1969.

[2] Filed as part of original document. Copies available at the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 9420; Amdt. 39-748]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11, 203/AE and 204/AF Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring replacement of the aluminum refuel/defuel valve housing with a modified stainless steel valve housing on BAC 1-11, 203/AE and 204/AF airplanes, was published in 34 F.R. 1956.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11, 203/AE and 204/AF airplanes.

Compliance required within the next 2,500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent fuel leakage into the wing center section torque box area, replace the aluminum alloy refuel/defuel valve housing P/N AB 45A101 with modified stainless steel valve housing P/N AB 45A1239 in accordance with BAC 1-11 Service Bulletin No. 28-PM 924 or later ARB-approved issue or FAA-approved equivalent.

This amendment becomes effective May 11, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 4, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4233; Filed, Apr. 10, 1969; 8:45 a.m.]

[Docket No. 9418; Amdt. 39-749]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11, 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring removal and modification of the spring pots from the right and left elevators on BAC Model 1-11, 200 and 400 Series airplanes, was published in 34 F.R. 1956.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11, 200 and 400 Series airplanes.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To ensure that the shear pin which is installed within the Elevator Centralizing Spring Pots, Part Nos. AB34-A891, A3003, A3017, A3019, and A3021 remains effective, remove and disassemble the spring pots from the right and left elevators and modify in accordance with BAC 1-11 Service Bulletin No. 27-A-PM 3536 or later ARB-approved issue, or FAA-approved equivalent.

This amendment becomes effective May 11, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 4, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4234; Filed, Apr. 10, 1969; 8:45 a.m.]

[Docket No. 9419; Amdt. 39-747]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of interference brackets and retaining cables to the detachable clip assemblies at the fire extinguishing bottleneck at the inner and outer nacelle mountings on Vickers Viscount Model 744, 745D, and 810 Series airplanes, was published in 34 F.R. 1956.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series airplanes.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent discharge of power plant fire extinguishant into the wrong power plant due to incorrect assembly of power plant fire extinguisher bottles, install interference brackets and retaining cables to the detachable clip assemblies at the fire extinguishing bottle neck at the inner and outer nacelle mountings in accordance with British Aircraft Corp. Modification Bulletin D.3218 dated July 14, 1968 (700 Series) or Modification Bulletin FG.2094 dated July 14, 1968 (800/810 Series) or later ARB-approved issues or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

This amendment becomes effective May 11, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 4, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4235; Filed, Apr. 10, 1969; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-AL-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Areas, Transition Area, Control Zone, and Reporting Points

On February 12, 1969, F.R. Doc. 69-1787 was published in the FEDERAL REGISTER (34 F.R. 2047) stating that because of the temporary unavailability of air traffic control service in the area of the north slope of Alaska, certain controlled airspace and designated reporting points were revoked effective February 7, 1969. It was also stated that, in the interest of safety, the controlled airspace and reporting points would be redesignated as a rule without notice concurrently with the availability of air traffic control service. Such service is now available; accordingly, action is taken herein to redesignate the aforementioned controlled airspace and reporting points.

Since these amendments are in the interest of safety, the Administrator has determined that notice and public procedure thereon is impracticable, and good cause exists to make them effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 11, 1969, as hereinafter set forth.

1. In § 71.163 (34 F.R. 4549) the following are added:

FAIRBANKS/OLIKTOK, ALASKA

From the Fairbanks, Alaska, LF RR, 48 nautical miles, 12 AGL, 65 MSL Chandalar, Alaska, RBN (lat. 67°30'44" N., long. 148°-29'26" W.) 90 nautical miles, 95 MSL, 12 AGL Sagwon, Alaska RBN (lat. 69°22'18" N., long. 148°41'57" W.) 12 AGL Prudhoe Bay, Alaska, RBN (lat. 70°14'55" N., long. 148°-23'28" W.) 12 AGL Oliktok, Alaska, RBN.

SAGWON/FLAXMAN ISLAND, ALASKA

From the Sagwon, Alaska, RBN (lat. 69°22'18" N., long. 148°41'57" W.) 12 AGL Flaxman Island, Alaska, RBN.

BETTLES/PRUDHOE BAY, ALASKA

From the Bettles, Alaska, RBN, 59 nautical miles 12 AGL, 76 nautical miles 95 MSL, 12 AGL Prudhoe Bay, Alaska, RBN (lat. 70°14'55" N., long. 148°23'28" W.).

BETTLES/UMIAT, ALASKA

From the Bettles, Alaska, RBN, 59 nautical miles 12 AGL, 31 nautical miles 95 MSL, 12 AGL Umiat, Alaska, RBN (lat. 69°22'25" N., long. 152°08'00" W.).

UMIAT/POINT BARROW, ALASKA

From the Umiat, Alaska, RBN (lat. 69°-22'25" N., long. 152°08'00" W.) 21 nautical miles 12 AGL, 112 nautical miles 25 MSL, 12 AGL Point Barrow, Alaska, RBN. This additional control area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will be continuously published in the Alaska Airman's Guide and Chart Supplement.

UMIAT/PRUDHOE BAY, ALASKA

From the Umiat, Alaska, RBN (lat. 69°22'25" N., long. 152°08'00" W.) 12 AGL Prudhoe Bay, Alaska, RBN (lat. 70°14'55" N., long. 148°23'28" W.).

2. In § 71.171 (34 F.R. 4557) the following is added:

PRUDHOE BAY, ALASKA

Within a 5-mile radius of Prudhoe Bay Airport (lat. 70°14'55" N., long. 148°23'28" W.).

3. In § 71.181 (34 F.R. 4637) the following is added:

PRUDHOE BAY, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Prudhoe Bay, Alaska, RBN (lat. 70°14'55" N., long. 148°23'28" W.) 076° bearing, extending from the RBN to 16 miles northeast, and within 2 miles northwest and 4 miles southeast of the Prudhoe Bay RBN 256° bearing extending from the RBN to 24 miles southwest, and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 69°40'00" N., long. 153°00'00" W.; to lat. 70°33'00" N., long. 150°45'00" W.; thence east via 3 nautical miles offshore to lat. 70°14'00" N., long. 146°00'00" W.; to lat. 69°35'00" N., long. 146°00'00" W.; to lat. 69°00'00" N., long. 148°00'00" W.; to lat. 69°00'00" N., long. 153°00'00" W.; thence to point of beginning.

4. In § 71.211 (34 F.R. 4804) the following are added:

a. Chandalar, Alaska, RBN.
b. Prudhoe Bay, Alaska, RBN.
c. Sagwon, Alaska, RBN.
d. Umiat, Alaska, RBN.

5. In § 71.213 (34 F.R. 4805) the following are added:

a. Prudhoe Bay, Alaska, RBN.
b. Sagwon, Alaska, RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 10, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-4374; Filed, Apr. 10, 1969; 10:31 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9507; Amdt. 644]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

McGrath, Alaska—McGrath, LFR 1, Amdt. 9, 2 Nov. 1963 (established under Subpart C).
Kansas City, Mo.—Kansas City International, NDB (ADF) Runway 36, Amdt. 4, 4 Jan. 1968 (established under Subpart C).
Perryton, Tex.—Perryton Municipal, ADF 1, Orig., 29 Oct. 1968 (established under Subpart C).
Chicago, Ill. (Wheeling)—Chicagoland, VOR-1, Orig., 28 Jan. 1967 (established under Subpart C).
Elizabethtown, Ky.—Elizabethtown-Hardin County, VOR-1, Orig., 11 Feb. 1967 (established under Subpart C).
Gage, Okla.—Gage Municipal, VOR 1, Amdt. 4, 30 Oct. 1965 (established under Subpart C).
Kansas City, Mo.—Kansas City International, VOR Runway 27, Orig., 4 Jan. 1968 (established under Subpart C).
McGrath, Alaska—McGrath, VOR 1, Amdt. 2, 18 June 1966 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Clinton, Iowa—Clinton Municipal, VOR Runway 32, Amdt. 7, 21 Oct. 1967, canceled, effective 1 May 1969.

3. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Minneapolis, Minn.—Flying Cloud, TerVOR-9L, Amdt. 3, 17 Sept. 1966 (established under Subpart C).

4. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Kansas City, Mo.—Kansas City International, VOR/DME Runway 9, Orig., 4 Jan. 1968 (established under Subpart C).
McGrath, Alaska—McGrath, VOR/DME 1, Amdt. 2, 16 July 1966 (established under Subpart C).

5. By amending § 97.17 of Subpart B to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums		
					2-engine or less	More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots
Lisbon Int	FND RBn	Direct	2700	T-dn	200-1	200-1	200-1
Towson Int	FND RBn	Direct	2700	C-dn	500-1	500-1	500-1
BAL VORTAC	FND RBn	Direct	2700	S-dn-15	200-½	200-½	200-½
EMI VORTAC	FND RBn (NOPT)	Direct	2700	A-dn	600-2	600-2	600-2
				With glide slope inoperative:			
				*S-dn-15	500-½	500-½	500-½

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 2700' within 10 miles of Ellicott RBn.
Minimum altitude of glide slope over Ellicott RBn, 2642' MSL.
Crs and distance, Ellicott RBn to airport, 152°—7.5 nautical miles.
Minimum altitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM, 1437'—3.8 nautical miles; at MM, 364'—0.5 nautical mile.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 3.8 miles after passing OM, climb to 2000' on BAL VOR R 105° to Bodkin Int. Hold E, 1 minute, left turns, 285° Inbnd.
NOTE: ASR.
*With glide slope inoperative maintain 1400' until passing OM.
MSA within 25 miles of LOM: 000°-090°—2400'; 090°-180°—2400'; 180°-270°—2100'; 270°-360°—2400'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class, ILS; Ident., I-FND; Procedure No. ILS Runway 15, Amdt. Orig; Eff. date, 1 May 69

6. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Kansas City, Mo.—Kansas City International, LOC (BC) Runway 18, Amdt. 5, 15 July 1967 (established under Subpart C).
Kansas City, Mo.—Kansas City International, ILS Runway 36, Amdt. 5, 4 Jan. 1968 (established under Subpart C).

7. By amending § 97.21 of Subpart C to establish low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.4 miles after passing MC LFR.
			Climb straight ahead to 2700′ on NW crs (272° Outbnd) within 10 miles. Supplementary charting information: Mountainous terrain "all" quadrants. Terrain 1266′, 3.1 miles S of airport. Terrain 1677′, 3.6 miles S of airport. Appel Mountain 1569′, 4.4 miles N of airport.

Procedure turn S side of crs, 096° Outbnd, 276° Inbnd, 2400′ within 10 miles of MC LFR.
FAF, MC LFR. Final approach crs, 272°. Distance FAF to MAP, 1.4 miles.
Minimum altitude over MC LFR, 1400′.
MSA: NW—5200′; NE—3000′; SE—3400′; SW—4200′.
NOTE: IFR departures must comply with published SIDs.
*Alternate minimums Category D, 1000-2.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	463	800	1	463	800	1¼	463	1100	2	763
A	Standard.*			T 2-eng. or less.—Standard.			T over 2-eng.—Standard.					

City, McGrath; State, Alaska; Airport name, McGrath; Elev., 337′; Facility, MC; Procedure No. LFR-1, Amdt. 10; Eff. date, 1 May 69; Sup. Amdt. No. LFR 1, Amdt. 9; Dated, 2 Nov. 63

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.7 miles after passing LAN VOR.
			Climbing left turn to 2500′ direct to LAN VOR. Supplementary charting information: Plot radial from LAN VOR that intercepts Runway 20 threshold. 1310′ tower 6 miles NE of airport.

Procedure turn W side of crs, 033° Outbnd, 213° Inbnd, 2500′ within 10 miles of LAN VOR.
FAF, LAN VOR. Final approach crs, 213°. Distance FAF to MAP, 9.7 miles.
Minimum altitude over LAN VOR, 2500′.
MSA: 000°–180°—2900′; 180°–270°—2600′; 270°–360°—2200′.
NOTE: Use Lansing altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	1820	1	631	1820	1	631	1820	1¼	631		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1820	1	631	1820	1	631	1820	1¼	631		NA	
A	Not authorized.			T 2-eng. or less.—Standard.			T over 2-eng.—Standard.					

City, Charlotte; State, Mich.; Airport name, Fitch H. Beach; Elev., 880′; Facility, LAN; Procedure No. VOR Runway 20, Amdt. Orig.; Eff. date, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OBK VORTAC.
			Make right turn, climb to 2500′ on OBK VORTAC R 060° and return to OBK VORTAC. Supplementary charting information: Tower 884′, 3.3 miles ENE of airport. Tower 775′, 2 miles E of airport.

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2000′ within 10 miles of OBK VORTAC.
Final approach crs, 240°.
Minimum altitude over Toll Int., 1220′.
MSA: 000°–090°—2100′; 090°–180°—3100′; 180°–270°—3600′; 270°–360°—2300′.
NOTES: (1) Radar vectoring. (2) Use Chicago O'Hare altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS	
C	1220	1	554	1220	1	554	1220	1¼	554		NA	
	Dual VOR or VOR/DME Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1100	1	434	1120	1	454	1120	1¼	454		NA	
A	Not authorized.			T 2-eng. or less—300-1 all runways.			T over 2-eng.—300-1 all runways.					

City, Chicago (Wheeling); State, Ill.; Airport name, Chicagoland; Elev., 666′; Facility, OBK; Procedure No. VOR-1, Amdt. 1; Eff. date, 1 May 69; Sup. Amdt. No. Orig.; Dated, 28 Jan. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.8 miles after passing CVA VOR.
ML LOM	CVA VOR	Direct	2600	Climb to 2200′, left turn to CVA VOR.

Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 2300′ within 10 miles of CVA VOR.
FAF, CVA VOR. Final approach crs, 040°. Distance FAF to MAP, 9.8 miles.
Minimum altitude over CVA VOR, 2300′.
MSA: 090°–180°—2900′; 180°–270°—2700′; 270°–090°—2200′.
NOTE: Use Moline, Ill., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8	1360	1	653	1360	1	653	1360	1¼	653	1360	1¼	653
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	653	1360	1	653	1360	1¼	653	1360	2	653
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Clinton; State, Iowa; Airport name, Clinton Municipal; Elev., 707′; Facility, CVA; Procedure No. VOR Runway 3, Amdt. Orig.; Eff. date, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.1 miles after passing CVA VOR.
ML LOM	CVA VOR	Direct	2600	Climb to 2300', right turn to CVA VOR. Supplementary charting information: TDZ elevation, 749'.

Procedure turn W side of crs, 036° Outbnd, 216° Inbnd, 2300' within 10 miles of CVA VOR.
FAF, CVA VOR. Final approach crs, 216°. Distance FAF to MAF, 7.1 miles.
Minimum altitude over CVA VOR, 2300'.
MSA: 000°–180°—2900'; 180°–270°—2700'; 270°–000°—2200'.
NOTE: Use Moline, Ill., altimeter setting when control zone not effective.
$Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	1280	1	531	1280	1	531	1280	1	531	1280	1¼	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	527	1280	1	527	1280	1¼	527	1280	2	567
A	Standard.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Davenport; State, Iowa; Airport name, Davenport Municipal; Elev., 753'; Facility, CVA; Procedure No. VOR Runway 20, Amdt. Orig.; Eff. date, 1 May 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing Indian Hills Int/8-mile DME Fix.
EWO VORTAC	Indian Hills Int/8-mile DME Fix	EWO, R 305°	2500	Left climbing turn to 3000' direct EWO VORTAC, and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 305° Inbnd. Chart: 1330' tower 37°41'59" N./85°49'07" W.; 1450' tower 37°40'56" N./85°50'32" W. Final approach crs crosses airport reference point.

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 3000' within 10 miles of EWO VORTAC.
FAF, Indian Hills Int/8-mile DME Fix. Final approach crs, 305°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over EWO VORTAC, 3000'; over Indian Hills Int/8-mile DME Fix, 2500'.
MSA: 000°–090°—2900'; 090°–180°—2400'; 180°–270°—2500'; 270°–360°—2500'.
NOTE: Use Fort Knox, Ky., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1640	1	760	1640	1¼	760	NA	NA
	VOR/DME Minimums:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1480	1	600	1480	1	600	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Elizabethtown; State, Ky.; Airport name, Elizabethtown-Hardin County; Elev., 680'; Facility, EWO; Procedure No. VOR-1, Amdt. 1; Eff. date, 1 May 69; Sup. Amdt. No. Orig.; Dated, 11 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing GAG VORTAC.
				Climb to 4000', left turn direct GAG VORTAC and hold. Supplementary charting information: Hold W of GAG VORTAC on R 289°, 109° Inbnd, right turns, 1 minute.

Procedure turn S side of crs, 289° Outbnd, 109° Inbnd, 4000' within 10 miles of GAG VORTAC.
FAF, GAG VORTAC. Final approach crs, 109°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over GAG VORTAC, 4000'.
MSA: 000°–180°—3900'; 180°–270°—4200'; 270°–360°—4000'.
*Runway lights for night operation on 17–35 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	2760	1	537	2760	1	537	2760	1	537	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Gage; State, Okla.; Airport name, Gage Municipal; Elev., 2223'; Facility, GAG; Procedure No. VOR-1, Amdt. 5; Eff. date, 1 May 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 30 Oct. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing MKC VORTAC.
R 012°, MKC VORTAC CW	R 068°, MKC VORTAC	7-mile Arc	2600	Climb to 2700' on MKC VORTAC R 268°, intercept STJ VORTAC R 170° and proceed S to Lansing Int. Supplementary charting information: TDZ elevation, 1025'.
R 149°, MKC VORTAC CCW	R 068°, MKC VORTAC	7-mile Arc	2600	
7-mile DME Arc	MKC VORTAC (NOPT)	MKC R 068°	2400	

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 2600' within 10 miles of MKC VORTAC.
FAF, MKC VORTAC. Final approach crs, 248°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over MKC VORTAC, 2400'.
MSA: 045°–135°—2600'; 135°–225°—3100'; 225°–315°—2400'; 315°–045°—2600'.
NOTES: (1) Radar vectoring. (2) Inoperative components table does not apply to HIRL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	1440	1	415	1440	1	415	1440	1	415	1440	1	415
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	515	1540	1	515	1540	1¼	515	1580	2	555
A	Standard.		T 2-eng. or less—RVR 24', Runway 36; Standard all other runways.				T over 2-eng.—RVR 24', Runway 36; Standard all other runways.					

City, Kansas City; State, Mo.; Airport name, Kansas City International; Elev., 1025'; Facility, MKC; Procedure No. VOR Runway 27, Amdt. 1; Eff. date, 1 May 69; Sup. Amdt. No. Orig.; Dated, 4 Jan. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8 miles after passing Mount Comfort Int.
SHB VOR	Mount Comfort Int	Direct	2400	Climb to 2400' within 10 miles, right turn, return to Mount Comfort Int. Supplementary charting information: Plot approach radial which intercepts runway centerline at threshold. TDZ elevation, 854'.

Procedure turn E side of crs, 163° Outbnd, 343° Inbnd, 2400' within 10 miles of Mount Comfort Int.
FAF, Mount Comfort Int. Final approach crs, 343°. Distance FAF to MAP, 8 miles.
Minimum altitude over Mount Comfort Int, 2400'.
MSA: 000°–180°—2400'; 180°–270°—3100'; 270°–360°—2900'.
NOTES: (1) Dual VOR receivers required. (2) Radar vectoring. (3) Use Indianapolis, Ind., altimeter setting.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAT	MDA	VIS	HAT	VIS		VIS	
S-36	1320	1	496	1320	1	496	NA		NA	
	MDA	VIS	HAA	MDA	VIS	HAA				
C	1360	1	536	1360	1	536	NA		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, McCordsville; State, Ind.; Airport name, Indianapolis Brookside; Elev., 854'; Facility, SHB; Procedure No. VOR Runway 36, Amdt. Orig.; Eff. date, 1 May 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MCG VORTAC.
MC LFR	MCG VORTAC	Direct	2700	Climb straight ahead on R 280° to 2700' within 10 miles. Supplementary charting information: Mountainous terrain "all" quadrants. Terrain 1250', 3.1 miles S of airport. Terrain 1677', 3.6 miles S of airport. Appel Mountain 1589', 4.4 miles N of airport.

Procedure turn S side of crs, 100° Outbnd, 280° Inbnd, 2700' within 10 miles of MCG VORTAC.
Final approach crs, 280°.
MSA: 170°–260°—4200'; 260°–350°—5200'; 350°–170°—3000'.
NOTE: IFR departures must comply with published SIDs.
*Alternate minimums for Category D, 1000–2.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	523	860	1	523	860	1¼	523	1100	2	763
A	Standard.*		T 2-eng or less.—Standard.				T over 2-eng.—Standard.					

City, McGrath; State, Alaska; Airport name, McGrath; Elev., 337'; Facility, MCG; Procedure No. VOR-1, Amdt. 3; Eff. date, 1 May 69; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 18 June 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FCM VOR.
Victoria Int	FCM VOR	Direct	2200	Right climbing turn to 2200' on R 220° within 10 miles; return to FCM VOR.
Prior Int	FCM VOR	Direct	2200	
MSP VORTAC	FCM VOR	Direct	2500	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. TDZ elevation, 905'.
FGT VOR	FCM VOR	Direct	2200	

Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 2300' within 10 miles of FCM VOR.
Final approach crs, 106°.
Minimum altitude over Excelsior Int, 1440'.
MSA: 000°–180°—2500'; 180°–270°—2400'; 270°–000°—2600'.
NOTES: (1) Radar vectoring. (2) Runways 9R/27L unlighted. (3) Use Minneapolis International altimeter setting when control zone not effective; circling and straight-in MDA increased 40' when control zone not effective. (4) Inoperative table does not apply to REIL Runway 9L.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	HAT	HAT
S-9L	1440	1	535	1440	1	535	1440	1	535	1440	1¼	535
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1440	1	535	1440	1	535	1440	1¼	551	1460	2	555
	Dual VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9L	1240	1	335	1240	1	335	1240	1	335	1240	1	335
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	395	1360	1	455	1360	1¼	455	1400	2	555
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Minneapolis; State, Minn.; Airport name, Flying Cloud; Elev., 905'; Facility, FCM; Procedure No. VOR Runway 9L, Amdt. 4; Eff. date, 1 May 69; Sup. Amdt. No. To VOR-9L, Amdt. 3; Dated, 17 Sept. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FCM VOR.
Victoria Int	FCM VOR	Direct	2600	Climb to 2600' on R 300° within 10 miles; return to VOR.
Prior Int	FCM VOR	Direct	2600	
MSP VORTAC	FCM VOR	Direct	2600	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. TDZ elevation, 905'.
FGT VOR	FCM VOR	Direct	2600	

Procedure turn E side of crs, 175° Outbnd, 353° Inbnd, 2600' within 10 miles of FCM VOR.
Final approach crs, R 175°.
Minimum altitude over Dean Int., 1400'.
MSA: 000°–180°—2500'; 180°–270°—2400'; 270°000°—2600'.
NOTES: (1) Radar vectoring. (2) Runways 9R/27L unlighted. (3) Use Minneapolis International altimeter setting when control zone not effective; circling and straight-in MDA increased 40' when control zone not effective.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1400	1	495	1400	1	495	1400	1	495	1400	1	495
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1400	1	495	1400	1	495	1400	1¼	495	1400	2	555
	Dual VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1240	1	335	1240	1	335	1240	1	335	1240	1	335
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Minneapolis; State, Minn.; Airport name, Flying Cloud; Elev., 905'; Facility, FCM; Procedure No. VOR Runway 36, Amdt. Orig.; Eff. date, 1 May 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing 4-mile Radar Fix.
				Climb to 2000' on MSY VOR R 079° to Opal Int.; or, when directed by ATC, climb to 1500', left turn to MSY VOR R 064° to Slidell Int.

Procedure turn not authorized.
FAF, 4-mile Radar Fix. Final approach crs, 079°. Distance FAF to MAP, 4 miles.
Minimum altitude over 4-mile Radar Fix, 1200'.
MSA: 000°–360°—2000'.
NOTE: Radar required.
*Night operations not authorized Runways 8/26.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	451	460	1	451	520	1	511	560	2	551
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, New Orleans; State, La.; Airport name, Lakefront; Elev., 9'; Facility, MSY; Procedure No. VOR-8, Amdt. Orig.; Eff. date, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.3-mile DME Fix.
R 223°, MKC VORTAC CW	R 268°, MKC VORTAC	20-mile Arc	2600	Climbing left turn to 2600', intercept R 331° MKC VORTAC, proceed to Camden Int.
R 331°, MKC VORTAC CCW	R 268°, MKC VORTAC	20-mile Arc	2700	
20-mile DME Arc	12-mile DME Fix, R 268° (NOPT)	MKC, R 268°	2600	
				Supplementary charting information: TDZ elevation, 1014'.

Procedure turn S side of crs, 268° Outbnd, 088 Inbnd, 2600' within 10 miles of 12-mile DME Fix, R 268° MKC VORTAC.
FAF, 12-mile DME Fix. Final approach crs, 088°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over 12-mile DME Fix, 2600'.
MSA: 045°–135°—2600'; 135°–225°—3100'; 225°–315°—2400'; 315°–045°—2500'.
NOTES: (1) Radar vectoring. (2) Inoperative components table does not apply to HIRL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–9	1420	1	406	1420	1	406	1420	1	406	1420	1	406
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	515	1540	1	515	1540	1½	515	1580	2	555
A	Standard.		T 2-eng. or less—RVR 24', Runway 36; Standard all other runways.				T over 2-eng.—RVR 24', Runway 36; Standard all other runways.					

City, Kansas City; State, Mo.; Airport name, Kansas City International; Elev., 1028'; Facility, MKC; Procedure No. VOR/DME Runway 9, Amdt. 1; Eff. date, 1 May 69; Sup. Amdt. No. Orig.; Dated, 4 Jan. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1-mile DME on R 345°.
MC LFR	MCG VORTAC	Direct	2600	Turn left, climb to 3000' on R 100° within 15 miles.
R 321°, MCG VORTAC CW	R 345°, MCG VORTAC (NOPT)	15-mile Arc MCG, R 337° lead radial.	4000	
R 035°, MCG VORTAC CCW	R 345°, MCG VORTAC (NOPT)	15-mile Arc MCG, R 353° lead radial.	2900	Supplementary charting information: Mountainous terrain "all" quadrants. Terrain 1260', 3.1 miles S of airport. Terrain 1677', 3.6 miles S of airport. Appel Mountain 1569', 4.4 miles N of airport.
15-mile DME Fix	10-mile DME Fix (NOPT)	R 345°, MCG VORTAC	2600	

Procedure turn E side of crs, 345° Outbnd, 165° Inbnd, 2600' within 10 miles of 4-mile DME Fix.
Final approach crs, 165°.
Minimum altitude over 10-mile DME Fix, 2600'; over 4-mile DME Fix, 1000'; over 2-mile DME Fix, 860'.
MSA: 170°–260°—4200'; 260°–350°—3200'; 350°–170°—3000'.
NOTE: IFR departures must comply with published SIDs.
*Alternate minimums Category D, 1000–2.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–16	860	1	343	860	1	343	860	1	343	860	1	343
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	463	800	1	463	800	1½	463	1100	2	763
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, McGrath; State, Alaska; Airport name, McGrath; Elev., 337'; Facility, MCG; Procedure No. VORTAC, Runway 16, Amdt. 3; Eff. date, 1 May 69; Sup. Amdt. No. VOR/DME 1, Amdt. 2; Dated, 16 July 66

9. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 miles after passing ENA VOR.
KE LFR	ENA VOR	Direct	1700	Climb to 1700' on R 180°, ENA VOR within 15 miles.
Swanson DME Fix	R 006°, VOR (NOPT)	220° heading 3.5 miles	1700	Supplementary charting information: Antenna 185', 0.8 mile SW of airport. Antenna 140', 0.4 mile SW of airport. LFR antenna 262', 1.3 miles N of airport.

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 1700' within 10 miles of ENA VOR.
FAF, ENA VOR. Final approach crs, R 186°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over ENA VOR, 900'; over KE LFR, 500'.
MSA: 000°–090°—2000'; 090°–180°—3000'; 180°–270°—1400'; 270°–360°—1500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–19	500	1	406	500	1	406	500	1	406	500	1	406
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	406	500	1	406	500	1½	406	660	2	566
	VOR/LFR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–19	360	1	266	360	1	266	360	1	266	360	1	266
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Kenai; State, Alaska; Airport name, Kenai Municipal; Elev., 92'; Facility, ENA; Procedure No. VOR Runway 19, Amdt. 5; Eff. date, 1 May 69; Sup. Amdt. No. 4; Dated, 31 Oct. 68

Terminal routes				Missed approach
From—	To—	Via—	Minimum altitudes (feet)	MAP: 7.4 miles after passing MSY VOR.
10-mile DME MSY, R 282°	MSY VOR (NOPT)	Direct	1500	Climb to 3000' on MSY VOR R 079° to Opal Int or, when directed by ATC, climb to 1500', left turn to MSY VOR, R 064° to Slidell Int.
10-mile DME MSY, R 259°	MSY VOR (NOPT)	Direct	1500	
10-mile DME MSY, R 289°	MSY VOR (NOPT)	Direct	1500	

Procedure turn N side of crs, 259° Outbnd, 079° Inbnd, 1500' within 10 miles of MSY VOR.
FAF, MSY VOR. Final approach crs, 079°. Distance FAF to MAP, 7.4 miles.
Minimum altitude over MSY VOR, 1500'.
MSA: 000°–360°—2000'.
NOTES: (1) ASR. (2) Night operations not authorized Runways 8/26.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	451	460	1	451	520	1¼	511	560	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, New Orleans; State, La.; Airport name, Lakefront; Elev., 9'; Facility, MSY; Procedure No. VOR-1, Amdt. 10; Eff. date, 1 May 69; Sup. Amdt. No. 9; Dated, 19 Dec. 68

10. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing Platte City Int.
MKC VORTAC	Platte City Int	Direct	2800	Climb to 2600' direct to Manchester (MC) LOM.
Manchester (MC) LOM	Platte City Int	Direct	2600	
Camden Int	Platte City Int (NOPT)	Direct	2200	Supplementary charting information: TDZ elevation, 995'.

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600' within 10 miles of Platte City Int.
FAF, Platte City Int. Final approach crs, 185°. Distance FAF to MAP, 4 miles.
Minimum altitude over Platte City Int, 2200'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18	1340	¾	345	1340	¾	345	1340	¾	345	1340	1	345
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	545	1540	1	515	1540	1½	515	1580	2	555
A	Standard.			T 2-eng. or less—RVR 24', Runway 36; Standard all other runways.			T over 2-eng.—RVR 24', Runway 36; Standard all other runways.					

City, Kansas City; State Mo.; Airport name, Kansas City International; Elev., 1025'; Facility, I-MCI; Procedure No. LOC (BC) Runway 18, Amdt. 6; Eff. date, 1 May 69; Sup. Amdt. No. 5; Dated, 15 July 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing Twinbrook Int.
R 149°, MKC VORTAC CCW	RNI LOC	7-mile Arc MKC, R 104°, lead radial.	2600	Climb to 2600' direct to Rondell (RN) LOM.
R 012°, MKC VORTAC CW	RNI LOC	7-mile Arc MKC, R 072° lead radial.	2600	Supplementary charting information: TDZ elevation, 1025'.
7-mile Arc	Twinbrook Int (NOPT)	RNI LOC crs.	2400	

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2600' within 10 miles of Twinbrook Int.
FAF, Twinbrook Int. Final approach crs, 266°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over Twinbrook Int, 2400'.
NOTES: (1) Radar vectoring. (2) Inoperative components table does not apply to HIRL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	1440	1	415	1440	1	415	1440	1	415	1440	1	415
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	515	1540	1	515	1540	1½	515	1580	2	555
A	Standard.			T 2-eng. or less—RVR 24', Runway 36; Standard all other runways.			T over 2-eng.—RVR 24', Runway 36; Standard all other runways.					

City, Kansas City; State, Mo.; Airport name, Kansas City International; Elev., 1025'; Facility, I-RNI; Procedure No. LOC (BC) Runway 27, Amdt. Orig.; Eff. date, 1 May 69

11. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.2 miles after passing Concho Int.
R 014°, SJT VORTAC CW	SJT LOC (BC)	10-mile ARC SJT, R 017°, lead radial.	3500	Climb to 4000' direct SJ LOM, or, climb to 4000', left turn, intercept and proceed to Christoval Int via SJT VORTAC R 171°.
R 102°, SJT VORTAC CCW	SJT LOC (BC)	10-mile ARC SJT, R 040°, lead radial.	3500	Supplementary charting information: TDZ elevation, 1905'.
SJ LOM	Concho Int	Direct	3500	
SJT VORTAC	Concho Int	Direct	3500	
10-mile DME ARC	Concho Int (NOPT)	LOC crs	2700	

Procedure turn E side of crs, 033° Outbnd, 213° Inbnd, 3400' within 10 miles of Concho Int.
FAF, Concho Int. Final approach crs, 213°. Distance FAF to MAP, 2.2 miles.
Minimum altitude over Concho Int, 2680'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-21	2280	¾	375	2280	¾	375	2280	¾	375	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2280	1	405	2280	1	465	2280	1½	465	NA
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, San Angelo; State, Tex.; Airport name, Mathis Field; Elev., 1915'; Facility, I-SJT; Procedure No. LOC (BC) Runway 21, Amdt. 5; Eff. date, 1 May 69; Sup. Amdt. No. 4; Dated, 13 June 68

12. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing RN LOM.
Camden Int	Rondell (RN) LOM	Direct	2700	Climbing right turn to 2700', proceed to Manchester (MC) LOM.
New Market Int	Rondell (RN) LOM	Direct	2700	
Wood Int	Rondell (RN) LOM (NOPT)	Direct	2700	Supplementary charting information: TDZ elevation, 1014'.
Lansing Int	Rondell (RN) LOM	Direct	2700	
De Soto Int	Rondell (RN) LOM	Direct	2700	
MKC VORTAC	Rondell (RN) LOM	Direct	2700	
BSP VORTAC	Rondell (RN) LOM	Direct	2900	
Manchester (MC) LOM	Rondell (RN) LOM	Direct	2700	

Procedure turn S side of crs, 268° Outbnd, 088° Inbnd, 2700' within 10 miles of RN LOM.
FAF, RN LOM. Final approach crs, 088°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over RN LOM, 2700'.
MSA: 045°-135°—3100'; 135°-315°—2700'; 315°-045°—2800'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	1460	1	446	1460	1	446	1460	1	446	1460	1	446
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	515	1540	1	515	1540	1½	515	1580	2	555
A	Standard.			T 2-eng. or less—RVR 24', Runway 36; Standard all other runways.			T over 2-eng.—RVR 24', Runway 36; Standard all other runways.					

City, Kansas City; State, Mo.; Airport name, Kansas City International; Elev., 1025'; Facility, RN; Procedure No. NDB (ADF) Runway 9, Amdt. Orig.; Eff. date, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE NDB (ADF)—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing MC LOM.
MKC VORTAC	Manchester (MC) LOM	Direct	2600	Climb to 2600' on bearing 005°, proceed to Camden Int; or, when directed by ATC, climbing left turn to 2600' to Manchester (MC) LOM.
Farley Int	Manchester (MC) LOM	Direct	2600	
Lansing Int	Manchester (MC) LOM	Direct	2600	
De Soto Int	Manchester (MC) LOM (NOPT)	Direct	2300	
Camden Int	Manchester (MC) LOM	Direct	2600	Supplementary charting information: TDZ elevation, 1011'.
Rondell (RN) LOM	Manchester (MC) LOM	Direct	2600	
BSP VORTAC	Manchester (MC) LOM	Direct	2600	

Procedure turn W side of crs, 135° Outbnd, 005° Inbnd, 2600' within 10 miles of MC LOM.
FAF, MC LOM. Final approach crs, 005°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over Manchester (MC) LOM, 2300'.
MSA: 045°–135°—2600'; 135°–225°—3100'; 225°–315°—2700'; 315°–045°—2400'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1280	RVR 40	369	1280	RVR 40	369	1280	RVR 40	369	1380	RVR 50	369
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	515	1540	1	515	1540	1¼	515	1580	2	555
A	Standard.			T 2-eng. or less—RVR 24, Runway 36; Standard all other runways.			T over 2-eng.—RVR 24, Runway 36; Standard all other runways.					

City, Kansas City; State, Mo.; Airport name, Kansas City International; Elev., 1025'; Facility, MC; Procedure No. NDB (ADF) Runway 36, Amdt. 5; Eff. date, 1 May 69; Sup. Amdt. No. 4; Dated, 4 Jan. 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MOB NDB.
BRL VORTAC	MQB NDB	Direct	2500	Climb to 2300', right turn to MQB NDB.
Canton Int	MQB NDB	Direct	2500	Supplementary charting information: Final approach crs crosses runway centerline extened 3000' from threshold. Steel tower 3 miles SW to 1209'.
Webster Int	MQB NDB	Direct	2500	

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 2300' within 10 miles of MQB NDB.
Final approach crs, 260°.
MSA: 090°–260°—2300'.
NOTE: Use Burlington, Iowa, altimeter setting.
%IFR departure procedures: Runways 27 and 9—When weather below 600-2, climb straight ahead to 2300' before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-27	1240	1	537	1240	1	537	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1240	1	537	1240	1	537	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%	

City, Macomb; State, Ill.; Airport name, Municipal; Elev., 708'; Facility, MQB; Procedure No. NDB (ADF) Runway 27, Amdt. Orig.; Eff. date, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE NDB (ADF)—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PYX NDB.
Holt Int	PYX NDB	Direct	4500	Climbing right turn to 4500' and proceed via 090° bearing from PYX NDB to within 20 miles.

Procedure turn S side of crs, 090° Outbnd, 270° Inbnd, 4500' within 10 miles of PYX NDB.
Final approach crs, 270°.
Minimum altitude over PYX NDB, 3580'.
MSA: 000°–360°—4500'.
NOTE: Use Gage, Okla., FSS altimeter setting.
*Runway lights for night operation on 17–35 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	3580	1	665	3580	1	665	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Perryton; State, Tex.; Airport name, Perryton Municipal; Elev., 2915'; Facility, PYX; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 1 May 69; Sup. Amdt. No. ADF 1, Orig.; Dated, 29 Oct. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SIK NDB.
Commerce Int	SIK NDB	Direct	2200	Climbing left turn to 2000'; return to SIK NDB.
MAW VOR	SIK NDB	Direct	2000	Supplementary charting information: Final approach crs crosses runway threshold.

Procedure turn E side of crs, 012° Outbnd, 192° Inbnd, 2000' within 10 miles of SIK NDB.
Final approach crs, 192°.
MSA: 000°–090°—3200'; 090°–270°—1900'; 270°–360°—1800'.
NOTE: Use Cape Girardeau, Mo., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-20	1060	1	746	1060	1	746	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1060	1	746	1060	1	746	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Sikeston; State, Mo.; Airport name, Memorial Municipal; Elev., 314'; Facility, SIK; Procedure No. NDB (ADF) Runway 20, Amdt. Orig.; Eff. date, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

13. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA: Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.7 miles after passing HHB NDB.
HBG VORTAC	HHB NDB	Direct	2000	Climbing right turn to 2000′ direct to HHB NDB and hold. Supplementary charting information: Hold NW, 1 minute, right turns, 120° Inbnd. Airspace restricted area (R-4401 A and B), 5 miles SE of airport. LRCO 122.1, 123.6. TDZ elevation, 151′.

Procedure turn W side of crs, 326° Outbnd, 145° Inbnd, 2000′ within 10 miles of HHB NDB.
FAF, HHB NDB. Final approach crs, 126°. Distance FAF to MAP, 2.7 miles.
Minimum altitude over HHB NDB, 1060′.
MSA: 000°–90°—1800′.

NOTE: Use MCB FSS altimeter setting between hours of 1700–0800 local and all MDA's increased 300′.
*Operators with approved weather reporting service authorized standard alternate minimums.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-13	620	1	469	620	1	469	620	1	469	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	540	1	489	660	1	509	700	1¼	549	NA	
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Hattiesburg; State, Miss.; Airport name, Municipal; Elev., 151′; Facility, HHB; Procedure No. NDB (ADF) Runway 13, Amdt. 1; Eff. date, 1 May 69; Sup. Amdt. No. Orig.; Dated, 17 Apr. 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: RCR NDB.
Clarpool Int	RCR NDB	Direct	2400	Climb straight ahead to 2300′, return to NDB.
OXI VOR	RCR NDB	Direct	2400	
OKK VORTAC	RCR NDB	Direct	2400	Supplementary charting information: Final approach crs intercepts runway centerline 2000′ from end of runway. TDZ elevation, 700′.

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 2400′ within 10 miles of NDB.
Final approach crs, 277°.
Minimum altitude over NDB, 1400′.
MSA: 000°–360°—2300′.
NOTE: Use Grissom AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-25	1400	1	610	1400	1	610	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1400	1	610	1400	1	610	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Rochester; State, Ind.; Airport name, Fulton County; Elev., 790′; Facility, RCR; Procedure No. NDB (ADF) Runway 20, Amdt. 1; Eff. date, 1 May 69; Sup. Amdt. No. Orig.; Dated, 6 Mar. 69

14. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1264′; LOC 5.8 miles after passing RN LOM.
R 223°, MKC VORTAC CW	RNI LOC	20-mile Arc MKC, R 262° lead radial.	2700	Climbing right turn to 2700′, proceed to Manchester (MC) LOM.
R 331°, MKC VORTAC CCW	RNI LOC	20-mile Arc MKC, R 273° lead radial.	2700	Supplementary charting information: TDZ elevation, 1014′.
20-mile Arc	Rondell (RN) LOM	LOC crs	2700	
Camden Int	Rondell (RN) LOM	Direct	2700	
New Market Int	Rondell (RN) LOM	Direct	2700	
Wood Int	Rondell (RN) LOM (NOPT)	Direct	2700	
Lansing Int	Rondell (RN) LOM	Direct	2700	
De Soto Int	Rondell (RN) LOM	Direct	2700	
MKC VORTAC	Rondell (RN) LOM	Direct	2700	
BSP VORTAC	Rondell (RN) LOM	Direct	2900	
Manchester (MC) LOM	Rondell (RN) LOM	Direct	2700	

Procedure turn S side of crs, 268° Outbnd, 088° Inbnd, 2700′ within 10 miles of RN LOM.
FAF, RN LOM. Final approach crs, 088°. Distance FAF to MAP, 5.8 miles.
Minimum glide slope interception altitude, 2700′. Glide slope altitude at OM, 2614′; at MM, 1214′.
Distance to runway threshold at OM, 5.8 miles; at MM, 0.6 mile.
MSA: 045°–135°—3100′; 135°–225°—3100′; 225°–315°—2700′; 315°–045°—2800′.
NOTES: (1) Radar vectoring. (2) Inoperative components table does not apply to HIRL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9	1264	½	250	1264	½	250	1264	½	250	1264	½	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	1280	½	266	1280	1	266	1280	1	266	1280	1	266
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	515	1540	1	515	1540	1¼	515	1580	2	555
A	Standard.		T 2-eng. or less—RVR 24′, Runway 36; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 36; Standard all other runways.					

City, Kansas City; State, Mo.; Airport name, Kansas City International; Elev., 1025′; Facility, I-RNI; Procedure No. ILS Runway 9, Amdt. Orig.; Eff. date, 1 May 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1211′; LOC 4.4 miles after passing MC LOM.
MKC VORTAC	Manchester (MC) LOM	Direct	2600	Climb to 2800′ on MCI localizer BC to Camden Int; or, when directed by ATC, climbing left turn to 2600′, proceed to Rondell (RN) LOM.
Farley Int	Manchester (MC) LOM	Direct	2600	
Lansing Int	Manchester (MC) LOM	Direct	2600	
De Soto Int	Manchester (MC) LOM (NOPT)	Direct	2500	
Camden Int	Manchester (MC) LOM	Direct	2600	
Rondell (RN) LOM	Manchester (MC) LOM	Direct	2800	
BSP VORTAC	Manchester (MC) LOM	Direct	3000	Supplementary charting information: TDZ elevation, 1011′.

Procedure turn W side of crs, 135° Outbnd, 005° Inbnd, 2000′ within 10 miles of MC LOM.
FAF, MC LOM. Final approach crs, 005°. Distance FAF to MAP, 4.4 miles.
Minimum glide slope interception altitude, 2500′. Glide slope altitude at OM, 2470′.
Distance to runway threshold at OM, 4.4 miles; at MM, 0.6 mile.
MSA: 045°–135°—2500′; 135°–225°—3100′; 225°–315°—2700′; 315°–045°—2400′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-36	1211	RVR 24	200	1211	RVR 24	200	1211	RVR 24	200	1211	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1220	RVR 24	309	1220	RVR 24	309	1220	RVR 24	309	1220	RVR 40	309
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	515	1540	1	515	1540	1¼	515	1580	2	555
A	Standard.		T 2-eng. or less—RVR 24′, Runway 36; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 36; Standard all other runways.					

City, Kansas City; State, Mo.; Airport name, Kansas City International; Elev., 1025′; Facility, I-MCI; Procedure No. ILS Runway 36, Amdt. 6; Eff. date, 1 May 69; Sup. Amdt. No. 5; Dated, 4 Jan. 68

15. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
095°	235°	18	2000							1. For all runways: Descend aircraft to MDA after FAF 5 miles from threshold.
000°	050°	10	2500							2. Components inoperative table does not apply to HIRL and REIL Runways 10R and 28R.
050°	300°	20	2500							
000°	360°	80	3000							

and including the area bearing 170° clockwise to 235° from the Columbus Radar within 12 miles of Lockbourne AFB minimum altitude, 2000'. Radar control will provide 1000' vertical clearance within 3-mile radius of 1165' tower, 3 miles S and 1389' tower, 9 miles SW.

Supplementary charting information: TDZ elevation: Runways 31, 800'; 10R, 810'; 1, 19, 23, 28R, 812'; 10L, 28L, 814'. Hold CM LOM E, 1 minute, right turns, 276° Inbnd. Hold CB LOM W, 1 minute, right turns, 096° Inbnd.

Missed approach:
Runways 10R, 10L, 1, 5, 13, and 19: Climb to 2700' direct to CM LOM and hold.
Runways 28L, 28R, 23, and 31: Climb to 2300' direct to CB LOM and hold.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
ASR:												
8–28L	1300	RVR 40	546	1360	RVR 40	546	1360	RVR 40	546	1360	RVR 50	546
8–28R	1360	1	608	1360	1	548	1360	1	548	1360	1¼	548
8–10L	1300	RVR 40	486	1300	RVR 40	486	1300	RVR 40	488	1300	RVR 50	486
8–10R	1300	1	490	1300	1	490	1300	1	490	1300	1¼	490
8–1	1420	1	608	1420	1	608		NA			NA	
8–19	1300	1	488	1300	1	488		NA			NA	
8–23	1380	1	568	1380	1	568		NA			NA	
8–31	1340	1	531	1340	1	551		NA			NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	604	1420	1	604	1420	1¼	604	1420	2	604
A	Standard.			T 2-eng. or less—RVR 24', Runways 28L and 10L; Standard all other runways.			T over 2-eng.—RVR 24', Runways 28L and 10L; Standard all other runways.					

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816'; Facility, Columbus Radar; Procedure No. Radar-1, Amdt. 9; Eff. date, 1 May 69; Sup. Amdt. No. 8; Dated, 10 Apr. 69

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Laughlin AFB ASR minimum vectoring altitude chart.										1. Final approach within 3-mile radius of airport reference point from 100° clockwise to 340° within limits of U.S. border. 2. CAUTION: 1512' tower, 3.2 miles SE, 1406' tower, 3.5 miles NE, 1275' tower, 1.2 miles NE, and 1157' tower, 1 mile E of airport. 3. Radar antenna site at Laughlin AFB. 4. Use Laughlin AFB altimeter setting when Del Rio International altimeter setting is not received. *5. This procedure not available periods when Laughlin AFB Radar not operating. Contact HOU ARTCC prior to planned arrival to ascertain facility will be in operation.

Missed approach:
Final approach from southeast—Climb to 4000', right turn to heading of 340° within 15 miles.
Final approach from northwest—Climbing left turn to 4000' on heading of 340° within 15 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	1700	1	701	1760	1	701	1700	1¼	701	NA
A	Not authorized.			T 2-eng. or less—500-2 required Runway 13; Standard all other runways.			T over 2-eng.—500-2 required Runway 13; Standard all other runways.			

City, Del Rio; State, Tex.; Airport name, Del Rio International; Elev., 999'; Facility, Laughlin Radar; Procedure No. Radar-1, Amdt. 1; Eff. date, 1 May 69; Sup. Amdt. No. Orig.; Dated, 25 July 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 25, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69–3872; Filed, Apr. 10, 1969; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

EXECUTION OF CERTIFICATES OF FULL FAITH AND CREDIT

Paragraph (b) of § 1204.505 is amended to read as follows:

§ 1204.505 Delegation of authority to execute certificates of full faith and credit.

* * * * *

(b) *Delegation of authority.* The following NASA Headquarters officials are delegated authority to execute certificates of full faith and credit (Office of the Administrator section of NASA Form 955) certifying the signatures and authority of employees of the National Aeronautics and Space Administration, whenever such certification is required to authenticate copies of official records for possible admission in evidence in judicial proceedings pursuant to 28 U.S.C. 1733 or any other statute:

(1) General Counsel;

(2) Deputy General Counsel;

(3) Associate General Counsel;

(4) Assistant General Counsels.

(42 U.S.C. 2473(b)(1))

Effective date. The provisions of § 1204.505(b) are effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 4, 1969.

T. O. PAINE,
Administrator.

[F.R. Doc. 69–4242; Filed, Apr. 10, 1969; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 82—SILVER COIN REGULATIONS

Authorization of Export of Silver Dollars in Unlimited Amounts

The Silver Coin Regulations (31 CFR Part 82) prohibit the export of silver coins of the United States as defined in § 82.3 of the regulations, from the United States except as specially authorized by the Secretary of the Treasury or his delegate.[1] Section 82.5 which is a general authorization permitting exports of certain silver coins of the United States for legitimate numismatic purposes is being amended to permit the export for such purposes and in unlimited quantities of silver dollars and silver coins contained in uncirculated U.S. coin sets bearing a date subsequent to 1967.

Section 82.5 is hereby amended to read as follows:

§ 82.5 General authorization.

The following listed silver coins of the United States are authorized to be exported from the United States, without further authorization from the Treasury Department if exported for legitimate numismatic purposes:

(a) Silver coins contained in 1965–67 U.S. Special Mint Sets, proof coin sets whenever minted and uncirculated coin sets issued by the U.S. Mint and bearing a date subsequent to 1967.

(b) Silver dollars of the United States.

The foregoing amendment relieves an existing restriction and accordingly, notice and public procedure thereon are deemed unnecessary. It shall become effective upon filing with the FEDERAL REGISTER.

(Sec. 105, Coinage Act of 1965, Public Law 89–81, 31 U.S.C. 395)

[SEAL] THOMAS W. WOLFE,
Director, Office of Domestic Gold and Silver Operations.

APRIL 8, 1969.

[F.R. Doc. 69–4258; Filed, Apr. 10, 1969; 8:47 a.m.]

[1] See Treasury Order 190 (Rev. 4) of Dec. 15, 1965, and Treasury Order 193–1 (Rev. 2) of Oct. 26, 1967. These orders delegate to the Under Secretary for Monetary Affairs and the Director, Office of Domestic Gold and Silver Operations, respectively, the authority to act under the regulations.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1504]

PART 13—PROHIBITED TRADE PRACTICES

Opportunity Publishing Co.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–5 Advertising and promotional services. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1553 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Opportunity Publishing Co., Chicago, Ill., Docket C–1504, Mar. 13, 1969]

Consent order requiring a Chicago, Ill., publisher of a monthly trade magazine to cease misrepresenting, exaggerating and changing the copy material supplied it by its advertisers in the preparation of its advertisements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Opportunity Publishing Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of its services in the preparation, composition, or publication of advertising or promotional material for its "Salesman's Opportunity" magazine or other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Preparing or assisting in the preparation of any advertisement which does not fully and accurately state and represent both directly and indirectly the pertinent information and material supplied to respondent, and the pertinent facts otherwise known to respondent.

2. Preparing or assisting in the preparation of any advertisement which contains matter or information which the respondent knew or should have known to be false or misleading.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: March 13, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–4229; Filed, Apr. 10, 1969; 8:45 a.m.]

[Docket No. C–1505]

PART 13—PROHIBITED TRADE PRACTICES

Sydell Woronoff and Sydell Gowns

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification;* § 13.523 *Textile fiber products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Invoicing products falsely: § 13.1106 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–80 Textile Fiber Products Identification; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721, 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130, sec. 8, 65 Stat. 179, 72 Stat. 1717; 15 U.S.C. 45, 68, 69f, 70) [Cease and desist order, Sydell Woronoff trading as Sydell Gowns, New York, N.Y., Docket C–1505, Mar. 13, 1969]

Consent order requiring a New York City retailer of ladies' ready-to-wear

garments to cease misbranding its wool, textile fiber, and fur products and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Sydell Woronoff, individually and trading as Sydell Gowns, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other devise, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Sydell Woronoff, individually and trading as Sydell Gowns, or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any such wool product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4(a)(2) of said Act.

It is further ordered, That respondent Sydell Woronoff, individually and trading as Sydell Gowns, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding such textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondent Sydell Woronoff, individually and trading as Sydell Gowns, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or mutilating, or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

It is further ordered, That the respondent Sydell Woronoff, individually and trading as Sydell Gowns, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution, in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item numbers or marks assigned to such fur products.

It is further ordered, That respondent Sydell Woronoff, individually and trading as Sydell Gowns, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or causing or participating in the removal of, prior to the time any fur product subject to the provisions of the Fur Products Labeling Act is sold and delivered to the ultimate consumer, any label required by the said Act to be affixed to such fur products, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder, and in the manner prescribed by section 3(e) of said Act.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: March 13, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 69-4230; Filed, Apr. 10, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan St. Louis Interstate Air Quality Control Region (Missouri-Illinois)

On December 21, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 19084) to amend Part 81 by designating the Metropolitan St. Louis Interstate Air Quality Control Region (Missouri-Illinois).

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on January 14, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, the Metropolitan St. Louis Interstate Air Quality Control Region (Missouri-Illinois) is hereby designated and Part 81, as set forth below, is hereby amended effective on publication.

§ 81.18 **Metropolitan St. Louis Interstate Air Quality Control Region (Missouri-Illinois).**

The Metropolitan St. Louis Interstate Air Quality Control Region (Missouri-Illinois) consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

IN THE STATE OF MISSOURI

St. Louis City. St. Louis County.
St. Charles County. Jefferson County.

IN THE STATE OF ILLINOIS

Madison County. Monroe County.
St. Clair County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: April 7, 1969.

ROBERT H. FINCH, *Secretary*.

[F.R. Doc. 69-4225; Filed, Apr. 10, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. 1-26]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Removal of Reservation of Authority Regarding Civil Penalties; Federal Highway Administrator

The authority to impose civil penalties under the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 85-563) has been delegated by § 1.4(c)(3)(i) to the Federal Highway Administrator. However, the authority to compromise civil penalties under that Act has been reserved to the Secretary of Transportation by § 1.5(l)(1). Since the authority to compromise civil penalties is an essential element of the civil penalty system, the purpose of this amendment is to remove that reservation and to authorize the Administrator to impose and compromise civil penalties.

In consideration of the foregoing, effective April 8, 1969, Part 1 of the Regulations of the Office of the Secretary of Transportation is amended by deleting § 1.5(l)(1).

This action is taken under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657). Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective immediately.

Issued in Washington, D.C., on April 8, 1969.

JOHN VOLPE, *Secretary of Transportation*.

[F.R. Doc. 69-4256; Filed, Apr. 10, 1969; 8:47 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1024]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Tracks of Southern Pacific Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 8th day of April 1969.

It appearing that because present tracks and facilities of the Union Pacific Railroad Co. are inadequate to handle certain trainload shipments of coal for export via Long Beach Harbor, Calif., or Los Angeles Harbor, Calif.; that such trainload shipments of coal can be transported via tracks of the Southern Pacific Co. between a point of connection with the Union Pacific Railroad Co. at Union Pacific Railroad Co. milepost 10.9 at Whittier Junction, Calif., and Long Beach Harbor, Calif., a distance of 21.42 miles, or Los Angeles Harbor, Calif., a distance of 25.12 miles; that the Commission is of the opinion that operation by the Union Pacific Railroad Co. over this trackage of the Southern Pacific Co. is necessary to enable the Union Pacific Railroad Co. to handle this traffic, in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice:

It is ordered, That:

§ 1033.1024 **Service Order No. 1024.**

(a) *Union Pacific Railroad Co. authorized to operate over tracks of the Southern Pacific Co.* The Union Pacific Railroad Co. be, and it is hereby, authorized to operate over tracks of the Southern Pacific Co. between a point of connection between these companies at Union Pacific Railroad Co. milepost 10.9 at Whittier Junction, Calif., and Long Beach Harbor, Calif., a distance of 21.42 miles, or Los Angeles Harbor, Calif., a distance of 25.12 miles.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Union Pacific Railroad Co. over tracks of the Southern Pacific Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Union Pacific Railroad Co. over these tracks of the Southern Pacific Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., April 10, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended: 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-4251; Filed, Apr. 10, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 980]

[Amdt. 6]

IRISH POTATOES

Import Regulations

Notice is hereby given of a proposed amendment of § 980.1 Irish potato import regulations (7 CFR 980.1 Irish potatoes, and 33 F.R. 4106), applicable to the importation of Irish potatoes into the United States to become effective June 8, 1969, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8e–1 of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 608e–1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

In Irish potatoes import regulations § 980.1 Irish potatoes (7 CFR 980.1 Irish potatoes) paragraph (a) subparagraph (2) reads as follows:

During the period June 15 through July 31 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 953 (Part 953 of this chapter) applicable to potatoes of the round type shall be the respective grade, size, quality, and maturity requirements for imports of other round type potatoes; and during the period August 1 through the following June 14 of each year the grade, size, quality, and maturity requirements of Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imports of all other round type potatoes.

It is proposed that the time period given in subparagraph (2) be revised to coincide with the effective period of the regulation under Marketing Order No. 953 which is to begin June 5 of each marketing year instead of June 15 of each marketing year.

Therefore, the proposed amendment is as follows: In § 980.1 *Import regulation; Irish potatoes* (7 CFR Part 980) subparagraph (2) of paragraph (a) is hereby amended to read as follows:

§ 980.1 **Import regulations; Irish potatoes.**

(a) • • •

(2) During the period June 5 through July 31, of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 953 (Part 953 of this chapter) applicable to potatoes of the round type shall be the respective grade, size, quality, and maturity requirements for imports of other round type potatoes; and during the period August 1 through the following June 4 of each year the grade, size, quality, and maturity requirements of Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imports of all other round type potatoes.

• • • • •

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4241; Filed, Apr 10, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

[29 CFR Part 850]

AGE DISCRIMINATION IN EMPLOYMENT

Exemptions

Pursuant to section 9 of the Age Discrimination in Employment Act (29 U.S.C. 628) and Secretary of Labor's Order No. 11–68 (33 F.R. 9690), it is hereby proposed to be found necessary and proper in the public interest to amend Part 850 of Title 29, Code of Federal Regulations, to exempt from the Act's application activities and programs under Federal contracts or grants or carried out by the public employment services of the several States designed primarily to provide employment, or to encourage the employment, of persons with special employment problems. This would include employment activities and programs under the Manpower Development and Training Act of 1962, as amended, and the Economic Opportunity Act of 1964, as amended, for persons among the long-term unemployed, handicapped, members of minority groups, older workers, youth, and others with similar problems as determined by the Administrator.

If the Age Discrimination in Employment Act is to be read in harmony with the totality of Federal statutes dealing with special employment problems in accordance with established canons of statutory construction, the act should not be read as interfering with the aforementioned activities and programs. Cf. Southern Steamship Company v. National Labor Relations Board, 316 U.S. 31, 47 (1942). However, in any event, section 9 of the act does permit the Secretary of Labor to establish reasonable exemptions from its terms when it is found necessary and proper in the public interest. There would seem to be such a public interest here. Indeed, many of the programs are designed to meet the employment needs of older workers and to promote employment opportunities for them. These are among the objectives of the act itself.

Interested persons are hereby afforded an opportunity to present data, views, or arguments, concerning the proposal. Such comments should be directed to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210, within 20 days following publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this seventh day of April 1969.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-4261; Filed, Apr. 10, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Order Denying Proposed Color Additive Regulations

In the matter of color additive petitions submitted by The Toilet Goods Association, the Pharmaceutical Manufacturers Association, and the Certified Color Industry Committee, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, proposing issuance of regulations to provide for the safe use of various color additives as follows:

Cap No.	Color additive(s)	Use
26	Ext. D&C Yellow No. 7.	In drug and cosmetic products that are applied externally.
34	D&C Yellow No. 7 and D&C Yellow No. 8.	Do.
35	D&C Orange No. 4..	Do.
36	FD&C Red No. 2...	In foods, drugs, and cosmetics.
37	D&C Violet No. 2...	In drugs and cosmetics that are applied externally.
38	D&C Red No. 34....	Do.
39	D&C Red No. 17....	Do.
57	D&C Blue No. 6....	In ingested drugs, surgical sutures, lipsticks, and externally applied drugs and cosmetics.
58	D&C Red No. 30....	In ingested drugs, lipsticks, and drugs and cosmetics intended for external application.
61	FD&C Red No. 4...	In ingested drugs, maraschino cherries, and externally applied drugs and cosmetics.
62	D&C Yellow No. 10.	In ingested drugs, lipsticks, and drugs and cosmetics for external application.
63	D&C Yellow No. 11.	In ingested drugs and drugs and cosmetics for external application.
65	FD&C Green No. 3.	In food, ingested drugs, lipsticks, and externally applied drugs and cosmetics.
66	FD&C Yellow No. 6.	In foods, drugs, and cosmetics.
68	FD&C Violet No. 1..	In foods, dietary supplements, ingested drugs, and externally applied drugs and cosmetics.
84	D&C Green No. 5...	In ingested drugs, lipsticks, and externally applied drugs and cosmetics.
85	D&C Green No. 6...	Do.
86	D&C Red No. 33....	In ingested drugs, lipsticks, and drugs and cosmetics for external application.

All of these petitions were filed October 7, 1968, and the notice of filing was published in the FEDERAL REGISTER of November 20, 1968 (33 F.R. 17205).

Findings. 1. In each of the above-identified color additive petitions, the petitioner failed to submit adequate information to establish that the color additives will be safe under the conditions of use specified.

2. Although further information was requested from the petitioner, no new data have been received.

3. Litigation is now pending on appeal in the Court of Appeals for the Second Circuit that will delineate the safety data that will be required.

Conclusion. Regarding cosmetic use, sufficient data are not available to support the promulgation of color additive regulations in this matter pursuant to section 706(b) of the Federal Food, Drug, and Cosmetic Act.

Order. Based on the aforesaid findings and conclusion, the proposals of the petitioner to establish regulations under section 706(b) of the act to permit the use in cosmetics of the above-named color additives are denied: *And it is so ordered,* Pursuant to the provisions of the act (sec. 706, 74 Stat. 399–407, as amended; 21 U.S.C. 376) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after publication hereof in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto (preferably in quintuplicate). Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4231; Filed, Apr. 10, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18471]

STANDARD BROADCAST STATIONS

Maintenance and Monitoring of Relative Phases and Currents in Elements of Directional Antennas; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to the maintenance and monitoring of the relative phases and currents in the elements of directional antennas and to provide for type approval of phase monitors used by standard broadcast stations; Docket No. 18471.

1. The notice of proposed rule making in this matter, adopted February 26, 1969, set April 7, 1969, and April 17, 1969, as the last dates for filing of comments and reply comments, respectively.

2. In a petition filed on March 26, 1969, A. Earl Cullum, Jr. (Cullum), of the firm of consulting engineers of that name, requests that the period during which comments may be filed be extended 30 days, specifically, to May 7, 1969. Citing the delays usually involved in obtaining copies of comments, he further asks that an additional 30 days beyond the deadline for filing comments be permitted for filing reply comments.

3. In a letter filed April 4, 1969, William J. Potts, Jr., attorney for the Association on Broadcasting Standards, Inc. (ABS), requests that an additional 3 months be afforded for filing comments and reply comments, until the dates of July 7, 1969, and July 21, 1969.

4. Both parties intend to file comments in this proceeding, but state that insufficient time has been allowed for this purpose, both because of other necessary activities which have intervened, and the necessity for coordinating their comments, with the personnel of broadcasting stations which he represents, in Cullum's case, and in ABS's with its Technical Committee and Board of Directors.

5. We believe it is in the public interest to afford additional time in this proceeding, but that the 90-day extension of time for filing comments is unnecessarily long.

6. We will allow an additional 60 days for filing comments, and, in the light of Cullum's specific request, an additional 30 days thereafter for filing reply comments.

7. *Accordingly, it is ordered,* That the time for filing comments is extended from April 7, 1969, to June 9, 1969, and the time for filing reply comments is extended from April 17, 1969, to July 9, 1969.

8. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: April 7, 1969.

Released: April 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-4246; Filed, Apr. 10, 1969; 8:46 a.m.]

[47 CFR Part 73]

[Docket No. 18455]

STANDARD BROADCAST STATIONS

Remote Indicating Phase Monitors and Inspection Requirements for Remotely Controlled Directional Stations; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to use of remote indicating phase monitors and the inspection requirements for remotely controlled directional stations; Docket No. 18455.

1. The notice of proposed rule making in this matter, adopted February 26, 1969, set April 7, 1969, and April 17, 1969, as the last dates for filing comments and reply comments, respectively.

2. In a letter filed April 4, 1969, William J. Potts, Jr., attorney for the Association on Broadcasting Standards, Inc. (ABS), states that because of coordination procedures within the Association it will not be possible to submit meaningful comments by the presently specified deadline. He requests an additional period of 90 days for this purpose, until July 7, 1969.

3. We believe it in the public interest to allow additional time, but consider 90 days to be an unnecessarily lengthy period. We will grant an additional 60

days for comments, with 30 days thereafter for reply comments.

4. *Accordingly, it is ordered,* That the time for filing comments is extended from April 7, 1969, to June 9, 1969, and the time for filing reply comments is extended, from April 17, 1969, to July 9, 1969.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: April 7, 1969.

Released: April 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-4247; Filed, Apr. 10, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9517]

AIRWORTHINESS DIRECTIVES

NAMC YS-11 and YS-11A Aircraft

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to NAMC YS-11 and YS-11A aircraft. Cracks have been discovered in the fillet area of the torque arm lug of the main landing gear strut cylinders on certain of these airplanes. If the lug is broken, the torque load cannot be absorbed and the piston rotates around the center of the cylinder, resulting in heavy damage to the wheel and landing gear. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection of the torque arm lug of the main landing gear strut cylinder for cracks, and accomplishing specified modifications on NAMC YS-11 and YS-11A airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before May 12, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

NIHON. Applies to NAMC YS-11 and YS-11A aircraft.

Compliance required as indicated, unless already accomplished.

To prevent failure of the torque arm lug of the main landing gear strut cylinders, accomplish the following:

(a) For airplanes with main landing gear strut cylinders which have accumulated 4,000 or more hours' time in service on the effective date of this AD, within the next 400 hours' time in service, inspect the fillet area of the torque arm lug of the main landing gear strut cylinder for cracks, in accordance with procedures as outlined in section 2A(1) of the service bulletin specified in paragraph (f).

(b) For airplanes with main landing gear strut cylinders which have accumulated less than 4,000 hours' time in service on the effective date of this AD, before the accumulation of 4,400 hours' time in service, inspect the fillet area of the torque arm lug of the main landing gear strut cylinder for cracks, in accordance with procedures as outlined in section 2A(1) of the service bulletin specified in paragraph (f).

(c) If the inspections required by paragraphs (a) or (b) reveal one or more cracks, and the length of the crack or the sum of the lengths of all cracks is 0.47 inches (12mm) or less in length, before further flight and without removing the strut cylinder from the airplane, remove the cracks from the M.G.L. cylinder in accordance with procedures as outlined in section 2A(2) of the service bulletin specified in paragraph (f). Observe the limitations on the material that can be removed. If material in excess of these limitations is removed, replace the cylinder with a cylinder of the same part number. Accomplish the surface finish work outlined in section 2A(3) of the service bulletin specified in paragraph (f).

(d) If the inspections required by paragraphs (a) or (b) reveal one or more cracks, and the length of the crack or the sum of the lengths of all cracks is greater than 0.47 inch (12mm) in length, before further flight, remove the cylinder from the airplane and perform the inspection and removal of cracks procedures outlined in section 2B of the service bulletin specified in paragraph (f). Observe the limitations on resulting thickness. If prescribed dimensions cannot be maintained, replace the strut cylinder with a new part of the same part number. Accomplish the surface finish work outlined in section 2B(3) of the service bulletin specified in paragraph (f).

(e) If the inspections required by paragraph (a) and (b) reveal no cracks, accomplish the surface finish work outlined in section 2A(3) of the service bulletin specified in paragraph (f).

(f) Accomplish the inspections and rework required by paragraphs (a) through (e) in accordance with NAMC Service Bulletin 32-04 dated December 5, 1968, or any Japan Civil Aviation Bureau approved revisions, or an FAA approved equivalent.

(g) Operators who have not kept records of hours' time in service for individual main landing gear strut cylinders shall use airplane hours' time in service in lieu thereof.

Issued in Washington, D.C., on April 4, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4236; Filed, Apr. 10, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

Modification of Wyoming Grazing District No. 2

By virtue of the authority contained in the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and pursuant to the authority delegated in 235 D.M. 1.1 (28 F.R. 2535), the following described lands are hereby added to Wyoming Grazing District No. 2:

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 90 W.,
Sec. 31;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35.

JOHN O. CROW,
Associate Director.

APRIL 4, 1969.

[F.R. Doc. 69-4244; Filed, Apr. 10, 1969; 8:46 a.m.]

National Park Service

BIGHORN CANYON NATIONAL RECREATION AREA, MONT. AND WYO.

Correction of Boundary Descriptions

There appeared in the FEDERAL REGISTER of May 28, 1968, at pages 7765-7767, a description of the boundaries of the Bighorn Canyon National Recreation Area and in the FEDERAL REGISTER of October 10, 1968, at pages 15128-15129, an adjustment of those boundaries. These boundary determinations were made by the Secretary of the Interior under authority vested in him by the Act of October 15, 1966 (80 Stat. 913; 16 U.S.C. 460t).

It is the purpose of this notice to correct a minor technical error in each of the aforesaid descriptions as stated below:

1. Lot "6" in the seventh call appearing in Column 3 at page 7765 of the May 28, 1968, notice should be changed to lot "5" so that this call will read as follows:

Thence westerly along the south line of lot 5, sec. 34, T. 56 N., R. 94 W., sixth principal meridian, to the east line of lot 411, T. 55 N., R. 94 W., sixth principal meridian;

2. "SW¼" in the fifth call appearing in the first full paragraph beginning in column one at page 15129 of the October 10, 1968, notice should be changed to "SE¼" so that this call will read as follows:

Thence easterly to the northwest corner of the SE¼ NE¼ of sec. 21;

Since the corrections herein presented are intended to more accurately describe segments of the lines on the maps referred to in the aforesaid boundary notices of May 28, and October 10, 1968, no changes in those maps are required.

J. E. N. JENSEN,
Acting Director.

APRIL 4, 1969.

[F.R. Doc. 69-4232; Filed, Apr. 10, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION

Notice of Approval of Applicant as Trustee

In F.R. Doc. 66-4724 appearing in the FEDERAL REGISTER issue of April 30, 1966 (31 F.R. 6551), notice was given that the Bank of America National Trust and Savings Association had been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Notice is hereby given that under a merger effected on April 1, 1969, the survivor national banking association assumed the name of the Bank of America National Trust and Savings Association with offices at Bank of America Plaza, San Francisco, Calif., and that said Bank of America National Trust and Savings Association has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: April 8, 1969.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 69-4266; Filed, Apr. 10, 1969; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Delegation of Authority With Respect to Program of Assistance for Housing in Alaska

SECTION A. *Authority delegated to the Assistant Secretary and the Deputy Assistant Secretary for Renewal and Housing Assistance.* The Assistant Secretary for Renewal and Housing Assistance and the Deputy Assistant Secretary for Renewal and Housing Assistance each is hereby authorized to:

1. Exercise the power and authority of the Secretary of Housing and Urban Development under section 1004 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3371), with respect to the Program of Assistance for Housing in Alaska, except the authority to:

a. Establish the rate of interest on Federal loans.

b. Approve the statewide program prepared by the State of Alaska or any duly authorized agency or instrumentality thereof.

2. Redelegate to the Regional Administrator and the Deputy Regional Administrator, Region VI (San Francisco), any of the power and authority delegated under section A, 1, and authorize further redelegation to Regional Office employees.

SEC. B. *Additional authority delegated to the Assistant Secretary for Renewal and Housing Assistance.* The Assistant Secretary for Renewal and Housing Assistance is further authorized to make such rules and regulations as may be necessary to carry out the power and authority delegated herein.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of April 11, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-4259; Filed, Apr. 10, 1969; 8:47 a.m.]

REGIONAL ADMINISTRATOR AND DEPUTY REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Program of Assistance for Housing in Alaska

SECTION A. *Authority redelegated to Regional Administrator and Deputy Regional Administrator, Region VI (San Francisco).* The Regional Administrator and the Deputy Regional Administrator, Region VI (San Francisco), each is hereby authorized to:

1. Exercise the power and authority of the Secretary of Housing and Urban Development under section 1004 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3371), with respect to the Program of Assistance for Housing in Alaska, except the authority to:

a. Establish the rate of interest on Federal loans.

b. Approve the statewide program prepared by the State of Alaska or any duly authorized agency or instrumentality thereof.

2. Redelegate to one or more employees under his judisdiction the authority delegated under section A, 1.

(Secretary's delegation effective Apr. 11, 1969, 34 F.R. 6399, Apr. 11, 1969)

Effective date. This redelegation of authority is effective as of April 11, 1969.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 69-4260; Filed, Apr. 10, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18390]

FLYING TIGER ADDITIONAL POINTS

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding set for May 6, 1969, will be held on May 12, 1969 at 10 a.m., e.d.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 7, 1969.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 69-4264; Filed, Apr. 10, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-4-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on April 7, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated March 17, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, a rate for a new commodity description, "Aluminum Window Frames," has been specified.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

[1] Filed as part of the original document.

Accordingly, It is ordered, That:

Action on agreement CAB 20745, R-48 through R-53, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 7 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4263; Filed, Apr. 10, 1969; 8:48 a.m.]

[Docket No. 20335]

MOHAWK AIRLINES, INC.

Notice of Hearing

Mohawk Airlines, Inc., Subpart M (Boston-Syracuse-Cleveland).

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on April 29, 1969, at 10 a.m., d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., April 8, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-4265; Filed, Apr. 10, 1969; 8:48 a.m.]

[Docket No. 20592; Order 69-4-39]

PACIFIC SOUTHWEST AIRLINES

Order Setting Preliminary Motion for Oral Argument

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of April 1969.

By application filed December 24, 1968, Pacific Southwest Airlines (PSA) requests approval of its acquisition of control of Western Air Lines, Inc. (Western), through an acquisition of a controlling portion of the latter carrier's outstanding capital stock. PSA contemplates that the Western stock will be acquired pursuant to a tender offer to Western's shareholders whereby PSA will exchange 1.8 shares of its own stock for each Western share tendered pursuant to the offer. By motion filed on the same date, PSA requests a preliminary ruling from the Board that the acquisition of a controlling portion of Western's outstanding stock by PSA pursuant to its tender offer, and the placement of such stock into an irrevocable voting trust with an independent voting trustee, pending Board decision on its control application, would not be deemed grounds upon which to hold the proceeding in abeyance pursuant to the Board's so-called "Sherman Doctrine."[1] On February 10, 1969, PSA filed a new pleading supplementing its motion by incorporating the terms of a proposed trust agreement entered into with Charles S. Murphy, Esq., as trustee, and alternatively requesting relief by way of exemption from section 408, pursuant to section 416 of the Act, to the extent that the pendente lite voting trust might be construed as a limited acquisition of control of Western by PSA.[2]

The pertinent features of the voting trust agreement, which has with modifications, been patterned after trusts which have previously been approved by the Board in connection with the liquidation of stock holdings required by the Board to be divested,[3] are: That it is irrevocable pending Board action on PSA's control application;[4] that Charles S. Murphy, Esq., or a successor trustee,[5] shall be entitled to vote the shares of stock held in the trust for all purposes in accordance with his best judgment, with full power in his discretion to designate others not affiliated with PSA as voting proxies; and that nothing in the trust agreement shall impair PSA's rights to sell, pledge or otherwise encumber its beneficial interest in the stock. In addition, PSA expresses its willingness to modify the trust in any reasonable fashion the Board might deem necessary in order to accomplish the purpose of insuring the continued independence of Western pending the Board proceeding.

In support of its request for interim relief PSA generally asserts that every effort has been made to insure that Western will, pending Board approval of

[1] Sherman Control and Interlocking Relationships, 15 CAB 876, 881 (1952). The Board there established the doctrine that, in the absence of exceptional circumstances, wherever it appeared that a control or interlocking relationship had been unlawfully established prior to Board approval under sections 408 and 409 of the Act, the Board would not consider an application for approval on its merits until the unlawful relationship had been voluntarily terminated, or a proceeding was completed to determine the existence of a violation and corrective action had been taken.

[2] PSA also filed a reply to an answer of Western, on Jan. 15, 1969, accompanied by a motion for leave to file an otherwise unauthorized document; and on Feb. 26, 1969, a reply to Western's answer to its February 10th pleading. In view of the complicated questions raised by this proceeding we shall accept all documents filed.

[3] See, Hughes-TWA-Atlas-Northeast, Common Control, 27 CAB 155, 157-161 (1958); Seaboard and Western Airlines, Agreements, 32 CAB 1322, 1325-26 (1960); Atlas Corporation, Interlocking Relationships, 31 CAB 1, 2 (1960).

[4] Alternatively the trust will terminate Jan. 31, 1974, unless extended with the approval of the Board, coupled with a requirement that PSA divest itself of the stock prior to such termination date.

[5] Provision is made for selection of a successor trustee through the confidential submission by PSA of three names to the Board with the right to select any one of them unless the Board shall within 10 days direct an alternate method of selection.

PSA's section 408(b) application, continue to operate as an independent competitive airline; that grant of the requested relief is necessary and in the public interest as the only feasible means by which the acquisition, pursuant to the proposed tender, can be accomplished; and that the arrangement would not be inconsistent with Board precedents[6] or the requirements of section 408 of the Federal Aviation Act, as amended. It is further urged that failure to grant the relief requested would have serious implications for the air transport industry as a whole, in that it would in effect preclude Board consideration on the merits of acquisitions by air carriers, or other section 408 enterprises, where circumstances are such that the tender procedure must be followed.[7]

Western has filed various pleadings opposing PSA's request for interim relief.[8] Generally, Western asserts that the trust arrangement would result in an unlawful acquisition of control of Western by PSA; that permitting its implementation by grant of the requested relief would be inconsistent with the requirements and objectives of the Federal Aviation Act and Board precedents,[9] would adversely affect Western's management and shareholders, and would be contrary to the public interest; and that there are available reasonable alternative means by which PSA could lawfully pursue its objectives, which would be far more consistent with the public interest.[10]

PSA's application raises novel and complex questions concerning the appropriateness of a voting trust as a vehicle for insulation of control prior to Board approval of the control relationship pursuant to the requirements of section 408 of the Federal Aviation Act. Not only do these questions arise with respect to the particular terms of the trust as proposed, but in addition there exist significant questions as to whether the trust could be modified to bring it into conformity with the requirements and objectives of the Federal Aviation Act, and Board policy thereunder. Moreover, to the extent that it is determined that the voting trust arrangement would constitute an acquisition of control within the meaning of section 408 of the Act, serious questions are presented as to whether, under the circumstances here present, the Board could or should nevertheless permit consummation of the arrangement through a temporary pendente lite waiver of its jurisdiction, or limited approval by exemption, or otherwise.[11]

The public interest considerations presented by PSA's application are also not easily resolved. Thus, Western asserts that the holding of a controlling block of its stock in the voting trust pending Board action on PSA's application for approval of control, and the PSA power of, as well as the effect of, disposition of such stock in the event of disapproval, would have severe repercussions on Western's management and stockholders. In effect, such an arrangement creates an unalterable change in the status quo, prior to Board consideration of the merits of the application, which could well be considered to be inconsistent with the policies of the Board expressed in the Sherman case and other Board precedents with respect to voting trusts of this nature. PSA asserts, on the other hand, that denial of the interim relief requested would in effect amount to preclusion of a whole class of corporate transactions for the transfer of the control of airlines, without the Board ever having a chance to pass upon the merits of the transfer; a result which could, under many circumstances, be significantly detrimental to the public interest. In addition, PSA alleges that a voting trust arrangement of the general type proposed is the only feasible means by which acquisition of control can be effectuated (where a tender to a large number of small stockholders is necessary). Western, on the other hand, urges that PSA's objections can reasonably be met by alternative arrangements which would be consistent with the requirements of section 408 of the Act and the public interest.

The determination as to whether (and if so, the determination of the extent to which) the interim relief sought by PSA should be granted will have an impact that may transcend the particular circumstances presented by PSA's motion. Hence, the Board has concluded that it should hear oral argument on the issues; and in connection therewith, the Board desires that the parties focus attention particularly on the following questions:

1. Would the placing of Western stock in the proposed voting trust, in and of itself, result in PSA acquiring control of Western, within the meaning of section 408?

2. If so, would a modification of various terms of the trust be sufficient to provide for effective insulation of PSA control, so as not to be in violation of section 408 of the Act, particularly with respect to:

a. Provisions which would eliminate any discretion in the trustees in voting the stock;[12]

b. Provisions restricting the power of disposition of the stock by PSA (i) to preclude transfer as a controlling block, (ii) to require that disposition be effected by the trustee, free from PSA direction or influence, in a specified time period following Board disapproval of PSA's acquisition of control, or (iii) other similar arrangements providing for effective or automatic disposition of the stock upon disapproval;

c. Specific provisions precluding PSA from in any manner directing, influencing or suggesting the manner in which the trustee shall exercise his trust, and directing the trustee to refrain from acting in accordance with the direction, influence, or suggestions of PSA;

d. Other provisions which would effectively insulate the trustee from PSA control or influence?

3. Would implementation of the trust arrangement, as proposed, or as modified in the manner suggested by 2 above, be consistent with the public interest and the continued proper management of Western during the period pending

[6] It is pointed out that such arrangements have been sanctioned by the ICC and the courts. Illinois Central Railroad Company v. United States, 263 F. Supp. 421, 429 (N.D. Ill., 1967), aff'd. per curiam 385 U.S. 457 (1967); Chesapeake & Ohio Railway Company-Control-Chicago South Shore & South Bend Railroad, 330 ICC 477 (1966).

[7] Such circumstances would include the absence of management cooperation, or the making of a tender offer competitive with that of a nonsection 408 enterprise, where the shareholdings of the airline are widely held.

[8] An answer was filed on Jan. 6, 1969; a supplemental answer (accompanied by a motion for leave to file an otherwise unauthorized document) in response to PSA's reply was filed on Jan. 27, 1969; and an answer to PSA's request for an alternative exemption and supplement to its motion for a preliminary ruling, was filed on February 20.

[9] Western points out that the Board denied a similar request for relief in connection with West Coast's acquisition of the stock of Pacific Air Lines (see West Coast Airlines, Enforcement, Order E-22248, June 1, 1965, App. 5-6), and has on several occasions previously rejected voting trust arrangements utilized for the purpose of insulating control prior to Board approval of the acquisition, as distinct from liquidation of a previously acquired interest pursuant to a Board order. National-Maytag Interlocking Relationships, 40 CAB 161 (1964); Allegheny Airlines, Enforcement Proceeding, 41 CAB 743 (1964); Tooico-Northeast Control Case, Order E-21940, Mar. 23, 1965, pp. 4-6.

[10] Specifically, it is suggested that it would be entirely feasible for PSA to make its tender offer conditioned upon Board approval of the acquisition of control, thereby permitting the present Western shareholders to retain their voting rights and interests in the Western shares pending Board action on PSA's control application, and that the retained rights could be made negotiable during such interim period by issuance of negotiable "Certificates of Deposit." See Chicago & N.W. Ry. Co. Certificates of Deposit, 328 I.C.C. 126; 328 I.C.C. 140 (1965). It is also suggested that there is no urgency here presently which would require that the tender offer be made prior to the Board's decision on the control application.

[11] See Pan American-National Agreements, 27 CAB 611, 613-14 (1958); Tooico-Northeast Control Case, 34 CAB 583 (1961), affirmed National Airlines v. CAB, 306 F. 2d 758 (1962).

[12] For example, the trust might require that the stock be voted in the manner specified by management in the management proxy statement; that it be voted proportionately as the remaining outstanding stock is voted; or voted in the same manner as a majority of the remaining stock outstanding; or perhaps not voted.

Board action on PSA's application for acquisition of control?

4. Pending Board action on PSA's application for acquisition of control, would an alternative means of procedure" be more consistent with the public interest and objectives of the Federal Aviation Act?

Should the parties desire to submit further documents with respect to the issues raised herein, they will be considered by the Board provided that they are filed not later than seven (7) calendar days prior to the date set for oral argument herein.

Accordingly, it is ordered:

1. That the issues raised by PSA's motion for a preliminary ruling, and request in the alternative for an exemption, shall be set for oral argument before the Board on April 28, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.; and

2. That the respective motions of PSA and Western for leave to file an otherwise unauthorized document be and they hereby are granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4263; Filed, Apr. 10, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18517, 18518; FCC 69-327]

GREAT SOUTHERN BROADCASTING CO. AND HENDERSONVILLE BROADCASTING CORP., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William O. Barry, trading as Great Southern Broadcasting Co., Donelson, Tenn., requests: 92.1 mcs, No. 221; 3 kw; 233 feet, Docket No. 18517, File No. BPH-6010; Hendersonville Broadcasting Corp., Inc., Hendersonville, Tenn., requests: 92.1 mcs, No. 221; 3 kw; 300 feet, Docket No. 18518, File No. BPH-6296; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. According to its application Hendersonville Broadcasting Corp., Inc., would require approximately $59,254 to construct and operate for 1 year without reliance on revenues. To meet this requirement it proposes to rely on existing capital, new capital, and bank loan. The applicant's balance sheet, however, fails to reveal any cash or other liquid assets in excess of liabilities and the bank loan on which it relies has expired by its own terms. As to the stockholders who are to provide the new capital, documentation is lacking to demonstrate their ability to meet their commitments. The balance sheets for all but Fauble fail to show liquid assets in excess of liabilities and Fauble's balance sheet fails to list his liabilities. As a result, no credit can be given to these sources of funds. Accordingly, an issue will be specified to determine the availability of the required $59,254.

4. According to its application Great Southern Broadcasting Co. would require $15,000 for construction and first year operation. Applicant bases this low figure on having most of the equipment on hand and on joint operation with a companion AM station. To meet this requirement, applicant relies on a bank loan also to have been used for construction of his AM station but the amount available over and above the needs of the AM is not made clear and the loan in any event has expired. Thus, no credit can be given for this item. Nor can it be given for the liquid assets shown on the applicant's balance sheet since it is very much out of date. This being the case, applicant has not shown the availability of the needed funds and an issue will be specified.

5. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Both of the applicants appear to have made adequate surveys, but neither had adequately listed the suggestions received. Thus, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

6. Great Southern Broadcasting Co. proposes 50 percent duplicated programming while Hendersonville Broadcasting Corp. proposes independent programming. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

7. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

8. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be designated in a subsequent order, upon the following issues:

(1) To determine whether Hendersonville Broadcasting Corp. has available to it the $59,254 required for construction and first-year operation to thus demonstrate its financial qualifications.

(2) To determine whether Great Southern Broadcasting Co. has available to it the required $15,000 for construction and first-year operation to thus demonstrate its financial qualifications.

(3) To determine the efforts made by Great Southern Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Hendersonville Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other FM services of 1 mv/m or greater intensity in such areas.

(6) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

(7) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

(8) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

9. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 2, 1969.

Released: April 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4250; Filed, Apr. 10, 1969; 8:47 a.m.]

[Docket Nos. 18515, 18516; FCC 69-326]

JACO, INC., AND KAKE-TV AND RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jaco, Inc., Wichita, Kans., Requests: 95.1 mcs, No. 236; 100 kw; 962 feet, Docket No. 18515, File No. BPH-6430; KAKE-TV and Radio, Inc., Wichita, Kans., Requests: 95.1 mcs, No. 236; 100 kw; 700 feet, Docket No. 18516, File No. BPH-6500; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Jaco, Inc., estimates that it would cost $342,869 to construct its proposed station and additional $14,000 to operate it for 1 year without reliance on revenues. Although these figures appeared to be reasonable for Jaco, Inc.'s, original proposal, that proposal has been altered to specify a substantially lower tower. While the costs would be reduced as a result, Jaco, Inc., has not amended the financial portion of the application to reflect this reduction. In addition, reliance on deferred payments for equipment is indicated, but no manufacturer's letter to this effect has been submitted. As a consequence of both of these matters we are unable to determine Jaco, Inc.'s, anticipatable first-year costs. Similarly, we have a problem with its sources of funds. Its balance sheet indicates that current liabilities exceed current assets; consequently its reliance on existing capital is misplaced. So too with the loan from a stockholder on which it relies, since no agreement or balance sheet from him has been provided, and with the loan from a bank which likewise lacks documentation. Thus, at present, it cannot be credited with any of the required funds and an appropriate issue will be specified.

3. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Although Jaco, Inc., appears to have made an adequate survey, it has failed to list the suggestions it received. Thus, we are unable at this time to determine whether it is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

4. Jaco, Inc., proposes approximately 50 percent duplicated programs while KAKE-TV and Radio, Inc., proposes no more than 10 percent duplicated programs. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67-614 (1967).

5. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

6. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the funds reasonably required by Jaco, Inc., for construction and first-year operation of its proposed station and its ability to provide these funds to thus determine its financial qualifications.

(2) To determine the efforts made by Jaco, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

7. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 2, 1969.

Released: April 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4249; Filed, Apr. 10, 1969; 8:46 a.m.]

[Docket No. 18514; FCC 69-320]

LEE ENTERPRISES, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Lee Enterprises, Inc., Billings, Mont., requests: 98.5 mcs, No. 253; 25 kw(H) 25 kw(V); 611 feet, Docket No. 18514, File No. BPH-6297, for construction permit.

1. The Commission has under consideration the above-captioned application for a new FM station at Billings, Mont.

2. The applicant corporation is also licensee or permittee of Stations WTAD-AM and FM, Quincy, Ill.; KGLO-AM and TV, Mason City, Iowa; KEYC-FM and TV, Mankato, Minn.; WMDR(FM), Moline, Ill.; and KHQA-TV, Hannibal, Mo.; and has interests in newspapers published in Billings, Mont., and elsewhere.

3. After careful consideration of the application before us, we have concluded that the multiple ownership situation here involved raises substantial questions as to concentrate of control of media of mass communications and as to whether a grant would serve the public interest.

4. The applicant is qualified in other respects, but in view of the foregoing, we find that the application must be designated for evidentiary hearing on the issues set forth below.

5. *It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether a grant of this application would tend to create an undue concentration of control over media of mass communications.

(2) To determine in light of the evidence adduced pursuant to the foregoing issue, whether a grant of the subject application would serve the public interest, convenience, and necessity.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear

[1] Including, but not limited to, a conditional tender offer effectuated through negotiable "Certificates of Deposit."

[1] Commissioner Wadsworth absent.

[2] Commissioner Robert E. Lee concurring in the result; Commissioner Wadsworth absent.

on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 2, 1969.

Released: April 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Dissenting statement of Commissioner Robert E. Lee filed as part of the original document; Chairman Hyde dissenting; Commissioner Wadsworth absent.

[F.R. Doc. 69-4248; Filed, Apr. 10, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-668 etc.][1]

DAVID JACKMAN, JR., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

APRIL 3, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 21, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-668..	David Jackman, Jr. et al., 655 Fourth National Bank Bldg., Wichita, Kans. 67202.	[1] 1	3	Northern Natural Gas Co. (Belpre Field, Edwards County, Kans.).	$482	3-12-69	[4] 4-12-69	[5] 4-13-69	[6] 13.5	[7] [8] 14.5	
RI69-669..	W. B. Osborn, Jr. (Operator) et al., Post Office Box 6767, San Antonio, Tex. 78209.	[9] 23	4	Kansas-Nebraska Natural Gas Co. (Bradshaw Field, Hamilton County, Kans.).	547	3-12-69	[4] 4-12-69	[5] 4-14-69	[6] 12.5	[7] [8] 13.5	

[1] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed the 16 cents per Mcf area initial rate ceiling.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] The stated effective date is the first day after expiration of the statutory notice.

The contracts related to the rate filings proposed by David Jackman, Jr., et al. (Jackman), and W. B. Osborn, Jr. (Operator), et al. (Osborn), were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Jackman's and Osborn's proposed rate filings should be suspended for 1 day from April 12, 1969 (Jackman), the proposed effective date, and April 13, 1969 (Osborn), the expiration date of the statutory notice.

[F.R. Doc. 69-4204; Filed, Apr. 10, 1969; 8:45 a.m.]

[Docket No. RI69-660 etc.]

SUPERIOR OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

APRIL 3, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 21, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-660..	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001, Attention: H. W. Varner, Esq.	94	2	El Paso Natural Gas Co. (Jicarilla Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$1	3-7-69	[3] 4-7-69	9-7-69	[4] 14.0536	[5] [6] 14.0578	RI64-547.
	The Superior Oil Co., 909 R.C.A. Bldg., Washington, D.C. 20006, Attention: Frank P. Saponaro, Jr., Esq.	20	15	El Paso Natural Gas Co. (Jicarilla Lease, Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,009	3-7-69	[3] 4-7-69	9-7-69	12.0495	[6] [7] 13.0536	
RI69-661..	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001, Attention: R. E. Galbraith, Manager, Natural Gas Division.	252	8	El Paso Natural Gas Co. (Spraberry Field, Upton and Reagan Counties, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	115	3-10-69	[8] 4-10-69	9-10-69	14.50	[9] [10] 18.243	
	do	261	6	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	853	3-10-69	[8] 4-10-69	9-10-69	12.81	[9] [10] 15.2025	
	do	276	7	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	5	3-10-69	[8] 4-10-69	9-10-69	13.34	[6] [9] [10] 16.8793	
	do	305	7	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	19	3-10-69	[8] 4-10-69	9-10-69	12.81	[9] [10] 15.2025	
	do	311	7	El Paso Natural Gas Co. (Spraberry Field, Glasscock County, Tex.) (R.R. District No. 8) (Permian Basin Area).	30	3-10-69	[8] 4-10-69	9-10-69	14.50	[9] [10] 18.243	
	do	312	9	do	12	3-10-69	[8] 4-10-69	9-10-69	14.50	[9] [10] 18.243	
	do	308	3	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.) (Permian Basin Area).	4,076	3-10-69	[8] 4-10-69	9-10-69	16.669	[9] [11] 17.646	
	do	333	2	El Paso Natural Gas Co. (Red Hills Area, Lea County, N. Mex.) (Permian Basin Area).	524	3-10-69	[8] 4-10-69	9-10-69	17.00	[9] [11] 18.48	
RI69-662..	Sohio Petroleum Co. (Operator) et al., 970 First National Annex, Oklahoma City, Okla. 73102, Attention: Gas-Gasoline Division.	73	8	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	4,492	3-12-69	[8] 4-12-69	9-12-69	14.50	[9] [10] 18.243	
RI69-663..	Sohio Petroleum Co.	74	11	do	225	3-12-69	[8] 4-12-69	9-12-69	14.50	[9] [10] 18.243	
RI69-664..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020, Attention: F. C. Sweet, Manager, Natural Gas Sales.	34	15	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.) (Permian Basin Area).	3,419	3-13-69	[8] 4-13-69	9-13-69	12.96	[9] [12] 16.1718	
	do	40	10	El Paso Natural Gas Co. (Tubb-Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	1,648	3-13-69	[8] 4-13-69	9-13-69	14.99	[9] [10] 16.6318	
RI69-665..	Hildalgo Gas Production Corp., 1401 Elm St., Dallas, Tex. 75202, Attention: Donald K. Young, Esq.	3	3	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	917	3-7-69	[3] 4-7-69	9-7-69	[10] [13] 13.2486	[6] [10] [13] 14.2678	
RI69-666..	Forest Oil Corp., et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	13	7	Michigan Wisconsin Pipe Line Co., (Laverne Field, Harper County, Okla.) (Panhandle Area).	[14] 90,000	3-10-69	[15] 5-10-69	10-10-69	[16] 19.5	[9] [16] 22.0	RI64-712.
	do	11	7	do		3-10-69	[15] 5-10-69	10-10-69	[16] 19.5	[6] [16] 22.0	RI64-712.
RI69-667..	Sun Oil Co.—DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	184	7	Panhandle Eastern Pipe Line Co., (South Hopewell Field, Pratt County, Kans.).	1,170	3-12-69	[17] 6-1-69	11-1-69	16.0	[9] 17.0	RI68-434.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Periodic rate increase. Change reflects an increase from a rate inclusive of the 1 cent minimum guarantee for liquids to a rate exclusive of the 1 cent minimum guarantee for liquids.
[3] Pressure base is 15.025 p.s.i.a.
[4] Includes 1 minimum guarantee for liquids.
[5] Periodic rate increase.
[6] The stated effective date is the effective date requested by Respondent.
[7] Increase from applicable area ceiling rate to contract rate.
[8] Pressure base is 14.65 p.s.i.a.
[9] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[10] Includes upward price adjustment for B.t.u. content above 1,000 B.t.u.'s per cubic foot.
[11] Base rate of 16.5 cents less quality deductions and 0.4467 cent contract compression charge.
[12] Contract includes 1 cent per Mcf minimum guarantee for liquids not filed for.
[13] Amount based on combined total field volumes from properties covered by Forest's Rate Schedules Nos. 13 and 21.
[14] Subject to upward and downward B.t.u. adjustment.
[15] The stated effective date is the contractual effective date for proposed rate.

The Superior Oil Co. (Superior) requests that its proposed rate increases be permitted to become effective on March 15, 1969. Hidalgo Gas Production Corp. requests a retroactive effective date of January 1, 1969, for its proposed rate increase. Sun Oil Co.—DX Division requests an effective date of May 31, 1969 for its rate filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Supplement No. 7 to Continental Oil Co.'s (Continental FPC Gas Rate Schedule No. 276, and the proposed rate increase filed by Hidalgo Gas Production Corp. (Hidalgo) reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

The basic contracts related to the proposed rate increases filed by Superior (Supplement No. 2 to Superior's FPC Gas Rate Schedule No. 94) and Hidalgo contain a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed rate. Superior and Hidalgo are advised that a notice of change in rate will be required if they intend to collect the 1 cent per Mcf minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket No. RI64–491 et al., Union Texas Petroleum, a division of Allied Chemical Corp. (Operator), et al.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–4205; Filed, Apr. 10, 1969; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. D–15]

SECRETARY OF AGRICULTURE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Agriculture to assist in controlling violations of law at the National Arboretum, Washington, D.C.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Agriculture to appoint uniformed guards as special policemen and to make all the needful rules and regulations for the protection of the buildings and grounds of the Arboretum, Washington, D.C., over which the Federal Government has exclusive criminal jurisdiction.

b. The Secretary of Agriculture may redelegate this authority to any officer or employee of the Department of Agriculture.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and policies, procedures, and controls prescribed by the General Services Administration.

Dated: April 4, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–4237; Filed, Apr. 10, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–3067]

CLOROX CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 7, 1969.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Clorox Co., File No. 7–3067.

Upon receipt of a request, on or before April 22, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–4238; Filed, Apr. 10, 1969; 8:46 a.m.]

[File Nos. 7–3065, 7–3066]

COMPUTER SCIENCES CORP. AND BUTTES GAS & OIL CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 7, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Computer Sciences Corp	7–3065
Buttes Gas & Oil Co	7–3066

Upon receipt of a request, on or before April 22, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–4239; Filed, Apr. 10, 1969; 8:46 a.m.]

[70–4739]

GEORGIA POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

APRIL 7, 1969.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street, Atlanta, Ga. 30303, a public-utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes, on or prior to June 1, 1969, to issue $5,684,000 principal amount of its first mortgage bonds, 4⅞ percent series due 1995, under the provisions of its indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as trustee, as amended and supplemented, and to surrender such bonds to the trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on August 18, 1965 (Holding Company Act Release No. 15294), and are to be issued on the basis of property additions, thus making available for construction and other purposes cash which would otherwise be required to satisfy the sinking fund requirement or to purchase bonds for such purpose.

The fees and expenses to be paid by Georgia in connection with the issuance of the bonds are estimated at $2,500, including $1,500 for charges of the trustee and counsel fee of $500. It is stated that the issuance of the sinking fund bonds has been authorized by the Georgia Public Service Commission, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 30, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–4240; Filed, Apr. 10, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 8, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41606—*Clay, kaolin or pyrophyllite from points in southern territory.* Filed by O. W. South, Jr., agent (No. A6088), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, processed clay, and clay and water mixed, in carloads, as described in the application, from points in Florida and Georgia, and Langley, S.C., and related points, also Glendon and Robbins, N.C., to Casper, Wyo.

Grounds for relief—Rate relationship.

Tariff—Supplement 46 to Southern Freight Association, agent, tariff ICC S–751.

FSA No. 41607—*Calcium chloride to New Orleans, La.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2941), for interested rail carriers. Rates on calcium chloride, other than liquid, in bags, in box cars, as described in the application, from specified points in Michigan and New York, to New Orleans, La.

Grounds for relief—Market competition.

Tariffs—Supplements 96 and 235 to Traffic Executive Association-Eastern Railroads, agent, tariffs ICC C–438 and C–334, respectively.

FSA No. 41608—*Rolled glass from Floreffe, Pa.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2942), for interested rail carriers. Rates on glass, rolled, not flashed, framed, leaded, nor polished, nor sheet prism, not bent, in carloads, as described in the application, from Floreffe, Pa., to Miami and Miami Plantation, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 235 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C–334.

FSA No. 41609—*Brick and related articles from and to Rock House, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–23), for interested rail carriers. Rates on brick and related articles, as described in the application, in carloads, from and to points in Rock House, Tex., on the one hand, to and from points in southwestern territory, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 62 to Southwestern Freight Bureau, agent, tariff ICC 4698.

FSA No. 41610—*Cotton from and to points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 625), for interested rail carriers. Rates on cotton, in carloads, as described in the application, from specified CRI&P RR Co. origins in Texas, to Corpus Christi, for export, also, to Galveston, Houston, and Texas City, Tex., for interstate and export traffic.

Grounds for relief—Rail-carrier competition.

Tariff—Supplement 71 to Texas-Louisiana Freight Bureau, agent, tariff ICC 1020.

FSA No. 41611—*Grain and grain products from and to points in Arkansas.* Filed by Southwestern Freight Bureau, agent (No. B–29), for interested rail carriers. Rates on grain, grain products, and related articles, also seeds, in carloads, as described in the application, between Malloy, Newell, and Pearson, Ark., on the one hand, and points in Arkansas, Louisiana, Oklahoma, and Texas, also Natchez and Vicksburg, Miss., and State Line, Okla.-Kans., on the other.

Grounds for relief—Market competition.

Tariffs—Supplements 137 and 1 to Southwestern Freight Bureau, agent, tariffs ICC 4495 and 4841, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–4252; Filed, Apr. 10, 1969; 8:47 a.m.]

[Notice 611]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 8, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as

to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 40 TA), filed April 4, 1969. Applicant: POPELKA TRUCKING CO., Post Office Box 958, Livingston, Mont. 59047. Applicant's representative: J. F. Meglen, 2822 Third Avenue North, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Park County, Mont., to points in Illinois, Indiana, Iowa, and Nebraska, for 180 days. Supporting shipper: Burkland Studs, Inc., Post Office Box 498, Livingston, Mont. 59047. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 92633 (Sub-No. 13 TA), filed April 4, 1969. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Bovill, Latah County, Idaho, to Toledo, Lincoln County, Oreg., for 180 days. Supporting shipper: J. R. Simplot Co., Bovill, Idaho 83806. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 111729 (Sub-No. 280 TA), filed April 3, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive (N. H. P.-PO), Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media* of all kinds and *advertising material* moving therewith, between Raleigh, N.C., on the one hand, and, on the other, points in South Carolina, for 180 days. Supporting shipper: Carolina Power and Light Co., Raleigh, N.C. 27602. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 118490 (Sub-No. 3 TA), filed Mar. 28, 1969. Applicant: ALASKA VAN & STORAGE CO., INC., Post Office Box 98728, Tukwila Station, 5053 East Marginal Way South, Seattle, Wash. 98134, Seattle, Wash. 98168. Applicant's representative: Hugh B. Mitchell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alaska, on the one hand, and, on the other Seattle, Wash., using all ports of entry on the Washington-Canada border and all ports of entry in the Puget Sound area, for 180 days. Supporting shippers: New York Life Insurance, c/o Sarah J. McCurley, Anchorage, Alaska, Marathon Oil Co., Attention: Jack R. McCormick, Anchorage, Alaska, Alaska Area Native Health Service, Box 7-741, Anchorage, Alaska 99501. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 118491 (Sub-No. 3 TA), filed March 28, 1969. Applicant: ALASKA TERMINALS, INC., Post Office Box 98728, Tukwila Station (5053 East Marginal Way South, Seattle, Wash. 98134), Seattle, Wash. 98168. Applicant's representative: Hugh B. Mitchell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Alaska, on the one hand, and, on the other, Seattle, Wash., using all ports of entry on the Washington-Canada border and all ports of entry in the Puget Sound Area, for 180 days. Supporting shippers: Marathon Oil Co., Attention: Jack R. McCormick, Anchorage, Alaska 99501, New York Life Insurance, c/o Sarah J. McCurley, Anchorage, Alaska 99501, and Alaska Area Native Health Service, Attention: Charles C. Culp, Chief, Area General Services Branch, Box 7-741, Anchorage, Alaska 99501. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 119099 (Sub-No. 8 TA), filed April 4, 1969. Applicant: BJORKLUD TRUCKING, INC., First Avenue NE. and Eighth Street, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic burial vault liners*, from Roseville, Minn., to points in the United States west of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (but not including said States), for 180 days. Supporting shipper: Wilbert, Inc., Box 147, Forest Park, Ill. 60130. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 121067 (Sub-No. 78 TA), filed April 3, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, powder or granules, in bulk, from Roanoke, Va., to Lynchburg, Va., restricted to shipments having had a prior movement by rail, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, BSR Building, Charlotte, N.C. 28202.

No. MC 133581 (Sub-No. 1 TA), filed April 3, 1969. Applicant: HOLDT POTATO COMPANY, INC., Route 2, Red Cloud, Nebr. 68970. Applicant's representative: Frederick J. Coffman, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and materials, and supplies* used in the manufacture and production of dairy products, between Red Cloud, Nebr., on the one hand, and, on the other, points in Arizona, California, and Missouri, for 180 days. Supporting shipper: Don Pauly Cheese, Inc., Manitowoc, Wis. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133596 (Sub-No. 1 TA), filed April 1, 1969. Applicant: LAWRENCE M. FAIRALL, doing business as WHITEY'S AUTOMOTIVE SERVICE, 215 Ohio Avenue, Fremont, Ohio 43420. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled and repossessed motor vehicles, trailers and busses* (except trailers designed to be drawn by passenger automobiles); and (2) *replacement vehicles* for wrecked or disabled motor vehicles and trailers, between points on that portion of the Ohio Turnpike (U.S. Interstate Highway 80) beginning at the Indiana-Ohio State line and continuing east on the Ohio Turnpike to Exit 10, and, also, Whitey's Automotive Service Centers at or near Fremont, Toledo, and Exits 4 and 5 of the Ohio Turnpike, on the one hand, and, on the other, points in Indiana, Illinois, Michigan, and Pennsylvania, for 180 days. Supporting shippers: Ohio Turnpike Commission, Columbus, Ohio; Amoco Truck Service, Route 120 and Libby Road, Stoney Ridge, Ohio; Fremont White Truck Sales & Service, Route No. 20 East, Fremont, Ohio; Toledo 5 Pure Truck Stop, Exit 5, Ohio Turnpike and Detroit Expressway, Box 7523, Oregon Branch, Toledo, Ohio 43616. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4258; Filed, Apr. 10, 1969; 8:47 a.m.]

[Notice 323]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 8, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71203. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Ben H. Schuster, doing business as Ben H. Schuster Trucking, Menomonee Falls, Wis., of the operating rights in permit No. MC-17702 issued November 17, 1966, to Ben H. Schuster and Adolph Konrath, a partnership, doing business as Schuster & Konrath, Menomonee Falls, Wis., authorizing the transportation of processed milk, empty milk containers, concentrated orange juice, and dairy machinery and parts thereof, over regular routes between Germantown, Wis., and Chicago, Ill., serving the intermediate points in Milwaukee, Wis. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203, attorney for applicants.

No. MC-FC-71208. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Samuel L. Peone, doing business as Spokane Ford Motor Freight, 3927 East Grace, Spokane, Wash. 99201, of the certificate No. MC-89408 issued May 24, 1954, to John W. and Paul Samuels, 1327 North Cannon Street, Spokane, Wash. 99201, authorizing the transportation of: General commodities, with the usual exceptions, between Spokane, Wash., and Germania, Wash., serving all intermediate points.

No. MC-FC-71217. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Foltz Truck Line, Inc., Princeton, Kans., of the operating rights in certificate Nos. MC-63959 and MC-63959 (Sub-No. 5) issued April 6, 1949, and February 19, 1959, respectively, to Louis Foltz, Princeton, Kans., authorizing the transportation of tires, petroleum products, in containers, batteries, automobile accessories, blacksmith coal, wagon parts, iron and steel articles, hardware, agricultural implements, twine, and numerous other commodities of a general commodity nature, over a regular route from Kansas City, Mo., to Princeton, Kans.; numerous other commodities of a general commodity nature over regular routes from Kansas City, Mo., to Ottawa and Wellsville, Kans., and general commodities, with the usual exceptions, from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, St. Joseph, Mo., and the site of the Cooperative Refinery at Horn, Mo., to Ottawa, Kans. Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603, attorney for applicants.

No. MC-FC-71225. By order of April 19, 1969, the Motor Carrier Board approved the transfer to Richard M. Sweeney and Martin G. Sweeney, a partnership, doing business as Sweeney Bros. Transportation, Chicopee, Mass., of certificate of registration No. MC-120023 (Sub-No. 1) issued January 22, 1964, in the name of Emile Singelais, doing business as Neil Transportation, Pinehurst Billerica, Mass., authorizing the transportation of general commodities between points in Massachusetts. Joseph A. Kline, 185 Denouahire Street, Boston, Mass. 02110, and David M. Marshall, Esq., 135 State Street, Suite 200, Springfield, Mass. 01103, attorneys for applicants.

No. MC-FC-71229. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Woodland Transport, Inc., Siren, Wis., of certificate No. MC-123497 issued June 6, 1962, to Gerald S. Anderson and M. Irving Anderson, doing business as Anderson Bros., Siren, Wis., authorizing the transportation of: Wooden poles, posts, and lumber, from points in Burnett County, Wis., to points in Indiana, Iowa, Illinois, Michigan, Minnesota, Nebraska, North Dakota, and South Dakota. John J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956, practitioner for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4254; Filed, Apr. 10, 1969; 8:47 a.m.]

[Notice 323 A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 8, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specific in their petitions with particularity.

No. MC-FC-70532. By order of March 28, 1969, Division 3, acting as an Appellate Division, approved the transfer to Ann Arbor Warehouse Co., a corporation, doing business as Elsifor Moving & Storage Co., Ann Arbor, Mich., of the operating rights in certificate No. MC-10029, issued December 10, 1958, to Elsifor Moving & Storage Co., Inc., Columbus, Ohio, authorizing the transportation of: *Household goods* as defined by the Commission, between Ann Arbor, Mich., and points in Michigan within 70 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, Wisconsin, the District of Columbia, and those in Maryland and Virginia within 50 miles of Washington, D.C. Ramon S. Regan, 2255 Penobscot Building, Detroit, Mich. 48226, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4255; Filed, Apr. 10, 1969; 8:47 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11465

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON INTERNAL SECURITY, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954, as amended (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1950 to 1969, inclusive, shall, during the Ninety-first Congress, be open to inspection by the Committee on Internal Security, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying on those investigations authorized by clause 11 of Rule XI of the Rules of the House of Representatives, as amended and agreed to February 18, 1969. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

Richard Nixon

THE WHITE HOUSE,
April 10, 1969.

[F.R. Doc. 69-4385; Filed, Apr. 10, 1969; 12:42 p.m.]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Obligations Eligible as Collateral for Advances

The following subparagraph (15) is hereby added to § 201.108(b):

(15) Commodity Credit Corporation certificates of interest in a price-support loan pool.

(Interprets and applies 12 U.S.C. 347)

Dated at Washington, D.C., this 4th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-4275; Filed, Apr. 11, 1969; 8:45 a.m.]

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Advances to Member Banks

1. Effective immediately § 201.2(a) is hereby amended to read as follows:

§ 201.2 Advances to member banks.

(a) *Advances on obligations or eligible paper.* Reserve Banks may make advances to member banks for not more than 90 days if secured by obligations or other paper eligible under the Federal Reserve Act for discount or purchase by Reserve Banks.

* * * * *

2a. The purpose of this amendment is to delete the unnecessary reference in § 201.2(a) to Commodity Credit Corporation certificates of interest, which are now designated as eligible collateral for Reserve Bank advances in § 201.108 (b) (15) without regard to the maturities of loans in the pool in which such certificates represent an interest.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public procedure and to deferred effective date with respect to changes in substantive rules were not followed in connection with this amendment because the Board found that such actions would result in delays that would have consequences contrary to the national interest.

Dated at Washington, D.C., this 4th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-4276; Filed, Apr. 11, 1969; 8:45 a.m.]

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Interpretations

§ 226.101 Use of ranges or brackets to determine periodic rate of finance charge on open end accounts.

(a) Section 226.5(a)(1) in effect gives a creditor the option in certain circumstances of stating (1) two or more separate annual percentage rates (e.g., the rate on a $700 balance might be stated as 18 percent on balance to $500 and 12 percent on balance over $500), or (2) a single annual percentage rate determined by the "quotient method" resulting from applying the rates to a total balance (e.g., in the example above, an annual percentage rate of 16¼ percent on a $700 balance).

(b) Section 226.5(a)(2), which relates to the use of ranges or brackets to compute periodic finance charges, does not prevent a creditor who uses such brackets from exercising the options referred to in § 226.5(a)(1).

§ 226.102 Overstatement of annual percentage rate.

(a) Section 226.6(h) provides that in certain circumstances the disclosure of an annual percentage rate which is greater than that required to be disclosed under the regulation does not in itself constitute a violation of the regulation. Under this section may a disclosure regarding an annual percentage rate (e.g., "the annual percentage rate does not exceed 18 percent") be preprinted on a contract or periodic statement and comply with disclosure requirements when the actual rate will at times be lower (e.g., 15 percent) for some transactions?

(b) Section 226.5 specifies the methods which shall be employed in determining annual percentage rates. Section 226.6 (h) is not intended to provide an alternative to these requirements, but is merely to provide appropriate relief to a creditor who overstates accidentally. Any disclosure of an annual percentage rate whether preprinted or otherwise which overstates the annual percentage rate determined in accordance with § 226.5 other than through inadvertence does not comply with requirements.

§ 226.103 Transition period; using existing forms, suitably altered or supplemented.

(a) Section 226.6(k) provides that, in some circumstances, if a creditor has been unable to obtain needed new printed forms by July 1, 1969, he may use existing forms until new ones are obtained, but not later than December 31, 1969. In such instances, the existing forms must be suitably altered or supplemented to make necessary disclosures clearly and conspicuously. The requirement that existing forms be supplemented is met by attachments or enclosures.

(b) Also in some instances, creditors encounter unavoidable delays in obtaining necessary equipment or computer programs needed to utilize new printed forms. Such delays can produce problems comparable to those involved in delays in obtaining printed forms. In such a situation, a creditor, under § 226.6(k), may continue to use existing forms until the means of utilizing the new forms are available, but in no event later than December 31, 1969, and subject, of course, to the conditions applicable under § 226.6 (k): Namely, that the creditor must have taken bona fide steps prior to July 1, 1969, to obtain the necessary equipment or computer programs, and the existing forms must be "altered or supplemented as necessary to assure that all of the items of information the creditor is required to disclose are set forth clearly and conspicuously."

§ 226.104 Disclosures in transaction involving multiple customers.

Section 226.6(e) states the general rule that, except in the case of a rescindable transaction under § 226.9, where there are multiple customers in a transaction, the creditor is only required to make disclosures to one of them. However, in determining which customer shall receive disclosures, the creditor may not select a customer who is secondarily liable, such as an endorser, comaker (when designated as surety), guarantor, or a similar party. This does not prohibit the creditor from also furnishing disclosures to such persons who are secondarily liable.

§ 226.105 Periodic statements; finance charge resulting from more than one periodic rate.

(a) Section 226.7(b)(4) requires that a periodic statement for open end credit show the amount of any finance charge, and that the statement also itemize and identify that portion of the finance charge that is due to application of one or more periodic rates and that portion due to any other charge such as minimum, fixed, check service, transaction, activity, or similar charge.

(b) This does not require the statement to state separately the portions of a finance charge due to application of two or more periodic rates. For example, if a creditor charges 1½ percent per month on the first $500 of a balance and 1 percent per month on amounts over $500, the monthly charge on a $600 balance would be $8.50, which must be shown. However, it would not be necessary to itemize the two components ($7.50 and $1) of the $8.50 charge. Under § 226.7(b)(5), the periodic rates that may apply to the account, and the applicable range of balances must, of course, be shown, but this could be preprinted.

(12 U.S.C. 248(i). Interprets and applies 15 U.S.C. 1631, 1636, and 1637)

Dated at Washington, D.C., the 2d day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4298; Filed, Apr. 11, 1969; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-97]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Immediate Delivery Permits

The Bureau is advised that the period now prescribed in § 8.59(g) of the Customs Regulations for making timely entry for merchandise released under an immediate delivery permit is often inadequate. It has been suggested that additional time is required for the preparation and filing of the entry and the deposit of estimated duties and taxes.

The Bureau has therefore decided to extend the prescribed period by providing that there shall be a uniform period of 10 days, excluding the day of release and any Saturday, Sunday, or holiday, in which timely entry may be made for merchandise released under an immediate delivery permit other than for certain merchandise subject to a tariff-rate quota. Furthermore, in order to avoid duplication of effort by customs personnel the Bureau has decided to require that any invoice submitted in connection with the release of merchandise under a special permit shall be used to make entry of the merchandise. In addition, the importer should, when applying for immediate delivery under a blanket special permit, note a value for the shipment which value should not be less than the invoice value.

Accordingly, § 8.59(g) is amended to read as follows:

§ 8.59 Application; entry; procedure.

* * * * *

(g) Except as otherwise prescribed in this section, entry shall be made and estimated duties and taxes shall be deposited within 10 days after the day on which the articles or any portion thereof are first released under a special permit. In computing the period within which entry and deposit must be made under this paragraph the day of release and any Saturday, Sunday, or holiday shall be excluded. Notwithstanding the foregoing, the time within which entries (including deposit of estimated duties and taxes) shall be filed covering articles of a kind which is subject to a tariff-rate quota which are released under a special permit at a time when the pertinent quota is filled shall expire in any event not later than midnight on the last day before the applicable quota again opens and no extension beyond that time shall be granted. Where an invoice was furnished to the customs officer concerned in connection with the release of the merchandise under a special permit, the same invoice shall be used to make entry. The importer when applying for immediate delivery under a blanket special permit shall note a value for the shipment on the document presented as evidence of the right to make entry. The value so noted shall not be less than the invoice value. No entry permit on customs Forms 7501-A, 5119, or 5119-A is required to accompany an entry for merchandise released under a special permit.

* * * * *

(Secs. 448, 484, 624, 46 Stat. 714, 722, as amended, 759; 19 U.S.C. 1448, 1484, 1624)

The purpose of this amendment is to provide for a longer period during which a prescribed action must be taken and to make certain procedural changes. Experience in the administration of the provisions involved has indicated the need for the changes. It is found, therefore, that the issuance of this amendment with notice under 5 U.S.C. 553 or subject to the effective date provisions of that section is unnecessary.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 4, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4308; Filed, Apr. 11, 1969; 8:48 a.m.]

[T.D. 69-96]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of March 1969, of approved fruit products and other approved products containing sugar amounts to Australian $88.40 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $88.40 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the No. 69-33 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 4, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4307; Filed, Apr. 11, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O-Ethyl S,S-Dipropylphosphorodithioate

A petition (PP 9F0750) was filed with the Food and Drug Administration by the Mobile Chemical Co., Industrial Chemicals Division., Richmond, Va. 23208, proposing the establishment of tolerances for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities corn (in grain or ear form) and corn fodder and forage at 0.025 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. There is no reasonable expectancy for residues of the insecticide to result in meat, milk, eggs, or poultry from the feeding of treated corn grain, ears, fodder, or forage to livestock; therefore, this use is in the category specified in § 120.6(a)(3).

2. Data in the petition show that a tolerance level of 0.02 part per million will be adequate.

3. The tolerances established by this order are safe and will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *
(5) * * *

O-Ethyl *S,S*-dipropylphosphorodithioate.

* * * * *

2. A new section is added to Subpart C as follows:

§ 120.262 *O*-Ethyl *S,S*-dipropylphosphorodithioate; tolerances for residues.

Tolerances are established for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities corn (in the grain and ear form) and corn fodder and forage at 0.02 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4277; Filed, Apr. 11, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-2',6'-Diethyl-*N*-(Methoxymethyl) Acetanilide

A petition (PP 9F0776) was filed with the Food and Drug Administration by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances for negligible residues of the herbicide 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide and its metabolites (expressed as 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide) in or on the raw agricultural commodities: Cotton forage and peanut forage at 0.2 part per million; and cottonseed and peanuts at 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.249 is amended by revising the paragraph "0.2 part per million" and adding immediately thereafter a new paragraph, as follows:

§ 120.249 2-Chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide; tolerances for residues.

* * * * *

0.2 part per million (negligible residues) in or on corn fodder and forage, corn grain, cotton forage, peanut forage, and soybeans.
0.05 part per million (negligible residues) in or on cottonseed and peanuts.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4278; Filed, Apr. 11, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

DEFOAMING AGENTS IN PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2387) filed by Wyandotte Chemicals Corp., Wyandotte, Mich. 48192, and other relevant material, concludes that § 121.2519 should be amended by deleting the upper molecular weight limitation on polyoxypropylene-polyoxyethylene condensate in the list of substances for use as components of defoaming agents in the manufacture of paper and paperboard for food-contract use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2519(d)(3) is amended by revising the item "Polyoxypropylene-polyoxyethylene condensate, * * *" to read as follows:

§ 121.2519 Defoaming agents used in the manufacture of paper and paperboard.

* * * * *

(d) * * *
(3) * * *

Polyoxypropylene-polyoxyethylene condensate, minimum molecular weight 950.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner For Compliance.

[F.R. Doc. 69-4279; Filed, Apr. 11, 1969; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Identity Test by Infrared Spectrophotometry

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 141.521(c) is revised to read as follows to make a minor technical change:

§ 141.521 Identity test by infrared spectrophotometry.

• • • • •

(c) *Procedure.* Place the sample, prepared as directed in paragraph (b) of this section, in the spectrophotometer. Determine the infrared absorbance spectrum between the wavelengths of 2 to 15 microns. To be suitable the spectrum should have a transmittance of between 20 and 70 percent at most of the wavelengths showing significant absorption. Compare the spectrum to that of an authentic sample of the same antibiotic prepared in an identical manner. To pass the infrared identity test, the absorption spectrum of the sample should compare qualitatively with that of the authentic sample.

This order, which makes a technical improvement in the subject test, is noncontroversial and nonrestrictive in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4280; Filed, Apr. 11, 1969; 8:46 a.m.]

PART 148p—POLYMYXIN

Sterile Polymyxin B Sulfate-Benzalkonium Chloride Urethral Lubricant

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 148p.9(b)(2) is revised to read as follows to change the method of sterility testing for the subject drug:

§ 148p.9 Sterile polymyxin B sulfate-benzalkonium chloride urethral lubricant.

• • • • •

(b) • • •

(2) *Sterility.* Proceed as directed in § 141.2(e)(1) of this chapter, except dissolve the ointment as follows: Aseptically transfer a portion of 0.25 gram from each of 10 immediate containers of the drug to 400 milliliters of diluting fluid D in an Erlenmeyer flask. Repeat the procedure on another 10 immediate containers. Swirl the flasks to dissolve the ointment.

• • • • • •

This order improves the sterility test method prescribed for the subject drug, raises no points of controversy, and is in the public interest; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4281; Filed, Apr. 11, 1969; 8:46 a.m.]

PART 149d—NAFCILLIN

Sodium Nafcillin Monohydrate Capsules

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to the antibiotic drug regulations to provide for certification of the subject drug (this new section is also the first section established in new Part 149d):

§ 149d.2 Sodium nafcillin monohydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate capsules are capsules containing sodium nafcillin monohydrate and one or more suitable and harmless buffer substances and lubricants. Each capsule contains the equivalent of 250 milligrams of nafcillin. The nafcillin content is satisfactory if it is not less than 90 percent nor more than 120 percent of the number of milligrams of nafcillin that it is represented to contain. The moisture content is not more than 5.0 percent. The sodium nafcillin monohydrate conforms to the requirements of § 148a.120(a) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium nafcillin monohydrate used in making the batch for potency, safety, moisture, pH, crystallinity, and nafcillin content.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The sodium nafcillin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(5) *Fees.* $0.75 for each capsule in the sample submitted in accordance with subparagraph (4)(ii)(*b*) of this paragraph; $5 for each package in the sample submitted in accordance with subparagraph (4)(ii)(*a*) of this paragraph; $4 for each package in the sample submitted in accordance with subparagraph (4)(ii)(*c*) of this paragraph.

(b) *Tests and methods of assay—*(1) *Potency.* Using the nafcillin working standard as the standard of comparison, assay for potency by either of the following methods; however, the results of the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute with solution 1 to the reference concentration of 2.0 micrograms of nafcillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample for assay as described in subparagraph (1) of this paragraph except dilute the sample to the concentration of 1.25 milligrams of nafcillin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Data supplied by the manufacturer concerning the subject antibiotic drug have been evaluated. Since the conditions prerequisite to providing for certification of the drug have been complied with and since it is in the public interest not to delay in providing for such certification, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4282; Filed, Apr. 11, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 25—REINSURANCE FOR RIOT OR CIVIL DISORDER LOSSES

1. Sections 25.1 through 25.18, Subpart A—Binder of Reinsurance, Part 25, which were applicable to binders in force through October 29, 1968, pursuant to § 25.18(b), are hereby deleted from the Code of Federal Regulations.

2. Sections 25.20 through 25.36, Subpart B—Standard Reinsurance Contract, Part 25, which expire at 12 p.m., e.s.t., April 30, 1969, pursuant to § 25.29(a), are deleted from the Code of Federal Regulations.

(Title XII of National Housing Act, 12 U.S.C. 1749bbb—1749bbb-21)

Effective date. This document shall be effective as of 12 p.m., e.s.t., April 30, 1969.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-4317; Filed, Apr. 11, 1969; 8:49 a.m.]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER A—NATIONAL INSURANCE DEVELOPMENT PROGRAM

PART 1906—STANDARD REINSURANCE CONTRACT

A new Chapter VII is established to read as follows:

Sec.
1906.20 Statement of applicable law.
1906.21 Definitions.
1906.22 Offer to provide reinsurance.
1906.23 Effective date of offer.
1906.24 Acceptance of offer.
1906.25 Policies reinsured.
1906.26 Premiums.
1906.27 Assessments.
1906.28 Claims.
1906.29 Inception and expiration dates.
1906.30 Adjustments.
1906.31 Insolvency.
1906.32 Errors and omissions.
1906.33 Restriction of benefits.
1906.34 Participation in statewide plans.
1906.35 Limitations on reinsurance.
1906.36 Arbitration.
1906.37 Access to books and records.
1906.38 Information and annual statements.

AUTHORITY: The provisions of this Part 1906 issued under title XII, National Housing Act, as added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21; Secretary's delegation of authority to Federal Insurance Administrator effective February 27, 1969 (34 F.R. 2680); and Secretary's designation of Acting Federal Insurance Administrator effective August 1, 1968 (33 F.R. 11794, Aug. 20, 1968).

§ 1906.20 Statement of applicable law.

Title XII of the National Housing Act (hereinafter referred to as the Act), as added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21, provides for a National Insurance Development Program. Pursuant to title XII of the Act, the Secretary of Housing and Urban Development is authorized to offer to any insurer reinsurance against losses resulting from riots or civil disorders in any one or more States, on all standard lines of property insurance enumerated under subparagraphs (A) through (E) of section 1203(a)(10) together, and, with respect to any State in which such reinsurance is purchased, to offer reinsurance on any one or more standard lines of property insurance enumerated under subparagraphs (F) through (J) of section 1203(a)(10) of the Act.

§ 1906.21 Definitions.

As used in this part:

(a) "Reinsurer" means the Federal Insurance Administrator.

(b) "Contract" means the Standard Reinsurance Contract.

(c) "Losses" means all claims proved and approved by the company under policies reinsured resulting from riots or civil disorders during the period of the contract, together with an allowance for expenses in connection therewith, hereby agreed to equal an amount per claim of eight per centum (8%) of the first $25,000 of any such claim, plus three per centum (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus one per centum (1%) of the amount by which the claim exceeds $100,000, after making proper deduction for salvage and for recoveries other than reinsurance.

(d) "Riot" or "civil disorder" means:

(1) Any tumultuous disturbance of the public peace by three or more persons mutually assisting one another, or otherwise acting in concert, in the execution of a common purpose by the unlawful use of force and violence resulting in property damage of any kind;

(2) Three or more unlawful and terroristic acts or occurrences, all taking place under similar circumstances and within reasonable proximity as to time and place and apparently having civil disruption or civil disobedience as a primary motivation, at least two of which each involve intentionally caused property damage of any kind in excess of $1,000; or

(3) Any other unlawful and terroristic act or occurrence, apparently having civil disruption or civil disobedience as a primary motivation, resulting in intentionally caused property damage of any kind in the amount of $2,000 or more, which may reasonably be determined by the reinsurer, on the basis of evidence submitted by the company, to have been, under the circumstances, a form of civil disorder.

(e) "Aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in (or allocable to) a State during the period of the contract.

(f) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of:

(1) Ninety per centum (90%) for that part of the aggregate losses which exceeds the net retention but does not exceed the sum of the net retention and an amount equal to twenty per centum (20%) of the specified percentage of the company's direct premiums earned for the calendar year 1969;

(2) Ninety-five per centum (95%) for that part of the aggregate losses which exceeds the sum of the net retention and an amount equal to twenty per centum (20%) of the specified percentage of the company's direct premiums earned for the calendar year 1969, but does not exceed the sum of the net retention and an amount equal to sixty per centum (60%) of such specified percentage; and

(3) Ninety-eight per centum (98%) for that part of the aggregate losses which exceeds the sum of the net retention and an amount equal to sixty per centum (60%) of the specified percentage of the company's direct premiums earned for the calendar year 1969.

(g) "Net retention" means the amount of aggregate losses that the company must stand before the reinsurer's liability hereunder attaches and shall be one aggregate figure for each State which shall be determined by applying a factor of two and one-half per centum (2½%) to the specified percentage of the company's direct premiums eanred in the State for the calendar year 1969 on those lines of insurance hereby reinsured.

(h) "Specified percentage" means one hundred per centum (100%) of each line of insurance reinsured under this contract except that the specified percentage of Homeowners multiple peril shall be eighty-five per centum (85%) and that of Commercial multiple peril shall be sixty-five per centum (65%).

(i) "Direct premiums earned" means direct premiums earned as reported in column 2 on page 14 of the company's Fire and Casualty Annual Statement, for the appropriate calendar year, in the form adopted by the National Association of Insurance Commissioners subject to adjustment as approved by the reinsurer for cessions to pools, facilities, and associations and for the inclusion of participation shares in such pools, facilities, and associations and such other appropriate adjustments, which shall include adjustments for dividends paid or credited to policy holders and reported

in column 3 on page 14, as may be approved or required by the reinsurer.

(j) "Company" means any company authorized to engage in the insurance business under the laws of any State except that, if there are two or more companies within a State in which reinsurance is to be provided under this contract which, as determined by the reinsurer:

(1) Are under common ownership and ordinarily operate on a group basis; or

(2) Are under single management direction; or

(3) Are otherwise determined by the reinsurer to have substantially common or interrelated ownership, direction, management, or control;

then all such related, associated, or affiliated companies shall be reinsured only as one aggregate entity.

(k) "State pool or other facility" means any pool or facility required under State law or approved by the State insurance authority which is formed, associated, or otherwise created as part of a statewide plan for the purpose of making property insurance more readily available.

(l) "Property owner" means any individual or group of individuals, corporation, partnership, or association, or any other organized group of persons having an insurable interest in any real, personal, or mixed real and personal property.

§ 1906.22 Offer to provide reinsurance.

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968 and subject to the terms and conditions set forth in this part, the reinsurer offers to enter into a contract to pay, as reinsurance of the company, the amount of the company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as may be designated by the company separately for each State.

§ 1906.23 Effective date of offer.

The reinsurer's offer to provide reinsurance under the terms and conditions set forth in this part is effective at the time this document is filed for public inspection at the Office of the Federal Register (8:49 a.m., e.s.t., April 11, 1969).

§ 1906.24 Acceptance of offer.

(a) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the reinsurer. The date of dispatch of this notice of acceptance, which date shall be no later than 12 p.m., e.s.t., April 30, 1969, must be clearly shown either by telegraph dispatch notation or postmark.

(b) The telegram or letter accepting this offer of reinsurance must indicate the States in which reinsurance on lines of mandatory coverage is to be provided and must specifically designate for each such State the lines of optional coverage for which reinsurance is to be provided. This notice of acceptance shall be in substantially the following form:

The [name of insurer or insurers] hereby accepts the offer as filed with the FEDERAL REGISTER of a Standard Reinsurance Contract pursuant to the Urban Property Protection and Reinsurance Act of 1968 for the mandatory and [specify] optional lines in the following States: [specify].

(c) Any company accepting this offer of reinsurance in accordance with paragraphs (a) and (b) of this section shall be supplied copies of the Standard Reinsurance Contract, HUD–1601, for execution and return to the reinsurer.

§ 1906.25 Policies reinsured.

(a) Reinsurance, under a Standard Reinsurance Contract provided pursuant to this offer, shall apply to:

(1) All policies or contracts of insurance (unless otherwise reinsured by the reinsurer under subparagraphs (2) and (3) of this paragraph) issued by the company to any property owner;

(2) The company's participation shares (to the extent not otherwise reinsured by the reinsurer under subparagraphs (1) and (3) of this paragraph) in any State pool or other facility required under the State law or approved by the State insurance authority as a part of a statewide plan to improve the availability of essential property insurance in urban areas; and

(3) As may be approved by the reinsurer, the company's participation shares (to the extent not otherwise reinsured by the reinsurer under subparagraphs (1) and (2) of this paragraph) in any continuing organization or association of insurers created to meet special problems of insurability,

which policies, contracts, or participation shares are in force on the effective date of the contract or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed under paragraphs (b) and (c) of this section as may be designated separately for each State.

(b) The lines of mandatory coverage are:

(1) Fire and extended coverage;

(2) Vandalism and malicious mischief;

(3) Other allied lines of fire insurance;

(4) Burglary and theft; and

(5) Those portions of multiple peril policies covering similar perils to those provided in subparagraphs (1), (2), (3), and (4) of this paragraph.

(c) The lines of optional coverage are:

(1) Inland marine;

(2) Glass;

(3) Boiler and machinery;

(4) Ocean marine; and

(5) Aircraft physical damage.

§ 1906.26 Premiums.

(a) The aggregate gross reinsurance premium due the reinsurer for the coverage provided under the contract of reinsurance shall be computed by applying an annual rate of one and one-quarter per centum (1.25%) to a premium base consisting of the sum of the products of the company's direct premiums earned in each State in each reinsured line for the calendar year 1969 multiplied by the specified percentage of such earned premiums, as defined in §§ 1906.21 (h) and (i). Where a company is newly authorized to write insurance in a State after May 1, 1969, and subsequently acquires reinsurance under the contract with respect to such insurance, the premium for such reinsurance shall be prorated in the ratio of (1) the number of days of coverage to be provided from the date of inception of coverage through April 30, 1970, to (2) 365.

(b) If any reinsurance coverage existed with respect to any State under a prior contract of reinsurance between the reinsurer and the company, and reinsurance with respect to any lines of insurance in the same State is continued under the contract with no lapse following the termination of the prior contract, a renewal credit equal to eighty per centum (80%) of the net premium paid for such prior reinsurance coverage, as adjusted, will be applied as a credit against the gross premium hereby required to be paid with respect to all lines of insurance reinsured in the same State: *Provided, however*, That the minimum net premium due the reinsurer under the contract for reinsurance in any State for a full contract year shall in no event be less than one-half of one per centum (0.5%) of the premium base for that State.

(c) An advance premium, which shall be an estimated premium only, shall be computed on the basis of direct premiums earned in the calendar year 1968 in the manner required for the computation of the reinsurance premium, less any renewal credits, and at least one-half thereof shall be paid within 15 days of demand for such payment. The balance of this estimated premium, if any, shall be due and payable on or before November 1, 1969, without further notice. The amount of the actual premium shall subsequently be determined and adjusted in accordance with § 1906.30.

(d) If reinsurance coverage with respect to any State, provided under a prior Standard Reinsurance Contract between the reinsurer and the company, cannot be continued in such State under this contract through no fault of the company, as determined by the reinsurer, or, if the company is prevented from applying all of the renewal credit to which it would otherwise be entitled by reason of the reinsurer's minimum net premium requirement, then in either case any unused renewal credit otherwise applicable to reinsurance under the contract may, at the option of the reinsurer, be applied toward reinsurance premiums due with respect to the same State in the next year during which the company is eligible for coverage in such State.

§ 1906.27 Assessments.

If any other company (or companies) reinsured by the reinsurer under a like Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of the contract, which in total exceed its net retention for all such lines, and as a result lodges claims against the reinsurer, then the company, on demand of the reinsurer, shall pay to the reinsurer an assessment sufficient to meet the company's equitable

share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed the aggregate net amount of reinsurance premiums (after credits) paid or payable into the National Insurance Development Fund for the period from May 1, 1969, through April 30, 1970, for reinsurance in such State. Such share shall be in the proportion that—

(a) The amount, if any, by which the company's net retention in lines reinsured under the contract in such State exceeds the company's aggregate losses in such lines, bears to

(b) The aggregate amount of unabsorbed net retention for all the lines of insurance of all companies reinsured under the contract in such State,

but such share shall not exceed the amount of the company's unabsorbed net retention under paragraph (a) of this section. An assessment will be required only after the termination of coverage provided by the contract.

§ 1906.28 Claims.

(a) The company shall advise the reinsurer by letter (1) of all losses which exceed $10,000 and (2) whenever it appears that aggregate losses have been incurred in an amount which approaches seventy-five per centum (75%) of the company's net retention based upon direct premiums earned for the calendar year 1968 in any State.

(b) When the company incurs aggregate property losses which exceed its net retention in any State, the company may make claim upon the reinsurer for the payment of excess aggregate losses in that State by filing a certification of loss and thereafter such supporting documentation of losses as may be required by the reinsurer, and following the receipt of such certifications and documentation the reinsurer shall, as promptly as possible, in such installments and on such conditions as may be determined by the reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss filed in advance of the final determination of the ultimate amount of losses), pay to the company such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

(c) If the ultimate amount of losses to be paid by the company has not been finally determined when the certification of loss is filed, the company shall, in due course, file one or more supplementary certifications of loss and thereafter the reinsurer or the company, as the case may be, shall pay the balance due.

(d) Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year 1968 shall be recomputed and adjusted at the termination of the coverage provided by the contract on the basis of direct premiums earned in reinsured lines for the calendar year 1969.

§ 1906.29 Inception and expiration dates.

(a) Except as otherwise provided by section 1222(d) of the National Housing Act, 12 U.S.C. 1749bbb–8(d), the Standard Reinsurance Contract shall be entered into on or before April 30, 1969, and shall be in effect from 12:01 a.m., e.s.t., May 1, 1969. All coverage under the contract shall expire at 12 p.m. (midnight), e.s.t., April 30, 1970, unless sooner terminated.

(b) Reinsurance under the contract may be canceled by the company in its entirety or with respect to any State:

(1) Upon notice by the company to the reinsurer that the company desires to cancel the reinsurance coverage specified; and

(2) Upon the company's commitment to pay any net premium due for coverage afforded under the contract prorated in the ratio of:

(i) The number of days for which coverage was provided prior to the cancellation of such coverage plus 30, to

(ii) The total number of days of coverage provided under the contract from the inception of such coverage up to and including April 30, 1970.

(c) In the event of any cancellation of reinsurance coverage under this § 1906.29, the net retention and assessment of such company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1969. Refunds of premiums, if any, due the company upon cancellation may, at the discretion of the reinsurer, be deferred until after final adjustments have been made in accordance with § 1906.30.

§ 1906.30 Adjustments.

On or before May 30, 1970, the company shall report to the reinsurer its direct premiums earned for the calendar year 1969 in all reinsured lines in all States for which reinsurance was provided under the contract, for the purpose of computing and adjusting the reinsurance premium due to the reinsurer with respect to the coverage provided, and, on or before July 31, 1970, its aggregate losses, for the purpose of computing and adjusting excess aggregate losses and assessments. Any overpayment or underpayment between the reinsurer and the company shall be adjusted and paid in accordance with the obligations assumed under the contract.

§ 1906.31 Insolvency.

(a) In the event of insolvency of the company the reinsurance under the contract shall be payable by the reinsurer to the company or to its liquidator, receiver, or statutory successor on the basis of the liability of the company under all policies, contracts, or participation shares reinsured without diminution because of the insolvency of the company.

(b) It is further agreed that the liquidator, or receiver, or statutory successor of the company shall give written notice to the reinsurer of the pendency of any claim against the company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the company or its liquidator, or receiver, or statutory successor. The expense thus incurred by the reinsurer shall be chargeable, subject to court approval, against the company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the company solely as a result of the defense undertaken by the reinsurer.

§ 1906.32 Errors and omissions.

Inadvertent delays, errors, or omissions made in connection with the contract or any transaction under the contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error, or omission is rectified as soon as possible after discovery.

§ 1906.33 Restriction of benefits.

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to the contract if made with a corporation for its general benefit.

§ 1906.34 Participation in statewide plans.

(a) No reinsurance shall be offered or effective under the contract in any State (1) unless there is in effect in such State a statewide plan to make essential property insurance more widely available, and the company is, at the inception of the contract, as determined by the State insurance authority, fully participating in such plan and (2) unless, in the case of a State in which a State pool or other facility has been established pursuant to State law, the company is also participating in such State pool or other facility. The company shall file and maintain with the State insurance authority in each State in which it is participating in such plan a statement pledging its full participation and cooperation in carrying out the plan and shall file a copy of each such statement with the reinsurer. The company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The company shall also establish and carry out an education and public information program to encourage agents, brokers, and other producers to utilize the programs and facilities available under such statewide plans.

(b) In the event that the company after the inception of the contract voluntarily withdraws from any State plan, pool, or other facility required by this section, such withdrawal shall be deemed to constitute cancellation by the company with respect to that State as of the effective date of the withdrawal, and the computation of the premium due to the reinsurer shall be made in accordance with § 1906.29(b)(2).

§ 1906.35 Limitations on reinsurance.

(a) Reinsurance under the contract shall not be applicable to insurance policies subsequently written in a State by the company:

(1) After August 1, 1969, or such later date as may be applicable in accordance with section 1223(a)(1) of the National Housing Act, 12 U.S.C. 1749bbb–9(a)(1), where the State has not enacted legislation to reimburse the reinsurer, as necessary, for the portion of the aggregate losses incurred by the reinsurer (subsequent to Aug. 1, 1968) specified in said section 1223(a)(1);

(2) After 30 days following notification to the company that the reinsurer has found (after consultation with the State insurance authority) that it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted;

(3) After 30 days following notification to the company that the reinsurer has found (after consultation with the State insurance authority) or that the State insurance authority has found that the company is not fully participating in the statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(4) Following a merger, acquisition, consolidation, or reorganization involving the company and one or more insurers with or without such reinsurance, unless the surviving insurer meets all conditions for eligibility for reinsurance and within 10 days pays any reinsurance premiums due.

(b) Notwithstanding paragraph (a) of this section, reinsurance may at the election of the reinsurer be continued, up to and including April 30, 1970, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this section for as long as the company pays the reinsurance premiums in such amounts as may be required, and for the purposes of this section the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged shall be deemed to be a policy or contract written on the date such change was made.

§ 1906.36 Arbitration.

(a) If any misunderstanding or dispute arises between the company and the reinsurer with reference to the amount of premium due, the amount of loss, or to any other factual issue under any provision of the contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the reinsurer. The company and the reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the company and the reinsurer cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the company and one by the reinsurer. The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the reinsurer. The company and the reinsurer shall bear equally all expenses of the arbitration.

(b) Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall, upon objection by the reinsurer or the company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

§ 1906.37 Access to books and records.

The reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the company that are pertinent to the business reinsured under the contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The company shall keep reasonable records which fully disclose all matters pertinent to the business reinsured under the contract and such other records as will facilitate an effective audit of the liability for reinsurance payments by the reinsurer.

§ 1906.38 Information and annual statements.

The company shall furnish to the reinsurer such summaries and analyses of information in its records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb, in such form as the reinsurer, in cooperation with the State insurance authority, shall prescribe, and the company shall file with the reinsurer a true and correct copy of the company's Fire and Casualty Annual Statement, or amendment thereof, filed with the State insurance authority of the company's domiciliary State, at the time the company files such statement or amendment with the State insurance authority. The company shall also file with the reinsurer an equivalent page 14 of such annual statement for each State in which reinsurance is provided under the contract.

Effective date. This part is effective at the time this document is filed for public inspection at the Office of the Federal Register.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-4319; Filed, Apr. 11, 1969; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on November 21, 1968 (33 F.R. 17234). The following amendments are made to Part 601:

PARAGRAPH 1. Section 601.104 is amended by revising paragraph (a)(4) to read as follows:

§ 601.104 Collection functions.

(a) *Collection methods.* • • •

(4) *Collection by sale of revenue stamps.* Certain taxes are collected by sale of revenue stamps. These taxes fall into three general classes: Documentary stamp taxes, commodity stamp taxes, and occupational stamp taxes. The documentary and commodity stamp taxes are paid by having affixed to the document, package, container, etc., in respect to which the tax is imposed, internal revenue stamps in the amount equal to the tax due and by canceling such stamps in the manner prescribed. Payment of occupational taxes is evidenced by a special occupational tax stamp issued to the taxpayer. In certain situations where it is not practicable to collect the tax by stamp, for example, where the instrument or commodity subject to stamp tax is no longer in existence or for other reasons cannot be stamped or where it is discovered that an occupational stamp tax was due for a prior taxable year, the tax may be collected by assessment. For special provisions applicable to stamp taxes, see § 601.404.

• • • • •

PAR. 2. Section 601.105 is amended by revising subdivisions (i) (*d*) and (*e*) and (vi) (*d*) of paragraph (b)(5), by revising subdivision (ii) of paragraph (c)(1), by deleting paragraph (e)(4), by revising paragraphs (f) and (l), and by adding a new paragraph (j). These revised provisions read as follows:

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

• • • • •

(b) *Examination of returns.* • • •

(5) *Technical advice from the National Office*—(i) *Definition and nature of technical advice.* • • •

(*d*) The provisions of this subparagraph apply only to a case under the jurisdiction of a district director. They do not apply to a case under the jurisdiction of the Alcohol, Tobacco, and Firearms Division or to a case or issue under the jurisdiction of a regional Appellate Division, including cases previously considered by Appellate. Technical advice may not be requested with respect to a taxable period if a prior Appellate disposition of the same taxable period of the same taxpayer's case was based on mutual concessions (ordinarily with an 870–AD type agreement). Technical advice may not be requested by a district office on issues previously considered in a prior Appellate disposition, not based on mutual concessions, of the same taxable periods of the same taxpayer unless Appellate concurs in the request.

(*e*) The Assistant Commissioner (Technical), acting under a delegation of authority from the Commissioner, is exclusively responsible for providing technical advice in any issue involving the establishment of basic principles and rules for the uniform interpretation and application of substantive tax laws other than those which are under the jurisdiction of the Alcohol, Tobacco, and Firearms Division. This authority has been largely redelegated to subordinate officials.

• • • • •

(vi) *Conference in the National Office.* • • •

(*d*) It is the responsibility of the taxpayer to furnish to the National Office, for addition to the case file, a written record of any additional data, lines of reasoning, precedents, etc., which are proposed by the taxpayer and discussed at the conference but which were not previously or adequately presented in writing. This additional record and a copy thereof should be addressed to and sent to the National Office which will forward the copy to the appropriate district director. The district director will be requested to give the matter his prompt attention. He may verify the additional facts and data and comment upon it to the extent he deems it appropriate.

• • • • •

(c) *District conference procedure*—(1) *Office audit.* • • •

(ii) If, at the conclusion of an office interview audit, the taxpayer does not agree with the adjustments proposed, the examining officer will fully explain the adjustments and the available appeal procedures. If the taxpayer desires an immediate conference it will be granted if practicable. If an immediate conference is not requested by the taxpayer, the examination report will be mailed to him under cover of an appropriate transmittal letter. This letter provides him with a detailed explanation of the available appeal procedures and requests him to inform the district, within the specified time, of his choice of action. The taxpayer will be granted a district Audit Division conference on request, and will not be required to file a protest.

• • • • •

(e) *Claims for refund or credit.* • • •

(4) [Deleted]

• • • • •

(f) *Interruption of audit and conference procedure.* The process of field audits and the course of the administrative procedure described in this section and in the following section may be interrupted in some cases by the imminent expiration of the statutory period of limitations for assessment of the tax. In this event the district director of internal revenue or other appropriate officer concerned must dispatch a statutory notice of deficiency (income, profits, estate or gift tax cases) or take other appropriate action with a view to assessment, even though the audit or conferences may then be going forward. In order to avoid interruption of the established procedure (except in estate tax cases), it is suggested to the taxpayer that he execute an agreement on Form 872 (or such other form as may be prescribed for this purpose). To be effective this agreement must be entered into by the taxpayer and the district director or other appropriate officer concerned prior to the expiration of the time otherwise provided for assessment. Such a consent extends the period for assessment of any deficiency, or any additional or delinquent tax, and extends the period during which the taxpayer may claim a refund or credit to a date 6 months after the agreed time of extension of the assessment period. When appropriate, a consent may be entered into restricted to certain issues.

• • • • •

(l) *Regional post review of examined cases.* Regional Commissioners review samples of examined cases closed in their district offices to insure uniformity throughout their districts in applying Code provisions, regulations, and rulings, as well as the general policies of the Service. In a similar manner the National Office Audit Division reviews samples of examined cases closed in the Office of International Operations.

(j) *Reopening of Cases Closed After Examination.* (1) The Service does not reopen any case closed after examination by a district office or Office of International Operations to make an adjustment unfavorable to the taxpayer unless:

(i) There is evidence of fraud, malfeasance, collusion, concealment, or misrepresentation of a material fact; or

(ii) The prior closing involved a clearly defined substantial error based on an established Service position existing at the time of the previous examination; or

(iii) Other circumstances exist which indicate failure to reopen would be a serious administrative omission.

(2) All reopenings are approved by the Assistant Regional Commissioner (Audit), or by the Director of International Operations for cases under his jurisdiction. If an additional inspection of the taxpayer's books of account is necessary, the notice to the taxpayer required by Code section 7605(b) will be delivered to the taxpayer at the time the reexamination is begun.

PAR. 3. Section 601.106(d)(3) is amended by adding the following new subdivision (iii)(*i*):

§ 601.106 Appellate functions.

• • • • •

(d) *Disposition and settlement of cases before Appellate Division.* • • •

(3) *Cases docketed in the Tax Court.* • • •

(iii) • • •

(*i*) Cases classified as "Small Tax" cases by the Tax Court are given expeditious consideration because such cases are not included on a Trial Status Order. These cases are considered by the Court as ready for placing on a trial calendar as soon as the answer has been filed and are given priority by the Court for trial over other docketed cases.

• • • • •

PAR. 4. Section 601.201 is amended by revising paragraphs (e) and (k)(1), by redesignating paragraph (n)(1)(iii) as (n)(1)(iv) and adding a new paragraph (n)(1)(iii), by revising paragraph (n)(6)(vii), and by adding a new paragraph (q), to read as follows:

§ 601.201 Rulings and determination letters.

• • • • •

(e) *Instructions to taxpayers.* (1) A request for a ruling or determination letter is to be submitted in duplicate if (i) it is a request for exemption under section 501(c) or 501(d) of the Code; (ii) more than one issue is presented in the request; or (iii) a closing agreement is requested with respect to the issue presented. It is not necessary to present requests in duplicate under other circumstances including requests for exemption from tax under section 521 of the Code or with respect to the qualification of plans under section 401 of the Code.

(2) Each request for a ruling or a determination letter must contain a complete statement of all relevant facts relating to the transaction. Such facts include names, addresses, and taxpayer identifying numbers of all interested parties; the district office where each party files or will file its return or report; a full and precise statement of the business reasons for the transaction; and a carefully detailed description of the transaction. In addition, true copies of all contracts, wills, deeds, agreements, instruments, and other documents involved in the transaction must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the taxpayer's statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. (The term "all interested parties" is not to be construed as requiring a list of all shareholders of a widely held corporation

requesting a ruling relating to a reorganization, or a list of employees where a large number may be involved in a plan.) The request must contain a statement whether, to the best of the knowledge of the taxpayer or his representative, the identical issue is being considered by any field office of the Service in connection with an active examination or audit of a tax return of the taxpayer already filed. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the Internal Revenue Service file and cannot be returned, the original documents should not be submitted. If the request is with respect to a corporate distribution, reorganization, or other similar or related transaction, the corporate balance sheet nearest the date of the transaction should be submitted. (If the request relates to a prospective transaction, the most recent balance sheet should be submitted.)

(3) As an alternative procedure for the issuance of rulings on prospective transactions, the taxpayer may submit a summary statement of the facts he considers controlling the issue, in addition to the complete statement required for ruling requests by subparagraph (2) of this paragraph. Assuming agreement with the taxpayer's summary statement, the Service will use it as the basis for the ruling. Any taxpayer wishing to adopt this procedure should submit with the request for ruling:

(i) A complete statement of facts relating to the transaction, together with related documents, as required by subparagraph (2) of this paragraph; and

(ii) A summary statement of the facts which he believes should be controlling in reaching the requested conclusion.

Where the taxpayer's statement of controlling facts is accepted, the ruling will be based on those facts and only this statement will ordinarily be incorporated in the ruling letter. It is emphasized, however, that:

(a) This procedure for a "two-part" ruling request is elective with the taxpayer and is not to be considered a required substitute for the regular procedure contained in paragraphs (a) through (m) of this section;

(b) Taxpayers' rights and responsibilities are the same under the "two-part" ruling request procedure as those provided in paragraphs (a) through (m) of this section;

(c) The Service reserves the right to rule on the basis of a more complete statement of facts it considers controlling and to seek further information in developing facts and restating them for ruling purposes; and

(d) The "two-part" ruling request procedure will not apply where it is inconsistent with other procedures applicable to specific situations, such as requests for permission to change accounting method or period, application for exemption under section 501, or rulings on employment tax status.

(4) If the taxpayer is contending for a particular determination, he must furnish an explanation of the grounds for his contentions, together with a statement of relevant authorities in support of his views. Even though the taxpayer is urging no particular determination with regard to a proposed or prospective transaction, he must state his views as to the tax results of the proposed action and furnish a statement of relevant authorities to support such views.

(5) If the request is with respect to the qualification of a plan under section 401(a) of the Code, see paragraphs (o) and (p) of this section. If the request is with respect to the qualification of an organization for exemption from Federal income tax under section 501 or 521 of the Code, see paragraph (n) of this section.

(6) A request by or for a taxpayer must be signed by the taxpayer or his authorized representative. If the request is signed by a representative of the taxpayer, or if the representative is to appear before the Internal Revenue Service in connection with the request, he must either be:

(i) An attorney who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the service a written declaration that he is currently qualified as an attorney and he is authorized to represent the principal,

(ii) A certified public accountant who is duly qualified to practice in any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Service a written declaration that he is currently qualified as a certified public accountant and he is authorized to represent the principal, or

(iii) A person, other than an attorney or certified public acountant, enrolled to practice before the Service. (See Treasury Department Circular No. 230, as amended, C.B. 1966–2, 1171.)

The above requirements do not apply to an individual representing his full-time employer, or to a bona fide officer, administrator, trustee, etc., representing a corporation, trust, estate, association, or organized group. An unenrolled preparer of a return (other than an attorney or certified public accountant referred to in subdivisions (i) and (ii) of this subparagraph (6)) who is not a full-time employee, or a bona fide officer, administrator, trustee, etc., may not represent a taxpayer with respect to a ruling or a determination letter. Any authorized representative, whether or not he is enrolled to practice, must also comply with the conference and practice requirements of Subpart E of this part. Forms 2848, Power of Attorney, and 2848–D, Authorization and Declaration, may be used with regard to rulings or determination letters requested under this section.

(7) A request for a ruling by the National Office should be addressed to the Commissioner of Internal Revenue, Attention: T:PS:T, Washington, D.C. 20224. A request for a determination letter should be addressed to the district director of internal revenue for the district with which the tax return of the taxpayer has been filed or is required to be filed. See also paragraphs (n) through (q) of this section.

(8) Any request for a ruling or a determination letter which does not comply with all the provisions of this paragraph will be acknowledged, and the requirements which have not been met will be pointed out.

(9) A taxpayer or his representative who desires an oral discussion of the issue or issues involved should indicate such desire in writing when filing the request or soon thereafter in order that the conference may be arranged at that stage of consideration when it will be most helpful.

(10) It is the practice of the Service to process requests for rulings or determination letters in regular order and as expeditiously as possible. Compliance with a request for consideration of a particular matter ahead of its regular order, or by a specified time, tends to delay the disposition of other matters. Requests for processing ahead of the regular order, made in writing in a separate letter submitted with the request or subsequent thereto and showing clear need for such treatment, will be given consideration as the particular circumstances warrant. However, no assurance can be given that any ruling or determination letter will be processed by the time requested. For example, the scheduling of a closing date for a transaction or a meeting of the board of directors or shareholders of a corporation without due regard to the time it may take to obtain a ruling or determination letter will not be deemed sufficient reason for handling a request ahead of its regular order. Neither will the possible effect of fluctuation in the market price of stocks on a transaction be deemed sufficient reason for handling a request out of order. Requests by telegram will be treated in the same manner as requests by letter. Rulings and determination letters ordinarily will not be issued by telegram. A taxpayer or his representative desiring to obtain information as to the status of his case may do so by contacting the appropriate division in the office of the Assistant Commissioner (Technical).

(11) When a taxpayer receives a ruling or a determination letter prior to the filing of his return with respect to any transaction that has been consummated and that is relevant to the return being filed, he should attach a copy of the ruling or determination letter to the return.

(12) Where a taxpayer has received an adverse determination under section 367 of the Code, a protest directed to the position upon which the adverse determination is based will be considered by an informal board consisting of the Assistant Commissioner (Technical), Director of Income Tax Division, and a representative of the Chief Counsel. This procedure is invoked by a request

directed to the Assistant Commissioner (Technical).

* * * * *

(k) *Oral advice to taxpayers.* (1) The Service does not issue rulings or determination letters upon oral requests. Furthermore, National Office officials and employees ordinarily will not discuss a substantive tax issue with a taxpayer or his representative prior to the receipt of a request for a ruling, since oral opinions or advice are not binding on the Service. This should not be construed as preventing a taxpayer or his representative from inquiring whether the Service will rule on a particular question. In such cases, however, the name of the taxpayer and his identifying number must be disclosed. The Service will also discuss questions relating to procedural matters with regard to submitting a request for a ruling.

* * * * *

(n) *Organizations claiming exemption under section 501 or 521 of the Code*—(1) *Filing applications for exemption.* * * *

(iii) An exemption ruling or determination letter will not ordinarily be issued if an issue involving the organization's exempt status under section 501 or 521 of the Code is pending in litigation or before the Appellate Division.

(iv) Requests for rulings or determination letters other than in the form of applications for exemption are governed by the procedures outlined in paragraphs (a) through (m) of this section.

* * * * *

(6) *Revocation or modification of exemption rulings or determination letters.* * * *

(vii) If it is concluded that an organization entered into a prohibited transaction for the purpose of diverting corpus or income from its exempt purpose and if the transaction involved a substantial part of the corpus or income of the organization, its exemption is revoked effective as of the beginning of the taxable year during which the prohibited transaction was commenced.

* * * * *

(q) *Corporate Master and prototype plans.* (1) *Scope and definitions.* (i) The general procedures set forth in this paragraph pertain to the issuance of rulings, determination letters, and opinion letters relating to master and prototype pension, annuity, and profit-sharing plans (except those covering self-employed individuals) under section 401(a) of the Code, and the status for exemption of related trusts or custodial accounts under section 501(a). (A custodial account described in section 401(f) of the Code is treated as a qualified trust for purposes of the Code.) These procedures are subject to the general procedures set forth in paragraph (o) of this section, and relate only to master plans and prototype plans that do not include self-employed individuals and are sponsored by trade or professional associations, banks, insurance companies, or regulated investment companies. These plans are further identified as "variable form" and "standardized form" plans.

(ii) A "master plan" is a form of plan in which the funding organization (trust, custodial account, or insurer) is specified in the sponsor's application, and a "prototype plan" is a form of plan in which the funding organization is specified in the adopting employer's application.

(iii) A "variable form" plan is either a master or prototype plan that permits an employer to select various options relating to such basic provisions as employee coverage, contributions, benefits, and vesting. These options must be set forth in the body of the plan or in a separate document. Such plan, however, is not complete until all provisions necessary for qualification under section 401(a) of the code are appropriately included.

(iv) A "standardized form" plan is either a master or prototype plan that meets the requirements of subparagraph (2) of this paragraph.

(2) *Standardized form plan requirements.* A standardized form plan must be complete in all respects (except for choices permissible under subdivisions (i) and (iv) of this subparagraph) and contain among other things provisions as to the following requirements:

(i) *Coverage.* The percentage coverage requirements set forth in section 401(a)(3)(A) of the Code must be satisfied. Provisions may be made, however, for an adopting employer to designate such eligibility requirements as are permitted under that section.

(ii) *Nonforfeitable rights.* Each employee's rights to or derived from the contributions under the plan must be nonforfeitable at the time the contributions are paid to or under the plan, except to the extent that the limitations set forth in § 1.401–4(c) of the Income Tax Regulations, regarding early termination of a plan, may be applicable.

(iii) *Bank trustee.* In the case of a trusteed plan, the trustee must be a bank.

(iv) *Definite contribution formula.* In the case of a profit-sharing plan, there must be a definite formula for determining the employer contributions to be made. Provision may be made, however, for an adopting employer to specify his rate of contribution.

(3) *Rulings, determination letters, and opinion letters.* (i) A favorable determination letter as to the qualification of a pension or profit-sharing plan and the exempt status of any related trust or custodial account, is not required as a condition for obtaining the tax benefits pertaining thereto. However, paragraph (c)(5) of this section authorizes district directors to issue determination letters as to the qualification of plans and the exempt status of related trusts or custodial accounts.

(ii) In addition, the National Office upon request from a sponsoring organization will furnish a written opinion as to the acceptability of the form of a master or prototype plan and any related trust or custodial account, under sections 401(a) and 501(a) of the Code. Each opinion letter will bear an identifying plan serial number. However, opinion letters will not be issued under this paragraph as to (a) plans of a parent company and its subsidiaries, (b) pooled fund arrangements contemplated by Revenue Ruling 56–267, C.B. 1956–1, 206, (c) industry-wide or area-wide union-negotiated plans, (d) plans that include self-employed individuals, (e) stock bonus plans, and (f) bond purchase plans.

(iii) A ruling as to the exempt status of a trust or custodial account under section 501(a) of the Code will be issued to the trustee or custodian by the National Office where such trust or custodial account forms part of a plan described in subparagraph (1) of this paragraph and the trustee or custodian is specified on Form 4461, Sponsor Application—Approval of Master or Prototype Plan. Where not so specified, a determination letter as to the exempt status of a trust or custodial account will be issued by the district director for the district in which is located the principal place of business of an employer who adopts such trust or custodial account after he furnishes the name of the trustee or custodian.

(iv) Since a determination as to the qualification of a particular employer's plan can be made only with regard to facts peculiar to such employer, a letter expressing the opinion of the Service as to the acceptability of the form of a master or prototype plan will not constitute a ruling or determination as to the qualification of a plan as adopted by any individual employer nor as to the exempt status of a related trust or custodial account.

(v) A determination as to the qualification of a plan as it relates to a particular employer will be made by the district director for the district in which each employer's principal place of business is located, if the employer has adopted a master or prototype plan that has been previously approved as to form. An employer who desires such a determination must file Form 4462, Employer Application—Determination as to Qualification of Pension, Annuity, or Profit-Sharing Plan and Trust, and furnish a copy of the adoption agreement or other evidence of adoption of the plan and such additional information as the district director may require.

(4) *Request by sponsoring organizations and employers.* (i) The National Office will consider the request of a sponsoring organization desiring a written opinion as to the acceptability of the form of a master or prototype plan and any related trust or custodial account. Such request is to be made on Form 4461 and filed with the Commissioner of Internal Revenue, Washington, D.C. 20224, attention T:MS:PT. Copies of all documents, including the plan and trust or custodial agreement, together with specimen insurance contracts, if applicable, are to be submitted with the request. In making its determination, the National Office may require additional information as appropriate.

(ii) Each district director, in whose jurisdiction there are employers who adopt the form of plan, is to be furnished a copy of the previously approved form of plan and related documents by the sponsoring organization. The sponsoring organization must also furnish such district director a copy of all amendments subsequently approved as to form by the National Office.

(iii) The sponsoring organization must furnish copies of opinion letters as to the acceptability of the form of plan, including amendments (see subparagraph (5) of this paragraph), to all adopting employers.

(5) *Amendments.* (i) Subsequent to obtaining approval of the form of a master or prototype plan, a sponsoring organization may wish to amend the plan. Whether a sponsoring organization may effect an amendment depends on the plan's administrative provisions.

(ii) If the plan provides that each subscribing employer has delegated authority to the sponsor to amend the plan and that each such employer shall be deemed to have consented thereto, the plan may be amended by the sponsor acting on behalf of the subscribers. If the plan does not contain such provision but all subscribing employers consent in a collateral document to permit amendment, the sponsor, acting on their behalf, may amend the plan. However, where a sponsor is unable to secure the consent of each such employer, the plan cannot be amended. In such cases any change can only be effected by the establishment of a new plan and the submission of a new Form 4461 by the sponsor. The new plan must be complete and separate from the old plan, and individual employers may, if they desire, substitute the new plan for the old plan.

(iii) Where the plan has been amended pursuant to subdivision (ii) of this subparagraph, the sponsor is to submit an application, Form 4461, a copy of the amendment, a description of the changes, and a statement indicating the provisions in the original plan authorizing amendments, or a statement that each participating employer's consent has been obtained.

(iv) Upon approval of the amendment by the National Office, an opinion letter will be issued to the sponsor containing the serial number of the original plan, followed by a suffix: "A–1" for the first amendment "A–2" for the second amendment, etc. Employers adopting the form of plan subsequent to the date of the amendment must use the revised serial number.

(v) If a new plan is submitted, together with Form 4461 and copies of all documents evidencing the plan, an opinion letter bearing a new serial number will be issued to the sponsor, and all employers who adopt the new plan are to use the new serial number. Employers who adopted the old plan continue to use the original serial number. However, any employer who wishes to change to the new plan may do so by filing with his district director a new Form 4462, indicating the change.

(v) An employer who amends his adoption agreement may request a determination letter as to the effect of such amendment by filing Form 4462 with his district director, together with a copy of the amendment and a summary of the changes. However, in the event an employer desires to amend his adoption agreement under a master or prototype plan, and such amendment is not contemplated or permitted under the plan, then such amendment will in effect substitute an individually designed plan for the master or prototype plan and the amendment procedure described in paragraph (o) of this section will be applicable.

(6) *Effect on other plans.* Determination letters previously issued by district directors specified in paragraph (o)(2)(vii) of this section are not affected by these procedures even though the plans covered by the determination letters were designed by organizations described in subparagraph (1)(i) of this paragraph. However, such organizations may avail themselves of these procedures with respect to any subsequent action regarding such plans if they otherwise come within the scope of this paragraph.

PAR. 5. Section 601.301 is amended by revising paragraph (b), so much of paragraph (c) as precedes subparagraph (1) thereof, and subparagraphs (7) and (16) to read as follows:

§ 601.301 Imposition of taxes, qualification requirements, and regulations.

* * * * *

(b) *Qualification requirements.* Distillers, winemakers, brewers, warehousemen, rectifiers, bottlers, liquor bottle manufacturers, dealers in specially denatured alcohol, users of tax-free and specially denatured alcohol, and wholesalers and importers of liquors, are required to qualify with the Internal Revenue Service, usually by filing notice or application and bond with, and procuring permit from, the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which operations are to be conducted. Detailed information respecting such qualification, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in paragraph (c) of this section.

(c) *Regulations.* The procedural requirements with respect to matters relating to distilled spirits, wines, and beer which are within the jurisdiction of the Alcohol, Tobacco, and Firearms Division are published in the regulations described in this paragraph. These regulations contain full information as to the general course and method by which the functions concerning liquors are channeled and determined, including the nature and requirements of formal and informal procedures, the forms, records, reports, and other documents required, and the contents of applications, notices, registrations, permits, bonds, and other documents. Supplies of prescribed forms may be obtained from the office of assistant regional commissioners (alcohol, tobacco, and firearms), except that Forms 52–A, 52–B, 122, 133, 338, 2051, 2056–2060, 2621, and 2637 must be provided by the users at their own expense. Users and commercial printers may procure specimen copies of such forms from such offices. IRS Publication No. 480, which contains a listing of alcohol and tobacco tax public-use forms, may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Such publication is available, for reference purposes, in Internal Revenue Service reading rooms. The following is a brief description of the several regulations arranged according to the principal subjects and operations concerned:

* * * * *

(7) *Rules of practice in permit proceedings.* Part 200 of this chapter contains the rules governing the procedure and practice in connection with the disapproval of applications for basic permits, and for the issuance of citations for the suspension, revocation, and annulment of such permits under sections 3 and 4 of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), and disapproval, suspension, and revocation of industrial use, operating, withdrawal, and tobacco permits under the Code. Such rules also govern, insofar as applicable, any adversary proceeding involving adjudication required by statute to be determined on the record, after opportunity for hearing, under laws administered by the Alcohol, Tobacco, and Firearms Division.

* * * * *

(16) *Establishment and operations of breweries and experimental breweries.* Part 245 of this chapter contains the regulations relating to the production (including concentration and reconstitution incident thereto) and removal of beer and cereal beverages. The regulations cover the location, construction, equipment, and operations of breweries; and the qualification of such establishments, including the ownership, control and management thereof, and the establishment and operation of experimental breweries.

* * * * *

PAR. 6. Section 601.302 is amended by revising paragraph (a) to read as follows:

§ 601.302 Taxes.

(a) *Collection.* Taxes on distilled spirits, wines, beer, and rectified products are paid by returns. If the person responsible for paying the tax has filed a proper bond with the assistant regional commissioner (alcohol, tobacco, and firearms), he may file semimonthly returns, with proper remittances, to cover the taxes incurred on distilled spirits, wines, beer, and rectified products during such semimonthly period. If the taxpayer is not qualified to defer taxpayment, or has been placed on a prepayment basis by the assistant regional commissioner, he must prepay the tax on the distilled spirits, wines, beer, or rectified products. Distilled spirits and rectification tax returns are filed with an officer designated by the assistant regional commissioner (alcohol, tobacco, and firearms), or with the district director when so directed by the assistant regional commissioner, except that where a remittance is in cash the return must be filed with the district director. Returns of tax on beer and wine are filed with the district director in all cases. The forms for filing these tax returns are furnished to industry members by the assistant regional commissioner (alcohol, tobacco, and firearms). Special tax stamps are issued to denote the payment of special (occupational) taxes by liquor dealers, brewers, rectifiers, still manufacturers, and manufacturers of nonbeverage products. Special tax stamps are also issued to denote payment of the commodity tax on stills and condensers, and are required to be cancelled and secured to the article or furnished to the user of the apparatus for retention at the premises where such apparatus is set up, available for inspection by internal revenue officers. Detailed information respecting the payment of tax on liquors and the payment of occupational and commodity taxes, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in § 601.301(c).

* * * * *

PAR. 7. Section 601.303 is amended by revising paragraphs (b), (c), (d), and (e) to read as follows:

§ 601.303 Claims.

* * * * *

(b) *Claims for abatement.* When the tax on distilled spirits, wines, or beer, or the rectification tax is assessed and the taxpayer thinks that the tax is not due under the law, he may file a claim for abatement of the tax on Form 843 with the director of an internal revenue service center or, where required by regulations, with the assistant regional commissioner (alcohol, tobacco, and firearms). Form 843 may be procured from the director of the service center, the district director, or the assistant regional commissioner. The director of the service center forwards the claim to the assistant regional commissioner (alcohol, tobacco, and firearms) for consideration, and the director of the service center may call upon the taxpayer to file a bond in double the amount of the tax in order to insure collection of the tax if the claim is rejected. When the claim is acted upon, both the taxpayer and the director of the service center are notified of the allowance or rejection of the claim. If the claim is rejected, the director of the service center will initiate action to collect the tax.

(c) *Claims for refund—(1) Taxes illegally, erroneously, or excessively collected.* A claim on Form 843 for refund of taxes illegally, erroneously, or excessively collected may be filed by a taxpayer with the director of the service center serving the internal revenue district in which the tax was paid or, where required by regulations, with the assistant regional commissioner (alcohol, tobacco, and firearms). Such claim must be filed within 3 years (2 years under certain circumstances) after the date of payment of the tax. The director of the service center forwards the claim to the assistant regional commissioner (alcohol, tobacco, and firearms) for consideration. If the claim is rejected, the taxpayer is notified of the rejection by registered or certified mail, and he may then bring suit in the U.S. District Court or the Court of Claims for recovery of the tax. Such suits must be filed generally within 2 years from the date of mailing of the rejection notice. If the claim is allowed, an appropriate notice of allowance with a check for the amount of the refund and allowable interest is forwarded to the taxpayer; however, if there are other unpaid taxes outstanding against the taxpayer, the overpayment may be applied to the outstanding taxes and the balance, if any, refunded.

(2) *Taxes on liquors lost, destroyed, returned to bond, or taken as samples by the United States.* A taxpayer may, subject to the conditions in the appropriate regulations, file claim on Form 843 with the assistant regional commissioner (alcohol, tobacco, and firearms) for refund of tax paid on (i) spirits returned to bonded premises, lost in rectification or bottling operations, lost by accident or disaster, or taken as samples by the United States, or (ii) wine returned to bond as unmerchantable, or lost by disaster, or (iii) beer removed from the market, or lost by disaster. If the claim is allowed, a notice of allowance with a check for the amount of the refund is forwarded to the claimant; except, that where there are any unpaid taxes outstanding against the claimant, the refund may be applied to the outstanding taxes and a check for the balance, if any, forwarded to the claimant. If the claim is rejected, a notice giving the reasons for rejection is forwarded to the claimant.

(d) *Claims for allowance, credit, or relief.* A qualified permittee, manufacturer, or proprietor may, subject to the conditions in the appropriate regulations, file claim on Form 2635 with the assistant regional commissioner (alcohol, tobacco, and firearms) for allowance of loss, credit of tax, or relief from tax liability, as applicable, on (1) spirits returned to bonded premises, lost or destroyed on bonded premises or in transit thereto, or lost in rectification or bottling operations; (2) wine lost or destroyed on bonded premises or in transit thereto, and unmerchantable domestic wine returned to bond; (3) beer removed from the market, lost (other than by theft), or destroyed by fire, casualty, or act of God; (4) denatured spirits lost or destroyed in bond, or lost on the premises of a qualified dealer or user or in transit to such premises; and (5) tax-free spirits lost on the premises of a qualified user or in transit to such premises.

(e) *Claims for payment—disaster losses.* When distilled spirits, wines, rectified products, or beer held or intended for sale is lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" as determined by the President of the United States, the person holding such product for sale at that time may, subject to the conditions in the appropriate regulations, file claim on Form 843 with the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which the product was lost, rendered unmarketable, or condemned, for payment of an amount equal to the internal revenue taxes paid or determined and any customs duties paid thereon. Claims must be filed within 6 months from the date on which the President makes the determination that the disaster has occurred. The determination date is construed to mean the date the Director, Office of Emergency Planning, identifies the specific disaster area.

PAR. 8. Section 601.304 is amended by revising paragraph (l) to read as follows:

§ 601.304 Preparation and filing of claims.

* * * * *

(l) *Reopening claims.* A claimant who wishes to have a rejected claim reopened must, within the applicable statutory period of limitations, submit a written application to his assistant regional commissioner (alcohol, tobacco, and firearms) for reconsideration of the claim. Such application must show that the additional evidence to be presented is new and material, and that such evidence was unknown to the claimant, or unobtainable by him, when the claim was previously under consideration.

* * * * *

PAR. 9. Section 601.306 is amended to read as follows:

§ 601.306 Application for approval of interlocking directors and officers under section 8 of the Federal Alcohol Administration Act.

Any person who is an officer or director of a corporation now engaged in business as a distiller, rectifier, or blender of distilled spirits, or of an affiliate thereof, who desires to take office in other companies similarly engaged, must obtain permission to do so from the Director of the Alcohol, Tobacco, and Firearms Division. Applications for such permission to take office shall be prepared and filed in accordance with instructions available from the assistant regional commissioner (alcohol, tobacco, and firearms) or from the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224.

PAR. 10. Section 601.308 is amended to read as follows:

§ 601.308 Conferences.

Any person desiring a conference in the office of the assistant regional commissioner (alcohol, tobacco, and firearms) of his region or of the Director, Alcohol, Tobacco, and Firearms Division, in Washington, relative to any matter arising in connection with his operations, will be accorded such a conference upon request. No formal requirements are prescribed for such conference.

PAR. 11. Section 601.309 is amended to read as follows:

§ 601.309 Representatives.

Subpart E, conference and practice requirements, is applicable to all representatives of the taxpayer before the Service, in the office of the Director, Alcohol, Tobacco, and Firearms Division, or in the office of the assistant regional commissioner (alcohol, tobacco, and firearms).

PAR. 12. Section 601.312 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 601.312 Qualification and bonding requirements.

(a) *Manufacturers of tobacco products and proprietors of export warehouses.* Every person, before commencing business as a manufacturer of tobacco products or as a proprietor of an export warehouse, is required to qualify with the Internal Revenue Service by making application for a permit and filing bond and other required documents with, and obtaining a permit from, the assistant regional commissioner (alcohol, tobacco, and firearms) for the region in which operations are to be conducted.

(b) *Manufacturers of cigarette papers and tubes.* Every person, before commencing business as a manufacturer of cigarette papers and tubes, is required to qualify with the Internal Revenue Service by filing bond and other required documents with the assistant regional commissioner (alcohol, tobacco, and firearms) for the region in which operations are to be conducted.

* * * * *

(c) *Proprietors of customs warehouses.* Every proprietor of a customs bonded manufacturing warehouse, Class 6, who desires to remove under Part 290 tax-exempt cigars for exportation (including supplies for vessels and aircraft), or for delivery for subsequent exportation, is required to file a bond with the assistant regional commissioner (alcohol, tobacco, and firearms) for the region in which the customs warehouse is located. However, removal of cigars for sale or consumption in the United States is subject to customs regulations.

* * * * *

PAR. 13. Section 601.313 is amended by revising paragraph (a) to read as follows:

§ 601.313 Collection of taxes.

(a) *Cigars and cigarettes.* Taxes on cigars and cigarettes are paid by the manufacturer on the basis of a return. If the manufacturer has filed a proper bond, he may defer payment at the time of removal and file semimonthly returns to cover the taxes. If the manufacturer has not filed such a bond of if he has defaulted in any way in paying his taxes, he is required to file a prepayment return prior to removal of such products, and to continue so doing until the assistant regional commissioner (alcohol, tobacco, and firearms) finds that the revenue will not be jeopardized by deferred payment. Tax returns, with remittances, are filed by the domestic manufacturer with the appropriate district director of internal revenue. Taxes on cigars produced in a customs bonded manufacturing warehouse, Class 6, are paid on the basis of a return to the director of customs in accordance with customs procedures and regulations. Taxes on cigars and cigarettes imported or brought into the United States from a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are paid by the importer to the director of customs on the basis of a return made on the customs form by which release from customs custody is to be effected. However, taxes on cigars and cigarettes manufactured in Puerto Rico and brought into the United States may be prepaid in Puerto Rico on the basis of a return.

If a Puerto Rican manufacturer has filed a proper bond, he may defer payment at the time of release for shipment to the United States and file a semimonthly return to cover the taxes. If the manufacturer has not filed such a bond or if he has defaulted in any way in payment of his taxes, he must file a prepayment return prior to removal of such products for shipment to the United States, and continue to do so until the Director's Representative of the Office of International Operations in Puerto Rico finds that the revenue will not be jeopardized by deferred payment. Tax returns in Puerto Rico, with remittances, are filed with the Director's representative.

* * * * *

PAR. 14. Section 601.315 is amended by revising paragraph (i) to read as follows:

§ 601.315 Claims.

* * * * *

(i) *Reopening claims.* A claimant who wishes to have a rejected claim reopened must, within the applicable statutory period of limitations, submit a written application to his assistant regional commissioner (alcohol, tobacco, and firearms) for reconsideration of the claim. Such application must show that the additional evidence to be presented is new and material, and that such evidence was unknown to the claimant, or unobtainable by him, when the claim was previously under consideration.

* * * * *

PAR. 15. Section 601.318 is amended to read as follows:

§ 601.318 Forms.

Detailed information as to all forms prescribed for use in connection with tobacco taxes is contained in the regulations referred to in § 601.311(b). Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from assistant regional commissioners (alcohol, tobacco, and firearms). IRS Publication No. 480, which contains a listing of alcohol and tobacco tax public-use forms, may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Such publication is available, for reference purposes, in Internal Revenue Service reading rooms.

PAR. 16. Section 601.323 is amended to read as follows:

§ 601.323 Assessments.

Where the evidence disclosed by investigation establishes that additional or delinquent tax liability has been incurred and not paid, the assistant regional commissioner (alcohol, tobacco, and firearms), will notify the district director to list the tax as an assessment. Notification and demand for payment of assessed taxes will be issued the taxpayer by the district director.

PAR. 17. Section 601.327 is amended to read as follows:

§ 601.327 Offers in compromise.

(a) *Liabilities (other than forfeiture) under Internal Revenue Code.* Persons desiring to submit offers in compromise in order to avoid prosecution proceedings, and taxpayers who disclaim liability in whole or in part for taxes or claim inability to pay the taxes in full, may submit offers in compromise to the district director of internal revenue or to an internal revenue officer for forwarding to the district director. If the offer in compromise is based on inability to pay, the proponent should include in the financial statement on Form 433 (see § 601.203(b)) appropriate amounts to reflect his interest, if any, in jointly owned property, the loan value of life insurance, and future income from trusts and similar sources. Each assistant regional commissioner (alcohol, tobacco, and firearms) has the authority to accept or reject offers in compromise of (1) tax liabilities arising from (i) the illegal production of untaxpaid distilled spirits, wines, or beer, (ii) the failure to file returns of, or to pay, occupational taxes with respect to distilled spirits, wines, beer, or firearms, and (iii) the failure to pay firearms "making" or transfer taxes; (2) criminal liabilities of retail dealers in liquor arising from violations of the internal revenue laws relating to liquor, including the reuse or refilling of liquor bottles; and (3) liabilities arising under chapter 52 of the Code (cigars, cigarettes, and cigarette papers and tubes). The Director, Alcohol, Tobacco, and Firearms Division, has the authority to accept or reject offers in compromise of civil liability (of less than $100,000) and criminal liability arising under chapters 51 and 53 of the Code in cases not subject to compromise by assistant regional commissioners (alcohol, tobacco, and firearms). The Commissioner accepts or rejects all other offers in compromise except those in compromise of liabilities listed in paragraphs (b) and (c) of this section. (For offers in compromise generally, see § 601.203.) Form 656 is used in all cases arising under this paragraph, regardless of whether the amount of the offer is tendered in full at the time the offer is filed or the amount of the offer is to be paid by deferred payment or payments. Offers received by the district director which come within the purview of the assistant regional commissioner (alcohol, tobacco, and firearms) or the Director, Alcohol, Tobacco, and Firearms Division, are forwarded to such assistant regional commissioner for consideration and appropriate action. When final action has been taken, the district director, the assistant regional commissioner (when applicable), and the proponent are notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer is returned to the proponent, and prosecution or collection proceedings are resumed. If the offer is accepted, the proponent is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

(b) *Violations of Federal Alcohol Administration Act.* The Federal Alcohol Administration Act provides penalties for violations of its provisions. The Director, Alcohol, Tobacco, and Firearms Division, is authorized to compromise such liabilities. Persons desiring to submit offers in compromise may submit such offers on Form 656–D to the assistant regional commissioner (alcohol, tobacco, and firearms) or an internal revenue officer under his jurisdiction. Such offers are considered by such assistant regional commissioner and are forwarded to the Director, Alcohol, Tobacco, and Firearms Division, for final action. When the offer is acted upon, the proponent and the assistant regional commissioner (alcohol, tobacco, and firearms) are notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer in compromise is returned to the proponent. If the offer is accepted, the proponent is notified and the case is closed.

(c) *Forfeiture liabilities.* The assistant regional commissioner (alcohol, tobacco, and firearms) is authorized to compromise liabilities to administrative forfeiture of personal property seized under the laws administered and enforced by the Internal Revenue Service, including liabilities to forfeiture under the internal revenue laws pertaining to wagering. Persons desiring to submit offers in compromise of such liabilities may submit such offers on Form 656–E to the supervisor-in-charge (alcohol, tobacco, and firearms).

Such offers are forwarded to the assistant regional commissioner (alcohol, tobacco, and firearms) for final action. When the offer is acted upon, the proponent is notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer in compromise is returned to the proponent. If the offer is accepted, the proponent is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

PAR. 18. Section 601.328 is amended to read as follows:

§ 601.328 Rulings.

(a) *Requests for rulings.* Any person who is in doubt as to any matter arising in connection with (1) operations or transactions in the alcohol tax area or under the Federal Alcohol Administration Act, (2) operations or transactions in the tobacco tax area, or (3) the taxes relating to machine guns and certain other firearms imposed by chapter 53 of the Code; the registration by importers and manufacturers of, and dealers in, such firearms; the registration of such firearms; and the licensing of manufacturers of, and dealers in, firearms or ammunition under sections 901 through 910 of title 15 of the United States Code, may request a ruling thereon by addressing a letter to the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, or to the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which the inquirer's business is located. Since a ruling as defined in paragraph (a)(2) of § 601.201 can issue only from the National Office, any such request made to an assistant regional commissioner will be referred by him to the Director, Alcohol, Tobacco, and Firearms Division, for reply unless the issues involved are clearly covered by currently effective rulings or come within the plain intent of the statutes or regulations. If a request for a ruling is signed by a representative, or if the representative is to appear before the Internal Revenue Service, such representative must present a tax information authorization or a power of attorney, signed by the taxpayer authorizing him to receive or inspect confidential information in the matter (see Subpart E of this part).

(b) *Routine requests for information.* Routine requests for information should be addressed to the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which the inquirer is located.

PAR. 19. Section 601.402 is amended by revising paragraph (c)(3) to read as follows:

§ 601.402 Sales taxes collected by return.

* * * * *

(c) *Returns, refunds, and credits.* * * *

(3) *Payments to certain ultimate purchasers of gasoline and lubricating oil.* Sections 6420, 6421, and 6424 of the Code provide for certain payments to ultimate purchasers of gasoline used on a farm for farming purposes, used for certain nonhighway purposes, or used by local transit systems, and of lubricating oil used otherwise than in a highway motor vehicle. Payments allowable under sections 6420, 6421, and 6424 of the Code may be claimed by an income taxpayer as a credit under section 39 of the Code against the tax due on his income tax return. Governmental agencies and certain exempt organizations may file claims for allowable payments on Form 843. In the case of gasoline used for certain nonhighway purposes or used by local transit systems, and in the case of lubricating oil used otherwise than in a highway motor vehicle, the ultimate purchaser may file a claim for payment in lieu of such income tax credit, with respect to any of the first three quarters of his taxable year for which he is entitled to a payment of $1,000 or more. Applicable regulations and instructions accompanying the prescribed forms provide detailed procedures.

PAR. 20. Section 601.502 is amended by revising so much of paragraph (c)(1) as precedes subdivision (i) thereof, by revising paragraph (c)(2)(i), and by adding a new paragraph (c)(5), to read as follows:

§ 601.502 Requirements for conference—recognition to practice and, in certain cases, power of attorney or tax information authorization.

* * * * *

(c) *Requirement of a power of attorney or a tax information authorization—*(1) *Requirement of power of attorney.* Except as otherwise provided in subparagraphs (3)(iii), (4), and (5) of this paragraph, a power of attorney in proper form, or a copy thereof (for rules relating to copies, see paragraph (e) of § 601.504), executed by the taxpayer, will be required in a matter by the Revenue Service when the taxpayer's representative desires to perform one or more of the following acts on behalf of the taxpayer:

* * * * *

(2) *Requirement of a tax information authorization.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph and subparagraphs (3), (4), and (5) of this paragraph, in order that a taxpayer's representative may receive or inspect confidential tax information in a matter, a tax information authorization, or a copy thereof (for rules relating to copies, see paragraph (e) of § 601.504), will be required by the Revenue Service. The tax information authorization must be signed by the taxpayer and must specify the matter covered. Examples of the receipt or inspection of confidential information for which a tax information authorization is required are the inspection of the taxpayer's tax returns (see section 6103 and the regulations thereunder), the receipt from Revenue Service officials at a conference of information disclosing the position of the Revenue Service with respect to the taxpayer's liability, the discussion with Revenue Service officials on the substance or merits of a taxpayer's request for a ruling or determination letter, and the receipt of certain notices and other communications, such as a notice of deficiency under section 6212 of the Code or a "30-day letter" and examining officer's report under § 601.105(d), given to a taxpayer with respect to his tax affairs. A tax information authorization will not be required for receipt of notices and other communications which do not involve the disclosure of confidential information. For rules relating to the receipt of notices and other communications, see § 601.506.

* * * * *

(5) *Exception for taxpayers' representatives meeting requirements of § 601.504(b).* A power of attorney or tax information authorization will not be required for purposes of subparagraphs (1)

and (2) of this paragraph where the taxpayer's representative presents appropriate evidence of his authority to execute such a document under § 601.504(b).

PAR. 21. Section 601.505 is amended by revising paragraph (b) to read as follows:

§ 601.505 Requirements for changing representation.

* * * * *

(b) *Cases where taxpayer may be contacted directly.* Where a taxpayer's representative has unreasonably delayed or hindered an examination or investigation by failing to furnish, after repeated request, nonprivileged information necessary to the examination or investigation, the Revenue Service representative conducting the examination or investigation may report the situation to the Chief of Audit, Chief of Collection, or Chief of Intelligence for the District and request permission to contact the taxpayer directly for such information. The Chief of Audit, Chief of Collection, or Chief of Intelligence will carefully consider the situation and make a determination as to whether such permission should be granted. If such permission is granted, the case file will be documented with sufficient facts to show how the examination or investigation was being delayed or hindered, and written notice of such permission, briefly stating the reason why it was granted, will be given to the representative and the taxpayer. Moreover, if he deems it advisable, the district director may refer the matter to the Director of Practice for possible disciplinary proceedings under section 10.23 of Circular No. 230.

* * * * *

PAR. 22. Section 601.521 is amended to read as follows:

§ 601.521 Requirements for conference and representation in conference.

Any person desiring a conference in the office of the assistant regional commissioner (alcohol, tobacco, and firearms) of his region or of the Director, Alcohol, Tobacco, and Firearms Division, in Washington, D.C., relative to any matter arising in connection with his operations, will be accorded such a conference upon request. No formal requirements are prescribed for such conference. Where an industry member or other person is to be represented in conference, the representative must be recognized to practice as provided in paragraph (b) of § 601.502. When a representative presents himself on behalf of an industry member or other person for the initial meeting in the office of an assistant regional commissioner (alcohol, tobacco, and firearms) or of the Director, Alcohol, Tobacco, and Firearms Division, he must submit evidence of recognition; or he should state in his first letter or other written communication with such office whether he is recognized to practice, and should enclose evidence of such recognition. In the case of a qualified attorney or a qualified certified public accountant, the filing of the applicable written declaration described in paragraph (b)(1) (i) and (ii) of § 601.502 shall constitute evidence of recognition. In the case of an enrollee, the filing of a notification, stating that he is enrolled to practice and giving his enrollment number or the expiration date of his enrollment card, shall constitute evidence of recognition.

PAR. 23. Section 601.522 is amended to read as follows:

§ 601.522 Power of attorney.

Except as otherwise provided in this section, a power of attorney, or copy thereof, will be required for a representative of a principal (a) to perform the acts specified in paragraph (c)(1) of § 601.502; or (b) to sign any application, bond, notice, return, report, or other document required by, or provided for in, regulations issued pursuant to chapter 51 (Distilled Spirits, Wines, and Beer), chapter 52 (Cigars, Cigarettes, and Cigarette Papers and Tubes), and chapter 53 (Machine Guns and Certain Other Firearms), Internal Revenue Code, the Federal Alcohol Administration Act, or the Federal Firearms Act, which is filed with or acted on by (1) the office of an assistant regional commissioner (alcohol, tobacco, and firearms), or (2) the Director, Alcohol, Tobacco, and Firearms Division. The power of attorney may be executed on Form 1534, copies of which may be obtained from the assistant regional commissioner (alcohol, tobacco, and firearms). A power of attorney will not be required for a person authorized to sign on behalf of the principal by articles of incorporation, bylaws, or a board of directors, where an acceptable copy of such authorization is on file in the office of the assistant regional commissioner or of the Director. A power of attorney filed under the provisions of this section may cover one or more acts for which a power of attorney is required and will continue in effect with respect to such acts until revoked as provided in § 601.526. The exceptions to the requirements for a power of attorney contained in paragraph (c)(3) and (4) of § 601.502 are applicable to powers of attorney under this section.

PAR. 24. Section 601.523 is amended to read as follows:

§ 601.523 Tax information authorization.

Where any of the acts specified in paragraph (c)(2)(i) of § 601.502 are to be performed by a representative, and a power of attorney for such representative has not been filed, a tax information authorization, or copy thereof, will be required. The authorization may be executed on Form 1534–A, copies of which may be obtained from the assistant regional commissioner (alcohol, tobacco, and firearms). Such authorization may cover one or more of the acts for which a tax information authorization is required and will continue in effect with respect to such acts until revoked as provided in § 601.526. The exceptions to the requirements for a tax information authorization, provided in paragraph (c)(3) and (4) of § 601.502, are applicable to such authorizations under this section.

PAR. 25. Section 601.524 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 601.524 Execution and filing powers of attorney and tax information authorizations.

(a) *Time of filing.* A copy of the power of attorney must be filed in each office (that is, office of an assistant regional commissioner and Office of the Director (Alcohol, Tobacco, and Firearms Division), in which a document specified in § 601.522, covered by the power of attorney, is required to be filed, or in which the representative desires to perform one or more of the acts enumerated in paragraph (c)(1) of § 601.502. If a power of attorney covering an act otherwise requiring the filing of a tax information authorization has not been filed, a copy of the tax information authorization must be filed in each office in which the representative inspects or receives confidential information, or, where acts requiring a power of attorney or a tax information authorization are handled by correspondence, the representative should enclose a copy of the power or authorization with the initial correspondence. However, where a power of attorney or tax information authorization is on file with the assistant regional commissioner (alcohol, tobacco, and firearms), an additional copy thereof will not be required in the office of the regional counsel of the same region.

* * * * *

(c) *Attestation and corporate seal.* In the case of a corporation, a power of attorney filed with an officer of the Alcohol, Tobacco, and Firearms Division must be attested by the secretary and the corporate seal must be affixed. If the officer who signs the power of attorney is also the secretary, another officer of the corporation, preferably the president, vice president, or treasurer, must also sign the power of attorney so that two different individuals' signatures appear thereon. If the corporation has no seal, a certified copy of a resolution duly passed on by the board of directors of the corporation authorizing the execution of powers of attorney should be attached.

(d) *Acknowledgement.* A power of attorney filed with an office of the Alcohol, Tobacco, and Firearms Division must be acknowledged, witnessed, or certified as provided in paragraph (d) of § 601.504.

PAR. 26. Section 601.526 is amended to read as follows:

§ 601.526 Revocation of powers of attorney and tax information authorizations.

The revocation of the authority of a representative covered by a power of attorney or tax information authorization filed in an office of the Alcohol, Tobacco, and Firearms Division shall in no case be effective prior to the giving of written notice to the proper official that the authority of such representative has been revoked.

PAR. 27. Section 601.527 is amended to read as follows:

§ 601.527 Other provisions applied to representation in alcohol and tobacco tax activities.

The provisions of paragraph (b) of § 601.505, and of §§ 601.506 through 601.508 of this subpart, as applicable, shall be followed in offices of the Alcohol, Tobacco, and Firearms Division.

PAR. 28. Section 601.602 is amended by revising paragraph (c) to read as follows:

§ 601.602 Forms and instructions.

* * * * *

(c) *Procurement of forms and instructions.* Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from district directors or, where appropriate, from assistant regional commissioners (alcohol, tobacco, and firearms). Descriptions of many of the forms and publications of the Internal Revenue Service for public use are contained in Publication No. 480, *Description of Available Forms Relating to Alcohol, Tobacco, and Firearms Division Activities,* and Publication No. 481, *Description of Principal Federal Tax Returns, Related Forms, and Publications.* Publication No. 480 and Publication No. 481 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

PAR. 29. Paragraph (b)(2) of § 601.701 is amended by deleting subdivision (viii), and redesignating subdivisions (ix), (x), and (xi) as (viii), (ix), and (x), respectively. These provisions read as follows:

§ 601.701 Publicity of information.

* * * * *

(b) *Exemptions.* * * *

(2) *Matters specifically exempted from disclosure by statute.* * * *

(viii) Section 6108, relating to the publication of statistics of income;

(ix) Section 7213, relating to penalties for unauthorized disclosure of information by Federal officers or employees or other persons; and

(x) Section 7237(e), relating to penalties for unlawful disclosure of information on returns or order forms pertaining to narcotic drugs or marihuana.

* * * * *

PAR. 30. Section 601.702 is amended by revising paragraph (b)(1)(i), by deleting paragraph (d)(3), by revising paragraphs (d)(2)(ii) (*a*) and (*b*), and by revising paragraphs (d)(9) through (d)(12), to read as follows:

§ 601.702 Publication and public inspection.

* * * * *

(b) *Public inspection and copying*—(1) *In general.* * * *

(i) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases, such as opinions and orders by the Alcohol, Tobacco, and Firearms Division pursuant to § 200.116 of this chapter in administrative procedures on applications for, or to suspend, revoke, or annul, permits under the alcohol, alcoholic beverages, and tobacco permit systems;

* * * * *

(d) *Rules for disclosure of certain specified matters.* * * *

(3) [Deleted]

* * * * *

(8) *Accepted offers in compromise.*

(ii) * * *

(*a*) The office of the assistant regional commissioner (alcohol, tobacco, and firearms) who received the offer and in the office of the district director for the internal revenue district in which the offer was submitted, in the case of offers accepted pursuant to the Code or the Federal Firearms Act, or

(*b*) The office of the assistant regional commissioner (alcohol, tobacco, and firearms) who received the offer, in the case of offers accepted pursuant to the Federal Alcohol Administration Act.

* * * * *

(9) *Information regarding liquor permits*—(i) *Applications for permits.* Information with respect to the handling of applications for basic permits under the Federal Alcohol Administration Act (27 U.S.C. 204), operating permits under section 5171, and industrial use permits under section 5271 is maintained for public inspection in the offices of assistant regional commissioners (alcohol, tobacco, and firearms) until the expiration of 1 year following final action on such applications. See 27 CFR 1.59.

(ii) *Card index record of permits.* A current card index record for—

(*a*) All persons to whom industrial use permits have been issued pursuant to section 5271,

(*b*) All proprietors of distilled spirits plants to whom operating permits have been issued pursuant to section 5171 to cover distilling for industrial use, bonded warehousing of spirits for industrial use, or denaturing of spirits, and

(*c*) All applicants for such industrial use and operating permits,

is available for public inspection in the offices of assistant regional commissioners (alcohol, tobacco, and firearms).

(10) *List of plants and permittees.* Upon request, the assitant regional commissioner (alcohol, tobacco, and firearms) will furnish a list of any type of qualified proprietor or permittee located in his region.

(11) *Information relating to certificates of label approval for distilled spirits, wine, and malt beverages.* Upon written request, the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, will furnish information as to the issuance, pursuant to section 5(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) and 27 CFR Part 4, 5, or 7, of certificates of label approval, or of exemption from label approval, for distilled spirits, wine, or malt beverages. The request must identify the class and type and brand name of the product and the name and address of the bottler or importer thereof or of the person to whom the certificate was issued. The person making the request may obtain reproductions or certified copies of such certificates upon payment of the established fees prescribed by paragraph (c)(5) of this section. Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

(12) *State liquor, tobacco, and firearms cases.* Assistant regional commissioners (alcohol, tobacco, and firearms) may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor, tobacco, or firearms cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities: *Provided,* That such production or testimony will not divulge information contrary to section 7213, nor divulge information subject to the restrictions in section 5848. See also § 301.9000–(1)(f) of this chapter.

* * * * *

(5 U.S.C. 301, 552(a)(1))

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69–4318; Filed, Apr. 11, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 537—CLAIMS ON BEHALF OF THE UNITED STATES

Claims for Reasonable Value of Medical Care Furnished by Army

Sections 537.21, 537.22, 537.23, and 537.24 are revised to read as follows:

§ 537.21 General.

(a) *Authority.* The regulations in §§ 537.21–537.24 are in implementation of the Act of September 25, 1962 (76 Stat. 593, 42 U.S.C. 2651–3), Executive Order Number 11060 (27 F.R. 10925), and Attorney General's Order Number 289–62, as amended (28 CFR 43), providing for the recovery of the reasonable value of medical care furnished or to be furnished by the United States to a person on account of injury or disease incurred after December 31, 1962, under circumstances creating a tort liability upon some third person.

(b) *Applicability and scope.* (1) Sections 537.21–537.24 apply to all claims for the reasonable value of medical services furnished by or at the expense of the Army which result from incidents occurring on or after March 1, 1969. Cases

which arise from incidents occurring prior to that date:

(i) And which are the responsibility of a staff judge advocate/judge advocate (SJA/JA) who is designated a recovery judge advocate (RJA) will be processed under §§ 537.21–537.24;

(ii) And which are the responsibility of an SJA/JA not so designated will be processed under the predecessor regulation until either completed or transferred.

(2) The procedures prescribed herein are to be employed within the Department of the Army for the investigation, determination, assertion, and collection, including compromise and waiver, in whole or in part, of claims in favor of the United States for the reasonable value of medical services furnished by or at the expense of the Army. The Judge Advocate General provides general supervision and control of the investigation and assertion of claims arising under the Federal Medical Care Recovery Act.

(3) In Continental U.S. Army staff judge advocates and recovery judge advocates will be assigned responsibility under §§ 537.21–537.24 on a geographical area basis.

(4) The commander of any major oversea command specified in paragraph (e)(5) of this section is authorized to modify the procedures prescribed herein to accommodate any special circumstances which may exist in the command.

(5) Claims for medical care furnished by the Department of the Army on a reimbursable basis (see table 1, AR 40–3) ordinarily will be forwarded for processing directly to the Federal department or agency responsible for reimbursement.

(c) *Definitions.* For the purpose of §§ 537.21–537.24 only, the following terms have the meaning indicated.

(1) *Claim.* The Government's right to recover from a prospective defendant the reasonable value of medical care furnished to each injured party.

(2) *Medical care.* Includes hospitalization, out-patient treatment, dental care, nursing service, drugs, and other adjuncts such as prostheses and medical appliances furnished by or at the expense of the United States.

(3) *Injured party.* The person who received an injury or contracted a disease which resulted in the medical care. Such person may be an active duty or retired member, a dependent, or any other person who is eligible for medical care at Army expense. See section III, AR 40–3, and §§ 577.60–577.71 of this chapter.

(4) *Prospective defendant.* A person other than the injured party. An individual, partnership, association, corporation, governmental body, or other legal entity, foreign or domestic, against whom the United States has a claim.

(5) *Major oversea command staff judge advocate.* The staff judge advocate of U.S. Army Forces Southern Command; the U.S. Army, Europe; the U.S. Army, Pacific, and any command outside the continental limits of the contiguous states specially designated by The Judge Advocate General under the provisions of § 536.4b of this part.

(6) *Army staff judge advocate.* The staff judge advocate of each of the numbered armies in the continental United States; the Military District of Washington, U.S. Army; and U.S. Army, Alaska.

(7) *Recovery judge advocate.* Any staff judge advocate or judge advocate (SJA/JA) who has been assigned responsibility for processing claims under §§ 537.21–537.24 for a specific geographic area is a "recovery judge advocate" (RJA).

§ 537.22 Basic considerations.

(a) *The right of recovery*—(1) *Applicable law.* The right of the United States to recover the reasonable value of medical care furnished or to be furnished an injured party is based on the Federal Medical Care Recovery Act. It accrues simultaneously with the accrual of the injured party's right to recover damages from the prospective defendant but is independent of any claim which the injured person may have against the prospective defendant. Recovery is allowed only if the injury or disease resulted from circumstances creating a tort liability under the law of the place where the injury occurred.

(2) *Time limitation.* The Act of 18 July 1966 (28 U.S.C. 2415 et seq.) establishes a 3-year statute of limitation upon actions in favor of the United States for money damages founded upon a tort. The RJA will take appropriate steps within the limitation period to assure that necessary legal action is not barred by the statute.

(3) *Amount.* The Government's right of recovery is limited to amounts expended or to be expended by the United States for medical care from other than Federal sources, and to amounts determined by the rates established by the Director of the Bureau of the Budget for medical care from Federal sources, less any amounts reimbursed by the injured party.

(b) *Certain prospective defendants*—(1) *U.S. Government agencies.* No claim will be asserted against any department, agency, or instrumentality of the United States.

(2) *U.S. personnel.* Claims against a member of the uniformed services; or an employee of the United States, its agencies or instrumentalities; or a dependent of a service member or an employee will not be asserted unless the prospective defendant has the benefit of liability insurance coverage or was guilty of gross negligence or willful misconduct. If simple negligence occurring in the scope of a member's or employee's employment is the basis of the claim, no claim will be asserted if such claim is excluded from the coverage of the liability insurance policy involved.

(3) *Government contractors.* Claims, the cost or expense of which may be reimbursable by the United States under the terms of a contract, will not be asserted against a contractor without the prior approval of The Judge Advocate General. Such claims will be investigated and the report thereof, which will include citation to the specific contract clauses involved and recommendations regarding assertion, will be forwarded through command channels to The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310.

(4) *Foreign persons.* Claims within the scope of §§ 537.21–537.24 against foreign prospective defendants will be investigated, processed, and asserted without regard to the nationality of the prospective defendant. Claims against an international organization, or foreign government, will be investigated and reports thereof, together with recommendations regarding assertion and enforcement, will be forwarded through command channels to The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310.

(c) *Concurrent claims under other regulations.* (1) Section 537.1. Claims for medical care and claims for damage to Army property arising from the same incident will be consolidated and processed by the RJA under § 537.1 as a single claim. Nevertheless, the provisions of §§ 537.23(a) and 537.24 (a)(1), (c), and (d) will apply to the medical care portion of the claim. If an RJA lacks settlement authority sufficient to settle a concurrent claim under § 537.1, he may request additional authority under that section from the appropriate Army or major oversea command staff judge advocate, who may delegate such additional authority in an amount not exceeding his own settlement authority. Where time is of the essence, telephonic delegations of authority are encouraged, provided they are confirmed in a writing which will be made a part of the case file.

(2) *Counterclaims.* Claims for medical care and claims against the United States which arise from the same incident will be consolidated and processed by the RJA under §§ 537.21–537.24 and other appropriate regulations. If an RJA lacks authority sufficient to settle the claim against the Government, he will coordinate his action with that claims echelon which has the necessary authority to settle the particular claim against the United States.

(d) *Claims for less than $100.* Such claims need not be asserted or otherwise processed, unless the facts and circumstances surrounding the incident indicate that collection will be economically feasible (e.g., a clear case of liability covered by insurance) or desirable in the best interests of the United States.

§ 537.23 Predemand procedures.

(a) *Relations with the injured party*—(1) *Advice.* The injured party, or, in appropriate cases, his guardian, next-of-kin, personal representative, or the executor or administrator of his estate, will be advised of the following:

(i) That under the Act of September 25, 1962 (76 Stat. 593, 42 U.S.C. 2651–3), the United States may be entitled to recover the reasonable value of medical care furnished or to be furnished him in the future from the person or persons who injured him, or who were otherwise responsible for his injury or disease; and

(ii) That if he is otherwise entitled to legal assistance under AR 608–50, he should seek guidance from a legal assistance officer regarding any claim he may have for personal injury; and

(iii) That he is required to cooperate in the prosecution of all actions of the United States against the person or persons who injured him; and

(iv) That he is required to furnish a complete statement regarding the facts and circumstances surrounding the incident which resulted in the injury or disease; and

(v) That he is required to furnish information concerning any legal action brought or to be brought by or against the prospective defendant, or to furnish the name and address of the attorney representing him; and

(vi) That he should not execute a release or settle any claim which may have as a result of his injury without first notifying the RJA.

(2) *Statement.* A written statement will be obtained from the injured party, or his representative, in which he acknowledges receipt of the advice in subparagraph (1) of this paragraph, and provides the information required by subparagraphs (1) (iv) and (v) of this paragraph. If the injured party or representative fails or refuses to furnish necessary information or cooperation, the originator of the notification of potential claims may be requested to withhold records as to medical history, diagnoses, findings, and treatment, from the injured party or anyone acting on his behalf pending compliance with the requirements in subparagraph (1) of this paragraph. Mere refusal by the injured party or his representative to include the Government's claim in his claim is not sufficient basis, by itself, for this action.

(b) *Determination and assertion*—(1) *Liability.* The RJA will review all the evidence including any claims officer's report of investigation and, after assuring completeness of the file, will make a written determination as to the liability of the prospective defendant and note his reasons for such determination.

(2) *Value.* If the RJA determines that the prospective defendant is liable, he will also ascertain the reasonable value of medical care furnished or to be furnished to the injured party, in accordance with § 537.22(a)(3) and rates established by the Bureau of the Budget. When a military member has been retained in a military hospital for administrative reasons, or where the patient was absent from the hospital or was in a purely convalescent status, the amount of the claim will be recomputed to apply the outpatient rate, if under circumstances warranting only outpatient treatment in a civilian hospital or eliminate such periods altogether if the injured party received no treatment during those periods. In making these determinations the RJA will coordinate with the registrar or other responsible official of the hospital or medical unit in his area of responsibility.

(3) *Amount.* In the event of doubt concerning the extent of medical care furnished or to be furnished an injured party, the RJA will assert the claim in an indefinite amount. Demand will be made in a definite amount at the earliest possible date, based on an estimate of a reasonable value of medical care to be furnished, if appropriate. The RJA will assure that the file contains complete statements of the value of medical care furnished, including all charges by civilian physicians, medical technicians and civilian hospitals.

§ 536.24 Post demand procedures.

(a) *Coordination with the injured party's claim.* (1) Every effort will be made to coordinate action to collect the claim of the United States with the injured party's action to collect his own claim for damages, in order that the injured party's recovery for his damages, other than the reasonable value of medical care furnished or to be furnished by the United States, is not prejudiced by the Government's claim.

(2) Attorneys representing an injured party may be authorized to assert the Government's claim as an item of special damages in their client's claim or suit. Any agreement to this effect will be in writing, and the agreement should expressly recognize the fact that counsel fees may be neither paid by the Government (5 U.S.C. 3106) nor computed on the basis of the Government's portion of the recovery. Attorneys may withdraw from such agreements on reasonable notice.

(3) If the injured party, or his attorney or legal representative, fails or refuses to cooperate in the prosecution of the claim of the United States, independent collection action will be vigorously pursued.

(b) *Independent collection action.* Unless suit between the injured party and the prospective defendant is pending, all available administrative collection procedures will be followed prior to reference of the claim to the Department of Justice under paragraph (e) of this section. Direct contact with the prospective defendant's insurer, if known, is desirable. If the prospective defendant is an uninsured motorist, timely and appropriate action will be taken to collect the claim, or to request suspension of driving and registration privileges under the applicable uninsured motorist fund statute, or to seek compensation from the victim's insurer, or otherwise under financial responsibility laws.

(c) *Delegation of authority.* Subject to the provisions of paragraphs (d) and (e) (1)(i) of this section, authority to compromise or waive, in whole or in part, claims of the United States not in excess of $20,000 is delegated as follows:

(1) A recovery judge advocate is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $3,500; and

(ii) Waive claims for the convenience of the Government (but not on account of undue hardship upon the injured party), provided the uncollected amount of the claim does not exceed $1,000.

(2) An Army staff judge advocate is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $5,000; and

(ii) Waive claims for the convenience of the Government (but not on account of undue hardship upon the injured party), provided the uncollected amount of the claim does not exceed $5,000.

(3) The staff judge advocate of a major oversea command is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $10,000; and

(ii) Waive claims for the convenience of the Government (but not on account of undue hardship upon the injured party) provided the uncollected amount of the claim does not exceed $10,000.

(4) For claims not in excess of $20,000 The Judge Advocate General or his designee is authorized:

(i) To compromise without limitation; and

(ii) To waive, in whole or in part—

(*a*) For the convenience of the Government, or

(*b*) If he determines that collection thereof would result in undue hardship upon the injured party.

(d) *Compromise and waiver of claims*—(1) *General.* A debtor's liability to the United States arising from a particular incident will be considered as a single claim in determining whether the claim is not more than $20,000, for the purpose of compromise or waiver. Claims not settled by payment in full, compromise payment, waiver for the convenience of the Government, or reference to the Department of Justice, will be forwarded to The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310. A claim file forwarded to higher authority will contain a memorandum of opinion supported by necessary exhibits.

(2) *Compromise.* (i) The authority delegated in paragraph (c) of this section to compromise claims will be exercised in accordance with standards set forth in Part 103, Appendix A, AR 27–41. When available funds are insufficient to satisfy both the claim of the United States and that of the injured party, the claim of the United States will be compromised to the extent required to achieve an equitable apportionment of the available funds.

(ii) If appropriate, a request by the injured party or his attorney for waiver on the ground of undue hardship may be treated initially as a suggestion for compromise with the tort-feasor, and the compromised amount of the claim of the United States will be determined. In such cases, RJA's may make offers of compromise within their delegated authority. RJA's may also make counteroffers within their delegated authority to offers of

compromise beyond their delegated authority. If settlement within the limits of delegated authority is not achieved, the claim will be referred to higher authority.

(iii) When time is a factor, Army or major oversea command staff judge advocates may make telephonic delegation within their compromise authority on a case by case basis. When such verbal delegations are made, they will be confirmed in writing and the writing included in the case file.

(3) *Waiver.* (i) The authority delegated in paragraph (c) of this section to waive claims for the convenience of the Government will be exercised in accordance with standards set forth in section 104.3, appendix A, AR 27–41.

(ii) If the injured party or his attorney requests waiver of the full or any compromised amount of the claim on the ground of undue hardship, and the request may not be appropriately treated under subparagraph (2) (ii) of this paragraph, the file will be forwarded to The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310. For the purpose of evaluation of the request for waiver, the file will include detailed information concerning the reasonable value of the injured party's claim for permanent injury, pain and suffering, decreasing earning power, and other items of special damages, pension rights, and other Government benefits accruing to the injured party; and the present and prospective assets, income, and obligations of the injured party, and those dependent on him.

(iii) In the event an affirmative determination is made by The Judge Advocate General that, as a result of the collection of the Government's claim the injured party has suffered an undue hardship, the RJA will be authorized to direct issuance of the amount waived to the injured party.

(4) A file forwarded to higher authority for waiver or compromise consideration will contain a memorandum by the RJA giving his assessment of the case and his recommendation with regard to the approval or denial of the requested compromise or waiver.

[AR 27–36, Jan. 15, 1969]

(Sec. 3012, 70A Stat. 157, secs. 1–4, 76 Stat. 593, 594; 10 U.S.C. 3012, 42 U.S.C. 2651–2653)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–4267; Filed, Apr. 11, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER C—PREVENTION, CONTROL AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Boston Intrastate Air Quality Control Region

On December 24, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 19198) to amend Part 81 by designating the Metropolitan Boston Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to Section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on January 17, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, the Metropolitan Boston Intrastate Air Quality Control Region is hereby designated and Part 81, as set forth below, is hereby amended effective on publication.

§ 81.19 Metropolitan Boston Intrastate Air Quality Control Region.

The Metropolitan Boston Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following cities and towns:

CITIES

Beverly.	Medford.
Boston.	Melrose.
Brockton.	Newton.
Cambridge.	Peabody.
Chelsea.	Quincy.
Everett.	Revere.
Gloucester.	Salem.
Lynn.	Somerville.
Malden.	Waltham.
Marlborough.	Woburn.

TOWNS

Abington.	Easton.
Acton.	Essex.
Arlington.	Foxborough.
Ashland.	Framingham.
Avon.	Hamilton.
Bedford.	Hanover.
Belmont.	Hansen.
Braintree.	Hingham.
Bridgewater.	Holbrook.
Brookline.	Hudson.
Burlington.	Hull.
Canton.	Ipswich.
Cohasset.	Lexington.
Concord.	Lincoln.
Danvers.	Lynnfield.
Dedham.	Manchester.
Dover.	Marblehead.
Duxbury.	Marshfield.
East Bridgewater.	Maynard.

TOWNS—Continued

Medfield.	Southborough.
Middleton.	Stoneham.
Millis.	Stoughton.
Milton.	Sudbury.
Nahant.	Swampscott.
Natick.	Topsfield.
Needham.	Wakefield.
Norfolk.	Walpole.
North Reading.	Watertown.
Norwell.	Wayland.
Norwood.	Wellesley.
Pembroke.	Wenham.
Randolph.	West Bridgewater.
Reading.	Weston.
Rockland.	Westwood.
Rockport.	Weymouth.
Saugus.	Whitman.
Scituate.	Wilmington.
Sharon.	Winchester.
Sherborn.	Winthrop.

(Secs. 107(a), 301(a), Clean Air Act; sec. 2, Public Law 90–148, 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: April 7, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–4245; Filed, Apr. 11, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Federal Highway Administration, Department of Transportation

[Docket No. 69–9; Amdt. 7D–1]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Appendix D—Federal Highway Administration

This amendment to Appendix D to Part 7 of title 49, C.F.R., reflects the fact that the Federal Highway Administration is now making available for public inspection and copying informal interpretations and opinion, not of general applicability, concerning provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381–1425) and regulations and motor vehicle safety standards issued thereunder which officials of the Administration have given to members of the public.

Since this amendment relates to internal organization, procedures, and practices of the Federal Highway Administration, notice and public procedure thereon are not necessary and it is effective upon the date of issuance set forth below.

In consideration of the foregoing, Appendix D to Part 7 of title 49, CFR is amended as set forth below.

(5 U.S.C. 552; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; 49 CFR 7.1(c))

Issued on April 8, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

Appendix D to Part 7 of 49 CFR is amended as follows:

1. By adding the following new document inspection facility at the Washington Headquarters in paragraph 2:

Washington Headquarters:

* * * * *

Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591 (material covered by paragraph 3(c) only).

* * * * *

2. By adding the following new subparagraph (c) to paragraph 3:

(c) Informal interpretations and opinions concerning provisions of the National Traffic and Motor Vehicle Safety Act of 1966 and regulations and standards issued thereunder which have been given to members of the public by Federal Highway Administration officials are available at the FHWA Docket Section.

[F.R. Doc. 69–4299; Filed, Apr. 11, 1969; 8:48 a.m.]

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–12; Amdt. 173–1]

PART 173—SHIPPERS

Shipment of Anhydrous Hydrazine

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the shipment of anhydrous hydrazine in specification drums not previously authorized for this product.

On January 13, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM–12; Notice No. 68–9 (34 F.R. 1175), which proposed to amend the Hazardous Materials Regulations to permit the use of Specification 42D drums for the carriage of anhydrous hydrazine and hydrazine solution. The notice also requested public comment on a procedure proposed by the Board for future handling of what the Board categorized as "general interest" special permit requests.

Over 20 comments were received as a result of this notice. Most were addressed to the general procedure proposed by the Board, but several comments spoke to the substance of the proposed amendment concerning the use of Specification 42D aluminum drums. This amendment disposes of the portion of the notice relating to the use of this specification drum.

The proposed procedure for the handling of "general interest" type special permit requests will be discussed in another rule-making procedure to be issued in the near future.

Several of the comments raised questions concerning the corrosive effects of various hydrazine solutions on certain aluminum alloys. The Board has concluded that there could be many solutions of hydrazine that would in fact present a potential corrosion problem. Therefore, the use of Specification 42D aluminum drums as authorized by this amendment is limited to anhydrous hydrazine.

In addition, commenters pointed out that if the use of a Specification 42D drum for anhydrous hydrazine is justified by safety considerations, the same considerations would also justify authorizing the use of Specifications 42B and 42C aluminum drums. The Board concurs with these comments. Therefore, this amendment also authorizes the use of Specifications 42B and 42C aluminum drums for anhydrous hydrazine.

Interested persons were afforded an opportunity to participate in this rule making and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, 49 CFR Part 173 is amended, effective upon date of publication in the FEDERAL REGISTER, by adding a new subparagraph (a)(8) in section 173.276 to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(8) Spec. 42B, 42C, or 42D (§§ 178.107, 178.108, 178.109 of this chapter) aluminum drums. Authorized for anhydrous hydrazine only.

This amendment is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1647), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on April 9, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

F. C. TURNER,
Administrator, Federal Highway Administration.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

SAM SCHNEIDER,
Board Member, Federal Aviation Administration.

[F.R. Doc. 69–4306; Filed, Apr. 11, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Frozen Asparagus

CHANGE IN EFFECTIVE DATE

A revision of the U.S. Standards for Grades of Frozen Asparagus was published in the FEDERAL REGISTER of March 13, 1969 (34 F.R. 5151), to become effective 30 days after such publication—on April 14, 1969. It is now determined that good cause exists for delaying the effective date of these standards and the supersedure of the U.S. Standards for Grades of Frozen Asparagus (7 CFR 52.381–52.393), as provided in the aforementioned publication, until the current frozen asparagus pack and principal marketing season have been finished. It is also found that notice and public procedure are impracticable.

Statement of consideration leading to this action. The National Association of Frozen Food Packers, on behalf of several major freezers of asparagus, has requested a delay of the effective date (Apr. 14, 1969) of the revised standards until after the 1969 packing season. These freezers state that they face problems in adjustment of their packs to certain defect classes which may have an impact on marketing relationships. The revised grade standards use statistical procedures and criteria which are new in concept as compared with the standards which have been in effect.

In consideration of the aforementioned request, the effective date of the revised U.S. Standards for Grades of Frozen Asparagus is stayed until, and shall become effective on, December 31, 1969.

The current U.S. Standards for Grades of Frozen Asparagus, in effect since April 18, 1952, and as last amended, effective March 15, 1968, shall remain in effect until December 31, 1969.

Dated: April 10, 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69–4393; Filed, Apr. 11, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 369]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.669 Lemon Regulation 369.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified, and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 8, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 13, 1969, through April 19, 1969, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 206,460 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4394; Filed, Apr. 11, 1969; 8:50 a.m.]

[Lime Reg. 27]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 14, 1969. Florida lime shipments are presently subject to regulation through April 30, 1969, by grades and sizes, and this regulation relieves restrictions on Persian lime shipments for the period April 14 through April 30, 1969. Determinations as to the need for, and extent of continued regulation of Florida lime shipments must await the development of the crop and the availability of information with respect thereto and on the demand for such fruit. The recommendations and supporting information for regulation of lime shipments in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 9, 1969, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes: It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective as hereinafter set forth so as to provide for the continued regulation of the handling of limes after April 30, 1969, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.329 Lime Regulation 27.

(a) *Order.* (1) Lime Regulation 25 (33 F.R. 6095, 6461, 17845) is hereby terminated April 14, 1969.

(2) During the period April 14, 1969, through April 30, 1970, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided*, That any lot of such limes (*a*) which contains limes of a size smaller than 1⅞ inches in diameter but not smaller than 1⅝ inches in diameter may be handled if such lot of limes has an average juice content of at least 45 percent, by volume, and (*b*) which contains limes of a size smaller than 1⅞ inches in diameter but not smaller than 1⅝ inches in diameter may be handled if such lot of limes has an average juice content of at least 50 percent, by volume: *Provided further*, That (*i*) with respect to the limes in containers other than individual bags such limes are in any of the containers specified in subdivision (i), (ii), (iii), or (iv) of paragraph (a)(3) of § 911.328 (33 F.R. 17308), and (*ii*) with respect to the limes in individual bags such bags are in any of the master containers specified in paragraph (a)(5) of § 911.328, and the limes in each such container weigh the applicable net weight prescribed in subparagraphs (3) and (5) of said paragraph (a).

(3) Notwithstanding the provisions of subdivision (iii) of subparagraph (2), not to exceed 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(b) Terms used herein shall have the same meaning as is given to the respective terms in the amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective terms in the U.S. Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, April 10, 1969, to become effective April 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4419; Filed, Apr. 11, 1969; 11:22 a.m.]

[Grapefruit Reg. 60]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.360 Grapefruit Regulation 60.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 10, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period April 14, 1969, through April 20, 1969, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 11, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4418; Filed, Apr. 11, 1969; 11:21 a.m.]

[Grapefruit Reg. 29]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.329 Grapefruit Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 10, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period April 14, 1969, through April 20, 1969, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4417; Filed, Apr. 11, 1969; 11:21 a.m.]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Miscellaneous Amendments

§ 959.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the finding and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Edinburg, Tex., on December 18, 1968, upon a proposed amendment of Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959) regulating the handling of onions grown in the South Texas production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order as hereby amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a

gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The said order as hereby amended regulates the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said order as hereby amended is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order as hereby amended prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date hereinafter specified and for making it effective on such date (5 U.S.C. 553): (1) Shipments of production area onions are expected to be moving in volume before mid-April and the amendment should be made effective as far as possible in advance of such date so that producers may avail themselves of any benefits that may be derivable from the amendment during the greatest possible portion of the current marketing season; (2) the provisions of the amendment are well known to handlers and other interested persons by reason of the public hearing, the recommended decision, and the final decision thereon; (3) the producer referendum was held during the period March 27–April 2, 1969, when copies of the amendment were mailed to all known producers; (4) the changes effected by this amendment will not require advance preparation by handlers which cannot be completed prior to the effective date hereof; and (5) no useful purpose will be served by postponing the effective date beyond that hereinafter set forth.

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping onions covered by this order) who during the representative period (Aug. 1, 1967, through July 31, 1968), handled more than 50 percent of the volume of onions covered by the said order, have signed the marketing agreement, as amended, regulating the handling of onions grown in the production area, and

(2) The issuance of this order, amending the order, is approved or favored (i) by at least two-thirds of the producers of onions who participated in a referendum held during the period March 27–April 2, 1969, and who, during the determined representative period (Aug. 1, 1967, through July 31, 1968) were engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area.

It is therefore ordered, That, on and after the effective date hereof, all handling of onions grown in the South Texas production area shall be in conformity to and in compliance with, the terms and conditions of the said order as hereby amended, as follows:

1. Section 959.27 *Nomination*, is revised by adding to the end of each of paragraphs (a) and (c) thereof, the following: "or by such other date as may be specified by the Secretary."

2. Section 959.43 *Accounting*, is revised by changing the first sentence in subparagraph (2), of paragraph (a) to read as follows:

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately two fiscal periods' expenses. * * *

3. Section 959.52 *Issuance of regulations*, is revised as follows:

a. As to paragraph (b): By deleting "or" appearing at the end of subparagraph (3); by changing the period to a semicolon at the end of subparagraph (4); and by revising subparagraph (5) and adding subparagraph (6) to read as follows:

(5) Establish holidays by prohibiting throughout the entire production area, the packaging or loading, or both, of onions on Sundays;

(6) Prohibit the packaging or loading, or both, of onions except during specified consecutive hours of any calendar day or days: *Provided*, That, any handler may, upon such notice to the committee as it may prescribe with approval of the Secretary, package or load onions during a different period in such day consisting of the same number of consecutive hours: *Provided further*, That any handler who, due to conditions specified in regulations established by the committee with the approval of the Secretary as being beyond a handler's reasonable control, is prevented for more than one of such consecutive hours from so packaging or loading onions may, in accordance with such regulations, obtain permission from the committee to package or load onions, or both, during a comparable number of additional hours in the same day or a later day as specified by the committee.

b. New paragraph (d) is added as follows:

(d) No handler may handle onions that were packaged or loaded or both during any period when such packaging or loading or both was prohibited by any regulation issued pursuant to subparagraph (5) or (6) of paragraph (b) of this section, except such onions as were exempted thereunder.

4. Section 959.7 *Handle*, is revised by adding the word "load" between the words "package" and "sell."

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Issued at Washington, D.C., April 8, 1969, to become effective April 8, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-4400; Filed, Apr. 11, 1969; 9:22 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

CERTAIN CRABMEATS

Proposed Revision of Policy Statement Regarding Labeling

In the FEDERAL REGISTER of April 6, 1954 (19 F.R. 2013), the Commissioner of Food and Drugs promulgated a statement of policy (§ 3.34) concerning the common or usual name for imported canned crabmeat prepared from various specified species of crab. Since that time, domestic production has developed of crabmeat from certain of such species and Canadian production has developed of crabmeat from the species *Chionoecetes opilio* from the North Atlantic. Methods of preservation such as freezing and canning have been used.

Most if not all of the crabmeat from *Chionoecetes opilio* has been imported in the past from the Orient. Recently, production has developed of crabmeat from crabs of this species taken in the North Atlantic by Canadian fishermen, and domestic production has developed from crabs taken in the Alaska area. Three *Chionoecetes* species, *C. tanneri*, *C. bairdii*, and *C. angulatus*, closely resemble the species *C. opilio*, and are sometimes taken and processed with it. Crabmeat from the four *Chionoecetes* species is for practical purposes indistinguishable, and such differences as may exist between crabmeat from these species are not of significance to consumers.

Crabmeat from *C. opilio* has been distributed since at least 1955 as "Snow crabmeat"; however, a substantial proportion of the Canadian pack of *C. opilio* and some of the domestic pack has been labeled as "Queen crabmeat." There has been a limited distribution of crabmeat from *C. tanneri* as "Tanner crab," but not sufficient to establish "Tanner crab" as the common or usual name among consumers generally. Crabmeat from *C. bairdii* and *C. angulatus* does not appear to have an established common or usual name.

It will be in the interest of consumers generally to apply the common or usual name principles set forth in § 3.34 to crabmeat from the species in question preserved by freezing or other methods, as well as that preserved by canning, and to crabmeat from these species when produced domestically as well as that imported.

It also will be in the interest of consumers to have a recognized common or usual name for the four *Chionoecetes* species in question. "Snow crabmeat" has been established by many years usage as the common or usual name for crabmeat from the species *C. opilio*. The coined name "Queen crabmeat" has been used for the product of the recently developed Canadian *C. opilio* fishery and, to a lesser extent, has been applied to crabmeat from *C. opilio* from other areas. It has not become generally recognized by consumers of this crabmeat in the United States as the common or usual name. Use of the coined name "Queen crabmeat" in place of the established, common, or usual name "Snow crabmeat" is misleading and confusing. Further, the name "Queen crabmeat" may cause confusion with the different article, King crabmeat. "Snow crabmeat," and not "Queen crabmeat," should be recognized as the common or usual name for crabmeat from *C. opilio*. "Snow crabmeat" is also an appropriate common or usual name for the similar crabmeat from the species *C. tanneri, C. bairdii*, and *C. angulatus*.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i)(1), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343(i)(1), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 3.34 be revised to read as follows:

§ 3.34 Labeling of crabmeat.

(a) For many years canned crabmeat has been imported into the United States from Japan. Such imports have consisted primarily of a product designated as "King crabmeat." There have been limited importations of articles designated as "Korean crabmeat" and "Snow crabmeat." Two closely allied species of crab have been packed in Japan for export to the United States under the designation "King crabmeat." These species are *Paralithodes camtschatica* (tarabagani) and *Paralithodes platypus* (aburagani). A third species of crab, *Paralithodes brevipes*, has been labeled either as "King crabmeat" or "Hanasaki crabmeat" when intended for export to the United States. The Food and Drug Administration considers the term "King crabmeat" as an acceptable common name for the product prepared from any one of the three species *P. camtschatica, P. platypus*, and *P. brevipes*. The Food and Drug Administration also considers the name "Hanasaki crabmeat" as an alternative common name for the product prepared from *P. brevipes*.

(b) Prior to World War II, there was a limited pack of crabmeat from the species *Erimacrus isenbeckii* at canneries located on the coast of Korea, but only a small quantity of this product was imported into the United States. To distinguish the product from the various species of *Paralithodes* and to connote its geographic origin, the article was designated by the name "Korean crab." In the past, there has been a certain amount of the species *Erimacrus isenbeckii* packed in Japan or on Japanese factory ships operating in the Bering Sea. This species of crab is generally known in Japan as "Kegani." This product, packed in Japan, when offered for entry into the United States has been designated by a variety of names including "Korean crabmeat," "Snow crabmeat," "Eliza crabmeat," "Kegani crabmeat," and "Zuwai crabmeat," with resulting confusion to importers and consumers. The term "Korean crab" is no longer applicable to the product as an indication of its geographic origin. The long absence of the product from the domestic market, until its subsequent reintroduction under a variety of names, has largely eliminated consumer recognition of the identity of the product under the name "Korean crabmeat." The Food and Drug Administration therefore considers the designation "Korean variety crabmeat" or, alternatively, "Kegani crabmeat" as suitable common names for the product packed from the species *Erimacrus isenbeckii*.

(c) There has also been a limited pack of *Chionoecetes opilio* (zuwai-gani) offered for entry into the United States from the Orient and from Canada, and a limited pack of this species produced in the United States. This product has for many years been designated by the name "Snow crabmeat." Three other *Chionoecetes* species, *C. tanneri, C. bairdii*, and *C. angulatus*, produce crabmeat similar to that of *C. opilio*, and the four *Chionoecetes* species at times may be taken and processed into crabmeat together. The Food and Drug Administration regards the designation "Snow crabmeat" as the common or usual name for crabmeat from any of these four species when distributed in the United States.

(d) Section 403(i)(1) of the Federal Food, Drug, and Cosmetic Act requires that the label of a food for which there is no definition and standard of identity shall bear the common or usual name of the food, if any there be. No definition and standard of identity has been established for crabmeat under the act. The Food and Drug Administration regards the label designations for crabmeat prepared from the various species of crab as stated in paragraphs (a), (b), and (c) of this section, whether canned, frozen, or otherwise, and whether imported into or produced in this country, as satisfactory compliance with section 403(i)(1) of the act. For convenient reference, the scientific name of the crabs in question and the acceptable common name of the crabmeat produced from each are listed below.

Scientific name of crab	*Common name of crabmeat*
Paralithodes camtschatica and *Paralithodes platypus.*	King crabmeat.
Paralithodes brevipes.	King crabmeat or Hanasaki crabmeat.
Erimacrus isenbeckii.	Korean variety crabmeat or Kegani crabmeat.
Chionoecetes opilio, Chionoecetes tanneri, Chionoecetes bairdii, and *Chionoecetes angulatus.*	Snow crabmeat.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4283; Filed, Apr. 11, 1969; 8:46 a.m.]

[21 CFR Part 120]

FOLPET

Proposed Reduction of Tolerances for Residues in or on Raw Agricultural Commodities

By an order promulgating § 120.191 in the FEDERAL REGISTER of January 27, 1962 (27 F.R. 824), tolerances were established for residues of the fungicide folpet (*N*-(trichloromethylthio) phthalimide) in or on certain raw agricultural commodities at 50 parts per million.

It is the policy of the Food and Drug Administration to review its pesticide tolerances in consideration of new scientific data and information and in response to recommendations by recognized scientific advisory bodies. Also, the report "Use of Pesticides" of the President's Science Advisory Committee (May 15, 1963) recommended that, to augment the safety of present practices, the Food and Drug Administration should review its current tolerances and the experimental studies on which they are based.

Accordingly, a review of the folpet tolerances has been made and the following conclusions drawn:

1. The established tolerance level of 50 parts per million is higher than necessary to cover the residues that occur in or on many commodities from application in accordance with good agricultural practice.

2. Insufficient information is available on the possible transfer of residues of folpet to meat and milk from the feeding to cattle of dried citrus pulp when citrus fruits have been treated with folpet.

Therefore, all interested parties are invited to obtain and furnish to the Food and Drug Administration prior to January 1, 1970, residue data reflecting transfer to meat and milk when folpet is fed to cattle. In the absence of such data from interested parties, the Commissioner of Food and Drugs will proceed on the basis of available data.

Based on consideration given to the above information and other relevant material, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), the Commissioner proposes that § 120.191 be revised to read as follows:

§ 120.191 Folpet; tolerances for residues.

Tolerances for residues of the fungicide folpet (*N*-(trichloromethylthio) phthalimide) in or on raw agricultural commodities are established as follows:

50 parts per million in or on celery, cherries, leeks, lettuce, onions (green), shallots.

25 parts per million in or on apples, avocados, blackberries, blueberries, boysenberries, crabapples, cranberries, currants, dewberries, gooseberries, grapes, huckleberries, loganberries, raspberries, strawberries, tomatoes.

15 parts per million in or on cucumbers, garlic, melons, onions (dry bulb), pumpkins, summer squash, winter squash.

15 parts per million in or on citrus fruits; this tolerance is on an iterim basis pending evaluation of new data to be presented to the Food and Drug Administration before January 1, 1970, on transmission of such residues to milk and meat from feeding cattle with dried citrus pulp of such treated citrus fruits.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical folpet may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein be referred to an advisory committee in accordance with section 408(c) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4284; Filed, Apr. 11, 1969; 8:46 a.m.]

[21 CFR Parts 120, 121]

CAPTAN

Proposed Reduction of Tolerances for Residues

By an order promulgating § 120.103 in the FEDERAL REGISTER of March 18, 1958 (23 F.R. 1808), tolerances were established for residues of the fungicide captan (*N*-trichloromethylmercapto-4-cyclohexene-1,2-dicarboximide) in or on certain raw agricultural commodities at 100 parts per million. Another order promulgating § 121.1061 in the FEDERAL REGISTER of September 9, 1961 (26 F.R. 8489), established a tolerance of 100 parts per million for residues of captan in or on washed raisins.

It is the policy of the Food and Drug Administration to review its tolerances in consideration of new scientific data and information and in response to recommendations by recognized scientific advisory bodies. In 1965 the FAO Working Party and the WHO Expert Committee on Pesticide Residues in a joint meeting established an acceptable daily intake of captan for man at a level of 0.1 milligram per kilogram of body weight ("Evaluation of Some Pesticide Residues in Food," Food and Agriculture Organization of the United Nations, World Health Organization).

The report "Use of Pesticides" of the President's Science Advisory Committee (May 15, 1963) recommended that, to augment the safety of present practices, the Food and Drug Administration should review its current tolerances and the experimental studies on which they are based.

Accordingly, a review of the captan tolerances has been made and the following conclusions drawn:

1. The established tolerance level of 100 parts per million is higher than necessary to cover the residues that occur in or on many commodities from application in accordance with good agricultural practice.

2. Tolerances are unnecessary for those commodities for which there is no registered use of captan.

3. Insufficient information is available on the possible transfer of residues of captan to meat, milk, and eggs from the feeding to cattle or poultry of raw agricultural commodities or their byproducts when such commodities have been treated with captan.

Therefore, all interested parties are invited to obtain and furnish to the Food and Drug Administration prior to January 1, 1970, residue data reflecting transfer to meat, milk, and eggs when feed containing captan is fed to cattle or poultry. In the absence of such data from interested parties, the Commissioner of Food and Drugs will proceed on the basis of available data.

The U.S. Department of Agriculture has advised that there are no registered uses for captan on beets (sugar), boysenberries, Chinese cabbage, citrus citron, dandelion, endive (escarole), fennel, horseradish (roots), kohlrabi, kumquats, loganberries, parsley, parsnips (roots), popcorn (grain form), radishes (roots), romaine, salsify (roots), salsify (tops), Swiss chard, and watercress.

Based on consideration given to the above information, and other relevant material, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 436a(e), 348(d)) and delegated to the Commissioner (21 CFR 2.120), the Commissioner proposes that § 120.103 and § 121.1061 be revised to read as follows:

§ 120.103 Captan; tolerances for residues.

Tolerances for residues of the fungicide captan (*N*-trichloromethylmercapto-4-cyclohexene-1,2-dicarboximide) in or on raw agricultural commodities from preharvest or postharvest uses or combinations of such uses are established as follows:

100 parts per million in or on beet greens, cherries, lettuce, spinach.

50 parts per million in or on apricots, celery, grapes, leeks, mangoes, nectarines, onions (green), peaches, plums (fresh prunes), shallotts.

25 parts per million in or on apples, avocados, blackberries, blueberries (huckleberries), cantaloups, crabapples, cranberries, cucumbers, dewberries, eggplants, garlic, honeydew melons, muskmelons, onions (dry bulb), pears, peppers, pimentos, pumpkins, quinces, raspberries, rhubarb, strawberries, summer squash, tomatoes, watermelons, winter squash.

2 parts per million in or on beets (roots), broccoli, brussels sprouts, cabbage, carrots, cauliflower, collards, cottonseed, kale, mustard greens, peas (dry and succulent), rutabagas (roots), soybeans (dry and succulent), sweet corn (kernels plus cob with husk removed), turnip greens, turnips (roots).

Also, the following tolerances for residues of captan are established on an interim basis pending evaluation of new data to be presented to the Food and Drug Administration before January 1, 1970, on the transmission of such residues to meat, milk, and eggs from feeding cattle or poultry with raw agricultural commodities or their byproducts when such commodities have been treated with captan:

100 parts per million in or on almond hulls.

25 parts per million in or on beans (dry and succulent), grapefruit, lemons, limes, oranges, pineapples, potatoes, tangelos, tangerines.

2 parts per million in or on almonds.

§ 121.1061 Captan.

A tolerance of 50 parts per million is established for residues of captan (*N*-trichloromethylmercapto-4-cyclohexene-1,2-dicarboximide) in or on washed raisins when present as a result of fungicidal treatment by preharvest application to grapes and postharvest application during the drying process.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical captan may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein regarding § 120.103 be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4285; Filed, Apr. 11, 1969; 8:46 a.m.]

[21 CFR Part 130]

NEW DRUGS

Extension of Time for Filing Comments on Proposal Regarding Abbreviated Applications

The notice published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2673), proposing that § 130.4 *Applications* be amended to permit submission under certain conditions of abbreviated new-drug applications, provided for the filing of comments within 30 days thereafter.

The Commissioner of Food and Drugs has received a request for extension of such time and, good reason therefor appearing, the time for filing comments on said proposal is extended to April 28, 1969.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4286; Filed, Apr. 11, 1969; 8:46 a.m.]

[21 CFR Parts 141, 141e]

ZINC BACITRACIN

Sample Preparation

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the antibiotic drug regulations be amended as follows to provide for an improved method of sample preparation for a certification assay; namely, changing from the use of 3*N* to 0.01*N* hydrochloric acid for the dissolution of zinc bacitracin.

Accordingly, it is proposed that Parts 141 and 141e be amended:

1. By adding a new subparagraph to § 141.102(a), as follows:

§ 141.102 Solutions.

(a) * * *

(16) *Solution 16.*

0.01*N* Hydrochloric acid: 10.0 ml.
Solution 1 (1 percent potassium phosphate buffer, pH 6.0), q.s.: 1,000 ml.

2. By revising § 141e.418(a) to read as follows:

§ 141e.418 Zinc bacitracin (bacitracin zinc salt).

(a) *Potency.* Proceed as directed for bacitracin in § 141.110 of this chapter, except prepare the standard response line concentrations using solution 16 and prepare the sample for assay as follows: Dissolve an accurately weighed sample (usually 25 to 35 milligrams) in sufficient 0.01*N* hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4287; Filed, Apr. 11, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 121, 123]

[Docket No. 9344; Notice No. 69-2A]

PROTECTIVE SMOKE HOODS FOR EMERGENCY USE BY PASSENGERS AND CREWMEMBERS

Notice of Extension of Comment Period

The Federal Aviation Administration proposed in Notice No. 69-2, published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 465), to amend Parts 25,

121, and 123 of the Federal Aviation Regulations in order to require protective smoke hoods to be carried on all airplanes operated under Part 121, and to require the use of these hoods during emergency evacuation demonstrations. The notice stated that consideration would be given to all comments received on or before April 11, 1969.

By letter dated April 8, 1969, the Air Transport Association petitioned for a 10 day extension of the time for submission of comments. The request is based on the need to review thoroughly the existing data relating to the use and safety of smoke hoods. This request is not unreasonable.

Under the circumstances, I find that the petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority contained in sections 313(a), 601, 604, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424, and 1427) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), delegated to me by the Administrator in 14 CFR 11.53, the time within which comments on Notice No. 69–2 will be received is hereby extended to April 22, 1969. In view of the fact that the original comment period expires on April 11, 1969, and the extension is of only 10 days, no further distribution of this notice will be made.

Issued in Washington, D.C., on April 10, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–4386; Filed, Apr. 11, 1969; 8:50 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM–20; Notice 69–8]

HYDROFLUORIC ACID

Shipment

The Hazardous Materials Regulations Board proposes to amend section 173.264 of the Hazardous Materials Regulations to authorize the use of 37M steel overpacks with inside polyethylene packagings, Specifications 2S and 2SL for the shipping of hydrofluoric acid.

Interested persons are invited to give their views on the following proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 20, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is based on a petition for rule making submitted by the Bureau of Explosives and would eliminate several outstanding special permits. As pointed out in the petitions, there is an inconsistency in paragraph (a)(18) of § 173.264 wherein reference is made to containers having capacities in excess of 15 gallons when the only authorized inside container, Specification 2T, may not be constructed with a capacity in excess of 13 gallons. In consideration of the foregoing, it is proposed to cancel paragraph (a)(18) and combine the authorization to use Specifications 6D and 37M drums as follows:

§ 173.264 Hydrofluoric acid.

(a) * * *

(17) Spec. 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S, 2SL, or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene container. Spec. 37M overpack of over 15-gallon capacity must be constructed of at least 20-gauge steel. Authorized only for acid of not over 70 percent strength.

(18) Canceled.

* * * * *

This proposal is made under the authority of sections 831–835 of title 18 United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on April 9, 1969.

C. P. MURPHY,
Rear Admiral, U.S.C.G., by direction of Commandant, U.S. Coast Guard.

F. C. TURNER,
Administrator,
Federal Highway Administration.

JAMES H. MACANANNY,
Administrator,
Federal Railroad Administration.

SAM SCHNEIDER,
Board Member,
Federal Aviation Administration.

[F.R. Doc. 69–4304; Filed, Apr. 11, 1969; 8:48 a.m.]

[49 CFR Part 173]

[Docket No. HM–21; Notice 69–9]

ELECTRIC STORAGE BATTERIES

Shipping by Highway

The Hazardous Materials Regulations Board is considering an amendment to § 173.260(e) of the Hazardous Materials Regulations that would expand an exemption concerned with the shipping of electric storage batteries by highway. Materials other than hazardous materials which are not permitted under the existing exemption would be permitted to be carried in the same motor vehicle with batteries under certain conditions.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 20, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

The basis for this proposal is a petition for a special permit recently received by the Hazardous Materials Regulations Board in which the petitioner pointed out that the need for a permit would be obviated by an appropriate change in the regulations. The petitioner proposed limiting the exemption to situations where storage batteries constitute the only commodity being transported in the vehicle or the only other commodity being transported consists of battery-related accessory items which are packed in fiberboard 200-pound test cartons so as to prevent contact with the batteries in a manner that could cause short circuits. After evaluating the proposed rule change, the Board has concluded that it is not necessary to limit the other items that could be transported in the same vehicle to battery-related items provided that no other hazardous materials are transported in the same vehicle and provided that the other items carried are loaded in a manner that they can be blocked, braced, or otherwise secured so as to prevent any contact with or damage to the batteries. However, the Board believes that the exception should cover only those shipments where a motor vehicle is carrying only one shipper's goods. This limitation will thus achieve substantially the same type of control that is available in a private carriage shipment while not so limiting the types of carriage that may be used.

In consideration of the foregoing, the Hazardous Materials Regulations Board proposes to amend § 173.260(e) to read as follows:

§ 173.260 Electric storage batteries, wet.

* * * * *

(e) Electric storage batteries containing electrolyte or battery fluid are exempt from Parts 170–189 of this chapter, and Part 397 of Chapter III of this Title, for carriage by highway or rail if—

(1) For shipments by rail, the batteries (either wet or dry) constitute the only commodity being transported and are loaded or braced to prevent damage in transit or short circuits.

(2) For shipments by highway,

(i) No other hazardous materials are transported in the same vehicle, and

(ii) the batteries are loaded or braced so as to prevent damage or short circuits in transit,

(iii) any other material loaded in the same vehicle is blocked, braced, or otherwise secured to prevent contact with or damage to the batteries, and

(iv) the transport vehicle is carrying no materials being shipped by any persons other than the shipper of the batteries.

* * * * *

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on April 9, 1969.

JOHN R. JAMIESON,
Administrator,
Federal Highway Administration.

[F.R. Doc. 69–4305; Filed, Apr. 11, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 17]

ASSISTANT ADMINISTRATORS

Delegation of Authority Relating to Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby amend Delegation of Authority No. 17 in its entirety, to read as follows:

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), and in accordance with the authority contained in section 635(b) of the Foreign Assistance Act of 1961, as amended, and Executive Order 11223, as amended, I hereby delegate the following authority, with power to redelegate to such officers and employees as they may designate:

1. To the Assistant Administrator for Near East and South Asia, the Assistant Administrator for Latin America and U.S. Coordinator for the Alliance for Progress, the Assistant Administrator for Africa, the Assistant Administrator for East Asia, and the Assistant Administrator for Vietnam, for the countries or areas within their responsibility; and to the Assistant Administrator for Administration, the authority to sign or approve the following:

a. Contracts and amendments to Contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants, other than to a foreign government, or agencies of a foreign government;

b. Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph 1(a) above;

c. Project Implementation Orders—Technical Services (PIO/T);

d. Amendment or modification (pursuant to Executive Order 11223) of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract: *And provided further*, That the approval of all such amendments or modifications involving $25,000 or more shall not be redelegated.

2. The authority herein delegated to designated officers may be exercised by persons who are performing the functions of such officers in an "Acting" capacity. This authority is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

3. This Delegation of Authority supersedes paragraph 3 of Delegation of Authority of the Director of ICA dated September 28, 1960, entitled "To Sign and Issue Various Programs Authorizations, Budget and Fiscal Documents, and Contracts, Etc." which was continued in effect by me in Delegation of Authority No. 3 dated November 4, 1961 (26 F.R. 221).

4. Any subdelegations issued and official actions taken prior to the effective date hereof by officers duly authorized pursuant to the superseded delegations are hereby continued in effect according to their terms until modified, revoked, or superseded by action of the officers to whom I have delegated relevant authority in this delegation.

5. Actions within the scope of this delegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

6. This delegation of authority shall be effective immediately.

Dated: March 13, 1969.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 69-4293; Filed, April 11, 1969; 8:47 a.m.]

DIRECTOR, OFFICE OF PROCUREMENT ET AL.

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17, as amended, from the Administrator of the Agency for International Development, I hereby redelegate to the Director, and Deputy Director of the Office of Procurement, and to the Chief, Contract Services Division, Chief, Contract Operations Branch, and to the Senior Contract Specialists, Contract Operations Branch, authority to sign or approve:

1. (a) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities; and grants, other than to foreign governments, or agencies of foreign governments;

(b) Letters of Commitment, and Notices of Approval for Financing of Cooperating Country contracts, for contracts described in (a) above;

(c) Project Implementation Orders—Technical Services (PIO/T);

(d) Amendments or Modifications (pursuant to Executive Order 11223) of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract: *And provided further*, That all such amendments or modifications involving $25,000 or more have my specific approval.

2. The authority herein delegated to the officers named above may not be further redelegated by such officers, but may be exercised by duly authorized persons who are performing the functions of such officers in an acting capacity.

3. The authorities delegated herein are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within the Agency for International Development.

4. The redelegations of authority with respect to contracting functions, from the Assistant Administrator for Material Resources to the Chief, Assistant Chief and Assistant Chief for Operations for the Contract Services Division, contained in the redelegation of authority dated November 10, 1965, are revoked hereby.

5. Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

6. The Chief, Contract Services Division, shall be deemed to be the successor of the following officers: (1) Director, Office of Contract Relations, and (2) Chief, Contract Services Division of the Office of Program Support.

7. This redelegation of authority shall be effective immediately.

8. The redelegation of authority, dated April 29, 1968 (33 F.R. 9305), relating to contracting functions in the Office of Procurement, is hereby superseded.

Dated: April 2, 1969.

EDWARD F. TENNANT,
Acting Assistant Administrator for Administration.

[F.R. Doc. 69-4294; Filed, Apr. 11, 1969; 8:47 a.m.]

HOUSING GUARANTIES

Prescription of Rate

Pursuant to section 222(h) of the Foreign Assistant Act of 1961, as amended, and effective immediately, contracts of guaranty for loan investments in housing under section 221(b)(2) and 224 of that Act will be subject to the following restriction:

The interest allowed to an eligible U.S. investor at the time the relevant project is authorized may not exceed a rate of eight per centum (8%) per annum. Prior to the execution of the contract of guaranty, the Administrator may amend such rate at his discretion, consistent with the provisions of section 222(h) of the Act.

Dated: April 4, 1969.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 69-4295; Filed, April 11, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

AMINOACETIC ACID (GLYCINE); WEST GERMANY

Determination of Sales at Not Less Than Fair Value

APRIL 4, 1969.

On February 14, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that Aminoacetic Acid (Glycine) from West Germany, is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until March 17, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received. I hereby determine that Aminoacetic Acid (Glycine) from West Germany, is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and section 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4309; Filed, Apr. 11, 1969; 8:49 a.m.]

BETA-OXY-NAPHTHOIC ACID FROM JAPAN

Determination of Sales at Not Less Than Fair Value

APRIL 4, 1969.

On January 14, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that Beta-oxy-Naphthoic acid from Japan is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until February 13, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that Beta-oxy-Naphthoic acid from Japan is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and section 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4310; Filed, Apr. 11, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

CHIEF, PITTSBURGH OFFICE OF MINERAL RESOURCES ET AL.

Redelegation of Authority Regarding Mineral Resource Evaluation

The following redelegation is a portion of the Bureau of Mines Manual and the numbering system is that of the Manual.

PART 205—BUREAU OF MINES GENERAL DELEGATIONS

SEC. 205.11.2 *Negotiated Purchases and Contracts for Property and Services.* The following officials are authorized to enter into negotiated contracts under section 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended, in amounts not to exceed $2,500 for any one contract under the provisions of 205 BM 11.2:

Chief, Pittsburgh Office of Mineral Resources.
Chief, Knoxville Office of Mineral Resources.
Chief, Twin Cities Office of Mineral Resources.
Chief, Bartlesville Office of Mineral Resources.
Chief, Dallas Office of Mineral Resources.
Chief, Denver Office of Mineral Resources.
Chief, San Francisco Office of Mineral Resources.
Chief, Albany Office of Mineral Resources.
Chief, Spokane Office of Mineral Resources.
Chief, Alaska Office of Mineral Resources.

The authority delegated herein shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

As a service in accomplishing procurement actions, the Chiefs, Eastern and Western Administrative Offices, may exercise their separately delegated contracting authorities of this paragraph in fulfilling Mineral Resource Evaluation offices' requirements when requested by a Field Office Chief.

FRANK D. LAMB,
Acting Assistant Director, Mineral Resource Evaluation.

[F.R. Doc. 69-4291; Filed, Apr. 11, 1969; 8:47 a.m.]

Fish and Wildlife Service

YELLOWFIN TUNA FISHING IN EASTERN PACIFIC OCEAN

Closure of Season

Notice is hereby given pursuant to § 280.5, Title 50, Code of Federal Regulations, as follows:

On April 9, 1969, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the representatives of all nations having vessels operating in the regulatory area defined in 50 CFR 280.1(g) that the yellowfin tuna fishing season be closed at 0001 hours, local time, on April 16, 1969, to assure that the established catch limit of 120,000 short tons for 1969 will not be exceeded. (See announcement of the catch limit established for yellowfin tuna from the regulatory area published in the FEDERAL REGISTER of Mar. 29, 1969, 34 F.R. 5950.)

I hereby announce that the 1969 season for the taking of yellowfin tuna without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time in the area affected, April 16, 1969.

Issued at Washington, D.C., and dated April 10, 1969.

H. E. CROWTHER,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 69-4320; Filed, Apr. 11, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADRENOCORTICAL STEROIDS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated the reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following adrenocortical steroid type preparations:

1. Dexamethasone: Azium (sterile solution), 1 mg. or 2 mg./cc. solution; Azium (aqueous suspension), 2 mg./cc.; Azium (oral solution), 1 mg. or 2 mg./cc.; Azium (tablets), 0.25 mg. per tablet; by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003.

2. 9-Fluoroprednisolone acetate: Predef 2X (liquid-sterile aqueous suspension), 2 mg./cc.; Predef 2X, 20-mg. bolus; Predef 2X (oral liquid suspension), 2 mg./cc.; by The Upjohn Co., Kalamazoo, Mich. 49001.

3. Methyl prednisolone: Medrol (tablets), 1 mg. per tablet; by The Upjohn Co., Kalamazoo, Mich. 49001.

4. Methylprednisolone acetate: Depo Medrol (sterile aqueous suspension), 20 and 40 mg./cc.; by The Upjohn Co., Kalamazoo, Mich. 49001.

5. Prednisolone:
a. Sterane (solution), 10 mg./cc.; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.
b. Delta Cortef (sterile aqueous suspension), 10 mg./cc.; by The Upjohn Co., Kalamazoo, Mich. 49001.
c. Prednisolone Aqueous Suspension Veterinary, 10 and 25 mg./cc.; by Maurry Biological Co., Inc., 6109 South Western Avenue, Los Angeles, Calif. 90047.
6. Prednisolone acetate: Meticortelone acetate (sterile suspension), 25 mg./cc.; by Schering Corp., Bloomfield, N.J. 07901.
7. Prednisolone tertiary butylacetate: Hydeltrone T.B.A. (suspension), 20 mg./cc.; by Merck & Co., Rahway, N.J. 07065.
8. Prednisolone trimethylacetate: Ultracortenol (suspension), 10 and 25 mg./cc.; by CIBA Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901.
9. Prednisolone sodium succinate: Solu Delta Cortef (powder and sterile aqueous diluent), 10 mg./cc.; by The Upjohn Co., Kalamazoo, Mich. 49001.
10. Prednisone:
a. Meticorten (sterile suspension), 10 and 40 mg./cc.; by Schering Corp., Bloomfield, N.J. 07003.
b. Predsem (suspension), 10 and 40 mg./cc.; by S. E. Massengill Co., Bristol, Tenn. 37620.
11. Triamcinolone: Aristovet (tablet), 0.5 mg./tablet; Aristovet (liquid), 2.5 and 10 mg./cc.; by American Cyanamid Co., Princeton, N.J. 08540.
12. Triamcinolone acetonide: Vetalog (tablets), 0.5-mg. and 1.5-mg. tablets; by E. R. Squibb & Sons, Georges Road, New Brunswick, N.J. 10088.

The Food and Drug Administration concurs with the conclusions of the Academy that these drugs are effective as anti-inflammatory agents for the specie indicated and for primary bovine ketosis when used in cattle. The products may also be used as a supportive therapy under other indications for use.

Supplemental new-drug applications are invited to revise the labeling provided for in the new-drug applications for the above preparations to limit the claims and present the conditions of use substantially as follows:

ACTIONS

These drugs are synthetic corticosteroids and possess glucocorticoid activity. They are not specie specific and differ only in their anti-inflammatory potency and ability to manifest mineralocorticoid properties.

INDICATIONS

Indicated for treatment of primary bovine ketosis and as an anti-inflammatory agent.

DOSAGE AND ADMINISTRATION

Dosage and administration are as recommended for individual products.

1. Dexamethasone:
a. Sterile solution—
Horse: i.v. or i.m. 2.5 to 5 mg.
Cow: i.v. or i.m. 5 to 20 mg.

In cases where cattle or horses require additional steroid therapy, an oral form may be administered.

Dog: i.v. or i.m. 0.25 to 1 mg.
Cat: i.v. or i.m. 0.125 to 0.5 mg.

The dose may be repeated in cats or dogs. If a condition being treated is of a chronic nature, tablets may be administered orally at the recommended level.

b. Aqueous suspension—
Horse and cow: i.m. 5 to 20 mg.; may be repeated.
Dog: i.m. .025 to 1.0 mg.
Cat: i.m. .012 to 0.5 mg.

The dose may be repeated in dogs and cats for 3–5 days; if a chronic nature, oral preparations are recommended.

c. Oral solution—
Horse and cow: 5 to 20 mg./day.
Dog: 0.25 to 1.25 mg./day.
Cat: 0.125 to 0.5 mg./day.

d. Tablets—
Dog: 0.25 to 1.25 mg./day up to 7 days.
Cat: 0.125 to 0.5 mg./day up to 7 days.

2. 9-Fluoroprednisolone acetate:
a. Liquid-sterile aqueous suspension—
Horse: i.m. 5 to 20 mg.; intrasynovial 5 to 20 mg.
Cow: i.m. 10 to 20 mg.
Swine: i.m. 5 mg./300 lb.
b. Bolus, 20 mg.—
Horse: 1 to 2 boluses once or twice daily.
Cow: 1 to 4 boluses initially followed by 1 bolus once or twice daily for 3 to 5 days.
c. Oral liquid suspension—
Horse: 30 to 60 mg. once or twice daily.
Cow: 30 to 90 mg. initially followed by 30 to 60 mg. once or twice daily for 3 to 5 days.

3. Methylprednisolone: Tablets—
Dog and cat: 2 mg./5 to 15 pounds body weight; 2 to 4 mg./15 to 40 pounds body weight; 4 to 8 mg./40 to 80 pounds body weight. Give in divided doses 6 to 10 hours apart for 7 days; discontinue for a few days and repeat if necessary.

4. Methylprednisolone acetate: Sterile aqueous suspension—
May be repeated when necessary.
Horse: i.m. 200 mg.; intrasynovial 40 to 240 mg. with an extreme of 400 mg. for intratendinous injection.
Dog: i.m. 2 to 40 mg., 120 mg. in extreme case; intrasynovial up to 20 mg.
Cat: i.m. 10 to 20 mg.

5. Prednisolone: Solution, sterile aqueous suspension, or aqueous suspension—
May be repeated when necessary.
Horse and cow: i.m. 50 to 200 mg.
Horse: Intra-articular 40 to 80 mg.
Dog: i.m. 10 to 30 mg.; intra-articular 10 to 20 mg.
Cat: i.m. 5 to 10 mg.; intra-articular 10 to 20 mg.

6. Prednisolone acetate: Sterile suspension—
May be repeated when necessary.
Horse and cow: Intra-articular 50 to 100 mg.
Dog and cat: i.m. 10 to 50 mg.; intra-articular 5 to 25 mg.

7. Prednisolone tertiary butylacetate: Suspension—
May be repeated when necessary.
Horse and cow: i.m. 100 to 300 mg.; intrasynovial 50 to 100 mg.
Small animals: i.m. 1 mg./5 pounds body weight; intrasynovial 10 to 20 mg.

8. Prednisolone trimethylacetate: Suspension—
May be repeated when necessary.
Cow: i.m. 100 to 200 mg.
Dog: i.m. 5 mg./10 pounds body weight, not to exceed 20 mg. per dose.

9. Prednisolone sodium succinate: Powder and sterile aqueous diluent—
May be repeated when necessary.
Horse and cow: i.v. or i.m. 50 to 100 mg.
Dog and cat: i.v. or i.m. 1 to 5 mg.

10. Prednisone: Suspension—
May be repeated when necessary.
Horse and cow: i.m. 100 to 500 mg.
Dog and cat: i.m. 0.25 to 1.0 mg./lb.

11. Triamcinolone:
a. Tablet—
May be repeated when necessary.
Dog: 0.25 to 2.0 mg./day for 7 days.
Cat: 0.25 to 0.5 mg./day for 7 days.
b. Liquid—
May be repeated when necessary.
Dog and cat: i.m. or subq. 0.625 mg./10 pounds body weight.
Dog: Intra-articular 2.5 to 5.0 mg.
Cat: Intra-articular 1.25 to 2.5 mg.

12. Triamcinolone acetonide: Tablets—
Dog and cat: Initial dosage 0.05 to 0.1 mg./lb. body weight; maintenance (every 1 or 2 days) .0125 to .025 mg./lb. body weight.

CONTRAINDICATIONS

Do not use in viral infections. Except for emergency therapy, do not use in animals with tuberculosis, chronic nephritis, cushingoid syndrome, and peptic ulcers. Existence of congestive heart failure, diabetes, and osteoporosis are relative contraindications.

PRECAUTIONS

Because of the anti-inflammatory action of corticosteroids, signs of infection may be hidden and it may be necessary to stop treatment until diagnosis is made. Overdosage of some glucocorticoids may result in sodium retention, fluid retention, potassium loss, and weight gains.

SIDE EFFECTS

The intra-articular injection in leg injuries of the horse may produce osseous metaplasia. Side reactions such as weight loss, anorexia, diarrhea, polydipsia, and polyuria have been frequent.

CAUTION: Federal law restricts this drug to sale by or on the order of a licensed veterinarian.

This evaluation of these drugs is concerned only with their effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

The holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the new-drug applications for the subject drugs have been mailed copies of the NAS-NRC reports. Any manufacturer, packer, or distributor of drugs of similar composition and labeling or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 7, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4288; Filed, Apr. 11, 1969; 8:47 a.m.]

SODIUM SULFAMETHAZINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Sulmet Emulsion; contains 5 percent sodium sulfamethazine; by Agricultural Division, American Cyanamid Co., Princeton, N.J. 08540.

The Academy concluded that (1) this product is probably not effective for use in pink eye, conjunctivitis, and keratitis in cattle as claimed in its labeling; (2) no documentation was submitted of the effectiveness of this product; (3) instructions for use are inadequate; and (4) more information is needed. The Food and Drug Administration concurs with the conclusions of the Academy.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply wtih all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 7, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4289; Filed, Apr. 11, 1969; 8:47 a.m.]

TOLDEX TABLETS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Toldex Tablets; contain 0.5 milligram of dexamethasone and 88.0 milligrams of phenyltoloxamine dihydrogen citrate per tablet; marketed by Pitman-Moore, Division of The Dow Chemical Co., Zionsville, Ind. 46077.

The Academy concludes that (1) based on available evidence this drug is not effective as an anti-inflammatory, antihistaminic, and calmative agent for use in dogs; (2) data are inadequate; and (3) no clinical trial data were cited for this gluco-corticoid antihistaminic-sedative combination. The anti-inflammatory properties of dexamethasone were not questioned. The Food and Drug Administration concurs with the Academy's conclusions.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for this drug.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for this drug, and any interested person who may be adversely affected by its removal from the market, to submit any pertinent data bearing on the proposal within 30 days after publication of this announcement in the FEDERAL REGISTER. Such data should be addressed to the Bureau of Veterinary Medicine, Special Assistant for Drug Efficacy Study Implementation, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 7, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4290; Filed, Apr. 11, 1969; 8:47 a.m.]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 5–C; Delegations of Authority, as follows:

After the subparagraph numbered (1) of the paragraph entitled *Specific Delegations*, add a new subparagraph reading:

(2) The coordination and direction (as designated Executive Agent for the Department of Health, Education, and Welfare) of the preparation of national emergency health plans and the development of health preparedness programs included under the definitions of emergency health services, emergency health manpower, and emergency health resources as contained in section 2 of Executive Order 11001 and as included in the Medical Stockpile functions covered in section 101 of Executive Order 10958 insofar as such coordination and direction was delegated by the Secretary on September 12, 1968.

Dated: April 7, 1969.

JAMES FARMER,
Assistant Secretary for Administration.

[F.R. Doc. 69-4316; Filed, Apr. 11, 1969; 8:49 a.m.]

Public Health Service

BIOLOGICAL PRODUCTS

Correction

In F.R. Doc. 69-3599 appearing at page 5858 of the issue for Friday, March 28, 1969, make the following change: In column 2 on page 5860, the license heading following "License No. 21 * * *" should read "License No. 30—Sherman Laboratories, Detroit, Mich.".

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-26]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted as described in this document during the period from January 8, 1969, to January 21, 1969 (List No. 2–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/6/2, international's hand red flare distress signal, 500 candlepower, 2-minute burning time, assembly dwg. No. FXC–740, Rev. 1, dated October 26, 1961, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.021/6/2 dated Jan. 8, 1964, and change of name of manufacturer.)

SIGNALS, DISTRESS, FLOATING ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.022/5/0, Kilgore Model K–5 floating orange smoke distress signal, assembly dwg. No. GXC–323, Rev. 2, dated December 18, 1953, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.022/5/0 dated Jan. 8, 1964, and change of name of manufacturer.)

Approval No. 160.022/8/0, Model K–5A floating orange smoke distress signal, assembly dwg. No. GXC–413, Rev. 4, dated October 5, 1961, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.022/8/0 dated Jan. 8, 1964, and change of name of manufacturer.)

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE, HAND, FOR MERCHANT VESSELS

Approval No. 160.023/2/0, hand combination flare and smoke distress signal, bill of materials No. 337 D dated September 3, 1959, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.023/2/0 dated Jan. 8, 1964, and change of name of manufacturer.)

SIGNALS, DISTRESS, HAND-HELD ROCKET-PROPELLED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.036/2/0, Model K–500 hand-held rocket-propelled parachute red flare distress signal, general arrangement dwg. No. GK–500, Rev. 2, dated January 14, 1958, parts list dwg. No. B/M 173 dated March 26, 1953, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.036/2/0 dated Jan. 8, 1964, and change of name of manufacturer.)

SIGNALS, DISTRESS, HAND, ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.037/2/2, international's hand orange smoke distress signal, dwg. Nos. CXC–117, Rev. 4, dated June 17, 1957, and CXC–118, Rev. 5, dated October 5, 1961, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.037/2/2 dated Jan. 8, 1964, and change of name of manufacturer.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/183/1, Type 1531–P1, consolidated drum pilot actuator pop safety valve, made of ASTM A–217 Grade WC–6, having ASA 1,500-pound inlet flanges, 1,200 p.s.i., maximum temperature 1,000° F., dwg. No. 3VN953 dated August 13, 1952, approved for 1½" and 2" sizes, bore diameter 1½", manufactured by Dresser Industrial Valve & Instrument Division, Post Office Box 1430, Alexandria, La. 71302, effective January 21, 1969. (It supersedes Approval No. 162.001/183/0 dated Nov. 1, 1967.)

Approval No. 162.001/185/1, Type 1531–U1, consolidated superheater unloader safety valve, made of ASTM A–217 Grade WC–6, having ASA 1,500-pound inlet flanges, maximum pressure 1,200 p.s.i., maximum temperature 1,000° F., dwg. No. 3VM953 dated September 4, 1952, approved for 2" and 2½" sizes, bore diameter 1½", manufactured by Dresser Industrial Valve & Instrument Division, Post Office Box 1430, Alexandria, La. 71302, effective January 21, 1969. (It supersedes Approval No. 162.001/185/0 dated Nov. 1, 1967.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/102/0, Truscale C boiler water level indicator, remote reading, dwg. 3–1, dated June 9, 1967, dwg. 3–14, dated June 12, 1967, for ranges up to 60 inches and 1,500 p.s.i.g. maximum pressure, manufactured by Jerguson Gage & Valve Co., 15 Adams Street, Burlington, Mass. 01803, effective January 14, 1969.

CARBON DIOXIDE TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.038/1/0, Kidde carbon dioxide type fire extinguishing systems, typical installation dwg. Nos. R–98685, Rev. C dated February 27, 1963; R–98687, Rev. C dated February 27, 1963; and L–98688, Rev. C dated February 27, 1963; and parts list revised December 31, 1963, for parts used exclusively for the Type RB audible and visual, supervised smoke detecting systems, see Certificate of Approval No. 161.002/6/0, manufactured by Walter Kidde & Co., Inc., Industrial and Marine Division, Belleville, N.J. 07109, effective January 13, 1969. (It reinstates and supersedes Approval No. 162.038/1/0 which expired Jan. 7, 1969.)

Dated: April 8, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–4314; Filed, Apr. 11, 1969; 8:49 a.m.]

[CGFR 69–32]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from February 26, 1969, to February 28, 1969 (List No. 7–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/4/3, Rottmer type, size C mechanical disengaging apparatus, approved for maximum working load of 18,300 pounds per set (9,150 pounds per hook) identified by general arrangement dwg. No. 1498–5 dated January 8, 1951, and revised October 1968, manufactured by C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective February 26, 1969. (It supersedes Approval No. 160.033/4/4 dated Nov. 14, 1966, to show change in construction.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/271/1, Crosby style HNB–MS–57 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,200 p.s.i.g. at 900° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/271/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/272/1, Crosby style HNB–MS–58 nozzle type pilot actuated safety relief valve, Crosby dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 995 p.s.i.g. at 1,050° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/272/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/273/1, Crosby style HNB–MS–67 nozzle type pilot actuated safety relief valve, Crosby dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,500 p.s.i.g. at 900° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/273/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/274/1, Crosby style HNB–MS–68 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,050° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/274/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/275/1, Crosby style HNB–MS–67–25 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,500 p.s.i.g. at 900° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/275/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/276/1, Crosby style HNB–MS–68–25 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,500 p.s.i.g. at 1,050° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/276/0 dated May 23, 1966, to show changes in construction.)

Approval No. 162.001/277/1, Crosby style HNB–MS–57–9 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,050 p.s.i.g. at 900° F., inlet sizes 3" and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/277/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/278/1, Crosby style HNB–MS–58–9 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 595 p.s.i.g. at 1,050° F., inlet sizes 3" and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/278/0 dated May 23, 1966, to show change in construction.)

Dated: April 8, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–4315; Filed, Apr. 11, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–320]

JERSEY CENTRAL POWER & LIGHT CO. AND METROPOLITAN EDISON CO.

Notice of Receipt of Application for Construction Permit and Facility License

In an application dated April 22, 1968, Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, filed an application for authorization to construct and operate a pressurized water nuclear reactor, designated as the Oyster Creek Nuclear Station Unit 2, on the applicant's site in Lacey Township, Ocean County, N.J. A notice of receipt of the application was published in the FEDERAL REGISTER on June 19, 1969, 33 F.R. 9038.

In license application Amendment No. 6, dated March 10, 1969, filed jointly by Jersey Central Power & Light Co. and Metropolitan Edison Co., Post Office Box 542, Reading, Pa. 19603, the applicants have requested authorization, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, to construct and operate the previously designated Oyster Creek Nuclear Station Unit 2 at the Three Mile Island Nuclear Station in Londonderry Township, Dauphin County, Pa. The proposed reactor has been redesignated as the Three Mile Island Nuclear Station Unit 2, and will be located adjacent to and just north of the Three Mile Island Nuclear Station Unit 1 now being constructed by Metropolitan Edison Co.

The applicants will share equally in ownership of the Three Mile Island Nuclear Generating Station Unit 2, and Metropolitan Edison Co. will have complete responsibility for operation of the facility. Unit 2 is designed for initial operation at approximately 2452 thermal megawatts with a net electrical output of approximately 810 megawatts.

Copies of the application with Amendments 1 through 5, as originally filed, and Amendment No. 6, covering the relocation and joint ownership of the proposed reactor, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 8th day of April 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69–4311; Filed, Apr. 11, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–2793 etc.]

ATLANTIC RICHFIELD CO.

Notice of Petition To Amend

APRIL 7, 1969.

Take notice that on March 17, 1969, Atlantic Richfield Co. (Petitioner) (successor to Sinclair Oil Corp.), filed in Docket No. G–2793 et al., a petition to amend the orders issuing certificates of public convenience and necessity to Sinclair Oil Corp. (Sinclair) pursuant to section 7(c) of the Natural Gas Act by substituting Petitioner in lieu of Sinclair as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that Petitioner merged with Sinclair effective March 4, 1969, and proposes to continue the sales of natural gas heretofore authorized by the Commission to be made by Sinclair. Petitioner has filed a notice of succession to the FPC gas rate schedules of Sinclair.

Petitions to intervene or protests to the granting of the petition to amend may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–4268; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CP69–253]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

APRIL 7, 1969.

Take notice that on April 1, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69–253 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of

public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a 3,400 hp. engine and related equipment at its existing Finnefrock compressor station in Clinton County, Pa., and approximately 44.8 miles of 30-inch Line No. 50, looping existing Line No. 280, extending in a southwesterly direction from the Driftwood Gate in Cameron County to the Big Run Gate in Jefferson County, Pa.

Applicant states that the proposed facilities are required to meet the normal growth in its northern markets and to render an increased level of storage service for Transcontinental Gas Pipe Line Corp., proposed by it at Docket No. CP69–207, beginning in the 1969–70 winter, and that the pipeline facilities are also required to meet the growth of its normal markets and storage replacement requirements beginning in the summer of 1970.

Applicant estimate the cost of the proposed facilities at $10,631,273, which it proposes to finance in part from funds on hand and in part by borrowing from the Applicant's parent corporation, Consolidated Natural Gas Co.

Protests or petitions to intervene may be filed with the Federal Power Comission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 5, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commisdon by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–4269; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CP68–190]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

APRIL 7, 1969.

Take notice that on March 21, 1969, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP68–190 a petition to amend, as modified March 27, 1969, requesting that the order heretofore issued in said docket on April 15, 1968, be amended by decreasing the quantity of gas to be delivered to North Central Public Service Co. for resale, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order of April 15, 1968, Petitioner was authorized to sell and deliver a maximum daily quantity of 16,500 Mcf of natural gas to North Central for resale to Chevron Chemical Co. The sale was to be rendered pursuant to Petitioner's Rate Schedule LVS–1.

The petition states that because of economic conditions Chevron has been unable to proceed with its plant expansion which necessitated the increased MDQ of 16,500 effective September 1, 1968. North Central has advised that it will be required to pay for gas not taken under the minimum bill provision of the LVS–1 rate schedule unless an effective date of no later than February 1, 1969, is assigned to the new service agreement. Petitioner states that it has consented to the change, and requests that the aforementioned order of April 15, 1968, be amended to provide for a reduction of the MDQ from 16,500 to 14,000 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 5, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–4270; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CP69–252]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

APRIL 7, 1969.

Take notice that on March 28, 1969, Mississippi River Transmisdon Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP69–252, a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing June 1, 1969, and the operation of certain natural gas facilities to enable Applicant to take into its pipeline system natural gas which it may purchase from producers and other similar sellers in the general area of its existing pipeline system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this application is to augment its ability to act with dispatch in connecting to its system new supplies of natural gas, and in constructing additional facilities for continued purchase of gas supplies already connected. The total cost of the facilities covered by this application will not exceed $400,000, with no single project to exceed $100,000, which costs are proposed to be financed from funds on hand generated by Applicant's operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 2, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–4271; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CP69–254]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 7, 1969.

Take notice that on April 1, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69–254, an abbreviated application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a purchase meter station located in the Caledonia field, Rusk County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the facilities proposed to be abandoned were installed at a cost of $10,412, to enable Applicant to take into its system gas produced from reserves dedicated to it in the Caledonia field. The application furtfier states that the Caledonia reserves dedicated to Applicant have been depleted and that Applicant and Mobil Oil Corp., operator in the field, have terminated the gas purchase contract between them regarding that field.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the

regulations under the Natural Gas Act (§ 157.10) on or before May 2, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–4272; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. RI69–670 etc.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 4, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commissions finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 21, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–670..	Continental Oil Co. (Operator), Post Office Box 2197, Houston, Tex. 77001, Attention: Paul L. Cato, Esq.	168	6	El Paso Natural Gas Co. (Geraldine Ford Area, Ramsey Plant, Reeves and Culbertson Counties, Tex.) (R.R. District No. 8) (Permian Basin Area).[2]	$44,634	[3] 3–6–69	[4] 4–6–69	9–6–69	15.05	[5] [6] 18.243	
RI69–671..	McCulloch Oil Corp. of California, 12th Floor, McCulloch Bldg., 6151 West Century Blvd., Los Angeles, Calif. 90045, Attention: W. James Saul, Vice President.	15	2	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	1,900	[3] 3–5–69	[7] 4–5–69	9–5–69	13.0	[5] [6] 14.0	
	do	14	3	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	103	[3] 3–5–69	[7] 4–5–69	9–5–69	13.0	[5] [6] [10] 15.0619	
RI69–672..	McCulloch Oil Corp. of California (Operator) et al.	6	11	do	3,484	[3] 3–5–69	[7] 4–5–69	9–5–69	[10] 14.0578	[5] [6] 15.0619	RI64–475.
	do	4	8	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	(11) 2,682	[3] 3–5–69	[7] 4–5–69	9–5–69	[10] 13.0 14.0075	[5] [6] 15.0081 [5] [6] 15.0081	RI64–475.
	do	5	2	Southern Union Gathering Co. (Ignacio Blanco-Mesa Verde Field, La Plata County, Colo.).	3,810	[3] 3–5–69	[7] 4–5–69	9–5–69	14.0016	[5] [6] 15.0017	RI64–475.
	do	8	9	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	2,572	[3] 3–5–69	[7] 4–5–69	9–5–69	14.0075	[5] [6] 15.0081	RI64–475.
	do	9	3	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	290	[3] 3–5–69	[7] 4–5–69	0–5–69	14.0075	[5] [6] 15.0081	RI64–475.
	do	12	4	Southern Union Gathering Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	3,173	[3] 3–5–69	[7] 4–5–69	9–5 69	14.0578	[5] [6] 15.0619	RI64–475.
	do	13	3	do	241	[3] 3–5–69	[7] 4–5–69	9–5–69	14.0578	[5] [6] 15.0619	RI64–475.
	do	10	9	El Paso Natural Gas Co. (Basin-Dakota and Largo-Gallup Fields, Rio Arriba County, N. Mex.) (San Juan Basin Area).	10,011	[3] 3–5–69	[7] 4–5–69	9–5–69	[10] 14.0578	[5] [6] 15.0619	RI64–475.
	do	11	8	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	613	[3] 3–5–69	[7] 4–5–69	9–5–69	[10] 14.0578	[5] [6] 15.0619	RI64–475.

[2] Additional material submitted on Mar. 19, 1969.
[3] The stated effective date is the effective date requested by Respondent.
[4] Increase from applicable area ceiling rate to contract rate.
[5] Pressure base is 14.65 p.s.i.a.
[6] Additional material submitted Mar. 21, 1969.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Periodic rate increase.
[9] Pressure base is 15.025 p.s.i.a.
[10] Includes 1-cent minimum guarantee for liquids.
[11] Estimated sales volume not given.
[12] Pertains to acreage added by Supplements Nos. 6 and 7.

McCulloch Oil Corporation of California and McCulloch Oil Corporation of California (Operator) et al. (both referred to herein as McCulloch), request a retroactive effective date of January 1, 1969, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for McCulloch's rate filings and such requests are denied.

McCulloch's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), and the proposed rate increase filed by Continental Oil Co. (Operator) in the Permian Basin Area exceeds the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–4228; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CI61–926 etc.]

CLEARY PETROLEUM CORP.

Order Amending Orders

APRIL 7, 1969.

Cleary Petroleum Corp. (Operator) et al. (successor to Cleary Petroleum, Inc. (Operator) et al.), Docket No. CI61–926 et al.; Cleary Petroleum Corp. et al. (formerly Douglas Resources Corp. et al.), Docket No. CI68–900 et al.

Order amending orders issuing certificates, dismissing in part petition to amend, accepting notices of succession and notices of change in name for filing, redesignating FPC gas rate schedules, substituting respondents, redesignating proceedings, making rate change effective, and accepting agreement and undertaking for filing.

On December 26, 1968, Cleary Petroleum Corp. (Petitioner) filed in Docket No. CI61–926 et al., a petition to amend the orders issuing certificates of public convenience and necessity to Cleary Petroleum, Inc., pursuant to section 7(c) of the Natural Gas Act by substituting Petitioner in lieu of Cleary Petroleum, Inc., as certificate holder and to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Douglas Resources Corp. to reflect a change of corporate name to that of Petitioner, all as more fully set forth in the petition to amend and in the appendix hereto.

On June 26, 1968, Cleary Petroleum, Inc., a wholly owned subsidiary of Douglas Resources Corp., changed its name to Cleary Production, Inc.; and concurrently therewith Douglas Resources Corp. changed its name to Cleary Petroleum Corp. On November 25, 1968, Petitioner merged Cleary Production, Inc., effective November 29, 1968. Petitioner proposes to continue without change the sales of natural gas heretofore authorized to be made in interstate commerce by Cleary Production, Inc., under the name of Cleary Petroleum, Inc., and by itself under the name of Douglas Resources Corp. Petitioner has made appropriate rate schedule filings to reflect the succession in interest and change in name.

Among the sales proposed to be continued by Petitioner are those heretofore authorized in Dockets Nos. CI66–809 and CI67–1646 to be made pursuant to Cleary Petroleum, Inc., FPC Gas Rate Schedule No. 16 and Cleary Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 23, respectively. By order issued January 22, 1969, in Docket No. G–3973 et al., the Commission granted permission and approval in Dockets Nos. CI69–284 and CI69–285, respectively, to abandon these sales. Therefore, the petition to amend will be dismissed with respect to Dockets Nos. CI66–809 and CI67–1646.

Some of the sales heretofore authorized to be made by Cleary Petroleum, Inc., are made at rates in effect subject to refund. Petitioner has submitted an agreement and undertaking in these proceedings to assure the refund of any amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Some of the sales heretofore authorized to be made by Petitioner under the name Douglas Resources Corp. and proposed to be continued by Petitioner under its new name are made at rates in effect subject to refund. The aforementioned agreement and undertaking also includes these dockets.

On July 18, 1968, Petitioner, under the name of Douglas Resources Corp., filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 6. By order issued August 7, 1968, in Docket No. RI69–41 et al., the Commission suspended the proposed change in Docket No. RI69–42 until January 18, 1969, and thereafter until made effective. The change was designated Supplement No. 4 to the subject rate schedule. On January 8, 1969, Petitioner filed a motion to make the change in rate effective subject to refund and an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI69–42. Docket No. RI69–42 is also included in the agreement and undertaking filed in the other of Petitioner's and Cleary Petroleum, Inc.'s rate proceedings. Therefore, Petitioner will be substituted in lieu of Cleary Petroleum, Inc., as respondent in the latter's rate proceedings; those proceedings and the proceedings of Petitioner under its former name will be redesignated accordingly; the change in rate proposed in Docket No. RI69–42 will be made effective subject to refund; and the agreement and undertaking submitted in all of said proceedings will be accepted for filing.

The Commission's staff has reviewed the petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the petition to amend have been received.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Cleary Petroleum, Inc., and Douglas Resources Corp. should be amended as hereinafter ordered and that the related FPC gas rate schedules should be redesignated accordingly.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petitioner should be substituted in lieu of Cleary Petroleum, Inc., as respondent in each of the latter's rate proceedings; that those proceedings and the rate proceedings of Petitioner under its former name should be redesignated accordingly; that the change in rate in Docket No. RI69–42 should be made effective subject to refund; and that the agreement and undertaking submitted by Petitioner should be accepted for filing.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Cleary Petroleum, Inc., in the dockets set forth in the appendix hereto are amended by substituting Petitioner as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) The orders issuing certificates of public convenience and necessity to Petitioner under its former name, Douglas Resources Corp., in the dockets set forth in the appendix hereto are amended to reflect Petitioner's new name, and in all other respects said orders shall remain in full force and effect.

(C) Petitioner is substituted in lieu of Cleary Petroleum, Inc., as joint applicant in the proceeding pending in Docket No. CI68–142, and the proceeding is redesignated accordingly.

(D) The petition to amend filed December 26, 1968, is dismissed with respect to Dockets Nos. CI66–809 and CI67–1646.

(E) The notices of change in name under the FPC gas rate schedules of Douglas Resources Corp. are accepted for filing, and the rate schedules are redesignated accordingly as set forth in the appendix hereto.

(F) The notices of succession filed by Petitioner to the FPC gas rate schedules of Cleary Petroleum, Inc., are accepted for filing effective as of November 29, 1968, and the rate schedules are redesignated accordingly as set forth in the appendix hereto.

(G) Petitioner is substituted in lieu of Cleary Petroleum, Inc., as respondent in each of the latter's rate proceedings set forth in the appendix hereto; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by Petitioner in said proceedings is accepted for filing.

(H) Petitioner's rate proceedings set forth in the appendix hereto are redesignated to reflect Petitioner's change in name from Douglas Resources Corp., and the agreement and undertaking submitted by Petitioner in said proceedings is accepted for filing. The aforementioned agreement and undertaking is accepted for filing in Docket No. RI69–42 in lieu of that submitted by Petitioner under its former name, Douglas Resources Corp., on January 8, 1969.

(I) The rates, charges, and classifications set forth in Supplement No. 4 to Petitioner's FPC Gas Rate Schedule No. 6, as redesignated herein, shall be effective subject to refund as of January 18, 1969. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI69–42.

(J) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Petitioner in the rate proceedings set forth in the appendix hereto shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX

Proposed rate schedule designation	Former rate schedule designation	Certificate docket	Rate suspension docket
Cleary Petroleum Corp.:	Douglas Resources Corp.:		
1 [1]	1 [1]	CI68–900	
2 [1]	2 [1]	CI68–1011	RI67–257.
3 [1]	3 [1]	CI68–1019	
4 [1]	4 [1]	CI68–1012	
5 [1]	5 [1]	CI68–1110	
6	6	CI68–1168	RI68–148. RI69–42.
7 [2]	7 [2]	CI68–908	
8	8	CI68–1157	
	Cleary Petroleum, Inc.:		
9 [1]	1 [3]	CI61–926	RI65–612.
10 [2]	3 [3]	CI62–1555	RI67–371.
11 [2]	6 [3]	CI63–1461	RI65–443. RI66–183. RI67–371.
12 [1]	7 [3]	CI64–183	
13 [2]	8 [3]	CI64–309	RI65–612.
14 [2]	9 [3]	CI64–1090	
15 [2]	10 [3]	CI64–1091	
16 [2]	11 [3]	CI64–1420	RI66–222.
17	12	CI64–1545	
18	13	CI65–1163	
19 [2]	17 [3]	CI66–857	RI66–416.
20 [2]	18 [3]	CI66–1095	
21 [2]	19 [3]	CI66–1157	
22 [2]	20 [3]	CI67–108	
23 [2]	21 [3]	CI67–115	
24 [1]	22 [3]	CI67–1465	RI68–50.
25	24	CI67–1615	
26	25	CI67–1647	RI68–148.
27 [1]	26 [1]	CI68–142 [4]	
28 [1]	27 [1]	CI68–534	
29	28	CI68–535	
30 [2]	29 [1]	CI69–318	

[1] et al.
[2] Agent et al.
[3] (Operator) et al.
[4] Temporary Certificate-Joint Applicants.

[F.R. Doc. 69–4273; Filed, Apr. 11, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

OMEGA EQUITIES CORP.

Order Suspending Trading

APRIL 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 9, 1969, through April 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–4296; Filed, April 11, 1969; 8:47 a.m.]

[812–2478]

WHITEHALL FUND, INC.

Notice of Filing of Application for Exemption

APRIL 8, 1969.

Notice is hereby given that Whitehall Fund, Inc. ("applicant"), 65 Broadway, New York, N.Y. 10004, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of the Miller-Thompsen Construction Co., Inc., and the Albert Thompsen Construction & Equipment Co. (the "Thompsen Companies").

All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

The Thompsen Companies, both Michigan corporations, are investment companies, all of whose outstanding stock is owned of record and beneficially by 3 persons, and both are exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof.

Pursuant to agreements between applicant and the Thompsen Companies substantially all of the cash and securities owned by the Thompsen Companies with a combined value of approximately $500,000 as of February 7, 1969, will be transferred to applicant in exchange for shares of its capital stock. The shares of applicant are to be sold at net asset value. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of the Thompsen Companies to be transferred to applicant by the net asset value per share of applicant, both to be determined as of a valuation time as defined in the agreements. If the valuation under the agreements had taken place on February 7, 1969, the Thompsen Companies would have received 30,193 shares of applicant's stock.

When received by the Thompsen Companies, the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to the stockholders of the Thompsen Companies on the liquidation of the Thompsen Companies. Applicant has been advised by the management of the Thompsen Companies that the stockholders of the Thompsen Companies have no present intention of redeeming or otherwise transferring any of applicant's shares following the proposed transaction.

No affiliation exists between the Thompsen Companies or their officers, directors, or stockholders and applicant, its officers or directors, and the agreements were negotiated at arm's length by the parties. Applicant's Board of Directors approved the agreements as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that securities will be obtained without the payment of brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus.

The current public offering price of the shares (redeemable) of applicant as described in applicant's prospectus is the net asset value plus a sales charge. Thus, section 22(d) prohibits the proposed sale of applicant's shares at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d), and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 23, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4297; Filed, Apr. 11, 1969; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

EIGHT ARMY ORDNANCE INTEGRATION COMMITTEES

Notice of Dissolution

The eight Army Ordnance Integration Committees listed below, which were formed pursuant to section 708 of the Defense Production Act of 1950, have served the purposes for which they were formed and the need for their continued existence has ended. Accordingly, those Committees are hereby dissolved. In addition, the requests to designated companies, published in the FEDERAL REGISTER, to participate in the activities of one or more of those Committees in accordance with the respective voluntary plans of those Committees are hereby withdrawn. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies with respect to participation in the activities of those Committees is also withdrawn, except as to those acts performed or omitted by reason of requests which occurred prior to the publication of this notice.

The names of the Committees and the FEDERAL REGISTER citations to requests to companies designated to participate in the activities of those Committees are as follows:

Army Ordnance Integration Committee on:	*Federal Register citation*
(1) Artillery Mechanical Time Fuzes.	23 FR. 250; 1/25/58.
(2) Cartridge Cases	23 F.R. 6695; 8/28/58.
(3) Military Pyrotechnics.	24 F.R. 4760; 6/11/59.
(4) Burster Casings	23 F.R. 8878; 11/14/58.
(5) Fin Stabilized Artillery Ammunition and the M31 (T37) Rifle Grenade.	Not published.
(6) Conventional Artillery and Mortar Shell.	25 F.R. 5165; 6/9/60.
(7) Heavy Tactical Trucks.	25 F.R. 8848; 9/14/60.
(8) Light and Medium Tactical Trucks.	26 F.R. 2882; 4/6/61.

(Sec. 708, 64 Stat. 818, as amended, 50 U.S.C. App. 2158; Executive Order 10480; Aug. 14, 1953, 18 F.R. 4939)

Dated: April 8, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-4292; Filed, Apr. 11, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 812]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 9, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 305 TA), filed April 3, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, 94612, Post Office Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs, 1417 Clay Street, Oakland, Calif. 94604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, (1) from Selby, Calif., to Chicago, Ill.; Bridgeport and Fairfield, Conn.; Buffalo and New York City, N.Y.; and Newark and Perth Amboy, N.J.; and (2) from Kellogg, Idaho, to Bridgeport, Conn.; Newark and Perth Amboy, N.J.; Rochester and New York City, N.Y.; and Providence, R.I., for 180 days. Supporting shippers: American Smelting & Refining Co., 120 Broadway, New York, N.Y. 10005; and The Bunker Hill Co., Post Office Box 29, Kellogg, Idaho 83837. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 1222 (Sub-No. 33 TA), filed April 4, 1969. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: William J. Reinhardt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, fiberboard, and chipboard*, from Eaton, Ind., to Portsmouth, Ohio; *waste or scrap paper*, from Portsmouth, Ohio, to Eaton, Ind., for 180 days. Supporting shipper: Cleveland Partition Corp., 1640 West Silver Spring Drive, Milwaukee, Wis. 53209. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 52861 (Sub-No. 18 TA), filed April 7, 1969. Applicant: HAROLD W. STEWART, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: James W. Muldoon, Suite 1650, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, from Robinson, Ill., to Ecorse, Mich., for 180 days. Supporting shipper: Union Carbide Corp., Carbon Products Division, 270 Park Avenue, New York, N.Y. 10017. Send protests to: G. J. Baccel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 103993 (Sub-No. 383 TA) (Correction), filed March 10, 1969, published FEDERAL REGISTER, issue of March 20, 1969, and corrected this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houseboats*, mounted on wheeled undercarriages, equipped with hitch ball or pintle hook connectors, from the plantsite and storage facilities of Stardust Cruiser Manufacturing Co. at Chattanooga, Tenn., to points in California, Florida, Louisiana, New Hampshire, Wisconsin, and the District of Columbia, for 180 days. NOTE: The purpose of this republication is to add that the houseboats proposed to be transported will also move equipped with hitch ball or pintle hook connectors. Supporting shipper: Stardust Cruiser Manufacturing Co., Hamilton County, Tenn. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 720 TA), filed April 7, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil foots*, in bulk, from West Des Moines, Iowa, to points in Nebraska, Kansas, Arkansas, Missouri, Minnesota, Wisconsin, North Dakota, South Dakota, and Colorado, for 150 days. Supporting shipper: Adams Laboratories, Inc., Post Office Box 506, Waukee, Iowa 50263. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 118475 (Sub-No. 4 TA), filed March 26, 1969. Applicant: EVERETT W. HEPP AND FRANK X. CHAPADOS, doing business as H & S WAREHOUSE ASSOCIATION, Post Office Box 227, 510 Second Avenue, Room 230, Chena Building, Fairbanks, Alaska 99701. Applicant's representative: Lloyd I. Hoppner, Suite A, Teamsters Building, Post Office Box 516, Fairbanks, Alaska 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alaska, on the one hand, and between points in the Seattle-King County-Puget Sound Area, on the other, by all highways, using all existing gateways between Canada and the State of Washington, or by a combination of highways and marine transportation, including the vessels of the Alaska Ferry System, using all available ports of entry in the Puget Sound Area, for 180 days. Supporting shippers: Glenn Rydeen, Resident Sales Manager, Union Oil Co. of California, Illinois Street, Fairbanks, Alaska 99701; Robert L. Huffman, General Manager, Golden Valley Electric Association, 758 Illinois Street, Fairbanks, Alaska 99701; Ralph Brumbaugh, Vice President of Operations, Wien Consolidated Airlines, Box 3009, General Office: International Airport, Fairbanks, Alaska 99701. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 123819 (Sub-No. 25 TA), filed April 3, 1969. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, 261 East Webster Street, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Memphis, Tenn., to points in Mississippi on and north of U.S. Highway 82 and to points in Arkansas, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. (Harold L. Karr, General Truck Coordinator). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 125785 (Sub-No. 7 TA), filed April 7, 1969. Applicant: SATURN EXPRESS, INC., Milford, Nebr. 68405. Applicant's representative: Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal grain silos*, from Buckner, Ky., to points in Nebraska, for 150 days. Supporting shipper: Schweitzer Sealed Storage & Equipment Co., Box 293, Seward, Nebr. 68434. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 128944 (Sub-No. 5 TA), filed April 7, 1969. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville, Tenn. 37210. Applicant's representative: Clarence Evans, 18th Floor, Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Florence, Ala., over U.S. Highway 72 serving Tuscumbia, Pride, and Sheffield, Ala., as intermediate points, and Wilson Dam, Listerhill, Russellville, and Muscle Shoals, Ala., as off-route points, restricted against transportation of traffic moving between Memphis, Tenn., and Nashville, Tenn., and also as an alternate route only, between Florence, Ala., and Memphis, Tenn., over the following route: From Florence over Alabama Highway 20 to the Tennessee State line, thence over Tennessee Highway 69 to Savannah, Tenn., thence over U.S. Highway 64 to Interstate Highway 40, thence over Interstate Highway 40 to Memphis, Tenn., and its commercial zone, and return over the same route, for 180 days. NOTE: Applicant does propose to interchange with other carriers at all service points. *Supporting shippers*: There are approximately 67 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 133492 TA (Correction), filed February 20, 1969, published in FEDERAL REGISTER, issues of March 11, and March 28, 1969, and republished as corrected this issue. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31906. Applicant's representative: William Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages*, from Miami, Fla., to Macon, Dublin, and Waycross, Ga., and Phoenix City, Ala.; from Newark, N.J., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Peoria, Ill., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Milwaukee, Wis., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Baltimore, Md., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Norfolk, Va., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; and from Evansville, Ind., to Macon, Ga.; (b) *wines*, from Atlanta, Ga., to Phoenix City, Ala. *Empty containers*, on return,

in connection with (a) and (b) above. Supporting shippers: Coastal Beverage Co., 731 Wheaton Street, Savannah, Ga., and M & N Distributing Co., 1820 Seventh Street, Macon, Ga. NOTE: The purpose of this republication is to correctly set forth the origin and destination territory sought. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133492 TA (Correction), filed February 20, 1969, published in FEDERAL REGISTER, issues of March 11, and March 28, 1969, and republished as corrected this issue. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31906. Applicant's representative, William Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages*, from Miami, Fla., to Macon, Dublin, and Waycross, Ga., and Phoenix City, Ala.; from Newark, N.J., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Peoria, Ill., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Milwaukee, Wis., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Baltimore, Md., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Norfolk, Va., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; and from Evansville, Ind., to Macon, Ga.; (b) *wines*, from Atlanta, Ga., to Phoenix City, Ala. *Empty containers*, on return, in connection with (a) and (b) above. Supporting shippers: Coastal Beverage Co., 731 Wheaton Street, Savannah, Ga. and M & N Distributing Co., 1820 Seventh Street, Macon, Ga. NOTE: The purpose of this republication is to correctly set forth the origin and destination territory sought. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133592 (Sub-No. 1 TA), filed April 7, 1969. Applicant: JAMES F. BARNER AND ASHLEY BARNER, doing business as BARNER & SONS, Route 1, Box 262, Fordyce, Ark. 71742. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Log cores*, from Dodson and Ruston, La., to Crossett, Ark, for 150 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 352, Crossett, Ark. 71635. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 133593 TA, filed March 28, 1969. Applicant: HAWAII AUTO-TRANSPORTERS, LTD., Post Office Box 3859, Honolulu, Hawaii 96812. Applicant's representative: W. B. Stoddard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used trucks*, in single driveaway service, in initial or secondary movement, from (1) place of manufacture or assembly at, Bridgeport, Conn.; Oneonta, Garden City, Troy, Wyandanch, and Buffalo, N.Y.; Boyertown, Fairless Hills, and Philadelphia, Pa.; Hillside, N.J.; Fort Valley, Ga.; Lima, Norwalk, Mansfield, Delaware, Orville, and Springfield, Ohio; High Point, N.C.; Wayne, Sturgis, Lansing, Hazelpark, Detroit, and Troy, Mich.; Richmond, Fort Wayne, Union City, and South Bend, Ind.; Quincy, Jerseyville, Paris, De Kalb, and Chicago, Ill.; Evergreen and Troy, Ala.; Kosciusko, Miss.; Kansas City and St. Louis, Mo.; Chattanooga, Tenn.; Fort Smith, Ark.; Texarkana, Tex.-Ark.; San Antonio, Tex.; Seattle, Wash.; Oakland, San Leandro, Redwood City, San Carlos, South San Francisco, and Greater Los Angeles, Calif.; Milwaukee, Clintonville, Wis.; Portland, Oreg., to the Port of Oakland, San Francisco, Wilmington, Calif.; Portland, Oreg.; and Seattle, Wash. for subsequent movement by water to Hawaii; and (2) between points within Hawaii, for 180 days. Supporting shippers: Aloha Motors, Post Office Box 2281, Honolulu, Hawaii 96804; Hawaiian Motors, Ltd., 1075 South Berethania Street, Honolulu, Hawaii 96814; Machinery, Electrical & Appliance Department, Post Office Box 229, Honolulu, Hawaii 96810; Castner Ford Sales Corp., Post Office Box 560, Wahiawa, Hawaii 96786; Honolulu Ford Auto Center, Inc., 711 Al Moana Boulevard, Honolulu, Hawaii 96813; Service Motor Co., Ltd., 91 South King Street near Fort Street, Honolulu, Hawaii 96813; Hawaiian Equipment Co., Post Office Box 3477, Honolulu, Hawaii 96811. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133598 TA, filed March 28, 1969. Applicant: RICHARD M. GODFREY TRUCKING, INC., 1358 East 6400 South Street, Salt Lake City, Utah 84121. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, campers, and folding trailers*, between points in Idaho and Utah, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska, for 180 days. Supporting shippers: Vista Liner, Inc., 2200 South 3270 West Street, Salt Lake City, Utah 84119; Seaflite Corp., 3363 South Sixth West Street, Salt Lake City, Utah 84119. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133603 TA, filed April 3, 1969. Applicant: AMERICAN MOVING & STORAGE CO., 721 East 12th Street, Tucson, Ariz. 85719. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in Ex Parte MC 19 for the account of unregulated freight forwarders (King Pak, Inc., investigation of operations MC–C4455), between points in Arizona, for 180 days. Supporting shippers: Four Winds Forwarding, Inc., Post Office Box 9056, 4600 Wheeler Avenue, Alexandria, Va. 22304; Northwest Consolidators, Inc., 427 Third Avenue West, Seattle, Wash. 98119. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–4312; Filed, Apr. 11, 1969; 8:48 a.m.]

[Notice 324]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 9, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71030. By order of March 26, 1969, the Motor Carrier Board approved the transfer to W. R. Rivers, Inc., Hattiesburg, Miss.; of certificate in No. MC–127561, issued May 12, 1966, to W. R. Rivers, Hattiesburg, Miss.; authorizing the transportation of: General commodities, with the usual exceptions, between Leakesville, Miss., and Mobile, Ala.; and, between Mobile, Ala., and Lucedale, Miss. Dudley W. Conner, Conner Building, Hattiesburg, Miss. 39401, attorney for applicants.

No. MC–FC–71200. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Martineau's Garage, Inc., doing business as Martineau's Towing Service, Methuen, Mass., of the certificates in Nos. MC–106724 and MC–106724 (Sub-No. 2) issued July 12, 1962, and July 11, 1962, respectively, to Paul Martineau, Leo Paul Martineau, and Lucien Martineau, a partnership, doing business as Martineau's Towing Service, Methuen, Mass., authorizing the transportation of disabled motor vehicles, between a described area in Massachusetts, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont; and between Lawrence, Mass., on the one hand, and, on the other, points in Vermont, New Hampshire, and Maine.

No. MC–71201. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Wayne L. Overhuls, Columbus, Mont., of the operating rights in certificate No. MC–102913 (Sub-No. 2) issued August 5, 1954, to E. A. Blenkner, doing business as Bill's Transfer, Columbus, Mont., authorizing the transportation of: General commodities, with exceptions, between Columbus, Mont., and points within 50 miles thereof. Wm. A. Blenkner, Columbus, Mont. 59019, attorney at law.

No. MC–FC–71212. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Empire Trucking, Inc., Riverton, Wyo., of the permit in No. MC–125878 (Sub-No. 2), issued August 2, 1968, to Empire Timber Treating Co., a Wyoming corporation, Riverton, Wyo., authorizing the transportation of wood chips, from Dubois, Wyo., to points within 5 miles of Riverton, Wyo., restricted to traffic having a subsequent movement by rail. David E. Driggers, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

No. MC–FC–71232. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Hankel & Olson, Inc., Verona, Wis., of certificate No. MC–124449 issued April 13, 1964, to Slaney Transfer, Inc., Route No. 1, Dodgeville, Wis. 53533, authorizing the transportation of: Fertilizer, from Fulton, Ill., to specified counties in Wisconsin. Robert J. Kay, 433 West Washington Street, Madison, Wis. 53703, attorney for transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–4313; Filed, Apr. 11, 1969; 8:48 a.m.]

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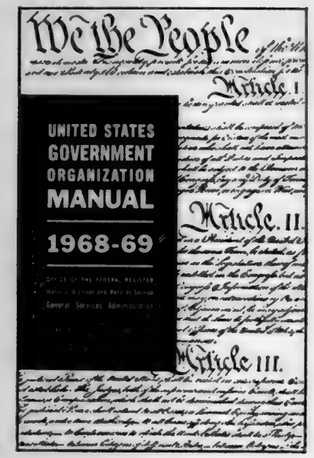
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Proclamation 3908

PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1969

By the President of the United States of America

A Proclamation

The Inter-American System is the oldest, most successful regional association in the world. On April 14, 1969, we celebrate the 79th Anniversary of its formation.

The Americas are bound together by history, geography and, most important of all, common concerns and shared hopes.

On this occasion, the United States reaffirms its dedication to:

—Close consultation with its Hemisphere partners in all matters of common concern.

—Furtherance of social and cultural ties that enhance human dignity and mutual respect.

—Cooperation with each of our partners in economic development that will benefit the entire Hemisphere.

Within this unity of purpose there is room for a diversity of viewpoint and approach. The United States seeks to cooperate, not to dominate; to participate fairly as a partner in the responsibilities that each nation shares within the System.

Much has been accomplished by the nations of our continents; the Organization of American States, focus of the Inter-American System, is stronger than ever, with a revised Charter soon coming into effect.

We shall treat with high priority the tasks that lie ahead—to extend to all Americans the opportunity for lives of dignity in a climate of freedom.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Monday, April 14, 1969, as Pan American Day, and the week beginning April 13 and ending April 19 as Pan American Week; and I call upon the Governors of the fifty States of the Union, the Governor of the Commonwealth of Puerto Rico, and the officials of all other areas under the flag of the United States to issue similar proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69–4478; Filed, Apr. 11, 1969; 4:52 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1969

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (33 F.R. 19245), as amended, is to revise the determination of sugar requirements for the calendar year 1969, establish quotas, prorations, and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Physical deliveries of refined sugar are at a higher than normal rate and refiners demand for raw sugar continues to be strong. Puerto Rican sugar production through March 23, 1969, was about 95,000 tons below that of last year and although the strike in Hawaii has been resolved it will be some time before normal amounts of raw sugar will be arriving on the mainland. With raw sugar supplies from the two offshore domestic areas curtailed, demand for foreign sugar for early arrival has increased. This action increase is expected to move to domestic tons and a considerable quantity of this increase is expected to move to domestic refiners in advance of and during the heavy sugar consuming season.

Accordingly, total sugar requirements for the calendar year 1969 are hereby increased by 100,000 short tons, raw value, to a total of 10,800,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1969 a finding was heretofore made (34 F.R. 5425) that Puerto Rico was unable to fill its quota by 300,000 short tons, raw value, and accordingly a quota deficit was determined for Puerto Rico for 300,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to fill its quota by an additional 200,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1969 quota for Puerto Rico of 500,000 short tons, raw value.

The additional deficit determined for Puerto Rico of 200,000 short tons, raw value, is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act on the basis of published quotas most recently in effect. None of the additional Puerto Rican deficit is herein prorated to the Republic of the Philippines since information available to the Department indicates that the Republic of the Philippines will be unable to fill its statutory share of any deficit during the calendar year 1969.

The quota for Hawaii has been decreased by 9,327 short tons, raw value, pursuant to section 202(a)(2)(B) of the Act and on the basis of final data on production and marketing of Hawaiian sugar in 1968.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.70, 811.71, 811.72, and 811.73 as follows:

1. Section 811.70 is amended to read as follows:

§ 811.70 Sugar requirements, 1969.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1969 is hereby determined to be 10,800,000 short tons, raw value.

2. Section 811.71 is amended by amending paragraph (a) to read as follows:

§ 811.71 Quotas for domestic areas.

(a)(1) For the calendar year 1969 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,215,667	no limit
Mainland cane sugar	1,169,333	no limit
Hawaii	1,190,673	26,936
Puerto Rico	1,140,000	162,000
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1969 Puerto Rico and the Virgin Islands will be unable by 500,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

• • • • • •

3. Section 811.72 is amended by changing the designation of paragraph (a) to paragraph (a)(1) and adding a new subparagraph (2) to read as follows:

§ 811.72 Proration and allocation of deficits and quotas in effect.

(a) • • •

(2) Pursuant to section 204(a) of the Act, the additional deficit in the quota determined in paragraph (a)(2) of § 811.71 of 200,000 short tons, raw value, is herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act on the basis of published quotas most recently in effect as established in Sugar Regulation 811 for 1969 (34 F.R. 5425).

• • • • • •

4. Section 811.73 is amended by amending paragraph (c) to read as follows:

§ 811.73 Quotas for foreign countries.

• • • • • •

(c) For the calendar year 1969, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in Amendment 2 of § 811.73 are shown in column (3). In column (4) the additional deficit in the quota for Puerto Rico amounting to 200,000 short tons, raw value, is herein prorated to Western Hemisphere countries, listed in section 202(c)(3)(A) of the Act, on the basis of published quotas most recently in effect.

Country	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d) [1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Mexico	226,331	242,117	60,722	38,577	567,747
Dominican Republic	221,353	236,781	[illegible]	37,729	555,261
Brazil	221,353	236,793	59,386	37,729	555,261
Peru	176,556	188,869	47,368	30,083	442,886
British West Indies	88,424	73,900	21,346	13,472	197,142
Ecuador	32,294	34,454	8,641	5,490	80,793
French West Indies	27,816	23,246	6,715	4,238	62,015
Argentina	27,230	29,130	7,305	4,641	68,306
Costa Rica	26,059	27,877	6,991	4,442	65,369
Nicaragua	26,059	27,877	6,991	4,442	65,369
Colombia	23,424	25,057	6,284	3,993	58,758
Guatemala	21,960	23,491	5,892	3,743	55,086
Panama	16,397	17,541	4,399	2,795	41,132
El Salvador	16,104	17,228	4,321	2,745	40,398
Haiti	12,297	13,155	3,299	2,096	30,847
Venezuela	11,126	11,902	2,985	1,896	27,909
British Honduras	6,441	5,383	1,555	981	14,360
Bolivia	2,635	2,818	707	449	6,609
Honduras	2,635	2,818	707	449	6,609
Australia	105,407	87,530	.....	.....	192,937
Republic of China	43,919	36,471	.....	.....	80,390
India	42,163	35,012	.....	.....	77,175
South Africa	31,036	25,772	.....	.....	56,808
Fiji Islands	23,131	19,208	.....	.....	42,339
Thailand	9,662	8,024	.....	.....	17,686
Mauritius	9,662	8,024	.....	.....	17,686
Malagasy Republic	4,978	4,133	.....	.....	9,111
Swaziland	3,806	3,161	.....	.....	6,967
Ireland	5,351	0	.....	.....	5,351
Bahamas	10,000	0	.....	.....	10,000
Total	1,475,523	1,457,784	315,000	200,000	3,458,307

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, 207, 403; Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, 932; 7 U.S.C. 1111, 1112, 1114, 1117, 1153)

Effective date. This action increases quotas for the calendar year 1969 by 100,000 tons and prorates additional deficits of 200,000 tons. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on April 9, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-4384; Filed, Apr. 10, 1969; 3:30 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 269, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(iii) of § 908.569 (Valencia Orange Reg. (269, 34 F.R. 6035) are hereby amended to read as follows:

§ 908.569 Valencia Orange Regulation 269.

* * * * * *

(b) *Order.* (1) * * *

(iii) District 3: 275,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4382; Filed, Apr. 14, 1969; 8:51 a.m.]

[Lemon Reg. 368, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.668 (Lemon Reg. 368; 34 F.R. 6181) are hereby amended to read as follows:

§ 910.668 Lemon Regulation 368.

* * * * * *

(b) *Order.* (1) * * *

(ii) District 2: 221,340 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4395; Filed, Apr. 14, 1969; 8:52 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Subpart—Administrative Rules and Regulations

REVISION OF REPRESENTATION ON DATE ADMINISTRATIVE COMMITTEE

This action revises § 987.122 of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174), to change the representation on the Date Administrative Committee. Section 987.122 is effective pursuant to § 987.22 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

A Date Administrative Committee of seven members is established in § 987.21 of the amended marketing agreement and order. The members are selected from three industry groups specified in § 987.22(a). They are: (1) Grower-handlers each of whom produced at least 51 percent of all the dates handled by him, and growers each of whom delivered to such handlers at least 50 percent of his deliveries to all handlers; (2) cooperative marketing associations; and (3) all other handlers and growers. Section 987.22(b) provides that each of the three groups shall have one member for each full 14.28 percent of the tonnage handled by all groups and one additional member for any remaining fractional part more than one-half of the basic 14.28 percent, i.e., more than 7.14 percent. The tonnages handled are those handled through February of the crop year in which selection occurs. Section 987.22(c) provides that whenever the percentage of dates handled by any of the three groups changes so as to warrant a change in representation, the Secretary is required to revise the representation consistent with the provisions of § 987.22(b).

The current data submitted by the Committee on tonnages of dates handled require a revision in the representation. The present total of seven members would remain the same, as would the one member representation to which the grower-handler and grower group is entitled. However, the representation of the cooperative marketing associations would be reduced from five to four, and that of the all other handler and grower group would be increased from one to two. The revision is pursuant to § 987.22(c) and is consistent with § 987.22(b) of the amended date marketing agreement and order.

Based on the foregoing, the information submitted by the Committee, and other available information, it is hereby found and determined that: (1) a reduction in the proportionate tonnage of dates handled by the group specified in § 987.22(a)(2) (cooperative marketing associations) and an increase in the proportionate tonnage handled by the group specified in § 987.22(a)(3) (all other handlers and growers) require the representation of these groups to be revised from five to four, and from one to two, respectively; and (2) the revision, as hereinafter set forth, of representation on the Date Administrative Committee will provide representation consistent with the current tonnages handled and the provisions of § 987.22(b).

Therefore, Subpart—Administrative Rules and Regulations is hereby amended by revising § 987.122 to read as follows:

§ 987.122 Revision of representation on the Date Administrative Committee.

The representation or membership on the Committee is revised pursuant to § 987.22 (b) and (c) to provide as follows:

(a) One member to the group specified in § 987.22(a)(1).

(b) Four members to the group specified in § 987.22(a)(2). At least one of the members for the group shall be an employee of a cooperative marketing association in such group, and serve as a handler member, and the remainder of the members for the group shall be grower members of such associations in the group.

(c) Two members to the group specified in § 987.22(a)(3). One member for the group shall be a handler member and the other a grower member.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making this action effective upon publication in the FEDERAL REGISTER and for not postponing the effective time until 30 days after such publication (5 U.S.C. 553) in that: (1) The relevant provisions of the said amended marketing agreement and order require nominations (on or before April 15) each year by industry groups for, and the selection by the Secretary of, the membership of the Date Administrative Committee for the term of office beginning May 15; (2) in view of the changes in the proportionate tonnages handled in the specified groups this program requires the revision set forth herein; and (3) the revision herein provided should become effective promptly so that the 1969–70 membership on the Committee will reflect such revision and be in accordance with the applicable provisions of the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended 7 U.S.C. 601–674)

Dated: April 11, 1969, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4432; Filed, Apr. 14, 1969; 8:52 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1430—DAIRY PRODUCTS

Subpart—Milk and Butterfat Price Support Program

The U.S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year April 1, 1969, through March 31, 1970, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein:

§ 1430.282 Price support program for milk and butterfat.

(a) (1) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1969, through March 31, 1970, at $4.28 per hundredweight for manufacturing milk and 68.6 cents per pound for butterfat.

(2) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk, and cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(3) Commodity Credit Corporation may, by special Announcements, offer to purchase other dairy products to support the price of milk and butterfat.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, Commodity Operations Division, Washington, D.C. 20250,
or
U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435.

(b) (1) CCC will consider offers of butter, cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices:

Commodity and location	Price per pound: Produced before April 1, 1969	Price per pound: Produced on and after April 1, 1969
Butter:		
U.S. Grade A or higher:		
New York, N.Y., Jersey City and Newark, N.J.	$0.6725	[illegible]
Seattle, Wash. and San Francisco, Calif., Alaska, Hawaii, California	.6650	.6775
Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina	.6625	.6750
U.S. Grade B 2 cents less than U.S. Grade A.		
Cheddar cheese (standard moisture basis, 37.5–39.0 percent) [1]	.4700	.4800

See footnotes at end of table.

Commodity and location	Price per pound: Produced before April 1, 1969	Price per pound: Produced on and after April 1, 1969
Nonfat dry milk, spray process: 100-pound bags with sealed closures [2]	.2310	.2310
50-pound bags with sealed closures [2]	.2335	.2335

[1] For cheese which is offered on a "dry" basis (less than 37.5 percent moisture) the price per pound shall be as indicated in Form ASCS–150. Copies are available in offices listed in (a)(4).

[2] If upon inspection the bags do not fully comply with specifications for sealed closures, the price paid will be subject to a discount of 0.20 (⅕) cent per pound for product packed in 100-pound bags and 0.25 (¼) cent per pound for product packed in 50-pound bags.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound, applicable to carlots of 60,000 pounds, gross weight, in effect when the offer is accepted from such location to such designated market. In the area consisting of Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, CCC will purchase only butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States.

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra Grade, except moisture content shall not exceed 3.5 percent. The cheddar cheese shall be U.S. Grade A or higher.

(d) The products shall be manufactured in the United States from milk produced in the United States, and shall be located in the United States and shall not have been previously owned by CCC.

(e) Purchases will be made in carlot weights specified in the announcements. Grades and weights shall be evidenced by inspection certificates issued by the United States Department of Agriculture.

(Sec. 4(d), 62 Stat. 1070, as amended; 15 U.S.C. 714b(d))

Signed at Washington, D.C., on April 8, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–4331; Filed, Apr. 14, 1969; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	6	Apr. 8, 1969
New York	6	Apr. 4, 1969
Philadelphia	6	Do.
Cleveland	6	Do.
Richmond	6	Do.
Atlanta	6	Do.
Chicago	6	Do.
St. Louis	6	Do.
Minneapolis	6	Do.
Kansas City	6	Do.
Dallas	6	Do.
San Francisco	6	Do.

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	6½	Apr. 8, 1969
New York	6½	Apr. 4, 1969
Philadelphia	6½	Do.
Cleveland	6½	Do.
Richmond	6½	Do.
Atlanta	6½	Do.
Chicago	6½	Do.
St. Louis	6½	Do.
Minneapolis	6½	Do.
Kansas City	6½	Do.
Dallas	6½	Do.
San Francisco	6½	Do.

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston	7	Apr. 8, 1969
New York	7½	Apr. 4, 1969
Philadelphia	7	Do.
Cleveland	7½	Do.
Richmond	7	Do.
Atlanta	7	Do.
Chicago	7	Do.
St. Louis	7	Do.
Minneapolis	7½	Do.
Kansas City	7	Do.
Dallas	7	Do.
San Francisco	7	Do.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(12 U.S.C. 248(1). Interprets or applies 12 U.S.C. 357)

Dated at Washington, D.C., the 7th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–4332; Filed, Apr. 14, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Department of Transportation, Federal Aviation Administration

[Docket No. 69–SW–22; Amdt. 39–746]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

There has been one failure and one crack found in the cyclic bellcrank support assembly, P/N 206–001–521–5 or –6, on the Bell Model 206A helicopter that could result in partial loss of cyclic control of the helicopter. In addition, there have been five cases reported in which bolts that attach the support assembly to the fuselage were found loose. Since these conditions are likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require a repetitive visual inspection and inspection for firmness of the support attachment after 25 hours' time in service.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Director, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

BELL. Applies to Model 206A.

Compliance required as indicated:

To prevent failure of the magnesium cyclic bellcrank support assemblies, P/N 206–001–521, due to fatigue cracks, accomplish the following:

(a) Inspect the right and left-hand support assemblies that have accumulated 25 hours' total time in service after the effective date of this A.D., before the first flight of each day as follows:

(1) Remove the upper forward cowling, P/N 206–061–801, to expose the hydraulic power cylinders.

(2) Inspect the attachment of the support assemblies to the fuselage for firmness. Torque the NAS 1304–9 bolt to 50 to 70 inch-pounds and the NAS 1305–9 bolt to 100 to 140 inch-pounds if the support assembly is loose.

(3) Inspect visually the right and left-hand support assemblies, P/N 206–001–521, for cracks in the spotfaced areas around the attachment bolts and in the fillet radii between the base and vertical section of the supports, using a flashlight or equivalent. Both the forward and aft flange fillet radii and spotfaced areas must be inspected.

(4) Smooth out any nicks or corrosion visible in the forward and aft flange fillet radii and the spotfaced areas, using a fine file and crocus cloth.

(b) Remove and replace the support assembly before further flight if cracks are found. Inspect cyclic control rigging in accordance with paragraph 4–30 of the Model 206A Maintenance and Overhaul Instructions when the support assembly is replaced.

(Bell Model 206A Maintenance and Overhaul Manual Interim Revision No. 206A–69–16 pertains to this subject.)

This amendment becomes effective April 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on April 1, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69–4344; Filed, Apr. 14, 1969; 8:47 a.m.]

[Airspace Docket No. 69–CE–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the St. Louis, Mo., control zone.

A new public use instrument approach procedure has been developed for Runway 6 at Lambert-St. Louis Municipal Airport, St. Louis, Mo., using the St. Louis ILS as a navigational aid. All other instrument approaches for this runway have been canceled. Therefore, it is necessary to alter the St. Louis control zone to reflect this change. This alteration does not involve the designation of any additional airspace but rather reduces a portion of the southwest control zone extension which is no longer needed for the protection of aircraft executing the new procedure. Reduction of the size of the control zone extension will also place two satellite airports outside the St. Louis control zone.

Since this change reduces the amount of controlled airspace and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth:

In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

ST. LOUIS, MO.

Within a 5-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 2 miles each side of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer southwest course, extending from the 5-mile radius zone to 10½ miles southwest of the OM; within 2 miles each side of the St. Louis VORTAC 142° radial; extending from the 5-mile radius zone to 7 miles northwest of the northwest end of the Lambert-St. Louis Municipal Airport Runway 12R; within 2 miles each side of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course, extending from the 5-mile radius zone to the Runway 12R OM; and within 2 miles each side of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer southeast course, extending from the 5-mile radius zone to 6 miles southeast of the Runway 12R localizer.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 18, 1969.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 69–4345; Filed, Apr. 14, 1969; 8:47 a.m.]

[Airspace Docket 69–EA–23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Auburn, Maine, transition area.

The public use and special use instrument procedures for Auburn-Lewiston Municipal Airport, Auburn, Maine, have been revised, including a 10° change in the procedure turn outbound and inbound courses. Alteration of the Auburn, Maine, transition area is required to reflect this change and to include the geographic coordinates of the New Gloucester, Maine, non-Federal radio beacon in the description.

Since the foregoing amendment is minor in nature, notice and public procedure herein are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 29, 1969 as hereinafter set forth:

Amend § 71.181 (34 F.R. 4637) of the Federal Aviation Regulations so as to delete in the description of the Auburn, Maine, transition area, "025° and 205° bearings" and insert in lieu thereof, "025°, 035°, and 215° bearings". Following the words "New Gloucester, Maine, RBN" insert the coordinates "43°59'13" N., 70°19'29" W."

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 27, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–4346; Filed, Apr. 14, 1969; 8:47 a.m.]

[Airspace Docket 69–EA–26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Sanford, Maine, transition area.

A revision to the VOR instrument approach procedure for Sanford Municipal Airport, Sanford, Maine, includes a 2° change in the procedure turn outbound and inbound courses and will require alteration of the Sanford, Maine, 700-foot floor transition area to reflect this change.

Since this amendment is minor in nature, notice and public procedure herein are unnecessary.

In consideration of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 29, 1969, as hereinafter set forth:

Amend § 71.181 (34 F.R. 4637) of the Federal Aviation Regulations so as to delete in the description of the Sanford, Maine, transition area "064°" and insert "066°" in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 27, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–4347; Filed, Apr. 14, 1969; 8:47 a.m.]

[Airspace Docket No. 69–EA–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Sidney, N.Y., transition area.

The Sidney, N.Y., non-Federal radio beacon has been relocated approximately one-half mile northeast of its previous location. The special NDB (ADF) instrument approach procedure for Sydney Municipal Airport, predicated on the RBN was canceled and a new special NDB (ADF) instrument approach procedure has been authorized predicated on the relocated facility. This procedure includes a 1° change in the procedure turn outbound and inbound courses. The existing special VOR instrument approach procedure has also been revised and includes a 2° change in the final approach course. Alteration of the Sidney, N.Y., transition area to reflect these changes and the correct name of the airport will therefore be required.

Since the proposed rule is minor in nature, notice and public procedure herein are unnecessary.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 29, 1969, as hereinafter set forth:

Amend § 71.181 (34 F.R. 4637) of the Federal Aviation Regulations so as to delete in the description of the Sidney, N.Y., transition area, "Sidney Airport" and insert "Sidney Municipal Airport" in lieu thereof. Delete "219°" and "048°" and insert "217°" and "049°" respectively in lieu thereof. Delete the coordinates "42°20'03" N., 75°22'10" W." and insert "42°20'25" N., 75°21'30" W." in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 27, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4348; Filed, Apr. 14, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Ebensburg, Pa., transition area.

A revision to the VOR instrument approach procedure for Ebensburg Airport, Ebensburg, Pa., requires the revocation of the 700-foot floor transition area extension north of the Revloc, Pa., VOR TAC described in the present Ebensburg, Pa., transition area.

Since the amendment relaxes the rule, notice and public procedure herein are unnecessary.

In consideration of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t. May 29, 1969, as hereinafter set forth:

Amend § 71.181 (34 F.R. 4637) of the Federal Aviation Regulations by deleting in the description of the Ebensburg, Pa., transition area the phrase "014° and 194° radials extending from the 6-mile radius area to 12 miles north of the VORTAC" and insert the following in lieu thereof; "194° radial extending from the 6-mile radius area to the VORTAC,".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 27, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4349; Filed, Apr. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Guthrie, Tex., transition area.

The 700-foot portion of this transition area provided controlled airspace for aircraft executing an instrument approach procedure to the 6666 Ranch Airport at Guthrie, Tex. This procedure was canceled effective March 5, 1969. Therefore, the requirement for this controlled airspace no longer exists.

Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as herein set forth.

In § 71.181 (34 F.R. 4696) the 700-foot portion of the Guthrie, Tex., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on April 3, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-4350; Filed, Apr. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 12916 and 12917 of the FEDERAL REGISTER dated September 12, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Detroit Lakes, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The Detroit Lakes Municipal Airport longitude coordinate recited in the Detroit Lakes, Minn., transition area designation as "longitude 95°53'10" W." is changed to read "longitude 95°53'05" W.".

This amendment shall be effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 24, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

DETROIT LAKES, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Detroit Lakes Municipal Airport (latitude 46°49'35" N., longitude 95°53'05" W.); and within 2 miles each side of the 310° bearing from Detroit Lakes Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 310° bearing from Detroit Lakes Municipal Airport, extending from the airport to 12 miles northwest of the airport excluding the portion that overlies the Fargo, N. Dak., transition area.

[F.R. Doc. 69-4351; Filed, Apr. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 12917 of the FEDERAL REGISTER dated September 12, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Roseau, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The coordinates recited in the Roseau, Minn., Municipal Airport transition area designation as "latitude 48°51'10" N., longitude 95°41'45" W." are changed to read "latitude 48°51'25" N., longitude 95°41'40" W.".

This amendment shall be effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 24, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

ROSEAU, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roseau Municipal Airport (latitude 48°51'25" N., longitude 95°41'40" W.); and within 2 miles each side of the 153° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the 153° bearing from Roseau Municipal Airport, extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 153° bearing from Roseau Municipal Airport, extending from the airport to 12 miles southeast of the airport.

[F.R. Doc. 69-4352; Filed, Apr. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-111]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 18942 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Marshall, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The coordinates recited in the Marshall, Minn., Municipal Airport transition area designation as "latitude 44°-27'00" N., longitude 95°49'05" W." are changed to read "latitude 44°26'50" N., longitude 95°49'10" W.".

This amendment shall be effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on March 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

MARSHALL, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marshall Municipal Airport (latitude 44°26'50" N., longitude 95°49'10" W.); and within 2 miles each side of the 325° bearing from Marshall Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 325° bearing from Marshall Municipal Airport, extending from the airport to 12 miles northwest of the airport.

[F.R. Doc. 69-4353; Filed, Apr. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Control Zones; Correction

On March 7, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 4943), F.R. Doc. 69-2763, which included alteration of the Glenview, Ill., control zone. In this alteration the extensions are erroneously described in lines 3, 4, 5, and 6 of the alteration description as "within 2 miles each side of the Northbrook, Ill., VOR 131° and 163° radials extending from the 5-mile radius zone to 1 mile south and southeast of the VOR". The correct description should have read "within 2 miles each side of the Northbrook, Ill., VOR 131° and 163° radials, extending from the Glenview, Ill., and the Chicago, Ill. (O'Hare International Airport), 5-mile radius zones to 1 mile south and southeast of the VOR". Action is taken herein to make this correction.

Since this amendment is editorial in nature it imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the alteration of the Glenview, Ill., control zone as set forth in F.R. Doc. 69-2763 is corrected effective immediately as follows: "within 2 miles each side of the Northbrook, Ill., VOR 131° and 163° radials, extending from the 5-mile radius zone to 1 mile south and southeast of the VOR;" as used in lines 3, 4, 5, and 6 of the alteration description are deleted and the words "within 2 miles each side of the Northbrook, Ill., VOR 131° and 163° radials, extending from the Glenview, Ill., and the Chicago, Ill. (O'Hare International Airport), 5-mile radius zones to 1 mile south and southeast of the VOR;" are substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 21, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-4354; Filed, Apr. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area; Correction

On March 7, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 4943), which included the designation of the Manistee, Mich., control zone. In this designation the control zone description was erroneously described as "Within a 5-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles east of the VOR. This control zone is each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual." The correct description should have been set forth to read as "Within a 5-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles west of the VOR; and within 2 miles each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the designation of the Manistee, Mich., control zone, as set forth in F.R. Doc. 69-2762, is corrected effective immediately as follows: "Within a 5-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles west of the VOR; and within 2 miles each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

Issued in Kansas City, Mo., on March 21, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-4355; Filed, Apr. 14, 1969; 8:48 a.m.]

[Docket No. 9520; Amdt. 93-16]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Elimination of VFR Operations Under Less Than Basic VFR Weather Minimums

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to eliminate the VFR operation of fixed-wing aircraft in the Houston Intercontinental Airport control zone, under less than basic VFR weather minimums, and to permit special VFR operations in the William P. Hobby Airport control zone.

Amendment 93-10, effective April 30, 1968, prohibited the operation of fixed-wing aircraft under the Special VFR Weather Minimums prescribed in § 91.107 of the Federal Aviation Regulations within specifically designated control zones. The preamble to § 93.113 states that the FAA's objective in promulgating such a rule is to develop a system of airspace utilization and air traffic control and navigation which permits the

movement of people and goods in air commerce at optimum levels of safety and efficiency and serves the national security needs of the country. This requires that some portions of the navigable airspace be subjected to higher orders of regulation to provide the optimum degree of safety for the majority of the public, aircrews, passengers, and persons and property on the ground that may be affected by aircraft operations. Because of the increasing number of aircraft operating in the vicinity of airports serving large populations and the Federal Aviation Administration's responsibility for the safe and efficient use of the airspace, it was determined that regulatory action by the Administration was required.

The public was notified that "based upon changing conditions involving safety considerations additional airports may be designated in the future." In furtherance of that policy, this regulation is being promulgated.

The city of Houston, Tex., has advised the Federal Aviation Administration that they anticipate the inauguration of flight operations at the new Houston Intercontinental Airport on June 1, 1969. All scheduled air carrier operations are to be moved to the new airport site from Houston's William P. Hobby Airport. When this occurs, the criteria established by the FAA for elimination of Special VFR in control zones will automatically be met since air carrier operations alone at Hobby Airport during fiscal year 1968 totaled 112,922, instrument operations totaled 105,001, and actual instrument approaches conducted by air carriers totaled 12,589.

In conjunction with this airport change, a Notice of Proposed Rule Making, 68-SW-58, has been issued which describes the control zone proposed to serve Houston Intercontinental Airport.

Since Houston Intercontinental will be available for flight operations within a short period of time, I have determined that there is an immediate requirement for the early adoption of this regulation so that the changes made herein will be coincidental with the establishment of the new control zone and can be included in appropriate aeronautical publications. Therefore, I find it impracticable to comply with the notice and public procedure requirements of 5 U.S.C. 553.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended, effective May 29, 1969, as follows: Item 13 of § 93.113 is amended by deleting "William P. Hobby Airport" and inserting "Intercontinental Airport" in place thereof.

(Secs. 307, 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421, 1424, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 7, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-4356; Filed, Apr. 14, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1507]

PART 13—PROHIBITED TRADE PRACTICES

Hemphill Enterprises, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1460 *Individual or private business as professional person, association or guild;* Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1625 *Free goods or services;* § 13.1663 *Individual's special selection or situation;* § 13.1665 *Indorsements;* § 13.1757 *Surveys;* Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hemphill Enterprises, Inc., et al., Los Angeles, Calif., Docket C-1507, Mar. 13, 1969]

In the Matter of Hemphill Enterprises, Inc., a Corporation, and Jack L. Hemphill and Noel J. Gravino, Individually and as Officers of Said Corporation

Consent order requiring a Los Angeles, Calif., distributor of books, reference services, and teaching aids to cease misusing the words "Guild" and "Society," misrepresenting the savings, discounts, or prices of its products, that it is conducting tests or surveys, that any book or service is "free," that its teaching aids have been approved by school authorities, that any school or university has devised or approved its tests or programs, and that it will assist purchasers to obtain scholarships for their children.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hemphill Enterprises, Inc., a corporation, and its officers, and Jack L. Hemphill and Noel J. Gravino, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books, publications or question reference services, or any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from

1. Representing, directly or by implication, that respondents are offering membership in a guild or society of persons associated or organized for the mutual benefit of its members or having a common interest; or using the word "Guild" or the word "Society" or any word or words of similar import or meaning in or as part of respondents' trade or corporate name; or misrepresenting, in any manner, their trade or business status or the nature of their business.

2. Representing, directly or by implication, that discounts or savings are available to respondents' customers or prospective customers purchasing merchandise from any source or through any material or plan supplied by respondents: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented amount of discounts or savings are realized by respondents' customers from the prices at which such merchandise has been regularly offered for sale and sold in the recent regular course of business by a substantial number of the principal retail outlets in the same trade area.

3. Representing, directly or by implication, that respondents' representatives, agents, or employees are making or conducting a test, survey, or research program or that the purpose of the call or interview by respondents' representatives, agents, or employees relates to other than the sale of books, publications, or services; or misrepresenting, in any manner, the purpose of the call or interview by respondents' representatives, agents, or employees with prospective purchasers.

4. Representing, directly or by implication, that any prospective purchaser to whom an offer to sell respondents' books, publications, other products or services is made is specially selected, or is a member of a specially selected test family or is one of an otherwise limited or restricted group.

5. Representing, directly or by implication:

(a) That any books, publications, other products or services are given free or without additional cost or obligation to the purchaser.

(b) That any payment or the amount thereof, received from a customer is for:

1. Membership in any guild or society of persons associated or organized for the mutual benefit of its members or having a common interest;

2. The maintenance or upkeep of Univox courses or any other services or products: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any payment or amount thereof, received from a customer is for the maintenance or upkeep of Univox courses or any other services or products;

3. The financing or cost of administering any reference service or educational program: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any payment or amount thereof, received from a customer is for the financing or cost of administering any reference service or educational program.

(c) That any payment is for other than the purchase of respondents' books, publications, or other products or services.

6. Representing, directly or by implication, that "Univox" teaching aids or other products, sold or offered for sale by respondents, are approved by local school authorities or will be distributed by respondents to schools.

7. Representing, directly or by implication:

(a) That respondents test or will test, review or evaluate the scholastic progress of children of respondents' customers.

(b) That schools or any board or committee thereof, will assist respondents in the administration of tests or the evaluation of the scholastic progress or counseling of children of respondents' customers, or that respondents are in any way connected, affiliated or associated with schools, or with any board or committee thereof.

(c) That respondents evaluate or will evaluate the report cards of participants' children or supply or will supply educational materials to customers designed to assist them or their children in any area in which they are educationally deficient.

8. Representing, directly or by implication, that the Massachusetts Institute of Technology or any other educational institution of higher learning or board or committee thereof, devised, approved, or sponsored any test or educational program offered by respondents; or misrepresenting, in any manner, the persons or organizations which assisted or participated in the formulation of any tests or programs offered by respondents to prospective purchasers.

9. Representing, directly or by implication, that respondents are connected with any individual, firm, institution, or government agency, in any survey, test, experiment, or research program or have administered any survey, test, experiment, or research program.

10. Representing, directly or by implication, that the respondents' regular price of any products or services when singly offered for sale is any amount in excess of the price at which such products or services have been sold by respondents in substantial quantities for a substantial period of time, in the recent regular course of their business; or that the regular price of any products or services offered in combination is any amount in excess of the price at which such products or services have been sold by respondents in combination for a substantial period of time in substantial quantities, in the recent regular course of their business.

11. Representing, directly or by implication, that any price for respondents' products or services is a reduced or special price or an introductory price: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any price designated by the words "special" or "reduced" or by words of similar import or meaning is in fact significantly less than the price at which respondents have openly and actively offered such products or services for sale, in good faith for a reasonably substantial period of time, in the recent regular course of their business or to establish that any price for the products or services designated by the word "introductory" price or by words of similar import is less than the price to which respondents in good faith intend to increase the price in the trade area at a later date and that within a reasonable period of time thereafter the reduced price was in fact so increased in each such trade area.

12. Representing, directly or by implication, that respondents will assist in obtaining any scholarship for children of customers or that respondents will provide or assist in arranging financial assistance for the education of the child of a customer; or misrepresenting, in any manner, the financial assistance offered or furnished by respondents.

13. Misrepresenting, in any manner, the price of respondents' products or services, the amount or number of installment payments or the period of time during which a contract of purchase may be discharged.

14. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 13, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-4335; Filed, Apr. 14, 1969; 8:46 a.m.]

[Docket No. C-1506]

PART 13—PROHIBITED TRADE PRACTICES

Jack Feit, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Jack Feit, Inc., et al., New York, N.Y., Docket C-1506, Mar. 13, 1969]

In the Matter of Jack Feit, Inc., a Corporation, and Jack Feit and Elaine Feit, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur trimmed ladies' garments to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Jack Feit, Inc., a corporation, and its officers, and Jack Feit and Elaine Feit, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix a label to such fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name of the animal producing the fur contained in such fur products, as specified in the Fur Products Name Guide and as prescribed by the aforesaid rules and regulations.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth on labels the term "natural" to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining thereto, the name or names of any animal or animals other than the name of the animal producing the fur contained in such fur product as specified in the Fur Products Name Guide and as prescribed by the rules and regulations.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 13, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-4334; Filed, Apr. 14, 1969; 8:46 a.m.]

[Docket No. C-1508]

PART 13—PROHIBITED TRADE PRACTICES

Sivia Aulette, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Product Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Sat. 1128–1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Sivia Aulette, Inc., et al., New York, N.Y., Docket C-1508, Mar. 18, 1969]

In the Matter of Sivia Aulette, Inc., a Corporation, and Sivia Montague and Milton Montague, Individually and as Officers of Said Corporation

Consent order requiring a New York City retailer of ladies' ready-to-wear garments to cease misbranding its wool and textile fiber products and failing to keep required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sivia Aulette, Inc., a corporation, and its officers, and Sivia Montague and Milton Montague, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Sivia Aulette, Inc., a corporation, and its officers, and Sivia Montague and Milton Montague, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any such wool product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4(a)(2) of said Act.

It is further ordered, That respondents Sivia Aulette, Inc., a corporation, and its officers, and Sivia Montague and Milton Montague, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Sivia Aulette, Inc., a corporation, and its officers, and Sivia Montague and Milton Montague, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any such wool product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4(a)(2) of said Act.

It is further ordered, That respondents Sivia Aulette, Inc., a corporation, and its officers, and Sivia Montague and Milton Montague, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or mutilating, or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

It is further ordered, That respondents Sivia Aulette, Inc., a corporation, and its officers, and Sivia Montague and Milton Montague, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to keep such records when substituting a stamp, tag, label, or other identification pursuant to section 5(b) as would show the information set forth on the stamp, tag, label, or other identification that was removed, and the name or names of the person or persons from whom such textile fiber product was received.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 18, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-4333; Filed, Apr. 14, 1969; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Application and Closing Out of Offsetting Long and Short Positions

On December 18, 1968, there was published in the FEDERAL REGISTER (33 F.R. 18709) a notice of proposed amendment of § 1.46 of the general regulations under the Commodity Exchange Act, as amended (17 CFR 1.46), relating to application and closing out of offsetting long and short positions.

Interested persons were given 30 days in which to submit written data, views, or arguments on the proposed amendment. Pursuant to the authority vested in the Secretary of Agriculture under section 8a of the Commodity Exchange Act, as amended (7 U.S.C. 12a), and after careful consideration of all written data, views, and arguments, presented by interested persons, and of all other relevant facts and information available, § 1.46 of the general regulations under said act is hereby amended as follows:

(1) By adding the following at the end of paragraph (b): "With respect to every such offsetting transaction that, in accordance with such specific instructions, is not applied to the oldest portion of the previously held position, the futures commission merchant shall clearly show on the purchase and sale statement issued to the customer in connection with the transaction, that because of the specific instructions given by or on behalf of the customer the transaction was not applied in the usual manner, i.e., against the oldest portion of the previously held position. However, no such showing need be made if the futures commission merchant has received such specific instructions in writing from the customer for whom such an account is carried."

(2) By revoking subparagraph (1) of paragraph (d).

The foregoing revisions reflect a certain change in the proposals set forth in the notice of rule making published on December 18, 1968. Said change was made in the amendment of paragraph (b), for the purpose of providing an exception to the requirement set forth in the proposal, and does not impose any new requirement in addition to what was set forth in the proposal. It does not appear that further notice and other public procedure with respect to these matters would make additional information available to the Department of Agriculture. Accordingly, it is found upon good cause that further notice and other public procedure is impracticable and unnecessary.

(Sept. 21, 1922, c. 369, sec. 8a, as added June 15, 1936, c. 545, sec. 10, 49 Stat. 1500, amended Aug. 5, 1955, c. 574, 69 Stat. 535, and amended Feb. 19, 1968, Public Law 90-258, secs. 20-23, 82 Stat. 32, 33, 7 U.S.C. 12a)

This amendment shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

Issued: April 10, 1969.

RICHARD E. LYNG, *Assistant Secretary.*

[F.R. Doc. 69-4380; Filed, Apr. 14, 1969; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Milk Bread, Identity Standard; Order Listing Butter Oil, Dehydrated Butter, and Anhydrous Milk Fat as Optional Ingredients

In the matter of amending the definition and standard of identity for milk bread (21 CFR 17.3) to permit the use of butter oil, dehydrated butter, and anhydrous milk fat as optional ingredients:

No comments were received in response to a notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of December 18, 1968 (33 F.R. 18711), and set forth a proposal by Land O'Lakes Creameries, Inc., 2215 Kennedy Street NE., Minneapolis, Minn. 55413, and Williams Bakery, 154 South Summer Street, Scranton, Pa. 18504.

On the basis of the information submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 17.3(c) be revised to read as follows:

§ 17.3 Milk bread and milk rolls or milk buns; identity; label statement of optional ingredients.

* * * * *

(c) The dairy ingredients referred to in paragraph (a)(1) of this section are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and a mixture of butter, cream, butter oil, dehydrated butter, anhydrous milk fat, or any combination of two or more of these with skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, sweetened condensed partly skimmed milk, nonfat dry milk, or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.3 times and not less than 1.2 times the weight of the milk fat therein.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: April 4, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-4336; Filed, Apr. 14, 1969; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.603]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonresident Alien Mexican Border Crossing Cards

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to accord with regulations of the Immigration and Naturalization Service which provide that an applicant for a Mexican nonresident alien border crossing card need submit only one photograph, and which provide further that a Form I-186 is valid until revoked or voided.

Section 41.128 is amended as follows:

§ 41.128 Nonresident alien Mexican border crossing cards.

* * * * * *

(b) *Application for nonresident alien Mexican border crossing card.* A citizen of Mexico shall apply on Form I-190 for a nonresident alien border crossing card, supporting his application with evidence of Mexican citizenship and residence, a valid, unexpired Mexican passport, and one photograph, 1½ inches square. Each applicant applying at consular office, except a child under 14 years of age, shall appear in person before a consular officer and be interrogated regarding his eligibility for a temporary visitor visa.

(c) *Validity.* Notwithstanding any expiration date which may appear thereon,

Forms I–186 are valid until revoked or voided.

* * * * *

Effective date. The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

MARCH 26, 1969.

[F.R. Doc. 69–4366; Filed, Apr. 14, 1969; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69–24]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

NIANTIC, CONN.

1. The Commander, 3d Coast Guard District, New York, N.Y., by letter dated March 5, 1969, requested the establishment of a special anchorage area in Niantic Bay, off Cresent Beach, Niantic, Conn. A public notice dated November 21, 1968, was issued by Commander, 3d Coast Guard District, New York, N.Y., describing the proposed anchorage. All known interested parties were notified and requested to comment on the proposal. One objection was received. However, this objection is minor and does not overcome the benefits resulting from this designation. Therefore, the request to establish a special anchorage area as described in 33 CFR 110.53 below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. This document effectuates this request by adding a new § 110.53 describing the limits of the special anchorage area. In this area, vessels not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights. The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors in place are allowed. Fixed mooring piles or stakes are prohibited.

3. In Part 110, Subpart A is amended by adding a new § 110.53 following § 110.52 to read as follows:

§ 110.53 Niantic, Conn.

Beginning on the shoreline at latitude 41°18′25.3″, longitude 72°12′16.3″; thence to latitude 41°18′23.3″, longitude 72°12′11.6″; thence to latitude 41°18′50.7″, longitude 72°11′51.5″; thence to the shoreline at latitude 41°18′56.5″, longitude 72°12′05.6″; thence along the shoreline to the point of beginning.

NOTE: This area is for public use, principally for vessels used for a recreational purpose. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180; 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(ii))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: April 9, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–4379; Filed, Apr. 14, 1969; 8:50 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Alabama River, Ala.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.180 is hereby amended with respect to paragraph (d) adding subparagraph (11) to prescribe regulations governing the operation of Millers Ferry Lock on the Alabama River, Ala., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande; use, administration, and navigation.

* * * * *

(d) *Locks and floodgates.* * * *

(11) Millers Ferry Lock on the Alabama River, Ala., will be operated eight (8) hours per day from 7 a.m. to 3 p.m., seven (7) days per week, until traffic increases to the point that additional hours of operation will be required. Navigation interests planning on using the lock should schedule their arrivals to fit these hours of operation.

* * * * *

[Reg., Mar. 26, 1969, 1507–32 (Alabama River, Ala.)–ENGOW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–4326; Filed, Apr. 14, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Location of Field Engineering Bureau's Field Offices and Monitoring Stations; Correction

In the matter of amendment of Part 0 of the Commission's rules and regulations to effect certain editorial changes.

In the Commission order, released March 21, 1969, and published in the FEDERAL REGISTER, 34 F.R. 5656, March 26, 1969, pertaining to § 0.121 of its rules showing the location of the Field Engineering Bureau's field offices and monitoring stations, Suboffice, Post Office Box 8004, Room 238, Post Office Building, Savannah, Ga. 31402 should be designated as being in the six [6th] Radio District.

Released: April 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–4375; Filed, Apr. 14, 1969; 8:50 a.m.]

[No. 29394]

PART 1—PRACTICE AND PROCEDURE

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Miscellaneous Amendments

Order. In the matter of editorial amendment of Parts 1 and 17 of the Commission's rules to specify use of new FAA Form 7460–1 in lieu of Form FAA–117.

1. FAA Form 117 "Notice of Proposed Construction or Alteration," used in notifying the Federal Aviation Administration of proposed antenna structure construction or alteration, was recently revised by the Federal Aviation Administration and redesignated FAA Form 7460–1. On December 11, 1968, Subpart B of Part 77 of the Federal Aviation Regulations was amended to revise the reference to the form on which notices of proposed construction or alteration are filed to reflect the new form number. Said amendment was published December 17, 1968, in 33 F.R. 18614 to become effective February 1, 1969.

2. Inasmuch as § 1.61 (c), (d), and (e) of Part 1 and § 17.4 (a), (b), and (c) of Part 17 of the Commission's rules make reference to the filing of Form FAA–117, and since this form will henceforth be designated FAA Form 7460–1, "Notice of Proposed Construction or Alteration," the aforementioned sections of the Commission's rules are amended to specify the use of the new form.

3. Authority for these changes is contained in section 4(i) and section 303(r) (47 U.S.C. secs. 154(i) and 303(r)) of the Communications Act of 1934, as amended. Because the amendments are nonsubstantive and editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

4. In view of the foregoing: *It is ordered,* Pursuant to authority delegated by § 0.261 of the Commission's rules, that, effective April 18, 1969, Parts 1 and 17 of the Commission's rules are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 8, 1969.

Released: April 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Paragraphs (c), (d), and (e) of § 1.61 of Part 1 of the Commission's rules are amended to specify FAA Form 7460–1 in lieu of FAA–117. Paragraphs (a), (b), (f), and (g) are unaffected.

§ 1.61 Procedures for handling applications requiring special aeronautical study.

* * * * *

(c) The Antenna Survey Branch then ascertains whether applicant is required to submit a "Notice of Proposed Construction or Alteration" [FAA Form 7460–1] to the Federal Aviation Administration.

(d) If FAA Form 7460–1 is not required, the application and appropriate antenna painting and lighting specifications are returned to the originating bureau or office for such further action as is necessary.

(e) If FAA Form 7460–1 is required, the originating bureau or office will be so advised. Unless the application includes a statement that FAA Form 7460–1 has been submitted to the Federal Aviation Administration, the originating bureau or office will notify the applicant to do so.

* * * * *

2. Paragraphs (a), (b), and (c) of § 17.4 of Part 17 of the Commission's rules are amended to specify FAA Form 7460–1 in lieu of FAA–117. Paragraphs (d), (e), (f), and (g) are unaffected.

§ 17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

(a) All applications are reviewed to determine whether there is a requirement that the applicant file a notice of proposed construction or alteration [FAA Form 7460–1] with the Federal Aviation Administration.

(b) Whenever applications require the filing of a notice of proposed construction or alteration [FAA Form 7460–1] the applicant will be advised to do so unless the application includes an FCC Form 714 certifying that notification has been submitted to FAA or the application form itself specifically supplies all of the information which would be provided on FCC Form 714.

(c) All applications which do not require the filing of FAA Form 7460–1 with the FAA will be deemed not to involve a hazard to air navigation and will be considered by the Commission without further reference to the FAA.

* * * * *

[F.R. Doc. 69–4376; Filed, Apr. 14, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Increase in Expenses for 1968–69 Fiscal Year

Consideration is being given to the following proposal submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

That the Secretary find that provisions pertaining to the expenses in paragraph (a) of § 932.205 *Expenses and rate of assessment* (33 F.R. 15903) be amended to read as follows:

§ 932.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee, during the period September 1, 1968, through August 31, 1969, will amount to $340,880.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4396; Filed, Apr. 14, 1969; 8:52 a.m.]

[7 CFR Part 1064]

[Docket No. AO-23-A37]

MILK IN GREATER KANSAS CITY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kansas City, Mo., on February 4, 1969, pursuant to notice thereof issued on January 14, 1969 (34 F.R. 868).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 18, 1969 (34 F.R. 5509; F.R. Doc. 69-3402) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 5509; F.R. Doc. 69-3402) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Location adjustments; and
2. Diverted milk.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Location adjustments.* The location adjustment provisions of the order should be amended by deleting paragraph (a) in § 1064.53. This will eliminate the 10-cent lower Class I and blend prices at plants located in St. Joseph, Mo., and Sabetha, Kans., as compared to plants located in Kansas City, Mo., and in Kansas City and Topeka, Kans. It will also eliminate the 10-cent adjustment as it now applies to other source milk classified as Class I.

Presently, the order provides that milk received from producers at plants located in the Kansas counties of Brown, Doniphan, or Nemaha or in the Missouri counties of Andrew, Atchison, Buchanan, Clinton, Daviess, De Kalb, Gentry, Holt, Nodaway, or Worth is priced 10 cents lower than milk received at plants located in the remainder of the marketing area. The only plants to which this provision applies are one plant located at Sabetha, Kans., and three plants located at St. Joseph, Mo.

Three cooperative associations of producers (Mid-America Dairymen, St. Joseph Milk Producers, and Sunflower Dairy) proposed the deletion of the 10-cent location adjustment at plants in St. Joseph, Mo., and Sabetha, Kans. Another cooperative and two handlers who operate pool plants in Kansas City supported the producers' proposal.

The three handlers who operate plants located in St. Joseph, Mo., opposed the deletion of the 10-cent location adjustment. They contended that a 10-cent lower Class I price has always existed under the order at St. Joseph in relation to Kansas City and that the present price level has resulted in an adequate supply of milk for St. Joseph handlers.

The Greater Kansas City marketing area and its supply area almost completely overlap. Three-fourths of the producer milk supply for the market in November 1968 came from counties within the marketing area. There were 13 counties from which producer milk deliveries to the market in November totaled more than 2 million pounds. Twelve of these counties are in the marketing area.

The metropolitan area surrounding Kansas City, Kans., and Kansas City, Mo., is the largest population center in the marketing area, but other important population centers are Topeka and Salina, Kans., and St. Joseph, Mo. The counties with the largest milk deliveries to plants regulated by the Kansas City order (except Nemaha County, Kans.) are adjacent to Topeka, Kansas City, and St. Joseph.

Since producers' farms are located relatively close to distributing plants, nearly all producer milk is hauled directly from the farms to distributing plants without being first received at a supply plant. There is one supply-balancing plant from which supplemental milk is shipped to distributing plants. This supply-balancing plant is located at Sabetha, Kans., 50 miles from both Topeka and St. Joseph and 100 miles from Kansas City.

The plant is operated by Mid-America Dairymen, Inc., a cooperative which also supplies most of the milk direct-shipped from farms to distributing plants regulated by the Kansas City order. The cooperative also ships milk from the Sabetha plant to distributing plants in Topeka, Kansas City, and St. Joseph when such plants request additional supplies to supplement their regular producer receipts.

Although the order permits a 10-cent lower Class I price at the Sabetha plant, the cooperative collects the higher Class I price applicable at Kansas City and Topeka, even on shipments to plants in St. Joseph where the 10-cent lower price is applicable under the order. Buyers also pay transportation costs from Sabetha to the point of delivery.

In paying producer-members, the cooperative also uses the same rate for members delivering to the Sabetha plant as that paid members delivering to Topeka and Kansas City plants. The cooperative takes the position that all of its member-producers delivering to the Kansas City market are so situated that they may deliver to all plants with about the same delivery costs.

The cooperative has eliminated the location adjustment at the Sabetha plant by charging the same Class I price at that plant as is applicable at Kansas City plants. As of April 1, 1969, this same cooperative will market the milk of producers now delivering milk to the three distributing plants located at St. Joseph. The cooperative proposes to supply such handlers on the same price basis as it supplies other handlers in the Greater Kansas City area, i.e., at the Class I price without location adjustment. The new members also would receive the same price f.o.b. St. Joseph plants as producers receive at plants in Kansas City and Topeka.

Since producers' farms within the marketing area are so located near the principal cities where the plants they serve are located, there is no basis for designating part of the area for a location adjustment because plants therein provide a market for producers at a generally lower delivery cost.

Although St. Joseph is located about 50 miles north of Kansas City, it is only slightly further from available alternative milk supplies in Northeast Iowa, Minnesota, and Wisconsin. This is because milk coming to either Kansas City or St. Joseph from Iowa, Minnesota, or Wisconsin would be routed through Cameron, Mo., which is only about 18 miles closer to St. Joseph than it is to Kansas City. This small difference in mileage is not sufficient to justify a lower price at St. Joseph.

The area between Kansas City and St. Joseph is growing rapidly in population. Sales of fluid milk products are expected to increase in this segment of the area. By establishing the same Class I and blend prices at St. Joseph and Kansas City, handlers in both cities will be on a comparable basis in acquiring additional milk supplies to serve this expanding area.

Handlers opposing the elimination of the 10-cent location adjustment stated that they have obtained in times past an adequate supply at the lower price level. There is no evidence that handlers in St. Joseph can obtain a milk supply under present conditions at a price level less than herein proposed.

The hearing notice contained a proposal to make St. Joseph a basing point from which to calculate location adjustments for plants located outside the marketing area. This proposal was not supported at the hearing. Hence, no basis exists for making this change.

2. *Diverted milk.* The order now provides that only milk of a producer who delivers 6 days' production during the month to a pool plant may be considered producer milk on days it is diverted to a nonpool plant. Each day's delivery normally includes 2 days' production, thus the present 6 days' production requirement represents three deliveries. This provision should be changed to require delivery to a pool plant on only 1 day per month for diversion eligibility.

The present delivery requirement has made it necessary at times to move milk to Kansas City plants from farms near Council Grove, Kans., and El Dorado Springs, Mo., when, on the same day, milk on farms nearer to Kansas City is diverted to plants in Council Grove and El Dorado Springs. The proposed change will permit the cooperative to direct the delivery of milk more efficiently to supply the market at the lowest delivery cost.

The requirement that milk be delivered to a pool plant from each producer's farm on at least 1 day during the month will be sufficient to establish that such producer's milk continues to be available to this market for fluid use.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

A ruling of the Hearing Examiner to which an objection was taken in the brief has been reviewed. An objection was raised to the ruling which excluded testimony concerning hauling rates on the basis that it was hearsay evidence and was not of the sort upon which responsible persons are accustomed to rely.

The motion was supported by an offer of proof under § 900.8(d)(6) of the rules of practice (7 CFR Part 900). In compliance with § 900.9(b) of the rules of practice, a brief was filed by the interested party which requested review of the ruling made by the Hearing Examiner. It was contended that although the testimony was hearsay evidence, such fact should go to the weight of the evidence rather than require its complete exclusion from the record.

The offer of proof and brief and the ruling of the Hearing Examiner on this motion have been reviewed. The ruling of the Hearing Examiner is hereby affirmed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of February is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Greater Kansas City marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on April 9, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 18, 1969, and published in the FEDERAL REGISTER on March 21, 1969 (34 F.R. 5509; F.R. Doc. 69-3402), shall be and are the terms and provisions of this order and are set forth in full herein:

1. In paragraphs (a) and (b) of § 1064.15 the language "for at least 6 days' production" is deleted and the language "for at least 1 days' delivery" is substituted therefor.

2. In § 1064.53 paragraph (a) is revoked.

[F.R. Doc. 69-4383; Filed, Apr. 14, 1969; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 9523; Notice 69-17]

GLIDER CLOUD-FLYING RATING

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to establish a new pilot rating to be known as a "glider cloud-flying rating", and to provide accompanying aeronautical knowledge, experience, and skill requirements for issuing the rating, and recent flight experience requirements for glider cloud-flying.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 14, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Under the existing regulations an instrument rating is required for a pilot to operate a glider into and within the clouds. The Soaring Society of America, Inc., has recommended that a pilot rating be established, with lesser qualifications than those now prescribed for issuance of an instrument rating, to allow glider cloud-flying by appropriately rated glider pilots. The following assertions were made in support of this recommendation:

(1) Soaring flight in convective and wave clouds is often practicable for glider pilots.

(2) Favorable conditions for those flights do not occur when the conditions of cloud cover, ceiling, and visibility are such as to require IFR clearances for powered aircraft operating in the same or adjoining airspace, and therefore the possibility of conflict is remote.

(3) Pilot proficiency requirements in the use of the fewer instruments required for cloud flight in gliders (as compared with powered aircraft) make it possible to provide a separate rating procedure to permit cloud flights by glider pilots.

(4) Requiring an instrument rating equal to that now required for powered aircraft pilots is an unjustifiable burden on glider pilots who wish to operate within clouds.

Soaring flight in convective and wave clouds has become increasingly popular in recent years. This is due in part to the availability of more high-performance gliders, and to the interest in international competition with sailplanes.

Operation of a glider within clouds differs basically from instrument operations with a powered aircraft. The former is primarily a matter of utilizing the vertical components associated with a cloud formation to sustain flight within the clouds, or to gain altitude to enable continuance of VFR gliding flight. Navigation by reference to instruments or radio aids to navigation is not normally involved. Furthermore, when the meteorological conditions are favorable for soaring flight, there is almost invariably a reasonably high ceiling.

Section 61.3(f) provides generally that no person may act as pilot in command of a civil aircraft (other than a helicopter or airship) under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless he holds an instrument rating or an airline transport pilot certificate. Thus, under the present rules a person who wishes to engage (as pilot in command) in glider cloud-flying is subject to pilot certificate requirements as though he were engaging in "regular" instrument operations with a powered aircraft. Likewise, he is required to have the recent experience prescribed in § 61.47(d) for instrument operations.

Instrument operations with powered aircraft are far more complex than glider cloud-flying. The glider pilot is primarily concerned with attitude and speed control, whereas the pilot of a powered aircraft is concerned also with such matters as navigation, position reporting, altitude control, power settings, holding procedures, instrument letdowns, and instrument approaches. In view of these facts, the qualification standards for a pilot who wishes to operate a glider into and within clouds need not be as stringent as those for a pilot who engages in instrument operations with a powered aircraft.

In view of the operational and equipment limitations of gliders, integration of cloud-flying activities of these aircraft with IFR operations of powered aircraft would be unrealistic and impractical. Therefore, glider cloud-flying operations in controlled airspace are, and would continue to be, subject to any restrictions and limitations found necessary from an air traffic control standpoint. Ordinarily, these operations would be authorized only during periods of low IFR activity, and the pilot would be responsible for conducting his flights within specified geographical limits, as determined for conducting his flights face, and within specified altitude blocks of airspace. While the holder of the proposed cloud-flying rating would be prohibited from engaging in operations which require navigation by radio aids, he would be encouraged to use any such facilities available to him as an aid in maintaining his position within his geographical clearance limits.

Except as otherwise authorized by ATC, the newly authorized glider cloud-flying operations in controlled airspace would also be subject to the applicable rules of Part 91 of the Federal Aviation Regulations governing IFR operations. In view of the simplified nature of these operations (normally consisting of climbs and descents within a specified block of airspace), ATC instructions pertaining to them usually are relatively simple, and compliance should be well within the capabilities of pilots with the qualifications now proposed for the glider cloud-flying rating.

The proposed rules, in a new § 61.34, would make the glider cloud-flying rating available to the holder of: A commercial pilot certificate with a glider category rating (but without an instrument rating applicable to airplanes); a private pilot certificate with a glider category rating (but without an instrument rating applicable to airplanes), who meets the aeronautical experience requirements (except specified flight instruction) for a commercial pilot certificate (glider); or an airline transport pilot certificate without an airplane category rating, but with either private or commercial pilot privileges for gliders. This means that the rating would not be made available to a student pilot. Nor would it be available to the holder of an instrument rating applicable to airplanes, or of an airline transport pilot certificate with an airplane category rating (who already has the privileges of an instrument rating). The latter airmen would be excluded since they already are authorized to operate into and within clouds with airplanes, and they would have little, if any, difficulty in adapting their instrument flying skill to glider cloud-flying operation. However, this exclusion would not cover holders of pilot certificates with helicopter ratings, since transfer of instrument capability to operation of gliders is considered appropriate only with reference to airplanes.

The proposed rules would, as in the case of an instrument rating, provide aeronautical knowledge, experience, and skill requirements attuned to the needs of the pilot in glider cloud-flying operations. The aeronautical experience requirements would include at least 10 hours of instrument time, as compared with 40 hours for a "regular" instrument rating. At least 1 hour of this instrument time would be required in a glider. At least 5 hours of instrument flight instruction would be included, as compared with 15 hours for a "regular" instrument rating. In addition to instrument time, flight instruction would be required in spins and spin recoveries, right and left. As proposed, a minimum amount of the latter instruction expressed in time or number of maneuvers would not be fixed, since there is no practicable method of doing this. However, it would be necessary for the applicant to show he has received instruction in these maneuvers from an appropriately rated flight instructor.

The proposed rules also would add to § 61.47 recent experience requirements for glider cloud-flying, of at least 1 hour of actual or simulated cloud or instrument flight in a glider or airplane, within the preceding 6-month period. One-half of this time could be obtained in a synthetic trainer. However, the entire hour would be required to be in a glider, if passengers are to be carried. As amended, this section also would provide that flight time within clouds or under simulated cloud-flying conditions with gliders could not be used to meet the recent experience requirements for the operation of powered aircraft under IFR.

Under the proposed rules, no person holding a glider cloud-flying rating would be allowed to engage in IFR operations requiring navigation by radio aids or involving instrument approach procedures. This limitation would be added to the general limitations listed in § 61.16.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending § 61.1(e) to read as follows:

§ 61.1 Applicability.

* * * * *

(e) Aircraft, instrument, and glider cloud-flying ratings.

2. By amending § 61.3 as follows: By amending the introductory language in paragraph (f) and adding a new paragraph (h) to read as follows:

§ 61.3 Certificates and ratings required.

* * * * *

(f) *Instrument rating.* Except when authorized by paragraph (h) of this section, no person may act as pilot in command of a civil aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless—

* * * * *

(h) *Glider cloud-flying rating.* No person other than the holder of an airline transport pilot certificate with an airplane category rating, or of an instrument rating that authorizes IFR operations with airplanes, may act as pilot in command of a glider operated into or within clouds unless he holds a glider cloud-flying rating issued to him under this part.

§ 61.5 [Amended]

3. By inserting the words "and glider cloud-flying" after the word "instrument" in the second sentence in § 61.5(b).

4. By adding a new paragraph after paragraph (d) in § 61.16 to read as follows:

§ 61.16 General limitations.

* * * * *

(e) *Glider cloud-flying rating: prohibited operations.* No person holding a glider cloud-flying rating may engage in IFR operations requiring navigation by radio aids or involving instrument approach procedures.

§ 61.21 [Amended]

5. By inserting the words "or glider cloud-flying" after the word "instrument" in the introductory language of § 61.21(a).

§ 61.22 [Amended]

6. By inserting the figures "61.34," after the figures and letters "§§ 61.17 (b) or (c)," in the introductory language in § 61.22.

§ 61.23 [Amended]

7. By inserting the words "or glider cloud-flying" after the word "instrument" in the first sentence in § 61.23(a).

8. By adding a new paragraph after paragraph (d) in § 61.25 to read as follows:

§ 61.25 Flight test: required aircraft.

* * * * *

(e) *Glider cloud-flying rating.* An aircraft furnished under paragraph (a) of this section for a flight test for a glider cloud-flying rating must have—

(1) The equipment described in paragraph (d) (2) and (3) of this section;

(2) A sensitive altimeter ajustable for barometric pressure;

(3) An airspeed indicator;

(4) A magnetic direction indicator;

(5) A gyroscopic rate-of-turn indicator; and

(6) A slip-skid indicator.

9. By inserting a new subdivision following subdivision (iv) in § 61.27(a)(2) to read as follows:

§ 61.27 Retesting after failure.

(a) *Written test.* * * *

(2) * * *

(v) For a glider cloud-flying rating—a certificated flight instructor with an instrument rating on his flight instructor certificate or a certificated ground instructor with an appropriate rating.

* * * * *

10. By inserting a new section after § 61.33 to read as follows:

§ 61.34 Glider cloud-flying rating: aeronautical experience, knowledge, and skill requirements.

(a) An applicant for a glider cloud-flying rating must hold the following:

(1) A commercial pilot certificate with a glider category rating, but without an instrument rating applicable to airplanes;

(2) A private pilot certificate with a glider category rating, but without an instrument rating applicable to airplanes, and meet the requirements of § 61.123 except paragraph (b) thereof; or

(3) An airline transport pilot certificate without an airplane category rating, but with either private or commercial pilot privileges for gliders.

(b) An applicant for a glider cloud-flying rating must have had the following:

(1) At least 10 hours of instrument time under actual or simulated conditions, of which at least 8 hours must be in flight, and including at least—

(i) 1 hour in a glider; and

(ii) 5 hours of instrument flight instruction in an airplane or glider from a flight instructor with an instrument rating on his flight instructor certificate, of which at least 4 hours were had with the use of only the following instruments: Altimeter, airspeed indicator, magnetic direction indicator, rate-of-turn indicator, and slip-skid indicator.

These 4 hours of instruction must include instruction on speed control, slow flight, constant circling, and recovery from stalls and unusual attitudes.

(2) Flight instruction, from an appropriately rated flight instructor, in spins and spin recoveries, right and left.

(c) An applicant for a glider cloud-flying rating must pass a written test on—

(1) This chapter as it applies to flight under IFR conditions;

(2) The nature and extent of controlled airspace;

(3) Radio communication procedures; and

(4) Meteorology, including the characteristics of air masses and fronts and the weather associated with them, elementary principles of forecasting, and the availability, evaluation, and utilization of meteorological reports.

(d) An applicant for a glider cloud-flying rating must pass a practical test on the procedures and maneuvers listed in this paragraph. The test is given in two phases: An oral operational test, and a flight test.

(1) *Phase I—oral operational test.* (i) Planning flights in gliders in convective and wave clouds.

(ii) Aircraft performance limits.

(iii) Use of speed-limiting dive brakes.

(iv) Required instruments and equipment, and their proper use in flight with gliders within clouds.

(2) *Phase II—flight test.* The flight test may be taken in a glider or an airplane. Any significant error of a dangerous nature is disqualifying. Any error that makes it necessary for the examiner to take over the controls to avoid violating the aircraft's operating limitations, or a loss of control is disqualifying. The applicant must perform the following maneuvers competently and solely by reference to the altimeter, airspeed indicator, magnetic direction indicator, rate-of-turn indicator, and slip-skid indicator.

(i) Straight and level flight.

(ii) Turns, climbs (unless conditions are not conducive to soaring when test is taken in a glider), and descents, including turns of at least 180° left and right to within ±20° of a designated heading.

(iii) Stalls.

(iv) Maneuvering at minimum controllable speeds.

(v) Steep turns with a minimum bank of 45°.

(vi) Recovery from unusual attitudes.

§ 61.47 [Amended]

11. By amending § 61.47 as follows:

a. By inserting the following sentence after the first sentence in paragraph (a): "Glider flight time into or within clouds or under simulated cloud-flying conditions may not be used to meet the recent flight experience requirements for the operation of powered aircraft under IFR."

b. By amending the first sentence in paragraph (d) to read as follows:

(d) *Instrument.* Except as provided in paragraph (i) of this section, a pilot may not act as pilot in command of an aircraft under IFR or in weather conditions less than prescribed VFR minimums unless, within the 6 calendar months before he acts, he has had at least 6 hours of instrument time under actual or simulated instrument conditions. * * *

c. By inserting the words "or glider cloud-flying" after the word "instrument" in paragraph (g).

d. By adding a new paragraph after paragraph (h) to read as follows:

(i) *Glider cloud-flying.* No person may act as pilot in command of a glider operated into or within clouds unless, within the 6 calendar months before he acts, he has had at least 1 hour of actual or simulated cloud or instrument flight, in a glider or in an airplane, of which not more than one-half hour in a synthetic trainer may be substituted for one-half hour of flight time. However, he may not act as pilot in command of that aircraft when it is carrying passengers, unless within those 6 calendar months he has had at least 1 hour of actual or simulated cloud or instrument flight in a glider.

These amendments are proposed under the authority of sections 307(c), 313(a), and 601, of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 9, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4358; Filed, Apr. 14, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-24]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the 700-foot Poughkeepsie, N.Y., transition area.

A new VOR instrument approach procedure has been developed for Stormville Airport, Stormville, N.Y. We will require alteration of the Poughkeepsie, N.Y., 700-foot floor transition area to provide airspace protection for aircraft executing the arrival and departure procedures at Stormville Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before the action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Poughkeepsie, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Poughkeepsie, N.Y., 700-foot floor transition area as follows:

In the description of the Poughkeepsie, N.Y., 700-foot floor transition area, after the words "NE of the VOR" insert "within a 5-mile radius of the center (41°34'40" N., 73°43'55" W.) of Stormville Airport, Stormville, N.Y.; within 2 miles each side of the Stormville Airport Runway 8 centerline extended from the 5-mile radius area to 10 miles east of the end of the runway; within 2 miles each side of the Stormville Airport Runway 26 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 2 miles each side of the Kingston, N.Y., VOR 322° and 142° radials extending from the 5-mile radius area to 8 miles northwest of the Kingston, N.Y., VOR."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 27, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4359; Filed, Apr. 14, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-31]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Asheville, N.C., control zone and 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whippie Street, East Point, Ga.

The Asheville control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Asheville Airport; within 2 miles each side of Runways 16/34 extended centerlines, extending from the 5-mile radius zone to the Broad River and Biltmore RBN's.

The Asheville 700-foot transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within 7 miles east and west of the 160° and 340° bearings from the Biltmore RBN, extending from 7 miles north of Biltmore RBN to 12 miles south of Broad River RBN; within 8 miles east and 5 miles west of the Asheville ILS localizer south course, extending from Broad River RBN to 12 miles south of the RBN; within 2 miles each side of the 339° bearing from Biltmore RBN, extending from the RBN to 8 miles north of the RBN; within 2 miles each side of the Asheville VORTAC 230° radial, extending from the VORTAC to the Broad River RBN.

The proposed alteration to the control zone and 700-foot transition area will provide required controlled airspace protection for IFR aircraft during climb to 1,200 feet above the surface and during descent below 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 4, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-4360; Filed, Apr. 14, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-5]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a control zone for San Carlos Airport, Calif.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

On or about August 15, 1969, the FAA proposes to commission a new control tower at San Carlos Airport, Calif. Weather reporting, communications, and air traffic control services will be available. The control zone will be required to provide controlled airspace protection for aircraft conducting special VFR operations at San Carlos Airport.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the following control zone is added:

SAN CARLOS, CALIF.

Within a 3-mile radius of the San Carlos Airport (latitude 37°30'40" N., longitude 122°14'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif. on April 4, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-4361; Filed, Apr. 14, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-6]

CONTROL ZONE

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a control zone for Palo Alto Airport, Calif., and redesignate the Mountain View, Calif. (Moffett Field NAS), control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

On or about June 15, 1969, the FAA proposes to commission a new control tower at Palo Alto Airport, Calif. Weather reporting, communications, and air traffic control services will be available. The control zone will be required to provide controlled airspace protection for aircraft conducting IFR and Special VFR operations at Palo Alto Airport.

Designation of the Palo Alto Airport control zone, as proposed, will also require amending the description of the Mountain View (Moffett Field NAS) control zone to contain the Palo Alto control zone during the hours that the Palo Alto control zone is not effective.

The contents of this notice were issued as a notice of proposed rule making (Airspace Docket No. 68-WE-6) on February 9, 1968, and published in the FEDERAL REGISTER (33 F.R. 3077) on February 16, 1968. No objections were received; however a Final Rule was not issued due to an indefinite commissioning date for the tower. Due to the time that has elapsed since the original issuance, it has been determined that the proposal should be reissued for comment.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the following control zone is added:

PALO ALTO, CALIF.

Within a 3-mile radius of Palo Alto Airport (latitude 37°27'39" N., longitude 122°06'50" W.) excluding the portion southeast of a line extending from latitude 37°25'14" N., longitude 122°08'30" W. to latitude 37°26'30" N., longitude 122°05'43" W. to latitude 37°29'10" N., longitude 122°04'08" W. This control zone is effective during the

specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.171 (34 F.R. 4557) the description of the Mountain View, Calif. (Moffett Field NAS) is amended as follows:

MOUNTAIN VIEW, CALIF. (MOFFETT FIELD NAS)

Within a 5-mile radius of Moffett Field NAS (latitude 37°24'55" N., longitude 122°02'50" W.), within a 3-mile radius of Palo Alto, Calif. Airport (latitude 37°27'40" N., longitude 122°06'50" W.) within 2.5 miles southwest and 2 miles northeast of the Moffett TACAN 157° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN and within 2 miles each side of the San Jose VOR 325° radial, extending from the VOR to 8 miles northwest of the VOR, excluding the portion southeast of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W., and the portion within the Palo Alto control zone when it is effective.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 4, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-4362; Filed, Apr. 14, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-11]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at New Ulm, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the New Ulm, Minn., Municipal Airport utilizing a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at New Ulm, Minn. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

NEW ULM, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Ulm Municipal Airport (latitude 44°19'15" N., longitude 94°30'10" W.); and within 2 miles each side of the 307° bearing from New Ulm Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 307° bearing from New Ulm Municipal Airport extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 127° bearing from New Ulm Municipal Airport, extending from the airport to 12 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on March 25, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-4363; Filed, Apr. 14, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-32]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Williams County Airport, Bryan, Ohio.

A new NDB (ADF) Runway 25 instrument approach procedure has been authorized for Williams County Airport, Bryan, Ohio, predicated on the Bryan, Ohio, non-Federal radio beacon and will require designation of a 700-foot floor Bryan, Ohio, transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Williams County Airport, Bryan, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Bryan, Ohio, 700-foot transition area described as follows:

BRYAN, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41°28'05" N., 84°30'25" W.) of Williams County Airport, Bryan, Ohio; within 2 miles each side of the Runway 25 centerline extended from the 7-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of a 068° bearing from the Bryan, Ohio, RBN (41°28'47" N., 84°27'58" W.) extending from the RBN to 8 miles east of the RBN, excluding the portion which coincides with the Defiance, Ohio, transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 27, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4364; Filed, Apr. 14, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-21]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Benton, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

BENTON, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Saline County Airport (lat. 34°33'30" N., long. 92°36'30" W.) excluding that portion within the Little Rock, Ark., transition area.

The proposed transition area will provide airspace protection for aircraft executing a standard instrument approach procedure proposed at the Saline County Airport, Benton, Ark.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on April 4, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-4365; Filed, Apr. 14, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 225]

[Docket No. 20725; EDR-158]

TARIFFS OF CERTAIN CERTIFICATED AIRLINES

Trade Agreement Authorizations for Subsidized Intra-Alaskan Carriers

APRIL 10, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendment of Part 225 to increase the trade agreement authorization to $50,000 for the two larger subsidized carriers with intra-Alaskan routes. The reasons for the proposal are explained in the explanatory statement, and the proposed amendment is set out in the proposed rule.

This regulation is proposed under authority of sections 204(a), 403, 404, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 760, 771; 49 U.S.C. 1324, 1373, 1374, 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before May 15, 1969, will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In Regulation ER-553, effective February 4, 1969, the Board amended Part 225 to establish variable trade agreement authorizations, based on number of stations served, for the local service carriers and to extend the regulation for 1 year.[2] Wien Consolidated Airlines, Inc., has requested that a similar formula be applied to the four subsidized air carriers providing intra-Alaskan air transportation.[3]

In support of its petition, Wien Consolidated states that the traffic of Wien and Northern Consolidated has tripled since 1959, when the $20,000 trade agreement limitation was established for eight subsidized intra-Alaskan carriers, but its trade allowance had been cut in half because of merger of the two carriers. The merged carrier asserts that its present need for advertising and promotion is actually four times as great as in 1959. Wien Consolidated argues that it has a substantially larger route system extending not only from Anchorage and Fairbanks, but also from Juneau, Whitehorse, and Nome, with improved direct nonstop rights between the major points, which greatly increases the potential for attracting tourist and other traffic to the interior. Wien requests that a formula be applied to the four carriers providing intra-Alaskan air transportation, under which the $160,000 limitation for the intra-Alaska carriers as a group would be reallocated on the basis of the stations served by the four remaining carriers, and that at least $60,000 be allowed for Wien Consolidated.

We do not believe that the station formula applied to local service carriers would be appropriate for the intra-Alaskan carriers. Stations served by the local service carriers are not generally comparable to Alaskan stations. Many of the latter are hamlets without a potential for generating additional traffic through advertising, and the number of stations served would not appear to have any direct bearing on the amount of advertising needed. However, an increase in the trade agreement limitation appears justified in the case of the two larger carriers, whose route systems have expanded considerably since the present $20,000 level was established in 1959. Not only are their route systems substantially larger than those of Kodiak and Western Alaska, they also include the major commerical centers and gateways to interior scenic attractions. They therefore appear to have a greater potential for increasing commercial revenues through advertising.

We therefore propose to increase the trade allowance for Wien Consolidated and Alaska to $50,000 in the aggregate for a year, but to retain the $20,000 limitation for Kodiak and Western Alaska.

Proposed rule. It is proposed to amend § 225.6 (14 CFR 225.6) by revising paragraph (b) to read as follows:

§ 225.6 Limitation on total value of trade agreements.

* * * * *

(b) $20,000 in the aggregate each year for airlines having gross transport operating revenues less than $2 million in the prior year and $50,000 in the aggregate each year for airlines having gross transport operating revenues of $2 million or more in the prior year, for the airlines identified under § 225.1(a)4).

* * * * *

[F.R. Doc. 69-4391; Filed, Apr. 14, 1969; 8:52 a.m.]

[1] Vice Chairman Murphy's dissenting opinion filed as part of the original document.

[2] Pursuant to Notice of Proposed Rule Making EDR-149, dated Oct. 7, 1968.

[3] Alaska Airlines, Inc. (intra-Alaska routes only); Kodiak Airways, Inc.; Western Alaska Airlines, Inc.; and Wien Consolidated Airlines, Inc.

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

IMPORTS INTO PUERTO RICO OF CRUDE OIL AND UNFINISHED OILS

Maximum Level of Imports

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended, for the allocation period April 1, 1969, through March 31, 1970, a maximum level of imports of crude oil and unfinished oils into Puerto Rico by holders of allocations made pursuant to paragraph (a), section 15 of Oil Import Regulation 1 (Revision 5) is established at 150,653 B/D. Of this amount, 112,488 B/D is allocated to Commonwealth Oil Refining Co., Inc.; 37,400 B/D is allocated to Gulf Oil Corp.; and 765 B/D is set aside for allocation to W. R. Grace & Co., if such allocation is required.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

APRIL 8, 1969.

[F.R. Doc. 69-4390; Filed, Apr. 14, 1969; 8:52 a.m.]

INDIAN TRIBES PERFORMING LAW AND ORDER FUNCTIONS

Notice of Determination

Correction

In F.R. Doc. 69-3176 appearing at page 5341 in the issue of Tuesday, March 18, 1969, the second entry for "South Dakota" should read "Crow Creek Sioux Tribe" instead of "Oglala Sioux Tribe".

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1969 Among Producers Located in Virgin Islands and Guam

CROSS REFERENCE: For a document regarding the allocation of duty-free quotas of watches and watch movements for the calendar year 1969 among producers located in the Virgin Islands and Guam, see F.R. Doc. 69-4447, Department of Commerce, Office of the Secretary, *infra*.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00261-33-46040. Applicant: U.S. Department of Agriculture, Animal Disease & Parasite Research Division, Agricultural Research Center, Beltsville, Md. 20705. Article: Electron microscope, Model EM 200. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for a broad and continuing program of research which has the following objectives:

(1) Studies on the ultrastructure of the intraerythrocytic hemoprotozoan parasites *Anaplasma marginale, Babesia caballi*, and *Babesia equi*.

(2) Identification and characterization of the above parasites within their arthropod vectors.

(3) Investigations on the effect of chemotherapeutic agents on the ultrastructure, particularly the cell membranes and matrices of the above mentioned hemoprotozoan parasites, using both stained and unstained specimens.

(4) Studies on the host cell and parasite interface to evaluate the effect of certain macromolecules which bring about a state of immunological tolerance within the host using negative staining techniques.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the article. Reasons: This application is a resubmission of Docket No. 68-00123-33-46040 which was submitted on September 12, 1967. At that time, the only electron microscope being manufactured in the United States was the Model EMU-4 of the Radio Corporation of America (RCA). The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. The experiments of the applicant to be conducted with the foreign article, involve the use of both unstained and negatively stained specimens. Therefore, the additional voltages provided by the foreign article are pertinent characteristics.

For the foregoing reasons we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed the order for the article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4325; Filed, Apr. 14, 1969; 8:45 a.m.]

HEALTH RESEARCH, INC.

Amendment to Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following notice of decision published in Volume 34, No. 59 of the FEDERAL REGISTER (Thursday, Mar. 27, 1969) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read: Article: Klystron tube, Model VC 104 instead of Article: Manufacturer: Varian Associates of Canada Ltd., Canada.

Docket No. 69-00263-00-41200. Applicant: Health Research Inc., Roswell Park Division, 666 Elm Street, Buffalo, N.Y. 14203. Article: Klystron tube, Model VC 104. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article will be used as a component to an existing instrument for the study of radiation damage in organs and biological materials. The scope of this work extends to the study of radiation protection measures as well. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is to be used, is being manufactured in the United States. Reasons: The foreign article is a replacement for a Klystron tube incorporated in a microwave oscillator that was manufactured in the United States. However, the Klystron tube is no longer being manufactured in the United States by the manufacturer of the oscillator, but in a Canadian facility of this manufacturer.

The Department of Commerce knows of no Klystron tube being manufactured in the United States, which is capable of fulfilling the technical requirements specified by the applicant, or can be adapted or modified to serve the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4321; Filed, Apr. 14, 1969; 8:45 a.m.]

NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00487-54050. Applicant: New York State, Department of Motor Vehicles, 800 North Pearl Street, Albany, N.Y. 12206. Article: Recording nyctometer with recording forms, No. 60-0-049. Manufacturer: Carl Zeiss Jena, West Germany. Intended use of article: The article will be used for research in night vision characteristics. The night vision characteristics are measured and recorded with a minimum of operator skill, which is essential to accurate research done on a mass-study basis. Application received by Commissioner of Customs: March 21, 1969.

Docket No. 69-00488-33-46500. Applicant: University of Minnesota, Department of Zoology, Minneapolis, Minn. 55455. Article: Ultramicrotome, Reichert "OmU2". Manufacturer: C. Reichert Optische Werk AG, Austria. Intended use of article: The article will be used for both research and teaching. For research, one project is the comparative study of the deoxyriboncleic acid (DNA) molecules in the kinetoplasts of trypanosomatid protozoa. In the second project the ultramicrotome will be employed to section Epon-embedded mouse hepatoma for the examination of cell junctions. A third project involves Epon-embedded spider cardiac muscle. In teaching, an advanced cytology course "Fine structure of Animal Cells, Zoology 5165" is offered for advanced undergraduate and graduate students. Application received by Commissioner of Customs: March 21, 1969.

Docket No. 69-00489-63-46040. Applicant: University of California, Santa Barbara, Department of Biological Sciences, Santa Barbara, Calif. 93106. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for biological research in the following areas:

1. Forms and distribution of plant viruses in cells of the hosts.

2. Reactions of host cells to the presence of virus as revealed by the formation of virus particles and viral byproducts in the cells and by generative changes in the components of host protoplasts.

3. Continuation of studies of subcellular structure of food conducting tissues in plants, especially of the most highly specialized cells in these tissues, which are concerned with the long-distance transport of organic molecules including the viruses in infected plants.

Application received by Commissioner of Customs: March 21, 1969.

Docket No. 69-00491-90-46070. Applicant: University of California at Santa Cruz Purchasing Department, Carriage House, Santa Cruz, Calif. 95060. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used by students and faculty in the fields of biology, paleontology and geology. Students using the instrument will be both undergraduates and graduates pursuing their research thesis. Specific materials to be investigated are as follow:

1. Surface markings and fine texture of spores and pollen of land plants.

2. Spore development and the relationship of specific wall components to each other.

3. Morphology and development of insects.

4. Textures in fine-grained sedimentary, igneous, and metamorphic rocks.

5. Structures and defects within crystals.

6. Ultramicroscopic fossils such as coccoliths, fossil spores and pollen, silicoflagellates, dinoflagellates, and hystrichospherids.

7. Ultramicroscopic structure of the calcareous shells of larger invertebrate organisms, both fossil and modern.

8. Surface markings on sand grains composed of quartz-feldspar, etc.

Application received by Commissioner of Customs: March 21, 1969.

Docket No. 69-00492-65-46070. Applicant: University of Virginia, Department of Materials Science, Charlottesville, Va. 22901. Article: Scanning electron microscope, Model Stereoscan Mark IIA. Manufacturer: Cambridge Instruments Co., Ltd., United Kingdom. Intended use of article: The article will be used for the following purposes:

1. Investigations of surface properties of materials.

2. Investigations of interactions of biological environments with materials.

3. Investigations of soil in connection with highway research.

4. Investigations of semiconductor materials, integrated circuits.

5. The instrument will be a major part of a training program for dental students.

Application received by Commissioner of Customs: March 21, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4322; Filed, Apr. 14, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00393-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Accessories for Siemens electron microscope, Model Elmiskop IA. Manufacturer: Siemens A.G., West Germany. Intended use of article: The articles will be used as accessories to an existing Siemens electron microscope, Model Elmiskop IA. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a photographic unit made up of

the four subassemblies listed in the application, which is intended for use with a priorly imported electron microscope manufactured by the supplier of the article.

The Department of Commerce knows of no similar photographic unit being manufactured in the United States, which is either interchangeable with the foreign article or can be adapted to the electron microscope with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4323; Filed, Apr. 14, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00388-00-46040. Applicant: University of California, San Francisco Medical Center, Parnassus Avenue at Arguello, San Francisco, Calif. 94122. Article: Electromagnetic shutter for Siemens electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used as an accessory to an existing Siemens electron microscope for electronically determining exposure times of photographic emulsions. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The article is an accessory for an electron microscope previously imported for the use of the applicant, which was manufactured by the same manufacturer that is supplying the article. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is either interchangeable with the foreign article or can be adapted to the foreign electron microscope with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4324; Filed, Apr. 14, 1969; 8:45 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1969 Among Producers Located in Virgin Islands and Guam

On January 7, 1969, the Departments of the Interior and Commerce published a Joint Notice announcing the formula to be used by the Departments in the allocation of 1969 calendar year quotas for duty-free entry into the customs territory of the United States of watches and watch movements assembled in the Virgin Islands, Guam, and American Samoa. (34 F.R. 222.) This notice provided that annual quotas for calendar year 1969 would be allocated as soon as practicable after April 1, 1969, on the basis of the number of units assembled by each firm in the particular territory and entered by it duty-free into the customs territory of the United States during calendar year 1968, and the total dollar amount of wages subject to FICA taxes paid by such firm in the particular territory during calendar year 1968 which were attributable to its watch operation. In making allocations under this formula, equal weight was assigned to production and shipment history, and to wages subject to FICA taxes.

As a temporary measure, pending announcement of final statistics to be issued by the U.S. Tariff Commission on total apparent U.S. watch consumption during 1968 and the verification of data submitted in support of individual quota applications, initial 1969 calendar year quotas were allocated to eligible producers that had received duty-free watch quota allocations for calendar year 1968.

Representatives of the Departments visited each of the insular possessions during February and March 1969 to verify the data submitted in support of individual quota applications. The verification indicated that firms had been generally accurate in reporting the number of units which were entered into the customs territory of the United States during calendar year 1968. Inconsistencies, however, occurred in reporting wages subject to FICA taxes paid by some firms during calendar year 1968 which were attributable to watch operations in the insular possessions. These inconsistencies were largely due to the inclusion of wages in excess of the maximum $7,800 taxable as FICA wages and the inclusion of wages paid to individuals whose services were not attributable to watch operations in the insular possessions.

Any watches and watch movements entered duty-free into the customs territory of the United States on or after January 1, 1969, are to be deducted from the following allocations which are issued for the full calendar year 1969. Adjustments have been made reflecting verification of the data submitted by individual applicants; however, the quotas announced are subject to possible reduction or revocation in the case of those firms which failed to enter into the customs territory of the United States at least 30 percent of their initial quota on or prior to April 1, 1969. Such firms will be notified in the near future of any action the Departments propose to take based on their failure to meet this requirement.

VIRGIN ISLANDS

Name of firm	*Number of units*
1. Admiral Time, Inc	171,566
2. Antilles Industries, Inc	44,209
3. Atlantic Time Products Corp	446,566
4. Belair Time Corp	222,682
5. Belmont Industries	97,107
6. Master Time Co., Ltd	188,060
7. Quality Products Co., Inc	469,909
8. Roza Watch Corp	312,960
9. R. W. Summers Time Corp	210,836
10. Standard Time Corp	700,000
11. Sussex Watch Corp	92,306
12. Unitime Corp	498,488
13. Virgiline Watch Co., Inc	33,009
14. Virgo Corp	241,248
15. Watches, Inc	186,554

GUAM

1. Hallmark Watch Factory, Inc	76,179
2. Jun-Lau Watch Corp	23,335
3. Maro Watch Co., Inc	81,691
4. Phoenix Industries, Inc	27,582
5. Stratton Watch Corp	165,230
6. Westminster Time Corp	36,819

The only applicant for the American Samoan quota withdrew its application for that quota on March 21. Accordingly, as soon as practicable the Departments will invite, by FEDERAL REGISTER notice, interested parties to submit applications for the 1969 calendar year American Samoan duty-free watch quota.

Assigned quotas may be adjusted at any time during this calendar year in the event it becomes apparent that shipments through December 31, 1969, by any firm will be less than 80 percent of the number of units allocated to it. Those firms which have been notified that their quota application forms are not complete, will not be issued an annual license covering the assigned quota until such time as their application forms are completed in all respects.

Dated: April 11, 1969.

K. N. DAVIS, JR.,
Assistant Secretary for Domestic and International Business, Department of Commerce.

HARRISON LOESCH,
Assistant Secretary for Public Land Management, Department of the Interior.

[F.R. Doc. 69-4447; Filed, Apr. 11, 1969; 4:04 p.m.]

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

CHINESE TYPE FOODSTUFFS

Importation Directly From Taiwan (Formosa); Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Government of the Republic of China under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following commodities:

Mustard green, sweet and sour.
Red bean paste, canned.
Scallions, pickled.

Since certificates of origin are presently available for salted mustard green, the certification procedure will henceforth cover "Mustard green, salted, sweet and sour."

[SEAL] MARGARET W. SCHWARTZ,
Director, Office of Foreign Assets Control.

[F.R. Doc. 69-4399; Filed, Apr. 14, 1969; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMPHETAMINE SULFATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Amfetasul; a parenteral solution containing 50 milligrams of amphetamine sulfate per cubic centimeter; marketed by Pitman-Moore, Division of the Dow Chemical Co., Research Center, Box 10, Zionsville, Ind. 46077.

The Academy concludes that (1) this drug is probably effective; (2) since the documentation does not show efficacy for most of the claims made, proof of each of these should be supplied, or the claims should be modified; and (3) there is little doubt that amphetamine is an analeptic and a sympathomimetic, and, if the claims were confined to these statements, the product would be acceptable. The Food and Drug Administration concurs with the conclusions of the Academy.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

To alleviate overdosage of barbiturates, and for use as an analeptic and a sympathomimetic for cattle, horses, and dogs.

DOSAGE AND ADMINISTRATION

Administer intravenously, subcutaneously, or intraperitoneally.

Adult cattle and horses: 0.1 to 0.3 milligram per pound of body weight. Profound depressive states may require double this dosage. May be repeated at 24 hour intervals. Do not give more than seven daily doses without rest period.

Dogs: 0.5 to 2.0 milligrams per pound of body weight.

PRECAUTIONS

This drug should not be used in excessively excited animals or in those with cardiovascular diseases.

Warning: Excessive use of this drug may cause nervousness and restlessness. Not for use in animals producing milk since this will result in the contamination of the milk.

Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian.

Notice: Do not use if product precipitates or becomes cloudy.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling or any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4337; Filed, Apr. 14, 1969; 8:46 a.m.]

CHLORHEXIDINE DIHYDROCHLORIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501:

1. Nolvasan Suspension; syringe contains 1 gram of chlorhexidine dihydrochloride.

2. Nolvasan Effervescent Uterine Cap-Tabs; each cap-tab contains 1 gram of chlorhexidine dihydrochloride.

The Academy concluded that Nolvasan Suspension is: (1) Probably not effective for conjunctivitis since more information and data are needed for its use in eyes and (2) probably effective for metritis, vaginitis, and other bacterial infections. but label should state that it is effective against infections caused by organisms sensitive to chlorhexidine. The company has not documented its use in otitis as claimed.

The Academy concluded that: (1) Nolvasan Effervescent Uterine Cap-Tabs are probably effective for intrauterine medication for treatment or prevention of vaginitis and endometritis of bacterial origin in cows and mares; (2) the label would be improved by more emphasis on degree of cleanliness to be observed in placing tablets in uterus; and (3) information is needed from the manufacturer for the tablets that are to be inserted into the uterus with respect to (a) the degree of disintegration within the uterus, (b) the presence of hazardous ingredients that may cause severe irritation, ulceration, perforation, or necrosis, and (c) the chemical compatibility of the vehicle and active agent or agents.

The Food and Drug Administration concurs with the conclusions of the Academy.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug applications for the drugs listed above has been mailed a copy of the NAS-NRC reports. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to those drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4338; Filed, Apr. 14, 1969; 8:46 a.m.]

EMBRYOSTAT (OXYTETRACYCLINE POWDER)

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Embryostat; contains 100 milligrams of oxytetracycline (Terramycin) hydrochloride per single-dose vial; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The Academy concluded that this drug for use in cows is probably effective in mild endometritis leading to repeat breeder syndrome but is ineffective at the recommended dosage in other forms of metritis, cervicitis, and vaginitis; that the label should be changed to conform to this information; and that the label should also state that the product is effective only against organisms sensitive to oxytetracycline hydrochloride. The Food and Drug Administration concurs with the Academy's conclusions.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4339; Filed, Apr. 14, 1969; 8:46 a.m.]

HISTOSTAT

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Histostat-50 (Medicated Premix); contains 50 percent 4-nitrophenylarsonic acid; by Salsbury Laboratories, Charles City, Iowa 50616.

The Academy concludes that this product is effective as an aid in prevention of blackhead in chickens and turkeys. The Academy is aware of toxic reaction (leg weakness) at the recommended dose level of 0.025 percent as shown on label submitted for review and suggests reduced dosage and that the label indicate the desirability of adequate drinking water near feeder at all times.

The Food and Drug Administration concurs with the Academy's evaluation and concludes that the product is efficacious at 0.01875 percent for the claims made.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATION FOR USE

As an aid in the prevention of blackhead in chickens and turkeys.

DOSAGE AND ADMINISTRATION

Complete ration to contain 0.01875 percent of the drug.

PRECAUTIONS

Early medication is essential to prevent spread of the disease.

Adequate drinking water must be provided near feeder at all times.

The drug is not effective in preventing blackhead in birds infected more than 4 or 5 days.

Equipment used for mixing this drug with feed must be thoroughly cleaned before using in a mix with other feeds.

WARNINGS

Discontinue use 5 days before slaughtering for human consumption to allow for elimination of the drug from edible tissue.

Dangerous for ducks, geese, and dogs. Overdosage or lack of water may result in leg weakness or paralysis.

Keep out of the reach of children.

CAUTION: Use as the sole source of arsenic.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4340; Filed, Apr. 14, 1969; 8:46 a.m.]

NICARBAZIN

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Nicarb (nicarbazin 25%, Merck); contains 113.5 grams of nicarbazin per pound, marketed by Merck & Co., Inc., Rahway, N.J. 07065.

The Academy concludes that this drug is effective as an aid in preventing outbreaks of cecal and intestinal coccidiosis in chickens. The Food and Drug Administration concurs with this evaluation.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

As an aid in preventing outbreaks of cecal (*Eimeria tenella*) and intestinal (*E. acervulina, E. maxima, E. necatrix,* and *E. brunetti*) coccidiosis in chickens.

DOSAGE AND ADMINISTRATION

Finished feeds should contain 0.0125 percent nicarbazin. Feed as the only ration from the time chicks are placed on litter until past the time when coccidiosis is ordinarily a hazard.

CONTRAINDICATIONS

Do not use as a treatment for outbreaks of coccidiosis. Do not use in flushing mashes.

PRECAUTIONS

If losses exceed 0.5 percent in a 2-day period, obtain an accurate diagnosis and follow the instructions of your veterinarian or poultry pathologist.

WARNING: Discontinue medication 4 days before marketing the birds for human consumption to allow for elimination of the drug from the edible tissue.

CAUTION: Do not feed to laying hens in production. Keep out of reach of children. For veterinary use only.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4341; Filed, Apr. 14, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-23]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

Correction

In F.R. Doc. 69-3965 appearing at page 6128 in the issue of Friday, April 4, 1969, the following change should be made in the third paragraph under the center heading "Telephone Systems, Sound-Powered": The figure in the 12th line should read "161.005/60/0".

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Correction

In F.R. Doc. 69-4161 appearing at page 6300 in the issue of Wednesday, April 9, 1969, the following changes should be made:

1. The entry in the "Mode or modes of transportation" column for Special Permit No. 5916 should read "Cargo-only aircraft, highway, rail, and water".

2. The phrase "Department of Transportation" in Special Permit Nos. 5918, 5919, 5932, and 5933 should read "DOT".

CIVIL AERONAUTICS BOARD

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

APRIL 9, 1969.

Notice is hereby given that the Civil Aeronautics Board on April 4, 1969, received an application, Docket 20886, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 to authorize it to engage in nonstop service between Louisville, Ky., and Washington, D.C. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4302; Filed, Apr. 14, 1969; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18333, etc.; FCC 69-317]

COMMUNICATIONS TECHNICAL SALES, INC. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Communications Technical Sales, Inc., for consent to assignment of license of Station KIY585 in the Domestic Public Land Mobile Radio Service at Columbia, S.C., to L. Marion Evans, doing business as Telephone Answering Service, Docket No. 18333, File No. 558–C2–AL–67; for renewal of licenses of Stations KIY585 and KIY589 in the Domestic Public Land Mobile Radio Service at Columbia and Sumter, S.C., Docket No. 18334, File No. 7546–C2–R–66, File No. 51–C2–R–66; for modification of license of Station KIY585 in the Domestic Public Land Mobile Radio Service at Columbia, S.C., Docket No. 18335, File No. 388–C2–ML–66; for consent to assignment of license of Station KIY589 in the Domestic Public Land Mobile Radio Service at Sumter, S.C., to Abraham Thomy, doing business as A-ble Answering Service, Docket No. 18336, File No. 5290–C2–AL–66; for a construction permit to modify the facilities of Station KIY589 in the Domestic Public Land Mobile Radio Service at Sumter, S.C., Docket No. 18510, File No. 2813–C2–P–69; L. Marion Evans, doing business as Telephone Answering Service, for renewal of license of Station KIY760 in the Domestic Public Land Mobile Radio Service at Columbia, S.C., Docket No. 18337, File No. 2868–C2–R–66; May G. Evans, doing business as Evans Telephone Answering Service, for a construction permit to establish new radio facilities in the Domestic Public Land Mobile

Radio Service at Columbia, S.C., Docket No. 18511, File No. 4423–C2–P–69; Abraham Thomy, doing business as A-ble Answering Service, for a construction permit to establish new radio facilities in the Domestic Public Land Mobile Radio Service at Sumter, S.C., Docket No. 18512, File No. 3519–C2–P–69; for renewal of license of Station KFL907 in the Domestic Public Land Mobile Radio Service at Florence, S.C., Docket No. 18513, File No. 5119–C2–R–69.

1. The Commission, in a memorandum opinion and order adopted September 25, 1968,[1] designated for hearing applications by Communications Technical Sales, Inc. (CTSI) (a) for consent to assignment of license of Station KIY585 in the Domestic Public Land Mobile Radio Service at Columbia, S.C., to L. Marion Evans, doing business as Telephone Answering Service; [2] (b) for consent to assignment of license of Station KIY589 in the Domestic Public Land Mobile Radio Service at Sumter, S.C., to Abraham Thomy, doing business as A-ble Answering Service (Thomy); [3] and, (c) for renewal of licenses of Stations KIY585 and KIY589.[4] The basic issue upon which designation was ordered was whether an unauthorized assignment of license of Station KIY585 had taken place, and, whether CTSI and L. Marion Evans possess the requisite character qualifications to be Commission licensees.[5] Accordingly, the application of L. Marion Evans, doing business as Telephone Answering Service, for renewal of license of Station KIY760 in the Domestic Public Land Mobile Radio Service at Columbia, S.C.,[6] was also designated for hearing in the same proceeding.

2. On September 30, 1968, CTSI filed an application for a construction permit and requested therein special temporary authority to modify the facilities of Station KIY589.[7] Thomy, on December 9, 1968, filed an application [8] for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Sumter, S.C., requesting the frequency 152.21 Mc/s (base). It should be noted, at this point, that Station KIY589 in Sumter is currently authorized to operate on 152.21 Mc/s. Thomy's application contained a letter by the president of CTSI stating approval of Thomy's application, and advising that the grant of Thomy's application would be followed by CTSI abandoning its application for renewal of Station KIY589. On December 17, 1968, this application was amended by a request for waiver of § 21.24(d) of the Commission's rules [9] to permit said application to be filed though it was mutually exclusive with the application for renewal of license of Station KIY589. A second amendment to Thomy's application, filed December 19, 1968, changes the base frequency requested to 152.12 Mc/s, and states that both Thomy and CTSI waive any rights to comparative consideration of the applications for renewal and assignment of Station KIY-589 and Thomy's present application for new facilities in the same city. A petition to Deny or Designate for Hearing was filed against this application by Columbia Telephone Answering Service on January 22, 1969. Since said petition lacks the affidavit of personal knowledge required by section 309(d)(1) of the Act, it is defective. On January 3, 1969, CTSI filed before the Examiner a petition to dismiss its application for consent to assignment of Station KIY589 to Thomy, on the ground that Thomy no longer had interest in said station.

3. On January 28, 1969, May G. Evans, doing business as Evans Telephone Answering Service [10] filed an application [11] to establish new facilities in the Domestic Public Land Mobile Radio Service at Columbia, S.C. This application, as did Thomy's in Sumter, contained a letter from CTSI waiving its rights to comparative consideration, and expressing its intent to dismiss its application for renewal of license of Station KIY585 as soon as May G. Evans' application is granted. On February 20, 1969, CTSI filed before the Examiner a Petition to Dismiss its application to assign the license of Station KIY585 to L. Marion Evans, citing as its reason that May G. Evans was not interested in the assignment of Station KIY585 to the Estate of L. Marion Evans.

4. As a result of these filings and pleadings, the factual situation surrounding the hearing proceeding has been substantially altered since the issuance of the designation order. However, the issues in this proceeding, as enlarged by the Review Board, have been in no way modified. Although L. Marion Evans is now deceased, it is still desirable to proceed with a determination of the nature and extent of his participation, and that of his business, in the proposed transaction. Moreover, the general issue as to Thomy's character qualifications appears to warrant the consolidation in these proceedings of his renewal application for Station KFL907 in the Domestic Public Land Mobile Radio Service at Florence, S.C. CTSI's character in connection with its operations at both Columbia and Sumter, S.C., remains in question, and the public interest demands that such issues be satisfactorily resolved.

5. Section 1.227(a) of the Commission's rules permits the Commission, upon its own motion, to consolidate for hearing "any cases which involve the same applicant or involve substantially the same issues," where consolidation "will best conduce to the proper dispatch of business and to the ends of justice." The instant parties, proposals, and issues are so entwined and interrelated as to make a consolidated hearing necessary.

6. Accordingly, in view of our conclusions above: *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.227(a) of the Commission's rules, the captioned applications are designated for hearing, in a consolidated proceeding with Dockets 18333 through 18337, at the Commission's offices in Washington, D.C., on the date ordered for Dockets 18333 through 18337, on the issues and burdens of proof specified in the initial memorandum opinion and order (FCC 68–979, 14 FCC 2d 793), as enlarged by the Review Board on December 27, 1968 (FCC 68R–542, 15 FCC 2d 776).

7. *It is further ordered*, That the petition to deny or designate for hearing filed by Columbia against the application by CTSI is hereby dismissed.

8. *It is further ordered*, That the request by CTSI for special temporary authority to modify the facilities of Station KIY589 is hereby denied.

9. *It is further ordered*, That the parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: April 2, 1969.

Released: April 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[12]

[SEAL] BEN F. WAPLE, *Secretary,*

[F.R. Doc. 69–4377; Filed, Apr. 14, 1969; 8:50 a.m.]

[Docket No. 18519; FCC 69–333]

WESTERN UNION TELEGRAPH CO.

Order Designating Application for Hearing on Stated Issues

In the matter of the application of The Western Union Telegraph Co. for authorization and approval of the acquisition of Teletypewriter Exchange Service properties, facilities and operations; Docket No. 18519, File No. T–C–2228.

1. The Commission has under consideration an application by The Western Union Telegraph Co. filed pursuant to section 222 of the Communications Act of 1934, as amended, for approval and authorization of its acquisition of the teletypewriter exchange service properties, facilities and operations of American Telephone and Telegraph Co. and the associated Bell System companies. We also have under consideration a request by A.T. & T. and the Bell System companies for approval of Western Union's application.[1]

2. Section 222(c)(1) provides that upon submission of such an application the Commission shall order a public hearing with respect to such application.

3. *Accordingly, it is ordered*, That the above-mentioned application is designated for hearing to determine whether Western Union's proposal

(1) Is authorized by subsection (a) of section 222;

(2) Conforms to all other applicable provisions of that section; and

(3) Is in the public interest.

4. *It is further ordered*, That The Western Union Telegraph Co., American Telephone and Telegraph Co., and the associated Bell System companies are made parties respondent hereto;

5. *It is further ordered*, That a hearing be held in this proceeding at the Commission's Offices in Washington, D.C., at a time to be specified, before the Telegraph Committee, which is, pursuant to sections 4(j) and 5(d)(1) of the Communications Act of 1934, as amended, and sections 7(a) and 8(a) of the Administrative Procedure Act, designated as a panel of Commissioners to preside at the hearing with the assistance of an Examiner to be named who shall sit with them and preside in their absence;

6. *It is further ordered*, That upon completion of the receipt of the evidence in this proceeding, the panel of Commissioners shall, after consideration of proposed findings and conclusions with supporting reasons as provided by 47 CFR 1.263 and 1.264, prepare and issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided by 47 CFR 1.276 and 1.277 after which the Commission shall issue its decision as provided by 47 CFR 1.282; and

7. *It is further ordered*, That a copy of this order shall be served on the governor of each State, except Alaska and Hawaii, the Secretary of State, the Secretary of the Army, and Attorney General of the United States, the Secretary of the Navy, Communications Workers of America, United Telegraph Workers, Federation of Telephone Workers of Pennsylvania, and the National Association of Regulatory Utilities Commissioners.

Adopted: April 2, 1969.

Released: April 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–4378; Filed, Apr. 14, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

ORIENTAL LATIN AMERICA LINES, INC., AND CHINESE MARITIME TRUST, LTD.

Notice of Application for Certificate (Casualty)

Security for the protection of the public, financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commisison General Order 20, as amended (46 CFR Part 540):

Oriental Latin America Lines, Inc., and Chinese Maritime Trust, Ltd. (Orient Overseas Line).

Dated: April 9, 1969.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–4327; Filed, Apr. 14, 1969; 8:45 a.m.]

ORIENTAL LATIN AMERICA LINES, INC., AND CHINESE MARITIME TRUST, LTD.

Notice of Application for Certificate (Performance)

Security for the protection of the public, indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Oriental Latin America Lines, Inc., and Chinese Maritime Trust, Ltd. (Orient Overseas Line).

Dated: April 9, 1969.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–4328; Filed, Apr. 14, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–3117, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 7, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[1] PCC 68–979; 14 FCC 2d 793, Dockets Nos. 18333 thru 18337.

[2] File No. 558–C2–AL–67, Docket No. 18333.

[3] File No. 5290–C2–AL–68, Docket No. 18336.

[4] Docket No. 18334, The Petitioner involved is Columbia Telephone Answering Service, Inc., doing business as Able Paging Service (Columbia).

[5] The Review Board, by its order released Dec. 31, 1968, enlarged the issues of the proceeding to include a determination of whether an unauthorized assignment of Station KIY589 had occurred, and whether, as a result of such determination, CTSI and/or Thomy possess the requisite character qualifications to be Commission licensees.

[6] Docket No. 18337.

[7] File No. 3813–C2–P–69. This application proposed a relocation of the station's base station, a change in the antenna system, and the addition of ten (10) dispatch stations.

[8] File No. 3519–C2–P–69.

[9] This subsection states that any mutually exclusive application filed after the date that a prior application has been designated for hearing "will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket."

[10] File No. 4423–C2–P–69. This application (No. 2842–C2–AL–69) was filed for consent to the involuntary assignment of Station KIY-760 from L. Marion Evans, who had died Oct. 29, 1969, to May G. Evans, the Executrix of his estate. This application was granted on Feb. 4, 1969, by staff action.

[11] File No. 4423–C82–P–69. This application also requests a waiver of §§ 21.24(d) and 1.227(b)(4).

[12] Commissioner Wadsworth absent.

[1] Western Union's application and the present Order do not take into account the independent telephone companies. It is expected that this matter will be brought before the Commission for consideration later.

[2] Commissioner Wadsworth absent; Commissioner Johnson concurring in the result.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C160-895..... A 2-19-69	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Cities Service Gas Co., Mocane-Laverne Pool, Beaver County, Okla.	[1] 17.0	14.65
C160-896..... A 2-19-69	Glen Daniels Gas Co., c/o James K. Allen, partner, Post Office Box 160, Charleston, W. Va. 25321.	Consolidated Gas Supply Corp., Cheap Hill and Mary Ann Fork, Dilrich, Raleigh County, W. Va.	21.0 [2] 27.0	15.025
C160-897..... A 2-19-69	Texas Gas Exploration Corp., 1111 First City National Bank Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., Graham Lake Gas Field, Muhlenberg County, Ky.	15.0	15.025
C160-898..... A 2-19-69	Humble Oil & Refining Co..... do.....	Transcontinental Gas Pipe Line Corp., Pine Island Field, Vermilion Parish, La.	21.25	15.025
C160-899..... A 2-19-69	Monsanto Co., 1300 Main St., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	[3] 15.0	14.65
C160-900..... A 2-20-69	Gray Eagle Construction Co., Post Office Box 108, Kermit, W. Va. 25674.	United Fuel Gas Co., acreage in Mingo County, W. Va.	25.0	14.65
C160-902..... A 2-21-69	Kendall-Davis Drilling Co., Inc. (Operator), et al., Court Bldg., Evansville, Ind. 47708.	Texas Gas Transmission Corp., Elk Creek Field, Hopkins County, Ky.	15.0	15.025
C160-903..... A 2-21-69	Petroleum, Inc..... do.....	Kansas-Nebraska Natural Gas Co., Inc., Guymon-Hugoton Area, Texas County, Okla.	[4] 17.0	14.65
C160-904..... A 2-17-69	Jones & Pellow Oil Co. (successor to Texas Pacific Oil Co.), 101 North Central Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	[5] 15.015	14.65
C160-905..... A 2-21-69	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Coon Point Field, Ship Shoal Area, Offshore Louisiana.	21.25	15.025
C160-906..... (C161-1837) F 2-17-69	John H. Hill (successor to Estate of Russell Maguire (Operator) et al.), 1000 So. Lamar, Llewellyn, attorney, 903 Southland Center, Dallas, Tex. 75201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	[6] 17.0	14.65
C160-907..... A 2-24-69	Union Oil Co. of California (Operator) et al., Union Oil Center, Los Angeles, Calif. 90017.	Diamond Shamrock Corp., Farnsworth Field, Ochiltree County, Tex.	12.0	14.65
C160-908..... A 2-24-69	Cabot Corp., Post Office Box 1101, Pampa, Tex. 79065.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 233, Offshore Louisiana, Gulf of Mexico.	21.25	15.025
C160-909..... B 2-24-69	Union Oil Co. of California.....	Northern Natural Gas Co., Harper Ranch Field, Clark and Comanche Counties, Kans.	Depleted	.....

[1] Deletes formations between 9,000' and 11,000' in a portion of sec. 10, T10S, R1E.
[2] Application previously noticed Mar. 18, 1969, in Dockets Nos. G-2978 et al., as a total initial price of 13 cents per Mcf.
[3] Applicant filed revised contract summary to reflect a total initial rate of 10 cents per Mcf in lieu of the original proposed rate of 13 cents per Mcf.
[4] Lessee have expired or were canceled.
[5] Amends to include Undivided Interest of Glen A. Martin, which Interest was acquired from William D. N'eary, Trustee in Docket No. CI61-121. Filing was made by Glen A. Martin.
[6] Subject to upward B.t.u. adjustment.
[7] Application was previously noticed Mar. 26, 1969, in Dockets Nos. G-8758 et al., with location of sale shown as Woods County, Okla., at a total initial rate of 17 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[8] Amendment to application filed to reflect location of sale as Woods and Woodward Counties Okla.; and to reflect a rate of 15 cents per Mcf for production from acreage in Woods County and 17 cents per Mcf for production from acreage in Woodward County.
[9] Subject to upward and downward B.t.u. adjustment.
[10] Applicant has heretofore filed and concurrently with the instant applications have withdrawn applications in Dockets Nos. C168-1084 and C168-1085, respectively, to sell gas from the same acreage from which sales are proposed in the instant applications.
[11] Applicant states it is willing to accept a certificate conditioned as provided in Commission General Order No. 387, issued June 30, 1967.
[12] Price determined by volume of gas sold.
[13] Subject to reduction for compression and/or treating costs if required.
[14] Includes 0.015-cent tax reimbursement. An increase in rate to 15.015 cents has been suspended in Docket No. R168-650.
[15] Rate in effect subject to refund in Docket No. RI62-454.

[F.R. Doc. 69-4274; Filed, Apr. 14, 1969; 8:45 a.m.]

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C164-1135..... E 2-21-69	Texaco, Inc. (successor to Sun Oil Co. (DX Division), Operator et al), Post Office Box 52332, Houston, Tex. 77052.	Lone Star Gas Co., Hewitt, East Field, Carter County, Okla.	15.0	14.65
C164-1314..... (C161-121) F&C 2-19-69 [8]	Houston Natural Gas Production Co. (Operator) et al.	Valley Gas Transmission, Inc., Sejita Field, Duval County, Tex.	15.0	14.65
C167-652..... C 2-17-69	Thomas A. Dugan et al., Box 234, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	15.0619	15.025
C167-1224..... E 2-17-69	Fain-Porter Drilling Corp. (successor to Joe N. Thamilton), 2400 Liberty Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[9] 17.0	14.65
C169-677..... D 2-14-69	Mobil Oil Corp.....	Arkansas Louisiana Gas Co., Chimneyville Field, Logan County, Ark.	(7)	.....
C169-197..... C 2-24-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	23.0	15.325
C169-664..... A 2-14-69 [10] 3-21-69 [11]	.....do.....	Michigan Wisconsin Pipe Line Co., Woodford Field, Woods and Alfalfa Counties, Okla.	17.0 [12] 15.0	14.65
C169-871..... (C160-631) F 2-3-69	Hunting Oil Co., Inc. (successor to M. A. Hall), 14701 Detroit Ave., Lakewood, Ohio 44107.	The Ohio Fuel Gas Co., Glandbog Creek Field, Meigs County, Ohio.	22.0	15.025
C169-880..... A 2-19-69	F. M. Chisler Dobbins Farm No. 1, Route No. 2, Fairview, W. Va. 26570.	Equitable Gas Co., Birch District, Braxton County, W. Va.	27.0	15.325
C169-881..... (C168-1084) A 3-19-69 [13]	Kerr-McGee Corp. [14] Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 233, Offshore Louisiana, Gulf of Mexico.	21.25	15.025
C169-882..... A 3-19-69	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., Ship Shoal Area, Block 233, Offshore Terrebonne Parish, La.	21.25	15.025
C169-883..... A 3-19-69	D. A. Dorward et al., 41 North Chesterfield Rd., Columbus, Ohio 43209.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	27.0	15.325
C169-884..... (C168-1086) A 3-19-69 [13]	Kerr-McGee Corp. [14]	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 230 Field, Offshore Louisiana, Gulf of Mexico.	21.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[Docket No. CP69-191]

CUMBERLAND AND ALLEGHENY GAS CO. AND MANUFACTURERS LIGHT AND HEAT CO.

Order Granting Intervention, Prescribing Procedures, and Setting Date for Prehearing Conference; Correction

APRIL 3, 1969.

In the order granting intervention, prescribing procedures, and setting date for prehearing conference, issued March 27, 1969, and published in the FEDERAL REGISTER April 3, 1969 (34 F.R. 6060), on page 2, Item No. 2, third line: Change "March 20, 1969" to read "April 10, 1969."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4329; Filed, Apr. 14, 1969; 8:45 a.m.]

[Projects Nos. 2669, 2323]

NEW ENGLAND POWER CO.

Order Consolidating Proceedings, Setting Hearing and Prescribing Procedure

APRIL 8, 1969.

On February 15, 1968, the New England Power Co. (Applicant) filed an application for license for the proposed Bear Swamp Project No. 2669 to be located on the Deerfield River in Berkshire and Franklin Counties, Mass. The Applicant also filed an application for amendment of the license for its constructed Deerfield River Project No. 2323, because the proposed Bear Swamp Project would involve changes in project works forming a part of Project No. 2323.

By order issued September 12, 1968, we granted intervention to Western Massachusetts Electric Co. and to the Power Planning Committee of Municipal Electric Association of Massachusetts and the Municipal Electric Departments and Plants of Chicopee, Shrewsbury, and Wakefield, Mass.

We noted in the order granting intervention that while the petitioners there granted intervention do not oppose, per se, the grant of license to construct the project, they request that a public hearing be held to review in detail the feasibility of the project and to determine whether it is properly conceived as part of a sound and proper plan for the New England region. Western Massachusetts Electric Co. states that granting the applications may result in changes in patterns of water discharge so as to have a detrimental effect on its licensed project. As provided below, we think it appropriate that a public hearing be held on the applications and that a prehearing conference be convened for, among other purposes, the clarification of the issues to be considered in the hearing.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Federal Power Act that the above-designated proceedings be consolidated and set for public hearing.

The Commission orders:

(A) The proceeding on the application for a license for the proposed Project No. 2669 and the proceeding on the application for amendment of the license for constructed Project No. 2323 are hereby consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on September 9, 1969, at 10 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters involved and the issues presented in the consolidated proceedings.

(C) The following procedure is prescribed for the consolidated proceedings:

(1) A prehearing conference shall be held on April 28, 1969, at 10 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purposes specified in § 1.18 (b) of the Commission's rules of practice and procedure, and particularly for clarification of the issues to be considered in the hearing.

(2) The Applicant shall file by June 2, 1969, an original and 10 copies of all direct testimony, including qualifications of the witnesses, and exhibits to be presented in Applicant's direct case.

(3) All other parties, including the Commission staff, shall file by August 4, 1969, an original and 10 copies of all testimony and exhibits including qualifications of witnesses.

(4) All motions to strike shall be filed by August 18, 1969, with replies to such motions to be filed by August 29, 1969.

(5) All of the testimony, except exhibits, shall be in question and answer form.

(6) No exhibits, except those of which official notice may properly be taken shall contain narrative material other than brief explanatory notes.

(7) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they are to be marked for identification.

(8) The Presiding Examiner will specify the order of cross-examination and time to be permitted for preparation of rebuttal evidence.

(9) The Presiding Examiner, at his discretion, may modify or change the time and place for the hearing or procedures set forth in this order where the circumstances indicate clearly that such a change is required or that it would make a substantial contribution to the expeditious and effective conduct of the hearing.

(D) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4330; Filed, Apr. 14, 1969; 8:45 a.m.]

[Project No. 405]

SUSQUEHANNA POWER CO. AND PHILADELPHIA ELECTRIC POWER CO.

Notice of Application for Amendment of License for Constructed Project

APRIL 8, 1969.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a—825r) for constructed Conowingo Project No. 405, located on the Susquehanna River in York, Lancaster, Chester, and Montgomery Counties, Pa., and Harford and Cecil Counties, Md., near Chester and Philadelphia, Pa., and Baltimore, Md.

The application seeks approval of a revised Exhibit K map to show a change in the project boundary caused by the proposed removal of approximately 26.2 acres of privately owned land located on the westerly bank of the river about 9 miles above the Conowingo Dam. The land would be sold to Philadelphia Electric Co. for use in connection with two proposed nuclear thermal electric generating units of 1,100 mw. (electrical output) each. The nuclear plant, known as Peach Bottom Nuclear Plant, would withdraw 400 g.p.m. raw processing water, 50,000 g.p.m. service water and 3,350 c.f.s. condenser cooling water from the Conowingo Reservoir—all of which, except for minor losses, would be returned to the reservoir. Three induced draft cooling towers would be constructed on the land to be sold to reduce the temperature of the used cooling water to an acceptable level before it is returned to the reservoir.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4331; Filed, Apr. 14, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

APRIL 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of

1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 10, 1969, through April 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4367; Filed, Apr. 14, 1969; 8:49 a.m.]

DUMONT CORP.

Order Suspending Trading

APRIL 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 10, 1969, through April 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4368; Filed, Apr. 14, 1969; 8:49 a.m.]

DYNA RAY CORP.

Order Terminating Summary Suspension of Trading

APRIL 9, 1969.

The common stock of Dyna Ray Corp., New York, N.Y., being traded otherwise than on a national securities exchange; and

The Commission having, on April 4, 1969, issued an order pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 summarily suspending trading in said securities effective for the period April 6, 1969, through April 15, 1969; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after April 14, 1969:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of April 4, 1969, shall terminate effective at the closing of business on April 14, 1969.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4369; Filed, Apr. 14, 1969; 8:49 a.m.]

[70-4734]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of Commercial Paper Notes and Notes to Banks and Exemption From Competitive Bidding

APRIL 9, 1969.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street, Atlanta, Ga. 30303, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell short-term notes to a group of banks and to issue and sell commercial paper from time to time prior to December 31, 1969, which together shall not exceed $85 million in aggregate principal amount at any one time outstanding (including approximately $45 million which currently may be borrowed pursuant to the exemption provided by the first sentence of section 6(b) of the Act and of which there are currently outstanding bank loans and commercial paper aggregating $23,344,000 in principal amount). Georgia requests that from and after the effective date of the Commission's order herein to December 31, 1969, the exemption from the provisions of section 6(a) of the Act afforded by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased from 5 percent of the principal amount and value of other securities of Georgia at the time outstanding up to but not more than such greater percentage thereof as may be necessary to permit the issuance and sale of the notes and commercial paper as herein proposed.

The proposed notes to banks will be dated the date of the borrowing, will mature not more than 9 months after the date of issue, and will not exceed $68,980,000 outstanding at any one time. The group of banks to which notes are to be issued consists of four New York City banks (maximum of $36,725,000 to be borrowed) and 246 Georgia banks (maximum of $32,264,000 to be borrowed). Each bank note will bear interest at the prime rate in effect at the lending bank on the date of the borrowing, except that notes to The Chase Manhattan Bank (National Association) will bear interest at the rate in effect from time to time at that bank. Georgia may prepay the notes, in whole or in part, without penalty or premium.

The proposed commercial paper will be in the form of promissory notes with varying maturities not to exceed 270 days, will be issued in denominations of not less than $50,000 and not more than $5 million, and will not be prepayable prior to maturity. The commercial paper will be sold by Georgia directly to Goldman, Sachs & Co., at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality of the particular maturity sold by issuers thereof to commercial paper dealers: *Provided, however*, That no commercial paper shall be issued having a maturity more than 90 days which has a discount rate which exceeds the prime commercial bank rate at which Georgia would obtain loans from the above-mentioned banks in an amount at least equal to the principal amount of such commercial paper. No commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer, as principal, will reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing discount rate to Georgia to not more than 100 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer.

Georgia will apply, to the extent necessary, the net proceeds of any long-term public financing effected by it prior to the maturity of the bank notes and commercial paper notes authorized pursuant to this application to pay in full or reduce the principal amount of such notes outstanding, and the authorization shall be permanently reduced to the extent of such net proceeds. The company expects to sell during 1969 first mortgage bonds in the amount of $65 million and preferred stock in the amount of $15 million.

Georgia asserts that the issue and sale of commercial paper should be exempted from the competitive bidding requirements of Rule 50 because all the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for prime borrowers such as Georgia are published daily in financial publications, and it is not practical to invite invitations for bids for commercial paper. Georgia also requests authority to file certificates of notification under Rule 24 in respect of its commercial paper on a quarterly basis.

Georgia's fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,450, including legal fees of $750. The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 30, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4370; Filed, Apr. 14, 1969; 8:50 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

APRIL 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 10, 1969, through April 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4371; Filed, Apr. 14, 1969; 8:50 a.m.]

[812-2493]

PRUDENTIAL INSURANCE COMPANY OF AMERICA AND PRUDENTIAL VARIABLE CONTRACT ACCOUNT-2

Notice of Application for Exemption

APRIL 9, 1969.

Notice is hereby given that Prudential Insurance Company of America ("Prudential") and The Prudential Variable Contract Account-2 ("VCA-2"), Prudential Plaza, Newark, N.J. (hereinafter collectively "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of section 22(d) of the Act. Prudential established VCA-2 pursuant to New Jersey Law on January 9, 1968, as a segregated investment account to offer group variable annuity contracts which are intended to qualify for Federal tax benefits under section 403(b) of the Internal Revenue Code of 1954, as amended ("Code"). VCA-2 is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representation therein which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

Prudential proposes to offer a companion fixed-dollar annuity contract to each purchaser of a group variable annuity contract and, where both contracts are purchased, participants may designate what portion of the purchase payments made on their behalf shall be allocated to the variable annuity contract and what portion shall be allocated to the companion fixed-dollar contract. This designation may be changed from time to time. In addition, transfers may be made of a participant's accumulated values under the companion fixed-dollar contract, or under any other fixed-dollar annuity contract issued by Prudential which meets the conditions set forth in section 403(b) of the Code to a participant's individual accumulation account under the group variable annuity contract. Such transfers will be made without sales load. Prudential reserves the right to limit the frequency of such payment.

Applicants submit that since no sales expense is incurred in connection with transfers of accumulated values between the companion fixed-dollar and variable annuity contracts, it would be inappropriate to charge a sales load in connection with such transfers. Four percent of each purchase payment made under the variable contracts is deducted for sales expenses and 96 percent is allocated to the individual accumulation account of the participant on whose behalf the payment is made. An identical charge has been made from each purchase payment made under companion fixed-dollar contracts issued subsequent to July 1, 1968, the effective date of the registration statement under the Securities Act of 1933 describing the group variable annuity contracts. There are, however, a few companion fixed-dollar contracts or other Prudential fixed-dollar annuity contracts, which were issued prior to that date, under which purchase payments may have been made with a sales charge of less than 4 percent. Applicants allege that the charge was never less than 3 percent. A condition of the issuance of a group variable annuity contract to the holders of such contracts is their agreement to a revision of their fixed-dollar contracts that would increase the sales charge to 4 percent for all future contributions. Applicants assert that imposition of an additional sales charge at the time of transfer to the variable annuity contract upon the portion of the accumulated amount resulting from contributions upon which a sales charge of not less than 3 percent was made, in order to produce a total charge of 4 percent would be cumbersome, and would appear to the participants to be a retroactive charge. Applicants request exemption from section 22(d) to the extent necessary to permit transfers without a sales load as described above.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than April 28, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4372; Filed, Apr. 14, 1969; 8:50 a.m.]

[File No. 245F-3434]

WESTERN TIN MINING EXPLORATION CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 9, 1969.

I. Western Tin Mining Exploration Corp. ("Western"), 108 West Telegraph

Street, Carson City, Nev., incorporated in Nevada on February 17, 1969, filed a notification and offering circular on March 24, 1969, covering a proposed offering of 300,000 of its 10 cents par value comon stock at $1 per share for an aggregate offering price of $300,000, for an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) and Regulation A promulgated thereunder. E. M. C. Securities, Inc., was named as the underwriter on an all-or-nothing best efforts basis. The offering circular states that the company intends to explore six unpatented lode mining claims in Death Valley Monument, Calif.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose in the notification and offering circular that Lewis A. Ray, its president, director, promoter, and controlling security holder, is subject to a judgment entered on March 24, 1964, in the U.S. District Court for the Southern District of California, permanently enjoining him from engaging in acts and practices in connection with the purchase or sale of securities and has been found by the Commission to be a cause of an order entered on February 28, 1964, pursuant to section 15(b) of the Securities Exchange Act of 1934 which is still in effect.

2. The Regulation A exemption is not available for the issuer under the provisions of Rule 252(d) (2) and (3) in that Lewis A. Ray, president, director, promoter, and controlling stockholder of Western, is subject to a judgment permanently enjoining him from engaging in acts and practices in connection with the purchase or sale of any security and has been found by the Commission to be a cause of an order entered pursuant to section 15(b) of the Securities Exchange Act of 1934, which is still in effect.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The notification is materially false and misleading in failing to disclose the facts with respect to Lewis A. Ray as to the injunction and Commission order referred to above.

2. The offering circular fails to disclose accurately and adequately the background of Lewis A. Ray, Western's president, director, promoter, and controlling stockholder.

C. The offering, if made, would be in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a), subparagraph (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4373; Filed, Apr. 14, 1969; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Southwestern Area), Disaster No. 697]

MANAGER, DISASTER BRANCH OFFICE, BAYTOWN, TEX.

Delegation of Authority

Notice is hereby given that Delegation of Authority No. 30-6, Disaster No. 697, 34 F.R. 5183, dated March 13, 1969, is hereby canceled in its entirety, effective April 4, 1969.

Effective date: April 4, 1969.

ROBERT E. WEST, *Area Administrator, Southwestern Area Office, SBA, Dallas, Tex.*

[F.R. Doc. 69-4343; Filed, Apr. 14, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Manpower Administration

MANPOWER ADMINISTRATOR ET AL.

Notice of Delegation of Authority

Pursuant to Secretary's Order No. 14-69, notice is hereby given that all authority delegated in Subtitle A of Title 29 and Chapter V of Title 20 of the Code of Federal Regulations to the Bureau of Employment Security or any of its component organizations or the U.S. Employment Service is hereby redelegated to the Manpower Administration. Authority so delegated to the Administrator of the Bureau of Employment Security or any of his subordinates is hereby redelegated to the Manpower Administrator. Authority so delegated to the Regional Administrators of the Bureau of Employment Security is hereby redelegated to the Regional Manpower Administrators.

Signed at Washington, D.C. this 10th day of April 1969.

ARNOLD R. WEBER, *Assistant Secretary for Manpower.*

[F.R. Doc. 69-4397; Filed, Apr. 14, 1969; 8:52 a.m.]

Office of the Secretary

[Secretary's Order 14-69]

MANPOWER ADMINISTRATION

Reorganization and Delegation of Authority and Assignment of Responsibilities for Manpower Programs

1. *Purpose.* This order redelegates to the Assistant Secretary for Manpower the authority vested in the Secretary of Labor for manpower programs, except as herein provided, and establishes the first, second, and in some cases, the third level of the organization structure of the Manpower Administration.

2. *Background.* Secretary's Order 9-69 directed an immediate study of the organization structure of the Manpower Administration for the purpose of establishing a sound organization and system of management. As a result of this study, a number of major changes in the organization structure of the Manpower Administration has been approved and is set forth below and depicted on the attached organization chart.[1] These changes will lead to the following improvements:

a. The top executive management capability of the Manpower Administration will be strengthened by reestablishing the Assistant Secretary for Manpower Administrator as separate positions.

b. The Manpower Administrator will be able to assume operating management responsibilities with improved staff support.

c. A single direct line of administration is established from the Office of the Manpower Administrator to the regions. This arrangement replaces the multiple lines of administration from the national office to the field that existed under the previous structure.

d. Duplication and overlapping authority in the administration of manpower programs at the national level is essentially reduced by combining the U.S. Employment Service and the Bureau of Work-Training Programs.

e. The status and effectiveness of the Employment Service function will be enhanced by moving responsibility for this function to a higher position in the Manpower Administration.

f. Duplication in the provision of administrative and management support services to program offices is greatly reduced by moving resources and responsibility from the Bureaus to the staff components of the Manpower Administration.

g. Decentralization of operating authority, responsibility and accountability to the Regional Manpower Administrators and the consolidation of the Manpower Administration field staff under their direction will lead to significant improvements in program operations at the State and local level with the concomitant improvement of service to the public.

3. *Office of the Assistant Secretary of Labor for Manpower.* There is established in the Department of Labor an Office of the Assistant Secretary of Labor for Manpower headed by an Assistant Secretary who reports to the Secretary. The following special staff elements are established in the Office and report directly to the Assistant Secretary of Labor for Manpower:

a. Special Review Staff.

b. Office of Equal Employment Opportunity.

c. President's Committee on Manpower.

4. *Manpower Administration.* There is established in the Department of Labor a Manpower Administration headed by a Manpower Administrator who reports to the Assistant Secretary for Manpower. In the absence of the Assistant Secretary, the Manpower Administrator shall act as the Assistant Secretary for Manpower. There is also established in the Manpower Administration a Deputy Manpower Administrator for Employment Security who shall report to the Manpower Administrator.

5. *Organization Structure of the Manpower Administration.*—a. *Staff level.* The following staff components are established in the Manpower Administration and report directly to the Manpower Administrator:

(1) Office of Information comprised of a:

Division of Press and Broadcast Media.
Division of Publications.
Division of Community Relations.
Division of Program Resources.

(2) Office of Manpower Management Data Systems (official substructure to be developed).

(3) Office of Financial and Management Systems comprised of an:

Office of Management Systems.
Office of Comptroller.

(4) Office of Policy, Evaluation, and Research comprised of an:

Office of Evaluation.
Office of Planning and Policy Development.
Office of Manpower Research.
Office of Special Manpower Programs.

(5) Intergovernmental and Interagency Relations Staff.

b. *Program level.* The following program components are established in the Manpower Administration and report to the Office of the Manpower Administrator:

(1) Bureau of Apprenticeship and Training.

(2) U.S. Training and Employment Service comprised of the:

Veterans Employment Service.
Farm Labor and Rural Manpower Service.
Office of Systems Support.
Office of Technical Support.
Office of National Projects.

(3) Unemployment Insurance Service comprised of an:

Office of Federal UI Programs and Training Allowances.
Office of Operations.
Office of Program Development and Legislation.
Office of Actuarial and Financial Services.

(c) *Field level.* The following field components are established in the Manpower Administration and report to the Office of the Manpower Administrator:

(1) Office of the Regional Manpower Administrator, Region I, Boston.

(2) Office of the Regional Manpower Administrator, Region II, New York.

(3) Office of the Regional Manpower Administrator, Region III, Philadelphia.

(4) Office of the Regional Manpower Administrator, Region IV, Atlanta.

(5) Office of the Regional Manpower Administrator, Region V, Chicago.

(6) Office of the Regional Manpower Administrator, Region VI, Kansas City.

(7) Office of the Regional Manpower Administrator, Region VII, Dallas.

(8) Office of the Regional Manpower Administrator, Region VIII, San Francisco.

(9) Office of the Manpower Administrator for the District of Columbia.

Each regional manpower office is comprised of a:

Farm Labor and Rural Manpower Service Staff.
U.S. Training and Employment Service Staff.
Unemployment Insurance Service Staff.
Financial and Management Systems Staff.

The substructure of the Manpower Administration for D.C. is presently being reviewed.

6. The Bureau of Apprenticeship and Training and the Veterans Employment Service field structures remain unchanged.

7. *Abolished Manpower Administration organizational components.* The following components of the Manpower Administration are hereby abolished:

a. The Bureau of Work-Training Programs and its regional offices.

b. The Bureau of Employment Security and its regional offices.

The components and titles of the substructure of these bureaus will remain in existence for purposes of control, reference and program continuity pending the development of integrated substructures in the newly established components of the Manpower Administration. The Assistant Secretary for Manpower is authorized to make temporary reassignments of these components as entities and of individual positions and incumbents until such time as additional substructures are approved and established in the newly established components of the Manpower Administration.

8. *Delegations of authority and assignment of responsibilities.* a. The Assistant Secretary for Manpower is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the Department's manpower programs and activities including functions to be performed by the Secretary of Labor under:

(1) The Wagner-Peyser Act of 1933, as amended (29 U.S.C. 49 et seq.).

(2) Titles III, IX, XII and relevant sections of titles VII and XI of the Social Security Act of 1935, as amended, and 5 U.S.C. 8501-8525.

(3) The Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.).

(4) Title IV of the Servicemen's Readjustment Act of 1944 (38 U.S.C. 2001 et seq.).

(5) Executive Order 10366 of June 26, 1952 (amending the Selective Service regulations) (3 CFR, 1949-1953 Comp., p. 881).

(6) The Farm Labor Contractor Registration Act of 1963 (7 U.S.C. 2041 et seq.), including the issuance of rulings and interpretations and the bringing of legal proceedings under the Act, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor.

(7) The Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.).

(8) The Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571 et seq.).

(9) The trade adjustment assistance provisions of the Trade Expansion Act of 1962 (19 U.S.C. 1202 et seq.) and Executive Order 11075 (3 CFR, 1959-1963 Comp. p. 692) of January 18, 1963, as amended, consistent with the provisions of Secretary's Order No. 19-66.

(10) The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), as it relates to the designation of redevelopment areas.

(11) The Public Works Acceleration Act of 1962 (42 U.S.C. 2641 et seq.).

(12) The trade adjustment assistance provisions of the Automotive Products Trade Act of 1965 (19 U.S.C. 2001).

(13) National Apprenticeship Act of 1937 (29 U.S.C. 50).

(14) D.C. Apprenticeship Act (Public Law 79-387).

(15) Manpower Aspects of the Appalachian Regional Development Act of 1965 (40 U.S.C. 461).

(16) Title V, and as provided for in and consistent with the delegation from the Director of the Office of Economic Opportunity, Parts B and D of title I of the Economic Opportunity Act of 1964, as amended, (42 U.S.C. 2701 et seq.).

(17) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) except the suspension or termination of financial assistance.

[1] Chart filed as part of the original document.

(18) Executive Order 11141 of February 12, 1964—Discrimination on the basis of age (3 CFR, 1964–1965 Comp., p. 179).

(19) Executive Order 11000 of February 16, 1962 (3 CFR, 1959–1963 Comp., p. 553), as related to manpower and contained in section 2 (a), (d), (e), (g), and (j), section 3, and section 4(a) of the order except that such authority and responsibility are subject to the over-all supervision and guidance of the Deputy Under Secretary who serves as the Department's Mobilization Planning Coordinator.

(20) Vocational Rehabilitation Amendments of 1954 (29 U.S.C. 31 et seq.).

(21) Defense Manpower Policy No. 4, Revised (32A CFR, Ch. 1) Placement of Procurement and Facilities in Sections and Areas of High Unemployment.

(22) Manpower aspects of the Vocational Education Act of 1963 (20 U.S.C. 11 et seq.) and the Vocational Education Amendments of 1968 (Public Law 90–576).

(23) Executive Order 10582 of December 17, 1954 (3 CFR 1954–1958 Comp., p. 230)—Implementing the Buy American Act.

(24) Executive Order 10651 of January 6, 1956 (3 CFR, 1954–1958 Comp., p. 297)—Providing for the Screening of the Ready Reserve of the Armed Forces.

(25) Executive Order 1152 of April 15, 1964 (3 CFR 1964–1965 Comp., p. 195)—Establishing the President's Committee on Manpower.

(26) Exemplary Rehabilitation Certificates (29 U.S.C. 601 et seq.).

(27) Part C, Title IV of the Social Security Act, as amended (42 U.S.C. 630 et seq.).

(28) Intergovernmental Cooperation Act of 1968 (Public Law 90–577).

(29) Executive Order 11422, Cooperative Area Manpower Planning System (33 F.R. 11739).

b. The Solicitor of Labor shall have responsibility for providing legal advice and assistance to all officers of the Department relating to manpower, employment and unemployment insurance laws and Executive Orders.

9. *Reservation of authority, and exceptions.* a. The following functions are reserved to the Secretary:

(1) Submission of reports and recommendations to the President and the Congress concerning the administration of the statutes and Executive orders listed in paragraph 8a of this order.

(2) The determination of conformity and compliance questions.

10. *Redelegation of authority.* The Assistant Secretary for Manpower may redelegate such authority as vested in him by this order.

11. *Authority and directives affected.* a. This order is issued pursuant to the Act of March 4, 1913 (37 Stat. 736; 29 U.S.C. 551), Reorganization Plan No. 6 of 1950 (15 F.R. 3174; 64 Stat. 1263); Delegation of authorities regarding special impact programs from the Acting Director of Office of Economic Opportunity dated June 17, 1968, and approved by the President June 27, 1968 (33 F.R. 9890); Delegation of authorities from the Acting Director of Economic Opportunity dated August 2, 1968, and approved by the President October 2, 1968 (33 F.R. 15139).

b. This order cancels Secretary's Order Nos. 6–68, 22–68, and 9–69.

c. The delegations in this order are subject to the provisions of Secretary's Order 13–68.

12. *Effective date.* The reorganization of the National Office structure of the Manpower Administration is effective March 17, 1969. The reorganization of the field structure of the Manpower Administration is effective March 24, 1969.

Signed at Washington, D.C., this 14th day of March 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–4342; Filed, Apr. 14, 1969; 8:47 a.m.]

Wage and Hour and Public Contracts Divisions

EMPLOYEES OF C. L., LUTHER L., AND GENE GEORGE

Postponement of Proceedings To Determine Reasonable Cost of Housing and Other Facilities Furnished; Hearing

On February 27, 1969, notice was published in the FEDERAL REGISTER (34 F.R. 2696) that pursuant to authority in section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), Order No. 19–67 of the Secretary of Labor (32 F.R. 12980), and 29 CFR 531.4, the Acting Administrator of the Wage and Hour and Public Contracts Divisions on his own motion proposed to determine the "reasonable cost" to C. L. George, Luther L. George, and Gene George of Springdale, Ark., of furnishing their employees with housing and other facilities which they customarily furnish their employees. The time and place of hearing, the time for submitting written data, views, or argument, and for filing notice of intention to appear, as stated in the February 27, 1969, notice are changed to reflect the continuance granted by the Hearing Examiner's order dated April 7, 1969, (File No. F–68–C–1), as follows:

Interested persons may submit written data, views, or argument pertinent to this question by mail to Mr. Sterling B. Williams, Regional Director, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 1931 South Ninth Avenue, Birmingham, Ala. 35205, not later than May 15, 1969.

Opportunity will be provided for interested persons to make oral presentation of data, views, or arguments before E. West Parkinson, a hearing examiner appointed under 5 U.S.C. 3105 in the City Council Room, City Administration Building, Springdale, Ark., at 10 a.m., May 19, 1969.

Notice of intention to appear should be filed with Mr. Sterling B. Williams, Regional Director, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 1931 South Ninth Avenue, Birmingham, Ala. 35205, not later than May 15, 1969.

All those making oral presentations shall be subject to cross examination by counsel for C. L. George, Luther L. George, and Gene George and counsel for the Government. The hearing examiner shall govern the course of the proceeding, hold presentations to relevant matters, govern the content of the record, have disciplinary power to exclude persons from the room where oral presentations are made, and require that the proceedings be stenographically reported and that transcripts be made available to persons participating on payment of fees therefor. The hearing examiner shall certify the record together with his recommended findings to the Administrator for consideration of all relevant matters presented and resolution of the issues.

Upon the publication of this notice C. L. George, Luther L. George, and Gene George shall notify their employees of the place, date, and purpose of the hearing hereby announced by posting copies of this notice in conspicuous places on their premises and noting that it replaces the February 27, 1969, notice.

Signed at Washington, D.C., this 10th day of April 1969.

BEN P. ROBERTSON,
Acting Administrator.

[F.R. Doc. 69–4398; Filed, Apr. 14, 1969; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 10, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41612—*Processed clay from points in southern territory.* Filed by O. W. South, Jr., agent (No. A6090), for interested rail carriers. Rates on clay, processed, in carloads, as described in the application, from specified points in southern territory, to Donaldsonville, La., and Springfield, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 4 to Southern Freight Association, agent, tariff I.C.C. S–801.

FSA No. 41613—*Lime from producing points in Alabama.* Filed by O. W. South, Jr., agent (No. A6091), for interested rail carriers. Rates on lime, in carloads, as described in the application, from specified points in Alabama, to Branford, Fla., and points taking the same rates.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 96 to Southern Freight Association, agent, tariff I.C.C. S–257.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–4387; Filed, Apr. 14, 1969; 8:51 a.m.]

[Notice 813]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 10, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2253 (Sub-No. 38 TA), filed April 9, 1969. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Kings Mountain, N.C., and New York, N.Y., serving the off-route points of Reading, Lebanon, Harrisburg, Allentown, Pottstown, and Phoenixville, Pa., as follows: From Kings Mountain over U.S. Highway 29 via Salisbury, N.C., to Greensboro, N.C. (also from junction U.S. Highway 29 and Alternate U.S. Highway 29, near Concord, N.C., over Alternate U.S. Highway 29 to junction U.S. Highway 29 near China Grove, N.C., and thence over U.S. Highway 29 to Salisbury), thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, and return over the same route. From Kings Mountain over U.S. Highway 29 to Charlotte, N.C., thence over North Carolina Highway 27 to Carthage, N.C., thence over U.S. Highway 15 to junction U.S. Highway 1, thence over U.S. Highway 1 to Henderson, N.C., thence to New York as specified above, and return over the same route. Restriction: The only service authorized over the foregoing route shall be at Reading, Lebanon, Harrisburg, Allentown, Pottstown, and Phoenixville, Pa., for 180 days. NOTE: Applicant intends to tack the authority here applied for to other authority held by it under MC–2253 and Subs thereof, and authority of Wilson's Motor Transit now operated under temporary authority granted in Docket MC–F9522. Supporting shipper: There are approximately 63 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 23976 (Sub-No. 27 TA), filed April 7, 1969. Applicant: BEND-PROTLAND TRUCK SERVICE, INC., doing business as TRANS WESTERN EXPRESS, 5940 North Basin Avenue, Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes. transporting: *Household goods*, from Klamath Falls, Oreg., to points within 150 miles of Klamath Falls, Oreg., and return, for 180 days. Supporting shipper: Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. NOTE: Applicant states it intends to tack with its authority in MC 23976. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 57591 (Sub-No. 13 TA), filed April 4, 1969. Applicant: EVANS DELIVERY COMPANY, INC., Rural Delivery 3, Post Office Box 268, Pottsville, Pa. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and equipment, material, and supplies* used or useful in the manufacture or sale of wearing apparel, between the facilities of Phillips-Van Heusen Corp. at Pottsville and Schuylkill Haven, Pa., on the one hand, and, on the other, points in the New York, N.Y., commercial zone as defined by the Commission, for 180 days. Supporting shipper: Phillips-Van Heusen Corp., 323 East Mauch Chunk Street, Pottsville, Pa. 17901. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 61440 (Sub-No. 117 TA) (Correction), filed February 25, 1969, published in FEDERAL REGISTER, issues of March 6, 1969, and republished as corrected this issue. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488 Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives (excluding commodities in bulk, household goods as defined by the Commission, and those requiring special equipment) when moving (1) on Government bills of lading, and (2) on commercial bills of lading containing endorsements approved in interpretation of *Government Rate* Tariff—Eastern Central, 332 I.C.C. 161, 164, 165, between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, and Utah, for 180 days. NOTE: Applicant intends to tack the authority here applied for to other authority in No. MC 61440 and to interline with other carriers. The purpose of this republication is to include tacking and interlining information. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Division, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 83539 (Sub-No. 246 TA), filed April 7, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, excavating and trailers, including tractor and trailer parts and attachments therefor*, when moving in connection with the above-named commodities, from Perry, Okla., to points in the United States except Oklahoma and Hawaii, for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: The Charles Machine Works, Inc., Post Office Box 66, Perry, Okla. 73077. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 109612 (Sub-No. 24 TA), filed April 1, 1969. Applicant: LEE MOTOR LINES, INC., State Road 67 South, Box 728, Muncie, Ind. 47305. Applicant's representative: Eugene Lee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*,

from Mundelein, Ill., to Terre Haute, Ind., and Springboro, Pa.; and, *materials and supplies* used in the manufacture and distribution of glass containers and closures, from Chardon, Ohio, and Washington, Pa., to Muncie, Ind., restricted to traffic which originates and/or terminates at plantsite and warehouse facilities of Ball Brothers Co., Inc., for 180 days. Supporting shipper: Ball Brothers Co., Inc., Muncie, Ind. 47302. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 112822 (Sub-No. 99 TA), filed March 28, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: (a) *manufactured metal articles* from Cushing, Okla., to points in Alabama, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; (b) *materials* used in the manufacture of metal articles, from points in Alabama, Arkansas, Florida, Illinois, Indiana, Kansas, Ohio, Missouri, and South Carolina, to Cushing, Okla., for 180 days. Supporting shipper: The Dalton Foundries, Inc. (Dalton Precision, Cushing, Okla. 74023) Warsaw, Ind. 46580. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 118474 (Sub-No. 7 TA), filed April 9, 1969. Applicant: AIR VAN LINES, INC., 135 Post Road, Anchorage, Alaska 99501. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Seattle, Wash., on the one hand, and, on the other, points in Alaska, for 150 days. Supporting shippers: Leonard J. Hansen, General Manager, Northern Television, Inc., KTVA, Channel 11, Box 2200, Anchorage, Alaska; Michael Woolcock, 434 Aurora Drive, Anchorage, Alaska; Benjamin P. Miles, Field Manager, Xerox Corp., 1689 C Street, Anchorage, Alaska 99501; Roy Robinson, Manager, Radio Station KFQD, KFQD Road, Anchorage, Alaska 99501; John Searcy, Administrative Officer, Geophysical Services, Inc., 524 West International Airport Road, Anchorage, Alaska 99502. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 123392 (Sub-No. 13 TA), filed April 7, 1969. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia Street, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon monoxide*, in bulk, from Newark, Calif.; Joliet, Ill.; East Rutherford, N.J.; and Houston, Tex., and their points in their commerical zones, to points in the contiguous United States, for 180 days. Supporting shipper: Allen C. Lee, Southwestern Regional Manager, Matheson Gas Products, Post Office Box 908, La Porte, Tex. 77571. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 127812 (Sub-No. 3 TA), filed April 7, 1969. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* (except hides and commodities in bulk) from the plant and warehouse sites of Swift & Co., located in South St. Paul, Minn., to Superior, Wis., for 180 days. Supporting shipper: Swift & Co., South St. Paul, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128058 (Sub-No. 5 TA), filed March 28, 1969. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk), between Kansas City, Mo., Wichita, Kans., Tulsa and Oklahoma City, Okla.; Amarillo, Tex.; Albuquerque, N. Mex.; Tucson and Phoenix, Ariz.; Las Vegas, Nev.; Minneapolis and St. Paul, Minn.; and Milwaukee, Wis; restricted to the transportation of shipments having either origin or destination at a terminal of Trans World Airlines, Inc., for 180 days. Supporting shipper: Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 129198 (Sub-No. 3 TA), filed March 28, 1969. Applicant: GLASGOW TRANSPORT INC., 123 West Park Place, Newark, Del. 19711. Applicant's representative: Philip F. Hudock, Suite 300, 2400 Wilson Boulevard, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, prepared roofing material, and accessories*, from Philadelphia, Pa., to points in Virginia outside the Washington, D.C., commercial zone. *Return movement: supplies, materials, and equipment* used in the manufacture of asphalt and prepared roofing materials, from all points in Virginia outside the Washington, D.C., commercial zone, to Philadelphia, Pa., and *wood chips* used in the manufacture of asphalt and prepared roofing materials, from Salisbury, Md., to Philadelphia, Pa., for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607, William A. Brock, Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 129557 (Sub-No. 2 TA), filed April 7, 1969. Applicant: PAONE TRUCKING, INC., 88 Briggs Street, Cranston, R.I. 02920. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice*, crushed, in bulk, in dump vehicles, from Manchester, N.H., to Cranston, R.I., for 150 days. Supporting shipper: Park Avenue Cement Block Co., Inc., 30 Budlong Road (off 1350 Park Avenue), Post Office Box 3530, Cranston, R.I. 02910. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 133607 TA, filed April 7, 1969. Applicant: JAMES DOSS, doing business as DOSS MOVING & STORAGE, Box 1341, 400 Wilcox SW., Sierra Vista, Ariz. 85635. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission in Ex Parte MC–19* for the account of unregulated freight forwarders (King Pak, Inc., investigation of operations MC–C–4455), between points in Arizona, for 180 days. Supporting shippers: Bekins Van Lines Co., 820 East D Street, Wilmington, Calif. 90744; Getz Bros. & Co. (U.S.), Post Office Box 2230, Wilmington, Calif. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 133608 TA, filed April 7, 1969. Applicant: LESTER C. DENZIN, Route No. 1, Oakfield, Wis. 53065. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Forage box units*, from Waupun, Wis., to Owatonna and Cosmos, Minn.; Omaha, Nebr.; Batavia and Oneida, N.Y., for 180 days. Supporting shipper: Denzin & Rahn Manufacturing Co., Route No. 2 Highway 151 North, Waupun, Wis. 53963 (Erwin E. Denzin, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–4386; Filed, Apr. 14, 1969; 8:51 a.m.]

[Notice 325]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 10, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71207. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Everett Lohman, doing business as Lewis & Clark Delivery, Clarkston, Wash. 99403, of a portion of the operating rights set forth in certificate No. MC–111255, and all of the operating rights set forth in certificate No. MC–111255 (Sub-No. 1), issued December 5, 1950 and May 13, 1968, respectively, in the name of Joe Lupinacci, doing business as Clarkston Delivery Service, Clarkston, Wash., authorizing the transportation of specified commodities to, from and between specified points in Washington and Idaho. Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201, attorney for applicants.

No. MC–FC–71174. By order of March 26, 1969, the Motor Carrier Board approved the transfer to New Castle Trucking Co., New Castle, Pa., of the operating rights in certificates Nos. MC–108912 and subs thereunder issued on various dates to Chicago Pittsburgh Express, Inc., Chicago, Ill., authorizing the transportation of: General commodities, with usual exceptions, and other specified commodities from, to and between specified points in Pennsylvania, Ohio, Illinois, New York, Michigian, West Virginia, Indiana, Wisconsin, Nebraska, Massachusetts, and New Jersey. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–71181. By order of April 9, 1969, the Motor Carrier Board approved the transfer to Eldon E. Mayfield, doing business as Rainbow Tours, 110 53d Street, Niagara Falls, N.Y. 14304, of certificate No. MC–116585, issued July 28, 1958, to Leonard Michael Cannello, doing business as Leonard's Tours, 646 Fourth Street, Niagara Falls, N.Y. 14301, authorizing the transportation of passengers and their baggage, in special operations in round-trip sightseeing or pleasure tours, limited to the transportation of not more than seven passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within 6 miles thereof, and extending to ports of entry on the United States-Canada boundary line at Niagara Falls and Lewiston, N.Y.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–4389; Filed, Apr. 14, 1969; 8:51 a.m.]

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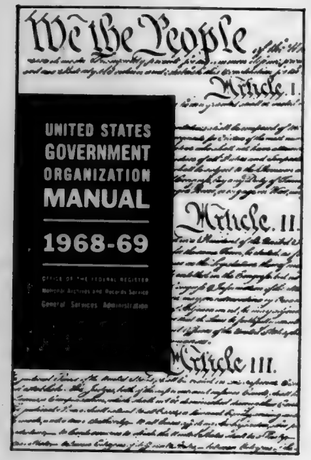
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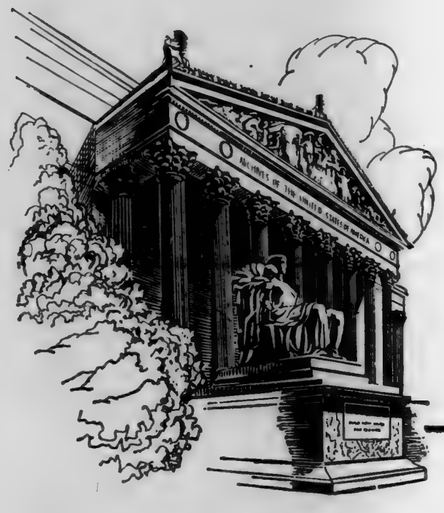
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the title of the position of Special Assistant to the Secretary (Director, Executive Secretariat) has been changed to Deputy Assistant to the Secretary (Director, Executive Secretariat). Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 213.3305 is amended as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* (1) One Deputy Assistant to the Secretary (Director, Executive Secretariat).

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4451; Filed, Apr. 15, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one Confidential Assistant to an Assistant Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (38) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(38) One Confidential Assistant to an Assistant Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4450; Filed, Apr. 15, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position currently listed in Schedule C as Assistant to the Federal Housing Commissioner is now titled Special Assistant to the Assistant Secretary for Mortgage Credit and FHA Commissioner, and that the abolished positions of Assistant to the FHA Commissioner for Intergroup Relations and Private Secretary to the Director, Urban Transportation Administration, are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (b) and subparagraph (12) of paragraph (d) of § 213.3384 are revoked and subparagraph (14) of paragraph (b) is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * * *

(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* * * *

(13) [Revoked]

(14) One Special Assistant to the Assistant Secretary.

* * * * * *

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(12) [Revoked]

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4448; Filed Apr. 15, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Private Secretary to the Deputy Assistant Secretary for Metropolitan Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (14) is added to paragraph (d) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * * *

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(14) One Private Secretary to the Deputy Assistant Secretary for Metropolitan Development.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4449; Filed, Apr. 15, 1969; 8:49 a.m.]

PART 735—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Exception to Definition of "Consultant" and "Expert"

Section 735.412(c) is amended by adding a new subparagraph (3) making an additional exception to the definitions of "consultant" and "expert". The new subparagraph reads as follows:

§ 735.412 Specific provisions of agency regulations for special Government employees.

* * * * * *

(c) * * *

(3) A specialist appointed for intermittent confidential intelligence consultation of brief duration.

(Secs. 602, 701, 702, E.O. 11222; 3 CFR, 1964–65, Comp., p. 306)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4452; Filed, Apr. 15, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Second Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1969

Pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885-6, milk assistance funds available for the fiscal year ending June 30, 1969, are reapportioned among the States as follows, in order to effect a further apportionment of supplemental funds:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,753,973	$1,692,369	$61,604
Alaska	28,738	28,738	----------
Arizona	470,669	422,666	48,001
Arkansas	1,128,876	1,060,709	80,167
California	9,381,525	9,381,525	----------
Colorado	946,912	859,020	87,892
Connecticut	1,720,436	1,720,436	----------
Delaware	348,827	296,944	51,883
Del. St. Dist. Agency	20,431	20,431	----------
District of Columbia	615,204	615,204	----------
Florida	2,003,890	1,832,128	171,762
Georgia	1,672,312	1,634,544	37,768
Hawaii	182,484	133,962	48,522
Idaho	193,604	166,540	27,064
Illinois	6,659,779	6,659,779	----------
Indiana	3,058,489	3,058,489	----------
Iowa	1,863,689	1,648,969	214,720

State	Total apportionment	State agency	Withheld for private schools
Kansas	1,151,399	1,151,399	
Kentucky	1,924,912	1,924,912	
Louisiana	706,308	706,308	
Maine	524,740	431,356	93,384
Maryland	2,355,043	2,001,175	353,868
Md. Bud. & Proc.	52,305	52,305	
Massachusetts	3,594,690	3,594,690	
Michigan	5,394,173	4,371,521	1,022,652
Minnesota	2,726,351	2,380,719	345,632
Mississippi	1,443,868	1,443,868	
Missouri	2,386,046	2,336,964	49,082
Montana	206,928	170,172	34,756
Nebraska	641,389	517,466	123,923
Nevada	153,597	129,834	23,763
New Hampshire	525,115	455,675	69,440
New Jersey	3,433,989	3,403,069	530,920
New Mexico	747,902	435,068	312,834
New York	9,182,327	9,182,327	
N.Y. Off. Gen. Serv.	452,066	452,066	
North Carolina	3,543,469	3,543,469	
North Dakota	378,263	332,919	45,344
Ohio	6,393,205	5,517,276	877,929
Ohio Dept. Pub. Wel.	197,534	197,534	
Oklahoma	1,100,247	1,100,247	
Oregon	654,793	634,391	20,402
Pennsylvania	5,260,830	4,574,862	685,968
Rhode Island	456,663	456,663	
South Carolina	652,557	530,910	121,647
South Dakota	370,042	370,042	
Tennessee	1,856,619	1,777,249	82,370
Texas	3,827,667	3,521,009	306,658
Utah	360,393	346,169	14,224
Vermont	259,054	249,643	9,411
Virginia	1,891,853	1,710,987	180,866
Washington	1,500,140	1,258,823	241,317
West Virginia	664,866	631,214	33,652
Wisconsin	3,668,620	2,843,987	824,633
Wyoming	119,002	119,002	
Total	103,314,600	96,100,982	7,213,036

(Sec. 2, 3, 6, and 8–16, 80 Stat. 885–890; 42 U.S.C. 1771, 1772, 1775, 1777–1785)

Dated: April 10, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-4475; Filed, Apr. 15, 1969; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lime Reg. 3, Amdt. 9]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) preceding (a)(1) and of subparagraphs (2) and (3) thereof of § 944.202 (Lime Reg. 3; 33 F.R. 5039, 6096, 6518, 19248) are hereby amended to read as follows:

§ 944.202 Lime Regulation 3.

(a) On and after April 14, 1969, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) • • •

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color; or

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter: *Provided*, That any lot of such limes (*a*) which contains limes of a size smaller than 1⅞ inches in diameter but not smaller than 1⅝ inches in diameter may be imported if such lot of limes has an average juice content of at least 45 percent, by volume, and (*b*) which contains limes of a size smaller than 1⅞ inches in diameter but not smaller than 1⅝ inches in diameter may be imported if such lot of limes has an average juice content of at least 50 percent, by volume.

• • • • •

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under amended Lime Regulation 27 (§ 911.329), which becomes effective April 14, 1969; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of Persian limes during the period April 14–30, 1969.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, April 10, 1969, to become effective April 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4420; Filed, Apr. 15, 1969; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order 73]

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Wichita, Kans., marketing area (7 CFR Part 1073), it is hereby found and determined that:

(a) The following provisions of the order relating to the seasonal incentive payment plan no longer tend to effectuate the declared policy of the Act:

Paragraphs (f), (g), (h), (i), and (j) of § 1073.71.

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This termination order is necessary to avoid a conflict between the seasonal incentive "Louisville" payment plan of the order and a Class I base plan operated by the cooperative which is used in dividing returns from the sale of milk among its member producers. Producers for the Wichita, Kans., market have not been paid on the basis of the seasonal incentive plan since it was made effective on September 1, 1966. These provisions were suspended for the years of 1967 and 1968 at the request of this cooperative and a predecessor cooperative association.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this termination (34 F.R. 5552). A cooperative association representing about 95 percent of the producer milk supply for the market filed views supporting termination of the above provisions. No opposing views were filed.

Therefore, good cause exists for making this order effective April 1, 1969.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1969.

Signed at Washington, D.C., on April 10, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-4422; Filed, Apr. 15, 1969; 8:46 a.m.]

[Milk Order 103]

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued March 26, 1969. The change effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum in which each individual producer had one vote, and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling—It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Amendments with respect to revising the base-excess plan. Amendments No. 1 and 1a shall become effective April 1, 1969.

§ 1103.82 [Amended]

1. In § 1103.82(a), change the semicolon at the end of the paragraph (preceding the word "and") to a period and insert the following sentence: "In addition for the months of April, May, June and July 1969, a producer who was also a producer in September 1968 delivering to a pool distributing plant which in subsequent months of the September 1968 through January 1969 base forming period did not qualify as a pool plant shall be assigned a base calculated from his milk deliveries to plants during the September 1968 through January 1969 period as if he were a producer during such entire base forming period".

§ 1103.83 [Amended]

1a. In § 1103.83 add the following sentence: "In the case of any producer for whom it is necessary to calculate a base subsequent to March 1, the market administrator shall provide such notification at the earliest possible date."

Amendments with respect to the deletion of the base-excess plan. Amendments No. 2 through 9 shall become effective September 1, 1969.

§ 1103.22 [Amended]

2. In § 1103.22(l), the word "and" appearing at the end of subparagraph (2) is deleted and subparagraph (3) is revoked.

3. In § 1103.22(l), subparagraph (2) is revoked.

4. Section 1103.30(a)(1)(i) is revised to read as follows:

§ 1103.30 Reports of receipts and utilization.

(a) • • •

(1) • • •

(i) Receipts of producer milk, including such handler's own production;

• • • • •

5. In § 1103.31, paragraph (a)(2) and (b)(2)(i) are revised to read as follows:

§ 1103.31 Payroll reports.

(a) • • •

(2) The daily and total pounds of milk received from such producer;

• • • • •

(b) • • •

(2) • • •

(i) The daily and total pounds of milk received during the month and the average butterfat test thereof; and

• • • • •

6. In § 1103.71, revise the sentence following paragraph (f) to read as follows:

§ 1103.71 Computation of the weighted average price and uniform price.

• • • • •

(f) • • •

The result shall be the "weighted average price" or the "uniform price" for milk received from producers.

§§ 1103.72, 1103.80, 1103.81, 1103.82, 1103.83 [Revoked]

7. Sections 1103.72, 1103.80, 1103.81, 1103.82, and 1103.83 and the centerheading "Base Rating" preceding § 1103.80 are revoked.

8. In § 1103.90(a), the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1103.90 Time and method of payment.

• • • • •

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price pursuant to § 1103.71 adjusted by the producer butterfat differential computed pursuant to § 1103.91, subject to the location adjustment to producers pursuant to § 1103.92, and less the following amounts:

• • • • •

9. Section 1103.92(a) is revised to read as follows:

§ 1103.92 Location differential to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1103.90, the uniform price pursuant to § 1103.71 to be paid for milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1103.53; and

• • • • •

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Effective date: This revision shall become effective on April 1, 1969, except amendments No. 2 through 9 which shall become effective on September 1, 1969.

Signed at Washington, D.C., on April 10, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-4421; Filed, Apr. 15, 1969; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Transfer of Products Containing Byproduct Material and Source Material Exempted From Licensing and Regulatory Requirements

On February 24, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 3346) a proposed

amendment to 10 CFR Part 150 which would redefine the category of products containing radioactive materials over whose transfer by the manufacturer, processor, or producer in an Agreement State the Commission retains jurisdiction. The notice of proposed rule making was published in the FEDERAL REGISTER once each week for four consecutive weeks, allowing 60 days for public comment after initial publication.

After consideration of the comments and other factors involved, the Commission has adopted the proposed amendment. The text of the effective rule is the same as the proposed rule except for clarifying changes of language.

Subsection 274c of the Atomic Energy Act of 1954, as amended, provides that notwithstanding any agreement between the Atomic Energy Commission and any State, the Commission is authorized to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

In issuing 10 CFR Part 150, which implemented certain provisions of section 274 of the Act, in 1962, the Commission exercised its authority under subsection 274c of the Act by providing (§ 150.15(a)(6)) that persons in Agreement States are not exempt from the Commission's licensing requirements with respect to * * *

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

In retaining regulatory authority over transfer of products "intended for use by the general public", the Commission was seeking to maintain surveillance over the safety of products containing radioactive materials, without the imposition of regulatory controls, and to be able to assess the effect of the attendant uncontrolled addition of these radioactive materials to the environment.

In view of the increasing difficulty in determining whether or not such products are intended for use by the general public, the Commission has adopted the amendment of Part 150 set out below, which changes § 150.15(a)(6) by deleting the phrase "product * * * intended for use by the general public" and substituting therefor the phrase "product * * * whose subsequent possession, use, transfer and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter."

Under Part 150 as amended below the transfer of possession or control by a manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material or source material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from Commission licensing and regulatory requirements under Parts 30 and 40, is not subject to the licensing and regulatory authority of an Agreement State even though the product is manufactured, processed, or produced pursuant to an Agreement State license. The manufacturer of such products in an Agreement State is subject to the Commission's regulatory authority with respect to transfer of any product which has been so exempted from the Commission's licensing and regulatory requirements. The Commission has confined its regulation of the transfer of exempt products to specifications for the products, quality control procedures, requirements for testing, and labeling. The authority of Agreement States to regulate any radiation hazards that might arise during manufacture of such products is not affected by the amendment. Accordingly, dual regulation will continue to be avoided.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 150, is published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

Subparagraph 150.15(a)(6) is amended to read as follows:

§ 150.15 Persons not exempt.

(a) Persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

* * * * *

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 274, 73 Stat. 688; 42 U.S.C. 2021)

Dated at Washington, D.C., this 9th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4419; Filed, Apr. 15, 1969; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-6-AD; Amdt. 39-752]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model L-188 Series Airplanes

There have been cracks reported in the lower wing surface at the inboard nacelles on Lockheed Model L-188 Series airplanes that could result in a serious degradation of the strength of the wing. Since this condition is likely to exist in other airplanes of the same type design, an airworthiness directive is being issued to require a one-time inspection of the lower wing surface at the inboard nacelles on Lockheed Model 188 Series airplanes, and repairs of the cracks. The results of that inspection will be reported to the Chief, Aircraft Engineering Division, FAA Western Region, and will be used in determining any additional AD action that may be required.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Model L-188 series airplanes.

Compliance required within the next 400 hours' time in service after the effective date of this AD, unless previously accomplished.

To detect cracks in the lower wing surfaces of Electra aircraft, accomplish the following:

(1) Visually inspect the lower wing plank surfaces and areas around fasteners, including planks one through eight between W.S. 157 and W.S. 219 in accordance with the procedure outlined in paragraphs A through E of FAA approved Lockheed Service Bulletin 88/SB-669, or later FAA-approved revisions.

(2) If cracks exist, appropriate repair must be accomplished before further flight in accordance with paragraph F of FAA-approved Lockheed Service Bulletin 88/SB-669, or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(3) Report all results of this inspection, whether accomplished before or after the effective date of this AD, to the Chief, Aircraft Engineering Division, FAA Western Region. Reports must include crack locations and length, if any, aircraft serial number, and accumulated hours' time in service. The data received in the required reports will form the basis for any further AD action that may be required. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174).

Airplanes with cracks may be flown in accordance with special flight permits issued pursuant to FAR 21.197 to a base where repair can be accomplished.

This amendment becomes effective on April 17, 1969.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423, and of sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 8, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-4413; Filed, Apr. 15, 1969; 8:46 a.m.]

[Docket No. 69-EA-34; Amdt. 39-750]

PART 39—AIRWORTHINESS DIRECTIVE

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller F27 and FH-227 type airplanes.

There have been several reports of gear retraction of the subject aircraft while the aircraft were on the ground and parked. Since this condition is likely to exist in other aircraft of the same type design, an airworthiness directive is being issued to require a change in the landing gear selector wiring and the landing control wiring.

Since a situation exists which requires the expeditious publication of this amendment, notice and public procedure herein are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 [31 F.R. 13697], § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive.

FAIRCHILD. Applies to all Model F-27 series and FH-227 series airplanes.

Compliance required within the next 500 hours time in service after the effective date of this AD unless already accomplished.

To prevent hazards associated with an unselected landing gear retraction on the ground, accomplish the following:

(a) Rewire the landing gear retraction system in accordance with Fairchild Hiller Service Bulletin 32-64 dated June 12, 1967, for F-27 aircraft and Fairchild Hiller Service Bulletin 32-5 dated March 13, 1967, for FH-227 aircraft or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, or equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request, with substantiating data submitted through an FAA Maintenance Inspector, compliance time may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective April 23, 1969.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421 and 1423, and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4416; Filed, Apr. 15, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Greensboro, N.C., transition area.

The Greensboro transition area is described in § 71.181 (34 F.R. 4637). An extension to the transition area is predicated on the Greensboro ILS localizer southeast course. Since the AL-178-ILS-RWY 32 (BC) standard instrument approach procedure will be canceled, effective May 8, 1969, it is necessary to alter the transition area by revoking the extension that was designated to provide controlled airspace protection for this approach procedure.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary, and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 8, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Greensboro, N.C., transition area is amended as follows: "* * * within 2 miles each side of the Greensboro ILS localizer southeast course, extending from the 8-mile radius area to 8 miles southeast of the Greensboro VORTAC 087° radial * * *" is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a) and of sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 7, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-4412; Filed, Apr. 15, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area; Withdrawal of Alteration

On March 22, 1969, Federal Register Docket No. 69-3425 was published in the FEDERAL REGISTER (34 F.R. 5547) amending Part 71 of the Federal Aviation Regulations by altering the Shelbyville, Tenn., transition area.

Subsequent to publication of the rule, it was determined that the instrument approach procedure (AL-5299-VOR-RADIAL 270), necessitating the alteration, would not be canceled.

In consideration of the foregoing, the amendment contained in Airspace Docket No. 69-SO-26 (F.R. Doc. No. 69-3425) is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a) and of sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 7, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-4415; Filed, Apr. 15, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Legality of Membership by Brewer in Beer Wholesalers' Trade Association

§ 15.336 Legality of membership by brewer in beer wholesalers' trade association.

Responding to an application from a beer wholesalers' association the Commission advised the applicant that:

(1) "* * * it is not illegal per se for suppliers to belong to a wholesalers' trade association, but particular care must be exercised to avoid violation of law. In the case of an industry where distributors are in a weak bargaining position, vis-a-vis, their suppliers and where the industry on the supply side is concentrated, these circumstances may lead to vertical restraints on the distributors violative of the antitrust laws for example in the area of pricing decisions. These considerations may apply in the case of the beer industry. The necessity of preserving its members' independence in making business decisions should, of course, be taken into consideration by trade association when they formulate membership policies.

(2) "The Commission further advised the applicant that it is not a violation of the antitrust laws to exclude suppliers from membership in a wholesalers' organization."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: April 15, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–4525; Filed, Apr. 15, 1969; 8:51 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–356; Order 380]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Order Prescribing Revised Instruction to Schedule of FPC Form No. 1–M

APRIL 10, 1969.

By this order we prescribe a new Instruction 2 to the schedule titled "Sales of Electricity for Resale", contained in Commission Form No. 1–M. The proposed revision provides a breakdown between firm power sales supplying a customer's total system requirements or total requirements at a specific point of delivery, and firm power sales supplementing the customer's own generation or other purchases. A copy of the schedule as changed is attached hereto.

A notice of proposed rule making proposing the above described change was issued on January 8, 1969 (34 F.R. 767; Jan. 17, 1969). The Commission received two comments and we have made a revision to accommodate the substance of those comments. Both comments indicate that Chelan P.U.D. No. 1 and Grant P.U.D. No. 2 sell the output of their hydroelectric projects on the basis of a percentage of total project energy and capacity available. Consequently, those two entities are unable to segregate firm from nonfirm power sales. We believe that the majority of municipal respondents to Form No. 1–M will not encounter the problems indicated by Chelan P.U.D. No. 1 and Grant P.U.D. No. 2. In cases where the reporting utility is unable to classify which portions of its power sales to a customer for resale are sales of firm power because of a sale on an undifferentiated basis, such utilities should use the symbol O in coluumn (2).

The addition of a new Instruction 2. to the schedule entitled "Sales of Electricity for Resale" is desirable to obtain information on firm power sales made by municipally owned utilities for statistical and general publication purposes. Immediately, it will provide data for inclusion in a Commission publication "Sales of Firm Electric Power for Resale" now limited to information on privately owned companies and Federal projects.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking by submission of data, views, and comments are consistent with all the requirements of the Administrative Procedure Act (5 U.S.C. 553).

(2) The new Instruction 2. of the schedule titled "Sales of Electricity for Resale" is needed to obtain data for a Commission publication "Sales of Firm Electric Power for Resale", and for the other reasons already stated.

(3) It is necessary and appropriate for the purposes of the Federal Power Act that the wording of Instruction 2. of the schedule titled "Sales of Electricity for Resale" contained in FPC Form No. 1–M be amended to read as hereinafter provided.

The Commission, acting pursuant to the provisions of the Federal Power Act as amended, particularly sections 309, and 311 thereof (49 Stat. 858, 859; 16 U.S.C. 825h, 825j) orders:

(A) Effective for the calendar year beginning January 1, 1969, or for a year beginning or ending during the calendar year 1969, each municipality as defined by section 3(7) of the Federal Power Act (41 Stat. 1963; 16 U.S.C. 796), having annual electric operative revenues of $250,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission FPC Form No. 1–M at the time indicated in § 141.7 (18 CFR 141.7) of the Commission's regulations under the Federal Power Act.

(B) The Commission's Form No. 1–M, prescribed by § 141.7 of Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations is revised so that Instruction 2. to the schedule titled "Sales of Electricity for Resale" reads as follows:

2. For each sale designate statistical classification in column (2) thus: FR, for firm power supplying total system requirements of customer or total requirements at a specific point of delivery; FP (P), for firm power supplementing customer's own generation or other purchases; O, for other power. NOTE: Include in the O classification sales in which the power delivered cannot be classified under either of the above definitions.

(Secs. 309, 311, 49 Stat. 858, 859; 16 U.S.C. 825h, 825j)

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(D) The aforesaid amendment to Instruction 2. shall be effective 30 days from the date of issuance of this order.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–4401; Filed, Apr. 15, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–99]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Vessel Supplies; Customs Regulations Amended

Section 10.62, Customs Regulations, concerning withdrawals under section 309 of the Tariff Act of 1930, as amended, of bunker fuel oil for vessels, amended.

It has been found to be desirable to extend under certain conditions the procedure authorized by § 10.62 for the withdrawal of bunker fuel oil under section 309 of the Tariff Act of 1930, as amended, to withdrawals for delivery to using vessels at a port or ports other than the port where the fuel oil is withdrawn from the customs bonded tank.

It is also desirable to incorporate in the Customs Regulations the procedure authorized by a Treasury decision (T.D. 53982(1)) under which as an incident of the delivery to a vessel under section 309 of the tariff act of fuel oils classifiable at different rates of duty, permission may be given to blend the oils after withdrawal from the bonded tank.

Certain information, additional to that provided by customs Form 7505–B, is needed to effect the physical withdrawal of the fuel oil from the bonded tank.

To effect these changes, § 10.62 of the Customs regulations is amended to read as follows:

§ 10.62 Bunker fuel oil.

(a) When all the bunker fuel oil in a customs bonded tank is intended only for lading duty free as supplies on vessels under section 309 of the Tariff Act of 1930, as amended, delivery of the oil, either by pipeline or by customs bonded carrier, under withdrawals on customs Form 7506, either single or monthly (blanket), may be effected without the presence of a customs officer upon the condition that customs Form 7505–B, Order to Release Merchandise on Order of the Warehouse Proprietor, is executed by the withdrawer for each delivery of oil from the tank. Customs Form 7505–B shall be filed by him with the district director of customs at the time of withdrawal or at such other time as the district director may specify and shall include the following additional data:

(1) Type of oil withdrawn.

(2) Number or other identification of sales order therefor.

(3) Name of bonded carrier, date it received oil.

(4) Receipt signed by master or other person in charge of delivering conveyance identified by number or name and, if a customs bonded lighterman or cartman, by the carrier's license number.

(5) Name and location of vessel obtaining oil.

(6) Quantity and identification of each type of old received with date, and signature and title of receiving officer.

If all the oil is laden on the receiving vessel at the port of withdrawal via pipeline from the bonded storage tank, subparagraphs (3) and (4) of this paragraph shall be deemed to be inapplicable.

(b) If a blanket free withdrawal of bunker fuel oil is filed, to comply with Bureau of the Census requirements the withdrawal on customs Form 7506 shall be endorsed "Estimated Withdrawals" and limited to the aggregate quantity and value of fuel oil which it is estimated will be physically removed from customs bond during the calendar month in which the withdrawal is filed for lading on vessels entitled to duty-free vessel supplies under section 309 of the tariff act.

(c) (1) As an incident of the delivery of fuel oils classifiable at different rates of duty to a vessel or vessels under section 309 of the tariff act, the district director of customs may, when necessary to enable a supplier to meet fuel specifications, permit the blending of the oils in the delivering conveyance or in other suitable facilities after withdrawal from the bonded tanks, upon the condition that, to the extent of the amount of oil withdrawn classifiable at the higher rate, duty at the higher rate will be paid on any portion of the blended fuel oil not delivered within a reasonable time to a qualified vessel. The withdrawer shall be required to file a withdrawal for consumption for the excess quantity withdrawn. For example, if the quantity withdrawn consists of 1,500 barrels of bunker C fuel oil classifiable at the rate of one-eighth cent per gallon and 500 barrels of diesel oil classifiable at the rate of one-fourth cent per gallon but only 1,400 barrels of the blended oil are actually laden as fuel supplies on qualified vessels, withdrawals for consumption are required for 500 barrels of diesel oil at the higher rate and for 100 barrels of bunker C fuel oil at the lower rate.

(2) The receipt of the delivering carrier on customs Form 7505–B for fuel oil which has been blended in accordance with subparagraph (1) of this paragraph with components classifiable at different rates of duty shall show for each warehouse entry number and withdrawal number involved the type and quantity of oil received.

(d) Fuel oil withdrawn as vessel supplies at one port may be laden at another port on a vessel or vessels entitled to the free withdrawal privileges of section 309 of the tariff act, under procedures prescribed in this section, provided the movement to the receiving vessel or vessels is under the bond of a qualified carrier as described in § 18.1(a) of this chapter. In such cases, the provisions of § 10.60(d) of this chapter shall be deemed inapplicable.

(e) If a vessel not entitled to duty-free withdrawal of supplies from customs bonded warehouses under section 309 of the tariff act should be supplied with fuel oil from a customs bonded tank described in paragraph (a) of this section because of an emergency, a duty-paid withdrawal therefor shall be filed on the first day that the customhouse is open for the general transaction of business after the day on which the oil is laden on the using vessel. If there should be willful or repeated instances of late filing of a duty-paid withdrawal in such cases, the district director of customs shall require a duty-paid withdrawal to be filed prior to the removal of fuel oil from the bonded tank. Immediate customs supervision over the removal of oil under this paragraph is not required.

(f) When the procedures prescribed in this section are followed, representatives of the regional commissioner of customs will from time to time verify various withdrawals against all pertinent records, including financial records, of the withdrawers, deliverers, and receivers of the oil. (Sec. 309, 46 Stat. 690, as amended; 19 U.S.C. 1309.)

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624.)

In addition to making certain technical and procedural changes, the purpose of this amendment is to permit the withdrawal of fuel oil from customs bonded tanks for delivery as supplies to vessels in ports other than the port in which the bonded tank is located and to incorporate in the regulations an administrative practice under which fuel oils classifiable at different rates of duty are permitted to be blended at the time of withdrawal from the customs bonded tank. Experience in the administration of the provisions involved has indicated the need for the changes. It is found, therefore, that the issuance of this amendment with notice under 5 U.S.C. 553 or subject to the effective date provision of that section is unnecessary.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: April 9, 1969.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 69–4458; Filed, Apr. 15, 1969; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Department Circular 1075 (Second Rev.)]

PART 205—WITHDRAWAL OF CASH FROM THE TREASURY FOR ADVANCES UNDER FEDERAL GRANT AND OTHER PROGRAMS

The Treasury Department finds it necessary to revise its regulations at 31 CFR Part 205 which govern withdrawal of cash from the Treasury for advances under Federal grant and other programs to (a) establish more definitive regulations concerning the timing of such advances and procedures to be observed by Federal program agencies to assure that cash withdrawals from the Treasury occur only as and when essential to the execution of such programs, and (b) implement the provisions of section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577 (82 Stat. 1101)). The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the revision involves matters relating to grants and rules of agency procedure.

Accordingly, Part 205, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations (Treasury Department Circular 1075 (Revised)) is revised to read as follows:

Sec.
205.1 Purpose.
205.2 Scope of regulations.
205.3 General policy.
205.4 Methods of making cash advances.
205.5 Letter of credit.
205.6 Advances to secondary recipients.
205.7 Responsibility of program agencies.
205.8 Implementing instructions.
205.9 Waivers.

AUTHORITY: The provisions of this Part 205 issued under 5 U.S.C. 301 and sec. 203, 82 Stat. 1101.

§ 205.1 Purpose.

Federal grant and other programs involving advances to various organizations outside the Federal Government constitute a significant portion of the Federal Budget. Advances of cash from the Treasury to such organizations (hereinafter called "recipient organizations") for the purpose of financing their current operations under the Federal programs have a substantial impact on Treasury financing cost and the level of the public debt. The purpose of this part is to prescribe the timing of such advances and the procedures to be observed to assure that cash withdrawals from the Treasury occur only as and when essential to meet the needs of a recipient organization for its actual disbursements.

§ 205.2 Scope of regulations.

The regulations in this part cover disbursement practices for all cash advances to recipient organizations (including States and local governments, educational institutions, international organizations, and any other public and private organizations) under Federal grant or other programs. The regulations also establish guidelines to be observed by Federal program agencies with respect to their responsibilities in executing grant and other programs, including their review of recipient organization practices in obtaining cash advances by drawing down letters of credit and otherwise. Coverage applies to any Federal program requiring advances to finance the recipient organization's activities in carrying out the program, whether by contract, grant, contribution, or other form of agreement. These regulations are not intended to apply to Government disbursements made to reimburse an organization for work already performed (and financed with the organization's own

working capital); however, specific applications of features of these regulations to reimbursement payments will be considered by the Department of the Treasury if requested by a program agency.

§ 205.3 General policy.

Advances to a recipient organization shall be limited to the minimum amounts needed and shall be timed to be in accord with only the actual cash requirements of the recipient organization in carrying out the purpose of the approved program or project. For relatively small operations (where the aggregate annual amount of advances is under $250,000) cash advances to recipient organizations ordinarily shall be made monthly or more frequently to meet current disbursement needs. For larger operations the timing and amount of cash advances to recipient organizations shall be as close to actual daily disbursements as is administratively feasible.

§ 205.4 Methods of making cash advances.

If a program agency has, or expects to have, a continuing relationship with a recipient organization for at least 1 year, involving annual advances aggregating at least $250,000, the agency may use whichever of the following two methods best meets its own operating objectives provided that in the circumstances involved the two methods are equally advantageous to the Federal Government in terms of the timing of cash withdrawals from the Treasury. The first of these methods, hereinafter called the letter-of-credit method and further described in § 205.5, provides program agencies, recipient organizations and the Department of the Treasury with mechanics specially designed to enable a recipient organization to obtain cash from the Treasury promptly and with such frequency as may be necessary based upon its own determination of when and how much is actually needed for its disbursements. The second method, the conventional method of advancing cash by Treasury check, may be used if it will produce cash management benefits for the Treasury which equal the advantages made possible by the mechanics of the letter-of-credit method. This means it would be practicable to issue Treasury checks to a recipient organization coordinate with the amount of cash financing actually needed by the recipient organization for its current disbursements with a frequency comparable to what a recipient organization can achieve by its own direct and frequent drawdowns on a letter of credit. Agencies may request from the Department of the Treasury specific approval of other methods which purport to be equally advantageous to the Federal Government.

§ 205.5 Letter of credit.

(a) A letter of credit, which must be executed by an authorized certifying officer of the program agency concerned, gives the recipient organization the authority to draw directly on the Treasury, through its commercial bank (acting as its agent) and either a Federal Reserve Bank (acting as agent of the Treasury) or the Cash Division, Office of the Treasurer of the United States, subject to any monetary and other limits established by the program agency. Withdrawals must be made by authorized officials of the recipient organization designated by it and approved by the program agency's certifying officer.

(b) A letter of credit is irrevocable (the equivalent of cash available to the recipient organization) to the extent the recipient organization has obligated funds in good faith thereunder in executing the authorized Federal program in accordance with the grant, contract, or other agreement.

(c) Use of letters of credit shall be covered by a clause in the grant, contract, or other agreement for advance financing whereby the recipient organization commits itself (1) to the practice of requesting cash drawdowns only as and when actually needed for its disbursements, and (2) to timely reporting as required by the program agency, with the understanding that failure to adhere to these commitments may cause the unobligated portion of the letter of credit to be revoked. In general, agreements shall provide for a recipient organization to initiate each drawdown at approximately the same time that checks are issued by the organization in payment of program liabilities, and in an amount approximately equal to the Federal share of such payments, except that drawdowns shall not ordinarily be made more frequently than daily, or be in amounts less than $10,000 or more than $1 million, but in no case more than $5 million unless so stated on the letter of credit.

(d) In specific instances, as determined mutually by the Department of the Treasury and the program agency, a recipient organization may be requested to authorize its commercial bank to draw on a letter of credit in its behalf when checks issued by the recipient organization (covering disbursements of Federal funds) are presented to the bank for payment.

§ 205.6 Advances to secondary recipients.

Advances made by primary recipient organizations (those which receive advances directly from the Federal Government) to secondary recipients shall conform substantially to the same standards of timing and amount as apply to advances by Federal agencies to primary recipient organizations.

§ 205.7 Responsibility of program agencies.

Regardless of the particular method used to advance funds, the program agency is responsible for (a) making such reviews of financial practices of recipient organizations, both primary and secondary, as are necessary to insure against excessive withdrawals of cash from the Treasury, and (b) instituting such remedial measures as may be necessary in the event of excessive withdrawals. Implementing procedures of program agencies shall specify the methods employed to carry out these responsibilities. Also, each program agency shall furnish the Department of the Treasury with reports, semiannually, showing cash balances in the hands of recipient organizations as of each June 30 and December 31.

§ 205.8 Implementing instructions.

(a) Implementing procedural requirements under this part will be promulgated by the Commissioner of Accounts in the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies.

(b) Agency procedures to accomplish the objective of this part will be submitted to the Commissioner of Accounts for approval.

§ 205.9 Waivers.

Any waivers of provisions of this part previously granted to program agencies are hereby revoked. Requests for waivers of specific provisions of this part shall be presented in writing to the Commissioner of Accounts.

Effective date. These regulations are effective upon signature.

Dated: April 10, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-4459; Filed, Apr. 15, 1969; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA ORDER 1 (AGE-1, Rev., Amdt. 3)]

AGE-1—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

Miscellaneous Amendments

AGE-1, Rev., as amended by Amendment 2 (30 F.R. 16201, Dec. 29, 1965) is hereby amended as follows:

1. The parenthetical notation "(Amended 11-65)" appearing below the notation "GAA 3-19-51" at the beginning of the standard form of General Agency Agreement set forth in section 2(a) is revised to read:

(Amended 3-69)

2. Article 12. *Nondiscrimination* of the standard form of General Agency Agreement set forth in section 2(a) is revised to read:

ARTICLE 12. *Nondiscrimination in employment.* During the performance of this agreement, the General Agent agrees as follows:

(a) The General Agent will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The General Agent will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The General Agent agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the National Shipping Authority setting forth the provisions of this nondiscrimination clause.

(b) The General Agent will, in all solicitations or advertisements for employees placed by or on behalf of the General Agent, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The General Agent will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the National Shipping Authority, advising the labor union or workers' representative of the General Agent's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The General Agent will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The General Agent will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the National Shipping Authority and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the General Agent's noncompliance with the nondiscrimination clauses of this agreement or with any of such rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the General Agent may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The General Agent will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The General Agent will take such action with respect to any subcontract or purchase order as the National Shipping Authority may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the General Agent becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the National Shipping Authority the General Agent may request the United States to enter into such litigation to protect the interests of the United States.

3. Article 21. *Nondiscrimination* of the standard form of General Agency Agreement set forth in section 2(a) is deleted.

4. The parenthetical notation "(Reissued as of 5-60)" appearing below the notation "BAA 10-12-51" at the beginning of the standard form of Berth Agency Agreement set forth in section 2(b) is revised to read:

(Amendment 3-69)

5. Article 12. *Nondiscrimination* of the standard form of Berth Agency Agreement set forth in section 2(b) is revised to read:

ARTICLE 12. *Nondiscrimination in Employment.* During the performance of this agreement, the Berth Agent agrees as follows:

(a) The Berth Agent will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Berth Agent will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Berth Agent agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the National Shipping Authority setting forth the provisions of this nondiscrimination clause.

(b) The Berth Agent will, in all solicitations or advertisements for employees placed by or on behalf of the Berth Agent, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Berth Agent will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the National Shipping Authority, advising the labor union or workers' representative of the Berth Agent's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Berth Agent will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Berth Agent will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the National Shipping Authority and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Berth Agent's noncompliance with the nondiscrimination clauses of this agreement or with any of such rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the Berth Agent may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Berth Agent will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Berth Agent will take such action with respect to any subcontract or purchase order as the National Shipping Authority may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the Berth Agent becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the National Shipping Authority the Berth Agent may request the United States to enter into such litigation to protect the interests of the United States.

6. Sec. 3. *Addendum to GAA 3-19-51* is revised to read:

Sec. 3 Addendum to GAA 3-19-51.

Each party holding a General Agency Agreement (GAA 3-19-51) shall be required to execute an addendum in form approved by the Office of General Counsel, Maritime Administration, amending the agreement to conform with the provisions of section 2(a).

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114, sec. 202 of Executive Order 11246, as amended by Executive Order 11375)

Dated: April 11, 1969.

By order of the Director, National Shipping Authority, Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 69-4477; Filed, Apr. 15, 1969; 8:51 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Amistad Recreation Area, Tex.; Alcoholic Beverages and Firearms

Proposals were published on page 15297 of the FEDERAL REGISTER dated October 15, 1968, and on page 2356 of the FEDERAL REGISTER dated February 19, 1969 to add § 7.79 paragraphs (a), and (b) to Title 36 of "Code of Federal Regulations". The effects of the amendments are to prohibit sale of, or gift of, alcoholic beverages to minors, or the possession of such intoxicating beverages by minors, and to prohibit the carrying or possession of firearms on the waters of Amistad Lake except as incident to authorized hunting.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

Section 7.79 is added as follows:

§ 7.79 Amistad Recreation Area.

(a) *Alcoholic Beverages.* (1) The sale or gift of an alcoholic beverage to a person under 21 years of age is prohibited.

(2) Possession of alcoholic beverages by persons under 21 years of age is prohibited.

(b) *Firearms.* The carrying or possession of firearms or other implements designed to discharge missiles, which are capable of destroying animal life, on the waters of Amistad Reservoir, except as incident to the authorized hunting of wildlife in areas so designated by the Superintendent, is prohibited. This restriction shall not apply to authorized law enforcement officers when engaged in law enforcement duties.

COLEMAN C. NEWMAN,
Superintendent,
Amistad Recreation Area.

[F.R. Doc. 69-4409; Filed, Apr. 15, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4590]

[New Mexico 4826]

NEW MEXICO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. Secretarial Order of February 14, 1919, creating Stock Driveway No. 20 (New Mexico No. 2), is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 N., R. 7 E.,
Sec. 35, lots 1, 2, 3, 4, and E½.

The area described aggregates 407.64 acres in Rio Arriba County.

The tract of land lies 2 miles east of the village of El Rito. Topography is steeply rolling to rough and broken gulleys. Vegetation consists of native forage species, blue grama, black grama, and galleta with crested wheatgrass being introduced in some areas. There is also an extremely dense stand of pinon-juniper.

2. At 10 a.m. on May 14, 1968, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 14, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 8, 1969.

[F.R. Doc. 69-4406; Filed, Apr. 15, 1969; 8:45 a.m.]

[Public Land Order 4591]

[New Mexico 6844]

NEW MEXICO

Withdrawal for National Forest Administrative Site and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Seven Springs Campground

T. 20 N., R. 2 E.,
Sec. 25, NW¼SW¼;
Sec. 26, E½NE¼SE¼.

Seven Springs Administrative Site

T. 20 N., R. 2 E.,
Sec. 26, SW¼SW¼SE¼ and S½ NW¼SW¼SE¼.

Redondo Campground and Jemez Overlook

T. 19 N., R. 3 E.,
Sec. 21, lots 2, 3, and 4, SE¼SE¼NW¼, and E½SW¼.

Black Canyon Campground

T. 17 N., R. 10 E.,
Sec. 1, lots 12 and 13;
Sec. 12, NW¼NE¼NW¼ and NE¼NW¼ NW¼.

Little Tesuque Picnic Area

T. 17 N., R. 10 E.,
Sec. 2, E½SE¼SE¼ and E½W½SE¼SE¼.

Borrego Mesa Campground

T. 20 N., R. 11 E.,
Sec. 9, SE¼ of lot 5, SW¼SE¼NE¼, NW¼ NE¼SE¼, and NE¼NW¼SE¼.

The areas described aggregate 413.34 acres in Sandoval and Santa Fe Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 9, 1969.

[F.R. Doc. 69-4407; Filed, Apr. 15, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-360]

PART 0—COMMISSION ORGANIZATION

Chief, Broadcast Bureau; Delegation of Authority

In the matter of amendment of § 0.281(r) of the Commission's rules and regulations.

1. The Commission, having under consideration the frequency-hours usage requirements of FCC-licensed international broadcast stations as concerns seasonal authorizations and temporary authority for the carriage of special events, has determined that the Chief, Broadcast Bureau, should be delegated authority—

(a) To grant requests for waiver of the provisions of § 73.702(1) of the Commission's rules and regulations to permit international broadcast stations to operate a greater number of frequency-hours than provided by the daily frequency-availability table in § 73.704;

(b) To grant requests for waiver of the provision of the note to § 1.574(c) to permit international broadcast stations to operate a greater number of frequency-hours than authorized on April 25, 1963;

and that § 0.281(r) of the rules and regulations be amended to reflect this determination. All such authority will be coordinated with the U.S. Information Agency.

2. Since the amendment relates to internal Commission organization and practice, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) need not be observed.

3. Authority for the adoption of this amendment is contained in sections 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended.

4. *Accordingly, it is ordered,* Effective April 16, 1969, that § 0.281(r) of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 9, 1969.

Released: April 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter 1 of Title 47, Code of Federal Regulations, § 0.281(r) is amended to read as follows:

§ 0.281 Authority delegated.

* * * * *

(r) After coordination with the U.S. Information Agency, to authorize the use of frequencies and frequency hours by international broadcast stations; and

[1] Commissioner Johnson concurring in the result.

to grant, upon adequate showing of need, waivers for operation in excess of the frequency-hour limitations imposed by § 73.702(1) and the note to § 1.574(c) of this chapter.

* * * * *

[F.R. Doc. 69-4461; Filed, Apr. 15, 1969; 8:50 a.m.]

[Docket No. 18383; FCC 69-355]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Television Relay Service to Community Antenna Television Systems

Report and order. In the matter of amendment of Part 21 of the Commission's rules and regulations relative to applications in the domestic public point to point microwave radio service involving television relay service to community antenna television systems, Docket No. 18383.

1. This proceeding was instituted by a notice of proposed rule making released on November 22, 1968 (FCC 68-1121, 33 F.R. 17696). It was proposed to modify Part 21 of the Commission's rules so as to delete §§ 21.710, 21.712, and 21.714 and to add new § 21.713. The essence of such change would be: (a) To eliminate from Part 21 the requirements that largely duplicate the carriage and nonduplication provisions of § 74.1103 of the rules and (b) to add the requirement that the proposed CATV system subscriber give the § 74.1105 notice and apply for any necessary Commission authorization (to utilize the distant signal) prior to the filing of the common carrier microwave application.

2. Comments were received from United States Independent Telephone Association (USITA); National Cable Television Association, Inc. (NCTA); Association of Maximum Service Telecasters, Inc. (MST); Western Microwave, Inc. (Western); National Association of Broadcasters (NAB); Frank K. Spain, doing business as Microwave Service Co. (MSC); West Texas Microwave Co. (West Texas); Telecommunications, Inc.; and All-Channel Television Society (ACTS). Reply comments were received from USITA and MST.

3. ACTS, MST, and NAB support the proposed changes. NCTA supports the proposal in general but suggests several changes. The carriers (Western, MSC, West Texas, Telecommunications, and USITA) support the deletion of §§ 21.710, 21.712, and 21.714 but are opposed to the adoption of § 21.713 for various reasons.

4. The most common complaint advanced by the carriers is that the rule would be burdensome and interfere with the filing of applications. However, such complaint is not supported by convincing argument. We recognize that the carrier will be required to obtain and submit with its application copies of the letters of notification, but we fail to see any substantial burden. Under the present rules (§ 21.712(a)) the carrier is required to submit, or have submitted, the same letters of notification 30 days prior to the institution of service. It then appears that the only difference in this respect is the timing of notification. Several carriers have contended that the CATV systems may not have completed their choice of signals to be obtained off the air when the microwave application is filed. We doubt that such decision is so complex or difficult that it requires an extended period of consideration. Even so, there is no prohibition against a CATV system modifying its notification after the microwave application is filed.[1]

5. Several carriers contend that the proposed rule would require the carrier to police the CATV rules. The Commission has no intention of requiring such policing. As indicated in the notice of proposed rule making, there is desire to reduce the administrative burden on the carriers. We do not expect the carrier to insure that the CATV system has correctly complied with all provisions of the CATV rules. However, we do expect the carrier to require the CATV system to submit to it copies of all letters of notification (for purposes of inclusion in the application), to ascertain that such letters contain reference to the intended microwave filing, and to require the CATV system to identify any other Commission application or request that may be necessary for carriage of the imported signals. Beyond this the carrier will have no other responsibility with respect to the CATV rules. It will be the responsibility of the CATV system to make correct notification pursuant to § 74.1105 and to ascertain whether any other Commission authorization is needed to enable it to operate as proposed. To eliminate any misunderstanding in this aspect, we will eliminate the term "certification" from § 21.713 and substitute other language which more accurately reflects the carrier's limited responsibility in this matter.

6. Another objection raised by several carriers is that an application, or set of applications, often involves service to a number of communities and that an objection or protest concerning one community would impede and delay service to all communities. This, unfortunately, has frequently been a problem in respect to "multiple service" applications in the past since a television broadcaster, objecting to service to a single community, would usually file a petition to deny which would have the effect of impeding the entire proposal even though other, uncontested service was involved. However, we fail to see how the proposed rule changes would aggravate the situation. Whether a broadcaster files a petition to deny the microwave applications or files a § 74.1109 petition in response to an earlier filed § 74.1105 notification, the result is the same—to impede the entire proposal. Of course, the Commission will continue, as it has in the past, to permit the separation of the noncontroverted portions of a proposal from the contested portion where that is feasible.

7. Notwithstanding these and other arguments advanced by the carriers, we are convinced that the adoption of § 21.713 will bring a higher degree of logical and procedural order in the Commission's consideration of these microwave-CATV proposals without imposing any substantial hardship on any party. Furthermore, we believe the premises for this proposal, as outlined in the notice of proposed rule making, are still valid and that all parties will benefit from the proposed changes. Accordingly, we will adopt the rule as proposed except for some modifications in language.

8. It has also been suggested that we delay action in this proceeding until the rules proposed in Docket No. 18397 (15 FCC 2d 417) are acted upon. The rules proposed in that proceeding would completely reconstitute § 74.1107 and eliminate the prior consent now necessary for the importation of distant signals into a top 100 television market but would leave untouched the notification and objection provisions of §§ 74.1105 and 74.1109. Therefore, such rules, if adopted, would not affect the need or justification for paragraph (a) of § 21.713, but they would substantially deminish the applicability of paragraph (b). However, even if the prior approval requirement of the present § 74.1107(a) is eliminated, there may be circumstances whereby other Commission approval may be required prior to the institution of service to a customer (e.g., the CATV customer may rely on channel service by a telephone company which is subject to a section 214 authorization). Consequently, we will revise the language of § 21.713(b) to be of more general applicability.

9. As indicated in paragraph 3, NCTA suggests several changes to the proposed rule. One suggested change would eliminate the requirement that the carrier file copies of the 74.1105 notifications but would substitute the names and addresses of those that were notified and the date of notification. This suggestion is rejected because of the additional work it would necessitate on the part of the Commission staff. While the inclusion of copies of the letters will tend to add somewhat to the bulk of the application, it will facilitate review of the application. Another NCTA suggestion is that the proposed provision requiring the § 74.1105 notices to include a reference to the microwave application be placed in § 74.1105(b) rather than § 21.713. While the inclusion of this requirement in § 74.1105(b) may be helpful, it is not considered critical since the carrier will be responsible for informing the CATV system of the requirement. Furthermore, modification of § 74.1105 would not be appropriate in the context of this proceeding which is limited to Part 21 of the rules. However, we will consider the suggestion with respect to another proceeding which may encompass changes to § 74.1105.

[1] If the subsequent change involves a signal to be relayed on the proposed facilities, the microwave application would have to be amended, and public notice thereof would be given by the Commission.

10. In view of the foregoing, it is concluded that the rule changes contained below should be adopted. Authority for the rules adopted is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. *Accordingly, it is ordered,* That effective May 19, 1969, Part 21 of the Commission's rules and regulations is amended as set forth below.

12. *It is further ordered,* That the various requests contained in the pleadings and comments listed in paragraph 2, to the extent that they may not have been granted herein, are otherwise denied.

13. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 9, 1969.

Released: April 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 21.710 [Deleted]

1. Delete § 21.710 in its entirety.

§ 21.712 [Deleted]

2. Delete § 21.712 in its entirety.

§ 21.714 [Deleted]

3. Delete § 21.714 in its entirety.

4. Add new § 21.713 to read as follows:

§ 21.713 Applications for authorizations involving relay of television signals to CATV systems.

An application in this service for authorization to establish new facilities or to modify existing facilities to be used to relay television signals to community antenna television (CATV) systems shall contain a statement by the applicant that, to the best of his knowledge, each CATV system to be served has, on or before the filing date of the application, complied with the requirements of paragraphs (a) and (b) of this section. In respect to paragraph (a) of this section, copies of all letters of notification shall be included in the microwave application. Where paragraph (b) is applicable, the relevant request or application shall be identified, including the date the request or application was filed and, if available, the file number.

(a) The CATV system shall give notification as required by § 74.1105 of this chapter. In addition to the requirements specified in § 74.1105, such notice shall include the fact of intended filing by the common carrier.

(b) If any Commission consent or authorization is required before the CATV system can utilize the television signals to be relayed by the proposed facilities, the CATV system shall file, or cause to be filed, appropriate request or application with the Commission.

[F.R. Doc. 69-4462; Filed, Apr. 15, 1969; 8:50 a.m.]

[Docket No. 18316; FCC 69-371]

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

Free or Reduced Rate Interconnection Service for Noncommercial Educational Broadcasting

Report and order. In the matter of free or reduced rate interconnection service for noncommercial educational broadcasting, Docket No. 18316.

I. Background. 1. The Commission has under consideration its notice of proposed rule making, FCC 68-909, issued on September 6, 1968 (33 F.R. 12853, Sept. 11, 1968), inviting comments on a proposed rule designed as a first step toward implementing the provisions of new section 396(h) of the Communications Act of 1934. The rule provided that such service may be rendered and required the reporting of various data pertinent thereto.

2. Timely comments were filed by 21 parties, including carriers, broadcasters, associations, States, the Ford Foundation, and the U.S. Department of Health, Education, and Welfare (HEW). The original deadline for reply comments of October 28, 1968, was extended to November 18, 1968, upon motion of the American Telephone and Telegraph Company (A.T. & T.). Prior to that date, reply comments were received from A.T. & T., United States Independent Telephone Association (USITA), and the State Education Department of the University of the State of New York.

3. Subsequent to our adoption of the notice of proposed rule making in this proceeding, negotiations between A.T. & T. and the Corporation for Public Broadcasting (CPB) resulted in a special 6-month experimental tariff offering to CPB which became effective December 1, 1968. This tariff, now scheduled to expire May 31, 1969, provides for interconnection service to 57 points for 2 hours of prime time per night, 5 nights per week, at a charge generally of $43 per point connected per occasion of use. While this provides service at substantially lower charges than would apply if commercial rates were charged, the tariff also provides that, because the service is provided through "spare" channels, the telephone company reserves the right to preempt any portion of the CPB service without prior notice whenever the "spare" channels are required for commercial customers. From the beginning of this service, there have been a number of short-notice preemptions of the CPB service in favor of commercial users.

II. Comments received. 4. Generally, those commenting support the proposed rule as a first step toward meeting the established desires for greatly increased interconnection of educational broadcast stations at a price they can afford. The comments recite the benefits to the public of interconnected educational broadcasting and the alleged prohibitive cost thereof at commercial rates. The most common recommendation of these parties is that the frequency of reporting be increased to at least quarterly and that provisions be made for reporting pending requests for free or reduced rate interconnection service.

5. In its initial comments, A.T. & T. noted that it recognizes the public interest in the development of educational broadcasting and cites its tariff providing for a trial of interruptible interconnection service to the Corporation for Public Broadcasting at charges substantially lower than commercial charges. A.T. & T. has no objections to the proposed rule, but asks that, in cases where service is requested and furnished at less than cost to the carrier, the Commission require that such service be subject to its approval upon determination of public interest and that all such expenses be treated as operating expenses so that the users of communications services, rather than the stockholders, would bear the cost. In its reply comments, A.T. & T. states that it has no objection to the increase in frequency of the reports to a quarterly basis, but believes that the Commission could be sufficiently informed of pending requests by the expedient of requiring copies of applications by broadcasters and denials by carriers regarding free or reduced service to be filed with the Commission. In addition, A.T. & T. opposes the proposal of some of the parties that carriers report their intention to deny a proposal. A.T. & T. also points to the language of section 396(h) as being permissive rather than mandatory.

6. USITA, the only other party to advance the point of view of the carriers, noted in its initial comments that while it has no objection to the proposed rule, it urges the Commission to consider what it believes to be serious problems presented to the independent telephone industry in that, unlike the situation generally with interexchange channels, idle facilities are not likely to be available for locally situated studio-transmitter or network access lines so that new construction would generally be required to provide initial service in the territory of independent, non-Bell companies. Where this construction is performed by such an independent telephone company, the company must go before a state regulatory commission to make up any loss. In its reply comments, USITA follows A.T. & T. in emphasizing that, contrary to the position taken by the Ford Foundation, HEW, and others, it does not read the language of section 396(h) as a "mandate" to the Commission to insure that free or reduced rates are provided to educational broadcasting. Rather, USITA construes section 396(h) has merely providing a defense to a complaint by a third party that free or reduced rates for service to educational broadcasting are unduly discriminatory. USITA has no problem with a requirement for more frequent reports, but suggests that a portion of the information might be supplied by filing copies of requests and denials for service with the Commission. In addition to the issue of the proposed rule, USITA emphasizes its belief that the Commission should act promptly to resolve the questions of whether or not carriers can be required to provide free or reduced rate service and construction and how the costs of these are to be borne.

7. In the comments of HEW, it is suggested that the provision of free or reduced rates should not be limited to broadcasting facilities, but could include closed local distribution systems since section 396(h) states that free or reduced rate interconnection services may be provided "* * * for noncommercial educational television or radio service, * * *." USITA's response objects to this interpretation on the ground that the interconnection services to be supplied are defined in the Act section 397(8) as providing for "* * * the transmission and distribution of television or radio programs to noncommercial educational television or radio broadcast stations.", and therefore, section 396(h) cannot be read to comprehend interconnection services provided to nonbroadcasters or for nonbroadcast purposes.

III. Conclusions. 8. Inasmuch as the proposed rule appears desirable for the efficient discharge of the Commission's duties at this stage of the implementation of section 396(h), we intend to adopt it, with certain of the suggested modifications. First, we agree with the majority of the comments received that reports should be made more frequently than every 6 months, at least initially, and we are therefore changing the reporting period to a quarterly basis. In regard to the issue of reporting pending requests and denials of requests for free or reduced rate service, it appears that this area can be adequately covered by including a requirement in the rule that the carrier's report shall identify all unfulfilled pending requests for service. In those cases where time is of the essence, or the prospective user believes needed service is being improperly delayed or denied, the Commission's established informal complaint procedures should provide adequate and timely relief.

9. We wish to make clear at this point that we construe an ultimate objective of the Public Broadcasting Act of 1967 to be the rendition of free or reduced rate interconnection service that is comparable in all material respects with service furnished commercial users at published tariff rates with the only difference in treatment being the free or reduced rate. Therefore, we consider the present experimental tariff offering by A.T. & T. to CPB only as an interim step toward meeting the ultimate objective because the terms and conditions of the offering, particularly the provision for preemption without prior notice, significantly distinguish the quality of this service from commercial service. We therefore expect that the carriers will proceed expeditiously to equip themselves with facilities necessary to fulfill the objectives of the Act. Furthermore, it should be made clear that carriers are not precluded from providing special classes of interconnection services for educational broadcast stations at low rates under tariffs filed with us. However, the rule we are adopting is intended to apply only to those situations where the same services or facilities offered under tariffs filed with us are furnished, or are requested to be furnished, for the interconnection of educational broadcast stations either at no charge or at charges below those published in the tariffs.

10. In regard to the scope of section 396(h), we agree with USITA that this section should not be construed as providing for free or reduced rates for interconnection among nonbroadcast stations. Section 397(8) states that, for the purpose of the Act, "The term 'interconnection' means the use of microwave equipment, boosters, translators, repeaters, communication space satellites, or other apparatus or equipment for the transmission and distribution of television or radio programs to noncommercial educational television or radio broadcast stations," 47 U.S.C. 397(8).

11. Finally, we understand the concern of the carriers as to how the costs of service rendered pursuant to section 396(h) are to be recovered by the carriers. We believe that it is desirable to state the Commission's policy in this area so far as it is possible at this time. Consistent with the policy of the Public Broadcasting Act, it is reasonable and appropriate that all costs, including the cost of new construction, shall be treated as related to common carrier interstate service and as such shall be included in the carriers total interstate rate base and operating expenses. It should also be made clear that, although the language of section 396(h) is permissive, the national policy expressed is that the public interest is served by the expansion of noncommercial educational broadcasting service to the public through free or reduced rate interconnection common carrier services for educational broadcast stations. While we need not definitively resolve the question raised by USITA as to whether or not the Commission can require or order common carriers to provide such free or reduced rate service, we do believe that we have ample authority to promote the congressional purpose and the public interest in this important area.

12. Authority for the adoption of the addition contained herein is contained in sections 4(i), 218, 219(b), and 396(h) of the Communication Act of 1934, as amended.

13. In view of the foregoing: *It is ordered,* That effective July 1, 1969, Part 43 of the Commission's rules is amended to add § 43.74 to read as follows:

§ 43.74 Service rendered free or at reduced rates pursuant to section 396(h) of the Act; reports relative thereto.

Any common carrier subject to the Communications Act may render free or reduced rate communications interconnection services for noncommercial educational television or radio services, subject to the rules contained in this part. Every carrier furnishing such service shall make and file, in duplicate, with the Commission within 40 days after the end of each calendar quarter, two certified copies of reports covering each quarter of the year. The reports shall show the call signs and locations of the stations to which such service was rendered pursuant to this rule and the dates such service was rendered; the names of any agency, corporation or association of stations, other than the stations interconnected, to which service was charged or credited; the general character of the service provided; the charges in dollars which would have accrued to the carrier for such services rendered if all charges for such services had been calculated at the published tariff rates; the charges in dollars, if any, actually made or credited for such service; the name and address of any person whose request for such service is pending as of the last day of the reporting period, the date of such request, a general description of the service requested, and the expected date of decision on the pending request; the name and address of any person whose request for such free or reduced rate service has been denied during the reporting period together with a general description of the service requested, and the reasons for such denials of service and the dates thereof.

(Secs. 4, 218, 219, 48 Stat., as amended, 1066, 1077; Sec. 396, 76 Stat. 67; 47 U.S.C. 154, 218, 219, 396)

Adopted: April 9, 1969.

Released: April 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4463; Filed, Apr. 15, 1969; 8:50 a.m.]

[Docket No. 18415; FCC 69-353]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Use of ITU Manual

Report and order. In the matter of amendment of Parts 81 and 83—to include provision for the ITU Manual for use by the Maritime Mobile Service in the list of service documents which shall be provided at specified categories of coast and ship stations, docket No. 18415.

1. A notice of proposed rule making in the above captioned matter was released on January 10, 1969, and was published in the FEDERAL REGISTER on January 14, 1969 (34 F.R. 517). In the notice, the Commission proposed to amend its rules to include provision for the ITU Manual for use by the Maritime Mobile Service in the list of service documents which shall be provided at specified categories of coast and ship stations.

2. No comments were filed in response to the notice.

[1] Commissioners Wadsworth and Johnson absent.

3. The Final Acts of the World Administrative Radio Conference on marine matters, Geneva, 1969, provides that the "Manual" replace the International Radio Regulations effective April 1, 1969. Since the proposed date of April 1, 1969, has passed, it is necessary that another date be specified. The Commission is, therefore, adopting an effective date of July 1, 1969. Part B of the "Manual" includes extracts from the ITU Additional Radio Regulations (ARR). Since the United States is not party to the ARR, an appropriate note has been added to exclude applicability of the ARR to ships of U.S. registry.

4. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules are amended effective July 1, 1969, as set forth below.

5. *It is further ordered*, That the proceeding in Docket No. 18415 is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 9, 1969.

Released: April 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. In § 81.213, subparagraph (6) of paragraph (a) is amended to read as follows:

§ 81.213 Station documents.

(a) • • •

(6) The Manual for use by the Maritime Mobile Service, published by the International Telecommunication Union, Geneva;

NOTE: The Additional Radio Regulations contained in Part B of the Manual do not apply to ships of U.S. registry.

• • • • •

2. In § 81.313, subparagraph (7) of paragraph (a) is amended to read as follows:

§ 81.313 Station documents.

(a) • • •

(7) The Manual for use by the Maritime Mobile Service, published by the International Telecommunication Union, Geneva.

NOTE: The Additional Radio Regulations contained in Part B of the Manual do not apply to ships of U.S. registry.

• • • • •

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.329, subparagraph (8) of paragraph (a) is amended; subparagraph (9) of paragraph (a) is deleted; and subparagraph (10) of paragraph (a) is renumbered (9), and paragraph (b) is amended to read as follows:

§ 83.329 Station documents.

(a) • • •

(8) The Manual for use by the Maritime Mobile Service, published by the International Telecommunication Union, Geneva;

NOTE: The Additional Radio Regulations contained in Part B of the Manual do not apply to ships of U.S. registry.

(9) Part 83 of this chapter.

(b) All ship stations on board ships not compulsorily fitted with a radiotelegraph installation, but using telegraphy, shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (4), (5), 6), (8), and (9) of paragraph (a) of this section.

• • • • •

2. In § 83.367, subparagraph (5) of paragraph (a) is amended to read as follows:

§ 83.367 Station documents.

(a) • • •

(5) The Manual for use by the Maritime Mobile Service, published by the International Telecommunication Union, Geneva;

NOTE: The Additional Radio Regulations contained in Part B of the Manual do not apply to ships of U.S. registry.

• • • • •

[F.R. Doc. 69-4464; Filed, Apr. 15, 1969; 8:50 a.m.]

[Docket No. 18326; FCC 69-350]

PART 87—AVIATION SERVICES

High Frequency Assignments Allocated for Domestic Route Service in Hawaii and U.S. Possessions in West Indies

Report and order. In the matter amendment of Part 87 of the Commission's rules to change existing high frequency assignments allocated for domestic route service in the State of Hawaii and U.S. possessions in the West Indies, docket No. 18326.

1. The Commission on September 25, 1968, adopted a notice of proposed rule making in the above entitled matter (FCC 68-966) which made provision for the filing of comments and was published in the FEDERAL REGISTER on October 2, 1968 (33 F.R. 14724). There were no comments received.

2. The notice of proposed rule making was issued in response to frequency changes that were adopted in the Final Acts of the Extraordinary Administrative Radio Conference (EARC), Geneva, 1966. The proposal was for the amendment of §§ 87.299 and 87.301 of the Commission's rules which concern frequencies allocated for domestic route service in the State of Hawaii and U.S. possessions in the West Indies.

3. As stated in the notice of proposed rule making, the operational requirements for providing domestic route service in the State of Hawaii are now firmly established on frequencies from the VHF bands. Accordingly, the Regional and Domestic Air Route Areas (RDARA) high frequencies have been deleted from § 87.299 of the Commission's rules which lists the frequencies available in Hawaii.

4. In accordance with the EARC, § 87.301(b) is amended to make the frequency 5461 kc/s available as a replacement for 4689.5 kc/s for domestic route stations in the West Indies. The replacement will be available on the effective date of this order.

5. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 (b), (c), and (r) of the Communications Act of 1934, as amended, that effective May 19, 1969, Part 87 of the Commission's rules are amended as set forth below.

It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 9, 1969.

Released: April 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 87.299 is amended to read as follows:

§ 87.299 Hawaii.

Frequencies available for assignment to serve domestic routes in the State of Hawaii are as follows:

MC/s	MC/s	MC/s
129.1	129.7	130.1
129.3	129.9	130.3
129.5		

Section 87.301 is amended to read as follows:

§ 87.301 West Indies.

(a) Very high frequencies available for assignment to serve domestic routes in U.S. possessions in the West Indies are as follows:

MC/s	MC/s	MC/s
129.1	129.5	129.7
129.3		

(b) High frequencies available for assignment to serve domestic routes in U.S. possessions in the West Indies are:

kc/s	kc/s	kc/s
3851	6619.5 [1]	8924 [2]
5461	6575 [2]	

[1] Available only until Sept. 17, 1970.
[2] Available after Sept. 17, 1970.

[F.R. Doc. 69-4460; Filed, Apr. 15, 1969; 8:49 a.m.]

[FCC 69-353]

PART 97—AMATEUR RADIO SERVICE

Station Control

In the matter of amendment of the amateur radio service rules to delete a requirement for a showing of station control.

1. The Commission has under consideration Amateur Radio Service rule § 97.37 relating to the requirement that an amateur license applicant make a satisfactory showing that he has control of both the proposed transmitting station and the specific premises upon which the station apparatus is to be located.

2. The Commission proposes to delete the requirement for a specific showing of station control from § 97.37. It appears that no useful purpose is served by the requirement for a specific showing of station control in the application. Other provisions presently contained in the rules require the licensee to maintain control over the operation of his amateur radio station. The elimination of the requirement to make a specific showing of station control in no way diminishes the licensee's responsibility under these other provisions, to maintain control over his amateur radio station. Also, the amateur applicant will continue to certify, at the bottom of the amateur application form, that the amateur radio equipment to be licensed will remain inaccessible to unauthorized persons. It is determined, therefore, that it is in the public interest to delete the requirement for a showing of station control.

3. The rule changes herein ordered are procedural and editorial only and, hence, the prior notice, public procedure and the effective date provisions of 5 U.S.C., section 533, are not applicable. Authority for these rule changes is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered*, That, effective April 18, 1969, § 97.37 is amended as shown below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 9, 1969.

Released: April 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is amended as follows:

Section 97.37 is revised to read as follows:

§ 97.37 General eligibility for station license.

A license for an amateur station will be issued in response to proper application therefor to a licensed amateur operator for use at a designated fixed location. An amateur station license may also be issued to an individual, not a licensed amateur operator (other than an alien or a representative of an alien or of a foreign government), who is in charge of a proposed amateur station for recreation under military auspices (only of the Armed Forces of the United States) which is to be located in approved public quarters but not operated by the U.S. Government.

[F.R. Doc. 69-4465; Filed, Apr. 15, 1969; 8:50 a.m.]

[1] Commissioner Johnson concurring in the result.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing: for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Mo., is permitted only on the area designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: May 1, 1969, through September 15, 1969, daylight hours only.

(2) Spearing or gigging is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through September 15, 1969.

HAROLD H. BURGESS,
Refuge Manager, Squaw Creek National Wildlife Refuge, Mound City, Mo.

APRIL 7, 1969.

[F.R. Doc. 69-4408; Filed, Apr. 15, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected S.O. 1003-A]

PART 1033—CAR SERVICE

Illinois Central Railroad Co. Authorized To Operate Over Certain Trackage Abandoned by Tennessee Central Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of April 1969.

Upon further consideration of Corrected Service Order No. 1003 (33 F.R. 12741, 34 F.R. 12) and good cause appearing therefor:

It is ordered, That:

Section 1033.1003 *Service Order No. 1003* (Illinois Central Railroad Co. authorized to operate over certain trackage abandoned by the Tennessee Central Railway Co.) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 12:01 a.m., April 12, 1969; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4437; Filed, Apr. 15, 1969; 8:47 a.m.]

[S.O. 1004-A]

PART 1033—CAR SERVICE

Harriman & Northeastern Railroad Co. Authorized To Operate Over Certain Trackage Abandoned by Tennessee Central Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 10th day of April 1969.

Upon further consideration of Service Order No. 1004 (33 F.R. 12660, 34 F.R. 11) and good cause appearing therefor:

It is ordered, that;

Section 1033.1004 *Service Order No. 1004* (Harriman & Northeastern Railroad Co. authorized to operate over certain trackage abandoned by the Tennessee Central Railway Co.) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 12:01 a.m., April 12, 1969; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the

order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4436; Filed, Apr. 15, 1969; 8:47 a.m.]

[2d Rev. S.O. 1020]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 9th day of April 1969.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and boxcars with inside length of 40 feet or longer with side-door openings of 8 feet or wider exists throughout the United States; that shippers located on lines of carriers owning a substantial number of these type cars are being deprived of such cars required for loading, resulting in a very severe emergency thus creating a great economic loss; that present rules, regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange and return of such boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1020 Distribution of boxcars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw from distribution and return to owners empty, except as otherwise provided in subparagraphs (2) or (3) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register; ICC R.E.R. 370, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length of 50 feet or longer, or with inside length 40 feet or longer and with side-door openings 8 feet wide or wider, or equipped with plug doors regardless of length.

(2) Boxcars described in subparagraph (1) of this paragraph available empty at a station other than a junction with the owner may be loaded to stations on or via the owner, or to any station which is closer to the owner than the point where loaded.

(3) Boxcars described in subparagraph (1) of this paragraph available empty at a junction with the owner must be delivered to the owner at that junction, either loaded or empty.

(4) Boxcars described in subparagraph (1) of this paragraph must not be back-hauled empty, except from cleaning or repair facilities, or normal car distribution points, for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph, nor held empty more than 24 hours awaiting placement for loading.

(5) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (2) and (3) of this paragraph.

(b) Application: The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(c) Effective date: This order shall become effective at 11:59 p.m., April 12, 1969.

(d) Expiration date: This order shall expire at 11:59 p.m., May 31, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of the order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4438; Filed, Apr. 15, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1005, 1009, 1036]

[Dockets Nos. AO-177-A34-R01, AO-268-A17, AO-179-A31]

MILK IN TRI-STATE, CLARKSBURG, W. VA., AND EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Clarksburg, W. Va., on December 10, 1968, pursuant to notices thereof which were issued on September 19, September 27, October 4, October 22, November 6, and November 18, 1968 (33 F.R. 14414, 14784, 15069, 15805, 16451, 17314). This hearing reopened a public hearing which was held at Charleston, W. Va., on August 27 and 28, 1968, pursuant to notice thereof issued on August 7, 1968 (33 F.R. 11409).

Upon the basis of the evidence introduced at the hearings and the record thereof, the Deputy Administrator, Regulatory Programs, on March 5, 1969 (34 F.R. 5013; F.R. Doc. 69-2865) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 5013; F.R. Doc. 69-2865) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearings relate to:

1. Merging the Clarksburg order with the Eastern Ohio-Western Pennsylvania order or the Tri-State order;

2. Modification of the Class II price provisions of the Clarksburg and Eastern Ohio-Western Pennsylvania orders; and

3. With respect to the Tri-State order:

(a) Expansion of the marketing area;

(b) Diversion of milk to other order plants;

(c) Elimination of pricing districts;

(d) Elimination of supply-demand adjustor;

(e) Price for milk used in cottage cheese; and

(f) Revision of location adjustments.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof:

1. *Merger of orders.* The Eastern Ohio-Western Pennsylvania and Clarksburg orders should be merged and continued as the Eastern Ohio-Western Pennsylvania order. Regulation of the marketing areas of these two orders under a single order is the most appropriate means of effectuating the intent of the Act. A single order for the merged area will provide a regulatory program for milk marketing consistent with current marketing conditions and practices. Except for the changes proposed by this decision, the provisions of the Eastern Ohio-Western Pennsylvania order are appropriate for the proposed enlarged marketing area.

The present Eastern Ohio-Western Pennsylvania marketing area includes territory in 38 counties: 20 in Ohio, 14 in Pennsylvania and four in West Virginia. The order including the present marketing area became effective July 1, 1968. It resulted from the merging of the previously existing Wheeling, Youngstown-Warren, and Northeastern Ohio orders and the adding to the marketing areas of these orders territory in 14 counties in Pennsylvania and seven counties in Ohio.

The Clarksburg marketing area, which is contiguous to the southern border of the Pennsylvania portion of the Eastern Ohio-Western Pennsylvania marketing area, includes territory in nine West Virginia counties.

Combining the Clarksburg and Eastern Ohio-Western Pennsylvania orders into a single order was proposed by Dairymen's Cooperative Sales Association (DCSA), which represents about 70 percent of the 159 producers who supplied the five Clarksburg order pool plants in October 1968. Another proposal at the hearing would merge the Clarksburg order with the Tri-State order instead of with the Eastern Ohio-Western Pennsylvania order. The latter proposal was made by a handler whose plant is pooled under the Tri-State order but from which plant Class I milk is also distributed in the Clarksburg and Eastern Ohio-Western Pennsylvania marketing areas.

DCSA is one of the principal producer associations in the Eastern Ohio-Western Pennsylvania and Tri-State markets. The only other producer organization in the Tri-State market to indicate its position on the proposals supported the merger of the Clarksburg and Eastern Ohio-Western Pennsylvania orders. This merger was also supported at the hearing by a Clarksburg order handler who also operates a pool plant under the Eastern Ohio-Western Pennsylvania order and one under the Tri-State order. Two other Tri-State order handlers, a Clarksburg handler, and an Eastern Ohio-Western Pennsylvania handler likewise supported a merger of the Clarksburg and Eastern Ohio-Western Pennsylvania orders. Only the handler proposing the merger of the Clarksburg and Tri-State orders testified in support of his proposal. Other handlers and producers in the Clarksburg market took no position at the hearing on the merger proposals.

Historically, the Clarksburg market has been one of the smallest of the Federal order markets. In October 1967, 268 producers delivered 7.2 million pounds of milk to Clarksburg pool plants. In the fall of 1968, this volume was reduced substantially by the closing of a Clarksburg order plant and the shifting of the producers supplying it out of the market. Deliveries from the remaining 159 producers in October 1968 totaled 5.2 million pounds. Under the Eastern Ohio-Western Pennsylvania order, 10,420 producers delivered 258 million pounds of milk to pool plants in October 1968.

The Clarksburg plant closing resulted from the consolidation of plant operations by the handler proposing a merger of the Clarksburg and Tri-State orders. This handler closed plants regulated under the Clarksburg, Eastern Ohio-Western Pennsylvania, and Tri-State orders and transferred the processing operations to a new plant at Coshocton, Ohio. Sales in the Clarksburg market that were made from the handler's Clarksburg plant now emanate from the Coshocton plant, which is regulated under the Tri-State order. In August 1968, the month preceding the plant closing, the handler's Class I sales from his Clarksburg plant totaled 1.8 million pounds, one-third of the Class I sales that month by all Clarksburg order handlers.

Following the plant closing, DCSA shifted 92 producer-members from the Clarksburg market to the Eastern Ohio-Western Pennsylvania market. Because of the distance of their farms from Coshocton, it was not economically practical for these producers to supply the Coshocton plant. The removal of this milk supply from the Clarksburg market was necessary since presently regulated handlers in the market are not equipped to handle any significant volume of surplus milk.

Maintaining a separate order for the present Clarksburg market will no longer assure stable and orderly marketing conditions for the remaining producers on the market. Because of the relatively small volume of milk now being sold by handlers regulated under the Clarksburg order, a major loss of Class I sales by them to handlers in other areas could reduce substantially the returns to Clarksburg producers. Only the removal of a large portion of the milk supply from the market averted a substantial reduction in the uniform price when the aforementioned Clarksburg plant closed.

In recent years, Clarksburg pool plants have lost several major Class I outlets in the Clarksburg market to other order plants. The sales shift resulting from the Tri-State handler's plant consolidation was but the most recent, although perhaps most significant, of these losses. The trend toward consolidation of plant operations in large, centrally located plants may very well have a further impact on the Clarksburg market. The spokesman for a multiple-plant operator with pool plants under all three of the orders under consideration at the hearing testified that the handler is constructing a plant in southwestern Pennsylvania to replace his Eastern Ohio-Western Pennsylvania pool plant at Pittsburgh. This new plant is so situated geographically that it could also replace the handler's Clarksburg plant as a supplier of Class I products for the Clarksburg area.

When the Clarksburg order was issued in 1955, the regulated area was distinguishable as a separate market for a particular group of handlers and producers. Changes in recent years affecting distribution practices have resulted in a significant expansion of the procurement and distribution areas not only of Clarksburg order pool plant operators but also of the various other plant operators who are suppliers or potential suppliers of milk for the Clarksburg market. Better highways, improved transportation and refrigeration facilities, and the greater use of single service containers have made it feasible to move packaged milk over long distances. Hence, Clarksburg order handlers have extended their distribution routes to other areas and handlers under other orders have extended their distribution routes into the marketing area of the Clarksburg order. The potential sales outlets in the various populated centers, and particularly the increasingly important supermarket business, have encouraged the distribution by handlers over larger geographical areas.

There is a significant overlapping of the sales areas of Clarksburg order handlers with handlers under other orders. About 40 percent of the Class I distribution in the Clarksburg area is priced under other orders. Milk from Clarksburg order plants is distributed in the Tri-State market and in the West Virginia and Pennsylvania portions of the Eastern Ohio-Western Pennsylvania marketing area. Likewise, there is distribution in the Clarksburg market from plants regulated under the Eastern Ohio-Western Pennsylvania, Tri-State, and Cincinnati orders.

Merging the Clarksburg order with the Eastern Ohio-Western Pennsylvania order, rather than with the Tri-State order, will result in the more practical regulatory scheme for the majority of the producers now on the Clarksburg market. As indicated, about 70 percent of these producers are members of DCSA, the proponent of the Clarksburg-Eastern Ohio-Western Pennsylvania merger. This cooperative, which likewise is a principal producer association in the Eastern Ohio-Western Pennsylvania market, assumes the responsibility of marketing the milk of its members in these adjoining markets. The merger of these two orders will facilitate the performance of this function by the cooperative.

The economic impact of the recent loss of Class I sales by Clarksburg producers was borne entirely by DCSA. By removing a portion of the total producer supply from the market, and thereby preventing a lower market utilization, returns to the remaining producers on the market were not affected by the substantial loss of Class I sales. Producers on the market who are not members of DCSA thus benefited significantly from the cooperative's action. In redirecting this milk supply of its members from the Clarksburg market to the Eastern Ohio-Western Pennsylvania market, DCSA is incurring additional hauling costs—10 cents or more per hundredweight—which are being shared by all members of the cooperative.

With the recent transfer of 92 producers from Clarksburg to Eastern Ohio-Western Pennsylvania order pool plants, the Eastern Ohio-Western Pennsylvania order is carrying, in effect, the surplus for the Clarksburg market. Moreover, Clarksburg handlers tend to rely on this larger adjacent market when supplemental supplies of Class I milk are needed.

While there is some variation in the inspection standards between the Clarksburg marketing area and some jurisdictions in the present Eastern Ohio-Western Pennsylvania marketing area, there are apparently no practical limitations on the movement of milk throughout the proposed merged area. The States of Ohio and West Virginia reciprocate on health approvals. The State of Pennsylvania and the Pennsylvania county of Allegheny, which utilize different inspection standards, have no reciprocity arrangements on inspection requirements with Ohio and West Virginia. However, many producers and handlers outside Pennsylvania have Allegheny County and/or Pennsylvania health permits. In fact, some handlers operating in the present Clarksburg market have health permits for these jurisdictions. It must be concluded that the health requirements throughout the proposed marketing area are not so different as to be an impeding factor in the merging of the Clarksburg and Eastern Ohio-Western Pennsylvania orders.

The proposal to merge the Clarksburg order with the Tri-State order instead of with the Eastern Ohio-Western Pennsylvania order was supported by only the proponent handler. This handler contended that his proposal should be adopted since the major portion of the Class I sales from other order plants in the Clarksburg marketing area are from Tri-State order pool plants. Moreover, the handler claimed, such a merger is necessary to insure the alignment of Class I prices between the Tri-State and Clarksburg areas. The handler also argued that the reciprocity arrangement on inspection standards between Ohio and West Virginia, which neither of these States has with Pennsylvania, favored the adoption of his proposal.

The record does not show that it would be more practical to merge Clarksburg with Tri-State than with the Eastern Ohio-Western Pennsylvania order. The fact that most of the other order sales in the Clarksburg market emanate from the Tri-State market is not a compelling reason for a Tri-State-Clarksburg merger. The interests of producers who are supplying the Clarksburg market must be considered a primary factor under the prevailing marketing conditions. Such interests have already been described.

A merger of the Tri-State and Clarksburg orders is not essential to establishing a satisfactory price alignment between these regulated areas. The proposed order changes described elsewhere in this decision will contribute to achieving an alignment of prices between the Tri-State market and the proposed expanded Eastern Ohio-Western Pennsylvania market.

The proponent handler did not show how he, other handlers, or producers in the Clarksburg and Tri-State markets would be adversely affected by merging the Clarksburg order with the Eastern Ohio-Western Pennsylvania order rather than the Tri-State order. Although a substantial amount of proponent's Class I sales is made in the Clarksburg marketing area, the handler indicated that his plant would continue to be regulated under the Tri-State order whether Clarksburg was merged with that order or the Eastern Ohio-Western Pennsylvania order. Hence, the milk received at his plant would continue to be priced and pooled under the Tri-State order.

As indicated above, the intent of the Act would best be served by merging Clarksburg with the Eastern Ohio-Western Pennsylvania order. Accordingly, the alternative proposal, to merge Clarksburg with the Tri-State order, is denied.

Class I price and location differentials. The territory presently included in the Clarksburg order should be included in the Pittsburgh pricing district of the Eastern Ohio-Western Pennsylvania order.

Class I prices under the Eastern Ohio-Western Pennsylvania order are established for two districts, "Pittsburgh" and "Cleveland-Erie". The Pittsburgh district includes all territory in the marketing area within 80 miles of Pittsburgh; the Cleveland-Erie district includes the remaining territory in the marketing area. The Pittsburgh district Class I price, which is 10 cents more than the Cleveland-Erie district Class I price, is computed by adding $1.97 to the basic formula price; it has been $6.30 each month since the Eastern Ohio-Western Pennsylvania order became effective July 1, 1968.

The cooperative proposing the merger of the Eastern Ohio-Western Pennsylvania and Clarksburg orders proposed that the Class I price at plants in the present Clarksburg marketing area be 10 cents higher than the Pittsburgh district price. Two presently regulated Clarksburg handlers proposed that such price be the same as the Pittsburgh district price. The handler who proposed the merger of the Tri-State and Clarksburg orders proposed that the Clarksburg Class I price be 7 cents above the Tri-State order price for the Charleston-Huntington district. This would result in a Class I price of $6.15 (after eliminating the effect of the supply-demand adjustor in the Tri-State order as is provided elsewhere in this decision).

In 1968, the Clarksburg order Class I price averaged $6.32,[1] ranging from $6.13 (in July and December) to $6.45 (in January and February). The current Pittsburgh district Class I price of $6.30 that would be applicable for milk received at plants in the present Clarksburg marketing area reasonably approximates the Class I prices that have prevailed most recently in Clarksburg. Accordingly, it should tend to insure the maintenance of an adequate supply of milk for the Clarksburg area and an alignment of prices between the presently regulated Clarksburg plants and those under other Federal orders.

Five cities (Canton and Cleveland, Ohio; and Erie, Pittsburgh, and Uniontown, Pa.) are measuring points for determining location adjustments and whether the Pittsburgh district or Cleveland-Erie district Class I price shall apply at plants located outside the Eastern Ohio-Western Pennsylvania marketing area. For milk received at a plant outside the marketing area, the Class I price is the price applicable at the nearest measuring point. Location differentials are applicable for milk received at plants outside the marketing area and 85 miles or more from the nearest measuring point.

The above five cities were selected because they are so situated geographically in relation to the supplies for the market to serve most equitably as represeptative measuring points for determining Class I prices and location adjustments at plants outside the marketing area. Under the merged order, Clarksburg is similarly so situated and should be added as a measuring point for the purposes stated.

Merger of administrative expense, marketing service, and producer-settlement funds. To accomplish the merger of the Eastern Ohio-Western Pennsylvania and Clarksburg orders effectively and equitably, the assets in the administrative expense and marketing service funds which have accrued under the separate orders should be combined. Similar procedure should be carried out with respect to the producer-settlement fund reserves. Any liabilities of such funds under the individual orders should be paid from the new funds so created. Similarly, obligations which are due and owing to the funds under the separate orders should remain and be paid to the combined funds under the merged order.

[1] Official notice is taken of the market administrator's price announcements for the Clarksburg and Eastern Ohio-Western Pennsylvania orders that were issued for November and December 1968.

The money paid to the administrative expense fund is each handler's proportionate share of the cost of administering the order. All handlers currently regulated under the separate orders will continue to be regulated under the merged order. Therefore, it is equitable to combine the monies accumulated under the separate funds and to pay any liabilities of each of the present funds from the consolidated fund.

The money accumulated in the marketing service funds of the separate orders is that paid by producers for whom the market administrator has performed such services as verifying the tests and weights of producer milk and furnishing market information. The producers who have contributed to the marketing service fund of each order are expected to continue to supply milk for the expanded market. The consolidation of the assets in the separate marketing service funds is therefore appropriate in view of the continuation of the marketing service program for these producers under the merged order.

The producer-settlement funds under the present Eastern Ohio-Western Pennsylvania and Clarksburg orders facilitate the payment by handlers for milk received from producers. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers at the applicable uniform price pays the difference into the producer-settlement fund. Each handler whose obligation for producer milk is less than the applicable uniform price receives payment of the difference from the fund. For the efficient functioning of the fund, a reasonable reserve is set aside at the end of each month.

The producer-settlement fund balances in the two orders should be combined so that the producer-settlement fund under the merged order may be continued without disruption. It would be impractical to distribute the existing producer-settlement fund reserves to producers and to accumulate anew the required reserve for the merged order. The producers currently supplying the two separate markets are expected to continue to supply milk for the expanded Eastern Ohio-Western Pennsylvania market. Thus, moneys now in the separate producer-settlement funds would be reflected in the uniform prices of the producers whose money will be in the merged fund reserves. These combined funds would also serve the function of a contingency fund from which money would be available for obligations (resulting from audit adjustments and otherwise) for which one or the other of the separate funds was responsible.

2. *Class II price under the Eastern Ohio-Western Pennsylvania order.* The butter-powder price formula used in computing the Class II price under the Eastern Ohio-Western Pennsylvania order should be changed to conform with the butter-powder price formula used in other orders.

The Eastern Ohio-Western Pennsylvania order provides that the Class II price shall be the basic formula price (Minnesota-Wisconsin manufacturing milk price series): However, the Class II price may not exceed a "snubber" price which is a butter-powder price plus 10 cents.

The butter-powder price now used in the Eastern Ohio-Western Pennsylvania order is computed by subtracting 3 cents from the average wholesale price per pound for 92-score butter at Chicago, adding 20 percent of the resulting amount and multiplying the total by 3.5. To this is added an amount determined by subtracting 5.5 cents from the average carlot price per pound for spray process nonfat dry milk in the Chicago area and multiplying the result by 8.5 and the new result by 0.965.

The butter-powder snubber price proposed herein is the same as the one that became effective on July 1, 1968, under the New York-New Jersey, Massachusetts-Rhode Island-New Hampshire, Connecticut, Delaware Valley, Washington, D.C., and Upper Chesapeake Bay orders. This snubber, which is based on the same market values for butter and nonfat dry milk described above, is computed by subtracting 48 cents from the sum of the butter price times 4.2 and the powder price times 8.2.

The proposed butter-powder snubber price runs a fraction of a cent under the butter-powder snubber price now used in the Eastern Ohio-Western Pennsylvania order. For the 24-month period ending with November 1968, the maximum price difference was 0.34 of 1 cent.

During this 2-year period, the butter-powder snubber price was the effective Class II price under the Eastern Ohio-Western Pennsylvania order (formerly the Northeastern Ohio order prior to July 1, 1968) in 21 months. In the other 3 months, the snubber price was equal to the Minnesota-Wisconsin price. Over the 2-year period, the proposed butter-powder snubber would have changed the Class II price under the order in only 3 months, reducing the price in each case by 1 cent.

The minor variations in the butter-powder price formulas now in use in the Eastern Ohio-Western Pennsylvania and Northeastern orders can result from time to time in the price snubbers not having the same pricing effect under each order. Adoption of the price formula proposed herein will result in the price snubbers having a uniform pricing effect on the Class II prices under these orders.

3. *Amendments to Tri-State order*—(a) *Expansion of the marketing area.* The proposals to add Rowan and Carter Counties, Ky., and Greenbrier County, W. Va., to the marketing area are denied.

No testimony was presented on the proposal in the notice of hearing to add Pocahontas County, W. Va., to the marketing area. Accordingly, no action is taken on it.

The proposal to include the Kentucky counties of Rowan and Carter in the marketing area was made by two Tri-State handlers. However, at the hearing no regulated handlers or the producers supplying them testified on the proposal. A cooperative that supplies an

unregulated distributing plant at Morehead in Rowan County supported the proposal. This distributor, who would become regulated under the order if the proposal were adopted, opposed adding the two counties to the marketing area.

The Morehead distributor contracts annually with an eastern Kentucky cooperative for the entire supply of its 38 members. The present contract provides for the payment for such milk at a price approximating the Tri-State order uniform price for the Charleston-Huntington district. The distributor assumes the burden of disposing of the seasonal surplus of his dairy farmers' deliveries and of acquiring supplemental milk, which he obtains from the Louisville-Lexington-Evansville Federal order market.

The unregulated distributor sells milk in about 15 Kentucky counties, including Carter and Rowan, that are not a part of any Federal order marketing area. There is virtually no other evidence on the record, however, concerning his distribution and that of handlers with whom he competes. Although Tri-State handlers have sales in Rowan and Carter Counties, there is no indication of the proportion of regulated and unregulated sales in these areas or if such counties are a significant part of the sales areas of regulated handlers or of the Morehead distributor.

In view of the limited evidence in this record concerning the distribution of milk in Carter and Rowan Counties, the two counties should not be included in the Tri-State marketing area at this time. Reconsideration of this matter may be warranted on the basis of evidence developed at a later hearing.

The addition of Greenbrier County to the marketing area was proposed by a regulated handler at Beckley, W. Va., who has 7 percent of his Class I sales in this county. The handler claimed that he is disadvantaged on such sales since the principal unregulated distributor in the county is able to obtain milk supplies at prices lower than those provided in the order.

Of the total fluid milk sales in Greenbrier County, 47 percent are by four Tri-State handlers. Another 16 percent of the sales are by handlers regulated under the Cincinnati and Appalachian Federal orders. The remaining 37 percent of the sales are unregulated. Most of these are by a distributor at Ronceverte in Greenbrier County. This distributor also has fluid sales in the West Virginia counties of Monroe, Pocahontas, Nicholas, and Summers, none of which is in the marketing area of a Federal order. The record does not show what proportion of the distributor's sales are in Greenbrier County or in the other counties.

The Ronceverte distributor receives milk from 15 dairy farmers. Several of these farmers testified in opposition to the inclusion of Greenbrier County in the marketing area. None appeared at the hearing in support of the proposal.

The distributor pays in most months approximately the Charleston-Huntington district Class I price for his total farm supply. In the flush production months, when supplies are in excess of his needs, the distributor returns to his producers approximately the Tri-State Class I butterfat value for the surplus. The skim milk portion of such surplus milk is dumped and the butterfat portion is used in the production of ice cream and butter. The distributor testified that in May and June 1968 about 13 percent of his farm supply was so disposed of.

The hearing evidence does not substantiate proponent's claim that the Ronceverte distributor has a buying advantage on milk used for Class I. Therefore, it cannot be concluded from this record that adding Greenbrier County to the marketing area is necessary for the maintenance of orderly marketing conditions for the Tri-State handlers and producers.

(b) *Diversion of milk to other order plants.* Handlers should be permitted to divert producer milk to other order plants for manufacturing purposes. Milk now moved from the farms of Tri-State producers to other order plants does not qualify as producer milk under the Tri-State order.

Producers proposed that the order be revised to permit diversions to other order plants. They contend that, because of changed conditions in the market, such a provision in the order is necessary to insure the orderly marketing of producer milk. There was no opposition to the proposal at the hearing.

In September 1968, a Tri-State handler closed his Athens, Ohio, distributing plant and began processing milk at a new plant at Coshocton, Ohio, about 90 miles north of Athens. The operator also closed at about the same time plants regulated under the Clarksburg and Eastern Ohio-Western Pennsylvania orders. The sales areas that were served by the now closed plants are being served from the Coshocton plant, which is regulated under the Tri-State order.

Milk is received at the Coshocton plant from over 400 producers. When milk assigned to the Coshocton plant by the various cooperatives supplying it is not needed by the handler, it must be moved to other plants for manufacturing purposes. A plant suitably located for this purpose is a plant at Orrville, Ohio, a pool plant under the Eastern Ohio-Western Pennsylvania order.

The most desirable outlet for unneeded supplies at Tri-State order pool plants may often be other order plants. Providing for the diversion of producer milk to other order plants, such as the Orrville plant, for manufacturing purposes will contribute to orderly marketing by facilitating the movement of such unneeded supplies. However, such diversion should be permitted only if a Class III classification (or its equivalent under the other order) is designated for the diverted milk pursuant to the other order. This will tend to insure the integrity of regulation under both orders.

Unless milk is diverted to an other order plant for manufacturing purposes, its eligibility to be included under a Federal order should be determined at the other order plant where received. Producers whose milk is diverted from Tri-State order pool plants are among those on whom the market depends for supplying the market's Class I needs on a regular and continuing basis. It would be inappropriate, therefore, to pool such diverted milk as Class III (or its equivalent) in the other order market. Moreover, if provision were not made for classifying in a manufacturing class under this order milk diverted to an other order plant, there would be a reluctance on the part of other order plants to receive such diverted milk that would reduce the returns to their regular producers.

(c) *Elimination of pricing districts.* The order should continue to provide for Class I price differentials of $1.55 for the Charleston-Huntington district and $1.47 for the Athens-Scioto district. Presently, the Class I price for each district is the basic formula price for the preceding month plus the fixed Class I differential for that district, and plus an additional 20 cents. Such prices are subject to a supply-demand adjustment, which is proposed elsewhere in this decision to be deleted from the order.

Two cooperatives and several handlers in the Charleston-Huntington district proposed that the present pricing districts be eliminated and that a single Class I price be applicable throughout the marketing area. A Class I price differential of $1.55 for the market was generally supported. However, the major emphasis by proponents was not on the level of price but rather on the need for a single Class I price throughout the market.

The testimony by proponents was essentially a reiteration of their position on this same issue at the August 1967 hearing from which the present price structure resulted. They claim now, as then, that the existence of more than one pricing district in the market is causing handlers in the higher-price Charleston-Huntington district to lose Class I sales to handlers in the lower-price Athens-Scioto district. The cooperatives indicated that if this situation continues the decreased demand by Charleston-Huntington handlers for Class I milk will require producers to move milk to more distant outlets at a greater hauling cost. Proponents also argued that a single Class I price for the market would place Charleston-Huntington handlers in a more favorable competitive position for Class I sales and thereby maintain Class I outlets in the Charleston-Huntington district for producer supplies that have historically moved to that district.

Three Athens-Scioto district handlers and a cooperative from which they obtain milk opposed the elimination of the pricing districts. Opponents contended that more time is needed to evaluate the appropriateness of the present pricing arrangement. Also, handlers argued that the present 8-cent price difference between districts, or perhaps even a greater amount, is needed to cover the cost of moving packaged milk from the Athens-Scioto district to the population centers in the Charleston-Huntington district.

Prior to March 1, 1968, the order provided for three pricing districts with Class I differentials of $1.60 for the Charleston-Huntington district, $1.50 for the Gallipolis-Scioto district, and $1.40 for the Athens district. On the basis of the August 1967 hearing, the latter two pricing districts were combined effective March 1, 1968, and designated the Athens-Scioto district with a Class I differential of $1.47. The Class I differential for the Charleston-Huntington district was reduced to $1.55.

This record does not show any marketing development since the adoption of the present pricing arrangement that would necessitate a further change in the price structure for the market at this time. Although it was contended that the present pricing arrangement is causing Charleston-Huntington handlers to lose Class I sales, handlers in this district have not experienced any significant loss of Class I sales since the realignment of prices in the market.

The marketing situation presented by proponents at this hearing relative to the price issue is in many ways similar to the prevailing situation at the time of the August 1967 hearing. Such marketing conditions were fully considered in arriving at the pricing amendments that became effective March 1. Any different pricing arrangement at this time does not appear warranted. For these reasons, the proposals for a single Class I price for the market are denied.

(d) *Elimination of supply-demand adjustor.* The supply-demand adjustor provisions should be deleted from the order.

The order now provides that the Class I price shall be adjusted monthly to reflect any change in the supply of milk in the market relative to fluid milk sales. When milk supplies are more than adequate in relation to Class I sales, the Class I price is lowered. Conversely, when supplies are less than adequate relative to sales, the Class I price is increased.

The supply-demand adjustments were minus 3 cents for January and February 1967 and zero for the remaining 10 months of the year. Such adjustments in 1968, all of which reduced the price, averaged minus 7 cents.[2]

The three principal cooperatives in the market advocated the deletion of the supply-demand adjustor. There was no opposition to the proposal at the hearing.

The supply-demand adjustor is not achieving its intended purpose of adjusting producers' returns in response to changes in the supply-sales balance in the market. The supply-demand adjustor can have a significant influence on producers' returns only when the Class I price that is subject to the operation of the adjustor is the effective price in the market. In the Tri-State market, the effective Class I price presently is an over-order, or premium, price. Thus, the premium price rather than the supply-demand adjustor is influencing the supply-sales balance in the market.

Tri-State handlers are paying premium Class I prices of $6.33 in the Charleston-Huntington district and $6.25 in the Athens-Scioto district. For the most recent 6 months, July through December 1968, premium prices have been more than order prices by an average of 36 cents per hundredweight. During this period the supply-demand adjustments averaged minus 11 cents per hundredweight. Premiums are thus negating any effect of the supply-demand adjustor.

(e) *Price for milk used in cottage cheese.* Producer milk used in the manufacture of cottage cheese should continue to be priced at the present Class II price, which is the basic formula price (Minnesota-Wisconsin price series) for the month plus 15 cents. This price level became effective under the Tri-State order on March 1, 1968, when the price for milk used in cottage cheese was increased 15 cents per hundredweight.

Several Tri-State handlers proposed that the March 1, 15-cent price increase for cottage cheese milk no longer apply. They contend that the higher price places them at a disadvantage competitively in their market with handlers in the nearby federally regulated Cincinnati, Columbus, and Eastern Ohio-Western Pennsylvania markets who sell cottage cheese in the Tri-State area. Several Tri-State handlers indicated that since the March 1 price increase they have experienced a decrease in cottage cheese sales.

Milk used by Tri-State handlers in making cottage cheese averaged 2.59 million pounds monthly (March through October) since the March 1 amendments. This is 6 percent less than the 2.76 million pounds of milk used in cottage cheese in the same 1967 period. Whether this decrease in cottage cheese production is attributable to the higher price for cottage cheese milk cannot be determined from the record. However, the claim by Tri-State handlers that the present Class II price is placing them at a competitive disadvantage relative to nonpool handlers on cottage cheese sales in the Tri-State market is not substantiated by the record.

The major ingredient cost for cottage cheese is that for skim milk. For the 8-month period of March through October 1968, the present order provisions resulted in an average Class II skim milk value of $1.71 per hundredweight. This was the average cost to Tri-State handlers for producer skim milk used in making cottage cheese. The comparable cost during that time for handlers regulated under the Eastern Ohio-Western Pennsylvania, Columbus, and Cincinnati Federal orders was $1.52 per hundredweight.[3] Based on a yield of 15 pounds of curd per hundredweight of skim milk, the ingredient cost of cottage cheese curd for Tri-State handlers was 11.4 cents per pound. The ingredient cost for handlers in the other three markets was 10.1 cents per pound of curd.

Major processing centers in the neighboring markets include the cities of Cincinnati, Columbus, and Pittsburgh. Although the record does not indicate the present sources, cottage cheese sales in the Tri-State market by handlers in these other markets may be expected to emanate from such cities.

Considerable distances are involved in moving cottage cheese from Cincinnati, Columbus, and Pittsburgh to the Tri-State market. The distance from Cincinnati to Portsmouth, Ohio, is 100 miles, Columbus is 89 miles from Portsmouth and 77 miles from Athens, Ohio. Pittsburgh is 131 miles from Marietta, Ohio. Huntington and Charleston, W. Va., are even more distant from these cities in the other markets. The cost of transporting cottage cheese from the distant areas to outlets in the Tri-State market thus would be expected to negate the 1.3-cent cost advantage per pound of curd which handlers in the nearby markets have over Tri-State handlers on the cost of skim milk.

As at the time the present Class II price was adopted, local producers still represent the cheapest source of cottage cheese milk for Tri-State handlers. Ungraded fresh skim milk delivered from a manufacturing plant to any plant in the Tri-State market was quoted at $2.40 per hundredweight, 69 cents more than the average cost of $1.71 per hundredweight for producer skim milk. Dry curd could be obtained from a Columbus source at 19 cents per pound, plus transportation. The cost for local producer milk at Tri-State plants recently averaged 11.4 cents per pound of dry curd.

Nonfat dry milk, which may be reconstituted for use in cottage cheese production, likewise costs more on a skim equivalent basis than producer skim milk. Non-Grade A and Grade A powder were quoted at 23.75 cents and 25.5 cents per pound, respectively, f.o.b. the market. With a yield of 8.5 pounds of nonfat dry milk per hundredweight of skim milk, the cost of nonfat solids in the two grades of powder would be about $2.02 and $2.17 per hundredweight of skim equivalent.

It is necessary, of course, that producer milk disposed of in manufacturing uses be priced under the order at a level which results in the orderly marketing of such milk. Within this concept, the price level should be that which will provide the highest possible returns to producers. If producer milk used in cottage cheese is priced to handlers at less than the cost of alternative supplies of cottage cheese or dairy products used for making cottage cheese, producers do not receive the full market value for their milk. On the other hand, if producer milk used in cottage cheese is priced higher than the alternative product cost, handlers might be discouraged from using producer milk in cottage cheese.

The present Class II price represents a reasonable return to producers for supplying Grade A milk on a regular basis for cottage cheese production. It would be inappropriate, therefore, to lower the Class II price as proposed by handlers.

(f) *Revision of location adjustments.* The location adjustment provisions of the order should be changed to reflect current marketing conditions.

The order now provides for reducing the Class I and uniform prices at plants

[2] Official notice is taken of the market administrator's price announcements for the Tri-State order that were issued for November and December 1968.

[3] Official notice is taken of the market administrator's price announcements for the Columbus and Cincinnati orders that were issued for March through October 1968.

outside the marketing area and more than 45 miles from designated measuring points by 2 cents for each 10 miles up to 100 miles and 1.5 cents for each 10 miles over 100 miles that the plant is from the nearest measuring point. The measuring points are Ashland, Paintsville, and Pikeville in Kentucky; Athens, Gallipolis, Jackson, Marietta, and Portsmouth in Ohio; and Charleston, Hinton, Huntington, and Williamson in West Virginia.

The location adjustment provisions should be revised so that no location differential would apply at a plant within 100 miles of the designated measuring points. At more distant locations, the Class I and uniform prices should be reduced 15 cents plus an additional 1.5 cents for each 10 miles in excess of 110 miles that the plant is from the nearest measuring point. Coshocton, Ohio, and Bluefield, W. Va., should be designated as additional measuring points for determining location adjustments. Athens, Ohio, which would serve no purpose because of its geographical location, should no longer be a designated measuring point.

The present location differentials do not reflect the current efficiencies in moving milk long distances. Technological changes in recent years, such as larger tank trucks, better refrigeration, and improved roads, have resulted in the more efficient movement of milk. Such efficiency has tended to reduce unit hauling costs for both producers and handlers. Because of this, milk is being moved considerable distances by producers from farms to processing plants and by handlers from plants to resale outlets.

The location differentials also do not reflect the recent changes in the supply and distribution patterns in the Tri-State market resulting from the more efficient movement of milk. Since these differentials were adopted, the one supply plant that had been regulated under the order for a number of years is no longer operating as a supply plant for Grade A milk. This plant is located at Circleville, Ohio, about 50 miles from Jackson, the nearest measuring point. As described earlier in this decision a Tri-State handler has relocated his processing facilities at Athens in a new distributing plant at Coshocton, Ohio. Milk is distributed from this plant not only in the Tri-State market but also in several neighboring markets.

Providing for location adjustment credits only at plants 100 miles or more from designated measuring points, as proposed by producers, recognizes the technological improvements in moving milk greater distances in this market. The 100-mile distance from measuring points is a reasonable and appropriate standard under current conditions as a minimum distance for establishing location adjustments.

The 1.5-cent rate proposed herein reflects the cost of moving milk efficiently under present conditions in the Tri-State market. It is the rate most applicable in Federal orders throughout the United States and is recognized as an appropriate and representative rate for transporting milk to the market. Because of its wide applicability, it will insure a reasonable alignment of prices between this and other orders at the various locations at which handlers under the different orders compete.

The Coshocton handler opposed any change in the location adjustment provisions except a reduction in the 2-cent adjustment rate per 10 miles to 1.5 cents. He claimed that the plant was located in a major production area and that adequate supplies should be available at the price now applicable at the plant.

Under the change proposed herein, the Class I and uniform prices at Coshocton would be at the same level as such prices at Athens. Thus, the handler operating the Coshocton plant would pay the same Athens-Scioto district Class I price which he paid at his Athens plant. Similarly, producers supplying either plant would receive the same uniform price. The present order provisions result in a location adjustment at Coshocton of minus 16 cents per hundredweight.

The location differentials proposed herein are appropriate in view of the changed marketing conditions. The Class I price that would apply at the Coshocton plant would be in reasonable alignment with Class I prices applicable elsewhere in the Tri-State market and in other markets. The Coshocton plant competes with handlers in the Columbus and Eastern Ohio-Western Pennsylvania markets for a substantial quantity of milk. The price level that would result from the amendments proposed herein is necessary to assure an adequate supply of milk for the Coshocton plant. A spokesman for the cooperatives supplying the plant indicated that a lower price would not attract an adequate supply of milk or maintain market stability within the procurement area.

Designating Coshocton and Bluefield as measuring points for determining location adjustments recognizes the increasing distances that milk is moved not only from farms to plants and for distribution from such plants but also in diverting producer milk to nonpool plants. When the milk of producers regularly supplying Tri-State handlers is not needed by them, it must be moved by the producers' cooperatives to nonpool plants for manufacturing purposes.

There are a limited number of manufacturing plants in the area to which milk may be diverted. A plant at Orrville, Ohio, approximately 50 miles north of Coshocton, is expected to serve as a plant to which milk will be diverted from the farms of producers supplying plants in the northern part of the Tri-State market. In the southern part of the marketing area, a manufacturing plant at Independence, Va., about 75 miles from Bluefield, is the nearest available outlet for diverted milk.

Adding the above two measuring points and enlarging the mileage from the various measuring points that milk may be diverted without incurring a location adjustment, thereby facilitating the diversion of producer milk, will tend to insure the maintenance of orderly marketing under current conditions in the Tri-State market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effecuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which hearings have been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Eastern Ohio-Western Pennsylvania Marketing Area", "Order Amending and Merging the Orders Regulating the Handling of Milk in the Eastern Ohio-Western Pennsylvania and Clarksburg, W. Va., Marketing Areas", "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of February 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending and merging the orders, as amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania and Clarksburg, W. Va., marketing areas and of the attached order amending the order regulating the handling of milk in the Tri-State marketing area, are approved or favored by producers, as defined under the terms of the respective Eastern Ohio-Western Pennsylvania, and Tri-State orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on April 10, 1969.

RICHARD E. LYNG,
Assistant Secretary.

ORDER[1] AMENDING AND MERGING ORDERS REGULATING HANDLING OF MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA AND CLARKSBURG, W. VA., MARKETING AREAS

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Eastern Ohio-Western Pennsylvania and Clarksburg, W. Va., marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Eastern Ohio-Western Pennsylvania order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Eastern Ohio-Western Pennsylvania marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Eastern Ohio-Western Pennsylvania order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Eastern Ohio-Western Pennsylvania order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to: (i) Producer milk (including such handler's own production); (ii) Other source milk allocated to Class I pursuant to § 1036.45 (a) (3) and (7) and the corresponding steps of § 1036.45(b); and (iii) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling—It is therefore ordered, That on and after the effective date hereof, the orders regulating the handling of milk in the Eastern Ohio-Western Pennsylvania and Clarksburg, W. Va., marketing areas (Parts 1036 and 1009, respectively) shall be amended and merged into one order and the handling of milk in the merged marketing area, to be designated as the "Eastern Ohio-Western Pennsylvania marketing area," shall be in conformity to and in compliance with the terms and conditions of Part 1036 as hereby amended. Part No. 1009 is superseded by the revision of Part 1036 and Part 1036 is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending and merging the Eastern Ohio-Western Pennsylvania and Clarksburg, W. Va., orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 5, 1969, and published in the FEDERAL REGISTER on March 8, 1969 (34 F.R. 5013; F.R. Doc. 69-2865), shall be and are the terms and provisions of this order and are set forth in full herein:

1. In § 1036.6, paragraph (c) is revised to read as follows:

§ 1036.6 Eastern Ohio-Western Pennsylvania marketing area.

* * * * *

(c) In West Virginia:

(1) The following counties in their entirety:

Brooke.	Marshall.
Hancock.	Monongalia.
Harrison.	Ohio.
Marion.	

(2) Grafton magisterial district in Taylor County;

(3) Philippi magisterial district in Barbour County;

(4) Leadsville magisterial district in Randolph County;

(5) The city of Buckhannon in Upshur County;

(6) The city of Weston in Lewis County; and

(7) The town of Kingwood in Preston County.

2. Section 1036.20 is revised to read as follows:

§ 1036.20 Pittsburgh district.

"Pittsburgh district" means all the territory in the marketing area that is either within West Virginia or within 80 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) of the Pittsburgh, Pa., city hall.

3. Section 1036.51 is revised to read as follows:

§ 1036.51 Class prices.

Subject to the provisions of §§ 1036.52 and 1036.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* For each month through December 1969, the Class I price shall be the basic formula price for the preceding month plus $1.67 for plants in the Cleveland-Erie district and $1.77 for plants in the Pittsburgh district, plus 20 cents for each district. At a plant outside the marketing area, add the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest (by the shortest hard-surfaced highway distance as determined by the market administrator) such plant: Canton and Cleveland, Ohio; Erie, Pittsburgh, and Uniontown, Pa.; and Clarksburg, W. Va.

(b) *Class II price.* The Class II price shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the price computed pursuant to subparagraphs (1), (2), and (3) of this paragraph:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) Multiply by 4.2 the Chicago butter price;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

ORDER[1] AMENDING ORDER REGULATING HANDLING OF MILK IN TRI-STATE MARKETING AREA

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling.—It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 5, 1969, and published in the FEDERAL REGISTER on March 8, 1969 (34 F.R. 5013; F.R. Doc. 69-2865) shall be and are the terms and provisions of this order and are set forth in full herein:

1. Section 1005.16 is revised to read as follows:

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a handler pursuant to § 1005.13(d);

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant: *Provided,* That:

(1) Such milk shall be deemed to have been received by the diverting handler at the location of the plant to which diverted;

(2) To the extent that it would result in nonpool plant status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(3) In any month of August through March, the quantity of milk of any producer diverted to nonpool plants that exceeds that delivered to pool plants shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk; or

(c) Diverted from a pool plant to an other order plant if a Class III classification (or its equivalent) is designated for such milk pursuant to the provisions of another order issued pursuant to the Act and such milk is not subject to the pricing and pooling provisions of such order. The provisos in paragraph (b) of this section shall apply to this paragraph as if set forth fully herein.

2. In § 1005.51, paragraph (a) is revised to read as follows:

§ 1005.51 Class prices.

* * * * *

(c) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.55 for plants in the Charleston-Huntington district and $1.47 for plants in the Athens-Scioto district, plus 20 cents for each district. At a plant outside the marketing area add the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant:

KENTUCKY	
Ashland.	Pikeville.
Paintsville.	
OHIO	
Coshocton.	Marietta.
Gallipolis.	Portsmouth.
Jackson.	
WEST VIRGINIA	
Bluefield.	Huntington.
Charleston.	Williamson.
Hinton.	

* * * * *

3. In § 1005.53, paragraph (a) is revised to read as follows:

§ 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing area and more than 100 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) from all the cities listed in § 1005.51 (a) shall be reduced 15 cents and an additional 1.5 cents for each 10 miles or fraction thereof in excess of 110 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

* * * * *

[F.R. Doc. 69-4423; Filed, Apr. 15, 1969; 8:46 a.m.]

Consumer and Marketing Service

[9 CFR Part 317]

LABELS OF MEAT FOOD PRODUCTS

Proposed Use of Term "Farm" or Similar Terms

Notice is hereby given in accordance with administrative procedure provisions in 5 U.S.C. 553 that pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. Supp. III, sec. 601 et seq.), it is proposed to amend § 317.8(c)(2) of the Federal Meat Inspection Regulations (9 CFR 317.8(c)(2)) to read as follows:

Terms such as "farm," "ranch," "plantation," or "country," shall not be used on labels in connection with any product unless such product is actually prepared on a farm, ranch, plantation, or similar place as indicated on the labels: *Provided,* That if the product is prepared in the same way as it is traditionally prepared on the farm, ranch, plantation, or similar place, such terms may be used if qualified by the word "style" in the same size and style of lettering: *Provided further,* That such terms may be used as part of a brand designation of any product when qualified by the word "brand" in the same size and style of lettering and followed with a statement identifying the locality in which the product is prepared; *And provided further,* That, except in the case of labels for sausage, lard, bacon, cured and smoked bone-in pork products, and cured and dried bone-in pork products, such terms may be used on the labels as part of a trademark or trade name registered with the U.S. Patent Office, with the symbol signifying such registration, if the labels are devoid of illustration or wording with farm, ranch, plantation, country, or other rural connotations, other than such trademark or trade name. Sausage containing cereal and lard not rendered in an open kettle, shall not be designated by terms such as "farm style," "ranch style," "plantation style," or "country style."

Statement of considerations. The proposed change in the Federal Meat Inspection Regulations would permit the use of terms such as "farm" (or "Farm"), "country" (or "Country"), "ranch" (or "Ranch"), and "plantation" (or "Plantation"), on labels for a number of meat food products prepared under the requirements of the regulations in situations in which it appears such terms would not signify that the products were prepared in the rural areas mentioned. The amendment would be in accord with the policies adopted by other regulatory agencies with respect to other foods.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 11th day of April 1969.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 69-4476; Filed, Apr. 15, 1969; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Hartford-Springfield Interstate Air Quality Control Region; Notice of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Hartford-Springfield Interstate Air Quality Control Region (Connecticut-Massachusetts) as set forth in the following new § 81.26 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Connecticut and Massachusetts and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Connecticut State Department of Health Auditorium, Fifth Floor, 79 Elm Street, Hartford, Conn. 06115, beginning at 10 a.m., April 29, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.26 is proposed to be added to read as follows:

§ 81.26 Hartford-Springfield Interstate Air Quality Control Region.

The Hartford-Springfield Interstate Air Quality Control Region (Connecticut-Massachusetts) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

CITIES	
Bristol.	Middletown.
Hartford.	New Britain.
TOWNS	
Andover.	East Haddam.
Avon.	East Hampton.
Berlin.	East Hartford.
Bloomfield.	East Windsor.
Bolton.	Ellington.
Burlington.	Enfield.
Canton.	Farmington.
Cromwell.	Glastonbury.
Durham.	Granby.
East Granby.	Haddam.

TOWNS—Continued	
Hebron.	Somers.
Manchester.	Southington.
Marlborough.	South Windsor.
Middlefield.	Suffield.
Newington.	Tolland.
Plainville.	Vernon.
Plymouth.	West Hartford.
Portland.	Wethersfield.
Rocky Hill.	Windsor.
Simsbury.	Windsor Locks.

In the State of Massachusetts:

CITIES	
Chicopee.	Springfield.
Holyoke.	Westfield.
Northampton.	
TOWNS	
Agawam.	Ludlow.
Amherst.	Middlefield.
Belchertown.	Monson.
Blandford.	Montgomery.
Brimfield.	Palmer.
Chester.	Peeham.
Chesterfield.	Plainfield.
Cummington.	Russell.
Easthampton.	Southampton.
East Longmeadow.	South Hadley.
Goshen.	Southwick.
Granby.	Tolland.
Granville.	Wales.
Hadley.	Ware.
Hampden.	Westhampton.
Hatfield.	West Springfield.
Holland.	Wilbraham.
Huntington.	Williamsburg.
Longmeadow.	Worthington.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: April 11, 1969.

JOHN T. MIDDLETON,
Commissioner National Air Pollution Control Administration.

[F.R. Doc. 69-4446; Filed, Apr. 15, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 68-163W]

RADIOTELEPHONES ON DRAWBRIDGES

Notice of Proposed Rule Making

1. The Commandant, U.S. Coast Guard is considering a proposal to change the rules and regulations governing the operation of drawbridges in 33 CFR 117 to add a provision for requiring the installation of radiotelephone stations on drawbridges where it is determined that such equipment is essential to the operation of the drawbridge for safety or navigation.

2. This amendment is now proposed as result of an amendment to 47 CFR 81 of the rules of the FCC adopted November 20, 1968, which provides in § 81.-351(a)(6) that an authorization for a Limited Coast Station (VHF-FM), may

be granted to a person who is responsible for the operation of bridges, structures, or other installations that are a part of, or directly related to, a harbor, port, or waterway when the operation of such facilities requires radio communications with vessels for safety or navigation. Prior to this action by the FCC drawbridge owners were eligible to be authorized to operate radiotelephone stations only on certain frequencies in the 2–4 MHz band on a showing of need. The Commandant could not therefore require the installation and use of VHF–FM radiotelephone equipment on a bridge under the authority of 33 U.S.C. 494 and 499 and 14 U.S.C. 85. The exercise of authority by the Commandant heretofore in the presence of the then existing FCC regulations would not have achieved the desired benefit to safety or navigation which is now possible.

3. This document contains this proposal together with appropriate references to statutory authority which authorizes the Commandant to prescribe rules and regulations to govern the operation of drawbridges. Interested persons may participate in this proposed rule making by submitting such written data, views, arguments, or comments as they may desire, within 60 days after date of publication of this document in the FEDERAL REGISTER, to the Commandant (OAN–5), U.S. Coast Guard, Department of Transportation, Washington, D.C. 20591. Each communication should identify the subject and section number of the proposal to which it is directed; set forth the specific wording of each proposal being recommended in lieu of the proposed wording in this document; the reason or basis for each recommended change; and the name, address, and business firm or organization, if any, of the submitter. Each communication received within the time period so specified will be considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination and reading by interested persons in Room 7211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date for receipt of comments. The proposal contained in this document may be changed in the light of comments received.

4. No hearing is contemplated on the proposal in this document but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Chief, Aids to Navigation Division, Room 7211, U.S. Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences must also be submitted in writing to the Commandant (OAN–5) in accordance with this notice in order that it may become part of the record.

5. In addition to publication in the FEDERAL REGISTER, copies of the printed document will be mailed to persons and organizations who have expressed a continued interest in this subject of bridges and have requested that copies of proposed changes in rules and regulations be furnished them. After the supply of copies of this printed document is exhausted, copies will be available for reading purposes in Room 7211, Coast Guard Headquarters, or at the offices of various Coast Guard District Commanders.

6. A new subsection 117.1(f) is proposed to be added to § 117.1 *General* to state when radiotelephone equipment may be required to be installed on a drawbridge regulated under Part 117 of Title 33 CFR.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Section 117.1 is amended to add a paragraph as follows:

§ 117.1 General.

* * * * *

(f) When the Commandant deems it necessary to the operation of any individual drawbridge for safety or navigation, he may require the installation of radiotelephone stations subject to the rules and regulations of the Federal Communications Commission governing the assignment of operating frequencies, licensing and operation of such stations.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 494 and 499, 14 U.S.C. 85; 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v))

Dated: April 7, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–4411; Filed, Apr. 15, 1969; 8:45 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68–EA–32]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Withdrawal of Proposed Designation

On page 6247 of the FEDERAL REGISTER for April 24, 1968, the Federal Aviation Administration published a proposed regulation which would designate an Oakland, Md., transition area.

Since publication of the proposal, unanticipated delays have occurred in obtaining the information necessary for establishing an instrument approach for which the transition area was to provide protection, nor is there expectation of readily obtaining such information.

In view of the foregoing, the proposed regulation is hereby withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348 and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 1, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–4414; Filed, Apr. 15, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 2, 50]

BACKFITTING OF PRODUCTION AND UTILIZATION FACILITIES; CONSTRUCTION PERMITS AND OPERATING LICENSES

Notice of Proposed Rulemaking

The Atomic Energy Commission has under consideration several amendments to its rules of practice, 10 CFR Part 2, and to its regulation, Licensing of Production and Utilization Facilities, 10 CFR Part 50, which would (1) define more precisely the significance of the issuance of a construction permit for a facility, (2) simplify and expedite the Commission's facility licensing process by eliminating the "provisional" operating license, and (3) clarify the Commission's position with respect to requirements for additional safety features after the issuance of a construction permit.

The rapidly expanding technology in the field of atomic energy means that new or improved features or designs that may enhance the safety of production and utilization facilities are continually being developed. Concern has been expressed as to the circumstances under which the Commission will require backfitting of facilities—that is, the addition or modification of structures, systems or components of the facility after the construction permit has been issued. Proposed § 50.109 set forth below provides that the Commission will require backfitting if it finds that such action will provide substantial, additional protection which is required for the public health and safety or the common defense and security.

Proposed § 50.109 is not, however, intended to affect the responsibility of applicants for, or holders of facility licenses for evaluating significant new information developed as a result of experience in the design, construction, testing and operation of facilities and the results of research and development programs bearing on the safety of facilities, and for recommending any additions to, or modifications of facilities needed to protect the health and safety of the public.

Section 50.35 of 10 CFR Part 50 presently states Commission criteria for issuance of a provisional construction permit when an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction permit which approves all proposed design features. That section also provides that the issuance of a provisional construction permit will constitute an authorization to the applicant to proceed with construction but will not constitute Commission approval of the safety of any design feature or specification unless the applicant specifically requests such approval and the approval is incorporated in the permit. In practice, almost all construction permits issued by the Commission have been "provisional" and have never been converted into "final" construction permits, but have merged directly into the operating license. The proposed amendment of § 50.35 which follows would eliminate the term "provisional" construction permit, thus conforming the terminology with Commission practice. The findings required for issuance of a construction permit would be essentially the same as those required for a "provisional" construction permit. The proposed amendment would provide, however, that in issuing a construction permit, the Commission would be approving the construction of the facility in accordance with the application, including the principal architectural and engineering criteria. (Such approval would, of course, apply only to the extent that a particular matter had been treated in the application, and would not extend to items or details not covered in the application.) The proposed amendment would permit the construction permit holder to depart from provisions of the application other than the principal architectural and engineering criteria in the construction of the facility, subject to the risk of subsequent disapproval by the Commission (unless prior approval is requested and given). By a proposed § 50.2(w), "principal architectural and engineering criteria" would be defined to include (1) the principal design criteria, (2) the essential elements of the proposed design for certain structures, systems and components, (3) the design bases for protection against natural phenomena, and (4) the essential elements of the applicant's quality assurance program.

By a proposed amendment to § 50.57, the "provisional" operating license, which is issued for an 18-month period, would be eliminated. Temporary limitations on operation considered necessary for public health and safety would be incorporated in the full-term operating license as conditions. The elimination of the provisional operating license would not preclude the Commission from imposing all the limitations in the full-term operating license which it can presently require in the provisional operating license. The elimination of the provisional operating license would remove one step in AEC's facility licensing process and is expected to reduce the time consumed in the facility licensing process without reducing the degree of protection of the public health and safety provided.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 2 and 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. Subdivision 2.104(b)(1)(i)(*a*) and section VI(b)(1)(*a*) of Appendix A of 10 CFR Part 2 are amended by deleting the words "for the design" after the phrase "the principal architectural and engineering criteria."

2. Subparagraph 2.104(b)(2) and sections I (c) and (d), III(g)(1), and IV (c) and (d) of Appendix A of 10 CFR Part 2 are amended by substituting the words "construction permit" for "provisional construction permit" where they appear.

§ 2.761 [Amended]

3. Paragraph (d) of § 2.761 of 10 CFR Part 2 is amended by substituting the words "operating license or provisional operating authorization" for "provisional operating license or authorization".

4. A new paragraph (w) is added to § 50.2 of 10 CFR Part 50 to read as follows:

§ 50.2 Definitions.

* * * * *

(w) "Principal architectural and engineering criteria" mean (1) the principal design criteria for the facility; (2) the essential elements of the proposed design of the following structures, systems, and components of the facility: Reactor core, reactivity control systems, protection system, control room, reactor pressure vessel and internals, reactor coolant system and associated auxiliary systems, reactor coolant makeup system, decay heat removal system, cooling water system, fuel storage and handling system, radioactive waste system, emergency power systems, primary reactor containment, containment isolation system, secondary reactor containment, auxiliary buildings, emergency core cooling system, containment heat removal system, containment atmosphere cleanup systems, and such other structures, systems and components as may be specified by the Commission; (3) the design bases for protection against natural phenomena such as earthquakes, tornadoes, hurricanes, floods, tsunamis, and seiches; and (4) the essential elements of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility.[1]

5. Paragraphs (a) and (b) of § 50.35 of 10 CFR Part 50 are revised to read as follows:

§ 50.35 Issuance of construction permits.

(a) Notwithstanding the fact that an applicant has not supplied initially all of the technical information required to complete the application, including the final design of the facility, the Commission may issue a construction permit if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria, and has identified the major features or components incorporated therein for the protection of the health and safety of the public; (2) such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report; (3) safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and that (4) on the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in Part 100 of this chapter, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

NOTE: When an applicant has supplied initially all of the technical information required to complete the application, including the final design of the facility, the findings required above will be appropriately modified to reflect that fact.

(b) A construction permit will constitute Commission approval of the construction of the proposed facility described in the application as amended, in accordance with the principal architectural and engineering criteria. In constructing the facility, the holder of the construction permit shall not depart from the principal architectural and engineering criteria, as described in the application as amended, without the approval of the Commission. The holder of the construction permit may, however, make such changes in the facility as do not conflict with the principal architectural and engineering criteria, as described in the application as amended, or the terms and conditions of the construction permit, subject to the risk of the subsequent disapproval of those changes by the Commission at any time prior to the issuance of the operating license. If the holder of a construction permit desires prior approval of changes in the facility which do not conflict with the principal architectural and engineering criteria, he may request such approval by the Commission.

6. Section 50.57 of 10 CFR Part 50 is revised to read as follows:

§ 50.57 Issuance of operating license.

(a) Pursuant to § 50.56, an operating license will be issued by the Commission, up to the full term authorized by § 50.51, upon finding that:

[1] The proposed definition in this paragraph 50.2(w) is appropriate for nuclear reactors but not for fuel reprocessing facilities. During the comment period, an appropriate revision of this paragraph will be made, to provide for definition of principal architectural and engineering criteria for fuel reprocessing facilities.

(1) Construction of the facility has been substantially completed, in conformity with the construction permit and the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and

(2) The facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and

(3) There is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations in this chapter; and

(4) The applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations in this chapter; and

(5) The applicable provisions of Part 140 of this chapter have been satisfied; and

(6) The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

(b) Each operating license will include appropriate provisions with respect to any uncompleted items of construction and such limitations or conditions as are required to assure that operations during the period of the completion of such items will not endanger public health and safety.

(c) In a case where a hearing has been held in connection with a proceeding under this section the presiding officer may, upon written motion and upon good cause shown, provide that any initial decision issued pursuant to this section shall become effective 10 days after issuance subject to (1) the review thereof and further decision by the Commission upon exceptions filed by any party, and (2) such order as the Commission may enter upon such exceptions or upon its own motion within 45 days after the issuance of such initial decision. In the absence of a Commission order pursuant to the foregoing, and in the absence of exceptions to the initial decision, the initial decision shall become the final decision of the Commission at the end of such 45-day period. If any party oppose the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness pending filing within 5 days after its issuance of an exception to the provision for expedited effectiveness, and thereafter until decision by the Commission on the exception.

7. An undesignated center head and a new § 50.109 are added to 10 CFR Part 50 to read as follows:

BACKFITTING

§ 50.109 Backfitting.

(a) The Commission may, in accordance with the procedures specified in this chapter, require the backfitting of a facility if it finds that such action will provide substantial, additional protection which is required for the public health and safety or the common defense and security. As used in this section, "backfitting" of a production or utilization facility means the addition or modification of structures, systems or components of the facility after the construction permit has been issued.

(b) Nothing in this section shall be deemed to relieve a holder of a construction permit or a license from compliance with the rules, regulations, or orders of the Commission.

(c) The Commission may at any time require a holder of a construction permit or a license to submit such information concerning the addition or proposed addition, the elimination or proposed elimination, or the modification or proposed modification of structures, systems or components of a facility as it deems appropriate.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 8th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4424; Filed, Apr. 15, 1969; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 22,723]

FEDERAL SAVINGS AND LOAN SYSTEM

Savings Deposits and Payment of Earnings

APRIL 10, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of implementing an amendment to section 5(b) of the Home Owners' Loan Act of 1933, as amended, contained in Public Law 90-448, 82 Stat. 476, approved August 1, 1968, (1) to authorize Federal savings and loan associations which have adopted the charter amendment providing for acceptance of savings deposits to accept savings deposits for fixed periods of time and to pay interest on all savings deposits, and (2) to authorize all Federal savings and loan associations to pay earnings on a "split rate" basis on a single account, according to the balance maintained in the account. Accordingly, it is proposed to amend said Part 545 as follows:

1. Amend paragraph (b) of § 545.1-2 by revising subparagraphs (1) and (2) thereof to read as follows:

§ 545.1-2 Savings deposits.

* * * * *

(b) *Savings deposits*—(1) *General.* A deposit association may raise capital in the form of such savings deposits as are authorized by this section and § 545.1-4. Except as the Board may otherwise provide, a deposit association shall not accept savings accounts other than such savings deposits, but savings accounts existing in such association at the time when it becomes a deposit association shall remain such savings accounts unless and until they are exchanged for such savings deposits. In the case of savings accounts exchanged for savings deposits on a date other than the date on which the association regularly distributes earnings on its savings accounts, such exchange shall be deemed to have taken place on the immediately preceding regular dividend distribution date. Any right outstanding at the time when an association becomes a deposit association to receive from the association in an exchange a savings account shall thereafter be a right to receive, at the option of the holder of such right, either a savings account or a corresponding savings deposit. Any exchange under this subparagraph (1) may be effected in such manner as the Board may prescribe.

(2) *Terms of savings deposits; membership and voting rights.* Except as provided in subparagraph (3) of this paragraph (b), in § 545.1-4, and in § 545.1-5, savings deposits authorized by this section shall be upon the same terms and conditions and have the same characteristics as if they were savings accounts authorized by and subject to the provisions of the association's charter other than the charter provision aforesaid and the provisions of this subchapter other than this section, but, in the case of a deposit association whose charter does not include the provision set forth in paragraph (b) of § 544.8 of this subchapter, such charter shall, for the purposes of this sentence, be deemed to include said provisions. Holders of such savings deposits shall, to the same extent as if their holdings of such savings deposits were holdings of such savings accounts, be members of the association and have voting rights.

* * * * *

2. Add new §§ 545.1-4 and 545.1-5, immediately after § 545.1-3, to read as follows:

§ 545.1-4 Other savings deposits.

(a) *General.* In addition to the savings deposits authorized by § 545.1-2, any Federal association which has a charter in the form of Charter N or Charter K (rev.) and which has adopted the charter provision set forth in § 545.1-3 may, subject to the provisions of this section and the provisions of § 545.1-5, accept savings deposits for fixed periods of time.

(b) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

(1) Provide for the payment of interest on any savings deposit in excess of the applicable maximum rate of return prescribed in Part 526 of Subchapter B of this Chapter V;

(2) Provide for any forfeiture for breach of condition on the part of any depositor, other than loss of interest, or partial loss thereof, for the term of the savings deposit or other specified time period;

(3) Issue any negotiable form of certificate evidencing a savings deposit;

(4) Deny any member the opportunity to make any savings deposit at the same rate offered to any other member at that time on the same classification of savings deposit;

(5) Accept any fixed term savings deposit for a term of less than 6 months or more than 5 years or in an amount less than $1,000; *Provided,* That any such savings deposit may be renewed, at the option of the association, for successive periods not exceeding 5 years for each renewal;

(6) Provide for withdrawal from any fixed term savings deposit prior to the expiration of that term, except as provided in paragraph (e) of this section; or

(7) Issue any form of certificate evidencing a savings deposit unless the association has first (i) obtained a written opinion by its legal counsel that such form of certificate complies with the requirements of applicable law and regulations and the association's charter, which opinion shall be retained by the association so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation.

(c) *Form of certificates.* Certificates evidencing savings deposits accepted pursuant to the authority contained in this section shall, subject to the limitations contained in paragraph (b) of this section and the disclosure requirements contained in paragraph (d) of this section, be in such form as the board of directors of the association may determine. Such certificates may be incorporated in passbooks or issued as separate certificates.

(d) *Disclosure.* Each certificate evidencing a savings deposit accepted pursuant to the authority contained in this section shall include in its provisions and display in easily read type:

(1) A full and understandable statement of the method of maturing the contract of deposit;

(2) The rate of interest to be paid;

(3) The amount of the deposit;

(4) The term of the deposit;

(5) The penalty or penalties imposed for withdrawal prior to completion of the fixed term or renewal;

(6) Any provisions relating to renewal at the conclusion of the fixed term; and

(7) Any provisions relating to the interest to be paid after the conclusion of a fixed term or renewal.

(e) *Withdrawal prior to expiration of term.* In an emergency where it is necessary to prevent great hardship to the holder of a fixed term savings deposit, a Federal association may pay, prior to the expiration of the term, such savings deposit or the portion thereof necessary to meet such emergency; *Provided,* That before such payment may be made, the depositor must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (1) approved by an officer of the association who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (2) retained by the association for a period of not less than 2 years. In the event of an emergency withdrawal as provided in this paragraph, the depositor shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the depositor shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months. In the case of emergency withdrawal of only a portion of any such savings deposit, the certificate evidencing such savings deposit shall be canceled, and, if the minimum balance requirements of this section continue to be met, a new certificate shall be issued for the remaining portion of the savings deposit with the same term, rate, and dates as the original savings deposit.

§ 545.1-5 Payment of interest on savings deposits.

Savings deposits authorized by §§ 545.1-2 and 545.1-4 of this part shall be entitled to interest as fixed by the board of directors of the association from time to time. The board of directors of the association shall fix the interest rate on savings deposits accepted for indefinite periods of time in June and December of each year for the semiannual periods beginning on the immediately following July 1 and January 1 and may, by resolution, provide for the payment of interest on savings deposits on the same bases, terms and conditions as is provided for the distribution of earnings on savings accounts in § 545.1-1; except that, in the case of an association whose board of directors adopts a resolution providing for payment of interest on a quarterly basis, the board of directors shall fix the interest rate on such savings deposits for each quarterly period during the month immediately preceding such quarterly period.

3. Amend paragraph (b) of § 545.3-1 by adding a reference to subparagraph (4) in the first sentence thereof and by adding a new subparagraph (4) thereof to read as follows:

§ 545.3-1 Distribution of earnings at variable rates.

* * * * *

(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph and such additional requirements as the board of directors may impose, except that the board of directors shall not authorize the issuance of accounts evidenced by notice-account books pursuant to subparagraph (2) of this paragraph unless the association's charter contains the sentence specified in paragraph (b) of § 544.8 of this subchapter or the charter provision set forth in paragraph (a) of § 545.1-3.

* * * * *

(4) *Split rates*—(i) *General.* For any dividend period for which the regular rate is less than the applicable maximum rate of return prescribed for regular accounts in Part 526 of Subchapter B of this Chapter V, the board of directors may, by resolution, determine to distribute earnings at a rate higher than the regular rate on the balance of any account in excess of such minimum balance as shall be fixed by the board of directors, which minimum balance shall not be less than $200, and at a rate or rates in excess of such higher rate on such higher balance or balances as the board of directors may prescribe, but no rate so determined shall be in excess of the applicable maximum rate of return prescribed for regular accounts in said Part 526.

(ii) *Account books and certificates.* Each account book and certificate evidencing an account issued pursuant to this subparagraph (4) shall be in the form prescribed by the Board pursuant to paragraph (b) of § 545.2 and shall bear on its face the following additional words:

* * * * *

Earnings are distributable on this account as determined by the board of directors of the association, subject to § 545.3-1(b)(4) of the Rules and Regulations for the Federal Savings and Loan System.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by May 16, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-4468; Filed, Apr. 15, 1969; 8:50 a.m.]

[12 CFR Part 563]

[No. 22,724]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Approval of Certificate Forms

Resolved that the Federal Home Loan Bank Board considers it advisable to

amend Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) for the following purposes:

(1) To revise § 563.1 to provide that any State-chartered insured institution may issue any certificate form without prior approval by the Corporation, provided that it has first submitted a copy of such form to the Corporation for approval; that no insured institution shall issue any form of security which has been disapproved in writing by the Corporation; and that any insured institution may adopt a charter or bylaw amendment affecting its securities or investment contracts without prior approval of the Corporation but that any such amendment must be transmitted to the Corporation promptly after adoption;

(2) To amend § 563.2 by eliminating the requirement that the "simple form of certificate" be approved by the Corporation;

(3) To add a new § 563.3–1 to provide for the issuance by State-chartered insured institutions of certificates evidencing savings deposits bearing a definite rate of return for a fixed period of time; and

(4) To enlarge the provisions of § 563.7–1 to cover approval of savings deposits accepted by Federal savings and loan associations with a definite return and a definite maturity.

Accordingly, it is proposed to amend said Part 563 as follows:

1. Amend § 563.1 by revising it to read as follows:

§ 563.1 Forms of certificates and passbooks; submission of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.

At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, share, membership, stock and deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of savings accounts, share, stock, membership or deposit certificates, passbooks, or other investment contract which has not been submitted to the Corporation for approval. No insured institution shall issue any such form which has been disapproved in writing by the Corporation. Any insured institution which amends its charter, constitution, or bylaws affecting its securities or investment contracts shall promptly transmit such amendments to the Corporation. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, either as to time or amount in the event of liquidation, over any other class of insured account; *Provided*, That where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

2. Amend § 563.2 to read as follows:

§ 563.2 Simple form of certificate; passbooks.

An insured mutual institution which, in accordance with State law, includes in its charter, constitution, or bylaws a clear provision that all shareholders are members and shall share equally in earnings and in assets (except for bonus payments under a bonus plan) pro rata to paid-in value, plus credited dividends, and that the institution shall not directly or indirectly charge any membership, admission, repurchase, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be a member of the institution, may issue a simple form of savings or investment certificate or a passbook, which need not contain any membership certificate or any statement of the dividend, withdrawal, or other rights of members.

3. Add a new § 563.3–1, immediately after § 563.3, to read as follows:

§ 563.3–1 Savings deposits for fixed periods of time.

(a) *General approval.* A State-chartered institution which, in accordance with State law, may accept deposits and pay interest thereon and whose board of directors has adopted a resolution providing for the issuance of savings deposits which bear a definite return for fixed periods of time may, subject to the limitations contained in paragraph (b) of this section and to the disclosure provisions contained in paragraph (c) of this section, issue certificates evidencing such savings deposits in such form as the board of directors of the institution may determine.

(b) *Limitations.* In issuing certificates evidencing savings deposits pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

(1) Provide for the payment of interest on any savings deposit in excess of the applicable maximum rate of return prescribed in Part 569 of this subchapter;

(2) Provide for any forfeiture for breach of condition on the part of any depositor, other than loss of interest, or partial loss thereof, for the term of the savings deposit or other specified time period;

(3) Issue any negotiable form of certificate evidencing a savings deposit;

(4) Deny any member the opportunity to make any savings deposit at the same rate offered to any other member at that time on the same classification of savings deposits;

(5) Accept any fixed term savings deposit for a term of less than 6 months or more than 5 years or in an amount less than $1,000; *Provided*, That any such savings deposit may be renewed, at the option of the institution, for successive periods not exceeding 5 years for each renewal.

(6) Provide for withdrawal from any fixed term savings deposit prior to the expiration of that term, except as provided in paragraph (d) of this section; or

(7) Issue any form of certificate evidencing a savings deposit unless the institution has first (i) obtained a written option by its legal counsel that such form of certificate complies with the requirements of applicable law and regulations and the institution's charter, constitution and bylaws, which opinion shall be retained by the institution so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation.

(c) *Disclosure.* Each certificate evidencing a savings deposit accepted pursuant to the approval contained in paragraph (a) of this section shall include in its provisions and display in easily read type:

(1) A full and understandable statement of the method of maturing the contract of deposit;

(2) The rate of interest to be paid;

(3) The amount of the deposit;

(4) The term of the deposit;

(5) The penalty or penalties imposed for withdrawal prior to completion of the fixed term or renewal;

(6) Any provisions relating to renewal at the conclusion of the fixed term; and

(7) Any provisions relating to the interest to be paid after the conclusion of a fixed term or renewal.

(d) *Withdrawal prior to expiration of term.* A certificate issued by an insured institution may provide that, in an emergency where it is necessary to prevent great hardship to the holder of a fixed term savings deposit, the institution may pay, prior to the expiration of the term, such savings deposit or the portion thereof necessary to meet such emergency; *Provided*, That before such payment may be made, the depositor must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (1) approved by an officer of the association who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (2) retained by the association for a period of not less than 2 years; and that, in the event of emergency withdrawal as provided in this paragraph, the depositor shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the depositor shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months. In the case of emergency withdrawal of only a portion of any such savings deposit, the certificate evidencing such savings deposit shall be canceled, and, if the minimum balance requirements of this section continue to be met, a new certificate shall be issued for the remaining portion of the savings deposit with the same term, rate, and dates as the original savings deposit.

4. Amend § 563.7–1 to read as follows:

§ 563.7–1 Savings deposits or shares of Federal savings and loan associations.

Savings deposits or shares of any Federal savings and loan association which are in compliance with the provisions of paragraph (1) of subsection (b) of section 5 of the Home Owners' Loan Act of 1933, the association's charter, and the rules and regulations for the Federal Savings and Loan System (Subchapter C of this chapter), all as now or hereafter in effect, relating to the type, form, return, and maturity thereof are, as to type (as referred to in subdivision (c) of section 401 of the National Housing Act) and form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of said Act, which refer to the form, return, and maturity of securities), hereby approved by the Corporation.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552 by May 16, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GREENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69–4467; Filed, Apr. 15, 1969; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-8085]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

APRIL 8, 1969.

In F.R. Doc. 69-2382 appearing at page 2677 of the issue for Thursday, February 27, 1969, the following changes should be made:

1. Second paragraph No. 2 should be No. 3.
2. Paragraph numbered 3 should be No. 4.
3. Second paragraph No. 3 should be No. 5.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-4456; Filed, Apr. 15, 1969; 8:49 a.m.]

[C-8085]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

APRIL 7, 1969.

The Notice of Proposed Classification appearing as F.R. Doc. 68-14979, page 18631 of the issue for Tuesday, December 17, 1968, is hereby amended to include the following lands which were inadvertently omitted.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN AND OURAY COUNTIES

T. 42 N., R. 6 W.,
Secs. 4, 9, 15, 16, and 21.
T. 43 N., R. 6 W.,
Secs. 4, 5, 6, 7, 8, and 9;
Secs. 19, 28, 29, 30, 31, 32, and 33.
T. 43 N., R. 7 W.,
Secs. 12, 13, and 24.

The area described aggregates approximately 4,300 acres of public land.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-4457; Filed, Apr. 15, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

IMPORT QUOTAS

Submission of Information for Review of Historical Quota Share of Licensees for Importation of Certain Cheese

Import Regulation 1, Rev. 4, Amendment 1 (34 F.R. 923) provides for the issuance of historical licenses for the importation of cheese subject to the import quotas provided for in items 950.10B, 950.10C, and 950.10D of Appendix 3 of the Tariff Schedules of the United States on the basis of eligibility established in accordance with the provisions of the notice published in the FEDERAL REGISTER of November 5, 1968 (33 F.R. 16163). These import quotas, in general, cover Swiss or Emmenthaler cheese with eye formation, Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheese, and "Other" cheese and substitutes for cheese provided for in items 117.75 and 117.85, Part 4C, Schedule 1 of the Tariff Schedules of the United States, having a purchase price under 47 cents per pound.

The notice of November 5, 1968, provided for the submission of records evidencing the quantity and purchase price of such cheese imported during 1967. The notice stated that copies of duty paid Customs Entry Forms No. 7501 or Customs Warehouse Withdrawal Forms No. 7505 provided the most acceptable evidence but provided for the submission of other records if these forms were not available.

Examination of certain invoices associated with the respective Forms No. 7501 has revealed that in some cases adjustment in the historical quota shares of importers would appear to be justified. Any person who has reason to believe that his base period imports were not accurately reflected in his Customs Forms 7501 or the Customs Warehouse Withdrawal Forms 7505 may elect to submit for review all of the invoices of his importations in 1967 of the cheeses specified. Invoices must be furnished for all importations of the cheeses specified above regardless of price; a selective review covering less than an importer's total importations of such cheeses from all countries will not be made.

The historical quota share of licensees for the cheeses described above will be determined, beginning July 1, 1969, on the basis of the records submitted pursuant to the notice of November 5, 1968, adjusted on the basis of records submitted pursuant to this notice. Requests for review, accompanied by full and complete documentation, must be received not later than May 1, 1969, by the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Issued at Washington, D.C., this 10th day of April 1969.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[F.R. Doc. 69-4474; Filed, Apr. 15, 1969; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0810) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the insecticide *O*-ethyl *O*-2,4,5-trichlorophenyl ethylphosphonothioate in or on the raw agricultural commodities: Leafy vegetables, sugar beets, and sweetpotatoes at 0.1 part per million; and corn (grain and fodder) at 0.03 part per million.

The analytical method proposed in the C. A. Anderson published in "Journal of Agricultural and Food Chemistry," vol. petition for determining residues of the insecticide is that of D. B. Katague and 14, pages 505-508 (1966).

Dated: April 9, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4404; Filed, Apr. 15, 1969; 8:45 a.m.]

GLIDDEN CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2401) has been filed by The Glidden Co., 900 Union Commerce Building, Cleveland, Ohio 44115, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of dichlorodifluoromethane as a carrier gas for and diluent of ethylene oxide used as a fumigant for the control of micro-organisms and insect infestation in ground spices and other processed natural seasoning materials except mixtures with added salt.

Dated: April 9, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4405; Filed, Apr. 15, 1969; 8:45 a.m.]

[Docket No. FDC-D-117; NDA No. 15-497]

VASCULAR PHARMACEUTICAL CO., INC. AND EDISON PHARMACEUTICAL CO., INC.

Cothyrobal; Notice of Scheduling of Hearing and Prehearing Conference

Notice is hereby given to Vascular Pharmaceutical Co., Inc., 432 Mineola Boulevard, Williston Park, Long Island, N.Y. 11596, and Edison Pharmaceutical Co., Inc., Chrysler Building, 42d and Lexington Avenues, New York, N.Y., 10017, that in accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and Part 130, the new-drug regulations (21 CFR Part 130), a hearing will be held in the matter of the proposal of the Commissioner of Food and Drugs to refuse to approve new-drug application. No. 15-497 for marketing the drug Cothyrobal. Said hearing will begin at 10 a.m., May 19, 1969, in Room 4169, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

Evidence and arguments may be produced at the hearing to show why the proposed order of the Commissioner to refuse to approve said application on the grounds and for the reasons set forth in the notice of opportunity for hearing published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 273), should not be issued. The Food and Drug Administration may also produce evidence and argument relevant and material to the subject matter of the hearing.

Notice is further given to Vascular Pharmaceutical Co., Inc., and Edison Pharmaceutical Co., Inc. that, in accordance with § 130.18 *Prehearing and other conferences* (21 CFR 130.18), a prehearing conference in this matter will be held beginning at 10 a.m., April 23, 1969, in Room 5169, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201. All documentary evidence to be offered at the hearing shall be marked for identification at this prehearing conference.

The hearing and prehearing conference will be open to the public, except that any portion thereof that concerns a method or process which the Commissioner of Food and Drugs finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specified otherwise in filing his appearance.

The undersigned, a duly appointed Hearing Examiner as provided in 5 U.S.C. 3105 (80 Stat. 415), has been designated to conduct the hearing and prehearing conference announced herein, with full authority to administer oaths, to take affirmations, and to do all other things appropriate to the conduct of said proceedings as set forth in Part 130 (21 CFR Part 130).

Dated: April 9, 1969.

WILLIAM E. BRENNAN,
Hearing Examiner.

[F.R. Doc. 69-4445; Filed, Apr. 15, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Notice of Designation of Acting Administrator

I hereby designate Brendon T. Jose, Assistant Administrator, St. Lawrence Seaway Development Corporation, to act as Administrator, St. Lawrence Seaway Development Corporation, and to perform the duties and exercise the powers of the Administrator until further notice.

This designation becomes effective on April 5, 1969.

Issued in Washington, D.C., on April 2, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-4434; Filed, Apr. 15, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Issuance of Provisional Operating License

Notice is hereby given that no request for a hearing by the applicant or petition for leave to intervene by any interested person having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Operating License No. DPR-16 to Jersey Central Power & Light Co. (Jersey Central) authorizing the licensee to possess, use, and operate the Oyster Creek Nuclear Power Plant Unit No. 1, a single cycle, forced circulation, boiling water nuclear reactor, located on Jersey Central's site in Lacey Township, Ocean County, N.J. The reactor is designed to operate at approximately 1600 megawatts thermal, but initial operation will be limited to five megawatts thermal and without the reactor head in place, to permit initial fuel loading and testing pending (1) modification of the standby gas treatment system, (2) additional review of the quality of certain piping in the facility, and (3) evaluation of preoperational testing of containment isolation valves.

The Commission has inspected the facility and, for low power operation, has determined it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-15.

Since publication of the notice of the proposed action, Jersey Central filed license application Amendments Nos. 50, 51, and 52, dated February 27, 1969, March 25, 1969, and March 25, 1969, respectively, submitted at the Commission's request to document completely the design of penetrations through the primary containment and to provide additional information on the startup organization and on secondary containment leakage tests. On the basis of the review of this information, the Commission has concluded that there should be no change in the conclusions as to the safety of the facility. The Division of Reactor Licensing has prepared an addendum to the safety evaluation dealing with the penetration design change. Copies of both the application amendments and addendum are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The license was issued as set forth in the Notice of Proposed Issuance of Provisional Operating License published in the FEDERAL REGISTER on December 27, 1968, 33 F.R. 19860, except for (1) the addition of a reference to application Amendments Nos. 50, 51, and 52 in paragraph a. of the findings, (2) the correction of clerical errors on page 2, paragraphs 1. and 2.C. of the proposed license, (3) the revision of paragraph 3.A. to reflect the limitation of power level to five megawatts thermal, and (4) the correction of certain typographical and clerical errors in the Technical Specifications, as set forth in the errata sheet attached to the Technical Specifications as issued with Provisional Operating License No. DPR-16. A copy of the license, complete with Technical Specifications and errata sheet, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 9th day of April 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-4425; Filed, Apr. 15, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 18650; Order 69-4-55 [1]]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Commodity Description and Codification System

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1969.

By Order 68-12-1, dated December 2, 1968, the Board announced its intention to approve, subject to conditions, certain agreements embodied in the resolutions of the carrier members of the International Air Transport Association (IATA) relating to the IATA specific commodity rate system codification. In general, the agreements provided for the

[1] Agreement CAB 20705, covering a mail vote of the carriers to implement the WACCC system on Mar. 1, 1969, was not previously cited by the Board in Order 69-1-32, dated Jan. 9, 1969.

transition of the current numbering system to a system based on the Standard International Trade Classification (SITC) of the United Nations. The proposed program has been identified as the Worldwide Air Cargo Commodity Classification (WACCC).

Subsequently, in response to air freight forwarder [2] and shipper [3] complaints, and in the absence of formal carrier responses, the Board by Order 69–1–32, dated January 9, 1969, deferred approval of the agreements. This was done with the view that public interest considerations indicated that further refinements might be appropriately considered at the upcoming worldwide cargo conference to be held this month in Athens.

On February 17, 1969, Braniff Airways, Inc., Trans World Airlines, Inc., and Pan American World Airways, Inc., filed a motion for leave to file an unauthorized document; namely, a petition for reconsideration of the Board's order deferring approval.[4] Only Emery Air Freight Corp. (Emery) responded to the carriers' pleadings, objecting to both the motion to file an unauthorized document and the petition urging approval of the agreements upon reconsideration.

The Board has concluded to approve the agreements subject to conditions hereinafter discussed and which are substantially the same as those proposed in the Board's initial order.

Emery's objections to the carriers' pleading and protests received during the course of the proceedings, to sum up, reflect views that the WACCC would be unnecessarily cumbersome, time consuming, and costly in its application; that many specific articles heretofore accorded specific commodity rates within the context of broad generic descriptions have been omitted, thus resulting in rate increases; and that the shipping public had not been given sufficient time to study the WACCC program prior to its intended effectiveness.

We observe that there is room for improvement under the current system. As stated in the initial order and commented on by the carriers, we believe that the WACCC program through the use of more refined descriptions will contribute to improved accuracy in rating and that it will facilitate the compilation of needed statistical data. As discussed below the Board will attach conditions to its approval which should, to a significant degree, meet the objections noted in the protests received. In these circumstances the Board believes that the carriers should have an opportunity to introduce this new system which, among other things, calls for greater specificity in commodity descriptions.

We share the complainants' concern to the extent that the transition to the new system may result in increased rates for some commodities by the departure from generic classifications now used. We will, therefore, retain our earlier proposed conditions to require that any appropriate description on any article which is currently being accorded a specific commodity rate in any market by any direct air carrier member of IATA, and which may be omitted in the introduction of tariffs implementing the WACCC system, shall be reinstated by such carrier(s) prior to the effectiveness date of the new tariff upon request and presentation of appropriate evidence, such as a carrier's air waybill on a previous shipment showing the description(s) and the rate(s) assessed.[5] (A simple notification to interested carriers describing the facts and action taken should suffice for all concerned.)

In order to provide the shipping public opportunity to request such reinstatement, as well as to give them the opportunity to become familiar with the WACCC system of tariff filing, we will condition our approval of the agreements so as to require that tariffs implementing the WACCC system in air transportation be filed at least 60 days prior to the proposed effective date of the tariff. The Board further believes that the shipping public should have ample opportunity to review the WACCC program as it would be reflected in tariffs unencumbered by any revisions in the rate structure that may be agreed upon at Athens. Accordingly, the Board would expect that tariffs implementing the WACCC system in air transportation become effective prior to the effectiveness generally of any revisions of the commodity rates structure agreed upon at Athens. It is by no means our intention by this condition to preclude subsequent changes by the carriers in the WACCC program or their rate tariffs through their normal rate-making machinery, but rather to assure that rate increases will not result by virtue of the transition from one system to another.

The carriers in their petition object to the proposed condition in Order 68–12–1 requiring a numerical index of the WACCC system be filed as a tariff. We believe the condition is essential. The WACCC system encodes all commodities into numerals, and, of course, with the alphabetical index a transition can be made from any item to its numerical equivalent. However, without the numerical index a person could not ascertain in an orderly manner the identity of a commodity taking a certain rate, since it would be indicated only by number. The basic scheme of the Act and the Board's regulations is that carriers must file for public inspection rates and charges for all traffic carried. This requires that the public be able to ascertain what commodities qualify for a certain rate, as well as to ascertain the rate applicable to a specific commodity. We will, therefore, retain the condition as initially proposed.

The Board would also remind the carriers of its earlier comments relating to the interplay of varying rates and minimum weights on particular articles under different but generically related specific commodity descriptions, as well as the additional interplay of general commodity rates at still other minimum weights. These problems would be avoided by tariff publication which sets forth in one place the intended rate for each commodity at each normal weight break and assures that shippers will always be accorded the lowest rate to which they are entitled, irrespective of the weight of the shipment, and without having to resort to a change in description. Our approval of the WACCC agreements is accordingly conditioned.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 412, and 414 thereof:

It is ordered, That:

Agreements CAB 20705, 20380, and 20557 are approved: *Provided*, That insofar as air transportation as defined by the Act is concerned, approval shall be subject to the following conditions:

(a) Implementation thereof in the tariffs of the carriers shall be filed at least 60 days prior to the intended effective date of the tariff, which shall not be earlier than August 15, 1969;

(b) Any article now accorded a specific commodity rate at a stated minimum weight in a given market, which may have been omitted from the WACCC compilation and/or the rate tariffs of the carriers, shall be promptly reinstated upon request of a shipper or consignee;

(c) Both the alphabetical and numerical versions of the WACCC system and subsequent amendments thereto or reissues thereof shall be filed with the Board in tariff form as a single publication, and the primary listing of generic descriptions in the numerical list shall be accompanied by a listing of those articles which are embraced with such generic descriptions;

(d) Upon the implementation of the WACCC system, tariff publications shall set forth the intended rate for each commodity at each normal weight break;

(e) Amendments to or reissues of the WACCC indices shall be filed with the Board as agreements pursuant to section 412 of the Act, and approved by the Board prior to being placed into effect or filed in tariff form in air transportation; and

(f) Approval of the agreements shall not constitute approval of the form or content of tariffs, nor approval of the specific commodity descriptions contained in the WACCC indices for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–4469; Filed, Apr. 15, 1969; 8:50 a.m.]

[2] Panalpina Airfreight System, Emery Air Freight Corp., Deutsches Luftfrachtkontor G.m.b.H & Co.

[3] Honeywell, Inc., Radio Corp. of America, Control Data Corp., J. C. Penney Co., Inc., AMF International, Squibb International, Western Electric, and Pfizer International, Inc.; the National Export Traffic League, Inc.

[4] The Board will accept the carriers' filings and Emery's opposition thereto, since the substantive issues are of such import as to warrant consideration on their merits.

[5] The Board also notes that a mixture of several commodities under current tariffs might be charged rates based on the aggregate weight of the entire shipment, whereas under the WACCC system such mixed shipments might result in the separate (and higher) rating of the separate articles at their separate weights. In such instances, the Board intends that the carrier(s) reinstate such "mixtures" of articles as a composite commodity item.

[Docket 18650; Order 69–4–54]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority April 10, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated March 25, 1969, names an additional specific commodity rate which reflects a significant reduction from the general cargo rates and, in addition, cancels other rates. These rates are set forth below.

R–59 Canceled Rate:
Commodity Item 4700—Machinery and Tools, n.e.s.—Excluding Steamship and/or Motorship Machinery Parts. 270 cents per kg., minimum weight 500 kgs. New York to Addis Ababa.

R–60 Additional Rate:
Commodity Item 0600—Meat, including Slaughtered Poultry and Game. 75 cents per kg., minimum weight 2,000 kgs. Sydney to West Coast. 100 cents per kg., minimum weight 2,000 kgs. Sydney to East Coast.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered That:

Action on Agreement CAB 20745, R–59, and R–60, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–4470; Filed, Apr. 15, 1969; 8:50 a.m.]

[Dockets Nos. 20582, 20431; Order 69–4–58]

AIR WEST, INC.

Order Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1969.

By this order we are directing interested persons to show cause why Air West, Inc. (Air West), should not be awarded the route authority requested in two recent applications of the carrier: Docket 20582, in which Air West requests the consolidation of segments 1 and 4 of its route 76; [1] and Docket 20431, in which Air West requests that the coterminal point San Francisco on segments 1 and 4 be redesignated as the hyphenated point San Francisco-San Jose.

Air West's application requesting the consolidation of segments 1 and 4 was filed on December 20, 1968, and the carrier contemporaneously filed a petition requesting the above-described authority by show cause order.

Numerous civic parties have filed answers in support of Air West's petition for a show cause order. Braniff Airways, Inc., has filed an answer stating that Braniff does not object to the proposed consolidation provided that the restrictions concerning nonstop operations between Seattle, Portland, San Francisco, Los Angeles, and San Diego are preserved. Western Air Lines, Inc., has filed a letter stating that Western does not object to the proposed consolidation: *Provided*, That restriction 7, requiring that flights between Seattle and a point south of Portland also serve Portland, is preserved.

With respect to the hyphenation of San Jose with San Francisco, Air West's petition for a show cause order granting this authority was denied by the Board in Order 69–2–39, dated February 10, 1969, on the ground, inter alia, that the hyphenation would give Air West one-stop authority in the San Jose-Portland market and two-stop authority in the San Jose-Seattle market [2] and that these two markets are in issue in the pending Pacific Northwest-California Investigation, Docket 18884.

On March 3, 1969, Air West filed a petition for reconsideration of Order 69–2–39. In support of its petition Air West alleges, in pertinent part, that the carrier is now willing to accept a restriction which would assure that the carrier would not receive improved authority in the San Jose-Portland/Seattle markets.

Western Air Lines, Inc., has filed a letter in opposition to Air West's petition for reconsideration.

Upon consideration of the foregoing and other relevant facts, we have decided to grant the petitions of Air West and to issue an order to show cause why the coterminal point San Francisco on Air West's segments 1 and 4 should not be redesignated as the hyphenated point San Francisco-San Jose and why segments 1 and 4 should not be consolidated. The foregoing route award will be subject to a two-stop restriction in the Portland-San Jose market and a three-stop restriction in the Seattle-San Jose market.[3]

For the reasons set forth below, we tentatively find and conclude that the public convenience and necessity require, and that the Board should order, the above-described amendments of Air West's certificate for route 76. With respect to the hyphenation of San Jose with San Francisco, we tentatively find that the proposed redesignation will permit Air West to obtain greater operational flexibility,[4] and that the proposed redesignation will contribute to the alleviation of congestion at the San Francisco airport.[5] Additionally, we find that the hyphenation of San Jose, as restricted herein, will not result in any prejudice to the applicants in the Pacific Northwest-California Investigation, Docket 18884, in which nonstop service between San Jose and Portland/Seattle is in issue. The route award proposed herein will be subject to a two-stop restriction in the Portland-San Jose market and a three-stop restriction in the Seattle-San Jose market. Air West's existing authority permits two-stop

[1] Air West's segment 1 reads:
"Between the coterminal points San Francisco and Oakland, Calif., the intermediate points Sacramento, Santa Rosa, Marysville-Yuba City, Chico, Red Bluff-Redding, Eureka-Arcata, and Crescent City, Calif., and the terminal point Portland, Oreg."
Segment 4 reads:
"Between the terminal point Seattle, Wash., the intermediate points Tacoma, Olympia, and Aberdeen-Hoquiam, Wash., Astoria-Seaside, Portland, Albany-Corvallis, Eugene, Bend-Redmond, North Bend-Coos Bay, Roseburg, Medford, and Klamath Falls, Oreg., and Sacramento, Calif., and the coterminal points Oakland and San Francisco, Calif."

[2] Air West presently has two-stop authority in the San Jose-Portland market and three-stop authority in the San Jose-Seattle market.

[3] Additionally, existing restrictions applying to points on segments 1 and 4 will be preserved.

[4] For example, in the San Jose-Portland/Seattle markets in which Air West presently provides service via San Francisco and other intermediate points, one of the carrier's hops is between San Jose and San Francisco, a distance of only 32 miles.

[5] Cf. Order E–25644, dated Sept. 7, 1967, in which the Board amended the certificates of six air carriers to redesignate San Francisco as the hyphenated point San Francisco-San Jose in order to mitigate the congestion problem at San Francisco International Airport.

Portland-San Jose service and three-stop Seattle-San Jose service.

In support of our ultimate conclusion that segments 1 and 4 should be consolidated, we tentatively find that the consolidation will result in increased operating flexibility for Air West, enabling the carrier to offer improved service to the public; that as a result of consolidation the carrier will have new support traffic available from certain adjacent intermediate points between some of which Air West will provide the first direct service;[6] that the consolidation will permit Air West to achieve a more effective utilization of its aircraft by eliminating circuitous routings between low-density markets; that the improved service offered to the public will attract additional traffic and increase the carrier's revenues; and that consolidation of segments 1 and 4 will not result in any meaningful diversion of revenues from any other carrier.

Accordingly, we tentatively find that the public convenience and necessity require the amendment of Air West's certificate in the manner requested, and therefore direct that interested persons show cause on or before April 21, 1969, why the Board should not make final its tentative findings herein and issue an amended certificate to Air West containing the below-described revisions.[7] We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause on or before April 21, 1969, why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity held by Air West for route 76 so as to

(a) Redesignate the coterminal point San Francisco on segments 1 and 4 as the hyphenated point San Francisco-San Jose, and consolidate segments 1 and 4 into a single segment; and

(b) Make any service operated by Air West pursuant to an award amending its certificate of public convenience and necessity as set forth in (a) above subject to a two-stop restriction in the San Jose-Portland market and a three-stop restriction in the San Jose-Seattle market;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within ten (10) days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [8]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the city of San Jose, and points on Air West's segments 1 and 4 and upon carriers certificated to serve these points.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4471; Filed, Apr. 15, 1969; 8:50 a.m.]

[6] For example, the first direct service between North Bend-Coos Bay and Crescent City and between Red Bluff-Redding and Klamath Falls will be offered by Air West. Formerly, these adjacent north-south points were precluded from direct service because they were on different segments.

[7] Air West should submit an estimate of the first year's gross transport revenues increase, within the ranges specified in § 389.25 (a) (2) (i) of the Board's regulations.

[8] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket No. 20905; Order 69-4-56]

CIA. RUTAS INTERNACIONALES PERUANAS, S.A. (RIPSA)

Statement of Tentative Findings and Conclusions and Order to Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1969.

By Order E-18158, adopted March 12, 1962, and approved by the President March 27, 1962, the Board issued a foreign air carrier permit to Cia. Rutas Internacionales Peruanas, S.A. (RIPSA) to engage in foreign air transportation with respect to property only between a point or points in Peru, the intermediate point Panama City, Panama, and the terminal point Miami, Fla. The permit also authorizes its holder to engage in off-route charter trips of property in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's economic regulations.

The Board has been notified by the Federal Aviation Administration that a communication has been received from the Ministry of Aeronautics of Peru which states that the Government of Peru has canceled the operating authorization which had been given to RIPSA to engage in foreign air transportation of property over the above described route. In addition, the Peruvian Government has stated that it has no objection to the cancellation of RIPSA's permit by the U.S. Government.

Based upon the foregoing, the Board tentatively finds that the foreign air carrier permit now held by RIPSA should be canceled, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by Cia. Rutas Internacionales Peruanas, S.A. (RIPSA);

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [1]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the following: Cia. Rutas Internacionales Peruanas, S.A. (RIPSA); and the Ambassador of the Government of Peru.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4472; Filed, Apr. 15, 1969; 8:50 a.m.]

[Docket No. 20831]

INTERNACIONAL DE AVIACION, S.A.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 5, 1969, at 10 a.m., d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

[1] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

Dated at Washington, D.C., April 10, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-4473; Filed, Apr. 15, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary of Commerce.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4453; Filed, Apr. 15, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Public Information.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4454; Filed, Apr. 15, 1969; 8:49 a.m.]

SYSTEMS TRAINING ADMINISTRATOR, AUTOMATED LOGISTICS MANAGEMENT SYSTEMS AGENCY, ST. LOUIS, MO.

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on March 19, 1969, for the single position of Systems Training Administrator (Chief, Systems Training Division), ADP Systems Integration and Conversion Directorate, GS-301-13, USAMC Automated Logistics Management Systems Agency, Department of the Army, St. Louis, Mo. This finding is self-canceling when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4455; Filed, Apr. 15, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18520; FCC 69-338]

CUMBERLAND GAP BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

Regarding application of Cumberland Gap Broadcasting Co., Middlesboro, Ky., Requests: 92.7 mcs, No. 224; 2.97 kw; 84 feet, Docket No. 18520, File No. BPH-6026, for construction permit.

1. The Commission has under consideration the above-captioned application for a new FM station at Middlesboro, Ky.

2. The applicant corporation is licensee of one of Middlesboro, Ky.'s two AM stations and is applying for the only FM channel assigned to the community. In addition, applicant's controlling stockholders publish Middlesboro's only newspaper, a daily.

3. After careful consideration of the application before us, we have concluded that the multiple ownership situation here involved raises substantial questions as to concentration of control of media of mass communications and as to whether a grant would serve the public interest.

4. The applicant is qualified in other respects, but in view of the foregoing, we find that the applicant must be designated for evidentiary hearing on the issues set forth below.

5. *It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues.

1. To determine whether a grant of this application would tend to create an undue concentration of control over media of mass communications.

2. To determine in light of the evidence adduced pursuant to the foregoing issue, whether a grant of the subject application would serve the public interest, convenience and necessity.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 2, 1969.

Released: April 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 69-4466; Filed, Apr. 15, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-13]

LYKES BROS. STEAMSHIP CO. INC.

General Increases in Rates in U.S. Gulf/Puerto Rico Trade; Order of Investigation

There recently have been filed with the Federal Maritime Commission by Lykes Bros. Steamship Co., Inc., the following revised pages to its Tariff FMC-F No. 11 which generally increase rates and charges in the subject trade:

Fifth Revised Page No. 49.
Fourth Revised Page No. 53.
Ninth Revised Page No. 57-A.
Tenth Revised Page No. 57-B.
Fourth Revised Page No. 73.
Fifth Revised Page No. 74.
Fourth Revised Page No. 43-A.
Third Revised Page No. 65.
Third Revised Page No. 65-A.
Seventh Revised Page No. 36.
Third Revised Page No. 55.
Sixth Revised Page No. 40.
Fourth Revised Page No. 63.
Fifth Revised Page No. 55.
Fifth Revised Page No. 75.
Fourth Revised Page No. 79.
First Revised Page No. 43-A.

Upon consideration of said schedules and a protest thereto filed by Edward Schmeltzer and Mario F. Escudero, 1140 Connecticut Avenue NW., Washington, D.C. 20036, attorneys for the Commonwealth of Puerto Rico, there is reason to believe that the above-designated increased rates should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the

[1] Commissioners Bartley and Robert E. Lee dissenting. Commissioner Wadsworth absent.

matter hereby placed under investigation is further changed, amended, or reissued matter will be included in this investigation.

It is further ordered, That Lykes Bros. Steamship Co., Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein; (II) the said respondent and protestant be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure [46 CFR 502.72] with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-4433; Filed, Apr. 15, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-255]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 9, 1969.

Take notice that on April 1, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-255 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity under section 7(c), and for an order under section 7(b), approving and permitting certain changes in its authorized daily contract quantities of sales to three of its existing customers, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Specifically, Applicant seeks approval to reduce its authorization to sell natural gas to Iowa-Illinois Gas and Electric Co. (Iowa-Illinois) by 1,650 Mcf per day, and seeks a certificate authorizing it immediately to transport 1,650 Mcf of natural gas per day for sale to the New Jersey Zinc Co. (New Jersey Zinc), an existing direct sale customer of Applicant, and authorizing it, effective on or about December 1, 1969, to sell and deliver an additional 2,400 Mcf and 4,334 Mcf of natural gas per day to Iowa-Illinois and Northern Illinois Gas Co. (Northern Illinois), respectively.

The application states that Northern Illinois requires the additional gas in order to supply firm gas to several industrial customers, that Iowa-Illinois requires the changes in its daily contract quantity because of a change in its market development, and that New Jersey Zinc requires the additional gas because of certain problems with new equipment which it has installed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 5, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4426; Filed, Apr. 15, 1969; 8:47 a.m.]

[Docket No. G-3072 etc.]

HUMBLE OIL AND REFINING CO. ET AL.

Findings and Order After Statutory Hearing; Correction

APRIL 3, 1969.

Humble Oil & Refining Co. and other Applicants listed, Docket No. G-3072 et al.; Lone Star Producing Co., Docket No. CI67-283.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, reinstating proceeding, terminating proceeding, substituting respondent, making successors co-respondents, redesignating proceeding, requiring filing of agreement and undertaking and surety bond, accepting agreement and undertaking and surety bond for filing, and accepting related rate schedules and supplements for filing, issued March 13, 1969, and published in the FEDERAL REGISTER March 22, 1969, F.R. 34(5561), on page 19, 2d column: Change Applicant's name to read "Lone Star Producing Co." in lieu of "Lone Star Production Co." related to Docket No. CI67-283.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4402; Filed, Apr. 15, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Wisconsin Bankshares Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of The First National Bank of Rice Lake, Rice Lake, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Wisconsin Bankshares Corp., Milwaukee, Wis., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First National Bank of Rice Lake, Rice Lake, Wis.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 2, 1968 (33 F.R. 16130), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 9th day of April 1969.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-4427; Filed, Apr. 15, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Property Management And Disposal Service

[Wildlife Order 87]

PORTION, FORMER OLMSTED AIR FORCE BASE, SPAYDES ISLAND, MIDDLETOWN, PA. D-PA-526C

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated March 21, 1969, the property known as Spaydes Island, portion of the former Olmsted Air Force Base, Middletown, Pa., consisting of 1.22 acres of unimproved land, and more particularly described in the deed, has been transferred from the United States to the Commonwealth of Pennsylvania.

2. The above-described property was transferred for wildlife purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: April 9, 1969.

CURTIS A. ROOS, *Assistant Commissioner for Real Property Disposal.*

[F.R. Doc. 69-4403; Filed, Apr. 15, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

APRIL 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 11, 1969, through April 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4429; Filed, Apr. 15, 1969; 8:47 a.m.]

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

[70-4740]

GULF POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

APRIL 10, 1969.

Notice is hereby given that Gulf Power Co. ("Gulf"), Post Office Box 1151, Pensacola, Fla. 32502, a public-utility subsidiary company of The Southern Co. a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Gulf proposes, on or prior to June 1, 1969, to issue $792,000 principal amount of its first mortgage bonds, 3¼ percent series due 1984, under the provisions of its indenture dated as of September 1, 1941, between Gulf and The Chase Manhattan Bank and the Citizens & Peoples National Bank of Pensacola, as trustees, as amended and supplemented, and to surrender such bonds to the trustees in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on June 14, 1954 (Holding Company Act Release No. 12543) and are to be issued on the basis of property additions, thus making available for construction and other purposes cash which would otherwise be required to satisfy the sinking fund requirement or to purchase bonds for such purpose.

The fees and expenses to be paid by Gulf in connection with the issue of the bonds are estimated at $1,075, including charges of trustees of $625 and counsel fee of $250. It is stated that The Florida Public Service Commission must authorize the issue of the bonds, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 1, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4430; Filed, Apr. 15, 1969; 8:47 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

APRIL 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 10, 1969 at 12 noon e.s.t., through April 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4431; Filed, Apr. 15, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

MAPLETON CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Mapleton Capital Corp. (Mapleton) has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), surrendered its license to operate as a small business investment company.

Mapleton was incorporated on January 4, 1963, under the laws of the State

of California, and issued license No. 14-0075 by the Small Business Administration on March 15, 1963.

Mapleton was licensed solely to operate under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Under the authority vested in the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Mapleton is hereby accepted, and accordingly, it is no longer licensed to operate as a small business investment company.

Dated: April 9, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-4410; Filed, Apr. 15, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 11, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41614—*Chrome coated tin mill black plate from Minnequa, Colo.* Filed by Southwestern Freight Bureau, agent (No. B-28), for interested rail carriers. Rates on chrome coated tin mill black plate, in carloads, from Minnequa, Colo., to specified points in Texas.

Grounds for relief—Rate relationship.

Tariff—Supplement 101 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4439; Filed, Apr. 15, 1969; 8:48 a.m.]

[Notice 546]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 11, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Deviation No. 77), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed April 2, 1969. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Toledo, Ohio, over U.S. Highway 23 to Flint, Mich.; and (2) from junction Interstate Highway 69 and Indiana Highway 67 at or near Pendleton, Ind., over Interstate Highway 69 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Toledo, Ohio, over U.S. Highway 25 to Detroit, Mich.; (2) from Detroit, Mich., over U.S. Highway 10 to junction unnumbered highway (formerly portion U.S. Highway 10) thence over unnumbered highway to junction Michigan Highway 54 (formerly portion U.S. Highway 10), thence over Michigan Highway 54 to Flint, Mich.; (3) from Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 9, thence over Indiana Highway 9 to Anderson, Ind., thence over Indiana Highway 32 to Muncie, Ind., thence over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to St. Marys, Ohio, thence over U.S. Highway 33 to junction unnumbered highway (formerly portion U.S. Highway 33), thence over unnumbered highway to Wapakoneta, Ohio; (4) from Cincinnati, Ohio, over U.S. Highway 42 (formerly portion U.S. Highway 25), to Sharonville, Ohio, thence over unnumbered highway (formerly portion U.S. Highway 25) via Gano, Monroe, Franklin, and Miamisburg, Ohio, to junction U.S. Highway 25 (northeast of West Carrollton, Ohio), thence over U.S. Highway 25 via Dayton, Ohio, to junction unnumbered highway (formerly portion U.S. Highway 25), thence over unnumbered highway via Troy, Piqua, Sidney, Anna, and Botkins, Ohio, to Wapakoneta, Ohio, thence over Ohio Highway 67 (formerly portion U.S. Highway 25) to junction U.S. Highway 25, thence over U.S. Highway 25 to junction unnumbered highway (formerly portion U.S. Highway 25, east of Cridersville, Ohio, thence over unnumbered highway via Lima, Ohio, to junction U.S. Highway 25, thence over U.S. Highway 25 to Findlay, Ohio, thence over unnumbered highway formerly portion U.S. Highway 25) via North Findlay and Van Buren, Ohio, to junction U.S. Highway 25, west of Bardstown, Ohio, thence over U.S. Highway 25 to Toledo, Ohio; and (5) from Toledo, Ohio, over U.S. Highway 25 to Detroit, Mich., and return over the same routes.

No. MC 59680 (Deviation No. 76), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed April 3, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Exit No. 6 at U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over access roads to the Pennsylvania Turnpike, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Cleveland, Ohio, over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, N.J.; and (2) from Philadelphia, Pa., over U.S. Highway 1 to Newark, N.J., and return over the same routes.

No. MC 107838 (Deviation No. 2), H. & S. MOTOR FREIGHT, INC., Sixth and Maple Streets, Eldon, Mo. 65026, filed April 1, 1969. Carrier's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Eldon, Mo., over Missouri Highway 52 to junction Missouri Highway 5, thence over Missouri Highway 5 to junction U.S. Highway 50 at Tipton, Mo., thence over U.S. Highway 50 to junction U.S. Highway 71 Bypass, thence over U.S. Highway 71 Bypass to junction Interstate Highway 70, thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Kans., over U.S. Highway 50 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 52, thence over Missouri Highway 52 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 66, thence over U.S. Highway 66 to East St. Louis, Ill., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 517), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed March 28, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 35 and relocated U.S. Highway 35 just east of Centerville, Ohio, over relocated U.S. Highway 35 to junction U.S. Highway 35 northwest of Centerville, Ohio; and (2) from junction U.S. Highway 35 and relocated U.S. Highway 35 southeast of Winchester, Ohio, over relocated U.S. Highway 35 to junction U.S. Highway 35 at Jackson, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chillicothe, Ohio, over U.S. Highway 35 to junction relocated U.S. Highway 35 (near Centerville, Ohio), thence over relocated U.S. Highway 35 to junction old U.S. Highway 35 (approximately 2.2 miles southeast of Rio Grande, Ohio), thence over U.S. Highway 35 via Gallipolis to Kanauga, Ohio, and return over the same route.

No. MC 1940 (Deviation No. 17), TRAILWAYS OF NEW ENGLAND, INC., 4000 Trailway Building, 1200 Eye Street NW., Washington, D.C. 20005, filed March 28, 1969. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Worchester, Mass., over Interstate Highway 290 (as an access route) to junction Interstate Highway 90 (Massachusetts Turnpike) and Massachusetts Highway 12, at Interchange No. 10, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hamden, North Haven, and Wallingford, Conn., to junction Alternate U.S. Highway 5, approximately 3 miles south of Meriden, Conn., thence over Alternate U.S. Highway 5 via Meriden to junction U.S. Highway 5, approximately 3 miles north of Meriden, thence over U.S. Highway 5 via Newington and Wethersfield, Conn., to Hartford, Conn. (also from New Haven over U.S. Highway 5 to Hartford; also from New Haven over Connecticut Highway 15 to Middletown, Conn., thence over Connecticut Highway 9 to Hartford), thence over Connecticut Highway 15 via South Windsor, Manchester, and Tolland, Conn., to junction Connecticut Highway 30, thence over Connecticut Highway 30 via Ellington, Conn., to junction Connecticut Highway 20, thence over Connecticut Highway 20 via Stafford, Conn., to junction Connecticut Highway 15, thence over Connecticut Highway 15 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 via Holland, Mass., to Sturbridge, Mass., thence over U.S. Highway 20 to junction Massachusetts Highway 12, thence over Massachusetts Highway 12 via Oxford and Auburn, Mass., to Worcester, Mass., thence over Massachusetts Highway 9 via Northboro, Westboro, and Southboro, Mass., to Framingham, Mass., thence over Massachusetts Highway 135 to Wellesley, Mass., thence over Massachusetts Highway 16 to Newton, Mass., thence over city streets to Waltham, Mass., thence over U.S. Highway 20 to Boston, Mass. (also from Worcester over Massachusetts Highway 9 and U.S. Highway 20 to Boston), and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4440; Filed, Apr. 15, 1969; 8:48 a.m.]

[Notice 1285]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 11, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 123310 (Sub-No. 11) (Correction), filed November 25, 1968, published FEDERAL REGISTER issue of December 12, 1968, and republished this issue. Applicant: VERMON L. HUNT, doing business as HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. 82001. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Clearwater, Idaho, Latah, Nez Perce, and Lewis Counties, Idaho, to points in Colorado. NOTE: The purpose of this republication is to show that the proposed service will also originate at points in Clearwater and Idaho Counties, Idaho, inadvertently omitted from previous publication.

HEARING: Remains as assigned May 21, 1969, before Joint Board No. 409, or if the Joint Board waives its right to participate, before Examiner Samuel Horwich, at Denver, Colo., in Room 1430, Federal Office Building, 1961 Stout Street.

No. MC 59680 (Sub-No. 166) (Republication), filed November 4, 1968, published in the FEDERAL REGISTER issue of November 21, 1968, and republished this issue. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). By application filed November 4, 1968, Strickland Transportation Co., Inc., of Dallas, Tex., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foodstuffs, canned or bottled, other than frozen, from the plantsite of Princeville Canning Co., at or near Belledeau, La., to points in Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and Wisconsin; an Order of the Commission, Operating Rights Board, dated March 20, 1969, and served March 31, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of unfrozen canned or bottled foodstuffs, from the plantsite of Princeville Canning Co. at Belledeau, La., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, Wisconsin, and Missouri; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is feasible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of said publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding.

No. MC 67485 (Sub-No. 5) (Republication), filed February 23, 1966, published FEDERAL REGISTER issues of March 16, 1966, and March 30, 1966, and republished this issue. Applicant: TEXAS FILM SERVICE, INC., 518 South Main Street, San Antonio, Tex. Applicant's representatives: Regan Sayers, 313 Perry-Brooks Building, Austin, Tex. 78701 and Austin L. Hatchell, 1120 Perry-Brooks Building, Austin, Tex. 78701. Applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate

of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within the State of Texas. An order of the Commission, Operating Rights Board, dated March 21, 1969, and served March 31, 1969, finds that a certificate of registration shall concurrently be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, pursuant to those portions of Certificates of Public Convenience and Necessity Nos. 3000 and 4305 authorized by order dated November 21, 1968, issued by the Railroad Commission of Texas:

Certificate No. 3000: *General Commodities* to, from and between all points along the following described routes, subject to the restrictions noted below: U.S. Highway 281 between San Antonio, Tex., and Johnson City, Tex.; U.S. Highway 290 between Johnson City, Tex., and Fredericksburg, Tex.; State Highway 16 between Fredericksburg, Tex., and Kerrville, Tex.; State Highway 27 between Kerrville, Tex., and Comfort, Tex.; and U.S. Highway 87 between Fredericksburg, Tex., and San Antonio, Tex.; serving all intermediate points along said routes and coordinating the service herein proposed with the service presently being rendered and interchanging with other carriers at any point along the routes above described. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. Certificate No. 4305: *General Commodities* to, from and between all points along the following described routes, subject to the restrictions noted below: U.S. Highway 77 and U.S. Highway 81 between Dallas, Tex., and San Antonio; U.S. Highway 67 between Dallas, Tex., and Alvarado, Tex.; U.S. Highway 81 between Alvarado, Tex., and Hillsboro, Tex.; State Highway 171 between Hillsboro, Tex., and Coolidge, Tex.; U.S. Highway 84 and F. M. Road 73 between McGregor, Tex., and Coolidge, Tex.; State Highway 317 and F. M. Road 107 between McGregor, Tex., and Moody, Tex.; State Highway 95 between Temple, Tex., and Taylor, Tex.; U.S. Highway 79 between Taylor, Tex., and Round Rock, Tex.; U.S. Highway 183 between Austin, Tex., and Gonzales, Tex.; U.S. Highway 90 between Houston, Tex., and San Antonio, Tex.; F. M. Road 78 and State Highway 46 between San Antonio, Tex., and Seguin, Tex.; State Highway 123 between Seguin, Tex., and Stockdale, Tex.; U.S. Highway 87 between San Antonio, Tex., and Nixon, Tex.; and State Highway 80 and State Highway 97 and Alternate Route U.S. Highway 90 between Nixon, Tex., and Gonzales, Tex.; serving all intermediate points along such routes and coordinating such proposed service with service presently being rendered under existing certificates, and interchanging with other carriers at appropriate points of interchange.

The holder of this authority is authorized to operate over the following alternate routes only for operating convenience without service to any intermediate point: State Highway 97 between Waelder, Tex., and Gonzales, Tex.; State Highway 142 between San Marcos, Tex., and its intersection with U.S. Highway 183 North of Lockhart, Tex.; and F. M. Road 218 between its intersection with U.S. Highway 81 and State Highway 78 near Schertz, Tex. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. NOTE: Applicant holds a certificate of registration in No. MC–67485 (Sub-No. 2) and by application in No. MC–FC–70734, *Texas Film Service, Inc., Transferee, and William Thomas Hawkins, doing business as Hawkins Film Service, Transferor*, seeks approval to purchase the certificate of registration issued in No. MC–120281 (Sub-No. 1). Applicant is hereby cautioned that this order authorizes issuance of a certificate of registration as evidence of a right to engage in operations, in interstate or foreign commerce, as described substantially, as indicated above, *only insofar as such operations do not duplicate those authorized in certificate of registration No. MC–67485 (Sub-No. 2)*, and that acquired pursuant to the proceeding in No. MC–FC–70734, if and when approved. The publication in the FEDERAL REGISTER of the State authority sought differs to some extent from that authorized by the State Commission and that because it is possible that interested parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority granted by this order will be published in the FEDERAL REGISTER and issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading with this Commission; and good cause appearing therefor.

No. MC 96769 (Sub-No. 3) (Republication), filed February 23, 1966, published FEDERAL REGISTER, issues of March 16, 1966, and March 30, 1966, and republished this issue. Applicant: LIBERTY FILM LINES, INC., 2500 South Harwood Street, Dallas, Tex. Applicant's representatives: Reagan Sayers, 313 Perry-Brooks Building, Austin, Tex. 78701, and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin, Tex. 78701. Applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within the State of Texas. An order of the Commission, Operating Rights Board, dated March 21, 1969, and served March 31, 1969, finds that a certificate of registration shall concurrently be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, pursuant to that portion of Certificate of Convenience and Necessity No. 2625 authorized by order dated November 21, 1968, issued by the Railroad Commission of Texas:

General commodities to, from, and between all points along the following described routes, subject to the restrictions noted below: State Highway 289 between Dallas, Tex., and Celina, Tex.; F.M. Road 455 between Celina, Tex., and Pilot Point, Tex.; State Highway 99 between Pilot Point, Tex., and Whitesboro, Tex.; U.S. Highway 82 between Whitesboro, Tex., and Honey Grove, Tex., U.S. Highway 75 between Dallas, Tex., and Denison, Tex.; U.S. Highway 67 between Dallas, Tex., and Greenville, Tex.; State Highway 24 between Greenville, Tex., and Paris, Tex.; U.S. Highway 69 and State Highway 78 between Greenville, Tex., and Bonham via Leonard, Tex.; U.S. Highway 80 and Interstate 20 between Dallas, Tex., and Marshall, Tex.; F.M. Road 1403 between Longview, Tex., and Gilmer, Tex.; State Highway 155 and U.S. Highway 59 between Gilmer, Tex., and Atlanta, Tex.; U.S. Highway 259 between Daingerfield, Tex., and its intersection with State Highway 155 near Ore City, Tex.; State Highway 11 between Daingerfield, Tex., and Linden, Tex.; U.S. Highway 59 between Linden, Tex., and Marshall, Tex., and between Carthage, Tex., and Garrison, Tex., via Teneha, Tex.; State Highway 149 between Longview, Tex., and Carthage, Tex.; U.S. Highway 79 between Carthage, Tex., and Henderson, Tex.; F.M. Road 124 between Beckville, Tex., and its intersection with U.S. Highway 79; State Highway 64 between Wills Point, Tex., and Henderson, Tex.; U.S. Highway 69 between Mineola, Tex., and Tyler, Tex.; State Highway 31 between Tyler, Tex., and Kilgore, Tex.; State Highway 135 between Troup, Tex., and Gladewater, Tex., via Kilgore, Tex.; U.S. Highway 259 between Kilgore, Tex., and Longview, Tex., and between Henderson, Tex., and Mount Enterprise, Tex.; F.M. Road 95 and U.S. Highway 84 between Mount Enterprise, Tex., and Garrison, Tex.; State Highway 87 between Timpson, Tex., and Center, Tex.; U.S. Highway 96 between Teneha, Tex., and San Augustine, Tex.; between Bronson, Tex., and Jasper, Tex.; and between Kirbyville, Tex., and Silsbee, Tex.; State Highway 21 between San Augustine, Tex., and Milam, Tex.; State Highway 87 and F.M. Road 184 between Milam, Tex., and Bronson, Tex.; U.S. Highway 190 between Jasper, Tex., and Newton, Tex.; State Highway 87 and F.M. Road 363 between Newton, Tex., and Kirbyville, Tex., via Bleakwood, Tex.; State Highway 326 and U.S. Highway 90 between Kountze, Tex., and Nome, Tex., and serving all intermediate points along said routes and coordinating the service proposed herein with that now being rendered by the applicant and interchanging with other carriers at appropriate interchange points.

The holder of this authority is authorized to operate over the following alternate routes only for operating convenience without service to any intermediate point: U.S. Highway 69 between Bells and Denison; U.S. Highway 96 between San Augustine, Tex., and Bronson, Tex.; and between Jasper, Tex., and Kirbyville, Tex.; and U.S. Highway 259 between Kilgore, Tex., and Henderson, Tex. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. NOTE: Applicant hold certificate of public convenience and necessity No. MC–96769 (Sub-No. 1), issued by the Interstate Commerce Commission, authorizing transportation of certain commodities, in interstate or foreign commerce, between points solely within the State of Texas, and a certificate of registration in No. MC–96769 (Sub-No. 2). Applicant is hereby cautioned that this order authorizes issuance of a certificate of registration as evidence of a right to engage in operations, in interstate or foreign commerce, as described substantially above, *only insofar as such operations do not duplicate those authorized in Certificate MC–96769 (Sub-No. 1) and the Certificate of Registration in No. MC–96769 (Sub-No. 2)*. The publication in the FEDERAL REGISTER of the State authority sought is somewhat more limited than that authorized by the State Commission and that because it is possible that interested parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority granted by this order will be published in the FEDERAL REGISTER and issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading with this Commission.

No. MC 103993 (Sub-No. 357) (Republication), filed November 21, 1968, published in the FEDERAL REGISTER issue of December 12, 1968, and republished this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). By application filed November 21, 1968, Morgan Drive-Away, Inc., of Elkhart, Ind., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of trailers designed to be drawn by passenger automobiles, on initial moves, from points in Lincoln County, Nebr., to points in the United States (excluding Alaska and Hawaii); an order of the Commission, Operating Rights Board, dated March 20, 1969, and served April 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of trailers designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Lincoln County, Miss., to points in the United States (excluding Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding.

No. MC 128528 (Sub-No. 1) (Republication), filed April 24, 1968, published in the FEDERAL REGISTER issue of May 16, 1968, and republished, this issue. Applicant: ALPINE COACH LINES, LTD., 229 West First Street, North Vancouver, British Columbia, Canada. Applicant's representative: Donald F. Reid (same address as applicant). By application filed April 24, 1968, Alpine Coach Lines, Ltd, of North Vancouver, British Columbia, Canada, seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, in round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and the Province of British Columbia, Canada, located in Washington, and extending to Portland, Oreg. A report and order of the Commission, Review Board No. 1, decided March 28, 1969, and served April 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage in round-trip charter operations beginning and ending at points in Washington on the international boundary line between the United States and Canada and extending to points in Washington and to Portland, Oreg.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons who may have relied upon the notice of the application as published in the FEDERAL REGISTER may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 29079 (Sub-No. 54), filed March 24, 1969. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives household goods as defined by the Commission, and liquid commodities in bulk), between Toledo, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states tacking or joinder can be accomplished at any point in Ohio. This is a matter directly related to MC–F–10432, published in the FEDERAL REGISTER issue of April 3, 1969. If a hearing is deemed necessary, applicant requests it be held at Columbus or Toledo, Ohio.

No. MC 111545 (Sub-No. 115) (Clarification), filed January 22, 1969, published in the FEDERAL REGISTER issue of March 19, 1969, and republished as clarified this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield and pipeline commodities* as defined by the Commission in *Mercer Extension Oilfield Commodities*, 74 M.C.C. 459; *pipe; trenching machines; tractors; drag lines; back fillers; caterpillars; road building machinery; ditching machinery; bulldozers; cranes; heavy machinery; graders; construction equipment; scrapers; road maintainers;*

bridge construction equipment; heavy tanks; erection machinery and equipment; threshing machines; sawmill machinery; rollers; power shovels; lift equipment; commodities which because of size or weight require the use of special equipment; and *self-propelled articles* each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, between all points in Texas. NOTE: Applicant states it does not intend to tack, and avers there is no tacking possibility between the authority and that presently held by purchaser. The instant application is a matter directly related to MC–F–10376, published in the FEDERAL REGISTER issue of January 29, 1969, in which applicant seeks approval of authority to purchase the certificate of registration of Dennis Fuchshuber, doing business as: Equipment Transport Co., under MC 125288 (Sub-No. 1). This republication is for the purpose of reflecting the new tacking information. If a hearing is deemed necessary, applicant does not specify location.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

Nos. MC–F–9857 and MC–F–9759. (Republication) (INTERLINES-BLANKENSHIP MOTOR EXPRESS (Now system 99)—Purchase—LOM THOMPSON) and (INTERLINES-BLANKENSHIP MOTOR EXPRESS—Purchase—SAN DIEGO-IMPERIAL EXPRESS, INC.), published in the August 23, 1967, issue of the FEDERAL REGISTER on pages 12144 and 12145. This notice is in substitution for the prior notice. Applicants amended their applications at the suggestion of the Commission in order to provide a more clear-cut definition of the operating rights to be certified. The revised proposal, which uses all or parts of county boundaries, later mentioned, in lieu of mileage laterals, goes beyond and broadens the scope of the certificates of convenience and necessity and certificates of registration of System 99, San Diego-Imperial Express, Inc., and Lom Thompson, of the prior notice. The Commission has a present intention to designate the applications for the modified procedure, following expiration of the protest period. To the extent that the Applicants need evidence in support of a showing of public convenience and necessity, they may submit it. Authority is sought for purchase by INTERLINES-BLANKENSHIP MOTOR EXPRESS (Now system 99) 2600 Eighth Street, Berkeley, Calif. 94710, of the operating authorities of the vendors named in the above-stated caption. Operating rights sought by System 99, and those to be purchased, are described in the attached appendix, being the combined authority of the certificates of registration and Certificate of Public Convenience and Necessity in Nos. MC–121243 (Sub-1), MC–98234 (Sub-4) and MC–98327 (Subs-2 and 3). This authority extends beyond that presently authorized in parts of all of the following California counties: Modoc, Shasta, Trinity, Humboldt, Tehama, Glenn, Butte, Lake, Colusa, Yuba, Nevada, El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Marion, Solano, Madera, Fresno, Kings, San Benito, Merced, Stanislaus, Kern, San Luis, Obispo, Santa Barbara, Los Angeles, San Diego, Riverside, and Imperial.

APPENDIX

Regular routes—General Commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, motor vehicles, and livestock, between points in California, serving all intermediate points except as stated herein, as follows: From San Ysidro over U.S. Highway 101 to Cotati. From Los Angeles over U.S. Highway 99 to Sacramento. From Los Angeles over U.S. Highway 66 to San Bernardino. From San Bernardino over U.S. Highway 66 to Victorville. From Los Angeles over Interstate Highway 10 to Beaumont. From Los Angeles over U.S. Highway 60 to Blythe. From San Francisco over U.S. Highway 50 to Placerville. From Pinole over California Highway 4 to Angels Camp. From San Francisco over Interstate Highway 80 to Auburn. From Sacramento over U.S. Highway 99E and 99W and 99 to Redding. From Alturas over U.S. Highway 299 to Arcata. From Bartle over California Highway 89 to its junction with U.S. Highway 299. From Marysville over State Highway 70 to Pulga. From Arcata over U.S. Highway 101 to Scotia. From Grass Valley over California Highway 20 to Upper Lake. From Upper Lake over California Highway 29 to Middletown. From Lower Lake over California Highway 53 to its junction with California Highway 20. From junction of California Highway 175 and California Highway 29 at a point approximately 5 miles south of Kelseyville over California Highway 175 to Middletown. From Winterhaven over U.S. Highway 80 to San Diego. From Indio over California Highway 86 to Calexico. From junction U.S. Highway 60 near Whitewater over California Highway 111 to Calexico. From junction U.S. Highway 80 near Midway Wells over California Highway 98 to its junction with U.S. Highway 80 near Mountain Springs. From Los Angeles over Interstate Highway 5 to Redding. From Watsonville over California Highway 152 to its junction with U.S. Highway 99 near Chowchilla.

From San Lucas over California Highway 198 to Lemon Cove. From Paso Robles over California Highway 46 to Famosa. From junction U.S. Highway 101 near Santa Maria over California Highway 166 to its junction with U.S. Highway 99 near Wheeler Ridge. From Ventura over California Highway 33 to its junction with U.S. Highway 50 near Banta. From Bakersfield over State Highway 58 to Kramer. From Vallejo over California Highway 29 to Napa. From Glen Ellen over California Highway 12 to San Andreas. From Calipatria over California Highway 115 to its junction with California Highway 98 at Bonds Corner. From San Bernardino over U.S. Highway 395 to San Diego. From Los Angeles over California Highway 11 to San Pedro. From San Francisco over California Highway 1 to San Juan Capistrano. From San Rafael over California Highway 17 to Santa Cruz. From San Jose over Interstate Highway 680 to Vallejo. From Benicia over California Highway 21 to Cordelia. From Vallejo over California Highway 37 to its junction with U.S. Highway 101 near Navato. From Oakhurst over California Highway 49 to its junction with the Sierra and Butte County line near Camptonville. From Oakhurst over California Highway 41 to Morro Bay. From Salinas over California Highway 68 to Monterey. From Redlands over California Highway 38 to Big Bear Lake. From Blythe over California Highway 78 to Brawley. From Running Springs over California Highway 30 to its junction with U.S. Highway 66 near San Dimas. From San Bernardino over California Highway 18 to its junction with California Highway 138 near Llano. From Palmdale over California Highway 138 to its junction with U.S. Highway 66 near Cajon. From Mojave over California Highway 14 to its junction with U.S. Highway 99 near Newhall.

From Riverside over California Highway 91 to Hermosa Beach. From San Fernando over Interstate Highway 405 to its junction with U.S. Highway 101 near Irvine. From Saticoy over California Highway 118 to Pasadena. From Ventura over California Highway 126 to its junction with U.S. Highway 99 near Saugus. From Long Beach over California Highway 7 to Pasadena. From Long Beach over California Highway 19 to its junction with U.S. Highway 66 near Pasadena. From Newport Beach over California Highway 55 to its junction with California Highway 91 near Olive. From Oceanside over California Highway 78 to Escondido. From Santa Paula over California Highway 150 to Ojai. From Tulare over California Highway 63 to Orange Cove. From Woodlake over California Highway 65 to its junction with U.S. Highway 99 north of Bakersfield. From Visalia over California Highway 216 to Woodlake. From Bakersfield over California Highway 58 to McKittrick. From Greenfield over California Highway 119 to Taft. From Mendota over California Highway 180 to Fresno. From Salinas over California Highway 183 to Castroville. From Hollister over California Highway 156 to Castroville. From Napa over California Highway 121 to its junction with California Highway 37. From Vacaville over California Highway 505 to its junction with Interstate Highway 5 near Dunnigan. From Gustine over California Highway 140 to Mariposa. From Menlo Park over California Highway 84 to its junction with U.S. Highway 50 near Livermore. From San Mateo over California Highway 92 to Hayward. From Sacramento over California Highway 160 to its junction with California Highway 4 near Antioch. From Los Gatos over California Highway 9 to Santa Cruz. From Sunnyvale over California Highway 85 to Saratoga. From San Francisco over California Highway 82 to San Jose. From San Francisco over Interstate Highway 280 to San Jose. From Oakland over California Highway 24 to Walnut Creek.

From San Francisco over U.S. Highway 101 to Scotia, serving no intermediate points except as otherwise authorized. From San Francisco over U.S. Highway 101 to Hopland, thence over unnumbered highway to its junction with California Highway 29 near Finley, serving no intermediate points except as otherwise authorized. From Napa over California Highway 29 to Middletown, serving no intermediate points except as otherwise authorized. From Redding over U.S. Highway 99 to its junction with California Highway 89 near Mount Shasta, serving no intermediate points except as otherwise authorized. From junction U.S. Highway 99 near Mount Shasta over California Highway 89 to Bartle, serving no intermediate points except as otherwise authorized. With intermediate service to all off-route points situated in the counties of Alameda, Butte, Colusa, Contra Costa, Fresno, Glenn, Humboldt, Imperial, Kern, Kings, Lake, Los Angeles, Madera, Marin, Merced, Modoc, Monterey, Orange, Riverside, Sacramento, San Benito, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solono, Stanislaus, Sutter, Tehama, Trinity, Tulare, Ventura, Yolo, Yuba; and off-route points in the following counties west of California Highway 49: Amador, Calaveras, El Dorado, Nevada, Mariposa, Placer, Tuolumne; and off-route points in San Bernardino County south of California Highway 18 and west of California Highway 38. *Lumber and forest products*, between Eureka and the California-Oregon State line serving all intermediate points and all off-route points in Del Norte County, Calif., from Eureka over U.S. Highway 101 to the California-Oregon State line and return over the same route.

No. MC–F–10440. Authority sought for purchase by THE MASON & DIXON LINES, INCORPORATED, Eastman Road (Post Office Box 969), Kingsport, Tenn., of the operating rights and property of THOMAS MEYER and KINGDON MEYER, doing business as NEW BRUNSWICK TRANSFER, Super Highway (Post Office Box 531), New Brunswick, N.J., and for acquisition by E. WARD KING, E. WILLIAM KING, JOHN R. KING, and MARGARET K. NORRIS, all also of Kingsport, Tenn., of control of such rights and property through the purchase. Applicants' attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Monmouth, Ocean, Union, Hudson, Essex, Somerset, and Middlesex Counties, N.J. Vendee is authorized to operate as a *common carrier* in Tennessee, North Carolina, Georgia, Virginia, South Carolina, New York, New Jersey, Maryland, Delaware, Pennsylvania, Ohio, Indiana, Alabama, West Virginia, Michigan, Kentucky, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10441. Authority sought for purchase by WEATHERS BROS. TRANSFER CO., INC., 2728 Northeast Freeway NE., Atlanta, Ga. 30329 of the operating rights of CHARLES F. JOHNSON and GEORGE A. HARRIS, doing business as MORIARTY VAN LINES, 16 Marmion Street, Boston (Jamaica Plain), Mass., and for acquisition by R. L. WEATHERS, W. M. WEATHERS, GLORIA DOBBS, all of Atlanta, Ga., and L. W. WEATHERS, 1268 Druid Park Avenue, Augusta, Ga., of control of such rights through the purchase. Applicants' attorney: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between Boston, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Tennessee, Alabama, Delaware, Florida, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, Arkansas, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, Ohio, Rhode Island, District of Columbia, Connecticut, Oklahoma, West Virginia, Georgia, Arizona, California, and New Mexico. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10442. Authority sought for control by WESTBURNE INTERNATIONAL INDUSTRIES, LTD. (a noncarrier), of (1) H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue SE., Calgary, Alberta, Canada; (2) OIL AND INDUSTRY SUPPLIERS, LTD., 955 Maginot Street, St. Boniface, Manitoba, Canada; and (3) MERCURY TANKLINES, LIMITED, 5505 Sixth Street SE., Calgary, Alberta, Canada; and for acquisition by J. R. McCAIG, 2320 Sunset Avenue, Calgary, Alberta, Canada, J. A. SCRYMGEOUR, 5929 Elbow Drive, Calgary, Alberta, Canada, M. W. McCAIG, Box 5, Rural Route 2, Site 9, Calgary Alberta, Canada, R. W. McCAIG, 13 Turnbull Place, Regina, Saskatchewan, Canada, and W. H. ATKINSON, deceased (J. W. SCRYMGEOUR and F. R. MATHEWS, Executors), of control of H. M. TRIMBLE & SONS, LTD., OIL AND INDUSTRY SUPPLIERS, LTD., and MERCURY TANKLINES, LIMITED, through the acquisition by WESTBURNE INTERNATIONAL INDUSTRIES, LTD. Applicants' attorney: Ray F. Koby, 314 Montana Building, Post Office Box 2567, Great Falls, Mont. 59401. Operating rights sought to be controlled: (1) *Petroleum* and *petroleum products* (except liquefied petroleum gases), as defined in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from ports of entry on the United States-Canada boundary line at or near Portal and Noonan, N. Dak., to points in North Dakota on and west of North Dakota Highway 3; *liquefied petroleum gases*, in bulk, in tank vehicles, from junction Alaska Highway 7 and the United States-Canada boundary line near Porcupine, Alaska, to Haines, Alaska, from junction Alaska Highway 2 and the United States-Canada boundary line, near Tok Junction, Alaska, to Fairbanks, Alaska; from the ports of entry on the United States-Canada boundary line located at or near Eastport, Idaho, and Metaline Falls, Wash., to Spokane, Wash., and certain specified points in Idaho, with restriction; from junction Alaska Highway 2 and the United States-Canada boundary line, near Tok Junction, Alaska, to Anchorage, Alaska;

Vermiculite ore, in bulk, in tank vehicles, from points in Montana within 5 miles of Libby, Mont., to ports of entry on the United States-Canada boundary line at or near Roosville, Mont., and Eastport and Porthill, Idaho, with restrictions; *commodities* in bulk, between ports of entry on the United States-Canada boundary line located in North Dakota, Montana, and Idaho, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming; *sulphur*, in bulk, from the port of entry on the United States-Canada boundary line at Blaine, Wash., to Bellingham, Wash.; and *lignin liquor*, in bulk, from Bellingham, Wash., to the port of entry on the United States-Canada boundary line at Blaine, Wash.; (2) *soybean oil, edible animal fats, edible animal and vegetable oils and blends thereof*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Belmond and Sioux City, Iowa, and South St. Paul, Minn., to the United States-Canada boundary line at the port of entry at or near Noyes, Minn.; *animal fats, oils, lards, tallows or greases, or blends or combinations thereof*, in bulk, in tank vehicles, from Chicago (except that part of its commercial zone, as defined by the Commission, lying within Indiana), and Rochelle, Ill., certain specified points in Minnesota, South Dakota, Iowa, and Madison, Wis., to the port of entry on the United States-Canada boundary line located in Minnesota and North Dakota; *molasses*, in bulk, in tank vehicles, from certain specified points in Minnesota, and Pierce and St. Croix Counties, Wis., to the port of entry on

the United States-Canada boundary line at or near Noyes, Minn., with restrictions;

Liquefied petroleum gas, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and the Province of Manitoba, Canada, located in Minnesota and North Dakota, to points in Minnesota and North Dakota; and *agricultural chemicals*, from ports of entry on the United States-Canada boundary line located in Minnesota and North Dakota, to points in Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin, Utah, Colorado, Nebraska, Kansas, Iowa, Missouri, Illinois, Indiana, New Mexico, Texas, Oklahoma, and Arkansas, with restriction; and (3) *alcoholic beverages*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from ports of entry on the United States-Canada boundary line located in Montana, North Dakota, and Minnesota, to Baltimore, Md., and Detroit, Mich., with restrictions; between Bardstown, Ky., and El Segundo, Calif., on the one hand, and, on the other, points on the United States-Canada boundary line at or near the ports of entry at Sweetgrass, Mont., Portal, N. Dak., Noyes, Minn., Detroit, Mich., and Buffalo and Ogdensburg, N.Y., with restriction; from ports of entry on the United States-Canada boundary line, at or near Detroit, Mich., Buffalo and Ogdensburg, N.Y., and Blaine, Wash., to Owensboro, Ky., and Pekin, Ill., with restrictions; from the ports of entry on the United States-Canada boundary line at or near Sweetgrass, Mont., Portal, N. Dak., Noyes, Minn., and Detroit, Mich., to Cincinnati, Ohio, with restriction; from the ports of entry on the United States-Canada boundary line at or near Port Huron and Detroit, Mich., Buffalo and Ogdensburg, N.Y., to Sausalito, Calif., with restriction; from Cincinnati, Ohio, to ports of entry on the United States-Canada boundary line at or near Sweetgrass, Mont., Portal, N. Dak., and Noyes, Minn., between Louisville and Frankfort, Ky., on the one hand, and, on the other, ports of entry on the United States-Canada boundary line at or near Sweetgrass, Mont., Portal, N. Dak., and Noyes, Minn., with restriction;

Wine, and wine spirits, in bulk, in tank vehicles, from Trocha, Calif., to the port of entry on the United States-Canada boundary line at or near Sweetgrass, Mont., with restrictions; *edible oil*, from Jacksonville, Ill., to the port of entry on the United States-Canada boundary line at or near Sweetgrass, Mont., and Portal, N. Dak., with restriction; and *white oil*, from Petrolia, Pa., to ports of entry on the United States-Canada boundary line, located at or near Portal, N. Dak., and Sweetgrass, Mont., with restriction. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10380 (TRIMAC TRANSPORTATION LTD.—Control—MERCURY TANKLINES LTD.), published in the February 5, 1969, issue of the FEDERAL REGISTER, on page 1754. A Motion of Applicant To Dismiss Application or for Alternative Relief is also included.

No. MC-F-10443. Authority sought for purchase by B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202, of a portion of the operating rights of ASBURY TRANSPORTATION CO., 2222 East 38th Street, Los Angeles, Calif. 90058, and for acquisition by the SAMUEL ROBERTS NOBLE FOUNDATION, Post Office Box 878, Ardmore, Okla. 73401, of control of such rights through the purchase. Applicants' attorneys: Jerry Prestridge, Richard Kissinger, both of Post Office Box 1148, Austin, Tex. 78767, and James W. Wade, 453 South Spring Street, Los Angeles, Calif. 90013. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier*, over irregular routes, between points in Los Angeles, Orange, Ventura, Santa Barbara, San Luis Obispo, Kern, and King Counties, Calif., and those in that part of Fresno County, Calif., within 40 miles of Coalinga, Calif., on the one hand, and, on the other, points in Colorado, Montana, Nevada, Utah, and Wyoming. Vendee is authorized to operate as a *common carrier* in Texas, Arkansas, Oklahoma, Louisiana, Mississippi, Kansas, Colorado, New Mexico, Wyoming, and Nevada. Application has been filed for temporary authority under section 210a(b). NOTE: Petition To Dismiss Certain Parties and To Excuse the SAMUEL ROBERTS NOBLE FOUNDATION From Accounting, Reporting, and Securities Provisions of Part II of the Act, also included.

No. MC-F-10444. Authority sought for (1) control by ALLEGHANY CORPORATION, 350 Park Avenue, New York, N.Y. 10022, of (A) JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, and (B) ERIE TRUCKING COMPANY, Bridge Street and Schuylkill Road, Spring City, Pa. 19474; and (2) purchase by ALLEGHANY CORPORATION, 350 Park Avenue, New York, N.Y. 10022, of the operating rights and property of JONES MOTOR CO., Inc., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, and for acquisition by FRED M. KIRBY, also of New York, N.Y., and ALLAN P. KIRBY, JR., 17 De Hart Street, Morristown, N.J., of control of such rights and property through the transaction. Applicants' attorneys: David G. MacDonald, 1000 16th Street NW., Washington, D.C. 20036, and M. Lauck Walton, 2 Wall Street, New York, N.Y. 10005. Operating rights sought to be (1) controlled and (2) transferred. (1)(A) and (2) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of New Jersey, Pennsylvania, New York, Maryland, Vermont, Connecticut, Massachusetts, Rhode Island, Missouri, Michigan, Ohio, Illinois, Indiana, New Hampshire, West Virginia, Virginia, North Carolina, Delaware, Maine, South Carolina, Tennessee, Iowa, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-4963 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof; and (A) and (B) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Buffalo, N.Y., and Erie, Pa., serving no intermediate points, between Erie, Pa., and New York, N.Y., serving the intermediate point of Kane, Pa., and the off-route points in the New York City commercial zone, as defined by the Commission, Port Chester, N.Y., and points in New Jersey within 20 miles of Columbus Circle, N.Y.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Erie, Pa., on the one hand, and, on the other, points in New York and Pennsylvania within 80 miles of Erie, except Bradford and Custer City, Pa., and Buffalo, N.Y., between Kane, Pa., on the one hand, and, on the other, points in Pennsylvania within 80 miles of Erie, Pa., except Bradford and Custer City, Pa.; *rough rolled glass*, from Sergeant, Pa., to certain specified points in New Jersey, Rochester, and Elmira, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Commission, certain specified points in Ohio, and Baltimore, Md.; and *uncrated furniture*, from Kane, Pa., to Jamestown, N.Y. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10445. Authority sought for purchase by VICTORY EXPRESS, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427, of the operating rights and certain property of GLENN WEAVER, doing business as WEAVER TRUCKING SERVICE, Post Office Box 146, Washington, Ill., and for acquisition by CARL C. SCHAEFER, SR., also of Dayton, Ohio, of control of such rights and property through the purchase. Applicants' representative: W. L. Jordan, 205 Merchants Savings Building, Terre Haute, Ind. 47801. Operating rights sought to be transferred: *Sweeping compounds, waxes and soaps*, in packages, and *janitor maintenance supplies*, as a *contract carrier*, over irregular routes, from the plantsite of Frank Miller & Sons, Inc., at Riverdale, Ill., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, New

York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, with restriction. Vendee is authorized to operate as a *contract carrier* in all points in the United States (except Washington, Oregon, California, Arizona, Nevada, Idaho, Montana, Wyoming, New Mexico, Texas, Oklahoma, Alaska, and Hawaii). Application has been filed for temporary authority under section 210a (b).

No. MC-F-10446. Authority sought for control and merger by HUMBOLDT EXPRESS, INC., Faydur Court, Nashville, Tenn. 37210, of the operating rights and property of COVINGTON TRUCKING COMPANY, INC., Post Office Box 504, Covington, Tenn. 38019, and for acquisition by DAVID D. DORTCH, also of Nashville, Tenn., of control of such rights and property through the transaction. Applicants' attorney: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Covington, Tenn., and Memphis, Tenn., serving all intermediate points and the off-route point of Munford, Tenn., with restriction; and under certificates of registration, in Docket No. MC-108016 Sub-3 and Sub-5, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Tennessee. HUMBOLDT EXPRESS, INC., is authorized to operate as a common carrier under certificates of registration, within the State of Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10447. Authority sought for control and merger by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316, of the operating rights and property of E. A. SCHLAIRET TRANSFER CO., 701 Harcourt Road, Post Office Box 271, Mount Vernon, Ohio 43050, and for acquisition by AMERICAN COMMERCIAL LINES, INC., Box 13244, Houston, Tex. 77019, and, in turn by TEXAS GAS TRANSMISSION CORPORATION, 3800 Frederica Street, Post Office Box 1160, Owensboro, Ky. 42301, of control of such rights and property through the transaction. Applicants' attorneys and representative: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, K. Edward Wolcott, 248 Chester Avenue SE., Atlanta, Ga. 30316, John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215, T. Randolph Buck, Post Office Box 13244, Houston, Tex. 77019, and Robert O. Koch, 3800 Frederica Street, Owensboro, Ky. 42301. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Delaware, Ohio, and Sunbury, Ohio, between Worthington, Ohio, and junction Ohio Highways 3 and 161, serving all intermediate points, between Marion, Ohio, and Mount Vernon, Ohio, serving the intermediate points of Fredericktown, Ohio, between Columbus, Ohio, and Marion, Ohio, serving all intermediate points, between Columbus, Ohio, and Mount Vernon, Ohio, serving all intermediate points and certain off-route points, between junction new Ohio Highway 3 and old Ohio Highway 3 north of Westerville, Ohio, and junction new Ohio Highway 3 and Ohio Highway 61 north of Sunbury, Ohio, between Galena, Ohio, and new Ohio Highway 3, between Sunbury, Ohio, and junction new Ohio Highway 3 and Ohio Highway 37, serving no intermediate points; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Mount Vernon, Ohio, on the one hand, and, on the other, points in Knox County, Ohio, between points in Morrow County, Ohio (except Edison, Cardington, Mount Gilead, and Iberia, Ohio), on the one hand, and, on the other, points in Ohio; and under a certificate of registration, in Docket No. MC-32839 Sub-13, covering the transportation of property as a common carrier, in intrastate commerce, within the State of Ohio. TERMINAL TRANSPORT COMPANY, INC., is authorized to operate as a *common carrier* in Kentucky, Indiana, Illinois, Tennessee, Georgia, Alabama, Florida, and Ohio. Application has been filed for temporary authority under section 210a(b). NOTE: MC-32839 Sub-17 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-4441; Filed, Apr. 15, 1969; 8:48 a.m.]

[Notice 814]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 11, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41870 (Sub-No. 7 TA), filed April 1, 1969. Applicant: VICTOR L. LANGE, doing business as LANGE TRUCK LINE, Post Office Box 28, Pleasanton, Tex. 78064. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, *General commodities*, except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Poth, Tex., and Kenedy, Tex., from Poth over U.S. Highway 181 to Kenedy and return over the same route, serving all intermediate points, for 180 days. NOTE: Applicant will tack authority in MC-41870 at Poth, Tex., and will interline with other carriers at San Antonio, Tex. Supporting shippers: Karnes Mercantile Co., Inc., Karnes City, Tex. 78118; Sellers Drug Store, 121 West Main, Kenedy, Tex. 78119; Kauffmann Motor Co., Post Office Box 630, Kenedy, Tex. 78119; Witte Implement Co., Karnes City, Tex. 78118; City Parts & Service, Karnes City, Tex. 78118; Ruhmann Store, Post Office Box 479, Kenedy, Tex. 78119; Red Ewald Tractor Co., Karnes City, Tex. 78118; Kuhnels Hardware, Box 1038, Karnes City, Tex. 78118; G. E. Pogue Seed Co., Kenedy, Tex. 78119. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 82337 (Sub-No. 1 TA) (Correction), filed March 17, 1969, published in FEDERAL REGISTER, issue of March 27, 1969, and republished as corrected this issue. Applicant: MOELLER TRANSFER AND STORAGE CO., a corporation, 212 Coosa Street, Montgomery, Ala. 36104. Applicant's representatives: Harris & Harris, 410-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading, from points in Dallas County, Ala., to Montgomery, Ala., restricted to shipments having an immediately prior or subsequent movement by rail, for 180 days. NOTE: The purpose of this republication is to include certain exceptions in commodity description, which was inadvertently omitted in previous publication. Supporting shipper: Alament Division, Post Office Box 348, Selma, Ala. 36701. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 87720 (Sub-No. 91 TA), filed April 3, 1969. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Post Office Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar

Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and byproducts thereof, fiberboard and byproducts thereof, and paperboard and byproducts thereof*, from Akron, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. Restriction: Under contract with Packaging Corporation of America, for 180 days. Supporting shipper: Packaging Corporation of America, 1633 Chicago Avenue, Evanston, Ill. 60204. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 94201 (Sub-No. 66 TA), filed April 7, 1969. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 2188, East Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clorox* (Sodium hypochlorite solution), in bottles, in cartons, from the plantsite, warehouse and storage facilities of the Clorox Corp. at or near Atlanta, Ga., to points in Mississippi, for 180 days. Supporting shipper: The Clorox Co., Oakland, Calif. 94603, Attention: Mr. Earl M. Matson, Vice President, Traffic. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107544 (Sub-No. 83TA), filed April 7, 1969. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, from Bristol, Va., to points in Carter, Cocke, Greene, Hamblen, Hawkins, Johnson, Sullivan, Washington, and Unicoi Counties, Tenn.; Alleghany, Ashe, Surry, Watauga, and Wilkes Counties, N.C.; McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming Counties, W. Va.; Bell, Floyd, Harlan, Letcher, Knott, and Pike Counties, Ky., for 180 days. Supporting shipper: Shell Oil Co., 1250 Sixth Avenue, New York, N.Y. 10020. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 116073 (Sub-No. 94 TA), filed April 7, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, from New Ulm, Minn., to points in North Dakota, South Dakota, Wisconsin, and Iowa, for 180 days. Supporting shipper: Skyline Corp., Box 111, New Ulm, Minn. 56073. Send protests to: J. H. Ambs, District Supervisor, Interstate Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 95 TA), filed April 7, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *pickup campers*, by truckaway and towaway, in initial movement, from Caldwell, Idaho, to points in Washington, Oregon, California, Utah, Colorado, Montana, Wyoming, Nevada, and Arizona, for 180 days. Supporting shipper: Kit Manufacturing Co., Caldwell, Idaho 83605. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 118524 (Sub-No. 5 TA), filed April 4, 1969. Applicant: SIG WOLD STORAGE & TRANSFER, INC., 1301 Wells Street, Fairbanks, Alaska 99701. Applicant's representative: Lloyd I. Hoppner, Suite A, Teamsters Building, Post Office Box 516, Fairbanks, Alaska 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alaska, on the one hand, and, between points in the Seattle-King County-Puget Sound area, on the other, by all highways, using all existing gateways between Canada and the State of Washington, or by a combination of highways and marine transportation, including the vessels of the Alaska Ferry System, using all available ports of entry in the Puget Sound area, for 180 days. NOTE: The proposed authority overlaps the authority presently held by applicant. Supporting shippers: Military Transportation and Military Terminal Service, Washington, D.C.; Wayne Bloom, Safeway Stores, Inc., Manager, 315 Barnett, Fairbanks, Alaska 99701; Kenneth W. Hatch, Hatch Drilling Co., Owner, 908 Smyth Street, Fairbanks, Alaska 99701. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 118527 (Sub-No. 5 TA), filed April 4, 1969. Applicant: SOURDOUGH EXPRESS, INC., 508 12th Street, Post Office Box 288, Fairbanks, Alaska 99701. Applicant's representative: Lloyd I. Hoppner, Suite A, Teamsters Building, Post Office Box 516, Fairbanks, Alaska 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission between points in Alaska, on the one hand, and between points in the Seattle-King County-Puget Sound area, on the other, by all highways, using all existing gateways between Canada and the State of Washington, or by a combination of highways and marine transportation including the vessels of the Alaska Ferry System, using all available ports of entry in the Puget Sound area, for 180 days. NOTE: The proposed authority overlaps the authority presently held by applicant. Supporting shippers: Military Transportation and Military Terminal Service, Washington, D.C.; Robert L. Hufman, General Manager, Golden Valley Electric Association, Inc.,758 Illinois Street, Fairbanks, Alaska 99701; Lloyd A. Burgess, Chairman, Burgess Construction Co., 392–394 Hamilton Graehl, Fairbanks, Alaska 99701. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 123057 (Sub-No. 9 TA), filed April 2, 1969. Applicant: JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y. 10301. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, joint treatment products, and paint products, and such products*, as are used in the manufacture, installation, and distribution of the aforementioned products (except in bulk), from the plants and warehouses of the United States Gypsum Co., Staten Island, N.Y., to points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Pennsylvania, Delaware, Maryland, and the District of Columbia, *returned shipments of the same commodities* in the opposite direction, for 180 days. Supporting shipper: United States Gypsum Co., 600 Madison Avenue, New York, N.Y. 10022. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 124078 (Sub-No. 377 TA), filed April 3, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Wilsonville, Ala., to points in Georgia, for 150 days. Supporting shipper: Southern Fly Ash Co., Inc., Post Office Drawer 70, Wilsonville, Ala. 35186, (Robert W. Styron, Technical Director). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128213 (Sub-No. 2 TA), filed April 7, 1969. Applicant: T. LINDSAY MOVING & STORAGE, INC., 74 Illinois Avenue, Paterson, N.J. 07503. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, trunks, and duffle bags*, between Milford, Pa., and Lake Como, Pa., for 180 days. NOTE: Applicant proposes to tack this authority at Milford, Pa., with its authority in certificate MC–128213 authorizing the transportation, over irregular routes of the commodities named above, between Milford, Pa., on the one hand, and, on the other, points in New Jersey, for 180 days. Supporting shipper: The New Jersey YMHA–YWHA Camps, 589 Central Avenue, East Orange, N.J. 07018. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–4442; Filed, Apr. 15, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 11, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 10397, filed March 31, 1969. Applicant: CLAUDE GULLEY, JR., 180 Arthur Drive, Shreveport, La. 71105. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Shreveport, La., and Lake Charles, La., over U.S. Highway 171, serving all intermediate points and the off-route point of Fort Polk, subject to the following restrictions: (1) No commodity shall be transported in bulk, in tank vehicles; (2) no commodity shall be transported from Shreveport, La., destined to Lake Charles, La.; (3) no commodity shall be transported from Lake Charles, La., destined to Shreveport, La.; and (4) commodities moving in intrastate commerce will be assessed charges as published by the regular motor freight tariff bureau. NOTE: The traffic may move in the same vehicle in which applicant is transporting U.S. Mail under contract. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–4444; Filed, Apr. 15, 1969; 8:48 a.m.]

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Coast Guard
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Federal Home Loan Bank Board
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Housing and Urban Development Department
Indian Affairs Bureau
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
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Securities and Exchange Commission
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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

IMPORTATION

On October 12, 1968, there was published in the FEDERAL REGISTER (33 F.R. 15253) a notice of rule making concerning proposed amendments of §§ 319.37(b) and 319.37–19(c) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37 (b), 319.37–19(c)). After due consideration of all relevant matters presented and pursuant to the provisions of sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 162), said §§ 319.37(b) and 319.37–19(c) are hereby amended in the following respects:

1. Section 319.37(b) is amended as follows:

(a) Delete therefrom the following items now appearing in the "Plant material", "Foreign country or countries from which prohibited", and "Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material" tabular columns, respectively:

Plant material	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material
Pinus spp. (5-leaved)	All foreign countries when destined to States designated as noninfected in § 301.63–3a of this chapter or amendments thereof.	Cronartium ribicola Fischer (White-pine blister rust).
Ribes nigrum (both plants and seeds).	All foreign countries when destined to States designated as noninfected in § 301.63–3a of this chapter or amendments thereof.	Cronartium ribicola Fischer (White-pine blister rust).

(b) Revise the wording therein in the respective tabular columns relating to *"Ribes nigrum"*, to read as follows:

Ribes nigrum	England and New Zealand	Aphelenchoides ritzemabosi (Schwartz) Steiner (Black currant eel worm).
	British Isles and Sweden	Acrogenus ribis Burk. (Black currant reversion disease virus).

2. Amend § 319.37–19(c) by changing the wording in the tabular columns relating to *"Ribes nigrum"*, to read as follows:

Plants to be grown under postentry quarantine	*Where imported from*
Ribes nigrum	All foreign countries except British Isles, Canada, New Zealand, and Sweden.

(Secs. 1, 5, 7, 9, 37 Stat. 315–318, as amended; 7 U.S.C. 154, 159, 160, 162; 29 F.R. 16210, as amended; 33 F.R. 15485)

These amendments shall become effective upon publication in the FEDERAL REGISTER.

These amendments in part differ in form from those set forth in the notice of proposed rule making, but the changes made will not alter the effect of the amendments as adopted from what the effect of the proposal would have been. The items *"Pinus* spp. (5-leaved)" and *"Ribes* spp. (both plants and seeds)" are deleted from the proposed conditionally prohibited listing in § 319.37(b); and administrative instructions are being issued, under § 319.37–24 (Cooperation with States), which will result in imposing corresponding conditions by restricting the importation of these *Pinus* species and *Ribes* species into those States desiring protection against white-pine blister rust disease.

As proposed in the notice of rule making, Sweden is added to the list of countries from which importation of *Ribes nigrum* is prohibited on account of the black currant reversion disease virus; and the scientific name of the black currant eel worm is changed.

These amendments should be made effective promptly in order to accomplish the purpose of the amendments in the public interest. Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice and public participation in the rule making procedure concerning the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of April 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–4523; Filed, Apr. 16, 1969; 8:48 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

ADMINISTRATIVE INSTRUCTIONS CONCERNING IMPORTATION OF PINUS SPP. (5-LEAVED) AND RIBES SPP. INTO CERTAIN STATES

Pursuant to § 319.37–24 of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–24), under the authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 162), administrative instructions designated as § 319.37–24d are hereby issued to read as follows:

§ 319.37–24d Administrative instructions concerning importation of Pinus spp. (5-leaved) and Ribes spp. into certain States.

(a) In accordance with § 319.37–24 of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–24), the Director of the Plant Quarantine Division has determined that the States of Massachusetts, Michigan, New York, West Virginia, and Wisconsin have taken action to suppress white-pine blister rust. To assist in the suppression of this disease, these States have promulgated quarantines prohibiting the entry into such States in interstate commerce of *Pinus* spp. (5-leaved) and *Ribes* spp. and, further, have requested that the U.S. Department of Agriculture cooperate by restricting the importation from foreign countries of such materials into these States.

(b) Under authority conferred upon the Director of the Plant Quarantine Division by § 319.37–24, notice is hereby given that import permits will be refused for the importation of *Pinus* spp. (5-leaved) and *Ribes* spp. when destined to the States of Massachusetts, Michigan, New York, West Virginia, and Wisconsin, or any portion thereof as designated by the States.

(Secs. 1, 5, 7, 9, 37 Stat. 315–318, as amended; 7 U.S.C. 154, 159, 160, 162; 7 CFR 319.37–24; 29 F.R. 16210, as amended; 33 F.R. 15485)

These administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

The purpose of these administrative instructions is to cooperate with the States desiring protection against white-pine blister rust disease by prohibiting the importation of *Pinus* spp. (5-leaved) and *Ribes* spp. into such States from all foreign countries in furtherance of action already taken by those States to suppress the disease that might be introduced with such plants. Therefore, the administrative instructions should be made effective promptly in order to accomplish their purpose in the public

interest. Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on these instructions are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 2d day of April 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-4524; Filed, Apr. 16, 1969; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Designation of Certification Counties

Correction

In F.R. Doc. 69-4069 appearing at page 6235 in the issue of Tuesday, April 8, 1969, in § 718.28 the following changes should be made:

1. In the alphabetical listing under the center heading "Kentucky," change the word "Montgemery" to read "Montgomery."

2. In the second line of the authority citation, the reference to "7 U.S.C. 1378" should read "7 U.S.C. 1373".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 178]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.478 Navel Orange Regulation 178.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 15, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 18, 1969, through April 24, 1969, are hereby fixed as follows:

(i) District 1: 693,000 cartons;

(ii) District 2: 207,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4687; Filed, Apr. 16, 1969; 11:24 a.m.]

[Valencia Orange Reg. 272]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.572 Valencia Orange Regulation 272.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 15, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 18, 1969, through April 24, 1969, are hereby fixed as follows:

(i) District 1: 242,137 cartons;

(ii) District 2: 141,881 cartons;

(iii) District 3: 275,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4688; Filed Apr. 16, 1969; 11:24 a.m.]

[959.309, Amdt. 1]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959; 34 F.R. 6439), regulating the handling of onions grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the 1969 marketing season for South Texas onions is currently in progress and volume shipments are now being made, (2) compliance with this amendment will not require any special preparation by handlers, (3) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, (4) the length of time between the time the need for such amendment to the regulation is determined and the time it must become effective is relatively short because the daily shipments of production area onions increase very rapidly and such amendment should become effective before such onion shipments become excessive, (5) delaying the effective date of the amendment to the regulation would afford handlers an opportunity to increase their shipments of production area onions prior to the effective date thereby tending to nullify any benefits that may otherwise be derived from such amendment to the regulation.

Order, as amended. In § 959.309 (33 F.R. 17309) amend the limitation of shipments regulation by adding, to the end thereof, additional regulations to limit the packaging hours for South Texas onions, to read as follows:

§ 959.309 Limitation of shipments.

* * * * *

(h) *Packaging limitations.* During the period beginning on the effective date hereof through May 3, 1969, the packaging of onions is prohibited except during the hours of 12 noon through 6 p.m. of any Monday through Friday and during the hours of 10 a.m. through 12 noon of any Saturday: *Provided,* That:

(1) A handler may package during a different period in any specified day or days consisting of the same number of consecutive hours, upon giving the committee and Federal-State inspection service advance notice thereof. Such advance notice shall be by telephone to the committee office and the Federal-State inspection service, immediately confirmed in writing on forms provided by the committee for such purpose.

(2) Whenever a handler during the hours when he is authorized to package onions is prevented, by a condition hereinafter specified as being beyond his reasonable control, for more than 1 consecutive hour from so packaging onions, he may obtain permission from the committee to package onions during a comparable number of additional hours in the same day or a later day as specified by the committee. The conditions that are specified as being beyond a handler's reasonable control are:

(i) Interruption of utility services; or

(ii) Adverse weather; or

(iii) Fire; or

(iv) Mechanical failure of grading equipment; or

(v) Labor strike at the packing shed; or

(vi) Such other similar conditions as are so determined by the committee.

Whenever a handler is so prevented from packaging onions he shall immediately have a Federal-State inspector note the reason for such occurrence and the time thereof. The handler shall notify the committee by telephone within 2 hours of the inception of such condition and shall give immediate written confirmation thereof on forms provided by the committee for this purpose.

(3) Exemptions for special purposes: Onions for: (i) Export to locations outside the North American continent and not for reimportation; and (ii) repackaging into consumer size packages when such onions have been previously packaged during authorized hours for such packaging, have been inspected by a Federal-State inspector and have complied with such other regulations in effect issued pursuant to § 959.52; are exempt from the restrictions on the packaging and loading of onions on Sundays and the restrictions on the hours when onions may be packaged pursuant to § 959.53, *Handling for special purposes,* provided that the safeguard requirements established pursuant to § 959.54 are complied with.

(4) Safeguards:

(i) The handler shall make application for exemption for handling for such special purposes on forms prescribed by, and available at the office of the South Texas Onion Committee. Upon request by the committee the following information shall be supplied by the applicant:

(a) Name and address of the handler.

(b) Location of shed at which onions will be packaged for which exemption is requested.

(c) Reason for request.

(d) Anticipated date of shipment.

(e) Mode of transportation and, if for export, name of vessel.

(f) If for export, port of debarkation.

(g) Estimated quantity of each varietal type and size for which exemption is requested.

(h) Remarks, if any.

(i) Signature of applicant and date.

(j) Other information that may be required by the committee.

(ii) If it is determined by the committee from the available information that the applicant is entitled to an exemption for a quantity of onions, and if it is concluded that such exemption will not jeopardize the objectives of the program, the committee shall issue one or more exemption certificates to such handler. If it is determined from the available information that the applicant is not entitled to an exemption, he will be informed by written notice why the application was not granted.

(iii) Handlers repackaging onions or packaging onions for export must, in addition to complying with the foregoing, telephone or otherwise notify the committee office prior to such handling of onions and inform the committee of the period that they will be so handling onions during hours other than those authorized for the packaging of onions.

(iv) The handlers shall report all shipments made under an approved exemption on a form furnished by the committee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: April 15, 1969, to become effective April 18, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4589; Filed, Apr. 16, 1969; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—DUCK VIRUS ENTERITIS (DUCK PLAGUE)

Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, and 134b), Part 83, designated "Duck Virus Enteritis (Duck

Plague)" in Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. A new paragraph (t) is added to § 83.1 to read as follows:

§ 83.1 Definitions.

* * * * *

(t) *Approved vaccine.* A vaccine for the control of duck virus enteritis which is produced and tested in accordance with the regulations in Subchapter E of this chapter. A list of approved vaccines may be obtained from the Director of the Veterinary Biologics Division.

2. Paragraph (b) of § 83.5 is amended and a new paragraph (f) is added to read as follows:

§ 83.5 Interstate movement of domestic waterfowl, products thereof, and related articles from quarantined area restricted.

* * * * *

(b) *Other domestic waterfowl.* Domestic waterfowl, other than newly hatched domestic waterfowl, may be moved interstate from a quarantined area if they (1) originate from an approved source flock; (2) were hatched in an approved hatchery or under natural conditions on the farm of origin; (3) have been tested for duck virus enteritis by a State or Federal inspector and found to be negative; and (4) are not known to have been exposed to duck virus enteritis and are certified by a State or Federal inspector as meeting these requirements.

* * * * *

(f) *Eggs.* Clean eggs from domestic waterfowl may be moved interstate from a quarantined area if they originate in approved source flocks, are not known to have been exposed to products or equipment or personnel which may have been contaminated by nonapproved source flocks, and have been sanitized by means of a final rinse which contains (1) 200 parts per million of free chlorine or (2) 400 parts per million of a quarternary ammonium cationic detergent, and are certified by a State or Federal inspector as meeting these requirements.

3. Section 83.7 is amended to read as follows:

§ 83.7 Approval and maintenance of source flocks.

(a) A breeding flock or commercial flock of domestic waterfowl may be designated an approved source flock by the Director of Division after a period of 60 days during which the flock has been under the supervision of a Federal or State inspector, if:

(1) Flock records including mortality and egg production, when appropriate, are available for inspection by State or Federal inspectors;

(2) Any waterfowl that die in the flock are submitted to an approved laboratory for examination as requested by a State or Federal inspector and do not show pathological lesions of duck virus enteritis;

(3) The flock has not known to have been exposed to duck virus enteritis.

(4) The flock meets one of the following requirements:

(i) No evidence of duck virus enteritis has ever been known to exist in domestic waterfowl located on the premises; or

(ii) No evidence of duck virus enteritis has existed on the premises during the past 12 months and the flock at the time of approval is not known to have been affected with duck virus enteritis; or

(iii) The premises has been completely depopulated and thoroughly cleaned and disinfected under the supervision of a Federal or State inspector and left vacant for a period of 21 days, and such premises is repopulated with waterfowl from an approved source; or

(iv) No evidence of duck virus enteritis exists in waterfowl now located on the premises and the flock has been tested for duck virus enteritis by a State or Federal inspector and found to be negative.

(5) When flocks are vaccinated against duck virus enteritis, only an approved vaccine is used, it is used under the supervision of a State or Federal inspector and it is used only in flocks not known to have been affected with the disease.

(b) Maintenance of approved status: A breeding or commercial domestic waterfowl flock which has been designated an approved source flock by the Director of Division shall retain such status so long as the applicable provisions of paragraph (a) of this section are complied with under the supervision of a State or Federal inspector.

4. Paragraph (d) of § 83.8 is deleted and paragraph (c) is amended to read as follows:

§ 83.8 Approval of hatcheries.

* * * * *

(c) Only eggs from approved source flocks are hatched on the premises.

(d) [Deleted]

* * * * *

(Secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 4, 5, 6, and 7, 23 Stat. 32, as amended, secs. 1 and 3, 33 Stat. 1264 and 1265, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, 134b, 29 F.R. 16210, as amended, 33 F.R. 15485)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The purposes of the foregoing amendments are (1) to allow the interstate movement of eggs from approved source flocks from areas quarantined because of duck virus enteritis (duck plague); (2) to permit the use of an approved vaccine to be used in the vaccination of breeding or commercial flocks which are to be designated as approved source flocks; and (3) to clarify certain provisions of the regulations by a rearrangement of the format.

The amendments relieve certain restrictions presently imposed and will be of benefit to the Federal-State program now in operation in the State of New York for the control and eradication of duck virus enteritis (duck plague). The amendments should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved and to the Federal-State program. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of April 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-4522; Filed, Apr. 16, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Mutual Savings Banks in Massachusetts

1. Effective April 14, 1969, § 329.7 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.7) is amended by adding a new paragraph (f) as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.

* * * * *

(f) *Special notice account deposits in Massachusetts.* Notwithstanding paragraph (b) of this section, any insured nonmember mutual savings bank located in the Commonwealth of Massachusetts may pay a higher rate of interest or dividends on any deposit which is subject to a written agreement with the depositor that such deposit may not be withdrawn in whole or in part other than pursuant to the terms of a withdrawal notice signed by the depositor and to be received by the bank not less than 90 days in advance of a 9-day withdrawal period.

2a. The purpose of this amendment is to enable mutual savings banks in Massachusetts which are subject to this Corporation's interest regulations to compete more effectively with similar institutions in that State which are not subject to such regulations.

b. There was no notice and public participation with respect to this amendment, nor is the effective date thereof deferred after publication, since the board of directors had found pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6) that, under the circumstances, such procedure would cause delay and would prevent the action from becoming effective as promptly as necessary in the public interest.

(Sec. 9, 64 Stat. 881; applies or interprets sec. 18, 64 Stat. 891, 12 U.S.C. 1828)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-4520; Filed, Apr. 16, 1969; 8:48 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL

[No. 22,728]

PART 508—PROMULGATION OF REGULATIONS AND AMENDMENTS

Waiver or Relaxation of Regulatory Provisions in Disaster Areas

APRIL 14, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration of the desirability of amending Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) for the purpose of authorizing the Board to waive or relax any regulatory provisions with respect to any area affected by a major disaster as determined by the President of the United States, hereby amends said Part 508 by adding a new § 508.10–1, immediately after § 508.10, to read as follows, effective April 17, 1969:

§ 508.10–1 Waiver or relaxation of regulatory provisions with respect to disaster areas.

Whenever the President of the United States determines that a major disaster exists, or declares an area a major disaster area, the Board may, to the extent not inconsistent with law, by resolution waive or relax any limitations pertaining to the operations of Federal savings and loan associations, institutions insured by the Federal Savings and Loan Insurance Corporation and member institutions of the Federal Home Loan Bank System in any area or areas affected by such disaster or so declared.

(Sec. 17, 47 Stat. 736, as amended, secs. 5 402, 403, 48 Stat. 132, 1256, 1257, as amended; 12 U.S.C. 1437, 1464, 1725, 1726; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective upon publication in the FEDERAL REGISTER, the Board hereby finds that notice and public procedure on said amendment is contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b), and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-4558; Filed, Apr. 16, 1969; 8:51 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-4959]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guide for Preparation and Filing of Registration Statements; Misleading Names of Registrants

In recent months the Commission's Division of Corporation Finance has observed an increase in the incidences of registrants adopting names which may be misleading. Some registrants have used names which may create a misleading impression as to the nature of their business. For examples, registrants have proposed to use words such as "nuclear," "missile," "space," "nucleonics" or "electronics" in their names where they were not engaged in activity normally associated with those words, or only so engaged to a very limited extent.

The Division also may deem a registrant's name to be misleading if it is so similar to the name of another company, particularly a well-known and established company, that it is likely to be confused with the name of the other company.

The Commission has authorized publication of this proposed guide in order to bring the views of the Division to the attention of prospective registrants. Comments and suggestions on the proposed guide should be submitted to Charles E. Shreve, Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before May 5, 1969, so that the Division may have the benefit of the views of those interested before the guide is published in definitive form. Pending publication in definitive form, the Division will generally follow the proposed guide as published in the text set forth below.

54. *Misleading character of certain registrants' names.* A registrant's name may be materially misleading if it indicates a line of business in which the registrant is not engaged or is engaged only to a limited extent. If the registrant is not engaged to any substantial extent in the business indicated by the name, a change of name may be the only way to cure its misleading character. If the registrant is substantially engaged in the line of business, even though it does not comprise the major portion of the business, it may be sufficient to disclose under the name of the registrant on the cover page of the prospectus the limited extent to which the registrant is engaged in the business indicated by its name. This paragraph does not apply, however, to an established company which over a period of years has changed the general character of its business and where the investing public is generally aware of the change and the character of the registrant's present business.

A registrant's name may also be misleading if it is the same or substantially the same as the name of another well-known company. If it appears likely that the registrant's name may be confused with the name of the other company, consideration should be given to changing the name. However, if both companies are new or small and relatively unknown and are located in different parts of the country, so that investors are not likely to mistake one company for the other, it would be sufficient to disclose on the cover page of the prospectus, under the name of the registrant, the lack of any relationship between the two companies.

By the Commission, April 7, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4428; Filed, Apr. 16, 1969; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 in the Table of Contents §§ 200.53, 200.54, and 200.84a are deleted and §§ 200.97, 200.102, 200.103, and 200.106 are amended as follows:

Sec.	
200.97	Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages and Deputy; Assistant Commissioner for Property Improvement and Deputy; and the Assistant Commissioner for Multifamily Housing and Deputy; and Division Directors under their supervision.
200.102	Assistant Commissioners and Director, Audit Division.
200.103	Division Directors and their superiors; Field Office Directors, Deputies, and Assistants, and others.

200.106 Assistant Commissioner for Field Operations and Deputy; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration and Deputy; Director of Personnel; and Deputy Director of Personnel.

In Part 200 § 200.51 is amended to read as follows:

§ 200.51 Acting Commissioner.

The Deputy Assistant Secretary, the Executive Assistant Commissioner, the Assistant Commissioner for Field Operations, the Assistant Commissioner for Programs, the Assistant Commissioner for Administration, and the Assistant Commissioner-Comptroller, in the order named, are designated by the Assistant Secretary-Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties, and rights delegated to the Assistant Secretary-Commissioner by the Secretary of Housing and Urban Development.

§ 200.53 General Counsel and Associate General Counsel. [Revoked]

In Part 200 § 200.53 is revoked.

§ 200.54 Regional Operations Commissioners and Deputies. [Revoked]

In Part 200 § 200.54 is revoked.

§ 200.84a Assistant to the Commissioner, Intergroup Relations. [Revoked]

In Part 200 § 200.84a, is revoked.

In § 200.84e paragraph (c) is amended to read as follows:

§ 200.84e Director, Compliance Coordination.

* * * * *

(c) To assist the Deputy Employment Policy Officers, and the Deputy Contracts Compliance Officers with compliance activities under the Executive orders for equal opportunity in housing, equal employment opportunity in government and on government contracts and government-assisted contracts.

In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Assistant Secretary-Commissioner, Chairman; Deputy Assistant Secretary, Vice Chairman; Executive Assistant Commissioner; Assistant Commissioner for Field Operations; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; Assistant Commissioner for Property Disposition; and Director, Audit Division.

In Part 200, § 200.88 is amended to read as follows:

§ 200.88 Property Disposition Committee.

(a) *Members.* The Property Disposition Committee is comprised of the following members: Deputy Assistant Secretary, Chairman; Assistant Commissioner for Field Operations; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Technical Standards; Assistant Commissioner for Property Disposition; and such other members as the Assistant Secretary-Commissioner shall designate.

(b) *Functions.* The functions of the Property Disposition Committee are:

(1) To pass upon and determine the action to be taken with respect to the acceptance or rejection of any offer to purchase a property of 12 or more living units or any mortgage acquired by FHA in connection with multifamily housing mortgage insurance under any title of the Act, the sale and terms of sale of mortgages taken as security in connection with the sale of such properties, and to establish general policies with respect to the disposition of acquired properties and mortgages. The minutes of the Committee reflecting its determinations shall constitute the basis of acceptance or rejection of such offers and the execution of all documents and instruments relating and incident thereto by the Assistant Commissioner for Property Disposition or his Deputy.

(2) To determine whether or not an expenditure is "necessary to carry out the provisions" of titles I, II, VI, VII, VIII, and IX as such term is used in section 1 of the National Housing Act, and to approve such expenditure for and on behalf of the Assistant Secretary-Commissioner whenever such a determination and approval is necessary to support the legal authority of the Assistant Secretary-Commissioner to make such expenditure.

(3) In connection with the functions of this committee, the Chairman is authorized to execute in the official name of the Assistant Secretary-Commissioner, as his agent, all contracts of sale, deeds or any other documents or instruments necessary in connection with the sale of properties or with conveyance of title of such properties.

(4) This committee shall meet at the call of the Chairman and shall maintain minutes of each meeting. Such minutes shall be dated, consecutively numbered and shall be signed by each member who attended the meeting. The original of such minutes shall be retained by the Assistant Commissioner-Comptroller in the official FHA records.

In § 200.89, paragraph (a)(1) is amended to read as follows:

§ 200.89 Substantial Compliance Committee.

(a) *Members.* (1) The Substantial Compliance Committee is comprised of the following members: Assistant Commissioner for Property Improvement, Chairman; Assistant Commissioner-Comptroller; Assistant Commissioner for Administration; and Assistant Commissioner for Programs, or their designees.

* * * * *

In § 200.90, paragraph (a) is amended to read as follows:

§ 200.90 Finance Committee.

(a) *Members.* The Finance Committee is comprised of the following members: Director, Research and Statistics Division, Chairman; Assistant Commissioner-Comptroller, and Assistant Commissioner for Administration.

* * * * *

In § 200.92, paragraph (a) is amended to read as follows:

§ 200.92 Structural Defects Committee.

(a) *Members.* The Structural Defects Committee is composed of the following members: Assistant Commissioner for Home Mortgages, Chairman; Assistant Commissioner-Comptroller; and Assistant Commissioner for Technical Standards, or their designees.

* * * * *

In § 200.93, paragraph (a) is amended to read as follows:

§ 200.93 Multifamily Participation Review Committee.

(a) *Members.* The Multifamily Participation Review Committee shall consist of the following officials or their deputies: Assistant Commissioner for Field Operations, Chairman; Assistant Commissioner for Technical Standards; Assistant Commissioner for Multifamily Housing; Director, Audit Division; Director, Compliance Coordination; and such other members as the Assistant Secretary-Commissioner shall designate.

* * * * *

In § 200.97, the heading and introductory text are amended to read as follows:

§ 200.97 Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages and Deputy; Assistant Commissioner for Property Improvement and Deputy; and the Assistant Commissioner for Multifamily Housing and Deputy and Division Directors under their supervision.

To the positions of Assistant Commissioner for Field Operations and his Deputy; and as they apply to home mortgage insurance operations to the positions of Assistant Commissioner for Home Mortgages and his Deputy; and as they apply to property improvement loans under section 2 of title I of the National Housing Act to the positions of Assistant Commissioner for Property Improvement and his Deputy; and as they apply to multifamily housing mortgages to the positions of Assistant Commissioner for Multifamily Housing and his Deputy, and as they apply to multifamily housing project mortgage servicing to the positions of Director, Project Mortgage Servicing Division, and his Deputy and to the positions of branch chief and to each of them under their supervision, and as they apply to project mortgage insurance initiation to the positions of Director, Project Mortgage Insurance Division, and his Deputy and to the positions of branch chief and to each of them under their supervision, there is delegated the following duties and functions.

* * * * *

In § 200.102, the heading and introductory text are amended to read as follows:

§ 200.102 Assistant Commissioners and Director, Audit Division.

To the position of Assistant Commissioner, and to each of them, and to the position of Director, Audit Division, in addition to the authority granted under the provisions of section 204(g) of the National Housing Act, there is delegated the following duties and functions.

* * * * *

In Part 200 § 200.103 is amended to read as follows:

§ 200.103 Division Directors and their superiors; Field Office Directors, Deputies, and Assistants, and others.

To the position of Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Defense Coordinator, Division Director and Deputy Division Director, Field Office Director, Deputy Field Office Director, Assistant Field Office Director, there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (section 4 of the Act approved May 10, 1939, 53 Stat. 738).

In § 200.106, the heading and paragraph (a) are amended to read as follows:

§ 200.106 Assistant Commissioner for Field Operations and Deputy; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration and Deputy; Director of Personnel; and Deputy Director of Personnel.

(a) To the Assistant Commissioner for Field Operations; Deputy Assistant Commissioner for Field Operations; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; the Assistant Commissioner for Administration; the Director of Personnel; and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal Government, or any other oath required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., April 10, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-4521; Filed, Apr. 16, 1969; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-36]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

LAKE MEAD AT SOUTH BAY, ARIZ.

1. The U.S. Department of the Interior, National Park Service, Lake Mead Recreational Area, Boulder City, Nev., requested an expansion of the boundaries of the special anchorage area in South Bay, Lake Mead, Ariz., as described in 33 CFR 110.127(n), published in the FEDERAL REGISTER on March 23, 1968 (33 F.R. 4922). A public notice dated February 1, 1969, was issued by the Commander, 11th Coast Guard District, Long Beach, Calif., describing the proposed changes. All known interested parties were notified and requested to comment on the proposal. No objections were received. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice in the FEDERAL REGISTER is considered unnecessary. Therefore, the request to expand the boundaries of the special anchorage area as described in 33 CFR 110.127(n) below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. This document effectuates this request by revising paragraph (n) of § 110.127, describing the new limits of this special anchorage area.

3. In § 110.127, paragraph (n) is revised to read as follows:

§ 110.127 Lake Mohave and Lake Mead, Nev. and Ariz.

* * * * *

(n) *South Bay, Ariz.* That portion of Lake Mead enclosed by the shore and a line connecting the following points, excluding one 100-foot wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	*Longitude*
"a" 36°06'26"	"a" 114°06'18"
"b" 36°05'00"	"b" 114°06'50"
"c" 36°05'00"	"c" 114°06'18"

* * * * *

(Sec. 1, 30 Stat. 98 as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(ii))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: April 14, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69-4554; Filed, Apr. 16, 1969; 8:50 a.m.]

[CGFR 69-37]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

SAN DIEGO HARBOR, CALIF.

1. The Commander, 11th Coast Guard District, Long Beach, Calif., by letter dated March 18, 1969, requested the disestablishment of the Temporary Naval Anchorage in San Diego Bay, as described in 33 CFR 110.210(a)(4), since the Navy no longer has need for this temporary anchorage. The request is granted.

2. This document effectuates this request by revoking paragraph (a)(4) of § 110.210, which describes the limits of this anchorage ground, and by revoking paragraph (b)(5) of § 110.210, which prescribes the regulations pertaining thereto.

3. In Subpart B of Part 110, § 110.210 *San Diego Harbor, Calif.*, is amended by revoking paragraphs (a)(4) and (b)(5) thereof.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(i))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: April 11, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-4555; Filed, Apr. 16, 1969; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to the AEC Procurement Regulations implement and supplement Amendment 48 to the Federal Procurement Regulations. The principal change is the addition of a new Part 9-18, Procurement of Construction and Contracting for Architect-Engineer Services. Changes in other parts related to this addition are also included. Except for elimination of material (including elimination of AEC's termination article

for CPFF construction contracts) now covered by the FPR and transfer of material to the new part, there are no significant changes in these amendments.

PART 9–1—GENERAL

1. In § 9–1.104, *Applicability*, paragraph (c) is revised to read as follows:

§ 9–1.104 Applicability.

* * * * *

(c) The following sections and subparts of the Federal Procurement Regulations Part 1 and this AECPR Part 1 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors in the development of statements of contractor procurement practices as constituting areas which require appropriate treatment in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203.

Section or subpart	*Subject*
FPR:	
1–1.305	Specifications.
1–1.306	Standards.
1–1.307	Purchase descriptions.
1–1.310	Responsible prospective contractor.
1–1.316	Time of delivery or performance.
1–1.5	Contingent Fees.
1–1.6	Debarred, Suspended, and Ineligible Bidders.
1–1.7	Small Business Concerns.
1–1.8	Labor Surplus Area Concerns.
1–1.9	Reporting Possible Anti-trust Violations.
1–1.10	Publicizing Procurement Actions.
1–1.11	Qualified Products.
1–1.16	Reports of Identical Bids.
AECPR:	
9–1.303–1(b)	Procurement from local trade area sources.
9–1.305–1	Mandatory use of Federal Specifications.
9–1.310	Responsible prospective contractors.
9–1.350	AEC Specifications and Standards.
9–1.354	Prebidding and preproposal conferences.
9–1.5	Contingent Fees.
9–1.6	Debarred, Suspended, and Ineligible Bidders.
9–1.7	Small Business Concerns.
9–1.8	Labor Surplus Area Concerns.
9–1.9	Reporting Possible Anti-trust Violations.
9–1.11	Qualified Products.
9–1.50	Change Orders, Equitable Adjustments, and Supplemental Agreements for Fixed-Price Contracts.
9–1.54	General Policy for the Avoidance of Organizational Conflicts of Interest.

§ 9–1.355 [Deleted]

2. Section 9–1.355, *Combinations of architect-engineer and construction contracts*, is deleted.

3. Section 9–1.5401, *Purpose*, is revised to read as follows:

§ 9–1.5401 Purpose.

This subpart sets forth AEC general policy with respect to the avoidance of organizational conflicts of interest. This subpart is in addition to and not in lieu of other requirements in the AECPR concerning AEC policies for avoiding conflicts of interest. (See AECPR §§ 9–3.951 and 9–56.401(a)(2).) The Report to the President on Government Contracting for Research and Development (generally known as the Bell Report) proposed that each department and agency head develop a "Code of Conduct" for organizations in the research and development field. This subpart has been developed in accordance with that instruction.

4. In § 9–1.5407, *Guides applicable prior to selection of contractor and execution of contract*, paragraph (g) is revised to read as follows:

§ 9–1.5407 Guides applicable prior to selection of contractor and execution of contract.

* * * * *

(g) Combinations of contracts for architect-engineering and construction services, which may result in self-inspection of construction work, tend to prevent a contractor from rendering unbiased decisions, or create difficulties in segregating costs between contracts, and should be avoided. However, it is recognized that sometimes it is advantageous under carefully circumscribed conditions for AEC to obligate a single firm to perform both architect-engineer and construction work, or for AEC to enter into a contract for architect-engineer and construction management services which may include performance of a segment of the construction work with the contractor's own forces. Unless otherwise authorized by the Director, Division of Contracts, Headquarters, the following combinations of contracts shall not be awarded to the same firm or to affiliated companies:

(1) **CPFF** and fixed-price contracts for construction services, for on-site architect-engineer services, or for construction and on-site architect-engineer services on different construction projects, if the performance of any portion of the work under each contract is to be concurrent and in the same general location.

(2) **A** fixed-price contract or contracts, for both architect-engineer and construction services on the same construction project, or a CPFF contract for architect-engineer services and a fixed-price contract for construction services on the same construction project. If a firm is to be responsible under such contractual arrangements for both design and construction services, title III architect-engineer services shall be performed by another organization selected by the AEC.

(3) **A CPFF** contract for both architect-engineer and construction services on the same construction project (engineer-constructor contract). If this contractual arrangement is used, the contract shall provide for performance of the title III architect-engineer services by contractor's engineering personnel who are not responsible to the contractor's construction personnel, or the title III services shall be performed by another organization selected by the AEC.

PART 9–2—PROCUREMENT BY FORMAL ADVERTISING

5. Section 9–2.102–50, *Policy, cost-type contractor procurement*, is revised to read as follows:

§ 9–2.102–50 Policy, cost-type contractor procurement.

The following sections of AECPR Part 2 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors, Classes A and B, as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices, in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203. There are no provisions in FPR 1–2 which require appropriate treatment in the development of statements of contractor procurement practices.

Section	*Subject*
AECPR:	
9–2.102–51	Cost-type contractor procurement through competitive bids and awards.
9–2.406–50	Mistakes in bids for cost-type contractor procurement before and after award.
9–2.408	Information to bidders.

6. Section 9–2.201, *Preparation of invitations for bids*, is revised to read as follows:

§ 9–2.201 Preparation of invitations for bids.

When an option to increase or decrease the quantities specified is employed, the percentage inserted in the option should not normally exceed 25 percent and in no event shall it exceed 50 percent without prior authorization of the Director of the Headquarters division or office concerned. The following language is suggested for incorporation in invitations for bids:

> The Government reserves the right to increase or decrease the quantity specified in any item of the schedule by ------ percent without change in the unit price, if at any time during the life of the contract such an increase or decrease shall be determined to be in the interests of the Government.

When the contract contains a provision for termination for convenience of the Government, the words "or decrease" in the option may be deleted.

§ 9–2.403 [Deleted]

7. Section 9–2.403, *Recording of bids*, is deleted and reserved.

§ 9–2.407–1 [Deleted]

8. Section 9–2.407–1, *General*, is deleted and reserved.

§ 9–2.407–50 [Deleted]

9. Section 9–2.407–50, *Government estimates*, is deleted.

PART 9–3—PROCUREMENT BY NEGOTIATION

10. Section 9–3.408, *Letter contract*, is revised to read as follows:

§ 9–3.408 Letter contract.

Letter contracts shall contain a provision obligating the parties to enter into a definitive contract within a specified time (preferably within 120 days) or, upon failure to do so, the Government's obligation shall be limited to reimbursement of the contract's costs incurred under the terms of the letter contract through the termination date.

§§ 9–3.802–50, 9–3.802–51 [Deleted]

11. Sections 9–3.802–50, *Preparation for negotiation—architect-engineer and cost-plus-a-fixed-fee construction contracts*, and 9–3.802–51, *Preproposal conferences*, are deleted.

12. Section 9–3.805, *Selection of offerors for negotiation and award*, is revised to read as follows:

§ 9–3.805 Selection of offerors for negotiation and award.

As indicated in FPR 1–3.805–1, the procedures set forth in paragraphs (a), (b), (c), and (d) of FPR 1–3.805–1 may not be applicable in certain cases. See AECPR 9–56 for specific instructions to be followed for selection of contractors by board process.

§ 9–3.950 [Deleted]

13. Section 9–3.950, *Subcontracting by CPFF Prime Construction Contractors*, is deleted and reserved.

PART 9–6—FOREIGN PURCHASES

14. Section 9–6.000–50, *Policy, cost-type contractor procurement*, is revised to read as follows:

§ 9–6.000–50 Policy, cost-type contractor procurement.

The following subparts in FPR 1–6 and in this AECPR 9–6 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203:

Subparts	*Subject*
FPR 1–6.1	Buy American Act—Supply and Service Contracts.
AECPR 9–6.1	Buy American Act—Supply Service Contracts.

§§ 9–6.202—9–6.251 [Deleted]

15. Subpart 9–6.2, Buy American Act—Construction Contracts, is deleted in its entirety.

PART 9–7—CONTRACT CLAUSES

§ 9–7.5007–14 [Deleted]

16. Section 9–7.5007–14, *Termination article for cost-plus-a-fixed-fee construction contracts*, is deleted and reserved.

PART 9–8—TERMINATION OF CONTRACTS

§ 9–8.750 [Deleted]

17. Section 9–8.750, *Termination article for cost-plus-a-fixed-fee construction contracts*, is deleted and reserved.

PART 9–14—INSPECTION AND ACCEPTANCE

18. In § 9–14.5003, *Construction contracts*, paragraph (a) is revised to read as follows:

§ 9–14.5003 Construction contracts.

(a) Inspection services may be performed by the architect-engineer responsible for the design. Inspection services may not be procured from a fixed-price construction contractor with respect to its own work since this would represent self-inspection. Under cost-type contracts where the construction contractor and architect-engineer are the same, some degree of self-inspection may be permitted but shall not constitute final inspection and acceptance by the Government. (See AECPR 9–1.5407(g).)

* * * * *

PART 9–18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

19. New Part 9–18 is added as follows:

Sec.
9–18.000 Scope of part.

Subpart 9–18.1—General Provisions

9–18.102–1 General.
9–18.108 Government estimates.
9–18.111 Concurrent firm fixed-price and cost-type construction contracts.
9–18.112 Construction contracts with design architect-engineers.
9–18.150 Abstracts of construction bids and proposals.

Subpart 9–18.2—Formal Advertising

9–18.203–1 Preparation of invitations for bids.
9–18.205 Prebid conferences.

Subpart 9–18.3—Negotiations

9–18.303 Price negotiation policies and procedures.
9–18.305 Subcontracting policies and procedures.
9–18.306–2 Cost-reimbursement type contracts.
9–18.306–3 Selection of a cost-reimbursement type contractor.
9–18.306–50 Preparation for negotiation—architect-engineer and cost-plus-a-fixed-fee construction contracts.
9–18.307 Negotiations.

Subpart 9–18.6—Buy American Act

9–18.600 Scope.
9–18.602–1 General.
9–18.606 Violations of Buy American Act provisions in construction contracts.
9–18.650 Excepted supplies to be used in the construction, alteration, or repair of any public work.

Subpart 9–18.50—Rental of Construction Equipment

9–18.5000 Scope of subpart.
9–18.5001 General policy.
9–18.5002 Rental of contractor-owned equipment.
9–18.5002–1 Rental agreement.
9–18.5002–2 Rental period.
9–18.5002–3 Rental rates.
9–18.5002–4 Application of rates.
9–18.5002–5 Insurance.
9–18.5002–6 Rental limitation.
9–18.5002–7 Record of negotiation.
9–18.5002–8 Responsibility for repair and replacement.
9–18.5002–9 Equipment condition and inspection.
9–18.5003 Rental of third-party-owned equipment.
9–18.5003–1 Rental agreement.
9–18.5003–2 Rental rates.
9–18.5003–3 Insurance.
9–18.5003–4 Option to purchase equipment.

AUTHORITY: The provisions of this Part 9–18 issued under sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9–18.000 Scope of part.

This part implements and supplements the contracting procedures peculiar to construction contracts set forth in FPR 1–18 and also sets forth related AEC requirements for architect-engineer service contracts.

Subpart 9–18.1—General Provisions

§ 9–18.102–1 General.

See also AECPR 9–1.705–3.

§ 9–18.108 Government estimates.

A Government estimate of costs shall also be prepared for construction subcontracts under cost-type contracts. The services of the architect-engineer, operating contractor, or construction contractor will be used as appropriate in the preparation of Government estimates.

§ 9–18.111 Concurrent firm fixed-price and cost-type construction contracts.

See AECPR 9–1.5407(g).

§ 9–18.112 Construction contracts with design architect-engineers.

See AECPR 9–1.5407(g).

§ 9–18.150 Abstracts of construction bids and proposals.

Managers of Field Offices shall submit a copy of the certified abstract of bids or a certified copy of the abstract of proposals to the Director, Division of

Construction for each fixed-price contract and subcontract to be entered into by AEC and its cost-type contractors for construction projects on a formal advertising or an invited proposal basis which is estimated to equal or exceed $250,000 and which will require on-site labor. Each abstract shall be submitted promptly and shall include the Government estimate.

Subpart 9–18.2—Formal Advertising

§ 9–18.203–1 Preparation of invitations for bids.

(a) The following procedure shall be followed in furnishing copies of constructions plans and specifications:

(1) On all invitations, plans and specifications will be available on request to all prospective bidders, including general contractors, subcontractors, and materials and equipment suppliers. Where the cost of reproduction is $10 or more, the charge shall be a minimum of $10 and subject to a maximum of $25, depending upon the size of the project and the number of drawings and the volume of specifications involved. Where the cost of reproduction is less than $10, the Field Office Manager has authority to make distribution at cost of reproduction, or free of charge, as a particular situation dictates.

(2) No refund for the return of plans and specifications will be made except when the invitation is canceled or no award is made under the invitation. Under such circumstances, refund of payments will be made upon return of the plans and specifications in good condition to the issuing office.

(3) Plans and specifications will be issued without charge to such organizations as The Associated General Contractors of America, American Road Builders' Association, Dodge Reports, Blue Reports, Brown's Letters, Inc., and others that maintain public plan display rooms.

§ 9–18.205 Prebid conferences.

See also AECPR 9–1.354.

Subpart 9–18.3—Negotiations

§ 9–18.303 Price negotiation policies and procedures.

See also AECPR 9–1.50 and 9–3.405–5.

§ 9–18.305 Subcontracting policies and procedures.

The provisions of FPR 1–18.305(b) and AECPR 9–59 apply to the procurement of construction services by AEC cost-type contractors.

§ 9–18.306–2 Cost-reimbursement type contracts.

(a) *Conclusion of negotiations.* Architect-engineer letter contracts should also include the basis for determining the fee, which establishes the possible range of fees for the work.

§ 9–18.306–3 Selection of a cost-reimbursement type contractor.

See AECPR 9–56.

§ 9–18.306–50 Preparation for negotiation—architect-engineer and cost-plus-a-fixed-fee construction contracts.

(a) *General.* Before attempting to negotiate a contract, the following information should be prepared:

(1) *Description of the work.* A sufficiently detailed description and cost estimate of the work should be provided to permit an evaluation of services to be performed by the various participants and the degree of complexity of its principal components. For lump-sum A–E contracts, the information as to the work should be in more detail and on a firmer basis, particularly as to estimated costs, than for a CPFF contract. The estimated cost of the component items (including the costs of material and equipment furnished by AEC) and their descriptions, insofar as available, should be included as follows:

(i) Major buildings and other structures for which complete designs and specifications are to be prepared by the architect-engineer, including number and cost of each type, with as much information as is available (within security requirements) as to the functional requirements for such structures.

(ii) Major utilities, including classifications and costs in as much detail as practicable.

(iii) Special equipment to be procured by the operating contractor, construction contractor, or architect-engineer, or furnished by the AEC.

(iv) Special equipment to be designed by the architect-engineer.

(v) Special equipment to be installed by the construction contractor.

(2) *Estimated cost and time for completion.* A statement should be provided indicating total estimated cost of the work exclusive of the construction contractor's fee, and to the extent available identifying labor, material, and indirect costs, and any amount included for contingencies; estimate of cost of architect-engineer services; and estimated time of completion of design or construction work, with an explanation of the basis for establishing the completion schedules.

(b) *Extent of services*—(1) *Architect-engineer contracts.* A written statement should be prepared which gives the extent to which the services of the architect-engineer include any of the services set forth below.

(i) Title I—Provide the necessary topographical and other field surveys, test borings, and other subsurface investigations; prepare preliminary studies, sketches, layout plans, and outline specifications; and prepare reports including estimates of cost of the proposed project and of all structures, utilities, and appurtenances thereto.

(ii) Title II—Provide complete design of the work including preparation of all required preliminary and final working drawings, specifications, estimates, and contract documents; assist in securing, analyzing and evaluating bids or proposals for construction; and consult with the AEC on all questions arising in connection with the services performed by the architect-engineer.

(iii) Title III—Provide complete architect-engineer supervision and inspection of construction under the direction of a responsible representative. Check shop drawings, and furnish record drawings to show construction as actually accomplished.

(iv) Process design. Process design normally requires the preparation of flow diagrams showing each operating step to perform the process; material and heat balances where required; determination of the nature, capacity and design characteristics of production equipment; the general design of connecting flow lines to handle the calculated rates of product and byproduct flow; and schematic layouts.

(v) Procurement of materials and equipment. (Describe fully.)

(vi) Other special services. (Describe fully.)

(2) *Cost-plus-a-fixed-fee construction contracts.* See also FPR 1–18.306–2.

(3) *Cost-plus-a-fixed-fee engineer-constructor contracts.* A written statement should be prepared which gives the extent to which the services of the contractor cover the services set forth in subparagraphs (1) and (2) of this paragraph.

(4) *Procurement of special equipment.* Contracts for procurement services only are rarely used. Procurement of special equipment is generally contracted for in conjunction with CPFF contracts for construction, operating, or architect-engineer services. In special situations, procurement of other equipment and construction materials is also contracted for in conjunction with CPFF contracts for operating or architect-engineer services. The description of procurement services in subdivision (ii) of this subparagraph is applicable to all of these cases.

(i) Special equipment is equipment for which the purchase price is of such a magnitude compared to the cost of installation as to improperly reflect the amount of technical direction and management effort required of the contractor. The determination of the specific items of equipment in this category requires application of judgment and careful study of the circumstances involved for each project. This category of equipment would generally include items such as:

(*a*) Major items of prefabricated process or research equipment.

(*b*) Major items of preassembled equipment such as packaged boilers, generators, machine tools, and large electrical equipment.

In some cases it would also include special apparatus or devices such as reactor vessels and reactor charging machines.

(ii) Description of procurement services: Procurement as herein considered is an activity involving judgment, knowledge, and experience relating to the manufacture, use or application of the article or process to be purchased. It may include the development or location of sources of supply, and generally includes preparation of bidding documents, solicitation of proposals, analysis of proposals received (including where necessary technical and sometimes complicated evaluation of performance characteristics of the equipment of different manufacturers), inspection at manufacturer's plant as distinguished from inspection supplied under title III services of an architect-engineer contract, and evaluation of production capacities to meet required delivery. Procurement includes necessary coordination with participating contractors and the AEC for especially designed equipment, general and specific expediting, and special assistance to the manufacturers in helping to locate scarce materials and machine tools and in supporting allocations for critical materials where this is a necessary function. Procurement normally includes inspection and receiving upon delivery at the site (this may be a joint activity where the procuring agent is not the constructor) and payment. All on-site physical activities after delivery, including unloading, warehousing, hauling, and installation, are considered a construction activity and not procurement.

(iii) Selection of procuring agent: Coordination, timing, and technical know-how are important factors to be considered in the selection of a procuring agent. The advantages and disadvantages of placing full responsibility in one contractor for construction and procurement, or split responsibility where the procurement is placed under a contract with the architect-engineer or operating contractor, should be evaluated in the light of the above factors.

§ 9–18.307 Negotiations.

See also AECPR 9–3.805–50.

Subpart 9–18.6—Buy American Act

§ 9–18.600 Scope.

This subpart implements Federal Procurement Regulation Subpart 1–18.6.

§ 9–18.602–1 General.

(a) Contracting officers may make the determinations required by FPR 1–18.602–1 (b) and (c).

(b) The General Manager only may make the determination required by FPR 1–18.602–1(a) and may authorize deviations described in FPR 1–18.603–3.

§ 9–18.606 Violations of Buy American Act provisions in construction contracts.

Contracting officers shall make a complete written report (in triplicate) to the General Manager, through Director, Division of Contracts, of each violation of the Buy American Act provisions in contracts for construction. See FPR 1–18.606 and AECPR 9–1.6.

§ 9–18.650 Excepted supplies to be used in the construction, alteration, or repair of any public work.

The following list shall be noted in the specifications:

Antimony.
Asbestos.
Bauxite.
Chrome ore or chromite.
Cobalt.
Cork.
Graphite.
Jute and jute burlaps.
Logs, veneer, and lumber from balsa, greenheart, lignum vitae, mahogany, and teak.
Mica.
Nickel.
Rubber, crude and latex.
Shellac.
Tin.

Subpart 9–18.50—Rental of Construction Equipment

§ 9–18.5000 Scope of subpart.

This subpart sets forth general policy and instructions relating to rental of construction equipment for use by AEC cost-type contractors.

§ 9–18.5001 General policy.

It is the policy of the AEC:

(a) To use presently owned AEC construction equipment to the fullest extent. Careful investigation shall be made of the equipment available not only at the field office concerned, but at other field offices to determine whether such equipment can be economically utilized on the job. The Director, Division of Contracts, Headquarters, can assist in the investigation of excess equipment available in other offices.

(b) To rent construction equipment, where available, rather than purchase it, unless in the case of third-party-owned equipment, the Field Office determines that accrued rentals on a particular item of equipment will approximate the cost of ownership of it; except, however, individual items of construction equipment having an original cost of less than $1,000 ordinarily should be purchased and not rented. Where it is clearly to the advantage of the Government, items having a cost of less than $1,000 may be rented with the approval of the Manager of the Field Office. Whenever it is practical, cost and other factors considered, contractor-owned equipment shall be rented in preference to renting third-party-owned equipment.

(c) To pay rental for construction equipment at rates not higher than those prevailing in the locality, except under unusual circumstances, and at as low a rate as is consistent with securing modern equipment in good operating condition. Costs of repair, job interruption due to poor equipment, transportation and in-transit rental may well offset any apparent savings in rental rates. Rental paid shall be subject to any Government price ceiling regulations that may be in effect.

§ 9–18.5002 Rental of contractor-owned equipment.

§ 9–18.5002–1 Rental agreement.

The terms and conditions governing rental by the AEC of construction equipment from a prime cost-type construction contractor are set forth in AECPR 9–16.5002–12, Outline of agreement for rental of contractor-owned construction equipment. This form of agreement is designed for use as an appendix to an AEC cost-type construction contract. It may be modified for rental of equipment under other contractual arrangements, such as an operating contractor renting from a cost-type construction subcontractor, and it may be modified for use as a separate contract or as an attachment to a subcontract. Some of the aspects of this agreement to which particular attention should be given are set forth in §§ 9–18.5002–2 through 9–18.5002–9.

§ 9–18.5002–2 Rental period.

The base rental period shall extend from the time the equipment is accepted at the job site until the contractor is notified in writing by the AEC's representative that the equipment is no longer required. Subject to applicable limitations covered in the rental agreement form, the contractor shall be paid rental during the in-transit time and during the time required for equipment repair or replacement prior to return to the contractor.

§ 9–18.5002–3 Rental rates.

(a) Rates for rental of contractor-owned equipment shall be fair and equitable. The rental rates contemplate that the AEC will pay incoming and outgoing transportation costs and rental during in-transit time for both inbound and outbound transportation of equipment; however, terms more favorable to the AEC may be negotiated where appropriate. The rental rates to be paid for the use of contractor-owned equipment under normal conditions should not exceed 65 percent of the rates quoted in the latest edition of the Associated Equipment Distributors' "Compilation of Averaged Rental Rates for Construction Equipment." However, Managers of Field Offices may approve rates in excess of 65 percent of the current A.E.D. schedule when local conditions require higher rates. When it becomes necessary as a general practice to exceed 65 percent of the current A.E.D. schedule, the Manager of the Field Office shall advise the Director, Division of Contracts, Headquarters, explaining the circumstances.

(b) For items of equipment that are not covered by the A.E.D. schedule, use the latest edition of "Contractors' Equipment Ownership Expense" document published by The Associated General Contractors of America, Inc., and information on prevailing local rates for developing rates that would be consistent with the 35 percent reduction in the A.E.D. rates (i.e., taking into consideration the expenses paid by the Government under the rental agreement).

§ 9–18.5002–4 Application of rates.

The rental rates shall be applied in accordance with the following rules:

(a) *Basis of rates.* The rates shall be based upon one shift of 8 hours per day, 40 hours per week, or 176 hours per month of a 30 consecutive-day period.

(b) *Apportionment of rates.* The monthly rate and its pro rata shall apply to all rental periods of 1 month or more. The weekly rate and its pro rata shall apply to all rental periods of 1 week or more up to 1 month. The daily rate and its pro rata shall apply to all rental periods up to 1 week.

(c) *Overtime.* Inasmuch as there are certain elements of cost to an equipment owner which do not change even though the equipment is used on more than one shift per day, it is believed equitable to pay a lower rental rate during a second and third shift than would be paid during a single shift. Therefore, the rental agreement form provides for payment for overtime at a rate equal to one-half the rate for the first shift.

§ 9–18.5002–5 Insurance.

(a) Generally, rental rates should include the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods. The rental agreement for contractor-owned equipment is so worded.

(b) However, if the contracting officer determines that it is not practical to include the cost of such insurance in the rental rates, paragraphs 3(d) and 7(a) shall be amended as indicated in the applicable notes following these paragraphs in AECPR 9–16.5002–12.

§ 9–18.5002–6 Rental limitation.

The rental agreement form provides that when the total amount of rental paid to the contractor for any one unit of equipment equals 75 percent of the mutually agreed value of that unit as set forth in the initial inspection report, the equipment is to remain available for the work under the construction contract as long as it will be required without any further rental payments to the contractor. The rental ceiling of 75 percent of the agreed-upon value of the equipment applies to all rental paid, including rental paid during in-transit time to and from the site of the work and down time for any operating repairs or restoration of the equipment after it is no longer needed at the site. The purpose of this provision is to prevent the Government from paying rental in excess of the contractor's investment, and it is included in lieu of an "option to purchase clause." Once a particular piece of equipment has been released, the contractor will not be required to return it to the job under the original rental period.

§ 9–18.5002–7 Record of negotiation.

The record of negotiation shall set forth the information used to determine the reasonableness of the rental rates, including a breakdown of the contractor's equipment ownership expense similar to that itemized in The Associated General Contractors of America's document, "Contractors' Equipment Ownership Expense."

§ 9–18.5002–8 Responsibility for repair and replacement.

The rental agreement describes the responsibilities of the parties with respect to maintenance and repair necessary to the operation of the rented equipment, or replacement of such equipment. The AEC's responsibility includes repairs resulting from normal wear and tear, provided they were necessary in order to continue the equipment in service. However, when the equipment is no longer required on the job, the extent of the AEC's obligation is only to return the equipment to the contractor in as good operating condition as when received, less normal wear and tear.

§ 9–18.5002–9 Equipment condition and inspection.

(a) *Inspection.* Construction equipment shall be given a rigid and detailed inspection by representatives of the AEC and, at the contractor's option, by representatives of the contractor, before its shipment and acceptance or use on the job. Equipment shall be inspected under actual workloads insofar as practicable. In cases where it is not practical to inspect equipment prior to its shipment to the job site, the contractor should be informed of the extent of inspection and the expected condition of his equipment. In the event the equipment does not meet required standards, the transportation, rental, or any other expenses shall not be paid by the AEC unless at contractor's expense the equipment is repaired to acceptable standards in a reasonable length of time. A similar inspection shall be made immediately prior to scheduled return shipment of an item of equipment.

(b) *Inspection report.* The detailed inspection report shall follow in general AECPR 9–16.5002–14, Outline of inspection report of equipment, and shall be signed by each representative inspecting. The initial inspection report shall be used at the time of release as a basis for determining the repairs necessary to place the equipment in as good operating condition as when accepted, less normal wear and tear. After necessary repairs are completed, a final inspection report shall be completed by representatives of the AEC and, at his option, the contractor.

(c) *Trial period and defects.* If initial detailed inspection discloses that the condition of the equipment is doubtful, arrangements should be made with the contractor for a trial period of operation to prove the equipment, with provision that if equipment is found unacceptable in the trial period, no rental, transportation, or other expenses will be due the contractor. Repairs to equipment which fails in service due to defects not reasonably ascertainable on initial inspection shall be at the contractor's expense.

§ 9–18.5003 Rental of third-party-owned equipment.

§ 9–18.5003–1 Rental agreement.

The terms and conditions governing rental of construction equipment without operators from a third party are in accordance with §§ 9–18.5002–2, 9–18.5002–4, 9–18.5002–8, and 9–18.5002–9, and they are set forth in AECPR 9–16.5002–13—Outline of agreement for rental of third-party-owned construction equipment. Managers of Field Offices shall assure that these terms and conditions are used by AEC cost-type construction contractors and that similar terms and conditions are used by other AEC cost-type contractors or subcontractors in renting construction equipment from a third party. These terms and conditions may be suitably modified to provide for rental of equipment with operators. Some of the aspects of this agreement to which particular attention should be given are set forth below in this section.

§ 9–18.5003–2 Rental rates.

Third-party equipment shall be rented on the basis of competitive bids, rental rates, transportation costs, and other factors being considered. The rental specifications shall be based on the circumstances of a particular case, including the length of rental period, the availability of equipment in certain localities, and the work requirements.

§ 9–18.5003–3 Insurance.

The provisions of AECPR 9–18.5002–5 (a) also apply to the rental of construction equipment from a third party. However, if the contracting officer determines that the rental rates are not to include the cost of insurance or self-insurance covering loss of or damage to the equipment, Articles III(d) and VII(a) of the rental agreement shall be amended as indicated in the applicable notes following these articles in AECPR 9–16.5002–13, Outline of agreement for rental of third-party-owned construction equipment.

§ 9–18.5003–4 Option to purchase equipment.

When accrued rentals on a particular item of equipment will likely approximate the appraised value of equipment and a decision has been made not to purchase in accordance with § 9–18.5001 (b), consideration shall be given to including in the rental agreement an option to purchase the equipment.

PART 9–58—RENTAL OF CONSTRUCTION EQUIPMENT

20. Part 9–58, Rental of Construction Equipment, is deleted in its entirety.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 10th day of April 1969.

For the U.S. Atomic Energy Commission.

ROBERT A. KOHLER,
Acting Director,
Division of Contracts.

[F.R. Doc. 69–4479; Filed, Apr. 16, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4592]

[New Mexico 5820]

NEW MEXICO

Withdrawal for National Forest Recreation and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Glorieta Lookout and Picnic Ground

T. 16 N., R. 11 E.,
Sec. 5, lot 7.

Dalton Fishing Site

T. 17 N., R. 12 E.,
Sec 32, lots 5 and 11;
Sec. 33, lot 7.

Panchuela Administrative Site and Campground

T. 19 N., R. 12 E.,
Sec. 27, SE¼SW¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, NE¼NW¼SW¼, E½SE¼SW¼, NW¼SE¼SW¼, SE¼SW¼SW¼, and W½SW¼SE¼;
Sec. 34, N½NW¼NE¼, SW¼NW¼NE¼, and N½SE¼NW¼NE¼.

Rowe Mesa Administrative Site

T. 13 N., R. 13 E.,
Sec. 27, SE¼SW¼SE¼ and SW¼SE¼SE¼;
Sec. 34, NW¼NE¼NE¼ and NE¼NW¼NE¼.

Manzanares Administrative Site and Campground

T. 17 N., R. 13 E.,
Sec. 32, S½SW¼NE¼, E½SE¼SW¼, and W½SE¼.

Elk Mountain Lookout and Communication Site

T. 18 N., R. 13 E.,
Sec. 22, S½NW¼SE¼ and N½SW¼SE¼.

Beatty's Administrative Site

Tps. 19 and 20 W., R. 13 E., unsurveyed, Beginning at a point at the junction of the Pecos River and Padre Creek in sec. 31, T. 20 N., R. 13 E., thence N. 63° W., 35 chains; thence S. 27° W., 46 chains, to a point in sec. 6, T. 19 N., R. 13 E.; thence S. 63° E., 36 chains to point of intersection with the Pecos River in sec. 6, T. 19 N., R. 13 E.; thence northeast following the west bank of the Pecos River along its meanders to the point of beginning at the intersection of the Pecos River and Padre Creek, approximately 47.5 chains.

Bartillas Peak Lookout

T. 16 N., R. 14 E.,
Sec. 33, SW¼SW¼.

The areas described aggregate 704.72 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69–4486; Filed, Apr. 16, 1969; 8:45 a.m.]

[Public Land Order 4593]

[New Mexico 6337]

NEW MEXICO

Partial Revocation of Public Land Order No. 2198 of August 26, 1960

By virtue of the authority contained in section 4 of the act of March 3, 1927 (44 Stat. 1347; 25 U.S.C. 398d), it is ordered as follows:

1. Public Land Order No. 2198 of August 26, 1960, which withdrew lands for Indian use, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 N., R. 11 W.,
Sec. 29;
Sec. 33, N½N½, SE¼NE¼, S½NW¼, SW¼, E½SE¼, S½NW¼SE¼, and SW¼SE¼.

The areas described aggregate 1,220 acres in McKinley County.

2. This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), by which the offered lands will benefit a Federal land program.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69–4487; Filed, Apr. 16, 1969; 8:45 a.m.]

[Public Land Order 4594]

[Sacramento 080021]

CALIFORNIA

Withdrawal for National Forest Roadside Zone

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SIERRA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

A strip of land 200 feet wide on each side of the centerline of Yosemite Highway, California State Highway No. 41 (addition to lands withdrawn by Public Land Order No. 4485 of July 15, 1968), through:

T. 6 S., R. 21 E.,
Sec. 3, lot 1.

The area described contains approximately 8 acres in Madera County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69–4488; Filed, Apr. 16, 1969; 8:45 a.m.]

[Public Land Order 4595]

[Fairbanks 026761]

ALASKA

Revocation of Public Land Order No. 2548 of December 4, 1961

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 2548 of December 4, 1961, withdrawing the following described lands from sale or disposal for use of the Bureau of Indian Affairs, is hereby revoked:

BETHEL

U.S. Survey No. 3230 A and B, Block 11, lots 4, 5, 6, and 7.

The areas described contain 1.29 acres in the townsite of Bethel, and are designated on the official plat of survey as a Federal Reserve.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69–4489; Filed, Apr. 16, 1969; 8:45 a.m.]

[Public Land Order 4596]

[Idaho 1511; 1983]

IDAHO

Withdrawal for Administrative Site; Partial Revocation of Administrative Site Withdrawals

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation

under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for an administrative site for the Grays Lake National Wildlife Refuge:

BOISE MERIDIAN

T. 4 S., R. 43 E.,
Sec. 35, S½S½NW¼SE¼NE¼, SW¼SE¼NE¼, W½NE¼SE¼, SE¼NE¼SE¼.

The areas described aggregate 42.5 acres in Bonneville County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. The order of June 18, 1908, and Executive Order No. 2067 of October 28, 1914, withdrawing public lands for use of the Forest Service for a ranger station in connection with administration of the Caribou National Forest, are hereby revoked so far as they affect the lands described in paragraph 1 of this order.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4490; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4597]

[BLM 059129 (La.)]

LOUISIANA

Revocation of Executive Order No. 718

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 718 of December 7, 1907, withdrawing East Timbalier Island, at approximately latitude 29°3" N., longitude 90°18" W., as a preserve and breeding ground for native birds, to be known as the East Timbalier Island Reservation, is hereby revoked.

The lands shall not become subject to disposition under the public land laws unless and until it is so provided by an authorized officer of the Bureau of Land Management.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4491; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4598]

[Oregon 3209]

OREGON

Reservation for Constructed Forest Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral laws, nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601, 604), as amended, and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 532, 533):

WILLAMETTE MERIDIAN

BIG CANYON ROAD NO. N-164

T. 1 N., R. 42 E.,
Sec. 31, SE¼NW¼, NE¼SW¼, and W½SE¼.

A strip of land of variable width, being from 50 feet to 70 feet on each side of the centerline of Big Canyon Road No. N-164 in and through the above subdivisions as shown on a plat filed in the Land Office, Bureau of Land Management, Portland, Oreg.

Containing 11.18 acres in Wallowa County.

2. The withdrawal made by this order shall not preclude agricultural entries, of sales, exchanges or leases under applicable public land laws, or any legal subdivision traversed by any cooperator road constructed on any lands withdrawn by this order: *Provided*, That any such entry, sale, exchange, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4492; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4599]

[Oregon 3347 (Wash.)]

WASHINGTON

Withdrawal for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

OLYMPIC NATIONAL FOREST

WILLAMETTE MERIDIAN

Snow Creek Road Rock Pit No. 1

T. 29 N., R. 3 W.,
Sec. 24, A strip of land in the SW¼SE¼ on Snow Creek Road No. 2907.3 near the intersection of Jimmy Come Lately Road No. 2925, with boundaries described as follows:

Beginning at a point 100' south of the intersection of Roads 2907.3 and 2925 in the SW¼SE¼, sec. 24, thence 545' on a bearing of N. 01° W., thence 400' on a bearing of N. 89° E., thence 545' on a bearing of S. 01° E., thence 400' on a bearing of S. 89° W. to point of beginning.

Caraco Creek Road Rock Pit No. 1

T. 29 N., R. 4 W. (Protraction approved 9/24/63),
Sec. 23, A strip of land in the NW¼SW¼, with boundaries described as follows:

Beginning at a point approximately 0.92 mile from intersection of Forest Service Roads No. 2926 and No. 2927 along centerline of Road No. 2927 in the NW¼SW¼, sec. 23, thence 620' on a bearing of S. 30° E., thence 350' on a bearing of S. 60° W., thence 620' on a bearing of N. 30° W., thence 350' on a bearing of N. 60° E. to point of beginning.

The areas described aggregate 9.98 acres in Clallam County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4493; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4600]

[Idaho 1173]

IDAHO

Revocation of Administrative Site Withdrawal

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of March 14, 1927, withdrawing the following described public lands as an administrative site, is hereby revoked:

BOISE MERIDIAN

T. 10 N., R. 23 E.,
Sec. 15, S½NE¼.

Containing 80 acres in Custer County.

The lands are located on the eastern slope of the Lost River Mountains, just below the Challis National Forest boundary.

2. At 10 a.m. on May 16, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 16, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been open to location under the U.S. mining laws, for metalliferous minerals, and to applications and offers under the mineral leasing laws. They will be open to location for nonmetalliferous minerals at 10 a.m. on May 16, 1969.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 10, 1969.

[F.R. Doc. 69-4494; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4601]

[Oregon 3586 (Wash.)]

WASHINGTON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of May 4, 1934, and May 11, 1934, withdrawing lands for the Columbia Basin Project, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 26 N., R. 28 E.,
Sec. 12, NE¼SW¼.
T. 27 N., R. 29 E.,
Sec. 33, SE¼NW¼.
T. 28 N., R. 29 E.,
Sec. 28, NW¼NW¼;
Sec. 32, NE¼NW¼.
T. 28 N., R. 30 E.,
Sec. 31, SE¼NE¼.

The areas described aggregate 200 acres in Grant County.

2. At 10 a.m. on May 17, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on May 17, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4495; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4602]

[Anchorage 1073]

ALASKA

Partial Revocation of Executive Order No. 5289

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 5289 of March 4, 1930, withdrawing lands not to exceed 40 acres at each of several described places in Alaska for use of the Office of Education, is hereby revoked so far as it affects lands at Old Harbor, latitude 57°10', longitude 152°50'.

The tract has been surveyed as U.S.S. No. 2039, containing 7.66 acres. The plat and field notes of this survey were canceled effective February 27, 1968, and the lands are now part of tract "A" and "B", U.S.S. No. 4793, Townsite of Old Harbor.

Lot 1A, Block 1, Tract A of U.S.S. No. 4793 (1.63 acres) has been quit-claimed to the State of Alaska. The remaining 6.02 acres are subject to disposal only under the townsite laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4496; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4603]

[Oregon 2961]

OREGON

Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders of November 17, 1906, April 26, 1907, May 14, 1908, May 21, 1908, November 11, 1908, and November 24, 1908, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

WILLAMETTE NATIONAL FOREST

West Boundary Administrative Site

T. 20 S., R. 1 E.,
Sec. 2, lots 3 (SE¼NW¼), 14 (NE¼NW¼), and 15 (NW¼NW¼).

Winberry Administrative Site No. 62

T. 19 S., R. 2 E.,
Sec. 19, lots 11 (NE¼SW¼) and 12 (NW¼SW¼).

Detroit Ranger Station Administrative Site

T. 10 S., R. 5 E.,
Sec. 11, SE¼NW¼ and N½SW¼.

Brock Cabin Administrative Site

T. 20 S., R. 6 E.,
Sec. 2, metes and bounds (N½NE¼).

Bald Mountain Ranger Station Administrative Site No. 22

T. 10 S., R. 7 E.,
Sec. 3, SW¼.

Lava Lake Ranger Station Administrative Site No. 28

T. 13 S., R. 7 E.,
Sec. 18, E½E½SE¼.

Smith Prairie Ranger Station Administrative Site

T. 14 S., R. 7 E.,
Sec. 6, lots 6 (NW¼SW¼) and 7 (SW¼SW¼).

Horse Lake Administrative Site

T. 18 S., R. 7 E.,
Sec. 15, metes and bounds (SW¼SE¼);
Sec. 22, metes and bounds (W½NE¼ and NE¼NW¼).

The areas described aggregate 646.78 acres in Lane, Linn, and Marion Counties.

2. At 10 a.m. on May 17, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4497; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4604]

[Sacramento 076604; Riverside 03782]

CALIFORNIA

Powersite Restoration No. 598; Powersite Cancellation No. 183; Reservoir Site Restoration No. 37; Revocation of Powersite and Reservoir Site Withdrawals in Whole or in Part

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. The Executive orders of September 7, 1917, September 27, 1917, and June 8, 1926, creating Powersite Reserves No. 655 and 656, and Reservoir Site Reserve No. 17 respectively; and the departmental orders of July 7, 1922, July 17, 1924, October 12, 1929, and August 24, 1933, creating Powersite Classification Nos. 45, 80, 240, and 267 respectively, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

POWER SITE RESERVE NO. 655

T. 26 S., R. 32 E.,
Sec. 25, SE¼;
Sec. 36, E½.
T. 27 S., R. 32 E.,
Sec. 1, lots 2 and 3, SE¼NW¼, and SW¼;
Sec. 2, S½;
Sec. 12, NW¼NW¼.
T. 26 S., R. 33 E.,
Sec. 31, lot 1.

POWER SITE RESERVE NO. 656

All portions of the following described lands lying within 50 feet of the centerline of the constructed transmission line of the Kern River Co., as shown on map approved by the Secretary of the Interior on December 28, 1904, and map approved by the Secretary of Agriculture on January 27, 1914, and map accompanying permit granted by the Secretary of Agriculture on August 10, 1905:

T. 26 S., R. 32 E.,
Sec. 25, SE¼SW¼;
Sec. 35, SE¼NE¼, N½SE¼, and SW¼SE¼;
Sec. 36, N½NW¼ and SW¼NW¼.

POWER SITE CLASSIFICATION NO. 48

T. 28 S., R. 30 E.,
Sec. 11, SE¼SE¼;
Sec. 12, SE¼NE¼, S½SW¼, and SE¼;
Sec. 13, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 14, E½ and E½SW¼;
Sec. 15, S½SW¼;
Sec. 16, SE¼SE¼;
Sec. 20, SE¼SE¼;
Sec. 21, E½, E½NW¼, and SW¼;
Sec. 22, N½, N½S½, and SW¼SW¼;
Sec. 23, W½NE¼, SE¼NE¼, NW¼, N½SE¼, and SE¼SE¼;
Sec. 27, NW¼NE¼;
Sec. 28, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 30, W½SE¼;
Sec. 32, N½, N½SW¼, and SW¼SW¼;
Sec. 33, NW¼NW¼.
T. 27 S., R. 31 E.,
Sec. 24, SW¼SE¼;
Sec. 25, S½;
Sec. 26, E½SE¼;
Sec. 28, SE¼SW¼ and SW¼SE¼;
Sec. 32, SE¼NW¼;
Sec. 34, NW¼SW¼SE¼ and S½SE¼SE¼;
Sec. 35, NE¼, N½NE¼SW¼, SE¼NE¼SW¼, S½SW¼SW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 36, W½NW¼.
T. 28 S., R. 31 E.,
Sec. 5, SE¼NE¼ and SW¼SE¼;
Sec. 7, NE¼NE¼, S½NE¼, SE¼SW¼, and SE¼;
Sec. 8, NW¼, N½SW¼, and SW¼SW¼;
Sec. 18, lots 2 and 3, N½NE¼, SW¼NE¼, and E½NW¼.
T. 27 S., R. 32 E.,
Sec. 3, NE¼SE¼ and S½SE¼;
Sec. 10, NE¼, NE¼NW¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 11, N½N½, SE¼SW¼, and NW¼SE¼;
Sec. 14, SW¼NW¼ and W½SW¼;
Sec. 15, NW¼ and NW¼SE¼;
Sec. 16, N½NE¼ and NW¼;
Sec. 17, NE¼, NE¼NW¼, S½NW¼, and N½SW¼;
Sec. 18, NE¼SE¼ and S½SE¼;
Sec. 19, NW¼SE¼;
Sec. 20, SW¼NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 21, N½N½;
Sec. 22, NE¼, N½NW¼, and SE¼NW¼;
Sec. 23, NW¼NW¼.

POWER SITE CLASSIFICATION NO. 80

T. 23 S., R. 32 E.,
Sec. 12, NE¼SW¼ and NE¼SE¼; and
All lands within 50 feet of the marginal limits of the canals, conduits, pole lines, diverting dams, backwater, or other power structures of the Edison Electric Co. as shown on the right-of-way maps approved by the Secretary of Interior June 10, 1905; June 29, 1906; and October 15, 1906, or of its successors in interest within the following tracts:
T. 22 S., R. 32 E.,
Sec. 24, E½NE¼ and SE¼;
Sec. 25, E½;
Sec. 36, SE¼NE¼ and NE¼SE¼.
T. 23 S., R. 32 E.,
Sec. 1, lots 2 and 3, SW¼NE¼, and W½SE¼.
T. 21 S., R. 33 E.,
Sec. 7, NE¼NE¼, W½E½, and SE¼SW¼;
Sec. 18, W½NE¼ and E½W½;
Sec. 19, lot 3 unsurveyed portion;
Sec. 30, unsurveyed portion;
Sec. 31, unsurveyed portion.
T. 22 S., R. 33 E.,
Sec. 6, lots 4, 5, 6, 7, 10, 11, and 12;
Sec. 7, lots 1, 2, 5, 6, and 8;
Sec. 18, lots 2, 3, 4, 5, 6, 7, and 8;
Sec. 30, lots 2, 3, 4, 5, 6, and 8;
Sec. 31, lots 1 and 7, N½NE¼, SE¼NE¼, NE¼SE¼, and S½SE¼.
T. 23 S., R. 33 E.,
Sec. 6, lots 2 and E½SW¼;
Sec. 7, lots 1, 2, and NE¼NW¼.
T. 24 S., R. 33 E.,
Sec. 17, W½SE¼;
Sec. 29, W½NE¼ and NE¼SE¼;
Sec. 33, SE¼.
T. 25 S., R. 33 E.,
Sec. 3, lots 1 and 2, S½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼.

POWER SITE CLASSIFICATION NO. 240

All lands in the following described tracts lying within 20 feet of each side of the constructed transmission line of Southern California Edison Co. as shown on maps, Exhibit A and Exhibit B (revised) filed with its application Visalia 08694, and incorporated in its grant under the act of March 4, 1911 (36 Stat. 1253), issued by the Acting Secretary of the Interior on May 21, 1930:
T. 25 S., R. 29 E.,
Sec. 18, SE¼NE¼.
T. 25 S., R. 31 E.,
Sec. 20, S½SE¼SE¼;
Sec. 21, N½SE¼;
Sec. 22, S½NE¼ and SE¼NW¼.
T. 25 S., R. 32 E.,
Sec. 25, S½SW¼ and SW¼SE¼;
Sec. 36, N½NE¼.
T. 25 S., R. 33 E.,
Sec. 16, E½E½;
Sec. 21, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼;
Sec. 28, N½NW¼;
Sec. 29, NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 30, NE¼SE¼ and S½SE¼;
Sec. 31, NW¼NE¼ and N½NW¼.

POWER SITE CLASSIFICATION NO. 267

T. 26 S., R. 32 E.,
Sec. 25, E½NE¼, SW¼NE¼, NE¼SW¼, and S½SW¼;
Sec. 36, NW¼.

RESERVOIR SITE NO. 17

T. 28 S., R. 29 E.,
Sec. 34, SW¼NW¼ and N½SW¼.
T. 29 S., R. 29 E.,
Sec. 6, fractional NW¼NW¼ and fractional SW¼.
T. 26 S., R. 32 E.,
Sec. 25, E½NE¼, SW¼NE¼, NE¼SW¼, and S½SW¼;
Sec. 36, NW¼.

The areas described aggregate approximately 11,446 acres of private, public and national forest lands in Kern and Tulare Counties.

2. In its order of June 18, 1968 (DA-1080-California), the Federal Power Commission vacated the withdrawals created by the filing for preliminary permits for Power Projects Nos. 550 and 564 so far as such withdrawals affect any of the lands described in paragraph 1 of this order which are not occupied by the Isabella Project of the Corps of Engineers, U.S. Army, as constructed and as proposed for enlargement.

The lands listed in paragraph 1 are either patented, included in other withdrawals for power and other purposes, or have been subject to the general determination of the Federal Power Commission issued April 17, 1922. Some of the lands remain withdrawn subject to existing rights-of-way in power projects under the act of June 10, 1920, supra, and some have been restored subject to the provisions of section 24.

The State has waived the preference right of application for highway rights-of-way or material sites provided by section 24 of the Federal Power Act of June 10, 1920, supra.

3. At 10 a.m. on May 17, 1969, the public land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on May 17, 1969, the national forest lands not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made on such lands.

5. The public and national forest lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4498; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4605]

[I-2376]

IDAHO

Partial Revocation of Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Public Land Order No. 3707 dated June 24, 1965, withdrawing land for an administrative site for the Mountain Home Job Corps Conservation Center, is hereby revoked so far as it affects the following described land:

BOISE MERIDIAN

T. 3 S., R. 7 E.,
Sec. 20, a portion of the NW¼SW¼ described as beginning at a point on the west section line 397.90 feet southerly from the west quarter-section corner, thence southerly along said west section line 660 feet to a point on the northerly right-of-way line of an existing road; thence N. 82°25' E. along said existing northerly right-of-way line 660 feet; thence north 660 feet; thence S. 82°25' W., 660 feet to the point of beginning.

Containing approximately 9.91 acres in Elmore County.

2. At 10 a.m. on May 17, 1969, the land shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4499; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4606]

[Nevada 051769]

NEVADA

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of August 13, 1934, so far as it withdrew the following described public lands as Air Navigation Site No. 93, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 67 E.,
Sec. 29, SW¼;
Sec. 30, W½NE¼, E½NW¼, S½.

The areas described aggregate 637.33 acres in Lincoln County.

Of these lands, the SW¼SW¼ sec. 29; W½NE¼, E½NW¼, N½NE¼SW¼, E½SW¼NE¼SW¼, SE¼NE¼SW¼, N½NE½SE¼SW¼, SE¼NE¼SE¼SW¼, NE¼SE¼SE¼SW¼, and SE¼, sec. 30 have been patented.

The lands are located north of Pioche, Nev. Topography is moderate to gently sloping bench land. Vegetation consists of black sage and Indian rice grass.

2. At 10 a.m. on May 17, 1969, the public lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The public land has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4500; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4607]

[Oregon 2491 (Wash.)]

WASHINGTON

Partial Revocation of Public Land Orders Nos. 191, 261, and 1273

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 191 of November 1, 1943, and Public Land Order No. 261 of January 24, 1945, withdrawing public lands for use of the War Department for military purposes, as modified by Public Land Order No. 881 of January 30, 1953, which transferred lands from the jurisdiction of the War Department to that of the Atomic Energy Commission, and Public Land Order No. 1273 of March 14, 1956, withdrawing lands for use by the Atomic Energy Commission in connection with its Hanford Operations, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 10 N., R. 27 E.,
Sec. 12, lots 5, 6, 7, and 8, S½SW¼, and SW¼SE¼;
Sec. 14, NE¼NE¼.
T. 10 N., R. 28 E.,
Sec. 18, lots 1, 2, 3, 4, and 6, NW¼NE¼, S½NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 20, N½ and SE¼;
Sec. 28.

The areas described aggregate 2,032.34 acres in Benton County.

The lands are located northwest of Richland, Wash. Topography is level to rolling.

2. At 10 a.m. on May 17, 1969, the lands shall be open to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4501; Filed, Apr. 16, 1969; 8:46 a.m.]

[Public Land Order 4608]

[Wyoming 10641]

WYOMING

Withdrawal for Reclamation Project; Revocation of Public Land Order No. 4513

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Buffalo Bill Reservoir of the Shoshone Project:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 104 W.,
Sec. 11, S½SE¼;
Sec. 14, lots 1, 4, and 5.

The areas described aggregate 143.59 acres in Park County.

2. Public Land Order No. 4513 of August 12, 1968, withdrawing lands in secs. 11 and 14, T. 29 N., R. 84 W., for the Buffalo Bill Reservoir, is hereby revoked. The lands are withdrawn for a wildlife refuge, or are nonpublic.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4502; Filed, Apr. 16, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1005-A]

PART 1033—CAR SERVICE

Louisville and Nashville Railroad Co. Authorized To Operate Over Certain Trackage Abandoned by Tennessee Central Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 10th day of April 1969.

Upon further consideration of Service Order No. 1005 (33 F.R. 12660, 34 F.R. 12) and good cause appearing therefor:

It is ordered, That:

Section 1033.1005 *Service Order No. 1005* (Louisville and Nashville Railroad Co. authorized to operate over certain trackage abandoned by the Tennessee Central Railway Co.) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 12:01 a.m., April 12, 1969; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and

per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4533; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1023, Amdt. 1]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 14th day of April 1969.

Upon further consideration of Service Order No. 1023 (34 F.R. 6281), because substantial disruptions of railroad service because severe floods and certain work stoppages of railroad employees have resulted in extensive delays to freight cars, and other good cause appearing therefor:

It is ordered, That:

Section 1033.1023 *Service Order No. 1023* (Demurrage on freight cars), be, and it is hereby amended by substituting the following paragraph (m) for paragraph (m) thereof:

(m) *Effective date.* This order shall become effective at 7 a.m., May 1, 1969.

Effective date. This amendment shall become effective at 7 a.m., April 15, 1969.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4534; Filed, Apr. 16, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1079]

[Docket No. AO-295-A19]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Des Moines, Iowa, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Des Moines, Iowa, on March 24, 1969, pursuant to notices thereof which were issued March 6, 1969 (34 F.R. 5078) and March 12, 1969 (34 F.R. 5303).

The material issues on the record of the hearing relate to:

1. Diverted milk.
2. Location differentials.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diverted milk.* The limitation on the quantity of milk that may be diverted and pooled during the month should be based on a percentage of total receipts from producers at a pool plant or by a cooperative association rather than the present method of basing it on days of delivery by individual dairy farmers. Such diversions should be limited to 50 percent of the physical receipts at pool plants in the months September–March and 100 percent in the months April–August. Also, the point of pricing diverted milk should be at the plant to which diverted rather than the plant from which diverted.

Presently, in the months of July through March, milk of an individual dairy farmer may be diverted to a nonpool plant as producer milk on no more than the number of days during the month that it is delivered to a pool plant. During the remaining months of the year, unlimited diversions are permitted. Producer milk diverted to a nonpool plant is now considered a receipt at the pool plant from which diverted for pricing purposes. Diverted milk is not now included in the receipts at a distributing plant for determining the pool status of such a plant and no proposal to change this provision was considered at the hearing.

A cooperative association representing about 80 percent of the producers supplying the Des Moines market proposed amending the order. As proposed, a handler who is the operator of a pool plant could divert the milk of any individual producer who has one delivery to a pool plant during the month, without limitation during the other days of such month. The total quantity of diverted milk, however, could not exceed 50 percent in September through April and 75 percent in May through August of receipts at pool distributing plants. Also, the cooperative asked that the point of pricing diverted milk be at the plant of actual receipt.

The diversion privilege is primarily intended to obtain efficiency in the marketing of milk not needed at pool plants for fluid use. Instead of being physically received at the pool plant and then transferred to the nonpool plant, excess milk may be hauled directly from the farms to nonpool plants.

The present system of basing diversions on the number of days an individual producer's milk is actually delivered to a pool plant has the effect of causing each producer's milk to be delivered at least one-half the time to a pool distributing plant, regardless of whether that milk is needed on that number of days or not. This sometimes results in an uneconomical movement of milk. Under the present system, on some days distant milk must be delivered to a pool distributing plant in order to qualify, while at the same time nearby milk is diverted to a manufacturing plant. Basing diversions on a percentage of total deliveries will eliminate this uneconomic movement of particular loads of milk but will require the diverting handler to meet performance standards related to his entire producer milk supply. Requiring each producer to deliver at least 1 day during each month to a pool distributing plant will assure that each producer has a continuing association with the market.

During the months when reserve supplies are greatest, the order should allow for the greatest diversions. It is necessary to provide for diversions of lesser quantity in the other months of the year when most milk regularly associated with the market is needed to supply the Class I needs of the market. Limited diversions must be made during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when plants processing Class I products normally do not operate.

April through August are generally the months of greatest diversion to nonpool plants. In 1968, a quantity of milk representing about one-third of all the milk delivered to pool distributing plants during these 5 months was either transferred or diverted to nonpool plants. In the remaining 7 months, a quantity representing about 16 percent of the milk delivered to pool distributing plants was moved to nonpool plants. Since the need to divert milk varies considerably between different handlers a greater diversion limitation is needed to accommodate the operations of individual handlers. Thus, it is appropriate to permit pool plant handlers during the 5 months of April through August to divert up to 100 percent of the larger of the total quantity of producer milk received at such plant during the current month or the daily average receipts during the previous month, multiplied by the number of days in the current month. During the 7 other months, the quantity of milk that may be diverted should not exceed 50 percent of the receipts at pool plants.

Equivalent percentage limitations should apply to a cooperative acting as a handler on diverted milk. The 50 and 100 percent limitation would be based on the total member producer milk of such cooperative received at all pool plants during the month. The order should provide further that if a cooperative is diverting member milk during the month, then the allowable diversions by proprietary handlers should not include milk of producer members of the cooperative.

Although the proponent cooperative proposed a 100 percent diversion limitation during specified months in its proposal as published in the hearing notice, at the hearing the cooperative revised its proposal to permit a maximum diversion of only 75 percent of receipts at pool plants. Another cooperative opposed the proposed limits on diversions, particularly the further limitation not anticipated in the hearing notice. The 100 percent limitation specified herein will accommodate necessary diversions and, accordingly, it should be adopted.

Diversions in excess of the applicable percentages should not be considered producer milk. Furthermore, the divert-

ing handler should be required to specify the dairy farmers whose milk would not be included as producer milk during the month.

Producer milk diverted to a nonpool plant should be priced at the location of the plant to which diverted. Presently, the producer milk that is diverted during certain months is priced f.o.b. the pool plant from which diverted. Much of this milk is diverted to manufacturing plants located nearer to the farms than is the pool plant at which the milk is priced. Consequently, the hauling cost on such diverted milk is reduced. Pricing the milk at the plant from which diverted nevertheless allows the diverting handler the greater cost of delivery as if such milk were moved to the market.

A handler who operates a plant located in Ottumwa (Southeast Iowa) receives his milk supply from a dairy farmer cooperative which operates a manufacturing plant located in Cresco (Northeast Iowa). The distance from Cresco to Ottumwa is approximately 200 miles. These producers' farms are located in the area around Cresco. When the milk from these dairy farmers is not needed at the Ottumwa plant, it is diverted to the nearby manufacturing plant in Cresco thus saving the extra hauling cost for delivery to Ottumwa.

Based on the location adjustments recommended in this decision, if this milk were priced at the plant to which it is diverted, the price would be 28 cents per hundredweight less than the price applicable when it is received f.o.b. Ottumwa. The rate quoted by a hauling firm for transporting milk in bulk tank loads from Cresco to Ottumwa is 29 cents.

During the flush production months of May and June 1968, pricing diverted milk at the plant from which diverted reduced the pool fund approximately $9,000 per month according to estimates made by proponents. Pricing milk at the plant to which diverted will end this practice whereby the pool fund is reduced by the transportation allowance on milk that is not shipped to the market. In addition to the saving to the pool fund, the change will remove an uneconomic incentive which now exists to associate milk with the market primarily for the purpose of manufacturing such milk. Milk used in manufacturing is obtained in these circumstances at a price subsidized by hauling charges for costs on diverted milk which are not incurred. In view of the amount of money involved during the months of May and June, it is important that this issue be considered promptly.

The order presently contains the diversion provisions in the "Approved milk" definition. The diversion provisions contained in the attached order amendments refer to diversions from pool plants and describe "Producer milk" as the milk from dairy farmers that is subject to the pricing provisions of the order. The term "Approved milk" should be deleted and all references in the order to that term should be revised to refer to "Producer milk."

2. *Location differentials.* The order should be amended by deleting, except for plants located in Boone and Story Counties, Iowa, the minus 10-cent location adjustment applicable at plants located outside Polk County. Also, the location adjustment should be amended to use only the city halls in Des Moines and Ottumwa, Iowa, as basing points for determining mileages to plants located outside the marketing area.

Presently, the order establishes a 10-cent lower price on milk received from producers at plants located outside Polk County, Iowa. An additional 10 cents is deducted on milk received at plants located 60 to 75 miles from the nearer of the post offices in Corydon, Creston, Des Moines, Grinnell, Jefferson, or Ottumwa, Iowa, and such price is reduced an additional 1.5 cents for each 10 miles or fraction thereof such distance exceeds 75 miles.

A cooperative association which represents about 80 percent of the Des Moines market producers proposed the deletion of the 10-cent location adjustment at plants located outside Polk County, Iowa, except as it applies to plants in Boone and Story Counties, Iowa, and using only Des Moines as a basing point for determining mileages. A handler who operates a distributing plant regulated under the Greater Kansas City order testified in favor of this proposal.

Two handlers who operate plants located in Ottumwa, Iowa, opposed the deletion of the minus 10-cent location adjustment. They stated that they compete extensively with handlers regulated under the Cedar Rapids-Iowa City or Quad Cities-Dubuque orders, both of which markets have a 5-cent lower Class I price at the locations of the competing handlers' plants.

The milk supply for the Des Moines market is expanding in northeast Iowa and in the States of Minnesota and Wisconsin. In December 1968 there were 1,198 producers supplying the Des Moines market, 191 more than the 1,007 producers in December 1967. Forty-six of these new producers are located in Wisconsin, 25 in Minnesota, and in the State of Iowa 30 are in Delaware County and 25 in Dubuque County. In 11 other northeastern Iowa counties an additional 50 producers were added to the Des Moines market. Only 15 of the new producers coming on the market in this period came from outside this northeastern Iowa, Minnesota, and Wisconsin area.

The metropolitan area surrounding Des Moines, Iowa, is the largest population center in the marketing area, but Ottumwa is another important population center. Ottumwa is about 85 miles southeast of Des Moines. One of the two handlers who operate plants in Ottumwa purchases his milk from a cooperative association located in Cresco, Iowa. In the same general northeastern Iowa area there are producers who deliver their milk to handlers in Des Moines. This northeastern Iowa area is about the same distance from Ottumwa as from Des Moines. Thus, the cost of transporting milk from producers' farms in this area to Ottumwa is about the same as it is to Des Moines. Unless the Class I and producer price of milk at Ottumwa is as high as the Des Moines price, producers will prefer delivery to Des Moines rather than Ottumwa.

Heretofore, producers delivering to one of the plants at Ottumwa have collected the price applicable at Ottumwa on milk diverted to a northeastern Iowa manufacturing plant at some saving in hauling cost to them. This saving in hauling cost has offset to some extent the fact that their price has been 10 cents less at Ottumwa. With milk priced at the plant to which diverted, as proposed in this decision, such offsetting compensation will not be available.

The two Ottumwa handlers stated that they have substantial competition with an Iowa City handler regulated under the Cedar Rapids-Iowa City order and a handler located in Cedar Rapids but regulated under the Quad Cities-Dubuque order. These two other order handlers have a Class I price five cents lower than the Ottumwa price. The Ottumwa handlers stated that increasing their price 10 cents would give the two other order handlers a 15-cent competitive price advantage.

It is about 85 miles from Ottumwa to Iowa City and 100 miles from Ottumwa to Cedar Rapids. A reasonable allowance for transporting milk is generally recognized to be about 1.5 cents per hundredweight per 10 miles hauled. At that rate it would cost about 13 to 15 cents to transport milk to Ottumwa from these two cities. This transportation cost corresponds very closely with the 15 cents higher Class I price which will prevail in Ottumwa as a result of this decision to eliminate the 10-cent location adjustment.

Handlers opposing the elimination of the 10-cent location adjustment stated that they also compete with a Chicago Regional handler located in Whitewater, Wis. This Chicago handler distributes milk in Ottumwa and surrounding territory. The Class I price under the Chicago order at Whitewater would be 27 cents per hundredweight less than the Des Moines order price as adopted herein at Ottumwa. It is about 280 miles from Whitewater, Wis., to Ottumwa. At 1.5 cents per 10 miles distance, it would cost about 42 cents to transport a hundredweight of milk this distance. Thus, the Chicago Regional handler's price plus transportation cost would exceed the Ottumwa price by 15 cents.

The minus 10-cent location adjustment should continue to apply at plants located in Boone and Story Counties, Iowa. These two counties are in the northern tier of counties included in the marketing area and are nearest to the alternative milk supplies in northeastern Iowa and Minnesota.

Ames is the major distribution center in Story County and two handlers have plants located there. Ames is less than 40 miles from Marshalltown, Iowa, in the North Central Iowa marketing area. A handler regulated under the North Central Iowa order located at Marshalltown distributes milk in Ames. The Class I price under the North Central Iowa order at Marshalltown is 5 cents lower than the present Des Moines order price at Ames. Again, using the 1.5-cent transportation allowance per 10 miles, it would only cost 6 cents to transport milk to Ames from Marshalltown.

A similar situation exists with respect to handlers located in the city of Boone in Boone County who compete with a Fort Dodge handler who also is regulated under the North Central Iowa order. Fort Dodge is about 50 miles from Boone. This distance would support a transportation allowance of 7.5 cents. The Class I price at Fort Dodge under the North Central Iowa order is 10 cents less than the Des Moines price at Boone.

Since the present location adjustment results in appropriate alignment of prices at plants located in Boone and Story Counties, Iowa, with competing plants outside the Des Moines area, it should be retained.

The location adjustment at a plant located outside the marketing area should be based on the shortest highway mileage distance from such plant to the nearer of the post offices at Des Moines or Ottumwa. These two cities are the principal distribution centers in the marketing area. They are about equally distant from the northern Iowa, Minnesota, and Wisconsin supply area.

Under the present order if milk were priced at a plant located in Cresco, Iowa, a location adjustment measured from Grinnell of 30.5 cents would apply. As a result of this decision, the Cresco location adjustment would be measured from Des Moines and would be minus 28 cents. Since Cresco is closer to Grinnell than it is to Des Moines, changing the basing point would lower the price at Cresco 7.5 cents. However, by also deleting the minus 10-cent location adjustment now applicable to plants outside Polk County, the net increase at Cresco would be 2.5 cents.

Producers recommended that the price relationship between Carroll County, Iowa, and the city of Des Moines be maintained. They testified that two handlers located in the city of Carroll in Carroll County are regulated under the Nebraska-Western Iowa order. The Class I price under the Nebraska-Western Iowa order is 5 cents higher at Carroll than the Des Moines price. They expressed concern that if the Des Moines price were to be lowered at Carroll as a result of this decision, it might provide an incentive for these two handlers to become regulated under the Des Moines order. Presently, neither of these handlers have any sales in the Des Moines market.

The city of Carroll, Iowa, is located about 27 miles west of Jefferson, Iowa (one of the present basing points). Therefore, a plant located in Carroll presently has a price 10 cents below the Des Moines price. Carroll is 88 miles from Des Moines and as a result of this decision the location adjustment would be minus 13 cents. This slight change in the price applicable at Carroll is not sufficient to disturb the alignment of prices between these markets.

Entire order reissued. Because of the extensive changes in order terminology which are required by the substantive amendments herein proposed, the entire order should be reissued.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Des Moines, Iowa, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

Sec.
1079.1 Act.
1079.2 Secretary.
1079.3 Department.
1079.4 Person.
1079.5 Cooperative association.
1079.6 Des Moines, Iowa, marketing area.
1079.7 Producer.
1079.8 Distributing plant.
1079.9 Supply plant.
1079.10 Pool plant.
1079.11 Nonpool plant.
1079.12 Handler.
1079.13 Producer-handler.
1079.14 Producer milk.
1079.15 Fluid milk product.
1079.16 Other source milk.
1079.17 Base zone.
1079.18 Chicago butter price.

MARKET ADMINISTRATOR

1079.25 Designation.
1079.26 Powers.
1079.27 Duties.

REPORTS, RECORDS AND FACILITIES

1079.30 Reports of receipts and utilization.
1079.31 Other reports.
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CLASSIFICATION

1079.40 Skim milk and butterfat to be classified.
1079.41 Classes of utilization.
1079.42 Shrinkage.
1079.43 Responsibility of handlers and reclassification of milk.
1079.44 Transfers.
1079.45 Computation of the skim milk and butterfat in each class.
1079.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1079.50 Basic formula and class prices.
1079.51 Butterfat differentials to handlers.
1079.52 Location differentials to handlers.
1079.53 Use of equivalent prices.

APPLICATION OF PROVISIONS

1079.60 Producer-handler.
1079.61 Plants subject to other Federal orders.
1079.62 Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF UNIFORM PRICE

1079.70 Computation of the net pool obligation of each pool handler.
1079.71 Computation of aggregate value used to determine uniform price.
1079.72 Computation of uniform price.

PAYMENT FOR MILK

1079.80 Time and method of payment.
1079.81 Butterfat differentials to producers.
1079.82 Location differentials to producers.
1079.83 Producer-settlement fund.
1079.84 Payments to the producer-settlement fund.
1079.85 Payments out of the producer-settlement fund.
1079.86 Adjustment of accounts.
1079.87 Marketing services.
1079.88 Expense of administration.
1079.89 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1079.90 Effective time.
1079.91 Suspension or termination.
1079.92 Continuing power and duty of the market administrator.
1079.93 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

Sec.
1079.100 Separability of provisions.
1079.101 Agents.

AUTHORITY: The provisions of this Part 1079 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1079.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1079.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1079.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1079.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1079.5 Cooperative Association.

"Cooperative association" means any cooperative marketing association which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1079.6 Des Moines, Iowa, marketing area.

"Des Moines, Iowa, marketing area" (hereinafter called the "marketing area"), means all the territory within the boundaries of the city of Grinnell and the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne, all in the State of Iowa, including territory within such boundaries which is occupied by government (municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 1079.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received by a handler as producer milk.

§ 1079.8 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1079.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1079.10.

§ 1079.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1079.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1079.12 Handler.

"Handler" means: (a) Any person in his capacity as the operator of one or more pool plants, (b) any cooperative association with respect to the milk of producers diverted by the association for the account of such association from a pool plant to a nonpool plant, or (c) any person as the operator of a partially regulated distributing plant.

§ 1079.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants.

§ 1079.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer. *Provided*, That milk diverted under the conditions set forth in paragraphs (a), (b), and (c) of this section from a pool distributing plant to a nonpool plant for the account of either the operator of the pool distributing plant or a cooperative association shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant to which diverted.

(a) A handler pursuant to § 1079.12 (b) may divert for its account without limit during the other days of the month the milk of any member producers whose milk is received at a pool distributing plant for at least one delivery during the month. The total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of its member milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member milk received at all pool distributing plants during the previous month multiplied by the number of days in the current month.

(b) A handler in his capacity as the operator of a pool distributing plant may divert for his account the milk of any producer other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section whose milk is received at his pool distributing plant for at least one delivery during the month without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of producer milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to paragraph (a) of this section.

(c) Any milk so diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1079.12(b) in excess of the limits prescribed pursuant to paragraphs (a) and (b) of this section shall not be producer milk and if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler during the month shall be producer milk.

§ 1079.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1079.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1079.17 Base zone.

"Base zone" means all the territory within the marketing area except Boone and Story Counties, Iowa.

§ 1079.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1079.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1079.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1079.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1079.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1079.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1079.30 and 1079.31 or payments pursuant to §§ 1079.62, 1079.80, 1079.84, 1079.86, 1079.87, and 1079.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(j) Publicly announce and notify each handler in writing on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1079.50(b) and the Class I butterfat differential pursuant to § 1079.51(a), both for the current month; and the minimum price for Class II milk pursuant to § 1079.50(c) and the Class II butterfat differential pursuant to § 1079.51 (b) both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price pursuant to § 1079.72, and the butterfat differential pursuant to § 1079.81;

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month that was utilized in each class. For the purpose of this report the milk so delivered shall be allocated to each class in the same ratio as all producer milk received at such plant during the month.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1079.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1079.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his pool plants, in the detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in or represented by receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by producer milk diverted to nonpool plants pursuant to § 1079.14;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk on routes in the marketing area; and

(g) Each handler operating a partially regulated distributing plant shall report as required in this section substituting receipts from dairy farmers for receipts of producer milk.

§ 1079.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his plants his producer (or dairy farmer) payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1079.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1079.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market adminstrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1079.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1079.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1079.41 to 1079.46.

§ 1079.41 Classes of utilization.

Subject to the conditions set forth in § 1079.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (b) (2) of this section; and

(2) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(5) Skim milk and butterfat in shrinkage not in excess of two percent of the receipts of (i) producer milk (except milk diverted to a nonpool plant pursuant to § 1079.14), (ii) fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler, and (iii) fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(6) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1079.42(b) (2).

§ 1079.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Items specified in § 1079.41(b) (5); and

(2) Remaining receipts of other source milk.

§ 1079.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1079.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1079.46(a) (8) and the corresponding step of § 1079.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 7079.46(a) (3) and the corresponding step of § 1079.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1079.46(a) (7) and (8) and the corresponding steps of § 1079.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 150 miles by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa;

(d) As Class I milk, if transferred or diverted from a pool plant in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1079.30 for the month within which such transaction occurred:

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization (except in ungraded cream disposed of for manufacturing uses) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1079.41.

§ 1079.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each pool plant and for producer milk diverted to each nonpool plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1079.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1079.45, the market administrator shall determine the classification of producer milk received by each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1079.41(b) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Substract from the result the sum of the pounds of skim milk at all such

plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1079.27(1); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1079.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1079.50 Basic formula and class prices.

Subject to the provisions of §§ 1079.51 and 1079.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 and plus 20 cents.

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1079.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1079.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 1079.52 Location differentials to handlers.

(a) For producer milk received at a plant located inside the marketing area but outside the base zone or a plant located outside the marketing area and 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator, from the post offices of Des Moines and Ottumwa, Iowa, which is classified as Class I or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents. For plants outside the marketing area such price shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition remaining at the transferee plant after computations pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b) in excess of 95 percent of receipts of producer milk at such plant, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1079.53 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1079.60 Producer-handler.

Sections 1079.40 to 1079.46, 1079.50 to 1079.52, and 1079.80 to 1079.88 shall not apply to a producer-handler.

§ 1079.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1079.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Des Moines marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1079.30) and allow verification of such reports by the market administrator.

§ 1079.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1079.30 and 1079.31(b)(1) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1079.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1079.70(e) and a credit in the amount specified in § 1079.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1079.30 and 1079.31(b)(1) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1079.10(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

Determination of Uniform Price

§ 1079.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1079.46(c), by the applicable class prices (adjusted pursuant to §§ 1079.51 and 1079.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1079.46(a)(10) and the corresponding step of § 1079.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(5) and the corresponding step of § 1079.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(7) and the corresponding step of § 1079.46(b).

§ 1079.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f.o.b. pools plants located within the base zone, as follows:

(a) Combine into one total the values computed pursuant to § 1079.70 for all pool plants for which the reports prescribed in § 1079.30 for such month were made, except those in default of payments required pursuant to § 1079.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in § 1079.72 (a) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1079.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1079.72 Computation of uniform price.

For each month the market administrator shall compute a uniform price for milk of 3.5 percent butterfat content, f.o.b. pools plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1079.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1079.70(e); and

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the uniform price for milk received from producers.

PAYMENT FOR MILK

§ 1079.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform price pursuant to § 1079.72 adjusted pursuant to §§ 1079.81, 1079.82 and 1079.87, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1079.81 Butterfat differentials to producers.

The uniform price pursuant to § 1079.72 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1079.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1079.82 Location differentials to producers.

(a) The uniform price for producer milk pursuant to § 1079.72 received at a pool plant or diverted from a pool plant shall be reduced according to the location of the plant of actual receipt at the rates set forth in § 1079.52.

(b) For purposes of computations pursuant to §§ 1079.84 and 1079.85 the uniform price shall be adjusted at the rates set forth in § 1079.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1079.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1079.62, 1079.84, 1079.85, and 1079.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1079.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1079.70 for such handler; and

(b) The sum of

(1) The amount of the obligation pursuant to § 1079.80 of such handler for producer milk received during the month; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to §1079.70(e).

§ 1079.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1079.84(b) exceeds the amount computed pursuant to § 1079.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1079.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1079.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1079.84 and 1079.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1079.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1079.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1079.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1079.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1079.46(a) (3) and (7) and the corresponding steps of § 1079.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the months at such plant from pool plants and other order plants.

§ 1079.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator received the handler's utilization report on milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1079.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1079.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. The part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1079.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1079.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market, administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1079.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1079.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Signed at Washington, D.C., on April 14, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-4561, Filed, Apr. 16, 1969; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Quality Assurance Criteria for Nuclear Powerplants

The Atomic Energy Commission has under consideration an amendment to its regulation, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would add an Appendix B, "Quality Assurance Criteria for Nuclear Power Plants." Nuclear powerplants include structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. The purpose of the proposed amendment is to provide quality assurance requirements for the design, construction, and operation of these structures, systems, and components. These requirements apply to all activities during the design, construction, and operating phases of nuclear powerplants which affect the safety-related functions of such structures, systems, and components.

The development of these criteria has taken into account cooperative Atomic Energy Commission-industry efforts on quality assurance requirements, the experience accumulated in designing, constructing, and operating licensed nuclear powerplants and Commission-owned reactors, and the quality assurance programs required for work under the cognizance of the Department of Defense and the National Aeronautics and Space Administration.

The quality assurance requirements established by these criteria are intended to assure that:

(a) Applicable regulatory requirements and the design bases, as defined in § 50.2 and as specified in the license application, for structures, systems, and components are correctly translated into specifications, drawings, procedures, and instructions.

(b) Systems and components fabricated and tested in manufacturers' facilities conform to these specifications, drawings, procedures, and instructions.

(c) Structures, systems, and components constructed and tested at the nuclear powerplant site conform to these specifications, drawings, procedures, and instructions.

(d) Succeeding activities, such as operating, testing, refueling, repairing, maintaining, and modifying nuclear powerplants, are conducted in accordance with quality assurance practices consistent with those employed during design and construction. In addition to the requirement that operating activities be conducted in accordance with these quality assurance practices, there are other requirements which must be suitably developed and observed to assure safe operation; for example, technical specifications, schedules of maintenance and refueling, fuel management programs, and programs for operator training and qualification.

These quality assurance criteria would supplement Criterion 1 of the "General Design Criteria for Nuclear Power Plant Construction Permits."[2] They are intended to assist applicants (1) to comply with § 50.34(a)(7) which requires inclusion in the preliminary safety analysis report of a description and evaluation of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility, and (2) in the development of managerial and administrative controls to be used to assure safe operation, as required by § 50.34(b)(6)(ii). Specific references to the proposed Appendix B, "Quality Assurance Criteria for Nuclear Power Plants," would be added to § 50.34 (a) and (b).

These criteria will also be used for guidance in evaluating the adequacy of the quality assurance programs in use by holders of construction permits and operating licenses.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who wish to submit comments or suggestions in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. In § 50.34, paragraphs (a)(7) and (b)(6)(ii) are amended to read as follows:

§ 50.34 Contents of applications: technical information.

(a) *Preliminary safety analysis report.* Each application for a construction permit shall include a preliminary safety analysis report. The minimum information[1] to be included shall consist of the following:

* * * * *

(7) A description and evaluation of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility. Appendix B, "Quality Assurance Criteria for Nuclear Power Plants," sets forth the requirements for quality assurance programs for nuclear power plants.

* * * * *

(b) *Final safety analysis report.* Each application for a license to operate a facility shall include a final safety analysis report. The final safety analysis report shall include information that describes the facility, presents the design bases, and the limits on its operation, and presents a safety analysis of the structures, systems, and components and of the facility as a whole, and shall include the following:

* * * * *

(6) The following information concerning facility operation:

* * * * *

(ii) Managerial and administrative controls to be used to assure safe operation. Appendix B, "Quality Assurance Criteria for Nuclear Power Plants," sets forth the requirements for such controls for nuclear powerplants.

* * * * *

2. A new Appendix B is added to read as follows:

APPENDIX B—QUALITY ASSURANCE CRITERIA FOR NUCLEAR POWERPLANTS

Introduction. Every applicant for a construction permit is required by the provisions of § 50.34 to include in its preliminary safety analysis report a description and evaluation of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility. Every applicant for an operating license is required to include, in its final safety analysis report, information pertaining to the managerial and administrative controls to be used to assure safe operation. Nuclear powerplants include structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. This appendix establishes quality assurance requirements for the design, construction, and operation of those structures, systems, and components. These requirements apply to all activities affecting the safety-related functions of those structures, systems, and components; these activities include designing, purchasing, fabricating, handling, shipping, storing, cleaning, erecting, installing, inspecting, testing, operating, maintaining, repairing, refueling, and modifying.

As used in this appendix, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to the physical characteristics of a material, structure, component, or system which provide a means to control the quality of the material, structure, component, or system to predetermined requirements.

I. ORGANIZATION

The applicant[3] shall be responsible for the development, implementation, and execution of the quality assurance program. The applicant may delegate to other organizations the establishment and execution of the quality assurance program, or any part thereof, but shall retain responsibility therefor. The authority and duties of persons and organizations performing quality assurance functions shall be clearly established and delineated in writing. Such persons and organizations shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. In general, assurance of quality requires management measures which provide that the individual or group assigned the responsibility for checking, auditing, inspecting, or otherwise verifying that an activity has been correctly performed is independent of the individual or group directly responsible for performing the specific activity. The applicant shall regularly review the status and adequacy of the quality assurance program. Management of other organizations participating in the quality assurance program shall regularly review the status and adequacy of that part of the quality assurance program which they are executing.

II. QUALITY ASSURANCE PROGRAM

The applicant shall establish at the earliest practical time a quality assurance program which complies with the requirements of this appendix. This program shall be documented by written policies, procedures, and instructions and shall be carried out throughout plant life. The applicant shall identify the structures, systems, and components to be covered by the quality assurance program and the major organizations participating in the program, together with their designated functions. The quality assurance program shall provide control, by means such as design review, verification, inspection, and documentation, over activities affecting the quality of the identified structures, systems, and components, to an extent consistent with their importance to safety. Activities affecting quality shall be accomplished under this program in accordance with instructions, procedures, or drawings of a type appropriate to the circumstances and under suitably controlled conditions. Controlled conditions include the use of appropriate equipment, suitable working environment, adequate cleanliness, and assurance that all prerequisites for the given operation have been satisfied. The program shall take into account the need for special controls, processes, test equipment, tools, and skills to attain the required quality; the need for verification of quality by inspection and test; and the need for indoctrination and training of personnel to execute the program.

[1] The applicant may provide information required by this paragraph in the form of a discussion, with specific references, of similarities to and differences from, facilities of similar design for which applications have previously been filed with the Commission.

[2] The General Design Criteria were published for public comment as a proposed amendment to 10 CFR Part 50 in the FEDERAL REGISTER on July 11, 1967 (32 F.R. 10213).

[3] While the term "applicant" is used in these criteria, the requirements are, of course, applicable after such a person has received a license to construct and operate a nuclear powerplant. These criteria will also be used for guidance in evaluating the adequacy of quality assurance programs in use by holders of construction permits and operating licenses.

III. DESIGN CONTROL

Measures shall be established to assure that applicable regulatory requirements and the design basis, as defined in § 50.2 and as specified in the license application, for those structures, systems, and components to which this appendix applies are correctly translated into specifications, drawings, procedures, and instructions. These measures shall provide for the performance of design reviews by individuals or groups other than those who performed the original design, but who may be from the same organization. In addition to verification of the design, the applicant shall be responsible for assuring that the design is correctly described in the license application and that the contents of the safety analysis reports are accurate. Design reviews shall cover items such as the following: reactor physics, stress, thermal, hydraulic, and accident analyses; compatibility of materials and of design interfaces; accessibility for inservice inspection, maintenance, and repair; and delineation of acceptance criteria for inspections and tests. Reports of in-process and final design reviews shall be reviewed by management of the responsible design organizations. Design changes, including field changes, shall be approved by the organization that performed the original design unless the applicant specifically designates another responsible organization. Procedures shall be established among participating design organizations for the review, approval, release, distribution, and revision of documents involving design interfaces.

IV. PROCUREMENT DOCUMENT CONTROL

Measures shall be established to assure that applicable regulatory requirements, design bases, and other requirements which are necessary to assure adequate quality are suitably included or referenced in the documents for procurement of material, equipment, and services, whether purchased by the applicant or by its contractors or subcontractors. To the extent necessary, procurement documents shall require contractors or subcontractors to provide a quality assurance program consistent with the quality assurance requirements of this appendix.

V. INSTRUCTIONS, PROCEDURES, AND DRAWINGS

Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances. Instructions, procedures, and drawings shall include appropriate quantitative or qualitative means for determining that important operations have been satisfactorily accomplished.

VI. DOCUMENT CONTROL

Measures shall be established to control the issuance of documents, such as instructions, procedures, and drawings, including changes thereto, which prescribe all activities affecting quality. These measures shall assure that documents, including changes, are reviewed for adequacy and approved for release by authorized personnel and are distributed to and used at the location where the prescribed activity is performed. Changes to documents shall be reviewed and approved by the same organizations that performed the original review and approval unless the applicant specifically designates another responsible organization.

VII. CONTROL OF PURCHASED MATERIAL, EQUIPMENT, AND SERVICES

Measures shall be established to assure that all purchased material, equipment, and services, whether purchased directly or through contractors and subcontractors, conform to the procurement documents. These measures shall include provisions, as appropriate, for source evaluation and selection, objective evidence of quality furnished by the contractor or subcontractor, inspection at the contractor or subcontractor source, and examination of products upon delivery. The effectiveness of the control of quality by contractors and subcontractors shall be assessed by the applicant or designee at intervals consistent with the importance, complexity, and quantity of the product or services. Test reports, inspection records, audit reports, certificates, and other evidence of quality shall be used in this assessment, and corrective action shall be taken where indicated.

VIII. IDENTIFICATION AND CONTROL OF MATERIALS, PARTS, AND COMPONENTS

Measures shall be established for the identification and control of materials, parts, and components, including partially fabricated assemblies. These measures shall assure that identification is maintained, either on the item or on records traceable to the item, throughout fabrication, erection, installation, repair, or modification. The measures shall be designed to prevent the use of incorrect or defective items, and items which have not received the required inspections and tests.

IX. CONTROL OF SPECIAL PROCESSES

Measures shall be established to assure that special processes, including welding, heat treating, and nondestructive testing, are controlled in accordance with applicable codes, standards, specifications, criteria, and other special requirements, and are accomplished by qualified personnel using qualified procedures.

X. INSPECTION

A program for in-process and final inspection of activities affecting quality shall be established to assure conformance with documented instructions, procedures, and drawings. Examinations, measurements, or tests of material or products processed shall be performed for each work operation where necessary to assure quality. If inspection of processed material or products is impossible or disadvantageous, indirect control by monitoring processing methods, equipment, and personnel shall be provided. Both inspection and process monitoring shall be provided when control is inadequate without both. Mandatory inspection hold points, which require witnessing or inspecting by the applicant's designated representative and beyond which work shall not proceed without the consent of its designated representative, shall be indicated in appropriate documents.

XI. TEST CONTROL

A test program shall be established to assure that all required testing, including proof testing, acceptance testing, and operational testing, is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in applicable design documents. The test procedures shall include provisions for assuring that all prerequisites for the given test have been met, that adequate test instrumentation is available and used, and that the test is performed under suitable environmental conditions. Test results shall be documented and evaluated to assure that test requirements have been satisfied.

XII. CALIBRATION OF MEASUREMENT AND TEST EQUIPMENT

Measures shall be established to assure that tools, gages, instruments, and other measuring and testing devices used in activities affecting quality are calibrated and properly adjusted at specified periods to maintain accuracy within necessary limits. Calibration shall be against certified measurement standards which have known valid relationships to national standards.

XIII. HANDLING, STORAGE, SHIPPING, AND PRESERVATION

Measures shall be established to provide work and inspection instructions for handling, storage, shipping, and preservation of material and equipment to prevent damage or deterioration. When necessary for particular products, special protective environments, such as inert gas atmospheres, specific moisture content levels, and temperature levels, shall be provided and their existence verified.

XIV. INSPECTION, TEST, AND OPERATING STATUS

Measures shall be established to indicate, by the use of markings such as stamps, tags, labels, routing cards, or other suitable means, the status of inspections and tests performed upon individual items and the status of plant operating equipment. These measures shall provide for the identification of those items which conform to inspection and test requirements; nonconforming items shall be clearly marked for subsequent disposition. Procedures shall be provided for tagging equipment such as valves and switches when necessary to prevent inadvertent operation.

XV. NONCONFORMING MATERIAL, PARTS, OR COMPONENTS

Measures shall be established to control material, parts, or components which do not conform to requirements in order to prevent their inadvertent use or installation. These measures shall include procedures for identification, documentation, segregation, disposition, and notification to affected organizations. Nonconforming items shall be reviewed and accepted, rejected, repaired, or reworked in accordance with documented procedures. Ultimate disposition of nonconforming items shall be documented.

XVI. CORRECTIVE ACTION

Measures shall be established to assure that all conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances, are promptly identified and reported to appropriate levels of management. The measures shall also assure that the cause of the condition adverse to quality be determined and corrected to preclude repetition. The corrective action measures shall extend to the performance of all contractors and subcontractors as necessary. The identification of conditions adverse to quality, the cause of the condition, and the corrective action taken shall be documented.

XVII. QUALITY ASSURANCE RECORDS

Records shall be maintained sufficient to furnish documentary evidence of activities affecting quality for use in the management of the program. The records shall include, but not be limited to, construction and operating logs, and the results of reviews, inspections, tests, audits, monitoring of work performance, and materials analyses. The records shall also include closely-related data such as qualifications of personnel, procedures, and equipment. Inspection and test records shall, as a minimum, identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. Consistent with applicable regulatory requirements, the applicant shall establish requirements concerning record retention, such as duration, location, and assigned responsibility.

XVIII. AUDITS

A comprehensive system of planned and periodic audits shall be carried out to assure compliance with all aspects of the quality assurance program and to determine the

effectiveness of the program. The audits shall be performed in accordance with written procedures or check lists by appropriately qualified personnel not having direct responsibilities in the areas being audited. Audit results shall be documented and reviewed by management having responsibility in the area audited. Followup action, including reaudit of deficient areas, shall be taken where indicated.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of April 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69-4591; Filed, Apr. 16, 1969; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 527]

[Docket No. 69-15]

SHIPPERS' REQUESTS AND COMPLAINTS

Proposed Reporting Requirements

Section 527.4 of General Order 14 (46 CFR Part 527) presently requires each conference and each other body with rate-fixing authority under an approved agreement to file with the Commission by January 31, April 30, July 31 and October 31 of each year a report covering all shippers' requests and complaints received during the preceding 3-month period or pending at the beginning of such period, such report to include certain detailed information further identified in paragraphs (a) to (f) of § 527.4 inclusive.

After a period of more than 3 years of receipts of these reports from parties to rate-making agreements, it has become well established that the continuation of the requirement of quarterly reports of shippers' requests and complaints insofar as two party rate-fixing agreements are concerned may be unnecessarily burdensome. The number of shippers' requests and complaints actually processed pursuant to these two party agreements over a 3-year period has been so minimal as to have little significant effect on the regulatory purposes to be served. To keep the Commission informed in those instances which do arise, it is proposed that the reporting requirement be changed from quarterly to annual.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), notice is hereby given that the Commission proposes to amend Part 527 of 46 CFR, to change the reporting requirements of General Order 14 from quarterly to annual, for all two party rate-fixing agreements. It is proposed that Part 527 be amended by adding at the end of § 527.4 thereof the following sentences:

§ 527.4 Reports.

* * * Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be required to file annual reports under this section in lieu of quarterly reports. Such annual reports shall be filed by January 31 of each year covering all shippers' requests and complaints received during the preceding calendar year or pending at the beginning of such calendar year.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary Federal Maritime Commission, Washington, D.C. 20573, within ten (10) days of publication of this notice in the FEDERAL REGISTER, an original and fifteen (15) copies of their views or comments pertaining to the proposed rule. Any suggestions for changes in the proposed rule should be supported by statements relating the proposed change to the purposes of section 15 of the Shipping Act, 1916, and General Order 14, of the Commission's rules.

The Federal Maritime Commission, Office of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments within ten (10) days from the final date for filing comments by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsels' replies shall be submitted to the Federal Maritime Commission within 10 days of the final date for filing replies.

By the Commission.

[SEAL] Thomas Lisi,
Secretary.

[F.R. Doc. 69-4549; Filed, Apr. 16, 1969; 8:50 a.m.]

[46 CFR Part 528]

[Docket No. 69-14]

SELF-POLICING REQUIREMENTS

Proposed Exclusion of Two Party Rate-Fixing Agreements

Section 528.2 of General Order 7 (46 CFR Part 528) presently requires conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic offshore commerce of the United States, to contain a provision describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the functions and authority of every person having responsibility for administering the system. This section also requires the filing of amendments to all agreements previously approved so as to comply with these requirements.

Under § 528.3, all conferences and carriers subject to the self-policing rules are required to file semiannual reports with the Commission in January and July showing the nature of each complaint received during the preceding 6-month period, the action taken, the nature of the violations found and the penalties or other sanctions imposed.

The self-policing requirements of General Order 7 have been in effect for more than 5 years. While the present order applies to all conferences and rate-fixing groups regardless of membership size under the agreement, the Commission's staff has observed that enforcement of compliance with the order has little, if any, benefit to the regulatory process insofar as two party rate agreements are concerned. In this limited type of agreement, the most effective method of policing of the obligations under it is the resignation or withdrawal of the dissatisfied party, thus resulting in termination of the agreement itself.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), notice is hereby given that the Commission proposes to amend Part 528 of 46 CFR, to except all two party rate-fixing agreements from all of the requirements of General Order 7. It is proposed that a new § 528.4 be added to Part 528 reading as follows:

§ 528.4 Two party rate-fixing agreements.

Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be excepted from all requirements of General Order 7.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within ten (10) days of publication of this notice in the FEDERAL REGISTER, an original and fifteen (15) copies of their views or comments pertaining to the proposed rule. Any suggestions for changes in the proposed rule should be supported by statements relating the proposed change to the purposes of section 15 of the Shipping Act, 1916, and General Order 7, of the Commission's rules.

The Federal Maritime Commission, Office of Hearing Counsel, shall participate in the proceeding and shall file reply to comments within ten (10) days from the final date for filing comments by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsels' replies shall be submitted to the Federal Maritime Commission within 10 days of the final date for filing replies.

By the Commission.

[SEAL] Thomas Lisi,
Secretary.

[F.R. Doc. 69-4550; Filed, Apr. 16, 1969; 8:50 a.m.]

[46 CFR Part 537]

[Docket No. 69-16]

CONFERENCE AGREEMENT PROVISIONS RELATING TO CONCERTED ACTIVITIES—MINUTES

Proposed Exclusion of Two Party Rate-Fixing Agreements

Section 537.2 of General Order 18 (46 CFR Part 537) presently requires all proposed conference agreements, agreements between or among conferences and agreements whereby the parties are authorized to fix rates (except leases, licenses, assignments, or other agreements of similar character for the use of marine terminal property or facilities) to contain a provision stating the manner in which the joint business of the parties may be carried out; i.e., full conference meetings, agents', principals', or owners' meetings, telephone or oral polls, or through any other procedure by which the business of the joint parties may be conducted.

Under § 537.3, parties to approved conferences, to joint conference agreements and to other rate-fixing agreements are required to file with the Commission full reports of all meetings describing all matters discussed or taken up at any such meetings. These reports shall also include telephone or personal polls of the membership in those cases where final action is authorized by such methods.

The requirements of General Order 18 have been in effect for more than 3 years. While the present order applies to all conferences and rate-fixing groups regardless of membership size, it has been observed that most, if not all, two party rate-fixing agreements rarely hold regular meetings and most often agree on rates by telephone or oral polls. The complex provisions required in agreements to set forth meeting procedures, and the extensive reporting requirements are far more cumbersome and time-consuming both from the carrier's standpoint and the Commission's surveillance of these requirements than the ultimate regulatory benefit sought to be achieved. All agreed rates under two party agreements will be expeditiously published in the appropriate tariffs making it unnecessary to require compliance with General Order 18.

The exclusion of all two party rate-fixing agreements from the application of General Order 18 can be accomplished by inserting the words "except two party rate-fixing agreements and * * *" at the beginning of the parenthetical clauses contained in §§ 537.2 and 537.3(a).

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), notice is hereby given that the Commission proposes to amend Part 537 of 46 CFR, to except all two party rate-fixing agreements from all of the requirements of General Order 18. It is proposed that §§ 537.2 and 537.3(a) be amended by inserting at the beginning of each parenthetical clause therein the language "except two party rate-fixing agreements and * * *" so that the amended parenthetical clauses in both sections will now read: "(except two party rate-fixing agreements and leases, licenses, assignments or other agreements of similar character for the use of marine terminal property or facilities.)"

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within ten (10) days of publication of this notice in the FEDERAL REGISTER, an original and fifteen (15) copies of their views or comments pertaining to the proposed rule. Any suggestions for changes in the proposed rule should be supported by statements relating the proposed change to the purposes of section 15 of the Shipping Act, 1916, and General Order 18, of the Commission's rules.

The Federal Maritime Commission, Office of Hearing Counsel, shall participate in the proceeding and shall file reply to comments within ten (10) days from the final date for filing comments by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsels' replies shall be submitted to the Federal Maritime Commission within 10 days of the final date for filing replies.

By the Commission

[SEAL] Thomas Lisi,
Secretary.

[F.R. Doc. 69-4551; Filed, Apr. 16, 1969; 8:50 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 1286]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 11, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1124 (Sub-No. 219), filed March 27, 1969. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. 77001. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, including *classes A and B explosives* (except commodities in bulk and household goods as defined by the Commission), when moving (1) on Government bills of lading and (2) on commercial bills of lading containing endorsements approved in interpretation of Government Rate Tariff-Eastern Central, 322, I.C.C. 161, 164, and 165, between Louisiana Ordnance Plant at Doyline, La., on the one hand, and, on the other, Anniston Ordnance Depot, Anniston, Ala.; (2) (a) *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles (as adopted by the Department of Transportation); and (b) *ammunition* not included in classes A, B, and C explosives and *component parts of ammunition and classes A, B, and C explosives*, between Louisiana Ordnance Plant, Doyline, La., on the one hand, and, on the other, Military Installations at Flagstaff and Yuma, Ariz., and Herlong, Concord (Port Chicago), Sharp General Depot, and Stockton, Calif.; (3) (a) *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles (as adopted by the Department of Transportation); and (b) *ammunition* not included in classes A, B, and C explosives and *component parts of ammunition and classes A, B, and C explosives*, between Louisiana Ordnance Plant, Doyline, La., on the one hand, and, on the other, Red River Army Depot and Lone Star Ordnance Plant Site, Defense, Tex.; and (4) (a) *classes A, B, and C explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles (as adopted by the Department of Transportation); and (b) *ammunition* not included in classes A, B, and C explosives, between Louisiana Ordnance Plant, Doyline, La., on the one hand, and, on the other, Military Installations at Fort Sill and McAlester (Savanna), Okla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2368 (Sub-No. 22), filed March 7, 1969. Applicant: BRALLEY-WILLETT TANK LINES, INC., Post Office Box 495, Richmond, Va. 23204. Applicant's representative: E. Stephen Heisley, Suite 705, McLachlen Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (except cement, limestone, and limestone products, in tank vehicles), between points in Virginia. NOTE: Applicant states it will tack with MC 2368 Sub 20 to enable service to points in Pennsylvania, Virginia, Georgia, South Carolina, North Carolina, Illinois, Tennessee, West Virginia, Virginia, Maryland, Delaware, Connecticut, Maine, Massachusetts, New Hampshire, New York, and New Jersey. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8973 (Sub-No. 14), filed March 18, 1969. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and composition boards, and articles* used or useful in the installation thereof (except commodities in bulk), from Edgewater and Carteret, N.J.; Philadelphia, Pittston, and Sunbury, Pa.; and New York, N.Y.; to points in Tennessee, West Virginia, Kentucky, Mississippi, Alabama, Arkansas, Ohio, Indiana, Michigan, Illinois, and Louisiana; (2) *composition boards and articles* used or useful in the installation thereof (except commodities in bulk), from Deposit, N.Y., to points in Indiana and Michigan; and (3) *returned shipments* of the commodities in (1) and (2) above, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 10955 (Sub-No. 12), filed March 26, 1969. Applicant: RENNER MOTOR LINES, INC., 622 West Waterloo Road, Akron, Ohio 44314. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured, processed, or dealt in by rubber or rubber products manufacturers; (a) from Blaine, Ohio, to points in West Virginia, Pennsylvania, Maryland, and the District of Columbia; (b) from points in Pennsylvania on and east of a line beginning at a point on Lake Erie due north of North East, Pa., and extending to North East, thence along Pennsylvania Highway 89 to Titusville, Pa., thence along Pennsylvania Highway 8 to Butler, Pa., thence along Pennsylvania Highway 356 to junction of Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Greensburg, Pa., and thence along U.S. Highway 119 to the Pennsylvania-West Virginia line, to Blaine, Ohio; (2) *rubber tires and tubes* from points in West Virginia, Maryland, Pennsylvania, and the District of Columbia, to Blaine, Ohio; (3) *molds, machinery, and fabric* used in the manufacture of rubber products from Cumberland, Md., to Blaine, Ohio; (4) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Blaine, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it intends to tack the authority sought in (1), (2), and (3) with the authority sought in (4). Applicant further states it presently is authorized to provide all of the service sought herein under its certificates in Docket No. MC 10955, MC 10955 Sub 3, MC 10955 Sub 6, MC 10955 Sub 7, and MC 10955 Sub 11, via a gateway at Akron, Ohio. The purpose of this application is to obtain an alternate gateway at Blaine, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 29867 (Sub-No. 11), filed March 3, 1969. Applicant: NORWICH TRUCKING COMPANY, INC., Box 347, Norwich, N.Y. 13815. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured or distributed by a manufacturer or distributor of drugs, medicines, toilet preparations, and cleaning compounds (except in bulk, in tank vehicles), between Norwich, N.Y., on the one hand, and, on the other, East Syracuse and Syracuse, N.Y., limited to traffic having a prior or subsequent movement by rail; under contract with Norwich Pharmacal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse or New York, N.Y., or Washington, D.C.

No. MC 50069 (Sub-No. 418), filed March 26, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from River Rouge, Mich., to points in New York and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 419), filed March 26, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum oils*, in bulk, in tank vehicles, from Niagara Falls, N.Y., to points in Allegheny, Beaver, Butler, McKean, and Venaga Counties, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59120 (Sub-No. 33), filed March 3, 1969. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of The International Nickel Co., Inc., Huntington Alloy Products Division, located in Boyd County, Ky., on U.S. Highway 23 (approximately 11 miles south of Catlettsburg, Ky.), as an off-route point in connection with applicant's authorized regular-route operations to and from Huntington, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59367 (Sub-No. 65), filed March 20, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouse*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (1) from the plantsites and/or warehouse facilities of John Morrell & Co., at or near Estherville and Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Missouri, and Nebraska; and (2) from the plantsites and/or warehouse facilities of John Morren & Co., at or near Madison and Sioux Falls, S. Dak., and Ottumwa, Iowa, to points in Wisconsin. Restriction: The proposed operations to be restricted to traffic originating at the named plantsites and warehouse facilities and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 83217 (Sub-No. 41), filed March 17, 1969. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in section A, B, and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766; (1) from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Estherville, Iowa, to points in Illinois, Indiana, Minnesota, Missouri, Kansas, South Dakota, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (2) from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Ottumwa, Iowa, to points in Minnesota, Illinois, Indiana, Nebraska, Missouri, Wisconsin, Kansas, South Dakota, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (3) from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Sioux Falls, S. Dak., to points in Nebraska, Indiana, Wisconsin, Missouri, Kansas, and Iowa; and (4) from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Madison, S. Dak., to points in Illinois, Missouri, Kansas, Minnesota, Nebraska, Indiana, Wisconsin, and Iowa. Restriction: The authority sought is to be restricted to the transportation of the commodities named originating at the plantsites and/or warehouse of John Morrell & Co. located at or near Ottumwa, Iowa, Estherville, Iowa, Sioux Falls, S. Dak., and Madison, S. Dak., and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 83539 (Sub-No. 245), filed March 24, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex.

75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Low speed motor vehicles* not suitable for general highway transportation; and (2) *accessories, attachments, and parts* when moving in connection therewith, from the plantsite of Ottowa Steel Products, Ottowa, Kans., to points in the United States (except Alaska, Hawaii, and Kansas). NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 94350 (Sub-No. 206) (Amendment), filed December 2, 1968, published in the FEDERAL REGISTER issue of December 28, 1968, and republished as amended this issue. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and *portable buildings*, in sections, traveling on their own or removable undercarriages, with hitchball connector, from points in Marion County, Oreg., to points in the United States on and west of a line begininng at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (excluding Hawaii). NOTE: This republication is for the purpose of reflecting an addition to the commodity description. If a hearing is deemed necessary, application requests it be held at Portland, Oreg.

No. MC 97357 (Sub-No. 26), filed March 24, 1969. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative: Charles T. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, in bulk, in tank vehicles, from points in Los Angeles County, Calif., to Yuma, Ariz. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 98945 (Sub-No. 7), filed March 24, 1969. Applicant: THOMAS CARTAGE, INC., 301 North Wilson Street, Amarillo, Tex. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the Amarillo, Tex., commercial zone and Keys, Okla., from Amarillo over U.S. Highway 287 to junction U.S. Highway 56, thence over U.S. Highway 56 to Keys, and return over the same route, serving all intermediate points, and the off-route points of Channing, Hartley, Dalhart, Colen, and the Bureau of Mines Keys Helium Plant, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex.

No. MC 99090 (Sub-No. 8), filed March 17, 1969. Applicant: YATES TRUCK LINES, INC., Maud, Ky. 40042. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rigid polyvinyl chloride pipe*, between the plantsite of Universal Pipe and Plastic, Inc., near Springfield, Ky., on the one hand, and, on the other, points in Alaska; (2) *materials, equipment, and supplies* used in the manufacture of rigid polyvinyl chloride pipe, between points in the United States, except Hawaii and Alaska, on the one hand, and, on the other, the site of the plant of Universal Pipe and Plastic, Inc., near Springfield, Ky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 100666 (Sub-No. 134), filed March 17, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 71112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products* produced and distributed by manufacturers and converters of paper and paper products, and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, and commodities which because of size or weight require the use of special equipment), (a) between points in Little River County, Ark., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and (b) between points in Portage and Wood Counties, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103490 (Sub-No. 64), filed April 1, 1969. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium nitrate*, in bulk, from Reynolds, Pa., to points within 5 miles of Marbletown, N.Y. NOTE: Applicant holds contract carrier authority under MC 125709, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 104004 (Sub-No. 180), filed March 24, 1969. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, N.Y. 11227. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading), serving the Sequoyah Nuclear Power Plant of the Tennessee Valley Authority near Daisy, Tenn., as an off-route point in connection with applicant's regular route operations to and from Chattanooga, Tenn. If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Nashville, Tenn.

No. MC 106274 (Sub-No. 10), filed March 26, 1969. Applicant: RAEFORD TRUCKING COMPANY, a corporation, Landis Street, Sanford, N.C. 27330. Applicant's representative: Vaughn S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing*, wooden, in sections, *fence pickets*, wooden; *poles*, wooden; *posts*, wooden; *lumber* (except plywood and veneer); *prefabricated wooden products;* treated or not treated, from points in Chatham, Cumberland, Hoke, and Lee Counties, N.C., to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia; and (2) *lumber, preengineered structural products*, laminated or not laminated, treated or not treated, including hardware necessary for erection; *roof decking*, laminated or not laminated, treated or not treated; *prefabricated or machined wooden products*, laminated or not laminated, treated or not treated; *boat docks*, from points in Wake County, N.C., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant indicates tacking at Raeford, N.C., with its present authority to serve points in Calhoun, Charleston, Cherokee, Chester, Chesterfield, Berkeley, Clarendon, Darlington, Dillon, Dorchester, Fairfield, Florence, Georgetown, Greenville, Greenwood, Horry, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties, S.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C., or Washington, D.C.

No. MC 107295 (Sub-No. 188), filed March 24, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products;* (1) between Baltimore, Md., and points in the United States (except Alaska, Hawaii, and Maryland); and (2) from Pittsfield, Mass., Cortland, N.Y., Jerome, Pa., Kenova, W. Va., and Brooklyn, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it will tack with its MC 107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 189), filed March 27, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702, and Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and accessories*, from Dollar Bay, Mich., to points in Pennsylvania, New Jersey, Virginia, New York, Maryland, Delaware, North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states it intends to tack with MC 109275 where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 107295 (Sub-No. 190), filed March 27, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings, and prefabricated greenhouses*, from Phoenix, Ariz., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it intends to tack with its presently held authority where feasible. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 107496 (Sub-No. 719), filed March 21, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, from Parma, Mo., to points in Arkansas, Illinois, Kentucky, Missouri, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Memphis, Tenn.

No. MC 107558 (Sub-No. 11), filed March 27, 1969. Applicant: ARROW TRANSPORTATION CO., INC., 485 Prospect Street, Pawtucket, R.I. 02904. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., restricted to traffic originating, destined or interlined to, from or at points in Massachusetts, and Rhode Island that applicant is authorized to service. NOTE: Applicant states that the authority sought will be tacked at New York, N.Y., to provide a through service between points in the territory sought herein and points in Massachusetts and Rhode Island that applicant is authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 107839 (Sub-No. 134), filed March 24, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Rodger Spahr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Clovis, N. Mex., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 110193 (Sub-No. 166) (Correction), filed February 24, 1969, published FEDERAL REGISTER issue of March 20, 1969, and republished as corrected this issue. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Glens Falls, N.Y., to points in Connecticut, Pennsylvania (except points in Allegheny, Berk, Dauphin, Erie, Indiana, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Northampton, and York Counties), the lower Peninsula of Michigan (except Sturgis and Kalamazoo), and Indiana (except Angola and those Indiana points in the Chicago commercial zone). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to show the word *Sturgis* in lieu of *Sturgin* in the exceptions to the Michigan traffic. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 901), filed March 26, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Process clay*, in bulk, from Paulsboro, N.J., to Philadelphia, Pa., and points in Delaware, Michigan, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110729 (Sub-No. 4), filed March 26, 1969. Applicant: MICHAEL ZALUZNY, Pond Road, Vernon, Vt. 05354. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags and bulk, from Albany, N.Y., to points in Vermont and New Hampshire and Massachusetts and *rejected and damaged shipments*, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.; Springfield, Mass.; or Hartford, Conn.

No. MC 111302 (Sub-No. 51), filed March 24, 1969. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Tampa, Fla., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and to Charleston, W. Va., Taft, La., and Texas City, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 113459 (Sub-No. 51), filed March 26, 1969. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials, and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Hawaii); and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it seeks no duplicating authority. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 344), filed March 17, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and/or warehouse facilities of Swift & Co., at or near Scottsbluff, Nebr., to points in Kentucky, Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114552 (Sub-No. 38), filed March 18, 1969. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, (1) from points in Tucker County, W. Va., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) from Strongsville, Ohio, to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Strongsville, Ohio.

No. MC 116273 (Sub-No. 114) (Correction), filed March 10, 1969, published in the FEDERAL REGISTER issue of April 4, 1969, under No. MC 116773 (Sub-No. 114), and republished, in part, as corrected, this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). This partial republication is for the purpose of reflecting the correct number as MC 116273 (Sub-No. 114), in lieu of MC 116773 (Sub-No. 114), as previously published. The rest of the application remains as previously published.

No. MC 117815 (Sub-No. 143) (Amendment), filed March 10, 1969, published in the FEDERAL REGISTER issue of April 4, 1969, and republished as amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Champaign, Ill., on the one hand, and, on the other, points in Iowa, restricted to the transportation of traffic originating at or destined to Champaign, Ill. NOTE: This republication is for the purpose of changing the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 145), filed March 26, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Swift & Co., at or near Glenwood, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, restricted to traffic originating at the named origins. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 118831 (Sub-No. 62), filed March 25, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. 27262. Applicant's representative: E. Stephen Heisley, Suite 705, McLachlen Bank Building, 666 11th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate*, in bulk, in tank vehicles, from Old Hickory, Tenn., to points in Transylvania County, N.C. NOTE: Applicant states it could join at points in Transylvania County, N.C., to serve points in Virginia, South Carolina, and Georgia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Raleigh, N.C., or Nashville, Tenn.

No. MC 119531 (Sub-No. 113), filed March 24, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and accessories therefor*, from Gurnee, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant indicates tacking possibilities with its Sub 28 at Massillon, Ohio, to serve points in Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 119567 (Sub-No. 7), filed March 24, 1969. Applicant: F. H. McCLURE AND R. V. ESTELL, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, Idaho 83705. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from points in Ada and Elmore Counties, Idaho, to points in Nevada on and north of U.S. Highway 40 (except points in Washoe County, Nev.); (2) *concrete tanks*, from Boise, Idaho, to points in Churchill, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, and Pershing Counties, Nev.; (3) *sand*, from points in Ada, Boise, and Gem Counties, Idaho, to points in Nevada; and (4) *steel tanks, pipe, and fabricated steel products*, from Boise, Idaho, to points in Churchill, Elko, Humboldt, Lander, Pershing, Washoe, and White Pine Counties, Nev.; also to points in Oregon on U.S. Highway 95. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deeemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 119765 (Sub-No. 16), filed March 24, 1969. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, Iowa. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plant or warehouse facilities of Swift & Co. located in Glenwood, Iowa, to points in Kansas, Nebraska, Illinois, Indiana, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Sioux City, Iowa, or Washington, D.C.

No. MC 119777 (Sub-No. 146), filed March 21, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, boxes, bases, crating, veneer, baskets, oak treads, oak risers, oak sills, oak moldings, cardboard cartons, nails, and lumber*, from Belle Plaine, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio. NOTE: Applicant holds contract carrier authority under docket No. MC 126970 Sub 1 and Sub 3, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119895 (Sub-No. 16) (Amendment), filed November 18, 1968, published in FEDERAL REGISTER issues of December 12, 1968, January 16, 1969, and March 13, 1969, and republished as amended this issue. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides), and *foodstuffs* when transported with meat and meat products; (1) from Austin, Minn., to Milan, Ill., Lincoln, Nebr., and points in Iowa; (2) from Des Moines, Iowa, to Lincoln, Nebr., and Detroit, Mich.; (3) from Fort Dodge, Iowa, to Lincoln, Nebr., and points in Illinois, Iowa, and Missouri; and (4) between Omaha, Nebr., on the one hand, and, on the other, Fort Dodge, Iowa, and Austin and Owatonna, Minn. Restriction: Service in parts (1), (2), and (4) above is restricted to traffic originating at plantsites and/or warehouse facilities of Geo. A. Hormel & Co., and I. D. Packing Co. and destined to the points and States specified. NOTE: The purpose of this republication is to redescribe commodity description. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119903 (Sub-No. 9) (Correction), filed February 19, 1969, published in the FEDERAL REGISTER issue of March 13, 1969, and republished, as corrected, this issue. Applicant: D. J. WALRAVEN, 2713 Maple Avenue, Rome, Ga. 30161. Applicant's representatives: Alan E. Serby and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk or in bags, from Hanceville, Ala., to points in that part of Georgia on and north of the south and east line of Troup, Coweta, Spalding, Butts, Jasper, and Putnam Counties, and on and west of U.S. Highway 441; and points in Knox, Blount, Sevier, and Anderson Counties, Tenn.; and (2) *fertilizer and fertilizer materials*, in bags and in bulk, from Tyner, Tenn., to points in Alabama, under a continuing contract, or contracts, with Cotton Producers Association of Atlanta, Ga., and its affiliates. NOTE: This republication is for the purpose of showing the origin as Tyner, Tex., in lieu of Tyler, Tex., as previously published. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119974 (Sub-No. 25), filed March 21, 1969. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Post Office Box 949, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Glenwood, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Wisconsin, and St. Louis, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 110525 (Sub-No. 900), filed March 17, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in tank vehicles; (1) from points in Illinois, to points in Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio; (2) from points in Indiana, to points in Illinois, Michigan, Missouri, and Ohio; (3) from points in Iowa, to points in Illinois, Indiana, Michigan, and Ohio; (4) from points in Kentucky, to points in Illinois, Indiana, Michigan, and Ohio; (5) from points in Missouri, to points in Illinois, Indiana, and Iowa; and (6) from points in Ohio, to points in Illinois, Indiana, and Michigan. NOTE: Applicant states it does not intend to tack, and its apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 903), filed March 24, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Tampa, Fla., to points in Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, Tennessee, Charleston, W. Va., Taft, La., and Texas City, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 116989 (Sub-No. 28), filed March 19, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lomira, Wis., to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kentucky, Missouri, Illinois, Indiana, Kansas, Ohio, Pennsylvania, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 121107 (Sub-No. 6), filed March 14, 1969. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., Post Office Box 207, Farmville, N.C. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard*, from Farmville, N.C., to points in South Carolina, Georgia, Alabama, Mississippi, Louisiana, Delaware, Vermont, and New Hampshire. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 123405 (Sub-No. 24), filed March 26, 1969. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and household pet cages*, loose or in cartons; and *aquarium accessories, supplies, and equipment;* in straight or mixed shipments, from Maywood, Paterson, Saddle Brook, and Mahwah, N.J., to points in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states it

does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 123814 (Sub-No. 3), filed March 13, 1969. Applicant: GEORGE A. HALL CARTAGE CO. LTD., 1281 Conde Street, Montreal, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street, Suite 1010, Montreal, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk, in tank vehicles, and *cement* in bags, from ports of entry on the international boundary line between the United States and Canada, located in Maine, New Hampshire, Vermont, and New York, to points in Maine, New Hampshire, Vermont, and New York; under contract with Ciments Lafarge Quebec Ltee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 124653 (Sub-No. 1), filed March 20, 1969. Applicant: SAFEWAY SYSTEM, INC., 215 Third Street, Newport, R.I. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Rhode Island, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, water, motor, or air. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 124813 (Sub-No. 66), filed March 24, 1969. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa*, from points in Clay and Yankton Counties, S. Dak., to points in Iowa, Minnesota, and Nebraska. NOTE: Applicant holds contract carrier authority under MC 118468 and Subs, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124839 (Sub-No. 1), filed March 18, 1969. Applicant: BUILDERS TRANSPORT, INC., 2500 Emogene Street, Mobile, Ala. 36606. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building, wall, and insulating board, asphalt and asbestos, asphalt and asbestos products and materials, and materials, supplies, and equipment* used in connection with the production and distribution of the foregoing commodities, from the plantsite and warehouses of Johns-Manville Products Corp., Winder, Ga., to points in Alabama, Florida, North Carolina, South Carolina, Tennessee, and Virginia, restricted against the transportation of commodities in bulk, under contract with Johns-Manville Sales Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 126537 (Sub-No. 21) (Amendment), filed February 26, 1969, published in FEDERAL REGISTER issue of March 20, 1969, and republished as amended, this issue. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, Suite 703–706, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inert fuses*, from the plantsite of the Raytheon Co. at Bristol, Tenn., to the U.S. Naval Weapons Station, Yorktown, Va.; (2) *class C explosives*, from the plantsite of the Raytheon Co., Bristol, Tenn., to the plantsite of Northrup Carolina, Inc., at Swannanoa, N.C.; (3) *pallets*, from the U.S. Naval Weapons Station, Yorktown, Va., and the plantsite of Northrup Carolina, Inc., at Swannanoa, N.C., to the plantsite of the Raytheon Co., at Bristol, Tenn.; and (4) *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between the plantsite of American Greetings Corp. near Danville, Ky., on the one hand, and, on the other, Standiford Field, Louisville, Ky. NOTE: Applicant is authorized to operate under MC 129652, therefore dual operations may be involved. Applicant states that in (4) above, tacking would be accomplished at Standiford Field, Louisville, Ky., with the applicant's present authority under certificate MC 126537 (Sub-No. 15), and would permit service between the plantsite of American Greetings Corp. near Danville, Ky., on the one hand, and, on the other, O'Hare Field, Chicago, Ill. The purpose of this republication is to (1) correct authority sought in (2) above and (2) to show tacking information in (4) above. If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 126625 (Sub-No. 8), filed March 19, 1969. Applicant: MURPHY AIR-SURF TRUCKING COMPANY, INC., Blue Grass Field, Versailles Pike, Lexington, Ky. 40504. Applicant's representative: Ben M. Combs, Citizens Bank Building, Lexington, Ky. 40507. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between points in Boone, Grant, and Fayette Counties, Ky., and Butler County, Ohio, on the one hand, and, on the other, Weir-Cook Airport near Indianapolis, Ind., and James Cox Municipal Airport, Vandalia, Ohio; (2) between the Weir-Cook Airport near Indianapolis, Ind., on the one hand, and, on the other, James Cox Municipal Airport, Vandalia, Ohio, the Greater Cincinnati Airport near Erlanger, Ky., and Blue Grass Field, Lexington, Ky.; and (3) between points in Boone and Grant Counties, Ky., and Butler County, Ohio, on the one hand, and, on the other, the Greater Cincinnati Airport near Erlanger, Ky. Restriction: The service authorized herein is restricted to shipments having an immediately prior or immediately subsequent movement by air. Service between those points is authorized however, of freight that having been booked for shipment by air is unable to be shipped by air because of the shut down or inability of the shipping air line to operate either because of weather, equipment failure, or work stoppages. Such shut down or inability to operate must have continued for at least 6 hours before this authority is operable. NOTE: Applicant states that freight originating in area of existing authority can be tacked at points in Fayette County, Ky., for service to other points in applied for authority herein providing subsequent or prior movement by air. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Cincinnati, Ohio.

No. MC 126838 (Sub-No. 5), filed March 26, 1969. Applicant: EARNEST J. RUSH JR., doing business as CLARENCE F. GUTHRIE HAULING SERVICE, Rural Delivery No. 2, Box 341, Canonsburg, Pa. 15317. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed limestone*, from the facilities of New Castle Lime & Stone Co., Inc., in Mahoning Township, Lawrence County, Pa., to Benwood, the District of Meade and the District of Clay, Marshall County, W. Va.; and (2) *crushed limestone*, from Ashcom and Dry Run, Pa., to Ohio, Marshall, and Brooke Counties, W. Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 126874 (Sub-No. 2), filed March 24, 1969. Applicant: MOBILE EXHIBITS, INC., 1518 South Mayflower Avenue, Monrovia, Calif. 91016. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Display materials and equipment* in demonstration trailers (except those designed to be drawn by passenger automobiles), between points in the United States (except Alaska and Hawaii), restricted to service with trailers and/or tractors equipped with self-contained power generators and air-conditioning equipment. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127283 (Sub-No. 3) (Amendment), filed February 27, 1969, published in the FEDERAL REGISTER issue of March 20, 1969, and republished, as amended, this issue. Applicant: SILICA SAND TRANSPORT, INC., Routes 47 and 71, Post Office Box 212, Yorkville, Ill. 60560. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from the facilities of Sewanee Silica Co. at or near Sewanee, Tenn., to points in Alabama, Georgia, Kentucky, Indiana, Mississippi, North Carolina, South Carolina, Ohio, and Illinois, under contract with Sewanee Silica Co., a division of Wedron Silica Co. This republication is for the purpose of reflecting Illinois as a destination State. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129645 (Sub-No. 5) (Amendment), filed January 10, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, and republished as amended this issue. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood dimension stock*, from Adams Township, Houghton, Mich., to points in New York, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Alabama, Louisiana, Connecticut, New Jersey, Michigan, Wisconsin, Minnesota, Illinois, Ohio, Indiana, Missouri, Arkansas, California, and Texas. NOTE: Applicant holds contract carrier authority under MC 127093 and Subs thereunder, therefore, dual operations may be involved. This republication is for the purpose of reflecting the origin point as, Adams Township, Houghton, Mich., thereby, broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129998 (Sub-No. 2), filed January 6, 1969. Applicant: HARLEY R. WILLIS AND JOHN H. WILLIS, a partnership, doing business as JOHNNY'S AUTO TRANSPORTERS, 7300 North Villard, Portland, Oreg. 97217. Applicant's representative: Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles* in towaway or driveaway service; (1) between points in Oregon, Washington, Idaho, and Montana; and (2) between points in Oregon, Washington, Idaho, and Montana on the one hand, and, on the other, points in the United States for account of General Motors Acceptance Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 133061 (Sub-No. 1), filed March 31, 1969. Applicant: PUBLIC TRANSPORT CORPORATION, Post Office Box 327, Troutman, N.C. 28116. Applicant's representative: John C. Bradley, Suite 618, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Hertford County, N.C., to points in New Jersey and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133065 (Sub-No. 4), filed March 17, 1969. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Mead, Nebr., 68401. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles* in towaway or driveaway service; (1) between points in Oregon, Washington, Idaho, and Montana; and (2) between points in Oregon, Washington, Idaho, and Montana on the one hand, and, on the other, points in the United States for account of General Motors Acceptance Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 133061 (Sub-No. 1), filed March 31, 1969. Applicant: PUBLIC TRANSPORT CORPORATION, Post Office Box 327, Troutman, N.C. 28116. Applicant's representative: John C. Bradley, Suite 618, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Hertford County, N.C., to points in New Jersey and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133065 (Sub-No. 4), filed March 17, 1969. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Mead, Nebr., 68401. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Camper holddowns, spare tire carriers, swing-up bumper steps, truck cab steps, bounce eliminators, snowmobiles with skis or wheels, camper jacks, jack pads, camper dollies, lector drive units, bumper steps, cab steps, brace clamps, and equipment, materials, and supplies* used in the manufacture of the above items, between Wahoo, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Hellstar Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 133368 (Sub-No. 1), filed March 24, 1969. Applicant: WILLIAM A. TONYES, 75 Woodbury Road, Hauppauge, N.Y. 11787. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cookware, electrical appliances, and flatware*, from Hauppauge, N.Y., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., under contract with Century Metalcraft Corp., Los Angeles, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133396 (Sub-No. 1), filed March 26, 1969. Applicant: GRADY DAY 1303 29th Street, Phenix City, Ala. 36867. Applicant's representative: Richard Y. Bradley, Post Office Box 469, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., and Escambia County, Fla., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, and Tennessee, and in the State of Florida in and west of Hamilton, Suwanee, Lafayette, and Dixie Counties, under contract with Bickerstaff Clay Products Co., Inc., Columbus, Muscogee County, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 133397 (Sub-No. 1), filed March 26, 1969. Applicant: GEORGE JENKINS, Post Office Box 873, Phenix City, Ala. 36867. Applicant's representative: Richard Y. Bradley, Post Office Box 469, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., and Escambia County, Fla., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, and Tennessee and in the State of Florida in and west of Hamilton, Suwannee, Lafayette, and Dixie Counties, under contract with Bickerstaff Clay Products Co., Inc., Columbus, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 133434 (Sub-No. 1), filed March 21, 1969. Applicant: CONGRESSIONAL MOVERS, INC., 8901 D'Arcy Road, Upper Marlboro, Md. 20870. Applicant's representative: John H. Blankenship (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Washington, D.C., its commercial zone thereof, points in Prince Georges, Montgomery, Ann Arundel, Charles, and St. Marys Counties, Md., and points in Arlington and Fairfax Counties, Va., restricted to the transportation of shipments moving on the through bill of lading of a freight forwarder operation under the exemption provisions of section 402(b) of the Interstate Commerce Act, as amended, and having an immediately prior or and immediately subsequent out-of-State linehaul movement by motor water, rail, or air and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133539, filed March 10, 1969. Applicant: CHARLES L. PARKS, Ash-

land, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, (1) from Joplin and St. Joseph, Mo., and Lawrence, Kans., to points in Butler, Cass, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr.; and (2) from Council Bluffs, Iowa, to points in Butler, Cass, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr. NOTE: Applicant states the purpose of the instant application is for the converting of existing contract carrier authority of the applicant to that of a common carrier certificate to handle the same commodities between the same points. Applicant further states in the event the instant application for common carrier authority is granted, the applicant would request that the Commission revoke and cancel the contract carrier authority issued under MC–126311 and MC–126311 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 133562, filed March 17, 1969. Applicant: MERLE JOHNSON, ROY ROBERTS, BASIL ROBERTS, JR., a partnership, doing business as HOLIDAY EXPRESS, Estherville, Iowa 51334. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles* distributed by meat packinghouses as described in sections A, B, and C of appendix I of the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Estherville, Iowa, to points in New Jersey, New York, and Pennsylvania, restricted to traffic originating at the plantsite and/or warehouse facilities of John Morrell & Co., at or near points named above and destined to the named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 133567 (Correction), filed March 17, 1969, published in the FEDERAL REGISTER issue of April 4, 1969, and republished as corrected this issue. Applicant: ARTHUR JOHN McCASHIN, JR., doing business as CAROLINA HORSE TRANSPORTS, Box 296, Clemmons, N.C. 27012. Applicant's representative: A. W. Flynn, Jr., 1006 Wachovia Building, Post Office Box 127, Greensboro, N.C. 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary livestock, and in connection therewith, *personal effects of attendants, and supplies and equipment used in the care of exhibition of such animals*, between points in North Carolina, South Carolina, and Georgia. NOTE: The purpose of this republication is to reflect South Carolina as one of the States to be served. If a hearing is deemed necessary, applicant requests it be held at Charlotte, Greensboro, or Raleigh, N.C.

No. MC 133571 (Amendment), filed March 18, 1969, published FEDERAL REGISTER issue of April 4, 1969, amended and republished as amended this issue. Applicant: NESTLERODE TRUCKING CO., INC., 615 West Walnut Street, Lock Haven, Pa. 17745. Applicant's representatives: Harry H. Frank and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cattaraugus and Allegany Counties, N.Y., to points in Cameron, Elk, McKean, and Potter Counties, Pa. NOTE: The purpose of this republication is to show the origin point of Cattaraugus County in lieu of Cattarauguo County as previously published. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133590, filed March 24, 1969. Applicant: WESTERN CARRIERS, INC., 529 Westchester Avenue, Bronx, N.Y., 10455. Applicant's representative: Robert L. Kendall, Jr., 1719 Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, (1) between the plantsite, warehouses, and storage facilities used by Western Pork Packers, Inc., a New York corporation, located at or near Bronx, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, Rhode Island, South Dakota, Wisconsin, and the District of Columbia; and (2) between the plantsite, warehouses, and storage facilities used by Western Pork Packers, Inc., a Massachusetts corporation, located at or near Worcester, Mass., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Wisconsin, and the District of Columbia. Restricted to the transportation of traffic of Western Pork Packers, Inc., a New York corporation, and Western Pork Packers, Inc., a Massachusetts corporation, under continuing contracts with Western Pork Packers, Inc., of Bronx, N.Y., and Western Pork Packers, Inc., of Worcester, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 133591, filed March 24, 1969. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, Post Office Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Carthage, Mo., to point in Alabama, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 133594, filed March 19, 1969. Applicant: INTRACOASTAL TRANSFER LINE, INC., 1200 Peters Road, Harvey, La. 70058. Applicant's representative: Daniel Lund, 806 National Bank of Commerce Building, New Orleans, La. 70112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials*, from Westwego, La., to points in Mississippi, Alabama and points in that part of Florida on and west of U.S. Highway 319, and *returned shipments* on return, under contract with National Gypsum Co. NOTE: Applicant has common carrier authority under MC 54847 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 41), filed March 26, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Teaneck and Fort Lee, N.J., from the junction of Fort Lee Road and Teaneck Road, Teaneck, N.J.; thence over Teaneck Road to junction of DeGraw Avenue, thence over DeGraw Avenue and access road to Interstate Highway 95; thence over Interstate Highway 95 to George Washington Bridge Plaza, Fort Lee, N.J., and return over Interstate Highway 95 and access road to Glenwood Avenue; thence over Glenwood Avenue to junction DeGraw Avenue; thence over DeGraw Avenue to junction Teaneck Road, thence over Teaneck Road to junction Fort Lee Road, Teaneck, N.J., serving all intermediate points. NOTE: Applicant states the above-described route will be tacked to existing routes. If a hearing is deemed necessary, applicant requests it to be held at Newark, N.J.

No. MC 109736 (Sub-No. 31), filed March 19, 1969. Applicant: CAPITOL BUS COMPANY, a corporation, 1061 South Cameron Street, Harrisburg, Pa. 17105. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Frederick, Md., and Washington, D.C., over U.S. Highway 240, serving no intermediate points. NOTE: Applicant states that the purpose of this application is to remove the restrictions contained in its present certificate of public convenience and necessity in MC 109736 (Sub-No. 8), that reads as follows: Between Gettysburg, Pa., and Washington, D.C., serving intermediate points between Gettysburg, Pa., and Frederick, Md., including Frederick, Md., restricted (1) against pickup of passengers at Frederick on northbound trips. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109802 (Sub-No. 27), filed March 28, 1969. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Bernard F. Flynn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers; (1) between Parsippany-Troy Hills Township, N.J., and Parsippany-Troy Hills Township, N.J.: From the junction of U.S. Highway 202 and New Jersey Highway 10, in Parsippany-Troy Hills, thence over New Jersey Highway 10 to junction of Interstate Highway 287 in Hanover Township and thence over Interstate Highway 287 to junction of U.S. Highway 46 in Parsippany-Troy Hills, and return over the same route, serving no intermediate points; and (2) between Parsippany-Troy Hills Township, N.J., and Montville, N.J.: From the junction of U.S. Highway 46 and Interstate Highway 287, in Parsippany-Troy Hills thence over Interstate Highway 287 to junction of U.S. Highway 202 in Montville, and return over the same route, serving no intermediate points. NOTE: Applicant states the routes in (1) and (2) above are to be tacked with its presently authorized regular-route operations as alternate routes for operating convenience only. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130083, filed March 13, 1969. Applicant: FUN AFAR, INC., 1 High Street, Port Jefferson, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. For a license (BMC–5) to engage in operations as a *broker*, (1) at Port Jefferson, Smithtown, and Stoneybrook, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage* in sightseeing and pleasure tours, beginning and ending at points in Suffolk County, N.Y., and extending to points in the United States; and (2) at Bridgeport, Conn., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, in sightseeing or pleasure tours, restricted to passengers who had a prior movement on the ferry operated by the Bridgeport and Port Jefferson Steamboat Co., Inc., beginning and ending at Bridgeport, Conn., and extending to points in the United States.

No. FF–369 KAREVAN, INC., Freight Forwarder Application, filed March 28, 1969. Applicant: KAREVAN, INC., 419 Third Avenue West, Seattle, Wash. 98119. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue operations as a freight forwarder in interstate or foreign commerce, in the forwarding of (a) *used household goods*, (b) *used automobiles*, and (c) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–4435; Filed, Apr. 16, 1969; 8:45 a.m.]

[S.O. 1002; Car Distribution Direction 27–A]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 27 (Florida East Coast Railway Co.; Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 27 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 9 a.m., April 11, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent*.

[F.R. Doc. 69–4536; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 43]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

To: Florida East Coast Railway Co., Seaboard Coast Line Railroad Co., Louisville and Nashville Railroad Co., Missouri Pacific Railroad Co.

Pursuant to Section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Florida East Coast Railway Co. shall deliver to the Seaboard Coast Line Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The Seaboard Coast Line Railroad Co. shall deliver to the Louisville and Nashville Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(c) The Louisville and Nashville Railroad Co. shall deliver to the Missouri Pacific Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(d) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(e) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., April 14, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., May 4, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent*.

[F.R. Doc. 69–4537; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 41, Amdt. 1]

LOUISVILLE AND NASHVILLE RAILROAD CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 41 (Louisville and Nashville Railroad Co.; Chicago & Eastern Illinois Railroad Co.; Soo Line Railroad Co.), and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 41 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 4, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 13, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4538; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 40, Amdt. 1]

PENN CENTRAL CO. AND SOO LINE RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 40 (Penn Central Co.; Soo Line Railroad Co.), and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 40 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 4, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 13, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent

[F.R. Doc. 69-4539; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 30-A]

SEABOARD COAST LINE RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 30 (Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.), and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 30 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 9 a.m., April 11, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4540; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 44]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., The Atchison, Topeka, and Santa Fe Railway Co.

Pursuant to Section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The St. Louis-San Francisco Railway Co. shall deliver to The Atchison, Topeka, and Santa Fe Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., April 14, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., March 4, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4541; Filed, Apr. 16, 1969; 8:49 a.m.]

[S.O. 994; ICC Order 20]

ILLINOIS CENTRAL RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Illinois Central Railroad Co. is unable to transport certain traffic routed over its line because of work stoppage by certain of its operating employees, and has placed an embargo against all traffic except carload shipments terminating at points on its lines.

It is ordered, That:

(a) Rerouting traffic: The Illinois Central Railroad Co. being unable to transport certain traffic routed over its line because of work stoppage by certain of its employees, and has placed an embargo against all traffic except carload shipments terminating at points on its lines, that carrier and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement, regardless of the routing designated on the waybill. The billing covering all such cars rerouted or diverted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 6 p.m., April 10, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., April 16, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 10, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4535; Filed, Apr. 16, 1969; 8:49 a.m.]

[Notice 815]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 14, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 808 (Sub-No. 42 TA) (Correction), filed February 12, 1969, published in FEDERAL REGISTER, issues of February 20, 1969, and republished as corrected this issue. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chargrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. W. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and trucks*, in secondary movements, in truckaway service, for the account of General Motors Corp., from Kinsler Station, S.C., to points in Georgia and South Carolina, for 180 days. NOTE: The purpose of this republication is to include trucks, inadvertently omitted in previous publication. Supporting shipper: General Motors Corp., Chevrolet Motor Division, General Motors Building, Detroit, Mich. 48202. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 181, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 2392 (Sub-No. 71 TA), filed April 9, 1969. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, for 150 days. Supporting shipper: Texas Gulf Sulphur Co., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 30319 (Sub-No. 137 TA) (Correction), filed March 24, 1969, published in FEDERAL REGISTER, issue of April 2, 1969, and republished as corrected this issue. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Poydras, Post Office Box 6187, Dallas, Tex. 75222. Applicant's representative: R. B. Coghlan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading); (1) between Dallas, Tex., on the one hand, and Bryan, Tex., and/or College Station, Tex., on the other hand, over Interstate Highway 45, Texas Highways 14 and 6, and return over the same route, serving only termini and no intermediate points; (2) between Houston, Tex., on the one hand, and Bryan, Tex., and/or College Station, Tex., and return over the same route, serving only termini and no intermediate points; (3) between San Antonio, Tex., on the one hand, and Bryan, Tex., and/or College Station, Tex., on the other hand, over Interstate Highway 35, U.S. Highway 290 and Texas Highway 21, and return over the same route, serving only termini and no intermediate points, for 180 days. NOTE: Applicant states it does intend to tack authority applied for to authority held by it. The purpose of this republication is to include a portion of the route description, which was inadvertently omitted in previous publication. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 60012 (Sub-No. 80 TA), filed April 8, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80216. Applicant's representative: Warren D. Braucher, Post Office Box 5482, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, from Grand Junction, Colo., to Price, Utah, and from Price, Utah, to Grand Junction, Colo., from Junction over U.S. Highway 6 to Price, and return over the same route, serving all intermediate points, for 180 days. NOTE: Applicant intends to interline with other carriers at Denver, Colo., and Salt Lake City, Utah, and to tack with present authority in MC 60012 and Subs 28, 29, 30, 32, 38, 58, and 70. Supporting shipper: Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 61396 (Sub-No. 212 TA), filed April 8, 1969. Applicant: HERMAN BROS. INC., 2501 No. 11 Street, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk and in bags, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin, and Illinois, for 150 days. Supporting shipper: Texas Gulf Sulphur Co., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002, R. J. Pailthorpe, Senior Rate Analyst. Send Protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 8948 (Sub-No. 84 TA), filed April 9, 1969. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrosyl chloride*, in bulk, in shipper-owned trailers, from plantsite of Air Products and Chemicals, Inc., at or near Hercules, Calif., to Indianapolis, Ind., for 180 days. Supporting shipper: Air Products and Chemicals, Inc., Allentown, Pa. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 107295 (Sub-No. 179 TA) (Amendment), filed March 20, 1969, published in FEDERAL REGISTER, issues of March 29, 1969, and republished amended this issue. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber products and hardwood flooring*, from Ishpeming, Mich., and White Lake, Wis., to points in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, for 180 days. NOTE: The purpose of this republication is to add New Jersey as a destination State and to include the name of the supporting shipper. Supporting shipper: Robbins Flooring Co., Ishpeming, Mich. 49849. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 192 TA), filed April 8, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings and prefabricated greenhouses*, from Phoenix, Ariz., to points in the United States except Alaska, Hawaii, and Arizona, for 180 days. Supporting shipper: Hydroculture, Inc., 1516 North Seventh Avenue, Phoenix, Ariz. 85007. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112750 (Sub-No. 266 TA), filed April 7, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions; (1) between Richmond, Ill., and Milwaukee, Wis.; (2) between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Fulton, Hancock, Henderson, Knox, McDonough, Mercer, and Warren Counties, Ill., for 180 days. Supporting shippers: (1) Burlington Bank and Trust Co., Burlington, Iowa 52601; (2) State Bank of Richmond, Richmond, Ill. 60071. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 114632 (Sub-No. 21 TA), filed April 7, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps Avenue, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products* as set forth in section A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, from plantsite and/or warehouse facilities of Spencer, Iowa 51301, John F. Hummel, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119757 (Sub-No. 2 TA), filed April 7, 1969. Applicant: HOME OIL AND GAS CORPORATION, doing business as MISSOURI TRANSPORTS, 915 Atchison Street, St. Joseph, Mo. 64503. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except those requiring temperature control) in bulk, in tank vehicles, from Wathena, Kans., to points in Missouri on, north and west of a line beginning at Kansas City and extending along U.S. Highway 40 to Grain Valley, thence north along an unnumbered highway through Buckner, Sibley, and Miltondale to Excelsior Springs, thence along U.S. Highway 69 to the Missouri-Iowa State line, for 150 days. Supporting shippers: King City Oil Co., King City, Mo. 64463; Mutz Oil Co., Post Office Box 470, Maryville, Mo. 64468. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125760 (Sub-No. 2 TA), filed April 9, 1969. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin, Pa. 16823. Applicant's representative: John E. McFate, 229 Elm Street, Oil City, Pa. 16301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Cleveland, Ohio, to points in Erie, Crawford, Venango, Forest, Warren, McKean, Elk, and Cameron Counties, Pa., for 180 days. Supporting shipper: Quality Markets, Inc., 101 Jackson Avenue, W.E., Post Office Box 130, Jamestown, N.Y. 14701. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 128763 (Sub-No. 5 TA), filed April 7, 1969. Applicant: K. H. TRANSPORT, INC., R.F.D. No. 2, Ellicott City, Md. 21043. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialty hardware for furniture*, (a) from Genesee, Pa., to Atlanta, Ga.; Birmingham, Ala.; Chicago, Ill.; Florence, Ky.; and Dallas and Houston, Tex., and (b) from Baltimore, Md., to Atlanta, Ga.; Birmingham, Ala.; Chicago, Ill.; Florence, Ky.; New York, N.Y.; and Dallas and Houston, Tex., for 150 days. Supporting shipper: Maurice Rudow, El-Mar Industries, Inc., 4715 East Wabash Avenue, Baltimore, Md. 21215. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 133610 TA, filed April 7, 1969. Applicant: MAURICE SHAPIRO, doing business as PROGRESS AIRLINE DELIVERY SERVICE, 43 Progress Street, Union, N.J. 07083. Applicant's representative: Herman B. J. Weckstein, Counsellor at Law, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personal baggage and effects, company mail, ground equipment, and automotive parts and aircraft parts*, between Newark, N.J., Airport, on the one hand, and, on the other points in Connecticut and New Jersey, and Bronx, Dutchess, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., for 150 days. Supporting shippers: (1) American Airlines, Newark Airport, Newark, N.J. 07114; (2) New York Airways, Inc., Post Office Box 426, LaGuardia Airport Station, Flushing, N.J. 11371. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

MOTOR CARRIER OF PASSENGERS

No. MC 129736 (Sub-No. 1 TA), filed April 8, 1969. Applicant: NEWTON BUS SERVICE, INC., Route 1, Post Office Box 8-D, Gloucester, Va. 23061. Applicant's representative: Alvin L. Newton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and equipment*, restricted to individuals who are players, officials, and employees of Peninsula Baseball Club, Inc., beginning in Hampton, Va., and extending to Raleigh, Durham, High Point, Thomasville, Winston-Salem, Burlington, Rocky Mount, Kinston, and Red Springs, N.C., for 150 days. Supporting shipper: Peninsula Baseball Club, Inc., Post Office Box 1305, Wythe Station, Hampton, Va. 23361. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-4542; Filed, Apr. 16, 1969; 8:50 a.m.]

[Notice 327]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 14, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71219. By order of March 28, 1969, the Motor Carrier Board approved the transfer to El Paso-Los Angeles Limousine Express, Inc., 301 West San Francisco Street, El Paso, Tex. 79901, of certificate No. MC-125115 (Sub-No. 2), issued January 5, 1967, to Louis Rosenbaum, doing business as El Paso-Los Angeles Limousine Express, 301 West San Francisco Street, El Paso, Tex. 79901, authorizing the transportation of: Passengers and their baggage, limited to the transportation of not more than eight passengers in any one vehicle (not including the driver thereof), in limousine service, between El Paso, Tex., and Los Angeles, Calif., serving no intermediate points.

No. MC-FC-71167. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Garden State Delivery Service, Inc., New York, N.Y., of the operating rights in certificate No. MC-116453 issued August 12, 1964, to Jersey Express, Inc., East Rutherford, N.J., authorizing the transportation of: Such merchandise as is dealt in by novelty stores, from Lyndhurst, N.J., to New York, N.Y., with no transportation for compensation on return except as otherwise authorized; paint pigments, from New York, N.Y., to Newark, N.J., with no transportation for compensation on return except as otherwise authorized; sheet paper, between Lyndhurst and Newark, N.J., on the one hand, and, on the other, New York, N.Y.; ladies' undergarments, and textiles, materials, and supplies used in the manufacture of ladies' undergarments, between New York, N.Y., on the one hand, and, on the other, Lyndhurst, N.J., and points within 12 miles of Lyndhurst. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, registered practitioner for applicants.

No. MC-FC-71170. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Jersey Express, Inc., East Rutherford, N.J., of the operating rights in certificate No. MC-64202 issued December 29, 1965, to R.J.M. Express, Inc., Garfield, N.J., authorizing the transportation of: Silks, acetates, rayon, and dyed and processed materials, between Paterson, N.J., and Sloatsburg, N.Y., serving no intermediate points; between New York, N.Y., and Sloatsburg, N.Y., serving intermediate and off-route points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665; general commodities, with the usual exceptions, between Passaic, Paterson, and Clifton, N.J., and points in Bergen County, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665; paints, varnishes, waterproofings, dry pigments, and empty containers, from Ridgefield, N.J., to Scarsdale, White Plains, and Mount Vernon, N.Y., with no transportation for compensation on return except as otherwise authorized. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-71171. By order of March 28, 1969, the Motor Carrier Board approved the transfer to George C. Openhym, Jr., and Margaret T. Openhym, doing business as Wallington Motor Lines, Clifton, N.J., of the operating rights in certificate No. MC-64202 (Sub-No. 2) issued November 26, 1965, to R.J.M. Express, Inc., Wallington, N.J., authorizing the transportation of: *General commodities*, with the usual exceptions, between points in Morris County, N.J., on the one hand, and, on the other, New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practioner for applicants.

No. MC-FC-71172. By order of March 28, 1969, the Motor Carrier Board approved the transfer to George C. Openhym, 1960, to Margaret T. Openhym doing business as Wallington Motor Lines, Clifton, N.J., of the operting rights in certificate No. MC-93711 issued October 12, 1960, to Margaret T. Openhym doing business as Wallington Motor Lines, Wallington, N.J., authorizing the transportation of: *Foodstuffs and paper*, between points in Passaic, Bergen, Essex, Hudson, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-71226. By order of March 28, 1969, the Motor Carrier Board approved the transfer to David L. Barr, Brazil, Ind., of certificate No. MC-99539 (Sub-No. 1), issued August 25, 1964, to Herbert M. Underwood, Brazil, Ind., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, over regular routes, between Terre Haute, Ind., and Carbon, Ind., serving specified intermediate and off-route points. Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-71236. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Paul W. Duffy and Ray F. De Blass, doing business as Duffy and De Blass, Bellaire, Ohio, of a portion of certificate No. MC-47157, issued May 12, 1966, to Pete Zukoff, Moundsville, W. Va., authorizing the tranportation of: Construction materials and machinery, and agricultural commodities and feeds, paper and paper containers, fertilizer, and coal, from, to, or between West Virginia, Ohio, and Pennsylvania. D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va., 26003, registered practitioner, for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-4543; Filed, Apr. 16, 1969; 8:50 a.m.]

[Notice 327A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 14, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70834. By order of April 8, 1969, the Commission, Division 3, acting as an Appellate Division, approved the transfer to H. J. Russell's, Inc., Vestal, N.Y., of the certificate in No. MC-35677, issued April 19, 1956, to Serafina Construction Co., Inc., Binghamton, N.Y., authorizing the transportation of sand, gravel, crushed stone, bituminous road building materials, and road building machinery, equipment, and supplies between Binghamton, Willow Point, and Chenango Bridge, N.Y., on the one hand, and, on the other, points in New York, and Pennsylvania within 80 miles of Binghamton. Thomas L. Nestor, II, 14 Washington Avenue, Endicott, N.Y., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-4544; Filed, Apr. 16, 1969; 8:50 a.m.]

[Notice 327B]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 14, 1969.

Application filed for temporary authority under section 210(a)(b) in con-

nection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–71313. By application filed April 4, 1969, STEWART DOYLE, INC., doing business as DOYLE TRANSIT COMPANY, 63 North Fifth Street, Fargo, N. Dak., seeks temporary authority to lease the operating rights of NORTHERN TRANSIT COMPANY, 216 North 11th Street, Fargo, N. Dak., under section 210a(b). The transfer to STEWART DOYLE, INC., doing business as DOYLE TRANSIT COMPANY, of the operating rights of NORTHERN TRANSIT COMPANY, is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–4545; Filed, Apr. 16, 1969; 8:50 a.m.]

[Notice 326]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 11, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70974. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Russell Trumbauer, Warren E. Fluck, and William F. Voight, Jr., a partnership, doing business as The Buskirk Co., 3333 Freemansburg Avenue, Easton, Pa. 18042, of the operating rights in certificate No. MC–77598 issued August 27, 1951, to Nicholas Donato and Nick DiVietro, a partnership, doing business as Easton Trucking Co., 686 Pearl Street, Easton, Pa. 18042, authorizing the transportation of household goods as defined by the Commission, between Easton, Pa., and points in Pennsylvania within 10 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, and Massachusetts; and printed matter, between Easton, Pa., and points in Pennsylvania within 5 miles thereof, on the one hand, and, on the other, Washington, N.J.

No. MC–FC–71073. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Edward Rech and Barbara Rech, a partnership, doing business as Rech Trucking, Greybull, Wyo.; of certificate in No. MC–115540, issued January 7, 1960, to Gordon A. Blaney and Crystol L. Blaney, a partnership, doing business as Blaney Transfer and Storage, Worland, Wyo.; authorizing the transportation of: Drilling muds, bentonite, chemicals, and other lost circulating materials used in drilling and maintaining wells for the discovery, development and production of natural gases and petroleum, and, portable storage buildings utilized at such drilling sites, between Greybull, Wyo., and points within 10 miles thereof, on the one hand, and, on the other, points in Montana. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001, attorney for applicants.

No. MC–FC–71211. By order of March 28, 1969, the Motor Carrier Board approved the transfer to L. & M. Express Co., Inc., Lyndhurst, N.J., of the operating rights in certificate No. MC–44639 and subs thereunder, issued to Sam Malta and Irving Levin, doing business as L. & M. Express Co., Lyndhurst, N.J., authorizing the transportation of: Wearing apparel, garments, uncut goods, trimmings, and articles used in the manufacture of wearing apparel, between points in New York, New Jersey, and Virginia. Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102, attorney for applicants.

No. MC–FC–71213. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Colwell Cartage Co., Inc., 12 Becraft Avenue, Hudson, N.Y. 12534, of the certificate in No. MC–17025, issued July 25, 1967, to Christopher J. Groll and Ellen C. Groll, doing business as Colwell Cartage Co., 12 Becraft Avenue, Hudson, N.Y. 12534, authorizing the transportation of household goods between Hudson, N.Y., and points within 15 miles thereof, on the one hand, and, on the other, points in New York, Connecticut, New Jersey, and Pennsylvania.

No. MC–FC–71214. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Complete Auto Transit, Inc., a Delaware corporation, Southfield, Mich., of permit No. MC–49368 and subs thereunder, issued to Complete Auto Transit, Inc., a Michigan corporation, Southfield, Mich., authorizing the transportation of various types of motor vehicles, bodies, chassis, etc., between points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Louisiana, Virginia, Nebraska, Texas, Oklahoma, Wisconsin, Nevada, New Mexico, Utah, Wyoming, Kansas. Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226, attorney for applicants.

No. MC–FC–71240. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Hanson Cartage, Inc., Jamestown, N.Y., of certificate No. MC–47830 issued March 4, 1941, to Jack Hanson, doing business as Hanson Trucking, Jamestown, N.Y., authorizing the transportation of: General commodities, with the usual exceptions, between Jamestown, N.Y., and Warren, Pa. Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701, attorney for applicants.

No. MC–FC–71241. By order of March 28, 1969, the Motor Carrier Board approved the transfer to John J. Turner, doing business as O'Neill Transfer, O'Neill, Nebr., of certificate of registration No. MC–121008 (Sub-No. 1) issued October 19, 1967, to Chambers Transfer, Chambers, Nebr., evidencing a right to engage in interstate or foreign commerce within the State of Nebraska, in the transportation of general commodities. Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–4443; Filed, Apr. 15, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. 13]

PUERTO RICAN-AMERICAN INSURANCE CO.

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $365,000 has been established for the company.

Name of company, location of principal executive office, and area in which incorporated

Puerto Rican-American Insurance Company
San Juan, Puerto Rico

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: April 11, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69–4556; Filed, Apr. 16, 1969; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

HEADQUARTERS ADMINISTRATIVE OFFICER

Redelegation of Authority

APRIL 10, 1969.

Bureau of Indian Affairs Manual 10–1, New Paragraph 5.5.

Redelegation of Authority to Approve Advertising Orders (Standard Form No. 1143 7 GAO 5200—1143–105).

Bureau of Indian Affairs Manual 10 BIAM 5. is amended by additional paragraph under section 10 BIAM 5., authority of Central Office Personnel.

5.5 *Advertising.* The Headquarters Administrative Officer or anyone acting in his stead, may authorize the publication of advertisements, notices, or proposals. Section 3828 of the Rev. Stat. (44 U.S.C. 324), 205 DM 5.1.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69–4512; Filed, Apr. 16, 1969; 8:47 a.m.]

LAND RECORDS

Transfer

APRIL 10, 1969.

In accordance with 25 CFR Part 120, and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given as follows:

Effective upon publication in the FEDERAL REGISTER, the Title Plants listed below are the offices of record for the recording and the maintenance of records for all trust or restricted lands.

1. *Aberdeen Area.* Except as hereinafter set forth, the official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Aberdeen Area Office, and whether within or without the boundaries of any Indian reservation, community or other designated land entity under said area office jurisdiction, is transferred to the Aberdeen Title Plant, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, S. Dak. 57401.

Excluded from this transfer are the land records pertaining to the Turtle Mountain Indian Reservation in the State of North Dakota and the Turtle Mountain Off-Reservation lands in the States of North and South Dakota. The official custody of these records is transferred to the Billings Title Plant, Bureau of Indian Affairs, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

2. *Albuquerque Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Albuquerque Area Office, and whether within or without the boundaries of any Indian reservation, pueblo, community, or other designated land entity under said area office jurisdiction, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

3. *Anadarko Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Anadarko Area Office, and whether within or without the boundaries of any Indian reservation or other designated land entity under said area office jurisdiction, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

4. *Billings Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Billings Area Office, and whether within or without the boundaries of any Indian reservation or other designated land entity under said area office jurisdiction, is transferred to the Billings Title Plant, Bureau of Indian Affairs, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

5. *Former Gallup Area.* On January 30, 1966, by order of the Commissioner of Indian Affairs, the Albuquerque and the Navajo Area Offices were established to take over the functions and jurisdiction formerly exercised by the Gallup Area Office, including the maintenance of the records to Indian-owned lands within that area. The official custody of all these records is now transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

6. *Minneapolis Area.* (a) Except as hereinafter set forth, the official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands in the States of Iowa, Michigan, and Wisconsin under the jurisdiction of the Minneapolis Area Office, and whether within or without the boundaries of any Indian reservation, community or other designated land entity in said States under said area office jurisdiction, is transferred to the Aberdeen Title Plant, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, S. Dak. 57401.

Excluded from this transfer are the land records pertaining to the Isabella Indian Reservation in the State of Michigan and the Oneida Indian Reservation in the State of Wisconsin. The official custody of these records remains with the Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20242, and that office continues to be the office of record for the recording and maintenance of these records.

(b) Except as hereinafter set forth, the official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands in the State of Minnesota under the jurisdiction of the Minneapolis Area Office, and whether within or without the boundaries of any Indian reservation, community or other designated land entity under said area office jurisdiction, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

Excluded from this transfer are the land records pertaining to the White Earth Indian Reservation in the State of Minnesota. The official custody of these records remains with the Bureau of Indian Affairs, Washington, D.C., and that office continues to be the office of record for the recording and maintenance of these records.

7. *Muskogee Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands on the Eastern Shawnee, Quapaw, and Seneca Cayuga Indian Reservations in the State of Oklahoma, under the jurisdiction of the Muskogee Area Office, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

8. *Navajo Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Navajo Area Office, including lands within the Navajo Indian Reservation in the States of Arizona, New Mexico, and Utah, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

9. *Phoenix Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Phoenix Area Office, and whether within or without the boundaries of any Indian reservation, community, colony, or other designated land entity under said area office jurisdiction, is transferred to the Phoenix Title Plant, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz. 85011.

10. *Portland Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Portland Area Office, and whether within or without the boundaries of any Indian reservation, community, colony, or other designated land entity under said area office jurisdiction, is transferred to the Portland Title Plant, Bureau of Indian Affairs, 1425 Northeast Irving Street, Portland, Oreg. 97208.

11. *Sacramento Area.* The official custody of all land records and source title documents pertaining to Indian-owned trust or restricted lands under the jurisdiction of the Sacramento Area Office, and whether within or without the boundaries of any Indian reservation, community, colony, rancheria, or other designated land entity under said area office jurisdiction, is transferred to the Portland Title Plant, Bureau of Indian Affairs, 1425 Northeast Irving Street, Portland, Oreg. 97208.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69–4513; Filed, Apr. 16, 1969; 8:47 a.m.]

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 7, 1969.

The Bureau of Indian Affairs has filed an amended application, Anchorage Serial No. AA–2614, for the withdrawal of the lands described herein from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the act of July 31, 1947, as amended. The applicant agency desires the land as a site for additional school facilities including a water well at Togiak, Alaska.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation, 43 CFR 2311.1–3(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

TOGIAK, ALASKA

BRISTOL BAY AREA

Latitude 59°03½′ N., Longitude 160°23½′ W.

A tract of land embracing approximately 3.16 acres located immediately adjacent to the northeast boundary of the present school reserve, U.S. Survey No. 2501.

Togiak is a native Trustee Townsite located approximately 60 miles west of Dillingham, Alaska.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 69–4503; Filed, Apr. 16, 1969; 8:47 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 7, 1969.

Notice of an application, serial number AA–2614, for withdrawal and reservation of lands was published as F.R. Doc. 68–5994 on page 7499 of the issue for May 21, 1968. The Bureau of Indian Affairs has amended its application so as to delete the lands described herein. Therefore, under the regulations contained in 43 CFR 2311, such lands will be at 10 a.m. on April 15, 1969, relieved of the segregative effect of the above-mentioned application. The lands involved in this notice of termination are:

TOGIAK, ALASKA

BRISTOL BAY AREA

A tract of land beginning at corner No. 3 of U.S. Survey 2051; thence N. 50°57′ W., a distance of 150 feet to a point; thence N. 39°03′ E., a distance of 630 feet to a point; thence S. 50°57′ E., a distance of 230 feet to a point; thence S. 39°03′ W., a distance of 300 feet to the intersection of the east line of U.S. Survey 2051 between meander corner 1 and property corner 2; thence N. 50°57′ W., a distance of 80 feet to corner 2 of U.S. Survey 2051; thence S. 39°03′ W., a distance of 330 feet to corner 3 of U.S. Survey 2051; and the true point of beginning.

The area described contains approximately 2.72 acres adjoining the present school reserve.

Togiak is a native Trustee Townsite located approximately 60 miles west of Dillingham, Alaska.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 69–4504; Filed, Apr. 16, 1969; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) it is proposed to classify the public lands described below for transfer out of Federal ownership under any of the following statutes: Section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for Point Reyes National Seashore, Act of September 13, 1962 (16 U.S.C. 459c), or State Indemnity Lieu Selection Act (43 U.S.C. 851, 852).

2. This proposal has been discussed with State and local government officials, BLM advisory boards, users, conservation groups, and general public.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

4. The lands are located in Kern County, northeast of Mojave and are described as follows:

MOUNT DIABLO MERIDIAN

T. 31 S., R. 37 E.:	
Sec. 24, S½	320.00
T. 32 S., R. 37 E.:	
Sec. 12, E½NE¼	80.00
T. 31 S., R. 38 E.:	
Sec. 14	640.00
Sec. 18, lot 1 of NW¼	80.00
N½ of lot 2 of NW¼	36.12
S½ of lot 2 of NW¼, and	36.37
E½	320.00
Sec. 20	640.00
Sec. 22	640.00
Sec. 24	640.00
Sec. 26	640.00
Sec. 28	640.00
Sec. 30, lot 1 of NW¼	80.00
N½ of lot 2 of NW¼	37.11
S½ of lot 2 of NW¼	37.33
Lot 1 of SW¼	80.00
N½ of lot 2 of SW¼	37.55
S½ of lot 2 of SW¼, and	37.77
E½	320.00
Sec. 32	640.00
Sec. 34	640.00
T. 32 S., R. 38 E.:	
Sec. 2, lot 1 of NE¼	80.00
E½ of lot 2 of NE¼	42.06
W½ of lot 2 of NE¼	42.18
Lot 1 of NW¼	80.00
E½ of lot 2 of NW¼	42.30
W½ of lot 2 of NW¼, and	42.43
S½	320.00
Sec. 4, lot 1 of NE¼	80.00
E½ of lot 2 of NE¼	42.86
W½ of lot 2 of NE¼	42.82
Lot 1 of NW¼	80.00
E½ of lot 2 of NW¼	42.78
W½ of lot 2 of NW¼, and	42.74
S½	320.00
Sec. 6, lot 1 of NE¼	80.00
E½ of lot 2 of NE¼	42.78
W½ of lot 2 of NE¼	41.98
E½ of lot 1 of NW¼	40.00
W½ of lot 1 of NW¼	37.53
E½ of lot 2 of NW¼	41.18
W½ of lot 2 of NW¼	37.21
Lot 1 of SW¼	80.00
N½ of lot 2 of SW¼	38.19
S½ of lot 2 of SW¼, and	38.89
SE¼	160.00
Sec. 8	640.00
Sec. 10	640.00
Sec. 12	640.00
Sec. 14	640.00
Sec. 20, E½	320.00
Sec. 22	640.00
Sec. 24	640.00
Sec. 26	640.00
Sec. 28	640.00
Sec. 34	640.00

The land described aggregate 14,640.18 acres.

5. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the District Office, Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, Calif. 93301; and in the Land Office, Bureau of Land Management, 1414 University Avenue, Riverside, Calif. 92502.

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, of objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Bakersfield, Calif.

7. A public hearing will be held if sufficient public interest is shown.

For the State Director.

ROBERT J. SPRINGER,
District Manager.

[F.R. Doc. 69–4506; Filed, Apr. 16, 1969; 8:47 a.m.]

[R–1658, S–1795]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands in Blocks 1., 2., and 3. from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and, of segregating the lands described in Block 4. from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334). The land shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands located within the following described areas are shown on maps designated 2412–04–01–32 (R–1658) (S–1795) in the District Office, Bureau of Land Management, Bakersfield, Calif. 93301, and in the Land Offices, 1414 University Avenue, Riverside, Calif. 92502, and 2800 Cottage Way, Room E–2820, Sacramento, Calif. 95825.

The overall description of the area is as follows:

KERN COUNTY

MOUNT DIABLO MERIDIAN

All public land in:

Block No. 1

T. 28 S., R. 32 E.,
Sec. 21.
T. 29 S., R. 32 E.,
Secs. 4, 8, 16, and 18.
T. 28 S., R. 33 E.,
Secs. 7, 8, 17, 18, 19, and 32.
T. 29 S., R. 33 E.,
Secs. 8, 9, 10, 11, 13, 16, 26, 28, 34, and 36.
T. 30 S., R. 33 E.,
Secs. 2, 14, 15, 16, 19, 20, 21, 22, 26, 29, 30, and 31.
T. 29 S., R. 33½ E.,
Secs. 13 and 24.
T. 29 S., R. 34 E.,
Sec. 32.

Block No. 2

T. 28 S., R. 34 E.,
Sec. 35, SE¼;
Sec. 36, S½.
T. 29 S., R. 34 E.,
Secs. 12 and 24.
T. 30 S., R. 34 E.,
Secs. 2 and 12.
T. 29 S., R. 35 E.,
Secs. 2, 3, 4, 6, 7, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, and 32.
T. 30 S., R. 35 E.,
Secs. 2, 10, 14, 18, 23, 27, 28, 30, 32, and 34.
T. 29 S., R. 36 E.,
Secs. 2, 4, 5, 6, 8, 10, 12, 14, 15, 18, 19, 20, 22, 23, 24, 26, 28, 29, 30, 32, and 34.
T. 30 S., R. 36 E.,
Secs. 2, 4, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 30 S., R. 36½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 30 S., R. 37 E.,
Secs. 1, 2, 3, 4, 6, 8, 10, 11, 12, 14, 15, 18, 20, 21, 22, 28, 30, 32, 33, and 34.

Block No. 3

T. 31 S., R. 33 E.,
Secs. 1 and 11;
Secs. 12 to 14, inclusive;
Secs. 23, 24, and 26.
T. 30 S., R. 34 E.,
Secs. 26, 34, and 36.
T. 31 S., R. 34 E.,
Secs. 1 to 6, inclusive;
Secs. 8 and 9;
Secs. 11 to 16, inclusive;
Secs. 18, 20, 21, 23, 24, and 26.
T. 32 S., R. 34 E.,
Secs. 2, 12, 14, and 24.
T. 31 S., R. 35 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 32 S., R. 35 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 31 S., R. 36 E.,
Secs. 1 to 6, inclusive;
Secs. 8 to 10, inclusive;
Secs. 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 32 S., R. 36 E.,
Secs. 4, 6, 8, and 18.
T. 31 S., R. 36½ E.,
Secs. 12, 13, and 24.
T. 31 S., R. 37 E.,
Secs. 5 and 6.

Block No. 4

T. 31 S., R. 37 E.,
Sec. 24.
T. 32 S., R. 37 E.,
Sec. 12, N½.
T. 30 S., R. 38 E.,
Secs. 1, 2, and 3, unsurveyed;
Sec. 4;
Secs. 8 to 16, inclusive, unsurveyed;
Secs. 21 to 24, inclusive, unsurveyed;
Secs. 26, 27, and 28, unsurveyed;
Sec. 34.
T. 31 S., R. 38 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 12, inclusive;
Secs. 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 32 S., R. 38 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 20, 22, 24, 26, 28, and 34.
T. 31 S., R. 39 E.,
Sec. 30, N½;
Sec. 32, W½.
T. 32 S., R. 39 E.,
Sec. 6, W½.

The area described aggregates approximately 139,696 acres.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif. 93301.

4. A public hearing on the proposed classification will be held on Wednesday, May 28, 1969 at 10:30 a.m. in the West Area of the Sports Arena at California City, Kern County, Calif.

For the State Director.

ROBERT J. SPRINGER,
District Manager.

[F.R. Doc. 69–4509; Filed, Apr. 16, 1969; 8:47 a.m.]

[Sacramento 2460]

CALIFORNIA

Opening of National Forest Lands

APRIL 10, 1969.

1. In DA–1059–California dated February 13, 1969, the Federal Power Commission vacated the withdrawal created pursuant to the filing on March 29, 1960, of an amended application for license for Oroville-Wyandotte Irrigation District South Fork Project No. 2088 (Feather River) for the following lands:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 8 E.,
Sec. 3, S½SW¼ and SW¼SE¼.

The areas described aggregate approximately 120 acres in Plumas County within the Plumas National Forest.

2. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to authority redelegated to me by the Acting Manager on November 18, 1965 (30 F.R. 14444), as amended, it is hereby ordered that the lands listed in paragraph 1 hereof are hereby open to such forms of disposal as may by law be made of National Forest lands effective at 10 a.m. on May 12, 1969, subject to existing rights, the provisions of existing withdrawals, and the requirements of applicable laws and regulations.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69–4505; Filed, Apr. 16, 1969; 8:47 a.m.]

[N–3660]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 11, 1969.

The Bureau of Reclamation has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for recreational, fish and wildlife purposes and the operation and maintenance of the

Lahontan Reservoir, an existing facility of the Newlands Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1–3(c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 25 E.,
Sec. 25, E½;
Sec. 36, E½.
T. 18 N., R. 25 E.,
Sec. 24, N½.
T. 18 N., R. 26 E.,
Sec. 16, S½;
Sec. 20, E½.

The areas described aggregate 1,600 acres.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69–4506; Filed, Apr. 16, 1969; 8:47 a.m.]

[New Mexico 9320]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 11, 1969.

The Bureau of Reclamation, U.S. Department of the Interior, has filed application, Serial No. New Mexico 9320, for the withdrawal of land described below from all forms of entry under the public land laws, but not the general mining or mineral leasing laws. The land was conveyed to the United States pursuant to sections 10 and 11 of the Act of June 20, 1910 (36 Stat. 564). They have not been open to entry under the public land laws. The applicant desires the land for use in connection with the Navajo Indian Irrigation Project, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 8 W.,
Sec. 32, S½N½, N½SW¼, and SE¼.

The area described aggregates 400 acres in San Juan County.

HAROLD A. BERENDS,
Acting Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69–4507; Filed, Apr. 16, 1969; 8:47 a.m.]

[Oregon 016983, etc.]

OREGON

Notice of Offering of Land for Sale

APRIL 11, 1969.

Under the Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–27) and 43 CFR Subpart 2243, there will be offered to the highest bidder, but at not less than appraised value, at a public sale to be held at 1 p.m. on the 27th day of May, 1969, at the Civic Recreation Center, Orchard Avenue, Hermiston, Oreg., the following parcels of land:

Parcel No.	Description	Acres	Appraised value	Estimated cost of publication
	Willamette Meridian			
Oregon 016983	T. 3 N., R. 28 E., sec. 34, all.	640	$16,700	$35
Oregon 016984	T. 3 N., R. 28 E., sec. 24, all. Subject to highway right-of-way Oregon 017832 granted to Oregon State Highway Department and Pacific Northwest Bell cable right-of-way Oregon 018500. Also subject to the right of the grazing lessee to remove his fence.	640	27,600	35
OR 3175	T. 5 N., R. 29 E., sec. 30, lots 1 and 2 of the NW¼ and N½ of lot 1 of the SW¼. The purchaser of this parcel will be required to make provision for compensating the grazing lessee for fencing.	202.49	9,450	35
OR 3176	T. 5 N., R. 29 E., sec. 20, N½, SE¼. Subject to a highway right-of-way Oregon 0087 granted to Oregon State Highway Department and a Bonneville Power Administration power transmission line and road right-of-way Oregon 018714. The purchaser of this parcel will be required to make provision to compensate for grazing lessee's range improvements, consisting of fencing.	480	18,650	35

If the parcels are not sold on that day, the sale will be adjourned and the parcels reoffered for sale on each succeeding Tuesday at 10 a.m. in the Land Office, 729 Northeast Oregon Street, Portland, Oreg., until sold or until November 25, 1969, the date the sale will be closed.

The parcels will be sold subject to a reservation to the United States of rights-of-way for ditches or canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945) and all minerals will be reserved to the United States.

No bid will be accepted for less than the appraised value to which bid must be added the cost of publication noted above.

Sealed or oral bids may be made by the principal or his agent. Bids for a parcel must be for all the lands in the parcel.

Sealed bids will be considered only if received at the Land Office, Post Office Box 2965 (729 Northeast Oregon Street), Portland, Oreg. 97208, by the close of business on the day prior to each date the auction is held. Late filed sealed bids will be held for consideration at the next weekly auction. Sealed bids must be in envelopes accompanied by certified checks, post office money orders, bank drafts, or cashiers' checks made payable to the Bureau of Land Management for the amount of the bid plus the publication cost shown above. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, Parcel No. _____." Personal checks will be accepted from successful oral bidders. The successful oral bidders at the sale will be required to pay immediately the amount thereof together with the cost of publication. The right is reserved to determine at any time that the lands should not be sold or that any and all bids should be rejected.

The above-described lands are segregated from all forms of appropriation, including location under the mining laws, and from all other petitions and applications pursuant to prior classifications in accordance with 43 CFR 2243.2–6(c).

For further information write:

Land Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208.

IRVING W. ANDERSON,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69–4510; Filed, Apr. 16, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. S–464]

ALVIN E. HUHTA

Notice of Loan Application

APRIL 11, 1969.

Alvin E. Huhta, Route 4, Box 15, Astoria, Oreg. 98103, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 32-foot length overall wood vessel to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69–4511; Filed, Apr. 16, 1969; 8:47 a.m.]

FISHING VESSEL MORTGAGE AND LOAN INSURANCE

Applications

APRIL 14, 1969.

Upon review of the Fishing Vessel Mortgage Insurance Program, it became apparent that it is not in the national interest to encourage the construction of more vessels in a specific fishery than are required to harvest the estimated maximum sustainable yield. The Secretary of the Interior has therefore determined that the Fishing Vessel Mortgage Insurance Program shall not be used to introduce additional fishing effort into a fishery when the existing fleet is already producing the estimated maximum sustainable yield. Nevertheless, it continues to be desirable to encourage modernization of the fleet; and it is clear that a new, efficient vessel can be built without increasing the fishing effort in such a fishery if at least equivalent fishing effort is permanently removed from fishing.

Notices will be published from time to time listing fisheries which the Secretary determines to be in this condition. Thereafter, those fisheries which are listed will not be eligible for assistance in the form of fishing vessel mortgage or loan insurance unless the proposed vessel is designed so that it will be more efficient than 70 percent of the vessels currently in the fishery in which it will operate and provided that a vessel or vessels, that have operated in that fishery during the previous year and having at least the same fishing capacity as the new vessel, have been or will be permanently removed from all domestic fishing prior to delivery of the new vessel. Fisheries may be added to or deleted from the list by publication in the FEDERAL REGISTER whenever the available evidence justifies such action. Interested parties may at any time make recommendations for changes in the list, giving their reason for the recommended changes by letter addressed to the Director, Bureau of Commercial Fisheries, U.S. Department of the Interior, Washington, D.C. 20240. All recommendations will be considered when said lists are prepared.

The yellowfin tuna fishery in the area regulated by the Inter-American Tropical Tuna Commission is operated under a quota which is currently set at 120,000 tons per year. The carrying capacity of the present U.S. fleet fishing in this area is over 46,000 tons and it will increase to 54,000 tons by this summer. This means that the entire quota can be taken by fewer than three trips for each vessel in the U.S. tropical tuna fleet. Consequently the quota may be reached in as little as 4 months, after which the vessels must flash in other areas, for other species, or be tied up for the balance of the year. In view of the above, a determination is hereby made that the yellowfin tuna fishery in the area regulated by the Inter-American Tropical Tuna Commission has sufficient vessels to take the maximum sustainable yield. Therefore, no application for mortgage or loan insurance will be accepted after the date of publication of this Notice for the construction or reconstruction of vessels to be used in this fishery unless the Secretary determines that the vessel to be constructed is designed so as to be more efficient than at least 70 percent of the vessels in this fleet and further provided that one or more vessels that have operated in that fishery during the previous year with a total fishing capacity at least equal to that of the proposed vessel have been, or will be, withdrawn permanently from domestic fishing by the applicant. The withdrawal must be completed before delivery of the proposed vessel.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69–4548; Filed, Apr. 16, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

WASHINGTON COUNTY STOCKYARD ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard and date of posting

ALABAMA

Washington County Stockyard, Chatom, Mar. 24, 1969.

GEORGIA

Moore's Auction and Livestock Commission, Calhoun, Mar. 4, 1969.

MICHIGAN

Escanaba Livestock Auction, Escanaba, Mar. 5, 1969.

NEBRASKA

Producers Livestock Marketing Association, McCook, Mar. 5, 1969.

OKLAHOMA

Hennessey Sale, Hennessey, Mar. 25, 1969.

TEXAS

Cattlemen's Exchange, Inc., Edinburg, Mar. 25, 1969.

Done at Washington, D.C., this 10th day of April 1969.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-4557; Filed, Apr. 16, 1969; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Determination for Surveys

In conformity with title 13, United States Code, sections 181, 224, and 225, and due notice of consideration having been published on March 18, 1969 (34 F.R. 5341), I have determined that a First Quarter 1969 Survey of selected multiunit companies is needed to collect information for the 1969 County Business Patterns Report. The Survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other Federal Agencies will be required to report in this Survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: April 8, 1969.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 69-4481; Filed, Apr. 16, 1969; 8:45 a.m.]

Bureau of International Commerce

[File No. 23(69)-2]

INTERAGRA S.A.

Order Extending Temporary Denial of Export Privileges

In the matter of Interagra S.A. 16, Rue Auber Paris 9, France, Respondent, File No. 23(69)-2.

An order temporarily denying export of privileges for a period of 60 days was issued against the above respondent on February 14, 1969 (34 F.R. 2514). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce. On the evidence presented there was reasonable basis to believe that respondent had knowingly participated in a transaction involving the unauthorized reexportation of 12,000 tons of U.S.-origin agricultural fertilizer from France to Cuba and further that on inquiry from the U.S. supplier the respondent stated that the material was resold to various of its French customers.

The Director of said Investigations Division has applied under § 381.11 of the Export Regulations for an extension of the temporary denial order for an additional 30 days. He has represented that since the temporary denial order was issued in this case on February 14, 1969, written interrogatories have been served on respondent and that said interrogatories have not yet been answered. If said interrogatories are not answered an order denying export privileges for an indefinite period for failure to answer may be appropriate under § 382.15 of the Export Regulations. Until such interrogatories are answered or the time for answering has expired it cannot now be determined what action will be taken in the case.

The application for extension of the temporary denial order has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary denial order be extended for an additional 30 days. He has found that such extension is reasonably necessary for the protection of the public interest. I confirm this finding.

Accordingly, it is hereby ordered:

I. The prohibitions and restrictions of the temporary denial order issued in this matter on February 14, 1969 (34 F.R. 2514) are hereby continued in full force and effect.

II. The respondent, its successors, assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor and to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the temporary denial order which was entered on February 14, 1969 and shall remain in effect for a period of 30 days from the expiration of said temporary denial order, unless it is hereafter amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any said respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: April 11, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-4532; Filed, Apr. 16, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of diethylstilbestrol in inert silicone rubber implants for the use in cattle, except dairy and breeding animals, at 75 milligrams per animal for increasing rate of gain and improving feed efficiency.

Dated: April 9, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4483; Filed, Apr. 16, 1969; 8:45 a.m.]

DIBUTYLTIN DILAURATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drug: Tinostat, Medicated Premix; contains 25 percent dibutyltin dilaurate; marketed by Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616.

The Academy concludes that this drug is probably effective as an aid in prevention of coccidiosis and hexamitiasis in turkeys; however, the label should list the species of turkey coccidia controlled. The Food and Drug Administration concurs with this evaluation.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 10, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4484; Filed, Apr. 16, 1969; 8:45 a.m.]

FURASPOR LIQUID VETERINARY

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Furaspor Liquid Veterinary; contains 0.4 percent nitrofurfuryl methyl ether, 15 percent benzyl benzoate, and 0.5 percent methylbenzethonium chloride; marketed by Eaton Laboratories, Division of The Norwich Pharmacal Co., Post Office Box 191, Scientific Department, Norwich, N.Y. 13815.

The Academy concluded (1) that this product is probably effective for pyogenic dermatitis, seborrheic dermatitis complicated by bacterial infections, and demodectic mange alone or complicated by bacterial infections in dogs and for topical fungal infections sensitive to the drug in large animals and dogs; (2) that documentation is needed to substantiate the use of this product for seborrheic dermatitis; (3) that the label should indicate the specific fungus for which the product is effective; and (4) that directions for use are inadequate. The Food and Drug Administration concurs with the conclusions of the Academy.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of the new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 10, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4485; Filed, Apr. 16, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Designation and Revocation

SECTION A. *Designation of Acting Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* The Deputy Under Secretary for Policy Analysis and Program Evaluation, Department of Housing and Urban Development, is hereby designated to serve as Acting Assistant Secretary for Mortgage Credit and Federal Housing Commissioner during the present vacancy in the office of Assistant Secretary for Mortgage Credit and Federal Housing Commissioner, with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.

SEC. B. *Revocation.* The delegation of authority to William B. Ross, Deputy Under Secretary for Policy Analysis and Program Evaluation, published at 34 F.R. 3861, March 5, 1969, is hereby revoked.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This document shall be effective as of April 10, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-4531; Filed, Apr. 16, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-338, 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Virginia Electric and Power Co., 700 East Franklin Street, Richmond, Va. 23209, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated March 17, 1969, for authorization to construct and operate two nuclear reactors, designated as the North Anna Power Station Units No. 1 and No. 2, on a company site located in Louisa County, Va.

The site is located south of the North Anna River, approximately 24 miles southwest of Fredericksburg and 40 miles north-northwest of Richmond, Va. The reactors will be located on a peninsula in a reservoir that is to be formed when an earthen dam is constructed approximately 5 miles southeast of the site.

The proposed nuclear powerplant will consist of two pressurized water reactors, each of which is designed for initial operation at approximately 2,652 thermal megawatts with a gross electrical output of approximately 892 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 4th day of April 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-4480; Filed, Apr. 16, 1969; 8:45 a.m.]

[Docket No. 50-326]

REGENTS OF UNIVERSITY OF CALIFORNIA AT IRVINE

Notice of Proposed Issuance of Construction Permit

The Atomic Energy Commission ("the Commission") is considering the issuance of a construction permit, substantially in the form annexed, to The Regents of the University of California at Irvine, which would authorize the construction of the TRIGA Mark I type pulsing research reactor on the University's campus at Irvine, Calif. The proposed reactor will be operated at power levels up to 250 kilowatts (thermal).

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed license, see (1) the application dated August 9, 1968, and amendment thereto, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 15th day of April 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated August 9, 1968, and amendment thereto dated October 4, 1968 (hereinafter "the application"), The Regents of the University of California at Irvine (hereinafter "the University"), requested a Class 104 license authorizing construction and operation of the TRIGA Mark I type pulsing research reactor facility (hereinafter "the facility") on the University's campus in Irvine, Calif.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The facility will be used in the conduct of research and development activities of the types specified in Section 31 of the Act;

D. The University is financially qualified to construct the facility in accordance with the Commission's regulations contained in Title 10, Chapter 1, CFR;

E. The University and its contractor, Gulf General Atomic, Inc., are technically qualified to design and construct the facility;

F. The University has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public; and

G. The issuance of the proposed construction permit will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The Regents of the University of California at Irvine to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is July 15, 1969. The latest completion date of the facility is December 15, 1969. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located on the site specified in the application on the University's campus in Irvine, Calif.

4. Upon completion of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the application up to date, upon finding by the Commission that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, upon execution of the indemnity agreement as required by section 170 of the Act and the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to the University pursuant to section 104c of the Act, which license shall expire thirty (30) years from the date of issuance of this construction permit, unless sooner terminated.

For the Atomic Energy Commission.

Date of issuance:

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-4624; Filed, Apr. 16, 1969; 9:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69-4-59]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Government Orders for Free and Reduced Transportation

Issued under delegated authority on April 11, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote.

Subject to certain procedural provisions, the agreement would revalidate within the Western Hemisphere, for a 1-year period through March 31, 1970, a currently applicable resolution relating to the granting of free or reduced rate transportation pursuant to Government orders.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that Resolution 100 (Mail 585) 200g, which is incorporated in the above-designated agreement, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 20903 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50 may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4559; Filed, Apr. 16, 1969; 8:51 a.m.]

[Docket No. 20758; Order 69-4-62]

PAN AMERICAN WORLD AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1969.

On February 24, 1969, Pan American World Airways, Inc. (Pan American), filed an application in Docket 20758 for amendment of its certificate for Route 136 to delete its authority to serve Tapachula and Tampico, Mexico. On the same date Pan American filed a motion for an order to show cause why its application should not be granted.[1]

No answers have been received.

We have decided to grant Pan American's motion and to issue a show cause order proposing to terminate Pan American's authority to serve Tapachula and Tampico.

In support of our tentative conclusion to grant the requested deletion, we tentatively find and conclude that, under the Air Transport Services Agreement between the United States and Mexico, Pan American is unable to serve Tapachula and Tampico; and that the requested deletion would have no adverse effect on the public or any other air carrier.

Upon consideration of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require the amendment of Pan American's certificate of public convenience and necessity for Route 136 to delete the intermediate points of Tapachula and Tampico, Mexico.

Interested persons will be given 20 days following service of this order to show cause why the foregoing tentative findings and conclusions should not be made final. We expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings stated herein and amending Pan American's certificate for Route 136 to delete the intermediate points of Tampico and Tapachula, Mexico;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or the certificate amendment set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon Pan American a statement of objections together with statistical data, and other evidence relied upon to support the stated objections; [2]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before future action is taken by the Board; and

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4560; Filed, Apr. 16, 1969; 8:51 a.m.]

[1] Pan American's authority to serve Tampico and Tapachula has been temporarily suspended until further order of the Board. Orders E-16364, served Feb. 13, 1961, and 69-2-134, dated Feb. 26, 1969.

[2] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of January 14, 1969

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on January 14, 1969.[1]

The information reviewed at this meeting suggests that expansion in real economic activity has been moderating, with slower growth in consumer outlays but higher rates of business inventory accumulation and capital expenditures. Upward pressures on prices and costs, however, are persisting. Since the mid-December firming of monetary policy, most interest rates have risen further and, with the outstanding volume of large-denomination CD's declining sharply, bank credit expansion has slowed. Growth in the money supply moderated somewhat on average in December from its rapid November pace. The U.S. foreign trade surplus remains very small but near the end of the year unusual capital inflows had a markedly favorable effect on the overall balance of payments. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in money and short-term credit markets: *Provided, however,* That operations shall be modified, to the extent permitted by the forthcoming Treasury refunding, if bank credit expansion appears to be deviating significantly from current projections.

Dated at Washington, D.C., the 9th day of April 1969.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 69-4482; Filed, Apr. 16, 1969; 8:45 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of Jan. 14, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FEDERAL COMMUNICATIONS COMMISSION

[Report 435]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 14, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

5619-C2-P-69—Hancock Rural Telephone Corp.; (KLF493); C.P. to change the base frequency to 152.78 MHz at station located at 10 Maple Street, Markleville, Ind.

5944-C2-P-69—National Communications System, Inc.; (KMM704); C.P. to add frequency 454.275 MHz at station located at Fourth and I Streets, Sacramento, Calif.

5949-C2-P-69—ATS Mobile Telephone Inc.; (KBM512); C.P. to add a second channel to operate on frequency 152.06 MHz at station located at 3555 Farnam Street, Omaha, Nebr.

5950-C2-P-(3)-69—New York Telephone Co.; (New); C.P. for a new 1-way station to operate on frequency 152.84 MHz at location No. 1: 65 Franklin Street, Buffalo, N.Y.; location No. 2: 46 North Cayuga Road, Williamsville, N.Y., and location No. 3: 95 Tremont Street, Tonawanda, N.Y.

5957-C2-P-69—Kalama Telephone Co.; (New); C.P. for a new 1-way station to be located on China Gardens Road, 4.5 miles east of Kalama, Wash., to operate on frequency 152.54 MHz.

5958-C2-(2)-69—Imperial Communications Corp.; (KMA262); C.P. to add base frequency 152.03 MHz at location No. 1: Mount Soledad, San Diego, Calif., and location No. 2: 4285 Eastridge Drive, La Mesa, Calif.

5967-C2-P-69—Bledsoe Telephone Cooperative Corp.; (New); C.P. for a new 2-way station to be located atop Waldens Ridge, 3 miles east of Pikeville, Tenn., to operate on frequency 152.57 MHz.

5968-C2-P-69—Gainesville Mobile Telephone Co.; (New); C.P. for a new 2-way station to be located at Athens and Gaines Mill Roads, 2.5 miles southeast of Gainesville, Ga., to operate on frequency 454.200 MHz.

5969-C2-MP-69—Radar Paging Service; (KLF538); Modification of C.P. to relocate the antenna system to the water tower at the corner of Dodgion and Gudgell Avenue, Independence, Mo.

5970-C2-P-69—Walker County Telephone Co., Inc.; (KIQ507); C.P. to replace the transmitter operating base frequency 152.69 MHz and change the antenna system located at 0.75 mile southeast of LaFayette, Ga.

5971-C2-P-69—Santa Rosa Telephone Cooperative, Inc.; (KLB327); C.P. to relocate station facilities to center of town of Odell, Tex., operating on frequency 152.57 MHz.

5985-C2-ML-69—New England Telephone & Telegraph Co.; (KCC793); Modification of (Developmental) station license to change the frequency to 454.675 MHz at station located on Bear Hill, 1 mile west of Waltham, Mass.

6007-C2-MP-69—Souris River Telephone Mutual Aid Corp.; (KAI930); Modification of C.P. to change transmitters to operate on frequencies 152.69, 152.72, and 152.75 MHz. All other terms same as existing C.P.

6008-C2-MP-69—Souris River Telephone Mutual Aid Corp.; (KAI931); Same as above except, frequencies 152.51 and 152.78 MHz.

Major Amendment

2083-C2-P-69—McLean County Telephone Answering Service Inc.; (New); Change frequency to 152.24 MHz. All other particulars to remain the same as reported on public notice dated Oct. 7, 1968, Report No. 408 and Jan. 27, 1969, Report No. 424.

3702-C2-P-69—General Telephone Co. of Missouri; (New); Change frequency to 152.84 MHz. All other particulars to remain the same as reported on public notice dated Jan. 6, 1969, Report No. 421.

4148-C2-P-69—Airsignal International, Inc.; (New); To designate 8500 Zuni Street, Westminster, Colo. as location No. 1. Add location No. 2: Hotel Denver-Hilton, 1550 Court Place, Denver, Colo., to operate on 158.70 MHz. All other particulars remain same as reported on public notice dated Mar. 3, 1969, Report No. 429.

Correction

5713-C2-P-69—Tri-Cities Answering Service, Inc.; (New); Correct to read: 1-way station. All other particulars to remain same as reported on public notice dated Apr. 7, 1969, Report No. 434.

Renewals of licenses expiring April 1, 1969. Term: April 1, 1969, to April 1, 1974.

Licensee, State, and call sign

Siskiyou Mobilfone, California, KLF550.
All-Florida Communications Co., Florida, KIN643 (2-way).
All-Florida Communications Co., Florida, KIN645 (1-way).
Merrimac Mobile Communications Co., Massachusetts, KCA668.
Able Paging Service, South Carolina, KPL947.

RURAL RADIO SERVICE

5945-C1-P-69—General Telephone Co. of the Northwest, Inc.; (New); C.P. for a new rural subscriber station to be located at Mount Fanny, 13.7 miles southeast of Alicel, near La Grande, Oreg., to operate on frequency 157.83 MHz communicating with Station KFQ933, Alicel, Oreg.

RURAL RADIO SERVICE—continued

5951-C1-P/L-69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new station to be located at 26.6 miles west of Casper, Wyo., to operate on frequency 459.40 MHz communicating with Station KSV88, Casper, Wyo.

5952-C1-ML-69—The Mountain States Telephone & Telegraph Co.; (KSV88); Modification of license to add (the above-described station) new point of communication operating on 454.40 MHz. All other terms same as existing license authorization.

5959-C1-P/L-69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber station to be located at 6.2 miles east of Sargents, Colo., to operate on frequency 157.89MHz communicating with Station KAH667, near Monte Vista, Colo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

5946-C1-P-69—Wisconsin Telephone Co.; (KSO27); C.P. to add frequencies 5945.2 and 6063.8 MHz toward Viroqua, Wis., at station located at 0.5 mile northwest of Rising, Sun, Wis.

5947-C1-P-69—Wisconsin Telephone Co.; (New); C.P. for a new fixed station to be located at 114 East Court, Viroqua, Wis., to operate on frequencies 5974.8 and 6093.5 MHz toward Rising Sun, Wis.

5960-C1-P/L-69—General Telephone Co. of the Southeast; (New); C.P. and license for a new fixed station to be located at 3007 Roxboro Road, Durham, N.C., to operate on frequency 5945.2 MHz toward Chapel Hill, N.C.

5961-C1-P-69—Carolina Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 719 McGilvary Street, Fayetteville, N.C., to operate on frequencies 3710 and 3790 MHz toward Montrose, N.C.

5962-C1-P-69—Carolina Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 0.9 mile southeast of Montrose, N.C., to operate on frequencies 3750 and 3830 MHz toward Fayetteville and Hamlet, N.C.

5963-C1-P-69—The Lincoln Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 521 Sixth Street, Fairbury, Nebr., to operate on frequencies 6204.7 and 6323.3 MHz toward Gladstone, Nebr.

5964-C1-P-69—The Lincoln Telephone & Telegraph Co.; (KBC94); C.P. to add frequencies 6011.9 and 6130.5 MHz toward Fairbury, Nebr., at station located at 0.75 mile east of Gladstone, Nebr.

5965-C1-P-69—The Lincoln Telephone & Telegraph Co.; (KBD51); C.P. to replace transmitters operating on frequencies 6234.3 and 6352.9 MHz toward York, Nebr., at station located at 2 miles west-southwest of Milford, Nebr.

5966-C1-P-69—The Lincoln Telephone & Telegraph Co.; (KBD50); C.P. to replace transmitters operating on frequencies 5982.3 and 6100.9 MHz toward Milford, Nebr., at station located at 5.5 miles south-southwest of York, Nebr.

5986-C1-P/ML-69—The Pacific Telephone & Telegraph Co.; (KMQ44); C.P. and modification of license for additional units to operate in the 5925–6425 and 10,700–11,700 MHz bands in any temporary fixed location within the territory of the grantee (Developmental).

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6006-C1-P-69—Microrelay of New Mexico, Inc.; (KLN76); C.P. to make antenna changes and change frequencies at station located 2 miles northeast of Corona, N. Mex. to 6212.0, 6241.7, 6271.4, 6330.7, and 6390.0 MHz toward Boy Scout Mountain, N. Mex., on azimuth 155°30'.

6010-C1-P-69—Microrelay of New Mexico, Inc.; (KLN77); C.P. to make antenna changes and change frequencies at station located 20 miles east-northeast of Capitan, N. Mex., to 5960.0, 6111.9, 6301.0, 6360.3, and 6419.6 MHz toward Roswell, N. Mex., on azimuth 111°10'.

[F.R. Doc. 69-4546; Filed, Apr. 16, 1969; 8:50 a.m.]

[Docket No. 18251 etc.; FCC 69R-163]

LOUIS VANDER PLATE ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Louis Vander Plate, Franklin, N.J., Docket No. 18251, File No. BP-16837; Radio New Jersey, Hackettstown, N.J., Docket No. 18252, File No. BP-16987; Mid-State Broadcasting Co., Lakewood, N.J., Docket No. 18253, File No. BP-17087; Lake-River Broadcasting Corp., Lakewood, N.J., Docket No. 18256, File No. BP-17485; Somerset Valley Broadcasting Co., Somerville, N.J., Docket No. 18257, File No. BP-17505; for construction permits.

1. This proceeding involves five applications, each for an authorization to construct a new standard broadcast station. The applications were designated for hearing upon specified issues by Memorandum Opinion and Order, 13 FCC 2d 952, 13 RR 2d 1040, released July 22, 1968.[1] Presently before the Review Board is a petition to enlarge issues, filed January 14, 1969, by the Broadcast Bureau, seeking the addition of an issue to this proceeding to determine whether Mid-State Broadcasting Co. (Mid-State) will be able to adjust and maintain its proposed directional antenna system within the specified maximum expected operating values (MEOV) of radiation.[2]

2. In support of its request, the Broadcast Bureau points to evidence which was adduced in this proceeding from December 16 to 18, 1968, under Issue 3 (pattern distortion) and which, it is alleged, uncovered facts not previously known.[3] Specifically, the Bureau notes the testimony of Mid-State's consulting engineer to the effect that, as a matter of good engineering practice, he would not want to suppress radiation in the null in the direction of 340° true below 10.5 mv/m in view of the power request (5 kw) of the applicant. Mid-State's engineer also testified that there would be no adverse distortion effects on the proposed antenna radiation pattern if, by detuning, he was able to hold reradiation to 5 mv/m and that, even considering reradiation factors, the directional array could be adjusted so as not to exceed the specified MEOV of 11 mv/m on the 340° azimuth. In light of this testimony, the Bureau reviewed the stability question and initiated a study of Mid-State's array which indicated that changes in current ratio and relative phase of 0.1 percent and 0.1° would raise the calculated field to 11.3 mv/m, which exceeds Mid-State's specified MEOV of 11.0 mv/m. The Bureau's study also revealed that similar changes of 0.2 percent and 0.2° would result in a calculated field of 12.05 mv/m thereby exceeding the MEOV by 1.05 mv/m. On the basis of its study and without considering external factors, the Bureau questions the stability of Mid-State's directional antenna array and notes that potential reradiation problems will further aggravate the situation.

3. Mid-State opposes the Bureau's request and contends, based upon an attached engineering affidavit, that the Mid-State array can be adjusted and maintained within the specified MEOV. It is the applicant's position that, after detuning the power line, the array can be adjusted in the presence of residual scattered reradiation to a value within the specified MEOV. According to Mid-State, the exact value of the MEOV toward Somerville, N.J., the location of Somerset Valley Broadcasting Co.'s proposed station, is not critical here and the MEOV can be increased if the conductivity indicated by measurements in the nearby area should prevail toward Somerville. Finally, the applicant urges that the matter of MEOV and maintenance of the directional array can best be reevaluated after measurement information on the actual conductivity from the proposed site becomes available and that, therefore, no useful purpose would be served by pursuing the matter in a comparative hearing. The Bureau, in reply, renews its request and points out that Mid-State has not attempted to re-

[1] By Memorandum Opinion and Order, FCC 69R-120, ------ FCC 2d ------, 15 RR 2d 907, released Mar. 12, 1969, the Review Board granted a joint petition for approval of agreement in this proceeding, dismissed the application of Arthur S. Steloff and granted the application of Seashore Broadcasting Co., Inc.

[2] Also before the Review Board are: (a) Opposition, filed Feb. 10, 1969, by Mid-State; (b) reply to opposition, filed Feb. 18, 1969, by the Broadcast Bureau; and (c) letters, dated Mar. 6, 1969, and Mar. 21, 1969, from Mid-State's counsel.

[3] The Bureau claims that good cause exists for the filing of the instant petition at this time since the transcript of the hearing record first became available on Jan. 2, 1969, and since the necessary evaluation and computer study were undertaken expeditiously. On the basis of this showing and in the absence of procedural objection by Mid-State, the Board will entertain the merits of the Bureau's petition.

but the factual basis for the Bureau's petition. The Bureau notes that, contrary to Mid-State's assumption, potential pattern distortion resulting from reradiation from nearby parasitic elements was not the substantive basis for its request although it was the reason which prompted the stability study. The Bureau argues that variations in the phase and current of as little as 0.1° and 0.1 percent will cause Mid-State to exceed its MEOV on the 340° radial without reference to the possible consequences of reradiation and to the possibility of interference to the Somerville proposal. According to the Bureau, these additional factors merely amplify the critical nature of the problem and, in view of an affirmative representation by the applicant and in the absence of an approved amendment, the only relevant value to be considered here is the 11 mv/m MEOV.

4. Mid-State's opposition fails to respond satisfactorily to the Bureau's allegations that variations in the parameters of the Mid-State directional array will result in radiation exceeding the MEOV specified by the applicant. As a result, a substantial question has been raised as to whether the applicant will be able to adjust and maintain its proposed directional antenna system within the specified MEOV and the Board agrees with the Bureau that the question should be resolved through the hearing process. Although Mid-State has filed an amendment to its application which deals with a proposed change in its transmitter site and which may affect the stability question considered herein,[4] that amendment has not yet been accepted by the Hearing Examiner. Therefore, the Board believes the appropriate course to follow in such circumstances is to act on the Bureau's request in order to avoid further delay in this proceeding.

5. *Accordingly, it is ordered,* That the petition to enlarge issues, filed January 14, 1969, by the Broadcast Bureau, is granted, and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Mid-State Broadcasting Co. will be able to adjust and maintain its proposed directional antenna system within the specified maximum expected operating values of radiation.

6. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein will be upon Mid-State Broadcasting Co.

Adopted: April 10, 1969.

Released: April 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-4547; Filed, Apr. 16, 1969; 8:50 a.m.]

[4] By letter, dated Mar. 6, 1969, counsel for Mid-State advised the Board that, previously, he informed the parties to the proceeding that the applicant no longer had reasonable assurance of the site proposed in its pending application and that Mid-State has obtained a new site which will be the subject of an amendment to be filed with the Hearing Examiner. In the March sixth letter, Mid-State's counsel also states that the applicant may incorporate a proposal to change the antenna pattern in the contemplated amendment which may moot the Bureau's requested issue. By letter, dated Mar. 21, 1969, counsel for Mid-State advised the Board that the proposed amendment was being filed on that date.

[5] Review Board Member Nelson not participating; Board Member Pincock absent.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1161]

CONTAINER FORWARDING SERVICES, INC.

Order of Revocation

By letter dated April 3, 1969, Container Forwarding Services, Inc., 79 Wall Street, New York, New York 10005, returned License No. 1161 as an Independent Ocean Freight Forwarder to the Commission for cancellation and advised business will be closed effective April 3, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03:

It is ordered, That the Independent Ocean Freight Forwarding License No. 1161 of Container Forwarding Services, Inc., be and is hereby revoked effective April 3, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER, *Director, Bureau of Domestic Regulations.*

[F.R. Doc. 69-4552; Filed, Apr. 16, 1969; 8:50 a.m.]

[Independent Ocean Freight Forwarder License 1189]

EUGENIO MIRELES

Order of Revocation

On February 27, 1969, the St. Paul Fire and Marine Insurance Co. notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. 400CB 2719, underwritten in behalf of Eugenio Mireles, Post Office Box 53447, Houston, Tex., would be canceled effective April 1, 1969.

Eugenio Mireles was notified that unless a new surety bond was submitted to the Commission, its Independent Ocean Freight Forwarder License No. 1189 would be canceled effective April 1, 1969, pursuant to General Order 4, Amendment 12 (46 CFR 510.9).

Eugenio Mireles has failed to submit a valid surety bond in compliance with the above rule.

It is ordered, That the Independent Ocean Freight Forwarder License No. 1189 is revoked effective April 1, 1969; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 1189 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 69-4553; Filed, Apr. 16, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 12, 1969, through April 21, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4527; Filed, Apr. 16, 1969; 8:48 a.m.]

[81-05]

MASSACHUSETTS INDEMNITY & LIFE INSURANCE CO.

Notice of Application and Opportunity for Hearing

APRIL 10, 1969.

Notice is hereby given that Massachusetts Indemnity & Life Insurance Co. (Insurance Company), 654 Beacon Street, Boston, Mass., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the Act"), for an order exempting it from the registration provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting the Insurance Company from section 13 or 14 of the Act and any officer, director, or beneficial owner of more than 10 percent of the Insurance Company's capital stock from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year has total assets exceeding $1 million and a class of equity securities held of record initially by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuer from the registration, periodic reporting and proxy solicitations of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the securities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application of the Insurance Company states, in part:

1. The Insurance Company, as of its last fiscal year, December 31, 1968, had more than 500 stockholders and it was exempted from section 12(g) by section 12(g)(2)(G) as a regulated insurance company. It does file reports pursuant to section 15(d).

2. During January 1969, as the result of a cash tender offer, most of the Insurance Company stock, of which there is a single class outstanding, was acquired by Pennsylvania Life Co. (PLC). As of February 28, 1969, PLC owned beneficially 98 percent of the shares outstanding and the Insurance Company had 277 shareholders of record.

3. In order to qualify for an exemption under section 12(g)(2)(G) the Insurance Company must meet three conditions. One of these, the second condition, requires regulation of proxies by the Insurance Company's domiciliary State. The pertinent Massachusetts provision is found in Massachusetts General Laws, Chapter 175, section 193J. However, this section exempts from its operation "a domestic insurance company having * * * ninety-five percent of its stock owned or controlled by a parent or affiliate insurer and the remaining shares held by less than five hundred stockholders."

4. Since the applicant no longer seems to be subject to the Massachusetts proxy provision, a question is raised as to whether the Insurance Company is any longer "subject to regulation" of proxies by the State within the meaning of the second condition of the section 12(g)(2)(G) exemption.

5. If the applicant is no longer exempt under section 12(g)(2)(G) then, it should register pursuant to section 12(g)(1)(B) within 120 days after December 31, 1968, when it did have 500 stockholders. Accordingly, an exemptive order is being applied for in order to remove any question of violation of section 12(g) on the grounds that the Insurance Company lost its exemption sometime in January 1969.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person not later than April 28, 1969, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4526; Filed, Apr. 16, 1969; 8:48 a.m.]

TEXAS URANIUM CORP.

Order Suspending Trading

APRIL 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 22, 1969, through April 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4528; Filed, Apr. 16, 1969; 8:48 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

APRIL 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation), and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1969, through April 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4529; Filed, Apr. 16, 1969; 8:48 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

APRIL 11, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 12, 1969, through April 21, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4530; Filed, Apr. 16, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 6]

ASSISTANT ADMINISTRATOR (COMPTROLLER)

Delegation of Financial Activities

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; there is hereby dele-

gated to the Assistant Administrator (Comptroller) the following authority:

A. *Financial management.* To assign, endorse, transfer, deliver, or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

B. *Claims under the Federal Tort Claims Act.* To give final approval on actions resulting from any claims subject to the provisions of 28 U.S.C. 2672.

II. The authority delegated herein may be redelegated with the exception of Item I.B.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Assistant Administrator (Comptroller).

IV. All authority previously delegated by the Administrator to the Assistant Administrator for Administration is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date thereof.

Effective date: March 17, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-4516; Filed, Apr. 16, 1969; 8:48 a.m.]

[Delegation of Authority No. 7 (Revision 1)]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Administrative Activities; Rescission

Notice is hereby given that Delegation of Authority No. 7, Revision 1, 32 F.R. 179, as amended (33 F.R. 779) is hereby rescinded in its entirety without prejudice to actions taken under such delegations of authority prior to the date hereof. These delegations have been superseded by Delegations of Authority Nos. 6 and 9 given by the Administrator to new positions of Assistant Administrator (Comptroller) and Assistant Administrator for Management, which replaced the position of Assistant Administrator for Administration.

Effective date: March 17, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-4515; Filed, Apr. 16, 1969; 8:48 a.m.]

[Delegation of Authority No. 9]

ASSISTANT ADMINISTRATOR FOR MANAGEMENT

Delegation of Administrative Activities

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; there is hereby delegated to the Assistant Administrator for Management the following authority:

A. *Administrative services.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of executive agencies.

3. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

II. All authority delegated herein may be exercised by an SBA employee designated as Acting Assistant Administrator for Management.

III. All authority previously delegated by the Administrator to the Assistant Administrator for Administration is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: March 17, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-4514; Filed, Apr. 16, 1969; 8:47 a.m.]

MERCHANTS INVESTMENT CORP.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On March 28, 1969, a notice of application for transfer of control was published in the FEDERAL REGISTER (34 F.R. 5883) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Merchants Investment Corp., License No. 05/04-0014, 4531 Daley Street, Charleston Heights, S.C. 29411, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. sec. 661 et seq.).

Interested persons were given until the close of business April 7, 1969, to submit to SBA their written comments. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control of Merchants Investment Corp., a wholly owned subsidiary of Thomas and Howard Company of Charleston, Inc., to Wetterau Foods, Inc., 8400 Pershall Road, Hazelwood, Mo.

For SBA.

Dated: April 9, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-4517; Filed, Apr. 16, 1969; 8:48 a.m.]

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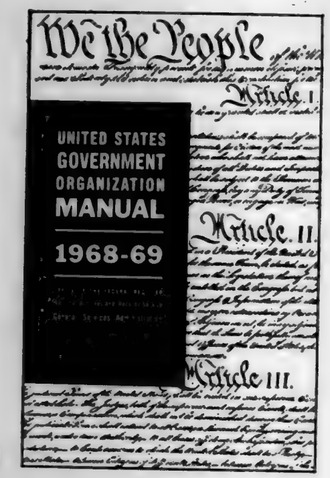
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Friday, April 18, 1969 • Washington, D.C.

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OF MICHIGAN

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that two positions of Confidential Assistant to the Director, Office of Minority Business Enterprise, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (45) is added to paragraph (a) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(45) Two Confidential Assistants to the Director, Office of Minority Business Enterprise.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–4615; Filed, Apr. 17, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the Schedule C position of Administrative Assistant to the Secretary is retitled Staff Assistant to the Secretary. Effective on publication in the FEDERAL REGISTER, subparagraph (11) of paragraph (a) of § 213.3384 is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(11) One Staff Assistant to the Secretary.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–4619; Filed, Apr. 17, 1969; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Special Assistant to the Assistant to the Secretary for Congressional Relations, one position of Private Secretary to the Deputy Assistant to the Secretary for Congressional Relations, and one position of Private Secretary to the Deputy Assistant Secretary for Equal Opportunity are excepted under Schedule C, and to reflect the current title of the Assistant to the Secretary for Congressional Relations in his Private Secretary's listing. Effective on publication in the FEDERAL REGISTER, subparagraph (15) is amended and subparagraphs (36) and (37) are added to paragraph (a) and subparagraph (2) is added to paragraph (f) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(15) One Private Secretary to the Assistant to the Secretary for Congressional Relations.

• • • • • •

(36) One Special Assistant to the Assistant to the Secretary for Congressional Relations.

(37) One Private Secretary to the Deputy Assistant to the Secretary for Congressional Relations.

• • • • • •

(f) *Office of the Assistant Secretary for Equal Opportunity.* • • •

(2) One Private Secretary to the Deputy Assistant Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–4616; Filed, Apr. 17, 1969; 8:49 a.m.]

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

Tenure

Part 315 is amended to make clear that positions previously referred to by United States Code citation are positions in the postal field service. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (c) of § 315.201 and paragraph (b) of § 315.502 are amended as set out below.

§ 315.201 Service requirement for career tenure.

• • • • • •

(c) *Exceptions from service requirement.* The service requirement for career tenure does not apply to:

(1) An appointment to a position in the postal field service, or to a position required by law to be filled on a permanent basis, or a conversion under this part while the employee is serving in either type of position;

• • • • • •

§ 315.502 Tenure on transfer.

• • • • • •

(b) *Exceptions.* (1) A career-conditional employee who transfers to a position in the postal field service or to a position required by law to be filled on a permanent basis becomes a career employee.

(2) A career employee who transfers from a position in the postal field service or from a position required by law to be filled on a permanent basis to a position under the career-conditional employment system becomes a career-conditional employee unless he has completed the service requirement for career tenure.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–4617; Filed, Apr. 17, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–EA–35, Amdt. 39–753]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller UH–12D, UH–12E, UH–12E–L, UH–12L, and UH–12L4 type helicopters.

There have been reports of several failures of the UH–12 tail rotor yokes. These yokes were determined to have developed fatigue failures in a radius between the bearing journal and the part of the yoke which retains the tail rotor blade. The failure appears to stem from undersize radii which will generate a stress concentration with probable fatigue failures. Since this condition is

likely to exist in helicopters of the same type design, this airworthiness directive is being issued to require inspection of the yokes and replacement where necessary.

Since a condition exists which requires expeditious adoption of this amendment, notice and public procedure herein are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD HILLER. Applies to UH–12D, UH–12E, UH–12E–L, UH–12L, and UH–12L4 type helicopters certified in all categories, with P/N 55046 and P/N 55046–5 tail rotor yokes.

Compliance required as indicated.

To prevent fatigue failures of the tail rotor yoke, P/N 55046 and P/N 55046–5 accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, conduct a magnetic-particle inspection and a measurement of the tail rotor yoke fillet radius as shown in Figure 1 in Fairchild Hiller Service Letters SL–UH–12L–55–1 and SL–UH–12D through G–55–1 dated March 20, 1969.

(1) If a crack is found, or if the measured fillet radius is less than 0.030 inch, remove the tail rotor yoke from service prior to further flight.

(2) If the measured fillet radius is 0.030 inch or larger but less than 0.050 inch, the yoke may continue in service provided that magnetic-particle inspections are conducted after the inspection required in paragraph (a) at intervals not to exceed 50 hours time in service from the last inspection. Remove cracked yokes from service prior to further flight. Remove from service tail rotor yokes having a fillet radius 0.030 inch or larger but less than 0.050 inch within 250 hours time in service from the effective date of this AD. The service life limit of 2,500 hours for the tail rotor yokes of UH–12E–L, UH–12L and UH–12L4 helicopters must not be exceeded.

(b) Replacement parts must be tail rotor yokes having a fillet radius of at least 0.050 inch.

This amendment is effective April 23, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 8, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–4584; Filed, Apr. 17, 1969; 8:46 a.m.]

[Docket No. 69–EA–36, Amdt. 39–751]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Lycoming IO–540–G1A5 type aircraft engines with Hartzell HC–A3VK–2A/8433A–7 type propellers.

Seven cases of crankshaft failures have been encountered on the Lycoming IO–540–G1A5 engine installed with the Hartzell HC–A3VK–2A/8433A–7 propellers. Three of these cases could be directly attributed to failure of the sixth order counterweights. A torsional vibration survey of the subject engine and propeller combination has shown a high sixth order torsional amplitude in the engine crankshaft between 2,100 and 2,400 r.p.m. at engine manifold pressures above 24 inches of mercury. Since this condition is likely to exist or develop in other engines and propellers of like type design, an airworthiness directive is being issued to require placarding against the use of power in excess of 24 inches manifold pressure below 2,400 r.p.m.

Further, since a condition exists which requires expeditious issuance of this amendment, notice and public procedure herein are impractical and it may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

LYCOMING ENGINES. Applies to all Lycoming Model IO–540–G1A5 engines installed with Hartzell HC–A3VK–2A/8433A–7 propellers.

Compliance required within the next 10 hours' time in service after the effective date of this AD.

To prevent failure of the engine crankshaft, install a placard on the aircraft instrument panel in clear view of the pilot and as close as practicable to the manifold pressure gage to read: "Do not exceed 24" hg. manifold pressure below 2,400 r.p.m.".

This amendment is effective April 23, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 7, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–4585; Filed, Apr. 17, 1969; 8:47 a.m.]

[Airworthiness Docket No. 68–SW–65, Amdt. 39–754]

PART 39—AIRWORTHINESS DIRECTIVES

North American Rockwell (Aero Commander) Model 1121 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring a modification of the horizontal stabilizer trim system was published in 33 F.R. 14887. The comment period was extended in 33 F.R. 19026.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Two replies were received.

The two commentators stated that they have adequate trim capability under aft operational C.G. conditions in their airplanes as configured. While it is characteristic that most aircraft configurations result in an operational aft C.G. forward of the approved aft limit, changes in interior arrangement and equipment location will allow the C.G. to reach the approved aft limit. In such situations, required trim capability has not been demonstrated to be available; therefore, no change to the amendment as proposed is considered appropriate.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 F.R. 13697 § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AERO COMMANDER DIVISION, NORTH AMERICAN ROCKWELL CORP. Applies to all Aero Commander Model 1121 series airplanes.

Compliance required within the next 100 hours' time in service after the effective date of this A.D., unless already accomplished.

To assure required trim capability at the approved aft center of gravity limit, accomplish the following:

Modify the horizontal stabilizer trim system in accordance with Part II of Aero Commander Service Bulletin No. J–4B dated February 28, 1969, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, Fort Worth, Tex.

This amendment becomes effective May 24, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on April 8, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69–4582; Filed, Apr. 17, 1969; 8:46 a.m.]

[Airspace Docket No. 69–SO–34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Rucker, Ala., 1,200-foot transition area.

The Fort Rucker transition area is described in § 71.181 (34 F.R. 4637). In the description, reference is made to V–22. Since the designation of V–22 is being changed to V–198, it is necessary to alter the transition area description to reflect this change.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary, and action is taken herein to alter the description.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Fort Rucker, Ala., 1,200-foot transition area is amended as follows: "* * * V–22 * * *" is deleted and "* * * V–198 * * *" is substituted therefor wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 9, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–4581; Filed, Apr. 17, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9515; Amdt. 645]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Nenana, Alaska—Nenana Municipal, LFR 1, Amdt. 6, 18 Apr. 1964 (established under Subpart C).
Cheyenne, Wyo.—Cheyenne Municipal, NDB (ADF) Runway 26, Amdt. 3, 3 June 1967 (established under Subpart C).
Manistee, Mich.—Manistee-Blacker, ADF 1, Amdt. 2, 5 June 1965 (established under Subpart C).
Palmer, Mass.—Metropolitan, NDB (ADF)–1, Orig., 25 Feb. 1967 (established under Subpart C).
Caribou, Maine—Caribou Municipal, VOR–1, Amdt. 3, 27 Aug. 1966 (established under Subpart C).
Cheyenne, Wyo.—Cheyenne Municipal, VOR–1, Amdt. 6, 17 Aug. 1967 (established under Subpart C).
Manning, S.C.—Clarendon County, VOR–1, Orig., 10 Feb. 1968 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Dubois, Idaho—Dubois Municipal, VOR 1, Amdt. 4, effective 11 July 1964, canceled, effective 8 May 1969.

3. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				C–dn	700–1	700–2	700–2
				S–dn–13	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Radar required.
Procedure turn not authorized.
Minimum altitude over radar fix/Palisades Park MHW on final approach crs, 1600'.
Crs and distance radar fix/Palisades Park MHW to airport, 134°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after leaving radar fix/Palisades Park MHW or crossing the 233° bearing from the UR LOM, make climbing left turn to 4000' on LGA VOR R 045° to Stamford VHF Int cross Scarsdale VHF INT at 3000' or above.
Hold NE Stamford 1-minute left turns, Inbnd crs, 225°.
AIR CARRIER NOTE: Sliding scale not authorized for landings.
NOTE: Localizer procedure only: No glide slope.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., ILS; Ident., I-GDI; Procedure No. ILS–13, Amdt. 3; Eff. date, 8 May 69; Sup. Amdt. No. 2; Dated, 26 Nov. 66

4. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Cheyenne, Wyo.—Cheyenne Municipal, ILS Runway 26, Amdt. 21, 3 June 1967 (established under Subpart C).

5. By amending § 97.17 of Subpart B to cancel instrument landing system (ILS) procedures as follows:

Greensboro, N.C.—Greensboro-High Point, ILS–32, Amdt. 3, effective 2 Oct. 1965, canceled effective 8 May 1969.

6. By amending § 97.21 of Subpart C to establish low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.1 miles after passing XN LFR.
ENN VOR	XN LFR	Direct	2600	Climbing left turn to 2600′ on E crs XN LFR within 15 miles. Supplementary charting information: Terrain to 1600′ 2 miles N of airport. From range to airport, 303°—2.1 miles.

Procedure turn N side of crs, 105° Outbnd, 285° Inbnd, 2600′ within 10 miles of XN LFR.
FAF, XN LFR. Final approach crs, 303°. Distance FAF to MAP, 1.1 miles.
Minimum altitude over XN LFR, 1000′.
MSA: N—3900′; E—3600′; S—5200′; W—2700′.
NOTES: (1) ADF approach not authorized. (2) IFR departures must comply with published SIDs. (3) Runway lights available on request only. When runway lights not available, night operations not authorized.
*When control zone not effective, use Fairbanks altimeter setting, circling and straight-in MDA increased by 155′, alternate minimums not authorized.
øManeuvering not authorized N of airport between runways 3–21 and 12–30.
%Runway 3 turn right. Runway 30, turn left.

DAY AND NIGHT MINIMUMS

Cond:	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–30°	660	1	320	680	1	[illegible]	[illegible]	1	320	680	1	320
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*ø	720	1	[illegible]	[illegible]	1	460	820	1½	476	920	2	560
A	Standard.*		T 2-eng. or less—Runway 30, 500–1; Standard all other runways.%				T over 2-eng.—Runway 30, 500–1; Standard all other runways.%					

City, Nenana; State, Alaska; Airport name, Nenana Municipal; Elev., 360′; Facility, XN; Procedure No. LFR Runway 30, Amdt. 9; Eff. date, 8 May 69; Sup. Amdt. No. LFR, Amdt. 8; Dated, 18 Apr. 64

7. By amending § 97.21 of Subpart C to amend low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Upon descent to MDA after completion of procedure turn.
UNK VOR	UN LFR	Direct	2800	If visual contact not established upon descent to MDA, turn right, climb to 2800′ on W crs of UN LFR within 15 miles. Supplementary charting information: Terrain rising to 710′, 1.9 miles NE of airport; 500′, 1 mile NE of airport. Facility to airport, 276°, 2.4 miles.

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 1000′ within 15 miles of UN LFR.
Shuttle descent below 2800′ not authorized. Proceed Outbnd 5 miles on W crs not below 1600′ before starting procedure turn.
Final approach crs, 090°.
Descend to MDA immediately after completion of procedure turn.
MSA: NE—2900′; SE—4100′; SW—2000′; NW—3100′.
NOTES: (1) Visual flight required from missed approach point to airport. (2) Maneuvering N through E of airport not authorized. (3) When control zone not effective and altimeter not available the following applies: (A) Use Nome altimeter setting. (B) MDA increased 600′. (C) Alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C–dn	500	2	479	500	2	479	500	2	479	580	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Unalakleet; State, Alaska; Airport name, Unalakleet; Elev., 21′; Facility, UN; Procedure No. LFR–1, Amdt. 13; Eff. date, 8 May 69; Sup. Amdt. No. 12; Dated, 27 June 68

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.5 miles after passing PQI VOR TAC.
7-mile DME Fix, R 215° PQI VOR TAC	PQI VOR TAC (NOPT)	Direct	2800	Make left-climbing turn to 2800′ direct to PQI VOR TAC and hold. Supplementary charting information: Hold SW PQI VOR TAC, 1 minute left turns, 049° Inbnd. Runway 29 threshold lights displaced 260′. 3175′ available for landing. 825′ antenna 0.8 mile NW of airport.

Procedure turn N side of crs, 229° Outbnd, 049° Inbnd, 2800′ within 10 miles of PQI VOR TAC.
FAF, PQI VOR TAC. Final approach crs, 049°. Distance FAF to MAP, 6.5 miles.
Minimum altitude over PQI VOR TAC, 2400′.
MSA: 000°–090°—3500′; 090°–180°—3500′; 180°–270°—2700′; 270°–360°—2800′.
NOTES: (1) Radar vectoring. (2) Use Loring AFB altimeter setting. (3) Night minimums authorized Runways 11/29 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1140	1	517	1140	1	517	1140	1½	517	NA
A	Not authorized.		T 2-eng. or less—300–1.				T over 2-eng.—300–1.			

City, Caribou; State, Maine; Airport name, Caribou Municipal; Elev., 623′; Facility, PQI; Procedure No. VOR–1, Amdt. 4; Eff. date, 8 May 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 27 Aug. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing CYS VOR TAC.
CYS VORTAC, R 267° CW	CYS VORTAC, R 317°	10-mile Arc	8000	Left-climbing turn to 8000′, heading 145° to intercept CYS VOR, R 166°, direct to Nunn Int.
CYS VORTAC, R 317° CW	CYS VORTAC, R 016°	10-mile Arc R 004° lead radial	7600	
CYS VORTAC, R 016°/10°	CYS VORTAC (NOPT)	Direct	6700	
CYS VORTAC, R 081° CCW	CYS VORTAC, R 016°	10-mile Arc R 028° lead radial	7600	
CYS VORTAC, R 026°/010°	CYS VORTAC (NOPT)	Direct	6700	Supplementary charting information: Final approach crs to center of airport. Tank, 2.1 miles NNE of airport, 6337′.
Millbrook Int	CYS VORTAC	Direct	8500	
Silver Crown Int	CYS VORTAC	Direct	[illegible]	

Procedure turn W side of crs, 016° Outbnd, 196° Inbnd, 7600′ within 10 miles of CYS VORTAC.
FAF, CYS VORTAC. Final approach crs, 196°. Distance FAF to MAP, 3.7 miles.
CYC VORTAC, 7100′.
MSA: 000°–180°—7500′; 180°–360°—10,100′.
NOTE: Final approach from holding pattern at CYS VOR not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6640	1	484	6640	1	484	6640	1¼	484	6720	2	564
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6156′; Facility, CYS; Procedure No. VOR–1, Amdt. 7; Eff. date, 8 May 69; Sup. Amdt. No. 6; Dated, 17 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: MEE VOR.
				Climb straight ahead to 2500′ within 10 miles, return to MEE VOR. Supplementary charting information: Depict 2549′ tower 44°16′30″, 85°43′01″. TDZ elevation, 615′.

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2500′ within 10 miles of MEE VOR.
Final approach crs, 095°.
Minimum altitude over MBL NDB, 1100′* (*1280′ when control zone not effective).
MSA: 045°–135°—3600′; 135°–225°—2300′; 225°–045°—2200′.

NOTES: (1) Use Traverse City altimeter setting when control zone not effective; circling and straight-in MDA increase 180′ except for operators with approved weather reporting service. (2) Inoperative table does not apply to REILs.
$Alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–09	1110	1	485	1100	1	485	1100	1	485	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1100	1	481	1100	1	481	1180	1½	561	NA
	VOR/NDB MINIMUMS:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–09	1060	1	445	1060	1	445	1060	1	445	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1100	1	481	1100	1	481	1180	1½	561	NA
A	Standard.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Manistee; State, Mich.; Airport name, Manistee-Blacker; Elev., 619′; Facility, MEE; Procedure No. VOR Runway 9, Amdt. Orig.; Eff. date, 8 May 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: MEE VOR.
				Climb straight ahead to 2500′ within 10 miles, return to MEE VOR. Supplementary charting information: Depict 2549′ tower 44°16′30″, 85°43′01″. Final approach crs lies within 500′ S of runway centerline extended at 3000′ from end of runway. TDZ elevation, 619′.

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2500′ within 10 miles of MEE VOR.
Final approach crs, 280°.
MSA: 045°–135°—3600′; 135°–225°—2300′; 225°–045°—2200′.

NOTES: (1) Use Traverse City altimeter setting when control zone not effective; circling and straight-in MDA increase 180′ except for operators with approved weather reporting service. (2) Inoperative table does not apply to REILs.
$Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–27	1300	1	681	1300	1	681	1300	1¼	681	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	681	1300	1	681	1300	1½	681	NA
A	Standard.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Manistee; State, Mich.; Airport name, Manistee-Blacker; Elev., 619′; Facility, MEE; Procedure No. VOR Runway 27, Amdt. Orig.; Eff. date, 8 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 10 miles after passing VAN VOR.
St. George Int	VAN VOR (NOPT)	Direct	1900	Climb to 1900′, left turn, direct to VAN VOR and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 059° Inbnd. Final approach to center of landing area.
Bowman Int	VAN VOR (NOPT)	Direct	1900	

Procedure turn S side of crs, 239° Outbnd, 059° Inbnd, 1900′ within 10 miles of VAN VOR.
FAF, VAN VOR. Final approach crs, 063°. Distance FAF to MAP, 10 miles.
Minimum altitude over VAN VOR, 1900′.
MSA: 000°–090°—1600′; 090°–180°—1400′; 180°–360°—1700′.
NOTES: (1) Use Charleston, S.C., APC altimeter setting. (2) No weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1120	3	1016	1120	3	1016	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Manning; State, S.C.; Airport name, Clarendon County; Elev., 104′; Facility, VAN; Procedure No. VOR-1, Amdt. 1; Eff. date, 8 May 69; Sup. Amdt. No. Orig.; Dated, 10 Feb. 68

9. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.3 miles after passing REC VORTAC.
400 VOR	REC VORTAC	REC, R 130°	4500	Make left-climbing turn to 4000′ direct to REC VORTAC and hold. Supplementary charting information: Hold N, 1 minute, right turn, 200° Inbnd.
18T VORTAC	REC VORTAC	Direct	4500	
R 130°, REC VORTAC (CCW)	R 020°, REC VORTAC	10-mile DME Arc	4500	
R 282°, REC VORTAC (CW)	R 020°, REC VORTAC	10-mile DME Arc	4500	
10-mile Arc	REC VORTAC (NOPT)	REC, R 020°	3800	

Procedure turn E side of crs, 020° Outbnd, 200° Inbnd, 4000′ within 10 miles of REC VORTAC.
FAF, REC VORTAC. Final approach crs, 200°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over REC VORTAC, 3800′; over 3-mile DME Fix, 2860′.
MSA: 000°–090°—3900′; 090°–180°—4200′; 180°–270°—4100′; 270°–360°—3500′.
NOTE: Use Altoona, Pa., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	2800	1	761	2800	1	761	NA	NA
	DME MINIMUMS:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C	2740	1	641	2740	1	641	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Ebensburg; State, Pa.; Airport name, Ebensburg; Elev., 2099′; Facility, REC; Procedure No. VOR-1, Amdt. 2; Eff. date, 8 May 69; Sup. Amdt. No. 1; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3 miles after passing AOH VOR.
Findlay VORTAC	AOH VOR	Direct	2700	Turn left, climb to 2600' on R 092° within 10 miles; return to AOH VOR and hold.
Rosewood VORTAC	AOH VOR	Direct	2800	Supplementary charting information: Hold E AOH VOR, 1 minute, right turns, 272° Inbnd.
Neptune Int	AOH VOR	Direct	3000	Caution: Transmission lines and towers 1111' 1.1 miles E of airport. TDZ elevation, 975'.
Bremen Int	AOH VOR	Direct	2800	

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 2600' within 10 miles of AOH VOR.
FAF AOH VOR. Final approach crs, 272°. Distance FAF to MAP, 2.2 miles.
Minimum altitude over AOH VOR, 1700'.
MSA: 000°–090°—2400'; 090°–180°—2900'; 180°–360°—2500'.

NOTES: (1) When Allen County altimeter not available, use Findlay, Ohio, altimeter setting, straight-in and circling MDA increased 100'. (2) Alternate minimums authorized for those operators having approved weather reporting service at the airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S-27§	1380	1	405	1380	1	405	1380	1	405	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C§	1420	1	445	1440	1	465	1440	1½	465	NA		
A	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Lima; State, Ohio; Airport name, Allen County; Elev., 975'; Facility, AOH; Procedure No. VOR RUNWAY 27, Amdt. 5; Eff. date, 8 May 69; Sup. Amdt. No. 4; Dated, 13 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Upon descent to MDA after completion of procedure turn.
UN LFR	UNK VOR	Direct	2800	If visual contact not established upon descent to MDA, turn left, climb to 2800' on R 205° within 15 miles.
				Supplementary charting information: Terrain rising to 710', 1.9 miles NE of airport; 500', 1 mile NE of airport.

Procedure turn N side of crs, 205° Outbnd, 025° Inbnd, 1000' within 15 miles of UNK VOR.
Shuttle descent below 2800' not authorized. Proceed Outbnd 5 miles on R 205° not below 1800' before starting procedure turn.
Final approach crs, 025°.
Descent to MDA immediately after completion of procedure turn.
MSA: 000°–090°—3900'; 090°–180°—4100'; 180°–270°—2900'; 270°–360°—3100'.

NOTES: (1) Visual flight required from missed approach point to airport. (2) Maneuvering N through E of airport not authorized. (3) When control zone not effective and altimeter not available the following applies: (A) Use Nome altimeter setting. (B) MDA increased 600'. (C) Alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C–dn	500	2	479	500	2	479	500	2	479	580	2	559
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Unalakleet; State, Alaska; Airport name, Unalakleet; Elev., 21'; Facility, UNK; Procedure No. VOR-1, Amdt. 4; Eff. date, 8 May 69; Sup. Amdt. No. 3; Dated, 8 Aug 68

10. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing CY LOM.
CYS VORTAC, R 349° CW	Arcola Int	13-mile Arc 000° lead radial	7600	Climbing left turn to 7600' direct to CY LOM and hold.°
Arcola Int	CY LOM (NOPT)	Direct	7600	Supplementary charting information: °Hold E right turns, 1 minute, 262°. Inbnd. Tank 2.1 miles NNE of airport 6337' TDZ Elevation, 6118'.
Carpenter Int	Arcola Int	Direct	7600	
Millbrook Int	CYS VORTAC	Direct	8500	
Silver Crown Int	CYS VORTAC	Direct	8000	
CYS VORTAC	CY LOM	Direct	7600	
Divide Int	CY LOM	Direct	7600	
Egbert Int	CY LOM (NOPT)	Direct	7600	

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 7600' within 10 miles of CY LOM.
FAF, CY LOM. Final approach crs, 262°. Distance FAF to MAP. 5.1 miles.
Minimum altitude over CY LOM, 7600'.
MSA: 000°–180°—7300'; 180°–360°—9200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26	6600	¾	482	6600	¾	482	6600	¾	482	6600	1	482
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6640	1	484	6640	1	484	6640	1¼	484	6720	2	564
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6156'; Facility, CY; Procedure No. NDB (ADF) Runway 26, Amdt. 4; Eff. date, 8 May 69; Sup. Amdt. No. 3; Dated, 3 June 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: HLX NDB.
Sawmill Int	HLX NDB	Direct	5100	Make right-climbing turn to 5100', return to Hillsville NDB and hold.
				Supplementary charting information: Hold E, 1 minute right turns, 260° Inbnd.

Procedure turn N side of crs, 070° Outbnd, 250° Inbnd, 5100' within 10 miles of HLX NDB.
Final approach crs, 250°.
Minimum altitude over HLX NDB, 3580'.
MSA: 000°–090°—5100'; 090°–180°—5000'; 180°–270°—5700'; 270°–360°—5100'.

NOTE: Use Bluefield altimeter setting.
% IFR departure procedures: Climb on runway heading to 4000' before proceeding as cleared.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	3580	1¼	883	3580	1½	883	3580	1¾	883	NA
A	Not authorized.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%			

City, Galax-Hillsville; State, Va.; Airport name, Twin County; Elev., 2097'; Facility, HLX; Procedure No. NDB (ADF)-1, Amdt. Orig.; Eff. date, 8 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
MBL VOR	MBL NDB	Direct	2500	MAP: 2.4 miles after passing MBL NDB. Climb straight ahead to 2500' within 10 miles, return to MBL NDB. Supplementary charting information: Depict 2549' tower 44°16'30", 85°43'01". TDZ elevation, 615'.

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2500' within 10 miles of MBL NDB.
FAF, MBL NDB. Final approach crs, 095°.
Minimum altitude over MBL NDB, 1400'.
MSA: 045°–135°—3600'; 135°–225°—2200'; 225°–045°—2200'.

NOTE: Use Traverse City altimeter setting when control zone not effective; circling and straight-in MDA increase 180' except for operators with approved weather reporting service.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-09	1100	1	485	1100	1	485	1100	1	485	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1100	1	481	1100	1	481	1180	1½	561	NA
A	Standard.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Manistee; State, Mich.; Airport name, Manistee-Blacker; Elev., 619'; Facility, MBL; Procedure No. NDB (ADF) Runway 9, Amdt. 3; Eff. date, 8 May 69; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 5 June 65

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Westfield VOR	PMX NDB	Direct	3000	MAP: PMX NDB. Climb to 2800' on 036° bearing from PMX NDB. Return to PMX NDB and hold.
Gardner VORTAC	PMX NDB	Direct	3000	Supplementary charting information: Hold SW PMX NDB 036° Inbnd, 1 minute right turns. Final approach crs intercepts center of airport. 1094' unlighted terrain 1.2 miles E of airport.

Procedure turn E side of crs, 216° Outbnd, 036° Inbnd, 2800' within 10 miles of PMX NDB.
Final approach crs, 036°.
MSA: 000°–090°—3100'; 090°–180°—2700'; 180°–270°—2300'; 270°–360°—2800'.

NOTES: (1) Facility must be monitored aurally during approach. (2) Use Westover AFB altimeter setting. (3) Approach from a holding pattern not authorized. Procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C VIS	D VIS
C	1560	1¼	1150	1560	1¼	1155	NA	NA
A	Not authorized.		T 2-eng. or less—500-1.				T over 2-eng.—500-1.	

City, Palmer; State, Mass.; Airport name, Metropolitan; Elev., 310'; Facility, PMX; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 8 May 69; Sup. Amdt. No. Orig.; Dated, 25 Feb. 67

11. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
CAE VORTAC	CA LOM	Direct	1900	MAP: 5.5 miles after passing CA LOM. Climb to 1900' on 107° crs from CA LOM or, when directed by ATC, climb to 1900' on CAE VORTAC R 006°. Supplementary charting information: TDZ elevation, 229'.
White Rock Int	CA LOM	Direct	2000	
Blythewood Int	CA LOM	Direct	1900	
Steedman Int	CA LOM	Direct	1900	
Lexington Int	CA LOM (NOPT)	Direct	1900	

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 1900' within 10 miles of CA LOM.
FAF, CA LOM. Final approach crs, 107°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over CA LOM, 1900'.
MSA: 000°–090°—2900'; 090°–180°—1800'; 180°–270°—2000'; 270°–360°—2100'.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-11	840	RVR 40	611	840	RVR 40	611	840	RVR 40	611	840	RVR 50	611
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	840	1	604	840	1	604	840	1¼	604	840	2	604
A	Standard.		T 2-eng. or less—RVR 24', Runway 11; Standard all other runways.				T over 2-eng.—RVR 24, Runway 11; Standard all other runways.					

City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236'; Facility, CA; Procedure No. NDB (ADF) Runway 11, Amdt. 16; Eff. date, 8 May 69; Sup. Amdt. No. 14; Dated, 6 June 68

12. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
CYS VORTAC, R 349° CW	Arcola Int	13-mile Arc 090° lead radial	7600	MAP: ILS DH 6318', LOC 5.1 miles after passing CY LOM. Climb to 6500', left-climbing turn to 8000', heading 145° to intercept CYS VOR, R 166°, direct to Nunn Int. When directed by ATC: Climb to 6500', right-climbing turn to 10,500' heading 330° to intercept CYS VOR, R 292° direct to Millbrook Int. Supplementary charting information: Tank 2.1 miles NNE of airport, 6337'. TDZ elevation, 6118'.
Arcola Int	CY LOM (NOPT)	Direct	7600	
Carpenter Int	Arcola Int	Direct	7600	
Millbrook Int	CYS VORTAC	Direct	8500	
Silver Crown Int	CYS VORTAC	Direct	8000	
CYS VORTAC	CY LOM	Direct	7600	
Divide Int	CY LOM	Direct	7600	
Egbert Int	CY LOM (NOPT)	215° and I-CYS LOC E Crs 20 miles.	7600	

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 7600' within 10 miles of CY LOM
FAF, CY LOM. Final approach crs, 262°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over CY LOM, 7600'.
Minimum glide slope interception altitude, 7600'. Glide slope altitude at OM, 7519'; at MM, 6311'.
Distance to runway threshold at OM, 5.1 miles; at MM, 0.6 mile.
MSA: 000°–180°—7300'; 180°–360°—9200'.
NOTE: Localizer not usable below 6318'.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-26	6318	½	200	6318	½	200	6318	½	200	6318	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26	6460	½	342	6460	½	342	6460	½	342	6460	½	342
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6640	1	484	6640	1	484	6640	1¼	484	6720	2	564
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6156'; Facility, I-CYS; Procedure No. ILS Runway 26; Amdt. 22; Eff. date, 8 May 69; Sup. Amdt. No. 21; Dated, 3 June 67

13. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 429'. LOC, 5.5 miles after passing CA LOM.
CAE VORTAC	CA LOM	Direct	1900	Climb to 1900' on 107° crs from CA LOM or, when directed by ATC, climb to 1900' on CAE VORTAC, R 006°.
White Rock Int	CA LOM	Direct	2000	
Blythewood Int	CA LOM	Direct	1900	
Steedman Int	CA LOM	Direct	1900	Supplementary charting information: TDZ elevation, 229'.
Lexington Int	CA LOM (NOPT)	Direct	1900	

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 1900' within 10 miles of CA LOM.
FAF, CA LOM. Final approach crs, 107°. Distance FAF to MAP, 5.5 miles.
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1720'; at MM, 420'.
Distance to runway threshold at OM, 5.5 miles; at MM, 0.6 mile.
MSA within 25 miles of CA LOM: 000°–090°—2900'; 090°–180°—1800'; 180°–270°—2000'; 270°–360°—2100'.

NOTES: (1) Localizer back crs unusable. (2) Glide slope unusable below 429'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-11	429	RVR 24	200	429	RVR 24	200	429	RVR 24	200	429	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	760	RVR 24	531	760	RVR 24	531	760	RVR 24	531	760	RVR 40	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	564	800	1	564	800	1¼	564	800	2	564
A	Standard.		T 2-eng. or less—RVR 24, Runway 11; Standard all other runways.				T over 2-eng.—RVR 24, Runway 11; Standard all other runways.					

City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236'; Facility, I-CAE; Procedure No. ILS Runway 11, Amdt. 5; Eff. date, 8 May 69; Sup. Amdt. No. 4; Dated, 6 June 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH 4698'; LOC 3.8 miles after passing PI LOM.
PIH VORTAC	PI LOM	Direct	7000	Climb direct to PIH VORTAC, continue climb to 7000' on R 269° within 10 miles or when directed by ATC, climb to 7000', right turn to PI LOM and hold.¢
R 358°, PIH VORTAC CW	R 029°, PIH VORTAC	18-mile Arc PIH R 029° lead radial.	7000	
R 029°, 18-mile DME Fix PIH VORTAC	PI LOM (NOPT)*	NE Crs PIH LOC	7000	Supplementary charting information: TDZ elevation, 4448'.
IDA VOR	PI LOM (NOPT)*	IDA VOR, R 189° and NE crs PIH LOC.	7400	¢Hold NE, 1 minute right turns, 208° Inbnd.

Procedure turn W side of crs, 028° Outbnd, 208° Inbnd, 7000' within 10 miles of PI LOM.
FAF, PI LOM. Final approach crs, 208°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over PI LOM, 5700'.
Minimum glide slope interception altitude, 6500'. Glide slope altitude at OM, 5608'; at MM, 4663'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.6 mile.
MSA: 000°–180°—10300'; 180°–270°—9300'; 270°–360°—6500'.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
*Procedure turn required when glide slope not operative; OM altitude, 5700'.
%IFR departure procedures: Climb direct to PIH VORTAC; southeastbound V21/V257 continue climb on R 235° PIH VORTAC within 10 miles so as to cross PIH VORTAC at or above 7300'; all maneuvering N of R 235°.
¢Circling not authorized SE of Runways 3–21.
‡Increase visibility ¼ mile for inoperative SALS.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-21‡	4698	½	250	4698	½	250	4698	½	250	4698	½	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21‡	4720	½	272	4720	½	272	4720	½	272	4720	½	272
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C¢	4900	1	452	4900	1	452	4900	1½	452	5000	2	552
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4448'; Facility, I-PIH; Procedure No. ILS Runway 21, Amdt. 11; Eff. date, 8 May 69; Sup. Amdt. No. 10; Dated, 20 Mar. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 2, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-4113; Filed April 17, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATE

PART 862—WAGE RATES; SUGAR BEETS

Correction

In F.R. Doc. 69-3769 appearing at page 5904 in the issue of Saturday, March 29, 1969, the following correction should be made. The fifth line of the third full paragraph on page 5906 should read: "tensively in most areas. Hand labor re-".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Miscellaneous Amendments

On March 7, 1969, notice was published in the FEDERAL REGISTER (34 F.R. 4969) that consideration was being given to proposed additions to the rules and regulations (Subpart—Rules and Regulations), pursuant to § 906.21 and other applicable provisions of the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice, which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations, is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Such amendment is hereby approved; and said rules and regulations are amended as follows:

§ 906.121 Reestablishment of districts.

The three districts of the production area specified in § 906.20 *Districts* are reestablished as a single district comprising the entire production area.

§ 906.122 Changes in member and alternate member apportionment on the committee.

The representation or membership on the Texas Valley Citrus Committee is reapportioned to provide for the nomination and selection from the district, as reestablished in § 906.121 pursuant to § 906.21, of (a) four producer members and their respective alternates representing producers who market their fruit through cooperative marketing organizations; (b) five producer members and their respective alternates representing independent producers; (c) two handler members and their respective alternates representing cooperative marketing organizations; and (d) four handler members and their respective alternates representing independent handlers.

§ 906.151 Reports.

During each fiscal period, each handler shall upon request by the committee file with the committee within the time specified in the request an accurate report showing the total quantity or oranges and the total quantity of grapefruit received by him during such fiscal period or the preceding fiscal period, as requested.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, April 16, 1969, to become effective May 19, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4712; Filed, Apr. 17, 1969; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

EXEMPTION OF ELECTRON TUBES

On November 14, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 16602) proposed amendments to 10 CFR Parts 30, 31, and 32 of its regulations which would (a) exempt from licensing requirements the possession and use of certain electron tubes containing byproduct material, (b) revoke the general license for spark gap and electronic tubes in 10 CFR 31.3, (c) amend the requirements for the issuance of specific licenses for the manufacture or import of certain items containing byproduct material, and (d) amend certain regulatory requirements applicable to holders of such licenses.

Interested persons were invited to submit written comments and suggestions for consideration within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments and other factors involved, the Commission has adopted the proposed amendments. The text of the amendments set out below differs from that of the proposed amendments published November 14, 1968, in that:

1. A footnote has been added to § 30.15(a)(8) to indicate that "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pickup tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

2. The exemption for glow lamps containing tritium in § 30.15(a)(7) and the reference to grow lamps containing tritium in § 32.15(c) have been eliminated, since glow lamps have been included in "electron tubes", and thus are exempt under § 30.15(a)(8), as amended.

3. The superscript 1 at the end of § 30.15(a)(3) and the footnote 1 to which it refers have been revoked and a new footnote 1 has been added to § 30.11 to make it clear that the issuance of an exemption by the AEC for export of byproduct material contained in any material or product does not relieve any person from complying with the licensing requirements and regulations of the Department of Commerce applicable to the export of the materials or the products containing such byproduct materials.

Other changes of a nonsubstantive nature have also been made.

The Commission has found that exemption from licensing requirements for the receipt, possession, use, transfer, export, ownership, and acquisition of electron tubes containing not more than 10 millicuries of tritium, 1 microcurie of cobalt-60, 5 microcuries of nickel-63, 30 microcuries of krypton-85, or 5 microcuries of cesium-137 under the conditions set forth below will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," the transfer of possession or control by the manufacturer, processor, or producer of electron tubes distributed for use under the exemption would be subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an Agreement State license.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and

553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 30, 31, and 32, are published as a document subject to codification. The amendments to 10 CFR Parts 30 and 32 shall become effective thirty (30) days after publication in the FEDERAL REGISTER, and the amendment to 10 CFR Part 31 shall become effective ninety (90) days after publication in the FEDERAL REGISTER.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

1. A new footnote 1 is added to § 30.11 of 10 CFR Part 30. As amended, § 30.11 reads as follows:

§ 30.11 Exemptions from licensing.[1]

The Commission may upon the application of any interested person, or upon its own initiative, exempt certain classes or quantities of byproduct material or kinds of uses or users from the requirements for a license set forth in section 81 of the Act and in the regulations in this part and Parts 31–36 when it makes a finding that the exemption of such classes or quantities of such materials or such kinds of uses or users will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.[2]

[1] Issuance of an exemption by the Atomic Energy Commission for export of byproduct material contained in materials or products does not relieve any person from complying with the licensing requirements and regulations of the Department of Commerce applicable to the export of the materials or the products containing such byproduct materials.

2. In § 30.15 of 10 CFR Part 30, the superscript 1 at the end of § 30.15(a)(3), the footnote to which it refers, and § 30.15(a)(7) are revoked.

3. In § 30.15 of 10 CFR Part 30, the introductory language of § 30.15(a) preceding subparagraph (1), § 30.15(a)(8), and § 30.15(b) are amended to read as follows:

§ 30.15 Certain items containing tritium or promethium-147.

(a) Except for persons who apply byproduct material to, or persons who incorporate byproduct material into, the following products, or persons who import for sale or distribution the following products containing byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires the following products:

* * * * *

(7) [Revoked]

(8) Electron tubes: *Provided*, That each tube does not contain more than one of the following specified quantities of byproduct material:

(i) 10 millicuries of tritium;

(ii) 1 microcurie of cobalt-60;

(iii) 5 microcuries of nickel-63;

(iv) 30 microcuries of krypton-85;

(v) 5 microcuries of cesium-137;

(vi) 30 microcuries of promethium-147;

And provided further, That the levels of radiation from each electron tube containing byproduct material do not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber.[3]

[3] For purposes of this subparagraph "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pickup tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

(b) Any person who desires to apply byproduct material to, or to incorporate byproduct material into, the products exempted in paragraph (a) of this section, or who desires to import for sale or distribution such products containing byproduct material, should apply for a specific license pursuant to § 32.14 of this chapter, which license states that the product may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

PART 31—GENERAL LICENSES FOR CERTAIN QUANTITIES OF BYPRODUCT MATERIAL CONTAINED IN CERTAIN ITEMS

4. Paragraph (b) of § 31.3 of 10 CFR Part 31 is revoked.

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

5. In § 32.14 of 10 CFR Part 32, the section heading, the introductory language preceding paragraph (a), paragraphs (b) and (c), and the first sentence of paragraph (d)(1) are amended to read as follows:

§ 32.14 Certain items containing byproduct material; requirements for license to apply or import.

An application for a specific license to apply byproduct material to, or to incorporate byproduct material into, the products specified in § 30.15 of this chapter or to import such products containing byproduct material for use pursuant to § 30.15 of this chapter will be approved if:

* * * * *

(b) The applicant submits sufficient information regarding the product pertinent to evaluation of the potential radiation exposure, including:

(1) Chemical and physical form and maximum quantity of byproduct material in each product;

(2) Details of construction and design of each product;

(3) The method of containment or binding of the byproduct material in the product;

(4) Procedures for and results of prototype testing to demonstrate that the material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product;

(5) Quality control procedures to be followed in the fabrication of production lots of the product and the quality control standards the product will be required to meet;

(6) The proposed method of labeling or marking each unit, except timepieces or hands or dials containing tritium or promethium-147, and its container with the identification of the manufacturer or importer of the product and the byproduct material in the product;

(7) For products for which limits on levels of radiation are specified in § 30.15 of this chapter, the radiation level and the method of measurement;

(8) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the product.

(c) Each product will contain no more than the quantity of byproduct material specified for that product in § 30.15 of this chapter. The levels of radiation from each product containing byproduct material will not exceed the limits specified for that product in § 30.15 of this chapter.

(d) The Commission determines that:

(1) The method of containment or binding of the byproduct material in the product is such that the radioactive material will not be released or be removed from the product under the most severe conditions which are likely to be encountered in normal use and handling. * * *

* * * * *

6. In § 32.15 of 10 CFR Part 32, the section heading and paragraph (c) are amended, and a new paragraph (d) is added, to read as follows:

§ 32.15 Same: quality control and labeling.

Each person licensed under § 32.14 shall:

* * * * *

(c) Visually inspect each unit, except electron tubes containing byproduct material, in production lots and reject any unit which has an observable physical defect that could affect containment of the byproduct material.

(d) Label or mark each unit, except timepieces or hands or dials containing tritium or promethium-147, and its container so that the manufacturer or importer of the product and the byproduct material in the product can be identified.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 9th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4566; Filed, Apr. 17, 1969; 8:45 a.m.]

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Exemption of Byproduct Material in Gas and Aerosol Detectors

On November 1, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 16089) proposed amendments to its regulations, 10 CFR Parts 30 and 32, which would exempt from licensing and regulatory requirements the use of byproduct material in gas and aerosol detectors and would establish safety criteria that manufacturers and importers of such detectors would be required to meet.

To assure that exempt detectors meet the criteria, manufacturers and importers would be permitted to distribute them only under conditions of specific licenses issued by the Commission. The proposed amendments, in effect, make the manufacturer or importer responsible for providing a product which meets specified safety requirements so that regulation of the user is not necessary.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

After consideration of the comments and other factors involved, the Commission has adopted the amendments set forth below. The only changes from the proposed amendments, other than editorial and clarifying changes, are:

(a) In the description of the information as to radiation levels for detectors required to be submitted by an applicant for a specific license under Part 32, the distances for measurement of radiation levels have been changed from 1 and 10 centimeters to 5 and 25 centimeters from the surface of the detector, and a provision for averaging the radiation level over an area not to exceed 10 square centimeters has been added (§ 32.26(b)(6));

(b) In the safety criteria for detectors, the limits for dose or dose commitment to any individual under normal and the most severe conditions, such as accidents or fires, have been restated in an expanded § 32.27(c) in terms of the probability of the failure of the detector under such circumstances that a person would receive a dose or dose commitment in excess of the specified limits; and

(c) A new item has been added, in § 32.26(b)(14), to the information required to be submitted by an applicant for a specific license, to require such applicant to show that the probabilities, with respect to the doses referred to in § 32.27(c) meet the criteria of that paragraph.

The amendments set forth below also include a definition of the term "dose commitment" (§ 32.2(a)). This term was used in the proposed amendments to exempt from regulatory controls the use of byproduct material in gas and aerosol detectors and has been defined (33 F.R. 9198) as part of the proposed exemption for tritium, krypton-85, and promethium-147 in self-luminous products, published June 21, 1968.

The Commission has found that, under the conditions specified in the amendments, the exemption will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Petitions for rule making for exemption of gas and aerosol detectors which do not meet the conditions of the amendments (§§ 32.26 and 32.27) will be considered on a case-by-case basis.

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," the transfer of possession or control by the manufacturer, processor, or producer of products distributed for use under the exemption would be subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an Agreement State license.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 30 and 32, are published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. A new § 30.20 is added to 10 CFR Part 30 to read as follows:

§ 30.20 Gas and aerosol detectors containing byproduct material.

(a) Except for persons who manufacture, process, or produce gas and aerosol detectors containing byproduct material or who import such products, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires byproduct material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards, and manufactured, processed, produced, imported, or transferred in accordance with a specific license issued by the Commission pursuant to § 32.26 of this chapter, which license authorizes the transfer of the product for use under this section.

(b) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to import or to transfer such products for use pursuant to paragraph (a) of this section, should apply for a license pursuant to § 32.26 of this chapter, which license states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section or equivalent regulations of an Agreement State.

2. A new § 32.2 is added to 10 CFR Part 32 to read as follows:

§ 32.2 Definitions.

As used in this part:

(a) "Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed 50 years.

3. New §§ 32.26, 32.27, 32.28, and 32.29 are added to 10 CFR Part 32 to read as follows:

§ 32.26 Gas and aerosol detectors containing byproduct material: requirements for license to manufacture, process, produce, import, or transfer.

An application for a specific license to manufacture, process, or produce gas and aerosol detectors containing byproduct material and designed to protect life or property from fires and airborne hazards, or to import or to transfer such products for use pursuant to § 30.20 of this chapter or equivalent regulations of an Agreement State, will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter: *Provided, however*, That the requirements of §§ 30.33(a)(2) and (3) do not apply to an application for a license to transfer byproduct material in gas and aerosol detectors manufactured, processed or produced pursuant to a license issued by an Agreement State.

(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, and conditions of handling, storage, use, and disposal of the gas and aerosol detector to demonstrate that the product will meet the safety criteria set forth in § 32.27. The information should include:

(1) A description of the product and its intended use or uses;

(2) The type and quantity of byproduct material in each unit;

(3) Chemical and physical form of the byproduct material in the product and changes in chemical and physical form that may occur during the useful life of the product;

(4) Solubility in water and body fluids of the forms of the byproduct material identified in subparagraphs (3) and (12) of this paragraph;

(5) Details of construction and design of the product as related to containment and shielding of the byproduct material and other safety features under normal and severe conditions of handling, storage, use, and disposal of the product;

(6) Maximum external radiation levels at 5 and 25 centimeters from any external surface of the product, averaged

over an area not to exceed 10 square centimeters, and the method of measurement;

(7) Degree of access of human beings to the product during normal handling and use;

(8) Total quantity of byproduct material expected to be distributed in the product annually;

(9) The expected useful life of the product;

(10) The proposed method of labeling or marking each unit with identification of the manufacturer or importer of the product and the byproduct material in the product;

(11) Procedures for prototype testing of the product to demonstrate the effectiveness of the containment, shielding, and other safety features under both normal and severe conditions of handling, storage, use, and disposal of the product;

(12) Results of the prototype testing of the product, including any change in the form of the byproduct material contained in the product, the extent to which the byproduct material may be released to the environment, any increase in external radiation levels, and any other changes in safety features;

(13) The estimated external radiation doses and dose commitments relevant to the safety criteria in § 32.27 and the basis for such estimates;

(14) A determination that the probabilities with respect to the doses referred to in § 32.27(c) meet the criteria of that paragraph;

(15) Quality control procedures to be followed in the fabrication of production lots of the product and the quality control standards the product will be required to meet; and

(16) Any additional information, including experimental studies and tests, required by the Commission.

§ 32.27 Same: safety criteria.

An applicant for a license under § 32.26 shall demonstrate that the product is designed and will be manufactured so that:

(a) In normal use and disposal of a single exempt unit, and in normal handling and storage of the quantities of exempt units likely to accumulate in one location during marketing, distribution, installation, and servicing of the product, it is unlikely that the external radiation dose in any one year, or the dose commitment resulting from the intake of radioactive material in any one year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or radioactive material from the product will exceed the dose to the appropriate organ as specified in Column I of the table in § 32.28.

(b) It is unlikely that there will be a significant reduction in the effectiveness of the containment, shielding, or other safety features of the product from wear and abuse likely to occur in normal handling and use of the product during its useful life.

(c) In use and disposal of a single exempt unit, and in handling and storage of the quantities of exempt units likely to accumulate in one location during marketing, distribution, installation, and servicing of the product, the probability is low that the containment, shielding, or other safety features of the product would fail under such circumstances that a person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column II of the table in § 32.28, and the probability is negligible that a person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column III of the table in § 32.28.[2]

§ 32.28 Same: table of organ doses.

Part of body	Column I (rem)	Column II (rem)	Column III (rem)
Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye	0.005	0.5	15
Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than 1 square centimeter	0.075	7.5	200
Other organs	0.015	1.5	50

§ 32.29 Conditions of licenses issued under § 32.26: quality control, labeling, and reports of transfers.

Each person licensed under § 32.26 shall:

(a) Carry out adequate control procedures in the manufacture of the product to assure that each production lot meets the quality control standards approved by the Commission;

(b) Label or mark each unit so that the manufacturer or importer of the product and the byproduct material in the product can be identified; and provide such other information with each unit as may be required by the Commission, including disposal instructions when appropriate; and

(c) File an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, which shall state the total quantity of each byproduct material transferred to other persons for use under § 30.20 of this chapter or equivalent regulations of an Agreement State during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

[2] It is the intent of this paragraph that as the magnitude of the potential dose increases above that permitted under normal conditions, the probability that any individual will receive such a dose must decrease. The probabilities have been expressed in general terms to emphasize the approximate nature of the estimates which are to be made. The following values may be used as guides in estimating compliance with the criteria:

Low—not more than 1 such failure per year for each 10,000 exempt units distributed.

Negligible—not more than 1 such failure per year for each 1 million exempt units distributed.

Dated at Washington, D.C., this 9th day of April 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69-4565; Filed, Apr. 17, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Manufacturer-Wholesaler Relationships: Different Discounts; Refusals To Deal; Termination of Further Sales

§ 15.333 Manufacturer-wholesaler relationships: different discounts; refusals to deal; termination of further sales.

(a) The Commission issued an advisory opinion in response to a request from a manufacturer concerning several courses of action he proposes to take in his sales relationships with wholesalers.

(b) The manufacturer now grants all wholesalers a 40 percent discount off the list price of his products. Proposed are new contracts, providing the 40 percent discount to a Full Service Dealer or Wholesaler who performs certain specified functions, and only 25 percent to a Part Service Dealer or Wholesaler "who does not fulfill all the functions set forth" in the definition provisions for a Full Service Dealer or Wholesaler.

(c) The Commission advised:

(1) "To the extent that an additional discount is sought to be justified on the basis of functional services such as stocking and display performed by so-called Full Service Dealers or Wholesalers [function No. 4 of applicant's proposed wholesaler agreement], no advisory opinion can be provided at this time because the Commission contemplates an inquiry looking toward a rule-making proceeding involving this question as it pertains to another industry.

(2) "Moreover, as to the other functional criteria for Full Service Dealers or Wholesalers set forth in applicant's proposed wholesaler agreement, the Commission will not approve any standards whereby a wholesaler's eligibility for added discounts is contingent upon the imposition of specified restrictions upon his customers by him.

(3) "You also ask if you may refuse to deal with a wholesaler in one town who is reselling your products to wholesalers in another town. The Commission is of the opinion that such refusal to deal could amount to a violation of section 5 of the Federal Trade Commission Act. Therefore, the Commission cannot approve the proposal.

(4) "Additionally, you ask if you may terminate further sales to a wholesaler who is establishing his own network of wholesale dealers, obligated by contract to purchase their supplies exclusively from him. This wholesaler, as does the one involved in your second request, is departing from the traditional role of the wholesaler in the beauty and barber supply business by refusing to confine his sales to beauty schools and salons and has, in effect, entered into competition with your company as a supplier of [your] products to wholesale dealers. The facts provided do not give any basis for viewing the wholesaler's exclusive dealing arrangements as violative of the antitrust laws. Without reaching the question of whether you might terminate further sales to the wholesaler if the exclusive dealing contracts were illegal, the Commission believes your proposed termination of the wholesaler would appear to be anticompetitive and thus contrary to the provisions of section 5 of the Federal Trade Commission Act. The proposal, therefore, cannot be approved."

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: April 17, 1969.

By direction of the Commission.

[SEAL] Joseph W. Shea,
Secretary.

[F.R. Doc. 69-4563; Filed, Apr. 17, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Location of Foreign Origin Disclosure

§ 15.334 Location of foreign origin disclosure.

(a) The Commission advised an importer of candles and candle holders in regard to the proper location of the foreign country of origin disclosure thereof.

(b) After importation, the product will be assembled in a combination blister package of eight candles and eight holders on a display card for resale to the general public. The imported holders and candles will be marked with their respective country of origin. However, this identification as to foreign origin will not be readily seen by prospective purchasers making a casual inspection of the merchandise prior to the purchase thereof.

(c) In regard to the question of whether the disclosure should be made on the product or on the face of the display card, the Commission said: "* * * the general rule is that the disclosure must be clear and conspicuous. This means that it must be placed in a location where it would be readily observed by prospective purchasers making a casual inspection of the merchandise prior to, not after, the purchase thereof."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: April 17, 1969.

By direction of the Commission.

[SEAL] Joseph W. Shea,
Secretary.

[F.R. Doc. 69-4562; Filed, Apr. 17, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-100]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Returned Products of the United States; Government Importations; Customs Regulations Amended

Section 10.105, Customs Regulations, relating to returned products of the United States entered in the name of an agency or office of the U.S. Government, amended.

In connection with the continuing program of improving services and operations, the Bureau after consultation with the Department of Defense and with its concurrence has devised a certificate for use by that Department as a combined entry and declaration for shipments of articles, other than military scrap, belonging to the Department of Defense imported for its further use as returned products of the United States under item 800.00 of the Tariff Schedules of the United States. This certificate may be used in lieu of an entry on customs Forms 7501 with supporting certificate. Since the Bureau of the Census, Department of Commerce, has no statistical interest in these shipments, it also concurs.

To provide for the use of such a combined entry and declaration for these shipments to the Department of Defense, § 10.105 of the Customs Regulations is hereby amended by adding the following new paragraph:

§ 10.105 American goods returned.

* * * * *

(c) When articles, other than military scrap, belonging to the Department of Defense are imported for the further use of that Department as returned products of the United States entitled to free entry under item 800.00, Tariff Schedules of the United States, a consumption entry therefor may be made by the Department of Defense by filing, in lieu of other entry documentation, a properly executed certificate in the following form:

I hereby certify:

1. That the following equipment imported in the ---------- at the port of ---------- on ---------- consists of returned products of the United States which currently belong to and are for the further use of the U.S. Department of Defense:

Number of containers	*Bill of lading No.**	*General description of articles*
----------	----------	----------
----------	----------	----------

*If shipment arrives in the United States on a commercial carrier.

2. That the shipment does not contain military scrap.

3. That the shipment is entitled to entry under item 800.00 of the Tariff Schedules of the United States free of duty.

4. That I am a military installation transportation officer having knowledge of the facts involved in this certificate,

or

I am an officer duly authorized by the Department of Defense to execute this certificate. [Which ever is applicable.]

(Name)

(Rank and branch of service)

The certificate may be executed by any military installation transportation officer having knowledge of the facts or any other officer specifically designated by the Department of Defense. If the merchandise arrived on a commercial carrier, the entry shall be supported by evidence of the right to make it.

(77A Stat., secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 1202 (General Headnote 11), 1484, 1624)

The purpose of this amendment is to prescribe simplified documentation for the declaration and entry of certain articles by the Department of Defense. Since the Department of Defense has concurred in the amendment and the Bureau of the Census, Department of Commerce, has indicated it has no statistical interest in the shipments involved, it is found that the issuance of this amendment with notice under 5 U.S.C. 553 or subject to the effective date provision of that section is unnecessary.

Effective date. This amendment shall become effective on the date of its publication in the Federal Register.

[SEAL] Lester D. Johnson,
Commissioner of Customs.

Approved: April 10, 1969.

Eugene T. Rossides,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4602; Filed, Apr. 17, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Viable Spores of the Micro-Organism *Bacillus Thuringiensis* Berliner

A petition (PP 9F0751) was filed with the Food and Drug Administration by Markel and Hill, Munsey Building, Washington, D.C. 20004, on behalf of Interna-

tional Minerals & Chemical Corp., Skokie, Ill., proposing the establishment of an exemption from the requirement of a tolerance for residues of the insecticide containing viable spores of the microorganism *Bacillus thuringiensis* Berliner in or on the raw agricultural commodities citrus, cucumbers, eggplants, okra, and peppers.

Subsequently, the petitioner amended the petition by changing the request for citrus to oranges only and by withdrawing the request regarding okra and peppers.

The Secretary of Agriculture has certified that this pesticide is useful for the purposes for which the exemption from the requirement of a tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the exemption from the requirement of a tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.1011(b) is revised to read as follows to add cucumbers, eggplants, and oranges:

§ 120.1011 Viable spores of the microorganism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus thuringiensis* Berliner, as specified in paragraph (a) of this section, in or on the following raw agricultural commodities: Alfalfa, apples, artichokes, bananas, beans, broccoli, cabbage, cauliflower, celery, collards, cottonseed, cucumbers, eggplants, grapes, kale, lettuce, melons, mustard greens, oranges, potatoes, spinach, strawberries, sweet corn, tomatoes, and turnip greens.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 11, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4574; Filed, Apr. 17, 1969; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS-1, 11th Rev.)]

INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Vessels Insured and Terms of Insurance

In F.R. Doc. 69-3975 appearing in the FEDERAL REGISTER issue of April 5, 1969 (34 F.R. 6188), the third sentence of section 4 should read "The limit of liability in any claim shall be $250,000 for each accident or occurrence per vessel, with a deduction of $1,000 for each accident or occurrence resulting in personal injury, illness, or death, and $500 for each accident or occurrence of other types except 'putting in,' burial expenses, and damage to docks, buoys, etc."

By order of the Director, National Shipping Authority, Maritime Administration.

Dated: April 16, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-4689; Filed, Apr. 17, 1969; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.203 governing the use of a naval danger zone in the Pacific Ocean at San Miguel Island, Calif., is hereby amended with respect to paragraph (c)(9) to extend the period of use, as follows:

§ 204.203 Pacific Ocean at San Miguel Island, Calif.; naval danger zone.

* * * * *

(c) *The regulations.* * * *

(9) The regulations in this section shall be in effect until July 1, 1970, and shall be reviewed in May 1970 to determine the continuing need therefor.

[Regs., Apr. 11, 1969, ENGCW-ON]

(Sec. 7, 40 Stat. 266, Ch. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-4572; Filed, Apr. 17, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4609]

[Wyoming 0321077]

WYOMING

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of July 18, 1942, creating Air Navigation Site Withdrawal No. 184, which has heretofore been revoked in part by Public Land Order No. 2671 of May 11, 1962, is hereby revoked in its entirety. The following described lands are released from withdrawal by this order:

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 96 W.,
Sec. 18, SW¼SE¼NW¼NW¼.

The tract described contains 2.5 acres in Sweetwater County.

2. At 10 a.m. on May 17, 1969, the lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4614; Filed, Apr. 17, 1969; 8:49 a.m.]

[Public Land Order 4611]

[Wyoming 14831]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of February 5, 1924, creating Stock Driveway Withdrawal No. 3 (Wyoming No. 1), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 87 W.,
Sec. 33, NE¼NE¼;
Sec. 34, N½NW¼.

The area described contains 120 acres in Washakie County.

The lands lie southeast of Tensleep, Wyo., and are served by all-weather gravel roads. The vegetal aspect is a sagebrush grassland association of fair carrying capacity.

2. At 10 a.m. on May 17, 1969, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been open to applications and offers under the mineral leasing laws, and was segregated from appropriations under the U.S. mining laws (30 U.S.C., ch. 2), by application for withdrawal Wyoming 015419.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4576; Filed, Apr. 17, 1969; 8:46 a.m.]

[Public Land Order 4612]

[Idaho 939]

IDAHO

Withdrawal for National Forest Campground, Partial Revocation of Public Land Order No. 4498

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

Giant White Pine Campground

T. 42 N., R. 3 W.,
Sec. 2, S½NE¼SW¼SE¼ and SE¼SW¼SE¼;
Sec. 11, N½NE¼NW¼NE¼.

The areas described aggregate 20 acres in Benewah County.

2. Public Land Order No. 4498 of July 15, 1968, so far as it reserved 20 acres in secs. 2 and 11, T. 42 N., R. 3 E., for the Giant White Pine Campground, is hereby revoked. At 10 a.m. on May 17, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

[F.R. Doc. 69-4577; Filed, Apr. 17, 1969; 8:46 a.m.]

[Public Land Order 4613]

[Sacramento 1658, 1723, and 1801]

CALIFORNIA

Revocation of Withdrawals for National Forest Administrative Sites and Fire Lookout Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order and departmental orders hereafter named, so far as they withdrew the following described national forest lands as administrative sites and fire lookout site are hereby revoked:

MOUNT DIABLO MERIDIAN

SACRAMENTO 1658—SEQUOIA NATIONAL FOREST

Departmental orders of November 1, 1907, and May 13, 1908.

Starkey Administrative Site

T. 23 S., R. 31 E.,
Sec. 30, W½SE¼;
Sec. 31, NW¼NE¼, N½NW¼ (lot 1 and NE¼NW¼), and SE¼NW¼.

SACRAMENTO 1723—SIERRA NATIONAL FOREST

Departmental Order of December 17, 1907.

Sight Rock Administrative Site

T. 8 S., R. 23 E.,
Sec. 7, W½ lot 4.

SACRAMENTO 1801—TRINITY NATIONAL FOREST

Executive Order No. 6544 of December 30, 1933.

T. 33 N., R. 10 W.,
Sec. 1, SW¼SW¼SE¼ and SW¼SE¼SW¼SE¼.

The areas described aggregate approximately 273 acres in Trinity, Madera, and Tulare Counties.

2. At 10 a.m., on May 20, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to any existing withdrawals for power or other purposes.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4587; Filed, Apr. 17, 1969; 8:47 a.m.]

[Public Land Order 4614]

[Wyoming 9187]

WYOMING

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Bureau order of July 8, 1941, withdrawing lands for reclamation purposes in connection with the Green River Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 116 W.,
Sec. 1, tract 108 (formerly part of lot 14 and SE¼NW¼).
T. 22 N., R. 116 W.,
Sec. 8, SW¼SE¼;
Sec. 15, lot 2;
Sec. 24, lots 3, 4, 6, 7, 8, 9, and 10, and SE¼SW¼;
Sec. 25, N½NW¼;
Sec. 33, lots 1, 8, 9, 10, 11, 16, 17, and 22.
T. 23 N., R. 117 W.,
Sec. 24, lots 4 and 5;
Sec. 26, lots 1, 2, 3, and 5, and SE¼NW¼, E½NE¼SW¼, and SW¼SE¼.

The areas described, including both public and nonpublic lands, aggregate 922.25 acres, of which 792.67 acres are public lands.

The following described lands are nonpublic:

T. 21 N., R. 116 W.,
Sec. 1, tract 108 (formerly part of lot 14 and SE¼NW¼).
T. 23 N., R. 117 W.,
Sec. 26, lots 1, 2, 3, and 5, and SE¼NW¼, E½NE¼SW¼, and SW¼SE¼.

Containing 129.58 acres.

The public lands are located in central Lincoln County in southwestern Wyoming. Vegetation is primarily sagebrush grassland associations and the lands are typical grazing lands in this portion of Wyoming. Of these lands, all but 156.22 acres will remain withdrawn for other purposes.

2. At 10 a.m. on May 20, 1969, the public lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 20, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office,

Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4588; Filed, Apr. 17, 1969; 8:47 a.m.]

[Public Land Order 4615]

[Wyoming 0321078]

WYOMING

Revocation of Air Navigation Site Withdrawal No. 215

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

Public Land Order No. 235 of June 9, 1944, withdrawing the following described land as Air Navigation Site No. 215, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 18 N., R. 106 W.,
Sec. 8, NW¼SE¼NE¼SE¼.

Containing 2.5 acres in Sweetwater County.

The land is located in southwestern Wyoming in an area that is rough to broken and cut by numerous drainages. Vegetative cover is primarily sagebrush grassland associations and salt sage flats. The land is withdrawn from all forms of appropriation by Executive Order No. 5327 as supplemented by Public Land Order No. 4522.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4578; Filed, Apr. 17, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9524]

AIRWORTHINESS DIRECTIVES

Certain Dowty Rotol Propellers Installed on British Aircraft Corp. (Vickers) Viscount 744 and 745D Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Dowty Rotol Propellers Type Nos. (c) R.130/4-20-4/12E and (c) R.148/4-20-4/21E installed on British Aircraft Corp. (Vickers) Viscount 744 and 745D airplanes. There have been cases of craked threads on propeller hub arms reported on certain Dowty Rotol propellers installed on BAC (Vickers) Viscount 744 and 745D airplanes. Since this condition is likely to exist or develop in other products of the same type design, the proposed airworthiness directive would require inspection for cracked threads on propeller hub arms and replacement if necessary, and would impose service life limits for hub and driving center assemblies.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communciations received on or before May 19, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol Propellers Type Nos. (c) R.130/4-20-4/12E and (c) R.148/4-20-4/21E installed on British Aircraft Corp. (VICKERS) Viscount 744 and 745D airplanes.

Compliance required as indicated, unless already accomplished.

(a) For Type No. (c) R.130/4-20-4/12E propellers installed on Model 745D, Viscount airplanes and for Type No. (c) R.148/4-20-4/21E propellers installed on Model 744 Viscount airplanes, accomplish the following:

(1) For propellers having hubs with 15,000 or more hours' time in service on the effective date of this AD, accomplish the inspection required by paragraph (3) of this section within the next 400 hours' time in service after the effective date of this AD, or before 3,000 hours' time in service since the last inspection, whichever occurs later. Thereafter, repeat this inspection at intervals not to exceed 3,000 hours' time in service from the last inspection.

(2) For propellers having hubs with less than 15,000 hours' time in service on the effective date of this AD, accomplish the inspection required by paragraph (3) of this section before 3,000 hours' time in service has accumulated since the last inspection, or before the accumulation of a total of 15,400 hours' time in service, whichever occurs later. Thereafter, repeat this inspection at intervals not to exceed 3,000 hours' time in service from the last inspection.

(3) Inspect the hub arm threads including binocular inspection and crack testing in accordance with Dowty Rotol Limited Service Bulletin No. 61-608, Revision 1, dated June 1968, or later ARB-approved issue, or an FAA-approved equivalent method. If cracked threads are detected during any inspection, before further flight, replace the propeller hub with a serviceable part of the same part number.

(b) For Hub and Driving Center Assembly P/Nos. RA.48546, RA.59601, and RA.59602 installed on propellers having serial numbers listed in paragraph (c) accomplish the following:

(1) Remove from service all hub and driving center assemblies having 20,000 or more hours' time in service on the effective date of this AD within the next 400 hours' time in service after the effective date of this AD.

(2) Remove from service all hub and driving center assemblies having less than 20,000 hours' time in service on the effective date of this AD, within the next 400 hours' time in service after the effective date of this AD, or upon the accumulation of a total of 20,000 hours' time in service, whichever occurs later.

(c) *Propeller Serial Numbers.*

DRG. 12/61	99360	99620
DRG. 13/61	99375	99621
DRG. 15/61	99377	99741
574	99381	99742
5733	99386	99743
57265	99388	99745
57268	99395	99749
98338	99396	99752
99180	99397	99754
99186	99399	99759
99187	99403	99766
99190	99405	99771
99191	99407	99772
99198	99409	99784
99207	99410	99791
99211	99411	99800
99217	99413	99804
99218	99417	100024
99220	99427	100025
99221	99429	100040
99222	99434	101579
99224	99437	101684
99231	99440	101586
99235	99443	101804
99239	99468	101929
99241	99472	101985
99244	99546	101988
99266	99557	101987
99267	99568	102041
99268	99573	102046
99269	99575	102052
99270	99577	102071
99272	99578	102073
99275	99579	102148
99276	99580	102149
99278	99587	102152
99281	99594	102166
99283	99596	102167
99284	99597	102168
99323	99600	102170
99330	99603	102184
99337	99606	102257
99339	99609	102259
99341	99613	102349
99352	99614	102439
99353	99615	
99368	99617	

(d) For hub and driving center assembly having P/Nos. listed in paragraph (e), accomplish the following:

(1) Remove from service all hub and driving center assemblies having 30,000 or more hours' time in service on the effective date of this AD, within the next 400 hours' time in service after the effective date of this AD.

(2) Remove from service all hub and driving assemblies having less than 30,000 hours' time in service on the effective date of this AD within the next 400 hours' time in service after the effective date of this AD, or upon the accumulation of a total of 30,000 hours' time in service, whichever occurs later.

(e) *Hub and Driving Center Assembly Part Numbers.*

RA41744	RA45155	RA48546
RA44761	RA45155/1	RA49557
RA44761/1	RA45155/2	RA56345
RA44761/2	RA47436	RA58184
RA44761/3	RA47436/2	RA59601
RA44761/4	RA47436/4	RA59602
RA44761/5	RA47592	

Issued in Washington, D.C., on April 10, 1969.

R. S. SLIFF,
Acting Director,
Flights Standards Service.

[F.R. Doc. 69-4586; Filed, Apr. 17, 1969; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 68-SW-62]

JET ROUTES

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 75 of the Federal Aviation Regulations that would realign and extend J-8 from Springfield, Mo., via Kingfisher, Okla.; to Amarillo, Tex.; and that would renumber the existing segment of J-8 from Oklahoma City, Okla., via Tulsa, Okla.; to Springfield as J-98.

This action would provide a bypass route around Oklahoma City and thus reduce congestion and workload by removing some of the en route traffic from the traffic arriving and departing the Oklahoma City terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this Notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 10, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-4583; Filed, Apr. 17, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

MESA VERDE NATIONAL PARK, COLO.

Protection of Prehistoric Ruins and Visitors

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), the Act of June 29, 1906 (34 Stat. 616, as amended; 16 U.S.C. 111), and the Act of April 25, 1928 (45 Stat. 458; 16 U.S.C. 117), 245 DM1 (27 F.R. 3395), National Park Service Order No. 36 (31 F.R. 4255), as amended, Regional Director, Southwest Region Order No. 4 (31 F.R. 8134), as amended, it is proposed to revise § 7.39 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this revision is to revoke regulations concerning hospital charges. The services and charges described in that regulation are no longer applicable inasmuch an only first aid treatment is now given in the park. The revision will also revoke regulations on speed which are no longer necessary in view of the provisions of Part 4 of this chapter. The regulation concerning the admission of commercial automobiles and buses is also revoked since Mesa Verde National Park is no longer listed among those parks in which the commercial transportation of passengers by motor vehicle is prohibited. Two new regulations are added to provide for the protection of the extremely fragile prehistoric ruins and for the protection of the visitor. Visitation to the cliff dwellings will be permitted only when persons are accompanied by uniformed National Park Service employees. This is for the protection, not only of the ruins themselves which are extremely fragile and cannot be replaced, but also for the protection of the visitor since the ruins are unstable.

Scientists and groups of scientists engaged in scientific study of the ruins may be authorized by the Superintendent to visit the ruins without such a National Park Service employee.

For the protection of numerous ruins which are scattered throughout the park and for the protection of the visitor in rugged terrain, hiking will be restricted to designated trails. Persons hiking on the Pictograph Point or Spruce Canyon Trails will be required to register with the Superintendent before beginning the hike.

It is the policy of the National Park Service to afford the public an opportunity to participate in the rulemaking process. Accordingly, written comments, suggestions, or objections may be submitted to the Superintendent, Mesa Verde National Park, within 30 days of the publication of this notice in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 34 Stat. 616; 16 U.S.C. 111; 45 Stat. 456; 16 U.S.C. 117)

Section 7.39 of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.39 Mesa Verde National Park.

(a) Visiting of cliff dwellings is prohibited except when persons are accompanied by a uniformed National Park Service employee. However, the Superintendent may issue special written permits to persons engaged in scientific investigations authorizing such persons to visit the cliff dwellings without escort. The Superintendent shall approve issuance of a permit provided:

(1) That the investigation plan proposed, in purpose and in execution, is compatible with the purposes for which the park was established;

(2) That the investigation proposed will not jeopardize the preservation of park resources;

(3) That the study undertaken will have demonstrable value to the National Park Service in its management or understanding of park resources; and

(4) That the permit applicants are adequately experienced and equipped so as to insure that the objectives of paragraphs (a) (1), (2), and (3) of this section will be obtained.

(b) Hiking is permitted only on trails designated for that purpose by the Superintendent by the posting of appropriate signs or by marking on a map which shall be available for inspection by the public at park headquarters and other convenient locations within the park. Persons hiking on the Pictograph Point or Spruce Canyon Trails must register in advance with the Superintendent.

MEREDITH M. GUILLET,
Superintendent,
Mesa Verde National Park.

[F.R. Doc. 69-4579; Filed, Apr. 17, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00238-33-46500. Applicant: University of Cincinnati, Kettering Laboratory, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Ultramicrotome, Model LKB 8800 Ultrotome, III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with the subcellular localization of various constituents of the central nervous system, particularly those concerned with neurotransmission; and research concerned with the biological effects of various trace metals, both essential and nonessential. For these investigations it is necessary to prepare ultrathin sections in series and equal thickness. Because the thickness of the sections has to be altered at times it is important that the operator be able to do this quickly and easily over a range from 50-angstrom units to 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen, the more is it possible to utilize the utmost resolving power of the electron miscroscope for which the specimens are being prepared. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 12, 1969, that for the purposes for which the specimens are being prepared, the applicant requires the highest attainable resolution. Therefore, the better thin sectioning capability of the foreign article is a pertinent characteristic. The applicant also requires long series of ultrathin sections in order to localize the specific ultrastructures of interest to the research program. HEW also advises in cited memorandum that only ultramicrotomes equipped with thermal advance systems, such as the foreign article, have performed satisfactorily in producing long series of ultrathin sections. For the foregoing reasons, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4567; Filed, Apr. 17, 1969; 8:45 a.m.]

GEORGETOWN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00187-01-77030. Applicant: Georgetown University, 37th and O Streets, Washington, D.C. 20007. Article: Nuclear magnetic resonance spectrometer, Model HFX-3/2. Manufacturer: Bruker-Physik AG, West Germany. Intended use of article: The article will be used to obtain spectra of various nuclei while operating in a locked mode on protons and also to conduct experiments on nuclei that have been observed previously such as, protons, carbon, phosphorus, and nitrogen, primarily for heteronuclear decoupling, as well as nucleus, tungsten, which heretofore has not been observed. Also, to conduct double and triple resonance experiments on organic compounds, as well as, heteronuclear specific band and very wide band (5 KHz) decoupling. Comments: Comments regarding this application have been received from Varian Associates (Varian) which alleges inter alia that "a NMR (nuclear magnetic resonance) Spectrometer of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States." (Varian comments dated Oct. 25, 1968.) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used was being manufactured in the United States and was available so that the applicant could have obtained such instrument or apparatus without unreasonable delay.

Reasons: At the time the applicant determined its technical requirements for a nuclear magnetic resonance spectrometer and placed its order for the foreign article, the most closely comparable domestic instrument was the Varian Model HA-100D. Varian offered this model as an interim instrument, pending the production of a newly developed Model HA-100-15D which was promised for delivery "by Spring 1969." (Item 4 of Varian's comments and Varian's quotation of July 23, 1968, attached thereto.) We are advised by the National Bureau of Standards (NBS) (memorandum dated March 6, 1969, that "For the experimental program intended by the applicant • • • a 15-inch electromagnet and power supply, a 12 mm variable temperature probe and RF unit for ^{1}H, a 12 mm probe and RF unit for ^{13}C, a 12 mm probe and RF unit for ^{31}P, a 12 mm probe and RF unit for ^{183}W, hetronuclear and homonuclear decouplers, Fourier transform capability, INDOR technique capability and a true frequency synthesizer are all pertinent characteristics, i.e., the lack of any one of them would mean that the applicant could not perform his experimental program as intended." NBS further advised that the Varian Model HA-100D offered as an interim instrument does not provide a 15-inch electromagnet, does not allow the study of carbon-13, and does not possess the capability for internuclear double resonance experiments, whereas the foreign article possesses these pertinent characteristics. The Varian Model HA-100-15D which was offered to the applicant on a money-back guarantee, would not have been available until Spring of 1969 with the actual delivery date unspecified, whereas the delivery of the foreign article was scheduled for 90 days after receipt of order. In this regard, the Department of Health, Education, and Welfare (HEW) (memorandum dated Jan. 27, 1969) advised that "the nine (9) month delay in delivery of the domestic instrument (Varian Model HA-100-15D) • • • would significantly impair achievement of the

objectives of the applicant's * * * program." For the foregoing reasons, we find that at the time the applicant determined its technical requirements for a nuclear magnetic resonance spectrometer and placed its order for the foreign article, no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States within the context of § 602.1(f) of above-cited regulations.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States and available without unreasonable delay at the time the applicant determined its technical requirements for a nuclear magnetic resonance spectrometer and placed its order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4568; Filed, Apr. 17, 1969; 8:45 a.m.]

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00269-33-46500. Applicant: University of Illinois, Urbana Campus, 223 Administration Building, Urbana, Ill. 61801. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research work on viruses and their effect on structural and functional integrity of cells. This work requires the utilization of all the resolving power an electron microscope can provide. To use this power, it is essential to obtain ultrathin serial sections of high quality and even thickness. The instrument should have a capacity to provide sections, for thickness of which would range from 50-angstrom units to 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc., which has a minimum thickness capability of 200 angstroms. The thinner the specimen to be examined under an electron microscope, the better is the attainable resolution. We are advised by the Department of Health, Education, and Welfare (memorandum dated Mar. 13, 1969), that the research program of the applicant requires long series of ultrathin uniform sections to less than 100 angstroms in thickness. We therefore find that the lower minimum thickness capability of the foreign article is a pertinent characteristic and, for this reason, that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4569; Filed, Apr. 17, 1969; 8:45 a.m.]

NEW YORK UNIVERSITY MEDICAL CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00481-33-46500. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in conjunction with studies concerning the biological effects of Vitamin A, using the electron microscope for localizing the sites of storage of this lipid. The microtome employed in sectioning has to be able to cut lipid-rich material of uneven densities. For this reason, knife angles must be judged and cutting speeds adjusted over the widest possible range, preferably from 0.1 to 20 mm. per second. Sections are required to be cut from 2 microns to 50 angstroms for both light microscopy and high resolution microscopy. Application received by Commissioner of Customs: March 21, 1969.

Docket No. 69-00482-67-25300. Applicant: The University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Electric discharge machine, Model AB 0.5 FS. Manufacturer: AGIE Industrial Electronics, Ltd., Switzerland. Intended use of article: The article is needed for research on the mechanical properties of materials. Specifically, it will be used for the strain-free cutting, planning, and shaping of single crystals of various materials, presently mainly copper and aluminum. The cutting is necessary to remove from grown specimens their seed crystals for use in further growing of specimens of identical crystallographic orientation. The planning is necessary to prepare compression specimens with accurately flat and parallel faces (to $\pm 0.0005''$). The shaping is necessary to produce a reduced cross section for specimens usable in push-pull cycling; the lateral position and the orientation of the reduced section must be accurate to $\pm 0.001''$ and one-fourth degree, respectively. Application received by Commissioner of Customs: March 21, 1969.

Docket No. 69-00483-77-88600. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Shielding windows. Manufacturer: Schott Optical Glass, Inc., West Germany. Intended use of article: The article will be used for viewing radioactive specimens in Berkeley Boxes (radio-active sealed lead-lined glove boxes developed at the Lawrence Radiation Laboratory). This requires a lead shielding glass in which approximately 1 inch of glass is equal to one-half inch of lead. Glass must be free from visual distortion or waviness, with maximum light transmission, and allow one color to be distinguished from another. Application received by Commissioner of Customs: March 21, 1969.

Docket No. 69-00484-33-46040. Applicant: University of Iowa, Department of Anatomy, Medical Research Center, Iowa City, Iowa 52240. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for biological research projects in progress as indicated below:

A. Computerization of electron densitometric data obtained from screen of electron microscope in quantitative and three dimensional studies of the nervous system.

B. Comparative quantitative studies between light microscopy and low magnification electron microscopic technics, specifically with regard to nerve fiber size spectra.

C. High resolution electron microscopy of nerve twig myelin and axoplasm with different functions.

D. Three-dimensional reconstructions of mm-long mammalian muscle spindles.

E. High resolution negative staining technic in characterization of protein-polysaccaride-complexes of unknown size and composition in embryonic connective tissue from mice.

F. High resolution electron microscopy of ferritin-tagged antibodies against glucagon and insulin in pancretic in-vitro systems and of antibodies against pituitary hormones.

G. Ultrastructural radioautography with I^{125} and H^3 on frog muscle spindles and the immunology of human lymphocytes.

H. Ultrastructural cytochemistry of muscle spindles, in implantation studies of fertilized hamster ova, gingival reactions to steroid hormones, periodontal disease and cytology of rat pituitaries.

I. Aerosol particle counts and measurements in conjunction with dental drilling.

J. Training of students in three dimensional ultrastructure, high resolution electron microscopy and maintenance of different makes of a modern electron microscope.

Application received by Commissioner of Customs: March 21, 1969.

Docket No. 69-00485-33-46040. Applicant: Texas Technological College, Lubbock, Tex. 79409. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to train students in the principles of biological electron microscopy. The primary scientific objective for which this instrument will be used is to train biological scientists. Beginning students will be composed of both undergraduate and graduate students in all fields of biology. In addition, they will complete neophytes in electron microscopy. The biological electron microscopy course will have a maximum of 15 students. The course is given for 2 hours per week for one semester of 15 weeks. Application received by Commissioner of Customs: March 21, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4570; Filed, Apr. 17, 1969; 8:45 a.m.]

SINAI HOSPITAL OF DETROIT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00235-33-46500. Applicant: Sinai Hospital of Detroit, 6767 West Outer Drive, Detroit, Mich. 48235. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studying experimental atherosclerosis and ultrastructural histochemistry, as well as various aspects of diabetes on hamster, and insulin-producing tumors. The studies of histochemical localization under the electron microscope require the ability to cut sections from 50 angstroms to 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the section, the more is it possible to utilize the ultimate resolving capabilities of the electron microscope for which the sections will be prepared. For the purposes for which specimens will be prepared, the best attainable resolution and, consequently, the thinnest possible sections are necessary (memorandum of the Department of Health, Education, and Welfare (HEW) dated Mar. 13, 1969). The applicant also requires long series of ultrathin sections, as a means of locating the particular ultrastructures of interest to the research program. In cited memorandum, HEW advises that for serial sectioning of ultrathin specimens, only ultramicrotomes with thermal advance systems such as employed in the foreign article have proven satisfactory. The Sorvall Model MT-2 employs a geared mechanical advance mechanism. For the foregoing reasons, we find that the Sorvall MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4571; Filed, Apr. 17, 1969; 8:45 a.m.]

Maritime Administration

[Docket S-237]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given of the application dated April 14, 1969, of Delta Steamship Lines, Inc., for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, for its owned vessel the "SS Delta Brasil" to load (commencing in late April or early May 1969) about 500 to 750 tons of bundled lumber for transportation from Mobile, Ala., to San Juan, P.R.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit a written statement with reference to the application must, by close of business on April 24, 1969, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business April 24, 1969, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Sub-

sidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for April 28, 1969, at 10 a.m. in Room 4519, GAO Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: April 17, 1969.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.
Secretary.

[F.R. Doc. 69-4730; Filed, Apr. 17, 1969; 10:31 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of the Secretary of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary of Defense (Administration).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4618; Filed, Apr. 17, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary (Federal-State Relations).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4620; Filed, Apr. 17, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Urban Systems and Environment.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4621; Filed, Apr. 17, 1969; 8:50 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Fair Housing

SECTION A. *Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3601-3619, except the authority to:

1. Make studies and publish reports under section 808(e) of the Act.
2. Issue rules and regulations.

SEC. B. *Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to subordinate employees the authority of the Secretary to administer oaths under section 811(a) of the Act, 42 U.S.C. 3611(a).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Jan. 15, 1969 (34 F.R. 946, Jan. 22, 1969))

Effective date: This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 69-4622; Filed, Apr. 17, 1969; 8:50 a.m.]

CERTAIN HUD EMPLOYEES IN REGION II (PHILADELPHIA)

Redelegation of Authority to Administer Oaths

Each of the following named employees in the Department of Housing and Urban Development, Region II (Philadelphia), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3611(a):

1. Wagner D. Jackson.
2. William M. Cousins.
3. Walter L. Purnell.
4. Karl O. Jackson.
5. Robert H. Myers, Jr.
6. Benton C. Epps.

(Redelegation of authority by Regional Administrator effective Apr. 18, 1969 (F.R. Doc. 69-4622, 34 F.R. 6664, Apr. 18, 1969))

Effective date: This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

WAGNER D. JACKSON,
Assistant Regional Administrator for Equal Opportunity, Region II.

[F.R. Doc. 69-4623; Filed, Apr. 17, 1969; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 10/10-0151]

DOWELL CAPITAL CORP.

Surrender of License

Notice is hereby given that Dowell Capital Corp. (Dowell) has, pursuant to § 107.105 of the Regulations governing small business investment companies (13 CFR Part 107.33 F.R. 326), surrendered its license to operate as a small business investment company.

Dowell was incorporated on May 9, 1968, under the laws of the State of Nevada, and issued license number 10-0151 by the Small Business Administration on July 11, 1968.

Dowell was licensed solely to operate under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Under the authority vested in the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Dowell is hereby accepted and accordingly, it is no longer licensed to operate as a small business investment company.

Dated: April 10, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-4580; Filed, Apr. 17, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20666]

AEROVIAS COLOMBIANAS LIMITADA (ARCA)

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 22, 1969, at 10 a.m., d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 14, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-4592; Filed, Apr. 17, 1969; 8:47 a.m.]

FEDERAL HOME LOAN BANK BOARD

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of City Savings and Loan Association

APRIL 15, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Gibraltar Financial Corporation of California, Beverly Hills, Calif., for permission to acquire City Savings and Loan Association, San Francisco, Calif., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR § 584.4). The proposed acquisition is to be effected by the acquisition of at least 80 percent of the City Savings and Loan Association's nonescrowed outstanding shares. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-4590; Filed, Apr. 17, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-11181 etc.]

GAS GATHERING CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 10, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-11181 ..... C 3-28-69	Gas Gathering Corp., Post Office Box 519, Hammond, La. 70401.	Transcontinental Gas Pipe Line Corp., South Klondike Field, Iberville Parish, La.	21.0	15.025
G-16367 ..... D 3-24-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Transwestern Pipeline Co., Feldman Field, Hemphill and Lipscomb Counties, Tex.	(1)	.....
CI60-32 ..... C 4-1-69	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., LaBarge Field, Lincoln County, Wyo.	15.284	15.025
CI65-256 ..... E 3-27-69	Atlantic Richfield Co.[3] (successor to Irwin Miller), Post Office Box 521, Tulsa, Okla. 74102.	Consolidated Gas Supply Corp., South Bosco Field, Lafayette and Acadia Parishes, La.	17.5	15.025
CI67-557 [2] ..... E 3-27-69	....do[3]	Trunkline Gas Co., East Lake Arthur Field, Jefferson Davis Parish, La.	19.5	15.025
CI68-691 ..... C 3-21-69	Atlantic Richfield Co.[3]	Natural Gas Pipeline Co. of America, Lochridge Area, Ward County, Tex.	[4] 16.5	14.65
CI68-1023 ..... (G-13096) C 3-17-69 [5]	William C. Russell (Operator) et al., 1775 Broadway, New York, N.Y. 10019.	El Paso Natural Gas Co., Chacra Wildcat Field, San Juan County, N. Mex.	13.0	15.025
CI68-1142 ..... C 3-17-69 as amended 3-24-69	Weldon C. Julander, 508 Security Bldg., 650 17th St., Denver, Colo. 80202.	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	13.0	15.025
CI68-1246 ..... C 3-28-69	C. J. Pinner (Operator) et al., 1517 Bank of the Southwest Bldg., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Gilmer (Cotton Valley) Field, Upshur County, Tex.	[6] 12.1232	14.65
CI69-526 ..... C 4-4-69	Cayman Corp., Ltd., Post Office Box 2099, Palos Verdes Peninsula, Calif. 90274.	Northern Natural Gas Co., Mocane-Laverne Field, Harper County, Okla.	[7] 17.0	14.65
CI69-715 ..... A 1-31-69 [8] 4-1-69 [9]	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	[10] 13.4426 [11] 13.1894	14.65
CI69-827 ..... A 3-3-69	Texaco, Inc. (Operator) et al. [12]	El Paso Natural Gas Co., Azalia Field, Midland County, Tex.	14.5	14.65
CI69-902 ..... A 3-24-69	Bachus Oil Co., 721 East Central, Wichita, Kans. 67202.	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	12.0	14.65
CI69-903 ..... A 3-26-69	Eastern Exploration and Development Co., c/o Hays and Co., agent, Post Office Box 590, Spencer, W. Va. 26276.	Cabot Corp., acreage in Calhoun County, W. Va.	17.5	15.325
CI69-905 ..... A 3-27-69	Horizon Oil & Gas Co. of Texas, 1216 Hartford Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., Horizon Cleveland Field, Hansford County, Tex.	[7] 17.0	14.65
CI69-906 ..... A 3-27-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Blanco Field, San Juan Basin, San Juan County, N. Mex.	13.0	15.025
CI69-907 ..... A 3-27-69	Perry R. Bass, Inc., Operating agent for Sid Richardson Carbon & Gasoline Co., 1200 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Sea Robin Pipeline Co., Block 16, South Marsh Island Area, Offshore Louisiana.	21.25	15.025
CI69-908 ..... A 3-26-69	Sidwell Oil & Gas, Inc. (Operator) et al., Post Office Box 2475, Pampa, Tex. 79065.	El Paso Natural Gas Co., Tonkawa-Mocane Laverne Field, Beaver County, Okla.	17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-909..... A 3-27-69	James Gregg Lea, Post Office Box 127, Shreveport, La. 71102.	Arkansas Louisiana Gas Co., Vixen Field, Caldwell and Ouachita Parishes, La.	18.33	15.025
CI69-910..... A 3-27-69	Texas Gas Exploration Corp. (Operator) et al., Post Office Box 52310, Houston, Tex. 77052.	Texas Gas Transmission Corp., Elk Creek Field, Hopkins County, Ky.	15.0	15.025
CI69-911..... A 3-27-69	Lock 3 Oil, Coal & Dock Co. et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Cumberland & Allegheny Gas Co., Union District, Barbour County, W. Va.	25.0	14.325
CI69-912..... A 3-27-69	Dixilyn Corp., Post Office Box 3427, Odessa, Tex. 79760.	Sea Robin Pipeline Co., Block 15, South Marsh Island Area, Offshore Louisiana.	21.25	15.025
CI69-913..... A 3-27-69	do	Sea Robin Pipeline Co., Block 16, South Marsh Island Area, Offshore Louisiana.	21.25	15.025

[1] Leases have expired or were canceled.
[2] Successor to Sinclair Oil Corp.
[3] No permanent certificate issued; temporary authorization granted only.
[4] Applicant has agreed to accept certificate conditioned to 16.5 cents per Mcf adjusted for quality as provided in Opinion No. 468, as modified by Opinion No. 468-A.
[5] Adds acreage acquired from Great Lakes Natural Gas Corp., Docket No. G-13096.
[6] Includes 0.1532 cent per Mcf tax reimbursement.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Application previously noticed Feb. 24, 1969, in Docket No. G-3784 et al. at total initial rates of 13.4001 cents per Mcf for sweet gas and 13.1477 cents per Mcf for sour gas.
[9] Revised contract summary filed to reflect new rates as shown.
[10] For sweet gas.
[11] For sour gas. Subject to 0.25 cent per Mcf downward adjustment for treating sour gas.
[12] By letter filed Apr. 2, 1969, Applicant agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.

[F.R. Doc. 69-4518; Filed, Apr. 17, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

HAMILTON NATIONAL ASSOCIATES, INC.

Order Approving Application

In the matter of the application of Hamilton National Associates, Inc., Chattanooga, Tenn., for approval of acquisition of not less than 80 percent of the voting shares of The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Hamilton National Associates, Inc., Chattanooga, Tenn., a registered bank holding company, for the Board's prior approval of the acquisition of not less than 80 percent of the voting shares of The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 13, 1969 (34 F.R. 2161), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 9th day of April 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-4573; Filed, Apr. 17, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

MEMBERSHIP IN TRADE ASSOCIATION

Refusal

A national trade association recently asked the Commission if the association might properly refuse membership to a member's competitor at the member's insistence.

The Commission noted that, as a general rule, a trade association may deny membership for failure to meet reasonable qualifications, but may not deny membership to a potential member if to do so would unreasonably restrain interstate or foreign trade or commerce.

Since no information was submitted as to why a member publisher would want to refuse membership to a competitor or as to what the competitive effects of such a refusal would be, the Commission was unable to be more specific with repect to the question than the statement of the general rule set forth above. In the absence of such information, the Association would have to make its own determination as to the propriety of any specific denial of membership within the confines of the general rule as it applies to conditions which exist in its industry.

Thus while the Commission could not categorically rule that denial of membership under the conditions described would be illegal, it also could not give its affirmative approval to the proposal because of the factual uncertainties involved.

Issued: April 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-4564; Filed, Apr. 17, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

APRIL 14, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 15, 1969 through April 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4603; Filed, Apr. 17, 1969; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

CAPITOL HOLDING CORP.

Order Suspending Trading

APRIL 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange by summarily suspended, this order to be effective for the period April 15, 1969, through April 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4604; Filed, Apr. 17, 1969; 8:48 a.m.]

[File No. 7-3068]

COLT INDUSTRIES, INC. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 14, 1969.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Colt Industries, Inc. (Delaware), File No. 7-3068.

Upon receipt of a request, on or before April 29, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4605; Filed, Apr. 17, 1969; 8:48 a.m.]

[Files Nos. 7-3069, 7-3070]

COLT INDUSTRIES, INC. (DELAWARE) AND CARTER-WALLACE, INC. (DELAWARE)

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 14, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Colt Industries, Inc. (Delaware)	7-3069
Carter-Wallace, Inc. (Delaware)	7-3070

Upon receipt of a request, on or before April 29, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4606; Filed, Apr. 17, 1969; 8:49 a.m.]

[70-4736]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Amendments to Indentures and Order Authorizing Solicitation of Consents in Connection Therewith

APRIL 14, 1969.

Notice is hereby given that Consolidated Natural Gas Co ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7(e), and 12(e) thereof and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated had outstanding as of December 31, 1968, 13 series of debentures in the aggregate principal amount of $329,148,000. Of these 13 series, the last three, in the aggregate principal amount of $87,186,000, have been issued pursuant to Indentures which permit, among other things, the issue and sale of funded debt and subsidiary preferred stock, as defined, in an aggregate amount equal to 60 percent of consolidated net tangible assets of Consolidated and its subsidiary companies. The 10 earlier series were issued pursuant to Indentures which place such debt limitations at 50 percent. Consolidated proposes to amend certain provisions of each of the six Indentures under which the 10 earlier series of debentures are outstanding so as to change such limitations from 50 percent to 60 percent and thereafter to request the Trustee of each of the six Indentures to execute a Supplemental Indenture which will include such a change. The filing states that interest coverage requirements and other restrictive provisions will remain unchanged.

The declaration further states that holders of 66⅔ percent of the aggregate principal amount of debentures outstanding under each Indenture must consent to the proposed amendments. The proposed Supplemental Indentures will be executed as the required consents are obtained and delivered to the respective Trustees. Consolidated proposes to solicit written consents from the holders of the ten earlier series of debentures by mail and through officers and employees of the company, and by representatives of an independent agent who has been retained to assist in such solicitation.

Consolidated states that the proposed amendments are in the best interests of the Company and its debenture holders, since the existing 50 percent limitation on the issuance of funded debt could adversely affect the Company's ability to finance the expansion of facilities that may be required in the future. At December 31, 1968, outstanding funded debt as defined in the Indentures represented approximately 43.6 percent of consolidated net tangible assets, but expenditures and capital requirements to meet growing demands for service over the long term are expected to be substantial, and the added flexibility provided by the higher debt rate will be necessary. The Company further states that the 60 percent limitation now being requested conforms generally with debt limits prevailing in the natural gas industry.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection therewith are estimated not to exceed $105,000, including $24,000 in fees of Trustees, $30,000 for advisor and solicitation services, $30,000 for service company charges, $12,500 for printing

charges, $7,500 for the publication of notices, and $6,000 for other miscellaneous expenses.

Notice is further given that any interested person may, not later than May 7, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that Consolidated's declaration regarding the proposed solicitation of consents should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of consents be, and hereby is, permitted to become effective forthwith pursuant to Rule 62.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4607; Filed, Apr. 17, 1969; 8:49 a.m.]

[File No. 24B-1526]

EMPIRE OF CLINTON, INC.

Order Permanently Suspending Exemption

APRIL 14, 1969.

I. Empire of Clinton, Inc. (Empire), 58 Sterling Street, Clinton, Mass., a Delaware corporation located at 58 Sterling Street, Clinton, Mass., filed with the Commission on November 27, 1968, a notification on Form 1-A and an offering circular relating to a proposed offering of 100,000 shares of its 10 cents par value common stock at $3 per share with net proceeds to the issuer of $270,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The proposed offering was to be underwritten on a firm commitment basis by Myron A. Lomasney and Co., 67 Broad Street, New York, N.Y.

II. The Commission on February 3, 1969, temporarily suspended the Regulation A exemption of Empire of Clinton, Inc., stating that it had reasonable cause to believe from information reported to it by the staff that:

A. The offering circular omitted to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly with respect to the following:

1. The financial statements contained in the offering circular are false and misleading in failing to reflect adequately the company's financial position, in that no disclosure was made (i) that the company's right to an interest in a trust account included as an asset with a value of $71,600 was not certain; (ii) that certain second mortgages carried as an asset on a face value basis of $79,401 had a current fair value which was significantly less than that stated; and (iii) that certain accounts receivable owed to Empire were owed by other corporations controlled by Mr. Irvin Freedman, the controlling person of Empire, and that some of these corporations were insolvent.

2. The failure to disclose the existence of significant litigation involving claims against Empire and two of its officers as guarantors for the company amounting to approximately $79,560, which materially affected the financial condition of the company and the proposed use of the proceeds of the offering.

3. The use of proceeds section of the offering circular was false and misleading by failing to disclose that issuer's extensive liabilities were to be repaid from the proceeds of the offering and that the company would not, therefore, realize working capital as shown in the Use of Proceeds for use in expanding its business.

B. The issuer had violated the terms and conditions of the Regulation A exemption in the following respects.

1. Empire used false and misleading sales material which related, directly and indirectly, to the proposed public offering.

2. Empire used sales material, relative to its proposed offering of securities, without filing such material pursuant to Rule 258.

3. Empire offered its securities to the public by the use of false and misleading material which did not contain the information required by Schedule 1 of Form 1-A, in violation of Rule 256(a)(1).

C. The use of the offering circular would operate as a fraud and deceit upon prospective purchasers of the securities offered by Empire of Clinton, Inc., pursuant to Regulation A in violation of section 17(a) of the Securities Act of 1933.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A and no hearing having been requested by March 13, 1969, the period by which the Commission extended the time in which to request such a hearing, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4608; Filed, Apr. 17, 1969; 8:49 a.m.]

[File No. 7-3073]

LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 14, 1969.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Loew's Theatres, Inc., warrants to purchase common stock, $1 par value, File No. 7-3073.

Upon receipt of a request, on or before April 29, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4609; Filed, Apr. 17, 1969; 8:49 a.m.]

[Files Nos. 7-3071, 7-3072]

MARCOR, INC., AND AETNA LIFE & CASUALTY CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 14, 1969.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Marcor, Inc.	7-3071
Aetna Life & Casualty Co.	7-3072

Upon receipt of a request, on or before April 29, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4610; Filed, Apr. 17, 1969; 8:49 a.m.]

[70-4737]

MONONGAHELA POWER CO. ET AL.

Notice of Proposed Intrasystem Transfers of Assets and Related Transactions

APRIL 14, 1969.

In the matter of Monongahela Power Co., 1310 Fairmont Avenue, Fairmont, W. Va. 26554; The Potomac Edison Co., Downsville Pike, Hagerstown, Md. 21740; the Potomac Transmission Co., Cabin Hill, Greensburg, Pa. 15601; West Penn Power Co., Cabin Hill, Greensburg, Pa. 15601.

Notice is hereby given that Monongahela Power Co. ("Monongahela") and the Potomac Edison Co. ("Potomac"), both registered holding companies and electric utility subsidiary companies of Allegheny Power System, Inc. ("Allegheny"), also a registered holding company, and West Penn Power Co. ("West Penn"), an exempt holding company and also an electric utility subsidiary company of Allegheny, and the Potomac Transmission Co. ("Transmission"), a subsidiary company of West Penn, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10, 12(d), and 12(f) of the Act and Rules 42, 43, 44, and 46 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Transmission owns transmission facilities and related equipment, franchises, and rights-of-way. It proposes to sell and Monongahela proposes to acquire that portion of Transmission's properties located in Monongahela's service area. Transmission also proposes to sell and Potomac proposes to acquire the remaining properties of Transmission located in Potomac's service area. The proposed cash consideration for the facilities will be equal to Transmission's book cost (stated to be at original cost) less the related reserve for depreciation on the date of closing. As at December 31, 1968, the depreciated original cost of the facilities to be sold to Monongahela and Potomac would have been $81,503 and $230,989, respectively. Upon consummation of the proposed sales, Transmission proposes to dissolve and to distribute to its sole stockholder, West Penn, all of its assets (consisting solely of cash) subject to all of its liabilities. Thereupon, West Penn proposes to surrender to Transmission for cancellation all of Transmission's outstanding capital stock.

The filing states that the purpose of the proposed transactions is to eliminate Transmission from, and to simplify, the Allegheny holding company system.

The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $1,500 in the aggregate. It is represented that prior approval of the Maryland Public Service Commission is required for sale of the facilities by Transmission; that prior approval of the West Virginia Public Service Commission may be required for such sale and for the acquisition of the facilities by Monongahela and Potomac; and that by virtue of section 318 of the Federal Power Act the Federal Power Commission does not have jurisdiction over the proposed transfers of facilities. It is further represented that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 6, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4611; Filed, Apr. 17, 1969; 8:49 a.m.]

[File No. 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

APRIL 14, 1969.

The common stock, 1 cent par value, of Mountain States Development Co. being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co. being traded otherwise than on a national securites exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 15, 1969, through April 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4612; Filed, Apr. 17, 1969; 8:49 a.m.]

TELSTAR, INC.

Order Suspending Trading

APRIL 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 15, 1969, through April 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4613; Filed, Apr. 17, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CALCIUM OXYTETRACYCLINE

Notice of Extension of Temporary Tolerance

Chas. Pfizer & Co., Inc., New York, N.Y. 10017, was granted a temporary tolerance of 0.1 part per million for residues of the antibacterial agent calcium oxytetracycline in or on the raw agricultural commodity peaches on January 9, 1968 (notice was published in the FEDERAL REGISTER of Jan. 18, 1968; 33 F.R. 651).

The firm has requested a 1-year extension of the temporary tolerance to obtain additional experimental data. The Commissioner of Food and Drugs has determined that such an extension of the temporary tolerance will protect the public health. A condition under which this temporary tolerance is extended is that the antibacterial agent will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Chas. Pfizer & Co. name.

As extended, this temporary tolerance expires on January 9, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 11, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-4575; Filed, Apr. 17, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 35061]

IOWA INTRASTATE FREIGHT RATES AND CHARGES, 1968

APRIL 15, 1969.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of April 1969.

It appearing, that by petition filed on November 12, 1968, common carriers by railroad operating within the State of Iowa, seek the institution of an investigation averring that the Iowa State Commerce Commission has refused to authorize or permit increases in rates and charges on traffic moving within intrastate commerce fully corresponding to those authorized on interstate traffic by this Commission in Ex Parte No. 223, Increased Freight Rates, 1960, 311 I.C.C. 373, and Ex Parte No. 256, Increased Freight Rates, 1967, 332 I.C.C. 280; that notice of such petition was published in the FEDERAL REGISTER on January 28, 1969, to which no replies were received; and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted; that an investigation be, and it is hereby, instituted pursuant to section 13(3) of the Interstate Commerce Act; and that all common carriers by railroad operating within the State of Iowa subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding.

It is further ordered, That a copy of this order be served upon each of said respondents; that the State of Iowa be notified of the proceeding by sending a copy of this order by certified mail to the Governor of the State, Des Moines, Iowa, and a copy to the Iowa State Commerce Commission; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4593; Filed, Apr. 17, 1969; 8:47 a.m.]

[No. 35060]

IOWA INTRASTATE PASSENGER COACH FARES

APRIL 15, 1969.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of April 1969.

It appearing, that by petition filed November 27, 1968, the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. seeks the institution of an investigation with a view to the entry of an order authorizing an increase in its minimum intrastate passenger fare within the State of Iowa to the level of its present interstate minimum passenger fare; that notice of the filing of such petition was published in the FEDERAL REGISTER on February 1, 1969, to which no replies were received; and good cause appearing therefor:

It is ordered, That the said petition be, and it is hereby, granted; and that an investigation be, and it is hereby, instituted pursuant to section 13(3) of the Interstate Commerce Act.

It is further ordered, That the State of Iowa be notified of the proceeding by sending a copy of this order by certified mail to the Governor of the State, Des Moines, Iowa, and a copy to the Iowa State Commerce Commission; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4594; Filed, Apr. 17, 1969; 8:47 a.m.]

[Section 5a application 1, Amdt. 5]

HOUSEHOLD GOODS CARRIERS' BUREAU

Agreement

APRIL 15, 1969.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed March 18, 1969, by: Francis L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 1424 16th Street NW., Washington, D.C. 20036.

The amendments involve: Changes in the bylaws so as to: Revise the number of Directors of the Board from twenty-one (21) members to not less than eighteen (18) nor more than twenty-four (24), and make collateral changes thereto as to a quorum and number of board members necesary for calling special meetings.

The petition is docketed and may be inspected at the office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigation and determine the maters involved without public hearing.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4595; Filed, Apr. 17, 1969; 8:47 a.m.]

[S.O. 994; ICC Order 20-A]

ILLINOIS CENTRAL RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 20 (Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 20 be, and it is hereby, vacated and set aside.

(b) *Effective date.* This order shall become effective at 8:30 a.m., April 14, 1969.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 14, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4596; Filed, Apr. 17, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 21]

CERTAIN RAILROADS

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, railroads operating in the States of North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Illinois, and Missouri are unable to transport traffic over their lines because of severe floods.

It is ordered, That:

(a) *Rerouting of traffic.* Railroads serving the States of North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Illinois, and Missouri, being unable to transport traffic in accordance with shippers' routing because of severe floods, are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11 a.m., April 12, 1969.

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1969, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4597; Filed, Apr. 17, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 41-A]

LOUISVILLE AND NASHVILLE RAILROAD CO. ET AL.

Car Distribution

Louisville and Nashville Railroad Co., Chicago & Eastern Illinois Railroad Co., Soo Line Railroad Co.

Upon further consideration of Car Distribution Direction No. 41 (Louisville and Nashville Railroad Co.; Chicago & Eastern Illinois Railroad Co.; Soo Line Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 41 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 8:30 a.m., April 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 14, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4598; Filed, Apr. 17, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 40-A]

PENN CENTRAL CO. AND SOO LINE RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 40 (Penn Central Co.; Soo Line Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 40 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 8:30 a.m., April 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 14, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4599; Filed, Apr. 17, 1969; 8:48 a.m.]

[S.O. 1002; Corrected Car Distribution Direction 44]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., the Atchison, Topeka, and Santa Fe Railway Co.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The St. Louis-San Francisco Railway Co. shall deliver to The Atchison,

Topeka, and Santa Fe Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the date of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., April 14, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 4, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4600; Filed, Apr. 17, 1969; 8:48 a.m.]

[Notice 328]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 15, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71155. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Carlton Repsher, Skinners Eddy, Pa., of certificates Nos. MC-2871 and No. MC-2871 (Sub-No. 1), issued February 7, 1941, and October 8, 1951, respectively, to Walter E. Warburton doing business as Warburton's Express, Wyalusing, Pa., authorizing the transportation of poultry, eggs, and livestock from points and places in Bradford, Tioga, Wyoming, Susquehanna, and Sullivan Counties, Pa., to New York, N.Y., and Newark and Jersey City, N.J., meat scraps, groceries, sugar, and stock feed, from New York, N.Y., and Edgewater, Newark, and Jersey City, N.J., to points and places in Bradford, Tioga, Wyoming, Susquehanna, and Sullivan Counties, Pa., and Chemung and Steuben Counties, N.Y., and fertilizer (except liquid fertilizer in bulk, in tank vehicles) and agricultural commodities, from Big Flats, Chemung County, N.Y., to points in Bradford, Wyoming, and Susquehanna Counties, Pa. Dual operations were authorized. Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504, practitioner for applicants.

No. MC-FC-71160. By order of March 28, 1969, the Motor Carrier Board, approved the transfer to John H. Toomer, doing business as Stuart Motor Express, Orange, N.J., of certificate in No. MC-88592, issued September 27, 1949, to Irwin H. Edelman, doing business as Stuart Motor Express, West Orange, N.J., authorizing the transportation of: Such food and dairy products as are sold by food and dairy stores, between New York, N.Y., on the one hand, and, Garfield, New Brunswick, Passaic, Paterson, Perth Amboy, and Somerfield, N.J., and points in Essex, Hudson, and Union Counties, N.J., on the other. Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102, attorney for transferor. Nathan D. Weiss, 1180 Raymond Boulevard, Newark, N.J. 07102, attorney for transferee.

No. MC-FC-70513. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Chet's Tow Service, Inc., Kansas City, Mo., of the operating rights in certificate No. MC-115458, issued July 18, 1962, to Kenneth O. Akers and Jewel E. Loveland, Chet's Tow Service, Kansas City, Mo., authorizing the transportation of: *Wrecked and disabled motor vehicles and trailers* requiring the use of wrecker equipment, in truckaway service, between points in Missouri, Kansas, Nebraska, Iowa, and Illinois. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

No. MC-FC-71099. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Chet's Tow Service, Inc., Kansas City, Mo., of certificate in No. MC-116563, issued October 25, 1963, to Jim's 24 Hour Tow, Inc., Gladstone, Mo., authorizing the transportation of: Wrecked and disabled motor vehicles and trailers, in truckaway service, requiring the use of wrecker equipment, between points in Missouri, on the one hand, and, on the other, points in Kansas, Iowa, and Nebraska.

No. MC-FC-71133. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Indian Bow Truck Lines, Ltd., a corporation, Smithtown, N.Y., of certificate in No. MC-66121, issued August 14, 1962, to W. F. Howell Co., Inc., Riverhead, N.Y., authorizing the transportation of: A wide variety of specified commodities, from, to, or between specified points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006, representing transferee. Martin Werner, 2 West 45th Street, New York, N.Y. 10036, attorney for transferor.

No. MC-FC-71221. By order of April 1, 1969, the Motor Carrier Board approved the transfer to Maynard C. Johnson, doing business as Whitie's Transportation Service, Siren, Wis., of certificate No. MC-118853, issued January 30, 1964, to John J. Byers, doing business as Arrowhead Charter Bus Service, Duluth, Minn., authorizing the transportation of: Passengers and their baggage, in round-trip charter and special service, beginning and ending at points in St. Louis County, Minn., and extending to points in Michigan, North Dakota, South Dakota, and Wisconsin. John J. Keller, registered practitioner, 145 West Wisconsin Avenue, Neenah, Wis. 54956, applicant's representative.

No. MC-FC-71297. By order of April 11, 1969, the Motor Carrier Board approved the transfer to Rightway Travel Agency, Inc., Jackson, Miss., Broker License No. MC-12812 issued April 13, 1964, to Bernice D. Myers, doing business as Rightway Travel Agency, Sun-N-Sand Building, 455 North Lamar Street, Jackson, Miss. 39202, authorizing the holder to engage in operations as a broker, at Jackson, Miss., in arranging for the transportation of passengers and their baggage, in special and charter operations, beginning and ending at points in Mississippi, and extending to points in the United States, including Alaska and Hawaii. John Hampton Stennis, Post Office Box 427, Jackson, Miss. 39205, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4601; Filed, Apr. 17, 1969; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April

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Proclamation 3909

FIFTIETH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

By the President of the United States of America

A Proclamation

A half century ago—more than a year before the 19th Amendment was ratified—women from states where they already had the vote met to establish a League of Women Voters. Their purpose was to promote political responsibility through informed and active participation of citizens in government.

For fifty years the League of Women Voters has provided Americans in every state with information on candidates and issues and it has furnished a non-partisan platform from which all candidates may be seen and heard. These activities have strengthened government and have helped to sustain the public weal.

Whether it be concern for our urban malaise or desire for better international cooperation, whether it be conservation of our natural resources or the revitalization of our State and local governments, the League of Women Voters deserves the cooperation and encouragement of all Americans.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, call upon all our citizens to join with the League of Women Voters of the United States in the observance of its fiftieth anniversary in 1970.

I urge all businesses, industries, foundations, and civic organizations to give the full measure of their support to the League and its activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of April, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69–4733; Filed, Apr. 17, 1969; 12:31 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 370]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.670 Lemon Regulation 370.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 15, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 20, 1969, through April 26, 1969, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 223,200 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–4745; Filed, Apr. 18, 1969; 8:53 a.m.]

[Grapefruit Reg. 61]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.361 Grapefruit Regulation 61.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 17, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period April 21, 1969, through April 27, 1969, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–4807; Filed, Apr. 18, 1969; 11:23 a.m.]

[Grapefruit Reg. 30]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.330 Grapefruit Regulation 30.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the

applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 17, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period April 21, 1969, through April 27, 1969, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4808; Filed, Apr. 18, 1969; 11:23 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-SO-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On February 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2256) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 115 segment from Chattanooga, Tenn., direct to Knoxville, Tenn., including a west alternate segment via the intersection of Chattanooga 028° T (027° M) and Knoxville 243° T (244° M) radials; and realign VOR Federal airway No. 16 south alternate segment from Crossville, Tenn., to Knoxville via the intersection of Crossville 100° T (099° M) and Knoxville 243° T (244° M) radials.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

a. V–115 is amended by deleting "12 AGL INT Chattanooga 037° and Knoxville, Tenn., 247° radials; 12 AGL Knoxville" and substituting "12 AGL Knoxville, Tenn., including a 12 AGL West alternate via INT Chattanooga 028° and Knoxville 243° radials;" therefor.

b. In V–16 "INT Crossville 100° and Knoxville 247° radials;" is deleted and "INT Crossville 100° and Knoxville 243° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 14, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-4675; Filed, Apr. 18, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SO-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3696), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charlotte, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Charlotte, N.C., transition area is amended as follows: "* * * within 2 miles each side of the Charlotte 171° radial, extending from the 8-mile radius area to 14 miles south of the VORTAC * * *" is deleted and "* * * within 2 miles each side of the Charlotte VORTAC 171° radial, extending from the 8-mile radius area to 14 miles south of the VORTAC; within 8 miles northwest and 5 miles southeast of the Charlotte ILS localizer southwest course, extending from the LOM to 12 miles southwest of the LOM * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 10, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-4676; Filed, Apr. 18, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3697) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Walla Walla, Wash., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

Change the FEDERAL REGISTER citation to read "In § 71.181 (34 F.R. 4637)".

Effective date. This amendment shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) amend the description of the Walla Walla, Wash., transition area by deleting "* * *, excluding the portion within the Pendleton, Oreg., transition area." and substitute therefor ", * * * within 5 miles east and 10 miles west of the Walla Walla 168° radial, extending from the 19-mile radius area to the northeast edge of V–298 and within 5 miles each side of the Walla Walla 329° radial extending from the northwest edge of V–112 to the southeast edge of V–112W, excluding the portion within the Pendleton, Oreg., transition area.".

[F.R. Doc. 69-4677; Filed, Apr. 18, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3697) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Baker and Pendleton, Oreg., transition areas.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted subject to the following changes.

Change the FEDERAL REGISTER citations to read "§ 71.181 (34 F.R. 4637)"

Effective date. These amendments shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the Baker, Oreg., transition area is amended to read as follows:

BAKER, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baker Municipal Airport (latitude 44°50'-25'' N., longitude 117°48'35'' W.). That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138 and 317° radials, extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of V–298.

In § 71.181 (34 F.R. 4637) the description of the Pendleton, Oreg., transition area is amended as follows:

1. In the third line of the text delete "* * * 39 * * *" and substitute "* * * 50 * * *" therefor.

2. Delete all after "* * * 35-mile-radius circle centered on the Pendleton VORTAC * * *" and substitute therefor "that airspace within the arc of a 32-mile-radius circle centered on the Pendleton VORTAC extending clockwise from the southeast edge of V–112E to the northeast edge of V–298."

[F.R. Doc. 69-4678; Filed, Apr. 18, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3698) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Moses Lake, Wash., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

Change the FEDERAL REGISTER citation to read "In § 71.181 (34 F.R. 4637)

Effective date. This amendment shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the description of the Moses Lake, Wash., transition area as amended by (34 F.R. 1893) is further amended by inserting "* * *, within 5 miles each side of the Moses Lake VOR 144° radial extending from 26 miles southeast of the VOR to the northwest edge of V–112W, * * *" beginning in the 10th line of the text between "* * * 12 miles northwest of the VOR TAC, * * *" and ", within 15 miles east * * *".

[F.R. Doc. 69-4679; Filed, Apr. 18, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SO-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3698), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Monroe County, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 33°-52'20'' N., long. 88°28'25'' W.) for Monroe County Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary, and action is taken to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MONROE COUNTY, MISS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Monroe County Airport (lat. 33°-52'20'' N., long. 88°28'25'' W.), excluding the portion that coincides with the Columbus, Miss., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 10, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-4680; Filed, Apr. 18, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WE-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 7, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 4974) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional 700-foot transition area for Chico Municipal Airport, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

Change the FEDERAL REGISTER citation to read "In § 71.181 (34 F.R. 4637)".

Effective date. This amendment shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the Chico, Calif., Transition Area is amended by deleting all after ",* * * northwest of the VOR * * *" in the third line and substituting therefor "* * *, and that airspace within 2 miles each side of the Chico VOR 165° radial extending from the 5-mile radius area to 12 miles south of the VOR, excluding the portion within a 1-mile radius of the Ranchero Airport

(latitude 39°43'10" N., longitude 121°-52'10" W.)."

[F.R. Doc. 69-4681; Filed, Apr. 18, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2393) filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of polysorbate 60 as a dispersing agent in artificially sweetened gelatin desserts and in artificially sweetened gelatin dessert mixes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1030(c) is amended by adding a new subparagraph (13), as follows:

§ 121.1030 Polysorbate 60.

* * * * *

(c) * * *

(13) As a dispersing agent in artificially sweetened gelatin desserts and in artificially sweetened gelatin dessert mixes, whereby the amount of the additive does not exceed 0.5 percent on a dry-weight basis.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4641; Filed, Apr. 18, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2315) filed by Allied Chemical Corp., Post Office Box 70, Morristown, N.J. 07960, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional substance, as set forth below, as a component of side seam cements. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xxxii) is amended by alphabetically inserting a new item in the list of substances, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xxxii) *Side seam cements.* * * *

epsilon-Caprolactam-(ethylene-ethyl acrylate) graft polymer.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4642; Filed, Apr. 18, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2245) filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, and other relevant material, concludes that the food additive regulations should be amended to provide for use of an additional substance, as set forth below, in the preparation of polyester resins used in the production of resinous and polymeric food-contact coatings for polyolefin films. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2569(b)(3)(i) is amended by alphabetically inserting in the list of substances a new polyhydric alcohol under the item "Polyester resins formed * * *," as follows:

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

(b) * * *

(3) * * *

List of substances	*Limitations*
(i) Resins and polymers:	
* * *	
Polyester resins formed by reaction of one or more of the following polybasic acids and monobasic acids with one or more of the following polyhydric alcohols:	----------
* * *	
Polyhydric alcohols:	
* * *	
2,2-Dimethyl-1,3-propanediol.	----------
* * *	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4643; Filed, Apr. 18, 1969; 8:46 a.m.]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Notice of Confirmation of Effective Date of Order Listing Additional Drugs as Drugs Subject to Control

In the matter of listing methylphenidate and its salts as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because such drugs have a potential for abuse because of their stimulant effect on the central nervous system and in the matter of listing phencyclidine and its salts as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because such drugs have a potential for abuse because of their depressant effect on the central nervous system and because of their hallucinogenic effect:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200); notice is given that no objections were filed to the orders in the above-identified matters published in the FEDERAL REGISTER of March 6, 1969 (34 F.R. 4888-4889). Accordingly, the amendments promulgated by those orders became effective on April 7, 1969.

Dated: April 15, 1969.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-4666; Filed, Apr. 18, 1969; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-25]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

SAN DIEGO HARBOR, CALIF.

1. The Commander, 11th Coast Guard District, Long Beach, Calif., by letter dated February 6, 1969, requested the establishment of a merchant vessel anchorage in San Diego Bay, adjacent to the "B" Street Pier. The reason for the request is that there is a need for a predesignated anchorage for merchant vessels in the interest of safe navigation. A public notice dated September 24, 1968, was issued by the Commander, 11th Coast Guard District, Long Beach, Calif., describing the proposed anchorage. All known interested parties were notified and comments or objections were requested. No objections were received. Therefore, the request to establish a Merchant Vessel Anchorage as described in 33 CFR 110.210(a)(5) below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. This document effectuates this request by adding a new § 110.210(a)(5) describing the limits of this anchorage ground.

3. In Subpart B of Part 110, § 110.210 is amended by adding a new paragraph (a)(5), following paragraph (a)(4), to read as follows:

§ 110.210 San Diego Harbor, Calif.

* * * * *

(a) * * *

(5) *"B" Street Merchant Vessel Anchorage.* Due west from the southwest corner of the "B" Street pierhead to latitude 32°43'00", longitude 117°11'00"; thence northeasterly to latitude 32°43'20", longitude 117°10'51"; thence due east to the shoreline; thence following the shoreline and pier to the point of beginning.

NOTE: This anchorage is reserved for the use of merchant vessels calling at the Port of San Diego while awaiting a berth. The control of this anchorage is vested in the Port Director, Port of San Diego, Unified Port District.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(i))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: April 10, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-4674; Filed, Apr. 18, 1969; 8:49 a.m.]

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Miscellaneous Amendments

On pages 5025-5027 of the FEDERAL REGISTER of March 8, 1969, there was published a notice of proposed rule making by the St. Lawrence Seaway Development Corporation to amend Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401. In amending the rules, the Corporation is acting jointly and in coordination with the St. Lawrence Seaway Authority of Canada pursuant to the provisions of its enabling act (33 U.S.C. 981, et seq.).

Interested parties were given 30 days in which to submit written comments and suggestions with respect to the proposed amendments. The written comments received do not require a revision of the proposal, therefore, the proposed regulations are hereby adopted without change.

BRENDON T. JOSE,
Acting Administrator.

I. Paragraph (g) of § 401.2 is amended to read as follows:

§ 401.2 Definitions.

* * * * *

(g) "Seaway" means that portion of the deep waterway between the Port of Montreal and Lake Erie that is under the jurisdiction of the Authority and includes all canals, works and connecting channels that are part of the deep waterway and all other canals and works, wherever located, the management, administration and control of which have been entrusted to the Authority.

* * * * *

II. Sections 401.102-11, 401.102-12, and 401.102-18 through 401.102-21 are amended as follows:

§ 401.102-11 Mooring lines.

(a) Mooring lines must be uniform throughout their length, fitted with an eye not less than 8 feet long and must have sufficient strength to check the vessel. They must be arranged so that they may be led to either side of the vessel as required.

(b) Synthetic lines may be used for mooring at approach walls, tie-up walls and docks within the Seaway provided they have an appropriate breaking strength. Wire rope mooring lines must be used for securing in lock chambers unless otherwise permitted.

(c) The following table sets out minimum specifications for mooring lines:

Ship's overall length	Length of mooring line	Breaking strength
125 feet to 200 feet	360 feet	15 tons.
200 feet to 300 feet	360 feet	21 tons.
300 feet to 500 feet	360 feet	28 tons.
500 feet to 730 feet	360 feet	35 tons.

§ 401.102–12 Fairleads.

• • • When mounted flush with the hull, fairleads should be fendered to prevent the lines from being pinched between the vessel and a wall.

§ 401.102–18 Propeller direction alarms and r.p.m. indicators.

Vessels in excess of 260 feet in overall length shall be equipped with propeller direction and shaft r.p.m. indicators or visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engineroom.

§ 401.102–19 Sewage disposal systems.

It is strongly recommended, and will become a mandatory requirement effective January 1, 1970, that vessels not otherwise equipped with containers for ordures shall be equipped with an approved sewage disposal system.

§ 401.102–20 Oily-water separators.

Vessels which cannot contain waste oil products or bilge water containing waste oil products, shall be equipped with oily-water separators or other such equipment for the extraction of oil products from waste water before discharge.

§ 401.102–21 Rudder angle indicators.

Vessels in excess of 260 feet in overall length shall be equipped with rudder angle indicators located in the wheelhouse.

III. Section 401.103–5 is deleted and §§ 401.103–2 through 401.103–4, 401.103–7, and 401.103–8 are amended to read as follows:

§ 401.103–2 Radiotelephone frequencies.

The Seaway stations operate on the following assigned VHF frequencies:

156.8 Mhz (Channel 16) Safety and calling.
156.7 Mhz (Channel 14) Working (Canadian stations).
156.6 Mhz (Channel 12) Working (Eisenhower station).

The Seaway stations maintain a listening watch, for emergency only, on 2182 Khz (Channel 51).

§ 401.103–3 Location of stations.

The Seaway stations are for vessel traffic control purposes only, and are located as follows:

Call letters	Call sign	Location
• • •	• • •	• • •
VDX 21	Seaway Iroquois	Iroquois Lock (Traffic Control Sector No. 3).
WAG (WAG Clayton).	Clayton, N.Y.	Traffic Control Sector No. 4.
VDX 22	Seaway Welland	Welland Canal Headquarters (Traffic Control Sector No. 6).

§ 401.103–4 Calling-in.

Vessels intending to, or in transit, must report on the assigned frequency to the designated station when opposite Calling-in-Points, giving the following information:

Name of vessel.
Position.
Destination.
Sailing Draft Fore and Aft.
Cargo.

At calling-in points 14A and 14B, vessels must also report their estimated time of arrival at the next calling-in point.

§ 401.103–5 [Deleted]

§ 401.103–7 Calling-in points.

	Traffic control sector	Station call sign
UPBOUND VESSELS		
• • •	• • •	• • •
No. 12—Robertson's Point—Buoy No. 98—Lake St. Lawrence (order of passing through established here).	No. 3	VDX21.
No. 14A—Whaleback Shoal—Buoy 153—St. Lawrence River	No. 4	WAG.
No. 14B—Tibbetts Point—Lake Ontario	No. 4	WAG.
No. 15—Reporting Buoy, 2½ miles off entrance piers—Port Weller, Lake Ontario (order of passing through established here).	No. 6	VDX22.
DOWNBOUND VESSELS		
No. 13—Three Mile Fairway Buoy—off Port Colborne Harbor—Lake Erie (order of passing through established here).	No. 6	VDX22.
No. 14B—Tibbetts Point—Lake Ontario	No. 4	WAG.
No. 14A—Whaleback Shoal—Buoy 153—St. Lawrence River	No. 3	VDX21.
No. 11—Maitland—Fairway Buoy—St. Lawrence River	No. 3	VDX21.
• • •	• • •	• • •

§ 401.103–8 Communication at Canadian Sault Ste. Marie Canal.

Vessels intending to enter the Canadian Sault Ste. Marie Canal will call VDX23, which operates on the same frequencies as the Canadian Seaway Stations. The Calling-In Points are at Six Mile Point for upbound vessels and at Brush Point for downbound vessels.

IV. Sections 401.104–9, 401.104–15, 401.104–34, 401.104–35, 401.104–37, 401.104–39, and 401.104–49 are amended as follows:

§ 401.104–9 Speed.

Maximum speed for vessels in designated areas of the Seaway may be prescribed in a Seaway Notice. Subject to such other • • •.

§ 401.104–15 Limit of approach to a lock.

The stem of a vessel approaching a lock or guard gate shall not pass the indicated sign, signifying the limit of approach until the signal light shows green.

§ 401.104–34 Signaling approach to bridge.

Unless the vessel's approach has been recognized by a flashing red signal light, three distinct blasts shall be sounded • • •.

§ 401.104–35 Limit of approach to a bridge.

A vessel shall not pass the "Limit of Approach" sign at any movable bridge until such bridge is in fully open position and the light shows green, and it shall not pass the sign at the twin railway bridges on the South Shore Canal at Caughnawaga, on the Welland Canal, or at Bridges 20 and 21 on the Welland Canal, until both bridges are in a fully open position and both lights show green.

§ 401.104–37 Combined beam.

A tug shall not be fastened alongside a vessel so that the total beam exceeds 55 feet in the case of the Sault Ste. Marie (Canada) Canal or 75 feet, 6 inches in the case of any other canal.

§ 401.104–39 Two tugs.

Where two tugs are required by special instructions for towing a particular vessel, one shall be on a line ahead of the towed vessel and the other on a line astern. (Two adequate tugs shall be required for a tow in excess of 200 feet, except that specially constructed low barges designed to be pushed by a tug at the center of the stern, may be permitted to transit with only one tug.)

§ 401.104–49 Deck cargo.

Cargo or containers carried on deck, either forward or aft, shall be stowed in a manner which permits an unrestricted view from the bridge for the purpose of navigation.

V. Section 401.107–8 is deleted and § 401.107–7 is amended to read as follows:

§ 401.107–7 Payment of tolls.

Payment of tolls shall be made by the person in charge of a pleasure craft while the craft is within the lock chamber. All pleasure craft in excess of 350 tons are subject to the regular tolls applicable to cargo and passenger vessels.

§ 401.107–8 [Deleted]

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

[F.R. Doc. 69–4672; Filed, Apr. 18, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 69–26]

PART 12B–3—PROCUREMENT BY NEGOTIATION

Subpart 12B–3.1—Use of Negotiation

UNSOLICITED CONTRACT PROPOSAL

On March 11, 1969, Coast Guard Procurement Regulations concerning negotiated contracts were published in the FEDERAL REGISTER (34 F.R. 5064). These regulations implement and supplement the Department of Transportation Procurement Regulations as authorized by 41 CFR 12–1.008. Since the publication of these regulations, it has been noted that the provisions of § 12B–3.153–54 are adequately covered by the provisions of § 12B–3.153–53. The purpose of this document is to revoke § 12B–3.153–54. This change relates to Departmental management, procedures and practices. Accordingly, notice and public procedure thereon is unnecessary.

In Subpart 12B–3.1, § 12B–3.153–54 is revoked.

(Sec. 205(c), 63 Stat. 390, as amended, secs. 2301–2314 (ch. 137), 70A Stat. 127–133; 40 U.S.C. 486(c), 10 U.S.C. 2301–2314; 41 CFR 12–1.003)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: April 15, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69–4690; Filed, Apr. 18, 1969; 8:50 a.m.]

Chapter 50—Public Contracts, Department of Labor

PART 50–201—GENERAL REGULATIONS

Minimum Age Requirements Under Walsh-Healey Public Contracts Act

On October 5, 1968, a notice of proposed rule making regarding an amendment to § 50–201.1 of Title 41, Code of Federal Regulations, was published in the FEDERAL REGISTER (33 F.R. 14971). All relevant matter presented by interested persons has been considered.

Pursuant to section 6 of the Walsh-Healey Public Contracts Act (41 U.S.C. 40) and Secretary of Labor's Order No. 3–69 (34 F.R. 1203) and in accordance with the national policy against discrimination because of sex expressed in title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e—2000e–15) and Executive Order No. 11375 (32 F.R. 14303), § 50–201.1 of Title 41, Code of Federal Regulations, is amended in the manner indicated below. Under the same authority, § 50–201.1 is also amended to delete a reference to the effective date of the Walsh-Healey Public Contracts Act since the reference is no longer necessary for the guidance of the public, and in addition § 50–201.105 of the same title is amended to reflect the changes made in § 50–201.1 and to provide a current reference to the Department of Labor's child labor regulations under the Fair Labor Standards Act.

The amendments shall be effective upon publication in the FEDERAL REGISTER.

Part 50–201 of Title 41, Code of Federal Regulations, is amended as follows:

1. Section 50–201.1 is amended as follows:

§ 50–201.1 Insertion of stipulations.

Except as hereinafter directed, in every contract made and entered into by an executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States, for the manufacture or furnishing of materials, supplies, articles, and equipment, the contracting officer shall cause to be inserted or incorporated by reference in such invitation or the specifications and in such contract, the following stipulations:

• • • • •

(d) No person under 16 years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract.

• • • • •

2. Section 50–201.105 is amended to read as follows:

§ 50–201.105 Protection against unintentional employment of underage minors.

An employer shall not be deemed to have knowingly employed an underage minor in the performance of contracts subject to the Act if, during the period of the employment of such minor, the employer has on file an unexpired certificate of age issued and held pursuant to regulations issued by the Secretary of Labor under section 3(1) of the Fair Labor Standards Act of 1938 (29 CFR 1500.121), showing that such minor is at least 16 years of age.

(Sec. 6, 49 Stat. 2038, as amended; 41 U.S.C. 40)

Signed at Washington, D.C., this 9th day of April 1969.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69–4667; Filed, Apr. 18, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4610]

[New Mexico 4103]

NEW MEXICO

Partial Revocation of Executive Orders No. 6276 and No. 6583

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Orders No. 6276 of September 8, 1933, and No. 6583 of February 3, 1934, withdrawing lands in New Mexico to aid the State in making exchange selections, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 4 W.,
Sec. 3, lot 1.
T. 21 S., R. 7 W.,
Sec. 3, lots 5, 6, 11, 12, and SW¼;
Sec. 4, lots 5, to 12, inclusive, and S½;
Sec. 6, lots 4, 5, 6, SW¼NE¼, and SE¼NW¼;
Sec. 8, E½W½ and SE¼;
Sec. 17, NE¼ and E½W½;
Sec. 20, E½SW¼;
Sec. 29, NE¼ and E½NW¼.
T. 22 S., R. 7 W.,
Sec. 5, lots 2 and 3;
Sec. 6, lots 1, 2, 7, 8, and NE¼;
Sec. 7, N½SW¼;
Sec. 8, S½NE¼.
T. 21 S., R. 8 W.,
Sec. 5, lots 1, 2, 3, 4, N½N½, SW¼NE¼, and S½NW¼.
T. 22 S., R. 8 W.,
Sec. 1, lots 5, 6, and S½SW¼;
Sec. 4, lots 5, 6, 7, 8, and S½S½;
Sec. 5, lots 9, 10, 11, 12, and S½S½;
Sec. 6, lots 1, 2, 3, 4, S½N½, W½SW¼, and E½SE¼;
Sec. 7, E½;
Sec. 8, W½;
Sec. 10;
Sec. 11, E½, E½W½, and NW¼NW¼;
Sec. 12, SW¼;
Sec. 13, N½NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 14, N½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 15;
Sec. 17, E½ and NW¼;
Sec. 19, NE¼ and SW¼;
Sec. 20, N½NE¼, SW¼NE¼, NW¼, and NW¼SE¼;
Sec. 21, N½N½;
Sec. 22, N½ and SE¼;
Secs. 23 and 24;
Sec. 26, W½;
Sec. 27;
Sec. 30, NW¼;
Sec. 35, NW¼.
T. 22 S., R. 9 W.,
Sec. 3, NW¼SW¼;
Sec. 4, NE¼;
Sec. 6, NW¼NE¼;
Sec. 7, SW¼NE¼ and SE¼;
Sec. 15, W½E½ and E½W½;
Sec. 19;
Sec. 20, E½NE¼, SW¼, and W½SE¼;

Sec. 21;
Sec. 22, W½E½, W½, and E½SE¼;
Sec. 23, S½;
Sec. 24, S½;
Secs. 25 and 26;
Sec. 27, E½NE¼ and W½NW¼;
Sec. 28, N½;
Sec. 29, W½NW¼;
Sec. 30, lots 1, 2, NE¼, and E½NW¼;
Sec. 35, W½NE¼ and E½NW¼.
T. 7 S., R. 14 W.,
Secs. 25 and 35.

The areas described contain 18,988.65 acres in Dona Ana, Grant, and Luna Counties.

2. At 10 a.m. on May 17, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on May 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on May 17, 1969. They have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 11, 1969.

[F.R. Doc. 69-4645; Filed, Apr. 18, 1969; 8:46 a.m.]

[Public Land Order 4616]

[Washington 05833]

WASHINGTON

Powersite Cancellation No. 240; Partial Cancellation of Powersite Classification No. 349

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the finding of the Federal Power Commission in DA-203-Washington, it is ordered as follows:

1. The departmental order of June 22, 1944, creating Powersite Classification No. 349, is hereby canceled so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 27 N., R. 23 E.,
Sec. 9, lot 3.

The area described contains 32.80 acres in Chelan County.

The land is located along the right bank of the Columbia River in the north-central part of Washington. A portion of lot 3 lies within the boundary of Project No. 2145, licensed to Public Utility District No. 1 of Chelan County. Other portions are withdrawn for transmission line Project No. 587 and are open by reason of the general determination of April 17, 1922, under section 24 of the Federal Power Act.

2. At 10 a.m. on May 20, 1969, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 20, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4646; Filed, Apr. 18, 1969; 8:46 a.m.]

[Public Land Order 4617]

[Arizona 1958]

ARIZONA

Partial Revocation of Administrative Site Withdrawal

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 8598 of November 18, 1940, reserving lands as an administrative site for the Cabeza Prieta Game Range, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 6 W.,
Sec. 15, N½NE¼NW¼ and SW¼NE¼NW¼.

The areas described aggregate 30 acres in Pima County.

The land is located north of Ajo, Ariz. Elevation ranges from 1,700 to 1,759 feet. Soils are rocky and gravelly. Vegetation is typical Sonoran Desert type consisting of various cacti, mesquite and palo verde, creosote bush, and a few annual grasses.

2. At 10 a.m. on May 20, 1969, the lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on May 20, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Ariz.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4647; Filed, Apr. 18, 1969; 8:46 a.m.]

[Public Land Order 4618]

[Fairbanks 017903]

ALASKA

Partial Revocation of Air Navigation Site No. 16

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Air Navigation Site Withdrawal No. 16, Alaska, of October 24, 1958, as corrected November 14, 1958, which withdrew land for use of the Civil Aeronautics Administration, now the Federal Aviation Administration, is hereby revoked as to the following described lands:

BETHEL AREA

Parcel No. 1: From the northwest corner of the State of Alaska, Division of Aviation, Tract 2, at coordinates N. 105,369.46 E. 108,672.26 (U.S.C. and G.S. "Bethel" being the origin of coordinates at N. 100,000 E. 100,000), which is the true point of beginning; thence N. 23°30' E. 15,840 feet; thence S. 66°30' E. 4,000 feet; thence S. 23°30' W. 15,840 feet; thence N. 66°30' W. 4,000 feet; containing approximately 1,454.55 acres.

The land consists of level Alaska Tundra located about 2 miles west of the town of Bethel.

2. The lands are withdrawn by Public Land Order No. 4582 of January 17, 1969, for the determination and protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska. They will be open to location for metalliferous minerals at 10 a.m. on May 20, 1969.

Inquiries concerning the lands should be addressed to the Manager, Fairbanks District and Land Office, Fairbanks, Alaska.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4648; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4619]

[New Mexico 5802]

NEW MEXICO

Partial Revocation of Executive Order No. 6583

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 6583 of February 3, 1934, which withdrew lands in New Mexico to aid the State in making exchange selections, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 7 W.,
Sec. 5, NE¼SE¼ and S½S½;
Sec. 6, W½SE¼;
Sec. 7, NE¼;
Sec. 8, S½NE¼ and NW¼SE¼;
Sec. 9, SW¼NW¼.

The areas described aggregate 600 acres in Sierra County.

The lands are located about 12 miles south of Hillsboro in the southwestern portion of the State. The terrain ranges from steep rolling hills to rolling terrain. Soils are shallow, red colored, sandy loams with gravel on the higher portions. Vegetative cover consists primarily of tobosa and mixed grama grasses with a moderately heavy growth of annuals including mesquite, creosote bush, yucca, and scrub pinon juniper.

2. At 10 a.m. on May 20, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 20, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on May 20, 1969. They have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4649; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4620]

[Utah 0148942]

UTAH

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), and otherwise, it is ordered as follows:

1. Executive Order No. 4872 of May 3, 1928, withdrawing lands for maintenance of air navigation facilities, which was revoked in part by Executive Order No. 7415 of July 17, 1936, is hereby revoked in its entirety. The following described unsurveyed lands are released from withdrawal by this order:

SALT LAKE MERIDIAN

T. 1 S., R. 12 W.,
Sec. 14, SW¼;
Sec. 15, SE¼;
Sec. 22, NE¼;
Sec. 23, NW¼.

The areas described aggregate approximately 640 acres in Tooele County.

The land is located about 5 miles east of Knolls and is traversed by U.S. Highway 40. The topography is level to undulating.

2. At 10 a.m. on May 20, 1969, the lands shall be open to such forms of disposition as may by law be made of unsurveyed lands, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 20, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on May 20, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4650; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4621]

[Utah 010062]

UTAH

Amendment of Public Land Order No. 2400 of June 8, 1961

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Paragraph numbered 1 of Public Land Order No. 2400 of June 8, 1961, is amended to read as follows:

"Subject to valid existing rights, the following described lands within the Cache and Manti-LaSal National Forests in Utah are hereby withdrawn from appropriation under the U.S. mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture."

2. Effective at 10 a.m. on May 20, 1969, the lands described in said paragraph shall be open to such forms of disposition as may by law be made of national forest lands, but not to appropriation under the U.S. mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4651; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4622]

[Nevada 047438]

NEVADA

Partial Revocation of Stock Driveway

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental Order of November 19, 1919, creating Stock Driveway Withdrawal No. 116, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 36 N., R. 57 E.,
Sec. 36.
T. 35 N., R. 58 E.,
Sec. 6.

The areas described aggregate 1,276 acres in Elko County.

The lands lie west of Halleck, Nev. Topography is flat to rolling with a vegetative cover of sagebrush and weeds.

2. At 10 a.m. on May 20, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on May 20, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4652; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4623]

[Sacramento 695]

CALIFORNIA

Revocation of Executive Order No. 1357 of May 22, 1911

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 1357 of May 22, 1911, which withdrew the following described lands in California for use by the Forest Service as a ranger station in the administration of the Stanislaus National Forest, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 6 N., R. 14 E.,
Sec. 26, E½SE¼.

The area described contains approximately 80 acres of public domain land, located in Calaveras County, approximately 6 miles east of Railroad Flat.

2. At 10 a.m. on May 20, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and to existing

orders of classification. All valid applications received at or prior to 10 a.m. on May 20, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location under the U.S. mining laws for nonmetalliferous minerals at 10 a.m. on May 20, 1969.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4653; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4624]

[Idaho 2036; 2037]

IDAHO

Withdrawal of National Forest Recreation Area; Partial Revocation of Public Land Order Nos. 1227, 1564, 2712, 2931

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

(IDAHO 2037)

SALMON NATIONAL FOREST—BOISE MERIDIAN

Cunningham Bar Recreation Area

T. 23 N., R. 14 E.,
Sec. 1, lots 3 to 7, inclusive, SW¼NW¼.

The areas described aggregate 130.11 acres in Idaho County.

2. Public Land Orders No. 1227 of September 26, 1955, No. 1564 of December 12, 1957, No. 2712 of June 23, 1962, and No. 2931 of February 6, 1963, withdrawing then unsurveyed national forest lands for use as recreation areas, are hereby revoked so far as they affect the following described lands:

(IDAHO 2036)

SALMON NATIONAL FOREST—BOISE MERIDIAN

Cunningham Bar and Corn Creek Bar Recreation Areas

T. 23 N., R. 14 E.,
Sec. 1, W½SW¼NE¼, S½NW¼, S½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, N½NW¼SW¼.

The areas described aggregate approximately 130 acres as described prior to survey.

3. This action is taken for the purpose of conforming the description of the areas which were withdrawn as unsurveyed lands to the current official plats of survey. The following described lands which are released from withdrawal by this order shall at 10 a.m. on May 20, 1969, be open to such forms of disposal as may by law be made of national forest lands:

T. 23 N., R. 14 E.,
Sec. 1, formerly unsurveyed W½SW¼NE¼, now portions of surveyed lots 8 and 9, and N½NW¼SW¼.

Aggregating approximately 40 acres.

4. The withdrawal made by paragraph 1 of this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4654; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4625]

[Utah 0133563]

UTAH

Revocation of Withdrawals for Administrative Sites

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 1568 of July 23, 1912, and the departmental order of June 17, 1908, withdrawing public lands as an administrative site for the administration of the LaSal National Forest, are hereby revoked so far as they affect the following described lands:

SALT LAKE MERIDIAN

T. 33 S., R. 23 E.,
Sec. 35, W½NW¼NE¼NW¼ and N½NW¼NW¼NW¼

The areas described aggregate 25 acres in San Juan County.

2. At 10 a.m. on May 20, 1969, the lands shall be open to operation of the public land laws generally, including locations under the mining laws for nonmetalliferous minerals, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 20, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to location for metalliferous minerals and to applications and offers under the mineral leasing laws.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4655; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4626]

[Oregon 3621]

OREGON

Reservation for Forest Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described Revested Oregon and California Railroad Grant Lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 532, 533):

WILLAMETTE MERIDIAN

PICKETT BUTTE ROAD NO. 3013

T. 30 S., R. 2 W.,
Sec. 23, SW¼NE¼.

A strip of land 50 feet in width on the north side of the centerline, and coinciding with south and west sides of the above subdivision lines located south of the centerline of the Pickett Butte Road No. 3013, in and through the above subdivision as shown on a map or plat filed in the Regional Forester's office in Portland, Oreg., and the Land Office, Bureau of Land Management, Portland, Oreg.

The area described contains 1.3 acres in Douglas County.

2. The withdrawal made by this order shall not preclude entries, or sales, exchanges, or leases under public land laws applicable to revested Oregon and California Railroad Grant Lands, of any legal subdivisions traversed by any cooperator road constructed on any lands withdrawn by this order, provided that any such entry, sale, exchange, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4656; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4627]

[New Mexico 1582]

NEW MEXICO

Withdrawal for Protection of Underground Water Supply (Holloman Air Force Base)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands, which are under the jurisdiction either of the Secretary of the Interior or the Secretary of Agriculture, as indicated, are hereby reserved for the protection and development of the underground water supply of Holloman Air Force Base, and withdrawn from appropriation under the public land laws as follows:

A. From all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 10 E.,
Sec. 29, NW¼, NE¼SW¼, and S½SW¼;
Sec. 30, SE¼SE¼;
Sec. 31, N½N½.
T. 18 S., R. 10 E.,
Sec. 5, lots 1, 2, 3, 4, and S½S½;
Sec. 8, N½ and SE¼SE¼;
Sec. 9, W½W½ and SE¼SW¼;
Sec. 16, W½SE¼ and W½E½SE¼;
Sec. 17, NE¼NE¼, S½NE¼, and N½SE¼;
Sec. 21, NE¼, N½NW¼, and NE¼SE¼;
Sec. 22, SW¼;
Sec. 27, W½;
Sec. 28, E½SE¼;
Sec. 33, E½NE¼;
Sec. 34, N½ and E½SE¼;
Sec. 35, SW¼NE¼, W½, and SE¼.
T. 19 S., R. 10 E.,
Sec. 2, NE¼;
Sec. 3, lot 1.

B. From appropriation under the mining laws (30 U.S.C., ch. 2):

(Lincoln National Forest)

T. 18 S., R. 10 E.,
Sec. 22, SW¼NW¼;
Sec. 26, W½SW¼ and SE¼SW¼;
Sec. 27, SW¼NE¼ and SE¼.

The areas described aggregate 4,106.61 acres of which 360 acres are national forest lands.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of either the national forest or the public lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4657; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4628]

[Idaho 2446]

IDAHO

Withdrawal for National Forest Campground

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

Conrad Campground Expansion

T. 44 N., R. 8 E.,
Sec. 14, W½NE¼SW¼NE¼, E½NW¼SW¼NE¼, and N½SW¼NW¼SE¼.

The areas described aggregate 15 acres in Shoshone County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4658; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4629]

[Oregon 3773 (Wash.)]

WASHINGTON

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

OLYMPIC NATIONAL FOREST

WILLAMETTE MERIDIAN

South Fork Soleduck Recreation Area

T. 29 N., R. 10 W.,
Secs. 1 and 2, a tract of land within lot 2 (SW¼NW¼ and NW¼SW¼), sec. 1, and lots 4 and 5 (S½NE¼), NE¼NE¼SE¼, sec. 2, described as follows:
Beginning at Forks of the Soleduck River and South Fork Soleduck River in sec. 2, thence southeast along Soleduck River 4,050 feet thence 850 feet on a bearing of 278° S. to South Fork Soleduck Road No. 303, thence northwest along South Fork Soleduck Road No. 303 2,450 feet, thence 300 feet north along South Fork Soleduck River to point of beginning.

The area described contains approximately 50 acres in Clallam County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4659; Filed, Apr. 18, 1969; 8:47 a.m.]

[Public Land Order 4630]

[Idaho 2443]

IDAHO

Withdrawal for National Forest Campgrounds

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEZ PERCE NATIONAL FOREST

BOISE MERIDIAN

Baldy Lake Camp

T. 23 N., R. 2 W., unsurveyed, but which probably will be when surveyed:
Sec. 22, SW¼NW¼NE¼SW¼, W½SW¼NE¼SW¼, SE¼NE¼NW¼SW¼, S½S½NW¼SW¼, NE¼SE¼NW¼SW¼, NW¼NW¼SE¼SW¼.

Triangle Lake Camp

T. 23 N., R. 2 W., unsurveyed, but which probably will be when surveyed:
Sec. 22, NE¼SW¼NE¼, E½NW¼SW¼NE¼.

He Devil Lake Camp

T. 23 N., R. 2 W., unsurveyed, but which probably will be when surveyed:
Sec. 15, SE¼SW¼SW¼SE¼, S½SE¼SW¼SE¼;
Sec. 22, E½NE¼NW¼NE¼, NW¼NE¼NW¼NE¼.

The areas described aggregate 65 acres in Idaho County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4660; Filed, Apr. 18, 1969; 8:48 a.m.]

[Public Land Order 4631]

[Utah 2254]

UTAH

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, including section 8 of the act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Wasatch

Aqueduct, Bonneville Unit, Central Utah Project:

SALT LAKE MERIDIAN

T. 9 S., R. 4 E.,
Sec. 18, NE¼SE¼.

The area described contains 40 acres in Utah County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4661; Filed, Apr. 18, 1969; 8:48 a.m.]

[Public Land Order 4632]

[Idaho 2427]

IDAHO

Withdrawal for National Forest Administrative Site and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CHALLIS NATIONAL FOREST

BOISE MERIDIAN

Star Hope Recreation Area

T. 5 N., R. 21 E., unsurveyed,
Sec. 22, a tract of land described as beginning at corner No. 1, a red stained and treated post, 4 inches in diameter, 5½ feet above ground, located N. 2°55' 13" W., approximately 653.94 feet from the confluence of Star Hope Creek and Bear Canyon Creek.

From corner No. 1, by metes and bounds, S. 65°59' W., 1,041 feet to corner No. 2; S. 36°30' W., 908 feet to corner No. 3; S. 22°50' E., 526 feet to corner No. 4; S. 89° 53' E., 900 feet to corner No. 5; N. 43°55' E., 799 feet to corner No. 6; N. 14°41'07" W., 577.79 feet to corner No. 7; N. 2°21'41" W., 506.16 feet to corner No. 1, the place of beginning.

PAYETTE NATIONAL FOREST

BOISE MERIDIAN

Paradise Administrative Site

T. 22 N., R. 1 W.,
Sec. 22, SW¼NE¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, S½SW¼SW¼, SE¼SW¼;
Sec. 27, N½NW¼NW¼, NW¼NE¼NW¼.

Black Lake Recreation Area

T. 21 N., R. 2 W.,
Sec. 3, lots 7 and 13.

The areas described aggregate 226.67 acres in Custer and Adams Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 14, 1969.

[F.R. Doc. 69-4662; Filed, Apr. 18, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. 1-27]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Approval of Containers for Transport Under Customs Seal; Delegation of Authority

The purpose of this amendment is to delegate the authority of the Secretary of Transportation, under Executive Order 11459, of March 7, 1969 (34 F.R. 5057), to the Commandant of the Coast Guard. The subject Executive order directs the Secretary of Transportation to carry out certain provisions of the Customs Convention on Containers (1956) (TIAS 6634) and the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention) (1959) (TIAS 6633).

In consideration of the foregoing, effective April 18, 1969, 49 CFR 1.4 is amended by adding the following new subparagraph at the end of paragraph (a) thereof:

§ 1.4 Delegation of functions, powers, and duties.

* * * * * *

(a) * * *

(5) Executive Order No. 11459 of March 7, 1969, relating to the approval of containers and vehicles for transport under Customs seal under the Customs Convention on Containers (1956) and the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (1959); including the authority to redelegate to nonprofit firms or associations.

* * * * * *

This action is taken under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657). Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment can be made effective in less than 30 days.

Issued in Washington, D.C., on April 15, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-4685; Filed, Apr. 18, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 913]

GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, hereinafter referred to collectively as the "order." The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was instituted by the Consumer and Marketing Service as a result of proposals submitted by the Interior Grapefruit Marketing Committee, the administrative agency established pursuant to the marketing agreement and order. A notice that such public hearing would be held in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., was published in the FEDERAL REGISTER on July 31, 1968 (33 F.R. 10879).

A motion to reopen taking of testimony and for admission of documents into evidence and for extension of time to file briefs in this proceeding was filed with the Department on September 11, 1968.

The Interior Grapefruit Marketing Committee at its meeting on December 3, 1968, voted to request the Department to reopen the hearing to consider four additional proposals. A notice of the reopening of the hearing and that the hearing would reconvene in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., was published in the FEDERAL REGISTER on December 18, 1968 (33 F.R. 18710). A correction to this notice was published in the FEDERAL REGISTER on January 4, 1969 (34 F.R. 151).

Material issues. The material issues presented on the record of the hearing involved amendatory action relating to:

(1) Extending the permissive regulatory periods from 10 weeks to 14 weeks;

(2) Changing the requirements with respect to committee approval of recommendation for regulations;

(3) Providing a method for computing the prorate bases for handlers based on total shipments within a representative period;

(4) Revising the overshipment provisions to permit handlers to overship to an accumulated total of 500 boxes, or any amount not to exceed 1,000 boxes, if the Secretary so authorizes; and

(5) Revising the allotment loan provisions to provide that, in addition to permitting loaning of allotment, handlers may transfer all or part of the allotment.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

1. The authority for volume regulations should be extended from 10 weeks to 14 weeks. This would require that § 913.41 be amended to provide authority for the committee to make a recommendation for such regulations, that § 913.25 be amended, as hereinafter discussed to provide necessary additions to "Procedure of committee" for it to make a valid recommendation for regulation, and that § 913.42 be amended to authorize the Secretary, upon a recommendation and information submitted by the committee, or from other available information, to limit the quantity of grapefruit which may be handled during a specified week to a total of not more than 14 weeks during any fiscal period.

The authority for volume regulations is needed primarily to facilitate the establishment of more orderly marketing conditions—to correct the imbalance between the supply and demand. The shipment of fruit in excess of the demand results in a market glut. Such situation is not conducive to orderly marketing. Market gluts can generally be prevented more easily than the effects of a glut can be corrected. Likewise, it is more desirable to maintain the proper balance between supply and demand than to correct an imbalance. Thus, the committee continuously appraises the marketing situation and recommends, within the authority contained in the order and the limitations hereinafter discussed, volume regulations whenever the marketing situation indicates that such regulation is advisable.

Record evidence shows that it has been difficult for the committee to reach a decision as to whether to recommend regulation. There have been times when, based upon the then current market conditions, a limitation of shipment was fully justified. The committee in reaching its decision not only had to consider the current marketing condition but also had to anticipate future marketing conditions. Some of the decisions reflected the thinking that regulations would be more sorely needed later in the season and accordingly no recommendation for regulation for the current period was made.

Also, the evidence of record shows that generally more than one volume regulation is needed to correct an imbalance between the supply and demand. Single weekly volume regulations have proved to not be as effective as successive regulations for 2 or more weeks. If single weekly volume regulations were in use, handlers could circumvent such, at least to some degree, by adjusting shipments so as to handle an excessive volume of fruit prior to the week of regulation, and during such week accumulate a large quantity of fruit to be handled during the week immediately following the week of regulation. Such manner of handling would tend to induce a market glut and compound the marketing problem rather than provide a solution to it.

The inclusion of authority for a total of 14 weeks of regulation would tend to provide a solution or a basis for a solution of the problems hereinbefore discussed. The 4 additional weeks during which volume regulation could be recommended would tend to alleviate the problem confronting the committee relative to recommending a regulation for the ensuing week or hold it in anticipation of a more serious situation likely to confront the industry later in the year. Also, there would be less need to recommend regulation for single weekly periods. The inclusion of authority for the additional weeks of regulation would provide for greater flexibility in the operation of the program in that the committee could recommend regulation more nearly in conformity to the need for regulation.

It was contended that the authority for added weeks of regulation would cause hardship to some handlers because the small volume they normally ship results in their receiving an extremely small allotment, and hence the longer period of permissible regulation would be more restrictive on such handlers than on handlers who have larger allotments. However, regulations would be made effective only during periods when it is found that such is necessary to establish and maintain orderly marketing

conditions. During such periods it is undesirable to permit unrestricted shipments. The prorate base of each handler reflects his historical normal volume of shipments in relationship to that of other handlers. A handler's allotment bears the same relationship to the total allotment that his prorate base bears to the total prorate base of all handlers. Therefore, his relative industry position is observed during periods of regulation.

However, it is recognized that the operations of small volume handlers may be facilitated by a more liberal provisions for overshipment and by the inclusion of provisions authorizing transfer of allotment. On the basis hereinafter discussed, the order should be amended to add both such provisions. It was also contended that increased weeks of regulation would hamper unduly the desires of handlers who wish to quality for a larger share of the prorate base than they now have. According to the record grapefruit shipments have, at times, been made throughout an entire fiscal period. However, generally, volume shipments are made for approximately 40 weeks each fiscal period. Allocation for a maximum of 14 weeks of a limited volume would leave many unregulated weeks during which each handler may reasonably strive to increase his shipments and improve his position in relation to other handlers if he so chooses. However, the objective of regulation is to stabilize the marketing of grapefruit in the interest of the industry as a whole, and it is concluded that the provision of authority for an expanded period of regulation would tend to facilitate that objective more appropriately than authority for a lesser period.

2. Section 913.25 *Procedure of committee* should be revised as hereinafter set forth to (1) establish voting requirements for the committee to recommend a regulation for any week after 10 weeks of regulations during any fiscal period, and (2) revise the voting requirements with respect to a recommendation for regulation for any week following 3 or more weeks of continuous regulation.

The order should provide that for an effective committee recommendation for regulation after a total of 10 weeks of regulation during a fiscal period, all members of the committee, including alternates acting as members, must be present and unanimously concur in the recommendation that regulation is needed during the ensuing week. Thus, any recommendation of the committee with less than such total concurrence as to the need for such regulation would not be considered as an appropriate recommendation for such regulation. Requiring full committee attendance and unanimous vote should insure that such a regulation would not be recommended unless the industry was confronted with a serious marketing condition which in the opinion of the entire committee membership requires limiting the quantity of such grapefruit that may be marketed during the ensuing week in order to effectuate the declared policy of the act.

The requirement for full committee attendance and unanimous approval should present no serious problem as each member was appointed to represent the industry; and there is no reason to believe that a member would deliberately fail to discharge his responsibility in such a situation. The order contains provisions which permit an alternate to serve for an absent member, and if the alternate is unable to attend, any alternate present who is not acting for another member may be designated by the chairman of the committee to serve in the place and stead of the absent member. Thus, it is unlikely that the requisite number of members including alternates acting as members would not be present and thereby prevent the committee from making a recommendation if it desires to do so.

The order also should be changed to require 80 percent of the committee to concur in a recommendation for regulation after 3 consecutive weeks of regulation. Eighty percent of the full committee, as presently constituted, would require 12 affirmative votes. Presently, the order requires concurrence of 75 percent of the full committee. Such equals 11 concurring votes.

The requirement of one more affirmative vote for the committee to make a recommendation for regulation after regulations have been in effect for 3 consecutive weeks would result in a greater consensus of the committee as to the need for regulation for the ensuing week.

It is therefore concluded that the order should be amended on the basis discussed above and as hereinafter set forth.

3. The order should be amended to authorize a new method for computing the prorate base for handlers. The method should be based on the total shipments made by the handler during a representative period. The Agricultural Marketing Agreement Act of 1937, as amended, specifies that the allotment of the amount which each handler may market shall be based upon amounts which each handler has available for current shipment, or upon the amounts shipped by each such handler in such prior period as the Secretary determines to be representative or both. Record evidence clearly establishes that because of the large volume of grapefruit that is processed and the existence of cash buyers who purchase grapefruit throughout the season, it is not feasible to establish and operate a grapefruit prorate program in the Interior District in Florida at the present time on the basis of amounts handlers have available for current shipments. The only alternative is to use past shipments of handlers. Currently, the order authorizes that the calculation of the amounts which each handler may handle shall be based upon shipments he made during the past 3 years. This 3-year period should be retained as a portion of the representative period, but there should be added as hereinafter explained the elapsed weeks in the current season to make the entire period more representative and to include shipments made by all handlers.

There are handlers each year who made no shipments in one or more seasons within the aforesaid 3-year period; and there are a number of reasons why a handler would make no shipments during an entire season. It is appropriate however that the shipments made by a handler during the immediately preceding seasons, if any, of the 3-year period be used in the calculation of the prorate base for handlers. For illustrative purposes only, let us assume that a handler made shipments during the 1965–66 season, made no shipments during the 1966–67 season, then made shipments during the 1967–68 season, and during the current season (1968–69). Only the shipments made during the 1967–68 season and the shipments made during the current season should be used in computing a prorate base for such handler. According to the evidence of record, the fact that the handler made no shipments for an entire season (1966–67) indicates that something drastic may have happened to his operations as a handler. For example, he may have suffered a serious illness, or experienced labor troubles, or a loss of packing facilities through fire. When such handler resumed the business of handling during the 1967–68 season, the shipments made during the 1965–66 season should not be used in the computation of his prorate base.

Such shipments would not necessarily reflect the handler's present position in the industry. Furthermore, a handler may reenter the business on a very limited scale or through reorganization or refinancing or otherwise may reenter the business with a much larger volume than he formerly handled. In the operation of the order, only the shipments made within the immediately preceding seasons within the representative period may be used in the computation of prorate bases for handlers. There was no proposal or testimony with respect to changing such method of using past shipments; and no change is recommended.

Each year or nearly every year, there are persons who become handlers of Florida Interior District grapefruit. Under the order as currently in effect, such handlers receive a zero prorate base and allotment because no shipments were made by them during the representative period. However, such handlers are permitted to borrow allotment from other handlers, make shipments on the basis of the allotment borrowed and may make overshipments as provided in the current order.

According to the record, it would be equitable, and in accordance with the wishes of the industry, to provide in the order for the computation of prorate bases for all handlers on the basis of prior shipments, including those made during certain weeks, as hereinafter discussed, of the current season. The representative period for all such shipments would thus become the three preceding seasons together with the current season.

The order should specify the method to be used in computing a prorate base for a handler. Such method should specify that the computation shall be made by adding together the handler's shipments

of grapefruit made in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding season within the representative period in which the handler shipped grapefruit. Such would provide a uniform rule, which would be applicable to all handlers and based upon the amounts handled by the handler in the "prior period" as provided in the act.

The term "season" should mean that portion of a fiscal period which covers all of the full weeks in such period. This would provide an appropriate number in determining the divisor for use in computing the prorate bases. It would not be feasible to use 52 weeks of the fiscal period because even though such period begins on August 1 of each year such date does not always coincide with Monday, the beginning day used for weekly shipping records by the industry. Shipments made during the week which comprises the ending days of one fiscal period and the beginning days of the following period are not identified, as hereinafter explained, as to the particular day on which made. Therefore, such shipments should be excluded.

The term "current season" should mean the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation, except that when the committee has obtained the official shipping records of the handlers through the third full week preceding the week of regulation the current season should extend through such third week.

It is desirable to use the term "full week" instead of "calendar week" because the "calendar week" begins on Sunday and extends through Saturday and the shipping records are maintained on Monday through Sunday basis. The use of the term "full week" would make the weekly period coincide with the period used for keeping records within the industry

The official records of shipments of handlers are provided to the committee by the Federal-State Inspection Service. Shipments are tabulated by said service after the conclusion of the weekly shipping period without reference to the particular day of the week the shipments are in fact made. When the tabulation has been completed, the report is mailed to the committee. The evidence of record shows that, on the basis of past performance, the information concerning handlers shipments through the third full week preceding the week of regulation will generally be available when the committee meets to consider the need for such regulation. It is not possible, at the present time, to define the term "current season" so as to include in each instance shipments of said third week as there have been occasions, and may continue to be occasions, when the information concerning handlers shipments extend only through the fourth full week preceding the week of regulation.

It is important for the committee to have a record of the latest shipments of handlers for inclusion in the calculation of the prorate bases. Often the shipments made early in the season are of small volume due to lack of maturity, small size fruit, or for other reasons. Later shipments are often in larger amounts as more fruit becomes mature, size becomes larger, and the demand for such fruit may improve. Since the prorate base is to be computed each week, when volume regulation is likely to be recommended, it would be equitable and in keeping with the desires of the industry, to include all the shipments of record that have been made during the current season. Thus, it would not be appropriate to require the computation in each instance to include only those shipments made up to and including the fourth full week prior to the week of regulation if information concerning shipments made one week later was available to the committee. Accordingly, the prorate base computation, and the terms "representative period", "season" and "current season" should be on the basis hereinbefore discussed and as hereinafter set forth.

4. The provisions of the order relating to overshipments should be amended as hereinafter set forth to provide more flexibility. Currently, order provisions permit the overshipment of an amount equivalent to 10 percent of the total allotment, or 500 boxes, whichever is greater. Handlers with a small allotment generally use the 500-box overshipment. A handler may overship one box or the entire 500 boxes during the week. However, when he overships, he must repay the overshipment from the allotments issued to him for the next week and, when required, for successive weeks. The order should be amended to permit handlers to make successive overshipments until the overshipments total an authorized amount before such overshipments are charged against his allotments. This is for the reason that handlers who handle a limited quantity of grapefruit, are issued a small allotment each week of regulation, and should be afforded the opportunity to complete all of the shipments in a few weeks by taking advantage of the overshipment provisions as hereinafter set forth. Under the procedure of this amendment, such a handler could proceed with his shipments using his weekly allotments and making overshipments during each of the consecutive weeks of regulation until a total of such overshipments reaches 500 boxes. The subsequent weekly allotments issued to the handler would then be used to repay such overshipments. However, if the handler does not make any shipments of grapefruit during a weekly period for which an allotment was issued to him, the entire allotment should be used to offset, to the extent thereof, any permitted overshipment by such handler during the immediately preceding week or weeks of continuous regulation.

The evidence of record establishes that the 500 box overshipment permitted by the order should be retained. However, authority should be included in the order for the Secretary, on the basis of a recommendation of the committee or other available information, to increase the amount from 500 boxes up to not more than 1,000 boxes so as to afford handlers greater flexibility in the handling of grapefruit during periods of regulation without the requirement for immediate offset of overshipment by current allotment. Record evidence shows that such an increase should be made effective, insofar as possible, at the start of a fiscal period and continue throughout the season. In any event, if the situation warrants such a change at any time, such change should be made promptly and the order should permit such action. In addition to providing authority for the Secretary to increase the total quantity that may be overshipped, the order should contain authority for him to decrease such amount but not below 500 boxes. Suppose, for example, that the amount was increased from 500 boxes to 1,000 boxes. Suppose further that, after a period of operation, the committee determines that the increase to 1,000 boxes is then too large an amount to be permitted to be continued for overshipment. For example, the 1,000 boxes overshipment was causing a greater aggregate quantity of grapefruit to be shipped than could be marketed in an orderly manner. The Secretary, on the basis of a committee recommendation or other available information, should be authorized by the order to prescribe such lesser amount as may be appropriate in the circumstances, as for example, 750 boxes or the original 500 boxes, instead of the 1,000 boxes.

Thus, it is concluded that the order should be amended as hereinafter set forth on the basis heretofore discussed.

5. The provisions of the order dealing with allotment loans should be retitled "allotment loans and transfers" and amended as hereinafter set forth. Currently, the order permits allotments to be loaned. Each such loan, prior to its consummation, shall be approved by the committee. The committee, prior to approval, shall be provided information by each party concerning the loan, including the date of repayment. There are a number of handlers of Interior District grapefruit who receive a small allotment during each week of regulation. Some of such handlers desire to ship a quantity of grapefruit in excess of the allotment, plus permitted overshipment. To do so the handler would have to borrow allotment from another handler. Because of the small quantity involved or for other reasons, the lending handler may not desire the repayment of the loan. Thus, an agreed repayment date late in the season is specified. By specifying such date, it is reasonable to believe that the loan will not be repaid because in all probability at that date neither handler may have any fruit to ship or there may be no regulation in effect requiring allotments for shipments.

The provisions for loans of allotment should be retained in the order because such provisions are needed. There should be included in the order authority for the transfer of allotment from one person to another. Each party to the transfer should be required to notify the committee promptly so that proper entries on the record may be made. The prompt notification of the committee is important in the administration of the program and for enforcement purposes. The inclusion of authority for the transfer of allotment from one person to another should not interfere with the operation of the loaning of allotment. The two operations are compatible. With the addition to the order of the transfer provisions, it is anticipated that those persons desiring to have loans repaid will use the loan provisions while those not desiring repayment of the allotment will use the transfer provisions. Thus, it is concluded that the order should be amended to authorize the transfer of allotment among persons to whom allotments have been issued.

Rulings on proposed findings and conclusions. October 1, 1968, was initially fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. On October 9, 1968, the Hearing Examiner filed an announcement extending the time until a date to be announced later. Such date was subsequently fixed, at the reopened hearing, as February 20, 1969.

Briefs were filed by David C. Gray, Lady Lake, Fla., and by Charles E. Davis, of Fisback, Davis, Dominick, Troutman and Salfi, attorneys for, and on behalf of, Vaughn-Griffin Packing Co., Howey-in-the-Hills, Fla.

Each point in each brief was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in either brief are inconsistent with the finding and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order, as hereby proposed to be amended, regulate the handling of grapefruit grown in the Interior District in Florida in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activities specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order, as hereby proposed to be amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Interior District, as defined in said marketing agreement and order, as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 913.25 *Procedure of committee* is revised to read as follows:

§ 913.25 Procedure of committee.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraphs (c) and (d) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulation for any week following 3 or more weeks of continuous regulations, except as provided in paragraph (d) of this section.

(d) Not less than 100 percent of the committee shall concur to make a recommendation for regulation for any week following 10 weeks of regulations during any fiscal period. The requirements of paragraph (c) of this section and this paragraph (d) shall not apply to recommendations to amend an existing regulation.

(e) The vote of each member cast for or against any recommendation made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(f) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(g) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

2. Paragraph (a) in § 913.41 *Recommendation for volume regulation* is revised to read as follows:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period.

* * * * *

3. Section 913.42 *Issuance of volume regulation* is revised to read as follows:

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulation during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

4. Section 913.43 *Prorate bases* is revised by revising paragraph (d) thereof to read as follows and by deleting paragraph (e) thereof:

§ 913.43 Prorate bases.

* * * * *

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51 week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

(e) [Deleted]

5. Section 913.45 *Overshipments* is revised to read as follows:

§ 913.45 Overshipment.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such total allotment or 500 boxes, whichever is greater: *Provided*, That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of grapefruit so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no shipments of grapefruit. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That any time there is no volume regulaton in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

6. Section 913.47 *Allotment loans* is revised to read as follows:

§ 913.47 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotment to another such person.

(1) In connection with a loan of allotment, each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment, and obtain the committee's approval of the agreement.

(2) In connection with a transfer of allotment, each party shall promptly notify the committee so that proper adjustment of records can be made.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

Dated: April 16, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-4714; Filed, Apr. 18, 1969; 8:52 a.m.]

[7 CFR Part 1125]

[Docket No. AO-226-A20]

MILK IN PUGET SOUND MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Banquet Hall, Norway Center (Norselander Restaurant), 300 Third Avenue West, Seattle, Wash., beginning at 9:30 a.m., local time, on Tuesday, April 29, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Puget Sound Producers Class I Base Committee:

Proposal No. 1. Change the expiration date (Dec. 31, 1969) of the Class I base provisions of the order to Deeember 31, 1970, to correspond to the expiration date provided for the enabling legislation.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Nicholas L. Keyock, 16 West Harrison Street, Seattle, Wash. 98119, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on April 16, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-4713; Filed, Apr. 18, 1969; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-26]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Santa Monica, Calif., control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Santa Monica control tower and effective time of the control zone are currently from 0700 to 2300 hours, local time, daily. It is expected however that seasonal changes in the hours of operation of the control tower may be necessary in the future due to changes in traffic volume. The use of the NOTAM is proposed to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (34 F.R. 4557) the description of the Santa Monica, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended

(72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-4682; Filed, Apr. 18, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-27]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Torrance, Calif., control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Torrance control tower and effective time of the control zone are currently from 0600 to 2200 hours, local time, daily. It is expected however that seasonal changes in the hours of operation of the control tower may be necessary in the future due to changes in traffic volume. The use of the NOTAM is proposed to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (34 F.R. 4557) the description of the Torrance, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-4683; Filed, Apr. 18, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-16]

TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Grand Canyon and Peach Springs, Ariz., transition areas.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Alteration of the transition areas as proposed will provide controlled airspace for aircraft operating direct between Grand Canyon, Ariz., and Boulder City, Nev. In addition the proposed airspace actions will allow greater utilization of radar capabilities and more efficient use of available airspace.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.181 (34 F.R. 4637) the Grand Canyon, Ariz. (Grand Canyon National Park Airport), transition area is amended by deleting the period at the end of text and adding the following "• • • and that airspace within 5 miles each side of a direct line between the Grand Canyon, Ariz., VOR and Boulder City, Nev., VORTAC extending from the Grand Canyon VOR to 21 miles west of the VOR."

In § 71.181 (34 F.R. 4637) the Peach Springs, Ariz., transition area is amended by adding "• • • That airspace extending upward from 9,000 feet MSL bounded on the north by a line 5 miles north of and parallel to a direct line between the Grand Canyon, Ariz., VOR and the Boulder City, Nev., VORTAC, on the south by the north edge of V-210 and on the southwest by the northeast edge of V-105E."

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-4684; Filed, Apr. 18, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18453]

VHF TELEVISION BROADCAST CHANNEL, MOUNT VERNON, ILL.

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b) of the Commission's rules and regulations to add a VHF Television Broadcast Channel to Mount Vernon, Ill., Docket No. 18453, RM-1372.

1. The Commission has before it for consideration a request, filed jointly on April 8, 1969, by Plains Television Corp., licensee of Station WICS(TV), Springfield, Ill. (Channel 20), and Station WICD(TV), Champaign, Ill. (Channel 15), and Turner-Farrar Association, licensee of Station WSIL-TV, Harrisburg, Ill. (Channel 3), for a further extension of time for filing comments and reply comments herein, to April 30, and May 12, 1969, respectively. The original dates for filing comments and reply comments (originally Mar. 24, and Apr. 3, 1969, see notice of proposed rule making adopted Feb. 12, 1969; 34 F.R. 2359) had been extended and the present due dates are April 14, and April 25, respectively (see orders adopted Mar. 21, 1969, 34 F.R. 5853 and Mar. 27, 1969, 34 F.R. 6293). On April 11, 1969, Soillcom, Inc., the petitioner that requested the institution of this rule making proceeding, looking toward the assignment of Channel 13 to Mount Vernon, Ill., filed an opposition to the petition.

2. The parties, in support of the request for extension of time, state that they have substantially completed their review and analysis of the lengthy petition for rule making filed by Soillcom, Inc., and "• • • that while this review has progressed sufficiently to raise serious public interest questions—more time in which to formulate specific comment is necessary in order that these questions may be developed in a useful fashion." The parties also state that the public interest questions deal with the economic impact on UHF operations, both local and national, by the proposed VHF operation as well as major engineering and aeronautical questions. They contend the significance of these questions and not the lack of diligence is the basis for the extra time needed to prepare comments. The parties submitted a letter from an economic consultant in which it is stated that the earliest possible completion date for the study of the impact on UHF operations is April 28, 1969. The parties further state that unless the time is extended, persons desiring to file reply comments to the parties' economic comments will be prevented from doing so on this important issue facing the Commission in its decision as to whether a VHF channel should be allocated to Mount Vernon, Ill.

3. Soillcom, in its opposition, states that it appears that the economic studies were not begun in a diligent manner and that no information has been submitted concerning the major engineering and aeronautical questions referred to by the parties. Soillcom contends that good cause has not been demonstrated so as to warrant a grant of the requested extension of time.

4. Meaningful comments on the public interest questions specified by the petitioning parties would assist the Commission in resolving the question of "dropping-in" a VHF television channel at Mount Vernon, Ill. It is found that good cause exists for the requested extension and the public interest would be served thereby. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended to April 30, and May 12, 1969, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: April 11, 1969.

Released: April 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN H. BASS, Jr.,
Assistant Chief, Rules and Standards Division, Broadcast Bureau.

[F.R. Doc. 69-4696; Filed, Apr. 18, 1969; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 18389; RM-1335]

FM BROADCAST STATIONS

Table of Assignments, Porterville, Calif.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 *Table of assignments,* FM Broadcast Stations. (Porterville, Calif.; Bottineau, N. Dak.; Rhinelander, Wis.; Scobey, Mont.; and Humboldt, Iowa), Docket No. 18389, RM-1335, RM-1338, RM-1339, RM-1347, RM-1351.

1. In a notice of proposed rule making, released November 29, 1968, in this proceeding (FCC 68-1147), the Commission invited comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 262 to Porterville, Calif. The time for filing comments was designated as January 10, 1969, and that for replies as January 20, 1969. Extensions of time have been granted and the present dates for filing comments and reply comments are April 10, 1969, and April 21, 1969, respectively.

2. On April 9, 1969, Gateway Broadcasters, Inc. (proponent of the Porterville Class C assignment) filed a request for a 30-day extension to May 9, 1969, within which to file comments. Gateway Broadcasters, Inc., states that its engineering consultant has need of more time to allow for the completion of additional studies within his work schedule of previous and urgent commitments including, primarily, field work. It further states that since it is their purpose and earnest desire to make a thorough and useful study, it is urged that this extension be granted.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments in this proceeding in the matter of RM-1335 only is extended to and including May 9, 1969, and that for replies to May 21, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: April 11, 1969.

Released: April 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-4699; Filed, Apr. 18, 1969; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18476; RM-1378, RM-1390]

FM BROADCAST STATIONS

Table of Assignments, Greenville, Ky., etc.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 *Table of assignments,* FM broadcast stations. (Doniphan, Mo., Princeton, W. Va., Auburn, Nebr., Cayce, S.C., Sallisaw, Okla., Heber Springs, Ark., Preston, Minn., Barnstable, Nantucket, and Falmouth, Mass., Mineral Wells, Tex., Fayette, Hartselle, and Talladega, Ala., Mariposa, Calif., Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky., and Flora, Ill.), Docket No. 18476, RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414.

1. In a notice of proposed rule making, released March 6, 1969, in this proceeding (FCC 69-207), the Commission invited comments on a number of proposals to amend the FM Table of Assignments, including the assignment of a first Class A channel to each of Hartford and Cadiz, Ky., and concomitant changes in other communities. The time for filing comments was designated as April 14, 1969, and that for replies as April 24, 1969.

2. On April 9, 1969, Hayward F. Spinks and Barkley Lake Broadcasting Co., Inc. (Spinks-Barkley), petitioners for the above-requested assignment, filed a request for an extension of time to May 19, 1969, within which to file comments. Spinks-Barkley state that a conflicting petition was filed seeking the assignment of FM Channel 261A to Greensburg, Ky., and also that an application was filed for Channel 292A in Greenville, Ky. They further state that their consulting engineer is currently in the process of examining the FM frequency situation in the State of Kentucky to see whether the new parties may be accommodated. However, the engineer has other commitments which will preclude his immediate attention to this task. They also aver that the FM allocation picture in Kentucky is a tight one which will necessitate considerable study if an alternative plan is to be found.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments in this proceeding in the matters of RM-1378 and RM-1390 only is extended to and including May 19, 1969, and that for replies to May 29, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of

1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: April 11, 1969.

Released: April 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-4700; Filed, Apr. 18, 1969; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-8425]

FEES FOR BROKERS AND DEALERS NOT MEMBERS OF NATIONAL ASSOCIATION OF SECURITIES DEALERS

Notice of Proposed Rule Making

The Commission has announced a proposal to amend paragraph (d) of Rule 15b9-2 (17 CFR 240.15b9-2) under the Securities Exchange Act of 1934 and to set fees for the fiscal year 1969 for registered broker-dealers who are not members of the National Association of Securities dealers (nonmember broker-dealers).

Sections 15(b)(8) and 15(b)(9) under the Securities Exchange Act of 1934 ("the Act") authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to nonmember broker-dealers. Pursuant to the above sections the Commission has adopted Rule 15b9-1 (17 CFR 240.15b9-1), to deal with initial fees, and Rule 15b9-2 (17 CFR 240.15b9-2), to provide for annual fees. These rules prescribe the fee structure and the actual fees are set each year in the applicable forms required to be filed. This proposal deals with the amendment of Rule 15b9-2 (17 CFR 240.15b9-2), providing for annual fees.

Annual fees—Rule 15b9-2 (17 CFR 240.15b9-2).—In general, Rule 15b9-2 (17 CFR 240.15b9-2) now provides for an annual assessment for nonmember brokers or dealers which is comprised of (1) a base fee applicable to all such brokers or dealers; (2) a fee for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer prior to May 15 during the fiscal year, at any time in which the broker or dealer was a nonmember broker or dealer; and (3) a fee for each office of the broker or dealer which was maintained prior to May 15 during the fiscal year, at any time in which the broker or dealer was a nonmember broker or dealer.

It is proposed that Rule 15b9-2 (17 CFR 240.15b9-2) be amended to omit the $15,000 maximum fee set forth in paragraph (d) and to add that such maximum will be set each year on the Form SECO-4 (17 CFR 249.504) provided for the particular fiscal year. The maximum would apply to the entire annual assessment whereas in the past it applied only to the base fee and the fee for associated persons. Offices would be included in the maximum for simplification and to more fairly apportion the costs of regulating nonmember broker-dealers.

Proposed annual fees for fiscal year 1969. Each fiscal year the fees are set forth on Form SECO-4 (17 CFR 249.504) for that particular year. This year's assessment, to be set forth on Form SECO-4-69 (17 CFR 249.504c) will remain the same and would thus include a base fee of $100, a fee of $5 for each associated person, and a $30 office fee. However, as mentioned above, the office fee would be included in the computation of the maximum. It is proposed that the maximum to be set by Form SECO-4-69 (17 CFR 249.504c) be $20,000.

Pursuant to the Securities Exchange Act of 1934, particularly sections 15(b) and 23(a) thereof, the Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by amending paragraph (d) of Rule 15b9-2 (17 CFR 240.15b9-2). The text of the proposed changes are as follows:

§ 240.15b9-2 Annual fees for registered brokers and dealers not members of a registered national securities association.

* * * * *

(d) *Limitations.* In no case shall the total fees required by this section exceed the limitation set each year on the Form SECO-4 provided for the particular fiscal year.

* * * * *

(Secs. 15(b) and 23(a), 48 Stat. 895, 901, as amended, 49 Stat. 1379; 15 U.S.C. 78o and 78w)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before May 1, 1969. Except where it is requested that such recommendations not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 11, 1969.

[F.R. Doc. 69-4668; Filed, Apr. 18, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 5713; Survey Group 50]

LOUISIANA

Notice of Filing of Plat of Survey

1. The plat of survey of the following described land, accepted March 13, 1969, will be officially filed in this office effective at 10 a.m. on May 15, 1969:

ST. HELENA MERIDIAN, LOUISIANA
T. 3 S., R. 4 E.,
Tract 72, secs. 50, 51, 52.

The tract described contains 10.25 acres.

2. This island tract, known as Harvell Island, in the Amite River, was omitted from the original survey in 1828. The island's formation is in all regards similar to the opposite mainland. The soil is rich sandy loam with a number of gravel deposits. There is no evidence of improvements, present use or occupancy of this island.

3. The character of the island and the timber growth thereon attest to its existence on April 30, 1812, the year Louisiana was admitted into the Union. It therefore has the status of public land and is well over 50 percent upland in character within the interpretation of the Swamp Land Act of March 2, 1849.

4. Subject to valid existing rights, if any, the above-described land will be opened to petition-applications under the public land laws on the effective date of the filing of the plat.

5. Any inquiries relating to this land should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager.

APRIL 15, 1969.

[F.R. Doc. 69-4663; Filed, Apr. 18, 1969; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. S-465]

ADOLPH OSCAR SANDNESS

Notice of Loan Application

APRIL 15, 1969.

Adolph Oscar Sandness, 17420 32d West, Alderwood Manor, Wash. 98001, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 49.9-foot registered length wood vessel to engage in the fishery for salmon and albacore.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessels operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-4629; Filed, Apr. 18, 1969; 8:45 a.m.]

National Park Service

GRAND TETON NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to Jackson Hole Mountain Guides, Inc., authorizing it to provide mountain climbing guide service for the public at Grand Teton National Park, for a period of 1 year from May 1, 1969, through April 30, 1970.

The foregoing concessioner has performed his obligations under an existing permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Grand Teton National Park, for information as to the requirements of the proposed permit.

Dated: March 11, 1969.

FOY L. YOUNG,
Acting Superintendent.

[F.R. Doc. 69-4665; Filed, Apr. 18, 1969; 8:48 a.m.]

YOSEMITE NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Jack W. Vaughn, Sharon Martha Vaughn, and David L. Vaughn, authorizing them to operate the El Portal Market and provide related facilities and services for the public at the El Portal Administrative Site in Yosemite National Park, for a period of 10 years from January 1, 1969, through December 31, 1978.

The foregoing concessioners have performed their obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of the contract and in the negotiation of a new contract.

However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 14, 1969.

EDWARD A. HUMMEL,
Associate Director, National Park Service.

[F.R. Doc. 69-4664; Filed, Apr. 18, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

SECTION 22 IMPORT QUOTAS

Submission of Information To Establish Historical Eligibility for Licenses

In accordance with Part 3 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202), hereinafter referred to as TSUS, as amended by Proclamation 3884 of January 8, 1969 (34 F.R. 235), articles subject to the import quotas provided for in TSUS items 950.10A and 950.15 may be entered, on and after July 1, 1969, only pursuant to a license issued under the authority of the Secretary of Agriculture.

Notice is hereby given that, in order for a person to establish eligibility on a historical basis for a license to import such articles, records must be submitted on or before May 15, 1969, evidencing the quantity of such articles as described below which was imported by such person during the calendar years 1965 through 1967.

950.10A Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrins), and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves.

950.15 Chocolate provided for in item 156.30, of part 10, schedule 1, of the Tariff Schedules of the United States, if containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection).

Copies of duty paid Customs Entry Forms No. 7501 or Customs Warehouse Withdrawal Forms 7505 provide the most acceptable evidence. If these forms are not available, other records may be submitted for a determination of their acceptability as evidencing the quantity of such articles imported during said periods. The records should be sent to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250 and postmarked not later than May 15, 1969.

Provisions with respect to nonhistorical eligibility will be contained in revised regulations to be effective July 1, 1969.

Issued at Washington, D.C., this 15th day of April 1969.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[F.R. Doc. 69-4715; Filed, Apr. 18, 1969; 8:52 a.m.]

Packers and Stockyards Administration

FLOYD COUNTY LIVESTOCK MARKET ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
KENTUCKY	
Floyd County Livestock Market, Ivel, Apr. 16, 1964.	Ivel Livestock Market, Mar. 1, 1969.
OKLAHOMA	
Woodward Livestock Commission Company, Woodward, July 23, 1940.	Woodward Livestock Auction Market, Inc., Feb. 7, 1969.
TEXAS	
Brazoria County Livestock Commission, Inc., Alvin, June 21, 1967.	Brazoria County Livestock Barn, Oct. 6, 1968.
Wharton Auction Company, Wharton, Oct. 26, 1953.	Wharton County Livestock Market, Sept. 1, 1968.
WASHINGTON	
Prosser Commission Company, Prosser, Sept. 22, 1953.	Prosser Commission Company, Inc., Mar. 14, 1969.

Done at Washington, D.C., this 15th day of April 1969.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-4716; Filed, Apr. 18, 1969; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 26]

LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through April 11, 1969. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (55 ships)	370,959
Polish (32 ships)	243,514
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,916
Emilia Plater	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Lelewel	7,817
Ludwik Solski	6,904
Marceli Nowotko	6,660
Mickiewicz	4,344
Moniuszko	9,247
Norwid	5,512
Nowowiejski	9,186
Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
Szymanowski	9,203
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
British (15 ships)	86,595
Court Harwell	7,133
Fortune Glory	5,832
Golden Ocean	3,827
Greenford	2,964
Isabel Erica	7,105
Kingford	2,911
**Meadow Court (trip to North Vietnam under ex-name Ardrossmore—British)	5,820
Rochford	3,324
**Rosetta Maud (trip to North Vietnam under ex-name, Ardtara—British)	5,795
Ruthy Ann	7,361
**Shun On (trip to North Vietnam under ex-name Pundua—British)	7,295
Shun Wah (previous trip to North Vietnam under ex-name Vercharmian—British)	7,265
Shun Wing	6,987
Taipieng (tanker)	5,676
Tetrarch (previous trips to North Vietnam under ex-name Ardowan—British)	7,300
Cypriot (3 ships)	14,481
Acme	7,173
Amfithea	5,171
Marianthi	2,137
Somali (2 ships)	13,531
*Happy Dragon	4,534
Yvonne	8,997

See footnotes at end of table.

	Gross tonnage
Greek (1 ship)	6,724
Leonis (trip to North Vietnam under exname Shirley Christine—British	6,724
Panamanian (1 ship)	1,889
**Salamanca (trip to North Vietnam under ex-name, Milford—British)	1,889
Singapore (1 ship)	4,225
*Lucky Dragon	4,225

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.
b. Previous reports:

Flag of registry:	*Number of ships*
British	1
Italian	1

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross tonnage
Antonia II (Cypriot)	7,303
Dartford (British)	2,739
Shun Tai (Somali)	7,085

b. Previous reports:

Flag of registry:	*Broken up, Sunk, or wrecked*
British	4
Cypriot	5
Greek	1
Lebanese	2
Maltese	1
Polish	1

*Added to Rept. No. 24, appearing in the FEDERAL REGISTER issue of Feb. 4, 1969.

**Ships appearing on the list which have made no trips to North Vietnam under the present registry.

Dated: April 11, 1969.

By order of the Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-4686; Filed, Apr. 18, 1969; 8:50 a.m.]

Office of the Secretary

[Dept. Order 85-A]

BUREAU OF THE CENSUS

Organization and Functions

The following order was issued by the Secretary of Commerce on April 8, 1969. This material supersedes the material appearing at 28 F.R. 6592 of June 26, 1963 and 31 F.R. 5081 of March 29, 1966.

SECTION 1. *Purpose.* This order delegates authority to the Director of the Census and prescribes the functions of the Bureau of the Census.

SEC. 2. *General.* .01 The Bureau of the Census (the "Bureau"), established by the Act of March 6, 1902 (32 Stat. 51), shall continue as a primary operating unit of the Department of Commerce.

.02 The Director of the Census (the "Director"), who is appointed by the President by and with the advice and consent of the Senate, is the head of the Bureau. The Director shall report and be responsible to the Assistant Secretary for Economic Affairs.

.03 The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law, including Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Economic Affairs may prescribe, the Director is hereby delegated the authority of the Secretary of Commerce under:

a. Title 13, United States Code;

b. Section 8 of Executive Order 10999, which directs the Secretary to provide, as required for emergency planning purposes, for the collection and reporting of census information on the status of human and economic resources including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and government; and

c. Sections 1516 and 1519 of title 15, United States Code, except that the delegation hereunder shall be only for the purpose of developing and maintaining a statistical directory of establishments engaged in economic activity.

.02 The Director may redelegate his authority to any employee of the Bureau subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* The Bureau of the Census shall perform the following functions:

a. In cooperation with business, industry and other Government and private organizations, conduct censuses and surveys and otherwise collect, process and analyze statistical data relating to the social and economic activities and characteristics of the population and enterprises of the United States or other areas prescribed by law, and publish and disseminate the resulting statistics for use by business, Government agencies and the public in connection with their social, economic, commercial, and industrial activities;

b. Conduct basic and applied research and development activities directed toward improving quality, lowering costs, and achieving more effective interpretation of censuses and surveys;

c. Conduct statistical research and special studies on domestic and foreign trade, business services, industry, transportation, construction, agriculture, population and housing, and on Federal, State, and local governments; and, based thereon, issue reports, special tabulations and monographs;

d. Develop and maintain a statistical directory of establishments engaged in economic activity in the United States for use by and for Federal statistical agencies for statistical purposes, taking care to preserve the confidentiality of such information as is obtained for the directory from other Federal agencies, as may be deemed appropriate or as may be required by law; and

e. Otherwise serve as the Department's principal organization for collecting, tabulating and processing general purpose statistics.

Effective date: April 8, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-4628; Filed, Apr. 18, 1969; 8:45 a.m.]

[Dept. Order 5-B]

ECONOMIC DEVELOPMENT ADMINISTRATION

Organization and Functions

This material supersedes the material appearing at 33 F.R. 17201 of November 20, 1968.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization and assignment of functions within the Economic Development Administration.

SEC. 2. *Organization structure.* The principal organization structure and line of authority of the Economic Development Administration shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Assistant Secretary for Economic Development.* .01 The Assistant Secretary directs the programs and is responsible for the conduct of all activities of the Economic Development Administration subject to the policies and directives prescribed by the Secretary of Commerce.

.02 The Deputy Assistant Secretary directs and coordinates the Area Offices, assists the Assistant Secretary in all matters affecting the Economic Development Administration, and performs the duties of the Assistant Secretary during the latter's absence.

SEC. 4. *Office of the Deputy Assistant Secretary for Policy Coordination.* The Deputy Assistant Secretary for Policy Coordination, as the principal adviser to the Assistant Secretary on matters of policy coordination shall:

a. Exercise responsibility for EDA's interagency and intergovernmental relations and its relations with those quasi-public and private agencies interested in economic development;

b. Develop policies for improving Federal, State, and local government economic development programing;

c. Provide staff assistance in defining policy issues, coordinate the development and formulation of policy for consideration by the Assistant Secretary, explain the position of the Administration, and exercise principal staff responsibility for policy review and evaluation;

d. Represent the Administration on international organizations when so designated;

e. Coordinate and manage Administration representation on interagency committees;

f. Serve as Executive Secretary and, as required, provide or arrange for staff support for the National Public Advisory Committee on Regional Economic Development;

g. Act as an alternate to the Assistant Secretary in serving as Chairman of EDA's Policy Planning Board and provide secretariat services for the Policy Planning Board; and

h. Review and evaluate legislative and administrative proposals related to economic development and intergovernmental relations for substantive and policy implications.

SEC. 5. *Office of the Deputy Assistant Secretary for Economic Development Planning.* .01 The Deputy Assistant Secretary for Economic Development Planning is the principal adviser to the Assistant Secretary on matters of development planning. Through the offices reporting to him, he shall:

a. Coordinate and direct EDA economic development planning relating to regions, districts (including economic development centers), redevelopment areas, and other areas of substantial need;

b. Formulate and recommend to the Assistant Secretary standards and criteria for administration of economic development planning by Area Offices;

c. Inform the Deputy Assistant Secretary for Policy Coordination of significant developments and problems affecting interagency and intergovernmental development planning for regions, districts, and areas;

d. Designate economic development districts, economic development centers, redevelopment areas, and title I areas which fulfill the statutory criteria;

e. Conduct an annual review of the areas and districts designated for assistance under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121) (the "Act"), and make such modifications or terminations of eligibility as may be appropriate;

f. Provide economic data, analyses and studies, and planning grants to development districts and areas; and

g. Recommend technical assistance proposals for areas, districts, and regions.

.02 The Deputy Assistant Secretary for Economic Development Planning shall direct and supervise the following organization elements:

a. The Office of Planning and Program Support which shall:

1. Have prime responsibility for coordinating the preparation, review and approval of Area and District Action Programs;

2. Develop through Area and District Action Programs, analyses and recommended strategies of economic development for redevelopment areas and economic development districts to include a system of priorities for EDA's financial assistance;

3. Provide reports on the demand for specified commodities and services, efficient capacity, and existing competitive enterprises in industries for use by the Deputy Assistant Secretary for Economic Development Operations in making determinations on excess capacity, pursuant section 702 of the Act;

4. Identify those industries which have demonstrated continuous and substantial growth during the present decade for the purpose of relating those industries to Action Programs;

5. Develop economic development planning systems that reflect agency objectives and respond to area problems and potentials;

6. Develop the methods and techniques needed to evaluate established planning systems including the ability of local area representatives to understand and utilize the planning system as well as the compatibility of locally developed plans with annual agency objectives;

7. Participate in the development of budgetary requirements and coordinate with the Office of Administration and Program Analysis in the allocation of agency resources among Area Offices as well as among agency program objectives;

8. Develop criteria, methods, and guidelines to be proposed by the Assistant Secretary to the Secretary for use by Regional Commissions in developing economic development programs;

9. Provide, on request, guidance to the Regional Commissions in preparing work and study programs for regional development planning;

10. Provide information and special services on domestic and international regional development planning; and

11. Provide guidance to Area Office staffs on the application of economic development planning techniques and systems to the specific problems of the area.

b. The Office of Economic Research which shall:

1. Direct and conduct a program of internal and external economic research designed to meet both planning and operating needs and concerned with economic development problems and opportunities for geographical subdivisions (e.g., regions, development districts, redevelopment areas, etc.);

2. Arrange for and monitor EDA sponsored research by other elements of the Department, other Government agencies, Regional Commissions, or private organizations;

3. Encourage and stimulate research and data collection on economic development both in and out of Government;

4. Review, evaluate, integrate, and disseminate (a) the results of research sponsored by EDA and (b) current methodological and other research findings wherever generated that are relevant to EDA's objectives and programs;

5. Maintain a central reference collection of economic development materials; and

6. Study and evaluate the effects of Government policies on subnational economic development.

c. The Office of Development Organizations which shall:

1. Design and carry out a program to establish multicounty development districts in consultation and with the assistance and cooperation of EDA Area Offices, and with the concurrence of the States affected;

2. Advise and assist Area Offices in implementing economic planning activities after the formal designation of Economic Development Districts (EDD);

3. Initiate policy guidelines and criteria concerning the economic development district and area programs for use by other elements of EDA, and by appropriate State and local agencies;

4. Evaluate and approve proposed area and district economic development organizations and programs for economic soundness, and for compatibility with the requirements and intent of title IV, parts A and B of the Act;

5. Assist State and local efforts to organize economic development districts, including the preparation of district Overall Economic Development Programs (OEDPs) and the recruitment of professional staff;

6. Develop and recommend model administrative budgets, reporting procedures, and job specifications for use by area and district economic development organizations;

7. Provide guidance to EDD and area organizations on the techniques and methods of district economic analysis, and budgeting;

8. Maintain a system of records to indicate progress as compared to planned objectives on all grants made under section 301(b) of the Act;

9. Evaluate, recommend approval, and administer planning grants made under the Act to State, district, and area agencies;

10. Evaluate and recommend candidates for appointments to professional staff positions in economic development districts;

11. Recommend the designation and/or termination of economic development districts and economic development centers;

12. Promptly advise interested Federal, State, and local agencies of all changes affecting the eligibility status of existing or proposed economic development districts;

13. Prepare and distribute maps and related materials showing organizational and designation status of economic development districts;

14. Formulate planning and development policies and procedures for guiding the preparation and submittal of District and Area OEDPs and progress reports, including the establishment of policies and standards for their review by Area Offices;

15. Determine whether an area meets the statistical criteria to qualify as a redevelopment area or a title I area;

16. Initiate changes in the qualification status of redevelopment areas and title I areas;

17. Initiate designation or change in the designation status of redevelopment or title I areas;

18. Conduct an annual review of area eligibility and initiate termination of areas no longer eligible for designation;

19. Recommend minor adjustments in boundaries of redevelopment areas;

20. Initiate suspension of the receipt and processing of all applications for assistance from areas and districts which fail to submit acceptable OEDP progress reports;

21. Provide and evaluate information to aid the Assistant Secretary in designating economic development regions, and subsequently, in modifying their boundaries, in accordance with provisions of the Act; and

22. Assist States to establish Regional Action Planning Commissions within designated regions.

SEC. 6. *Office of the Deputy Assistant Secretary for Economic Development Operations.* .01 The Deputy Assistant Secretary for Economic Development Operations, through the offices reporting to him shall:

a. Provide coordinated direction of all EDA activities related to financial assistance for or to physical projects which will improve local economies and supervise the execution of this aspect of the EDA programs;

b. Recommend standards, policies and criteria for the technical evaluation and processing of project applications for financial assistance, including public works grants and loans, business loans, and technical assistance;

c. Direct, conduct, coordinate, monitor and, where appropriate, originate technical assistance projects (including management assistance and feasibility studies) subject to coordination with the Deputy Assistant Secretary for Economic Development Planning on proposed technical assistance projects related to area, district, center, or regional planning;

d. Review and recommend approval or denial of project applications;

e. Evaluate activities of the Area Offices in applying policies, standards, and procedures for processing project applications to assure efficient, effective, and economical accomplishment of approved projects;

f. Execute agreements with other Federal departments and agencies in consultation with the Deputy Assistant Secretary for Policy Coordination for the conduct of specialized technical assistance; and

g. Study and evaluate the manpower development and training needs of redevelopment areas and of economic development districts, and recommend appropriate joint action with the Departments of Labor and Health, Education, and Welfare.

.02 The Deputy Assistant Secretary for Economic Development Operations shall direct and supervise the following organization elements:

a. The Office of Public Works which shall:

1. Recommend policies, standards, and procedures for accepting, processing, reviewing, and approving requests for public works grants and loans, consistent with the procedures contained in the Act;

2. Review and recommend for approval or denial public works grant and loan project applications, and suggests alternate methods of financing where indicated;

3. Maintain surveillance, evaluate progress, and submit reports on the application by Area Offices of standards, policies, and procedures to assure efficient, effective, and economical accomplishment of the approved projects;

4. Arrange for services from other Federal agencies for the administration of approved public works grants and loans; and

5. Maintain operating liaison with Federal agencies having grant-in-aid programs which may supplement EDA programs, and with those Federal agencies delegated responsibility for administering or servicing EDA projects.

b. The Office of Business Development which shall:

1. Recommend policies, standards, and procedures for processing and approving applications for financial assistance for industrial or commercial usage, consistent with the criteria contained in the Act;

2. Review applications for commercial or industrial loans and working capital guarantees, and recommend approval or denial;

3. Maintain surveillance over the implementation by Area Offices of policies, standards, and procedures related to processing loan applications for business development to assure efficient, effective, and economical accomplishment of the business development programs;

4. Develop and implement EDA approved agreements with the Small Business Administration and other Federal agencies to secure support of the business development programs;

5. Monitor operations of industrial and commercial projects approved by the Administration, including outstanding loans for projects approved under provisions of the Area Redevelopment Act, and prepare reports of accomplishments;

6. Arrange for or provide needed specialized assistance to recipients of EDA industrial and commercial loans and guarantees and ARA loans;

7. Develop policies, plans, and procedures to improve or terminate projects in default of loan conditions;

8. Provide assistance in the liquidation of the affairs and functions conducted under the Area Redevelopment Act; and

9. Maintain operating liaison with other agencies concerned with the activities of this office.

c. The Office of Technical Assistance which shall:

1. Propose policies, standards, and procedures pertaining to the acceptance, review, and approval of requests for technical assistance, consistent with the criteria of the Act;

2. Plan and develop technical assistance projects in cooperation with other offices, where appropriate;

3. Direct or monitor the performance and implementation of approved technical assistance projects;

4. Recommend policies, standards, and procedures for evaluating and utilizing the results of technical assistance projects;

5. Execute agreements with other Federal departments and agencies for the conduct of specialized technical assistance, in consultation with the Deputy Assistant Secretary for Policy Coordination;

6. Recommend, to the Deputy Assistant Secretary for Policy Coordination, policies and practices to facilitate effective relationships with other Government agencies which have complementary programs for technical assistance;

7. Maintain surveillance over the application of policies, standards, and procedures by the Area Offices in processing project applications;

8. Review and recommend project applications for approval or denial; and

9. Coordinate the efforts of EDA in the manpower training program.

SEC. 7. *Office of Administration and Program Analysis.* The Office of Administration and Program Analysis shall be responsible for providing the full range of administrative management services and for program analysis and evaluation functions with respect to EDA's substantive programs. These functions shall be carried out through the principal organizational elements of the office, as prescribed below, except that personnel management services, accounting for administrative funds, and in-house equal opportunity staff services shall be obtained from the appropriate staff in the Office of the Secretary.

.01 The Program and Management Analysis Division shall:

a. Develop and implement measures of resource utilization for programing and budgeting purposes; develop and conduct a systematic program evaluation effort for EDA; prepare the annual Program Memorandum and analytical studies required by the Bureau of the

Budget; and develop cost benefits studies to aid the Assistant Secretary in making choices and decisions between alternative programs for economic development projects, activities, and programs in achieving the objectives of the Act and EDA; and

b. Conduct organization and management studies and surveys; plan and conduct a program for achieving maximum economy, effectiveness, and efficiency, and for obtaining optimum personnel utilization; develop and conduct a program for the efficient management of all official records, including an issuance system for administrative and program orders, and the design and control of official forms; and develop and administer a reports control systems for all administrative and operational reports.

.02 The Budget and Programing Division shall:

Develop and manage an integrated planning-programing-budgeting system for EDA; develop and prepare the annual budget for EDA, be responsible for the total financial program of EDA, and for the fiscal aspects of programs entrusted to other Federal agencies; and operate a fiscal control system for both program and administrative expenses consistent with the requirements of the Anti-Deficiency Act, which shall include but not be restricted to, allotment of funds, operating budgets, employment limitations, and analyses of reports and proposed actions relating thereto.

.03 The Accounting Division shall:

Develop and maintain accounting systems and prepare financial reports for internal and external use, according to the needs of management, the requirements of laws or regulations, and established policies; analyze financial and operating data to assure that financial and management policies are being followed; and serve as the liaison with the Department and other Federal agencies in all accounting matters.

.04 The Information Systems and Services Division shall:

Plan, develop, acquire, and coordinate the use of automatic data processing systems and equipment for EDA; provide data processing services, including the conduct of feasibility studies and the development of systems and programs for the applications of automatic data processing techniques; develop and maintain a comprehensive information and data base system to meet specified requirements for administrative, planning, operational, program management, and program evaluation purposes; and provide periodic and special summary reports on current optional trends and performance comparisons to planned goals.

.06 The Office Services Division shall:

Provide or arrange for office services for the Washington Offices and, as required, the Area Offices and Regional Action Planning Commissions, including the procurement of administrative supplies, vehicle hire, furniture, equipment, and the distribution of printed and bound materials; evaluate, report on, and make recommendations on the utilization of space, supplies, equipment, communications, and services within EDA; and serve as liaison with the Department on office service matters.

.07 The Compliance Division shall:

Formulate and recommend policies, plans and procedures for, and conduct the investigative program consistent with Departmental and other Federal agency's investigative and enforcement limitations; direct the physical security program, including the protection of classified documents and papers; and conduct inspections and special compliance studies, and surveys on programs and technical operations as directed.

.08 The Executive Secretariat shall:

Receive all correspondence addressed to the Office of the Assistant Secretary, and assign it to the appropriate office for action; record controlled and noncontrolled correspondence, maintain prompt followup of replies to insure that deadlines are met; and provide a selective reference service to files as requested by EDA officials.

SEC. 8. *Office of the Chief Counsel.* The Office of the Chief Counsel shall:

a. Render all necessary legal services, subject to the provisions of Department Order 104; and

b. Have primary responsibility for the preparation, coordination, and clearance of all legislation, regulations, and external orders subject to the provisions of applicable Department and Administrative orders.

SEC. 9. *Office of Public Affairs.* The Office of Public Affairs shall:

a. Advise on all public information matters;

b. Conduct a public information program under the policy guidance of the Assistant Secretary for Economic Development; and

c. Provide assistance in the editing, printing, or reproduction, and distribution of technical materials and publications.

SEC. 10. *Office of Congressional Relations.* The Office of Congressional Relations shall:

a. Advise on all congressional matters pertinent to the activities under the direction of the Assistant Secretary; and

b. Serve as the primary point of coordination for continuing liaison with the Congress in collaboration with the Special Assistant to the Secretary for Congressional Relations.

SEC. 11. *Office of Equal Opportunity.* The Office of Equal Opportunity shall:

a. Advise the Assistant Secretary in the development and implementation of policy and guidance affecting equality of opportunity connected with economic development programs;

b. Maintain liaison with Federal, State, and local governmental organizations and with nongovernmental organizations to coordinate and assist in planning operations aimed at achieving nondiscrimination and equality of opportunity;

c. Provide leadership, staff services and advice in matters affecting nondiscrimination to economic development program units, to organizations obligated as participants in an economic development program to achieve nondiscrimination, and to ultimate beneficiaries of economic development program activities:

d. Conduct, sponsor, or coordinate meetings, conferences, and training courses for equal employment specialists, program managers, and executives to achieve nondiscrimination in economic development programs;

e. Establish effective systems throughout the Economic Development Administration to obtain and monitor accurate reports concerning the program of equality of opportunity and assure conformance thereto;

f. Establish report requirements to insure equality of opportunity by participants in economic development programs, conduct onsite inspections, and receive, investigate, and adjust complaints; and

g. Receive, investigate, review, adjust complaints, and evaluate EDA experience relating to the Equal Employment Opportunity program and make recommendations to the Assistant Secretary for improvement of employment practices within the Economic Development Administration.

SEC. 12. *Economic Development Area Offices.* .01 The Economic Development Area Offices, headed by Area Directors, are as follows:

Name	Located at	Serves
Northeastern	Portland, Maine.	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.
Mid-Atlantic	Wilkes-Barre, Pa.	Delaware, Maryland, New Jersey, Pennsylvania, and Puerto Rico.
Mideastern	Huntington, W. Va.	Kentucky, North Carolina, Ohio, Virginia, and West Virginia.
Southeastern	Huntsville, Ala.	Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.
North Central	Duluth, Minn.	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.
Southwestern	Austin, Tex.	Arizona, Arkansas, Colorado, Kansas, Louisiana, New Mexico, Nevada, Oklahoma, Texas, Utah, and Wyoming.
Western	Seattle, Wash.	Alaska, American Samoa, California, Guam, Hawaii, Idaho, Montana, Oregon, and Washington.

.02 Each Area Director is responsible within the limits of his delegated authority for the programs of the Administration in this area and, in this connection shall:

a. Coordinate with local communities in economic planning and in development of Overall Economic Development Programs (OEDP's) which are related to the needs of designated areas and districts serviced by the Area Office;

b. Manage the Economic Development Administration's resources available for use for the economic development of designated areas and districts serviced by the Area Office; and

c. Process applications for economic development assistance, monitor and service approved projects and, when appropriate, liquidate projects.

Effective date: March 17, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-4625; Filed, Apr. 18, 1969; 8:45 a.m.]

[Dept. Order 21]

OFFICE OF MINORITY BUSINESS ENTERPRISE

Organization and Functions

The following order was issued by the Secretary of Commerce on March 20, 1969.

SECTION 1. *Purpose.* This order establishes the Office of Minority Business Enterprise and assigns functions thereto.

SEC. 2. *General.* The Office of Minority Business Enterprise (the "Office") is hereby established as an office in the Office of the Secretary. The Director of the Office shall be the Assistant to the Secretary for Minority Business Enterprise (the "Assistant to the Secretary") who shall report and be responsible to the Secretary.

SEC. 3. *Functions.* .01 The Office of Minority Business Enterprise shall be responsible for performing (subject to the provisions of paragraph .02 below) the functions assigned to the Secretary by section 1 of Executive Order 11458, dated March 5, 1969, entitled "Prescribing Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise." These functions, as stated in the Executive order, are:

(a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall—

(1) Coordinate as consistent with law the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation and strengthening of minority business enterprise.

(2) Promote the mobilization of activities and resources of State and local governments, business and trade associations, universities, foundations, professional organizations, and volunteer and other groups toward the growth of minority business enterprises and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies.

(3) Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the Nation in undertaking or promoting the establishment and successful operation of minority business enterprises.

(b) The Secretary, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), may—

(1) Develop, with the participation of other Federal departments and agencies as appropriate, comprehensive plans of Federal action and propose such changes in Federal programs as may be required.

(2) Require the submission of information from such departments and agencies necessary for him to carry out the purposes of this order.

(3) Convene for purposes of coordination meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order.

(4) Convene business leaders, educators, and other representatives of the private sector engaged in assisting the development of minority business enterprise or who could contribute to its development to propose, evaluate, and coordinate governmental and private activities in furtherance of the objectives of this order.

(5) Confer with and advise officials of State and local governments.

(6) Provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented.

(7) Recommend appropriate legislative or executive actions.

.02 In the performance of these functions by the Office, the Assistant to the Secretary shall:

a. Refer to the Secretary for consideration and guidance, proposals of the Assistant to the Secretary for major changes in the plans, programs, and operations of other departments and agencies;

b. Convene, as he deems necessary, the officials of other departments and agencies designated by the heads thereof to have primary and continuing responsibility for the participation and cooperation of their respective departments and agencies in matters concerning minority business enterprise, and recommend to the Secretary that he convene the heads of departments and agencies when such action appears to be indicated; and

c. Submit to the Secretary any proposed legislative or executive actions for consideration as possible recommendations of the Secretary to the President.

.03 In addition to the functions assigned in paragraph .01 above, the Office shall be responsible for assisting the Secretary in carrying out his responsibilities with respect to the Advisory Council for Minority Enterprise.

SEC. 4. *Support services.* The Office of the Assistant Secretary for Administration shall provide personnel, budget, finance, and administrative support services to the Office.

Effective date: March 20, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-4626; Filed, Apr. 18, 1969; 8:45 a.m.]

[Dept. Order 27]

UNDER SECRETARY OF COMMERCE

Delegation of Authority

The following order was issued by the Secretary of Commerce on April 3, 1969. This material supersedes the material appearing at 30 F.R. 11001 of August 25, 1965.

SECTION 1. *Purpose.* The purpose of this order is to describe the duties and responsibilities of the Under Secretary of Commerce, which position was established by the Act of June 5, 1939 (53 Stat. 808; 15 U.S.C. 1502).

SEC. 2. *Duties and responsibilities.* .01 The Under Secretary of Commerce, as provided by law, shall perform the duties of the Secretary of Commerce as Acting Secretary:

a. In case of the absence or sickness of the Secretary; and

b. Until a successor is appointed, in case of the vacancy of the position of Secretary.

.02 The Under Secretary shall serve as the principal deputy to the Secretary in all matters affecting the Department of Commerce. In this capacity he will perform continuing and special duties as the Secretary may assign from time to time, including, as may be specified by the Secretary, the exercise of policy direction and general supervision of operating units not placed under other Secretarial Officers.

SEC. 3. *Deputy Under Secretary of Commerce.* The Under Secretary of Commerce shall have as his principal assistant a Deputy Under Secretary of Commerce. The Deputy Under Secretary shall perform such duties as may be assigned.

Effective date: April 3, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-4627; Filed, Apr. 18, 1969; 8:45 a.m.]

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1969 Among Producers Located in Virgin Islands and Guam

Correction.

In F.R. Doc. 69-4447 appearing at page 6492 in the issue of Tuesday, April 15, 1969, the following correction should be made in the table: Under the center heading "Virgin Islands," the figure in the "Number of units" column opposite the firm name "Antilles Industries, Inc." should read "444,209".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

WHITMOYER LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additives Carbarsone (Not U.S.P.), Zoalene, Procaine Penicillin; Bacitracin Methylene Disalicylate, Zinc Bacitracin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of July 25, 1968 (33 F.R. 10586), proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use in turkey feed of carbarsone (not U.S.P.) and zoalene with certain specified combinations as an aid in the prevention of blackhead, for the prevention and control of coccidiosis, and for growth promotion and feed efficiency.

Dated: April 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4644; Filed, Apr. 18, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, Region I, during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions and duties redelegated or assigned to the Assistant Regional Administrator for Housing Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Housing Assistance.
2. Director, Tenant and Operations Services Division.
3. Director, Production Division.

This designation supersedes the designation effective March 26, 1967 (32 F.R. 10520 July 18, 1967).

(Delegation May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date. This designation shall be effective as of April 19, 1969.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 69-4703; Filed, Apr. 18, 1969; 8:51 a.m.]

ACTING REGIONAL ADMINISTRATOR REGION II (PHILADELPHIA)

Designation

The officers appointed to the following listed positions in Region II (Philadelphia) are hereby designated to serve as Acting Regional Administrator, Region II, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Administration.
4. Assistant Regional Administrator for Renewal Assistance.
5. Assistant Regional Administrator for Program Coordination and Services.
6. Assistant Regional Administrator for Housing Assistance.
7. Assistant Regional Administrator for Metropolitan Development.
8. Assistant Regional Administrator for Federal Housing Administration.

This designation supersedes the designation effective March 16, 1967 (32 F.R. 4145, Mar. 16, 1967).

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 25th day of March 1969.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 69-4704; Filed, Apr. 18, 1969; 8:51 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, Region IV (Chicago), during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Housing Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Housing Assistance.
2. Director, Production Division, Housing Assistance Office.
3. Director, Technical Services Division, Housing Assistance Office.

The designation effective June 15, 1967 (32 F.R. 8626, June 15, 1967) is hereby revoked.

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 19th day of April 1969.

FRANCIS D. FISHER,
Regional Administrator.

[F.R. Doc. 69-4705; Filed, Apr. 18, 1969; 8:51 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Assistant Regional Administrator for Administration, Region IV, during the absence of the Assistant Regional Administrator for Administration, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Administration: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Administration unless all officers whose titles precede his in this designation are unable to act by reason of absence:

1. Chief, Management and Organization Division.
2. Chief, Personnel Operations Division.

This designation supersedes the designation effective September 27, 1967 (32 F.R. 14972, Oct. 28, 1967).

(Delegation May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 17th day of February 1969.

FRANCIS D. FISHER,
Regional Administrator.

[F.R. Doc. 69-4706; Filed, Apr. 18, 1969; 8:51 a.m.]

ACTING REGIONAL ADMINISTRATOR ET AL., REGION V (FORT WORTH)

Designations

The designations of officers authorized to serve as Acting Assistant Regional Administrators in Region V (33 F.R. 18305, Dec. 10, 1968), are hereby amended under section B by changing paragraph 6 to read as follows:

6. Acting Assistant Regional Administrator for Administration:

a. Director, Personnel Operations Division, Office of Administration.

b. Director, Management and Organization Division, Office of Administration.

Effective date. This amendment of designations is effective as of March 3, 1969.

W. W. COLLINS,
Regional Administrator, Region V (Fort Worth).

[F.R. Doc. 69-4707; Filed, Apr. 18, 1969; 8:51 a.m.]

ACTING REGIONAL COUNSEL, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Counsel, Region VI (San Francisco), during the absence of the Regional Counsel, with all the powers, functions, and duties redelegated or assigned to the Regional Counsel: *Provided*, That no officer is authorized to serve as Acting Regional Counsel unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Counsel.
2. Associate Regional Counsel for Litigation, Legislation and Opinions.
3. Associate Regional Counsel for General Program Services.
4. Associate Regional Counsel for Metropolitan Development.

(Authority delegated effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date: January 1, 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69-4708; Filed, Apr. 18, 1969; 8:51 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION VI (SAN FRANCISCO)

Designation

The officers named herein and appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region IV (San Francisco), during the absence of the Assistant Regional Administrator for Program Coordination and Services with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Program Coordination and Services unless all other officers whose names and titles precede his in this designation are unable to serve by reason of absence:

1. Harvey N. Kroll, Federal Agency Liaison Specialist.
2. Delphia S. Duncan, Assistant to the Assistant Regional Administrator for Program Coordination and Services.

This designation revokes designations effective September 1, 1967 (32 F.R. 13877, Oct. 5, 1967) and July 14, 1968 (not published in FEDERAL REGISTER).

(Delegation effective May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date: October 14, 1968.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 69-4709; Filed, Apr. 18, 1969; 8:51 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Housing Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Housing Assistance.
2. Director, Tenant and Operations Services Division.
3. Director, Production Division.

This designation supersedes the designation effective July 14, 1967 (32 F.R. 11718, Aug. 12, 1967).

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of February 1, 1969.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 69-4710; Filed, Apr. 18, 1969; 8:51 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION AND DIRECTOR, FINANCIAL REVIEW AND ACCOUNTING DIVISION, REGION VI (SAN FRANCISCO)

Redelegation of Authority To Execute Legends on Bonds, Notes or Other Obligations Evidencing Loans Under Title I of the Housing Act of 1949, as Amended

The Assistant Regional Administrator for Administration and the Director, Financial Review and Accounting Division, Region VI (San Francisco), each is hereby authorized within such Region to execute, on behalf of the Secretary of Housing and Urban Development, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation supersedes the redelegation effective March 13, 1967 (32 F.R. 7029, May 9, 1967).

(Secretary's delegation effective Mar. 22, 1966, 31 F.R. 4814, Mar. 22, 1966)

Effective date. This redelegation of authority shall be effective as of January 1, 1969.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 69-4711; Filed, Apr. 18, 1969; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-34]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were terminated, as described in this document during the period from April 28, 1967 to December 11, 1968 (List Nos. 28-67, 29-67, 37-67, 39-67, 3-68, 6-68, 11-68, 14-68, 20-68, 22-68, 24-68, 26-68, 27-68, 31-68, 34-68, and 37-68). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p and 1333 in title 46, United States Code, section 1333 in title 43, United States Code and section 198 in title 50, United States Code while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals, such equipment may be used so long as it is in good and serviceable condition.

BUOYS, LIFE, RING, CORK OR BALSA WOOD

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, Approval Nos. 160.009/12/0, 160.009/14/0, and 160.009/16/0, expired and were terminated, effective July 31, 1967.

The Dodge Cork Co., Inc., Lancaster, Pa. 17604, no longer manufactures certain cork ring life buoys and Approval No. 160.009/27/0 was therefore terminated, effective April 28, 1967.

The Liberty Cork, Inc., 123 Whitehead Avenue, South River, N.J. 08882, Approval No. 160.009/42/0, expired and was terminated effective October 24, 1968.

BUOYANT APPARATUS

The Lunn Laminates, Inc., Straight Patch Road, Wyandanch, Long Island, N.Y. 11798, Approval Nos. 160.010/51/0 and 160.010/52/0, expired and were terminated, effective July 19, 1967.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

The American LaFrance Corp., Elmira, N.Y., Approval Nos. 160.011/5/0, 160.011/13/0, and 160.011/14/0, expired and were terminated, effective July 31, 1967.

The Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pa., Approval No. 160.011/4/0, expired and was terminated, effective July 31, 1967.

COMPASSES, LIFEBOAT

The Kenyon Instrument Co., Inc., Brewster, N.Y., no longer manufactures certain lifeboat compasses, and Approval No. 160.014/7/0 was therefore terminated, effective July 18, 1967.

WINCHES, LIFEBOAT

The Marine Safety Equipment Corp., Point Pleasant Beach, N.J., Approval No. 160.015/44/2, expired and was terminated, effective November 1, 1967.

SEA ANCHORS, LIFEBOAT

The Eveready Canvas Corp., 254 Pearl Street, New York 7, N.Y., Approval No. 160.019/6/0, expired and was terminated, effective July 31, 1967.

SIGNALS, DISTRESS, FLOATING ORANGE SMOKE

The Universal Match Corp., Post Office Box 5841, St. Louis 21, Mo., no longer manufactures certain floating orange smoke distress signals and Approval No. 160.022/6/0 was therefore terminated, effective February 8, 1968.

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE

The Coston Supply Co., 31 Water Street, New York 4, N.Y., Approval No. 160.025/1/0, expired and was terminated, effective July 31, 1967.

DAVITS, LIFEBOATS

The C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., Approval Nos. 160.032/130/0 and 160.032/136/0 were terminated, effective July 17, 1967 and February 18, 1968, Approval Nos. 160.032/141/0 and 160.032/163/0, lifeboat davits no longer comply with specification and were therefore terminated, effective September 30, 1968.

The Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y., Approval No. 160.032/33/2, certain lifeboat davits no longer comply with specification and was therefore terminated, effective September 30, 1968.

The Marine Safety Equipment Corp., Point Pleasant Beach, N.J., Approval Nos. 160.032/113/2, 160.032/131/1, 160.032/132/1, 160.032/133/2, 160.032/134/1, and 160.032/140/2 were terminated, effective July 9, 1967, January 11, 1968, January 8, 1968, July 20, 1967, July 19, 1967, and February 26, 1968, respectively; Approval No. 160.032/167/0 for certain lifeboat davits is no longer manufactured and therefore was terminated, effective September 4, 1968; Approval No. 160.032/145/2 expired and was terminated, effective January 22, 1968.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

The Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, N.Y., Approval No. 160.033/55/0 expired and was terminated, effective July 23, 1967.

HAND PROPELLING GEAR, LIFEBOAT

The Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, N.Y., Approval No. 160.034/17/0 expired and was terminated effective July 19, 1967.

LIFEBOATS

The C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., Approval Nos. 160.035/21/3 and 160.035/24/3 expired and were terminated, effective July 15, 1968.

The Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn, N.Y. 11231, Approval Nos. 160.035/277/1, 160.035/288/1, 160.035/302/1, and 160.035/306/0, expired and were terminated, effective November 1, 1967, July 3, 1968, and March 25, 1968, respectively.

The Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, N.Y., Approval Nos. 160.035/378/0, 160.035/405/0, and 160.035/423/0 expired and were terminated, effective July 23, 1968; Approval No. 160.035/431/0 for certain lifeboats is no longer manufactured and was therefore terminated, effective July 15, 1968.

The Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J., Approval Nos. 160.035/174/2, 160.035/289/1, 160.035/310/0, 160.035/369/0, 160.035/382/0, 160.035/426/0, 160.035/436/0, and 160.035/430/0 expired and were terminated, effective January 22, 1968, July 3, 1968, January 22, 1968, July 3, 1968, October 3, 1967, November 15, 1968, and October 8, 1968 respectively.

Watercraft Ltd., The Bargewalk, East Molesey, Surrey, England, Approval No. 160.035/427/0, expired and was terminated effective December 19, 1967.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

The American Cover Co., Inc., 8815-25 South Avalon Boulevard, Los Angeles 3, Calif., Approval Nos. 160.047/532/0, 160.047/533/0, and 160.047/534/0 expired and were terminated effective April 8, 1968.

The Boyce Manufacturing Co., Acworth, Ga. 30101, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/583/0, 160.047/584/0, and 160.047/585/0 were therefore terminated, effective August 22, 1968.

The Brunswick Corp., Consumer Division, Eminence, Ky. 40019, no longer manufactures certain buoyant vests and Approval Nos. 160.047/318/0, 160.047/319/0, and 160.047/320/0 were therefore terminated effective December 11, 1968.

Drybak, Eminence, Ky. 40019, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/505/0, 160.047/506/0, and 160.047/507/0 were therefore terminated, effective December 11, 1968.

The Firestone Tire & Rubber Co., Akron, Ohio 44309, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/432/0, 160.047/443/0, and 160.047/434/0 were therefore terminated, effective January 26, 1968.

The Mercantile Sale Co., Inc., 301 South Seventh Street, St. Louis 2, Mo., Approval Nos. 160.047/560/0, 160.047/561/0, and 160.047/559/0 expired and were terminated effective October 17, 1968.

The Planet Sales Co., Post Office Box 3568, 1911 East 11th Street, Tulsa, Okla., Approval Nos. 160.047/553/0, 160.047/554/0, and 160.047/555/0 expired and were terminated effective June 19, 1968.

The Saf-T-Mate Co., 1444 North Mitchell Street, Cadillac, Mich. 49601, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/589/0, 160.047/590/0, and 160.047/591/0 were therefore terminated, effective May 28, 1968.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

The American Cover Co., Inc., 8815-25 South Avalon Boulevard, Los Angeles 3, Calif., no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/224/0 was therefore terminated, effective May 1, 1968.

The Badgley Manufacturing Co., 2637 Northeast Union Avenue, Portland, Oreg., Approval No. 160.048/121/0 expired and was terminated, effective June 3, 1968.

The Boyce Manufacturing Co., Acworth, Ga. 30101, no longer manufactures certain kapok buoyant cushions and Approval Nos. 160.048/239/0 and 160.048/241/0 were therefore terminated effective August 22, 1968.

The Brunswick Corp., Consumer Division, Eminence, Ky. 40019, no longer manufactures certain kapok buoyant cushions and Approval Nos. 160.048/26/0 and 160.048/27/2 were therefore terminated, effective December 11, 1968.

Drybak, Eminence, Ky. 40019, no longer manufactures certain kapok buoyant cushions and Approval Nos. 160.048/203/0 and 160.048/204/1 were therefore terminated, effective December 11, 1968.

The H. N. Gilman & Associates, Inc., 2010 Nicollet Avenue, Minneapolis, Minn. 55404, Approval No. 160.048/104/0 expired and was terminated, effective November 1, 1967.

The Marine Hardware and Supply Co., 390 Atlantic Avenue, Boston 10, Mass., Approval No. 160.048/106/0 expired and was terminated, effective January 22, 1968.

The Harry Miller Co., 244 Atlantic Avenue, Boston, Mass. 02110, no longer manufactures certain kapok buoyant cushions and Approval Nos. 160.048/116/0 and 160.048/120/0 were therefore terminated, effective January 26, 1968.

The Planet Sales Co., Post Office Box 3568, 1911 East 11th Street, Tulsa, Okla., Approval No. 160.048/223/0 expired and was terminated effective June 19, 1968.

The Rainer Hassock & Cushion Co., Inc., 2339 Fawcett Avenue, Tacoma, Wash. 98402, Approval No. 160.048/102/0 expired and was terminated effective November 1, 1967.

The Saf-T-Mate Co., 1444 North Mitchell Street, Cadillac, Mich. 49601, no longer manufacturers certain kapok buoyant cushions and Approval No. 160.048/240/0 was therefore terminated effective May 28, 1968.

The Henry H. Smith & Co., 356 East Jefferson Avenue, Detroit 26, Mich., no longer manufacturers certain kapok buoyant cushions and Approval No. 160.048/112/0 was therefore terminated effective January 26, 1968.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

The Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago 36, Ill., Approval No. 160.049/49/0 expired and was terminated effective March 18, 1968; manufacturer no longer desires approval of Approval No. 160.049/59/0 which was therefore terminated, effective September 4, 1968.

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., Approval Nos. 160.049/19/0 and 160.049/46/0 expired and were terminated effective March 25, 1968, and July 6, 1967, respectively.

The Goshen Cushion & Body Co., Goshen, Ind., Approval No. 160.049/20/0 expired and was terminated, effective March 25, 1968.

Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas, Tex. 75207, no longer manufactures certain unicellular plastic foam buoyant cushions and Approval No. 160.049/52/0 was terminated effective June 6, 1968.

Texstar Plastics, 115 East Brackenridge, Fort Wayne, Ind. 46802, no longer manufactures certain unicellular plastic foam buoyant cushions and Approval No. 160.049/34/1 was terminated effective February 13, 1968.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The Bowman Products Co., 850 East 72d Street, Cleveland, Ohio, Approval Nos. 160.052/196/0, 160.052/197/0, and 160.052/198/0 expired and were terminated effective October 25, 1967.

The Brunswick Corp., Brunswick Sports Division, Eminence, Ky., Approval Nos. 160.052/10/0, 160.052/11/0, and 160.052/12/0 expired and were terminated effective December 11, 1968; no longer manufactures certain unicellular plastic foam buoyant vest and Approval Nos. 160.052/174/0, 160.052/175/0, and 160.052/176/0 were terminated effective December 11, 1968.

The Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago 36, Ill., Approval Nos. 160.052/171/0, 160.052/172/0, and 160.052/173/0 expired and were terminated effective September 24, 1967.

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., Approval Nos. 160.052/13/0, 160.052/14/0, and 160.052/15/0 expired and were terminated effective October 11, 1968.

Drake Products, Greenville, Mich., Approval Nos. 160.052/199/0, 160.052/200/0, and 160.052/201/0 expired and were terminated effective October 25, 1967.

Drybak, Eminence, Ky. 40019, no longer manufactures certain unicellular plastic foam buoyant vest and Approval Nos. 160.052/263/0, 160.052/264/0, and 160.052/265/0 were therefore terminated December 11, 1968.

The Gentex Corp., Carbondale, Pa. 18407, no longer desires approval of unicellular plastic foam buoyant vest and Approval Nos. 160.052/156/1, 160.052/157/1, and 160.052/158/1 were therefore terminated effective May 31, 1968.

The Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, no longer desires approval of unicellular plastic foam buoyant vest and Approval Nos. 160.052/246/0, 160.052/247/0, and 160.052/248/0 were therefore terminated effective February 7, 1968.

The Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., Approval Nos. 160.052/16/0, 160.052/17/0, and 160.052/18/0 expired and were terminated effective October 11, 1968.

The National Canvas Products Corp., Post Office Box 1708, Central Station, Toledo 3, Ohio. Approval Nos. 160.052/210/0, 160.052/220/0, and 160.052/221/0 expired and were terminated effective January 24, 1968.

The Nova Products, Inc., Post Office Box 32, Carrollton, Ga., Approval Nos. 160.052/205/0, 160.052/206/0, and 160.052/207/0 expired and were terminated November 5, 1967.

The Seamac Corp., 1505 Pere Marquette Building, New Orleans, La., Approval Nos. 160.052/266/0, 160.052/267/0, and 106.052/268/0 expired and were terminated effective October 30, 1968.

Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill., no longer manufactures certain unicellular plastic foam buoyant vest and Approval Nos. 160.052/84/0, 160.052/85/0, and 160.052/86/0 were therefore terminated, effective April 1, 1968; Approval Nos. 160.052/123/0 and 160.052/124/0 expired and were terminated effective June 11, 1963.

WORK VESTS, UNICELLULAR PLASTIC FOAM

The Gentex Corp., Carbondale, Pa. 18407, no longer desires approval of unicellular plastic foam work vest and Approval No. 160.053/18/0 was therefore terminated effective December 4, 1968.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, Approval Nos. 160.055/82/0 and 160.055/81/0 expired and were terminated October 24, 1967.

FIRE PROTECTIVE SYSTEMS

The Tele-Dynamics Division, American Bosch Arma Corp., 5000 Parkside Avenue, Philadelphia, Pa. 19131, no longer manufactures certain fire protective systems and Approval No. 161.002/7/1 was terminated effective September 13, 1967.

TELEPHONE SYSTEMS, SOUND-POWERED

The Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn, N.Y. 11217, no longer manufactures certain sound-powered telephone systems and Approval No. 161.005/18/1 was therefore terminated effective February 7, 1968; Approval No. 161.005/35/0 expired and was terminated effective April 1, 1968.

VALVES, SAFETY (POWER BOILERS)

The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass. 02093, Approval Nos. 162.001/2/1, 162.001/41/1, 162.001/54/1, 162.001/43/1, and 162.001/67/1 expired and were terminated effective March 18, 1968.

The Crosby Valve & Gage Co., Wrentham, Mass., Approval Nos. 162.001/5/1 and 162.001/8/1 expired and were terminated effective October 11, 1967.

The Foster Engineering Division, General Controls Co., Warwick Industrial Park, Warwick, R.I., Approval No. 162.001/53/1 expired and was terminated effective December 6, 1967.

The Manning, Maxwell & Moore, Inc., Stratford, Conn., no longer manufacturers certain safety valves and Approval Nos. 162.001/56/1 and 162.001/60/1 were therefore terminated effective September 13, 1967.

VALVES, SAFETY (STEAM HEATING BOILERS)

The Ashton Valve Co., Wrentham, Mass. 02093, Approval No. 162.012/18/0 expired and was terminated effective February 18, 1968.

The Crosby Valve & Gage Co., Wrentham, Mass. 02093, Approval Nos. 162.012/15/0, 162.012/16/0, and 162.012/17/0 expired and were terminated effective February 18, 1968.

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

The American Car & Foundry Division, ACF Industries, Inc., 750 Third Avenue, New York 17, N.Y., Approval No. 162.018/41/1 expired and was terminated effective May 29, 1967.

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

The Bastian-Morley Co., Inc., La Porte, Ind., no longer manufactures certain liquefied petroleum gas consuming appliances and Approval Nos. 162.020/132/0, 162.020/133/0, 162.020/154/0, and 162.020/155/0 were therefore terminated, effective July 23, 1968.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio

44135, Approval Nos. 162.025/45/1–48/1, 162.025/49/1–52/1, 162.025/53/1–56/1 and 162.025/96/0 were terminated effective July 18, 1968.

The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, Approval Nos. 162.025/83/0–86/0 and 162.025/87/0–89/0 expired and were terminated effective January 22, 1968.

The Yarnall-Waring Co., Chestnut Hill, Philadelphia 18, Pa., Approval Nos. 162.025/6/2, 162.025/30/2, 162.025/31/2, and 162.025/32/2 expired and were terminated effective March 25, 1968.

FIRE EXTINGUISHERS, SEMIPORTABLE, DRY CHEMICAL TYPE

The Fire Control Engineering Co., 6000 Camp Bowie Boulevard, Fort Worth 16, Tex., because of change in regulation Approval No. 162.032/8/1 was terminated effective December 5, 1968.

FIRE EXTINGUISHING SYSTEMS, CARBON DIOXIDE TYPE

The Randolph Laboratories, Inc., 1450 Frontage Road, Northbrook, Ill., because manufacturer is no longer in business, Approval No. 162.038/5/0 was terminated effective March 18, 1968.

DECK COVERINGS

The Hubbellite Corp., 141 Gulf Building, Pittsburgh, Pa. 15219, Approval No. 164.006/20/0 expired and was terminated effective July 31, 1967.

The Lasting Products Co., 200 Block South Franklintown Road, Baltimore, Md., Approval No. 164.006/31/0 expired and was terminated effective April 1, 1968.

The National Tile & Marble Corp., 361 Rockaway Avenue, Post Office Box 253, Valley Stream, N.Y., Approval No. 164.006/7/0 expired and was terminated effective August 22, 1967.

STRUCTURAL INSULATIONS

The Philip Carey Manufacturing Co., Lockland, Cincinnati, Ohio 45215, no longer manufactures certain structural insulation and Approval No. 164.007/10/0 was therefore terminated, effective July 18, 1967.

BULKHEAD PANELS

The Arnot-Jamestown Division, Aetna Steel Products Corp., 730 Fifth Avenue, New York 19, N.Y., Approval Nos. 164.-008/3/0 and 164.008/2/0 expired and were terminated effective July 31, 1967.

INCOMBUSTIBLE MATERIALS

The Philip Carey Manufacturing Co., Lockland, Cincinnati, Ohio 45215, no longer manufactures certain incombustible material and Approval No. 164.009/1/0 was therefore terminated effective July 18, 1967.

The Owens-Corning Fiberglas Corp., Toledo, Ohio, Approval Nos. 164.009/44/0 and 164.009/53/0 expired and were terminated effective August 3, 1967, and October 30, 1968.

The United States Gypsum Co., 300 West Adams Street, Chicago 4, Ill., Approval Nos. 164.009/9/0 and 164.009/54/0 expired and were terminated effective July 31, 1967 and September 27, 1968.

Dated: April 15, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-4702; Filed, Apr. 18, 1969; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19956]

TRANSPORTES AEREOS NACIONALES, S.A.

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on April 22, 1969, is hereby postponed to April 23, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 15, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-4697; Filed, Apr. 18, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18333, etc.]

COMMUNICATIONS TECHNICAL SALES, INC., ET AL.

Designation Memorandum Opinion and Order; Correction

In re applications of Communications Technical Sales, Inc., for consent to assignment of license of Station KIY585 in the Domestic Public Land Mobile Radio Service at Columbia, S.C., to L. Marion Evans, doing business as Telephone Answering Service, Docket No. 18333, File No. 558–C2–AL–67; for renewal of licenses of Stations KIY585 and KIY589 in the Domestic Public Land Mobile Radio Service at Columbia and Sumter, S.C., Docket No. 18334, File No. 7546–C2–R–68, File No. 51–C2–R–66; for modification of license of Station KIY585 in the Domestic Public Land Mobile Radio Service at Columbia, S.C., Docket No. 18335, File No. 388–C2–ML–66; for consent to assignment of license of Station KIY589 in the Domestic Public Land Mobile Radio Service at Sumter, S.C. to Abraham Thomy, doing business as A-ble Answering Service, Docket No. 18336, File No. 5290–C2–AL–66; for a construction permit to modify the facilities of Station KIY589 in the Domestic Public Land Mobile Radio Service at Sumter, S.C., Docket No. 18510, File No. 2813–C2–P–69; L. Marion Evans, doing business as Telephone Answering Service, for renewal of license of Station KIY760 in the Domestic Public Land Mobile Radio Service at Columbia, S.C., Docket No. 18337, File No. 2868–C2–R–66; May G. Evans, doing business as Evans Telephone Answering Service, for a construction permit to establish new radio facilities in the Domestic Public Land Mobile Radio Service at Columbia, S.C., Docket No. 18511, File No. 4423–C2–P–69; Abraham Thomy, doing business as A-ble Answering Service, for a construction permit to establish new radio facilities in the Domestic Public Land Mobile Radio Service at Sumter, S.C., Docket No. 18512, File No. 3519–C2–P–69; for renewal of license of Station KFL907 in the Domestic Public Land Mobile Radio Service at Florence, S.C., Docket No. 18513, File No. 5119–C2–R–69.

The Commission's Memorandum Opinion and Order (34 F.R. 6496) in the above-entitled proceeding (FCC 69–317) adopted April 2, 1969, and released April 3, 1969, is corrected as follows:

In the Third from final paragraph of the order (Paragraph No. 7), correct the last part of said paragraph to read that the petition "against the application by Thomy is hereby dismissed".

Released: April 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4701; Filed, Apr. 18, 1969; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2146]

ALABAMA POWER CO.

Notice of Application for Amendment of License for Constructed Project

APRIL 15, 1969.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Alabama Power Co. (correspondence to: Walter Bouldin, President, Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35203) for constructed Project No. 2146, located on the Coosa River in Cherokee County, Ala.

The application seeks authorization to remove from the Weiss Development of the project approximately 3 acres of project land which (along with 137 acres of nonproject lands) would be deeded to Georgia Power Co. for use in the latter's construction thereon of facilities for an ash disposal area in connection with Georgia Power Co.'s Hammond steam-electric generating plant. The 3 acres of project land lie below the normal level of Lake Weiss, which is at elevation 564 feet m.s.l., and are located in the vicinity of miles 269 and 270 on the Coosa River. An earthfill dike to elevation 600 feet m.s.l. would be constructed within the perimeter of the 140-acre tract.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4630; Filed, Apr. 18, 1969; 8:45 a.m.]

[Docket No. CP69-258]

CITIES SERVICE GAS CO.

Notice of Application

APRIL 11, 1969.

Take notice that on April 4, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP69–258 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities all of which are or will be used in the transportation of natural gas in interstate commerce, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to perform the following:

(1) To replace approximately 4.6 miles of 4-inch pipe with 6-inch pipe on the Smith Center Line, Jewel County, Kans.;

(2) To replace approximately 4.6 miles of 4-inch pipe with 6-inch pipe on the Osborne Line, Mitchell County, Kans.;

(3) To construct approximately 4.5 miles of 12-inch loop on the existing 8-inch Superior System, Lincoln County, Kans.;

(4) To construct approximately 3.8 miles of 6-inch loop on the existing 4-inch Mulvane Line, Sedgwick County, Kans.;

(5) To replace approximately 9.2 miles of 16-inch pipe with 20-inch pipe on the Dilworth-Haysville Line, Sumner and Sedgwick Counties, Kans.;

(6) To construct and operate 9,300 horsepower at the Humboldt Compressor Station, Allen County, Kans.;

(7) To construct and operate approximately 7.4 miles of 6-inch loop line to the existing 4-inch Holton Line in Brown and Jackson Counties, Kans.;

(8) To install an additional 660 horsepower at Atchison Compressor Station, Atchison County, Kans.;

(9) To replace approximately 0.7 mile of 8-inch pipe with 12-inch pipe on the intake line of the Atchison Compressor Station, Atchison County, Kans.;

(10) To construct approximately 5.9 miles of 16-inch loop on the existing 12-inch St. Joseph Pipeline System in Leavenworth County, Kans., and Platte County, Mo.; and

(11) To construct approximately 4.8 miles of 12-inch loop to the 8-inch Carrollton System in Lafayette County, Mo.

The total estimated cost of the proposed facilities is $3,854,700, which will be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4631; Filed, Apr. 18, 1969; 8:45 a.m.]

[Docket No. RP69-19 etc.]

CONSOLIDATED GAS SUPPLY CORP.

Order Consolidating Proceedings and Permitting Intervention

FEBRUARY 28, 1969.

Consolidated Gas Supply Corp., Dockets Nos. RP69–19; CP67–307; G–1972.

On December 31, 1968, Consolidated Gas Supply Corp. (Consolidated) tendered for filing in Docket No. RP69–19 proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2 to become effective on February 15, 1969. Notice of the proposed changes in rates was issued January 6, 1969, and published in the FEDERAL REGISTER on January 14, 1969, 34 F.R. 529. By order issued February 11, 1969, the Commission suspended the proposed revised tariff sheets until July 15, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act, and scheduled a public hearing to be held thereon commencing March 10, 1969.[1]

On March 11, 1968, in Consolidated Gas Supply Corp., Docket No. CP67–307, 39 FPC 248, the Commission issued to Consolidated a certificate of public convenience and necessity authorizing, inter alia, the construction and operation of the facilities required to transport from Lebanon, Ohio, to Beaver, Pa., 200,000 Mcf of gas per day to be purchased by Consolidated from Texas Gas Transmission Corp. Paragraph G(3) of the order provides that (39 FPC at 254):

(3) The certificate granted to Consolidated herein is without prejudice to the final outcome of a further proceeding, to be scheduled by subsequent order, regarding the issue of whether this and subsequent certificates granted to Consolidated should be conditioned to impose volumetric limitations on the maximum quantities of gas which Consolidated may sell to its interstate wholesale customers on a firm basis.

On August 20, 1968, Consolidated filed a petition in Docket No. G–1972 asking that the Commission's order issued July 10, 1953, in New York State Natural Gas Corp., 12 FPC 1073, as amended 13 FPC 1361, be further amended to remove the volumetric limitations placed on the volumes of gas which Consolidated's predecessor (New York State Natural) could deliver to New York State Electric & Gas Corp. Consolidated claims that it inadvertently overlooked this volumetric limitation when New York Electric and it entered into a new service agreement which superseded all prior existing agreements without fixing any restrictions upon the maximum volumes of gas which can be sold and delivered by Consolidated to New York Electric.

Paragraph (A) of the Commission's order issued February 11, 1969, in Docket No. RP69–19 indicated that the hearing therein provided for would concern "* * * the lawfulness of the rates, charges, classifications and services contained in Consolidated's FPC Gas Tariff, as proposed to be amended." Since a determination as to whether volumetric limitations should be imposed in orders issuing certificates to Consolidated will require a review of the general terms and conditions contained in Consolidated's Tariff, rate schedules, and service agreements, it is appropriate that the issue of volumetric limitations raised

[1] Mar. 10, 1969 occurs on a Monday. Since the Commission normally avoids scheduling hearings to commence on Mondays in order to eliminate weekend traveling inconvenience, this order will change the date for commencement of the hearing from Mar. 10, to Mar. 11, 1969.

in Dockets Nos. CP67–307 and G–1972 be combined with Consolidated's rate proposals in Docket No. RP69–19 for hearing and decision.

As hereinafter indicated, most of Consolidated's nonaffiliated customers have already filed petitions to intervene in any proceedings to be held with respect to the rate filing in Docket No. RP69–19. Additional parties may wish to file petitions to intervene in these proceedings as a result of the consolidation of questions pertaining to volumetric limitations. Petitions to intervene should be filed on or before March 10, 1969, and all petitioners will be permitted to participate at the hearing to commence on March 11, 1969, pending final action by the Commission on their petitions seeking leave to intervene.

Petitions seeking leave to intervene in the proceeding in Docket No. RP69–19 were timely filed as indicated in the following tabulation:

Names of petitioners	*Dates of filing*
Akron, Ohio, city of	Jan. 31, 1969
Corning Natural Gas Corp	Jan. 21, 1969
Iroquois Gas Corp	Jan. 29, 1969
General Services Administration	Do.
Pennsylvania Gas Co	Jan. 31, 1969
Producers Gas Co	Jan. 27, 1969
New York State Electric & Gas Corp	Jan. 29, 1969
Niagara Mohawk Power Corp	Do.
North Penn Gas Co	Jan. 15, 1969
Rochester Gas & Electric Corp	Jan. 29, 1969
Southern Tier Gas Corp	Jan. 21, 1969
Transcontinental Gas Pipe Line Corp	Jan. 31, 1969
United Natural Gas Co	Do.

All of the petitioners allege that they purchase natural gas or storage services from Consolidated and that their rates will be adversely affected if Consolidated's proposed rate changes are approved by the Commission.

The Public Service Commissions of the States of New York and West Virginia filed notices of intervention on January 22, 1969, and January 31, 1969, respectively.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the issues raised with respect to volumetric limitations in Dockets Nos. CP67–307 and G–1972 be consolidated with the rate proposals in Docket No. RP69–19 for hearing and decision.

(2) It is desirable to allow the companies, municipality, and agency which have filed petitions to intervene to become interveners in these proceedings in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The date for commencement of the hearing in these proceedings is changed from March 10, 1969, to March 11, 1969.

(B) Questions with respect to imposition of volumetric limitations in certificates heretofore issued in Dockets Nos. CP67–307 and G–1972, or hereafter to be issued, are consolidated with the rate proposals in Docket No. RP69–19 for hearing and decision.

(C) At the hearing to be held on March 11, 1969, the Examiner shall determine when direct and rebuttal evidence concerning the issue of volumetric limitations shall be presented.

(D) The above-named petitioners are hereby permitted to become interveners in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(E) Parties permitted to intervene by paragraph (D) above shall be entitled to participate fully in matters pertaining to volumetric limitations without the necessity of their having to file additional petitions to intervene.

(F) Additional protests or petitions to intervene may be filed on or before March 10, 1969, with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10).

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–4632; Filed, Apr. 18, 1969; 8:45 a.m.]

[Docket No. CP69–257]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

APRIL 11, 1969.

Take notice that on April 4, 1969, East Tennessee Natural Gas Co. (Applicant), Post Office Box 10245, Knoxville, Tenn. 37919, filed in Docket No. CP69–257 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to serve additional requirements to certain of its existing jurisdictional customers commencing with the 1969–70 winter heating season. In order to render such service, Applicant proposes to construct and operate an additional 1,000 horsepower compressor unit at its existing Greenbrier Compressor Station, a new 1,000 horsepower compressor unit at the new Lewisburg Compressor Station, and a 2-inch side valve assembly sales meter station at MLV 3208. The proposed facilities will provide Applicant with a design capacity of 303,310 Mcf of natural gas per day.

Applicant also proposes to increase its deliveries to its resale customers by a total of 9,194 Mcf per day starting with the 1969–70 winter heating season.

The total estimated cost of the proposed facilities is $930,540, which will be financed initially from general funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–4633; Filed, Apr. 18, 1969; 8:45 a.m.]

[Docket No. RI69–689 etc.]

MIDHURST OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 14, 1969.

Midhurst Oil Corp. and other respondent listed herein, Docket No. RI69–689 etc.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 28, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69–689	Midhurst Oil Corp. 1030 Bank of the Southwest Bldg., Houston, Tex. 77002.	[3] 22	3	Cities Service Gas Co. (Waynoka West Pool, Wood County, Okla. (Oklahoma "Other" Area) and Woodward County, Okla.) (Panhandle Area).	$2,160	3–17–69	[4] 4–17–69	[5] 4–18–69	[6] 13.0	[6][7] 14.0	
RI69–690	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	[8] 79	2	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Area, Beaver County, Okla.) (Panhandle Area).	500	3–24–69	[10] 5–1–69	[5] 5–2–69	[8] 15.0	[6][7] 16.0	

[3] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61–1 and proposed rate does not exceed area initial service ceiling of 15 cents per Mcf for the Oklahoma "Other" Area or 17 cents per Mcf for the Oklahoma, Panhandle Area.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Basic contract dated after Sept. 28, 1960, the date of issuance of Commission's statement of general policy No. 61–1 and the proposed price does exceed area initial service ceiling of 17 cents per Mcf.
[10] The stated effective date is the effective date requested by Respondent.

Midhurst Oil Corp. (Midhurst) requests that its proposed rate increase be permitted to become effective as of March 17, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Midhurst's rate filing and such request is denied.

The contracts related to the rate filings proposed by Midhurst and Union Oil Company of California (Union Oil) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Midhurst and Union Oil's proposed rate filings should be suspended for 1 day from April 17, 1969 (Midhurst), the expiration date of the statutory notice, and May 1, 1969 (Union Oil), the proposed effective date.

[F.R. Doc. 69–4634; Filed, Apr. 18, 1969; 8:45 a.m.]

[Project No. 935]

PACIFIC POWER & LIGHT CO.

Notice of Application for Amendment of Plans for Constructed Project

APRIL 15, 1969.

Public notice is hereby given that application for amendment of plans has been filed pursuant to the regulations under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. (correspondence to: E. Robert de Luccia, Senior Vice President, Public Service Building, Portland, Oreg. 97204) for constructed Project No. 935, known as the Merwin (Ariel) Project, located on the Lewis River in Clark and Cowlitz Counties, Wash., in the vicinity of Ariel and Woodland in Cowlitz County, and Ridgefield and Van Couver in Clark County.

The application includes revised Exhibits K and L drawings showing the following project structural changes made over a period of years after construction of the dam: (1) During 1934–37, 5-foot flashcards were added to top of spillway gates which raised the maximum operating level of the reservoir within the project boundary from elevation 235 feet to 239.6 feet; and (2) during 1948–49 the height of the parapet and cutoff walls on the nonoverflow gravity section adjacent to the spillway was raised from 240 feet to 242 feet, and during the same period a cutoff wall was extended into the right abutment, and a concrete diversion wall was constructed adjacent to the spillway training wall.

Any person desiring to be heard or to make any protest with reference to said application should on or before

May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4635; Filed, Apr. 18, 1969; 8:46 a.m.]

[Docket No. CS69-37, etc.]

A. WALTER SOCOLOW ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 14, 1969.

A. Walter Socolow, agent for Betty Guttag et al., and other applicants listed herein, Dockets Nos. CS69-37 etc.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS69-37	3-14-69	A. Walter Socolow, Agent for Betty Guttag et al., 580 Fifth Avenue, New York, N.Y. 10036.
CS69-38 [2]	3-20-69	Richard B. Hamm, Box 5241, Midland, Tex. 79701.
CS69-39	3-25-69	MKA Oil Properties, c/o Michael L. Klein, General Partner, 129 Petroleum Life Bldg., Midland, Tex. 79701.
CS69-40	3-26-69	Damson Exploration Corp., 366 Madison Avenue, New York, N.Y. 10017.
CS69-41	3-26-69	RPL Oil Co., Inc., Post Office Box 5456, Midland, Tex. 79701.
CS69-42	3-26-69	Fowler & McDaniel, 117 Midland Tower Bldg., Midland, Tex. 79701.
CS69-43	3-27-69	Aycock & Hillin (Operator) et al., 1216 Vaughn Building, Midland, Tex. 79701.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[2] Application erroneously assigned Docket No. CI69-891. Docket No. CI69-891 is canceled and same application reassigned Docket No. CS69-38.

[F.R. Doc. 69-4636; Filed, Apr. 18, 1969; 8:46 a.m.]

[Dockets Nos. G-1922, CP69-256]

TENNESSEE GAS PIPELINE CO.

Notice of Application and Petition To Amend

APRIL 15, 1969.

Take notice that on April 4, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-256 an application pursuant to section 3 of the Natural Gas Act for authorization to import natural gas from Canada to the United States. Concurrently with the aforementioned filing, Applicant filed in Docket No. G-1922 a petition to amend further the Presidential Permit, as amended, issued therein whereby Applicant would be authorized to use facilities located at the international boundary between the United States and Canada for the importation of the aforementioned natural gas. Both proposals are more fully set forth in the application and petition to amend which are on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to import 25 million Mcf of natural gas during the period beginning November 1, 1969, and ending November 1, 1970. The gas is to be delivered by TransCanada Pipelines, Ltd., at the existing interconnection of the pipeline facilities of Applicant and TransCanada on the international boundary near Niagara Falls, N.Y.

Applicant will pay a sum of 37.25 cents per Mcf at 14.73 p.s.i.a. for the gas.

Applicant also filed a request in Docket No. G-1922 for an amendment to the Presidential Permit issued therein authorizing the use of the aforementioned existing facilities at the international boundary near Niagara Falls, N.Y., for the importation of the gas sought in Docket No. CP69-256.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4637; Filed, Apr. 18, 1969; 8:46 a.m.]

[Docket No. RI69-561, etc.]

TEXACO, INC., ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

APRIL 14, 1969.

Texaco Inc., Dockets Nos. RI69-561 and RI69-507; Texaco Inc. (Operator) et al., Docket No. RI69-485.

On February 3, 1969, January 6, 1969, and December 26, 1968, Texaco Inc., and Texaco Inc. (Operator) et al. (both referred to herein as Texaco), previously filed for rate increases which did not include the 1-cent minimum guarantee for liquids provided by the contracts. The previously proposed rate increases were suspended in Dockets Nos. RI69-561 (Rate Schedule No. 26), RI69-507 (Rate Schedule No. 197), and RI69-485 (Rate Schedule No. 290), until August 6, 1969, July 6, 1969, and June 26, 1969, respectively.

On March 14, 1969, Texaco submitted three revised notices of change in rates, designated as Supplement No. 1 to Supplement Nos. 16, 8, and 11 to Texaco's FPC Gas Rate Schedule Nos. 26, 197, and 290, respectively, amending the supplements to the aforementioned rate schedules to provide for rate increases to 15.2693 cents, 15.006 cents, and 15.2693 cents per Mcf instead of the 14.2693 cents, 14.00595 cents, and 14.2693 cents rates previously filed. Texaco did not include as part of its previously filed rates the 1 cent per Mcf minimum guarantee for liquids contained in the contracts. Texaco was advised that if it wanted to collect under the minimum guarantee provision it could do so provided it filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator) et al. The proposed substitute rate filings are set forth in Appendix A hereof.

Texaco's proposed 15.2693 cents, 15.006 cents, and 15.2693 cents per Mcf rates exceed the area ceiling for increased rates in the San Juan Basin Area and Colorado as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rates in said dockets. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Texaco's revised notices of change in rates subject to the suspension proceedings in Dockets Nos. RI69-561, RI69-507, and RI69-485, with the suspension periods of such substitute rate filings to terminate concurrently with the suspension periods August 6, 1969 (Docket No. RI69-561), July 6, 1969 (Docket No. RI69-507), and June 26, 1969 (Docket No. RI69-485) of the original rate filings in said dockets.

The Commission orders:

(A) The suspension orders issued February 3, 1969, January 6, 1969, and December 26, 1968, in Dockets Nos. RI69-561, RI69-507, and RI69-485, respectively, are amended only so far as to permit the 15.2693 cents, 15.006 cents, and 15.2693 cents per Mcf rates provided in Supplement No. 1 to Supplement Nos. 16, 8, and 11 to Texaco's FPC Gas Rate Schedule Nos. 26, 197, and 290, respectively, to supersede Supplement Nos. 16, 8, and 11 to Texaco's aforementioned rate schedules, subject to the suspension proceedings in Dockets Nos. RI69-561, RI69-507, and RI69-485. The suspension periods for such substitute rate filings shall terminate concurrently with the suspension periods Aug. 6, 1969, Docket No. RI69-561; July 6, 1969, Docket No. RI-69-507; and June 26, 1969, Docket No. RI69-485, presently in effect in said dockets.

(B) In all other respects, the orders issued by the Commission on February 3, 1969, January 6, 1969, and December 26, 1968, in Dockets Nos. RI69-561, RI69-507, and RI69-485, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-561	Texaco, Inc., Post Office Box 2100, Denver, Colo. 80201, Attention: Mr. N. G. Kittrell.	26	2 1 to 16	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	$10,192	3-14-69	4-14-69	8 8-6-69	7 14.2501	6 7 15.2693	RI68-16.
RI69-507	do	197	8 1 to 8	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	2,502	3-14-69	4-14-69	9 7-6-69	6 14.005	6 10 15.006	RI68-16.
RI69-485	Texaco, Inc. (Operator) et al.	290	10 11 1 to 11	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	6,880	3-14-69	4-14-69	12 6-26-69	6 7 14.2501	6 8 7 15.2693	RI68-161.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Revises notice of change filed Feb. 3, 1969, suspended in Docket No. RI69-561 to include 1 cent per Mcf minimum guarantee for liquids.
[3] The end of the suspension period for the previously filed 14.2693 cents per Mcf rate in Docket No. RI69-561.
[4] Periodic rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Includes 1 cent per Mcf minimum guarantee for liquids.
[7] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax plus 0.015 cent conservation tax.
[8] Revises notice of change filed Jan. 6, 1969, suspended in Docket No. RI69-507 to include 1 cent per Mcf minimum guarantee for liquids.
[9] The end of the suspension period for the previously filed 14.00595 cents per Mcf rate in Docket No. RI69-507.
[10] Revises notice of change filed Dec. 26, 1968, suspended in Docket No. RI69-485 to include 1 cent per Mcf minimum guarantee for liquids.
[11] Not applicable to acreage added by Supplement No. 7.
[12] The end of the suspension period for the previously filed 14.2501 cents per Mcf rate in Docket No. RI69-485.

[F.R. Doc. 69-4638; Filed, Apr. 18, 1969; 8:46 a.m.]

[Docket No. CP69-259]

UNITED NATURAL GAS CO.

Notice of Application

APRIL 14, 1969.

Take notice that United Natural Gas Co. (Applicant), 308 Seneca Street, Oil City, Pa. 16301, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities, and for an order permitting and approving the abandonment of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities:

1. Approximately 9.5 miles of 12-inch pipeline in the Sharon area of Mercer County, Pa., to provide an additional delivery point into Applicant's system from Tennessee Gas Pipeline Co.'s pipeline.

2. Approximately 6.3 miles of 24-inch pipeline in Hebron and Allegany Townships, Potter County, Pa., to replace existing sections of 8-inch and 12-inch pipe leading from the Ellisburg Storage Pool.

Applicant also proposes to abandon in place the 8-inch and 12-inch line replaced by the 6.3 miles of 24-inch pipe.

Applicant estimates the cost of these facilities at $1,797,202, which it proposes to raise from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4639; Filed, Apr. 18, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

APRIL 15, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Comstock-Keystone Mining Co., now known as Memory Magnetics International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 16, 1969, through April 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4669; Filed, Apr. 18, 1969; 8:48 a.m.]

DUMONT CORP.

Order Suspending Trading

APRIL 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 16, 1969, through April 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4670; Filed, Apr. 18, 1969; 8:48 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

APRIL 15, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 16, 1969, through April 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4671; Filed, Apr. 18, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 05/02-0205]

MASTER CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that the Small Business Administration (SBA) accepted on April 4, 1969, the surrender of the license issued to Master Capital Corp., Coral Gables, Fla.

By notice published November 26, 1968, in the FEDERAL REGISTER, SBA invited comments regarding the pending request of Master Capital Corp. to surrender its license. SBA received no comments. Master Capital Corp. satisfied all conditions for license surrender. They are not indebted to SBA.

The corporation no longer is licensed to operate as a small business investment company.

Dated: April 10, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-4673; Filed, Apr. 18, 1969; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Corrected Car Distribution Direction 38-A]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Upon further consideration of Corrected Car Distribution Direction No. 38, and good cause appearing therefor:

It is ordered, That:

Corrected Car Distribution Direction No. 38 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 9 a.m., April 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4691; Filed, Apr. 18, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 45]

NORFOLK AND WESTERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Norfolk and Western Railway Co. shall deliver to the Chicago, Rock Island and Pacific Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., April 16, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., May 4, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4692; Filed, Apr. 18, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 33-A]

NORFOLK AND WESTERN RAILWAY CO. ET AL.

Car Distribution

Norfolk and Western Railway Co., Chicago, Rock Island and Pacific Railroad Co., Minneapolis, Northfield and Southern Railway, Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 33, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 33 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 9 a.m., April 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D. C., April 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4693; Filed, Apr. 18, 1969; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 16, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41615—*Tin mill black plate from points in Illinois Freight Association territory.* Filed by Illinois Freight Association, agent (No. 342), for interested rail carriers. Rates on tin mill black plate, as described in the application, in carloads, from specified points in Illinois and Indiana, also Milwaukee, Wis., to specified points in Alabama and Florida, also to New Orleans and Baton Rouge, La., and Pascagoula, Miss.

Grounds for relief—Market Competition.

Tariff—Supplement 18 to Illinois Freight Association, agent, tariff ICC 1159.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4694; Filed, Apr. 18, 1969; 8:50 a.m.]

[Notice 816]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 15, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 94350 (Sub-No. 221 TA), filed April 9, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: G. P. Apperson, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Aberdeen and Prairie, Miss., to points east of the Mississippi River, including Louisiana and Minnesota, but excluding Flint, Detroit, and Mount Clemens, Mich., for 180 days. Supporting shipper: Prairie Industries, Inc., Prairie, Miss. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 60A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 107496 (Sub-No. 723 TA), filed April 10, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin, and Illinois, for 150 days. Supporting shipper: Texas Gulf Sulphur Co., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 117765 (Sub-No. 78 TA), filed April 8, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer compounds, fertilizer ingredients, fertilizer materials, and urea*, other than liquid, from Oklahoma City, Okla., to points in Arkansas, Kansas, and Texas; (2) *urea* from Oklahoma City, Okla., to points in Oklahoma (applicable on shipments having prior interstate movement by rail); (3) *prepared animal and poultry feed*, in bags and containers, from Oklahoma City, Okla., to points in Arkansas and Texas, for 180 days. Supporting shipper: American Cyanamid Co. (Agricultural Division), R. J. Van Nostrand, Traffic Manager, Post Office Box 400, Princeton, N.J. 08540. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 118535 (Sub-No. 41 TA), filed April 1, 1969. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, Mo. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from the plantsite of Arco Chemical Co., Division of Atlantic-Richfield Co. (formerly Sinclair Oil Corp.) at or near Fort Madison, Iowa, to points in Arkansas, Illinois (except points in the Chicago, Ill., commercial zone), Kansas, Kentucky, Michigan, Minnesota, Missouri (except points in the St. Louis, Mo., commercial zone), Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin; restricted to traffic originating at the plantsite of Arco Chemical Co., Division of Atlantic-Richfield Co. (formerly Sinclair Oil Corp.) at or near Fort Madison, Iowa, and destined to points in the named destination States, for 180 days. Supporting shipper: Arco Chemical Co., Division of Atlantic-Richfield Co., 120 South Riverside Plaza, Chicago, Ill. 60606. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119305 (Sub-No. 7 TA), filed April 10, 1969. Applicant: C. ROBERT NATTRESS & DONALD NATTRESS, doing business as B & D TRUCKING SERVICE, 33 West Garfield Avenue, Norwood, Pa. 19074. Applicant's representative: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia, Pa. 19103. Authority sought

to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery products*, from Marysville, Pa., to Newark, N.J., for 180 days. Supporting shipper: Specialty Bakers, Inc., Marysville, Pa. 17053. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 119934 (Sub-No. 155 TA), filed April 10, 1969. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid;* from Cleveland, Ohio, to points in Illinois and Indiana, for 180 days. Supporting shipper: Mobil Chemical Co., 401 East Main Street, Richmond, Va. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 121427 (Sub-No. 5 TA), filed April 8, 1969. Applicant: MISSISSIPPI FREIGHT LINES, INC., 210 Beatty Street, Post Office Box 8802, Jackson, Miss. 39202. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading; (1) between Louisville, Miss., and Houston, Miss.; from Louisville over Mississippi Highway 15 to Houston, and return over the same route serving all intermediate points; (2) between Ackerman, Miss., and Eupora, Miss.; from Ackerman to Eupora, over Mississippi Highway 9, and return over the same route serving all intermediate points; (3) between Eupora, Miss., and Columbus, Miss.; from Eupora over U.S. Highway 82 to Columbus, and return over the same route, serving all intermediate points; (4) between Columbus, Miss., and Aberdeen, Miss., serving only the plantsite of Conoco Plastics at Aberdeen, Miss.; from Columbus, Miss., to Aberdeen, Miss., over U.S. Highway 45, and return over the same route, serving no intermediate points for 180 days. NOTE: The above authority will be joined with applicant's present authority between Jackson, Forest, and Meridian, Miss., on the one hand, and various Mississippi points, including Louisville, Miss. Supporting shippers: There are approximately 40 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 124078 (Sub-No. 378 TA), filed April 10, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate and anhydrous ammonia*, in bulk, from the plantsite of Central Nitrogen, Inc., located at or near Terre Haute (Vigo County), Ind., to points in Illinois, Indiana, Iowa, Michigan, Ohio, and Wisconsin, for 150 days. Supporting shipper: Central Nitrogen, Inc., Post Office Box 535, Terre Haute, Ind. 47808 (Frank J. Walsh, Director of Purchasing and Traffic). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203

No. MC 129282 (Sub-No. 4 TA), filed April 9, 1969. Applicant: FRED S. BERRY, doing business as BERRY TRANSPORTATION COMPANY, Post Office Box 1824, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages; empty bottles, cans, cartons, kegs, or other containers and pallets*, between San Antonio, Tex., and points in Louisiana, and Texarkana, Ark., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Lone Star Brewing Co., San Antonio, Tex. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 133035 (Sub-No. 8 TA), filed April 9, 1969. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin, and Illinois, for 150 days. Supporting shipper: Texas Gulf Sulphur Co., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133617 TA, filed April 9, 1969. Applicant: GLEN CREEK, doing business as CREEK TRUCKING COMPANY, Post Office Box 84, Woodburn, Ky. 42170. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Atlanta, Ga.; Belleville, Ill.; Cincinnati, Ohio; Detroit, Mich.; Milwaukee, Wis.; Peoria, Ill.; and St. Louis, Mo., to Bowling Green, Ky., and *empty containers* on return, for 180 days. Supporting shippers: John J. Kinnarney, Jr., John J. Kinnarney Distributing Co., 502 East First Street, Bowling Green, Ky. 42101; William D. Lowe, Lowe Distributing Co., Old Louisville Road, Bowling Green, Ky. 42101; John H. Greer, President, J & B Distributors, Inc., 602 Kentucky Street, Bowling Green, Ky. 42101; Richard Dunklau, Partner, M & D Distributing Co., 2816 Russellville Road, Bowling Green, Ky. 42101; H. J. Dunklau, H. J. Dunklau & Sons, 2818 Russellville Road, Bowling Green, Ky. 42101. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4695; Filed, Apr. 18, 1969; 8:50 a.m.]

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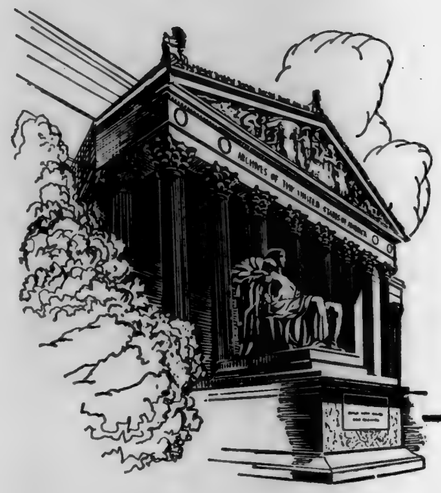
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Title 3—THE PRESIDENT

Executive Order 11466

ADMINISTRATION OF CERTAIN JOINTLY FUNDED PROJECTS

By virtue of the authority vested in me by section 612 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2962), section 406 of the Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3886), and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Director of the Bureau of the Budget is authorized to designate, from time to time, projects for joint funding under section 612 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2962), and section 406 of the Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3886). The Director of the Bureau of the Budget is also authorized to designate, or provide criteria for the designation of, one Federal agency to act for all participating agencies in administering any such jointly funded project.

SEC. 2. Any Federal agency designated pursuant to section 1 of this order to administer any jointly funded project may waive any technical grant or contract requirement which is inconsistent with such agency's similar requirements or which such agency does not impose, except that no waiver of requirements may be made which (1) would materially affect or change the character or purpose of such project, or (2) does not have the concurrence of the agency which imposed such requirement and advanced the funds for such project. For the purposes of this section, the term "technical grant or contract requirement" means any requirement imposed by administrative regulation or order.

SEC. 3. The Director of the Bureau of the Budget is authorized to prescribe such additional regulations, not inconsistent with those prescribed herein, as he may deem necessary to implement section 612 of the Economic Opportunity Act of 1964, as amended, section 406 of the Juvenile Delinquency Prevention and Control Act of 1968, and this order.

SEC. 4. In carrying out the provisions of this order, the Director of the Bureau of the Budget shall from time to time consult with the participating Federal agencies as may be appropriate.

SEC. 5. Nothing in this order shall be deemed to limit or restrict any other authority which any Federal agency may possess by law, regulation, or order to initiate or participate in common or jointly funded projects, programs, activities, or functions.

Richard Nixon

THE WHITE HOUSE,
April 18, 1969.

[F.R. Doc. 69-4861; Filed, Apr. 18, 1969; 5:05 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 271, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(iii) of § 908.571 (Valencia Orange Reg. 271, 34 F.R. 6325) are hereby amended to read as follows:

§ 908.571 Valencia Orange Regulation 271.

* * * * *

(b) *Order.* (1) * * *

(iii) District 3: 275,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4747; Filed, Apr. 21, 1969; 8:47 a.m.]

[Lemon Reg. 369, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendement relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.669 (Lemon Reg. 369, 34 F.R. 6437) are hereby amended to read as follows:

§ 910.669 Lemon Regulation 369.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 229,710 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4746; Filed, Apr. 21, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-5-AD; Amdt. 39-755]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 210–5 (205), 206, and 210 Series Airplanes

There have been reports of complete loss of engine power when using the fuel boost pump on Cessna Model 210–5 (205), 206, and 210 series airplanes. These reports indicate that the engine will not restart in flight under certain conditions when one follows the placarded instructions in the cockpit for switching from a dry tank to one containing fuel. Further, the agency has determined that complete loss of engine power will occur in these aircraft when the boost pump is inadvertently left on "Hi" and the throttle is retarded below 19 inches hg. manifold pressure. Since this condition is likely to exist in other airplanes of the same type design, an airworthiness directive is being issued requiring within 50 hours' time-in-service from the effective date of this airworthiness directive, the installation of a resistor in the boost pump electrical circuit to reduce pump output pressure in accordance with Cessna Service Letter SE 69–9, dated April 11, 1969, or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provision of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

CESSNA. Applies to Models 210–5 (205), Serial Nos. 205–0001 through 205–0577; Models 206, U206, and P206, Serial Nos. 206–0001 through U206–1284 and P206–0001 through P206–0566; Models 210 and T210, Serial Nos. 21058221 through 21059111 and T210–0001 through T210–0424 series airplanes.

Compliances. Within 50 hours' time-in-service after the effective date of this airworthiness directive, unless already accomplished.

To prevent complete loss of engine power when using the fuel boost pump, accomplish the following:

Modify the fuel boost pump electrical circuit by installing a resistor in accordance with Cessna Service Letter No. SE 69–9, dated April 11, 1969, or any equivalent method approved by the Chief, Engineering & Manufacturing Branch, Federal Aviation Administration, Central Region.

This amendment becomes effective April 22, 1969.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c)

Issued in Kansas City, Mo., on April 11, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–4741; Filed, Apr. 21, 1969; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the position of Special Assistant to the Assistant Administrator, the position of Confidential Assistant to the Archivist of the United States, and the positions of the Confidential Assistants to the Commissioners of the Federal Supply Service, the Property Management and Disposal Service, the Public Buildings Service, and the Transportation and Communications Service are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* • • •

(8) One Special Assistant to the Assistant Administrator.

(b) *Public Buildings Service.* • • •

(2) One Confidential Assistant to the Commissioner.

(c) *Federal Supply Service.* • • •

(2) One Confidential Assistant to the Commissioner.

(d) *National Archives and Records Service.* • • •

(2) Confidential Assistant to the Archivist of the United States.

• • • • • •

(f) *Property Management and Disposal Service.* • • •

(2) One Confidential Assistant to the Commissioner.

(h) *Transportation and Communications Service.* • • •

(1) One Confidential Assistant to the Commissioner.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–4811; Filed, Apr. 21, 1969; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 34–8564, IA–246]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

Amendment of Forms for Registration of Broker-Dealers and Investment Advisers

On February 12, 1969, in Securities Exchange Act Release No. 8523 and Investment Advisers Act Release No. 244 and in the FEDERAL REGISTER for February 21, 1969 (34 F.R. 2502), the Securities and Exchange Commission announced the adoption of revisions to Items 12 and 17 of Form BD (17 CFR 249.501), the form of application for registration as broker-dealer under section 15(b) of the Securities Exchange Act of 1934 and for amending such application, and the same items of Form ADV (17 CFR 279.1), the form of application for registration as an investment adviser under section 203 of the Investment Advisers Act of 1940 and for amending such application.

Since questions have been raised as to whether the Commission continues to require a Schedule D to be filed for a person who is subject to an action reported under Item 16, but who is not named in any other item or schedule of the form, the Commission has clarified the language of Item 17 of Form BD (17 CFR 249.501) and Item 17 of Form ADV (17 CFR 279.1) to make it clear that such schedule should be filed for such person.

Copies of the foregoing release have been filed with the Office of the Federal Register and may be obtained from the Securities and Exchange Commission's Washington headquarters office or any regional office.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 9, 1969.

[F.R. Doc. 69–4723; Filed, Apr. 21, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended to read as follows:

PART 8–6—FOREIGN PURCHASES

§§ 8–6.202—8–6.204 [Revoked]

1. In Part 8–6, Subpart 8–6.2 is revoked (see Subpart 8–18.6):

PART 8–8—TERMINATION OF CONTRACTS

2. In Part 8–8, Subpart 8–8.7 is revised to read as follows:

Subpart 8–8.7—Clauses

Sec.
8–8.700 Scope and applicability of subpart.
8–8.700–1 Scope.
8–8.700–2 Applicability.

AUTHORITY: The provisions of this Subpart 8–8.7 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114; 38 U.S.C. 210(c).

Subpart 8–8.7—Clauses

§ 8–8.700 Scope and applicability of subpart.

§ 8–8.700–1 Scope.

This subpart prescribes the termination clauses to be used by the Veterans Administration in fixed-price and certain cost-reimbursement type contracts.

§ 8–8.700–2 Applicability.

(a) Formally advertised or negotiated fixed-price contracts for supplies and/or equipment will include the following clauses, as applicable:

(1) The long-form termination for convenience clause set forth in FPR 1–8.701 and the termination for default clause set forth in FPR 1–8.707 will be included in contracts estimated to exceed $100,000.

(2) The short-form termination for convenience clause set forth in FPR 1–8.705–1 and the termination for default clause set forth in FPR 1–8.707 will normally be included in contracts estimated to cost more than $2,500 but not more than $100,000. However, the long-form termination for convenience clause in FPR 1–8.701 may be used for contracts in this price range when the long-form clause is included in preprinted supplemental conditions.

(b) Formally advertised or negotiated fixed-price contracts for nonpersonal services (excluding construction) estimated to exceed $2,500 may include the short-form termination for convenience clause set forth in FPR 1–8.705–1, whenever it is determined that a termination for convenience clause is both advisable and desirable for use of the Government and a claim will not be made in the event of termination for the convenience of the Government. If these conditions do not exist, and it is the desire of both parties to have the right to terminate the contract, a mutual termination clause as provided in paragraph (i) (2) of this section may be included. In other cases a special termination clause, designed to meet the specific requirements of the contract, may be included as provided in paragraph (i) (1) of this section. Service contracts will normally include the termination for default clause set forth in FPR 1–8.707 (Article 11, Standard Form 32, General Provisions, Supply Contracts). However, when this clause is clearly not appropriate for the services being acquired, it may be eliminated, revised or replaced with a special or mutual termination clause as provided in paragraph (i) of this section.

(c) Formally advertised or negotiated fixed-price contracts for construction will include the following clauses, as applicable:

(1) The long-form termination for convenience clause set forth in FPR 1–8.703 and the long-form termination for default clause set forth in FPR 1–8.709–1 will be included in contracts estimated to exceed $10,000.

(2) The short-form termination for default clause set forth in FPR 1–8.709–2 will be included in contracts not exceeding $10,000. At the option of the contracting officer, the short-form termination for convenience clause set forth in FPR 1–8.705–2 may be included.

(d) Formally advertised or negotiated fixed-price contracts in excess of $2,500 for experimental, developmental, or research work where a profit is contemplated will include the long-form termination for convenience clause set forth in FPR 1–8.701. However, if the contract is for services and it is determined that the successful bidder will not have incurred substantial charges in preparation for and carrying out the contract, the short-form termination for convenience clause set forth in FPR 1–8.705–1 may be used instead. When it is advisable to provide for termination for default, contracts of this type will also include the clause set forth in FPR 1–8.710.

(e) Fixed-price contracts for experimental, developmental or research work placed with an educational or nonprofit institution on a no-fee or no-profit basis will contain the termination for convenience clause set forth in FPR 1–8.704–1. A termination for default clause is not required.

(f) Cost-reimbursement type contracts for experimental, developmental, or research work placed with an educational or nonprofit institution on a no-fee or no-profit basis will include the termination for convenience clause set forth in FPR 1–8.704–1, whenever the contracting officer considers a termination clause is necessary or advisable. A termination for default clause is not required.

(g) Cost-reimbursement type contracts for (1) supplies and/or equipment or (2) experimental, developmental or research work where a fee is contemplated will include the termination for default or for convenience clause as set forth in FPR 1–8.702, whenever the contracting officer considers a termination clause is necessary or advisable. When this termination clause is used, an excusable delays clause substantially as set forth in FPR 1–8.708 will be included.

(h) Cost-reimbursement type construction contracts in excess of $10,000 will include the termination for default or for convenience clause set forth in FPR 1–8.702, modified as provided in FPR 1–8.700–2(a)(3). Contracts of this type will also include the excusable delays clause substantially as set forth in FPR 1–8.708.

(i) Special or mutual termination clauses may be used in service contracts for which no clauses are prescribed in this subpart.

(1) When required or advisable, a special clause will be developed to meet the needs of the specific contract, such as procurement from a sole source for utility services, medical specialist services, medical resources, etc.

(2) When a mutual termination clause is appropriate, it will be substantially as follows:

This contract will remain in force during the period stated, unless terminated at the request of either party after thirty (30) days notice in writing. To the extent that this contract is so terminated, the Veterans Administration will be liable only for payment in accordance with the payment provisions of this contract for services rendered prior to the effective date of termination.

PART 8–12—LABOR

3. In Part 8–12, §§ 8–12.404–3, 8–12.404–4, and 8–12.404–5 are added to read as follows:

§ 8–12.404–3 Additional classifications.

(a) When a classification for laborers and mechanics required in the performance of the contract work is not listed in the wage determination incorporated in the contract, the contractor will be required to submit a proposed classification or reclassification and wage rate, plus fringe benefits if any, to the contracting officer, together with data to substantiate the establishment of the proposed classification or reclassification and rate. For purposes of establishing prevailing rates, information reflecting wage rates and classifications employed on similar projects in the vicinity may be obtained from contractors' associations, labor organizations and other contractors.

(b) Upon receipt of this information, the contracting officer will:

(1) Review the wage determination in the contract to see if there is a classification that can be used to cover the work to be performed. Example: If there is a crane operator in the appropriate schedule of the contract and the contractor requests a dragline operator, the contractor can use the crane operator rate.

(2) If there is no applicable classification and rate in the schedule, assure that the new classification or reclassification requested is generally used in the construction industry or that it is used locally, and that the rate proposed is not less than that which was prevailing in the area 10 days before opening of bids.

(3) Determine that the proposed rate is generally conformable with other rates in the contract. An example of nonconformability would be having a crane operator listed in the wage determination at $4.50, but proposing an additional classification for a dragline operator at $2. Any difference of opinion between the parties should be resolved, if possible, by obtaining additional information and/or discussing the problem.

(4) If the contractor and the contracting officer cannot agree on the proper classification or reclassification and rate, the contracting officer will submit the question to the Secretary of Labor for final determination. The submission will include all substantiating data and the contracting officer's recommendation. The contractor will be advised of the submission and promptly notified upon receipt of the determination of the proper classification and rate.

(5) If the proposed additional classification or reclassification and wage rate are approved by the contracting officer, he will advise the contractor by letter and report the action taken to the Secretary of Labor. When approved by the contracting officer, it may be assumed, for the purpose of checking payrolls, that the classification and rate are satisfactory unless otherwise advised by the Department of Labor. If a correction or objection is received from the Department of Labor, a proper adjustment will be necessary.

§ 8–12.404–4 Apprentices.

(a) Apprentices may be employed by contractors or subcontractors on construction projects only when the prime contractor has presented to the contracting officer written evidence that such apprentices are registered, individually, under a bona fide apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; and if no such recognized agency exists in a State, under a program registered directly with the aforesaid Bureau of Apprenticeship and Training. Such evidence, together with the allowable ratio of apprentices to journeymen and the wage rates applicable in the area of the project, will be submitted by the contractor prior to using apprentices on the project.

(b) Whenever the payrolls indicate that a contractor has classified employees as apprentices without complying with the foregoing requirements, the contractor will be required to pay such employees at the journeymen's rates applicable to the classification of the work they actually performed.

(c) Any bona fide apprentices employed in excess of the allowable ratio will be entitled to journeymen's rates for each day of disproportionate employment on the project. Allowances should be made for journeymen absenteeism due to circumstances beyond the control of the contractor.

(d) Apprentice employment data must be furnished with the first payroll on which each apprentice appears. The payroll must show the period of training and approved wage rate of each apprentice employed.

§ 8–12.404–5 Subcontracts.

The contractor will be requested to furnish a list of all subcontracts with a description of the work to be performed thereunder. The list will be used to assure compliance with the requirement for submission of payrolls by the contractor and subcontractor.

4. A new Part 8–18 is added to read as follows:

PART 8–18—PROCUREMENT OF CONSTRUCTION

Subpart 8–18.1—General Provisions

Sec.
8–18.104 Subcontracting.
8–18.110 Liquidated damages.
8–18.111 Concurrent firm fixed-price and cost-type construction contracts.
8–18.112 Construction contracts with design architect-engineers.

Subpart 8–18.2—Formal Advertising

8–18.203 Invitations for bids.
8–18.203–1 Preparation of invitations for bids.

Subpart 8–18.6—Buy American Act

8–18.602 Buy American policy.
8–18.602–1 General.
8–18.603 Unreasonable cost determination.
8–18.603–3 Deviations by agency head.
8–18.604 Invitation provision.

AUTHORITY: The provisions of this Part 8–18 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114; 38 U.S.C. 210(c).

Subpart 8–18.1—General Provisions

§ 8–18.104 Subcontracting.

The clause contained in § 8–7.650–3, Work To Be Executed by Contractor's Forces, will be used in lieu of the clause in FPR 1–18.104.

§ 8–18.110 Liquidated damages.

Liquidated damages provisions may be included in construction contracts when the criteria of § 8–1.315–2 is met. If partial performance may be accepted and utilized to the advantage of the Government, the clause substantially as set forth in § 8–1.315–3(c) will be included in addition to the clause set forth in FPR 1–18.110.

§ 8–18.111 Concurrent firm fixed-price and cost-type construction contracts.

When concurrent contracts of the type specified in FPR 1–18.111 are considered necessary or advantageous, prior approval will be requested of the Chief Medical Director for contracts involving M&R (Maintenance and Repair) funds or of the Assistant Administrator for Construction for contracts involving C of H&DF (Construction of Hospital and Domiciliary Facilities) funds. Complete justification will be furnished in the request.

§ 8–18.112 Construction contracts with design architect-engineers.

When it is considered necessary or advantageous to award a contract for construction of a project to a firm or person that designed the project, prior approval will be requested of the Chief Medical Director for contracts involving M&R funds or of the Assistant Administrator for Construction for contracts involving C of H&DF funds. Complete justification will be furnished in the request.

Subpart 8–18.2—Formal Advertising

§ 8–18.203 Invitations for bids.

§ 8–18.203–1 Preparation of invitations for bids.

In addition to complying with the provisions of FPR 1–2.201 and 1–18.203, the following referenced provisions and clauses will be included in the invitations for bids, to the extent applicable:

(a) Small business set-asides. (§ 8–1.706–5)
(b) Aggregate award. (§ 8–2.201(f))
(c) Bid samples. (FPR 1–2.202–4)
(d) Buy American Act. (FPR 1–18.604 and § 8–18.604)
(e) Communist-controlled areas. (§ 8–6.5303)
(f) Contract clauses. (FPR 1–7.6, Subpart 8–7.6)
(g) Bid guarantees. (§ 8–10.103)
(h) Performance bonds. (§ 8–10.104)
(i) Payment bonds. (FPR 1–10.105)
(j) Federal, State, and local taxes. (FPR 1–11.401–1)
(k) Liquidated damages. (FPR 1–18.110 and § 8–1.315)
(l) Revisions to prescribed forms. (FPR 1–16.401)
(m) Termination clauses. (§ 8–8.700–2)

Subpart 8–18.6—Buy American Act

§ 8–18.602 Buy American policy.

§ 8–18.602–1 General.

(a) Pursuant to the "Buy American Act" (41 U.S.C. 10a–10d), the Assistant Administrator for Construction has determined that the articles, materials and supplies listed in this section may be used in Veterans Administration construction without regard to source, except as provided for in Subpart 8–6.53.

Acetylene, black.
Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Cadmium, ores and flue dust.
Chalk, English.
Chrome ore or chromite.
Cobalt in cathodes, rondelles, or other primary forms.
Cork, wood, or bark and waste.
Dammar gum.
Fiber, coir, abaca, and agave.
Flax.
Graphite, natural, crystalline, crucible grade.
Hemp.
Jute and jute burlaps.
Kauri gum.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Manganese.
Mica.
Nickel, primary in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (picrite).
Rubber, crude and latex.
Shellac.
Sisal.
Tin, in bars, blocks, and pigs.
Tungsten.
Wax, carnauba.

(b) If articles, materials and supplies required for a particular procurement are not excepted in paragraph (a) of this section, or when only foreign bids or offers are received, the determination concerning nonavailability required by FPR 1–18.602–1(b) will be made by the contracting officer, factually supported in writing, and included in the contract file.

(c) A copy of the determination will be forwarded to the Assistant Administrator for Construction. When appropriate, the item will be added to the list of excepted articles, materials and supplies contained in paragraph (a) of this section.

§ 8–18.603 Unreasonable cost determination.

§ 8–18.603–3 Deviations by agency head.

When a contracting officer believes that the requirement of the "Buy American Act," is impractical as provided in FPR 1–18.602–1(a), or that it would be advantageous to the Government to deviate from the provisions of FPR 1–18.603–1, authority to consummate the contract will be requested. The request containing all the facts, including a comparison of all the bids or offers received and any other pertinent information upon which a determination may be made, will be submitted through channels to the Assistant Administrator for Construction for approval by the Administrator. If approved, a report of the transaction will be prepared and transmitted by the Assistant Administrator for Construction in accordance with Executive Order 10582, dated December 17, 1954, as amended.

§ 8–18.604 Invitation provision.

The provision required by FPR 1–18.604 shall be included in invitations for bids and requests for proposals for affected construction work estimated to exceed $10,000. The list of excepted items contained in § 8–18.602–1 will be incorporated in this provision.

These regulations are effective immediately.

Approved: April 15, 1969.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 69–4734; Filed, Apr. 21, 1969; 8:46 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–18—ACQUISITION OF REAL PROPERTY

Subpart 101–18.1—Acquisition by Lease

ACQUISITION OF REAL PROPERTY BY LEASE, DIRECTS AGENCIES TO REFRAIN FROM CONTACTS WITH LESSORS

Although all Federal agencies that occupy leased space acquired by the General Services Administration have been cautioned not to make commitments or agreements with offerors or lessors, such incidents still occur. To preclude future incidents of this nature, this revision directs agencies to refrain from such contacts with offerors or lessors.

Section 101–18.103 is amended by adding a new paragraph (c) to read as follows:

§ 101–18.103 Acquisition by GSA.

* * * * *

(c) Agencies not authorized to acquire space by lease, or agencies which have requested GSA to provide leased space for their activities, shall not directly or indirectly contact lessors or potential lessors for the purpose of making oral or written promises, commitments, or agreements with respect to the conditions of occupancy of particular space, alterations and repairs, or payment of overtime services.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: April 15, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–4729; Filed, Apr. 21, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1023]

PART 1033—CAR SERVICE

Demurrage and Detention Charges on Freight Cars

Supersedes Service Order No. 1023, service date April 3, 1969.

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 16th day of April 1969.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for loading, unloading, or instructions for movement, in excess of the free-time periods established by the applicable demurrage and detention tariffs; that such practices immobilize large numbers of freight cars needed by shippers for transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1023 Demurrage and detention charges on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its demurrage and detention rules, practices, and charges.

(b) Description of cars subject to this order: Except as otherwise provided in paragraph (c) herein this order shall apply to freight cars which are subject to demurrage and detention rules applicable to detention of cars.

(c) Exception: The provisions of this order shall not apply to freight cars listed in the Official Railway Equipment Register, ICC R.E.R. 370 issued by E.J. McFarland, or reissues thereof, as having the following descriptions and mechanical designations:

Mechanical designation: RA, RAM, RCD, RS, RSB, RSM, RSTC, and RSTM.
Mechanical designation: SA, SC, SD, SF, SH, SM, SP, and ST.
Mechanical designation: TA, TAI, TG, TGI, THI, TL, TLI, TM, TMI, TMU, TMUI, TP, TPI, TPA, TPAI, TR, TRI, TVI, TW, and TWI.
Mechanical designation: XT.

(d) Cars not subject to average demurrage agreement:

(1) The lowest rates of car detention or demurrage charges published in the applicable tariff for such period of time as is provided in the tariff.

(2) $25 per car per day, or fraction of a day, for all cars subject to the next level of charges published in the applicable tariff for such period of time as is provided in the tariff.

(3) $50 per car per day, or fraction of a day, for all subsequent detention.

(e) Cars Subject to Rule 9, Item 940, Freight Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto or reissues thereof: When a car has accrued four debits, a charge of $25 per car per day, or fraction of a day, will be made for each of the next 4 days, or fraction of a day and $50 per car per day, or fraction of a day, will be made for all subsequent detention.

(f) If the application of the detention or demurrage rules published in any tariff lawfully in effect results in detention or demurrage charges greater than those provided in this order, such greater charges shall apply.

(g) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(h) Regulations suspended—announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(i) Effective date: This order shall become effective at 7 a.m., May 1, 1969.

(j) Expiration date: This order shall expire at 6:59 a.m., July 1, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–4736; Filed, Apr. 21, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations: recreation: for the individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Entrance into the refuge on foot is permitted except in areas designated by signs as closed, and by motor vehicle on designated travel routes, for the purpose of nature study, photography, hiking, swimming, picnicking, and fishing during daylight hours. Pets are allowed if on a leash not exceeding 10 feet in length.

The refuge areas, comprising more than 19,385 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28,

and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries & Wildlife.

APRIL 15, 1969.

[F.R. Doc. 69-4721; Filed, Apr. 21, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Union Slough National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA

UNION SLOUGH NATIONAL WILDLIFE REFUGE

Sportfishing on the Union Slough National Wildlife Refuge, Kossuth County, Iowa, is permitted only on the area designated by signs as open to fishing. This open area is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from June 1, 1969, through September 15, 1969 during daylight hours only.

(2) The use of boats is not permitted.

(3) The use of minnows or fish, or parts thereof, for bait is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1969.

ROBERT H. STRATTON, Jr.,
Refuge Manager, Union Slough National Wildlife Refuge, Titonka, Iowa.

APRIL 15, 1969

[F.R. Doc. 69-4732; Filed, Apr. 21, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 14]

[Bureau of Mines Schedule 21B]

FILTER-TYPE DUST, FUME, AND MIST RESPIRATORS

Requirements for Investigation, Testing, and Certification

Notice is hereby given that under authority contained in the Act of May 16, 1910 (36 Stat. 370; 30 U.S.C. 3, 5, and 7), as amended, it is proposed to amend the regulations issued as Part 14 of Subchapter B of Chapter I, Title 30, Code of Federal Regulations. The current regulations were adopted on January 19, 1965 (30 F.R. 616) and the fees were revised on March 23, 1965 (30 F.R. 3752).

The purposes of the proposed revision are to bring up-to-date the regulations to incorporate provision for technologic advances in the design and construction of Filter-Type Respirators, to provide for a greater variety of equipment to better meet new environmental conditions, and to make certain administrative procedures and requirements consistent with those of other parts.

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment of the regulations to the Director, Bureau of Mines, Interior Building, Washington, D.C. 20240, within 30 days after the date of publication in the FEDERAL REGISTER.

JOHN F. O'LEARY,
Director, Bureau of Mines.

Part 14 of Subchapter B of Chapter I of Title 30 would be amended as follows:

1. Paragraph (b) of § 14.2 is amended as follows:

§ 14.2 Definitions.

* * * * * * *

(b) "Bureau" means the Bureau of Mines of the U.S. Department of the Interior.

* * * * * * *

2. Section 14.3 is amended as follows:

§ 14.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, to discuss with qualified Bureau personnel proposed respirators to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

3. A new subparagraph (7) is added to paragraph (b) of § 14.4, as follows, and the present subparagraphs (7) and (8) are renumbered (8) and (9), respectively:

§ 14.4 Types of respirators for which certificates of approval will be issued.

* * * * * * *

(b) * * *

(7) Respirators for radon daughters and radon daughters attached to dusts, fumes, and mists.

* * * * * * *

4. Paragraphs (a) and (h) of § 14.5 are amended as follows:

§ 14.5 Applications.

(a) Investigation or testing, including retesting of equipment that has been previously tested and disapproved, will be undertaken by the Bureau only pursuant to a written application, in duplicate, accompanied by all prescribed drawings, specifications, and related materials; and accompanied by a check, bank draft, or money order payable to the Bureau of Mines, to cover the fees. The application, all related matters, and all correspondence concerning it shall be sent to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

* * * * * * *

(h) When the Bureau notifies the applicant that the application has been accepted, it will also notify him as to the number of completely assembled respirators, together with the number of filters and other parts, that will be required for testing. All materials required for testing shall be delivered (charges prepaid) to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

5. New items (l) and (p) are added to § 14.6, as follows, and present items (l), (m), (n), (o), and (p) are relettered (m), (n), (o), (q), and (r), respectively:

§ 14.6 Fees.

* * * * * * *

(l) Radon daughters and radon daughters attached to dusts, fumes, and mists	$740

* * * * * * *

(p) Facepiece only for respirator (1)	325

* * * * * * *

6. Section 14.8 is amended as follows:

§ 14.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification. It shall not disclose any analyses, nor any details of the applicant's drawings, specifications, and related material. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau. Any other persons shall be present only as observers or as required under paragraph (c) of this section.

(b) After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved respirator as it deems appropriate.

(c) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling the respirator and its components, subassemblies, or assemblies for testing, in preparing the respirator and its components, subassemblies, or assemblies for testing, and in operating the respirator during the tests.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

7. Paragraph (e) of § 14.10 is amended as follows:

§ 14.10 Approval labels or markings.

* * * * * * *

(e) Full-scale designs or reproductions of approval labels and markings, and a sketch or description of their position shall be submitted for approval before final adoption to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

* * * * * * *

8. Paragraph (a) of § 14.11 is amended as follows:

§ 14.11 Material required for record.

(a) The Bureau reserves the right to retain as part of the permanent record of the investigation, a complete respirator or any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and at his expense on written shipping instructions to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

* * * * * * *

9. Paragraph (a) of § 14.23 and subparagraph (1) of paragraph (b) of § 14.23 are amended as follows:

§ 14.23 Facepiece.

(a) *General requirements.* Each facepiece shall be constructed so as to assure a quick, dispersoid-tight fit on persons of widely varying facial shapes and sizes. The overall efficiency of a full-facepiece respirator shall not be affected by the optional use of corrective spectacles. A mouthpiece-type respirator with provision for nasal seal may be used provided the respirator meets all other pertinent requirements of this part. Coverings of cloth or other material for the face-contacting portion of the facepiece approved as part of a respirator that is designed for respiratory protection against dusts, fumes, or mists shall pass the complete facepiece tests for the particular type of respirator except that no such covering of cloth or other material will be approved for use with a respirator for protection against radon daughters or radon daughters attached to dusts, fumes, and mists. The head harness shall be adjustable and replaceable.

(b) *Valves*—(1) *Respirators for dusts, fumes, and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot or for radon daughters and radon daughters attached to dusts, fumes, and mists.* Each respirator shall be provided with an exhalation valve(s). The use of an inhalation valve(s) is desirable but optional, except that for respirators equipped with a canister, cartridge(s), or filter(s) not attached directly to the facepiece an inhalation valve(s) shall be provided in the breathing system.

* * * * *

10. Paragraph (b) of § 14.30 is amended as follows:

§ 14.30 Facepiece tests.

* * * * *

(b) *Coal-dust tightness test (applicable to respirators designed for respiratory protection against dusts, and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, or for radon daughters and radon daughters attached to dusts, fumes, and mists).* (1) Three persons shall each wear two different respirators (six tests and six different respirators) in a concentration of 75±25 milligrams per cubic meter of bituminous coal dust. The coal dust shall be 100 percent through a 200-mesh sieve. The geometric mean particle diameter, determined from Coulter counter measurements, or equivalent, shall be 1.2 microns, with a standards deviation not greater than 2. Each person will perform not more than one test in a single day.

(2) Each respirator will be modified, in a manner which will least affect its performance, by connecting a lightweight tube through the facepiece to a 5-micron pore size membrane filter and holder assembly and a vacuum (sampling) pump operating at 2 liters per minute. Each wearer will perform the preliminary facepiece fit test recommended by the manufacturer. If he obtains a satisfactory fit, he will wear the respirator for 30 minutes while performing the following test in the coal dust chamber.

3 minutes—walking and turning and nodding head.
1½ minutes—smiling.
1½ minutes—frowning.
3 minutes—reciting alphabet.
3 minutes—talking.
3 minutes—shallow and deep breathing.
Repeat above schedule once.

(3) During the same 30-minute period, a second sampling pump, connected to a second membrane filter and holder assembly located in the wearer's breathing zone, will sample the test concentration in the ambient atmosphere.

(4) To meet the requirements of this test, the sample of coal dust, desiccated and weighed to the nearest 0.01 milligram, sampled from within the facepiece during the test, shall not exceed the following:

Respirator for—	Percent of ambient concentration
Dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot	10
Radon daughters and radon daughters attached to dusts, fumes, and mists	5

* * * * *

11. The subject headings of paragraph (a) and of subparagraphs (1) and (2) of paragraph (a) of § 14.31 and the subject heading of paragraph (c) are amended as set forth below. New paragraphs (f) and (i) are added to § 14.31 as follows, and present paragraphs (f) and (g) are relettered (g) and (h), respectively.

§ 14.31 Mechanical filter tests.

(a) *Silica-dust tests of respirators designed for respiratory protection against dusts having a TLV not less than 2.4 million particles per cubic foot, dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, radionuclides, radon daughters and radon daughters attached to dusts, fumes, and mists*—(1) *Single-use filters (applicable to all respirators described in this paragraph).*

* * * * *

(2) *Reusable filters (applicable only to respirators designed for protection against dusts having a TLV not less than 2.4 million particles per cubic foot).*

* * * * *

(c) *Lead fume tests for respirators designed for respiratory protection against fumes of various metals having a TLV not less than 0.1 milligram per cubic meter or for radon daughters and radon daughters attached to dusts, fumes, and mists.*

* * * * *

(f) *Lead-fume tests of air-purifying respirators (with attached blower in the contaminated atmosphere) designed for respiratory protection against radon daughters and radon daughters attached to dusts, fumes, and mists.* Three respirators will be tested at the effective airflow rate of the respirator as described in paragraph (c) of this section, except that the rate of continuous airflow through the respirator filter shall be not less than 4 cubic feet per minute for 4 hours to tight-fitting facepieces and not less than 6 cubic feet per minute for 4 hours to hoods and helmets. Tested under these conditions, the total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 4.8 milligrams for a test made at 4 cubic feet per minute or 6.2 milligrams for a test made at 6 cubic feet per minute.

* * * * *

(i) *Silica-dust tests of air-purifying respirators (with attached blower in the contaminated atmosphere) designed for respiratory protection against radon daughters and radon daughters attached to dusts, fumes, and mists.* Three respirators will be tested at the effective airflow rate of the respirator as described in subparagraph (1) of paragraph (a) of this section, except that the rate of continuous airflow through the respirator filter shall be not less than 4 cubic feet per minute for 4 hours to tight-fitting facepieces and not less than 6 cubic feet per minute for 4 hours to hoods and helmets. Tested under these conditions, the respirator resistance shall not exceed that specified in paragraph (a) of § 14.32 for respirators for protection against radon daughters and radon daughters attached to dusts, fumes, and mists.

12. Paragraph (a) of § 14.32 is amended as follows:

§ 14.32 Tests of complete respirator.

(a) *Resistance to airflow (applicable to all dust, fume, and mist respirators).* (1) The resistance to airflow of a complete respirator on inhalation and on exhalation will be determined on a mechanical apparatus before and after the tests are conducted as described in § 14.31 and as described in subparagraph (4) of paragraph (b) of this section. The continuous rate of airflow will be 85 liters per minute.

(2) The resistance to inhalation of respirators approved for respiratory protection against dusts, fumes, and mists but not for protection against radon daughters and radon daughters attached to dusts, fumes, and mists shall not exceed 30 millimeters of water-column height before and 50 millimeters height immediately after each test, and the resistance to exhalation shall not exceed 20 millimeters of water column height at any time.

(3) The resistance to inhalation of respirators approved for respiratory protection against radon daughters and radon daughters attached to dusts, fumes, and mists shall not exceed 18 millimeters of water-column height before or 25 millimeters of water-column height immediately after the silica dust tests described in subparagraph (1) of paragraph (a), and paragraph (f) of § 14.31. The resistance to exhalation shall not exceed 15 millimeters of water-column height at any time.

* * * * *

[F.R. Doc. 69-4720; Filed, Apr. 21, 1969; 8:45 a.m.]

[30 CFR Parts 55, 56, 57]

METAL AND NONMETALLIC MINES

Health and Safety Standards; Notice of Corrections; Extension of Time for Comments

In Part II of the FEDERAL REGISTER of January 16, 1969, pages 656 through 693, there was published a notice of proposed rule-making of proposed Health and Safety Standards for Metal and Nonmetallic Open Pit Mines, Underground Mines, and Sand, Gravel, and Crushed Stone Operations, respectively, which are covered by the Federal Metal and Nonmetallic Mine Safety Act of 1966 (80 Stat. 772, 30 U.S.C. 721–740, Supp. III). The standards were set forth in proposed new Parts 55, 56, and 57, of Title 30, Code of Federal Regulations. Interested persons were afforded a period of 60 days after the date of publication in which to submit written data, views, or arguments, and within which to file written objections and request a public hearing on a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by an Advisory Committee.

In the FEDERAL REGISTER of March 14, 1969, at page 5258, there was published a notice extending the time within which to submit written data, views, or arguments, and within which to file written objections and request a public hearing to May 1, 1969.

A review of the proposed health and safety standards as published on January 16, 1969, has disclosed errors of a substantive nature. The proposed Parts 55, 56, and 57, of Title 30, Code of Federal Regulations, are corrected and revised as shown below. These are substantive corrections only. Minor typographical errors are not being corrected at this time.

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725), interested persons are hereby afforded a period of 30 days after the date of publication in the FEDERAL REGISTER of this notice of corrections in which to submit written data, views, or arguments respecting only the proposed standards affected by these corrections. Communications should be addressed to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

RUSSELL E. TRAIN,
Under Secretary of the Interior.

APRIL 18, 1969.

PART 55—METAL AND NONMETALLIC OPEN PIT MINES

Part 55 is corrected and revised as follows:

1. In paragraphs 55.3–1 and 55.4–23, the letters and designation "*OPAC*" after the word "*Mandatory*" are deleted. The standards set forth in these paragraphs have not been recommended to be mandatory by the Advisory Committee.

2. In paragraphs 55.4–4, 55.6–94, 55.6–96, and 55.6–115, the letters and designation "*OPAC*" are inserted after the word "*Mandatory*." In paragraph 55.11–3 the word and letters "*Mandatory-OPAC*" are inserted after the paragraph number. The standards set forth in these paragraphs have been recommended to be mandatory by the Advisory Committee.

3. In paragraph 55.5–1 the name "American Conference of Governmental Hygienists" is corrected to read "American Conference of Governmental Industrial Hygienists."

4. In paragraph 55.6–113, the second sentence is corrected to read: "Adequate steps, including the grounding and bonding of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced."

5. In paragraphs 55.12–47 and 55.12–50, the title "National Electrical Safety Code" is corrected to read "National Electrical Code."

6. The paragraph numbered "55.19–49" is changed to "55.19–50" and a new paragraph 55.19–49 is inserted as follows:

55.19–49 *Mandatory-OPAC.* Buckets shall not be used to hoist men except during shaft sinking operations, inspection, maintenance, and repairs.

7. Paragraph 55.19–62 is corrected to read:

55.19–62 Maximum acceleration and deceleration should not exceed 6 feet per second per second.

PART 56—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Part 56 is corrected and revised as follows:

1. The first sentence of § 56.1 "Purpose and scope" is revised to read as follows: "The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for sand (including industrial sands), gravel, and crushed stone operations which are subject to the Act."

2. In paragraphs 56.3–1, 56.4–23, 56.6–84, 56.19–46, the letters and designation "*SGCS*" after the word "*Mandatory*" are deleted. The standards set forth in these paragraphs have not been recommended to be mandatory by the Advisory Committee.

3. In paragraphs 56.4–4, 56.6–49, 56.6–94, 56.6–96, 56.6–115, the letters and designation "*SGCS*" are inserted after the word "*Mandatory*." In paragraph 56.11–3 the word and letters "*Mandatory-SGCS*" are inserted after the paragraph number. The standards set forth in these paragraphs have been recommended to be mandatory by the Advisory Committee.

4. In paragraph 56.5–1 the name "American Conference of Governmental Hygienists" is corrected to read "American Conference of Governmental Industrial Hygienists."

5. Paragraph 56.6–58 is corrected to read:

56.6–58 *Mandatory-SGCS.* Areas in which charged holes are awaiting firing shall be guarded, or barricaded and posted, or flagged, against unauthorized entry.

6. In paragraph 56.6–113, the second sentence is corrected to read: "Adequate steps, including the grounding and bonding of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced."

7. The paragraph numbered "56.5–115" is corrected to "56.6–115."

8. Paragraph 56.8–2 is corrected to read:

56.8–2 *Mandatory-SGCS.* Safety chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

9. In paragraphs 56.12–47 and 56.12–50 the title "National Electrical Safety Code" is corrected to read "National Electrical Code."

10. Paragraph 56.13–17 is corrected to read:

56.13–17 *Mandatory-SGCS.* Safety chains or suitable locking devices shall be used at connections to machines of high pressure hose lines of 1-inch inside diameter or larger, and between high pressure hose lines of 1-inch inside diameter or larger, where a connection failure would create a hazard.

11. The paragraph numbered "56.19–49" is changed to "56.19–50" and a new paragraph 56.19–49 is inserted as follows:

56.19–49 *Mandatory-SGCS.* Buckets shall not be used to hoist men except during shaft sinking operations, inspection, maintenance, and repairs.

12. Paragraph 56.19–62 is corrected to read:

56.19–62 Maximum acceleration and deceleration should not exceed 6 feet per second per second.

PART 57—METAL AND NONMETALLIC UNDERGROUND MINES

Part 57 is corrected and revised as follows:

1. In paragraph 57.5–1 the name "American Conference of Governmental Hygienists" is corrected to read "American Conference of Governmental Industrial Hygienists."

2. In paragraph 57.6–5 after the word "Reference" insert "57.5–1."

3. Paragraph 57.6–12 is corrected to read:

57.6–12 *Mandatory.* Internal combustion engines other than Bureau of Mines approved diesels shall not be used underground and such approved diesels shall be operated in an approved manner and maintained in approved condition.

4. Paragraph 57.7–45 is deleted.

5. The paragraph numbered "57.7–78" is changed to "57.7–79" and a new paragraph 57.7–78 is inserted as follows:

57.7–78 *Mandatory-UAC.* Vehicles shall be attended, whenever practical and possible, while loaded with explosives or detonators.

6. In § 57.7 "Explosives" under the center headings "Use"—"Surface Only" the following paragraphs are added:

57.7–168 *Mandatory-UAC.* Misfires shall be reported to the proper supervisor and shall be disposed of safely before any other work is performed in that blasting area.

57.7–169 Blastholes in "hothole" areas and holes that have sprung should not be charged before tests have been made to insure that the heat has dissipated to a safe extent.

57.7–170 *Mandatory-UAC.* Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before explosives are brought into the area; the power shall not be turned on again until after the shots are fired.

7. In 57.7 "Explosives" under the center headings "Use"—"Underground Only" delete paragraphs 57.7–178 through 57.7–180 and insert in lieu thereof the following paragraphs:

57.7–178 In secondary blasting if more than one shot is to be fired at one time, blasting should be done electrically or with detonating cord.

57.7–179 Blastholes should be cleaned before charging is begun.

57.7–180 Explosives and blasting lines should be isolated from sources of static or other electrical contract.

57.7–181 Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted should be deenergized before explosives are brought into the area; the power should not be turned on again until after the shots are fired.

8. In paragraph 57.7–193, the second sentence is corrected to read: "Adequate steps, including the grounding and bonding of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced."

9. In paragraph 57.7–195 the letters and designation "*UAC*" are inserted after the word "*Mandatory.*" The standard set forth in this paragraph has been recommended to be mandatory by the Advisory Committee.

10. Paragraph 57.7–199 is deleted.

11. In paragraph 57.10–7 the letters and designation "*UAC*" after the word "*Mandatory*" are deleted. The standard set forth in this paragraph has not been recommended to be mandatory by the Advisory Committee.

12. In paragraph 57.10–99 the second sentence is corrected to read: "Mantrips shall be operated independently of ore and supply trips."

13. In paragraphs 57.14–45 and 57.14–48 the title "National Electrical Safety Code" is corrected to read "National Electrical Code."

14. The paragraph numbered "57.21–49" is changed to "57.21–50" and a new paragraph 57.21–49 is inserted as follows:

57.21–49 *Mandatory-UAC.* Buckets shall not be used to hoist men except during shaft sinking operations, inspection, maintenance, and repairs.

15. Paragraph 57.21–62 is corrected to read:

57.21–62 Maximum acceleration and deceleration should not exceed 6 feet per second per second.

16. In paragraph 57.21–127 the word "*Mandatory*" and the letters and designation "*UAC*" are deleted. Neither the Advisory Committee nor the Secretary has recommended the proposed standard in this paragraph to be mandatory.

17. In paragraphs 57.22–13, 57.22–39, 57.22–40, and 57.22–81 references to the quantity "1 percent" are corrected to "1.0 percent."

18. In paragraph 57.22–63 the first sentence is corrected to read: "Underground working places shall be examined for hazards by qualified persons at least once during each producing shift, and more often, if necessary."

19. Paragraph 57.22–96 is corrected to read:

57.22–96 *Mandatory.* The Bureau of Mines and the State Inspector of Mines in granting approval referred to in paragraph 57.22–95, shall provide the operator with a written list of conditions for using the specific blasting agent or explosives covered by the approval and adapted to the mining operation.

[F.R. Doc. 69–4773; Filed, Apr. 21, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1060]

[Docket No. AO 360–A3]

MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Sunbowl Room, Biltmore Motor Hotel, 3700 West Main, Fargo, N. Dak., beginning at 9:30 a.m., local time, on Wednesday, May 14, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minnesota-North Dakota marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Land O'Lakes Creameries, Inc., Minneapolis, Minn.:

Proposal No. 1. In § 1060.51(a) of the Minnesota-North Dakota order, change the figure $0.86 to $1.10.

Proposed by Cass-Clay Creamery, Inc., Moorhead, Minn.:

Proposal No. 2. Amend paragraphs (a) and (b) of § 1060.16 by changing the phrase "received at a pool plant(s) for at least 3 days during the month" in each paragraph to read: "received at a pool plant(s) for at least 5 days during the month".

Proposal No. 3. Amend that part of paragraph (a) of § 1060.23 preceding the proviso to read as follows:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of its Grade A receipts is disposed of during the month on routes or by transfer to another plant and classified as Class I pursuant to § 1060.44 and not less than 15 percent of such receipts are so disposed of in the marketing area:

Proposal No. 4. Amend the sentence preceding the proviso in paragraph (a) of § 1060.61 to read as follows: "A plant from which the Secretary determines a greater proportion of fluid milk products is disposed of in another marketing area regulated by another order issued pursuant to this Act and such plant is fully subject to regulation of such other order:"

Proposed by All Grade A Producers of Cavalier, Pembina, and Walsh Counties, N. Dak:

Proposal No. 5. Amend § 1060.2(a) of the Minnesota-North Dakota order to exclude Cavalier, Pembina, and Walsh Counties, N. Dak.

Proposed by Fergus Dairy, Fergus Falls, Minn.:

Proposal No. 6. Amend § 1060.2(a) by adding Pope County, Minn., to the marketing area.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Sanford A. Balgaard, 7703 Normandale Road, Room 100, Minneapolis, Minn. 55435, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on April 17, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.D. Doc. 69–4748; Filed, Apr. 21, 1969; 8:48 a.m.]

[7 CFR Part 1201]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Control Committee, established under

the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) Expenses in the amount of $8,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1970.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid expenses: $1.20 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1970.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business.

Done at Washington, D.C., this 17th day of April 1969.

JACK THOMASON,
Director, Tobacco Division,
Consumer and Marketing Service.

[F.R. Doc. 69–4749; Filed, Apr. 21, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69–5; Notice 2]

MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 205; Glazing Materials; Notice of Extension of Time To File Comments

On March 1, 1969, the Federal Highway Administration published in the FEDERAL REGISTER a notice of proposed rule making (34 F.R. 3699) that would amend Standard No. 205 to require glazing materials for use in forward facing windows of campers, pickup caps, pickup covers and pickup canopies to conform to AS1 type safety glass specifications established by Z26.1–1966; or AS2 type laminated safety glass meeting the specifications established by Z26.1–1966 plus the penetration resistance test No. 26, set forth in Z26.1–1966; or AS3 type laminated safety glass meeting the specifications established in Z26.1–1966 plus the penetration resistance test No. 26 set forth in Z26.1–1966. The proposed effective date of the amendment was July 1, 1969.

The regulation presently permits AS–1, AS–2, and AS–3 type safety glass; and AS–4 and AS–5 type plastics, to be used in forward facing windows of campers. Interested persons were invited to submit data, information, views, and arguments by March 31, 1969. Several manufacturers of plastics, in response to the notice, requested a meeting to demonstrate the relative merits of AS–4 and AS–5 type glazing material (plastics). A meeting was held on March 27, 1969, at which the Federal Highway Administration requested that additional information be supplied regarding the relative safety of AS–4 and AS–5 for use in forward facing windows of campers. Two plastic manufacturers have asked for an extension of time to file comments so they may supplement their comments with the test data requested.

In view of the foregoing, additional time to file comments in response to the notice of proposed rule making is being allowed and the proposed effective date of the regulations will be postponed until the additional test data submitted can be thoroughly evaluated. Therefore, the time to file comments in response to the proposed amendment to Standard No. 205 is extended until August 1, 1969.

This notice of extension of time to file comments is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued: April 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69–4750; Filed, Apr. 21, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 210]

[Reg. J]

COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Sender's Agreement and Return of Cash Items

The Board of Governors is considering amending Part 210 (Regulation J) in the following respects:

1. Section 210.5(a) would be amended and new paragraph (c) would be added at the end thereof as follows:

§ 210.5 Sender's agreement.

(a) By its action in sending any cash item or noncash item to a Federal Reserve Bank, the sender shall be deemed (1) to authorize the receiving Federal Reserve Bank, and any other Federal Reserve Bank or other collecting bank to which such item may be forwarded, to handle such item subject to the provisions of this Part and of the operating letters of the Federal Reserve Banks; (2) to warrant its own authority to give such authority; (3) to agree that such provisions shall, insofar as they are made applicable thereto, govern the relationships between such sender and the Federal Reserve Banks with respect to the handling of such item and its proceeds; and (4) to agree that it will honor drafts drawn upon it in connection with the direct return of cash items to it pursuant to § 210.12(b).

• • • • •

(c) Whenever any action or proceeding is brought in any court against a Federal Reserve Bank which has collected an item, based upon the alleged failure of the sender of such item to have the authority to make the warranty and the agreement referred to in paragraph (a) of this section, or upon any action taken by such Federal Reserve Bank within the scope of its authority for the purpose of collecting such item, or upon any warranty or agreement with respect thereto made by such Federal Reserve Bank consistently with paragraph (b) of § 210.6 of this part, such Federal Reserve Bank may, upon the entry of a final judgment or decree in such action or proceeding, recover from the sender in the manner provided herein the amount of attorneys' fees and other expenses of litigation actually incurred, and, in addition, any amount required to be paid by such Federal Reserve Bank under such judgment or decree, together with interest thereon. Such recovery may be effected by charging the amount thereof to any account of the sender maintained on the books of such Federal Reserve Bank (or if the sender is another Federal Reserve Bank, by entering a charge therefor against such other Federal Reserve Bank through the Interdistrict Settlement Fund), provided only (1) that such Federal Reserve Bank shall have made seasonable demand on the sender in writing to assume the defense of the action or proceeding, and (2) that the sender shall not have made any other provision acceptable to such Federal Reserve Bank for the payment of such amount. A Federal Reserve Bank against which any such charge has been entered through the Interdistrict Settlement Fund may recover from its sender, in any case herein provided, as if the action or proceeding against the Federal Reserve Bank which entered the charge had been brought against it. The failure of any Federal Reserve Bank to avail itself of the remedy provided by this paragraph shall not prejudice the enforcement by it in any other manner of the indemnity agreement referred to in paragraph (b) of this section.

2. Section 210.12 would be amended by relettering paragraph (b) of that section as paragraph (c) and by inserting the following new paragraph (b):

§ 210.12 Return of cash items.

* * * * *

(b) Within the time and in the manner prescribed by paragraph (a) of this section, a paying bank may return an unpaid cash item directly to the sender, if the sender was the first bank to which the item was transferred for collection; and the paying bank may send for collection as a cash item a draft drawn upon the sender and obtain reimbursement. In such case, if the sender has received credit for the item in accordance with § 210.10, the sender shall reimburse the paying bank drawing the draft; and any provisional credits for the item between banks shall become and remain final.

* * * * *

The purpose of the first and third of the proposed amendments would be to permit any paying bank to return an unpaid cash item directly to the bank that sent the item to the Reserve Bank for collection (if the sending bank was the first bank to which the item was transferred for collection) and to draw a draft upon the sending bank for reimbursement for provisional payment of the item. Such a procedure for the direct return of unpaid items is provided for by provisions of the Uniform Commercial Code as adopted in most but not all of the States. The proposed amendments would in effect supplement the Uniform Commercial Code, in respect to items handled by the Reserve Banks, in those States in which provision for direct return of unpaid items has not been adopted.

The second of the proposed amendments is intended to provide a procedure under which a Federal Reserve Bank that is sued in connection with a cash item collected by it may recover from the sending bank expenses of such litigation and the amount of any adverse judgment by charging the account of the sending bank, provided the Reserve Bank has tendered defense of the suit to the sending bank and such tender has not been accepted.

This notice is published pursuant to section 553(b) of title 5 of the United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 16, 1969.

Dated at Washington, D.C., this 14th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-4719; Filed, Apr. 21, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

LATIN AMERICA HOUSING INVESTMENT GUARANTY PROGRAM

Reopening

The Agency for International Development (A.I.D.) hereby announces that applications will again be accepted during 1969 for housing investment guaranties in Latin American countries, insuring against loss of loan investments by eligible U.S. investors pursuant to section 224 of the Foreign Assistance Act of 1961 (FAA). Acceptance of applications is governed by the attached "Information for Applicants", by the terms of this Announcement, and by additional special announcements that may be issued from time to time.

The Housing and Urban Development Division of the Bureau for Latin America has prepared the attached "Information for Applicants", which sets out specific guidelines for submitting an application, and which supersedes the guidelines issued in connection with all previous Announcements.

Applications must be submitted to the A.I.D. Mission (or U.S. Embassy or Consulate) in each country for which the housing investment guaranty is requested. No applications will be accepted by A.I.D. in Washington.

Countries for which allocations of investment guaranty authority have been approved to date are as follows:

Country	Application period	Total authority (tentative)
Barbados, B.W.I.	Sept. 1-15, 1969	$3,000,000
Argentina	Oct. 1-15, 1969	6,000,000
Colombia	Nov. 1-15, 1969	6,000,000
Ecuador	Dec. 1-15, 1969	3,000,000

It is anticipated that in the near future, allocations of investment guaranty authority will be approved for additional Latin American countries and announcements concerning such allocations will be issued by A.I.D. promptly as they become available.

Separate special announcements concerning the housing investment guaranty program will be issued by A.I.D. for each of the countries listed herein, and for each country for which subsequent allocations of guaranty authority are announced as stated above. These special announcements may be obtained from the A.I.D. Mission in each country (or the U.S. Embassy in Barbados), or, upon request, from the Housing and Urban Development Division, Bureau for Latin America, Agency for International Development, Washington, D.C. 20523.

Dated: April 16, 1969.

JAMES R. FOWLER, *Deputy U.S. Coordinator, Alliance for Progress.*

LATIN AMERICA HOUSING INVESTMENT GUARANTY PROGRAM

INFORMATION FOR APPLICANTS

I. *The program.* The Latin American Housing Investment Guaranty Program is administered by the Agency for International Development (A.I.D.) of the Department of State. It is an integral part of the Alliance for Progress. Its purpose is to insure those private U.S. investments in housing which are most responsive to the Alliance objective of making a material contribution to the solution of the existing housing and urban development problems of Latin America.

It operates in approximately the same manner as the Federal Housing Administration's program of insured mortgages operates in the United States. The Contract of Guaranty insures the U.S. investor against the loss of his investment for an approved housing investment guaranty project in Latin America.

The purpose of this brochure is to provide the basic information needed by applicants in the preparation of a competitive housing investment guaranty application.

As additional guaranty authority becomes available A.I.D. issues a Public Announcement on the Reopening of the Housing Investment Guaranty Program. This announcement indicates the amount of additional authority available; the countries for which applications will be accepted; the tentative amount allocated to each country and the terminal date for the receipt of applications for each of the eligible countries. There also will be individual announcements concerning special conditions, which will apply to applications for a particular country.

A. *Congressional authority.* 1. The authority to guaranty is contained in the Foreign Assistance Act of 1961, as amended:

SEC. 224. *Housing Projects in Latin American Countries.*

(a) It is the sense of Congress that in order to stimulate private home ownership and assist in the development of stable economies in Latin America, the authority conferred by this section should be utilized for the purpose of assisting in the development in the American Republics of self-liquidating pilot housing projects, the development of institutions engaged in Alliance for Progress programs, including cooperatives, free labor unions, savings and loan type institutions, and other private enterprise programs in Latin America engaged directly or indirectly in the financing of home mortgages, the construction of homes for lower income persons and families, the increased mobilization of savings and the improvement of housing conditions in Latin America.

(b) To carry out the purpose of subsection (a), the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible U.S. investors as defined in section 223 assuring against loss of loan investments made by such investors in—

(1) Pilot or demonstration private housing projects in Latin America of types similar to those insured by the Department of Housing and Urban Development and suitable for conditions in Latin America;

(2) Credit institutions in Latin America engaged directly or indirectly in the financing of home mortgages, such as savings and loan institutions and other qualified investment enterprises;

(3) Housing projects in Latin America for lower income families and persons, which projects shall be constructed in accordance with maximum unit costs established by the President for families and persons whose incomes meet the limitations prescribed by the President;

(4) Housing projects in Latin America which will promote the development of institutions important to the success of the Alliance for Progress, such as free labor unions, cooperatives, and other private enterprise programs; or

(5) Housing projects in Latin America 25 per centum or more of the aggregate of the mortgage financing for which is made available from sources within Latin America and is not derived from sources outside Latin America, which projects shall, to the maximum extent practicable, have a unit cost of not more than $6,500.

B. *The objectives.* 1. The program is an integral part of the Alliance for Progress. Accordingly, A.I.D. utilizes the guaranty authority to the maximum extent possible to support those projects which are most responsive to a basic Alliance objective of making a material contribution to the solution of the existing housing and urban development problems of Latin America. This is to be accomplished:

a. Principally by the development and strengthening of housing finance institutions, which will be able to make a continuing contribution to the basic objective.

b. Also by projects which have demonstration or multiplier effects which can contribute toward achieving qualitative and quantitative improvements in the home construction and finance industries throughout the hemisphere.

c. Also by the creation of institutions capable of undertaking long range cooperative housing programs that serve the needs of low and middle income families.

d. And finally by the addition of housing to the existing inventory.

A.I.D. seeks to encourage the use of significantly better financing, marketing, management, and building techniques to meet these objectives, and will entertain proposals employing improvements and/or innovations in methods, materials, and design in home and community planning and construction which will result in reduced initial costs and carrying charges and improved housing while at the same time being consistent with sound underwriting criteria.

C. *The five categories*—1. *Pilot demonstration.* (a) Any project submitted under this category must demonstrate a contribution to the advancement of housing and/or urban development in the locality for which it is proposed. This advancement may be in land planning, design, construction, building materials, production techniques, use of manpower, marketing procedures, financing, community planning or organization, or such other demonstration features as may be responsive to the program objectives. It is not intended, however, that this category be used for experimenting with unproved methods of construction and materials. To be acceptable for incorporation into houses under this category, new methods must have been utilized successfully in a climatic environment similar to that in which the proposed project is to be located.

(b) The relevant portion of the statute quoted above, describes eligible pilot or demonstration projects as similar to those insured by the Department of Housing and Urban Development, and suitable for conditions in Latin America. The U.S. Department of Housing and Urban Development, and in partciular its Federal Housing Administration, now insures a variety of projects in addition to one-family homes and condominium apartments. This includes the rehabilitation of existing dwellings, the urbanization of land for resale, cooperative projects, technically innovative projects, and others. Rental projects, however, are not contemplated under this program. While the appropriateness of any particular one of these new categories for A.I.D. housing guaranties remains to be determined, applicants are invited to provide the most imaginative proposals consistent with these guidelines. In substantial measure the relevance and pertinence of proposals to guaranty program objectives will be derivatives of the excellence and creativity of the presentation and each will be considered on its own merits.

(c) A.I.D. continues to consider as one of its most important goals the development of institutions in Latin America which participate in the Alliance for Progress by helping in the economic and social development of the hemisphere. (See also subsection 4 below which is devoted to projects directed primarily at institution building). Accordingly, pilot or demonstration projects which will also promote the development of trade unions, cooperatives and mortgage credit institutions, or which provide for financial participation of local institutions, as lenders or guarantors, will be welcomed for review and evaluation under this program. The maximum selling price of houses in the pilot or demonstration category which A.I.D. will approve at the time construction of the project commences is $7,500.

2. *Credit institution.* This facet of the program deals with credit institutions engaged in financing home mortgages. Guaranties will include loans to Latin American savings and loan systems and associations made by those U.S. savings and loan institutions and Federal Home Loan Banks eligible for participation through the Housing Acts of 1965 and 1968 and subsequently enacted State statutes. If the proceeds of the loan are intended to finance a specific project, the project will be reviewed in accordance with the criteria hereinafter described. However, if the loan proceeds are intended to serve as seed capital for an individual Latin American savings and loan institution or for a Latin American savings and loan system, earmarking for a specific project will not be necessary. A.I.D. will nonetheless require that houses constructed with the proceeds of such loans comply with structural and design controls and limitations to be established by the agency. The maximum selling price of houses which may be so financed is $5,000, subject to possible variations from country to country which will be included in the announcement for each particular country.

While not essential to the submission of an application under this category, A.I.D. anticipates that all or virtually all such applications will also meet the criteria for local participation described in paragraph 5 below, and, in the event of such a combination of criteria, the maximum allowable sales price will therefore be $6,500.

3. *Housing projects for lower income families.* A.I.D. intends to encourage the development of projects which will provide housing for families with the minimum income consistent with fulfilling all the obligations of home ownership. To the maximum degree possible, this should endeavor to reach the lowest income level of the regularly employed. With this end in view, A.I.D. has established a basic price ceiling for this phase of the program of $2,500. This price ceiling may be adjusted from country to country, and the governing ceiling will be discussed in the announcement for each particular country. To meet this target, architects and builders should be encouraged to explore and utilize new building techniques and to develop new designs. In many locations, only a "core" house may be feasible within the price ceilings established.

4. *Institutions important to the Alliance.* This portion of the program will attempt to stimulate the construction of housing projects in Latin America which will promote the development of institutions important to the success of the Alliance for Progress. One of the major aims of the Alliance is the encouragement and support of the growth of free trade unions and cooperatives, and cooperative housing service institutions capable of providing technical assistance to cooperatives as a meaningful demonstration of dynamic democracy. A.I.D. will continue to support programs to assist trade unions and will encourage the furnishing of assistance to housing cooperatives. Also included are "other private enterprise programs" in order to permit the development of new types of programs involving existing groups which do not fall into the trade union or cooperative categories. Since the focus of A.I.D.'s interest is the institution involved, applications submitted for this portion of the Program should include detailed information concerning the organization or institution including its membership, affiliations, history, financial condition, and legal structure. The maximum selling price for this portion of the program at the time of commencement of project construction is $5,000, subject to possible variation which will be included in the individual Announcements applying to a particular country.

5. *Local participation.* A principal objective of the program is to encourage the mobilization of Latin American capital either in the form of savings and/or as local investments in specific projects. While the statutes require a minimum of 25 percent of the total mortgage financing for projects in this category from Latin American sources, A.I.D. will give special consideration to those projects which attract a higher percentage of Latin American participation as well as to those projects which commit the use of mortgage repayments of the Latin Amerian capital as a revolving fund to finance additional housing. While the statutory sales price ceiling for this portion of the program is $6,500, A.I.D. will give special consideration to projects having a lower sales price.

An application may qualify under more than one category, and could qualify under all five categories simultaneously. Where a project qualifies under more than one category, the maximum allowable sales price will be the highest allowable. For example, a cooperative project with 25 percent local participation will have an allowable sales price of $6,500.

D. *Eligibility criteria*—1. *Limit on applications.* No applicant may file more than one application in any one country during any one application period.

2. *Applications previously submitted.* Applications previously submitted under earlier housing guaranty programs and not approved will not be considered unless resubmitted utilizing the present form of application. Such applications must meet all requirements of this program.

3. *Sales price.* The maximum sales price of any dwelling unit as listed by category in section (C) above shall not be exceeded at the time construction of the project begins and houses are offered for sale. Therefore, in preparing applications, sponsors should take into consideration anticipated price increases resulting from increased material and labor costs between the time the application is submitted and construction begins. This period may be between 18 months and 2 years. A.I.D. will allow increases in sales prices above the ceilings, however, which may be required by increases in the costs of labor and material during the construction period.

4. *Bonding and warranties.* (a) Sponsors of specific projects will be required to provide surety that if a project is terminated prematurely, it will be done in an orderly fashion. This will require that work begun be completed and that all financial obligations of the sponsor be satisfied. This surety may be in the form of a performance bond or a bank guaranty in an amount not less than 10 percent of the cost of the project. If neither performance bonds nor bank guaranties are available, this surety may be in such other form (generally the pledge of specific assets) as may be acceptable to A.I.D.

(b) Sponsors of specific projects will also be required to escrow 2.7 percent of the sales price for not less than a 12-month period after the closing of each house to insure that the sponsor meets the conditions of his warranties, or to make other arrangements acceptable to A.I.D. A.I.D. may require more extensive warranties depending on normal practice in the countries in which projects are located.

6. *Applications.* All applications must be submitted in the English language. All exhibits must be submitted in English, or must be accompanied by English translations. Five complete sets of applications and exhibits must be submitted. Applications should be submitted on the prescribed approved form of application.

7. *Dwelling space.* In regard to dwelling space, it is A.I.D.'s objective that, to the maximum extent possible, dwelling units designed for housing investment guaranties, regardless of category, contain not less than three bedrooms. Under the categories with lower sales price ceilings, however, this objective may not be attainable in many locations. In such cases, applicants must design dwelling units in such a manner as to permit relatively simple and economical expansion to three or more bedrooms, and provide for plans detailing the future expansion to be furnished to each homebuyer.

8. *Joint venture.* The application for pilot or demonstration projects must propose sponsorship by a bondafide joint venture between United States and host country entities. The application should expressly state the division of responsibilities envisioned, stock owership proposed, and any other information which would help explain how the joint venture would operate. The U.S. partner must have proven experience in comparable residential development. Particular attention in the application should be devoted to the exact participation of each partner of the joint venture.

II. *General information.* An explanation of the terminology used in the Contract of Guaranty and other documents may be helpful to those unfamiliar with the program. In the discussion that follows the term "specific projects" is used to cover all applications under all categories that propose the construction of a number of houses on a particular site or sites. The term "general relending" is used to cover applications that propose a loan to a mortgage credit institution, for relending to finance individual home mortgages.

A. *Sponsors of specific projects.* The sponsor normally develops a project, submits it to A.I.D. for review and is responsible, once the project is determined to be eligible for guaranty coverage, to see it through to completion. The sponsor of specific projects will normally be an individual or entity with considerable experience in organizing and carrying out large scale residential construction projects. All sponsors of specific projects shall:

1. Demonstrate actual experience and present capacity in developing housing projects, and financial capacity to complete the proposed project;

2. Certify that they are not presently barred from doing business with the Federal Housing Administration or other agencies of the U.S. Government; and

3. Demonstrate ability to secure construction financing without an A.I.D. all risk guaranty specifically for such construction financing.

B. *Sponsors of credit institution applications.* 1. For the credit institution program, the sponsor should be a thrift institution which collects savings from the general public without any implicit or specific commitment to make a housing loan to the saver and which invests its resources in home mortgages. The sponsor can also be the government agency which regulates such privately owned thrift institutions.

2. Where the credit institution proposes to invest all or a portion of the proceeds of the U.S. investment in any subdivision or project, in which the total investment exceeds $150,000, then such project(s) will be subject to prior approval by A.I.D. in a manner similar to the review process for specific projects. However, where the proceeds are intended for general relending, then A.I.D. will concern itself only with the qualifications of the institution and the guidelines and criteria for such relending, such as price and construction standards. A.I.D. will not review each loan or group of loans made by the institution, but will retain, of course, the right to audit any part of this operation.

C. *The U.S. investor.* 1. Section 223(c) of the Foreign Assistance Act of 1961, as amended, defines "eligible U.S. Investors" as follows:

> (c) the term "eligible U.S. investors" means U.S. citizens, or corporations, partnerships, or other associations created under the laws of the United States or any State or territory and substantially beneficially owned by U.S. citizens, as well as foreign corporations, partnerships, or other associations wholly owned by one or more such U.S. citizens, corporations, partnerships, or other associations: *Provided*, That the eligibility of a foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by other than the U.S. owners.

2. Investors in the program to date have included insurance companies, commercial banks, the trustees of the pension and retirement funds of AFL–CIO unions, Federal Home Loan Banks, United States Federal Savings and loan association and State chartered savings and loan associations. It is also understood that action by State legislatures or State supervisory agencies now permits or soon will permit a substantial number of additional State chartered savings and loan associations to participate in the program as investors.

3. Sponsors are not required to provide evidence of the specific interest of long-term U.S. investors at the time of application. The first contact between the sponsor and investor need not take place until A.I.D. has completed its evaluation and issued a Letter of Advice to the successful applicants.

D. *The investment.* 1. The U.S. investment must be in the form of a long-term (generally at least 15 years and usually 20 years) dollar loan to provide mortgage financing for a home ownership program. The mortgage financing, together with downpayments and closing costs, should produce funds adequate to cover all project costs, including profit. Investments in rental projects are not eligible.

2. The rate of interest payable to the investor is governed by the provisions of the Foreign Assistance Act of 1961, as amended, which are as follows: "Section 222(h): In the case of any loan investment for housing guaranteed under * * * this Act * * * the Administrator of the Agency for International Development shall prescribe the rate of interest allowable to the eligible U.S. investor, which rate shall not be less than one-half of 1 per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the Administrator prescribe an allowable rate of interest which exceeds by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by such Department." Note that the rates referred to above are the allowable (i.e., maximum) rates, and that A.I.D. can and has approved rates lower than the allowable.

3. The Administrator of A.I.D. fixes the allowable interest rate within the limits established by the statute.

4. The current maximum yield to the investor permitted under the program will be published by A.I.D. periodically. This yield will be adjusted upward or downward periodically pursuant to section 222(c) quoted in paragraph C.2 above.

5. The typical investment to date has been made for mortgages having a 20-year amortization period. A.I.D. is now prepared to consider extending the amortization period beyond 20 years for lower income projects in order that lower income families may be able to share

in the benefits of the program. A.I.D. will also consider extensions beyond 20 years when an investment is guaranteed by the host country government. Substantial justification will be required to support such an extension.

6. The amount of the A.I.D. guaranty applied for is limited to a maximum of $3 million per project and a minimum of $1 million. However, A.I.D. reserves the right to authorize a guaranty in excess of or less than the amount of guaranty authorization requested and without regard to these limitations.

E. *The Administrator (Local Fiduciary Agent).* 1. In most instances, A.I.D. secures the services of a financial institution in the host country which originates and services the mortgages financed by the program. This institution, or local fiduciary agent, is known as the administrator.

2. A.I.D. analyzes potential administrators in each country and will select the administrator for specific projects under the program.

3. The administrator must be located within the country and virtually always in the city in which the project is located. Individual or cooperative mortgages financed from the proceeds of a guarantied investment may not be serviced by an investor or institution located in the United States.

4. The competence of the administrator is basic to the success of the project since it has primary responsibility to inspect and otherwise supervise the project from its inception through the servicing of the individual or cooperative mortgages until they are completely repaid.

F. *Fees, reserves, and other charges*—1. *Fees*—a. *Application fees*—(i) *Initial fee.* Each application must be accompanied by an initial fee in the amount of one thousand dollars ($1,000). This fee shall be in the form of a certified check payable to the Agency for International Development. It becomes nonrefundable upon acceptance of the application as described in section A of Part III below.

(ii) *Acceptance fee.* Upon issuance by A.I.D. of a "Letter of Advice" (see par. III D below) to the applicant in which the amount of guaranty authorized by A.I.D. will be stated, along with other conditions of the authorization, an acceptance fee shall become due and payable. This fee shall be in the amount of two dollars ($2.00) per one thousand dollars ($1,000) of the amount of the guaranty authorized, and is not refundable.

b. *A.I.D. guaranty fee.* The A.I.D. guaranty fee is based upon the unpaid principal balance of the guarantied loan investment and is payable periodically as follows:

(i) One-half of 1 percent per annum where repayment of the loan in U.S. dollars has been guarantied by the government of the country in which the project is located;

(ii) One percent per annum where mortgages are insured in local currency by a government mortgage insurance institution, housing agency or other public or private institution acceptable to A.I.D. of the country in which the project is located; and

(iii) Two percent per annum in all cases for which A.I.D. has no form of coguaranty.

c. *Devaluation insurance.* Unless the devaluation risk is guarantied in a manner acceptable to A.I.D. (such as a host government guaranty) A.I.D. will require a devaluation insurance fee amounting to 1 percent per annum of the outstanding loan investment, payable monthly, to cover the risk of devaluation. This fee is not refundable.

d. *Reserves and guaranties.* (i) A.I.D. requires that reserves be established to cover defaults by individual mortgagors. These reserves are established through an initial payment by the mortgagor at the time the mortgages are closed, and may also include the payment of a fixed monthly charge, as part of the home purchaser's monthly payments.

(ii) A.I.D. will require, wherever appropriate, adjustable mortgage payments by homeowners. Adjustable mortgages are normally based on a formula which adjusts the outstanding mortgage balance periodically in accordance with a reliable index which reflects the trend of internal costs and prices in a particular country.

(iii) A.I.D. may also require, in certain situations, a guaranty of repayment of the investment in U.S. dollars by the government of the country in which the project is located, or assurance of the repayment of all mortgages in local currency by a host country insurer.

(iv) The guaranties required and the amounts of reserves required will vary from country to country. Further information will be included in the individual announcements and will also be available from the A.I.D. Missions in the respective countries.

e. *Inspector's fee.* Each sponsor of an approved specific project will normally be required to place in escrow with the administrator at the time that the guaranty contracts for the project are signed (and to maintain such escrow fund with monthly deposits), an amount equal to the sum of three months salary for the certifying project inspector. These payments will constitute a project charge, which will be incorporated in the sales price of the houses.

f. *Other charges.* There are many variables both within a country and among countries which can affect the total interest rate paid by the individual home purchaser. It is therefore suggested that applicants use eleven percent (11%) interest per annum as the sum of applicable charges when estimating the homeowner's monthly payments, unless more accurate figures are available for the particular project.

G. *Establishing sales prices.* 1. A.I.D. will evaluate proposed selling prices on the basis of estimates submitted by the applicant and reviewed by or on behalf of A.I.D.

2. The sponsor should consult the local USAID Mission regarding the appropriate level of sales prices and should be prepared to demonstrate the existence of an unserved market in the income group for which the project is intended.

3. A.I.D. will give special consideration to those projects having sales prices below the specified maximum price.

H. *Downpayment.* A.I.D. policy is to require a minimum of 10 percent of the sales price to be paid by the homebuyer at the time of closing. This percentage may be increased or decreased by A.I.D. as indicated by the need for conformance with host country policy and home mortgage practice.

I. *Community facilities.* 1. All applications for specific projects should carefully consider the basic needs of a community over and above that for improved housing itself. A.I.D. will, therefore, carefully evaluate the sponsor's effort to assure that education, transportation, recreation, shopping, health facilities, and other basic community necessities are provided.

2. A.I.D. will consider inclusion of the cost of desirable community facilities, such as a school, or a community center and related facilities, in calculating the selling prices of the houses.

3. As an essential element in sound community planning, applications must incorporate proposals governing the use of protective covenants and community organizations such as a Homeowner's Association to control the uses of and alterations to the dwellings and to own and operate common facilities where appropriate, as well as other arrangements necessary to maintain the standards of the community. Such arrangements shall also commit the sponsor or builder to remain responsible for the maintenance and operation of utilities and facilities until such responsibility is legally assumed by another acceptable entity.

III. *Processing of applications*—A. *Presubmission stage.* 1. The primary contact for a potential sponsor is the U.S. A.I.D. Mission ("USAID") situated in the country in which the proposed project is located. The sponsor should establish that the USAID has no objection to the submission of the application for the proposed project before developing the application. USAID will provide the sponsor with copies of those announcements, if any, which set forth those additional conditions which apply in the particular country where the project is proposed.

2. Mission personnel will be available to provide general guidance to prospective applicants.

3. USAID personnel will review, for completeness, those applications submitted before the established deadline, and either will advise the applicant in writing that the application is complete or will indicate what items are lacking. USAID personnel will finish their review for completeness as soon as possible after the applications have been submitted.

4. For any application to be considered it must be submitted by the terminal date. Any applicant whose application is found to be incomplete will be given 15 days from the date of notification of same in which to provide the missing information. If, after this 15-day period, the USAID personnel determine the application still to be incomplete, it shall then be rejected in writing and may not be resubmitted. All applications so rejected by A.I.D. shall be returned to the applicant together with the submission fee described in Part II, section F, paragraph 1a.(i), above. This is the only condition under which the submission fee will be returned to the applicant.

5. A copy of the appropriate application forms (A.I.D. Form 1520–8) are available at the various A.I.D. offices.

B. *Prefeasibility review.* 1. All applications accepted by A.I.D. pursuant to section A above, will be subjected to competitive evaluation in two stages. During the first, or prefeasibility review, all applications will be reviewed by A.I.D., and those projects considered most responsive to A.I.D.'s objectives will be selected for more exhaustive (feasibility) studies. A.I.D. expects to complete the first stage processing within 120 days of the final date applications are accepted in a particular country. Applicants shall be notified in writing of the disposition of their application at this point.

2. During prefeasibility review, the applicant will be expected to have an authorized representative available in the country in which the proposed project is located to provide A.I.D. representatives with such clarifications as may be requested.

C. *Feasibility review.* 1. All applications considered which are not rejected as a result of the prefeasibility review shall be subject to a second stage or feasibility review. This review will include full local investigations of each project.

2. A.I.D. is able to avail itself of the cumulative skills, experience and personnel of the Federal Housing Administration (FHA) through FHA's International Division which, under contract with A.I.D. provides technical and staff services to the A.I.D. Housing and Urban Development Division in the administration of the Housing Investment Guaranty Program. The FHA will send a team of housing technicians to investigate each specific project selected for feasibility review. The technical judgments of the FHA shall serve as guides for A.I.D. in fulfillment of its housing guaranty responsibilities.

3. A.I.D. also has a contractual arrangement with the Washington Federal Savings and Loan Association of Miami Beach, Fla., to provide expert advice and evaluation on applications in the credit institution category. Washington Federal will send a housing finance team to the field to investigate credit institution category applications.

4. A.I.D. utilizes the services of the Foundation for Cooperative Housing (FCH) for advice concerning cooperative housing projects and community facilities and organization.

5. A.I.D. will make use of the skills of its own personnel and such other consultants it considers necessary to investigate and evaluate each project.

6. As in prefeasibility review, the applicant will be expected to have an authorized representative available in the country in which the project is to be located to provide A.I.D. representatives with such additional information and clarifications as may be required.

D. *Acceptance.* After feasibility reviews are completed, A.I.D. will select the successful projects, and issue Letters of Advice. Applicants not selected will be notified in writing. All decisions by A.I.D. are final.

IV. *A closing note.* The success of the program is considered a key element of the Alliance for Progress. The staff of the Division of Housing and Urban Development, Bureau for Latin America, of the Agency for International Development, and the Missions of the Agency in each country will furnish all possible assistance to applicants in order to insure preparation to the best possible applications and the ultimate development of the finest and most creative group of projects. For more specific information on any aspects of the program write to:

Housing and Urban Development Division,
Agency for International Development, Department of State, Room 2242, Washington, D.C. 20523.

Stanley Baruch, Director.
Peter M. Kimm, Deputy Director for Guaranties and Engineering.

[F.R. Doc. 69–4744; Filed, Apr. 21, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. No. 14]

GULF INSURANCE CO., DALLAS, TEX. AND GULF INSURANCE CO., KANSAS CITY, MO.

Termination of Authority To Qualify as Surety on Federal Bonds and Acceptable Surety Company on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Gulf Insurance Co., Dallas, Tex., a Texas corporation, under sections 6 to 13 of title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings required by the laws of the United States, is hereby terminated effective as of 11:59 p.m., December 31, 1968.

Pursuant to a Reinsurance Agreement, approved by the Commissioner of Insurance of the State of Texas on December 31, 1968, and the Superintendent of Insurance of the State of Missouri on December 19, 1968, and effective as of 11:59 p.m., December 31, 1968, Washington Fire and Marine Insurance Co., Kansas City, Mo., a Missouri corporation, acquired certain assets and assumed all of the insurance business and liabilities of the Gulf Insurance Co., a Texas corporation, which withdrew from the insurance business and adopted the name Gulf Liquidating Co. At the same time, the name of the Washington Fire and Marine Insurance Co. was changed to Gulf Insurance Co. A copy of the Reinsurance Agreement is on file in the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury under date of December 31, 1968 to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $4,746,000 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated
Gulf Insurance Company Dallas, Texas Missouri

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the reinsurance and reorganization, with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1968, or thereafter, by the Gulf Insurance Co., Dallas, Tex., pursuant to the Certificate of Authority issued to the company by the Secretary of the Treasury.

Dated: April 16, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69–4739; Filed, Apr. 21, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

BADLANDS NATIONAL MONUMENT

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Mr. E. N. Nelson authorizing him to provide concession facilities and services for the public at the Cedar Pass Lodge, Badlands National Monument, for

a period of five (5) years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed his obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 15, 1969.

EDWARD A. HUMMEL,
Associate Director,
National Park Service.

[F.R. Doc. 69-4722 Filed, Apr. 21, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

MANAGER

Notice of Basic Compensation

Pursuant to the provisions of 5 U.S.C. 5364, notice is hereby given that the basic compensation for the position of Manager of the Federal Crop Insurance Corportation, U.S. Department of Agriculture, has been adjusted to $30,239 per annum, effective February 23, 1969.

The salary paid to the Manager of the Federal Crop Insurance Corporation has been established at the equivalant of grade GS-18. In the future the Manager's salary will be adjusted to coincide with the salary paid employees in grade GS-18 without further public notice.

Done at Washington, D.C., this 16th day of April 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-4731; Filed, Apr. 21, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 125]

INTERAGENCY COMMITTEE CONSULTATION ON EXPORT CONTROLS

Organization and Functions

The following order was issued by the Secretary of Commerce on April 9, 1969. This material supersedes the material appearing at 20 F.R. 5269 of July 22, 1955.

SECTION 1. *Purpose.* This revision updates the provisions for the Advisory Committee on Export Policy and restates how it shall function in relation to overall arrangements for carrying out interagency consultation requirements on export controls called for by the Export Control Act of 1949, as amended.

SEC. 2. *Background.* .01 By Executive Order 10945 of May 24, 1961 (as continued by Executive Order 11038 of July 23, 1962), the Secretary of Commerce is delegated the President's power, authority and discretion to carry out the provisions of the Export Control Act of 1949, as amended (the "Act"), (50 U.S.C. App. 2021–2032). This Executive order superseded a number of previous Executive orders under which the Secretary of Commerce was responsible for carrying out provisions of the Act as well as of predecessor Acts.

.02 Section 4(a) of the Act requires that the department or agency making certain determinations with respect to exports authorized by the Act shall seek advice and information from other departments or agencies concerned. For this purpose, the Secretary on October 5, 1950, through the issuance of Department Order 125, established the Advisory Committee on Export Policy (ACEP). The ACEP replaced a previous structure for interagency coordination on export control matters.

.03 In Executive Order 10945, the President also established the Export Control Review Board (ECRB), consisting of the Secretaries of Defense, State, and Commerce, with the last serving as Chairman. The ECRB was established for the purpose of assuring the highest level of consideration of trade control policies and actions, and, to the extent possible, of obtaining agreed upon action on the part of departments most vitally concerned with advising and counseling the Department of Commerce under provisions of the Act. The ECRB chiefly functions as a review body whereby problems, on which divergent views remain after consideration through the ACEP structure, may be considered and resolved at the Cabinet level.

SEC. 3. *The Advisory Committee on Export Policy.* .01 The Advisory Committee on Export Policy (ACEP) is hereby continued.

.02 The following departments and agencies, together with the Department of Commerce, constitute the membership of the ACEP, each having designated a representative of the rank of Assistant Secretary or equivalent on the ACEP upon the invitation of the Secretary of Commerce:

Department of State.
Department of Defense.
Department of Agriculture.
Department of Interior.
Department of Treasury.
Department of Transportation.
Atomic Energy Commission.
National Aeronautics and Space Administration.
Office of Emergency Preparedness.
Central Intelligence Agency.

In addition to its designated representative, each member department and agency may designate one or more alternate representatives. The Chairman of the ACEP may invite other departments and agencies to participate in the discussions of the ACEP when matters affecting their interests or on which they may furnish information are under consideration.

.03 The Assistant Secretary of Commerce for Domestic and International Business (DIB) shall be the Chairman of the ACEP. He may designate a Vice Chairman to serve in his absence. He shall designate an official under his line of direction to serve as Executive Secretary of the ACEP, and may establish as he deems necessary rules governing the procedures and operations of the ACEP and of its subcommittees or working groups.

SEC. 4. *Functions of the ACEP.* In accord with section 4(a) of the Act, the ACEP shall inform and advise the Secretary with respect to his determining what shall be controlled under the Act and the extent to which exports shall be limited. More specifically, the ACEP shall review and recommend:

a. U.S. export control policy objectives;

b. Export policies and programs relating to the foreign policy, national security and welfare of the United States;

c. Export control licensing policies, criteria and rating structures, and the listing and delisting of commodities and technical data to be designated and controlled for export from the United States;

d. Export policies and programs affecting particular foreign countries or areas or otherwise relating to foreign policy and the fulfillment of U.S. international responsibilities;

e. Export policies and programs for materials in short supply; and

f. Actions on other significant policy problems, including particular export transactions, and matters on which the Assistant Secretary for DIB may seek information and advice.

SEC. 5. *Working structure of the ACEP.* .01 The ACEP shall continue to have a subcommittee, called the Operating Committee (OC), which shall serve as the mechanism for initial interagency consideration of export matters within the purview of the ACEP.

.02 The OC shall consist of a senior official from each of the member departments and agencies of the ACEP, as designated by their respective ACEP representative. One or more alternate representatives may be similarly designated by each ACEP representative.

.03 The Executive Secretary of ACEP shall serve as Chairman of the OC, but not as the Department of Commerce representative to the OC.

SEC. 6. *Interagency consultation procedures.* 01 Matters within the scope of the ACEP's review and advisory functions normally shall be initially referred to its OC for consideration on behalf of the ACEP, but at the election of any member of ACEP or the ECRB, any such matter may be initially considered directly by the ACEP proper or by the ECRB.

.02 The OC Chairman shall report to the Assistant Secretary for DIB the information and advice of the OC representatives on each matter considered in the OC, except where the OC Chairman is otherwise authorized or directed by the Assistant Secretary for DIB to follow other procedures. This shall include the Chairman's recommendation thereon, and the concurrences and objections, if any, of the representatives with respect to the Chairman's recommendation.

a. If there is no objection to the OC Chairman's recommendation, the Assistant Secretary for DIB shall take steps to implement the recommended action or, if he disagrees with it, refer the matter back to the OC for reconsideration or to the ACEP proper for consideration.

b. If the OC Chairman's recommendation on a matter is objected to by an OC representative, the Assistant Secretary for DIB shall refer the matter to the ACEP proper for further consideration, unless he believes further consideration by the OC may be desirable or direct referral by the Secretary to the ECRB is indicated.

.03 On any matter reviewed by the ACEP proper, the Assistant Secretary for DIB as its Chairman shall report to the Secretary of Commerce the information and advice of the ACEP representatives, together with his recommendation thereon, and the concurrences and objections, if any, of the representatives with respect to his recommendation.

a. If there is no objection to the ACEP Chairman's recommendation, the Secretary will, if he is in agreement, authorize and approve the taking of recommended action by the Department of Commerce. If the Secretary disagrees with the proposed action he normally will refer the matter back to the ACEP for reconsideration or direct to the ECRB.

b. If the ACEP Chairman's recommendation on a matter is objected to by an ACEP representative, the Secretary normally will refer the matter back to the ACEP for further consideration in light of his own views on the subject or submit it to the ECRB for resolution of the disagreement.

.04 The advisory position of each OC representative and of each ACEP representative concerned with the subject matter shall be recorded on all substantive matters considered by each group.

.05 The Assistant Secretary for DIB may assign to a Deputy Assistant Secretary under him the responsibility for reviewing and the authority for acting on recommendations of the OC Chairman as set forth in paragraph 6.02 above.

Effective date: April 9, 1969.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[F.R. Doc. 69-4718; Filed, Apr. 21, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Correction

In F.R. Doc. 69-4404 appearing at page 6546 in the issue of Wednesday, April 16, 1969, the second paragraph should read as follows:

The analytical method proposed in the petition for determining residues of the insecticide is that of D. B. Katague and C. A. Anderson published in "Journal of Agricultural and Food Chemistry," vol. 14, pages 505–508 (1966).

ATOMIC ENERGY COMMISSION

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Amendment to Operating License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Operating License No. DPR-4. This license applies to the demonstration power reactor owned by the Saxton Nuclear Experimental Corp. which is located near the Borough of Saxton in Liberty Township, Bedford County, Pa. The amendment authorizes the loading only of the main components of Core III into the reactor. Saxton has made application, dated August 27, 1968, with supplements dated August 30, 1968, and March 12, 1969, for an amendment to operate the reactor at power levels up to 28 mw. t. with Core III; however, the Commission has not completed its review of this request.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see (1) the application to load Core III dated March 19, 1969, and revision dated April 1, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) Attachment A to Amendmment No. 5 containing the technical specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of Item 2 above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of April 1969.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[License No. DPR-4, Amdt. 5]

The Atomic Energy Commission has found that:

1. The application for amendment dated March 19, 1969, and revision dated April 1, 1969, comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. The loading of the reactor with Core III fuel will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required, since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, in addition to other activities authorized by this license, as amended, the licensee is authorized to load fuel of revised design (designated as Core III) into the reactor in accordance with the application for amendment dated March 19, 1969, and revision dated April 1, 1969, but not to operate the reactor with this new fuel.

The Technical Specifications of License No. DPR-4 are revised by adding a new paragraph to section 3.B. as follows:

"The above Technical Specifications are hereby changed by Attachment A appended hereto (designated as Change No. 32)[1] effective with the loading of the new fuel designated as Core III into the reactor."

This amendment is effective as of the date of issuance.

Date of issuance: April 11, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-4717; Filed, Apr. 21, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20909]

COMPAGNIE NATIONALE AIR FRANCE

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

matter is assigned to be held on April 25, 1969, at 10 a.m., e.s.t. in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Notice is further given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., April 17, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-4742; Filed, Apr. 21, 1969; 8:47 a.m.]

[Docket No. 19956]

TRANSPORTES AEREOS NACIONALES, S.A.

Notice of Further Postponment of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on April 23, 1969, is hereby postponed to April 25, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 17, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-4817; Filed, Apr. 21, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69-379]

RADIO EQUIPMENT LIST

Type Acceptance and Listing Withdrawn for Certain Transmitters

APRIL 17, 1969.

The Part 81 and 83 listings for 391 transmitters (of 37 manufacturers) which do not comply with the narrow band technical standards for operation in the 156–162 Mc/s band will be deleted from the Radio Equipment List on the dates indicated in the attached lists. In addition, type acceptance for four composite transmitters will be withdrawn as of January 1, 1974.

New "narrow band" technical standards for operation in the 156–162 Mc/s band under Parts 81 and 83 of the rules and regulations were established by the Commission in Docket 17295, FCC 68-740, 33 F.R. 10849, July 31, 1968. This action established the requirement for installation and the characteristics of an audio low-pass filter to be used in equipment operating in the 156–162 Mc/s band under Parts 81 and 83 of the Commission's rules. In addition, it established more stingent frequency tolerances for such equipment. The use of nonconforming but presently type accepted equipment, under license granted prior to March 1, 1969, is permitted through December 31, 1970, for certain equipment under Part 81 and through December 31, 1973, for certain equipment under Parts 81 and 83, pursuant to the provisions set forth in the above-mentioned rules.

The Commission has completed a review of its Radio Equipment List to determine which of the listed transmitter types do not comply with the technical standards which become mandatory January 1, 1971, and January 1, 1974, for equipment used in the 156–162 Mc/s band under Parts 81 and 83. The technical requirements for such equipment are set forth in Subpart E of Parts 81 and 83. On the basis of the information submitted by manufacturers and reflected in the Radio Equipment List, the transmitter types listed in the attached appendix are not considered capable of complying with those standards. This being the case, type acceptance and listings in the Radio Equipment List will be withdrawn for transmitters under Part 81 on January 1, 1971, or January 1, 1974, as indicated, and for transmitters under Part 83 effective January 1, 1974.

Licensees under Parts 81 and 83 are not authorized to utilize the transmitters listed in the appendix attached to this notice on or after the effective withdrawal date.

Any manufacturer or licensee, having equipment shown on the list attached to this notice which he believes to be capable of compliance with all pertinent requirements without modification, may submit to the Commission measurement data taken in accordance with type acceptance procedures set forth in Subpart F of Part 2 of the Commission's rules, accompanied by a request for continued listing in the Radio Equipment List. Such measurement data should show the capabilities of the equipment with respect to the technical standards in Subpart E of Part 81 or Part 83, as appropriate.

Persons desiring to modify equipment for compliance with the standards may submit requests for type acceptance of the modified transmitters in accordance with the type acceptance procedure set forth in Subpart F of Part 2 of the Commission's rules.

A requirement for the capability to measure the carrier power for transmitters having ratings greater than 200 watts input or 100 watts output was established by Docket 17720 for transmitters operating under Parts 81, 83, and 85. All such transmitters will be required to be fitted with instruments necessary to determine the carrier power by January 1, 1974. The transmitters affected by this requirement are so noted in the attached list.

Action by the Commission April 16, 1969. Commissioners Hyde (Chairman), Bartley, Robert E. Lee, Cox, Wadsworth, Johnson, and H. Rex Lee.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

TRANSMITTERS FOR WHICH TYPE ACCEPTANCE AND LISTING IN THE RADIO EQUIPMENT LIST ARE WITHDRAWN EFFECTIVE JANUARY 1, 1971, FOR PART 81 AND JANUARY 1, 1974, FOR PART 83 OF THE COMMISSION'S RULES AND REGULATIONS, UNLESS OTHERWISE NOTED

AERONAUTICAL ELECTRONICS, INC.

60T1	6W15/SLT-EB
6AT15-M	6W3
6AT25-M	6W35/SLT
6T1	6W35/SLT-B
6W10	6W60
6W100	6W60/SLTA
6W100/SLTA	6W85
6W15	6W85/SLTA
6W15/SLT	6WB10
6W15/SLT-E	

AIRCRAFT RADIO CORP.

7001UFMVZ-P	7020UFMVZ-T
7001UFXVZ-P	7020UFXVZ-D
7010UFMVZ-D	7020UFXVZ-T
7010UFMVZ-DL	7025UFMVZ-F
7010UFMVZ-MC	7025UFMVZ-T
7010UFMVZ-P	7025UFXVZ-F
7010UFMVZ-T	7025UFXVZ-T
7010UFXVZ-D	7060UFMVZ-F
7010UFXVZ-DL	7060UFXVZ-F
7010UFXVZ-MC	8207UFMVZ-T
7010UFXVZ-P	8207UFXVZ-T
7010UFXVZ-T	8306UFXNZ
7020UFMVZ-D	

APPLIED ELECTRONICS CO.

AF-35M	AF-35MA	AF-36MB [2]

BENDIX CORP. OR BENDIX AVIATION CORP.

12TS-3	MT-142B-1
12TS-4	MT-142D-1
13TS-3	MT-142E-1
13TS-4	SKIPPER 925

CANADIAN GENERAL ELECTRIC CO., LTD.

ETC-21-A	ETC-48A

CANADIAN MARCONI CO.

165-475/17	189-611/17
189-520/6/7/10	DN30-TBM
189-520/6/7/10/29	DN30-TCM
189-520/6/8/10	DN32-TBM
189-520/6/8/10/29	DN32-TCM
189-610/17	

COMMUNICATIONS CO., INC.

450-2T-FG	592-M
582-T	592-T
582-T-10	592-T-10

COMMUNICATIONS CO., INC.

626 [1]	800
626-AC [1]	802
649-RMT-M [1]	802-4
682-M	930W
682-T	937W

DUMONT DIVISION OF FAIRCHILD CAMERA AND INSTRUMENT CORP. OR DUMONT ALLEN B LABS, INC.

M-810-AC	M-875-A
M-810F	MCA-875-A

DUMONT DIVISION OF GONSET

HH300	M-876-A
M-875-A	

DUMONT DIVISION OF LING ALTEC, INC.

HH300H

ELECTROGARDE, INC.

TRP-12

See footnotes at end of table.

FARINON ELECTRIC CO.

MB150	MB150A-150W-1 [2]
MB150-150W-1 [2]	MB150A-250W-1 [2]
MB150-250W-1 [2]	MB150A-50W-1
MB150-36F3-150W [2]	MB150M-150W-1 [2]
MB150-36F3-250W [2]	MB150M-250W-1 [2]
MB150-36F3-50W	MB150M-50W-1
MB150-50W-1	

FEDERAL SIGN & SIGNAL

HVP-7	HVP-7A

FISHER RESEARCH LABORATORY, INC.

F-150	F-150/12A

GENERAL ELECTRIC CO.

ES-12-C	ET-37-D
ES-20-A	ET-42-A
ES-25-C	ET-48-A
ES-25-C/GE-1	ET-50-A
ET-1-C	ET-50-B
ET-1-E	ET-52-A
ET-1-E/LC-1	ET-52-B
ET-1-E/LC-2	ET-57-B
ET-20-A	ET-58-B [2]
ET-20-A-5	ET-62-B
ET-21-A	ET-70-B
ET-21-A-5	ET-74-B
ET-21-C	ET-74-D
ET-26-A [2]	ET-83-B [2]
ET-29-A	ET-87-B
ET-32-B	ET-9-A
ET-32-D	EU-1-A
ET-33-B	EU-1-A/EC-14-A
ET-33-D	EU-1-B
ET-34-B	EU-2-A
ET-34-D	EU-2-B
ET-37-B	MS-54-A

HAMMARLUND MANUFACTURING CO., INC.

FM50AW	HFM-30 TM-1
HFM-30-1	HFM-30 TM-4
HFM-30-4	

HARTMAN MARINE ELECTRONICS CORP.

HURRICANE VHF	RM-1500
RB-1500	

INLAND COMMUNICATIONS, INC.

512	S18
512M	S18R
512MM	S2MB
S12MM15	S2MB15
S12MM25	S2MB25
S12MR	S3-10
S12R	S3-10M
S1-5	

INT. TEL. & TEL. CORP.

MT-600-06-00-WB

JEFFERSON RAY DIV.-JETRONIC INC.

6100

KAAR ELECTRONICS CORP.—SEE KAAR ENGINEERING CO.

CLIPPER 1	DP-14
CLIPPER 2	DP15
DJ30WB	DP16
DJ95WB	DT34WB
DJ96WB	

KONEL PRODUCTS, KONEL CORP. OR KONIGSBERG ELECTRONICS, INC.

KR-23VB [2]	KR-53VA
KR-23VN [2]	KR-53VB [2]
KR-33V	KR-53VN [2]
KR-33VB [2]	KR-63V
KR-33VN [2]	KR-63VB [2]
KR-53V	KR-63VN [2]

MACKAY RADIO & TELEGRAPH CO.

219A	221A	CCU9540

See footnotes at end of table.

MOTOROLA AVIATION ELECTRONICS, MOTOROLA, INC.

CC3002	CC3050C
CC3003	CC3051
CC3005 [2]	CC3051C
CC3006	CC3052
CC3007	CC3053
CC3008	CC3056
CC3009	CC3056C
CC301	CC3057
CC3012	CC3057C
CC3019	CC305C
CC302	CC306
CC3020	CC3063
CC3024	CC3063C
CC3025	CC3064 [2]
CC3026	CC3064C [2]
CC3027	CC3065 [2]
CC3028	CC3065C [2]
CC3029B [2]	CC3067
CC303	CC3067C
CC3032	CC3068
CC3033	CC3068C
CC3033A	CC3069
CC3033B	CC307
CC3034 [2]	CC3070
CC3034A [2]	CC3071
CC3034B [2]	CC3072
CC3035	CC3073
CC3035B	CC3073C
CC3035C	CC3074 [2]
CC3037	CC3074A [2]
CC3037C	CC3074C [2]
CC3038	CC3078
CC3038A	CC3078C
CC3038B	CC308
CC3038C	CC3085
CC3039	CC3086
CC3039A	CC3087
CC3039B	CC3088 [2]
CC3039C	CC3089
CC3040 [2]	CC3090
CC3040A [2]	CC3091
CC3040B [2]	CC3092 [2]
CC3040C [2]	CC3093 [2]
CC3042 [2]	CC311
CC3042C [2]	CC350
CC3043	CC3500
CC3043C	CC3501
CC3044	CC3504
CC3044B	CC3508
CC3044C	CC3509
CC3045	CC3510
CC3045C	CC3511
CC3046	CC3512
CC3046C	CC3514A
CC3049	CC3515
CC3049C	CC3517A
CC305 [2]	CC3520
CC3050	

OUTERCOM ELECTRONICS CORP.

FM15B	MINI-MOD
FM50AW	

PEARCE-SIMPSON, INC.

MRT-50

PYE CORPORATION OF AMERICA

PTC3832UN	PTC-8202UN
PTC-8202U	PTC-8302UN

R. F. COMMUNICATIONS

RF-401-15

RADIO CORP. OF AMERICA

CMC-10A	CRM-P19A-100
CMC-10A2	CRM-P19B-60
CMC-10B/H	CRM-P19C-40
CPCJ1-1-TQA	CRM-P20A-15
CRM-P15A-100	CSC-60A
CRM-P15B-60	CSC-60A1
CRM-P15C-40	CT-12A
CRM-P17A-100	CT-12A1
CRM-P17B-60	CT2-100BLM
CRM-P17C-40	CT2-2A
CRM-P18A-100	CT2-30BL-M
CRM-P18B-60	CT2-30E
CRM-P18C-40	CT2-30G
CT2-30HM	CT2-60F1
CT2-30JM	CT2-60GM
CT2-30KM	CT-5C-A
CT2-350B [2]	ET-3030
CT2-350CM [2]	ET-3054-M
CT2-60B-M	ET-3058
CT2-60D	ET-3058M

RADIO SPECIALTY MANUFACTURING CO.

1178-111-1	1178-111-2

RAYTHEON CO. OR RAYTHEON MANUFACTURING CO.

RAY-124ME28	RAY-40A
RAY-40	RAY-42VHFB [2]

REPCO, INC.

BB-1001-1	BB-3004
BB-3002	

SEATRON, INC.

MARK 1	MARK 1A

SIMPSON ELECTRONICS

FM-25 [2]	VHF-50
FM-3 [2]	

STANDARD ELECTRIC A/S

CCU9540

SYMETRICS ENGINEERING CORP.

TCM225A	TPM225A
TCM230A	TPM230A
TCM235A	TPM235A
TPM220A	

WESTINGHOUSE ELECTRIC CORP.

FE	FE-1

[1] Type acceptance under Parts 81 and 83 to be withdrawn effective Jan. 1, 1974.

[2] Type acceptance to be withdrawn under Part 81 only, effective Jan. 1, 1974.

[3] Persons desiring to modify this transmitter for compliance with the new technical requirements adopted in Docket No. 17295 should note also that it is not equipped with instruments necessary to determine carrier power which will be required after Jan. 1, 1974, pursuant to section 81.110(b).

COMPOSITE TRANSMITTERS (NOT IN RADIO EQUIPMENT LIST) FOR WHICH TYPE ACCEPTANCE UNDER PARTS 81 AND 83 OF THE COMMISSION'S RULES IS WITHDRAWN AS OF JANUARY 1, 1974

Bronx Towing Lines, Inc. c/o Cohn and Marks, Cafritz Building, Washington, D.C. 20006.

Motorola CC3012 Modified.

Central Wharf Towboat Co., Inc., 72 Commercial Street, Portland, Maine 04103.

Type No. 295A-AW.

Interstate Oil Transport Co., 214 Transportation Center, 6 Penn Center Plaza, Philadelphia, Pa. 19103.

Type No. 1.

Pilots' Association for the Bay and River Delaware, 214 South 11th Street, Philadelphia, Pa. 19107.

Type No. 1.

[F.R. Doc. 69-4740; Filed, Apr. 21, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors

of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by The Marine Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The First State Bank, West Bend, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 16th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4743; Filed, Apr. 21, 1969; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN CZECHOSLOVAKIA

Entry and Withdrawal From Warehouse for Consumption

APRIL 17, 1969.

On December 23, 1968, the U.S. Government requested the Government of Czechoslovakia to enter into consultations concerning exports to the United States of cotton textiles in Category 26 (other than duck), produced or manufactured in Czechoslovakia. In that request the U.S. Government indicated a specific level at which it considered that exports in this category from Czechoslovakia should be restrained. Following consultations, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3, and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level of 320,000 square yards for the 12-month period beginning April 15, 1969, and extending through April 14, 1970. Cotton textiles in Category 26 (other than duck), produced or manufactured in Czechoslovakia and exported to the United States during the period of December 23, 1968, through April 14, 1969, will not be charged against the above level of restraint except to the extent that exports during that period exceed 800,000 square yards, in which case the excess will be charged against the designated level of 320,000 square yards. Notice of any such charge will be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee. This restraint action does not apply to cotton textiles in Category 26 (other than duck), produced or manufactured in Czechoslovakia and exported to the United States prior to December 23, 1968.

There is published below a letter of April 17, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 26 (other than duck), produced or manufactured in Czechoslovakia which may be entered or withdrawn from warehouse for consumption in the United States for the above period be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

APRIL 17, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective April 15, 1969, and for the 12-month period extending through April 14, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 26 (other than duck)[1] produced or manufactured in Czechoslovakia, in excess of a level of restraint for the period of 320,000 square yards.

In carrying out this directive, entries of cotton textiles in Category 26 (other than duck), produced or manufactured in Czechoslovakia and exported to the United States from Czechoslovakia prior to April 15, 1969, shall not be charged against the level set forth in the first paragraph of this directive unless you are specifically requested to do so by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of Category 26 (other than duck), in terms of T.S.U.S.A. numbers, was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Czechoslovakia and with respect to imports of cotton textiles and cotton textile products from Czechoslovakia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Secretary of Commerce, Chairman, President's Cabinet, Textile Advisory Committee.

[F.R. Doc. 69-4735; Filed, Apr. 21, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CRESTLINE URANIUM & MINING CO.

Order Suspending Trading

APRIL 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Crestline Uranium & Mining Co., Denver, Colo., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 17, 1969, through April 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4724; Filed, Apr. 21, 1969; 8:45 a.m.]

[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08.

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

APRIL 16, 1969.

Electrogen Industries, Inc., formerly Jodmar Industries, Inc., may be known as American Lima Corp.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all securities of Electrogen Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 17, 1969, through April 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4725; Filed, Apr. 21, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Pacific Coastal Area), Rev. 1 Amdt. 2]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the Pacific Coastal Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Pacific Coastal Area) (Revision 1) (33 F.R. 10677) as amended (33 F.R. 14250), is hereby further amended by:

1. Revising Item I.E.1, to read as follows:

I. *Area Coordinators.*

• • • • • •

E. *Financial Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

2. Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6, to read as follows:

II. *Regional Directors.*

• • • • • •

B. Development Company Assistance.

• • • • • •

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator,
By: ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

3. Revising Items II.C, II.D, II.F.2, and II.G.12, to read as follows:

II. *Regional Directors.*

• • • • • •

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

F. *Chiefs, Financial Assistance Division (and Assistant Chiefs, if assigned).*

• • • • • •

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

G. *Supervisory Loan Officer and/or Assistance Team Leader.*

• • • • • •

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

4. Revising Items II.I. 3 and 4, and adding thereto a new Item II.I.5, to read as follows:

II. *Regional Directors.*

• • • • • •

I. *Chief, Development Company Assistance Division.*

• • • • • •

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator,
By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the

Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy, or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

• • • • •

Effective date: December 31, 1968.

WILLIAM S. SCHUMACHER,
Area Administrator,
Pacific Coastal Area.

[F.R. Doc. 69-4726; Filed, Apr. 21, 1969; 8:45 a.m.]

[Delegation of Authority No. 30-6 (Rev. 5), Amdt. 1, Southwestern Area, Dallas, Tex.]

REGIONAL DIRECTORS ET AL.

Delegation of Authority To Conduct Program Activities in Southwestern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30-6 (Revision 5), Southwestern Area, 34 F.R. 5043, dated March 8, 1969, is hereby amended by:

1. Revising Items II.B.4 and 5 and adding thereto a new Item II.B.6, to read as follows:

II. *Regional Directors.*

• • • • •

B. *Development Company Assistance.*

• • • • •

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By: ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

• • • • •

2. Revising Items II.I.3 and 4 and adding thereto a new Item II.I.5, to read as follows:

II. *Regional Directors.*

• • • • •

I. *Chief, Development Company Assistance Division.*

• • • • •

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator.

By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

• • • • •

Effective date: March 13, 1969.

ROBERT E. WEST,
Area Administrator,
Southwestern Area.

[F.R. Doc. 69-4727; Filed, Apr. 21, 1969; 8:46 a.m.]

[License No. 01/01-0018]

MASSACHUSETTS CAPITAL CORP.

Approval of Transfer of Control of a Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of SBA Regulations (13 CFR Part 107, 33 F.R. 326), a notice of a proposed transfer of control of Massachusetts Capital Corp., 225 Franklin Street, Boston, Mass. 02110, was published in the FEDERAL REGISTER on March 22, 1969 (34 F.R. 5568).

Interested persons were given until April 1, 1969, to submit to the Small Business Administration (SBA) their comments on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the proposed transfer of control of Massachusetts Capital Corp.

For SBA (under delegated authority).

Dated: April 11, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-4728; Filed, Apr. 21, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Investigation and Suspension Docket No. M-23033]

SMALL SHIPMENT RATE REVISION, CENTRAL AND SOUTHERN TERRITORY

Present: John W. Bush, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order of the Commission, Division 2, acting as an Appellate Division, dated April 3, 1969, in the above-entitled proceeding, an investigation was instituted into and concerning the lawfulness of the rates, charges, and regulations contained in the schedules described in said order, and suspended the operation of said schedules;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding; and good cause appearing therefor:

It is ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expense and revenue data (including anticipated expense and revenue data to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and carriers involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and in addition, all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations, and specifically to the traffic and territories involved.

It is further ordered, That the Commission will take official notice of all the respondent carriers' financial statements on file with the Commission.

It is further ordered, That the traffic studies to be submitted shall represent the most current period possible, and that they shall be based upon actual operations conducted during identical periods of time for each carrier; that the traffic studies shall be shown to be representative of the traffic covered by the rate proposal; and that the traffic study be costed out and operating ratios determined by the individual weight brackets included within the rate proposal. If the two carrier groups described below under the development of costs are used, the traffic study shall be similarly separated. The revenues and costs for both groups shall also be totaled and operating ratios developed.

It is further ordered, That respondents shall produce evidence showing the total revenue earned for the services performed under the bureau's tariffs here under investigation for the most recent annual reporting period.

It is further ordered, That the cost study shall be based upon the most current annual reporting period adjusted to date. The costs may be developed for those carriers subject to the requirements for allocation of expenses between line haul and pickup and delivery in 49 CFR Part 182, Instructions 27 and 9002, whose total amount of revenue derived under the bureau's tariffs collectively is 75 per-

cent or more of the total revenue derived by all carriers participating in those tariffs. If those instruction 27 carriers' revenue is less than 75 percent of the total, then all of the instruction 27 carriers should be used. These study carriers shall be selected from the participating carriers in descending order beginning with the carrier deriving the greatest dollar amount of revenue from those tariffs. Unit costs are to be developed separately for (1) those carriers who earn 50 percent or more of their revenues under the tariffs involved and (2) those carriers who earn less than 50 percent. If factors similar to those published in appendix A to Highway Form B for the above two groups of carriers are not available, the published factors for the applicable territory based on the latest study are acceptable in the development of the unit costs.

It is further ordered, That both the cost study and the traffic study be adequately supported by working papers to permit a complete check of the procedures followed and the results obtained.

It is further ordered, That respondents shall produce evidence of the sum of money, in addition to operating expenses, needed to attract debt and equity capital which they require to insure financial stability and the capacity to render service. This evidence should include, without limiting the evidence that may be presented, particularized reference to the respondents' reasonable interest, dividend, and surplus requirements; and experienced, projected, and needed rate of return on depreciated investment in transportation.

It is further ordered, That all Class I and II motor carrier respondents shall submit detailed data regarding carrier-affiliate financial and operating relationships, and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate amount to $2,500 or more during the year 1968 the following information:

1. Name of each affiliate from which respondent, during the year 1968, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during the year 1968 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1968.

6. A copy of the income statement for each affiliate for the year 1968 and the latest period of 1969 for which an income statement is available.

7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1968 to any individual who is also a respondent or an officer, director, or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent; or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That all of the required data specified in this order shall be based upon and reflect at least the 1968 annual reporting period.

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having kowledge thereof; that such verified material shall be served on all parties of record on or before July 15, 1969, and at the same time, respondents shall file an executed original and 16 copies with this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice. The information with respect to carrier affiliates may be served on the parties in summary form, if so desired.

It is further ordered, That all underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered, That anyone desiring to become a party of record to receive copies of the verified material

of respondents to be filed in accordance with the procedure set forth above, must notify the Commission, in writing, on or before July 1, 1969. As soon as practicable after such date, a service list of all parties of record will be prepared and served by the Commission. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That this proceeding be, and it is hereby, referred to a hearing examiner to be later designated for hearing commencing on August 18, 1969, at 9:30 a.m. District of Columbia d.s.t. at the offices of the Interstate Commerce Commission, Washington, D.C.

It is further ordered, That this proceeding will not be the subject of an examiner's recommended report and order because due and timely execution of our functions requires an expedited decision and in addition, if the increases involved herein are not approved in their entirety, the shippers will be paying higher rates without any recourse to this Commission for relief.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(2) Have appeared at a hearing.

Dated at Washington, D.C., this 10th day of April 1969.

By the Commission, Commissioner Bush.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4737; Filed, Apr. 21, 1969; 8:46 a.m.]

[Notice 330]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35428. By order of April 4, 1969, the Motor Carrier Board approved the lease to Richard H. Eshe and Lois Mae Eshe, a partnership, doing business as South Park Motor Lines, Denver, Colo., of the certificate of registration in No. MC-58818 (Sub-No. 1) issued December 12, 1963, to Fairplay Motor Co., a corporation, Fairplay, Colo., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate PUC No. 1179, transferred to carrier pursuant to Decision No. 25797 dated April 10, 1946, issued by the Public Utilities Commission of Colorado. Marion F. Jones, Esq., Jones, Meiklejohn, Kehl & Lyons, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-70925. By order of April 4, 1969, the Motor Carrier Board approved the transfer to Robert S. Lockhart and Walter M. Lockhart, a partnership, doing business as Lockhart Express, Winchester, Va., of the certificate in No. MC-55883 (Sub-No. 12), issued July 21, 1967, to Triangle Express, Inc., Wallace, S.C., authorizing the transportation of: Canned fruits and canned fruit products, from Mount Jackson and Maurertown, Va., to Detroit, Mich., and points in Georgia, Alabama, Tennessee, Mississippi, and Missouri, as restricted. S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-71130. By order of April 8, 1969, the Motor Carrier Board approved the transfer to Glen B. Smith and J. Milford Smith, doing business as Smith Transfer, 619 East Ontario Street, Missouri Valley, Iowa 51555, of certificate No. MC-522, issued January 18, 1960, to Glen B. Smith, doing business as Smith Transfer, 619 East Ontario Street, Missouri Valley, Iowa 51555, authorizing the transportation of general commodities, over regular routes, with the usual exceptions, between Missouri Valley, Iowa, and Omaha, Nebr., serving the intermediate points of Council Bluffs, Crescent, Honey Creek, and Loveland, Iowa: From Missouri Valley over U.S. Highway 75 to Omaha, and return over the same routes, and feed, agricultural implements, and building materials, over irregular routes, from Omaha, Nebr., to Logan, Iowa, and points within 20 miles of Logan.

No. MC-FC-71187. By order of April 4, 1969, the Motor Carrier Board approved the transfer to John R. Pacella, doing business as John J. Cushing Trucking Co., Chicago, Ill., of certificate in No. MC-48004, issued June 13, 1944, to Nicholas J. Sapienza, doing business as John J. Cushing Trucking Co., Chicago, Ill.; authorizing the transportation of: General commodities, with the usual exceptions, between points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673. James R. Madler, 189 West Madison Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-71222. By order of April 8, 1969, the Motor Carrier Board approved the transfer to Highway Express, Inc., Hattiesburg, Miss., of the operating rights in certificate No. MC-109326 (Sub-No. 94) issued October 31, 1966, to C. & D. Transportation Co., Inc., Prichard, Ala., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, lumber, gasoline, coal, sand, gravel, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Hattiesburg, Miss., and New Orleans, La., serving the intermediate points of Wiggins and Gulfport, Miss., as follows: From Hattiesburg over U.S. Highway 49 to Gulfport, Miss., thence over U.S. Highway 90 to New Orleans, La., and return over the same route. Douglas C. Wynn, Post Office Box 1295, Greenville, Miss. 38701, attorney for applicants.

No. MC-FC-71242. By order of April 4, 1969, the Motor Carrier Board approved the transfer to Fastest Way Motor Freight, Inc., Spokane, Wash., of a portion of the operating rights in certificate No. MC-59412, and all the operating rights in certificate No. MC-59412 (Sub-No. 4), issued May 17, 1967, and May 10, 1967, respectively, to John W. Gillingham, Jr., doing business as Dependable Motor Freight, Spokane, Wash., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Spokane, Wash., and Medical Lake, Wash., serving specified intermediate and off-route points between Medical Lake, Wash., and Edwall, Wash., serving the intermediate point of Waukon, Wash.; between Medical Lake, Wash., and Edwall, Wash., serving no intermediate points; between Spokane, Wash., and Cheney, Wash., serving the intermediate point of Four Lakes, Wash.; and between Spokane, Wash., and Cheney, Wash., as an alternate route for operating convenience only, serving no intermediate points. George R. LaBissoniere, 1424 Washington Building, Seattle, Wash., 99101, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4738; Filed, Apr. 21, 1969; 8:47 a.m.]

[Notice 329]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 16, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71227. By order of April 2, 1969, the Motor Carrier Board approved the transfer to George A. Lewis, Ltd., St. Stephen, New Brunswick, Canada, of certificate No. MC-117876, issued December 5, 1960, to Leo LeBlanc, doing business as Leo LeBlanc Fish Transport, Cape Bald, New Brunswick, Canada, authorizing the transportation of bananas, and fresh fruits and vegetables in mixed loads with bananas from Boston, Mass., to the port of entry on the United States-Canada boundary line at Calais, Maine. Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC-FC-71248. By order of April 4, 1969, the Motor Carrier Board approved the transfer to Frank James Brown, Jr., doing business as Klavuhn Transfer, 203 Independence Street, Cumberland, Md. 21502, of the certificate No. MC-108069 issued June 21, 1950, to Ralph Edward Klavuhn, doing business as Klavuhn Transfer, 633 Yale Street, Cumberland, Md. 21502, authorizing the transportation of: Household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between Cumberland, Md., and points and places in Maryland, Pennsylvania, and West Virginia within 10 miles of Cumberland, on the one hand, and, on the other, points and places in Maryland, Pennsylvania, West Virginia, and the District of Columbia.

No. MC-FC-71243. By order of April 4, 1969, the Motor Carrier Board approved the transfer to Poole Truck Lines, Inc., Evergreen, Ala., of certificate No. MC-115162 Sub-No. 5 through Sub-No. 166, issued to Walter Poole, doing business as Poole Truck Line, Evergreen, Ala., authorizing the transportation of various commodities, of a general commodity nature, serving points in the United States. Robert E. Tate, Post Office Box 310, Evergreen, Ala. 36401, registered practitioner.

No. MC-FC-71249. By order of April 4, 1969, the Motor Carrier Board approved the transfer to Craft Tours, Inc., Richmond, Va., of Broker License No. MC-12886 issued June 30, 1965, to Harold B. Crafts, doing business as Pleasure-Craft Tours, Richmond, Va., authorizing the right to engage in operations as a broker at Richmond, Va., in arranging for the transportation of passengers and their baggage, beginning and ending at points in Virginia, and extending to points in the United States, including Alaska. Henry E. Ketner, 1208 State Planters Bank Building, Richmond, Va. 23219, attorney for applicants.

No. MC-FC-71244. By order of April 4, 1969, the Motor Carrier Board approved the transfer to The Andrews Moving & Storage Co., a corporation, Cleveland, Ohio, of the certificate in No. MC-44737, issued June 19, 1942, to The Knickerbocker Storage Co., a corporation, Cleveland, Ohio, authorizing the transportation of household goods, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102, attorney for applicants.

No. MC-FC-71183. By order of April 4, 1969, the Motor Carrier Board approved the transfer to Isadore Berman and Lonzie Leroy Cross, Jr., doing business as I. Berman & Cross, Philadelphia, Pa., of certificate No. MC-64665, issued March 20, 1960, to Isadore Berman, doing business as Isadore Berman, Philadelphia, Pa., authorizing the transportation of household goods, as defined by the Commission, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey. Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4696; Filed, Apr. 18, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI 69-673 etc.]

SUNSET INTERNATIONAL PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 11, 1969.

Sunset International Petroleum Corp., and other respondents listed herein, Dockets Nos. RI69-673, etc.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before May 28, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-673..	Sunset International Petroleum Corp., 2400 Fidelity Union Tower Bldg., Dallas, Tex. 75201.	11	5	Northern Natural Gas Co. (Hansford Field, Ochiltree County, Tex.) (R.R. District No. 10).	$2,700	3-17-69	[3] 4-17-69	9-17-69	[4] 17.5	[4] [5] 18.5	RI64-724.
	do	14	4	Northern Natural Gas Co. (Womble Area, Ochiltree and Roberts Counties, Tex.) (R.R. District No. 10).	900	3-17-69	[3] 4-17-69	9-17-69	[4] 17.5	[4] [5] 18.5	RI68-443.
	do	17	8	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (R.R. District No. 10).	610	3-17-69	[3] 4-17-69	9-17-69	[4] 17.5	[4] [5] 18.5	RI64-724.
	do	25	8	Southern Union Gathering Co. (McCoy Unit No. 1, San Juan County, N. Mex.) (San Juan Basin Area).	1,800	3-17-69	[3] 4-17-69	9-17-69	14.0	[6] 15.0	RI66-310.
RI69-674..	Sunset International Petroleum Corp., et al.	[illegible]	7	Northern Natural Gas Co. (Perryton and Hansford Fields, Ochiltree County, Tex.) (R.R. District No. 10).	[illegible]	3-17-69	[3] 4-17-69	9-17-69	[4] 17.5	[4] [5] 18.5	RI64-725.
	do	[illegible]	8	Northern Natural Gas Co. (Guymon-Hugoton and George Morrow Fields, Beaver County, Okla.) (Panhandle Area).	300	3-17-69	[3] 4-17-69	9-17-69	[4] 17.5	[4] [5] 18.5	RI64-725.
RI69-675..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	243	11	Transwestern Pipeline Co. (Panhandle Area, Lipscomb, Roberts, and Ochiltree County, Tex.) (R.R. District No. 10).	22,750	3-17-69	[3] 4-17-69	9-17-69	[4] [8] 17.5	[4] [7] 18.5	
	do	[illegible]	9	El Paso Natural Gas Co. (Denton Plant, Lea County, N. Mex.) (Permian Basin Area).	1,249	3-14-69	[3] 4-14-69	9-14-69	14.51	[6] 18.14378	
	do	142	14	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	856	3-14-69	[3] 4-14-69	9-14-69	14.50	[6] 18.243	
	do	18	14	El Paso Natural Gas Co. (Ratliff-Bedford Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	466	3-14-69	[3] 4-14-69	9-14-69	15.58	[6] 15.70925	
RI69-676..	Pecos Co., El Paso Natural Gas Bldg., El Paso, Tex. 79999.	[illegible]	2	Cities Service Gas Co. (South Bishop Area, Mills County, Okla.) (Oklahoma "Other" Area).	179	3-17-69	[3] 4-17-69	9-17-69	[4] 15.0	[4] [5] 17.0	
RI69-677..	Home-Stake Production Co., Philtower Bldg., Tulsa, Okla. 74103.	[illegible]	2	Northern Natural Gas Co. (Dower Field, Beaver County, Okla.) (Panhandle Area).	1,826	[9] 3-17-69	[10] 4-17-69	9-17-69	[11] 16.5	[4] [11] [12] 18.5	RI61-41.
RI69-678..	Texaco, Inc. (Operator), et al., Post Office Box 2420, Tulsa, Okla. 74102.	[illegible]	12	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).	3,350	3-24-69	[10] 4-24-69	9-24-69	[4] 18.0	[4] [5] 18.2	RI68-168.
	do	[illegible]	41	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Texas and Beaver Counties, Okla.) (Panhandle Area) and Blakemore Area, Hansford County, Tex. (RR. District No. 10).	78,400 10,611	3-24-69	[10] [17] 4-24-69	9-24-69	[4] [13] 17.25 [4] [16] 17.0	[4] [5] [14] [15] 18.6 [4] [5] [14] [16] 18.6	RI68-665. RI68-665.
RI69-679..	Texaco, Inc.	317	[18] 1	Northern Natural Gas Co. (Gooch Field, Stevens County, Kans.).	9,466	3-24-69	[10] 4-24-69	9-24-69	[4] [13] 16.0	[4] [5] [13] 17.0	
	do	354	2	Natural Gas Pipeline Co. of America (Indian Basin Area, Eddy County, N. Mex.) (Permian Basin Area).	17,438	3-17-69	[10] 4-17-69	9-17-69	[19] [20] 16.608	[4] [5] [19] 17.646	
RI69-680..	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	26	5	Panhandle Eastern Pipe Line Co. (Texas County, Okla.) (Panhandle Area).	550	3-24-69	[3] 5-1-69	10-1-69	17.01	[4] 18.01	RI68-129.
RI69-681..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	80	2	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Beaver County, Okla.) (Panhandle Area).	180	3-24-69	[3] 5-1-69	10-1-69	[4] 17.0	[4] [5] 18.0	
RI69-682	Southeastern Public Service Co. (Operator) et al., 70 Pine St., New York, N.Y. 10005.	5	[illegible]	Natural Gas Pipeline Co. of America (Menefee Field Area, Wharton County, Tex.) (RR. District No. 3).	16,425	3-18-69	[10] 4-18-69	9-18-69	[4] 16.0	[4] [5] 17.0	RI64-676.
RI69-683..	C. Crady Davis et al., c/o Kimbark Operating Co., 288 Clayton St., Denver, Colo. 80206.	1	11	Southern Union Gathering Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	3,146	3-14-69	[21] 6-1-69	11-1-69	14.0000	[6] [22] 15.0636	RI67-149.
	do	2	7	El Paso Natural Gas Co. (Greater Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	[illegible]	3-14-69	[3] 4-14-69	9-14-69	13.0	[3] [6] 14.0593	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-684..	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001, Attention: C. W. Proctor, Vice president.	8	12	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	$3,459	3-17-69	[3] 4-17-69	9-17-69	[23] 14.44	[6] [23] 16.88	
	do	9	10	El Paso Natural Gas Co. (Pecos Valley Fusselman Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	2,281	3-17-69	[3] 4-17-69	9-17-69	13.95	[6] 16.72	
	do	11	8	El Paso Natural Gas Co. (Wilshire-Ellenburger Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	995	3-17-69	[3] 4-17-69	9-17-69	14.10	[6] 15.20	
	do	17	12	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.) (Permian Basin Area).	2	3-17-69	[3] 4-17-69	9-17-69	14.29	[6] [23] 16.88	
	do	18	12	do	387	3-17-69	[3] 4-17-69	9-17-69	14.29	[6] [23] 16.88	
	do	19	19	El Paso Natural Gas Co. (Warren's Monument Plant, Lea County, N. Mex.) (Permian Basin Area).	5,396	3-17-69	[3] 4-17-69	9-17-69	13.02	[6] [24] 15.86	
	do	19	20	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin Area).	99,939	3-17-69	[3] 4-17-69	9-17-69	14.12	[6] [23] 16.98	
	do	33	8	Northern Natural Gas Co. (Yates Field, Pecos County, Tex.) (RR District No. 8) (Permian Basin Area).	275	3-17-69	[3] 4-17-69	9-17-69	14.5	[6] 15.0	
	do	35	6	El Paso Natural Gas Co. (North Puckett Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	8,222	3-17-69	[3] 4-17-69	9-17-69	16.50	[6] 18.24	
	do	43	2	El Paso Natural Gas Co. (Wilshire-Devonian Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	17,904	3-17-69	[3] 4-17-69	9-17-69	[23] 16.5	[3] 18.0	
RI69-685..	Sohio Petroleum Co. et al., 970 First National Annex Oklahoma City, Okla. 73102, Attention: Richard F. Remmers, Esq.	60	13	El Paso Natural Gas Co. (Spraberry Trend Area, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	527	3-17-69	[3] 4-17-69	9-17-69	14.5	[6] 18.243	
	do	62	14	do	714	3-17-69	[3] 4-17-69	9-17-69	14.5	[6] 18.243	
	do	72	13	El Paso Natural Gas Co. (Spraberry Area, Upton County, Tex.) (RR. District No. 4-C) (Permian Basin Area).	427	3-17-69	[3] 4-17-69	9-17-69	14.5	[6] 18.243	
	do	78	15	El Paso Natural Gas Co. (Spraberry Trend Area, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	333	3-17-69	[10] 4-17-69	9-17-69	14.5	[6] 18.243	
	do	79	13	do	547	3-17-69	[3] 4-17-69	9-17-69	14.5	[6] 18.243	
	do	81	15	do	669	3-17-69	[3] 4-17-69	9-17-69	14.5	[6] 18.243	
	do	83	16	do	220	3-17-69	[3] 4-17-69	9-17-69	14.5	[6] 18.243	
	do	84	14	do	422	3-17-69	[10] 4-17-69	9-17-69	14.5	[6] 18.243	
	do	95	19	El Paso Natural Gas Co. (Spraberry Area, Midland Couny, Tex.) (RR. District No. 8) (Permian Basin Area).	295	3-17-69	[3] 4-17-69	9-17-69	14.5	[6] 18.243	
RI69-686..	Sohio Petroleum Co. (Operator) et al.	91	22	El Paso Natural Gas Co. (Spraberry Trend Area, Glasscock, Midland, Reagan, and Upton Counties, Tex.) (RR. District Nos. 8 and 7-C) (Permian Basin Area).	1,703	3-13-69	[3] 4-16-69	9-16-69	14.5	[6] 18.243	
	do	97	12	El Paso Natural Gas Co. (Bakke Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	3,038	3-17-69	[3] 4-17-69	9-17-69	12.81	[6] 15.2025	
RI69-687	Pecos Co. et al.,[25] El Paso Natural Gas Bldg., El Paso, Tex. 79999, Attention: Walter G. Henderson, Esq.	1	11	El Paso Natural Gas Co. (Benedum Field Gasoline Plant, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	16,285	3-17-69	[3] 4-17-69	9-17-69	14.64	[6] 18.243	
RI69-688	Pecos Co. (Operator).[25]	2	13	El Paso Natural Gas Co. (Midkiff Gasoline Plant, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	47,099	3-17-69	[3] 4-17-69	9-17-69	11.82	[6] 16.216	
	do [25]	4	10	El Paso Natural Gas Co. (Wilshire Gasoline Plant, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	40,500	3-17-69	[3] 4-17-69	9-17-69	16.02	[6] 18.243	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Pressure base is 15.025 p.s.i.a.
[6] "Fractured" rate increase. Respondent contractually due 23-cent rate.
[7] Rate in effect subject to refund in Dockets Nos. RI65-475 (Roberts and Ochiltree Counties production) and RI67-382 (Lipscomb County production).
[8] Increase from applicable area ceiling rate to present contract rate plus tax reimbursement.
[9] Revised by filing submitted on Mar. 20, 1969, under letter dated Mar. 18, 1969.
[10] Two-step periodic rate increase.
[11] Includes 1 cent paid by buyer for seller relinquishing its rights to process gas.
[12] The stated effective date is the first day after expiration of the statutory notice.
[13] Filing from a previously filed fractured rate to full contractual rate.
[14] Blakemore Area, Texas Railroad District No. 10.
[15] Southeast Camrick Field, Oklahoma Panhandle Area.
[16] For base acreage committed under the Feb. 21, 1955, Basic Contract, the contractual effective date is Jan. 23, 1969. For certain added acreage in Oklahoma committed by the June 26, 1956, amendment provides three escalation dates for different blocks of acreage: Mar. 21, 1969, May 10, 1969, and June 5, 1969.
[17] For formations deeper than base of Wolfcamp Series of Permian System.
[18] Includes upward adjustment in price for B.t.u. above 1,000 B.t.u. per cubic foot. Subject gas contains 1,038 B.t.u.'s per cubic foot.
[19] Initial rate.
[20] The stated effective date is the earliest date on which the suspended rate on which Respondent is basing his favored-nation rate increase may be made effective.
[21] Favored-nation rate increase.
[22] Subject to deduction of 0.4467 cent per Mcf for gas delivered at pressure below 609 p.s.i.g.
[23] Subject to deduction of 0.5 cent per Mcf for compression.
[24] Pecos Co. is a wholly owned subsidiary of El Paso Natural Gas Co.

Home-Stake Production Co. requests that its proposed rate increase be permitted to become effective on March 17, 1969. Texaco, Inc. (Operator), et al., request a retroactive effective date of November 7, 1968 for Supplement No. 12 to their FPC Gas Rate Schedule No. 166, and an effective date of January 23, 1969, and March 21, 1969, for Supplement No. 41 to their FPC Gas Rate Schedule No. 133. Texaco, Inc., also requests a retroactive effective date of December 1, 1968, for Supplement No. 1 to its FPC Gas Rate Schedule No. 317, and an effective date of March 17, 1969, for Supplement No. 2 to its FPC Gas Rate Schedule No. 354. Sohio Petroleum Co. et al., request a retroactive effective date of August 1, 1964, for Supplements Nos. 15 and 14 to their FPC Gas Rate Schedules Nos. 78 and 84, respectively. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Southeastern Public Service Co. (Operator) et al. (Southeastern) request that their proposed rate increase be accepted by the Commission, or if suspended, the suspension period be shortened so as to allow collection of the increase at an early date. Good cause has not been shown for granting Southeastern's request for limiting to 1 day the suspension period with respect to their rate filing and such request is denied.

C. Crady Davis et al. (Davis), proposes a favored-nation rate increase from 14.0006 cents to 15.0636 cents per Mcf for a sale of gas to Southern Union Gathering Co. in the San Juan Basin Area of New Mexico under his FPC Gas Rate Schedule No. 1. The rate on which Davis is basing his proposed increase is suspended and cannot become effective prior to June 1, 1969. Under the circumstances, we conclude that Davis' proposed rate increase should be suspended for 5 months from the date the rate on which Davis is basing his proposed rate increase may be made effective.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–4640; Filed, Apr. 21, 1969; 8:45 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

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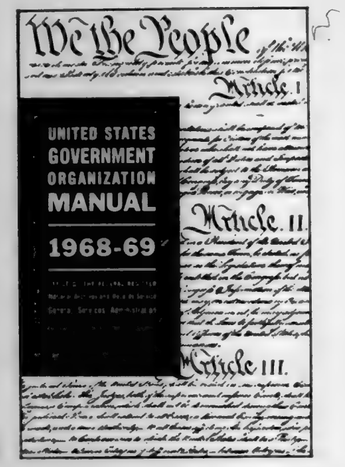
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PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Chief, Children's Bureau, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (o) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * * *

(o) *Social and Rehabilitation Service.* * * *

(5) One Confidential Assistant to the Chief, Children's Bureau.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4812; Filed, Apr. 22, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the positions of Staff Assistant to the Under Secretary and Special Assistant to the Director of Public Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (38) and (39) are added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(38) One Staff Assistant to the Under Secretary.

(39) One Special Assistant to the Director of Public Affairs.

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4813; Filed, Apr. 22, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

Basis and purpose. The following amendment is issued to change the method by which certificate costs are determined on Durum wheat exported on and after August 1, 1969, and to make other miscellaneous changes to the regulations.

(a) The amendment provides for the determination of certificate costs on Durum wheat exported on and after August 1, 1969, on the same basis as is now provided for other classes of wheat, i.e., on the basis of rates announced by the Department instead of on the basis of rates proposed by the exporter in his report of intention to export. The change has been recommended by many exporters and producers of Durum wheat. It should make the regulations easier for exporters to understand, simplify program administration, and encourage greater participation by small exporters in the program. It is anticipated that under the new provision, the level of exports on Durum wheat will continue the upward trend that has been occurring in the last number of years. The method of determining certificate costs for Durum wheat to be exported before August 1, 1969, is unchanged.

(b) This amendment also changes the time of day at which reports of intention to export wheat must be filed with the Department. The change results from requests made by many exporters so that they would have additional time to contract with foreign buyers during the day on the basis of rates announced by the Department that same day.

(c) The amendment increases the interest rate from 6 to 8 percent for certificates acquired from CCC later than the 15th calendar day after the date of exportation in view of recent increases in the commercial rates of interest and in the cost of money to the Treasury.

(d) The amendment also makes changes in the delegations of authority in the regulations to transfer administration of the regulations to the Export Marketing Service from Agricultural Stabilization and Conservation Service and contains other minor modifications.

These requirements must be acted upon immediately by exporters who may wish to export Durum wheat after July 31, 1969, inasmuch as export sales occur in advance of exportation and it is desired to assure that forward sales of Durum wheat from the United States will be competitive in world markets, and the amendments are otherwise needed immediately for the effective administration of the program. Accordingly, it is hereby found and determined that the notice, public procedure and 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and this amendment shall be effective as hereinafter provided. General details of this amendment which affect exports of Durum wheat were, however, discussed with those exporters who have exported Durum wheat under these regulations or under GR–345 in the last year and each exporter has been afforded an opportunity to furnish written comments. A revision of the regulations will appear in the FEDERAL REGISTER at a later date at which time the regulations will be appropriately codified under a chapter of the Code of Federal Regulations for the Export Marketing Service.

The Export Wheat Marketing Certificate Regulations (32 F.R. 14727 and 16251, as amended by 33 F.R. 10183) are hereby amended as follows:

1. This Part 778 is amended by changing "Director" (except Director of the Kansas City ASCS Commodity Office) wherever it appears to read "Assistant Sales Manager."

2. Section 778.2 *Administration* is revised to read as follows:

§ 778.2 Administration.

The regulations of this part will be administered in Washington, D.C. by the Export Marketing Service (hereinafter referred to as "EMS") and in the field by the Kansas City ASCS Commodity Office. The Commodity Credit Corporation (hereinafter referred to as "CCC") will assist in carrying out the regulations through the issuance, sale and purchase of export certificates. Information pertaining to these regulations may be obtained from the Assistant Sales Manager, Commodity Exports, EMS, U.S. Department of Agriculture, Washington, D.C. 20250.

§§ 778.3, 778.5, 778.7, 778.9 [Amended]

3. Section 778.3 *Definitions* is amended by deleting paragraph (a) and by changing paragraphs (f) and (l) to read as follows:

(f) "Assistant Sales Manager" means the Assistant Sales Manager, Commodity Exports, EMS, Washington, D.C., or his designee.

* * * * * * *

(i) "General Sales Manager" means the General Sales Manager, EMS, or his designee.

4. Sections 778.3(q), 778.7 (a)(2) and (b)(2) (ii) and (ix), and 778.9 (a)(3) and (b) are amended by changing the time "4:00 p.m." to read "3:30 p.m." and the time "4:01 p.m." to read "3:31 p.m."

5. Section 778.5 *Requirement for Export Certificates* paragraph (b)(3) is amended by changing the word "Administrator," wherever it appears, to "General Sales Manager" and paragraph (c)(2) is amended by changing the rate of interest from 6 percent per annum to 8 percent per annum.

6. Section 778.8 is amended by changing the third sentence of paragraph (d)(2) to read as follows: "During such 5-day period, the General Sales Manager will not recognize, for the purposes of this section and for financing under Public Law 480, any new sale between the same exporter and foreign buyer in substitution of the original transaction."

7. Section 778.9 is amended by changing the time "5:30 p.m." in (c)(1) to read "4:30 p.m." and by adding a new paragraph (i) to read as follows:

(i) *Exports of Durum wheat on and after August 1, 1969.* (1) Notwithstanding any other provision of this part, an exporter who wishes to export on and after August 1, 1969, Durum wheat not exempt under § 778.5(b) from export certificate requirements (other than an export of Durum wheat pursuant to a sale under GR–261 or Public Law 480 or a sale as described in § 778.8(a)(1)(ii) and other than an export of Durum wheat for an export payment under GR–345) shall submit to the Assistant Sales Manager a report of intention to export in accordance with the requirements of § 778.7. The provisions of § 778.7 and any other provisions of this part applicable to an exporter who exports wheat (other than the provisions covering exports of Durum wheat before August 1, 1969, and wheat pursuant to a sale under Public Law 480 or a sale as described in § 778.8(a)(1)(ii)) shall apply to an exporter of Durum wheat as described in the preceding sentence.

(2) Notwithstanding any other provision of this part, an exporter who wishes to export on and after August 1, 1969, Durum wheat pursuant to a sale under Public Law 480 or a sale as described in § 778.8(a)(1)(ii) (other than an export of Durum wheat for an export payment under GR–345 or an export pursuant to a sale under GR–261) shall submit to the Assistant Sales Manager a report of intention to export in accordance with the requirements of § 778.8. The provisions of § 778.8 and any other provisions of this part applicable to an exporter of wheat (other than Durum wheat) pursuant to a sale under Public Law 480 or a sale as described in § 778.8(a)(1)(ii) shall apply to an exporter of Durum wheat as described in the preceding sentence.

(Secs. 379a–379j, 52 Stat. 31, as amended, sec. 5, 62 Stat. 1070, sec. 102, 68 Stat. 454, as amended; 7 U.S.C. 1379a–1379j, 15 U.S.C. 714c, 7 U.S.C. 1702)

Effective date. This amendment shall become effective at 4:01 p.m., e.s.t., on April 23, 1969.

Signed at Washington, D.C., on April 18, 1969.

CLIFFORD M. HARDIN,
Secretary.

[F.R. Doc. 69–4846; Filed, Apr. 18, 1969; 4:24 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 2]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR–345) Terms and Conditions

MISCELLANEOUS AMENDMENTS

In order to change the method by which exporters enter into contracts with the Commodity Credit Corporation for export payments on Durum wheat exported on and after August 1, 1969, and to make miscellaneous changes in the program regulations, the Wheat Export Program (GR–345) Terms and Conditions (32 F.R. 14739 and 32 F.R. 16251 as amended by 33 F.R. 10185) are hereby amended as follows:

1. This subpart is amended by changing "Director" (except Director, Kansas City ASCS Commodity Office) wherever it appears to read "Assistant Sales Manager."

§ 1483.101 [Amended]

2. Section 1483.101 *General statement* is amended by changing the next to the last sentence to read: "This program will be administered in Washington, D.C., by the Export Marketing Service, U.S. Department of Agriculture and in the field by the Kansas City ASCS Commodity Office."

§ 1483.102 [Amended]

3. Section 1483.102 *General conditions of eligibility* paragraph (a) is amended by changing the second sentence to read: "Export payments on Durum wheat exported before August 1, 1969, shall be based on the export payment rate contained in an offer submitted to and accepted by CCC. Export payment rates on other classes of wheat and on Durum wheat exported on and after August 1, 1969, shall be based on rates announced by CCC."

§§ 1483.104, 1483.106, 1483.111, 1483.131, 1483.151 [Amended]

4. Sections 1483.104, 1483.106(t), 1483.111(b)(2) and (8), 1483.131(b) and 1483.151 (a) and (b)(5) are amended by changing the time "4:00 p.m." to read "3:30 p.m." and the time "4:01 p.m." to read "3:31 p.m."

5. Section 1483.106 *Definition of terms* is amended by deleting paragraph (r) and changing paragraphs (f) and (j) to read as follows:

(f) "Assistant Sales Manager" means the Assistant Sales Manager, Commodity Exports, Export Marketing Service, Washington, D.C., or his designee.

* * * * *

(j) "General Sales Manager" means the General Sales Manager, Export Marketing Service, or his designee.

6. Section 1483.131 *Notice of sale* is amended by changing the third sentence of paragraph (e) to read as follows: "During such 5-day period, CCC will not recognize, for the purpose of §§ 1483.130 to 1483.139 and for financing under Public Law 480, any new sale between the same exporter and foreign buyer in substitution of the original transaction."

§ 1483.152 [Amended]

7. Section 1483.152(a) is amended by changing the time "5:30 p.m." to read "4:30 p.m."

8. A new § 1483.157 is added as follows:

§ 1483.157 Durum wheat exported on and after August 1, 1969.

(a) Notwithstanding any other provision of this subpart, an exporter who wishes to receive an export payment on an export of Durum wheat on and after August 1, 1969 (other than on an export pursuant to a sale under Public Law 480 or a sale as described in § 1483.130(b)), shall submit an offer to export the Durum wheat in accordance with the requirements of § 1483.111. The provisions of §§ 1483.110 through 1483.116 and any other provision of this subpart applicable to an exporter who wishes to receive an export payment on an export of wheat (other than the provisions covering exports of Durum wheat before August 1, 1969, and exports pursuant to a sale under Public Law 480 or a sale as described in § 1483.130(b)), shall apply to an exporter of Durum wheat as described in the preceding sentence.

(b) Notwithstanding any other provision of this subpart, an exporter who wishes to receive an export payment on an export of Durum wheat on and after August 1, 1969, pursuant to a sale under Public Law 480 or a sale as described in § 1483.130(b), shall file an offer to export the Durum wheat consisting of a notice of sale as provided in § 1483.131. The provisions of §§ 1483.130 through 1483.139 and any other provision of this subpart applicable to an exporter who wishes to receive an export payment on an export of wheat other than Durum wheat pursuant to a sale under Public Law 480 shall apply to an exporter of Durum wheat as described in the preceding sentence.

§ 1483.185 [Amended]

9. Section 1483.185 *Place of submission of offers and reports* is amended by changing the address in paragraph (a) to read as follows:

Assistant Sales Manager, Commodity Exports, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 1483.187 [Amended]

10. Section 1483.187 *ASCS offices and General Sales Manager offices* is amended by changing the subtitle "Foreign Agricultural Service—General Sales Manager" to read "Export Marketing Service—General Sales Manager."

§ 1483.190 [Amended]

11. Section 1483.190 is amended by deleting the words Vice President from the title and in the first sentence.

(Secs. 4, 5, 62 Stat. 1070, 1072, sec. 102, 68 Stat. 454, as amended, sec. 407, 63 Stat. 1051, as amended; 15 U.S.C. 714 b, c, 7 U.S.C 1702, 7 U.S.C. 1427)

Effective date. This amendment shall become effective at 4:01 p.m., e.s.t., on April 23, 1969, but shall not affect any contracts between exporters and CCC entered into prior to such time.

Signed at Washington, D.C., on April 15, 1969.

CLIFFORD G. PULVERMACHER,
General Sales Manager, Export Marketing Service.

[F.R. Doc. 69–4849; Filed, Apr. 22, 1969; 4:24 p.m.]

[Amdt. 2]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program (GR–346) Terms and Conditions

The terms and conditions of the Flour Export Program (GR–346) (33 F.R. 15633 and 33 F.R. 16071) as amended (34 F.R. 609) are hereby amended as follows:

1. Sections 1483.205, 1483.206(c), 1483.207(b), 1483.232(c), 1483.253(l) and 1483.286 are amended by changing "Director" to read "Assistant Sales Manager."

2. Section 1483.201 *General statement* is amended by changing the next to the last sentence to read: "This program will be administered in Washington, D.C., by the Export Marketing Service, U.S. Department of Agriculture and in the field by the Kansas City ASCS Commodity Office."

3. Sections 1483.204, 1483.207(q) and 1483.231(b) are amended by changing the time "4:00 p.m." to read "3:30 p.m." and the time "4:01 p.m." to read "3:31 p.m."

4. Section 1483.204 is further amended by changing the term "Foreign Agricultural Service" to read "Export Marketing Service."

5. Section 1483.207 is further amended by deleting paragraph (p) and by changing paragraphs (e) and (j) to read as follows:

(e) "Assistant Sales Manager" means the Assistant Sales Manager, Commodity Exports, Export Marketing Service, Washington, D.C., or his designee.

* * * * *

(j) "General Sales Manager" means the General Sales Manager, Export Marketing Service, or his designee.

6. Section 1483.285 *Place of submission of offers and reports* is amended by changing the address in paragraph (a) to read as follows:

Assistant Sales Manager, Commodity Exports, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

7. Section 1483.287 *ASCS offices and General Sales Manager offices* is amended by changing the title to read "Written approval by the Assistant Sales Manager or Contracting Officer" and by deleting "Vice President" and changing "Director" to read "Assistant Sales Manager" in the first sentence.

(Secs. 4 and 5, 62 Stat. 1070 and 1072, sec. 102, 68 Stat. 454, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1702)

Effective date. This amendment shall become effective at 4:01 p.m., e.s.t., on April 23, 1969, but shall not affect any contracts between exporters and CCC entered into prior to such time.

Signed at Washington, D.C., on April 15, 1969.

CLIFFORD G. PULVERMACHER,
General Sales Manager, Export Marketing Service.

[F.R. Doc. 69–4850; Filed, Apr. 18, 1969; 4:24 p.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Consideration of Ultimate Power Level for Power Reactors

On February 14, 1967, the Atomic Energy Commission published in the FEDERAL REGISTER (32 F.R. 2851) a proposed amendment to § 50.34 of 10 CFR Part 50, "Licensing of Production and Utilization Facilities", which would require an applicant for a facility construction permit to include, in the preliminary safety analysis report, an analysis and evaluation of the major systems and components of the facility which bear significantly on the acceptability of the site under the site evaluation factors identified in 10 CFR Part 100, assuming that the facility will be operated at the ultimate power level which is contemplated by the applicant. All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Upon consideration of the comments received and other factors involved, the Commission has adopted the amendment set out below, which is identical with the proposed amendment published February 14, 1967, except for a few minor changes to conform to the amendments of § 50.34 published in the FEDERAL REGISTER on December 17, 1968 (33 F.R. 18610).

In recent years, many applications for construction permits for power reactors have set forth two figures for operating power levels. The lower figure, that guaranteed to the utility by the manufacturer, is the one supported by the specific design data and analysis set forth in the application. The higher figure is the one expected to be achieved ultimately, but for which justification depends upon experience gained and data developed during operations at the lower power level. Some applications contain no supporting data for the higher figure and merely reference it as a projection which would be the subject of an application for license amendment after the initial operation of the facility had demonstrated its capability to operate safely at the higher power. Other applications extrapolate data from the lower design values to form the bases for the design capacity of the engineered safeguards and other components at the higher level. Because of the absence of adequate data to support operation at the higher capacity, the Commission's finding that there is reasonable assurance that the proposed facility can be constructed and operated at the proposed site without endangering public health and safety has necessarily been limited to operation at the lower power level, and that level is specified in the construction permit which is then issued.

The amendment of § 50.34 of Part 50 which follows requires an applicant for a facility construction permit to include, in the preliminary safety analysis report, an analysis and evaluation of the major structures, systems and components of the facility which bear significantly on the acceptability of the site under the site evaluation factors identified in 10 CFR Part 100, assuming that the facility will be operated at the ultimate power level which is contemplated by the applicant. The amendment thus permits evaluation of all major systems and components at the construction permit stage, to the extent permitted by available information.

The power level specified in the construction permit would depend upon the adequacy of the information which the applicant is then able to provide.

Under present technology, it is expected that the power level designated initially in a construction permit will normally be the lower figure. The amendment, however, will not prejudice future requests for increases in power level, whether because of changes in technology or for other reasons.

The amendment in no way changes the nature of the Commission review of each facility at the operating license stage. This review assures that, irrespective of the power level specified in the construction permit, no license will be issued authorizing operation at that power level, or any other, until the applicant has demonstrated that the final design of the facility provides reasonable assurance that the health and safety of

the public will not be endangered by operation of the facility.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 50 is published as a document subject to codifications to be effective 30 days after publication in the FEDERAL REGISTER.

Paragraph (a)(1) of § 50.34 is amended to read as follows:

§ 50.34 Contents of applications; technical information.

(a) *Preliminary safety analysis report.* Each application for a construction permit shall include a preliminary safety analysis report. The minimum information to be included shall consist of the following:

(1) A description and safety assessment of the site on which the facility is to be located, with appropriate attention to features affecting facility design. Special attention should be directed to the site evaluation factors identified in Part 100 of this chapter. Such assessment shall contain an analysis and evaluation of the major structures, systems and components of the facility which bear significantly on the acceptability of the site under the site evaluation factors identified in Part 100 of this chapter, assuming that the facility will be operated at the ultimate power level which is contemplated by the applicant. With respect to operation at the projected initial power level, the applicant is required to submit information prescribed in subparagraphs (2)–(8) of this paragraph, as well as the information required by this subparagraph, in support of the application for a construction permit.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 17th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4806; Filed, Apr. 22, 1969; 8:52 a.m.]

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Transfer of Products Containing Byproduct Material and Source Material Exempted From Licensing and Regulatory Requirements

On February 24, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 3246) a proposed amendment to 10 CFR Part 150 which would redefine the category of products containing radioactive materials over whose transfer by the manufacturer, processor, or producer in an Agreement State the Commission retains jurisdiction. The notice of proposed rule making was published in the FEDERAL REGISTER once each week for four consecutive weeks, allowing 60 days for public comment after initial publication.

After consideration of the comments and other factors involved, the Commission has adopted the proposed amendment. The text of the effective rule is the same as the proposed rule except for clarifying changes of language.

Subsection 274c of the Atomic Energy Act of 1954, as amended, provides that notwithstanding any agreement between the Atomic Energy Commission and any State, the Commission is authorized to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

In issuing 10 CFR Part 150, which implemented certain provisions of section 274 of the Act, in 1962, the Commission exercised its authority under subsection 274c of the Act by providing (§ 150.15(a)(6)) that persons in Agreement States are not exempt from the Commission's licensing requirements with respect to * * *

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

In retaining regulatory authority over transfer of products "intended for use by the general public", the Commission was seeking to maintain surveillance over the safety of products containing radioactive materials, without the imposition of regulatory controls, and to be able to assess the effect of the attendant uncontrolled addition of these radioactive materials to the environment.

In view of the increasing difficulty in determining whether or not such products are intended for use by the general public, the Commission has adopted the amendment of Part 150 set out below, which changes § 150.15(a)(6) by deleting the phrase "product * * * intended for use by the general public" and substituting therefor the phrase "product * * * whose subsequent possession, use, transfer and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter."

Under Part 150 as amended below the transfer of possession or control by a manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material or source material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from Commission licensing and regulatory requirements under Parts 30 and 40, is not subject to the licensing and regulatory authority of an Agreement State even though the product is manufactured, processed, or produced pursuant to an Agreement State license. The manufacturer of such products in an Agreement State is subject to the Commission's regulatory authority with respect to transfer of any product which has been so exempted from the Commission's licensing and regulatory requirements. The Commission has confined its regulation of the transfer of exempt products to specifications for the products, quality control procedures, requirements for testing, and labeling. The authority of Agreement States to regulate any radiation hazards that might arise during manufacture of such products is not affected by the amendment. Accordingly, dual regulation will continue to be avoided.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 150, is published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 150.15(a)(6) is amended to read as follows:

§ 150.15 Persons not exempt.

(a) Persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

* * * * *

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 274, 73 Stat. 688; 42 U.S.C. 2021)

Dated at Washington, D.C., this 9th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4519; Filed, Apr. 15, 1969; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-EA-32; Amdt. 39-756]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to DeHavilland DHC-6 type airplanes.

There have been reports of cracks of elevator and rudder pulley bracket beams, the failure of which could cause loss of the flight controls. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a daily visual inspection of the referenced parts and replacement where necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that public procedure and notice hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DEHAVILLAND. Applies to DeHavilland DHC-6 type airplanes certificated in all categories.

To prevent loss of the flight controls compliance is required prior to the next flight and at daily intervals thereafter as follows:

(a) Visually inspect the elevator rudder pulley bracket assembly at F.S. 106 specifically at the forward flange on the top and bottom beams P/Ns C6FS1263-27 and -29 outboard of the outboard lightening hole for cracks or deformation. Replace cracked or deformed parts before further flight.

(b) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA Maintenance Inspector.

This amendment is effective April 30, 1969, and was effective upon receipt by all recipients of the telegram dated February 14, 1969, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), DOT Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on April 14, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4800; Filed, Apr. 22, 1969; 8:48 a.m.]

[Airspace Docket No. 69-CE-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On pages 4894 and 4895 of the FEDERAL REGISTER dated March 6, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Mount Vernon, Ill., and alter the transition areas at Mount Vernon, Ill., and Centralia, Ill.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The Mount Vernon-Outland Airport coordinates recited in the Mount Vernon control zone designation and transition area alteration as "latitude 38°19'15" N., longitude 88°51'40" W." are changed to read "latitude 38°19'20" N., longitude 88°51'35" W."

This amendment shall be effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on April 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (33 F.R. 2058), the following control zone is added:

MOUNT VERNON, ILL.

Within a 5-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial extending from the 5-mile radius zone to 17 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition areas are amended to read:

MOUNT VERNON, ILL.

(a) That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial, extending from the 6-mile radius area to 17 miles southwest of the VOR.

CENTRALIA, ILL.

(b) That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the north boundary of V-446 and longitude 88°30'00" W.; extending south along longitude 88°30'00" W., to latitude 38°07'00" N.; thence west along latitude 38°07'00" N., to and counter clockwise along the arc of a 40-mile radius circle centered on Scott AFB, Belleville, Ill., (latitude 38°32'30" N., longitude 89°51'05" W.); to and clockwise along the arc of a 13-mile radius circle centered on the Centralia VOR to and counter clockwise along the arc of a 40-mile radius circle centered on Scott AFB to the north boundary of V-446; thence east along the north boundary of V-446 to the point of beginning.

[F.R. Doc. 69-4801; Filed, Apr. 22, 1969; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-573; Amdt. 8]

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

Notice of Nonstop Service to or From South America

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1969.

In a notice of proposed rule making dated February 18, 1969 (EDR-156, 34 F.R. 2565), the Board proposed to amend Part 203 by eliminating the necessity for filing nonstop notices with respect to the inauguration of nonstop service to or from a point in South America.

Interested persons were afforded an opportunity to participate in the rule making. No comments were received. Therefore, the Board will now make final the rule as proposed.

Accordingly, the Board hereby amends Part 203 of the Economic Regulations (14 CFR Part 203), effective May 23, 1969, as follows:

1. Amend § 203.3 to read:

§ 203.3 Nonstop service.

The holder of a certificate may, subject to the provisions of section 405(b) of the Act, inaugurate scheduled nonstop service between any two points not consecutively named in its certificate or approved service plan (if such certificate or approved service plan authorizes service between such points and does not prohibit nonstop service between them) upon the effective date of a schedule page, showing nonstop service, filed with the Board in accordance with Part 231 of this chapter.

2. Amend § 203.4 to read:

§ 203.4 Requirements of foreign countries.

(a) If at any time the holder of a certificate is required, in order to comply with any obligation, duty, or liability imposed by any foreign country (other than any obligation, duty, or liability arising out of a contract or other agreement entered into between an air carrier or any officer, or representative thereof, and any foreign country, if such contract or agreement shall have been disapproved by the Board as being contrary to the public interest)—

(1) [Deleted]

(2) To add a stop at a point not named in the certificate, or not included in the approved service plan, and situated in such foreign country; or

(3) To change the terminal point in such foreign country;

such holder shall file with the Board written notice of such requirement.

(b) Such notice shall be filed within 20 days after the air carrier shall have been advised of such requirement, shall

be conspicuously entitled "Notice of Additional Stop Required by Foreign Country" or "Notice of Terminal Change Required by Foreign Country", as the case may be, and shall fully set forth the facts and circumstances relating to such requirement. At the time such notice is filed with the Board, a copy thereof shall be served by the holder upon such persons as the Board may require. Such service may be inaugurated immediately upon the filing of such notice and may be continued unless and until the Board, after notice and public hearing, shall disapprove such service as being contrary to the public interest, or unless and until the Board shall find, after investigation, that such requirement of the foreign country is not in effect.

3. Amend § 203.7 to read in part as follows:

§ 203.7 Persons upon whom notice must be served.

A copy of each Application for Change in Approved Service Plan—Foreign Air Transportation, Airport Notice—Foreign Air Transportation, Notice of Additional Stop Required by Foreign Country, Notice of Terminal Change Required by Foreign Country, or application for permission to use an airport, as the case may be, filed with the Board pursuant to this part by the holder of a certificate of public convenience and necessity, shall be served upon the following:

* * * * *

(c) [Deleted]

* * * * *

4. Amend § 203.8(a) to read:

§ 203.8 Filing and service of documents; procedures thereon; petitions for reconsideration.

(a) *Number of copies and certificate of service.* An original and three copies of each Approved Service Plan—Foreign Air Transportation, Notice of Additional Stop Required by Foreign Country, Notice of Terminal Change Required by Foreign Country, and Airport Notice—Foreign Air Transportation, and an original and 19 copies of each application shall be filed with the Board each setting forth the names and addresses of the persons required to be served and stating that service has been made on all such persons by personal service or by registered or certified mail, and the date of such service. In the case of service by mail, the date of mailing shall be considered the date of service. Each copy of a notice or application served pursuant to this part shall state that such service is made pursuant to this part.

* * * * *

(Secs. 204(a), 401, 402, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 754 (as amended by 76 Stat. 143), 757; 49 U.S.C. 1324, 1371, 1372)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4818; Filed, Apr. 22, 1969; 8:49 a.m.]

[Reg. ER-568; Amdt. 9]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR-145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214, and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents. The Board has given consideration to all comments presented. For the reasons hereafter set forth and those announced in EDR-145, we have decided to adopt the proposed rule, the purpose of which is to make available to the Board information necessary to assure compliance of all carriers with the Board's charter regulations and their own published tariffs. The tentative findings set forth in the explanatory statement to the proposed rule are incorporated herein by reference and made final.

Turning to foreign air carrier comments in opposition to the proposed rule,[1] they contend that since the record retention provision in the Act (section 407) applies only to U.S. carriers, Congress inferentially meant to deny the Board power to require any record retention by foreign carriers. It is further argued that to amend Part 212 is to amend in effect their foreign carrier permits as Part 212 is incorporated by reference into these permits—and that such amendment must take the path of notice, hearing, and Presidential approval as set forth in sections 402 and 801.[2] We find these contentions to be unpersuasive. The Board has previously answered these objections in ER-519,[3] where it stated: "The fact that foreign air carriers are not included within the broad scope of the Board's accounting, reporting, and visitation powers in section 407 does not preclude us from obtaining minimal information as to the extent of operations under the permits granted. Each foreign air carrier's permit specifically provides that the exercise of the privileges granted thereby shall be subject 'to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.'" We are therefore of the opinion that the reserved powers under the permit read in conjunction with the Board's broad rule making authority under section 204(a) provide a valid basis of authority to require these records be retained by foreign carriers. Additionally, "[t]he proposed rule affects an entire class of carrier, and the subject matter is of the type which is typically dealt with in rule making proceedings. The rule does not affect the basic operating authority of the carrier, but merely seeks to prescribe relatively minor conditions to the exercise of the operating authority."[4]

Certain foreign air carriers also maintain that Part 212 is not properly applicable to on-route charters, was not intended to have relevance to on-route charters, and cannot over objection by foreign air carriers be expanded to cover these charters in the manner proposed. Thus, it is said that on-route charters have consistently been regarded as part of the rights granted to carriers in foreign air carrier permits issued pursuant to bilateral air transport agreements, and this principle cannot be vitiated simply by "unilateral" rule making.

It is true that Part 212 is concerned primarily with regulation of off-route charters, although certain provisions of this part do affect on-route charters as well.[5] However, the amendments involved here do not impinge on the right of carriers to conduct on-route charters. Instead, they are intended to assure that the carriers do not abuse their right to conduct on-route charters by performing what are essentially individually ticketed services in the guise of charter services. Moreover, the retention of these names and addresses will enable the Board to police the carriers' compliance with their published tariffs which set forth specific rates for "charter" flights. If these rates are used for services other than true charters, questions arise not only as to violation by the direct air carrier of sections 403 and 404(b) of the Act but also as to violation by the chartering group of section 401 of the Act. It is our view that the retention requirements are fully within our rule making powers as reasonable provisions to enable the Board to perform its statutory duty to enforce these sections of the Act.

All nine objecting foreign carriers maintain that this rule is unnecessary and will create burdensome paperwork at a time when efforts are being made to reduce costs and delays and simplify paperwork in the face of the rapidly growing volume of air traffic. The information sought by this rule has been required of transatlantic supplemental carriers and foreign charter carriers. The requirements have not proved burdensome for these two classes of carriers and no evidence is presented that would indicate any real burden on the objecting foreign carriers.

Sabena and KLM object that in the case of foreign originated charters the Board is attempting to exercise extraterritorial jurisdiction over transactions taking place outside the United States—and that it is questionable whether the Board has such power. The Act empowers the Board to regulate activities in foreign air transportation which bear on the public interest and this rule clearly falls within that mandate.

Caribair is the only U.S. carrier to file a comment in this proceeding. It submits that the proposed rule not include Caribbean operations in light of the apparent lack of enforcement problems in the Caribbean and the alleged availability of adequate information to other government agencies and departments. There is no factual support for these assertions.

The American Society of Travel Agents submitted comments endorsing the adoption of the Board's proposal herein, but feels the Board should go a step further and require carriers to also maintain for 6 months the date that the individual members participating in the charter joined the chartering organization; and, in addition, the membership roster of any organization participating in a pro rata charter be attached to the charter contract which would be filed with the Board no later than the date when final payment is made on the charter contract. These proposals are outside the scope of this proceeding.

Accordingly, the Civil Aeronautics Board amends Part 207 of the Economic Regulations (14 CFR Part 207) effective May 23, 1969, as follows:

1. Amend the table of contents to modify the title of § 207.9 to read as follows:

Sec.
207.9 Records and record retention.

2. Amend § 207.9(a) to read:

§ 207.9 Records and record retention.

Each air carrier shall obtain and retain the following records in accordance with Part 249 of this subchapter:

(a) A record of the names and addresses of all passengers transported on each pro rata charter trip.

* * * * *

(Secs. 204(a), 401, 403, 404(b), 407; 72 Stat. 743, 754 (as amended by 76 Stat. 143), 758 (as amended by 74 Stat. 445), 760, 766; 49 U.S.C. 1324, 1371, 1373, 1374, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4819; Filed, Apr. 22, 1969; 8:49 a.m.]

[1] Nine foreign carriers filed such comments: Swissair, SABENA, JAL, KLM, El Al, SAS, Iberia, Varig, and Linea Aerea Nacional de Chile.

[2] JAL has made a related argument that by the rule herein the Board is also indirectly and illegally amending JAL's published tariff.

[3] Adopted Nov. 22, 1967.

[4] ER-519, supra.

[5] See §§ 212.3a and 212.7. The amendments enacting these sections automatically required the elimination of "Off-Route" in the title to the part, since it was longer descriptive.

[Reg. ER-569; Amdt. 1]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR-145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214 and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents.

For the reasons set forth in Regulation ER-568, published simultaneously herewith, we have determined to adopt the rule as proposed. Accordingly, the Civil Aeronautics Board hereby amends Part 208 of the Economic Regulations (14 CFR Part 208), effective May 23, 1969, as follows:

1. Amend § 208.4 to read:

§ 208.4 Passenger names and addresses.

Each supplemental air carrier shall maintain a record of the names and addresses of all passengers transported on each pro rata charter trip. Such record shall be retained in accordance with Part 249 of this chapter except that it may be maintained at either the principal office or the principal operations base of the carrier.

2. Amend § 208.215 to read:

§ 208.215 Passenger manifests.

Prior to each one-way or round-trip flight, a manifest shall be filed by the charterer with the air carrier showing the names and addresses of all passengers to be transported on the flight.

(Secs 204(a), 401, 403, 404(b), 407; 72 Stat. 743, 754 (as amended by 76 Stat. 143), 758 (as amended by 74 Stat. 445), 760, 766; 49 U.S.C. 1324, 1371, 1373, 1374, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4820; Filed, Apr. 22, 1969; 8:49 a.m.]

[Reg. ER-570; Amdt. 3]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR-145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214 and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents.

For the reasons set forth in Regulation ER-568, published simultaneously herewith, we have determined to adopt the rule as proposed. Accordingly, the Civil Aeronautics Board hereby amends Part 212 of the Economic Regulations (14 CFR Part 212), effective May 23, 1969, as follows:

1. Amend the Table of Contents to modify the title of § 212.7 to read as follows:

Sec.
212.7 Records and record retention.

2. Revise § 212.7 to read:

§ 212.7 Records and record retention.

(a) Each foreign air carrier shall obtain and retain, in accordance with Part 249 of this chapter, the following documents pertaining to charter trips:

(1) True copies of all passenger manifests, air waybills, invoices and other traffic documents covering off-route charter trips performed under a statement of authorization.

(2) A copy of every contract for on-route charter trips originating or terminating in the United States together with all traffic documents pertaining to such on-route charters.

(3) A record of the names and addresses of all passengers transported on each pro rata charter trip originating or terminating in the United States.

(b) Such documents shall be made available, at a place in the United States, for inspection upon request by an authorized representative of the Board or the Federal Aviation Administration.

(Secs. 204(a), 402, 403, and 404(b); 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), and 760; 49 U.S.C. 1324, 1372, 1373, and 1374)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4821; Filed, Apr. 22, 1969; 8:49 a.m.]

[Reg. ER-571; Amdt. 1]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR–145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214, and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents.

For the reasons set forth in Regulation ER–568, published simultaneously herewith, we have determined to adopt the rule as proposed. As regards Part 214, however, the information sought by the rule is currently required of foreign charter carriers. Therefore, this part is being amended only to the extent of making the retention period of such records uniform for all classes of carriers.

Accordingly, the Civil Aeronautics Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214), effective May 23, 1969, as follows:

Revise § 214.6(a) to read:

§ 214.6 Record retention.

(a) Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents at its principal or general office and shall make them available in the United States upon request by an authorized representative of the Board or the Federal Aviation Administration for the following periods:

(1) Every charter contract: 2 years;

(2) All passenger manifests including those filed by charterers: 6 months; and

(3) Proof of commission paid to any travel agent by the carrier: 2 years.

* * * * *

(Secs. 204(a), 402, 403, 404(b); 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760; 49 U.S.C. 1324, 1372, 1373, 1374)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–4822; Filed, Apr. 22, 1969; 8:50 a.m.]

[Reg. ER–572; Amdt. 9]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Names and Addresses of Passengers on Pro Rata Charter Flights in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

In a notice of proposed rule making dated September 23, 1968 (EDR–145, 33 F.R. 14548), the Board proposed to amend Parts 207, 208, 212, 214 and 249 to require United States and foreign air carriers to maintain records of the names and addresses of all passengers on pro rata charter trips in foreign air transportation and retain such records for 6 months. Pursuant to the notice, comments were received on behalf of 10 foreign carriers, one U.S. carrier and the American Society of Travel Agents.

For the reasons set forth in Regulation ER–568, published simultaneously herewith, we have determined to adopt the rule as proposed. As regards transatlantic supplementals, however, § 295.35 presently requires passenger manifests showing the names and addresses of the persons to be transported be filed by the charterer with the air carrier. Therefore, the extent to which these supplementals are affected by amending Part 249 is only in reducing their retention period of such records so as to make it uniform for all classes of carriers.

Accordingly, the Civil Aeronautics Board hereby amends Part 249 of the Economic Regulations (14 CFR Part 249), effective May 23, 1969, as follows:

1. Amend § 249.8 by amending Categories 12 and 13 to read as follows:

§ 249.8 Period of preservation of records by supplemental air carriers.

* * * * *

Category of records	Period to be retained
* * *	* * *
12. Names and addresses of all passengers transported on each pro rata charter trip.	6 months.
13. a) Every charter contract...	2 years.
b) All passenger manifests, including those filed by charterers.	6 months.
* * *	* * *

2. Revise § 249.12(c) to read:

§ 249.12 Period of preservation of records by foreign air carriers.

* * * * *

(c) Each carrier shall, pursuant to Part 212 of this subchapter, maintain, for the periods specified, the following documents:

(1) True copies of all passenger manifests, air waybills, invoices and other traffic documents covering off-route charter trips performed under a Statement of Authorization: 2 years;

(2) A copy of every contract for on-route charter flights originating or terminating in the United States together with all traffic documents pertaining to such on-route charters: 2 years;

(3) A record of the names and addresses of all passengers transported on each pro rata charter trip originating or terminating in the United States: 6 months.

3. Amend § 249.13(f) by amending Category 302(c) of the Schedule of Records to read:

§ 249.13 Period of preservation of records by certificated route air carriers.

* * * * *

(f) * * *

SCHEDULE OF RECORDS

Category of records	Period to be retained	Microfilm indicator
* * *	* * *	* * *
302. Reservations reports and records:		
* * *	* * *	* * *
(c) Names and addresses of all passengers transported on each pro rata charter trip.	6 months...	

(Secs. 204(a), 403, 404(b), 407; 72 Stat. 743, 758 (as amended by 74 Stat. 445), 760, 766; 49 U.S.C. 1324, 1373, 1374, 1377)

NOTE: The record-retention requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69–4823; Filed, Apr. 22, 1969; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

[Docket No. C–1511]

PART 13—PROHIBITED TRADE PRACTICES

Meal or Snack System, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–255 Reputation, success, or standing; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.155 *Prices:* 13.155–95 Terms and conditions; § 13.225 *Services.* Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1540 *Reputation, success, or standing;* Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* Misrepresenting oneself and goods—Services: § 13.1843 *Terms and conditions.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Meal or Snack System, Inc., et al., Scarsdale, N.Y., Docket C–1511, April 1, 1969]

In the Matter of Meal or Snack System, Inc., a Corporation, Formerly Known as Jolly Giant System, Inc., and Franchise Development Corp., a Corporation, Formerly Known as Jolly Giant System Franchises, Inc., and Joshua Benanav, Individually and as an Officer of Said Corporations, and Ernest Halpern, Individually and as an Officer of Meal or Snack System, Inc.

Consent order requiring two affiliated Scarsdale, N.Y., franchisers of hamburger-pizza drive-in restaurants to cease using exaggerated earning claims, deceptive offers of employee training and supervision, advertising and promotional programs, and other deceptive means to promote the sale of its franchises, buildings and equipment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Meal or Snack System, Inc., a corporation formerly known as Jolly Giant System, Inc., and its officers, and Franchise Development Corp., a corporation formerly known as Jolly Giant System Franchises, Inc., and its officers, and Joshua Benanav, individually and as an officer of said corporations, and Ernest Halpern, individually and as an officer of Meal or Snack System, Inc., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of restaurant equipment, restaurant buildings or franchises or licenses in relation thereto, or any other product, franchise or license, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. The "Jolly Giant" trade name, trademark or products are known throughout the country; or misrepresenting, in any manner, the fame, renown, or reputation of respondents' franchises, licenses, trade name, trademark, or products.

2. Purchasers can obtain a complete ready-to-operate Jolly Giant Hamburger-Pizza Drive-In restaurant for $8,500 or $9,500; or misrepresenting, in any manner, the investment required to purchase any franchise, license, business, or products from respondents.

3. Persons investing $9,500 in respondents' franchises, buildings and equipment will earn $30,000 each year or three times their original investment each year.

4. Purchasers of respondents' franchises, licenses or products will realize a gross, net, or minimum income, earnings, profits or ratio of profits to investment in any amount or range of amounts: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented amount or range of amounts of income, earnings or profits are actually and usually realized by purchasers of respondents' franchises, licenses or products.

5. Respondents' methods or plans for operating franchised or licensed businesses are or have been successful; or that franchises or licensees employing such methods or plans are or have been financially successful.

6. Purchasers of respondents' franchises or licenses and their employees are given training in the management of their businesses.

7. The training furnished to purchasers of respondents' franchises or licenses will enable purchasers to operate their businesses as a commercially profitable enterprise.

8. Purchasers of respondents' franchises or licenses are provided with supervision, assistance or advice in the management and operation of their franchised or licensed businesses.

9. Purchasers of respondents' franchises or licenses have a minimum sales volume of $100,000.

10. Purchasers of respondents' franchises or licenses have a minimum, average or maximum sales volume in any amount or range of amounts: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that their franchisees or licensees do have the represented sales volume or volumes.

11. Purchasers of respondents' franchises or licenses are provided with an advertising promotional program or that they are provided with advertising of any kind or type.

12. Purchasers of respondents' franchises or licenses will be able to purchase their provisions, supplies, or equipment through respondents or through arrangements made by respondents at lower prices than others in the same kind or type of business as that of the purchaser.

B. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products, services or franchises and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 1, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–4764; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. C–1509]

PART 13—PROHIBITED TRADE PRACTICES

Shelton Hosiery Mills, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory* requirements: 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1853 *Formal regulatory and statutory* requirements: 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Shelton Hosiery Mills, Inc., et al., Shelton, Conn., Docket C–1509, Mar. 24, 1969]

In the Matter of Shelton Hosiery Mills, Inc., a Corporation, and Henry J. De Marco, Alexander H. De Marco, and Joseph R. De Marco, Individually and as Officers of Said Corporation

Consent order requiring a Shelton, Conn., men's hosiery mill to cease misbranding and falsely guaranteeing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Shelton Hosiery Mills, Inc., a corporation, and its officers, and Henry J. De Marco, Alexander H. De Marco, and Joseph R. De Marco, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

B. Furnishing a false guaranty that their wool products are not misbranded under the provisions of the Wool Products Labeling Act, where there is reason to believe that the wool products so guaranteed may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 24, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–4765; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. C-1510]

PART 13—PROHIBITED TRADE PRACTICES

Youngstown Spectrum Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1663 *Individual's special selection or situation.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Youngstown Spectrum Corp. et al., Youngstown, Ohio, Docket C-1510, Mar. 24, 1969]

In the Matter of Youngstown Spectrum Corp., a Corporation, International Distribution Center, Inc., a Corporation, and Edward M. Gallagher, Individually and as an Officer of Said Corporations

Consent order requiring two affiliated Youngstown, Ohio, marketers of radio and television tube testing devices and supplies to cease using exaggerated earning claims, deceptive offers of assistance in obtaining profitable locations, and other misrepresentations to recruit franchised distribution of their products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Youngstown Spectrum Corp., a corporation, International Distribution Center, Inc., a corporation, and their officers, and Edward M. Gallagher, individually and as an officer of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of radio or television tube testing devices or the tubes, supplies or equipment for use in connection therewith, or of any other products, or of any franchises or distributorships connected therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) Persons investing $3,750 in respondents' said tube testing devices and the tubes, supplies or equipment for use in connection therewith, or the franchises or distributorships relating thereto, will earn a net income of $100 to $500 per month.

(2) Purchasers of respondents' products, franchises or distributorships will earn any stated or gross or net amount; or representing, in any manner, the past earnings of said purchasers unless in fact the past earnings represented are those of a substantial number of purchasers and accurately reflect the average earnings of these purchasers under circumstances similar to those of the purchaser or prospective purchaser to whom the representation is made.

(3) Purchasers of respondents' products, franchises or distributorships must own an automobile, furnish references, have special qualities or be specially selected to qualify for purchase of respondents' products, franchises or distributorships: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any represented qualification or requirements are in fact fully enforced as to each purchaser.

(4) The net profits from the operation of said business, franchises, or distributorships will be sufficient to return the investment of the purchaser within 1 year or within any other period of time: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the said investment is usually and fully recovered by a substantial number of purchasers in the represented time under circumstances similar to those of the purchasers or prospective purchasers to whom the representation is made.

(5) Respondents, their agents, representatives or employees have conducted or have available a machine location survey or other potential business survey in the prospective purchasers trade area: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that a bona fide survey of the kind represented has in fact been conducted or is available.

(6) Respondents, their agents, representatives, or employees will obtain satisfactory or profitable locations for the machines purchased from them: *Provided, however,* That nothing herein shall be construed to prohibit respondents from truthfully and nondeceptively representing that they have obtained locations or assisted in obtaining locations if respondents clearly and conspicuously disclose, in immediate conjunction therewith, the average net or gross earnings realized by a substantial number of purchasers from machines in locations obtained by respondents or through their assistance under circumstances similar to those of the purchaser to whom the representation is made.

(7) Selling, soliciting or experience is not required of those investing in any product or business offered by respondents: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that selling, soliciting or experience is not required for the successful operation of such business.

(8) Respondents will repurchase or otherwise assist in the disposition of products, franchises or distributorships purchased from respondents.

(9) The purchasers' investment in the franchise, distributorship or articles of merchandise purchased from respondents is secure.

(10) Purchasers of respondents' products, franchises, or distributorships, are granted exclusive territories within which their products may be placed for operation; or that sales will not be made to other persons in such territories: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that respondents do give an exclusive franchise or distributorship-purchased from them.

It is further ordered, That the respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, franchises, or distributorships and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 24, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-4766; Filed, Apr. 22, 1969; 8:46 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[File No. 206-9-1]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Fiber Content of Special Types of Products; Time for Written Comments Extended and Effective Date Deferred

On March 27, 1969 the Commission issued a notice of amendment of § 303.10 (Rule 10) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, "Fiber Content of Special Types of Products" so as to add a new paragraph thereto designated as paragraph (c), and to provide for the manner and form of disclosing the required fiber content information of textile fibers which contain components combined at or prior to the time of initial extrusion which if separately extruded would fall within existing definitions of textile fibers as set forth in § 303.7 (Rule 7) of the regulations under the aforesaid Act. Such notice was published in the FEDERAL REGISTER on March 28, 1969, at 34 F.R. 5836.

The notice of amendment provided that paragraph (c) of § 303.10 (Rule 10) would become effective 45 days after publication in the FEDERAL REGISTER. It was further provided that interested parties could submit written comments within 20 days of the publication of paragraph (c) of § 303.10 (Rule 10) in the FEDERAL REGISTER but this should not affect the effective date unless the Commission should so order.

Upon the indication of certain interested parties of a desire for a further period for comments, the time for the submission of written views and comments in the matter is extended to May 15, 1969. The effective date of paragraph (c) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act is deferred until June 30, 1969.

Issued: April 18, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-4824; Filed, Apr. 22, 1969; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

Limits on Position and Daily Trading in Eggs for Future Delivery

On January 16, 1969, there was published in the FEDERAL REGISTER (34 F.R. 624) a notice of proposed amendment of § 150.5 of the Orders of the Commodity Exchange Commission promulgated under section 4a of the Commodity Exchange Act, as amended (7 U.S.C. 6a). That section proclaimed and fixed limits on the amount of trading under contracts of sale of eggs for future delivery on or subject to the rules of any contract market, which may be done by any person.

Interested persons were given until February 12, 1969, to request an oral hearing or to submit written statements on the proposed amendment. No such request or statement has been received and the proposed amendment is hereby adopted without change and is set forth below.

Paragraphs (a) and (b) of § 150.5 of the orders of the Commodity Exchange Commission, are amended to read as follows:

§ 150.5 Limits on position and daily trading in eggs for future delivery.

* * * * *

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in eggs on or subject to the rules of any one contract market is 150 carlots in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of eggs which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 150 carlots in any one future or in all futures combined.

* * * * *

As set forth in the notice of proposed rule making published on January 16, 1969, the purpose of this amendment is to eliminate a sliding scale of position and trading limits in eggs for the fall and winter delivery months, which was established in 1951, and which is now obsolete in light of the present marketing pattern of fresh eggs. The effect of this amendment is to raise such limits for such months. Accordingly, it is found upon good cause that this amendment should be made effective less than 30 days after the date of its publication in the FEDERAL REGISTER.

(September 21, 1922, c. 369, sec. 4a, as added June 15, 1936, c. 545, sec. 5, 49 Stat. 1492, amended July 24, 1956, c. 690, sec. 1, 70 Stat. 630, and amended February 19, 1968, Public Law 90-258, secs. 2-4, 82 Stat. 26, 27, 7 U.S.C. 6a)

This amendment shall become effective on publication in the FEDERAL REGISTER.

Issued: April 17, 1969.

COMMODITY EXCHANGE COMMISSION,

M. L. UPCHURCH,
Chairman designee for the Secretary of Agriculture.

R. L. BORUM,
Member designee for the Secretary of Commerce.

JOSEPH J. SAUNDERS,
Member designee for the Attorney General.

[F.R. Doc. 69-4810; Filed, Apr. 22, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

[PHTHALOCYANINATO (2-)] COPPER; LISTING FOR DRUG USE SUBJECT TO CERTIFICATION

The Commissioner of Food and Drugs, based on a petition filed by Ethicon, Inc., Somerville, N.J. 08876, and other relevant material, finds that [phthalocyaninato(2-)] copper (identified below) is safe for use as a color for polypropylene sutures under the conditions prescribed in this order and that certification is necessary for the protection of the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 392-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 8 be amended by adding § 8.4026 to Subpart E, as follows:

§ 8.4026 [Phthalocyaninato(2-)] copper.

(a) *Identity.* The color additive is [phthalocyaninato(2-)] copper having the structure shown in color index No. 74160.

(b) *Specifications.* [Phthalocyaninato (2-)] copper shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Volatile matter (135° C.), not more than 0.3 percent.
Salt content (as NaCl), not more than 0.3 percent.
Alcohol soluble matter, not more than 0.5 percent.
Organic chlorine, not more than 0.2 percent.
Aromatic amines, not more than 0.05 percent.
Lead (as Pb), not more than 40 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.
Total color, not less than 98.5 percent.

(c) *Uses and restriction.* [Phthalocyaninato(2-)]copper may be safely used to color polypropylene sutures for use in general and ophthalmic surgery subject to the following restrictions:

(1) The quantity of the color additive does not exceed 0.5 percent by weight of the suture.

(2) The dyed suture shall conform in all respects to the requirements of The United States Pharmacopeia.

(3) When the sutures are used for the purposes specified in their labeling, there is no migration of the color additive to the surrounding tissue.

Authorization for this use shall not be construed as waiving any of the requirements of section 505 of the act with respect to the drug (including any other sutures) in which it is used.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 8.32.

(e) *Certification.* All batches of [phthalocyaninato(2-)] copper shall be certified in accordance with regulations in Subpart A of this part.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the

grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d))

Dated: April 16, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4779; Filed, Apr. 22, 1969; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FOOD STARCH-MODIFIED

No comments were received in response to the notice published in the FEDERAL REGISTER of March 4, 1969 (34 F.R. 3748), proposing that § 121.1031 be amended to limit propylene chlorohydrin to not more than 5 parts per million in food starch-modified. The Commissioner of Food and Drugs concludes that the amendments should be adopted as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.: 21 U.S.C. 348) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1031 is amended by revising the items "Propylene oxide * * *" in paragraph (e) and "Phosphorus oxychloride * * *" in paragraph (f) and by revising paragraph (g), as follows:

§ 121.1031 Food starch-modified.

* * * * * * *

(e) * * *

	Limitation
* * *	* * *
Propylene oxide, not to exceed 25 percent.	Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.

(f) * * *

	Limitation
* * *	* * *
Phosphorus oxychloride, not to exceed 0.1 percent, and propylene oxide, not to exceed 10 percent.	Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.

(g) Food starch may be modified by treatment with one of the following:

	Limitation
Chlorine, as sodium hypochlorite, not to exceed 0.055 pound of chlorine per pound of dry starch; 0.45 percent of active oxygen obtained from hydrogen peroxide; and propylene oxide, not to exceed 25 percent.	Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.
Sodium hydroxide, not to exceed 1 percent.	----------

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348)

Dated: April 16, 1969.

J. K. KIRK.
Associate Commissioner for Compliance.

[F.R. Doc. 69-4806; Filed, Apr. 22, 1969; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Clarification

A number of sponsors of investigations with new drugs have indicated that the requirements in § 130.3(a) for the submission of a "Notice of Claimed Investigational Exemption for a New Drug" are not clear regarding the number of copies of informational material (labels and labeling) required. Accordingly, the regulation is amended below for clarification.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 130.3 *New drugs for investigational use in human beings; exemption from section 505(a)* is amended in paragraph (e)(2) by changing "A total of five copies" in the first sentence of item 7 of form FD 1571 to read "A copy (one in each of the three copies of the notice)".

This clarifying amendment is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: April 16, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4767; Filed, Apr. 22, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1711—FEDERAL DISASTER ASSISTANCE FOR PROJECTS UNDER CONSTRUCTION

Change in Approving Official

1. Section 1711.3(d) is amended to read as follows:

(d) The Regional Director shall, upon receipt of the request, direct an appropriate Federal agency to make an inspection at the site of the work, review available records, and provide an analysis of the claim and findings as to the work eligible under the Act. Upon receipt of the Federal agency analysis and findings, the Regional Director shall determine the amount of eligible work and approve the application not to exceed 50 percent of the cost thereof, or disapprove the application.

2. Sections 1711.3 (e) and (f), 1711.6, and 1711.24 are amended by deleting "Director" and inserting in lieu thereof "Regional Director."

3. Section 1711.3(g) is amended to read as follows:

(g) If a project application is disapproved by the Regional Director, the application shall be returned to the State with a statement of the reasons for such disapproval: *Provided,* That it may be resubmitted to the Regional Director with any additional pertinent information within 30 days of its return to the State: *And provided further,* That if again disapproved by the Regional Director it may be resubmitted within 30 days of such disapproval through the Regional Director for consideration by the Director with any further justification in writing.

4. *Effective date.* These amendments shall take effect on the date of publication with respect to applications thereafter filed.

Dated: April 17, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-4794; Filed, Apr. 22, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 50—Public Contracts, Department of Labor

PART 50–204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation Standards in Mining; Procedures for Variations

Pursuant to sections 1 and 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 38), § 50–204.36(b) of Title 41, Code of Federal Regulations (34 F.R. 14258), which republishes the radiation standards for mining published in the FEDERAL REGISTER on December 28, 1968 (33 F.R. 14258), is hereby amended in the manner indicated below. The essential purpose of the amendments is to encourage employers who are seeking any variation from the radiation exposure limitations described in paragraph (b) of the section to request in writing such a variation within 90 days following the periods of exposure indicated in paragraph (b). In addition, the terms "consecutive 3-month period" and "consecutive 12-month period" used in paragraph (b) are replaced by the terms "calendar quarter" and "calendar year," respectively.

The amendments shall be effective upon publication in the FEDERAL REGISTER. The notice, public procedure, and delay in effective date provisions of section 4 of the Administrative Procedure Act, as codified in 5 U.S.C. 553, are omitted because the rules have no mandatory effect and are minor in nature.

Section 50–204.36(b) is hereby amended by amending subparagraph (1) thereof and by adding thereto an additional subparagraph designated subparagraph (3). As amended § 50–204.36(b) reads as follows:

§ 50–204.36 Radiation standards for mining.

* * * * * *

(b)(1) Occupational exposure to radon daughters in mines shall be controlled so that no individual will receive an exposure of more than 2 working level months in any calendar quarter and no more than 4 working level months in any calendar year. Actual exposures shall be kept as far below these values as practicable.

* * * * * *

(3) Whenever a variation under subparagraph (2) of this paragraph is sought, a request therefor should be submitted in writing to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, within 90 days following the end of the calendar quarter or year, as the case may be.

* * * * * *

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38)

Signed at Washington, D.C., this 17th day of April 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-4774; Filed, Apr. 22, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4636]

[Idaho 2197]

IDAHO

Revocation of Public Land Order No. 2375

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 2375 of May 11, 1961, withdrawing the following described lands for use of the Department of the Air Force, is hereby revoked:

BOISE MERIDIAN

T. 4 S., R. 2 E.,
Sec. 18, lot 4, SE¼SW¼, S½SE¼;
Sec. 19, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, NW¼SE¼.

The area described contains 545.69 acres in Owyhee County.

The land is in the Grandview area. Vegetative cover is primarily sagebrush.

The following described lands have been determined to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949, as amended, and will be administered or disposed of under regulations of the General Services Administration:

Sec. 19, NW¼NE¼, E½NE¼NW¼, E½SE¼NW¼, and SW¼NE¼.

Containing 120 acres.

2. At 10 a.m. on May 22, 1969, the public lands described as follows, shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law:

T. 4 S., R. 2 E.,
Sec. 18, lot 4, SE¼SW¼, S½SE¼;
Sec. 19, lots 1 and 2, E½NE¼, W½E½NW¼, NE¼SW¼, NW¼SE¼.

Containing 425.69 acres.

All valid applications received at or prior to 10 a.m. on May 22, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4784; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4634]

[Colorado 017938]

COLORADO

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of December 20, 1948, withdrawing the following described land as Air Navigation Site Withdrawal No. 255, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 84 W.,
Sec. 6, NW¼NW¼ of lot 11.
T. 5 S., R. 86 W.,
Sec. 1, SW¼SE¼NE¼SE¼.

The area described contains approximately 5 acres in Eagle County.

The lands are situated near Eagle, Colo. The terrain is steeply northsloping, with poor quality soils and sparse vegetation.

2. At 10 a.m. on May 22, 1969, the public lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on May 22, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4785; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4635]

[New Mexico 8094]

NEW MEXICO

Partial Revocation of Executive Order No. 6276

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 6276 of September 8, 1933, which withdrew lands in New Mexico to aid the State in making exchange selections, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 20 W.,
Sec. 27, S½;
Sec. 34, W½.

The area described contains 640 acres in Hidalgo County.

The lands are located some 13 miles southwest of Lordsburg. They are level and are a part of the South Alkali Flats, a flat-floored bottom of an undrained desert basin. They are nonarable due to flooding and a heavy accumulation of salts in the soils. Vegetative cover consists of a sparse stand of tobosa grass.

2. At 10 a.m. on May 22, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 22, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on May 22, 1969. They have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4786; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4636]

[Arizona 2074, 011033]

ARIZONA

Partial Revocation of Reclamation Withdrawal; Amendment of Public Land Order No. 1626

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended, it is ordered as follows:

1. The departmental order of April 23, 1943, withdrawing lands for the Jacques Reservoir Site, is hereby revoked so far as it affects the following described lands:

SITGREAVES NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

T. 9 N., R. 22 E.,
Sec. 4, lots 3 and 4, SW¼NE¼, S½NW¼, W½NW¼SW¼, N½NE¼SW¼.

The areas described aggregate 240.44 acres in Navajo County.

2. Paragraph 1 of Public Land Order No. 1626 of May 6, 1958, which withdrew lands in the Sitgreaves National Forest, is hereby amended to read as follows:

"Subject to valid existing rights, the following described lands within the Sitgreaves National Forest are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture."

3. At 10 a.m. on May 22, 1969, the lands described in paragraph 1 of this order and the lands described in Public Land Order No. 1626, shall be open to such forms of disposition as may by law be made of national forest lands, except that the lands described in Public Land Order No. 1626 shall not be open to appropriation under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4787; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4637]

[Oregon 3963 (Wash.)]

WASHINGTON

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of December 22, 1905, withdrawing lands for the Yakima Project, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 9 N., R. 27 E.,
Sec. 20, lot 3.

The area described contains 0.30 acre in Benton County.

The land is located about 10 miles west of Richland, Wash., on the left bank of the Yakima River. Vegetative cover is willows and brush, characteristic of streambank vegetation.

2. At 10 a.m. on May 22, 1969, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 22, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the U.S. mining laws at 10 a.m. on May 22, 1969. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4788; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4638]

[Oregon 4157 (Wash.)]

WASHINGTON

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental orders of March 9, 1929, and August 1, 1930, withdrawing the following described lands as Air Navigation Site No. 24, are hereby revoked:

WILLAMETTE MERIDIAN

T. 36 N., R. 33 E.,
Sec. 7, lots 11 and 12;
Sec. 18, lot 2.

The areas described aggregate 67.60 acres in Ferry County.

2. At 10 a.m. on May 22, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 22, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on May 22, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4789; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4639]

[Idaho 2563]

IDAHO

Partial Revocation of National Forest Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1567 of December 19, 1957, withdrawing national forest lands as roadside zones, is hereby revoked so far as it affects the following described lands:

LOLO NATIONAL FOREST

BOISE MERIDIAN

Lochsa River (Lewis and Clark Forest Highway No. 16) Roadside Zone

A strip of land 200 feet in width on each side of the centerline of the Lewis and Clark Forest Highway No. 16 through the following legal subdivisions, or so much of said width as may be situated within said subdivisions:

T. 37 N., R. 14 E.,
Sec. 12, NE¼NE¼, W½NE¼.

The area described aggregates about 15 acres in Idaho County.

2. At 10 a.m. on May 22, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4790; Filed, Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4640]

[Oregon 3888 (Wash.)]

WASHINGTON

Partial Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The departmental orders of January 8, 1907, and June 15, 1908, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

OLYMPIC NATIONAL FOREST

WILLAMETTE MERIDIAN

Elwha Ranger Station Administrative Site No. 3

T. 29 N., R. 7 W.,
Sec. 9, SW¼SW¼;
Sec. 16, N½NW¼NW¼ and SW¼NW¼NW¼.

Hot Springs Ranger Station Administrative Site No. 5

T. 29 N., R. 9 W.,
Sec. 29, S½SW¼SW¼.

Storm King Ranger Station Administrative Site No. 4

T. 30 N., R. 9 W.,
Sec. 25, lot 5;
Sec. 35, W½NE¼NE¼.

Minerva Ranger Station Administrative Site No. 15

T. 23 N., R. 10 W.,
Sec. 13, lot 5.

Soleduck Ranger Station Administrative Site

T. 29 N., R. 10 W.,
Sec. 1, W½NW¼NW¼

Bogachiel Ranger Station Administrative Site No. 10

T. 28 N., R. 12 W.,
Sec. 35, lots 2 and 3.

The areas described aggregate approximately 185.71 acres in Clallum and Grays Harbor Counties, within the Olympic National Park.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4791; Filed Apr. 22, 1969; 8:47 a.m.]

[Public Land Order 4641]

[Oregon 3728]

OREGON

Partial Revocation of Executive Order No. 7106

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 7106 of July 19, 1935, establishing the Malheur Migratory Bird Refuge, is hereby revoked so far as it affects the following described nonpublic lands:

WILLAMETTE MERIDIAN

T. 30 S., R. 30 E.,
Sec. 9, NE¼SE¼;
Sec. 10, NW¼NW¼ and SE¼NW¼;
Sec. 35, SE¼SW¼ and S½SE¼.
T. 30 S., R. 31 E.,
Sec. 4, SW¼SW¼,
Sec. 9, NW¼NW¼.
T. 30 S., R. 32 E.,
Sec. 14, S½SW¼;
Sec. 15, N½SW¼, SE¼SW¼, and SE¼;
Sec. 23, NW¼NE¼ and SE¼NE¼;
Sec. 24, S½N½ and W½SW¼;
Sec. 25, W½W½;
Sec. 36, W½NW¼.
T. 31 S., R. 32 E.,
Sec. 3, lot 2, SE¼SE¼;
Sec. 5, lot 2 and SW¼SE¼;
Sec. 8, N½NE¼ and SE¼NE¼;
Sec. 9, SW¼NE¼, S½NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 19, lot 4, SE¼SW¼, and S½SE¼;
Sec. 21, NW¼NE¼ and NE¼SE¼;
Sec. 22, lot 4 and SW¼SE¼;
Sec. 27, SW¼NE¼ and W½SE¼;
Sec. 34, W½NE¼, NW¼SE¼, and SE¼SE¼;
Sec. 35, SW¼SW¼.
T. 32 S., R. 32 E.,
Sec. 8, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 9, SW¼SW¼.
T. 31 S., R. 32½ E.,
Sec. 13, E½E½, SW¼NE¼, NW¼NW¼, and SE¼NW¼;
Sec. 16, SE¼NE¼;
Sec. 24, E½E½;
Sec. 25, E½E½ and SW¼SW¼;
Sec. 26, SE¼SW¼ and S½SE¼;
Sec. 36, E½E½.
T. 32 S., R. 32½ E.,
Sec. 1, lot 1, SE¼NE¼, and E½SE¼;
Sec. 10, SW¼NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 12, E½E½.
T. 28 S., R. 33 E.,
Sec. 26, W½NE¼.

The areas described aggregate 4,021.15 acres in Harney County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4792; Filed, Apr. 22, 1969; 8:48 a.m.]

[Public Land Order 4642]

[Idaho 2468]

IDAHO

Withdrawal for National Forest—Historical Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CARIBOU NATIONAL FOREST

BOISE MERIDIAN

Lander Cut-Off of the Oregon Trail Historical Area

A strip of land 100 feet on each side of the centerline of the Lander Cut-Off, Oregon Trail, through the following-described subdivisions:

T. 6 S., R. 44 E.
Sec. 1, lot 7 and HES 765;
Sec. 2, lot 7, SE¼SE¼, and HES 765;
Sec. 12, W½NW¼, N½SW¼, SE¼SW¼;
Sec. 13, W½NE¼, E½NW¼, N½SE¼, SE¼SE¼.
T. 6 S., R. 45 E.
Sec. 18, lot 4;
Sec. 19, lot 1, SW¼NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 20, SW¼SW¼;
Sec. 27, S½SW¼, SE¼SE¼;
Sec. 28, NW¼SW¼, S½S½;
Sec. 29, NW¼, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 30, NE¼NE¼;
Sec. 34, NE¼, NE¼NW¼;
Sec. 35, S½NW¼, NE¼SW¼, SE¼.
T. 7 S., R. 45 E.
Sec. 1, lots 1, 2, and 5.
T. 7 S., R. 46 E.
Sec. 6, S½S½SE¼, S½SE¼SW¼;
Sec. 7, NE¼NE¼ (unsurveyed).

The areas described aggregate about 245 acres in Caribou County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 16, 1969.

[F.R. Doc. 69-4793; Filed, Apr. 22, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18423; FCC 69-403]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Chesapeake-Virginia Beach, Va.

Report and order. In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations. (Chesapeake-Virginia Beach, Va.), Docket No. 18423, RM-1350.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 69-45, issued in this proceeding on January 17, 1969, and published in the FEDERAL REGISTER on January 23, 1969 (34 F.R. 1064), inviting comments on a proposal to assign Channel 235 to Chesapeake-Virginia Beach, Va. This action was taken as a counterproposal to a petition filed on September 11, 1968, by Payne of Virginia, Inc., licensee of Station WCPK (AM, daytime-only),

Chesapeake, who proposed assignment of the channel to Chesapeake only.

2. Chesapeake has a population of 73,647 and Virginia Beach has a population of 84,215. Both cities are included in the Norfolk-Portsmouth SMSA, which has a population of 578,507. Chesapeake and Virginia Beach each has one daytime AM station; neither has an FM assignment. Nine Class B assignments are included in the table for the hyphenated listing of Norfolk-Newport News, all of which are occupied by licensed stations in various communities, as follows: seven in Norfolk and one each in Newport News and Suffolk. Neither Newport News nor Suffolk is located in the Norfolk-Portsmouth SMSA. Eleven AM stations operate in the SMSA, seven unlimited-time and four daytime-only.

3. In the notice we pointed out that Channel 235 is the only Class B channel available that could be assigned to the area without making other changes in the table. It was also noted that if the channel were assigned to the hyphenated listing of Chesapeake-Virginia Beach, applications could be filed for use of the channel in those communities and Portsmouth, population 114, 733 (under § 73.203(b)), since the latter community is also without an FM assignment. Because of separation requirements with other stations, a transmitter site for Channel 235 would need to be located a short distance outside of either Chesapeake or Portsmouth, although a site meeting all spacing requirements could be located at or near the center of Virginia Beach. The proposal, if adopted, would preclude assignment of the channel at Poquoson (4,278), a community without an FM assignment located in the Newport News-Hampton urbanized area. No other community of 2,500 or more without an FM assignment would be similarly affected on the proposed or six adjacent channels. We were of the opinion that making a first Class B FM channel available to one of three communities with much larger populations weighs heavily in their favor. There were no comments filed in this proceeding in opposition to the proposal.

4. In consideration of the above, we are of the opinion that adoption of the proposal would be in the public interest, and therefore should be adopted. It would provide one of three large communities, with populations ranging between 73,647 to 114,733, an opportunity to obtain a first FM outlet without significant preclusion of other needed assignments in the general area. In order that all interested parties will be aware that the channel is also available for applications specifying Portsmouth, we are adding that community to the listing in the table. Accordingly, we are assigning Channel 235 to the hyphenated listing of Chesapeake-Portsmouth-Virginia Beach, Va.

5. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the above: *It is ordered*, That effective May 26, 1969, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended to include the following entry:

City	Channel No.
Virginia:	
Chesapeake - Portsmouth - Virginia Beach	235

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 16, 1969.

Released: April 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4843; Filed, Apr. 22, 1969; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Entrance on the refuge is permitted for the purpose of bird watching, photography, nature study, hiking and swimming during daylight hours. Shellfishing is permitted in conformance with regulations prescribed by the Town of Chatham. Fishing is permitted 24 hours a day. Pets are permitted on a leash not exceeding 10 feet in length. Fires are permitted on the beach.

The refuge, comprising of 2,696 acres, is delineated on a map available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Mass. 01742 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69-4768; Filed, Apr. 22, 1969; 8:46 a.m.]

[1] Commissioners Robert E. Lee and Wadsworth absent.

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; recreation; for the individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes, for the purpose of nature study, photography, and sight-seeing, during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Picnicking is permitted in designated areas where facilities are provided. Fishing and hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 6,041 acres, is delineated on maps available at Refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69-4769; Filed, Apr. 22, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Sport fishing in tidal waters is permitted from the shores of Monomoy National Wildlife Refuge, Chatham, Mass.

A map of the refuge is available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Mass. 01742 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69-4770; Filed, Apr. 22, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 257]

BADLANDS AIR FORCE GUNNERY RANGE (PINE RIDGE AERIAL GUNNERY RANGE)

Proposed Resale of Lands

Basis and purpose. Pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2), the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and the Act of August 8, 1968 (Public Law 90-468; 82 Stat. 663), notice is hereby given that it is proposed to amend Chapter I, Title 25, Code of Federal Regulations by adding a new Part 257 as set out below.

The purpose of this amendment is to implement the provisions of the Act of August 8, 1968 (82 Stat. 663), which revises the boundaries of the Badlands National Monument in the State of South Dakota and provides that any former Indian or non-Indian owner of a tract of land that was acquired by the United States as a part of the Badlands Air Force Gunnery Range may purchase such tract from the Secretary of the Interior under certain terms and conditions if such tract is outside of the monument boundaries and is declared to be excess to the needs of the Department of the Air Force. The act also provides that former Indian owners may in certain instances acquire only a life estate in the lands formerly owned by them or they may acquire lieu lands. The proposed regulations are designed to govern the reacquisition of lands or interests in lands by former owners.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed Part 257 to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER. The proposed new Part 257 reads as follows:

PART 257—RESALE OF LANDS WITHIN THE BADLANDS AIR FORCE GUNNERY RANGE (PINE RIDGE AERIAL GUNNERY RANGE)

Sec.
257.1 Purpose.
257.2 Definitions.
257.3 Eligibility to purchase.
257.4 Notice to former owners.
257.5 Special notice to former Indian owners.
257.6 Applications by former owners.
257.7 Conveyance documents.
257.8 Selection of lieu lands.
257.9 Lands formerly held subject to restrictions against alienation.

AUTHORITY: The provisions of this Part 257 issued under R.S. 161; 5 U.S.C. 301, R.S. 463 and 465; 25 U.S.C. 2; 16 U.S.C. 3; 82 Stat. 663.

§ 257.1 Purpose.

The regulations in this part govern the reacquisition by former Indian and non-Indian owners of lands, or interests therein, acquired by the United States of America as a part of the Badlands Air Force Gunnery Range, sometimes referred to and known as the Pine Ridge Aerial Gunnery Range. The regulations also govern the acquisition by former Indian owners of life estates in national monument lands formerly owned by them and the acquisition of lieu lands when lands formerly owned by them are not available or are not desired by them for reacquisition. The legislative authority for reacquisition of lands or interests therein by former owners is the Act of August 8, 1968 (Public Law 90-468; 82 Stat. 663).

§ 257.2 Definitions.

(a) "Secretary" means the Secretary of the Interior or his duly authorized representative.

(b) "Superintendent" means the officer in charge of the Pine Ridge Indian Agency, Pine Ridge, S. Dak.

(c) "Act" means the Act of August 8, 1968 (Public Law 90-468; 82 Stat. 663).

(d) "Gunnery Range" means the area on the Pine Ridge Indian Reservation in South Dakota that was acquired by the United States for use of the Air Force commonly known as the Pine Ridge Aerial Gunnery Range or the Badlands Air Force Gunnery Range.

(e) "Monument" means the Badlands National Monument as enlarged by section 1 of the Act of August 8, 1968 (Public Law 90-468).

(f) "Tribe" means the Oglala Sioux Tribe of Indians of South Dakota.

§ 257.3 Eligibility to purchase.

(a) Any former owner of a tract of land or interest in a tract of land, whether title was held in trust or in fee, which was acquired by the United States as a part of the Gunnery Range may purchase such tract pursuant to the provisions of the Act and the regulations set forth in this part: *Provided*, Said tract has been declared excess to the needs of the Department of the Air Force, has been transferred to the administrative jurisdiction of the Secretary of the Interior, and is not within the boundaries of the Monument or within that portion of the Gunnery Range retained for use of the Department of the Air Force.

(b) If a former owner is deceased and is survived by a spouse, the spouse may purchase under the same terms and conditions as the former owner except that if the former owner was an Indian whose land was held in trust and his surviving spouse is a non-Indian, the title to said tract shall be conveyed to the non-Indian spouse in a fee simple status.

(c) If the former owner is deceased and the spouse is also deceased, the children of the former owner may repurchase the tract.

(d) If the former owner is not survived by a spouse or children there exist no repurchase rights involving the tract.

(e) Not more than five former owners may join in purchasing a tract of land. "Former owner" means each person from whom the United States acquired an interest in a tract of land, or if such person is deceased, the surviving spouse, or if such spouse is deceased, his children. If more than five former owners apply to acquire a tract, the Superintendent shall notify them in writing that it will be necessary for them to agree among themselves as to the five or less of them who shall acquire the tract. If agreement among the owners is obtained, those individuals who are to acquire the tract shall then file an application to purchase it. The matter of reaching agreement among the owners is the sole responsibility of said owners and not the responsibility of the Department of the Interior and/or the Bureau of Indian Affairs to participate in the negotiations between the owners. If the former owners fail to reach such an agreement, all applications for the tract shall be rejected.

§ 257.4 Notice to former owners.

After publication of these regulations, there shall be published in the FEDERAL REGISTER notice that certain described lands and interests in lands have been transferred to the administrative jurisdiction of the Secretary and are available for repurchase by the former owners pursuant to section 3(b) of the Act. Upon transfer of administrative jurisdiction over lands that may thereafter be declared excess to the needs of the Department of the Air Force and acceptance by the Secretary, notice of such transfer shall be published in the FEDERAL REGISTER. No attempt shall be made to notify each individual former non-Indian owner personally, but the transfer of jurisdiction to the Secretary may be further publicised by the publishing of notice in a local newspaper of general circulation.

§ 257.5 Special notice to former Indian owners.

(a) The Superintendent shall notify the former Indian owners, in writing, at their last known addresses of their right to repurchase the tracts formerly owned by them in those instances where the

tracts are outside of the boundaries of the Monument and are outside of the boundaries of the area of the Gunnery Range retained by the Department of the Air Force. Such notice shall include (1) the legal description, (2) the purchase price thereof, (3) the minimum amount of down payment required, (4) a recital that balance of purchase price may be paid in 20 annual installments, (5) the annual rate of interest on unpaid balance, (6) information whether title is to be taken in trust or in fee, and (7) the date by which the executed application to purchase must be received in the office of the Superintendent. A form of application for execution by the former owners shall accompany said notice, said application to include the legal description of the land, purchase price and other pertinent information.

(b) In those instances where the tracts of land or portions thereof are within the boundaries of the area of the Gunnery Range retained by the Department of the Air Force, the Superintendent shall notify the former Indian owners, in writing, at their last known addresses that they may elect to purchase available tracts of land in lieu of the lands formerly owned by them, said lieu lands to be of substantially the same value as the tracts originally owned by them. Such notice shall also advise said former owners that they may, as an alternative, elect to purchase the tracts formerly owned by them at such time as the tracts may be declared excess to the needs of the Department of the Air Force and transferred to the Secretary of the Interior. As to this alternative, no promise or prediction may be made as to when, or whether, the land may eventually become surplus to the needs of the Department of the Air Force, and the notice shall specifically so state. Such notice shall include (1) the legal description of the lands formerly owned by them, (2) the purchase price of the lieu land which price shall be computed on the same basis as though the original tract were available, (3) the minimum amount of down payment required, (4) a recital that balance of purchase price may be paid in 20 annual installments, (5) the annual rate of interest on unpaid balance, (6) information whether title is to be taken in trust or in fee, and (7) the date by which election to purchase lieu lands or wait until lands formerly owned by them are declared excess must be received in the office of the Superintendent. The notice shall be accompanied by a form for execution by the former owner whereby said owner elects to purchase lieu lands or to repurchase the tract formerly owned by said owner when it is declared excess.

(c) In those instances where a tract of land or portion thereof is within the boundaries of the Monument, the Superintendent shall notify the former Indian owner, in writing, at his last known address that he may elect to acquire a life estate in such tract or portion thereof at no cost but subject to the restrictions on use referred to under "Conveyance Documents" (section 7). Such notice shall include the legal description of the lands formerly owned by him upon which he may acquire a life estate. The notice shall also inform the former owner that he may elect to purchase any available tract of land in lieu of the lands formerly owned by him, said lieu lands to have substantially the same values as the tract originally owned by him. Such notice shall include (1) the purchase price of the lieu land which price shall be computed on the same basis as though the original tract were available for purchase, (2) the minimum amount of down payment required, (3) a recital that balance of purchase price may be paid in 20 annual installments, (4) the annual rate of interest on unpaid balance, (5) information whether title is to be taken in trust or in fee, and (6) the date by which the election to acquire the life estate or lieu lands must be received in the Office of the Superintendent. Such notice shall be accompanied by a form for execution by the former owner whereby said owner elects to acquire a life estate in the lands formerly owned by said owner or elects to purchase lieu lands.

§ 257.6 Applications by former owners.

(a) Applications by former Indian owners to purchase lands formerly owned by them, or to purchase lieu lands, or to take a life estate in a tract of land within the Monument area should be made on forms furnished by the Superintendent and filed within the period specified in section 3(b)(5) of the Act. Such applications shall be filed in the Office of the Superintendent.

(b) A former non-Indian owner may file application to purchase land pursuant to subsection 3(b) of the Act within 1 year from the date notice is published in the FEDERAL REGISTER that the land he formerly owned has been declared excess to the needs of the Department of the Air Force and has been transferred to the Secretary. Such application shall be filed in the Office of the Superintendent. Upon receipt of an application to purchase, the Superintendent shall cause the land to be appraised and thereafter he shall inform the applicant in writing of the fair market value of the tract which shall be the purchase price, the minimum amount of down payment required, that the balance of the purchase price may be paid in 20 annual installments, and the annual rate of interest on the unpaid balance.

§ 257.7 Conveyance documents.

(a) Where there is an election by a former Indian owner of a tract of land within the monument boundary to acquire a life estate in such tract at no cost the following types of provisions and restrictions shall be applicable to the use thereof: (1) Agricultural uses are permitted. Only those commercial activities associated with normal agricultural operations would be allowed. (2) Construction or reconstruction of any roads to the property, including locations and materials used, are subject to approval by the National Park Service. (3) Mining activities of all kinds are prohibited inasmuch as the United States retains all mineral rights. (4) Residential and other facilities necessary for, or incidental to, ranching and other agricultural purposes are permitted. This includes, but is not limited to, barns, sheds, fences, stock dams, wells utilizing surface or subsurface water and other needed access accessory structures. (5) The cutting of native trees is prohibited unless determined by the National Park Service to be essential to the permitted use of the tract. (6) All improvements and structures are subject to removal upon termination of the life estate or they shall be deemed to become the property of the United States. The family or assignee of the grantee shall have a reasonable time to vacate the premises upon termination of the life estate and may harvest annual crops planted during the tenure of the estate. (7) Water rights owned by the United States in the premises remain vested in the United States, but the grantee has a right to reasonable use of the water. (8) Grantee must observe and adhere to all applicable Federal, State, and local laws and regulations, including Federal laws and regulations for the protection of the black-footed ferret and other wildlife in the Monument. The United States reserves the right to enter upon the conveyed lands to assure such compliance and for the exercise of any other rights and privileges reserved to it. (9) The conveyed premises must be kept in a neat and orderly condition and no waste or injury may be committed to the land. Pollution of water on or adjacent to the property is prohibited. (10) Reasonable precautions must be taken to prevent, suppress, and extinguish forest, brush, grass, and other fires on the property. (11) Grantee may not claim damages or injury by or against the United States which might be attributable to existence of the Monument. (12) Other provisions deemed necessary by the National Park Service in individual circumstances may be included in the conveyance document.

(b) When title to the tract being acquired is to be taken in trust for the purchaser and the purchase is effected by deferred payments as authorized in section 3(b)(2) of the Act, a sale contract shall be executed by the purchaser and the Secretary. The down payment shall be not less than $100 or 20 per centum of the purchase price, whichever is less, and said down payment shall be deposited with the Superintendent prior to submission of the contract to the Secretary for execution. Upon execution of the contract by the Secretary, the down payment shall be deposited in the U.S. Treasury to the credit of the United States as general fund receipts, and a deed shall be prepared and executed by the Secretary conveying title to the land to the United States in trust for the purchaser. All subsequent installment payments shall be deposited in a like manner to the credit of the United States. The sale contract shall include (1) the legal description of the land, (2) the purchase price, (3) the amount of down payment, (4) the amount of annual principal installment payments, (5) the annual rate of interest on unpaid balance, (6) the due dates of annual installments, (7) a recital that the unpaid balance is a lien against the land and against all rents, bonuses, and royalties received therefrom, (8) a recital that a delinquency of 90 days in making annual installment payments will subject the contract to foreclosure with loss of all payments theretofore made thereon, and (9) a recital that upon payment being made in full the deed to the United States in trust for the purchaser will be delivered to the purchaser.

(c) If title to the tract is acquired in a trust status and full payment therefor is made by the purchaser at the time the application for purchase is approved, the title shall be conveyed to the United States of America in trust for the purchaser by a deed executed by the Secretary.

(d) If the purchaser is to acquire the tract in a fee status and the purchase is effected by deferred payments as authorized in section 3(b)(2) of the Act, the title shall be conveyed to the purchaser in a fee status by a deed executed by the Secretary. The purchaser shall execute a mortgage naming the United States as mortgagee and shall execute promissory notes for the annual installment payments with the annual rate of interest set forth therein. The deed and mortgage shall be recorded in the office of the Register of Deeds of the county in which the land is situated, the recording costs to be borne by the purchaser. Upon payment of the full amount of the mortgage a satisfaction of mortgage shall be executed by the Secretary and delivered to the purchaser who shall be responsible for recordation thereof in the office of the Register of Deeds.

(e) If the purchaser is to acquire the tract in a fee status and full payment therefor is made by the purchaser at the time the application for purchase is approved, the title shall be conveyed to said purchaser in a fee status by a deed executed by the Secretary. The purchaser shall be responsible for recordation of the deed in the office of the Register of Deeds of the county in which the land is situated.

(f) Each deed executed pursuant to subsections 7 (c), (d), and (e) hereof shall contain a provision that if the tract is offered for sale by the purchaser within a period of 10 years from the date of said deed, the tribe shall be notified in writing that the tract is being offered for sale and of the terms of the offer and said tribe shall have a period of 60 days to exercise a right of first refusal to purchase such tract upon the terms set forth in the notice.

(g) All sale documents referred to in this section shall be recorded in the office of the Bureau of Indian Affairs having custody of the land title records of the Pine Ridge Indian Reservation pursuant to Part 120 of this Title 25, Code of Federal Regulations.

§ 257.8 Selection of lieu lands.

(a) The former Indian owners whose lands are within the boundaries of the area retained for use by the Department of the Air Force or are within the boundaries of the Monument may elect to purchase lieu lands of substantially the same value pursuant to section 4(b) and section 4(c) of the Act. Inasmuch as identification of all of the lands from which lieu selections may be made cannot be determined until the time has expired for former owners of lands outside of the area used by the Department of the Air Force and outside the boundaries of the Monument to purchase the tracts formerly owned by them, former owners who have filed an election to purchase lieu lands within 1 year from the date of publication of the notice prescribed in section 3(b)(5) of the Act, shall be deemed to have filed a timely application to purchase notwithstanding the fact that a specific tract of land has not been designated in said election.

(b) All of the submarginal lands acquired by the United States under authority of title II of the National Industrial Recovery Act of 1933 and subsequent relief acts, within the Pine Ridge Indian Reservation, administrative jurisdiction over which was transferred to the Secretary of the Interior by Executive Order No. 7368, dated April 15, 1938, shall be available for selection as lieu lands by former Indian owners eligible to acquire lieu lands. Applications of former Indian owners to purchase such lands shall be filed in numerical order and processed in the order in which they are received. As the applications are received the Secretary shall determine in each case the comparability of the former Indian owned land and the tract selected for purchase in lieu thereof. If the lieu selections are not substantially the same value as the lands originally owned, the owners shall be afforded an opportunity to make other selections which are substantially the same value.

(c) Upon the expiration of 1 year from date of publication of the notice prescribed in section 3(b)(5) of the Act, the Superintendent shall prepare a complete list of all lands available from which selections of lieu lands may be made. The Superintendent shall also prepare a list of all former owners who elected to purchase lieu lands, excepting those who previously had elected to purchase tracts of available submarginal lands, numbering them consecutively without regard as to date of receipt of such election. The numbers shall then be placed on separate uniform slips of paper and placed in a bowl. The numbers will then be withdrawn from the bowl and a record made of the order in which they were withdrawn. The owner of the first number withdrawn shall be afforded the first opportunity to select lieu lands. The owners of lands represented by the following numbers will be afforded an opportunity to select lieu lands in the priority in which their numbers were drawn.

(d) When all selections of lieu lands have been made as provided in paragraph (c) of this section, the Secretary shall determine the comparability of the lands originally owned and the lieu selections. If the lieu selections are not substantially the same value as the lands originally owned, the owners shall be afforded an opportunity to make other selections which are substantially the same value.

(e) To determine whether the former Indian owned land and the selected lieu land in each case are of substantially the same value, the consideration paid by the United States for each tract may be accepted as indicative of the value of each tract at the time it was acquired. If information as to the price paid for any specific tract is not available, or if for any reason it is concluded that the consideration paid by the United States for the land is not acceptable evidence as to value for this purpose, the Secretary shall cause the tracts to be appraised to determine their comparability. The appraisals of lands shall be made on the basis of current market values. The lands shall be considered to be substantially the same value if the differences in values do not exceed 10 percent of the greater value.

§ 257.9 Lands formerly held subject to restrictions against alienation.

Former Indian owners who held title to the lands which were acquired for the gunnery range subject to restrictions against alienation without the approval of the Secretary of the Interior shall be conveyed title to the reacquired lands in a trust status in the same manner as though they had held trust title to the lands taken.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 17, 1969.

[F.R. Doc. 69-4783; Filed, Apr. 22, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Farm Acreage Allotments and Marketing Quotas, 1966–67 and Subsequent Marketing Years

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department is preparing to amend the regulations (31 F.R. 9775, as amended), for establishing farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the records and reports incident thereto for flue-cured tobacco. These amendments would be effective for the 1969–70 and subsequent marketing years.

The purpose of this document is to give notice to flue-cured tobacco producers, auction warehousemen, dealers and other interested persons of proposed changes in the regulations. The proposed changes are discussed below.

The first amendment would make uniform for all auction warehouses the percentage of total first sales of tobacco allowable as floor sweepings in States where pre-sheeted tobacco is sold in untied form.

The second amendment would authorize the county office to limit the quantity of tobacco shown on a marketing card under "10 percent of quota" and "110 percent of quota" by considering tobacco available for marketing as the farm's effective marketing quota in cases where it is determined that the amount of tobacco available for marketing from the farm is less than the effective farm marketing quota. Provision would be made for issuing an additional marketing card if any producer on the farm shows to the satisfaction of the county committee or county office manager that there are available for marketing from the farm pounds of tobacco above the pounds previously considered as the effective farm marketing quota. In no case would all the cards issued for the farm reflect more pounds than the farm's effective farm marketing quota.

The third amendment would require the warehouseman to cross-reference all tobacco sale bills identifying tobacco weighed in on the same day by the same seller. As a consequence of this cross-referencing, a farmer would be less likely to sell a quantity above 110 percent of his quota for which penalty would be collected.

The fourth amendment is necessary as a result of the first amendment.

The fifth amendment would provide that the marketing penalty will not be required to be paid if the producer markets above 110 per centum of the effective farm marketing quota and he relied and acted in good faith upon the failure of the marketing recorder to record or incorrectly record marketings on the marketing card.

The sixth amendment would provide for the preparation immediately prior to harvest of an estimate of tobacco production in certain enumerated cases in order to provide a basis for applying the proviso in § 725.87(f)(1) and as an aid to enforcing the provisions of the tobacco program and to discourage violations by producers.

The seventh amendment would establish a final date for dealers to make reports on Form MQ–79.

The eighth amendment would require dealers and buyers exempted from keeping regular records and making regular reports, beginning with the 1969–70 marketing year, to make a report by March 1 of each year showing the source and quantity in pounds of all tobacco received as a result of auction or nonauction sales.

1. Section 725.51, paragraph (o) would be amended to read as follows:

§ 725.51 Definitions.

* * * * *

(o) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That, floor sweepings above the pounds determined by multiplying the applicable following listed percentage times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco:

How Sold	Percentage
Untied	0.50 (five-tenths of 1 percent).
Tied	0.17 (seventeen-hundredths of 1 percent).

Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

* * * * *

2. Section 725.87, paragraph (f), subparagraph (1), would be amended to read as follows:

§ 725.87 Issuance of marketing cards.

* * * * *

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the spaces provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota, and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided,* That if the tobacco available for marketing from the farm is determined by the county committee or the county office manager to be less than the effective farm marketing quota, the pounds determined to be available for marketing, for purposes of issuing a marketing card and showing thereon the farm's 10 percent and 110 percent of quota data, be considered the effective farm marketing quota for the farm: *Provided further,* That if any producer on the farm shows to the satisfaction of the county committee or county office manager that there are available for marketing from the farm pounds of tobacco above the pounds considered as the effective farm marketing quota under the proviso above, the data shown on the marketing card shall be increased accordingly but not to exceed the pounds which were or would have been computed under paragraph (1) of this section.

* * * * *

3. Section 725.91 would be amended by adding paragraph (h) to read as follows:

§ 725.91 Identification of marketings.

* * * * *

(h) *Cross-reference of tobacco sale bill number to prior tobacco sale bill of same date.* Each warehouseman shall for each lot of tobacco weighed in on his floor on the same day cross-reference the tobacco sale bill to each prior tobacco sale bill for the same seller. To accomplish the cross-reference, each other tobacco sale bill number for each tobacco sale bill prepared for the same seller that day shall be entered by the warehouseman in the "Remarks" space on the tobacco sale bill at the time he weighs in his tobacco at the warehouse.

4. Section 725.94, paragraph (c) would be amended to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers and others excluding the producer.

* * * * *

(c) *Leaf account tobacco.* If part or all of any marketing of leaf account tobacco (including tobacco from the buyers corrections account) when added to prior leaf account resales is in excess of prior leaf account purchases, such marketing shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season of: (1) 0.17 percent of producers' sales of tied tobacco, and (2) 0.50 percent of producers' sales where untied tobacco is presheeted in standardized sheets of burlap before marketing.

* * * * *

5. Section 725.95 would be amended by adding a new paragraph (d) to read as follows:

§ 725.95 Producers penalties; false identification; failure to account; canceled allotments; overmarketing proportionate share.

* * * * *

(d) *Penalties not to be assessed.* If the farm operator or another producer on the farm markets a quantity of tobacco above 110 percent of the effective marketing quota for the farm and such overage is found to have been caused by the failure to record, or improper recording of, a prior marketing of tobacco on the marketing card, that amount of the penalty as was due to such failure to record or improper recording will not be required to be paid by the farm operator or other producer if the county committee, with the approval of the State committee and the Deputy Administrator, determines that each of the following conditions is applicable: (1) The failure to record or incorrect recording resulted from action or inaction of a marketing recorder, (2) such failure or error was not so large as to place the farm operator on notice of the failure or error, and (3) the producer relied in good faith on the erroneous entries on the card resulting from such failure or error. Overmarketings for a farm for which the marketing penalty will not be required to be paid pursuant to the provisions of this paragraph (d) shall be determined based upon the correct effective farm marketing quota and correct actual marketings of tobacco from the farm.

6. Section 725.98 would be amended by adding a new paragraph (n) to read as follows:

§ 725.98 Producer's records and reports.

* * * * *

(n) *Report on Form MQ–92, Estimate of Production.* In order to provide a basis for a determination under the first proviso in § 725.87 (f)(1) and as an aid to discouraging, thwarting, and discovering violations by producers and to enforcing the provisions of the flue-cured tobacco marketing quota program, an estimate of production, Form MQ–92, shall be prepared immediately prior to harvest for each farm (1) producing discount variety tobacco, (2) for which there is an indication of a substantial or total tobacco crop loss, (3) having a producer thereon who is a past violator of the tobacco program, or (4) for which the county or State ASC committee or a representative of the county or State committee believes that an MQ–92 for the farm would be in the best interests of the program.

7. Section 725.100, paragraph (c), subparagraph (4), would be amended to read as follows:

§ 725.100 Dealer's records and reports.

* * * * *

(c) *Record and report of purchases and resales.* * * *

(4) At the end of the dealer's marketing operations but not later than March 1 he shall for each kind of tobacco: (i) Show the word "Final" on his final report, MQ–79, for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, and (iii) permit its inspection and weighing by a representative of ASCS, and at that time furnish him a certification of the quantity of such tobacco.

* * * * *

8. Section 725.101 and the title thereof would be amended to read as follows:

§ 725.101 Dealers exempted from regular records and reports on MQ–79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sales and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100. Any dealer or buyer is required to report on MQ–79 and on MQ–72–2 nonauction purchases from producers and nonauction purchases from other sources.

(b) For the 1969–70 and subsequent marketing years, each dealer or buyer shall also make a report not later than March 1 of each year to the Director, Farmer Programs Division, showing by States where acquired, source and pounds of all tobacco received by him as a result of auction or nonauction sale, including tobacco received which was not billed to him. The report shall show:

(1) For purchases at auction (i) name and address of warehouse, (ii) gross pounds originally billed to the buyer, (iii) gross pounds billed to the buyer for which payment was made, (iv) gross pounds from the buyer's correction account deducted for short baskets, short weights and returned baskets and, (v) gross pounds from the buyer's correction account added for long baskets and long weights.

(2) For purchases at nonauction (i) name and address of seller (dealer or farmer) and, (ii) pounds purchased.

Prior to the issuance of the proposed changes in the regulations, any data, view, or recommendations pertaining thereto which are submitted to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration, provided such submissions are postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 18, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–4854; Filed, Apr. 22, 1969; 8:52 a.m.]

Consumer and Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment for 1968–69 Fiscal Year

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period from November 1, 1968, through October 31, 1969, will amount to $264,000, and (2) that there be fixed, at $0.012 per carton of oranges, the rate of assessment payable by each handler in accordance with § 908.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 950.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122 and Order No. 950, both as amended, to enable such committee to perform its functions under provisions of the amended marketing agreement and order during the fiscal period ending August 31, 1969, will amount to $6,400.

(b) The funds for this budget will come from the committee's account established pursuant to paragraph (b) of § 950.47 *Refunds.*

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 15, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–4855; Filed, Apr. 22, 1969; 8:52 a.m.]

public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–4809; Filed, Apr. 22, 1969; 8:49 a.m.]

[7 CFR Part 950]

IRISH POTATOES GROWN IN MAINE

Expenses

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses, hereinafter set forth, which were recommended by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122, as amended, and Order No. 950, as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

[7 CFR Part 1004]

[Docket No. AO–160–A40]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Delaware Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Philadelphia, Pa., on November 7–9, 1968, pursuant to notice thereof which was issued October 28, 1968 (33 F.R. 16004).

The material issues on the record of the hearing relate to:

1. Modification of the pooling standards for supply plants and of the "dairy farmer for other markets" definition.
2. Adoption of a "Louisville" payment plan in lieu of the existing "base-excess" payment plan.
3. Modification of the performance standards for pooling distributing plants.
4. Modification of the "producer-handler" definition.
5. Modification of the "producer" definition.
6. A Class I classification for cream for fluid uses.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Modification of the pooling standards for supply plants and of "dairy farmer for other markets" definition.* No change should be made in the pooling standards for supply plants or in the "dairy farmer for other markets" definition on the basis of this record.

Modification of these previsions was proposed by a major cooperative in the market as a means of deterring the shifting of plants and/or dairy farmers in and out of the market for the purpose of exploiting the "base-excess" payment plan. Under the cooperative's proposals a supply plant which was a nonpool plant in any of the months of August through November could not acquire pooling status in any of the subsequent months of March through June in which it was owned or controlled by the same handler or an affiliate of such handler or by any person who controls or is controlled by the handler.

Similarly, a dairy farmer whose milk was received during any of the period of September through February by a handler, affiliate, or person controlling or controlled by such handler could not acquire producer status in the following months of March through August in which his milk was received by such handler at a pool plant, unless such handler could substantiate that not less than 120 days of such dairy farmer's milk production had been received as producer milk during the preceding September–February period.

The proposal would provide further that any dairy farmer who during the July–December period stopped delivering milk to a pool plant (with exception for over diversion or loss of health approval) and delivered his milk to a nonpool plant could not reacquire producer status until after June 30 following.

In support of its proposals, the cooperative's witness pointed out that three supply plants operated by another cooperative association and regularly pooled under the New York-New Jersey order (Order 2) acquired pool plant status under this order in the early part of 1968. Under the base rules provided in the order, the dairy farmers associated with these plants acquired bases computed as though the plants had been regulated under the order throughout the base-earning period of August through December 1967.

The witness related that the dairy farmers delivering to one of these plants (which first became pooled under this order in February 1968) made no contribution to the spring take-out fund under the "Louisville" seasonal incentive plan in operation under the New York-New Jersey order. The dairy farmers associated with the other two plants involved made only a nominal contribution. Effective August 1, 1968, the first month of payback under the New York-New Jersey seasonal incentive plan, the operators of these three plants and of one additional plant, regularly pooled under this order since the adoption of a marketwide pool effective June 1, 1967, adjusted their businesses to remove the plants from regulation under this order to become fully regulated under Order 2.

It was proponent's view that the plants could be expected to maintain regulated status under Order 2 through November to participate to the maximum extent in the distribution of the payback monies under the seasonal incentive plan there, and then return to Order 4 in December to obtain full bases for the 1969 base-operating period.

Proponent stated further that plant shifts of the above nature impede realization of the goals of the seasonal pricing plans in the two markets in that the dairy farmers involved are rewarded through enhanced returns at the expense of dairy farmers whose payments for production in conformance with the intent of the respective seasonal pricing plans are reduced.

It was contended that the time lapse since June 1967 when the marketwide pool was adopted under the Delaware Valley order has been more than adequate to accommodate the association of plants with this market with deliberate judgment. Accordingly, no further accommodation would be appropriate and plants and dairy farmers not meeting the specified performance standards of this market in the short production season should not have pooling privileges in the flush production (base-paying) months.

Official notice is taken of the announcement of the Order 4 market administrator of pool handlers for the months of November and December 1968 (issued Dec. 13, 1968, and Jan. 13, 1969, respectively) which indicates that three of the four plants in question in fact did return to Order 4 in December as proponent had surmised.

The principal matter of concern here is the equitable sharing among producers of the proceeds from the sale of their milk. The "dairy farmer for other markets" provision was incorporated into the order effective June 1, 1967 (when the marketwide pool became effective) to deter a handler from taking on additional dairy farmers as producers under the order during the flush production months for the sole purpose of augmenting his supply of milk for manufacturing uses and thus diluting the pool at the expense of regular producers.

Milk of a "dairy farmer for other markets" and milk of a producer delivering to an unregulated supply plant does not acquire producer milk status under the order and thus is not pooled. Such milk is allocated to the lowest available use class, and to the extent that it is assigned to Class II the dairy farmers involved can realize, under the order, no more than the surplus Class II price. If such milk necessarily is assigned to Class I, however, the responsibility handler must make a payment to the pool of the difference between the Class I price and the market blend. For such milk, therefore, dairy farmers conceivably could receive as much as the market blend price.

The base-excess plan, which was incorporated into the order effective August 1, 1967, was intended to accomplish much the same purpose. That is to say, a dairy farmer's deliveries during the flush months of production which are within his established base (reflecting his market participation in the short production, base-earning period) are paid for at the higher base price while his deliveries in excess thereof are paid for at the excess (Class II) price.

Both the "dairy farmer for other markets" and the base-excess provisions distinguish in the treatment of dairy farmers delivering to a plant which first enters the market as contrasted to dairy farmers delivering to a plant which was a pool plant and subsequently acquired nonpool status only to reacquire pool status during the flush production months.

It was an apparent misunderstanding on the part of affected parties of the intent of the order in this regard which prompted the proposals here considered. The base-excess provisions of the order provide in § 1004.63(b) that "For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July–December period by pool handlers as producer milk or at the plant as a nonpool plant;".

Official notice is taken of the March 6, 1969, letter of the market administrator to all interested parties concerning the application of § 1004.63(b) of the order, as follows:

> Section 1004.63 of Order No. 4 prescribes the procedure for computing bases for producers. The purpose of this memorandum is to set forth the future application of said section with respect to dairy farmers delivering milk to plants which become pool plants after the beginning of the base-earning period.
>
> Paragraph (b) of said § 1004.63 has been interpreted to apply to any plant which held nonpool status during any or all of the July–December period and subsequently became a pool plant. On the basis of such interpretation certain plants which held pool plant status in the month of July and which acquired nonpool status in the month of August were operated in a manner which insured their continued regulation as pool plants under Order No. 2 through the month of November. Certain of these plants were then operated to reacquire pool status under Order No. 4 in the month of December with the understanding that the producers delivering to such plants would acquire bases computed as though the plants had been pooled throughout the July–December period.
>
> A careful review of the language of said § 1004.63(b) in conjunction with the Secretary's decision of July 13, 1967 (32 F.R. 10592) now clearly establishes that such application of this paragraph is incorrect.
>
> To the contrary, the paragraph was intended to apply only to plants which (first) became pool plants after the beginning of such base-earning period.
>
> Accordingly, henceforth, bases for producers delivering to a pool plant which becomes a nonpool plant during any month(s) of the base-earning period and subsequently (either during or after the end of the base-earning period) again becomes a pool plant will be computed on the basis of deliveries to such plant only during that portion of the base-earning period that such plant held pool plant status.

Clearly, under this future application dairy farmers associated with a plant which leaves the market in August and returns in December, as was the case with three plants in 1968, should have bases reflecting only their deliveries in the months of July and December since the plant already was pooled immediately prior to the beginning of the base-earning period and remained pooled through the first month thereof. Bases so computed likely would not inflict inequities on other producers on the market.

While the situation created by the interorder movements of plants last fall cannot now be recreated in the future in the identical manner, nevertheless an opportunity to exploit the two seasonal plans still exists. A plant leaving the local market prior to the beginning of the base-earning period to obtain pooling status under Order 2 for the months through November if it again obtained pooling status here on December 1 (for example) could fully exploit the payback under the seasonal plan in effect under Order 2 and at the same time obtain a full base for its dairy farmers for the following March–June period under this order.

The inappropriateness of this result was clearly recognized by the Secretary in his decision of July 13, 1967 (32 F.R. 10592) adopting the base-excess plan under Order 4 in concluding that such a result "would allow the producer a decided financial advantage under both orders without commitment to either market."

As previously indicated, the "dairy farmer for other markets" and base-excess provisions are intended, by different means, to limit a dairly farmer's participation in the Class I proceeds during the flush production months in a manner commensurate with his performance in the short production months. While the two provisions are not wholly complementary, a proper means of solution is not available on this record. To the extent that a dairy farmer delivered milk to a pool plant(s) in the short production months he would necessarily acquire producer status and hence a base reflecting his actual performance as a produer during these months. While under the proposed amendments to the "dairy farmer for other markets" and pool supply plant provision he would be denied producer status in the flush months on the basis of nonproducer status in any part of the base-earing period, this would not affect his ability to dispose of his acquired base for financial remuneration. At the same time, as a "dairy farmer for other markets" or as a producer associated with a nonpool supply plant during the base-paying period he could receive as much as the market blended price if his milk were being disposed of essentially for Class I use. In total such an individual therefore might not be adversely affected financially and likely would fare far better than he would as a producer with only a partial base. Under certain circumstances, he could fare even better than regular producers. It cannot be concluded that the adoption of promonent's proposals would have an appropriate result; particularly, since the plants could shift between markets only by supplying essentially Class I outlets.

Because the milk of "dairy farmer for other markets" and receipts from unregulated supply plants can be credited at the blended price, and since the base-excess provisions operate as described, it seems likely that the order could be effective in accomplishing proponent's desired end only if the "dairy farmer for other markets" provision were removed in conjunction with appropriate modification of the base-excess plan. Under any circumstances the desired end cannot be achieved without appropriate modification of the base-excess provisions. The latter provisions were not open for modification under the limited hearing call. It is concluded, therefore, that no action should be taken with respect to this issue on this record. If further consideration of the matter is desired, it should be under a new proceeding and appropriately should be heard prior to July 1, the first month in the base-earning period.

2. *Adoption of a "Louisville" payment plan in lieu of the existing "base-excess" payment plan.* No action should be taken on this record to substitute a so-called "Louisville" seasonal payment plan for the existing base-excess payment plan.

A proposal to eliminate the base-excess provisions of the order and provide a Louisville payment plan essentially identical to that now in effect under the New York-New Jersey and New England Federal orders was made by one of the larger cooperatives in the New York-New Jersey market which also has significant membership among producers under Order 4.

Proponent's fundamental purpose in making this proposal was the same as that of proponent of the proposals previously considered under issue No. 1; that is, removal of the incentive for plants and producers to shift between Orders 4 and 2 for the sole purpose of exploiting the two different seasonal payment plans at the expense of other producers under the respective orders. In addition, however, proponent held that the operation of two different seasonal payment plans in adjacent markets with overlapping supply areas such as exist between Orders 2 and 4 causes unrest among producers generally and deters full realization of the intent of the respective plans. It was further held that since the New York-New Jersey and New England orders each provide a "Louisville" payment plan and these orders regulate by far the greater portion of the milk supplies in the northeastern region, this should be compelling in any decision relative to the type of payment plan to be provided in the Delaware Valley market.

Contrary to proponent's view, both the base-excess and "Louisville" seasonal incentive plan obviously can be effective in promoting a desirable seasonality of production in any particular market. Although both plans have wide acceptance in many markets each has shortcomings in the views of some dairy farmers in this market. In order to be effective, the plan provided in any individual market must have the approval of the majority of producers on that market. Cooperatives representing a majority of the producers on the Delaware Valley market support the base-excess plan now provided.

3. *Modification of the performance standards for distributing plants.* The minimum overall utilization percentage prescribed as one condition for pooling distributing plants should be expressed in terms of total Class I utilization rather than route disposition as at present. No change, however, should be made in the standard prescribing the minimum degree of association with the local market, which presently is expressed in terms of route disposition in the marketing area. In addition, the pool distributing plant provisions should be revised further by providing pool status for plants which meet prescribed performance standards but receive no milk from dairy farmers either directly or through a cooperative association as a handler on bulk tank milk.

As a corollary change, the minimum performance standard for supply plants should be expressed in terms of shipments to distributing plants meeting the new Class I utilization requirement for pooling. As another corollary amendment, the handler location differential provisions should be modified to deter any possible pricing advantage which might otherwise be realized through interplant movements as a result of the changes in the pooling standards herein adopted.

Finally, the provisions prescribing the procedure for computing the obligation for pool handlers should be modified to remove the possibility of a second payment requirement on milk received from a partially regulated distributing plant which milk was fully priced under this or any other Federal order.

A cooperative association which operates pool supply plants proposed modification of the distributing plant pooling requirements so that: (1) A plant might qualify for pooling on the basis of its disposition of receipts from pool supply plants in addition to qualification on the basis of its disposition of direct receipts from dairy farmers, and (2) in addition to route disposition, transfers of packaged fluid milk products would be counted as qualifying disposition.

In support of its proposals, the cooperative pointed out that a distributing plant which receives all its milk supply through a supply plant may not acquire pooling status under the terms of the present order even though such distributing plant may be the means by which the supply plant acquires its pooling status. Transfers from such a nonpool distributing plant, either in bulk or packaged form, to a pool distributing plant are assigned pro rata to classes of use as an other source receipt at such pool distributing plant. Proponent pointed out the possibility that under present provisions such milk assigned to Class I could be subject to a pool payment at the difference between the Class I price and the market blended price regardless of the fact that such milk might have been fully accounted for at the originating supply plant as Class I milk.

Proponent pointed out that such accounting with respect to receipts from a nonpool plant which receives all its milk from pool supply plants can reduce the amount of supply plant milk which is assigned to Class I, and hence the amount of milk on which the cooperative can recover hauling costs. Proponent suggested, also, that because custom bottling is becoming an ever-increasing marketing practice, a pool distributing plant having an increasing custom bottling operation might at some stage be forced into nonpool status even though as much as 99 percent of its milk might be packaged for distribution as Class I milk in the marketing area. This could occur simply because the plant met neither the 50 percent present route disposition requirement for distributing plants nor the 50 percent shipping requirement for supply plants.

To insure continuing equitable treatment of its supply plant milk, the cooperative, in certain instances where it is the sole supplier, is moving one load of producer milk directly from the farm to a bottling plant on at least 1 day during the month to maintain such plant's continuing status as a pool distributing plant. This procedure, proponent contended, is uneconomic and the consequence of the inadvertent missing of a shipment in any month could be such as to impose an unreasonable penalty.

Basically, pooling standards are intended to accommodate a sharing of the Class I sales of the regulated market among those dairy farmers who constitute its regular source of milk supply.

Under many Federal orders, a distributing plant is pooled on the basis of meeting specified Class I disposition percentages with respect to its total milk receipts. However, in an effort to avoid certain problems which can result from interdependent pooling requirements, the pooling standards under this order were adopted in terms of specified disposition percentages with respect to receipts from dairy farmers only. Since the order contains provisions intended to assure the appropriate pricing of all milk disposed of for fluid use in the regulated market, it was not considered necessary to provide pooling status for a distributing plant receiving all its milk from other plants.

Under the terms of the order, a distributing plant receiving all milk from other plants is treated as a partially regulated plant and as such is charged only for its Class I route sales in the marketing area. A transfer from such a plant to a pool plant is treated as a receipt of other source milk and is allocated prorata to the utilization at the transferee plant. On any such milk allocated to Class I the operator of the pool plant is required to make a pool payment of the difference between the Class I and market uniform price.

Such treatment would be appropriate under usual circumstances since partially regulated distributing plants normally have the preponderance of their disposition outside the regulated market and receive their milk directly from diary farmers in competition with the producers supplying fully regulated handlers.

The situation here confronting us is uniquely different in that a distributing plant is receiving essentially its entire milk supply from a pool supply plant and almost its entire output of milk is disposed of in the regulated market either directly on routes or through other plants.

Proponent's basic objectives are to insure the continued pooling of its supply plant milk and at the same time to recover to the fullest extent possible, through a Class I classification, transportation cost involved in moving its milk to the central market.

There are clearly advantages in the application of regulation to have any distributing plant substantially associated with the local fluid market fully regulated even though such plant has no direct dairy farmer receipts. In the case of a partially regulated plant buying milk only from pool supply plants operated by cooperative associations, there is no effective means of insuring payment to such cooperative association of the prescribed minimum order prices. Consequently, the cooperative could be the unfortunate victim of underpayment on the part of the operator of the partially regulated plant.

In the case at issue the cooperative has acted to insure full regulation of its buyer handler. Under the circumstances, there is no apparent reason why the proposal should not be implemented. Accordingly, an additional alternative pooling standard for distributing plants is adopted, reflecting the same overall utilization and performance requirements with respect to the plant's total milk receipts from other plants as are now required only with respect to those of plants which receive milk directly from dairy farmers.

Proponent further requested that interplant transfers of packaged fluid milk products be treated as route disposition for purposes of applying pooling standards. The decision of Assistant Secretary of April 7, 1967 (32 F.R. 5876) adopting the present pool plant provisions, official notice of which is taken, substantiates that while he employed the term "route disposition" as a standard of overall performance for distributing plants, he used the term synonymously with overall Class I utilization.

It is not apparent what useful purpose is served by measuring overall performance of a distributing plant in this market solely on route disposition. Since the minimum percentage requirement of route disposition in the marketing area establishes a plant's substantial association with the local market, it is concluded, in the interest of continuing orderly marketing, that the overall utilization standard as applied to distributing plants should be modified so as to be expressed in terms of total Class I utilization.

Notwithstanding the above, appropriate safeguards must be provided to prevent a cooperative association operating supply plants from circumventing the intent of the order by using an intermediate plant as a means of transferring supply plant milk to other pool handlers

and acquiring Class I location credits which could not be acquired by direct movements to the plant of ultimate receipt. The change in pool plant standards hereinbefore set forth could readily implement this end. Accordingly, as a corollary change, a proviso is added to § 1004.52(b) to provide that, in the computation of location differential credits to handlers, transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant, shall be treated as though the transfer was direct from the originating plant to the plant of ultimate receipt.

Finally, to remove the possibility of a double pool obligation on milk moving through a partially regulated plant, the provisions prescribing the procedure for computing the obligation of pool handlers is modified to eliminate the prescribed payment by the pool handler on Class I milk received from a partially regulated distributing plant if such milk has already been classified and priced as Class I under this or any other Federal order.

4. *Modification of the producer-handler definition.* The producer-handler provisions of the order should be amended to provide a limit of 10,000 pounds on the quantity of fluid milk products which a producer-handler may receive from pool plants during any month and still retain his exempt status. Such limit on the quantity of a producer-handler's supplies of fluid milk products other than his own farm production is necessary at this time in this market to insure continued orderly marketing and an equitable sharing among producers of the proceeds from the sale of their milk.

Typically, a producer-handler conducts an operation in which he processes, bottles and distributes preponderantly only milk of own-farm production. Historically, operations of this nature have been of little consequence in this market.

Prior to June 1967 the market operated under an individual-handler pooling arrangement. Under such pooling procedure no useful purpose could have been served by full regulation of a business in which an individual operated both a dairy farm and a processing-distributing business but received no milk from other dairy farmers. However, his sources of Class I milk other than his own farm production were subjected to full regulation under the terms of the then existing order.

With the adoption of marketwide pooling effective June 1, 1967, additional conditions were added to insure that a producer-handler could not place on other producers the burden of carrying his balancing supplies. These conditions included limiting a producer-handler's source of supplemental supplies to pool plants and classifying any receipts from pool plants as Class I milk. In addition, any receipts of milk by pool handlers from producer-handlers were credited at the Class II price.

Until recently there were only six producer-handler operations in this market, one of which was a certified milk operation. The other five operations were small, their individual production averaging about the same as that for other producers on the market and their Class I sales averaging significantly less than their production.

The situation changed in September 1968, however, when a handler with own farm production buying the remainder of his milk directly from members of a major cooperative (a bargaining cooperative) decided to acquire producer-handler status by purchasing plant milk rather than buying milk directly from dairy farmers and thus avoid pooling his own production. Accordingly, he terminated purchases from producer members, closing out a contractual arrangement of more than 20 years.

The handler's new supply source is a pool plant of an operating cooperative association whose primary membership is among producers in the adjacent New York-New Jersey market. This cooperative is selling the handler, in his new role as a producer-handler, plant milk delivered to his plant at the order Class I price for that location. Hence the handler is getting his supplemental milk at the same price which he would have been required to account for Class I milk received directly at his plant from dairy farmers while not incurring the additional costs of receiving, payrolling, and related services necessarily experienced by a handler on direct receipt milk.

Under usual circumstances a handler buying plant milk from another handler would have to pay for such milk a price reflecting the minimum class prices prescribed by the order plus the selling handler's costs for services performed and for extra plant handling and, in addition, a reasonable profit. It is questionable under such circumstances and the conditions of this market whether any handler with own farm production could advantageously give up his regular producers for the purpose of acquiring producer-handler status except under circumstances where his own production represented a preponderance of his needs.

The handler in question produces close to 200,000 pounds of milk per month, better than five times the market average. His own production represents nearly half of his Class I sales. It seems most improbable that this handler would have seriously considered giving up his regular producers except for the fact that instead of realizing the blend price for his own farm production he could now realize the order Class I price for such production without incurring the cost of maintaining the reserve supplies associated with his Class I sales.

Without appropriate amendatory action it is now clearly prospective that any handler in this market with own farm production can readily assume producer-handler status solely for the purpose of avoiding pooling of his own production.

In its first consideration of the problem the bargaining cooperative made two alternative proposals which were set forth in the hearing notice. The first proposal (Proposal No. 3) would deny an operating cooperative the right to sell plant milk to producer-handlers. The second proposal (Proposal No. 4) would, in effect, place bargaining cooperatives on equal sale terms with operating cooperatives by permitting the former to sell bulk tank milk directly to producer-handlers.

While the first alternative proposal would ameliorate the immediate problem in that it would deny all cooperatives the opportunity to sell milk to producer-handlers, it could work unnecessary hardships on producer-handlers in their procurement of supplemental milk. The second proposal likewise represents no solution in that it would merely give to bargaining cooperatives equal opportunity with operating cooperatives to negate the intent of the order relative to producer-handler operations.

While these alternatives were not abandoned, the proponent cooperative supported a third proposal which would limit producer-handlers' ability to buy supplemental milk from any source substantially in the manner herein adopted.

Experience under Federal orders generally has demonstrated that effective regulation of the market can be insured without direct involvement of individuals who produce, process and distribute essentially milk of their own production and who buy no milk from other dairy farmers. Individuals who assume a dual role of producer and handler and who must carry their own balancing supplies seemingly have no demonstrable advantage either as a producer or a handler.

The change in status of a substantial handler in September obviously is of concern both to producers and handlers. Their basic purpose was appropriate amendment of the order to remove the inequities created by this handler's change to producer-handler status and to deter similar decisions on the part of other substantial handlers. To this end the various limitations on supplemental milk purchases by producer-handlers were proposed. The most liberal of these proposals would permit producer-handlers the opportunity to purchase the lesser of 5 percent of his production (or in the alternative Class I sales) or 5,000 pounds in any month.

Clearly in the immediate situation the handler at issue is purchasing far above normal balancing supplies. His operation bears essentially no resemblance to that of producer-handlers in the traditional view.

In view of the foregoing, a substantial handler buying more than an incidental amount of supplemental supplies should not have status as a producer-handler. To the contrary, as has been previously stated, to hold such status an individual should handle preponderantly only his own farm production.

For the subject handler 5 percent of his own production represents approximately 10,000 pounds which is about 2½ percent of his total Class I sales. A limitation of 10,000 pounds obviously would deny this handler continuing producer-handler status. Since no other problem with producer-handlers was cited, it is concluded that such limitation on a producer-handler's purchases will best

insure against the unintentional involvement in regulation of producer-handlers as a group. At the same time it should be effective in deterring larger handlers with own farm production from evading the pooling of such production by seeking producer-handler status.

5. *Modification of the "producer" definition.* The proposal to revise the definition of "producer" under the Delaware Valley order to exclude a dairy farmer whose farm is part of a pool bulk tank unit under the New York-New Jersey order should not be adopted.

The provisions of the New York-New Jersey order deny full pool status during December through June for any bulk tank producer whose milk was delivered as producer milk under another order during any of the preceding months of July through November. Under the Delaware Valley order producer status is normally provided for a dairy farmer whose milk is received at a pool plant.

The modification was proposed by a cooperative association which operates bulk tank units under the New York-New Jersey order. The cooperative's spokesman indicated that it had had opportunities to make spot sales of milk for Class I use to Delaware Valley handlers in the July–November period but refused to make such sales since the producers whose milk was involved would lose their status as part of a pool bulk tank unit under the New York-New Jersey order. To make such sales would deny pooling of their milk in New York-New Jersey in certain subsequent months. He pointed out that adoption of the proposal would provide the cooperative with greater flexibility in marketing its members' milk and suggested that it would insure like treatment of the cooperative's member milk at Delaware Valley plants irrespective of whether it was moved through a New York-New Jersey pool plant or direct from the farm.

The adoption of this proposal was opposed by the largest cooperative association in the Delaware Valley market. The association's witness suggested, however, that it would be appropriate to recognize a receipt of bulk tank unit milk as a diversion if a Class II classification applied. This procedure, it was suggested, would facilitate the disposal of New York-New Jersey reserve supplies if that is the problem from which proponent seeks relief. On the other hand, it was held that disorderly marketing would result if milk were permitted to be diverted between the orders for Class I use.

Under the Delaware Valley order plants acquire pool status only by meeting specified performance standards. Dairy farmers acquire producer status only through their association with and on the basis of the receipt of their milk at pool plants. Under the New York-New Jersey order, on the other hand, dairy farmers who operate with farm bulk tanks are pooled on the basis of having had their farms designated as a part of a pool bulk tank unit. Having been so designated, milk from such farms is pooled regardless of its disposition unless a request is made of the market administrator for removal of the farm(s) as part of a pool unit or the milk is pooled under another order. Since milk, having acquired pooling status, may continue in this status regardless of the manner in which it is handled or used certain deterrents are included in the order to prevent milk from being disassociated with the market when it has an outside Class I outlet and reacquiring pooling status when it has only a lower valued manufacturing outlet.

It is the conflict in basis of pooling between the two orders which creates the situation prompting the proposal here being considered. Proponent's proposal disregards the fact that a plant is pooled each month under the order covering that market in which it had the greater Class I sales or shipment, as the case may be, during such month. Designated pool unit milk under the proposal would continue to be pooled under Order 2 regardless of the disposition of the milk.

This is a fundamental difference which cannot be ignored. Adoption of proponent's proposal would give to operators of Order 2 pool bulk tank units the opportunity for indiscriminate solicitation of Class I sales outlets with Delaware Valley processing plants without jeopardizing the continuing status under Order 2 of the dairy farmers involved. The proceeds from all of such sales would thus accrue exclusively to producers under the New York-New Jersey order in the form of a higher uniform price. Conversely, the loss of such sales on the part of Delaware Valley producers would be reflected in the form of a lower uniform price. The net effect of such changes in the uniform prices would be the encouragement of greater production under the New York-New Jersey order and the discouragement of production under the Delaware Valley market. To provide an incentive to increase production under Order 2 whenever milk is needed to meet additional Class I sales in Delaware Valley would not be appropriate.

Proponent's real problem is that with the acquisition of producer status under Delaware Valley in any particular month for any of its member producers included in a designated pool bulk tank unit, such dairy farmers lose their producer status under Order 2 and in certain months thereafter may not hold producer status there. As previously indicated there is a difference in pooling theory between the two orders. The present producer definition under which dairy farmers can readily change from producer to nonproducer status and back to producer status under the Delaware Valley order is consistent with the general basis of pooling milk in the Delaware Valley market and therefore should not be changed.

6. *Classification of cream for fluid use.* No change should be made with respect to the classification of cream for fluid use on the basis of this record.

Two proposals relating to the classification of cream were set forth in the hearing notice. One proposal made by an operating cooperative with primary interest in the New York-New Jersey market would provide a Class I classification for cream disposed of for fluid use. A more restricted proposal made by another cooperative in this market would provide such Class I classification only on cream disposed of by regulated handlers on routes in the New York-New Jersey marketing area.

Witnesses supporting the broader of the two proposals pointed out that simultaneously with the adoption of a skim milk and butterfat accounting procedure under the New York-New Jersey order effective July 1, 1968, the classification of cream disposed of for fluid use outside the metropolitan area of the market was changed from Class II to Class I. They offered extensive testimony to substantiate that notwithstanding the fact that Philadelphia had historically been considered to be an open cream market, the same health regulations governing the production and handling of milk for fluid use in the market were, in fact, generally applicable to cream for fluid use. In this respect, they contended that the circumstances prompting the change in classification under Order 2 were no different than those existing in this market. It was, therefore, equally appropriate and necessary to provide a Class I classification under the Delaware Valley order for cream disposed of for fluid use.

In further support of their position, proponents for both proposals pointed out that the marketing areas under the two respective orders are contiguous across central New Jersey and that there is interorder route competition in the adjacent portions of both markets. They argued that the difference in classification of cream as between the two orders could, therefore, result in a loss of cream sales on the part of Order 2 handlers to the advantage of Order 4 handlers.

Delaware Valley handlers and producer cooperatives opposed any change in the classification of fluid cream disposed of in the Delaware Valley marketing area. It was their position that because of the competition from cheaper substitute products made from vegetable fat, cream sales have been rapidly declining. An increase in the price of fluid cream, they suggested, would merely further accelerate this trend. Cooperatives' spokesmen also pointed out that a change in the classification of cream under this order would create problems between Delaware Valley and Upper Chesapeake Bay where cream also is now classified as Class II. It was suggested that if any change in classification of cream is nevertheless concluded to be necessary, it should be limited to route sales of Delaware Valley handlers in the Order 2 marketing area. Order 2 producer groups, however, opposed such an action, contending that it would not result in the same classification and pricing with respect to sales in the Delaware Valley market by handlers under the two respective orders.

The matter at issue does not appear to be one of substantial proportions. During the past 5 years, sales of cream for fluid use by Delaware Valley handlers have declined approximately 30 percent while total Class I sales of fluid milk products have increased about 20 percent with the result that the volume of fluid cream sales is less than 1 percent of the volume of total fluid milk product sales. Obviously, under such circumstances a change in the classification of cream could have little overall effect on producer returns. A Class I classification would, however, increase handlers' cost for cream and thus further deteriorate an already unfavorable competitive price relationship between cream and vegetable fat substitutes and thus likely reduce even further the volume of cream disposed of for fluid consumption.

It was not clear on the basis of this record that all of the considerations which prompted the Secretary to provide a Class I classification for cream under Order 2 are present in this market. Moreover, there was no showing that the present classification of cream is in fact contributing in any way to any disorder in the marketing of milk here or under the New York-New Jersey order. It is concluded, therefore, that no change should be made in the classification of cream on the basis of this record.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

In its brief Eastern Milk Producers Cooperative Association, Inc., requested consideration of its motion made at the hearing that proposals No. 1 and No. 2 be stricken. The presiding officer's ruling has been reviewed in light of the arguments presented. The ruling, for the reasons stated by the presiding officer on the record, is hereby affirmed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Delaware Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marking agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1004.8 paragraphs (a) and (b) are revised to read as follows:

§ 1004.3 Pool plant.

* * * * *

(a) A distributing plant from which during any of the months of September through February a volume equal to not less than 50 percent and during any of the months of March through August not less than 45 percent, of its receipts described in either subparagraph (1) or (2) of this paragraph, is disposed of as Class I milk in the form of fluid milk products and the volume disposed of as route disposition in the form of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts.

(1) The milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

(2) Receipts of fluid milk products from other plants in the case of a plant with no receipts described in subparagraph (1) of this paragraph.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association) or from a cooperative association in the capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as Class I milk in the form of fluid milk products, and the volume so disposed of as route disposition of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

* * * * *

2. Section 1004.12 is revised to read as follows:

§ 1004.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, and whose sole source of supply of fluid milk products is his own farm production and transfers of such products from pool plants: *Provided*, That (a) the quantity of fluid milk products received during the month from pool plants shall not exceed 10,000 pounds; and (b) such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

3. In § 1004.52 paragraph (b) is revised to read as follows:

§ 1004.52 Location differentials to handlers.

* * * * *

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers, cooperative associations pursuant to § 1004.10(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants and from dairy farmers for other markets pursuant to § 1004.14(b). Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply: *Provided*, That for purposes of this paragraph transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant shall be treated as though the transfer was direct from the originating plant to the plant of final receipt.

* * * * *

4. In § 1004.70 paragraph (e)(2) is revised to read as follows:

§ 1004.70 Computation of net pool obligation of each pool handler.

* * * * *

(e) * * *

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.46(a)(9), and the corresponding step of § 1004.46(b) (excluding milk from dairy farmers for other markets and receipts from partially regulated distributing plants for which disposition a specific allocation was made to Federal order receipts from this or any other order), adjusted for the location of the nearest plant from which such types of receipts were received.

Signed at Washington, D.C., on April 18, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-4856; Filed, Apr. 22, 1969; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-14]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate and alter transition areas at Wausau, Mosinee and Marshfield, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The Central Wisconsin Airport is a new airport being built near Mosinee, Wis. A public use instrument approach procedure has been developed for this new airport using the Wausau, Wis., VOR as a navigational aid. An additional public use instrument approach procedure has also been developed for the Marshfield, Wisconsin Airport utilizing a city-owned RBN as a navigational aid. Further, additional controlled airspace southwest of Wausau, Wis., is required for the use of aircraft transitioning to and from airports in this area of Wisconsin, these airports being the Marshfield Municipal, Central Wisconsin, Wausau Municipal, Stevens Point and Wisconsin Rapids Airport. As a result of the foregoing, it is necessary to designate a transition area at Mosinee, Wis., and to alter the Marshfield, Wis., and Wausau, Wis., transition areas in order to provide controlled airspace for the protection of aircraft utilizing the new approach procedures and when transitioning to and from the airports listed above.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.181 (34 F.R. 4637), the following transition area is added:

MOSINEE, WIS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'40" N., longitude 89°40'00" W.), excluding the portions which overlie the Wausau and Stevens Point, Wis., transition areas.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MARSHFIELD, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 44°38'10" N., longitude 90°11'20" W.); within 2 miles each side of the 216° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport; and within 2 miles each side of the 325° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

(3) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

WAUSAU, WIS.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 138° bearing from Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.), extending from the 5-mile radius control zone to 9 miles southeast of the airport; and that airspace extending upward from 1200 feet above the surface bounded on the North by a line 6 miles north of and parallel to the Wausau VOR 273° radial, the arc of a 15-mile radius circle centered on the Wausau Municipal Airport and a line 9 miles north of and parallel to the Wausau VOR 106° radial, on the East by an arc of a 35-mile radius circle centered on the Wausau VOR, on the South by a line 5 miles south of and parallel to the Stevens Point, Wis. 089° radial, the arc of a 15-mile radius circle centered on the Stevens Point VOR, the Stevens Point VOR 230° radial, the Camp Douglas, Wis., transition area, and V-345, on the West by longitude 90°40'00" W.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on March 26, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-4802; Filed, Apr. 22, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-13]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Mankato, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new Mankato, Minn., Municipal Airport is being built and the State-owned VOR facility is being relocated to a location on the new airport. The present Municipal Airport will be closed when operations can be moved to the new airport. A new public use instrument approach procedure has been developed utilizing the relocated VOR as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by altering the Mankato control zone and transition area. The present procedure will be canceled when the existing Mankato Municipal Airport is closed.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

MANKATO, MINN.

Within a 5-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and within 2 miles each side of the 167° bearing from Mankato Municipal Airport, extending from the 5-mile radius zone to 8 miles south of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MANKATO, MINN.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 167° bearing from Mankato Municipal Airport, extending from the airport to 13 miles south of the airport; and within 5 miles each side of the 347° bearing from Mankato Municipal Airport, extending from the airport to 12 miles north of the Airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on March 26, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-4803; Filed, Apr. 22, 1969; 8:48 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-EA-19]

JET ROUTE SEGMENTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 30 segment between Appleton, Ohio, and Front Royal, Va.; and realign and extend Jet Route No. 149 segment between Casanova, Va., and Fort Wayne, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes the following airspace proposals:

1. Realign J-30 segment from Appleton to Front Royal via the intersection of the Appleton 111° T (113° M) and Bellaire, Ohio, 142° T (146° M) radials.

2. Realign and extend J-149 segment from Casanova to Fort Wayne, Ind., via the intersection of Casanova 280° T (286° M) and Rosewood, Ohio, 116° T (117° M) radials; and the Rosewood VORTAC.

The realigned segment of J-30 would be utilized as an arrival route for traffic landing at Washington National and Washington Dulles Airports. The realigned and extended segment of J-149 would be utilized as a departure route for jet traffic departing the Washington terminal area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 14, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-4804; Filed, Apr. 22, 1969; 8:49 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 171, 173, 178]

[Docket No. HM-22; Notice No. 69-10]

MATTER INCORPORATED BY REFERENCE

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amending the Hazardous Materials Regulations to (1) include a section specifically stating the terms by which material is incorporated by reference in these regulations and the availability of the material incorporated by reference; and (2) make appropriate changes throughout the regulations consistent with the proposed new section on incorporation by reference. It is also proposed to delete present §§ 171.6 and 171.7 since procedural matters are covered by Part 170 of the regulations.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 29, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

As mentioned above, the Board proposes to delete present §§ 171.6 and 171.7 since this material is now covered by Part 170. New § 171.7 would contain the specific statement of incorporation by reference. In addition, each section in Parts 170–179 which contains an incorporation by reference would be amended to make the reference consistent with § 171.7. Where the required change is merely the deletion of a date or another minor change the proposed rewording has not been set forth. Where more than a minor change is involved the specific reworded section is set forth below.

By accomplishing this revision the Board believes that the updating of the Hazardous Materials Regulations to pick up new or revised codes will be made simpler since in most cases only § 171.7 will need to be amended.

Besides revision to provide current reference to a standard, it is proposed to amend § 173.306(e)(1) to require that all openings in pressure vessels installed in refrigerating machines, except openings for safety devices, be equipped with shutoff valves which must be closed prior to and during transportation. The Board believes that shutoff valves should be required on individual vessels of refrigerating equipment to afford the same level of safety as when more than one vessel is involved. Shutoff valves, closed during transportation, reduce or eliminate the hazard due to loss of large quantities of refrigerant gas from vessels should other components of a refrigerating system fail or be damaged. It is also proposed to require marking of shipping name on packages regardless of the mode of transportation.

In consideration of the foregoing, it is proposed to amend certain sections of the Hazardous Materials Regulations as follows:

I. Part 171 would be amended as follows:

(A) Section 171.6 in the Table of Contents would be canceled; § 171.7 would be amended to read as follows:

Sec.
171.7 Matter incorporated by reference.

§ 171.6 [Canceled]

(B) Section 171.6 would be canceled in its entirety.

(C) Section 171.7 would be amended in its entirety to read as follows:

§ 171.7 Matter incorporated by reference.

(a) There are incorporated by reference in Parts 170–179 of this chapter all materials referred to therein that are not specifically set forth. These materials are hereby made a part of these regulations.

Materials subject to change are incorporated as they are in effect on the date of adoption of the amendment referencing that material unless the reference provides otherwise.

(b) All incorporated materials are available for inspection in the Docket Room, Room 304, 400 Sixth Street SW., Washington, D.C. 20590.

(c) Materials incorporated by reference are available for distribution as follows:

(1) ASME: American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

(2) USA Standard: United States of America Standards Institute, 10 East 40th Street, New York, N.Y. 10016 (formerly American Standards Association (ASA)).

(3) CGA: Compressed Gas Association, Inc., 500 Fifth Avenue, New York, N.Y. 10036.

(4) NGPA: National Gas Processor's Association, 808 Home Federal Building, 404 South Boston, Tulsa, Okla. 74102.

(5) Bureau of Explosives: Bureau of Explosives, Association of American Railroads, 2 Pennsylvania Plaza, New York, N.Y. 10001.

(6) AAR: Association of American Railroads, 59 East Van Buren Street, Chicago, Ill. 60605.

(7) ASTM: American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

(8) API: American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020.

(9) AISI: American Iron and Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.

(10) Chlorine Institute, 342 Madison Avenue, New York, N.Y. 10017.

(11) MCA: Manufacturing Chemists' Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

(12) NFPA: National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110.

(d) The full title and application of publications incorporated by reference in Parts 170–179 of this chapter are as follows:

(1) ASME Code: means sections VIII and IX of the 1968 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code" and addenda thereto through December 31, 1968.

(2) AAR Specifications for Tank Cars: means the 1968 edition of the "Association of American Railroads Specification for Tank Cars".

(3) Compressed Gas Association:

(i) CGA Pamphlet C–3 is titled, "Standards for Welding and Brazing on Thin Walled Containers," 1968 edition;

(ii) CGA Pamphlet C–6 is titled, "Standards for Visual Inspection of Compressed Gas Cylinders," 1968 edition;

(iii) CGA Pamphlet C–8 is titled, "Standard for Requalification of ICC–3HT Cylinders," 1962 edition;

(iv) CGA Pamphlet S–1.2 is titled, "Safety Relief Device Standards Part 2—Cargo and Portable Tanks for Compressed Gases," 1966 edition.

(4) USA Standard B9.1 is titled "Safety Code for Mechanical Refrigeration," 1964 edition.

II. Part 173 would be amended as follows:

(A) Paragraph (e) in § 173.306 would be amended in its entirety to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

* * * * *

(e) *Refrigerating machines and hydraulic accumulators.* (1) Refrigerating machines or components thereof which are to be shipped only once to a point of installation are exempt from specification packaging, labeling, and the requirements of Part 177 of this chapter, except § 177.817 and Part 397 of Chapter III of this title, only under the following conditions:

(i) Each pressure vessel must not contain more than 1,000 pounds of Group I refrigerant as classified in USA Standard B9.1 or not more than 50 pounds of refrigerant other than Group I.

(ii) Machines or components having two or more charged vessels must not contain an aggregate of more than 2,000 pounds of Group I refrigerant or more than 100 pounds of refrigerant other than Group I.

(iii) Each pressure vessel must be equipped with a safety device meeting the requirements of USA Standard B9.1.

(iv) Each pressure vessel must be equipped with a shutoff valve at each opening except openings used for safety devices and no other connection. Such valves must be closed prior to and during transportation.

(v) Pressure vessels must be manufactured, inspected and tested in accordance with USA Standard B9.1, or when over 6 inches internal diameter, in accordance with the ASME Code.

(vi) All parts subject to refrigerant pressure during shipment must be tested in accordance with USA Standard B9.1.

(vii) The liquid portion of the refrigerant, if any, must not completely fill any pressure vessel at 130° F.

(viii) The amount of refrigerant, if liquefied, must not exceed the filling density prescribed in § 173.304.

(B) Paragraph (j)(1) in § 173.315 would be amended to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(j) * * *

(1) Each container must be constructed in compliance with the requirements of the ASME Code (earlier editions starting with 1943 are authorized) and must be marked to indicate compliance in the manner specified by the respective Code.

* * * * *

III. Part 178 would be amended as follows:

(A) Paragraph (a) in § 178.245–1 would be amended in its entirety to read as follows:

§ 178.245 Specification 51; steel portable tanks.

§ 178.245–1 Requirements for design and construction.

(a) Tanks must be of seamless or welded steel construction or combination of both and must have in excess of 1,000 pounds water capacity. Fusion welded tanks must be postweld heat treated and radiographed to provide the highest joint efficiency provided by the ASME Code. Tanks must be designed and constructed in accordance with and fulfill the requirements of the ASME Code. Tanks constructed in accordance with the requirements of Part UHT of the ASME Code must comply with the following additional requirements:

(1) Welding procedure and welder performance tests must be made annually in accordance with section IX of the ASME Code. In addition to the essential variables named therein the following must be considered to be essential variables: Number of passes, thickness of plate, heat input per pass, and manufacturer of rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25 percent from the procedure qualification. Records of the qualification must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

(2) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full-sized specimens shall be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0° F. Charpy V-Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

* * * * *

(B) In § 178.255–1 paragraphs (a), (b), and (c) would be amended; in § 178.255–2 paragraph (a) would be amended to read as follows:

§ 178.255 Specification 60; steel portable tanks.

§ 178.255–1 General requirements.

(a) Tanks must be of fusion welded construction, cylindrical in shape with seamless heads concave to the pressure. Tank shells may be of seamless construction.

(b) Tanks must be designed and constructed in accordance with and fulfill all the requirements of the ASME Code.

(c) Tanks including all permanent attachments must be postweld heat treated as a unit.

* * * * *

§ 178.255–2 Material.

(a) Material used in the tank must be steel of good weldable quality and conform with the requirements of the ASME Code.

* * * * *

(C) In § 178.337–1 paragraphs (a), (f) would be amended; in § 178.337–2 paragraph (a) (1) and (2) would be amended; in § 178.337–4 paragraph (b) would be amended; in § 178.337–6 paragraph (a) would be amended; in § 178.337–16 paragraph (a), paragraph (b) (1) and (2) would be amended to read as follows:

§ 178.337 Specification MC 331; cargo tanks constructed of steel, primarily for transportation of compressed gases as defined in the Compressed Gas Section. Requirements to be met in all particulars with respect to all such tanks constructed after September 1, 1965.

§ 178.337–1 General requirements.

(a) *ASME Code construction.* Tanks must be seamless or welded steel construction or combination of both and must be designed and constructed in accordance with and fulfill the requirements of the ASME Code. Each tank must also meet the following additional requirements:

* * * * *

(f) *Postweld heat treatment.* Postweld heat treatment must be as prescribed in the ASME Code except that each tank constructed in accordance with Part UHT of the ASME Code must be postweld heat treated. Each chlorine tank must be fully radiographed and postweld heat treated in accordance with the provisions of the ASME Code under which it is constructed. Where postweld heat treatment is required, the tank must be treated as a unit after completion of all the welds in and/or to the shells and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment.

§ 178.337–2 Material.

(a) * * *

(1) All material used for construction of the tank and appurtenances must be suitable for use with the commodities to be transported therein and must comply with the requirements of the ASME Code and/or requirements of the American Society for Testing and Materials in all respects.

(2) Impact tests are required on steel used in fabrication of each tank constructed in accordance with Part UHT of the ASME Code. The tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat treatment processing lot having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full size specimens must be 20 foot-pounds in the longitudinal direction at −30° F., Charpy V-Notch and 15 foot-pounds in the transverse direction at −30° F., Charpy V-Notch. The required values for subsize specimens must be reduced in direct proportion to the cross-sectional area of the specimen beneath the notch. If a lot does not meet this requirement, individual plates may be accepted if they individually meet this requirement.

* * * * *

§ 178.337–4 Joints.

* * * * *

(b) Welding procedure and welder performance tests must be made annually in accordance with section IX of the ASME Code. In addition to the essential variables named therein, the following must be considered to be essential variables: Number of passes; thickness of plate; heat input per pass; and manufacturer's identification of rod and flux. When fabrication is done in accordance with Part UHT of the ASME Code, filler material of nickel-molybdenum-vanadium type must not be used. The number of passes, thickness of plate, and heat input per pass may not vary more than 25 percent from the procedure or welder qualifications. Records of the qualification must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

* * * * *

§ 178.337–6 Closure for manhole.

(a) Each tank constructed in accordance with Part UHT of the ASME Code and other tanks above 3,500 gallons water capacity must be provided with a manhole conforming to paragraph UG–46(g) (1) and other requirements of the ASME Code.

§ 178.337–16 Testing.

(a) *Inspection and tests.* Inspection of materials of construction of the tank and its appurtenances and original test and inspection of the finished tank and its appurtenances must be as required by the ASME Code and as further required by this specification except that for tanks constructed in accordance with Part UHT of the ASME Code the original test pressure must be at least twice the tank design pressure.

(b) * * *

(1) Each tank constructed in accordance with Part UHT of the ASME Code must be subjected, after postweld heat treatment and hydrostatic tests, to a wet fluorescent magnetic particle inspection to be made on all welds in or on the tank shell and heads both inside and out. The method of inspection must conform to Appendix VI of the ASME Code, paragraph UA–70 through UA–72 except that permanent magnets shall not be used.

(2) On tanks of over 3,500 gallons water capacity other than those described in subparagraph (1) of this paragraph unless fully radiographed, a test must be made of all welds in or on the shell and heads both inside and outside by either the wet fluorescent magnetic particle method conforming to Appendix VI of the ASME Code, liquid dye penetrant method, or ultrasonic testing in accordance with ASME Case Interpretation No. 1275–N. Permanent magnets must not be used to perform the magnetic particle inspection.

* * * * *

(D) Paragraph (a) in § 178.340–4 would be amended to read as follows:

§ 178.340 General design and construction requirements applicable to specifications MC 306 (§ 178.341), MC 307 (§ 178.342), and MC 312 (§ 178.343) cargo tanks.

§ 178.340–4 Structural integrity.

(a) *Maximum stress values.* The maximum calculated stress value must not exceed 20 percent of the minimum ultimate strength of the material as authorized in § 178.340–3, except when ASME Code pressure vessel design requirements apply.

* * * * *

These proposals are made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1647), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on April 17, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

JOHN R. JAMIESON,
Deputy Administrator, Federal Highway Administration.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69–4858, Filed, Apr. 22, 1969; 8:52 a.m.]

[49 CFR Parts 173, 178]

[Docket No. HM–23; Notice No. 69–11]

NEW SPECIFICATION 8BW CYLINDER FOR ACETYLENE

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amending § 173.303 of the Hazardous Materials Regulations (49 CFR 170–189) to authorize the shipment of acetylene in a proposed new specification 8BW cylinder. It is also proposed to add § 178.62 to set forth the requirements for the new specification cylinder which would be constructed in accordance with requirements for specification 4BW cylinders (§ 178.61) and filled with a porous filling as required for specification 8AL cylinders (§ 178.60–20).

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received

on or before May 29, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Adoption of this proposal will provide for the use of so-called three-piece cylinders which have longitudinal seams that are electric-arc welded. One cylinder presently authorized for acetylene, specification 8 (§ 178.59), permits a longitudinal seam only if forge lapwelded.

One manufacturer has reported that its experience in the manufacture and testing of specification 4BW cylinders has indicated no failures in those tested at 4 times service pressure, that normal pressure ruptures occurred at approximately 5 to 6 times service pressure, such failures never occurring in the electric-arc welded longitudinal seams.

This proposal appears to be justified since (1) electric-arc welded longitudinal seams are generally more reliable than those which are forge lap welded, (2) the required hydrostatic test pressure for each cylinder produced is two times the marked service pressure (minimum test pressure, 500 pounds per square inch), the same as for acetylene cylinders presently authorized, (3) the random hydrostatic test on one cylinder out of each lot of 500 cylinders or less is 4 times service pressure (minimum test pressure, 1000 pounds per square inch) as compared with a minimum test pressure of 750 pounds per square inch (minimum, 3 times service pressure) out of each lot of 200 cylinders or less for acetylene cylinders presently authorized and (4) the joint efficiency for the proposed specification cylinder is related to a radiographic inspection criteria.

In consideration of the foregoing, it is proposed to amend § 173.303 to authorize specification 8BW cylinders for acetylene. In addition, it is proposed to add § 178.62 in Part 178 to read as follows:

§ 178.62 Specification 8BW; welded steel cylinder with porous filling for acetylene.

§ 178.62–1 Compliance.

(a) Each cylinder must meet the requirements of this section and the pertinent requirements of § 173.24 of this chapter.

§ 178.62–2 Construction, inspection, and testing.

(a) Cylinders must be constructed, inspected, and tested in accordance with the requirements for specification 4BW cylinders as specified in § 178.61.

(b) Minimum service pressure may not be less than 250 pounds per square inch.

§ 178.62–3 Porous filling.

(a) Each cylinder must be filled with porous material and solvent within the limitations and in the manner specified in § 178.60–20.

§ 178.62–4 Marking.

(a) Marking must be as specified in § 178.61–20 except that 8 must be substituted for 4 to make the specification identification DOT–8BW. In addition, the tare weight of the cylinder with porous material, solvent, and valve, but without removable cap must be stamped near the other required markings in pounds and ounces.

§ 178.62–5 Inspector's reports.

(a) Inspector's reports must be prepared and certified as specified in §§ 178.60–24(b) and 178.61–21 with the specification identification entered as DOT–8BW. Such reports must be forwarded in accordance with § 178.61–4(d).

This proposal is made under the authority of sections 831–835 of title 18 United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on April 16, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

JOHN R. JAMIESON,
Deputy Administrator, Federal Highway Administration.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

SAM SCHNEIDER,
Board Member for the Federal Aviation Administration.

[F.R. Doc. 69–4859; Filed, Apr. 22, 1969; 8:52 a.m.]

[49 CFR Part 180]

[Docket No. HM–6A]

TRANSPORTATION OF HIGHLY VOLATILE LIQUIDS BY PIPELINE

Request for Public Advice; Advance Notice of Proposed Rule Making

Highly volatile liquids, such as liquefied petroleum gas and anhydrous ammonia, are transported by pipeline in ever-increasing quantities. From a review of the accident reports for 1968, we believe that we may need higher safety standards for the transportation of highly volatile liquids than for other liquid products.

This advance notice of proposed rule making invites the public to help us define the safety problems and devise solutions to those problems. We are now working on regulations to cover general pipeline operations, without special provisions for highly volatile liquids. We invite advice on (i) the extra hazards resulting from the high volatility of these liquids, as distinguished from less volatile liquids such as jet fuel and gasoline, and (ii) the safety standards required to cope with the extra hazards.

Facts. Our information is far from complete, since we have accident reports only from January 1, 1968. But the information we have is quite enough to cause this inquiry, as these examples show.

Liquefied petroleum gas (LPG) is the principal highly volatile liquid transported by pipeline. Although involved in only 9 percent of the accidents reported in 1968, LPG caused 82 percent of the deaths, 37 percent of the personal injuries, and 26 percent of the property damage.

Ruptures of LPG lines frequently release thousands of barrels of product. The largest LPG spill reported in 1968 was 6,126 barrels (257,292 gallons) from an 8-inch line. Had the pipe been larger, the amount of LPG released would have been larger. Under the same circumstances, a 10-inch line would have spilled 9,572 barrels (402,024 gallons) and a 12-inch line would have spilled 13,783 barrels (578,886 gallons).

On June 1, 1968, an 8-inch pipeline reputured in Coshocton County, Ohio, spilling 4,100 barrels (172,200 gallons) of LPG. Vapor from the spill flowed down a small valley, covering an area about 200 yards wide and more than a mile long. There were no residences in the area covered by the vapor, but there were five people. When the vapor was ignited probably by an automobile, the flash fire killed three of them and critically burned the other two.

Anhydrous ammonia has only recently entered into pipeline transportation, so we have limited experience with it. However, much of our experience with LPG is pertinent to anhydrous ammonia. The amount of anhydrous ammonia which would be spilled after a rupture should be substantially the same as LPG. Both vaporize when spilled. Although the flow characteristics of the vapors differ, the vapors of both may be hazardous quite a distance from the spill.

A recent railroad accident illustrates the harm which can result from the spill of anhydrous ammonia. On February 18, 1969, a railroad train accident in Crete, Nebr., ruptured a tank car and released 30,703 gallons of liquefied anhydrous ammonia, which vaporized upon release from pressure. The asphyxiating vapors killed six people, hospitalized 14, and injured 23 others. Although the weather was calm; the vapors spread over a large area. The persons killed were 250 to 400 feet from the ruptured tank car. The civil authorities evacuated 300 residents from an area about 1 mile square.

Pipelines cross rivers which supply municipal water systems. Anhydrous ammonia dissolves readily in water. One-half part per million is the highest concentration of ammonia which is acceptable for public water supplies, using common treatment processes. (Report of the Committee on Water Quality Criteria, Federal Water Pollution Control Administration, U.S. Department of the Interior (1968).) Allowing for the difference in weight, this is comparable to 1 gallon of anhydrous ammonia in 1,366,800 gallons of water; a spill of 257,292 gallons into a municipal water source would contaminate over 350 billion gallons of water.

Discussion. These highly volatile liquids are essential to the national economy. Our objective is to set safety standards which will minimize the hazard to the public, within the limits of technical feasibility and economic practicability.

Our safety standards should be designed to prevent failures, since a failure almost anywhere could result in loss of life. The danger is greater where the population density is higher, but the mobility of these vapors makes them a threat even in sparsely settled areas. These are some of the regulatory actions which might be appropriate to the prevention of pipe failures:

1. Prohibit the use of high yield strength pipe, because it is more susceptible to stress corrosion cracking. Further, pipe manufacture and pipeline construction tolerances are more critical with high yield strength pipe.

2. Require 100 percent nondestructive testing of all welds, including longitudinal welds. We have reports of longitudinal and girth weld failures which should be prevented by these tests.

3. Require independent inspection of the manufacture of the pipe and construction of the pipeline. We have reports of failure of pipelines which should not have occurred, if the pipe manufacturer and the pipeline builder had done their work properly. An independent inspector should improve quality control.

4. Require a lower operating pressure, in relation to test pressure, for highly volatile liquids than for other liquids. We should require a higher safety factor when the pipeline is carrying a product which is inherently more dangerous in the event of rupture.

5. Improve the means of marking or protecting the pipeline. About 20 percent of reported pipeline ruptures are caused by external force. All of these ruptures occurred with one person or more in the near vicinity.

6. Require periodic determination of the integrity of the pipeline and repair of deficient pipe. The determination could be by electronic, sonic, or other means of monitoring corrosion and changes in the metallurgy of the pipe.

7. Require early protection against corrosion and frequent testing of the efficacy of the protective system. Corrosion is the largest single cause of reported liquid pipeline failures.

Our safety standards should be designed to minimize loss of product, in event of rupture. These are some of the regulatory actions which might be appropriate to minimize loss of product.

1. Require that all main line valves be either automatic or remotely controlled from manned locations. The loss of 6,126 barrels (257,292 gallons) of highly volatile liquid in a single spill is not tolerable. The distance between valves is also a factor in limiting the spill.

2. Limit the size of pipe. As noted in the third paragraph of "Facts", the spill from a 10-inch line would be more than 50 percent greater than from an 8-inch line and the spill from a 12-inch line would be more than twice as much. Of course, the amount of spill could be controlled by having valves closer together on larger pipe.

3. Require frequent patrol inspection to find small leaks.

Our safety standards should be designed to provide a higher level of safety for critical areas than for open country. When an area builds up so that it is no longer open country, the pipeline operator should meet the higher standards. Critical areas include residential areas, places where people gather, river crossings, and municipal water sources. How should we define these areas? Should we require that pipelines be routed around critical areas, where practicable?

Scope of notice. This is not a proposal to change the regulations. It is an effort to get public participation early in the rule making process. It is an effort to develop facts upon which to base rational rule making. We invite the general public to advise us on all aspects of this subject.

We invite interested persons to give us their views by June 23, 1969. Advice (identifying the docket number) should be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590.

Issued in Washington, D.C., on April 18, 1969.

WILLIAM C. JENNINGS,
Director, Office of Hazardous Materials.

[F.R. Doc. 69–4860; Filed, Apr. 22, 1969; 8:52 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Change of Enrollment

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to amend Part 890 of Title 5 of the Code of Federal Regulations by revising § 890.301(d)(2) to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * * * *

(d) * * *

(2) During the period November 10 to November 28, 1969, an employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

* * * * * * *

This proposal would extend to annuitants the same privileges now granted to employees to change their health benefits enrollments during the 1969 open season. Interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–4814; Filed, Apr. 22, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 18509]

CHANNEL FACILITIES FURNISHED TO AFFILIATED COMMUNITY ANTENNA TELEVISION SYSTEMS

Applications for Certificates

In the matter of applications of telephone companies for section 214 certificates for channel facilities furnished to affiliated community antenna television systems, Docket No. 18509.

1. The Commission has received a joint request that the time for filing comments in the above-captioned matter be extended from May 2, 1969, to June 2, 1969. The request for extension of time was filed by The Conestoga Telephone and Telegraph Co., Birdsboro, Pa., and Enterprise Telephone Co., New Holland, Pa.

2. It is stated that the additional time is needed so that persons interested in both this proceeding and in the proceeding in Docket No. 18397, CATV, notice of proposed rulemaking and notice of inquiry, 15 F.C.C. 2d 417, may file meaningful comments in each proceeding.

3. In consideration of the relationship between these two proceedings and inasmuch as May 2, 1969, is the same day on which comments are due in Docket No. 18397, it appears that the joint request is reasonable and that the public interest would be served by a grant of the requested extension.

4. *Accordingly, it is ordered,* Pursuant to authority delegated by § 0.303(c) of the Commission's rules, that the time for filing comments and reply comments to the above-captioned proceedings is hereby extended, respectively, to June 2, 1969, and June 16, 1969.

Adopted: April 16, 1969.

Released: April 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] FRANK PALIK,
Chief, Domestic Services and Facilities Division, for Chief, Common Carrier Bureau.

[F.R. Doc. 69–4844; Filed, Apr. 22, 1969; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18523; FCC 69-392]

TELEVISION BROADCAST STATIONS

Table of Assignments, Watertown, N.Y.

In the matter of amendment of § 73.606 (b), Table of Assignments, Television Broadcast Stations (Watertown, N.Y.), Docket No. 18523, RM-1370.

1. In a petition for rule making filed November 13, 1968, St. Lawrence Valley Educational TV Council (Council) requests that the educational reservation at Watertown, N.Y. be moved from channel 50 to channel 16. Both channels are assigned in this city now, neither in use; the change in the reservation would thus not affect either existing or applied-for operations or over-all allocation efficiency. The Council describes itself as a "community based educational television organization which was organized to develop, operate and maintain educational television stations which provide an educational-cultural broadcast service to Jefferson, Lewis, and St. Lawrence counties in New York State". It is stated that the Council will shortly apply for educational stations on channel *50 at Watertown and Channel *18 at Massena, which between them will serve these counties; however, it would prefer Channel 16 at Watertown because, it is alleged, operation on the lower UHF channel would mean lower transmission line losses, better propagation with fewer obstruction losses (with many locations not within line-of-sight even of a high-tower installation), and more efficient receiver and receiving antenna operation. If the reservation is changed to channel 16, it will amend its application accordingly. The Council has since applied for channel *18 and *50.

2. VHF Station WWNY-TV is licensed to Carthage-Watertown, N.Y., and uses channel 7, assigned to Carthage. Aside from this and the UHF assignments at Watertown and Massena mentioned, there are no TV assignments in the area. On December 18, 1968, the New York State Education Department filed a statement supporting the proposed assignment, but also recommending that channel 16 be reserved only until July 1, 1969, by which time an application must be filed reflecting the intent to commence operation by March 31, 1970. If no such application is forthcoming the Commission would exercise its best judgment as to whether the change would remain in effect or the reservation would revert to channel 50. It is stated that the Department cannot support a change beyond that date which would prevent another organization from bringing needed service on channel 16 to Northern New York.

3. As we have stated on a number of occasions in recent years, the technical difference between even the highest and lowest UHF channels is quite small. However, for whatever actual and psychological advantages there may be in using the lower of the two Watertown assignments (which are 34 channels apart), we believe that the lower channel should be made available for a qualified applicant proposing to bring service to this area where it is not now plentiful. The Council could, of course, apply for channel 16 as an educational applicant. However, there may be advantages, in terms of orderly administration by this and other Federal agencies which might be involved, in having ETV stations operating on reserved channels. Therefore, comments on the proposed shift in the educational reservation at Watertown are invited. The Council has already applied for the educational assignment; any further steps which may be necessary to insure prompt activation of the Watertown assignment can be taken in connection with the decision herein and with consideration of the Council's application.

4. In view of the foregoing, pursuant to authority contained in sections 4(i), 303 (b), (c) and (r), and 392 of the Communications Act of 1934, as amended, it is proposed to amend § 73.606(b) of the Commission's rules and regulations, by moving the educational reservation at Watertown, N.Y. from channel 50 to channel 16 (both channels now assigned there).

5. Pursuant to the applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before May 26, 1969, and reply comments on or before June 9, 1969. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: April 16, 1969.

Released: April 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4845; Filed, Apr. 22, 1969; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18434; FCC 69-394]

ADVERTISEMENT OF CIGARETTES

Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Federal Communications Commission rules with regard to the advertisement of cigarettes, Docket No. 18434.

1. The Commission has before it the motion to extend the time for filing comments from May 6, 1969, to July 7, 1969, with the date for reply comments to be extended from July 7, 1969, to August 7, 1969, filed on March 28, 1969, by The American Tobacco Co., Brown & Williamson Tobacco Corp., Liggett & Myers Inc., Philip Morris Inc., Lorillard Corp., R. J. Reynolds Tobacco Co., and The Tobacco Institute, Inc. The grounds for the extension are twofold: (1) Petitioners are engaged in the process of formulating their position with respect to a number of Congressional bills which pertain to the subject of the Commission's proposed rule, and the position so formulated will be relevant to comments which they will file; and (2) the disposition of several pending cases before the Supreme Court (e.g., The Tobacco Institute, Inc., et al. v. Federal Communications Commission and the United States of America, No. 1036, S. Ct., Oct. Term 1968; Red Lion Broadcasting Co., Inc., et al. v. United States of America and United States of America v. Radio Television News Directors Association, et al., Nos. 2 and 71, S. Ct., Oct. Term 1968), will also have a bearing upon the comments to be filed. Petitioners point out that the requested postponement will have a net effect of deferring the receipt of final comments by only 30 days.

2. The grant of what is in effect a 30-day extension is appropriate. We note that this allows a 7-month period for the filing of the written comments, and believe that it is a sufficient time period. We therefore intend to adhere to the revised schedule, so that we may be in a position to take whatever action is appropriate, in light of the comments filed, any further procedures and, most important, the congressional position (see para. 16, FCC 69-95).

3. *Accordingly, it is ordered*, That the time for filing comments herein is extended to on or before July 7, 1969, and the time for filing reply comments is extended to on or before August 7, 1969.

Adopted: April 16, 1969.

Released: April 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4846; Filed, Apr. 22, 1969; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[No. MC-C-6168]

TRANSPORTATION OF INTERSTATE OR FOREIGN COMMERCE OF HAZARDOUS MATERIALS BY MOTOR VEHICLE OVER DIRECT ROUTES

Notice of Proposed Rule Making

APRIL 15, 1969.

In accordance with the Commission's order dated February 12, 1969, published in the February 28th issue of the FEDERAL REGISTER (34 F.R. 3633), any person intending to participate in this proceeding by submitting initial statements or reply statements thereto was requested to notify the Secretary of the Commission on or before March 28, 1969.

Initial statements are due on or before May 21, 1969. Reply statements thereto are due on or before June 18, 1969. An original and 15 copies of each statement should be submitted to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Set forth below is a list of all known parties of record upon whom copies of all statements must be filed in the above-entitled proceeding.

[SEAL] H. NEIL GARSON,
Secretary.

SERVICE LIST SHOWING PARTIES OF RECORD AS OF MARCH 28, 1969

Mr. Peter T. Beardsley, General Counsel, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
Mr. James W. Boyer, Managing Director, Contract Carrier Conference, 1616 P Street NW., Washington, D.C. 20036.
Bralley-Willett Tank Lines, Inc., 200 Stockton Street, Post Office Box 495, Richmond, Va. 23204.
Central Transport, Inc., Post Office Box 5044, High Point, N.C. 27262.
Mr. A. C. Clark, Transportation Engineer, Manufacturing Chemists Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
Mr. Harry E. Colwell, Traffic Manager, Texaco, Inc., 1111 Rusk, Houston, Tex. 77052.
Mr. Victor R. Comstock, Traffic Manager, Groendyke Transport, Inc., Post Office Box 632, Enid, Okla. 73701.
Mr. Peter S. Craig, Assistant General Counsel, Litigation, Office of the Secretary of Transportation, Washington, D.C. 20590.
Mr. J. Fred Dewhurst, Executive Vice President, Leonard Bros. Trucking Co., Inc., Post Office Box 602, 2595 Northwest 20th Street, Miami, Fla. 33152.
William and Fauth, Munsey Building, Washington, D.C. 20004.
Mr. Edwin E. Ferguson, Associate General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545.
Mr. Alan Foss, Van Osdel, Foss, Johnson and Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Attorney for: International Transport, Inc.
Mr. Maurice H. Greene, Post Office Box 4402, Boise, Idaho 83705. Attorney for: Garrett Freightlines, Inc.
Mr. Edward J. Hegarty, Berol, Loughran & Geernaert, 100 Bush Street, San Francisco, Calif. 94104.
Mr. Harold G. Hernly, Wrape & Hernly, Attorneys at Law, 711 14th Street NW., Washington, D.C. 20005.
Mr. J. P. Hogan, Assistant Counsel, Gulf General Atomic, Inc., Post Office Box 608, San Diego, Calif. 92112.
Mr. Leonard A. Jaskiewicz, Grove, Jaskiewicz and Gilliam, Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
Mr. H. L. Jones, Managing Director, Munitions Carrier Conference, Inc., 1616 P Street NW., Washington, D.C. 20036.
Mr. Ralph T. Jones, Administrative Executive, Compressed Gas Association, Inc., 500 Fifth Avenue, New York, N.Y. 10036.
Mr. William K. Kenworthy, Counsel, 1205 South Platte River Drive, Denver, Colo. 80223. Attorney for: Navajo Freight Lines, Inc., General Expressways, Inc.
Lemmon Transport Co., Inc., Box 580, Marion, Va. 24354.
Mr. E. F. Lodge, Chairman, Federal Regulations Subcommittee, Institute of Makers of Explosives, 420 Lexington Avenue, New York, N.Y. 10017.
Mr. B. Henry Lord, Jr., Director, Division of Transportation, American Petroleum Institute, 1101 17th Street NW., Washington, D.C. 20036.
Mr. Edward G. Lowry III, Bogle, Gates, Dobrin, Wakfield & Long, 14th Floor, Norton Building, Seattle, Wash. 98104. Attorney for: Black Ball Freight Service.
Mr. F. X. Masterson, Secretary, Commerce Law Committee—Eastern Railroads, 2 Pennsylvania Plaza, Suite 500, New York, N.Y. 10001. Attorney for: Eastern Railroads.
Mr. W. C. Mauldin, Commerce Manager, Carolina Freight Carriers Corp., Post Office Box 697, Cherryville, N.C. 28021.
Mr. Ivan E. Moody, Vice President, General Counsel, Riss Express Service, 15th West 10th Street, Post Office Box 2809, Kansas City, Mo. 64142.
Mr. Max G. Morgan, Morgan, Dykeman & Williamson, 450 American National Building, Oklahoma City, Okla. 73102.
P. B. Mutrie Motor Transportation, Inc., Calvary Street, Waltham, Mass. 02154.
Mr. Harry Pohland, Assistant Vice President, Associated Truck Lines, Inc., Vandenberg Center, Grand Rapids, Mich. 49502.
Mr. R. Y. Schureman, Russell & Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Attorney for: Western Gillette, Inc.
Mr. John MacDonald Smith, Pacific Motor Trucking Co., 65 Market Street, Room 813, San Francisco, Calif. 94105.
Mr. Paul P. Sullivan, 701 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.
Mr. Wm. P. Sullivan, Todd, Dillon & Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006.
Mr. C. Austin Sutherland, Managing Director, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.
Mr. Daniel J. Sweeney, Swidler & Belnap, 1 North La Salle Street, Chicago, Ill. 60602.
Mr. William D. Traub, 10 East 40th Street, New York, N.Y. 10016.
Mr. E. Larry Wells, General Attorney, Red Ball Motor Freight, Inc., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247.
Mr. Gene T. West, Vice President—Traffic, Consolidated Freightways Corp., 175 Linfield Drive, Menlo Park, Calif. 94025.
Mr. Ed White, The Association of Western Railways, Law Department, 280 Union Station Building, 517 West Adams Street, Chicago, Ill. 60606. Attorney for: Western Rail Carriers.

[F.R. Doc. 69-4827; Filed, Apr. 22, 1969; 8:50 a.m.]

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 16)]

SIOUX CITY, IOWA

Definition of Commercial Zone

APRIL 18, 1969.

Petitioner: Iowa Beef Packers, Inc., Dakota City, Iowa. Petitioner's representative: Eugene D. Anderson, Suite 1029, 30 North La Salle Street, Chicago, Ill. 60602.

By petition filed March 19, 1969, petitioner requests the Commission to institute a proceeding for the purpose of specifically defining the limits of the zone adjacent to and commercially a part of Sioux City, Iowa, which are now prescribed by the general formula promulgated in Commercial Zones and Terminal Areas, 46 M.C.C. 665 (49 CFR 1048.101). Such formula provides that a city, such as Sioux City, having a population of between 25,000 and 100,000, and which has not been accorded individual consideration, shall have a commercial zone which consists of, and includes, the following: (a) The municipality itself; (b) all municipalities within the United States which are contiguous to the base municipality; (c) all unincorporated areas within 4 miles of its corporate limits and all of any other municipality any part of which is within 4 miles of the corporate limits of the base municipality; and (d) all municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality.

The instant petition requests specific definition of the Sioux City commercial zone to include all of the area which is included by the application of the above formula, and in addition, that area commonly known as "The Port Neal Industrial District" and its immediate environs bounded by a line beginning at the intersection of Interstate Highway 29 and the present limits of the Sioux City commercial zone in Liberty Township, Iowa, and extending southeasterly along Interstate Highway 29 to its intersection with the Liberty-Lakeport Township, Iowa, line, thence westerly along the Liberty-Lakeport Township line to the Missouri River, thence north along the east bank of the Missouri River to its intersection with the present limits of the Sioux City commercial zone in Liberty Township.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed specific definition of the boundary of the Sioux City, Iowa, commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before May 23, 1969. Each such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4834; Filed, Apr. 22, 1969; 8:51 a.m.]

DEPARTMENT OF STATE

[Public Notice 309]

LAKEHEAD PIPE LINE CO., INC.

Notice of Issuance of Presidential Permit

The Department of State received, on August 30, 1968, an application dated August 20, 1968, from the Lakehead Pipe Line Co., Inc., a Delaware corporation having its main office at 3025 Tower Avenue, Superior, Wis., to construct, connect, operate, and maintain an export pipeline for crude oil and other hydrocarbons from St. Clair County, Mich., crossing the international boundary line between the United States and Canada in the St. Clair River, and to connect such facility with like facilities in the Province of Ontario, Canada.

Notice is hereby given that the permit requested by Lakehead was granted by the Under Secretary of State on March 24, 1969.

Dated: April 14, 1969.

For the Under Secretary of State.

MURRAY J. BELMAN,
Deputy Legal Adviser.

[F.R. Doc. 69-4799; Filed, Apr. 22, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 2]

ASSISTANT AREA DIRECTORS ET AL., PORTLAND AREA OFFICE, OREG.

Redelegations of Authority

APRIL 8, 1969.

On page 637 of the FEDERAL REGISTER of January 16, 1969, the Commissioner of the Bureau of Indian Affairs issued a redelegation of authority which substantially changed the authorities and source of authorities of Area Directors. The purpose of this release is to revise the Portland Area redelegation of authority to reflect changes in the Commissioner's redelegation as provided in 10 BIAM 3 and Secretarial Order No. 2508.

The following Portland Order 2 is essentially a restatement of redelegations previously authorized in Portland Order 1 and amendments thereto, with the exception of section 1.4 which describes authority of the Assistant Area Directors.

All previously issued documents related to Portland Order 1 continue to be authorized in Portland Order 2 and will not require revision.

Portland Area Office Redelegation reads as follows:

Notices

PORTLAND AREA REDELEGATIONS

PART 1—GENERAL

SECTION 1.1 This order supersedes Portland Order 1 and amendments thereto. All previously issued documents related to Portland Order 1 continue to be authorized in Portland Order 2 and will not require revision. Authority to issue this order is contained in 10 BIAM 3.1 and Secretarial Order 2508 (10 BIAM 2).

SEC. 1.2 *Appeals.* Any action taken by any superintendent or other officer pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such superintendent or other officer to the Area Director, Portland Area Office. An appeal must be filed in writing with such superintendent or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Portland Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to 10 BIAM 3.1 (34 F.R. 638) of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1(a) of Order 2508, as amended, of the Secretary of the Interior.

SEC. 1.3 *Limitations.* Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

SEC. 1.4 *Authority of Assistant Area Directors.* The Assistant Area Directors and those persons authorized to act in their behalf during their absence may exercise any and all authority conferred upon the Area Director. This authority shall be exercised by each within his functional area of responsibility as defined by the organizational structure current at the time. Major policy determinations are subject to review by the Area Director prior to implementation.

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, AND PROJECT ENGINEER

Subject to the provisions in Part 1, Superintendents, School Superintendent, and Project Engineer may exercise the authority of the Area Director as indicated in this part.

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.1 *Sales, fee patents, and other matters in 25 CFR Part 121.* The approval of applications by individuals for acquisition, sale, exchange, partition, patent in fee, certificate of competency, and removal of restrictions on Indian land. The approval by the respective officials of applications, by those tribes possessing statutory authority, for acquisition, sale, and exchange of trust or restricted Indian lands. The authority herein does not extend to the issuance of land sale advertisements without the prior approval of the Area Director (Amdt. 21, 33 F.R. 9623).

SEC. 2.2 *Tax exemption certificates.* The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the Acts of June 20, 1936 (49 Stat. 1542), as amended by the Act of May 19, 1937 (25 U.S.C., 1946 ed., sec. 412a).

SEC. 2.3 *Leases and permits (nonmineral).* All those matters set forth in 25 CFR Part 131, except:

(a) The approval of leases which provide for a duration in excess of 10 years, inclusive of any provisions for extensions or renewals thereof; and, the approval of any amendment of such lease changing the use purpose or reducing the rental. This exception does not apply to the leasing of tribal land for homesite purposes to members of the tribe or to tribal housing authorities.

(b) Modification of any forms approved by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Area Director.

SEC. 2.4 *Allotment applications.* Certification of eligibility for allotments on the public domain under authority of the Act of February 8, 1887 (25 U.S.C., 1946 ed., sec. 334), or the Acts of February 28, 1891, and June 25, 1910 (25 U.S.C., 1946 ed., sec. 336) and in the national forests pursuant to the Act of June 25, 1910 (25 U.S.C., 1946 ed., sec. 337).

SEC. 2.5 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, and building stone leases and permits of tribal and trust or restricted individually owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes,

(2) Approval of instruments providing for the payment of overriding royalty,

(3) Assignments of separate horizons or strata of the subsurface.

(c) The approval of nonexclusive prospecting permits on tribal and allotted lands, issued on approved forms, including those with a preferential right to lease not more than 40 acres: *Provided,* The royalty rates have been approved by the Commissioner of Indian Affairs (Amdt. 4, 21 F.R. 4522).

SEC. 2.6 *Release of mortgages.* The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians, upon proof of payment of the loan.

SEC. 2.7 *Roads.* The closure of roads, as defined in 25 CFR 162.2(b), to public use when required for public safety, fire prevention or suppression, or fish or game protection, or to prevent damage to unstable roadbed (25 CFR 162.6).

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.8 *Loan agreements and modifications.* The approval of applications by individuals for loans, and modifications thereto, pursuant to 25 CFR 91.13 and subject to provisions set forth in 47 BIAM and/or tribal declarations of policy and plans of operation approved by the Commissioner or his authorized representative.

SEC. 2.9 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian, and assignments of income from trust or restricted land of an Indian, as security for a loan from any lender.

SEC. 2.10 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness for a loan made pursuant to 25 CFR 91.

SEC. 2.11 *Release of U.S. interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 2.12 *Traders' licenses.* The issuance of licenses to traders with the Indian tribes and the removal and revocation of licenses pursuant to 25 CFR Part 251.

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.13 *Forest management.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 100,000 feet, board measure, except for the Superintendent of the Western Washington Agency, who may issue advertisements and approve timber sale contracts involving an estimated stumpage volume of not to exceed 250,000 feet, board measure, pursuant to 25 CFR 141.8, 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13 for the sale of timber from individual allotments; without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

(e) Accept payment of damages in full in settlement of civil trespass cases, pursuant to 25 CFR 141.22, when such settlement does not exceed $1,000. "Payment of damages in full" means payment of the maximum amount due under applicable law.

SEC. 2.14 *Waiver of technical defects in advertisements and proposals for grazing privileges.* Exercise of the right reserved in Form 5–510, Sale of Grazing Privileges, to waive technical defects in the advertisements and proposals received in response thereto (Amdt. 15, 29 F.R. 11607).

SEC. 2.15 *Approval, modification and cancellation of grazing permits.* The award, approval, modification, assignment and cancellation of grazing permits, pursuant to 25 CFR Part 151: *Provided,* That permits approved at the beginning of a contract period accord to a schedule of allocated and advertised range units approved by the Area Director: *And provided, further,* That permits shall not be issued at a rental rate less than the minimum approved by the Area Director (Amdt. 15, 29 F.R. 11607).

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.16 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

PART 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES FUNCTIONS RELATING TO IRRIGATION MATTERS

SEC. 3.1 *Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agriculture, business or grazing purposes.* The Superintendent of Fort Hall Agency may grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands which have been withdrawn or otherwise acquired in connection with the Fort Hall Irrigation Project and to permit or lease such lands for agricultural, business or grazing purposes pursuant to 25 CFR Part 203 (Amdt. 12, 27 F.R. 538).

The effective date of this delegation will be the date of signature by the Area Director.

DALE M. BALDWIN,
Area Director.

Approved: April 16, 1969.

J. L. NORWOOD,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-4772; Filed, Apr. 22, 1969; 8:46 a.m.]

ASSISTANT AREA DIRECTOR, SACRAMENTO AREA OFFICE, CALIFORNIA

Redelegation of Authority

1. The Assistant Area Director, Bureau of Indian Affairs, Sacramento Area Office, Sacramento, Calif., is hereby authorized to exercise all the power and authority of the Area Director of the Sacramento Area Office, as delegated by the Commissioner of Indian Affairs in 10 BIAM 3.

2. In the absence of the Area Director and the Assistant Area Director, persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

3. The effective date of this delegation will be the date of signature by the Area Director.

Dated: April 8, 1969.

WILLIAM E. FINALE,
Area Director, Bureau of Indian Affairs, Sacramento Area Office, Sacramento, Calif.

Approved: April 16, 1969.

J. L. NORWOOD,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-4771; Filed, Apr. 22, 1969; 8:46 a.m.]

Bureau of Land Management

[Serials Nos. F-860, F-850]

ALASKA

Notice of Hearing on Proposed Classification of Lands

APRIL 15, 1969.

Notice is hereby given that a public hearing will be held at 7:30 p.m., Thursday, May 22, 1969, at the National Guard Armory in Nome, Alaska, to consider the proposed land classifications at Salmon Lake covering approximately 7,800 acres and the Nuk Site at Safety Sound covering approximately 158 acres. Both tracts are situated near the City of Nome. Notice of the Salmon Lake proposal was published in the FEDERAL REGISTER on April 24, 1968, volume 33, pages 6249–6250. Notice of the Safety Sound proposal was published in the FEDERAL REGISTER on April 12, 1968, volume 33, page 5689. The hearing officials will welcome the views of the interested parties in favor of or in opposition to the proposal. All interested persons who desire to be heard on the subject can either appear in person at the hearing or submit written statements. The record will remain open until June 30, 1969, for submission of written statements to the District Manager, Bureau of Land Management, 516 Second Avenue, Fairbanks, Alaska 99701.

ROBERT C. KRUMM,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 69-4825; Filed, Apr. 22, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Export Marketing Service

CERTAIN CONTRACTING OFFICERS OF COMMODITY CREDIT CORPORATION

Delegation of Authority

Pursuant to the authority vested in me by the Wheat Export Program (GR–345), I hereby designate William R. Randolph, W. K. Rosacker and Earl A. Seer, Contracting Officers, Commodity Credit Corporation, as authorized, when the facts so warrant, to:

(1) Accept reports of wheat exported prior to the exporter's submission of an offer acceptable to CCC as provided in §§ 1483.114(a) and 1483.154(a);

(2) Extend the time in which exporters are to file a notice of sale as provided in § 1483.136; and

(3) Approve an exporter's request to amend his contract to provide for export of a different class of wheat or export from a different coast or coastal area as provided in §§ 1483.112(b) and 1483.152 (b) except that any determination that a certificate cost applies shall be made by the assistant sales manager;

(4) Waive the provisions requiring that wheat exported prior to submission of an offer be exported on a vessel which also carries other wheat exported by the same exporter and the limitations as to the quantities as provided in §§ 1483.114 (c), 1483.136(b) and 1483.154(a);

(5) Accept Form(s) CCC–521, "Report of Wheat Exported," covering additional quantities of wheat exported for application against a contract with CCC where the exporter had previously fulfilled his obligations under such contract as provided in §§ 1483.115(b) and 1483.-155(b) provided the additional quantity is within the contract quantity and loading tolerance of such sections;

(6) Approve an exporter's request for an extension in time to export without any decrease in the export payment rate under the conditions provided in §§ 1483.116, 1483.139 and 1483.156;

(7) Accept certifications as provided in § 1483.138 where exportation was made to a country or buyer other than the country or buyer shown in Form CCC–359, "Declaration of Sale," except that any determination that a certificate cost applies shall be made by the assistant sales manager; and

(8) Approve an exporter's request for cancellation of a contract or portion of a contract where the exporter has shown that failure to export was due to causes without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of such failure as provided in §§ 1483.116 (c)(2), 1483.139(d) and 1483.156(c).

Signed at Washington, D.C., on April 16, 1969.

C. E. MERRIMAN,
Acting Assistant Sales Manager, Commodity Exports, Export Marketing Service.

[F.R. Doc. 69–4851; Filed, Apr. 22, 1969; 8:52 a.m.]

DIRECTOR OR ACTING DIRECTOR, KANSAS CITY AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE COMMODITY OFFICE

Delegation of Authority

Pursuant to the authority vested in me by the Export Wheat Marketing Certificate Regulations, I hereby delegate to the Director or Acting Director, Kansas City ASCS Commodity Office, the responsibility to (a) approve an exporter's request for extension of the period of 45 days after date of exportation during which he shall acquire and surrender export wheat marketing certificates as provided in § 778.5(c)(1); (b) determine whether or not an exporter should be required to furnish a bond or letter of credit prior to export in order to secure the purchase of and payment for export wheat marketing certificates and, the form and amount of any such bond or letter of credit as provided in § 778.5(c)(3); and (c) approve an exporter's request for extension of the period during which he shall submit a report of the wheat exported to the Kansas City ASCS Commodity Office as provided in § 778.11. The authority herein delegated shall be exercised in conformity with the requirements of the Export Wheat Marketing Certificate Regulations and may not be redelegated.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, 79 Stat. 1202; 7 U.S.C. 1379a to 1379j)

Signed at Washington, D.C., on April 16, 1969.

C. E. MERRIMAN,
Acting Assistant Sales Manager, Commodity Exports, Export Marketing Service.

Concurred in:

C. H. MOSELEY,
Acting Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–4852; Filed, Apr. 22, 1969; 8:52 a.m.]

CERTAIN CONTRACTING OFFICERS OF COMMODITY CREDIT CORPORATION

Delegation of Authority

Pursuant to the authority vested in me by the Export Wheat Marketing Certificate Regulations,[2] I hereby designate William R. Randolph, W. K. Rosacker and Earl A. Seer, Contracting Officers of Commodity Credit Corporation, as authorized, when facts so warrant, to extend the time in which exporters are to file a notice of sale as provided in §§ 778.7(d) and 778.9(d); to accept reports of additional quantities of wheat exported for application against an offer where the exporter has previously fulfilled his reporting obligations as provided in §§ 778.7(f) and 778.9(e) and where the additional quantity would be within the loading tolerance of such sections; to approve an exporter's request for an extension in time to export without any increase in the cost of certificates under the conditions provided in §§ 778.7(g), 778.8(h), and 778.9(g); to approve an exporter's request for cancellation of a report of intention to export, which had been accepted by the Assistant Sales Manager, or a portion of such a report where the exporter has shown that failure to export was due to causes without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of such failure as provided in §§ 778.7(h), 778.8(i), and 778.9(h); to accept or reject offers or to waive any informality in connection with such offers and to accept or reject modifications or requests for withdrawals of offers as provided in § 778.7 (b)(4) and (c)(1); to register sales reported by exporters and issue notices of registration as provided in § 778.8(d), except that any determination that a different certificate cost shall apply to an offer under § 778.7 or a notice of sale under § 778.8 than the cost based upon the announced rate is not delegated; and to accept reports as provided in § 778.8 (g)(2) and (3) where wheat is exported to a country or buyer other than the country or buyer shown in the declaration of sale. The authority herein delegated shall be exercised in conformance with the requirements of the Export Wheat Marketing Certificate Regulations and may not be redelegated.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, 79 Stat. 1202, sec. 5, 62 Stat. 1070, sec. 102, 68 Stat. 454, 7 U.S.C. 1379a to 1379j; 15 U.S.C. 714c, 7 U.S.C. 1702)

Signed at Washington, D.C., on April 16, 1969.

C. E. MERRIMAN,
Acting Assistant Sales Manager, Commodity Exports, Export Marketing Service.

[F.R. Doc. 69–4853; Filed, Apr. 22, 1969; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF PITTSBURGH ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00493–33–77030. Applicant: University of Pittsburgh, Fifth Avenue and Bigelow Boulevard, Pittsburgh, Pa. 15213. Article: Nuclear magnetic resonance spectrometer, Model HFX–3. Manufacturer: Bruker-Physik AG., West Germany. Intended use of article: The article will be used for both teaching and research purposes in the fields of biomedical sciences, namely to correlate the functions of biological molecules to their structure. Initially, the article will be used for the following studies:

(1) To investigate the electronic structure and environment of the heme groups in both normal and abnormal human hemoglobins by means of ^{1}H resonance;

(2) To investigate the chemical nature of the phosphorus atoms in phosphoproteins and phosphorylated biomolecules (such as—casein, phosyitin, pepsin, phospholipids, etc.) by means of ^{31}P resonance;

(3) To study the binding of ^{25}Mg ions to proteins and nucleic acids by ^{25}Mg resonance;

(4) To study the mechanism of formation and structure of the hydrated metal complexes of biological interests in aqueous solutions by ^{17}O resonance;

(5) To study the ^{13}C chemical shifts in amino acids, peptides, proteins, nucleotides, and nucleic acids;

(6) To study the ^{14}N chemical shifts in amino-acids, peptides, proteins, nucleotides, and nucleic acids;

(7) To use ^{19}F resonance to study protein conformations and to study the enzyme binding sites.

Hydrogen (^{1}H)—Phosphorus (^{31}P)—Magnesium (^{25}Mg)—Oxygen (^{17}O) Carbon (^{13}C)—Nitrogen (^{14}N)—Fluorine (^{19}F). Application received by Commissioner of Customs: March 24, 1969.

Docket No. 69–00494–01–77040. Applicant: University of Pennsylvania, Philadelphia, Pa. 19104. Article: Mass Spectrometer, Model RMH–2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for advanced chemical research, including analysis of complex organic compounds and study of fragmentation mechanisms of organic ions. Specific experiments as examples of the uses of the article are as follows:

(a) Precise mass measurement on a variety of samples of organic molecules leading to unique atomic compositions of all ions in the mass spectrum;

(b) Resolution of isotope doublets arising from isotopically labeled compounds;

(c) Precise measurement of metastable ion intensities for as many metastables as can be detected in the mass spectra of molecules.

Application received by Commissioner of Customs: March 24, 1969.

Docket No. 69–00497–98–76500. Applicant: Ball State University, Muncie, Ind. 47306. Article: Spectrograph, Model "GH" 650/640. Manufacturer: Optische Werke, C. A. Steinheil Sohne G.m.b.H., West Germany. Intended use of article: The article will be used to study the following phenomena:

(a) Hyperfine structure studies of the three different types of forbidden atomic spectral lines.

(b) The study of interference between magnetic-dipole and electric-quadrupole radiation by using the Zeeman effect in mixed forbidden lines of even isotopes of Pb, Hg, Au, Te, and other selected metals.

(c) The study of interference between magnetic-dipole and electric-quadrupole radiation as seen in the hyperfine components of mixed forbidden lines of odd isotopes of elements such as Pb, Hg, Au, Sb, As, and Te.

Pb=Lead, Hg=Mercury, Au=Gold, Te=Tellurium, As=Arsenic, and Sb=Antimony. Application received by Commissioner of Customs: March 24, 1969.

Docket No. 69–00498–01–10550. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, N. Mex. 87544. Article: Thin layer chromatography equipment. Manufacturer: Chemetron, Italy. Intended use of article: The article will be used in preparing uniform and reproducible preparatory and analytical glass-backed thin layer chromatography plates from a variety of coating materials. These plates are to be used in high-resolution analyses of peptides derived from enzymic digests of chromosomal proteins and protein fractions. The peptides resolved and isolated by preparative thin-layer chromatography will be further investigated with the aid of specific reagents, by autoradiography of labeled peptide preparations and by cross-correlations between standard peptides, known peptides and different-fraction peptide components. Application received by Commissioner of Customs: March 25, 1969.

Docket No. 69–00499–79–60095. Applicant: University of Texas Medical School at San Antonio, 7703 Floyd Curl Drive, San Antonio, Tex. 78229. Article: Sensing units for measurement of germicidal ultraviolet light. Manufacturer: Laboratoire Pasteur de l'Institute du Radium, France. Intended use of article: The article will be used for experiments in the effect of ultraviolet light (2537 Angstroms) on various micro-organisms conducted in six multidiscipline laboratory rooms occupied by 100 first-year medical students. The sensing units will be used to calibrate the ultraviolet light sources and to measure the incident intensity of the light. The article will also be employed as secondary standards of reference for intensity of 2537 Angstom light in various research applications. Application received by Commissioner of Customs: March 26, 1969.

Docket No. 69–00500–16–66700. Applicant: Planetarium of the Vanderbilt Museum of the County of Suffolk, N.Y., 178 Little Neck Road, Centerport, N.Y. 11721. Article: Planetarium projector, Model JHS Custom. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky motion simulation for educational and public programs at the Planetarium of the Vanderbilt Museum, including astronomy and navigation instruction. Article will also be used in preparing photographic sky charts for press release purposes, to aid observers in fireball trajectory end point coordinate determination in connection with the NAFT (Network for the Analysis of Fireball Trajectories) program, and in conjunction with the telescope to be installed on same premises in anticipated cooperation with the program of AAVSO (American Association of Variable Star Observers). Application received by Commissioner of Customs: March 27, 1969.

Docket No. 69–00501–33–46040. Applicant: Albany Medical College, 47 New Scotland Avenue, Albany, N.Y. 12208. Article: Electron microscope, Model Elmiskop 1A and Accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be almost exclusively used for the basic research to investigate ultrastructural aspects of the pathogenesis of atherosclerosis. To a lesser extent it will be used for educational purposes for the training of junior members of staff in electron microscopy and to train electron microscopy technicians in the maintenance and care of an electron microscope. The research program is to investigate ultrastructural changes in large blood vessels both naturally occuring at arterial forks and of experimentally induced thickening of blood vessel walls. It is anticipated the microscope will be used for many investigations of this type of material several years to come. Application received by Commissioner of Customs: March 28, 1969.

Docket No. 69–00502–33–54500. Applicant: University of California, San Francisco Medical Center, Third and Parnassus Avenues, San Francisco, Calif. 94122. Article: Optical attachment for Zeiss Photocoagulator. Manufacturer: Dr. W. Lotmar, Switzerland. Intended use of article: The article will be used for both research and educational purposes. Research purposes will encompass the identity of the lesions and the location, the techniques involved, and the objectives to be pursued in the study of the diseases and pathology of the retina. For educational purposes, instructions will be provided throughout a 2-year period in the techniques of use of this instrument so the students can become familiar with contact lens, and its use for peripheral retinal coagulation approximately 10–15 hours teaching per resident at a level of year 3 post-doctoral. Application received by Commissioner of Customs: April 1, 1969.

Docket No. 69–00503–33–46500. Applicant: Monmouth Medical Center, Department of Pathology, Third and Pavilion Avenue, Long Branch, N.J. 07740. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB

Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the ultrastructure and cytochemistry of myocardiopathies and hepatic changes in association with malabsorption. It is hoped that the results of studying these ill-defined diseases will further clarify the morphologic concommitant of the physiologic dysfunction and thereby indicate more efficacious therapy. Specimen sections must be prepared for electron microscopy in long series of equal thickness throughout and must be cut between 50 Angstroms and 2.0 microns. It is important that the operator be able to quickly and easily change cutting thickness. Application received by Commissioner of Customs: April 1, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-4751; Filed, Apr. 22, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2402) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.1059 *Chewing gum base* (21 CFR 121.1059) be amended to provide for the safe use of glycerol ester of tall oil rosin as a plasticizing material (softener) in chewing gum base.

Dated: April 16, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4780; Filed, Apr. 22, 1969; 8:47 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0820) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR 120.234) for residues of the insecticide *O,O*-diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate in or on the raw agricultural commodities pineapple and pineapple forage at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a phosphorus-sensitive thermionic-emission detector.

Dated: April 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4781; Filed, Apr. 22, 1969; 8:47 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (41-541V) has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing amendment of the food additive regulations (21 CFR Part 121) to provide for the safe use in chicken feed of a combination drug containing clopidol, 3-nitro-4-hydroxyphenylarsonic acid, and bacitracin methylene disalicylate for the prevention of coccidiosis caused by specified organisms, for growth promotion and feed efficiency, and for improving pigmentation.

Dated: April 15, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-4782; Filed, Apr. 22, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20884]

AIR PANAMA INTERNATIONAL S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 1, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., April 17, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-4826; Filed, Apr. 22, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant to the President (National Security Affairs).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4815; Filed, Apr. 22, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

INACTIVE TARIFFS

Notice of Intent To Cancel

The domestic offshore files of the Federal Maritime Commission contain several tariffs which have for a period of time been classified as inactive either due to the absence of any tariff changes for a period of 1 year or longer; or because the Commission's staff has been advised in writing that the tariff filers no longer offer a common carrier service. The following carriers (including their last known addresses) fall into the "inactive" category:

Alaska Towing & Salvage, Inc., Box 1572, Anchorage, Alaska 99501.
Allied Marine Corp., Post Office Box H, J. F. Kennedy International Airport, Jamaica, N.Y. 11430.
Aleutian Marine Transport Co., Inc., Unalaska, Alaska 99685.
Antillean Marine Shipping Corp., 3050-3060 Northwest North River Drive, Post Office Box 322, Biscayne Annex, Miami, Fla. 33152.
Bekins Household Shipping Co., 800 East D Street, Wilmington, Calif. 90744.
Bentley's Inc., Berkeley, Calif.
Metro Shipping Co., Inc., 8935 Emerson Avenue, Surfside, Fla. 33154.
Chilkat Ferry, Box 2073, Juneau, Alaska 99801.
CIA Nacional De Navegacao, Peninsular & Occidental Steamship Co., General Agents, 209 Southeast First Street, Miami, Fla. 33101.
Dovar S.A. International Shipping & Trading Co., 29 Broadway, New York, N.Y.
Express Forwarding & Storage Co., Inc., 17 State Street, New York, N.Y. 10004.
Martin Van Lines, Inc., Seattle, Wash.
Tidewater Barge Lines, Inc., 2069 Northeast Marine Drive, Portland, Oreg. 97211.
Young Brothers, Ltd., Post Office Box 3288, Honolulu, Hawaii 96801.

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. Further, Rule 18(g) of Tariff Circular No. 3, as amended (46 CFR 531.18(g)), requires the cancellation of inactive tariffs; and accordingly the Commission proposes to cancel these tariffs in the absence of a showing of good cause as to why they should not be canceled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Domestic Regulation at 1405 I Street NW., Washington, D.C. 20573, in writing within 30 days after the publication of this order in the FEDERAL REGISTER of any reasons why the Commission should not cancel inactive tariffs;

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this order will be canceled;

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with any tariff canceled pursuant to this notice.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-4753; Filed, Apr. 22, 1969; 8:45 a.m.]

FARRELL LINES, INC., AND BLACK STAR LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement No. 9791, between Farrell Lines, Inc., and Black Star Line, Ltd., covers a through billing arrangement for the movement of cargo between the Liberian ports of Harbel, Buchanan, Sinoe, and Cape Palmas and U.S. Atlantic and Gulf ports, with transshipment at Monrovia, Liberia, in accordance with the terms and conditions set forth therein, and will supersede and cancel Agreement No. 9460.

Dated: April 17, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4754; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. 69-17]

SOUTH ATLANTIC & CARIBBEAN LINE, INC.

Order of Investigation Regarding Unloading and Reloading of Contents of Certain Trailers at Miami

There has been filed on authorized short notice with the Federal Maritime Commission by South Atlantic & Caribbean Line, Inc., an amendment to its Freight Tariff FMC-F No. 10 (Rule 117, as amended), which is scheduled to become effective April 18, 1969.[1] Rule No. 117 (paragraph C, as amended), the filing of which was authorized by Special Permission No. 4997, without prejudice to the right of the Commission to suspend and/or investigate, reads as follows:

Trailers containing traffic described in part (B) of this rule will be booked and accepted by carrier for transportation without unloading and reloading of the contents of the trailer at carrier's terminals in any case where (a) the International Longshoremen's Association so agrees and (b) the consolidator shipper or the distributor consignee of any such trailer executes and delivers to carrier at the time of the booking or at the time of delivery an indemnity in the following form:

In consideration of South Atlantic & Caribbean Line, Inc. (SACAL), accepting for loading aboard their MV _____ scheduled to sail on _____, trailer number _____ containing consolidated or less than truck load shipments, without unloading and reloading the said trailer at SACAL's terminal as required by the Deepsea Longshore Agreement of 19th February 1969, the undersigned hereby agree to indemnify SACAL for the payment by SACAL (or their contractors) of the liquidation damages in the amount of $250 per trailer provided in the said agreement, when and as liquidated damages are in fact paid.

Upon consideration of the said tariff revisions, and telegraphic protests thereto which were accepted by the Commission in this instance due to the short notice filing, there is reason to believe that the proposed rule should be made the subject of a public investigation and expedited hearing to determine specifically whether the above quoted language would be unjust, unreasonable or otherwise unlawful under sections 16 First, 17 and 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916; and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the said rule with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation.

It is further ordered, That South Atlantic & Caribbean Line, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for an expedited public hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein; (II) the said respondent be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedures (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-4755; Filed, Apr. 22, 1969; 8:45 a.m.]

[1] Advanced to Apr. 16, 1969, by S.P. No. 5003.

FEDERAL POWER COMMISSION

[Projects Nos. 375, 451]

COLORADO

Order Vacating Power Withdrawals

APRIL 16, 1969.

Application has been filed by the U.S. Forest Service for vacation in their entirety of the power withdrawals under section 24 of the Federal Power Act pertaining to the following described lands of the United States:

(a) Withdrawn pursuant to the filing on September 29, 1922, of an application for license for Project No. 375, for which the Commission gave notices of such withdrawal to the General Land Office (now Bureau of Land Management) by letters dated January 24, 1923:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

All portions of the following tracts lying within the project boundary location, except that part including the right-of-way of the saw mill transmission line outside of the boundary of the pipeline right-of-way (50 feet from the center thereof) and that part including the right-of-way of the transmission line following up Goose Creek to the concrete weir, as shown on a map designated "Exhibit F" and entitled "Map covering Application for License, Hay Press Park Reservoir—6" Supply Pipe Line—Weir—Saw Mill and Hydro Electric Water and Transmission Line in T. 40 N., R. 1 E.—N.M.P.M.—Mineral County—State of Colorado—Rio Grande Nat'l Forest," as more particularly described and located by field notes designated as "Exhibit C" of the application for license, all having

been filed in the office of the Federal Power Commission on January 19, 1923

T. 40 N., R. 1 E.,
Sec. 20, NE¼SE¼, SW¼SE¼, N½SE¼ SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, N½NW¼NE¼, N½NW¼, SW¼ NW¼.

(Approximately 59 acres.)

All portions of the following tracts lying within 50 feet of the centerline of the transmission line locations from boundary of pipeline right-of-way to the saw mill and from powerhouse following up Goose Creek to the concrete weir as shown on a map designated "Exhibit F" and entitled "Map covering Application for License, Hay Press Park Reservoir—6" Supply Pipe Line—Weir Saw Mill and Hydro Electric Water and Transmission Line in T. 40 N., R. 1 E.—N.M.P.M.—Mineral County—State of Colorado—Rio Grande Nat'l Forest," as more particularly described and located by field notes designated as "Exhibit C" of the application for license, all having been filed in the office of the Federal Power Commission on January 19, 1923.

T. 40 N., R. 1 E.,
Sec. 32, SE¼SE¼;
Sec. 33, SW¼SW¼NE¼, W½SE¼SW¼ NE¼, NW¼, N½SW¼, SW¼SW¼.
(Approximately 12 acres.)

(b) Withdrawn pursuant to the filing on November 21, 1923, of an application for license for Project No. 451, for which the Commission gave notice of such withdrawal to the General Land Office by letter dated December 22, 1923:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 1 E.,
Sec. 27, NE¼SW¼, NW¼SE¼;
Sec. 28, SE¼SE¼SE¼;
Sec. 34, NW¼NW¼.
(Approximately 130 acres.)

The application was filed to facilitate a proposed land exchange. The lands lie within the Rio Grande National Forest and are located near the confluence of Roaring Fork and Goose Creeks in the upper drainage area of the Rio Grande River, about 6 miles south of the Wagon Wheel Gap in Mineral County, Colo.

The last license for Project No. 375 expired on May 13, 1958. The project (consisting of, among other project works, a powerhouse with a capacity of 50 horsepower and a short transmission line) is used for summer recreational purposes. The lands are now used under a Forest Service special use permit.

Surrender of the license for Project No. 451, which was never completed, was accepted by Commission order effective November 1, 1930. Application for surrender followed the licensee's conclusion that the development of power in connection with the project would not be economically feasible.

In the circumstances, we are vacating the land withdrawals pertaining to Projects Nos. 375 and 451 as applied for.

The Commission orders: The withdrawals of the subject lands pursuant to the applications for Projects Nos. 375 and 451 are hereby vacated in their entirety.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4756; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. E-7283]

CITIZENS UTILITIES CO.

Notice of Supplemental Application

APRIL 17, 1969.

Take notice that on April 9, 1969, Citizens Utilities Co. (Applicant), filed a supplemental application seeking authority pursuant to section 204 of the Federal Power Act to issue up to an aggregate at any one time of $19 million of unsecured promissory notes with a final maturity not later than December 5, 1969.

Applicant is engaged primarily in the business of generating, purchasing, transmitting, distributing, and selling at wholesale and retail of electric energy in the States of Arizona, Idaho, and Vermont, with its principal business office at Stamford, Conn. Applicant is also engaged in the purchase, distribution and sale of natural gas in the States of Arizona and Colorado.

The Commission by supplemental order issued February 12, 1969, authorized Applicant to issue short-term promissory notes in the aggregate principal amount outstanding at any one time of $12 million with the final maturity of not later than December 5, 1969. Applicant now requests the aggregate amount of $12 million in short-term promissory notes be increased to $19 million but that the final maturity of all notes remain as December 5, 1969.

The notes are to be issued to renew outstanding notes and to furnish funds for Applicants' 1969 construction program which has an estimated cost of $16,550,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4775; Filed, Apr. 22, 1969; 8:46 a.m.]

[Project No. 2392]

GILMAN PAPER CO. AND GEORGIA-PACIFIC CORP.

Notice of Application for Transfer of License for Constructed Project

APRIL 17, 1969.

Public notice is hereby given that application for transfer of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Gilman Paper Co. (Transferor) and Georgia-Pacific Corp. (Transferee) (correspondence to: George H. Brustad, Attorney, Georgia-Pacific Corp., Post Office Box 311, Portland, Oreg. 97207) for constructed project No. 2392, known as the Gilman Project, located on the Connecticut River in towns of Lunenburg and Guildhall in Essex County, Vt., in the vicinity of the village of Gilman, and in towns of Dalton and Lancaster in Coos County, N.H.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4776; Filed, Apr. 22, 1969; 8:46 a.m.]

[Docket No. CP69-265]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

APRIL 17, 1969.

Take notice that on April 14, 1969, The Manufacturers Light and Heat Co. (Applicant) filed in Docket No. CP69-265 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new point of delivery to an existing wholesale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to establish an additional point of delivery to Columbia Gas of Maryland, Inc. (Columbia of Maryland) at the boundary line between Pennsylvania and Maryland, immediately north of Hancock, Md. Applicant alleges this new delivery point will supply a new market area of Columbia of Maryland in and around the Town of Hancock, Md.

Applicant states the new delivery point will be from its high-pressure 20-inch line No. 1804. Applicant estimates its total cost will be $7,600, which it proposes to finance with cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4777; Filed, Apr. 22, 1969; 8:46 a.m.]

[Docket No. CP69-261]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

APRIL 16, 1969.

Take notice that on April 10, 1969, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP69-261, an application under section 7 of the Natural Gas Act for permission and approval of the Commission to replace certain natural gas facilities with new facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission to replace a .59 mile section of 3- and 2-inch pipe on the lateral line from Applicant's main line to St. Joseph Lead Co.'s Herculaneum plant, Jefferson County, Mo., with 4-inch pipe. Applicant estimates the cost of the proposal at $19,000, which it proposes to finance from funds on hand.

Applicant states that replacement of this section of line will improve safety, hourly delivery performance, and minimize repair and maintenance problems.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4757; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. RI69-691]

MOBIL OIL CORP.

Order Providing for Hearing

APRIL 16, 1969.

Order providing for hearing on and suspension of proposed change in rate, and allowing rate change to become effective subject to refund.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 4, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-691..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001, Attention: R. D. Haworth, Esq.	[2] 447	1	Montana-Dakota Utilities Co. (Big Horn Area, Big Horn County, Wyo.).	$400	3-17-69	[3] 4-17-69	[4] 4-18-69	[7] 13.6154	[5] [6] 14.6154	

[2] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1, and the proposed rate does not exceed the initial service ceiling rate of 15.4 cents per Mcf for Wyoming.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] Initial rate.

The contract related to the rate filing by Mobile Oil Corp. (Mobile) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate of 14.6154 cents per Mcf exceeds the area increased rate ceiling of 13 cents per Mcf for Wyoming, but does not exceed the service ceiling of 15.4 cents per Mcf established for the area involved. We believe, in this situation, Mobile's proposed rate filing should be suspended for one day from April 17, 1969, the proposed effective date.

[F.R. Doc. 69-4758; Filed, Apr. 22, 1969; 8:45 a.m.]

[Docket No. CP69-260]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 16, 1969.

Take notice that on April 10, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-260 an application under section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to add approximately 1.2 miles of 10-inch pipeline, with a tap connection and miscellaneous appurtenant facilities, to run beside the line presently leading to its Genoa City (Illinois) No. 1 delivery point to Wisconsin Southern Gas Co., Inc. Applicant states that this additional capacity is needed to meet increased requirements of Wisconsin Southern Gas Co., Inc., and to insure continuity of service if Applicant's Genoa City No. 2 delivery point were to fail.

Applicant estimates the cost of the proposed facilities at $63,000, which it proposes to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4759; Filed, Apr. 22, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Wisconsin Bankshares Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Wisconsin State Bank, Green Bay, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 16th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4762; Filed, Apr. 22, 1969; 8:45 a.m.]

MID AMERICA BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Mid America Bancorporation, Inc., St. Paul, Minn., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Valley National Bank of Eagan Township, St. Paul, Minn. Applicant presently owns 1,380 of the voting shares of Highland Park State Bank, St. Paul, Minn.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Dated at Washington, D.C., this 16th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4763; Filed, Apr. 22, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 255]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignment

APRIL 8, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Expected date of commencement of operation
		630 kilocycles							
CKOV (now in operation)	Kelowna, British Columbia, N. 49°50'51", W. 119°29'00".	5D/1N	ND-151	U	III	194	120	[illegible]	
		800 kilocycles							
CJBQ (change in power and radiation pattern and site—PO: 1 kw, DA-1).	Belleville, Ontario, N. 45°87'49", W. 77°45'00".	10	DA-2	U	II				E.I.O. 4-8-70.
		1070 kilocycles							
CFAX (now in operation)	Victoria, British Columbia, N. 48°23'50", W. 123°18'20".	10	DA-1	U	II				
		1540 kilocycles							
CKFL (now in operation)	Lac Megantic, Province of Quebec, N. 45°33'38", W. 70°53'30".	1D/0.25N	DA-D, ND-N-190	U	IV				
		1540 kilocycles							
CFYK (now in operation)	Yellowknife, Northwest Territory.	1	ND-175	U	IV	140	120	294	
		1590 kilocycles							
CHOO (now in operation)	Ajax, Ontario, N. 43°50'00", W. 78°58'30".	10	DA-1	U	III				
		1410 kilocycles							
CFUN (now in operation)	Vancouver, British Columbia, N. 49°07'41", W. 123°01'41".	50	DA-2	U	III				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-4847; Filed, Apr. 22, 1969; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-2168]

JACKPOT EXPLORATION CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 17, 1969.

I. Jackpot Exploration Corp. (issuer), East 802 Pacific, Spokane, Wash., incorporated in the State of Idaho on July 3, 1968, filed with the Commission on February 19, 1969, a notification on Form 1-A relating to a proposed offering of 300,000 shares of common stock at $1 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer has failed to disclose the jurisdictions in which the offering is to be made, as required by Item 8 of Form 1-A.

2. The issuer has failed to disclose in the notification the issuance of securities within 1 year of the date of filing the notification, as required by Item 9 of Form 1-A.

3. The issuer has failed to furnish adequate and accurate information concerning the history of the subject properties, as required by Item 8A(e) of Schedule I.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, in that the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. Extent and results of prior exploratory work and operations on the properties by issuer's predecessor.

2. Extent and results of exploratory work by the issuer.

3. The economic feasibility of production of gold, if discovered.

4. Proposed uses of proceeds of the offering.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Jackpot Exploration Corp., pursuant to said notification, be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission, within 30 days after the entry of this order, a written request for hearing; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing, at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4795; Filed, Apr. 22, 1969; 8:48 a.m.]

[70-4738]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds

APRIL 17, 1969.

Notice is hereby given that Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960 ("Jersey Central"), an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $33 million principal amount of First Mortgage Bonds, _____ percent Series due 1999. The interest rate (which will be a multiple or one-eighth of 1 percent and the price, exclusive of accrued interest (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of March 1, 1946, between Jersey Central and First National City Bank, successor trustee, as heretofore supplemented and as to be further supplemented by a 16th Supplemental Indenture to be dated as of June 1, 1969.

The proceeds from the sale of the bonds will be used to pay a portion of Jersey Central's short-term bank loans outstanding at the date of sale of the bonds. Such loans amounted to $12,400,000 at December 3, 1968, and are expected to aggregate approximately $36 million at the date of sale of the bonds. The proceeds from such loans have been or will be used to finance Jersey Central's 1969 construction program, estimated at approximately $80 million.

It is stated that the fees and expenses to be paid by Jersey Central in connection with the issue and sale of the bonds are estimated at $87,000, including counsel fees of $24,000 and accountants' fees of $5,400, and that the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 7, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4796; Filed, Apr. 22, 1969; 8:48 a.m.]

[24NY-6463]

MARIE PIGALLE, INC.

Order Permanently Suspending Exemption

APRIL 17, 1969.

I. Marie Pigalle, Inc., 350 Fifth Avenue, New York, N.Y., incorporated in the State of New York on March 16, 1967, filed a notification and offering circular on January 5, 1968, covering a proposed offering of 120,000 shares of its 1 cent par value common stock at $1.25 per share for an aggregate offering of $150,000 under an exemption from the registration requirements of the Securities Act of 1933 provided by section 3(b) and Regulation A promulgated thereunder. The company's securities were to be offered and sold by its officers and directors without the use of an underwriter. According to its offering circular it was to engage in the manufacture, development and distribution of a diversified line of cosmetics, fragrances and related products. The notification and offering circular were accelerated so that the offering commenced on May 1, 1968. The company stated that the distribution of its securities was successfully completed on June 28, 1968.

II. The Commission, on November 21, 1968, temporarily suspended the Regulation A exemption of Marie Pigalle, Inc. On December 7, 1968, Marie Pigalle, Inc., filed pursuant to Rule 7 of the Commission's rules of practice, an answer to the charges set forth in the temporary suspension order and requested a hearing with respect to those charges. Marie Pigalle, Inc., has, pursuant to Rule 8 of the Commission's rules of practice, submitted an offer of settlement.

III. Under the terms of the offer, respondent waived a hearing and post-hearing procedures, and without admitting or denying the allegations in the order temporarily suspending the exemption (except that it admits the allegation of paragraph II.B.) consented to the entry of an order permanently suspending the Regulation A exemption. This consent is on the understanding that Leopold Lapidus, who was elected chairman of the board and president of the respondent subsequent to the completion of the offering pursuant to the Regulation A exemption, is without any culpability with respect to any of the allegations contained in the order temporarily suspending the exemption. Therefore any and all disabilities flowing from the permanent suspension of the exemption shall not apply to him.

After due consideration of the offer of settlement and upon the recommendation of its staff, the Commission determined to accept such offer.

IV. On the basis of the order temporarily suspending the exemption, it is found that the issuer did not comply with the terms and conditions of Regulation A and under all the circumstances it is in the public interest to accept the offer of settlement.

Accordingly, it is ordered, That the Regulation A exemption with respect to the securities of Marie Pigalle, Inc., offered and sold to the public beginning May 1, 1968, be, and it hereby is, permanently suspended. The provisions of Rule 252 of Regulation A shall not apply to Leopold Lapidus, respondent's chairman of the board and president.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4797; Filed, Apr. 22, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 703]

NORTH DAKOTA AND CERTAIN OTHER STATES

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1969, because of the effects of floods, damage resulted to residences and business property located in the States of North Dakota, South Dakota, Minnesota, Iowa, and Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in all areas affected or to be effected in the aforesaid States, suffered damage or destruction resulting from floods beginning on or about April 1, 1969, and continuing thereafter.

OFFICES

Small Business Administration Regional Office, 207 North Fifth Street, Fargo, N. Dak. 58102.

Small Business Administration Regional Office, Eighth and Main Avenue, Sioux Falls, S. Dak. 57102.

Small Business Administration Regional Office, 816 Second Avenue South, Minneapolis, Minn. 55402.

Small Business Administration Regional Office, 210 Walnut Street, Des Moines, Iowa 50309.

Small Business Administration Regional Office, 25 West Main Street, Madison, Wis. 53702.

2. Temporary offices will be established at such other areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1969.

Dated: April 15, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69-4798; Filed, Apr. 22, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 32, Amdt. 2]

ERIE-LACKAWANNA RAILWAY CO. ET AL.

Car Distribution

Erie-Lackawanna Railway Co., Chicago, Burlington & Quincy Railroad Co., Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 32, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 32 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 11, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 18, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4828; Filed, Apr. 22, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 34, Amdt. 2]

PENN CENTRAL CO. ET AL.

Car Distribution

Penn Central Co., Chicago, Burlington & Quincy Railroad Co., Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 34, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 34 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 11, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 18, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4829; Filed, Apr. 22, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 36, Amdt. 2]

PENN CENTRAL CO. ET AL.

Car Distribution

Penn Central Co., Chicago, Burlington & Quincy Railroad Co., Northern Pacific Railway Co.

Upon further consideration of Car Distribution Direction No. 36, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 36 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 11, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 18, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4830; Filed, Apr. 22, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 37, Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., Chicago, Burlington & Quincy Railroad Co., Northern Pacific Railway Co.

Upon further consideration of Car Distribution Direction No. 37, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 37 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 11, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4831; Filed, Apr. 22, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 46]

SOUTHERN RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Southern Railway Co. shall deliver to the Missouri Pacific Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., April 21, 1969.

(4) *Expiration date* This direction shall expire at 11:59 p.m., May 11, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C, April 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4832; Filed, Apr. 22, 1969; 8:50 a.m.]

[Investigation and Suspension Docket No. M-23033]

CENTRAL AND SOUTHERN TERRITORY

Small Shipment Rate Revision

APRIL 18, 1969.

Present: John W. Bush, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order of the Commission, Division 2, acting as an Appellate Division, dated April 3, 1969, in the above-entitled proceeding, an investigation was instituted into and concerning the lawfulness of the rates, charges, and regulations contained in the schedules described in said order, and suspended the operation of said schedules;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding; and good cause appearing therefor:

It is ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expense and revenue data (including anticipated expense and revenue data to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and carriers involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and in addition, all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations, and specifically to the traffic and territories involved.

It is further ordered, That the Commission will take official notice of all the respondent carriers' financial statements on file with the Commission.

It is further ordered, That the traffic studies to be submitted shall represent the most current period possible, and that they shall be based upon actual operations conducted during identical periods of time for each carrier; that the traffic studies shall be shown to be representative of the traffic covered by the rate proposal; and that the traffic study be costed out and operating ratios determined by the individual weight brackets included within the rate proposal. If the two carrier groups described below under the development of costs are used, the traffic study shall be similarly separated. The revenues and costs for both groups shall also be totaled and operating ratios developed.

It is further ordered, That respondents shall produce evidence showing the total revenue earned for the services performed under the bureau's tariffs here under investigation for the most recent annual reporting period.

It is further ordered, That the cost study shall be based upon the most current annual reporting period adjusted to date. The costs may be developed for those carriers subject to the requirements for allocation of expenses between line haul and pickup and delivery in 49 CFR Part 182, Instructions 27 and 9002, whose total amount of revenue derived under the bureau's tariffs collectively is 75 percent or more of the total revenue derived by all carriers participating in those tariffs. If those instruction 27 carriers' revenue is less than 75 percent of the total, then all of the instruction 27 carriers should be used. These study carriers shall be selected from the participating carriers in descending order beginning with the carrier deriving the greatest dollar amount of revenue from those tariffs. Unit costs are to be developed separately for (1) those carriers who earn 50 percent or more of their revenues under the tariffs involved and (2) those carriers who earn less than 50 percent. If factors similar to those published in appendix A to Highway Form B for the above two groups of carriers are not available, the published factors for the applicable territory based on the latest study are acceptable in the development of the unit costs.

It is further ordered, That both the cost study and the traffic study be adequately supported by working papers to permit a complete check of the procedures followed and the results obtained.

It is further ordered, That respondents shall produce evidence of the sum of money, in addition to operating expenses, needed to attract debt and equity capital which they require to insure financial stability and the capacity to render service. This evidence should include, without limiting the evidence that

may be presented, particularized reference to the respondents' reasonable interest, dividend, and surplus requirements; and experienced, projected, and needed rate of return on depreciated investment in transportation.

It is further ordered, That all Class I and II motor carrier respondents shall submit detailed data regarding carrier-affiliate financial and operating relationships, and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate amount to $2,500 or more during the year 1968 the following information:

1. Name of each affiliate from which respondent, during the year 1968, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during the year 1968 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1968.

6. A copy of the income statement for each affiliate for the year 1968 and the latest period of 1969 for which an income statement is available.

7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1968 to any individual who is also a respondent or an officer, director, or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director, or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent; or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That all of the required data specified in this order shall be based upon and reflect at least the 1968 annual reporting period.

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before July 15, 1969, and at the same time, respondents shall file an executed original and 16 copies with this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice. The information with respect to carrier affiliates may be served on the parties in summary form, if so desired.

It is further ordered, That all underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered, That anyone desiring to became a party of record to receive copies of the verified material of respondents to be filed in accordance with the procedure set forth above, must notify the Commission, in writing, on or before July 1, 1969. As soon as practicable after such date, a service list of all parties of record will be prepared and served by the Commission. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That this proceeding be, and it is hereby, referred to a hearing examiner to be later designated for hearing commencing on August 18, 1969, at 9:30 a.m., District of Columbia d.s.t., at the offices of the Interstate Commerce Commission, Washington, D.C.

It is further ordered, That this proceeding will not be the subject of an examiner's recommended report and order because due and timely execution of our functions requires an expedited decision and in addition, if the increases involved herein are not approved in their entirety, the shippers will be paying higher rates without any recourse to this Commission for relief.

It is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(2) Have appeared at a hearing.

Dated at Washington, D.C., this 10th day of April 1969.

By the Commission, Commissioner Bush.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4833; Filed, Apr. 22, 1969; 8:50 a.m.]

[Notice 547]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 18, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Deviation No. 48), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209, filed April 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Washington, Pa., over Interstate Highway 79 to junction Pennsylvania Highway 50, thence over Pennsylvania Highway 50 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 19 in Pittsburgh, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cumberland, Md., over U.S. Highway 40 to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., and return over the same route.

No. MC 31533 (Deviation No. 1), SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, Post Office Box 545, South Bend, Ind. 46624, filed April 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 20 and Interstate Highway 90 (near Rockford, Ill.), and Chicago, Ill., over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between Chicago, Ill. and Freeport, Ill., over U.S. Highway 20.

No. MC 31533 (Deviation No. 2), SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, Post Office Box 545, South Bend, Ind. 48624, filed April 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From South Bend, Ind., over U.S. Highway 31 (an access road) to junction Interstate Highway 80–90, thence over Interstate Highway 80–90 to junction Interstate Highway 94, thence over Interstate Highway 80–94 to Chicago, Ill. (also from junction Interstate Highway 80–90 and 94, over Interstate Highway 90 to Chicago, Ill.), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., and return over the same route.

No. MC 43421 (Deviation No. 27), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed April 10, 1969. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Cincinnati, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Cincinnati, Ohio, over U.S. Highway 50 to Seymour, Ind., and (2) from Indianapolis, Ind., over U.S. Highway 31 via Franklin, Ind., to junction Alternate U.S. Highway 31 north of Columbus, Ind., thence over Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31–E to Louisville, Ky. (also from Sellersburg over U.S. Highway 31–W to Louisville), and return over the same routes.

No. MC 48958 (Deviation No. 18), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, Tex. 79105, filed April 8, 1969. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kanab, Utah, over U.S. Highway 89 to junction Alternate U.S. Highway 89 (approximately 23 miles south of Page, Ariz.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kanab, Utah, over Alternate U.S. Highway 89 to junction U.S. Highway 89, and return over the same route.

No. MC 109538 (Deviation No. 7), CHIPPEWA MOTOR FREIGHT, INC., Post Office Box 269, Eau Claire, Wis. 54701, filed April 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Madison, Wis., over Interstate Highway 94 via Milwaukee, Wis., to Chicago, Ill., and (2) from Madison, Wis., over Interstate Highway 94 to junction Interstate 894 at Milwaukee, Wis., thence over Interstate Highway 894 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between Minneapolis, Minn., and Chicago, Ill., over U.S. Highway 12.

No. MC 111383 (Deviation No. 12), BRASWELL MOTOR FREIGHT LINES, INC., Post Office Box 3989, Dallas, Tex. 75208, filed April 8, 1969. Carrier's representative: Lawrence A. Winkle, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Miss., over U.S. Highway 49 to junction Interstate Highway 59, thence over Interstate Highway 59 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Jackson, Miss., over U.S. Highway 51 to junction U.S. Highway 61, thence over U.S. Highway to New Orleans, La., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 518), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 75 to junction Michigan Highway 61 (approximately 3 miles west of Standish, Mich.), thence over Michigan Highway 61 to Standish, Mich., with the following access routes: (1) From Royal Oak, Mich., over 11 Mile Road to junction Interstate Highway 75, (2) from Pontiac, Mich., over Michigan Highway 59 to junction Interstate Highway 75, (3) from Pontiac, Mich., over U.S. Highway 10 to junction Interstate Highway 75, (4) from Grand Blanc, Mich., over Michigan Highway 54 to junction Interstate Highway 75, (5) from Flint, Mich., over Michigan Highway 78 to junction Interstate Highway 75, (6) from Flint, Mich., over Pierson Road to junction Interstate Highway 75, (7) from Saginaw, Mich., over Michigan Highway 46 to junction Interstate Highway 75, (8) from Bay City, Mich., over Michigan Highway 13 to junction Interstate Highway 75, (9) from Bay City, Mich., over Michigan Highway 25 to junction Interstate Highway 75, and (10) from junction access highway and U.S. Highway 23, 3 miles south of Standish, Mich., over access highway to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows:

(1) From Cheboygan, Mich., over U.S. Highway 23 via Spruce Corners, Harrisville, East Tawas, and Standish to junction Michigan Highway 13 (formerly portion of U.S. Highway 23), thence over Michigan Highway 13 via Bay City to Saginaw (also from Spruce Corners over unnumbered highway (formerly Michigan Highway 171) to junction Michigan Highway 72, thence over Michigan Highway 72 to Harrisville; also from Bay City over Michigan Highway 84 (formerly Michigan Highway 47) to Saginaw, and (2) from Midland, Mich., over U.S. Highway B.R. (Business Route) 10 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Michigan Highway 47, thence over Michigan Highway 47 via Freeland, Mich., to junction Michigan Highway 46, thence over Michigan Highway 46 to Saginaw, Mich., thence over Genesee Avenue to Bridgeport, Mich., thence over Dixie Highway to junction Michigan Highway 54, thence over Michigan Highway 54 via Pine Run, Flint, and Grand Blanc, Mich., to junction U.S. Highway 10 west of Clarkston, Mich., thence over U.S. Highway 10 to Detroit, Mich., and return over the same routes.

No. MC 107109 (Deviation No. 13), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, Ind. 46202, filed April 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 75 and Kentucky Highway 22 near Dry Ridge, Ky., over Interstate Highway 75 to junction U.S. Highway 460 at or near Georgetown, Ky., thence over U.S. Highway 460 to Frankfort, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Dry Ridge, Ky., over Kentucky Highway 22 to junction U.S. Highway 127 at Owenton, Ky., thence over U.S. Highway 127 to Frankfort, Ky., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4835; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 1287]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 18, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 109637 (Sub-No. 357) (Republication), filed March 3, 1969, published in the FEDERAL REGISTER April 4, 1969, and republished this issue. Applicant: SOUTHERN TANK LINES INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack with any of its authorities now held by it, especially in its Sub 165, whereas applicant is authorized to serve points in Kentucky, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: This republication is to reflect the hearing information.

HEARING: May 26, 1969, before Examiner Kenneth A. Jennings, at Memphis, Tenn., in Room 978, Federal Office Building, 167 North Main Street.

Nos. MC 67485 (Sub-No. 5) and 96769 (Sub-No. 3) (Republications) (Correction), filed February 23, 1966, published FEDERAL REGISTER issues of March 16, 1966, March 30, 1966, and April 17, 1969, and republished as corrected this issue.

(1) No. MC 67485 (Sub-No. 5) (Republication). Applicant: TEXAS FILM SERVICE, INC., 518 South Main Street, San Antonio, Tex. Applicant's representative: Austin L. Hatchell, 1120 Perry-Brooks Building, Austin, Tex. 78701.

(2) MC 96769 (Sub-No. 3) (Republication). Applicant: LIBERTY FILM LINES, INC., 2500 South Harwood Street, Dallas, Tex. Applicant's representative: Austin L. Hatchell, 1102 Perry-Brooks Building, Austin, Tex. 78701.

NOTE: The purpose of this partial republication is to correct the following error in the FEDERAL REGISTER of Wednesday, April 17, 1969: Reagan Sayers, whose address was incorrectly given, was erroneously listed as one of applicant's representatives. Reagan Sayers, whose correct address is 301 Century Life Building, Fort Worth, Tex. 76102, does not and has not represented applicants. The rest of the publication remains as previously published.

No. MC 67691 (Sub-No. 5) (Republication), filed February 23, 1966, published FEDERAL REGISTER issues of March 16, 1966, and March 30, 1966, and republished this issue. Applicant: VALLEY FILM SERVICE, INC., 518 South Main Street, San Antonio, Tex. Applicant's representative: Austin L. Hatchell, 1120 Perry-Brooks Building, Austin, Tex. 78701. Applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within the State of Texas. An order of the Commission, Operating Rights Board, dated March 20, 1969, and served March 31, 1969, finds that a certificate of registration shall concurrently be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, pursuant to that portion of Certificate of Convenience and Necessity No. 3697, authorized by order dated November 21, 1968, issued by the Railroad Commission of Texas: *General commodities* to, from and between all points along the following described routes, subject to the restrictions noted below: U.S. Highway 181 between San Antonio, Tex., and Corpus Christi, Tex.; State Highway 35 between Gregory, Tex., and Fulton, Tex.; F.M. Road 881 between Sinton, Tex., and Rockport, Tex.; F.M. Road 136 between Woodboro, Tex., and its intersection with F.M. Road 881; State Highway 44 between Corpus Christi, Tex., and Alice, Tex.; U.S. Highway 77 between Victoria, Tex., and Brownsville, Tex.; State Highway 141 between Kingsville, Tex., and its intersection with U.S. Highway 281; U.S. Highway 281 between Alice, Tex., and Edinburg, Tex.; U.S. Highway 59 between Victoria, Tex., and Houston, Tex.; U.S. Highway 83 between Harlingen, Tex., and Mission, Tex.; and State Highway 107 between Combes, Tex., and Edinburg, Tex., serving all intermediate points along such routes, except as hereinafter restricted, and coordinating the service with that presently being rendered by the applicant and interchanging with other carriers at appropriate interchange points; and to operate over the following alternate routes only for operating convenience without service to any intermediate point: U.S. Highway 281 between San Antonio, Tex., and Alice, Tex.; State Highway 186 between Raymondville, Tex., and San Manuel, Tex.; and U.S. Highway 281 between Edinburg, Tex., and Pahrr, Tex.; State Highway 202 between Beeville, Tex., and Refugio, Tex. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

(3) No service shall be rendered on any shipments originating in Houston, Tex., and destined to Victoria, Tex., or any intermediate point located on U.S. Highway 59 between Victoria, Tex., and Houston, Tex.; nor on shipments originating at Victoria, Tex., destined to Houston, Tex., or any intermediate point located on U.S. Highway 59 between Victoria, Tex., and Houston, Tex., and destined to Houston, Victoria, or any other intermediate point along said route. No service shall be rendered on shipments moving to, from or between the following named towns: Brownsville, Olmito, San Benito, Sebastion, Lyford, Raymondville, Combes, Santa Rosa, La Villa, Edcough, San Carlos, Mission, McAllen, Pahrr, Alamo, Donna, Weslaco, Mercedes, La Feria, and San Juan. No service shall be rendered on shipments moving between Harlingen and Edinburg. NOTE: Applicant holds a "grandfather" certificate of registration in No. MC-67691 (Sub-No. 2). Applicant is hereby cautioned that this order authorized issuance of a certificate of registration as evidence of a right to engage in operations, in interstate or foreign commerce, as described substantially above, only insofar as such operations do not duplicate those authorized in the "grandfather" certificate of registration in No. MC-67691 (Sub-No. 2). The publication in the FEDERAL REGISTER of the State authority sought is somewhat more

limited than that authorized by the State Commission and that because it is possible that interested parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority granted by this order will be published in the FEDERAL REGISTER and issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading with this Commission.

No. MC 104523 (Sub-No. 40) (Republication), filed February 19, 1968, published in the FEDERAL REGISTER issue of March 7, 1968, and republished this issue. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th, Lincoln, Nebr. 68501. By application filed February 19, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of landscaping, building, and store products, (1) from Wheatland, Wyo., to points in Illinois, Minnesota, Missouri, and North Dakota; (2) from points in Colorado to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota; and (3) from points in Texas to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. By order of the Commission, dated August 13, 1968, and served August 19, 1968, it was ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 4, decided April 1, 1969, and served April 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of (1) *building and landscaping materials, stone, and stone products*, (a) from points in Texas to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; (b) from points in Colorado to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota; and (c) from Wheatland, Wyo., to points in Illinois, Minnesota, Missouri, and North Dakota;

(2) *Materials* used in the laying or erection of electrical transmission lines, (a) from points in Texas to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; and (b) from points in Colorado to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota; (3) *floor coverings*, (a) from points in Colorado, to points in Iowa, Kansas, Nebraska, North Dakota, and South Dakota; and (b) from points in Texas to points in Colorado, Iowa, Kansas, and Nebraska, and (4) *buildings*, knocked down or in sections, (a) from points in Colorado, to points in Iowa, Kansas, Missouri, Oklahoma, and South Dakota; and (b) from points in Texas to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; that applicant is fit, willing, and able properly to perform the proposed service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, subject to the condition that the authority granted herein shall be construed as conferring only a single operating right. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117613 (Sub-No. 1) (Republication), filed September 23, 1968, published FEDERAL REGISTER issue of October 10, 1968, and republished this issue. Applicant: DONALD M. BOWMAN, JR., 5 North Clifton Drive, Williamsport, Md. 21795. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box 806, Westminster, Md. 21157. By application filed September 23, 1968, as amended, applicant seeks a permit authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *concrete blocks and concrete products*, from Hagerstown, Md., to points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, Ohio, Pennsylvania, West Virginia, Virginia, Delaware, Michigan, Illinois, Indiana, and the District of Columbia, under a continuing contract with Supreme Concrete Block & Products, Inc., of Hagerstown, and (2) *brick* (except refractory brick), from Williamsport and Hagerstown, Md., to points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, Ohio, Pennsylvania, West Virginia, Virginia, Michigan, Illinois, and Indiana (except points within 165 miles of Williamsport and Hagerstown, Md.), under a continuing contract with Victor Cushwa & Sons, Inc., of Williamsport, Md. An order of the Commission, Operating Rights Board, dated March 20, 1969, and served April 10, 1969, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of (1) *concrete products* from Hagerstown, Md., to points in Connecticut, Delaware, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia under a continuing contract with Supreme Concrete Block & Products, Inc., of Hagerstown, Md., and

(2) *Brick* (except refractory brick), from Hagerstown and Williamsport, Md., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia, under a continuing contract with Victor Cushwa and Sons, Inc., of Williamsport, Md.; will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER an issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125506 (Sub-No. 9) (Republication), filed October 28, 1968, published in the FEDERAL REGISTER issue of November 28, 1968, and republished this issue. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. By application filed October 28, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of such merchandise as is dealt in by retail department stores, and advertising and display materials in a store to store, warehouse to store, and store to warehouse transfer service, between New York, N.Y., on the one hand, and, on the other, Short Hills, N.J. An order of the Commission, Operating Rights Board, dated March 21, 1969, and served April 9, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *such merchandise as is dealt in by retail department stores, and, advertising and display materials*, between New York, N.Y., on the one hand, and, on the other, Short Hills, N.J., under a continuing contract with Bonwit-Teller, a division of Genesco, Inc., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128052 (Sub-No. 3) (Republication), filed September 16, 1968, published in the FEDERAL REGISTER issue of October 10, 1968, and republished this issue. Applicant: OLIVEIRA TRUCKING COMPANY, INCORPORATED, 252 Elm Street, Blackstone, Mass. 01504. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. By application filed September 16, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of cement, in bags, on pallets, in vehicles equipped with mechanical loading and unloading devices, from Woonsocket and Blackstone, Mass., to points in Connecticut, Massachusetts, and Rhode Island. An order of the Commission, Operating Rights Board, dated March 21, 1969, and served April 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *cement*, in bags (1) from Woonsocket, R.I., to points in Connecticut and Massachusetts; and (2) from Blackstone, Mass., to points in Connecticut and Rhode Island; that applicant is fit, willing, and able properly to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129051 (Republication), filed April 27, 1967, published FEDERAL REGISTER issue of May 25, 1967, and republished this issue. Applicant: NOVA VAN & STORAGE, INC., 2808 North Nichols Street, Fort Worth, Tex. 76106. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort worth, Tex. 76102. By application filed April 27, 1967, as modified, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of household goods, in containers, as defined by the Commission between points in Tarrant County, Tex., on the one hand, and, on the other, points within a 50-mile radius of Tarrant County, Tex., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, decontainerization of such shipments. A report of the Commission on reconsideration, decided March 26, 1969, and served April 9, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic:

(1) Between points in Tarrant County, Tex.; and (2) between points in Tarrant County, Tex., on the one hand, and, on the other, points in Dallas County, Tex., that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133035 (Sub-No. 4) (Republication), filed July 30, 1968, published in the FEDERAL REGISTER issue of August 7, 1968, and republished this issue. Applicant: DILTS TRUCKING INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of anhydrous ammonia, urea, and dry fertilizer, in bulk, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at the plantsite or storage facilities of Olin Mathieson Chemical Corp. at Omaha, Nebr., and destined to points in the named destination States. A decision and order of the Commission, Review Board No. 3, dated April 4, 1969, and served April 11, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *anhydrous ammonia, urea, and dry fertilizer* (except urea), from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri (except St. Louis and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Nebraska, North Dakota, and South Dakota, restricted to the transportation of shipments originating at Omaha and destined to points in the named destination States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority desribed in the findings in this decision and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133160 (Republication), filed September 12, 1968, published in the FEDERAL REGISTER issue of September 26, 1968, and republished this issue. Applicant: W. A. BEAMON AND J. R. LASSITER, a partnership, doing business as BEAMON AND LASSITER, 5748 Southern Boulevard, Virginia Beach, Va. 23462. Applicant's representative: Jno. C. Goodin, Post Office Box 1636, Richmond, Va. 23213. By application filed September 12, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities having an immediate prior or subsequent movement by aircraft (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Norfolk, Va., on the one hand, and, on the other, points in Nansemond County, Va., on and south of U.S. Highway 58, Southampton and Nansemond Counties, Va., on and east of U.S. Highway 258, Northampton County, N.C., on and east of U.S. Highway 258, Hertford, Bertie, and Martin Counties, N.C., on and east of U.S. Highway 13; Lewiston, N.C., points in Martin, Washington, Tyrrell, and Dare Counties, N.C., on and north of U.S. Highway 64, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C., and Elizabeth City, N.C., and Isle of Wight County, Va. A report of the Commission, Review Board No. 1, dated April 4, 1969, and served April 10, 1969,

finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *general commodities* having an immediately prior or immediately subsequent movement by aircraft (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Norfolk, Va., on the one hand, and, on the other, points in Nansemond and Isle of Wight Counties, Va., those points in Southampton County, Va., on and east of U.S. Highway 258; points in Hertford, Bertie, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C.; those points in Martin, Washington, Tyrrell, and Dare Counties, N.C., on and north of U.S. Highway 64; and those points in Northampton County, N.C., on and east of U.S. Highway 258; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 32882 and No. MC 32882 (Sub-Nos. 25, 28, 29, 32, 34, 36, and 37) (Notice of Filing of Petition To Traverse the States of Utah and Nevada for Operating Convenience Only), filed March 19, 1969. Petitioner: MITCHELL BROS. TRUCK LINES, Portland, Oreg. Petitioner's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Petitioner holds authority as follows: MC 32882, Irregular Routes: 1. Forest products and lumber, between points and places in Oregon, Washington, and Idaho, and that part of California within 150 miles of the Oregon-California State line. 2. Agricultural commodities, in truckloads, between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points and places in Washington and Oregon. 3. Building material and heavy machinery, in truckloads, between points and places within 50 miles of Portland, Oreg., on the one hand, and, on the other, points and places in Oregon and Washington and Nez Perce, Payette, Canyon, and Owyhee Counties, Idaho. 4. Building materials and heavy machinery, including heavy steel girders, steel pipe, boilers, water works supplies and plumbing goods, cement, cast stone, wooden pipe and tanks (set up or knocked down) and fabricated steel reinforcing bars, and other commodities of similar nature, between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points and places in Oregon, Washington, and Idaho, and that part of California within 150 miles of the Oregon-California State line.

5. Machinery, contractors' equipment, and construction materials: A. Between points and places in Washington and Oregon. B. Between Seattle, Wash., on the one hand, and, on the other, points and places in that part of Montana bounded by a line beginning at Great Falls, and extending in a northerly direction through Whitefish to the boundary of the United States and Canada, thence in a westerly direction along the boundary of the United States and Canada to junction U.S. Highway 91, thence along U.S. Highway 91 to Great Falls. C. Between points and places in Washington, on the one hand, and, on the other, points and places in Idaho, and those in that part of Montana on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to Great Falls, thence along U.S. Highway 91 to the boundary of the United States and Canada. 6. Heavy machinery and building materials between points in Josephine, Jackson, Douglas, and Curry Counties, Oreg., on the one hand, and, on the other, points in California north of a line extending east from Half Moon Bay through Redwood City and Miami to the Nevada-California State line, including the points named. 7. Box shooks, from Lakeview, Oreg., to points in that part of California north of Santa Barbara, Ventura, Los Angeles, and San Bernardino Counties, with no transportation for compensation on return except as otherwise authorized. From Klamath Falls, Oreg., to points in and south of San Francisco, Contra Costa, Sacramento, Amador, and Alpine Counties, Calif., with no transportation for compensation on return except as otherwise authorized.

8. General commodities, between points in Lake County, Oreg. 9. Machinery, which because of size or weight requires the use of special equipment, between points in California which are on and north of U.S. Highway 50, on the one hand, and, on the other, points in Lake County, Oreg. 10. Building materials and lumber, between points in Lake County, Oreg., on the one hand, and, on the other, points in California. 11. Lumber, machinery, and building materials between points in Lake County, Oreg., on the one hand, and, on the other, points in Nevada located on and west of U.S. Highway 95. 12. Building materials: A. From points in California, to points in Klamath County, Oreg., with no transportation for compensation on return except as otherwise authorized. B. From points in Klamath County, Oreg., to Tulelake, Calif., With no transportation for compensation on return except as otherwise authorized. 13. Lumber and lumber products, from points in Klamath County, Oreg., to points in California (except Tulelake), with no transportation for compensation on return except as otherwise authorized. MC 32882 Sub 25. Irregular routes: 14. General commodities, except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring the use of special equipment. From Redding, Calif., to Salyer, Hayfork, and Willow Creek, Calif., and points on U.S. Highway 299, between Salyer and Weaverville, Calif. (excluding Weaverville), with no transportation for compensation on return, except as otherwise authorized. MC 32882 Sub 28. Irregular routes: 15. Junk, from Klamath Falls, Oreg. to San Francisco, Calif., with no transportation for compensation on return except as otherwise authorized.

16. Machinery, pipe, hardware, acetylene, and oxygen in tanks and carbide in cans, from San Francisco, Sacramento, and Oakland, Calif., to Klamath Falls, Oreg., with no transportation for compensation on return except as otherwise authorized. 17. Heavy machinery: A. Between points in Lake and Klamath Counties, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif. Service under the commodity description next above is subject to the condition that carrier shall not transport any traffic which has both origin and destination in any incorporated place served by rail carriers or within 1 mile of any railroad station located in any unincorporated place. 18. Machinery, between points in Klamath County, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Modoc, and Siskiyou Counties, Calif. 19. Machinery and construction and building materials and supplies, the transportation of which because of their size or weight, require the use of special equipment, and the same commodities when they do not require the use of special equipment, provided their transportation is incidental to the transportation by said carrier of the commodities already described in this paragraph. Between points in Deschutes, Harney, Jackson, and Malheur Counties, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif.

20. General commodities, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Klamath County, Oreg. 21. Iron or steel plates, angles, channels, and beams, and brass articles, from Sacramento, Stockton, Oakland, and San Francisco, Calif., to Klamath Falls, Oreg., with no transportation for compensation on return except as otherwise authorized. 22. Fertilizer, in bags and in bulk, from the plantsite of the U.S. Gypsum Co., at Empire, Nev., to points in Klamath County, Oreg., with no transportation for compensation on return except as otherwise authorized. Any duplication in the statement of the

authority granted herein or to the extent that such authority duplicates any heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Interstate MC 32882, Irregular routes: 23. General commodities, except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, liquid commodities in bulk, commodities requiring refrigeration, canned goods, fresh and dried fruits and vegetables, apple cider and groceries, in truckloads, between San Francisco, and Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco, to Richmond, on the one hand, and, on the other, points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Fresno, Kern, Kings, Lake, Madera, Marin, Mariposa Mendocino, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif.

24. Canned goods, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above-specified California counties, except that service is not authorized to or from Fresno, Calif., and points within 50 miles of Fresno, nor is service authorized from Watsonville, Calif., and points within 5 miles of Watsonville to San Jose, San Francisco, Oakland, Emeryville, and Alameda, Calif. 25. Dried fruits, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above-specified California counties, except that service is not authorized to or from Fresno, Calif., and points within 50 miles of Fresno, nor is service authorized from points in Santa Cruz and Monterey Counties, Calif., to San Jose, San Francisco, Oakland, and Alameda, Calif. 26. Fresh fruits and fresh and dried vegetables, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above specified California counties, except that service is not authorized from points in Santa Cruz and Monterey Counties, Calif., to San Jose, San Francisco, Oakland, Emeryville, and Alameda, Calif.

27. Apple cider, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above-specified California counties, except that service is not authorized from Watsonville, Calif., and points within 5 miles of Watsonville, to San Jose, San Francisco, Oakland, Emeryville, and Alameda, Calif. 28. Groceries, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, points in the above-specified California counties, except that service is not authorized from San Jose, San Francisco, Oakland, and Emeryville, Calif., to Watsonville, Calif., and points within 5 miles of Watsonville. 29. General commodities, except those of unusual value, classes A and B explosives, household goods defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckloads. Between points in Jackson County, Oreg., on the one hand, and, on the other, points including Hilts, Calif., in that part of Siskiyou County, Calif., on and west of U.S. Highway 99.

30. Lumber and lumber products, in truckloads, between Stockton, Calif., on the one hand, and, on the other, points in Alameda, Contra Costa, Fresno, Kern, Merced, Napa, San Joaquin, Stansilaus, and Tulare Counties, Calif. 32. Agricultural commodities, in truckloads, from points in Modoc County, Calif., to points in Jackson and Klamath Counties, Oreg., with no transportation for compensation on return except as otherwise authorized. 33. Christmas trees, in truckloads, from points in Jackson County, Oreg., to points in San Mateo County, Calif., with no transportation for compensation on return except as otherwise authorized. 34. Boards and sheets, made from compressed sawdust or ground wood, from Ukiah, Calif., to Dorris and Yreka, Calif., with no transportation for compensation on return except as otherwise authorized. No. MC 32882 Sub 29. Irregular routes: 35. Wood chips, from points in Del Norte County, Calif., to Brookings, Oreg., with no transportation for compensation on return except as otherwise authorized. No. MC 32882 Sub 32. Irregular routes: 36. Boom boats, pond boats, logging, contracting and commercial work boats, from Hood River, Oreg., to points in Washington (except those in Clallam, Jefferson, Kitsap, and Mason Counties, Wash.), points in Idaho, points in that part of California on and north of a line beginning at Half Moon Bay, Calif., and extending to the California-Nevada State line, points in that part of Nevada on and west of U.S. Highway 95, and those in that part of Montana-Wyoming State line and extending along U.S. Highway 91 to the United States-Canada boundary line, with no transportation for compensation on return except as otherwise authorized.

No. MC 32882 Sub 36. Irregular Routes: 37. Lumber, from points in Oregon to points in Nevada, with no transportation for compensation on return except as otherwise authorized. MC 32882 Sub 37. Irregular Routes: 38. Commodities, the transportation of which, by reason of size or weight, requires the use of special equipment, and *related machinery* parts and *related contractor's materials and supplies* when their transportation is incidental to the transportation of the commodities authorized above. A. Between points in Oregon within 50 miles of Portland, Oreg., on the one hand, and, on the other, points in Canyon, Nez Perce, Owyhee and Payette Counties, Idaho. B. Between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points in Idaho and points in California within 150 miles of the Oregon-California State line. C. Betewen points in Oregon and Washington. D. Between points in Washington on the one hand, and, on the other, points in Idaho, and points in that part of Montana on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to Great Falls, thence along U.S. Highway 91 to the United States-Canada boundary line. E. Between points in Josephine, Jackson, Douglas, and Curry Counties, Oreg. on the one hand, and, on the other, points in that part of California north of a line beginning at Half Moon Bay, Calif., and extending east through Redwood City and Miami, Calif., to the California-Nevada State line, including the points named. F. Between points in California on and north of U.S. Highway 50, on the one hand, and, on the other points in Lake County, Oreg.

G. Between points in Lake County, Oreg., on the one hand, and, on the other, points in Nevada on and west of U.S. Highway 95. H. From San Fransisco, Sacramento, and Oakland, Calif., to Klamath Falls, Oreg., with no transportation for compensation on return except as otherwise authorized. I. Between points in Lake and Klamath Counties, Oreg. J. Between points in Klamath County, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif. K. Between points in Deschutes, Harney, Jackson, and Malheur Counties, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif. By the instant petition petitioner requests that the Commission grant it authority to transport those commodities presently authorized between points in California and Nevada, on the one hand, and Idaho and Montana, on the other, presently authorized to be served by traversing the States of Nevada and Utah. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124211 (Sub-No. 91) (Notice of Filing of Petition for Modification), dated March 24, 1969. Petitioner: HILT TRUCK LINES, INC., Council Bluffs, Iowa 51501. Petitioner's representative: Thomas L. Hilt, 1415 South 35th Street, Council Bluffs, Iowa 51501. Petitioner holds authority in MC 124211 Sub 91 as follows: Irregular routes: (1) *Macaroni, noodles, edible grain products, pancake and cake flour, spaghetti, and vermicelli*, except such commodities in bulk; and (2)

food products (except in bulk), in mixed loads with the commodities named in (1) above. From Lincoln, Nebr., to points in Illinois (except Chicago), Indiana, Iowa, and Minnesota, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at Lincoln, Nebr. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. By the instant petition, petitioner seeks to modify said certificate to read as follows: Irregular routes: *Macaroni, noodles, edible grain products, food products, pancake and cake flour, spaghetti and vermicelli*, except such commodities in bulk. From Lincoln, Nebr., to points in Illinois (except Chicago), Indiana, Iowa, and Minnesota, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129574 (Notice of Filing of Petition for Modification of Permit), filed March 24, 1969. Petitioner: FRANK R. CHULLINO, doing business as: MIDWEST TRANSPORTATION COMPANY, Council Bluffs, Iowa. Petitioner is authorized in MC 129574 to conduct operations as a motor contract carrier, over irregular routes, transporting: Alcoholic beverages (except malt beverages), in containers, from points in New York, Indiana, Pennsylvania, Illinois, Ohio, Michigan, and Kentucky, to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized. Petitioner presently performs the service authorized for Sterling Distributing Co., of Omaha, Nebr., its present contracting shipper. By the instant petition, petitioner requests permission to add United Distillers Co., as a contract shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

TRANSFER APPLICATIONS UNDER SECTION 212(b) WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

MC–FC–71128. Authority sought by transferee, DRURY'S VAN LINES, INC., 24400 Joy Boulevard, Mt. Clemens, Mich. 48248, for transfer of the operating rights of transferer, MOVERS, INC., 1908 Penobscot Building, Detroit, Mich. 48226. Transferee's and transferor's representative, James F. Schouman, Attorney at Law, 1910 Penobscot Building, Detroit, Mich. 48226. Operating rights in Certificate No. MC–95131 sought to be transferred: household goods, as defined by the Commission, and used store fixtures and office fixtures, between points in St. Clair, Sanilac, and Huron Counties, Mich., on the one hand, and, on the other, the United States-Canada boundary line through the ports of entry at Port Huron, Mich., and points in Wisconsin, Illinois, Indiana, Ohio, Kentucky, Pennsylvania, and New York.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with the proceedings in Nos. MC–F–10326, Movers, Inc., Drury's Van Lines, Inc., A–World Van Service, Inc., and Martin Van Lines, Inc.—Investigation of Control, and MC–F–10120, Bekins Van Lines, Inc. et al. v. William Jansen et al., at a time and place to be fixed, for the purpose of determining whether applicants are affiliated with A–World Van Service, Inc., and Martin Van Lines, Inc., in violation of section 5(4) of the Interstate Commerce Act or come within the purview of section 212(b) of said Act and section 1132 of the rules and regulations governing transfer of operating rights. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10427 (Correction) (RYDER-TRUCK LINES, INC.—Control—W. T. BYRNS MOTOR EXPRESS, INC.), published in the April 3, 1969, issue of the FEDERAL REGISTER, on page 6063. This notice is to show RYDER TRUCK LINES, INC., seeks to *control and purchase* the operating rights and property of W. T. BYRNS MOTOR EXPRESS, INC., in lieu of control only.

No. MC–F–10448. Authority sought for control by BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, N.Y. 10011, of MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. 06051, and for acquisition by BRANCH INDUSTRIES, INC., also of New York, N.Y., of control of MIDDLE ATLANTIC TRANSPORTATION CO., INC., through the acquisition by BRANCH MOTOR EXPRESS COMPANY. Applicants' Attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between New York, N.Y., and Detroit, Mich., between New York, N.Y., and Albany, N.Y., between New York, N.Y., and junction U.S. Highways 20 and 9 (just south of Schodack Center), serving all intermediate and certain off-route points; between Bridgeport, Conn., and Valatie, N.Y., serving all intermediate points with no service at Valatie, between Stratford, Conn., and Hartford, Conn., serving all intermediate points, between New Britain, Conn., and Canaan, Conn., serving all intermediate points, with no service at Canaan, between Syracuse, N.Y., and Batavia, N.Y., serving all intermediate points, with no service at Batavia, between Rochester, N.Y., and Buffalo, N.Y., serving all intermediate points, between junction New York Highways 33 and 78 (just west of Bowmansville) and Irving, N.Y., serving all intermediate points with no service at the termini, between New York, N.Y., and Cleveland, Ohio, serving all intermediate and certain off-route points, between Amity Hall, Pa., and Erie, Pa., serving all intermediate points with no service at Amity Hall, between Ebensburg, Pa., and Cleveland, Ohio,

Serving all intermediate points with no service at Ebensburg, with restriction; serving certain intermediate and off-route points, between Columbus, Ohio, and junction Interstate Highway 70 and Interstate Highway 76, located at or near New Stanton, Pa., serving no intermediate points, between Columbus, Ohio and junction Interstate Highway 71 and U.S. Highway 224, located about 3 miles northwest of Seville, Ohio, serving no intermediate points, and serving junction Interstate Highway 71 and U.S. Highway 224 for purposes of joinder only, between junction Interstate Highway 71 and U.S. Highway 224, located about 3 miles northwest of Seville, Ohio, and junction Interstate Highway 71 and Ohio Highways 1 and 18, located about 4 miles east of Medina, Ohio, serving no intermediate points, serving Akron, Ohio, as an off-route point, and serving the termini for purposes of joinder only, between junction Interstate Highway 71 and Ohio Highways 1 and 18, located about 4 miles east of Medina, Ohio, and Cleveland, Ohio, serving no intermediate points, serving junction Interstate Highway 71 and Ohio Highways 1 and 18 for purposes of joinder only, between Columbus, Ohio, and junction Ohio Alternate Highway 14 and Ohio Highway 14, located about 1 mile north of Columbiana, Ohio, serving certain intermediate and off-route points, between Cambridge, Ohio, and Pittsburgh, Pa., serving no intermediate points, and serving Cambridge, Ohio, for purposes of joinder only, between Columbus, Ohio, and Toledo, Ohio, serving no intermediate points, and serving Lima, Ohio, as an off-route point, between Cincinnati, Ohio, and Zanesville, Ohio, serving no intermediate points, and serving Zanesville, Ohio, for purposes of joinder only, between Washington Court House, Ohio, and Columbus, Ohio, serving no intermediate points, and serving Washington Court House, Ohio, for purposes of joinder only.

Between Cincinnati, Ohio, and junction U.S. Highway 42 and U.S. Highway 224, located at or near Lodi, Ohio, serving the intermediate point of Delaware, Ohio, and junction U.S. Highways 42 and 224 for purposes of joinder only, between junction U.S. Highway 42 and U.S. Highway 224, located at or near Lodi, Ohio, and Medina, Ohio, serving no intermediate points, serving Akron, Ohio, and an off-route point, and serving the termini for purposes of joinder only, between Medina, Ohio, and Cleveland, Ohio, serving no intermediate points, and serving Medina, Ohio, for purposes of joinder only, between Cincinnati, Ohio, and Dayton, Ohio, serving no intermediate points, between Dayton, Ohio, and Columbus, Ohio, serving no intermediate points, between Springfield, Ohio, and junction U.S. Highway 36 and Interstate Highway 71, located at or near Berkshire, Ohio, serving the termini and the intermediate point of Delaware, Ohio, for purposes of joinder only, between Dayton, Ohio, and Lima, Ohio, between Lima, Ohio, and Toledo, Ohio, serving no intermediate points, between Findlay, Ohio, and Cleveland, Ohio, serving no intermediate points, serving Lorain, Ohio, as an off-route point, and serving Findlay, Ohio, for purposes of joinder only, between junction U.S. Highway 25 and U.S. Highway 30N, located at or near Beaverdam, Ohio, and Canton, Ohio, serving no intermediate points, serving Akron and North Canton, Ohio, as off-route points, and serving junction U.S. Highway 25 and U.S. Highway 30N for purposes of joinder only, between Boston, Mass., and Hartford, Conn., serving certain intermediate and off-route points, between Worcester, Mass., and Providence, R.I., between junction Rhode Island Highways 146 and 146–A, and Woonsocket, R.I., between junction Rhode Island Highways 146–A and 15, and Pawtucket, R.I., between New Haven, Conn., and Providence, R.I., between New Haven, Conn., and Providence, R.I., between Providence, R.I., and Pawtucket, R.I. between Providence, R.I., and Woonsocket, R.I., between Hartford, Conn., and Providence, R.I., serving no intermediate points, with restriction; over numerous alternate routes for operating convenience only;

General commodities, except those of unusual value, livestock, commodities in bulk, explosives (not including small-arms ammunition), commodities requiring refrigeration, and those injurious or contaminating to other lading, between Mansfield, Mass., and Boston, Mass., serving all intermediate points, and the off-route points of Sharon and Canton, Mass.; *general commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between certain specified points in Massachusetts, between Providence, R.I., on the one hand, and, on the other, points in Rhode Island; *general commodities*, except those of unusual value, livestock, commodities in bulk, explosives (not including small-arms ammunition), commodities requiring refrigeration and those injurious or contaminating to other lading, between certain specified points in Massachusetts, on the one hand, and, on the other, certain specified points in Rhode Island, and points in Massachusetts, with restriction; and *starch and dextrine*, from Wollaston and Boston, Mass., to points and places in Providence County, R.I. BRANCH MOTOR EXPRESS COMPANY is authorized to operate as a *common carrier* in New York, Maryland, New Jersey, Pennsylvania, Delaware, District of Columbia, West Virginia, Ohio, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10449. Authority sought for purchase by H. J. TOBLER TRANSFER, INC., 1012 Peoria Street, Peru, Ill. of the operating rights of GRAVES TRANSFER CO., INC., Wyoming, Ill. 61491, and for acquisition by H. F. TOBLER and J. STUART HALM, both also of Peru, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 99710 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: MC 8515 Sub-10 is a matter directly related.

No. MC–F–10450. Authority sought for control by HERMANN FORWARDING COMPANY, Hermann Road, Post Office Box No. 1, North Brunswick, N.J. 08902 of THE EL DORADO TRANSPORTATION COMPANY, INCORPORATED, 1718 Boston Post Road, Milford, Conn. 06460, and for acquisition by ESTATE OF FRED J. HERMANN, RICHARD W. HERMANN and ALBERT W. HERMANN, all also of North Brunswick, N.J. 08902, of control of the EL DORADO TRANSPORTATION COMPANY, INCORPORATED, through the acquisition by HERMANN FORWARDING COMPANY. Applicants' attorneys: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005, Seth O. L. Brody, 640 Clinton Avenue, Bridgeport, Conn. 06605 and William Traub, 10 East 40th Street, New York, N.Y. 10016. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Spencer, Mass., and Springfield, Mass., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between New Haven and Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut, between points in the New York, N.Y., commercial zone as defined by the Commission; between points in New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Westchester and Nassau Counties, N.Y., and certain specified points in New Jersey, with restriction; *carbon and tissue paper*, from Elizabeth, N.J., to certain specified points in Pennsylvania; *road signals*, from Elizabeth, N.J., to points in Philadelphia and Luzerne Counties, Pa.;

Iron and steel articles, from Elizabeth, N.J., to certain specified points in Pennsylvania; *hardware*, from Elizabeth, N.J., to Plymouth, Pa.; *paper waste and wood pulp*, from Philadelphia, Pa., to Elizabeth, N.J.; *resin compounds*, from Grasselli, N.J., to New York, N.Y., and Scranton, Pa., Waterbury, Conn., and points in Suffolk County, N.Y.; *empty drums and copper sulphate*, from Irvington, N.J., to certain specified points in New York; *chocolate, chocolate coatings, and candy*, from Newark, N.J., to certain specified points in New York; *plumbers' supplies, cast iron*, from Newark, N.J., to points in Ulster and Suffolk Counties, N.Y.; *chemicals*, from Newark, N.J., to certain specified points in New York; *tin and iron ware*, from Newark, N.J., to points in Suffolk County, N.Y.; *leather and artificial leather*, from Newark, N.J., to points in Philadelphia and Bucks Counties, Pa.; *drugs*, from Newark, N.J., to Wilkes-Barre, Pa.; *iron castings*, from Newark, N.J., to points in Philadelphia County, Pa.; *turpentine, chocolates, candies, road signals, iron and steel articles, plumber supplies and equipment, paint, patterns, hardware, cast iron pipe and fittings, and iron castings*, from Newark, N.J., to points in Connecticut on and west of U.S. Highway 5; and *automobile parts and accessories, and batteries*, between Bloomfield, N.J., New York, N.Y., and points in Connecticut. HERMANN FORWARDING COMPANY is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, and Delaware. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10451. Authority sought for purchase by DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216, of the operating rights and property of MONTEZUMA TRUCK LINES, INC., 873 East Third, Post Office Box 637, Durango, Colo. 81302, and for acquisition by DON WARD, also of Denver, Colo., and BOYD E. RICHNER, Post Office Box 1488, Durango, Colo. 81302, of control of such rights and property through the purchase. Applicants' attorneys: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202, and Leslie R. Kehl, Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: *Wool*, as a *common carrier*, over irregular routes, from Cortez, Colo., and points in Colorado within 50 miles thereof, to Gallup, N. Mex.; *cable*, from Aztec, N. Mex., to McElmo, Colo.; *brick*, from Gallup, N. Mex., to Cortez, Colo., and points in Colorado within 50 miles of Cortez, Colo.; *dressed poultry*, from

Cortez, Colo., to Gallup, N. Mex.; *livestock*, between Cortez, Colo., and points in Colorado within 50 miles thereof, on the one hand, and, on the other, Gallup, N. Mex., and points in New Mexico within 50 miles of Gallup, N. Mex.; *cement*, in containers, from Portland, Colo., to points in San Juan County, N. Mex., and points in Navajo and Apache Counties, Ariz., north of a line extending along U.S. Highway 66 through Winslow, Holbrook, and Chambers, Ariz.; *pumice products, concrete products, and clay products*, from points in Bernalillo County, N. Mex., to certain specified points in Colorado and points in Navajo and Apache Counties, Ariz., north of U.S. Highway 66; *cement admixes*, in bulk and in bags, from points in Santa Barbara County, Calif., to certain specified points in Arizona, San Juan and Rio Arriba Counties, N. Mex., and certain specified points in Colorado; *gypsum board and gypsum plaster* (other than point and joint cement compound), restricted to a prior movement by railroad, from Albuquerque, N. Mex., to points in San Juan County, Utah, Apache and Navajo Counties, Ariz., San Juan and Rio Arriba Counties, N. Mex., and certain specified points in Colorado; *pumice block*, from Albuquerque, N. Mex., to points in San Juan County, Utah, Apache and Navajo Counties, Ariz., and certain specified points in Colorado; and *clay products*, from Denver and Pueblo, Colo., to points in San Juan, Utah, Apache and Navajo Counties, Ariz., and San Juan and Rio Arriba Counties, N. Mex., from Albuquerque, N. Mex., to points in San Juan County, Utah, Apache and Navajo Counties, Ariz., and certain specified points in Colorado. Vendee is authorized to operate as a *common carrier* in Utah, Colorado, New Mexico, Wyoming, Nebraska, Kansas, South Dakota, Montana, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10452. Authority sought for control and merger by T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 66 South Miller Road, Akron, Ohio 44313, of the operating rights and property of ALL-OHIO EXPRESS, INC., 1920 East Waterloo Road, Akron, Ohio 44308. Applicants' attorneys: Noel F. George and John P. McMahon, both of 100 East Broad, Columbus, Ohio 43215. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC-97796 Sub-3, covering the transportation of property, as a *common carrier*, in intrastate commerce, within the State of Ohio. T. T. BROOKS TRUCKING COMPANY, INCORPORATED, is authorized to operate as a *common carrier* in Ohio, Tennessee, Georgia, Kentucky, Alabama, and Mississippi. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-4836; Filed, Apr. 22, 1969; 8:51 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 18, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T-681 Sub 28, filed January 24, 1969. Applicant: HELMS MOTOR EXPRESS, INC., Post Office Box 700, Albermarle, N.C. 28001. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment), for operating convenience only and with no service at any intermediate point thereon, over the following routes: (1) between Salisbury, N.C., and Statesville, N.C., over U.S. Highway 70 for operating convenience only, serving no intermediate points, except those presently served: Cleveland, Barber and Fiberton (all presently served off U.S. Highway 801); (2) between Rockingham, N.C. and Charlotte, N.C. over U.S. Highway 74 for operating convenience only, serving no intermediate points; and (3) between Statesville, N.C. and Conover, N.C. over U.S. Highway 70 for operating convenience only, serving no intermediate points. Both intrastate and interstate authority sought.

HEARING: Friday, May 30, 1969 at 10 a.m., in offices of North Carolina Utilities Commission, Ruffin Building, 1 West Morgan Street, Raleigh, N.C. 27602. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C. 27602, and should not be directed to the Interstate Commerce Commission.

State Docket No. 69-73-MF/0, filed March 19, 1969. Applicant: SPALDING TRANSPORT, INC., 827 West 26th Avenue, Anchorage, Alaska 99503. Applicant's representative: Joe Hermon Spalding (same address as above). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *contractors equipment, industrial machinery, and materials and supplies*, between points in Alaska Zones 3, 4, 5, 6, and 7, over irregular routes, in a nonschedules service. Both intrastate and interstate authority sought.

HEARING: Monday, May 5, 1969 at 9 a.m., at the Alaska Transportation Commission Office, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 2600, filed April 7, 1969. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Sequin Road, San Antonio, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (a) between Hempstead, Tex., and Marlin, Tex., via Navasota, College Station, Bryan, and Hearne over Texas Highway 6, serving Navasota, College Station, and Bryan and all intermediate points between Navasota and Bryan; serving Hempstead, Hearne, the junction of Texas Highways 6 and 14, and Marlin only, for the purpose of forming joinder of routes with existing routes and (b) between Navasota and Brenham via Texas Highway 90, serving no intermediate points and serving Brenham only for the purpose of forming joinder of routes with existing routes; coordinating this service with that rendered under other authority. Both intrastate and interstate authority sought.

HEARING: Application will be heard approximately 30 days after notice in the FEDERAL REGISTER, at 9 a.m., in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, Tex. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Motor Transportation Section, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 4350, filed April 7, 1969. Applicant: TEXAS CENTRAL MOTOR LINES, INC., Box 698, Gorman, Tex. 76454. Applicant's representative: Johnnie B. Rogers, 313 Perry-Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity, sought to operate a freight service as follows: Transportation of *General commodities* over the following routes: (a) State Highway 6 and FM Road 927 between Dublin and Walnut Springs, (b) FM Road 219 and U.S. Highway 281 between Dublin and Evant; (c) FM Road 587 and State Highway 36 between DeLeon and Cross Plains; (d) U.S. Highway 67 between Dublin and Glen Rose; (e) State Highway 16 and State Highway 36 between DeLeon and Gustine; (f) State Highway 6 between Gorman and Carbon, and (g) State Highway 16 between DeLeon and Desdamonia. Applicant proposes to serve all intermediate points on said routes. Both intrastate and interstate authority sought:

HEARING: Approximately 30 days after application appears in the FEDERAL REGISTER in Austin, Tex., at the Ernest O. Thompson Building, 10th and Colorado Streets. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Motor Transportation Section, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-4837; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 817]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 18, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 68328 (Sub-No. 2 TA), filed April 10, 1969. Applicant: JERSEY SEABOARD LINES, INC., Post Office Box 1, Spring Lake, N.J. 07762. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading,) between points in Monmouth, Middlesex, and Ocean Counties, N.J., on the one hand, and, on the other, points in New Jersey in the New York, N.Y., commercial zone as defined by the Commission, East Rutherford, Lyndhurst, Newark, Port Newark, Elizabeth, Port Elizabeth (Union County), and Kearny, N.J., restricted to shipments having prior or subsequent movement in interstate commerce, for 150 days. Supporting shippers: There are approximately 18 statements of support attached to the application, which may be examined here at the Offices of the Interstate Commerce Commission, or at the field office named below. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, 410 Post Office Building., Trenton, N.J. 08608.

No. MC 103435 (Sub-No. 208 TA), filed April 9, 1969. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, from Yankton and Sioux Falls, S. Dak., to points in Washington, Oregon, Idaho, Montana, Wyoming, Colorado, North Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, and Illinois, for 180 days. NOTE: Carrier does intend to tack with authority in Sub 2 and interline in destination territories where interline carriers are available. Supporting shippers: Rich Brothers, Post Office Box 514, Sioux Falls, S. Dak. 57101. Send protests to: Herbert C. Ruoff, District Supervisor, 2022 Federal Building, Denver, Colo. 80202.

No. MC 106089 (Sub-No. 11 TA), filed April 11, 1969. Applicant: JOHN G. LANE LINE, INC., 1017 North McDuff Avenue, Jacksonville, Fla. 32205. Applicant's representative: McCarthy Crenshaw, 1205 Universal Marion Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and merchandise distributed by baking companies*, and, in connection therewith, *bakery advertising matter*, from Miami, Fla., to Greenville, S.C., and points within 15 miles thereof; and *stale or rejected bakery products*, from said destination to said origin, for 150 days. Supporting shipper: Winn-Dixie Stores, Inc., and/or Dixie Darling Bakers, Inc., 825 Barnett Street, Jacksonville, Fla. 32203. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 107227 (Sub-No. 104 TA) (Correction), filed March 26, 1969, published FEDERAL REGISTER, issue of April 8, 1969, and republished as corrected this issue. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94557. Applicant's representative: Howard Berry (same address as above). The purpose of this republication is to show that applicant seeks temporary authority for a period of 180 days. This information was inadvertently omitted from previous publication.

No. MC 107515 (Sub-No. 650 TA), filed April 9, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., 3901 Jonesboro Road, Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Standard Foods, Inc., Louisville, Ky., to Huntington and Charleston, W. Va., Chicago, Ill., St. Louis, Mo., South Bend and Indianapolis, Ind., Dover, Salem, and Cincinnati, Ohio, Detroit, Pontiac, Port Huron, Ann Arbor, Jackson, Saginaw, and Lansing, Mich., for 150 days. Supporting shipper: Standard Foods, Inc., 1101 East Washington Street, Louisville, Ky. 40206. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 114840 (Sub-No. 7 TA), filed April 10, 1969. Applicant: EUGENE EBY, GLENN EBY, AND WAYNE EBY, a partnership, doing business as EBY BROTHERS, 2633 Regan, Boise, Idaho 83702. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood, particleboard and laminated wood beams*, between points in Idaho south of the northern boundary of Idaho County and points in Baker, Grant, Harney, Malheur, Umatilla, Union, and Wallowa Counties, Oreg., for 180 days. NOTE: Applicant states it does not intend to tack, applied for authority to other authority held, or to interline with other carriers. Supporting shippers: Hoff Lumber Co., Horseshoe Bend, Idaho, Beall Lumber Co., Post Office Box 2172, Boise, Idaho 83701, and Boise Cascade Corp., Post Office Box 7747, Boise, Idaho 83707. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 115523 (Sub-No. 151 TA), filed April 11, 1969. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar*, in bulk, from the plantsites of The Amalgamated Sugar Co., at Twin Falls and Rupert, Idaho, and 5 miles of each, to all points in Utah, (2) *contaminated, rejected, or return movements of sugar*, in bulk, from points in Utah to Twin Falls and/or Rupert, Idaho, and 5 miles of each, for 180 days. Supporting shipper: The Amalgamated Sugar Co., First Security Bank Building, Post Office Box 1520, Ogden, Utah 84402. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 119135 (Sub-No. 2 TA), filed April 11, 1969. Applicant: AGNES H. WOODSON, doing business as WOODSON TRUCKING COMPANY, Post Office Box 52, Bluefield-Tazewell Road,

North Tazewell, Va. 24630. Applicant's representative: Robert M. Richardson, 602 Law and Commerce Building, Bluefield, W. Va. 24701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized rock products*, in bags, from points in Tazewell and Russell Counties, Va., to points in Virginia, West Virginia, and Kentucky within a radius of 150 air miles of Bluefield, Va., for 180 days. Supporting shipper: The Limestone Dust Corp., Box 152, Bluefield, Va. 24605. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 119493 (Sub-No. 47 TA), filed April 11, 1969. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel cans and accessories* in truckload lots and/or in mixed shipments with animal feed or ingredients, from Strongheart Products Co. plant in Kansas City, Kans., to Strongheart Products Co. plant and facilities located at Momence, Ill., and Greenville, Miss., for 180 days. Supporting shipper: Strongheart Products Co., Post Office Box 2009, Kansas City, Kans. 66110. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123392 (Sub-No. 14 TA), filed April 14, 1969. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, replacement, repossessed, and abandoned motor vehicles and trailers* (excluding trailer houses and/or mobile homes), together with parts and cargo related thereto, exclusively in wrecker service. Between points in Armstrong, Carson, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Oldham, Potter, Randall, Roberts, Sherman and Wheeler Counties Tex., and points in Colorado, Kansas, New Mexico, and Oklahoma, for 180 days. Supporting shippers: Panhandle White Truck Service, 3810 Northeast Eighth Street, Amarillo, Tex. Cummins Sales & Service, Inc., Post Office Box 5327, Amarillo, Tex. 79107. Forrester Truck Co., Box 546, Amarillo, Tex. 79105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 124988 (Sub-No. 2 TA), filed April 14, 1969. Applicant: H. H. HOCKER, doing busines as TRUCK SERVICE COMPANY, 2111 Southwest Boulevard, Tulsa, Okla. 74107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, vermiculite* charred, *naphtha (distillate) lighter fluid* in containers, *spices and sauces*, from Kingsford Co. plant and warehouse sites near Belle, Mo., and Ellis Spur, near Bland, Mo., to points in Arkansas, Oklahoma (except Tulsa and Oklahoma City), New Mexico, and Texas, for 180 days. Supporting shippers: Kingsford Co. (Levern N. Forseth), 1122 Commonwealth Building, Post Office Box 1033, Louisville 1, Ky.; Rogers & Shirley Brokerage Co., Carl Rogers, General Manager, 2525 East 21st Street, Tulsa, Okla. 74152. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 127952 (Sub-No. 8 TA), filed April 14, 1969. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Los Angeles County, Calif., to points in Maricopa, Pima, Navajo, and Yuma Counties, Ariz., for 180 days. Supporting shippers: Ball Brothers Co., Inc., Muncie, Ind. 47302; Glass Containers Corp., 535 North Gilbert Avenue, Fullerton, Calif. 92634; Brockway Glass Co., Inc., 8717 G Street, Oakland, Calif.; Owens-Illinois, 1700 South El Camino Real, San Mateo, Calif. 94402; Thatcher Glass Manufacturing Co., 1901 Grand Central Avenue, Elmira, N.Y. 14902. Send protests to: District Supervisor, John E. Nance, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 127964 (Sub-No. 3 TA), filed April 14, 1969. Applicant: JOHN H. OSBORNE, doing business as OSBORNE TRUCKING CO., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in South Dakota and to those points in Nebraska, lying on and west of U.S. Highway 33, for 180 days. Supporting shipper: Star Studs, Inc., Post Office Box 517, Afton, Wyo. 83110. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 304, Lord Building, 259 South Center Street, Casper, Wyo. 82601.

No. MC 128279 (Sub-No. 9 TA), filed April 11, 1969. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3763, Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 700 La Veta Drive, NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Single or concentric cylinders or containers*, loaded or empty, which because of size, or construction, require special equipment or handling, and accessories, components, and related parts thereof moving in connection therewith, except such of the foregoing commodities as are used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between the Nevada Test Site of the U.S. Atomic Energy Commission located near Mercury, Nev., on the one hand, and, on the other, Los Alamos, N. Mex., for 180 days. Supporting shipper: Atomic Energy Commission, Los Alamos, N. Mex. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 129990 (Sub-No. 2 TA), filed April 11, 1969. Applicant: AL GAZZOLLE & SONS, INC., Pier 26 North River, New York, N.Y. 10009. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients and raw materials used to manufacture cosmetics, soaps, and bath powders*, shipped in overseas containers and having a prior movement to United States by water, between steamship piers in New York, N.Y., commercial zone and, Ramsey, N.J., limited to shipments moving under continuing contract with Vita Bath, Inc., for 150 days. Supporting shipper: Vita Bath, Inc., 565 East Crescent Avenue, Ramsey, N.J. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133114 (Sub-No. 1 TA), filed April 9, 1967. Applicant: UNITED TOWING SERVICE, 8955 Atlantic Avenue, South Gate, Calif. 90280. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* (except passenger automobiles or trailers designed to be drawn by passenger vehicles), and *replacement vehicles* for wrecked or disabled motor vehicles, between points in Los Angeles County, Calif., on the one hand, and, on the other, points in Arizona, Nevada, and New Mexico, for 180 days. Supporting shippers: Baker Commodities, Inc., 4020 Bandini Boulevard, Los Angeles, Calif. 90023; and Aerojet-General Corp., 11711 Woodruff Avenue, Downey, Calif. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133315 (Sub-No. 1 TA), filed April 14, 1969. Applicant: ASBURY SYSTEM, 2222 East 38th Street, Vernon, Calif. 90058. Applicant's representative: James W. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles, Calif. 90013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum core*, in bulk, from El Segundo, Calif. to Long Beach, Calif., for 150 days. Supporting shipper: Standard Oil Co. of California, 225 Bush Street, San Francisco, Calif. 94120. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133545 (Sub-No. 1 TA), filed April 10, 1969. Applicant: DAVID DEMONS, doing business as LEMONS HOUSE MOVING, 1250 Houston Road, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses or buildings*, set up or in sections, other than knocked down flat, and not including mobile homes or buildings designed for transportation in towaway service, from points in Idaho south of the Salmon River to points in Montana and points in Teton, Sublette, Lincoln, Uinta, Sweetwater, Park, and Fremont Counties, Wyo., and Yellowstone National Park, for 180 days. NOTE: No tacking or interlining is proposed. Supporting shippers: Ben Bros. Construction, 210 Colorado Avenue, Idaho Falls, Idaho 83401; and Boise Cascade Corp., Post Office Box 7747, Boise, Idahó 83707. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 133594 (Sub-No. 1 TA), filed April 11, 1969. Applicant: INTRACOASTAL TRANSFER LINE, INC., 1200 Peters Road, Post Office Box 354, Harvey, La. 70058. Applicant's representative: Daniel Lund, 806 National Bank of Commerce Building, New Orleans, La. 70112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials*, from the plantsite and warehouse at the National Gypsum Co. at Westwego, La., to points in Alabama, Mississippi, and those in that part of Florida on and west of U.S. Highway 319 and *return shipments*, on return, for 180 days. Supporting shipper: National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133611 TA, filed April 7, 1969. Applicant: KING TRANSPORT, INC., 753 Marion Road, Columbus, Ohio 43207. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bars; bar shapes; plate; structural plates; sheet; grating and expanded metal*, between Columbus, Ohio, on the one hand, and, on the other (1) points in West Virginia located in the region or on the boundary described as follows: On the north and west by the Ohio River and the south and east beginning at St. Marys, W. Va., extending along West Virginia Route No. 2 to junction of U.S. Highway No. 21 at Parkersburg, W. Va., thence along U.S. Highway 21 to junction U.S. Highway No. 33; thence along U.S. Highway 33 to junction West Virginia Highway No. 2; thence along West Virginia Highway No. 2 to junction U.S. Highway No. 60 at Huntington W. Va.; thence along U.S. Highway 60 to Kentucky-West Virginia State line; (2) points in Kentucky located in the region or on the boundary described as follows: On the north by the Ohio River on the south beginning at the Kentucky-West Virginia State line at U.S. Highway No. 60; thence along U.S. Highway No. 60 to junction U.S. Highway No. 23; thence along U.S. Highway No. 23 to the Ohio-Kentucky State line at Portsmouth, Ohio. Restricted to the transportation of shipments weighing 15,000 pounds or less. The operations sought herein are limited to a transportation service to be performed under a continuing contract, or contracts with the Brown Steel Co. of Columbus, Ohio, for 180 days. Supporting shipper: The Brown Steel Co., 753 Marion Road, Columbus, Ohio 43207. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 133618 TA, filed April 9, 1969. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Elizabethville, Pa. 17023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat products, packinghouse products and articles distributed by meat packinghouses as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), and *meats, meat products, packinghouse products, and articles distributed by meat packinghouses*, as set forth in sections A and C. Descriptions in Motor Carrier Certificates, M.C.C. 209 and 766, having a prior movement in interstate commerce, from Harrisburg, Pa., to Elizabethville, Pa., and from Elizabethville, Pa., to points in Pennsylvania, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, 228 Walnut Street, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 133625 TA, filed April 14, 1969. Applicant: HAWK TRANSIT, INC., 118 Ashley Street, Douglas, Ga. 31533. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile Homes*, from points in Coffee County, Ga., to points in Florida, for 180 days. Supporting shippers: Bright Leaf Corp., Post Office Box 1137, Douglas, Ga. 31533, Douglas Homes, Inc., Post Office Box 228, Douglas, Ga. 31533. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133626 TA, filed April 11, 1969. Applicant: JEAN CHARLES VOYER, Riviere a Pierre, County of Portneuf, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from ports of entry the United States-Canadian boundary line at or near Champlain, Alexandria Bay, and Roosevelt Town, N.Y., and Beecher Falls, Vt., to points in New York State, Pennsylvania, Ohio, Massachusetts, Vermont, and New Hampshire, for 180 days. Supporting shipper: Thomson Granite Co., Ltd., 39 Grangemill Cres., Don Mills, Ontario, and Dumas & Voyer, Riviere a Pierre, Ctc Portneuf, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133627 TA, filed April 14, 1969. Applicant: COMMON MARKET DISTRIBUTING CORPORATION, 310 West Watkins Road, Post Office Box 3902, Phoenix, Ariz. 85003. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3350 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vitrified clay pipe and cast-iron manhole frames, covers, and steps*, from Pueblo, Colo., to points in Arizona for R. L. Coburn Co., Inc., for 180 days. Supporting shipper: R. L. Coburn Co., Inc., 1804 South 27th Avenue, Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 133 TA), filed April 9, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: Barrett Elkins, 1400 West Third Street, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and the baggage of passengers*, having a prior or subsequent movement by rail, between junction of U.S. Highway 6 and Ohio Highway 199 (formerly U.S. Highway 23) at New Rochester, Ohio, and Bowling Green, Ohio; from junction of U.S. Highway 6 and Ohio Highway 199 (formerly U.S. Highway 23) at New Rochester, Ohio, over U.S. Highway 6 to Bowling Green, and return over the same route, serving no intermediate points, for 150 days. NOTE: Applicant requests authority to tack authority sought to its existing authority. Supporting shippers: The Chesapeake and Ohio Railway Co. and The Baltimore and The Baltimore and Ohio Railway Co., Passengers Services Department, Baltimore, Md. 21201. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219

South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4838; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 330A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70736. By order of April 14, 1969, Division 3, acting as an Appellate Division, approved the transfer to Ridgeway Motor Coach, Inc., Baltimore, Md., of certificate in No. MC-112716 (Sub-No. 1), issued May 21, 1952, to National Motor Tours, Inc., Baltimore, Md., authorizing the transportation of: Passengers and their baggage, in charter and special operations. From Baltimore, Md., and points in nearby counties, to Washington, D.C., New York, N.Y., and points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, and New Jersey within 150 miles of Baltimore. Charles McD. Gillan, Jr., 113 Montrose Avenue, Baltimore, Md. 21228, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4839; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 331]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 18, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71250. By order of April 8, 1969, the Motor Carrier Board approved the transfer to South End Cartage, Inc., Chicago, Ill., of certificate No. MC-8472 issued August 28, 1942, to James Niner, doing business as South End Cartage, Chicago, Ill., authorizing the transportation of: General commodities, with the usual exceptions, between points in the Chicago, Ill., commercial zone, as defined by the Commission. Harold E. Marks, 208 South La Salle Street, Chicago, Ill. 60604, attorney for applicants.

No. MC-FC-71052. By order of April 8, 1969, the Motor Carrier Board approved the transfer to V & F Enterprises, Inc., McCook, Nebr., of certificates Nos. MC-102426 and MC-102426 (Sub-No. 2), issued December 22, 1942, and July 19, 1955, respectively, to V. H. Fette, McCook, Nebr., authorizing the transportation of: Heavy machinery and engines, from and to points on rail lines, for distances not to exceed 10 miles in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 183 to Phillipsburg, Kans., thence along Kansas Highway 1 to junction U.S. Highway 83 and thence along U.S. Highway 83 to the Kansas-Nebraska State line, and that part of Nebraska on and west of U.S. Highway 83; portable houses and buildings, between points in that part of Colorado on and east of a north and south line drawn through Brush, Colo., and that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 183 to Phillipsburg, Kans., thence along Kansas Highway 1 to junction U.S. Highway 83, and thence along U.S. Highway 83 to the Kansas-Nebraska State line, and that part of Nebraska on and west of U.S. Highway 83; and buildings, complete, knocked down or in sections, and all component parts and materials used in assembling, erection, or completion of such buildings, when shipped with same, between points in Kansas, on the one hand, and, on the other, points in Colorado and Nebraska. David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73101, attorney for applicant.

No. MC-FC-71191. By order of April 8, 1969, the Motor Carrier Board approved the transfer to Harry J. Patton and Carlos E. Brewer a partnership, doing business as Patton Trucking Co., Homer, Ill., of certificate No. MC-36587 issued December 13, 1955, to H. M. Waggoner, Homer, Ill., authorizing the transportation of: Sand and gravel, tile and clay products, coal, and livestock, between specified points in Illinois and Indiana. Nolan C. Craver, Jr., 210 North Broadway, Urbana, Ill. 61801, attorney for applicants.

No. MC-FC-71004 Republication—Supplemental Order. Miller Transporters, Inc., a Mississippi corporation, transferee, and Miller Transporters, Inc., a Louisiana corporation, transferor. The order of the Transfer Board entered in the subject proceeding December 30, 1969 is supplemented to approve the transfer of the additional operating rights to transferee in certificates Nos. MC-107002 (Sub-No. 241), MC-107002 (Sub-No. 301), and MC-107002 (Sub-No. 335), in addition to the rights acquired by transferee in the previous order. The supplemental order also approves and authorized the transfer to transferee of the operating rights acquired pursuant to approval and consummation of No. MC-F-10245, covering the transportation of: Petroleum and petroleum products, as defined in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Concordia, Catahoula, and Tensas Parishes, La., to points in Adams County, Miss., with no transportation for compensation on return except as otherwise authorized.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4840; Filed, Apr. 22, 1969; 8:51 a.m.]

[Notice 331A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 18, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-71340. By application filed April 17, 1967, ALVIN GRAHAM AND RODNEY ASKIN, doing business as BAKER TRUCKING SERVICE, 16 South Second West, Baker, Mont., seeks temporary authority to lease the operating rights of DONNA IONE JACOBS, doing business as JACOBS TRUCKING SERVICE, 16 South Second West, Baker, Mont., under section 210a(b). The transfer to ALVIN GRAHAM and RODNEY ASKIN, doing business as BAKER TRUCKING SERVICE, is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4841; Filed, Apr. 22, 1969; 8:51 a.m.]

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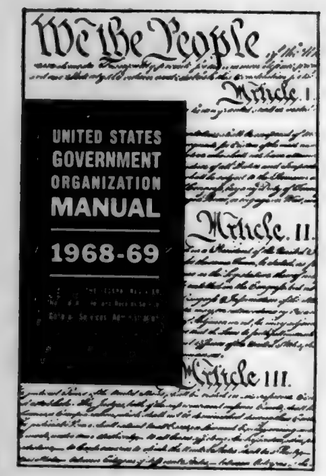
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FEDERAL REGISTER

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that a second position of Confidential Assistant to the Under Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (10) of paragraph (a) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(10) Two Confidential Assistants to the Under Secretary.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4909; Filed, Apr. 23, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that a fourth position of Assistant to the Secretary for Special Programs is expected under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (23) of paragraph (a) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(23) Four Assistants to the Secretary for Special Programs.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4910; Filed, Apr. 23, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the position of Confidential Assistant to the Assistant Administrator for Congressional and Public Affairs is excepted under Schedule C, and that the position of Advisory Councils Officer replaces the position of Special Assistant to the Administrator for Advisory Councils in Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (g) is amended and paragraph (1) is added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * * *

(g) One Advisory Councils Officer.

* * * * * *

(1) One Confidential Assistant to the Assistant Administrator for Congressional and Public Affairs.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4911; Filed, Apr. 23, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-20]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On April 3, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6050) stating that the Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would designate a temporary restricted area overlying the current Camp Roberts, Calif., Restricted Area R-2504.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective June 16, 1969, as hereinafter set forth.

Section 73.25 (34 F.R. 4814) is amended by adding R-2504A as follows:

R-2504A CAMP ROBERTS, CALIF.

Boundaries: Beginning at lat. 35°42'18" N., long. 120°47'55" W.; to lat. 35°42'18" N., long. 120°47'20" W.; to lat. 35°42'58" N., long. 120°45'33" W.; to lat. 35°46'38" N., long. 120°44'38" W.; to lat. 35°47'18" N., long. 120°44'45" W.; to lat. 35°47'54" N., long. 120°45'49" W.; to lat. 35°49'10" N., long. 120°45'40" W.; to lat. 35°51'00" N., long. 120°46'25" W.; to lat. 35°51'11" N., long. 120°47'55" W.; to lat. 35°48'50" N., long. 120°49'58" W.; to lat. 35°46'00" N., long. 120°49'55" W.; to lat. 35°44'03" N., long. 120°48'08" W.; to lat. 35°43'08" N., long. 120°49'00" W.; to lat. 35°42'44" N., long. 120°48'48" W.; to point of beginning.

Designated altitudes: 5,000 feet MSL to 10,000 feet MSL.

Time of designation: 0600 to 2400 P.s.t., Monday through Friday, June 16 through July 25, 1969.

Controlling agency: FAA, Oakland ARTC Center.

Using agency: Commanding General, Fort Ord, Calif.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 21, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-4925; Filed, Apr. 23, 1969; 8:51 a.m.]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to change the time of designation of Restricted Area R-4305, Lake Superior, Minn. (now in central time zone) and R-6403, Tooele, Utah (now in Pacific time zone).

Time zone boundary changes, effective April 27, 1969, will place R-4305 in the eastern time zone and R-6403 in the mountain time zone.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

1. In § 73.43 (34 F.R. 4833), Restricted Area R-4305, Lake Superior, Minn., is amended by deleting "Time of designation. 0001 c.s.t. Monday to 2400 c.s.t. Friday." and substituting therefor "Time of designation. 0001 local time Monday to 2400 local time Friday."

2. In § 73.64 (34 F.R. 4847) Restricted Area R-6403, Tooele, Utah, is amended by deleting "Time of designation. 0800 to 2000 P.s.t." and substituting therefor "Time of designation. 0800 to 2000 local time."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 21, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-4926; Filed, Apr. 23, 1969; 8:51 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-109; Amdt. 26]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Dismissal of Application Following Denial of Motion To Consolidate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of April, 1969.

On January 13, 1969, the Board issued a notice of proposed rule making (PDR-29, ODR-5, 34 F.R. 625, Jan. 16, 1969) to amend Part 302 to provide for dismissal under certain conditions of an application filed under section 401 of the Federal Aviation Act, as amended, where a petition for consolidation has been denied, and for refund of filing fees.[1]

Rule 12(d) of the Board's procedural regulations now provides for dismissal of remaining portions of section 401 applications partially designated for hearing or consolidated hearing. The proposed rule would provide, additionally, for dismissal of an application where a motion for consolidation is denied in all respects, and the application was filed after issuance of a Board order of investigation or an order or notice setting an application for hearing. The purpose of the amendment is to assist in clearing the Board's docket of stale cases, without adversely affecting any applicant's rights, since dismissal would be without prejudice to refiling.

Comments were received from Airlift International, Inc., and Pan American World Airways, Inc. For the reasons hereinafter set forth, we have decided to adopt the rule as proposed.

Pan American asks that the Board not adopt the proposed amendment. Pan American disagrees with the conclusion in the Board's explanatory statement that when consolidation is denied "there may be little likelihood of a separate proceeding on the application within the near future." According to Pan American, past experience indicates that separate proceedings involving excluded applications "are likely to result." However, in support of its conclusion, Pan American cites only a few cases, and the Board believes that there are a sufficient number of instances in which excluded applications are not the subject of further proceedings to justify the proposed rule.

Airlift does not oppose the proposed amendment, but recommends that the language be revised to preclude dismissal where the applicant specifically requests continuation in the event consolidation is denied. We will not adopt this suggestion, because we believe that the purpose of the proposed amendment would be frustrated by the routine inclusion of such requests in applications. Nor do we believe, as stated by Airlift, that there is any significant expense entailed in "redrafting and refiling" an application previously filed.

Accordingly, the Civil Aeronautics Board hereby amends § 302.12 of its procedural regulations (14 CFR Part 302) effective May 23, 1969, by adding a new paragraph (e) as follows:

§ 302.12 Consolidation of proceedings.

* * * * *

(e) *Dismissal of applications denied consolidation.* When the Board denies, in its entirety, consolidation of an application filed under section 401 of the Act, the Board will dismiss without prejudice such application if the application was filed after commencement of the proceeding into which the application was sought to be consolidated. For purposes of this paragraph, a proceeding shall be deemed to commence upon the issuance of a Board order of investigation, or an order or notice setting an application for hearing.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4927; Filed, Apr. 23, 1969; 8:51 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-37; Amdt. 5]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Refund of Fees Following Dismissal of Application After Denial of Motion To Consolidate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of April, 1969.

In regulation PR-109, issued concurrently herewith, Part 302 is amended to require dismissal of applications under section 401 of the Act where a motion to consolidate is denied in all respects. The amendment herein allows for the refund of fees following dismissal comparable to the refund applicable to dismissal under the stale application rule of § 302.911 of this chapter.

Accordingly, the Board hereby amends § 389.25(a)(1) of the Organization Regulations (14 CFR Part 389) effective May 23, 1969, as follows:

§ 389.25 Schedule of filing and license fees.

(a) *Certificates of public convenience and necessity.* (1) The filing fee for an application, under section 401 of the Act, (i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew, or transfer a certificate or to abandon a route or a part thereof, is $200. The fee will be refunded if the application is withdrawn prior to hearing, or is dismissed under the stale application rule of § 302.911 of this chapter, or is dismissed pursuant to the denial of consolidation rule of § 302.12(e) of this chapter.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4928; Filed, Apr. 23, 1969; 8:51 a.m.]

[1] Issued concurrently with this rule is OR-37 amending Part 389 providing for refund of filing fees.

Title 25—INDIANS

Chapter III—Indian Claims Commission

PART 503—GENERAL RULES OF PROCEDURE

Miscellaneous Amendments

Section 503.1, Chapter III of Title 25, the General Rules of Procedure of the Indian Claims Commission, is hereby amended by adding the following subsection:

§ 503.1 Petitioners.

* * * * *

(e) Parties filing claims before the Commission shall be designated as the petitioner or plaintiff and the United States shall be designated as the respondent or defendant.

Section 503.11, Chapter III of Title 25, the General Rules of Procedure of the Indian Claims Commission, is hereby amended by adding the following rule on motion for summary judgment to subsection (c) thereof:

§ 503.11 Defenses and objections.

* * * * *

(c) (1) *Motion for summary judgment*—(i) *For plaintiff.* A party seeking to recover on a claim or counterclaim may, at any time after a responsive pleading or a dispositive motion has been filed by the adverse party, move with or without supporting affidavits for a summary judgment in his favor upon all or any part thereof.

(ii) *For defending party.* A party against whom a claim or counterclaim is asserted may at any time move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof.

(iii) *Motion and proceedings thereon.* After a motion for summary judgment has been filed and after expiration of the time allowed for a response thereto or a reply to the response, such motion may be assigned to the calendar. The judgment sought shall be rendered if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(iv) *Case not fully adjudicated on motion.* If, on motion under this rule, judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the Commission may ascertain (if it is practicable to do so upon the basis of examining the pleadings and the evidence before it and interrogating counsel) what material facts exist without substantial controversy and what material facts are in good faith controverted. It shall thereupon make an order specifying the facts that appear to be without substantial controversy (including the extent to which the amount of damages or any relief is not in controversy), and directing such further proceedings in the action as are just. Upon the trial of the action, the facts so specified shall be deemed to be established, and the trial shall be conducted accordingly.

(v) *Form of affidavits; further testimony.* Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The Commission may permit affidavits to be supplemented or opposed by depositions or by further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, will be entered against him.

(vi) *When affidavits are unavailable.* Should it appear from the affidavit of a party opposing the motion that he cannot, for reasons stated present by affidavit facts essential to justify his opposition, the Commission may deny the motion for summary judgment, or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had, or may make such other order as is just.

* * * * *

§ 503.34b [Amended]

Section 503.34b(b), Chapter III of Title 25, the General Rules of Procedure of the Indian Claims Commission, is hereby amended by deleting the word "seven" in the first line of said section and substituting therefor the word "ten".

Section 503.34b(c), Chapter III of Title 25, the General Rules of Procedure of the Indian Claims Commission, is hereby amended as follows:

Notice of filing of such petitions shall be given by the Clerk to the Attorney General, to the chief or other head officer of the plaintiff, if there be one, otherwise to the plaintiff in care of the agency superintendent under whose jurisdiction the plaintiff may be, to the Commissioner of Indian Affairs, to the attorney of record for plaintiff, and to such agency superintendent. The notice of application sent to the plaintiff shall be accompanied by a copy of the petition, or petitions, as the case may be, and the Commission may in its discretion, or for good cause shown, schedule a hearing on such petition, or petitions.

JOHN T. VANCE,
Chairman.

JEROME K. KUYKENDALL,
Commissioner.

RICHARD W. YARBOROUGH,
Commissioner.

MARGARET H. PIERCE,
Commissioner.

THEODORE R. MCKELDIN,
Commissioner.

[F.R. Doc. 69-4875; Filed, Apr. 23, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Based on Negligence Under Federal Tort Claims Act

In § 536.29, paragraph (d) is revised; subparagraph (18) of paragraph (h) is revised; subparagraphs (3) and (4) of paragraph (i), new subparagraph (2)(iii) is added, and subparagraphs (4) and (6) are revised; paragraph (o) is revised; paragraph (q) is revised; and paragraph (s) is revised, as follows:

§ 536.29 Claims based on negligence of military personnel or civilian employees under the Federal Tort Claims Act.

* * * * *

(d) *Claims payable.* Unless otherwise prescribed, claims for death, personal injury, or damage to or loss of property (real or personal) are payable under this section when the injury or damage is caused by negligent or wrongful acts or omissions of military personnel or civilian employees of the Department of the Army or civilian employees of the Department of Defense while acting within the scope of their employment under circumstances in which the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occured. As to claims incidents occurring on or after 1 January 1969, an Army National Guard technician employed under subsection 709(a) of title 32, United States Code, is an employee of the Department of the Army (Public Law 90-486, 13 August 1968, 82 Stat. 755).

* * * * *

(h) *Claims not payable.* * * *

(18) Falls under—

(i) The Federal Employees' Compensation Act (5 U.S.C. 8101-8150) which is an exclusive remedy against the United States; or

(ii) Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901) or other workmen's compensation laws or regulations, including local law or custom, in cases where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee. If, in the opinion of an approving or settlement authority the claim should be considered payable, e.g., the injuries did not result from a normal risk of employment or adequate compensation is not payable under workmen's compensation laws, the file will be forwarded with recommendations through claims channels to the Chief, U.S. Army Claims Service, who may authorize payment of an appropriate award. The Chief, U.S. Army Claims Service, also may specify that all or any part of any compensation received by the claimant from workmen's compensation sources as above will be deducted from the award to claimant. The claim of an insurance carrier subrogee who has received premiums paid directly or indirectly by the United States on behalf of the injured employee, however, is not allowable.

(i) *Claims under other laws and sections.* * * *

(3) [Revoked]

(4) [Revoked]

(j) *Procedures.* * * *

(2) *Claim.* * * *

(iii) A copy of each claim which appears to be of a type that must be brought to the attention of the Attorney General (par. (q) of this section), or one in which settlement may exceed $5,000, will be forwarded immediately to the Chief, U.S. Army Claims Service. The U.S. Army Claims Service, which has settlement authority for such claims, is responsible for the monitoring and settlement of such claims and will be kept informed of the status of the investigation and processing thereof. Direct liaison and correspondence between the U.S. Army Claims Service and the field claims authority or investigator is authorized on all claims matters, and assistance will be furnished as required.

* * * * *

(4) *Acknowledgment of claim.* The claimant and his attorney will be kept informed by personal contact, telephonic contact, or mail of the receipt of his claim and the status of the claim. Formal acknowledgment of the claim in writing is required only where the claim is likely to result in litigation. In this event, the letter of acknowledgment will state the date of receipt of the claim by the first agency of the Army receiving the claim.

Litigation may be deemed likely in any claim in excess of $1,000 or in which the issues involved are such that litigation may ensue.

• • • • •

(6) *Advice to claimant.* (i) A full explanation of claims procedures and of the rights of the claimant will be made to the extent necessitated by the amount and nature of the claim.

(ii) In a case where litigation is likely, as in subparagraph (4) of this paragraph, or where this course of action is preferred by the claimant and which appears to be a proper case for administrative settlement, the claimant will be advised as to the advantages of administrative settlement. If the claim is within the jurisdiction of a higher settlement authority, the claim will be discussed with such authority prior to the furnishing of such advice. The claimant should be familiarized with all aspects of administrative settlement procedures including the administrative channels through which his claim must be processed for approval. He may be advised that administrative process can result in more expeditious processing, whereas litigation may take considerable time, particularly in jurisdictions with crowded dockets. If appropriate, he may be informed that a tentative settlement can be reached for any amount above $25,000, subject to approval by the Attorney General. He should be advised that administrative filing of the claim protects him under the statute of limitations for purposes of litigation; suit can be filed within 6 months after the date of mailing of notice of final denial by the Department of the Army, thus potentially allowing negotiations to continue indefinitely. An attorney representing a claimant should be advised of the limitation on fees for purposes of administrative settlement (20 percent) and litigation (25 percent). The attorney may also be advised that there is no jury trial under the Federal Tort Claims Act.

• • • • •

(o) *Delegation of authority*—(1) *Settlement authority.* (i) Subject to approval by the Attorney General of any payment in excess of $25,000 and the limitations contained in paragraph (q) of this section, the following officers are delegated authority to adjust, determine, compromise, and settle claims cognizable under this regulation:

(*a*) The Judge Advocate General.

(*b*) The Assistant Judge Advocate General.

(*c*) The Chief, U.S. Army Claims Service, and all officers of the Judge Advocate General's Corps assigned to that service, subject to such limitations as may be imposed by The Judge Advocate General or the Chief, U.S. Army Claims Service.

(ii) Subject to such limitations as may be imposed by The Judge Advocate General, the Commander of the staff judge advocate of each of the following commands is delegated authority to—

(*a*) Approve and pay in full, or in part, or disapprove, claims presented for $5,000 or less, and

(*b*) Compromise and pay claims regardless of the amount claimed provided an award of $5,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(*1*) Each of the numbered Armies within the continental United States.

(*2*) Military District of Washington, U.S. Army.

(*3*) U.S. Army Forces Southern Command.

(*4*) U.S. Army, Alaska.

(*5*) U.S. Army, Pacific.

(iii) Subject to such limitations as may be imposed by the staff judge advocate of the Command, the chief of a command claims service is delegated authority to:

(*a*) Approve and pay in full or in part, or disapprove, claims presented for $2,500 or less; and

(*b*) Compromise and pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(2) *Approving authority.* (i) Each of the following is delegated authority to:

(*a*) Approve and pay in part or in full claims presented for $2,500 or less.

(*b*) Compromise and pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by the claimant in full satisfaction and final settlement of the claim.

(*1*) The commander or the staff judge advocate of any command authorized to exercise general courts-martial jurisdiction.

(*2*) An officer of the Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the Chief, U.S. Army Claims Service, or the commander of a command listed in § 536.4a, subject to such limitations as the designating authority may prescribe.

(*3*) The claims judge advocate of any command authorized to exercise general courts-martial jurisdiction, subject to such restrictions as may be imposed by the command staff judge advocate.

(ii) Each of the following is delegated authority to:

(*a*) Approve and pay in full or in part claims presented for $1,000 or less, and

(*b*) Compromise and pay claims regardless of the amount claimed, provided an award of $1,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(*1*) The commanding officer of a command not authorized to exercise general courts-martial jurisdiction but having a judge advocate on his staff, or his judge advocate.

(*2*) A district or division engineer, Corps of Engineers, or the Chief of Engineers.

(*3*) *Special delegation of authority.* The Judge Advocate General may delegate settlement authority or approving authority to other authorities where the need for such authority can be demonstrated. Requests for delegation of authority will be forwarded to The Judge Advocate General, ATTN: Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, through command channels, with justification and recommendations.

• • • • •

(q) *Consultation with the Department of Justice.* (1) Consultation with the Department of Justice is required in every case where, in the opinion of the Federal agency:

(i) A new precedent or a new point of law is involved;

(ii) A question of policy is or may be involved;

(iii) The United States is or may be entitled to indemnity or contribution from a third party, and the agency is unable to adjust the third party claim;

(iv) The total amount to be paid in all claims arising out of the same transaction will or may exceed $25,000;

(v) For any reason, the compromise of a particular claim, as a practical matter, will control the disposition of related claims in which the amount to be paid may exceed $25,000; or

(vi) Where the United States, an employee, agent, or cost-plus contractor is involved in litigation based on a claim arising out of the same transaction.

Field approving and settlement authorities receiving such claims will forward them through claims channels to the Chief, U.S. Army Claims Service.

(2) *Referral to Department of Justice.* Claims requiring consultation with, or approval by, the Department of Justice, will be forwarded by the Chief, U.S. Army Claims Service through The Judge Advocate General to the Assistant Attorney General, Civil Division, Department of Justice, Washington, D.C. 20530, in accordance with 28 CFR 14.7, Attorney General's Regulations.

• • • • •

(s) *Litigation.* Upon filing of suit, the investigative report will be prepared and distributed as required by paragraph 8, AR 27–40. The original claims file will be an exhibit to this report. A copy of the letter of transmittal will be furnished the Chief, U.S. Army Claims Service. No documents will be provided the claimant subsequent to the filing of suit.

• • • • •

[C2, AR 27–22, Jan. 29, 1969]

(Sec. 402; 60 Stat. 842, sec. 2412, 80 Stat. 306; 28 U.S.C. 2671–2680)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-4868; Filed, Apr. 23, 1969; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 806a—RELEASING INFORMATION FROM AND PROVIDING ACCESS TO MILITARY PERSONNEL RECORDS

Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

A new Part 806a is added as follows:

Sec.
806a.0 Purpose.
806a.1 Policy.
806a.2 Authority.
806a.3 Responsibility.
806a.4 Release of information.
806a.5 Material that may be held from disclosure.
806a.6 Guidance Table—Release of information.

AUTHORITY: The provisions of this Part 806a issued under 5 U.S.C. 552.

SOURCE: AFR 31–6, dated July 19, 1968.

§ 806a.0 Purpose.

This part outlines procedures for releasing certain information from, and providing access to, the military personnel records of present and former members of the Air Force, in accordance with title 5, United States Code, section 552. It applies to the custodians of field, command, and master personnel records existing at all levels. These records will be hereafter referred to as military personnel records in this part.

§ 806a.1 Policy.

(a) It is the fundamental policy of the Department of Defense (DoD) and the Air Force to make available to the public maximum information and records concerning their operations and activities. As used herein, "the public" means any party other than a U.S. Government agency.

(b) This basic policy is subject to the exception that normally records containing information from military personnel records are not required to be made to the public. Such information may be released when the disclosure would not result in a clearly unwarranted invasion of the personal privacy of the individual who is the subject of the record or when the disclosure authority determines that no significant purpose would be served by withholding it under the exemption.

(c) Do not withhold a record solely because its release might suggest administrative error or inefficiency or might embarrass the Air Force or any official of the Air Force.

§ 806a.2 Authority.

The authority to disclose information from or provide access to military personnel records is vested in commanders and their representatives at major command or comparable level, or higher authority within Hq USAF. This authority will be delegated to:

(1) Installation, wing, or comparable commanders;

(2) Chiefs of Offices at directorate or higher level within Hq USAF including but not below chiefs of offices designated as custodians of records or documentary material maintained thereat. Anyone having the authority to disclose information or provide access thereto, is called a disclosure authority.

(b) When appropriate under this part, only a disclosure authority at the major command or comparable level, or at directorate or higher level within Hq USAF is authorized to refuse to make available military personnel records or information therefrom to the public. This authority may not be delegated except to the principal deputy, vice commander, or chief of staff, at the level indicated in this section.

§ 806a.3 Responsibility.

(a) A disclosure authority should approve requests when he determines that:

(1) Person(s) requesting the information, documents, or access is directly and properly concerned and has a legitimate need for the information,

(2) Disclosing the information would not violate any existing laws, regulations, or policies or disclosing specific types of information.

(3) Disclosing the information would not result in a clearly unwarranted invasion of the personal privacy of the individual who is the subject of the record. In applying this test, the custodian may take into account such factors as the need of the requestor for the information.

(b) Information from personnel records will not be withheld from the individual who is the subject of the record or from a properly designated physician, lawyer, or other responsible representative of the individual on the basis of personal privacy. However, if disclosing such information would be harmful to the individual, the information may be withheld from him, although in such cases it should generally be made available to his designated representative.

(c) A record must exist and be identifiable at the time of a request.

(1) There is no obligation to create a record to satisfy a request for information.

(2) Requestors must be reasonably specific in identifying the records desired.

(d) The denial of requests for information or access to military personnel records is subject to the provisions of § 806a.2. Requestor will be advised of the exemption(s) under which the request was denied and the appeal procedures according to Part 806 of this chapter.

§ 806a.4 Release of information.

To insure a uniform policy on release of information from military personnel records, the custodian will:

(a) Refer to § 806a.6 for guidance.

(b) Refer to one of the following publications or policies pertaining to release of specific items of information from military personnel records if the request involves information not identified in § 806a.6, or is a combination of listed and unlisted data.

(1) For release of classified information, see Part 850 of this chapter.

(2) For release of information from military personnel records for litigation, see Part 840 of this chapter.

(3) For release of Office of Special Investigation (OSI) reports or similar reports of other governmental investigative agencies, see AFR 124–4 (Requests for Investigation; Safeguarding, Handling, and Release of Information in OSI Reports).

(4) For release of information to any organization listed on the current DD Form 98, "Armed Forces Security Questionnaire", or from a country listed in AFR 205–6 (Personnel Investigations, Security Clearances and Access Authorizations), or if the inquiry is suspected of being requested for use in a smear campaign or for other ulterior motives, refer to Hq USAF (AFISI), Building T–E, Washington, D.C. 20333.

(5) For release of information from medical records, see AFM 168–4 (Administration of Medical Activities). Refer to appropriate director of medical services.

(6) For release of information or copies of military personnel records to Members of Congress or congressional committees, see Part 813a of this chapter.

(7) For release of information to the General Accounting Office or concerning General Accounting audit or program information, see AFR 11–8 (AF Relations with General Accounting Office (GAO)).

(8) For release of information concerning a paternity complaint, see Part 841 of this chapter.

(9) For release of information involving life insurance solicitation, see AFR 211–16 (Life Insurance Solicitation); for commercial solicitation, see AFR 211–2 (Personal Commercial Affairs). Releasing rosters or similar multilistings of names for commercial solicitation purposes with or without additional personnel data is prohibited.

(10) For a member, former member, or authorized representative, refer to AFM 35–9 (Official Military Personnel Records) for officers or AFM 35–12 (Airmen Military Personnel Records System) for airmen who desire to:

(i) Review subject records in person, refer the individual to the appropriate records custodian/office for scheduling of an appointment.

(ii) Verify his military service through correspondence or request copies of his records, apply the following rule: Withdraw or withhold any OSI investigative reports (or similar reports of other investigative agencies).

(11) For release of information in connection with a commercial opinion, advertising campaign, or statistical survey sponsored or supported by the Air Force, refer to the authority specified by the Air Force. (If not sponsored or supported by the Air Force, refuse according to paragraph (d) of § 806a.3 of this part and AFR 171–2 (AF Sample Surveys).)

(12) For release of information to any foreign national (including a grave adoption committee) caring for the grave of a deceased Air Force member interred in an oversea military cemetery, refer to USAF–MPC (AFPMDR), Randolph AFB TX 78148.

(13) For release of information concerning casualties, or missing or captured personnel, refer to USAFMPC (AFPMSC), Randolph AFB TX 78148.

(14) For unusual, controversial, or doubtful requests, refer to AFR 11–30 (Disclosure of Unclassified Records for Use of the Term "For Official Use Only") or USAFMPC (AFPMDR), Randolph AFB TX 78148.

(15) Do not provide identity of selection board members, under any circumstances.

(c) Refer to Part 813 of this chapter for the prescribed schedule of fees to be charged for copying, certifying, and searching records.

§ 806a.5 Material that may be withheld from disclosure.

(a) Information contained in records or systems data not specifically referenced in a publication in paragraph (b) of § 806a.4, may only be withheld in accordance with the provisions of Part 806 of this chapter.

(b) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration would be given, in cases such as those involving alleged misconduct to:

(1) The amount of time that has passed since the alleged misconduct,

(2) The degree to which the individual's privacy has already been invaded, and

(3) The relationship of the alleged misconduct to an individual's official duties.

The release of information concerning alleged misconduct that is closely related to official duties and which has occurred recently, and/or has already been exposed to the public, is less likely to constitute a clearly unwarranted invasion of personal privacy.

(c) Any request for an administrative evaluation of personal characteristics reflected on military personnel records will be denied.

§ 806a.6 Guidance Table—Release of Information.

Rule	A When a request (for information/records) is received from—	B And subject's written permission is required before custodian may release (See notes No. 3 and 5)—	C Then furnish military organization address if active duty; home address if retired/separated—	D And furnish mailing address of emergency addressee and/or next of kin—	E And release data requested unless prohibited by § 806a.5. Apply provisions of §§ 806a.4 and 5. Never release more data than requested—
1	A representative of the executive or congressional branch.	No	Yes	Yes	Yes.
2	A Federal Department/Agency; another Military Service; or an Air Force official (see note 1).	No	Yes	Yes	Yes.
3	Any source (except Rule 2A) requesting copies of OER's, APR's, Tng Rpts, or any releasable document that is a part of a personnel record (see note 2).	Yes			Yes.
4	A veterans organization which needs to determine the eligibility of an applicant (from the individual or the next of kin) for membership in the veterans organization, burial honors, memorial and dedicatory services or to materially assist the member or his/her dependents or next of kin.	No	Yes	Yes	Yes.
5	An individual (relative, attorney or other person) who presents proof that he is acting for or in behalf of a member, former member of the AF or his/her next of kin or emergency addressee.	Yes	Yes	Yes	Yes.
6	A welfare organization who needs the information to assist a member or former member of the AF or his/her dependents or next of kin.	No	Yes	Yes	Yes.
7	An official of a State, U.S. territory, or political subdivision of either who presents proof of their "Need to Know." (Note: For recruitment of personnel, Rule 10 applies.)	No	Yes	Yes	Yes.
8	An official of the U.S. Soldier's Home, or a State Soldier's Home, who needs the information to determine admittance eligibility of a former member of the Air Force.	No	Yes	Yes	Yes.
9	A former employer who needs to determine the military status of an employee who entered the military service but failed to apply or return to a position formerly held.	No	Yes	No	Dates of entry, separation or retirement only will be furnished. Character of discharge will not be furnished.
10	A prospective employer who needs to verify military data of a member or former member of the AF (see note 3).	Yes	Yes	No	Yes.
11	A bonding institution or surety firm for furnishing a bond or surety for a member or former member of the AF.	Yes	Yes	Yes	Yes.
12	Any source requesting the address of a court-martial or board member.	Yes	Yes		
13	An insurance/assurance company or other financial institution who needs the information to monetarily assist an AF member/former member, or the member's dependents, next of kin or emergency addressee, and the member's physical/mental status prevents personal communication.	No	Yes	Yes	Yes.
14	Any credit agency or creditor which needs the current military address of an AF member or home address of a former member. § 806a.5(c) applies.	No	Yes		
15	Any credit agency or creditor which needs to verify military service data of an AF member/former member, in order to establish a new account or re-establish a former account (see note 4).	Yes	Yes	Yes	Yes.
16	Any source requesting information about any AF member/former member prominent in civil or military life and is an incumbent of (or is reported to be a candidate for) a public office. (If requestor does not have specific approval of the individual, refuse in accordance with §806a.4(d).)	Yes	Yes	No	Yes.
17	Any source not listed above requesting information about marital status, national origin, race, awards and decorations or other data contained in the military personnel records or personnel data systems.	Yes			Yes.

NOTES: 1. If physical inspection is necessary to carry out the Government security program, the requesting agency/department will furnish its representatives with authorization to request access to military personnel records. The custodian will generally permit such access if the representative presents his official investigative credentials issued by the requesting agency. When a Federal department/agency requests, through correspondence, information not normally released, the custodian may furnish information on an individual's military service, if the reasons for the request are fully explained.

2. Reproduced documents furnished individuals for their personal use are chargeable in accordance with Part 813 of this chapter. Each side of the document is considered one image. Official requirements for reproduced copies as prescribed by pertinent regulations (boards, courts-martial, appeals, etc.) are exempt from the provisions of Part 813 of this chapter.

3. Information will not be released for use by any type of labor organization or union on AF members employed during off-duty hours, with or without the consent of the AF member.

4. Requests for information concerning credit applications from any type of credit agency or creditor will be limited to verification of: Service dates, character of separations if honorable or under honorable conditions; current grade, date and place of birth, marital status, number of dependents, and if specifically requested, the base pay grade and allowances (exclusive of quarters and ration allowances). Release of this information may be furnished only with the written permission of the AF member. Proof of such AF member's permission must be furnished by the credit agency or creditor. Evaluations of personal characteristics (including pay habits if known) will never be furnished. Instead, when applicable, include the statement, "The Air Force does not attempt to evaluate a member's service for the purpose of this request, however (name of AF member) service has been honorable and faithful." Should the AF member refuse permission for release, return the inquiry to the addressee with a statement, "(name of AF member) refuses permission for release of requested information."

5. If the individual's permission for release is not readily available, but circumstances indicate that the release of the information may be in the best interest of the Air Force, the member, emergency addressee, or next of kin, refer the request with a summary of the circumstances to the next higher headquarters.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69–4752; Filed, Apr. 23, 1969; 8:45 a.m.]

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1812—EQUAL OPPORTUNITY FOR EMPLOYMENT IN FEDERALLY ASSISTED CONSTRUCTION

Preaward Information and Reviews

Pursuant to the rules, regulations, and orders of the Secretary of Labor, the Department of Defense has issued procedures including a monetary cutoff limiting the application of the preaward provisions of 41 CFR 60–1.6(d). Subsection 12–803.3 of the Armed Services Procurement Regulations issued by the Department of Defense pertaining to federally assisted construction contracts and to Government contracts, provides for a "Pre-Award Compliance Check of Non-Exempt Contracts" to be made "Prior to entering into any nonexempt contract of $1,000,000 or more * * *".

In order to incorporate these procedures paragraph (a) of § 1812.12 is amended by adding the phrase "which includes civil defense construction work totalling $1,000,000 or more" following the phrase "involving a construction contract," by adding the words "anticipated date of the" preceding the words "impending award," by adding the word "prospective" preceding the words "prime contractor" where first appearing, and by minor changes in form and content; all so as to read as follows:

§ 1812.12 Preaward information and reviews.

(a) Each OCD Regional Director approving an application for Federal financial assistance involving a construction contract which includes civil defense construction work totaling $1 million or more shall obtain from the State and the State shall provide to the OCD Regional Director for his use in notifying the Deputy Contract Compliance Officer, as soon as practicable: (1) The name and address of the prospective prime contractor and each known subcontractor; (2) anticipated date of the impending award; (3) whether the prime contractor and known subcontractors have previously held any Government contracts or federally assisted construction contracts subject to Executive Order 10925, 11114, or 11246; and (4) whether the prime contractor has previously filed compliance reports required by Executive Order 10925, 11114, or 11246, or by regulations of the Equal Employment Opportunity Commission issued pursuant to Title VII of the Civil Rights Act of 1964.

* * * * * *

(64 Stat. 1245–1257, 50 U.S.C. App. 2251–2297; 72 Stat. 1799; E.O. 10925, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions, 29 F.R. 5017)

Effective date: This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated this 16th day of April 1969.

JOSEPH ROMM,
Director of Civil Defense.

[F.R. Doc. 69–4869; Filed, Apr. 23, 1969; 8:46 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Requirements for Amendments to Applications After Allowance

On January 9, 1969, notice of proposed rule making regarding the revision of § 1.312, Title 37, Code of Federal Regulations, dealing with amendments to applications after allowance, was published in the FEDERAL REGISTER (34 F.R. 324). Interested persons were given over 30 days in which to submit written comments, suggestions, or objections regarding the proposed revision.

Full consideration having been given to all comments that were received in response to the public notice, the revision originally proposed is hereby adopted without change and is set forth below.

Effective date: This revision shall become effective upon publication in the FEDERAL REGISTER.

EDWARD J. BRENNER,
Commissioner.

Approved: April 18, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

Therefore, under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 792; 35 U.S.C. 6), the Patent Office is amending Part 1 of Title 37 of the Code of Federal Regulations as follows:

By revising § 1.312 to read as follows:

§ 1.312 Amendments after allowance.

Amendments after the notice of allowance of an application will not be permitted as a matter of right. However, such amendments may be made if filed not later than the date the issue fee is paid, on the recommendation of the primary examiner, approved by the Commissioner, without withdrawing the case from issue.

[F.R. Doc. 69-4900; Filed, Apr. 23, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

EXAMINATION OF RECORDS

This amendment of the Federal Procurement Regulations prescribes policies and procedures designed to carry out the provisions of Public Law 89-607 which amended section 304(c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 254(c)), and permits the Examination of Records clause to be omitted, under certain circumstances, from negotiated contracts with foreign contractors and subcontractors.

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.3—Determinations, Findings, and Authorities

1. Section 1-3.301 is amended to add subparagraph (a)(6). As amended, the section reads as follows:

§ 1-3.301 General.

(a) The determinations and supporting findings referred to in this Part 1-3 are documents required to justify the use of the authority to (1) enter into contracts by negotiation, (2) make advance payments under negotiated contracts, (3) determine the kind of contract to be used, (4) determine the estimated cost of, and fees to be paid under, cost-plus-a-fixed-fee contracts, (5) waive a requirement for the submission and certification by contractors or subcontractors of cost or pricing data, or (6) omit the Examination of Records clause from negotiated contracts with foreign contractors and foreign subcontractors, where agencies desire to omit such clause under the authority of section 304(c) of the Act (41 U.S.C. 254(c)).

• • • • •

2. Section 1-3.302 is amended to add paragraph (f). As amended, the section reads as follows:

§ 1-3.302 Determinations and findings required.

• • • • •

(f) The determinations required by section 304(c) of the Act (41 U.S.C. 254(c)) and Subpart 1-6.10 with respect to omitting the clause specified in § 1-7.101-10 or § 1-7.602-7 from contracts with foreign contractors or subcontractors regarding the right of the Comptroller General of the United States to examine the contractor's records when it is determined (1) that the omission will serve the best interests of the United States, or (2) that the public interest will best be served by the omission (see § 1-6.1001).

3. Section 1-3.303 is revised to read as follows:

§ 1-3.303 Determinations and findings by the head of the agency.

The determinations and written findings in support thereof, required by §§ 1-3.211 through 1-3.213 and 1-6.1004, may be made only by the head of the agency, except that the authority to make the determinations and findings required by § 1-3.211 may be delegated by the head of the agency to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000.

4. Section 1-3.814-2 is amended to read as follows:

§ 1-3.814-2 Audit and records.

• • • • •

(e) Except as otherwise provided in Subpart 1-6.10, or when independent authority exists for the omission of such clause, the clause in §§ 1-7.101-10 and 1-7.602-7 shall be inserted in all negotiated fixed-price contracts in excess of $2,500, including contracts awarded under a total set-aside (small business restricted advertising, as defined in § 1-1.701-9) or a partial set-aside (see §§ 1-1.706 and 1-1.804), and a clause containing substantially the same provisions shall be included in all other negotiated contracts in excess of $2,500. In addition, the right of the contracting agency to inspect the plant and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost-type contract shall be expressly reserved in any such contract.

PART 1-6—FOREIGN PURCHASES

Part 1-6 is amended by the addition of a new Subpart 1-6.10 as follows:

Subpart 1-6.9—[Reserved]

Subpart 1-6.10—Omission of the Examination of Records Clause From Contracts With Foreign Contractors

Sec.
1-6.1000 Scope.
1-6.1001 Statutory requirements.
1-6.1002 Policy.
1-6.1003 Requests for determinations and findings.
1-6.1004 Determinations and findings.

AUTHORITY: The provisions of this Subpart 1-6.10 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 1-6.10—Omission of the Examination of Records Clause From Contracts With Foreign Contractors

§ 1-6.1000 Scope.

This subpart sets forth policies and procedures for omitting the Examination of Records clause from contracts with foreign contractors and foreign subcontractors where agencies desire to omit such clause under the authority granted in section 304(c) of the Federal Property and Administrative Services Act of 1949, as amended.

§ 1-6.1001 Statutory requirements.

(a) In accordance with section 304(c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 254(c)), the Examination of Records clause (see §§ 1-7.101-10 and 1-7.602-7) may be omitted from negotiated contracts and subcontracts with foreign contractors and foreign subcontractors.

(1) Where the head of the agency determines, with the concurrence of the Comptroller General or his designee, that omission of the clause will serve the best interests of the United States; or

(2) Where (i) the contractor or subcontractor is a foreign government or agency thereof, or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and (ii) the head of the agency determines, after taking into account the price and availability of the property or services from U.S. sources, that the public interest would be best served by the omission of the clause.

(b) A determination by the head of the agency under paragraph (a)(2) of this § 1-6.1001 does not require the concurrence of the Comptroller General or his designee. However, where a determination by the head of the agency under paragraph (a)(2) of this § 1-6.1001 is the basis for omission of the Examination of Records clause, the statute requires that a written report be furnished to the Congress. This report, which shall explain the reasons for the determination, shall be prepared and forwarded to the Congress in accordance with agency procedures.

§ 1-6.1002 Policy.

The Examination of Records clause shall be included where possible. Omission of the clause should be allowed only after the contracting agency has made all reasonable efforts to include the clause and has considered such factors as alternate sources of supply, additional cost, and time of delivery. "Foreign contractor" for the purposes of this Subpart 1-6.10 is defined as "one that is organized or existing under the laws of a country other than the United States" (see § 1-6.101(c)).

§ 1-6.1003 Requests for determinations and findings.

A request for a determination and findings to omit the Examination of Records clause (see § 1-3.302) ordinarily will be initiated by the contracting officer. The request shall consist of a letter submitted through normal procurement channels, addressed to the head of the agency, setting forth all the facts necessary to arrive at an appropriate determination and findings. The power of the agency head to make such a determination is not delegable (see § 1-3.303).

§ 1-6.1004 Determinations and findings.

The determinations and findings by the head of an agency authorizing the omission of the Examination of Records clause from a contract with a foreign contractor or foreign subcontractor shall:

(a) Identify the contract or subcontract and its purpose, and state that it is a contract or subcontract with a foreign contractor or foreign subcontractor, or that the contractor or subcontractor is a foreign government or agency thereof;

(b) Describe the efforts that have been made to include the clause in the contract or subcontract;

(c) State the reasons for the contractor's or subcontractor's refusal to include the clause;

(d) Describe the price and availability of the property or services from United States and other sources; and

(e) Determine, as appropriate, (i) that the omission of the clause will serve the best interests of the United States, or (ii) that the public interest would be best served by the omission of the clause, pursuant to the provisions of section 304(c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 254(c)), (see § 1-6.1001).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective May 29, 1969, but may be observed earlier.

Dated: April 17, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-4873; Filed, Apr. 23, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4643]

[New Mexico 0556981]

NEW MEXICO

Withdrawal for National Forest Administrative Sites, Recreation Areas, Roadside Zones, and Streamside Zones

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

GILA NATIONAL FOREST

Bursum Campground

T. 11 S., R. 18 W.,
Sec. 2, NE¼SW¼.

Lake Roberts Recreation Area

T. 14 S., R. 13 W.,
Sec. 35, S½NW¼ and S½.
T. 15 S., R. 13 W.,
Sec. 1, lots 1, 2, 3, 4, and S½NE¼;
Sec. 2, lots 1, 2, and SE¼SW¼.

Scorpion Corral Recreation Area

T. 12 S., R. 14 W.,
Sec. 26, NW¼NE¼ and N½NW¼.

Forks Recreation Area

T. 13 S., R. 13 W.,
Sec. 8, W½NE¼ and E½NE¼NW¼.

Grapevine Recreation Area

T. 13 S., R. 13 W.,
Sec. 8, N½NW¼SE¼.

East Fork Recreation Area

T. 13 S., R. 13 W.,
Sec. 8, SE¼NE¼NE¼, NE¼SE¼NE¼, S½SE¼NE¼, and N½NE¼SE¼.

Black Mountain Administrative Site

T. 11 S., R. 13 W.,
Sec. 6, S½ of lot 15.

Whitewater Forest Camp

T. 11 S., R. 19 W.,
Sec. 4, lots 19, 20, SW¼, NW¼SE¼, and S½SE¼ less 3.518 acres in Mineral Patent No. 616423;
Sec. 5, lots 13 to 20, inclusive;
Sec. 6, lots 16 and 17.

Copperas Canyon—Cliff Dwelling Road

A strip of land 600 feet wide, 300 feet on each side of centerline of State Highway No. 527, through the following legal subdivisions:

T. 13 S., R. 13 W.,
Sec. 8, W½NE¼NW¼, S½NW¼SE¼, and S½SE¼;
Sec. 16, W½SW¼;
Sec. 17, NE¼ and E½SE¼;
Sec. 20, NE¼NE¼;
Sec. 21, W½;
Sec. 28, W½;
Sec. 32, SE¼SE¼;
Sec. 33, N½NW¼, SE¼NW¼, SW¼, and NW¼SE¼.
T. 14 S., R. 13 W.,
Sec. 4, lots 3, 4, S½N½, SE¼SW¼, and W½SE¼;
Sec. 5, lot 1;
Sec. 8, SW¼SE¼ and E½SE¼;
Sec. 9, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 17, W½E½;
Sec. 20, NE¼, E½SW¼, and NW¼SE¼;
Sec. 29, W½NE¼, E½NW¼, and SW¼;
Sec. 32, N½NW¼NW¼.
T. 12 S., R. 14 W.,
Sec. 25, SW¼SW¼;
Sec. 26, NE¼SE¼;
Sec. 36, SE¼NE¼ and NE¼NW¼.

Gila River (West, Middle, and East Forks) Streamside Zones

A strip of land 300 feet on each side of the stream through the following legal subdivisions:

T. 12 S., R. 13 W.,
Sec. 31, lot 1;
Sec. 32, S½SW¼.
T. 13 S., R. 13 W.,
Sec. 4, E½SW¼;
Sec. 8, SW¼NE¼NE¼, NW¼SE¼NE¼, E½SW¼, and S½NE¼SE¼;
Sec. 17, W½NE¼, S½NW¼, and SW¼;
Sec. 20, lot 1.
T. 12 S., R. 14 W.,
Sec. 25, SW¼NW¼.

LINCOLN NATIONAL FOREST

Oak Grove Picnic Ground

T. 10 S., R. 12 E. (unsurveyed),
Sec. 35, SE¼NE¼SE¼ and NW¼NE¼SE¼SE¼.

South Fork Campground

T. 10 S., R. 11 E. (partially unsurveyed),
Sec. 12, E½ of lot 21, lots 22 and 23;
Sec. 13, NW¼NW¼NE¼ and NE¼NE¼NW¼ exclusive of lands in HES 244.

Spring Cabin Administrative Site

T. 10 S., R. 11 E.,
Sec. 6, NW¼SW¼ (unsurveyed).

Elder Canyon Administrative Site

T. 9 S., R. 10 E.,
Sec. 35, NW¼NE¼NW¼ and NE¼NW¼NW¼.

Ski Cloudcroft Winter Sports Area

T. 16 S., R. 12 E.,
Sec. 3, lot 20;
Sec. 4, lot 17.

Guadalupe Administrative Site

T. 24 S., R. 22 E.,
Sec. 22, SE¼NW¼ and N½N½SW¼.

The areas described above aggregate approximately 3,337.59 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4876; Filed, Apr. 23, 1969; 8:46 a.m.]

[Public Land Order 4644]

[Wyoming 0280347]

WYOMING

Withdrawal for Wildlife Management

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the

mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for management in cooperation with the State of Wyoming as a part of the existing East Fork Elk Winter Pasture:

SIXTH PRINCIPAL MERIDIAN

T. 43 N., R. 106 W.,
Sec. 35, NE¼ and E½SE¼.

The areas described aggregate 240 acres in Fremont County.

2. Upon execution of a cooperative agreement with the Secretary of the Interior or his delegate, the State of Wyoming is authorized to manage the lands as a wildlife refuge, public shooting grounds, or a game management area, consistent with Federal programs for the management of the lands.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, contracts, or permits will be issued only if the proposed use of the lands will not interfere with the proper management of the East Fork Elk Winter Pasture.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4877; Filed, Apr. 23, 1969; 8:46 a.m.]

[Public Land Order 4645]

[Riverside 1491]

CALIFORNIA

Partial Revocation of National Forest Administrative Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental order of July 15, 1907, withdrawing national forest lands as administrative sites, is hereby revoked so far as it affects the following described land:

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN

Fernando Administrative Site

T. 3 N., R. 14 W.,
Sec. 31, lot 12.

Containing 46.66 acres in Los Angeles County.

2. At 10 a.m. on May 24, 1969, the land shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4878; Filed, Apr. 23, 1969; 8:46 a.m.]

[Public Land Order 4646]

[Idaho 015210]

IDAHO

Powersite Cancellation No. 262; Partial Cancellation of Powersite Classification No. 420

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-593-Idaho, it is ordered as follows:

1. The order of the Geological Survey of October 17, 1951, creating Powersite Classification No. 420, is hereby canceled so far as it affects the following described lands:

BOISE MERIDIAN

T. 18 N., R. 4 W.,
Sec. 4, SW¼NE¼, and NW¼SE¼;
Sec. 9, E½NW¼, and SW¼SW¼;
Sec. 16, W½NW¼;
Sec. 17, SE¼SE¼;
Sec. 20, SW¼NE¼, and SE¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 31, lot 3, E½SW¼, and SW¼SE¼.
T. 19 N., R. 4 W.,
Sec. 10, S½SW¼, and SW¼SE¼;
Sec. 15, N½NW¼, SW¼NW¼;
Sec. 21, SW¼NE¼.
T. 17 N., R. 5 W.,
Sec. 1, lot 3;
Sec. 27, SW¼NE¼, and NE¼SW¼;.
Sec. 32, SW¼SW¼.
T. 16 N., R. 6 W.,
Sec. 15, NE¼SW¼;
Sec. 28, SE¼NE¼;
Sec. 33, SE¼NE¼, SE¼SW¼, and N½SE¼.
T. 11 N., R. 7 W.,
Sec. 20, NE¼NE¼.
T. 12 N., R. 7 W.,
Sec. 18, SE¼NW¼;
Sec. 20, NW¼SE¼;
Sec. 33, SE¼SW¼.
T. 13 N., R. 7 W.,
Sec. 5, SE¼SE¼.
T. 14 N., R. 7 W.,
Sec. 26, SE¼NW¼;
Sec. 27, SE¼SW¼;
Sec. 33, NE¼NE¼.

The areas described including both public and nonpublic lands, aggregate 1,596 acres in Adams and Washington Counties, of which 1,396 acres are public lands.

2. At 10 a.m. on May 24, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 24, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The State has waived the preference right of application, afforded it by section 24 of the Federal Power Act (16 U.S.C. 818), as amended.

3. The public lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4879; Filed, Apr. 23, 1969; 8:47 a.m.]

[Public Land Order 4648]

[Idaho 016892, I-1648]

IDAHO

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental orders of November 17, 1902, January 27, 1904, March 18, 1908, October 7, 1908, September 17, 1909, and April 23, 1924, withdrawing lands for the Minidoka Project, are hereby revoked so far as they affect the following-described lands:

BOISE MERIDIAN

T. 10 S., R. 19 E.,
Sec. 7, lot 8.
T. 9 S., R. 20 E.,
Sec. 11, N½.
T. 8 S., R. 22 E.,
Sec. 34, SE¼SW¼, S½SE¼.
T. 8 S., R. 30 E.,
Sec. 22, SW¼NE¼;
Sec. 28, SW¼NE¼;
Sec. 29, NE¼NE¼, NE¼SW¼, NW¼SE¼.
T. 9 S., R. 29 E.,
Sec. 12, NE¼SE¼NE¼, S½SE¼NE¼, N½SW¼, NW¼SE¼.
T. 9 S., R. 30 E.,
Sec. 6, SE¼SW¼;
Sec. 7, lot 1.

The areas described aggregate 875.5 acres in Twin Falls, Jerome, Minidoka, and Power Counties. Vegetative cover is sagebrush, cheatgrass, juniper, and native forbs. Topography is generally rough to undulating with lava outcrops.

2. At 10 a.m. on May 24, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 24, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on May 24, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4880; Filed, Apr. 23, 1969; 8:47 a.m.]

[Public Land Order 4652]

[Sacramento 1683]

CALIFORNIA

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Stony Gorge Dam and Reservoir of the Orland Project:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 6 W.,
Sec. 16, E½NE¼.

The area described contains 80 acres in Glenn County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4883; Filed, Apr. 23, 1969; 8:47 a.m.]

[Public Land Order 4649]

[Oregon 3248]

OREGON

Powersite Cancellation No. 268; Partial Cancellation of Powersite Classification No. 421

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. The order of the Geological Survey of November 30, 1951, creating Powersite Classification No. 421, is hereby canceled so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 11 S., R. 45 E.,
Sec. 36, NW¼SE¼.

Containing 40 acres in Baker County.

The land lies on the west side of the Snake River about 20 miles north of Huntington. Topography is steep. Vegetation consists of big sagebrush, bluebunch wheatgrass, cheatgrass, and other native grasses, shrubs, and forbs.

2. At 10 a.m. on May 24, 1969, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m on May 24, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been open to applications and offers under the mineral leasing laws, and to location under the mining laws, subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4881; Filed, Apr. 23, 1969; 8:47 a.m.]

[Public Land Order 4650]

[Sacramento 060741]

CALIFORNIA

Reservoir Site Restoration No. 29; Revocation of Red Lake Reservoir Site Withdrawal No. 14

By virtue of the authority contained in the act of October 2, 1888 (25 Stat. 526; 43 U.S.C. 662), as amended, it is ordered as follows:

1. The departmental order of August 18, 1894, which withdrew lands in California for reservoir site purposes, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

RED LAKE RESERVOIR SITE NO. 14

T. 10 N., R. 18 E.,
Sec. 22, SE¼;
Sec. 23, S½NW¼, W½SW¼, and NE¼SW¼.

The areas described aggregate approximately 360 acres in Alpine County, in the Toiyabe National Forest. All of the lands remain withdrawn for reclamation purposes except NE¼SE¼, sec. 22 and S½NW¼ and NW¼SW¼, sec. 23, which are patented.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4884; Filed, Apr. 23, 1969; 8:47 a.m.]

[Public Land Order 4651]

[Utah 4466]

UTAH

Withdrawal for Department of the Air Force Seismometer Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for use of the Department of the Air Force for construction and operation of seismometer stations:

SALT LAKE MERIDIAN

T. 4 S., R. 19 E.,
Sec. 13, N½, of lot 1.
T. 8 S., R. 20 E.,
Sec. 9, SW¼SE¼SE¼.
T. 7 S., R. 22 E.,
Sec. 35, NE¼NE¼NE¼.
T. 5 S., R. 23 E.,
Sec. 26, NE¼SE¼NW¼.

The areas described aggregate 37 acres in Uintah County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Department of the Air Force finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

3. This withdrawal shall be subject to an existing electrical transmission line right-of-way of the Bureau of Reclamation, which traverses the NE¼SE¼NW¼ of sec. 26, T. 5 S., R. 23 E.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4885; Filed, Apr. 23, 1969; 8:47 a.m.]

[Public Land Order 4653]

[Idaho 2348]

IDAHO

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

BOISE NATIONAL FOREST

BOISE MERIDIAN

T. 2 N., R. 10 E.,
Sec. 7, N½ of lot 1, SW¼ of lot 1, N½NW¼NE¼, SE¼NW¼NE¼.

The area described aggregates 60 acres in Elmore County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative re-

sources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4885; Filed, Apr. 23, 1969; 8:47 a.m.]

[Public Land Order 4647]

[I-2291]

IDAHO

Withdrawal for National Forest Streamside Zone—Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

Upper St. Joe River Streamside Zone

T. 43 N., R. 9 E.,
Sec. 28, SW¼SW¼SW¼NW¼, W½W½SW¼SE¼SE¼.
Sec. 29, N½NE¼SE¼, SE¼NE¼SE¼, NE¼NW¼SE¼, SE¼SW¼SE¼, W½SW¼SE¼SE¼.
T. 42 N., R. 10 E.,
Sec. 1, unpatented portion of NW¼, NW¼ of lot 2, W½NE¼NE¼SE¼, SE¼NE¼SE¼, unpatented portion of NE¼SE¼SE¼, unpatented portion of S½SE¼SE¼;
Sec. 12, NE¼NE¼NE¼, NE¼SE¼NE¼NE¼.
T. 43 N., R. 10 E.,
Sec. 20, SW¼NE¼NE¼, SE¼NW¼NE¼, S½SW¼SW¼NE¼, E½SW¼NE¼, W½NE¼SE¼NE¼, W½SE¼NE¼, NW¼SE¼SE¼NE¼, SE¼SE¼SW¼NW¼, S½S½NW¼, N½NE¼SW¼, N½S½NE¼SW¼, SW¼SW¼NE¼SW¼, E½NE¼NW¼SW¼, SW¼SE¼NW¼SW¼, E½SE¼NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, W½NW¼NE¼SE¼, NW¼SW¼NE¼SE¼, N½NW¼SE¼, N½S½NW¼SE¼;
Sec. 29, NW¼NW¼NW¼;
Sec. 30, N½NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, N½SE¼NW¼NE¼, N½NW¼SW¼NE¼, S½S½NE¼NW¼, SE¼SE¼ of lot 1, SW¼ and N½ of lot 2, N½N½SE¼NW¼, NW¼, and E½SW¼ of lot 3, W½ of lot 4;
Sec. 36, W½NW¼NE¼, SE¼NE¼NW¼, unpatented portion of NE¼SW¼NW¼, unpatented portion of NE¼SE¼SW¼NW¼, N½SE¼NW¼, N½S½SE¼NW¼, unpatented portion of SE¼SE¼SW¼, unpatented portion of NE¼SW¼SE¼SW¼, W½SW¼SW¼SE¼.
T. 42 N., R. 11 E.,
Sec. 4, N½ of lot 4;
Sec. 5, NE¼ of lot 1, S½NW¼ of lot 1, N½S½ of lot 1, S½NE¼ of lot 2, NE¼SW¼ of lot 2, W½SW¼ of lot 2, N½SE¼ of lot 2, S½SW¼ of lot 3, SE¼ of lot 3, NE¼NE¼SW¼NW¼, S½NE¼SW¼NW¼, SE¼SW¼NW¼, N½NW¼SE¼NW¼, SW¼NW¼SE¼NW¼, W½NE¼NW¼SW¼, NE¼NW¼NW¼SW¼, S½NW¼NW¼SW¼, NW¼SW¼NW¼SW¼;
Sec. 6, SW¼NW¼NE¼SW¼, NW¼SW¼NE¼SW¼, SE¼NE¼NW¼SW¼, S½NW¼SW¼, N½NW¼SW¼SW¼, SW¼NW¼SW¼SW¼, SW¼SE¼NE¼SE¼, SE¼NE¼NE¼SE¼, SE¼SW¼NE¼SE¼, SE¼NE¼SE¼, NE¼SW¼SW¼SE¼, S½SW¼SW¼SE¼, SE¼SW¼SE¼, NW¼NE¼SE¼SE¼, NW¼SW¼SE¼SE¼;
Sec. 7, N½NW¼NW¼NE¼, SW¼NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, SE¼NE¼NW¼, S½SW¼NE¼NW¼, SE¼NE¼NW¼, SW¼NW¼NW¼NW¼, SW¼NW¼NW¼, S½SE¼NW¼NW¼, N½NE¼SW¼NW¼, NW¼NE¼SE¼NW¼, N½NW¼SE¼NW¼.

Totaling approximately 819 acres.

Red Ives Administrative Site

T. 43 N., R. 9 E.,
Sec. 20, E½SE¼NW¼, NE¼SW¼NE¼, E½NE¼SW¼.

Totaling 50 acres.

The areas described aggregate approximately 869 acres in Shoshone County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 18, 1969.

[F.R. Doc. 69-4886; Filed, Apr. 23, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 20, Amdt. 2]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit.

Order. The provisions of paragraph (a)(1)(ii) of § 906.341 Grapefruit Regulation 20 (33 F.R. 14068; 34 F.R. 6075) are amended to read as follows:

§ 906.341 Grapefruit Regulation 20.

(a) *Order.* (1) • • •

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3⁹⁄₁₆ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3⁹⁄₁₆ inches in diameter: *Provided*, That during the period April 19 through September 14, 1969, grapefruit grading at least U.S. No. 1, and not smaller than 3⁵⁄₁₆ inches in diameter, with not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot smaller than 3⁵⁄₁₆ inches in diameter, may be handled; or

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, April 18, 1969, to become effective April 19, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4905; Filed, Apr. 23, 1969; 8:49 a.m.]

[Navel Orange Reg. 179]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.479 Navel Orange Regulation 179.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 22, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 25, 1969, through May 1, 1969, are hereby fixed as follows:

(i) District 1: 729,000 cartons.

(ii) District 2: 171,000 cartons.

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4889; Filed, Apr. 23, 1969; 11:31 a.m.]

[Valencia Orange Reg. 273]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.573 Valencia Orange Regulation 273.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 22, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 25, 1969, through May 1, 1969, are hereby fixed as follows:

(i) District 1: 343,319 cartons;

(ii) District 2: 200,000 cartons;

(iii) District 3: 325,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-4989; Filed, Apr. 23, 1969; 11:31 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 22; Amdt. No. 1]

PART 71—STANDARD TIME ZONE BOUNDARIES

Operating Exceptions for Certain Lines of Railroad

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing lists of exceptions pertaining to certain railroad operations that traverse time zone boundaries.

The changes are necessary because of (1) the relocation of the eastern-central time zone boundary in Indiana and Michigan effective April 27, 1969; (2) the action of the State of Michigan in exempting itself from the observance of advanced (daylight) time; (3) the relocation of the central-mountain time zone boundary in Nebraska and South Dakota in 1968; (4) the relocation of the mountain-Pacific time zone boundary in Utah, effective April 27, 1969; and (5) railroad mergers and internal railroad operational changes.

Operating exceptions are granted pursuant to the first section of the Act of March 19, 1918, as amended by section 4(a) of the Uniform Time Act of 1966 (15 U.S.C. 261), to permit certain carriers to carry the standard of time upon which the major portion of a particular operation is conducted into an adjoining time zone. However, the carrier concerned shall, in its advertisements, time cards, bulletin boards in stations and other publications, show the arrival and departure times at stations along the excepted lines in terms of the standard of time for the area in which those stations are situated.

Since this amendment involves the restatement of certain existing exemptions and the establishment of certain new exemptions required by the time zone

boundary changes described above, all of which are either now in effect or will become effective on April 27, 1969, I find that notice and public procedure thereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, effective at 2 a.m. on April 27, 1969, Part 71 of Title 49 of the Code of Federal Regulations is amended as set forth below:

Issued in Washington, D.C., on April 18, 1969.

R. TENNEY JOHNSON,
Acting General Counsel.

(1) Paragraph (g) of § 71.4 is amended to read as follows:

§ 71.4 Boundary line between Eastern and Central zones.

* * * * *

(g) *Operating exceptions*—(1) *Lines east of boundary excepted from eastern zone.* Those portions of the following lines of railroad located east of the zone boundary described in this section, are, for operating purposes only, excepted from the U.S. standard eastern time zone and included within the U.S. standard central time zone:

Railroad	From—	To—
Baltimore & Ohio.	East line of La Porte County, Ind. (west of Walkerton, Ind.).	West yard limits of Garrett, Ind.
Do	Illinois-Indiana State line (west of Dana, Ind.).	West yard limits of Indianapolis, Ind.
Do	Illinois-Indiana State line (west of Vincennes, Ind.).	Washington, Ind.
Chicago, Milwaukee, St. Paul & Pacific.	Illinois-Indiana State line (northwest of Dana, Ind.).	Seymour, Ind.
Do	Michigan-Wisconsin State line (south of Iron Mountain, Mich.).	Champion, Ontonagon, and Iron River, Mich.[1]
Chicago & Northwestern.	Michigan-Wisconsin State line.	East line of Marquette and Delta Counties, Mich.[1]
Erie-Lackawanna.	South line of Starke County, Ind. (near Ora, Ind.).	Marion, Ohio.
Grand Trunk Western.	East line of La Porte County, Ind. (east of Mill Creek).	Michigan-Indiana State line (near Granger, Ind.).
Do	Michigan-Indiana State line (near Granger, Ind.).	Battle Creek, Mich.[1]
Illinois Central.	Illinois-Indiana State line (west of Riverton, Ind.).	South yard limits of Indianapolis, Ind.
Do	West line of Hardin County, Ky. (west of Summit, Ky.).	Hodgenville, Ky., and south yard limits of Louisville, Ky.
Louisville & Nashville.	West line of Meade County, Ky. (west of Guston, Ky.).	Strawberry, Ky.
Do	South line of Hardin County, Ky. (south of Domboy, Ky.).	Lebannon Junction, Ky.
Do	West line of Hamilton County, Tenn. (west of Hooker, Ga.).	Western limits of Chattanooga, Tenn.
Do	Apalachicola River.	River Junction, Fla.
Norfolk & Western.	East line of Starke County, Ind. (west of Burr Oak Ind.).	East yard limits of Fort Wayne, Ind.
Do	East line of La Porte County, Ind. (east of Dillon, Ind.).	Toledo, Ohio.
Do	Illinois-Indiana State line (west of State line, Ind.).	Toledo, Ohio, and Ohio-Michigan State line (near Munson, Mich.).
Do	Ohio-Michigan State line (near Munson, Mich.);	Oakwood Junction, Mich.[1]
Do	East line of La Porte County, Ind. (west of Walkerton, Ind.);	South yard limits of Peru, Ind.
Do	Illinois-Indiana State line (west of Ambia, Ind.).	East yard limits of Frankfort, Ind.
Do	Illinois-Indiana State line (west of Cayuga, Ind.);	Frankfort, Ind.
Penn Central	Michigan-Indiana State line (south of Grand Beach, Mich.).	Niles, Mich.[1]
Do	East line of La Porte County, Ind. (west of Elkhart, Ind.);	Tower B (4.9 miles) east of the west line of Elkhart County, Ind.
Do	East line of Starke County, Ind. (west of Donaldson, Ind.);	Fort Wayne, Ind.
Do	South line of Starke County, Ind. (north of Denham, Ind.);	Logansport, Ind.
Do	East line of Jasper County, Ind. (east of Remington, Ind.).	Logansport, Ind.
Do	The intersection of the north line of Benton County, Ind., and Illinois-Indiana State line (northwest of Sheff, Ind.).	Sheff, Ind.
Do	South line of Newton County, Ind. (north of Sheff, Ind.).	Illinois-Indiana State line (northeast of Danville, Ill.).
Do	Illinois-Indiana State line (west of St. Marys of the Woods, Ind.);	Ringo Tower, Ind. (Terre Haute).
Do	Illinois-Indiana State line (east of Farrington, Ill.).	Ringo Tower, Ind. (Terre Haute).
Peoria & Eastern.	Illinois-Indiana State line (east of Danville, Ill.).	West yard limits of Indianapolis, Ind.
Soo Line	Michigan-Wisconsin State line.	United States-Canada Boundary (near Sault Ste. Marie, Mich.)[1]
Southern	East line of Pike County, Ind. (west of Stapleton, Ind.).	Junction with Baltimore & Ohio near Vincennes Street, New Albany, Ind.

[1] Effective only from 2 a.m. on the last Sunday in October to 2 a.m. on the last Sunday in April; exception unnecessary during summer months because during that period Michigan nonadvanced time is the same as central standard time.

(2) *Lines west of boundary included in eastern zone.* Those portions of the following lines of railroad located west of the zone boundary line described in this section, are, for operating purposes only, included within the U.S. standard eastern time zone:

Railroad	From—	To—
Apalachicola Northern.	Apalachicola, Fla., and Apalachicola River.	Port St. Joe, Fla.
Central of Georgia.	Georgia-Alabama State line (west of Hilton, Ga.).	Dothan, Ala.
Chesapeake & Ohio.	South line of Starke County, Ind. (north of Beardstown, Ind.).	Griffith, Ind.
Do	Michigan-Indiana State line (south of New Buffalo, Mich.).	Porter and La Crosse, Ind.[1]
Louisville & Nashville.	West line of Taylor County, Ky. (east of Whitewood, Ky.).	Greensburg, Ky.
Monon	North line of Pulaski County, Ind. (south of San Pierre).	Michigan City, Ind. and Hammond, Ind.
Do	West line of White County, Ind. (west of Lee, Ind.).	Hammond, Ind. and Michigan City, Ind.
Penn Central	South line of Daviess County, Ind. (north of Petersburg, Ind.);	Ashby, Ind.
Seaboard Coast Line.	Georgia-Alabama State line (west of Esom, Ga.).	Birmingham, Ala.
Do	Georgia-Alabama State line (west of Omaha, Ga.);	Montgomery, Ala.
Do	Georgia-Alabama State line (near Pyne, Ga.).	Parkwood, Ala.
Do	Georgia-Alabama State line (west of Saffold, Ga.).	Abbeville, Elba, and Montgomery, Ala.
Tennessee, Alabama & Georgia.	Georgia-Alabama State line (southwest of Menlo, Ga.).	Gadsden, Ala.

[1] Effective only from 2:00 a.m. on the last Sunday in October to 2:00 a.m. on the last Sunday in April; exception unnecessary during summer months because during that period Michigan nonadvanced time is the same as central standard time.

(3) *Indiana and Ohio operations included in Michigan nonadvanced time.* Those portions of the following lines of railroad located east of the zone boundary described in this section, are, for operating purposes only, excepted from the U.S. standard eastern time zone to permit operations in accordance with Michigan nonadvanced eastern time during the period from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October:

Railroad	From—	To—
Ann Arbor	Michigan-Ohio State line (north of Alexis, Ohio).	Toledo, Ohio.
Chesapeake & Ohio.	Michigan-Ohio State line (north of Alexis, Ohio).	Alexis, Ohio.
Detroit & Toledo Shore Line	Michigan-Ohio State line (north of Toledo, Ohio).	Toledo, Ohio.
Detroit, Toledo & Ironton.	Michigan-Ohio State line (south of Dianne, Mich.).	Do.
Penn Central	Michigan-Indiana State line (north of Vistula, Ind.).	Tower B, Elkhart, Ind.
Do	Michigan-Ohio State line (north of Alexis, Ohio).	Alexis, Ohio
Do	Michigan-Indiana State line (south of Niles, Mich.).	South Bend, Ind.
Do	Michigan-Indiana State line (south of Sturgis, Mich.);	Fort Wayne, Ind.

(4) *Michigan operations excepted from Michigan nonadvanced time.* Those portions of the following lines of railroad located within the State of Michigan and east of the zone boundary described in this section, are, for operating purposes only, excepted from the requirement to operate in accordance with Michigan's nonadvanced eastern time and permitted to operate on eastern standard time (advanced) during the period from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October.

Railroad	From—	To—
Detroit, Toledo & Ironton.	Ohio-Michigan State line (north of Metamora, Ohio).	Detroit, Mich.
Do	Ohio-Michigan State line (north of Denson, Ohio).	Tecumseh, Mich.
Penn Central.	Indiana-Michigan State line (north of Ray, Ind.).	Jackson, Mich.
Do	White Pigeon Junction, Mich.	Jonesville, Mich.
Do	Litchfield, Mich.	Osseo, Mich.
Do	Bankers, Mich.	North Adams, Mich.
Do	Morenci, Mich.	Palmyra, Mich.
Do	Clayton, Mich.	Ida, Mich.
Do	Ohio-Michigan State line (south of Ottawa Lake, Mich.).	Clinton, Mich.
Do	Ohio-Michigan State line (north of Alvordton, Ohio).	Jackson, Mich.
Do	Cement City, Mich.	Brooklyn, Mich.

* * * * *

(2) Paragraph (f) of § 71.6 is amended to read as follows:

§ 71.6 Boundary line between central and mountain zones.

* * * * *

(f) *Operating exceptions*—(1) *Lines east of boundary excepted from central zone.* Those portions of the following lines of railroad, located east of the zone boundary line described in this section, are, for operating purposes only, excepted from the U.S. standard central time zone and included within the U.S. standard mountain time zone:

Railroad	From—	To—
Atchison, Topeka, & Santa Fe.	Texas-New Mexico State line (near Anthony, Tex.).	El Paso, Tex.
Chicago, Burlington, & Quincy.	Curtis, Nebr.	Line between townships 30 and 31 west of sixth principal meridian.
Do	Ravenna, Nebr.	Line between townships 18 and 19 north.
Chicago, Milwaukee, St. Paul & Pacific.	North line of township 130 N., Range 82 W., Sioux County, N. Dak.	Cannon Ball River, N. Dak.
Great Northern Railway.	Williston, N. Dak.	Montana-North Dakota State line.
Do	Watford City, N. Dak.	Yellowstone River, N. Dak.
Missouri Pacific.	Hoisington, Kans.	East line of Ness County, Kans.
Northern Pacific.	East line of township 138 N., Range 83 W., Morton County, N. Dak.	Mandan, N. Dak.
Do	Mandan, N. Dak.	North line of township 140 N., Range 81 W., Morton County, N. Dak.
Do	do	South line of township 139 N., Range 81 W., Morton County, N. Dak.
Union Pacific.	North Platte, Nebr.	West line of Lincoln County, Nebr.

(2) *Lines west of boundary included in central zone.* Those portions of the following lines of railroad located west of the zone boundary line described in this section, are, for operating purposes only, included within the U.S. standard central time zone:

Railroad	From—	To—
Atchison, Topeka & Santa Fe.	Colorado-Kansas State line.	Pritchett, Colo.
Do	East line of Ness County, Kans.	Scott City, Kans.
Chicago, Rock Island & Pacific.	Texas-New Mexico State line.	Tucumcari, N. Mex.
Do	Phillipsburg, Kans.	Goodland, Kans.
Missouri Pacific.	Glade, Kans.	Lenora, Kans.
Soo Line	Montana-North Dakota State line.	Whitetail, Mont.
Union Pacific.[2]	Plainville, Kans.	Oakley, Kans.

[2] Not required to show mountain time in public announcements.

* * * * *

(3) Paragraph (d) of § 71.8 is amended to read as follows:

§ 71.8 Boundary line between mountain and Pacific zones.

* * * * *

(d) *Operating exceptions*—(1) *Lines east of boundary excepted from mountain zone.* Those portions of the following lines of railroad located east of the zone boundary line described in this section, are, for operating purposes only, excepted from the U.S. standard mountain time zone and included within the U.S. standard Pacific time zone:

Railroad	From—	To—
Great Northern.	Troy, Mont.	Montana-Idaho State line.
Northern Pacific.	Paradise, Mont.	Do.
Southern Pacific.	Ogden, Utah.	Utah-Nevada State line.
Western Pacific.	Salt Lake City, Utah.	Do.
Do	Burmester, Utah.	Warner, Utah.

(2) *Lines west of boundary included in mountain zone.* Those portions of the following lines of railroad located west of the zone boundary line described in this section, are, for operating purposes only, excepted from the U.S. standard Pacific time zone and shall be included within the U.S. standard mountain time zone:

Railroad	From—	To—
Atchison, Topeka & Santa Fe.	Colorado River	Southern limits of Needles, Calif.
Chicago, Milwaukee, Union Pacific.	Montana-Idaho State line.	Avery, Idaho.
Do	Ontario, Oreg.	Burns, Oreg.
Do	Utah-Nevada State line (west of Uvada, Utah).	Northern limits of Las Vegas, Nev.
Do	Vale, Oreg.	Jamieson, Oreg.

* * * * *

(Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) Department of Transportation Act (49 U.S.C. 1655(e)(5)) and 49 CFR Part 5, Appendix A(2))

[F.R. Doc. 69-4816; Filed, Apr. 23, 1969; 8:45 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

MISCELLANEOUS AMENDMENTS TO CHAPTER

In F.R. Doc. 68-15287 appearing as Part II of the issue for Wednesday, December 25, 1968, make the following changes in subchapter B of Chapter III, Motor Carrier Safety Regulations, to correct misprints and deletions:

PART 389—RULE MAKING PROCEDURE—MOTOR CARRIER SAFETY REGULATIONS

1. In § 389.5 on p. 19726, change the reference to § 305.25 to read "§ 389.25".

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

2. In § 393.12 on p. 19736, add the following paragraph below the side view diagram of the bus: "Lamps may be combined as permitted by § 393.22. Color of exterior lighting devices shall conform to requirements of § 393.25(e). Color or reflectors shall conform to requirements of § 393.26(d)."

3. In § 393.17 on p. 19739, delete the words "except as otherwise provided in this section" from the paragraph below the tow-bar diagram to illustrate § 393.17.

4. In § 393.20 on p. 19741, add the following sentence to the paragraph below the diagram to illustrate § 393.20 for mounting of lamps on vehicles without permanent top or sides: "Color of reflectors shall conform to requirements of § 393.26(d)."

5. In § 393.52(b) on p. 19745, in paragraph (a) of the note below the table, change "17 divided by 32.2 gives 53.8 percent." to read "17 divided by 32.2 gives 52.8 percent."

PART 395—HOURS OF SERVICE OF DRIVERS

6. In § 395.8 on pp. 19760 and 19761, change both references to § 323.8(o) in each of the two printed sample logs to read "395.8(o)".

Issued on April 18, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-4908; Filed, Apr. 23, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 28]

AMERICAN EGYPTIAN COTTON

Revision of Standards and Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering revisions in the Official Cotton Standards of the United States for the Grade of American Egyptian Cotton (7 CFR 28.501–28.510), pursuant to authority contained in section 10 of the U.S. Cotton Standards Act, as amended (42 Stat. 1519; 7 U.S.C. 61).

Statement of consideration. The current grade standards for American Egyptian cotton have not been revised since 1956. Recent studies and surveys conducted by the Department indicate the current standards do not adequately reflect current production of American Egyptian cotton due to changes that have occurred since 1956 in varieties planted, harvesting methods and ginning practices. These standards consist of Grades 1 through 9 which are in physical form and Grade 10, a descriptive standard, which reads as follows:

§ 28.510 Grade No. 10.

American Egyptian cotton which in grade is inferior to Grade No. 9 shall be designated as "American Egyptian Grade No. 10."

The Department in April 1969 invited a group representing cotton producers, ginners, shippers, and manufacturers to meet with its cotton standards staff for the purpose of developing a set of proposed revised standards. This group developed a set of revised standards that was acceptable to all members of the working group.

The proposed revised standards will be displayed and explained at public meetings beginning at 10 a.m. according to the following schedule:

Location	*Date*
Greenville, S.C., Dan River Mills Classing Office, Woodside Avenue and Main Street, West Greenville.	April 30
Gastonia, N.C., W. D. Lawson Co., 104 South Avon Street.	May 1
Phoenix, Ariz., USDA Cotton Classing Office, 2009 North 22d Avenue.	June 2
El Paso, Tex., USDA Cotton Classing Office, 5727 Trowbridge Street.	June 3
Dallas, Tex., USDA Cotton Classing Office, 1912 North Beckley.	June 4
Memphis, Tenn., USDA Cotton Classing Office, 4841 Summer Avenue.	June 5

The Department is also proposing to change the name of American Egyptian cotton to American Pima cotton. This change in name has been requested by the major producer organization and others in the industry. It is proposed that the new term American Pima would be substituted for the present term American Egyptian in 7 CFR 28.2 (o) and (p), 28.123, 28.303(b), 28.501 through 28.510, 28.525(b) and 28.908(b).

It is proposed that these revisions in the standards and regulations would be made effective July 1, 1970.

Any person may inspect the proposed standards and present oral comments on the proposed revisions at the meetings which shall be confirmed in writing for consideration. Written comments concerning the proposed revisions may also be filed in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 13, 1969. All written submissions made pursuant to this notice of rule making shall be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27).

Dated: April 21, 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69-4906; Filed, Apr. 23, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Written Declaration

The Patent Office is considering a revision of the rule relating to the use of a written declaration. The proposed revision is designed to permit a declaration to be used in all situations where an oath is required.

Notice is hereby given, therefore, that under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 792; 35 U.S.C. 6), the Patent Office proposes to amend Part 1 of Title 37, Code of Federal Regulations, by revising § 1.68 to read as follows:

§ 1.68 Declaration in lieu of oath.

Any document to be filed in the Patent Office and which is required by any law, rule, or other regulation to be under oath may be subscribed to by a written declaration. Such declaration may be used in lieu of the oath otherwise required, if, and only if, the declarant is, on the same document, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. The declarant must set forth in the body of the declaration that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

All persons who desire to submit written data, views, arguments, or suggestions for consideration in connection with this proposal are invited to forward the same to the Commissioner of Patents, Washington, D.C. 20231, on or before May 26, 1969. An oral hearing will not be scheduled.

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: April 18, 1969.

MYRON TRIBUS
Assistant Secretary for Science & Technology.

[F.R. Doc. 69-4901; Filed, Apr. 23, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-13; Notice No. 69-8]

REQUIREMENTS FOR RED FLAGS

Advance Notice of Proposed Rulemaking

A petition for rulemaking has been filed by the Safety Flag Co. of America seeking an amendment to § 393.95(k) of the Motor Carrier Safety Regulations. The amendment requested would require "fluorescent red flags" to be used, rather than "red flags" as presently required. The Safety Flag Co. claims that "Fluorescent colors are brighter than conventional colors. They are more visible and therefore safer * * * Fluorescent colors have approximately four times the light energy as nonfluorescent colors." The petition also asks whether orange fluorescent flags could be acceptable.

Because this petition for rulemaking may have merit and may affect motor carrier safety, comments on relevant issues are requested to assist in arriving at a decision. The Administrator specifically requests comments on the following questions: (1) Do the red flags in normal use constitute an adequate daylight warning device for stopped vehicles? (2) Is there evidence to indicate that the use of fluorescent flags would increase the safety of operation of commercial vehicles? All comments should be accompanied by appropriate supporting data and information where practicable.

Interested persons are invited to submit written data, views, and arguments. Comments must identify the docket number, the notice number and be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, Room 302A, Donohoe Building, Sixth and D Streets SW., Washington, D.C. 20591. All comments received on or before the close of business 90 days after the publication of this notice in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

After consideration of the available data and comments, the Administrator will either deny the petition for rulemaking or issue an appropriate notice of proposed rulemaking.

This advance notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary to the Federal Highway Administrator (49 CFR 1.4(c)).

Issued in Washington, D.C., on April 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-4904; Filed, Apr. 23, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 244, 296, 297, 399]

[Docket No. 20926; PSDR-22, EDR-159]

PROCESSING OF APPLICATIONS BY LONG-HAUL MOTOR CARRIERS OF GENERAL COMMODITIES AS AIR FREIGHT FORWARDERS OR INTERNATIONAL AIR FREIGHT FORWARDERS

Notice of Proposed Rule Making

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 399, 296, 297, and 244 of the Board's Regulations (14 CFR Parts 399, 296, 297, 244) concerning the filing and processing of applications of long-haul motor carriers of general commodities for authorization as air freight forwarders or international air freight forwarders and applications of long-haul motor carriers of general commodities for approval of control of an air freight forwarder or international air freight forwarder. The principal features of the proposed amendments are further described in the explanatory statement, and the proposed amendments are set forth in the proposed rule. This regulation is proposed under the authority of sections 204(a), 101(3), 407, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 737, 49 U.S.C. 1301; 72 Stat. 766, 49 U.S.C. 1377; 72 Stat. 771, 49 U.S.C. 1386. It interprets or applies sections 102 and 408, 72 Stat. 740, 49 U.S.C. 1302; 72 Stat. 767, as amended by 74 Stat. 901, 49 U.S.C. 1378.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter or communications received on or before May 23, 1969, will be considered by the Board before taking final action on the proposals. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In Order 69-4-100, dated April 21, 1969, issued concurrently herewith, the Board determined to authorize three long-haul motor carriers of general commodities or their subsidiaries to engage in air freight forwarding operations on an experimental basis for a temporary period. It also approved the resulting control and interlocking relationships. At the same time the Board announced that applications by other motor carriers to enter the forwarding field would be processed under regulations articulating a policy of monitored entry. The proposed regulations are intended to implement that policy.

In brief, these regulations provide that air freight forwarding authority may be granted to long-haul motor carriers of general commodities on an individual application basis, with or without hearing, upon a showing that (1) the applicant is capable of performing the proposed air transportation and of conforming to the Act and the regulations thereunder; (2) the applicant will conscientiously promote air cargo and will benefit air transportation; and (3) the applicant's operations, alone or together with those of other similar carriers granted air forwarding authority, will not result in creating a monopoly or monopolies and thereby restrain competition, or jeopardize another air carrier and will not otherwise be inconsistent with the public interest (Parts 399, 296, and 297). The regulations further provide for approval of applications of long-haul motor carriers of general commodities for control of air freight forwarders or international air freight forwarders, with or without a hearing, based upon similar criteria (Part 399). Finally, there will be new reporting requirements (Part 244) requiring motor carrier/air freight forwarders to disclose both their own and their surface affiliates' traffic in various classes of small shipments as well as other data which will indicate whether the applicants are stimulating new offline business, increasing traffic from outside present terminal areas, and receiving new traffic from their surface divisions or affiliates.

Specifically, this new class of air carriers will be required to file three additional schedules: (1) An "Originating Air Station Data" schedule to reflect the source and distribution of tons enplaned and deplaned at the originating air station, and data on the miles of surface movement of the air freight before and after its air transportation; (2) a "Supplemental Operating Statistics" schedule to provide the number and weight of those intermodal air freight shipments handled by both the air freight forwarder and the surface carrier who is its parent or affiliate or who operates as a separate division within the same corporate structure; (3) an "Analysis of Traffic by Weight Breaks" schedule to indicate, by specified weight breaks, the number and weight of shipments handled in air freight forwarding operations and the revenues received therefor;[2] and (4) an annual report setting forth the location of each air freight forwarding station and each surface transport terminal at which air freight forwarding services are offered as well as certain personnel data relating to such stations and terminals.

Independent forwarders will also be required to file the "Originating Air Station Data" and the "Analysis of Traffic by Weight Breaks" so that the Board can evaluate the operations of independent and trucker-affiliated forwarders on a comparative basis.[3]

It is our intention to impose these requirements for a temporary period coterminous with the term of the operating authorizations issued in the Motor Carrier-Air Freight Forwarder Investigation (Docket 16857, Order 69-4-100) and for the duration of any proceeding in which a renewal of the authorization is sought.

Proposed rules. It is proposed to amend Parts 399, 296, 297, and 244 of the Board's Regulations (14 CFR Parts 399, 296, 297, 244) as follows:

1. Amend Part 399 by adding to the table of contents a new section at the end of Subpart B, reading as follows:

Sec.
399.21 Processing of applications of long-haul motor carriers for authority as air freight forwarders or international air freight forwarders.

2. Amend Part 399 by adding new § 399.21 to read as follows:

[1] Vice Chairman Murphy's dissenting statement filed as part of the original document.

[2] The related long-haul motor carrier will also be required to file an "Analysis of Traffic by Weight Breaks" schedule containing applicable data relative to its long-haul motor carrier operations, for both the current quarter and the corresponding quarter of each of the preceding 5 years.

[3] The Board recognizes that the new reporting requirements may prove burdensome to some of the independent forwarders, particularly the smaller carriers. While the Board can waive the requirements for individual carriers, it may be that the rule itself should not apply to the entire class of independent forwarders. Comments on this issue should contain specific data regarding the burdens involved in preparation of the reports and specific proposals for delineating the exempted class of carriers.

§ 399.21 Processing of applications of long-haul motor carriers for authority as air freight forwarders or international air freight forwarders.

(a) *General.* This Policy Statement prescribes the procedures and general standards which the Board will use in processing applications of long-haul motor carriers of general commodities for authorization as air freight forwarders or international air freight forwarders. It will also apply to such motor carriers' applications for Board approval of the acquisition of control of such forwarders.

(b) *Definition of long-haul motor carrier.* As used in this section, the term "long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate[1] of such a carrier.

(c) *Applications for forwarding authority.* Where a long-haul motor carrier applies for authority as an air freight forwarder or an international air freight forwarder and submits a proposal to conscientiously promote air cargo in conformity with Part 296 or 297, the following will be the Board's policy in ordinary circumstances:

(1) The Board will process the application without hearing.

(2) The Board will not deem the size, geographical extent, or general commodity rights of the long-haul motor carrier's surface transport authorization and operations, of themselves, as factors indicating that the applicant's operations as an air freight forwarder or international air freight forwarder will result in creating a monopoly or monopolies, and thereby restrain competition or jeopardize any air carrier, or will otherwise be inconsistent with the public interest.

(d) *Applications for acquisition of control.* Where a long-haul motor carrier applies for Board approval to acquire control of an air freight forwarder or an international air freight forwarder and submits a proposal to conscientiously promote air cargo, the Board's policy in ordinary circumstances will be as follows:

(1) The Board will process the application without a hearing if it determines (i) that the transaction which is the subject of the application does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition, and (ii) that no person disclosing a substantial interest then currently is requesting a hearing.

(2) The Board will not deem the size, geographical extent, or general commodity rights of the long-haul motor carrier's surface transport authorization and operations, of themselves, as factors indicating that the motor carrier's control of the air freight forwarder or international air freight forwarder will result in creating a monopoly or monopolies, and thereby restrain competition or jeopardize another air carrier not a party to the consolidation, merger, purchase, lease, operating contract, or acquisition of control, or will otherwise be inconsistent with the public interest.

(e) *Exceptions.* (1) If the Board finds that the long-haul motor carrier has not made a prima facie showing that it will conscientiously promote air cargo, the Board may—

(i) Deny the application without hearing; or

(ii) Order a hearing.

(2) If the Board finds that the long-haul motor carrier has not made a prima facie showing that its operations (either alone or together with other similar carriers granted air forwarding authority) will not result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier, or will not otherwise be inconsistent with the public interest, the Board may—

(i) Deny an application without hearing; or

(ii) Order a hearing.

(3) The Board may also order a hearing if any person demonstrates that he will present evidence which may contradict the prima facie showing of a long-haul motor carrier described in this paragraph.

(f) *Priority in processing applications and deferral of applications.* (1) Applications will not necessarily be scheduled for processing in the chronological order in which they are filed. In ordering its docket, the Board will give priority to those applications which appear best to effectuate the public interest, considering, among other things:

(i) The number of similar applications previously processed and pending;

(ii) The nature and extent of air freight forwarder services presently available at the cities in which applicant proposes to provide service;

(iii) The nature of any objections filed; and

(iv) The complexity of issues raised.

(2) The Board may defer action on any application or class of applications covered by this Policy Statement if it concludes that the public interest so requires.

3. Amend the table of contents of Part 296 by adding Subpart I entitled as follows:

Subpart I—Authorization of Long-haul Motor Carriers of General Commodities as Air Freight Forwarders

Sec.
296.80 Applicability of subpart.
296.81 Applicability of other subparts.
296.82 Applicability of policy statement.
296.83 Application for operating authorization.
296.84 Notice.
296.85 Objections.
296.86 Criteria for authorization.
296.87 Conditions.
296.88 Duration.
296.89 Revocation or suspension.

4. Amend § 296.1 by adding paragraphs (d) and (e) to read as follows:

§ 296.1 Definitions.

For the purposes of this part:

• • • • •

(d) "Long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier.

(e) An "affiliate" of a long-haul motor carrier or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who owns, directly or indirectly, 20 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier for purposes of this part.

5. Amend Part 296 by adding Subpart I to read as follows:

Subpart I—Authorization of Long-Haul Motor Carriers of General Commodities as Air Freight Forwarders

§ 296.80 Applicability of subpart.

This subpart sets forth the special rules applicable to the processing of applications of long-haul motor carriers, as defined in § 296.1(d), for authorization to operate in their own names as air freight forwarders. The regulation does not govern requests of motor carriers for Board approval of control relationships created when they apply through subsidiaries for authorization as air freight forwarders.

§ 296.81 Applicability of other subparts.

Unless otherwise provided in this subpart, the provisions of Subparts A through C and E through H of this part shall be applicable to the processing of applications of long-haul motor carriers for authority to operate as air freight forwarders, and to the conduct of such operations.

§ 296.82 Applicability of policy statement.

The provisions of § 399.21 of the Board's policy statements (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers for authority under this subpart.

§ 296.83 Application for operating authorization.

In addition to the requirements set forth in § 296.42, a long-haul motor carrier applicant must show:

(a) A plan to conscientiously promote air cargo. This showing shall include, inter alia:

(1) A statement as to whether the long-haul motor carrier plans to solicit existing surface customers for air cargo and, if so, the extent of such plans;

(2) A traffic estimate showing what traffic is newly generated or presently shipped by surface means;

(3) An estimate of what portion of the long-haul motor carrier's existing surface traffic is subject to diversion to air;

(4) An estimate of beyond-terminal-area traffic moving by surface transportation over the routes of the long-haul motor carrier or via interline agreements; and

(5) A statement of the proposed air cargo sales force and facilities.

(b) A statement of the long-haul motor carrier's authority from the Interstate Commerce Commission or other regulatory agency, including a description of surface transportation authorized and offered at the stations at which air forwarding operations are proposed.

(c) A statement of any other advantages which would result from approval of the application.

§ 296.84 Notice.

Notice of applications will be published in the FEDERAL REGISTER and in the Board's weekly publication of applications filed.[1]

§ 296.85 Objections.

Within thirty (30) days after publication of notice of application in the FEDERAL REGISTER, any interested person may file an objection thereto. The objection must set forth an adequate factual showing of—

(a) The party's interest in the matter;

(b) His reasons for believing that the long-haul motor carrier or its affiliate will not promote air cargo; and

(c) Any other reasons why the application does not meet the licensing criteria of § 296.86.

If a hearing is requested, the objection must set forth the economic data and other facts which the party will offer to prove.

§ 296.86 Criteria for authorization.

The Board will approve the application if it appears that:

(a) The applicant is capable of performing the proposed air transportation and of conforming to the provisions of the Act and all rules and requirements thereunder;

(b) The applicant will conscientiously promote air cargo and will benefit air transportation; and

(c) The applicant's operations, alone or together with those of other similar carriers granted air forwarding authority, will not create a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier, or otherwise be inconsistent with the public interest.[2]

§ 296.87 Conditions.

An authorization may be limited geographically or by classes of traffic. Additional conditions and restrictions may be imposed without hearing.

[1] For the definition of "affiliate" see § 296.1(e), infra, p. 9.

[1] Requests for the weekly publication should be addressed to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

[2] Section 399.21 (Policy Statements) articulates decisional standards in this area (see, supra, p. 5, et seq.).

§ 296.88 Duration.

Unless sooner suspended or revoked, an authorization will continue in effect until it expires by its terms or until this subpart is terminated or revoked.

§ 296.89 Revocation or suspension.

The Board may institute proceedings to revoke the authorization of one or more long-haul motor carriers or a group of motor carriers if it has cause to believe that the continued operations of such carrier or carriers is contrary to the above-stated licensing criteria (§ 296.86). Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of such motor carrier or motor carriers in accordance with procedures specified by § 296.48.

6. Amend the table of contents of Part 297 by adding Subpart F to read as follows:

Subpart F—Authorization of Long-haul Motor Carriers of General Commodities as International Air Freight Forwarders

Sec.
297.60 Applicability of subpart.
297.61 Applicability of other subparts.
297.62 Applicability of policy statement.
297.63 Application for operating authorization.
297.64 Notice.
297.65 Objections.
297.66 Criteria for authorization.
297.67 Conditions.
297.68 Duration.
297.69 Revocation or suspension.

7. Amend § 297.1 by adding paragraphs (e) and (f) to read as follows:

§ 297.1 Definitions.

For the purposes of this part:

• • • • •

(e) "Long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier.

(f) An "affiliate" of a long-haul motor carrier or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who owns, directly or indirectly, 20 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier for purposes of this part.

8. Amend Part 297 by adding new Subpart F to read as follows:

Subpart F—Authorization of Long-Haul Motor Carriers of General Commodities as International Air Freight Forwarders

§ 297.60 Applicability of subpart.

This subpart sets forth the special rules applicable to the processing of applications of long-haul motor carriers, as defined in § 297.1(e), for authorization to operate in their own names as international air freight forwarders. The regulation does not govern requests of motor carriers for Board approval of control relationships created when they apply through subsidiaries for authorization as international air freight forwarders.

§ 297.61 Applicability of other subparts.

Unless otherwise provided in this subpart, the provisions of Subparts A through E of this part shall be applicable to the processing of applications of long-haul motor carriers for authority to operate as international air freight forwarders, and to the conduct of such operations.

§ 297.62 Applicability of policy statement.

The provisions of § 399.21 of the Board's Policy Statements (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers for authority under this subpart.

§ 297.63 Application for operating authorization.

In addition to the requirements set forth in § 297.32, a long-haul motor carrier applicant must show:

(a) A plan to conscientiously promote air cargo. This showing shall include, inter alia:

(1) A statement as to whether the long-haul motor carrier plans to solicit existing surface customers for air cargo and, if so, the extent of such plans;

(2) A traffic estimate showing what traffic is newly generated or presently shipped by surface means;

(3) An estimate of what portion of the long-haul motor carrier's existing surface traffic is subject to diversion to air;

(4) An estimate of beyond-terminal-area traffic moving by surface transportation over the routes of the long-haul motor carrier or via interline agreements; and

(5) A statement of the proposed air cargo sales force and facilities.

(b) A statement of the long-haul motor carrier's authority from the Interstate Commerce Commission or other regulatory agency, including a description of surface transportation authorized and offered at the stations at which air forwarding operations are proposed.

(c) A statement of any other advantages which would result from approval of the application.

§ 297.64 Notice.

Notice of applications will be published in the FEDERAL REGISTER and in the Board's weekly publication of applications filed.[1]

§ 297.65 Objections.

Within thirty (30) days after publication of notice of application in the FEDERAL REGISTER, any interested person may file an objection thereto. The objection

[1] Requests for the weekly publication should be addressed to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

must set forth an adequate factual showing of—

(a) The party's interest in the matter;

(b) His reasons for believing that the long-haul motor carrier or its affiliate will not promote air cargo; and

(c) Any other reasons why the application does not meet the licensing criteria of § 297.66.

If a hearing is requested, the objection must set forth the economic data and other facts which the party will offer to prove.

§ 297.66 Criteria for authorization.

The Board will approve the application if it appears that:

(a) The applicant is capable of performing the proposed air transportation and of conforming to the provisions of the Act and all rules and requirements thereunder;

(b) The applicant will conscientiously promote air cargo and will benefit air transportation; and

(c) The applicant's operations, alone or together with those of other similar carriers granted air forwarding authority, will not create a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier, or otherwise be inconsistent with the public interest.[4]

§ 297.67 Conditions.

An authorization may be limited geographically or by classes of traffic. Additional conditions and restrictions may be imposed without hearing.

§ 297.68 Duration.

Unless sooner suspended or revoked, an authorization will continue in effect until it expires by its terms or until this subpart is terminated or revoked.

§ 297.69 Revocation or suspension.

The Board may institute proceedings to revoke the authorization of one or more long-haul motor carriers or a group of motor carriers if it has cause to believe that the continued operations of such carrier or carriers are contrary to the above-stated licensing criteria (§ 297.66). Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of such motor carrier or motor carriers in accordance with procedures specified by § 297.43.

9. Amend the table of contents of Part 244 by adding §§ 244.19a, 244.19b, 244.19c, and 244.19d entitled as follows:

Sec.

* * * * *

244.19a Originating air station data (Schedule T–4).

244.19b Supplemental operating statistics—long-haul motor carriers/air freight forwarders (Schedule T–5).

244.19c Analysis of traffic by weight breaks (Schedule T–6).

244.19d Report of location of air freight forwarding stations and surface transport terminals.

[4] Section 399.21 (Policy Statements) articulates decisional standards in this area (see, supra, p. 5, et seq.).

10. Amend § 244.1 by defining the terms "affiliate" and "long-haul motor carrier" to read as follows:

§ 244.1 Definitions.

* * * * *

An "affiliate" of a long-haul motor carrier or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who owns, directly or indirectly, 20 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier for purposes of this part.

"Long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier.

11. Amend § 244.10 by adding subparagraph (4) to paragraph (b) and modifying paragraph (c) to read as follows:

§ 244.10 General.

* * * * *

(b) The aforesaid report consists of a statement of certification and individual schedules to be filed therewith at various specified times. These schedules are identified as follows:

* * * * *

(4) Schedule T–4, Originating Air Station Data; T–5, Supplemental Operating Statistics—Long-haul Motor Carriers/Air Freight Forwarders; T–6, Analysis of Traffic by Weight Breaks; all to be filed quarterly.[1]

(c) The aforesaid schedules and certification shall be filed so as to be received by the Civil Aeronautics Board within forty-five (45) days after the termination of each prescribed quarterly, semiannual and annual period and, with respect to Schedule I, also within thirty (30) days after a change relative to insurance data previously reported. All documents filed in connection with the report shall be considered a part thereof and included within the certification pertaining to the report. The reports shall be addressed to the Board, attention of the Bureau of Accounts and Statistics.

12. Add new §§ 244.19a, 244.19b, 244.19c, and 244.19d to read as follows:

§ 244.19a Originating air station data (Schedule T–4).

(a) The schedule of originating air station data shall be filed by all air freight forwarders and international air freight forwarders. It is designated as Schedule T–4 of CAB Form 244, and shall be prepared for each calendar quarterly period and filed with the Board as provided in § 244.10.

(b) Schedule T–4 shall be filed separately with respect to domestic and overseas/foreign air operations. The schedule shall reflect the source and distribution of tons enplaned and deplaned (exclusive of reconsolidations) at the originating air station, and data on the miles of surface movement of the air freight before and after its air transportation. All the aforesaid categories shall be itemized and subdivided as shown by Schedule T–4 and the instructions thereon.

§ 244.19b Supplemental operating statistics—long-haul motor carriers/air freight forwarders (Schedule T–5).

(a) The schedule of supplemental operating statistics shall be filed by (1) long-haul motor carriers of general commodities which are authorized to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers. It is designated as Schedule T–5 of CAB Form 244, and shall be prepared for each calendar quarterly period and filed with the Board as provided in § 244.10.

(b) Schedule T–5 shall cover where applicable both domestic and overseas/foreign air operations. With respect to combination surface/air operations of the forwarder, the schedule shall reflect the number and weight of (1) shipments which the reporting forwarder received from or delivered to an affiliated long-haul motor carrier prior or subsequent to transporting them in its air freight forwarding operations, and (2) shipments which the reporting carrier accepted for air freight forwarding, but sustituted other than air means for their transportation. With respect to other air operations by the forwarder, the schedule shall reflect the number and weight of all shipments tendered by the reporting carrier to direct air carriers in a capacity other than as a freight forwarder (shipper's agent or agent for direct air carrier). All the aforesaid categories shall be itemized and subdivided as shown by Schedule T–5 and the instructions thereon.

§ 244.19c Analysis of traffic by weight breaks (Schedule T–6).

(a) The schedule of analysis of traffic by weight breaks shall be filed by all air freight forwarders, international air freight forwarders, and long-haul motor carriers affiliated therewith or operating as a separate division within the forwarder's corporate structure. It is designated as Schedule T–6 of CAB Form 244, and shall be prepared for each calendar quarterly period and filed with the Board as provided in § 244.10. In addition, each long-haul motor carrier shall report applicable data (insofar as they are available) relative to its long-haul motor carrier operations for the corresponding quarter of each of the preceding five years.

(b) Separate schedules shall be filed with respect to air operations and surface operations. The schedule shall apply only to domestic operations and shall reflect, in the specified weight breaks, the number and weight of shipments and the revenues received therefor, as well as the percentage of the total represented by each weight break in the three main categories—number of shipments, tonnage of shipments, and revenue derived from shipments. All the aforesaid categories shall be itemized and subdivided as shown by Schedule T–6 and the instructions thereon.

[1] Schedules filed as part of the original document.

§ 244.19d Report of location of air freight forwarding stations and surface transport terminals.

Each long-haul motor carrier holding an authorization to operate as an air freight forwarder or international air freight forwarder and each air freight forwarder or international air freight forwarder which is an affiliate of a long-haul motor carrier shall file with the Board's Bureau of Accounts and Statistics, Washington, D.C. 20428, within 45 days after the close of each calendar year, a report showing as of December 31 of such year the location of each specialized air freight forwarding station and of each surface transport terminal at which air freight forwarding services are offered. The statement shall indicate, for each station or terminal, the number of drivers, salesmen, and other personnel who are assigned to promote air freight exclusively.

[F.R. Doc. 69–4929; Filed, Apr. 23, 1969; 8:51 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 250]

PROPOSED GUIDES FOR THE HOUSEHOLD FURNITURE INDUSTRY

Notice of Opportunity To Present Written Views, Suggestions or Objections

Proposed Guides for the Household Furniture Industry are hereinafter set forth and are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act as amended, 15 U.S.C. secs. 41–58, and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations or other parties affected by or having an interest in the proposed Guides for the Household Furniture Industry, to present to the Commission their views concerning the Guides, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the proposed Guides, which are advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commission. Such data, views, information, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than May 26, 1969, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

Text of the Proposed Guides follows:

NOTE: These Guides have not been approved by the Federal Trade Commission. They are a draft of Proposed Guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the Proposed Guides.

The Commission from time to time, publishes Guides to advise the business community of the Commission's views as to the requirements of laws which it administers. Guides are published in the belief that the businessman who is fully informed of the legal pitfalls he may encounter can conduct his affairs so as to avoid legal difficulties. It is the Commission's further belief that the more knowledge businessmen have respecting the laws it administers, the more likelihood there is that they will conduct their business in accordance therewith.

Revised trade practice rules for the Household Furniture Industry were promulgated by the Commission in December 1963. Since that time changes in industry technology and widespread practices found in the industry that were not adequately dealt with in the rules made revisions of certain portions of the rules advisable. Thus, these Guides, a revision of the 1963 trade practice rules, are reflective of existing technology and practices in the industry and, in both their form and contents, are designed to assist industry members and protect the public interest.

While the Guides are interpretive of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the Guides may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41–58) and the Clayton Act, as amended by the Robinson-Patman Act (15 U.S.C. sec. 13). Briefly stated, the Federal Trade Commission Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce." The applicable provisions of the amended Clayton Act are referred to, where appropriate, in the Guides.

The content of these Guides is not to be construed as an expression of opinion concerning the relative merits of the various materials used in the manufacture of the products of this industry. Rather, the disclosure provisions of the Guides are intended to insure that the consumer is not deceived into thinking he is getting one material when actually he is furnished another.

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AUTHORITY: The provisions of this part 250 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58: 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 250.0 Definitions.

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture, sale or distribution of industry products as such products are hereinafter defined.

(b) *Industry products.* Articles of utility, convenience or decoration which are suitable for use as furniture in a house, apartment, or other dwelling place. Such articles include, but are not limited to, all kinds and types of chairs, tables, cabinets, desks, sofas, bedsteads, and chests. The following products, covered by sets of trade practice rules heretofore promulgated, are not to be considered as coming within the purview of this definition: Bed mattresses, bedsprings, metal cots, cedar chests, mirrors, musical instruments, radio and television receiving sets, and venetian blinds. Also excluded from the purview of this part are pictures, lamps, clocks, rugs, draperies, as well as appliances and fixtures such as refrigerators and air conditioners.

(c) *Exposed surfaces.* Those parts and surfaces of furniture exposed to view when such furniture is placed in the generally accepted position for use. Included in this definition are visible backs of such items of furniture as open bookcases, hutches, etc.

§ 250.1 Deception.

(a) *In general.* Members of the industry should not distribute any industry product under any representation or circumstance, including failure to disclose material facts, that has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to its utility, construction, composition, durability, design, style, quality, quantity or number of items, model, origin, manufacture, price, grade, or in any other material respect.

(b) *Affirmative disclosures.* Material facts concerning merchandise which, if known to prospective purchasers, would influence their decision of whether or not to purchase, should be disclosed. This includes situations where deception may result from the appearance alone which

in the absence of affirmative disclosures has the capacity and tendency or effect of misleading or deceiving. For example, veneered construction, use of plastic with simulated wood appearance, use of materials or products that simulate other materials or products traditionally used in the manufacture of furniture, or simulated finish or grain design, are considered to be material facts and a failure to disclose such information may be an unfair trade practice violative of section 5 of the Federal Trade Commission Act.

(1) *Where disclosures should be made.* Unless otherwise provided, any affirmative disclosure which should be made under this part, should be on the industry product, or on a tag or label attached thereto, and shall be of such permanency as to remain on or attached to the product until consummation of its consumer sale. Such disclosures should also appear in all advertising relating to such industry product, irrespective of the media used, whenever statements, representations or depictions are used in such advertising which, in the absence of such disclosures, have the capacity to deceive or mislead purchasers or prospective purchasers.

(2) *The manner of disclosure.* In all cases in which the disclosure should be made, it should be made in close conjunction with the representation or depiction to be qualified and should be of sufficient clarity, conspicuousness, and audibility (when spoken), as to be noted by prospective purchasers.

(3) *The form of disclosure with respect to composition.* Whenever an affirmative disclosure with respect to composition should be made under this part, it may be accomplished by either describing the true composition of the product or parts thereof ("plastic," "vinyl," "marble particles with binder") or by stating that the material is not what it appears to be ("simulated wood," "imitation leather," "simulated marble"). Terms such as "molded components," "walnut plastic" or "simulated mahogany" will not suffice. Trade names, as such, will not constitute an affirmative disclosure as provided by this section. Trade names, however, may be accompanied by appropriate disclosures of the true composition of the material, or by statements that the material is not what it appears to be. Trade names of misleading or deceptive nature (e.g., suggesting a material or a product which is being simulated) should not be used.

Examples of affirmative disclosures of composition and appearance. The following examples are among those which, if factually correct, will meet the provisions of this section with respect to affirmative disclosures:

1. When furniture is of veneered construction: "Veneered construction," "(wood name) solids and veneers," "(wood name) veneered tops, fronts and end panels," "(wood name) veneered 5-ply construction;"

2. The use of plastics or other materials having the appearance of wood: "High impact virgin polystyrene," "door panels of polystyrene," "legs of rigid polyurethane," "walnut grained plastic tops," "parts of the exposed surfaces are of simulated wood" (to describe minor parts of the exposed surfaces of furniture), "imitation wood," "carved effects of simulated wood," or "simulated wood components;" "wod grained vinyl veneer," "walnut grained hardboard," "simulated wood effect on chipcore," or "simulated wood effect on plastic;"

3. Simulated leather, slate, marble: "Vinyl," "leather look on vinyl," "simulated leather," "slate grained plastic tops," "simulated slate," "simulated marble," or "marble dust and polyester binder;"

4. Simulated wood grain design: "Simulated wood grain design," "cherry grained maple," "simulated mahogany crotch on mahogany veneer," "Carpathian Elm burl effect," or "engraved cathedral walnut grain on hardboard."

(c) *Removal of tags or labels.* Members of the industry should not:

(1) Remove, obliterate, deface, change, alter, conceal, or make illegible any information this part provides be disclosed on industry products, or on tags or labels attached thereto, without replacing the same before sale, resale or distribution for sale with a proper tag or label meeting the provisions of this part; or

(2) Sell, resell, or distribute an industry product without it being marked, tagged or labeled and described in accordance with the provisions of this part. [Guide 1]

§ 250.2 Use of wood names.

(a) *Solid wood.* Industry members should not use unqualified wood names to describe furniture unless the exposed surfaces of such furniture are constructed of solid wood of the type named. If more than one type of solid wood is used and one of such woods is named, all the principal woods should be disclosed, or the extent of the use of the first wood named should be indicated. In lieu of naming the specific woods, a general designation of the type of wood, such as "hardwood" or "softwood" may be used. For example, the following representations, if factually correct, will be acceptable: "Solid maple," "solid African mahogany," "maple and/or birch," "oak and pecan," "solid oak fronts," "oak and other selected hardwoods," and "selected hardwoods."

(b) *Wood veneers.* When the exposed surfaces of furniture are of veneered and solid construction, and wood names are used to describe such furniture, the wood names should be qualified to disclose the fact of veneered construction. For example, "walnut solids and veneers" or "mahogany veneered construction" may be used when all the exposed surfaces of furniture are constructed of solid and veneered wood of the type named. When such terms as "walnut veneered construction" or "oak veneered construction" are used, it is understood that solid parts are composed of the same wood. Otherwise, a disclosure should be made as in the examples below or by stating, for example, "walnut veneers and other selected hardwoods". When solid parts of furniture are of woods other than those used in veneered surfaces, either the use of such other woods should be disclosed or the location of the veneers stated. Examples: "Walnut veneers and pecan solids," "mahogany veneers and African mahogany solids," "walnut veneered tops, fronts and end panels," "table tops of mahogany veneers," or "cherry veneers and selected solid hardwoods."

(c) *Wood products.* Wood names or names suggesting wood should not be used to refer to materials which while produced from wood particles or fibers, do not possess a natural wood growth structure. Such materials, however, may be referred to by their generally accepted names, if otherwise nondeceptive, such as "hardboard," "chipcore," or "fiberboard," or may be referred to as "wood products."

(d) *Color or grain design finish.* When wood names are used merely to describe a color of a stain finish or grain design or other simulated finish applied to the exposed surfaces of furniture that is composed of something other than solid wood of the types named, it must be made clear that such wood names are merely descriptive of such color or grain design or other simulated finish. Terms such as "walnut finish" or "fruitwood finish" will not suffice. However, terms such as "walnut color," "fruitwood stain finish," "maple finish on birch solids and veneers," "walnut finish on walnut veneers and selected hardwoods," "cherry grained maple drawer fronts," "walnut finish plastic top" or "maple stained hardwoods" will be considered acceptable, when factually correct.

(e) *Materials simulating wood.* No wood names should be used to describe any materials simulating wood without making it clear that such wood names are merely descriptive of the color, grain design, or other simulated finish; nor should any trade names or coin names be employed which may suggest that such materials are some kind of wood or wood product. See § 250.1(b) *Affirmative disclosures*, for guidance with respect to the disclosure of such materials. [Guide 2]

§ 250.3 Identity of woods.

Industry members should not use any direct or indirect representation concerning the identity of the wood in items of furniture that is false or that is likely to mislead purchasers as to the actual wood composition of such furniture.

(a) *Walnut.* The unqualified term "walnut" should not be used as the name or designation of wood other than genuine walnut (genus Juglans).

(b) *Mahogany.* The term "mahogany" should not be used unqualifiedly as the name or designation of wood unless the wood so described is genuine mahogany (genus Swietenia of the Meliaceae family). The woods of genus Swietenia may be described by the term "mahogany" with or without a prefix designating the country or region of its origin, such as "Honduras mahogany," "Costa Rican mahogany," "Brazilian mahogany," or "Mexican mahogany."

NOTE 1: The word "mahogany" may be used to name or designate wood of the genus Khaya, of the Meliaceae family, but only when prefixed by the word "African" (e.g., "African mahogany desk").

NOTE 2: In naming or designating the non-mahogany Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan, the word "mahogany" may be used but only when prefixed by the word "Philippine" (e.g., "Philippine mahogany table"), due to the long standing usage of that term. Examples of improper use of the word "mahogany" under this section would include reference to Red Lauan as "Lauan mahogany" or to White Lauan as "Blond Lauan mahogany." Such woods, however, may be described unqualifiedly as "Red Lauan" or "Lauan" or "White Lauan," respectively. (The word "mahogany," with or without qualifications, should not be used to name or designate any other wood except as provided above. This applies also to any of the woods belonging to the Meliaceae family, other than genera Swietenia and Khaya.)

(c) *Maple.* The terms "hard maple", "rock maple", "bird's-eye maple", "Northern maple" or other terms of similar nature should not be used to describe woods other than those known under the lumber trade names of Black Maple (Acer nigrum) and Sugar Maple (Acer saccharum). [Guide 3]

§ 250.4 Leather and leather imitations.

(a) Members of the industry should not make any direct or indirect representation concerning furniture or parts thereof covered with leather or other material which simulates leather, which is false or misleading.

(b) Included in, but not limited to, representations which should not be made is the use of any trade name, coined name, trademark, or other word or term, or any depiction or device, which has the capacity and tendency or effect of misleading prospective purchasers into believing that furniture is covered in whole or in part with the skin or hide of an animal or that the covering of furniture is leather, top grain leather, or split leather, when such is not the case. When a furniture covering is made from ground, shredded, pulverized or powdered leather, industry members shall conspicuously disclose such fact in a manner provided for under § 250.1.

(c) In the case of nonleather material having the appearance of leather, industry members should conspicuously disclose facts concerning the composition thereof either by identifying the composition of the product (e.g., "vinyl covering," "upholstered in plastic") or by a disclosure that the product is not leather (e.g., "imitation leather," "not leather"), as provided for under § 250.1. [Guide 4]

§ 250.5 Outer coverings.[1]

(a) In connection with the sale of furniture, members of the industry should not use any direct or indirect representation concerning the outer covering thereof which:

(1) Is false (e.g., using the term "Mohair" to describe a fabric not produced from fibers derived from the angora goat); or

(2) Has the capacity and tendency or effect of deceiving furniture purchasers (e.g., by telling a half-truth, such as using the unqualified word "Nylon" to describe a blend of nylon and other fibers).

(b) When any identifying reference is made in advertising to an outer covering made of a mixture of different kinds of fibers, each constituent fiber present in substantial quantity (at least 5 percent) should be designated in the order of its predominance by weight (e.g., "cotton and nylon") in a manner provided for in § 250.1. If a fiber so designated is not present in a substantial quantity (less than 5 percent) the percentage thereof shall be stated (e.g., "cotton, rayon, 3% nylon").

(c) When any identifying reference is made on a tag or label to an outer covering made of a mixture of different kinds of fibers, each and every kind of fiber present in such outer covering should be identified by showing the fiber content with percentages of the respective fibers in order of their predominance by weight (e.g., "55% Cotton, 45% Rayon"). In the case of pile fabrics, identification of the fiber content should be made on a tag or label by stating:

(1) The fiber content of the face or pile and of the back or base, with percentages of the respective fibers in order of their predominance by weight and the respective percentages of the face and back showing the ratio between face and back (e.g., "Face 60% Rayon, 40% Nylon—Back 100% Cotton; Back constitutes 80% of fabric and face 20%"); or

(2) The percentages of the fibers of the face or pile and the back or base in relation to the total weight of the fabric (e.g., "40% Cotton, 40% Rayon, 20% Nylon" to describe a fabric having an all nylon pile constituting 20% of the total weight backed by a 50%–50% blend of cotton and rayon). [Guide 5]

§ 250.6 Stuffing (including filling, padding, etc.).

(a) Members of the industry should not make any direct or indirect representation relating to the stuffing of furniture which:

(1) Is false (e.g., describing cotton stuffing as "wool", or urethane foam as "latex foam rubber"); or

(2) Has the capacity and tendency or effect of deceiving or misleading (e.g., by telling a half-truth, such as describing shredded or flaked foam rubber stuffing as "foam rubber" without disclosing, in a manner provided for under § 250.1, that it is shredded or flaked, or describing any nonlatex foam cushion as "foam" without disclosing the kind of foam used, such as "urethane foam").

(b) The unqualified terms "foam," "Latex," or "Latex Foam Rubber," or other terms of similar import, should not be used as descriptive of any part of the filling of an upholstery which does not consist of one or more homogeneous pads of latex foam rubber.

(ii) When an upholstered industry product contains filling material consisting of a top layer of homogeneous latex foam rubber, or of other type of stuffing which is of substantial thickness, and another layer or layers of other material, terms such as "latex foam rubber," "polyurethane foam," or other terms which accurately describe the composition of such top layer may be used as descriptive thereof, provided however, that in immediate conjunction therewith, nondeceptive disclosure is made of the fact that only a part of such filling material is of latex foam rubber or such other type of designated stuffing.

(iii) When the filling is composed, in whole or in part, of latex foam rubber, polyurethane foam, or other type of stuffing which has been shredded, flaked, or ground, full and nondeceptive disclosure should be made of such fact in immediate conjunction with any such term irrespective of whether the pieces or shreds of latex foam rubber, polyurethane foam, or other type of stuffing are in loose form or are held together by glue or some other adhesive agent.

NOTE: This section is promulgated under the Federal Trade Commission Act for the purposes of interpreting requirements of such Act and to assist in the general enforcement of the Act. The section is not to be construed as relieving industry members from full compliance with applicable state and local legal requirements.

[Guide 6]

§ 250.7 Origin and style of furniture.

(a) Industry members should not make any direct or indirect representation which is false or likely to deceive prospective purchasers of furniture as to the origin, either domestic or foreign, of such furniture.

(1) For example, furniture manufactured in the United States should not be unqualifiedly described as "Danish" but may, when appropriate, be described as "Danish Design" or "Danish Modern".

(2) Similarly, furniture should not be represented by trade name or otherwise as being manufactured in the Grand Rapids, Mich., area or in any other furniture producing area, when such is not the fact.

(3) Because of long usage and general understanding by the furniture buying public, terms such as "French Provincial," "Italian Provincial," "Chinese Chippendale," "Spanish," "English, or "Mediterranean" are considered to have acquired a secondary meaning as descriptive of the style of furniture so described. Thus, the unqualified use of such terminology, when appropriate, would not be considered deceptive.

(b) In connection with the sale of furniture of foreign manufacture, members of the industry should clearly and conspicuously disclose the fact that such furniture was manufactured in an identified foreign country, when the failure to

[1] Section 12(a)(2) of the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70) specifically exempts "outer coverings of furniture * * *" from the application of the Act. Section 14 of the same Act provides that the Act "shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States." Therefore, corrective action involving deceptive practices in the sale of furniture would when warranted be initiated under the authority of section 5 of the Federal Trade Commission Act which prohibits "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce."

make such disclosure has the capacity and tendency or effect of deceiving prospective purchasers of such products. The disclosure of foreign origin, when required, should be in the form of a legible marking, stamping, or labeling on the furniture, and shall be of such size, conspicuousness and degree of permanency, as to be and remain noticeable and legible upon casual inspection until consumer purchase. [Guide 7]

§ 250.8 Deception as to being new.

(a) Industry members should not make any direct or indirect representation that an industry product is new unless such product is composed entirely of unused materials and parts.

(b) In connection with the sale of furniture which has the appearance of being new but which contains used materials or parts, such as springs, latex foam rubber stuffing, or hardware, members of the industry should conspicuously disclose, in a manner provided for in § 250.1, such fact (e.g., "cushions made from reused shredded latex foam rubber").

NOTE: See also § 250.9.

[Guide 8]

§ 250.9 Misuse of the terms "floor sample," "discontinued model," etc.

(a) Representations that furniture is a "floor sample," "demonstration piece," etc., should not be used to describe "trade-in," repossessed, rented or any furniture except that displayed for inspection by prospective purchasers at the place of sale for the purpose of determining their preference and its suitability for their use.

(b) Furniture should not be described as "discontinued" or "discontinued model" unless the manufacturer has in fact discontinued its manufacture or the industry member offering it for sale will discontinue offering it entirely after clearance of his existing inventories of furniture so described. [Guide 9]

§ 250.10 Deceptive pricing.

Members of the industry should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: The Commission's Guides Against Deceptive Pricing furnish additional guidance respecting price savings representations and are to be considered as supplementing this section. See 16 CFR Part 233 for the Guides Against Deceptive Pricing.

[Guide 10]

§ 250.11 Bait advertising.

(a) Industry members should not offer for sale any industry product when the offer is not a bona fide effort to sell the product so offered as advertised and at the advertised price.

(b) In determining whether there has been a violation of this section consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among acts or practices which will be considered in making that determination are the following:

(1) The creation, through the initial offer or advertisement, of a false impression of the grade, quality, make, value, currency of model, size, usability, or origin of the product offered;

(2) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer;

(3) The disparagement, by acts or words, of the product offered;

(4) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer;

(5) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter;

(6) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands;

(7) The use of a sales plan or method of compensation for salesmen or penalizing salesmen designed to prevent or discourage them from selling the advertised product.

NOTE: It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is not in accord with this section.

[Guide 11]

§ 250.12 Guarantees, warranties, etc.

(a) Industry members should not represent in advertising or otherwise that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity and the address of the guarantor.

(b) Representations that a product is guaranteed for life or has a lifetime guarantee, in addition to meeting the above requirements, should contain a conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(c) Guarantees should not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

(d) This selection has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty."

NOTE: The Commission's Guides Against Deceptive Advertising of Guarantees furnish additional guidance respecting guarantee representations and are to be considered as supplementing this section. See 16 CFR Part 239 for Guides Against Deceptive Advertising of Guarantees.

[Guide 12]

§ 250.13 Passing off through imitation or simulation of trademarks, trade names, etc.

Members of the industry should not mislead or deceive purchasers by passing off the products of one industry member as and for those of another through the imitation or simulation of trademarks, trade names, brands, or labels. (See also § 250.14.) [Guide 13]

§ 250.14 Misrepresentation as to character of business.

Members of the industry should not represent, directly or by implication, in advertising or otherwise, that they produce or manufacture products of the industry, or that they own or control a factory making such products, when such is not the fact, or that they are a manufacturer, wholesale distributor or a wholesaler when such is not the fact, or in any other manner misrepresent the character, extent, or type of their business. [Guide 14]

§ 250.15 Push money.

An industry member should not pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be substantially to lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms

in compliance with sections 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act, as interpreted by paragraph (a) of § 250.19.

[Guide 15]

§ 250.16 Commercial bribery.

Members of the industry should not give, or offer to give, or permit or cause to be given, directly or indirectly, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Guide 16]

§ 250.17 Exclusive dealing.

Members of the industry should not contract to sell or sell industry products or fix a price charged thereof, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Guide 17]

§ 250.18 Trade restraints (price fixing, etc.).[1]

Members of the industry, either directly or indirectly, should not engage in any planned common course of action, or enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any industry products or otherwise unlawfully to restrain trade; or use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or become a party to any such understanding, agreement, combination or conspiracy. [Guide 18]

[1] The provisions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

§ 250.19 Other discrimination.

(a) *Discriminatory prices, rebates, discounts, etc.* No member of the industry engaged in commerce, in the course of such commerce, should grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by U.S. Government, State and local government entities or by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in paragraph (a) of this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso (2) depends upon savings in cost based on all facts relevant to the transactions under the terms of this proviso. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in paragraph (a) of this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as, but not limited to, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor or greater promotional allowances or other service or facility paid for or furnished by a competitor.

NOTE 1: "Meeting competition in good faith" is an affirmative defense which may be undertaken by a supplier charged with a violation of subsection 2 (a), (d) or (e) of the amended Clayton Act who can defend his actions by establishing that his lower price or granting of disproportionate promotional allowances or other services or facilities was made in good faith to meet an equally low price of a competitor or greater promotional allowance or other service or facility paid for or furnished by a competitor. This defense, however, is subject to important limitations. For instance, it is insufficient to defend a charge of violating subsection (a), (d) or (e) of section 2 of the amended Clayton Act solely on the basis that competition in a particular industry is very keen, requiring that special prices or allowances be given to some customers if a seller is "to be competitive."

NOTE 2: Nothing in this section should be construed as prohibiting the granting of different prices which are not otherwise violative of the foregoing provisions of this section, to customers in different functional levels of distribution. For example, a seller may grant a lower price to wholesalers than to retailers to the extent that such wholesalers resell to retailers. If such wholesalers also sell at retail in competition with their customers, they may not properly be granted a price lower than the prices granted to competing retailers on that portion of the goods they sell at retail.

(b) *Brokerage and commissions.* No member of the industry engaged in commerce, in the course of such commerce, should pay or grant, or receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Advertising or promotional allowances and other services or facilities—*(1) *Advertising or promotional allowances.* No member of the industry engaged in commerce should pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any

products manufactured, sold or offered for sale by such member, unless such payment or consideration is offered to and made available on proportionally equal terms to all other customers competing in the distribution of the seller's products of like grade and quality.

(2) *Services or facilities.* No member of the industry engaged in commerce should discriminate in favor of one purchaser against another purchaser or purchasers of industry products bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such products unless such services or facilities are offered to and made available on proportionally equal terms to all other customers competing in the distribution of the seller's products of like grade and quality.

NOTE: The "Meeting competition in good faith" defense as set forth in note 1 of paragraph (a) (5) of this section is also applicable to provisions of both (1) and (2) of this paragraph (c).

(d) *Customer's liability for inducing or receiving a discrimination in price, advertising or promotional allowances and other services or facilities.* While this section concerns violations of the Clayton Act, as amended, pertaining to price discriminations and discriminations in paying for or furnishing advertising and promotional allowances, and other services, or facilities, it shall not be overlooked that:

(1) Section 2(f) of such Act makes it unlawful for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price prohibited by the Act.

(2) A customer who knows, or should know, that he is receiving advertising or promotional allowances, or other services, or facilities which are not made available on proportionally equal terms to his competitors engaged in the distribution of the same seller's products of like grade and quality, may be proceeded against by the Commission under section 5 of the Federal Trade Commission Act, which prohibits unfair methods of competition. [Guide 19]

Issued: April 23, 1969.

By direction of the Commission.

[SEAL] JOSEPH H. SHEA, *Secretary.*

[F.R. Doc. 69-4857; Filed, Apr. 23, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JOHN BERNARD

Notice of Granting of Relief

Notice is hereby given that John Bernard, Ontario, Oreg., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 7, 1955, in the District Court of the Third Judicial District of the State of Idaho, in and for the county of Ada, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Bernard, because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., appendix) because of such conviction it would be unlawful for Mr. Bernard, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered John Bernard's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to John Bernard from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that John Bernard be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of April 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

[F.R. Doc. 69-4917; Filed, Apr. 23, 1969; 8:50 a.m.]

JAMES A. HELTON

Notice of Granting of Relief

Notice is hereby given that James A. Helton, 2012 North Seventh Street, Ponca City, Okla., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 16, 1945, in the District Court in and for Kay County, Okla., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James A. Helton, because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., appendix) because of such conviction it would be unlawful for Mr. Helton, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered James A. Helton's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to James A. Helton from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in title 26, Part 178, Code of Federal Regulations, that James A. Helton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of April 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

[F.R. Doc. 69-4918; Filed, Apr. 23, 1969; 8:50 a.m.]

GEORGE F. O'NEILL

Notice of Granting of Relief

Notice is hereby given that George F. O'Neill, 1 Second Street, Towanda, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 23, 1961, in the Circuit Court of Harrison County, Miss., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George F. O'Neill, because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., appendix) because of such conviction it would be unlawful for Mr. O'Neill to receive, possess, or transport in commerce, a firearm.

Notice is hereby given that I have considered George F. O'Neill's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by 26 CFR 178.144, *It is ordered,* That George F. O'Neill be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipts, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of April 1969.

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

[F.R. Doc. 69-4919; Filed, Apr. 23, 1969; 8:50 a.m.]

Office of the Secretary

[Treasury Department Order 214; Rev. 1]

DEPARTMENTAL HEADS OF BUREAUS AND OFFICES

Delegation of Authority To Waive Claims for Erroneous Payments to Employees

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and by virtue of the authority vested in me as Assistant Secretary for Administration by Treasury Department Order No. 190, Revision 6, there is hereby delegated to heads of bureaus and offices in the Department the authority of the Secretary of the Treasury, under Public Law 90–616, October 21, 1968, 82 Stat. 1212, and the regulations of the Comptroller General in 4 CFR Part 201, 33 F.R. 20001, December 31, 1968, as corrected, 34 F.R. 303, January 9, 1969, to waive in whole or in part erroneous payments of pay to Treasury employees aggregating not more than $500.00, in conformity with the limitations and standards set forth in the aforesaid act and regulations.

This authority may be delegated by the head of the bureau or office only to a deputy or assistant head of that bureau or office except that the Commissioner of Internal Revenue and the Commissioner of Customs may delegate this authority to regional commissioners.

Treasury Department Order No. 214 is rescinded.

Dated: April 17, 1969.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 69–4920; Filed, Apr. 23, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N–2762]

NEVADA

Notice of Cancellation of Public Sale

APRIL 16, 1969.

F.R. Doc. 69–3600, appearing at page 5747, volume 34, No. 59, and published on Thursday, March 27, 1969, offered the following 5-acre tract for sale under the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–1427):

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 61 E.,
Sec. 30, E½NE¼NE¼NW¼.

Subsequently, the lands were identified as needed for a higher, public purpose. Therefore, the sale offer is hereby canceled, and action to reclassify the lands is being taken.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69–4887; Filed, Apr. 23, 1969; 8:47 a.m.]

Office of the Secretary

HENRY K. HOLLAND, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 13, 1969.

Dated: April 7, 1969.

HENRY K. HOLLAND, Jr.

[F.R. Doc. 69–4888; Filed, Apr. 23, 1969; 8:47 a.m.]

LAYTON E. KINCANNON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Purchases: Central Tel. & Utilities, Cluett Peabody & Co., Sealed Power Corp., Tenneco Corp.
(3) Sales: W. W. Grainger, Inc., Ayrshire Collieries, Inc., R. J. Reynolds Tobacco.
(4) None.

This statement is made as of April 8, 1969.

Dated: April 8, 1969.

LAYTON E. KINCANNON.

[F.R. Doc. 69–4889; Filed, Apr. 23, 1969; 8:47 a.m.]

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 26, 1969.

Dated: April 8, 1969.

MAXWELL S. MCKNIGHT.

[F.R. Doc. 69–4890; Filed, Apr. 23, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 43]

TOBACCO TYPE 13 IN SOUTH CAROLINA

Extension of Closing Date for Filing of Applications for 1969 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for tobacco crop insurance for the 1969 crop year on type 13 tobacco in all counties in South Carolina where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 18, 1969. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69–4907; Filed, Apr. 23, 1969; 8:49 a.m.]

[Notice No. 42]

BARLEY, FLAX, OATS AND WHEAT IN SOUTH DAKOTA

Extension of Closing Date for Filing of Applications for 1969 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for crop insurance for the 1969 crop year in the South Dakota counties listed below and on the crops shown opposite the name of the county is hereby extended until the close of business on April 30, 1969. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

SOUTH DAKOTA

County	*Crop(s)*
Aurora	Oats, Wheat.
Beadle	Barley, Oats, Wheat.
Bon Homme	Oats, Wheat.
Brookings	Barley, Flax, Oats.
Charles Mix	Oats.
Clark	Barley, Flax, Oats, Wheat.
Clay	Oats.
Codington	Barley, Flax, Oats, Wheat.
Davison	Oats.
Day	Barley, Flax, Oats, Wheat.
Deuel	Barley, Flax, Oats, Wheat.
Douglas	Oats, Wheat.
Grant	Barley, Flax, Oats, Wheat.
Hamlin	Barley, Flax, Oats, Wheat.
Hanson	Oats.
Hutchinson	Oats, Wheat.
Kingsbury	Barley, Flax, Oats, Wheat.
Lake	Flax, Oats.
Lincoln	Oats.
McCook	Oats.

SOUTH DAKOTA—Continued

County	*Crop(s)*
Miner	Barley, Flax, Oats, Wheat.
Minnehaha	Oats.
Moody	Flax, Oats.
Roberts	Barley, Flax, Oats, Wheat.
Sanborn	Oats.
Turner	Oats.
Union	Oats.
Yankton	Oats.

RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69–4908; Filed, Apr. 23, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CORNELL UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00511–91–46500. Applicant: Cornell University, Ithaca, N.Y. 14850. Article: Ultramicrotome, Model Reichert "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for botanical research concerning the following projects:

a. Ultrastructural studies on the walls of tracheids in plant fossils with special reference to the Devonian plant *Psilophyton.*

b. Ultrastructural studies on the relationship between photosynthetic lamellar structures and pigment changes in certain blue green algae.

c. Fine structure of differentiating and mature phloem cells in palms. This investigation needs both thick monitor sections as well as routine optimum quality ultrathin sections.

d. Comparative and developmental studies on the ultrastructure of reproductive structures in both living and fossil pteridophytes and gymnosperms.

e. Ultrastructural investigations on chromosome structure with special reference to synaptinemal complex during meiosis.

Application received by Commissioner of Customs: April 4, 1969.

Docket No. 69–00512–91–46040. Applicant: Cornell University, Ithaca, N.Y. 14850 Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used for botanical research concerning the following project:

a. Ultrastructural studies on the walls of tracheids in plant fossils with special reference to the Devonian plant *Psilophyton.*

b. Ultrastructural studies on the relationship between photosynthetic lamellar structure and pigment changes in certain blue-green algae.

c. Fine structure of differentiating and mature phloem cells in palms.

d. Comparative and developmental studies on the ultrastructure of reproductive structures in both living and fossil pteridophytes and gymnosperms.

e. Ultrastructural investigations on chromosome structure with special reference to synaptinemal complex during meiosis.

Application received by Commissioner of Customs: April 4, 1969.

Docket No. 69–00515–33–46500. Applicant: Research Foundation of the State University of New York, Upstate Medical Center, 766 Irving Avenue, Syracuse, N.Y. 13210. Article: Ultramicrotome, Model Reichert SIDEA "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for both teaching and research. The instrument, which has been received, is the only thermally advanced unit in the medical school. It is essential in training students to expose them to all types of instrumentation available. For research purposes, a unit capable of producing uniformly thin serial sections of high quality of viruses having overall dimensions ranging from diameters of 40 microns to diameters of 100 microns is required. This requirement is critical since the electron microscope utilized is equipped with a high resolution kit capable of a resolution of 2 angstroms, and probably 1.5 angstroms. Application received by Commissioner of Customs: April 7, 1969.

Docket No. 69–00516–33–46500. Applicant: University of Miami, 1600 Northwest 10th Avenue, Miami, Fla. 33136. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to obtain uniform serial sections of several hematopoietic organs from animals injected with radioactive isotopes. These isotopes are specific for specific blood cell lines and have been studied at the level of the light microscope. Several of the investigators are currently studying the ultrastructure of heart muscle and hematopoietic tissues in the electron microscope, using the same isotopes as those utilized at the light microscope level. Application received by Commissioner of Customs: April 7, 1969.

Docket No. 69–00517–33–46500. Applicant: University of Miami, 1600 Northwest 10th Avenue, Miami, Fla. 33136. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in a project concerning conformational changes of cell membranes associated with the bulk transfer of materials both into and out of the cell. The chief tissues involved will be neurosecretory axon endings and neuromuscular junctions. It will be important to obtain extremely thin sections to resolve details of membrane fusion at the synaptic surface and it will also be necessary to use 1–2 micron sections for light microscopy. Application received by Commissioner of Customs: April 7, 1969.

Docket No. 69–00519–67–04030. Applicant: University of Massachusetts, 100 Arlington Street, Boston, Mass. 02116. Article: Single temperature Gouy balance. Manufacturer: Newport Instruments, Ltd., United Kingdom. Intended use of article: The article will be used as an instructional and research instrument for the determination of the paramagnetism of transition metal complexes. Magnetic susceptibility measurements of transition metal compounds provide a valuable insight into the electronic configuration of the metal. Knowledge of electronic configuration provides useful information about bonding properties of the compound, the effect of the environment of the metal (ligand field effects) and, in some cases, can be used in structure determination. Application received by Commissioner of Customs: April 7, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–4864; Filed, Apr. 23, 1969; 8:45 a.m.]

UNIVERSITY OF NORTH CAROLINA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their

views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00504–33–46500. Applicant: University of North Carolina, Dental Research Center, Chapel Hill, N.C. 27514. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article will be used in several electron microscope investigations which form part of a wide study of orofacial development. Investigations directed at determining the factors involved in cleft palate formation in experimental animals require studies of normal palate fusion. In order to analyze this process, it is necessary to cut a long series of equal thickness serial sections after achieving precise orientation of the plane of sectioning relative to the palatal shelves. Such orientation can only be achieved if the microtome has the capability to section transversally, longitudinally, and radially from the same block without its removal from specimen holder or microtome. Application received by Commissioner of Customs: April 1, 1969.

Docket No. 69–00505–33–46040. Applicant: State Research Institute for Geriatrics, Warren State Hospital, Post Office Box 249, Warren, Pa. 16365. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used in conjunction with a research program concerned with the determination of the character and the pathogenic mechanism of senile deterioration. This project includes the following activites:

a. Electron microscopic study of the six different types of senile plaques as characterized by fluorescence microscopy (never done before).

b. Electronmicroscopic structure of Alzheimer's cells (unsuccessfully tried by other investigators) and Biondi rings (never done before).

c. Electronmicroscopic structure of senile cardiac amyloid (never done before), as well as pancreatic insular degeneration.

d. Electronmicroscopic structure of cardiac amyloidosis (never done before).

e. Electronmicroscopic studies concerning experimental amyloidosis.

f. Electronmicroscopic studies concerning spontaneous animal amyloidosis (ducks, hamsters) (never done before).

g. A study, in conjunction with radioisotopes, which will attempt to locate chemical compounds which may be of importance in the experimental production of amyloid.

Application received by Commissioner of Customs: April 1, 1969.

Docket No. 69–00506–33–43780. Applicant: Jefferson Medical College, Department of Radiology, 11th and Walnut Streets, Philadelphia, Pa. 19107. Article: Colonic lavage unit. Manufacturer: Macarthys, Ltd. (Surgical Division), United Kingdom. Intended use of article: The article will be used to improve the investigation of barium enema examination by thorough preparation of the colon and in addition should reduce the number of reexaminations which are required when the colon has been unsatisfactorily prepared. Application received by Commissioner of Customs: April 1, 1969.

Docket No. 69–00508–01–46040. Applicant: Dudley Observatory, 100 Fuller Road, Albany, N.Y. 12205. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used in a program of research on micrometeorites. The particles are collected at high altitudes by use of sounding rocket borne sampling devices. The size of the particles which are collected by this technique ranges from less than 0.1 micron to a few microns in diameter. The program is designed to determine the chemical composition of micrometeorites. Chemical analysis of particles in this size range can be carried out by use of dispersive X-ray spectrometer attachment to an electron microscope. Application received by Commissioner of Customs: April 2, 1969.

Docket No. 69–00509–33–46040. Applicant: Kennedy Center for Mental Retardation and Human Development, Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Electron microscope, Model HS–8–1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for a series of biological experiments each of which will be published in noncommercial scientific literature. The first group of experiments centers around diseases of myelin such as multiple sclerosis and experimental allergic encephalomyelitis. A second group of studies are to be directed at the changes in the brain related to senility. Doctors in training to become neuropathologists will learn to operate the electron microscope considered in this application. These trainees number one to three each year. Application received by Commissioner of Customs: April 2, 1969.

Docket No. 69–00510–33–46040. Applicant: University of Southern California, University Park, Los Angeles, Calif. 90007. Article: Electron microscope, Model EM 9A with spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in a research program to investigate the structure, synthesis and interrelationships of various components of connective tissue. The areas to be investigated include:

(1) Epithelial-mesenchymal interactions during the embryonic development of the tooth primordium;

(2) The stimulation of collagen synthesis as a parameter in dentinogenesis;

(3) Behavior of normal and viral-transformed fibroblasts;

(4) Studies of conjugated proteins;

(5) Characterization of bone collagen and ectopic calcification phenomena;

(6) Cross-linking of tropocollagen;

(7) Glycoprotein biosynthesis in oral tissues and

(8) The effects of nutritional and other environmental factors on connective tissues.

Application received by Commissioner of Customs: April 2, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–4865; Filed, Apr. 23, 1969; 8:45 a.m.]

TULANE UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00204–33–46500. Applicant: Tulane University Medical School, 1430 Tulane Avenue, New Orleans, La. 70112. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies on reproduction and aging in nematodes (gametogenesis, fertilization, egg shell formation, motility of gametes, secretion of sex pheromones), physical relationship of parasites to the host tissues, function of various cells and tissues of parasites as revealed by ultrastructural observation, and the basic morphology and recognition features of larval nematodes and cestodes in relation to species diagnosis and taxonomic interpretation. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed minimum-thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT–2 ultramicrotome, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen, the better is the attainable resolution. Since the applicant requires the best obtainable resolution to accomplish the purposes for which the specimens are being prepared, the smaller minimum thickness capability of the foreign article is a pertinent characteristic. The applicant also requires long series of specimens in the ultrathin range, which must be consistently uniform and accurate. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated March 11, 1969, that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and unifom sections are required." The foreign article employs a thermal advance whereas the Sorvall Model MT–2 employs a gear-driven mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–4867; Filed, Apr. 23, 1969; 8:45 a.m.]

BONA FIDE MOTOR-VEHICLE MANUFACTURERS

Notice of Determination

Notice is hereby given that pursuant to authority contained in Chapter III, Part 301, of Title 19 of the Code of Federal Regulations, the Administrator, as of March 31, 1969, has determined the following to be bona fide motor-vehicle manufacturers:

Haywood Adams Brake Service, 116 Carroll Street, Thomasville, Ga. 31792. Jan. 18, 1969.

American Equipment & Trailer, Inc., 740 North Grand, Amarillo, Tex. 79105. Jan. 18, 1969.

American Machine & Foundry Co., York Division, Whiteford Rd., York, Pa. 17402. May 2, 1968.

American Motors Corporation, 14250 Plymouth Road, Detroit, Mich. 48232. Jan. 18, 1969.

American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, Minn. 55113. Jan. 18, 1969.

American Trailers, Inc., 1500 Exchange Avenue, Oklahoma City, Okla. 73101. Jan. 18, 1969.

Antietam Equipment, Post Office Box 91, Hagerstown, Md. 21740. Jan. 1, 1969.

Artic Enterprises, Inc., Zeh and South LaBree, Thief River Falls, Minn. 56701. Aug. 1, 1968.

Ariens Company, 655 West Ryan Street, Brillion, Wis. 54110. Aug. 10, 1968.

Atlas Eastern, Inc., 858 Providence Highway, Post Office Box 167, Dedham, Mass. 02026. Nov. 1, 1968.

Automotive Safety Inc., 725 Dowd Avenue, Elizabeth, N.J. 07201. Jan. 18, 1969.

Automotive Service Company, 111–113 North Waterloo, Jackson, Mich. 49204. Jan. 18, 1969.

Avanti Motor Corporation, 765 South Lafayette Boulevard, South Bend, Ind. 46623. Jan. 11, 1969.

Badger Northland, Inc., Subsidiary of Massey-Ferguson, Inc., 215 West Second Street, Kaukauna, Wis. 54103. July 1, 1968.

Ballard Brake & Equipment Co., 1316 West Eighth Street, Marion, Ind. 46953. Jan. 18, 1969.

Adam Black & Sons, Inc., 276–300 Tonnele Avenue, Jersey City, N.J. 07306. Jan. 18, 1969.

Blue Bird Body Co., Post Office Box 397, Fort Valley, Ga. 31030. Jan. 18, 1969.

Boyertown Auto Body Works, Inc., Third and Walnut Streets, Boyertwn, Pa. 19512. Sept. 1, 1968.

Brake & Equipment Service Co., Inc., 1801 North Mayfair Road, Milwaukee, Wis. 53226. Jan. 10, 1969.

Brake Service, Inc., 170 Washington Street, Post Office Box 774, Bangor, Maine 04401. Jan. 18, 1969.

Bristol-Donald Co., Inc., 50 Roanoke Avenue, Newark, N.J. 07105. Jan. 1, 1969.

Burch Body Works, Rockford, Mich. 49341. Jan. 18, 1969.

The Carnegie Body Company, 9500 Brookpark Road, Cleveland, Ohio 44129. Jan. 18, 1969.

Checker Motors Corporation, 2016 North Pitcher Street, Kalamazoo, Mich. 49007. Jan. 1, 1969.

Chrysler Corporation, 341 Massachusetts Avenue, Highland Park, Mich. 48203. Jan. 18, 1969.

B. M. Clark Co., Inc., Route 17, Union, Maine 04862. Jan. 14. 1969.

Cloverleaf Equipment & Sales, Inc., 7801 Old Granger Road, Garfield Heights, Ohio 44125. Jan. 18, 1969.

The Coachette Company, 11852 East Northwest Highway, Dallas, Tex. 75218. Jan. 5, 1968.

Coder Service, Inc., 420 Hopkins Street, Buffalo, N.Y. 14220. Feb. 17, 1969.

Comet Corporation, Spokane Industrial Park, Spokane, Wash. 99216. Jan. 18, 1969.

Commercial Truck & Trailer, Inc., 313 North State Street, Girard, Ohio 44420. Jan. 18, 1969.

Connell Motor Truck Co. of Fresno, 2832 Church Avenue, Fresno, Calif. 93766. Jan. 15, 1969.

Crane Carrier Co., Division of CCI Corporation, Post Office Box 5008, 1150 North Peoria, Tulsa, Okla. 74104. Jan. 17, 1969.

Crenshaw Corporation, 1700 Commerce Road, Post Office Box 4217, Richmond, Va. 23224. Apr. 1, 1969.

Critzer Equipment Company, East 3804 Front Avenue, Post Office Box 152, Spokane, Wash. 99210. Jan. 10, 1969.

Cross Truck Equipment Co., Inc., 5130 18th Street SW. at Perry Drive, Canton, Ohio 44706. Jan. 18, 1969.

Cummins Engine Co., 1000 Fifth Street, Columbus, Ind. 47201. Mar. 1, 1969.

Dade Trailer Sales & Service, Inc., 2960 Northwest 73d Street, Miami, Fla. 33147. Jan. 18, 1969.

Daleiden Auto Body & Mfg. Corp., 425 East Vine Street, Kalamazoo, Mich. 49001. Jan. 12, 1969.

Dealers Truck Equipment Co., Inc., 2491 Texas Avenue, Post Office Box 1435, Shreveport, La. 71102. Jan. 17, 1969.

Dealers Truckstell Sales, Inc., 653 Beale Street, Post Office Box 1020, Memphis, Tenn. 38101. Dec. 31, 1968.

Roy F. Drake Body & Equipment Co., 1501 North Minnesota Avenue, Sioux Falls, S. Dak. 57101. Jan. 18, 1969.

Drake-Scruggs Equipment, Inc., 600 South 31st Street, Springfield, Ill. 62703. Jan. 9, 1969.

Dyna-Truck Div., Dynamics Corp. of America, 217 Kossuth Street, Bridgeport, Conn. 06608. Jan. 18, 1969.

Eastern Tank Corporation, 290 Pennsylvania Avenue, Paterson, N.J. 07503. Jan. 1, 1969.

Eight Point Trailer Corporation, 6100 East Washington Boulevard, Los Angeles, Calif. 90022. Jan. 18, 1969.

Elliott Machine Works, Post Office Box 7158, Phoenix, Ariz. 85011. Jan. 18, 1969.

Emmert-Trailer Inc., 614 Mishawaka, Street, Elkhart, Ind. 46514. Jan. 18, 1969.

John Evans Manufacturing Co., Post Office Box 669, Sumter, S.C. 29150. Dec. 31, 1968.

Fleet Equipment Company, 10605 Harry Hines, Dallas, Tex. 75220. Jan. 17, 1969.

Fleet Supply Co., Inc., Post Office Box 98, Salem Station, Winston-Salem, N.C. 27102. Jan. 18, 1969.

The Flexible Co., 326–332 North Water Street, Loudonville, Ohio 44842. Jan. 18, 1969.

FMC Corporation, Bolens Division, 215 South Park Street, Port Washington, Wis. 53074. Jan. 1, 1969.

FMC Corporation, Riverside Division, 3075 14th Street, Riverside, Calif. 92502. Jan. 1, 1969.

Ford Motor Company, The American Road, Dearborn, Mich. 48121. Jan. 18, 1969.

Fox Corporation, 1111 West Racine Street, Janesville, Wis. 53545. Jan. 18, 1969.

Frederick-Willys, Inc., 510 Willow Street, Farmington, Minn. 55024. Jan. 1, 1969.

Freightliner Corporation, 5400 North Basin Avenue, Portland, Oreg. 97208. Dec. 13, 1968.

FWD Corporation, 105 East 12th Street, Clintonville, Wis. 54929. Jan. 1, 1969.

Gar-Wood Detroit Truck Equip. Inc., 21083 Mound Road, Warren, Mich. 48091. Jan. 18, 1969.

General Motors Corporation, 3044 West Grand Boulevard, Detroit, Mich. 48202. Jan. 18, 1969.

General Trailer Co., Inc., 546 West Wilkins Street, Indianapolis, Ind. 46225. Jan. 18, 1969.

Gibbes Machinery Co., Wheat and Assembly Streets, Columbia, S.C. 29202. Jan. 19, 1969.

Gooch Brake and Equipment Co., Inc., 512 Grand Avenue, Kansas City, Mo. 64106. Jan. 11, 1969.

Grand Rapids Brake Service, Inc., 1935 Century Avenue SW., Grand Rapids, Mich. 49509. Jan. 18, 1969.

Hardee Manufacturing Co., Post Office Drawer 699, Plant City, Fla. 33566. Jan. 18, 1969.

Harris Rim and Wheel, Inc., 525 Peters Street NW., Atlanta, Ga. 30310. Jan. 1, 1969.

Hawkeye Truck Equipment Co., 4101 East 14th Street, Des Moines, Iowa 50313. Jan. 18, 1969.

Heilsers, Inc., Airport Road, Rural Delivery 2, Willard, Ohio 44905. Jan. 1, 1969.

Hendrickson Mfg. Co., 8001 West 47th Street, Lyons, Ill. 60534. Jan. 1, 1969.
Herter's, Inc., Route 1, Wesaca, Minn. 56093. May 15, 1969.
The Hess & Eisenhardt Co., 8959 Blue Ash Road, Cincinnati, Ohio 45242. Jan. 9, 1969.
Hobbs Equipment Co., Inc., Keeler Avenue, Norwalk, Conn. 06856. Jan. 18, 1969.
Hudsonville Truck & Trailer Service Co., 5210 36th Avenue, Hudsonville, Mich. 49426. Jan. 31, 1969.
Indiana Trailer Inc., 1611 West Bristol Street, Elkhart, Ind. 46514. Aug. 1, 1968.
International Harvester Company, 401 North Michigan Avenue, Chicago, Ill. 60611. Jan. 18, 1969.
Jalco Truck Products Co., Inc., 534 Meridan Road, Youngstown, Ohio 44501.
Kaiser Jeep Corporation, 940 North Cove Boulevard, Toledo, Ohio 43601. Jan. 18, 1969.
Kay Wheel Sales Co., Tacony and Van Kirk Streets, Philadelphia, Pa. 19135. Dec. 31, 1968.
Kencar Equipment Co., 1906 Lakeview Avenue, Dayton, Ohio 45406. Jan. 18, 1969.
Kenworth Motor Truck Co., 8801 East Marginal Way, Seattle, Wash. 98108. Jan. 18, 1969.
Knapheide Equipment Co., Post Office Box 553, Quincy, Ill. 62301. Jan. 18, 1969.
KW-Dart Truck Company, 1301 North Manchester Trafficway, Kansas City, Mo. 64120. Jan. 18, 1969.
Ledwell & Son, Inc., Post Office Box 1106, Texarkana, Tex. 75501. Jan. 18, 1969.
Leland Equipment Co., 7777 East 42d Place South, Tulsa, Okla. 74101. Jan. 18, 1969.
Mack Trucks, Inc., Executive Offices, Box M, Allentown, Pa. 18105. Jan. 18, 1969.
Jay Madsen Corporation, 132 South 12th Street, Newark, N.J. 07107. Jan. 18, 1969.
Mallard Coach Corporation, 603 Hi Mount Road, West Bend, Wis. 53095. Jan. 11, 1969.
Marion Metal Products Co., 959 Cheney Street, Marion, Ohio 43302. Jan. 18, 1969.
Massart Supply, Inc., 211 West Third Street, Lafayette, La. 70501. Jan. 18, 1969.
Merit Tank & Body, Inc., 707 Gilman Street, Berkeley, Calif. 94710. Jan. 18, 1969.
Middlehauff, Inc., 1615 Ketcham Avenue, Toledo, Ohio 43608. Jan. 18, 1969.
Midget Motors Corp., Campbell Street, Athens, Ga. 45701. Jan. 19, 1969.
Midwest Truck & Equip. Co., 640 East Pershing Road, Decatur, Ill. 62526. Jan. 18, 1969.
Moline Body Company, 222 52d Street, Moline, Ill. 61265. Jan. 10, 1969.
Monon Trailer and Body Co., Post Office Box 446, Monon, Ind. 47959. Jan. 18, 1969.
Edward G. Moody & Son, Spitbrook Road, Nashua, N.H. 03060. Jan. 1, 1969.
J. Tom Moore and Sons, Inc., 2900 Airways Boulevard, Memphis, Tenn. 38130. Dec. 31, 1968.
Motor Coach Industries, Inc., Pembina, N. Dak. 58271. Jan. 18, 1969.
Motor Truck Equipment Corp., 2950 Irving Boulevard, Post Office Box 47385, Dallas, Tex. 75247. Jan. 18, 1969.
Muscat Corporation, 56 East Broadway, Forest Lake, Minn. 55025. Feb. 10, 1969.
Neil's Automotive Service, Inc., 167 East Kalamazoo Avenue, Kalamazoo, Mich. 49006. Jan. 1, 1969.
Nelson Mfg. Co., Route No. 1, Ottawa, Ohio 45875. Jan. 18, 1969.
New England Oil Burner Co., Route 2–A Main Street, Colchester, Vt. 05446. Jan. 10, 1969.
New Frontier Corp., 4030 South Division Avenue, Grand Rapids, Mich. 49508. Jan. 31, 1969.
Nye Implement Co., Inc., NKA NYE, INC., 250 East 4th Street, Fostoria, Ohio 44830. Jan. 18, 1969.
Ohio Body Mfg. Company, New London, Ohio 44851. Jan. 1, 1969.
Olson Bodies, Inc., 600 Old Country Road, Garden City, N.J. 11530. Nov. 1, 1968.
Chas. Olson & Sons, Inc., Pillsbury at Lake Streets, Minneapolis, Minn. 55406. Jan. 18, 1969.
Olson Trailer & Body Builders Co., 2740 South Ashland, Green Bay, Wis. 54306. Jan. 18, 1969.
Oshkosh Truck Corporation, 2307 Oregon Street, Oshkosh, Wis. 54901. Jan. 18, 1969.
Ottawa Steel Products, Daybrook-Ottawa Corporation, Post Office Box 49, Ottawa, Kans. 66067. Jan. 17, 1969.
Outboard Marine Corporation, 100 Pershing Road, Waukegan, Ill. 60085. Jan. 18, 1969.
Pacific Car & Foundry Co., 1400 North Fourth Street, Renton, Wash. 98055. Jan. 18, 1969.
Palmer Spring Company, 355 Forest Avenue, Portland, Maine 04101. Jan. 18, 1969.
Palmer Trailer Sales Co., Inc., 162 Park Street, Route 20 East, Palmer, Mass. 01069. Jan. 18, 1969.
Peerless Trailer & Truck Service, Inc., 18205 Southwest Boones Ferry Road, Post Office Box 447, Tualatin, Oreg. 97062. Jan. 8, 1969.
Perfection Equipment Co., 7 South Pennsylvania, Oklahoma City, Okla. 73107. Jan. 1, 1969.
Perfection Truck Equipment Co., 2550 McGee Trafficway, Kansas City, Mo. 64108. Jan. 18, 1969.
Peterbilt Motors Co., 38801 Cherry Street, Post Office Box 404, Newark, Calif. 94560. Jan. 16, 1969.
Pezzani & Reid Equipment Co., 3960 West Fort Street, Detroit, Mich. 48216. Jan. 18, 1969.
Polaris Industries, Div. of Textron, Inc., Roseau, Minn. 56751. Aug. 2, 1968.
Poloron Products of Pa. Inc., East Corey Street, Scranton, Pa. 18505. Nov. 1, 1968.
Power Brake Company, Inc., 1506 West Morehead Street, Box 838, Charlotte, N.C. 28208. Jan. 17, 1969.
Power Brake Service & Equipment Co., Inc., 1307 Carnegie Avenue, Cleveland, Ohio 44115. Jan. 18, 1969.
Powered Products Corp., Division of JB&T Company, 735 Fourth Avenue, Grand Junction, Colo. 81501. Mar. 1, 1969.
Reliable Spring Co., Inc., 10557 South Michigan Avenue, Chicago, Ill. 60628. Jan. 20, 1969.
Reliance Trailer & Truck Co., Inc., 2765 16th Street, San Francisco, Calif. 94103. Jan. 18, 1969.
Rapp Manufacturing Inc., 1776 Airport Road, Mansfield, Ohio 44903. Oct. 3, 1968.
S.S. Automobiles, Inc., 161 West Wisconsin Avenue, Milwaukee, Wis. 53203. May 22, 1968.
Safety Sales & Service Corp., 50–92 South Cameron Street, Post Office Box 1439, Harrisburg, Pa. 17105. Jan. 18, 1969.
Schien Body & Equipment Co., North on University, Carlinville, Ill. 62626. Jan. 18, 1969.
Schweigers, Inc., South Highway 81, Watertown, S. Dak. 57201. Jan. 18, 1969.
Scientific Brake & Equipment Co., 314 West Genesee Avenue, Saginaw, Mich. 48602. Jan. 18, 1969.
Shasta Truck & Equipment, Inc., 3333 South Market Street, Redding, Calif. 96001. Jan. 18, 1969.
Silverline, Inc., 2300 12th Avenue, South, Moorhead, Minn. 56560. Jan. 1, 1969.
Shelby Automotive Co., Inc., 15670 West Ten Mile Road, Southfield, Mich. 48075. Jan. 3, 1969.
A. O. Smith Corporation, Post Office Box 584, Milwaukee, Wis. 53201. Jan. 17, 1969.
A. O. Smith-Inland, Inc., Post Office Box 584, Milwaukee, Wis. 53201. Mar. 5, 1969.
Smith-Moore Body Company, Inc., Brook Road at Lombardy, Richmond, Va. 23220. Jan. 18, 1969.
Paul Stutler, Inc., 3397 East Waterloo Road, Akron, Ohio 44312. Jan. 2, 1969.
South Florida Engineers, Inc., 5911 East Buffalo Avenue, Post Office Box 11927, Tampa, Fla. 33610. July 2, 1968.
Sport King, Inc., 28650 Grand River Avenue, Farmington, Mich. 48024. Apr. 30, 1968.
Syracuse Auto Parts, Inc., 120 North Geddes Street, Syracuse, N.Y. 13204. Jan. 18, 1969.
T & H Brake Service, Inc., 415 Dunn Road, Fayetteville, N.C. 28302. July 8, 1968.
Thiokol Chemical Corporation, Logan Division, 2503 North Main Street, Logan, Utah 84321. Jan. 18, 1969.
Trade Winds Co., Inc., Depot Street, Manawa, Wis. 54949. Jan. 15, 1969.
Trail-A-Sled, Inc., Box 300, Crosby, Minn. 56441. April 29, 1969.
Transport Equipment Company, 3400 Sixth Avenue, Seattle, Wash. 98134. Jan. 18, 1969.
Truck Equipment Co., 260 Industrial Avenue, New Orleans, La. 70121. Jan. 18, 1969.
Truck Equipment Co., 1911 Southwest Washington Street, Peoria, Ill. 61602. Jan. 18, 1969.
Truck Equipment Sales, Inc., 301 South Fourth Street, Murray, Ky. 42071. Jan. 18, 1969.
Truck Parts & Equipment Co., 295 Hegenburger Road, Oakland, Calif. 94621. Jan. 18, 1969.
Tuff Boy, Inc., 5151 East Almondwood Drive, Manteca, Calif. 95336. Dec. 31, 1968.
Union City Body Co., Inc., 1015 West Pearl Street, Union City, Ind. 47390. Aug. 15, 1968.
Viking Snowmobiles, Inc., Post Office Box 37, Twin Valley, Minn. 56584. Aug. 1, 1968.
The Treco Corporation, d.b.a., Weaver Trailer & Body Company, 1355 West Mound Street, Columbus, Ohio 43223. Jan. 18, 1969.
Wayne Corporation, % Indian Head Inc., 111 West 40th Street, New York, N.Y. 10018. Oct. 31, 1968.
Weigand GMC Truck Sales, Inc., 1008 North Tuscarawas Avenue, Dover, Ohio 44622. Jan. 18, 1969.
White Motor Corporation, Post Office Box 6979, Cleveland, Ohio 44114. Jan. 18, 1969. MARCH 31, 1969.

The Administrator will publish from time to time such revisions of this list as may be appropriate to reflect additions, deletions, or other necessary changes in it.

RODNEY L. BORUM,
Administrator, Business and Defense Services Administration.

[F.R. Doc. 69-4863; Filed, Apr. 23, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Model Cities Program

The Assistant Regional Administrator for Model Cities, Region I (New York), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority by the Assistant Secretary for Model Cities and Governmental Relations effective November 27, 1967 (32 F.R. 17496, Dec. 6, 1967), as amended effective April 29, 1968 (33 F.R. 11685, Aug. 16, 1968), with respect to the Model Cities Program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301–3313) except the authority to authorize waivers of contract provisions.

This redelegation supersedes the redelegation effective August 16, 1968 (33 F.R. 11685 Aug. 16, 1968).

(Redelegations of Authority by Assistant Secretary for Model Cities and Governmental Relations effective Nov. 27, 1967 (32 F.R. 17496, Dec. 6, 1967, as amended at 33 F.R. 11685, Aug. 16, 1968))

Effective date. This redelegation of authority shall be effective as of December 1, 1968.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 69-4934; Filed, Apr. 23, 1969; 8:51 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION V (FORT WORTH, TEX.)

Redelegation of Authority With Respect to Fair Housing

SECTION A. *Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3601–3619, except the authority to:

1. Make studies and publish reports under section 808(e) of the Act.
2. Issue rules and regulations.

SEC. B. *Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to subordinate employees the authority of the Secretary to administer oaths under section 811(a) of the Act, 42 U.S.C. 3611(a).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Jan. 15, 1969 (34 F.R. 946, Jan. 22, 1969))

Effective date. This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

W. W. COLLINS,
Regional Administrator, Region V.

[F.R. Doc. 69-4936; Filed, Apr. 23, 1969; 8:52 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Assistant Regional Administrator for Model Cities, Region I, during the absence of the Assistant Regional Administrator for Model Cities, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Model Cities: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Model Cities unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Model Cities.
2. Urban Planner.
3. Manpower and Economic Development Adviser.

(Delegation May 4, 1962, 27 F.R. 4319; Department Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date: This designation shall be effective as of April 24, 1969.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 69-4935; Filed, Apr. 23, 1969; 8:51 a.m.]

CERTAIN HUD EMPLOYEES IN REGION V (FORT WORTH, TEX.)

Redelegation of Authority To Administer Oaths Under Title VIII (Fair Housing) of Civil Rights Act of 1968

Each of the following named employees in the Department of Housing and Urban Development, Region V (Fort Worth, Tex.), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3611(a):

1. William F. Kerrigan.
2. Clark S. Jefferes.
3. John E. Eubanks.
4. Earnie F. Wilkinson.
5. Jack E. Sandridge.
6. John M. Nelson.
7. Rufus B. Bardwell.

(Redelegation of authority by Regional Administrator effective Apr. 24, 1969 (34 F.R. 6869, Apr. 24, 1969))

Effective date. This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

A. MACEO SMITH,
Assistant Regional Administrator for Equal Opportunity, Region V.

[F.R. Doc. 69-4937; Filed, Apr. 23, 1969; 8:52 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions and named person in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Metropolitan Development, Region VI, during the absence of the Assistant Regional Administrator for Metropolitan Development, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Metropolitan Development, Region VI: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Metropolitan Development unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Metropolitan Development.
2. Director, Program Field Service Division.
3. Chief, Engineering Branch.
4. Cornelius J. Borghello, Supervisory Financial Advisor.

The designation effective December 18, 1966 (32 F.R. 3476, Mar. 2, 1967) is hereby revoked.

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 5th day of May 1968.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 69-4938; Filed, Apr. 23, 1969; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-35]

MISSISSIPPI RIVER NEAR RESERVE, LA.

Designation of Temporary Anchorage Regulation

1. On December 20, 1968, a special notice was published by Commander, 8th Coast Guard District, New Orleans, La., proposing establishment of a temporary anchorage area between mile 137.0 AHP and mile 137.7 AHP, Mississippi River. Interested persons were invited to file written comments concerning this proposal. A hearing open to all interested persons was held on January 17, 1969 at the office of Commander, 8th Coast Guard District, Custom House, New Orleans, La. No objections to the proposed anchorage were received.

2. Accordingly, the Commander, 8th Coast Guard District, on January 20, 1969 pursuant to authority contained in the Rivers and Harbor Act of March 4, 1915 (sec. 7, 38 Stat. 1053, as amended; 33 U.S.C. 471) and the Department of Transportation Act (sec. 6(g)(1)(A), 80 Stat. 937; 49 U.S.C. 1655(g)(1)(A)), and the delegations of authority contained in 49 CFR 1.4(a)(3)(i), 49 CFR 1.4(h), and 33 CFR 110.195(a)(6) designated as a temporary anchorage in the following area:

An area approximately 3,696 feet in length, extending from mile 137.0 AHP to mile 137.7 AHP bounded by the mean low water mark on the right descending bank and a line 800 feet channelward therefrom.

3. Effective date: This designation shall become effective upon publication in the FEDERAL REGISTER.

Dated: April 18, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-4899; Filed, Apr. 23, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-40-12]

NEFARNIN ASSOCIATES

Notice of Denial of Petition for Rule Making

Please take notice that the Atomic Energy Commission has denied a petition for rule making submitted by Nefarnin Associates, 39 Pinckney Street, Boston, Mass. 02114.

By letter dated October 2, 1968, Nefarnin Associates petitioned the Atomic Energy Commission to amend 10 CFR Part 40 to exempt from licensing requirements cufflinks of depleted uranium. A notice of filing of petition, Docket No. PRM-40-12, was published in the FEDERAL REGISTER on October 22, 1968 (33 F.R. 15610).

The Commission has determined that, in light of its criteria for approval of products intended for use by the general public published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462), cufflinks of depleted uranium are adornments the use of which would result in a small increase of radiation exposure among the general public without commensurate benefit, and that it would not be in the public interest to institute the public rule making procedure requested by the petitioner.

A copy of the petition for rule making and of the Commission's letter of denial are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 17th day of April 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-4862; Filed, Apr. 23, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20635]

AEROLINEAS PERUANAS, S.A.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended that a hearing in the above-entitled proceeding is assigned to be held on May 26, 1969, at 10 a.m., d.s.t., in Room 805, Universal Building 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 18, 1969.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 69-4930; Filed, Apr. 23, 1969; 8:51 a.m.]

[Docket No. 20901]

AIR-INDIA

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 30, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

Notice is further given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washintgon, D.C., April 21, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-4931; Filed, Apr. 23, 1969; 8:51 a.m.]

[Docket No. 20920]

COMPANIA MEXICANA DE AVIACION, S.A. (CMA)

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 2, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

Notice is further given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., April 21, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-4932; Filed, Apr. 23, 1969; 8:51 a.m.]

[Docket No. 18650; Order 69-4-88]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on April 18, 1969.

By Order 69-4-35, dated April 7, 1969, the Board deferred action with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 7 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69-4-35.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-48 through R-58, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4933; Filed, Apr. 23, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supplement 14]

1961 WORKING ARRANGEMENT FOR ALLOCATION OF VHF TELEVISION BROADCAST STATIONS

Amendment of Table A

APRIL 21, 1969.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, table A, annex 1 of the Television Working Arrangement under the Canadian-U.S.A. Television Agreement has been amended as follows:

City	Channel Number	
	Delete	Add
Bonnington, British Columbia		[1] 13×(L)

[1] Limitation to protect CHBC-TV-1, Penticton, British Columbia.

Further amendments to table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4921; Filed, Apr. 23, 1969; 8:50 a.m.]

[Report 436]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 21, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

2716-C2-R-69—Malheur Home Telephone Co.; (KD2979); Renewal of Developmental Station license expiring June 1, 1969. Term June 1, 1969, to June 1, 1970.

6034-C2-P-69—Alco Telephone Answer-Ring Service of Greenville, Mississippi, Inc.; (KFL932); C.P. to install an additional channel to operate on base frequency 152.15 MHz at its station located 719 Washington Avenue, Greenville, Miss.

6035-C2-P-69—Guy P. McSweeney doing business as Radio Engineering and Sales Co.; (New); C.P. for a new 2-way station. Frequency: 152.18 MHz. Location: Kentucky Highway No. 71, 12.5 miles northwest of Bowling Green, Ky.

6036-C1-P-69—Paging Montgomery, Inc.; (New); C.P. for a new 1-way-signaling station. Frequency: 158.70 MHz. Location: 207 Montgomery Street, Montgomery, Ala.

6048-C2-P-69—Instant Communications, Inc.; (KQA338); C.P. to install additional channels to operate on base frequencies 454.150, 454.200, and 454.225 MHz at station located 424 Book Building, 124 Washington Boulevard, Detroit, Mich.

6049-C2-P-69—Southern Radio-Phone, Inc.; (KLF537); C.P. to replace the transmitter operating on base frequency 152.21 MHz and change antenna system at its station located 122 Southwest Fifth Avenue, Homestead, Fla.

6050-C2-P-69—Gabriel Communications Corp., doing business as Mobile Dispatching Service; (KIR204); C.P. to install an additional channel to operate on base frequency 454.325 MHz at location No. 1: Northwest 21st Street and 26th Avenue, Fort Lauderdale, Fla.

6051-C2-MP-69—Blue Circle Radio Pocket Paging Corp.; (KEK287); Modification of C.P. to relocate facilities at location No. 1 from 59 Maiden Lane, New York, N.Y., to 20 Exchange Place, New York, N.Y., base frequency: 454.225 MHz.

6058-C2-P-69—The Bell Telephone Co. of Pennsylvania; (KGA474); C.P. to install an additional channel to operate on base frequency 152.780 MHz at station located 1.9 miles north of Wyoming, Pa. and add test frequency 158.040 MHz. Test Location: 10-14 Charles Street, Pittston, Pa.

6059-C2-ML-69—Illinois Bell Telephone Co.; (KSC881); Modification of license to change the signaling channel from 454.990 MHz to 454.675 MHz and change the band width of emission to 16F3, 10F2 at its Developmental station located 135 South La Salle Street, Chicago, Ill.

6081-C2-P-69—Mobilfone of Kansas; (New); C.P. for a new 1-way-signaling station. Frequencies: 152.24 and 158.70 MHz. Location: KTWU (TV) Tower, 1.5 miles west of city limits Topeka, Kans.

6082-C2-P-69—The Mountain States Telephone & Telegraph Co.; (KOH274); C.P. to install an additional channel to operate on base frequency 152.66 MHz at location No. 1: Between Gillette and Warren on 11th Street, Gillette, Wyo., and add frequency 157.92 MHz at test station located 405 Gillette Avenue, Gillette, Wyo.

6083-C2-P-69—The Mountain States Telephone & Telegraph Co.; (KKG417); C.P. to add a fourth channel to operate on base frequency 152.75 MHz at its station located at Ranger Peak, Franklin Mountains, El Paso, Tex.

6084-C2-P-69—Bertha C. Mathews, doing business as Mathews Telephone Answering Service; (KGI274); C.P. to change frequency 35.58 MHz to 152.24 MHz, replace transmitter and change antenna system at station located 1101 26th Street South, Great Falls, Mont.

6085-C2-P-69—Coronet Enterprises, Inc.; (KOA271); C.P. to change antenna system operating on base frequency 152.21 MHz at location No. 1: Top of Kreil, approximately 4 miles southeast of Spokane, Wash.

6086-C2-P-69—Southern Bell Telephone & Telegraph Co.; (KIC345); C.P. to install two additional base channels to operate on frequencies 152.60 and 152.72 MHz at location No. 1, request authority to operate the existing standby xmitter also on above frequencies and change antenna system at location No. 1: 36 Northeast Second Street, Miami, Fla., and add frequencies 157.86 and 157.95 MHz for test. Test location: 36 Northeast Second Street, Miami, Fla.

6089-C2-P-69—M. O. Bobes, doing business as Mobile Telephone Service of Wheeling, West Virginia; (KQK775); C.P. to install an additional channel to operate on base frequency 152.12 MHz at a site to be identified as location No. 2: Rural Delivery No. 1, Grandview, Moundsville, W. Va.

6090-C2-P-69—Guy P. McSweeney, doing business as Radio Engineering & Sales Co.; (KFQ936); C.P. to install a control station at a site to be identified as location No. 2: 1521 29th Street, Ashland, Ky., to operate on frequency 158.67 MHz.

6091-C2-P-69—Palmerton Telephone Co.; (KGC403); C.P. to replace transmitter operating on base frequency 152.69 MHz at its station located near Route No. 18038, 3 miles south and east of Palmerton, Pa.

6092-C2-TC-69—Southern Communications, Inc., doing business as Mobilfone of Tyler; (KLB493); Consent to transfer of control from John E. Dorris Transferor, to Aubrey E. Irby Tranferee (2-way) station at Tyler, Tex.

2288-C2-R-66—Communications Engineering, Inc.; (KWA634); Renewal of license expiring Apr. 1, 1969. Term Apr. 1, 1969, to Apr. 1, 1974, 2-way station at Anchorage, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

0097-C1-P-69—Southwestern Bell Telephone Co.; (KKA46); C.P. to add 6930.7 MHz toward new point of communication San Angelo, Tex. (KCTV-TV), and change antenna system at its station located at 7 miles northwest of Orient, Tex.

0098-C1-P-69—Southwestern Bell Telephone Co.; (KLT99); C.P. to add frequency 8710 MHz toward new point of communication Odessa, Tex., and correct station coordinates to read lat. 31°50'55" N., long. 102°23'11" W. Location: 1211 North Whitaker Street, Odessa, Tex.

0100-C1-P-69—Bell Telephone Co. of Nevada; (New); C.P. for a new fixed station. Frequencies: 10,755 and 10,995 MHz. Location: Control point, 10 miles northeast of Warm Springs, Nev.

0107-C1-P-69—Bell Telephone Co. of Nevada; (New); C.P. for a new fixed station. Frequencies: 11,445 and 11,605 MHz. Location: 26 miles northeast of Warm Springs, Nev.

Major Amendment

0309-C1-P-69—Indiana Bell Telephone Co.; (New); Change azimuth from 41°48' toward Marion, Ind., to 54°09'. Location: 1.1 miles southwest of Point Isabel, Ind.

0309-C1-P-69—Indiana Bell Telephone Co.: (New); Change station location from 216 West Fifth Street, Marion, Ind. (lat. 40°33'25" N, long. 85°39'42" W.) to 2.25 miles north of Marion, Ind. (lat. 40°36'39" N., long. 85°39'18" W.) change azimuth from 46°25' toward Warren, Ind., to 86°13'. All other particulars same as reported in public notice dated Mar. 17, 1969, Report No. 431.

0400-C1-P-69—General Telephone Co. of Illinois: (KSO39): Change radio path azimuth toward Ottawa to 6446 feet of true north. All other particulars same as reported in public notice dated July 8, 1968, Report No. 395.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

0042-C1-P-69—Pacific Telatronics, Inc.: (KPQ99); C.P. to add frequency 6412.2 MHz on azimuth 318°54' directed toward King Mountain transmitter location: Lat. 42°03'54" N., long. 122°26'39" W., 13 miles southwest of Ashland, Oreg.

0043-C1-P-69—Pacific Telatronics, Inc.: (KPN74); C.P. to add frequencies 6011.9 and 6130.5 MHz on azimuth 6°47' directed toward Harness Mountain tranamitter location: Lat. 42°41'49" N., long. 123°13'39" W., King Mountain, 8 miles east of Wolf Creek, Oreg.

0044-C1-P-69—Pacific Telatronics, Inc.: (KPQ92); C.P. to add frequencies 6293.6 and 6412.2 MHz on azimuths 309°46' and 359°00' toward Roman Nose and Blanton Heights, Oreg. Transmitter location: Lat. 43°31'28" N., long. 123°05'39" W., Harness Mountain, 19 miles south of Cottage Grove, Oreg. (Informative: Applicant proposes to provide television signals of stations KBHK-TV and KTVU of San Francisco to Teleprompter Corp. in Coos Bay, Coquille, and Myrtle Point, Oreg.)

0045-C1-TC-(10)-69—Southwest Texas Tranamission Co.; Consent to transfer of control from Telesystems Corp. Transferor to Telesystem Services Corp., Transferee. Stations: (KJK31) Smarr, Ga.; (KKK27) Beeler Farm (near Fredericksburg, Tex.); (KKY46) Uvalde, Tex.; (KKY46) Las Moras, Tex.; (KLF99) Wairdaw Ranch, Tex.; (KRL36) Mayfield Ranch, Tex.; (KLR37) Sonra, Tex.; (KLR38) D'Hanis, Tex.; (KSP97) Vandalia, Ill.; (KSP98) Effingham, Ill.

0046-C1-TC-(2)-69—New England Microwave Corp.; Consent to transfer of control from Telesystems Corp., Transferor to Telesystem Services Corp., Transferee. Stations: (KOE79) Richmond, Mass.; (KCE80) North Adams, Mass.

0108-C1-TC-69—Columbia Television Co., Inc.: (KPV31); Consent to transfer of control from: Present stockholders of Columbia Cable Systems, Inc., Transferors to: Present stockholders of Columbia Cable Systems, Inc., and International Cablevision Corp., Transferees.

0116-C1-TC-(5)-69—Modern Electronics, Inc.; Consent to assignment of license from Modern Electronics, Inc., Assignor to T. V. Cables of Mississippi, Inc., Assignee. Stations: (KTQ99) Indianola, Miss.; (KTR21) Alligator, Miss.; (KTR20) Leland, Miss.; (KLT76) Cleveland, Miss.; (KLT74) Farrell, Miss.

[F.R. Doc. 69-4922; Filed, Apr. 23, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, Calif. 94607.

Agreement No. T-1768-4 between the city of Oakland (California) and Sea-Land Services, Inc., modifies the basic agreement between the parties which provides for the lease of certain marine terminal property at Oakland, Calif. The purpose of the modification is to provide for the furnishing of a third container-ship crane upon the assigned area and to increase the minimum and maximum annual compensation to the city of Oakland.

Dated: April 21, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4912; Filed, Apr. 23, 1969; 8:50 a.m.]

RANDY INTERNATIONAL LTD., ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor; Notice of Revisions

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Randy International Ltd., 11 Broadway, New York, N.Y. 10004.

Ted L. Rausch Co., 260 Spear Street, San Francisco, Calif. 94105.

Intermodal Freight Forwarders, Inc., c/o JACQ. Pierot Jr. & Sons, 29 Broadway, New York, N.Y. 10006.

Dated: April 22, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4951; Filed, Apr. 23, 1969; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

MIDLAND BUSINESS INVESTMENT CORP., INC.

Acceptance of Surrender of License

Notice is hereby given that Midland Business Investment Corporation, Inc. (Midland), Union Gas Building, Independence, Kans. 67301, has pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), surrendered its license to operate as a small business investment company.

Midland was incorporated on July 21, 1961, under the laws of the State of Kansas, and issued license number 09/0012 by the Small Business Administration on August 18, 1961.

Midland was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et. seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Midland is hereby accepted, and accordingly, it is no longer licensed to operate as a small business investment company.

Dated: April 18, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-4897; Filed, Apr. 23, 1969; 8:48 a.m.]

OSHER CAPITAL CORP.

Notice of Issuance of Small Business Investment Company License

On February 7, 1969, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (34 F.R. 1848) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investments companies (33 F.R. 326) for a license as a small business investment company by Osher Capital Corp., Suite 700, Fox Pavilion, Jenkintown, Pa. 19046.

Interested parties were given to the close of business, February 22, 1969, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 03/03-0062 to Osher Capital Corp., to operate as a small business investment company.

Dated: April 14, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-4898; Filed, Apr. 23, 1969; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. D-16]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority Regarding Repair, Alteration and Improvement of Leased Premises in Boston, Mass.

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare, to repair, alter, and improve leased premises in Boston, Mass.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This delegation shall expire 10 years from the effective date of the lease covering the rented premises.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Health, Education, and Welfare to repair, alter, and improve the leased premises in Boston, Mass., for use by the Diabetes and Arthritis Field Research Laboratory, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.

b. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer, official, or employee of the Department of Health, Education, and Welfare.

c. This authority shall be exercised in accordance with the requirements of section 210(a)(8) of the Federal Property and Administrative Services Act of 1949 (64 Stat. 580), as amended (40 U.S.C. 490(a)(8)), and other applicable statutes and regulations.

ROBERT L. KUNZIG,
Administrator of General Services.

APRIL 17, 1969.

[F.R. Doc. 69-4874; Filed, Apr. 23, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-7007 etc.]

CITIES SERVICE OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 17, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: Provided, however, that pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7007 2-17-69 [2]	Cities Service Oil Co., Oil Center Bldg., Box 300, Tulsa, Okla. 74102.	Cities Service Gas Co., Kansas-Hugoton Field, Grant and Haskell Counties, Kans.	(3)	----------
C169-902 (C165-453) C 3-20-69 [4]	Delta Drilling Co. (Operator) et al., Post Office Box 2012, Tyler, Tex. 75702.	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	16.0	14.65
C167-652 C 3-17-69 [5] F 3-25-69 [6]	Thomas A. Dugan et al., Box 234, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	13.0	15.025
C169-924 (C169-924) C 4-1-69 [5]	J. L. Trittipo, Inc., 1111 Nelson Bldg., Charleston, W. Va. 25301	United Fuel Gas Co., Rocky Fork Field, Putnam County, W. Va.	28.0	15.325
C169-914 (G-18932) F 3-24-69	Thomas A. Dugan (successor to Jay J. Harris), Box 234, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
C169-916 (G-13633) (G-16528) A and F 3-26-69 [6]	Joseph F. Fritz (Operator) et al., Post Office Box 206, Clinton, Miss. 39056.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest County, Miss.	[7] 20.6 [8] 20.0	15.025
C169-917 A 4-1-69	Felmont Oil Corp., 285 Madison Ave., New York, N.Y. 10017.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 233 Field, Offshore Louisiana, Gulf of Mexico.	21.25	15.025
C169-918 A 4-1-69	do	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 230 Field, Offshore Louisiana, Gulf of Mexico.	21.25	15.025
C169-919 A 4-1-69	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	do	21.25	15.025
C169-920 E 4-1-69	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Hassie Hunt Trust, North Lisbon Field, Claiborne Parish, La.	Depleted	----------
C169-921 D 4-1-69	do	Union Texas Petroleum, a division of Allied Chemical Corp., Stowell Field, Chambers County, Tex.	Depleted	----------
C169-922 D 4-1-69	W. R. Hughey (Operator) et al	Lone Star Gas Co., J.G.S. Field, Panola County, Tex.	Depleted	----------
C169-923 A 4-1-69	Gulf Oil Corp. [9]	Northern Natural Gas Co., Bass Devonian Field, Pecos County, Tex.	[10] 17.5 [11] [12] 18.5	14.65
C169-925 A 4-1-69	Cities Service Oil Co	United Gas Pipe Line Co., State Tract 432 Deep Unit, Corpus Christi Bay Area, Nueces County, Tex.	16.6	14.65
C169-926 A 4-1-69	Marathon Oil Co. [9], 539 South Main St., Findlay, Ohio 45840.	Transwestern Pipeline Co., Rock Tank Morrow Field, Eddy County, N. Mex.	[10] [13] 16.5	14.65
C169-927 A 4-1-69	Essex Royalty Corp., 285 Madison Ave., New York, N.Y. 10017.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 230 Field, Offshore Louisiana, Gulf of Mexico.	21.25	15.025
C169-928 (G-11891) (G-12154) A and F 4-1-69 [14]	King Resources Co., 700 Houston Natural Gas Bldg., Houston, Tex. 77002.	Southern Natural Gas Co., Manila Village Field, Jefferson Parish, La.	19.75	15.025
C169-929 A 4-2-69	Buffalo Oil Co., c/o James F. Scott, agent, Post Office Box 112, Salem, W. Va. 26426.	Pennzoil United, Inc., Union District, Harrison County, W. Va.	18.0	15.325
C169-930 A 4-1-69	Anadarko Production Co. (Operator) et al., Post Office Box 9317, Fort Worth, Tex. 76101.	Lone Star Gas Co., West Palacine Field, Stephens County, Okla.	15.0	14.65
C169-931 A 4-2-69	Chevron Oil Co., Western Division, Post Office Box 599, Denver, Colo. 80201.	Kansas-Nebraska Natural Gas Co., Inc., Red Lion Field, Sedgwick County, Colo.	14.0	14.65
C169-932 A 4-2-69	Davis Oil Co., c/o Jacob Goldberg, Attorney, 810 Pennsylvania Bldg., Washington, D.C. 20004.	Texas Eastern Transmission Corp., Southwest Lake Boeuf Field, Lafourche Parish, La.	21.25	15.025
C169-933 A 4-4-69	Nathan A. Levy, Jr., Post Office Box 2625, Morgan City, La. 70380.	Michigan Wisconsin Pipe Line Co., North Cecelia Field, St. Martin Parish, La.	21.25	15.025
C169-934 A 4-7-69	Hunting Oil Co., Inc., 14701 Detroit Ave., Lakewood, Ohio 44107.	The Ohio Fuel Gas Co., Groundhog Creek Field, Meigs County, Ohio.	27.0	15.025
C169-935 A 4-7-69	Atlantic Richfield Co. [9], Post Office Box 521, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Rock Tank Morrow Field, Eddy County, N. Mex.	16.58	14.65
C169-936 A 4-7-69	Woods Petroleum Corp. [15], 4900 North Santa Fe, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	[10] 17.0	14.65
C169-937 A 4-7-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Cameron Block 17 Field, Offshore (Zone 2), Louisiana.	21.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C169-938 A 4-7-69	Quaker State Oil Refining Corp., Post Office Box 1327, Parkersburg, W. Va. 26101.	The Ohio Fuel Gas Co., Groundhog Field, Lebanon Township, Meigs County, Ohio.	27.0	15.025
C169-939 (C162-1036) F 4-1-69	John A. Hairford (successor to Apache Corp.), Post Office Box 594, Hooker, Okla. 73945.	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	[16] 13.0	14.65
C169-940 (G-8581) F 4-1-69	Austin Brady (successor to Petroleum, Inc. et al.), Post Office Box 302, Garden City, Kans. 67846.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Haskell County, Kans.	[17] 13.5	14.65
C169-941 (C166-53) F 4-1-69	Blaik Oil Co. (successor to Mobile Oil Corp.), 203 Park Ave., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Northeast Buffalo Field, Harper County, Okla.	17.0	14.65
C169-943 (C166-1215) F 4-3-69	The Fundamental Oil Corp. (successor to Joesph E. Seagram & Sons, Inc. d.b.a. Texas Pacific Oil Co.), 2014 Mercantile Bank Bldg., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, North Farnsworth Area, Ochiltree County, Tex.	[12] 17.0	14.65

[1] Applicant, as successor in interest to Columbian Fuel Corp., proposes to discontinue deliveries of up to 5,000 Mcf at 14.65 of natural gas per day to Cities Service Gas Co. for an additional period of 5 years or for such time as Cities Service has excess allowables in the Kansas-Hugoton Field or for the period during which the released gas is not required for delivery to Cities Service's customers, whichever is lesser. Columbian Fuel was heretofore authorized to discontinue deliveries of up to 8,000 Mcf per day for a 5-year period terminating Oct. 28, 1969, to permit deliveries of the released volumes to the Hickok Carbon Plant in the Hugoton Field.

[2] Adds acreage acquired from Atlantic Richfield Co. (Operator) et al., Docket No. C165-453.

[3] Application previously noticed Apr. 7, 1969, in Dockets Nos. G-3117 et al., at a total initial rate of 15.0619 cents per Mcf.

[4] Letter filed amending application to reflect a total initial rate of 13 cents per Mcf in lieu of 15.0619 cents.

[5] Application was erroneously assigned Docket No. C169-924 as an initial service application. Docket No. C169-924 is canceled and application will be treated as a petition to amend the certificate to add acreage in Docket No. C169-424.

[6] In addition to initially dedicated leases, Applicant proposes to continue sales as partial successor in interest to Union Producing Co. and Fred LaRue (Operator) et al.

[7] Production from new acreage.

[8] Production from acreage acquired from Union Producing Co. and Fred LaRue (Operator) et al.

[9] Applicant states its willingness to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.

[10] Gas-well gas.

[11] Casinghead gas.

[12] Subject to upward and downward B.t.u. adjustment.

[13] Plus applicable taxes.

[14] In addition to initially dedicated leases, Applicant proposes to continue sales as partial successor in interest to Getty Oil Co. and Gulf Oil Corp.

[15] Applicant states its willingness to accept certificate on the same terms as specified by the Commission order issued Mar. 20, 1964, in Dockets Nos. G-19416 et al.

[16] Rate in effect subject to refund in Docket No. R169-168.

[17] Rate in effect subject to refund in Docket No. R165-620.

[F.R. Doc. 69-4778; Filed, Apr. 23, 1969; 8:45 a.m.]

[Docket No. E-7476]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Application

APRIL 18, 1969.

Take notice that on April 16, 1969, Baltimore Gas and Electric Co. (Applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $65 million in short-term unsecured promissory notes including commercial paper notes.

Applicant is incorporated under the laws of the State of Maryland with its principal business office at Baltimore, Md., and is engaged in the electric, gas, and steam utility businesses within the State of Maryland.

The notes are to be issued from time to time to banking institutions and/or sold to or through dealers in commercial paper and will mature within 1 year from their dates of issuance and in any event not later than December 31, 1972.

The proceeds from the issuance of the notes will be used as interim financing of the Applicant's 1969-71 construction program presently estimated at $473 million (exclusive of outlays for nuclear fuel), of which $145 million is scheduled for 1969, $144 million for 1970, and $184 million for 1971.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4870; Filed, Apr. 23, 1969; 8:46 a.m.]

[Docket No. CP69-264]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

APRIL 18, 1969.

Take notice that on April 11, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69-264 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas storage facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation over a 2-year period, in 1969 and 1970, of a 13,600 horsepower compressor station with auxiliary equipment and related piping, the reconditioning of 20 existing storage wells, the replugging of three wells, the drilling of 15 new wells, and the replacement of its existing gathering system, all for the further development of its Greenlick Storage Pool in Potter and Clinton Counties, Pa.

Applicant estimates the cost of the proposed facilities at $21,068,302, of which $11,137,376 would be for 1969 construction and $9,930,926 is for construction in 1970. Applicant proposes to finance these costs in part from funds on hand and in part by borrowing from its parent corporation, Consolidated Natural Gas Co.

Applicant states that the proposed development would increase the estimated capacity of the Greenlick Storage Pool to 53 million Mcf, of which approximately one-half would be cycled. Applicant states that this proposed additional development of the Greenlick Storage Pool is required to meet normal growth in its winter seasonal market requirements, and to enable it to render anticipated increased levels of storage service for Transcontinental Gas Pipe Line Corp. beginning in 1970.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4871; Filed, Apr. 23, 1969; 8:46 a.m.]

[Docket No. RI69-641]

SHELL OIL CO.

Order Amending Order Accepting Supplemental Agreement and Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

APRIL 18, 1969.

On February 28, 1969, Shell Oil Co. (Shell), filed with the Commission a proposed change in rate, from 12.81 cents to 13.5183 cents per Mcf, designated as Supplement No. 16 to Shell's FPC Gas Rate Schedule No. 134, which pertains to Shell's jurisdictional sales of natural gas from the University Block 9 Field, Andrews County, Tex., RR. District No. 8 (Permian Basin Area) to El Paso Natural Gas Co. The Commission by order issued March 27, 1969, suspended for 5 months Shell's rate filing, among others, in Docket No. RI69-641, until August 31, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On March 24, 1969, Shell submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 16 to Shell's FPC Gas Rate Schedule No. 134, amending the supplement to the aforementioned rate schedule to provide for a rate to 13.5705 cents instead of the 13.5183 cents per Mcf rate filed on February 28, 1969, due to a correction in determining the proper rate due to deductions for quality. Shell's proposed substitute rate filing is set forth in appendix "A" hereof.

Shell's proposed 13.5705 cents per Mcf rate exceeds the just and reasonable area ceiling rates established by the Commission in its Opinions Nos. 468 and 468-A, as did the previously suspended rate under the rate schedule in said docket. Shell's proposed rate consists of its contractually authorized rate less the quality adjustments applicable to such sale under Opinions Nos. 468 and 468-A. Since Shell's amended rate filing involves a correction in the applicable quality adjustments, we believe that it would be in the public interest to accept Shell's corrective rate filing subject to the suspension proceeding in Docket No. RI69-641, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (August 31, 1969) of the original filing in said docket.

The Commission orders:

(A) The suspension order issued March 27, 1969, in Docket No. RI69-641, is amended only so far as to permit the 13.5705 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 16 to Shell's FPC Gas Rate Schedule No. 134 to be filed to supersede the 13.5183 cents per Mcf rate provided by Supplement No. 16 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69-641. The suspension period for such substitute filing shall terminate concurrently with the suspension period (August 31, 1969) of the original rate filing in said docket.

(B) In all other respects, the order issued by the Commission on March 27, 1969, in Docket No. RI69-641, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-641..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020. Attention: Mr. F. C. Farrar.	134	[1] 1 to 16	El Paso Natural Gas Co. (University Block 9 Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	$9,308	3-24-69	[2] 3-24-69	[3] 8-31-69	12.81	[4] [5] 13.5705	

[1] Superseding notice of change to reflect correction for quality deductions.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Suspend until Aug. 31, 1969, the expiration date of the prior increase suspended in Docket No. RI69-641.
[4] Increase from applicable area ceiling rate to contract rate plus tax reimbursement, adjusted for quality.
[5] Pressure base is 14.65 p.s.i.a.

[F.R. Doc. 69-4872; Filed, Apr. 23, 1969; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Permission To Acquire Newport Balboa Savings and Loan Association

APRIL 21, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corp., has received an application from the Imperial Corporation of America, San Diego, Calif., to acquire the Newport Balboa Savings and Loan Association, Newport Beach, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the rules and regulations for Savings and Loan Holding Companies, to be effected by the purchase of at least 80 percent of the guaranty stock of Newport Balboa Savings and Loan Association by Imperial Corporation of America followed by a merger of such insured institution into Investors Savings and Loan Association, Pasadena, Calif., a subsidiary insured institution of Imperial Corporation of America. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-4902; Filed, Apr. 23, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

APRIL 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 20, 1969, through April 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4892; Filed, Apr. 23, 1969; 8:48 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

APRIL 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 21, 1969, through April 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4893; Filed, Apr. 23, 1969; 8:48 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

APRIL 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 20, 1969, through April 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4894; Filed, Apr. 23, 1969; 8:48 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

APRIL 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 19, 1969, through April 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4895; Filed, Apr. 23, 1969; 8:48 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

APRIL 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 20, 1969, through April 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4896; Filed, Apr. 23, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended)

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Mfg. Co., LeMars, Iowa; 2-13-69 to 2-12-70; 10 learners (boys' jeans).

Albain Shirt Co., Kinston, N.C.; 2-18-69 to 2-17-70 (men's and boys' dress shirts).

Angelica Uniform Co., No. 22, Mountain View, Mo.; 2-26-69 to 2-25-70 (men's outerwear coats).

Bali Bra Manufacturing Co., Inc., Johnstown, Pa.; 2-4-69 to 2-3-70 (brassieres).

Michael Berkowitz Co., Inc., Waynesburg, Pa.; 2-16-69 to 2-15-70 (ladies' pajamas).

C & M Sportswear Manufacturing Co., Meshoppen, Pa.; 2-1-69 to 1-31-70; 10 learners (men's jackets and ladies' ski jackets).

Carthage Garment Corp., Carthage, Miss.; 2-26-69 to 2-25-70 (boys' sport shirts).

Carwood Manufacturing Co., Baldwin, Ga.; 2-19-69 to 2-18-70 (men's work pants).

Carwood Manufacturing Co., No. 1, Cornelia, Ga.; 2-19-69 to 2-18-70 (men's work and sport shirts).

Carwood Manufacturing Co., Lavonia, Ga.; 2-19-69 to 2-18-70 (men's and boys' pants).

Carwood Manufacturing Co., No. 1, Monroe, Ga.; 2-19-69 to 2-18-70 (men's outerwear jackets).

Carwood Manufacturing Co., Monroe, Ga.; 2-19-69 to 2-18-70 (men's and boys' pants).

Checotah Manufacturing Co., Checotah, Okla.; 2-26-69 to 2-25-70 (children's shorts and peddle pushers).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; 2-1-69 to 1-31-70 (men's pajamas).

Cordele Uniform Co., Cordele, Ga.; 2-21-69 to 2-20-70 (men's work clothing).

Covington Industries, Inc., Florala, Ala.; 2-1-69 to 1-31-70 (army fatigue jackets).

Dickson-Jenkins Manufacturing Co., Fort Worth, Tex.; 2-14-69 to 2-13-70 (western pants and shirts).

E & W of Paragould, Inc., Paragould, Ark.; 2-24-69 to 2-23-70 (boys' sport shirts).

E & W of Yazoo City, Inc., Yazoo City, Miss.; 2-1-69 to 1-31-70 (men's and boys' pajamas).

Eastwill Sportswear Co., Inc., Greenwood, S.C.; 2-2-69 to 2-1-70 (men's and boys' shirts).

Elder Manufacturing Co., McLeansboro, Ill.; 2-7-69 to 2-6-70 (men's and boys' dress and sport shirts).

The Enro Shirt Co., Inc., Madisonville, Ky.; 2-1-69 to 1-31-70 (men's sport shirts).

Fairfield Manufacturing Co., Winnsboro, S.C.; 2-20-69 to 2-19-70 (men's work clothes).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md.; 2-28-69 to 2-27-70; 10 learners (men's work clothing).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa.; 2-28-69 to 2-27-70 (men's and boys' work and semi-dress pants).

J. Freezer & Son, Inc., Rural Retreat, Va.; 2-6-69 to 2-5-70 (men's shirts).

Glenn Slacks, Inc., Bruce, Miss.; 2-25-69 to 2-24-70 (men's pants).

Imperial Reading Corp., Anniston, Ala.; 2-18-69 to 2-17-70 (boys', ladies' and men's jeans and dungarees).

Imperial Reading Corp., Christiansburg, Va.; 2-21-69 to 2-20-70 (men's work clothing and boys' dungarees).

F. Jacobson and Sons, Inc., York, Pa.; 2-10-69 to 2-9-70 (men's shirts).

The Jay Garment Co., Clarksville, Tenn.; 2-9-69 to 2-8-70 (men's work suits and shirts).

Jomax Apparel Co., York, Pa.; 2-1-69 to 1-31-70; 10 learners (ladies' dresses).

Jonbil Manufacturing Co., Inc., Chase City, Va.; 2-14-69 to 2-13-70 (men's, boys', ladies', girls', and children's jeans).

Junction City Mfg. Corp., Junction City, La.; 2-7-69 to 2-6-70 (ladies' foundation garments).

Kentown Corp., Barnardsville, N.C.; 2-7-69 to 2-6-70 (women's dresses).

The H. D. Lee Co., Inc., Sulphur Springs, Tex.; 2-3-69 to 2-2-70 (men's western pants).

M and G Sportswear, Inc., Fall River, Mass.; 2-25-69 to 2-24-70 (children's sportswear and outerwear).

The Manhattan Shirt Co., Ashburn, Ga.; 2-7-69 to 2-6-70 (men's shirts).

The Manhattan Shirt Co., Jesup, Ga.; 2-25-69 to 2-24-70 (men's sport shirts).

The Manhattan Shirt Co., Salisbury, Md.; 2-26-69 to 2-25-70 (ladies' and men's shirts).

MasterSon, Inc., Booneville, Miss.; 2-28-69 to 2-27-70 (boys' parkas, outerwear coats and cotton jackets).

Mid South Manufacturing Co., Richton, Miss.; 2-9-69 to 2-8-70 (men's pants).

Monleigh Garment Co., Mocksville, N.C.; 2-13-69 to 2-12-70 (men's shirts).

Prairie Manufacturing Co., East Prairie, Mo.; 2-10-69 to 2-9-70; 10 learners (men's and boys' pants).

Primo Pants Co., Versailles, Mo.; 2-1-69 to 1-31-70 (men's pants).

Quality Frocks Corp., New Bedford, Mass.; 2-24-69 to 2-23-70; 5 learners (ladies' dresses).

Rose Hill Textiles, Inc., Rose Hill, N.C.; 2-8-69 to 2-7-70; 10 learners (children's outerwear pants).

Rosebud Manufacturing Co., Vidalia, Ga.; 2-1-69 to 1-31-70 (women's lingerie).

Rothley, Inc., Decatur, Ill.; 2-10-69 to 2-9-70; 10 learners (ladies' dresses).

Rowland Manufacturing Co., Rowland, N.C.; 2-11-69 to 2-10-70 (men's and boys' shirts).

Salemburg Manufacturing Co., Salemburg, N.C.; 2-17-69 to 2-16-70 (women's dresses).

Samsons Manufacturing Corp., Wilson, N.C.; 2-9-69 to 2-8-70 (men's dress shirts).

Sharon Manufacturing Co., Sharon, Tenn.; 2-24-69 to 2-23-70 (children's pajamas).

Henry I. Siegel Co., Inc., Bruceton, Tenn.; 2-20-69 to 2-19-70 (men's and boys' pants).

Henry I. Siegel Co., Inc., Tiptonville, Tenn.; 2-1-69 to 1-31-70 (sportscoats and unlined jackets).

Smith Brothers Manufacturing Co., Carthage, Mo.; 2-10-69 to 2-9-70 (men's overalls, coveralls, and jeans, boys' jeans).

Smith Brothers Manufacturing Co., Lamar, Mo.; 2-10-69 to 2-9-70 (men's work jackets and pants).

Smith Brothers Manufacturing Co., Neosho, Mo.; 2-10-69 to 2-9-70 (men's pants).

Society Lingerie Co., Inc., Michigan City, Ind.; 2-25-69 to 2-24-70; 10 learners (women's pajamas and gowns).

Soperton Manufacturing Co., Soperton, Ga.; 2-3-69 to 2-2-70 (men's sport shirts).

Sparta Garment Co., Sparta, Ga.; 2-1-69 to 1-31-70 (men's and boys' pants).

Stein-Way Clothing Co., Inc., Johnson City, Tenn.; 2-17-69 to 2-16-70 (men's and boys' trousers and shorts).

Levi Strauss & Co., Arkadelphia, Ark.; 2-23-69 to 2-22-70 (men's and boys' pants).

Levi Strauss & Co., Murphy, N.C.; 2-7-69 to 2-6-70 (men's and boys' pants).

Sturgis Clothing Co., Sturgis, Ky.; 2-1-69 to 1-31-70 (men's pants).

Tompkinsville Manufacturing Co., Tompkinsville, Ky.; 2-12-69 to 2-12-70 (men's work pants).

The Van Heusen Co., Augusta, Ark.; 2-28-69 to 2-27-70 (men's dress shirts).

J. M. Wood Manufacturing Co., Inc., Temple, Tex.; 2-25-69 to 2-24-70 (men's combat trousers and slacks).

Woolfolk Manufacturing Corp., Louisa, Va.; 2-17-69 to 2-16-70 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Angelica Uniform Co., Eminence, Mo.; 2-10-69 to 8-9-69; 65 learners (women's and men's washable uniforms).

Angelica Uniform Co., Summersville, Mo.; 2-10-69 to 8-9-69; 75 learners (women's washable uniforms).

Eudora Garment Corp., Eudora, Ark.; 2-20-69 to 8-19-69; 25 learners (washable service apparel).

The Jay Garment Co., Clarksville, Tenn.; 2-9-69 to 8-8-69; 30 learners (men's work suits and shirts).

Junction City Mfg. Corp., Junction City, La.; 2-18-69 to 8-17-69; 35 learners (ladies' foundation garments).

Marshville Mfg. Co., Marshville, N.C.; 2-10-69 to 8-9-69; 50 learners (ladies' dresses).

Quanah Mfg. Co., Quanah, Tex.; 2-13-69 to 8-12-69; 100 learners (ladies' and girls' blouses).

Rothley, Inc., Decatur, Ill.; 2-10-69 to 8-9-69; 20 learners (ladies' dresses).

Seaboard Mfg. Co., Inc., Seaboard, N.C.; 2-7-69 to 8-6-69; 30 learners (children's dresses and sportswear).

Starke Industries, Starke, Fla.; 2-3-69 to 8-2-69; 20 learners (children's pants, coats and jackets).

Stephenson Enterprises, Inc., Folkston, Ga.; 2-7-69 to 8-6-69; 85 learners (men's and boys' pants).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.80 to 522.85, as amended).

Jno. H. Swisher & Son., Inc., Cullman, Ala.; 2-1-69 to 1-31-70; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Jno. H. Swisher & Son, Inc., Jacksonville, Fla.; 2-1-69 to 1-31-70; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Jno. H. Swisher & Son, Inc., Waycross, Ga.; 2-1-69 to 1-31-70; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Banner Elk Glove Co., Banner Elk, N.C.; 2-14-69 to 2-13-70; 10 learners for normal labor turnover purposes (leather palm work gloves).

Banner Elk Glove Co., Banner Elk, N.C.; 2-26-69 to 8-25-69; 20 learners for plant expansion purposes (leather palm work gloves).

Coshocton Plant, Coshocton, Ohio; 2-1-69 to 1-31-70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Metropolis, Ill.; 2-13-69 to 2-12-70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Marsu & Rodenborn Manufacturing Co., Fort Dodge, Iowa; 2-26-69 to 2-25-70; 10 learners for normal labor turnover purposes (work gloves).

Mid West Glove Corp., Chillicothe, Mo.; 2-25-69 to 2-24-70; 10 learners for normal labor turnover purposes (leather and leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Belmont Hosiery Mills, Inc., Belmont, N.C.; 2-1-69 to 1-31-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

James Knitting Co., Inc., Greenville, Tenn.; 2-20-69 to 2-19-70; 5 learners for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; 2-11-69 to 2-10-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Ainsbrooke Co., Carmi, Ill.; 2-1-69 to 1-31-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Almark Mills, Inc., Dawson, Ga.; 2-20-69 to 2-19-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties, and children's nightgowns and pajamas).

Almark Mills, Inc., Dawson, Ga.; 2-20-69 to 8-19-69; 40 learners for plant expansion purposes (ladies' and children's panties, and children's nightgowns and pajamas).

H. W. Gossard Co., Poplar Bluff, Mo.; 2-4-69 to 2-3-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

Hazlehurst Manufacturing Co., Inc., Hazlehurst, Ga.; 2-21-69 to 2-20-70; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Lady Jane Manufacturing Co., Inc., Kulpmont, Pa.; 2-28-69 to 8-27-69; 20 learners for plant expansion purposes (ladies' underwear).

Russell Mills, Inc., Montgomery, Ala.; 2-1-69 to 1-31-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Russell Mills, Inc., Montgomery, Ala.; 2-1-69 to 7-31-69; 45 learners for plant expansion purposes (underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bayuk Cigars, Inc., Cigars, P.R.; 1-7-69 to 4-30-69; 24 learners for plant expansion purposes in the occupations of sorting, sizing, tying, and grading, each for a learning period of 240 hours at the rate of $1.05 an hour (wrapper type tobacco) (replacement certificate).

Central Knitting Mills, Inc., San German, P.R.; 2-21-69 to 2-20-70; 4 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours (full-fashioned knitted wear).

D & D Fashions, Inc., Las Piedras, P.R.; 1-27-69 to 7-26-69; 30 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.13 an hour (ladies' lingerie).

Midland Knitting Mills, Inc., San German, P.R.; 2-21-69 to 2-20-70; 5 learners for normal labor turnover purposes in the occupation of knitting for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours (full-fashioned knitted garments).

Moca Mills, Inc., Moca, P.R.; 2-17-69 to 2-16-70; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (men's and boys' briefs).

Northridge Knitting Mills, San German, P.R.; 2-17-69 to 2-16-70; 6 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours (full-fashioned knitted garments).

Van Heusen of Puerto Rico, Aguadilla, P.R.; 2-21-69 to 2-20-70; 17 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (dress shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 15th day of April 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-4891; Filed, Apr. 23, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1288]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 18, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 306), filed April 7, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Akron, Ohio, and St. Paul, Minn.: From Akron over U.S. Highway 224 to junction U.S. Highway 42, thence over U.S. Highway 42 to junction U.S. Highway 30, near Mansfield, Ohio (also, from Akron over Interstate Highway 80S to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 30, near Mansfield, Ohio), thence over U.S. Highway 30N to Delphos, Ohio (also, over U.S. Highway 30S to Delphos, Ohio), thence over U.S. Highway 30 to junction U.S. Highway 41, at or near Schererville, Ill., thence over U.S. Highway 41 to Chicago, Ill., thence over Interstate Highway 55 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 90 thence over Interstate Highway 90 to Madison, Wis., thence over Interstate Highways 90 and 94 to junction U.S. Highway 12 (Interstate Highway 94) at or near North Tomah, Wis., thence over U.S. Highway 12 (Interstate Highway 94) to Eau Claire, Wis., and thence over Interstate Highway 94 to St. Paul, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Applicant holds contract carrier authority under MC 133094, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio, or St. Paul, Minn.

No. MC 2066 (Sub-No. 1), filed April 2, 1969. Applicant: R. M. SULLIVAN TRANSPORTATION, INC., 649 Cottage Street, Springfield, Mass. 01104. Applicant's representative: Arthur M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Springfield, Mass., on the one hand, and, on the other, points in New Hampshire, Rhode Island, and Connecticut. NOTE: The instant application seeks authority to add Springfield, Mass., as a gateway point for the performance of irregular route operations under certificate No. MC 2066. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., or Hartford, Conn.

No. MC 2253 (Sub-No. 37), filed March 21, 1969. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. 28021. Applicant's representatives: Guy H. Postell and Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

in bulk, and those requiring special equipment); (A) between Kings Mountain, N.C., and New York, N.Y., from Kings Mountain over U.S. Highway 29 via Salisbury, N.C., to Greensboro, N.C. (also from junction U.S. Highway 29 and Alternate U.S. Highway 29, near Concord, N.C., over Alternate U.S. Highway 29 to junction U.S. Highway 29 near China Grove, N.C., and thence over U.S. Highway 29 to Salisbury), thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, and return over the same route; and (B) from Kings Mountain over U.S. Highway 29 to Charlotte, N.C., thence over North Carolina Highway 27 to Carthage, N.C., thence over U.S. Highway 15 to junction U.S. Highway 1, thence over U.S. Highway 1 to Henderson, N.C., thence to New York as specified above, and return over the same route, serving no intermediate points, and serving the off-route points of Reading, Lebanon, Harrisburg, Allentown, Pottstown, and Phoenixville, Pa., in (A) and (B) above. NOTE. If a hearing is deemed necessary, applicant requests it convene at Orlando, Fla., and terminate at Atlanta, Ga.

No. MC 2754 (Sub-No. 15), filed March 27, 1969. Applicant: NEUENDORF TRANSPORTATION CO., a corporation, 121 South Stoughton Road, Madison, Wis. 53701. Applicant's representative: Robert E. Bryant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Prentice and Park Falls, Wis., over Wisconsin Highway 13, serving all intermediate points. (2) serving Mosinee, Wis., as an off-route point in connection with applicant's regular-route authority. (3) between Madison, Wis., and Chicago, Ill., over Interstate Highway 90, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently-authorized regular-route operations. (4) between Madison, Wis., and Chicago, Ill., over Interstate Highway 94, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. (5) between junction U.S. Highway 41 and Interstate Highway 94 near Zion, Ill., and Chicago, Ill., over U.S. Highway 41, serving no intermediate points, and serving junction U.S. Highway 41 and Interstate Highway 94 for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's presently-authorized regular-route operations. NOTE: Applicant states that it proposes to tack the proposed operations described above with its presently authorized regular-route operations so as to render a complete coordinated service in the transportation of general commodities. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 3252 (Sub-No. 56), filed April 4, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda and sodium hypochlorite*, in bulk, in tank vehicles, from Orrington, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and New Jersey. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 4405 (Sub-No. 468), filed March 31, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, excavating, trailers, parts and attachments therefor*, when moving in connection with the above named tractors, from Perry, Okla., to points in the United States (except Oklahoma and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 5429 (Sub-No. 20), filed April 3, 1969. Applicant: LYON VAN LINES, INC., 3416 South La Cienega Boulevard, Los Angeles, Calif. 90018. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Autogyros and component parts*, partially knocked down, uncrated, and *blades and booms thereof*, crated and uncrated, between El Segundo, Calif., and Lake Havasu City, Ariz., on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itsaca County, Minn., thence northward along the western boundaries of Itsaca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 8973 (Sub-No. 15), filed April 2, 1969. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, building materials, equipment, and supplies* (except in bulk), from the warehouse and plant facilities of Alcan Aluminum Corp., located at Woodbridge, N.J., on the one hand, and, on the other, points in New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 10761 (Sub-No. 238), filed April 1, 1969. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Potatoes*, fresh frozen, or cooked frozen, *vegetables*, fresh, or green, cold packed or frozen, *potatoes*, flaked or dehydrated, separate or in mixed loads, from the plantsite and storage facilities of Ore-Ida Foods, Inc., at or near Greenville, Mich., as an off-route point to and from applicant's authorized authority to serve Grand Rapids, Mich., as shown in MC 10761. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 11207 (Sub-No. 282), filed March 21, 1969. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, fiberboard*, other than corrugated and *bottle carrying cartons*, from plantsite and warehouses of the Mead Packaging Division of Mead Corp. in Fulton County, Ga., to points in Mississippi, Arkansas, Oklahoma, Louisiana, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 25798 (Sub-No. 184), filed April 7, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Monroe City, Mo., to points in Alabama, Florida, Georgia, and Tennessee (except Memphis). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Atlanta, Ga.

No. MC 23441 (Sub-No. 9), filed April 1, 1969. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, Laporte, Ind. 46350. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, and accessories* thereto, from Carlisle, Pa., to points in Pennsylvania, New York, Connecticut, New Jersey, Ohio, Indiana, Kentucky, Wisconsin, Illinois, and North Carolina. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 29079 (Sub-No. 53), filed March 27, 1969. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pellets*, from Hartford, Ky., to points in Illinois, Indiana, those in Michigan south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay, Mich., and points in Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it to be held at Chicago, Ill.

No. MC 30844 (Sub-No. 268), filed March 20, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Eau Claire, Wis., and St. Paul, Minn., to points in Alabama, Louisiana, Mississippi, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30844 (Sub-No. 270), filed March 24, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aquariums, household pet cages*, loose and in cartons, and *aquariums supplies, accessories, and equipment*, in straight and mixed shipments, from Maywood, Paterson, Saddle Brook, and Mahwah, N.J., to points in Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, Texas, Louisiana, West Virginia, Kentucky, and Tennessee; and (2) *raw materials and supplies* used in the manufacture of aquariums and household pet cages, from Maywood, Paterson, Saddle Brook, and Mahwah, N.J., and Philadelphia, Pa., to Mountain View and Gardena, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 30844 (Sub-No. 271), filed March 24, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail discount stores (except foodstuffs and commodities in bulk), from New York, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission, to points in Iowa, and Freeport, Rockford, Peru, Galesburg, Peoria, Pekin, Mattoon, and Moline, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 32562 (Sub-No. 28) (Correction), filed March 3, 1969, published FEDERAL REGISTER issue of April 10, 1969, corrected and republished this issue. Applicant: POINT EXPRESS, INC., Box 10185, Charleston, W. Va. 25312. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between the junction of U.S. Highway 23 and Kentucky Highway 1 near Louisa, Ky., and the junction of Kentucky Highway 3 and U.S. Highway 23 south of Catlettsburg, Ky.: From the junction of Kentucky Highway 1 (formerly portion of U.S. Highway 23) and U.S. Highway 23 (formerly Kentucky Highway 3) near Louisa, Ky., over U.S. Highway 23 to junction Kentucky Highway 3 (formerly U.S. Highway 23) and U.S. Highway 23 (formerly Kentucky Highway 3) south of Catlettsburg, Ky., and return over the same route, serving all intermediate points. NOTE: The purpose of this republication is to show that applicant is serving all intermediate points in lieu of serving no intermediate points, which was erroneously published in previous publication. If a hearing is deemed necessary, applicant requests it be held at Charleston, or Huntington, W. Va., or Lexington, Ky.

No. MC 32882 (Sub-No. 44), filed March 28, 1969. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, and fittings, cement, and asbestos fiber including rubber washers*, from Stockton, Calif., to points in Nevada, Utah, Idaho, and Montana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 33641 (Sub-No. 86), filed March 27, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegerty, Shell Building, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Garfield, Utah, to New York, N.Y. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 35628 (Sub-No. 296), filed March 20, 1969. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of Montgomery Elevator Co. in Henry County, Ill., as an off-route point in connection with applicant's regular-route operations to and from Moline, Ill., as authorized at revised sheet 6 of certificate MC 35628. NOTE: If a hearing is deemed necessary, applicant requests it be held at Moline or Chicago, Ill.

No. MC 40428 (Sub-No. 14), filed April 7, 1969. Applicant: CROSS TRANSPORTATION, INC., 61 Broad Avenue, Fairview, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Glass containers and boxes, paper, fiberboard or pulpboard,* in sheets or rolls and *paper, fiberboard, or pulpboard liners or fillers,* from points in Hudson County, N.J., to points in Pennsylvania (except points in the Philadelphia, Pa., commercial zone). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 711), filed April 1, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Benzoic acid,* in bulk, in tank vehicles, from Kalama, Wash., to Chattanooga, Tenn. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 43421 (Sub-No. 41), filed March 27, 1969. Applicant: DOHRN TRANSFER COMPANY, a corporation, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highway 34 and Illinois Highway 47 at or near Yorkville, Ill., and junction U.S. Highways 41 and 30 at or near Schererville, Ind., from junction U.S. Highway 34 and Illinois Highway 47 at or near Yorkville, Ill., over Illinois Highway 47 to junction Illinois Highway 126, thence over Illinois Highway 126 to junction U.S. Highway 30 at or near Plainfield, Ill., thence over U.S. Highway 30 to junction U.S Highway 41 at or near Schererville, Ind., and return over the same route, as an alternate route for operating convenience only, serving the junction of U.S. Highways 30 and Alternate 66 at or near Joliet, Ill., for purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 46267 (Sub-No. 7), filed April 7, 1969. Applicant: RALPH A. SCOTT, doing business as SCOTT FREIGHT SERVICE, 4740 Industrial Road, Fort Wayne, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Essex International, Inc., located in Whitley County, Ind., south of U.S. Highway 30 with entrance from County Road 600E as an off-route point in connection with applicant's present regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 50069 (Sub-No. 420), filed March 27, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid resins,* in bulk, in tank vehicles, from Detroit, Mich., to Morganton, N.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50493 (Sub-No. 44), filed April 3, 1969. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. Applicant's representative: Frank A. Doocey, 601 Hamilton Street, Allentown, Pa. 18101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients,* between Allentown, Pa., and points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant holds contract carrier authority under MC 115859 and Subs. Applicant states upon approval of application, it will surrender such contract carrier rights as are duplicated by application. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 56409 (Sub-No. 6), filed March 27, 1969. Applicant: MAJOR TRANSPORT, INC., Box 204, Palmyra, Wis. 53163. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Distilled and pasteurized water,* in glass and plastic containers, from Waukesha, Wis., and the town of Genesee, Waukesha County, Wis., to points in Illinois; (2) *nonalcoholic carbonated beverages* (soda water), from Gary, Ind., to Waukesha, Wis.; (3) *nonalcoholic carbonated beverages* (soda water) from Waukesha, Wis., to points in Illinois; (4) *glass and plastic containers* from points in Illinois to Waukesha, Wis., and the town of Genesee, Waukesha County, Wis. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 57591 (Sub-No. 14), filed April 1, 1969. Applicant: EVANS DELIVERY COMPANY, INC., Rural Delivery 3, Post Office Box 268, Pottsville, Pa. 17972. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wearing apparel, equipment, materials, and supplies* used or useful in the manufacture or sale of wearing apparel, between the facilities of Phillips Van Heusen Corp., located at Pottsville and Schuylkill Haven, Pa., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Pottsville, Pa., or Washington, D.C.

No. MC 59856 (Sub-No. 32), filed April 1, 1969. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Douglas and Reno Junction, Wyo. (at the intersection of Wyoming Highways 387 and 59), over Wyoming Highway 59, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 59934 (Sub-No. 8), filed April 1, 1969. Applicant: MAIN TRUCKING & RIGGING CO., INC., 21 Camden Street, Paterson, N.J. 07503. Applicant's representative: William Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Commodities,* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance materials and supplies and quartermaster supplies* (except household goods and commodities in bulk), to, from, and between military installations and Department of Defense establishments in the United States, except Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 60012 (Sub-No. 79), filed March 26, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representative: Warren D. Braucher, 604 Rio Grande Building, Denver, Colo. 80217. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Pueblo Army Depot, at or near Avondale, Colo., as an off-route point in connection with applicant's authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61231 (Sub-No. 43), filed March 28, 1969. Applicant: ACE-ALKIRE FREIGHT LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed and feed supplements,* from Chicago, Ill., to points in Missouri and Nebraska. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61403 (Sub-No. 195), filed March 24, 1969. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, from Tampa, Fla., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Taft, La., Texas City, Tex., and Charleston, W. Va. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 61403 (Sub-No. 196), filed March 24, 1969. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bicarbonate of Soda,* in bulk, from Saltville, Va., to points in Ohio. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (Sub-No. 468), filed March 27, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60603. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from the storage facilities of Gulf Central Pipeline Co., located at or near (1) Marshalltown, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin; (2) Cowden, Ill., to points in Illinois, Indiana, Iowa, and Missouri; (3) Spencer, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, and (4) Frankfort, Ind., to points in Illinois, Indiana, Michigan, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 469), filed March 27, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grease or tallow,* inedible, in bulk, in tank vehicles, from Detroit, Mich., to points in Illinois, Indiana, Kentucky, Ohio, and Wisconsin. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 470), filed March 27, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, feed and feed ingredients, and industrial aqua ammonia,* in bulk, in tank vehicles, from the plantsite and/or storage facilities of Duesterhaus Fertilizer Co., Inc., at or near Palmyra, Mo., to points in Illinois, Iowa, Kansas, Minnesota, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 262), filed March 24, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E., Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Wire crates and wire cases,* and (2) *materials, supplies, and equipment* used in the manufacture of wire crates and wire cases, between points in Monroe County, Ark., on the one hand, and, on the other, points in Oklahoma, Texas, and all States east of the Mississippi River. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 73165 (Sub-No. 263), filed March 28, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. 35201. Applicant's representative: Ocie Cook, Jr., Post Office Box 1348, Birmingham, Ala. 35201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers* (except those which because of size and weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T. E. Mercer and G. E. Mercer—extension—Oil Field Commodities,* 74 M.C.C. 459 and 543), between the plantsite of Western Foundry Co., a division of Woodward Iron Co., at or near Tyler, Tex., and points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 80428 (Sub-No. 70), filed March 28, 1969. Applicant: McBRIDE TRANSPORTATION, INC., Main and Nelson Streets, Goshen, N.Y. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid animal feed,* in bulk, from Manheim, Pa., and Albany, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83083 (Sub-No. 2), filed March 19, 1969. Applicant: HOWARD D. BAKER, doing business as DON BAKER, 925 North Central Avenue, Paris, Edgar County, Ill. 61914. Applicant's representative: W. L. Jordan, 205 Merchants Saving Building, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal-Industrial,* crushed, ground or slack, from points in Greene, Owen, and Sullivan Counties, Ind., to plantsite of Illinois Cereal Mills, Inc., at Paris, Edgar County, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Indianapolis, Ind.

No. MC 92983 (Sub-No. 531) (Amendment), filed September 9, 1968, published FEDERAL REGISTER issues of September 26, 1968, and March 27, 1969, amended and

republished as amended this issue. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Applicant's representative: Eldon Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from the plantsite and/or storage facilities of the Monsanto Co. at or near El Dorado, Ark., to points in Alabama, Georgia, Florida, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic origin..ting at the said plant and/or storage facilities, and destined to the named States. NOTE: Common control may be involved. The purpose of this republication is to add the destination State of Florida. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 94201 (Sub-No. 67), filed April 2, 1969, Applicant: BOWMAN TRANSPORTATION, 1010 Stroud Avenue, East Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clorox* (sodium hypochlorite solution) in bottles in cartons, from the plantsite, warehouse, and storage facilities of the Clorox Corp. at or near Atlanta, Ga., to points in Mississippi. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 94350 (Sub-No. 220), filed March 26, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements in truckaway service, from New Hanover County, N.C., to points in the United States east of the Mississippi River, including Minnesota and Louisiana. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Wilmington, N.C.

No. MC 97872 (Sub-No. 3), filed January 31, 1969. Applicant: R. L. NEHLS TRANSFER, INC., 315 Barrington Avenue, Dundee, Ill. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kendall, Lake, McHenry, Ogle, Will, Winnebago, and La Salle Counties, Ill. NOTE: Applicant states it now holds certificate of registration No. MC-97872 Sub 1 authorizing the above transportation. The purpose of the instant application is to convert said certificate of registration to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 99213 (Sub-No. 13), filed March 21, 1969. Applicant: VIRGINIA FREIGHT LINES, a corporation, Kilmarnock, Va. 22482. Applicant's representative: Jno. C. Goddin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Office Hall, Va., as an intermediate point on carrier's presently authorized regular route between Baltimore, Md., and Burgess Store, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 99899 (Sub-No. 3), filed April 3, 1969. Applicant: CERTIFIED FREIGHT LINES, INC., 2163 East 14th Street, Los Angeles, Calif. 90021. Applicant's representative: Warren N. Grossman, 825 City National Bank Building., 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving the Diablo Canyon Nuclear Power Plant located approximately 7 miles northwest of the unincorporated community of Avila Beach, Calif., as an off-route point in connection with applicant's regular route operations between Los Angeles and San Francisco, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 100666 (Sub-No. 135), filed March 24, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquetts*, from Dierks, Ark., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 102616 (Sub-No. 833), filed March 24, 1969. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 213 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils*, in bulk, from McKees Rocks, Pa., to points in Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 103926 (Sub-No. 20), filed March 19, 1969. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, Post Office Box 43171, Industrial Branch, Atlanta, Ga. 30336. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; (2) *ordnance equipment, materials, and supplies and quartermaster supplies* (except household goods and commodities in bulk); and (3) *helicopters and helicopter parts and accessories*, between military installation or Defense Department establishments, located at points in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and the Red River Army Depot at Texarkana, Tex. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant also states that to a limited extent, the authority applied in part (1) of the instant application might duplicate the authority presently held in its Sub 8 certificate. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103993 (Sub-No. 390), filed March 17, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani (same address as above), and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houseboats*, mounted on wheeled undercarriages, from the plantsite and storage facilities of Stardust Cruiser Manufacturing Co., at Chattanooga, Tenn., to points in California, Florida, Louisiana, New Hampshire, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 103993 (Sub-No. 394), filed March 24, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp coaches and pickup campers*, from points in Josephine County, Oreg., to points in Oregon, Washington, California, Idaho, Colorado, Utah, and Montana. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 103993 (Sub-No. 395), filed March 24, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from points in Belmont County, Ohio, to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 10545 (Sub-No. 21), filed March 18, 1969. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47708. Applicant's representative: Ernest A Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which require the use of special equipment or special handling by reason of size or weight; (2) *ordnance equipment, materials and supplies;* and (3) *quartermaster supplies* (except household goods and commodities in bulk), to, from, and between military installations of Defense Department establishments and ports of embarkation in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 369), filed March 23, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Delhi, La., to points in Mississippi. NOTE: Applicant states that although tacking is not contemplated at this time, the authority sought could be joined with various authorities at points in Mississippi to perform a through service over reasonable service routes to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Ohio, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107002 (Sub-No. 370), filed April 1, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., to points in Tennessee. NOTE: Applicant states that although tacking is not contemplated, the authority sought could be combined with various authorities to perform through service from points in Mississippi. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107002 (Sub-No. 371), filed April 1, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, sodium nitrate, and water solutions*, in bulk, in tank vehicles, from McAdory, Ala., to New Orleans, La. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Jackson, Miss.

No. MC 107496 (Sub-No. 715), filed March 17, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk; (1) from the storage facilities of Central Farmers Fertilizer Co. located at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin; (2) from the storage facilities of Gulf Central Pipeline Co. located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin; (3) from the storage facilities of Central Farmers Fertilizer Co. located at or near Cowden, Ill., to points in Illinois, Indiana, Iowa, and Missouri; and (4) from the storage facilities of Central Farmers Fertilizer Co. located at or near Frankfort, Ind., to points in Illinois, Indiana, Michigan, and Ohio. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 721), filed April 1, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, liquid feed supplement, and mineral oil*, in bulk, from Fort Lupton, Colo., to points in Wyoming, Nebraska, Montana, Kansas, Utah, and New Mexico. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 107496 (Sub-No. 722), filed April 1, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. D. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand with additives*, from Aurora, Ill., to points in the United States on and east of U.S. Highway 85. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 648), filed April 1, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, malt, ale, beer and beer tonic, porter, stout, and related advertising matter, and empty containers, pallets, returned, refused, and rejected shipments*, on return, from the Pabst Brewing Co., Houston County, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Georgia, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.; Milwaukee, Wis., or Washington, D.C.

No. MC 107515 (Sub-No. 649), filed April 1, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report

in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Ottumwa and Estherville, Iowa, to points in Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, and the District of Columbia. Restriction: Restricted to traffic originating at the named plantsites and warehouses. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 108207 (Sub-No. 257), filed March 21, 1969. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dental restorative, plastic resin* in liquid and paste, from South El Monte, Calif., to Sherman, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 108295 (Sub-No. 6), filed March 19, 1969. Applicant: HIGHWAY TRANSPORTATION CO., INC., 205 North Carson, St. James, Mo. 65559. Applicant's representative: Joseph R. Nacy, 117 West High Street., Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value, and household goods as defined by the Commission), between mine sites, mill sites, smelter sites, plantsites, supply points, and warehouses located (1) in Reynolds County, Mo.; and (2) in that portion of Iron County, Mo., north and west of Iron County Highways H and W and more particularly described as beginning at the intersection of Iron County Highway H and Iron-Reynolds County line, thence along Iron County Highway H to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Iron County Highway W, thence along Iron County Highway W to the Iron-St. Francois County line, thence northerly along the Iron-St. Francois County line to the Iron-Washington County line, thence westerly along the Iron-Washington County line to the Iron-Crawford County line, thence southerly along the Iron-Crawford and Iron-Dent County lines to the Iron-Reynolds County line, thence easterly along the Iron-Reynolds County line to the point of beginning, both on the one hand, and, on the other, points in Missouri. NOTE: Applicant states it holds various regular and irregular routes under certificates Nos. MC 108295 and MC 108295 Sub 5, authorizing service to many points in the destination area of this present application. Tacking could occur at any of these points. The only points or areas not included in this application, which might then be served as a result of such tacking, are points in Illinois in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 108340 (Sub-No. 21), filed April 7, 1969. Applicant: HANEY TRUCK LINE, a corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in Yamhill County, Oreg. to points in Oregon, Washington, and Idaho; and (2) *scrap metals*, from points in Oregon, Washington, and Idaho to points in Yamhill County, Oreg. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 108449 (Sub-No. 297), filed April 1, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Wallace A. Myllenbeck (same address as above), and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, in bulk, from Chemolite, Minn., to Prairie du Chien, Wis., Chicago, Ill., and Newark, N.J. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109365 (Sub-No. 32), filed April 1, 1969. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, Post Office Box 15, Ashdown, Ark. 71822. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquetts*, from Dierks, Ark., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 109365 (Sub-No. 33), filed March 27, 1969. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON, Post Office Box 15, Ashdown, Ark. 71822. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products;* and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, and commodities which, because of size or weight, require the use of special equipment); (a) between points in Little River County, Ark., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (b) between points in Portage and Wood Counties, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 110193 (Sub-No. 165) (Amendment), filed February 17, 1969, published FEDERAL REGISTER issue of March 6, 1969, amended March 17, 1959, and republished as amended this issue. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles); (a) from the plantsites and/or warehouse facilities of John Morrell & Co., located at or near Ottumwa, Iowa, and Madison and Sioux Falls, S. Dak., to points in New York, New Jersey, Maryland, Pennsylvania, Maine, New Hampshire, Vermont, Delaware, Michigan, Ohio, Virginia, West Virginia, Massachusetts, Connecticut, Rhode Island, and the District of Columbia (except no authority is sought herein to transport dairy products as described in section B in *descriptions case, supra*, from Ottumwa, Iowa, to points in New York, New Jersey, Rhode Island, Connecticut, and Massachusetts); (b) from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Estherville, Iowa, to points in Maryland (except Baltimore), Maine, New Hampshire, Vermont, Delaware (except Wilmington), Ohio, Virginia, West Virginia, and Michigan; and (2) *dairy products* as described in section B of the *descriptions case, supra*, from the plantsite and/or warehouse facilities of John Morrell & Co., at or near Estherville, Iowa, to Baltimore, Md., Wilmington, Del., and points in the

District of Columbia. Restriction: The operations sought in (1) and (2) above are to be restricted to the transportation of traffic originating at the plantsites and/or warehouse facilities of John Morrell & Co. at or near Ottumwa, Iowa; Sioux Falls and Madison, S. Dak.; and Estherville, Iowa, and destined to the named territory. NOTE: Common control may be involved. The purpose of this republication is to more clearly reflect the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110420 (Sub-No. 585), filed March 26, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil, and, blends, mixtures, and products thereof*, from Decatur, Ind., to points in Michigan, Illinois, and Wisconsin. NOTE: Applicant states it can tack at Chicago, Ill., and Cudahy, Wis., to serve additional destination States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 110563 (Sub-No. 43), filed April 2, 1969. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, North Ohio Avenue, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products* as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, and *frozen food products*, from the plantsites and warehouse facilities of Glidden-Durkee, Division of SCM Corp., located at or near Moosic, and Pittston, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Ohio, and Wisconsin, restricted to shipments originating at the warehouse facilities and plantsites of Glidden-Durkee, Division of SCM Corp., and destined to the named territory; and (2) *cereals and cereal preparations*, from plantsite and warehouse facilities of Grocery Store Products Co., Inc., at or near West Chester, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111434 (Sub-No. 75), filed April 4, 1969. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanadium liquor*, in bulk, from the mill of United Nuclear Homestake Partners, near Grants, N. Mex., to points in Garfield County, Colo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Farmington, N. Mex.

No. MC 111729 (Sub-No. 279), filed April 1, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records and audit and accounting media of all kinds, and advertising material moving therewith*, between Raleigh, N.C., on the one hand, and, on the other, points in South Carolina. NOTE: Applicant states it will tack with its presently held authority. Applicant holds contract authority under MC 112750, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 112750 (Sub-No. 267), filed April 3, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (1) between Richmond, Ill., and Milwaukee, Wis.; and (2) between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Fulton, Hancock, Henderson, Knox, McDonough, Mercer, and Warren Counties, Ill.; under contract with banks and banking institutions. NOTE: Applicant holds common carrier authority under MC 111729 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113094 (Sub-No. 17), filed April 3, 1969. Applicant: R. A. GOULD, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Salt Lake City, Utah, and Montrose, Colo., from Salt Lake City south over U.S. Alternate Highway 50 to junction U.S. Highway 50, thence southeasterly over U.S. Highway 50 to Montrose, Colo., and return over the same route, serving all intermediate points. NOTE: Applicant states it holds the above authority with certain restriction under MC 113094 (Sub-No. 15). The instant application seeks to eliminate the said restriction. If and when the present application is granted, applicant will surrender its Sub 15 authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 113267 (Sub-No. 212), filed March 28, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when transported in the same vehicle with meats, meat products, and meat byproducts as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk); (1) from the plants and storage facilities of Geo. A. Hormel & Co. located at Austin, Minn., Fort Dodge, Iowa, and Fremont, Nebr., to points in Alabama, Kentucky, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; and (2) from Memphis, Tenn., to points in Arkansas, Mississippi, Alabama, Tennessee, Missouri, Kentucky, and Illinois. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 113267 (Sub-No. 213), filed April 1, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and packinghouse products* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or warehouse facilities of the Rod Barnes Packing Co. at or near Huron, S. Dak., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 113666 (Sub-No. 35), filed April 3, 1969. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knockeddown, or in sections, including all *component parts, materials, supplies,*

and fixtures, and, when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof, from Pemberton, N.J., to points in Ohio on and east of U.S. Highway 21, points in West Virginia on and north of U.S. Highway 50 and points in New York on and west of New York Highway 14. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 113678 (Sub-No. 346), filed March 26, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216 Applicant's representatives: Duane W. Acklie and Richard Paterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp and paper, pulp and paper products, and pulp and paper articles*, from points in Putnam County, Fla., and Yulee, Fla., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. 113855 (Sub-No. 194), filed March 28, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Franklin J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachment, *tractor attachments including but not confined to backhoe loaders, ditchers, forklifts, buckets, and parts of the abovenamed commodities*, between Topeka, Kans., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, Washington, Oregon, and California. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., Chicago, Ill., or Salt Lake City, Utah.

No. MC 113855 (Sub-No. 195), filed March 28, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Pennington County, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., Cheyenne, Wyo., or Denver, Colo.

No. MC 113855 (Sub-No. 196), filed April 7, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Franklin J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplane loading, maintenance, and towing equipment*, from points in California and Pennsylvania, to points in the United States except Hawaii and Alaska. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 114084 (Sub-No. 11), filed March 27, 1969. Applicant: S AND S TRUCKING COMPANY, a corporation, 118 South Oakland Avenue, Statesville, N.C. 28677. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsite of A. L. Shaver & Sons, Inc., and Shaver Brothers Stool Co., Inc., at Statesville, N.C., to points in Connecticut, Massachusetts, Rhode Island, and that portion of New York on and south of a line beginning at the New York-Massachusetts State line and extending west along U.S. Highway 20 to Albany, N.Y., thence along New York Highway 5 to the southern corporate limits of Buffalo, N.Y., and thence west along the southern corporate limits of Buffalo, N.Y., to Lake Erie (excluding New York City, N.Y.). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 114211 (Sub-No. 122), filed April 4, 1969. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and other forest products*, from points in Grand and Jackson Counties, Colo., and Albany and Carbon Counties, Wyo., to points in Iowa, Michigan, Minnesota, Nebraska, Missouri, Ohio, Illinois, Wisconsin, Indiana, Kansas, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 40), filed March 24, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Glenwood, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Missouri, and Ohio, restricted to traffic originating at Glenwood, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114385 (Sub-No. 1), filed March 14, 1969. Applicant: GLOBE TRANSPORTATION CO., a corporation, 2065 Delgany Street, Denver, Colo. 80202. Applicant's representative: Bert L. Penn, 6693 East Vassar Avenue, Denver, Colo. 80222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Boulder, Colo., on the one hand, and, on the other, points in Boulder County, Colo. NOTE: Applicant states it intends to tack the authority sought to the authority presently held in MC 114385, and physical joinder will be made at Boulder, Colo., whereas through service between all presently authorized points will be performed. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114848 (Sub-No. 44), filed March 27, 1969. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Memphis, Tenn., to points in Missouri, Arkansas, Mississippi, Alabama, Tennessee, and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 114890 (Sub-No. 41), filed March 25, 1969. Applicant: C. E. REYNOLDS TRANSPORT, INC., 2209 Range Line, Joplin, Mo. 64802. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from points in Iron County, Mo., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Kansas City, Mo.

No. MC 114969 (Sub-No. 27), filed March 27, 1969. Applicant: PROPANE TRANSPORT, INC., 27 Water Street, Milford, Ohio 45150. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Hillsdale and Lenawee Counties, Mich., and points in that part of Monroe County, Mich., on and west of U.S. Highway 23. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 115379 (Sub-No. 35), filed March 24, 1969. Applicant: JOHN D. BOHR, INC., Post Office Box 217, Annville, Pa. 17003. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay*, from points in Lancaster County, Pa., to Philadelphia, Pa. (for export traffic only), Connecticut, Massachusetts, New York, New Jersey, Rhode Island, Virginia, West Virginia, Delaware, Maryland, Maine, Vermont, New Hampshire, Illinois, Indiana, Michigan, Ohio, and the District of Columbia; and (2) *poultry meal*, in bulk, from points in Lancaster, Dauphin, and Lebanon Counties, Pa., to Marion, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 115669 (Sub-No. 99), filed April 4, 1969. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, from St. Joseph, Mo., to points in Iowa, Kansas, Nebraska, and South Dakota; and (2) *animal and poultry feed ingredients* from St. Joseph, Mo., to points in Iowa and South Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 115841 (Sub-No. 346), filed March 28, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: E. Stephen Heisley, Suite 705, McLachlen Bank Building, 666, 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, and paper produced or distributed by manufacturers and converters of paper and paper products; and (2) *materials, and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, and commodities, which because of size or weight require the use of special equipment), from points in Escambia and Putnam Counties, Fla., Yulee and Palatka, Fla., and Pine Bluff, Ark., to points in Arkansas, Arizona, California, Illinois (except Chicago and its commercial zone), Indiana (except Indianapolis and its commercial zone), Iowa, Kansas, Kentucky (except Louisville and its commercial zone), Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Tennessee (on and west of U.S. Highway 31), Texas, Washington, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Jacksonville, Fla., or Washington, D.C.

No. MC 115841 (Sub-No. 347), filed March 28, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: E. Stephen Heisley, Suite 705, McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001, and C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk), from Bristol, Salem, and Roanoke, Va., to points in New Jersey, New York, Maryland, Pennsylvania, Delaware, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 115841 (Sub-No. 348), filed April 4, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), and E. Stephen Heisley, Suite 705, McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except in bulk and except hides), from Scottsbluff, Nebr., to points in Tennessee, North Carolina, and South Carolina. NOTE: Applicant states it intends to tack to serve Georgia and Alabama. If a hearing is deemed necessary, applicant requests it be held at Nashville or Knoxville, Tenn.

No. MC 116063 (Sub-No. 114), filed April 2, 1969. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feed*, in bulk, in tank vehicles, from Houston, Tex., to points in Louisiana, Arkansas, Missouri, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, and Arizona. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Dallas, or Houston, Tex.

No. MC 116254 (Sub-No. 95), filed March 25, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Hillsborough County, Fla., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Charleston, W. Va.; Taft, La.; and Texas City, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 116513 (Sub-No. 1), filed April 2, 1969. Applicant: RICHARD N. GRAHAM, 10 Roxbury Road, Pittsburgh, Pa. 15221. Applicant's representative: Jerome Solomon, 704 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Wire; counter weights for elevators, tractors, and earth moving equipment; pile driving circles; and steel plates, pipe, and coils*, between the plantsite of Tygart Industries, Inc., located in McKeesport, Allegheny County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Ohio, West Virginia, Maryland, Washington, D.C., Michigan, Illinois, Indiana, Wisconsin, Virginia, and Delaware; and (2) *wire carriers*, from points in New York, New Jersey, Ohio, West Virginia, Maryland, Washington, D.C., Michigan, Illinois, Indiana, Wisconsin, Virginia, and Delaware to the plantsite of Tygart Industries, Inc., located in McKeesport, Allegheny County, Pa., under contract or

continuing contract with Tygart Industries, Inc., of McKeesport, Allegheny County, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 116544 (Sub-No. 104), filed March 26, 1969. Applicant: WILSON BROTHERS TRUCK LINES, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I (except hides and commodities in bulk, in tank vehicles); (a) from Springfield, Mo., to Algona, Iowa, Owatonna and Austin, Minn.; and (b) from Algona, Iowa, to Austin, Minn.; and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I; and *foodstuffs*, when transported with the commodities listed immediately above (except hides, and commodities in bulk, in tank vehicles), from Austin, Minn., to points in Missouri, Kansas, Louisiana, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117565 (Sub-No. 17), filed March 26, 1969. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles; and, (2) *campers*, designed for installation in or on trucks, in initial movements, in truckaway service, from points in Richland County, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117686 (Sub-No. 93), filed March 20, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), and *foodstuffs* when transported in mixed shipments with the commodities named above, from Austin, Minn., Fort Dodge, Iowa, and Fremont, Nebr., to points in Alabama, Mississippi, and Louisiana, restricted to the transportation of shipments which originated at the sites of the plants and warehouse facilities of George A. Hormel & Co. located at the above-destinated origin points and which are destined to points in the above-named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117686 (Sub-No. 94), filed April 2, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except coffee), from Mobile, Ala., to points in Mississippi, Louisiana, Texas, Kansas, Missouri (except St. Louis and points in its commercial zone), South Dakota, Minnesota, Iowa, Nebraska, and North Dakota, restricted to traffic originating at Mobile, Ala. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 117765 (Sub-No. 77), filed March 28, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, carpet remnants and padding*, from Atoka, Okla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 144), filed March 24, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and/or warehouse facilities of John Morrell & Co., located at or near Estherville and Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, and Nebraska, restricted to traffic originating at the specified plantsites and warehouse facilities and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117883 (Sub-No. 120), filed March 27, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carniverous animal food*, not for human consumption, nor for medicinal purposes, from points in Illinois, Indiana, Ohio, and Wisconsin, to points in Illinois, Indiana, Massachusetts, New York, Marylyand, New Jersey, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washintgon, D.C.

No. MC 117883 (Sub-No. 121), filed April 3, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representatives: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380 and Jack Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of John Morrell & Co. located at or near Estherville and Ottumwa, Iowa, and Sioux Falls and Madison, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at the plantsites, and/or warehouse facilities of John Morrell & Co. at or near points named above and destined to the named territory. NOTE: Applicant states Sub 118 filed by it on December 30, 1968, and not yet set for hearing, duplicates the instant application to the extent of *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix A and C of appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766. However, Shipper John Morrell has requested a new application be filed which includes *Dairy products* and several additional origins. When this application is published in the FEDERAL REGISTER, applicant states it is its intention to request that the Sub 118 proceeding be dismissed since it is completely embraced in the instant application. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118631 (Sub-No. 4) (Correction), filed February 26, 1969, published

in FEDERAL REGISTER issue of March 20, 1969, corrected March 27, 1969, and republished, as corrected this issue. Applicant: EPHREM BOUCHARD, Mackay Street, Milton, Vt. 05468. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemical fertilizers, materials, and mixtures*, from ports of entry on the international boundary line between the United States and Canada, located in the counties of Franklin and Orleans in Vermont, and Franklin and Clinton in New York, to points in Franklin, Orleans, Caledonia, Grand Isle, Windsor, Crittenden, Lamoille, Washington, Addison, and Orange Counties, Vt.; Coos, Grafton, Carroll, and Sullivan Counties, N.H.; and Essex, Clinton, Franklin, St. Lawrence, Jefferson, and Lewis Counties, N.Y., under contract with Brockville Chemical, Inc. NOTE: The purpose of this republication is to show applicant as *contract carrier*, in lieu of *common carrier*, as inadvertently shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Montpelier, or Burlington, Vt., or Plattsburgh, N.Y.

No. MC 118904 (Sub-No. 7), filed April 2, 1969. Applicant: LONNIE WOOD TRUCKAWAY, LTD., a corporation, 1915 F Avenue, Lawton, Okla. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be equipped with hitchball connectors, and (2) *buildings*, complete, knockeddown or in sections, when transported on wheeled undercarriages, from Shawnee, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Tulsa, Okla.

No. MC 118989 (Sub-No. 25) (Correction), filed February 28, 1969, published in FEDERAL REGISTER issue of March 20, 1969, corrected April 7, 1969, and republished as corrected this issue. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plantsite and/or facilities of National Can Corp., at Chicago and Rockford, Ill., Green Bay, Wis.; Detroit, Mich.; Minneapolis, Minn.; and Cleveland, Marion, and Hamilton, Ohio, to points in Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Kansas, Nebraska, North Dakota, South Dakota, Texas, Colorado, Louisiana, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to show correct address for applicant as Milwaukee, Wis., in lieu of Chicago, Ill., as erroneously published in previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119531 (Sub-No. 112), filed March 24, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container covers, and materials, equipment and supplies* used in the manufacture, sale, and distribution of metal containers and metal and metal containers covers, between Elwood, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, and Ohio. NOTE: Applicant indicates tacking possibilities with its Sub 21, at Chicago, Ill., to serve points in Wisconsin, and with its pending Sub 72, at Cleveland, Ohio, to serve points in New York and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119531 (Sub-No. 114), filed April 1, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and plastic containers, container components and ends; supplies* used in the manufacture and distribution of metal and plastic containers that move with metal and plastic containers, and *aluminum, plastic, steel, and tin tops and enclosures*, from points in Cook and Kane Counties, Ill., Danville and Peoria, Ill., Elwood, Ind., Mankato, Minn., St. Louis, Mo., and Milwaukee and Racine, Wis., to Omaha, Nebr., and points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that possible tacking exists at Massillon, Ohio, on metal and plastic containers to points in New York and Pennsylvania, under Docket No. MC 119531 Sub 28. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119641 (Sub-No. 79), filed April 2, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except tractors with vehicle beds, bed frames, or fifth wheels), *agricultural machinery and implements, industrial and construction machinery and equipment, snowmobiles, equipment designed for use in connection with tractors, trailers designed for the transportation of the commodities described above* (except trailers designed to be drawn by passenger automobiles), *attachments* for the commodities described above, *internal combustion engines, and parts and accessories* of the commodities described herein above when moving in mixed loads with such commodities; (1) from ports of entry on the international boundary line between the United States and Canada at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant and warehouse sites and experimental farms of Massey-Ferguson Industries, Ltd., at Toronto, Brantford, and Milliken, Ontario; and (2) from Des Moines, Iowa; Clearfield, Utah; Detroit, Mich.; Algoma and Kaukauna, Wis.; and Cuyahoga Falls, Ohio, to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant and warehouse sites and experimental farms of Massey-Ferguson, Inc., its affiliates and subsidiaries. NOTE: Applicant holds existing authority in MC 119641 (Sub 64) to transport the involved commodities (except snowmobiles), from all origins specified in (2) above except Algoma and Kaukauna, Wis., and Cuyahoga Falls, Ohio, to the territory requested. No duplicating authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119741 (Sub-No. 29), filed April 3, 1969. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I, sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Iowa Beef Packers, Inc., at or near Emporia, Kans., to points in Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan, restricted to traffic originating at said plantsite and storage facilities. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 119895 (Sub-No. 19), filed March 31, 1969. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy*

products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (1) from the plantsites and/or warehouse facilities of John Morrell & Co., at or near Estherville and Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, and South Dakota; and (2) from the plantsites and/or warehouse facilities of John Morrell & Co., at or near Madison and Sioux Falls, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, and Nebraska. Restrictions: The proposed operations to be restricted to traffic originating at the named plantsites and/or warehouse facilities and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 123048 (Sub-No. 151), filed April 1, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except tractors with vehicle beds, bed frames, or fifth wheels, *agricultural machinery and implements, industrial and construction machinery and equipment, snowmobiles, equipment designed for use in connection with tractors, trailers designed for the transportation of the commodities described above* (except trailers designed to be drawn by passenger automobiles), *attachments* for the commodities described above, *internal combustion engines, and parts and accessories* of the commodities described hereinabove when moving in mixed loads with such commodities; (1) from ports of entry on the international boundary between the United States and Canada at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant and warehouse sites and experimental farm of Massey-Ferguson Industries, Ltd., at Toronto, Brantford, and Milliken, Ontario; and (2) from Des Moines, Iowa; Clearfield, Utah; Detroit, Mich.; Algoma and Kaukauna, Wis.; and Cuyahoga Falls, Ohio; to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant and warehouse sites and experimental farms of Massey-Ferguson, Inc., its affiliates and subsidiaries. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 123061 (Sub-No. 48), filed April 4, 1969. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's representative: Harry G. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in Idaho, Oregon, Washington, and Nevada. NOTE: Applicant states it intends to tack with its authority in MC 123061 Sub 41 in Idaho to serve points in Utah. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123407 (Sub-No. 50), filed March 26, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and materials and accessories* used in the installation thereof, from Natchez, Miss., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 124045 (Sub-No. 3), filed April 1, 1969. Applicant: RAYMOND G. WISHARD, doing business as WISHARD TRUCKING, Route 5, Chambersburg, Pa. 17201. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet*, between points in Delaware, Illinois (except Chicago and 50-mile radius thereof), Indiana, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 373), filed March 23, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis. 53246. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barium carbonate and barium chloride*, in bulk, from Cartersville, Ga., to points in Alabama, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 375), filed March 27, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, in bulk, in tank or hopper type vehicles, from the plantsite of Houdry Process & Chemicals Co., Division of Air Products & Chemicals, Inc., at Paulsboro, N.J., to points in Delaware, Michigan, Ohio, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 376), filed April 1, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, New Jersey, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124241 (Sub-No. 5), filed April 1, 1969. Applicant: REX WELLS AND RAY WELLS, a partnership, doing business as WELLS BROTHERS TRUCKING, 584 Sparks, Post Office Box 482, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Buhl, Idaho, to points in Washington, Illinois, Iowa, Minnesota, and Wisconsin, under contract with Carter Packing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 124692 (Sub-No. 60), filed March 20, 1969. Applicant: SAMMONS TRUCKING, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, beams and channels, wire and wire products, post and grader blades, and cutting edges*, from the plantsite of CF&I Steel Corp. at Pueblo, Colo. to points in Big Horn County, Wyo., restricted against the transportation of oilfield commodities as defined in *Mercer Extension, Oilfield Commodities*, 74 M.C.C. 459. NOTE: Applicant states it would tack at destination for service to points in Idaho, Montana, Oregon, and Washington. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124796 (Sub-No. 47), filed March 27, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing and polishing compounds, cleaning, scouring, and washing compounds, solvents, sponges, starch, lubricating oil, carbon gum and sludge removing compounds, and advertising materials, and rack moving with the described commodities*, from Kankakee, Ill., to Providence, R.I.; New York, N.Y.; Baltimore, Md.; Bellmawr, N.J.; and Philadelphia, Pa.; and (2) *refused, rejected, undelivered and returned shipments of the same commodities* in reverse direction. Restriction: Restricted against the transportation of commodities in bulk; limited to transportation to be performed under a continuing contract or contracts with Simoniz Co., and all traffic to originate or terminate at the plantsite or warehouse facilities of Simoniz Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125162 (Sub-No. 1), filed April 2, 1969. Applicant: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, Ga. 31206. Applicant's representative: T. Baldwin Martin, 700 Home Federal Building, Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable, fruit, and poultry crates of all styles including wooden, cardboard, pasteboard, and plastic, and wirebound boxes and crates*, from the plant of Southern Crate and Veneer Co., in Macon, Ga., and Elberta Crate and Box Co., of Bainbridge, Ga., and Maxwell Wirebound Box Co., in Macon, Ga., to points in Florida, North Carolina, South Carolina, Tennessee, Kentucky, Indiana, Illinois, Alabama, Virginia, West Virginia, New York, Pennsylvania, Ohio, Michigan, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Macon, or Atlanta, Ga.

No. MC 125403 (Sub-No. 5), filed March 20, 1969. Applicant: S. T. L. TRANSPORT, INC., 1000 Jefferson Road, Post Office Box 9776, Rochester, N.Y. 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), (1) from points in Ontario, Seneca, and Yates Counties, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, (2) from Oakfield, N.Y., and points within 25 miles of Oakfield, N.Y., to points in Maine, New Hampshire, Rhode Island, and Vermont (except canned and preserved foodstuffs, from points in Monroe and Wayne Counties, N.Y., to points in Maine, New Hampshire, Rhode Island, and Vermont). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Rochester, Buffalo, or Syracuse, N.Y.

No. MC 125708 (Sub-No. 112), filed March 21, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, dry, in containers, from Hastings, Minn., and Superior, Wis., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 125550 (Sub-No. 7), filed March 21, 1969. Applicant: THE HELLER COMPANY, a corporation, 200 Chestnut Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical fixtures, metal housewares, and housewares products, and metal utility buildings*, knockeddown, from the plantsite of Stanley Electric Manufacturing Co. at Altoona, Pa., to points in New Jersey, Delaware, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, and *materials* used in the manufacture of the above-specified commodities, on return, under continuing contract with Stanley Electric Manufacturing Co., Altoona, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 126305 (Sub-No. 15), filed March 27, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route No. 1, Clayton, Ala. 36016. Applicant's representative: Carl Ross, Jr., Suite 1125–1128, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings, cast iron meter boxes and parts, manhole frames and covers, and culverts* (except commodities which because of size, shape, or weight require the use of special equipment or handling), from the plantsites of Alabama Pipe Co. and Anniston Foundry at Anniston, Ala., and Coosa Foundry of Alabama Pipe Co. at Gadsden, Ala., to points in Maine, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 126305 (Sub-No. 16), filed April 4, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route No. 1, Clayton, Ala. 36016. Applicant's representative: Carl Ross, Jr., Suite 1125–1128, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings, cast iron meter boxes and parts, manhole frames and covers, and culverts* (except commodities which because of size, shape, or weight require the use of special equipment or handling), from the plantsites of Alabama Pipe Co. and Anniston Foundry at Anniston, Ala., and Coosa Foundry of Alabama Pipe Co. at Gadsden, Ala., to points in Vermont, New Jersey, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, and New Hampshire. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 126367 (Sub-No. 7), filed April 4, 1969. Applicant: EVERGREEN TRUCKING COMPANY, a corporation, Box 39, Jewell, Oreg. 97126. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peeler Cores*, from points in Flathead, Lake, Lincoln, Mineral, and Sanders Counties, Mont., and points in Kittitas and Okanogan Counties, Wash., to points in Bonner County, Idaho. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 127042 (Sub-No. 32), filed March 19, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, meat products, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (1) from the plantsite and/or warehouse facilities utilized by John Morrell & Co. located at or near Estherville, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, and South Dakota; (2) from the plantsite and/or warehouse facilities utilized by John Morrell & Co. located at or near Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; (3) from the plantsite and/or warehouse facilities utilized by John Morrell & Co. located at or near Sioux Falls and Madison, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin; and (4) from the plantsite and/or warehouse

facilities utilized by Greenlee Packing Co., at or near Sioux Falls, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. Restriction: Restricted to traffic originating at the plantsites and/or warehouse facilities utilized by John Morrell & Co. located at or near Estherville and Ottumwa, Iowa; Madison and Sioux Falls, S. Dak.; and destined to the respective States named in parts (1) through (3). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Omaha, Nebr., or Chicago, Ill.

No. MC 127042 (Sub-No. 34), filed April 2, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Iowa Beef Packers, Inc., at or near Emporia, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, North Dakota, and South Dakota, restricted to traffic originating at said plantsite and storage facilities. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Minneapolis, Minn., or Kansas City, Mo.

No. MC 127812 (Sub-No. 4), filed April 6, 1969. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plant and warehouse sites of Swift & Co. located in South St. Paul, Minn., to Superior, Wis. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128058 (Sub-No. 6), filed March 21, 1969. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk), between Kansas City, Mo.; Wichita, Kans.; Tulsa and Oklahoma City, Okla.; Amarillo, Tex.; Albuquerque, N. Mex.; Tucson and Phoenix, Ariz.; Las Vegas, Nev.; Los Angeles and San Francisco, Calif.; Portland, Oreg.; Seattle, Wash.; Minneapolis and St. Paul, Minn.; and Milwaukee, Wis., restricted to the transportation of shipments having either origin or destination at a terminal of Trans-World Airlines, Inc. NOTE: Applicant states that the authority sought herein will be joined at any point with the authority in MC 128633 (Sub-No. 3), when it is converted into a certificate. Applicant holds contract carrier authority under MC 128633, and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128273 (Sub-No. 42), filed April 4, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products; and materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk, and commodities which, because of size or weight, require the use of special equipment): (1) between points in Portage and Wood County, Wis., on the one hand, and, on the other, points in Arizona, Colorado, California, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming; and (2) between points in Little River County, Ark., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 128279 (Sub-No. 8), filed April 7, 1969. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3781, Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Specially designed trailers*, from Denver, Colo., to Los Alamos, N. Mex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, or Santa Fe, N. Mex., or Denver, Colo.

No. MC 129032 (Sub-No. 3), filed March 17, 1969. Applicant: TOM INMAN TRUCKING, INC., 6015 South 59th West Avenue, Post Office Box 7608, Tulsa, Okla. 74107. Applicant's representative: Lewis C. Johnson, 500 West Seventh Street, Tulsa, Okla. 74119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, products produced and distributed by manufacturers and converters of paper and paper products, and *materials and supplies* used in the manufacture and distributions of the foregoing commodities (except commodities in bulk, and commodities which, because of size or weight, require the use of special equipment), (1) between points in Little River County, Ark., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and (2) between points in Portage and Wood Counties, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Texarkana, Ark.

No. MC 129086 (Sub-No. 7), filed March 13, 1969. Applicant: SPENCER TRUCKING CORPORATION, Route 2, Post Office Box 254 A, Keyser, W. Va. Applicant's representative: Charles E. Creager, Post Office Box 3582, Baltimore, Md. 21214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, gravel, crushed stone, pug mill fine, lime, limestone, sand, asphalt, and black top* (in bulk), (1) between points in Mineral County, W. Va., on the one hand, and, on the other, points in Maryland; and (2) between points in Frederick and Washington Counties, Md., on the one hand, and, on the other, points in West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129251 (Sub-No. 2), filed March 28, 1969. Applicant: GLENN DENHAM, Route 3, Box 368, Gulfport, Miss. Applicant's representative: Rubel L. Phillips, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, pickup trucks, panel trucks and jeeps*, from Gulfport, Miss., to points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Georgia, Florida, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 129413 (Sub-No. 5), filed April 2, 1969. Applicant: C. B. TRANSPORTATION, INC., 1400 Grand Avenue, Post Office Box 3072, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (1) from the plantsites and storage facilities of Central Farmers Fertilizer Co., at or near Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin, and (2) from the plantsites and storage facilities of Central Farmers Fertilizer Co., at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 133009 (Sub-No. 2), filed March 23, 1969. Applicant: MOORE TRUCKING, INC., Rural Delivery No. 1, Bath, Pa. 18014. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone* in bulk, from Martins Creek, Pa., to points in Middlesex and Monmouth Counties, N.J., and (2) sand, in bulk, from East Brunswick, N.J. to points in Northampton County, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133115 (Sub-No. 2), filed April 3, 1969. Applicant: ELVIS SCHREMP, HUBERT J. SCHREMP, HOWARD SCHREMP AND GLENNON SCHREMP, a partnership, doing business as SCHREMP BROS., McBride, Mo. 63776. Applicant's representative: Elvis Schremp (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products laminated with wood, aluminum, or fibre-glass*, from the plantsite of Pennington & Sons, Inc., McBride, Mo., to points in Kansas, Nebraska, Iowa, Oklahoma, Colorado, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, Delaware, Alabama, Texas, Kentucky, Tennessee, New Mexico, Arizona, Arkansas, and California and *damaged or rejected shipment* on return under contract with Pennington & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 133219 (Sub-No. 4), filed April 3, 1969. Applicant: PARKS TRANSPORT, INC., Ashland, Nebr. 68003. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils and blends thereof*, in bulk, in tank vehicles, from the plantsite and warehouse facilities of Archer Daniels Midland Co., located at or near Lincoln, Nebr., to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, North Dakota, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 133457 (Sub-No. 1), filed March 17, 1969. Applicant: M. K. TRUCKING COMPANY, INC., Suite 201, 2900 South State Street, Salt Lake City, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, more particularly, *asphalt saturated roofing, nails, ground rock, both dust and granulated, saturated and unsaturated building papers, liquid asphalt coatings and allied products* in metal containers, *hard asphalt* in metal and paper containers and *hot asphalt* in bulk, from Woods Cross, Utah, to points in Utah, Idaho, Montana, Oregon, Wyoming, and Nevada, under a continuing contract with Lloyd A. Fry Roofing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133496 (Sub-No. 1), filed March 19, 1969. Applicant: DIEHL LUMBER TRANSPORTATION CO., a corporation, 1756 South 6th West Street, Salt Lake City, Utah 84106. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, raw materials* for use in the manufacture of building materials; *lumber and lumber mill products; and prefabricated sectionalized or panelized buildings*, between points in California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, Arizona, New Mexico, and Nevada, under a continuing contract with Diehl Lumber Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133507 (Sub-No. 2), filed April 2, 1969. Applicant: JERRY D. VAN ZOMEREN, Rural Route No. 3, Oskaloosa, Iowa 52577. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese scraps and trimmings*, from Fond du Lac, Wis., to Oskaloosa, Iowa, *and empty barrels* on return; and (2) *lime*, from Quincy, Ill., to Oskaloosa, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133544, filed March 25, 1969. Applicant: CLEO KNOX, INC., 12190 West 65th Drive, Arvada, Colo. 80002. Applicant's representative: Richard A. Dudden, 121 East Second Street, Post Office Box 60, Ogallala, Nebr. 69153. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those commodities of unusual value, household goods as defined by the Commission, commodities requiring special equipment, classes A and B explosives, and meats and meat products), between points in Adams, Arapahoe, Boulder, and Jefferson Counties, Colo., on the one hand, and, on the other, Last Chance, Lindon, Anton, Cope, Joes, Kirk, and Idalia, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133578, filed March 17, 1969. Applicant: M. GALLAGHER AIRPORT EXPRESS, INC., 7707 Woodside Avenue, Elmhurst, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage, and such personal property* usually carried by airline passengers, between LaGuardia and John F. Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and on the other, points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 13381, filed March 20, 1969. Applicant: HOLDT POTATO COMPANY, INC., Rural Route 2, Red Cloud, Nebr. 68970. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, from Red Cloud, Nebr., to points in Arizona, California, and Missouri, and (2) *materials and supplies* used in the manufacture and production of dairy products on return, under contract with Don Pauly Cheese, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133589, filed March 26, 1969. Applicant: BCT, INC., Post Office Box 200, Boise, Idaho 83701. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, corrugated boxes, fiber containers, and bags;* and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of paper and paper products, corrugated boxes, fiber containers, and bags, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

Restriction: (a) Restricted to the transportation of traffic originating at or destined to plantsites and warehouses of Boise Cascade Corp.; and (b) restricted to traffic moving under a continuing contract or contracts with Boise Cascade Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 133596 (Sub-No. 2), filed March 23, 1969. Applicant: LAWRENCE M. FAIRALL, doing business as WHITEY'S AUTOMOTIVE SERVICE, 215 Ohio Avenue, Fremont, Ohio 43420. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled and repossessed motor vehicles, trailers* and *buses* (except trailers designed to be drawn by passenger automobiles), and (2) *replacement vehicles* for wrecked and disabled motor vehicles and trailers (except trailers designed to be drawn by passenger automobiles), between points in that portion of Ohio north and west of a line beginning at the Ohio-Indiana State line and extending east on U.S. Highway 224 to intersection U.S. Highways 224 and 30, thence east on U.S. Highway 30 to intersection U.S. Highways 30 and 30N, thence east on U.S. Highway 30N to intersection U.S. Highway 30N and Ohio Highway 4, thence north on Ohio Highway 4 to Sandusky, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133599, filed March 24, 1969. Applicant: BIG VALLEY SUPPLY & ENTERPRISES LTD., 4150F 14A Street SE., Calgary, Province of Alberta, Canada. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment and parts and accessories* thereof, from points in the United States including Alaska, to ports of entry on the International Boundary line between the United States and Canada, restricted to export traffic destined to the Province of Alberta, under contract with Percival Machinery and Supply Co. (Calgary) Ltd., and Ferguson Supply Alberta Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Helena, Mont., or Spokane, Wash.

No. MC 133600, filed March 31, 1969. Applicant: CANYON TRANSPORTATION, INC., The 1650 Grant Street Building, Denver, Colo. 80203. Applicant's representative: Roger Sollenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, household goods as defined by the Commission, commodities requiring special equipment and special handling, commodities contaminating or injurious to other lading and commodities in bulk, in tank vehicles), (1) between Phoenix, Ariz., and Farmington, N. Mex.; Durango and Cortez, Colo.: (a) from Phoenix, Ariz., over Interstate Highway 17 (Arizona Highways 69 and 79) to Flagstaff, Ariz.; thence over U.S. Highway 164 to Cortez, Colo.; thence over U.S. Highway 160 to Durango, Colo.; thence over U.S. Highway 550 to Farmington, N. Mex. and return over the same route; serving all intermediate and off-route points in San Juan County, N. Mex., Montezuma and La Plata Counties, Colo., and Maricopa County, Ariz. and (b) from Phoenix, Ariz., over Interstate Highway 70 (Arizona Highways 69 and 79) to Flagstaff, Ariz.; thence over U.S. Highway 164 to junction Arizona Highway 504 (at or near Teec Nos Pos); thence over Arizona Highway 504 to junction New Mexico Highway 504 at the Arizona-New Mexico state line; thence over New Mexico Highway 504 to junction U.S. Highway 550 (at or near Shiprock, N. Mex.); thence over U.S. Highway 550 to Durango, Colo., and return over the same route; serving all intermediate and off-route points in San Juan County, N. Mex., Montezuma and La Plata Counties, Colo. and Maricopa County, Ariz. and (2) between Shiprock, N. Mex. and Cortez, Colo. from Shiprock over U.S. Highway 666 to Cortez, Colo. and return over the same route, for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Farmington, N. Mex. or Phoenix, Ariz.

No. MC 133604, filed April 1, 1969. Applicant: LYNN'S POULTRY, INC., 712 South 11th Street, Oskaloosa, Iowa 52577. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Moravia, Iowa, to Jonesboro and Bearden, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133610 (Sub-No. 1), filed March 27, 1969. Applicant: MAURICE SHAPIRO, doing business as PROGRESS AIRLINE DELIVERY SERVICE, 43 Progress Street, Union, N.J. 07383. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personal baggage and effects, company mail, ground equipment and automotive parts and aircraft parts*, between Newark, N.J. airport, on the one hand, and, on the other, points in Connecticut and New Jersey, and the following counties in New York: Bronx, Dutchess, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 133613, filed April 1, 1969. Applicant: AXTELL TRUCKING, INC., Route 2, Box 250 D, Salem, Wis. 53168. Applicant's representative: Richard A. Heilprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dirt, gravel, sand, lime and stone, materialite, slag, and garylite*, between points in Walworth, Jefferson, Waukesha, Racine, Kenosha, and Milwaukee Counties, Wis., on the one hand, and points in Boone, McHenry, Lake, Cook, DuPage, Kane, Will, Kendall and DeKalb Counties, Ill., on the other. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 133614, filed April 4, 1969. Applicant: PAPPAS TRUCKING, INC., Gering, Nebr. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* used in the planting, cultivation, care, harvesting, sorting, grading, sacking, and warehousing of fruits, vegetables, and berries; *seed cutters; unassembled metal boxes; street cleaners; beach cleaners; and related parts, equipment, materials and supplies* used in connection with the above-described commodities, between points in the United States (except Alaska and Hawaii), under continuing contract with Lockwood Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, appplicant requests it be held at Denver, Colo. or Lincoln, Nebr.

No. MC 133620, filed April 3, 1969, Applicant: LAFAYETTE MOTORS, INC., 2611 Lafayette Boulevard, Norfolk, Va. 23509. Applicant's representatives: Harry J. Hicks, 211 Board of Trade Building, Norfolk, Va. 23510 and R. E. Buckner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* between Norfolk, Va., points in Maryland, Delaware, New Jersey, Pennsylvania, North Carolina, and South Carolina; under contract with Metro Auto Sales, DeVane Motor Co., City Motor Co., E. H. Lawrence Motors, and Lafayette Motors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va.

No. MC 133621, filed April 7, 1969. Applicant: FRONTIER TRANSPORTATION COMPANY, a corporation, 608 West 4th, Anchorage, Alaska 99501. Applicant's representative: J. Max Harding, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the discovery, management, producing, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and their by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, between points in Alaska (except points in the panhandle south of Haines, Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 411) (Correction), filed March 26, 1969, published FEDERAL REGISTER issue of April 17, 1969, under MC 3647 (Sub-No. 41), and republished in part, as corrected, this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). This partial republication is for the purpose of reflecting the correct number as MC 3647 (Sub-No. 411), in lieu of MC 3647 (Sub-No. 41), as previously published. The rest of the application remains as previously published.

No. MC 58915 (Sub-No. 53), filed March 21, 1969. Applicant: LINCOLN TRANSIT CO., INC., First Street and Lexington Avenue, Lakewood, N.J. 08701. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip special operations of sightseeing and pleasure tours, beginning and ending at Atlantic City, Lakewood, Freehold, and Toms River, N.J., and extending to points in the United States except New York City, N.Y., and Philadelphia, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlantic City or Lakewood, N.J.

No. MC 110552 (Sub-No. 1), filed April 1, 1969. Applicant: BRADBURY SPRAGUE, doing business as SPRAGUE'S, Ladd Hill, Meredith, N.H. 03253. Applicant's representative: John H. Ramsey, Meredith, N.H. 03253. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in Belknap County, Holderness and Moultonboro, N.H., and the following New Hampshire highways: New Hampshire Highway 3, Tilton to Franklin; New Hampshire Highway 3A to Plymouth, New Hampshire Highway 3 to Littleton, New Hampshire Highway 302 to Conway, New Hampshire Highway 16 to Ossipee, and New Hampshire Highway 28 to Belknap County line in Alton, N.H., and extending to points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, and New York. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 133624, filed April 4, 1969. Applicant: OUTDOOR TRAVEL CAMPS, INC., 58 Perry Street, New York N.Y. 10014. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage and their sporting and camping equipment* in the same vehicle or in an attached semitrailer, in personally conducted all expense, round-trip, special or charter operations limited to camping, canoeing, skiing, and personal participating sports, beginning and ending at New York, N.Y., and Killington, Vt., and extending to points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12850 (Sub-No. 2), filed March 28, 1969. Applicant: VINCENT DI DOMENICO, doing business as DOMENICO TOURS, 395 Canal Street, New York, N.Y. 10013. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. For a license (BMC 5) to engage in operations as a *broker* at Bayonne, N.J., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, between points in the United States (except Alaska and Hawaii). Restriction: The authority sought herein shall not be severable from the authority held by applicant in license No. MC 12850 Sub 1. NOTE: Applicant states it now holds identical authority to operate as a broker at New York, N.Y. Applicant further states the purpose of this application is merely to permit him to open an office at Bayonne, N.J.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 106595 (Sub-No. 7), filed April 1, 1969. Applicant: MAC BOYD, doing business as BOYD TRUCKING COMPANY, 1015 East Valley Boulevard, San Gabriel, Calif. 91776. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pumps*, (2) *pump parts*, and (3) *materials, equipment, supplies* and accessories incidental and related to the repair, installation, and maintenance of pumps, from points in Los Angeles County, Calif., to points in the United States (except Alaska and Hawaii), including ports on entry on the International Boundary line between the United States and Canada, under contract with Johnston Pump Co., FMC Corp., Hydrodynamics Division, and Layne and Bowler Pump Co. NOTE: Applicant states that duplication exists only as it relates to "water-well pumps" to Roosevelt County, N. Mex., and designated area of the State of Texas, which will be absorbed, if and when the instant application is granted.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4842; Filed, Apr. 23, 1969; 8:45 a.m.]

[S.O. 1002; Car Distribution Direction 42-A]

SOUTHERN RAILWAY CO. AND COLUMBUS AND GREENVILLE RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 42 and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 42 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 4:30 p.m., April 18, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-4913; Filed, Apr. 23, 1969; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 21, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41616—*Freight, all kinds, from and to points in official (including Illinois) territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2940), for interested rail carriers. Rates on freight, all kinds, in mixed carloads, as described in the application, from, to and between points in official (including Illinois) territory, as described in the application.

Grounds for relief—Modified short-line distance formula.

Tariff—Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-751.

FSA No. 41617—*Refractory products from Mokane, Mo.* Filed by O. W. South, Jr., agent (No. A6092), for interested rail carriers. Rates on refractory products, in carloads, as described in the application, from Mokane, Mo., to points in southern territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 45 to Southern Freight Association, agent, tariff ICC S-692.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4914; Filed, Apr. 23, 1969; 8:50 a.m.]

[Notice 817]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 21, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 469 TA), filed April 14, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: R. O. Homberger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, excavating and trailers, *including tractor and trailer parts and attachments therefor*, when moving in connection with the above named commodities, from Perry, Okla., to points in the United States (except Oklahoma and Hawaii), for 180 days. Supporting Shipper: The Charles Machine Works, Inc., Post Office Box 66, West Ditch Witch Road, Perry, Okla. 73077. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 59367 (Sub-No. 66 TA), filed April 15, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts of household washing machines*, from Two Rivers, Wis., to Fort Dodge and Webster City, Iowa, for 90 days. Supporting shipper: Franklin Manufacturing Co., Laundry Division, 600 Stockdale Street, Webster City, Iowa 50595. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 96165 (Sub-No. 10TA), filed April 14, 1969. Applicant: T. DEL FARNO TRUCKING CO., 10 Ward Avenue, North Providence, R.I. 02904. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel piling*, between Pawtucket, R.I., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, and Connecticut, for 180 days. Supporting shipper: R. C. Stanhope, Inc., 60 East 42d Street, New York, N.Y. 11017. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster Street, Providence, R.I. 02903.

No. MC 97699 (Sub-No. 28 TA), filed April 14, 1969. Applicant: BARBER TRANSPORTATION CO., 321 Sixth Street, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Marmarth, N. Dak., and Baker, Mont., from Marmarth, over U.S. Highway 12 to Baker, and return over the same route, for 180 days. NOTE: Applicant intends to tack at Marmarth, N. Dak. with existing Sub 19. Also interline at Baker, Mont. Supporting shippers: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building Pierre, S. Dak. 57501.

No. MC 110380 (Sub-No. 5 TA), filed April 14, 1969. Applicant: BERSCHENS OF MADISON, INC., 241 South Segoe Road, Madison, Wis. 53705. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal culvert pipe, guard rail, metal culvert pipe coated, and supplies and accessories* incidental to the installation thereof, from Stoughton, Wis., to points in Illinois on and north of U.S. Highway 24, from the Indiana-Illinois State line to Peoria, and on and north of Illinois Highway 116 from Peoria to the Illinois-Iowa State line, and those in Indiana on and north of U.S. Highway 24, for 180 days. Supporting shipper: Wheeling-Pittsburgh Steel Corp., Wheeling, W. Va. 26003. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 4444 West Main Street, Room 11, Madison, Wis. 53708.

No. MC 115331 (Sub-No. 269 TA), filed April 15, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in dump, conveyor, and pneumatic equipment, from Des Moines, Iowa, to points in Minnesota, Missouri, Illinois, Kansas, Nebraska, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Texas Gulf Sulphur Co., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119880 (Sub-No. 29 TA), filed April 15, 1969. Applicant: DRUM TRANSPORT INC., Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk in tank vehicles, from Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to Menlo Park, Calif., for 180 days. Supporting shipper: Heublein, Inc., 330 New York Avenue, Hartford, Conn. 06101. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123255 (Sub-No. 1 TA), filed April 14, 1969. Application: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Paper articles*, from Akron, Ohio, to points in Michigan, New York, Pennsylvania, West Virginia, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, Virginia, Indiana, Kentucky, Tennessee, Wisconsin, Illinois, Missouri, and the District of Columbia, for 180 days. Supporting shipper: Packaging Corporation of America, 1632 Chicago Avenue, Evanston, Ill. 60204. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, 255 New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 125760 (Sub-No. 3 TA), filed April 15, 1969. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin, Pa. 16323. Applicant's representative: John E. McFate, 229 Elm Street, Oil City, Pa. 16301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* from Cleveland, Ohio, to points in Erie County, Pa., for 180 days. Supporting shipper: Allied Supermarkets, Inc., 4805 Pearl Road, Cleveland, Ohio 44109. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 127219 (Sub-No. 2 TA), filed April 14, 1969. Applicant: STEPHEN R. KEREK, doing business as: KEREK'S AIR FREIGHT SERVICE, Post Office Box 213, Lancaster, Pa. 17601. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), having a prior or subsequent movement by air, between points in Berks County, Pa., on the one hand, and, on the other, points in Manheim Township, Lancaster County, Pa., for 180 days. Supporting shippers: Pennsylvania Cut Flower and Supply Co., 433 West Douglass Street, Reading, Pa. 19601, The "Elge" Spark Wheel Co., 120 Madison Avenue, Reading, Pa. 19601, Reading Foreign Traders, 607 Washington Street, Post Office Box 142, Reading, Pa. 19603, Mercator Corp., 607 Washington Street, Post Office Box 142, Reading, Pa. 19603, Columbia-Minerva Corp., Post Office Box 500, Robesonia, Pa. 19551. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 133432 (Sub-No. 1 TA), filed April 15, 1969. Applicant: JOSEPH BERNARD FARRELL, Compton, Md. 20627. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood Chips*, from points in St. Marys County, Md., to Spring Grove, Pa., under a continuing contract with Charlotte Hall Lumber Co., Inc., of Charlotte Hall (St. Marys County), Md. for 180 days. Supporting shipper: Charlotte Hall Lumber Co., Inc., Charlotte Hall, Md. 20622. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 133628 TA, filed April 14, 1969. Applicant: JOHNSON MOVING & STORAGE CO., 221 South Maplewood Drive, Rantoul, Ill. 61866. Applicant's representative: John H. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, restricted to the handling of traffic originating at or destined to points beyond the State of Illinois, for 180 days. Supporting shippers: Express Forwarding & Storage Co., Inc., 17 Battery Place, New York, N.Y.; CTI-Container Transport Inc., 17 Battery Place, New York, N.Y.; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash.; Davidson Forwarding Co., 3180 V Street NE., Washington, D.C. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133630 TA, filed April 15, 1969. Applicant: LEO KING, doing business as LEO KING TRUCKING SERVICE, Hubert Street, Ashkum, Ill. 60911. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bags or bulk, from Ashkum, Ill., to points in that part of Indiana lying on and north of Indiana Highway 28, for 180 days. Supporting shippers: Occidental Chemical Co., Post Office Box 38, Ashkum, Ill. 60911. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133631 TA, filed April 15, 1969. Applicant: AAA DELIVERY SYSTEMS, INC., Box 1148, Flint, Mich. 48501. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint test samples, color panels, and communication media* (orders, reports, business forms, memorandum, etc.) under contract with E. I. du Pont de Nemours Co.; (1) between Toledo, Ohio, on the one hand, and, on the other, Detroit, Pontiac, and Flint, Mich.; (2) between Flint, Mich., on the one hand, and, on the other, Detroit, Mich., and Toledo, Ohio. Restriction: Service shall be restricted to the delivery of no more than 500 pounds to any one destination at one time, for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, Detroit, Mich. 48226.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–4915; Filed, Apr. 23, 1969; 8:50 a.m.]

[Notice 332]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 21, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. F.D. 25398. By order of April 15, 1969, the Motor Carrier Board approved the transfer to S.C.N.O., Inc., Chicago, Ill., of the fifth amended certificate in No. W–431, issued February 25, 1969, to Sioux City and New Orleans Barge Lines, Inc.; Clayton, Mo.; authorizing the transportation of commodities generally between points along the Missouri River, on the one hand, and, on the other, points along the Illinois Waterway, the Ohio River, the Allegheny River, the Monongahela River, the Mississippi River, and certain other operations as more specifically set forth in said certificate, Edward K. Wheeler, 704 Southern Building, Washington, D.C. 20005, and Gerald Ratner, 300 West Washington Street, Chicago, Ill. 60606, attorneys for applicants.

No. MC–FC–71205. By order of April 15, 1969, the Motor Carrier Board approved the transfer to Hribar Trucking, Inc., Caledonia, Wis., of the operating rights in certificate No. MC–127856 issued May 9, 1967, to Jack Bloss Trucking, Inc., Salem, Wis., authorizing the transportation of sand, gravel, stone, crushed stone, cinders, and dirt, in dump vehicles, between points in Lake, McHenry, and Boone Counties, Ill., on the one hand, and, on the other, points in Racine, Kenosha, and Walworth Counties, Wis., Frank M. Coyne, 1 West Main Street, Madison, Wis., 53703, attorney for applicants.

No. MC–FC–71251. By order of April 14, 1969, the Motor Carrier Board approved the transfer to Franklin W. Powell, Fryeburg, Maine, certificate of registration No. MC–97662 (Sub-No. 1), issued January 7, 1966, to Charles H. Swan, doing business as Swan's Express, Fryeburg, Maine, evidencing a right to engage in interstate or foreign commerce in Maine. David R. Hastings, 8 Portland Street, Fryeburg, Maine 04037, attorney for applicants.

No. MC–FC–71261. By order of April 14, 1969, the Motor Carrier Board approved the transfer to Robert J. Erickson, doing business as Bob Erickson Trucking, Rush City, Minn., of the operating rights in permit No. MC–128490 issued August 25, 1967, to Gerald C. Shelby, doing business as Shelby Trucking, Deer Park, Wis., authorizing the transportation of materials and supplies used in the manufacture and sale of ice cream, ice milk, and products derived therefrom, from Stillwater, St. Paul, and Minneapolis, Minn., to Esterville, Iowa, and points in North Dakota, South Dakota, Montana, and Minnesota, under a continuing contract with Regal Services, Inc., of Minneapolis, Minn. Robert E. Swanson, Registered Practitioner, 1211 South Sixth Street, Stillwater, Minn. 55082, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–4916; Filed, Apr. 23, 1969; 8:50 a.m.]

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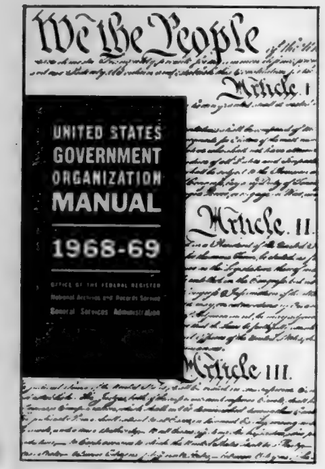
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Coast Guard
Commodity Credit Corporation
Customs Bureau
Engineers Corps
Federal Aviation Administration
Federal Communications Commission
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Interstate Commerce Commission
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Securities and Exchange Commission

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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Hand Sprayers and Squeeze Bottles

§ 15.337 Disclosure of origin of imported hand sprayers and squeeze bottles.

(a) The Commission issued an advisory opinion concerning the proper labeling as to the origin of imported, small, plastic, hand-operated sprayers and two-piece plastic squeeze bottles.

(b) The applicant advised the Commission that the imported articles would be sold in quantity to manufacturers or suppliers of cleaning liquids or other industrial accounts. These purchasers would furnish the imported articles to industrial users for dispensing cleaning liquids supplied by these purchasers.

(c) The Commission advised the applicant that on the basis of the facts as presented the country of origin of the imported sprayers or squeeze bottles should appear conspicuously on the cartons in which they are shipped to his customers. In the absence of any affirmative representation that these products are made in the United States or any other representation that might mislead the ultimate purchasers or users as to the country of origin and in the absence of any other facts indicating actual deception, the failure to mark the origin of these articles on them would not be regarded by the Commission as deceptive. Accordingly, no marking is required on these articles with reference to the country of origin.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: April 24, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–4923; Filed, Apr. 24, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Seam Ripper Blades

§ 15.338 Disclosure of origin of imported seam ripper blades.

(a) The Commission rendered an advisory opinion concerning the proper marking of the origin of seam ripper blades imported from Germany. The imported blades will be assembled with handles of domestic origin.

(b) The Commission advised the party seeking the opinion that it would be necessary to make clear and conspicuous disclosure of the foreign country of origin of the imported blades.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: April 24, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–4924; Filed, Apr. 24, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Conversion Factor for Wheat Flour-Middlings Blend

On pages 5951 and 5952 of the FEDERAL REGISTER of March 29, 1969, there was published a notice of proposed rule making to add a conversion factor for a food product designated as a wheat flour-middlings blend to the list of food product conversion factors in the Republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676).

Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received, and the proposed amendment is hereby adopted without change and as set forth below.

Since the provisions of this amendment as set forth below must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and that this amendment shall be effective as provided below.

Effective date. The conversion factor provided in this amendment may be used by processors as described in § 777.12(d) in reporting the wheat processed into food products on and after January 1, 1969. Any processor who wishes to change a report previously submitted to the Kansas City ASCS Commodity Office for such period shall submit a corrected report to such office.

Signed at Washington, D.C., on April 21, 1969.

KENNETH E. FRICK, *Administrator, Agricultural Stabilization and Conservation Service.*

Section 777.14(c) is amended by adding a conversion factor for wheat flour-middlings blend as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors.* * * *

A—Food Product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
* * *	* * *
Wheat flour-middlings blend (extraction rate approximately 80 percent, produced in a continuous operation whereby a portion of the middling streams are fed back into the flour streams; the product contains approximately 90 percent straight grade flour and 10 percent middlings).	2.063
* * *	* * *

[F.R. Doc. 69–4949; Filed, Apr. 24, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Department of Transportation, Federal Aviation Administration

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68–CE–74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

Correction

In F.R. Doc. 69–4352 appearing at page 6474 in the issue of Tuesday, April 15, 1969, the description of the transition area should read as follows:

ROSEAU, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roseau Municipal Airport (latitude 48°51'25" N., longitude 95°41'40" W.); and within 2 miles each side of the 153° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 153° bearing from Roseau Municipal Airport, extending from the airport to 12 miles southeast of the airport.

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9522; Amdt. 646]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Reno VOR	Sparks RBn	Direct	9,000	T-dn%	1000-2	1000-2	1000-2
Truckee Int	Sparks RBn	Direct	10,500	C-dn	2100-2	2100-2	2100-2
				A-dn	2100-2	2100-2	2100-2

Radar vectoring.
Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 9000′ within 10 miles.
Minimum altitude over Sparks RBn on final approach crs, 8200′; over LMM, 6700′.
Crs and distance, Sparks RBn to airport, 162°—11.1 miles; LMM to airport, 162°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile after passing LMM, turn left, climb direct Sparks RBn, continue climb to 10,000′ in a right turn, 1-minute holding pattern, N of Sparks RBn, 162° Inbnd.
AIR CARRIER NOTE: No reduction in visibility authorized for local conditions.
%IFR departures must comply with published Reno SID's.
MSA within 25 miles of facility: 320°–050°—9800′; 050°–140°—9400′; 140°–230°—11,800′; 230°–320°—9800′.

City, Reno; State, Nev.; Airport name, Reno Municipal; Elev., 4411′; Fac. Class., HW; Ident., SPK; Procedure No. NDR (ADF)-2, Amdt. 5; Eff. date, 15 May 69; Sup. Amdt. No. 4; Dated, 25 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn%	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3
				If aircraft equipped to receive DME and Bishop DME Fix received, the following minimums are authorized:			
				C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	500-1½

Procedure turn N side of crs, 020° Outbnd, 200° Inbnd, 7400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 7400′; over Bishop DME Fix, 6300′.
Crs and distance, final approach crs, 200°; facility to Bishop DME Fix, 200°—8 miles; Bishop DME Fix to Runway 21—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10 miles after passing CPR VOR, climb to 8000′ on R-200°, CPR VOR within 20 miles or, when directed by ATC, turn right climb to 8000′ direct to VOR.
MSA within 25 miles of facility: 000°–090°—8200′; 090°–180°—10,300′; 180°–270°—10,000′; 270°–360°—8200′.
%Southeastbound (124° through 156°) IFR departures: On V–19 cross Deer Creek intersection at or above 9000′; on V–85 cross Mountain Intersection at or above 10,000′.

City, Casper; State, Wyo.; Airport name, Casper Air Terminal; Elev., 5348′; Fac. Class., BVORTAC; Ident., CPR; Procedure No. VOR-1, Amdt. 8; Eff. date, 15 May 69; Sup. Amdt. No. VOR 1, Amdt. 7; Dated 16 July 66

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Davenport, Iowa—Davenport Municipal, ADF 1, Amdt. 3, 17 Dec. 1966 (established under Subpart C).
Oklahoma City, Okla.—Will Rogers World, NDB (ADF) Runways 17L/R, Amdt. 11, 13 May 1967 (established under Subpart C).
Oklahoma City, Okla.—Will Rogers World, NDB (ADF) Runways 35L/R, Amdt. 15, 13 May 1967 (established under Subpart C).
Wichita Falls, Tex.—Sheppard AFB/Wichita Falls Air Terminal, NDB (ADF) Runway 33L, Amdt. 4, 3 June 1967 (established under Subpart C).
Oklahoma City, Okla.—Will Rogers World, VOR 1, Amdt. 11, 21 May 1966 (established under Subpart C).
Wichita Falls, Tex.—Sheppard AFB/Wichita Falls Air Terminal, VOR–1, Amdt. 7, 24 June 1967 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Wallkill, N.Y.—Kobelt, VOR–1, Orig., effective 6 May 1967, canceled effective 15 May 1969.

4. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Niles Int	OM or Wilson Int	Via OBK, R 146° and E crs LOC.	3000	T-dn%	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1⅛
Warren Int	ORD VOR	Direct	2500	S-dn-27L*	400-1	400-1	400-1
Lakewood Int	ORD VOR	Via OBK, R 27.5° and ORD R 318°.	2500	A-dn	800-2	800-2	800-2
ORD VOR	OM or Wilson Int	Direct	2500				
OBK VOR	ORD VOR	Direct	2500				
API VOR	ORD VOR	Direct	2500				

Radar available.
Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 268°—4. 2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of OM or Wilson Int, turn left to 250° heading, climb to 1500′ then make climbing left turn to 3500′ and proceed to DPA VOR via R 085°.
NOTE: No glide slope. Inoperative table not applicable. OM named Wilson.
CAUTION: When conducting parallel approach Parallel ILS Runways 27 L and R procedure must be used.
Dual VOR receivers required for identification of Wilson Int.
% RVR 2400′ authorized Runways 14L, 14R, 32L, 32R, and 27R. Takeoffs on Runway 32L when weather is below 1000–3, climb to 2000′ on runway heading prior to making left turn.
*Reduction not authorized for HIRL.
Radar identification of Wilson Int will be provided at pilot's request.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-TSL; Procedure No. LOC Runway 27L, Amdt. 2; Eff. date, 15 May 69; Sup. Amdt. No. 1; Dated, 28 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Lawrence Int	Wilson OM or Int	268°-6.3	2200	T-dn	300-1	300-1	200-½
Edens Int	Taft LOM (final when GS not utilized).	268°-2.75	2200	C-dn	NA	NA	NA
				S-dn-27R*$	200-½	200-½	200-½
				S-dn-27L@	400-1	400-1	400-1
				A-dn-27R	800-2	800-2	800-2
				A-dn-27L	800-2	800-2	800-2

Radar required.
Procedure turn not authorized.
Crs and distance, OM to 27L, 268°; LOM to 27R, 268°.
Runway 27L: Minimum altitude at Lawrence Int, Inbnd, 4000′ (2200′ when authorized by ATC), minimum altitude over Wilson Int or OM, 2200′.
Runway 27R: Minimum altitude at glide slope interception Inbnd, 3000′. Altitude of glide slope and distance to approach end of runway at OM, 27R, 2130′—4.5 miles; 27L, no glide slope, 4.2 miles; at MM, 27R, 860′—0.6 mile, 27L, no MM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 27L: Turn left to 250° heading climb to 1500′ then make left-climbing turn to 3500′ and proceed to DPA VOR via R 085°.
Runway 27R: Turn right to 285° heading, climb to 1500′ then make right-climbing turn to 3500′ and proceed direct OBK VOR.
NOTES: (1) Use or this procedure is mandatory when conducting a parallel ILS approach, and is authorized only when airborne 75 mc (or ADF), and localizer receivers are operating simultaneously. A radar fix in lieu of Wilson and Lawrence Int will be provided upon pilot's request. (2) When any required airborne receiver in Note 1 is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization and restrictions for Runways 27 L and R, and be prepared to accept or reject an approach to either. (4) Back crs unusable Runway 27R. (5) Dual VOR receivers required on Runway 27 L for identification of Wilson and Lawrence Int.
*RVR 2400′ authorized.
$400-¼ required when glide slope not utilized and 400-½ authorized with operative AL's except for 4-engine turbojets.
@Reduction not authorized for HIRL Runway 27 L.
@No glide-slope on Runway 27 L.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-TSL and I-IAC; Procedure No. Parallel ILS Runways 27 L and R, Amdt. 2; Eff. date, 15 May 69; Sup. Amdt. No. 1; Dated, 28 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Reno VOR	Sparks RBn	Direct	9,000	T–dn%	1000–2	1000–2	1000–2
Truckee Int	Sparks RBn	Direct	10,500	C–dn°	1000–2	1000–2	1000–2
				A–dn	1500–3	1500–3	1500–3

Radar vectoring.
Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 9000′ within 10 miles.
Minimum altitude over Sparks RBn or 11.4-mile DME Fix on final approach crs, 8200′; over 7.9-mile DME Fix, 7000′; over OM or 6-mile DME Fix, 6350′.
Crs and distance, facility to airport MM, 162°—0.5 mile.
Minimum altitude at glide slope interception Inbnd, 8500′ (7200′ when authorized by ATC).
Altitude of glide slope and distance to approach end of runway at Sparks RBn, 8137′—11.1 miles; at 7.9-mile DME, 7000′—7.7 miles; at OM, 6350′—5.8 miles. Minimum altitude on glide slope, 5411′.
Altitude of glide slope at MM, 4632′; not an IFR altitude.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing OM, turn left, climb direct Sparks RBn, continue climb to 10,000′ in a right turn, 1-minute holding pattern, N of Sparks RBn, 162° Inbnd.
NOTES: (1) No reduction in visibility authorized for local conditions. (2) DME should not be used to determine aircraft position over LMM, runway threshold or touchdown point.
%IFR departures must comply with published Reno SID's.
°1000–2 required when glide slope not utilized.
MSA within 25 miles of SPK RBn: 320°–050°—9800′; 050°–140°—9400′; 140°–230°—11,800′; 230°–320°—9800′.

City, Reno; State, Nev.; Airport name, Reno Municipal; Elev., 4411′; Fac. Class., ILS; Ident., I–RNO; Procedure No. ILS Runway 16, Amdt. 5; Eff. date, 15 May 69; Sup. Amdt. No. 4; Dated, 25 Feb. 67

5. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Oklahoma City, Okla.—Will Rogers World, LOC (BC) Runway 17R, Amdt. 12, 13 May 1967 (established under Subpart C).
Oklahoma City, Okla.—Will Rogers World, ILS Runway 35L, Amdt. 13, 13 May 1967 (established under Subpart C).
Wichita Falls, Tex.—Sheppard AFB/Wichita Falls Air Terminal, LOC (BC) Runway 15R, Amdt. 5, 24 June 1967 (established under Subpart C).
Wichita Falls, Tex.—Sheppard AFB/Wichita Falls Air Terminal, ILS Runway 33L, Amdt. 6, 3 June 1967 (established under Subpart C).

6. By amending § 97.19 of Subpart B to establish radar procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Precision approach #			
060°	260°	0–25 miles	2600	T–dn°	300–1	300–1	**300–1
110°	240°	25–35 miles	2600	C–dn%	600–1	700–1	700–1½
110°	240°	35–40 miles	2700	S–dn–18@	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transition altitudes: All bearings and distances are from Kansas City Radar site.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climbing to 2700′ on a heading of 270°, intercept the STJ VOR R 165°, turn N to Farley Int.
CAUTION: Numerous obstructions all quadrants.
°No reduction in takeoff minimums except Runway 36.
*Unless radar vectored when weather is below 1000–3: (1) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR R 190°, climb to 2500′ before proceeding on crs; (2) aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500′ before proceeding S of the 090° ADF bearing from KC LMM.
**200–½ authorized Runway 36 only.
#FAR on operational standby status—service available on pilot request only.
%Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums. Circling not authorized E of airport in sector from 060° through 180°.
@500–1 required when approach lights inoperative. Reduction not authorized.

City, Kansas City; State, Mo.; Airport name, Municipal; Elev., 756′; Facility, Kansas City Radar; Procedure No. Radar-1, Amdt. Orig.; Eff. date, 15 May 69

7. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Oklahoma City, Okla.—Will Rogers World, Radar 1, Amdt. 6, 13 May 1967 (established under Subpart C).

8. By amending § 97.21 of Subpart C to amend low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
BKA VOR	SIT LFR	Direct	1700	MAP: 6 miles after passing SIT LFR. Turn left, climb to 1700′ on S crs SIT LFR within 10 miles of SIT LFR. Supplementary charting information: Crs and distance to airport from MAP, 357°, 6.9 miles. High terrain all quadrants.

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 1700′ within 10 miles of SIT LFR.
FAF, SIT LFR. Final approach crs, 359°. Distance FAF to MAP, 6 miles.
Minimum altitude over SIT LFR, 1000′.
MSA: NW—6000′; NE—6400′; SE—1700′; SW—4200′.
NOTE: All maneuvering S of airport, high terrain beginning 1.2 miles N of airport.
°Takeoff minimums for Runway 11, 400/2. After takeoff Runway 11, turn right immediately.
#Visual flight required from MAP to airport.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C#	700	2	681	700	2	681	700	2	681	700	2	681
A	Standard.		T 2-eng. or less—Standard.°				T over 2-eng.—Standard.°					

City, Sitka; State, Alaska; Airport name, Sitka; Elev., 19′; Facility, SIT; Procedure No. LFR–1, Amdt. 3; Eff. date, 15 May 69; Sup. Amdt. No. 2; Dated, 6 Mar. 69.

9. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
OKC, R 193°, CW	OKC, R 276° (NOPT)	OKC 10-mile DME Arc, R 265°, lead radial.	3000	MAP: 5 miles after passing Sooner Int. Climb to 2900′ on OKC VORTAC R 096° within 20 miles. Supplementary charting information: Depict R 096° as final approach radial. Runway 12, TDZ elevation, 1277′.
OKC, R 289°, CCW	OKC, R 276° (NOPT)	OKC 10-mile DME Arc, R 287°, lead radial.	3000	
Calumet Int	OKC VORTAC (NOPT)	OKC R 289°	3000	
Union Int	OKC VORTAC (NOPT)	OKC R 258°	3000	

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 3000′ within 10 miles of OKC VORTAC.
FAF, Sooner Int. Final approach crs, 096°. Distance FAF to MAP, 5 miles.
Minimum altitude over OKC VORTAC, 3000′; over Sooner Int, 2600′.
MSA: 000°–090°—3800′; 090°–180°—2900′; 180°–270°—3000′; 270°–360°—2700′.
NOTES: (1) A8R. (2) Inoperative table does not apply to REIL Runway 12.
#RVR 24′, Runway 35L.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S–12	1700	1	423	1700	1	423	1700	1	423	1700	1	423
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	440	1760	1	460	1760	1½	465	1760	2	566
A	Standard.		T 2-Eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1294′; Facility, OKC; Procedure No. VOR Runway 12, Amdt. 12; Eff. date, 15 May 69; Sup. Amdt. No. VOR 1, Amdt. 11; Dated, 21 May 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing SPS VORTAC.
SPS VORTAC, R 191° CW	SPS VORTAC, R 262° (NOPT)	SPS 10-mile DME Arc	2700	Turn left, climb to 2700′ on SPS VORTAC R 060° within 20 miles.
SPS VORTAC, R 276° CCW	SPS VORTAC, R 262° (NOPT)	SPS 10-mile DME Arc	2700	
Beaver Int	SPS VORTAC (NOPT)	Direct	2700	Supplementary charting information: Depict MAP where final approach crs intersects Runways 15R/33L.
Cowser Int	SPS VORTAC (NOPT)	Direct	2700	

Procedure turn N side of crs, 262° Outbnd, 082° Inbnd, 2700′ within 10 miles of SPS VORTAC.
FAF, SPS VORTAC. Final approach crs, 082°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over SPS VORTAC, 2700′.
MSA: 000°–270°—3100′; 270°—360°—3200′.
NOTE: Radar vectoring.
#RVR 24′, Runway 33L.
*Circling not authorized W of Runways 15R-33L defined by centerlines extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1500	1	485	1500	1	485	1500	1½	485	1580	2	565
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Wichita Falls; State, Tex.; Airport name, Sheppard AFB, Wichita Falls Air Terminal; Elev., 1015′; Facility, SPS; Procedure No. VOR-1, Amdt. 8; Eff. date, 15 May 69; Sup. Amdt. No. 7; Dated 24 Jun 67

10. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3 miles after passing CVG VOR TAC.
Madeira NDB	CVG VORTAC	Direct	2700	Climb to 2500′, left to R 006° to New Baltimore Int and hold.
R 140°, CVG VORTAC CW	R 223°, CVG VORTAC (NOPT)	10-mile Arc CVG, 211° lead radial.	2400	
R 290°, CVG VOR CCW	R 223°, CVG VORTAC (NOPT)	10-mile Arc CVG, 235° lead radial.	2400	Supplementary charting information: Hold N, 1 minute, right turns, 186° Inbnd. Final approach crs crosses intersection of Runways 36 and 9R.

Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 2400′ within 10 miles of CVG VORTAC.
FAF, CVG VORTAC. Final approach crs, 043°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over CVG VORTAC, 1500′.
MSA: 000°–090°—2600′; 090°–180°—2300′; 180°–270°—2300′; 270°–360°—2300′.
NOTE: ASR.
#RVR 18′ authorized Runways 18 and 36 for Categories A, B and C.
#RVR 20′ authorized Runways 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	410	1340	1	450	1340	1¼	450	1560	2	670
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Facility, CVG; Procedure No. VOR-1, Amdt. 10; Eff. date, 15 May 69; Sup. Amdt. No. 9; Dated, 13 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: IMT VOR.
				Climbing left turn to 2800′ on R 320° within 10 miles, return to VOR.
				Supplementary charting information: Final approach crs intercepts runway centerline 2460′ from threshold. LRCO, 122.1, 123.6. 1700′ hill and tower, 1.7 miles NNE. 1400′ hill, 1 mile S. TDZ elevation, 1128′.

Procedure turn E side of crs, 192° Outbnd, 012° Inbnd, 2500° within 10 miles of IMT VOR.
Final approach crs, 012°.
MSA: 000°–270°—2800′; 270°–360°—2900′.
NOTES: (1) Sliding scale not authorized. (2) Use Marquette altimeter setting when control zone not effective. Circling and straight-in MDA increased 220′ except for operators with approved weather reporting service.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
#Circling NE of airport not authorized.
$Night minimums 2 miles.
%Aircraft departing Runway 1, climbing left turn to 2200′ on R 315° before proceeding on crs; aircraft departing Runway 13, climbing right turn to 2200′ on R 150° before proceeding on crs; aircraft departing Runway 31, right turn not authorized until reaching 2200′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1$	1760	1	632	1760	1	632	1760	1¼	632	1760	1½	632
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1760	1	611	1760	1	611	1760	1½	611	1760	2	611
A	Standard.*		T 2-eng. or less—500-1.$%				T over 2-eng.—500-1.$%					

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1149′; Facility, IMT; Procedure No. VOR Runway 1, Amdt. 2; Eff. date, 15 May 69; Sup. Amdt. No. 1; Dated, 29 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: IMT VOR.
				Climb to 2800′ on R 320° within 10 miles, return to VOR
				Supplementary charting information: Final approach crs intercepts runway centerline 2520′ from threshold. LRCO, 122.1, 123.6. 1700′ hill and tower, 1.7 miles NNE. 1400′ hill, 1 mile S. TDZ elevation, 1124′.

Procedure turn S side of crs, 140° Outbnd, 320° Inbnd, 2800′ within 10 miles of IMT VOR.
Final approach crs, 320°.
Minimum altitude over IMT VOR, 1640′ (1860′ when control zone not effective*).
MSA: 000°–270°—2800′; 270°–360°—2900′.
NOTES: (1) Sliding scale not authorized. (2) Use Marquette altimeter setting when control zone not effective. Circling and straight-in MDA increased 220′ except for operators with approved weather reporting service.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
#Circling NE of airport not authorized.
$Night minimums 2 miles.
%Aircraft departing Runway 1, climbing left turn to 2200′ on R 315° before proceeding on crs; aircraft departing Runway 13, climbing right turn to 2200′ on R 150° before proceeding on crs; aircraft departing Runway 31, right turn not authorized until reaching 2200′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31$	1640	1	516	1640	1	516	1640	1	516	1640	1¼	516
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	1700	1	551	1700	1	551	1700	1½	551	1700	2	551
A	Standard.*		T 2-eng. or less—500-1.$%				T over 2-eng.—500-1.$%					

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1149′; Facility, IMT; Procedure No. VOR Runway 31, Amdt. 3; Eff. date, 15 May 69; Sup. Amdt. No. 2; Dated, 29 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: Within 3 miles after passing BKA VOR.
SIT LFR	BKA VOR	Direct	1700	Turn left, climbing to 1700′ on R 181° within 10 miles of BKA VOR.
20-mile DME Fix (R 339°)	10-mile DME Fix (R 339°)	R 159°	4000	
10-mile DME Fix (R 339°)	BKA VOR	R 159°	1700	Supplementary charting information: Crs and distance to airport from MAP R 001°, 9.7 miles. High terrain all quadrants.
9-mile DME Fix (R 099°)	4-mile DME Fix (R 099°)	R 279°	4000	
4-mile DME Fix (R 099°)	BKA VOR	R 279°	1700	
10-mile DME Fix (R 285°)	BKA VOR	Direct	1700	
10-mile DME Fix (R 120°)	BKA VOR	Direct	1700	

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 1700′ within 10 miles of BKA VOR.
FAF, SIT VOR. Final approach crs, 001°. Distance FAF to MAP, 3 miles.
Minimum altitude over BKA VOR, 1000′.
MSA: 000°–090°—6400′; 090°–180°—4700′; 180°–270°—1700′; 270°–360°—5400′.
NOTE: All maneuvering S of airport, high terrain beginning 1.2 miles N of airport.
*Takeoff minimums for Runway 11, 400/2. After takeoff Runway 11, turn right immediately.
#Visual flight required from MAP to airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	700	2	681	700	2	681	700	2	681	700	2	681
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Sitka; State, Alaska; Airport name, Sitka; Elev., 19′; Facility, BKA; Procedure No. VOR-1, Amdt. 4; Eff. date, 15 May 69; Sup. Amdt. No. 3; Dated, 6 Mar. 69

11. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4 miles after passing TWO NDB.
OKC VORTAC	TWO NDB	Direct	3000	Climb to 2600′ on LOC crs 171° within 20 miles; or, climbing right turn to 2500′ direct OKC VORTAC.
OK LOM	TWO NDB	Direct	3000	
Cashion Int	Edmond Int	LOC (BC)	3000	Supplementary charting information: Runway 17R, TDZ elevation, 1280′.
Edmond Int	TWO NDB (NOPT)	LOC (BC)	2300	

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 3000′ within 10 miles of TWO NDB.
FAF, TWO NDB. Final approach crs, 171°. Distance FAF to MAP, 4 miles.
Minimum altitude over TWO NDB, 2300′.
MSA: 000°–090°—3800′; 090°–180°—2900′; 180°–270°—2600′; 270°–360°—3800′.
NOTE: ASR.
#RVR 24′ Runway 35L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17R	1600	¾	320	1600	¾	320	1600	¾	320	1600	1	320
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	446	1760	1	466	1760	1¼	466	1760	2	466
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1294′; Facility, I-OKC; Procedure No. LOC (BC) Runway 17R, Amdt. 13; Eff. date, 15 May 69; Sup. Amdt. No. 12; Dated, 13 May 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.5 miles after passing Burk Int.
SPS VORTAC	Burk Int	Direct	2700	Climb to 2500′ on LOC crs 149° within 20 miles.
SP LOM	Burk Int	Direct	2700	
SPS VORTAC, R 253° CW	SPS LOC (BC)	SPS 11-mile DME Arc/SPS, R 342° lead radial.	2700	Supplementary charting information: Runway 15R, TDZ elevation, 998′.
SPS 11-mile DME Arc	Burk Int (NOPT)	SPS localizer	2400	

Procedure turn E side of crs, 329° Outbnd, 149° Inbnd, 2700′ within 10 miles of Burk Int.
FAF, Burk Int. Final approach crs, 149°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over Burk Int, 2400′.
NOTE: Radar vectoring.
#RVR 24′, Runway 33L.
*Circling not authorized W of Runways 15R-33L defined by centerlines extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15R	1300	¾	302	1300	¾	302	1300	¾	302	1300	1	302
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1380	1	355	1380	1	465	1480	1½	465	1480	2	465
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Wichita Falls; State, Tex.; Airport name, Sheppard AFB/Wichita Falls Air Terminal; Elev., 1015′; Facility, I-SPS; Procedure No. LOC (BC) Runway 15R, Amdt. 6; Eff. date, 15 May 69; Sup. Amdt. No. 5; Dated, 24 June 67

12. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.9 miles after passing Addyston LOM.
Mount Healthy Int	Addyston LOM	Direct	2200	Climb to 2000′ on S crs of ILS to Union Int and hold.
Union Int	Addyston LOM	Direct	2300	
CVG VORTAC	Addyston LOM	Direct	2300	Supplementary charting information: Hold S, 1 minute, right turns, 360° Inbnd. TDZ elevation, 873′.
Madeira NDB	Addyston LOM	Direct	2700	
New Baltimore Int	Addyston LOM (NOPT)	Direct	2000	

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 2000′ within 10 miles of Addyston LOM.
FAF, Addyston LOM. Final approach crs, 180°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over Addyston LOM, 2000′.
MSA: 000°–090°—2800′; 090°–180°—2800′; 180°–270°—2300′; 270°–360°—2300′.
NOTE: ASR.
*Inoperative components table does not apply to AL's for Categories A, B, and C aircraft. One-mile visibility required when AL's inoperative.
#RVR 18′ authorized Runways 18 and 36 for Categories A, B, and C.
#RVR 20′ authorized Runways 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18*	1200	RVR 40	327	1200	RVR 40	327	1200	RVR 40	327	1200	RVR 40	327
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	410	1340	1	450	1340	1¼	450	1360	2	470
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Facility, I-CVG; Procedure No. LOC (BC) Runway 18, Amdt. 6; Eff. date, 15 May 69; Sup. Amdt. No. 5; Dated, 13 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing Florence LOM.
CVG VORTAC	Florence LOM	Direct	2000	Climb to 2000' direct Addyston LOM and hold.
New Baltimore Int	Florence LOM	Direct	2300	
Madeira NDB	Florence LOM	Direct	2700	Supplementary charting information:
Warsaw Int	Union Int	Via ABB R 074° and S crs SIC LOC.	2400	Hold N, 1 minute, right turns, 180° inbnd.
Falmouth VOR	Union Int	Via FLM R 314° and S crs SIC LOC.	2400	TDZ elevation, 850'.
Union Int	Florence LOM (NOPT)	Direct	2000	

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000' within 10 miles of Florence LOM.
FAF, Florence LOM. Final approach crs, 360°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over Florence LOM, 2000'.
MSA: 000°–090°—2800'; 090°–180°—2300'; 180°–270°—2300'; 270°–360°—2300'.
NOTE: ASR.
#RVR 18' authorized Runways 18 and 36 for Categories A, B and C.
#RVR 20' authorized Runways 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1220	RVR 24	370	1220	RVR 24	370	1220	RVR 24	370	1220	RVR 40	370
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	410	1340	1	450	1340	1½	450	1990	2	670
A	[illegible]		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Facility, I-SIC; Procedure No. LOC (BC) Runway 36, Amdt. 4; Eff. date, 15 May 69; Sup. Amdt. No. 3; Dated, 13 Mar. 69

13. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.2 miles after passing DVN NDB.
CVA VOR	DVN NDB	Direct	2300	Climbing left turn to 2300', return to DVN NDB.
Moscow Int	DVN NDB	Direct	2300	
MLI VORTAC	DVN NDB	Direct	2300	Supplementary charting information: Runway 2, TDZ elevation, 749'.

Procedure turn W side of crs, 219° Outbnd, 039° Inbnd, 2300' within 10 miles of DVN NDB.
FAF, DVN NDB. Final approach crs, 039°. Distance FAF to MAP, 2.2 miles.
Minimum altitude over DVN NDB, 1500'.
MSA: 000°–090°—2700'; 090°–180°—2900'; 180°–270°—2100'; 270°–360°—2400'.
NOTE: (1) Final approach from holding pattern not authorized; procedure turn required. (2) Use Moline, Ill. altimeter setting when control zone not effective. (3) Radar vectoring.
#Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2	1160	1	411	1160	1	411	1160	1	411	1160	1	411
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	467	1220	1	467	1220	1½	467	1320	2	567
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Davenport; State, Iowa; Airport name, Davenport Municipal; Elev., 759'; Facility, DVN; Procedure No. NDB (ADF) Runway 2, Amdt. 4; Eff. date, 15 May 69; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 17 Dec. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Runway 17L, 4.1 miles and Runway 17R, 4 miles after passing TWO NDB.
OKC VORTAC	TWO NDB	Direct	3000	Climb to 3000' on bearing 171° from TWO NDB within 20 miles; or, turn right, climbing to 2500' direct OKC VORTAC.
OK LOM	TWO NDB	Direct	3000	
Cashion Int	Edmond Int	Bearing 171° to TWO NDB	3000	Supplementary charting information: Runway 17R, TDZ elevation, 1280'. Runway 17L, TDZ elevation, 1285'.
Edmond Int	TWO NDB (NOPT)	Direct	2300	

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 3000' within 10 miles of TWO NDB.
FAF, TWO NDB. Final approach crs Runway 17L, 160°; Runway 17R, 171°. Distance FAF to MAP Runway 17L, 4.1 miles; Runway 17R, 4 miles.
Minimum altitude over TWO NDB, 2300'.
MSA: 000°–090°—3800'; 090°–180°—2900'; 180°–270°—2600'; 270°–360°—3800'.
NOTE: ASR.
#RVR 24, Runway 35L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17L	1680	1	395	1680	1	395	1680	1	395	1680	1	395
S-17R	1680	1	400	1680	1	400	1680	1	400	1680	1	400
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	446	1760	1	466	1760	1½	466	1860	2	566
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1294'; Facility, TWO; Procedure No. NDB (ADF) Runway 17L/R, Amdt. 12; Eff. date, 15 May 68; Sup. Amdt. No. 11; Dated, 13 May 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Runway 35L, 3.8 miles and Runway 35R, 3.8 miles after passing OK LOM.
OKC VORTAC	OK LOM	Direct	2600	Climb to 3000' on bearing 351° from OK LOM within 15 miles; or, turn left climbing to 2500' direct OKC VORTAC.
Cashion Int	TWO NDB	Direct	3000	
TWO NDB	OK LOM	Direct	2600	Supplementary charting information: Runway 35L, TDZ elevation, 1275'. Runway 35R, TDZ elevation, 1292'.

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2600' within 10 miles of OK LOM.
FAF, OK LOM. Final approach crs Runway 35L, 351°; Runway 35R, 004°. Distance FAF to MAP Runway 35L, 3.8 miles; Runway 35R, 3.8 miles.
Minimum altitude over OK LOM, 2400'.
MSA: 045°–135°—2900'; 135°–315°—2600'; 315°–045°—3800'.
NOTE: ASR.
#RVR 24', Runway 35L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35L	1660	RVR 40	385	1660	RVR 40	385	1660	RVR 40	385	1660	RVR 80	385
S-35R	1680	1	383	1680	1	383	1680	1	383	1680	1	383
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	446	1760	1	466	1760	1½	466	1860	2	566
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1294'; Facility, OK; Procedure No. NDB (ADF) Runway 35L/R, Amdt. 16; Eff. date, 15 May 69; Sup. Amdt. No. 15; Dated, 13 May 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
SPS VORTAC	SP LOM	Direct	3000	MAP: 3.3 miles after passing SP LOM. Climb to 2700′ on bearing 329° from SP LOM within 20 miles; or, turn right, climb to 2700′ on SPS VORTAC R 037° to Temple Int. Supplementary charting information: Depict MAP at MM location. Runway 33L, TDZ elevation, 1000′.

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2500′ within 10 miles of SP LOM.
FAF, SP LOM. Final approach crs, 329°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over SP LOM, 2100′.
MSA: 000°–270°—3100′; 270°–360°—3200′.
NOTE: Radar vectoring.
♯RVR 24, Runway 33L.
*Circling not authorized W of Runway 15R–33L defined by centerlines extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33L	1440	RVR 40	440	1440	RVR 40	440	1440	RVR 40	440	1440	RVR 50	440
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1440	1	425	1460	1	465	1480	1½	505	1560	2	555
A	Standard.			T 2-eng. or less—Standard.♯			T over 2-eng.—Standard.♯					

City, Wichita Falls; State, Tex.; Airport name, Sheppard AFB/Wichita Falls Air Terminal; Elev., 1015′; Facility, SP; Procedure No. NDB (ADF) Runway 33L, Amdt. 5; Eff. date, 15 May 69; Sup. Amdt. No. 4; Dated, 3 June 67

14. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
CVG VORTAC	Burlington NDB	Direct	2400	MAP: 4.3 miles after passing Burlington NDB. Climb to 2100′, right turn direct to Florence LOM/NDB and hold. Supplementary Charting Information: Hold S, 1 minute, right turns, 360° Inbnd. TDZ elevation 871′.
Madeira NDB	Burlington NDB	Direct	2700	
Mount Healthy Int	Burlington NDB	Direct	2400	
Warsaw Int	Burlington NDB	Direct	2400	
Bath Int	Burlington NDB	Direct	2500	
Manchester Int	Burlington NDB (NOPT)	Direct	2200	

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 2400′ within 10 miles of Burlington NDB.
FAF, Burlington NDB. Final approach crs, 090°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over Burlington NDB, 2200′.
MSA: 000°–090°—2800′; 090°–180°—2300′; 180°–270°—2300′; 270°–360°—2300′.
NOTE: ASR.
♯RVR 18′ authorized Runways 18 and 36 for Categories A, B, and C.
♯RVR 20′ authorized Runways 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9R	1300	1	429	1300	1	429	1300	1	429	1300	1	429
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	410	1340	1	450	1340	1½	450	1500	2	670
A	Standard.			T 2-eng. or less—Standard.♯			T over 2-eng.—Standard.♯					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Facility, URN; Procedure No. NDB (ADF) Runway 9R, Amdt. 2; Eff. date, 15 May 69; Sup. Amdt. No. 1; Dated, 13 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Mount Healthy Int	Addyston LOM	Direct	2200	MAP: 3.9 miles after passing Addyston LOM. Climb to 2000′ on bearing 180° from SI LOM to Union Int and hold. Supplementary charting information: Hold S, 1 minute, right turns, 360° Inbnd. TDZ elevation, 873′.
Union Int	Addyston LOM	Direct	2300	
CVG VORTAC	Addyston LOM	Direct	2300	
Madeira NDB	Addyston LOM	Direct	2700	
New Baltimore Int	Addyston LOM (NOPT)	Direct	2000	

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 2000′ within 10 miles of Addyston LOM.
FAF, Addyston LOM. Final approach crs, 180°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over Addyston LOM, 2000′.
MSA: 000°–090°—2800′; 090°–180°—2800′; 180°–270°—2300′; 270°–360°—2300′.
NOTE: ASR.
♯RVR 18′ authorized Runways 18 and 36 for Categories A, B, and C.
♯RVR 20′ authorized Runways 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18	1360	RVR 40	487	1360	RVR 40	487	1360	RVR 40	487	1360	RVR 50	487
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	470	1360	1	470	1360	1½	470	1560	2	70
A	Standard.			T 2-eng. or less—Standard.♯			T over 2-eng.—Standard.♯					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Facility, SI LOM; Procedure No. NDB (ADF) Runway 18, Amdt. 7; Eff. date, 15 May 69; Sup. Amdt. No. 6; Dated, 13 Mar. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
CVG VORTAC	Florence LOM	Direct	2000	MAP: 3.8 miles after passing Florence LOM. Climb to 2000′ direct to Addyston LOM and hold. Supplementary charting information: Hold N, 1 minute, right turns, 180° Inbnd. TDZ elevation, 850′.
New Baltimore Int	Florence LOM	Direct	2300	
Madeira NDB	Florence LOM	Direct	2700	
Warsaw Int	Union Int	ABB R 074° and 180° bearing CV LOM.	2400	
Falmouth VOR	Union Int	FLM R 314° and 180° bearing CV LOM.	2400	
Union Int	Florence LOM (NOPT)	Direct	2000	

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000′ within 10 miles of Florence LOM.
FAF, Florence LOM. Final approach crs, 360°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over Florence LOM, 2000′.
MSA: 000°–090°—2800′; 090°–180°—2300′; 180°–270°—2300′; 270°–360°—2300′.
NOTE: ASR.
♯RVR 18′ authorized Runways 18 and 36 for Categories A, B, and C.
♯RVR 20′ authorized Runways 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1320	RVR 40	470	1320	RVR 40	470	1320	RVR 40	470	1320	RVR 50	470
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1320	1	430	1340	1	450	1340	1½	450	1500	2	670
A	Standard.			T 2-eng. or less—Standard.♯			T over 2-eng.—Standard.♯					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Facility, CV LOM; Procedure No. NDB (ADF) Runway 36, Amdt. 21; Eff. date, 15 May 69; Sup. Amdt. No. 20; Dated, 13 Mar. 69

15. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1475'; LOC 3.8 miles after passing OK LOM.
OKC VORTAC	OK LOM	Direct	2600	Climb to 3000' on LOC crs 351° within 20 miles; or, turn left climbing to 2500' direct OKC VORTAC.
Cashion Int	TWO NDB	Direct	3000	
TWO NDB	OK LOM	Direct	2600	
Newcastle Int	OK LOM (NOPT)	Direct	2400	Supplementary charting information: Runway 35L, TDZ elevation, 1275'.

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2600' within 10 miles of OK LOM.
FAF, OK LOM. Final approach crs, 351°. Distance FAF to MAP, 3.8 miles.
Minimum glide slope interception altitude, 2400'. Glide slope altitude at OM, 2337'; at MM, 1466'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.6 mile.
MSA: 045°–135°—2900'; 135°–315°—2600'; 315°–045°—3800'.
NOTE: ASR.
#RVR 24', Runway 35L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-35L	1475	RVR 24	200	1475	RVR 24	200	1475	RVR 24	200	1475	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35L	1580	RVR 24	305	1580	RVR 24	305	1580	RVR 24	305	1580	RVR 40	305
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	446	1760	1	466	1760	1½	466	1860	2	566
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1294'; Facility, I–OKC; Procedure No. ILS Runway 35L, Amdt. 14; Eff. date, 15 May 69; Sup. Amdt. No. 13; Dated, 13 May 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1200'; LOC 3.9 miles after passing SP LOM.
SPS VORTAC	SP LOM	Direct	3000	Climb to 2700' on LOC crs 329° within 20 miles; or, turn right, climb to 2700' on SPS VORTAC R 037° to Temple Int.
SPS VORTAC, R 252° CCW	SPS LOC (FC)	SPS 13-mile DME Arc/SPS, R 137° lead radial.	2500	
Arrowhead Int	SP LOM (NOPT)	Direct	2100	Supplementary charting information: runway 33L, TDZ elevation, 1000'.

Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 2500' within 10 miles of SP LOM. FAF, SP LOM. Final approach crs, 329°. Distance FAF to MAP, 3.9 miles.
Minimum glide slope interception altitude, 2100'. Glide slope altitude at OM, 2067'; at MM, 1187'.
Distance to runway threshold at OM, 3.9 miles; at MM, 0.6 mile.
MSA: 000°–270°—3100'; 270°–360°—3200'.
NOTE: Radar vectoring.
#RVR 24', runway 33L.
°Circling not authorized W of Runways 15R-33L defined by centerlines extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-33L	1200	RVR 24	300	1200	RVR 24	300	1200	RVR 24	300	1200	RVR 24	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33L	1300	RVR 24	300	1300	RVR 24	300	1300	RVR 24	300	1300	RVR 40	300
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C°	1380	1	365	1400	1	465	1400	1½	465	1500	2	565
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Wichita Falls; State, Tex.; Airport name, Sheppard AFV; Wichita Falls Air Terminal; Elev., 1015'; Facility I-SPS; Procedure No. ILS Runway 33L, Amdt. 7; Eff. date, 15 May 69; Sup. Amdt. No. 6; Dated, 3 June 67

16. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA: Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH 1122'; LOC 3.9 miles after passing Addyston LOM.
Mount Healthy Int	Addyston LOM	Direct	2200	Climb to 2000' on S crs of ILS to Union Int and hold.
Union Int	Addyston LOM	Direct	2300	
CVG VORTAC	Addyston LOM	Direct	2300	Supplementary charting information: Hold S, 1 minute, right turns, 360° Inbnd. TDZ elevation, 873'.
Madeira NDB	Addyston LOM	Direct	2700	
New Baltimore Int	Addyston LOM (NOPT)	Direct	2000	

Procedure turn W side of crs, 360° Outnbd, 180° Inbnd, 2000' within 10 miles of Addyston LOM.
FAF, Addyston LOM. Final approach crs, 180°. Distance FAF to MAP, 3.9 miles.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 1956'; at MM, 1065'.
Distance to runway threshold at OM, 3.9 miles; at MM, 0.5 mile.
MSA: 000°–090°—2800'; 090°–180°—2800'; 180°–270°—2300'; 270°–360°—2300'.
NOTE: ASR.
Category D, 700-2.
° Inoperative components table does not apply to AL's for Categories A, B, and C aircraft. One-mile visiblity required when AL's inoperative.
$ RVR 18' authorized runway 18 and 36 for Categories A, B, and C.
$ RVR 20' authorized runway 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-18	1073	RVR 18	200	1073	RVR 18	200	1073	RVR 18	200	1073	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18°	1200	RVR 40	327	1200	RVR 40	327	1200	RVR 40	327	1200	RVR 40	327
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	410	1340	1	450	1340	1¼	450	1500	2	670
A	Standard.#			T 2-eng or less—Standard.$			T over 2-eng.—Standard.$					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Facility, I–SIC; Procedure No. ILS Runway 18, Amdt. 7; Eff. date, 15 May 69; Sup. Amdt. No. 6; Dated, 13 Mar. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH 1050'; LOC 3.8 miles after passing Florence LOM.
CVG VORTAC	Florence LOM	Direct	2000	Climb to 2000' direct Addyston LOM and hold.
New Baltimore Int	Florence LOM	Direct	2300	
Madeira NDB	Florence LOM	Direct	2700	Supplementary charting information: Hold N, 1 minute, right turns, 180° Inbnd. TDZ elevation, 850'.
Warsaw Int	Union Int	ABB R 074° and S crs CVG LOC.	2400	
Falmouth VOR	Union Int	FLM, R 314 and S crs CVG LOC.	2400	
Union Int	Florence LOM (NOPT)	Direct	2000	

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000' within 10 miles of Florence LOM.
FAF, Florence LOM. Final approach crs, 360°. Distance FAF to MAP, 3.8 miles.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 1913'; at MM, 1031'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.5 mile.
MSA: 000°–090°—2800'; 090°–180°—2300'; 180°–270°—2300'; 270°–360°—2300'.
NOTES: (1) ASR. (2) Glide slope unusable below 1050'.
° Category D, 700-2.
RVR 18' authorized Runways 18 and 36 for Categories A, B, and C.
RVR 20' authorized Runways 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-36	1050	RVR 18	350	1050	RVR 18	200	1050	RVR 18	200	1050	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1220	RVR 24	370	1220	RVR 24	370	1220	RVR 24	370	1250	RVR 40	370
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	410	1340	1	450	1340	1¼	450	1500	2	670
A	Standard.°			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Facility, I–CVG; Procedure No. ILS Runway 36, Amdt. 23; Eff. date, 15 May 69; Sup. Amdt. No. 22; Dated, 13 Mar. 69

17. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by OKC ASR minimum altitude vectoring chart.										Descend aircraft after passing FAF. 1. Runway 35L FAF—5 miles from threshold. Runway 35L, TDZ elevation, 1275'. 2. Runway 35R FAF—5 miles from threshold. Runway 35R, TDZ elevation, 1292'. 3. Runway 17L FAF—5 miles from threshold. Runway 17L, TDZ elevation, 1285'. 4. Runway 17R FAF—5 miles from threshold. Runway 17R, TDZ elevation, 1280'.

Missed approach:
Runways 35L and 35R—Turn left, climb to 2500' direct OKC VORTAC.
Runways 17L and 17R—Climb to 2600' direct OK LOM and track on crs 171° from LOM within 15 miles or turn right, climb to 2500' direct OKC VORTAC.
EVE 24', Runway 35L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35L	1680	RVR 24	405	1680	RVR 24	405	1680	RVR 24	405	1680	RVR 50	405
S-35R	1680	¾	388	1680	¾	388	1680	¾	388	1680	1	388
S-17L	1680	¾	395	1680	¾	395	1680	¾	395	1680	1	395
S-17R	1680	¾	400	1680	¾	400	1680	¾	400	1680	1	400
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	560	1760	1	580	1760	1½	466	1760	2	566
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1294'; Facility, OKC ASR; Procedure No. ASR-1, Amdt. 7; Eff. date, 15 May 69; Sup. Amdt. No. Radar 1, Amdt. 6; Dated, 13 May 67

18. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
350°	030°	40	2400							Descend aircraft after passing FAF. 1. Runway 36—FAF 5 miles from threshold. TDZ elevation, 860'. 2. Runway 18—FAF 5 miles from threshold. TDZ elevation, 873'. 3. Runway 9R—FAF 5 miles from threshold. TDZ elevation, 871'. 4. Runway 27L—FAF 5 miles from threshold. Minimum altitude over 2.2-mile fix, 1520'. TDZ elevation, 875'
030°	215°	40	2500							
215°	250°	40	2400							
250°	350°	40	2600							
000°	360°	60	3000							
000°	360°	10	2000							

and including the area 4 miles E and 7 miles W of Runways 18-36 centerline extended 16 miles to the N; and the area 4 miles W and 7 miles E of Runways 18-36 centerline extended 16 miles to the S. Minimum altitude, 2000'.

Radar will provide 1000' vertical clearance within 3-mile radius of towers 1746' and 1749', 7 to 9 miles ENE; 1550', 24 miles NE; 1260', 2.5 miles; 1120', 9 miles E; 1120', 12 miles NW; water tank 1083', 4 miles SSE.
Missed approach: Runways 9R, 18, and 27L: Climb to 2000' and proceed S to Union Int. Hold S, 1 minute, right turns, 360° Inbnd.
Runway 36: Climb to 2000' direct Addyston LOM. Hold N, 1 minute, right turns, 180° Inbnd.

*Inoperative components table does not apply to AL's for Categories A, B, and C aircraft. One-mile visibility required when AL's inoperative.
#RVR 18' authorized Runways 18 and 36 for Categories A, B, and C.
#RVR 20' authorized Runways 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1260	RVR 24	410	1260	RVR 24	410	1260	RVR 24	410	1260	RVR 50	410
S-18*	1300	RVR 40	427	1300	RVR 40	427	1300	RVR 40	427	1300	RVR 50	427
S-9R	1300	¾	429	1300	¾	429	1300	¾	429	1300	1	429
S-27L	1260	¾	385	1260	¾	385	1260	¾	385	1260	1	385
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	410	1340	1	450	1340	1½	456	1500	2	670
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Facility, Cincinnati ASR; Procedure No. Radar-1, Amdt. 11; Eff. date, 15 May 69; Sup Amdt. No. 10; Dated, 13 Mar. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 8, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-4357; Filed, Apr. 24, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-108]

PART 1—GENERAL PROVISIONS

Ports of Entry; Tulsa, Okla.

APRIL 17, 1969.

Notice that it was proposed to designate Tulsa, Okla., as a port of entry in the customs district of Houston, Tex. (Region VI), was published in the FEDERAL REGISTER on February 18, 1969 (34 F.R. 2311). The proposal was based upon a need to provide better customs service in the Houston, Tex., customs district. No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 6 (34 F.R. 6298), Tulsa, Okla., is hereby designated a port of entry in the Houston, Tex., customs district (Region VI), effective as of May 15, 1969.

The area of the port of Tulsa, Okla., is described as follows:

All of the area lying within the outer boundaries of the city of Tulsa, Okla., including any independent cities, towns, political subdivisions or unincorporated areas, lying within the said boundaries.

To reflect this change, § 1.2(c) of the Customs Regulations is amended by inserting in the column headed "Ports of Entry" in the Houston, Texas, customs district (Region VI), in proper alphabetical order "Tulsa, Oklahoma (T.D. 69-108)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C 1, 2, 66, 1624)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4968; Filed, Apr. 24, 1969; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Key West Harbor, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.173a establishing and governing the use of a restricted area in Key West Harbor, Fla., is hereby amended in its entirety, effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 207.173a Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted area.

(a) *The areas.* (1) All waters within 100 yards of the U.S. Naval Station beginning at a point 100 yards due south of the south end of Whitehead Street at latitude 24 32 49.3" N. longitude 81 47' 51" W., and extending westerly and northerly around the U.S. Naval Station to latitude 24 33 13" N. longitude 81 48 33.7" W., and thence to the shore at latitude 24 33 13" N. longitude 81 48' 09.5" W., the northerly end of the U.S. Coast Guard Base.

(2) All waters within 100 yards of the northerly edge of the channel which passes 25 feet south of the Navy Annex piers on the north side of the Bight. While legitimate access of privately owned vessels to facilities of Key West Bight is unimpeded, it is prohibited from mooring, anchoring, or fishing within 50 feet of any U.S. Navy owned pier or craft.

(3) Stopping or landing by other than government owned vessels and certain specifically authorized private craft in any of the restricted areas described in paragraph (a) of this section is prohibited.

(4) Vessels using the restricted channel areas described in subparagraph (1) (i) and (ii) of this paragraph shall proceed at speeds commensurate with minimum wake.

(b) The regulations in this section shall be enforced by the Commander, U.S. Naval Base, Key West, Fla., and such agencies as he may designate.

[Reg. Apr. 7, 1960 ENGKW (NI) (Dec 7 60) 208.73 U.S.C. 1]

For the Adjutant General

HAROLD BOSSEN
Chief, Legislative and Procedural Branch, Management Div.

[F.R. Doc. 60-3060; Filed, Apr. 20, 1960; 8:45 a.m.]

2. A specific reference to the fact that inspection of an appeal file by the appellant may take place at a Departmental office other than the Board's office or that of the contracting officer, has been added to § 4.4. This is to encourage continuation of the present practice under which appeal files are sent for inspection to suitable Department of the Interior offices convenient to a contractor's headquarters, or to his attorney's office.

3. A statement has been added to § 4.6 that letter size paper should be used for the documents filed with the Board. This was suggested by the private bar. Most of the Department counsel have been filing their documents on letter size paper for some time.

4. Due to objections received from private practitioners and from Government agencies, the requirement of § 4.16 for certification or registration of mail has been removed. The Board will retain its present practice of determining the date [illegible] period specified in § 4.4 for completion and transmittal of the appeal file has been increased from 30 to 35 days. This change was made to afford a longer period for consultation between the contracting officer and the Department counsel who is designated after the notice of appeal is forwarded by the contracting officer.

Sec.

4.11 Submission without a hearing.
4.12 Accelerated procedure.
4.13 Settling of the record.
4.14 Depositions.
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HEARINGS

4.17 Where and when held.
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4.27 Representation of the Government.

4.28 Decisions.
4.29 Motions for reconsideration.
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4.31 [illegible]
4.32 Remands from courts.
4.33 Standards of conduct.
4.34 Effective date and applicability.

Appendix I Rules of Appeal

AUTHORITY: The provisions of this Part 4 issued under 5 U.S.C. 22.

§ 4.0 Unit, title; guide; [illegible] membership; decisions.

(a) The Board of Contract Appeals is the authorized representative of the Secretary for the purpose of hearing and [illegible]

Where it has authority to extend time limitations, the Board may extend them in appropriate circumstances, on good cause shown. Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel for the parties as soon as appropriate notices of appearance have been filed with the Board.

(d) The Board of Contract Appeals (hereinafter referred to as the Board) consists of regular members named by the Secretary of the Interior (one of those members is designated as Chairman by the Secretary), and alternate members who may be named by the Secretary to serve, when necessary, in place of or in addition to regular members.

(e) The Chairman of the Board may direct that an appeal may be decided by a panel of any two members of the Board, but if they are unable to agree upon a decision, the Chairman may assign one or more additional members to consider the appeal. When an appeal is considered by three or more members of the Board the concurrence of a majority shall be sufficient for a decision.

RULES

PRELIMINARY PROCEDURES

§ 4.1 Appeals, how taken.

officer or otherwise), the contractor will be promptly advised of its receipt and docketing, and furnished a copy of the rules in this part. In the event the Board receives a notice of appeal which was not filed with the contracting officer, a copy shall be promptly transmitted to the latter by the Board.

§ 4.4 Duties of the contracting officer—appeal file.

Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 35 days, compile and transmit to the Board the appeal file (copies of all documents pertinent to the appeal). A duplicate appeal file shall be forwarded to the Department counsel. The appeal file shall include the following:

(a) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued.

(b) The contract and pertinent plans, specifications, amendments and change orders.

(c) Correspondence between the parties and other data pertinent to the appeal.

(d) Transcripts of any testimony taken during the course of proceedings [illegible]

17. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by OKC ASR minimum altitude vectoring chart.										Descend aircraft after passing FAF. 1. Runway 35L FAF—5 miles from threshold. Runway 35L, TDZ elevation, 1275'. 2. Runway 35R FAF—5 miles from threshold. Runway 35R, TDZ elevation, 1292'. 3. Runway 17L FAF—5 miles from threshold. Runway 17L, TDZ elevation, 1285'. 4. Runway 17R FAF—5 miles from threshold. Runway 17R, TDZ elevation, 1280'.

Missed approach:
Runways 35L and 35R—Turn left, climb to 2500' direct OKC VORTAC.
Runways 17L and 17R—Climb to 2600' direct OK LOM and track on crs 171° from LOM within 15 miles or turn right, climb to 2500' direct OKC VORTAC.
RVR 24', Runway 35L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35L	1680	RVR 24	405	1680	RVR 24	405	1680	RVR 24	405	1680	RVR 50	405
S-35R	1680	¾	388	1680	¾	388	1680	¾	388	1680	1	388
S-17L	1680	¾	395	1680	¾	395	1680	¾	395	1680	1	395
S-17R	1680	¾	400	1680	¾	400	1680	¾	400	1680	1	400
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	446	1760	1	466	1760	1½	506	1860	2	566
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1294'; Facility, OKC ASR; Procedure No. ASR-1, Amdt. 7; Eff. date, 15 May 69; Sup. Amdt. No. Radar 1, Amdt. 6; Dated, 13 May 67

18. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
350°	030°	40	2400							Descend aircraft after passing FAF. 1. Runway 36—FAF 5 miles from threshold. TDZ elevation, 850'. 2. Runway 18—FAF 5 miles from threshold. TDZ elevation, 873'. 3. Runway 9R—FAF 5 miles from threshold. TDZ elevation, 871'. 4. Runway 27L—FAF 5 miles from threshold. Minimum altitude over 2.2-mile fix, 1520'. TDZ elevation, 875'
030°	215°	40	2500							
215°	250°	40	2400							
250°	350°	40	2600							
000°	360°	60	3000							
000°	360°	10	2000							

and including the area 4 miles E and 7 miles W of Runways 18-36 centerline extended 16 miles to the N; and the area 4 miles W and 7 miles E of Runways 18-36 centerline extended 16 miles to the S. Minimum altitude, 2000'.

Radar will provide 1000' vertical clearance within 3-mile radius of towers 1746' and 1749', 7 to 9 miles ENE; 1550', 24 miles NE; 1260', 2.5 miles; 1130', 9 miles E; 1120', 12 miles NW; water tank 1083', 4 miles SSE.
Missed approach: Runways 9R, 18, and 27L: Climb to 2000' and proceed S to Union Int. Hold S, 1 minute, right turns, 360° Inbnd.
Runway 36: Climb to 2000' direct Addyston LOM. Hold N, 1 minute, right turns, 180° Inbnd.

*Inoperative components table does not apply to AL's for Categories A, B, and C aircraft. One-mile visibility required when AL's inoperative.
#RVR 18' authorized Runways 18 and 36 for Categories A, B, and C.
#RVR 20' authorized Runways 18 and 36 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1260	RVR 24	410	1260	RVR 24	410	1260	RVR 24	410	1260	RVR 50	410
S-18*	1300	RVR 40	427	1300	RVR 40	427	1300	RVR 40	427	1300	RVR 50	427
S-9R	1300	¾	429	1300	¾	429	1300	¾	429	1300	1	429
S-27L	1260	¾	385	1260	¾	385	1260	¾	385	1260	1	385
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	410	1340	1	450	1340	1½	450	1560	2	670
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Facility, Cincinnati ASR; Procedure No. Radar-1, Amdt. 11; Eff. date, 15 May 69; Sup Amdt: No. 10; Dated, 13 Mar. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 8, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-4357; Filed, Apr. 24, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-108]

PART 1—GENERAL PROVISIONS

Ports of Entry; Tulsa, Okla.

APRIL 17, 1969.

Notice that it was proposed to designate Tulsa, Okla., as a port of entry in the customs district of Houston, Tex. (Region VI), was published in the FEDERAL REGISTER on February 18, 1969 (34 F.R. 2311). The proposal was based upon a need to provide better customs service in the Houston, Tex., customs district. No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 6 (34 F.R. 6298), Tulsa, Okla., is hereby designated a port of entry in the Houston, Tex., customs district (Region VI), effective as of May 15, 1969.

The area of the port of Tulsa, Okla., is described as follows:

All of the area lying within the outer boundaries of the city of Tulsa, Okla., including any independent cities, towns, political subdivisions or unincorporated areas, lying within the said boundaries.

To reflect this change, § 1.2(c) of the Customs Regulations is amended by inserting in the column headed "Ports of Entry" in the Houston, Texas, customs district (Region VI), in proper alphabetical order "Tulsa, Oklahoma (T.D. 69-108)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C 1, 2, 66, 1624)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4968; Filed, Apr. 24, 1969; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Key West Harbor, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.173a establishing and governing the use of a restricted area in Key West Harbor, Fla., is hereby amended in its entirety, effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 207.173a Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted area.

(a) *The areas.* (1) All waters within 100 yards of the U.S. Naval Station beginning at a point 100 yards due south of the south end of Whitehead Street at latitude 24°32'42.3" N., longitude 81°47'-51" W., and extending westerly and northerly around the U.S. Naval Station to latitude 24°33'33" N., longitude 81°-48'32.7" W.; and thence to the shore at latitude 24°33'32" N., longitude 81°48'-29.5" W., the north end of the U.S. Coast Guard Base.

(2) All waters within 100 yards of the U.S. Naval Station Annex and the U.S. Naval Air Station Annex beginning at the shore at latitude 24°33'47.6" N., longitude 81°47'55.6" W.; thence westerly to latitude 24°33'48" N., longitude 81°48'00.9" W.; thence southerly to latitude 24°33'45.8" N., longitude 81°48'01" W.; thence westerly to latitude 24°33'47" N., longitude 81°48'12" W.; thence northerly to latitude 24°34'06.3" N., longitude 81°48'10" W.; and thence to latitude 24°33'57.6" N., longitude 81°-47'20" W., 100 yards offshore of beacon No. 18.

(3) All waters within 100 yards of Fleming Key and within 100 yards of the fence across Fleming Key Cove.

(b) *The regulations.* (1) Entering or crossing any of the restricted areas described in paragraph (a) of this section is prohibited except as follows: Privately owned vessels properly registered and bearing identification in accordance with Federal and/or State laws and regulations, and at night showing lights required by Federal laws and U.S. Coast Guard regulations or, if no constant lights are required, then a bright white light showing all around the horizon, may transit the following portion of the restricted areas:

(i) The channel about 75 yards in width extending from the northwest corner of the U.S. Naval Station Annex eastward beneath the Fleming Key bridge along the north shore of the U.S. Naval Station Annex and the U.S. Naval Air Station Annex.

(ii) A channel 150 feet in width which will extend easterly from the main ship channel into Key West Bight, the northerly edge of which channel passes 25 feet south of the Navy Annex piers on the north side of the Bight. While legitimate access of privately owned vessels to facilities of Key West Bight is unimpeded, it is prohibited from mooring, anchoring, or fishing within 50 feet of any U.S. Navy owned pier or craft.

(2) Stopping or landing by other than government owned vessels and certain specifically authorized private craft in any of the restricted areas described in paragraph (a) of this section is prohibited.

(3) Vessels using the restricted channel areas described in subparagraph (1) (i) and (ii) of this paragraph shall proceed at speeds commensurate with minimum wake.

(4) The regulations in this section shall be enforced by the Commander, U.S. Naval Base, Key West, Fla., and such agencies as he may designate.

[Regs., Apr. 7, 1969, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-4948; Filed, Apr. 24, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 4—BOARD OF CONTRACT APPEALS

On page 5173 of the FEDERAL REGISTER of March 13, 1969 (34 F.R. 5173), there was published, pursuant to the authority vested in the Secretary in 5 U.S.C. 22, a notice of proposed rule making under which the existing rules of the Interior Board of Contract Appeals would be revoked in their entirety, and new regulations relating to the authority of said Board, and its procedural rules, membership and decision making would be substituted. A 15-day period was allowed for the submission by interested persons of comments, suggestions, or objections relating to the new regulations.

Many suggestions and recommendations have been received. They have come from attorneys in private practice and from attorneys who represent the Government. Most of the suggestions have merit, but if they were all to be adopted, one of the primary purposes of the adoption of new rules—bringing the Interior Board's procedures into essential uniformity with those of the other major boards—would not be realized. However, some of the suggestions have been adopted. The principal revisions in the rules as previously published are:

1. The time allowed in § 4.3 for the transmittal of a notice of appeal by the contracting officer to the Board has been reduced from 10 days to 5 days. The period specified in § 4.4 for completion and transmittal of the appeal file has been increased from 30 to 35 days. This change was made to afford a longer period for consultation between the contracting officer and the Department counsel who is designated after the notice of appeal is forwarded by the contracting officer.

2. A specific reference to the fact that inspection of an appeal file by the appellant may take place at a Departmental office other than the Board's office or that of the contracting officer, has been added to § 4.4. This is to encourage continuation of the present practice under which appeal files are sent for inspection to suitable Department of the Interior offices convenient to a contractor's headquarters, or to his attorney's office.

3. A statement has been added to § 4.6 that letter size paper should be used for the documents filed with the Board. This was suggested by the private bar. Most of the Department counsel have been filing their documents on letter size paper for some time.

4. Due to objections received from private practitioners and from Government lawyers, the requirement of § 4.16 for certification or registration of mail has been removed. The Board will retain its present practice of determining the date of service of a paper by looking to the date it was deposited in the mails. Specific authority for the use of certificates of mailing by attorneys has been added.

5. The substance of the Department of Agriculture's Board of Contract Appeals rule concerning sanctions for failure of a party to produce documents or other material in accordance with a Board request, or to make available an officer, director, official, or employee for oral examination or to answer written interrogatories, has been added to the new Interior rules (§ 4.31). This was at the suggestion of an attorney in private practice.

Other revisions of an editorial or clarifying nature have been made. The regulations are hereby adopted as set forth below.

Effective date. The new regulations shall be effective as provided in § 4.34, set forth below.

WALTER J. HICKEL,
Secretary of the Interior.

APRIL 21, 1969.

Sec.

4.0 Authority; guidelines; membership; decisions.

RULES

PRELIMINARY PROCEDURES

4.1 Appeals, how taken.
4.2 Contents of notice of appeal.
4.3 Forwarding of appeals.
4.4 Duties of the contracting officer—appeal file.
4.5 Dismissal for lack of jurisdiction.
4.6 Pleadings.
4.7 Amendments of pleadings or record.
4.8 Hearing—election.
4.9 Prehearing briefs.
4.10 Prehearing or presubmission conference.

Sec.

4.11 Submission without a hearing.
4.12 Accelerated procedure.
4.13 Settling of the record.
4.14 Depositions.
4.15 Interrogatories to parties; inspection of documents; admission of facts.
4.16 Service of papers.

HEARINGS

4.17 Where and when held.
4.18 Notice of hearings.
4.19 Unexcused absence of a party.
4.20 Nature of hearings.
4.21 Examination of witnesses.
4.22 Copies of papers.
4.23 Posthearing briefs.
4.24 Transcript of proceedings.
4.25 Withdrawal of exhibits.
4.26 Practice before Board.
4.27 Representation of the Government.
4.28 Decisions.
4.29 Motions for reconsideration.
4.30 Dismissal without prejudice.
4.31 Sanctions.
4.32 Remands from courts.
4.33 Standards of conduct.
4.34 Effective date and applicability.

Appendix I—Notice of Appeal

AUTHORITY: The provisions of this Part 4 issued under 5 U.S.C. 22.

§ 4.0 Authority; guidelines; membership; decisions.

(a) The Board of Contract Appeals is the authorized representative of the Secretary for the purpose of hearing, considering and determining, as fully and finally as might the Secretary:

(1) Appeals by contractors from decisions of contracting officers of any bureau or office of the Department of the Interior, on their authorized representatives or other authorities, on disputed questions, taken pursuant to the provision of contracts requiring the determination of such appeals by the head of the agency or his duly authorized representative or board. The Board's authority, however, does not include the Secretary's special power granted by 16 U.S.C. section 832a(f) (1964) to modify, adjust, or cancel contracts, or to compromise or finally settle claims arising thereunder, upon such terms and conditions and in such manner as the Secretary (or his delegatee, the Bonneville Power Administrator) may deem necessary.

(b) When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue.

(c) Emphasis is placed upon the sound administration of the rules in this part in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. The rules in this part will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay. Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise. All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. Where it has authority to extend time limitations, the Board may extend them in appropriate circumstances, on good cause shown. Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel for the parties as soon as appropriate notices of appearance have been filed with the Board.

(d) The Board of Contract Appeals (hereinafter referred to as the Board) consists of regular members named by the Secretary of the Interior (one of those members is designated as Chairman by the Secretary), and alternate members who may be named by the Secretary to serve, when necessary, in place of or in addition to regular members.

(e) The Chairman of the Board may direct that an appeal may be decided by a panel of any two members of the Board, but if they are unable to agree upon a decision, the Chairman may assign one or more additional members to consider the appeal. When an appeal is considered by three or more members of the Board, the concurrence of a majority shall be sufficient for a decision.

RULES

PRELIMINARY PROCEDURES

§ 4.1 Appeals, how taken.

Notice of an appeal must be in writing (a suggested form of notice appears herein following § 4.34). The original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract.

§ 4.2 Contents of notice of appeal.

A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the Department's bureau or office cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an authorized officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in § 4.6 (Rule 6) may be filed with the notice of appeal, or the contractor may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 4.3 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or the date of receipt, if the notice was otherwise conveyed) and within 5 days shall forward said notice of appeal to the Board by certified mail. At the same time, he shall notify the Department's Office of the Solicitor, in accordance with instructions of the Solicitor, that the appeal has been received in order that a Department counsel may be appointed. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor will be promptly advised of its receipt and docketing, and furnished a copy of the rules in this part. In the event the Board receives a notice of appeal which was not filed with the contracting officer, a copy shall be promptly transmitted to the latter by the Board.

§ 4.4 Duties of the contracting officer—appeal file.

Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 35 days, compile and transmit to the Board the appeal file (copies of all documents pertinent to the appeal). A duplicate appeal file shall be forwarded to the Department counsel. The appeal file shall include the following:

(a) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(b) The contract, and pertinent plans, specifications, amendments, and change orders;

(c) Correspondence between the parties and other data pertinent to the appeal;

(d) Transcripts of any testimony taken during the course of proceedings, and affidavits, or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(e) Such additional information as may be considered material.

At the time of transmittal of the appeal file to the Board, the contracting officer shall notify the appellant, provide him with a listing of its contents, and afford him an opportunity to examine the same at the office of the contracting officer, at the office of the Board, or at a suitable alternative departmental office, for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. With his transmittal to the Board, the contracting officer shall certify that the appellant has been provided with the above-described listing.

§ 4.5 Dismissal for lack of jurisdiction.

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 4.6 Pleadings.

(a) Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and one copy of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the

basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Letter size paper should be used for the complaint and for all other papers filed with the Board. A copy of the complaint will be served by the appellant upon the Department counsel, or if the latter's identity and address are not yet known, upon the Solicitor, U.S. Department of the Interior, C between 18th and 19th Streets NW., Washington, D.C. 20240, service to be in accordance with § 4.16 (Rule 16). Should the complaint not be received within 30 days, appellant's claim and appeal documents may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the Department counsel shall be so notified.

(b) Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, the Department counsel shall prepare and file with the Board an original and one copy of an answer thereto, setting forth simple, concise, and direct statements of the Government's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. One copy of the answer will be served by the Department counsel upon the appellant in accordance with § 4.16 (Rule 16). Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 4.7 Amendments of pleadings or record.

(a) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(b) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the appeal file described in § 4.4 (Rule 4) are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or said appeal file (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 4.8 Hearing—election.

Within 15 days after the Government's answer has been served upon the appellant, or within 20 days of the date upon which the Board enters a general denial on behalf of the Government, notification as to whether one or both of the parties desire an oral hearing on the appeal should be given to the Board. In the event either party requests an oral hearing, the Board will schedule the same as hereinafter provided. In the event both parties waive an oral hearing, the Board, unless it directs an oral hearing, will decide the appeal on the record before it, supplemented as it may permit or direct. A party failing to elect an oral hearing within the time limitations specified in this section may be deemed to have submitted its case on the record.

§ 4.9 Prehearing briefs.

Based on an examination of the appeal file, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 4.8 (Rule 8). In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 4.10 Prehearing or presubmission conference.

Whether the case is to be submitted without a hearing, or heard pursuant to §§ 4.17 through 4.25 (Rules 17 through 25), the Board may upon its own initiative or upon the applicaton of either party, call upon the parties to appear before a member or examiner of the Board for a conference to consider:

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute;

(e) Such other matters as may aid in the disposition of the appeal.

Any conference results that are not reflected in a transcript shall be reduced to writing by the Board member or examiner. This writing shall thereafter constitute part of the record.

§ 4.11 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to § 4.13 (Rule 13). Such waiver shall not affect the other party's rights under § 4.8 (Rule 8). In the event of such election (see the time limitations for election in § 4.8 (Rule 8)), the submission may be supplemented by oral argument (transcribed if requested) and by briefs.

§ 4.12 Accelerated procedure.

When a very strong showing is made that there is a reason (e.g., hardship to the contractor) for utilization of an accelerated procedure, the Board will undertake to issue an appeal decision on an expedited basis, without regard to the normal position of the appeal on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and elect to waive a hearing, thus submitting the matter for decision on the record. In all other respects these rules will apply.

§ 4.13 Settling of the record.

(a) A case submitted on the record pursuant to § 4.11 (Rule 11) shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceeding, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

(b) The Board record shall consist of the appeal file described in § 4.4 (Rule 4) and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and posthearing briefs, as may thereafter be developed pursuant to the rules in this part. In deciding appeals the Board in addition to considering the Board record may take official notice of facts within general knowledge.

(c) This record will at all times be available for inspection by the parties at an appropriate time and place. In the interest of convenience, prior arrangements for inspection of the file should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

§ 4.14 Depositions.

(a) *When permitted.* After an appeal has been docketed, the Board may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(b) *Orders on depositions.* The time, place, and manner of taking depositions shall be governed by orders of the Board.

(c) *Use as evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence to supplement the record.

(d) *Expenses.* All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition only upon paying therefor.

§ 4.15 Interrogatories to parties; inspection of documents; admission of facts.

For good cause shown, the Board may permit a party to serve written interrogatories upon the opposing party, order a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal, or permit the serving on the opposing party of a request for admission of facts. Such permission will be granted and orders entered as are consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

§ 4.16 Service of papers.

A copy of all pleadings, briefs, or other papers addressed to the Board, except the appeal file, shall be served on the other party at the time of filing with the Board. Service of papers may be made personally or by mailing same in a sealed envelope addressed to the other party. When a party is represented by an attorney, certificates of mailing (or stating that personal service was made) should be provided to the Board.

HEARINGS

§ 4.17 Where and when held.

Hearings may be held in Washington, D.C., or upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing on an appeal at a location other than Washington, D.C. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

§ 4.18 Notice of hearings.

The parties shall be given at least 15 days' notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have consented to the indicated time and place of hearing.

§ 4.19 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 4.11 (Rule 11). The Board shall notify the absent party of the proceedings had and shall advise him that he has 5 days from the receipt of such notification within which to show cause why the appeal should not be decided on the record made.

§ 4.20 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate in the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member or examiner in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 4.21 Examination of witnesses.

Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the presiding Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath the presiding Board member or examiner shall call to the attention of the witness the provisions of title 18, United States Code, sections 287 and 1001, prescribing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 4.22 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 4.23 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding Board member or examiner at the conclusion of the hearing.

§ 4.24 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the reporter and the Department of the Interior agency or office which is involved in the appeal, or equivalent rates if the proceedings are reported by an employee of the Government.

§ 4.25 Withdrawal of exhibits.

After a decision has become final, the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 4.26 Practice before Board.

Representation of a contractor before the Board is governed by Part 1 of this subtitle, which regulates practice before the Department of the Interior.

§ 4.27 Representation of the Government.

Department counsel designated by the Solicitor of the Department represent the agencies, bureaus, and offices cognizant of the disputes brought before the Board. They shall file notices of appearance with the Board, and shall notify the appellant or his attorney that they represent the Government. The Department counsel shall represent the Government in the same manner as a private advocate represents a client.

§ 4.28 Decisions.

Decisions of the Board will be made in writing. Copies thereof will be forwarded simultaneously to both parties by certified mail. The rules of the Board and all final orders and decisions (except those that under applicable law should be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board. Decisions of the Board will be made upon the record, as described in § 4.13 (Rule 13).

§ 4.29 Motions for reconsideration.

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon in support of the motion, and shall be filed within 30 days from the date of the receipt of a copy of the Board's decision

by the party filing the motion. Reconsideration of a decision, which may include a hearing or rehearing, may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 4.30 Dismissal without prejudice.

In certain cases, appeals docketed before the Board reach a stage where the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the inability to take action upon the appeal has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeal from its docket without prejudice to its restoration when the cause of delay has been removed, and when the parties have complied with conditions specified by the Board in its dismissal order.

§ 4.31 Sanctions.

In the event of failure of a party to comply with a request of the Board for production of documents or other material, or failure of a party to make available an officer, director, official, or employee of such party, for answering written interrogatories or questions on oral examination, without showing an excuse or explanation for such failure satisfactory to the Board, the Board may (a) decide the fact or issue relating to the material which the Board has requested to be produced, or relating to what might have been elicited from the person whose testimony was requested, in accordance with the claim of the other party or in accordance with other evidence available to the Board; (b) dismiss all or part of an appeal in appropriate circumstances; or (c) make such other ruling as the Board determines is just and proper.

§ 4.32 Remands from courts.

Whenever any matter is remanded to the Board from any court for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board, recommending procedures to be followed in order to comply with the court's order. The Board will review the reports and enter special orders governing the handling of matters remanded to it for further proceedings by any court. To the extent the court's directive and time limitations will permit, such orders will conform to the rules in this part.

§ 4.33 Standards of conduct.

No member of the Board shall consider an appeal if he has participated in the awarding or administration of the contract in question. There shall be no communication between any party to an appeal and a Board member or Board employee concerning the merits of the appeal, unless such communication (if written) is also furnished to the other party to the appeal, or (if oral) is made in the presence of the other party. The Board also shall exercise care to avoid receiving, except as part of the formally established appeal record, any information having a substantial bearing upon an appeal from persons who do not represent a party in the appeal, but nonetheless have an interest in the decision to be rendered.

§ 4.34 Effective date and applicability.

The revised rules in this part shall take effect 60 days following publication in the FEDERAL REGISTER. They shall not apply to appeals which have been docketed prior to their effective date, except as otherwise directed by the Board and agreed to by the parties.

APPENDIX I

NOTICE OF APPEAL

BOARD OF CONTRACT APPEALS,
Office of the Secretary,
Department of the Interior,
Washington, D.C. 20240.

_____ (Date)

Appeal of _____
(Name of contractor)
_____
(Address)

Contract No. _____
(Invitation No.)
Specifications No. _____
_____
(Name and Location of Project)
_____
(Name of Bureau or Office)

The undersigned contractor appeals to the Board of Contract Appeals from decision or findings of fact dated _____
by _____
(Name of contracting officer)

The decision or findings of fact is erroneous because:

(State specific facts and circumstances and the contractual provisions involved)

_____
(Signature)
_____
(Title)

[F.R. Doc. 69-4945; Filed, Apr. 24, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 102]

PART 370—CLAIMS

Processing of Time-Barred Claims

The text of Subpart A of this part is hereby designated General Order 102 and revised to read as follows:

Subpart A—Processing of Time-Barred Claims

Sec.
370.1 Definitions.
370.2 General policy.

AUTHORITY: The provisions of this Subpart A issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

Subpart A—Processing of Time-Barred Claims

§ 370.1 Definitions.

(a) "Time-barred claim" means a claim against the Government, for which the statutory period for filing suit has expired.

(b) "Contract" includes every agreement or contract entered into by the Maritime Administrator and/or Maritime Subsidy Board, the Director National Shipping Authority or their delegatee.

§ 370.2 General policy.

(a) Time-barred claims shall be rejected, except as follows:

(1) A time-barred claim which could be asserted in court by way of set-off against a claim in favor of the United States arising out of the same contract may be considered in an overall settlement where settlement will result in a net payment to the United States, provided claimant releases the United States from all claims arising from or in any way connected with said contract.

(2) Time-barred claims in favor of friendly foreign governments shall not be rejected solely because they are time-barred. However, should any such government adopt the practice of asserting the statute of limitations as a defense against claims of the United States, the time-barred claims of that government shall be rejected.

(3) Time-barred claims arising under Second Seamen's War Risk insurance (or similar earlier types of crew insurance) where the policy was issued or the risks were assumed by the Maritime Administration (or its predecessors), shall not be rejected where the beneficiaries were precluded from receiving the proceeds of the policy by reason of regulations or orders of the U.S. Government (i) by reason of the beneficiary being physically or mentally unable to present the claim, (ii) by the beneficiaries being unaware of their entitlement to the proceeds in question, or (iii) where the claim is not "stale" under general principles of equity.

(b) For the purpose of a claim by a General Agent under General Agency Agreements set forth in 32A CFR AGE–1 for reimbursement by the Maritime Administration on account of a timely payment made to a third party within a period of limitations running from the date the claim of the third party accrued, the period of limitations applicable to the General Agent shall run from the date of such payment. In all other cases involving claims arising under General Agency Agreements, including third-party claims, the policy provided in paragraph (a) of this section shall apply.

(c) Consideration of any claim governed by applicable regulations in this chapter II, including without limitation Parts 272, 292, and 205 of this chapter, shall be controlled by the time limitations expressly provided for with respect to the submission of such claims.

Dated: April 21, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-4961; Filed, Apr. 24, 1969; 8:47 a.m.]

[General Order 92, Rev.]

PART 375—EXCHANGE OF VESSELS

The text of Part 375 of this title and chapter, exclusive of the Statement of Policy appended thereto (33 F.R. 14545), is hereby revised to read as follows:

Sec.
375.1 Purpose.
375.2 Definitions.
375.3 General provisions.
375.4 Application for exchange.

AUTHORITY: §§ 375.1 to 375.4 issued under sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114; Public Law 86–575, 74 Stat. 312, as amended by Public Law 89–254, 79 Stat. 980.

§ 375.1 Purpose.

This part prescribes the procedures to be followed with respect to the exchange of vessels pursuant to section 510(1) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160(l)), herein referred to as the "Act."

§ 375.2 Definitions.

(a) "Exchange Ship" means an acceptable vessel of 1,500 gross tons or over, constructed or contracted for by the U.S. shipyards before September 3, 1945, owned by a citizen or citizens of the United States, documented under the laws of the United States, and which has not been operated with operating-differential subsidy under Title VI of the Act, by the applicant or any affiliate of the applicant, for at least 3 years immediately prior to the date of the exchange.

(b) "Transfer Ship" means an oceangoing, war-built vessel of 1,500 gross tons or over which was constructed or contracted for by the U.S. shipyards during the period beginning September 3, 1939, and ending September 2, 1945, and owned by the United States.

§ 375.3 General provisions.

(a) Authority to exchange vessels pursuant to the Act expires July 5, 1970.

(b) An applicant acquiring a Transfer Ship shall enter into a contract in form prescribed by the Maritime Administration.

(c) No payments shall be made by the United States to the owner of an Exchange Ship in connection with any exchange under the Act.

(d) Except where traded-out for use exclusively in trade and commerce on the Great Lakes, including the St. Lawrence River and Gulf, tanker vessels may be traded-out only for major conversions into dry cargo carriers or liquid bulk carriers, including natural gas carriers, but excluding bulk petroleum carriers.

(e) Neither section 510(e) of the Act, nor the nontaxable exchange provisions of the Internal Revenue Code, shall apply to the exchange of ships under the Act.

(f) Any repairs or reconversion necessary at the time of the exchange to place the Transfer Ship in class and prepare it for commercial operation shall be performed in a shipyard within the continental United States.

(g) Title to the transfer and exchange ships shall pass simultaneously on the date specified in the contract.

(h) The applicant may with the consent of the Maritime Administration use the Exchange Ship until completion of preparation of the Transfer Ship for normal operation in commercial service under terms and conditions of a Use Agreement in form prescribed by the Maritime Administration.

(i) The Secretary of Commerce shall consult with and obtain the approval of the Defense Department before any vessel of a military type is exchanged under the provisions of the Act.

§ 375.4 Application for exchange.

(a) Applications for exchange of ships pursuant to the Act shall be filed with the Chief, Office of Ship Operations, Maritime Administration, Department of Commerce, Washington, D.C. 20235, on forms obtained from that office.

(b) Applications are considered as officially filed when a qualified applicant:

(1) Submits fifteen (15) completely filled in copies of Form MA–182 (Application for Exchange of Ships);

(2) Executes and files in triplicate an Affidavit of U.S. citizenship in the form prescribed by the Maritime Administration (32A CFR AGE–2);

(3) Submits financial data as required by the Maritime Administration;

(4) Furnishes, if a corporation, a statement in duplicate showing the names, residence addresses, dates, and places of birth, and citizenship of the officers, directors, and stockholders of record owning five percent (5%) or more of the issued and outstanding stock of the applicant, as well as other ship owning companies in which any such officer, director, or stockholder has a financial interest.

(c) When alternate Transfer Ships are included in one application, consideration will be given to the first listed Transfer Ship which is available. To the extent feasible, as determined by the Maritime Administration, priority will be established based upon the date of filing of the application and such priority shall be maintained as long as the applicant proceeds promptly to effect the exchange of ships. Applications for a Transfer Ship previously applied for by another applicant will not be processed until such Transfer Ship has been rejected by the first applicant or otherwise becomes available for reassignment.

(d) Each applicant will be notified of actions taken on his application.

(e) The Office of Ship Operations coordinates ship exchange activities of the Maritime Administration and approves and administers the provisions of the ship exchange contracts.

Dated: April 22, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-5012; Filed, Apr. 24, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 306]

UNITED STATES SECURITIES

Book-Entry Procedure

Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. 553, that Subpart O of the regulations set forth in Treasury Department Circular No. 300, Third Revision, dated December 23, 1964, as amended (31 CFR Part 306), are to be further amended as tentatively shown below. However, prior to their final adoption, consideration will be given to any data, views, or arguments pertaining thereto which are submitted by interested persons in writing, in duplicate, to the Commissioner of the Public Debt, Washington, D.C. 20220, on or before 12 noon, May 22, 1969. All suggestions for changes should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements in support thereof.

Dated: April 21, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Subpart O[1] of Treasury Department Circular No. 300, Third Revision, dated December 23, 1964, as amended (31 CFR Part 306), is hereby further amended and revised as follows:

Subpart O—Book-Entry Procedure

§ 306.115 Definition of terms.

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve Bank and its branches acting as Fiscal Agent of the United States.

(b) "Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of a definitive Treasury security or a book-entry Treasury security.

(c) "Definitive Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of an entry form.

(d) "Book-entry Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

(e) "Serially-numbered advice of transaction" means the confirmation (prescribed in § 306.116) issued by a Reserve Bank which is identifiable by a unique number and indicates that a particular written instruction to the Reserve Bank with respect to the deposit or withdrawal of a specified book-entry Treasury security (or securities) has been executed.

(f) "Pledge" includes a pledge of, or any other security interest in, Treasury securities held as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(g) "Date of call" (see § 306.2) is "the date fixed in the official notice of call published in the FEDERAL REGISTER • • • on which the obligor will make payment of the security before maturity in accordance with its terms."

§ 306.116 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized and directed, in accordance with the provisions of this subpart, to (a) issue book-entry Treasury securities by means of entries on its records which shall include the name of the depositor, the amount, the title of the loan (or the series) and the maturity date; (b) effect conversions between book-entry Treasury securities and definitive Treasury securities; (c) otherwise service and maintain book-entry Treasury securities; and (d) issue serially-numbered advices of transactions with respect to each instruction relating to the deposit or withdrawal of a book-entry Treasury security (or securities) which has been executed. Each such advice shall confirm that book-entry Treasury securities of the amount, loan title (or series) and maturity date specified in the depositor's instruction have been deposited or withdrawn.

§ 306.117 Scope and effect of book-entry procedure.

(a) The book-entry procedure shall apply to Treasury securities deposited with any Reserve Bank (1) as collateral pledged to a Reserve Bank (in its individual capacity) for advances by it, (2) as collateral pledged to the United States under Treasury Department Circulars No. 92 or 176, both as revised and amended, and (3) by a member bank of the Federal Reserve System for its sole account and in lieu of the safekeeping of definitive Treasury securities by a Reserve Bank in its individual capacity. Any depositor which has definitive Treasury securities on deposit with a Reserve Bank (in either its individual capacity or as Fiscal Agent) for any purpose specified above or which hereafter deposits such securities for any such purpose shall be deemed to have consented to their conversion to book-entry Treasury securities pursuant to the provisions of this subpart, and in the manner and under the procedures prescribed by the Reserve Bank.

(b) (1) A Reserve Bank as Fiscal Agent of the United States may also apply the book-entry procedure provided for in this subpart to any Treasury securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(i) In connection with deposits in member banks of funds of States, municipalities, or other political subdivisions; or

(ii) In connection with the performance of an obligation or duty under Federal, State, municipal or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Treasury securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depositary with respect to such Treasury securities.

(2) The rights of all persons in all Treasury securities (whether pledged or otherwise) referred to in subparagraph (1) of this paragraph shall in all respects be the same when those securities are in book-entry form as if definitive Treasury securites in bearer form in the same amount and of the same loan (or series) and maturity date had at all times been held in custody by the Reserve Bank in its individual capacity in accordance with the agreement between such bank and its depositors.

(c) In addition to applying the book-entry procedure to Treasury securities deposited under paragraphs (a) and (b) of this section, the procedure may be applied by any Reserve Bank, with the approval of the Secretary of the Treasury, to any other Treasury securities deposited with the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 306.118 Pledges.

A pledge of book-entry Treasury securities maintained under § 306.117 is effected, notwithstanding any provision of law to the contrary, by a Reserve Bank's making an appropriate entry in its records of the amount of the securities pledged. The making of such entry (a) shall have the effect of a delivery of definitive Treasury securities in bearer form in the amount of the obligations pledged; (b) shall have the effect of a taking of delivery by the pledgee; (c) shall effect a perfected security interest therein in favor of the pledgee; and (d) shall constitute such pledgee a holder. No filing or recording with a public recording office or officer shall be necessary to perfect any pledge in any book-entry Treasury securities under this subpart. Any pledge of definitive Treasury securities existing at the time of the conversion hereunder of such securities to book-entry form shall continue to be fully effective notwithstanding such conversion. A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Treasury securities into definitive Treasury securities and deliver them to the pledgee or other appropriate party for disposition under the applicable pledge arrangement; and the pledge interest of the pledgee in such book-entry Treasury securities prior to conversion to definitive securities shall continue without interruption to be fully effective with respect to such definitive securities.

§ 306.119 Limitations on transfers or pledges.

Except as provided in this subpart, book-entry Treasury securities may not be assigned, transferred, hypothecated, pledged as collateral, or used as security for the performance of an obligation, and the Treasury Department will not recognize any such assignment, transfer, hypothecation, pledge or use.

§ 306.120 Withdrawals and transfers.

Withdrawals and transfers of book-entry Treasury securities may be made upon a depositor requesting (a) delivery of like definitive Treasury securities to itself or on its order to a transferee, or (b) transfer to any transferee eligible under § 306.117. The making of any book-entry transfer by a Reserve Bank shall have the same effect as a delivery to the transferee of definitive Treasury securities in bearer form. The transfer of book-entry Treasury securities within a Reserve Bank will be made in accordance with procedures established by the latter not inconsistent with this subpart. The transfer of book-entry Treasury securities between Reserve Banks will be made through a telegraphic transfer procedure. All requests for withdrawal or for transfer must be made prior to the maturity or date of call of the securities. Treasury bonds and notes which are actually to be delivered upon withdrawal or transfer may be issued either in registered or in bearer form, except that EA and EO series of Treasury notes will be issued in bearer form only.

§ 306.121 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Treasury securities of registered Treasury securities held by a Reserve Bank (in either its individual capacity or as Fiscal Agent) on the effective date of this subpart for any purpose specified in § 306.117(a). Registered Treasury securities deposited thereafter with a Reserve Bank for any purpose specified in § 306.117 shall be assigned for conversion to book-entry Treasury securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of the regulations in this part, so far as applicable, shall be to "Federal Reserve Bank of _____, as Fiscal Agent of the United States, for conversion to book-entry Treasury securities."

§ 306.122 Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Treasury securities shall be charged in the Treasurer's account on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the Treasurer's account on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

[F.R. Doc. 69-4956; Filed, Apr. 24, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YOSEMITE NATIONAL PARK, CALIF.

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of June 2, 1920 (41 Stat. 731; 16 U.S.C. 57; 245 DM1 (27 F.R. 6395 as amended), National Park Service Order No. 34 (31 F.R. 4255 as amended), Regional Director, Western Region Order No. 4 (31 F.R. 5577), it is proposed to amend § 7.16 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to establish specific closure to angling of the waters of Delaney Creek and Skelton Lakes in Yosemite National Park, for the protection and preservation of the Piute cut-throat trout. The closure is considered necessary in light of a cooperative program of attempts to restore a rare and endangered trout species, the Piute trout, *Salmo clarki selenirus*. This program is a joint effort of the park and the California Department of Fish and Game.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Yosemite National Park, Post Office Box 577, Yosemite National Park, Calif. 95389, within 30 days of the publication of this notice in the FEDERAL REGISTER.

New subparagraph (1) is added to paragraph (k) of § 7.16 as follows:

§ 7.16 Yosemite National Park.

• • • • • •

(k) *Experimental fish management waters.* • • •

(1) Skelton Lakes, and Delaney Creek from its beginning at the outlet of the lower Skelton Lake to its interception with the Tuolumne Meadows—Young Lakes Trail, are closed to all public fishing.

LAWRENCE C. HADLEY,
Superintendent,
Yosemite National Park.

[F.R. Doc. 69-4943; Filed, Apr. 24, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

SAFEGUARDS AND PHYSICAL SECURITY MEASURES

Information Received From Applicants and Licensees

The Atomic Energy Commission's regulations in 10 CFR Part 70, "Special Nuclear Material" were amended in 1967 (32 F.R. 2364, Feb. 3, 1967) to require, among other things, that each licensee authorized to possess a quantity of special nuclear material exceeding 5,000 grams of contained uranium 235, uranium 233, plutonium or any combination (except those holding licenses for use of special nuclear material in nuclear reactors or sealed sources) to submit to the Commission a full description of procedures for the control of and accounting for special nuclear material, and an identification of the fundamental material controls which are considered essential for assuring that special nuclear material in the licensees' possession is adequately safeguarded.

Applicants for licenses to operate production and utilization facilities under 10 CFR Part 50 furnish information regarding physical security measures to protect against possible industrial sabotage to these facilities. Some of this information describes the details of the physical security system employed by the applicant such as the type of locks or alarm systems utilized, and the guard patrol schedule.

Both types of detailed information are regarded as confidential in nature since the information could be useful to persons seeking to breach the physical security system or the safeguards system.

Information regarding applicants' or licensees' special nuclear material safeguards programs and detailed information regarding physical security measures for production and utilization facilities are presently subject to the provisions of 10 CFR 2.790 which provides that all correspondence to or from the AEC regarding a license of licensing action is available for public inspection except for that which is requested to be withheld from public disclosure. Where such a request is made, the Commission

[1] The Second Amendment to the Third Revision, dated Nov. 7, 1967, redesignated the then-current Subpart O, "Miscellaneous Provisions," as Subpart P and renumbered §§ 306.115 through 306.118 as §§ 306.123 through 306.126, respectively, and inserted a new Subpart O on book-entry procedure.

may, pursuant to 10 CFR 2.790(b), withhold any document or part thereof from public inspection if (a) disclosure is not required by 10 CFR Part 9, (b) disclosure is not required in the public interest and (c) disclosure would adversely affect the interest of the person concerned.

To provide a better means of protecting special nuclear material safeguards information and information on the detailed physical security measures for licensed production and utilization facilities, the Commission is proposing to make such information subject exclusively to the provisions of 10 CFR Part 9, "Public Records," rather than to the provisions of 10 CFR 2.790. Under the proposed amendments, correspondence between licensees or license applicants and the Commission regarding special nuclear materials safeguards and detailed physical security measures for licensed production and utilization facilities would be treated as exempt from disclosure pursuant to 10 CFR 9.5(a)(4) unless, pursuant to 10 CFR 9.10(c), the Director of Regulation determines that its production or disclosure would not be contrary to the public interest and would not adversely affect the rights of any person.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adopton of the following amendments to 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Paragraph (a) of § 2.790 is amended and a new paragraph (d) is added to read as follows:

§ 2.790 Public inspection, exceptions, requests for withholding.

(a) Except as provided in paragraphs (b) and (d) of this section, correspondence or portions of correspondence to and from the AEC regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, or order, or regarding a rule making proceeding subject to this Part 2 shall not be exempt from disclosure and will be made available for inspection and copying in the AEC Public Document Room.

* * * * *

(d) Correspondence and reports to or from the AEC which identify a licensee's or applicant's control and accounting procedures for safeguarding licensed special nuclear material or detailed security measures for the physical protection of a licensed facility, shall be deemed to be commercial or financial information within the meaning of § 9.5(a)(4) of this chapter and shall be subject to disclosure only in accordance with the provisions of § 9.10 of this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 15th day of April 1969.

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 69-4939; Filed, Apr. 24, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 21, 43]

[Docket No. 18473]

DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Certain Common Carriers; Annual Report Form

In the matter of promulgation of an annual report form applicable to licensees in the domestic public point-to-point microwave radio service who are miscellaneous common carriers, and related amendments of Part 1, Practice and Procedure; Part 21, Domestic Public Radio Services (Other Than Maritime Mobile); and Part 43, Reports of Communication Common Carriers and Certain Affiliates, of the Commission's rules, Docket No. 18473.

1. The Commission has received a request that the time for filing comments and reply comments in the above-captioned matter be extended from April 22, 1969 (comment deadline) and May 8, 1969 (reply comment deadline) to April 29, 1969, and May 15, 1969, respectively. The request for extension of time was filed by the law firm of Cole, Zylstra & Raywid on behalf of its several miscellaneous common carrier clients.

2. It is stated that the additional time is needed because the time for filing comments in the docket is at approximately the same date as those due in Docket 18397, and additional time is required for a thorough consideration.

3. In consideration of the time relationship between these two proceedings, it appears that the request is reasonable and that the public interest would be served by a grant of the requested extension.

4. *Accordingly, it is ordered,* Pursuant to authority delegated by § 0.303(c) of the Commission's rules, that the time for filing comments and reply comments to the above-captioned proceeding is hereby extended to April 29, 1969, and May 15, 1969, respectively.

Adopted: April 21, 1969.

Released: April 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] C. F. HEISTER,
Chief, Domestic Radio Division, for Chief, Common Carrier Bureau.

[F.R. Doc. 69-4965; Filed, Apr. 24, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18476; RM-1368]

FM BROADCAST STATIONS

Table of Assignments, Fayette, Ala., etc.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 *Table of assignments,* FM Broadcast Stations. (Doniphan, Mo., Priceton, W. Va., Auburn, Nebr., Cayce, S.C., Sallisaw, Okla., Heber Springs, Ark., Preston, Minn., Barnstable, Nantucket, and Falmouth, Mass., Mineral Wells, Tex., Fayette, Hartselle, and Talladega, Ala., Mariposa, Calif., Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky., Flora, Ill.); Docket No. 18476, RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414.

1. In a notice of proposed rule making, released March 6, 1969, in this proceeding (FCC 69-207), the Commission invited comments on a number of proposals to amend the FM Table of Assignments, including the substitution of Channel 224A for Class C Channel 225 at Fayette, Ala., and the assignment of Channel 224A to both Hartselle and Talladega, Ala. The time for filing comments was specified as April 14, 1969, and that for replies as April 24, 1969.

2. On April 14, 1969, J. W. Shirley filed a request for an additional 3 weeks to file comments in this proceeding. Mr. Shirley, applicant for a new FM station on Channel 225 at Fayette, Ala. (File No. BPH-6672, filed Mar. 21, 1969), states that operation with Class A facilities at Fayette will provide far less coverage to rural areas and small towns surrounding Fayette than will operation with the presently assigned higher power Class C channel. Mr. Shirley also notes that RM-1417, filed March 7, 1969, by Sid McDonald, of Arab, Ala., is in conflict with the rule making in this proceeding in that it requests the assignment of Channel 224A to Arab by substituting Channel 269A for Channel 225 at Fayette. Mr. Shirley states that he has authorized his consulting engineer to "make a study of all FM channel allocations in west central Alabama

to determine if a Class C channel can be retained in Fayette and Class A channels made available to Talladega, Hartselle, and/or Arab." It is stated that results of the study to date are encouraging. However, due to the complexity of the matter and various interruptions, the study has not yet been completed. Petitioner states that an additional 3 weeks will be necessary for the completion of this study. We believe that the requested additional time is warranted and would serve the public interest.

3. In view of the foregoing: *It is ordered,* That the time for filing comments in this proceeding in the matter of RM-1368 only is extended to May 5, 1969, and the time for filing replies thereto is extended to May 15, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: April 18, 1969.

Released: April 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-4966; Filed, Apr. 24, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-109]

TUNA FISH

Tariff-Rate Quota

APRIL 21, 1969.

Pursuant to the provisions of item 112.30, Tariff Schedules of the United States, it has been determined that 71,703,494 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1969 at the rate of 10 per centum ad valorem under item 112.30. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 20 per centum ad valorem under item 112.34 of the tariff schedules.

The above quota is based on the U.S. pack of canned tuna during the calendar year 1968, as reported by the U.S. Fish and Wildlife Service.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-4969; Filed, Apr. 24, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SUPERINTENDENTS, ALBUQUERQUE AREA OFFICE

Delegation of Authority

APRIL 7, 1969.

Part 10 BIAM 4 is set forth below to read as follows:

PART 10 BIAM 4—AUTHORITIES FROM THE AREA DIRECTOR

4. AUTHORITIES OF SUPERINTENDENTS

4.1 *Authorities from the Area Director.* The authorities of the Commissioner delegated to the Area Director in Secretary's Order 2508 (10 BIAM 3), 25 CFR and 43 CFR 2.6, are hereby redelegated to the Superintendents. This document supersedes Albuquerque Area Redelegation Order 1 and amendments thereto. All previously issued documents related to Albuquerque Area Redelegation Order 1 continue to be authorized and will not require revision.

This redelegation also includes future authorities of the Commissioner to the Area Director which:

A. Do not by their own terms disallow exercise by officials below the Area Director;

B. Are not within the generally applicable exceptions in section 4.3 below; or

C. Are not expressly excluded, by additional provisions to this chapter, from being exercised by officials below the Area Director.

4.2 *Secretarial limitations.* The limitations carried in the Secretary's order also apply here.

4.3 *Exceptions.* The authorities redelegated in 4.1 above do not include the following.

A. *Adoption of laws.* Adoption of State or local laws regulating the use of property to trust or restricted Indian property.

B. *Social services.* (1) The negotiation and execution of contracts with States or territories, or political subdivisions thereof, or with private organizations, for social services, relief, and child welfare.

(2) The negotiation and execution of contracts with States or territories, or political subdivisions thereof, or with any other appropriate State agency or institution, for agricultural assistance.

C. *Funds and fiscal matters.* (1) The approval of per capita or annuity payments from Indian tribal funds.

(2) The approval of expenditures of Individual Indian Moneys held in custody of the Department. This extends to and includes investments, loans, and donations by individual Indians.

(3) The approval of surety bonds.

(4) Approval of the employment of attorneys for individual Indians.

(5) Approval of attorney contracts with Indian tribes and of directly related tribal contracts with technical specialists and the determination of fees and expenses thereunder.

(6) The approval of applications of individual Indians for their pro rata shares of tribal trust funds.

(7) The approval of applications by individuals, cooperative associations, credit associations, and incorporated and unincorporated tribes and bands, and groups of Indians, for loans pursuant to 25 CFR Part 91; the issuance of commitment orders, the approval of modifications of loan agreements; the approval of interest rates and the terms and conditions of loans to encourage industry, and the approval of articles of association and bylaws of cooperative and credit associations; and determination of the acceptability of the form of organization of groups of Indians applying for loans to encourage industry.

(8) The investment of restricted trust funds of individual Indians, and group investment of funds held in the accounts of Indian Service Special Disbursing Agents, for individual Indians, Indian associations and Indian tribes.

(9) The approval of expenditures or advances of tribal funds to the respective tribes.

(10) The approval of modifications and termination of trust agreements for relief and rehabilitation grants to tribes upon the request of tribes, and transfer of any remaining assets of such grants to the tribes.

(11) The taking of any steps authorized by 25 CFR 91.10.

(12) The amendment or revocation of charters of credit and other cooperative associations.

(13) Expenditures from miscellaneous revenues for the benefit of tribes, agencies, and schools on whose behalf they are collected.

(14) The acceptance of donations of funds or other property for the advancement of the Indian race, and the use of the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provisions of law for the benefit of Indians.

(15) The approval of partial releases and satisfactions of mortgages given as security for loans from the United States.

D. *Education.* (1) The negotiation and execution of contracts with any State or territory, or political subdivision thereof, or any State university, college, or school, or with any appropriate State or private corporation, agency, or institution.

E. *Lands and minerals.* (1) The execution and approval of leases for and on behalf of the United States, as trustee, of mineral lands acquired by or for Indians.

(2) All those matters set forth in 25 CFR Part 121.

(3) The approval of exchanges of land between individual Indians, between individuals and Indian tribes, between individual Indians and non-Indians and between Indian tribes and non-Indians.

(4) The approval of purchase of lands for individual Indians and Indian tribes. This extends to and includes the acceptance of options for the acquisition of lands.

(5) The approval of authorizations for the sale of restricted Indian lands pledged as security for the repayment of tribal loans to individuals, and the approval or acceptance of conveyance of such lands in accordance with the terms of the pledge in the event of default.

(6) The approval and certification of allotment exchanges, correction of patent descriptions and cancellation of multiple allotments.

(7) The issuance of tax exemption certificates covering lands designated as tax exempt.

(8) The cancellation of fee patents.

(9) The approval of rights-of-way pursuant to 25 CFR Part 161. This extends to and includes the issuance of advance authority for preliminary surveys and permission to begin construction prior to final approval of right-of-way.

(10) The approval, with tribal consent, of sales of improvements made upon tribal lands by individual Indians.

(11) The approval of tribal membership rolls submitted for the approval of the Secretary of the Interior.

(12) The conveyance to State or local governmental agencies or to local school authorities, of all the right, title, and interest of the United States in any land and improvements thereon and personal property used in connection therewith heretofore and hereafter used for Federal Indian School purposes and no longer needed for such purposes.

(13) The revocation of Departmental reserves of certain Indian lands for agency, school, or other administrative purposes under the jurisdiction of the Bureau of Indian Affairs, when the Commissioner determines these lands are no longer needed for the purposes for which they were set aside, and the restoration of jurisdiction over the lands to the tribes.

(14) The transfer, and the issuance of notices to be published in the FEDERAL REGISTER of the effective date of transfer, of records of trust or restricted lands from Washington, D.C., to the appropriate area office.

F. *Forestry.* (1) All those matters set forth in 25 CFR Ch I, Subchapter M—Forestry.

(2) The adjustment of stumpage rates and the performing of all other administrative actions to be taken by the Secretary pursuant to timber sales contracts now in effect.

(3) The administration of existing and the negotiation and execution of new cooperative fire suppression agreements with Federal, State, and private agencies.

(4) The taking of any action necessary to prevent waste of timber from fire, decay, windthrow, insect infestation, disease, or other natural catastrophe on Indian lands held in trust by the United States.

G. *Trade with Indians.* (1) The approval of trade by Government employees with Indians.

H. *Tribal ordinances, resolutions, constitutions, and charters.* (1) Tribal ordinances and resolutions, and contracts, including expenditure under such contracts where approval of such expenditures is required, which are adopted, enacted or negotiated by Indian tribal governing bodies pursuant to approved constitutions.

(2) Tribal ordinances relating to law and order.

(3) Tribal enactments disenrolling persons found not to meet established enrollment criteria.

I. *Negotiated contracts.* (1) Contracts under section 302(c)(10) of the Federal and Administrative Services Act of 1949 (63 Stat. 377) as amended, for social and welfare services required to carry out program responsibilities of the Bureau, subject to the conditions imposed by the Administrator of General Services in the delegation of authority (18 F.R. 8738).

(2) Short term contracts for specialized or technical personnel or professional services, subject to the conditions imposed by the Administrator of General Services in delegation of authority (19 F.R. 275). Amdt. 7, 19 F.R. 1123.

J. *Conveyance of buildings and improvements.* (1) Conveyance to Indian tribes of title to federally owned buildings and improvements (including personal property used in connection therewith) no longer required by the Bureau and also declarations of forfeiture of such conveyances.

WALTER O. OLSON,
Area Director.

Approved: April 17, 1969.

J. L. NORWOOD,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-4941; Filed, Apr. 24, 1969; 8:45 a.m.]

SUPERINTENDENTS AT CHEROKEE, MICCOSUKEE, AND SEMINOLE AGENCIES

Delegations of Authority; Exceptions

APRIL 16, 1969.

The following corrections and exceptions are made to Part 10 BIAM 4 of the Bureau of Indian Affairs Manual published at 34 F.R. 637 (F.R. Doc. 69-537) in the issue for January 16, 1969. The correction clarifies existing language. The exceptions remove certain authorities delegated to the Superintendents of the Cherokee, Miccosukee, and Seminole Agencies.

1. Section 4.2 is corrected to read as follows:

4.2 *General limitations.* The limitations and exceptions carried in 10 BIAM 3 apply here also.

2. Section 4.3 is added to read as follows:

4.3 *Specific exceptions.* The authorities redelegated in section 4.1 above do not include the following:

A. The approval of the employment of attorneys for individual Indians and the determination and payment of fees paid on a quantum meruit basis from restricted or trust funds.

B. The approval of attorney contracts with Indian tribes and of directly related tribal contracts with technical specialists, and the determination of fees and expenses thereunder, pursuant to 25 U.S.C. 81, 82, 84, and 476.

J. L. NORWOOD,
Acting Commissioner.

[F.R. Doc. 69-4940; Filed, Apr. 24, 1969; 8:45 a.m.]

ASSISTANT AREA DIRECTORS, ALBUQUERQUE AREA OFFICE

Redelegation of Authority

APRIL 7, 1969.

1. The Assistant Area Directors, Bureau of Indian Affairs, Albuquerque Area Office, N. Mex., are authorized to exercise all the power and authority of the Area Director of the Albuquerque Area Office, as delegated by the Commissioner of Indian Affairs in 10 BIAM 3. This redelegation also includes future authorities of the Commissioner to the Area Director.

2. In the absence of the Area Director and the Assistant Area Directors, persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

3. The effective date of this delegation is the date of signature by the Area Director.

WALTER O. OLSON,
Area Director.

Approved: April 17, 1969.

J. L. NORWOOD,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-4942; Filed, Apr. 24, 1969; 8:45 a.m.]

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 69-4164 appearing at page 6299 in the issue of Wednesday, April 9, 1969, the last line of the land description under the center heading "Tahoe National Forest" should read: "N½SW¼ NE¼SW¼SW¼NE¼."

National Park Service

BIG BEND NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Carter M. Newsome doing business as Chisos Remuda, authorizing him to continue to provide concession facilities and services for the public at the Lower Chisos Basin within Big Bend National Park, Tex., for a period of 5 years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed his obligations under an expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information

as to the requirements of the proposed contract.

Dated: April 17, 1969.

EDWARD A. HUMMEL,
Associate Director,
National Park Service.

[F.R. Doc. 69-4944; Filed, Apr. 24, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

BYLAWS

The bylaws of the Commodity Credit Corporation, amended April 11, 1969, are as follows:

OFFICES

1. The principal office of the Corporation shall be in the city of Washington, District of Columbia, and the Corporation shall also have offices at such other places as it may deem necessary or desirable in the conduct of its business.

SEAL

2. There is impressed below the official seal which is hereby adopted for the Corporation. Said seal may be used by causing it or a facsimile thereof to be impressed or affixed or reproduced.

MEETINGS OF THE BOARD

3. Regular meetings of the Board shall be held without notice in the Board meeting room in the U.S. Department of Agriculture in the city of Washington, D.C., on Tuesday of each week, or if that day be a legal holiday, on the next succeeding business day, at 10 a.m., unless notice of another hour is given.

4. Special meetings of the Board may be called at any time by the Chairman or by the President or the Executive Vice President and shall be called by the Chairman, the President, or the Executive Vice President at the written request of any four directors. Notice of special meetings shall be given either personally or by mail (including the intradepartmental mail channels of the Department of Agriculture or interdepartmental mail channels of the Federal Government) or by the telegram, and notice by telephone shall be personal notice. Any Director may waive in writing such notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of such meeting. No notice of an adjourned meeting need be given. Any and all business may be transacted at any special meeting unless otherwise indicated in the notice thereof.

5. The Secretary of Agriculture shall serve as Chairman of the Board. In the absence or unavailability of the Chairman, the President of the Corporation shall preside at meetings of the Board. In the absence or unavailability of the Chairman and the President, the Directors present at the meeting shall designate a Presiding Officer.

6. At any meeting of the Board a quorum shall consist of four Directors. The act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board.

7. The General Counsel of the Department of Agriculture, whose office shall perform all legal work of the Corporation, and the Deputy General Counsel of the Department of Agriculture shall, as General Counsel and Deputy General Counsel of the Corporation, respectively, attend meetings of the Board.

8. The Executive Vice President, the Vice President who is the Associate Administrator of the Agricultural Stabilization and Conservation Service, the Vice President who is the General Sales Manager of the Export Marketing Service, the Secretary and the Controller shall attend meetings of the Board. Each of the other Vice Presidents and Deputy Vice Presidents shall attend meetings of the Board during such times as the meetings are devoted to consideration of matters as to which they have responsibility.

9. Other persons may attend meetings of the Board upon specific authorization by the Chairman or the President.

COMPENSATION OF BOARD DIRECTORS

10. The compensation of each Director shall be prescribed by the Secretary of Agriculture. Any director who holds another office or position under the Federal Government, the compensation for which exceeds that prescribed by the Secretary of Agriculture for such Director, may elect to receive compensation at the rate provided for such other office or position in lieu of compensation as a Director.

OFFICERS

11. The officers of the Corporation shall be a President, Vice Presidents, and Deputy Vice Presidents as hereinafter provided for, a Secretary, a Controller, a Treasurer, a Chief Accountant, and such additional officers as the Secretary of Agriculture may appoint.

12. The Assistant Secretary of Agriculture for International Affairs and Commodity Programs shall be ex officio President of the Corporation.

13. The following officials of the Agricultural Stabilization and Conservation Service (referred to as ASCS), Export Marketing Service (referred to as EMS), Foreign Agricultural Service (referred to as FAS), and Consumer and Marketing Service (referred to as C&MS) shall be ex officio officers of the Corporation:

Administrator, ASCS; Executive Vice President.
General Sales Manager, EMS; Vice President.
Administrator, FAS; Vice President.
Administrator, C&MS; Vice President.
Associate Administrator, ASCS; Vice President.
Deputy Administrator, Commodity Operations, ASCS; Deputy Vice President.
Deputy Administrator, State and County Operations, ASCS; Deputy Vice President.
Deputy Administrator, Management, ASCS; Deputy Vice President.
Executive Assistant to the Administrator, ASCS; Secretary.
Director, Fiscal Division, ASCS; Controller.
Deputy Director (in Charge of Finance), Fiscal Division, ASCS; Treasurer.
Deputy Director (in Charge of Accounting), Fiscal Division, ASCS; Chief Accountant.

The person occupying, in an acting capacity, the office of any person designated ex officio by this paragraph 13 as an officer of the Corporation, shall, during his occupancy of such office, act as such officer.

14. Officers who do not hold office ex officio shall be appointed by the Secretary of Agriculture and shall hold office until their respective appointments shall have been terminated.

THE PRESIDENT

15. The President shall be Vice Chairman of the Board and shall have general supervision and direction of the Corporation, its officers and employees.

THE VICE PRESIDENTS

16. (a) The Executive Vice President shall be the chief executive officer of the Corporation and shall be responsible for submission of all policies and programs to the Board. Except as provided in paragraphs (b), (c), and (d) below, the Executive Vice President shall have general supervision and direction of the preparation of policies and programs for submission to the Board, of the administration of the policies and programs approved by the Board, and of the day-to-day conduct of the business of the Corporation and of its officers and employees.

(b) The Vice President who is the Administrator, Foreign Agricultural Service, shall be responsible for preparation for submission by the Executive Vice President to the Board of those policies and programs of the Corporation which are for performance through the facilities and personnel of the Foreign Agricultural Service. He shall also have responsibility for the administration of these operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Foreign Agricultural Service. He shall also perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, or the President of the Corporation.

(c) The Vice President who is Administrator, Consumer and Marketing Service, shall be responsible for the administration of those operations of the Corporation under policies and programs approved by the Board relating to food distribution, which are carried out through facilities and personnel of the Consumer and Marketing Service. He shall also perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, or the President of the Corporation.

(d) The Vice President who is the General Sales Manager of the Export Marketing Service shall be responsible for preparation for submission by the Executive Vice President to the Board of policies and programs of the Corporation which are for peformance through the facilities and personnel of the Export Marketing Service. He shall also have responsibility for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Export Marketing Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

17. The Vice President who is the Associate Administrator, Agricultural Stabilization and Conservation Service, and the Deputy Vice Presidents shall assist the Executive Vice President in the performance of his duties and the exercise of his powers to such extent as the President or the Executive Vice President shall prescribe, and shall perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, the President of the Corporation, or the Executive Vice President of the Corporation.

THE SECRETARY

18. The Secretary shall attend and keep the minutes of all meetings of the Board; shall attend to the giving and serving of all required notices of meetings of the Board; shall sign all papers and instruments to which his signature shall be necessary or appropriate; shall attest the authenticity of and affix the seal of the Corporation upon any instrument requiring such action; and shall perform such other duties and exercise such other powers as are commonly incidental to the office of Secretary as well as such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE CONTROLLER

19. The Controller shall have charge of all fiscal and accounting affairs of the Corporation, including all borrowings and related financial arrangements, claims activities, and formulation of prices in accordance with established policies; and shall perform such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE TREASURER

20. The Treasurer, under the general supervision and direction of the Controller, shall have charge of the custody, safekeeping and disbursement of all funds of the Corporation; shall designate qualified persons to authorize disbursement of corporate funds; shall direct the disbursement of funds by disbursing officers of the Corporation or by the Treasurer of the United States, Federal Reserve Banks and other fiscal agents of the Corporation; and shall issue instructions incidental thereto; shall be responsible for documents relating to the general financing operations of the Corporation, including borrowings from the U.S. Treasury, commercial banks and others; shall arrange for the payment of interest on and the repayment of such borrowings; shall arrange for the payment of interest on the capital stock of the Corporation; shall coordinate and give general supervision to the claims activities of the Corporation and shall have authority to collect all monies due the Corporation, to receipt therefor and to deposit same for the account of the Corporation; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

THE CHIEF ACCOUNTANT

21. The Chief Accountant, under the general supervision and direction of the Controller, shall have charge of the general books and accounts of the Corporation and the preparation of financial statements and reports. He shall be responsible for the initiation, preparation and issuance of policies and practices related to accounting matters and procedures, including official inventories, records, accounting and related office procedures where standardized, and adequate subsidiary records of revenues, expenses, assets and liabilities; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

OTHER OFFICIALS

22. Except as otherwise authorized by the Secretary of Agriculture or the Board, the operations of the Corporation shall be carried out through the facilities and personnel of the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, the Export Marketing Service, and the Consumer and Marketing Service, in accordance with any assignment of functions and responsibilities made by the Secretary of Agriculture and, within his respective agency, by the Administrator of the Agricultural Stabilization and Conservation Service, the Administrator of the Foreign Agricultural Service, the General Sales Manager of the Export Marketing Service, or the Administrator of the Consumer and Marketing Service.

23. The Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service shall be contracting officers and executives of the Corporation in general charge of the activities of the Corporation carried out through their respective divisions or offices. The responsibilities of such Directors in carrying out activities of the Corporation, which shall include the authority to settle and adjust claims by and against the Corporation arising out of activities under their jurisdiction, shall be discharged in conformity with these bylaws and applicable programs, policies, and procedures.

BONDS

24. Such officers and employees of the Corporation, including officers and employees of the Department of Agriculture who perform duties for the Corporation, as may be specified by the Secretary of Agriculture, shall be bonded in such manner, upon such conditions, and in such amounts as the Secretary of Agriculture may determine. The Corporation shall pay the premium of any bond or bonds.

CONTRACTS OF THE CORPORATION

25. Contracts of the Corporation relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President. The Vice Presidents, the Deputy Vice Presidents, the Controller, the Treasurer, the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may execute contracts relating to the activities of the Corporation for which they are respectively responsible.

26. The Executive Vice President who is the Administrator of ASCS and, subject to the written approval of appointment by such Executive Vice President, the Vice Presidents, the Deputy Vice Presidents, the Controller, and the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may appoint, by written instrument or instruments, such Contracting Officers as they deem necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of the Corporation. A copy of each such instrument shall be filed with the Secretary.

27. Appointments of Contracting Officers may be revoked by written instrument or instruments by the Executive Vice President or by the official who made the appointment. A copy of each such instrument shall be filed with the Secretary.

28. In executing a contract in the name of the Corporation, an official shall indicate his title.

ANNUAL REPORT

29. The Executive Vice President shall be responsible for the preparation of an annual report of the activities of the Corporation, which shall be filed with the Secretary of Agriculture and with the Board.

AMENDMENTS

30. These bylaws may be altered or amended or repealed by the Secretary of Agriculture, or subject to his approval by action of the Board at any regular meeting of the Board or at any special meeting of the Board, if notice of the proposed alteration, amendment, or repeal be contained in the notice of such special meeting.

APPROVAL OF BOARD ACTION

31. The actions of the Board shall be subject to the approval of the Secretary of Agriculture or the Assistant Secretary for International Affairs and Commodity Programs.

[SEAL] LIONEL C. HOLM,
Secretary,
Commodity Credit Corporation.

[F.R. Doc. 69-4971; Filed, Apr. 24, 1969; 8:47 a.m.]

Office of the Secretary

PACKERS AND STOCKYARDS ADMINISTRATION

Statement of Organization and Delegations

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, Secretary's order dated November 27, 1964 (29 F.R. 16210), as amended, is amended by adding a new section 199 assigning functions to the Packers and Stockyards Administration. Public notice was given in 32 F.R. 7186 of the establishment of the Administration effective May 8, 1967. Section 199 will read as follows:

SEC. 199. *Assignment of functions.* The following assignment of functions is hereby made to the Packers and Stockyards Administration:

a. Administration of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181–229).

b. Enforcement of the Truth in Lending Act (15 U.S.C. 1601–1665) with respect to any activities subject to the Packers and Stockyards Act, 1921, as amended.

c. Executing assigned civil defense and defense mobilization activities.

Done at Washington, D.C., this 22d day of April 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-4972; Filed, Apr. 24, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-41]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from December 27, 1968, to February 6, 1969 (List Nos. 4–69 and 5–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Ch. I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/95/1, hydraulic launching system for Brucker Survival Capsule; approved as an alternate to a lifeboat winch for a maximum lowering load of 10,290 pounds on a single fall in combination with a ram and five-fold purchase; identified by system drawing 8089–006–3, revision E, dated January 14, 1969, and launching platform drawings 8089–005–1, revision E, dated August 1, 1968, or 8089–005–2, revision A, dated August 1, 1968, approved for use only on non-self-propelled drilling rigs, artificial islands and fixed structures, fabricated by Conseco, Inc., Division of Whittaker Corp., 13951 Washington Avenue, San Leandro, Calif. 94578, for Whittaker Corp., 5159 Baltimore Drive, La Mesa, Calif. 92042, effective February 4, 1969. (It supersedes Approval No. 160.015/95/0 dated Aug. 9, 1968 to show change in design.)

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/409/0, 26.0′ x 9.0′ x 3.83′ aluminum oar-propelled lifeboat, 53-person capacity identified by general arrangement dwg. No. 26–001–03 Rev. A, dated January 2, 1969, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective January 22, 1969.

Approval No. 160.035/457/0, 22.0′ x 7.5′ x 3.17′ aluminum, motor-propelled Class 1 lifeboat, 28-person capacity, identified by general arrangement dwg. No. 22–2G, Rev. A, dated November 21, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 27, 1968.

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/1/1, supervised automatic fire detecting and manual fire alarm system consisting of a control unit (dwgs. 55–120, Alt. 4 and 55–121, Alt. 5); manual fire alarms boxes, Types I and II (dwg. 55–111–1, Alt. 3), and Engine Room Gong (dwg. 20–163, Alt. 9), this system requires both 115-volt, 60-cycle a.c. and 115-volt, d.c. input supply, the a.c. supply must come from the ship's temporary emergency a.c. bus (as opposed to a temporary emergency a.c./d.c. bus), the 115-volt, d.c. source should be suitable for the power failure alarm, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective January 31, 1969. (It supersedes Approval No. 161.002/1/1 dated Apr. 30, 1964 to show minor changes.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/64/2, Type Series 1515B, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. 3VH953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1515HB
2	1515JB
2½	1515KB
3	1515LB

Manufactured by Dresser, Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/64/2 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/65/2, Type Series 1515C, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., dwg. No. 3VH953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1515HC
2	1515JC
2½	1515KC
3	1515LC

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/65/2 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/66/2, Type Series 1515A, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. 3VH953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1515HA
2	1515JA
2½	1515KA
3	1515LA

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/66/2 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/141/1, Type Series 1415A, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. 3VA953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1415FA
1½	1415GA
1½	1415JA
2	1415HA
2½	1415JA
3	1415KA
4	1415LA
4	**1415NA

**Maximum pressure limited to 450 p.s.i. for size 4″, Type 1415NA.

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, effective February 6, 1969. (It is an extension of Approval No. 162.001/141/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/142/1, Type Series 1415B, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. 3VA953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1415FB
1½	1415GB
1½	1415HB
2	1415HB
2½	1415JB
3	1415KB
4	1415LB
4	**1415NB

**Maximum pressure limited to 450 p.s.i. for size 4″, Type 1415NB.

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/142/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/143/1, Type Series 1415C, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., dwg. No. 3VA953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1415FC
1½	1415GC
1½	1415HC
2	1415HC
2½	1415JC
3	1415KC
4	1415LC
4	**1415NC

**Maximum pressure limited to 450 p.s.i. for size 4″, Type 1415NC.

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/143/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/153/1, Type Series 1555A, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1555HA
2	1555JA
2½	1555KA
3	1555LA

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/153/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/154/1, Type Series 1555B, carbon steel body pop safety valve, exposed springs, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1555HB
2	1555JB
2½	1555KB
3	1555LB

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/154/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/155/1, Type Series 1555C, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1555HC
2	1555JC
2½	1555KC
3	1555LC

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/155/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/156/1, Type Series 1555D, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 1,000° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1555HD
2	1555JD
2½	1555KD
3	1555LD

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/156/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/158/1, Type Series 1556A, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 650° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1556HA
2	1556JA
2½	1556KA
3	1556LA

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/158/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/160/1, Type Series 1556B, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 750° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	*Type No.*
1½	1556HB
2	1556JB
2½	1556KB
3	1556LB

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/160/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/162/1, Type Series 1556C, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 900° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.
1½	1556HC
2	1556JC
2½	1556KC
3	1556LC

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/162/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/164/1, Type Series 1556D, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 1,000° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.
1½	1556HD
2	1556JD
2½	1556KD
3	1556LD

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/164/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/169/1, Type Series 1557A, carbon steel body pop safety valve, exposed spring, maximum pressures 1,200 p.s.i. and 1,500 p.s.i., maximum temperature 650° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p.s.i.	1,500 p.s.i.
1½		1557FA
2	1557HA	1557GA
2½	1557JA	1557HA
3	1557KA	1557JA
4	1557LA	

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/169/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/171/1, Type Series 1557B, carbon steel body pop safety valve, exposed spring, maximum pressures 1,200 p.s.i. and 1,500 p.s.i., maximum temperature 750° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p.s.i.	1,500 p.s.i.
1½		1557FB
2	1557HB	1557GB
2½	1557JB	1557HB
3	1557KB	1557JB
4	1557LB	

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/171/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/173/1, Type Series 1557C, alloy steel body pop safety valve, exposed spring, maximum pressures 1,200 p.s.i. and 1,500 p.s.i., maximum temperature 900° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p.s.i.	1,500 p.s.i.
1½		1557FC
2	1557HC	1557GC
2½	1557JC	1557HC
3	1557KC	1557JC
4	1557LC	

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/173/1 dated Mar. 24, 1964, and change of name of manufacturer.)

Approval No. 162.001/175/1, Type Series 1557D, alloy steel body pop safety valve, exposed spring, maximum pressures 1,200 p.s.i. and 1,500 p.s.i., maximum temperature 1,000° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p.s.i.	1,500 p.s.i.
1½		1557FD
2	1557HD	1557GD
2½	1557JD	1557HD
3	1557KD	1557JD
4	1557LD	

Manufactured by Dresser Industrial Valve and Instrument Division, Post Office Box 1430, Alexandria, La. 71301, formerly Manning, Maxwell and Moore, Inc., effective February 6, 1969. (It is an extension of Approval No. 162.001/175/1 dated Mar. 24, 1964, and change of name of manufacturer.)

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/103/0, Type A–205, A–205–W, A–208, A–208–W, A–215, A–215–W, A–220, and A–220–W, pressure vacuum relief valves, vacuum only, with ASTM A–352 Grade LCB pressure parts, 20 ft.-lbs. charpy "V" notch energy minimum, approved for 25 p.s.i. maximum operating pressure at −30° F. minimum operating temperature, for liquefied flammable gas service, manufactured by Midland Manufacturing Co., 7733 Gross Point Road, Skokie, Ill. 60076, effective January 22, 1969.

Approval No. 162.017/104/0, Type A–207, A–207–W, A–209, A–209–W, A–217, A–217–W, A–222, and A–222–W, pressure vacuum relief valves, vacuum only, with ASTM A–351 Grade CF–8, pressure parts, approved for 25 p.s.i. maximum operating pressure, liquefied flammable gas service, manufactured by Midland Manufacturing Co., 7733 Gross Point Road, Skokie, Ill. 60076, effective January 22, 1969.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS: FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/105/0, Bendix Model B175–43 backfire flame arrestor, dwg. No. B175–43 dated January 7, 1969, manufactured by Bendix, Fuel Devices Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 28, 1969.

Dated: April 21, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 69–4950; Filed, Apr. 24, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18524; FCC 69–401]

BERNARD RAPPAPORT (WGTI TV)

Memorandum Opinion and Order Designating Application for Hearing On Stated Issues

In re application of Bernard Rappaport [WGTI(TV)], Philadelphia, Pa., Docket No. 18524, File No. BMPCT–5818; for extension of construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) a petition filed by MG–TV Broadcasting Co. that requests dismissal of the above-captioned application and opposition pleadings; (c) the Commission's memorandum opinion and order granting the above-captioned application and an application (BAPCT–393) for assignment of the construction permit to Seven Arts Broadcasting Co., Inc., Bernard Rappaport (WGTI), 8 FCC 2d 982, 10 R.R. 2d 612, adopted July 5, 1967; and (d) the decision of the U.S. Court of Appeals for the District of Columbia Circuit MG–TV Broadcasting Company v. Federal Communications Commission, Case No. 21,224, ------ U.S. App. D.C. ------, ------ F. 2d, ------ 14 R.R. 2d 2113 (1968), reversing the Commission's decision and remanding the matter to the Commission for further consideration.

2. In our memorandum opinion and order Bernard Rappaport (WGTI), 8 FCC 2d 982, 10 R.R. 2d 612, adopted July 5, 1967, we granted the applications of Bernard Rappaport (Rappaport) for extension of time within which to complete construction of Station WGTI(TV) and for assignment of the WGTI construction permit to Seven Arts Broadcasting Co., Inc (Seven Arts); dismissed the petitions to deny the assignment application which were filed by New Jersey Television Broadcasting Corp. and WIBF Broadcasting Co., and dismissed the petition filed by MG–TV Broadcasting Co. (MG–TV) against a grant of the extension and assignment applications and returned as unacceptable for filing the tendered application of MG–TV for a construction permit to operate on channel 23. MG–TV appealed the Commission's decision and the Court of Appeals, in reversing the Commission's action, stated that the Commission had erred in failing to consider MG–TV's argument that the extension application should be denied and the construction permit canceled.

3. We have reexamined our decision that Rappaport's extension application should be granted and for the reasons discussed below, we are of the view that the grant should be set aside and the application designated for evidentiary hearing on the question of whether the failure to complete construction was due to causes not under the permittee's control or whether the reasons stated in support of the extension request constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules. In view of our determination, it will be necessary for us to set aside our grant of the assignment application and to withhold further action on that application pending the outcome of the hearing on the extension application. The manifest interest of MG–TV and Seven Arts in the resolution of the question of whether Rappaport's extension application should be granted is clear and therefore, we shall make them parties to this proceeding.

4. On August 22, 1961, Rappaport filed an application (BPCT–2913) for a construction permit for a new television broadcast station to operate on Channel 23, Philadelphia, Pa. This application was granted on November 30, 1961, and the construction permit specified that construction be commenced by January 30, 1962, and completed by July 30, 1962. On June 29, 1962, Rappaport filed an application (BMPCT–5756) for an extension of time within which to complete construction of the station. The application indicated that installation of equipment had not started and that equipment had not been delivered. Questions asking from whom the equipment was ordered, the date of ordering and the promised date of delivery, if any, were left blank. Rappaport gave the following explanation for the delay:

> The reason why construction cannot be completed within the time specified is that during the first part of this year I was suffering from general ill health, because of which I did not feel up to the task of establishing a new television station. However, I now feel that I am well enough to commence construction of the station.

On August 13, 1962, the extension application was granted and a completion date of January 30, 1963, was specified. The letter advising of the grant of the extension application contained a warning to Rappaport that a further extension request would not be granted without a hearing unless substantial progress had been shown toward the completion of construction. The letter also indicated that by substantial progress the Commission did not mean "mere paper negotiations", but rather the purchase and delivery of equipment and the construction of the facilities. The Commission also requested that the permittee submit a report within 60 days of actual progress toward the completion of construction.[1]

5. On January 29, 1963, Rappaport filed the pending application (BMPCT–5818) for an extension of the completion date to July 30, 1963. Simultaneously, Rappaport also filed an application (BAPCT–327) for assignment of the construction permit to New Jersey Television Broadcasting Corp. (New Jersey Television), licensee of Television Broadcast Station WNJU–TV, Channel 47, Linden, N.J. The appropriate questions contained in the extension application concerning the extent of construction and ordering of equipment all referred to the following statement of Rappaport which was attached as an exhibit to the extension application:

> After the grant of extension of time to construct in July 1962, and before I could undertake further plans to construct following recovery from my illness, I was approached by a representative of New Jersey Television Broadcasting Corp., then applicant, and now permittee of Channel 47, Linden, N.J., with an offer to use the facilities to be constructed under my permit to widen and improve the service I had intended to render to the Philadelphia and South Jersey area.
>
> * * * I continued to negotiate with the New Jersey Television Broadcasting Corp., management and signed an agreement with them on December 22, 1962 * * *.
>
> I respectfully request a further extension of my Channel 23 construction permit to enable me to conclude the proposed transfer and to enable the New Jersey Television Broadcasting Corp. to proceed with its construction plans for Channel 23.

The extension application contained no indication that equipment had been delivered or installed or that equipment had been ordered. Furthermore, Rappaport did not indicate that ill health had prevented his commencement of construction.

6. In November 1963, the following affidavit from Rappaport's doctor was filed concerning the state of Rappaport's health:

> This is to certify that Mr. Bernard Rappaport of 161 Exeter Street, Brooklyn, N.Y., has been under my care for myocardial schemia, since September 28, 1960.
>
> He has been examined and had cardiograms done on numerous occasions since then.
>
> His condition is such that his activities, both mental and physical, must be greatly restricted. Either may prove dangerous to his life or health.

7. In May 1964, an affidavit was filed by Rappaport which detailed his earlier activities in exploring the Philadelphia market looking toward the establishment of the station. The following excerpt concerning his health was included in the affidavit:

> For some time since 1960, I had been feeling poorly, due to a cardiac condition. As a matter of fact, as indicated in the affidavit of my doctor, Abraham Andrews, M.D., which has been already associated with this application, I have been under the care of a doctor. Due to the physical strain from trying to simultaneously conduct my men's furnishing and television business, I began to feel poorly and tired and complain of my physical condition. Because of these complications, I was unable to devote any appreciable time to establishment of the television station. However, it was still my intention to complete construction and to operate the television station.
>
> In July 1962, I was confined to bed with complications of my cardiac and sciatica conditions. My condition so impaired my activities that I received for a period of approximately 8 weeks compensation from the Metropolitan Life Insurance Co. for total and partial disability. Of course, prior to this time, I was examined by the doctors of the insurance company, so that Metropolitan could be assured that I met the requirements of eligibility for payments under these policies. Because I began to fear about the physical strain on my health, if I were to continue my full activities, and on the advice of my doctor, I began to consider an offer for assignment of my construction permit which had been made by Mr. Edward Cooperstein, president of New Jersey Television Corp.

Rappaport indicated in the affidavit that during the summer of 1962, he began considering an earlier offer to buy the station made by New Jersey Television and he made an offer to the proposed assignee in September 1962 with negotiations successfully being completed in December 1962. The affidavit concluded by indicating that Rappaport would be active in the sales field for the station under the assignee and that he would move from New York City to Philadelphia in that event.

8. The application for assignment of the construction permit to New Jersey Television was contested in petitions to deny which raised questions concerning the qualifications of the proposed assignee.[2] On October 24, 1966, Rappaport advised the Commission that the agreement for sale of the construction permit to New Jersey Television had been terminated and that on September 26, 1966, he had signed an agreement assigning the permit, subject to Commission consent, to Seven Arts and that an assignment application would be filed. Consequently, on November 1, 1966, the Commission dismissed the New Jersey Television assignment application. Subsequently, on November 25, 1966, Rappaport filed an application (BAPCT–393) for assignment of the construction permit to Seven Arts.

9. In opposing a grant of the extension application, MG–TV asserts that since Rappaport failed to comply with the

[1] Commission files contain no record of any such report filed by Rappaport.

[2] The nature of these questions are set forth in our prior opinion (Bernard Rappaport (WGTI), supra, and need not be repeated here.

express conditions set forth by the Commission in granting the previous extension application, that no further extension would be granted absent substantial showing of progress, the construction permit "lapsed by its own terms" and the channel is therefore available for application. In the alternative, MG–TV alleges that since Rappaport has not shown diligence in proceeding with construction or that causes beyond his control have prevented him from completing construction, it would be inconsistent with the public interest and an abuse of Commission discretion to grant the extension application for the sole purpose of permitting Rappaport to sell the construction permit to another party.

10. We must reject MG–TV's contention that Rappaport's construction permit "lapsed by its own terms" since it is established that a construction permit does not lapse until the Commission declares it forfeited.[3] However, we are of the view that Rappaport has not supported his request for a grant of his extension application. Rappaport held the construction permit for Station WGTI from November 30, 1961, until July 5, 1967, the date of our grant of the pending extension and assignment applications and during that time, construction of the station had not commenced and equipment had not been ordered. While Rappaport had attributed his initial delay in proceeding with construction to his ill health, it would appear from the affidavit submitted by his doctor in November 1963, that Rappaport was in ill health at the time that he filed his application for a construction permit to operate on Channel 23. Moreover, when Rappaport filed the present extension application in January 1963, he stated that he had recovered from his ill health and in his subsequent affidavit of May 1964, he indicated that in the event of a grant of the then pending application for assignment of the permit to New Jersey Television, he would occupy a sales position with the assignee. Under these circumstances, we believe that an evidentiary hearing is necessary on the question of whether the failure to complete construction was due to causes not under the permittee's control or that the reasons stated are sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

11. We have taken note of the argument that since Rappaport has failed to demonstrate that causes beyond his control have prevented him from completing construction, it would be inconsistent with the public interest and an abuse of Commission discretion to grant the extension application for the sole purpose of permitting the sale of the construction permit. Inasmuch as the question of whether the failure to complete construction was due to causes not under the permittee's control is a matter which must be resolved in an evidentiary hearing, the question of whether grant of the extension application in such circumstances would be contrary to the public interest is not before us. If the permittee is unable to demonstrate that he was precluded from completing construction because of reasons beyond his control, then his extension application would be denied and his construction permit canceled. However, in the event that the permittee establishes that reasons beyond his control precluded his completion of construction, it is our tentative judgment that a grant of his extension application would be in the public interest. Having a viable construction permit, the permittee could then assign the permit to a proposed assignee who possesses the required qualifications. We believe that our determination in this regard is consistent with the court's decision in this case, since the court indicated only that our prior action granting the extension and assignment applications could not be sustained because our opinion did not address itself to the question of whether the failure to complete construction was due to causes not under the permittee's control. By the hearing ordered herein, a record will be established which will form a basis for determining whether the extension application can be granted.

12. *It is ordered*, That, the above-captioned application of Bernard Rappaport is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine, pursuant to section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules:

(a) Whether the failure to construct Station WGTI has been due to causes not under the control of Bernard Rappaport.

(b) Whether there are other matters sufficient to justify a further extension of time to construct Station WGTI.

(2) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

13. *It is further ordered*, That, MG–TV Broadcasting Co. and Seven Arts Broadcasting Co., Inc., are made parties to this proceeding.

14. *It is further ordered*, That, the Commission hereby sets aside its action of July 5, 1967, granting the application (BMPCT–5815) of Bernard Rappaport for an extension of completion date and the application (BAPCT–393) of Bernard Rappaport for assignment of construction permit.

15. *It is further ordered*, That, the petition filed by MG–TV Broadcasting Co. is granted to the extent indicated herein and is otherwise denied.

16. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant, MG–TV Broadcasting Co. and Seven Arts Broadcasting Co., Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

17. *It is further ordered*, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 16, 1969.

Released: April 22, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–4967; Filed, Apr. 24, 1969; 8:47 a.m.]

[3] Mass Communications, Inc., v. Federal Communications Commission, 105 U.S. App. D.C. 277 (1959), 18 R.R. 2098.

[4] Commissioners Robert E. Lee and Wadsworth absent; Commissioner Cox concurring in the result.

FEDERAL MARITIME COMMISSION

MARINE EXPRESS LINE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Marine Express Line, c/o Mr. Uwe Hermann Heuer, Marine Chartering Co., Inc., Room 1024, International Trade Mart, New Orleans, La. 70130.

Notice is hereby given that Marine Express Line has filed with the Commission pursuant to section 14b of the Shipping Act, 1916, an application for permission to institute a dual rate system for the carriage of general cargo in the trade from U.S. Atlantic and Gulf ports to ports on the East Coast of Central America, including El Salvador and Caribbean ports. The application provides that noncontract rates shall be 10 percent higher than the contract rates under terms and conditions described in the contract.

Dated: April 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–4952; Filed, Apr. 24, 1969; 8:46 a.m.]

UNITED STATES ATLANTIC & GULF-SANTO DOMINGO CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. José A. Cabranes, Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.

Notice is hereby given that the member lines of the United States Atlantic & Gulf-Santo Domingo Conference have filed with the Commission pursuant to section 14b of the Shipping Act, 1916, an application for permission to institute a dual rate system for the carriage of coffee, cocoa and/or tobacco moving in the trade from ports in the Dominican Republic to U.S. Atlantic and Gulf ports. The application provides that noncontract rates shall be 15 percent higher than the contract rates as set forth in the conference tariff under terms and conditions described in the contract.

Dated: April 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–4955; Filed, Apr. 24, 1969; 8:46 a.m.]

ORIENTAL LATIN AMERICA LINES, INC., AND CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Certificate (Casualty)

Security for the protection of the public, financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Oriental Latin America Lines, Inc., and Chinese Maritime Trust, Ltd. (Orient Overseas Line), Certificate No. C–1,071), Effective date: April 17, 1969.

Dated: April 22, 1969.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–4953; Filed, Apr. 24, 1969; 8:46 a.m.]

ORIENTAL LATIN AMERICA LINES, INC., AND CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Certificate (Performance)

Security for the protection of the public, indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Oriental Latin America Lines, Inc., and Chinese Maritime Trust, Ltd. (Orient Overseas Line), Certificate No. P–75. Effective date: April 17, 1969.

Dated: April 22, 1969.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–4954; Filed, Apr. 24, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–3113, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order

APRIL 16, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, making successor co-respondent, redesignating proceedings, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Sabine Oil Industries, Inc., Applicant in Dockets Nos. CI68–1250, CI68–1251, CI68–1252, and CI69–268, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. G–15291, G–15291, CI62–217, and G–19337, respectively, to be made pursuant to an instrument of ratification by Harper Oil Co. of Sinclair Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 94; Sinclair Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 94; Harper Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 20; and Anadarko Production Co. FPC Gas Rate Schedule No. 3, respectively. The instrument of ratification and the contracts comprising said rate schedules will also be accepted for filing as rate schedules of Applicant. The presently effective rates under said rate schedules are in effect subject to refund in Dockets Nos. RI67–250, RI67–250, RI68–199, and RI62–273, respectively. Applicant has submitted agreements and undertakings, guaranteed by The Headington Co. in said proceedings to assure the refunds of any amounts collected by Applicant in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made co-respondent in the proceedings pending in Dockets Nos. RI62–273, RI67–250, and RI68–199; said proceedings will be redesignated accordingly; and the agreements and undertakings submitted in

said proceedings by Applicant will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on April 10, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69–636 should be canceled and that the application filed therein should be treated as a petition to amend the order issuing a certificate in Docket No. CI61–593.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Dockets Nos. G–3113, G–5010, G–8493, G–9488, G–15291, G–17780, G–18249, G–19337, G–19456, CI60–50, CI61–593, CI61–626, CI62–217, CI62–635, CI62–1515, CI63–194, CI63–669, CI64–1099, CI67–115, CI67–851, CI68–1038, and CI69–197 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69–407 should be canceled and that the application filed therein should be treated as a petition to terminate the certificate heretofore issued in Docket No. CI63–669.

(8) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(9) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI68–100 should be terminated only with respect to Sun Oil Co. FPC Gas Rate Schedule No. 10.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sabine Oil Industries, Inc., should be made co-respondent in the proceedings pending in Dockets Nos. RI62–273, RI67–250, and RI68–199; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted in said proceedings by Sabine should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificate are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI69–737 and CI69–752 shall be 14.12 cents per Mcf and 15.91 cents per Mcf at 14.65 p.s.i.a., respectively, the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality; and the rate for the sale authorized in Docket No. CI69–756 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rate, whichever is lower. If the quality of the gas delivered by Applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicant in Docket No. CI69–756 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(c) In the event that Applicant in Docket No. CI69–756 exercises the option to sell or otherwise dispose of excess gas to a third party pursuant to section 3, Article Fifth, of the contract, Applicant shall so advise the Commission at least 30 days prior to such sale or disposition.

(d) The certificate granted in Docket No. CI68–569 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(e) The initial rate for the sale authorized in Docket No. CI69–499 shall be 17.75 cents per Mcf at 15.025 p.s.i.a. including tax reimbursement. Further, the certificate is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(f) The initial rate for the sale authorized in Docket No. CI69–597 shall be 14.5 cents per Mcf at 14.65 p.s.i.a., including dehydration charge, subject to upward and downward B.t.u. adjustment.

(g) The initial rate for the sale authorized in Docket No. CI69–765 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(h) The authoriztion granted in Docket No. CI67–115 is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves during the first 2 contract years.

(F) The orders issuing certificates in Dockets Nos. G–3113, G–8493, G–9488, G–17780, CI60–50, CI62–635, CI67–115, CI68–1038, and CI69–197 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The authorization granted in Dockets Nos. G–9488 and G–17780 in paragraph (F) above shall not be construed to relieve Applicants of any refund obligations which may be ordered in the related rate suspension proceedings pending in Dockets Nos. RI65–394 and RI64–139, respectively.

(H) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–5010	CI69–737
G–15291	CI68–1250
G–15291	CI68–1251
G–18249	CI69–776
G–19337	CI69–268
CI62–217	CI68–1252
CI63–194	CI69–805
CI63–669	CI69–798
CI64–1099	CI62–1515
CI67–851	CI69–752

(I) Dockets Nos. CI69–407 and CI69–636 are canceled.

(J) The orders issuing certificates in Dockets Nos. G–19456, CI61–593, CI61–626, and CI62–1515 are amended by substituting the successors in interest as certificate holders.

(K) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(L) Permission for and approval of the abandonment in Docket No. CI69–710 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the related rate suspension proceeding pending in Docket No. RI67–273.

(M) Permission for and approval of the abandonment are granted in Docket No. CI65–1362 and the temporary certificate heretofore issued in said docket is terminated.

(N) The certificates heretofore issued in Dockets Nos. G–6632, G–12022, CI61–131, CI61–189, CI61–984, CI63–669, and CI66–741 are terminated.

(O) The rate suspension proceeding pending in Docket No. RI68–100 is terminated only with respect to Sun Oil Co. FPC Gas Rate Schedule No. 10.

(P) Sabine Oil Industries, Inc., is made co-respondent in the proceedings pending in Dockets Nos. RI62–273, RI67–250, and RI68–199; said proceedings are redesignated accordingly; and the agreements and undertakings submitted in said proceedings are accepted for filing.

(Q) Sabine Oil Industries, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Sabine in Dockets Nos. RI62–273, RI67–250, and RI68–199 shall remain in full force and effect until discharged by the Commission.

(R) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3113 (CS66–62) D [1]	Humble Oil & Refining Co. (Operator) et al.	El Paso Natural Gas Co., Cooper Jal Field, Lee County, N. Mex.	Notice of partial cancellation 2–10–69,[2 3]	11	19
G–8493 D 2–10–69	Sinclair Oil Corp.	Texas Eastern Transmission Corp., Northwest Hartburg Field, Newton County, Tex.	Assignment 1–29–66 [4] Letter agreement 7–25–66,[3 5]	11 11	23 20
G–9488 D 2–6–69	Amerada Petroleum Corp. (partial abandonment).	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	Notice of partial cancellation 2–3–69,[3 6]	13	8
G–17780 D 1–28–69	Husky Oil Co. of Delaware (formerly Husky Oil Co.) (partial abandonment).	El Paso Natural Gas Co., Gallegos-Gallup Pool, San Juan County, N. Mex.	Notice of partial cancellation 2–3–69,[3 7]	10	4
G–19456 E 2–10–69	Bradley H. Keyes et al. (successor to Frank Yockey et al.).	El Paso Natural Gas Co., West Kutz Pictured Cliffs Field, San Juan County, N. Mex.	Frank Yockey et al., FPC GR8 No. 1. Supplement Nos. 1–3 Notice of succession 1–2–69. Assignment 3–11–68 Assignment 6–17–68 Effective date: 6–17–68	6 6 6 6	--------- 1–3 4 5
CI60–50 C 1–27–69 [8]	D. R. Lauck Oil Co., Inc.	Panhandle Eastern Pipe Line Co., acreage in Edwards County, Kans.	Amendment 6–5–68 Amendment 9–4–68 [9] Amendment 12–3–68 [10 11]	3 3 3	4 1 to 4 2 to 4
CI61–593 (CI69–636) E 12–30–68 [11]	PetroDynamics, Inc. (Operator) et al. (successor to Jas. F. Smith (Operator) et al.).	Transwestern Pipeline Co., Perryton Northwest and Cree Flowers Fields, Ochiltree and Roberts Counties, Tex., and Beaver County, Okla.	Jas. F. Smith (Operator) et al., FPC GR8 No. 2. Supplements Nos. 1–2 Notice of succession (Undated). Assignment 7–9–68 [12] Assignment 7–9–68 [13] Assignment 7–10–68 [12] Assignment 7–9–68 [12] Assignment 7–12–68 [12] Assignment 7–8–68 [14] Assignment 7–6–68 [12] Assignment 7–11–68 [12] Assignment 7–12–68 [12] Amendment 11–19–68 [14] Effective date: 6–1–68	2 2 2 2 2 2 2 2 2 2 2 2	--------- 1–2 3 4 5 6 7 8 9 10 11 12
CI61–626 E 1–15–69	Killam & Hurd, Ltd. (successor to Killam & Hurd).	Natural Gas Pipeline Co. of America, Northeast Thompsonville Field, Webb and Jim Hogg Counties, Tex.	Killam & Hurd, FPC GR8 No. 1. Supplements Nos. 1–4 Notice of succession 1–9–69. Assignment 12–14–68 [12]	1 1 1	--------- 1–4 5
CI62–635 D 2–17–69	American Petrofina Co. of Texas (partial abandonment).	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	Notice of partial abandonment 2–14–69,[3 15]	12	3
CI62–1515 E 10–14–68	Kenneth D. Luff (successor to Gulf Oil Corp. (Operator) et al.).	Mountain Fuel Supply Co., State Line Unit, Sweetwater and Carbon Counties, Wyo.	Gulf Oil Corp. (Operator) et al., FPC GR8 No. 240. Supplement Nos. 1–3 Notice of succession 10–10–68. Assignment 7–16–68 [16] Assignment 7–16–68 [14] Assignment 7–16–68 [12] Effective date: 7–15–68	1 1 1 1 1	--------- 1–3 4 5 6
CI62–1515 [13] (CI64–1099) F 10–14–68 (CI64–1099) [16]	Kenneth D. Luff (successor to Union Oil Co. of California). Union Oil Co. of California.	---------- Mountain Fuel Supply Co., State Line Unit, Sweetwater County, Wyo.	Assignment 7–16–68 [17] Assignment 7–16–68 [17] Effective date: 12–10–68	88 88	2 3
CI65–1362 [13] B 2–12–69	MPS Production Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Shuteston Field, St. Landry Parish, La.	Notice of cancellation 2–11–69,[3 18]	7	4

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-115 ..... C 1-15-69 [9]	Cleary Petroleum Corp. (Operator) et al.	Lone Star Gas Co., West Velma Field, Stephens County, Okla.	Supplemental agreement 10-17-68 [20]	23	1
			Compliance 2-18-69 [11 89]	23	2
CI68-569 ..... A 10-10-67 [9]	Chester Oil Co. [21]	Panhandle Eastern Pipe Line Co., Tangier Field, Woodward County, Okla.	Contract 9-19-67 [22]	5	.....
			Contract 7-20-66 [23]	5	1
			Letter 10-25-67 [24]	5	Exhibit A
CI68-1038 ..... C 2-17-69 [9]	Tenneco Oil Co.	El Paso Natural Gas Co., Blanco Field, San Juan Basin, San Juan County, N. Mex.	Supplemental agreement 2-10-69. [11]	223	3
CI68-1250 ..... (G-15291) F 4-22-68	Sabine Oil Industries, Inc. (successor to Harper Oil Co.)	Northern Natural Gas Co., Mocane Laverne Field, Beaver County, Okla.	Contract 11-27-59	5	.....
			Contract 11-15-56 [25]	5	1
			Supplemental agreement 4-28-59.	5	2
			Supplemental agreement 10-10-60.	5	3
			Assignment 2-15-68 [11 26]	5	4
CI68-1251 ..... (G-15291) F 4-22-68	Sabine Oil Industries, Inc. (successor to Sinclair Oil Corp.).	do	Contract 11-15-56 [25]	6	.....
			Letter agreement 2-27-57	6	1
			Supplemental agreement 4-28-57.	6	2
			Letter agreement 7-31-59	6	3
			Letter agreement 9-8-60	6	4
			Supplemental agreement 9-3-63.	6	5
			Assignment 2-14-68 [11 27]	6	6
CI68-1252 ..... (CI62-217) F 4-22-68	Sabine Oil Industries, Inc. (successor to Harper Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Laverne Field, Beaver County, Okla.	Contract 7-7-61 [28]	7	.....
			Assignment 2-15-68 [11 26]	7	1
CI69-197 ..... C 2-10-69 [9]	Ashland Oil & Refining Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplement 1-28-69 [11]	193	1
CI69-268 ..... (G-19837) F 7-5-68	Sabine Oil Industries, Inc. (successor to Southwest Oil Industries, Inc.) [29]	Northern Natural Gas Co., Mocane Laverne Field, Beaver County, Okla.	Contract 8-24-59 [30]	8	.....
			Contract 1-14-57 [31]	8	1
			Assignment 11-15-67 [32]	8	2
			Assignment 5-29-68 [11 33]	8	3
CI69-499 ..... A 11-20-68 [9]	George R. Womack, d.b.a. Womack Production Co. (Operator) et al.	Texas Gas Transmission Corp., Chickasaw Creek Field, La Salle Parish, La.	Contract 10-29-68	1	.....
			Compliance 2-11-69 [11 34]	1	1
CI69-507 ..... A 12-24-68 [9]	Sun Oil Co. (DX Division).	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	Contract 9-6-68	295	.....
			Compliance (undated). [11 35]	295	1
CI69-710 ..... (CI61-189) B 1-28-69	Mobil Oil Corp. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Placedo Field, Victoria County, Tex.	Notice of cancellation 1-23-69. [9]	243	8
CI69-722 ..... A 2-6-69 [9]	Bowers Drilling Co., Inc.	Cities Service Gas Co., Etna Field, Barber County, Kans.	Contract 12-6-68	11	.....
CI69-736 ..... A 2-6-69 [9]	Pan American Petroleum Corp.	El Paso Natural Gas Co., Ignacio Area, La Plata County, Colo.	Contract 1-27-69 [11]	529	.....
CI69-737 ..... (G-5010) F 2-5-69	King Resources Co. (successor to Shell Oil Co.).	El Paso Natural Gas Co., Monahans Field, Winkler County, Tex.	Contract 9-1-48 [36]	17	.....
			Letter agreement 2-28-49	17	1
			Supplemental agreement 10-26-59.	17	2
			Supplemental agreement 3-29-63.	17	3
			Farmout agreement 11-15-67. [37]	17	4
			Assignment 11-16-67 [38]	17	5
			Letter agreement 12-19-67. [11]	17	6

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-736 ..... (G-13222) B 2-10-69	Hawn Brothers (Operator) et al.	United Gas Pipe Line Co., Barro Field, Karnes County, Tex.	Notice of cancellation 2-6-69. [9]	6	11
CI69-740 ..... A 2-10-69 [9]	Pan American Petroleum Corp.	El Paso Natural Gas Co., Bondad Area, La Plata County, Colo.	Contract 1-28-69 [11]	530	.....
CI69-741 ..... (G-6632) B 2-10-69	Sun Oil Co. (Southwest Division).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Brayton Field, Nueces County, Tex.	Notice of cancellation 2-3-69. [9]	[40] 10	10
CI69-746 ..... (CI61-984) B 2-11-69	Tamarack Petroleum Co., Inc., Agent (Operator) et al.	United Gas Pipe Line Co., West La Rosa Field, Refugio County, Tex.	Notice of cancellation 2-11-69. [9]	11	10
CI69-747 ..... (CI61-131) B 2-11-69	do	United Gas Pipe Line Co., Wyrick Field, Refugio County, Tex.	Notice of cancellation 2-11-69. [9]	10	8
CI69-751 ..... A 2-12-69 [9]	Reading & Bates Offshore Drilling Co. (Operator), et al.	Humble Gas Transmission Co., Magnolia Field, Adams County, Miss.	Contract 1-21-69 [35]	6	.....
CI69-752 ..... (CI67-851) F 2-10-69	David Fasken et al. (successor to Pan American Petroleum Corp.).	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	Contract 12-5-66 [11]	5	.....
			Letter agreement 12-5-66	5	1
			Assignment 12-16-67 [39]	5	2
			Assignment 1-2-69 [39]	5	3
			Effective date: 11-27-68.		
CI69-753 ..... A 2-13-69 [9]	L. W. Roche	United Fuel Gas Co., Washington District, Jackson County, W. Va.	Contract 12-6-68 [11 44]	9	.....
CI69-755 ..... A 2-13-69 [9]	William Perlman et al.	Valley Gas Transmission, Inc., La Huerta West Field Area, Duval County, Tex.	Contract 11-20-68 [11]	1	.....
CI69-756 ..... A 2-13-69	Warren Petroleum Corp. (Operator). [41]	Natural Gas Pipeline Co. of America, Vada Processing Plant, Lea County, N. Mex.	Contract 1-1-69	57	.....
			Letter agreement 1-22-69	57	1
CI69-757 ..... A 2-13-69 [9]	L. W. Roche	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	Contract 12-3-68 [11 45]	10	.....
CI69-759 ..... A 2-13-69 [9]	do	do	Contract 12-4-68 [11 46]	8	.....
CI69-761 ..... A 2-13-69 [9]	R. L. Moorhouse, trustee.	United Gas Pipe Line Co., Ewing Field, San Patricio County, Tex.	Contract 1-20-69	1	.....
CI69-763 ..... (CI66-741) B 2-14-69	Phillips Petroleum Co.	Southern Natural Gas Co., Cross Bayou Field, Iberia Parish, La.	Notice of cancellation 2-12-69. [9]	425	1
CI69-765 ..... A 2-14-69 [9]	Koch Industries, Inc. (Operator).	Arkansas Louisiana Gas Co., acreage in Pontotoc County, Okla.	Contract 1-13-69 [47]	[48] 14	1
			Contract 10-22-65 [11]		
CI69-770 ..... A 2-14-69 [9]	Lincoln Rock Corp.	Cimarron Transmission Co., acreage in Love County, Okla.	Contract 2-3-69	1	.....
CI69-772 ..... A 2-17-69 [9]	Latham Oil Co., Inc. (Operator), et al.	United Gas Pipe Line Co., Puckett Field, Rankin County, Miss.	Contract 12-27-66	3	.....
CI69-773 ..... A 2-17-69 [9]	Phillips Petroleum Co.	Lone Star Gas Co., Anadarko Basin Area, Stephens County, Okla.	Contract 12-13-68 [11]	466	.....
CI69-776 ..... (G-18249) F 2-13-69	Thomas A. Dugan (successor to Ken Blackford (Operator) et al.)	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	Contract 9-28-55	11	.....
			Supplemental Agreement 5-27-57. [50]	11	1
			Assignment 5-1-68	11	2
			Effective date: 5-1-68.		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-777 ..... A 2-17-69 [9] [10]	Meabon & Smith Gas Co., et al.	United Fuel Gas Co., Stonewall District, Wayne County, W. Va.	Contract 1-6-28 [51]	1	.....
			Supplemental Agreement 1-1-38.	1	1
			Will 3-15-45 [52]	1	2
			Letter agreement 1-20-51. [53] [54]	1	3
			Letter agreement 1-20-51. [54] [55]	1	4
			Letter agreement 10-21-52. [56] [57]	1	5
			Letter agreement 12-15-52. [58] [59]	1	6
			Letter agreement 12-15-52. [54] [60]	1	7
			Will 8-25-62 [61]	1	8
CI69-798 ..... (CI63-669) F 10-14-68 [62]	Kenneth D. Luff (successor to Mobil Oil Corp.).	Mountain Fuel Supply Co., State Line Unit Area, Sweetwater and Carbon Counties, Wyo.	Contract 7-12-62 [63]	3	.....
			Assignment 8-21-68 [70]	3	1
			Effective date: 7-15-68.		
CI63-669 ..... D 10-9-68	Mobile Oil Corp.	Mountain Fuel Supply Co., State Line Unit Area, Sweetwater County, Wyo.	Assignment 1-12-65 [71]	335	3
			Assignment 1-19-65 [71]	335	4
			Assignment 1-19-65 [71]	335	5
			Effective date: 11-9-68.		
			Assignment 8-21-68 [72]	335	6
			Assignment 8-21-68 [74]	335	7
			Effective date: 8-21-68.		
CI63-669 ..... (CI69-407) B 10-23-68 [75]	do	do	Notice of cancellation 10-22-68. [9] [76]	335	8
CI69-805 ..... (CI63-194) F 10-14-68 [77]	Kenneth D. Luff (successor to St. Helens Petroleum Corp.).	do	Contract 6-20-62 [78]	2	.....
			Assignment 7-16-68 [79]	2	1
			Effective date: 7-15-68.		

[1] No certificate filing made or necessary, however, the certificate will be amended to reflect the transfer of the subject interest.
[2] Includes assignment dated Dec. 23, 1968, assigning a certain interest to Sam Wolfson and R. I. Wolfson who have a small producer certificate in Docket No. CS66-62.
[3] Effective date: Date of this order.
[4] Assigns acreage to Edwin Allday to a depth limitation of 7,805 feet. By letter dated Jan. 12, 1967, Allday's representative advised that no gas sold in interstate commerce.
[5] Releases acreage assigned to Allday et al., from gas purchase contract.
[6] Source of gas depleted.
[7] Production of gas no longer economically feasible.
[8] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[9] Amends basic contract to provide for a 5-year makeup period for prepaid gas (applies only to the added acreage).
[10] Amends basic contract to provide for permissible pricing provisions (applies only to the added acreage).
[11] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[12] Application erroneously assigned Docket No. CI69-636 will be treated as a petition to amend the order issuing a certificate in Docket No. CI61-563 and Docket No. CI69-636 will be canceled.
[13] From Jas. F. Smith to Petrodyne Industries, Inc.
[14] From L. E. Geoffroy to Petrodyne Industries, Inc.
[15] From Mary Alice Anderson to Petrodyne Industries, Inc.
[16] From B. K. Cantrell to Petrodyne Industries, Inc.
[17] From George Doberwich to Petrodyne Industries, Inc.
[18] From Katex Oil Co. to Petrodyne Industries, Inc.
[19] From James F. Smith, Jr., to Petrodyne Industries, Inc.
[20] From G. H. Turpin to Petrodyne Industries, Inc.
[21] Amends the articles of incorporation of Petrodyne Industries, Inc., to provide for a change in name to Petro-Dynamics, Inc.
[22] Assigns acreage from Killam & Hurd et al., to Killam & Hurd, Ltd.
[22a] Deletes excess gas from contract. Includes Sept. 23, 1968, letter from El Paso refusing American Petrofina's offer of additional volumes of excess gas.
[22b] Six assignments transferring interests from Gulf Oil Corp. to Kenneth D. Luff.
[24] Two assignments transferring interests from Champlin Petroleum Co., an "et al." party to Kenneth D. Luff.
[25] Three assignments transferring interests from Union Oil Co., an "et al." party to Kenneth D. Luff.
[26] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order;
[27] From Union Oil Co. of California to Kenneth D. Luff. Subject gas from State Line Unit only was sold under Gulf Oil Corp. (Operator) et al., FPC GRS No. 249 by agreement dated Aug. 14, 1962 (Gulf's Supp. No. 3).
[28] No permanent certificate issued; therefore, the abandonment will be permitted in Docket No. CI65-1362 and the temporary certificate in said docket will be terminated.
[29] Adds acreage and amends provisions relating to contract quantity and determination of gas reserves insofar as they apply to such added acreage.
[30] Accepts conditioned temporary certificate issued Feb. 14, 1969; advises of willingness to accept permanent authorization for the additional acreage conditioned to a take-to-reserves ratio of 1/8,650 for the first 2 contract years.
[31] By additional information filed Nov. 22, 1967, Applicant expressed willingness to accept a permanent certificate conditioned to the outcome of the proceeding in Docket No. R-338.
[32] Adopts terms of contract dated July 20, 1966, between Sun Oil Co. and buyer.
[33] Provides for processing by Applicant.
[34] Letter from Shell Oil Co., advising Applicant it may participate in Selling Gas Processing Plant.
[35] Between Sinclair Oil Corp. (formerly Sinclair Oil & Gas Co.) and Northern Natural; on file as Sinclair's FPC GRS No. 94.
[36] From Harper Oil Co. to Sabine Oil Industries, Inc.
[37] From Sinclair Oil Corp. to Applicant.
[38] Between Harper Oil Co. and Colorado Interstate; on file as Harper Oil Co. FPC GRS No. 20.
[39] Successor in interest to Anadarko Production Co. Southwest never filed to cover the subject acreage.
[40] Between Anadarko Production Co. and buyer. Adopts terms of contract dated Jan. 14, 1967; also on file as Anadarko's FPC GRS No. 3.
[41] Between Harper Oil Co. et al., and buyer.
[42] Partial assignment of interest from Anadarko to Southwest Oil Industries, Inc.
[43] Conveys interest from Southwest Oil Industries, Inc., to Sabine Oil Industries, Inc.
[44] Complies with temporary certificate issued Jan. 24, 1969; Applicant is willing to accept a permanent certificate conditioned to an initial rate of 17.75 cents per Mcf including tax reimbursement and to a take-or-pay obligation of 1/7,300 ratio of reserves.
[45] Complies with temporary certificate issued Feb. 7, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 14.5 cents per Mcf including dehydration charge plus B.t.u. adjustment.
[46] Between Shell Oil Co. and El Paso; on file as Shell's FPC GRS No. 17.
[47] An assignment of acreage from Shell to Walter Krug.
[48] From Walter Krug to King Resources.
[49] Rate of 15.6 cents in effect subject to refund in Docket No. RI68-100, however, no amounts have been collected under said docket; therefore, the rate suspension proceeding pending in Docket No. RI68-100 will be terminated only with respect to Sun's FPC GRS No. 10.
[50] Provides for a term which expires 5 years from the date of initial delivery.
[51] Between Pan American Petroleum Corp. and El Paso; on file as Pan America's FPC GRS No. 404.
[52] Assigns an interest in a portion of the dedicated acreage from Pan American to Fasken.
[53] Assigns a portion of Fasken's interest to Richard S. Brooks an "et al." party.
[54] Gas produced from above the bottom of the Oriskany Formation only.
[55] Applicant has agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[56] Gas produced from Newburg Sand only.
[57] Contract provides for a rate of 16 cents per Mcf; however, Applicant has agreed to accept a permanent certificate conditioned to 15 cents per Mcf.
[58] Applicant adopts terms of contract dated Oct. 22, 1965, between buyer and Doyle W. Cotton, Jr., which is currently on file as Doyle W. Cotton, Jr. (Operator) et al., FPC GRS No. 1.
[59] Supplemental agreement between Ken Blackford and El Paso; on file as Ken Blackford (Operator) et al., FPC GRS No. 1.
[60] Sale being rendered on June 7, 1954.
[61] Between G. L. Meabon and C. J. Huffman, seller and United Fuel, buyer.
[62] Document whereby Eunice Huffman acquired the interest of C. J. Huffman in the subject property.
[63] Between G. L. Meabon, seller and United Fuel, buyer.
[64] Provides for increased rate of 15 cents per Mcf.
[65] Between Eunice Huffman, seller and United Fuel, as buyer.
[66] Provides for increased rate of 16 cents per Mcf.
[67] Document whereby William Howard Smith and Jessie Huffman Smith acquired the interest of Eunice Huffman in the subject property.
[68] Application noticed as a complete succession; further review of the application reveals that the succession is partial; therefore, the application has been reassigned Docket No. CI69-798.
[69] Between Mobil Oil Corp. and Mountain Fuel; on file as Mobil's FPC GRS No. 335.
[70] Two assignments transferring interests from Mobil Oil Corp. to Luff.
[71] From Applicant to Champlin Petroleum Co. (acreage is nonproductive).
[72] From Applicant to Champlin Petroleum Co. and Union Oil Company of California (acreage is nonproductive).
[73] From Applicant to Kenneth D. Luff (No. S6350 H).
[74] From Applicant to Kenneth D. Luff (No. S6350 I).
[75] Filing submitted as an abandonment application will be treated as a petition to terminate the certificate in Docket No. CI63-669 for the only remaining lease covered by the contract and the certificate. Docket No. CI69-407 will be canceled.
[76] Applicant states that the last remaining lease has expired under its own terms due to nonproduction.
[77] Application noticed as a complete succession; further review of the application reveals that the succession is partial; therefore the application has been reassigned Docket No. CI69-805.

[F.R. Doc. 69-4760; Filed, Apr. 24, 1969; 8:45 a.m.]

[Docket No. RI69-692, etc.]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 16, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission

[1] Does not consolidate for hearing or dispose of the several matters herein.

enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 4, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-692..	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	107	10	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	$200	3-24-69	[2] 5-8-69	10-8-69	[3] [4] 18.015	[3] [4] [5] 18.215	RI68-568.
	do	116	10	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	50	3-24-69	[2] 5-8-69	10-8-69	[3] [4] 18.015	[3] [4] [5] 18.215	RI68-568.
RI69-693..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	458	2	Natural Gas Pipeline Co. of America (East Laketon Field, Gray County, Tex.) (R.R. District No. 10).	2,250	3-26-69	[2] 4-26-69	9-26-69	[6] 17.0	[7] [8] 18.5	
	do	459	3	Arkansas Louisiana Gas Co. (Wilburton Field, Pittsburg County, Okla.) (Oklahoma "Other" Area).	900	3-26-69	[2] 4-26-69	9-26-69	15.0	[2] [4] 16.0	
RI69-694..	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, Tex. 75221, Attention: Richard M. Young, Esq.	123	23	Natural Gas Pipeline Co. of America (Guymon-Hugoton and Southeast Camrick Fields, Texas and Beaver Counties, Okla.) (Panhandle Area).	2,600	3-26-69	[2] 5-10-69	10-10-69	[3] [4] 18.415	[3] [4] [5] 18.615	RI68-581;
RI69-695..	O. C. Holt, Route 1, Box 87, Spearman, Tex. 79081.	1	3	Northern Natural Gas Co. (North Hutchinson Field, Hutchinson County, Tex.) (R.R. District No. 10).	442	3-20-69	[2] 4-20-69	9-20-69	[6] 16.0	[2] [4] [5] 17.0	RI64-415.
RI69-696..	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	168	5	Natural Gas Pipeline Co. of America (South Rainey Field, Washita County, Okla.) (Oklahoma "Other" Area).	6,871	3-26-69	[2] 5-1-69	10-1-69	[9] 18.280	[3] [4] [9] 19.365	RI67-273.
RI69-697..	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	521	4	Arkansas Louisiana Gas Co. (Wilburton Field, Latimer County, Okla.) (Oklahoma "Other Area").	244	3-27-69	[2] 4-27-69	9-27-69	15.0	[2] [4] 16.015	
RI69-698..	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	119	2	Northern Natural Gas Co. (Northeast Catesby and Ivanhoe Fields, Ellis and Beaver Counties, Okla.) (Panhandle Area).	348	3-27-69	[2] 5-1-69	10-1-69	[6] 17.0	[2] [4] [5] 18.015	
RI69-699..	Texaco, Inc., Post Office Box 2100, Denver, Colo. 80201, Attention: N. G. Kittrell, Assistant Division Manager.	183	[10] 33	El Paso Natural Gas Co. (Flodine Park Field, Montezuma County, Colo.).	600	3-24-69	[2] 5-1-69	10-1-69	[13] 15.0	[11] [13] 17.0	
RI69-700..	Southern Union Production Co., 1500 Fidelity Union Tower, Dallas, Tex. 75201, Attention: A. S. Grenier, Esq.	2	31	El Paso Natural Gas Co. (San Juan Area, San Juan County, N. Mex.) (San Juan Basin Area).	60	3-17-69	[2] 4-17-69	9-17-69	13.0	[13] [14] 13.0551	
	do [17]	6	8	Southern Union Gathering Co. (San Juan Area, San Juan County, N. Mex.) (San Juan Basin Area).	30	3-17-69	[2] 4-17-69	9-17-69	13.0	[13] [14] 13.0536	RI69-406.
	do	8	9	El Paso Natural Gas Co. (San Juan Area, San Juan County, N. Mex.) (San Juan Basin Area).	2	3-17-69	[2] 4-17-69	9-17-69	13.0	[13] [14] 13.0551	
RI69-701..	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001, Attention: C. W. Proctor, Esq.	41	6	Natural Gas Pipeline Co. of America (Indian Basin Area, Eddy County, N. Mex.) (Permian Basin Area).	815	3-24-69	[2] 4-24-69	9-24-69	[13] 16.650	[4] [15] [16] 17.650	
RI69-702..	Pecos Co. (Operator),[17] El Paso Natural Gas Bldg., El Paso, Tex. 79999, Attention: Walter G. Henderson, Esq.	7	3	El Paso Natural Gas Co. (Wilshire Gasoline Plant, Upton County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	2,474	3-17-69	[2] 4-17-69	9-17-69	[18] 20.59	[4] [13] [18] 23.94	
RI69-703..	Northwest Production Corp. (Operator),[17] Post Office Box 1798, El Paso, Tex. 79949, Attention: Walter G. Henderson, Esq.	2	11	El Paso Natural Gas Co. (Barnhart Gasoline Plant, Reagan County, Tex.) (R.R. District 7-C) (Permian Basin Area).	30,435	3-17-69	[2] 4-17-69	9-17-69	14.64	[4] [13] 18.2430	
RI69-704..	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001, Attention: Mr. H. E. Galbraith.	227	14	Southern Union Gathering Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	8,152	3-24-69	[2] 4-24-69	9-24-69	[19] 14.2679	[3] [13] [19] 15.2869	RI64-485.
RI69-705..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017, Attention: Mr. C. E. Smith.	30	8	El Paso Natural Gas Co. (Loveland Field, Cochran Tex.) (R.R. District No. 8) (Permian Basin Area).	920	3-24-69	[2] 4-24-69	9-24-69	15.0488	[4] [15] 16.0584	RI68-466.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-706..	Texaco, Inc. (Operator), Post Office Box 3109, Midland, Tex. 79701, Attention: Mr. Darrell Smith.	322	3	Northern Natural Gas Co. (South Kermit Gasoline Plant, Ward and Winkler Counties, Tex.) (R.R. District No. 8) (Permian Basin Area).	$17,400	3-24-69	[2] 6-1-69	11-1-69	16.0	[3] [4] 17.0	
RI69-707..	Husky Oil Co. of Delaware, Post Office Box 380, Cody, Wyo. 82414, Attention: Donald L. Jenson, Esq.	1	4	Mountain Fuel Supply Co. (Ace Unit Field, Moffat County, Colo.).	413	3-24-69	[2] 6-18-69	11-18-69	13.0	[3] [4] 14.0	
RI69-708..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102, Attention: Eugene C. Alford, Esq.	38	4	El Paso Natural Gas Co. (Blanco Mess Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	228	3-24-69	[2] 4-24-69	9-24-69	[19] [20] 14.2501	[3] [13] [19] [20] [21] 15.2986	RI65-599.
	do	47	7	El Paso Natural Gas Co. (Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	917	3-24-69	[2] 4-24-69	9-24-69	[19] 12.2295	[3] [13] [19] 13.2486	RI64-487.
	do	190	8	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	5,711	3-24-69	[2] 4-24-69	9-24-69	[19] [20] 14.2486	[3] [13] [19] [20] [21] 15.2869	RI65-599.
	do	202	5	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	7,528	3-24-69	[2] 4-24-69	9-24-69	[19] [20] 14.2486 [22] 13.2295	[3] [13] [19] [20] [21] 15.2869 ([3] [13] [22] [23])	RI65-599.
	do	268	5	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	503	3-24-69	[2] 4-24-69	9-24-69	14.038	[3] [13] 15.062	RI65-554.
RI69-709	Gulf Oil Corporation (Operator) et al.	150	8	El Paso Natural Gas Co. (Bisti lower Gallup and Gallegos Gallup Fields, San Juan County, N. Mex.) (San Juan Basin Area).	948	3-24-69	[2] 4-24-69	9-24-69	[19] 14.2678	[3] [13] [19] 15.2869	RI65-600.
RI69-710..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	251	[24] 10	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	[25] 5,071	3-17-69	[2] 4-17-69	9-17-69	[25] 15.98	[25] [26] 18.0224	
	Shell Oil Co.	251	[24] 11	do	[27] 148				[27] 15.94	[4] [26] [27] 18.0224	
					575	3-17-69	[2] 4-17-69	9-17-69	16.49	[4] [26] 18.5724	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Includes 0.015-cent tax reimbursement.
[7] Respondent filing from initial certificated rate to initial contract rate.
[8] Subject to upward and downward B.t.u. adjustment.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Applicable to acreage added by Supplement No. 7 only.
[11] "Fractured" rate increase. Respondent contractually entitled to 20 cents per Mcf, plus tax reimbursement.
[12] Pressure base is 15.025 p.s.i.a.
[13] Initial rate.
[14] Tax reimbursement increase.
[15] Increase from applicable area ceiling rate to contract rate.
[16] Subject to downward B.t.u. adjustment for gas containing less than 1,038 B.t.u.'s per cubic foot.
[17] Buyer and Seller are affiliated.
[18] Includes upward B.t.u. adjustment of 5.94 cents for gas containing 1,330 B.t.u. per cubic foot (18 cents base rate).
[19] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[20] Includes 1 cent per Mcf minimum guarantee for liquids.
[21] Inclusive of tax reimbursement on 1 cent minimum guarantee for liquids.
[22] Low pressure gas—no deliveries being made.
[23] Subject to 1 cent reduction for gas which may be delivered to buyer's low pressure system.
[24] Applicable to gas from Devonian Formation.
[25] Applicable to gas from School District No. 19.
[26] Increase from applicable area ceiling rate to contract rate, plus tax reimbursement, adjusted for quality.
[27] Applicable to gas from School District No. 8.
[28] Applicable to gas from Pennsylvanian Formation.
[29] Includes base rate of 17.063 cents plus upward B.t.u. adjustment before increase (1,070 B.t.u. gas) and base rate of 18.038 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.

O. C. Holt (Holt) requests waiver of the statutory notice to permit an effective date of January 30, 1969, for his proposed rate increase. Union Oil Company of California (Union Oil) also requests waiver of the statutory notice to permit an effective date of March 24, 1969, for its rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Holt and Union Oil's rate filings and such requests are denied.

Humble Oil & Refining Co. (Humble) and Mobil Oil Corp. (Mobil) request that should the Commission suspend their proposed rate increases that the suspension periods with respect thereto be shortened to 1 day. Good cause has not been shown for granting Humble and Mobil's requests for limiting to 1 day the suspension period with respect to their rate filings and such requests are denied.

Five of Gulf Oil Corp. and Gulf Oil Corp. (Operator) et al., and Continental Oil Co.'s proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyers, El Paso Natural Gas Co. (El Paso) and Southern Union Gathering Co. (Southern Union), in accordance with their policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, are expected to file protests to these rate increases. El Paso and Southern Union question the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyers concede that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-4761; Filed, Apr. 24, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3074, 7-3075]

CLOROX CO. AND FOUR SEASONS NURSING CENTER OF AMERICA, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 21, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Clorox Co.	7-3074
Four Seasons Nursing Center of America, Inc.	7-3075

Upon receipt of a request, on or before May 6, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4957; Filed, Apr. 24, 1969; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 22, 1969, through May 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4958; Filed, Apr. 24, 1969; 8:46 a.m.]

GULF AEROSPACE CORP.

Order Suspending Trading

APRIL 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Gulf Aerospace Corp., Houston, Tex., and all other securities of Gulf Aerospace Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 21, 1969, at 12 noon, e.s.t., through April 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4959; Filed, Apr. 24, 1969; 8:46 a.m.]

[70-4745]

MONONGAHELA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

APRIL 21, 1969.

Notice is hereby given that Monongahela Power Co. ("Monongahela"), 1310 Fairmont Avenue, Fairmont, W. Va. 26554, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Monongahela proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $10 million principal amount of its First Mortgage Bonds, ------ percent Series due June 1, 1999. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Monongahela (which will be not less than 100 percent or more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Indenture dated as of August 1, 1945, between Monongahela and First National City Bank, New York, N.Y., as Trustee, as heretofore supplemented and as to be further supplemented by a 31st Supplemental Indenture to be dated as of June 1, 1969. The bonds will be issued only as registered bonds without coupons. The net proceeds from the sale of the bonds will be used to finance, in part, the construction program of Monongahela and its subsidiary company for 1969, estimated at $39 million and to pay $3,500,000 of short-term notes incurred therefor.

It is stated that The Public Utilities Commission of Ohio has jurisdiction over the issue and sale of the bonds and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The fees and expenses to be paid in connection with the proposed transaction are estimated at $43,000, including accountants' fees of $3,600 and legal fees of $10,000. The fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at $10,000.

Notice is further given, that any interested person may, not later than May 16, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4946; Filed, Apr. 24, 1969; 8:45 a.m.]

[812-2477]

MUTUAL VARIABLE CONTRACT ACCOUNT

Notice of Filing of Application for Order Exempting Company

APRIL 21, 1969.

Notice is hereby given that Mutual of Omaha Insurance Co. ("Applicant") has filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order exempting the Mutual Variable Contract Account ("MVCA") Farnam at 33d Street, Omaha, Nebr., from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant is a mutual health and accident insurance company organized under the laws of the State of Nebraska. It has corporate home offices in Omaha, Nebr., and is licensed to do business in all States, all Canadian Provinces, Canal Zone, Panama, Puerto Rico, portions of the West Indies and the District of Columbia. The Canadian head office in Toronto maintains a complete and separate accounting system and operates much like a separate corporate entity. Applicant's Canadian operations are subject to the provisions of the Canadian Foreign Insurance Companies Act. Since 1966, applicant has been authorized to sell life insurance in Canada.

MVCA is a separate account of Applicant established by resolution of Applicant's board of directors on February 15, 1969. Variable Annuity Contracts will be sold only in Canada to Canadian residents, corporations, trusts, or any other legal entities operating in Canada and the contributions paid thereunder will be held by and invested through MVCA. Payments made under contracts funded through MVCA will be in Canadian currency. All of the assets of MVCA will be physically held in Canada. Most of the common stock held in the account will be in Canadian securities in compliance with the requirements of the Foreign Insurance Companies Act. The investment portfolio of MVCA will be managed initially by the investment department at Applicant's home office in Omaha, Nebr. The same is true with respect to the actual purchase and sale of securities for MVCA; payment and delivery, however, will be made in Canada. Applicant represents it is hopeful that these functions can be assumed by the Canadian head office contingent on the success and volume of business.

Initially, Applicant intends to sell MVCA contracts to individuals with the prospect of expanding to group sales at some later date. At no time does Applicant contemplate or intend to sell to other than permanent residents of Canada with its primary efforts directed to Canadian citizens. It is possible that if group contracts are sold, some American citizens may be involved by virtue of their employment and requirements for coverage. Applicant asserts, however, that it will always exercise care to avoid such situations where it would involve a substantial number of such persons.

The application states that if MVCA is required to comply with the Act, it would constitute a competitive disadvantage in Canada with respect to Canadian domestic insurance companies issuing variable annuity contracts. Applicant also states that MVCA will be subject to the Canadian Foreign Insurance Companies Act. The Superintendent of Insurance of Canada has by letter to Applicant (which Applicant has filed as an exhibit to the application) indicated that he is familiar with the proposed operations of Applicant in connection with the issuance of variable annuity contracts through MVCA and that he believes that the interest of Canadian residents affected thereby will be adequately protected by the applicable provisions of Canadian law.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protections of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting MVCA from all the provisions of the Act and applicant has agreed to the following conditions in the event such order should be issued by the Commission:

1. Applicant will inform the Commission, on or before April 1 of each year, of the extent, if any, to which U.S. citizens are the holders of participating interests in MVCA.

2. The Commission may reserve jurisdiction to modify or rescind such order, after opportunity for hearing, if at any time in the future, the facts pertaining to the operations of MVCA should warrant such action.

Notice is further given, that any interested person may, not later than May 7, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4947; Filed, Apr. 24, 1969; 8:45 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

APRIL 21, 1969.

The common stock, 10-cent par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 22, 1969, through May 1, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-4960; Filed, Apr. 24, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 47]

SOUTHERN RAILWAY CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Southern Railway Co. shall deliver to the Missouri-Kansas-Texas Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 6 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., April 24, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., May 11, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 21, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-4962; Filed, Apr. 24, 1969; 8:47 a.m.]

[Notice 819]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 22, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 470 TA), filed April 16, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: R. O. Homberger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in Initial Truckaway Service, from Glasgow, Mo., and Leavenworth, Kans., to points in the United States, excluding Alaska and Hawaii, for 180 days. Supporting shipper: Standard-Havens, Inc., a division of Havens Steel Co., 7219 East 17th Street, Kansas City, Mo. 64126. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 4405 (Sub-No. 471 TA), filed April 16, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: R. O. Homberger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, and *container chassis*, in Initial Truckaway Service, from Camden, N.J., to points in the United States, excluding Hawaii, for 180 days. Supporting shipper: Strick Corp., U.S. Highway No. 1, Fairless Hills, Pa. 19030. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 87720 (Sub-No. 92 TA), filed April 16, 1969. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Post Office Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Washing compounds*, in tote bins and cartons, between Bristol, Pa., and Riverdale, N.J., for 180 days. Supporting shipper: Purex Corp., Ltd., Radcliffe Street at Fillmore, Bristol, Pa. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 107515 (Sub-No. 651 TA), filed April 15, 1969. Applicant: REFRIGERATED TRANSPOT COMPANY, INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Relishes, sauerkraut, salad dressing, tomatoes, peppers, olives, pickles, herring in sauce* (in poly bags, glass, or kegs) in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in North Carolina, South Carolina, Texas, Oklahoma, Kentucky, and Jacksonville, Fla., for 150 days. Supporting shipper: Southern Pickle Co., a division of Chez-Lyn Enterprises, Inc., 655 Highland Avenue NE., Atlanta, Ga. 30312. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 112801 (Sub-No. 92 TA), filed April 16, 1969. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities and/or plantsite of Central Nitrogen, Inc., at or near Terre Haute, Ind., to points in Illinois, Indiana, Michigan, and Ohio, for 150 days. Supporting shipper: Central Farmers Fertilizer Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 114028 (Sub-No. 15 TA), filed April 14, 1969. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Jerome C. Stieber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in containers, from points in Marquette County, Mich., to points in Iowa, and points in Carroll, Henderson, Henry, Jo Daviess, Knox, Lee, Mercer, Ogle, Rock Island, Warren, and Whiteside Counties, Ill., for 180 days. NOTE: Applicant does not intend to tack with any other authority now held. Supporting shipper: Royal Oak Charcoal Co., Post Office Box 250, Marquette, Mich. 49885. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 119012 (Sub-No. 5 TA), filed April 16, 1969. Applicant: RIVER TERMINALS TRANSPORT, INC., 208 Broadway, Post Office Box No. 176, Aurora, Ind. 47001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrochrome*, in self unloading containers; from Aurora, Ind., to Detroit, Mich., for 180 days. Supporting shipper: Engelhard Hanovia Ore & Base Metal Sales, 113 Astor Street, Newark, N.J. 07114. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119988 (Sub-No. 23 TA), filed April 7, 1969. Applicant: GREAT WESTERN TRUCKING CO., INC., 811¼ North Timberline Drive, Post Office Box 1384, Lufkin, Tex. 75901. Applicant's representative: Bennie Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from points in Angelina County, Tex., to points in Oklahoma and Arkansas; restricted against the transportation of shipments to (1) Oklahoma City, Tulsa, and Sapulpa, Okla., and the respective commercial zones thereof; (2) points on U.S. Highway 77 (Interstate Highway 35) between the Texas-Oklahoma State line and Oklahoma City, Okla.; (3) Texarkana, Fort Smith, Little Rock, North Little Rock, Pine Bluff, Crossett, El Dorado, Monticello, and West Memphis, Ark., and points in their respective commercial zones, for 120 days. NOTE: Applicant states it does not intend to tack authority with presently authorized routes. Supporting shipper: Southland Paper Mills, Inc., Mr. A. Q. Elliott, Traffic Manager, Post Office Box 1328, Lufkin, Tex. 75901. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 123814 (Sub-No. 4 TA), filed April 16, 1969. Applicant: GEORGE A. HALL CARTAGE CO., LTD., 1281 Conde Street, Montreal, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 10ieme Etage, 200, rue St-Jacques, Montreal 126, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and New York, to points in Maine, New Hampshire, Vermont, and New York, for 180 days. Supporting shipper: Ciments Lafarge Quebec Ltee, St. Constant, Province of Quebec, Canada. Send protests to: District Supervisor, Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 127605 (Sub-No. 6 TA), filed April 15, 1969. Applicant: ELMER E. LAIRD, doing business as ELMER E. LAIRD & SON, 3135 West North Temple Street, Post Office Box 1343, Salt Lake City, Utah 84116. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods, fire alarms, vacuum cleaners, sewing machines, sewing machine cases, electric blenders, photo albums, floor sanding, waxing and cleaning machines, cameras, projectors, lawn mowers, encyclopedias, cookware, dishware, melmac products, can openers, coffee makers, luggage, watches, power tools, radios, toothbrushes, grass catchers, picnic jugs, cutlery, and advertising material*, for the account of National Housewares, Inc., between Los Angeles, Calif., and points in the Los Angeles Harbor commercial zone, and Dallas, Houston, Corpus Christi, and San Antonio, Tex., for 180 days. Supporting shipper: National Housewares, Inc., 1260 East Vine Street, Salt Lake City, Utah 84121. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 128860 (Sub-No. 3 TA), filed April 16, 1969. Applicant: BEN LARRY, doing business as LARRY'S EXPRESS, 720 Lake Street, Tomah, Wis. 54660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, and premiums, and malt beverages dispensing equipment* in mixed loads with malt beverages, from La Crosse, Wis.; St. Louis, Mo.; Detroit, Mich.; Newark, N.J., to St. Paul, Minn., for 180 days. Supporting shipper: Capitol City Distributing Co., Inc., 245 East Fillmore Avenue, St. Paul, Minn. 55107. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 128878 (Sub-No. 12 TA), filed April 16, 1969. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 961, Shreveport, La. 71102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes*, in containers, from New Orleans, La., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Secca Plant, Guayaquil, Ecuador. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133632 (Sub-No. 1 TA), filed April 16, 1969. Applicant: HENRY F. STALEY, doing business as H. F. STALEY'S TRUCKING SERVICE, 2319 51st Place, Tuxedo, Md. 20781. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *contact carrier*, by motor vehicle, over irregular routes, transporting: *Fence, fence fittings and accessories, materials, supplies, and equipment* used in the manufacture of fence and fence accessories, and *reinforcing wire mesh, materials, and supplies, and equipment* used in the manufacture of reinforcing wire mesh, between Toledo, Ohio, Rock Hill, S.C., and Bladensburg, Md., and points in those States east of the Mississippi River and Louisiana and Arkansas, not including Minnesota. Restricted to service to be performed under a continuing contract wtih the National Fence Manufacturing Co., Inc., Bladensburg, Md., for 180 days. Supporting shipper: National Fence Manufacturing Co., Inc., 4301 46th Street, Bladensburg, Md. 20710. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-4963; Filed, Apr. 24, 1969; 8:47 a.m.]

[Notice 333]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 22, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71124. By order of April 16, 1969, the Motor Carrier Board approved the transfer to Rex Harris, Inc., Roundup, Mont., of certificate No. MC-110754, issued January 30, 1951, to Rex Harris, Roundup, Mont., authorizing the transportation of: Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum, and their products and by-products, and of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Montana on and east of the western boundary lines of Blaine, Fergus, Wheatland, Golden Valley, Stillwater, and Carbon Counties, and between points in the above-described Montana territory, on the one hand, and, on the other, points in Wyoming. J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103, attorney for applicants.

No. MC-FC-71185. By order of April 16, 1969, the Motor Carrier Board approved the transfer to Mack Brothers, Inc., Court Street, Victoria, Va. 23974, of certificates Nos. MC-83360 and MC-83360 (Sub-No. 4) issued February 19, 1943, and October 7, 1963, to T. M. McLaughlin, Court Street, Victoria, Va. 23974, authorizing the transportation of: General commodities, with exceptions, but including household goods, and certain specifically named commodities, between points in Virginia, North Carolina, South Carolina, Maryland, Pennsylvania, Tennessee, Kentucky, West Virginia, and Washington, D.C.

No. MC-FC-71263. By order of April 16, 1969, the Motor Carrier Board approved the transfer to Dugas Express Co., a corporation, Lewiston, Maine, of certificate of registration No. MC-58672 (Sub-No. 1), issued December 21, 1965, to Fernand Doyon, doing business as Dugas Express Co., Lewiston, Maine, authorizing transportation pursuant to Maine

certificate No. 68, issued prior to October 15, 1962, and currently renewed. William F. Julavits, 465 Maine Street, Lewiston, Maine 04240, attorney for applicants.

No. MC-FC-71280. By order of April 16, 1969, the Motor Carrier Board approved the transfer to John G. Franck and Peter Franck, a partnership, doing business as Franck Bros., Eau Claire, Wis., of certificate No. MC-47585, issued July 9, 1965, to Gordon L. Sather, Eau Claire, Wis., authorizing the transportation of: Livestock and eggs, from points in the towns of Albany and Lima, Pepin County, those in the towns of Mondovi, Naples, and Canton, Buffalo County, those in the towns of Beru and Rock Creek, Dunn County, and those in the towns of Pleasant Valley, Brunswick, and Drammen, Eau Claire County, Wis., to Minneapolis, St. Paul, South St. Paul, and Newport, Minn.; and flour, feed, windmills, and parts, machinery, petroleum products, hatchery equipment, and poultry supplies, from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to points in the above-specified Wisconsin towns. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-4964; Filed, Apr. 24, 1969; 8:47 a.m.]

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Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Federal Communications Commission
Federal Housing Administration
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Proclamation 3910

MOTHER'S DAY, 1969

By the President of the United States of America

A Proclamation

Fifty-five years ago President Woodrow Wilson called upon the American people to display the flag as "a public expression of our love and reverence for the mothers of the country." The United States of America and the world have changed greatly since then, but the desire and need for a public display of love and affection for our mothers has remained.

How has such a day of commemoration survived the changes of taste, of value, of belief that have marked these years? I am convinced that the answer lies in the fact that the essential things never change at all. Mother's Day is set aside not only to publicly demonstrate what we all privately feel about our mothers, but for another purpose: it serves to remind us all that there is, at the heart of things, a sense of mystery and wonder, a dimly-understood but strongly felt feeling of continuity and interdependence which binds all men together and which is most clearly seen in the miracle of motherhood.

Nowhere in the complexity of the modern world are we more forcefully reminded of the power of love against hate, of creation over destruction, of life against death than in the gentle strength, the deep compassion of a mother.

On Mother's Day we demonstrate to our mothers not only love for who they are but reverence for what they represent: the sacredness of human life and the majesty of the ancient principles which enhance it and guide it toward public and private virtue.

A joint resolution of the Congress, approved on May 8, 1914, sets aside the second Sunday of May as the special day to pay tribute to our mothers.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request that Sunday, May 11, 1969, be observed as Mother's Day; and I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on that day.

I call upon the people of the United States to honor the mothers of our country by displaying the flag at their homes or other suitable places and by expressions of love and respect.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-5103; Filed, Apr. 25, 1969; 12:31 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices) Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Postponement of Effective Dates

On March 27, 1969, a revision of the regulations (7 CFR Part 68) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), was published in the FEDERAL REGISTER (34 F.R. 5709) to become effective 30 days after publication, except that the provisions deleting references to the inspection of U.S. grain in Canada and testing of wheat for protein content and sedimentation value were to become effective 180 days after publication.

The members of the rice industry requested postponement of the effective dates until after a discussion meeting could be held in New Orleans, La., during the week of May 19. In view of the request it is deemed appropriate to postpone the effective dates of the revision, and under authority contained in sections 203 and 205 of the Act (7 U.S.C. 1622 and 1624), the effective date of the revision is hereby postponed until June 1, 1969, except that the provisions deleting references to the inspection of U.S. grain in Canada and the testing of wheat for protein content and sedimentation value shall become effective 180 days after the date of publication of this notice in the FEDERAL REGISTER.

If it appears after such meeting that further consideration should be given to the merits of the revision, a notice of further rule-making therefor will be published in the FEDERAL REGISTER and interested persons will be afforded opportunity to comment thereon. Otherwise the revision shall become effective as herein provided.

This document shall become effective upon issuance.

Since the purpose of the document is to delay at the request of the affected industry the effective dates of certain amendments which would otherwise take effect on April 26, 1969, it is found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable and good cause is found for making this document effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of April 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-5102; Filed, Apr. 25, 1969; 11:30 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

REVISION OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF MANGOES FROM CENTRAL AMERICA AND WEST INDIES

Pursuant to the authority conferred by § 319.56–2 of the regulations (7 CFR 319.56–2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), administrative instructions appearing as 7 CFR 319.56–2i are hereby amended to read as follows:

§ 319.56–2i Administrative instructions prescribing method of treatment of mangoes from Central America and the West Indies.

Fumigation with ethylene dibromide upon arrival, in accordance with the procedures described in this section, is hereby authorized as a condition-of-entry treatment for mangoes from Central America and the West Indies offered for entry under permit under § 319.56–2.

(a) *Central America.* As used in this section, the term "Central America" means the southern portion of North America from the southern boundary of Mexico to South America, including Guatemala, British Honduras, Honduras, El Salvador, Nicaragua, Costa Rica, and Panama.

(b) *West Indies.* As used in this section, the term "West Indies" means the foreign islands lying between North and South America, the Caribbean Sea, and the Atlantic Ocean, including, among others, Cuba, Jamaica, Hispaniola, and the Bahams, Leeward, and Windward Islands, but excluding the chain of islands adjacent and parallel to the north coast of South America (the largest of which are Aruba, Curacao, Bonaire, Tortuga, Margarita, Trinidad and Tobago).

(c) *Ports of entry.* Mangoes to be offered for entry must be shipped from the country of origin directly to New York or such other North Atlantic ports as may be named in the permit. Furthermore, shipments moving by air must be so routed as to avoid landing at ports south of Baltimore.

(d) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with ethylene dibromide for 2 hours at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. The ethylene dibromide must be applied as a liquid and volatilized within the sealed fumigation chamber in an electrically heated vaporizing pan. The electrically heated vaporizing pan shall be controlled by a switch outside the chamber and shall be equipped with a signal light to indicate when the current is on or off. Fifteen minutes after all liquid ethylene dibromide has been injected into the vaporizing pan inside the fumigation chamber, the electric current for the vaporizing pan must be turned off, and the 2-hour period of exposure shall begin. The gas shall be circulated within the chamber continuously for the 2-hour period by electric fans or blowers. The fans or blowers must be of a capacity to circulate the entire air mass within the chamber in 1 minute.

(2) (i) Mangoes treated because of fruit flies of the genus *Anastrepha* from the countries of West Indies and Central America, except Bermuda, Costa Rica, Nicaragua, and Panama, shall be fumigated with one of the following schedules:

Fruit load in chamber [1]	Dosage of EDB in oz./1,000 cu.ft./2 hours		
	50° F.–59° F.	60° F.–69° F.	70° F. or above
25% or less	12 oz.	10 oz.	8 oz.
26% to 49%	14 oz.	12 oz.	10 oz.
50% to 80%	16 oz.	14 oz.	12 oz.

[1] % of chamber capacity.

The temperature shall be that of the fruit. Cubic feet of space shall be that of the unloaded chamber.

(ii) Mangoes treated because of fruit flies of the genus *Anastrepha* and the Mediterranean fruit fly (*Ceratitis capitata* Wiedemann) from the countries of Bermuda, Costa Rica, Nicaragua, and Panama shall be fumigated with one of the following schedules:

Fruit load in chamber [1]	Dosage of EDB in oz./1000 cu.ft./2 hours	
	60° F.–69° F.	70°F. or above
25% or less	10 oz.	8 oz.
26% to 49%	12 oz.	10 oz.
50% to 80%	14 oz.	12 oz.

[1] (% of chamber capacity).

The temperature shall be that of the fruit. Cubic feet of space shall be that of the unloaded chamber.

(3) Mangoes to be fumigated may be packed in slatted crates or well perforated unwaxed cardboard cartons with wood excelsior packing material. Fumigation of individually wrapped mangoes is not authorized unless wrappers are approved in advance by the Director of the Plant

Quarantine Division. When loaded in the fumigation chamber the crates or containers must be stacked evenly over the floor surface and the crates or containers in a stack shall be separated at least 2 inches on all sides by wooden strips or other means, to insure adequate gas circulation.

(e) *Other conditions.* The unloading of mangoes from the means of conveyance, their delivery to an approved fumigation plant, and the fumigation procedure shall be under the supervision of an Inspector of the Plant Quarantine Division. The unloading and delivery and any other handling prior to fumigation shall be conducted in accordance with such safeguard requirements as the Inspector may require to prevent the dissemination of injurious insects. Final release of the mangoes for entry into the United States will be conditioned upon compliance with such safeguard requirements and the prescribed regulations.

(f) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising Inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the fruit, or his representative.

(g) *Department not responsible for damage.* The treatment prescribed in paragraph (d) of this section is judged from experimental tests to be safe for use with mangoes. However, the Department assumes no responsibility for any damage sustained through or in the course of such treatment, or because of pretreatment or posttreatment safeguards, or compliance with requirements imposed under paragraph (e) of this section.

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316, 7 U.S.C. 159. 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 319.56–2)

These administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

The principal changes made by this revision are: (1) A greater range of temperatures is provided at which mangoes may be treated as a condition of entry; and (2) the importation of mangoes under permit with fumigation treatment as a condition of entry is authorized from the Mediterranean fruit fly countries in the West Indies and Central America. It has been determined that these changes can be made without risk of introducing plant pests into the United States.

These instructions relieve certain restrictions and in order to be of maximum benefit to persons subject to the restrictions, they should be made effective as promptly as possible. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and unnecessary, and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of April 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-5007; Filed, Apr. 25, 1969; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Regulation 815.10, Amdt. 1]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

1969

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act") for the purpose of amending Sugar Regulation 815.10 (34 F.R. 425), which established allotments of the direct-consumption portion of the 1969 mainland quota for Puerto Rico.

This amendment of S.R. 815.10 is necessary (1) to substitute in the allotment formula final 1969 data on entries of direct-consumption sugar for estimates of such quantities, (2) to give effect to the direct-consumption portion of the 1969 mainland quota for Puerto Rico amounting to 162,000 short tons, raw value, as established in S.R. 811, Amendment 3 (34 F.R. 6469) for 1969 and (3) to allot the entire direct-consumption portion of the 1969 quota. Previous 1969 allotments were limited to 90 percent of the direct-consumption portion of the quota in effect on January 1, 1969.

The substitution of final data for estimates of 1968 direct-consumption entries in finding (7) results in the 1964–68 average annual marketings and 1964–68 highest annual marketings as follows, which are used herein in determining the allotments:

Processor or refiner	Average annual marketings 1964–68		Highest annual marketings 1964–68	
	Short tons raw value	Percent of total	Short tons raw value	Percent of total
	(1)	(2)	(3)	(4)
Central Aguirre Sugar Co., a trust	6,322	4.0956	6,913	4.1519
Central Roig Refining Co	20,781	13.4626	22,508	13.5181
Central San Francisco	1,009	.6536	1,344	.8072
Puerto Rican American Sugar Refinery, Inc	102,301	66.2739	110,769	66.5207
Western Sugar Refining Co	23,948	15.5143	24,969	14.9961
Total	154,361	100.0000	166,503	100.0000

Findings heretofore made by the Secretary in the course of this proceeding (34 F.R. 425) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with paragraph (c) of § 815.10 of this chapter, it is hereby ordered that paragraph (a) of § 815.10 be amended to read as follows:

§ 815.10 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1969.

(a) *Allotments.* The direct-consumption portion of the 1969 mainland sugar quota for Puerto Rico, amounting to 162,000 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (Short tons, raw value)
Central Aguirre Sugar Co., a trust	6,679
Central Roig Refining Co	21,851
Central San Francisco	1,188
Puerto Rican American Sugar Refinery, Inc	107,552
Western Sugar Refining Co	24,710
Liquid sugar reserve for persons other than named above	25
Total	162,000

* * * * *

(Secs. 205, 209, 403; 61 Stat. 926 as amended, 928 as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date: Allotments established in this order for all allottees are larger than the allotments established in S.R. 815.10 (34 F.R. 425). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement in 5 U.S.C. 553 is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 23, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-5008; Filed, Apr. 25, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 371]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.671 Lemon Regulation 371.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 22, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 27, 1969, through May 3, 1969, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 237,150 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5049; Filed, Apr. 25, 1969; 8:48 a.m.]

[Grapefruit Reg. 62]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.362 Grapefruit Regulation 62.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 23, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period April 28, 1969 through May 4, 1969, is hereby fixed at 185,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5050; Filed, Apr. 25, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Texas Flaxseed Bulletin, 1969 Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Texas Flaxseed Purchase Program

PURCHASE PRICE, PREMIUMS, AND DISCOUNTS

A special purchase program has been authorized for 1969 crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1969 program and together with the provisions contained in CCC Texas Flaxseed Bulletin (26 F.R. 3979, 29 F.R. 6245) constitutes the 1969 Texas Flaxseed Purchase Program.

§ 1421.3101 Purchase prices, premiums, and discounts.

(a) *1969 county purchase prices.* Basic purchase prices per bushel of eligible flaxseed of the 1969 crop which is produced in the counties listed below and which is delivered to authorized dealers under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. The basic purchase prices for

flaxseed grading No. 1 and containing from 9.1 to 9.5 percent moisture are as follows:

TEXAS

County	Rate per bushel	County	Rate per bushel
Atascosa	$2.61	Hidalgo	$2.57
Bee	2.70	Jackson	2.61
Bell	2.54	Jim Wells	2.69
Bexar	2.60	Karnes	2.67
Caldwell	2.58	Lamar	2.44
Calhoun	2.63	Live Oak	2.58
Comal	2.58	McMullen	2.63
DeWitt	2.62	Matagorda	2.62
Dimmit	2.50	Nueces	2.72
Duval	2.64	Refugio	2.71
Frio	2.57	San Patricio	2.72
Goliad	2.68	Victoria	2.65
Gonzales	2.60	Wharton	2.64
Guadalupe	2.59	Wilson	2.64

(b) *1969 terminal market purchase prices.* The basic purchase price shall be $2.83 per bushel for flaxseed grading No. 1 and containing from 9.1 to 9.5 percent moisture delivered by rail or truck to authorized dealers at the Corpus Christi and Houston, Tex., terminal markets. There shall be deducted from such rate the transportation cost, if any, as determined by the Kansas City ASCS Commodity Office, for moving the flaxseed to a tidewater facility located within the switching limits of the terminal market to which it was delivered. In determining the purchase price for flaxseed delivered by truck to authorized dealers at such terminal markets, there shall also be deducted from the terminal rate 4.25 cents per bushel.

(c) *Premium for low moisture content.* A premium of 1 cent per bushel shall be applied to eligible flaxseed which grades No. 1 or No. 2 and contains 9.0 percent or less moisture.

(d) *Grade discounts.* The following discounts shall be applied to eligible flaxseed which grades No. 1 or No. 2 or Sample Grade:

(1) No. 2—6 cents per bushel.

(2) Sample Grade—6 cents per bushel plus the following discounts, as applicable:

(i) Moisture:

Percent	Cents
9.6–10.0	1
10.1–10.5	2
10.6–11.0	3
Above 11.0	[1] 3

[1] Plus 1 cent for each 1/10 percent of moisture in excess of 11.0 percent.

(ii) Test weight: 3 cents for each one-half pound or fraction thereof of test weight below 47 pounds.

(iii) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of flaxseed, such as (but not limited to) heat damage, musty, and sour. Such discounts will be established not later than the time delivery of flaxseed to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices.

(Sec. 4 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1421.)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 21, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-4961; Filed, Apr. 25, 1969; 8:46 a.m.]

PART 1434—HONEY

Subpart—Honey Price Support Regulations for 1968 and Subsequent Crops

The regulations issued by the Commodity Credit Corporation, published in 33 F.R. 5203, 5659, 11705, and 34 F.R. 246, and containing the honey price support regulations for 1968 and subsequent crops are hereby revised to incorporate amendments 1 through 3 and are amended to permit heirs of decedent producers to continue or obtain price support loans on the decedents' production on meeting specified conditions, to permit lienholders to continue liens on honey under loan on execution of a subordination agreement, to change the lot sampling requirements, procedures and cost assumption, to require execution of a Purchase Agreement form to be eligible to sell honey to CCC, and to make other minor changes.

Sec.

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AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1053, 1054; 15 U.S.C. 714c; 7 U.S.C. 1446, 1421.

§ 1434.1 General statement.

This subpart contains the regulations which set forth the requirements with respect to price support for the 1968 and each subsequent crop of extracted honey for which a price support program is authorized. Price support will be made available through loans on and purchases of eligible honey. Farm storage loans will be evidenced by notes and secured by chattel mortgages. Cooperative (warehouse) storage loans will be evidenced by notes and security agreements and secured by the pledge of warehouse receipts representing eligible honey in approved warehouse storage. The producer may also sell to CCC any or all of his eligible honey which is not security for a price support loan by delivering the honey to CCC. As used in this subpart "CCC" means the Commodity Credit Corporation and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1434.2 Administration.

(a) *Responsibility.* The Farmer Programs Division, ASCS, will administer this subpart under the general direction and supervision of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by the CCC Board of Directors and the Executive Vice President, CCC. In the field, this subpart will be administered by the various Agricultural Stabilization and Conservation State and County Committees (hereinafter severally called State Committee and county committee), ASCS Commodity Office and the ASCS Data Processing Center.

(b) *Documents.* Any member of the county committee, the county office manager, or other employee of the ASCS county office designated by the county office manager to act in his behalf is authorized to approve documents in accordance with the provisions of this program except where otherwise specified in this subpart. Any such designation shall be in writing and a copy thereof shall be on file in the county office.

(c) *Limitation of authority.* The authority conferred by this subpart to administer the honey price support program does not include authority to modify or waive any of the provisions of this subpart.

(d) *State committee.* The State committee may take any action which is authorized or required by this subpart to be taken by the county committee but which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action which was taken by such county committee but which is not in accordance with this subpart or (2) require a county committee to withhold taking any action which is not in accordance with this subpart.

(e) *Executive Vice President, CCC.* No delegation of authority herein shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under this subpart or from reversing or modifying any determination made pursuant to a delegation of authority in this subpart.

§ 1434.3 Eligible producers.

(a) *Producer.* An eligible producer shall be a person (i.e., an individual, partnership, association, corporation, estate, trust, or other legal entity) who extracts honey produced by bees owned by him.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustee of a trust estate will be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiary of a trust respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person he represents. Loan or purchase documents executed by such legal representative will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Approved cooperative.* A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to Part 1425 of this chapter, to obtain price support on a crop of extracted honey, may obtain price support on eligible production of such crop of the commodity on behalf of its members. A cooperative is not eligible to obtain price support on any quantity of honey produced by a member (1) whose name is entered on a claim control record (indicating the indebtedness of such member) maintained by an ASCS county office, or (2) who owes an installment on a storage facility or drying equipment loan which is due, until the debt then due is paid or the cooperative receives information from the applicable State or county office showing that such debt has been paid. Before tendering any quantity of honey to CCC for price support, the cooperative shall obtain from ASCS State or county offices lists containing the names and the identifying numbers of such persons. For the information of the cooperative, these lists will also contain (3) names of persons having storage facility and drying equipment loan installments which will become due during the period of loan availability, and (4) the dates such installments will become due. The term "producer" as used in this subpart and on applicable price support forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to such an approved cooperative marketing association.

(e) *Approval by county committee.* If a producer has been convicted of a criminal act or has made a misrepresentation in connection with any price support program or has unlawfully disposed of any loan collateral or if the county committee has had difficulty in settling a loan with the producer because of his failure to protect properly the mortgaged honey or for other reasons, the producer may be denied price support until the county committee is satisfied that CCC will be fully protected against any possible loss other than loss assumed by CCC under the regulations in this subpart.

(f) *Joint loans.* Two or more eligible producers may obtain a joint loan on eligible honey produced and extracted by them if stored in the same storage facility. Each producer who obtains a joint loan will be jointly and severally liable for the obligations under the loan documents and this subpart.

§ 1434.4 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest in the honey must be in the producer tendering it as security for a loan or for purchase and must have always been in him or in him and a former producer whom he succeeded as owner of the bees before the honey was extracted, except that heirs who (1) succeeded to the beneficial interest of a decedent producer, (2) assume the decedent's obligation under a loan if a loan has already been obtained, and (3) assure continued safe storage of the honey, if under farm storage loan, shall be eligible for price support as producers whether such succession occurs before or after extraction of the honey. If price support is made available through an approved cooperative marketing association, the beneficial interest in the honey must always have been in the producer members who delivered the honey to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the honey was extracted, except as provided in the case of heirs of a decedent producer. Honey acquired by a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the honey to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the marketing of the honey as provided in Part 1425 of this chapter.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to ownership of the bees which produced the honey shall have been substantially assumed by the person claiming succession. Mere purchase of the honey prior to extraction without acquisition of any additional interest in the production unit shall not constitute succession.

(c) *Doubtful cases.* Any Producer or cooperative in doubt as to whether his interest in the honey complies with the requirements of this section should, before requesting price support, make available to the county committee all pertinent information which will permit a determination to be made by CCC.

§ 1434.5 Filing or recording of chattel mortgages.

(a) *Security.* The county office shall file or record as required by State law all chattel mortgages which cover honey under loan and stored on leased premises as described in § 1434.9(a)(1). As used in this subpart, the term "Chattel Mortgage" means any security instrument which secures a farm storage loan. Where appropriate, the filing or recordation as required by State law may be made by filing a financing statement which describes the identity, quantity, ownership, and location of the honey placed under loan. The cost of filing and recording shall be for the account of CCC.

(b) *Revenue stamps.* A farm storage note and chattel mortgage must have State and documentary revenue stamps affixed thereto when required by law.

(c) *Restrictions in use of agents.* A producer shall not delegate to any person (or his representative) who has any interest in storing, processing, or merchandising honey authority to exercise on behalf of the producer any of the producer's rights or privileges under this program or any loan agreement or other instrument executed in obtaining price support unless the person (or his representative) to whom authority is delegated is serving in the capacity of a farm manager for the producer. Any delegation of authority given in violation of this paragraph shall be without force and effect and shall not be recognized by CCC.

§ 1434.6 Availability, disbursement, and maturity of loans.

(a) *Where to request price support.* A producer shall request price support at the local ASCS county office of the county in which the honey is stored. An approved cooperative marketing association must request price support at the ASCS county office for the county in which the principal office of the cooperative is located unless the State committee designates some other ASCS county office. In the case of an approved cooperative marketing association having operations in two or more States, requests may be made at the county office for the county in which its principal office for each such State is located.

(b) *Availability and maturity date.* The availability and maturity date applicable to loans and purchases will be specified in the annual crop year supplement to the regulations in this subpart, except that whenever the final date of availability or the maturity date falls on a nonworkday for ASCS county offices, the applicable final date shall be extended to include the next work day.

(c) *Disbursement of loans.* Disbursement of loans will be made to producers by means of drafts drawn on CCC or by credit to the producer's account. The producer shall not present the loan document for disbursement unless the honey covered by the mortgage or pledge has been extracted and is in approved storage. If the honey was not either in existence or extracted at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1434.7 Eligible honey.

Honey must meet the requirements of this section in addition to other applicable eligibility requirements of this subpart and the applicable annual supplement thereto in order to be eligible for a loan or for delivery under a loan or purchase. Honey described in § 1434.8 is not eligible.

(a) *Production.* The honey must have been produced and extracted in the United States by an eligible producer during the calendar year for which price support is requested.

(b) *Floral source.* Honey from the floral sources listed below and honey having similar flavor shall be eligible for price support and shall be classed as follows:

(1) *Table honey.* Table honey means honey having a good flavor of the predominant floral source which can be readily marketed for table use in all parts of the country. Such sources include Alfalfa, Bird's-foot Trefoil, Blackberry, Brazil Brush, Catsclaw, Clover, Cotton, Firewood, Gallberry, Huajillo, Lima Bean, Mesquite, Orange, Raspberry, Sage, Saw Palmetto, Soybean, Sourwood, Star Thistle, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, Wild Alfalfa, and similar mild flavors, or blends of mild flavored honeys, as determined by the Director, Farmer Programs Division, ASCS.

(2) *Nontable honey.* Nontable honey means honey having a predominant flavor of limited acceptability for table use but which may be considered suitable for table use in areas in which it is produced. Such honeys include those with a predominant flavor of Aster, Avocado, Buckwheat (except Western Wild Buckwheat), Cabbage Palmetto, Dandelion, Eucalyptus, Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove, Manzanita, Mint, Partridge Pea, Rattan Vine, Safflower, Salt Cedar (Tamarix Gallica), Spanish Needle, Spikeweed, Titi-Toyon (Christmas Berry), Tulip-Poplar, Wild Cherry, and similarly flavored honey or blends of such honeys, as determined by the Director, Farmer Programs Division, ASCS.

(c) *Containers.* The honey must be packed in metal containers of a capacity of not less than 5 gallons or greater than 70 gallons and of a style used in normal commercial practice in the honey industry.

(1) *Five-gallon.* The 5-gallon containers must contain approximately 60 pounds of honey and shall be new, clean, sound, uncased, and free from appreciable dents and rust. The handle of each container must be firm and strong enough to permit carrying the filled can. The cover and can opening must not be damaged in any way that will prevent a tight seal. Cans which are punctured or have been punctured and resealed by soldering will not be acceptable.

(2) *Steel drums.* Steel drums must be open-end type, filled to their rated capacities and be new, or used drums which have been reconditioned inside and outside. They must be clean, treated to prevent rusting and fitted with gaskets which provide a tight seal.

§ 1434.8 Ineligible honey.

(a) *Floral source.* Honey from the following floral sources is not eligible for price support regardless of whether it meets other eligibility requirements: Andromeda, Athel, Bitterweed, Broomweed, Cajeput, Carrot, Chinquapin, Dog Fennel, Desert Holly Hock, Gumweed, Mescal, Onion, Prickly Pear, Prune, Queen's Delight, Rabbit Brush, Snowbrush (Ceanothus), Snow-on-the-Mountain, Tarweed, and similar objectionable flavored honey or blends of honey as determined by the Director, Farmer Programs Division, ASCS. If any blends of honey contain such ineligible honey, the lot as a whole shall be considered ineligible for loan or delivery for purchase.

(b) *Contamination or poisonous substances.* Honey which is contaminated or which contains chemicals or other substances poisonous to man or animals is not eligible for price support.

(c) *Containers.* Honey packed in steel drums which have removable liners of polyethylene, or other materials is not eligible for price support regardless of whether it meets other eligibility requirements.

§ 1434.9 Approved storage.

(a) *Loans.* Loans will be made only on honey in approved farm storage or approved cooperative storage as defined in this section.

(1) *Farm storage.* Approved farm storage shall consist of a storage structure located on or off the farm (excluding public or commercial warehouses) which is determined by the county committee to be under the control of the producer and to afford safe storage for honey. Producers may also obtain loans on honey stored on leased space in facilities owned by third parties in which the honey of more than one person is stored if the honey on such leased space to be placed under loan is segregated from all other honey, is identified by markings on each container of honey, and if the segregated quantity of honey is identified by a lot number and the name of the producer as owner thereof. A copy of the lease shall be obtained by the county office before a loan is made. The lease shall authorize the producer and any person having an interest in the honey to enter on the premises to inspect and examine the honey and shall permit a reasonable time to such persons to remove the honey from the premises on its termination.

(2) *Cooperative storage.* Approved cooperative storage shall consist of a storage structure operated by an approved cooperative marketing association as defined in § 1434.3(d) and licensed to store honey under the United States Warehouse Act.

(b) *Segregation of loan collateral.* If the honey in a storage structure secures more than one loan, the honey must be segregated so as to preserve the identity of the honey securing each loan. Honey securing a loan must also be segregated from any nonloan honey in the same structure.

(c) *Purchase.* Purchases will be made by CCC without regard to whether the honey is in approved storage.

§ 1434.10 Warehouse receipts.

(a) *General.* Warehouse receipts tendered to CCC under this program must meet the requirements of the regulations in this subpart and Part 108 of this title.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the approved cooperative marketing association. The receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by a warehouse licensed to store honey under the United States Warehouse Act and represent a lot of extracted honey stored identity preserved. The receipt must be negotiable and must represent eligible honey actually in storage in the warehouse.

§ 1434.11 Applicable forms.

The forms for use in connection with this program shall be as follows: Form CCC–614, Purchase Agreement; Form CCC–677, Farm Storage Note, Chattel Mortgage, and Security Agreement; Form CCC–678, Warehouse Storage Note and Security Agreement; Form CCC–679, Lien Waiver; Form CCC–681, Authorization for Removal of Farm Stored Collateral; Form CCC–687–1, Approval to Move Loan Collateral; Form CCC–691, Commodity Delivery Notice; Form CCC–692, Settlement Statement; Form CCC–693, Price Support Settlement Intention (Farm Storage); Form CCC–694, Price Support Settlement Intention (Warehouse Storage); and Form CCC–828, List Furnished to Cooperative Associations; and such other forms as may be prescribed by CCC. These forms may be obtained in ASCS State and county offices.

§ 1434.12 Liens.

If there are any liens or encumbrances on the honey, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on honey tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC–864) with CCC in which he subordinates his security interest to the rights of CCC in the honey subject to the loan or such other quantity of honey as is delivered in satisfaction of a loan under the provisions of this subpart. No additional liens or encumbrances shall be placed on the honey after the loan is approved.

§ 1434.13 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $4 for each farm storage loan disbursed. An approved cooperative marketing association shall pay a loan service fee of $2 for each cooperative storage loan disbursed. The loan service fee is not refundable.

(b) *Delivery charge.* A delivery charge of 1 cent per hundredweight, in addition to any loan service fee, shall be paid by producers at time of settlement on the quantity of honey acquired by CCC under the loan or purchase.

§ 1434.14 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under these regulations, the amount due the producer, after deduction of applicable fees and charges and amounts due prior lienholders, shall be applied to such installment(s).

(b) *Producers listed on claims control record.* If a producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the ASCS county claims control record, amounts due the producer under the program provided in this subpart, after deduction of amounts payable on farm storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1434.15 Determination of quantity.

(a) *For loan purposes.* The estimated quantity of honey placed under loan shall be determined as provided in § 1434.22. The estimate shall be made on the basis of 12 pounds for each gallon of rated capacity of the container.

(b) *At time of acquisition*—(1) *Farm storage.* The quantity of honey acquired by CCC on delivery in liquidation of a loan or delivery for purchase shall be determined by weighing the honey delivered under the direction of the State committee. The quantity of honey acquired in 5-gallon cans shall be determined by using a tare weight of 2.5 pounds for each can. The quantity of honey acquired in 55-gallon drums shall be determined by using a tare weight of 53 pounds for each drum unless the producer can furnish evidence of a lesser tare weight.

(2) *Cooperative storage.* The quantity of honey acquired by CCC in approved cooperative storage in liquidation of a loan or delivery for purchase shall be the net weight shown on the weight certificate accompanying and identified to the warehouse receipt pledged to CCC or representing honey offered to CCC for purchase.

§ 1434.16 Determination of quality.

(a) *Quality for loan*—(1) *Farm storage.* Loans on farm stored honey will be made on the basis of the floral source, color, and class (table or nontable) of the honey as declared and certified by the producer on the Farm Storage Work Sheet at the time the honey is placed under loan.

(2) *Cooperative storage.* Loans on cooperative stored honey will be made on the basis of (i) the class and (ii) the floral source and color of the honey as shown on the Extracted Honey Inspection and Weight Certificate accompanying the warehouse receipt representing such honey.

(b) *Samples for delivery.* When honey is delivered to CCC, its quality and color shall be determined by the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, in accordance with U.S. Standards for Grades of Extracted Honey on the basis of samples drawn by ASCS representatives supervising delivery. Samples shall not be drawn until the producer has designated all lots. Single containers shall not be considered as lots unless necessitated by color or floral source. The cost of quality and color determination for a maximum of four lots shall be for the account of CCC.

(c) *Segregation by color.* Table honey shall, insofar as is practicable, be segregated into lots by color to conform with the color categories stated in the crop year supplement. If a lot of honey is not segregated so that it can be certified as one color in accordance with the U.S. Standards for Grades of Extracted Honey, the rate for settlement under a loan or purchase shall be based on the darkest color shown on the inspection certificate: *Provided,* That if the inspection certificate at time of delivery to CCC shows that the lot of honey contains more than two colors and if the number of samples of the darkest color shown on such certificate is not more than one-sixth of the total number of samples, the color for the purpose of settlement shall be the next lighter color.

(d) *Segregation by classes.* If the honey is not segregated so that it can be classified as table honey, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

(e) *Blends.* In the case of blends of table and nontable honeys, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

§ 1434.17 Interest rate.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1434.18 Transfer of producer's interest prohibited.

The producer shall not transfer either his remaining interest in or his right to redeem honey mortgaged as security for a loan, nor shall anyone acquire such interest or right. Subject to the provisions of § 1434.23, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the honey must obtain written prior approval of the county office on a form prescribed by CCC to remove the honey from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers or prospective purchasers at the ASCS county office.

§ 1434.19 Insurance.

CCC will not require the producer to insure the honey placed under a farm stored loan; however, if the producer insures such honey and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its extent of its interest, after first satisfying the producer's equity in the honey involved in the loss.

§ 1434.20 Loss or damage.

The producer is responsible for any loss in quantity or quality or any loss due to change in color of the honey placed under loan. Notwithstanding the foregoing, any such loss arising solely from a physical injury to the honey occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the honey destroyed up to a quantity not in excess of that required to secure the outstanding loan (or, if the honey is not destroyed, in an amount equivalent to the extent of the loss as determined by CCC) less any insurance proceeds to which CCC may be entitled and less any salvage value of the honey: *Provided,* That no such loss shall be assumed by CCC unless it is established to its satisfaction that: (a) The loss occurred to the honey without fault, negligence, or conversion on the part of the producer or on the part of any other person having control of the storage structure; (b) the loss resulted solely from an external cause (other than insect infestation, vermin or animals) such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood, or other act of God; (c) the producer gave the county office immediate notice of such loss or damage; and (d) the producer made no fraudulent representation in the loan documents or in obtaining the loan.

§ 1434.21 Personal liability of the producer.

(a) *Fraud relating to loans and unlawful disposition.* The making of any fraudulent representation by a producer in the loan documents in obtaining a loan, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the honey by him will render the producer subject to criminal prosecution under Federal law.

If a producer has made any such fraudulent representation or unlawful disposition, the loan shall become payable upon demand and the producer shall be personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amount paid to the producer in connection with the honey, and for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts. If a producer has made any such fraudulent representation or any unlawful disposition, the amount for which he shall be credited will be the market value of the honey as determined by CCC on the date of delivery to or removal from storage by CCC, or the sales price if the honey is sold by CCC in order to determine its market value. If the unlawful disposition of loan collateral is determined by CCC not to have been willful conversion, the value of the honey or part thereof delivered to CCC or removed by CCC shall be the same as the settlement value for eligible honey acquired by CCC as provided in this subpart.

(b) *Fraud relating to purchases.* If the producer has made a fraudulent representation in a price support purchase by CCC or in the purchase documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes, for any loss which CCC sustains upon the honey delivered under the purchase. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the honey delivered under the purchase plus all costs sustained by CCC in connection with the honey together with interest on such amounts, less the market value, as determined by CCC, as of the close of the market on the date of delivery, or the net sales price of the honey if the honey is sold in order to determine its market value.

(c) *Overdisbursement.* If the amount disbursed under a loan or purchase exceeds the price support value of the honey upon settlement determined as authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(d) *Contamination or poisonous substances.* A producer shall be personally liable for any damages resulting from delivery to CCC of contaminated honey or honey containing chemicals or other substances poisonous to man or animals.

(e) *Joint loans.* In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

§ 1434.22 Quantity for loan.

(a) *Farm storage.* Loans shall be made on not more than 90 percent (hereinafter called "loan percentage") of the estimated quantity of eligible honey stored in an approved farm storage to be covered by the chattel mortgage. The State committee may establish a lower loan percentage on a statewide basis or for specified areas within the State. In establishing a loan percentage lower than the maximum loan percentage, the State committee shall consider the following factors: (1) General crop conditions, (2) factors affecting quality peculiar to an area or State, and (3) climatic conditions affecting storability. A new loan percentage shall apply only to new loans and not to loans already made. The loan percentage established by the State committee may be lowered by the county committee on an individual producer basis when determined to be necessary in order to provide CCC with adequate protection. Factors to be considered by the county committee are: (i) Condition or suitability of the storage structure, (ii) condition of the honey, (iii) hazardous location of the storage structure, such as a location which exposes the structure to danger of hazards of flood, fire, and theft (when the percentage is lowered for one or more of these hazards, the producer shall be notified in writing that CCC will not assume any loss or damage to the loan collateral resulting from the particular hazards to which the structure was exposed), (iv) disagreement on the estimated quantity, (v) producers who have been approved under § 1434.3(e), and (vi) factors peculiar to individual farms or producers as reported by the commodity loan inspector or as known to the county office which relate to the preservation or safety of the loan collateral. Farm storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. In any event, the chattel mortgage shall cover all the honey in the lot in which the honey on which the loan is made is stored.

(b) *Cooperative storage.* The amount of a loan on the quantity of eligible honey stored in a licensed warehouse operated by an approved cooperative shall be based on a percentage, as determined by the State committee, of the net weight specified on the warehouse receipt representing the honey offered as security for the loan. Such percentage shall not exceed 95 percent of the weight so specified.

§ 1434.23 Release of the honey under loan.

(a) *Obtaining release—farm storage.* A producer shall not remove honey covered by a chattel mortgage until he has received prior approval in writing from the county committee. A producer may, at any time, obtain release of all or part of the honey remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of honey released plus interest. When the proceeds of a sale of honey are needed to repay all or part of the loan, see § 1434.18.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county office manager shall release the chattel mortgage.

(c) *Obtaining release—Cooperative storage.* A cooperative may arrange with the county office for release of all or part of the honey under a cooperative storage loan on or prior to maturity by repayment of the amount of the loan with respect to the quantity of the honey to be released plus interest. Each partial release must cover all of the honey represented by one warehouse receipt.

§ 1434.24 Liquidation of loans.

(a) *General.* Except with respect to the loss or damage CCC will assume under § 1434.20, the producer is required to pay off his loan or deliver to CCC a sufficient quantity of eligible honey having a price support value equal to the outstanding balance of the loan. Deliveries may be either of the identical honey which is subject to the chattel mortgage or of other honey of his production and extraction eligible for price support and shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. In making delivery in liquidation of the loan, any quantity of eligible honey delivered in excess of the quantity necessary to settle the amount due on the loan may be delivered to CCC notwithstanding the provisions of § 1434.25 and settlement shall be made under § 1434.26. Delivery points shall be limited to those approved by the Minneapolis ASCS Commodity Office.

(b) *Notice to county committee.* If the producer desires to deliver the honey to CCC, he must give the county committee notice in writing of his intention to do so within a reasonable time prior to the applicable loan maturity date.

(c) *Honey going out of condition.* If, prior to delivery to CCC, the honey is going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the honey is going out of condition or is in danger of going out of condition and that the honey cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of § 1434.20 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(d) *Delivery before maturity date.* When considered necessary to protect the interest of CCC or when requested by the producer, the county committee may call the loan and accept delivery of the honey prior to the loan maturity date.

(e) *Storage deduction for early delivery.* If the loan maturity date is accelerated upon request of the producer and the acceleration is approved by CCC, the settlement value of the honey shall be reduced by one-twentieth of a cent per pound per month or fraction thereof, from the date delivery is accomplished, or from the final date for delivery shown in the delivery instructions, whichever is earlier, to and including the original loan maturity date.

§ 1434.25 Purchases from producers.

(a) *Quantity eligible for purchase.* An eligible producer may sell to CCC any or all of his eligible honey which is not mortgaged to CCC under a loan: *Provided*, That he executes and delivers to the county office prior to the maturity date a Purchase Agreement (Form CCC–614) indicating the approximate quantity of honey he will sell to CCC. The producer is not obligated, however, to complete the sale by delivery of any quantity of his honey to CCC. Delivery points for honey under purchase shall be limited to those approved by the Commodity Office.

(b) *Delivery period.* The producer desiring to complete the sale of any quantity of honey subject to a purchase agreement must make delivery of the honey within the period of time, after the honey price support loan maturity date shown in the applicable crop supplement, specified in delivery instructions issued by the county office. Delivery shall be made to the location specified in such instructions. Notwithstanding any other provisions of this § 1434.25, in the case of eligible honey not under loan, the county committee may, on request of a producer, purchase and accept delivery of such eligible honey prior to loan maturity date. In the event of such purchase and delivery, the settlement value of the honey shall be reduced as provided in paragraph (e) of § 1434.24.

§ 1434.26 Settlement.

(a) *General.* Except as provided in §§ 1434.20 and 1434.21 and paragraph (b) of this section, settlement with the producer for eligible honey acquired by CCC under loan or purchase will be made on the basis of the quantity, class, quality, and color of such honey as provided in this section and other applicable provisions of this subpart. The settlement value of honey shall be the product of the support rate for the class, grade, quality, and color times the quantity acquired at the time of settlement adjusted by the discounts contained in the crop supplement. The support rate per pound of honey at which settlement will be made shall be the rate for the State where the producer obtained price support.

(b) *Ineligible honey inadvertently accepted by CCC.* If ineligible honey is inadvertently accepted by CCC, the settlement value shall be the market value as of the date of delivery as determined by CCC. The provisions of § 1434.21 shall be applicable to settlement on ineligible honey where there has been a fraudulent representation on the part of the producer.

(c) *Payments of amount due producer.* If the settlement value of the honey delivered exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer. Any payment due the producer on either a loan or purchase will be made by draft drawn on CCC by the county office.

(d) *Payment of deficiency by producer.* If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of any deficiency plus interest thereon shall be paid to CCC. If it is not promptly paid, CCC may, in addition to any of its other rights, satisfy the amount of such deficiency plus interest out of any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(e) *Storage where CCC is unable to take delivery.* A producer may be required to retain the honey under loan or for sale to CCC for 60 days after the loan maturity date without any cost to CCC. However, if CCC is unable to take delivery of the honey within the 60-day period after the loan maturity date, the producer shall be paid a storage payment upon delivery of the honey to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after such maturity date and extend through the earlier of: (1) The final date of delivery, or (2) the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the storage rate stated in the applicable CCC storage agreement for honey in effect at the delivery point where he delivers.

§ 1434.27 Foreclosure.

(a) *Removal from storage.* If the loan indebtedness (i.e., the unpaid amount of the note, interest and charges) is not satisfied upon maturity of the note, CCC may remove the honey from storage, and assign, transfer, and deliver the honey or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine, at public or private sale. Any such disposition may similarly be effected without the prior removal of the honey from storage. The honey may be processed before sale. CCC may become the purchaser of the whole or any part of the honey hereunder at either a public or private sale.

(b) *When CCC takes title to honey.* Upon maturity and nonpayment of the producer's note, at CCC's election, title to all or any part of the unredeemed honey securing the note as CCC may designate shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed honey, CCC shall have no obligation to pay for any market value which such honey may have in excess of the loan indebtedness.

(c) *Payments to producer.* Nothing herein shall preclude the making of the following payments to the producer or to his personal representative or heirs who meet the conditions set forth in § 1434.4, without right of assignment to or substitution of any other party: (1) Any amount by which the settlement value of the collateral honey exceeds the principal amount of the loan, or (2) the amount by which the proceeds of sale exceed the loan indebtedness including interest and charges if the collateral honey is sold to third persons as provided in paragraph (a) of this section instead of full title to such collateral honey being acquired by CCC as provided in paragraph (b) of this section.

(d) *Honey sold at less than amount due on loan.* If honey is removed from storage by CCC and is sold pursuant to paragraph (a) of this section at less than the amount due on the loan (excluding interest), the producer shall pay CCC the amount by which the settlement value (or, if higher, the sales proceeds) of the honey removed by CCC is less than the amount of the loan, plus interest on the amount of such deficiency. The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

§ 1434.28 Charges not to be assumed by CCC.

CCC will not assume any charges for insurance, storage, or handling or processing.

§ 1434.29 Handling payments and collections not exceeding $3.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1434.30 Death, incompetency, or disappearance.

In the case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum under a loan or purchase, payment of such sum upon proper application to the office of the county committee which made the loan shall be made to the persons who would be entitled to such producer's payment under the regulations contained in Chapter VII, Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture, of this title (Payments of Amounts Due Persons Who Have Died, Disappeared or Have Been Declared Incompetent).

§ 1434.31 ASCS Commodity Office and Data Processing Center.

The Minneapolis ASCS Commodity Office serves all States for honey. Accounting, recording, and reporting for all States will be handled through the Data Processing Center, Post Office Box 205, Kansas City, Mo. 64141.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 21, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-4990; Filed, Apr. 25, 1969; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS AND GENERAL INFORMATION

Commission Seal and Flag

The official AEC seal was established by the Commission on March 6, 1957, pursuant to authority contained in section 21 of the Atomic Energy Act of 1954, 42 U.S.C. 2031. Notice of adoption of a seal, together with a description of the seal, was published in the FEDERAL REGISTER on March 19, 1957 (22 F.R. 1744), and is codified in 10 CFR § 1.260. The Commission has adopted an amendment of 10 CFR Part 1, "Statement of Organization, Delegations, and General Information," to establish criteria for use of the seal. The Commission has also adopted criteria for use of the AEC flag, to be incorporated in 10 CFR Part 1.

Because this amendment relates to AEC management and to public property, as described in section 4(2) of the Administrative Procedure Act of 1946, as amended, 5 U.S.C. section 553(a)(2), the Commission has found that general notice of proposed rule making and public procedure thereon are not required and that good cause exists why this amendment should be made effective immediately without the customary period of prior notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendment of 10 CFR Part 1 is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

10 CFR Part 1, Subpart F, is amended to read as follows:

Subpart F—Seal and Flag

Sec.
1.260 Establishment of the AEC seal.
1.261 Custody of the AEC seal.
1.262 Use of the AEC seal, or replicas thereof.
1.263 Establishment of the official AEC flag.
1.264 Use of the AEC flag.
1.265 Compliance and enforcement.
1.266 Illustration of AEC seal.

AUTHORITY: The provisions of this Subpart F issued under sec. 21, 68 Stat. 924; 42 U.S.C. 2031; sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

Subpart F—Seal and Flag

§ 1.260 Establishment of the AEC seal.

Pursuant to the Atomic Energy Act of 1954, as amended, the Commission has adopted an official seal the design and description of which follows:

On a dark blue disk, a stylized atomic symbol consisting of the nucleus, in orange red, surrounded by four electrons tracing their orbit in gold. On a light blue annulet edged in gold the inscription "ATOMIC ENERGY COMMISSION" in upper portion. In lower portion, "UNITED STATES OF AMERICA." A five-pointed gold star appears between the words "ATOMIC" and "UNITED" and another between the words "COMMISSION" and "AMERICA".

The Official Seal is illustrated in § 1.266.

§ 1.261 Custody of the AEC seal.

The Secretary shall be responsible for custody of the AEC impression seals and of replica (plaque) seals.

§ 1.262 Use of the AEC seal, or replicas thereof.

(a) The use of the AEC seal or replicas thereof is restricted to the following:
(1) AEC letterhead stationery.
(2) AEC award certificates and medals.
(3) Security credentials and employee identification cards.
(4) AEC documents. These documents include, without limitation, agreements with States, interagency or intergovernmental agreements, foreign patent applications, certifications, special reports to the President and Congress and, at the discretion of the Secretary, other documents as he finds appropriate.
(5) Plaques. The design of the seal may be incorporated in plaques for display in Commission auditoriums, presentation rooms, lobbies, offices of senior officials, on the fronts of buildings occupied by AEC and in other appropriate locations at the discretion of the Secretary.
(6) The AEC flag (which incorporates the design of the seal).
(7) Official films prepared by or for the Commission, which the Director, Division of Public Information or his designee determines warrant such identification.
(8) Official AEC publications which represent the achievements or mission of AEC as a whole or which are sponsored by AEC and other Government departments or agencies.
(9) Such other uses as the Secretary or his designee finds appropriate.

(b) Any use of the AEC seal or replicas thereof other than as permitted by this section is prohibited.

(c) Any person who uses the official AEC seal in a manner other than as permitted by this section shall be subject to the provisions of 18 U.S.C. 1017, which provides penalties for the wrongful use of an official seal, and other provisions of law as applicable.

§ 1.263 Establishment of the official AEC flag.

The official AEC flag is based on the design of the seal and was designed by the Heraldry Branch of the Office of the Quartermaster General in April 1957. The AEC flag is 4 feet 2 inches by 5 feet 6 inches in size with a 38-inch diameter AEC seal incorporated in the center of a white field and with a yellow fringe. (Reference: Army QMG Dwg. 5-1-230, Nov. 28, 1956.)

§ 1.264 Use of the AEC flag.

(a) The use of the AEC flag is restricted to the following:
(1) On or in front of AEC installation buildings.
(2) At AEC ceremonies.
(3) At conferences involving official AEC participation (including permanent display in AEC conference rooms).
(4) At governmental or public appearances of AEC executives.
(5) In private offices of senior officials.
(6) As otherwise authorized by the Secretary.

(b) The AEC flag must always be displayed with the U.S. flag. When the U.S. flag and the AEC flag are displayed on a speaker's platform in an auditorium, the U.S. flag must occupy the position of honor and be placed at the AEC representative's right as he faces the audience and the AEC flag must be placed at his left.

§ 1.265 Compliance and enforcement.

In order to insure adherence to the authorized uses of the AEC seal and flag as provided herein, a report of each suspected violation of this part or questionable use of the AEC seal or flag should be submitted to the Secretary.

§ 1.266 Illustration of the AEC seal.



Dated at Washington, D.C., this 23d day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4992; Filed, Apr. 25, 1969; 8:45 a.m.]

PART 115—PROCEDURE FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Contents of Applications

On April 3, 1969, F.R. Doc. 69-3852 was published in the FEDERAL REGISTER (34 F.R. 6036), amending, among other things, the Atomic Energy Commission's regulation 10 CFR Part 115. In paragraph 6 of the amendments, the section being amended by deletion of paragraph (e) was erroneously referred to as § 115.23 rather than § 115.22. Accordingly, the text of paragraphs 6 and 7 in F.R. Doc. 69-3852 is amended to read as follows:

§ 115.22 [Amended]

6. Paragraph (e) of § 115.22 is deleted.

7. A new paragraph (j) is added to § 115.23 to read as follows:

§ 115.23 Contents of applications: technical information safety analysis report.

Each application shall state the following technical information:

* * * * *

(j) The technical qualifications of the applicant to engage in the proposed activities.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 22d day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4973; Filed, Apr. 25, 1969; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Subpart J—Procedures, Payment of Benefits, and Disqualification of Representatives

On January 7, 1969, there was published in the FEDERAL REGISTER (34 F.R. 207) a notice of proposed rule making with proposed amendments to the Federal Old-Age, Survivors, and Disability Insurance regulations relating to the procedures concerning the suspension or disqualification of individuals from acting as representatives of claimants in proceedings before the Secretary affecting matters within the jurisdiction of the Social Security Administration. Interested persons were given the opportunity to submit written comments, views, or objections with regard to the proposed regulations. No comments or objections have been received and the proposed regulations are hereby adopted without significant change and are set forth below.

(Secs. 205, 206, 1102, and 1872, 53 Stat. 1368, as amended, 53 Stat. 1372, as amended, 49 Stat. 647, as amended, 70 Stat. 332; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 406, 1302, and 1395ii)

Effective date. These regulations shall be effective upon publication in the FEDERAL REGISTER.

Dated: March 20, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: April 22, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.906, paragraph (g), is added to read as follows:

§ 404.906 Administrative actions which are not initial determinations.

* * * * *

(g) The disqualification or suspension of an individual from acting as a representative in a proceeding before the Social Security Administration (see § 404.979).

2. Sections 404.979, 404.980, and 404.981 are amended to read as follows:

§ 404.979 Disqualification or suspension of an individual from acting as a representative in proceedings before the Social Security Administration.

Whenever it appears that an individual has violated any of the rules in § 404.978, or has been convicted of a violation under section 206 of the Social Security Act, or has otherwise refused to comply with the Secretary's rules and regulations governing representation of claimants before the Social Security Administration, the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance may institute proceedings as herein provided to suspend or disqualify such individual from acting as a representative in proceedings before the Administration.

§ 404.980 Notice of charges.

The Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance will prepare a notice containing a statement of charges that constitutes the basis for the preceeding against the individual. This notice will be delivered to the individual charged, either by certified or registered mail to his last known address or by personal delivery, and will advise the individual charged to file an answer, within 30 days from the date the notice was mailed, or was delivered to him personally, indicating why he should not be suspended or disqualified from acting as a representative before the Social Security Administration. This 30-day period may be extended for good cause shown, by the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance. The answer must be in writing under oath (or affirmation) and filed with the Social Security Administration, Bureau of Hearings and Appeals, P.O. Box 2518, Washington, D.C. 20013, with a copy to the Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Md. 21235, within the prescribed time limitation. If an individual charged does not file an answer within the time prescribed, he shall not have the right to present evidence. However, see § 404.983(f) relating to statements with respect to sufficiency of the evidence upon which the charges are based or challenging the validity of the proceedings.

§ 404.981 Withdrawal of charges.

If an answer is filed or evidence is obtained that establishes, to the satisfaction of the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, that reasonable doubt exists about whether the individual charged should be suspended or disqualified from acting as a representative before the Social Security Administration, the charges may be withdrawn. The notice of withdrawal shall be mailed to the individual charged at his last known address.

3. Sections 404.982 through 404.990 are added to read as follows:

§ 404.982 Referral to Bureau of Hearings and Appeals for hearing and decision.

If action is not taken to withdraw the charges before the expiration of 15 days after the time within which an answer may be filed, the record of the evidence in support of the charges shall be referred to the Bureau of Hearings and Appeals with a request for a hearing and a decision on the charges.

§ 404.983 Hearing on charges.

(a) *Hearing officer.* Upon receipt of the notice of charges, the record, and the request for hearing (see § 404.982), the Director, Bureau of Hearings and Appeals, or his delegate shall designate a hearing examiner to act as a hearing officer to hold a hearing on the charges. No hearing officer shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party to the hearing may have to the hearing officer who has been designated to conduct the hearing shall be made at the earliest opportunity. The hearing officer shall consider the objection(s) and shall, in his discretion, either proceed with the hearing or withdraw. If the hearing officer withdraws, another hearing officer shall be designated as provided in this section to conduct the hearing. If the hearing officer does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council as reason why he believes the hearing officer's decision should be revised or a new hearing held before another hearing officer.

(b) *Time and place of hearing.* The hearing officer shall notify the individual charged and the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, of the time and place for a hearing on the charges. The notice of the hearing shall be mailed to the individual charged at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, not less than 20 days prior to the date fixed for the hearing.

(c) *Change of time and place for hearing.* The hearing officer may change the time and place for the hearing (see paragraph (b) of this section) either on his own motion or at the request of a party for good cause shown. The hearing officer may adjourn or postpone the hearing, or he may reopen the hearing

for the receipt of additional evidence at any time prior to the mailing of notice of the decision in the case (see § 404.984). Reasonable notice shall be given to the parties of any change in the time or place of hearing or of an adjournment or reopening of the hearing.

(d) *Parties.* A person against whom charges have been preferred under the provisions of § 404.979 shall be a party to the hearing. The Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, shall also be a party to the hearing.

(e) *Subpoenas.* Any party to the hearing may request the hearing officer or a member of the Appeals Council to issue subpoenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are relevant and material to any matter in issue at the hearing. The hearing officer may on his own motion issue subpoenas for the same purposes when he deems such action reasonably necessary for the full presentation of the facts. Any party who desires the issuance of a subpoena shall, not less than 5 days prior to the time fixed for the hearing, file with the hearing officer a written request therefor, designating the witnesses or documents to be produced, and describing the address or location thereof with sufficient particularity to permit such witnesses or documents to be found. The request for a subpoena shall state the pertinent facts which the party expects to establish by such witness or document and whether such facts could be established by other evidence without the use of a subpoena. Subpoenas, as provided for above, shall be issued in the name of the Secretary of Health, Education, and Welfare, and the Social Security Administration shall pay the cost of the issuance and the fees and mileage of any witness so subpoenaed, as provided in section 205(d) of the Act.

(f) *Conduct of the hearing.* The hearing shall be open to the parties and to such other persons as the hearing officer or the individual charged deems necessary or proper. The hearing officer shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters: *Provided, however,* That if the individual charged has filed no answer he shall have no right to present evidence but in the discretion of the hearing officer may appear for the purpose of presenting a statement of his contentions with regard to the sufficiency of the evidence or the validity of the proceedings upon which his suspension or disqualification, if it occurred, would be predicated or, in his discretion, the hearing officer may make or recommend a decision (see § 404.984) on the basis of the record referred in accordance with § 404.982. If the individual has filed an answer and if the hearing officer believes that there is relevant and material evidence available which has not been presented at the hearing, the hearing officer may at any time prior to the mailing of notice of the decision, or submittal of a recommended decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the hearing officer.

(g) *Evidence.* Evidence may be received at the hearing, subject to the provisions herein, even though inadmissible under the rules of evidence applicable to court procedure. The hearing officer shall rule on the admissibility of evidence.

(h) *Witnesses.* Witnesses at the hearing shall testify under oath or affirmation. The witnesses of a party may be examined by such party or by his representative, subject to interrogation by the other party or by his representative. The hearing officer may ask such questions as he deems necessary. He shall rule upon any objection made by either party as to the propriety of any question.

(i) *Oral and written summation.* The parties shall be given, upon request, a reasonable time for the presentation of an oral summation and for the filing of briefs or other written statements of proposed findings of fact and conclusions of law. Copies of such briefs or other written statements shall be filed in sufficient number that they may be made available to any party in interest requesting a copy and to any other party designated by the Appeals Council.

(j) *Record of hearing.* A complete record of the proceedings at the hearing shall be made and transcribed in all cases.

(k) *Representation.* The individual charged may appear in person and he may be represented by counsel or other representative.

(l) *Failure to appear.* If after due notice of the time and place for the hearing, a party to the hearing fails to appear and fails to show good cause as to why he could not appear, such party shall be considered to have waived his right to be present at the hearing. The hearing officer may hold the hearing so that the party present may offer evidence to sustain or rebut the charges.

(m) *Dismissal of charges.* The hearing officer may dismiss the charges in the event of the death of the individual charged.

(n) *Cost of transcript.* On the request of a party, a transcript of the hearing before the hearing officer will be prepared and sent to the requesting party upon the payment of cost, or if the cost is not readily determinable, the estimated amount thereof, unless for good cause such payment is waived.

§ 404.984 Decision by hearing officer.

(a) *General.* As soon as practicable after the close of the hearing, the hearing officer shall issue a decision (or certify the case with a recommended decision to the Appeals Council for decision under the rules and procedures described in §§ 404.942 through 404.944) which shall be in writing and contain findings of fact and conclusions of law. The decision shall be based upon the evidence of record. If the hearing officer finds that the charges have been sustained, he shall either

(1) Suspend the individual for a specified period of not less than 1 year, nor more than 5 years, from the date of the decision, or

(2) Disqualify the individual from further practice before the Administration until such time as the individual may be reinstated under § 404.990.

A copy of the decision shall be mailed to the individual charged at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, together with notice of the right of either party to request the Appeals Council to review the decision of the hearing officer.

(b) *Effect of hearing officer's decision.* The hearing officer's decision shall be final and binding unless reversed or modified by the Appeals Council upon review (see § 404.988).

(1) If the final decision is that the individual is disqualified from practice before the Social Security Administration, he shall not be permitted to represent an individual in a proceeding before the Administration until authorized to do so under the provisions of § 404.990.

(2) If the final decision suspends the individual for a specified period of time, he shall not be permitted to represent an individual in a proceeding before the Social Security Administration during the period of suspension unless authorized to do so under the provisions of § 404.990.

§ 404.985 Right to request review of the hearing officer's decision.

(a) *General.* After the hearing officer has issued a decision, either of the parties (see § 404.983) may request the Appeals Council to review the decision.

(b) *Time and place of filing request for review.* The request for review shall be made in writing and filed with the Appeals Council within 30 days from the date of mailing the notice of the hearing officer's decision, except where the time is extended for good cause. The requesting party shall certify that a copy of the request for review and of any documents that are submitted therewith (see § 404.986) have been mailed to the opposing party.

§ 404.986 Procedure before Appeals Council on review of hearing officer's decision.

The parties shall be given, upon request, a reasonable time to file briefs or other written statements as to fact and law and to appear before the Appeals Council for the purpose of presenting oral argument. Any brief or other written statement of contentions shall be filed with the Appeals Council, and the presenting party shall certify that a copy has been mailed to the opposing party.

§ 404.987 Evidence admissible on review.

(a) *General.* Evidence in addition to that introduced at the hearing before the hearing officer may not be admitted except where it appears to the Appeals Council that the evidence is relevant and material to an issue before it and subject to the provisions in this section.

(b) *Individual charged filed answer.* Where it appears to the Appeals Council that additional relevant material is available and the individual charged filed an answer to the charges (see § 404.980), the Appeals Council shall require the production of such evidence and may designate a hearing officer or member of the Appeals Council to receive such evidence. Before additional evidence is admitted into the record, notice that evidence will be received with respect to certain issues shall be mailed to the parties, and each party shall be given a reasonable opportunity to comment on such evidence and to present other evidence which is relevant and material to the issues unless such notice is waived.

(c) *Individual charged did not file answer.* Where the individual charged filed no answer to the charges (see § 404.980), evidence in addition to that introduced at the hearing before the hearing officer may not be admitted by the Appeals Council.

§ 404.988 Decision by Appeals Council on review of hearing officer's decision.

The decision of the Appeals Council shall be based upon evidence received into the hearing record (see § 404.983(f)) and such further evidence as the Appeals Council may receive (see § 404.987) and shall either affirm, reverse, or modify the hearing officer's decision. The Appeals Council, in modifying a hearing officer's decision suspending the individual for a specified period shall in no event reduce a period of suspension to less than 1 year, or in modifying a hearing officer's decision to disqualify an individual shall in no event impose a period of suspension of less than 1 year. Where the Appeals Council affirms or modifies a hearing officer's decision, the period of suspension or disqualification shall be effective from the date of the Appeals Council's decision. Where a period of suspension or disqualification is initially imposed by the Appeals Council, such suspension or disqualification shall be effective from the date of the Appeals Council's decision. The decision of the Appeals Council will be in writing and a copy of the decision will be mailed to the individual at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance.

§ 404.989 Dismissal by Appeals Council.

The Appeals Council may dismiss a request for the review of any proceedings instituted under § 404.979 pending before it in any of the following circumstances:

(a) *Upon request of party.* Proceedings pending before the Appeals Council may be discontinued and dismissed upon written application of the party or parties who filed the request for review provided there is no party who objects to discontinuance and dismissal.

(b) *Death of party.* Proceedings before the Appeals Council may be dismissed upon death of a party against whom charges have been preferred.

(c) *Request for review not timely filed.* A request for review of a hearing officer's decision shall be dismissed when the party has failed to file a request for review within the time specified in § 404.985 and such time is not extended for good cause.

§ 404.990 Reinstatement after suspension or disqualification.

(a) *General.* An individual shall be automatically reinstated to serve as a representative before the Social Security Administration at the expiration of any period of suspension. In addition, after 1 year from the effective date of any suspension or disqualification, an individual who has been suspended or disqualified from acting as a representative in proceedings before the Social Security Administration may petition the Appeals Council for reinstatement prior to the expiration of a period of suspension or following a disqualification order. The petition for reinstatement shall be accompanied by any evidence the individual wishes to submit. The Appeals Council shall notify the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, of the receipt of the petition and grant him 30 days in which to present a written report of any experiences which the Administration may have had with the suspended or disqualified individual during the period subsequent to the suspension or disqualification. A copy of any such report shall be made available to the suspended or disqualified individual.

(b) *Basis of action.* A request for revocation of a suspension or a disqualification shall not be granted unless the Appeals Council is reasonably satisfied that the petitioner is not likely in the future to conduct himself contrary to the provisions of section 206(a) of the Social Security Act or the rules and regulations of the Social Security Administration.

(c) *Notice.* Notice of the decision on the request for reinstatement shall be mailed to the petitioner and a copy shall be mailed to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance.

(d) *Effect of denial.* If a petition for reinstatement is denied, a subsequent petition for reinstatement shall not be considered prior to the expiration of 1 year from the date of notice of the previous denial.

[F.R. Doc. 69-4997; Filed, Apr. 25, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

POTASSIUM SODIUM COPPER CHLOROPHYLLIN (CHLOROPHYLLIN-COPPER COMPLEX); LISTING FOR DRUG AND COSMETIC USE EXEMPT FROM CERTIFICATION

The Commissioner of Food and Drugs, based on consideration given a petition (CAP 77) filed by Colgate-Palmolive Co., 300 Park Avenue, New York, N.Y. 10022, and other relevant material, finds that potassium sodium copper chlorophyllin (chlorophyllin-copper complex) is safe for use in or on drugs and cosmetics under the conditions prescribed in this order and that certification is not necessary for the protection of the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(2), (d)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 8 be amended by adding § 8.6014 to Subpart F and § 8.8004 to Subpart H, as follows:

§ 8.6014 Potassium sodium copper chlorophyllin (chlorophyllin-copper complex).

(a) *Identity.* (1) The color additive potassium sodium copper chlorophyllin is a green to black powder obtained from chlorophyll by replacing the methyl and phytyl ester groups with alkali and replacing the magnesium with copper. The source of the chlorophyll is dehydrated alfalfa.

(2) Color additive mixtures for drug use made with potassium sodium copper chlorophyllin may contain only those diluents that are suitable and that are listed in this subpart as safe for use in color additive mixtures for coloring drugs.

(b) *Specifications.* Potassium sodium copper chlorophyllin shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Moisture, not more than 5.0 percent.
Nitrogen, not more than 5.0 percent.
pH of 1 percent solution, 9 to 11.
Total copper, not less than 4 percent and not more than 6 percent.
Free copper, not more than 0.25 percent.
Iron, not more than 0.5 percent.

Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 5 parts per million.
Ratio, absorbance at 405 mμ to absorbance at 730 mμ, not less than 3.4 and not more than 3.9.
Total color, not less than 75 percent.

(c) *Uses and restrictions.* Potassium sodium copper chlorophyllin may be safely used for coloring dentifrices that are drugs at a level not to exceed 0.1 percent. Authorization for this use shall not be construed as waiving any of the requirements of section 505 of the act with respect to the drug in which it is used.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

§ 8.8004 Potassium sodium copper chlorophyllin (chlorophyllin-copper complex).

(a) *Identity and specifications.* The color additive potassium sodium copper chlorophyllin shall conform in identity and specifications to the requirements of § 8.6014 (a) (1) and (b).

(b) *Uses and restrictions.* Potassium sodium copper chlorophyllin may be safely used for coloring dentifrices that are cosmetics subject to the following conditions:

(1) It shall not be used at a level in excess of 0.1 percent.

(2) It may be used only in combination with the following substances:

Water.
Glycerin.
Sodium carboxymethylcellulose.
Tetrasodium pyrophosphate.
Sorbitol.
Magnesium phosphate, tribasic.
Calcium carbonate.
Calcium phosphate, dibasic.
Sodium *N*-lauroyl sarcosinate.
Artificial sweeteners that are generally recognized as safe or that are authorized under Part 121 of this chapter.
Flavors that are generally recognized as safe or that are authorized under Part 121 of this chapter.
Preservatives that are generally recognized as safe or that are authorized under Part 121 of this chapter.

(c) *Labeling.* The label of the color additive shall conform to the requirements of § 8.32.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c) (2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c) (2), (d))

Dated: April 21, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–4974; Filed, Apr. 25, 1969; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl O-2-Pyrazinyl Phosphorothioate

A petition (PP 9F0777) was filed with the Food and Drug Administration by American Cyanamid Co., Box 400, Princeton, N.J. 08540, proposing the establishment of tolerances for negligible residues of the insecticide *O,O*-diethyl *O*-2-pyrazinyl phosphorothioate and its oxygen analog diethyl 2-pyrazinyl phosphate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, mint, and strawberries at 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The tolerances established by this order will protect the public health.

2. The insecticide and its oxygen analog should be added to the list of members of the class of cholinesterase-inhibiting pesticides.

3. Tolerances are unnecessary regarding meat or milk since the proposed usage is not reasonably expected to result in residues of the insecticide or its oxygen analog occurring in these commodities. The usage is classified in the category specified in § 120.6(a)(3).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. By alphabetically inserting two new items in § 120.3(e)(5), as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * * * *

(e) * * *

(5) * * *

Diethyl 2-pyrazinyl phosphate.
O,O-Diethyl *O*-2-pyrazinyl phosphorothioate.

* * * * * * *

2. By adding a new section to Subpart C, as follows:

§ 120.264 *O,O*-Diethyl *O*-2-pyrazinyl phosphorothioate and its oxygen analog; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the insecticide *O,O*-diethyl *O*-2-pyrazinyl phosphorothioate and its oxygen analog diethyl 2-pyrazinyl phosphate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, mint, and strawberries.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–4975; Filed, Apr. 25, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

BUQUINOLATE

§ 121.291 [Amended]

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, and other relevant material, concludes that § 121.191, the food additive regulation for buquinolate, should be amended by deleting the 24-hour withdrawal period limitation. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.291 *Buquinolate* is amended in the table in paragraph (a) by deleting from item 1.1 the limitation in the fifth column "withdraw 24-hours before slaughter;".

B. Based upon the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner further concludes that where chickens are treated with the additive in accordance with § 121.291, as amended herein, tolerance limitations are required to assure that edible tissues and eggs from treated chickens are safe for human consumption. Accordingly, § 121.1002 is revised to read as follows:

§ 121.1002 Buquinolate.

Tolerances for residues of buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate) in edible tissues and eggs of chickens are established as follows: 0.4 part per million in liver, kidney, and skin with fat; 0.1 part per million in muscle; and 0.01 part per million (negligible residue) in eggs.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: April 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–4977; Filed, Apr. 25, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BHT AND BHA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2344) filed by Idaho Potato Foods, Inc., Post Office Box 596, Idaho Falls, Idaho 83401, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of BHT and BHA, alone or in combination, as antioxidants in dehydrated potato shreds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.1034(b) is amended by alphabetically inserting in the list a new item, as follows:

§ 121.1034 BHT.

* * * * * * *

(b) * * *

Food	*Limitations (total BHA and BHT) parts per million*
* * *	* * *
Dehydrated potato shreds	50
* * *	* * *

* * * * * * *

2. Section 121.1035(b) is amended by alphabetically inserting in the list a new item, as follows:

§ 121.1035 BHA.

* * * * * * *

(b) * * *

Food	*Limitations (total BHA and BHT) parts per million*
* * *	* * *
Dehydrated potato shreds	50
* * *	* * *

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become edective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–4976; Filed, Apr. 25, 1969; 8:45 a.m.]

PART 128—HUMAN FOODS; CURRENT GOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

In the FEDERAL REGISTER of December 15, 1967 (32 F.R. 17980), the Commissioner of Food and Drugs proposed the promulgation of Part 128 covering current good manufacturing practice (sanitation) in the manufacture, processing, packing, or holding of human foods. Comments were received in response thereto which resulted in significant changes in the proposed regulations, and the Commissioner concluded that a revised proposal should be published. The revised proposal was published December 20, 1968 (33 F.R. 19023), and provided for the filing of comments within 30 days. The time for filing comments was extended to February 18, 1969, by a notice published January 10, 1969 (34 F.R. 399).

In response to the revised proposal, communications were received from 46 firms and trade associations. Some recommended issuance of guidelines in place of regulations. Suggestions for changes were mostly of a clarifying nature. A few offered full endorsement to the proposal.

Having considered the comments received and other relevant material, the Commissioner concludes that the proposed regulations, with some of the suggested changes adopted, should be promulgated as set forth below.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Title 21 is amended by adding to Chapter I a new Part 128, as follows:

Sec.
128.1 Definitions.
128.2 Current good manufacturing practice (sanitation).
128.3 Plant and grounds.
128.4 Equipment and utensils.
128.5 Sanitary facilities and controls.
128.6 Sanitary operations.
128.7 Processes and controls.
128.8 Personnel.
128.9 Exclusions.

AUTHORITY: The provisions of this Part 128 issued under secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a).

§ 128.1 Definitions.

The definitions and interpretations contained in section 201 of the Federal Food, Drug, and Cosmetic Act are applicable to such terms when used in this part. The following definitions shall also apply:

(a) "Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

(b) "Plant" means the building or buildings or parts thereof, used for or in connection with the manufacturing, processing, packaging, labeling, or holding of human food.

(c) "Sanitize" means adequate treatment of surfaces by a process that is effective in destroying vegetative cells of pathogenic bacteria and in substantially reducing other micro-organisms. Such treatment shall not adversely affect the product and shall be safe for the consumer.

§ 128.2 Current good manufacturing practice (sanitation).

The criteria in §§ 128.3 through 128.8 shall apply in determining whether the facilities, methods, practices, and controls used in the manufacture, processing, packing, or holding of food are in conformance with or are operated or administered in conformity with good manufacturing practices to assure that food for human consumption is safe and has been prepared, packed, and held under sanitary conditions.

§ 128.3 Plant and grounds.

(a) *Grounds.* The grounds about a food plant under the control of the operator shall be free from conditions which may result in the contamination of food including, but not limited to, the following:

(1) Improperly stored equipment, litter, waste, refuse, and uncut weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractant, breeding place, or harborage for rodents, insects, and other pests.

(2) Excessively dusty roads, yards, or parking lots that may constitute a source of contamination in areas where food is exposed.

(3) Inadequately drained areas that may contribute contamination to food products through seepage or foot-borne filth and by providing a breeding place for insects or micro-organisms.

If the plant grounds are bordered by grounds not under the operator's control of the kind described in subparagraphs (1) through (3) of this paragraph, care must be exercised in the plant by inspection, extermination, or other means to effect exclusion of pests, dirt, and other filth that may be a source of food contamination.

(b) *Plant construction and design.* Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food-processing purposes. The plant and facilities shall:

(1) Provide sufficient space for such placement of equipment and storage of materials as is necessary for sanitary operations and production of safe food. Floors, walls, and ceilings in the plant shall be of such construction as to be adequately cleanable and shall be kept clean and in good repair. Fixtures, ducts, and pipes shall not be so suspended over working areas that drip or condensate may contaminate foods, raw materials, or food-contact surfaces. Aisles or working spaces between equipment and between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of food or food-contact surfaces with clothing or personal contact.

(2) Provide separation by partition, location, or other effective means for those operations which may cause contamination of food products with undesirable micro-organisms, chemicals, filth, or other extraneous material.

(3) Provide adequate lighting to hand-washing areas, dressing and locker rooms, and toilet rooms and to all areas where food or food ingredients are examined, processed, or stored and where equipment and utensils are cleaned. Light bulbs, fixtures, skylights, or other glass suspended over exposed food in any step of preparation shall be of the safety type or otherwise protected to prevent food contamination in case of breakage.

(4) Provide adequate ventilation or control equipment to minimize odors and noxious fumes or vapors (including steam) in areas where they may contaminate food. Such ventilation or control equipment shall not create conditions that may contribute to food contamination by airborne contaminants.

(5) Provide, where necessary, effective screening or other protection against birds, animals, and vermin (including, but not limited to, insects and rodents).

§ 128.4 Equipment and utensils.

All plant equipment and utensils should be (a) suitable for their intended use, (b) so designed and of such material and workmanship as to be adequately cleanable, and (c) properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

§ 128.5 Sanitary facilities and controls.

Each plant shall be equipped with adequate sanitary facilities and accommodations including, but not limited to, the following:

(a) *Water supply.* The water supply shall be sufficient for the operations intended and shall be derived from an adequate source. Any water that contacts foods or food-contact surfaces shall be safe and of adequate sanitary quality. Running water at a suitable temperature and under pressure as needed shall be provided in all areas where the processing of food, the cleaning of equipment, utensils, or containers, or employee sanitary facilities require.

(b) *Sewage disposal.* Sewage disposal shall be made into an adequate sewerage system or disposed of through other adequate means.

(c) *Plumbing.* Plumbing shall be of adequate size and design and adequately installed and maintained to:

(1) Carry sufficient quantities of water to required locations throughout the plant.

(2) Properly convey sewage and liquid disposable waste from the plant.

(3) Not constitute a source of contamination to foods, food products or ingredients, water supplies, equipment, or utensils or create an insanitary condition.

(4) Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

(d) *Toilet facilities.* Each plant shall provide its employees with adequate toilet and associated hand-washing facilities within the plant. Toilet rooms shall be furnished with toilet tissue. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems, etc.). Signs shall be posted directing employees to wash their hands with cleaning soap or detergents after using toilet.

(e) *Hand-washing facilities.* Adequate and convenient facilities for hand washing and, where appropriate, hand sanitizing shall be provided at each location in the plant where good sanitary practices require employees to wash or sanitize and dry their hands. Such facilities shall be furnished with running water at a suitable temperature for hand washing, effective hand-cleaning and sanitizing preparations, sanitary towel service or suitable drying devices, and, where appropriate, easily cleanable waste receptacles.

(f) *Rubbish and offal disposal.* Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize the development of odor, prevent waste from becoming an attractant and harborage or breeding place for vermin, and prevent contamination of food, food-contact surfaces, ground surfaces, and water supplies.

§ 128.6 Sanitary operations.

(a) *General maintenance.* Buildings, fixtures, and other physical facilities of the plant shall be kept in good repair and shall be maintained in a sanitary condition. Cleaning operations shall be conducted in such a manner as to minimize the danger of contamination of food and food-contact surfaces. Detergents, sanitizers, and other supplies employed in cleaning and sanitizing procedures shall be free of significant microbiological contamination and shall be safe and effective for their intended uses. Only such toxic materials as are required to maintain sanitary conditions, for use in laboratory testing procedures, for plant and equipment maintenance and operation, or in manufacturing or processing operations shall be used or stored in the plant. These materials shall be identified and used only in such manner and under conditions as will be safe for their intended uses.

(b) *Animal and vermin control.* No animals or birds, other than those essential as raw material, shall be allowed in any area of a food plant. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of foods in or on the premises by animals, birds, and vermin (including, but not limited to, rodents and insects). The use of insecticides or rodenticides is permitted only under such precautions and restrictions as will prevent the contamination of food or packaging materials with illegal residues.

(c) *Sanitation of equipment and utensils.* All utensils and product-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent contamination of food and food products. Nonproduct-contact surfaces of equipment used in the operation of food plants should be cleaned as frequently as necessary to minimize accumulation of dust, dirt, food particles, and other debris. Single-service articles (such as utensils intended for one-time use, paper cups, paper towels, etc.) should be stored in appropriate containers and handled, dispensed, used, and disposed of in a manner that prevents contamination of food or food-contact surfaces. Where necessary to prevent the introduction of undesirable microbiological organisms into food products, all utensils and product-contact surfaces of equipment used in the plant shall be cleaned and sanitized prior to such use and following any interruption during which such utensils and contact surfaces may have become contaminated. Where such equipment and utensils are used in a continuous production operation, the contact surfaces of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule using adequate methods for cleaning and sanitizing. Sanitizing agents shall be effective and safe under conditions of use. Any facility, procedure, machine, or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine, or device will routinely render equipment and utensils clean and provide adequate sanitizing treatment.

(d) *Storage and handling of cleaned portable equipment and utensils.* Cleaned and sanitized portable equipment and utensils with product-contact surfaces should be stored in such a location and manner that product-contact surfaces are protected from splash, dust, and other contamination.

§ 128.7 Processes and controls.

All operations in the receiving, inspecting, transporting, packaging, segregating, preparing, processing, and storing of food shall be conducted in accord with adequate sanitation principles. Overall sanitation of the plant shall be under the supervision of an individual assigned responsibility for this function. All reasonable precautions, including the following, shall be taken to assure that production procedures do not contribute contamination such as filth, harmful chemicals, undesirable micro-organisms, or any other objectionable material to the processed product:

(a) Raw material and ingredients shall be inspected and segregated as necessary to assure that they are clean, wholesome, and fit for processing into human food and shall be stored under conditions that will protect against contamination and minimize deterioration. Raw materials shall be washed or cleaned as required to remove soil or other contamination. Water used for washing, rinsing, or conveying of food products shall be of adequate quality, and water shall not be reused for washing, rinsing, or conveying products in a manner that may result in contamination of food products.

(b) Containers and carriers of raw ingredients should be inspected on receipt to assure that their condition has not contributed to the contamination or deterioration of the products.

(c) When ice is used in contact with food products, it shall be made from potable water and shall be used only if it has been manufactured in accordance with adequate standards and stored, transported, and handled in a sanitary manner.

(d) Food-processing areas and equipment used for processing human food should not be used to process nonhuman food-grade animal feed or inedible products unless there is no reasonable possibility for the contamination of the human food.

(e) Processing equipment shall be maintained in a sanitary condition through frequent cleaning including sanitization where indicated. Insofar as necessary, equipment shall be taken apart for thorough cleaning.

(f) All food processing, including packaging and storage, should be conducted under such conditions and controls as are necessary to minimize the potential for undesirable bacterial or other microbiological growth, toxin formation, or deterioration or contamination of the processed product or ingredients. This may require careful monitoring of such physical factors as time, temperature, humidity, pressure, flow-rate and such processing operations as freezing, dehydration, heat processing, and refrigeration to assure that mechanical breakdowns, time delays, temperature fluctuations, and other factors do not contribute to the decomposition or contamination of the processed products.

(g) Chemical, microbiological, or extraneous-material testing procedures shall be utilized where necessary to identify sanitation failures or food contamination, and all foods and ingredients that have become contaminated shall be rejected or treated or processed to eliminate the contamination where this may be properly accomplished.

(h) Packaging processes and materials shall not transmit contaminants or objectionable substances to the products, shall conform to any applicable food additive regulation (Part 121 of this chapter), and should provide adequate protection from contamination.

(i) Meaningful coding of products sold or otherwise distributed from a manufacturing, processing, packing, or repacking activity should be utilized to enable positive lot identification to facilitate, where necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use. Records should be retained for a period of time that exceeds the shelf life of the product, except that they need not be retained more than 2 years.

(j) Storage and transportation of finished products should be under such conditions as will prevent contamination, including development of pathogenic or toxigenic micro-organisms, and will protect against undesirable deterioration of the product and the container.

§ 128.8 Personnel.

The plant management shall take all reasonable measures and precautions to assure the following:

(a) *Disease control.* No person affected by disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contamination, shall work in a food plant in any capacity in which there is a reasonable possibility of food or food ingredients becoming contaminated by such person, or of disease being transmitted by such person to other individuals.

(b) *Cleanliness.* All persons, while working in direct contact with food preparation, food ingredients, or surfaces coming into contact therewith shall:

(1) Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty, to the extent necessary to prevent contamination of food products.

(2) Wash their hands thoroughly (and sanitize if necessary to prevent contamination by undesirable micro-organism) in an adequate hand-washing facility before starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated.

(3) Remove all insecure jewelry and, during periods where food is manipulated by hand, remove from hands any jewelry that cannot be adequately sanitized.

(4) If gloves are used in food handling, maintain them in an intact, clean, and sanitary condition. Such gloves should be of an impermeable material except where their usage would be inappropriate or incompatible with the work involved.

(5) Wear hair nets, headbands, caps, or other effective hair restraints.

(6) Not store clothing or other personal belongings, eat food or drink beverages, or use tobacco in any form

in areas where food or food ingredients are exposed or in areas used for washing equipment or utensils.

(7) Take any other necessary precautions to prevent contamination of foods with micro-organisms or foreign substances including, but not limited to, Perspiration, hair, cosmetics, tobacco, chemicals and medicants.

(c) *Education and training.* Personnel responsible for identifying sanitation failures or food contamination should have a background of education or experience, or a combination thereof, to provide a level of competency necessary for production of clean and safe food. Food handlers and supervisors should receive appropriate training in proper food-handling techniques and food-protection principles and should be cognizant of the danger of poor personal hygiene and insanitary practices.

(d) *Supervision.* Responsibility for assuring compliance by all personnel with all requirements of this Part 128 shall be clearly assigned to competent supervisory personnel.

§ 128.9 Exclusions.

The following operations are excluded from coverage under these general regulations, however, the Commissioner will issue special regulations when he believes it necessary to cover these excluded operations: Establishments engaged solely in the harvesting, storage, or distribution of one or more raw agricultural commodities, as defined in section 201(r) of the act, which are ordinarily cleaned, prepared, treated or otherwise processed before being marketed to the consuming public.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Secs. 402(a)(4), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 342(a)(4), 371(a))

Dated: April 21, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-4978; Filed, Apr. 25, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

Subchapter D—Rental Housing Insurance

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.19 the introductory text of paragraph (b) and paragraph (c)(5) are amended to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * * * *

(b) *Rate of return.* Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semiannual or annual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after:

* * * * * * *

(c) *Requirements incident to insurance of advances.* * * *

(5) Prior to the initial endorsement of the mortgage for insurance, the mortgagor and the mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

* * * * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

Section 213.27(d) is amended to read as follows:

§ 213.27 Assurance of completion.

* * * * * * *

(d) Prior to the initial endorsement of the mortgage for insurance, the mortgagor and the mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

* * * * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

Section 220.611 is amended to read as follows:

§ 220.611 Building loan agreement.

When the principal amount of the loan exceeds $40,000, and there is to be insurance of advances during construction of the improvements, the borrower and lender shall, prior to the initial endorsement of the loan for insurance, execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.524(a)(1) a new subdivision (iv) is added to read as follows:

§ 221.524 Prepayment privileges.

(a) *Prepayment in full—(1) Without prior Commissioner consent.* * * *

(iv) Where the mortgage is insured pursuant to section 221(h) of the Act and the prepayment occurs as a result of a sale of the individual units comprising the project.

* * * * * * *

In § 221.531 the introductory text of paragraph (b) is amended to read as follows:

§ 221.531 Supervision applicable to general mortgagors.

* * * * * * *

(b) *Rate of return.* Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semiannual or annual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after:

* * * * * * *

Section 221.541 is amended to read as follows:

§ 221.541 Building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and the mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

In § 221.559b paragraph (c)(1)(ii) is amended to read as follows:

§ 221.559b Eligibility for insurance under section 221(j) of mortgage financing purchase of existing project by cooperative.

* * * * * * *

(c) * * *

(1) * * *

(ii) The project's actual cost at the time of completion (as determined by the Commissioner) or the project's fair market value for residential purposes as determined by the Commissioner on the basis of operating the project without the benefit of a below market interest rate mortgage or rent supplement payments and without the controls by the Commissioner over the project imposed by the provisions in this subpart, whichever amount is the greater.

* * * * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

Section 232.55 is amended to read as follows:

§ 232.55 Building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and the mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

Section 232.61(a) is amended to read as follows:

§ 232.61 Equity requirements.

(a) *Funds and finances—in general.* The mortgagor shall establish to the Commissioner's satisfaction that, in addition to the proceeds of the insured mortgage, the mortgagor has adequate funds to meet the expenses of the project (including the cost of equipment and supplies not to be purchased with mortgage proceeds) for such period as the Commissioner estimates as necessary to establish a sustaining level of operation.

* * * * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements—Homes for Lower Income Families

In § 235.5 paragraph (a) is amended, paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

§ 235.5 Definitions used in this subpart.

* * * * * * *

(a) "Adjusted annual income" means the annual family income remaining after making certain exclusions from gross annual income. The following items shall be excluded, in the order listed, from family gross annual income:

(1) 5 percent of such gross annual income, in lieu of amounts to be withheld (social security, retirement, health insurance, etc.).

(2) Any unusual income or temporary income, as defined by the Commissioner.

(3) The earnings of each minor in the family who is living with such family, plus the sum of $300 for each such minor.

* * * * * * *

(d) "Gross annual income" means the total income, before taxes and other deductions, received by all members of the mortgagor's household. There shall be included in this total income all wages, social security payments, retirement benefits, military and veteran's disability payments, unemployment benefits, welfare benefits, interest and dividend payments, and such other income items as the Commissioner considers appropriate.

* * * * * * *

In § 235.15 paragraph (c) is amended to read as follows:

§ 235.15 Eligible types of dwellings.

* * * * * * *

(c) A one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project) which is released from a multifamily project, the construction or substantial rehabilitation of which shall have been completed not more than 2 years prior to the filing of the application for assistance payments under Subpart C of this part. The family unit shall have had no previous occupant other than the mortgagor.

* * * * * * *

In § 235.20 paragraphs (a) through (e) are redesignated as paragraphs (b) through (f) and a new paragraph (a) is added to read as follows:

§ 235.20 Requirements for family unit in condominium.

* * * * * * *

(a) *FHA project financing.* The project in which the family unit is located shall (except where it involves 11 or less units) have been financed with a mortgage which is or has been insured under any of the FHA multifamily housing programs other than sections 213(a)(1) and 213(a)(2) of the National Housing Act.

* * * * * * *

(Sec. 211, 52 Stat. 23, as amended, sec. 235, 82 Stat. 477, as amended; 12 U.S.C. 1715b, 1715z)

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Subpart A—Eligibility Requirements for Mortgage Insurance

In Part 236, Subpart A in the Table of Contents a new § 236.2 is added as follows:

Sec.
236.2 Definitions used in this subpart.

In Part 236, Subpart A a new § 236.2 is added to read as follows:

§ 236.2 Definitions used in this subpart.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Adjusted monthly income" means one-twelfth of the annual family income remaining after making certain exclusions from gross annual income. The following items shall be excluded, in the order listed, from family gross annual income:

(1) 5 percent of such gross annual income, in lieu of amounts to be withheld (social security, retirement, health insurance, etc.).

(2) Any unusual income or temporary income, as defined by the Commissioner.

(3) The earnings of each minor in the family who is living with such family, plus the sum of $300 for each such minor.

(b) "Family" means two or more persons related by blood, marriage, or operation of law, who occupy the same dwelling or unit.

(c) "Gross annual income" means the total income, before taxes and other deductions, received by all members of the tenant's household. There shall be included in this total income all wages, social security payments, retirement benefits, military and veteran's disability payments, unemployment benefits, welfare benefits, interest and dividend payments and such other income items as the Secretary considers appropriate.

(d) "Handicapped" means a person who has a physical impairment which:

(1) Is expected to be of long-continued and indefinite duration.

(2) Substantially impedes his ability to live independently.

(3) Is of such nature that his ability to live independently could be improved by more suitable housing conditions.

(e) "Minor" means a person under the age of 21. Such term shall not include a tenant or his spouse.

In § 236.50 paragraph (a) is amended to read as follows:

§ 236.50 Supervision applicable to limited distribution mortgagors.

(a) Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semiannual or annual fiscal period. The amount of any allowable distribution, or disbursement from surplus cash, shall not exceed in any 1 fiscal year more than 6 percent of the mortgagor's initial equity investment in the projects, as determined by the Commissioner.

* * * * * * *

§ 236.55 [Amended]

In § 236.55 paragraph (d) is deleted.

In § 236.70 paragraph (a)(4) is amended and paragraphs (d) and (e) are deleted as follows:

§ 236.70 Occupancy requirements.

(a) *Initial occupancy.* • • •

(4) A handicapped person.

• • • • •

(Sec. 211, 52 Stat. 23, as amended, sec. 236, 82 Stat. 498, as amended; 12 U.S.C. 1715b, 1715z–1)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

Section 1000.80 is amended to read as follows:

§ 1000.80 Building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and the mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE AND GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

Section 1100.67 is amended to read as follows:

§ 1100.67 Insured advances—building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and the mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

(Sec. 1101, 80 Stat. 1255, 1274; 12 U.S.C. 1749 aaa–1 et seq.)

Issued at Washington, D.C., April 22, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69–4987; Filed, Apr. 25, 1969; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

Imports of Gold Coin

Section 54.20 of the Gold Regulations is being amended to permit the importation without a license of gold coins made before 1934. Licenses will be required to import any gold coins made during 1934 or later. Licenses for importation may be issued for coins minted before 1960 which can be established to the satisfaction of the Director, Office of Domestic Gold and Silver Operations, to be of recognized special value to collectors of rare and unusual coin and to have been originally issued to circulate as coinage within the country of issue. Licenses for importation may be issued for gold coins made during or subsequent to 1960 only in cases where the particular coin was licensed for importation prior to April 30, 1969. Because the amendments relieve an existing restriction and in the case of coins made after 1933 make no change in present Regulations and licensing policies, it is found that notice and public procedure thereon are unnecessary.

Section 54.20 is amended to read:

§ 54.20 Rare coin.

(a) Gold coin of recognized special value to collectors of rare and unusual coin may be acquired, held, and transported within the United States without the necessity of holding a license therefor. Such coin may be imported, however, only as permitted by this section or §§ 54.28 to 54.30, 54.34 or licenses issued thereunder, and may be exported only in accordance with the provisions of § 54.25.

(b) Gold coin made prior to 1934 is considered to be of recognized special value to collectors of rare and unusual coin.

(c) Gold coin made during or subsequent to 1934 is presumed not to be of recognized special value to collectors of rare and unusual coin.

(d) Gold coin made prior to 1934, may be imported without the necessity of obtaining a license therefor.

(e) Gold coin made during or subsequent to 1934 may be imported only pursuant to a specific or general license issued by the Director, Office of Domestic Gold and Silver Operations. Licenses under this paragraph may be issued only for gold coin made prior to 1960, which can be established to the satisfaction of the Director to be of recognized special value to collectors of rare and unusual coin and to have been originally issued for circulation within the country of issue. Licenses may be issued for gold coin made during or subsequent to 1960 in cases where the particular coin was licensed for importation prior to April 30, 1969. Application for a specific license under this paragraph shall be executed on Form TG–31 and filed in duplicate with the Director.

(Sec. 5(b), 40 Stat. 415, as amended, secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U.S.C. 95a, 31 U.S.C. 442, 733, 734, 822b, E.O. 6260, Aug. 28, 1933, as amended by E.O. 10896, 25 F.R. 12281, E.O. 10905, 26 F.R. 321, E.O. 11037, 27 F.R. 6967; 3 CFR, 1959–63 Comp. and E.O. 6359, Oct. 25, 1933, E.O. 9193, as amended, 7 F.R. 5205; 3 CFR 1943, Cum. Supp., E.O. 10289, 16 F.R. 9499, 3 CFR, 1949–53 Comp.)

Effective date: These amendments shall become effective on publication in the FEDERAL REGISTER.

Dated: April 22, 1969.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

[F.R. Doc. 69–4994; Filed, Apr. 25, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

PART 14–2—PROCUREMENT BY FORMAL ADVERTISING

PART 14–7—CONTRACT CLAUSES

Correction of CFR as of Jan. 1, 1969

The following amendments to 41 CFR Parts 14–2 and 14–7 published at 3 F.R. 18579, Dec. 14, 1968, were inadvertently omitted from 41 CFR Chapters 6 to 17, revised as of Jan. 1, 1969.

§14–2.405–50 Other irregularities in bids.

All communications with the Comptroller General will be conducted by the Assistant Secretary for Administration: *Provided, however,* That contracting officers may submit bid irregularities and other questions pertaining to contract awards directly to the Comptroller General when demanded by exigency or pressure of circumstance. When time will permit, consultation with members of the Office of the Solicitor, either at its headquarters or regional or field office, shall be accomplished prior to such communication. A copy of the letter, with attachments, if any, to the Comptroller General shall be forwarded simultaneously to the Director, Office of Survey and Review and to the Office of the Solicitor.

§ 14–7.602–50(5)(a) Safety and health.

(a) In the interest of uniformity the heads of bureaus and offices shall require in every construction contract the inclusion of a safety and health clause similar to the one given below, containing as a minimum those requirements. Insert in the blank space of the clause the title of (1) the bureaus' and offices' own approved construction safety manual, (2) "Construction Safety Standards" of the Bureau of Reclamation,[1] or (3) "Manual of Accident Prevention in Construction" (latest revised edition) of the Associated General Contractors of America, Inc.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 148h]

KANAMYCIN SULFATE

Kanamycin B Content Testing Method

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 148h.1 (b)(9) be revised to read as follows to provide for an improved testing method for kanamycin B content:

§ 148h.1 Kanamycin sulfate.

• • • • •

(b) • • •

(9) *Kanamycin B content*—(i) *Test procedure.* Proceed as directed in § 141.–110 (a), (b), and (c) of this chapter, preparing the sample for assay as follows: To 100 milligrams, accurately weighed, of kanamycin sulfate in a suitable container (such as a serum vial), add 5.0 milliliters of 6*N* hydrochloric acid, and tightly close the container. Heat in a water bath at 100° C. for 1 hour and cool. Add 4 milliliters of 6*N* sodium hydroxide, then dilute with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain an activity equivalent to 1 microgram of kanamycin per milliliter (estimated).

(ii) *Estimation of potency.* Proceed as directed in § 141.110(d) of this chapter, except calculate the micrograms of kanamycin B per milligram of sample as follows:

$$K_b \text{ (micrograms of kanamycin B per milligram of sample)} = \frac{P \times 0.46 \times \text{dilution factor} \times 18.5}{\text{Sample weight in milligrams}},$$

where:

P = Observed potency of the assay solution in micrograms of kanamycin per milliliter;

0.46 = Empirical factor to correct for the fact that kanamycin B is 2.18 times as potent as kanamycin on a weight basis;

18.5 = Empirical factor to correct for the loss of kanamycin B activity due to heating the assay solution in acid.

(iii) *Calculation of kanamycin B content.* Calculate the kanamycin B content of the sample as follows:

$$\text{Percent of kanamycin B} = \frac{K_b \times 100}{K_t - 1.18 \times K_b},$$

where:

K_b = Micrograms of kanamycin B per milligram of sample;

K_t = Total kanamycin per milligram of sample.

• • • • •

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–4979; Filed, Apr. 25, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 52]

CERTAIN MANPOWER PROGRAMS

Proposed Fiscal Safeguards

To utilize in the summer work and training programs under section 123(a)(1) of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2740) the fiscal safeguards developed by, and experience of, State employment security agencies in making payments to individuals and in fraud and overpayment detection, I hereby propose to amend Title 29 of the Code of Federal Regulations by adding a new Part 52 to include the provisions set forth below. The proposal is made under authority contained in section 602 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2942) and the delegation of authorities to the Secretary of Labor by the Director of the Office of Economic Opportunity published in the FEDERAL REGISTER at 33 F.R. 15139.

In order that interested persons may have an opportunity to participate in the rule making process, oral data, views, or argument will be received by a Hearing Examiner to be designated for this purpose, on May 12, 1969, beginning at 10 a.m. in room 107–A of the U.S. Department of Labor building at 14th Street and Constitution Avenue NW., Washington, D.C.

Any person wishing to participate in the oral proceedings shall state at the inception thereof his name, address, his interest, and the amount of time his presentation will require. Interested persons may also submit written data, views, or argument by mailing four (4) copies to the Manpower Administrator not later than May 12, 1969, the date of the oral proceedings.

The oral proceedings shall be reported, and transcripts shall be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters and confine the presentations to matters pertinent to this proposal. He shall have discretion to keep the record open for a reasonable, stated time to receive written recommendations and supporting reasons and additional data, views or argument from persons who have participated in the oral proceedings.

Upon completion of the oral proceedings, the transcript thereof, together with the exhibits, written submissions and all post-hearing recommendations and supporting reasons shall be certified to the Assistant Secretary of Labor for Manpower. Upon consideration of such matters and of such other information as may be available, the Assistant Secretary will issue such regulations as he will deem appropriate.

Title 29 of the Code of Federal Regulations is proposed to be amended by adding a new Part 52 as follows:

PART 52 — REQUIREMENTS FOR AGREEMENTS PROVIDING FINANCIAL ASSISTANCE FOR SUMMER WORK AND TRAINING PROGRAMS UNDER TITLE I, PART B, OF THE ECONOMIC OPPORTUNITY ACT OF 1964, AS AMENDED

Sec.
52.1 Purpose.
52.2 General requirements.
52.3 Exceptions.
52.4 Effective date.

AUTHORITY: The provisions of this Part 52 issued under authority contained in section 602 of the Economic Opportunity Act of 1964, as amended, and the delegation of authorities to the Secretary of Labor by the Director of the Office of Economic Opportunity, 33 F.R. 15139.

§ 52.1 Purpose.

The purpose of this part is to provide for the utilization in summer work and training programs under section 123(a)(1) of the Economic Opportunity Act of 1964, as amended, of the fiscal safeguards developed by State employment security agencies and the experience of such agencies in making payments to individuals and in fraud and overpayment detection.

§ 52.2 General requirements.

All agreements providing financial assistance for summer work and training

programs under section 123(a)(1) of the Economic Opportunity Act of 1964, as amended, shall contain provisions that the sponsor (a) will assure that payments to enrollees in such programs, whether employed by the sponsor or others, shall be made by the State employment security agency of the State in which the sponsor is located; (b) will furnish the State employment security agency data on the basis of which such payments will be made; (c) will provide such access to books, records and worksites as will enable the State employment security agency to verify the propriety of payments by it; and (d) will otherwise cooperate with the State employment security agency to assure the effective administration of the summer work and training program. The services of the State employment security agency shall be procured by the sponsor on a cost reimbursable basis and in accordance with the applicable agreement between the Secretary of Labor and the State employment security agency for this purpose.

§ 52.3 Exceptions.

The provisions contained in § 52.2 shall not apply (a) in States where the State employment security agency and the Secretary of Labor have not entered into an appropriate agreement, and (b) where the Secretary of Labor determines that economy and efficiency make other arrangements more appropriate.

§ 52.4 Effective date.

This Part shall be applicable thirty (30) days after its publication in the FEDERAL REGISTER to all agreements providing financial assistance for summer work and training programs under section 123(a)(1) of the Economic Opportunity Act of 1964, as amended, which are in effect on that date, or which are entered into thereafter.

Signed at Washington, D.C., this 22d day of April, 1969.

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

[F.R. Doc. 69-4983; Filed, Apr. 25, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 50, 160]

[Docket No. R-345]

PROCUREMENT, COMPETITION

Order Setting Oral Argument

APRIL 21, 1969.

By notice dated September 13, 1968, the Commission proposed to prescribe regulations setting general procurement standards for regulated utilities as purchasers of specified goods and services exceeding $100,000.

In response to this notice of proposed rulemaking, comments have been received from numerous persons and organizations, including Members of Congress, Federal and State agencies, public utilities, hydroelectric licensees, natural gas companies, equipment manufacturers, contractors, trade associations, and various individuals. Some of these comments supported the proposed regulation, others proposed modifications and many were opposed to the regulation. In addition, a number of persons requested a public hearing.

In view of the diversity of the comments and the requests for a public hearing, we have determined that it would be appropriate to hold oral argument on the proposed regulation. This argument will be held on May 26, 1969, and it is our intention that it be concluded in 1 day. In order to accomplish this and to prevent duplication of argument we are requiring that parties with the same or similar views join together and select one spokesman for such views. To implement this we have directed our staff to work with the parties wishing to participate and point out to them those parties who appear to have similar positions with whom they should join in the selection of a spokesman. Mr. Donald L. Young, Special Assistant to the Chairman, will be in charge of this coordination and any questions should be directed to him (telephone, area code 202, 386-6081).

While the regulation as proposed in the notice of September 13, 1968, will be the formal subject of the oral argument, it should be understood that the Commission does not wish the presentations to be limited to the regulation exactly as proposed but instead any alternatives or modifications considered desirable should also be presented. In this connection, suggestions have been made that the Commission limit its rule several different ways. The rulemaking could be issued as a set of guidelines rather than as a set of requirements. It could be limited to require only that the company make its procurement policies available on its premises along with a list of items the company is interested in obtaining and that the company keep records for a reasonable period of time. It could be limited even further to require only that each company file a statement setting forth the procurement policies of the company.

On the other hand, some parties have fully supported the rule as proposed or suggested that it does not go far enough. We expect that these parties will be prepared to discuss the abuses the rule is intended to mitigate and how the rule or some stronger version of it would so mitigate these abuses.

In order to aid the parties in preparing their arguments, we note at this point that the suggestions with regard to simplification of bidding-list procedures (see, e.g., comments of Consolidated Edison, pp. 6-9) are convincing and well taken and it will be unnecessary further to develop this point at the hearing.

The Commission orders: Oral argument before the Commission in Docket No. R-345 shall be held on May 26, 1969, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. All interested persons desiring to participate in the oral argument shall inform the Secretary of the Commission in writing not later than April 30, 1969, of the length of time desired for their oral presentations. No further written briefs or memoranda should be filed.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4985; Filed, Apr. 25, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1203]

[No. 35029]

UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

Extension of Time for Filing Views and Comments

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding and of the request of the Railway Express Agency for a further extension of time to file comments.

It is ordered, That the time for filing views and comments set by the notice of proposed rule making served December 9, 1968, and published on page 18496 of the FEDERAL REGISTER be, and it is hereby, further extended to October 31, 1969.

(Secs. 12, 20, 24 Stat. 383, 386, as amended; 49 U.S.C. 12, 20)

Dated at Washington, D.C., this 16th day of April 1969.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5001; Filed, Apr. 25, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. No. 15]

SUPERIOR INSURANCE COMPANY

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Superior Insurance Company, Indianapolis, Ind., under sections 6 to 13 of title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is terminated, effective as of December 31, 1968.

The Treasury has been advised that, effective December 31, 1968, Superior Insurance Company merged into American Economy Insurance Company, Indianapolis, Ind., which is the surviving corporation.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by Superior Insurance Company.

Dated: April 22, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-4995; Filed, Apr. 25, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-818]

NEVADA

Notice of Termination of Proposed Classification

APRIL 18, 1969.

Notice was given in F.R. Doc. 68-6052, on page 7591 of the issue for May 22, 1968, of a proposed classification for the disposal of 5,000 acres of land in Clark County, the lands being described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 58 E.,
Sec. 14, NW¼SW¼, S½SW¼;
Sec. 15, W½NE¼, W½, SE¼;
Sec. 16, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, W½;
Sec. 25, W½W½;
Sec. 26, all;
Sec. 35, all.

These lands were classified in accordance with section 2 of the Classification and Multiple-Use Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1412), and their disposal authorized by the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427).

As a result of subsequent review and reconsideration, the proposed classification has been determined to be inappropriate. The publication of this notice shall terminate the proposed classification and its segregative effect, and restore the lands to unclassified status.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-4982; Filed, Apr. 25, 1969; 8:45 a.m.]

Office of the Secretary

ROADBUILDING IN NATIONAL PARKS

Revocation of Procedures

Notice is hereby given that the procedures adopted on January 18, 1969, and published in the FEDERAL REGISTER on January 29, 1969, 34 F.R. 1405, regarding the location and design of major road projects in the National Park System administered by the Department of the Interior are revoked, effective immediately.

Issued in Washington, D.C., on April 21, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-4993; Filed, Apr. 25, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OLD VIRGINIA, INC.

Fruit Jelly and Jams Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Old Virginia, Inc., Front Royal, Va. 22630. This permit covers interstate marketing tests of black raspberry jelly, apple-raspberry jelly, and black raspberry jam made from dried black raspberries, an ingredient not provided for by the standard of identity for fruit jellies (21 CFR 29.2) or preserves and jams (21 CFR 29.3).

Labels on the food will name the ingredient. On each principal panel, the statement "Made from dried black raspberries" will immediately precede or follow the name of the jelly or jam, as the case may be.

This permit expires August 1, 1969.

Dated: April 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4981; Filed, Apr. 25, 1969; 8:45 a.m.]

METHYL *m*-HYDROXYCARBANILATE *m*-METHYLCARBANILATE

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Morton Chemical Co., Woodstock, Ill. 60098, a temporary tolerance of 0.1 part per million is established for residues of the herbicide methyl *m*-hydroxycarbanilate *m*-methylcarbanilate in or on sugar beets. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Morton Chemical Co. name.

This temporary tolerance will expire April 21, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4980; Filed, Apr. 25, 1969; 8:45 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Paragraph 8-D.2. of Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5828 et seq., April 16, 1968), is amended to read as follows:

2. *Delegations of authority to the Bureau of Hearings and Appeals.* In accordance with applicable rules and regulations, the Appeals Council, its members, and Hearing Examiners in the Bureau of Hearings and Appeals, shall exercise all duties, powers, and functions of the Secretary relating to the holding of hearings, the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses, the receipt of evidence, and

a. The rendition of decisions and the review of decisions in connection with administrative appeals:

(1) By individuals from determinations made under title II of the Social Security Act, as amended, and affecting their rights to benefits, lump-sum payments, earnings credited to accounts, and disability determinations;

(2) By individuals from determinations made under title XVIII of the Social Security Act and affecting their rights to, and amounts of, benefits;

(3) By institutions or agencies from determinations described in section 1869 (c) of the Social Security Act; and

(4) By independent laboratories from determinations made pursuant to section 1861(s) of the Social Security Act, as amended, that they do not meet the conditions for coverage of their services;

b. The recommendation and rendition of decisions—in the case of Hearing Examiners appointed by the Director or Deputy Director, Bureau of Hearings and Appeals, on an ad hoc basis to act as hearing officers in particular cases—and the rendition and review of decisions—in the case of the Appeals Council, its members—in connection with charges proposing the suspension or disqualification of representatives from further practice before the Secretary, pursuant to section 206(a) of the Social Security Act.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: April 22, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-4998; Filed, Apr. 25, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-44]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination or Approval Notice

1. Certain laws and regulations (46 CFR, Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from September 27, 1968, to March 12, 1969 (List Nos. 3-69 and 8-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

The Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J., Approval Nos. 160.002/80/0 and 160.002/81/0 expired and were terminated effective March 6, 1969.

The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn., Approval Nos. 160.002/82/0 and 160.002/83/0 expired and were terminated effective March 6, 1969.

LINE-THROWING APPLIANCE, SHOULDER GUN TYPE (AND EQUIPMENT), FOR MERCHANT VESSELS

The Naval Co., Route 611, Doylestown, Pa., Approval No. 160.031/5/0 expired and was terminated effective February 7, 1969.

LIFEBOATS FOR MERCHANT VESSELS

The C. C. Galbraith and Son, Inc., 99 Part Place, New York 7, N.Y., Approval No. 160.035/22/3 expired and was terminated effective March 12, 1969.

The Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn, N.Y., Approval Nos. 160.035/90/2 and 160.035/254/2 expired and were terminated effective March 12, 1969 and September 27, 1968, respectively.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The S and M Co., Arthur and Kennedy Streets NW., Minneapolis, Minn., Approval Nos. 160.047/405/0, 160.047/406/0, and 160.047/407/0 expired and were terminated effective January 9, 1969.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Wallace Manufacturing Co., 273-285 Congress Street, Boston 10, Mass., Approval No. 160.048/145/0 expired and was terminated effective March 12, 1969.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Lifo Products Co., 930 York Street, Cincinnati 22, Ohio, Approval Nos. 160.052/40/0, 160.052/41/0 and 160.052/42/0 expired and were terminated effective March 12, 1969.

The Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, Approval Nos. 160.052/31/0, 160.052/32/0, and 160.052/33/0 expired and were terminated effective March 6, 1969.

BOILERS (HEATING)

The International Boiler Works Co., 1 Birch Street, East Stroudsburg, Pa., Approval No. 162.003/78/1 expired and was terminated effective March 12, 1969.

BULKHEAD PANELS FOR MERCHANT VESSELS

The United States Plywood Corp., 55 West 44th Street, New York 36, N.Y., Approval No. 164.008/24/1 expired and was terminated effective March 12, 1969.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Isoflex Sales Co., 1564 Rollins Road, Burlingame, Calif., Approval No. 164.009/56/0 expired and was terminated effective March 12, 1969.

Dated: April 22, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-5005; Filed, Apr. 25, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18500; FCC 69-376]

CHRONICLE BROADCASTING CO.

Specification Order

In re applications of Chronicle Broadcasting Co., San Francisco, Calif., for renewal of licenses of Station KRON-FM and Station KRON-TV, San Francisco, Calif., Docket No. 18500, File No. BRH-926, File No. BRCT-94.

By memorandum opinion and order released March 20, 1969 (FCC 69-262) the Commission designated the above application for hearing on four issues as follows:

(1) Whether Chronicle Publishing Co., the parent of the licensee, has an undue concentration of control of the media of mass communications in the San Francisco Bay area;

(2) Whether the Chronicle Publishing Co. has engaged in anticompetitive or monopolistic practices in the newspaper field in the San Francisco Bay area;

(3) Whether the licensee has used the facilities of Stations KRON-FM and KRON-TV to "manage" or slant the news and public affairs for the purpose of advancing the interests of the Chronicle Publishing Co.;

(4) Whether in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned applications would serve the public interest, convenience, and necessity.

We stated at that time that we would further particularize the specification of facts and matter in issue in a later opinion. This specification follows:

Issue 1. Whether Chronicle Publishing Co., the parent of the licensee, has an undue concentration of control of the media of mass communications in the San Francisco Bay area;

1. KRON-TV and KRON-FM are wholly owned by the Chronicle Broadcasting Co., and are both assigned to San Francisco. San Francisco has eight television stations. Three, including KRON-TV, are commercial VHF stations, one is a noncommercial VHF, and four are commercial UHF. Oakland across the bay has one commercial VHF television station.[1] San Francisco and Oakland have 30 aural facilities of which 18 are FM.[2]

2. It further appears that the parent of Chronicle, the Chronicle Publishing Co., wholly owns Western Communications, Inc., which in turn holds (1) an 80 percent interest in Concord TV Cable, which owns and operates a community antenna television (CATV) system in the city of Concord, Calif., and serves unincorporated areas in Contra Costa County adjacent, to and/or near to, the city of Concord, (2) and 80 percent interest in County TV Cable, which owns and operates a CATV system in the unincorporated areas of San Mateo County, generally west of, and adjacent to, the boundaries of Redwod City, San Carlos, Belmont, and San Mateo, and (3) a 100 percent interest in Western TV Cable, which owns and operates a CATV system in the city of South San Francisco, Calif., and is an applicant for franchises in other northern California communities. Western TV Cable also possesses a franchise to own, construct and operate a CATV system in the city of San Francisco, Calif.

3. The Chronicle Broadcasting Co.'s parent, Chronicle Publishing Co., owns the San Francisco Chronicle. This newspaper is a daily morning paper and is published jointly on Sunday with the San Francisco Examiner, a daily evening paper, as the San Francisco Examiner & Chronicle. Oakland has the Oakland Tribune.[3] It further appears that Chronicle Publishing Co. has a 50 percent interest in the San Francisco Newspaper Printing Co., of which the other 50 percent is owned by Hearst Corp. Hearst Corp. owns the San Francisco Examiner, the only other major daily newspaper in San Francisco. The San Francisco Newspaper Printing Co. performs the mechanical, circulation, advertising, accounting, credit, and collection functions of the two newspapers, as well as for the San Francisco Sunday Examiner & Chronicle, San Francisco's only Sunday newspaper. It further appears that the Chronicle and the Examiner offer a combination rate permitting an advertiser who uses the Chronicle to have the advertisement appear in the Examiner by paying another 10 percent above the Chronicle's rate.

4. It is necessary to determine, in light of these facts, and under Issue 1, whether and, if so, to what extent the Chronicle Publishing Co. has an undue degree of control of the media of mass communications. In the light of information now available to the Commission, this ownership appears to be limited to the San Francisco Bay area. In any event, the hearing will explore the media influence of the Chronicle with regard to the following particular considerations:

a. The relevant geographic area or areas, whether the city of San Francisco, San Francisco-Oakland, or a wider area.

b. The extent to which the licensee of KRON-FM and KRON-TV, together with affiliated companies, have dominated the furnishing of local, regional, and national news and the presentation of information and discussion of public affairs in the relevant area or areas.

c. What particular effects, if any, have resulted from the present degree of concentration of control of the mass media in the area or areas in terms of diversity of approach to news and public affairs coverage and presentation.

d. Whether material for news broadcasts, editorials, public affairs, or any other programing broadcast by KRON-FM and KRON-TV has been directly or indirectly obtained from other media with which the stations are directly or indirectly affiliated, or is otherwise jointly obtained or prepared.

e. Whether the editorials, news, public affairs, or other programing broadcast by KRON-FM and KRON-TV have been subject in its creation, production or presentation to the review, judgment, control or other influence of other media (or persons associated with them) with which the stations are directly or indirectly affiliated, or of persons with business or ownership relationships to such media.

f. Whether the editorial and commentary treatment of public affairs of KRON-FM and KRON-TV has been similar to that of other media with which the stations are directly or indirectly affiliated.

g. Whether KRON-FM and KRON-TV programing has otherwise been affected by the other business interests of persons or companies with which the stations are directly or indirectly affiliated.

h. The nature and extent and effect of business relationships among the media of mass communications in the area or areas, and those persons with ownership interests in them, including:

(1) Whether any officer, director, or employee of the licensee has had an ownership interest in, or substantial business relationship (including employment) with, other mass communications media.

(2) Whether Chronicle Broadcasting Co. in any of its operations uses offices, facilities, equipment, or any other property or services in common with or owned by persons or entities which have ownership interest in, are subject to common ownership interest or common control with, or have substantial business relationships with local mass communications media.

(3) The nature of contracts or any other agreements between Chronicle Broadcasting Co. and entities in the area or areas which have ownership interest in, or are subject to common ownership interest or common control with Chronicle Broadcasting Co.

(4) The extent to which there are advertisers who deal with both Chronicle Broadcasting Co. and other local mass communications media in the area or areas which have ownership interest in or are subject to common ownership interest or common control with Chronicle Broadcasting Co., and the proportion of the revenues derived from these advertisers to the total billings of the individual media entities involved.

(5) The proportion of the advertising revenues of Chronicle Broadcasting Co. and the other mass communications entities in the area or areas which have ownership interest in or are subject to common ownership interest or common control with Chronicle to the total advertising revenues derived by all local mass communications media.

Issue 2. Whether the Chronicle Publishing Co. has engaged in anticompetitive or monopolistic practices in the newspaper field in the San Francisco Bay area.

1. Prior to 1965, there were three daily newspapers of general circulation in San Francisco: (1) The independently owned San Francisco Chronicle in the morning; (2) the Hearst-owned San Francisco Examiner in the morning; and (3) the Hearst-owned San Francisco News-Call Bulletin in the evening. On October 23, 1964, the Chronicle Publishing

[1] We also note that KRON-TV, as is the case with several other area stations, is carried by community antenna television systems with substantial numbers of subscribers.

[2] San Francisco is the largest city in northern California with a 1960 U.S. Census population of 740,316 and an estimated population of 806,204 in 1968. Oakland has a 1960 U.S. Census population of 367,548 and an estimated population of 389,000 in 1968.

[3] The circulation figures for San Francisco-Oakland newspapers as compiled by the Audit Bureau of Circulation, and reported in "Editor and Publisher Yearbook—1968" are as follows:
San Francisco Chronicle (morning)—Daily circulation—493,020.
San Francisco Examiner (evening)—Daily circulation—220,610.
San Francisco Examiner & Chronicle—Sunday circulation—691,510.
Oakland Tribune (evening)—Daily circulation—226,006.
Oakland Tribune—Sunday circulation—254,500.

Co. and Hearst Corp. executed an agreement to create a joint operating facility for their newspapers. The agreement contemplated the creation of the San Francisco Newspaper Printing Co., whose stock would be owned equally by Chronicle and Hearst. The new corporation would perform the mechanical, circulation, advertising, accounting, credit, and collection functions of the newspapers. The agreement was submitted to the Department of Justice and, on August 30, 1965, the Attorney General advised Hearst (and thereafter Chronicle) that it was not the Department's intention to institute antitrust action against implementation of the plan. On September 12, 1965, the agreement was put into effect. The Examiner was changed to an afternoon paper and the News-Call Bulletin was dropped, leaving one morning and one afternoon daily. The Sunday morning editions were combined into the single San Francisco Sunday Examiner & Chronicle.

2. It has been alleged as follows:

a. The Chronicle Publishing Co., in 1965 and prior thereto, used the profits of KRON–TV to cause the San Francisco Examiner, its morning competitor, to fail, thereby leaving the Chronicle with a morning newspaper monopoly. The Chronicle campaigned extensively to substantially increase circulation outside the San Francisco city zone by using the profits of KRON–TV. The Chronicle then claimed that it, not the Examiner, was the leading San Francisco newspaper. This conduct resulted in a switch of advertising from the Examiner to the Chronicle, causing the Examiner to fail.

b. It is also alleged that the Chronicle Publishing Co. has acquired and maintained an undue and monopolistic concentration of power in the communications field in San Francisco, with adverse competitive effects.[4]

3. The licensee by letter of October 28, 1968, has denied that its parent corporation has a monopoly and that there is an undue concentration of control of media in the San Francisco area. It also denies that KRON–TV profits were used to stifle competition, stating that prior to 1966, when Chronicle Publishing Co. was licensee of the stations, its profits were used for general corporate purposes.

4. On July 28, 1967, Mr. J. Hart Clinton, editor and publisher of the San Mateo (California) Times, appeared before the Senate Antitrust Subcommittee in connection with its consideration of S. 1312, the Failing Newspaper Act. The Times does not compete with either of the San Francisco newspapers in the San Francisco city area, but the Examiner does compete with the Times in San Mateo County. Mr. Clinton presented in his testimony three areas in which he alleged that the Chronicle Publishing Co. had engaged in anticompetitive activities:

a. The "failing newspaper" status of the San Francisco Examiner in 1965 was a result of the Chronicle's extension of its circulation outside the San Francisco city zone, through the use of KRON–TV profits to finance such circulation. The Chronicle became the leading morning newspaper, a position once enjoyed by the Examiner, through use of KRON–TV profits.

b. After the Chronicle and Examiner entered into the joint operating agreement in 1965, the Chronicle doubled its advertising rates. The Examiner (which has a nearby competitor, the Oakland Tribune) increased its rates by 50 percent and the newspapers offered to run an advertisement in both newspapers for just 10 percent more than the rate for the Chronicle alone. Since the Chronicle had a morning monopoly, advertisers wishing to advertise in the morning had to use it; after the advertiser paid the Chronicle rate there was great inducement to reach the afternoon audience by paying the additional 10 percent for Examiner coverage instead of paying the full afternoon rate of another newspaper in the area. As a result of the joint operating agreement, the San Mateo Times had experienced a drop in retail advertising lineage, especially from the San Francisco department stores. These stores used the combination rate to cover the San Mateo area in the afternoon instead of advertising separately in the Times.

c. Mr. Clinton was unable to obtain rights to publish certain syndicated news features in his San Mateo newspaper. His inability to buy the rights was due to the fact that the San Francisco newspapers had tied up the rights in northern California through rates paid by them to the feature distributors.

5. The President of Chronicle Publishing Co. also appeared before the Senate Antitrust Subcommittee. He denied that there was a connection between newspaper operations and the operation of the broadcast stations owned by Chronicle Publishing Co. He stated that the Chronicle's syndicated feature contracts did contain territorial restrictions and that the features tied up were not available to potential users in the geographical areas specified by the contracts.[5] Because the Chronicle territorial exclusivity was said to vary with each contract, he was unable to specify how many, if any, eliminated competition in the whole northern California area. In a letter dated December 11, 1967, to Senator Philip A. Hart, Chronicle Publishing Co.'s president further responded to testimony adverse to the Chronicle, not only by Mr. Clinton but by a Stanford University professor who testified that the Chronicle had spent thousands of dollars to tie up syndicated material, some of which it did not use, but wanted to keep others from using. He denied that the Chronicle contracted for material which it did not intend to use. He also denied that during the period prior to the joint operating agreement the Chronicle did not produce a sufficient cash flow (except in 1 year when newsprint costs increased) to sustain newspaper operations, and stated that, contrary to Mr. Clinton's testimony, the retail advertising lineage of the San Mateo Times increased by more than 33⅓ percent between 1964 and 1966 during which period the joint operating agreement was in effect.

6. These allegations and rejoinders raise unresolved questions of fact as to whether Chronicle has used its television profits in an attempt to monopolize newspaper ownership or control, and whether it has achieved ownership or control of the newspaper market to the extent that the existence of competitors is jeopardized by an inability to obtain rights to syndicated features or to otherwise compete with Chronicle's commercial practices.

Issue 3. Whether the licensee has used the facilities of Stations KRON–FM and KRON–TV to "manage" or slant the news and public affairs for the purpose of advancing the interests of Chronicle Publishing Co.

1. On September 11, 1968, the Commission received a letter from Albert Kihn, a KRON–TV cameraman for the past 8 years. Mr. Kihn alleged that ownership of KRON–TV by Chronicle Publishing Co. had resulted in management and slanting of news and public affairs in the publishing company's interests, giving examples which included specific alleged instructions to KRON–TV staff personnel. The major allegations of Mr. Kihn, with the licensee's responses thereto, are set forth below.

2. Mr. Kihn alleged that the KRON–TV news department was forbidden in 1965 to comment on the Chronicle-Examiner joint operating agreement, except for a "last minute statement dictated by Chronicle management." The licensee responded that the station did not discuss the proposed agreement because it was not privy to the plans of its parent, and therefore any story on KRON–TV would be based on speculation and rumor, and that any speculation by KRON–TV would appear to give credence to the rumors because of the station's relationship to one of the parties.

3. Mr. Kihn also alleged that KRON–TV suppressed news stories regarding strikes which might affect the San Francisco Chronicle. Instances of this alleged suppression are as follows:

a. In 1965 KRON–TV suspended all videotaping operation, eliminated public affairs taping and curtailed public news operations when there was a threatened strike against the newspaper. The licensee responded that some curtailment of public affairs (but not news) programing did occur because the station moved its mobile unit from the building housing the newspaper to another area, so that picketing of the newspaper would not disrupt the KRON–TV operation.

b. Mr. Kihn also alleged that KRON–TV failed to mention threatened strikes against the San Francisco newspapers in March 1965 and February 1966, and did not mention a strike against Station KGO–TV in May 1966. The licensee submitted evidence that the station did present news programing of the February 1966 strike. As to the threatened strike in 1965, the licensee stated that it determined the story not to be newsworthy, and that in fact the strike never took place. The licensee's response does not make clear to what extent, if any, it gave coverage to the strike against KGO–TV in 1966.

c. Mr. Kihn further complained that in KRON–TV coverage of the 55-day strike against Chronicle and Examiner in 1968 the news programs were "slanted in favor of the newspaper management." The licensee responded with evidence that six persons favoring the publishers' side of the strike and 20 persons favoring the union side appeared on KRON–TV. Twenty minutes and 43 seconds of news time were devoted to the representatives of the publishers, against 34 minutes and 51 seconds to the union representatives. The strike was mentioned on 51 days during the strike in 143 different news programs. Mr. Kihn alleged that the KRON–TV news staff was not allowed to use the words "merger" or "monopoly" in its news stories about the strike. The licensee did not deny this charge but implied that the union representatives appearing on the station did not use these terms.

d. Mr. Kihn complained that during the 1968 newspaper strike, KRON–TV did not "fill the gap" and provide expanded news coverage as promised.

4. Mr. Kihn set forth in his letter information which he said was evidence that Station KRON–TV managed its news and documentary programing to further the interest of Chronicle Publishing Co. in obtaining CATV franchises in the San Francisco area. Three examples were presented:

a. Mr. Kihn alleged that the KRON coverage of "the Chicken's Ball" in San Carlos, Calif., in 1968 was motivated by the Chronicle Publishing Co.'s desire to obtain a CATV franchise in that area. The licensee responded that KRON–TV had covered this biennial event since 1962, before its parent developed an interest in CATV, and that the 1968 coverage had no relationship to the CATV bid for the San Carlos area (which was submitted in August 1967).

b. The second allegation regarding CATV interests concerned a KRON–TV program on the opening of a new library in South San Francisco. Mr. Kihn said that he had been instructed to give the mayor prominence in the film, allegedly because the licensee's parent was "courting" the city for a CATV franchise. The licensee responded that the library dedication was filmed at the request of the library director and that no mention was made by management to employees regarding a connection between the coverage and the CATV interest.

c. Mr. Kihn's third allegation concerned the 1966 filming of a documentary program in the Vallejo, Calif., area. The writer assigned to the project allegedly did not favor a program about this area and told the KRON–TV management that in fact there was a scandal which could be exposed in the area. The writer was then allegedly told by the general manager (now president) of the licensee: "[L]ook, there's a reason for [the documentary], and the reason is that we want that cable franchise." The licensee's response, written by the alleged author of the quotation, stated that the general manager did mention to the writer that he had been in Vallejo for exploratory talks about CATV, and that a CATV interest might develop, but that the writer was not instructed to produce the documentary because of the CATV interest. The licensee also pointed out that the CATV interest in Vallejo was dropped prior to completion of the documentary, and that the Chronicle Publishing Co. never applied for a CATV franchise there. According to the licensee, the documentary dealt with towns in the area other than Vallejo (which occupied 38 percent of the program time).

5. Mr. Kihn later sent another letter dated December 22, 1968, which did not make reference to the licensee's December 12 response to the September 1968 letter, a copy of which had been sent to him. He termed this third letter a supplement to his original complaint, and stated that it would give a larger picture of "* * * KRON–TV policies and practices of news management in behalf of the licensee's own corporate interests and news preferences."

6. Mr. Kihn further alleged that in preparing a 1965 news item on Synanon, an organization of former drug addicts, the former KRON–TV news director stated that [W]e don't want to give these people any credence * * *." The licensee responded that it devoted more than 30 minutes in 14 separate news programs to Synanon in the 18-month period prior to the alleged remark. In addition, the station presented, in 1963, a 1-hour documentary on drug addiction, including the appearances of three Synanon directors. Also broadcast was an 1-hour documentary, in 1967, devoted entirely to the work of Synanon. Attached to the licensee's response was a letter from Synanon dated February 17, 1969, commending the station with respect to its publicity of the organization.

7. Mr. Kihn alleged that during August 1966, a documentary writer was ordered by the KRON–TV station manager to delete certain comments critical of advertising, because "[O]nly the cookoo fouls its own nest." The licensee responded that the unidentified documentary was probably a 1-hour program on venereal disease, and that the writer was told to delete certain material showing several magazines "* * * including their names, centerfolds, spreads and other material," which accentuated sex and sex symbols to "sell" youth. The licensee also stated that it deleted the material upon the advice of two attorneys who advised that the showing presented copyright and obscenity problems. The licensee stated that certain detrimental references to television advertising as using sex as an inducement for the sale of products were not deleted. The licensee's president, to whom the quotation was attributed, did not deny making the comment quoted above.

8. Mr. Kihn further complained that KRON–TV refused to carry political advertisements for subscription television (STV) in the months prior to a vote on this issue, and that in previous years the station had editorialized against STV. He also reiterated his charge that the licensee had presented a documentary on Vallejo to further its CATV interest. The CATV interest was desired because, as he quoted the KRON–TV general manager, "[I]t isn't now, but do you realize that all you have to do with that community antenna system is to stick a projector or a camera at the other end of it and you've got pay-TV." The licensee acknowledged that it did not carry the STV political advertisements during the period prior to the 1965 election on the issue, because it had adopted the policy of not accepting commercials for any of the controversial issues to be voted upon. The licensee denied that it had editorialized against STV. As to the motive for the broadcast of the documentary on Vallejo, the licensee reiterated its assertion that the program was unconnected with the business interest of its corporate parent. In addition, the licensee submitted letters from the city manager of Vallejo and the present mayor, to the effect that the telecast was the result

[4] These allegations are set forth in a telegram of Sept. 20, 1968, and a letter of Sept. 23, 1968 from a San Francisco attorney, Charles Cline Moore, on behalf of his client, Blanche Streeter.

In the applications to renew the licenses of stations KRON–FM and KRON–TV, the licensee submitted in response to Question 2 of Section 1 the following information concerning antitrust suits against the Chronicle Publishing Co.: A suit was filed by William F. Wyman against the Chronicle "* * * for injunctive relief under the antitrust laws because of an alleged combination to restrain trade in the production, circulation, and sale of newspapers." A second suit was instituted by Blanche Streeter "* * * for damages and other relief under the antitrust laws because of an alleged combination to restrain trade in the production, circulation, and sale of newspapers and in newspaper advertising, and the alleged unlawful acquisition of certain newspaper assets." The Streeter suit was dismissed by the U.S. District Court for the Northern District of California and, on Dec. 16, 1968, the plaintiff appealed to the Court of Appeals. This appeal is pending.

The licensee has also advised the Commission that on Mar. 11, 1969, Mr. Moore filed a suit against Chronicle Publishing Co., et al., on behalf of Guy McCauliff, alleging violations by Chronicle of sections 1 and 2 of the Sherman Act (15 U.S.C. Sections 1 and 2) and sections 4 and 7 of the Clayton Act (15 U.S.C. Sections 15 and 18). The suit asserts that Chronicle has used its profits from KRON–TV to: (1) Acquire a monopoly in the San Francisco Bay area newspaper market, and; (2) conspire with Hearst Corp. to monopolize the entire San Francisco Bay area newspaper market by eliminating competition in the printing and publishing of newspapers, in the solicitation of newspaper advertising, in fixing of arbitrarily high advertising rates and by entering into agreements with wire and news services to refuse to deal with and withhold their services from competitors of Chronicle and Hearst.

[5] The Department of Justice has filed suits against three of these feature syndicates (but not against the individual San Francisco newspapers) alleging that the contracts between these syndicates and the San Francisco newspapers, which preclude the licensing of features to other newspapers, are arbitrary and contain unreasonably broad territorial restrictions.

of a luncheon organized by the station for representatives of the north bay cities to discuss with the station how it could be of greater service to the area. At the luncheon, the city manager pointed out to the licensee's general manager the value of a documentary about Vallejo. The city manager, in his letter, stated his belief that the luncheon was held after the licensee's parent had abandoned interest in the city's proposed CATV franchise. The mayor stated that at no time did the general manager express to her an interest in CATV. The licensee also submitted a copy of the original letter from the Vallejo city manager requesting that the station do the documentary. The licensee's president reasserted his denial that the writer was told that the program was to be done because of the CATV interest.

9. Addressing himself again to the charge that KRON–TV was used to further the CATV interests of the Chronicle Publishing Co., Mr. Kihn alleged that the writer of a documentary about Eureka, Calif., in 1968, wanted to include in the film the point that Eureka was forcing small suburbs to consolidate by threatening to cut off their sewer services. The KRON–TV program director commented, "[W]e don't want to stir up the City Council. Some day we might be going up there to get a CATV franchise." The licensee responded with a statement by the writer to whom the statement was made that the comment was "made in jest. This was obvious to me at the time, and I may in talking to Al [Kihn], have failed to make the capricious nature of the statement obvious to him." The licensee commented that the documentary did contain the unfavorable references to Eureka, and that no one connected with the Chronicle Publishing Co. or its subsidiaries had ever applied for a CATV franchise in Eureka.

10. Mr. Kihn stated that on February 2, 1968, there was a newspaper strike meeting in San Francisco, and that a station reporter told his cameraman that "• • • he had received instructions to be circumspect in filming the various speeches to be made at this meeting." He also alleged that KRON–TV provided only "token" coverage of the event. The KRON–TV news director stated that he had never issued any such instructions. The licensee responded to the charge of token coverage by pointing out that the meeting took place on February 1 and that the station carried a sound on film statement on 6 p.m. news that day in which the president of the San Francisco Labor Council asserted the position of the council. This statement was included as an exhibit to the licensee's response, and contained a statement wherein the council called for a Government investigation of the antitrust aspects of the San Francisco newspaper situation.

11. Mr. Kihn furnished the Commission with two KRON–TV memoranda: One dated October 29, 1964, from the licensee's general manager (now president) to the news director and the station manager, and one dated April 6, 1967 from the news director, apparently to his staff. These memoranda are summarized as follows:

a. All stories relating to the public relations image of any radio or television station or its parent company or the networks, and stories relating to the individual acts of officers, directors, or employees of these organizations are to be brought to the attention of the general manager or station manager before broadcast. This restriction does not apply to individuals or corporations engaged in publishing, except for the Chronicle Publishing Co.

b. Any news story relating to broadcast industry labor problems or to local newspaper labor problems is to be cleared with the news director before broadcast. If the news director, program manager, or production manager cannot be contacted, the story is not to be run.

12. The licensee explained the memoranda as follows:

a. In October 1964, the station broadcast an inaccurate and one-sided news report of a strike against ABC. Because of the general manager's feeling that broadcast employees as a group seem to have an emotional reaction to their own industry, he issued the memorandum so that a representative of management could review all news stories concerning the broadcast industry "to insure their accuracy and objectivity." Management did not want disgruntled employees placing false or inaccurate stories on the air because of personal bias. Also, management wanted to check the accuracy of any story adverse to the Chronicle since the broadcast on KRON–TV would allegedly lend a special air of credence to the news item. The memorandum was also intended to prevent employees from airing laudatory stories with the intent of gaining favor thereby.

b. The second memorandum was prepared because most of the news employees were unionized and it was felt that news about specific strikes might not be presented fairly and impartially by some of them, where there is not management supervision. This memorandum was specifically triggered by the March 29, 1967, strike against the networks and their owned and operated stations. As to the second memorandum, the licensee reiterated its earlier statements of objectivity concerning strikes, and submitted as further evidence of its objectivity in matters concerning the Chronicle Publishing Co. the transcript of a September 1967 news broadcast wherein a director of the Bay Area Rapid Transit District called for a libel suit against the Chronicle. In sum, the licensee asserted that the memoranda "• • • do no more than insure that there will be adequate licensee control of news in specific sensitive areas."

13. On September 20, 1968, the Commission received a letter from Mr. Jeff Berner asserting that he had been suspended from his position of columnist with the Chronicle because of an article he had written criticizing violence on television. Mr. Berner further complained that an article written by Charles McCabe (another Chronicle columnist) had been censored because the article urged "citizens to contact the FCC about violence on television." Finally Mr. Berner claims "[I]t is part of the folklore around the newspaper that Mr. Thieriot [the Chronicle owner] does not like any criticism of the TV medium, as his principle revenues derive from that source." The licensee responded in a letter of October 2, 1968, maintaining that "[T]here is simply nothing to this charge."

14. These allegations and the licensee's responses leave substantial unresolved fact questions with respect to the issue of whether the licensee has attempted to slant news and public affairs programs to serve its business interests. It should be emphasized to the parties that this issue has been designated not to institute a generalized examination of the station's programs to determine whether they are "unfair" but because of the presence of outside business interests and specific allegations that the preparation of programs has been deliberately made compatible with those interests. See, Letter to National Broadcasting Co. regarding Chet Huntley Broadcast, 14 FCC 2d 713, Letter to Networks regarding Democratic National Convention, 16 FCC 2d 650. For this reason, we have omitted certain allegations by Mr. Kihn that appear to raise only questions of licensee news judgment.

15. *It is further ordered*, That the times within which to file a petition for reconsideration under § 1.111 of the rules and to file a motion addressed to the issues under § 1.229 are enlarged to 20 days from the release of this order.

Adopted: April 16, 1969.

Released: April 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4999; Filed, Apr. 25, 1969; 8:47 a.m.]

[1] Chairman Hyde dissenting. Dissenting statement of Commissioner Robert E. Lee filed as part of the original document. Commissioner Wadsworth abstaining from voting. Commissioner H. Rex Lee not participating.

[Docket No. 18499; FCC 69-373]

MIDWEST RADIO-TELEVISION, INC.

Specification Order

In re applications of Midwest Radio-Television, Inc., for renewal of licenses of Stations WCCO and WCCO–TV, Minneapolis, Minn., Docket No. 18499, File No. BR–659, File No. BRCT–49.

1. These applications were designated for hearing by order released March 21, 1969 (FCC 69-261), upon the following issues:

a. To determine whether the licensee and its owners have an undue concentration of control of the media of mass communications in the Minneapolis-St. Paul area.

b. To determine whether or not Midwest Radio-Television, Inc., has used its position in the newspaper field so as to obtain rights to broadcast sporting events, particularly in the area of professional baseball, football, and hockey teams.

c. To determine whether or not newspaper ownership of broadcast facilities in the Minneapolis-St. Paul area has resulted in reciprocal advantages to Midwest Radio-Television, Inc., to the disadvantage of competing broadcast licensees.

d. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned renewal applications would serve the public interest.

At that time, we stated that we would issue a subsequent specification of the facts and matters to be examined in the hearing. This specification follows: [1]

Issue a. To determine whether the licensee and its owners have an undue concentration of control of the media of mass communications in the Minneapolis-St. Paul area.

2. WCCO and WCCO–TV are licensed to Midwest Radio-TV, Inc. (Midwest), which owns 100 percent of a community antenna television system in Rice Lake, Wis., and is owned 53 percent by Midcontinent Radio-TV and 47 percent by the Minneapolis Star and Tribune Co. The latter company publishes the only two general circulation Minneapolis daily newspapers, the Star and the Tribune; owns a community antenna television system in South Sioux City, Nebr.; 93 percent of the Wichita-Hutchinson Co., licensee of KTVH–TV, Hutchinson-Wichita, Kans. (application to sell now pending); 50 percent of Harpers Magazine; the San Fernando Valley Times Co., which publishes the San Fernando Valley (California) Times; the Rapid City (South Dakota) Journal; and the Great Falls (Montana) Tribune and Leader.

3. The Minneapolis Star and Tribune Co. is owned in part (9.9 percent) by the Des Moines Register and Tribune, which publishes the Register and the Tribune, Des Moines, Iowa. There are also common ownership interests linking the Des Moines Register and Tribune, Cowles Communications, Inc. (CCI), and Indian River Newspapers, which publishes the Fort Pierce (Florida) News-Tribune. CCI publishes Look Magazine, Family Circle Magazine, Venture Magazine, the San Juan (Puerto Rico) Star, the Gainesville (Florida) Sun, the Lakeland (Florida) Ledger, the Suffolk (New York) Sun, the Education News, the Cowles Comprehensive Encyclopedia, and Magazines for Industry, Inc. (Paperboard Packaging Magazine). CCI is also the licensee of KRNT–AM–TV, Des Moines, Iowa, owns Cowles Broadcasting Service, Inc., the licensee of WREC–AM–TV, Memphis, Tenn., and owns Cowles Florida Broadcasting, Inc., licensee of WESH–TV, Orlando, Fla.[2] It also has part interest in a community antenna television system in Memphis and Shelby County, Tenn.

4. Midcontinent is owned equally by Northwest Publications, Inc. (Northwest), and M.T.C. Properties, Inc. Northwest publishes the only two general circulation daily St. Paul newspapers, the Dispatch and the Pioneer Press, and the Duluth News Tribune and the Herald, is licensee of WDSM–AM–TV, Duluth-Superior, Wis., the licensee of station KSSS, Colorado Springs, Colo., and owns 80 percent of the Aberdeen News Co., which publishes the Aberdeen American News and is licensee of KSDN, Aberdeen, S. Dak. Northwest also is a joint venturer in San Jose Cable TV Service, a franchise holder in Campbell and San Jose, Calif. Seventy-three percent of the Northwest stock is owned by Ridder Publications, Inc. (Ridder), which is controlled by the Ridder family. Ridder publishes the Grand Forks (North Dakota) Herald, San Jose (California) Mercury, San Jose (California) News, Long Beach (California) Independent, Long Beach (California) Press Telegram, Pasadena (California) Star News, Garden Grove (California) Orange County News, Gary (Indiana) Post Tribune, and has a minority interest in the Seattle (Washington) Times.

5. Minneapolis and St. Paul appear to constitute a single market for radio, television, and newspapers. As noted above, there are no other general circulation daily newspapers than those connected with WCCO and WCCO–TV. There are four commercial television stations in Minneapolis-St. Paul, and two noncommercial, educational stations. There are 17 standard broadcast (AM) stations. WCCO–TV had 31 percent of total television revenues and 33 percent of total television income in 1967. WCCO had 56 percent of total AM revenues and 112 percent of total AM income.[3] A recent ARB survey cited in Mr. Konynenburg's letter of June 19, 1968, shows that "• • • typically, WCCO Radio [is] first among all stations with four times the audience of any of its next three competitors • • •."

6. The foregoing information indicates the degree of integration of the media of mass communications in the Minneapolis-St. Paul area, and the extent to which WCCO and WCCO–TV are controlled by persons with substantial interests in the other media in the area. It also indicates substantial interlocking interests in media of mass communications beyond the Minneapolis-St. Paul area, whose full extent remains to be determined. In light of these facts, it is necessary to determine under Issue a, whether such a degree of concentration of control in the immediate area is compatible with the public interest. It is also necessary to determine whether there is an undue concentration of control on a wider geographical basis going beyond Minneapolis and St. Paul. Issue a will accordingly be amended herein to broaden its scope in this respect. As amended it will include consideration of the following areas of inquiry (in addition to facts adduced under Issues b and c):

1. The nature and extent of all substantial interlocking relationships affecting ownership or control among WCCO and WCCO–TV and other mass communications media in the United States.

2. The extent of control which the licensee of WCCO and WCCO–TV together with directly or indirectly affiliated companies have over the furnishing of local, regional, and national news and the presentation of information and discussion of public affairs in the Minneapolis-St. Paul area and any broader area.

3. What particular effects, if any, have resulted from the present degree of concentration of control of the mass media in Minneapolis-St. Paul and any broader area in terms of diversity of approach to news and public affairs coverage and presentation?

4. Whether material for news broadcasts, editorals, public affairs or any other programing broadcast by WCCO and WCCO–TV has been directly or indirectly obtained from other media with which the stations are directly or indirectly affiliated, or is otherwise jointly obtained or prepared.

5. Whether the editorials, news, public affairs, or other programing broadcast by WCCO and WCCO–TV has been subject in its creation, production or presentation to the review, judgment, control, or other influence of other media (or persons associated with them) with which the stations are directly or indirectly affiliated, or of persons with business or ownership relationships to such media.

6. Whether the editorial and commentary treatment of public affairs by WCCO and WCCO–TV has been the same or substantially similar to that of other media with which the stations are directly or indirectly affiliated.

7. Whether WCCO and WCCO–TV programing has otherwise been affected by the other business interests of persons or companies with which the stations are directly or indirectly affiliated.

8. The nature, extent and effect of business relationships among the media of mass communications in Minneapolis-St. Paul and elsewhere (and those persons with ownership interests in them), connected directly or indirectly by ownership, control, or other influence with WCCO and WCCO–TV, including:

(A) Whether any officer, director, or employee of the licensee has had an ownership interest in, or substantial business relationship (including employment) with, other mass communications media in Minneapolis-St. Paul or elsewhere directly or indirectly affiliated with the licensee.

(B) Whether Midwest Radio-Television, Inc., in any of its operations uses offices, facilities, or substantial equipment or other property or services in common with or owned by any directly or indirectly affiliated persons or entities, or persons or entities having a substantial business relationship with the latter.

[1] The hearing order stated that it was based in part upon allegations by Mr. Garfield Clark, manager of station KSTP, St. Paul, Minn., licensed to Hubbard Broadcasting, Inc., submitted to the U.S. Senate Antitrust Subcommittee in connection with its consideration of S.1312, the Failing Newspaper Act, a response by Mr. F. Van Konynenburg, President of Midwest Radio-Television, Inc., of June 19, 1968, and a reply by Mr. Clark on Sept. 3, 1968.

[2] John H. Perry, Jr., a director of Cowles Communications, Inc., who owns no stock of that corporation but is one of three trustees of a 6.6 percent stockholder, is a majority stockholder of Perry Publications, which owns 47½ percent of the News Journal Corp., licensee of station WNDB, Daytona Beach, Fla., and publisher of the Daytona Beach News and the Daytona Beach Journal.

[3] The income related percentage is possible because of the net losses of stations competing in the market.

(C) The nature of substantial contracts or other agreements between Midwest Radio-Television, Inc., and directly or indirectly affiliated persons or entities, or persons or entities having a substantial business relationship with the latter.

(D) The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated mass communications media in Minneapolis-St. Paul or elsewhere, and the proportion of the revenues derived from these advertisers to the total billings of the individual media entities involved.

(E) The proportion of the advertising revenues of Midwest Radio-Television, Inc., and the other mass communications entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

Issue b. To determine whether or not Midwest Radio-Television, Inc., has used its position in the newspaper field so as to obtain rights to broadcast sporting events, particularly in the area of professional baseball, football, and hockey teams.

7. On this issue, Mr. Clark (see footnote 1, supra) has referred to the large number of professional athletic events in the Minneapolis-St. Paul area to which Midwest has obtained the broadcast rights. For example, Midwest has had radio broadcast rights to the Minnesota Vikings football games since 1960, when the rights first became available; home games are blacked out on television and CBS, with which WCCO–TV is affiliated, has the television rights for away games. The preseason football games to which television rights are available have been obtained on various occasions either by WCCO–TV or WTCN–TV. Midwest obtained the radio broadcast rights for the Minnesota North Stars hockey games in 1967, when these rights first became available; television rights were awarded to WTCN–TV instead of WCCO–TV. Radio broadcast rights for the Minnesota Twins baseball games are owned by the Hamm Brewing Co., and WCCO has broadcast the games since 1960, again when the rights first became available. In 1960 and 1963 Midwest submitted bids for the television rights to the Twins games, but both times the bids were rejected in favor of WTCN–TV, the present owner of the rights.

8. Mr. Clark alleges that one reason for Midwest's obtaining the rights to broadcast these professional sporting events is that the joint ownership of the broadcast media and sports teams offered Midwest an advantage in the bidding for these broadcast rights. Concerning these allegations, it appears that Northwest Publications, which has a substantial ownership interest in Midwest, owns 21.7 percent of the Class A (nonvoting) common stock and 30 percent of the Class B (voting) common stock of the Minnesota Vikings professional football team. Mr. Bernard Ridder, Jr., President of Northwest and a Vice-President of Midwest, is a Director and Chairman of the Board of the Vikings. Mr. Robert Ridder (Chairman of the Board of Midwest) is a director of and owns a 2 percent stock interest in the Minnesota North Stars hockey team. Mr. Henry Dornself (Vice-President for Finance and a Director of Midwest) owns one-half percent of the stock of the Minnesota Twins professional baseball team.

9. Mr. Clark also alleges that Midwest was aided by its newspaper connections in bidding for the broadcast rights to various sports events because "• • • if the games were not broadcast on WCCO, it would adversely effect [sic] the publicity which the team presently receives in newspapers published by the owners of WCCO."[4]

10. Mr. Van Konynenburg of Midwest, in his letter of June 19, 1968, disputes Mr. Clark's contentions, noting that WCCO interests have only nominal ownership in professional hockey and baseball teams and minority ownership in the football team, and that Midwest "• • • has no control over the coverage the local papers give to sports matters and in the bidding for broadcast rights—AM or TV—never presumes to give any assurances as to what that coverage may be."[5] He ascribes Midwest's success in obtaining broadcast rights to professional sporting events to such factors as organization and competitive ability, experience and reputation in the sports field, coverage and audience popularity and interest in professional sports. He further notes, to negate Mr. Clark's allegation that Midwest has a competitive advantage through its ownership connections, that WTCN–TV, Minneapolis, Minn., has obtained rights to broadcast professional baseball and hockey and some preseason football in competitive bidding with Midwest's television station.[6]

11. There is a substantial question of fact raised by the foregoing pattern and by the consideration that the ownership of these professional teams and the owners of Midwest and the local newspapers do to some extent coincide. We must resolve the factual questions raised by Mr. Clark's allegations and Mr. Van Konynenburg's rebuttal. As part of this inquiry, we shall inquire into the following matters:

(a) Were the contracts by which Midwest obtained broadcast rights to professional baseball, football, and hockey games acquired by competitive bidding and what were the bids of other stations which were rejected in the award of these contracts. What were the terms of the contracts?

(b) To what extent have sporting events of local interest other than professional baseball, football, and hockey been broadcast by WCCO, WCCO–TV or their competitors.

(c) The advertising revenues and profits derived by WCCO and WCCO–TV through the presentation of sporting events, especially those of professional teams to which these stations are connected by direct or indirect ownership interest.

(d) To what extent, if any, do Minneapolis-St. Paul newspapers or their staffs by agreement, policy or practice, join with the stations of Midwest Radio-Television, Inc., or their staffs in promotions or publicity campaigns to benefit sports teams, especially those professional teams whose games are broadcast by WCCO or WCCO–TV.

Issue c. To determine whether or not newspaper ownership of broadcast facilities in the Minneapolis-St. Paul area has resulted in reciprocal advantage to Midwest Radio-Television, Inc., to the disadvantage of competing broadcast licensees.

12. In his letter of September 3, 1968, Mr. Clark alleged that a recent advertising campaign by WCCO–TV had been undertaken to build up its news broadcast audience. The cost of this campaign was indicated to be in excess of $120,000, a large portion of which went into newspaper advertising. He alleges that this activity is possible economically for WCCO–TV in a way that the station's competitors cannot duplicate because the ownership of the station rests with the newspapers and other entities with newspaper interests, making the advertising campaign largely an exercise in bookkeeping.[7]

13. Mr. Clark further alleged in his statement before the Senate Antitrust Subcommittee and in his letter of September 3, 1968, that the Minneapolis-St. Paul newspapers which are directly or indirectly connected through financial interests with Midwest Radio-Television, Inc., favor Midwest's stations by failing to mention KSTP programing. Specifically he claimed that the Minneapolis Star and Tribune failed to carry special KSTP–TV programing in the "Highlights" column for approximately 6 weeks at the beginning of 1968 and, in so doing, favored a newly introduced program over WCCO–TV which was mentioned in the column. Also, Mr. Clark alleged that the St. Paul papers refused to mention the KSTP call letters editorally.

14. Mr. Van Konynenburg denied that WCCO radio or television received preferential treatment from the newspapers, and complained that their own special programing is often unfairly ignored in the programing columns of Twin Cities' newspapers in favor of routine programs of other stations. He also stated that the St. Paul newspapers' failure to mention specific call letters applied to all local stations, including WCCO.

[4] Statement of Mr. Garfield Clark before the Senate Antitrust Subcommittee, Mar. 1968, pp. 2–3.

[5] Letter of Mr. F. Van Konynenburg, June 18, 1968, p. 11.

[6] Mr. Clark says of WTCN–TV's success in obtaining sports programing that "• • • [o]ne can readily understand the deviation when one becomes aware that the baseball team requires 50 telecasts each season," and that "• • • such number of broadcasts preempting network prime time would cause a great loss in revenue and goodwill to WCCO–TV from the network • • •" (Letter of Mr. Garfield Clark, Sept. 3, 1968, p. 3).

[7] Letter of Mr. Garfield Clark, dated Sept. 3, 1968, p. 2.

15. The practices mentioned above raise the question whether there is a business relationship between Midwest Radio Television, Inc., and the newspapers of the Minneapolis-St. Paul area which could favor Midwest over competing broadcast entities which have no financial connection through direct or indirect ownership interest with newspapers. In this connection, inquiry is necessary into the following matters:

(a) The extent of financial dealings for advertising, other services or products, between Midwest Radio-Television, Inc., and the Minneapolis-St. Paul newspapers.

(b) Whether the Minneapolis-St. Paul newspapers have policies, agreements, or understandings concerning the reporting of radio or television daily programing and the mention of station call signs generally.

(c) Whether the Minneapolis-St. Paul newspapers have in practice sold more advertisement space to or mentioned more often in their pages the programing of and the call signs of the stations owned by Midwest Radio-Television, Inc., than other stations in the market, and whether there is any understanding or policy in this respect.

(d) Whether the stations owned by Midwest Radio-Television, Inc., have advertising rates or practices related by agreement, contract, policy or practice to the advertising rates and practices of the Minneapolis-St. Paul newspapers.

16. *It is ordered,* That Issue a is amended to read as follows:

Issue a. To determine whether the licensee and its owners have an undue concentration of control of the media of mass communications in the Minneapolis-St. Paul area or any broader geographic area including Minneapolis-St. Paul.

17. *It is further ordered,* That the times within which to file a petition for reconsideration under § 1.111 of the rules and to file a motion addressed to the issues under § 1.229 are enlarged to 30 days from publication of this order in the FEDERAL REGISTER.

Adopted: April 16, 1969.

Released: April 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[8]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–5000; Filed, Apr. 25, 1969; 8:47 a.m.]

[Docket No. 18505]

TV SIGNAL SPECIFICATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of inquiry into possible change in certain TV signal specifications contained in §§ 73.682 and 73.699 of the rules to facilitate international program exchange.

1. On March 25, 1969, the Commission released a notice of inquiry in this proceeding (FCC 69–288) inviting comments on a proposal to adopt more uniform technical specifications for television broadcast signals to facilitate the international exchange of programs by satellite and other means. The time for filing comments was designated as April 21, 1969, and that for replies as April 29, 1969.

2. On April 16, 1969, Electronics Industries Association (EIA) filed a request for extension of time in which to file comments. EIA states the additional time is needed in order to generate and coordinate industry comments that would be useful in instructing the United States CCIR delegation in the matter of allocating certain television scanning lines of the vertical blanking interval for transmission of signal to test the performance of international circuits. It further states that there are many other complexities contained in the docket which require considerable study and coordination.

3. We are of the view that additional time is warranted and would serve the public interest. However, we feel that an extension of 60 days instead of the requested 90 days would be sufficient time in which to prepare the comments. It is important to get this matter resolved in time for the forthcoming international conference. *Accordingly, it is ordered,* That the request for extension of time filed by Electronics Industries Association is granted in part and the time is extended to and including June 16, 1969, for the filing of comments and to and including June 30, 1969, for the filing of reply comments in this proceeding.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: April 21, 1969.

Released: April 22, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] GEORGE S. SMITH, *Chief, Broadcast Bureau.*

[F.R. Doc. 69–5006; Filed, Apr. 25, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

William L. Griffin, Esq., Law Offices, Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 14–28, would modify the basic agreement of the Trans-Pacific Freight Conference (Hong Kong), Agreement No. 14 as amended, by amending Article 5 to permit voting by proxy. Under this procedure, one member line could give its proxy to another so long as the Chairman/Secretary is notified of the fact through receipt of a copy of such an appointment.

Dated: April 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–4996; Filed, Apr. 25, 1969; 8:47 a.m.]

[Docket No. 69–18]

STRIKE SURCHARGES—NORTH ATLANTIC/CONTINENT TRADES

Order To Show Cause

The North Atlantic Continental Freight Conference (outbound) operates pursuant to Commission approved Agreement 9214 from U.S. North Atlantic ports in the Eastport, Maine/Hampton Roads Range to ports in Belgium, Holland, and Germany (excluding German Baltic ports). On December 1, 1968, this conference established a 5 percent general freight rate increase. On March 10, 1969, it placed into effect a 10 percent surcharge to enable the lines to recover expenses directly relating to the U.S. longshoremen's strike.[1]

The Continental North Atlantic Westbound Freight Conference (inbound) operates pursuant to Commission approved Agreement 8210 from ports of Germany, the Netherlands, and Belgium in the range between Hamburg (included), and boundary line of Belgium and France to U.S. North Atlantic ports in the Hampton Roads/Portland, Maine range. This conference did not establish any strike surcharge.

[8] Chairman Hyde dissenting. Dissenting statement of Commissioner Robert E. Lee filed as part of the original document. Commissioner Wadsworth abstaining from voting. Commissioner H. Rex Lee concurring in the result.

[1] Recently the conference amended its tariff to terminate the strike surcharge and institute a 15 percent general freight rate increase subject to a maximum of $6 per ton as freighted, effective June 1, 1969.

The outbound group maintains a membership of 10 carriers—4 American flag and 6 foreign flag. The inbound group consists of seven carriers—four American flag and three foreign flag. The seven members of the inbound group are also members of the outbound group.

The organic agreement of the outbound conference (No. 9214) indicates that rates are fixed based upon a three-quarters majority vote of those members present at meetings. The organic agreement of the inbound conference (No. 8210) indicates the same voting requirements governing the establishment of rates.

The facts within the competence of the Commission, which are recited above, show that the outbound conference instituted a strike surcharge to recoup losses from the most recent longshoremen's strike; the inbound conference did not institute such a surcharge. It would appear that the identity of membership is such that the same carriers could have, through their majority standing in both conferences, instituted a surcharge in in both directions. It further appears that the strike imposed similar, if not equal expenses, upon the carriers in the trades. Therefore, it would appear that the carriers who are members of both conferences and exercise control over both conferences through the relevant voting provisions have elected to recoup their strike expenses through the imposition of an outbound surcharge only.

It appears that this imposition of charges against the outbound movement only imposes a burden upon shippers in the United States which burden should be prorated among all the users of the carriers' service, both inbound and outbound. This inequality of treatment which is made effective through the machinery of approved section 15 agreements appears to be detrimental to the commerce of the United States and contrary to the public interest. It therefore appears that the agreements have operated in a manner in violation of section 15.

Now therefore, it is ordered, That the respondents, as shown in Appendix A, show cause why they should not be found to be in violation of section 15 because through their affirmative vote or through their nonaction they are responsible for the inequitable apportionment of a strike surcharge, and therefore, why the Commission should not order elimination of the inequity.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing and affidavits of fact and memoranda of law shall be filed no later than close of business May 6, 1969. Replies shall be due on May 16, 1969. Date and time of oral argument will be announced at a later date.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon all parties of record a list of whom is attached as Appendix A.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties in this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR § 502.72).

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies and shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

North Atlantic Continental Freight Conference, 17 Battery Place, New York, N.Y. 10004.
Continental North Atlantic Westbound Freight Conference, 79 Jozef de Bomstraat, Antwerpen 1, Belgium.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Atlantic Container Line, Ltd., 26 Broadway, New York, N.Y. 10004.
Belgian Line, Compagnie Maritime Belge (Lloyd Royal), S.A., 61 St Katelijnevest, Antwerpen, Belgium.
French Line, Compagnie Generale Transatlantique, 6 Rue Auber, Paris 9, France.
Hamburg-American Line, Hamburg-Amerika Linie, Bellindamm 25, Hamburg, Germany.
Holland-America Line, N.V. Nederlandsch-Amerikaansche, Stoomvaart-Maatschappij, Wilhelminakade 86, Post Office Box 486, Rotterdam, Holland.
Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
North German Lloyd, Norddeutscher Lloyd, Schliessfach 47 (23), Bremen, Germany.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.
United States Lines, United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-5070; Filed, Apr. 25, 1969; 8:48 a.m.]

FOREIGN-TRADE ZONES BOARD

[Foreign-Trade Zone 9]

PIER 39, HONOLULU, HAWAII; APPLICATION FOR EXPANSION OF BOUNDARY

Notice of Filing and Investigation

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the State of Hawaii, grantee of Foreign-Trade Zone No. 9, located at Pier 39, Honolulu, Hawaii, for permission to contiguously expand the boundaries of said Zone No. 9, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u). The grant authorizing the establishment of Zone No. 9 was issued on February 15, 1965 (Board Order No. 65; 30 F.R. 2377, February 20, 1965). The requested expansion would add approximately 113,525 sq. ft. of covered storage area within the pier shed of Pier 39 and contiguous to the pier shed area of the existing zone. The grantee's original application contemplated future expansion to permit utilization of additional space within the Pier 39 area.

The Acting Executive Secretary of the Foreign-Trade Zones Board, pursuant to the Foreign-Trade Zones Board Regulations (15 CFR Part 400), designated Jerome Sachs, Director, Transportation and Insurance Division, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., as Examiner to investigate the application for compliance with the filing requirements of said regulations. The application was found to be in order on April 16, 1969. Accordingly, the Acting Executive Secretary has appointed an Examiners Committee composed of: Jerome Sachs, Chairman; Ernest I. Mural, District Director of Customs, U.S. Bureau of Customs, Honolulu, Hawaii; and, Col. John A. Hughes, U.S. Army District Engineer, Honolulu District, Corps of Engineers, Fort Armstrong, Honolulu, Hawaii, to conduct an investigation of the application and report thereon to the Foreign-Trade Zones Board.

A copy of the application and accompanying exhibits is available for public inspection at the Office of the District Director of Customs, U.S. Bureau of Customs, Room 228, Federal Building, Honolulu, Hawaii, and at the Office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3325, U.S. Department of Commerce, Washington, D.C.

Notice is hereby given that, in connection with its consideration of the application, the Examiners Committee invites interested persons to submit their written views regarding the application. Such views must be submitted in writing to Mr. Jerome Sachs, Chairman of the Examiners Committee (Hawaii- Contiguous Expansion), Foreign-Trade Zones Board, Washington, D.C. 20230, within 30 calendar days of the publication of this notice in the FEDERAL REGISTER.

Dated: April 22, 1969.

JOHN J. DA PONTE,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[F.R. Doc. 69-4986; Filed, Apr. 25, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

APRIL 22, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp., a Utah corporation, and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1969, through May 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4984; Filed, Apr. 25, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 28–A]

LOUISVILLE AND NASHVILLE RAILROAD CO., AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 28 (Louisville and Nashville Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 28 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 4 p.m., April 22, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 22, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-5002; Filed, Apr. 25, 1969; 8:47 a.m.]

[Notice 820]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 23, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed wth the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 57 TA), filed April 17, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Plattsburg, N.Y., to points in Vermont, for 150 days. Supporting shipper: Green Mountain Petroleum Corp., 345 Pine Street, Burlington, Vt. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 30837 (Sub-No. 368 TA), filed April 17, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs*, in truckaway service, from Waterloo, Iowa, to Racine, Wis., for 180 days. Supporting shipper: J. I. Case Co., Racine, Wis. 53404 (James P. Mooney, Traffic Department, Components Division, Clausen Plant). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 30867 (Sub-No. 176 TA), filed April 17, 1969. Applicant: CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Post Office Box 238, Waco, Tex. 76703. Applicant's representative: H. L. Patterson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Waco, Tex., and Hempstead, Tex., from Waco over Texas Highway 6 to Hempstead, and return over the same route, serving all intermediate points; and (2) between Caldwell, Tex., and Bryan, Tex., from Caldwell, over Texas Highway 21 to Bryan, and return over the same route, serving all intermediate points, for 150 days. NOTE: Applicant does propose to tack and coordinate the above with all presently held authority, and to interline with other carriers. Supporting shippers: There are approximately 38 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 61396 (Sub-No. 215 TA), filed April 17, 1969. Applicant: HERMAN BROS. INC., 2501 North 11 Street, Omaha, Nebr. 68103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil* (edible), in bulk, in tank vehicles, from Archer Daniels Midland Plant near Lincoln, Nebr., to points in Iowa, Kansas, Missouri, South Dakota, and Minnesota, for 180 days. Supporting shipper: Archer Daniels Midland Co., 4666 Faries Parkway, Decatur, Ill. 62526 (William J. Whiting). Send protests to: Keith P. Kohrs, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 107496 (Sub-No. 726 TA), filed April 17, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, in tank vehicles, from Lincoln, Nebr., to points in Kansas, Minnesota, South Dakota, Iowa, and Missouri, for 150 days. Supporting shipper: Archer Daniels Midland Co., 4666 Faries Parkway, Decatur, Ill. 62526. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 727 TA), filed April 17, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Huntington, Ind., to St. Marys and Lima, Ohio, for 150 days. Supporting shipper: Cheker Oil Co., Post Office Box 216, Chicago Heights, Ill. 60411. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 115669 (Sub-No. 100 TA), filed April 17, 1969. Applicant: HOWARD N.

DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and ingredients thereof* (other than liquid), from the plantsite of Schreiber Mills, Inc., at St. Joseph, Mo., to points in Iowa and Nebraska, restricted to traffic originating at the named origin and destined to the named destinations, for 180 days. Supporting shipper: Schreiber Mills, Inc., St. Joseph, Mo. 64502. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 119543 (Sub-No. 6 TA), filed April 17, 1969. Applicant: HENRY N. LANCIANI, Leominster Road, Sterling, Mass. 01564. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from West Upton, Mass., to Amesbury, Beverly, Boston, Bridgewater, Brockton, Concord, Easton, Fitchburg, Franklin, Graniteville, Lawrence, Lowell, Lynn, North Andover, Norwood, Walpole, Whitman, Winchendon, Wollaston, Worcester, Mass., and Brentwood, Laconia, and Nashua, N.H., for 150 days. Supporting shippers: Philadelphia Coke Division, Eastern Associated Coal Corp., Philadelphia, Pa., and 26 consignees. Send protests to: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, Room 338, Federal Building, Springfield, Mass. 01103.

No. MC 119702 (Sub-No. 35 TA), filed April 17, 1969. Applicant: STAHLY CARTAGE CO., Post Office Box 486, 130A Hillsboro Avenue, Edwardsville, Ill. 62025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, from Dubuque, Iowa, to points in Minnesota, Wisconsin, Illinois (except to points in the East St. Louis, Ill., commercial zone), and Iowa, for 180 days. Supporting shipper: The Dow Chemical Co., General Office Building, 2030 Abbott Road Center, Midland, Mich. 48640. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 127748 (Sub-No. 2 TA), filed April 17, 1969. Applicant: FOURMEN DELIVERY SERVICE, INC., 153–27 Rockaway Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used or useful in the maintenance, repair, and operation of aircraft, except aircraft engines and commodities in bulk, between LaGuardia Airport and JFK Airport at New York, N.Y., on the one hand, and on the other, Newark Airport, Newark, N.J., for 180 days. Supporting shippers: Eastern Air Lines Inc., JFK International Airport, Jamaica, N.Y. 11430; American Airlines, JFK International Airport, Jamaica, N.Y. 11430. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 128642 (Sub-No. 4 TA), filed April 17, 1969. Applicant: SKYLINE TRANSPORT, INC., 6120 Eastbourne Avenue, Baltimore, Md. 21224. Applicant's representative: J. Meredith Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, and blends of sugar*, in bulk, from Baltimore, Md., to Harlan, Hazard, and Pikeville, Ky., for 180 days. Supporting shipper: W. Allen Adams, American Sugar Co., 120 Wall Street, New York, N.Y. 10005. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 133540 (Sub-No. 1 TA), filed April 17, 1969. Applicant: S. AND L. TRANSPORT, INC., Box 657, Huron, S. Dak. 57350. Applicant's representative: Daniel C. Lamke (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain, grain products, soybeans, flax seed, and bulk fertilizer*, from Kampeska, Henry, Elrod, Clark, Raymond, Doland, Frankfort, Redfield, Zell, Rockham, Miranda, Faulkton, Burkmere, Seneca, and Lebanon, S. Dak., to rail sites at Redfield, Watertown, and Gettysburg, S. Dak., on traffic having prior or subsequent movement by rail, for 180 days. Supporting shipper: Chicago and North Western Railway Co., 500 West Madison Street, Chicago, Ill. 60606, Harold E. Schwarz, Supervisor Piggyback Operations. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133640 (Sub-No. 1 TA), filed April 17, 1969. Applicant: CORRIDOR INTERURBAN TRANSPORT CORPORATION, 36–21 193d Street, Flushing, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast products and articles, materials and equipment* used in connection with the installation thereof in vehicles equipped with booms, from plant and storage sites of Precast, Inc., New York, N.Y., to points on the New Jersey Turnpike located in Bergen, Hudson, Essex, Union, and Middlesex Counties, N.J., *returned shipments* in opposite direction, for 180 days. Supporting shipper: Precast, Inc., 31–01 Union Street, Flushing 54, New York, N.Y. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

MOTOR CARRIER OF PASSENGERS

No. MC 129914 (Sub-No. 2 TA), filed April 17, 1969. Applicant: YELLOW COACH LINES, INCORPORATED, Post Office Box 287, 520 East Mary Street, Bristol, Va. 24201. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, for the account of Appalachian League, Inc., between Kingsport and Johnson City, Tenn., and between Kingsport, Tenn., and Bristol, Va.-Tenn., for 180 days. Supporting shipper: Appalachian League, Inc., Post Office Box 927, Bristol, Va. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5003; Filed, Apr. 25, 1969; 8:47 a.m.]

[Notice 334]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 23, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71144. By order of April 17, 1969, the Motor Carrier Board approved the transfer to Southern Missouri Freight, Inc., 227 East Sunshine, Springfield, Mo. 65804, of the certificate of registration in No. MC–129207 (Sub-No. 1) issued October 9, 1967, to L. N. Tolbert and W. C. Short, a partnership, doing business as Southern Missouri Freight, Springfield, Mo., and transferred to L. N. Tolbert, doing business as Southern Missouri Freight, 227 East Sunshine, Springfield, Mo. 65804, July 23, 1968, pursuant to No. MC–FC–70649, evidencing the right to engage in transportation in interstate or foreign commerce solely within the State of Missouri, corresponding to certificate of public convenience and necessity No. T–25,449, issued July 17, 1967, by the Missouri Public Service Commission.

No. MC–FC–71152. By order of April 17, 1969, the Motor Carrier Board approved the transfer to Berwick & Sons, Inc., West Lebanon, N.H., of the operating rights in permits Nos. MC–117816 and MC–117816 (Sub-No. 1) issued November 9, 1961, and August 5, 1963, respectively, to Northeastern-Malden Barrel Co., Inc., Malden, Mass., authorizing the transportation of: Empty steel barrels, drums, pails, and containers from Jersey City, N.J., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC–FC–71158. By order of April 16, 1969, the Motor Carrier Board approved the transfer to Aubrey Freight Lines, Inc.; Hoboken, N.J., of permits in Nos. MC–110884, MC–110884 (Sub-No. 4), and MC–110884 (Sub-No. 5), issued September 29, 1949, August 4, 1961, and December 4, 1962, respectively, to Francis A. Aubrey, Hoboken, N.J.; authorizing the transportation of: Meat, meat byproducts and other related commodities, from Random Lake and Milwaukee, Wis., to Rochelle Park and Hillside, N.J.; and empty egg cases on the return; steel junction boxes and other related commodities, from, to, or between specified points in Connecticut, New York, New Jersey, Pennsylvania, Ohio, Illinois, and Michigan, and, cheese from Smithfield, Utah, to New York, N.Y.; and cheese from Monroe, Wis., to specified points in New York, New Jersey, and Pennsylvania. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representing applicants.

No. MC–FC–71189. By order of April 17, 1969, the Motor Carrier Board approved the transfer to Blanton Enterprises, Inc., Milford, Va., of a portion of certificate No. MC–61620, issued December 13, 1966, to M & G Transportation Co., Inc., Gloucester, Va., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Richmond, Va., on the one hand, and, on the other, points in those portions of King William and King and Queen Counties, Va., southeast of U.S. Highway 360, except points within 1 mile of U.S. Highway 360. Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220, attorney for applicants.

No. MC–FC–71252. By order of April 17, 1969, the Motor Carrier Board approved the transfer to Paul W. Hill, doing business as Hill Truck Line, Post Office Box 4, Onaga, Kans. 66521, of the certificate in No. MC–84574, issued October 19, 1951 to Lester Brimer, Post Office Box 262, Onaga, Kans. 66521, authorizing the transportation of general commodities and specific named commodities between named points in Kansas and Missouri.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5004; Filed, Apr. 25, 1969; 8:47 a.m.]

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Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

Guaranty as Extension of Credit

§ 207.103 Corporate guaranty of bank loan as extension of credit in the ordinary course of business.

(a) The Board recently considered the questions whether (1) the guaranty by a corporation of an "unsecured" bank loan to exercise an option to purchase stock of the corporation is an "extension of credit" for the purpose of this part (Regulation G), (2) such a guaranty is given "in the ordinary course of business" of the corporation, as defined in § 207.2(b), and (3) the bank involved took part in arranging for such credit on better terms than it could extend under the provisions of Part 221 (Regulation U) of this subchapter.

(b) The Board understood that any officer or employee included under the corporation's stock option plan who wished to exercise his option could obtain a loan for the purchase price of the stock by executing an unsecured note to the bank. The corporation would issue to the bank a guaranty of the loan and hold the purchased shares as collateral to secure it against loss on the guaranty. Stock of the corporation is registered on a national securities exchange.

(c) A lender is subject to the registration and other requirements of this part if, in the ordinary course of his business, he extends credit on collateral that includes any registered equity securities in the amount of $50,000 or more in any calendar quarter, or has such credit outstanding in any calendar quarter in the amount of $100,000 or more. The Board understood that the corporation in question had $100,000 in guaranties outstanding during the applicable calendar quarter.

(d) In the Board's judgment a person who guarantees a loan, and thereby becomes liable for the amount of the loan in the event the borrower should default, is lending his credit to the borrower. In the circumstances described, such a lending of credit must be considered an "extension of credit" under this part in order to prevent circumvention of the regulation's limitation on the amount of credit that can be extended on the security of registered stock.

(e) Under § 207.2(b), "the term 'in the ordinary course of his business' means * * * in the case of a person other than an individual, carrying out or in furtherance of any business purpose." In general, stock option plans are designed to provide a company's employees with a proprietary interest in the company in the form of ownership of the company's stock. Such plans increase the company's ability to attract and retain able personnel and, accordingly, promote the interest of the company and its stockholders, while at the same time providing the company's employees with additional incentive to work toward the company's future success. An arrangement whereby participating employees may finance the exercise of their options through an unsecured bank loan guaranteed by the company, thereby facilitating the employees' acquisition of company stock, is likewise designed to promote the company's interest and is, therefore, in furtherance of a business purpose.

(f) For the reasons indicated, the Board concluded that under the circumstances described a guaranty by the corporation constitutes credit extended in the ordinary course of business under this part, that the corporation is required to register pursuant to § 207.2(a), and that such guaranties may not be given in excess of the maximum loan value of the collateral pledged to secure the guaranty, which is 20 percent under the current supplement to this part.

(g) Section 221.3(u) of this subchapter provides that "no bank shall arrange for the extension or maintenance of any credit for the purpose of purchasing or carrying any stock registered on a national securities exchange, except upon the same terms and conditions on which the bank itself could extend or maintain this credit" under the provisions of Part 221. Since the Board concluded that the giving of a guaranty by the corporation to secure the loan described above constitutes an extension of credit, and since the use of a guaranty in the manner described could not be effectuated without the concurrence of the bank involved, the Board further concluded that the bank took part in "arranging" for the extension of credit in excess of the maximum loan value of the stock pledged to secure the guaranties.

(15 U.S.C. 78g. Interprets or applies 15 U.S.C. 78g(d))

Dated at Washington D.C., this 21st day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5020; Filed, Apr. 28, 1969; 8:45 a.m.]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Arranging for Extension of Credit

§ 221.118 Bank arranging for extension of credit by corporation.

For text of this interpretation, see § 207.103 of this subchapter.

(15 U.S.C. 78g. Interprets or applies 15 U.S.C. 78g(d))

Dated at Washington, D.C., the 21st day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-5021; Filed, Apr. 28, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-4-AD; Amdt. 39-758]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 99 Airplanes

Amendment 39-744 (34 F.R. 6330) requires inspection of the forward face of the elevator spar web adjacent to the outboard hinge bracket on both elevators of Beech Model 99 airplanes. If cracks are found, the airworthiness directive requires modification of the elevator in accordance with Beechcraft Service Instructions No. 0190-133, or replacement with a serviceable part. Subsequent to the issuance thereof, it has been established that the manufacturer has incorporated the modification called for in Beechcraft Service Instructions No. 0190-133 in Beech Model 99 airplanes beginning with Serial No. U-90 and up. Accordingly, it is necessary to amend the applicability statement of the airworthiness directive to limit it to Beech Model 99 airplanes, Serial Nos. U-1 through U-89. Action is taken herein to make this change.

Since this amendment is relieving in nature, and imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not necessary and the amendment may be effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697)

§ 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–744 (34 F.R. 6330) is amended as follows:

The applicability statement is amended to read as follows:

BEECHCRAFT. Applies to Model 99 (Serial Nos. U–1 through U–89) Airplanes.

This amendment becomes effective April 29, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on April 18, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–5040; Filed, Apr. 28, 1969; 8:47 a.m.]

[Docket No. 69–CE–3–AD; Amdt. 39–757]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 65–90, 65–A90, B90, 65–80, 65–A80, 65–B80, 65–88 and 99 Airplanes

Amendment 39–740 (34 F.R. 5646, 5647), dated March 26, 1969, requires inspections of the rudder spar web for cracks on Beech Models 65–90, 65–A90, and B–90 airplanes. If cracks are found, the airworthiness directive requires modification of the rudder spar web in accordance with Beechcraft Service Instructions No. 0101–135 or replacement with a serviceable part. Subsequent to the issuance thereof, the Federal Aviation Administration has received reports of cracked rudder spar webs on Beech Models 65–80 and 99 airplanes. Consequently, it is necessary to amend the applicability statement of the airworthiness directive to include these model airplanes as well as the Model 65–88 airplane.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–740 (34 F.R. 5646, 5647), is amended as follows:

The applicability statement is amended to read as follows:

BEECHCRAFT. Applies to Models 65–80, 65–A80, 65–A80–8800, and 65–B80 (Serial Nos. LD–1 through LD–398); 65–88 (Serial Nos. LP–1 through LP–47); 65–90, 65–A90 and B90 (Serial Nos. LJ–1 through LJ–428); and 99 (Serial Nos. U–1 through U–62) Airplanes with 250 hours' or more time-in-service.

This amendment becomes effective April 29, 1969.

Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c)

Issued in Kansas City, Mo., on April 15, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69–5041; Filed, Apr. 28, 1969; 8:47 a.m.]

[Docket No. 69–SO–37; Amdt. 39–759]

PART 39—AIRWORTHINESS DIRECTIVES

Eisemann Magnetos Type AM–4, AM–6, LA–4, LA–6

There have been failures of Eisemann magnetos due to the secondary windings in the coil, on a particular production run of P/N H27–958, not being adequately insulated. The failures have been reported on Continental and Franklin engines, but not necessarily limited to these engines. Since this condition is likely to exist in other engines which use this magneto, an airworthiness directive is being issued to require inspection of Type AM–4, AM–6, LA–4, LA–6 Eisemann magnetos for coils bearing certain inspection stamps and remove from service those coils that were not manufactured to the proper specification requirements.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

EISEMANN. Applies to all Type AM–4, AM–6, LA–4, and LA–6 Eisemann magnetos installed on, but not necessarily limited to:

Continental, A–50 Series.
Continental, A–65 Series.
Continental, A–75 Series.
Continental, A–80 Series.
Continental, C–75 Series.
Continental, C–85 Series.
Continental, C–115 Series.
Continental, C–125 Series.
Continental, E–165 Series.
Continental, E–185 Series.
Franklin (Aircooled Motors), 2A4 Series.
Franklin (Aircooled Motors), 4AC Series.
Franklin (Aircooled Motors), 4A4 Series.
Franklin (Aircooled Motors), 5AC Series.
Franklin (Aircooled Motors), 5AL Series.
Franklin (Aircooled Motors), 5A8 Series.
Franklin (Aircooled Motors), 5A4 Series.
Franklin (Aircooled Motors), 6V4 Series.
Franklin (Aircooled Motors), 6AG4 Series.
Menasco, C4, D4, D4–87.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the possibility of loss of engine power in flight caused by electrically shorted windings in the magneto coil, accomplish the following:

(a) Inspect the coils P/N H27–958 used in Eisemann Type LA–4, LA–6, AM–4, and AM–6 magnetos for a yellow inspection stamp consisting of a letter and a numeral.

(b) Remove from further service those coils inspected in (a) bearing the following stamps: A76, B76, C76, D76, F76, G76, H76, J76, K76, L76, M76, D86, E86, F86, G86, H86, J86, K86.

(c) Install coils P/N H27–958 bearing yellow inspection stamp symbols other than those listed under (b) above or an equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Southern Region.

The compliance time may be adjusted up to a maximum of 10 hours to coincide with aircraft annual or 100-hour scheduled inspections. (American Industrial Sales Bulletin dated Nov. 1, 1968, pertains to this same subject.)

This amendment becomes effective May 1, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on April 18, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69–5042; Filed, Apr. 28, 1969; 8:47 a.m.]

[Docket No. 9432; Amdt. 39–760]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring installation of covers over the control column housings to prevent small objects entering the housing on Vickers Viscount Models 744, 745D, and 810 Series Airplanes was published in 34 F.R. 2356.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series Airplanes.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the jamming of the aileron control system due to small objects entering the control column housings through lightening holes in the housings, install covers P/N's 70133–807, 809, 811, and 813 over the housings in accordance with British Aircraft Corp. Modification D.3223 Issue 2 dated August 10, 1968 (700 Series) or Modification FG. 2098 Issue 2 dated August 20, 1968 (800/810 Series) or later ARB-approved issues or an equivalent approved by the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region.

This amendment becomes effective May 29, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 17, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69–5053; Filed, Apr. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 69–WE–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3696) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Santa Ana, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendement is hereby adopted subject to the following change.

Change the FEDERAL REGISTER citation to read "In § 71.171 (34 F.R. 4557)".

Effective date. This amendment shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the Santa Ana, Calif. (Orange County Airport), control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69–5052; Filed, Apr. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 69–SO–14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3699), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Gallatin, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 36°22'45" N., long. 86°24'30" W.) for Gallatin Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary, and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

GALLATIN, TENN.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30" W.), excluding the portion that coincides with the Nashville, Tenn., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 14, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–5043; Filed, Apr. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68–EA–139]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On February 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2054) stating that the Federal Aviation Administration was considering the extension of VOR Federal airway No. 96 from Waterville, Ohio, with a 1,200-foot AGL floor direct to Windsor, Ontario, Canada, excluding the portion within Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V–96 is amended by deleting "12 AGL Waterville, Ohio." and substituting "12 AGL Waterville, Ohio; 12 AGL Windsor, Ontario, Canada, excluding the portion within Canada." therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 17, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–5044; Filed, Apr. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68–SW–94]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Redesignation of Restricted Area and Continental Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to stratify the vertical extent of "surface to 23,000 feet MSL" of Melrose, N. Mex., Restricted Area R–5104 into two designated altitudes. To accomplish this, R–5104 is redesignated into two Restricted Areas, R–5100A with a designated altitude of surface to 18,000 feet MSL, and R–5104B with a designated altitude of 18,000 feet MSL to 23,000 feet MSL. The lateral extent, time of use, using and controlling agencies will remain unchanged. The continental control area will be altered to reflect these changes.

This action will permit greater use of the airspace above 18,000 feet MSL by Air Traffic Control and nonparticipating aircraft without interference to the preponderance of special use activities which are conducted below 18,000 feet MSL.

Since these amendments are editorial in nature and neither assign nor reassign airspace, notice and public procedure hereon is unnecessary and they may be made effective immediately.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth:

1. In § 73.51 (34 F.R. 4837) "R–5104 Melrose, N. Mex." is revoked and the following restricted areas are added:

R–5104A MELROSE, N. MEX.

Boundaries: Beginning at lat. 34°28'00" N., long. 103°43'15" W.; to lat. 34°25'25" N., long. 103°40'00" W.; to lat. 34°10'00" N., long. 103°40'00" W.; to lat. 34°10'00" N., long. 103°55'00" W.; to lat. 34°28'00" N., long. 103°55'00" W.; to the point of beginning.

Designated altitudes: Surface to 18,000 feet MSL.

Time of designation: Sunrise to sunset.

Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.

Using agency: Commander, Cannon AFB, N. Mex.

R–5104B MELROSE, N. MEX.

Boundaries: Beginning at lat. 34°28'00" N., long. 103°43'15" W.; to lat. 34°25'25" N., long. 103°40'00" W.; to lat. 34°10'00" N., long. 103°40'00" W.; to lat. 34°10'00" N., long. 103°55'00" W.; to lat. 34°28'00" N., long. 103°55'00" W.; to point of beginning.

Designated altitudes: 18,000 feet MSL to 23,000 feet MSL.

Time of designation: Sunrise to sunset.

Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.

Using agency: Commander, Cannon AFB, N. Mex.

2. In § 71.151 (34 F.R. 4546) the following changes are made: "R–5104 Melrose, N. Mex." is deleted and "R–5104A

Melrose, N. Mex." and "R–5104B Melrose, N. Mex." are added.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 17, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–5038; Filed, Apr. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 69–WE–14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration and Designation of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter the Fort Carson, Colo., Restricted Area R–2601 by reducing the upper limits from 35,000 feet MSL to 8,500 feet MSL north of a line extending from lat. 38°42'04" N., long. 104°49'34" W., to lat. 38°40'53" N., long. 104°45'35" W. The portion north of the line will be designated as R–2601A and the south portion will be designated as R–2601B. Action is also taken herein to alter the description of the continental control area to reflect these changes.

This action will expedite air traffic handling at Peterson Field, Colorado Springs, Colo., by making available airspace within which aircraft arriving Peterson Field may be radar vectored to intercept the ILS final approach course from the west. It will also permit southbound departing aircraft to climb out to the west.

Since this amendment is minor in nature, notice and public procedure hereon is unnecessary and for that reason may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 17, 1969, as hereinafter set forth.

1. In § 73.26 (34 F.R. 4819), the Fort Carson, Colo., restricted area is amended to read as follows:

R–2601A FORT CARSON, COLO.

Boundaries: Beginning at lat. 38°43'38" N., long. 104°45'50" W.; to lat. 38°40'53" N., long. 104°45'35" W.; to lat. 38°42'04" N., long. 104°49'34" W.; thence northeasterly along Colorado Highway No. 115 to lat. 38°43'12" N., long. 104°49'07" W.; to lat. 38°42'58" N., long. 104°48'30" W.; to lat. 38°43'43" N., long. 104°46'20" W.; to the point of beginning.

Designated altitudes: Surface to 8,500 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Denver ARTC Center.

Using agency: Commanding General, Fort Carson, Colo.

R–2601B FORT CARSON, COLO.

Boundaries: Beginning at lat. 38°40'53" N., long. 104°45'35" W.; to lat. 38°32'06" N., long. 104°45'00" W.; to lat. 38°32'06" N., long. 104°49'18" W.; to lat. 38°36'20" N., long. 104°52'00" W.; to lat. 38°39'00" N., long. 104°52'00" W.; thence northeasterly along Colorado Highway No. 115 to lat. 38°42'04" N., long. 104°49'34" W.; to the point of beginning.

Designated altitudes: Surface to 35,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Denver, ARTC Center.

Using agency: Commanding General, Fort Carson, Colo.

2. In § 71.151 (34 F.R. 4546) "R–2601 Fort Carson, Colo." is deleted and "R–2601B Fort Carson, Colo." is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 17, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–5039; Filed, Apr. 28, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Fishing Lures

§ 15.339 Disclosure of origin of imported fishing lures.

(a) In response to a request for an advisory opinion, the Commission ruled that it would be necessary for the requesting party to make a clear and conspicuous disclosure at the point of sale of the foreign country of origin of its imported fishing flies.

(b) Under the factual situation presented in the ruling, the flies will be shipped to retailers for resale packaged 1 dozen loose in a plastic box. Each box will contain from 1 to 4 flies made in a foreign country and 8 to 11 flies of domestic origin. Fishermen normally will purchase the flies singly and not by the dozen.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: April 28, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–5010; Filed, Apr. 28, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Location of Foreign Origin Label on Imported Engine Parts

§ 15.340 Location of foreign origin label on imported engine parts.

(a) In response to a request for an advisory opinion, the Commission advised an importer of fuel injection parts and units, which are to be used as replacement parts in engines, that it could disolose the foreign origin thereof on the container rather than on the product.

(b) The engines are purchased by industrial and commercial users, and by individual consumers as well. Whenever possible, the imported products will be marked with the country of origin on the nameplate. Furthermore, the imported parts and units may be packaged individually or in certain specific quantities per box. Because a number of the imported replacement parts are either too small to permit country of origin identification on the product itself, or may have highly finished surfaces which would be destroyed with marking, the question was raised as to whether it would be permissible to make the disclosure only on the container.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: April 28, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–5011; Filed, Apr. 28, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69–29]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Kissimmee River, Fla.

1. The Seaboard Coast Line Railroad by letter dated August 19, 1968, requested the Commander, 7th Coast Guard District to revise the operating regulations for its drawbridge across the Kissimmee River, Fort Basinger, Fla. A public notice dated September 30, 1968, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 7th Coast Guard District and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal the revision is accepted.

2. The purpose of this document is to effectuate the foregoing proposed revision. Accordingly in § 117.245, subdivision (ii) of paragraph (h)(26) is revised to read as follows:

§ 117.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

* * * * *

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(26) Kissimmee River, Florida: * * *

(ii) Seaboard Coast Line Railroad bridge, Fort Basinger, Fla. The draw of this bridge shall be opened upon 72 hours' advance notice for the passage of floating equipment employed in flood control work under the jurisdiction of the Central and Southern Florida Flood Control District or the U.S. Army Corps of Engineers. The draw need not be opened for other vessels.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: April 23, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–5067; Filed, Apr. 28, 1969; 8:50 a.m.]

[CGFR 69–30]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

St. Louis River, Minn., and Wis.

1. The Duluth, Missabe and Iron Range Railway Co. by letter dated October 8, 1968, requested the Commander, 9th Coast Guard District to revise the operating regulations for its drawbridge across the St. Louis River between Oliver, Wis., and New Duluth, Minn. A public notice dated February 4, 1969, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 9th Coast Guard District and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal, the revision is accepted. The purpose of this document is to delete the requirements in 33 CFR 117.641(f)(1) that refer to the Duluth, Missabe and Iron Range Railway bridge (Transfer Bridge), and to authorize the maintenance of the drawspan of this bridge in the closed position, subject to restoration of operation if subsequent development of navigation so requires.

2. Paragraph (f)(1) of § 117.641 is amended by revoking the third sentence reading: "Also from March 16 to December 31 at least 3 hours' advance notice is required for opening the Duluth Missabe and Iron Range Railway Co. Bridge (Transfer Bridge)."

3. Section 117.641 is amended by adding a new paragraph (f)(1–a) to follow paragraph (f)(1) to read as follows:

§ 117.641 **Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.**

* * * * *

(f) * * *

(1–a) Duluth Missabe and Iron Range Railway bridge (Transfer Bridge). The draw of the bridge need not be opened for the passage of vessels, and paragraphs (a) through (e) of this section shall not apply to this bridge. The draw span shall be restored to an operating condition by and at the expense of the owner should changes in navigation on the river so require.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: April 23, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–5068; Filed, Apr. 28, 1969; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4654]

[Oregon 014972]

OREGON

Powersite Restoration No. 614; Partial Revocation of Powersite Reserve No. 77

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of July 2, 1910, creating Powersite Reserve No. 77, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 13 S., R. 45 E.,
Sec. 21, SW¼NW¼;
Sec. 29, SW¼NE¼ and NW¼SE¼;
Sec. 31, NE¼NE¼ and E½SE¼.
T. 7 S., R. 43 E.,
Sec. 21, NE¼SE¼.
T. 8 S., R. 43 E.,
Sec. 18, SE¼SE¼;
Sec. 19, NW¼NE¼.

The areas described aggregate 360 acres in Baker County.

The lands lie on the west side of the Snake River about 20 miles north of Huntington. Topography is steep. Vegetation consists of big sagebrush, bluebunch wheatgrass, cheatgrass and other native grasses, shrubs, and forbs. All of the lands, except the NE¼NE¼ and N½SE¼ of section 31, are also withdrawn for transmission line Project No. 406, while the NW¼SE¼ of section 29, and the NE¼NE¼ of section 31, T. 13 S., R. 45 E., are also withdrawn for transmission line Project No. 431, to each of which the Commission's general determination of April 17, 1922, is applicable.

2. At 10 a.m. on May 27, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 27, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws subject to the provisions of the act of August 11, 1955 (69 Stat. 782; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 21, 1969.

[F.R. Doc. 69–5023; Filed, Apr. 28, 1969; 8:46 a.m.]

[Public Land Order 4655]

[New Mexico 5241]

NEW MEXICO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

1. The departmental order of February 28, 1918, withdrawing lands for Stock Driveway Withdrawal No. 9, New Mexico No. 3, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 1 N., R. 12 W.,
Sec. 19, lots 3, 47, 48, NE¼SW¼, and N½SE¼;
Sec. 20, N½S½.
T. 1 N., R. 13 W.,
Sec. 24, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.
T. 2 S., R. 10 W.,
Sec. 11, S½NW¼, NE¼SW¼, and NW¼SE¼.
T. 1 S., R. 18 W.,
Sec. 6, lots 3, 8, 13, and 16 to 21, inclusive.
T. 1 S., R. 19 W.,
Sec. 1, lots 1 to 12, inclusive and S½;
Sec. 12.

The areas described aggregate 2,642.39 acres in Catron County, N. Mex., of which 255.43 acres are privately owned.

The topography of the land varies from nearly level to rolling hills. The soils are shallow to moderately deep of a sandy loam texture. The vegetation consists of pinon and juniper trees, grama grass and other native grasses and shrubs.

2. At 10 a.m. on May 27, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 27, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex. 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 21, 1969.

[F.R. Doc. 69-5024; Filed, Apr. 28, 1969; 8:46 a.m.]

[Public Land Order 4656]

[Nevada 055233]

NEVADA

Modification of Public Land Order No. 3598

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 3598 of April 5, 1965, withdrawing lands under the jurisdiction of the Secretary of the Interior for the Alkali Lake Wildlife Management Area, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 23 E.,
Sec. 3, SW¼SW¼.

The area described contains 40 acres in Lyon County.

2. The land shall not be open to disposition under the general land laws, including the mining laws, until appropriate classification and order of an authorized officer of the Bureau of Land Management.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 21, 1969.

[F.R. Doc. 69-5025; Filed, Apr. 28, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 357—CERTIFICATION

Denial of Petitions for Reconsideration

Regulations for the certification of motor vehicles and motor vehicle equipment, and the provision of identifying information, under sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act were issued by the Federal Highway Administrator and published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1147). Several petitions for reconsideration of those regulations were received. A notice of proposed amendments of the certification regulations in response to certain of those petitions is published elsewhere in this issue of the FEDERAL REGISTER. This notice constitutes a denial of those petitions that have been determined not to be meritorious.

Several petitioners urged that the requirement for inclusion of the month and year of manufacture on the vehicle certification label be deleted, on the grounds that the average consumer is not aware of the Standards that are in effect on a given date, and that other means of providing this information can be found. Some suggested that manufacturers should be permitted to state that the vehicles meet all Standards as of some future date, such as the first day of the next calendar year. Reasons given for opposition were cost, and marketing difficulties that might be caused by consumer resistance to buying vehicles that have been manufactured some time in the past.

It has been determined that clear identification of the month and year of manufacture of a vehicle is important both for the information of consumers who wish to know what Standards apply to a vehicle, and for enforcement personnel, including customs officials, for whose inspection needs the checking of serial numbers against manufacturers' lists may be unduly cumbersome. As noted in the preamble to the Regulations, maintaining the ignorance of the public as to the date of manufacture of the new motor vehicles that they are buying does not appear to be an important goal of public policy. To allow manufacturers to state that a vehicle meets all Standards in effect as of a date in the future would be inadvisable, since manufacturers have no way of ascertaining what Standards will be in effect in the future. Although most Standards have hitherto become effective at the beginning of a calendar year, the practice in this regard may be changed in the future, and section 103 of the Act provides that a Standard may be made effective less than 180 days from its issuance, for good cause shown. For these reasons the requirement of indicating the month and year of manufacture on the label is retained.

Objection was made to the requirement of the vehicle identification number on the label, on the grounds that it was costly and not justified for enforcement purposes. Transfer of labels to nonconforming vehicles has, however, been found to be a problem, especially with imported vehicles. Furthermore, the requirement of a vehicle identification number that matches the one required by Standard No. 115 is a deterrent to, and an aid in detection of, the large-scale application of forged certification labels to nonconforming vehicles.

Objections were made to the requirement of color contrast and minimum type size, in § 357.4 (f) and (g) respectively. Readability is an important consideration, however, and although under certain circumstances embossing or engraving may provide adequate contrast, color contrast is considered necessary to ensure readability under various lighting conditions. The 3/32-inch type size (reduced from one-eighth inch in the original proposal) approximates the smallest size that can be easily read at normal distances.

Objection was made to the specification of the language of the conformity statement. This specification has been determined to be necessary, however, in order to eliminate the burden of seeking approval of proposed labels, as many manufacturers found advisable under the previous rule, and to inform both regulated persons and the public of the requirements of the Act. It was suggested that manufacturers might wish to include further information, such as the country of origin, on the label. It is the intent of these regulations that such additional information may be included on the label, as long as the required information appears in the form and order prescribed.

One petitioner requested a delay in the effective date, citing the "confusion which arises from the conflicting descriptions of the method of attaching the certification label to the motor vehicle". The effective date has been selected in order to cover the vehicles that are labeled "model year 1970" while having been produced in 1969, and therefore not required to conform to Standards becoming effective on January 1, 1970. The clear identification of such vehicles is an important goal of these regulations. The reason given by this petitioner has not been found to be substantial, and does not differentiate it from other members of the industry, who evidently do not find the effective date unduly burdensome. The effective date of September 1, 1969 has therefore been retained in the proposed reissuance noted elsewhere in this issue, subject to possible adjustment in light of the date on which final action on the regulations shall be taken.

One petitioner noted the difficulties faced by final manufacturers of vehicles produced in two or more stages (other than those where the first stage is a chassis-cab, covered by the rulings of Jan. 3, 1968, 33 F.R. 18, 29), in meeting the statutory requirement of certification of the entire vehicle as finally delivered. In order to meet the certification requirements that have existed since the initial Standards went into effect on January 1, 1968, such final-stage manufacturers presumably rely upon information or warranties furnished to them by the manufacturers of the incomplete vehicles, in completing the manufacturing process and certifying the final vehicle. It is recognized that such a system may be unsatisfactory, since it depends upon the furnishing of information under an unregulated contractual relationship. The problem is not limited to certification, however, but extends to the broader one of conformity with the Standards. A satisfactory solution must be a general one covering the entire subject of incomplete vehicles and multistage manufacture. For the purposes of this regulation the present scheme is therefore retained, while consideration is being given to further rulemaking that will deal with the subject as a whole.

Any other requests contained in the petitions for reconsideration of the certification regulations not discussed above, or in the notice of proposed amendment to the regulations published elsewhere in this issue, are hereby denied.

This notice of denial of petitions for reconsideration is issued under the authority of sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

F. C. TURNER,
Federal Highway Administrator.

APRIL 23, 1969.

[F.R. Doc. 69-5054; Filed, Apr. 28, 1969; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF U.S. SAVINGS BONDS, SERIES E

Extended Terms and Improved Yields for Outstanding Bonds

The regulations set forth in Treasury Department Circular No. 653, Seventh Revision, dated March 18, 1966, as revised and amended (31 CFR Part 316), have been further revised and amended as shown below. These changes were effected under authority of sections 22 and 25 of the Second Liberty Bond Act, as amended (40 Stat. 21, as amended, 73 Stat. 621; 31 U.S.C. 757c, 757c-1), and 5 U.S.C. 301. The changes were adopted on March 25, 1969.

Notice and public procedures hereon are unnecessary as public property and contracts are involved.

Dated: March 25, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Treasury Department Circular No. 653, Seventh Revision, dated March 18, 1966, as revised and amended, and the tables incorporated therein (31 CFR Part 316), are hereby further revised and amended as follows:

§ 316.8 Extended terms and improved yields for outstanding bonds.

(a) *Optional extension privileges.* * * *

(3) *Bonds with issue dates June 1, 1949, through April 1, 1952.* Owners of Series E bonds with issue dates of June 1, 1949, through April 1, 1952, have the option of retaining their bonds for a second extended maturity period of 10 years.

TABLE 20

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1949

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) SECOND EXTENDED MATURITY PERIOD [1]							(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter / (3) On current redemption value from beginning of each half-year period (a) to second extended maturity
								Percent / *Percent*
First ½ year	[1] (6/1/69)	$14.72	$36.80	$73.60	$147.20	$294.40	$736.00	$1,472.00	0.00	2.45
½ to 1 year	(12/1/69)	15.02	37.56	75.12	150.24	300.48	751.20	1,502.40	4.13	4.25
1 to 1½ years	(6/1/70)	15.34	38.34	76.68	153.36	306.72	766.80	1,533.60	4.14	4.26
1½ to 2 years	(12/1/70)	15.66	39.14	78.28	156.56	313.12	782.80	1,565.60	4.15	4.27
2 to 2½ years	(6/1/71)	15.98	39.96	79.90	159.80	319.60	799.00	1,598.00	4.15	4.27
2½ to 3 years	(12/1/71)	16.31	40.78	81.56	163.12	326.24	815.60	1,631.20	4.15	4.28
3 to 3½ years	(6/1/72)	16.65	41.63	83.26	166.52	333.04	832.60	1,665.20	4.15	4.29
3½ to 4 years	(12/1/72)	17.00	42.49	84.98	169.96	339.92	849.80	1,699.60	4.15	4.30
4 to 4½ years	(6/1/73)	17.35	43.37	86.74	173.48	346.96	867.40	1,734.80	4.15	4.31
4½ to 5 years	(12/1/73)	17.71	44.27	88.54	177.08	354.16	885.40	1,770.80	4.15	4.32
5 to 5½ years	(6/1/74)	18.08	45.19	90.38	180.76	361.52	903.80	1,807.60	4.15	4.33
5½ to 6 years	(12/1/74)	18.45	46.13	92.26	184.52	369.04	922.60	1,845.20	4.15	4.37
6 to 6½ years	(6/1/75)	18.83	47.06	94.16	188.32	376.64	941.60	1,883.20	4.15	4.40
6½ to 7 years	(12/1/75)	19.22	48.06	96.12	192.24	384.48	961.20	1,922.40	4.15	4.43
7 to 7½ years	(6/1/76)	19.62	49.06	98.12	196.24	392.48	981.20	1,962.40	4.15	4.46
7½ to 8 years	(12/1/76)	20.03	50.08	100.16	200.32	400.64	1,001.60	2,003.20	4.15	4.54
8 to 8½ years	(6/1/77)	20.45	51.12	102.24	204.48	408.96	1,022.40	2,044.80	4.15	4.64
8½ to 9 years	(12/1/77)	20.87	52.18	104.36	208.72	417.44	1,043.60	2,087.20	4.15	4.80
9 to 9½ years	(6/1/78)	21.30	53.26	106.52	213.04	426.08	1,065.20	2,130.40	4.15	5.13
9½ to 10 years	(12/1/78)	21.74	54.36	108.72	217.44	434.88	1,087.20	2,174.40	4.15	5.14
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4]	(6/1/79)	22.41	56.03	112.06	224.12	448.24	1,120.60	2,241.20	[3] 4.25	

[1] Month, day, and year on which issues of June 1, 1949, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.68 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

(4) *Bonds with issue dates of May 1, 1952, or thereafter.* Owners of Series E bonds with issue dates of May 1, 1952, or thereafter have the option of retaining their bonds for an extended maturity period of 10 years.[1]

* * * * * *

(c) *Investment yield per second extended maturity period—bonds with issue dates June 1, 1949, through April 1, 1952.* The investment yield for the second extended maturity period for bonds with issue dates of June 1, 1949, through April 1, 1952, will be 4.25 percent per annum compounded semiannually if the bonds are held to the second extended maturity date.[2] (See Tables 20 through 25.)

[1] See Tables 26 through 54 for redemption values and investment yields during extended maturity period for bonds with issue dates of May 1, 1952, through Nov. 1, 1961. See § 316.8(b) of the Fourth Amendment to this Circular concerning yields during the extended maturity period for bonds with subsequent issue dates.

[2] Under authority of section 25 of the Second Liberty Bond Act, as amended (73 Stat. 621, 31 U.S.C. 757c-1), the President of the United States on Mar. 20, 1969, found it necessary in the national interest to exceed the maximum investment yield prescribed by section 22 of the Act.

TABLE 21

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1949, THROUGH MAY 1, 1950

Issue price	$7.80	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield	
Denomination	10.00	25.00	50.00	100.00	200.00	500.00	1,000.00		
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD [3]							(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
								Percent	*Percent*
First ½ year [1]	(12/1/69)	$14.80	$37.00	$74.00	$148.00	$295.00	$740.00	$1,480.00	0.00	4.25
½ to 1 year	(6/1/70)	15.11	37.77	75.54	151.08	302.16	755.40	1,510.80	4.16	4.26
1 to 1½ years	(12/1/70)	15.42	38.53	77.10	154.20	308.40	771.00	1,542.00	4.15	4.25
1½ to 2 years	(6/1/71)	15.74	39.35	78.70	157.40	314.80	787.00	1,574.00	4.15	4.27
2 to 2½ years	(12/1/71)	16.07	40.17	80.34	160.68	321.36	803.40	1,606.80	4.15	4.27
2½ to 3 years	(6/1/72)	16.40	41.00	82.00	164.00	328.00	820.00	1,640.00	4.15	4.28
3 to 3½ years	(12/1/72)	16.74	41.85	83.70	167.40	334.80	837.00	1,674.00	4.15	4.29
3½ to 4 years	(6/1/73)	17.09	42.72	85.44	170.88	341.76	854.40	1,708.80	4.15	4.30
4 to 4½ years	(12/1/73)	17.44	43.61	87.22	174.44	348.88	872.20	1,744.40	4.15	4.31
4½ to 5 years	(6/1/74)	17.80	44.51	89.02	178.04	356.08	890.20	1,780.40	4.15	4.33
5 to 5½ years	(12/1/74)	18.18	45.44	90.88	181.76	363.52	908.80	1,817.60	4.15	4.35
5½ to 6 years	(6/1/75)	18.55	46.38	92.70	185.32	371.04	927.60	1,855.20	4.15	4.37
6 to 6½ years	(12/1/75)	18.94	47.34	94.68	189.36	378.72	946.80	1,893.60	4.15	4.40
6½ to 7 years	(6/1/76)	19.33	48.32	96.64	193.28	386.56	966.40	1,932.80	4.15	4.44
7 to 7½ years	(12/1/76)	19.73	49.33	98.66	197.32	394.64	986.60	1,973.20	4.15	4.48
7½ to 8 years	(6/1/77)	20.14	50.35	100.70	201.40	402.80	1,007.00	2,014.00	4.15	4.55
8 to 8½ years	(12/1/77)	20.56	51.39	102.78	205.56	411.12	1,027.80	2,055.60	4.15	4.65
8½ to 9 years	(6/1/78)	20.98	52.46	104.92	209.84	419.68	1,049.20	2,098.40	4.15	4.81
9 to 9½ years	(12/1/78)	21.42	53.55	107.10	214.20	428.40	1,071.00	2,142.00	4.15	5.14
9½ to 10 years	(6/1/79)	21.86	54.66	109.32	218.64	437.28	1,093.20	2,186.40	4.15	6.15
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date [4])	(12/1/79)	22.54	56.34	112.68	225.36	450.72	1,126.80	2,253.60	[2] 4.25	

[1] Month, day, and year on which issues of December 1, 1949, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.70 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

TABLE 22

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1950

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield	
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00		
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD [3]						(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
							Percent	*Percent*
First ½ year [1]	(6/1/70)	$37.26	$74.50	$148.80	$297.60	$744.00	$1,488.00	0.00	4.25
½ to 1 year	(12/1/70)	37.97	75.94	151.88	303.76	759.40	1,518.80	4.14	4.25
1 to 1½ years	(6/1/71)	38.76	77.52	155.04	310.08	775.20	1,550.40	4.15	4.26
1½ to 2 years	(12/1/71)	39.56	79.12	158.24	316.48	791.20	1,582.40	4.14	4.27
2 to 2½ years	(6/1/72)	40.39	80.78	161.56	323.12	807.80	1,615.60	4.16	4.27
2½ to 3 years	(12/1/72)	41.22	82.44	164.88	329.76	824.40	1,648.80	4.15	4.28
3 to 3½ years	(6/1/73)	42.08	84.16	168.32	336.64	841.60	1,683.20	4.15	4.29
3½ to 4 years	(12/1/73)	42.95	85.90	171.80	343.60	859.00	1,718.00	4.15	4.30
4 to 4½ years	(6/1/74)	43.84	87.68	175.36	350.72	876.80	1,753.60	4.15	4.32
4½ to 5 years	(12/1/74)	44.75	89.50	179.00	358.00	895.00	1,790.00	4.15	4.33
5 to 5½ years	(6/1/75)	45.68	91.36	182.72	365.44	913.60	1,827.20	4.15	4.35
5½ to 6 years	(12/1/75)	46.63	93.26	186.52	373.04	932.60	1,865.20	4.15	4.37
6 to 6½ years	(6/1/76)	47.60	95.20	190.40	380.80	952.00	1,904.00	4.15	4.39
6½ to 7 years	(12/1/76)	48.58	97.16	194.32	388.64	971.60	1,943.20	4.15	4.43
7 to 7½ years	(6/1/77)	49.59	99.18	198.36	396.72	991.80	1,983.60	4.15	4.48
7½ to 8 years	(12/1/77)	50.62	101.24	202.48	404.96	1,012.40	2,024.80	4.15	4.55
8 to 8½ years	(6/1/78)	51.67	103.34	206.68	413.36	1,033.40	2,066.80	4.15	4.65
8½ to 9 years	(12/1/78)	52.74	105.48	210.96	421.92	1,054.80	2,109.60	4.15	4.81
9 to 9½ years	(6/1/79)	53.84	107.68	215.36	430.72	1,076.80	2,153.60	4.15	5.13
9½ to 10 years	(12/1/79)	54.96	109.92	219.84	439.68	1,099.20	2,198.40	4.15	6.11
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4]	(6/1/80)	56.64	113.28	226.56	453.12	1,132.80	2,265.60	[2] 4.25	

[1] Month, day, and year on which issues of December 1, 1950, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.72 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

TABLE 23

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1950, THROUGH MAY 1, 1951

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield	
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00		
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD [3]						(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
							Percent	*Percent*
First ½ year [1]	(12/1/70)	$37.40	$74.80	$149.60	$299.20	$748.00	$1,496.00	0.00	4.25
½ to 1 year	(6/1/71)	38.18	76.36	152.72	305.44	763.60	1,527.20	4.17	4.25
1 to 1½ years	(12/1/71)	38.97	77.94	155.88	311.76	779.40	1,558.80	4.15	4.26
1½ to 2 years	(6/1/72)	39.78	79.56	159.12	318.24	795.60	1,591.20	4.16	4.27
2 to 2½ years	(12/1/72)	40.60	81.20	162.40	324.80	812.00	1,624.00	4.15	4.28
2½ to 3 years	(6/1/73)	41.44	82.86	165.76	331.52	828.80	1,657.60	4.15	4.28
3 to 3½ years	(12/1/73)	42.30	84.60	169.20	338.40	846.00	1,692.00	4.15	4.29
3½ to 4 years	(6/1/74)	43.16	86.36	172.72	345.44	863.00	1,727.20	4.15	4.30
4 to 4½ years	(12/1/74)	44.08	88.16	176.32	351.64	881.00	1,763.20	4.15	4.32
4½ to 5 years	(6/1/75)	44.99	89.98	179.96	359.92	899.80	1,799.60	4.15	4.33
5 to 5½ years	(12/1/75)	45.93	91.86	183.72	367.44	918.00	1,837.20	4.15	4.35
5½ to 6 years	(6/1/76)	46.88	93.76	187.52	375.04	937.60	1,875.20	4.15	4.37
6 to 6½ years	(12/1/76)	47.85	95.70	191.40	382.80	957.00	1,914.00	4.15	4.40
6½ to 7 years	(6/1/77)	48.85	97.70	195.40	390.80	977.00	1,954.00	4.15	4.43
7 to 7½ years	(12/1/77)	49.86	99.72	199.44	398.88	997.20	1,994.40	4.15	4.48
7½ to 8 years	(6/1/78)	50.89	101.78	203.56	407.12	1,017.80	2,035.60	4.15	4.51
8 to 8½ years	(12/1/78)	51.95	103.90	207.80	415.60	1,039.00	2,078.00	4.15	4.66
8½ to 9 years	(6/1/79)	53.00	106.00	212.12	424.24	1,060.60	2,121.20	4.15	4.81
9 to 9½ years	(12/1/79)	54.13	108.26	216.52	433.04	1,082.60	2,165.20	4.15	5.14
9½ to 10 years	(6/1/80)	55.25	110.50	221.00	442.00	1,105.00	2,210.00	4.15	6.15
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4]	(12/1/80)	56.95	113.90	227.80	455.60	1,139.00	2,278.00	[2] 4.25	

[1] Month, day, and year on which issues of December 1, 1950, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.74 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

TABLE 24

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1951

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield	
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00		
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD [3]						(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
							Percent	*Percent*
First ½ year [1]	(6/1/71)	$37.60	$75.20	$150.40	$300.80	$752.00	$1,504.00	0.00	4.25
½ to 1 year	(12/1/71)	38.38	76.76	153.52	307.04	767.60	1,535.20	4.15	4.25
1 to 1½ years	(6/1/72)	39.18	78.36	156.72	313.44	783.60	1,567.20	4.16	4.26
1½ to 2 years	(12/1/72)	39.99	79.98	159.96	319.92	799.80	1,599.60	4.15	4.27
2 to 2½ years	(6/1/73)	40.82	81.64	163.28	326.56	816.40	1,632.80	4.15	4.27
2½ to 3 years	(12/1/73)	41.67	83.34	166.68	333.36	833.40	1,666.80	4.15	4.28
3 to 3½ years	(6/1/74)	42.53	85.06	170.12	340.24	850.60	1,701.20	4.15	4.29
3½ to 4 years	(12/1/74)	43.41	86.82	173.64	347.28	868.20	1,736.40	4.15	4.30
4 to 4½ years	(6/1/75)	44.31	88.62	177.24	354.48	886.20	1,772.40	4.15	4.32
4½ to 5 years	(12/1/75)	45.23	90.46	180.92	361.84	904.60	1,809.20	4.15	4.33
5 to 5½ years	(6/1/76)	46.17	92.34	184.68	369.36	923.40	1,846.80	4.15	4.35
5½ to 6 years	(12/1/76)	47.13	94.26	188.52	377.04	942.60	1,885.20	4.15	4.37
6 to 6½ years	(6/1/77)	48.11	96.22	192.44	384.88	962.20	1,924.40	4.15	4.40
6½ to 7 years	(12/1/77)	49.11	98.22	196.44	392.88	982.20	1,964.40	4.15	4.43
7 to 7½ years	(6/1/78)	50.13	100.26	200.52	401.04	1,002.60	2,005.20	4.15	4.48
7½ to 8 years	(12/1/78)	51.17	102.34	204.68	409.36	1,023.40	2,046.80	4.15	4.54
8 to 8½ years	(6/1/79)	52.23	104.46	208.92	417.84	1,044.60	2,089.20	4.15	4.64
8½ to 9 years	(12/1/79)	53.31	106.62	213.24	426.48	1,066.20	2,132.40	4.15	4.81
9 to 9½ years	(6/1/80)	54.42	108.84	217.68	435.36	1,088.40	2,176.80	4.15	5.13
9½ to 10 years	(12/1/80)	55.55	111.10	222.20	444.40	1,111.00	2,222.00	4.15	6.12
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4]	(6/1/81)	57.25	114.50	229.00	458.00	1,145.00	2,290.00	[2] 4.25	

[1] Month, day, and year on which issues of June 1, 1951, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.76 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

TABLE 25

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1951 THROUGH APRIL 1, 1952

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
	(1) Redemption values during each half-year period (values increase on first day of period shown)						(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
Period after first extended maturity (beginning 20 years after issue date)	SECOND EXTENDED MATURITY PERIOD [3]							
							Percent	*Percent*
First ½ year [1] (12/1/71)	$37.80	$75.60	$151.20	$302.40	$756.00	$1,512.00	0.00	4.25
½ to 1 year (6/1/72)	38.58	77.16	154.32	308.64	771.60	1,543.20	4.13	4.26
1 to 1½ years (12/1/72)	39.38	78.76	157.52	315.04	787.60	1,575.20	4.14	4.26
1½ to 2 years (6/1/73)	40.20	80.40	160.80	321.60	804.00	1,608.00	4.15	4.27
2 to 2½ years (12/1/73)	41.04	82.08	164.16	328.32	820.80	1,641.60	4.15	4.27
2½ to 3 years (6/1/74)	41.89	83.78	167.56	335.12	837.80	1,675.60	4.15	4.28
3 to 3½ years (12/1/74)	42.76	85.52	171.04	342.08	855.20	1,710.40	4.15	4.29
3½ to 4 years (6/1/75)	43.64	87.28	174.56	349.12	872.80	1,745.60	4.15	4.30
4 to 4½ years (12/1/75)	44.55	89.10	178.20	356.40	891.00	1,782.00	4.15	4.32
4½ to 5 years (6/1/76)	45.47	90.94	181.88	363.76	909.40	1,818.80	4.15	4.33
5 to 5½ years (12/1/76)	46.42	92.84	185.68	371.36	928.40	1,856.80	4.15	4.35
5½ to 6 years (6/1/77)	47.38	94.76	189.52	379.04	947.60	1,895.20	4.15	4.37
6 to 6½ years (12/1/77)	48.36	96.72	193.44	386.88	967.20	1,934.40	4.15	4.40
6½ to 7 years (6/1/78)	49.37	98.74	197.48	394.96	987.40	1,974.80	4.15	4.43
7 to 7½ years (12/1/78)	50.39	100.78	201.56	403.12	1,007.80	2,015.60	4.15	4.48
7½ to 8 years (6/1/79)	51.44	102.88	205.76	411.52	1,028.80	2,057.60	4.15	4.55
8 to 8½ years (12/1/79)	52.51	105.02	210.04	420.08	1,050.20	2,100.40	4.15	4.64
8½ to 9 years (6/1/80)	53.59	107.18	214.36	428.72	1,071.80	2,143.60	4.15	4.82
9 to 9½ years (12/1/80)	54.71	109.42	218.84	437.68	1,094.20	2,188.40	4.15	5.14
9½ to 10 years (6/1/81)	55.84	111.68	223.36	446.72	1,116.80	2,233.60	4.15	6.16
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (12/1/81)	57.56	115.12	230.24	460.48	1,151.20	2,302.40	[2] 4.25	

[1] Month, day, and year on which issues of December 1, 1951, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.77 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

[F.R. Doc. 69-4270; Filed, Apr. 28, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Elizabeth Morton National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

NEW YORK

ELIZABETH MORTON NATIONAL WILDLIFE REFUGE

Entry to the refuge area on foot is permitted for the purpose of birdwatching, photography, nature study, hiking, picnicking, and fishing during daylight hours. Entry by motor vehicle is permitted on designated routes. Pets are not permitted on the refuge.

The refuge, comprising 187 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69-5066; Filed, Apr. 28, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

EXEMPTIONS

Under the authority of § 301.81-2 of the Imported Fire Ant Quarantine regulations (7 CFR 301.81-2, as amended, 33 F.R. 9750), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.81-2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.81-2b Exempted articles.

(a) The following articles are exempt [1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (5) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Compost, peat, humus, and decomposed manure, if dehydrated, ground, pulverized, or compressed.

(2) Logs and pulpwood: *Provided*, The railroad loading site has been treated in accordance with the treatment manual.

(3) Hay and straw, if used for packing or bedding.

(4) Stumpwood, if free of excessive amounts of soil: *Provided*, The railroad loading site has been treated in accordance with the treatment manual and the stumpwood is consigned to a processing plant.

(5) Used mechanized soil-moving equipment, if cleaned and repainted.

(b) The following articles are exempt from the certification and permit requirements of this subpart under the applicable conditions prescribed in subparagraphs (1) and (2) of this paragraph:

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

(1) Soil samples of any size, if collected and shipped to any U.S. Army Corps of Engineers soil laboratory located within the conterminous United States in accordance with a compliance agreement with the shipper pertaining to such consignments.

(2) Soil samples of 1 pound or less which are packaged so that no soil will be spilled in transit and are consigned to a laboratory approved by the Director for such purposes: *Provided*, That soil samples originating in areas under Federal or State regulation because of infestation with soybean cyst nematode, golden nematode, or witchweed are not exempted: *And, provided further*, That soil samples originating in areas under such regulation because of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, or Texas. One pound samples meeting the requirements set forth above may be assembled in a single package for shipping purposes.[2]

[2] Any laboratory is eligible for approval by the Director for purposes of this paragraph if it is operated under a compliance agreement as defined in § 301.81-1(b). A notice listing approved laboratories will be published periodically in the FEDERAL REGISTER. Copies of the current list may also be obtained from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville Md. 20782, or from an inspector.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.81-2)

This list of exempted articles shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the list of exempted articles in 7 CFR 301.81-2b which became effective July 6, 1968.

The principal purpose of this document is to exempt hay and straw if used as packing or bedding since storage or handling for these purposes would render the hay and straw pest free.

This document relieves certain restrictions which are not deemed necessary to prevent the interstate spread of the imported fire ant and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of April 1969.

J. F. SPEARS,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 69-5072; Filed, Apr. 28, 1969; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.7, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1969 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.7 (34 F.R. 125, 6031) which established allotments for the Mainland Cane Sugar Area for the calendar year 1969.

This amendment is necessary to give effect to the 17,333 ton increase in the Mainland Cane Sugar Area Quota which was increased from 1,152,000 to 1,169,333 tons by Sugar Regulation 811, Amendment 3.

In accordance with paragraphs (5) and (8) of the findings and conclusions set forth in S.R. 814.7, Amdt. 1 (34 F.R. 6031), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The quantity of sugar and the percentage referred to in finding (5) based on data involving some estimates for 1968 crop processings and January 1, 1969, inventories which shall be used in determining allotments pending the availability and substitution of revised data are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings within allotments 1965-68		Ability to market					Processor's basic allotment [4]		
					Effective inventory Jan. 1, 1969 [3]	New crop quota marketings		Measures used				Processor's adjusted allotment [4]
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average "Shares" 1965-68	of difference [5]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value	short tons, raw value
					Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	10,481	0.855	10,076	0.871	4,850	7,956	2,151	7,001	0.599	0.804	9,401	9,089
Alma Plantation, Ltd.	11,562	.938	10,088	.872	5,978	8,142	2,201	8,179	.700	.877	10,255	9,915
J. Aron & Co., Inc.	17,334	1.406	13,480	1.165	8,381	12,054	3,259	11,640	.993	1.276	14,950	14,425
Billeaud Sugar Factory	11,185	.908	9,534	.824	6,353	6,305	1,721	8,106	.693	.845	9,915	9,581
Breaux Bridge Sugar Co-op.	11,771	.955	9,267	.801	8,872	5,289	1,430	10,302	.881	.900	10,529	10,276
Wm. T. Burton Industries, Inc.	7,337	.595	7,026	.607	3,416	5,413	1,464	4,880	.417	.562	6,571	6,353
Caire & Graugnard	6,459	.524	5,814	.503	4,047	4,156	1,124	5,171	.442	.503	5,881	5,686
Cajun Sugar Co-op., Inc.	26,529	2.153	23,174	2.003	26,611	14	4	26,615	2.276	2.146	25,116	[6] 26,611
Caldwell Sugar Co-op., Inc.	17,667	1.433	13,381	1.157	10,907	10,544	2,851	13,758	1.177	1.327	15,516	15,001
Columbia Sugar Co.	10,057	.816	8,459	.731	6,257	5,736	1,551	7,808	.668	.769	8,992	8,693
Cora-Texas Manufacturing Co., Inc.	11,296	.917	8,168	.706	11,262	1,799	486	11,748	1.005	.892	10,430	[6] 11,262
Dugas & LeBlanc, Ltd.	20,859	1.692	15,534	1.343	13,639	16,821	4,548	16,565	1.417	1.587	18,552	17,715
Duhe & Bourgeois Sugar Co.	11,602	.941	10,001	.872	5,928	8,256	2,232	8,160	.698	.879	10,278	9,937
Erath Sugar Co., Ltd.	6,662	.541	6,515	.563	2,575	5,294	1,431	3,990	.341	.526	6,903	5,709
Evan Hall Sugar Co-op., Inc.	20,402	2.896	23,115	1.998	17,877	17,735	4,792	22,669	1.939	2.219	25,947	23,185
Frisco Cane Co., Inc.	2,532	.205	2,602	.225	854	2,182	590	1,444	.123	.193	2,257	2,182
Glenwood Co-op., Inc.	21,918	1.778	16,249	1.405	13,727	12,539	3,390	17,117	1.464	1.641	19,188	18,551
Helvetia Sugar Co-op., Inc.	15,881	1.289	12,401	1.072	10,420	8,812	2,383	12,803	1.095	1.307	14,113	13,645
Iberia Sugar Co-op., Inc.	34,425	1.962	19,022	1.644	17,871	10,476	2,832	20,703	1.771	1.672	21,880	21,162
Lafourche Sugar Co.	21,518	1.746	18,216	1.583	12,533	13,546	3,663	16,196	1.385	1.641	19,185	18,551
Harry L. Laws & Co., Inc.	18,608	1.510	15,710	1.358	10,859	10,666	2,884	13,743	1.175	1.413	16,522	15,974
Levert-St. John, Inc.	16,125	1.308	13,101	1.133	7,400	11,479	3,104	10,504	.898	1.191	13,928	13,464
Little Texas, Inc.	5,881	.477	5,180	.446	4,621	2,619	708	5,329	.456	.467	5,461	5,280
Louisa Sugar Co-op., Inc.	13,153	1.067	11,485	.993	7,981	7,723	2,088	10,069	.861	1.011	11,821	11,429

See footnotes at end of table.

Processor	Processings of sugar [1]		Average quota marketings within allotments 1966–68		Ability to market					Processor's basic allotment [6]		
						New crop quota marketings		Measures used				
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Effective inventory Jan. 1, 1969 [2]	Average 1966–68	"Shares" of differences [4]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value	Processor's adjusted allotment [5] short tons, raw value
					Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Louisiana State Penitentiary	3,627	.311	4,124	.357	3,360	962	260	3,620	.310	.320	3,742	3,618
Meeker Sugar Co-op., Inc.	12,497	1.014	11,756	1.016	12,945	1,298	351	13,296	1.137	1.089	12,149	[8] 12,437
Milliken & Farwell, Inc.	13,358	1.084	10,533	.911	6,476	7,261	1,963	10,439	.927	1.018	11,903	11,508
M. A. Patout & Son, Ltd.	18,285	1.484	13,762	1.364	9,951	11,940	3,228	13,179	1.127	1.389	16,241	15,702
Poplar Grove Planting & Refining Co.	11,202	.909	8,871	.767	7,774	8,559	1,503	9,277	.793	.857	10,021	9,688
Savoie Industries	21,070	1.710	15,448	1.335	14,453	10,821	2,926	17,379	1.486	1.590	18,592	17,975
St. James Sugar Co-op., Inc.	26,647	2.161	19,927	1.723	24,834	5,415	1,464	26,298	2.249	2.043	23,888	[8] 24,834
St. Mary Sugar Co-op., Inc.	17,660	1.435	14,861	1.285	10,181	11,164	3,018	13,199	1.129	1.344	15,715	15,103
South Coast Corp.	74,209	6.021	63,935	5.530	73,549	11,263	3,061	76,600	6.551	6.027	70,473	[9] 73,549
Southdown, Inc.	43,167	3.503	37,092	3.207	28,617	22,370	6,048	34,665	2.965	3.336	39,007	37,712
Sterling Sugars, Inc.	32,644	2.649	28,455	2.290	19,126	19,639	5,310	24,436	2.090	2.465	28,823	27,866
J. Supple's Sons Planting Co., Inc.	6,214	.504	5,719	.494	4,208	3,375	913	5,116	.438	.489	5,718	5,528
Valentine Sugars, Inc.	14,321	1.163	10,677	.923	8,150	8,554	2,313	10,463	.895	1.051	12,288	11,994
Vida Sugars, Inc.	5,408	.438	5,428	.470	1,808	4,464	1,207	3,073	.263	.409	4,782	4,623
A. Wilbert's Sons Lumber & Shingle Co.	10,595	.860	10,553	.913	5,776	7,369	1,992	7,768	.664	.831	9,717	9,394
Young's Industries, Inc.	7,225	.586	6,977	.603	3,885	4,333	1,172	5,057	.432	.559	6,536	6,319
Louisiana subtotal	657,568	54.109	635,876	48.033	460,797	325,355	87,988	548,785	46.932	51.498	602,157	593,321
Atlantic Sugar Association, Inc.	30,739	2.494	25,352	2.056	29,897	0	0	29,897	2.557	2.419	30,634	29,897
Florida Sugar Corp.	30,490	2.503	18,631	1.559	23,125	1,637	442	23,567	2.016	1.713	20,036	[9] 21,518
Glades County Sugar Growers Co-op., Association	39,547	3.209	37,701	3.778	44,343	0	0	44,343	3.792	3.439	40,212	[9] 41,262
Osceola Farms Co.	48,935	3.971	50,809	4.375	55,754	0	0	55,754	4.768	4.211	49,238	[9] 51,880
South Puerto Rico Sugar Co., Inc.	72,239	5.861	77,909	6.605	76,543	2,567	694	77,237	6.605	6.171	72,156	72,156
Sugarcane Growers Co-op. of Florida	99,424	8.067	110,397	9.543	109,612	0	0	109,612	9.374	8.634	100,939	[9] 101,997
Talisman Sugar Corp.	40,410	3.279	34,256	2.825	42,559	0	0	42,559	3.640	3.461	40,469	40,469
United States Sugar Corp.	213,050	17.287	231,474	19.145	232,754	17,734	4,795	237,549	20.316	18.204	212,858	[9] 216,583
Florida subtotal	564,834	45.821	600,918	51.947	614,587	21,938	5,931	620,518	53.068	48.502	567,126	575,762
Total all mainland cane	1,222,422	100.000	1,236,794	100.000	1,075,384	347,293	93,899	1,169,283	100.000	100.000	1,169,283	1,169,283

[1] The higher of either the production of sugar from the 1968 crop sugarcane or 82 percent of the average production from the 1966 and 1967 crops of sugarcane.

[2] Effective inventory, Jan. 1, 1969, is the physical inventory Jan. 1, 1969, plus processings from 1968 crop cane in 1969.

[3] The difference between 1,169,283 tons (quota for 1969 established by S.R. 811, less 50 tons reserve for Louisiana State University) and the total average 1966–68 new-crop marketings prorated on the basis of the 1966–68 average new crop marketings shown in Column 6.

[4] Column (10) was determined by weighting "processings" Col. (2) by 60 percent, "marketings" Col. (4) by 20 percent, and "ability" Col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less 50 tons reserved for Louisiana State University, by Column (10).

[5] Basic allotments (Col. 11) which were less than the respective processors' Jan. 1, 1969 effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1969, effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 50 tons reserve for Louisiana State University, except, that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1969, effective inventory. The basic allotments of those processors having Jan. 1, 1969, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotment of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1969, effective inventory by the use of this adjustment than other affected processors.

[6] Adjusted allotment established to equal Jan. 1, 1969 physical inventory.

[7] Adjusted allotment established to permit each processor affected to market 93.0522 percent of its Jan. 1, 1969, effective inventory.

Pursuant to provisions of section 205 (a) of the Act and in accordance with paragraph (e) of § 814.7 of this chapter, paragraph (a) of such § 814.7 is amended to read as follows:

§ 814.7 Allotment of the 1969 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1969, until the date allotments of the entire 1969 calendar year quota for the Mainland Cane Sugar Area are prescribed, 1,110,866 short tons, raw value, of the 1969 quota for the Mainland Cane Sugar Area is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (Short tons, raw value)
Albania Sugar Co.	8,635
Alma Plantation, Ltd.	9,419
J. Aron & Co., Inc.	13,704
Billeaud Sugar Factory	9,107
Breaux Bridge Sugar Co-op.	9,762
Wm. T. Burton Industries, Inc.	6,035
Caire & Graugnard	5,402
Cajun Sugar Co-op., Inc.	25,280
Caldwell Sugars Co-op., Inc.	14,251
Columbia Sugar Co.	8,256
Cora-Texas Manufacturing Co., Inc.	10,690
Dugas & LeBlanc, Ltd.	16,829
Duhe & Bourgeois Sugar Co.	9,440
Erath Sugar Co., Ltd.	5,424
Evan Hall Sugar Co-op., Inc.	23,830
Frisco Cane Co., Inc.	2,073
Glenwood Co-op., Inc.	17,633
Helvetia Sugar Co-op., Inc.	12,963
Iberia Sugar Co-op., Inc.	20,104
Lafourche Sugar Co.	17,623
Harry L. Law & Co., Inc.	15,175
Levert-St. John, Inc.	12,791
Little Texas, Inc.	5,016
Louisa Sugar Co-op., Inc.	10,858
Louisiana State Penitentiary	3,437
Louisiana State University	48
Meeker Sugar Co-op., Inc.	11,815
Milliken & Farwell, Inc.	10,933
M. A. Patout & Son, Ltd.	14,917
Poplar Grove Planting & Refining Co.	9,204
Savoie Industries	17,076
St. James Sugar Co-op., Inc.	23,592
St. Mary Sugar Co-op., Inc.	14,433
South Coast Corp.	69,872
Southdown, Inc.	35,836
Sterling Sugars, Inc.	26,473
J. Supple's Sons Planting Co., Inc.	5,252
Valentine Sugars, Inc.	11,394
Vida Sugars, Inc.	4,392
A. Wilbert's Sons Lumber & Shingle Co.	8,934
Young's Industries, Inc.	6,003
Louisiana subtotal	563,892
Atlantic Sugar Association	28,402
Florida Sugar Corp.	20,442
Glades County Sugar Growers Co-op., Association	39,199
Osceola Farms Co.	49,286
South Puerto Rico Sugar Co., Inc.	68,548
Sugarcane Growers Co-op. of Florida	96,897
Talisman Sugar Corp.	38,446
United States Sugar Corp.	205,754
Florida subtotal	546,974
Total allotted	1,110,866
Unallotted	58,467
Total, all mainland cane	1,169,333

* * * * *

(Secs. 205, 209, 403, 61 Stat. 926 as amended, 928 as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order for almost all processors are larger than the allotments established in S.R. 814.7, Amdt. 1 (34 F.R. 6031). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on April 23, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-5009; Filed, Apr. 28, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 370, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.670 (Lemon Reg. 370, 34 F.R. 6681) are hereby amended to read as follows:

§ 910.670 Lemon Regulation 370.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 251,000 cartons;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5051; Filed, Apr. 28, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1968 and Subsequent Crops Rice Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 and Subsequent Crops, Rice Loan and Purchase Program

DELIVERIES OF IDENTITY PRESERVED, MODIFIED COMMINGLED AND COMMINGLED STORED RICE

Section 1421.310 of the regulations issued by the Commodity Credit Corporation, and published in 33 F.R. 8430 which set forth the requirements with respect to price support for the 1968 and each subsequent crop of rice for which a price support program is authorized, is hereby amended to state more explicitly requirements for procuring sample inspection certificates and to exercise options available to CCC as to time for delivery of warehouse receipts for settlement purposes. The amendments to § 1421.310 are as follows:

1. Paragraph (a) is amended to provide that in the case of purchases of rice in approved warehouses, the producer shall deliver warehouse receipts to the county office no later than the day following the maturity date.

2. Paragraph (b) is amended to state more explicitly and separately, settlement provisions for loans and purchases for rice stored modified commingled in approved warehouses.

3. Paragraph (c) is amended to separate settlement provisions for loans and purchases and to provide new provisions for each.

§ 1421.310 Settlement.

* * * * *

(a) *Commingled warehouse storage.* Settlement for eligible rice stored commingled in an approved warehouse and acquired by CCC under a loan or by purchase shall be made on the basis of the class and the grade, quality and quantity as shown on the warehouse receipt or supplemental certificate if applicable. Settlement shall also be made on such a basis (1) where an approved warehouse issues a commingled warehouse receipt for loan rice delivered into the warehouse from farm storage pursuant to instructions of the county office, (2) where an approved warehouse issues commingled warehouse receipts in exchange for warehouse receipts representing rice under identity preserved or modified commingled warehouse storage loan and (3) where CCC determines that a warehouseman failed to maintain the identity of rice covered by an identity preserved warehouse storage loan or modified commingled warehouse storage loan. In the case of purchases, the producer shall, not later than the day following the maturity date specified in the annual crop year supplement, deliver to the county office warehouse receipts under which an approved warehouse guarantees the class and the grade, quality, and quantity of rice sold to CCC.

(b) *Modified commingled.*—(1) *Loans.* Settlement for eligible rice stored modified commingled in an approved warehouse and acquired by CCC under a loan shall be made on the basis of the class, grade, and quality shown on Federal or Federal-State sample inspection certificates and on the basis of the quantity shown on the warehouse receipt or supplemental certificate, if applicable. The county office shall sample the rice for settlement purposes within 10 days after the maturity date.

(2) *Purchases.* Settlement for eligible rice stored modified commingled in an approved warehouse and acquired by CCC under a purchase shall be made on the basis of the class, grade, and quality shown on Federal or Federal-State sample inspection certificates and on the basis of the quantity shown on the warehouse receipt or supplemental certificate, if applicable. The producer shall, within 5 days following the maturity date, deliver to the county office warehouse receipts representing rice stored modified commingled in an approved warehouse. The county office shall sample the rice for settlement purposes within 5 days of the time the producer delivers the warehouse receipt or 10 days after the maturity date, whichever is later.

(c) *Other storage.* Settlement for eligible rice acquired under loan or purchase not covered by paragraph (a) or (b) of this section shall be made on the basis of the class and of the grade and quality shown on Federal or Federal-State sample inspection certificate and on the basis of the quantity shown on official weight certificates. Certificates required by this paragraph (c) shall be dated not earlier than 30 days before the maturity date.

(1) *Loans.* In the case of rice stored identity preserved in approved warehouse storage and acquired by CCC under a loan, the county office shall obtain official weight certificates and sample the rice for quality determination within 10 days following the maturity date.

(2) *Purchases.* In the case of rice stored identity preserved in approved warehouse storage and acquired by CCC under purchase, the producer shall, within 5 days following the maturity date deliver to the county office warehouse receipts representing rice stored identity preserved in an approved warehouse. The county office shall obtain official weight certificates and sample the

rice for settlement purposes within 5 days of the time the producer delivers the warehouse receipt or 10 days after the maturity date, whichever is later.

• • • • •

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 23, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-5073; Filed, Apr. 28, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1079]

[Docket No. AO-295-A19]

MILK IN DES MOINES, IOWA, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and To Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Des Moines, Iowa, on March 24, 1969, pursuant to notices thereof which were issued March 6, 1969 (34 F.R. 5078) and March 12, 1969 (34 F.R. 5303).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on April 14, 1969 (34 F.R. 6589; F.R. Doc. 69-4561) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 6589; F.R. Doc. 69-4561) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Diverted milk.

2. Location differentials.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diverted milk.* The limitation on the quantity of milk that may be diverted and pooled during the month should be based on a percentage of total receipts from producers at a pool plant or by a cooperative association rather than the present method of basing it on days of delivery by individual dairy farmers. Such diversions should be limited to 50 percent of the physical receipts at pool plants in the months September–March and 100 percent in the months April–August. Also, the point of pricing diverted milk should be at the plant to which diverted rather than the plant from which diverted.

Presently, in the months of July through March, milk of an individual dairy farmer may be diverted to a nonpool plant as producer milk on no more than the number of days during the month that it is delivered to a pool plant. During the remaining months of the year, unlimited diversions are permitted. Producer milk diverted to a nonpool plant is now considered a receipt at the pool plant from which diverted for pricing purposes. Diverted milk is not now included in the receipts at a distributing plant for determining the pool status of such a plant and no proposal to change this provision was considered at the hearing.

A cooperative association representing about 80 percent of the producers supplying the Des Moines market proposed amending the order. As proposed, a handler who is the operator of a pool plant could divert the milk of any individual producer who has one delivery to a pool plant during the month, without limitation during the other days of such month. The total quantity of diverted milk, however, could not exceed 50 percent in September through April and 75 percent in May through August of receipts at pool distributing plants. Also, the cooperative asked that the point of pricing diverted milk be at the plant of actual receipt.

The diversion privilege is primarily intended to obtain efficiency in the marketing of milk not needed at pool plants for fluid use. Instead of being physically received at the pool plant and then transferred to the nonpool plant, excess milk may be hauled directly from the farms to nonpool plants.

The present system of basing diversions on the number of days an individual producer's milk is actually delivered to a pool plant has the effect of causing each producer's milk to be delivered at least one-half the time to a pool distributing plant, regardless of whether that milk is needed on that number of days or not. This sometimes results in an uneconomical movement of milk. Under the present system, on some days distant milk must be delivered to a pool distributing plant in order to qualify, while at the same time nearby milk is diverted to a manufacturing plant. Basing diversions on a percentage of total deliveries will eliminate this uneconomic movement of particular loads of milk but will require the diverting handler to meet performance standards related to his entire producer milk supply. Requiring each producer to deliver at least 1 day during each month to a pool distributing plant will assure that each producer has a continuing association with the market.

During the months when reserve supplies are greatest, the order should allow for the greatest diversions. It is necessary to provide for diversions of lesser quantity in the other months of the year when most milk regularly associated with the market is needed to supply the Class I needs of the market. Limited diversions must be made during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when plants processing Class I products normally do not operate.

April through August are generally the months of greatest diversion to nonpool plants. In 1968, a quantity of milk representing about one-third of all the milk delivered to pool distributing plants during these 5 months was either transferred or diverted to nonpool plants. In the remaining 7 months, a quantity representing about 16 percent of the milk delivered to pool distributing plants was moved to nonpool plants. Since the need to divert milk varies considerably between different handlers a greater diversion limitation is needed to accommodate the operations of individual handlers. Thus, it is appropriate to permit pool plant handlers during the 5 months of April through August to divert up to 100 percent of the larger of the total quantity of producer milk received at such plant during the current month or the daily average receipts during the previous month, multiplied by the number of days in the current month. During the 7 other months, the quantity of milk that may be diverted should not exceed 50 percent of the receipts at pool plants.

Equivalent percentage limitations should apply to a cooperative acting as a handler on diverted milk. The 50 and 100 percent limitation would be based on the total member producer milk of such cooperative received at all pool plants during the month. The order should provide further that if a cooperative is diverting member milk during the month, then the allowable diversions by proprietary handlers should not include milk of producer members of the cooperative.

Although the proponent cooperative proposed a 100 percent diversion limitation during specified months in its proposal as published in the hearing notice, at the hearing the cooperative revised its proposal to permit a maximum diversion of only 75 percent of receipts at pool plants. Another cooperative opposed the proposed limits on diversions, particularly the further limitation not anticipated in the hearing notice. The 100 percent limitation specified herein will accommodate necessary diversions and, accordingly, it should be adopted.

Diversions in excess of the applicable percentages should not be considered producer milk. Furthermore, the diverting handler should be required to specify the dairy farmers whose milk would not be included as producer milk during the month.

Producer milk diverted to a nonpool plant should be priced at the location of the plant to which diverted. Presently, the producer milk that is diverted during certain months is priced f.o.b. the pool plant from which diverted. Much of this milk is diverted to manufacturing

plants located nearer to the farms than is the pool plant at which the milk is priced. Consequently, the hauling cost on such diverted milk is reduced. Pricing the milk at the plant from which diverted nevertheless allows the diverting handler the greater cost of delivery as if such milk were moved to the market.

A handler who operates a plant located in Ottumwa (Southeast Iowa) receives his milk supply from a dairy farmer cooperative which operates a manufacturing plant located in Cresco (Northeast Iowa). The distance from Cresco to Ottumwa is approximately 200 miles. These producers' farms are located in the area around Cresco. When the milk from these dairy farmers is not needed at the Ottumwa plant, it is diverted to the nearby manufacturing plant in Cresco thus saving the extra hauling cost for delivery to Ottumwa.

Based on the location adjustments recommended in this decision, if this milk were priced at the plant to which it is diverted, the price would be 28 cents per hundredweight less than the price applicable when it is received f.o.b. Ottumwa. The rate quoted by a hauling firm for transporting milk in bulk tank loads from Cresco to Ottumwa is 29 cents.

During the flush production months of May and June 1968, pricing diverted milk at the plant from which diverted reduced the pool fund approximately $9,000 per month according to estimates made by proponents. Pricing milk at the plant to which diverted will end this practice whereby the pool fund is reduced by the transportation allowance on milk that is not shipped to the market. In addition to the saving to the pool fund, the change will remove an uneconomic incentive which now exists to associate milk with the market primarily for the purpose of manufacturing such milk. Milk used in manufacturing is obtained in these circumstances at a price subsidized by hauling charges for costs on diverted milk which are not incurred. In view of the amount of money involved during the months of May and June, it is important that this issue be considered promptly.

The order presently contains the diversion provisions in the "Approved milk" definition. The diversion provisions contained in the attached order amendments refer to diversions from pool plants and describe "Producer milk" as the milk from dairy farmers that is subject to the pricing provisions of the order. The term "Approved milk" should be deleted and all references in the order to that term should be revised to refer to "Producer milk."

2. *Location differentials.* The order should be amended by deleting, except for plants located in Boone and Story Counties, Iowa, the minus 10-cent location adjustment applicable at plants located outside Polk County. Also, the location adjustment should be amended to use only the main post offices in Des Moines and Ottumwa, Iowa, as basing points for determining mileages to plants located outside the marketing area.

Presently, the order establishes a 10-cent lower price on milk received from producers at plants located outside Polk County, Iowa. An additional 10 cents is deducted on milk received at plants located 60 to 75 miles from the nearer of the post offices in Corydon, Creston, Des Moines, Grinnell, Jefferson, or Ottumwa, Iowa, and such price is reduced an additional 1.5 cents for each 10 miles or fraction thereof such distance exceeds 75 miles.

A cooperative association which represents about 80 percent of the Des Moines market producers proposed the deletion of the 10-cent location adjustment at plants located outside Polk County, Iowa, except as it applies to plants in Boone and Story Counties, Iowa, and using only Des Moines as a basing point for determining mileages. A handler who operates a distributing plant regulated under the Greater Kansas City order testified in favor of this proposal.

Two handlers who operate plants located in Ottumwa, Iowa, opposed the deletion of the minus 10-cent location adjustment. They stated that they compete extensively with handlers regulated under the Cedar Rapids-Iowa City or Quad Cities-Dubuque orders, both of which markets have a 5-cent lower Class I price at the locations of the competing handlers' plants.

The milk supply for the Des Moines market is expanding in northeast Iowa and in the States of Minnesota and Wisconsin. In December 1968 there were 1,198 producers supplying the Des Moines market, 191 more than the 1,007 producers in December 1967. Forty-six of these new producers are located in Wisconsin, 25 in Minnesota, and in the State of Iowa 30 are in Delaware County and 25 in Dubuque County. In 11 other northeastern Iowa counties an additional 50 producers were added to the Des Moines market. Only 15 of the new producers coming on the market in this period came from outside this northeastern Iowa, Minnesota, and Wisconsin area.

The metropolitan area surrounding Des Moines, Iowa, is the largest population center in the marketing area, but Ottumwa is another important population center. Ottumwa is about 85 miles southeast of Des Moines. One of the two handlers who operate plants in Ottumwa purchases his milk from a cooperative association located in Cresco, Iowa. In the same general northeastern Iowa area there are producers who deliver their milk to handlers in Des Moines. This northeastern Iowa area is about the same distance from Ottumwa as from Des Moines. Thus, the cost of transporting milk from producers' farms in this area to Ottumwa is about the same as it is to Des Moines. Unless the Class I and producer price of milk at Ottumwa is as high as the Des Moines price, producers will prefer delivery to Des Moines rather than Ottumwa.

Heretofore, producers delivering to one of the plants at Ottumwa have collected the price applicable at Ottumwa on milk diverted to a northeastern Iowa manufacturing plant at some saving in hauling cost to them. This saving in hauling cost has offset to some extent the fact that their price has been 10 cents less at Ottumwa. With milk priced at the plant to which diverted, as proposed in this decision, such offsetting compensation will not be available.

The two Ottumwa handlers stated that they have substantial competition with an Iowa City handler regulated under the Cedar Rapids-Iowa City order and a handler located in Cedar Rapids but regulated under the Quad Cities-Dubuque order. These two other order handlers have a Class I price five cents lower than the Ottumwa price. The Ottumwa handlers stated that increasing their price 10 cents would give the two other order handlers a 15-cent competitive price advantage.

It is about 85 miles from Ottumwa to Iowa City and 100 miles from Ottumwa to Cedar Rapids. A reasonable allowance for transporting milk is generally recognized to be about 1.5 cents per hundredweight per 10 miles hauled. At that rate it would cost about 13 to 15 cents to transport milk to Ottumwa from these two cities. This transportation cost corresponds very closely with the 15 cents higher Class I price which will prevail in Ottumwa as a result of this decision to eliminate the 10-cent location adjustment.

Handlers opposing the elimination of the 10-cent location adjustment stated that they also compete with a Chicago Regional handler located in Whitewater, Wis. This Chicago handler distributes milk in Ottumwa and surrounding territory. The Class I price under the Chicago order at Whitewater would be 27 cents per hundredweight less than the Des Moines order price as adopted herein at Ottumwa. It is about 280 miles from Whitewater, Wis., to Ottumwa. At 1.5 cents per 10 miles distance, it would cost about 42 cents to transport a hundredweight of milk this distance. Thus, the Chicago Regional handler's price plus transportation cost would exceed the Ottumwa price by 15 cents.

The minus 10-cent location adjustment should continue to apply at plants located in Boone and Story Counties, Iowa. These two counties are in the northern tier of counties included in the marketing area and are nearest to the alternative milk supplies in northeastern Iowa and Minnesota.

Ames is the major distribution center in Story County and two handlers have plants located there. Ames is less than 40 miles from Marshalltown, Iowa, in the North Central Iowa marketing area. A handler regulated under the North Central Iowa order located at Marshalltown distributes milk in Ames. The Class I price under the North Central Iowa order at Marshalltown is 5 cents lower than the present Des Moines order price at Ames. Again, using the 1.5-cent transportation allowance per 10 miles, it would only cost 6 cents to transport milk to Ames from Marshalltown.

A similar situation exists with respect to handlers located in the city of Boone

in Boone County who compete with a Fort Dodge handler who also is regulated under the North Central Iowa order. Fort Dodge is about 50 miles from Boone. This distance would support a transportation allowance of 7.5 cents. The Class I price at Fort Dodge under the North Central Iowa order is 10 cents less than the Des Moines price at Boone.

Since the present location adjustment results in appropriate alignment of prices at plants located in Boone and Story Counties, Iowa, with competing plants outside the Des Moines area, it should be retained.

The location adjustment at a plant located outside the marketing area should be based on the shortest highway mileage distance from such plant to the nearer of the main post offices at Des Moines or Ottumwa. These two cities are the principal distribution centers in the marketing area. They are about equally distant from the northern Iowa, Minnesota, and Wisconsin supply area.

Under the present order if milk were priced at a plant located in Cresco, Iowa, a location adjustment measured from Grinnell of 30.5 cents would apply. As a result of this decision, the Cresco location adjustment would be measured from Des Moines and would be minus 28 cents. Since Cresco is closer to Grinnell than it is to Des Moines, changing the basing point would lower the price at Cresco 7.5 cents. However, by also deleting the minus 10-cent location adjustment now applicable to plants outside Polk County, the net increase at Cresco would be 2.5 cents.

Producers recommended that the price relationship between Carroll County, Iowa, and the city of Des Moines be maintained. They testified that two handlers located in the city of Carroll in Carroll County are regulated under the Nebraska-Western Iowa order. The Class I price under the Nebraska-Western Iowa order is 5 cents higher at Carroll than the Des Moines price. They expressed concern that if the Des Moines price were to be lowered at Carroll as a result of this decision, it might provide an incentive for these two handlers to become regulated under the Des Moines order. Presently, neither of these handlers have any sales in the Des Moines market.

The city of Carroll, Iowa, is located about 27 miles west of Jefferson, Iowa (one of the present basing points). Therefore, a plant located in Carroll presently has a price 10 cents below the Des Moines price. Carroll is 88 miles from Des Moines and as a result of this decision the location adjustment would be minus 13 cents. This slight change in the price applicable at Carroll is not sufficient to disturb the alignment of prices between these markets.

Entire order reissued. Because of the extensive changes in order terminology which are required by the substantive amendments herein proposed, the entire order should be reissued.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Des Moines, Iowa, marketing area", and "Order amending the order regulating the handling of milk in the Des Moines, Iowa, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Des Moines, Iowa, marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on April 25, 1969.

RICHARD LYNG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Des Moines, Iowa, Marketing Area

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator on April 14, 1969, and published in the FEDERAL REGISTER on April 17, 1969 (34 F.R. 6589; F.R. Doc. 69-4561), shall be and are the terms and provisions of this order, and are set forth in full herein.

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1079.2 Secretary.
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1079.4 Person.
1079.5 Cooperative association.
1079.6 Des Moines, Iowa, marketing area.
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AUTHORITY: The provisions of this Part 1079 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

DEFINITIONS

§ 1079.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1079.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1079.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1079.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1079.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1079.6 Des Moines, Iowa, marketing area.

"Des Moines, Iowa, marketing area" (hereinafter called the "marketing area"), means all the territory within the boundaries of the city of Grinnell and the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne, all in the State of Iowa, including territory within such boundaries which is occupied by government (municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 1079.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received by a handler as producer milk.

§ 1079.8 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1079.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1079.10.

§ 1079.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1079.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1079.12 Handler.

"Handler" means: (a) Any person in his capacity as the operator of one or more pool plants, (b) any cooperative association with respect to the milk of producers diverted by the association for the account of such association from a pool plant to a nonpool plant, or (c) any person as the operator of a partially regulated distributing plant.

§ 1079.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants.

§ 1079.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted under the conditions set forth in paragraphs (a), (b), and (c) of this section from a pool distributing plant to a nonpool plant for the account of either the operator of the pool distributing plant or a cooperative association shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant to which diverted.

(a) A handler pursuant to § 1079.12 (b) may divert for its account without limit during the other days of the month the milk of any member producer whose milk is received at a pool distributing plant for at least one delivery during the month. The total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of its member milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member milk received at all pool distributing plants during the previous month multiplied by the number of days in the current month.

(b) A handler in his capacity as the operator of a pool distributing plant may divert for his account the milk of any producer other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section whose milk is received at his pool distributing plant for at least one delivery during the month without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of producer milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to paragraph (a) of this section.

(c) Any milk so diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1079.12(b) in excess of the limits prescribed pursuant to paragraphs (a) and (b) of this section shall not be producer milk and if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler during the month shall be producer milk.

§ 1079.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1079.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1079.17 Base zone.

"Base zone" means all the territory within the marketing area except Boone and Story Counties, Iowa.

§ 1079.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1079.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1079.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1079.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1079.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except

those incurred under § 1079.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1079.30 and 1079.31 or payments pursuant to §§ 1079.62, 1079.80, 1079.84, 1079.86, 1079.87, and 1079.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(j) Publicly announce and notify each handler in writing on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1079.50(b) and the Class I butterfat differential pursuant to § 1079.51(a), both for the current month; and the minimum price for Class II milk pursuant to § 1079.50(c) and the Class II butterfat differential pursuant to § 1079.51 (b) both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price pursuant to § 1079.72, and the butterfat differential pursuant to § 1079.81;

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month that was utilized in each class. For the purpose of this report the milk so delivered shall be allocated to each class in the same ratio as all producer milk received at such plant during the month.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1079.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

Reports, Records and Facilities

§ 1079.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his pool plants, in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by producer milk diverted to nonpool plants pursuant to § 1079.14;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk on routes in the marketing area; and

(g) Each handler operating a partially regulated distributing plant shall report as required in this section substituting receipts from dairy farmers for receipts of producer milk.

§ 1079.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his plants his producer (or dairy farmer) payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1079.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1079.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification

§ 1079.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1079.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1079.41 to 1079.46.

§ 1079.41 Classes of utilization.

Subject to the conditions set forth in § 1079.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (b)(2) of this section; and

(2) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping;

(3) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(5) Skim milk and butterfat in shrinkage not in excess of two percent of the receipts of (i) producer milk (except milk diverted to a nonpool plant pursuant to § 1079.14), (ii) fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler, and (iii) fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(6) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1079.42(b)(2).

§ 1079.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Items specified in § 1079.41(b)(5); and

(2) Remaining receipts of other source milk.

§ 1079.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1079.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1079.46(a)(7) and (8) and the corresponding steps of § 1079.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 150 miles by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa;

(d) As Class I milk, if transferred or diverted from a pool plant in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1079.30 for the month within which such transaction occurred:

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization (except in ungraded cream disposed of for manufacturing uses) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class

I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1079.41.

§ 1079.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each pool plant and for producer milk diverted to each nonpool plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1079.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1079.45, the market administrator shall determine the classification of producer milk received by each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1079.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Substract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1079.27(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1079.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1079.50 Basic formula and class prices.

Subject to the provisions of §§ 1079.51 and 1079.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 and plus 20 cents.

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1079.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1079.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 1079.52 Location differentials to handlers.

(a) For producer milk received at a plant located inside the marketing area but outside the base zone or a plant located outside the marketing area and 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator, from the main post offices of Des Moines and Ottumwa, Iowa, which is classified as Class I or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents. For plants outside the marketing area such price shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition remaining at the transferee plant after computations pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b) in excess of 95 percent of receipts of producer milk at such plant, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1079.53 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1079.60 Producer-handler.

Sections 1079.40 to 1079.46, 1079.50 to 1079.52, and 1079.80 to 1079.88 shall not apply to a producer-handler.

§ 1079.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1079.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Des Moines marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1079.30) and allow verification of such reports by the market administrator.

§ 1079.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1079.30 and 1079.31(b)(1) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1079.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1079.70(e) and a credit in the amount specified in § 1079.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1079.30 and 1079.31(b)(1) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1079.10(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such

location (not to be less than the Class II price).

DETERMINATION OF UNIFORM PRICE

§ 1079.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1079.46(c), by the applicable class prices (adjusted pursuant to §§ 1079.51 and 1079.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to §1079.46(a)(10) and the corresponding step of § 1079.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(5) and the corresponding step of § 1079.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(7) and the corresponding step of § 1079.46(b).

§ 1079.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f.o.b. plants located within the base zone, as follows:

(a) Combine into one total the values computed pursuant to § 1079.70 for all pool plants for which the reports prescribed in § 1079.30 for such month were made, except those in default of payments required pursuant to § 1079.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in § 1079.72 (a) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1079.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1079.72 Computation of uniform price.

For each month the market administrator shall compute a uniform price for milk of 3.5 percent butterfat content, f.o.b. pool plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1079.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1079.70(e); and

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the uniform price for milk received from producers.

PAYMENT FOR MILK

§ 1079.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform price pursuant to § 1079.72 adjusted pursuant to §§ 1079.81, 1079.82 and 1079.85, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1079.81 Butterfat differentials to producers.

The uniform price pursuant to § 1079.72 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1079.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1079.82 Location differentials to producers.

(a) The uniform price for producer milk pursuant to § 1079.72 received at a pool plant or diverted from a pool plant shall be reduced according to the location of the plant of actual receipt at the rates set forth in § 1079.52.

(b) For purposes of computations pursuant to §§ 1079.84 and 1079.85 the uniform price shall be adjusted at the rates set forth in § 1079.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1079.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1079.62, 1079.84, 1079.85, and 1079.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1079.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1079.70 for such handler; and

(b) The sum of

(1) The amount of the obligation pursuant to § 1079.80 of such handler for producer milk received during the month; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to §1079.70(e).

§ 1079.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1079.84(b) exceeds the amount computed pursuant to § 1079.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1079.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1079.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1079.84 and 1079.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1079.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1079.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1079.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1079.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1079.46(a) (3) and (7) and the corresponding steps of § 1079.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1079.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator received the handler's utilization report on milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1079.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1079.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. The part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1079.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1079.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the

market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market, administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1079.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1079.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F.R. Doc. 69-5096; Filed, Apr. 28, 1969; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-29]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Los Angeles, Calif. (Hawthorne Municipal Airport), control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Hawthorne control tower and the effective time of the control zone are currently from 0700 to 2300 hours, local time, daily. It is expected however that seasonal changes in the hours of operation of the control tower may be necessary in the future due to changes in traffic volume. The use of the NOTAM is proposed, to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.171 (34 F.R. 4557) the description of the Los Angeles (Hawthorne Municipal Airport) control zone is amended by deleting "* * * effective from 0700 to 2300 hours, local time, daily" and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 16, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-5046; Filed, Apr. 28, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-30]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fullerton, Calif., control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Fullerton control tower and effective time of the control zone are currently from 0600 to 2200 hours, local time, daily. It is expected however that seasonal changes in the hours of operation of the control tower may be necessary in the future due to changes in traffic volume. The use of the NOTAM is proposed to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.171 (34 F.R. 4557) the description of the Fullerton, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 16, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-5047; Filed, Apr. 28, 1969; 8:48 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 69-WE-21]

RESTRICTED AREAS

Proposed Designation

The Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate three temporary joint-use restricted areas in the vicinity of Camp Hale, Colo., and that would alter the description of the continental control area to reflect the designation of these restricted areas.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

On June 8, 1968, F.R. Doc. 68-6765 was published in the FEDERAL REGISTER (33 F.R. 8480) effective August 22, 1968. This document amended Parts 71 and 73 of the Federal Aviation Regulations by designating temporary joint-use Restricted Areas R-2603 A, B, and C in the vicinity of Camp Hale, Colo., for gun launched meterological soundings, and amending the description of the continental control area to reflect these designations.

Subsequent to publication of F.R. Doc. 68-6765 the meterological sounding program was delayed indefinitely. Therefore, in F.R. Doc. 68-9942, published in the FEDERAL REGISTER on August 20, 1968 (33 F.R. 11748), Restricted Areas R-2603 A, B, and C were revoked pending receipt of firm commitments pertaining to the meterological sounding program.

The Department of the Army has informed the Federal Aviation Administration that the gun launched meteorological sounding program has been reinstated under the original conditions. They have requested that Restricted Areas R-2603 A, B, and C again be designated in their original configuration for the periods 0001 to 0900 local time from September 2, 1969, to October 11, 1969, and from January 5, 1970, to February 10, 1970. Accordingly, the Federal Aviation Administration is again considering the designation of special use airspace in the vicinity of Camp Hale, to accommodate gun launched meteorological soundings in accordance with the conditions set forth in the original proposal published in F.R. Doc. 68-3464 (33 F.R. 4890).

If these actions are taken, the Camp Hale, Colo., restricted areas would be designated as follows, and the description of the continental control area amended accordingly.

BOUNDARIES

A—LAUNCH SITE

A circle with a 5-mile radius centered at lat. 39°26'30" N., long. 106°19'30" W.

B—NORTH IMPACT AREA

Beginning at lat. 39°45'41" N., long. 106°28'55" W.; to lat. 39°45'01" N., long. 106°30'46" W.; to lat. 39°52'54" N., long. 106°35'51" W.; to lat. 39°53'46" N., long. 106°33'26" W.; thence to point of beginning.

C—SOUTH IMPACT AREA

Beginning at lat. 38°50'30" N., long. 106°01'20" W.; to lat. 38°51'10" N., long. 105°59'15" W.; to lat. 38°59'20" N., long. 106°03'10" W.; to lat. 38°58'40" N., long. 106°05'15" W.

Designated altitudes: Surface to FL 240.

Time of designation: 0001 to 0900 daily, September 2, 1969, to October 11, 1969, and January 5, 1970, to February 10, 1970.

Controlling agency: FAA, Denver ARTC Center.

Using agency: Atmospheric Sciences Officer, Atmospheric Sciences Laboratory, U.S. Army Electronics Command, White Sands Missile Range, N. Mex.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 16, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5048; Filed, Apr. 28, 1969; 8:48 a.m.]

Federal Highway Administration

[49 CFR Part 367]

[Docket No. 30, Notice 4]

MOTOR VEHICLE SAFETY

Certification

Regulations for the certification of motor vehicles and motor vehicle equipment, and the provision of identifying information, under sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act were issued by the Federal Highway Administrator and published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1147). Several petitions for reconsideration of those regulations were received. Notice of denial of some of those petitions, in whole or in part, is published elsewhere in this issue of the FEDERAL REGISTER. In response to certain of the petitions for reconsideration, it is proposed that the regulations be amended in some respects and as so amended, reissued in the form set forth below.

Many of the comments received concerned the requirements for certification of motor vehicle equipment. There are presently six Federal motor vehcile safety standards for equipment: 106 (Hydraulic Brake Hoses), 109 (New Pneumatic Tires), 116 (Hydraulic Brake Fluid), 205 (Glazing Materials), 209 (Seat Belt Assemblies), and 211 (Wheel Nuts, Wheel Discs, and Hub Caps). The comments were generally to the effect that the requirements of manufacturer certification and identification of month and year of manufacture would create problems related to distribution and packaging. It appears that it would be advantageous to make further study of the distribution and needs of the motor vehicle equipment industry, with a view to the issuance in the near future of specific certification and informational requirements for each type of equipment covered by the Standards. Accordingly, it is proposed that §§ 367.7 and 367.8 of Part 367, establishing requirements for manufacturers and distributors of motor vehicle equipment, be revoked, and references to equipment be deleted from §§ 367.1 and 367.2. In the meantime, manufacturers and distributors of motor vehicle equipment would continue to be governed by the certification requirements contained in the notice of November 4, 1967 (32 F.R. 15444).

It was suggested that the intention to exclude chassis-cabs (covered by § 367.5) from the provisions of § 367.4 was not entirely clear from the wording of the section. The suggestion has merit, and the phrase "(except chassis-cabs)" has been added after "motor vehicles" in the proposed § 367.4(a) to clarify that point.

Several petitioners objected to the requirement in § 367.4(b) that the label be affixed in a manner such that it cannot be removed without the use of tools and without destroying it. The intent of the requirement is that the label last for the life of the vehicle, and that it not be transferable from one vehicle to another. On consideration of the comments, it appears that the requirement that tools be required for removal tends to indicate a rigid material for the label, while that of "self-destruction" on removal suggest pliable materials. The latter requirement has been determined adequate for the purpose, while allowing inexpensive techniques, and therefore it is proposed that the phrase "without the use of tools and" be deleted from § 367.4(b).

Some comments indicated that the term "door-facing" in § 367.4(c) was not sufficiently clear. It is proposed that the phrase "door edge that meets the door-latch post" be substituted, to carry out the intent of the rule in regard to location specification.

One petition objected to the requirement of the preface "Manufactured by" before the name of the manufacturer, on the ground that it might be confusing if an importer placed its name on the label. Section 114 of the Act actually requires all manufacturers and distributors to certify the vehicle; after a label is affixed, subsequent manufacturers (including importers) and distributors may satisfy this requirement, where the vehicle has not been altered so as to affect compliance, by allowing it to remain affixed to the vehicle. The requirement of providing the name of the vehicle's manufacturer is not, however, directly related to the question of "who certifies" the vehicle. Where a person other than the final assembler affixes the label, it is important for purposes of investigation of nonconformity to know the identity of both the assembling manufacturer and the person affixing the label. Language to that effect is added to the proposed § 367.4(g)(1), with the requirement for the preface retained.

Comment is invited on the proposed amendments described above. Comments

should refer to the docket and notice number, and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received within 30 days of the date of publication of this notice will be considered. The proposal may be changed in light of comments received, but it is anticipated that a final rule will be issued shortly after the close of the comment period.

Effective date. It is proposed that this part be effective for all motor vehicles manufactured on or after September 1, 1969.

In consideration of the foregoing, it is proposed that 49 CFR Part 367—Certification be amended to read as set forth below.

This notice of proposed rule making is issued under the authority of sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

F. C. TURNER,
Federal Highway Administrator.

APRIL 23, 1969.

PART 367—CERTIFICATION

Sec.
367.1 Purpose and scope.
367.2 Application.
367.3 Definitions.
367.4 Requirements for manufacturers of motor vehicles.
367.5 Requirements for manufacturers of chassis-cabs.
367.6 Requirements for distributors of motor vehicles.

§ 367.1 Purpose and scope.

The purpose of this part is to specify the content and location of, and other requirements for, the label or tag to be affixed to motor vehicles required by section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) ("the Act") and to provide the consumer with information to assist him in determining which of the Federal Motor Vehicle Safety Standards (Part 371 of this chapter) ("Standards") are applicable to the vehicle.

§ 367.2 Application.

(a) This part applies to manufacturers and distributors of motor vehicles to which one or more standards are applicable, who deliver these vehicles to distributors or dealers for resale.

(b) In the case of imported motor vehicles, the requirement of affixing a label or tag applies to importers of vehicles, admitted to the United States under § 12.80(b)(2) of the joint regulations for importation of motor vehicles and equipment (19 CFR 12.80(b)(2)) to which the required label or tag is not affixed.

§ 367.3 Definitions.

All terms that are defined in the Act and the rules and standards issued under its authority are used as defined therein.

§ 367.4 Requirements for manufacturers of motor vehicles.

(a) Each manufacturer of motor vehicles (except chassis-cabs) shall affix to each vehicle a label, of the type and in the manner described below, containing the statements specified in paragraph (g) of this section.

(b) The label shall be permanently affixed in such a manner that it cannot be removed without destroying it.

(c) Except for trailers and motorcycles, the label shall be affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver's seating position, or if none of these locations is practicable, to the left side of the instrument panel. If none of these locations is practicable, notification of that fact, together with drawings or photographs showing a suggested alternate location in the same general area, shall be submitted for approval to the Director, National Highway Safety Bureau, Washington, D.C. 20591. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

(d) The label for trailers shall be affixed to a location on the forward half of the left side, such that it is easily readable from outside the vehicle without moving any part of the vehicle.

(e) The label for motorcycles shall be affixed to a permanent member of the vehicle as close as is practicable to the intersection of the steering post with the handle bars, in a location such that it is easily readable without moving any part of the vehicle.

(f) The lettering on the label shall be of a color that contrasts with the background of the label.

(g) The label shall contain the following statements, in the English language, lettered in block capitals and numerals not less than 5/32-inch high, in the order shown:

(1) Name of manufacturer: The full corporate or individual name of the actual assembler of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. The name of the manufacturer shall be preceded by the words "Manufactured By" or "Mfd By". In the case of imported vehicles, where the label required by this section is affixed by a person other than the final assembler of the vehicle, the corporate or individual name of the person affixing the label shall also be placed on the label in the manner described in this paragraph, directly below the name of the final assembler.

(2) Month and year of manufacture: This shall be the time during which work was completed at the place of main assembly of the vehicle. It may be spelled out, as "June 1970", or expressed in numerals, as "6/70".

(3) The statement: This Vehicle Conforms to All Applicable Federal Motor Vehicle Safety Standards in Effect on the Date of Manufacture Shown Above.

(4) Vehicle identification number.

(5) For multipurpose passenger vehicles, the words, "Type Multipurpose Passenger Vehicle". No type designation is required of other types of vehicle.

§ 367.5 Requirements for manufacturers of chassis-cabs.

Manufacturers of chassis-cabs shall affix securely to the windshield or side window a label containing the information specified in § 371.13 "Labeling of chassis-cabs," of this chapter.

§ 367.6 Requirements for distributors of motor vehicles.

A distributor of a motor vehicle who does not alter the vehicle in a manner that affects compliance with applicable standards may satisfy the certification requirements of the Act by allowing a manufacturer's label that conforms to the requirements of this part to remain affixed to the vehicle. A distributor of a vehicle who alters a vehicle in a manner that affects compliance with applicable standards shall furnish to a dealer or other distributor to whom he delivers the vehicle a separate certification. The certification shall be on a label as described in § 367.4, except that its contents shall be in the following form:

This Vehicle Was Altered By [name of distributor] in [month and year in which alterations were completed] and as Altered it Conforms to All Applicable Federal Motor Vehicle Safety Standards in Effect on the Date of Original Manufacture.

[F.R. Doc. 69-5055; Filed, Apr. 28, 1969; 8:48 a.m.]

[49 CFR Part 371]

[Docket No. 2-15; Notice No. 4]

MOTOR VEHICLE SAFETY

Child Seating Systems; Notice of Extension of Time To File Comments

On January 24, 1969, the Federal Highway Administrator issued a notice of proposed rule making which proposed the issuance of a new Motor Vehicle Safety Standard relating to Child Seating Systems (34 F.R. 1172). The notice provided that comments on the proposal should be submitted before the close of business on February 21, 1969. Thereafter, the Administrator made certain amendments to the notice of proposed rule making and extended the time for comments upon it to April 25, 1969 (34 F.R. 2564).

The Administrator has received a petition for a further extension of the time for filing comments. Upon consideration of the petition, the Administrator has determined that an additional, 60-day, extension of time should be granted. Therefore, the time to file comments in response to the notice of proposed rule making in this docket is extended to the close of business on June 24, 1969.

(Secs. 103, 112, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1401, 1407; delegation of authority by the Secretary of Transportation at 49 CFR 1.4(c))

Issued on April 22, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-5056; Filed, Apr. 28, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

Issuance of Licenses for Receipt, Storage, Packaging and Transfer of Radioactive Wastes

Under the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission, persons who engage in commercial disposal of waste byproduct, source or special nuclear material are required to obtain a license from the Commission. Persons who merely receive, package, or store such wastes and then transfer them to other licensees for ultimate disposal are also required to obtain a Commission's license.

The Commission's rules of practice in 10 CFR Part 2 contain a number of provisions relating to assignment of docket numbers, notification, and service of applications and notices on State and local officials, which apply to both types of waste disposal licenses. In order to (1) accord applications for licenses involving only the receipt, storage and packaging of waste materials, the same treatment accorded applications for other types of materials licenses, and (2) reduce unnecessary details in its licensing process, the Commission is considering the amendment of Part 2 to eliminate the described requirements for such waste disposal licenses. Applications for licenses authorizing ultimate disposal of waste materials by the licensee would not be affected.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission my be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. Section 2.101 is amended to read as follows:

§ 2.101 Filing of application.

(a) An application for a license or an amendment to a license shall be filed with the Director of Regulation as prescribed by the applicable provisions of this chapter. A prospective applicant may confer informally with the regulatory staff prior to the filing of an application. Each application for a license for a facility, or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee will be assigned a docket number.

(b) An applicant for a license for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee shall serve a copy of the application on the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, on the chief executive of the county. The Director of Regulation will send a copy of each such application to the Governor or other appropriate official of the State in which the facility is to be located or the activity is to be conducted, and will cause to be published in the FEDERAL REGISTER a notice of receipt of the application which states the purpose of the application and specifies the location at which the proposed activity would be conducted.

2. Paragraph (a) of § 2.103 is amended to read as follows:

§ 2.103 Action on applications for byproduct, source, special nuclear material, and operator licenses.

(a) If the Director of Regulation finds that an application for a byproduct, source, special nuclear material or operator license complies with the requirements of the Act and this chapter, he will issue a license. If the license is for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, the Director of Regulation will inform the State and local officials specified in § 2.104(c) of the issuance of the license.

* * * * *

3. Paragraph (c) of § 2.104 is amended to read as follows:

§ 2.104 Notice of hearing.

* * * * *

(c) The Secretary will give timely notice of the hearing to all parties and to other persons, if any, entitled by law to notice. The Director of Regulation will transmit a notice of hearing on an application for a facility license or for a license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, to the Governor or other appropriate official of the State and to the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, to the chief executive of the county.

4. Subparagraph (2) of § 2.105(a) is amended to read as follows:

§ 2.105 Notice of proposed action.

(a) If a hearing is not required by the Act or this chapter, and if the Commission or the Director of Regulation has not found that a hearing is in the public interest, he will, prior to acting thereon, cause to be published in the FEDERAL REGISTER a notice of proposed action with respect to an application for:

* * * * *

(2) A license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee; or

* * * * *

5. Subparagraph (2) of § 2.106(a) is amended to read as follows:

§ 2.106 Notice of issuance.

(a) The Director of Regulation will cause to be published in the FEDERAL REGISTER notice of, and will inform the State and local officials specified in § 2.104(c) of, the issuance of:

* * * * *

(2) An amendment of a license for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal license, whether or not a notice of proposed action has been previously published;

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 23d day of April 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-5013; Filed, Apr. 28, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 6741; FCC 69-405]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Notice of Proposed Rule Making

1. This notice of proposed rule making initiates the action forecast in the memorandum opinion and order of July 20, 1966 (4 F.C.C. 2d 606), which contemplated the reopening of Docket 6741 as a vehicle for the consideration and disposition of questions raised in a remand of February 25, 1965, by the U.S. Court of Appeals for the District of Columbia Circuit, with respect to matters involved in the long-standing "KOB problem". American Broadcasting-Paramount Theatres, Inc. v. Federal Communications Commission, 120 U.S. App.

D.C. 264, 345 F. 2d 954, 4 R.R. 2d 2006. This matter involves the mode of operation of Station KOB, Albuquerque, N. Mex., which now operates on 770 kc/s essentially as a Class II station, concerning which there has been more than 25 years of controversy between KOB and WABC, the I–A station on that channel at New York City.[1]

Background. 2. The history of this matter is extremely long and complicated. Nevertheless, it must be recounted, at least in capsule form, to provide the necessary background for an understanding of the proposals contained herein.

3. For a number of years prior to 1941, KOB operated on 1180 kc/s with power of 10 kw., sharing nighttime hours with KEX, Portland, Oreg. From November 19, 1938, both stations were licensed for unlimited time operation on the channel. On November 27, 1939, KEX's license was modified to specify operation on 1160 kc/s, and from that date KOB was the only station operating at night on the frequency 1180 kc/s. On May 7, 1940, a construction permit was issued to KOB for an increase in power to 50 kw. This permit designated KOB as a Class I station.

4. On March 29, 1941, the first North American Regional Broadcasting Agreement (NARBA), which had been signed in Havana in 1937, went into effect. To implement the new treaty arrangements, changes were made late in 1940 and early in 1941 in the frequencies of many U.S. stations, to clear the six I–A channels which the agreement provided for Mexico, and some sharing of channels became necessary for stations previously occupying unduplicated clear channels. Class I stations WABC (then WJZ), New York City, and WBZ, Boston, were reassigned from their former channels to 770 kc/s and 1030 kc/s, respectively, in this rearrangement. In the rearrangement, in part because of its proximity to the Mexican border, no frequency could be found for KOB on which it could operate with facilities and protection comparable to those which it had achieved by 1940 on 1180 kc/s.

5. Coincident with the entry into force of NARBA, KOB was licensed on 1030 kc/s with power of 10 kw., and on June 3, 1941, it was granted a Special Service Authorization (SSA) to operate on this frequency with 50 kw.–D/25 kw.–N. Because interference received from WBZ, Boston, Mass., was deemed excessive, in November 1941, this SSA was modified to specify 770 kc/s, 50 kw.–D, 25 kw.–N.

6. In 1944, KOB filed applications requesting modification of its construction permit on 1180 kc/s and a modification of its license to specify operation on 770 kc/s (MP–1278, ML–1799). These applications were designated for hearing in Dockets 6584 and 6585. A hearing was held but no decision was reached at that time.

[1] Until 1953 the New York City I–A station had the call letters WJZ. "KOB" and "ABC" are often used herein to mean the parties who at various times have been the licensees of these stations.

7. On February 20, 1945, the Commission instituted the Clear Channel proceeding (Docket 6741), and on August 9, 1946, the Commission issued a public notice which placed the above KOB applications, among others, in the pending file to await a clear channel decision. The relationship between the present "KOB matter", and the Clear Channel proceeding and 1961 decision therein, is one of the important aspects of this matter.

8. ABC had opposed both the original assignment of KOB on 770 kc/s and the successive extensions of KOB's Special Service Authorization thereon, and in 1950 appealed one of these extensions of the U.S. Court of Appeals (D.C.). An opinion issued by the court in July 1951 upheld the Commission's authority to grant the SSA, but held that long continued operation under such authorizations constituted a modification of WABC's license. It ordered the Commission to resolve the problem "with all deliberate speed."[2]

9. Because of the court's mandate that the "KOB matter" should be resolved expeditiously, in 1952 the KOB applications were removed from the pending file where they had been placed in 1946 pending a decision in the Clear Channel proceeding (8 R.R. 356). On May 27, 1955, Dockets 6584 and 6585 were reopened and the applications designated for further hearing on a large number of issues concerning various modes of operation on 770 kc/s or 1030 kc/s, including operation as a Class I station on a "mutual protection" basis with WABC or WBZ (i.e., KOB and the eastern station both directionalized at night), operation as a fulltime Class II station on one of these channels protecting the eastern station's 0.5 mv/m 50 percent skywave contour at night, or on various other bases on one frequency or the other. ABC's request that other frequencies be considered for KOB—in addition to the two directly involved—was denied, on the ground that it would involve a "miniature Clear Channel hearing" and reattachment of the KOB case to the overall proceeding in Docket 6741.[3] A lengthy hearing was held in 1955 and 1956, and an initial decision and Commission decision of January and September 1958 respectively both decided that KOB should operate as a Class I station on 770 kc/s, with both it and WABC directionalizing at night to afford each other mutual protection to their respective 0.5 mv/m 50 percent skywave contours. The decision reflected an extensive evaluation of the service gains and losses under the various modes of operation encompassed by the issues. The key points were that: (1) Operating in any manner on 1030 kc/s KOB would render less service than it would operating on a corresponding basis on 770 kc/s, and the losses to WABC in the East would represent less serious deprivation of service than would similar losses to WBZ if KOB operated on 1030 kc/s, in view of other available services; and (2) operating as a Class I station on 770 kc/s, KOB would render a skywave service which it would not have if it operated as a Class II station protecting WABC, and also—and more important—it would render a first primary service at night to some 118,000 more persons. It was also made clear in the first paragraph of the decision that it related to a permanent assignment for KOB.[4] WABC and KOB were given permission to submit appropriate directional radiation patterns.

10. Two other developments occurred during the pendency of this 1955–58 proceeding. In August 1955 the Commission issued a decision permitting KOB to continue its SSA operation on 770 kc/s (50 kw. day, 25 kw. night, nondirectional) pending decision in the "KOB case"; ABC appealed this and in September 1956 the U.S. Court of Appeals (D.C.) ordered the Commission to take immediate action to end the interference to WABC thus caused (14 R.R. 2020).[5] Pursuant to resulting Commission order, in April 1957 KOB commenced operation on 770 kc/s with the same power but directionalized at night so as to protect WABC; this was its mode of operation until 1963 (see paragraph 13). In April 1958, shortly before the decision in Dockets 6584–6585, the Commission took steps proceeding toward resolution of the long-standing Clear Channel proceeding, issuing a further notice of proposed rule making in Docket 6741. This notice proposed to deal with the 25 U.S. I–A clear channels as follows: On five—770 kc/s, and on 660 kc/s and 880 kc/s, also used at New York City (by WNBC and WCBS respectively), and 1100 kc/s and 1180 kc/s—the existing Class I–A stations would directionalize and an additional Class I assignment be made, operating in substantially the same manner as that later decided on for KOB in the September 1958 decision, on a mutual nighttime protection basis with the existing I–A station. Specific Western States were proposed for the location of the new Class I stations on the four channels other than 770 kc/s; it was stated that the location of the new Class I station on 770 kc/s was "undetermined".

[2] American Broadcasting Company v. FCC, 191 F 2d 494, 7 R.R. 2033 (1951).

[3] 12 R.R. 583, 587: "• • • the only hope for solution of the KOB problem, short of a simultaneous decision in the Clear Channel proceeding, requires the Commission to restrict its consideration to the two frequencies which have been directly involved since the problem first arose in 1941. Whatever equities there are for considering other clear channels, and there are some, they are dwarfed by the compelling need for the earliest termination of this proceeding possible, consistent with a fair and judicious hearing and decision." ABC's 1955 request for enlargement of the hearing issues to include other frequencies was rejected in 1956 for the same reason (13 R.R. 861).

[4] Albuquerque Broadcasting Company (KOB), 25 F.C.C. 663, 684, 768, 777–782, 793–794; 16 R.R. 765, 766, 855, 866–871, 882, 885, 890.

[5] The court stated that the Commission's treatment of the KOB–WABC situation following the 1951 court mandate had not been "either adequate or prompt."

Fulltime duplicating Class II assignments (generally similar to KOB's present mode of operation from 1957 to date) were proposed for seven channels, and 12 channels were reserved for later consideration for "higher power". 1030 kc/s was not included in any specific category; it was indicated that the "KOB proceeding" would assign KOB to it or 770 kc/s and the other would thus become available for a Class I assignment elsewhere in the West.

11. In September 1959, after consideration of comments filed in response to this notice, a substantially different approach to the Clear Channel proceeding was proposed, in a third notice of further proposed rule making (FCC 59–972). Noting the showings in the comments as to the losses in existing service which would occur if some I–A stations were required to directionalize to protect cochannel Class I operations (including some new "white areas"), the Commission proposed to make new duplicating Class II assignments on the I–A channels generally, rather than providing for new Class I stations on some of them. This approach was proposed for 23 of the 25 channels. As to 770 kc/s, it was stated that the operation by KOB on this frequency—as a Class I station operating as decided on in the 1958 KOB decision—met the criteria of the overall proposal; as to 660 kc/s it was stated that operation by KFAR, Fairbanks, Alaska, was likewise consistent with the proposed overall pattern; and no further assignments on these channels were proposed.

12. ABC sought reconsideration of the 1958 KOB decision, and after denial appealed, again in both cases urging that other frequencies for KOB should be considered. The U.S. Court of Appeals (D.C.) affirmed the Commission's decision in 1961, "on the basis stated", and observed that "the position of ABC as a network should not be permanently prejudiced by forcing it to share a channel if other networks are given full use of clear channels"; and that the Commission should in the Clear Channel proceeding, or otherwise, "seek to provide channel facilities to the ABC network on a basis which is fair and equitable in comparison with other networks".[6] It was also stated that "• • • we do not believe that ABC has been or should be precluded from a hearing on its claim that the public interest require that the loss of service in the East, which Class I broadcasting from Albuquerque produces, be absorbed by some eastern broadcaster other than WABC."

13. After this decision, in July 1961 the Commission directed a further hearing in Docket 6584 on the question "whether the consideration of providing facilities to the ABC network in New York on a basis which is fair and equitable in comparison with the other radio networks should vary the conclusion reached that WABC should directionalize and share 770 kcs/ with KOB". In a decision on July 8, 1963, the Commission found that ABC had failed to prove that its position as a network would be adversely affected by the dual Class I operation prescribed in the 1958 decision, granted KOB's application for unlimited time operation at Albuquerque, N. Mex., with directional antenna at night and denied ABC's 1959 application for renewal of license, which contemplated operation with a nondirectional antenna. Hubbard Broadcasting, Inc. et al., 35 F.C.C. 36, 25 R.R. 781. Program test authority to operate in the authorized manner (with 50 kw directionalized at night) was granted in October 1963, but the operation has not been licensed.

14. Meanwhile, in September 1961 the Commission issued its decision in the Clear Channel proceeding, Docket 6741 (31 F.C.C. 515, 21 R.R. 1801). In this decision it was again concluded that—in general, and with the recognized possible exception of 770 kc/s—Class I–A stations should not be required to directionalize because of the loss in existing service which would be involved; and that the service benefits which would result from the duplication of fulltime Class II assignments, as proposed in the 1959 third notice, should be provided for at the present time only on 13 of the 25 channels, leaving the other 12 for consideration as to other means of using them to improve U.S. radio service, such as "higher power". The 13 channels selected for Class I "duplication" included (besides two on which specific Class II were provided to resolve international problems) 11 on which new fulltime "II–A" assignments in specified States in the West were provided for in § 73.22 of the rules. One of these was 880 kc/s, on which WCBS, the CBS New York City station, operates, and on which a Class II–A station at Lexington, Nebr., has since been authorized. 1030 kc/s was also among the duplicated channels, with a Class II–A station now authorized at Casper, Wyo. 660 kc/s, the NBC New York City channel, was not included in the 13 because of the existing operation thereon by a station in Alaska (noted in the third notice). With respect to 770 kc/s, the decision noted at length the "KOB problem" and its history, and it was concluded that "a major unlimited time facility should be assigned to New Mexico on 770 kc/s", in view of the continuing need for service in that area. The exact form of such operation was not decided (as mentioned, further proceedings were in progress in Docket 6584 at this time). ABC's request for consideration of other frequencies for KOB was again denied.[7] In 1962, after extensive consideration of numerous petitions for reconsideration (including one of ABC) this decision was affirmed. See 24 R.R. 1595, 1605.

15. ABC again appealed, from this decision and from the 1963 KOB decision mentioned above. These appeals were sustained by the U.S. Court of Appeals (D.C.) in the February 1965 decision referred to in paragraph 1 hereof. This is discussed at greater length below; briefly, the court held that there was not adequate explanation in the Commission's pronouncements for the disparate treatment given WABC in Docket 6584—requiring it to directionalize at night to afford KOB mutual protection—while other I–A stations, particularly the other network-owned New York City stations on 660 and 880 kc/s, were allowed to remain either alone on their channels at night or with their existing service protected by the new Class II assignment provided for, and in either case were not required to directionalize. The desirability of comparable treatment of network "flagship" stations was emphasized.

16. The Commission sought both clarification of the court's mandate (submitting a memorandum opinion and order with proposed procedures) and certiorari from the Supreme Court; both requests were denied. The Commission thereupon rescinded that memorandum opinion and order and, in an order of April 7, 1966, directed KOB, ABC and the Broadcast Bureau to submit memoranda setting forth their views as to the manner in which the court's mandate should be implemented. These memoranda were duly submitted, along with a reply by KOB to those of ABC and the Broadcast Bureau. Thereupon the Commission issued the pronouncement of July 1966, referred to in paragraph 1, above, contemplating the present proceeding.

[6] "Whether this is to be done by permitting ABC to intervene in the clear channel proceedings now pending, or through some other means, is not for us to say. It may be that ABC can raise its claims in this regard by filing competitive applications when present licensees on other frequencies seek renewal or by seeking modifications of existing licenses held by others. Perhaps the Commission will afford, sua sponte, some other procedural remedy." American Broadcasting Company-Paramount Theatres, Inc. v. FCC, 380 F. 2d 631, 635, 636, 20 R.R. 2001, 2005 (1961). WABC has never sought to obtain the facilities of another station, at renewal time or otherwise. The court had before it, as part of the record in the ABC appeal, the 1959 third notice in the Clear Channel proceeding, proposing to treat the other I–A channels differently from the resolution decided on for 770 kc/s in the 1958 KOB decision. However, in its later 1965 decision, the court stated that while in 1961 it was aware of this proposal, "It was not known to us what decision as to the NBC and CBS channels [660 and 880 kc/s] the Commission would ultimately reach in the clear channel proceeding and the language in our opinion, quoted above, was used by us in that background." See 345 F. 2d 956, 4 R.R. 2006–2009 (decision, footnote 4).

[7] "Whatever significance considerations relating to 'networking' and network competition may have in other contexts—a matter we do not decide here—we cannot conclude that the public interest would be served by attempting to redesign the entire nationwide allocation of frequencies adopted here solely in order to alleviate whatever adverse situation may confront ABC in these respects." It was pointed out that there is no one obvious alternative to 770 kc/s, and that any consideration of alternatives would obviously take several years, postponing any certainty in the reallocation and necessitating a blanket "freeze" for the same indefinitely long period. See 31 F.C.C. 596–597, 21 R.R. 1832–1833.

The court's 1965 decision. 17. In its 1965 decision, the court of appeals stated that it did not regard the ultimate outcome of the KOB–WABC situation as consistent with its 1961 mandate, because of the "inequity", described as "self-apparent", in the solution reached as to WABC vis-a-vis WCBS and WNBC (and other I–A station).[8] In particular, the Commission has been directed by the court to make a new assessment of the need for broadcast service in the southwest, to determine whether the operation of KOB as a Class II station would fill that need. In the event it finds that a Class I facility is still required, it must implement this requirement in such wise that WABC, the ABC flagship station in New York City, is removed from the disparate position that it would occupy with respect to the New York City stations of the CBS network, WCBS, and the NBC network, WNBC, or offer "compelling reasons", which it has not heretofore done, why such a disparate position is in the public interest.[9]

18. The court found that WABC had been placed in this position as a result of the decision of September 3, 1958, in Docket No. 6584, which required WABC to directionalize to protect KOB, Albuquerque, as a Class I station. This contrasted with actions taken in the Clear Channel proceeding (Docket 6741), in which the Commission decided that the objective of increased nighttime coverage of underserved areas in western United States could best be achieved by the assignment of Class II–A stations to certain of the I–A channels, including the channels on which New York City stations WCBS and WNBC operate, without requiring the directionalization of the I–A stations on those channels.

19. In directing a reassessment of the need of the Southwest for a Class I station, the court noted that this determination was made in 1958, and may no longer be valid in the light of the increased nighttime primary service subsequently provided, particularly by Class II–A stations assigned pursuant to the decision in Docket 6741, and other changed conditions.

The position of the parties. 20. ABC, Hubbard Broadcasting, Inc. (Hubbard, now the licensee of KOB), and the Broadcast Bureau all filed memoranda in response to the April 1966 directive, and Hubbard replied to the views of the other two parties. All parties agree that the general service picture in the area of the Southwest involved has not greatly changed since the 1958 decision, so as to alter the conclusions as to the need for service.[10] They also agree that if a comparison were made between the primary nighttime service rendered by any one of the Class II–A stations assigned in the Clear Channel decision on other channels, and the service that it might render were the I–A station on its channel directionalized to protect it as a Class I station, substantial increases in the number of persons and the areas receiving a first nighttime primary service would be demonstrated. However, in its decision in Docket 6741 the Commission held that the disruption of long-established service which would result from the directionalization of the I–A stations could not be justified, and, accordingly, settled on the more restricted service rendered by the duplicating facilities without protection from the I–A's.

21. The result, reached on an ad hoc basis in the KOB/ABC proceeding, wherein WABC was required to directionalize is, all parties admit, inconsistent with that reached in Docket 6741.

22. In the instant proceeding, ABC would have us resolve this inconsistency by the issuance of an order amending § 73.22(a) of the rules by adding the frequency 770 kc/s to the 11 channels broken down for Class II–A assignments, and provide for such an assignment on that frequency for KOB in the State of New Mexico. The order would further grant ABC's application for renewal of license of station WABC as a Class I facility on 770 kc/s, 50 kw., U, at New York City, subject to the right of Hubbard Broadcasting, Inc., to a hearing on its pending application for 770 kc. in New York City, should Hubbard elect to prosecute such application; it would deny Hubbard's application for Class I facilities on 770 kc. at Albuquerque, N. Mex., granting leave to amend to request construction permit and license for a Class II–A station with a 50 kw., DA–N, U. Since the New York City network stations would thus be afforded comparable facilities, ABC argues that such a solution would be in complete conformity with the mandate of the court of appeals and in furtherance of the public interest. Besides a lengthy recitation of the history of this proceeding, ABC asserts that the 1958 and 1963 KOB solutions were based on an approach to clear channel allocations taken in 1958 generally (the further notice in Docket 6741) but later abandoned for general use because of the loss to existing I–A service involved; and therefore there is no reason to retain that approach here. It is said that the needs of the New Mexico area are no greater than those of other portions of the West to which the final Clear Channel Decision gave only Class II assignments. The loss to WABC and the ABC network—emphasized by the court—is stressed, and it is claimed that the gains from KOB Class I operation would be minimal.[11] It is stated that ABC is satisfied with such a result, even though it prejudices "higher power" for WABC as compared to such a possibility for WNBC.

23. Hubbard (KOB), on the other hand, views the court as essentially upholding the validity of the Commission's determinations in favor of Class I status for KOB on 770 kc/s if ABC is treated comparably with other networks. It urges that the "reassessment" mentioned by the court should first be made, and that if that indicates the same need for service as reflected in the 1958 KOB decision—which Hubbard believes it will—then the KOB decision should stand and ABC should be afforded a hearing on whether WCBS and WNBC should not be treated similarly, all three flagship stations directionalizing to protect a Class I facility in the west (see footnote 9, above). This it is said, is the only significance of the court's requirement as to comparable network facilities. The ad hoc solution reached in Docket 6584 for 770 kc/s is defended as basically appropriate if this requirement is met (citing as precedent the breakdown of 850 kc/s to a I–B channel in the "KOA" case and Van Curler Broadcasting Corp. v. U.S., 236 F. 2d 727 (1956)). It is suggested that rule making—in which all interested parties such as CBS and NBC can participate, and which is sufficient for such a purpose—is the appropriate means of reaching the desirable result. It is also suggested that reopening Docket 6741 will permit general exploration of clear channel allocation policies—for example, whether the new II–A assignments are adding as much as they were expected to to radio service. The questions to be answered in such a proceeding, as Hubbard sees them, are as follows:

(a) Whether in the light of present conditions, the public interest can best be served if Station KOB operates as a Class I station on 770 kc/s.

(b) Whether, for the purpose of providing equal channel facilities for the flagship stations of the three networks or for other reasons, the public interest would be better served by requiring certain additional clear channels, including 660 kc. and 880 kc., to accommodate two Class I stations.

Hubbard also urges a full examination of the "Flagship" concept advanced by ABC, in the belief that it can demonstrate that, under present conditions of radio network operation, the importance of the concept has been grossly exaggerated—that WABC is, in fact, just another New York City "rock and roll" station, having no special significance in the ABC network. This, it is said, is necessary if the matter again goes to court, as it likely will.

24. The Broadcast Bureau suggests three alternatives which the Commission might consider in the ultimate resolution of the "KOB problem".

(a) To require both the NBC and CBS flagship stations located in New York to directionalize their nighttime operations, and to assign a Class I–B station on each of their channels in the western part of the United States.

(b) To remove KOB from 770 kcs. to a clear channel other than 660 or 880 kc. and to substitute a new Class II–A on 770 kc. in the western part of the United States.

(c) To require KOB to operate as a Class II–A station on 770 kc. and to protect WABC, which would operate as the dominant Class I–A station on the frequency.

The Bureau rejects the first two alternatives, since in the clear channel proceeding the Commission has exhaustively examined the possibilities for duplicate operation on the I–A channels, and, despite the knowledge that Class I–B operation by some or all of the duplicating stations would have resulted in greater coverage of undeveloped areas of the country, nevertheless, concluded that the assignment of these new stations as Class II–A's would best serve the public interest. The Bureau states that the rationale controlling the method of allocation determined in Docket 6741 is fully applicable to the frequency 770 kc., and it accordingly favors adoption of alternative (c), with the revision of the Commission's report and order in Docket 6741 to the extent necessary to conform to this action. Pursuit of either of the other alternatives, it is said, would require a full reevaluation and reconsideration of the report and order in the Clear Channel proceeding. In connection with alternative (b) above, it is suggested that assignment of KOB to a clear channel much higher in frequency than 770 kc/s would cut down its coverage area, and, also, that only clear channels with Class I stations well to the East could be considered.

25. In replying to ABC and the Broadcast Bureau, Hubbard asserts: "To contend, as do ABC and the Broadcast Bureau that the action creating the inequity, i.e., the 1958 amendment of § 3.25 of the rules, must be set aside even though the public interest basis for that action still applies today is to accuse the Court of rendering a completely meaningless and futile—even a deceiving—opinion in 1960". The same high public-interest considerations which led to the 1958 decision, it is said, still apply and must govern. Hubbard maintains that the Commission may not completely ignore the ad hoc 770 kc proceeding and resolve the KOB/ABC controversy by rewriting the clear channel decision to include 770 kc. in the II–A category, "if, for no other reason, the question of 770 kc.'s allocation status was not litigated in the clear channel proceeding, and the present record in that proceeding will not support any action affecting 770 kc/s status which is in any way inconsistent with the ad hoc record or the 1958 decision based on that record."

26. Hubbard accuses the Broadcast Bureau of simply seeking an easy way out, ignoring the public-interest considerations mentioned; if the Commission is not up to the job, it should seek a legislative solution to resolve this problem, which, it is said, was of the Commission's own making. It offers what it believes to be a reasonable way of resolving the clear channel breakdown and the KOB–WABC controversy by a rule making action which could be taken on the present record, "involving neither the extensive new explorations feared by the Bureau nor the due process deficiency so patently present in the simple rewrite approach recommended by both ABC and the Bureau". Briefly, it suggests that § 73.25 of the rules be amended to provide for the alternative assignment on each of 13 channels listed therein of either two Class I stations or a Class I and a Class II station (the 13 include 880 kc/s and 10 other "II–A" channels, plus 660 and 770 kc/s). An applicant for a second Class I station would be required to submit a plan for directional operation of the existing Class I station and a showing that dual Class I usage of the channel would better meet the requirements of section 307(b) of the Communications Act than would Class I/Class II–A usage.

27. The submission of an application for a Class I station on one of these channels would lead to an ad hoc adjudicatory proceeding similar to the 1958, 770 kc. breakdown proceeding, in which the gains and losses resulting from the two types of channel usage could be intelligently compared on the basis of a specific proposal for duplication of the channel, and a realistic determination made as to whether the public interest requires that the new station should be awarded I–B facilities or be limited to a Class II station. The nature of each channel breakdown would be justified on its individual merits, the hearing record spelling out the reasons why the different channels might be treated differently. This would eliminate the objections raised by the court of appeals in the 1965 opinion, even though some I–A stations might be treated differently than others.

28. In all probability, states Hubbard, such an approach would eliminate channel inequities among the networks, resulting in "I–B" duplication of the New York City stations of NBC and CBS. In any event, the proceedings concerning the pertinent channels would provide a record on which the Commission could justify to the court any different treatment which it might accord the individual stations.[12] It is asserted that consistent with the present rules KOB could and should be permitted to use the facilities specified in its 770 kc/s application.

Consideration of courses of action. 29. Thus, while the commenting parties recognize the inconsistency of the results reached as to 770 kc/s in the "KOB case" and as to the I–A channels generally in Docket 6741, they differ widely in the approach which should be used to conform the two. ABC would have us treat 770 kc/s like the other channels broken down in the clear channel decision for II–A stations, and the Broadcast Bureau regards that as an appropriate, and the easiest, solution. Hubbard, on the other hand, regards the question of the best usage of 770 kc/s as established in the 1958 ad hoc KOB decision, and would modify the treatment of some of the other I–A channels, including 660 and 880 kc/s, to provide for the same type of "dual class I" operation on them, or at least opportunity for consideration thereof in individual adjudicatory proceedings similar to the KOB proceeding concerning 770. Thus, the usage of each of these channels would be determined on an individual basis, on the basis of a hearing record supporting the result reached in light of "307(b)" considerations.

30. In evaluating various approaches, it is appropriate to bear in mind certain basic considerations concerning the Commission's approaches to the assignment of frequencies and stations in the various broadcast services. The Commission discharges its responsibilities under section 307(b) of the Communications Act of 1934, as amended, to provide "a fair, efficient, and equitable distribution of radio service" in two ways: (1) Primarily by rule making, pursuant to section 303(f) of the Act; and (2) through individual adjudicatory proceedings designed to choose among a limited number of conflicting applications for stations proposing to serve different communities or areas. In the television and FM broadcasting services, 307(b) questions usually are resolved at the rule making level, and the rules governing these services contain tables of assignments developed pursuant to 307(b) principles to provide for an equitable distribution of service. In contrast, in the standard broadcast (AM) service, Class III and Class IV stations, and Class II stations on the I–B clear channels, are assigned on a "demand" basis, and 307(b) of the Act usually comes into play only when the Commission is called upon to make a choice among two or more technically conflicting applications proposing radio service to different communities. Over the years, this assignment philosophy has resulted in less than optimum distribution of service on the regional and local channels. Indeed, the lessons learned in the older standard broadcast service influenced the adoption of "pre-cut" assignment plans in the newer TV and FM services.

31. In the development of rules to effectuate the purposes of 307(b), the Commission has traditionally given first priority to the provision of some broadcasting service to all of the people in the

[8] "Our affirmance of the KOB decision was conditioned, as heretofore noted, on the premise that in the end fair and equitable channel facilities would be given ABC in comparison with other networks." Decision, footnote 7, 345 F. 2d 958, 4 R.R. 2d 2011.

[9] "In view of the Commission's decision in the clear channel case resulting in a Class I–A undirectionalized status for the CBS and NBC flagship stations, the ABC station should have the opportunity for a hearing as to whether one or more of the other clear channels should accommodate two Class I–A stations, to the end that comparatively equal channel facilities may be provided for the flagship stations of the three networks in the manner most favorable to the public interest."

[10] In the 1956 memorandum opinion and order (paragraph 16, above, which was later withdrawn) we expressed the view that the new II–A assignments mentioned by the court had not substantially lessened the need for additional service within the area which KOB would serve as a Class I station; but that grants of other facilities in the area since 1956 had provided service to a small population—a few thousand—within the primary nighttime service area KOB would serve as a Class I but not as a Class II station.

[11] ABC refers to material offered (but not received) in the 1963 further hearing in Docket 6584, which showed the additional population which would receive a first nighttime primary service from a KOB Class I as compared to a Class II operation as 67,434, instead of the 118,000 mentioned in the 1958 decision.

[12] It is also urged that even if this arrangement is not adopted as such, 660 kc/s could be broken down for use at Phoenix, Ariz., and 1030 kc/s made available for the station now on 660 kc/s at Alaska.

United States. It is a truism in AM that this aim is not to be achieved for the nighttime hours by the assignment of a great number of stations on each channel, even on a planned basis, and the reservation of clear channels, with dominant stations so operated and protected as to provide wide area primary and secondary service, is an essential element of a nationwide standard broadcast system.

32. For this reason, the "demand" philosophy which has, to a large extent, controlled station assignment practices on other channels has been restricted in its application to the clear channels, particularly to the I–A channels, and with a few exceptions, the Commission has refused to consider requests by individual stations for the waiver or amendment of rules designed to protect the basic clear channel service, except within the context of an overall rule making proceeding, wherein the overall impact of proposed changes can be assessed. The few exceptions typically involve operation by stations other than the I–A's in a manner contrary to the rules, which were originally permitted on a temporary basis because of special public interest considerations, and whose termination or regularization have later become the subject of ad hoc proceedings (WOI/KFI on 640 kc/s, WNYC/WCCO on 830 kc/s, KOB/WABC on 770 kc/s). In only one of these cases, KOB/WABC, is the basic usage of the I–A channel at issue.

33. The decision of the major 770 kc/s allocation question was made in an ad hoc proceeding, separate from the overall clear channel allocation matter and reaching a different result from that ultimately reached in the latter as to the I–A channels generally, although the KOB decision was consistent with the approach the Commission contemplated in 1958 for general adoption (see paragraph 10, above). The explanation for this separate treatment is the unique history of the KOB case. The Commission had early recognized that the disposition of this case should be predicated upon the general clear channel decision, and in its public notice of August 9, 1946, included the KOB applications among those placed in the pending file until that decision was reached. The issues in the original clear channel hearing order of February 20, 1945, were sufficiently broad to encompass this question. However, the long delays involved in the clear channel matter, and the understandable impatience of the parties with the long continued temporary conditions of operation of KOB on 770 kc. culminated in ABC's first appeal to the court. Action taken by the court in effect made it necessary for the Commission to move toward an early KOB decision independently of the Clear Channel proceeding. Although the clear channel decision was made final in 1962, because of the complications which have been outlined previously the KOB matter is still unsettled.

34. It is clear that we cannot implement in a manner acceptable to the court the basic decision in the KOB/WABC case, proposing dual Class I operation by WABC and KOB on 770 kc/s, without substantially revising the conclusions reached in the Clear Channel proceeding as to the usage of at least some of the other I–A channels. The question is whether this should be done, or other action taken.

35. The basic allocation decision reached in the KOB/WABC case flowed from an evaluation and balancing of service gains and losses between the stations involved in the case in the pattern of the typical 307(b) adversary standard broadcast proceeding. In contrast, the pattern of I–A use decided upon in the clear channel proceeding resulted from an examination of channel usage in broad perspective, with the effects of proposals for individual channels considered in relationship to proposed usage of all other I–A channels. As a result of this consideration, the Commission decided not to require directionalization of the I–A stations on those channels where provision was made for a second unlimited time station, since such directionalization

Would result in substantial reduction of the existing groundwave and skywave service, with the result that substantial new white areas would be created in which no groundwave service would remain available from any station and that other areas would be reduced in the number of services received from four, three, or two groundwave services to a single groundwave service. In addition, substantial dislocations would obtain of present skywave service which would not be compensated by new operations. (Third Notice in Docket 6741, FCC 59–972, par. 7.)

Directionalizing of all three New York City I–A stations. 36. It must be borne in mind that an essential element in any resolution of the "KOB problem" which gives KOB a Class I or similar mode of operation is directionalization by the eastern cochannel Class I station so as to protect that operation. In other words, while there would be some gains in KOB's service through giving it greater nighttime facilities without more, the real improvement can come only if the eastern station directionalizes so as to afford KOB a high degree of protection at night, for example to its 0.5 mv/m 50-percent skywave and 0.5 mv/m groundwave contours instead of to the 2.24 mv/m groundwave contour, which is the limit imposed at Albuquerque by WABC's nondirectional operation (25 F.C.C. 691). The court of appeals suggested that the disparate treatment of WABC which it saw in the KOB/WABC decision might be corrected by requiring WNBC and WCBS, the New York City stations of the other networks, to directionalize in a similar manner as that required of ABC's station.

37. Such an approach would, obviously, yield some service benefits in the west. Directionalization of WCBS on 880 kc/s to protect the station now assigned on that channel on a II–A basis in Nebraska—assuming that that would be the location of the new Class I facility resulting—would permit that station to render skywave service and much more extensive nighttime groundwave service, with the likelihood that substantially more people now without any primary service at night would be reached. There is no II–A station assigned to NBC's channel, 660 kc/s; if a full-time station were assigned in a western State it and its area would, similarly, benefit from directionalization of WNBC's antenna. However, such directionalization by all three New York City I–A stations would result in very extensive losses of service in the densely populated northeastern part of the country, depriving large populations of three skywave services and of three groundwave services in the areas west of New York City, where "white areas" might result if the service of all three stations were lost. Such losses in service obviously could not be found to be in the public interest if the sole purpose is to equalize the New York City facilities of the three networks.

38. In the KOB/WABC hearing, the loss of service from WABC occasioned by its directionalization, with the attendant gains in service provided by KOB, was found to be in the public interest in the light of the fact that other stations provided service to all of the areas lost to WABC. This finding would no longer be valid if the existing service were substantially disrupted by the directionalization of WNBC and WCBS. The avoidance of the adverse cumulative effects of separate actions, each of which might be found in the public interest, was one of the primary considerations which led to the Commission decision, in the Clear Channel hearing, not to require directionalization of the I–A stations to whose channels second unlimited time stations were assigned.

39. This points up the fundamental defect in the suggestion by Hubbard that the rules be amended to provide for the determination of the usage of each broken-down I–A channel (either dual Class I/Class I or Class I/Class II) by individual ad hoc proceedings. This would, if implemented, negate the whole concept of a planned and coordinated evaluation of I–A channels. For instance, a 307(b) determination on an individual basis would require, on each channel, the balancing of population and area gains achieved by operation of the proposed duplicating station as a Class I station against corresponding losses sustained as a result of directionalizing the I–A station on that channel. The seriousness of this loss would be assessed in the light of the number of services provided by other stations to the loss area. However, the number of such services will inevitably be affected by decisions made in ad hoc proceedings on the other 10 I–A channels subject to duplication. This is particularly true of secondary services available, but it is also true as to primary (groundwave) service where "other services" available include other I–A services, for example, as among the three New York City and four Chicago I–A channels, and others on which the I–A stations are fairly close to each other, such as New York City-Philadelphia and Chicago-St. Louis. Similarly,

the full value of the service provided by a duplicating western station as a Class I station can only be determined if other services to the Western States are known. But what other services are or will be available will depend on decisions in other ad hoc proceedings. Because of this interdependence of one proceeding on the others, a joint hearing of applications on all channels in a consolidated proceeding would almost certainly become necessary. Such a hearing, in effect, would constitute a wasteful duplication of effort and a reploughing of ground intensively tilled in the Clear Channel hearing. We therefore, must reject Hubbard's suggestion.

40. There is also to be considered the impact this course of action would have on radio network service. We stated at various times in our consideration of the "KOB problem" the view that provision for equal network facilities, and competitive equality between networks in their service potential, did not equal in importance the service benefits which would be gained from WABC directionalization. However, it is obvious from the court of appeals 1965 decision that in the view of that court the provision of equal facilities for the "flagship" stations of the three networks is a matter of high importance, not to be cast aside without very strong countervailing reasons. Implicit in this pronouncement, we believe, even though not expressly stated, is the view that radio network service itself is a matter of importance. We ourselves have recently expressed the same view, in considering ABC's request for a ruling and partial waiver in connection with its adoption of a "four network" operation (three AM and one FM networks).[13] If ABC network service is of high importance, there is no reason to believe that the network service of CBS and NBC is less so, and therefore any course of action which would result in loss of all three of these national services to substantial areas and populations is not to be undertaken lightly.[14] This is true even though CBS and NBC, particularly the former, have both more numerous owned I–A facilities than ABC, and I–A facilities located closer to the areas around New York which would lose service (at Philadelphia and Cleveland respectively). The decision reached herein—not to pursue a course looking toward directionalization of WCBS and WNBC as well as WABC—is made essentially for reasons concerning the rendition of radio service as such and avoiding long delays, continuing uncertainties and possible disruption of service. But consideration relating to the provision of desirable network service are an added reason why such a course would not be in the public interest. In this respect, as well as with respect to the provision of radio service, we do not believe that the public interest would be served by reducing several I–A facilities, or at least the two New York City stations, to what is essentially directional I–B status, simply to justify a similar result previously reached as to WABC—adopting a "lowest common denominator" approach to equal treatment—even though the result would be some service benefits in New Mexico and elsewhere in the West.

41. For the above reasons, we do not believe that the basic findings in the Clear Channel hearing as to the method of use of the duplicated I–A channels should be disturbed, either generally or with respect to the two other New York City I–A stations. Rather, for these and other reasons, we are of the opinion that the proper and logical step at this juncture is to propose amendment of § 73.25 (b) of the rules to include 770 kc/s as one of the channels which will accommodate a Class I and an unlimited time Class II station, in this instance in the State of New Mexico, in other words, essentially to retain existing operations in the status quo.

Need for service in the Southwest; compliance with the court's mandate. 42. We are persuaded that this action, simply regularizing the status quo, can appropriately be taken despite the conclusion in the separate KOB/WABC hearing that the provision of a Class I facility for New Mexico, even at the expense of a substantial loss of service from WABC, was in the public interest. The court of appeals stated that the Commission should, early in its further consideration of this matter, make a new assessment of the public interest needs of the Southwest, in light of new and perhaps changed conditions; if it is concluded that a Class II station (as KOB presently operates) would meet these needs, the problem is resolved. As we have mentioned above, a cursory review shows that grants of new facilities on other channels since 1958 have afforded service to only a few thousand of the population which KOB would serve as a Class I but not as a Class II station, and therefore, as far as AM service is concerned, the needs in the area have not substantially lessened since 1958. We assume for present purposes that this is true and would be substantiated by a more intensive exploration.

43. This is not, however, a need that must be satisfied at whatever cost. Within the four corners of the KOB/WABC hearing the need was found to be sufficiently great to justify its satisfaction at the expense of a substantial curtailment of the existing service of WABC. However, because of the Court's remand, the decision in this matter cannot now rest within the confines of the ad hoc proceeding, but must be sought in relationship to the clear channel hearing. In this larger context, the KOB case, as an allocation problem, loses its uniqueness. In every case where a second unlimited time station was assigned to a I–A channel in the clear channel proceeding, the directionalization of the I–A station would have resulted in the new station providing service over a much greater area than would otherwise be the case. A channel by channel comparison of the gains in service achieved by each new station against the losses in service from the I–A station under these conditions would have led, on at least some of the channels, to an indicated result similar to that reached in the KOB/WABC case. The Commission fully realized this, and its 1958 further notice of proposed rule making in Docket 6741 (paragraph 10, above) proposed dual Class I operation on five of the I–A channels. Upon further consideration, however, it was determined that the service gains achieved by operating the duplicating stations on a Class I basis were not sufficient to justify the cumulative disruption of existing skywave and groundwave service from the I–A stations which would result from their directionalization. Accordingly, the clear channel decision provided only for Class II operation by the duplicating stations.

44. As mentioned, the course which Hubbard urges, and which the court of appeals appeared to regard as an appropriate approach, would involve a very substantial loss and disruption of existing service, a restructuring at least in substantial part of the Clear Channel decision and a result at variance that decision and the principles underlying it. We also point out that—aside from the very substantial question as to whether any such result would be in the public interest—there is the matter of the extensive delay, for an extended period, which would be involved before such a reallocation could be effectuated. There is nothing in our experience with the "KOB case" or other AM matters (e.g., the matter of new Class II–A assignments) which indicates that Class I status for KOB, on a basis consistent with the court's decision, could be attained in less than 5 years, and the time involved might well be much greater. It is not to be supposed that NBC or CBS, to name only two of the other I–A licensees potentially involved, would be any more acquiescent to directionalization than ABC has been. During this extended period there would be continuing uncertainty as to what the ultimate effect on other assignments might be, for example the fate of the new Class II–A assignment on 880 kc/s in Nebraska. This is certainly not to be desired.[15] We do not now believe it appro-

[13] See American Broadcasting Companies, Inc., FCC 67–1390, 11 F.C.C. 2d 163, 12 R.R. 2d 72 (Dec. 1967), paragraphs 3–4.

[14] This is particularly true in light of the tendency in recent years of many radio stations (other than those network-owned) to operate without presenting any substantial amount of network programing.

[15] This II–A assignment is now occupied by Station KRVN, Lexington, Nebr., not yet so operating. If 880 kc/s were broken down on a dual Class I basis, this station might become a Class I but it is not clear that that would be the optimum use of the western Class I assignment, since it would mean two Class I stations in Nebraska and three in the 500 miles between Omaha and Denver. If 880 kc/s were used elsewhere, another frequency would have to be found for the Nebraska II–A assignment, which might be difficult since 770 kc/s would be used by KOB and thus not available. This illustrates the complexities involved. In 1967 we expressed the importance of quick activation of this assignment, to bring a first nighttime primary service to some 159,000 persons, greater than the population which KOB would similarly serve as a Class I but not as a Class II station. Nebraska Rural Radio Association, Inc., 10 F.C.C. 2d 345, 11 R.R. 2d 436 (1967).

priate to embark on a course involving these burdens, all in pursuit of something which is contrary to what we have already decided is the best use of the clear channels and which, ultimately, we might well decide could not be justified in the public interest.

45. Hubbard, of course, has here and previously urged its "equities" in this matter—that, since the Commission had once accorded Class I status to KOB, it is obligated to provide KOB with an operating assignment consistent with that status. The Commission has heeded these urgings, not as such but because considerations of improving radio service in the Southwest indicated the same course of action, and has made every reasonable effort to do just this. At this juncture, however, we are faced with a situation in which the approaches toward achieving this end lead inevitably to a restructuring at least in part, of the clear channel decision, involving both loss of existing service and further expense, delay, and uncertainty. This is a price which is not worth the benefit. The assignment principles established in the clear channel decision were adopted only after a most intensive and comprehensive examination of various alternative plans for usage of the clear channels. That these principles should be compromised solely for the purpose of making possible the implementation of an allocations decision which is inconsistent with them, is, in our view, clearly contrary to the public interest.[16]

46. In any event, neither KOB nor the public interest will be ill-served by its permanent assignment to the channel 770 kc/s with a II–A classification. Operating with a power of 50 kw., day and night, on a basis which will protect WABC's present operation, KOB can serve extensive areas and populations. The conditions for groundwave propagation on 770 kc/s are considerably more favorable than on 1180 kc/s, the channel on which KOB operated unduplicated as a Class I station for a brief period, and the primary service KOB would provide on 770 kc/s as a Class II–A station approaches that which it delivered on 1180 kc/s in its Class I status. While KOB will have no secondary service as a II–A station, this lack should not appreciably affect the viability of its operation.

47. We do not believe that our proposed action is inconsistent with the conditions of the court's remand; these cases were remanded to the Commission "for further proceedings not inconsistent with this opinion". The higher court found error in the "self-apparent" inequity in the treatment of WABC, which it found unsupported by adequate public interest reasons in the decisions in Docket 6584 and Docket 6741. It is evident that any further order disposing of the KOB/WABC problem must rectify the error. The procedure which we proposed will lead to that result. We do not believe that the court meant to, even if it properly could, require that the Commission continue to seek the same basic solution for the problem. Indeed, we were invited to "make a fresh assessment of the needs of the Albuquerque area in respect of KOB in the light of the increased service then being made available, and other changed conditions". In a sense one change in conditions resulted from the action by the court itself—the delineation in its 1965 remand of the nature of its requirement for equitable treatment of WABC. This requirement precludes the solution of the KOB–WABC problem in a limited adjudicatory proceeding, and necessitates its consideration in relationship to the pattern of channel usage set by the decision in the Clear Channel hearing. As a result of this consideration, we have arrived at a solution at variance with that adopted in the 1958 decision. While the reasons we do not now proposed Class I facilities for KOB are not those which the court suggested we explore, we believe they are legally sufficient to support the proposed action, and in our tentative view the decision we reach based thereon—maintenance of the status quo with KOB as a Class II station on 770 kc/s—is what will best serve the overall public interest.[17]

48. We also emphasize that the decision tentatively reached herein is not adopted because it serves "administrative convenience" or is "an easy way out", which Hubbard claims to be the motivation of the Broadcast Bureau in its suggestion. The Commission and its staff have many problems and duties and these have certainly not decreased in recent years; but considering directionalization on one or two other I–A channels in addition to 770 kc/s would not be an insuperable burden. We are persuaded, rather, by the overall burden to the various parties who would be actually or potentially involved—in terms of delay and uncertainty—and thus to the public and the cause of prompt improvement in radio service in other areas, all in the interest of reaching a result which, if not maintenance of the status quo, would be at most a gain in service in the Southwest (to a population which is not extremely large) at the expense of disruption of existing service in the East. The potential gain is simply not worth the cost.

49. We have reached the foregoing conclusions with respect to the approach suggested by the court of appeals and urged by Hubbard—that KOB might be accorded Class I status on 770 kc/s and similar arrangements reached on 660 and 880 kc/s. Another conceivable approach, urged often in the past by ABC although not presently mentioned by Hubbard, would be to consider some other I–A channel for Class I operation by KOB, with the eastern I–A station thereon directionalizing. We find this, likewise, an unattractive alternative, involving as it would the loss of service of whatever other I–A station would be affected and the continuing delays and uncertainties involved, as well as the very considerable uncertainty as to which of the channels should be chosen, in all likelihood making a complex and lengthy proceeding necessary (see footnote 7, above).

The Commission's proposal. 50. For the foregoing reasons, we propose to resolve the "KOB problem" by rule amendments simply removing Note 3 from § 73.25(a), and adding 770 kc/s to the list of channels specified in § 73.22, on which full-time operation by Class II–A stations is provided for, with the II–A assignment thereon in New Mexico.

51. We recognize that the approach mentioned varies from conclusions reached earlier as to the need for improved AM nighttime primary and secondary service in the Southwest, a need which, as far as AM service alone is concerned, does not appear to have changed substantially since the KOB decision. We are also aware that Hubbard and previous licensees of the station have lived with the "KOB problem" for more than a quarter of a century, and it appears conceivable, even though not likely, that Hubbard could present a counterproposal meriting exploration not only in light of the improvement of service in the Southwest but taking into account all of the other considerations mentioned. If such a proposal is presented, it will be given the consideration it appears to warrant.

52. In view of the foregoing: *It is ordered*, Pursuant to sections 4(i), 303 (r), and 307(b) of the Communications Act of 1934, as amended, that Docket 6741, In the Matter of Clear Channel Broadcasting in the Standard Broadcast Band, is reopened only for consideration of the matters mentioned hereinabove, i.e., amendment of §§ 73.25(a) and 73.22 of the rules to specify 770 kc/s as a I–A channel on which a Class II–A station in New Mexico (KOB) may be assigned, and whatever counterproposals concerning the mode of operation of KOB, on 770 kc/s or as a Class I station on another channel, may be presented.[18]

[16] On the subject of KOB's equities, the court has said: "The circumstance that KOB had, prior to 1941, a Class I–A status is hardly persuasive when it has had only a Class II status since that time, and when WABC has always had that status and has up to the 1958 decision been licensed to operate as a Class I–A station on an exclusive clear channel basis on 770 kc., the channel in question." (345 F. 2d 959, 4 R.R. 2d 2013.)

[17] In mentioning the court's mandate as one of the controlling factors in our decision herein, we do not say that we would have reached a different result in the absence of any court pronouncement. Had consideration of 770 kc/s proceeded pari passu with that of the other I–A channels in Docket 6741—which we initially attempted in 1946 to do—the result might well have been to reach the same decision as to duplication by a Class II–A instead of a Class I station.

[18] We note in this connection the pendency of Hubbard's application for the facilities of WABC, filed in opposition to that station's application for renewal of license and proposing to directionalize the New York station in a manner consistent with our earlier decision, so as to accommodate dual New York City-Albuquerque Class I operation. If the rules are adopted herein as proposed, it will of course be without prejudice to whatever later actions appear appropriate in connection with consideration of these applications.

53. Pursuant to applicable procedures set out in § 1.415 in the Commission's rules, interested parties may file comments on or before June 9, 1969, and reply comments on or before July 9, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in the proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

54. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

55. As noted in paragraph 13, above, KOB now operates with 50 kw. at night, directionalized at night on a basis which would protect WABC if it operated directionally also as contemplated by our 1958 and 1963 decisions, but does not protect WABC's present nondirectional nighttime skywave service to the extent Class II stations are usually required to do so. This operation will be permitted to continue pending resolution of the present rule making proceeding; whatever action with respect to it is necessary will be considered later.

Adopted: April 22, 1969.

Released: April 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[19]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5065; Filed, Apr. 28, 1969; 8:49 a.m.]

[19] Concurring statement of Commissioner Cox filed as part of original document; Commissioners Johnson and H. Rex Lee concurring in the result.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2491]

IDAHO

Notice of Public Sale

APRIL 22, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 2 p.m., on Wednesday, June 11, 1969, at the Idaho Land Office, Room 380, Federal Building, 550 West Fort Street, Boise, Idaho 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 3 S., R. 33 E.,
Sec. 18, W½SE¼.

The area described contains 80 acres.

The appraised value of the tract is $2,400 and the publication costs to be assessed are $10.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702 prior to 2 p.m. on Wednesday, June 11, 1969. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I-2491 sale of June 11, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the second day following the sale.

If no bids are received for the sale tract on Wednesday, June 11, 1969, the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning July 2, 1969.

Any adverse claimants to the above described lands should file their claims or objections, with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-5026; Filed, Apr. 28, 1969; 8:46 a.m.]

[Serial No. I-841]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 22, 1969.

Notice of an application Serial No. I-841, for withdrawal and reservation of lands was published as F.R. Doc. 67-1770 on page 2979 of the issue for February 16, 1967. The Bureau of Reclamation has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311, such lands will be at 10 a.m., May 8, 1969, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 17 E.,
Sec. 24, E½SE¼;
Sec. 25, W½E½, SE¼SE¼.
T. 12 S., R. 17 E.,
Sec. 3, lot 3 and SE¼NW¼, N½SW¼.

The areas described aggregate 439.88 acres.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-5027; Filed, Apr. 28, 1969; 8:46 a.m.]

Fish and Wildlife Service

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking To Seasonally Protect Domestic Livestock in Certain Montana Counties

Pursuant to authority in the Act of October 24, 1962 (76 Stat. 1246; 16 U.S.C. 668a), as amended, and in accordance with regulations under Part II, Title 50, Code of Federal Regulations, and in response to written request from the Governor of Montana, the Secretary of the Interior has authorized the taking of golden eagles during the period from April 15, 1969, through June 30, 1969, in Montana, subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the following counties:

Silver Bow.	Powell.
Cascade.	Rosebud.
Yellowstone.	Deer Lodge.
Missoula.	Teton.
Lewis and Clark.	Stillwater.
Gallatin.	Treasure.
Flathead.	Sheridan.
Fergus.	Judith Basin.
Powder River.	Daniels.
Carbon.	Glacier.
Phillips.	Fallon.
Hill.	Sweet Grass.
Ravalli.	McCone.
Custer.	Carter.
Dawson.	Broadwater.
Roosevelt.	Wheatland.
Beaverhead.	Prairie.
Chouteau.	Granite.
Valley.	Meagher.
Toole.	Liberty.
Big Horn.	Park.
Musselshell.	Garfield.
Blaine.	Jefferson.
Madison.	Wibaux.
Pondera.	Golden Valley.
Richland.	Petroleum.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 25, 1969.

[F.R. Doc. 69-5152; Filed, Apr. 29, 1969; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NEWARK COLLEGE OF ENGINEERING ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00520-01-72000. Applicant: Newark College of Engineering, 323 High Street, Newark, N.J. 07102. Article: Rheogoniometer, Weissenberg Model R.18. Manufacturer: Sangamo Controls Ltd., United Kingdom. Intended use of article: The article will be used to establish the capability in rheology that will aid in carrying out sophisticated research on the behavior of molten polymers (polyethylene, polyester, polymer solutions, polymethyl-methacylate, carboxy methyl cellulose, and biological fluids (blood, mucus). Application received by Commissioner of Customs: April 7, 1969.

Docket No. 69-00521-75-40600. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: MP—Penning ion source. Manufacturer: Dr. E. Heinecke, Physics Department, University of Heidelberg, West Germany. Intended use of article: The article will be used as a source of negative ions at energies of approximately 20 to 80 Kev. in energy. These ions will then be injected into the Yale MP Tandem accelerator for further acceleration up to energies of 40 Mev. depending on the type of ion. Application received by Commissioner of Customs: April 7, 1969.

Docket No. 69-00524-61-46040. Applicant: Cornell University, New York State Agricultural Experiment Station, Geneva, N.Y. 14456. Article: Electron Microscope, Model JEM 100-B and accessory. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for agricultural research in the following areas:

1. Determination of the size, morphology, and configuration of a large number of phytopathogenic viruses that induce economically important diseases of horticultural crops.

2. Determination of capsid structure and triangulation number of satellite virus (SV) and details of surface morphology of various SV isolates and their corresponding tobacco necrosis virus activators.

3. Examination of the ultrastructure of the casual agent of X-disease of cherry and other stone fruits to determine whether it is a true virus or a mycoplasm.

4. Infection processes, population dynamics, morphology and ultrastructure of several phages infecting phytopathogenic bacteria, particularly those attaching Erwinia amylovora, the cause of pear fire blight.

5. Morphology and microstructure of several polyhedrosis viruses of economically important insects, including details of lattice spacing and structural envelope of virus crystals produced in host cells.

6. Determination of purity of virus preparations (both plant and insect origin) prepared by density gradient techniques or zone electrophoresis.

7. Determination of sites of virus synthesis and multiplication in infected plant and insect tissues.

Application received by Commissioner of Customs: April 10, 1969.

Docket No. 69-00526-33-46040. Applicant: University of Washington Medical School, Department of Pathology, Seattle, Wash. 98105. Article: Electron microscope, Model EM6B/801 and accessories. Manufacturer: Associated Electrical Industries Ltd., United Kingdom. Intended use of article: The article will be used for research and training by present and future trainees, as well as by the principal instructors who are experienced electron microscopists. A number of the projects concerned with research require the highest resolution available in electron microscopes. These include studies of fibrils, collagen, the components of elastic fiber, and bacteriophage. In addition, high resolution microscopy will be used for studying elementary particles of mitochondrial membranes and isolated ribosomes after negative staining procedures. Application received by Commissioner of Customs: April 10, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5015; Filed, Apr. 28, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION III (ATLANTA)

Redelegation of Authority With Respect to Fair Housing

SECTION. A. *Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3601-3619, except the authority to:

1. Make studies and publish reports under section 808(e) of the Act.

2. Issue rules and regulations.

SEC. B. *Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to subordinate employees the authority of the Secretary to administer oaths under section 811(a) of the Act, 42 U.S.C. 3611(a).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Jan. 15, 1969 (34 F.R. 946, Jan. 22, 1969))

Effective date. This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 69-5074; Filed, Apr. 28, 1969; 8:50 a.m.]

CERTAIN HUD EMPLOYEES IN REGION III (ATLANTA)

Redelegation of Authority To Administer Oaths Under Title VIII (Fair Housing) of Civil Rights Act of 1968

Each of the following named employees in the Department of Housing and Urban Development, Region III (Atlanta), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3611(a):

1. Linwood G. Whitlaw.
2. Grady J. Norris.
3. Donald G. Webster.
4. James P. Parks.
5. Richard E. Primm.
6. Andrew J. Webb.
7. Ernest Brown.
8. Randolph McMillan.
9. Augustus Clay.
10. Donald Watts.
11. Robert A. Thompson.
12. W. Thomas Hendrix.

(Redelegation of authority by Regional Administrator, effective Apr. 29, 1969 (34 F.R. 7043, Apr. 29, 1969))

Effective date. This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

ALBERT L. THOMPSON,
Assistant Regional Administrator for Equal Opportunity, Region III.

[F.R. Doc. 69-5075; Filed, Apr. 28, 1969; 8:50 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION I (NEW YORK, N.Y.)

Redelegations of Authority; Revocation

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and Assistant to Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, and the Assistant to the Assistant Regional Administrator for Renewal Assistance, Region I (New York, N.Y.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance, published at 31 F.R. 8966–8967, June 29, 1966, as amended at 32 F.R. 11391, August 5, 1967, with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note) except the power and authority to:

a. Find that a State or local low-rent housing program in connection with which urban renewal project land is to be used as a site for a State or locally assisted low-rent housing project has the same general purposes as the Federal low-rent program, and find that under such State or local program there are assurances equivalent to those under the Federal program that the local contribution to such project will be made during the entire period the project is used as low-rent housing, pursuant to section 107 of the Housing Act of 1949, as amended (42 U.S.C. 1457).

b. Make determinations with respect to the uncollectibility of Federal advances in accordance with subsection 103(b) of the Housing Act of 1949, as amended (42 U.S.C. 1453(b)).

c. Make determinations that the objectives of an Urban Renewal Plan could not be achieved through rehabilitation of the project area, under subsection 110(c) of the Housing Act of 1949, as amended (42 U.S.C. 1460(c)).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, the Assistant to the Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Assistant to the Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region I (New York, N.Y.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance, published at 31 F.R. 8966–8967, June 29, 1966, as amended at 32 F.R. 11391, August 5, 1967, with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (43 U.S.C. 1452b).

SEC. C. *Revocation.* The redelegation of authority to the Assistant Regional Administrator for Renewal Assistance and Deputy Regional Administrator for Renewal Assistance, published at 32 F.R. 6224, April 20, 1967, is hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance published at 31 F.R. 8966–8967, June 29, 1966, as amended at 32 F.R. 11391, Aug. 5, 1967)

Effective date. The redelegations of authority in sections A and B above shall be effective as of September 1, 1968.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 69-5076; Filed, Apr. 28, 1969; 8:50 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION VI (SAN FRANCISCO)

Designation

The officers named herein and appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Model Cities, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Model Cities, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Model Cities: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Model Cities, Region VI, unless all other officers whose names and titles precede his in this designation are unable to serve by reason of absence:

1. Tad T. Masaoka, Federal Agency Liaison Specialist.
2. Earl G. Singer, Urban Planner.

(Delegation effective May 4, 1962, 27 F.R. 4319; Department Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 5th day of January 1969.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 69-5077; Filed, Apr. 28, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-43]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from February 11, 1969, to February 27, 1969 (List No. 6–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/93/0, Lifeboat winch, Type 35G–MKII; approval is limited to mechanical components only and for a maximum working load of 7,500 pounds pull at the drums (3,750 pounds per fall); identified by general arrangement drawings No. W1–F–003, revision B, dated January 9, 1969, and No. W1–F–005, revision A, dated January 10, 1969, and drawing list, revision A, dated January 23, 1969, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 26, 1969.

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.024/2/1, aluminum shell No. 52 pistol-projected parachute red flare distress signal, assembly dwg. No. MS–11 dated April 8, 1957, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective February 18, 1969. (It is an extension of Approval No. 160.024/2/1, dated Apr. 3, 1964, and change of name of manufacturer.)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS FOR MERCHANT VESSELS

Approval No. 160.028/9/0, Kilgore marine signal pistol, Model A, assembly dwg. No. MSP–1, Rev. 1 dated January 28, 1953, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective February 18, 1969. (It is an extension of Approval No. 160.028/9/0, dated Apr. 3, 1964, and change of name of manufacturer.)

Approval No. 160.028/10/0, Kilgore Model B signal pistol, assembly dwg. No. SP–150, revised June 31, 1956, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective February 18, 1969. (It is an extension of Approval No. 160.028/10/0, dated Apr. 3, 1964, and change of name of manufacturer.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/54/2, Rottmer type, size D mechanical disengaging apparatus, approved for a maximum working load of 25,000 pounds per set (12,500 pounds per hook), identified by general arrangement dwg. No. 1504 Rev. F, dated November 25, 1968, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective February 27, 1969. (It supersedes Approval No. 160.033/54/1, dated May 23, 1968, to show change in construction.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/231/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens, N.Y. 11434, effective February 20, 1969. (It is an extension of Approval No. 160.048/231/0, dated Apr. 14, 1964.)

Approval No. 160.048/232/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Swan Products Co., Inc., 130–30 180th Street, Springfield Gardens, N.Y. 11434, for Viking Products Co., 130–30 180th Street, Springfield Gardens, N.Y. 11434, effective February 20, 1969. (It is an extension of Approval No. 160.048/232/0, dated Apr. 14, 1964.)

INFLATABLE LIFERAFTS

Approval No. 160.051/1/0, inflatable life raft, 4-person capacity, identified by general arrangement dwg. No. SEC/MN/4001, Alt. 6, dated October 24, 1966, 4-person capacity size not permitted on a cargo, passenger, or tank vessel engaged in an international voyage (see 46 CFR 75.10–5(b)(4), 94.10–5(b)(3), or 33.01–30(f)), manufactured by C. J. Hendry Co., 139 Townsend Street, San Francisco, Calif. 94107, effective February 20, 1969. (It is an extension of Approval No. 160.051/1/0, dated Apr. 9, 1964.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approved No. 160.052/280/0, Type II, Model No. BDA, adult unicellular plastic foam buoyant vest with vinyl dip coating, Billy Boy dwg. Nos. 1 and 5, dated October 9, 1962, manufactured by Billy Boy Products, Inc., Quincy, Mich. 49082, for Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago, Ill. 60636, effective February 11, 1969. (It reinstates Approval No. 160.052/280/0 which expired Jan. 15, 1969.)

Approval No. 160.052/281/0, Type II, Model BDM, child medium unicellular plastic foam buoyant vest with vinyl dip coating, Billy Boy dwg. Nos. 2 and 5, dated, October 9, 1962, manufactured by Billy Boy Products, Inc., Quincy, Mich. 49082. for Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago, Ill. 60636, effective February 11, 1969. (It reinstates Approval No. 160.052/281/0 which expired Jan. 15, 1969.)

Approval No. 160.052/282/0, Type II, Model BDC–1, child small unicellular plastic foam buoyant vest with vinyl dip coating, Billy Boy dwg. Nos. 3 and 5, dated October 9, 1962, manufacturer by Billy Boy Products, Inc., Quincy, Mich. 49082, for Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago, Ill. 60636, effective February 11, 1969. (It reinstates Approval No. 160.052/282/0 which expired Jan. 15, 1969.)

Approval No. 160.052/387/0, Type II, Model AP, adult unicellular plastic foam buoyant vest, dwg. No. 68–102, dated December 11, 1968, manufactured by Mermatic, Inc., 3332 Industrial Court, San Diego, Calif. 92121, effective February 25, 1969.

Approval No. 160.052/388/0, Type II, Model CPM, child medium unicellular plastic foam buoyant vest, dwg. No. 68–101, dated December 11, 1968, manufactured by Mermatec, Inc., 3332 Industrial Court, San Diego, Calif. 92121, effective February 25, 1969.

Approval No. 160.052/389/0, Type II, Model CPS, child small unicellular plastic foam buoyant vest, dwg. No. 68–100, dated December 11, 1968, manufactured by Mermatec, Inc., 3332 Industrial Court, San Diego, Calif. 92121, effective February 25, 1969.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/9/0, unicellular plastic foam work vest as per Military Specification MIL–L–17653A and U.S.C.G. Specification Subpart 160.053, manufactured by The Safegard Corp., Box 14037, Post Office Annex, Cincinnati, Ohio 45214, for Safety First Supply Corp., 526 Island Avenue, McKees Rocks, Pa. 15136, effective February 18, 1969. (It is an extension of Approval No. 160.053/9/0, dated Apr. 1, 1964, and change of address of distributor.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/8/1, Detex Newman Watchclock and Models D, FKDS, FKDL, SK, and SKL Watchclock Key Stations, Detex Newman Watchclock data sheet N–10–67 and Detex Watchclock Stations data sheet S–10–67, components for a watchman's supervisory system, manufactured by Detex Corp., 53 Park Place, New York, N.Y. 10007, effective February 25, 1969. (It supersedes Approval No. 161.002/8/0, dated Apr. 17, 1964, to show minor changes and change of name and address of manufacturer.)

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/95/1, 4" vacuum relief valve, Models 94103–35–04 and 94103–45–04, for liquefied flammable gas and anhydrous ammonia at a minimum temperature of −50° F. and a maximum operating pressure of 20 p.s.i.g., manufactured by GPE Controls Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, formerly Shand and Jurs Co., 2600 Eighth Street, Berkeley, Calif., effective February 20, 1969. (It reinstates and supersedes Approval No. 162.017/95/0, dated Jan. 21, 1964, to show minor changes and change of name and address of manufacturer.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/70/0, 2600 series pop safety relief valve, liquefied compressed gas service, full nozzle type, metal-to-metal seat, type Nos. 26DA10–120 through 26RA10–120; 26DA11–120 through 26RA11–120; 26DA12–120 through 26RA12–120; 26DA60–120 through 26RA60–120; 26DA61–120 through 26RA61–120; 26DA62–120 through 26RA62–120; 26FB10–120 through 26RB10–120; 26FB11–120 through 26RB11–120; 26FB12–120

through 26RB12–120; 26FB60–120 through 26RB60–120; 26 FB61–120 through 26RB61–120; 26FB62–120 through 26RB62–120, identical to 162.018/56/2 except for plain caps, manufactured by Parris Engineering Corp., Palisades Park, N.J. 07650, effective February 24, 1969.

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/18/0, "B–E–H 6-pound felt", mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.007/18/0, dated April 28, 1967, to show change of name of manufacturer.)

Approval No. 164.007/19/0, "B–E–H loose wool", mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 11 pounds per cubic foot density, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.007/19/0, dated Apr. 28, 1967, to show change of name of manufacturer.)

Approval No. 164.007/22/0, "B–E–H 8-pound felt", mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 8 pounds per cubic foot density, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.007/22/0, dated Dec. 13, 1967, to show change of name of manufacturer.)

Approval No. 164.007/23/0, "B–E–H Mono-Block", mineral wool type structural insulation identical to that described in National Bureau of Standards Test Reports Nos. TG3619–47:FR1820, dated January 7, 1941, and TG3610–1493: EP2569, dated November 10, 1947, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cuoic foot density, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 19669. (It supersedes Approval No. 164.-07/23/0, dated Dec. 13, 1967, to show change of name of manufacturer.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/28/1, "B–E–H Spun Felt", mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Reports Nos. TG10210–1921:FP3257, dated December 16, 1954, and TG10210–2021:FP3448, dated May 6, 1958, approved in a density of from 2½ to 4 pounds per cubic foot, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.009/28/1, dated Apr. 23, 1968, to show change of name of manufacturer.)

Approval No. 164.009/49/0, "Thermasil", asbestos-hydrous calcium silicate type pipe and block insulation identical to that described in Ehret Magnesia Manufacturing Co.'s letter of October 18, 1957, to the Commandant, U.S. Coast Guard, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602 (plant: Valley Forge, Pa.), formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.009/49/0, dated Mar. 26, 1968, to show change of name of manufacturer.)

Approval No. 164.009/50/0, "Thermalite", 85 percent magnesia type pipe and block insulation identical to that described in Ehret Magnesia Manufacturing Co.'s letter of October 18, 1957, to the Commandant, U.S. Coast Guard, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.009/50/0, dated June 3, 1968, to show change of name of manufacturer.)

Dated: April 23, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–5069; Filed, Apr. 28, 1969; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–155]

CONSUMERS POWER CO.

Notice of Issuance of Facility License Amendment

The Commission has issued Amendment No. 3, as set forth below, to Facility License No. DPR–6. The license authorizes Consumers Power Co. of Jackson, Mich., to possess and operate its Big Rock Point Nuclear Plant ("the reactor") located in Charlevoix County, Mich. The amendment, effective as of the date of issuance, amends the license to (1) authorize the receipt, possesison and use of 50 kilograms of plutonium contained in PuO_2–UO_2 fuel rods, and (2) incorporate Change No. 17 to the Technical Specifications which permits operation of the reactor with fuel rods containing oxides of plutonium and uranium inserted in the Reload "E" or "E–G" fuel bundles. This amendment is in accordance with Consumers Power Co.'s application for license amendment dated February 11, 1969, as supplemented March 17, 18, and 20, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application dated February 11, 1969, and supplements thereto dated March 17, 18, and 20, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) Change No. 17 to the Technical Specifications, all of which are available for public inspection at the Commission's Public Documents Room, 1717 H Street NW., Washington, D.C. Copies of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 18th day of April 1969.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License DPR–6, Amdt. 3]

The Atomic Energy Commission ("the Commission") has found that:

1. The application for license amendment dated February 11, 1969, as supplemented March 17, 18, and 20, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. There is reasonable assurance that (1) the reactor can be operated in accordance with the license, as amended, without endangering the health and safety of the public, and (2) such activities will be conducted in compliance with the rules and regulations of the Commission;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

4. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hasard considerations different from those previously evaluated.

Facility License No. DPR–6, as amended, issued to Consumers Power Co. for operation of its Big Rock Point Nuclear Plant ("the reactor") located in Charlevoix County, Mich., is hereby further amended by:

1. Revising paragraph 2.D in its entirety to read:

"D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, to receive, possess, and use in connection with operation of the reactor (1) five curies of plutonium encapsulated as a plutonium-beryllium neutron source and (2) 50 kilograms of plutonium contained in PuO_2–UO_2 fuel rods."

2. Adding to paragraph 2.B the following subparagraph: "The Technical Specifications contained in Appendix A are modified by Change No. 17 appended hereto [1] to authorize operation of the reactor with one or two removable fuel rods containing PuO_2–UO_2 in accordance with the application for amendment dated February 11, 1969, and supplements thereto dated March 17, 18 and 20, 1969.

This amendment is effective as of the date of issuance.

Date of issuance: April 18, 1969.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 69–5014; Filed, Apr. 28, 1969; 8.45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19650; Order 69–4–65]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Rate Transportation for Cargo Sales Agents

Issued under delegated authority April 14, 1969.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB agreement numbers.

By Order 69–2–26, dated February 6, 1969, the Board proposed to approve IATA agreements establishing a new cargo agency program and extending the existing program, as amended to conform in major respects to the new program, for a 2-year period of application for existing cargo sales agents who would not elect to become subject to the new program prior to January 1, 1971. The subject agreements would amend the IATA resolutions relating to reduced fares for cargo sales agents so as to insure that the transitional circumstances, provided for in the aforementioned agreements, will not alter the present allotment of reduced fare privileges, namely two tickets per year per approved location.

The agreements would also (1) preclude the use of inclusive tour fares as part of an agent's annual allotment, (2) prohibit agents from reimbursing a carrier for a ticket already used so as to reinstate part of the annual allotment for use on a longer journey, and (3) clarify that an involuntary rerouting of an agent over the routing of a different carrier shall not necessitate a further deduction from the agent's annual allotment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is tentatively not found that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolutions*
20805	100(Mail 570)203a and 203d.
	200(Mail 873)203a and 203d.
	300(Mail 285)203a and 203d.
	JT12(Mail 570)203a and 203d.
	JT23(Mail 209)203a and 203d.
	JT31(Mail 156)203a and 203d.
	JT123(Mail 570)203a and 203d.
20885	100(Mail 578)203a and 203d.
	200(Mail 880)203a and 203d.
	300(Mail 289)203a and 203d.
	JT12(Mail 578)203a and 203d.
	JT23(Mail 213)203a and 203d.
	JT31(Mail 159)203a and 203d.
	JT123(Mail 578)203a and 203d.

Accordingly, it is ordered, That:

Action on Agreements CAB 20805 and 20885 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–5063; Filed, Apr. 28, 1969; 8:49 a.m.]

[Docket No. 20665]

ACQUISITION OF AIR WEST, INC., BY HUGHES TOOL CO.

Notice of Reopened Hearing

On April 25, 1969, the Board, in response to a motion filed by Western Air Lines, reopened the hearing in the above-entitled proceeding for the purpose of inquiring into certain alleged relationships which may be subject to the Board's jurisdiction under sections 408 and 409 of the Federal Aviation Act of 1958, as amended. In reopening the record, the Board stated that it would leave to the Examiner the determination of appropriate procedures for expediting the reopened hearing in a manner consistent with an adequate development of the record of such issues.[1]

Notice is hereby given that a further hearing with respect to the matter hereinabove set forth is assigned to be held on May 6, 1969, at 9 a.m., d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Notice is also given that in lieu of briefs to the Examiner, the Examiner may hear oral argument at the conclusion of the reopened hearing.

Dated at Washington, D.C., April 25, 1969.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 69–5146; Filed, Apr. 28, 1969; 8:51 a.m.]

CIVIL SERVICE COMMISSION

PROFESSOR OF ECONOMICS, WRIGHT-PATTERSON AIR FORCE BASE, OHIO

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on April 7, 1969, for a single position of Professor of Economics, GS–110–13, HQ 2750th Air Base Wing (AFLC) Wright-Patterson Air Force Base, Ohio. The finding is self-canceling when used.

Assuming other legal requirements are met, an appointee may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5060; Filed, Apr. 28, 1969; 8:49 a.m.]

SECOND AND THIRD MATE, HOPPER DREDGES, CERTAIN COASTAL WATERS, DEPARTMENT OF THE ARMY

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on April 3, 1969, for positions of Second and Third Mate, Hopper Dredges, Coastal Waters of Washington, Oregon, California, and Hawaii and Pacific Ports, Department of the Army, U.S. Army Corps of Engineers.

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–5061; Filed, Apr. 28, 1969; 8:49 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[1] The Board's order did not stay further review procedures with respect to the Examiner's recommended decision issued Apr. 14, 1969.

FEDERAL MARITIME COMMISSION

[Docket No. 69-19]

PACIFIC COAST EUROPEAN CONFERENCE

Rates, Practices, Rules, and Regulations Relating to Movement of Cargo in Containers; Investigation

The Pacific Coast European Conference (PCEC) is a group of common carriers by water operating under Commission approved Agreement No. 5200 in the trade from ports in the States of Alaska, Washington, Oregon, and California to ports in the United Kingdom of Great Britain and Northern Ireland, Ireland, the Scandinavian Peninsula, Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas bordering thereon, and French Morocco and to the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes and by transshipment at such ports to ports in West, South, and East Africa. PCEC currently has on file with the Commission its Freight Tariff FMC-14, which sets forth the rates, charges, rules, and regulations of its member carriers for the ocean transportation of freight in the trade covered by Agreement No. 5200.

Rule 34 of the PCEC tariff provides for a reduction of $1.50 per ton in the applicable port handling charge. Said rule, under the heading "Exclusive or Maximum Utilization of Containers", further provides that containerized shipments are subject to a minimum charge of $25 per 40 cubic feet based on the inside measurement of the container. This minimum revenue provision results in the assessmment of higher freight charges on certain commodities when loaded in containers than would otherwise be applicable.

By comparison with the above, Tariff Rule 1 indicates that unit loads (palletized cargo) are entitled to the following reductions:

(a) A "rebate" of $2 per ton or 10 cents per 100 pounds.

(b) A freight rate reduction of $2 per ton or 10 cents per 100 pounds provided all packages are securely affixed to the pallet by strapping, gluing, or other adhesive, and

(c) An allowance of $1.50 per ton on the applicable port handling charge.

Neither the so-called "rebate" of $2 per ton/10 cents per 100 pounds or the rate reduction in the same amounts is extended to containerized cargo. This fact plus the application of the minimum charge may subject containerized traffic to an undue or unreasonable prejudice or disadvantage in relation to unit load (palletized) cargo.

Further, it has been alleged that one or more of the conference carriers have containerized vessels and are able to effect substantial cost savings as well as improved service through the handling of containerized cargo. It has been averred that said carrier or carriers are willing to pass along some of these savings to shippers through rate reductions or other tariff changes governing container shipments but are unable to do so because of the refusal of the PCEC to approve such action. Johnson Line (a PCEC member) has complained to the Commission that by concerted action the PCEC is impeding its ability to develop a full containership operation in the trade. Under the circumstances there is a question whether the current tariff provisions related to container shipments constitute an unreasonable interference to the development of an improved transportation service.

Finally it has been represented that some of the PCEC carriers have refused to transport certain cargoes pursuant to their tariff provisions in derogation of their common carrier duties. It is alleged that this inability to secure vessel accommodation for certain cargoes has been aggravated by the current tariff provisions related to containerized traffic.

The Commission is of the opinion that an investigation should be undertaken into the above matters and it is so ordered pursuant to the authority of section 22, Shipping Act, 1916. In the event the tariff matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation.

Therefore, an investigation is ordered to determine if the provisions of the PCEC tariff related to containerized and/or palletized cargoes violate the Shipping Act, 1916, by: (1) Constituting unfair treatment or unjust discrimination against shippers in the matter of cargo space accommodations or other facilities, contrary to section 14, Fourth; (2) causing undue or unreasonable preference or advantage to particular persons or descriptions of traffic or subjecting particular persons or descriptions of traffic to undue or unreasonable prejudice or disadvantage, contrary to section 16, First; (3) constituting an unjust or unreasonable practice related to the receiving, handling, storing, or delivery of property, contrary to section 17; (4) constituting a rate or charge which is unjustly discriminatory between shippers, contrary to section 17, and unjustly discriminatory between shippers or unjustly discriminatory or unfair between carriers, contrary to section 15; or (5) being detrimental to the commerce of the United States or inconsistent with the public interest, contrary to section 15.

Further, the investigation shall determine if any member of the PCEC has refused vessel accommodation to any shipper or refused to accept cargo for ocean transportation in the order tendered in violation of section 14, Fourth or as an unreasonable practice relating to receiving cargo in violation of section 17.

Further, it is ordered, That in the event the rates, practices, rules or regulations of the PCEC as they concern containerized shipments are found to violate the provisions of the Shipping Act, 1916, the investigation shall determine what action would best ameliorate the condition. In such event consideration should be given but not limited to the possibility of withdrawing from the PCEC its authority over rates governing the movement of containerized traffic by requiring that such rates be declared "open" or that Agreement 5200 be appropriately modified.

It is further ordered, That the Pacific Coast European Conference and its member lines, as set forth in Appendix A hereto, be named as respondents in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That: (I) A copy of this order shall forthwith be served on the respondents herein; (II) the said respondents be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondents;

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72); with copy to the Chairman, Pacific Coast European Conference.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.
Anglo Canadian Shipping Co., Ltd./Anglo Canadian Shipping (Westship), Ltd., 837 West Hastings Street, Vancouver 1, B.C.
Blue Star Line, Blue Star Line, Ltd., Albion House, Leadenhall Street, London, E.C. 3, England.
d'Amico Mediterranean Pacific Line, d'Amico Societa di Navigazione per Azioni, Corso d'Italia 35/B, Rome, Italy.
East Asiatic Line, The East Asiatic Co., Ltd. (A/S Det Ostasiatiske Kompagni), 2 Holbergsgade, Copenhagen, Denmark.
French Line, Compagnie Generale Transatlantique, 6 rue Auber, Paris 9e, France.
Furness Line, Furness, Withy & Co., Ltd., Furness House, Leadenhall Street, London, E.C. 3, England.
Hamburg-American Line, Hamburg-Amerika Linie, Ballindamm 25, Hamburg 1, Germany.
Hansestic-Vaasa-Line, Vaasa Line Oy, Arkadiankatu 21, Helsinki, Finland.
Holland-America Line, N. V. Nederlandsch-Amerikaansche, Stoomvaart Maatschappij, Wilhelminakade 86, Rotterdam, Holland.

Interocean Line, Westfal-Larsen & Co., A/S, Olav Kyrresgate 11, Bergen, Norway.
Italian Line, "Italia" Societa Per Azioni di Navigazione, Piazza de Ferrari 1, Genoa, Italy.
Italpacific Line, Gemstone Shipping Corp., Goldstone Shipping Corp., Silverstone Shipping Corp., Starstone Shipping Corp. (As one Member only), 27 Boulevard d'Italie, Monte Carlo, Monaco.
Johnson Line, Rederiaktiebolaget Nordstjernan, Stureplan 3, Stockholm 7, Sweden.
North German Lloyd, Norddeutscher Lloyd, Gustav-Deetjen-Allee 2/6, Bremen, Germany.
Fred. Olsen Line, Fred. Olsen & Co., Fred. Olsens gt. 2, Oslo, Norway.
Royal Mail Lines Ltd., Royal Mail House, Leadenhall Street, London, E.C. 3, England.
Weyerhaeuser Line, Division of Weyerhaeuser Co., Tacoma Building, Tacoma, Wash.
United Yugoslav Lines, Spiona Plovba, Zupanciceva 34, Piran, Yugoslavia.
Zim Israel Navigation Co., Ltd., Zin Israel Navigation Co., Ltd., 7/9 Ha'atsmaut Road, Haifa, Israel.

[F.R. Doc. 69-5071; Filed, Apr. 28, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2666]

BANGOR HYDRO-ELECTRIC CO.

Notice of Application for License for Constructed Project

APRIL 22, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Bangor Hydro-Electric Co. (correspondence to: Earle R. Webster, Vice President, Bangor Hydro-Electric Co., 33 State Street, Bangor, Maine 04401) for constructed Project No. 2666, known as the Hydro-Electric Medway Project, located on West Branch of Penobscot River, in Penobscot County, Maine, town of Medway in vicinity of Millinocket and Mattawamkeag.

The existing project consists of: (1) A main dam portion, concrete gravity type, including a log sluice, a fishway, and a 343-foot long overflow spillway section approximately 20 feet high and topped with 4.83 feet of flash boards; (2) a 170-foot long integral powerhouse section; (3) a reservoir covering approximately 120 acres at normal maximum pond elevation of 259.3 feet (U.S.G.S. datum), extending upstream a distance of 1.8 miles; (4) an indoor powerhouse, containing five installed generating units with a total name plate rating of 3,440 kw., and construction provision for a sixth unit; (5) three identical 2,000 kv.-a. step-up transformers; and (6) appurtenant facilities. According to the application, as supplemented, only limited future recreational development is planned due to water pollution. Such recreational facilities as are planned consist of a boat ramp, two comfort stations, two picnic areas, and a trail and parking area.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 6, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5016; Filed, Apr. 28, 1969; 8:45 a.m.]

[Dockets Nos. RP69-28—RP69-33]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Proposed Changes in Rates and Charges

APRIL 22, 1969.

Columbia Gulf Transmission Co., RP 69-28; United Fuel Gas Co., RP69-29; Kentucky Gas Transmission Corp, RP69-30; Atlantic Seaboard Corp., RP69-31; Home Gas Co., RP69-32; The Manufacturers Light and Heat Co., RP69-33.

Notice is hereby given that the six respondents in the above-captioned proceedings, each of which is an affiliate of the Columbia Gas System, Inc., on April 15, 1969, by separate applications tendered for filing proposed changes in their FPC Gas Tariffs to become effective June 1, 1969. The changes filed by Columbia Gulf would increase its charges to United Fuel for transportation service under a cost of service tariff formula, while the changes filed by the remaining five respondents would increase rates and charges for gas sold for resale, based upon operations and sales for the year ended December 31, 1968, as adjusted. The proposed increases are in the following approximate annual amounts: Columbia Gulf $7.3 million, United Fuel $9.2 million, Kentucky $2.3 million, Atlantic Seaboard $5.5 million, Home $153,000, and Manufactures $1.8 million.

In support of its proposed rate filing, Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard each states there are three principal causes necessitating its tariff changes: (1) The claimed need for a 7.5 percent rate of return due to changed economic conditions; (2) experienced increases in costs of labor, supplies, expenses, and construction; and (3) continuation of the current inflationary trend of the economy.

In addition, United Fuel states that its proposed increase includes the increase in Columbia Gulf's transportation charges, and Kentucky Gas, Atlantic Seaboard, Manufacturers, and Home indicate that they are also tracking the increases in purchased gas costs resulting from their upstream suppliers' rate filings.

Manufacturers and Home, relying upon the statements in their filings in Dockets Nos. RP69-16 and RP69-17, which among other things include a claim for a 7.5 percent rate of return, and are under suspension until July 10, 1969, request waiver of the Commission's regulations to permit filing of the claimed tracking increases here submitted.

Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard states that the rate of return testimony to be submitted in their proceedings, listed above, will be identical to that which has been the subject of hearings held in Dockets Nos. RP69-16 and RP69-17, and that such testimony is based upon Columbia Gas System experience. They further assert that they are agreeable to the Commission applying the same rate of return in their cases that is finally determined in Dockets Nos. RP69-16 and RP 69-17. However, in the event that this procedure is not satisfactory to the Commission, or to any intervener, they reserve the right to update the rate of return testimony filed in their respective proceedings.

Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard also propose certain changes in rate schedules and in general terms and conditions of their FPC gas tariffs, as specifically set out in their rate filings.

Any person desiring to be heard or to make any protest with reference to these rate filings should on or before May 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The rate filings are on file with the Commission and available for public inspection.

Any person filing a petition to intervene shall also clearly state therein whether the procedure regarding determination of the rate of return issue, as proposed by the respondent companies and briefly noted above, is acceptable, or if not acceptable, the specific further procedural steps he deems necessary on this issue.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5017; Filed, Apr. 28, 1969; 8:45 a.m.]

[Docket No. CP69-266]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

APRIL 22, 1969.

Take notice that on April 14, 1969, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1348, Kansas City, Mo. 64141, filed an application in

Docket No. CP69–266, pursuant to section 7(c) of the Natural Gas Act, requesting authority to construct and operate certain facilities for transportation of natural gas, all as more fully described in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 19.3 miles of 30-inch line looping a portion of its Western Oklahoma Supply Line (Elk City Line) together with a 6,500 horsepower engine-compressor unit at its proposed Seiling Compressor Station.

Applicant states that the facilities are needed to provide increased capacity for its Elk City Line. Applicant estimates the cost of the proposed facilities at $4,764,000, which it proposes to finance initially from short-term bank loans and later from present permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5018; Filed, Apr. 28, 1969; 8:45 a.m.]

[Docket No. RI68–677, etc.]

SUN OIL CO. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

APRIL 17, 1969.

Sun Oil Co. (Operator), et al., Docket No. RI68–677 etc.; Sunset International Petroleum Corp. et al., Docket No. RI68–683.

In the order accepting contract amendment, providing for hearings on and suspension of proposed changes in rates, issued June 20, 1968, and published in the FEDERAL REGISTER July 2, 1968, 33 F.R. 9633, in Appendix A, page 3, Docket No. RI68–683, Sunset International Petroleum Corp. et al. (opposite Rate Schedule No. 41), under column headed "Rate in Effect", change "18.107" to read "17.0" and delete footnote "19". Under column headed "Proposed Increased Rate" change "20.607" to read "19.5" and delete footnote "19". In Appendix A, page 5, under "Footnotes": Delete footnote "19" from the list of footnotes.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–5019; Filed, Apr. 28, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MARINE MIDLAND BANKS, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Marine Midland Banks, Inc., Buffalo, N.Y., for approval of acquisition of at least 80 percent of the voting shares of Tinker National Bank, East Setauket, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Marine Midland Banks, Inc., Buffalo, N.Y., a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of Tinker National Bank, East Setauket, N.Y.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

As discussed in the accompanying Statement, the New York State Banking Board approved an application involving the same proposal in accordance with the recommendation of the New York State Superintendent of Banks, and advised this Board of its action.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 11, 1968 (33 F.R. 18414), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 16th day of April 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–5022; Filed, Apr. 28, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

APRIL 24, 1969.

On January 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 276) a letter dated December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea, for the 12-month period beginning January 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent, and for administrative arrangements. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of April 23, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs increasing the charges previously made against the level of restraint for cotton textile products in Category 46, produced or manufactured in the Republic of Korea and exported to the United States prior to January 1, 1969, and reducing the charges previously made against the level for Category 50, produced or manufactured in the Republic of Korea and exported to the United States prior to January 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE ASSISTANT SECRETARY OF COMMERCE
INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 23, 1969.

DEAR MR. COMMISSIONER: On December 27, 1968, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, for the 12-month period beginning January 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, you are directed to increase by 811 dozen the charges previously made against the level of restraint for cotton textile products in Category 46, produced or manufactured in the Republic of Korea and exported to the United States prior to January 1, 1969, and to reduce by 4,304 dozen the charges previously made against the level of restraint for cotton textile products in Category 50, produced or manufactured in the Republic of Korea and exported to the United States prior to January 1, 1969.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69–5062; Filed, Apr. 28, 1969; 8:49 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting Statements of Governors Robertson and Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Maisel, and Sherrill. Voting against this action: Governors Robertson and Brimmer.

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

OFFICE OF EMERGENCY PREPAREDNESS

ARKANSAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Arkansas, dated February 19, 1969, and published February 25, 1969 (34 F.R. 2572), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 15, 1969:

Carroll.	Union.
Pulaski.	Washington.

Dated: April 22, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69–5028; Filed, Apr. 28, 1969; 8:46 a.m.]

NEVADA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85–763, Public Law 87–296, and Public Law 90–608; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g) as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated April 19, 1969, reading in part as follows:

I have determined that the damage in those areas of the State of Nevada, adversely affected by flooding beginning on or about March 28, 1969, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81–875.

I do hereby determine the following area in the State of Nevada to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 19, 1969:

The County of White Pine.

Dated: April 23, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69–5029; Filed, Apr. 28, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70–4741]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks and to Dealers in Commercial Paper and Exemption From Competitive Bidding Requirements

APRIL 23, 1969.

Notice is hereby given, that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof and Rule 50(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Columbia requests that the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereof, relating to the issue and sale of short-term notes, be increased from 5 percent to approximately 15 percent of the principal amount and par value of the other securities of Columbia then outstanding in order to permit Columbia to have outstanding $155 million principal amount of proposed short-term notes, consisting of bank notes and commercial paper, of which $75 million principal amount will mature no later than May 31, 1970, and $25 million will mature on February 27 and March 31, 1970, and $30 million on April 30, 1970. Generally, Columbia will make the proceeds from the sale of these notes available to its subsidiary companies for construction, for the purchase of underground storage gas during the summer months, and for other short-term seasonal requirements, in accordance with the terms of another filing with this Commission (File No. 70-4742). Of the maximum of $155 million to be borrowed, $75 million will be used for the subsidiary companies' underground storage gas and other short-term seasonal requirements and will be repaid from cash generated during the winter months. The balance is to be used for the subsidiary companies' construction and will be repaid through the sale of debentures and/or additional short-term notes. The subsidiary companies' construction expenditures are estimated to aggregate $198,676,000 during 1969.

Prior to any bank borrowings pursuant to the authorization requested herein, a list of participating banks, the amount of their participations, and the terms of the borrowings will be filed by post-effective amendment.

Columbia proposes to issue and sell, from time to time, commercial paper in the form of promissory notes to one or more dealers in commercial paper, up to $155 million face amount to be outstanding at any one time. The aggregate amount of commercial paper notes and of bank notes outstanding at any one time will not exceed $155 million. It is Columbia's intention to issue and sell commercial paper and continue to do so as long as the effective interest rate is less than the prime commercial bank rate which Columbia would have to pay to banks for an equivalent amount of funds as of the date of borrowing, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 60 days from the date of issue with an effective interest cost in excess of such prime bank rate. It is further anticipated that $80 million of such commercial paper will be converted to bank notes on or before November 1, 1969.

The commercial paper notes will be of varying maturities, not to exceed 270 days, and none will be prepayable prior to maturity. The actual maturities will be determined by market conditions, effective interest cost to Columbia, and Columbia's anticipated cash requirements at the time of issue. Each commercial paper note will be issued in denominations of not less than $50,000 and not more than $1 million, and will be sold to the dealers at a discount which will be not in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of the particular maturity.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. Each dealer, as principal, will reoffer such notes at a discount rate of one-eighth of 1 percent per annum less than the discount rate to Columbia. The notes will be reoffered to no more than 100 customers of each dealer identified and designated in a list (nonpublic) prepared in advance. No additions will be made to this customer list, which consists of institutional investors which invest funds in commercial paper. It is expected that Columbia's commercial paper notes will be held by customers to maturity, but, if they wish to resell prior thereto, the dealers, pursuant to a repurchase agreement, will repurchase the notes and reoffer the same to others in the group of 100 customers.

Columbia requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. Columbia states that the proposed commercial paper notes will have a maturity of 9 months or less, that it is not practical to invite competitive bids for commercial paper, and that current rates for commercial paper for such prime borrowers as Columbia are published daily in financial publications.

The fees and expenses to be paid by Columbia in connection with the proposed transactions are estimated at $700. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 14, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5030; Filed, Apr. 28, 1969; 8:46 a.m.]

HOOVER BALL & BEARING CO. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 23, 1969.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Hoover Ball & Bearing Co. (Delaware), File No. 7-3076.

Upon receipt of a request, on or before May 8, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one request a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5031; Filed, Apr. 28, 1969; 8:46 a.m.]

[70-4743]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exemption From Competitive Bidding

APRIL 23, 1969.

Notice is hereby given that Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70114, a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell short-term notes to banks and to Lehman Commercial Paper, Inc., a dealer in commercial paper ("dealer"), from time to time during the period commencing on the effective date of this declaration and ending on December 31, 1970. The aggregate face amount of all such notes to be outstanding at any one time will not exceed $30 million. The proceeds from the issue and sale of the notes are to be used by Louisiana to finance its construction program, the costs of which are estimated at $73 million in 1969 and $67,500,000 in 1970, and for other corporate purposes.

The proposed notes to be issued to banks will not exceed an aggregate face amount of $30 million and will mature not more than 9 months from the date of issue. Such notes will bear interest at the prime rate in effect at the lending bank either from time to time or at the date of issue, depending upon the specific arrangement negotiated by Louisiana with the bank. The notes will be subject to prepayment in whole at any time or in part from time to time without penalty or premium. The maximum amounts expected to be borrowed from each of the banks participating in the bank loans are as follows:

Chase Manhattan Bank, N.A., New York, N.Y.	$8,000,000
Whitney National Bank, New Orleans, La.	3,500,000
National Bank of Commerce, New Orleans, La.	4,050,000
Hibernia National Bank, New Orleans, La.	1,700,000
National American Bank, New Orleans, La.	750,000
Total	18,000,000

The proposed commercial paper will be in the form of unsecured bearer notes, will be sold to the dealer, and the face amount of commercial paper outstanding at any one time will not exceed $15 million. The commercial paper will mature not later than 9 months after the respective dates thereof, will be issued in denominations of not less than $50,000 and not more than $1 million, and will be sold to the dealer at a discount which will not exceed the discount rate per annum prevailing at the respective dates of issuance for the particular maturities involved for sales of prime commercial paper of comparable quality by public-utility issuers to commercial paper dealers. No other costs, fees, commissions, or additional charges will be payable by Louisiana to the dealer in connection with the issuance and sale of the commercial paper. The rate for the commercial paper will not exceed the commercial bank rate which the company could obtain on the date of issue on notes to banks of equal principal amounts except for commercial paper of maturity not exceeding 60 days issued to refund outstanding commercial paper if, in the judgment of the company, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper. The commercial paper will not be prepayable prior to maturity. The dealer, as principal, will initially reoffer the commercial paper, at a discount rate no greater than one-eighth of 1 percent per annum less than the discount rate to Louisiana, to corporations and institutional investors from a list of 100 such proposed offerees.

Louisiana expects to effect permanent financing during the period through December 31, 1970. Such permanent financing shall not, however, reduce the aggregate principal amount of short-term notes for which the company seeks authorization to have outstanding at any one time during said period through December 31, 1970. Louisiana expects to retire the short-term notes covered by this declaration on or before December 31, 1970, from the proceeds of the sale of first mortgage bonds and/or preferred stock and/or other securities.

Louisiana requests exemption from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. It is stated that current rates for commercial paper issued by such prime borrowers as Louisiana are published daily in financial publications and that it is not practical to invite bids for commercial paper. The company further states that the proposed commercial paper will have a maturity not in excess of 9 months. Louisiana also requests that it be granted authority to file on a quarterly basis its certificates under Rule 24 with respect to the issue and sale of commercial paper.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that the fees and expenses to be incurred in connection therewith are estimated to be less than $2,000.

Notice is further given that any interested person may, not later than May 16, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5032; Filed, Apr. 28, 1969; 8:46 a.m.]

[File No. 24B-1517]

TAX MAN, INC.

Order Permanently Suspending Exemption

APRIL 23, 1969.

I. The Tax Man, Inc. ("issuer"), 4 Maple Street, Quincy, Mass., a Massachusetts corporation located at 4 Maple Street, Quincy, Mass., filed with the Commission on October 16, 1968, a notification on Form 1-A and an offering circular relating to a proposed offering of 34,500 shares of its $1 par value common stock at $2.50 per share with gross proceeds to the issuer of $98,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was begun on November 18, 1968, and concluded on December 13, 1968. The shares were offered and sold by officers of the issuer.

II. The Commission on March 18, 1969, temporarily suspended the Regulation A exemption of The Tax Man, Inc., stating that it had reasonable cause to believe from information reported to it by the staff that:

A. The offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading in the following respects:

1. Failure to disclose the name and stockholdings of a promoter;

2. False statements with respect to the stockholdings of officers and directors;

3. Failure to disclose the right to acquire options by a promoter;

4. False statements with respect to the rights of officers and directors to acquire stock pursuant to options;

5. Failure to disclose that the president of the issuer had disposed of some of his stockholdings.

B. The issuer filed a false and misleading notification on Form 1-A by failure to disclose the existence of a promoter.

C. The issuer filed a false report on Form 2–A by failing to disclose changes in stockholdings by insiders.

D. The issuer violated Rule 255 of the regulation by soliciting written purchase orders and collecting money from investors during the 10-day waiting period specified by the rule, and such period had not been shortened by the Commission.

E. The issuer violated Rule 256 of the regulation by selling stock and accepting payment prior to the delivery of an offering circular to investors.

F. The issuer effected sales of its stock by use of written sales material which was not filed as required by Rule 258.

G. The use of the offering circular by the issuer operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933.

III. A hearing was requested by the issuer on March 24, 1969, and the Commission ordered that a hearing for the purpose of taking evidence commence at 11 a.m. on April 24, 1969, however, on April 17, 1969, the issuer withdrew unconditionally its request for hearing and communicated its intent to abide by the decisions made by the Commission. The Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(a) of the General rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–5033; Filed, Apr. 28, 1969; 8:47 a.m.]

TEXAS URANIUM CORP.

Order Suspending Trading

APRIL 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 24, 1969, through May 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–5034; Filed, Apr. 28, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rocky Mountain Area) Amdt. 1]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Rocky Mountain Area

Pursuant to the Authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Rocky Mountain Area), 33 F.R. 10680, is hereby amended by:

(1) Revising Item I.E.1, to read as follows:

I. *Area Coordinators.* • • •

E. *Financial Assistance Coordinator*—1. *Eligibility Determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

(2) Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6, to read as follows:

II. *Regional Directors.* • • •

B. *Development company assistance.* • • •

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(*Name*), *Administrator,*
By: ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

(3) Revising Items II.C., II.D., II.F.2, and II.G.12, to read as follows:

II. *Regional Directors.* • • •

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* • • •

2. *Eligibility determinations for Financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

G. *Supervisory Loan Officer and/or Assistance Team Leader.* • • •

12. *Eligibility determinations for Financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

• • • • • •

(4) Revising Items II.I 3 and 4 and adding thereto a new Item II.I.5, to read as follows:

II. *Regional directors.* • • •

I. *Chief, Development Company Assistance Division.* • • •

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(*Name*), *Administrator*
By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

• • • • • •

Effective date: February 12, 1969.

GEORGE E. SAUNDERS,
Area Administrator.

[F.R. Doc. 69–5035; Filed, Apr. 28, 1969; 8:47 a.m.]

MISSOURI FUND FOR BUSINESS CAPITAL, INC.

Surrender of License

Notice is hereby given that Missouri Fund for Business Capital, Inc. (Missouri), 819 Broadway, Kansas City, Mo. 64105, has, pursuant to § 107.105 of the Regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), surrendered its license to operate as a small business investment company.

Missouri was incorporated on February 13, 1962, under the laws of the State of Missouri, and issued license No. 09–0013 by the Small Business Administration on March 26, 1962.

Missouri was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

Under the authority vested by the Act and regulations promulgated thereunder, the surrender of the license is hereby accepted and, accordingly, Missouri is no longer licensed to operate as a small business investment company.

Dated: April 18, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–5036; Filed, Apr. 28, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 704]

SOUTH CAROLINA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1969, because of the effects of floods, damage resulted to residences and business property located in Aiken County, S.C.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Application for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods beginning on or about April 15, 1969.

OFFICE

Small Business Administration Regional Office, 1801 Assembly Street, Columbia, S.C. 29201.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1969.

Dated: April 21, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69–5037; Filed, Apr. 28, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 24, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41618—*Sugar, beet or cane to Pewaukee, Wis.* Filed by Southwestern Freight Bureau, agent (No. B–32), for interested rail carriers. Rates on sugar, beet or cane, as described in the application, in carloads, from Hereford and Sugarland, Tex., also points in Louisiana, to Pewaukee, Wis.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 113 to Southwestern Freight Bureau, agent, tariff ICC 4514, and supplement 23 to Southern Freight Association, agent, tariff ICC S–772.

FSA No. 41619—*Fertilizer compounds from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–24), for interested rail carriers. Rates on fertilizer compounds, as described in the application, in carloads, between points in southwestern territory; also between points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, on the one hand, and points in Wyoming, on the other.

Grounds for relief—Market competition and modified short-line distance formula.

Tariff—Supplement 48 to Southwestern Freight Bureau, agent, tariff ICC 4780.

FSA No. 41620—*Ammonium nitrate fertilizer between points in southwestern, IFA, and WTL territories.* Filed by Southwestern Freight Bureau, agent (No. B–31), for interested rail carriers. Rates on ammonium nitrate fertilizer, in bulk in covered hopper cars, in carloads, as described in the application, between points in southwestern territory, on the one hand, and points in Illinois Freight Association and western trunkline territories on the CMStP&P, GB&W, MN&S, and Soo Line, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 48 to Southwestern Freight Bureau, agent, tariff ICC 4780.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–5057; Filed, Apr. 28, 1969; 8:49 a.m.]

[Notice 821]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 24, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 47142 (Sub No. 102 TA), filed April 18, 1969. Applicant: C. I. WHITTEN TRANSFER COMPANY, 4417 Earl Court, Post Office Box No. 1833, Huntington, W. Va. 25719. Applicant's representative: George Joline, Fort Ward Towers, Suite 117, 2500 Van Dorn Street, Alexandria, Va. 22302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, from Badger Army Ammunition Depot, Baraboo, Wis., to Aberdeen Proving Ground, Aberdeen, Md., for 180 days. NOTE: Applicant does intend to tack this TA if granted with the other authority issued to it in Docket No. MC 47142 and Subs, at common service points. Supporting shipper: Leonard P. Hynes, Military Traffic Managements & Terminal Service, 5611 Columbia Pike, Bailey's Crossroads, Va. 20315. Send protests to H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 94201 (Sub-No. 68 TA), filed April 18, 1969. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 2188, East Gadsden, Ala. 35903. Applicant's representative: Maurice Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and corrugated boxes*, from the plansite, storage and warehouse facilities of Brockway Glass Co., Inc., located at Montgomery, Ala., and its commercial zone, to points in Kentucky, for 180 days. Supporting shipper: Brockway Glass Co., Inc., Post Office Box 3038, Montgomery, Ala. 36110. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107496 (Sub-No. 728 TA), filed April 18, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydroflousilicic (HFS) acid*, in bulk, from Gary, Ind., to Milwaukee, Wis., and Muscatine, Iowa, for 150 days. Supporting shipper: Conservation Chemical Co., Box 6066, Gary, Ind. 46406. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 653 TA), filed April 18, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina, for 150 days. Supporting shipper: Standard Candy Co., 443 Second Avenue North, Nashville, Tenn. 37202. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 109689 (Sub-No. 204 TA), filed April 18, 1969. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite* (other than crude), in bulk, from Antonito, Colo., to Westvaco, Wyo., for 180 days. Supporting shipper: General Refractories Co., 1520 Locust Street, Philadelphia, Pa. 19102. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 111467 (Sub-No. 17 TA), filed April 18, 1969. Applicant: ARTHUR J. PAPE, doing business as PAPE TRANSFER, 1381 Rockdale Road, Dubuque, Iowa 52001. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, other than liquid, from Webster City, Iowa, to points in Illinois, Minnesota, Nebraska, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 115162 (Sub-No. 171 TA), filed April 18, 1969. Aplicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum building materials* (except in bulk) and *materials and accessories* used in the installation thereof, from Port Clinton, Ohio, to points in Kentucky, Tennessee, Georgia, and Alabama, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 116519 (Sub-No. 5 TA), filed April 17, 1969. Applicant: FREDERICK TRANSPORT LIMITED, Post Office Box 10, Merlin, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bags, from ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich., to points in Michigan, Ohio, and Indiana, for 150 days. Supporting shipper: Canadian Industries Limited, C–I–L Building, 130 Bloor Street, West, Toronto 5, Canada. Send Protests to: District Supervisor Gerald J. Davis, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 118159 (Sub-No. 66 TA), filed April 18, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers (except in bulk, in tank vehicles), from Tulsa, Okla., to points in Kentucky, for 180 days. Supporting shipper: Sun Oil Co. DX Division, Tulsa, Okla. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118458 (Sub-No. 1 TA), filed April 18, 1969. Applicant: ROBERT G. FRAZIER, doing business as FRAZIER MOTOR COMPANY, 2012 Gihon Road, Parkersburg, W. Va. 26103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials and waste materials*, commonly dealt in by junkyard dealers, from Parkersburg, W. Va., to points in Kentucky, Ohio, Pennsylvania, and Virginia; from points in Washington County, Ohio, to points in Kentucky, Pennsylvania, and Virginia, for 180 days. NOTE: Applicant does not intend to tack with its existing authority in MC 118458. Supporting shipper: City Iron & Metal Co., Corner of George and Jeanette Streets, Parkersburg, W. Va. 26101. Attention: Albert Corra, Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 124328 (Sub-No. 33 TA), filed April 18, 1969. Applicant: BRINK's, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: D. R. Hoagland (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency and coin*, between Boston, Mass., on the one hand, and on the other, Burlington, Winooski, Essex Junction, Montpelier, Barre, St. Johnsbury, White River Junction, and Rutland, Vt., for 150 days. Supporting shipper: Federal Reserve Bank of Boston, Boston, Mass. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129254 (Sub-No. 3 TA), filed April 18, 1969. Applicant: E. T. USHER, Post Office Box 495, Chiefland, Fla. 32626. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dolomite*, in bulk, from points in Citrus, Levy, and Suwannee Counties, Fla., to Bainbridge, Ga.; (2) *Dry fertilizer*, in bulk, in tank or hopper type vehicles, from Bainbridge, Ga., to Branford, Fla., for 180 days. Supporting shipper: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Corp., Post Office Box 246, Savannah, Ga. 31402. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133240 (Sub-No. 2 TA), filed April 17, 1969. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, for the account of Holly Stores, Inc., between Secaucus, N.J., on the one hand, and, on the other, Toledo and Oregon, Ohio; Monroe, Woodhaven, Melvindale, Ypsilanti, Ann Arbor, Mount Clemens, Utica, and Pontiac, Mich., for 180 days. Supporting shipper: Holly Stores, Inc., 550 West 59th Street, New York, N.Y. 10019. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 133641 (Sub-No. 1 TA), filed April 17, 1969. Applicant: C. D. SAUNDERS, INC., Post Office Box 70, Bedford, Va. 24523. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Greensboro, N.C., to points in Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Campbell, Carroll, Charlotte, Craig, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Rockingham, Smyth, Tazewell, Washington, and Wythe Counties, Va.; and Greenbrier, Mercer, Monroe, Pocahontas, and Summers Counties, W. Va., for 150 days. Supporting shipper: Agrico Chemical Co., Post Office Box 346, Memphis, Tenn. 38101. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 133643 TA, filed April 17, 1969. Applicant: JAMES W. MOORE, doing business as FORT WORTH TRANSFER CO., 1510 Jones Street, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods and personal effects*, between points in Tarrant County, Tex., on the one hand, and, on the other, points in Tarrant, Dallas, Ellis, Hood, Johnson, Parker, Wise, Denton, Collin, and Palo Pinto Counties, Tex., for 180 days. Supporting shippers: Sunpak International Movers, 534 Westlake Avenue North, Seattle, Wash. 98109; Mollerup Freight Forwarding Co., 2900 South Main Street, Salt Lake City, Utah; Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119; Northwest Consolidators, Inc., 427 Third Avenue West, Seattle, Wash. 98119. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5058; Filed, Apr. 28, 1969; 8:49 a.m.]

[Notice 335]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 24, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71150. By order of April 23, 1969, the Motor Carrier Board approved the transfer to McCallum Motors, Inc., doing business as McCallum Motors, Inc., Hudson, N.H., of the operating rights in No. MC–123870 issued on July 20, 1962, to Leonard F. McCallum, doing business as McCallum Motors, Hudson, N.H., authorizing the transportation of: Wrecked or disabled motor vehicles, by wrecker-type equipment, between points in New Hampshire, on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, and New York. Andre J. Barbeau, 795 Elm Street, Room 510, Manchester, N.H. 03101, attorney for applicants.

No. MC–FC–71264. By order of April 22, 1969, the Motor Carrier Board approved the transfer to Van Strien Transit, Inc., Grand Rapids, Mich., of permit No. MC–129703, issued November 12, 1968, to Robert Van Strien, Grand Rapids, Mich., authorizing the transportation of: Dairy products and byproducts and milk when moving at the same time and in the vehicle with the above-named commodities, from Milwaukee, Wis., to Grand Rapids, Mich., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with The Borden Co., of Grand Rapids, Mich. Karl L. Gotting, 117 West Allegan Street, Lansing, Mich. 48933, attorney for applicants.

No. MC–FC–71259. By order of April 23, 1969, the Motor Carrier Board approved the transfer to Virginia R. Redshaw, doing business as Rushville Truck Lines, 301 North Liberty Street, Rushville, Ill. 62681, of certificate of registration No. MC–96935 (Sub-No. 1), issued October 15, 1963, to Leslie Redshaw, doing business as Rushville Truck Line, 301 North Liberty Street, Rushville, Ill. 62681, authorizing the transportation of general commodities between Rushville and Peoria, Ill., in both directions, via U.S. Route 24, serving all intermediate points and off-route points Bader, Vermont, Table Grove, Ipava, Bryant, St. David, Canton, Glasford, Pekin, and Morton, Ill., and between Rushville and Quincy, Ill., in both directions, via certain specified highways.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5059; Filed, Apr. 28, 1969; 8:49 a.m.]

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[Milk Order 5]

PART 1005—MILK IN TRI-STATE MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 5, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 10, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1005.16 is revised to read as follows:

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a handler pursuant to § 1005.13(d);

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant: *Provided,* That:

(1) Such milk shall be deemed to have been received by the diverting handler at the location of the plant to which diverted;

(2) To the extent that it would result in nonpool plant status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(3) In any month of August through March, the quantity of milk of any producer diverted to nonpool plants that exceeds that delivered to pool plants shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk; or

(c) Diverted from a pool plant to an other order plant if a Class III classification (or its equivalent) is designated for such milk pursuant to the provisions of another order issued pursuant to the Act and such milk is not subject to the pricing and pooling provisions of such order. The provisos in paragraph (b) of this section shall apply to this paragraph as if set forth fully herein.

2. In § 1005.51, paragraph (a) is revised to read as follows:

§ 1005.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.55 for plants in the Charleston-Huntington district and $1.47 for plants in the Athens-Scioto district, plus 20 cents for each district. At a plant outside the marketing area add the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant:

KENTUCKY

Ashland. Pikeville.
Paintsville.

OHIO

Coshocton. Portsmouth.
Gallipolis. Marietta.
Jackson.

WEST VIRGINIA

Bluefield. Huntington.
Charleston. Williamson.
Hinton.

* * * * *

3. In § 1005.53, paragraph (a) is revised to read as follows:

§ 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing area and more than 100 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) from all the cities listed in § 1005.51 (a) shall be reduced 15 cents and an additional 1.5 cents for each 10 miles or

fraction thereof in excess of 110 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1969.

Signed at Washington, D.C., on April 25, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-5142; Filed, Apr. 29, 1969; 8:50 a.m.]

[Milk Order 36]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Eastern Ohio-Western Pennsylvania and Clarksburg, W. Va., marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Eastern Ohio-Western Pennsylvania order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Eastern Ohio-Western Pennsylvania marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Eastern Ohio-Western Pennsylvania order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Eastern Ohio-Western Pennsylvania order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to: (i) Producer milk (including such handler's own production); (ii) Other source milk allocated to Class I pursuant to § 1036.45 (a) (3) and (7) and the corresponding steps of § 1036.45(b); and (iii) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending and merging the Eastern Ohio-Western Pennsylvania and Clarksburg orders effective not later than May 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketeing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 5, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 10, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending and merging the Eastern Ohio-Western Pennsylvania and Clarksburg orders effective May 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending and merging the Eastern Ohio-Western Pennsylvania and Clarksburg orders is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the Eastern Ohio-Western Pennsylvania and Clarksburg, W. Va., marketing areas (Parts 1036 and 1009, respectively) shall be amended and merged into one order and the handling of milk in the merged marketing area, to be designated as the "Eastern Ohio-Western Pennsylvania marketing area," shall be in conformity to and in compliance with the terms and conditions of Part 1036 as hereby amended. Part No. 1009 is superseded by the revision of Part 1036 and Part 1036 is hereby amended as follows:

1. In § 1036.6, paragraph (c) is revised to read as follows:

§ 1036.6 Eastern Ohio-Western Pennsylvania marketing area.

* * * * *

(c) In West Virginia:

(1) The following counties in their entirety:

Brooke.	Marshall.
Hancock.	Monongalia.
Harrison.	Ohio.
Marion.	

(2) Grafton magisterial district in Taylor County;

(3) Philippi magisterial district in Barbour County;

(4) Leadsville magisterial district in Randolph County;

(5) The city of Buckhannon in Upshur County;

(6) The city of Weston in Lewis County; and

(7) The town of Kingwood in Preston County.

2. Section 1036.20 is revised to read as follows:

§ 1036.20 Pittsburgh district.

"Pittsburgh district" means all the territory in the marketing area that is either within West Virginia or within 80 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) of the Pittsburgh, Pa., city hall.

3. Section 1036.51 is revised to read as follows:

§ 1036.51 Class prices.

Subject to the provisions of §§ 1036.52 and 1036.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* For each month through December 1969, the Class I price shall be the basic formula price for the preceding month plus $1.67 for plants in the Cleveland-Erie district and $1.77 for plants in the Pittsburgh district, plus 20 cents for each district. At a plant outside the marketing area, add the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest (by the shortest hard-surfaced highway distance as determined by the market administrator) such plant: Canton and Cleveland, Ohio; Erie, Pittsburgh, and Uniontown, Pa.; and Clarksburg, W. Va.

(b) *Class II price.* The Class II price shall be the basic formula price for the month: *Provided,* That such Class II price shall not be more than the price computed pursuant to subparagraphs (1), (2), and (3) of this paragraph:

(1) Multiply by 4.2 the Chicago butter price;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1969.

Signed at Washington, D.C., on April 25, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-5143; Filed, Apr. 29, 1969; 8:50 a.m.]

[Milk Order 64]

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 18, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 9, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In paragraphs (a) and (b) of § 1064.15 the language "for at least 6 days' production" is deleted and the language "for at least 1 days' delivery" is substituted therefor.

2. In § 1064.53 paragraph (a) is revoked.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1969.

Signed at Washington, D.C., on April 25, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-5144; Filed, Apr. 29, 1969; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Transfer of Products Containing Byproduct Material and Source Material Exempted From Licensing and Regulatory Requirements

On February 24, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 3346) a proposed amendment to 10 CFR Part 150 which would redefine the category of products containing radioactive materials over whose transfer by the manufacturer, processor, or producer in an Agreement State the Commission retains jurisdiction. The notice of proposed rule making was published in the FEDERAL REGISTER once each week for four consecutive weeks, allowing 60 days for public comment after initial publication.

After consideration of the comments and other factors involved, the Commission has adopted the proposed amendment. The text of the effective rule is the same as the proposed rule except for clarifying changes of language.

Subsection 274c of the Atomic Energy Act of 1954, as amended, provides that notwithstanding any agreement between the Atomic Energy Commission and any State, the Commission is authorized to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

In issuing 10 CFR Part 150, which implemented certain provisions of section 274 of the Act, in 1962, the Commission exercised its authority under subsection 274c of the Act by providing (§ 150.15(a)(6)) that persons in Agreement States are not exempt from the Commission's licensing requirements with respect to * * *

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

In retaining regulatory authority over transfer of products "intended for use by the general public", the Commission was seeking to maintain surveillance over the safety of products containing radioactive materials, without the imposition of regulatory controls, and to be able to assess the effect of the attendant uncontrolled addition of these radioactive materials to the environment.

In view of the increasing difficulty in determining whether or not such products are intended for use by the general public, the Commission has adopted the amendment of Part 150 set out below, which changes § 150.15(a)(6) by deleting the phrase "product • • • intended for use by the general public" and substituting therefor the phrase "product • • • whose subsequent possession, use, transfer and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter."

Under Part 150 as amended below the transfer of possession or control by a manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material or source material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from Commission licensing and regulatory requirements under Parts 30 and 40, is not subject to the licensing and regulatory authority of an Agreement State even though the product is manufactured, processed, or produced pursuant to an Agreement State license. The manufacturer of such products in an Agreement State is subject to the Commission's regulatory authority with respect to transfer of any product which has been so exempted from the Commission's licensing and regulatory requirements. The Commission has confined its regulation of the transfer of exempt products to specifications for the products, quality control procedures, requirements for testing, and labeling. The authority of Agreement States to regulate any radiation hazards that might arise during manufacture of such products is not affected by the amendment. Accordingly, dual regulation will continue to be avoided.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 150, is published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 150.15(a)(6) is amended to read as follows:

§ 150.15 Persons not exempt.

(a) Persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

• • • • •

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter.

• • • • •

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 274, 73 Stat. 688; 42 U.S.C. 2021)

Dated at Washington, D.C., this 9th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4519; Filed, Apr. 15, 1969; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—SAVINGS AND LOAN HOLDING COMPANIES

[No. 22,753]

PART 584—REGULATED ACTIVITIES

Holding Company Indebtedness

APRIL 24, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the desirability of amending § 584.6 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.6) for the purpose of permitting an insurance company subsidiary of a savings and loan holding company to incur indebtedness through the issuance of insurance policies without the need for specific prior written approval by the Federal Savings and Loan Insurance Corporation for each such transaction, hereby amends paragraph (b) of said § 584.6 as follows, effective May 1, 1969:

1. Delete the word "and" at the end of subparagraph (3) thereof.

2. Substitute a semicolon for the period at the end of subparagraph (4) thereof and add the word "and" immediately thereafter.

3. Add a new subparagraph (5), immediately after subparagraph (4) thereof, to read as follows:

§ 584.6 Holding company indebtedness.

• • • • •

(b) *Interim approval by the Corporation.* Until further notice by order or regulation, the Corporation hereby approves without application the issuance, sale, renewal, or guaranty of any debt security, or the assumption of any debt, incurred:

• • • • •

(5) In connection with the issuance of any policy or contract of insurance in the ordinary course of business by a savings and loan holding company's subsidiary insurance company which is authorized to do business subject to regulation by appropriate State authorities.

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, as said amendment only relieves restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.11 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b), and as publication of said amendment for the period specified in § 508.14 of such regulations (12 CFR 508.14) and 5 U.S.C. 553(d) prior to its effective date is unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-5140; Filed, Apr. 29, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-CE-112]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3696) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 177 segment from Stevens Point, Wis., to Duluth, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V–177 is amended by deleting "31 miles 12 AGL, 115 miles 55 MSL, 12 AGL Duluth, Minn." and substituting "12 AGL Wausau, Wis., 32 miles, 12 AGL, 99 miles, 55 MSL, 12 AGL Duluth, Minn." therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5104; Filed, Apr. 29, 1969; 8:46 a.m.]

[Airspace Docket No. 68-SO-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On January 31, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1564) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 1,200-foot AGL north alternate segment to VOR Federal airway No. 70 from Eufaula, Ala., via Macon, Ga., Dublin, Ga., to the intersection of Dublin 101° T (101° M) and Allendale, S.C., 247° T (248° M) radials.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V–70 is amended by inserting ", including a 12 AGL north alternate from Eufaula to INT Dublin 101° and Allendale 247° radials, via Macon, Ga., and Dublin, Ga." at the end of the text.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5105; Filed, Apr. 29, 1969; 8:47 a.m.]

[Airspace Docket No. 68-SW-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On February 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2256) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of V–15, V–76, and V–222 in the Houston, Tex., area to provide more than 15° lateral separation between these and other airway segments at the Houston, College Station, Tex., and Industry, Tex., VOR's.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. June 26, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509, 6079) is amended as follows:

1. In V–15 "including a 12 AGL west alternate from Houston to College Station via the INT of Houston 287° and College Station 149°" radials;" is deleted and "including a 12 AGL west alternate from Houston to College Station via INT Houston 290° and College Station 151° radials;" is substituted therefor.

2. In V–76 all between "12 AGL Industry, Tex.;" and 12 AGL Houston," is deleted and "12 AGL INT Industry 101° and Houston, Tex., 290° radials;" is substituted therefor.

3. In V–222 "12 AGL Humble, Tex.;" is deleted and "12 AGL INT Industry 085° and Humble, Tex., 274° radials; 12 AGL Humble;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5106; Filed, Apr. 29, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to realign V–334 from San Jose, Calif., 12 AGL INT San Jose 026° T (009° M) and Sacramento, Calif., 192° T (175° M) radials; 12 AGL Sacramento, and to realign V–485, in part, from Priest, Calif., 12 AGL INT Priest 325° T (309° M) and San Jose 139° T (122° M) radials; 12 AGL San Jose. Since the San Jose VOR is to be relocated to a site at lat. 37°21'53" N., long. 121°55'44" W., it is necessary to alter the description of the San Jose radial of V–334 by 1°, and of V–485 by 2°.

Since these amendments are minor in nature and ones in which the public is not particularly interested, notice and public procedure hereon is unnecessary. However, since it is necessary that sufficient time be allowed to make the appropriate changes to aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) the following changes are made:

1. V–334 is amended to read as follows:

V–334 From San Jose, Calif., 12 AGL INT San Jose 026° and Sacramento, Calif., 192° radials; 12 AGL Sacramento.

2. In V–485 "12 AGL INT of Priest 325° and San Jose, Calif., 137° radials;" is deleted and "12 AGL INT Priest 325° and San Jose, Calif., 139° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5107; Filed, Apr. 29, 1969; 8:47 a.m.]

[Airspace Docket No. 68-WE-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Transition Areas

On February 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2357) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Realign V–4 north alternate segment from the intersection of Boise, Idaho, 130° T (111° M) and Mountain Home, Idaho, 084° T (066° M) radials with a 1,200-foot AGL floor via the intersection of Mountain Home 084° T (066° M) and Burley, Idaho, 323° T (305° M) radials; to Burley. Redesignate V–4 main airway segment from the intersection of Boise 130° T (111° M) and Burley 290° T (272° M) radials to Burley with a 1,200-foot AGL floor.

2. Extend V–101 airway from Burley to Boise via the intersection of Burley 323° T (305° M) and Pocatello, Idaho, 286° T (269° M) radials. The associated floors for this proposed segment of V–101 would be designated from Burley 1,200 feet AGL to the intersection of Burley 323° T (305° M) and Pocatello 286° T (269° M) radials, 26 miles, 9,500 feet MSL, 25 miles, 9,000 feet MSL, 1,200 feet AGL Boise.

3. Extend V–484 from Twin Falls with a 1,200-foot AGL floor to the intersection of Twin Falls 007° T (349° M) and Burley 323° T (305° M) radials (Kinzie Intersection).

4. Redesignate the airway floors associated with V–500 segment between Boise and Pocatello as follows: From Boise 25 miles, 1,200 feet AGL, 25 miles, 9,000 feet MSL, 26 miles, 9,500 feet MSL, 22 miles, 1,200 feet AGL 25 miles, 7,500 feet MSL, 1,200 feet AGL Pocatello.

5. Alter the Boise transition area 9,000-foot portion by adjusting its southern boundary to the northern boundary of V–4 north alternate segment proposed herein.

6. Alter the Twin Falls transition area 1,200-foot portion to include the area bounded on the north by V–500; on the east by longitude 114°01'00" W.; on the south by V–269 and on the west by V–293.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice it was determined that the numbering of the airways as proposed in the notice could result in misunderstandings of proposed destinations in flight planned routes. In addition, the proposed redescription of the 9,000-foot MSL portion of the Boise transition area would leave a small segment of uncontrolled airspace northwest of the junction of V–4 and V–293. Accordingly, action is taken herein to alter the NPRM by renumbering the airways and transferring a small segment of the Boise transition area to the Twin Falls transition area as follows:

1. V–4N would extend from Boise 25 miles 12 AGL, 25 miles 90 MSL, 95 MSL INT Pocatello 286° T (269° M) and Burley 323° T (305° M) radials; 12 AGL Burley.

2. The airway segment from INT Boise 130° T (111° M) and Mountain Home 084° T (066° M) radials; 12 AGL to INT Mountain Home 084° T (066° M) and Burley 323° T (305° M) radials would be numbered V–330.

3. V–101 would extend from Burley 12 AGL only to INT of Burley 323° T (305° M) and Pocatello 286° T (269° M) radials.

4. V–484 and V–500 would remain as proposed in the NPRM.

5. The 9,000-foot MSL portion of the Boise transition area would be bounded on the south by V–330 in lieu of V–4N as proposed in the NPRM.

6. A small segment of the former Boise transition area bounded on the north by V–330, the northeast by V–293 and on the southwest by V–4 would be included in the 1,200-foot AGL Twin Falls transition area.

Since these changes are minor and editorial in nature, notice and public procedure hereon are unnecessary and they are incorporated herein.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. June 26, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V–4 all between "12 AGL Boise, Idaho," and "12 AGL Malad City, Idaho;" is deleted and "including a 12 AGL south alternate; 12 AGL INT Boise 130° and Burley 290° radials; 12 AGL Burley, including a north alternate from Boise 25 miles 12 AGL, 25 miles 90 MSL, 95 MSL INT Pocatello, Idaho, 286° and Burley 323° radials, 12 AGL Burley, excluding the airspace between the main and this alternate airway;" is substituted therefor.

b. In V–101 "12 AGL Burley, Idaho," is deleted and "12 AGL Burley, Idaho; 12 AGL INT Burley 323° and Pocatello, Idaho, 286° radials." is substituted therefor.

c. V–330 is amended to read as follows: V–330 from INT Boise, Idaho, 130° and Mountain Home, Idaho, 084° radials; 12 AGL INT Mountain Home 084° and Burley, Idaho, 323° radials. From Idaho Falls, Idaho, 12 AGL Jackson, Wyo.

d. In V–484 "From Twin Falls, Idaho," is deleted and "From INT Twin Falls, Idaho, 007° and Burley, Idaho, 323° radials, 12 AGL Twin Falls," is substituted therefor.

e. In V–500 all after "12 AGL Boise, Idaho;" is deleted and "25 miles 12 AGL, 25 miles 90 MSL, 26 miles 95 MSL, 22 miles 12 AGL, 25 miles 70 MSL, 12 AGL Pocatello, Idaho." is substituted therefor.

2. Section 71.181 (34 F.R. 4637) is amended as follows:

a. In the 9,000 feet MSL portion of the Boise, Idaho, transition area "on the southwest by the northeast edge of V–4;" is deleted and "on the south by the north edge of V–330;" is substituted therefor.

b. In the 1,200 feet AGL portion of the Twin Falls transition area all after "extending clockwise from the VOR 038° radial to the 311° radial;" is deleted and "including that airspace northeast of Twin Falls bounded on the north by V–500, on the east by long. 114°01'00" W., on the south by V–269 and on the southwest by V–293, and that airspace northwest of Twin Falls bounded on the north by V–330, on the northeast by V–293 and on the southwest by V–4; and within 9 miles southwest and 6 miles northeast of the Twin Falls VOR 311° radial, extending from the VOR to 39 miles northwest of the VOR." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5106; Filed, Apr. 29, 1969; 8:47 a.m.]

[Airspace Docket No. 68-WA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On January 31, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1565) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from the Point Barrow, Alaska, RBN, 1,200 feet AGL via the Lonely, Alaska, RBN, the Oliktok, Alaska, RBN, the Flaxman Island, Alaska, RBN, to the Barter Island, Alaska, RBN.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. June 26, 1969, as hereinafter set forth.

In § 71.163 (34 F.R. 4549) the following additional control area is added:

POINT BARROW/BARTER ISLAND, ALASKA

From the Point Barrow, Alaska, RBN, 12 AGL Lonely, Alaska, RBN; 12 AGL Oliktok, Alaska, RBN; 12 AGL Flaxman Island, Alaska, RBN; 12 AGL Barter Island, Alaska, RBN. The segment from Point Barrow to Oliktok is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will be continuously published in the Alaska Airman's Guide and Chart Supplement.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5111; Filed, Apr. 29, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airways

On February 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2612) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate the United States portions of V–342 from Vancouver, British Columbia, Canada, to Princeton, British Columbia, Canada, and V–351 from Vancouver to Carmi, British Columbia, Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. June 26, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) the following are added:

1. V–342 from Vancouver, British Columbia, Canada, 12 AGL INT Vancouver 090° and Princeton, British Columbia, Canada, 244° radials; 12 AGL Princeton, excluding the airspace within Canada.

2. V–351 from Vancouver, British Columbia, Canada, 12 AGL INT Vancouver 090° and Princeton, British Columbia, Canada, 213° radials; 12 AGL Carmi, British Columbia, Canada, excluding the airspace within Canada.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5112; Filed, Apr. 29, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway Segment and Reporting Point

On March 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3851) stating that the Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 246 from Nodine, Minn., to Stevens Point, Wis.; and designate the Milliston, Wis., Intersection, low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended by adding the following: "V–246 From Nodine, Minn., 12 AGL INT Nodine 055° and Stevens Point, Wis., 255° radials; 12 AGL to Stevens Point."

2. Section 71.203 (34 F.R. 4792) is amended by adding the following: "Milliston INT: INT Eau Claire, Wis., 134° and Nodine, Minn., 055° radials."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. McCORMACK,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5113; Filed, Apr. 29, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES

Miscellaneous Amendments

The purpose of these amendments to the Federal Aviation Regulations is to correct and add FEDERAL REGISTER citations.

On March 5, 1969, F.R. Doc. 69-2251, comprising a compilation of Parts 71, 73, and 75 of the Federal Aviation Regulations was published as Part II of the FEDERAL REGISTER of that date. All amendments to those parts which had been published prior to February 7, 1969, were included.

Subsequent to February 7, 1969, additional amendments to Parts 71, 73, and 75 were published which either incorrectly cited FEDERAL REGISTER volumes and page numbers or omitted them entirely. This action will correct those errors.

Since these amendments are editorial in nature, compliance with the notice and public procedure requirements of 5 U.S.C. 553 is unnecessary and for that reason this docket may be made effective less than 30 days after publication.

In consideration of the foregoing, the F.R. Docs. listed below are amended, effective immediately, as follows:

1. In F.R. Doc. 69-1586 (34 F.R. 1890) change (33 F.R. 2058) to (34 F.R. 4557) and change (33 F.R. 2137) to (34 F.R. 4637).

2. In F.R. Doc. 69-1587 (34 F.R. 1891) change (33 F.R. 2058) to (34 F.R. 4557) and change (33 F.R. 2137) to (34 F.R. 4637).

3. In F.R. Doc. 69-1588 (34 F.R. 1891) change (33 F.R. 2137) to (34 F.R. 4637).

4. In F.R. Doc. 69-1590 (34 F.R. 1891) change (33 F.R. 2047, 2765) to (34 F.R. 4544) and change (33 F.R. 2294) to (34 F.R. 4806).

5. In F.R. Doc. 69-1591 (34 F.R. 1892) change (33 F.R. 2137) to (34 F.R. 4637).

6. In F.R. Doc. 69-1592 (34 F.R. 1892) change (33 F.R. 2210) to (34 F.R. 4637).

7. In F.R. Doc. 69-1593 (34 F.R. 1892) change (33 F.R. 2240) to (34 F.R. 4637).

8. In F.R. Doc. 69-1594 (34 F.R. 1892) change (33 F.R. 4171) as modified by (33 F.R. 4981) to (34 F.R. 4637).

9. In F.R. Doc. 69-1595 (34 F.R. 1893) change (33 F.R. 2224) to (34 F.R. 4637).

10. In F.R. Doc. 69-1596 (34 F.R. 1893) change (33 F.R. 2137) to (34 F.R. 4637).

11. In F.R. Doc. 69-1597 (34 F.R. 1893) change (33 F.R. 2137) to (34 F.R. 4637).

12. In F.R. Doc. 69-1598 (34 F.R. 1893) change (33 F.R. 2058) to (34 F.R. 4557) and change (33 F.R. 2137) to (34 F.R. 4637).

13. In F.R. Doc. 69-1599 (34 F.R. 1894) change (33 F.R. 2137) to (34 F.R. 4637).

14. In F.R. Doc. 69-1600 (34 F.R. 1894) change (33 F.R. 2137) to (34 F.R. 4637).

15. In F.R. Doc. 69-1589 (34 F.R. 1894) change (33 F.R. 2006, 17103) to (34 F.R. 4506) and change (33 F.R. 2007, 17103) to (34 F.R. 4508) and change (33 F.R. 2046, 17103) to (34 F.R. 4543) and change (33 F.R. 2349) to (34 F.R. 4856) and change (33 F.R. 2292) to (34 F.R. 4804) and change (33 F.R. 2292) to (34 F.R. 4805) and change (33 F.R. 2051, 14061) to (34 F.R. 4549) and change (33 F.R. 2137, 14891, 16482) to (34 F.R. 4637).

16. In F.R. Doc. 69-1601 (34 F.R. 1895) change (33 F.R. 2349) to (34 F.R. 4856).

17. In F.R. Doc. 69-1787 (34 F.R. 2047) change (33 F.R. 2051, 13089, 14587, 18135, 18930, 34 F.R. 250) to (34 F.R. 4549) and change (33 F.R. 2058, 13089, 14587, 18135, 18930, 34 F.R. 250) to (34 F.R. 4557) and change (33 F.R. 2137, 13089, 14587, 18135, 18930, 34 F.R. 250) to (34 F.R. 4637) and change (33 F.R. 2292, 13089, 14587, 18135, 34 F.R. 250) to (34 F.R. 4804) and change (33 F.R. 2294, 13089, 14587, 18135, (34 F.R. 250) to (34 F.R. 4805).

18. In F.R. Doc. 69-1843 (34 F.R. 2108) change (33 F.R. 2119) to (34 F.R. 4557).

19. In F.R. Doc. 69-1844 (34 F.R. 2108) change (33 F.R. 2078) to (34 F.R. 4557).

20. In F.R. Doc. 69-1845 (34 F.R. 2108) change (33 F.R. 2072) to (34 F.R. 4557).

21. In F.R. Doc. 69-1846 (34 F.R. 2109) change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

22. In F.R. Doc. 69-1847 (34 F.R. 2109) change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

23. In F.R. Doc. 69-1849 (34 F.R. 2109) change (33 F.R. 2137) to (34 F.R. 4637).

24. In F.R. Doc. 69-1850 (34 F.R. 2109) change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

25. In F.R. Doc. 69-1968 (34 F.R. 2247) change (33 F.R. 2096, 5142) to (34 F.R. 4557) and change (33 F.R. 2206, 5142) to (34 F.R. 4637).

26. In F.R. Doc. 69-1969 (34 F.R. 2247) change (33 F.R. 2212, 14404) to (34 F.R. 4637).

27. In F.R. Doc. 69-2018 (34 F.R. 2306) change (33 F.R. 2009) to (34 F.R. 4509).

28. In F.R. Doc. 69-2019 (34 F.R. 2307) change (33 F.R. 2349) to (34 F.R. 4856).

29. In F.R. Doc. 69-3081 (34 F.R. 5223) change "§ 71.171 of Part 71" to "§ 71.171 (34 F.R. 4557)" and change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

30. In F.R. Doc. 69-3082 (34 F.R. 5224) change "§ 71.171 of Part 71" to "§ 71.171 (34 F.R. 4557)" and change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

31. In F.R. Doc. 69-3084 (34 F.R. 5224) change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

32. In F.R. Doc. 69-3085 (34 F.R. 5224) change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

33. In F.R. 69-3184 (34 F.R. 5328) change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

34. In F.R. Doc. 69-3185 (34 F.R. 5328) change "§ 71.171 of Part 71" to "§ 71.171 (34 F.R. 4557)" and change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)" wherever they appear.

35. In F.R. Doc. 69-3343 (34 F.R. 5430) change "§ 71.171 of Part 71" to "§ 71.171 (34 F.R. 4557)" wherever it appears.

36. In F.R. Doc. 69-3344 (34 F.R. 5430) change "§ 71.171 of Part 71" to "§ 71.171 (34 F.R. 4557)."

37. In F.R. Doc. 69-3346 (34 F.R. 5430) change "§ 71.171 of Part 71" to "§ 71.171 (34 F.R. 4557)."

38. In F.R. Doc. 69-3611 (34 F.R. 5716) change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

39. In F.R. Doc. 69-3612 (34 F.R. 5716) change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4637)."

40. In F.R. Doc. 69-3731 (34 F.R. 5929) change (33 F.R. 2137) to (34 F.R. 4637).

41. In F.R. Doc. 69-3800 (34 F.R. 5985) change "§ 71.181 of Part 71" to "§ 71.181 (34 F.R. 4638)."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5109; Filed, Apr. 29, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-18]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

Correction

In F.R. Doc. 69-4926 appearing at page 6837 in the issue of Thursday, April 24, 1969, the agency bracket should read as set forth above.

[Airspace Docket No. 69-WA-4]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Establishment of Jet Routes

On March 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5080) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would exchange numbered identifiers between J-501 and J-502 between Oakland, Calif./Seattle, Wash., and the United States/Canadian border and that would establish a VOR and L/F jet route between Annette Island, Alaska, and Sandspit, British Columbia, Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. June 26, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856) is amended as follows:

1. Jet Route No. 501 is amended to read as follows:

Jet Route No. 501 (Oakland, Calif., to Bethel, Alaska) (Join Canadian High Level Airway No. 501).

From Oakland, Calif., via INT Oakland 305° and Ukiah, Calif., 172° radials; Ukiah; Medford, Oreg.; Hoquiam, Wash.; Neah Bay, Wash., RBN; Tofino, British Columbia, Canada, RBN; Cape Scott, British Columbia, Canada, RBN; Sandspit, British Columbia, Canada; Biorka Island, Alaska; Yakutat, Alaska; Johnstone Point, Alaska; Anchorage, Alaska; to Bethel, Alaska, excluding the airspace within Canada.

2. Jet Route No. 502 is amended to read as follows:

Jet Route No. 502 (Seattle, Wash., to Kotzebue, Alaska) (Joins Canadian High Level Airway No. 502).

From Seattle, Wash.; via Victoria, British Columbia, Canada; Malcolm Island, Alaska; Annette Island, Alaska; Sisters Island, Alaska; Burwash Landing, Yukon Territory Canada, RR; Northway, Alaska; Fairbanks, Alaska; to Kotzebue, Alaska, excluding the airspace within Canada.

3. Jet Route No. 523 is amended as follows:

In the caption "to Neah Bay, Wash." is deleted and "to Neah Bay, Wash., Sandspit, British Columbia, Canada, to Annette Island, Alaska" is substituted therefor.

In the text "From Sandspit, British Columbia, Canada, to Annette Island, Alaska; excluding the airspace within Canada." is added.

4. Jet Route No. 525 is added as follows:

Jet Route No. 525 (Sandspit, British Columbia, Canada, to Annette Island, Alaska) (Joints Canadian High Level Airway No. 525).

From the Sandspit, British Columbia, Canada, ILW to Annette Island, Alaska, RR, excluding the airspace within Canada.

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5110; Filed, Apr. 29, 1969; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9546; Amdt. 95-179]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective May 29, 1969 as follows:

1. By amending Subpart C as follows:

Section 95.640 *Blue Federal airway 40* is added to read:

From, to, and MEA

Haines, Alaska, LF/RBN; Robinson, Yukon Territory, Canada; *#10,000. *8,000—MOCA. #For that airspace over U.S. territory.

Section 95.648 *Blue Federal airway 48* is amended to delete:

Gulfstream INT, Fla., Portland, Fla., LF/RBN; *2,000. *1,300—MOCA.

Section 95.1001 *Direct routes*—United States is amended to delete:

Allendale, S.C., VOR; Int 302° M rad, Charleston, S.C., VOR and 170° M rad, Columbia, S.C., VOR; *2,000. *1,700—MOCA.

Augusta, Ga., LF/RBN; Int 280° M bearing from Augusta LF/RBN and 158° M rad, Augusta VOR; 2,000.

Blythe INT, Ga.; Augusta, Ga., LOM; *2,000. *1,300—MOCA.

Eagle Lake, Tex., VOR; Roy INT, Tex.; *1,800. *1,400—MOCA.

Emory, Ga., LF/RBN; Int 280° M bearing from Emory LF/RBN and 158° M rad, Augusta VOR; 2,000.

Columbus, Ga., LOM; Geneva INT, Ala.; *2,200. *1,900—MOCA. Via C SE LOM 046° RAD.

Midway INT, Ala.; Seale INT, Ala.; 2,000.

Roy INT, Tex.; Key INT, Tex.; *1,800. *1,500—MOCA.

Panama Routes

V-1:
Foxtrot 2; France Field, C.Z.; *8,000. *1,300—MOCA.
V-2:
France Field, C.Z., 40-mile DME Fix; *3,000. *1,300—MOCA.
40-mile DME Fix; Juliette-2; *10,000. *1,000—MOCA.
V-3:
France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.
40-mile DME Fix; Quebec-3; *10,500. *1,000—MOCA.
France Field, C.Z., VOR; Chorrera INT, C.Z., *2,500. *2,100—MOCA.
Chorrera INT, C.Z.; Taboga, Republic of Panama, VOR; 2,700.
V-4:
France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.
40-mile DME Fix; Zulu-3; *12,500. *1,000—MOCA.
France Field, C.Z., VOR; Madden INT, C.Z.; 2,700.
Madden INT, C.Z.; Tocumen, Republic of Panama, VOR; 3,600.
Tocumen, Republic of Panama, VOR; Taboga, Republic of Panama, VOR; 2,100.
V-5:
Mike/Hotel-4; Charco INT, Republic of Panama; *4,000. *3,500—MOCA.
Charco INT, Republic of Panama; Taboga, Republic of Panama, VOR; 2,100.
V-6:
Foxtrot-3; Diego INT, Republic of Panama; *3,000. *2,100—MOCA.
Diego INT, Republic of Panama; Taboga, Republic of Panama, VOR; 2,100.
V-8:
Taboga, Republic of Panama, VOR; Zulu-4; 3,000.
V-9:
Taboga, Republic of Panama, VOR; Quebec-4; 3,000.
V-10:
Taboga, Republic of Panama, VOR; Rio Hato INT, Republic of Panama; 3,500.
V-11:
Taboga, Republic of Panama, VOR; Chorrera INT, Republic of Panama; 2,700.
Chorrera INT, Republic of Panama; Mike-5; *3,600. *2,700—MOCA.
V-12:
France Field, C.Z., VOR; Mike-5; *5,000. *2,200—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Allendale, S.C., VOR; Columbia, S.C., VOR; *2,000. Via ALD R 029°/CAE 170°. *1,700—MOCA.
Int V-56S and CSG LOC; Seale INT, Ala.; 3,000.
Lynchburg, Va., VOR; Pine Hall INT, N.C.; 4,000.
Santa Barbara, Calif., VOR; Palmdale, Calif., VOR; COP 40 NM SBA; *9,000. *8,900—MOCA.

Route 11:
Ponce, P.R., VOR; Vega INT, P.R.; 5,000.
Vega INT, P.R.; San Juan, P.R., VOR; 2,500.

Panama Routes

V-1:
Barry INT, C.Z.; France Field, C.Z., VOR; *8,000. *1,300—MOCA.
V-3:
Taboga Island, Republic of Panama, VOR; Chorrera INT, C.Z.; 2,700.
Chorrera INT, C.Z.; France Field, C.Z., VOR; *2,500. *2,100—MOCA.
France Field, C.Z., VOR; 40-mile DME Fix; *10,500. *1,000—MOCA.
V-4:
Taboga Island, Republic of Panama, VOR; Tocumen, Republic of Panama, VOR; 2,100.
Tocumen, Republic of Panama, VOR; Madden INT, C.Z.; 3,600.
Madden INT, C.Z.; France Field, C.Z., VOR; 2,700.
France Field, C.Z., VOR; 40-mile DME Fix; *12,500. *1,300—MOCA.
40-mile, DME Fix; Canning INT, C.Z.; *12,500. *1,000—MOCA.
V-5:
Taboga Island, Republic of Panama, VOR; Charco INT, Republic of Panama; 2,100.
Charco INT, Republic of Panama; Taylor INT, Republic of Panama; *4,000. *3,500—MOCA.
V-6:
Taboga Island, Republic of Panama, VOR; Diego INT, Republic of Panama; 2,100.
Diego INT, Republic of Panama; Fleming INT, Republic of Panama; *3,000. *2,100—MOCA.
V-8:
Baxter INT, Republic of Panama; Taboga Island, Republic of Panama, VOR; *3,000. *2,100—MOCA.
V-9:
Clinton INT, Republic of Panama; Taboga Island, Republic of Panama, VOR; *3,000. *2,100—MOCA.
V-10:
Rio Hato INT, Republic of Panama; Taboga Island, Republic of Panama, VOR; 3,500.
V-11:
Ambros INT, Republic of Panama; Chorrera INT, Republic of Panama; *5,000. *2,700—MOCA.
Chorrera INT, Republic of Panama; Taboga Island, Republic of Panama, VOR; 2,700.
V-12:
Ambros INT, Republic of Panama; France Field, C.Z., VOR; *5,000. *2,200—MOCA.

Section 95.1001 *Direct routes*—United States is amended to read in part:

Columbus, Ga., VOR; Seale INT, Ala.; 2,000.
Eufaula, Ala., VOR; Seale INT, Ala.; 2,000.
Key West, Fla., VOR; Pahokee, Fla., VOR; *5,000. *1,300—MOCA.
Lawson, Ga., LF/RBN; Seale INT, Ala.; 2,000.

Puerto Rico Routes

Route 9:
Midway INT, P.R.; *Guaynabo INT, P.R.; 4,600. *5,200—MRA.
Guaynabo INT, P.R; San Juan, P.R., VOR; 3,700.

Section 95.6004 *VOR Federal airway 4* is amended to delete:

Hill City, Kans., VOR; Russell, Kans., VOR; *4,500. *3,800—MOCA.
Russell, Kans., VOR; *Glendale INT, Kans.; **3,600. *4,000—MRA. **2,900—MOCA.
Glendale INT, Kans.; Salina, Kans., VOR; *3,600. *2,500—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended by adding:

Hill City, Kans., VOR; Salina, Kans., VOR; *5,500. *3,800—MOCA.
Hill City, Kans., VOR via S alter.; Hays, Kans., VOR via S alter.; *4,200. *3,900—MOCA.
Hays, Kans., VOR via S alter.; *Glendale INT, Kans., via S alter.; 3,900. *4,000—MRA.
Glendale INT, Kans., via S alter.; Salina, Kans., VOR via S alter.; *3,600. *2,500—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Dublin, Ga., VOR via W alter.; Macon, Ga., VOR via W alter.; 2,300.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

New Sharon INT, Iowa; Wellman INT, Iowa; *2,700. *2,100—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Evansville, Ind., VOR; Princeton INT, Ind.; *2,300. *1,800—MOCA.
Princeton INT, Ind.; Decker INT, Ind.; *2,400. *1,900—MOCA.
Decker INT, Ind.; Carlisle INT, Ind.; *2,400. *2,000—MOCA.
Carlisle INT, Ind.; Lewis, Ind., VOR; *2,400. *1,700—MOCA.
Lewis, Ind., VOR; Terre Haute, Ind., VOR; *2,400. *1,700—MOCA.
Evansville, Ind., VOR via W alter.; Patton INT, Ill., via W alter.; *2,500. *1,900—MOCA.
Patton INT, Ill., via W alter.; New Hebron INT, Ill., via W alter.; *4,500. *2,000—MOCA.
New Hebron INT, Ill., via W alter.; Terre Haute, Ind., VOR via W alter.; 2,500.
Lewis, Ind., VOR; Terre Haute, Ind., VOR; *2,400. *1,700—MOCA.
Terre Haute, Ind., VOR; Wingate INT, Ind.; *2,600. *1,900—MOCA.
Wingate INT, Ind.; *Westpoint INT, Ind.; **2,500. *4,000—MRA. **2,000—MOCA.
Westpoint INT, Ind.; Lafayette, Ind., VOR; *2,500. *2,000—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

New Sharon INT, Iowa; Wellman INT, Iowa; *2,700. *2,100—MOCA.
Garrett INT, Ind.; *Grabill INT, Ind.; **4,000. *4,000.—MRA. **2,200—MOCA.
Grabill INT, Ind.; Antwerp INT, Ind.; *4,000. *2,200—MOCA.
Mansfield, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6011 *VOR Federal airway 11* is amended to delete:

Evansville, Ind., VOR via E. alter.; Augusta INT, Ind., via E alter.; 2,100.
Augusta INT, Ind., via E alter.; *Jasper INT, Ind., via E alter.; **3,700. *3,700—MRA. **2,000—MOCA.
Jasper INT, Ind., via E alter.; Scotland, Ind., VOR via E alter.; *2,700. *2,000—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended by adding:

Evansville, Ind., VOR via E alter.; Augusta INT, Ind., via E alter.; *2,300. *1,800—MOCA.
Augusta INT, Ind., via E alter.; Jasper INT, Ind., via E alter.; $3,500. *1,900—MOCA.
Jasper INT, Ind., via E alter.; Bloomington, Ind., VOR via E alter.; *2,800. *2,200—MOCA.
Bloomington, Ind., VOR via E alter.; Brooklyn, INT, Ind., via E alter.; *2,800. *2,200—MOCA.
Brooklyn INT, Ind., via E alter.; Indianapolis, Ind., VOR E alter.; *2,700. *2,000—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Evansville, Ind., VOR; Mackey INT, Ind.; *2,300. *1,800—MOCA.
Mackey INT, Ind.; Scotland INT, Ind.; *4,000. *2,000—MOCA.
Scotland INT, Ind.; Cataract INT, Ind.; *2,900. *2,000—MOCA.
Cataract INT, Ind.; Indianapolis, Ind., VOR; *2,700. *2,000—MOCA.
Fort Wayne, Ind., VOR; *Grabill INT, Ind.; **3,000. *4,000—MRA. **2,600—MOCA.
Grabill INT, Ind.; Edgerton INT, Ohio; *3,000. *2,600—MRA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Shaw INT, Mo.; Readsville, INT, Mo.; *2,600. *2,300—MOCA.
Guthrie INT, Mo., via S alter.; Readsville INT, Mo., via S alter.; *4,000. *2,300—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to delete:

Houston, Tex., VOR via W alter.; Gulf Coast INT, Tex., via W alter.; *2,000. *1,800—MOCA.
Gulf Coast INT, Tex., via W alter.; New Waverly INT, Tex., via W alter.; *3,300. *1,600—MOCA.
New Waverly INT, Tex., via W alter.; Lufkin, Tex., VOR via W alter.; *4,000. *1,700—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended by adding:

Humble, Tex., VOR via W alter.; Sheppard INT, Tex., via W alter.; *1,700. *1,400—MOCA.
Sheppard INT, Tex., via W alter.; *New Waverly INT, Tex., via W alter.; **1,900. *4,000—MRA. **1,500—MOCA.
New Waverly INT, Tex., via W alter.; Lufkin, Tex., VOR via W alter.; *3,300. *1,700—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Houston, Tex., VOR; Humble, Tex., VOR; 1,800.
Humble, Tex., VOR; Cleveland INT, Tex.; *1,700. *1,400—MOCA.
Cleveland INT, Tex.; Leggett INT, Tex.; 1,800.
Leggett INT, Tex.; Lufkin, Tex., VOR; *1,900. *1,800—MOCA.
Houston, Tex., VOR via E alter.; Crosby INT, Tex., via E alter.; 1,600.
Crosby INT, Tex., via E alter.; Dalsetta, Tex., VOR via E alter.; *1,600. *1,400—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended by adding:

Houston, Tex., VOR via E alter.; Humble, Tex., VOR via E alter.; 1,800.
Humble, Tex., VOR via E alter.; Magnolia INT, Tex., via E alter.; *1,700. *1,600—MOCA.
Magnolia, Tex., VOR via E alter.; Navasota, Tex., VOR via E alter.; *1,900. *1,600—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Red Oak INT, Tex., via E alter.; Dallas, Tex., VOR via E alter.; 2,000.
Waco, Tex., VOR via W alter.; Whitney INT, Tex., via W alter.; *2,000. *1,900—MOCA.
Pharoah INT, Okla.; Okmulgee, Okla., VOR; *2,500. *2,200—MOCA.
Silver INT, Tex.; Cypress INT, Tex.; *1,800. *1,500—MOCA.
Cypress INT, Tex.; Navasota, Tex., VOR; *1,800. *1,600—MOCA.
Navasota, Tex., VOR; College Station, Tex., VOR; *1,800. *1,600—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

*Grapevine INT, Ark.; Pine Bluff, Ark., VOR; **1,700. *6,000—MCA Grapevine INT, southwestbound. **1,600—MOCA.
Jacks Creek, Tenn., VOR via N alter.; Vanleer INT, Tenn., via N alter.; *3,000. *2,200—MOCA.
Vanleer INT, Tenn., via N alter.; Nashville, Tenn., VOR via N alter.; 3,000.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

St. George INT, S.C.; Charleston, S.C., VOR; *1,800. *1,400—MOCA.

Section 95.6519 *VOR Federal airway 19* is amended to read in part:

Hanover INT, Colo.; Kettle INT, Colo.; *9,000. *8,500—MOCA.
Kettle INT, Colo.; Kiowa, Colo., VOR; 9,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Houston, Tex., VOR via N alter.; Crosby INT, Tex., via N alter.; 1,600.
Crosby INT, Tex., via N alter.; Trinity INT, Tex., via N alter.; *1,600. *1,300—MOCA.
Trinity INT, Tex., via N alter; China INT, Tex., via N alter.; *1,600. *1,400—MOCA.
China INT, Tex., via N alter.; Beaumont, Tex., VOR via N alter.; *1,600. *1,300—MOCA.
Houston, Tex., VOR via S alter.; La Porte INT, Tex., via S alter.; *1,500. *1,400—MOCA.
La Porte INT, Tex., via S alter.; Smith Point INT, Tex., via S alter.; *1,500. *1,100—MOCA.
Palacios, Tex., VOR; Key INT, Tex.; *1,800. *1,400—MOCA.
Key INT, Tex.; Arcola INT, Tex.; *1,800. *1,600—MOCA.
Fry INT, Tex.; Monroe City INT, Tex.; *1,600. *1,400—MOCA.
Monroe City INT, Tex.; Beaumont, Tex., VOR; *1,600. *1,300—MOCA.
South Boston, Va., VOR; Amelia INT, Va.; 2,700.
Amelia INT, Va.; Richmond, Va., VOR; 2,000.

Section 95.6022 *VOR Federal airway 22* is deleted:

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Allegheny, Pa., VOR.; Imperial, Pa., VOR; 3,000.
Imperial, Pa., VOR; Ellwood City, Pa., VOR; 3,000.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

Samsville, Ill., VOR; Decker INT, Ill.; *2,300. *1,900—MOCA.
Decker INT, Ill.; Livonia INT, Ind.; *3,000. *2,100—MOCA.
Livonia INT, Ind.; Nabb, Ind., VOR; *2,700. *2,100—MOCA.

Section 95.6049 *VOR Federal airway 49* is amended by adding:

Jacks Creek, Tenn., VOR; Vanleer INT, Tenn.; *3,000. *2,200—MOCA.
Vanleer INT, Tenn.; Thomasville INT, Tenn.; 4,000.
Thomasville INT, Tenn.; Bowling Green, Tenn., VOR; 3,000.

Section 95.6053 *VOR Federal airway 53* is amended by adding:

Indianapolis, Ind., VOR; Advance INT, Ind.; *2,700. *2,200—MOCA.
Advance INT, Ind.; Jackson INT, Ind.; *2,700. *2,100—MOCA.
Jackson INT, Ind.; Lafayette, Ind., VOR; *2,600. *2,000—MOCA.
Lafayette, Ind., VOR; Peotone, Ill., VOR; *2,600. *2,000—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to delete:

Indianapolis, Ind., VOR; Jackson INT, Ind.; *2,000. *2,200—MOCA.
Jackson INT, Ind.; Westpoint, Ind., VOR; *2,500. *2,000—MOCA.
Westpoint, Ind., VOR; Peotone, Ill., VOR; *2,600. *2,000—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Charleston, S.C., VOR; St. George INT, S.C.; *1,800. *1,400—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Harris, Ga., VOR; Dillard INT, Ga.; 7,500.
Dillard INT, Ga.; Sunset INT, S.C.; 6,000.
Texarkana, Ark., VOR; Washington INT, Ark.; *2,500. *1,700—MOCA.

Section 95.6057 *VOR Federal airway 57* is amended to delete:

Birmingham, Ala., VOR; Trimble INT, Ala.; *2,500. *2,200—MOCA.
Trimble INT, Ala.; Roundtree INT, Ala.; *2,800. *2,300—MOCA.
Roundtree INT, Ala.; Hartselle INT, Ala.; *2,300. *1,900—MOCA.
Hartselle INT, Ala.; Decatur, Ala., VOR; *2,100. *2,000—MOCA.
Birmingham, Ala., VOR via E alter.; Hobbs INT, Ala., via E alter.; *3,000. *2,200—MOCA.
Hobbs INT, Ala., via E alter.; Decatur, Ala., VOR via E alter.; 2,600.
Birmingham, Ala., VOR via W alter.; Johney INT, Ala., via W alter.; *2,700. *2,000—MOCA.
Johney INT, Ala., via W alter.; Decatur, Ala., VOR via W alter.; *2,400. *2,200—MOCA.
Decatur, Ala., VOR; Bethel INT, Tenn.; *2,100. *2,000—MOCA.
Bethel INT, Tenn.; Graham, Tenn., VOR; *3,000. *2,300—MOCA.
Graham, Tenn., VOR; Pleasant View INT, Tenn.; *2,600. *1,900—MOCA.
Pleasant View INT, Tenn.; Bowling Green, Ky., VOR; *2,600. *1,900—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Texico, N. Mex., VOR; Plainview, Tex., VOR; *5,800. *5,500—MOCA.
Texico, N. Mex., VOR via S alter.; Littlefield INT, Tex., via S alter.; *5,700. *5,500—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Prosper INT, Tex.; Sulphur Springs, Tex., VOR; *4,000. *2,100—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Hobbs, N. Mex., VOR via W alter.; Goldsmith INT, Tex., via W alter.; *5,200. *5,000—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended by adding:

Palacios, Tex., VORTAC via N alter.; Rosenberg INT, Tex., via N alter.; *2,000. *1,400—MOCA.
Rosenberg INT, Tex., via N alter.; Humble, Tex., VOR via N alter.; 1,600.
Humble, Tex., VOR via N alter.; Sabine Pass, Tex., VOR via N alter.; *1,600. *1,400—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

*Baskin INT, La.; Monroe, La., VOR; **2,000. *3,500—MRA. **1,900—MOCA.
Monroe, La., VOR; El Dorado, Ark., VOR; *2,000. *1,900—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Pat INT, Tex.; Big Spring, Tex., VOR; *4,500. *4,300—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

*Florence INT, Kans.; **Wilsey INT, Kans.; ***5,000. *5,000—MRA. **5,000—MRA. ***2,800—MOCA.
Ponca City, Okla., VOR; Mayfield INT, Kans.; *3,000. *2,700—MOCA.
Mayfield INT, Kans.; Conway INT, Kans.; *3,000. *2,700—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Mustang INT, Tex.; Pat INT, Tex.; *4,500. *4,300—MOCA.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

Edgerton INT, Ohio; Waterville, Ohio, VOR; 3,000.
Mansfield, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Deming, N. Mex., VOR; *Morgan INT, N. Mex.; 9,000. *10,000—MRA.
Morgan INT, N. Mex.; Newman, Tex., VOR; 9,000.

Section 95.6100 *VOR Federal airway 100* is amended to delete:

Deming, N. Mex., VOR; *Morgan INT, N. Mex.; 9,000. *10,000—MRA.
Morgan INT, N. Mex.; Newman, Tex., VOR; 9,000.
Medicine Bow, Wyo., VOR; *Wheatland INT, Wyo.; 10,300. *9,200—MCA Wheatland INT, westbound.
Wheatland INT, Wyo.; Chadron, Nebr., VOR; *9,000. *7,000—MOCA.
Chadron, Nebr., VOR; O'Neil, Nebr., VOR; *10,000. *5,900—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended by adding:

Medicine Bow, Wyo., VOR; Scottsbluff, Nebr., VOR; 9,300.
Scottsbluff, Nebr., VOR; Alliance, Nebr., VOR; *6,300. *5,600—MOCA.
Alliance, Nebr., VOR; Ainsworth, Nebr., VOR; *7,500. *5,600—MOCA.
Ainsworth, Nebr., VOR; O'Neill, Nebr., VOR; *4,400. *3,800—MOCA.

Section 95.6106 *VOR Federal airway 106* is amended to read in part:

Gardner, Mass., VOR; State Line INT, N.H.; 5,500.
State Line INT, N.H.; Manchester, N.H., VOR; 2,000.

Section 95.6108 *VOR Federal airway 108* is amended to read in part:

Colorado Springs, Colo., VOR; Kettle INT, Colo.; 9,600.
Kettle INT, Colo.; Hugo Colo., VOR; 9,000.

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

Edgerton INT, Ohio; Waterville, Ohio, VOR; 3,000.

Section 95.6128 *VOR Federal airway 128* is amended to delete:

Cincinnati, Ohio, VOR via N alter.; York Ky., VOR via N alter.; 3,000.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Peotone, Ill., VOR; Fowler INT, Ind.; *2,800. *2,000—MOCA.
Fowler INT, Ind.; *Westpoint INT, Ind.; **4,000. *4,000—MRA. **2,000—MOCA.
Westpoint INT., Ind.; Jackson INT, Ind.; *4,000. *1,900—MOCA.
Jackson INT, Ind.; Advance INT, Ind.; *2,700 *2,100—MOCA.
Advance INT, Ind.; Indianapolis, Ind., VOR; *2,700. *2,200—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Tulsa, Okla., VOR via N alter.; Adair INT, Okla., via N alter.; *2,500. *2,200—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

Macon, Ga., VOR; Dublin, Ga., VOR; 2,300.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Lawrenceville, Va., VOR; Richmond, Va., VOR; 2,000.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Pharoah INT, Okla.; Okmulgee, Okla., VOR; *2,500. *2,200—MOCA.

Section 95.6168 *VOR Federal airway 168* is deleted:

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Louisville, Ky., VOR; Martinsburg INT, Ind.; 2,900. Martinsburg INT, Ind.; Scotland INT, Ind.; *2,700. *2,000—MOCA.
Scotland INT, Ind.; Lewis, Ind., VOR; *2,500. *1,800—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended by adding:

Louisville, Ky., VOR via N alter.; Livonia INT, Ind., via N alter.; 2,900.
Livonia INT, Ind., via N alter.; Bloomington, Ind., VOR via N alter.; *2,800. *2,200—MOCA.
Bloomington, Ind., VOR via N alter.; Lewis, Ind., VOR via N alter.; *2,800. *2,100—MOCA.

Section 95.6180 *VOR Federal airway 180* is amended to read in part:

Arcola INT, Tex.; Manvel INT, Tex.; *3,000. *1,300—MOCA.
Manvel INT, Tex.; Galveston, Tex., VOR; 2,200.

Section 95.6198 *VOR Federal airway 198* is amended by adding:

Houston, Tex., VOR; La Porte INT, Tex.; *1,500. *1,400—MOCA.
La Porte INT, Tex.; Smith Point INT, Tex.; *1,500. *1,100—MOCA.
Smith Point INT, Tex.; Sabine Pass, Tex. VOR; *1,500. *1,000—MOCA.
Sabine Pass, Tex., VOR; Holly Beach INT, La.; *2,000. *1,200—MOCA.
Holly Beach INT, La; White Lake, La., VOR; *2,000. *1,300—MOCA.
White Lake, La. VOR; Rich INT, La.; *2,000. *1,000—MOCA.
Rich INT, La.; Tibby, La., VOR; *2,000. *1,500—MOCA.
Tibby, La., VOR; Lizard INT, La.; *2,000. *1,400—MOCA.
Lizard INT, La.; Sally INT, La.; *2,000. *1,200—MOCA.
Sally INT, La.; Harvey, La., VOR; 2,000.
Harvey, La., VOR; Violet INT, La.; 2,000.
Violet INT, La.; Dog INT, La.; *3,000. *2,000—MOCA.
Dog INT, La.; Horn INT, Miss.; *3,000. *1,100—MOCA.
Horn INT, Miss.; Moss INT, Miss.; *2,000. *1,400—MOCA.
Moss INT, Miss.; Brookley, Ala., VOR; *1,800. *1,400—MOCA.
Brookley, Ala., VOR; Saufley, Fla., VOR; *2,500. *1,400—MOCA.
Saufley, Fla., VOR; Crestview, Fla., VOR; *2,500. *1,500—MOCA.
Crestview, Fla., VOR; Marianna, Fla., VOR; *2,000. *1,700—MOCA.
Marianna, Fla., VOR; Tallahassee, Fla., VOR; *2,000. *1,600—MOCA.
Tallahassee, Fla., VOR; Greenville, Fla., VOR; *2,000. *1,600—MOCA.
Greenville, Fla., VOR; Taylor, Fla., VOR; *2,000. *1,500—MOCA.
Taylor, Fla., VOR; Bryceville INT, Fla., *2,000. *1,400—MOCA.
Bryceville INT, Fla.; Jacksonville, Fla., VOR; *1,600. *1,300—MOCA.
Eagle Lake, Tex., VOR via N alter. Sealy INT, Tex., via N alter.; *2,000. *1,500—MOCA.
Sealy INT, Tex., via N alter.; Humble, Tex., VOR via N alter.; *1,600. *1,500—MOCA.
Humble, Tex., VOR via N alter.; Sabine Pass, Tex., VOR via N alter.; *1,600. *1,400—MOCA.

Section 95.6209 *VOR Federal airway 209* is amended by adding:

Birmingham, Ala., VOR; Trimble INT, Ala.; *2,500. *2,200—MOCA.
Trimble INT, Ala.; Rountree INT, Ala.; *2,800. *2,300—MOCA.
Rountree INT, Ala.; Hartselle INT, Ala.; *2,300. *1,900—MOCA.
Hartselle INT, Ala.; Decatur, Ala., VOR; *2,100. *2,000—MOCA.
Birmingham, Ala., VOR via E alter.; Hobbs INT, Ala., via E alter.; *3,000. *2,200—MOCA.
Hobbs INT, Ala., via E alter; Decatur, Ala., VOR via E alter.; 2,600.
Birmingham, Ala., VOR via W alter.; Johney INT, Ala., via W alter.; *2,700. *2,000—MOCA.
Johney INT, Ala., via W alter.; Decatur, Ala., VOR via W alter.; *2,400. *2,200—MOCA.
Decatur, Ala., VOR; Bethel INT, Tenn.; *2,100. *2,000—MOCA.
Bethel INT, Tenn.; Graham, Tenn., VOR; *3,000. *2,300—MOCA.
Graham, Tenn., VOR; Vanleer INT, Tenn.; *3,000. *2,200—MOCA.
Vanleer INT, Tenn.; Thomasville INT, Tenn.; 4,000.
Thomasville INT, Tenn.; Bowling Green, Tenn., VOR; 3,000.

Section 95.6212 *VOR Federal airway 212* is amended to read in part:

Navasota, Tex., VOR; Ducus INT, Tex.; *2,000. *1,700—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Charlotte INT, Iowa; *Wacker INT, Ill.; **4,000. *4,000—MRA. **2,200—MOCA.
Wacker INT, Ill.; Lena INT, Ill.; *2,700. *2,100—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to delete:

Houston, Tex., VOR via N alter.; *Crosby INT, Tex., via N alter.; 1,600. *2,000—MRA.
Crosby INT, Tex., via N alter.; Daisetta, Tex., VOR via N alter.; *1,800. *1,800—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended by adding:

Humble, Tex., VOR via N alter.; Daisetta, Tex., VOR via N alter.; *1,800. *1,400—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Industry, Tex., VOR; Prairie INT, Tex.; *2,000. *1,600—MOCA.
Prairie INT, Tex.; Waller INT, Tex.; *1,800. *1,300—MOCA.
Waller INT, Tex.; Cypress INT, Tex.; *1,700. *1,500—MOCA.
Cypress INT, Tex.; Humble, Tex., VOR; *1,700. *1,600—MOCA.
Humble, Tex., VOR; Trinity INT, Tex.; *1,600. *1,300—MOCA.
Trinity INT, Tex.; China INT, Tex.; *1,600. *1,400—MOCA.
China INT, Tex.; Beaumont, Tex., VOR; *1,600. *1,300—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to delete:

Bowling Green, Ky., VOR; Apalona INT, Ind.; *3,500. *2,500—MOCA.
Apalona INT, Ind.; *Baden INT, Ind.; **2,500. *3,000—MRA. **2,000—MOCA.
Baden INT, Ind.; Scotland, Ind., VOR; *2,500. *2,000—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended by adding:

Bowling Green, Ky., VOR; Goetz INT, Ky.; *2,800. *2,100—MOCA.
Goetz INT, Ky.; Apalona INT, Ind.; *4,000. *1,800—MOCA.
Apalona INT, Ind.; Jasper INT, Ind.; *4,000. *2,000—MOCA.
Jasper INT, Ind.; Lewis, Ind., VOR; *2,400. *1,900—MOCA.

Section 95.6244 *VOR Federal airway 244* is amended to delete:

Modoc INT, Kans.; *Ransom INT, Kans.; **10,000. *10,000—MRA. **4,300—MOCA.
Ransom INT, Kans.; Russell, Kans., VOR; *5,500. *3,400—MOCA.

Section 95.6244 *VOR Federal airway 244* is amended by adding:

Modoc INT, Kans.; *Ransom INT, Kans.; **9,000. *10,000—MRA. **4,300—MOCA.
Ransom INT, Kans.; Hays, Kans., VOR; *5,000. *3,900—MOCA.
Hays, Kans., VOR; *Glendale INT, Kans.; 3,900. *4,000—MRA.
Glendale INT, Kans.; Salina, Kans., VOR; *3,600. *2,500—MOCA.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

South Boston, Va., VOR; Lawrenceville, Va., VOR; 2,300.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Texico, N. Mex., VOR; Plainview, Tex., VOR; *5,800. *5,500—MOCA.

Section 95.6306 *VOR Federal airway 306* is amended to read in part:

Navasota, Tex., VOR; Conroe INT, Tex.; *2,000. *1,700—MOCA.
Conroe INT, Tex.; Sheppard INT, Tex.; *2,000. *1,500—MOCA.
Sheppard INT, Tex.; Daisetta, Tex., VOR; *1,700. *1,400—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

Whittier, Alaska, LF/RBN; *Anchorage, Alaska, VOR; **10,000. *5,000—MCA Anchorage VOR, eastbound. **8,000—MOCA.

Hope INT, Alaska, via S alter.; *Anchorage, Alaska, VOR via S alter.; **7,000. *5,000—MCA Anchorage VOR, eastbound. **6,200—MOCA.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Hope INT, Alaska; *Anchorage, Alaska, VOR; **7,000. *5,000—MCA Anchorage VOR, eastbound. **6,200—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to delete:

Houston, Tex., VOR via E alter.; Gulf Coast INT, Tex., via E alter.; *2,000. *1,800—MOCA.

Gulf Coast INT, Tex., via E alter.; New Waverly INT, Tex., via E alter.; *3,300. *1,600—MOCA.

New Waverly INT, Tex., via E alter.; Leona, Tex., VOR via E alter.; *2,500. *1,800—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended by adding:

Humble, Tex., VOR via E alter.; Sheppard INT, Tex., via E alter.; *1,700. *1,400—MOCA.

Sheppard INT, Tex., via E alter.; *New Waverly INT, Tex., via E alter.; **1,900. *4,000—MEA. **1,500—MOCA.

New Waverly INT, Tex., via E alter.; Leona, Tex., VOR via E alter.; *2,000. *1,800—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to read in part:

Houston, Tex., VOR; Humble, Tex., VOR; 1,800.

Humble, Tex., VOR; Conroe INT, Tex.; *1,700. *1,500—MOCA.

Conroe INT, Tex.; Montgomery INT, Tex.; *1,700. *1,600—MOCA.

Motgomery INT, Tex.; Dacus INT, Tex.; *1,900. *1,600—MOCA.

Dacus INT, Tex.; Leona, Tex., VOR; *2,000. *1,500—MOCA.

Houston, Tex., VOR via W alter.; Silver INT, Tex., via W alter.; 1,800.

Silver INT, Tex., via W alter.; Cypress INT, Tex., via W alter.; *1,800. *1,500—MOCA.

Cypress INT, Tex., via W alter.; Navasota, Tex., VOR via W alter.; *1,800. *1,600—MOCA.

Navasota, Tex., VOR via W alter.; Leona, Tex., VOR via W alter.; 2,100.

Section 95.6422 *Hawaii VOR Federal airway 22* is amended to read in part:

*Barracuda INT, Hawaii; Sardine INT, Hawaii; 11,000. *11,000—MCA Barracuda INT, southbound.

Sardine INT, Hawaii; Bonita INT, Hawaii; 8,000.

Section 95.6530 *VOR Federal airway 530* is amended to read in part:

Texico, N. Mex., VOR; Childress, Tex., VOR; *6,000. *5,500—MOCA.

Section 95.7002 *Jet Route No. 2* is amended to read in part:

From, to, MEA, and MAA

San Antonio, Tex., VORTAC; Humble, Tex., VORTAC; 18,000; 45,000.

Humble, Tex., VORTAC; Lake Charles, La., VORTAC; 18,000; 45,000.

Section 95.7015 *Jet Route No. 15* is amended to delete:

Houston, Tex., VORTAC; Austin, Tex., VORTAC; 18,000; 45,000.

Section 95.7015 *Jet Route No. 15* is amended by adding:

Humble, Tex., VORTAC; Austin, Tex., VORTAC; 18,000; 45,000.

Section 95.7043 *Jet Route No. 43* is amended to delete:

Rosewood, Ohio, VORTAC; Int 010° M rad, Rosewood VORTAC and 001° M rad, Pullman VORTAC; 18,000; 45,000.

Section 95.7043 *Jet Route No. 43* is amended by adding:

Rosewood, Ohio, VORTAC; Salem, Mich., VOR; 18,000; 45,000.

Section 95.7070 *Jet Routes No. 70* is amended to read part:

Pullman, Mich., VORTAC; Salem, Mich., VOR; 18,000; 45,000.

Salem, Mich., VOR; United States-Canadian border; 18,000; 45,000.

United States-Canadian border; Jamestown, N.Y., VOR; 18,000; 45,000.

Section 95.7085 *Jet Route No. 85* is amended by adding:

United States-Canadian border; Salem, Mich., VOR; 18,000; 45,000.

Section 95.7086 *Jet Route No. 86* is amended to read in part:

Austin, Tex., VORTAC; Humble, Tex., VORTAC; 18,000; 45,000.

Humble, Tex., VORTAC; Grand Isle, La., VORTAC; 18,000; 45,000.

Section 95.7087 *Jet Route No. 87* is amended to delete:

Houston, Tex., VORTAC; Greater Southwest, Tex., VORTAC; 18,000; 45,000.

Section 95.7087 *Jet Route No. 87* is amended by adding:

Humble, Tex., VORTAC; Greater Southwest, Tex., VORTAC; 18,000; 45,000.

Section 95.7094 *Jet Route No. 94* is amended to delete:

Battle Mountain, Nev., VOR; Bonneville, Utah, VOR; 18,000; 45,000.

Bonneville, Utah, VOR; Salt Lake City, Utah, VORTAC; 18,000; 45,000.

Salt Lake City, Utah, VORTAC; Rock Springs, Wyo., VORTAC; 18,000; 45,000.

Section 95.7094 *Jet Route No. 94* is amended by adding:

Battle Mountain, Nev., VORTAC; Lucin, Utah, VOR; 18,000; 45,000.

Lucin, Utah, VOR; Rock Springs, Wyo., VOR TAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7101 *Jet Route No. 101* is amended to delete:

Houston, Tex., VORTAC; Luffin, Tex., VOR TAC; 18,000; 45,000.

Section 95.7101 *Jet Route No. 101* is amended by adding:

Humble, Tex., VORTAC; Lufkin, Tex., VOR TAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is amended by adding:

San Antonio, Tex., VORTAC; Houston, Tex., VORTAC; 18,000; 45,000.

Section 95.7154 *Jet Route No. 154* is added to read:

Battle Mountain, Nev., VORTAC; Bonneville, Utah, VORTAC; 18,000; 45,000.

Bonneville, Utah, VORTAC; Salt Lake City, Utah, VORTAC; 18,000; 45,000.

Salt Lake City, Utah, VORTAC; Rock Springs, Wyo., VORTAC; 18,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

Airway segment: from; to—Changeover point: Distance; from

V–14 is amended to delete:
Lubbock, Tex., VORTAC; Childress, Tex., VOR; 33; Lubbock.

V–37 is amended to read in part:
Savannah, Ga., VOR; Allendale, S.C., VOR; 36; Savannah.

V–40 is added to read:
Briggs, Ohio, VORTAC; Imperial, Ohio; 47; Imperial.

V–49 is added to read:
Jacks Creek, Tenn., VORTAC; Bowling Green, Ky., VORTAC; 70; Jacks Creek.

V–54 is amended by adding:
Hot Springs, Ark., VOR via N alter.; Little Rock, Ark., VOR via N alter.; 20; Hot Springs.

V–57 is amended to delete:
Birmingham, Ala., VORTAC; Decatur, Ala., VOR; 34; Birmingham.

V–100 is amended to delete:
Medicine Bow, Wyo., VOR; Chadron, Nebr., VOR; 45; Medicine Bow.
Chadron, Nebr., VOR; O'Neill, Nebr., VOR; 109; Chadron.

V–124 is amended by adding:
Hot Springs, Ark., VOR; Little Rock, Ark., VOR; 20; Hot Springs.

V–209 is amended by adding:
Birmingham, Ala., VORTAC; Decatur, Ala., VOR; 34; Birmingham.

V–212 is amended by adding:
Navasota, Tex., VOR; Lufkin, Tex., VORTAC; 48; Navasota.

V–243 is amended to delete:
Bowling Green, Ky., VOR; Scotland, Ind., VOR; 60; Bowling Green.

V–243 is amended by adding:
Bowling Green, Ky., VOR; Lewis, Ind., VOR; 68; Bowling Green.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on April 18, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–5045; Filed, Apr. 29, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 7—Agency for International Development, Department of State

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 7 of Title 41 is amended as follows:

PART 7–6—FOREIGN PURCHASES

Subpart 7–6.52—U.S. Source Restrictions-Commodities

§ 7–6.5205 [Amended]

1. The list in the last paragraph of § 7–6.5205 is revised as follows:

(1) 000 United States, including the AID Regional Technical Aid Centers.
(2) --- Cooperating Country, identified, when applicable, by specific reference to the name and corresponding AID geographic code.
(3) 901 Limited Free World.
(4) 899 Free World.

PART 7–15—CONTRACT COST PRINCIPLES AND PROCEDURES

1. The Table of Contents for Part 7–15 is revised as follows: Add:

Sec. 7–15.102 Cost reimbursement supply and research contracts with concerns other than educational institutions. 7–15.102–50 State and local governments.

Subpart 7–15.1—Applicability

1. New § 7–15.102–50 is added as follows:

§ 7–15.102 Cost reimbursement supply and research contracts with concerns other than educational institutions.

§ 7–15.102–50 State and local governments.

Bureau of the Budget Circular No. A–87 dated May 9, 1968, sets forth principles for determining costs applicable to grants and contracts with State and local governments. These cost principles shall be used in all new grants and contracts, as well as any amendments to existing grants and contracts, with State or local governments which are executed after the effective date of this amendment.

PART 7–16—PROCUREMENT FORMS

Subpart 7–16.9—Illustrations of Forms

§ 7–16.952 [Amended]

1. The list at the end of paragraph (c) of General Provision Clause 17 of § 7–16.952 is revised as follows:

(1) 000 United States, including the AID Regional Technical Aid Centers.
(2) --- Cooperating Country, identified, when applicable, by specific reference to the name and corresponding AID geographic code.
(3) 901 Limited Free World.
(4) 899 Free World.

2. New paragraph (n) is added to General Provision 43 of § 7–16.952 as follows:

Reduced rates on U.S.-flag carriers are in effect for shipments of household goods and personal effects of AID contract personnel between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the bill of lading documentary evidence that the shipment is for the account of AID. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of households goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

§ 7–16.953 [Amended]

3. New paragraph (b) (14) is added to General Provision 6 of § 7–16.953 as follows:

(14) *Reduced rates on U.S.-flag carriers.* Reduced rates on U.S.-flag carriers are in effect for shipments of household goods and personal effects of AID contract personnel between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the bill of lading documentary evidence that the shipment is for the account of AID. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

4. The list at the end of paragraph (c) of General Provision Clause 13 of § 7–16.953 is revised as follows:

(1) 000 United States, including the AID Regional Technical Aid Centers.
(2) --- Cooperating Country, identified, when applicable, by specific reference to the name and corresponding AID geographic code.
(3) 901 Limited Free World.
(4) 899 Free World.

§ 7–16.954 [Amended]

5. New paragraph (b) (9) is added to General Provision 5 of § 7–16.954 as follows:

(9) *Reduced rates on U.S.-flag carriers.* Reduced rates on U.S.-flag carriers are in effect for shipments of household goods and personal effects of AID contract personnel between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the bill of lading documentary evidence that the shipment is for the account of AID. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

6. The list at the end of paragraph (c) of General Provision Clause 11 of § 7–16.954 is revised as follows:

(1) 000 United States, including the AID Regional Technical Aid Centers.
(2) --- Cooperating Country, identified, when applicable, by specific reference to the name and corresponding AID geographic code.
(3) 901 Limited Free World.
(4) 899 Free World.

This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: April 23, 1969.

FRED C. FISCHER,
Associate Assistant Administrator for Administration, Agency for International Development.

[F.R. Doc. 69–5120; Filed, Apr. 29, 1969; 8:48 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

SECURITY

This amendment to the AEC Procurement Regulations updates the standard security clause.

Section 9–7.5004–11, *Security*, is revised to read as follows:

§ 9–7.5004–11 Security.

(a) *Contractor's duty to safeguard Restricted Data, Formerly Restricted Data, and other classified information.* In the performance of the work under this contract, the contractor shall, in accordance with the Atomic Energy Commission's security regulations and requirements, be responsible for safeguarding Restricted Data, Formerly Restricted Data, and other classified information and protecting against sabotage, espionage, loss, and theft, the classified documents and material in the contractor's possession in connection with the performance of work under this contract. Except as otherwise expressly provided in this contract, the contractor shall, upon completion or termination of this contract, transmit to the Commission any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract. If retention by the contractor of any classified matter is required after the completion or termination of the contract and such retention is approved by the contracting officer, the contractor will complete a certificate of possession to be furnished to the Atomic Energy Commission specifying the classified matter to be retained. (Note A.) If retention is approved by the contracting officer, the security provisions of the contract will continue to be applicable to the matter retained.

(b) *Regulations.* The contractor agrees to conform to all security regulations and requirements of the Commission.

(c) *Definition of Restricted Data.* The term "Restricted Data," as used in this clause, means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act of 1954.

(d) *Definition of Formerly Restricted Data.* The term "Formerly Restricted Data," as used in this clause, means all data removed from the Restricted Data category under section 142 d. of the Atomic Energy Act of 1954, as amended.

(e) *Security clearance of personnel.* The contractor shall not permit any individual to have access to Restricted Data, Formerly Restricted Data, or other classified information, except in accordance with the Atomic Energy Act of 1954, as amended, and the Commission's regulations or requirements applicable to the particular type or category of classified information to which access is required.

(f) *Criminal liability.* It is understood that disclosure of Restricted Data, Formerly Restricted Data, or other classified information relating to the work or services ordered hereunder to any person not entitled to receive it, or failure to safeguard any Restricted Data, Formerly Restricted Data, or

any other classified matter that may come to the contractor or any person under the contractor's control in connection with work under this contract, may subject the contractor, its agents, employees, or subcontractors to criminal liability under the laws of the United States. (See the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011; 18 U.S.C. Sections 793 and 794; and Executive Order 10501, as amended.)

(g) *Subcontracts and purchase orders.* Except as otherwise authorized in writing by the contracting officer, the contractor shall insert provisions similar to the foregoing in all subcontracts and purchase orders under this contract.

NOTE A: The certification shall identify the items and types or categories of matter retained, the conditions governing the retention of the matter and the period of retention, if known.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 23d day of April 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 69-5100; Filed, Apr. 29, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1078—COMMUNITY ACTION PROGRAM POLICY AND EVALUATION

Chapter X of Title 45 of the Code of Federal Regulations is amended by adding a new Part 1078, reading as set forth above, and a new subpart, reading as follows:

Subpart—Standards for Evaluating the Effectiveness of Community Action Programs

Sec.
1078.1–1 Applicability of this subpart.
1078.1–2 Definitions.
1078.1–3 Policy.
1078.1–4 National standards of effectiveness.
1078.1–5 Setting local goals consistent with national standards.
1078.1–6 Procedures.
1078.1–7 Indicators of improvements in community response to poverty.

AUTHORITY: The provisions of this Part 1078 issued under sec. 233, 81 Stat. 704; 42 U.S.C. 2826.

Subpart—Standards for Evaluating the Effectiveness of Community Action Programs

§ 1078.1–1 Applicability of this subpart.

This subpart applies to all Community Action Agencies, Limited Purpose Agencies, and State Economic Opportunity Offices assisted by OEO under sections 221, 222, 230, 231, and 312 or the Economic Opportunity Act of 1964, as amended.

§ 1078.1–2 Definitions.

(a) *CAP program effectiveness.* The extent to which identifiable progress is being made toward achieving the basic purpose of Community Action, as cited in section 201(a) of the Economic Opportunity Act, and in the Statement of CAP Mission and Objectives (OEO Instruction 1105–1).[1]

(b) *CAP program quality.* The extent to which specific needed services or benefits are being provided efficiently and responsively to poor people by OEO-funded grantees and programs.

§ 1078.1–3 Policy.

(a) All CAP grantees and programs are subject to evaluation, both in terms of quality and in terms of effectiveness, as defined in § 1078.1–2. However, this subpart deals exclusively with program effectiveness. General standards of CAP program quality are included in a variety of CAP policy and program guidelines.

(b) Effectiveness in carrying out the mission of Community Action will be assessed on two levels:

(1) The extent to which the grantee as a whole or any of its individual programs is achieving the broad purposes set forth in the Economic Opportunity Act and the CAP Mission Statement.

(2) The extent to which the grantee or individual program is achieving, within the funding period, the more specific goals established locally, consistent with the broad national purposes.

§ 1078.1–4 National standards of effectiveness.

(a) The standards which can be applied uniformly on a national basis are limited by the very nature of Community Action, which emphasizes the development of local answers to local problems and conditions. The basic effectiveness standard which does apply to all grantees and all programs under sections 211, 222, 230, 231, and 312 of the Economic Opportunity Act is that they must be stimulating measurable improvement in the way their communities respond to the problems and needs of poverty. That is, community action programs and grantees must in fact be stimulating the better focusing of a range of resources on the goal of eliminating poverty. This means helping to build greater community understanding of the problems of poverty, increased community commitment to undertake the actions needed to deal with them, and strengthened community capacity to carry out such actions, whether in education, health, employment, housing, community or family services, legal protection, welfare or any other programs and activities which are relevant to the elimination of poverty.

(b) The basic standard of effectiveness is further divided into five parts, which represent five broad types of desired improvements in the community's responses identified in the CAP Mission Statement. Each community action grantee and program must produce or stimulate, during any funding period, some measurable improvement in the community's response to poverty in each of these five standards categories:

(1) Strengthened community capacity for planning and coordinating poverty-related programs;

(2) Better organization of a range of services related to the needs of the poor;

(3) Innovations and improvements in programs, institutional practices, laws, and regulations which increase opportunities for the poor;

(4) Increased and more effective participation by the poor in the planning and conduct of programs which affect their lives;

(5) Broadening of the base of human and material resources invested by the non-poor community in antipoverty activities;

(c) Section 1078.1–7 lists a representative sample of the kinds of improvements in community response which are indicators that these standards are being met. The lists in § 1078.1–7 are not exhaustive. They merely identify a range of constructive effects which have been or can be achieved through effective community action programs. It is unlikely that any single grantee will achieve all or even most of the improvements listed. It may, of course, achieve other improvements, not listed, which are equally valid indicators of improved community response.

(d) The range, depth, and speed of improvements will depend on local conditions, capabilities, and needs. Priorities and strategies will therefore differ from one community to the next, and may change over time in any single community. Since each community has a different potential for change, and since each community action program is at a different stage of development, the effectiveness of a grantee or program will be measured by improvements over previous performance in that community rather than by comparing different communities against a single absolute level of performance. The longer a grantee or program has been in operation, the greater will be the degree of improved community response expected from its current programs and activities. The general presumption is that there should be a continuing cumulative increase in the grantee's ability to produce or stimulate constructive effects in the community.

(e) Since the purpose of Community Action is to improve the community's response to poverty, the desired improvement in the focusing of resources should occur in the activities of other community groups and institutions outside the grantee organization. However, program effectiveness is determined also by a finding that grantee programs or actions significantly contributed to the improvements achieved in the response of other groups. Program effectiveness is thus judged both by the nature of the improvement, and the grantee's contribution to it.

[1] Not filed with the Office of the Federal Register.

§ 1078.1–5 Setting local goals consistent with national standards.

(a) Every CAP grantee is required to establish planning goals as part of its annual application process. The additional requirement established by this subpart is that such goals must be consistent with and directly related to the national standards of program effectiveness. This means that in addition to indicating how the grantee's programs will meet standards of program quality, grantee goals must indicate what specific improvements in the community's response to poverty the grantee will attempt to accomplish during the new funding period. In reviewing and approving grantee applications for funding OEO will be concerned not only with whether the grantee's goals are realistic and consistent with the grantee's overall strategy, but also with whether such goals are consistent with the basic community action purpose of stimulating a better focusing of the community's resources.

(b) In establishing planning goals, CAP grantees are subject to the following requirement:

(1) Every grantee goal must meet at least one of the five general national standards.

(2) Every grantee must establish a sufficient range of goals so that taken together they meet each of the five national standards.

(c) Local grantee goals may be more specific, locally tailored versions of one or more of the indicators listed in § 1078.–1–7 or of some other indicator which the OEO funding office approves as meeting one or more of the national standards. In any event, grantee goals must be specific as to both the character and the extent of the improvement in community response which should be accomplished during the funding period. Where suitable, goals should be stated in quantitative terms, but whether they use quantitative or other concrete measures, grantee goals should deal with the question of "how much" as well as with the quality and character of improvements to be achieved.

§ 1078.1–6 Procedures.

(a) CAP grantees should establish their local goals consistent with the national standards of program effectiveness as part of their regular grant application process. Local goals should be identified, and the strategy for attaining them should be discussed, in the grantee's Plans and Priorities form (CAP Form 81)[1] and Program Account Work Program forms (CAP Forms 7 and supplementary or alternative Forms 7a–7i).[1] Instructions for completing these forms are found in OEO Instruction 6710–1[1] and subsequent instructions in the 6710 series.

(b) Local goals established for the funding period and subsequent years will be reviewed and approved by the OEO funding office as part of the grant approval process. These goals, consistent with national standards, will then form the basis against which the effectiveness of the grantee's programs will be evaluated.

§ 1078.1–7 Indicators of improvements in community response to poverty.

(a) *Strengthened community capacity for planning and coordinating poverty-related programs.* (1) Development and dissemination of more accurate information about the problem, conditions, and causes of poverty.

(2) Improved information on and evaluation of the impact and effectiveness of poverty-related programs.

(3) Greater and more effective exchange of information among agencies dealing with poverty-related problems.

(4) Increased allocation of staff and fiscal resources to antipoverty planning.

(5) Increased pooling and interchange of planning staffs and other resources among poverty-related agencies.

(6) Increased joint planning of poverty programs.

(7) Improved mechanisms for both formal and informal working contacts among agencies with related antipoverty responsibilities.

(8) Better division of labor and responsibilities among antipoverty agencies.

(9) Increased communication and cooperation between public and private poverty-related agencies.

(10) Increased joint funding and operation of poverty programs by agencies with related responsibilities.

(b) *Better organization of a range of services related to the needs of the poor.* (1) Decentralization of services to low-income neighborhood locations.

(2) Relocation of related services to common or nearby sites.

(3) Establishment of programs which fill significant services gaps, and elimination of duplicative services.

(4) Operation of related service programs so that each supports the other in helping the poor solve a combination of individual or family problems.

(5) Changes in hours and methods of operation which increase utilization of services by poor people.

(6) Improved information and publicity about available services.

(7) Improved outreach, intake, and followup to maximize full use and benefit from available services.

(c) *Innovations and improvements in programs, institutional practices, laws, and regulations which increase opportunities for the poor.* (1) Implementation of new program concepts, designs, and techniques which increase the accessibility, quality, relevance, and effectiveness of services for the poor.

(2) Modification of eligibility and other rules to assure maximum use of services by those who need them.

(3) Improved incentives to service beneficiaries to move from dependency to self-sufficiency.

(4) Improved and expanded employment opportunities for the poor:

(i) Modification of State and local civil service laws and regulations, as well as private employment practices, to remove arbitrary requirements for prior education and experience which exceed the actual demands of the job, or where necessary skills could be readily acquired through on-the-job training.

(ii) Increasing use of nonprofessionals to perform functions, otherwise performed by professionals, for which professional qualifications are not necessary.

(iii) Establishment of career development programs through which nonprofessionals can advance to positions of greater responsibility and higher pay through in-service training, education incentives, and other aids to self-improvement.

(iv) Elimination of automatic disqualification from employment because of arrest or bad credit records, or because of previous conviction of crime where the crime was not serious or has no connection to the nature of the position.

(v) Enactment and better enforcement of equal employment opportunity measures.

(vi) Increased active recruitment among the poor and minority group members for supervisory as well as entry level positions.

(5) Increased protection of the rights of poor people as consumers:

(i) Strengthening and improved enforcement of housing codes.

(ii) Enactment and stronger enforcement of open housing measures, and adoption of nondiscriminatory practices by real estate brokers.

(iii) Improved relocation assistance, fair compensation for replacement of property, and provision of increased low-income housing in urban renewal and other housing programs.

(iv) Elimination of discriminatory pricing, merchandising, and credit practices in low-income neighborhoods.

(6) Improved administration of justice and law enforcement:

(i) Provision of adequate and competent counsel for low-income residents.

(ii) Elimination of discriminatory bail/bond requirements.

(iii) Inclusion of low-income and minority group members on juries.

(iv) Elimination of discriminatory sentences for poor persons convicted of crimes.

(v) Improved police-community relations and elimination of discriminatory policy practices in low-income areas.

(d) *Increased and more effective participation by the poor in the planning and conduct of programs which affect their lives.* (1) Development and strengthening of neighborhood-based and target area organizations of low-income residents addressing a broad range of problems and issues.

(2) Development and strengthening of organizations of low-income participants or beneficiaries of specific service programs:

(i) Welfare rights groups.

(ii) Parent-school organizations.

(iii) Youth groups.

[1] Not filed with the Office of the Federal Register.

(3) Development and strengthening of economic self-help organizations:

(i) Production and marketing cooperatives.

(ii) Buyers clubs.

(iii) Credit unions.

(iv) Neighborhood improvement and low-income housing organizations.

(v) Private business enterprises owned and operated by organizations of low-income people.

(vi) Day-care cooperatives for working mothers.

(4) Development and strengthening of indigenous leadership in the low-income community and in organizations of poor people.

(5) Increased and more productive communication and consultation between organizations of the poor and the public and private institutions which serve the poor.

(6) Increased authority, responsibility, and administrative capability for organizations of the poor:

(i) Delegation to such organizations of policy-making or operating authority for poverty-related programs.

(ii) Delegation to such organizations of policy-making or operating authority for nonpoverty programs.

(iii) Provision to such organization of discretionary funds to plan, develop, and conduct programs of their choice.

(7) More active and widespread participation by individual residents and poor people in both low-income organizations and in other community, neighborhood, civic, and school organizations.

(8) Greater understanding and exercise by the poor of their rights and privileges as citizens.

(9) Greater and more meaningful representation by the poor on the governing and/or advisory boards of public and private agencies.

(10) Increased employment of low-income people by public and private agencies in positions of responsibility through which they can influence the character and quality of programs serving the poor.

(e) *Broadening of the base of human and material resources invested by the nonpoor community in antipoverty activities.* (1) Increased support by nonpoor groups and individuals from programs and measures needed to deal with poverty problems.

(2) Expansion of and improvements in public community services for residents of low-income areas:

(i) Police and fire protection.

(ii) Public transportation.

(iii) Garbage collection and street cleaning.

(iv) Education.

(v) Recreation.

(vi) Library services.

(3) Redirection of public or private agency programs to focus more resources on the needs of the poor.

(4) Increased local or state appropriations and revenue for antipoverty programs.

(5) New or increased (non-OEO) Federal funds in the community for antipoverty programs.

(6) Absorption by local or state public or private agencies of costs of established antipoverty originally financed with OEO or other Federal funds.

(7) Increased provision of volunteer time and services to antipoverty programs by individuals or organizations:

(i) Professionals and professional societies.

(ii) Civic associations.

(iii) Women's groups.

(iv) Fraternal orders.

(v) Business organizations.

(vi) Student groups.

(vii) Private individuals.

(8) Increased development and provision by private industry of job training and placement programs for low-income persons.

(9) New and increased investment by private industry in job-creating enterprises in low-income areas.

(10) Provision of administrative and programmatic incentives to encourage increased or sustained commercial and industrial investment in low-income areas.

(11) Elimination of discriminatory practices which withhold regular private loan capital from members of minority groups wishing to invest in commercial enterprises in low-income areas.

Effective date. This subpart shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69-5086; Filed, Apr. 29, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18390; RM-1354; FCC 69-437]

PART 73—RADIO BROADCAST SERVICES

Television Table of Assignments, New Orleans, La.

1. We here consider the rule making to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) to change the educational noncommercial reservation from Channel 8 to Chanel 12 at New Orleans, La., and the simultaneous modifications of the licenses of Stations WYES-TV (now Channel *8) and WVUE (now Channel 12). This proceeding was instituted by a joint petition of The Greater New Orleans Educational Television Foundation, Inc., and Screen Gems Broadcasting of Louisiana, Inc.,[1] the respective licensees of these stations. A notice of proposed rule making was adopted November 26, 1968 (FCC 68-1148). Timely comments were filed by the petitioners (jointly) and Romac Baton Rouge Corporation (Romac), the permittee of Station WRBT, UHF Channel 33, Baton Rouge. The Foundation and Screen Gems also filed joint reply comments to Romac's comments in opposition. Romac did not file reply comments.

2. We adopted the notice because it appeared that the public interest, convenience, and necessity might be served because of mutual benefits that would be derived from the interchange. On the one hand, the Foundation, licensee of ETV Station WYES-TV, would (1) be given an enhanced facility without cost to it, (2) have its operating cost reduced through subsidy, and (3) receive $700,000 in cash over a 4 year period. On the other hand, Screen Gems, licensee of Station WVUE, would be able to obtain a channel without the need to provide equivalent protection to the north and east (the direction of New Orleans population growth), thus enabling it to become more competitive with Stations WWL-TV (CBS) and WDSU-TV (NBC). The change would also increase the competitive equality of ABC in a major market. In the latter respect, Screen Gems would be able to provide service including ABC network programing and material of a local nature (e.g., news) to areas beyond the New Orleans Metropolitan Area where it is now unable to serve because of the protection it must give to cochannel Station WJTV, Jackson, Miss. This is necessitated by the mileage separation shortage between WVUE and WJTV (about 30 miles less than the 190 miles required by section 73.610(b)).[2] Thus, WVUE would become more competitive with Stations WWL-TV and WDSU-TV.[3]

[1] Hereafter sometimes referred to as the "Foundation" and "Screen Gems."

[2] For background and history, see memorandum opinion and order, Docket No. 13340, adopted Dec. 6, 1961, 21 R.R. 1710a, 1710f; and New Orleans Television Corp., 23 R.R. 1113, aff'd sub nom. Capitol Broadcasting v. FCC, 324 F 2d 402 (C.A.D.C.).

[3] The following material from the current *Television Factbook* (No. 38) and the ARB *1968 Television Market Analysis* is pertinent:

	Network hourly rate	Total households	TV homes	Net weekly circulation	Average daily circulation
WVUE	[illegible]	510,500	473,100	371,200	245,600
WWL-TV	1,150	607,000	555,400	428,100	312,800
WDSU	1,400	602,400	516,200	438,100	323,700

3. The benefits to the Foundation flow from an agreement with Screen-Gems, contingent on the reassignment and appropriate license modifications being made. Screen Gems would (a) lease to the Foundation the Chalmette Tower from which Station WVUE transmits, for 99 years at $50 per month; (b) contribute $700,000 to the Foundation over about a 4 year period; (c) reimburse the Foundation for operating expenses (up to 145 man hours per week for transmitter operations, and repairs and maintenance, which is estimated at a value of $35,000 per year); (d) give WYES-TV much transmitting equipment and install other equipment at the new site; and (e) make available to the Foundation at no charge certain documentary programing suitable for educational broadcast use to which Screen Gems, Inc., the parent of the licensee of Station WVUE, has television rights in the New Orleans market. The Foundation also referred to its "plight" which it anticipated would worsen. The Foundation's contentions are briefly set forth below.

4. While Station WYES-TV has operated at maximum power (316 kw.) since September 16, 1965, it does not provide satisfactory service because its antenna atop the Hibernia Bank Building in downtown New Orleans is only 400 feet above average terrain. This inadequacy will increase because present buildings and proposed construction in the immediate vicinity are and will be at greater heights. The Foundation's desire to obviate this problem and to provide better service including color broadcast (the latter alone at an estimated cost of at least $1.8 million) is unlikely to reach fruition in the light of the lack of an increased funding over the years. It received $238,644 in supporting contributions and operating revenues in 1967;[4] $264,621 in fiscal 1966; $197,496 in fiscal 1965; $313,727 in 1964; $245,068 in 1963; and $221,948 in 1962. During these fund raising campaigns, an oft-repeated inquiry is when would the station commence regular color broadcasting. This fluctuation of receipts, the Foundation says, has precluded planning an expanded operation each successive year. If the exchange is permitted, however, the immediate benefits are a $4,200 per year saving for rent, about $35,000 per year for costs of operation, $700,000 cash over a 4-year period, and, more importantly, an improved broadcasting facility serving a greater area and population with the capability to broadcast in color. The Foundation feels that in these circumstances it will be better able to fulfill its role as an ETV outlet in one of the South's outstanding centers of higher education[5] and an area of substantial growth.[6] As concerns WYES-TV's needs and opportunities, the Foundation points to New Orleans as a center of education and cultural organizations, musicians, world trade associations, and a famous mecca for tourists. The Foundation feels that a number of tangible benefits to it would result, including additional production facilities and program personnel available because of the cash and operating-cost payments. It would be able to supplement programing with its own productions, and it would have an opportunity to develop innovative programing. Station WYES-TV's management and staff, in a statement entitled "Areas of Future Programing Interest", contemplate various specified significant program undertakings which cannot be broadcast with present staff, time, and monetary limitations. The Foundation urged that the acquisition of better technical facilities and the availability of additional financing would enable Station WYES-TV in large measure to attain the hallmarks of what the Carnegie Commission on Educational Television stated are needed by ETV stations generally; see Public Television, A Program for Action, pp. 34, 79, and 91. Station WYES-TV, in this respect, would qualify as a "key station", one located in a large metropolitan area capable of producing an hour per week of national programing in color and 10 hours of local and exchange programing in color (id., p. 141).

5. If the proposed change is made, the coverage of both stations, compared to present service, would be enhanced. For Station WYES-TV it would be:

	Present	Proposed
Grade A:		
Area	2,364 square miles	3,527 square miles.
Population	937,031	908,031.
Grade B:		
Area	5,986 square miles	7,304 square miles.
Population	1,125,909	1,224,385.

The comparable showing of Station WVUE is as follows:

	Present	Proposed
Grade A:		
Area	3,527 square miles	4,838 square miles.
Population	908,031	1,942,218.
Grade B:		
Area	7,304 square miles	8,923 square miles.
Population	1,224,385	1,280,687.

6. Romac, the Baton Rouge UHF permittee (CP for WRBT granted June 15, 1968), opposes the shift in assignments because of alleged economic impact on WRBT's position as a UHF station competing with VHF stations. It is asserted that the change is not compatible with the Commission's expressed policy of fostering the expanded use of UHF channels. Romac contends that part of the area it proposes to serve is where Station WVUE would gain most, and, thus, there would be direct competition for revenues, listening audience, and network program material. Romac says that its success or failure is largely dependent on a network affiliation which the proposed change would materially lessen because of the increased coverage of the Baton Rouge market by Station WVUE. It is asserted that, with the two Baton Rouge VHF stations having network affiliations, and the proposed increase in coverage of the Baton Rouge market by WVUE as proposed here and by the Houma Channel 11 permittee as proposed in Docket 17446, et al (which Romac also opposes), the networks will have all the coverage in the area they need and WRBT will be "left out in the cold" as far as network programing is concerned.[7]

7. The Foundation and Screen Gems argue that the increment and amount of overlap are small, and an amount which as between network affiliates is not unusual (citing a number of examples including the Baton Rouge CBS and NBC affiliates with their counterparts at New Orleans, Lafayette, and Alexandria, Louisiana). Moreover, Screen Gems and the Foundation urge that the change in overlap is only coincidental to a nondirectional operation on Channel 8 to equalize Station WVUE's position with that of Stations WWL-TV (CBS) and WDSU-TV (NBC) without any "intent [ion] to invade the Baton Rouge market."[8] The overlap between WVUE and WRBT is shown as an area of 1,423 square miles with 101,968 persons as com-

[4] The total funds for support for 1967 was $433,484. The source of the remainder is not stated.

[5] Accredited collegiate and graduate schools include: Tulane University; Loyola University; Louisiana State University in New Orleans; H. Sophie Newcomb College for Women; St. Mary's Dominican College; Dillard University; Xavier University; Southern University; Delgado College; Tulane University Medical School; and the Medical School of Louisiana State University. There also are more than 380 private, parochial, public, and business schools in metropolitan New Orleans.

[6] The 1960 Census reports an SMSA population of 868,480. It was 685,405 in 1950. According to Sales Management Survey of Buying Power (June 1968), it had increased to 1,075,400 as of Dec. 31, 1967.

[7] The two Baton Rouge VHF stations are respectively CBS and NBC affiliates, each also secondarily affiliated with ABC. The three networks also have New Orleans affiliates, WVUE being affiliated with ABC.

[8] The Foundation and Screen Gems urge that the extent of Grade B overlap which would exist between WVUE and WRBT (with its authorized facilities) is much less than that between the CBS and NBC New Orleans and Baton Rouge affiliates. It is asserted that the Grade B contours of the two CBS affiliates reach the city limits of the other city; and that the situation of the two NBC affiliates is similar. These statements appear, from the maps contained in the petition and comments herein, to be generally correct; however, it appears that the proposed WVUE Grade B contour would lie about as far toward Baton Rouge as does that of WDSU-TV (New Orleans NBC). It is also pointed out that the coverage areas of the two Baton Rouge stations overlap those of CBS and NBC-affiliated stations elsewhere (at Lafayette and Alexandria, La., respectively). WVUE's chief coverage gain would be to the north, toward Jackson; toward Baton Rouge, roughly west-northwest, the Grade B contour would lie some 6 miles closer to Baton Rouge than it is now.

pared to the "present" overlap in an area of 1,032 square miles and 66,805 persons. As to Station WRBT, the increases are 6 percent in area (from 15.8 percent to 21.8 percent) and 6.5 percent in population (12.4 percent to 18.9 percent.)[9] However, these figures do not necessarily represent the actual coverage picture, since Romac is presently seeking to get much greater coverage by locating on the tower of one of the Baton Rouge VHF stations. So operating, WRBT would have a much larger coverage area, more nearly comparable to those of the two existing Baton Rouge stations, with which it would be in a better position to compete. According to its recent application for more time to construct (BMPCT–6947), Romac is negotiating with ABC concerning an affiliation.

CONCLUSIONS

8. The Commission, as is well known, has been and is concerned with any change in VHF station assignments or facilities which might have an adverse effect on UHF development. Nevertheless, we cannot find here the substantial likelihood of serious impact which would warrant denial of the proposal before us, with its obvious public-interest benefits. The area which WRBT will serve, either as now authorized or with the increased facilities which it contemplates, is and long has been one of multiple VHF signals, from stations in Baton Rouge and elsewhere.[10] The adverse effect in this situation of increased coverage toward Baton Rouge by WVUE—which is the only impact involved here—is at most speculative, compared to the clear public benefit which will result from permitting WVUE and WYES–TV to exchange facilities. The fairly small improved coverage which WVUE will have in the area toward Baton Rouge is incidental to improved service which both it and WYES–TV will render in the area around New Orleans. In these respects the situation here is similar to that considered in Atlantic Television Corporation (WECT), 3 F.C.C. 2d 442, 7 R.R. 2d 297 (1966), affd sub nom. Lee v. FCC, 374 F 2d 259 (C.A.D.C., 1967), and a similar result is indicated. It is also to be observed that in part Romac's opposition to the present proposal is based on the assumption that not only WVUE but also KHMA, the Houma Channel 11 station, will increase service in areas close to Baton Rouge. The Houma application to move to a location closer to that city has been vigorously opposed (by Romac and others) and is the subject of a pending hearing proceeding; it would be inappropriate to base a decision here on the assumption that it will be granted.

[9] In terms of WVUE's coverage area, the area increase would be only 1.8 percent (14.1 to 15.9 percent) and there would be a population percentage decrease (8.5 to 7.9 percent).

[10] With respect to ABC service in particular, we note that Station KALB, Lafayette (Channel 3), an ABC primary affiliate, provides a Grade B signal out of a distance just short of Baton Rouge; Alexandria and Monroe-West Monroe stations provide some ABC programing to the potential WRBT coverage area.

In any event, WRBT will be the third station in a sizable market, and (particularly with the larger facilities it appears to contemplate) will be able to bring additional service to large areas and populations not now receiving ABC service on a primary-affiliate basis.[11] While the Commission, of course, does not determine network affiliations, we do not find persuasive Romac's contention that the present action constitutes a substantial threat to its getting an affiliation which would otherwise be available.

9. We conclude that the proposed interchange of the ETV reservation from Channel 8 to 12 at New Orleans will serve the public interest, convenience, and necessity. ETV Station WYES–TV would be able to overcome the fundamental limitations that now bar its ability to provide adequate service, limitations which, it appears, would otherwise exist in large part for a long time to come. While the Screen Gems-Foundation agreement will not completely obviate the financial difficulties of WYES–TV, its ability to do more should enhance the likelihood of support from the community at large and local groups interested in ETV programing—foundations, school boards, and institutions. Thus, clear benefit outweighs whatever speculative possibility of harm to WRBT may be involved. We need not again elaborate on the benefits accruing to Station WVUE and the ABC network. Authority for the amendment adopted is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

10. In view of the foregoing: *It is ordered*, That, effective June 2, 1969, the Television Table of Assignments (section 73.606(b)) of the Commission's rules and regulations is amended, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
New Orleans, La.	4†, 6†, 8, *12, 20, 26, *32, 38

It is further ordered, That also effective June 2, 1969:

(a) The license of Station WYES–TV, licensed to The Greater New Orleans Educational Foundation, Inc., is modified to specify operation on Channel *12 with the same technical specifications (i.e., location and height and power) and subject to the same engineering conditions Screen Gems Broadcasting of Louisiana, Inc., licensee of Station WVUE, presently operates on Channel 12;

(b) The license of Station WVUE, licensed to Screen Gems Broadcasting of Louisiana, Inc., is modified to specify operation on Channel 8 in accordance with specifications to be issued by the Commission; and

(c) Both Stations WVUE and WYES–TV are granted temporary authority to operate with present facilities until such time as Screen Gems commences to operate on Channel 8.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 23, 1969.

Released: April 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–5132; Filed, Apr. 29, 1969; 8:49 a.m.]

[11] Baton Rouge is ranked in Television Factbook (1968–1969 edition) as the nation's 84th market in net weekly circulation (89th in primary circulation, 92d in total homes and 94th in TV homes). The 1960 U.S. Census ranks it as the 88th urbanized area and 109th SMSA.

[12] Commissioners Bartley and Robert E. Lee absent; Commissioner Johnson concurring in result.

[Docket No. 18222; FCC 69–438]

PART 73—RADIO BROADCAST SERVICES

Certain FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202, table of assignments, FM broadcast stations. (Blairstown Township, N.J., Lexington, Mo., Knox, Ind., North Syracuse, N.Y., Williamsport, Md., Ukiah, Calif., and New Castle, Ind.) Docket No. 18222; RM–1283, RM–1284, RM–1285, RM–1292, RM–1293, RM–1294, RM–1295.

1. The Commission has before it for consideration its notice of proposed rule making, issued in this proceeding on June 21, 1968, FCC 68–651, and published in the FEDERAL REGISTER on June 26, 1968 (33 F.R. 9348), inviting comments on a number of changes in the FM Table of Assignments proposed by various interested parties. In a previously issued first report and order, FCC 68–881, all petitions except for RM–1293, Ukiah, Calif., were disposed of. The subject decision concerns the remaining petition. All population figures, unless otherwise stated, are from the 1960 U.S. Census. All duly filed comments and data were considered in making the following determination.

2. On April 22, 1968, a petition was filed jointly by Daniel S. Cubberly and Elma J. Cubberly, requesting substitution of Channel 277 for Channel 228A at Ukiah, Calif., as follows:

City	Channel No.	
	Present	Proposed
Ukiah, Calif.	228A, 233	233, 277

Ukiah, population 9,900, is the largest community in Mendocino County, which has a population of 51,059. Ukiah has one AM station, a Class IV, licensed to petitioners. FM Channel 233 is in operation and the petitioners hold a construction permit for Channel 228A (KUKI–FM). An order is also requested to modify the construction permit for KUKI–FM to specify operation on Channel 277 in lieu of Channel 228A.

3. In support of the proposed substitution of Channel 277 for 228A, the petitioners show that the proposal would conform to the separation requirements of the rules. It is claimed that, due to the nature of northern California and the distribution therein of population and communities, a Class B assignment is necessary to meet the coverage conditions and adequately serve the public. The petitioners assert that no FM service is available in the area, except as may be provided by Ukiah-based facilities, and that other communities in the region are too small to support an FM station. The petitioners urge that Class A FM facilities at Ukiah could not reach the cities and rural populations in the area because of power and height limitations. They therefore conclude that the only practical solution for reliable service in the area is by allocation of Class B FM facilities to Ukiah. The proponents cite the Commission's action of partially recognizing the above-described situation by substituting Class B Channel 233 for Channel 232A at the request of another FM permittee in Ukiah and contend that the instant proposal would eliminate the problem of mixing Class A and B channels in the same community resulting from that action.

4. Opposition to the petition was filed by J & W Broadcasters, Ukiah,[1] who states that the petition does not contain the showings required by the Commission's statement of policy on FM assignments.[2] Additionally, J & W contends that adoption of the proposal would result in increased concentration of control of mass media of communications in Ukiah, since petitioner is also licensee of full-time Station KUKI (Class IV), the only AM station operating in Ukiah. Accordingly, it is argued that the proposal runs counter to the intent of the pending rule making proceeding in Docket No. 18110.[3]

5. In petitioners' reply to the opposition, it is submitted that the proposed assignment would not preclude use of channels in any feasible place; and that, since the proposal is for substitution of a Class B channel for a Class A, the "white" area principles are not applicable here, but, assuming that they were, a second Class B assignment would be appropriate in view of the rugged terrain and need for broad coverage in the area outside of Ukiah. Petitioners claim that the proposed rules in Docket No. 18110 are not applicable to existing stations and, therefore, its citation here is inappropriate.

6. Our study of petitioners' preclusion showing, filed in response to our request in the notice, reveals that assignment of Channel 277 at Ukiah would develop areas of impact on Channels 276A, 277, 278, and 280A containing 12 communities with populations greater than 2,500 persons without an FM assignment.[4] However, our further analysis indicates that other channels are presently available for assignment to the communities so affected, should a future need develop. Our study also supports the petitioners' contention that (assuming reasonable facilities for proposed and existing assignments as well as operating stations in the area) the anticipated Class B operation would provide a substantial increase in "gray area" gain over that which could be provided by its presently authorized Class A facility.[5]

7. We have carefully considered petitioners' proposal and the opposition's contentions relative thereto and we conclude that substitution of a Class B channel for the Class A channel at Ukiah would serve the public interest. The preclusion aspect of the assignment is favorable, by virtue of other channel availabilities in the impact areas. The substitution would also eliminate the technical and competitive disparity that results from Class A and B channels operating in the same community. Moreover, the assignment would make it possible to provide a substantial rural and mountainous area with a second FM service ("gray area"). In view of the isolated nature of the area from other services (the nearest other FM assignments to Ukiah are two Class A channels about 38 miles distant), assignment of two Class B channels to the community with an approximate population of 10,000 appears warranted.

8. The contention of J & W Broadcasters that assignment of Channel 277 to Ukiah would run counter to the intention of the rule making proceeding in Docket No. 18110, in which it is proposed to limit ownership of full-time broadcast stations to one in a market, is incorrect. That proceeding, as petitioners state, is prospective and not retrospective in nature. It applies to existing licensees only if they desire to assign or transfer control of their licenses or acquire additional facilities. It does not apply to increases in facilities.[6]

9. The instant proposal, involving as it does the substitution of a Class B for a Class A channel at Ukiah and modification of petitioners' construction permit to specify operation on the former instead of the latter channel, is in essence an application to increase facilities. As such, it does not fall within the purview of the interim policy unless there are countervailing considerations. None have been shown. Thus, the pendency of the rule making proceeding in Docket No. 18110 has no effect here.

10. In view of the foregoing, we are amending the Table by substituting Channel 277 for Channel 228A at Ukiah, Calif., and modifying the KUKI–FM construction permit accordingly.

11. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

12. In accordance with the determination made above: *It is ordered*, That effective June 2, 1969, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the community named is concerned, as follows:

City	Channel No.
Ukiah, Calif.	233, 277

13. *It is further ordered*, That, effective June 2, 1969, the outstanding construction permit of Daniel S. Cubberly and Elma J. Cubberly, Joint Tenants, for the construction of Station KUKI–FM on Channel 228A at Ukiah, Calif., is modified to specify operation on Channel 277 in lieu of Channel 228A, subject to the following condition:

(a) The permittee shall submit to the Commission by June 2, 1969, technical information conforming with the rules of the type normally required for the issuance of a construction permit on Channel 277.

14. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 23, 1969.

Released: April 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–5133; Filed, Apr. 29, 1969; 8:49 a.m.]

[1] J & W Broadcasters was the permittee of FM Class B Station KLIL, Ukiah, at the time of its opposition. On Nov. 15, 1968, subsequent to all comments filed in this proceeding, an assignment of the KLIL(FM) construction permit was granted to K–LIL, Inc.

[2] See Public Notice, "Policy to Govern Requests for Additional FM Assignments" FCC 67–577, 9 R.R. 2d 1245.

[3] Rules proposed in Docket No. 18110, FCC 68–332, 33 F.R. 5315 (1968), would, inter alia, preclude grant of an FM license to a party licensed an unlimited-time AM station in the same market.

[4] As noted by opposition, the showing did not reflect the differences in spacing requirements for Zones IA and II. Our evaluation here is based on appropriate corrections to petitioners' showing.

[5] See further notice of proposed rule making, RM–1034, Docket 17095, FCC 67–665 (June 1967), for what are considered acceptable criteria for such determinations.

[6] In a memorandum opinion and order adopted in Docket No. 18110 on May 15, 1968, we clarified numerous questions about the interim policy that would be followed with regard to applications filed during the pendency of the proceeding and falling within the scope of the proposed rules. In paragraph 32 of that document, 13 F.C.C. 2d 912, 918, we stated the following:

If a party is the licensee of two or three full-time stations in the same market, e.g., licensee of an AM, an FM, and a TV station, would an application to increase the facilities of one or more of the stations be subject to the interim policy? No. The proposed rules, if adopted, would not require divestiture of existing facilities. Thus, multiple licensees of full-time facilities in the same market would be "grandfathered in." Since such multiple ownership would be permitted, it would be permissible for a multiple owner to apply for increased facilities of a station, assuming no countervailing considerations are present.

[7] Commissioners Bartley and Robert E. Lee absent.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

BLUE RIDGE PARKWAY, N.C.-VA.

Fishing, Bicycles, and Boating

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), the Act of June 30, 1936 (49 Stat. 2041; 16 U.S.C. 460a–2 as amended), 245DM.1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southeast Region Order No. 4 (31 F.R. 8135), as amended, it is proposed to amend § 7.34 of Title 36 of the Code of Federal Regulations as is set forth below.

The purpose of this amendment is to delete materials which are duplicated in the general regulations applicable to the areas of the National Park System, to amend the regulations on fishing, and to add regulations concerning bicycles and boating.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Blue Ridge Parkway, Post Office Box 1710, Roanoke, Va. 24008, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.34 is amended as follows:

§ 7.34 Blue Ridge Parkway.

(a) Speed. [Revoked]

(b) Fishing. (1) Fishing is prohibited from one-half hour after sunset until one-half hour before sunrise.

(2) Fishing from the dam at Price Lake or from the footbridge in Price Lake picnic area in Watauga County, N.C., and from the James River Parkway Bridge in Bedford and Amherst Counties, Va., is prohibited.

(3) The following waters are subject to the restrictions indicated:

(i) *North Carolina.* Basin Creek and its tributaries in Doughton Park; Trout Lake in Moses H. Cone Memorial Park; Ash Bear Pen Pond, Boone Fork River, Cold Prong Branch, Laurel Creek, Price Lake, Sims Creek, and Sims Pond in Julian Price Memorial Park; Camp Creek and Linville River in Linville Falls Recreation Area.

(a) On all of the above designated waters in North Carolina the use of bait other than artificial lures having a single hook is prohibited, except that on Basin Creek and its tributaries and Boone Fork River from Price Lake Dam downstream to the Parkway boundary the use of bait other than single hook artificial flies is prohibited.

(b) On all of the above designated waters in North Carolina the daily creel and size limits shall be posted around the lake shore lines and along the stream banks.

(ii) *Virginia.* Peaks of Otter Lake in Bedford County, Va.

(a) On the above designated water in Virginia the use of bait other than artificial lures having one single hook is prohibited.

(b) On the above designated water in Virginia the daily creel and size limits shall be as posted on the lake shore line.

(4) Prohibited bait in waters in (3) (i) and (ii) above: Possession of or use as bait of fish eggs, small fish or minnows, insects, worms, and other similar organic bait or parts thereof adjacent to, on, or in streams or lakes while in possession of fishing tackle is prohibited.

(c) Fishing license. [Revoked]

* * * * *

(e) [Revoked]

* * * * *

(i) [Revoked]

(j) [Revoked]

(k) Bicycles. The use of bicycles on trails of the Blue Ridge Parkway is prohibited, except on those trails designated for bicycle use by posted signs.

(l) Boating.

(1) The use of any vessel, as defined in § 3.1 of this chapter, on the waters of the Blue Ridge Parkway is prohibited except on the waters of Price Lake.

(2) Vessels using Price Lake shall be restricted to vessels propelled solely by oars or paddles.

(3) Vessels using Price Lake may be launched only at established or designated ramps and shall be removed from the water from the night. Campers shall remove their vessels from the water to their campsites at night.

GRANVILLE B. LILES,
Superintendent,
Blue Ridge Parkway.

[F.R. Doc. 69–5084; Filed, Apr. 29, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

HAZARDOUS OCCUPATIONS IN AGRICULTURE

Vocational-Agriculture Training Exemption

Pursuant to section 3(1) and 13(c)(2) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(1), 213(c)(2)), and Reorganization Plan No. 2 of 1946 (3 CFR 1946–48 Comp., p. 1064), it is proposed to grant certain exemptions from § 1500.71(b) of Title 29, Code of Federal Regulations, to children at least 14 years of age who have received training in the safe use of tractors and farm machinery under the programs of the U.S. Department of Health, Education, and Welfare's Division of Vocational and Technical Education by amending § 1500.70 of that title to add a new paragraph (g) as set out below.

Any interested person may present written data, views, or argument concerning the proposal to the Director of the Bureau of Labor Standards, U.S. Department of Labor, 400 First Street NW., Washington, D.C. 20210, within 30 days after this document is published in the FEDERAL REGISTER.

The proposed new paragraph (g) is as follows:

§ 1500.70 General.

* * * * *

(g) *Vocational-Agriculture Training Exemption.*

(1) To the extent provided in subparagraphs (2) or (3) of this paragraph (g) the findings and declarations of fact made in § 1500.71(b) shall not apply to children who have been instructed by their employer on the safe and proper operation of the specific equipment they are to use, and over whom he maintains close supervision where feasible, or, where not feasible in work such as cultivating, the employer or his representative checks on each child's safety at least mid-morning, noon, and mid-afternoon.

(2) With respect to the occupations identified in subparagraph (5) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to any child when the requirements of subparagraph (1) of this paragraph (g) and each of the following requirements are met:

(i) The child is 14 years of age, or older.

(ii) The child is familiar with the normal working hazards in agriculture.

(iii) The child has completed a 15-hour training program which includes the following units from the Vocational Agriculture Training Program in Safe Tractor Operation outlined by the Division of Vocational and Technical Education of the U.S. Department of Health, Education, and Welfare:[1]

(a) Pre-operating procedures.

(b) Adjustments to meet operating needs.

(c) Starting and stopping tractor engine.

(d) Controlling movement.

(e) Hitching to tractor operated equipment.

(f) Operating under field conditions.

(g) Operating under highway conditions.

(h) Unhitching equipment.

(i) Refueling.

(iv) The child has passed both the written and practical tests on tractor safety (the practical test must include demonstrating his ability to operate a tractor safely with a two-wheeled trailed implement on the test course included in the Vocational Agriculture Training Program in Safe Tractor Operation outlined by the Division of Vocational and Technical Education of the U.S. Department of Health, Education, and Welfare.)

(v) His employer has on file with the employee's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and signed by the Vocational-Agriculture teacher who conducted the course to the effect that he has completed all the requirements specified in subdivisions (i) throug (iv) of this subparagraph.

(3) With respect to the occupations identified in subparagraphs (5), (6), (7), (8), (9), and (10) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to any child when the requirements of subparagraph (1) of this paragraph (g) and each of the following requirements are met:

(i) The child satisfied all the requirements of subparagraph (2) of this paragraph.

(ii) The child has completed an additional 10-hour training program which includes the following units from the Vocational Agriculture Training Program in Safe Farm Machinery Operation outlined by the Division of Vocational and Technical Education of the U.S. Department of Health, Education, and Welfare:

(a) Importance of Farm Machinery Safety.

(b) Safety Practices Common to all Farm Machinery Operation.

(c) Safety in Tillage Operations.

(d) Seeding Equipment.

(e) Handling Agricultural Chemicals.

(f) Forage Equipment.

(g) Harvesting Equipment.

(h) Wagons and Trailers.

(i) Fork Lift Operation.

(j) Augers, Conveyors and Portable Elevators.

(k) Farm Equipment on Highways.

(iii) He has passed both the written and practical tests on safe machinery operation included in the Vocational-Agriculture Training Program in Safe Farm Machinery Operation outlined by the Division of Vocational and Technical Education of the U.S. Department of Health, Education, and Welfare.

(iv) His employer has on file with the employee's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and signed by the Vocational-Agriculture teacher who conducted the course to the effect that he has completed all the requirements specified in subdivisions (i) through (iii) of this subparagraph.

(29 U.S.C. 203, 213)

Signed at Washington, D.C., this 24th day of April 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–5099; Filed, Apr. 29, 1969; 8:46 a.m.]

[1] Descriptions of the programs are available in publications of the Division of Vocational and Technical Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202. Descriptions are also filed with the original document.

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 20945; EDR–160]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Air Taxi Mail Service

APRIL 25, 1969.

Notice is hereby given that the Civil Aeronautics Board is proposing to amend Part 298 to extend the exemption granted air taxi operators to engage in the transportation of mail until June 30, 1974. The reasons for the proposal are explained in the explanatory statement and the proposed amendment is set out in the proposed rule. This regulation is proposed under authority of sections 204(a), 406 and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 763 (as amended by 76 Stat. 145, 80 Stat. 942), 771; 49 U.S.C. 1324, 1376, 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before May 19, 1969, will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. On October 11, 1967, the Board adopted ER–514 (32 F.R. 14320, October 17, 1967) which authorized individual exemptions for air taxi mail service in certain competitive markets and extended the term of the air taxis' authority to carry mail to June 30, 1969. The Postmaster General has petitioned the Board to institute rule making proceedings to extend this authority until June 30, 1974.[1]

Since 1967, when the rule authorizing air taxi mail service in competitive markets was issued, 159 notices of intent under § 298.24 have been filed with the Board by the Post Office Department—only 16 of which have been protested. In the decided protested cases, the Board has found that the proposed air taxi services were required by postal needs in that, thus, in typical situations, the certificated carriers were unable to meet the early morning or late night round-trip scheduling essential to Post Office operations. The Postmaster General represents that he has a continued need for air taxi mail service in both certificated and non-certificated markets, stating that "the introduction of larger, faster jet aircraft, and the growing emphasis placed by local service carriers on longer, non-stop schedules, compels the Post Office Department to continue to seek the services of air taxi operators in those markets where certificated schedules fulfilling postal requirements cannot be obtained."

In light of the foregoing, the Board tentatively finds that the air taxi mail authority should be extended for an additional 5 year period and that insofar as the provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the rules and regulations issued thereunder, would prevent air taxi operators from exercising the proposed authority, the enforcement of those provisions would be an undue burden on such air taxi operators by reason of the limited extent of, and unusual circumstances affecting their operations, and would not be in the public interest.[2]

Proposed rule. It is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298) by revising § 298.13 to read as follows:

§ 298.13 Duration of exemption.

The exemption from any provision of Title IV of the Act provided by § 298.11 shall continue in effect only until such time as the Board shall find that enforcement of such provision would be in the public interest or would no longer be a burden on air taxi operators: *Provided,* That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators: *And provided further,* That the authorizations to air taxi operators to engage in the transportation of mail by aircraft within the 48 contiguous States and Hawaii shall terminate on June 30, 1974.

[F.R. Doc. 69–5147; Filed, Apr. 29, 1969; 8:50 a.m.]

[1] In addition to this request, the petition seeks several other amendments to Part 298 concerning air taxi mail service. These proposals are under consideration and will be the subject of future action by the Board.

[2] The circumstances warranting this exemption have been previously set forth by the Board and remain applicable. See EDR–119, dated July 11, 1967, 32 F.R. 10450 and ER–514 supra.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18476, RM-1376]

CERTAIN FM BROADCAST STATIONS

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Doniphan, Mo., Princeton, W. Va., Auburn, Nebr., Cayce, S.C., Sallisaw, Okla., Heber Springs, Ark., Preston, Minn., Barnstable, Nantucket, and Falmouth, Mass., Mineral Wells, Tex., Fayette, Hartselle, and Talladega, Ala., Mariposa, Calif., Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky., Flora, Ill.); Docket No. 18476, RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414.

1. In a notice of proposed rule making, released March 6, 1969, in this proceeding (FCC 69-207), the Commission invited comments on a number of proposals to amend the FM Table of Assignments, including the assignment of channel 244A to Cayce, S.C. The time for filing comments was designated as April 14, 1969, and that for replies as April 24, 1969.

2. On April 22, 1969, the attorney for Palmetto Radio Corp. (WNOK-FM) (Palmetto), filed a request for extension of time to and including May 5, 1969, in which to file reply comments. Palmetto states that comments filed by WCAY and WIS-TV contain a counterproposal involving channel 228A, and the WQXL comments contain a counterproposal involving channel 244A. It further states that in order to give them an opportunity to fully study the comments of WCAY, WIS-TV and WQXL and their engineering implications, the additional time will be necessary.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments in this proceeding in the matter of RM-1376 only is extended to and including May 5, 1969.

4. This action is taken pursuant to authority found in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: April 23, 1969.

Released: April 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-5134; Filed, Apr. 29, 1969; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 18535, RM-1365; FCC 69-440]

ENCODED (SCRAMBLED) TRANSMISSIONS BY NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS

Notice of Proposed Rule Making

1. Community Television of Southern California (Community Television), licensee of noncommercial educational television station KCET, channel 28, Los Angeles, Calif., on November 1, 1968, filed a petition for rule making (RM-1365) requesting that the rules be amended so as to permit noncommercial educational stations to transmit limited amounts of encoded or scrambled television programs. Such programs would be transmitted for the instruction of doctors, nurses and law enforcement personnel. Community Television has transmitted such programs under experimental authority during the past 4 years.

2. In its petition Community Television states that there is a need for these programs; that medical knowledge is expanding at a very rapid rate, and that there is a serious problem of getting this information from the laboratories and research centers to the practicing doctors and nurses. It states that this project has proved very successful in bringing new knowledge rapidly from the sources of the new information to the working doctor and nurse at their offices or hospitals without their needing to take time out of their busy schedule to go to a school or laboratory to attend lectures on these subjects; and that the service Community Television is proposing would bring this knowledge to the doctors, nurses, and law enforcement officers on a continuing basis. It states that these programs are unsuitable for viewing by the general public, as the subject matter would disturb or be disagreeable to most persons, and that the use of scrambled transmissions are the only way of providing this service to the specialized audience they wish to serve. It claims that the normal educational broadcast schedule would not be impaired as this service would be offered early in the day when programs to the general public were not being transmitted; and that the public reaction to the scrambled transmissions has been minimal. It also claims that the use of the normal broadcast channel is more economical than the use of any other service, and that the broadcast by television is more satisfactory than other means such as moving pictures, lectures, etc.

3. Comments were received from the following: Huntington Memorial Hospital, Pasadena; Beverly Hospital, Montebello; Conejo Valley Community Hospital, Thousand Oaks; California Hospital, Los Angeles; St. Mary's Long Beach Hospital, Long Beach; Valley Presbyterian Hospital, Van Nuys; Santa Paula Memorial Hospital, Santa Paula; University of Southern California, Los Angeles; La Mirada Community Hospital, La Mirada; Hollywood Presbyterian Hospital, Los Angeles; Central California Educational Television, licensee of Educational Television Station KVIE, Sacramento; San Fernando Valley State College, Northridge; White Memorial Medical Center, Los Angeles; Glendale Community Hospital, Glendale; Burbank Community Hospital, Burbank; Veterans Administration Hospital, Long Beach; County of Los Angeles, Office of the District Attorney, Los Angeles. All of the comments supported the petition filed by Community Television on the basis of two arguments. The first is that the subject matter is not suitable for viewing by the general public; that much of the subject matter seen and heard would not be understood by the lay public; that baseless fears or anxieties could be aroused; that some of the subject matter would be distasteful to the general public; and that the viewer might be disturbed by the airing of differences of professional opinion between members of the medical professional. It is argued that if the television signal were not scrambled the medical and nursing faculty members would not freely and openly speak about controversial subjects, and that the privacy of participating patients would not be protected.

4. The other argument relates to cost and convenience of using educational television as compared to other methods of transmitting this information such as film, video tape or the Instructional Television Fixed Service (ITFS). Community Television argues that if film were used all of the doctors and nurses in a given area would not have the chance to see it at the same time and that the pressure of work would tend to cause them to "put off" seeing films.[1] It is said that the cost of video play-back equipment is so expensive as to make it infeasible, and that the cost of an ITFS transmitter and the necessary receiving points is also expensive. It is urged that a costly ITFS system would be used only a few hours per week, and that the use of an educational station with scrambled programs would be more economical to these groups and more efficient from the standpoint of frequency usage.

5. The broadcast bands were set aside for broadcasting to the general public, for anyone who wishes to obtain a receiver, AM, FM or TV and to listen to or see the programs that are being offered. It appears that uses such as this are of a substantially more limited nature, with an intentionally restricted audience. Even though there are several or many receiving locations it is for a very highly specialized group of people, and the programs are to be scrambled to further restrict the audience. Noncommercial educational stations were designed for a cultural type of programing to be broadcast to the general public which is not normally offered on commercial stations. While many of the educational stations do broadcast classroom programs, that is an incidental use of their facilities, and is not restricted from the general public, and in many cases in fact is programed for the public as well as in school. It appears that if services of this kind were generally authorized it would be diverting frequencies that have been set aside for general broadcast use to services that are of a more limited character. This is of concern to the Commission.

[1] It would seem that this problem would be present whatever the means of transmission.

6. However, the petitioner states that there is a clear need for such programs, and that the proposed usage provides an indirect service to the public of great value and should be considered. It is urged that it provides a means of transmitting the very latest methods of medical treatment and knowledge that have been developed in the medical laboratories, directly to the doctor in his hospital or office without necessitating a trip to a school or laboratory, and that it does this very economically. The petitioner's argument has merit sufficient to persuade us that it should be examined further, as to whether or not it would be desirable to provide a new service such as this by educational television broadcast stations. This is perhaps especially true because of growing congestion in the ITFS frequencies particularly in large metropolitan areas such as Los Angeles.

7. The petitioner has proposed that these scrambled transmissions be limited to a maximum of 7 hours weekly and to not more than 2 hours in any one day; that certain voice transmissions be made over the regular audio channel so as to inform the viewing public that a scrambled program is in progress and that failure to receive it does not reflect on their television receivers; and that this type of programing shall not be presented at times which would preclude or limit the educational programing that the station would normally transmit. These limitations and requirements appear appropriate, as a minimum, if this service is to be authorized. We also submit for comment proposed restrictions as to the hours when such programs may or may not be broadcast. Petitioner has presented such a proposal in general terms in the material set forth as § 73.621(f) below. In addition, we are proposing more particular restrictions, including prohibition of such programing in "prime time", generally 6 to 11 p.m.

8. In view of the above, the Commission is inviting comments from all interested parties in this matter. The comments should be directed to the following questions, but not necessarily limited to them:

(a) Is it in the public interest to divert broadcast frequencies to a service such as this which is of a private nature?

(b) What should be the limits as to the amount of time per day or per week an educational station may devote to scrambled programs of this nature? Should they be limited to, or excluded from, particular times of day? and, besides the number of hours, should there be a limitation on the percentage of total weekly operating time which can be so used?

(c) Should there be limitations on what noncommercial educational TV stations are eligible to engage in scrambled operations, for example should it be permitted only by stations in markets having two or more ETV stations (including one not engaged in such operation), or limited to only one station in a market?

9. Accordingly, pursuant to the authority contained in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend Part 73 of the Commission's rules (Subpart E) to permit noncommercial educational television stations, under some circumstances and with some limitations, to present scrambled programing during part of their broadcast day. The appendix hereto contains (with a few editorial changes) the proposed rules as drafted by the petitioner. If it is decided to authorize the transmission of programing of this character, the rules will be amended substantially along the lines of those set forth therein, with whatever changes or additions appear appropriate on further consideration (for example, restrictions on time, eligibility, etc., as mentioned in paras. 7 and 8, above).

10. In setting forth this proposal for comment, however, we wish to emphasize that we are by no means convinced that rendition of a conventional educational broadcast service should be curtailed in favor of these more specialized uses. We are also concerned lest what is proposed here would tend to be only an opening wedge for more widespread demands by these and other possible users; commenting parties should discuss how this development might be avoided.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before June 2, 1969, and reply comments on or before June 12, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: April 23, 1969.

Released: April 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

Petitioner, Community Television of Southern California, proposes (except for certain editorial changes made in the text below) that Subpart E of Part 73 of the Commission's rules be amended in the following respects:

1. In § 73.621, new paragraph (f) would be added as follows:

(f) Noncommercial educational television broadcast stations may transmit medical or police instructional programs not deemed suitable for viewing by the general public through the use of an encoded visual signal and a multiplexed FM subcarrier aural signal, in accordance with the provisions of this paragraph and with the technical standards in § 73.682 (a)(22):

(1) Such encoded transmissions shall be limited to not more than 7 hours per week and not more than 2 hours per day. During the time of such encoded transmissions, announcements shall be broadcast at least once every 5 minutes over the station's regular aural channel stating that an encoded transmission is being made and that failure to receive it does not indicate any deficiency in a television receiver. The program logging requirements of § 73.670 of this subpart shall not apply to the scrambled transmissions; except that the name of the program that was transmitted in scrambled form must be recorded, and the announcements required by this section to be made over the regular aural channel during the transmission of scrambled programs must be logged, as must any other matter which is broadcast over the regular aural channel. § 73.651(c) of this subpart does not apply to transmissions over the regular aural channel during the time a licensee is making scrambled transmissions, and licensees may transmit other matter over the regular channel, in addition to the required announcements, such as music or informational announcements.

(2) Licensees shall not conduct scrambled transmissions at times which would interfere with their normal broadcast schedule, but shall conduct such operations during the times within their program schedules which are not ordinarily devoted to regular programing, such as before the commencement of in-school instructional programing, during any noon-hour break between in-school instructional programs, during the hours between the end of in-school instructional programing and the beginning of evening programing, or the hours prior to or after the licensee's normal broadcast day.[3]

2. In Section 73.682(a), new subparagraph (22) would be added as follows:

(22) Transmission of encoded visual signals and multiplexed FM subcarrier aural signals by noncommercial educational television stations conducted pursuant to § 73.621(f) of this subpart shall be in accordance with this subparagraph (22). Each licensee proposing transmissions pursuant to § 73.621(f) shall notify the Commission of this fact at least 20 days prior to the beginning of such operation, and 20 days prior to the making of any change in the equipment used for such operation. Such notification shall be accompanied by a detailed description of the modification to permit transmission of an encoded visual signal and a multiplexed FM subcarrier aural signal,

[2] Commissioners Bartley and Robert E. Lee absent.

[3] See paragraph 7 of the notice of proposed rule making concerning more specific restrictions on permissible time.

and shall show compliance with the following conditions:

(i) An FM subcarrier shall be multiplexed on the regular aural channel at a center frequency of 63 kc with a maximum deviation of ±7.5 kc.

(ii) Video signals shall be transmitted with positive modulation, so that an increase in light intensity will cause an increase in radiated power.

(iii) The standard synchronizing signals and the modulation levels for both the video and aural signals shall be maintained within the normal limits specified by this section of the rules. The subcarrier injection level shall be limited to 10 percent of the aural main channel normal 100 percent modulation level. The main channel modulation level shall be limited to 90 percent of normal.

(iv) The multiplexed aural channel operation shall not cause spurious emissions outside the assigned channel beyond that permitted by this section of the rules for normal operation.

(v) The Commission may notify the licensee not to commence or to delay commencement of encoded transmissions, or to suspend such operation as and when such action may appear to be in the public interest, convenience, and necessity.

[F.R. Doc. 69–5135; Filed, Apr. 29, 1969; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 18534, RM–1355; FCC 69–439]

FM BROADCAST STATIONS; PANAMA CITY, PORT ST. JOE, AND WARD RIDGE, FLA.

Table of Assignments

1. The Commission has under consideration the petition for reconsideration filed on February 28, 1969, by Radio Gulf, Inc., licensee of Station WGNE (AM), Panama City Beach, Fla. Radio Gulf seeks reconsideration of the decision made by the Commission in a memorandum opinion and order, released January 29, 1969 (FCC 69–68), denying petitioner's request for rule making, RM–1355, to assign FM channel 294 to Panama City, Fla.

2. After consideration of the showings and data submitted with Radio Gulf's earlier petition, the Commission concluded that it was unable to find sufficient public interest to warrant institution of rule making to assign a third Class C channel to Panama City. The denial was based on two principal grounds: First, a number of communities without a local FM or nighttime AM service would be precluded from the requested and/or one or more adjacent channels if the assignment were adopted as proposed; and second, the maximum number of channels under the population criterion used in establishing the FM Table of Assignments for a community the size of Panama City had already been reached. Since the number and types of radio services available to the Panama City area, as well as the petitioner's statements in support of the petition, were given in detail in the memorandum opinion and order, it will not be necessary to repeat them here.

3. Radio Gulf's subject request contains a substantial amount of new data not provided in its earlier petition for rule making. First, in addressing itself to the matter of communities identified in the Order as being precluded, the petitioner shows that other channels are presently available to some of the communities affected, but not in all cases and not always with the same class of channel.[1] For example, we noted that certain of the smaller communities (less than 5,000) would be precluded from a Class A channel. Petitioner shows only Class C channels available to certain of these communities, but does not indicate that they would meet the general criteria for such assignments.[2] Our concern, therefore, has not been entirely dispelled on the important matter of preclusion when evaluated on the basis of the data now before us, as to Channel 294.

4. As to the second grounds for denial—that the population of Panama City (33,275, 1960 U.S. Census) does not warrant an additional assignment—Radio Gulf argues that the populations on which the decision was based are nearly 10 years old and do not properly reflect the subsequent growth and present populations of Panama City and the adjoining urban areas. New population data is submitted which estimates the Panama City population to be in excess of 40,000 persons and that of Bay County to be between 80,000 and 90,000.[3] An accompanying exhibit[4] represents that the "Panama City–urban complex" has a population in excess of 50,000, the petitioner urging, therefore, that the community meets the population criterion (used in establishing the table) for a third FM channel assignment. It is pointed out that Panama City is the largest community between Pensacola, 95 miles to the west, and Tallahassee, 85 miles to the east, and it is alleged that Panama City is the principal trade center within a 50-mile radius that includes an approximate population of 150,000 persons. In addition, numerous data are now offered for consideration, some becoming available only subsequent to filing of the original petition, to support petitioner's contention that Panama City is a rapidly expanding and economically healthy center for industrial, commercial and recreational facilities for the north central Florida area.

5. Upon further consideration, we are of the view that Panama City, despite its city-proper population of less than 50,000 is of a size and importance warranting a third FM assignment. This is particularly true because of its importance to its area and relatively great distance from larger population centers (Pensacola and Tallahassee, 85 miles or more away). However, as we indicated above (par. 3), we still hold concern for the preclusion impact on certain communities which may have a future need for an assignment. As far as use of channel 294 at Panama City is concerned, petitioner's showing does not remove this concern.

6. However, it appears from our further study on this aspect that Class C channel 253 could be assigned to Panama City and meet all spacing requirements and, more importantly, would involve substantially less preclusion impact areas and on only two channels. Such an area on channel 253 would include the communities of Springfield (4,628), Port St. Joe (4,217), Chipley (3,159), Apalachicola (3,099), Lynn Haven (3,078), and Parker (2,669). None of the named communities has its own local FM assignment. However, it appears that other Class A channels are available to each community, and thus, the preclusion caused on channel 253 may be disregarded.[5] Finally, channel 252A would be precluded from assignment to Apalachicola and Port St. Joe. However, as we noted above, other Class A channels are available to these same communities. Accordingly, it appears that if channel 253 were assigned to Panama City, preclusion of assignments to other communities would not need to be a factor of further consideration. With regard to Port St. Joe, petitioner points out that unused channel 228A assigned to Ward Ridge, a contiguous community of only 45 persons, would be available for application at Port St. Joe under the "10-mile" provision of § 73.203(b). Because of the limited size of Ward Ridge and the lack of interest shown in activating the channel since its assignment there,[6] we are proposing in this proceeding to move the channel to the larger community of Port St. Joe, from which location the channel would remain available to Ward Ridge under the same provisions of § 73.203(b). This will conform to the usual preference of making the first assignment in a limited area to the community having the greater population.

7. In consideration of the above, we are inviting comments and pertinent data from all interested parties on our counterproposal to amend the FM Table of Assignments as follows:

City (all in Florida)	Channel No.	
	Present	Proposed
Panama City	223, 260	223, 253, 260
Port St. Joe	----	228A
Ward Ridge	228A	----

8. In view of the foregoing: *It is ordered*, That the petition for reconsideration filed by Radio Gulf, Inc., is granted to the extent indicated herein and in all other respects is denied.

9. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before June 2, 1969, and reply comments on or before June 12, 1969. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–5136; Filed, Apr. 29, 1969; 8:49 a.m.]

[1] Blountstown and Bay Harbor were inadvertently included with those communities identified as being precluded in the Commission's order. Petitioner correctly notes that Blountstown is presently assigned an FM channel. Bay Harbor, formerly a Bay County community having separate identity, is now included within the city of Springfield, according to information that we obtained from the Bay County Engineer's Office. These facts reduce the number of precluded communities considered in the decision from eleven to nine.

[2] See public notice, "Policy to Govern Requests for Additional FM Assignments," (FCC 67–577) May 12, 1967.

[3] Estimates by City Manager, Panama City, as of Feb. 1, 1969.

[4] Source: Bay County Research and Analysis, Planning Department of the Florida Development Commission, Vol. I, Aug. 1968.

[5] We find that Class A channels appear to be available to each community as follows: Springfield, 249A; Port St. Joe, 257A; Chipley, 296A; Apalachicola, 292A; Lynn Haven, 240A; and Parker, 261A.

[6] Third Report, memorandum opinion and order, Docket 14185 (FCC 63–735), Aug. 1963.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 22752]

FEDERAL SAVINGS AND LOAN INSURANCE CORP.

Adjustment of Book Value of Over-Valued Assets

APRIL 24, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 563.17–2 of the rules and regulations for Insurance of Accounts (12 CFR 563.17–2) by revising paragraph (d) of said section for the purpose of permitting a charge to any net worth account when establishing a specific reserve required by paragraph (c) of said section and for the purpose of stating more clearly the provisions thereof. Accordingly, it hereby proposes to revise paragraph (d) of § 563.17–2, to read as follows:

§ 563.17–2 Re-evaluation of assets; adjustment of book value; adjustment charges.

* * * * *

(d) *Adjustment charges.* Establishment of a specific reserve account to adjust book value of an over-valued asset in compliance with paragraph (c) of this section shall be effected by a charge against earnings for the period in which such charge is made or by a charge against any net worth account. For the purposes of this paragraph (d), any charge against such a specific reserve account shall be deemed to be a recovery on an asset the book value of which was previously adjusted, unless such charge is made for the purpose of concurrently writing down the book value of such asset. In the event of recovery of any portion of an amount previously charged against a reserve established for the sole purpose of absorbing losses and transferred to a specific reserve account, the amount so recovered shall be credited to the reserve from which it was originally transferred; such credit shall be in addition to all other required credits to such reserves. In the event of recovery of any portion of an amount previously charged against earnings, the amount so recovered shall be credited to earnings for the period in which the recovery is effected.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by June 2, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–5141; Filed, Apr. 29, 1969; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 6]

PARK SUPERINTENDENTS, ET AL., NORTHEAST REGION

Delegation of Authority

SECTION 1. The National Park Service superintendents in the Northeast Region whose positions are allocated to Civil Service grades GS–13 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following:

(a) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500 and (3) payment of the full amount of the damages is offered.

SEC. 2. The superintendents whose positions are allocated to Civil Service grades GS–11, and GS–12, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Approval of contracts for construction, supplies, or services in excess of $50,000, provides that construction contracts will be entered into only with the advice and consent of the design and construction office chief.

(b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500 and (3) payment of the full amount of the damages is offered.

SEC. 3. The superintendents whose positions are allocated to Civil Service grades GS–10 and below in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Execution or approval of contracts for construction, supplies, or services in excess of $10,000: *Provided*, That construction contracts will be entered into only with the advice and consent of the design and construction office chief.

(b) Issuance of concession permits having a term of more than 3 years.

(c) Reimbursement of employees and other owners for property lost, damaged, or destroyed.

(d) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

(e) Acceptance of donations of personal property valued in excess of $5,000, and acceptance of donations of money in excess of $5,000.

SEC. 4. Assistant Regional Director, Administration: The Assistant Regional Director, Administration, may execute, approve and administer contracts not in excess of $200,000 for construction, supplies, equipment, and services: *Provided*, That construction contracts will be entered into only with the advice and consent of the design and construction office chief. This authority may be exercised by the Assistant Regional Director, Administration, in behalf of any office or area for which the Northeast Regional Office serves as the field finance office.

SEC. 5. Regional Chief, Division of Property Management and General Services: The Regional Chief, Division of Property Management and General Services may execute, and approve and administer contracts not in excess of $50,000 for construction, supplies, equipment, and services: *Provided*, That construction contracts will be entered into only with the advice and consent of the design and construction office chief. This authority may be exercised by the Regional Chief, Division of Property Management and General Services in behalf of any area or office for which the Northeast Regional Office serves as the field office.

SEC. 6. Supervisory General Supply Specialist: The Supervisory General Supply Specialist, Northeast Regional Office, may execute, approve, and administer contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Supervisory General Supply Specialist in behalf of any area or office for which the Northeast Regional Office serves as the field office.

SEC. 7. Procurement Agent: The Procurement Agent, Northeast Regional Office, may execute, approve, and administer purchase orders not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Procurement Agent in behalf of any area or office for which the Northeast Regional Office serves as the field office.

SEC. 8. Redelegation: A superintendent may, in writing, redelegate to any officer or employee the authority delegated to him by this order. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 9. Revocation: This order supersedes Northeast Regional Office Order No. 5, as amended. However, redelegations based thereon are continued in effect to the extent that they are not in conflict with this order.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535; 16 U.S.C., sec. 2)

Dated: April 9, 1969.

LEMUEL A. GARRISON,
Regional Director,
Northeast Region.

[F.R. Doc. 69–5085; Filed, Apr. 29, 1969; 8:45 a.m.]

Office of the Secretary

HOWARD A. BECK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 8, 1969.

Dated: April 8, 1969.

H. A. BECK.

[F.R. Doc. 69–5114; Filed, Apr. 29, 1969; 8:47 a.m.]

C. R. BILBY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 7, 1969.

Dated: April 7, 1969.

C. R. BILBY.

[F.R. Doc. 69–5115; Filed, Apr. 29, 1969; 8:47 a.m.]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 7, 1969.

Dated: April 7, 1969.

JAMES S. BROADDUS.

[F.R. Doc. 69–5116; Filed, Apr. 29, 1969; 8:48 a.m.]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1965, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Remove: Sinclair Oil Corp. Add: Atlantic Richfield Co.
(3) No change.
(4) No change.

This statement is made as of April 8, 1969.

Dated: April 8, 1969.

JOHN W. HIERONYMUS.

[F.R. Doc. 69–5117; Filed, Apr. 29, 1969; 8:48 a.m.]

KENNETH I. SEWELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Added 100 shares of "Sunshine Fifty".
(3) No change.
(4) No change.

This statement is made as of April 9, 1969.

Dated: April 9, 1969.

K. I. SEWELL.

[F.R. Doc. 69–5118; Filed, Apr. 29, 1969; 8:48 a.m.]

E. F. TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 4, 1969.

Dated: April 4, 1969.

E. F. TIMME.

[F.R. Doc. 69–5119; Filed, Apr. 29, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1968 Price Support Programs [1]

Unless demand is made earlier by CCC, warehouse-storage loans under 1968 price support programs on the commodities listed in the table below mature and are due and payable on the dates indicated. Unless on or before the final date for repayment specified below such loans are repaid or the producer notifies the ASCS county office in writing that the funds have been placed in the mail, title to the unredeemed collateral shall immediately vest in CCC without a sale thereof on the date next succeeding the final date for repayment specified below. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the Loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the program regulations. Not withstanding the foregoing provisions, if the producer has made a fradulent representation in obtaining the loan or in settlement or deliveries under the loan, the producer shall remain personally liable for the amounts specified in the Warehouse Storage Note and Security Agreement and in the price support program regulations.

Amounts due the producer will be paid to the producer by the appropriate ASCS county office.

	Maturity date	Final date for repayment
Barley: [1]		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	1969	1969
	May 31	June 2
In all other States	Apr. 30	Apr. 30
Corn: [1]		
In all States	July 31	July 31
Dry edible beans:		
In all States	Apr. 30 [2]	Apr. 30
Flaxseed:		
In Minnesota, Montana, North Dakota, South Dakota, and Wisconsin	May 31	June 2
In all other States	Apr. 30	Apr. 30
Grain sorghum: [1]		
In Oklahoma and Texas	June 30	June 30
In all other States	July 31	July 31
Honey:		
In all States	Apr. 30	Apr. 30
Oats: [1]		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31	May 31
In all other States	Apr. 30	Apr. 30
Rice:		
In all States	do	Do.
Rye:		
In all States	do	Do.
Soybeans: [1]		
In all States	July 31	July 31
Wheat: [1]		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming	May 31	May 31
In all other States	Apr. 30	Apr. 30

[1] This notice does not apply to loans on barley, corn, grain sorghum, oats, soybeans, and wheat with respect to which producers, prior to the above maturity dates, have given written notice to the ASCS county office through which they obtained such loans that they wish to have such maturity dates extended.

[2] Maturity date for loans may be extended at the producer's request to June 30, 1969; if extended, the final date for redemption is June 30, 1969.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 23, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–5101; Filed, Apr. 29, 1969; 8:45 a.m.]

Packers and Stockyards Administration

FLOYD COUNTY LIVESTOCK MARKET ET AL.

Notice of Changes in Names of Posted Stockyards

Correction

In F.R. Doc. 69–4716 appearing at page 6702 in the issue of Saturday, April 19, 1969, the following correction should be made under the center heading "Oklahoma": The entry in the "current name of stockyard and date of change in name"

column should read "Woodward Livestock Auction Market, Inc., Feb. 17, 1969."

SOUTH FLORIDA HORSE AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
South Florida Horse Auction, Hialeah, Fla., June 23, 1965.
Capital Livestock Auction Co., Inc., Atlanta, Ga., May 22, 1959.
Jackson County Sales Barn, Brownstown, Ind., Mar. 19, 1960
Northampton Cooperative Auction Ass'n. Inc., Northampton, Mass., Jan. 12, 1960.
Hattiesburg Livestock Market, Hattiesburg, Miss., Jan. 6, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 23d day of April 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-5145; Filed, Apr. 29, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

2-ETHYLAMINO-4-ISOPROPYLAMINO-6-METHYLTHIO-S-TRIAZINE

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of Geigy Chemical Corp., Ardsley, N.Y. 10502, a temporary tolerance of 0.25 part per million is established for negligible residues of the herbicide 2-ethylamino-4-isopropylamino-6-methylthio-s-triazine in or on the raw agricultural commodity corn in grain or ear form (including field corn, popcorn, and sweet corn). The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Geigy Chemical Corp. name.

This temporary tolerance expires April 24, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 24, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-5083; Filed, Apr. 29, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-340]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE AND THE UNITED ILLUMINATING CO.

Notice of Receipt of Application for Construction Permit and Facility License

Public Service Company of New Hampshire, 1087 Elm Street, Manchester, N.H., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated April 9, 1969, for authorization to construct and operate a pressurized water nuclear reactor on a 650-acre site located on the western shore of Hampton Harbor, in Seabrook Township, about 11 miles south of Portsmouth, Rockingham County, N.H. The site is located approximately 40 miles to the northeast of Boston, Mass.

The application notes that Public Service Company of New Hampshire will share ownership of the plant and the plantsite with The United Illuminating Co. Public Service of New Hampshire will be responsible for the construction and the ultimate operation of the facility. Each will share in the construction and operating costs and eventual energy output.

The proposed reactor, designated as the Seabrook Nuclear Station Unit No. 1, is designed for initial operation at approximately 2660 megawatts (thermal), with a gross electrical output of approximately 886 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 23d day of April 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 69-5078; Filed, Apr. 29, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20901]

AIR INDIA

Notice of Postponement

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference and hearing in the above-entitled proceeding now assigned to be held on April 30, 1969, are hereby postponed to May 2, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 24, 1969.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 69-5148; Filed, Apr. 29, 1969; 8:50 a.m.]

[Docket No. 20838; Order 69-4-107]

ALLEGHENY AIRLINES, INC.

Order Providing for Further Proceedings Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1969.

On March 21, 1969, Allegheny Airlines, Inc. (Allegheny), filed an application pursuant to Subpart M of Part 302 of the Board's procedural regulations for amendment of its certificate of public convenience and necessity for Route 97 to permit nonstop service, without subsidy eligibility, between New York, N.Y.-Newark, N.J., and Norfolk, Va. Allegheny is presently authorized to provide one stop service between New York and Norfolk via Philadelphia by combining its authority for segments 2 and 6.

National Airlines, Inc., filed a statement requesting that the Board dismiss Allegheny's application.

Upon consideration of the foregoing, we do not find that Allegheny's application is not in compliance with, or is inappropriate for processing under the provisions of Subpart M. Accordingly, we order further proceedings pursuant to the provisions of Subpart M, §§ 302.1306–302.1310, with respect to Allegheny's application.

Accordingly, it is ordered:

1. That the application of Allegheny Airlines, Inc., in Docket 20838 be and it is hereby set for further proceedings pursuant to Rules 1306–1310 of the Board's procedural regulations; and

2. That this order shall be served upon all parties served by Allegheny in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5149; Filed, Apr. 29, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND METROPOLITAN STEVEDORE CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John E. Schaeffer, Cooper, White & Cooper, 44 Montgomery Street, San Francisco, California 94104

Agreement No. T-2287 between the City of Los Angeles (City) and Metropolitan Stevedore Company (Metropolitan) is a permit which grants Metropolitan the right to use certain berths for docking and servicing vessels and for handling cargo and passengers in its capacity as agent on an agency-agreement basis, stevedore or terminal operator. City retains the right of secondary use when such use does not interfere with Metropolitan's use of the premises. For use of the premises, City will receive revenues for services performed in accordance with Port of Los Angeles Tariff, with Metropolitan assuming a minimum obligation of $175,000 during each 12-month period of the term of the permit. At the end of each 12-month period, the difference between the minimum obligation and the total revenue accrued during the 12-month period will be divided. Fifty percent of revenue accrued in excess of $175,000 but not in excess of $250,000 will be paid to City; in addition, Metropolitan will pay to City 25 percent of all revenue accrued in excess of $250,000. All revenue due City from cargo which is discharged or loaded at the wharf area subject to the permit and brought to point of rest upon such premises, together with all dockage revenue, shall apply on the minimum obligation of Metropolitan and to the compensation division set forth in the agreement. All other revenue due City which is not included above, shall not be applied to the minimum obligation nor to the revenue division described.

Dated: April 25, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5137; Filed, Apr. 29, 1969; 8:49 a.m.]

METROPOLITAN STEVEDORE CO. AND TOKAI SHIPPING CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John E. Schaeffer, Cooper, White & Cooper, 44 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. T-2288 between Metropolitan Stevedore Co. (Metropolitan) and Tokai Shipping Co., Ltd. (Tokai), provides for Metropolitan to furnish certain services to Tokai at premises which Metropolitan expects to receive from the city of Los Angeles pursuant to a use permit. Metropolitan agrees to discharge at berths covered by its permit all steel carried by Tokai to the Port of Los Angeles. Tokai agrees to deliver to Metropolitan sufficient steel cargoes so that revenues accrued pursuant to applicable Port of Los Angeles terminal tariff will be equal to at least $175,000 in each 12-month period. Tokai agrees that if its tariff obligations for each 12-month period do not meet the $175,000 guarantee, then it will pay Metropolitan the difference between $175,000 and the total revenues accrued under said tariff. If total revenues exceed $175,000 during each 12-month period, Tokai will share in a portion of such excess revenues attributable to revenue accrued through use of the premises on behalf of Tokai, on a percentage basis outlined in the agreement. Tokai agrees to pay to Metropolitan a proportionate share of all license and excise fees, occupation and property taxes due under Metropolitan's use permit.

Dated: April 25, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5136; Filed, Apr. 29, 1969; 8:49 a.m.]

[Docket No. 69-20; Agreement 7616, Amended]

LYKES BROTHERS STEAMSHIP CO., INC., AND THOMAS AND JAMES HARRISON

Order To Show Cause Regarding Cancellation of Agreement

Agreement No. 7616, originally approved on July 1, 1948, between Lykes Bros. Steamship Co., Inc. (hereinafter "Lykes"), and Thos. & Jas. Harrison (hereinafter "Harrison"), provides for the pooling of total revenue derived from gross ocean freight less carrying charges in the trade from U.S. gulf ports to the United Kingdom ports of Liverpool, Manchester, Garston, Birkenhead, and Runcorn. The pool revenue is divided on a 50–50 basis and each party agrees to supply 50 percent of the tonnage.

On February 7, 1966, the Commission approved Agreement No. 7616–2 which permitted retroactive suspension of the pool from May 31, 1965, through February 28, 1966, on the grounds that Lykes could not meet its tonnage obligations because of a strike of seagoing labor against American vessels from June 15, 1965, through August 31, 1965, and the chartering of 23 of its vessels to MSTS to provide troop support in the Vietnam action.

On March 31, 1966, the Commission approved Agreement No. 7616–3 which provided for the suspension of the pooling agreement for any calendar quarter during which either of the member lines, when in the position of being an undercarrier in the pool, failed to supply a minimum of four (4) vessel sailings by reason of strikes, natural disasters, weather delays, the chartering of vessels to a line's own government, or reduction of sailings due to port conditions, volume of cargo and/or unremunerative rates forcing the reassignment of vessels to the line's other trade routes.

From May 31, 1965, to the present time, the operations of the Pooling Agreement have been suspended. Because of this continued suspension, by letter dated January 9, 1968 (Attachment 1),[1] Lykes was asked what its plans were with regard to the subject agreement. In its reply dated February 6, 1968 (Attachment 2[1]), Lykes advised that it was their long term intentions to serve the trade covered by the pooling agreement relative to new construction plans under active pursuit at the time. Since no action was taken by Lykes to reactivate the pool, by letter dated September 12, 1968 (Attachment 3[1]), Lykes was advised that the parties should either terminate the agreement or justify its continuation. No response has been received to this communication. At present, there is still no indication that Lykes has taken any steps or has any immediate plans to reactivate Agreement No. 7616, as amended.

A prerequisite for the initial and continued approval of an agreement is the actual existence or immediate probability of transportation circumstances which warrant approval (see Agreement 8765—Order To Show Cause, 9 FMC 333, 335–36). Suspension of an agreement because of the voluntary action of a party or parties thereunder constitutes that lack of transportation circumstances which would warrant disapproval (see Agreement No. 4188, et al., 10 FMC 92). Since Agreement No. 7616 has been suspended for over 3 years due to Lykes' voluntary chartering its vessels to MSTS, it would seem that there are no actual or immediately probable transportation circumstances in the trade which warrant its continued approval.

No questions of fact have been raised by the respondents in this matter which require an evidentiary hearing. However, in view of the length of time during which the agreement has been in effect, and the benefits derived from it by the parties thereto, further opportunity is afforded them to justify its continued approval in lieu of summary cancellation.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916,

It is ordered, That the parties to Agreement No. 7616, as amended, show cause why the Commission should not order the cancellation of this agreement on the grounds that its continued approval is contrary to the public interest because of its suspension since May 31, 1965, and there is no evidence that it will be reactivated within the foreseeable future.

This proceeding shall be limited to the submission of affidavits of fact and memoranda of law and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business May 16, 1969, replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than close of business June 2, 1969. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument will be announced at a later date.

It is further ordered, That the parties to Agreement No. 7616 as indicated in the attached appendix are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(l) (46 CFR § 502.72) of the Commission's rules of practice and procedure no later than close of business May 12, 1969.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX

Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70150.
Thos. & Jas. Harrison Ltd., c/o Le Blanc-Parr, Inc., General Agents, 204 Sanlin Building, New Orleans, La. 70130.

[F.R. Doc. 69-5139; Filed, Apr. 29, 1969; 8:49 a.m.]

[1] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket Nos. RI62-543, G-17960]

TURNBULL & ZOCH DRILLING CO. ET AL.

Order Accepting Offer of Settlement Requiring Refunds and Severing the Terminated Proceedings

APRIL 23, 1969.

Turnbull & Zoch Drilling Co. (Operator) et al. (T&Z), filed an offer of settlement on June 17, 1968, in these proceedings, pursuant to section 1.18(e) of the Commission's rules of practice and procedure, involving a sale of natural gas to Florida Gas Transmission Co. (Florida) under its FPC Gas Rate Schedule No. 1 from the Monte Christo field, Hildalgo County, Tex. (Texas Railroad Commission District No. 4).

The subject sale of natural gas commenced under an unconditioned temporary certificate issued on March 18, 1959, in Docket No. G-17960, at a rate of 16 cents per Mcf at 14.65 p.s.i.a. On June 12, 1962, T&Z filed a proposed increase in rate to 17 cents per Mcf, and said proposed increase was suspended by the Commission in Docket No. RI62-543 for the statutory period. Subsequently, T&Z placed the proposed increased rate into effect, subject to refund, on December 13, 1962, and continued to charge and collect such rate until December 1964, at which time sales were terminated because of production depletion.

In the interim, the certificate proceeding in Docket No. G-17960 had been consolidated by order of the Commission in Turnbull & Zoch Drilling Co. (Operator) et al., Docket No. G-17960 et al. On September 30, 1965, the Commission issued its Opinion No. 478, 34 FPC 1001, wherein it found the rate of 15 cents per Mcf at 14.65 p.s.i.a. to be proper for this sale. And, on July 25, 1966, the Commission issued its Opinion No. 499, 36 FPC 164, wherein it ordered T&Z to compute refunds of amounts collected above the 15 cents per Mcf rate, it had determined to be proper, for the period prior to December 13, 1962, when T&Z had placed its increased rate in Docket No. RI62-543 in effect, subject to refund, with interest at 6 percent per annum for all sales made prior to March 1, 1960, and at 7 percent per annum thereafter.

On November 25, 1968, the Commission issued an order applicable to Opinion No. 499, among others, wherein it provided that refunds, including both principal and interest, under that opinion, which were retained by the producer and commingled with its corporate assets pending further Commission order as to the disposition of such amounts, should bear interest at 5¾ percent per annum from the date of issuance of the opinion.

T&Z, in its offer of settlement, has agreed to refund all amounts collected in excess of 15 cents in Dockets Nos. G-17960 and RI62-543 with applicable interest, except that the offer does not provide for the payment of the 5¾ percent interest required under the November 25, 1968, order on amounts retained by the producer under Opinion No. 499. This order will provide for such additional interest.

In regard to refunds, Florida is not presently required to flow-through any refund amounts which it may receive from T&Z under the settlement proposal. Consequently, for the reasons set forth in our order in Humble Oil & Refining Co., Docket No. G-9287 et al., 32 FPC 49, we shall require T&Z to retain such amounts pending further Commission action. T&Z shall be permitted to either place such retained refund amounts in a special escrow account, or to commingle the refund monies with its general assets and use them for its corporate purposes as hereinafter provided.

The Commission orders:

(A) The offer of settlement filed by T&Z, in Dockets Nos. RI62-543 and G-17960, on June 17, 1968 is approved as hereinafter provided.

(B) T&Z shall compute the difference between the rates collected by it subject to refund in Dockets Nos. RI62-543 and G-17960, and the settlement rate of 15 cents per Mcf of natural gas at 14.65 p.s.i.a., with interest to the date of this order as provided in Docket No. RI62-543 in the Commission's notice of effectiveness of December 26, 1962, and as provided in Docket No. G-17960 in Opinion No. 499 and the order issued on November 25, 1968, and shall within 15 days of the date of issuance of this order submit a report to the Commission, with a copy to Florida, setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination and the period covered, and ten days thereafter shall submit to the Commission a copy of a letter from Florida agreeing to the correctness of such amounts.

(C) T&Z shall retain the amounts shown in the report required under paragraph (B) above, subject to further action of the Commission directing the disposition of those amounts.

(D) T&Z shall retain the refunds amounts, comprising the principal monies collected subject to refund, and applicable interest, and at its option may: (1) Use the funds in its own operations, in which event it shall pay interest on the amounts retained at the current prime interest rate of 7½ percent per annum from the date of this order until the date of their disposition pursuant to Commission action; or (2) deposit such funds in an escrow account, and, within 30 days after the date of this order, tender for filing an executed escrow agreement. Unless notified to the contrary by the Secretary, within 30 days from the date of such tender, the escrow agreement shall be deemed to be satisfactory, and to have been accepted for filing. The escrow agreement shall be entered into between T&Z and any bank or trust company used as a depository for funds of the U.S. Government, and it shall include such terms and provisions as are substantially comparable to those set forth for such an agreement in the Commission's order issued in Atlantic Refining Co. et al., 32 FPC 933, 937.

(E) Upon compliance by T&Z with the terms and provisions of this order, the proceeding in Docket No. RI62-543 shall be severed from the Area Rate Proceeding, Docket No. AR64-2, and shall be terminated without further order of the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-5079; Filed, Apr. 29, 1969; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

MINNESOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, Public Law 87-296, and Public Law 90-608; by virtue of the Act of September 30, 1950, entitled "An Act to authorise Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated April 18, 1969, reading in part as follows:

I have determined that the damages in those areas of the State of Minnesota adversely affected by flooding beginning on or about March 22, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Minnesota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 18, 1969:

The counties of:

Aitkin.	Meeker.
Anoka.	Mille Lacs.
Becker.	Morrison.
Benton.	Murray.
Big Stone.	Nicollet.
Blue Earth.	Nobles.
Brown.	Norman.
Carver.	Otter Tail.
Chippewa.	Pine.
Clay.	Pipestone.
Cottonwood.	Polk.
Crow Wing.	Pope.
Dakota.	Ramsey.
Douglas.	Red Lake.
Faribault.	Redwood.
Goodhue.	Renville.
Grant.	Rock.
Hennepin.	Roseau.
Houston.	Scott.
Isanti.	Sherburne.
Jackson.	Sibley.
Kanabec.	Stearns.
Kandiyohi.	Stevens.
Kittson.	Swift.
Lac Qui Parle.	Traverse.
Lake of the Woods.	Wabasha.
Le Sueur.	Wadena.
Lincoln.	Washington.
Lyon.	Watonwan.
Mahnomen.	Wilkin.
McLeod.	Winona.
Marshall.	Wright.
Martin.	Yellow Medicine.

Dated: April 24, 1969.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[F.R. Doc. 69-5087; Filed, Apr. 29, 1969; 8:45 a.m.]

NORTH DAKOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, Public Law 87-296, and Public Law 90-608; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated April 18, 1969, reading in part as follows:

I have determined that the damages in those areas of the State of North Dakota adversely affected by flooding beginning on or about April 7, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of North Dakota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 18, 1969:

The counties of:

Barnes.	Nelson.
Benson.	Pembina.
Bottineau.	Pierce.
Burke.	Ramsey.
Burleigh.	Ransom.
Cass.	Renville.
Cavalier.	Richland.
Dickey.	Rolette.
Foster.	Sargent.
Grand Forks.	Steele.
Griggs.	Stutsman.
LaMoure.	Towner.
McHenry.	Traill.
Mercer.	Walsh.
Morton.	Ward.

Dated: April 24, 1969.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[F.R. Doc. 69-5088; Filed, Apr. 29, 1969; 8:45 a.m.]

SOUTH DAKOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, Public Law 87-296, and Public Law 90-608; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated April 18, 1969, reading in part as follows:

I have determined that the damage in those areas of the State of South Dakota adversely affected by flooding beginning on or about April 2, 1969, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of South Dakota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 18, 1969:

The Counties of:

Beadle.	Kingsbury.
Brookings.	Lake.
Brown.	Lincoln.
Clay.	McPherson.
Codington.	Minnehaha.
Deuel.	Moody.
Edmunds.	Spink.
Grant.	Turner.
Hamlin.	Union.
Hanson.	

Dated: April 24, 1969.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[F.R. Doc. 69-5089; Filed, Apr. 29, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2503]

AMERICAN-HAWAIIAN STEAMSHIP CO.

Notice of Filing of Application for Order Granting Application

APRIL 24, 1969.

Notice is hereby given that American-Hawaiian Steamship Co. ("American-Hawaiian"), 360 Lexington Avenue, New York, N.Y., a New Jersey corporation registered as a closed-end, nondiversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(d) of the Act and Rule 17d–1 thereunder for an order granting an application permitting certain persons and American-Hawaiian, each of whom owns stock of McLean Industries, Inc. ("McLean Industries"), to participate in the transactions described in the application. Such transactions relate to the proposed acquisition by R. J. Reynolds Tobacco Co. ("Reynolds") of the business of McLean Industries. The proposed transactions include (1) the proposed sale to Reynolds by American-Hawaiian and others of all of their holdings (a total of 2,304,000 shares) of McLean Industries A common stock ("A common stock") at a price of $50 a share, and (2) following such sale, the merger of McLean Industries into Reynolds, and, in that connection, the exchange of McLean Industries common stock and its other outstanding securities (other than the shares of A common stock mentioned above) for securities of Reynolds or cash, as provided in the merger agreement. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

McLean Industries is a Delaware corporation which is principally engaged through subsidiaries in the transportation by water of freight in regular service. The outstanding capital stock of McLean Industries includes 146,925 shares of First Preferred Stock, $4 Series, $5 par value ("First Preferred Stock") and 10,632,000 shares of common stock consisting of 6,412,535 shares of A common stock and 4,219,465 shares of Class B Common Stock ("B common stock"), (which stocks when referred to collectively hereinafter are called "common stock"). Also outstanding are options of McLean Industries and subsidiaries entitling officers and key employees to purchase shares of McLean Industries common stock (254,100 shares as of Feb. 28, 1969). The A common stock and the B common stock are identical except that cash dividends may be paid on the A common stock without any such dividends being paid on the B common stock. Each share of B common stock is convertible into one share of A common stock at any time.

The name of each of the persons who proposes to sell A common shares to Reynolds at $50 a share and the number of such shares each owns and proposes to sell are set forth in Table I below:

TABLE I

Name	Number McLean Industries A common stock owned and to be sold
American-Hawaiian	1,000,000
National Bulk Carriers, Inc.	250,000
Litton Industries, Inc.	965,000
Monroe International Corp. Retirement Plan Trust [1]	85,000
Hal A. Kroeger	4,000
Total	2,304,000

[1] This is a pension trust for certain employees of Litton Industries, Inc.

The names of certain persons who own securities of McLean Industries which are not proposed to be sold and which will be subject to the exchange and other provisions of the contemplated merger, and the securities of McLean Industries which they own are set forth in Table II below:

TABLE II

Name	Number of shares owned		
	$4 first preferred	A common	B common
Malcolm P. McLean	18,363	86,137	3,521,336
James K. McLean		445	539,474
Clara L. McLean		146,250	3,750
Edward A. Hirs		63,203	50,000
James T. Murff		40,550	
Beverly R. Wilson, Jr.	50	6,000	
Disque D. Deane		500	
Total	18,433	345,086	[1] 4,114,560

[1] The balance of B common stock outstanding is held by other officers and directors of McLean Industries.

The relationships of the persons mentioned in Table I and Table II to American-Hawaiian and McLean Industries are as follows: National Bulk Carriers, Inc. ("Bulk Carriers"), owns indirectly approximately 95 percent of the voting securities of American-Hawaiian outstanding, and Mr. Daniel K. Ludwig owns substantially all of the voting securities of Bulk Carriers. It therefore appears that Ludwig and Bulk Carriers control American-Hawaiian within the meaning of section 2(a)(9) of the Act. As a consequence of their control of American-Hawaiian and their direct and indirect ownership of stock of that company, Ludwig and Bulk Carriers are affiliated persons of American-Hawaiian within the meaning of section 2(a)(3) of the Act. Mr. Hal A. Kroeger is an officer and director of American-Hawaiian and therefore also an affiliated person of American-Hawaiian under section 2(a)(3) of the Act.

American-Hawaiian owns 9.4 percent of McLean Industries common stock outstanding. Therefore, McLean Industries is an affiliated person of American-Hawaiian under section 2(a)(3) of the Act. Malcolm P. McLean and James K. McLean own (exclusive of shares owned by each one's minor children and wife) approximately 33.9 percent and 5.1 percent, respectively, of McLean Industries common stock outstanding and Litton Industries, Inc. ("Litton") owns approximately 9.1 percent of the common stock of McLean Industries outstanding. Malcolm P. McLean is president and Clara L. McLean is vice president and secretary of McLean Industries and each of these individuals and Disque D. Deane, Edward A. Hirs, James T. Murff, and Beverly R. Wilson are directors of that company. Litton, each of the individuals mentioned in this paragraph, and officers, directors or employees of McLean Industries are affiliated persons of an affiliated person (McLean Industries) of American-Hawaiian, a registered investment company.

On March 20, 1969, the boards of directors of Reynolds and McLean Industries approved proposals providing (1) that Reynolds would offer to purchase from each of the persons listed in Table I their holdings of A common shares of McLean Industries shown therein at a price of $50 a share in cash and (2) that McLean would be merged into Reynolds under an agreement to provide, among other things, as follows: (i) That each share of McLean Industries common stock (other than the shares listed in Table I) will be exchanged for one share of $2.25 Convertible Preferred Stock of Reynolds, which stock would be convertible into 1.5 shares of Reynolds common stock upon surrender and payment of $22, and would be redeemable after 10 years at $50 a share, and would be entitled to a preference of $50 on voluntary liquidation, and to cast one-half a vote on certain matters and one vote in the case of certain other matters, and (ii) each share of First Preferred Stock of McLean Industries would be converted into cash equal to $56 a share plus accrued dividends (being the current redemption price).

Subsequently, all of the persons listed in Table I entered into agreements ("Sale Agreement") with Reynolds providing for the sale by each to Reynolds of each one's holdings of common stock of McLean Industries at the price of $50 a share, and the board of directors of Reynolds and McLean Industries entered into a merger agreement ("Merger Agreement") incorporating the terms referred to above.

On the effective date of the merger each person holding options to acquire McLean Industries common stock will become entitled to an option to purchase Reynolds $2.25 Convertible Preferred Stock in whole shares equal to the number of shares of McLean Industries common stock he would have received if he had exercised his option in full immediately prior to the merger. The option price under each such option will be the same as that under the prior option.

Each Sale Agreement provides that the obligation of Reynolds to purchase the common stock of McLean Industries is conditioned, among other things, on prior approval of the terms of the Merger Agreement by stockholders of Reynolds and McLean Industries; each Sale Agreement also provides that the purchase of stock under such agreement shall be consummated simultaneously with the purchases under the other Sale Agreements.

Each of the persons mentioned in Table I and Malcolm P. McLean have agreed, subject to specified conditions, to vote its McLean Industries shares in favor of the merger.

American-Hawaiian states that stockholders of McLean Industries who receive convertible preferred stock of Reynolds will in most cases be entitled to treat the transaction as a tax-free exchange for Federal income tax purposes, while the stockholders who sell their shares will be required to pay taxes on any gain so realized.

American-Hawaiian acquired its A common stock in January 1965 at a price of $8.50 per share, from McLean Industries, the issuer.

In a transaction entered into in May of 1967, McLean Industries and its subsidiary, Sea-Land Service, Inc. ("Sea-Land") entered into an agreement with Containership Chartering Service ("Charter"), a limited partnership organized for the purpose and controlled by Bulk Carriers and Litton, providing for the acquisition by Chartering of a number of vessels and their conversion and for their chartering to Sea-Land. Under the agreement Chartering is committed to expend up to $36 million for the conversion of such vessels, and each of the two partners has agreed to furnish Chartering with up to $18 million. In connection with this transaction, on May 25, 1967, McLean Industries sold 250,000 shares of A common stock at a price of $18 per share to Bulk Carriers pursuant to an agreement dated February 28, 1967, and a like transfer of shares at the same price to Litton, pursuant to a similar agreement of the same date. The price of $18 per share was based upon the market price of A common stock on February 27, 1967.

In conjunction with the proposed merger of McLean Industries into Reynolds, rights and obligations under the above-mentioned agreement with Chartering and other agreements related thereto will be assumed by a wholly owned subsidiary of Reynolds, to which the latter will convey the assets and obligations of McLean Industries. In addition, Reynolds has agreed to guarantee performance of these agreements.

It is anticipated that the wholly owned subsidiary of Reynolds, which will continue to operate the business operated by McLean Industries prior to the merger, will enter into a 5-year employment contract with Malcolm P. McLean providing for compensation of $100,000 annually but terminable by the employer at any time on payment of 6 months salary.

The high and low sales prices of Reynolds common stock on the New York Stock Exchange since January 1, 1964 and the high and low sales prices of McLean Industries A common stock on the New York Stock Exchange since December 1, 1968, as reported in The Commercial and Financial Chronicle, and the high and low bid prices of McLean Industries A common stock in the over-the-counter market from January 1, 1964, through November 30, 1968, and the high and low bid prices of McLean Industries First Preferred Stock in the over-the-counter market since July 1, 1965, as reported by the National Quotation Bureau, Incorporated are set forth in Table III below:

TABLE III

	Reynolds		McLean Industries			
	Common		A common		First preferred	
	High	Low	High	Low	High	Low
1964	51½	38⅛	11⅞	3½	...	...
1965	48	38⅜	43⅞	11⅝	57½	55¼
1966:						
First Quarter	45⅞	40¼	51	20¼	57¾	51
Second Quarter	41½	37⅛	22⅞	13⅝	[illegible]	51½
Third Quarter	38¾	34	16¼	9⅝	54½	52½
Fourth Quarter	39	34	45½	10¾	[illegible]	[illegible]
1967:						
First Quarter	41⅛	34⅛	31⅜	14⅝	53½	51
Second Quarter	41	36⅛	34¼	24	54	51½
Third Quarter	42¾	38¼	36⅜	30⅝	54	52¾
Fourth Quarter	44½	36½	33½	24⅝	[illegible]	48
1968:						
First Quarter	46¼	41	32½	26	[illegible]	49
Second Quarter	44⅝	40	30	27¾	52¾	50
Third Quarter	43⅞	39½	35½	29	[illegible]	50
Fourth Quarter	48⅜	40⅝	(1)	(1)	53	49
1969:						
First Quarter	50⅝	40½	47½	39	52½	49

[1] Through Nov. 30 the high was 47 and the low 35½; from Dec. 1 through 31 the high was 50¾ and the low 44⅛.

Disque D. Deane, a director of McLean Industries, is a general partner of Lazard Frères & Co., which firm is financial adviser to McLean Industries and is to receive a fee of $500,000 for their services rendered to McLean Industries in connection with the proposed merger.

The closing sales prices of Reynolds common stock and McLean Industries A common stock on the New York Stock Exchange on April 8, 1969, were 40⅛ and 40, respectively. The last bid price on that day for McLean Industries First Preferred Stock was 50. On March 12, 1969, the day before the public announcement of the terms of the merger, the closing sales prices of Reynolds common Stock and McLean Industries A common stock were 42½ and 40⅝, respectively. The high bid and low asked prices for McLean Industries First Preferred Stock on February 25, 1969 (the date of the last available quotations before Mar. 12, 1969) were 52 and 52, respectively.

Section 17(d) of the Act and Rule 17d–1 thereunder, in pertinent part, provide that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, to participate in or effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or joint and several participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement as used in Rule 17d–1 is defined as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such registered company, or any affiliated person of such person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

American-Hawaiian states that it has elected to dispose of its A common stock of McLean Industries for cash (rather than receive Reynolds securities in the merger) because of the greater flexibility which this course will afford it in the future.

American-Hawaiian also states that the terms of the transaction were negotiated at arm's length between the parties; that it does not know of any relationship between Reynolds, on the one hand, and American-Hawaiian or any person controlling or under common control of American-Hawaiian on the other hand which is material to this transaction; and that there is no relationship between Reynolds and McLean Industries or persons in control of McLean Industries or under common control known to American-Hawaiian which is material to this transaction.

American-Hawaiian points out that Bulk Carriers (which, with Ludwig, controls American-Hawaiian) and Kroeger (a director of American-Hawaiian) are to receive the same consideration per share of A common stock as American-Hawaiian is to receive.

American-Hawaiian states, among other things, that it will not be participating on a basis less advantageous than that of the other participants in the proposed transaction, and that the transaction is consistent with the provisions, policies, and purposes of the Act.

Notice is further given that any interested person may, not later than May 12, 1969 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted or he may request that he

be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon American-Hawaiian at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the following: Mr. Julius Frankel and Mr. Michael H. Brodkin, c/o David Levy, Esq., Arnstein, Gluck, Weitzenfeld & Midow, 120 South La Salle Street, Chicago, Ill.; Sidney Bender, Esq., Leventritt, Lewittes & Bender, 405 Lexington Avenue, New York, N.Y. 10017; Mr. Louis Osterman, 86 West 12 Street, New York, N.Y. 10011; and Mr. Harry Buchman, 551 Fifth Avenue, New York, N.Y. 10017.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5090; Filed, Apr. 29, 1969; 8:45 a.m.]

[70–4742]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Issue and Sale of Notes and Common Stock by Subsidiary Companies to Holding Company and Open Account Advances by Holding Company to Subsidiary Companies

APRIL 24, 1969.

In the matter of the Columbia Gas System, Inc., 120 East 41st Street, New York, N.Y. 10017, United Fuel Gas Co., Atlantic Seaboard Corp., Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corp., Kentucky Gas Transmission Corp., Columbia Gas of Ohio, Inc., The Ohio Fuel Gas Co., The Ohio Valley Gas Co., The Preston Oil Co., Columbia Gas of Pennsylvania, Inc., The Manufacturers Light and Heat Co., Home Gas Co., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., Columbia Gulf Transmission Co., The Inland Gas Co., Inc.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its above-named wholly-owned subsidiary companies (hereinafter referred to collectively as the "subsidiary companies", and individually as "United Fuel," "Seaboard," "Columbia of Ky.," "Distribution," "Kentucky Gas," "Columbia of Ohio," "Ohio Fuel," "Ohio Valley," "Preston," "Columbia of Pa.," "Manufacturers," "Home," "Columbia of N.Y.," "Columbia of Md.," "Columbia Gulf," and "Inland") have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia proposes to advance on open account to certain of the subsidiary companies for construction and for short-term seasonal purposes up to the respective amounts set forth below. All construction open account advances will mature on March 31, 1970. On that date, such advances, in an amount equal to the Columbia notes to banks issued under a $100 million commitment agreement (Holding Company Act Release No. 16295 (Feb. 25, 1969)), are proposed to be converted, pro rata, into unsecured promissory notes to Columbia maturing February 25, 1972, on which date Columbia's commitment notes to banks also mature. Authorization is requested herein for the issue and sale of such notes as may be required for such conversions. The remaining construction open account advances will be converted, pro rata, into long-term installment notes and common stocks in maximum amounts as indicated hereinafter.

The following table sets forth the maximum amounts of construction advances, "seasonal" advances, common stocks, and installment notes for which authorization is requested in the present filing:

	Construction advances	Seasonal advances	Common stock	Installment notes
United Fuel	$6,600,000	$14,500,000		$6,600,000
Seaboard	16,000,000	500,000	$4,500,000	11,500,000
Columbia of Kentucky	2,275,000	1,300,000		2,275,000
Distribution	1,200,000	850,000	450,000	750,000
Kentucky Gas	5,150,000	750,000		5,150,000
Columbia of Ohio	14,500,000	13,000,000		14,500,000
Ohio Fuel	13,000,000	25,700,000		13,000,000
Ohio Valley	1,642,000	1,000,000	342,000	1,300,000
Preston	34,500,000		17,000,000	17,500,000
Columbia of Pennsylvania	4,700,000	2,600,000		4,700,000
Manufacturers	7,000,000	11,500,000		7,000,000
Columbia of New York	850,000	250,000		850,000
Columbia of Maryland	1,200,000	150,000		1,200,000
Home	1,700,000	3,200,000		1,700,000
Inland	450,000		150,000	300,000
Columbia Gulf	79,500,000		30,500,000	49,000,000
Total	190,267,000	75,000,000	52,942,000	137,325,000

The subsidiary companies will use the proceeds from the construction advances to finance a part of their respective construction programs, which, in the aggregate, are estimated for 1969 to require expenditures of $198,676,000. The proceeds of the "seasonal" advances will be used by the subsidiary companies to purchase natural gas for inventory, for the prepayment of winter service gas, and for other short-term seasonal requirements.

The construction open account advances will be made by Columbia up to and including March 31, 1970. The interest rate on such construction advances will be the same as the rates Columbia is to be charged by the banks for its borrowings, that is, the prime rate in effect for commercial borrowers at Morgan Guaranty Trust Company of New York (currently 7½ percent) on the day the advance is made. Any change in that bank's prime rate will be effective as to such advances then outstanding on the first business day following such change. As of March 31, 1970, Columbia will determine what the composite effective annual rate of interest has been on its borrowings under bank loans (including the commitment fee to be paid to the banks), debentures, and commercial paper, if any, and will, thereafter, retroactively adjust the interest charges paid or incurred by the subsidiaries on such advances to March 31, 1970, to reflect Columbia's composite effective annual interest rate during that same period.

The notes proposed to be issued on March 31, 1970, in conversion of part of the construction advances will, as stated, mature on February 25, 1972. The notes will bear interest at the prime commercial bank rate in effect from time to time and may be prepaid at any time without premium.

The installment notes will be acquired no later than March 31, 1970, will be dated when issued, will be payable in 25 equal annual installments on May 31 of each of the years 1971–95, inclusive, and may be prepaid at any time, in whole or in part, without premium. Interest will accrue from the date of issue and is to be paid semiannually on the unpaid principal balance. The interest rate will be the actual cost of money to Columbia with respect to its planned sale of debentures in October 1969, decreased by an amount necessary in order that the interest rate be a multiple of 1/10th of 1 percent. In the event Columbia does not sell debentures prior to March 31, 1970, the interest rate will be 7.0 percent (that being Columbia's approximate cost of money on its debentures sold in October 1968) subject to adjustment, effective the first day of the month following Columbia's next sale of debentures. In the event the effective rate of interest on Columbia's interim construction financing between April 1, 1970, and the date of such sale be less than 7 percent, the interest savings will be passed on to the issuers of the installment notes.

The "seasonal" open account advances will be made from time to time during 1969 and will be paid by the subsidiary companies in three equal installments on February 25, March 25, and April 24, 1970. The interest rate on the proposed "seasonal" open account advances will be identical with the interest rate to be paid by Columbia on borrowings from banks which Columbia expects to make to provide the funds for such advances and will be the prime rate in effect at the time the bank borrowings are negotiated (see File No. 70–4741). Columbia also intends to issue commercial paper, and, to the extent commercial paper is sold at lower effective interest costs than the prime bank rate, such savings will be passed on to the subsidiaries by adjusting interest charges.

The expenses to be paid by Columbia and by the subsidiary companies in connection with the proposed transactions are estimated at $400 and $4,520, respectively.

The application-declaration states that the following State commissions have jurisdiction over certain of the proposed transactions: Pennsylvania Public Utility Commission, Public Service Commission of West Virginia, Public Utilities Commission of Ohio, State Corporation Commission of Virginia, Kentucky Public Service Commission, and New York Public Service Commission. It is also stated that the orders of said Commissions will be filed with this Commission by amendment. No ther State commission and no Federal commission, other than this Commission, is stated to have jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 19, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–5094; Filed, Apr. 29, 1969; 8:45 a.m.]

[70–4744]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exemption From Competitive Bidding

APRIL 24, 1969.

Notice is hereby given, that Arkansas Power & Light Co. ("Arkansas"), Ninth and Louisiana Streets, Little Rock, Ark. 72203, a subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to issue and sell, from time to time during the period commencing on the effective date of this declaration and continuing through April 30, 1971, unsecured short-term promissory notes, of a maturity of not more than 9 months, to various commercial banks and/or to a dealer in commercial paper. The aggregate principal amount of all such notes, including the commercial paper, to be outstanding at any one time will not exceed $35 million. The proceeds from the issue and sale of the notes will be used in financing Arkansas' construction program and for other corporate purposes. Arkansas' construction expenditures are estimated to be $62,600,000 for 1969 and $79,400,000 for 1970. Arkansas expects to retire all of the proposed notes not later than January 31, 1972, out of funds available from operations or derived from the issuance and sale of similar securities or long-term debt and/or equity securities.

The notes proposed to be issued and sold to banks will be in the form of unsecured promissory notes payable not more than 9 months from the date of issue with the right of renewal, will bear interest at the prime rate in effect at the lending bank at the date of issue or renewal or from time to time depending upon the requirements of the lending bank, and will, at the option of Arkansas, be prepayable, in whole or in part, at any time without premium or penalty. While no commitments have been made, it is expected that the banks to whom such notes will be issued and sold and the maximum amount to be issued and outstanding at any one time to each such bank will be substantially as follows:

First National Bank of Eastern Arkansas, Forrest City, Ark.	$175,000
Arkansas Bank & Trust Co., Hot Springs, Ark.	320,000
Arkansas First National Bank, Hot Springs, Ark.	150,000
The Commercial National Bank, Little Rock, Ark.	400,000
First National Bank in Little Rock, Ark.	1,000,000
Union National Bank, Little Rock, Ark.	800,000
Worthen Bank & Trust Co., Little Rock, Ark.	1,800,000
Manufacturers Hanover Trust Co., New York, N.Y.	10,000,000
National Bank of Commerce, Pine Bluff, Ark.	550,000
Simmons First National Bank, Pine Bluff, Ark.	4,000,000
Peoples Bank & Trust Co., Russellville, Ark.	100,000
Total	19,295,000

The filing states that except as indicated above, Arkansas will not effect borrowings from banks pursuant to this declaration until it shall have filed an amendment hereto setting forth the name or names of the banks from which such other borrowings are to be effected and the amounts thereof and such amendment shall have been granted by order of the Commission.

The proposed commercial paper will be issued and sold in the form of unsecured promissory notes of varying maturities not to exceed 270 days to Salomon Brothers & Hutzler ("dealer"), a dealer in commercial paper. The commercial paper will be sold at a discount rate which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality of that particular maturity sold by issuers thereof to commercial paper dealers. The commercial paper will be of denominations not less than $50,000 and will not be payable prior to maturity. The filing states that the rate for commercial paper will not exceed the commercial bank rate which, on the date of issue, Arkansas could obtain from commercial banks on notes of equal principal amounts, except for commercial paper of a maturity not exceeding 60 days issued to refund outstanding commercial paper if, in Arkansas' judgment, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper.

No commission or fee will be payable by Arkansas in connection with the issuance and sale of the commercial paper. The dealer, as principal, will reoffer and sell the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing discount rate to the company in such a manner as not to constitute a public offering. The dealer in reoffering the commercial paper will limit the reoffer and sale to a

nonpublic customer list of not more than 100 buyers of commercial paper. The filing states that it is anticipated that the commercial paper will be held by the buyers to maturity. However, the dealer may, if desired by a buyer, repurchase the commercial paper for resale to others on the list of customers.

Arkansas requests exemption from the competitive bidding requirements of Rule 50 for the proposed issue and sale of commercial paper. The company states that the proposed commercial paper will have a maturity not in excess of 270 days, that current rates for commercial paper for such prime borrowers as Arkansas are published daily in financial publications, and that it is not practical to invite bids for commercial paper.

The declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that the fees and expenses to be incurred in connection therewith will not exceed $2,000.

Notice is further given that any interested person may, not later than May 19, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request, that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5091; Filed, Apr. 29, 1969; 8:46 a.m.]

[File 1-3009]

BSF CO.

Order Suspending Trading

APRIL 24, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 25, 1969, through May 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5092; Filed, Apr. 29, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

APRIL 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 25, 1969, through May 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5093; Filed, Apr. 29, 1969; 8:46 a.m.]

[File 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

APRIL 24, 1969.

The common stock, 1-cent par value, of Mountain States Development Co., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 25, 1969, through April 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5095; Filed, Apr. 29, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

APRIL 24, 1969.

It appearing to the Securities and Exchange Commisison that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 25, 1969, through May 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5096; Filed, Apr. 29, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Los Angeles Disaster 1]

MANAGER OF DISASTER BRANCH OFFICE, LOS ANGELES, CALIF.

Delegations of Authority Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 1) (33 F.R. 10677) as amended (33 F.R. 14250) there is hereby redelegated to the Manager of the Los Angeles Disaster Branch Office the following authority:

A. Financial assistance. 1. To approve or decline disaster direct and immediate participation loans up to the total SBA

shares of $20,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $25,000 for a single disaster on home loans, and $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan. To approve or decline disaster Guaranteed Loans in amounts of total loan not exceeding $350,000.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
Manager, Disaster Branch Office

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as acting manager of the disaster branch office.

Effective date: April 8, 1969.

ALVIN P. MEYERS, *Regional Director, Los Angeles, California.*

[F.R. Doc. 69-5097; Filed, Apr. 29, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 48]

SOUTHERN PACIFIC CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Southern Pacific Co. shall deliver to the Missouri-Kansas-Texas Railroad Co., a weekly total of 175 empty plain serviceable boxcars with inside length less than 44'8" and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., April 28, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 18, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 24, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-5122; Filed, Apr. 29, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 49]

SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Southern Railway Co. shall deliver to the Chicago, Rock Island and Pacific Railroad Co., a weekly total of 175 empty plain serviceable boxcars with inside length less than 44'8" and doors less than 8 feet wide. *Exceptions:* Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., April 28, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 18, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 24, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-5123; Filed, Apr. 29, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 47-A]

SOUTHERN RAILWAY CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 47 and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 47 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., April 27, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 24, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-5124; Filed, Apr. 29, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 25, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41621—Phosphatic fertilizer solution from Garfield, Utah. Filed by Western Trunk Line Committee, agent (No. A-2584), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from Garfield, Utah, to Sioux City, Iowa, and Weeping Water, Nebr.

Grounds for relief—Market competition.

Tariff—Supplement 281 to Western Trunk Line Committee, agent, tariff ICC A-4411.

FSA No. 41622—Chemicals from Baton Rouge and North Baton Rouge, La. Filed by O. W. South, Jr., agent (No. A6093), for interested rail carriers. Rates on perchloroethylene, trichloroethylene, or trichloroethane, in tank carloads, as described in the application, from Baton Rouge and North Baton Rouge, La., to Minneapolis, Minn., transfer and St. Paul, Minn.

Grounds for relief—Market competition.

Tariff—Supplement 5 to Southern Freight Association, agent, tariff ICC S-838.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5125; Filed, Apr. 29, 1969; 8:48 a.m.]

[Notice 546]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 25, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10875 (Deviation No. 20), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y. 10011, filed April 11, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Scranton, Pa., over Interstate Highway 81 to junction Interstate Highway 83, thence over Interstate Highway 83 to York, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Scranton, Pa., over U.S. Highway 11 to Wilkes Barre, Pa., thence over U.S. Highway 309 to Hazleton, Pa., thence over Pennsylvania Highway 924 to Shenendoah, Pa., thence over Pennsylvania Highway 61 (formerly U.S. Highway 122) to Reading, Pa., thence over U.S. Highway 222 to Lancaster, Pa., thence over U.S. Highway 30 to York, Pa., and return over the same route.

No. MC 30139 (Deviation No. 3), HOLMES TRANSPORTATION, INC., 550 Cochituate Road, Framingham, Mass. 01706, filed April 16, 1969. Carrier's representative: Kenneth B. Williams, 111 State St., Boston, Mass. 02109. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes, as follows: (1) From Portland, Me., over Interstate Highway 95 to Boston, Mass., (2) from Concord, N.H., over Interstate Highway 89 to St. Albans, Vt., (3) from Glen Falls, N.Y., over Interstate Highway 87 to junction New York Highway 17 at the New York-New Jersey State line near Hillburn, N.Y., and (4) from Sturbridge, Mass., over Massachusetts Highway 15 to the Massachusetts-Connecticut State line, thence over Interstate Highway 84 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Portland, Me., over U.S. Highway 1 to Boston, Mass., (2) from Concord, N.H., over U.S. Highway 4 to White River Junction, Vt. (also from Concord over U.S. Highway 202 to Henniker, N.H., thence over New Hampshire Highway 114 via Bradford, N.H., to junction New Hampshire Highway 11, thence over New Hampshire Highway 11, thence over New Hampshire Highway 11 to junction New Hampshire Highway 10, thence over New Hampshire Highway 10 to junction U.S. Highway 4, thence over U.S. Highway 4 to White River Junction), thence over Vermont Highway 14 to Barre, Vt., thence over U.S. Highway 302 to junction U.S. Highway 2, thence over U.S. Highway 2 to junction U.S. Highway 7, thence over U.S. Highway 7 to St. Albans, Vt., (3) from Glens Falls, N.Y., over New York Highway 32-B to Hudson Falls, N.Y., thence over U.S. Highway 4 to junction U.S. Highway 9, thence over U.S. Highway 9 to junction U.S. Highway 9-D, thence over U.S. Highway 9-D to Newburgh, N.Y. (also from Albany, N.Y., over New York Highway 9-W to Newburgh), thence over New York Highway 32 to junction New York Highway 17, thence over New York Highway 17 to junction Interstate Highway 84 at the New York-New Jersey State line, near Hillburn, N.Y., and (4) from Sturbridge, Mass., over U.S. Highway 20 to junction New York Highway 7 at Duanesburg, N.Y., thence over New York Highway 7 to Binghamton, N.Y., and return over the same routes.

No. MC 31389 (Deviation No. 5), McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27102, filed April 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kearny, N.J., over Interstate Highway 280 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Ohio Highway 14 (also from junction Interstate Highways 280 and 80 over Interstate Highway 80 to junction Interstate Highway 80-S, thence over Interstate Highway 80-S to Akron, Ohio), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Hartford, Conn., over U.S. Highway 5 to junction U.S. Highway 1 to Bridgeport, Conn., thence over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., thence over Pennsylvania Highway 65 to Rochester, Pa., thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to junction Ohio Highway 14-A, thence over Ohio Highway 14-A via Salem, Ohio, to Deerfield, Ohio, thence over Ohio Highway 14 to Cleveland, Ohio (also from Deerfield, Ohio, over U.S. Highway 224 to Akron, Ohio, (2) from junction U.S. Highways 22 and 202 near Raritan, N.J., thence over U.S. Highway 202 via New Hope and Norristown, Pa., to junction Pennsylvania Turnpike at the Valley Forge, Pa., Interchange, thence over the Pennsylvania Turnpike to Gateway, Pa., Interchange, thence over access roads to junction Ohio Highway 170, thence over Ohio Highway 170 to junction Ohio Highway 14, (3) from Newark, N.J., over U.S. Highway 22 via Holidaysburg, Lewistown, Harrisburg, and Allentown, Pa., to Pittsburgh, Pa., (4) from Hartford, Conn., over U.S. Highway 5 (also over Alternate U.S. Highway 5) to junction U.S. Highway 20, thence over U.S. Highway 20 to Albany, N.Y., thence over U.S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, N.Y., thence over New York Highway 5 to Irving, N.Y. (also from junction U.S. Highway 20 and New York Highway 130 over U.S. Highway 20 to Irving, N.Y.), thence over U.S. Highway 20 to Cleveland, Ohio, and (5) from Hartford, Conn., over U.S. Highway 6 to Cleveland, Ohio, and return over the same routes.

No. MC 31389 (Deviation No. 6), McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27102, filed April 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 20 and Interstate Highway 79 over Interstate Highway 79 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Ohio Highway 8 (also from junction Interstate Highways 79 and 80 over Interstate Highway 80 to junction Interstate Highway 80-S, thence over Interstate Highway 80-S to Akron, Ohio), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Hartford, Conn., over U.S. Highway 5 (also over Alternate U.S. Highway 5) to junction U.S. Highway 20, thence over U.S. Highway 20 to Albany, N.Y., thence over U.S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, N.Y., thence over New York Highway 5 to Irving, N.Y. (also from junction U.S. Highway 20 and New York Highway 130 over U.S. Highway 20 to Irving), thence over U.S. Highway 20 to Cleveland, Ohio, thence over Ohio Highway 8 to Akron, Ohio, and (2) from Hartford, Conn., over U.S. Highway 6 to Cleveland, Ohio, and return over the same routes.

No. MC 31389 (Deviation No. 7), McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C., filed April 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 79 and U.S. Highway 30 in Pittsburgh, Pa., over Interstate Highway 79 to junction Interstate Highway 80 (also from junction Interstate Highway 79 and the Pennsylvania Turnpike northwest of Pittsburgh, Pa., over Interstate Highway 79 to junction Interstate Highway 80), thence over Interstate Highway 80 to junction Ohio Highway 14 (also from junction Interstate Highways 79 and 80 over Interstate Highway 80 to junction Interstate Highway 80-S, thence over Interstate Highway 80-S to Akron, Ohio), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Kearny, N.J., over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., thence over Pennsylvania Highway 65 to Rochester, Pa., thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to junction Ohio Highway 14-A, thence over Ohio Highway 14-A via Salem, Ohio to Deerfield, Ohio, thence over Ohio Highway 14 to Cleveland, Ohio (also from Deerfield over U.S. Highway 224 to Akron, Ohio, (2) from junction U.S. Highways 22 and 202 near Raritan, N.J., over U.S. Highway 202 via New Hope and Norristown, Pa., to junction Pennsylvania Turnpike at Valley Forge, Pa., Interchange, thence over the Pennsylvania Turnpike to Gateway, Pa., Interchange, thence over access roads to junction Ohio Highway 170 to junction Ohio Highway 14, and (3) from Newark, N.H., over U.S. Highway 22 via Holidaysburg, Lewistown, Harrisburg, and Allentown, Pa., to Pittsburgh, Pa., and return over the same routes.

No. MC 52110 (Deviation No. 2), BRADY MOTORFRATE, INC., 2150 Grand Ave., Des Moines, Iowa 50312, filed April 18, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Des Moines, Iowa, over U.S. Highway 65 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 74 near Moline, Ill., thence over Interstate Highway 74 to Indianapolis, Ind., and (2) from Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Des Moines, Iowa, over U.S. Highway 6 to Joliet, Ill., (2) from Kentland, Ind., over U.S. Highway 24 to Forest, Ill., thence over Illinois Highway 47 to Morris, Ill., and (3) from St. Paul, Minn., over Interstate Highway 94 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same routes.

No. MC 108398 (Deviation No. 1), RINGSBY-PACIFIC LTD., 3201 Ringsby Court, Denver, Colo. 80216, filed April 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 5 (formerly U.S. Highway 99) and California Highway 14 at or near Newhall, Calif., over California Highway 14 to junction U.S. Highway 395 about 4 miles north of Inyokern, Calif., thence over U.S. Highway 395 to junction California Highway 70 (Hallelulah Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Newhall, Calif., over California Highway 99 (formerly U.S. Highway 99) to Sacramento, Calif., thence over Interstate Highway 80 (formerly U.S. Highway 99-E) to Roseville, Calif., thence over California Highway 65 (formerly U.S. Highway 99-E) to Marysville, Calif., thence over California Highway 70 (formerly Alternate U.S. Highway 40) via Portola, Calif., to junction U.S. Highway 395 (Hallelulah Junction), and return over the same route.

No. MC 115093 (Deviation No. 1), MERCURY MOTOR EXPRESS, INC., 704 W. Kennedy Blvd., Tampa, Fla. 33606, filed April 15, 1969. Carrier's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From New Haven, Conn., over Interstate Highway 95 to New York, N.Y., thence over Interstate Highway 95 (via the George Washington Bridge), to junction New Jersey Turnpike, thence over the New Jersey Turnpike to Fellowship, N.J., thence over New Jersey Highway 73 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md. (also from New York, N.Y., over Interstate Highway 278 to junction New Jersey Turnpike, thence as specified above to Baltimore) (also from New York, N.Y., over Interstate Highway 495 (the Lincoln Tunnel) to junction New Jersey Turnpike, thence as specified above to Baltimore), and (2) from Baltimore, Md., over Interstate Highway 95 to junction Maryland Highway 198, thence over Maryland Highway 198 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 95, thence over Interstate Highway 95 to Miami, Fla. (using or traversing the following highways pending completion of Interstate Highway 95: U.S. Highway 301 from junction Interstate Highway 95 near Battleboro, N.C., and junction Interstate Highway 95 near Kenley, N.C.; U.S. Highway 301 from junction Interstate Highway 95 near Fayetteville, N.C., to junction Interstate Highway 95 approximately 9 miles south of Fayetteville, N.C.; U.S. Highway 301 from junction Interstate Highway 95 approximately 3 miles south of Lumberton, N.C., and junction Interstate Highway 95 near Dillon, S.C.; U.S. Highway 301 from junction Interstate Highway 95 near Manning, S.C., to junction U.S. Highway 15, thence U.S. Highway 15 to junction U.S. Highway 17, thence U.S. Highway 17 to junction Interstate Highway 95 near Yulee, Fla.; U.S. Highway 1 from junction Interstate Highway 95 near Daytona Beach, Fla., to junction Interstate Highway 95 near Mims, Fla.; unnumbered highway and

U.S. Highway 1 from junction Interstate Highway 95 near Palm Bay, Fla., and Fort Lauderdale, Fla.), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from New Haven, Conn., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 301 to Wilson, N.C., thence over U.S. Highway 117 to Goldsboro, N.C., thence over U.S. Highway 13 to Fayetteville, N.C., thence over U.S. Highway 401 to junction U.S. Highway 15, thence over U.S. Highway 15 to Bishopville, S.C., thence over South Carolina Highway 34 to Camden, S.C., thence over U.S. Highway 1 to Miami, Fla., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 519) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 14, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Bay City, Mich., over U.S. Highway 10 to junction Clare Bypass, thence over Clare Bypass to junction U.S. Highway 27, thence over U.S. Highway 27 to junction unnumbered highway 1 mile north of Clare, Mich., (2) from Midland, Mich., over U.S.B.R. (Business Route) 10 to junction U.S. Highway 10, east of Midland, Mich., (3) from Midland, Mich., over U.S.B.R. (Business Route) 10 to junction Eastman Road, thence over Eastman Road to junction U.S. Highway 10, (4) from Clare, Mich., over U.S. Highway 10 to junction unnumbered highway approximately 2 miles east of Clare, thence over U.S. Highway 10 to interchange U.S. Highway 10 and Clare Bypass, and (5) from Clare, Mich., over unnumbered highway to junction U.S. Highway 27, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Scottsville, Mich., over U.S. Highway 10 via Clare, Mich., to junction unnumbered highway approximately 2 miles east of Clare, thence over unnumbered highway (formerly U.S. Highway 10) via Loomis, Coleman, North Bradley, and Averill, Mich., to Midland, Mich., thence over U.S. Highway B.R. 10 to junction U.S. Highway 10, thence over U.S. Highway 10 to junction Michigan Highway 47, thence over Michigan Highway 47 via Freeland, Mich., to junction Michigan Highway 46, thence over Michigan Highway 46 to Saginaw, Mich., and (2) from Bay City, Mich., over unnumbered highway via Auburn, Mich., to Midland, Mich., and return over the same routes.

No. MC 1515 (Deviation No. 520), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 16 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction unnumbered highway and Indiana Highway 37 approximately 2 miles south of Martinsville, Ind., over Indiana Highway 37 to junction unnumbered highway 1 mile north of Martinsville, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Paoli, Ind., over Indiana Highway 37 via Bedford to junction unnumbered highway (formerly Indiana Highway 37) and Indiana Highway 37, about one-half mile north of the north city limits of Bloomington, Ind., thence over unnumbered highway via Dolan and Hindustan, Ind., to junction Indiana Highway 37 approximately 3 miles south of Martinsville, Ind., thence over Indiana Highway 37 to junction unnumbered highway (formerly Indiana Highway 37) approximately 2 miles south of Martinsville Ind., thence over unnumbered highway via Martinsville to junction Indiana Highway 37 approximately 1 mile north of Martinsville, Ind., thence over Indiana Highway 37 to Indianapolis, Ind., and return over the same route.

No. MC 41638 (Deviation No. 2), DE-LUXE TRAILWAYS, INC., 1718 South Clark Street, Chicago, Ill. 60616, filed April 14, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Junction Interstate Highway 80 and U.S. Highway 54 at the city limits of Harvey, Ill., over Interstate Highway 80 to junction Interstate Highway 57, thence over Interstate Highway 57 to Onarga, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Harvey, Ill., over U.S. Highway 54 to Onarga, Ill., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-5126; Filed, Apr. 29, 1969; 8:48 a.m.]

[Notice 1289]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 25, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 8973 (Sub-No. 14) (Republication), filed March 18, 1969, published in the FEDERAL REGISTER of April 17, 1969, and republished this issue. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and composition boards, and articles* used or useful in the installation thereof (except commodities in bulk), from Edgewater and Carteret, N.J.; Philadelphia, Pittston, and Sunbury, Pa., and New York, N.Y., to points in Tennessee, West Virginia, Kentucky, Mississippi, Alabama, Arkansas, Ohio, Indiana, Michigan, Illinois, and Louisiana, (2) *composition boards and articles* used or useful in the installation thereof (except commodities in bulk), from Deposit, N.Y., to points in Indiana and Michigan, and (3) *returned shipments* of the commodities in (1) and (2) above, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction if warranted. The purpose of this republication is to reflect the hearing information.

HEARING: May 14, 1969, before an examiner to be later designated at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 133175 (Correction), filed September 16, 1968, published FEDERAL REGISTER issue of October 10, 1968, corrected April 11, 1969, and republished as corrected, this issue. Applicant: METALS TRANSPORT CO., a corporation, 1140 Poland Avenue, Youngstown, Ohio 44502. Applicant's representative: Richard H. Brand, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel buildings* and (2) *building sections, panels, materials, parts and accessories*, from Niles and Youngstown, Ohio, to St. Louis, Mo., and points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, under contract with Republic Steel Corporation of Cleveland, Ohio. NOTE: The purpose of this republication is (1) to include "under contract with Republic Steel Corporation of Cleveland, Ohio," and (2) to reflect hearing information.

HEARING CONTINUED: May 22, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 118282 (Sub-No. 24), filed April 14, 1969. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, and those of unusual value), (1) between Jacksonville, Fla. and San Diego, Calif.: From Jacksonville, Fla. over U.S. Highway 90 to Mobile, Ala., thence over U.S. Highway 45 to Meridian, Miss., thence over U.S. Highway 80 to San Diego, Calif., and return over the same route (no intermediate points will be served between Jacksonville, Fla., and El Centro, Calif.); (2) between Jacksonville, Fla., and Los Angeles, Calif., (a) from Jacksonville, Fla., over U.S. Highway 90 to Van Horn, Tex., thence over U.S. Highway 80 to Las Cruces, N. Mex., thence over U.S. Highway 70 to Globe, Ariz., thence over U.S. Highway 60 to Los Angeles, Calif., and return over the same route, and (b) over Interstate Highway 10 (no intermediate points will be served between Jacksonville, Fla., and Blythe, Fla.); (3) between Jacksonville, Fla., and Key West, Fla., over U.S. Highway 1; (4) between Miami, Fla., and Tallahassee, Fla., over U.S. Highway 27 (no intermediate points will be served between Archer, Fla., and Tallahassee, Fla.).

This route for joiner purposes only; (5) between Jacksonville, Fla., and Miami, Fla., over Interstate 95; (6) between Lake City, Fla., and Miami, Fla., (a) over U.S. Highway 41 (no intermediate points to be served between Archer, Fla., and Lake City, Fla.). This route for purposes of joiner only; and (b) from the intersection of Interstate Highway 75 and Interstate Highway 10, over Interstate Highway 75 to Wildwood, Fla., thence over the Sunshine State Parkway (Florida's Turnpike) to Miami, Fla., and return over the same route (no intermediate points to be served from the junction of Florida Highway 24 and Interstate Highway 75 to the junction of Interstate Highway 75 and Interstate Highway 10). This route for joiner purposes only; (7) between Wildwood, Fla., and Tampa, Fla., over Interstate Highway 75; (8) between Daytona Beach, Fla., and St. Petersburg, Fla., over Interstate Highway 4; (9) between Ocala, Fla., and Baldwin, Fla., over U.S. Highway 301; (10) between St. Petersburg, Fla., and Tallahassee, Fla., over U.S. Highway 19 (no intermediate points to be served between Otter Creek and Tallahassee). This route for joiner purposes only; (11) between Lebanon Station, Fla., and Dunnellon, Fla., over Florida Highway 336; (12) between Lakeland, Fla., and Punta Gorda, Fla.: From Lakeland, Fla., over U.S. Highway 98 to Bartow, Fla., thence over U.S. Highway 17 to Punta Gorda, Fla., and return over the same route; (13) between Orlando, Fla., and Belle Glade, Fla., over U.S. Highway 441; (14) between Jacksonville, Fla. and Orlando, Fla., over U.S. Highway 17; (15) between Palmetto, Fla., and Wildwood, Fla., over U.S. Highway 301;

(16) between Fort Myers, Fla., and West Palm Beach, Fla., from Fort Myers, Fla., over Florida Highway 80 to junction of U.S. Highway 27, thence over U.S. Highway 27 to South Bay, Fla., thence over Florida Highway 827A to Belle Glade, Fla., thence over U.S. Highway 441 to West Palm Beach, Fla., and return over the same route; (17) between Tampa, Fla., and Vero Beach, Fla., over Florida Highway 60; (18) between Bradenton, Fla., and West Palm Beach, Fla., from Bradenton, Fla., over Florida Highway 64 to junction of Florida Highway 675, thence over Florida Highway 675 to junction of Florida Highway 70, thence over Florida Highway 70 to junction of Florida Highway 710, thence over Florida Highway 710 to West Palm Beach, Fla., and return over the same route; (19) between Ocala, Fla., and Ormond Beach, Fla., over Florida Highway 40; (20) between Orlando, Fla., and Indian River City, Fla., over Florida Highway 50; (21) between Orlando, Fla., and Tampa, Fla., over U.S. Highway 92; (22) between San Diego and Crescent City, Calif., from San Diego, Calif., over Interstate Highway 5 to Los Angeles, Calif., thence over U.S. Highway 101 to Crescent City, Calif., and return over same route; (23) between Los Angeles and Weed, Calif., over U.S. Highway 99 and Interstate Highway 5; (24) between San Diego and Alturas, Calif., over U.S. Highway 395; (25) between San Francisco, Calif., and Reno, Nev., over Interstate Highway 80; (26) between Blythe and San Bernardino, Calif., from Blythe over U.S. Highway 95 to Needles, Calif., thence over U.S. Highway 66 to San Bernardino, and return over the same route;

(27) between Santa Maria and Greenfield, Calif., from Santa Maria over California Highway 166 to junction California Highway 33, thence over California Highway 33 to junction California Highway 119, thence over California Highway 119 to Greenfield, and return over the same route; (28) between Bakersfield and Barstow, Calif., over California Highway 58; (29) between Gilroy and Fairmead, Calif., over California Highway 152; (30) between Ventura, Calif., and junction California Highways 33 and 152, over California Highway 33; (31) between San Jose and Stockton, Calif., from San Jose over Interstate Highway 680 to junction U.S. Highway 50, thence over U.S. Highway 50 to Stockton, and return over the same route; and (32) between Mobile, Ala., and Jackson, Miss.; from Mobile over U.S. Highway 98 to Hattiesburg, Miss., thence over U.S. Highway 49 to Jackson, and return over the same route, serving Mobile, Ala., and Jackson, Miss., for purpose of joiner only. NOTE: Applicant states service will be performed at all intermediate points on the above described routes in Florida and California. All points in Florida and those in California not on the above described route will be served as off-route points in connection with the otherwise authorized routes. No local operations will be performed between points in Florida or between points in California. Applicant holds contract carrier authority under MC-125811 and Sub 5, therefore, dual operations may be involved.

HEARING: May 12, 1969, through May 29, 1969, at the Biltmore Hotel, Los Angeles, Calif., before Examiner John S. Messer. A continued hearing is contemplated in the East at a date to be hereafter fixed by the Hearing Officer. This application will be subject to the special procedure rules that are in effect in MC 95540 (Sub-No. 733) WATKINS MOTOR LINES, INC., in order dated March 26, 1969 and service date of April 2, 1969.

No. MC 108676 (Sub-No. 20) (Republication), filed May 22, 1967, published FEDERAL REGISTER issue June 15, 1967, and republished this issue. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, NE., Knoxville, Tenn. 37917. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. By report and order entered in the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below. An order of the Commission, Review Board Number 4, decided September 13, 1968, and served September 24, 1968, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes transporting (1) *general commodities* (except explosives, those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and cement and lime), from Knoxville, Tenn., to points in McCreary, Whitley, Knox, Bell, Wayne, and Harlan Counties, Ky.; Madison, Haywood, Swain, Jackson, Graham, Cherokee, Clay, and Macon Counties, N.C.; Fentress, Scott, Campbell, Claiborne, Hancock, Hawkins, Morgan, Anderson, Union, Grainger, Hamblen, Greene, Cumberland, Roane, Knox, Jefferson, Cocke, Bledsoe, Rhea, Meigs, McMinn, Loudon, Blount, Sevier, Bradley, Polk, and Monroe Counties, Tenn., and Lee County, Va., restricted to traffic having an immediate prior movement by rail; and

(2) *Fabricated iron and steel articles, and steel decking*, from the plantsites of Wise Iron and Wire Works, Inc., and Faener Corp., at or near Ebenezer and Clinton, Tenn., respectively, to Knoxville, Tenn., restricted to traffic having an immediate subsequent movement by rail; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that

other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115841 (Sub-No. 335) (Republication), filed July 10, 1968, published FEDERAL REGISTER issue of July 25, 1968, and republished this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant's). By application filed July 10, 1968, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of yeast and related bakery items (except in bulk), in vehicles equipped with mechanical refrigeration, from Belleville, N.J., to Lynchburg and Bristol, Va.; Nashville and Knoxville, Tenn.; and Birmingham, Ala. A report of the Commission, Review Board Number 4, decided April 11, 1969, and served April 21, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of bakery materials, except in bulk, in vehicles equipped with mechanical refrigeration, from Belleville, N.J., to Lynchburg and Bristol, Va., Nashville and Knoxville, Tenn., and Birmingham, Ala., that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116101 (Sub-No. 5) (Republication), filed November 4, 1968, published FEDERAL REGISTER issue of November 21, 1968, and republished this issue. Applicant: QUICK AIR FREIGHT, INC., Cargo Building, Port Columbus Airport, Columbus, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. By application filed November 4, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicles, over irregular routes, transporting: (1) Machinery parts, from the plantsite of the Jeffrey Manufacturing Co., Columbus, Ohio, to points in Kentucky and West Virginia; and (2) damaged and worn machinery parts, on return. Restriction: The operations proposed herein will be restricted to the exclusive use of one motor vehicle, and restricted against the transportation of commodities which by reason of their size or weight require special equipment to transport, load, and/or unload. An order of the Commission, Operating Rights Board, dated March 21, 1969, and served April 10, 1969, finds that operation by applicant, in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting, (1) of *machinery parts* (except those which, because of size or weight, require the use of special equipment) from the plantsite of the Jeffrey Manufacturing Co. at Columbus, Ohio, to points in Kentucky and West Virginia, and (2) of *used machinery parts* (except those which, because of size or weight, require the use of special equipment) from points in Kentucky and West Virginia to the plantsite of the Jeffrey Manufacturing Co. at Columbus, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder; Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129935 (Sub-No. 1) (Republication), filed May 28, 1968, published in the FEDERAL REGISTER issue of June 13, 1968, and republished this issue. Applicant: BARROWS TRANSFER AND STORAGE COMPANY, a corporation, Armory Road, Waterville, Maine 04901. Applicant's representative: Arthur E. Finger, 30 Boylston Street, Cambridge, Mass. 02138. By application filed May 28, 1968, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of new crated furniture, from Monson, Maine, and Dover-Foxcroft, Maine, the location of the production facilities of supporting shipper, to customers of shipper at points and places in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, and also furniture originally manufactured by Moosehead Manufacturing Co. being returned because of damage, from customers of shipper at the above described points and places to the plants at Monson, Maine, and Dover-Foxcroft, Maine, under a continuing contract with Moosehead Manufacturing Co., of Monson, Maine. By order of the Commission, dated August 13, 1968, and served August 19, 1968, it was ordered that this proceeding be handled under modified procedure. An order of the Commission, Division 1, Acting as an Appellate Division, dated April 10, 1969, and served April 18, 1969, requires publication in the FEDERAL REGISTER of the grant of motor carrier authority made in the Report and Order of Review Board Number 3, decided January 6, 1969, and served January 17, 1969, which finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *new furniture*, crated, from the plantsites of Moosehead Manufacturing Co. at Dover-Foxcroft and Monson, Maine, to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129962 (Republication), filed June 6, 1968, published in the FEDERAL REGISTER issue of June 27, 1968, and republished this issue. Applicant: GERARD HARBEC TRANSPORT, INC., 162 Main Street, Farnham, Quebec, Canada. Applicant's representative: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. 03101. By application filed June 6, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of soya beans (oil meal), (1) from, to, or between the States of Ohio and New York to the ports of entry on the United States border at Champlain and Rouses Point, N.Y., and High

Gate Springs, Vt., restricted to traffic destined for delivery in the Province of Quebec, Canada; and (2) from ports on entry on the United States-Canada border in the States of Vermont and New York, to St. Albans, Vt., and Canton, Cayuga, and Buffalo, N.Y., restricted to traffic originating in the Province of Quebec, Canada, with the above authority restricted against the transportation of commodities in bulk, in tanks or hopper type vehicles. An order of the Commission, Operating Rights Board, dated March 21, 1969, and served April 15, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *soybean oil meal*, in bags, (1) from points in Ohio and New York to those ports of entry on the international boundary line between the United States and Canada at High Gate Springs, Vt., and Champlain and Rouses Point, N.Y., restricted to the transportation of traffic destined to points in the Province of Quebec, Canada, and (2) from those ports of entry on the international boundary line between the United States and Canada in Vermont and New York, to St. Albans, Vt., and to Canton, Cayuga, and Buffalo, N.Y., restricted to the transportation of traffic originating at points in the Province of Quebec, Canada; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130069 (Republication), filed August 28, 1968, published in the FEDERAL REGISTER issue of September 19, 1968, and republished this issue. Applicant: INTERNATIONAL FREIGHT SERVICE, INC., Post Office Box 6461, Savannah, Ga. 31405. Applicant's representative: William P. Jackson, Jr., 1819 H Street NW., Federal Bar Building, West, Washington, D.C. 20006. By application filed August 28, 1968, as amended, applicant seeks a license authorizing operation, in interstate or foreign commerce, as a broker at Savannah, Ga., Laredo, Tex., Hidalgo, Tex., and Brownsville, Tex., in arranging for the transportation, in interstate or foreign commerce, of general commodities (except household goods as defined by the Commission, other than containerized household goods shipments) between all ports of entry on the International Boundary line between the United States and Mexico (except San Ysidro, Calif.), on the one hand, and, on the other, points in the United States. An order of the Commission, Operating Rights Board, dated March 28, 1969, and served April 18, 1969, finds that operation by applicant at Savannah, Ga., Laredo, Tex., Hidalgo, Tex., and Brownsville, Tex., as a *broker*, in arranging for the transportation, in interstate or foreign commerce, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between ports of entry on the International Boundary line between the United States and Mexico (except San Ysidro, Calif.), on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii) will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133105 (Sub-No. 1) (Republication), filed September 30, 1968, published FEDERAL REGISTER issue of October 24, 1968, and republished this issue. Applicant: ROBERT A. JONES AND JOHN W. JONES, a partnership, doing business as J. AND J. TRANSFER, Post Office Box 2201, 600 Lumpkin Boulevard, Columbus, Ga. 31902. Applicant's representative: C. E. Walker, 306 First National Bank Building (11th St. at Broad), Columbus, Ga. 31902. By application filed September 30, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of food products, except in bulk, from Columbus, Ga., and points in the Columbus, Ga., commercial zone and to points indicated below. An order of the Commission, Operating Rights Board, dated March 21, 1969, and served April 21, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *such merchandise* (except in bulk) as is usually dealt in by wholesale retail, and chain grocery stores from Columbus, Ga., to points in Georgia and to Opelika, Ala., and a continuing contract with General Mills, Inc., of Minneapolis, Minn., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 115924 (Sub-No. 16) (Notice of Filing of Petition To Amend Permit by Adding an Additional Contracting Shipper), filed April 7, 1969. Petitioner: SUGAR TRANSPORT, INC., Port Wentworth, Ga. Petitioner's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Petitioner holds a permit in MC 115924 (Sub-No. 16) authorizing it to transport, over irregular routes, Molasses and mixtures of molasses and feed supplements, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, with no transportation for compensation on return except as otherwise authorized, restricted to a transportation service to be performed, under a continuing contract, or contracts, with Savannah Sugar Refining Corp. By the instant petition, petitioner requests permission to add Kaiser Agricultural Chemicals, Division of Kaiser Aluminum and Chemical Corp., Port Wentworth, Ga., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118808 (Sub-No. 6) (Notice of Filing of Petition To Modify Permit), filed April 8, 1969. Petitioner: ABC EXPRESS COMPANY, a corporation, Philadelphia, Pa. Petitioner's representative: Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Petitioner states it holds a permit in MC 118808 (Sub-No. 6) to transport *"Such commodities* as are dealt in by department stores, between Philadelphia, Pa., on the one hand, and, on the other, Broomall, Willow Grove, and Plymouth Meeting, Pa. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Lit Bros. of Philadelphia, Pa." By the instant petition, petitioner requests that its Sub 6 permit be modified to read as follows: "(1) *Such commodities* as are

dealt in by department stores, between Philadelphia, Pa., on the one hand, and, on the other, Broomall, Willow Grove, and Plymouth Meeting, Pa. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Lit Bros. of Philadelphia, Pa. (2) Between Philadelphia, Pa., on the one hand, and, on the other, Plymouth Meeting, Pa. Restriction: The operation authorized above is limited to a transportation service to be performed under a continuing contract, or contracts, with Strawbridge & Clothier, Philadelphia, Pa." Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119474 (Sub-No. 1), (Notice of Filing of Petition To Remove Restriction From Certificate), filed March 28, 1969. Petitioner: OSENGA'S TRUCKING SERVICE, INC., Chicago, Ill. Petitioner's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Petitioner holds a certificate in No. MC 119474 (Sub-No. 1) authorizing it to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value and classes A and B explosives, commodities in bulk, and petroleum products), between points in the Chicago, Ill., commercial zone as defined by the Commission, *restricted to the transportation of traffic having an immediately prior or immediately subsequent movement by water*. By the instant petition, petitioner requests that the Commission remove the restriction from the certificate, or in the alternative, make a finding that petitioner has authority to interline rail or motor carrier traffic within the Chicago commercial zone. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10453. Authority sought for purchase by W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Post Office Box 507, Fairmont, W. Va. 26554, of a portion of the operating rights of DAVIS & RANDALL, INC., 154 Chautauqua Road, Post Office Box 390, Fredonia, N.Y. 14063, and for acquisition by ROBERT H. THOMPSON, ERWIN LANE, both also of Fairmont, W. Va., of control of such rights through the purchase. Applicants' attorney: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Operating rights sought to be transferred: *Malt beverages, empty malt beverage containers, and advertising materials*, as a *common carrier* over irregular routes from points in Wayne County, Mich., to points in West Virginia. Vendee is authorized to operate York, Michigan, Indiana, Illinois, Virginia, Kentucky, New Jersey, the District of Columbia, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10454. Authority sought for control and merger by YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line Road, Kansas City, Mo. 64114, of the operating rights and property of LANG TRANSIT COMPANY, 36th Street and Quirt Avenue, Post Office Box 1265, Lubbock, Tex. 79404, and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, Mo., GEORGE E. POWELL, JR., 1040 West 57th St., Kansas City, Mo., and LESTER H. BRICKMAN, 6419 Belinder, Shawnee Mission, Kansas City, Mo., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603 and W. D. Benson, Jr., 900 Citizens Tower Building, Lubbock, Tex. 79401. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Plains, Tex., and Lovington, N. Mex., serving certain intermediate points in Texas, between Brownfield, Tex., and Hobbs, N. Mex., serving all intermediate points, and the off-route points of the sites of the Phillips Petroleum Company Plant and Refinery near Buckeye, N. Mex., and the Sinclair Oil & Gas Company's Gas Products Plant No. 29, near Tatum, N. Mex., with restriction; between Morton, Tex., and Portales, N. Mex., serving all intermediate points, between Portales, N. Mex., and Clovis, N. Mex., serving all intermediate points, and off-route points on U.S. Highway 60 between Clovis, N. Mex., and the New Mexico-Texas State line, between Needmore, Tex., and the junction of an unnumbered New Mexico Highway with New Mexico Highway 116 at or near Causey, N. Mex., serving all intermediate points; between Amarillo, Tex., and Clovis, N. Mex., serving the intermediate points of Bovina and Friona, Tex., between Lubbock, Tex., and Olton, Tex., serving the intermediate point of Spade, Tex., between Spade, Tex., and Littlefield, Tex., serving no intermediate points, with restriction; between Levelland, Tex., and Littlefield, Tex., between Lubbock, Tex., and Morton, Tex., between Levelland, Tex., and Morton, Tex., between Morton, Tex., and Enochs, Tex., serving no intermediate points; over numerous alternate routes for operating convenience only. *General commodities*, except those of unusual value, classes A and B explosives, livestock, automobiles, cotton, lumber, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Amarillo, Tex., and junction U.S. Highway 87 and unnumbered highway 5 miles south of Canyon, Tex., between junction Texas Highway 86 and unnumbered highway 1 mile south of Nazareth, Tex., and Earth, Tex., serving all intermediate points except Canyon, Tex., with restriction; between junction U.S. Highway 87 and unnumbered highway 5 miles south of Canyon, Tex., and junction Texas Highway 86 and unnumbered highway 1 mile south of Nazareth, Tex., between Earth, Tex., and Muleshoe, Tex., between Springlake, Tex., and Littlefield, Tex., serving no intermediate points; over one alternate route for operating convenience only. YELLOW FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Kansas, Oklahoma, Missouri, Texas, Indiana, Michigan, Illinois, Ohio, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10456. Authority sought for control by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502, of DIRECT WINTERS TRANSPORT LIMITED, 207 Queen's Quay, West, Toronto, Ontario, Canada, and for acquisition by FUQUA INDUSTRIES, INC., 3800 First National Bank Building, Atlanta Ga. 30303, of control of DIRECT WINTERS TRANSPORT LIMITED, through the acquisition by INTERSTATE MOTOR FREIGHT SYSTEM. Applicants' attorneys: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502, Edward K. Wheeler and Richard H. Strodel, both of Southern Building, 15th and H Streets NW., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Detroit, Mich., and the ports of entry located on the United States-Canada boundary line at Detroit, Mich., serving all intermediate points, between Niagara Falls, N.Y., and the port of entry on the United States-Canada boundary line located on the new Lewiston-Queenston Bridge at Lewiston, N.Y., serving no intermediate points; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between the United States-Canada boundary line at Niagara Falls (Lower Arch Bridge), N.Y., and Bladsdell and Akron, N.Y., serving all intermediate points; *fresh fruit*, from Holley, N.Y., to the United States-Canada boundary line at Niagara Falls (Lower Arch Bridge), N.Y., serving intermediate and off-route points within 25 miles of Holley for pick-up only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Detroit, Mich., on the one hand, and, on the other, points in Michigan within 8 miles of Detroit, between the site of

the Kelsey Hayes Company plant located at the intersection of the North Line Road and Huron River Drive, Romulas Township, Wayne County, Mich., on the one hand, and, on the other, the United States-Canada boundary line at Detroit, Mich.; and between Wellesley Island, Jefferson County, N.Y., and the port of entry on the United States-Canada boundary line at or near the Thousand Islands International Bridge, Jefferson County, N.Y., with restriction. INTERSTATE MOTOR FREIGHT SYSTEM, is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, New York, Missouri, Pennsylvania, Michigan, Minnesota, Wisconsin, Kentucky, West Virginia, Maryland, Massachusetts, New Jersey, Iowa, Delaware, Colorado, Nebraska, Wyoming, Kansas, Connecticut, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10457. Authority sought for purchase by K & W TRUCKING CO., INC., 2669 Territorial Road, St. Paul, Minn. 55114, of the operating rights and property of WAYNE LOFGREN and KATHLEEN LOFGREN, doing business as K & W TRUCKING, 1224 Whitney Road, Anchorage, Alaska 99501, and for acquisition by HAROLD E. ANDERSON, 203 Cooper Avenue North, St. Cloud, Minn., of control of such rights and property through the purchase. Applicants' attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Alaska, with restriction, between Chicago, Ill., and St. Paul, Minn., on the one hand, and, on the other, points in Alaska. K & W TRUCKING CO., INC., hold no authority from this Commission. However, its controlling stockholder is affiliated with ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, Minn., which is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–10458. Authority sought for continuance in control by UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120, of MILLAR & BROWN, LTD., Cranbrook, British Columbia, Canada, upon issuance to it of a certificate applied for in pending Docket No. MC–133008, and for acquisition by JOHN MANLOWE, East 4005 Broadway Avenue, Spokane, Wash. 99202, of control of MILLAR & BROWN, LTD., through the acquisition by UNITED-BUCKINGHAM FREIGHT LINES, INC. Applicants' attorney: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Operating rights sought to be controlled: In pending Docket No. MC–133008, covering the transportation of general commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over irregular routes, between those ports of entry located on the international boundary line between the United States and Canada, at or near Blaine and Oroville, Wash., Porthill and Eastport, Idaho, Eureka and Sweet Grass, Mont., and Portal, Noyes, and Pembina, N. Dak. UNITED-BUCKINGHAM FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Illinois, Utah, Texas, Kansas, Oklahoma, Missouri, Washington, Idaho, Oregon, Indiana, and Michigan. Application has not been filed for temporary authority under section 210a(b). NOTE: This application was filed pursuant to the order in No. MC–133008, by Operating Rights Board, dated November 29, 1968.

No. MC–F–10459. Authority sought for purchase by MAIN TRUCKING & RIGGING CO., INC., 21 Camden Street, Paterson, N.J. 07503, of a portion of the operating rights of PROSPECT TRUCKING CO., INC., 2129 Nottingham Way, Trenton, N.J. 08619, and for acquisition by AL LEE, 74 Winding Way, Cedar Grove, N.J., of control of such rights through the purchase. Applicants' representative: Rona Goldsmith, 21 Camden Street, Paterson, N.J. 07503. Operating rights sought to be transferred: *Iron and steel, structural steel, building materials, exhibits, display and advertising matter, machinery, fiberboard, and electrical appliances*, as a *common carrier*, over irregular routes, between Trenton, N.J., on the one hand, and, on the other, points in New York and Pennsylvania within 75 miles of Trenton, N.J.; *electrical refrigerators, oil burners, washing machines, air conditioning equipment, radios, electrical equipment, and materials and supplies* used or useful in connection with the above commodities, from points in Philadelphia County, Pa., to Paterson, Passaic, Newark, and Elizabeth, N.J., Baltimore, Salisbury, and Elkton, Md., Wilmington, Claymont, and Delmar, Del., and points in that part of New Jersey south of a line extending from Trenton, N.J., through Freehold, N.J., to the Atlantic Ocean; *damaged, defective, rejected, or returned shipments* of the commodities specified immediately above, from the destination points specified immediately above, to points in Philadelphia County, Pa.; and *prefabricated buildings, knocked down, or in sections*, from West Trenton, N.J., to points in Connecticut, Delaware, Maryland, New York, Pennsylvania, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in New Jersey, Connecticut, New York, Pennsylvania, Rhode Island, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10461. Authority sought for purchase by GORDONS TRANSPORTS, INC., Post Office Box 2696, De Soto Station, Memphis, Tenn. 38102, of a portion of the operating rights of BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903, and for acquisition by M. M. GORDON, 4271 Montrose, Memphis, Tenn., A. W. GORDON, JR., 4679 Walnut Grove, Memphis, Tenn., J. K. GORDON, 3910 Paula Drive, Memphis, Tenn., ESTHER G. CATO, 329 Clawson Cove, Memphis, Tenn., MARY G. CONAWAY, 3925 South Galloway Drive, Memphis, Tenn., and ESTATE OF A. W. GORDON, SR., 185 West McLemore, Memphis, Tenn., of control of such rights through the purchase. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other, Louisville, Ky. Restriction: The authority granted immediately above is restricted against the transportation of cement and lime from origin points of Leeds, Roberta, Ragland, and North Birmingham, Ala. Vendee is authorized to operate as a *common carrier* in Illinois, Tennessee, Missouri, Mississippi, Louisiana, Alabama, Kentucky, Georgia, Arkansas, Oklahoma, Texas, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10462. Authority sought for purchase by COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051, of the operating rights of VINCENT J. SUCATO, doing business as AUSTIN'S EXPRESS, 13 Verazzano Boulevard, Poughkeepsie, N.Y., and for acquisition by ROBERT E. COOPER, JR., also of Orange, N.J., of control of such rights through the purchase. Applicant's attorneys: William Biederman, 280 Broadway, New York, N.Y. 10007, and William D. Traub, 10 East 40th Street, New York, N.Y. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between points in Dutchess County, N.Y., between points in Dutchess County, N.Y., on the one hand, and, on the other, points in Orange and Westchester Counties, N.Y., between points in Dutchess County, N.Y., on the one hand, and, on the other, certain specified points in New York. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Massachusetts, Illinois, Ohio, Pennsylvania, New York, Rhode Island, Connecticut, Iowa, Kansas, New Jersey, Maryland, Delaware, Oklahoma, Tennessee, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10463. Authority sought for control by NOVO INDUSTRIAL CORPORATION, 733 Third Avenue, New York, N.Y. 10017, of UNITED MOTOR FREIGHT, INC., 2008 North East Street, Lansing, Mich. 48906. Applicant's attorney: David A. Sutherlund, 1140 Connecticut Avenue NW., Washington, D.C.

20036. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Jackson, Mich., and the Willow Run Airport and the Wayne Major Airport, both located in Michigan near Detroit, Mich., serving no intermediate points, with restriction; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Lansing, and Flint, Mich., on the one hand, and, on the other, the Willow Run Airport, and the Wayne Major Aiport, both located in Michigan near Detroit, Mich., between Owosso, Mich., and points within 8 miles thereof, on the one hand, and, on the other, Willow Run Airport, and Detroit Metropolitan Airport, Wayne County, Mich.; between Elsie and Durand, Mich., on the one hand, and, on the other, Detroit Metropolitan Airport, and Willow Run Airport, Wayne County, Mich., between Owosso, Mich., and Bishop Airport, Flint Township, Mich., with restriction. NOVO INDUSTRIAL CORPORATION, holds no authority from this Commission. However, it owns all of the stock of FLEET CARRIER CORPORATION, 586 South Boulevard East, Pontiac, Mich. 48056, which is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii); and BOSS-LINCO LINES, INC., 1 West Genessee Street, Buffalo, N.Y. 14240, which is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Virginia, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC–F–10287 (Michigan Transportation Co.—Purchase (Portion)—UNITED MOTOR FREIGHT, INC.) and MC–F–10336 (NOVO INDUSTRIAL CORP.—Control—HOURLY MESSENGERS, INC.) published in the November 6, 1968 and December 19, 1968, issues of the FEDERAL REGISTER, on pages 16318 and 18964, respectively.

MOTOR CARRIER OF PASSENGERS

No. MC–F–10455. Authority sought for control by MISSOURI, KANSAS AND OKLAHOMA COACH LINES, INC., doing business as M. K. & O. LINES, 321 South Cincinnati, Tulsa, Okla. 74103, of (1) OKLAHOMA TRANSPORT COMPANY, 1206 Exchange Avenue, Oklahoma City, Okla., (2) MID-CONTINENT COACHES, INC., 1206 Exchange Avenue, Oklahoma City, Okla., and (3) SOUTHWEST COACHES, INC., 1206 Exchange Avenue, Oklahoma City, Okla., and for acquisition by ROBERT W. ALLEN, also of Tulsa, Okla., of control of OKLAHOMA TRANSPORT COMPANY, MID-CONTINENT COACHES, INC., and SOUTHWEST COACHES, INC., through the acquisition by MISSOURI, KANSAS AND OKLAHOMA COACH LINES, INC., doing business as M. K. & O. LINES. Applicants' attorneys: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C., John L. Arrington, Jr., 510 Oklahoma Natural Building, Tulsa, Okla., and Robert J. Bernard, 10 South Riverside Plaza, Chicago 60606. Operating rights sought to be controlled: (1) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Oklahoma points, serving all intermediate points, between Lawton, Okla., and the Fort Sill Military Reservation, serving no intermediate points, between Oklahoma City, Okla., and Fort Smith, Ark., between Oklahoma City, Okla., and Wichita Falls, Tex., serving all intermediate points; and passengers and their baggage, and express in the same vehicle with passengers, between junction Oklahoma Highways 3 and 9, approximately 1 mile northwest of Seminole, Okla., and junction Oklahoma Highway 9 and U.S. Highway 271, approximately 3 miles west of Spiro, Okla., serving all intermediate points, with restriction;

(2) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Woodward, Okla., and Seiling, Okla., between Woodward, Okla., and Dodge City, Kans., between Kingfisher, Okla., and Seiling, Okla., between Oklahoma City, Okla., and junction U.S. Highways 64 and 81, near Fond Creek, Okla., between Oklahoma City, Okla., and junction Oklahoma Highway 3 and U.S. Highway 81 near Okarche, Okla., between Liberal, Kans., and junction U.S. Highways 64 and 81, between Oklahoma City, Okla., and Altus, Okla., between El Reno, Okla., and Union City, Okla., between Cyril, Okla., and Lawton, Okla., between Apache, Okla., and junction U.S. Highways 281 and 66, between junction Oklahoma Highways 5 and 36, and Wichita Falls, Texas, between junction Oklahoma Highways 5 and 36, and Lawton, Okla., serving all intermediate points, between Altus, Okla., and Childress, Texas; serving Altus and all intermediate points between Altus, and Hollis, Okla., restricted against the transportation of newspapers, and all intermediate points between Hollis and junction U.S. Highways 62 and 83, inclusive, without restriction, between Vernon, Texas, and Hobart, Okla., serving all intermediate points, between El Reno, Okla., and Watonga, Okla., serving certain intermediate points, between junction Oklahoma Highway 58 and U.S. Highway 270 and junction Oklahoma Highway 51 and U.S. Highway 270; serving the intermediate points of Eagle City, and Canton, Okla., between Hinton Junction, Okla. (at the intersection of U.S. Highways 281 and 66), and Geary Junction, Okla. (approximately 6 miles south of Geary, Okla.), serving no intermediate points; over one alternate route for operating convenience only; and passengers and their baggage, and express in the same vehicle with passengers, between Garden City, Kans., and Liberal, Kans., serving all intermediate points, and the off-route point of Sublette, Kans. and (3) Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Wichita Falls, Texas, and Abilene, Texas, between Haskell, Texas, and Knox City, Texas, between Munday, Texas, and Knox City, Texas serving all intermediate points. MISSOURI, KANSAS AND OKLAHOMA COACH LINES, INC., doing business as M. K. & O. LINES, is authorized to operate as a *common carrier* in Missouri, Oklahoma, and Kansas. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–36364 Sub-15 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–5127; Filed, Apr. 29, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 25, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 4441 Sub 2, filed March 3, 1969. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, Post Office Box 10234, Knoxville, Tenn. 37919. Applicant's representative: Harlan Dodson, 900 Nashville Trust Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except for petroleum products in tank vehicles, LPG Gas and commodities requiring special equipment), between Memphis, Tenn., and Nashville, Tenn., over Interstate Highway 40, Tennessee Highway 100, U.S. Highway 64, U.S. Highway 70, U.S. Highway 79, and U.S. Alternate Highway 70 and U.S. Alternate Highway 41, serving all intermediate points; between Linden, Tenn., and junction of U.S. Highway 40 over Tennessee Highways 20 and 100 serving all intermediate points; between Waverly, Tenn., and Clarksville, Tenn., over U.S. Highway 13, serving all intermediate points; between Nashville, Tenn., and Knoxville, Tenn., on U.S. Highway 40, U.S. Highway 70 and 70S, serving all intermediate points between Crossville and Nashville, Tenn.; between Nashville, Tenn., and Erin, Tenn., over Tennessee Highway 12 and U.S. Highway 49, serving no intermediate points; between Chattanooga, Tenn., and Nashville, Tenn., over U.S. Highways 41, Alternate 41, 24, and 64, serving all intermediate points, except Monteagle and Jasper, Tenn.; between Johnson City, Tenn., and Erwin, Tenn., over U.S. Highway 19W and 23, serving all intermediate points; between Greeneville, Tenn., and Erwin, Tenn., on U.S. Highway 411 and Tennessee Highway 107, serving all intermediate points; between Erwin, Tenn., and Flag Pond, Tenn., via U.S. Highway 19W and 23, serving all intermediate points. Applicant intends to connect all routes requested in the application with all authority held by applicant. Both intrastate and interstate authority sought.

HEARING: Tuesday, August 19, 1969, 9:30 a.m., C–1–110 Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. M–4976, filed April 15, 1969. Applicant: H. E. McCONNELL AND SON, a partnership, 5117½ Broadway, North Little Rock, Ark. Applicant's representative: Kemp and Whitmore, 1021 Pyramid Life Building, Little Rock, Ark. Applicant seeks a permit to operate as a contract carrier as follows: Transportation of *Ore*, between points and places on the Arkansas River, on the one hand, and, on the other, points and places in the State of Arkansas located in the following counties, Arkansas, Ashley, Boone, Bradley, Calhoun, Cleburne, Cleveland, Conway, Cross, Dallas, Desha, Drew, Faulkner, Franklin, Garland, Grant, Hempstead, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lawrence, Lee, Lincoln, Lonoke, Marion, Montgomery, Monroe, Nevada, Newton, Searcy, Sharp, Stone, St. Francis, Van Buren, White, Woodruff, and Yell. Both intrastate and interstate authority sought.

HEARING: Tuesday, May 27, 1969, at 10 a.m., Hearing Room, Arkansas Commerce Commission, Justice Building, Little Rock, Ark. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

State Docket No. M–4977, filed April 15, 1969. Applicant: LEON OLSEN, ALBERT OLSEN, WILLIAM OLSEN, doing business as LEON OLSEN TRUCKING CO., 900 Wisconsin Street, Pine Bluff, Ark. Applicant's representative: Kemp and Whitmore, 1021 Pyramid Life Building, Little Rock, Ark. Applicant seeks a permit to operate as a contract carrier as follows: Transportation of *Ore*, between points and places on the Arkansas River, on the one hand, and, on the other, points and places in the State of Arkansas located in the following counties, Arkansas, Ashley, Boone, Bradley, Calhoun, Cleburne, Cleveland, Conway, Cross, Dallas, Desha, Drew, Faulkner, Franklin, Garland, Grant, Hempstead, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lawrence, Lee, Lincoln, Lonoke, Marion, Montgomery, Monroe, Nevada, Newton, Ouachita, Perry, Phillips, Pike, Poinsett, Prairie, Pulaski, Saline, Searcy, Sharp, Stone, St. Francis, Van Buren, White, Woodruff, and Yell. Both intrastate and interstate authority sought.

HEARING: Tuesday, May 27, 1969, at 10 a.m., Hearing Room, Arkansas Commerce Commission, Justice Building, Little Rock, Ark. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT–8763, filed February 20, 1969. Applicant: SWANSON DELIVERY SERVICE, INC., 50 Caroline Street, Staten Island, N.Y. 10310. Applicant's representative: Alex V. Myslicki, Jr., 1086 Forest Avenue, Staten Island, N.Y. 10310. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General Commodities*, including baggage and packages, and a messenger pickup and delivery service, between Kennedy and La Guardia Airports and Westside Airlines Terminal on the one hand, and, on the other, all points in the State. Both intrastate and interstate authority.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York State Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 21834, filed March 21, 1969. Applicant: MAURICE SMITH AUSLEY II, doing business as AUSLEY MOTOR FREIGHT, 906 South Rock Island, El Reno, Okla. Applicant's representative: Dean Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (1) between Oklahoma City, Okla., and Gotebo, Okla., via State Highway 152 to its intersection with State Highway 146 west of Binger, Okla., thence south on State Highway 146 to Fort Cobb, thence over State Highway 9 to Gotebo, serving the intermediate points of Albert, Fort Cobb, Carnegie, and Mountain View and the off-route points of Washita, Okla.; and (2) between Carnegie, Okla., and the intersection of State Highways 152 and 146 west of Binger, Okla., serving the intermediate point of Alfalfa and the off-route point of Eakly, Okla. Both intrastate and interstate authority sought.

HEARING: Monday, May 5, 1969, 9 a.m., Corporation Commission Court Room, Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–5128; Filed, Apr. 29, 1969; 8:49 a.m.]

[Notice 822]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 25, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC–67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20894 (Sub-No. 11 TA) filed April 21, 1969. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, Pa. 19135. Applicant's representative: Terrence L. Bowers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising material, books, records and record albums, and commodities dealt in by manufacturers of electrical equipment*, between carrier's terminal/warehouse in Jersey City, N.J. on the one hand, and, on the other, points in Nassau, Suffolk, and West Chester Counties, N.Y., for 180 days. Supporting shipper: RCA, Camden, N.J. 08102. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, 2d and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 67361 (Sub-No. 5 TA) filed April 21, 1969. Applicant: GENERAL ROAD TRUCKING CORPORATION, 99 Mauran Avenue, Post Office Box No. 6, East Providence, R.I. 02914. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Upton, Mass., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 107107 (Sub-No. 397 TA), filed April 21, 1969. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular transporting: *Frozen foods*, from King of Prussia, Pa., to Jacksonville, Tampa, and Miami, Fla., for 180 days. Supporting shipper: Hanscom Bros., Inc., Hanscom Road, King of Prussia, Pa. 19406. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operating, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 107496 (Sub No. 729 TA), filed April 21, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, in tank vehicles, from Dubuque, Iowa to points in Illinois, Wisconsin, Iowa, and Minnesota, for 180 days. Supporting shipper: The Dow Chemical Co., 2030 Abbott Road Center, Midland, Mich. 48640. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 112801 (Sub-No. 93 TA), filed April 21, 1969. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, from Lincoln, Nebr., to Des Moines and Council Bluffs, Iowa; Kansas City and Topeka, Kans., Kansas City, St. Joseph and Carthage, Mo., Sioux Falls, S. Dak., and Minneapolis, Albert Lea, and Mankato, Minn., for 180 days. Supporting shipper: Archer Daniels Midland Co., 4666 Faries Parkway, Decatur, Ill. 62521. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 116254 (Sub-No. 96 TA), filed April 21, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: L. Winston Biggs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from Port Birmingham, Ala., to points in Tennessee, for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 124402 (Sub-No. 4 TA), filed, April 22, 1969. Applicant: FLEET LINE, INC., 3919 Eighth Avenue, Post Office Box 7026, Chattanooga, Tenn. 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned meats and meat products, baby foods and animal foods and dry animal foods*, from Chattanooga, Tenn., to points in Georgia, *rejected and return merchandise*, on return, for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 125375 (Sub-No. 3 TA), filed April 22, 1969. Applicant: F. B. GUEST, doing business as F. B. G. TRANSPORT, Route 5, Box 95A, Covington, Ga. 30209. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road, NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, from Rock Island, Ill., to the warehouse of Winn-Dixie Stores, Inc., located in the Great Southwest Industrial Area, Fulton County, Ga. (near Atlanta, Ga.), for 180 days. Supporting shippers: The Bordon Co., 400 16th Street, Rock Island, Ill. 61201; Winn-Dixie, Greenville, Ind., Post Office Box 1088, Greenville, S.C. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133219 (Sub-No. 5 TA), filed April 21, 1969. Applicant: PARKS TRANSPORTS, INC., Ashland, Nebr. 68003. Applicant's representative: Charles J. Kimball, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils and blends thereof*, in bulk, in tank vehicles, from the plantsite and storage facilities of Archer Daniels Midland Co., at or near Lincoln, Nebr., to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, Oklahoma, Oregon, New Mexico, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Archer Daniels Midland Co., Decatur, Ill. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133242 (Sub-No. 2 TA), filed April 21, 1969. Applicant: C. AND V. CORPORATION, 10345 Rainbow Lane, Indianapolis, Ind. 46236. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel bars, angles, sheets, plates, I beams, and channels, and new and used machine tools;* from Indianapolis, Ind., to points in Kankakee, Iroquois, Ford, Champaign, Vermilion, Edgar, Coles, Clark, Crawford, and Lawrence Counties, Ill., and Jefferson County, Ky., for 180 days. Supporting shipper: Indianapolis Machinery Co., Inc., 1559 South Meridian Street, Indianapolis, Ind. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 133528 (Sub-No. 1 TA), filed April 21, 1969. Applicant: UPTON FUEL & CONSTRUCTION CO., INC., Maple Avenue, West Upton, Mass. 01587. Applicant's representative: Arthur A. Wentzell, Shrewsbury, Mass., Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundary supplies*, in bulk, in dump vehicles, from West Upton, Mass. to Northbridge, Mass., restricted to shipments having had a prior movement by rail, for 150 days. Supporting shipper: Whitin Machine Works, Inc., Whitinsville, Mass. Send Protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 133629 TA, filed April 14, 1969. Applicant: TERRIFIC TRUCKING SERVICE, INC., Hood and Calcon Hook Roads, Sharon Hill, Pa. 19070. Applicant's representative: Arthur D. Bernstein, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, and those requiring the use of special equipment), (1) between Philadelphia International Airport and Northeast Philadelphia Airport, both located in Philadelphia, Pa., on the one hand, and, on the other, points in Bucks, Chester, Delaware, and Montgomery Counties and Philadelphia, Pa., Burlington, Camden, Gloucester, and Salem Counties and Trenton, N.J., and New Castle County, Del., and (2) between Philadelphia International Airport and Northeast Philadelphia Airport, restricted to shipments having an immediate prior or subsequent movement by air, for 180 days.

Supporting shippers: There are approximately nine statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, 2d & Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133647 (Sub-No. 1 TA), filed April 22, 1969. Applicant: WILLIAM W. WESTON, Pleasant Valley Road, Post Office Box 412, Saxton's River, Vt. 05154. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from North Walpole, N.H., to points in Bennington, Windham, Ruthland, and Windsor Counties, Vt., for 180 days. Supporting shipper: Kerr-McGee Chemical Co., North Walpole, N.H. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133649 TA, filed April 21, 1969. Applicant: LARISON FARM SERVICE, INC., Warner Street, Van Etten, N.Y. 14889. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from points in Chemung County, N.Y., to points in Bradford, Pike, Potter, Sullivan, Susquehanna, Tioga, and Wayne Counties, Pa., for 180 days. Supporting shipper: Ralston Purina Co., Canandaigua, N.Y. 14424. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 133650 TA, filed April 21, 1969. Applicant: JOSEPH M. CARROLL, doing business as CARROLL's MOVING & STORAGE CO., 1410 Broadway, Macon, Ga. 31201. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02100. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Georgia, for 180 days. Supporting shippers: Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22303; Garrett Forwarding Co., subsidiary of Garrett Freight Lines, Inc., Post Office Box 4048, Pocatello, Idaho 83201; Home-Pak Transport, Inc., 57–58 49th Street, Maspeth, N.Y. 11378. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5129; Filed, Apr. 29, 1969; 8:49 a.m.]

[Notice 336]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71266. By order of April 23, 1969, the Motor Carrier Board approved the transfer to John Long Trucking, Inc., Sapulpa, Okla., of the permit in No. MC–124656, issued May 6, 1963, to John B. Long, doing business as John Long Trucking, Sapulpa, Okla., authorizing the transportation of glass bottles from Sapulpa, Okla., to points in Arizona and California. Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112 and Daniel B. Johnson, 716 Perpetual Building, Washington, D.C. 20004, attorneys for applicants.

No. MC–FC–71271. By order of April 23, 1969, the Motor Carrier Board approved the transfer to Gary A. Carlson, doing business as Carlson Truck Line, Montevideo, Minn., of Certificate Nos. MC–127123 and MC–127123 (Sub-No. 2), issued February 9, 1966 and July 27, 1966, respectively, to Dwight Dickason, Castlewood, S. Dak., authorizing the transportation of feed, except liquid molasses, from Minneapolis, Minn., to points in Hamlin and Clark Counties, S. Dak., Brown County, S. Dak. (except Aberdeen), and Day County, S. Dak. (except Waubay and points within 30 miles thereof, and animal and poultry feed (except liquid molasses), from Minneapolis, Minn., to points in Day, Roberts, Marshall, Grant, Spink, Deuel, Codington, Brookings, Kingsbury, Beadle, Hand, Hyde, Faulk, Edmunds, McPherson, Campbell, Walworth, Potter, Sully, Hughs, Stanley, Haakon, Ziebach, Corson, Perkins, Meade, Butte, Dewey, and Harding Counties, S. Dak. Donald L. Maland, 102 Parkway Drive, Montevideo, Minn. 56265, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5130; Filed, Apr. 29, 1969; 8:49 a.m.]

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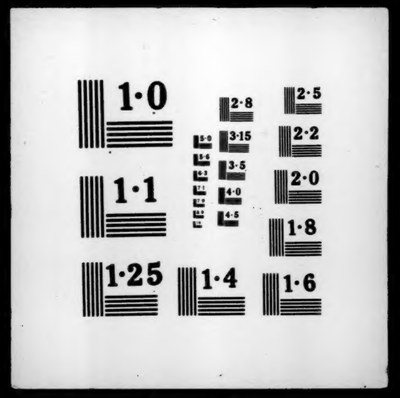
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and $100/20 = 5$.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and $7.9 \times 5 = 39.5$ lines per millimeter recorded satisfactorily. $10.0 \times 5 = 50$ lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.